

立法會

Legislative Council

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Panel on Development and Panel on Housing

**Minutes of joint meeting
held on Tuesday, 24 February 2009, at 2:30 pm
in the Conference Room A of the Legislative Council Building**

Members present : Members of the Panel on Development

- Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
- * Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
- Hon Albert HO Chun-yan
- Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
- * Hon James TO Kun-sun
- * Hon CHAN Kam-lam, SBS, JP
- Hon WONG Yung-kan, SBS, JP
- Hon Timothy FOK Tsun-ting, GBS, JP
- * Hon Abraham SHEK Lai-him, SBS, JP
- Hon Albert CHAN Wai-yip
- * Hon LEE Wing-tat
- * Hon Alan LEONG Kah-kit, SC
- Hon CHEUNG Hok-ming, SBS, JP
- * Hon KAM Nai-wai, MH
- Hon Cyd HO Sau-lan
- Hon Starry LEE Wai-king
- Hon IP Kwok-him, GBS, JP

Members of the Panel on Housing

- Hon WONG Kwok-hing, MH (Chairman)
- Hon Frederick FUNG Kin-kee, SBS, JP (Deputy Chairman)
- Hon Fred LI Wah-ming, JP
- Hon Tommy CHEUNG Yu-yan, SBS, JP
- Hon LEUNG Kwok-hung
- Hon CHAN Hak-kan
- Hon WONG Kwok-kin, BBS

- * Also members of the Panel on Housing

Members attending : Hon LEE Cheuk-yan
Hon IP Wai-ming, MH

Members absent : Members of the Panel on Development

Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon Samson TAM Wai-ho, JP

Members of the Panel on Housing

Hon LEUNG Yiu-chung
Dr Hon Joseph LEE Kok-long, JP
Hon WONG Sing-chi

Public officers attending : **For item II**

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr HO Kwong-wai, JP
Director of Electrical and Mechanical Services

Mr Michael CHEUNG Ping-kuen
Assistant Director (Gas & General Legislation)
Electrical & Mechanical Services Department

Mr LAU Kai-hung, JP
Deputy Director (Estate Management)
Housing Department

Mr CHIU Kin-chee
Chief Manager/Management (Support Services 1)
Housing Department

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)2

Miss Mandy POON
Legislative Assistant (1)4

Action

I Election of Chairman

Mr WONG Kwok-hing was elected Chairman of the joint meeting.

II Lift safety

(LC Paper No. CB(1)826/08-09(01) — Administration's paper on maintenance of lifts in Tenants Purchase Scheme Estates

LC Paper No. CB(1)809/08-09(01) — Administration's paper on update on the regulatory control on lift safety

LC Paper No. CB(1)814/08-09(01) — Paper on the regulatory control on lift safety prepared by the Legislative Council Secretariat (Background brief)

LC Paper No. CB(1)814/08-09(02) — Referral regarding lift safety and maintenance of Tenants Purchase Scheme arising from the meeting between Legislative Council Members and Kwai Tsing District Council on 22 January 2009 (Chinese version only))

2. The Secretary for Development (SDEV) said that at the last joint meeting on 8 December 2008, the Administration had undertaken to revert to the two Panels outcome of the review of the implementation and effectiveness of measures to strengthen lift safety in Hong Kong. In the light of the review, additional measures covering legislation, registration of professionals and workers, training, procurement, publicity and public education had been included in the package of improvement measures to ensure lift safety. The Administration would closely monitor these measures and keep members posted of latest developments.

Review of the Lifts and Escalators (Safety) Ordinance (Cap. 327)

3. SDEV said that the review would cover key areas, including the framework for establishing a registration system for lift workers, qualification and experience required for registration as lift engineers, as well as sanctions and penalties for non-compliance. While the review of the Lifts and Escalators (Safety) Ordinance (Cap. 327) (LESO) would take time, some additional improvement measures had already been implemented, such as the setting up of an e-platform requiring all registered lift

contractors to submit their periodic examination schedules in advance to facilitate surprise inspections on site.

Competent lift workers

4. Mr IP Wai-ming said that the workers' union would welcome the proposed establishment of a registration system for lift workers, such that competent workers were qualified on their own, instead of being tied to employment. However, there was concern that if the threshold of registration was too high, this might affect the livelihood of existing lift workers. SDEV said that of the 4 800 registered lift workers, some 1 200 had independent registration status while the remaining were tied to their employment i.e. they might lose their registration status of being "competent workers" when they changed employers or when they were not directly employed by a registered contractor. She assured members that the trades and the workers' union would be consulted to ensure that the proposed registration system would not affect the livelihood of existing lift workers.

5. Referring to the top-up courses to enable experienced workers who have not undergone formal academic training or craft apprenticeship to become competent workers, Mr IP Wai-ming emphasized that the course fees should be set at a reasonable level, and that these courses should be flexibly arranged to facilitate the attendance of lift workers who had to work very long hours. The Assistant Director (Gas & General Legislation) explained that the top-up course consisted of a 60-hour module on lift engineering and a 60-hour module on escalator engineering of which 30 hours were common to both. The first top-up course had been concluded in December 2008 and the second course was scheduled to commence in February 2009. He agreed to explore with the course provider i.e. the Vocational Training Council on the feasibility of providing more flexible schedules for the top-up courses.

6. Noting that only 20 of the some 5 000 existing lift workers had attended the first top-up course, Mr IP Kwok-him expressed concern about the long time required for the experienced lift workers to complete their top-up courses. SDEV said that the Administration would consider increasing the number of top-up courses to meet the needs of lift workers.

Registered lift engineers

7. Ir Dr Raymond HO asked if consideration would be given to requiring registration of lift engineers. SDEV said that qualification and experience required for registration as lift and escalator engineers would be reviewed in consultation with the trade and professional bodies. Reference would be made to relevant legislative framework under other ordinances in the course of the review. Care would also be taken to ensure that the livelihood of existing lift and escalator engineers would not be unduly affected.

Sanctions and penalties

8. Mr KAM Nai-wai was concerned that the sanctions and penalties under LESO might not be sufficient to achieve a deterrent effect. He enquired if disciplinary actions had been taken against lift contractors in the recent lift incidents involving breakage of suspension ropes. The Chairman echoed that the sanctions and penalties under LESO should be reviewed, and enquired about the time frame for the review. The Director of Electrical and Mechanical Services (DEMS) said that actions would be taken against contravention of lift safety requirements in accordance with LESO. From 1998 to 2008, the Electrical and Mechanical Services Department (EMSD) had taken prosecution against 24 cases. Of these, defendants of 19 cases were convicted and fined \$500 to \$5,000. In the case of Fu Shin Estate, criminal investigation was being conducted and legal advice from the Department of Justice was being sought. EMSD would also review the procedure of disciplinary proceedings and the issuance of improvement letters for non-compliance items identified during inspections.

Enhancement of Code of Practice for Lift Works

9. Mr IP Kwok-him noted that under the enhanced Code of Practice for Lift Works (CPLW), certain maintenance activities had to be performed by at least two workers, and the number of these maintenance tasks would be increased from two to 10. He was concerned that, with the total of some 57 000 lifts in Hong Kong, there would not be sufficient manpower to meet the demand for lift maintenance services. As a result, lift workers would be exposed to tremendous pressure let alone the already heavy workload. Expressing similar view, Mr LEE Cheuk-yan enquired about the maintenance tasks to be performed by at least two workers, and those which could be performed by one worker. He held the view that more should be done by the building management to monitor the maintenance work of lift contractors, and to ensure provision of sufficient manpower for maintenance of lifts. Consideration should be given to putting in place a record system on the number of workers engaged and the time spent on the maintenance tasks. Mr IP Wai-ming also asked if the number of maintenance tasks required to be performed by at least two workers would be further increased.

10. DEMS replied that the ratio of worker to lift was about one to 10. Normally, regular maintenance of lifts would be conducted once or twice a month and some minor works could be performed by a single worker. It was estimated that the existing number of lift workers could cope with the demand for lift maintenance services. EMSD would keep in view the situation and would consider increasing the number of maintenance tasks required to be performed by at least two workers if necessary. It would also look into the feasibility of putting in place a lift maintenance log book to ensure that proper maintenance works were carried out. SDEV took the opportunity to thank the lift contractor associations and the workers' union for their contribution in working out the enhanced CPLW. She said that while the primary objective of the enhanced CPLW was passenger safety, due consideration had to be given to the financial implications of the improvement measures on lift contractors holding a number of service contracts as well

as the undesirable consequence leading to termination of contracts. She agreed to the need for more efforts on the part of the building management in monitoring the maintenance works, and ensuring the proper discharge of duties by lift contractors in accordance with the established guidelines. More public education on lift safety would also be required.

11. Noting that EMSD would establish a performance rating system under which contractors' performance would be reflected by average demerit points, the Chairman enquired about details of the rating system. He held the view that the demerit points would not serve any useful purpose if no penalty was imposed on unscrupulous contractors with poor performance ratings. SDEV said that the rating system would be set up by June 2009 for release to the public. The average demerit points would be worked out by dividing the demerit points by the number of inspections. According to legal advice, there was no legal impediment as long as the rating system had no retrospective effect and was to be implemented from a current date with full knowledge and agreement of the contractors concerned. So far, the contractors were cooperative and agreeable to the introduction of the rating system. As regards penalty for non-compliance with the rating system, SDEV said that a holistic review of LESO was more desirable than a separate review of the penalty provisions given the inter-relationship among different aspects of the legislation. DEMS added that the legislative review of lift safety was already underway. The Administration intended to introduce legislative amendments to the Legislative Council within the next legislative session, after consultation with relevant trade and workers' union.

Lift maintenance service procurement

12. Mr Alan LEONG sought elaboration on the "bunching approach" and "all-inclusive maintenance contract". DEMS said that in the past, the Electrical and Mechanical Services Trading Fund used to tender the maintenance services of different brands of lifts under one single contract i.e. the "bunching approach". It had ceased to adopt such an approach in procuring lift maintenance services. In future, the scope of every procurement contract would only cover a single brand of lifts. The revised approach would allow maintenance contractors to be more focused in their expertise and resource allocation. As regards the "all-inclusive maintenance contracts", DEMS advised that this was commonly adopted for lift maintenance. With a view to improving lift safety, EMSD would promote to the public that expensive spare parts and replacement items, such as suspension ropes, should be included in the tender document as mandatory or provisional items. This would not only help eliminate unnecessary contractual arguments between Owners' Corporations (OCs) and lift contractors, but also ensure lift safety. EMSD would upload a sample tender document to its website for reference of the public in two months' time. Mr KAM Nai-wai however expressed concern that the contractors engaged in "all-inclusive maintenance contracts" might try to delay the replacement of expensive spare parts until the end of their service lives in an attempt to save costs.

13. Noting that the recent lift incidents were due to the failure of suspension ropes, Prof Patrick LAU enquired whether it was practical to require replacement of ropes in lifts within a certain period as in the case of annual testing for vehicles aged seven years or more. The Chairman echoed that consideration should be given to setting the time frames within which different parts should be replaced. DEMS said that the crux of the issue was the quality of maintenance services. Contractors and lift engineers would carry out inspections to decide whether the ropes should be replaced. It was difficult to specify a time frame for replacement of rope because of the differences in lift utilization rate and degree of wear and tear. He said that in addition to regular maintenance, inspections were conducted on all lifts in Hong Kong every year, while inspections using weights were conducted every five years.

Maintenance of lifts in Tenant Purchase Scheme (TPS) estates

14. The Deputy Director of Housing (Estate Management) (DDH(EM)) said that following the recent lift incidents in TPS estates in late 2008, the Housing Department (HD) and EMSD had set up an inter-departmental working group in January 2009 to review the maintenance and repair services of lifts in TPS estates, and to formulate and implement improvement measures. To ensure safety of lift services, EMSD would launch an ad hoc inspection exercise for all 1 448 lifts in TPS estates. It had also asked lift contractors of TPS estates to check all the lifts in these estates within one month. Upon completion of the check-up, EMSD would carry out an inspection scheduled for completion by the end of March 2009. To cater for this special exercise, HD had seconded eight technical staff to EMSD to assist in its inspection work. Meanwhile, seminars would be arranged to share the key points of lift maintenance with OCs of all TPS estates in March 2009. The representatives of the Housing Authority (HA) in the Management Committees would also provide professional advice to OCs upon request to assist OCs to monitor the performance of lift contractors.

15. Mr Albert CHAN noted that as at 10 February 2009, 13 out of the 900 inspections made were found having wear and tear problems in suspension ropes. He queried why these problems were not detected in the regular inspections conducted earlier. Mr CHAN Hak-kan expressed concern that seven out of the 13 cases of problematic suspension ropes were found in the Tsui Lam Estate. Some of these problems were identified as early as January 2009, but were not reported within the target of 12 hours. Given that the suspension ropes in question had to be replaced immediately after the inspections, he suspected that the problems were quite serious. DEMS explained that suspension ropes were subject to natural wear and tear, and would need to be replaced if one-tenth of the diameter had been worn out. As the additional inspections covered a large number of lifts, it was conceivable that quite a number of ropes would be identified for replacement within a short period of time. On the target reporting period of 12 hours, DEMS clarified that the requirement applied to serious lift incidents, such as breakage of suspension ropes, and not problems associated with natural wear and tear. In the case of Tsui Lam Estate, the lifts with suspension ropes found to have wear and tear problems were still running safely. The contractors had replaced the problematic ropes immediately after the inspections.

16. Mr LEE Wing-tat noted with concern that most OCs of TPS had not engaged the original lift contractors in providing maintenance services on account of the higher maintenance cost. Despite that HA representatives would strongly recommend the original maintenance contractor, they could not change the decision given their limited shares in the TPS estates. His view was shared by Mr LEUNG Kwok-hung. DDH(EM) said that of the 39 TPS estates, 27 had engaged original contractors for lift maintenance. As for the remaining 12 estates, original maintenance contractors were not engaged or were engaged for part of the maintenance services. It was worth noting that after the recent lift incidents, more TPS estates had engaged the original contractors to provide maintenance service. As one of the owners of TPS estates, HA was very concerned about the quality of maintenance and repair services of these estates. Although HA representatives were entitled to only one vote at the Management Committee meetings, they would share experience with other members and highlight the advantages and significance by the original contractors at these meetings. Besides, the additional cost to be incurred from engaging the original contractors for lift maintenance would be minimal as this would be shared by all owners within the estate. If the lift maintenance contract needed to be brought up for discussion at the general meetings, HA representatives would, according to the owners' divided shares, only vote for awarding the contracts to the original contractor.

17. Mr CHAN Kam-lam said that lift incidents could have been avoided if the lifts were properly maintained. Whether the maintenance services were carried out by the original contractors was not the key issue as this was not a guarantee on lift safety. HA's insistence on the engagement of original contractors might have undermined fair competition and led to monopolization in lift maintenance services by original contractors. He therefore urged EMSD to devise clear and enforceable guidelines on the standard of maintenance service. On the other hand, a more proactive approach should be adopted in monitoring the maintenance works of lift contractors. Mr Albert CHAN shared the concern about possible monopoly of lift maintenance services by original manufacturers. The situation would be further aggravated if some manufacturers controlled the prices of parts. SDEV said that in the light of concerns about the monopoly of lift maintenance contracts by original manufacturers and the bunching approach, the Administration had resorted to confine the procurement contracts to a single brand of lifts. Different maintenance contractors were allowed to participate in the tender of these contracts.

III Any other business

18. There being no other business, the meeting ended at 3:50 pm.