

LEGISLATIVE COUNCIL BRIEF

LIFTS AND ESCALATORS BILL

INTRODUCTION

A At the meeting of the Executive Council on 12 April 2011, the Council ADVISED and the Chief Executive ORDERED that the Lifts and Escalators Bill (the Bill) at Annex A should be introduced into the Legislative Council (LegCo).

JUSTIFICATIONS

2. There are more than 57,500 lifts in Hong Kong. From 2006 to 2010, there were 173 cases of mechanical malfunctioning related to lifts, causing injury to over 20 people. In particular, the plunging of a lift in Fu Shin Estate¹ in Tai Po in end 2008 has heightened public concerns over lift safety. The Ombudsman initiated a direct investigation into the regulatory system of lifts and announced in August 2009 the findings of the investigation and recommendations. In addition to implementing the recommendations of The Ombudsman, a package of improvement measures have been introduced to assure the public on lift safety. These measures include the enhancement of the existing code of practice, disclosure of contractors' performance, stepping up inspections and enhancing publicity. We have at the same time conducted a comprehensive review of the Lifts and Escalators (Safety) Ordinance (Chapter 327) (LESO).

3. The LESO was enacted in 1960. Notwithstanding that a number of amendments² have been made to the LESO over the years, the

¹ Fu Shin Estate is a sold Tenant Purchase Scheme Estate with similar status as a private residential development.

² These amendments were related to, for example, qualification requirements for competent lift and escalator workers, duties for registered engineers and contractors, powers to issue codes of practice, wider coverage of lift works and revision to the levels of sanctions.

capability of imposing a degree of control over the safety of lifts and escalators under the LESO which can meet current expectation of the public under the LESO is limited. After due deliberation and thorough examination of the LESO, we consider it necessary to introduce a series of enhancement measures in the legislative framework. These measures include strengthening the registration regime of personnel engaged in lift and escalator works; increasing the penalty levels of offences; extending the coverage of the legislation; and improving the existing regulatory processes to enhance efficiency. We reported the progress of improvement measures mentioned in paragraph 2 above and a proposal to amend the LESO to the LegCo Panel on Development at its meeting held on 27 October 2009. Members generally supported the proposal.

4. Further, to gauge public views on the amendment proposal, a three-month public consultation was conducted from November 2009 to February 2010. The result of the consultation indicated a general support of stakeholders to the proposed enhancements. The findings of the public consultation were reported to the LegCo Panel on Development on 22 June 2010. Members did not raise objection to the proposal whilst some welcomed the Administration's efforts to amend the legislation, and urged the Administration to expedite the introduction of a bill to safeguard public safety.

5. Separately, in consideration that various amendments to the LESO in the past have made the current structure of that Ordinance very complicated with provisions of similar effects and functions scattered in various parts of that Ordinance and that substantial amendments to the legislative framework are proposed this time, the Administration proposes to introduce a new bill and repeal the LESO such that obligations of stakeholders and the relevant provisions can be set out in a clear and more systematical manner.

Key Features of the Bill

Strengthening the registration regime of personnel engaged in lift works and escalator works

6. The Bill will strengthen the registration regime of the following trade practitioners-

- (a) **Lift engineers and escalator engineers** – At present, holders of higher diploma or certificate of relevant disciplines with the necessary experience may be registered as lift or escalator

engineers under the LESO. To bring the qualification standards of engineering professionals responsible for lift and escalator works up to a level compatible with other legislation for building safety control³, the Bill will require them to be registered professional engineers (RPEs) of relevant disciplines⁴ with at least two years' relevant experience before they may be considered for registration as lift or escalator engineers. At present, only a small percentage (6%) of the existing engineers registered under the LESO possesses the RPE qualification. In order to ensure a smooth transition, existing lift and escalator engineers will be allowed to retain their registration status when the Bill is enacted and comes into force. Also, as an interim measure, degree-holders in suitable disciplines with four years' relevant experience⁵ will be eligible for registration under the Bill. The situation will be reviewed in due course after the enactment of the Bill for terminating the interim arrangement. Meanwhile, the Electrical and Mechanical Services Department (EMSD) has been working in collaboration with lift and escalator contractors associations, qualified trade undertakings and the Hong Kong Institution of Engineers (HKIE) to encourage existing lift and escalator engineers to obtain RPE status and set up recognized professional training programmes for engineering graduates to sit for professional examination leading to RPE qualification. In addition, to ensure that all registered lift and escalator engineers will continue to upkeep themselves with latest technological developments, they will be required to renew their registration every five years.

- (b) **Lift contractors and escalator contractors** – At present, any person considered by the Director of Electrical and Mechanical Services (DEMS) to be qualified to carry out lift works or escalator works may be registered as a lift contractor or escalator contractor under the LESO. The factors to be

³ For example, under the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470), the registered examiner for carrying out periodic examination of builders' lifts or tower platforms needs to be a registered professional engineer of relevant discipline registered under the Engineers Registration Ordinance (Cap. 409).

⁴ Under the Engineers' Registration Ordinance (Cap. 409), a person may be registered as a registered professional engineer if, among other requirements, he is a member of the HKIE or equivalent, has had at least one year of relevant professional experience in Hong Kong before the date of his application for registration and is ordinarily resident in Hong Kong.

⁵ The four years experience requirement is based on the minimum qualification and experience required for application of professional membership of HKIE through the normal route.

considered by DEMS for granting such registration status are not expressly stated in the LESO. In order to promote transparency, it is proposed to make clear in the Bill the factors that DEMS would consider in deciding whether it is appropriate to register the applicant as a lift contractor or escalator contractor under the Bill⁶. In order to ensure a smooth transition, existing lift and escalator contractors will be allowed to retain their registration status when the Bill is enacted and comes into force. Furthermore, a registration renewal system for lift and escalator contractors on five-year basis will be introduced to provide a mechanism for continual compliance checking.

- (c) **Lift workers and escalator workers** – Experienced lift and escalator workers satisfying either (i) the stipulated academic, training and experience requirements – route 1; or (ii) in case of inadequate academic qualification, the stipulated employment requirement with registered contractors who recognize that they have acquired sufficient experience or training to carry out lift or escalator works competently without supervision are competent lift workers or escalator workers under the LESO⁷ - route 2. However, competent workers who have obtained the recognition status via route 2 above (about 75% in total) may lose their status of being competent lift workers or competent escalator workers when they are no longer employed by a registered contractor. To replace this employment-tied arrangement, the Bill will introduce a registration system whereby qualified lift or escalator workers may apply for registration as registered lift or escalator workers based on their academic attainment, training and experience. In addition, experienced workers who have passed a trade test for lift works or escalator works and who have the required experience are also eligible to apply for registration. Besides, in order to ensure smooth transition, existing competent lift workers and competent escalator workers will also be eligible to apply for registration under the Bill. Further, the new system will

⁶ The factors include whether the applicant has and is capable of maintaining the necessary facilities, resources and workforce to carry out lift or escalator works, and whether the applicant is capable of obtaining technical assistance or other support from any other person, including a lift or escalator manufacturer, in case this is required.

⁷ Pursuant to section 29A of the LESO, “competent lift workers” and “competent escalator workers” who are under the employment of registered lift contractors and registered escalator contractors, as appropriate, are respectively authorized to carry out lift works and escalator works independently and to supervise others to perform such works.

require registered workers to renew their registration every five years with training or self-development requirements mandated for renewal. Applicants for registration and renewal of registration as registered workers will be required to pay a fee which will be determined by the users pay principle and will be of similar order as for registration of workers under other ordinances.

Increasing the penalty levels of offences

7. The maximum fine and imprisonment period for safety related offences under the LESO, as revised in 1993, are \$10,000 and 12 months respectively. To achieve the necessary punitive and deterrent effects, the penalty levels of the offences under the LESO will be adjusted such that they are on par with the penalty levels of ordinances of similar nature. It is proposed to increase the maximum fine to \$200,000 whilst the maximum imprisonment period will remain at 12 months⁸.

Extending the coverage of the legislation

8. Under the LESO, there is no express provision applying the LESO to the Government and on the basis of the test laid down in a court of appeal case⁹, it is unlikely that the LESO applies to the Government by necessary implication in the Ordinance to that effect. Furthermore, the LESO currently stipulates that the parts of the legislation related to examination, testing and maintenance of lifts and escalators shall not apply to the Housing Authority (HA) and the consular offices with lifts or escalators installed in the buildings wholly owned by the respective foreign governments and exclusively or mainly used for the purpose of official business.

9. We have examined the present legislative proposal and, on public safety ground, consider it necessary to extend its application to the Government, the HA and the consular offices as responsible persons¹⁰.

⁸ As an example, a person may be subject to maximum penalty if he uses or operates a lift in contravention of a Prohibition Order issued by DEMS unless it is established that the person did not know and could not with reasonable diligence have discovered the prohibition.

⁹ According to the case of *Province of Bombay v Municipal Corporation of the City of Bombay* [1947] AC 58, the test for necessary implication is that an intention to bind the Crown can only be implied if it is apparent from the terms of the statute that the beneficent purpose must be wholly frustrated unless the Crown is bound.

¹⁰ Under the Bill, a “responsible person” means (a) the owner of the lift or escalator; or (b) a person who has the management or control of the lift or escalator.

The proposed extension of the coverage can demonstrate the determination of the Administration in tightening the control over the safety of lifts and escalators. As a result of the proposed change, management companies of buildings and management staff of an organization who have the management or control of lifts or escalators will fall into the definition of responsible persons. Lifts and escalators in public housing estates under the management of the HA will be brought under the control of the enhanced regulatory system on par with those private ones. We will include a provision in the Bill to establish a reporting mechanism imposing an obligation on DEMS to bring to the attention of the Secretary for Development (SDEV) certain contraventions to relevant provisions of the new ordinance.

Other amendments to enhance operation and enforcement

10. To enhance operational efficiency and enforcement effectiveness, the Bill will improve the regulatory processes to bring in more flexibility. The improvement measures include conferring power on DEMS to issue Improvement Orders for expediting the rectification of non-compliance with statutory requirements and practices, allowing more flexibility for responsible persons to schedule the examination of lifts and escalators without affecting safety, introducing a new use permit containing concise information of the lift or escalator such as expiry date of examination to better promote user surveillance and requiring responsible persons and registered contractors to retain maintenance records to facilitate accident investigation. Besides, to enhance administrative efficiency, SDEV will be empowered to make regulations the power of which rests with the Chief Executive under LESO.

OTHER OPTIONS

11. Significant enhancement of lift and escalator safety cannot be achieved by stepping up the regulatory control under the LESO. In particular, the existing penalty level is not sufficient to achieve the necessary punitive and deterrent effects, and is not on par with the penalty levels of ordinances of similar nature. We consider that legislative amendment is the only effective means to strengthen the regulatory control over lift and escalator safety.

THE BILL

12. The Bill will set out the following main requirements -

- (a) **Part 1** contains preliminary provisions. It provides for the commencement of the Bill, the definitions or explanations of certain expressions used in the Bill, the lifts and escalators in the Hong Kong Special Administrative Region that are subject to the control of the Bill, and the application of the Bill to the Government.
- (b) **Parts 2 and 3** contain provisions relating to the safety of lifts and escalators. Among other things, the 2 Parts provide for the prohibition against certain activities carried out in relation to a lift or escalator. There are also provisions in those 2 Parts setting out the duties of a responsible person for a lift or escalator and the duties of any person who is registered under the Bill as a contractor, an engineer or a worker (registered person). In addition, the 2 Parts provide for the examination of a lift or escalator and confer certain powers on DEMS, including the power to issue permits and orders to enforce compliance. They also deal with miscellaneous matters, including imposing restrictions on subcontracting certain lift works or escalator works, and providing for the investigation of incidents relating to a lift or escalator by DEMS.
- (c) **Part 4** contains provisions relating to the registration and renewal of registration of persons involved in lift and escalator works. In addition, it provides for the appointment of the Registrar and their functions and deals with the registration and renewal of registration of contractors, engineers and workers.
- (d) **Part 5** provides for disciplinary offences and the procedures and conditions for the institution of disciplinary proceedings.
- (e) **Part 6** contains provisions relating to the hearing of an appeal against a decision or order made by DEMS, a disciplinary board, or any other person.
- (f) **Part 7** contains provisions for administration and enforcement matters. It confers powers on DEMS to authorize a person to personally carry out any lift or escalator works and empowers an enforcement officer to enter premises for the purposes

specified in the Bill. It also deals with general matters, including the power of DEMS to grant exemptions and the power of the SDEV to make regulations under the Bill and to amend by subsidiary legislation any Schedule to the Bill (other than the Schedule that deals with transitional and savings provisions and the Schedule that provides for consequential and related amendments).

- (g) **Part 8** mainly provides for the repeal of the LESO and deals with transitional and savings provisions, and consequential or related amendments;

REGULATIONS TO BE MADE AFTER ENACTMENT OF THE BILL

13. Two sets of regulations will need to be made by SDEV after the enactment of the Bill. One set of the regulations is mainly for the better carrying out of the provisions of the Bill. The regulation will provide for, amongst other things, the applications made under the Bill after its enactment, the duties of responsible persons for lifts or escalators, the duties of registered persons, and the carrying of registration cards by registered engineers and workers. The other regulation is for providing for the fees payable under the Bill.

LEGISLATIVE TIMETABLE

14. The legislative timetable will be -

Publication in the Gazette	21 April 2011
First Reading and commencement of Second Reading debate	11 May 2011
Resumption of Second Reading debate, Committee Stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

15. The proposal has financial, civil service, productivity and

B economic implications as set out at **Annex B**. The legislation will apply to the Government.

16. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal will improve the efficiency, safety and maintenance standard of lifts and escalators, which is in line with the sustainability principle of providing a living and working environment and pursue policies which promote and protect the physical and mental health and safety of the people of Hong Kong. The proposal has no environmental implications.

PUBLIC CONSULTATION

17. We conducted a three-month public consultation on the legislative proposal and obtained general support from the public. At the meeting of the LegCo Panel on Development on 22 June 2010, we briefed Members of the findings of the public consultation and advised them that we would introduce a new bill and repeal the LESO and the new bill would apply to the Government. No objection was raised to the proposal. As the Bill proposes to extend its application to consular offices, we have also consulted the Consulates General in Hong Kong in late 2010. None of the Consulates General have expressed any objection to the proposal.

18. After public consultation, we have been gauging views on the detailed arrangements of the legislative proposal by establishing a Task Force with representatives from public bodies, professional bodies, the lift and escalator contractors associations, workers union, training institutions, property management companies association. Views collected have been taken into account in formulating the legislative proposal.

PUBLICITY

19. A briefing will be conducted for the press on 21 April 2011. A spokesman will be available to handle the media and public enquires.

ENQUIRY

20. Any enquiry on this brief may be addressed to Mr Jimmy

CHAN, Principal Assistant Secretary for Development (Works) on 2848 2704.

Development Bureau
19 April 2011

LIFTS AND ESCALATORS BILL

List of Annexes

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Annex B	Implications of the Proposal

LIFTS AND ESCALATORS BILL

Annex A

Lifts and Escalators Bill

Lifts and Escalators Bill

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A BILL

To

Provide for the safety of lifts and escalators, including the registration of contractors, engineers and workers for the purposes of carrying out lift works and escalator works; and to provide for consequential, incidental and related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Lifts and Escalators Ordinance.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

2. Interpretation

- (1) In this Ordinance—

affected part (受影響部分)—

- (a) in relation to a lift, means any part of the lift, or any associated equipment or machinery of the lift, affected by any major alteration of the lift; and
- (b) in relation to an escalator, means any part of the escalator, or any associated equipment or machinery of

the escalator, affected by any major alteration of the escalator;

appeal board (上訴委員會) means an appeal board established under section 118(1);

associated equipment or machinery (相聯設備或機械), in relation to a lift or escalator, means any component, device, equipment or machinery for, of or connected with the lift or escalator, including any safety component and safety equipment for the lift or escalator;

building (建築物) means a building as defined by section 2(1) of the Buildings Ordinance (Cap. 123);

carrier (運載裝置) means a car, cage or platform intended for carrying any person or thing;

certificate of registration (註冊證書) means a certificate of registration issued under section 98 or a duplicate certificate issued under section 100;

chairperson (主席) means—

- (a) in relation to a disciplinary board, the chairperson of the board elected under Schedule 12; and
- (b) in relation to an appeal board, the chairperson of the board elected under Schedule 14;

code of practice (《實務守則》) means—

- (a) a code of practice issued under section 145(1) as revised from time to time under section 145(3); or
- (b) a code of practice, or any part of a code of practice, approved under section 146(1) as revised and approved from time to time under section 146(3);

competent escalator worker (合資格自動梯工程人員) means a competent escalator worker as defined by section 7;

competent lift worker (合資格升降機工程人員) means a competent lift worker as defined by section 6;

contract of employment (僱傭合約) means a contract of employment as defined by section 2(1) of the Employment Ordinance (Cap. 57);

court (法院), except in section 147, means—

- (a) a court as defined by section 3 of the Interpretation and General Clauses Ordinance (Cap. 1); or
- (b) a magistrate;

Director (署長) means the Director of Electrical and Mechanical Services;

disciplinary board (紀律審裁委員會) means a disciplinary board established under section 110(1);

disciplinary offence (違紀行為) means a disciplinary offence as defined by section 107;

enforcement officer (執法人員) means—

- (a) the Director; or
- (b) an officer appointed to be an enforcement officer under section 124;

escalator (自動梯) means—

- (a) an inclined, continuous stairway that is driven by mechanical power and is used for—
 - (i) raising passengers;
 - (ii) lowering passengers; or
 - (iii) both of the purposes mentioned in subparagraphs (i) and (ii); or
- (b) a passenger conveyor that is a continuous walkway driven by mechanical power and is used for conveying passengers on the same or between different traffic levels;

escalator works (自動梯工程) includes any kind of work concerning the installation, commissioning, examination,

maintenance, repair, alteration or demolition of an escalator or any associated equipment or machinery of an escalator;

examine (檢驗) includes inspect and test;

function (職能), in relation to a person, includes a power and a duty;

goods lift (載貨升降機) means a lift used, or intended to be used, exclusively for conveying goods or materials, or both;

hearing (聆訊) means—

- (a) in relation to a disciplinary board, the hearing of a complaint alleging a disciplinary offence against a registered person; and
- (b) in relation to an appeal board, the hearing of an appeal under section 115(1);

incident (事故) means any of the incidents specified in Schedule 7;

industrial undertaking (工業經營) means an industrial undertaking within the meaning of the Factories and Industrial Undertakings Ordinance (Cap. 59);

inspect (檢查)—

- (a) in relation to a lift, means to visually and physically check the lift or any part of the lift, or any associated equipment or machinery of the lift, so as to compare its physical and operational characteristics with predetermined conditions; and
- (b) in relation to an escalator, means to visually and physically check the escalator or any part of the escalator, or any associated equipment or machinery of the escalator, so as to compare its physical and operational characteristics with predetermined conditions;

lift (升降機) means—

- (a) a lifting machine or appliance having a carrier the direction of movement of which is restricted by one or more guides; or
- (b) a mechanized vehicle parking system, but does not include an escalator;

lift works (升降機工程) includes any kind of work concerning the installation, commissioning, examination, maintenance, repair, alteration or demolition of a lift or any associated equipment or machinery of a lift;

maintenance works (保養工程) means the following works—

- (a) in relation to a lift, works that are for the purposes of keeping the lift or any of its associated equipment or machinery in safe working order, including any inspection, cleaning, oiling, adjusting, repair, replacement and alteration of the lift or any of its associated equipment or machinery for those purposes; and
- (b) in relation to an escalator, works that are for the purposes of keeping the escalator or any of its associated equipment or machinery in safe working order, including any inspection, cleaning, oiling, adjusting, repair, replacement and alteration of the escalator or any of its associated equipment or machinery for those purposes;

major alteration (主要更改) means—

- (a) in relation to a lift, any major alteration as defined by section 1 of Schedule 1; and
- (b) in relation to an escalator, any major alteration as defined by section 2 of Schedule 1;

mechanized vehicle parking system (機械化泊車系統) means a mechanical plant that has a power operated mechanism for conveying a vehicle to a parking space within the plant;

periodic maintenance works (定期保養工程) means the following maintenance works—

- (a) in relation to a lift, the inspection, cleaning, oiling and adjusting of the lift and any of its associated equipment or machinery; and
- (b) in relation to an escalator, the inspection, cleaning, oiling and adjusting of the escalator and any of its associated equipment or machinery;

prescribed fee (訂明費用), in relation to any matter, means the fee payable under this Ordinance in relation to the matter and prescribed by a regulation made under section 155;

qualified person (合資格人士)—

- (a) in relation to any lift works concerning the commissioning or examination of a lift or any part of a lift, or any associated equipment or machinery of the lift, means—
 - (i) a registered lift engineer;
 - (ii) a registered lift worker who is qualified to carry out the works and who—
 - (A) is employed under a contract of employment by the registered lift contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered lift contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered lift contractor; or
 - (iii) a competent lift worker who—
 - (A) is qualified to carry out the works; and
 - (B) is employed under a contract of employment by the registered lift contractor who undertakes the works;
- (b) in relation to any other lift works, means—
 - (i) a registered lift engineer who—

- (A) is employed under a contract of employment by the registered lift contractor who undertakes the works;
- (B) has undertaken the works in the capacity of a registered lift contractor; or
- (C) is a partner in the partnership that has undertaken the works in the capacity of a registered lift contractor;
- (ii) a registered lift worker who is qualified to carry out the works and who—
 - (A) is employed under a contract of employment by the registered lift contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered lift contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered lift contractor; or
- (iii) a competent lift worker who—
 - (A) is qualified to carry out the works; and
 - (B) is employed under a contract of employment by the registered lift contractor who undertakes the works;
- (c) in relation to any escalator works concerning the commissioning or examination of an escalator or any part of an escalator, or any associated equipment or machinery of the escalator, means—
 - (i) a registered escalator engineer;
 - (ii) a registered escalator worker who is qualified to carry out the works and who—

- (A) is employed under a contract of employment by the registered escalator contractor who undertakes the works;
- (B) has undertaken the works in the capacity of a registered escalator contractor; or
- (C) is a partner in the partnership that has undertaken the works in the capacity of a registered escalator contractor; or
- (iii) a competent escalator worker who—
 - (A) is qualified to carry out the works; and
 - (B) is employed under a contract of employment by the registered escalator contractor who undertakes the works; and
- (d) in relation to any other escalator works, means—
 - (i) a registered escalator engineer who—
 - (A) is employed under a contract of employment by the registered escalator contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered escalator contractor; or
 - (C) is a partner in the partnership that has undertaken the works in the capacity of a registered escalator contractor;
 - (ii) a registered escalator worker who is qualified to carry out the works and who—
 - (A) is employed under a contract of employment by the registered escalator contractor who undertakes the works;
 - (B) has undertaken the works in the capacity of a registered escalator contractor; or

- (C) is a partner in the partnership that has undertaken the works in the capacity of a registered escalator contractor; or
- (iii) a competent escalator worker who—
- (A) is qualified to carry out the works; and
- (B) is employed under a contract of employment by the registered escalator contractor who undertakes the works;

Note—

See also subsection (2).

rated load (額定負載), in relation to a lift or escalator, means the maximum load which the lift or escalator is designed to carry and for which normal operation of the lift or escalator is guaranteed by the manufacturer of the lift or escalator;

rated speed (額定速度)—

- (a) in relation to a lift, means the speed of the carrier of the lift at which the lift is designed to travel in normal circumstances and at which normal operation of the lift is guaranteed by the manufacturer of the lift; and
- (b) in relation to an escalator, means the speed of the steps, the pallets or the belt of the escalator at which the escalator is designed to travel in normal circumstances and at which normal operation of the escalator is guaranteed by the manufacturer of the escalator;

Register of Escalator Contractors (自動梯承辦商名冊) means the register established and kept under section 105(1)(b);

Register of Escalator Engineers (自動梯工程師名冊) means the register established and kept under section 105(1)(d);

Register of Escalator Workers (自動梯工程人員名冊) means the register established and kept under section 105(1)(f);

Register of Lift Contractors (升降機承辦商名冊) means the register established and kept under section 105(1)(a);

Register of Lift Engineers (升降機工程師名冊) means the register established and kept under section 105(1)(c);

Register of Lift Workers (升降機工程人員名冊) means the register established and kept under section 105(1)(e);

registered escalator contractor (註冊自動梯承辦商) means a person who is registered under section 86 and whose registration is in force;

registered escalator engineer (註冊自動梯工程師) means a person who is registered under section 90 and whose registration is in force;

registered escalator worker (註冊自動梯工程人員) means a person who is registered under section 94 and whose registration is in force;

registered lift contractor (註冊升降機承辦商) means a person who is registered under section 74 and whose registration is in force;

registered lift engineer (註冊升降機工程師) means a person who is registered under section 78 and whose registration is in force;

registered lift worker (註冊升降機工程人員) means a person who is registered under section 82 and whose registration is in force;

registered person (註冊人士) means—

- (a) a registered escalator contractor;
- (b) a registered escalator engineer;
- (c) a registered escalator worker;
- (d) a registered lift contractor;
- (e) a registered lift engineer; or
- (f) a registered lift worker;

Registrar (註冊主任) means the person appointed under section 72 to be the Registrar of Registered Contractors, Engineers and Workers (Lifts and Escalators);

registration card (註冊證) means a registration card issued under section 99 or a duplicate card issued under section 100;

repealed Ordinance (《已廢除條例》) means the Lifts and Escalators (Safety) Ordinance (Cap. 327) as in force before the coming into operation of section 157;

responsible person (負責人) means—

- (a) in relation to a lift—
 - (i) a person who owns the lift; or
 - (ii) any other person who has the management or control of the lift; and
- (b) in relation to an escalator—
 - (i) a person who owns the escalator; or
 - (ii) any other person who has the management or control of the escalator;

Note—

See also subsection (3).

resumption permit (復用證) means—

- (a) in relation to a lift, a permit issued under section 28 in respect of the lift; and
- (b) in relation to an escalator, a permit issued under section 58 in respect of the escalator;

safety component (安全部件) means—

- (a) in relation to a lift, a component or device or any other thing specified in Part 1 of Schedule 2; and
- (b) in relation to an escalator, a component or device or any other thing specified in Part 2 of Schedule 2;

safety equipment (安全設備) means—

- (a) in relation to a lift, a component or device or any other thing specified in Part 1 of Schedule 3; and
- (b) in relation to an escalator, a component or device or any other thing specified in Part 2 of Schedule 3;

Secretary (局長) means the Secretary for Development;

service lift (載物升降機) means a lift the rated load of which is not more than 250 kg and that has a car or cage of which the floor area is not more than 1 m² and the height is not more than 1.2 m;

specified form (指明表格) means a form specified by the Director under section 153;

specified person (指明人士), in relation to any lift works or escalator works, means—

- (a) the Director; or
- (b) a person authorized by the Director under section 123;

technical institution (技術院校) means a technical college or technical institute as defined by section 2 of the Vocational Training Council Ordinance (Cap. 1130);

use permit (准用證) means—

- (a) in relation to a lift, a permit issued under section 26 in respect of the lift; and
- (b) in relation to an escalator, a permit issued under section 56 in respect of the escalator;

vehicle (車輛) means a vehicle as defined by section 2 of the Road Traffic Ordinance (Cap. 374);

Vocational Training Council (職業訓練局) means the Vocational Training Council established under section 4 of the Vocational Training Council Ordinance (Cap. 1130).

(2) For the purposes of the definition of **qualified person**—

- (a) a registered lift worker is qualified to carry out any particular lift works if—

- (i) the registration of the worker is for all kinds of lift works; or
- (ii) the registration of the worker is for one or more, but not all, kinds of lift works and the particular lift works fall within a kind of lift works in respect of which the registration is granted;
- (b) a registered escalator worker is qualified to carry out any particular escalator works if—
 - (i) the registration of the worker is for all kinds of escalator works; or
 - (ii) the registration of the worker is for one or more, but not all, kinds of escalator works and the particular escalator works fall within a kind of escalator works in respect of which the registration is granted;
- (c) a competent lift worker is qualified to carry out any particular lift works if—
 - (i) the worker is a competent lift worker under section 6(a); or
 - (ii) the worker is a competent lift worker under section 6(b)(i) and the particular lift works fall within a kind of lift works in respect of which the worker is considered under section 6(b)(ii)—
 - (A) to have obtained sufficient experience or training; and
 - (B) to be able to carry out competently and without supervision by any other person; and
- (d) a competent escalator worker is qualified to carry out any particular escalator works if—
 - (i) the worker is a competent escalator worker under section 7(a); or

- (ii) the worker is a competent escalator worker under section 7(b)(i) and the particular escalator works fall within a kind of escalator works in respect of which the worker is considered under section 7(b)(ii)—
 - (A) to have obtained sufficient experience or training; and
 - (B) to be able to carry out competently and without supervision by any other person.
- (3) For the purposes of the definition of *responsible person*—
 - (a) a person is not to be regarded as a person who has the management or control of a lift only because the person does one or more of the following acts—
 - (i) uses the lift;
 - (ii) operates the lift;
 - (iii) carries out any lift works in relation to the lift; and
 - (b) a person is not to be regarded as a person who has the management or control of an escalator only because the person does one or more of the following acts—
 - (i) uses the escalator;
 - (ii) operates the escalator;
 - (iii) carries out any escalator works in relation to the escalator.
- (4) For the purposes of sections 17, 18, 36, 48, 49 and 66, a person engages in any lift works or escalator works if the person personally carries out the works, or supervises any other person to carry out the works.
- (5) For the purposes of this Ordinance, regard must be had to the relevant code of practice in determining—
 - (a) whether adequate safety precautions are taken to prevent injury to any person or damage to any property;

- (b) whether there is sufficient workforce to carry out any lift works or escalator works;
 - (c) whether there are adequate equipment and tools for carrying out any lift works or escalator works;
 - (d) whether a lift or escalator or any associated equipment or machinery of a lift or escalator is of good design and construction;
 - (e) whether a lift or escalator or any associated equipment or machinery of a lift or escalator is thoroughly examined, or whether a thorough examination has been carried out in respect of a lift or escalator or any associated equipment or machinery of a lift or escalator;
 - (f) whether a lift or escalator or any associated equipment or machinery of a lift or escalator is kept in a proper state of repair;
 - (g) whether a lift or escalator, any affected part of a lift or escalator, or any associated equipment or machinery of a lift or escalator is or is kept in safe working order;
 - (h) whether any lift works or escalator works are carried out properly and safely; or
 - (i) whether a person is under the direct or proper supervision of a qualified person.
- (6) For the purposes of this Ordinance, if an event or incident occurs or takes place on 29 February in a leap year, or any act or work is done or completed on 29 February in a leap year, a reference to an anniversary of that date in a year that is not a leap year is a reference to an anniversary of 28 February in that year.
- (7) For the purposes of this Ordinance, if a document or registration is expressed to expire or end on a particular date, the document or registration continues to have effect until the end of that day.

- (8) A note located in the text of this Ordinance is provided for information only and has no legislative effect.

3. Application of Ordinance to lifts and escalators

- (1) Subject to subsection (2), this Ordinance applies to every lift and every escalator.
- (2) This Ordinance does not apply to—
- (a) an amusement device, including an amusement ride as defined by section 2(1) of the Amusement Rides (Safety) Ordinance (Cap. 449);
 - (b) a belt, bucket, scoop or roller conveyor or any similar machine;
 - (c) a hoist, including a skip hoist, used mainly for charging furnaces or similar appliances;
 - (d) a hoist used solely for lifting or feeding material directly into a machine or used solely for both of those purposes;
 - (e) a lift the height of travel of which does not exceed 3.5 m and that—
 - (i) does not pass through any floor; and
 - (ii) is used solely for the carriage, stacking, loading or unloading of any goods or materials or any 2 or more of those purposes;
 - (f) a lift the height of travel of which does not exceed 3.5 m and that—
 - (i) does not pass through any floor; and
 - (ii) is used solely for the raising of motor vehicles;
 - (g) a lift or escalator installed in any ship;
 - (h) a lift installed in any aircraft;
 - (i) a lift provided in connection with a building under construction and solely—

- (i) for the use of persons employed in the construction of the building;
- (ii) for carrying materials used in connection with the construction of the building; or
- (iii) for the use of persons referred to in subparagraph (i) and carrying materials referred to in subparagraph (ii);
- (j) a ramp that is connected to a wharf or pier;
- (k) a service lift used in an industrial undertaking; and
- (l) a stage or orchestra lift.

4. Ordinance applies to Government etc.

- (1) This Ordinance applies to the Government.
- (2) Despite subsection (1), the Government—
 - (a) is not liable to be prosecuted for an offence under this Ordinance; and
 - (b) is not required to pay any prescribed fee.
- (3) If the Director has reasonable grounds to believe that there has been or is a contravention by the Government of a provision of this Ordinance (including a contravention of an order of the Director under this Ordinance), the Director must report the matter to the Secretary.
- (4) The report must contain the advice of the Director on—
 - (a) whether the contravention has been terminated; and
 - (b) if the contravention has been terminated, whether it has been terminated to the Director's satisfaction.
- (5) On receiving the report from the Director, the Secretary must enquire into the matter to which the report relates.
- (6) If the enquiry shows that there has been a contravention referred to in subsection (3) and the contravention is likely to

be repeated, the Secretary must take the best practicable steps to avoid the recurrence of a like contravention.

- (7) If the enquiry shows that there is a contravention referred to in subsection (3) and the contravention is continuing, the Secretary must take the best practicable steps to stop the contravention.

5. Jointly owned etc. lift or escalator

If this Ordinance imposes a requirement on the responsible person for a lift or escalator, and there are 2 or more responsible persons for the lift or escalator, compliance with the requirement by one of those responsible persons is to be regarded as compliance with the requirement by every other responsible person for the lift or escalator.

6. Who is a competent lift worker

A person is a competent lift worker if—

- (a) the person—
 - (i) holds a certificate in building services, electrical, electronic or mechanical engineering awarded by a college or institute recognized by the Director; or
 - (ii) has either completed—
 - (A) a course relating to lifts organized by the Vocational Training Council or any technical institution; or
 - (B) any other course recognized by the Director to be equivalent to a course mentioned in sub-subparagraph (A),
 and has undergone, for a period of at least 4 years in total, such craft apprenticeship in lift works as is recognized by the Director; or
- (b) the person—

- (i) has been employed, under one or more than one contract of employment by one or more than one registered lift contractor, for a period of at least 4 years in total to carry out one or more particular kinds of lift works; and
- (ii) is considered by the registered lift contractor by whom the person is currently employed—
 - (A) to have obtained sufficient experience or training in respect of one or more particular kinds of lift works that the person is employed to carry out; and
 - (B) to be able to carry out those works competently and without supervision by any other person.

7. Who is a competent escalator worker

A person is a competent escalator worker if—

- (a) the person—
 - (i) holds a certificate in building services, electrical, electronic or mechanical engineering awarded by a college or institute recognized by the Director; or
 - (ii) has either completed—
 - (A) a course relating to escalators organized by the Vocational Training Council or any technical institution; or
 - (B) any other course recognized by the Director to be equivalent to a course mentioned in subparagraph (A),

and has undergone, for a period of at least 4 years in total, such craft apprenticeship in escalator works as is recognized by the Director; or
- (b) the person—

- (i) has been employed, under one or more than one contract of employment by one or more than one registered escalator contractor, for a period of at least 4 years in total to carry out one or more particular kinds of escalator works; and
- (ii) is considered by the registered escalator contractor by whom the person is currently employed—
 - (A) to have obtained sufficient experience or training in respect of one or more particular kinds of escalator works that the person is employed to carry out; and
 - (B) to be able to carry out those works competently and without supervision by any other person.

Part 2

Safety of Lifts

Division 1

Prohibitions

8. Only qualified persons or specified persons to personally carry out lift works, etc.

- (1) A person must not personally carry out any lift works unless the person—
 - (a) is a qualified person or specified person; or
 - (b) is under the direct supervision of a qualified person at the place at which the works are carried out.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (3) A person who knowingly causes or permits any other person to carry out any lift works in contravention of subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.

9. Prohibition against using or operating lifts in certain circumstances

- (1) If any of the following lift works have begun in respect of a lift, a person must not use or operate the lift before the works are completed—
 - (a) lift works concerning the installation of the lift;
 - (b) lift works concerning any major alteration of the lift;
 - (c) lift works concerning the demolition of the lift;

- (d) lift works that are likely to affect the safe operation of the lift.
- (2) A person must not use or operate a lift if there is no use permit in force in respect of the lift.
- (3) A person must not use or operate a lift after the completion of any major alteration of the lift unless a resumption permit has been issued in relation to the alteration.
- (4) A person who—
 - (a) knowingly contravenes subsection (1), (2) or (3); or
 - (b) knowingly causes or permits any other person to use or operate a lift in contravention of subsection (1), (2) or (3),
 commits an offence and is liable on conviction to a fine at level 5.
- (5) This section does not apply to a responsible person for the lift.
- (6) This section does not apply to the use or operation of a lift in emergency circumstances affecting the safety of any person or property.
- (7) This section does not apply if the use or operation of the lift is—
 - (a) for the purposes of or in connection with the carrying out of any lift works described in subsection (1); or
 - (b) for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

10. Prohibition against carriage of persons in lifts specified in Schedule 4

- (1) A person must not travel in a lift specified in Schedule 4.
- (2) A person must not cause or permit a lift specified in Schedule 4 to be used for carrying any person.

- (3) A person who knowingly contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5.
- (4) A person who knowingly causes or permits a lift to be used in contravention of subsection (2) commits an offence and is liable on conviction to a fine at level 5.
- (5) This section does not apply to a responsible person for the lift.

11. **Prohibition against overloading lifts specified in Schedule 4**

- (1) A person must not cause or permit a lift specified in Schedule 4 to be used for carrying any load that exceeds the rated load of the lift.
- (2) A person who knowingly contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5.
- (3) This section does not apply to a responsible person for the lift.
- (4) This section does not apply if the use of the lift is for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

Division 2

Duties of Responsible Persons and Registered Persons

Subdivision 1

Responsible Persons for Lifts

12. **Duties of responsible persons to ensure that lifts are in proper state of repair and in safe working order**

- (1) The responsible person for a lift must ensure that the lift and all its associated equipment or machinery are kept in a proper state of repair and in safe working order.

- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5.

13. **Duties of responsible persons in respect of use and operation of lifts**

- (1) If any of the following lift works have begun in respect of a lift, the responsible person for the lift must ensure that the lift is not used or operated before the works are completed—
 - (a) lift works concerning the installation of the lift;
 - (b) lift works concerning any major alteration of the lift;
 - (c) lift works concerning the demolition of the lift;
 - (d) lift works that are likely to affect the safe operation of the lift.
- (2) The responsible person for a lift must ensure that the lift is not used or operated if there is no use permit in force in respect of the lift.
- (3) The responsible person for a lift must ensure that the lift is not used or operated after any major alteration of the lift unless a resumption permit has been issued in relation to the alteration.
- (4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 12 months.
- (5) It is a defence for a person charged under subsection (4) to prove that—
 - (a) the lift was used or operated without the person's consent or connivance; and
 - (b) the person had taken all reasonable steps to prevent the use or operation of the lift.
- (6) This section does not apply to the use or operation of a lift in emergency circumstances affecting the safety of any person or property.

- (7) This section does not apply if the use or operation of the lift is—
- (a) for the purposes of or in connection with the carrying out of any lift works described in subsection (1); or
 - (b) for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

14. Additional duties of responsible persons regarding lifts specified in Schedule 4

- (1) The responsible person for a lift specified in Schedule 4 must ensure that—
- (a) the lift is not used for carrying any person; and
 - (b) the lift is not used for carrying any load that exceeds the rated load of the lift.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 12 months.
- (3) It is a defence for a person charged under subsection (2) to prove that—
- (a) the lift was used without the person's consent or connivance; and
 - (b) the person had taken all reasonable steps to prevent the use.
- (4) Subsection (1)(b) does not apply if the use of the lift is for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

15. Duties of responsible persons to ensure that registered lift contractors undertake maintenance works and certain other lift works

- (1) The responsible person for a lift must ensure that any of the following lift works must not be carried out unless the works are undertaken by a registered lift contractor—
- (a) lift works concerning the installation of the lift;
 - (b) lift works concerning any major alteration of the lift;
 - (c) lift works concerning the demolition of the lift;
 - (d) lift works that are likely to affect the safe operation of the lift.
- (2) The responsible person for a lift must—
- (a) cause a registered lift contractor to undertake the maintenance works of a lift; and
 - (b) ensure that periodic maintenance works are carried out in respect of the lift at intervals not exceeding the period specified in or determined under Part 1 of Schedule 5.
- (3) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 5.

Subdivision 2

Registered Lift Contractors

16. Duties of registered lift contractors to carry out lift works properly and safely, etc.

- (1) A registered lift contractor who undertakes any lift works must ensure that—
- (a) the works are carried out properly and safely;

- (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out;
 - (c) there is sufficient workforce to carry out the works;
 - (d) there are adequate equipment and tools for carrying out the works;
 - (e) if the works are works concerning the installation of a lift, the works are not to be carried out unless the lift and all the safety components for the lift are respectively of a type in respect of which the contractor has obtained approval from the Director; and
 - (f) if the works are works concerning the demolition of a lift, measures are in so far as reasonably practicable taken to minimize the impact the works may have on the structural integrity of the building in which the lift is installed, or of which the lift is or forms a part.
- (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—
- (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(b), (c), (d), (e) or (f) commits an offence and is liable—
- (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.

Subdivision 3

Registered Lift Engineers

17. Duties of registered lift engineers to carry out lift works properly and safely, etc.

- (1) A registered lift engineer who engages in any lift works must ensure that—
- (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out; and
 - (c) if the works are works concerning the installation of a lift, the works are not to be carried out unless the lift and all the safety components for the lift are respectively of a type in respect of which the registered lift contractor who undertakes the works has obtained approval from the Director.
- (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—
- (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(b) or (c) commits an offence and is liable—
- (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.

Note—

See also section 2(4).

Subdivision 4**Registered Lift Workers****18. Duties of registered lift workers to carry out lift works properly and safely, etc.**

- (1) A registered lift worker who engages in any lift works must ensure that—
 - (a) the works are carried out properly and safely; and
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

Note—

See also section 2(4).

Division 3**Examination of Lifts****19. Interpretation**

For the purposes of this Division, a lift or any part of a lift, or any associated equipment or machinery of a lift, is examined by a registered lift engineer only if the lift or part, or the associated equipment or machinery, is personally examined by the engineer or any other person who is under the direct and proper supervision of the engineer at the place at which the examination takes place.

20. Examination of lifts before putting into use and operation

- (1) Before a lift is put into use and operation, the responsible person for the lift must cause a registered lift engineer—

- (a) to examine the lift with load and in accordance with section 24(2); and
 - (b) to thoroughly examine all the associated equipment or machinery of the lift.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.
- (3) This section does not apply to a lift that has been installed and put into use and operation before the date on which section 157 comes into operation.

21. Examination of lifts after major alterations

- (1) If any major alteration has been made in respect of a lift, before the normal use and operation of the lift is resumed, the responsible person for the lift must cause a registered lift engineer—
 - (a) to thoroughly examine the lift and all its associated equipment or machinery; or
 - (b) to examine the affected part of the lift in accordance with section 25(1).
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

22. Periodic examination of lifts

- (1) The responsible person for a lift must cause the lift and all its associated equipment or machinery to be thoroughly examined by a registered lift engineer at intervals not exceeding the period specified in or determined under Part 2 of Schedule 5.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

23. Examination of lifts with load

- (1) The responsible person for a lift must cause a registered lift engineer—
 - (a) to examine the lift with load and in accordance with section 24(2); and
 - (b) to thoroughly examine all its associated equipment or machinery,
at intervals not exceeding the period specified in or determined under Part 3 of Schedule 5.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

24. Issue of safety certificates by registered lift engineers

- (1) Subject to subsection (2), a registered lift engineer who undertakes to examine a lift must ensure that the lift is thoroughly examined by the engineer.
- (2) A registered lift engineer who undertakes to examine a lift with load must ensure that the lift—
 - (a) is thoroughly examined by the engineer; and
 - (b) is examined by the engineer in accordance with Schedule 6.
- (3) A registered lift engineer who undertakes to examine any associated equipment or machinery of a lift must ensure that the associated equipment or machinery is thoroughly examined by the engineer.
- (4) If on examination under this section, the registered lift engineer is of the opinion that the lift and all its associated equipment or machinery are of good design and construction and in safe working condition, the engineer may issue to the responsible person specified in subsection (9) a certificate in respect of the lift certifying that the lift and all its associated equipment or machinery are in safe working order.

- (5) The certificate referred to in subsection (4) must be in the specified form and must contain the information and particulars specified in the form.
- (6) If on examination under this section the registered lift engineer is of the opinion that the lift or any of its associated equipment or machinery is not of good design and construction or is not in safe working condition, the engineer—
 - (a) must not issue a certificate under subsection (4); and
 - (b) must within 24 hours after the examination is completed—
 - (i) notify in writing the responsible person specified in subsection (10) of the reasons for not issuing the certificate; and
 - (ii) report to the Director the result of the examination and the opinion of the engineer.
- (7) The report under subsection (6)(b)(ii) must be in the specified form and must contain the information and particulars specified in the form.
- (8) A person who, without reasonable excuse, contravenes subsection (1), (2), (3) or (6) commits an offence and is liable—
 - (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.
- (9) For the purposes of subsection (4)—
responsible person (負責人) means the responsible person for the lift concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.
- (10) For the purposes of subsection (6)—

responsible person (負責人) means the responsible person for the lift concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

25. Issue of safety certificates by registered lift engineers after major alterations

- (1) A registered lift engineer who undertakes to examine any affected part of a lift must ensure that the lift and its associated equipment or machinery are thoroughly examined by the engineer, in so far as is necessary to determine whether the affected part is in safe working order.
- (2) If on examination under subsection (1), the registered lift engineer is of the opinion that the affected part is of good design and construction and in safe working condition, the engineer may issue to the responsible person specified in subsection (7) a certificate in respect of the lift certifying that the affected part is in safe working order.
- (3) The certificate referred to in subsection (2) must be in the specified form and must contain the information and particulars specified in the form.
- (4) If on examination under subsection (1), the registered lift engineer is of the opinion that the affected part is not in safe working order, the engineer—
 - (a) must not issue a certificate under subsection (2); and
 - (b) must within 24 hours after the examination is completed—
 - (i) notify in writing the responsible person specified in subsection (8) of the reasons for not issuing the certificate; and
 - (ii) report to the Director the result of the examination and the opinion of the engineer.

- (5) The report under subsection (4)(b)(ii) must be in the specified form and must contain the information and particulars specified in the form.
- (6) A person who, without reasonable excuse, contravenes subsection (1) or (4) commits an offence and is liable—
 - (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.
- (7) For the purposes of subsection (2)—

responsible person (負責人) means the responsible person for the lift concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

- (8) For the purposes of subsection (4)—

responsible person (負責人) means the responsible person for the lift concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

Division 4

Powers of Director

26. Issue etc. of use permits

- (1) Subject to section 150, the Director may on application issue in respect of a lift—
 - (a) a permit, in the specified form, permitting the lift to be put into use and operation; or
 - (b) a permit, in the specified form, permitting the lift to continue to be used and operated.

- (2) The Director may refuse to issue a permit under subsection (1) for a lift if there is a contravention of section 23 in relation to the lift.
- (3) The Director may refuse to issue a permit under subsection (1) if there is a contravention of section 143 in relation to the lift.
- (4) The Director must not issue a permit under subsection (1) unless the Director is satisfied that the lift and all its associated equipment or machinery are in safe working order.
- (5) If the Director decides to refuse an application or refuse to issue a permit under this section, the Director must as soon as reasonably practicable after making the decision notify in writing the applicant of—
 - (a) the decision;
 - (b) the reasons for the decision; and
 - (c) (if applicable) the work that in the opinion of the Director is necessary to put the lift or any of its associated equipment or machinery in safe working order.
- (6) This section does not affect the general powers of the Director under sections 41 and 46 of the Interpretation and General Clauses Ordinance (Cap. 1).

27. Validity period of use permits

- (1) A permit issued under section 26(1)(a) relating to an examination of a lift—
 - (a) takes effect on the date specified by the Director; and
 - (b) expires on the 1st anniversary of the date of completion of the examination.
- (2) A permit issued under section 26(1)(b) relating to an examination of a lift that was completed within the period of 2 months ending on the date of expiry of the preceding use permit of the lift—

- (a) takes effect on the date specified by the Director; and
- (b) expires on the 1st anniversary of the date of expiry of the preceding use permit.
- (3) Any other permit issued under section 26(1)(b) relating to an examination of a lift—
 - (a) takes effect on the date specified by the Director; and
 - (b) expires on the 1st anniversary of the date of completion of the examination.

28. Issue etc. of resumption permits

- (1) Subject to section 150, the Director may on application issue in respect of a lift a permit, in the specified form, permitting the use and operation of the lift to be resumed after a major alteration is made in respect of the lift.
- (2) The Director may refuse to issue a permit under subsection (1) if there is a contravention of section 143 in relation to the lift.
- (3) The Director must not issue a permit under subsection (1) unless the Director is satisfied that the affected part of the lift is in safe working order.
- (4) If the Director decides to refuse an application or refuse to issue a permit under this section, the Director must as soon as reasonably practicable after making the decision notify in writing the applicant of—
 - (a) the decision;
 - (b) the reasons for the decision; and
 - (c) (if applicable) the work that in the opinion of the Director is necessary to put the affected part of the lift in safe working order.
- (5) This section does not affect the general powers of the Director under sections 41 and 46 of the Interpretation and General Clauses Ordinance (Cap. 1).

29. Issue of duplicates of use permits and resumption permits

- (1) If a permit issued under section 26 or 28 is lost, destroyed, defaced or damaged, subject to section 150, the Director may on application issue a duplicate permit to replace the original permit.
- (2) A duplicate permit issued under subsection (1) has the same effect as the original permit and is to be treated as having been issued under the section under which the original permit was issued.
- (3) On the issue of a duplicate permit, the original permit ceases to be valid.
- (4) When making an application for a duplicate permit, the applicant must return the original permit to the Director if it is available to the applicant.
- (5) The Director may refuse an application under this section if the applicant contravenes subsection (4).

30. Prohibition orders

- (1) The Director may by order served on the responsible person for a lift prohibit the lift from being used or operated, or continuing to be used or operated, if the Director has reasonable grounds to believe that—
 - (a) if the lift is one specified in Schedule 4—
 - (i) the lift is used, or is likely to be used, for carrying any person; or
 - (ii) the lift is used, or is likely to be used, for carrying any load that exceeds the rated load of the lift;
 - (b) the lift has been used or operated, or is or is likely to be used or operated, in contravention of section 9;
 - (c) the responsible person has contravened section 15(2)(b), 22(1) or 23(1);

- (d) the lift if used or operated, or continued to be used or operated, will cause or be likely to cause a risk of injury to any person or damage to any property;
 - (e) the lift, or any of its associated equipment or machinery, is not in safe working order; or
 - (f) it is otherwise desirable to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date on which the order is to take effect; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) A person who uses or operates a lift in contravention of an order made under subsection (1) commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (4) A person who causes or permits any other person to use or operate a lift in contravention of an order made under subsection (1) commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (5) It is a defence for a person charged under subsection (3) to prove that the person did not know and could not with due diligence have discovered that the use or operation was prohibited under an order made under subsection (1).
- (6) It is a defence for a person charged under subsection (4) to prove that—
 - (a) the person did not know and could not with due diligence have discovered that the use or operation was prohibited under an order made under subsection (1); or
 - (b) the contravention occurred without the person's consent or connivance and that the person had taken all

reasonable steps to prevent the use or operation of the lift.

- (7) Subsections (3) and (4) do not apply to the use or operation of a lift in emergency circumstances affecting the safety of any person or property.
- (8) Subsections (3) and (4) do not apply if the use or operation of the lift is for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Ordinance.

31. Director's power to disconnect supply of electricity

- (1) If the Director has reasonable grounds to believe that a lift is being used or operated, or is likely to be used or operated, in contravention of an order made under section 30, the Director may—
 - (a) disconnect or, if any lift works of the lift are undertaken by a registered lift contractor, by order served on the contractor direct the contractor to disconnect, the supply of electricity to the lift; and
 - (b) carry out, or by order served on the contractor mentioned in paragraph (a) direct the contractor to carry out, any work that is necessary to prevent, as far as possible, any person from reconnecting the supply of electricity to the lift before written permission has been obtained from the Director to reconnect the supply.
- (2) If the registered lift contractor on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the contractor commits an offence and is liable on conviction to a fine at level 3.
- (3) If, without the Director's written permission, the supply of electricity to a lift is reconnected by any person after it has been disconnected under subsection (1)(a)—
 - (a) that person; and

- (b) the responsible person for the lift, each commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (4) It is a defence for a person charged under subsection (3) to prove that—
 - (a) if the person charged is the person who reconnected the supply of electricity to the lift, the person did not know and could not with due diligence have discovered that the supply of electricity to the lift was disconnected under subsection (1)(a); or
 - (b) if the person charged is not the person who reconnected the supply of electricity to the lift but is the responsible person for the lift—
 - (i) the offence was committed without the responsible person's consent or connivance; and
 - (ii) the responsible person had taken all reasonable steps to prevent the commission of the offence.

32. Cessation orders in respect of lift works

- (1) The Director may by order served on the related person of a lift direct the person to cease any lift works that are being carried out in relation to the lift, if the Director has reasonable grounds to believe that—
 - (a) the lift works are being carried out in contravention of section 8;
 - (b) the lift works are being carried out in a manner that will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (c) it is otherwise desirable to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—

- (i) the reasons for making the order; and
 - (ii) the date on which the order is to take effect; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.
- (4) In this section—
- related person** (有關連人士), in relation to a lift, means—
- (a) the responsible person for the lift; or
 - (b) the registered lift contractor (if any) who undertakes the lift works to which the order relates.

33. Application for cancellation of prohibition orders and cessation orders

- (1) Subject to section 150, a person affected by an order under section 30 or 32 may on application request the Director to cancel the order.
- (2) If the Director decides to refuse an application under subsection (1), the Director must notify in writing the applicant of the decision and the reasons for the decision.
- (3) This section does not affect the general powers of the Director under section 46 of the Interpretation and General Clauses Ordinance (Cap. 1).

34. Examination orders

- (1) If the Director has reasonable grounds to believe that it is desirable in the interest of safety to do so, the Director may by order served on the responsible person for a lift direct the person to—

- (a) cause the lift or any part of the lift, or any associated equipment or machinery of the lift, to be examined by a registered lift engineer in the manner and within the period specified in the order; and
 - (b) submit within the period specified in the order a report, in the specified form, prepared by the engineer stating whether the engineer is satisfied that the lift or the part of the lift, or the associated equipment or machinery, is in safe working order.
- (2) An order made under subsection (1)—
- (a) must be in the specified form;
 - (b) must state the reasons for making the order; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.

35. Removal orders

- (1) The Director may by order served on the responsible person for a lift direct the person to remove the lift or any part of the lift, or any associated equipment or machinery of the lift, if the Director has reasonable grounds to believe that—
 - (a) the lift or the part, or the associated equipment or machinery, if used or operated, or continued to be used or operated, will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (b) it is otherwise necessary to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;

- (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date before which the lift or the part of the lift, or the associated equipment or machinery, is to be removed; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.

36. Improvement orders

- (1) If the Director has reasonable grounds to believe that—
- (a) any provision of this Ordinance has been contravened or is being contravened in relation to a lift or any associated equipment or machinery of a lift;
 - (b) a lift or any associated equipment or machinery of a lift is in a state that will cause or be likely to cause a risk of injury to any person or damage to any property;
 - (c) any lift works have been carried out or are being carried out in a manner that will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (d) it is otherwise desirable to do so in the interest of safety,
- the Director may by order served on the related person of the lift direct the person to carry out any work specified in the order, in order to rectify or remedy or otherwise put an end to the contravention or to eliminate or reduce any risk of injury to any person or damage to any property.

- (2) An order made under subsection (1) may specify the manner in which, and the time within which, any work specified in the order must be carried out or completed.
- (3) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date before which the work must be completed; and
 - (c) may contain any conditions the Director may reasonably impose.
- (4) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.

- (5) In this section—

related person (有關連人士), in relation to a lift, means—

- (a) the responsible person for the lift;
- (b) the registered lift contractor (if any) who undertakes the lift works to which the order relates; or
- (c) the registered lift engineer (if any) who engages in the lift works to which the order relates.

Note—

See also section 2(4).

37. Director's power to remove lifts or to carry out other works, etc. in case of non-compliance with section 32 or 35

- (1) If an order made under section 32, other than an order made on the ground mentioned in section 32(1)(a), is contravened, the Director may without any notice to the responsible person

- for the lift carry out any work and provide any service necessary for carrying out the work, to ensure that the order will be complied with.
- (2) If an order made under section 35 is contravened, the Director may without any notice to the responsible person for the lift—
 - (a) remove the lift or any part of the lift, or any associated equipment or machinery of the lift, to remedy the contravention; and
 - (b) carry out any work and provide any service necessary for carrying out the work to remedy the contravention.
 - (3) In any case, if there are reasonable grounds to believe that—
 - (a) it is necessary to do so to eliminate or reduce any grave or imminent risk of injury to any person or damage to any property; or
 - (b) it is otherwise necessary to do so in the interest of safety, the Director may without notice to the responsible person for the lift carry out any work in relation to the lift, and provide any service necessary for carrying out the work.

Division 5

Miscellaneous

38. Subcontracting restricted

- (1) Except with the written approval of the Director, a registered lift contractor who undertakes any lift works must not subcontract the works or any part of the works to any other person who is not a registered lift contractor.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (3) This section does not apply to any works concerning the installation or demolition of a lift.

39. Display of use permits

- (1) The responsible person for a lift, other than a lift specified in Schedule 4, that has a car must ensure that the use permit for the time being in force in respect of the lift is displayed at all times in a conspicuous position in the car of the lift.
- (2) The responsible person for any other lift must ensure that the use permit for the time being in force in respect of the lift is displayed at all times in a conspicuous position adjacent to the landing or, if there is more than one landing, the main landing of the lift.
- (3) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 3.

40. Incidents to be reported to Director

- (1) If there is an incident relating to a lift, the responsible person for the lift must within 24 hours after the incident comes to the person's knowledge, notify in writing the Director and the following person of the incident—
 - (a) the registered lift contractor who currently undertakes any lift works in respect of the lift; or
 - (b) if paragraph (a) does not apply, the registered lift contractor who most recently has undertaken any lift works in respect of the lift.
- (2) Subject to subsection (3), the registered lift contractor who is notified under subsection (1) must—
 - (a) cause a registered lift engineer to investigate the incident and to prepare and complete, within 7 days after the date on which the contractor is notified under subsection (1), a full report of the investigation that complies with any regulation made under section 154; and
 - (b) submit to the Director the report within the period specified in paragraph (a).

- (3) If for any reason the contractor who is notified under subsection (1) is of the opinion that a full report is unable to be submitted as required under subsection (2), the contractor must—
- (a) notify in writing the Director of the fact within 3 days after the date on which the contractor is notified under subsection (1);
 - (b) cause the registered lift engineer referred to in subsection (2)—
 - (i) to prepare and complete, within the period specified in paragraph (a), a preliminary report of the investigation that complies with any regulation made under section 154; and
 - (ii) to prepare and complete, within 14 days after the date on which the incident occurs or a longer period that the Director may approve, a full report of the investigation that complies with any regulation made under section 154; and
 - (c) submit to the Director—
 - (i) the preliminary report within the period specified in paragraph (a); and
 - (ii) the full report within the period within which the report is required to be completed under paragraph (b)(ii).
- (4) A person who, without reasonable excuse, contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 3.

41. Investigation of incidents by Director

- (1) If an incident relating to a lift has come to the knowledge of the Director, the Director may carry out an investigation in respect of the incident, or cause any other enforcement officer to carry out the investigation.

- (2) For the purposes of carrying out an investigation under subsection (1), the Director or any other enforcement officer may request the responsible person for the lift concerned, and the responsible registered lift contractor (if any), to provide without charge any assistance or information that the Director or the officer may reasonably require for carrying out the investigation.
- (3) A person who, without reasonable excuse, fails to comply with a request under subsection (2) commits an offence and is liable on conviction to a fine at level 3.
- (4) In subsection (2)—
- responsible registered lift contractor** (負責的註冊升降機承辦商) means the registered lift contractor who is required under section 40(2) to cause a registered lift engineer to investigate the incident.

Part 3**Safety of Escalators****Division 1****Prohibitions****42. Only qualified persons or specified persons to personally carry out escalator works, etc.**

- (1) A person must not personally carry out any escalator works unless the person—
 - (a) is a qualified person or specified person; or
 - (b) is under the direct supervision of a qualified person at the place at which the works are carried out.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (3) A person who knowingly causes or permits any other person to carry out any escalator works in contravention of subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.

43. Prohibition against using or operating escalators in certain circumstances

- (1) If any of the following escalator works have begun in respect of an escalator, a person must not use or operate the escalator before the works are completed—
 - (a) escalator works concerning the installation of the escalator;
 - (b) escalator works concerning any major alteration of the escalator;

- (c) escalator works concerning the demolition of the escalator;
- (d) escalator works that are likely to affect the safe operation of the escalator.
- (2) A person must not use or operate an escalator if there is no use permit in force in respect of the escalator.
- (3) A person must not use or operate an escalator after the completion of any major alteration of the escalator unless a resumption permit has been issued in relation to the alteration.
- (4) A person who—
 - (a) knowingly contravenes subsection (1), (2) or (3); or
 - (b) knowingly causes or permits any other person to use or operate an escalator in contravention of subsection (1), (2) or (3),
 commits an offence and is liable on conviction to a fine at level 5.
- (5) This section does not apply to a responsible person for the escalator.
- (6) This section does not apply to the use or operation of an escalator in emergency circumstances affecting the safety of any person or property.
- (7) This section does not apply if the use or operation of the escalator is—
 - (a) for the purposes of or in connection with the carrying out of any escalator works described in subsection (1); or
 - (b) for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

Division 2**Duties of Responsible Persons and Registered Persons****Subdivision 1****Responsible Persons for Escalators****44. Duties of responsible persons to ensure that escalators are in proper state of repair and in safe working order**

- (1) The responsible person for an escalator must ensure that the escalator and all its associated equipment or machinery are kept in a proper state of repair and in safe working order.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5.

45. Duties of responsible persons in respect of use and operation of escalators

- (1) If any of the following escalator works have begun in respect of an escalator, the responsible person for the escalator must ensure that the escalator is not used or operated before the works are completed—
 - (a) escalator works concerning the installation of the escalator;
 - (b) escalator works concerning any major alteration of the escalator;
 - (c) escalator works concerning the demolition of the escalator;
 - (d) escalator works that are likely to affect the safe operation of the escalator.

- (2) The responsible person for an escalator must ensure that the escalator is not used or operated if there is no use permit in force in respect of the escalator.
- (3) The responsible person for an escalator must ensure that the escalator is not used or operated after any major alteration of the escalator unless a resumption permit has been issued in relation to the alteration.
- (4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 12 months.
- (5) It is a defence for a person charged under subsection (4) to prove that—
 - (a) the escalator was used or operated without the person's consent or connivance; and
 - (b) the person had taken all reasonable steps to prevent the use or operation of the escalator.
- (6) This section does not apply to the use or operation of an escalator in emergency circumstances affecting the safety of any person or property.
- (7) This section does not apply if the use or operation of the escalator is—
 - (a) for the purposes of or in connection with the carrying out of any escalator works described in subsection (1); or
 - (b) for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Part.

46. Duties of responsible persons to ensure that registered escalator contractors undertake maintenance works and certain other escalator works

- (1) The responsible person for an escalator must ensure that any of the following escalator works must not be carried out

- unless the works are undertaken by a registered escalator contractor—
- (a) escalator works concerning the installation of the escalator;
 - (b) escalator works concerning any major alteration of the escalator;
 - (c) escalator works concerning the demolition of the escalator;
 - (d) escalator works that are likely to affect the safe operation of the escalator.
- (2) The responsible person for an escalator must—
- (a) cause a registered escalator contractor to undertake the maintenance works of an escalator; and
 - (b) ensure that periodic maintenance works are carried out in respect of the escalator at intervals not exceeding the period specified in or determined under Part 4 of Schedule 5.
- (3) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 5.

Subdivision 2

Registered Escalator Contractors

- 47. Duties of registered escalator contractors to carry out escalator works properly and safely, etc.**
- (1) A registered escalator contractor who undertakes any escalator works must ensure that—
- (a) the works are carried out properly and safely;

- (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out;
 - (c) there is sufficient workforce to carry out the works;
 - (d) there are adequate equipment and tools for carrying out the works;
 - (e) if the works are works concerning the installation of an escalator, the works are not to be carried out unless the escalator and all the safety components for the escalator are respectively of a type in respect of which the contractor has obtained approval from the Director; and
 - (f) if the works are works concerning the demolition of an escalator, measures are in so far as reasonably practicable taken to minimize the impact the works may have on the structural integrity of the building in which the escalator is installed, or of which the escalator is or forms a part.
- (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—
- (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(b), (c), (d), (e) or (f) commits an offence and is liable—
- (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.

Subdivision 3**Registered Escalator Engineers****48. Duties of registered escalator engineers to carry out escalator works properly and safely, etc.**

- (1) A registered escalator engineer who engages in any escalator works must ensure that—
 - (a) the works are carried out properly and safely;
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out; and
 - (c) if the works are works concerning the installation of an escalator, the works are not to be carried out unless the escalator and all the safety components for the escalator are respectively of a type in respect of which the registered escalator contractor who undertakes the works has obtained approval from the Director.
- (2) A person who, without reasonable excuse, contravenes subsection (1)(a) commits an offence and is liable—
 - (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who, without reasonable excuse, contravenes subsection (1)(b) or (c) commits an offence and is liable—
 - (a) on first conviction to a fine at level 4 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.

Note—

See also section 2(4).

Subdivision 4**Registered Escalator Workers****49. Duties of registered escalator workers to carry out escalator works properly and safely, etc.**

- (1) A registered escalator worker who engages in any escalator works must ensure that—
 - (a) the works are carried out properly and safely; and
 - (b) adequate safety precautions are taken to prevent injury to any person or damage to any property while the works are being carried out.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

Note—

See also section 2(4).

Division 3**Examination of Escalators****50. Interpretation**

For the purposes of this Division, an escalator or any part of an escalator, or any associated equipment or machinery of an escalator, is examined by a registered escalator engineer only if the escalator or part, or the associated equipment or machinery, is personally examined by the engineer or any other person who is under the direct and proper supervision of the engineer at the place at which the examination takes place.

51. Examination of escalators before putting into use and operation

- (1) Before an escalator is put into use and operation, the responsible person for the escalator must cause a registered escalator engineer to thoroughly examine the escalator and all its associated equipment or machinery.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.
- (3) This section does not apply to an escalator that has been installed and put into use and operation before the date on which section 157 comes into operation.

52. Examination of escalators after major alterations

- (1) If any major alteration has been made in respect of an escalator, before the normal use and operation of the escalator is resumed, the responsible person for the escalator must cause a registered escalator engineer—
 - (a) to thoroughly examine the escalator and all its associated equipment or machinery; or
 - (b) to examine the affected part of the escalator in accordance with section 55(1).
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

53. Periodic examination of escalators

- (1) The responsible person for an escalator must cause the escalator and all its associated equipment or machinery to be thoroughly examined by a registered escalator engineer at intervals not exceeding the period specified in or determined under Part 5 of Schedule 5.

- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

54. Issue of safety certificates by registered escalator engineers

- (1) A registered escalator engineer who undertakes to examine an escalator must ensure that the escalator is thoroughly examined by the engineer.
- (2) A registered escalator engineer who undertakes to examine any associated equipment or machinery of an escalator must ensure that the associated equipment or machinery is thoroughly examined by the engineer.
- (3) If on examination under this section, the registered escalator engineer is of the opinion that the escalator and all its associated equipment or machinery are of good design and construction and in safe working condition, the engineer may issue to the responsible person specified in subsection (8) a certificate in respect of the escalator certifying that the escalator and all its associated equipment or machinery are in safe working order.
- (4) The certificate referred to in subsection (3) must be in the specified form and must contain the information and particulars specified in the form.
- (5) If on examination under this section, the registered escalator engineer is of the opinion that the escalator or any of its associated equipment or machinery is not of good design and construction or is not in safe working condition, the engineer—
 - (a) must not issue a certificate under subsection (3); and
 - (b) must within 24 hours after the examination is completed—
 - (i) notify in writing the responsible person specified in subsection (9) of the reasons for not issuing the certificate; and

- (ii) report to the Director the result of the examination and the opinion of the engineer.
- (6) The report under subsection (5)(b)(ii) must be in the specified form and must contain the information and particulars specified in the form.
- (7) A person who, without reasonable excuse, contravenes subsection (1), (2) or (5) commits an offence and is liable—
 - (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.
- (8) For the purposes of subsection (3)—
responsible person (負責人) means the responsible person for the escalator concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.
- (9) For the purposes of subsection (5)—
responsible person (負責人) means the responsible person for the escalator concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

55. Issue of safety certificates by registered escalator engineers after major alterations

- (1) A registered escalator engineer who undertakes to examine any affected part of an escalator must ensure that the escalator and its associated equipment or machinery are thoroughly examined by the engineer, in so far as is necessary to determine whether the affected part is in safe working order.
- (2) If on examination under subsection (1), the registered escalator engineer is of the opinion that the affected part is of good design and construction and in safe working condition, the engineer may issue to the responsible person specified in

- subsection (7) a certificate in respect of the escalator certifying that the affected part is in safe working order.
- (3) The certificate referred to in subsection (2) must be in the specified form and must contain the information and particulars specified in the form.
- (4) If on examination under subsection (1), the registered escalator engineer is of the opinion that the affected part is not in safe working order, the engineer—
 - (a) must not issue a certificate under subsection (2); and
 - (b) must within 24 hours after the examination is completed—
 - (i) notify in writing the responsible person specified in subsection (8) of the reasons for not issuing the certificate; and
 - (ii) report to the Director the result of the examination and the opinion of the engineer.
- (5) The report under subsection (4)(b)(ii) must be in the specified form and must contain the information and particulars specified in the form.
- (6) A person who, without reasonable excuse, contravenes subsection (1) or (4) commits an offence and is liable—
 - (a) on first conviction to a fine at level 5 and to imprisonment for 6 months; and
 - (b) on subsequent conviction of the same offence to a fine at level 6 and to imprisonment for 6 months.
- (7) For the purposes of subsection (2)—
responsible person (負責人) means the responsible person for the escalator concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.
- (8) For the purposes of subsection (4)—

responsible person (負責人) means the responsible person for the escalator concerned who employs or arranges (whether or not through any other person) the engineer referred to in that subsection to carry out the examination.

Division 4

Powers of Director

56. Issue etc. of use permits

- (1) Subject to section 150, the Director may on application issue in respect of an escalator—
 - (a) a permit, in the specified form, permitting the escalator to be put into use and operation; or
 - (b) a permit, in the specified form, permitting the escalator to continue to be used and operated.
- (2) The Director may refuse to issue a permit under subsection (1) if there is a contravention of section 143 in relation to the escalator.
- (3) The Director must not issue a permit under subsection (1) unless the Director is satisfied that the escalator and all its associated equipment or machinery are in safe working order.
- (4) If the Director decides to refuse an application or refuse to issue a permit under this section, the Director must as soon as reasonably practicable after making the decision notify in writing the applicant of—
 - (a) the decision;
 - (b) the reasons for the decision; and
 - (c) (if applicable) the work that in the opinion of the Director is necessary to put the escalator or any of its associated equipment or machinery in safe working order.

- (5) This section does not affect the general powers of the Director under sections 41 and 46 of the Interpretation and General Clauses Ordinance (Cap. 1).

57. Validity period of use permits

- (1) A permit issued under section 56(1)(a) relating to an examination of an escalator—
 - (a) takes effect on the date specified by the Director; and
 - (b) expires on the last day of the 6-month period beginning on the date immediately after the date of completion of the examination.
- (2) A permit issued under section 56(1)(b) relating to an examination of an escalator that was completed within the period of 2 months ending on the date of expiry of the preceding use permit of the escalator—
 - (a) takes effect on the date specified by the Director; and
 - (b) expires on the last day of the 6-month period beginning on the date immediately after the date of expiry of the preceding use permit.
- (3) Any other permit issued under section 56(1)(b) relating to an examination of an escalator—
 - (a) takes effect on the date specified by the Director; and
 - (b) expires on the last day of the 6-month period beginning on the date immediately after the date of completion of the examination.

58. Issue etc. of resumption permits

- (1) Subject to section 150, the Director may on application issue in respect of an escalator a permit, in the specified form, permitting the use and operation of the escalator to be resumed after a major alteration is made in respect of the escalator.

- (2) The Director may refuse to issue a permit under subsection (1) if there is a contravention of section 143 in relation to the escalator.
- (3) The Director must not issue a permit under subsection (1) unless the Director is satisfied that the affected part of the escalator is in safe working order.
- (4) If the Director decides to refuse an application or refuse to issue a permit under this section, the Director must as soon as reasonably practicable after making the decision notify in writing the applicant of—
 - (a) the decision;
 - (b) the reasons for the decision; and
 - (c) (if applicable) the work that in the opinion of the Director is necessary to put the affected part of the escalator in safe working order.
- (5) This section does not affect the general powers of the Director under sections 41 and 46 of the Interpretation and General Clauses Ordinance (Cap. 1).

59. Issue of duplicates of use permits and resumption permits

- (1) If a permit issued under section 56 or 58 is lost, destroyed, defaced or damaged, subject to section 150, the Director may on application issue a duplicate permit to replace the original permit.
- (2) A duplicate permit issued under subsection (1) has the same effect as the original permit and is to be treated as having been issued under the section under which the original permit was issued.
- (3) On the issue of a duplicate permit, the original permit ceases to be valid.
- (4) When making an application for a duplicate permit, the applicant must return the original permit to the Director if it is available to the applicant.

- (5) The Director may refuse an application under this section if the applicant contravenes subsection (4).

60. Prohibition orders

- (1) The Director may by order served on the responsible person for an escalator prohibit the escalator from being used or operated, or continuing to be used or operated, if the Director has reasonable grounds to believe that—
 - (a) the escalator has been used or operated, or is or is likely to be used or operated, in contravention of section 43;
 - (b) the responsible person has contravened section 46(2)(b) or 53(1);
 - (c) the escalator if used or operated, or continued to be used or operated, will cause or be likely to cause a risk of injury to any person or damage to any property;
 - (d) the escalator, or any of its associated equipment or machinery, is not in safe working order; or
 - (e) it is otherwise desirable to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date on which the order is to take effect; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) A person who uses or operates an escalator in contravention of an order made under subsection (1) commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (4) A person who causes or permits any other person to use or operate an escalator in contravention of an order made under

subsection (1) commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.

- (5) It is a defence for a person charged under subsection (3) to prove that the person did not know and could not with due diligence have discovered that the use or operation was prohibited under an order made under subsection (1).
- (6) It is a defence for a person charged under subsection (4) to prove that—
 - (a) the person did not know and could not with due diligence have discovered that the use or operation was prohibited under an order made under subsection (1); or
 - (b) the contravention occurred without the person's consent or connivance and that the person had taken all reasonable steps to prevent the use or operation of the escalator.
- (7) Subsections (3) and (4) do not apply to the use or operation of an escalator in emergency circumstances affecting the safety of any person or property.
- (8) Subsections (3) and (4) do not apply if the use or operation of the escalator is for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Ordinance.

61. Director's power to disconnect supply of electricity

- (1) If the Director has reasonable grounds to believe that an escalator is being used or operated, or is likely to be used or operated, in contravention of an order made under section 60, the Director may—
 - (a) disconnect or, if any escalator works of the escalator are undertaken by a registered escalator contractor, by order served on the contractor direct the contractor to disconnect, the supply of electricity to the escalator; and

- (b) carry out, or by order served on the contractor mentioned in paragraph (a) direct the contractor to carry out, any work that is necessary to prevent, as far as possible, any person from reconnecting the supply of electricity to the escalator before written permission has been obtained from the Director to reconnect the supply.
- (2) If the registered escalator contractor on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the contractor commits an offence and is liable on conviction to a fine at level 3.
- (3) If, without the Director's written permission, the supply of electricity to an escalator is reconnected by any person after it has been disconnected under subsection (1)(a)—
 - (a) that person; and
 - (b) the responsible person for the escalator,
 each commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (4) It is a defence for a person charged under subsection (3) to prove that—
 - (a) if the person charged is the person who reconnected the supply of electricity to the escalator, the person did not know and could not with due diligence have discovered that the supply of electricity to the escalator was disconnected under subsection (1)(a); or
 - (b) if the person charged is not the person who reconnected the supply of electricity to the escalator but is the responsible person for the escalator—
 - (i) the offence was committed without the responsible person's consent or connivance; and
 - (ii) the responsible person had taken all reasonable steps to prevent the commission of the offence.

62. Cessation orders in respect of escalator works

- (1) The Director may by order served on the related person of an escalator direct the person to cease any escalator works that are being carried out in relation to the escalator, if the Director has reasonable grounds to believe that—
 - (a) the escalator works are being carried out in contravention of section 42;
 - (b) the escalator works are being carried out in a manner that will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (c) it is otherwise desirable to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date on which the order is to take effect; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.
- (4) In this section—

related person (有關連人士), in relation to an escalator, means—

 - (a) the responsible person for the escalator; or
 - (b) the registered escalator contractor (if any) who undertakes the escalator works to which the order relates.

63. Application for cancellation of prohibition orders and cessation orders

- (1) Subject to section 150, a person affected by an order under section 60 or 62 may on application request the Director to cancel the order.
- (2) If the Director decides to refuse an application under subsection (1), the Director must notify in writing the applicant of the decision and the reasons for the decision.
- (3) This section does not affect the general powers of the Director under section 46 of the Interpretation and General Clauses Ordinance (Cap. 1).

64. Examination orders

- (1) If the Director has reasonable grounds to believe that it is desirable in the interest of safety to do so, the Director may by order served on the responsible person for an escalator direct the person to—
 - (a) cause the escalator or any part of the escalator, or any associated equipment or machinery of the escalator, to be examined by a registered escalator engineer in the manner and within the period specified in the order; and
 - (b) submit within the period specified in the order a report, in the specified form, prepared by the engineer stating whether the engineer is satisfied that the escalator or the part of the escalator, or the associated equipment or machinery, is in safe working order.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state the reasons for making the order; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person

commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.

65. Removal orders

- (1) The Director may by order served on the responsible person for an escalator direct the person to remove the escalator or any part of the escalator, or any associated equipment or machinery of the escalator, if the Director has reasonable grounds to believe that—
 - (a) the escalator or the part, or the associated equipment or machinery, if used or operated, or continued to be used or operated, will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (b) it is otherwise necessary to do so in the interest of safety.
- (2) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date before which the escalator or the part of the escalator, or the associated equipment or machinery, is to be removed; and
 - (c) may contain any conditions the Director may reasonably impose.
- (3) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.

66. Improvement orders

- (1) If the Director has reasonable grounds to believe that—
 - (a) any provision of this Ordinance has been contravened or is being contravened in relation to an escalator or any associated equipment or machinery of an escalator;
 - (b) an escalator or any associated equipment or machinery of an escalator is in a state that will cause or be likely to cause a risk of injury to any person or damage to any property;
 - (c) any escalator works have been carried out or are being carried out in a manner that will cause or be likely to cause a risk of injury to any person or damage to any property; or
 - (d) it is otherwise desirable to do so in the interest of safety, the Director may by order served on the related person of the escalator direct the person to carry out any work specified in the order, in order to rectify or remedy or otherwise put an end to the contravention or to eliminate or reduce any risk of injury to any person or damage to any property.
- (2) An order made under subsection (1) may specify the manner in which, and the time within which, any work specified in the order must be carried out or completed.
- (3) An order made under subsection (1)—
 - (a) must be in the specified form;
 - (b) must state—
 - (i) the reasons for making the order; and
 - (ii) the date before which the work must be completed; and
 - (c) may contain any conditions the Director may reasonably impose.
- (4) If a person on whom an order is served under subsection (1), without reasonable excuse, contravenes the order, the person

commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months and, if the offence is a continuing offence, to a fine of \$2,000 for each day during which the offence continues.

(5) In this section—

related person (有關連人士), in relation to an escalator, means—

- (a) the responsible person for the escalator;
- (b) the registered escalator contractor (if any) who undertakes the escalator works to which the order relates; or
- (c) the registered escalator engineer (if any) who engages in the escalator works to which the order relates.

Note—

See also section 2(4).

67. Director's power to remove escalators or to carry out other works, etc. in case of non-compliance with section 62 or 65

- (1) If an order made under section 62, other than an order made on the ground mentioned in section 62(1)(a), is contravened, the Director may without any notice to the responsible person for the escalator carry out any work and provide any service necessary for carrying out the work, to ensure that the order will be complied with.
- (2) If an order made under section 65 is contravened, the Director may without any notice to the responsible person for the escalator—
 - (a) remove the escalator or any part of the escalator, or any associated equipment or machinery of the escalator, to remedy the contravention; and
 - (b) carry out any work and provide any service necessary for carrying out the work to remedy the contravention.
- (3) In any case, if there are reasonable grounds to believe that—

- (a) it is necessary to do so to eliminate or reduce any grave or imminent risk of injury to any person or damage to any property; or
- (b) it is otherwise necessary to do so in the interest of safety, the Director may without notice to the responsible person for the escalator carry out any work in relation to the escalator, and provide any service necessary for carrying out the work.

Division 5

Miscellaneous

68. Subcontracting restricted

- (1) Except with the written approval of the Director, a registered escalator contractor who undertakes any escalator works must not subcontract the works or any part of the works to any other person who is not a registered escalator contractor.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (3) This section does not apply to any works concerning the installation or demolition of an escalator.

69. Display of use permits

- (1) The responsible person for an escalator must ensure that the use permit for the time being in force in respect of the escalator is displayed at all times in a conspicuous position adjacent to a landing of the escalator.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

70. Incidents to be reported to Director

- (1) If there is an incident relating to an escalator, the responsible person for the escalator must within 24 hours after the incident comes to the person's knowledge, notify in writing the Director and the following person of the incident—
 - (a) the registered escalator contractor who currently undertakes any escalator works in respect of the escalator; or
 - (b) if paragraph (a) does not apply, the registered escalator contractor who most recently has undertaken any escalator works in respect of the escalator.
- (2) Subject to subsection (3), the registered escalator contractor who is notified under subsection (1) must—
 - (a) cause a registered escalator engineer to investigate the incident and to prepare and complete, within 7 days after the date on which the contractor is notified under subsection (1), a full report of the investigation that complies with any regulation made under section 154; and
 - (b) submit to the Director the report within the period specified in paragraph (a).
- (3) If for any reason the contractor who is notified under subsection (1) is of the opinion that a full report is unable to be submitted as required under subsection (2), the contractor must—
 - (a) notify in writing the Director of the fact within 3 days after the date on which the contractor is notified under subsection (1);
 - (b) cause the registered escalator engineer referred to in subsection (2)—
 - (i) to prepare and complete, within the period specified in paragraph (a), a preliminary report of

the investigation that complies with any regulation made under section 154; and

- (ii) to prepare and complete, within 14 days after the date on which the incident occurs or a longer period that the Director may approve, a full report of the investigation that complies with any regulation made under section 154; and
- (c) submit to the Director—
 - (i) the preliminary report within the period specified in paragraph (a); and
 - (ii) the full report within the period within which the report is required to be completed under paragraph (b)(ii).
- (4) A person who, without reasonable excuse, contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 3.

71. Investigation of incidents by Director

- (1) If an incident relating to an escalator has come to the knowledge of the Director, the Director may carry out an investigation in respect of the incident, or cause any other enforcement officer to carry out the investigation.
- (2) For the purposes of carrying out an investigation under subsection (1), the Director or any other enforcement officer may request the responsible person for the escalator concerned, and the responsible registered escalator contractor (if any), to provide without charge any assistance or information that the Director or the officer may reasonably require for carrying out the investigation.
- (3) A person who, without reasonable excuse, fails to comply with a request under subsection (2) commits an offence and is liable on conviction to a fine at level 3.
- (4) In subsection (2)—

responsible registered escalator contractor (負責的註冊自動梯承辦商) means the registered escalator contractor who is required under section 70(2) to cause a registered escalator engineer to investigate the incident.

Part 4

Registration of Persons Involved in Lift Works or Escalator Works

Division 1

Administration

72. Appointment of Registrar

The Secretary may appoint a person to be the Registrar of Registered Contractors, Engineers and Workers (Lifts and Escalators) for the purposes of this Ordinance.

73. General functions of Registrar

- (1) The functions of the Registrar are—
 - (a) to receive and consider applications for registration or renewal of registration under this Part;
 - (b) to collect from applicants for registration or renewal of registration the prescribed fees in relation to the applications; and
 - (c) to perform other functions conferred or imposed on the Registrar under this Ordinance.
- (2) The Registrar may do all things necessary for, or incidental or conducive to, the performance of the Registrar's functions under this Ordinance.

Division 2**Registration and Renewal of Registration of Contractors,
Engineers and Workers****Subdivision 1****Registration and Renewal of Registration of Lift Contractors****74. Registration—lift contractors**

- (1) Subject to section 150, the Registrar may on application register a person as a lift contractor for all kinds of lift works.
- (2) The Registrar must not grant a registration under subsection (1) unless—
 - (a) the requirements for an applicant set out in Part 2 of Schedule 8 are satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to be registered under that subsection.
- (3) In considering whether an applicant is a fit and proper person to be registered under subsection (1), the Registrar must in particular take into account—
 - (a) whether the applicant has and is capable of maintaining the necessary facilities, resources and workforce to carry out lift works; and
 - (b) whether the applicant is capable of obtaining technical assistance or other support from any other person, including a lift manufacturer, in case this is required.

75. Renewal of registration—lift contractors

- (1) Subject to section 150, the Registrar may on application renew a registration granted under section 74.

- (2) The Registrar may refuse an application made under this section if it is not made within the period specified by the Registrar.
- (3) The Registrar must not grant a renewal under subsection (1) unless—
 - (a) the requirements for an applicant set out in Part 2 of Schedule 8 are satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to continue to perform the functions conferred or imposed on the applicant under the registration of which renewal is sought under this section.
- (4) In considering whether an applicant is a fit and proper person to continue to perform the functions conferred or imposed on the applicant under the registration of which renewal is sought under this section, the Registrar must in particular take into account—
 - (a) whether the applicant has and is capable of maintaining the necessary facilities, resources and workforce to carry out lift works; and
 - (b) whether the applicant is capable of obtaining technical assistance or other support from any other person, including a lift manufacturer, in case this is required.

76. Expiry of registration and renewed registration

- (1) A registration under section 74—
 - (a) takes effect on the date specified by the Registrar (*specified date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the specified date.
- (2) A renewal of registration under section 75—

- (a) takes effect on the date immediately after the date of expiry of the registration or at the time of renewal, whichever is the later (*effective date*); and
- (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the effective date.

77. Decisions of Registrar to be in writing

- (1) If an application is made under section 74 or 75, the Registrar must within 90 days after the date of receipt of the application, notify in writing the applicant of the decision.
- (2) If the Registrar decides—
 - (a) to refuse an application or not to grant a registration under section 74; or
 - (b) to refuse an application or not to grant a renewal under section 75,
 the Registrar must also notify in writing the applicant of the reasons for the decision.

Subdivision 2**Registration and Renewal of Registration of Lift Engineers****78. Registration—lift engineers**

- (1) Subject to section 150, the Registrar may on application register a person as a lift engineer for all kinds of lift works.
- (2) The Registrar must not grant a registration under subsection (1) unless—
 - (a) the requirements for an applicant set out in Part 2 of Schedule 9 are satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to be registered under that subsection.

- (3) In considering whether an applicant is a fit and proper person to be registered under subsection (1), the Registrar must in particular take into account whether the applicant has obtained sufficient practical experience to enable the applicant to carry out lift works competently and without supervision by a qualified person.

79. Renewal of registration—lift engineers

- (1) Subject to section 150, the Registrar may on application renew a registration granted under section 78.
- (2) The Registrar may refuse an application made under this section if it is not made within the period specified by the Registrar.
- (3) The Registrar must not grant a renewal under subsection (1) unless—
 - (a) the requirement for an applicant set out in Part 3 of Schedule 9 is satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to continue to perform the functions conferred or imposed on the applicant under the registration of which renewal is sought under this section.

80. Expiry of registration and renewed registration

- (1) A registration under section 78—
 - (a) takes effect on the date specified by the Registrar (*specified date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the specified date.
- (2) A renewal of registration under section 79—

- (a) takes effect on the date immediately after the date of expiry of the registration or at the time of renewal, whichever is the later (*effective date*); and
- (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the effective date.

81. Decisions of Registrar to be in writing

- (1) If an application is made under section 78 or 79, the Registrar must within 90 days after the date of receipt of the application, notify in writing the applicant of the decision.
- (2) If the Registrar decides—
 - (a) to refuse an application or not to grant a registration under section 78; or
 - (b) to refuse an application or not to grant a renewal under section 79,
 the Registrar must also notify in writing the applicant of the reasons for the decision.

Subdivision 3**Registration and Renewal of Registration of Lift Workers****82. Registration—lift workers**

- (1) Subject to section 150, the Registrar may on application register a person as—
 - (a) a lift worker for all kinds of lift works; or
 - (b) a lift worker for one or more, but not all, kinds of lift works.
- (2) The Registrar must not grant a registration under subsection (1) unless—

- (a) the requirements for an applicant set out in Part 1 of Schedule 10 are satisfied; and
- (b) the Registrar is satisfied that the applicant is a fit and proper person to be registered under that subsection.
- (3) In considering whether an applicant is a fit and proper person to be registered under subsection (1)(a) or (b), the Registrar must in particular take into account whether the applicant has obtained sufficient practical experience and sufficient and proper training to enable the applicant to carry out, competently and without supervision by a qualified person, the kinds of works for which the registration is sought.

83. Renewal of registration—lift workers

- (1) Subject to section 150, the Registrar may on application renew a registration in respect of any kinds of lift works that is granted under section 82.
- (2) The Registrar may refuse an application made under this section if it is not made within the period specified by the Registrar.
- (3) The Registrar must not grant a renewal under subsection (1) unless—
 - (a) the requirement for an applicant set out in Part 2 of Schedule 10 is satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to continue to perform the functions conferred or imposed on the applicant under the registration of which renewal is sought under this section.

84. Expiry of registration and renewed registration

- (1) A registration under section 82—
 - (a) takes effect on the date specified by the Registrar (*specified date*); and

- (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the specified date.
- (2) A renewal of registration under section 83—
 - (a) takes effect on the date immediately after the date of expiry of the registration or at the time of renewal, whichever is the later (*effective date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the effective date.

85. Decisions of Registrar to be in writing

- (1) If an application is made under section 82 or 83, the Registrar must within 90 days after the date of receipt of the application, notify in writing the applicant of the decision.
- (2) If the Registrar decides—
 - (a) to refuse an application or not to grant a registration under section 82; or
 - (b) to refuse an application or not to grant a renewal under section 83,
 the Registrar must also notify in writing the applicant of the reasons for the decision.

Subdivision 4**Registration and Renewal of Registration of Escalator Contractors****86. Registration—escalator contractors**

- (1) Subject to section 150, the Registrar may on application register a person as an escalator contractor for all kinds of escalator works.

- (2) The Registrar must not grant a registration under subsection (1) unless—
 - (a) the requirements for an applicant set out in Part 3 of Schedule 8 are satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to be registered under that subsection.
- (3) In considering whether an applicant is a fit and proper person to be registered under subsection (1), the Registrar must in particular take into account—
 - (a) whether the applicant has and is capable of maintaining the necessary facilities, resources and workforce to carry out escalator works; and
 - (b) whether the applicant is capable of obtaining technical assistance or other support from any other person, including an escalator manufacturer, in case this is required.

87. Renewal of registration—escalator contractors

- (1) Subject to section 150, the Registrar may on application renew a registration granted under section 86.
- (2) The Registrar may refuse an application made under this section if it is not made within the period specified by the Registrar.
- (3) The Registrar must not grant a renewal under subsection (1) unless—
 - (a) the requirements for an applicant set out in Part 3 of Schedule 8 are satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to continue to perform the functions conferred or imposed on the applicant under the registration of which renewal is sought under this section.

- (4) In considering whether an applicant is a fit and proper person to continue to perform the functions conferred or imposed on the applicant under the registration of which renewal is sought under this section, the Registrar must in particular take into account—
- (a) whether the applicant has and is capable of maintaining the necessary facilities, resources and workforce to carry out escalator works; and
 - (b) whether the applicant is capable of obtaining technical assistance or other support from any other person, including an escalator manufacturer, in case this is required.

88. Expiry of registration and renewed registration

- (1) A registration under section 86—
 - (a) takes effect on the date specified by the Registrar (*specified date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the specified date.
- (2) A renewal of registration under section 87—
 - (a) takes effect on the date immediately after the date of expiry of the registration or at the time of renewal, whichever is the later (*effective date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the effective date.

89. Decisions of Registrar to be in writing

- (1) If an application is made under section 86 or 87, the Registrar must within 90 days after the date of receipt of the application, notify in writing the applicant of the decision.
- (2) If the Registrar decides—

- (a) to refuse an application or not to grant a registration under section 86; or
 - (b) to refuse an application or not to grant a renewal under section 87,
- the Registrar must also notify in writing the applicant of the reasons for the decision.

Subdivision 5**Registration and Renewal of Registration of Escalator Engineers****90. Registration—escalator engineers**

- (1) Subject to section 150, the Registrar may on application register a person as an escalator engineer for all kinds of escalator works.
- (2) The Registrar must not grant a registration under subsection (1) unless—
 - (a) the requirements for an applicant set out in Part 4 of Schedule 9 are satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to be registered under that subsection.
- (3) In considering whether an applicant is a fit and proper person to be registered under subsection (1), the Registrar must in particular take into account whether the applicant has obtained sufficient practical experience to enable the applicant to carry out escalator works competently and without supervision by a qualified person.

91. Renewal of registration—escalator engineers

- (1) Subject to section 150, the Registrar may on application renew a registration granted under section 90.

- (2) The Registrar may refuse an application made under this section if it is not made within the period specified by the Registrar.
- (3) The Registrar must not grant a renewal under subsection (1) unless—
 - (a) the requirement for an applicant set out in Part 5 of Schedule 9 is satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to continue to perform the functions conferred or imposed on the applicant under the registration of which renewal is sought under this section.

92. Expiry of registration and renewed registration

- (1) A registration under section 90—
 - (a) takes effect on the date specified by the Registrar (*specified date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the specified date.
- (2) A renewal of registration under section 91—
 - (a) takes effect on the date immediately after the date of expiry of the registration or at the time of renewal, whichever is the later (*effective date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the effective date.

93. Decisions of Registrar to be in writing

- (1) If an application is made under section 90 or 91, the Registrar must within 90 days after the date of receipt of the application, notify in writing the applicant of the decision.
- (2) If the Registrar decides—

- (a) to refuse an application or not to grant a registration under section 90; or
 - (b) to refuse an application or not to grant a renewal under section 91,
- the Registrar must also notify in writing the applicant of the reasons for the decision.

Subdivision 6**Registration and Renewal of Registration of Escalator Workers****94. Registration—escalator workers**

- (1) Subject to section 150, the Registrar may on application register a person as—
 - (a) an escalator worker for all kinds of escalator works; or
 - (b) an escalator worker for one or more, but not all, kinds of escalator works.
- (2) The Registrar must not grant a registration under subsection (1) unless—
 - (a) the requirements for an applicant set out in Part 3 of Schedule 10 are satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to be registered under that subsection.
- (3) In considering whether an applicant is a fit and proper person to be registered under subsection (1)(a) or (b), the Registrar must in particular take into account whether the applicant has obtained sufficient practical experience and sufficient and proper training to enable the applicant to carry out, competently and without supervision by a qualified person, the kinds of works for which the registration is sought.

95. Renewal of registration—escalator workers

- (1) Subject to section 150, the Registrar may on application renew a registration in respect of any kinds of escalator works that is granted under section 94.
- (2) The Registrar may refuse an application made under this section if it is not made within the period specified by the Registrar.
- (3) The Registrar must not grant a renewal under subsection (1) unless—
 - (a) the requirement for an applicant set out in Part 4 of Schedule 10 is satisfied; and
 - (b) the Registrar is satisfied that the applicant is a fit and proper person to continue to perform the functions conferred or imposed on the applicant under the registration of which renewal is sought under this section.

96. Expiry of registration and renewed registration

- (1) A registration under section 94—
 - (a) takes effect on the date specified by the Registrar (*specified date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the specified date.
- (2) A renewal of registration under section 95—
 - (a) takes effect on the date immediately after the date of expiry of the registration or at the time of renewal, whichever is the later (*effective date*); and
 - (b) unless cancelled or suspended, expires on the date immediately before the 5th anniversary of the effective date.

97. Decisions of Registrar to be in writing

- (1) If an application is made under section 94 or 95, the Registrar must within 90 days after the date of receipt of the application, notify in writing the applicant of the decision.
- (2) If the Registrar decides—
 - (a) to refuse an application or not to grant a registration under section 94; or
 - (b) to refuse an application or not to grant a renewal under section 95,
 the Registrar must also notify in writing the applicant of the reasons for the decision.

Division 3**Certificates of Registration and Registration Cards****98. Issue of certificates of registration**

- (1) If the Registrar decides to grant any registration to a person under a relevant provision, the Registrar may—
 - (a) assign a registration number to the person; and
 - (b) issue to the person a certificate of registration.
- (2) If the Registrar decides to grant any renewal of registration to a person under a relevant provision, the Registrar may issue a certificate of registration to the person.
- (3) A certificate issued under subsection (1) or (2)—
 - (a) must be in the specified form; and
 - (b) may contain any information relating to the registration granted or renewed that the Registrar considers appropriate.
- (4) If there is a change in the name of a registered person, subject to section 150, the Registrar may on application issue to the registered person a replacement certificate of registration.

- (5) A replacement certificate of registration under subsection (4) has the same effect as, and is equivalent to, the certificate of registration it replaces.
- (6) In this section—
relevant provision (有關條文) means section 74, 75, 78, 79, 82, 83, 86, 87, 90, 91, 94 or 95.

99. Issue of registration cards on registration or renewal of registration

- (1) If the Registrar decides to grant any registration or renewal of registration to a person under a relevant provision, the Registrar may issue a registration card to the person.
- (2) If the Registrar considers it appropriate to do so, the Registrar may, on request, issue to the person mentioned in subsection (1) a single registration card in respect of all registrations and renewals granted to the person under the relevant provisions.
- (3) A registration card issued under this section—
 - (a) must be in the specified form; and
 - (b) may contain any information relating to the registration granted or renewed that the Registrar considers appropriate.
- (4) If there is a change in the name of a registered person, subject to section 150, the Registrar may on application issue to the registered person a replacement registration card.
- (5) A replacement registration card issued under subsection (4) has the same effect as, and is equivalent to, the registration card it replaces.
- (6) In this section—
relevant provision (有關條文) means section 78, 79, 82, 83, 90, 91, 94 or 95.

100. Issue of duplicates of registration certificates and registration cards

- (1) If a certificate of registration (*original certificate*) is lost, destroyed, defaced or damaged, subject to section 150, the Registrar may on application issue to the certificate holder a duplicate certificate to replace the original certificate.
- (2) If a registration card (*original card*) is lost, destroyed, defaced or damaged, subject to section 150, the Registrar may on application issue to the card holder a duplicate card to replace the original card.
- (3) A duplicate certificate or duplicate card issued under subsection (1) or (2) has the same effect as, and is equivalent to the original certificate or original card.
- (4) On the issue of a duplicate certificate or duplicate card, the original certificate or original card ceases to be valid.
- (5) When making an application for a duplicate certificate or duplicate card, the certificate holder or card holder must return the original certificate or original card to the Registrar if it is available to the certificate holder or card holder.
- (6) The Registrar may refuse to issue a duplicate certificate or duplicate card to the certificate holder or card holder if the holder contravenes subsection (5).

Division 4

Cancellation or Suspension of Registration

101. Cancellation of registrations etc.

- (1) Subject to subsections (2) and (3), the Registrar may cancel the registration of a registered person if—
 - (a) the person requests for the cancellation in writing;
 - (b) the Registrar is satisfied that—

- (i) the person has died or, if the person has been registered under section 74 or 86, the person ceases to carry on business as a lift contractor or escalator contractor;
 - (ii) the person no longer complies with the applicable requirements for the registration or renewal of the registration;
 - (iii) the person was not at the time of the registration entitled to be so registered;
 - (iv) the person contravenes any provision of this Ordinance;
 - (v) the person contravenes any condition of the registration; or
 - (vi) the person is otherwise not fit and proper to continue to be registered under the relevant provision of this Ordinance.
- (2) If the Registrar intends to cancel the registration of a person on any of the grounds mentioned in subsection (1), the Registrar—
- (a) must notify in writing the person of the intention and the reasons for the proposed cancellation; and
 - (b) must not cancel the registration before the end of the period of 14 days immediately after the date on which the person is notified under paragraph (a).
- (3) The Registrar must not cancel the registration of a person on any of the grounds mentioned in subsection (1), if before the end of the period referred to in subsection (2)(b)—
- (a) in relation to subsection (1)(a), the person withdraws the request;
 - (b) in relation to subsection (1)(b)(i), the Registrar is satisfied that the person is not dead or, if the person has been registered under section 74 or 86, has not otherwise

- ceased to carry on business as a lift contractor or escalator contractor;
- (c) in relation to subsection (1)(b)(ii), the Registrar is satisfied that the person complies with the applicable requirements for the registration or renewal of the registration;
- (d) in relation to subsection (1)(b)(iii), the Registrar is satisfied that the person was at the time of the registration entitled to be so registered;
- (e) in relation to subsection (1)(b)(iv), the Registrar is satisfied that the person has not contravened the provision concerned;
- (f) in relation to subsection (1)(b)(v), the Registrar is satisfied that the person has not contravened the condition concerned; and
- (g) in relation to subsection (1)(b)(vi), the Registrar is satisfied that the person is fit and proper to continue to be registered under the relevant provision of this Ordinance.

102. Suspension of registration etc.

- (1) Subject to subsections (2) and (3), the Registrar may suspend the registration of a registered person if the Registrar is satisfied that—
- (a) the person no longer complies with the applicable requirements for the registration or renewal of the registration;
 - (b) the person contravenes any provision of this Ordinance;
 - (c) the person contravenes any condition of the registration; or
 - (d) the person is otherwise not fit and proper to continue to be registered under the relevant provision of this Ordinance.

- (2) If the Registrar intends to suspend the registration of a person on any of the grounds mentioned in subsection (1), the Registrar—
 - (a) must notify in writing the person of the intention, the reasons for the proposed suspension and the proposed period of suspension; and
 - (b) may not suspend the registration before the end of the period of 14 days immediately after the date on which the person is notified under paragraph (a).
- (3) The Registrar must not suspend the registration of a person under subsection (1) on any of the grounds mentioned in subsection (1) if before the end of the period referred to in subsection (2)(b)—
 - (a) in relation to subsection (1)(a), the Registrar is satisfied that the person complies with the applicable requirements for the registration or renewal of the registration;
 - (b) in relation to subsection (1)(b), the Registrar is satisfied that the person has not contravened the provision concerned;
 - (c) in relation to subsection (1)(c), the Registrar is satisfied that the person has not contravened the condition concerned; and
 - (d) in relation to subsection (1)(d), the Registrar is satisfied that the person is fit and proper to continue to be registered under the relevant provision of this Ordinance.

103. Registrar to notify decisions under sections 101 and 102

- (1) If the Registrar decides to make any cancellation under section 101 or suspension under section 102, the Registrar must notify in writing the registered person affected by the decision of—
 - (a) the Registrar's decision;

- (b) the reasons for the decision; and
 - (c) the date on which the cancellation or suspension is to take effect.
- (2) Unless the Registrar decides otherwise, a cancellation or suspension under section 101 or 102 is to take effect despite the fact that an appeal is or is to be made under Part 6 against the decision of the Registrar or the appeal board.

104. Return of certificates of registration and registration cards to Registrar on cancellation or suspension, etc.

- (1) A person whose registration is cancelled under section 101, other than on a ground mentioned in section 101(1)(b)(i), or suspended under section 102 must, not later than 14 days after being notified by the Registrar under section 103, return to the Registrar—
 - (a) the certificate of registration issued to the person in respect of the registration; and
 - (b) (if applicable) the registration card issued to the person that contains information in respect of the registration.
- (2) If the registration card required to be returned under subsection (1)(b) is a card issued under section 99(2), the Registrar may on receiving the card returned under that subsection and on written request, issue to the card holder under section 99 a card containing information relating to the registration or registrations of the person that is or are not affected by the cancellation or suspension.
- (3) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

Division 5**Registers****105. Registers**

- (1) The Registrar must establish and keep the following registers for the purposes of this Ordinance—
 - (a) a register of every person to whom registration is granted under section 74 or whose registration is renewed under section 75 (*Register of Lift Contractors*);
 - (b) a register of every person to whom registration is granted under section 86 or whose registration is renewed under section 87 (*Register of Escalator Contractors*);
 - (c) a register of every person to whom registration is granted under section 78 or whose registration is renewed under section 79 (*Register of Lift Engineers*);
 - (d) a register of every person to whom registration is granted under section 90 or whose registration is renewed under section 91 (*Register of Escalator Engineers*);
 - (e) a register of every person to whom registration is granted under section 82 or whose registration is renewed under section 83 (*Register of Lift Workers*);
 - (f) a register of every person to whom registration is granted under section 94 or whose registration is renewed under section 95 (*Register of Escalator Workers*).
- (2) The Registrar may keep a register mentioned in subsection (1) in any form the Registrar considers appropriate so long as the information contained in it is capable of being reproduced in a legible form.

- (3) A register under subsection (1) must contain the following information in relation to each person in respect of whom the register is established and kept under that subsection—
 - (a) the name of the person;
 - (b) the registration number assigned to the person on granting the registration under section 98(1);
 - (c) the validity period of the registration granted or renewed (as the case requires);
 - (d) if the register is the Register of Lift Workers or the Register of Escalator Workers, the kind of lift works or escalator works in respect of which the person is granted registration or the registration is renewed (as the case requires);
 - (e) if the registration is suspended under section 102(1), a note that reflects the suspension, including the suspension period.
- (4) A register under subsection (1) may contain any other information or particulars relating to the administration or implementation of this Ordinance that the Director considers appropriate.

106. Registers available for public inspection

For the purposes of enabling a member of the public to ascertain whether a person is registered under this Part and, if the person is so registered, whether the registration of the person is in force, a register under section 105(1) must be available for public inspection, free of charge, at the place and at the reasonable time that the Registrar may specify.

Part 5**Disciplinary Proceedings****107. What is a disciplinary offence**

- (1) Subject to subsection (2), a registered person commits a disciplinary offence if the person—
 - (a) commits misconduct or neglect in any professional respect;
 - (b) has been convicted of an offence under this Ordinance;
 - (c) has obtained registration or renewal of registration under this Ordinance by fraud or misrepresentation;
 - (d) without reasonable excuse, fails to attend before a disciplinary board or an appeal board either as a witness or as a person in respect of whom the board is meeting; or
 - (e) has been convicted in Hong Kong or elsewhere of any other offence that may bring their profession into disrepute.
- (2) If—
 - (a) a registered person who—
 - (i) has committed misconduct or neglect in a professional respect;
 - (ii) has been convicted of an offence under this Ordinance; or
 - (iii) has been convicted in Hong Kong or elsewhere of any other offence that may bring their profession into disrepute,

informs the Registrar of the misconduct, neglect or conviction when the person applies for registration or renewal of registration; and

- (b) the Registrar subsequently grant the registration or renewal of registration,
- the person does not commit a disciplinary offence in respect of the disclosed misconduct, neglect or conviction.

108. Disciplinary board panel

- (1) The Secretary must establish a disciplinary board panel for the purposes of this Part.
- (2) Schedule 11 has effect with respect to the panel.

109. Referral of complaints to Secretary

- (1) A complaint alleging a disciplinary offence against a registered person may be made—
 - (a) by the Director; or
 - (b) by any other person by submitting the complaint to the Director.
- (2) A complaint under subsection (1) must be in the specified form and must include details of the complaint.
- (3) The Director must refer to the Secretary a complaint made under subsection (1) and, if it is a complaint made under subsection (1)(b), subject to subsection (4), must do so within 30 days after the date of receipt of the complaint.
- (4) The Director may refuse to refer a complaint submitted to the Director under subsection (1)(b) if—
 - (a) the complaint is made anonymously;
 - (b) the complainant cannot be identified or traced;
 - (c) the complainant fails to provide any information or particulars the Director reasonably requires in relation to the complaint;
 - (d) the person being complained of has ceased to be a registered person;

- (e) the Director has previously refused to refer the complaint, or a complaint of a substantially similar nature, to the Secretary under this section;
- (f) the complaint, or a complaint of a substantially similar nature, has previously been disposed of by a disciplinary board and the board decided that the person being complained of did not commit the disciplinary offence; or
- (g) having regard to all circumstances of the case—
 - (i) the Director is satisfied that on its face no case has been shown for the complaint;
 - (ii) the Director is satisfied that the complaint is frivolous or vexatious or not made in good faith;
 - (iii) the Director is satisfied that—
 - (A) the complaint was made after the specified period; and
 - (B) there are no special circumstances that explain the delay in making the complaint; or
 - (iv) the Director is satisfied for any other reason that referring the complaint to the Secretary is unnecessary.
- (5) If the Director decides to refuse to refer to the Secretary a complaint submitted to the Director under subsection (1)(b), the Director must notify in writing the complainant of the fact and the reasons for the decision.
- (6) In subsection (4)(g)(iii)—
specified period (指明限期), in relation to a complaint alleging a disciplinary offence against a registered person, means the period—
 - (a) beginning on the date on which the alleged disciplinary offence comes to the knowledge of the complainant (***relevant date***); and

- (b) ending on the date immediately before the 2nd anniversary of the relevant date.

110. Establishment, composition, meetings and proceedings of disciplinary board, etc.

- (1) Within a period of 21 days beginning on the date on which a complaint is referred to the Secretary under section 109, the Secretary must establish a disciplinary board to consider the complaint.
- (2) Schedule 12 has effect with respect to a disciplinary board required to be established under subsection (1).

111. Hearing of complaints alleging disciplinary offences against registered persons

- (1) For the purposes of a hearing, the disciplinary board may—
 - (a) receive evidence on oath;
 - (b) by notice signed by the chairperson of the board, order any person to attend before the board and to give evidence;
 - (c) by notice signed by the chairperson of the board, order any person to produce any document or information relevant to the complaint in respect of which the hearing is conducted; and
 - (d) authorize any person to inspect—
 - (i) the lift or escalator concerned, or the lift works or escalator works concerned; and
 - (ii) the premises at or in which the lift or escalator is situated or is installed or being installed, or at which the lift works or escalator works have been or are being carried out.
- (2) A person who, without reasonable excuse, contravenes an order under subsection (1)(b) or (c) commits an offence and is liable on conviction to a fine at level 5.

- (3) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

112. Supplementary provisions to section 111

- (1) After a hearing is completed, the disciplinary board may—
- (a) if the board determines that the registered person concerned has not committed the disciplinary offence alleged in the complaint, order that the person be exonerated; or
 - (b) if the board determines that the registered person concerned has committed the disciplinary offence alleged in the complaint, make one or more of the following orders—
 - (i) order that the person be reprimanded;
 - (ii) if the person has committed the offence in the capacity of a registered lift contractor or registered escalator contractor, order that the person be fined a sum of not more than \$100,000;
 - (iii) if the person has committed the offence in the capacity of a registered lift engineer, registered escalator engineer, registered lift worker or registered escalator worker, order that the person be fined a sum of not more than \$10,000;
 - (iv) order the Registrar to cancel or suspend the registration of the person.
- (2) The board may make any order that it thinks fit with regard to the payment of costs and expenses of the hearing, including the costs and expenses of the parties to the hearing.
- (3) All costs, expenses and fine ordered to be paid under this section are recoverable as a civil debt.
- (4) If the board decides to make an order under this section, the board must notify in writing the parties to the hearing of—

- (a) the decision;
 - (b) the reasons for the decision; and
 - (c) in relation to an order under subsection (1)(b)(iv), the details of the order.
- (5) If the board makes an order under subsection (1)(b)(iv), the Registrar must comply with the order and cancel or suspend the registration concerned accordingly.

113. Publication of disciplinary orders

- (1) A disciplinary board that has decided (*original decision*) to make an order under section 112(1)(b) may after the relevant date order that its original decision and, if the original decision is appealed against under Part 6, the decision of the authority hearing the appeal be published either in the Gazette or in any other publication specified by the board, in the manner the board thinks fit.
- (2) An order made under subsection (1) may include any particulars the disciplinary board considers appropriate to acquaint a member of the public with the nature of the matter to which the original decision relates.
- (3) For the purposes of the law of defamation, a person does not incur any civil liability by reason only of publishing an order or other particulars permitted under this section.
- (4) In this section—
relevant date (有關日期) means—
- (a) if the original decision is not appealed against under section 115, the last day of the period within which a notice of appeal may be given under section 117(2);
 - (b) if the original decision is appealed against under section 115—
 - (i) subject to subparagraph (ii), the date on which the appeal board makes its decision in respect of the appeal; or

- (ii) if an appeal is made under section 122 to the Court of First Instance, the date on which the Court makes its decision in respect of the appeal.

114. Privileges and immunities of members of disciplinary board, etc.

- (1) The chairperson of a disciplinary board and every other member of the board have, in the performance of their functions under this Part, the same privileges and immunities as a judge of the Court of First Instance in civil proceedings in that Court.
 - (2) Any person who appears before a disciplinary board, including a party to a hearing and any representative of the party, is entitled to the same privileges and immunities as the person would have in civil proceedings in the Court of First Instance.
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Part 6

Appeals

115. Appeals

- (1) A person aggrieved by any of the following decisions and orders may appeal to an appeal board against the decision or order in accordance with this Part—
 - (a) a decision of the Director to refuse an application, or to refuse to issue a permit under section 26, 28, 56 or 58;
 - (b) a decision of the Director under section 29 or 59 to refuse an application for a duplicate permit, or refuse to issue a duplicate permit under that section;
 - (c) an order under section 30, 31, 32, 34, 35, 36, 60, 61, 62, 64, 65 or 66;
 - (d) a decision of the Director to refuse an application to cancel an order made under section 30, 32, 60 or 62;
 - (e) a decision of the Director to refuse to grant approval under section 38 or 68;
 - (f) a decision of the Registrar to refuse an application, or to refuse to grant registration or renewal of registration, under section 74, 75, 78, 79, 82, 83, 86, 87, 90, 91, 94 or 95;
 - (g) a decision of the Director to refuse an application for a duplicate certificate or duplicate card under section 100, or refuse to issue a duplicate certificate or duplicate card under that section;
 - (h) a decision of the Registrar to cancel or suspend a registration under section 101 or 102;
 - (i) a decision of the Director to refuse to refer a complaint to the Secretary under section 109;

- (j) an order of a disciplinary board under section 112;
 - (k) a decision of the Director to refuse an application under section 148, or to refuse to grant an exemption or to revoke an exemption granted under that section;
 - (l) a decision made by any person under any regulation made under section 154, which decision is specified in the regulation as a decision against which an appeal may be made under this section.
- (2) Unless the relevant authority decides otherwise, an appeal made under subsection (1) does not affect the decision or order that is the subject of the appeal.
- (3) In subsection (2)—
- relevant authority** (有關當局) means—
- (a) in relation to a decision or order of the Director, the Director;
 - (b) in relation to a decision of the Registrar, the Registrar;
 - (c) in relation to a decision or order of a disciplinary board, the board; and
 - (d) in relation to a decision of any other person, that other person.

116. Appeal board panel

- (1) The Secretary must establish an appeal board panel for the purposes of this Part.
- (2) Schedule 13 has effect with respect to the panel.

117. How an appeal is to commence

- (1) A person who intends to appeal under section 115 must commence an appeal by giving the Director a notice of appeal in the specified form.
- (2) A notice of appeal must be given to the Director within—

- (a) a period of 30 days beginning on the date immediately following the date on which the appellant was notified of the decision or order appealed against; or
 - (b) a longer period the Director allows.
- (3) The notice of appeal must—
- (a) set out the grounds of the appeal and the facts relied on;
 - (b) be accompanied by a copy of every document that the appellant intends to rely on; and
 - (c) include particulars of every witness whom the appellant intends to call at the hearing.
- (4) If the Director receives a notice of appeal given under this section, the Director must deliver the notice to the Secretary within a period of 14 days beginning on the date immediately following the date on which the Director receives the notice.

118. Establishment, composition, meetings and proceedings of appeal board, etc.

- (1) Within a period of 21 days beginning on the date on which a notice under section 117 is received by the Secretary, the Secretary must establish an appeal board to consider the appeal to which the notice relates.
- (2) Schedule 14 has effect with respect to an appeal board required to be established under subsection (1).

119. Determination of appeal

- (1) For the purposes of a hearing, the appeal board may—
 - (a) receive evidence on oath;
 - (b) by notice signed by the chairperson of the board, order any person to attend before the board and to give evidence;
 - (c) by notice signed by the chairperson of the board, order any person to produce any document or information

- relevant to the appeal in respect of which the hearing is conducted; and
- (d) in relation to an appeal against the issue of an order mentioned in section 115(1)(c) or (j) or a decision mentioned in section 115(1)(d), authorize any person to inspect—
- (i) the lift or escalator concerned, or the lift works or escalator works concerned; and
 - (ii) the premises at or in which the lift or escalator is situated or is installed or being installed, or at which the lift works or escalator works have been or are being carried out.
- (2) A person who, without reasonable excuse, contravenes an order under subsection (1)(b) or (c) commits an offence and is liable on conviction to a fine at level 5.
- (3) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

120. Supplementary provisions to section 119

- (1) After a hearing is completed, the appeal board may—
- (a) confirm or revoke the decision or order that is the subject of the appeal;
 - (b) vary the decision or order that is the subject of the appeal; or
 - (c) substitute the board's own decision for the decision or order that is the subject of the appeal.
- (2) If the board decides to revoke or vary the decision or order that is the subject of the appeal, or to substitute the board's own decision for the decision or order, the board may order—
- (a) the person whose decision or order is so revoked, varied or substituted; and

- (b) the Registrar (if appropriate),
to take any appropriate action to give effect to the board's decision, and the person and the Registrar must comply with the order of the board accordingly.
- (3) The board may make any order that it thinks fit with regard to the payment of the costs and expenses of the hearing, including the costs and expenses of the parties to the hearing.
- (4) All costs and expenses ordered to be paid under this section are recoverable as a civil debt.
- (5) If an appeal board makes a decision under subsection (1), the board must notify in writing the parties to the hearing of—
 - (a) the decision of the board, including any order made under subsection (2) or (3);
 - (b) the reasons for the decision; and
 - (c) in relation to an order under subsection (2), the details of the order.

121. Privileges and immunities of members of appeal board, etc.

- (1) The chairperson of an appeal board and every other member of the board have, in the performance of their functions under this Part, the same privileges and immunities as a judge of the Court of First Instance in civil proceedings in that Court.
- (2) Any person who appears before an appeal board, including a party to a hearing and any representative of the party, is entitled to the same privileges and immunities as the person would have in civil proceedings in the Court of First Instance.

122. Appeal to Court of First Instance on point of law

- (1) Subject to subsection (2), a decision of an appeal board is final and is not subject to further appeal.
- (2) A person aggrieved by the decision of an appeal board may appeal to the Court of First Instance against the decision on a point of law.

- (3) Unless the appeal board decides otherwise, an appeal made under subsection (2) does not affect the decision or order that is the subject of the appeal.
 - (4) The Court may—
 - (a) confirm the decision of an appeal board;
 - (b) reverse or vary the decision appeal against; or
 - (c) remit the matter in question to the appeal board concerned with any directions it considers appropriate.
 - (5) If the Court decides to reverse or vary the decision of an appeal board, the Court may order—
 - (a) the person whose decision or order is the subject of the appeal in relation to which the appeal board's decision is made; and
 - (b) the Registrar (if appropriate),
 to take any appropriate action to give effect to the Court's decision, and the person and the Registrar must comply with the order of the Court accordingly.
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Part 7

Administration and Enforcement

Division 1

Administration

- 123. Director's power to authorize persons to personally carry out any lift works or escalator works**
 The Director may in writing authorize any person who is not a qualified person to personally carry out any lift works or escalator works if, having regard to the particular circumstances of the case, the Director considers it appropriate and in the interests of safety.
- 124. Appointment of enforcement officers**
 The Director may in writing appoint any public officer attached to the Electrical and Mechanical Services Department at or above the rank of Assistant Electrical Inspector or Assistant Mechanical Inspector to be an enforcement officer for the purposes of this Ordinance.
- 125. Delegation**
 The Director may in writing delegate to a public officer attached to the Electrical and Mechanical Services Department any of the functions of the Director under this Ordinance.
- 126. Confidentiality**
 - (1) This section applies to a person who performs any function under this Ordinance.
 - (2) Except as provided by subsection (3), a person to whom this section applies—

- (a) must preserve and aid in preserving information concerning a trade or business secret that has come to the knowledge of, or into the possession of, the person in the course of the person's performance of functions under this Ordinance;
 - (b) must not disclose or give the information to any other person; and
 - (c) must not suffer or permit any other person to have access to the information.
- (3) Subsection (2) does not apply to—
- (a) the disclosure or giving of information in the person's performance of functions under this Ordinance or in carrying into effect or doing anything authorized by this Ordinance;
 - (b) the disclosure or giving of information with the consent in writing of the person from whom the information was obtained or received and, if the information relates to another person, with the consent also of that other person;
 - (c) the disclosure or giving of information with a view to bringing, or otherwise for the purposes of, any disciplinary proceedings or appeal proceedings under this Ordinance, including any proceedings arising from those proceedings;
 - (d) the disclosure or giving of information with a view to bringing, or otherwise for the purposes of, any civil proceedings under this Ordinance, including any appeal proceedings or other proceedings arising from those civil proceedings;
 - (e) the disclosure or giving of information with a view to bringing, or otherwise for the purposes of, any criminal proceedings or any investigation carried out under the laws of Hong Kong including any appeal proceedings or

- other proceedings arising from those criminal proceedings or investigation;
 - (f) the disclosure or giving of information in the form of a summary compiled from similar information obtained or received from a number of persons under this Ordinance, if the summary is compiled to prevent particulars relating to the business or identity, or the trading particulars, of—
 - (i) any of those persons who have produced or provided the information; or
 - (ii) any persons to whom the information relates, from being ascertained from the summary;
 - (g) the disclosure or giving of information which has already been lawfully disclosed or made available to the public;
 - (h) the disclosure or giving of information for the purposes of seeking advice from, or giving advice by, a counsel or a solicitor or any other professional adviser acting or proposing to act in a professional capacity in connection with any matter arising under this Ordinance;
 - (i) the disclosure or giving of information in accordance with an order of a court or in accordance with a law or a requirement made by or under a law.
- (4) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.
- (5) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence the person—
- (a) believed that there was lawful authority for the person to disclose or give the information to the other person and the person had no reasonable cause to believe otherwise; and

- (b) did not know and had no reasonable cause to believe that the information disclosed or given was information referred to in subsection (2).

127. Protection of public officers

- (1) A public officer, or a person acting under the direction of a public officer, does not incur any personal liability for anything done or omitted to be done by the officer or the person in good faith in the execution or purported execution of this Ordinance.
- (2) The protection conferred by subsection (1) does not affect any liability in tort of the Government for the thing done or omitted to be done by the public officer or the person.

Division 2**Enforcement****Subdivision 1****Power to Obtain Documents etc.****128. Powers to obtain documents and information**

- (1) If the Director has reasonable grounds to believe that a person has, or may have in the person's possession or control, any document or information that the Director may reasonably require for the purposes of performing any function of the Director under this Ordinance, the Director may by notice in writing request the person to produce or provide the document or information.
- (2) The Director may also specify in the notice—
 - (a) the time and place at which any document or information is to be produced or provided; and

- (b) the manner and form in which any document or information is to be produced or provided.
- (3) A person who, without reasonable excuse, fails to comply with a request under this section commits an offence and is liable on conviction to a fine at level 3 and, if the offence is a continuing offence, to a fine of \$1,000 for each day during which the offence continues.

Subdivision 2**Power to Enter Premises without Warrant****129. Power to enter non-domestic premises for purposes of section 41 or 71**

- (1) For the purposes of carrying out an investigation under section 41 or 71, an enforcement officer may without a warrant enter any premises, other than domestic premises, at or in which the lift or escalator concerned is situated or is installed or being installed.
- (2) After entering any premises under subsection (1), the officer may exercise any or all of the following powers at the premises—
 - (a) to require access to and the examination of the lift or escalator;
 - (b) to require the production or provision of and examine any permit, certificate or other document relating to the lift or escalator;
 - (c) to require the production or provision of and examine any other document or thing or any information that the officer has reasonable grounds to believe to be relevant to the investigation;
 - (d) to take and make copies of any permit, certificate, document or information referred to in paragraph (b) or (c);

- (e) to seize, remove and detain anything that the officer has reasonable grounds to believe to be relevant to the investigation;
- (f) to take any photograph of anything referred to in paragraph (a), (b), (c), (d) or (e).
- (3) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

130. Power to enter non-domestic premises for purposes of section 111(1)(d) or 119(1)(d)

- (1) A person authorized under section 111(1)(d) or 119(1)(d) may without a warrant—
 - (a) enter at any reasonable time any premises, other than domestic premises, at or in which the lift or escalator concerned is situated or is installed or being installed, or at which the lift works or escalator works concerned have been or are being carried out; and
 - (b) exercise the power conferred under that section.
- (2) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

131. Power to enter non-domestic premises etc. for routine checking

- (1) For the purposes of ascertaining whether Part 2 or 3 is or is being complied with, an enforcement officer may, without a warrant enter at any reasonable time any premises, other than domestic premises, at or in which a lift or escalator is situated or is installed or being installed, or at which any lift works or escalator works have been or are being carried out.
- (2) After entering any premises under subsection (1), an enforcement officer may, in addition to any other power of the officer under any other provision of this Ordinance, exercise any or all of the following powers at the premises—

- (a) to require access to and the examination of the lift or escalator;
- (b) to require access to the place at which any lift works or escalator works have been or are being carried out and the inspection of any lift works or escalator works that are being carried out at the premises;
- (c) to require the production or provision of and examine any permit, certificate or other document relating to the lift, escalator, lift works or escalator works mentioned in paragraph (a) or (b);
- (d) to require the production or provision of and examine any other document or thing or any information that the officer has reasonable grounds to believe to be relevant to an offence under Part 2 or 3;
- (e) to take and make copies of any permit, certificate, document or information referred to in paragraph (c) or (d);
- (f) to seize, remove and detain anything that the officer has reasonable grounds to believe to be relevant to an offence under Part 2 or 3;
- (g) to take any photograph of anything referred to in paragraph (a), (b), (c), (d), (e) or (f).
- (3) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

Subdivision 3

Power to Enter Premises with Warrant

132. Warrant to enter premises for purposes of section 41 or 71

- (1) A court may issue a warrant authorizing an enforcement officer to enter any premises if the court is satisfied by

- information on oath that there are reasonable grounds for believing that an incident has occurred in relation to a lift or escalator situated at or installed or being installed in the premises.
- (2) Unless otherwise specified in it, a warrant issued under this section continues in force until the purposes for which the entry is necessary have been satisfied.
 - (3) An enforcement officer authorized by a warrant issued under this section to enter any premises may—
 - (a) at the time specified in the warrant or, if no time is specified, at any time enter the premises; and
 - (b) use any force that is reasonable in the circumstances for gaining entry into the premises.
 - (4) If a warrant is issued under subsection (1) in respect of any premises, the enforcement officer authorized by the warrant to enter the premises may exercise any or all of the following powers at the premises—
 - (a) to require access to and the examination of the lift or escalator;
 - (b) to require the production or provision of and examine any permit, certificate or other document relating to the lift or escalator;
 - (c) to require the production or provision of and examine any other document or thing or any information that the officer has reasonable grounds to believe to be relevant to the investigation;
 - (d) to take and make copies of any permit, certificate, document or information referred to in paragraph (b) or (c);
 - (e) to seize, remove and detain anything that the officer has reasonable grounds to believe to be relevant to the investigation;

- (f) to take any photograph of anything referred to in paragraph (a), (b), (c), (d), or (e).
- (5) An enforcement officer may call on any person the officer considers necessary to assist the officer in the exercise of any power under this section.
- (6) A person assisting an enforcement officer in executing a warrant issued under this section also has the powers conferred on the officer under this section.
- (7) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

133. Warrant to enter premises for purposes of section 111(1)(d)

- (1) A court may issue a warrant authorizing any person authorized under section 111(1)(d) to enter any premises and exercise the power conferred under that section if the court is satisfied by information on oath that there are reasonable grounds for believing that a disciplinary offence has been, is being or may have been committed—
 - (a) in relation to the lift or escalator situated at or installed or being installed in the premises; or
 - (b) in relation to any lift works or escalator works that have been or are being carried out at the premises.
- (2) Unless otherwise specified in it, a warrant issued under subsection (1) continues in force until the purposes for which the entry is necessary have been satisfied.
- (3) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

134. Warrant to enter premises for purposes of section 119(1)(d)

- (1) A court may issue a warrant authorizing any person authorized under section 119(1)(d) to enter any premises and

exercise the power conferred under that section if the court is satisfied by information on oath that there are reasonable grounds for believing that the lift or escalator concerned is situated at or installed or being installed in the premises, or the lift works or escalator works concerned have been or are being carried out at the premises.

- (2) Unless otherwise specified in it, a warrant issued under subsection (1) continues in force until the purposes for which the entry is necessary have been satisfied.
- (3) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

135. Warrant to enter and search premises in any other cases

- (1) A court may issue a warrant authorizing an enforcement officer to enter and search any premises if the court is satisfied by information on oath that there are reasonable grounds for believing that—
 - (a) an offence under Part 2 or 3 has been or is being committed at the premises; or
 - (b) there is or may be at the premises anything that is or contains evidence of the commission of an offence under Part 2 or 3.
- (2) Unless otherwise specified in it, a warrant issued under this section continues in force until the purposes for which the entry is necessary have been satisfied.
- (3) An enforcement officer authorized by a warrant issued under this section to enter and search any premises may—
 - (a) at the time specified in the warrant or, if no time is specified, at any time enter and search the premises; and
 - (b) use any force that is reasonable in the circumstances for gaining entry into the premises.

- (4) If a warrant is issued under subsection (1) in respect of any premises, an enforcement officer authorized by the warrant to enter and search the premises may exercise any or all of the following powers at the premises—
 - (a) to stop and require any person found at the premises whom the officer has reasonable grounds to believe has committed or is committing an offence under Part 2 or 3—
 - (i) to state the person's name, correspondence address and contact telephone number; and
 - (ii) to produce for inspection the person's proof of identity;
 - (b) to require access to and the examination of any lift or escalator situated at or installed or being installed in the premises;
 - (c) to require access to the place at which any lift works or escalator works have been or are being carried out and the inspection of any lift works or escalator works that are being carried out at the premises;
 - (d) to require the production or provision of and examine any permit, certificate or other document relating to the lift, escalator, lift works or escalator works mentioned in paragraph (b) or (c);
 - (e) to require the production or provision of and examine any other document or thing or any information that the officer has reasonable grounds to believe to be or to contain evidence of an offence under Part 2 or 3;
 - (f) to take and make copies of any permit, certificate, document or information referred to in paragraph (d) or (e);
 - (g) to seize, remove and detain anything that the officer has reasonable grounds to believe to be or to contain

evidence of the commission of an offence under Part 2 or 3;

- (h) to take any photograph of anything referred to in paragraph (a), (b), (c), (d), (e), (f) or (g).
- (5) An enforcement officer may call on any person the officer considers necessary to assist the officer in the exercise of any power under this section.
- (6) A person assisting an enforcement officer in executing a warrant issued under this section also has the powers conferred on an enforcement officer under this section.
- (7) In subsection (4)(a)—
proof of identity (身分證明文件) means proof of identity as defined by section 17B(1) of the Immigration Ordinance (Cap. 115).
- (8) In this section, a reference to a lift or escalator includes any part of the lift or escalator and any associated equipment or machinery of the lift or escalator.

136. Offences on obstruction and contravention of requirements

- (1) A person commits an offence if the person—
 - (a) without reasonable excuse, contravenes a requirement under section 129, 131, 132 or 135; or
 - (b) wilfully obstructs any person in the exercise of any power under section 129, 130, 131, 132, 133, 134 or 135.
- (2) A person who commits an offence under subsection (1)(a) is liable on conviction to a fine at level 5.
- (3) A person who commits an offence under subsection (1)(b) is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.

Subdivision 4

Duty to Produce Evidence of Authority

137. Duty to produce evidence of authority

A person exercising any power under this Part, including executing a warrant, must, if requested, produce for inspection—

- (a) documentary evidence of the person's identity;
- (b) (if applicable) documentary evidence of the appointment under section 124 or delegation under section 125; and
- (c) (if applicable) the warrant.

Subdivision 5

Forfeiture and Compensation

138. Return and forfeiture of things seized

- (1) If an offence is prosecuted under this Ordinance, the court may, on its own motion or on application, order that any thing seized under Subdivision 2 or 3 in respect of which the prosecution is brought—
 - (a) be returned to the person from whom it was seized or to its owner; or
 - (b) be forfeited to the Government.
- (2) Subsection (1) applies whether or not any person charged in the proceedings is convicted of the offence.
- (3) An enforcement officer may apply to the court for an order to dispose of a thing seized under Subdivision 2 or 3, whether or not a prosecution is brought in respect of that thing.
- (4) On an application under subsection (3), the court may order that the thing concerned—

- (a) be returned to the person from whom it was seized or to its owner; or
- (b) be forfeited to the Government.

139. Compensation for seizure etc.

- (1) Subject to subsection (2), if a thing is seized under Subdivision 2 or 3, the Government is liable to compensate the owner of the thing for any loss suffered by the owner—
 - (a) by reason of the seizure; or
 - (b) by reason that the thing is lost or damaged during the time when the thing is seized or detained.
- (2) The owner is not entitled to compensation for the loss if the thing is forfeited to the Government by an order of the court under section 138, unless the order is made because the owner of the thing is unknown or cannot be found at the time when the order is made.
- (3) In any proceedings against the Government in respect of a claim for compensation on any of the grounds referred to in subsection (1), the amount of the compensation recoverable is an amount that is just and equitable in all the circumstances of the case.
- (4) The circumstances referred to in subsection (3) include the conduct and comparative blameworthiness of—
 - (a) the owner of the thing seized;
 - (b) the person in charge or in control of the thing at the time when the thing was seized;
 - (c) any agent of the person specified in paragraph (a) or (b); and
 - (d) the public officer and any other person concerned.
- (5) Proceedings in respect of a claim for compensation on the ground referred to in subsection (1)(a) must commence within

- the period of 6 months beginning on the date immediately after the date on which the thing was seized.
- (6) Proceedings in respect of a claim for compensation on the ground referred to in subsection (1)(b) must commence within the period of 6 months beginning on the date immediately after whichever of the following is the earlier—
 - (a) the date on which the owner discovers the existence of the ground;
 - (b) the date on which the owner could, by the exercise of due diligence, have discovered the existence of the ground.
- (7) A claim for compensation under this section may be made—
 - (a) in the Small Claims Tribunal, if the claim is within the jurisdiction of the Tribunal; or
 - (b) in the District Court, irrespective of the amount claimed.

Division 3**Offences****140. Miscellaneous offences**

- (1) A person commits an offence if the person, in purported compliance with a requirement imposed under this Ordinance—
 - (a) produces any document or provides any information that the person knows to be false or misleading in a material respect; or
 - (b) produces any document or provides any information that the person ought reasonably to have known to be false or misleading in a material respect.
- (2) A person commits an offence if the person wilfully misuses, or interferes with, or causes misuse or interference with, a lift

or escalator, or any part of a lift or escalator, or any associated equipment or machinery of the lift or escalator.

- (3) A person commits an offence if the person, without reasonable excuse—
 - (a) defaces or otherwise interferes with a copy of an order issued under Division 4 of Part 2 or Division 4 of Part 3; or
 - (b) removes a copy of an order issued under Division 4 of Part 2 or Division 4 of Part 3 that is displayed under section 149(2)(b) on a conspicuous part of a building, lift or escalator.
- (4) A person who commits an offence under subsection (1)(a) or (b) is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (5) A person who commits an offence under subsection (2) is liable on conviction to a fine at level 3.
- (6) A person who commits an offence under subsection (3)(a) or (b) is liable on conviction to a fine at level 5.

141. Offences committed by bodies corporate and partners

- (1) If a person by whom an offence under this Ordinance is committed is a body corporate, and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect or omission on the part of, a director, manager or secretary of the body corporate or any other person concerned in the management of the body corporate, the director, manager, secretary or other person also commits the offence.
- (2) If a person by whom an offence under this Ordinance is committed is a partner in a partnership, and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect or omission on the part of, any other partner in the partnership or any other person

concerned in the management of the partnership, the other partner or person also commits the offence.

- (3) An offence under this Ordinance committed by a body corporate is presumed to have been committed with the consent or connivance of, or to be attributable to neglect or omission on the part of, a director, manager or secretary of the body corporate or any other person if it is proved that, at the time the offence was committed, the director, manager, secretary or other person was concerned in the management of the body corporate.
- (4) An offence under this Ordinance committed by a partner in a partnership is presumed to have been committed with the consent or connivance of, or to be attributable to neglect or omission on the part of, any other partner in the partnership or any other person if it is proved that, at the time the offence was committed, the other partner or person was concerned in the management of the firm.
- (5) The presumption under subsection (3) or (4) is rebutted by a person charged with an offence under this Ordinance by virtue of that subsection if—
 - (a) there is sufficient evidence to raise an issue that the offence was committed without the person's consent or connivance and was not attributable to the person's neglect or omission; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (6) In this section—
offence (罪行) does not include a disciplinary offence.

142. Time limit for prosecutions

A prosecution under this Ordinance may be commenced within the period of 6 months beginning on the date immediately after the date on which the offence is discovered by, or comes to the notice of, the Director.

Division 4**General****143. Lifts and escalators to be marked with identification marks**

- (1) If a building has more than one lift, more than one escalator or any number of lifts and escalators—
 - (a) each lift and escalator of the building must be marked with an identification mark recognized by the Director; and
 - (b) a plan showing the position and identification mark of each lift and escalator must be submitted to the Director.
- (2) If there is a contravention of subsection (1), the Director may take any one or both of the following actions—
 - (a) cause the lift or escalator to be marked with an identification mark;
 - (b) cause a plan described in subsection (1)(b) to be prepared and sent to any responsible person for the lift or escalator.

144. Recovery of costs

- (1) The Director may recover—
 - (a) the costs of any work carried out or service provided by the Director under section 37 or 67; and
 - (b) the costs of preparing any plan under section 143.
- (2) The costs referred to in subsection (1)(a) include any costs and expenses reasonably incurred by the Director for or in connection with the purposes of carrying out the work or providing the service.
- (3) The costs referred to in subsection (1)(b) include any costs and expenses reasonably incurred by the Director for or in connection with the purposes of preparing the plan.

- (4) The Director may certify in writing the costs due and the name of any person who is liable for the costs, apportioning the costs if appropriate.
- (5) The Director must serve a copy of the certificate on each person who is liable to pay the costs.
- (6) If any costs under subsection (1) are not fully paid on or before the 30th day (*relevant date*) after the day on which the certificate is served on a person under subsection (5), then beginning on the day immediately after the relevant date, simple interest calculated at the rate of 10% per annum is to be charged on the amount for the time being unpaid, and the interest is recoverable as part of the costs liable to be paid by the person.
- (7) Payment of any costs under this section by any person does not affect the right of the person to recover the payment from any other person who is liable to pay the costs, and any costs recoverable under this section are recoverable as a civil debt due to the Government.

145. Issue of codes of practice

- (1) The Director may issue any code of practice that in the Director's opinion is suitable for providing practical guidance in respect of any matter concerning the safety of lifts or escalators, including providing practical guidance in respect of the use and operation of lifts or escalators and providing practical guidance to persons who carry out any lift works or escalator works.
- (2) If a code of practice is issued under subsection (1), the Director must by notice published in the Gazette—
 - (a) identify the code;
 - (b) specify the date on which the code is to take effect; and
 - (c) specify the purposes for which the code is issued.

- (3) The Director may from time to time revise the whole or any part of a code of practice issued under subsection (1).
- (4) If a code of practice is revised under subsection (3), the Director must by notice published in the Gazette—
 - (a) identify the code or part so revised;
 - (b) specify the date on which the revision is to take effect; and
 - (c) specify the purposes for which the code is revised.
- (5) The Director may revoke a code of practice or any part of a code of practice issued or revised under this section.
- (6) If a code of practice or part of a code of practice issued or revised under this section is revoked under subsection (5), the Director must by notice published in the Gazette—
 - (a) identify the code or part so revoked; and
 - (b) specify the date on which the revocation is to take effect.

146. Approval of codes of practice etc. issued by other persons

- (1) The Director may approve a code of practice, or any part of a code of practice, issued or proposed to be issued by any other person, if the Director is satisfied that the code or part is suitable for providing practical guidance in respect of any matter concerning the safety of lifts or escalators, including providing practical guidance in respect of the use and operation of lifts or escalators and providing practical guidance to persons who carry out any lift works or escalator works.
- (2) If a code of practice or part of a code of practice is approved under subsection (1), the Director must by notice published in the Gazette—
 - (a) identify the code or part so approved;
 - (b) specify the date on which the code or part is to take effect; and

- (c) specify the purposes for which the code or part is approved.
- (3) The Director may from time to time approve any revision or proposed revision of the whole or any part of a code of practice approved under subsection (1).
- (4) If any revision or proposed revision is approved under subsection (3), the Director must by notice published in the Gazette—
 - (a) identify the revision or proposed revision so approved; and
 - (b) specify the date on which the approval is to take effect.
- (5) The Director may withdraw any approval given under this section.
- (6) If an approval is withdrawn under subsection (5), the Director must by notice published in the Gazette—
 - (a) identify the approval so withdrawn; and
 - (b) specify the date on which the approval is to cease to have effect.

147. Use of codes of practice in legal proceedings

- (1) A failure by a person to observe a provision of a code of practice does not of itself make the person liable to any civil or criminal proceedings.
- (2) Despite subsection (1), if in any legal proceedings the court is satisfied that a code of practice or any part of a code of practice is relevant to determining a matter that is in issue in the proceedings—
 - (a) the code or part is admissible in evidence in the proceedings; and
 - (b) proof that the person contravened or did not contravene a relevant provision of the code of practice may be relied

on by a party to the proceedings as tending to establish or negate that matter.

(3) In this section—

court (法院) means—

- (a) an appeal board;
- (b) a court as defined by section 3 of the Interpretation and General Clauses Ordinance (Cap. 1);
- (c) a disciplinary board; or
- (d) a magistrate;

legal proceedings (法律程序) includes—

- (a) the proceedings of an appeal board; and
- (b) the proceedings of a disciplinary board.

148. Exemptions

- (1) Subject to section 150, the Director may on application—
 - (a) exempt any lift, escalator or person from any or all of the provisions of Part 2 or 3; or
 - (b) exempt any person or any class of person from complying with an order of the Director made under section 30 or 60.
- (2) Subject to section 150, the Director may on application exempt a goods lift used in an industrial undertaking other than construction work from all of the provisions of this Ordinance.
- (3) An exemption must not be granted under subsection (1) unless the exemption is consistent with the interest of safety.
- (4) An exemption must not be granted under subsection (2) unless the Director considers that it is expedient that the lift concerned should comply with the provisions of the Factories and Industrial Undertakings Ordinance (Cap. 59) relating to goods lifts in industrial undertakings.

- (5) If the Director decides to refuse an application or refuse to grant an exemption under this section, the Director must in writing state the reasons for the decision.
- (6) This section does not affect the general powers of the Director under sections 41 and 46 of the Interpretation and General Clauses Ordinance (Cap. 1).
- (7) In this section—
construction work (建築工程) means construction work as defined by section 2(1) of the Factories and Industrial Undertakings Ordinance (Cap. 59).

149. Service of notices etc.

- (1) A notice or other document (however described), other than an order referred to in subsection (2), permitted or required to be served or sent (however described) under this Ordinance is served or sent if—
 - (a) for the Director—
 - (i) it is addressed to the Director and delivered to the Director's principal office; or
 - (ii) it is sent to the Director by post addressed to the Director at the Director's principal office;
 - (b) for an individual—
 - (i) it is addressed to and served personally on the individual; or
 - (ii) it is sent to the individual by post addressed to the individual at the individual's last known address;
 - (c) for a company as defined by section 2(1) of the Companies Ordinance (Cap. 32)—
 - (i) it is addressed to the company and delivered to any officer of the company by hand;

- (ii) it is left at or sent by post to the registered office of the company within the meaning of that Ordinance; or
- (iii) it is sent by post addressed to the company at the company's last known address;
- (d) for a body corporate (other than a company described in paragraph (c))—
 - (i) it is addressed to the body and delivered to any place in Hong Kong at which the body carries on business and given to a person apparently concerned in the management of, or apparently employed by, the body; or
 - (ii) it is sent to the body by post addressed to the body at the body's last known address; or
- (e) for a partnership—
 - (i) it is addressed to the partnership and delivered to any place in Hong Kong at which the partnership carries on business and given to a person apparently concerned in the management of, or apparently employed by, the partnership; or
 - (ii) it is sent to the partnership by post addressed to the partnership at the partnership's last known address.
- (2) An order under section 30, 32, 34, 35, 36, 60, 62, 64, 65 or 66 is served under the section—
 - (a) if the order is served in accordance with subsection (1)(b), (c), (d) or (e); or
 - (b) if—
 - (i) in relation to an order concerning a lift or escalator that forms part of, or is installed or is being installed in, a building, the order is displayed on a conspicuous part of the building in which the lift or escalator is installed or of which the lift or escalator forms a part; and

- (ii) in relation to any other order, the order is displayed on a conspicuous part of the lift or escalator.

150. Applications to comply with regulations made under section 154 etc.

- (1) An application made under a relevant provision must comply with any regulation made under section 154.
- (2) The person who makes the application must comply with any other requirement imposed by or under any regulation made under that section in relation to the application.
- (3) In subsection (1)—

relevant provision (有關條文) means section 26, 28, 29, 33, 56, 58, 59, 63, 74, 75, 78, 79, 82, 83, 86, 87, 90, 91, 94, 95, 98, 99, 100 or 148.

151. Evidence by documents

- (1) In any legal proceedings, a copy purporting to be certified by a relevant authority as a true copy of a document or part of a document given, issued or maintained by the authority is admissible in evidence without further proof and in the absence of evidence to the contrary—
 - (a) is taken as certified by the authority; and
 - (b) is evidence of the matters so certified.
- (2) In any legal proceedings, a document purporting to be given or issued by an authority and purporting to be signed by the authority or any person authorized by the authority in that behalf is admissible in evidence without further proof and, in the absence of evidence to the contrary—
 - (a) is taken as given or issued by the authority and as so signed; and
 - (b) is evidence of the facts stated in it.
- (3) In subsection (1)—

relevant authority (有關當局) means the Director or the Registrar.

152. Paid fees not refundable

Any prescribed fee paid is not refundable under this Ordinance.

153. Powers to specify forms

The Director may specify any form to be used for the purposes of any matter provided for under this Ordinance.

154. Regulations—General

- (1) The Secretary may make regulations for the better carrying out of the provisions of this Ordinance.
- (2) Without limiting subsection (1), the Secretary may by regulation—
 - (a) provide for applications for the issue of permits, including the information, particulars and documents to be provided in respect of the applications and the period within which the applications are to be made;
 - (b) provide for applications for duplicates of permits, including the information, particulars and documents to be provided in respect of the applications and the period within which the applications are to be made;
 - (c) provide for applications for cancellation of orders made by the Director made under this Ordinance;
 - (d) provide for applications for registration as registered persons and renewal of registration as registered persons, including the information, particulars and documents to be provided in respect of the applications and the period within which the applications are to be made;
 - (e) provide for applications for duplicates or replacement of certificates of registration or registration cards, including the information, particulars and documents to be

provided in respect of the applications and the period within which the applications are to be made;

- (f) provide for applications for exemptions of lifts, escalators or persons from any or all of the provisions of this Ordinance;
 - (g) provide for the imposition of requirements by the Director in relation to the applications referred to in paragraphs (a), (b), (c) and (f);
 - (h) provide for the imposition of requirements by the Registrar in relation to the applications referred to in paragraphs (d) and (e);
 - (i) provide for the duties of responsible persons and registered persons in relation to the safety of lifts or escalators, including duties of responsible persons and registered persons to keep certain documents, log-books and records specified in the regulations and to notify the Director of matters specified in the regulations;
 - (j) provide for the preparation and completion of a preliminary report or full report under section 40 or 70, including the information, particulars and documents to be provided in the report;
 - (k) require fees to be paid in respect of the applications referred to in paragraphs (a), (b), (c), (d), (e) and (f) and any other matter provided for in this Ordinance;
 - (l) prescribe anything that is to be or may be prescribed by a regulation made under this Ordinance; and
 - (m) provide for incidental, consequential and transitional provisions that are necessary and expedient in consequence of the regulations.
- (3) Regulations made under this section may prescribe offences for contravention of the regulations, punishable by a fine, imprisonment or both.

- (4) The maximum fine that may be prescribed for an offence is level 6 and the maximum imprisonment is 6 months. In addition, in the case of a continuing offence, a further fine not exceeding \$5,000 for each day during which the offence continues may be prescribed.
- (5) Without limiting section 28(5) of the Interpretation and General Clauses Ordinance (Cap. 1), if a provision of any of the regulations made under this section is to commence on a day to be notified in the Gazette—
 - (a) the notice may fix different days for the provision to commence for different purposes; and
 - (b) different notices may fix different days for the provision to commence for different purposes.

155. Regulations—Fees

The Secretary may by regulation prescribe the fees payable under this Ordinance.

156. Amendment of Schedules

- (1) The Secretary may by order published in the Gazette amend any of the Schedules, other than Schedules 15 and 16.
- (2) An order under subsection (1) may contain incidental, consequential, supplemental, transitional or savings provisions that are necessary or expedient in consequence of the order.

Part 8**Repeal, Transitional and Savings Provisions, and Consequential or Related Amendments****157. Lifts and Escalators (Safety) Ordinance repealed**

The Lifts and Escalators (Safety) Ordinance (Cap. 327) is repealed.

158. Transitional provision for lifts installed on or before 18 March 1994 or being installed on 18 March 1994

- (1) Despite the repeal of the Lifts and Escalators (Safety) Ordinance (Cap. 327) by section 157, the repealed Building (Lifts) Regulations (Cap. 123 sub. leg. E) referred to in section 50 of that Ordinance (*Lifts Regulations*) continue to apply to a lift that was installed on or before 18 March 1994 or was in the process of being installed on that date, and—
 - (a) if there is a conflict between this Ordinance and the Lifts Regulations, the Lifts Regulations apply in respect of the lift; and
 - (b) the Director may enforce the Lifts Regulations as if they had been made under this Ordinance.
- (2) If the design and construction of a lift referred to in subsection (1) is in accordance with the Lifts Regulations, the design and construction of the lift is to be regarded as good design and construction for the purposes of this Ordinance.

159. Transitional provision for escalators installed on or before 18 March 1994 or being installed on 18 March 1994

- (1) Despite the repeal of the Lifts and Escalators (Safety) Ordinance (Cap. 327) by section 157, the repealed Building (Escalators) Regulations (Cap. 123 sub. leg. D) referred to in section 50 of that Ordinance (*Escalators Regulations*) continue to apply to an escalator that was installed on or

before 18 March 1994 or was in the process of being installed on that date, and—

- (a) if there is a conflict between this Ordinance and the Escalators Regulations, the Escalators Regulations apply in respect of the escalator; and
 - (b) the Director may enforce the Escalators Regulations as if they had been made under this Ordinance.
- (2) If the design and construction of an escalator referred to in subsection (1) is in accordance with the Escalators Regulations, the design and construction of the escalator is to be regarded as good design and construction for the purposes of this Ordinance.

160. Transitional and savings provisions, and consequential or related amendments

- (1) The transitional and savings provisions specified in Schedule 15 have effect.
- (2) The enactments specified in Schedule 16 are amended as set out in that Schedule.

Schedule 1

[ss. 2 & 156]

Major Alterations

1. For the purposes of this Ordinance, **major alteration** (主要更改), in relation to a lift means—
 - (a) the addition of any automatic device to operate the door of the lift-way (*lift-way door*) or the door of the car (*car door*) of the lift;
 - (b) the addition of auxiliary rope-fastening devices for the lift;
 - (c) the addition of car-levelling devices for the lift;
 - (d) the addition of any device to enable the lift to be operated at the top of the car of the lift;
 - (e) the addition of any door to the lift-way, or removal or replacement of any lift-way door, of the lift;
 - (f) the addition of electrical contacts to the lift-way door or the car door of the lift;
 - (g) the addition of any interlocking device to the lift-way door or the car door of the lift;
 - (h) the addition of one or more than one set of roller guide shoes for the lift;
 - (i) the addition of one or more than one set of rope equalizers for the lift;
 - (j) the addition of any safety component or safety equipment for the lift;
 - (k) the addition of any switch to enable access to the lift-way of the lift;
 - (l) any change in the number or size of the ropes for supporting the carrier of the lift or its counterweight;

- (m) any change in the size or type of any guide rail of the lift;
- (n) any change in the type of any interlocking device mentioned in paragraph (g);
- (o) any change in the type of control or operation of the lift;
- (p) any modification resulting in an increase in the dead weight of the carrier of the lift;
- (q) any modification resulting in a decrease or increase in the distance that the carrier of the lift travels;
- (r) any modification resulting in an increase in the rated load of the lift;
- (s) any modification resulting in an increase in the rated speed of the lift;
- (t) any replacement, including any change in the type, of any controller of the lift;
- (u) any replacement, including any change in the type, of any driving-machine brake of the lift;
- (v) any replacement, including any change in the type, of the driving-machine of the lift; and
- (w) any replacement, including any change in the type, of any safety component or safety equipment for the lift.

2. For the purposes of this Ordinance, **major alteration** (主要更改), in relation to an escalator, means—

- (a) the addition of any safety component or safety equipment for the escalator;
- (b) any change in the type of control or operation of the escalator;
- (c) any modification resulting in an increase in the speed of the escalator;

- (d) any replacement, including any change in the type, of any safety component or safety equipment for the escalator;
- (e) any replacement, including any change in the type, of the drive of the escalator;
- (f) any replacement, including any change in the type, of the braking system of the escalator;
- (g) any replacement, including any change in the type, of the non-reversal device of the escalator; and
- (h) any replacement, including any change in the type, of the overspeed protection device of the escalator.

Schedule 2

[ss. 2 & 156]

Safety Components for Lifts and Escalators**Part 1****Lifts**

1. A safety gear, that is to say, a mechanical device the sole or main function of which is to stop a lift and cause the carrier or counterweight (if any) of the lift to remain stationary on the guides if the lift overspeeds or the suspension device of the lift breaks or fails.
2. An overspeed governor, that is to say, a device the sole or main function of which is to activate the safety gear for a lift or counterweight of a lift, if the carrier of the lift attains a predetermined speed.
3. A door locking device for a lift.
4. A buffer, other than an energy accumulation type buffer, for a lift.
5. An ascending car overspeed protection means, that is to say, a device with a function to monitor the speed of the carrier of a lift and, if the carrier is ascending at 115% or more of the rated speed, cause the carrier or the counterweight of the lift to stop or reduce its speed to the maximum impact speed of the counterweight buffer.
6. An unintended car movement protection means, that is to say, a device with a function to prevent unintended movement from a landing of the carrier of a lift when both the landing door and the door of the carrier are not locked.

7. Any safety circuit for a lift that contains any electronic component.

Part 2**Escalators**

1. A step for an escalator.
 2. A pallet for an escalator.
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Schedule 3

[ss. 2 & 156]

Safety Equipment for Lifts and Escalators**Part 1****Lifts**

1. A driving-machine brake for a lift.
2. An overload device for a lift.

Part 2**Escalators**

1. A driving-machine brake for an escalator.
 2. An overspeed governor, that is to say, a device the sole or main function of which is to activate a mechanical device that stops the steps, pallets or belt of an escalator, if the steps, pallets or belt of the escalator attains a predetermined speed.
 3. A broken-step-chain device for an escalator.
 4. A broken-drive-chain device for an escalator.
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Schedule 4[ss. 10, 11, 14,
30, 39 & 156]**Lifts to Which Sections 10 and 11 Apply**

1. A service lift.
 2. A goods lift.
 3. A mechanized vehicle parking system.
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Schedule 5[ss. 15, 22, 23,
46, 53 & 156]**Periodic Examinations and Maintenance of Lifts and Escalators****Part 1****Periodic Maintenance of Lifts**

1. The period referred to in section 15(2)(b) is a period of one month beginning on the date immediately after the date on which periodic maintenance works in respect of the lift concerned were last completed.

Part 2**Periodic Examination of Lifts**

1. In this Part—
date of expiry (屆滿日期), in relation to an examination period, means the last day of that period;
examination (檢驗), in relation to a lift, means an examination of the lift in respect of which a use permit is issued;
examination period (檢驗期間), in relation to a lift, means a period within which the lift and all its associated equipment or machinery are required to be examined under section 22(1).
2. Subject to section 3 of this Part, the period mentioned in section 22(1) is the period—
 - (a) beginning on the date immediately after the date of completion of the last examination of the lift; and

- (b) ending on the 1st anniversary of the date of completion of that examination.
3. If a lift and all its associated equipment or machinery are examined by a registered lift engineer in accordance with section 24 within the last 2 months of an examination period of the lift, the next examination period of the lift and all its associated equipment or machinery is to—
 - (a) begin on the date immediately after the date of expiry of the preceding examination period; and
 - (b) end on the 1st anniversary of the date of expiry of that preceding examination period.

Part 3**Examination of Lifts with Load**

1. In this Part—
date of expiry (屆滿日期), in relation to an examination period, means the last day of that period;
examination (檢驗), in relation to a lift, means an examination of the lift with load in respect of which a use permit is issued;
examination period (檢驗期間), in relation to a lift, means a period within which the lift and all its associated equipment or machinery are required to be examined under section 23(1).
2. Subject to section 3 of this Part, the period mentioned in section 23(1) is the period—
 - (a) beginning on the date immediately after the date of completion of the last examination of the lift; and
 - (b) ending on the 5th anniversary of the date of completion of that examination.

3. If a lift and all its associated equipment or machinery are examined by a registered lift engineer in accordance with section 24(2) and (3) within the last 2 months of an examination period of the lift, the next examination period of the lift and all its associated equipment or machinery is to—
 - (a) begin on the date immediately after the date of expiry of the preceding examination period; and
 - (b) end on the 5th anniversary of the date of expiry of that preceding examination period.

Part 4

Periodic Maintenance of Escalators

1. The period referred to in section 46(2)(b) is the period of one month beginning on the date immediately after the date on which periodic maintenance works in respect of the escalator concerned were last completed.

Part 5

Periodic Examination of Escalators

1. In this Part—

date of expiry (屆滿日期), in relation to an examination period, means the last day of that period;

examination (檢驗), in relation to an escalator, means an examination of the escalator in respect of which a use permit is issued;

examination period (檢驗期間), in relation to an escalator, means a period within which the escalator and all its associated equipment or machinery are required to be examined under section 53(1).

2. Subject to section 3 of this Part, the period mentioned in section 53(1) is the period of 6 months beginning on the date immediately after the date of completion of the last examination of the escalator.
3. If—
 - (a) an escalator and all its associated equipment or machinery are examined by a registered escalator engineer in accordance with section 54(1) and (2); and
 - (b) the examination is completed within the last 2 months of an examination period of the escalator,

the next examination period of the escalator and all its associated equipment or machinery is the period of 6 months beginning on the date immediately after the date of expiry of the preceding examination period.

Schedule 6

[ss. 24 & 156]

Examination with Load

1. For the purposes of section 24(2), an examination with load must be carried out in accordance with the following provisions—
 - (a) in relation to an examination required to be carried out before the lift is put into use and operation, by operating the lift with full rated load; and
 - (b) in relation to any other examination—
 - (i) by operating the lift with full rated load;
 - (ii) if the lift has a carrier, by operating the overload device with a load weighing not less than 90% and not exceeding 110% of the rated load for the lift;
 - (iii) if the lift is designed and constructed in accordance with a safety standard established before the publication of Part 1 of the British Standard B.S. 5655, by operating the brake of the lift when the lift is travelling downwards at its rated speed with a load weighing 110% or more of the rated load for the lift; and
 - (iv) if the lift is a lift other than a lift described in subparagraph (iii), by operating the brake of the lift when the lift is travelling downwards at its rated speed with a load weighing 125% of the rated load for the lift.

Schedule 7

[ss. 2 & 156]

Incidents to be Reported to Director**Part 1****Lifts**

1. A person dies or is injured and the death or injury involves a lift or any associated equipment or machinery of a lift.
2. A failure of the main drive system of a lift occurs other than by reason of the failure of the main power system of the lift.
3. A breakage of any suspension rope of a lift.
4. A failure of any brake, overload device or safety equipment of a lift.
5. A failure of any interlocking device for any door of the lift-way of a lift occurs other than by reason of a failure of the making of electrical contact of safety contacts.
6. A failure of any interlocking device for any door of the carrier of a lift occurs other than by reason of a failure of the making of electrical contact of safety contacts.

Part 2**Escalators**

1. A person dies or is injured and the death or injury involves an escalator or any associated equipment or machinery of an escalator.

2. A failure of the main drive system of an escalator occurs other than by reason of the failure of the main power system of the escalator.
 3. A failure of any brake, step chain, drive chain or safety equipment of an escalator.
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Schedule 8[ss. 74, 75, 86,
87 & 156]**Registration of Lift Contractors and Escalator
Contractors****Part 1****Interpretation**

1. In this Schedule—
employee (僱員), in relation to an applicant, means a person employed by the applicant under a contract of employment;
Hong Kong Institution of Engineers (香港工程師學會) means The Hong Kong Institution of Engineers established under The Hong Kong Institution of Engineers Ordinance (Cap. 1105).

Part 2**Requirements for Lift Contractors under Section
74(2)(a) or 75(3)(a)**

1. The requirements mentioned in section 74(2)(a) or 75(3)(a) are that—
 - (a) if the applicant is a body corporate—
 - (i) the applicant—
 - (A) has at least one director who is a corporate member of the Hong Kong Institution of Engineers or a registered lift engineer; and

- (B) has at least 2 other persons who are employees of the applicant, with at least one of them being either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works; or
- (ii) the applicant—
 - (A) has at least one employee who is a corporate member of the Hong Kong Institution of Engineers or a registered lift engineer; and
 - (B) has at least 2 other employees, with at least one of them being either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works;
- (b) if the applicant is a partnership—
 - (i) the applicant—
 - (A) has at least one partner who is a corporate member of the Hong Kong Institution of Engineers or a registered lift engineer; and
 - (B) has at least 2 other persons who are employees of the applicant, with at least one of them being either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works; or
 - (ii) the applicant—
 - (A) has at least one employee who is a corporate member of the Hong Kong Institution of Engineers or a registered lift engineer; and

- (B) has at least 2 other employees, with at least one of them being either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works; and
- (c) in any other case, the applicant—
 - (i) has at least one employee who is a corporate member of the Hong Kong Institution of Engineers or a registered lift engineer; and
 - (ii) has at least 2 other employees, with at least one of them being either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works.

Part 3

Requirements for Escalator Contractors under Section 86(2)(a) or 87(3)(a)

- I. The requirements mentioned in section 86(2)(a) or 87(3)(a) are that—
 - (a) if the applicant is a body corporate—
 - (i) the applicant—
 - (A) has at least one director who is a corporate member of the Hong Kong Institution of Engineers or a registered escalator engineer; and
 - (B) has at least 2 other persons who are employees of the applicant, with at least one of them being either a registered escalator worker whose registration is for all kinds of

- escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works; or
- (ii) the applicant—
- (A) has at least one employee who is a corporate member of the Hong Kong Institution of Engineers or a registered escalator engineer; and
- (B) has at least 2 other employees, with at least one of them being either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works;
- (b) if the applicant is a partnership—
- (i) the applicant—
- (A) has at least one partner who is a corporate member of the Hong Kong Institution of Engineers or a registered escalator engineer; and
- (B) has at least 2 persons who are employees of the applicant, with at least one of them being either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works; or
- (ii) the applicant—
- (A) has at least one employee who is a corporate member of the Hong Kong Institution of Engineers or a registered escalator engineer; and

- (B) has at least 2 other employees, with at least one of them being either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works; and
- (c) in any other case, the applicant—
- (i) has at least one employee who is a corporate member of the Hong Kong Institution of Engineers or a registered escalator engineer; and
- (ii) has at least 2 other employees, with at least one of them being either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works.
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Schedule 9

[ss. 78, 79, 90,
91 & 156]

Registration of Lift Engineers and Escalator Engineers

Part 1

Interpretation

1. In this Schedule—

registered professional engineer (註冊專業工程師) means a registered professional engineers as defined by section 2 of the Engineers Registration Ordinance (Cap. 409).

Part 2

Requirements for Lift Engineers under Section 78(2)(a)

1. The requirements mentioned in section 78(2)(a) are that—

- (a) the applicant is a registered professional engineer in any of the following disciplines—
- (i) building services engineering;
 - (ii) control, automation and instrumentation engineering;
 - (iii) electrical engineering;
 - (iv) electronic engineering;
 - (v) marine and naval architecture engineering;
 - (vi) mechanical engineering,
- and the applicant satisfies the Registrar that the applicant has at least 2 years' relevant working experience and has the necessary practical experience;

- (b) the applicant holds a bachelor degree in any of the following disciplines—
 - (i) building services engineering;
 - (ii) electrical engineering;
 - (iii) electronic engineering;
 - (iv) marine and naval architecture engineering;
 - (v) mechanical engineering,and the applicant satisfies the Registrar that the applicant has at least 4 years' relevant working experience and has the necessary practical experience;
- (c) the applicant holds any qualifications recognized by the Registrar to be equivalent to or higher than any of the qualifications mentioned in paragraph (b), and the applicant satisfies the Registrar that the applicant has at least 4 years' relevant working experience and has the necessary practical experience;
- (d) the applicant holds a higher diploma or higher certificate in building services engineering, electrical engineering, electronic engineering or mechanical engineering from the Vocational Training Council or any technical institution, and the applicant satisfies the Registrar that—
 - (i) the applicant has at least 5 years' relevant working experience and has the necessary practical experience; or
 - (ii) the applicant—
 - (A) has completed an apprenticeship of at least 2 years in building services engineering, electrical engineering, electronic engineering, marine engineering or mechanical engineering;

- (B) has obtained, after the completion of the apprenticeship, at least 3 years' relevant working experience; and
- (C) has the necessary practical experience; or
- (e) the applicant holds any qualifications recognized by the Registrar to be equivalent to or higher than any of the qualifications mentioned in paragraph (d), and the applicant satisfies the Registrar that—
 - (i) the applicant has at least 5 years' relevant working experience and has the necessary practical experience; or
 - (ii) the applicant—
 - (A) has completed an apprenticeship of at least 2 years in building services engineering, electrical engineering, electronic engineering, marine engineering or mechanical engineering;
 - (B) has obtained, after the completion of the apprenticeship, at least 3 years' relevant working experience; and
 - (C) has the necessary practical experience.

Part 3

Requirement for Renewal under Section 79(3)(a)

1. The requirement mentioned in section 79(3)(a) is that the applicant satisfies the Registrar that the applicant—
 - (a) has at least one year's relevant working experience obtained within the 5-year period immediately before the date of submission of the application; and
 - (b) has completed, within the period mentioned in paragraph (a), at least 90 hours of relevant training.

Part 4

Requirements for Escalator Engineers under Section 90(2)(a)

1. The requirements mentioned in section 90(2)(a) are that—
 - (a) the applicant is a registered professional engineer in any of the following disciplines—
 - (i) building services engineering;
 - (ii) control, automation and instrumentation engineering;
 - (iii) electrical engineering;
 - (iv) electronic engineering;
 - (v) marine and naval architecture engineering;
 - (vi) mechanical engineering,and the applicant satisfies the Registrar that the applicant has at least 2 years' relevant working experience and has the necessary practical experience;
 - (b) the applicant holds a bachelor degree in any of the following disciplines—
 - (i) building services engineering;
 - (ii) electrical engineering;
 - (iii) electronic engineering;
 - (iv) marine and naval architecture engineering;
 - (v) mechanical engineering,and the applicant satisfies the Registrar that the applicant has at least 4 years' relevant working experience and has the necessary practical experience;
 - (c) the applicant holds any qualifications recognized by the Registrar to be equivalent to or higher than any of the

- qualifications mentioned in paragraph (b), and the applicant satisfies the Registrar that the applicant has at least 4 years' relevant working experience and has the necessary practical experience;
- (d) the applicant holds a higher diploma or higher certificate in building services engineering, electrical engineering, electronic engineering or mechanical engineering from the Vocational Training Council or any technical institution, and the applicant satisfies the Registrar that—
- (i) the applicant has at least 5 years' relevant working experience and has the necessary practical experience; or
 - (ii) the applicant—
 - (A) has completed an apprenticeship of at least 2 years in building services engineering, electrical engineering, electronic engineering marine engineering or mechanical engineering;
 - (B) has obtained, after the completion of the apprenticeship, at least 3 years' relevant working experience; and
 - (C) has the necessary practical experience; or
- (e) the applicant holds any qualifications recognized by the Registrar to be equivalent to or higher than any of the qualifications mentioned in paragraph (d), and the applicant satisfies the Registrar that—
- (i) the applicant has at least 5 years' relevant working experience and has the necessary practical experience; or
 - (ii) the applicant—
 - (A) has completed an apprenticeship of at least 2 years in building services engineering,

- electrical engineering, electronic engineering, marine engineering or mechanical engineering;
- (B) has obtained, after the completion of the apprenticeship, at least 3 years' relevant working experience; and
- (C) has the necessary practical experience.

Part 5

Requirement for Renewal under Section 91(3)(a)

1. The requirement mentioned in section 91(3)(a) is that the applicant satisfies the Registrar that the applicant—
 - (a) has at least one year's relevant working experience obtained within the 5-year period immediately before the date of submission of the application; and
 - (b) has completed, within the period mentioned in paragraph (a), at least 90 hours of relevant training.

Schedule 10[ss. 82, 83, 94,
95 & 156]**Registration of Lift Workers and Escalator Workers****Part 1****Requirements for Lift Workers under Section 82(2)(a)**

1. The requirements mentioned in section 82(2)(a) are that—
 - (a) the applicant has been an apprentice in the trade of lift electrician or lift mechanic and has completed a craft certificate course recognized by the Registrar, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training;
 - (b) the applicant has been an apprentice in any other trade recognized by the Registrar to be similar to the trade of lift electrician or lift mechanic and has completed a craft certificate course recognized by the Registrar, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training;

- (c) the applicant has completed a certificate course in building services engineering, electrical engineering, electronic engineering, marine engineering or mechanical engineering, recognized by the Registrar, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training;
- (d) the applicant has completed any other course recognized by the Registrar to be equivalent to or of a higher level than, a course mentioned in paragraph (c), and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training;
- (e) the applicant is considered by a registered lift contractor to have obtained sufficient experience and training in lift works, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training; or

- (f) the applicant has passed a trade test for lift works recognized by the Registrar, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 8 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training.

Part 2

Requirement for Renewal under Section 83(3)(a)

- 1. The requirement mentioned in section 83(3)(a) is that the applicant satisfies the Registrar that the applicant—
 - (a) has at least one year's relevant working experience obtained within the 5-year period immediately before the date of submission of the application; and
 - (b) has completed, within the period mentioned in paragraph (a), at least 30 hours of relevant training.

Part 3

Requirements for Escalator Workers under Section 94(2)(a)

- 1. The requirements mentioned in section 94(2)(a) are that—
 - (a) the applicant has been an apprentice in the trade of lift electrician or lift mechanic and has completed a craft certificate course recognized by the Registrar, and the applicant satisfies the Registrar that the applicant—

- (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training;
- (b) the applicant has been an apprentice in any other trade recognized by the Registrar to be similar to the trade of lift electrician or lift mechanic, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training;
- (c) the applicant has completed a certificate course in building services engineering, electrical engineering, electronic engineering, marine engineering or mechanical engineering, recognized by the Registrar, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training;
- (d) the applicant has completed any other course recognized by the Registrar to be equivalent to or of a higher level than, a course mentioned in paragraph (c), and the applicant satisfies the Registrar that the applicant—

- (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training;
- (e) the applicant is considered by a registered escalator contractor to have obtained sufficient experience and training in escalator works, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 4 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and relevant training; or
- (f) the applicant has passed a trade test for escalator works recognized by the Registrar, and the applicant satisfies the Registrar that the applicant—
 - (i) has at least 8 years' relevant working experience, of which at least one year was obtained within the 5-year period immediately before the date of submission of the application; and
 - (ii) has the necessary practical experience and proper training.

Part 4

Requirement for Renewal under Section 95(3)(a)

1. The requirement mentioned in section 95(3)(a) is that the applicant satisfies the Registrar that the applicant—

- (a) has at least one year's relevant working experience obtained within the 5-year period immediately before the date of submission of the application; and
 - (b) has completed, within the period mentioned in paragraph (a), at least 30 hours of relevant training.
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Schedule 11[ss. 108 & 156
& Sch. 12]**Disciplinary Board Panel****1. Interpretation**

In this Schedule—

Hong Kong Institution of Engineers (香港工程師學會) means The Hong Kong Institution of Engineers established under The Hong Kong Institution of Engineers Ordinance (Cap. 1105);

panel (委員團) means the disciplinary board panel required to be established under section 109;

panel member (委員團成員) means a person appointed under section 2 of this Schedule;

registered professional engineer (註冊專業工程師) means a registered professional engineer as defined by section 2 of the Engineers Registration Ordinance (Cap. 409).

2. Composition of panel

(1) The panel is to consist of the following numbers and categories of persons appointed by the Secretary—

- (a) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is both—
 - (i) a member of the Institution; and
 - (ii) a registered professional engineer within the discipline of building services engineering, mechanical engineering, or marine and naval architecture engineering;
- (b) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is both—

- (i) a member of the Institution; and
 - (ii) a registered professional engineer within the discipline of control, automation and instrumentation engineering, electrical engineering or electronic engineering;
- (c) not more than 5 persons each of whom is—
- (i) a registered lift engineer nominated by an organization which, in the opinion of the Secretary, represents the interests of lift engineers; or
 - (ii) a registered escalator engineer nominated by an organization which, in the opinion of the Secretary, represents the interests of escalator engineers;
- (d) not more than 5 persons nominated by the Hong Kong Institution of Engineers, each of whom is a member of the Institution whose name is in the list of engineers contained in the register kept under section 3(2)(b) or (3) of the Buildings Ordinance (Cap. 123);
- (e) not more than 5 persons each of whom is nominated by an organization which, in the opinion of the Secretary, represents the interests of lift contractors or escalator contractors;
- (f) not more than 5 persons each of whom is—
- (i) a registered lift worker for all kinds of lift works nominated by an organization which, in the opinion of the Secretary, represents the interests of lift workers; or
 - (ii) a registered escalator worker for all kinds of escalator works nominated by an organization which, in the opinion of the Secretary, represents the interests of escalator workers;
- (g) not more than 5 persons each of whom is nominated by an organization which, in the opinion of the Secretary,

represents the interests of persons carrying on the business of property management; and

(h) not more than 5 persons each of whom is—

(i) a member of a management committee, or a new management committee, within the meaning of the Building Management Ordinance (Cap. 344); or

(ii) a person who owns a lift or escalator.

(2) A public officer is not eligible for appointment to the panel.

(3) The Secretary is to give notice in the Gazette of the appointment of a panel member.

3. Term of office of panel member

A panel member is to be appointed for a term of not more than 3 years and may be reappointed after the expiry of the member's term of office.

4. Resignation of panel member

(1) A panel member may resign at any time by giving notice in writing to the Secretary.

(2) The resignation takes effect on the date specified in the notice or, if no date is so specified, the date of receipt of the notice by the Secretary.

5. Removal of panel member

(1) The Secretary may terminate the appointment of a panel member if the Secretary is satisfied that the member—

(a) has become a public officer;

(b) has become bankrupt or has entered into a voluntary arrangement within the meaning of section 2 of the Bankruptcy Ordinance (Cap. 6) with the member's creditors;

(c) is incapacitated by physical or mental illness;

(d) has ceased to have the capacity by virtue of which the member was appointed; or

(e) is otherwise unable or unfit to perform the functions of a panel member.

(2) The Secretary is to give notice in the Gazette of the termination of an appointment of a panel member.

Schedule 12[ss. 2, 110 &
156]**Composition, Meetings and Proceedings of Disciplinary Board, etc.****1. Interpretation**

In this Schedule—

board member (委員會成員) means a member of a disciplinary board;

complaint (投訴) means a complaint alleging a disciplinary offence against a registered person;

disciplinary board (紀律審裁委員會) means a disciplinary board required to be established under section 110(1) to consider a complaint;

meeting (會議) includes a hearing.

2. Composition of disciplinary board

- (1) A disciplinary board is to consist of 8 members appointed by the Secretary from the members of the disciplinary board panel established under section 108.
- (2) The board members must include at least one member from each category constituting the panel.
- (3) If, at the time of considering a complaint, a member of the disciplinary board ceases to be a member of the disciplinary board panel other than for any of the reasons under section 5 of Schedule 11, the board member may continue to act as a member of the disciplinary board until a decision is made by the board in respect of the complaint.

3. Quorum

- (1) At a meeting of a disciplinary board, the quorum is 5 board members.
- (2) If a board member is disqualified from taking part in a decision or deliberation in respect of a matter under section 8 of this Schedule, the member must be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.

4. Chairperson of disciplinary board

The board members are to elect a chairperson from among themselves.

5. Remuneration of board member

The remuneration, if any, of the chairperson and a board member is to be paid at a rate determined by the Financial Secretary.

6. Chairperson to preside at meeting

- (1) Subject to subsection (2), the chairperson elected under section 4 of this Schedule is to preside at any meeting of the disciplinary board.
- (2) If, for any reason, the chairperson is not able to preside at a meeting of the board, the board members present at the meeting are to elect from among themselves a member to preside.
- (3) All questions for determination are to be decided by a majority of votes of the board members present and voting.
- (4) If there is an equality of votes, the member presiding has a casting vote as well as a deliberative vote.

7. Proceedings before disciplinary board

- (1) The parties to a hearing before a disciplinary board are—

- (a) the registered person who is the subject of the complaint; and
- (b) the Director.
- (2) The chairperson of the disciplinary board is to—
 - (a) appoint the time and place of the hearing; and
 - (b) notify in writing the parties of that time and place.
- (3) A party to the hearing may—
 - (a) make a representation in person at the hearing; or
 - (b) be represented at the hearing by a counsel or a solicitor or any other person authorized by the party in writing.
- (4) A party to the hearing may adduce evidence at any proceedings before the board.

8. Disclosure of interests of board member

If a board member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the disciplinary board, the member—

- (a) must before or as soon as practicable after the meeting begins, disclose to the board the fact and the nature of the interest;
- (b) must withdraw from the meeting while the board is considering the matter if so required by the meeting; and
- (c) must not participate in any deliberation or be involved in any determination regarding the matter.

9. Legal adviser

The chairperson of a disciplinary board may appoint a counsel or a solicitor to attend any meeting of the board to advise it on any matter that arises during the meeting of the board.

10. Disciplinary board to determine procedures

Subject to this Schedule and Part 5, a disciplinary board may determine its own procedures.

Schedule 13[ss. 116 & 156
& Sch. 14]**Appeal Board Panel****1. Interpretation**

In this Schedule—

Hong Kong Institution of Engineers (香港工程師學會) means The Hong Kong Institution of Engineers established under The Hong Kong Institution of Engineers Ordinance (Cap. 1105);

panel (委員會) means the appeal board panel required to be established under section 116;

panel member (委員會成員) means a person appointed under section 2 of this Schedule;

registered professional engineer (註冊專業工程師) means a registered professional engineer as defined by section 2 of the Engineers Registration Ordinance (Cap. 409).

2. Composition of panel

(1) The panel is to consist of the following numbers and categories of persons appointed by the Secretary—

- (a) not more than 10 persons nominated by the Hong Kong Institution of Engineers, each of whom is—
 - (i) a member of the Institution; and
 - (ii) a registered professional engineer within the discipline of control, automation and instrumentation engineering, electrical engineering, or electronic engineering;
- (b) not more than 10 persons nominated by the Hong Kong Institution of Engineers, each of whom is—

- (i) a member of the Institution; and
- (ii) a registered professional engineer within the discipline of mechanical engineering, building services engineering, or marine and naval architecture engineering;

(c) not more than 10 persons nominated by the Hong Kong Institution of Engineers, each of whom is a member of the Institution whose name is in the list of engineers contained in the register kept under section 3(2)(b) or (3) of the Buildings Ordinance (Cap. 123).

- (2) A public officer is not eligible for appointment to the panel.
- (3) The Secretary is to give notice in the Gazette of the appointment of a panel member.

3. Term of office of panel member

A panel member is to be appointed for a term of not more than 3 years and may be reappointed after the expiry of the member's term of office.

4. Resignation of panel member

- (1) A panel member may resign at any time by giving notice in writing to the Secretary.
- (2) The resignation takes effect on the date specified in the notice or, if no date is so specified, the date of receipt of the notice by the Secretary.

5. Removal of panel member

- (1) The Secretary may terminate the appointment of a panel member if the Secretary is satisfied that the member—
 - (a) has become a public officer;
 - (b) has become bankrupt or has entered into a voluntary arrangement within the meaning of section 2 of the

- Bankruptcy Ordinance (Cap. 6) with the member's creditors;
- (c) is incapacitated by physical or mental illness;
 - (d) has ceased to have the capacity by virtue of which the member was appointed; or
 - (e) is otherwise unable or unfit to perform the functions of a panel member.
- (2) The Secretary is to give notice in the Gazette of the termination of an appointment of a panel member.
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Schedule 14[ss. 2, 118 &
156]**Composition, Meetings and Proceedings of Appeal Board, etc.****1. Interpretation**

In this Schedule—

appeal (上訴) means an appeal under section 115(1);

appeal board (上訴委員會) means an appeal board required to be established under section 118(1) to consider an appeal;

board member (委員會成員) means a member of an appeal board;

meeting (會議) includes a hearing.

2. Composition of appeal board

- (1) An appeal board is to consist of 4 members appointed by the Secretary from the members of the appeal board panel established under section 116.
- (2) The board members must include at least one member from each category constituting the panel.
- (3) The Secretary may not appoint a member of the appeal board panel to be a member of an appeal board if the member of the panel is or has been a member of the disciplinary board the decision of which is the subject of an appeal to be considered by the appeal board.
- (4) If, at the time of considering an appeal, a board member of the appeal board established to consider the appeal ceases to be a member of the appeal board panel other than for any of the reasons under section 5 of Schedule 13, the board member may continue to act as a member of the appeal board until a decision is made by the board in respect of the appeal.

3. Quorum

- (1) At a meeting of an appeal board, the quorum is 3 board members.
- (2) If a board member is disqualified from taking part in a decision or deliberation in respect of a matter under section 8 of this Schedule, the member must be disregarded for the purposes of constituting the quorum for deciding or deliberating on that matter.

4. Chairperson of appeal board

The board members are to elect a chairperson from among themselves.

5. Remuneration of board member

The remuneration, if any, of the chairperson and a board member is to be paid at a rate determined by the Financial Secretary.

6. Chairperson to preside at meeting

- (1) Subject to subsection (2), the chairperson elected under section 4 of this Schedule is to preside at any meeting of the appeal board.
- (2) If, for any reason, the chairperson is not able to preside at a meeting of the board, the board members present at the meeting are to elect from among themselves a member to preside.
- (3) All questions for determination are to be decided by a majority of votes of the board members present and voting.
- (4) If there is an equality of votes, the member presiding has a casting vote as well as a deliberative vote.

7. Proceedings before appeal board

- (1) The parties to an appeal before an appeal board are the appellant and—

- (a) if the appeal is an appeal against a decision of the Director, the Director;
- (b) if the appeal is an appeal against a decision of the Registrar, the Registrar; and
- (c) if the appeal is an appeal against an order of a disciplinary board, the disciplinary board.
- (2) The chairperson of the appeal board is to—
 - (a) appoint the time and place of the hearing of the appeal; and
 - (b) notify in writing the parties of that time and place.
- (3) A party to the appeal may—
 - (a) make a representation in person at the hearing; or
 - (b) be represented at the hearing by a counsel or a solicitor or any other person authorized by the party in writing.
- (4) A party to the appeal may adduce evidence at any proceedings before the appeal board.
- (5) A hearing is to be open to the public unless the appeal board determines that there is a good reason for it to be held in camera.

8. Disclosure of interests of board member

If a board member has a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting of the appeal board, the member—

- (a) must before or as soon as practicable after the meeting begins, disclose to the board the fact and the nature of the interest;
- (b) must withdraw from the meeting while the board is considering the matter if so required by the meeting; and
- (c) must not participate in any deliberation or be involved in any determination regarding the matter.

9. Legal adviser

The chairperson of an appeal board may appoint a counsel or a solicitor to attend any meeting of the board to advise it on any matter that arises during the meeting of the board.

10. Appeal board to determine procedures

Subject to this Schedule and Part 6, an appeal board may determine its own procedures.

Schedule 15

[ss. 156 & 160]

Transitional and Savings Provisions**Part 1****Interpretation****1. Interpretation**

In this Schedule—

relevant date (有關日期) means the date on which section 157 comes into operation;

safety equipment (安全設備) means safety equipment as defined by section 2(1) of the repealed Ordinance.

Part 2**Certain Persons Regarded as Registered Persons under Ordinance****2. Registration of certain persons under repealed Ordinance to be regarded as registration under this Ordinance**

- (1) A person who, immediately before the relevant date, was a registered lift contractor under the repealed Ordinance and whose registration, but for the coming into operation of section 157, would have continued to be in force on the relevant date is a registered lift contractor under this Ordinance as if the person were registered under section 74(1) on the relevant date, and section 98 applies accordingly.
- (2) A person who, immediately before the relevant date, was a registered lift engineer under the repealed Ordinance and

whose registration, but for the coming into operation of section 157, would have continued to be in force on the relevant date is a registered lift engineer under this Ordinance as if the person were registered under section 78(1) on the relevant date, and sections 98 and 99 apply accordingly.

- (3) A person who, immediately before the relevant date, was a registered escalator contractor under the repealed Ordinance and whose registration, but for the coming into operation of section 157, would have continued to be in force on the relevant date is a registered escalator contractor under this Ordinance as if the person were registered under section 86(1) on the relevant date, and section 98 applies accordingly.
- (4) A person who, immediately before the relevant date, was a registered escalator engineer under the repealed Ordinance and whose registration, but for the coming into operation of section 157, would have continued to be in force on the relevant date is a registered escalator engineer under this Ordinance as if the person were registered under section 90(1) on the relevant date, and sections 98 and 99 apply accordingly.
- (5) The registration of a registered person under this section—
 - (a) takes effect on the relevant date; and
 - (b) expires on the date immediately before the 5th anniversary of that date.

Part 3

Application of Sections 9, 13, 43 and 45 in Relation to Certain Major Alterations

3. **Application of sections 9, 13, 43 and 45 in relation to major alterations completed before relevant date**
 - (1) Sections 9 and 13 do not apply in relation to any major alteration made in respect of a lift if—
 - (a) in relation to a lift to which section 13 of the repealed Ordinance would have applied but for the coming into operation of section 157—
 - (i) a notice permitting the use or operation of the lift to be resumed has been issued under the repealed Ordinance in relation to the alteration; or
 - (ii) an exemption from section 13 of the repealed Ordinance has been granted under section 44 of that Ordinance in respect of the lift; and
 - (b) in relation to any other lift, the alteration was completed before the relevant date.
 - (2) Sections 43 and 45 do not apply in relation to any major alteration made in respect of an escalator if—
 - (a) in relation to an escalator to which section 13 of the repealed Ordinance would have applied but for the coming into operation of section 157—
 - (i) a notice permitting the use or operation of the escalator to be resumed has been issued under the repealed Ordinance in relation to the alteration; or
 - (ii) an exemption from section 13 of the repealed Ordinance has been granted under section 44 of that Ordinance in respect of the escalator; and

- (b) in relation to any other escalator, the alteration was completed before the relevant date.

Part 4

Certain Works, etc. Regarded as Periodic Maintenance Works, etc. under Ordinance

4. Certain works to be regarded as periodic maintenance works for purposes of section 15(2)(b) or 46(2)(b), etc.

- (1) For the purposes of section 15(2)(b)—
 - (a) in relation to a lift to which section 19 of the repealed Ordinance would have applied but for the coming into operation of section 157, prescribed works last carried out in respect of the lift within the prescribed period (in accordance with that section 19) are to be regarded as periodic maintenance works carried out in respect of the lift; and
 - (b) in relation to any other lift, periodic maintenance works are taken to have been first carried out in respect of the lift on the relevant date.
- (2) For the purposes of section 46(2)(b)—
 - (a) in relation to an escalator to which section 19 of the repealed Ordinance would have applied but for the coming into operation of section 157, prescribed works last carried out in respect of the escalator within the prescribed period (in accordance with that section 19) are to be regarded as periodic maintenance works carried out in respect of the escalator; and
 - (b) in relation to any other escalator, periodic maintenance works are taken to have been first carried out in respect of the escalator on the relevant date.
- (3) In this section—

prescribed period (訂明期間) means a period of one month immediately before the relevant date;

prescribed works (訂明工程) means—

- (a) in relation to a lift, the inspection, oiling, cleaning and adjusting of the lift, including the inspection, oiling, cleaning and adjusting of all the machinery and equipment connected with the lift and the safety equipment provided for the lift; and
- (b) in relation to an escalator, the inspection, oiling, cleaning and adjusting of the escalator, including the inspection, oiling, cleaning and adjusting of all the machinery and equipment connected with the escalator and the safety equipment provided for the escalator.

5. Certain examinations and testing to be regarded as thorough examinations for purposes of section 22, 23 or 53

- (1) For the purposes of section 22, the prescribed examination last carried out in respect of a lift before the relevant date is to be regarded as a thorough examination carried out in respect of the lift and all its associated equipment or machinery by a registered lift engineer.
- (2) For the purposes of section 23, the prescribed examination with load last carried out in respect of a lift before the relevant date (in accordance with the repealed Ordinance) is to be regarded as an examination carried out in respect of the lift and all its associated equipment or machinery by a registered lift engineer in accordance with section 24(2) and (3).
- (3) For the purposes of section 53, the prescribed examination last carried out in respect of an escalator before the relevant date is to be regarded as a thorough examination carried out in respect of the escalator and all its associated equipment or machinery by a registered escalator engineer.
- (4) In this section—
prescribed certificate (訂明證明書) means—

- (a) for the purposes of paragraph (a)(i) of the definition of *prescribed examination*, a prescribed certificate as defined by section 6(3)(a)(i) of this Schedule;
- (b) for the purposes of paragraph (a)(ii) of the definition of *prescribed examination*, a prescribed certificate as defined by section 6(3)(a)(ii) of this Schedule;
- (c) for the purposes of paragraph (b)(i) of the definition of *prescribed examination*, a prescribed certificate as defined by section 6(3)(b)(i) of this Schedule;
- (d) for the purposes of paragraph (b)(ii) of the definition of *prescribed examination*, a prescribed certificate as defined by section 6(3)(b)(ii) of this Schedule;
- (e) for the purposes of paragraph (a) of the definition of *prescribed examination with load*, a copy of a certificate delivered by the Director under section 39 of the repealed Ordinance;
- (f) for the purposes of paragraph (b) of the definition of *prescribed examination with load*, a certificate that is issued by a prescribed person relating to an examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, carried out by the person and that contains a statement of the person to the effect that the person is satisfied that on the date of the examination, the lift was in safe working order;

prescribed examination (訂明檢驗) means—

- (a) for the purposes of subsection (1)—
 - (i) in relation to a lift to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, in

- respect of which a prescribed certificate has been issued; and
- (ii) in relation to any other lift, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, in respect of which a prescribed certificate has been issued; and
- (b) for the purposes of subsection (3)—
 - (i) in relation to an escalator to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157, examination of the escalator, including examination of all machinery and equipment connected with the escalator, in respect of which a prescribed certificate has been issued; and
 - (ii) in relation to any other escalator, examination of the escalator, including examination of all machinery and equipment connected with the escalator, in respect of which a prescribed certificate has been issued;

prescribed examination with load (有負載訂明檢驗), for the purposes of subsection (2), means—

- (a) in relation to a lift to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift with load, carried out within the prescribed period and in respect of which a prescribed certificate has been issued; and
- (b) in relation to any other lift, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift with load, carried out

within the prescribed period and in respect of which a prescribed certificate has been issued;

prescribed period (訂明期間), for the purposes of the definition of **prescribed examination with load**, means the period—

- (a) beginning on the date the 5th anniversary of which is the date immediately after the relevant date; and
- (b) ending immediately before the relevant date;

prescribed person (訂明人士), for the purposes of paragraph (f) of the definition of **prescribed certificate**, means a registered lift engineer as defined by section 2(1) of the repealed Ordinance.

6. Certain certificates to be regarded as use permits issued under section 26 or 56

(1) Subject to subsection (2)—

- (a) a prescribed certificate of a lift is to be regarded as a use permit of the lift; and
- (b) a prescribed certificate of an escalator is to be regarded as a use permit of the escalator.

(2) Despite sections 27 and 57—

- (a) a certificate of a lift that is to be regarded as a use permit of the lift under subsection (1)(a)—
 - (i) in relation to a document under subsection (3)(a)(i)—
 - (A) begins to have effect as a use permit on the relevant date; and
 - (B) ceases to have effect as a use permit at midnight on the date specified in the certificate to be the date on or before which the next periodic examination of the lift is required to be carried out; and
 - (ii) in relation to a document under subsection (3)(a)(ii)—

- (A) begins to have effect as a use permit on the relevant date; and
- (B) ceases to have effect as a use permit at midnight on the date immediately before the 1st anniversary of the date on which the examination was carried out; and

(b) a certificate of an escalator that is to be regarded as a use permit of the escalator under subsection (1)(b)—

- (i) in relation to a document under subsection (3)(b)(i)—
 - (A) begins to have effect as a use permit on the relevant date; and
 - (B) ceases to have effect as a use permit at midnight on the date specified in the certificate to be the date on or before which the next periodic examination of the escalator is required to be carried out; and
- (ii) in relation to a document under subsection (3)(b)(ii)—
 - (A) begins to have effect as a use permit on the relevant date; and
 - (B) ceases to have effect as a use permit at midnight on the last day of the 6-month period beginning on the date immediately after the date on which the examination was carried out.

(3) For the purposes of this section—

- (a) a document is a prescribed certificate of a lift if—
 - (i) in relation to a lift to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157—

- (A) the document is a copy of a certificate delivered by the Director under section 39 of the repealed Ordinance; and
- (B) the date specified in the document to be the date on or before which the next periodic examination of the lift is required to be carried out is a date on or after the relevant date; and
- (ii) in relation to any other lift—
 - (A) the document is a certificate issued by a prescribed person;
 - (B) the document was issued before the relevant date relating to an examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, carried out by the person in accordance with the repealed Ordinance on a date not earlier than the date the 1st anniversary of which is the date immediately after the relevant date; and
 - (C) the document contains a statement of the person to the effect that the engineer is satisfied that on the date of the examination, the lift was in safe working order; and
- (b) a document is a prescribed certificate of an escalator if—
 - (i) in relation to an escalator to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157—
 - (A) the document is a copy of a certificate delivered by the Director under section 39 of the repealed Ordinance; and

- (B) the date specified in the document to be the date on or before which the next periodic examination of the escalator is required to be carried out is a date on or after the relevant date; and
- (ii) in relation to any other escalator—
 - (A) the document is a certificate issued by a prescribed person;
 - (B) the document was issued before the relevant date relating to an examination of the escalator, including examination of all machinery and equipment connected with the escalator, carried out by the person in accordance with the repealed Ordinance within the 6-month period immediately before the relevant date; and
 - (C) the document contains a statement of the person to the effect that the engineer is satisfied that on the date of the examination, the escalator was in safe working order.
- (4) In subsection (3)—

prescribed person (訂明人士) means—

 - (a) in relation to a lift, a registered lift engineer as defined by section 2(1) of the repealed Ordinance;
 - (b) in relation to an escalator, a registered escalator engineer as defined by section 2(1) of the repealed Ordinance.

Part 5**Certificates Pending to be Disposed of under Repealed Ordinance****7. Certificates pending to be disposed of by Director under section 12(2) or 13(2) of repealed Ordinance****(1) If—**

- (a) a certificate has been delivered to the Director under section 12(2) of the repealed Ordinance in respect of a lift or escalator;
- (b) the fee payable under that section has been paid; and
- (c) there is any of the following circumstances—
 - (i) a decision of the Director as to whether the lift or escalator is in safe working order is pending immediately before the relevant date;
 - (ii) a decision of the Director under section 12(3)(b) of that Ordinance to refuse to permit the lift or escalator to be used and operated is under reconsideration by the Director immediately before the relevant date,

the Director may dispose of the case under section 26 or 56 as if an application under section 26 or 56 had been made in respect of the lift or escalator and the certificate were a certificate under section 24 or 54.

- (2) If a certificate has been delivered to the Director under section 13(2) of the repealed Ordinance in respect of a lift or escalator, the fee payable under that section has been paid, and—
 - (a) a decision of the Director as to whether the affected part of the lift or escalator is in safe working order is pending immediately before the relevant date; or

- (b) a decision of the Director under section 13(3)(b) of that Ordinance to refuse to permit the use or operation of the lift or escalator to be resumed is under reconsideration by the Director immediately before the relevant date,

the Director may dispose of the case under section 28 or 58 as if an application under section 28 or 58 had been made in respect of the lift or escalator and the certificate were a certificate issued under section 25 or 55.

(3) If—

- (a) a certificate has been delivered to the Director under section 26(1) of the repealed Ordinance in respect of a lift or escalator;
- (b) the fee payable under that section has been paid; and
- (c) the certificate is yet to be disposed of under section 39(1) of that Ordinance by the Director before the relevant date,

the Director may dispose of the case under section 26 or 56 as if an application under section 26 or 56 had been made in respect of the lift or escalator and the certificate were a certificate issued under section 24 or 54.

- (4) In relation to subsection (1), unless the Director has otherwise directed, the lift or escalator concerned may be used or operated, without a use permit, before the Director notifies the person who delivered the certificate to the Director of the Director's decision as to whether to issue a permit under section 26 or 56 for the lift or escalator.
- (5) In relation to subsection (2), unless the Director has otherwise directed, the lift or escalator concerned may, without a resumption permit, resume its normal use and operation before the Director notifies the person who delivered the certificate to the Director of the Director's decision as to whether to issue a permit under section 28 or 58 for the lift or escalator.

- (6) In relation to subsection (3), unless the Director has otherwise directed, the lift or escalator concerned may, without a use permit, continue to be used and operated before the Director notifies the person who delivered the certificate to the Director of the Director's decision as to whether to issue a permit under section 26 or 56 for the lift or escalator.

Part 6

Pending Applications under Section 6 or 11C of Repealed Ordinance

8. Applications under section 6 or 11C of repealed Ordinance

- (1) If, immediately before the relevant date, there was a pending application under section 6 of the repealed Ordinance, the application is to be regarded as an application under section 78 or 90 (as the case requires).
- (2) If, immediately before the relevant date, there was a pending application under section 11C of the repealed Ordinance, the application is to be regarded as an application under section 74 or 86 (as the case requires).

Part 7

Orders of Directors Made under Repealed Ordinance etc.

9. Orders of Director made under repealed Ordinance

An order of the Director made under the repealed Ordinance that is in force immediately before the relevant date and would have continued to be in force on that date, but for the coming into operation of section 157, continues to be in force and, subject to sections 10 and 11 of this Schedule, the Director may enforce the

order under that Ordinance as if that Ordinance had not been repealed by section 157.

10. Supplementary provisions in relation to orders made under section 27(1) of repealed Ordinance

- (1) Section 27(2) of the repealed Ordinance does not apply in relation to an order made on any of the grounds mentioned in section 27(1) (other than section 27(1)(e)) of that Ordinance, and the order continues to be in force until the Director is satisfied that the lift or escalator is in safe working order and has revoked the order.
- (2) Section 27(3) of the repealed Ordinance does not apply in relation to an order made on the ground mentioned in section 27(1)(e) of that Ordinance, and the order continues to be in force until the Director is satisfied that the lift or escalator is in safe working order and has revoked the order.

11. Offences regarding contravention of order made under section 27(1) of repealed Ordinance

- (1) Section 29(3), (4) and (5) of the repealed Ordinance does not apply in relation to the use or operation of a lift or escalator that is the subject of an order made under section 27(1) of that Ordinance.
- (2) If a person uses or operates a lift or escalator in contravention of an order mentioned in subsection (1), the person commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (3) If a person causes or permits any other person to use or operate a lift or escalator in contravention of an order mentioned in subsection (1), the person commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 12 months.
- (4) It is a defence for a person charged under subsection (2) to prove that the person did not know and could not with due

diligence have discovered that the use or operation was prohibited under an order mentioned in subsection (1).

- (5) It is a defence for a person charged under subsection (3) to prove that the person—
 - (a) did not know and could not with due diligence have discovered that the use or operation was prohibited under an order mentioned in subsection (1); or
 - (b) the contravention occurred without the person's consent or connivance and that the person had taken all reasonable steps to prevent the use or operation of the lift or escalator.
- (6) Subsections (2) and (3) do not apply to the use or operation of a lift or escalator in emergency circumstances affecting the safety of any person or property.
- (7) Subsections (2) and (3) do not apply if the use or operation of the lift or escalator is for the purposes of performing any function conferred or imposed on a person by or under this Ordinance, including complying with or giving effect to an order of the Director under this Ordinance.

12. Disconnection of supply of electricity under repealed Ordinance

- (1) If the supply of electricity to a lift has been disconnected under section 38 of the repealed Ordinance, reconnection of the supply of electricity is prohibited unless written permission has been obtained from the Director.
- (2) If the supply of electricity to an escalator has been disconnected under section 38 of the repealed Ordinance, reconnection of the supply of electricity is prohibited unless written permission has been obtained from the Director.
- (3) If there is a contravention of subsection (1), section 31(3) and (4) applies in relation to the contravention as if the disconnection of the supply of electricity had been effected under section 31.

- (4) If there is a contravention of subsection (2), section 61(3) and (4) applies in relation to the contravention as if the disconnection of the supply of electricity had been effected under section 61.

Part 8

Disciplinary Proceedings and Appeals

13. Disciplinary proceedings under repealed Ordinance

- (1) If, immediately before the relevant date, there were proceedings pending in a disciplinary board appointed under section 8 or 11E of the repealed Ordinance, the proceedings may be continued under the repealed Ordinance as if that Ordinance had not been repealed by section 157.
- (2) In relation to any proceedings mentioned in subsection (1), a member of the disciplinary board appointed to conduct the proceedings continues to perform the functions as such a member until the completion of the proceedings.
- (3) Any matter that the Director may refer to the Secretary under section 9 or 11G of the repealed Ordinance before the relevant date may be referred to the Secretary on or after that date and the repealed Ordinance continues to apply in relation to the matter on or after that date as if that Ordinance had not been repealed by section 157.
- (4) Despite subsections (1) and (3), the power of the disciplinary board under section 9(2)(a)(i) or 11G(2)(a) of the repealed Ordinance is to be construed as a power of the board to order the Registrar to cancel or suspend the registration of the person, as appropriate, under one or more of the following provisions of this Ordinance and the powers of the Court of First Instance under sections 11 and 11I of the repealed Ordinance are to be construed accordingly—
 - (a) section 74(1);

- (b) section 78(1);
- (c) section 86(1);
- (d) section 90(1).
- (5) The Registrar must—
 - (a) comply with an order under subsection (4); or
 - (b) if the Court of First Instance decides to reverse or vary the order, take appropriate actions (if required) to give effect to the decision.

14. Appeals under repealed Ordinance

- (1) If, immediately before the relevant date, there were proceedings pending in an appeal board under the repealed Ordinance, the proceedings may be continued under the repealed Ordinance as if that Ordinance had not been repealed by section 157.
- (2) In relation to any proceedings mentioned in subsection (1) a member of the appeal board appointed to conduct the proceedings continues to perform the functions as such a member until the completion of the proceedings.
- (3) Despite the coming into operation of section 157, section 18 of the repealed Ordinance continues to apply in relation to a decision of the appeal board mentioned in subsection (1) as if that Ordinance had not been repealed.
- (4) A right of appeal under section 6(5), 11C(4) or 15 of the repealed Ordinance that was subsisting immediately before the relevant date may be exercised under the repealed Ordinance on or after that date and that Ordinance continues to apply on or after that date as if it had not been repealed by section 157.
- (5) Despite subsections (1) and (4)—
 - (a) in relation to an appeal under section 6(5) or 11C(4) of the repealed Ordinance, the power of the appeal board under section 17(4)(b) of that Ordinance is to be

construed as a power of the board to order the Registrar to register the person, as appropriate, under one or more of the following provisions of this Ordinance and the powers of the Court of First Instance under section 18 of the repealed Ordinance are to be construed accordingly—

- (i) section 74(1);
- (ii) section 78(1);
- (iii) section 86(1);
- (iv) section 90(1); and

- (b) in relation to an appeal under section 15 of the repealed Ordinance—

- (i) the power of the appeal board under section 17(1) of that Ordinance is to be construed as a power of the board to order the Director to issue a use permit or resumption permit under this Ordinance in respect of the lift or escalator, as appropriate; and
- (ii) the power of the board to make a direction under section 17(2) of the repealed Ordinance is to be construed as a power of the board to order the Director to issue a use permit or resumption permit under this Ordinance in respect of the lift or escalator, as appropriate, if the Director is satisfied that the work specified by the board under that section has been carried out.

- (6) The Registrar must—

- (a) comply with an order under subsection (5)(a); or
- (b) if the Court of First Instance decides to reverse or vary an order of an appeal board appointed under the repealed Ordinance, take appropriate actions (if required) to give effect to the decision.

Part 9**Others Matters****15. Display of use permits under section 39 or 69**

- (1) Section 39 does not apply, before the specified date, to a lift other than a lift to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157, if a prescribed examination has been carried out in respect of the lift.
- (2) Section 69 does not apply, before the specified date, to an escalator other than an escalator to which section 39(3) of the repealed Ordinance would have applied but for the coming into operation of section 157, if a prescribed examination has been carried out in respect of the escalator.
- (3) In this section—

last prescribed examination (上次訂明檢驗) means—

- (a) in relation to a lift, the prescribed examination of the lift that was last carried out before the relevant date; and
- (b) in relation to an escalator, the prescribed examination of the escalator that was last carried out before the relevant date;

prescribed examination (訂明檢驗) means—

- (a) in relation to a lift, examination of the lift, including examination of all machinery and equipment connected with the lift and testing of the safety equipment provided for the lift, in respect of which a prescribed certificate as defined by section 6(3)(a)(ii) of this Schedule has been issued; and
- (b) in relation to an escalator, examination of the escalator, including examination of all machinery and equipment connected with the escalator and testing of the safety equipment provided for the escalator, in respect of which

a prescribed certificate as defined by section 6(3)(b)(ii) of this Schedule has been issued;

specified date (指明日期) means—

- (a) in relation to a lift, the 1st anniversary of the date on which the last prescribed examination was carried out in respect of the lift; and
- (b) in relation to an escalator, the last day of the 6-month period beginning on the date immediately after the date on which the last prescribed examination was carried out in respect of the escalator.

16. Exemptions granted under section 44A of repealed Ordinance to be regarded as exemptions granted under this Ordinance

An exemption granted under section 44A of the repealed Ordinance in respect of a lift, which exemption but for the coming into operation of section 157 would have continued to be in force on or after the relevant date, is to be regarded as an exemption from the application of the whole of this Ordinance granted in respect of the lift under section 148 on the relevant date.

Schedule 16

[ss. 156 & 160]

Consequential and Related Amendments**Part 1****Amendments to Factories and Industrial Undertakings
(Goods Lifts) Regulations (Cap. 59 sub. leg. O)****1. Regulation 2 substituted**

Regulation 2—

Repeal the regulation**Substitute****“2. Application**

(1) These regulations apply to—

(a) a goods lift exempted under section 148(2) of the Lifts and Escalators Ordinance (of 2011); and

(b) a service lift used in an industrial undertaking.

(2) In subregulation (1)—

goods lift (載貨升降機) means a goods lift as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011);**service lift** (載物升降機) means a service lift as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011).”.**2. Regulation 3 amended (Interpretation)**Regulation 3, definition of *competent examiner*—**Repeal paragraph (b)****Substitute**

“(b) who is a registered lift engineer as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011);”.

Part 2**Amendments to Buildings Ordinance (Cap. 123)****3. Section 2 amended (Interpretation)**

(1) Section 2(1)—

Repeal the definition of *escalator***Substitute**“**escalator** (自動梯) means an escalator as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011);”.

(2) Section 2(1)—

Repeal the definition of *lift***Substitute**“**lift** (升降機) means a lift as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011);”.**Part 3****Amendment to Prevention of Bribery Ordinance (Cap. 201)****4. Schedule 1 amended (Public bodies)**

At the end of Schedule 1—

Add

“117. The disciplinary board panel established under section 108 of the Lifts and Escalators Ordinance (of 2011), including a

disciplinary board established under section 110 of that Ordinance.

118. The appeal board panel established under section 116 of the Lifts and Escalators Ordinance (of 2011), including an appeal board established under section 118 of that Ordinance.”.

Part 4

Amendment to Smoking (Public Health) Ordinance (Cap. 371)

5. Section 2 amended (Interpretation)

Section 2—

Repeal the definition of *escalator*

Substitute

“*escalator* (自動梯) means an escalator as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011);”.

Part 5

Amendment to Electricity (Exemption) Regulations (Cap. 406 sub. leg. C)

6. Regulation 2 amended (Restriction on exemption under section 9)

Regulation 2(h)—

Repeal

“in the Lifts and Escalators (Safety) Ordinance (Cap. 327)”

Substitute

“by section 2(1) of the Lifts and Escalators Ordinance (of 2011)”.

Part 6

Amendment to Builders’ Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470)

7. Section 2 amended (Interpretation)

Section 2(2)—

Repeal

“Lifts and Escalators (Safety) Ordinance (Cap. 327)”

Substitute

“Lifts and Escalators Ordinance (of 2011)”.

Part 7

Amendments to Construction Workers Registration Ordinance (Cap. 583)

8. Schedule 1 amended (Designated trades)

(1) Schedule 1, Part 1, item 12, column 4—

Repeal

“Competent escalator worker within the meaning of section 29A(4) of the Lifts and Escalators (Safety) Ordinance (Cap. 327)”

Substitute

“Either one of the following—

- (a) registered escalator worker as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011); or

- (b) competent escalator worker as defined by section 7 of the Lifts and Escalators Ordinance (of 2011)".

(2) Schedule 1, Part 1, item 12, column 4—

Repeal

"Either one of the following—

- (a) registered escalator worker as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011); or
- (b) competent escalator worker as defined by section 7 of the Lifts and Escalators Ordinance (of 2011)"

Substitute

"Registered escalator worker as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011)".

9. **Schedule 1 amended (Designated trades)**

(1) Schedule 1, Part 1, item 17, column 4—

Repeal

"Competent lift worker within the meaning of section 29A(4) of the Lifts and Escalators (Safety) Ordinance (Cap. 327)"

Substitute

"Either one of the following—

- (a) registered lift worker as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011); or
- (b) competent lift worker as defined by section 6(1) of the Lifts and Escalators Ordinance (of 2011)".

(2) Schedule 1, Part 1, item 17, column 4—

Repeal

"Either one of the following—

- (a) registered lift worker as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011); or

- (b) competent lift worker as defined by section 6(1) of the Lifts and Escalators Ordinance (of 2011)"

Substitute

"Registered lift worker as defined by section 2(1) of the Lifts and Escalators Ordinance (of 2011)".

Part 8

**Amendment to Buildings Energy Efficiency Ordinance
(18 of 2010)**

10. **Section 2 amended (Interpretation)**

Section 2, definition of *lift and escalator installation*, paragraph (a)—

Repeal

"Lifts and Escalators (Safety) Ordinance (Cap. 327)"

Substitute

"Lifts and Escalators Ordinance (of 2011)".

Part 9

Amendments to Lifts and Escalators Ordinance (of 2011)

11. **Section 2 amended (Interpretation)**

Section 2(1)—

Repeal the definition of *competent escalator worker*.

12. **Section 2 amended (Interpretation)**

Section 2(1)—

Repeal the definition of *competent lift worker*.

13. Section 2 amended (Interpretation)

- (1) Section 2(1), definition of *qualified person*, paragraph (a)(i)—

Repeal

“engineer;”

Substitute

“engineer; or”.

- (2) Section 2(1), definition of *qualified person*, paragraph (a)(ii)(C)—

Repeal

“contractor; or”

Substitute

“contractor;”.

- (3) Section 2(1), definition of *qualified person*, paragraph (a)—

Repeal subparagraph (iii).

- (4) Section 2(1), definition of *qualified person*, paragraph (b)(i)(C)—

Repeal

“contractor;”

Substitute

“contractor; or”.

- (5) Section 2(1), definition of *qualified person*, paragraph (b)(ii)(C)—

Repeal

“contractor; or”

Substitute

“contractor;”.

- (6) Section 2(1), definition of *qualified person*, paragraph (b)—

Repeal subparagraph (iii).

- (7) Section 2(1), definition of *qualified person*, paragraph (c)(i)—

Repeal

“engineer;”

Substitute

“engineer; or”.

- (8) Section 2(1), definition of *qualified person*, paragraph (c)(ii)(C)—

Repeal

“contractor; or”

Substitute

“contractor; and”.

- (9) Section 2(1), definition of *qualified person*, paragraph (c)—

Repeal subparagraph (iii).

- (10) Section 2(1), definition of *qualified person*, paragraph (d)(i)(C)—

Repeal

“contractor;”

Substitute

“contractor; or”.

- (11) Section 2(1), definition of *qualified person*, paragraph (d)(ii)(C)—

Repeal

“contractor; or”

Substitute

“contractor;”.

- (12) Section 2(1), definition of *qualified person*, paragraph (d)—

Repeal subparagraph (iii).**14. Section 2 amended (Interpretation)**

- (1) Section 2(1), definition of
- vehicle*
-

Repeal the semicolon**Substitute a full stop.**

- (2) Section 2(1)—

Repeal the definition of *Vocational Training Council*.**15. Section 2 amended (Interpretation)**

- (1) Section 2(2)(a)(ii)—

Repeal

“granted;”

Substitute

“granted; and”.

- (2) Section 2(2)(b)(ii)—

Repeal

“granted;”

Substitute

“granted.”.

- (3) Section 2(2)—

Repeal paragraphs (c) and (d).**16. Section 6 repealed (Who is a competent lift worker)**

Section 6—

Repeal the section.**17. Section 7 repealed (Who is a competent escalator worker)**

Section 7—

Repeal the section.**18. Section 82 amended (Registration—lift workers)**

Section 82—

Repeal subsection (1)**Substitute**

“(1) Subject to section 150, the Registrar may, on application, register a person as a lift worker for all kinds of lift works.”.

19. Section 94 amended (Registration—escalator workers)

Section 94—

Repeal subsection (1)**Substitute**

“(1) Subject to section 150, the Registrar may, on application, register a person as an escalator worker for all kinds of escalator works.”.

20. Section 161 added

After section 160—

Add**“161. Effect of amendments to sections 82 and 94 by sections 18 and 19 of Schedule 16**

The amendments to sections 82(1) and 94(1) effected by sections 18 and 19 of Schedule 16 (*those 2 sections of Schedule 16*) do not affect the validity of a registration granted under section 82(1) or 94(1) before those 2 sections of Schedule 16 come into operation, and an application for renewal of a registration so granted may be made under sections 83 and 95, as appropriate.”.

21. Schedule 8 amended (Registration of Lift Contractors and Escalator Contractors)**(1) Schedule 8, Part 2, section 1(a)(i)(B)—****Repeal**

“either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works”

Substitute

“a registered lift worker whose registration is for all kinds of lift works”.

(2) Schedule 8, Part 2, section 1(a)(ii)(B)—**Repeal**

“either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works”

Substitute

“a registered lift worker whose registration is for all kinds of lift works”.

(3) Schedule 8, Part 2, section 1(b)(i)(B)—**Repeal**

“either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works”

Substitute

“a registered lift worker whose registration is for all kinds of lift works”.

(4) Schedule 8, Part 2, section 1(b)(ii)(B)—**Repeal**

“either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works”

Substitute

“a registered lift worker whose registration is for all kinds of lift works”.

(5) Schedule 8, Part 2, section 1(c)(ii)—**Repeal**

“either a registered lift worker whose registration is for all kinds of lift works or a competent lift worker who is qualified to carry out all kinds of lift works”

Substitute

“a registered lift worker whose registration is for all kinds of lift works”.

(6) Schedule 8, Part 3, section 1(a)(i)(B)—**Repeal**

“either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works”

Substitute

“a registered escalator worker whose registration is for all kinds of escalator works”.

(7) Schedule 8, Part 3, section 1(a)(ii)(B)—**Repeal**

“either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works”

Substitute

“a registered escalator worker whose registration is for all kinds of escalator works”.

- (8) Schedule 8, Part 3, section 1(b)(i)(B)—

Repeal

“either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works”

Substitute

“a registered escalator worker whose registration is for all kinds of escalator works”.

- (9) Schedule 8, Part 3, section 1(b)(ii)(B)—

Repeal

“either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works”

Substitute

“a registered escalator worker whose registration is for all kinds of escalator works”.

- (10) Schedule 8, Part 3, section 1(c)(ii)—

Repeal

“either a registered escalator worker whose registration is for all kinds of escalator works or a competent escalator worker who is qualified to carry out all kinds of escalator works”

Substitute

“a registered escalator worker whose registration is for all kinds of escalator works”.

22. Schedule 9 amended (Registration of Lift Engineers and Escalator Engineers)

- (1) Schedule 9, Part 2, section 1(b)—

Repeal

“practical experience;”

Substitute

“practical experience; or”.

- (2) Schedule 9, Part 2, section 1(c)—

Repeal

“practical experience;”

Substitute

“practical experience.”.

- (3) Schedule 9, Part 2, section 1—

Repeal paragraphs (d) and (e).

- (4) Schedule 9, Part 4, section 1(b)—

Repeal

“practical experience;”

Substitute

“practical experience; or”.

- (5) Schedule 9, Part 4, section 1(c)—

Repeal

“practical experience;”

Substitute

“practical experience.”.

- (6) Schedule 9, Part 4, section 1—

Repeal paragraphs (d) and (e).**23. Schedule 9 amended (Registration of Lift Engineers and Escalator Engineers)**

- (1) Schedule 9, Part 2—

Repeal section 1**Substitute**

“1. The requirements mentioned in section 78(2)(a) are that the applicant is a registered professional engineer in any of the following disciplines—

- (a) building services engineering;
- (b) control, automation and instrumentation engineering;
- (c) electrical engineering;
- (d) electronic engineering;
- (e) marine and naval architecture engineering;
- (f) mechanical engineering,

and the applicant satisfies the Registrar that the applicant has at least 2 years' relevant working experience and has the necessary practical experience.”.

(2) Schedule 9, Part 4—

Repeal section 1

Substitute

“1. The requirements mentioned in section 90(2)(a) are that the applicant is a registered professional engineer in any of the following disciplines—

- (a) building services engineering;
- (b) control, automation and instrumentation engineering;
- (c) electrical engineering;
- (d) electronic engineering;
- (e) marine and naval architecture engineering;
- (f) mechanical engineering,

and the applicant satisfies the Registrar that the applicant has at least 2 years' relevant working experience and has the necessary practical experience.”.

24. **Schedule 10 amended (Registration of Lift Workers and Escalator Workers)**

(1) Schedule 10, Part 1, section 1(d)(ii)—

Repeal

“training;”

Substitute

“training; or”.

(2) Schedule 10, Part 1, section 1—

Repeal paragraph (e).

(3) Schedule 10, Part 3, section 1(d)(ii)—

Repeal

“training;”

Substitute

“training; or”.

(4) Schedule 10, Part 3, section 1—

Repeal paragraph (e).

25. **Schedule 16 amended (Consequential and Related Amendments)**

Schedule 16—

Repeal

“[ss. 156 & 160]”

Substitute

“[ss. 156, 160 & 161]”.

Explanatory Memorandum

The main object of this Bill is to provide for the safety of lifts and escalators, including the establishment of a registration scheme for certain persons engaged in lift works or escalator works.

Part 1

2. Part 1 contains preliminary provisions.
3. Clause 1 sets out the short title and provides for commencement.
4. Clause 2 defines or otherwise explains certain expressions used in the Bill.
5. Clause 3 states that the Bill applies to every lift and escalator, with the exceptions specified in that clause. Clause 4 states that the Bill applies to the HKSAR Government.
6. Clause 5 provides that, if the Bill imposes a requirement on the person who owns a lift or escalator or who has the management or control of the lift or escalator (**responsible person**), and there are 2 or more responsible persons, compliance with the requirement by one of those persons is regarded as compliance with the requirement by every other responsible person.
7. Clause 6 defines who a competent lift worker is.
8. Clause 7 defines who a competent escalator worker is.

Part 2

9. Part 2 contains provisions relating to the safety of lifts.
10. Division 1 prohibits certain activities carried out in relation to a lift.
11. Clause 8 provides for the prohibition against personally carrying out lift works by a person other than a qualified person, the Director of Electrical and Mechanical Services (**Director**) or a person authorized by the Director.

12. Clause 9 prohibits the use or operation of lifts in certain circumstances.
13. Clause 10 prohibits against the carriage of persons in a service lift, goods lift or mechanized plant that has a power operated mechanism for conveying a vehicle to a parking space within the plant.
14. Clause 11 prohibits the use or operation of a service lift, goods lift or mechanized vehicle parking system when it is overloaded.
15. Division 2 provides for the duties of a responsible person for a lift, and any other person who is registered under the Bill as a lift contractor, lift engineer or lift worker.
16. Subdivision 1 relates to the responsible person for a lift. Clauses 12 to 15 provide for the duties of the responsible person, including the duty to ensure that the lift and all its associated equipment or machinery are in a proper state of repair and in safe working order.
17. Subdivision 2 relates to a person who is registered as a lift contractor (**registered lift contractor**). Clause 16 provides for the duties of a registered lift contractor, including the duty to carry out lift works properly and safely.
18. Subdivision 3 relates to a person who is registered as a lift engineer (**registered lift engineer**). Clause 17 provides for the duties of a registered lift engineer, including the duty to carry out lift works properly and safely.
19. Subdivision 4 relates to a person who is registered as a lift worker (**registered lift worker**). Clause 18 provides for the duties of a registered lift worker, including the duty to carry out lift works properly and safely.
20. Division 3 provides for the examination of a lift.
21. Clause 19 explains that for the purposes of Division 3, a lift or part of a lift, or any associated equipment or machinery of a lift, is taken as having been examined by a registered lift engineer if it is either personally examined by the engineer or by any other person who is

under the direct and proper supervision of the engineer at the place at which the examination takes place.

22. Clause 20 requires a lift to be examined by a registered lift engineer before it is put into use and operation.
23. Clause 21 requires a lift to be examined by a registered lift engineer after a major alteration is made in respect of the lift.
24. Clause 22 provides for the periodic examination of a lift.
25. Clause 23 provides for the periodic examination of a lift with load.
26. Clause 24 provides for the issue of a certificate by a registered lift engineer which certifies that the lift is in safe working order.
27. Clause 25 provides for the issue of a certificate by a registered lift engineer which certifies that any part of a lift, or any associated equipment or machinery of a lift, that is affected by a major alteration of the lift is in safe working order.
28. Division 4 provides for the powers of the Director in relation to a lift.
29. Clause 26 empowers the Director to issue a permit (*use permit*) which permits a lift to be put into use and operation or to continue to be used and operated. Clause 27 deals with the validity period of the permit.
30. Clause 28 empowers the Director to issue a permit which permits the use and operation of a lift to be resumed after a major alteration is made in respect of the lift.
31. Clause 29 empowers the Director to issue a duplicate of a use permit for a lift.
32. Clause 30 empowers the Director to issue an order (*prohibition order*) which prohibits the use and operation of a lift.
33. Clause 31 empowers the Director to disconnect the supply of electricity to a lift.

34. Clause 32 empowers the Director to issue an order (*cessation order*) which requires certain lift works to be ceased.
35. Clause 33 provides for an application for the cancellation of a prohibition order or cessation order of a lift.
36. Clause 34 empowers the Director to issue an order which requires a lift to be examined by a registered lift engineer.
37. Clause 35 empowers the Director to issue an order (*removal order*) which requires the removal of a lift or part of a lift, or any of its associated equipment or machinery.
38. Clause 36 empowers the Director to issue an order which requires any work to be carried out in relation to a lift so as to rectify or remedy or otherwise put an end to a contravention of a provision of the Bill in relation to a lift or any of its associated equipment or machinery, or to eliminate or reduce any risk of injury to any person or damage to any property.
39. Clause 37 empowers the Director to remove a lift or part of a lift, or any of its associated equipment or machinery, if there is a contravention of a cessation order or removal order of a lift.
40. Division 5 deals with miscellaneous matters.
41. Clause 38 imposes restrictions on subcontracting certain lift works.
42. Clause 39 provides for the display of a use permit for a lift.
43. Clause 40 provides for the reporting to the Director of certain incidents relating to a lift.
44. Clause 41 provides for the investigation by the Director of certain incidents relating to a lift.

Part 3

45. Part 3 contains provisions relating to the safety of escalators.
46. Division 1 prohibits certain activities carried out in relation to an escalator.

47. Clause 42 provides for the prohibition against personally carrying out escalator works by a person other than a qualified person, the Director or a person authorized by the Director.
48. Clause 43 prohibits the use or operation of escalators in certain circumstances.
49. Division 2 provides for the duties of a responsible person for an escalator, and any other person who is registered under the Bill as an escalator contractor, escalator engineer or escalator worker.
50. Subdivision 1 relates to the responsible person for an escalator. Clauses 44 to 46 provide for the duties of the responsible person, including the duty to ensure that the escalator and all its associated equipment or machinery are in a proper state of repair and in safe working order.
51. Subdivision 2 relates to a person who is registered as an escalator contractor (*registered escalator contractor*). Clause 47 provides for the duties of a registered escalator contractor, including the duty to carry out escalator works properly and safely.
52. Subdivision 3 relates to a person who is registered as an escalator engineer (*registered escalator engineer*). Clause 48 provides for the duties of a registered escalator engineer, including the duty to carry out escalator works properly and safely.
53. Subdivision 4 relates to a person who is registered as an escalator worker (*registered escalator worker*). Clause 49 provides for the duties of a registered escalator worker, including the duty to carry out escalator works properly and safely.
54. Division 3 provides for the examination of an escalator.
55. Clause 50 explains that for the purposes of Division 3, an escalator or part of an escalator, or any associated equipment or machinery of an escalator, is taken as having been examined by a registered escalator engineer if it is either personally examined by the engineer or by any other person who is under the direct and proper

- supervision of the engineer at the place at which the examination takes place.
56. Clause 51 requires an escalator to be examined by a registered escalator engineer before it is put into use and operation.
57. Clause 52 requires an escalator to be examined by a registered escalator engineer after a major alteration is made in respect of the escalator.
58. Clause 53 provides for the periodic examination of an escalator.
59. Clause 54 provides for the issue of a certificate by a registered escalator engineer which certifies that the escalator is in safe working order.
60. Clause 55 provides for the issue of a certificate by a registered escalator engineer which certifies that any part of an escalator, or any associated equipment or machinery of an escalator, that is affected by a major alteration of the escalator is in safe working order.
61. Division 4 provides for the powers of the Director in relation to an escalator.
62. Clause 56 empowers the Director to issue a permit (*use permit*) which permits an escalator to be put into use and operation or to continue to be used and operated. Clause 57 deals with the validity period of the permit.
63. Clause 58 empowers the Director to issue a permit which permits the use and operation of an escalator to be resumed after a major alteration is made in respect of the escalator.
64. Clause 59 empowers the Director to issue a duplicate of a use permit for an escalator.
65. Clause 60 empowers the Director to issue an order (*prohibition order*) which prohibits the use and operation of an escalator.
66. Clause 61 empowers the Director to disconnect the supply of electricity to an escalator.

- 67. Clause 62 empowers the Director to issue an order (*cessation order*) which requires certain escalator works to be ceased.
- 68. Clause 63 provides for an application for the cancellation of a prohibition order or cessation order of an escalator.
- 69. Clause 64 empowers the Director to issue an order which requires an escalator to be examined by a registered escalator engineer.
- 70. Clause 65 empowers the Director to issue an order (*removal order*) which requires the removal of an escalator or part of an escalator, or any of its associated equipment or machinery.
- 71. Clause 66 empowers the Director to issue an order which requires any work to be carried out in relation to an escalator so as to rectify or remedy or otherwise put an end to a contravention of a provision of the Bill in relation to an escalator or any of its associated equipment or machinery, or to eliminate or reduce any risk of injury to any person or damage to any property.
- 72. Clause 67 empowers the Director to remove an escalator or part of an escalator, or any of its associated equipment or machinery, if there is a contravention of a cessation order or removal order of an escalator.
- 73. Division 5 deals with miscellaneous matters.
- 74. Clause 68 imposes restrictions on subcontracting certain escalator works.
- 75. Clause 69 provides for the display of a use permit for an escalator.
- 76. Clause 70 provides for the reporting to the Director of certain incidents relating to an escalator.
- 77. Clause 71 provides for the investigation by the Director of certain incidents relating to an escalator.

Part 4

- 78. Part 4 contains provisions relating to the registration of certain persons involved in lift works or escalator works.

- 79. Division 1 deals with administrative matters.
- 80. Clause 72 provides for the appointment of a person to be the Registrar of Registered Contractors, Engineers and Workers (Lifts and Escalators) (*Registrar*) and clause 73 provides for the functions of the Registrar.
- 81. Division 2 deals with the registration and renewal of registration of lift contractors, lift engineers, lift workers, escalator contractors, escalator engineer and escalator workers (*registered persons*).
- 82. Subdivision 1 deals with the registration and renewal of registration of a lift contractor.
- 83. Clause 74 provides for the registration of a lift contractor and clause 75 provides for the renewal of registration of a lift contractor. The expiry of the registration and renewed registration of a lift contractor is dealt with in clause 76. Clause 77 requires the Registrar's decision regarding the grant of a registration or renewal of a registration to be in writing.
- 84. Subdivision 2 deals with the registration and renewal of registration of a lift engineer.
- 85. Clause 78 provides for the registration of a lift engineer and clause 79 provides for the renewal of registration of a lift engineer. The expiry of the registration and renewed registration of a lift engineer is dealt with in clause 80. Clause 81 requires the Registrar's decision regarding the grant of a registration or renewal of a registration to be in writing.
- 86. Subdivision 3 deals with the registration and renewal of registration of a lift worker.
- 87. Clause 82 provides for the registration of a lift worker and clause 83 provides for the renewal of registration of a lift worker. The expiry of the registration and renewed registration of a lift worker is dealt with in clause 84. Clause 85 requires the Registrar's decision regarding the grant of a registration or renewal of a registration to be in writing.

88. Subdivision 4 deals with the registration and renewal of registration of an escalator contractor.
89. Clause 86 provides for the registration of an escalator contractor and clause 87 provides for the renewal of registration of an escalator contractor. The expiry of the registration and renewed registration of an escalator contractor is dealt with in clause 88. Clause 89 requires the decision of the Registrar regarding the grant of a registration or renewal of a registration to be in writing.
90. Subdivision 5 deals with the registration and renewal of registration of an escalator engineer.
91. Clause 90 provides for the registration of an escalator engineer and clause 91 provides for the renewal of registration of an escalator engineer. The expiry of the registration and renewed registration of an escalator engineer is dealt with in clause 92. Clause 93 requires the Registrar's decision regarding the grant of a registration or renewal of a registration to be in writing.
92. Subdivision 6 deals with the registration and renewal of registration of an escalator worker.
93. Clause 94 provides for the registration of an escalator worker and clause 95 provides for the renewal of registration of an escalator worker. The expiry of the registration and renewed registration of an escalator worker is dealt with in clause 96. Clause 97 requires the Registrar's decision regarding the grant of a registration or renewal of a registration to be in writing.
94. Division 3 deals with certificates of registration and registration cards.
95. Clause 98 provides for the issue of a certificate of registration for a registered person.
96. Clause 99 provides for the issue of a registration card for a registered person other than a registered lift contractor or registered escalator contractor.

97. Clause 100 provides for the issue of a duplicate of a certificate of registration or registration card.
98. Division 4 provides for the cancellation or suspension of registrations.
99. Clause 101 provides for the cancellation of a registration of a registered person and clause 102 provides for the suspension of a registration of a registered person.
100. Clause 103 requires the Registrar's decision in relation to a cancellation or suspension of a registration to be in writing.
101. Clause 104 provides for the return of the certificate of registration and registration card issued to a registered person on the cancellation or suspension of the registration of the person.
102. Clause 105 requires the Registrar to establish and keep registers for persons registered under the Bill.
103. Clause 106 provides for the making available to a member of the public the registers for inspection.

Part 5

104. Part 5 contains provisions relating to the hearing of a complaint alleging a disciplinary offence against a registered person (*complaint*).
105. Clause 107 explains what a disciplinary offence is.
106. Clause 108 provides for the establishment of a disciplinary board panel for the purposes of establishing a disciplinary board to hear a complaint.
107. Clauses 109 to 114 provide for the referral of a complaint to the Secretary for Development (*Secretary*), the establishment of a disciplinary board to hear a complaint, the proceedings and powers of a disciplinary board and related matters.

Part 6

108. Part 6 contains provisions relating to the hearing of an appeal against certain decisions or orders made under the Bill by the Director, a disciplinary board or any other person.
109. Clause 115 provides for an appeal of a decision or order made by the Director, a disciplinary board or any other person in accordance with the Bill.
110. Clause 116 provides for the establishment of an appeal board panel for the purposes of establishing an appeal board to hear an appeal.
111. Clause 117 provides for the commencement of an appeal.
112. Clauses 118 to 121 provide for the establishment of an appeal board to hear an appeal, the proceedings and powers of an appeal board and related matters.
113. Clause 122 provides for an appeal to the Court of First Instance of the High Court of the Hong Kong Special Administrative Region against a decision of an appeal board on a point of law.

Part 7

114. Part 7 contains provisions for administration and enforcement.
115. Division 1 (clauses 123 to 127) deals with matters relating to the administration of the Bill. Among these, clause 123 empowers the Director to authorize a person to personally carry out any lift works or escalator works. Clause 124 empowers the Director to appoint any public officer attached to the Electrical and Mechanical Services Department at or above the rank of Assistant Electrical Inspector or Assistant Mechanical Inspector to be an enforcement officer for the purposes of the Bill.
116. Division 2 deals with enforcement matters. For example, clause 128 empowers the Director to obtain documents and information, and clauses 129 to 135 empower an enforcement officer to enter premises for the purposes specified in the Bill. Clause 138 provides for the return and forfeiture of any thing seized under the Bill and

- clause 139 provides for compensation for the seizure of any thing by the Government under the Bill.
117. Division 3 (clauses 140 to 142) contains provisions regarding miscellaneous offences, offences committed by bodies corporate and partners and the time limit for commencing criminal proceedings under the Bill.
118. Division 4 (clauses 143 to 156) deals with general matters. These include the Director's powers to issue and approve codes of practice, to grant exemptions and to specify forms, and the powers of the Secretary to make regulations under the Bill and to amend by subsidiary legislation any Schedule to the Bill (other than Schedules 15 and 16).

Part 8

119. Part 8 contains other miscellaneous provisions.
120. Clause 157 provides for the repeal of the Lifts and Escalators (Safety) Ordinance (Cap. 327).
121. Clause 158 is a transitional provision for lifts that were installed on or before 18 March 1994 or were in the process of being installed on that date.
122. Clause 159 is a transitional provision for escalators that were installed on or before 18 March 1994 or were in the process of being installed on that date.
123. Clause 160 provides for the inclusion in Schedule 15 of other transitional and savings provisions. The clause also provides for the inclusion in Schedule 16 of consequential amendments to other Ordinances and their subsidiary legislation, and to the Bill after it is enacted.

Schedules

124. Schedule 1 defines the meaning of *major alteration* used in the Bill.

125. Schedule 2 defines the meaning of *safety components* used in the Bill.
126. Schedule 3 defines the meaning of *safety equipment* used in the Bill.
127. Schedule 4 specifies the lifts to which clauses 10 and 11 apply.
128. Schedule 5 relates to clauses 15, 22, 23, 46 and 53. It provides for the intervals at which maintenance works and examinations must be carried out in respect of a lift or escalator.
129. Schedule 6 relates to clause 24. It provides for the examination of a lift with load.
130. Schedule 7 relates to clauses 40, 41, 70 and 71. It specifies the incidents that must be reported to the Director.
131. Schedule 8 relates to subdivisions 1 and 4 of Division 2 of Part 4. It specifies the basic requirements that must be satisfied before the Registrar may register a person as a lift contractor or escalator contractor.
132. Schedule 9 relates to subdivisions 2 and 5 of Division 2 of Part 4. It specifies the basic requirements that must be satisfied before the Registrar may register a person as a lift engineer or escalator engineer, or renew the registration of a lift engineer or escalator engineer.
133. Schedule 10 relates to subdivisions 3 and 6 of Division 2 of Part 4. It specifies the basic requirements that must be satisfied before the Registrar may register a person as a lift worker or escalator worker, or renew the registration of a lift worker or escalator worker.
134. Schedule 11 relates to clause 108. It provides for the composition of a disciplinary board panel and the resignation and removal of its members.
135. Schedule 12 relates to clause 110. It provides for the composition, meetings and proceedings of a disciplinary board.

136. Schedule 13 relates to clause 116. It provides for the composition of an appeal board panel and the resignation and removal of its members.
137. Schedule 14 relates to clause 118. It provides for the composition, meetings and proceedings of an appeal board.
138. Schedule 15 deals with transitional and savings provisions.
139. Schedule 16 provides for consequential and related amendments.

Implications of the Proposal

Financial Implications

The Secretary for Development will prescribe fees for existing and new services in a fee regulation after the enactment of the Bill. New fee items will be created to recover the cost of services arisen from the legislative requirement of the proposal, including services in relation to an application for registration as a lift worker or escalator worker, an application for renewal of registration of a registered person under the Bill, and an application for the issue of a duplicate of a permit, certificate of registration or registration card. In addition to the existing registration or permit application fees which will continue to be collected, it is estimated that the new registration/duplicate application fees will generate about \$2.6 million in its initial year of operation whereas renewal application fees will generate about \$2.6 million every five years thereafter.

2. We also estimate that revenue of around \$ 1.6 million per year will be generated from the processing of applications for use permits for lifts and escalators owned by the Housing Authority (HA) and consular offices following enactment of the Bill as the scope of the legislation has been extended to cover the lifts and escalators owned by them.

3. The additional funding required for remunerating the chairman and members of the disciplinary board and appeal board, as well as the legal charges and other expenses associated with the disciplinary and appeal cases will be absorbed from within the existing resources of the Electrical and Mechanical Services Department (EMSD).

Civil Service Implications

4. With the implementation of the legislative proposal, it is anticipated that there will be an increase in workload for processing the increased registration and registration renewal applications of lift/escalator contractors, engineers and workers. In addition, there will also be an increase in workload for extending the regulatory measures to the lifts and escalators of the Government, the consular offices and the

HA. EMSD will absorb the additional workload within the approved resources and no additional staff will be required for implementing the legislative proposal.

Productivity Implications

5. The Director of Electrical and Mechanical Services will continue to exercise rigorous control to ensure efficient and effective operation to process all the applications under the legislation.

Economic Implications

6. The proposal would bring about improvement in the efficiency, safety and maintenance standard of lifts and escalators, and thus reduction in loss of lives and properties associated with lifts and escalators accidents. While there will be additional costs for providing training to the engineers and workers, and increased workload for enhancing overall maintenance quality, the Consultant conducting the Regulatory Impact Assessment estimates that the additional cost burden should be less than \$10 per annum per household and commercial establishment.