

立法會
Legislative Council

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Panel on Development

Meeting on 27 March 2012

**Background brief on two proposed regulations under
the Lifts and Escalators Bill**

Purpose

This paper provides background information on the two proposed regulations to be made after the enactment of the Lifts and Escalators Bill.

Background

2. Given the number of lift incidents in recent years, the public have become increasingly concerned about lift safety. The Ombudsman initiated a direct investigation into the regulatory system of lifts in January 2009, and released its findings and made 13 recommendations to the Administration in August 2009.

3. Apart from implementing the recommendations of The Ombudsman, the Administration has adopted a package of multi-pronged improvement measures to enhance lift safety. The measures include enhancement of the existing code of practice ("CoP"), disclosure of contractors' performance, stepping up of inspection, and enhancements of public education and publicity. Meanwhile, the Administration has conducted a comprehensive review of the Lifts and Escalators (Safety) Ordinance (Chapter 327) ("LESO") which was first enacted in 1960 with a number of amendments made in past years.

4. On 27 October 2009, the Administration reported the progress of implementing the improvement measures to the Panel on Development ("the Panel") and consulted members on the proposed amendments to

LESO. To gauge public views on the proposed legislative amendments, the Administration conducted public consultation from November 2009 to February 2010 and reported the outcome to the Panel on 22 June 2010. The Administration found that substantial amendments are necessary for the legislative framework, and decides to introduce a new bill and repeal LESO. Panel members supported in principle the proposed legislative amendments and urged the Administration to expedite the introduction of the relevant bill to the Legislative Council ("LegCo") to enhance lift and escalator safety.

Scrutiny of the Lifts and Escalators Bill

5. The Lifts and Escalators Bill ("the Bill") was introduced into LegCo on 11 May 2011. The objects of the Bill are to provide for the safety of lifts and escalators, including the registration of contractors, engineers and workers for the purposes of carrying out lift and escalator works; and to provide for consequential, incidental and related matters.

6. A Bills Committee ("the Bills Committee") has been formed to study the Bill. The Bills Committee has held 17 meetings to discuss with the Administration the various proposals under the Bill, and meet relevant trade associations, worker unions, professional organizations as well as members of the public for views on the Bill.

7. The main issues deliberated by the Bills Committee include –
- (a) the registration requirements on the persons involved in lift and escalator works and the related transitional arrangements;
 - (b) the coverage and liabilities of responsible persons for lifts and escalators;
 - (c) the penalty levels of the offences under the Bill;
 - (d) control over the subcontracting of lift and escalator works;
 - (e) measures to ensure proper functioning of the emergency devices of lifts;
 - (f) composition of the disciplinary boards and appeal boards formed under the Bill; and

- (g) the manpower supply for lift and escalator works.

The Bills Committee has completed scrutiny of the Bill and submitted its report (LC Paper No. CB(1)1117/11-12) to the House Committee on 24 February 2012. Members supported the resumption of the Second Reading debate on the Bill at the Council meeting of 18 April 2012.

Proposed regulations

8. The Administration has proposed to make two sets of regulations after the enactment of the Bill: (A) to set out more specific requirements of the provisions of the Bill for the better carrying out of the provisions (under clause 154), and (B) to prescribe the fees payable under the Bill (under clause 155).

(A) Proposed regulation to stipulate specific requirements under the Bill

9. The proposed regulation ("the Regulation") to be made under clause 154 of the Bill will provide for, amongst other things, the applications (e.g. applications for the issue of permits, applications for registration as registered persons and renewal of such registrations) 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. During scrutiny of the Bill, Bills Committee members have made suggestions on matters to be included in the Regulation, and the discussions are summarized in the ensuing paragraphs.

Emergency devices of a lift

10. The Bills Committee has requested the Administration to specify the emergency devices of a lift (e.g. the alarm bell, intercom system and ventilation fan) in the relevant schedule(s) to the Bill so that professionals related to lift and escalator works would be required to give special attention to these devices when performing their duties.

11. After considering members' views, the Administration has agreed to introduce an attendance and notification mechanism in the Regulation to be made under clause 154. Under the proposed mechanism, a registered contractor responsible for maintenance of a lift is required to: (a) attend to any reported failure of the alarm system, emergency lighting, intercom system and ventilation fan of a lift within a specified period; and (b) notify

the Director of Electrical and Mechanical Services ("the Director of EMSD") in a specified form if the contractor considers that the failed device cannot be reinstated within another specified period of the reported failure. If considered necessary, the Director of EMSD might issue an order prohibiting the use of the lift. As regards the time periods allowed for registered contractors to perform the proposed attendance and notification requirements, the Administration's preliminary thinking is four hours and 24 hours respectively. The Administration has advised that the exact time periods will be worked out having regard to the views of the industry as well as public expectation and be specified in the Regulation or relevant CoP.

Subcontracting of lift and escalator works

12. To address the Bills Committee's concern about multi-layered subcontracting of lift and escalator works resulting in serious safety problems, the Administration has agreed to the Bills Committee's proposal to impose control on multi-layered subcontracting even if all the contractors involved are registered lift/escalator contractors. The Administration will introduce a notification mechanism on subcontracting in the Regulation to require all registered lift/escalators contractors to notify the Director of EMSD in the specified form within a specified period of time in respect of undertaking any lift or escalator works from another contractor or subcontracting any lift or escalator works to another contractor. The notification mechanism will enable EMSD to effectively monitor the subcontracting of works by registered contractors and related subcontracting arrangements.

Posting notice of lift or escalator incident for users' information

13. There are provisions in the Bill requiring a registered lift engineer to submit an incident investigation report to the Director of EMSD after the occurrence of a lift incident specified in Schedule 7 to the Bill. If considered appropriate, the Director will issue an order to prohibit the use or operation of the lift and such order may be displayed at a suitable location. The same arrangements apply to escalators.

14. Members of the Bills Committee have suggested imposing a requirement on the registered lift contractor concerned to post a notice at a suitable location with information about the lift incident, such as the nature of the incident and the follow-up actions taken and being undertaken by the contractor concerned. The Administration has agreed to introduce a regulatory scheme for this matter in the Regulation. Under the proposed

regulatory scheme, a registered contractor responsible for the maintenance of a lift/escalator will be required to post a notice to alert users that the service of a lift/escalator has been suspended and cannot be resumed within a specified period. It is initially estimated that the contractor should post a lift incident notice in a specified form within 10 hours upon its knowledge of a lift incident if the service of the lift/escalator cannot be reinstated within the specified time limit. The time period will be specified in the Regulation or the relevant CoP.

(B) Proposed regulation on fees

15. The proposed regulation to be made under clause 155 will provide for the fees, including registration or renewal of registration as registered workers, engineers or contractors, applications for use permits etc, upon the enactment of the Bill.

Registered lift and escalator workers

16. A new registration system is proposed under the Bill for lift and escalator workers. Those interested in becoming registered lift or escalator workers or to renew their registrations are required to prove that the requirements stipulated under the Bill and relevant regulations are met, and to pay the prescribed fees. Registered lift or escalator workers are also required to renew their registrations every five years.

Registered lift and escalator engineers

17. Under the existing registration system, holders of higher diploma or higher certificate in relevant disciplines, who are in possession of the necessary working experience, can apply for registration as registered lift and escalator engineers under LESO. To uplift the qualification requirements of professional personnel responsible for lifts and escalators to a level commensurate with other legislations for regulating building safety, the Bill will only allow those registered professional engineers of relevant disciplines with at least two years of relevant working experience to register as registered lift or escalator engineers. They are also required to pay the relevant fees and renew their registrations every five years.

18. The Administration has provided information on the estimated fees to the Bills Committee. Based on 2010 price level, the estimated fees for applications for registration and renewal of registration at five years intervals are at level of \$500.

Latest development

19. The Administration will consult the Panel at its meeting scheduled on 27 March 2012 on the two proposed regulations to be made after the enactment of the Bill.

Relevant papers

20. A list of relevant papers is at the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
21 March 2012

Lifts and Escalators Bill

List of relevant papers

Date	Meeting/Event	References
13 May 2011	House Committee <i>(Formation of the Bills Committee on Lifts and Escalators Bill)</i>	Legislative Council Brief (File Ref.: DEVB(CR)(W)1-10/30) http://www.legco.gov.hk/yr10-11/english/bills/brief/b29_brf.pdf The Bill http://www.legco.gov.hk/yr10-11/english/bills/b201104212.pdf Legal Service Division Report (LC Paper No. LS59/10-11) http://www.legco.gov.hk/yr10-11/english/hc/papers/hc0513ls-59-e.pdf Minutes of Meeting (LC Paper No. CB(2)1783/10-11) http://www.legco.gov.hk/yr10-11/english/hc/minutes/hc20110513.pdf
31 May 2011	Bills Committee on Lifts and Escalators Bill	Background brief (LC Paper No. CB(1)2328/10-11(01)) http://www.legco.gov.hk/yr10-11/english/bc/bc07/papers/bc070531cb1-2328-1-e.pdf
6 July 2011	Council	Council question (No. 18) raised by Hon IP Wai-ming on the manpower situation of lift and escalator workers http://www.devb.gov.hk/en/legco_matters/replies_to_legco_questions/index_id_6695.html

Date	Meeting/Event	References
13 July 2011	Council	Council question (Urgent question No. 1) raised by Hon IP Kwok-him on escalator incidents http://www.devb.gov.hk/en/legco_matters/replies_to_legco_questions/index_id_6706.html
11 October 2011	Bills Committee on Lifts and Escalators Bill	Administration's response to issues raised at the Bills Committee meeting on 31 May 2011 (LC Paper No. CB(1)2528/10-11(01)) http://www.legco.gov.hk/yr10-11/english/bc/bc07/papers/bc070621cb1-2528-1-e.pdf
24 February 2012	House Committee	Report of the Bills Committee on Lifts and Escalators Bill (LC Paper No. CB(1)1117/11-12) http://www.legco.gov.hk/yr11-12/english/hc/papers/hc0224cb1-1117-e.pdf

Other useful links --

Electrical and Mechanical Services Department	Lifts and Escalators: Publications http://www.emsd.gov.hk/emsd/eng/pps/le_pub.shtml
Electrical and Mechanical Services Department	Draft Code of Practice for Lift Works and Escalator Works (version 1A)(updated on 20 February 2012) http://www.emsd.gov.hk/emsd/e_download/pps/le/Draft_CoP_le_Works_with_appendices.pdf