

LEGISLATIVE COUNCIL BRIEF

Lifts and Escalators Ordinance
(8 of 2012)

LIFTS AND ESCALATORS (GENERAL) REGULATION

LIFTS AND ESCALATORS (FEES) REGULATION

INTRODUCTION

By virtue of section 154 and section 155 of the Lifts and Escalators Ordinance (8 of 2012) (“the Ordinance”), the Secretary for Development (“the Secretary”) made the Lifts and Escalators (General) Regulation (“the General Regulation”) and the Lifts and Escalators (Fees) Regulation (“the Fees Regulation”) at **Annex A** and **Annex B** respectively on 27 April 2012.

JUSTIFICATIONS

2. The Ordinance was enacted in April 2012. It seeks to replace the existing Lifts and Escalators (Safety) Ordinance (Cap. 327) with an aim to further enhancing lift and escalator safety in Hong Kong. The Ordinance introduced a series of enhanced control measures including strengthening the registration regime of personnel engaged in lift and escalator works, increasing the penalty levels of offences, extending the coverage of the legislative framework and enhancing the operational efficiency and enforcement effectiveness. Key features of the Ordinance are set out in the Legislative Council Brief issued on 19 April 2011.

3. The General Regulation and the Fees Regulation are made for the better carrying out of the provisions of the Ordinance and for prescribing the fees payable under the Ordinance respectively.

The General Regulation

4. The General Regulation mainly sets out the duties of responsible persons¹ and registered persons², the requirements relating to various applications to be made under the Ordinance and other miscellaneous requirements.

Duties of responsible persons and registered persons

5. The duties of responsible persons and registered persons set out in the General Regulation mainly include their duties to comply with the documentation and notification requirements.

Documentation requirements

6. Records of works and incidents in relation to a lift/escalator are required for the enforcement of the provisions of the Ordinance and the investigation of incidents. The General Regulation stipulates suitable documentation requirements to be complied with by responsible persons and registered persons as appropriate. Among others, a log-book is required to be kept for each lift/escalator for recording information such as works carried out as well as incident and failure occurred. Other documents relating to the design, installation, maintenance and examination of a lift/escalator including design specifications, installation instructions, maintenance-related records and examination certificates are also required to be maintained.

¹ Under the Ordinance, a “responsible person” in relation to a lift/escalator means (a) the owner of the lift/escalator; or (b) any other person who has the management or control of the lift/escalator.

² A “registered person” means a registered lift contractor, registered escalator contractor, registered lift engineer, registered escalator engineer, registered lift worker or registered escalator worker under the Ordinance.

Notification requirements

7. To facilitate enforcement of the provisions of the Ordinance by the Director of Electrical and Mechanical Services (“the Director”), the General Regulation requires registered persons to notify the Director of such matters as the undertaking or subcontracting of lift/escalator works, the repair of emergency devices and the change in the name or address of a registered person.

8. Regarding subcontracting of lift/escalator works, the General Regulation requires a registered lift/escalator contractor to notify the Director within a specified period in respect of the undertaking of any lift/escalator works as a subcontractor or subcontracting of any lift/escalator works to another registered lift/escalator contractor. Under normal circumstances, the specified period is **seven days** before the commencement of the subcontract works concerned. The notification requirement would enable the Director to effectively monitor the subcontracting of lift/escalator works by registered lift/escalator contractors and the respective subcontracting arrangements.

9. To enhance the existing control³ over emergency devices, the General Regulation introduced a requirement for the registered lift contractor responsible for maintenance of a lift to attend to any reported failure of the alarm system, emergency lighting, intercommunication system and ventilation fan of a car of a lift within **four hours**. If the registered lift contractor considers that a failed device cannot be reinstated within **24 hours** after the failure has come to his knowledge, the registered contractor is required to notify the Director. The notification requirement can enable the Director to effectively monitor the performance of registered lift contractors in reinstating the concerned

³ Registered lift contractors are required to confirm the proper functioning of lift components, including alarm system, emergency lighting, intercommunication system and ventilation fan of lift car during their monthly routine maintenance cycle. Separately, registered lift engineers are required to verify the functioning of these components when conducting periodic examination. These requirements have already been laid down in the relevant Code of Practice issued under the Lifts and Escalators (Safety) Ordinance (Cap. 327).

emergency devices expeditiously. Furthermore, the Director may issue an order prohibiting the use of the lift if considered necessary.

Applications to be made under the Ordinance

10. There are over 30 kinds of applications to be made under the Ordinance. They include applications for use permits, resumption permits or duplicates of these permits; applications for registration as registered persons or renewal of the respective registration; and applications for duplicates or replacements of respective registration certificates or cards. An application is generally required to be submitted in specified form including the pertaining information and accompanied with the prescribed fee. Furthermore, the applicants may be required to provide any information, particulars and documents that are reasonably necessary for processing the applications. The General Regulation stipulates the procedural requirements for making the applications under the Ordinance.

Miscellaneous requirements

11. The General Regulation contains other miscellaneous requirements such as the content of an incident investigation report to be submitted by the responsible registered lift/escalator contractor after the occurrence of a lift/escalator incident and the requirement for registered lift/escalator engineers and registered lift/escalator workers to carry registration cards or any other documentary proof recognized by the Director (such as the registration cards issued under the Construction Workers Registration Ordinance (Cap. 583) which are of the relevant trades).

12. The General Regulation introduced a regulatory scheme in relation to the incidents specified in schedule 7 of the Ordinance such as failure of a brake, overload device or safety equipment of a lift. Under the regulatory scheme, if the service of a lift/escalator has been suspended due to any incidents specified in schedule 7 of the Ordinance and the responsible lift/escalator contractor considers that the service cannot be resumed within **four hours** after the incident has come to his knowledge,

the contractor is required to display a notice to inform users of the incident.

The Fees Regulation

13. The Fees Regulation is for prescribing the fees payable for applications for use permits, resumption permits or their duplicates; applications for cancellation of prohibition or cessation orders; applications for registration or renewal of registration; and applications for duplicates or replacements of certificates of registration or registration cards.

14. It is an established Government policy that fees charged by the Government should in general be set at levels adequate to recover the full cost of providing the goods or services. Such principle has been followed in determining the level of application fees.

15. The assessment of the applications stated in paragraph 13 above is regarded as government service and hence the fees will be set, similar to those of other Government services, in accordance with the “**user-pay**” principle to recover full cost of the services provided. The assessment fees mainly cover staff cost incurred in processing the applications (e.g. staff receiving applications, preparing documents, verifying the qualifications stated in the applications, etc.), departmental expenses (e.g. computer facilities, office premises, etc.) and other associated expenditure such as consumable items.

16. A costing exercise at 2012-2013 price level has been carried out to estimate the costs of processing the applications under the Ordinance. The fees under the Fees Regulation are comparable with the level of fees of similar nature. For instance, the proposed application fee of \$505 (for five years) for registration as a lift/escalator worker is comparable with the application fee of \$475 (for three years) for registration as a registered electrical worker under the Electricity (Registration) Regulations (Cap. 406D) as well as the application fee of \$436 (for three years) for becoming a competent person under the Electricity Supply Lines (Protection) Regulation (Cap. 406H). To reduce the financial burden of

the applicants, the Fees Regulation provides some single application items for specified concurrent applications. For registration application as both a registered lift engineer and a registered escalator engineer, or both as a registered lift contractor and a registered escalator contractor, concurrently under a single application, a lower fee will be charged as compared with when two separate applications are made. With the application fee of \$505 for registration as a registered lift worker or a registered escalator worker, eligible applicants can be given both registrations when the application is made concurrently. Furthermore, to facilitate the submission of registration by lift/escalator workers, we will liaise with the registered lift/escalator contractors to arrange staff to the contractors' premises convenience to lift/escalator workers to assist them to complete their application forms and receive the completed applications.

THE REGULATIONS

17. The main provisions of the General Regulation are as follows —

- (a) **Part 1** provides for commencement of the General Regulation.
- (b) **Part 2** provides for the duties of responsible persons and registered persons.
- (c) **Parts 3 to 6** provide for the applications for certain matters, including the following —
 - (i) the issue or renewal of permits for a lift or escalator under the Ordinance;
 - (ii) the issue of duplicates of permits mentioned in subparagraph (i);
 - (iii) the cancellation of an order under section 30, 32, 60 or 62 of the Ordinance;
 - (iv) the registration or renewal of registration of a person registered under the Ordinance;
 - (v) the issue of duplicates of registration certificates or registration cards issued under the Ordinance;

- (vi) the issue of replacement certificates of registration or replacement registration cards issued under the Ordinance; and
 - (vii) an exemption under section 148 of the Ordinance.
- (d) **Part 7** provides for, amongst other things, the preparation and completion of a preliminary report or full report under section 40 or 70 of the Ordinance and the removal of an incident-related notice stated in paragraph 12 above.
18. The main provisions of the Fees Regulation are as follows —
- (a) **Part 1** provides for commencement of the Fees Regulation.
 - (b) **Part 2** and the **Schedule** prescribes the fees payable in respect of applications for permits or their duplicates, applications for registration or renewal of registration, and application for duplicates or replacements of certificates of registration or registration cards.

LEGISLATIVE TIMETABLE

19. The legislative timetable will be —
- | | |
|--|--|
| Publication in the Gazette | 4 May 2012 |
| Tabling in Legislative Council | 9 May 2012 |
| Commencement of the General Regulation and the Fees Regulation | A date to be appointed by the Secretary by notice published in the Gazette |

IMPLICATIONS OF THE REGULATIONS

20. The General Regulation and the Fees Regulation have financial, civil service, productivity and economic implications as set out at **Annex C**. The regulations will not affect the binding effect of the Ordinance.

21. The regulations are in conformity with the Basic Law, including the provisions concerning human rights. The regulations 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 regulations have no environmental implications.

PUBLIC CONSULTATION

22. In early 2012, we consulted the Task Force for Legislative Amendments to the Lifts and Escalators (Safety) Ordinance which was established in August 2010 with industry stakeholders including representatives of worker union, trade associations, professional bodies and the Consumer Council. Members of the Task Force raised no objection to the proposals in relation to the General Regulation and the Fees Regulation.

23. In March 2012, we consulted the Legislative Council Panel on Development. Members of the Panel raised no objection to the proposals in relation to the General Regulation and the Fees Regulation.

PUBLICITY

24. A spokesman will be available to handle the media and public enquires.

25. To prepare for bringing the provisions of the Ordinance and the two regulations into operation, a series of publicity and promotional activities will be launched aiming at giving members of the public and industry stakeholders a better understanding of the requirements under the new legislative framework. Preliminary activities include the issue of a guidebook for responsible persons, promoting key statutory requirements through the media and holding briefing sessions for the public and industry stakeholders.

ENQUIRY

26. For enquiries, please contact Mr Jimmy CHAN, Principal Assistant Secretary for Development (Works) at 3509 8277.

Development Bureau
2 May 2012

Lifts and Escalators (General) Regulation

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Lifts and Escalators (General) Regulation

(Made by the Secretary for Development under section 154 of the Lifts and Escalators Ordinance (8 of 2012))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

Part 2

Duties of Responsible Persons and Registered Persons

Division 1—Responsible Persons for Lifts

2. Duties of responsible persons to keep log-books

- (1) The responsible person for a lift must keep in accordance with subsections (2) and (3) a log-book for the lift.
- (2) The log-book referred to in subsection (1)—
 - (a) must be in the specified form; and
 - (b) must contain the following information and particulars—
 - (i) a description of the lift;
 - (ii) the name and contact details of every registered lift contractor who has undertaken from the responsible person for the lift maintenance works of the lift;
 - (iii) in relation to every incident relating to the lift and every other event of failure of the lift—
 - (A) the particulars of the incident or the event;
 - (B) (for an incident) the name and contact details of the registered lift contractor notified under section 40 of the Ordinance; and
 - (C) (for any other event of failure of the lift) the name and contact details of the registered lift contractor who has attended to the failure;
 - (iv) the information and particulars required to be entered into the log-book by a registered lift contractor under section 5;

- (v) the information and particulars required to be entered into the log-book by a registered lift engineer under section 11; and
 - (vi) any other information and particulars specified by the Director and relating to the lift.
- (3) Any information or particulars mentioned in subsection (2)(b)(ii), (iii), (iv) or (v) may be removed from the log-book on or after the 3rd anniversary of the date on which the information or particulars were entered into the log-book.
 - (4) If an enforcement officer requests the responsible person for a lift to produce for the officer's inspection the log-book required to be kept by the person under subsection (1), the person must comply with the request within 3 days after the date of receipt of the request.
 - (5) A person who, without reasonable excuse, contravenes subsection (1) or (4) commits an offence and is liable on conviction to a fine at level 3.

Division 2—Registered Lift Contractors

3. Duties of registered lift contractors to notify Director of undertaking of lift works

- (1) A registered lift contractor who undertakes any maintenance works of a lift must, not later than 7 days before the first commencement day, notify in the specified form the Director of the undertaking as well as other information and particulars specified in the form.
- (2) A registered lift contractor who undertakes—
 - (a) any lift works concerning any major alteration of a lift; or
 - (b) any lift works to which subsection (1) does not apply,
 must, not later than 7 days before the date of commencement of the works, notify in the specified form the Director of the

- undertaking as well as other information and particulars specified in the form.
- (3) Despite subsections (1) and (2), a registered lift contractor who undertakes any lift works under any exceptional circumstances specified by the Director must, before the date of commencement of the works, notify in the specified form the Director of the undertaking as well as other information and particulars specified in the form.
 - (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.
 - (5) In subsection (1)—
first commencement day (工程展開首日), in relation to maintenance works of a lift that are undertaken by the registered lift contractor, means the first day on which any such works are carried out in respect of the lift for the first time in the period during which the undertaking is in force.

4. Duties of registered lift contractors to notify Director of subcontracting of lift works

- (1) A registered lift contractor who subcontracts to any other person any maintenance works of a lift must, not later than 7 days before the first commencement day, notify in the specified form the Director of the subcontracting of the works as well as other information and particulars specified in the form.
- (2) A registered lift contractor who subcontracts to any other person—
 - (a) any lift works concerning any major alteration of a lift; or
 - (b) any lift works to which subsection (1) does not apply,
 must, not later than 7 days before the date of commencement of the works, notify in the specified form the Director of the

subcontracting of the works as well as other information and particulars specified in the form.

- (3) Despite subsections (1) and (2), a registered lift contractor who subcontracts to any other person any lift works under any exceptional circumstances specified by the Director must, before the date of commencement of the works, notify in the specified form the Director of the subcontracting of the works as well as other information and particulars specified in the form.
- (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.
- (5) In subsection (1)—

first commencement day (工程展開首日), in relation to maintenance works of a lift that are subcontracted to any person by the registered lift contractor, means the first day on which any such works are carried out in respect of the lift for the first time in the period during which the subcontract is in force.

5. Duties of registered lift contractors to enter into log-books certain information and particulars

- (1) A registered lift contractor who carries out any lift works for a lift, or attends to an incident relating to a lift under section 40 of the Ordinance or any other event of failure of a lift, must enter into the log-book required to be kept under section 2 for the lift the information and particulars referred to in subsection (2).
- (2) The information and particulars are—
- (a) in relation to the lift works—
- (i) (for each day on which the works are carried out for the lift) the name of every qualified person and every specified person participating in the works;
- (ii) a description of the works;

- (iii) the date on which the works begin; and
- (iv) the date on which the works are completed;
- (b) in relation to the incident—
- (i) the date on which and the time at which the incident occurs;
- (ii) the nature and particulars of the incident, including (if any) the death of, or injury to, any person and damage to any property as a result of the incident;
- (iii) the date on which and the time at which the investigation under section 40 of the Ordinance begins;
- (iv) the date on which and the time at which the investigation under section 40 of the Ordinance is completed; and
- (v) (if applicable) the date on which and the time at which the lift resumes its normal use and operation;
- (c) in relation to the event of failure—
- (i) the date on which and the time at which the failure occurs;
- (ii) the nature and particulars of the failure, including (if applicable) the number of persons trapped in the lift as a result of the failure; and
- (iii) (if applicable) the date on which and the time at which the lift resumes its normal use and operation; and
- (d) any other information and particulars specified by the Director and relating to the lift works, incident or event of failure.
- (3) The information and particulars required under subsection (1) to be entered into the log-book for the lift must be entered—

- (a) in relation to subsection (2)(a)(i), on each day on which the qualified person or the specified person participates in the lift works;
 - (b) in relation to subsection (2)(a)(ii) and (iii), on the date on which the lift works begin;
 - (c) in relation to subsection (2)(a)(iv), on the date on which the lift works are completed;
 - (d) in relation to subsection (2)(b)(i) and (ii), within 2 days beginning on the date on which the registered lift contractor becomes aware of the incident;
 - (e) in relation to subsection (2)(b)(iii), on the date on which the investigation begins;
 - (f) in relation to subsection (2)(b)(iv), on the date on which the investigation is completed;
 - (g) in relation to subsection (2)(b)(v) and (c)(iii), on the date on which the lift resumes its normal use and operation;
 - (h) in relation to subsection (2)(c)(i) and (ii), within 2 days beginning on the date on which the registered lift contractor becomes aware of the failure; and
 - (i) in relation to subsection (2)(d), within 2 days beginning on the date on which the registered lift contractor is notified by the Director of the information or particulars specified under that subsection.
- (4) A person who, without reasonable excuse, contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 3.

6. Duties of registered lift contractors to keep certain records etc.

- (1) A registered lift contractor who undertakes any lift works concerning the installation of a lift must keep, for a specified period, every document or manual that contains any or all of the following—
- (a) design specifications of the lift;

- (b) instructions on the installation of the lift;
 - (c) instructions or recommendations on the commissioning, examination, maintenance, operation or demolition of the lift.
- (2) A registered lift contractor who undertakes any maintenance works of a lift must keep, for a specified period, a record containing the details of the works specified by the Director.
- (3) If an enforcement officer requests a registered lift contractor to produce for the officer's inspection the document, manual or record required to be kept by the contractor under subsection (1) or (2), the contractor must comply with the request within 3 days after the date of receipt of the request.
- (4) 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 and to imprisonment for 6 months.
- (5) A person who, without reasonable excuse, contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 3.
- (6) In this section—
- specified period** (指明期間) means—
- (a) in relation to subsection (1), the period—
 - (i) beginning on the date of completion of the installation of the lift; and
 - (ii) ending at midnight on the date immediately before the 7th anniversary of the completion date; and
 - (b) in relation to subsection (2), the period—
 - (i) beginning on the date of completion of the works; and
 - (ii) ending at midnight on the date immediately before the 3rd anniversary of the completion date.

7. Duties of registered lift contractors regarding incidents relating to lifts

- (1) If—
- (a) the responsible contractor for a lift becomes aware that there is an incident relating to the lift;
 - (b) the normal use and operation of the lift is suspended, because of the incident, at any time before the end of the 4-hour period after the contractor becomes aware of the incident; and
 - (c) in all the circumstances of the case, it is unlikely that the normal use and operation of the lift can be resumed before the end of that period,

the responsible contractor must, within the 4-hour period mentioned in paragraph (b), display in a conspicuous part of the lift, or in a conspicuous place in the vicinity of the lift, a notice that complies with the requirements in subsection (2).

- (2) A notice under subsection (1) must be in the specified form and must contain the information and particulars, including the reason for the suspension, specified in the form.
- (3) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.
- (4) In subsection (1)—

responsible contractor (負責承辦商), in relation to a lift, means—

- (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.

8. Duties of registered lift contractors regarding failure of certain emergency devices

- (1) If a registered lift contractor who undertakes any of the maintenance works of a lift becomes aware that there is a failure of any emergency device of the lift, the contractor must, within 4 hours after the contractor becomes aware of the failure, attend to the failure.
- (2) If, in all the circumstances of the case, it is unlikely that the failure of the emergency device can be rectified within 24 hours after the registered lift contractor becomes aware of the failure, the contractor must, before the end of the 24-hour period, notify in the specified form the Director of the failure as well as other information and particulars specified in the form.
- (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.

- (4) In subsection (1)—

emergency device (緊急裝置), in relation to a lift, means—

- (a) the alarm system of the lift;
- (b) the emergency lighting of the lift;
- (c) the intercommunication system of the lift; or
- (d) the ventilation fan of the car of the lift.

9. Duties of registered lift contractors to notify Director if registered lift contractors unable or unwilling to continue to undertake lift works

- (1) If for any reason a registered lift contractor who has undertaken any lift works is subsequently unable or unwilling to continue to undertake the works, the contractor must, within 14 days after the date on which the contractor ceases to undertake the works, notify in the specified form the Director of the fact and the date of cessation of the undertaking.

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

10. Duties of registered lift contractors to notify Registrar of certain changes

- (1) If there is a change in the name, business address or other correspondence address of a registered lift contractor, the contractor must, within 14 days after the date on which the change takes place, notify in the specified form the Registrar of the change.
- (2) If a registered lift engineer or registered lift worker employed by a registered lift contractor under a contract of employment dies, ceases to be such an engineer or worker, or otherwise ceases to be employed by the contractor, the contractor must, within 14 days after the date on which the death or cessation takes place, notify in the specified form the Registrar of the death or cessation.
- (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 1.

Division 3—Registered Lift Engineers

11. Duties of registered lift engineers to enter into log-books information and particulars regarding examination of lifts

- (1) A registered lift engineer who undertakes to examine a lift, or any associated equipment or machinery of the lift, must enter into the log-book required to be kept under section 2 for the lift the information and particulars referred to in subsection (2).
- (2) The information and particulars are—
- (a) the name of every qualified person and every specified person participating in the examination;

- (b) the date on which and the time at which the examination begins;
- (c) the date on which and the time at which the examination is completed;
- (d) the result of the examination; and
- (e) any other information and particulars specified by the Director and relating to the examination.
- (3) The information and particulars required under subsection (1) to be entered into the log-book for the lift must be entered on the date on which the examination is completed.
- (4) A person who, without reasonable excuse, contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 3.

12. Duties of registered lift engineers to keep certain documents

- (1) A registered lift engineer must keep in accordance with subsection (2) a copy of the following documents prepared by the engineer—
- (a) every certificate issued by the engineer under section 24(4) of the Ordinance;
- (b) every report referred to in section 24(7) of the Ordinance;
- (c) every certificate issued by the engineer under section 25(2) of the Ordinance;
- (d) every report referred to in section 25(5) of the Ordinance.
- (2) The registered lift engineer must keep the copy of the document for a specified period.
- (3) If an enforcement officer requests a registered lift engineer to produce for the officer's inspection any copy required to be kept by the engineer under this section, the engineer must comply with the request within 3 days after the date of receipt of the request.

- (4) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (5) A person who, without reasonable excuse, contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 3.
- (6) In subsection (2)—
specified period (指明期間) means the period—
 - (a) beginning on the date of completion of the examination; and
 - (b) ending at midnight on the date immediately before the 3rd anniversary of the completion date.

13. Duties of registered lift engineers to notify Registrar of certain changes

- (1) If there is a change in the name or correspondence address of a registered lift engineer, the engineer must, within 14 days after the date on which the change takes place, notify in the specified form the Registrar of the change.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

14. Registered lift engineers to carry with them registration cards etc.

- (1) A registered lift engineer who personally carries out any lift works, or supervises any other person to carry out any lift works, must, at all times while the engineer is at the place at which the works are carried out, carry with them—
 - (a) the relevant registration card or the relevant certificate of registration that is in force; or
 - (b) any other documentary proof recognized by the Director.

- (2) If an enforcement officer at the place mentioned in subsection (1) requests the registered lift engineer to produce the card, certificate or documentary proof referred to in that subsection for the officer's inspection, the engineer must comply with the request.
- (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 1.
- (4) In this section—
relevant certificate of registration (有關註冊證書), in relation to a registered lift engineer, means the certificate of registration issued to the engineer in respect of the registration;
relevant registration card (有關註冊證), in relation to a registered lift engineer, means the registration card issued to the engineer in respect of the registration.

Division 4—Registered Lift Workers

15. Duties of registered lift workers to notify Registrar of certain changes

- (1) If there is a change in the name or correspondence address of a registered lift worker, the worker must, within 14 days after the date on which the change takes place, notify in the specified form the Registrar of the change.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

16. Registered lift workers to carry with them registration cards etc.

- (1) A registered lift worker who personally carries out any lift works, or supervises any other person to carry out any lift works, must, at all times while the worker is at the place at which the works are carried out, carry with them—

- (a) the relevant registration card or the relevant certificate of registration that is in force; or
 - (b) any other documentary proof recognized by the Director.
- (2) If an enforcement officer at the place mentioned in subsection (1) requests the registered lift worker to produce the card, certificate or documentary proof referred to in that subsection for the officer's inspection, the worker must comply with the request.
- (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 1.
- (4) In this section—

relevant certificate of registration (有關註冊證書), in relation to a registered lift worker, means the certificate of registration issued to the worker in respect of the registration;

relevant registration card (有關註冊證), in relation to a registered lift worker, means the registration card issued to the worker in respect of the registration.

Division 5—Responsible Persons for Escalators

17. Duties of responsible persons to keep log-books

- (1) The responsible person for an escalator must keep in accordance with subsections (2) and (3) a log-book for the escalator.
- (2) The log-book referred to in subsection (1)—
- (a) must be in the specified form; and
 - (b) must contain the following information and particulars—
 - (i) a description of the escalator;
 - (ii) the name and contact details of every registered escalator contractor who has undertaken from the responsible person for the escalator maintenance works of the escalator;

- (iii) in relation to every incident relating to the escalator and every other event of failure of the escalator—
 - (A) the particulars of the incident or the event;
 - (B) (for an incident) the name and contact details of the registered escalator contractor notified under section 70 of the Ordinance; and
 - (C) (for any other event of failure of the escalator) the name and contact details of the registered escalator contractor who has attended to the failure;
 - (iv) the information and particulars required to be entered into the log-book by a registered escalator contractor under section 20;
 - (v) the information and particulars required to be entered into the log-book by a registered escalator engineer under section 25; and
 - (vi) any other information and particulars specified by the Director and relating to the escalator.
- (3) Any information or particulars mentioned in subsection (2)(b)(ii), (iii), (iv) or (v) may be removed from the log-book on or after the 3rd anniversary of the date on which the information or particulars were entered into the log-book.
- (4) If an enforcement officer requests the responsible person for an escalator to produce for the officer's inspection the log-book required to be kept by the person under subsection (1), the person must comply with the request within 3 days after the date of receipt of the request.
- (5) A person who, without reasonable excuse, contravenes subsection (1) or (4) commits an offence and is liable on conviction to a fine at level 3.

Division 6—Registered Escalator Contractors**18. Duties of registered escalator contractors to notify Director of undertaking of escalator works**

- (1) A registered escalator contractor who undertakes any maintenance works of an escalator must, not later than 7 days before the first commencement day, notify in the specified form the Director of the undertaking as well as other information and particulars specified in the form.
- (2) A registered escalator contractor who undertakes—
 - (a) any escalator works concerning any major alteration of an escalator; or
 - (b) any escalator works to which subsection (1) does not apply,

must, not later than 7 days before the date of commencement of the works, notify in the specified form the Director of the undertaking as well as other information and particulars specified in the form.

- (3) Despite subsections (1) and (2), a registered escalator contractor who undertakes any escalator works under any exceptional circumstances specified by the Director must, before the date of commencement of the works, notify in the specified form the Director of the undertaking as well as other information and particulars specified in the form.
- (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.
- (5) In subsection (1)—

first commencement day (工程展開首日), in relation to maintenance works of an escalator that are undertaken by the registered escalator contractor, means the first day on which any such works are carried out in respect of the escalator for the first time in the period during which the undertaking is in force.

19. Duties of registered escalator contractors to notify Director of subcontracting of escalator works

- (1) A registered escalator contractor who subcontracts to any other person any maintenance works of an escalator must, not later than 7 days before the first commencement day, notify in the specified form the Director of the subcontracting of the works as well as other information and particulars specified in the form.
- (2) A registered escalator contractor who subcontracts to any other person—
 - (a) any escalator works concerning any major alteration of an escalator; or
 - (b) any escalator works to which subsection (1) does not apply,

must, not later than 7 days before the date of commencement of the works, notify in the specified form the Director of the subcontracting of the works as well as other information and particulars specified in the form.

- (3) Despite subsections (1) and (2), a registered escalator contractor who subcontracts to any other person any escalator works under any exceptional circumstances specified by the Director must, before the date of commencement of the works, notify in the specified form the Director of the subcontracting of the works as well as other information and particulars specified in the form.
- (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.
- (5) In subsection (1)—

first commencement day (工程展開首日), in relation to maintenance works of an escalator that are subcontracted to any person by the registered escalator contractor, means the first day on which any such works are carried out in respect of

the escalator for the first time in the period during which the subcontract is in force.

20. Duties of registered escalator contractors to enter into log-books certain information and particulars

- (1) A registered escalator contractor who carries out any escalator works for an escalator, or attends to an incident relating to an escalator under section 70 of the Ordinance or any other event of failure of an escalator, must enter into the log-book required to be kept under section 17 for the escalator the information and particulars referred to in subsection (2).
- (2) The information and particulars are—
 - (a) in relation to the escalator works—
 - (i) (for each day on which the works are carried out for the escalator) the name of every qualified person and every specified person participating in the works;
 - (ii) a description of the works;
 - (iii) the date on which the works begin; and
 - (iv) the date on which the works are completed;
 - (b) in relation to the incident—
 - (i) the date on which and the time at which the incident occurs;
 - (ii) the nature and particulars of the incident, including (if any) the death of, or injury to, any person and damage to any property as a result of the incident;
 - (iii) the date on which and the time at which the investigation under section 70 of the Ordinance begins;
 - (iv) the date on which and the time at which the investigation under section 70 of the Ordinance is completed; and

- (v) (if applicable) the date on which and the time at which the escalator resumes its normal use and operation;
- (c) in relation to the event of failure—
 - (i) the date on which and the time at which the failure occurs;
 - (ii) the nature and particulars of the failure; and
 - (iii) (if applicable) the date on which and the time at which the escalator resumes its normal use and operation; and
- (d) any other information and particulars specified by the Director and relating to the escalator works, incident or event of failure.
- (3) The information and particulars required under subsection (1) to be entered into the log-book for the escalator must be entered—
 - (a) in relation to subsection (2)(a)(i), on each day on which the qualified person or the specified person participates in the escalator works;
 - (b) in relation to subsection (2)(a)(ii) and (iii), on the date on which the escalator works begin;
 - (c) in relation to subsection (2)(a)(iv), on the date on which the escalator works are completed;
 - (d) in relation to subsection (2)(b)(i) and (ii), within 2 days beginning on the date on which the registered escalator contractor becomes aware of the incident;
 - (e) in relation to subsection (2)(b)(iii), on the date on which the investigation begins;
 - (f) in relation to subsection (2)(b)(iv), on the date on which the investigation is completed;

- (g) in relation to subsection (2)(b)(v) and (c)(iii), on the date on which the escalator resumes its normal use and operation;
 - (h) in relation to subsection (2)(c)(i) and (ii), within 2 days beginning on the date on which the registered escalator contractor becomes aware of the failure; and
 - (i) in relation to subsection (2)(d), within 2 days beginning on the date on which the registered escalator contractor is notified by the Director of the information or particulars specified under that subsection.
- (4) A person who, without reasonable excuse, contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 3.

21. Duties of registered escalator contractors to keep certain records etc.

- (1) A registered escalator contractor who undertakes any escalator works concerning the installation of an escalator must keep, for a specified period, every document or manual that contains any or all of the following—
- (a) design specifications of the escalator;
 - (b) instructions on the installation of the escalator;
 - (c) instructions or recommendations on the commissioning, examination, maintenance, operation or demolition of the escalator.
- (2) A registered escalator contractor who undertakes any maintenance works of an escalator must keep, for a specified period, a record containing the details of the works specified by the Director.
- (3) If an enforcement officer requests a registered escalator contractor to produce for the officer's inspection the document, manual or record required to be kept by the contractor under subsection (1) or (2), the contractor must

- comply with the request within 3 days after the date of receipt of the request.
- (4) 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 and to imprisonment for 6 months.
 - (5) A person who, without reasonable excuse, contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 3.
 - (6) In this section—
- specified period* (指明期間) means—
- (a) in relation to subsection (1), the period—
 - (i) beginning on the date of completion of the installation of the escalator; and
 - (ii) ending at midnight on the date immediately before the 7th anniversary of the completion date; and
 - (b) in relation to subsection (2), the period—
 - (i) beginning on the date of completion of the works; and
 - (ii) ending at midnight on the date immediately before the 3rd anniversary of the completion date.

22. Duties of registered escalator contractors regarding incidents relating to escalators

- (1) If—
- (a) the responsible contractor for an escalator becomes aware that there is an incident relating to the escalator;
 - (b) the normal use and operation of the escalator is suspended, because of the incident, at any time before the end of the 4-hour period after the contractor becomes aware of the incident; and

(c) in all the circumstances of the case, it is unlikely that the normal use and operation of the escalator can be resumed before the end of that period,

the responsible contractor must, within the 4-hour period mentioned in paragraph (b), display in a conspicuous part of the escalator, or in a conspicuous place in the vicinity of the escalator, a notice that complies with the requirements in subsection (2).

- (2) A notice under subsection (1) must be in the specified form and must contain the information and particulars, including the reason for the suspension, specified in the form.
- (3) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.
- (4) In subsection (1)—

responsible contractor (負責承辦商), in relation to an escalator, means—

- (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.

23. Duties of registered escalator contractors to notify Director if registered escalator contractors unable or unwilling to continue to undertake escalator works

- (1) If for any reason a registered escalator contractor who has undertaken any escalator works is subsequently unable or unwilling to continue to undertake the works, the contractor must, within 14 days after the date on which the contractor ceases to undertake the works, notify in the specified form the Director of the fact and the date of cessation of the undertaking.

- (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. Duties of registered escalator contractors to notify Registrar of certain changes

- (1) If there is a change in the name, business address or other correspondence address of a registered escalator contractor, the contractor must, within 14 days after the date on which the change takes place, notify in the specified form the Registrar of the change.
- (2) If a registered escalator engineer or registered escalator worker employed by a registered escalator contractor under a contract of employment dies, ceases to be such an engineer or worker, or otherwise ceases to be employed by the contractor, the contractor must, within 14 days after the date on which the death or cessation takes place, notify in the specified form the Registrar of the death or cessation.
- (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 1.

Division 7—Registered Escalator Engineers

25. Duties of registered escalator engineers to enter into log-books information and particulars regarding examination of escalators

- (1) A registered escalator engineer who undertakes to examine an escalator, or any associated equipment or machinery of the escalator, must enter into the log-book required to be kept under section 17 for the escalator the information and particulars referred to in subsection (2).
- (2) The information and particulars are—
 - (a) the name of every qualified person and every specified person participating in the examination;

- (b) the date on which and the time at which the examination begins;
 - (c) the date on which and the time at which the examination is completed;
 - (d) the result of the examination; and
 - (e) any other information and particulars specified by the Director and relating to the examination.
- (3) The information and particulars required under subsection (1) to be entered into the log-book for the escalator must be entered on the date on which the examination is completed.
- (4) A person who, without reasonable excuse, contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 3.

26. Duties of registered escalator engineers to keep certain documents

- (1) A registered escalator engineer must keep in accordance with subsection (2) a copy of the following documents prepared by the engineer—
- (a) every certificate issued by the engineer under section 54(3) of the Ordinance;
 - (b) every report referred to in section 54(6) of the Ordinance;
 - (c) every certificate issued by the engineer under section 55(2) of the Ordinance;
 - (d) every report referred to in section 55(5) of the Ordinance.
- (2) The registered escalator engineer must keep the copy of the document for a specified period.
- (3) If an enforcement officer requests a registered escalator engineer to produce for the officer's inspection any copy required to be kept by the engineer under this section, the

engineer must comply with the request within 3 days after the date of receipt of the request.

- (4) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (5) A person who, without reasonable excuse, contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 3.
- (6) In subsection (2)—
 - specified period* (指明期間) means the period—
 - (a) beginning on the date of completion of the examination; and
 - (b) ending at midnight on the date immediately before the 3rd anniversary of the completion date.

27. Duties of registered escalator engineers to notify Registrar of certain changes

- (1) If there is a change in the name or correspondence address of a registered escalator engineer, the engineer must, within 14 days after the date on which the change takes place, notify in the specified form the Registrar of the change.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

28. Registered escalator engineers to carry with them registration cards etc.

- (1) A registered escalator engineer who personally carries out any escalator works, or supervises any other person to carry out any escalator works, must, at all times while the engineer is at the place at which the works are carried out, carry with them—

- (a) the relevant registration card or the relevant certificate of registration that is in force; or
 - (b) any other documentary proof recognized by the Director.
- (2) If an enforcement officer at the place mentioned in subsection (1) requests the registered escalator engineer to produce the card, certificate or documentary proof referred to in that subsection for the officer's inspection, the engineer must comply with the request.
- (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 1.
- (4) In this section—

relevant certificate of registration (有關註冊證書), in relation to a registered escalator engineer, means the certificate of registration issued to the engineer in respect of the registration;

relevant registration card (有關註冊證), in relation to a registered escalator engineer, means the registration card issued to the engineer in respect of the registration.

Division 8—Registered Escalator Workers

29. Duties of registered escalator workers to notify Registrar of certain changes

- (1) If there is a change in the name or correspondence address of a registered escalator worker, the worker must, within 14 days after the date on which the change takes place, notify in the specified form the Registrar of the change.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

30. Registered escalator workers to carry with them registration cards etc.

- (1) A registered escalator worker who personally carries out any escalator works, or supervises any other person to carry out any escalator works, must, at all times while the worker is at the place at which the works are carried out, carry with them—
 - (a) the relevant registration card or the relevant certificate of registration that is in force; or
 - (b) any other documentary proof recognized by the Director.
- (2) If an enforcement officer at the place mentioned in subsection (1) requests the registered escalator worker to produce the card, certificate or documentary proof referred to in that subsection for the officer's inspection, the worker must comply with the request.
- (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 1.
- (4) In this section—

relevant certificate of registration (有關註冊證書), in relation to a registered escalator worker, means the certificate of registration issued to the worker in respect of the registration;

relevant registration card (有關註冊證), in relation to a registered escalator worker, means the registration card issued to the worker in respect of the registration.

Part 3**Requirements Relating to Applications Made under
Part 2 of Ordinance****31. Application for permit mentioned in section 26(1)(a) or (b) of Ordinance**

- (1) An application for a permit mentioned in section 26(1)(a) of the Ordinance—
 - (a) must be in the specified form;
 - (b) must be accompanied by a certificate issued in respect of the lift under section 24(4) of the Ordinance;
 - (c) must contain the information and particulars specified in the specified form;
 - (d) must be accompanied by the prescribed fee; and
 - (e) must be delivered to the Director within the 2-month period beginning on the date on which the examination to which the certificate relates is completed.
- (2) Subject to section 33, an application for a permit mentioned in section 26(1)(b) of the Ordinance—
 - (a) must be in the specified form;
 - (b) must be accompanied by a certificate issued in respect of the lift under section 24(4) of the Ordinance;
 - (c) must contain the information and particulars specified in the specified form;
 - (d) must be accompanied by the prescribed fee; and
 - (e) must be delivered to the Director within the 2-month period beginning on the date on which the examination to which the certificate relates is completed.

32. Application for permit mentioned in section 28 of Ordinance

Subject to section 33, an application for a permit mentioned in section 28(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must be accompanied by a certificate issued in respect of the lift under section 24(4) or 25(2) of the Ordinance;
- (c) must contain the information and particulars specified in the specified form;
- (d) must be accompanied by the prescribed fee; and
- (e) must be delivered to the Director within the 2-month period beginning on the date on which the examination to which the certificate relates is completed.

33. Single application for permits mentioned in sections 26(1)(b) and 28 of Ordinance

- (1) A single application may be made in respect of a lift for both a permit mentioned in section 26(1)(b) of the Ordinance and a permit mentioned in section 28(1) of the Ordinance.
- (2) An application under subsection (1)—
 - (a) must be in the specified form;
 - (b) must be accompanied by a certificate issued in respect of the lift under section 24(4) of the Ordinance;
 - (c) must contain the information and particulars specified in the specified form;
 - (d) must be accompanied by the prescribed fee; and
 - (e) must be delivered to the Director within the 2-month period beginning on the date on which the examination to which the certificate relates is completed.

34. Application for duplicate permit under section 29 of Ordinance

An application for a duplicate permit under section 29(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

35. Application for cancellation of order under section 33 of Ordinance

An application for cancellation of an order under section 33(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

36. Requirement to provide additional information etc. by Director

The Director may in writing require a person who makes any application under Part 2 of the Ordinance to provide any information, particulars or documents that are reasonably necessary to enable the Director to determine the application concerned.

Part 4

Requirements Relating to Applications Made under Part 3 of Ordinance

37. Application for permit mentioned in section 56(1)(a) or (b) of Ordinance

- (1) An application for a permit mentioned in section 56(1)(a) of the Ordinance—
 - (a) must be in the specified form;
 - (b) must be accompanied by a certificate issued in respect of the escalator under section 54(3) of the Ordinance;
 - (c) must contain the information and particulars specified in the specified form;
 - (d) must be accompanied by the prescribed fee; and
 - (e) must be delivered to the Director within the 2-month period beginning on the date on which the examination to which the certificate relates is completed.
- (2) Subject to section 39, an application for a permit mentioned in section 56(1)(b) of the Ordinance—
 - (a) must be in the specified form;
 - (b) must be accompanied by a certificate issued in respect of the escalator under section 54(3) of the Ordinance;
 - (c) must contain the information and particulars specified in the specified form;
 - (d) must be accompanied by the prescribed fee; and
 - (e) must be delivered to the Director within the 2-month period beginning on the date on which the examination to which the certificate relates is completed.

38. Application for permit mentioned in section 58 of Ordinance

Subject to section 39, an application for a permit mentioned in section 58(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must be accompanied by a certificate issued in respect of the escalator under section 54(3) or 55(2) of the Ordinance;
- (c) must contain the information and particulars specified in the specified form;
- (d) must be accompanied by the prescribed fee; and
- (e) must be delivered to the Director within the 2-month period beginning on the date on which the examination to which the certificate relates is completed.

39. Single application for permits mentioned in sections 56(1)(b) and 58 of Ordinance

- (1) A single application may be made in respect of an escalator for both a permit mentioned in section 56(1)(b) of the Ordinance and a permit mentioned in section 58(1) of the Ordinance.
- (2) An application under subsection (1)—
 - (a) must be in the specified form;
 - (b) must be accompanied by a certificate issued in respect of the escalator under section 54(3) of the Ordinance;
 - (c) must contain the information and particulars specified in the specified form;
 - (d) must be accompanied by the prescribed fee; and
 - (e) must be delivered to the Director within the 2-month period beginning on the date on which the examination to which the certificate relates is completed.

40. Application for duplicate permit under section 59 of Ordinance

An application for a duplicate permit under section 59(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

41. Application for cancellation of order under section 63 of Ordinance

An application for cancellation of an order under section 63(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

42. Requirement to provide additional information etc. by Director

The Director may in writing require a person who makes any application under Part 3 of the Ordinance to provide any information, particulars or documents that are reasonably necessary to enable the Director to determine the application concerned.

Part 5**Requirements Relating to Applications Made under
Part 4 of Ordinance****43. Application for registration as lift contractor under section 74 of Ordinance**

Subject to section 57, an application for registration as a lift contractor under section 74(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

44. Application for renewal of registration of lift contractor under section 75 of Ordinance

Subject to section 58, an application for renewal of the registration of a lift contractor under section 75(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

45. Application for registration as lift engineer under section 78 of Ordinance

Subject to section 59, an application for registration as a lift engineer under section 78(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

46. Application for renewal of registration of lift engineer under section 79 of Ordinance

Subject to section 60, an application for renewal of the registration of a lift engineer under section 79(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

47. Application for registration as lift worker under section 82 of Ordinance

Subject to section 61, an application for registration as a lift worker under section 82(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

48. Application for renewal of registration of lift worker under section 83 of Ordinance

Subject to section 62, an application for renewal of the registration of a lift worker under section 83(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

49. Application for registration as escalator contractor under section 86 of Ordinance

Subject to section 57, an application for registration as an escalator contractor under section 86(1) of the Ordinance—

- (a) must be in the specified form;

- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

50. Application for renewal of registration of escalator contractor under section 87 of Ordinance

Subject to section 58, an application for renewal of the registration of an escalator contractor under section 87(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

51. Application for registration as escalator engineer under section 90 of Ordinance

Subject to section 59, an application for registration as an escalator engineer under section 90(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

52. Application for renewal of registration of escalator engineer under section 91 of Ordinance

Subject to section 60, an application for renewal of the registration of an escalator engineer under section 91(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

53. Application for registration as escalator worker under section 94 of Ordinance

Subject to section 61, an application for registration as an escalator worker under section 94(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

54. Application for renewal of registration of escalator worker under section 95 of Ordinance

Subject to section 62, an application for renewal of the registration of an escalator worker under section 95(1) of the Ordinance—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

55. Application for replacement certificate of registration under section 98 of Ordinance

Subject to section 63, an application under section 98(4) of the Ordinance for a replacement certificate of registration of a registered person—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

56. Application for replacement registration card under section 99 of Ordinance

Subject to section 63, an application under section 99(4) of the Ordinance for a replacement registration card of a registered person—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

57. Single application for registration as both lift contractor and escalator contractor

(1) A single application may be made for registration of a person as both a lift contractor under section 74(1) of the Ordinance and an escalator contractor under section 86(1) of the Ordinance.

(2) An application under subsection (1)—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

58. Single application for renewal of both registration of lift contractor and registration of escalator contractor

(1) A single application may be made for renewal of the registration of a person as a lift contractor under section 75(1) of the Ordinance and renewal of the registration of the person as an escalator contractor under section 87(1) of the Ordinance.

(2) An application under subsection (1)—

- (a) must be in the specified form;

- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

59. Single application for registration as both lift engineer and escalator engineer

(1) A single application may be made for registration of a person as both a lift engineer under section 78(1) of the Ordinance and an escalator engineer under section 90(1) of the Ordinance.

(2) An application under subsection (1)—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

60. Single application for renewal of both registration of lift engineer and registration of escalator engineer

(1) A single application may be made for renewal of the registration of a person as a lift engineer under section 79(1) of the Ordinance and renewal of the registration of the person as an escalator engineer under section 91(1) of the Ordinance.

(2) An application under subsection (1)—

- (a) must be in the specified form;
- (b) must contain the information and particulars specified in the specified form; and
- (c) must be accompanied by the prescribed fee.

61. Single application for registration as both lift worker and escalator worker

(1) A single application may be made for registration of a person as both a lift worker under section 82(1) of the Ordinance and an escalator worker under section 94(1) of the Ordinance.

- (2) An application under subsection (1)—
 - (a) must be in the specified form;
 - (b) must contain the information and particulars specified in the specified form; and
 - (c) must be accompanied by the prescribed fee.

62. Single application for renewal of both registration of lift worker and registration of escalator worker

- (1) A single application may be made for renewal of the registration of a person as a lift worker under section 83(1) of the Ordinance and renewal of the registration of the person as an escalator worker under section 95(1) of the Ordinance.
- (2) An application under subsection (1)—
 - (a) must be in the specified form;
 - (b) must contain the information and particulars specified in the specified form; and
 - (c) must be accompanied by the prescribed fee.

63. Single application for both replacement certificate of registration and replacement registration card

- (1) A single application may be made for a replacement certificate of registration under section 98(4) of the Ordinance in respect of a registered person and a replacement registration card under section 99(4) of the Ordinance in respect of the person.
- (2) An application under subsection (1)—
 - (a) must be in the specified form;
 - (b) must contain the information and particulars specified in the specified form; and
 - (c) must be accompanied by the prescribed fee.

64. Application for duplicate certificate of registration or duplicate registration card under section 100 of Ordinance

- (1) An application for a duplicate certificate under section 100(1) of the Ordinance—
 - (a) must be in the specified form;
 - (b) must contain the information and particulars specified in the specified form; and
 - (c) must be accompanied by the prescribed fee.
- (2) An application for a duplicate card under section 100(2) of the Ordinance—
 - (a) must be in the specified form;
 - (b) must contain the information and particulars specified in the specified form; and
 - (c) must be accompanied by the prescribed fee.

65. Requirement to provide additional information etc. by Registrar

The Registrar may in writing require a person who makes any application under Part 4 of the Ordinance to provide any information, particulars or documents that are reasonably necessary to enable the Registrar to determine the application concerned.

Part 6**Requirements Relating to Applications Made under
Section 148 of Ordinance****66. Application for exemption**

An application for an exemption under section 148(1) or (2) of the Ordinance—

- (a) must be in the specified form; and
- (b) must contain the information and particulars specified in the specified form.

67. Requirement to provide additional information etc. by Director

The Director may in writing require a person who makes any application under section 148(1) or (2) of the Ordinance to provide any information, particulars or documents that are reasonably necessary to enable the Director to determine the application concerned.

Part 7**Miscellaneous****68. Preliminary reports and full reports of investigation of incidents**

- (1) A preliminary report required to be prepared and completed under section 40 or 70 of the Ordinance must be in the specified form and must contain the following information and particulars—
 - (a) the date on which and the time at which the incident occurred;
 - (b) the place at which the incident took place;
 - (c) the apparent cause of the incident;
 - (d) the nature and particulars of the incident, including (if any) the death of, or injury to, any person and damage to any property as a result of the incident; and
 - (e) any other information and particulars specified by the Director and relating to the incident.
- (2) A full report required to be prepared and completed under section 40 or 70 of the Ordinance must contain the following information and particulars—
 - (a) the information and particulars specified in subsection (1)(a), (b), (c) and (d);
 - (b) a detailed description and explanation of the cause of the incident;
 - (c) (if any) recommendations of corrective measures and their implementation programme; and
 - (d) any other information and particulars specified by the Director and relating to the incident.

69. Offences on obstruction or removal of notices displayed under section 7 or 22

- (1) A person commits an offence if the person—
 - (a) wilfully obstructs a responsible contractor referred to in section 7 in the performance of the contractor's duty under that section; or
 - (b) without reasonable excuse, removes a notice displayed under section 7.
- (2) A person commits an offence if the person—
 - (a) wilfully obstructs a responsible contractor referred to in section 22 in the performance of the contractor's duty under that section; or
 - (b) without reasonable excuse, removes a notice displayed under section 22.
- (3) A person who commits an offence under subsection (1) or (2) is liable on conviction to a fine at level 3.

Secretary for Development

2012

Explanatory Note

This Regulation is made by the Secretary for Development under section 154 of the Lifts and Escalators Ordinance (8 of 2012).

2. Part 1 provides for commencement of the Regulation.
3. Part 2 provides for the additional duties of the following persons—
 - (a) a responsible person for a lift or escalator as defined in section 2 of the Ordinance;
 - (b) a lift contractor registered under Subdivision 2 of Division 2 of Part 2 of the Ordinance;
 - (c) a lift engineer registered under Subdivision 3 of Division 2 of Part 2 of the Ordinance;
 - (d) a lift worker registered under Subdivision 4 of Division 2 of Part 2 of the Ordinance;
 - (e) an escalator contractor registered under Subdivision 2 of Division 2 of Part 3 of the Ordinance;
 - (f) an escalator engineer registered under Subdivision 3 of Division 2 of Part 3 of the Ordinance;
 - (g) an escalator worker registered under Subdivision 4 of Division 2 of Part 3 of the Ordinance.
4. Parts 3 to 6 provide for the applications for certain matters, including the following—
 - (a) the issue or renewal of permits for a lift or escalator under the Ordinance;
 - (b) the issue of duplicates of permits mentioned in subparagraph (a);
 - (c) the cancellation of an order under section 30, 32, 60 or 62 of the Ordinance;
 - (d) the registration or renewal of registration of a person registered under the Ordinance;

- (e) the issue of duplicates of registration certificates or registration cards issued under the Ordinance;
 - (f) the issue of replacement certificates of registration or replacement registration cards under the Ordinance;
 - (g) an exemption under section 148 of the Ordinance.
5. Part 7 provides for, amongst other things, the preparation and completion of a preliminary report or full report under section 40 or 70 of the Ordinance and the removal of a notice displayed under section 7 or 22 of this Regulation.

Lifts and Escalators (Fees) Regulation

(Made by the Secretary for Development under section 155 of the Lifts and Escalators Ordinance (8 of 2012))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

Part 2

Fees Payable for Purposes of Ordinance

2. Fees

The fee specified in column 3 of the Schedule is prescribed in respect of the matter described opposite to that fee in column 2 of the Schedule.

Lifts and Escalators (Fees) Regulation

Schedule

3

Schedule

[s. 2]

Fees

| Item | Matter | Fee \$ |
|------|--|-----------|
| 1. | Application for a permit mentioned in section 26(1)(a) of the Ordinance | 755 |
| 2. | Application for a permit mentioned in section 26(1)(b) of the Ordinance | 290 |
| 3. | Application for a permit mentioned in section 28(1) of the Ordinance | 800 |
| 4. | Single application made in respect of a lift for both a permit mentioned in section 26(1)(b) of the Ordinance and a permit mentioned in section 28(1) of the Ordinance | 940 |
| 5. | Application for a duplicate permit under section 29(1) of the Ordinance | 140 |
| 6. | Application for cancellation of an order under section 33(1) of the Ordinance | 300 |
| 7. | Application for a permit mentioned in section 56(1)(a) of the Ordinance | 755 |
| 8. | Application for a permit mentioned in section 56(1)(b) of the Ordinance | 290 |

Lifts and Escalators (Fees) Regulation

Schedule

4

| Item | Matter | Fee \$ |
|------|--|-----------|
| 9. | Application for a permit mentioned in section 58(1) of the Ordinance | 800 |
| 10. | Single application made in respect of an escalator for both a permit mentioned in section 56(1)(b) of the Ordinance and a permit mentioned in section 58(1) of the Ordinance | 940 |
| 11. | Application for a duplicate permit under section 59(1) of the Ordinance | 140 |
| 12. | Application for cancellation of an order under section 63(1) of the Ordinance | 300 |
| 13. | Application for registration as a lift contractor under section 74(1) of the Ordinance | 2,980 |
| 14. | Application for renewal of the registration of a lift contractor under section 75(1) of the Ordinance | 515 |
| 15. | Application for registration as a lift engineer under section 78(1) of the Ordinance | 4,620 |
| 16. | Application for renewal of the registration of a lift engineer under section 79(1) of the Ordinance | 515 |
| 17. | Application for registration as a lift worker under section 82(1) of the Ordinance | 505 |
| 18. | Application for renewal of the registration of a lift worker under section 83(1) of the Ordinance | 485 |

Lifts and Escalators (Fees) Regulation

Lifts and Escalators (Fees) Regulation

Schedule

Schedule

5

6

| Item | Matter | Fee \$ |
|------|---|-----------|
| 19. | Application for registration as an escalator contractor under section 86(1) of the Ordinance | 2,980 |
| 20. | Application for renewal of the registration of an escalator contractor under section 87(1) of the Ordinance | 515 |
| 21. | Application for registration as an escalator engineer under section 90(1) of the Ordinance | 4,620 |
| 22. | Application for renewal of the registration of an escalator engineer under section 91(1) of the Ordinance | 515 |
| 23. | Application for registration as an escalator worker under section 94(1) of the Ordinance | 505 |
| 24. | Application for renewal of the registration of an escalator worker under section 95(1) of the Ordinance | 485 |
| 25. | Application for a replacement certificate of registration under section 98(4) of the Ordinance | 140 |
| 26. | Application for a replacement registration card under section 99(4) of the Ordinance | 140 |
| 27. | Single application for registration of a person as both a lift contractor under section 74(1) of the Ordinance and an escalator contractor under section 86(1) of the Ordinance | 3,300 |

| Item | Matter | Fee \$ |
|------|--|-----------|
| 28. | Single application for renewal of the registration of a person as a lift contractor under section 75(1) of the Ordinance and renewal of the registration of the person as an escalator contractor under section 87(1) of the Ordinance | 550 |
| 29. | Single application for registration of a person as both a lift engineer under section 78(1) of the Ordinance and an escalator engineer under section 90(1) of the Ordinance | 4,870 |
| 30. | Single application for renewal of the registration of a person as a lift engineer under section 79(1) of the Ordinance and renewal of the registration of the person as an escalator engineer under section 91(1) of the Ordinance | 535 |
| 31. | Single application for registration of a person as both a lift worker under section 82(1) of the Ordinance and an escalator worker under section 94(1) of the Ordinance | 505 |
| 32. | Single application for renewal of the registration of a person as a lift worker under section 83(1) of the Ordinance and renewal of the registration of the person as an escalator worker under section 95(1) of the Ordinance | 485 |
| 33. | Single application for both a replacement certificate of registration under section 98(4) of the Ordinance and a replacement registration card under section 99(4) of the Ordinance | 140 |

Lifts and Escalators (Fees) Regulation

Schedule

7

Lifts and Escalators (Fees) Regulation

Explanatory Note
Paragraph 1

8

| Item | Matter | Fee \$ |
|------|---|-----------|
| 34. | Application for a duplicate certificate of registration under section 100(1) of the Ordinance | 140 |
| 35. | Application for a duplicate registration card under section 100(2) of the Ordinance | 140 |

Explanatory Note

This Regulation is made by the Secretary for Development under section 155 of the Lifts and Escalators Ordinance (8 of 2012).

2. The purpose of the Regulation is to prescribe the fees payable in respect of applications for permits or their duplicates, applications for registration or renewal of registration, and applications for duplicates or replacements of certificates of registration or registration cards.

Secretary for Development

2012

Implications of the Regulations

Financial Implications

The Secretary for Development prescribes fees for existing and new services in the Lifts and Escalators (Fees) Regulation. New fee items are created to recover the cost of services arisen from the legislative requirement of the Lifts and Escalators Ordinance (8 of 2012) (“the Ordinance”), 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 Ordinance, 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 Ordinance 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 provisions under the regulations, 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 regulations 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 lift and escalator accidents.