

**Bills Committee on
Lifts and Escalators (Safety)(Amendment) Bill 1998**

Information requested by Members
at the first meeting held on 10 November 1998

Number of Persons Affected by the Proposed Repeal of Section 5(2A) of the Lifts and Escalators (Safety) Ordinance

The representatives of the Electrical and Mechanical Services Department met the representatives of the Lift and Escalator Contractors Association (LECA) on 14 November 1998 to obtain the latter's views on the number of persons affected by the proposed repeal of Section 5(2A) of the Lifts and Escalators (Safety) Ordinance. Whilst LECA has not made available such information to the Administration, it has proposed that -

- (a) a one-year grace period be allowed before Section 5(2A) of the Ordinance is repealed; and
- (b) notwithstanding the repeal of Section 5(2A) of the Ordinance, the Director of Electrical and Mechanical Services should consider applicants' past practical experience and related information in deciding whether to exercise his discretion as provided for in Section 5(2B) of the Ordinance.

A copy of LECA's letter is attached.

2. On (a) above, we agree to the idea of a grace period. To effect this, we will commence the repeal of Section 5(2A) of the Ordinance one year after the commencement of the amendments to Section 5(2) of the Ordinance. On (b) above, we confirm that the Director of Electrical and Mechanical Services will consider to register applicants with adequate relevant experience but lower academic qualifications as lift engineers or escalator engineers under Section 5(2B) of the Ordinance.

Legal Effect of Non-compliance with Codes of Practice issued by the Director of Electrical and Mechanical Services under Section 27G of the Ordinance as amended by the Bill

3. Sections 27G and 27H of the Ordinance currently cover the codes of practice issued by the Director of Electrical and Mechanical Services concerning lift works and escalator works. Lift works and escalator works are to be carried out to the satisfaction of the Director of Electrical and Mechanical Services. Engineers and contractors may do so either by complying with the relevant codes of practice, or where works are not in accordance with the codes of practices, by submitting details of the proposed works to the Director, obtaining his approval and carrying out works in accordance with the approved details. Failure to obtain approval for deviation from the codes of practice or failure to carry out works in accordance with approved details are offences punishable by a fine of \$5,000 and 6 months' imprisonment.

4. The Bill aims to amend Section 27G and insert a new Section 27I to provide that the non-compliance with the codes of practice issued by the Director of Electrical and Mechanical Services specifying safety requirements relating to the design and construction of lifts and escalators should be dealt with in the same manner as that in relation to lift works and escalator works under Sections 27G and 27H as explained in paragraph 3 above.

5. The same approach is adopted under Sections 11, 12 and 45 of the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Chapter 470).

Planning, Environment and Lands Bureau

November 1998



THE LIFT AND ESCALATOR
CONTRACTORS ASSOCIATION
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Our Ref: LECAM1127/98

16 November 1998

Electrical & Mechanical Services Department
98 Caroline Hill Road
Causeway Bay
Hong Kong
For the attention of Mr Law Yu-wing

Your fax no : 2504 5970

< By Fax and Post >

Dear Mr Law

Re: Lifts and Escalators (Safety) (Amendment) Bill 1998

Thank you for your letter of ref. EM(CR)/09/01/05 Pt. 10 dated 14 November 1998 acknowledging our "lodgment of objection" to repealing Section 5(2A) of the Lifts & Escalators (Safety) Ordinance, Chapter 327.

We agree with your stance that formal engineering training is important for the lift/escalator engineers proposed for registration, and realise that the raising of academic qualification has been a prevalent trend in Hong Kong. However, practical experience is substantially more important for our industry. In order to assist our engineers in keeping abreast with the latest technology and understanding the international standards, we have not only offered on-job and in-house technical training to them, but also recommended them to take the advanced elevator courses held by other professional organizations.

We are greatly concerned that the deletion of Section 5(2A) could cause a deep impact or worry to those persons, particularly with 10 years' practical experience who are qualified to apply for the inclusion in the register of lift/escalator engineers. It is our conviction that these persons are competent in the field, have contributed a lot to the development of our industry and are indeed invaluable to us. Therefore, we request that you consider a "one-year grace period" before the repeal of Section 5(2A) comes into force.

Notwithstanding that the Director of Electrical and Mechanical Services is empowered under Section 5(2B) to include those without the required academic qualifications, we still hope that, upon the repeal of Section 5(2A), the Director of Electrical and Mechanical Services will consider the applicant's past practical record, vital experience and their significant contribution to the industry, especially for those who could pass the written examination and attain the company's recommendation. As such examination is conducted by three of the Universities in Hong Kong and has been recognised by EMSD, it, undoubtedly, can satisfactorily assess the qualification of the applicants in terms of technical knowledge and regulations.

We hope that Section 5(2B) will be fully exercised, therefore, the said repeal will not adversely affect the morale or future promotion prospects of the established employees of our industry.

Yours sincerely
for and on behalf of
The Lift & Escalator Contractors Association


M S Kwok
President

cc All LECA Members