

立法會
Legislative Council

LC Paper No. CB(1)723/98-99

Ref : CB1/BC/2/98

Paper for the House Committee meeting on 8 January 1999

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

Purpose

This paper reports on the deliberations of the Bills Committee on Lifts and Escalators (Safety) (Amendment) Bill 1998.

Background

2. The Lifts and Escalators (Safety) Ordinance (the Ordinance) covers the design, construction, maintenance, examination and testing of lifts and escalators. The Director of Electrical and Mechanical Services (DEMS), being the authority for enforcing the provisions of the Ordinance, has identified through operational experience the need to improve the following areas -

- (a) to extend application of the Ordinance to mechanized vehicle parking systems;
- (b) to impose on service lifts the same examination, testing, maintenance and safety requirements as for passenger lifts;
- (c) to expand the scope of duties of registered lift or escalator engineers and contractors to ensure that the design and construction of lifts and escalators examined by them are in compliance with the specified safety requirements;
- (d) to upgrade the minimum qualifications for registration as a lift or escalator engineer; and
- (e) to enhance the independence of disciplinary boards and appeal boards for registered lift or escalator engineers and contractors.

The Bill

3. The Bill aims to put into effect the suggested areas for improvements as mentioned in paragraph 2 above.

The Bills Committee

4. Members agreed at the House Committee meeting on 23 October 1998 to form a Bills Committee to study the Bill. Dr Hon Raymond HO Chung-tai was elected Chairman of the Bills Committee. The Bills Committee has held two meetings with the Administration. The membership list of the Bills Committee is at **Appendix I**.

Deliberations of the Bills Committee

Minimum qualifications for registration as a lift or escalator engineer

5. The foremost concern of the Bills Committee is the proposal to upgrade the minimum qualifications for registration as a lift or escalator engineer. Under the existing provision, a person could apply for inclusion in the registers of lift or escalator engineers through two channels; either he has a higher diploma or higher certificate in engineering and has at least three years relevant working experience plus two years apprenticeship (section 5(2)), or if he does not have the stipulated academic qualifications, he has had ten years practical experience in lift or escalator works (section 5(2A)). The Bill proposes to repeal the latter channel such that the possession of academic qualifications in engineering will be a necessary condition for registration as a lift or escalator engineer.

6. In accordance with the Administration, section 5(2A) is intended to be an interim measure to tide over the shortage of academically qualified lift and escalator engineers in mid-1980s when the building industry was rapidly developing. It has been hoped that persons registered by way of section 5(2A) would acquire the necessary academic qualifications in the course of time. Members accept the Administration's explanations that given the advance in engineering technology, it would be difficult for a person without the stipulated academic qualifications to master the complicated computer programmes and intricate electronic networks in connection with the design, construction and maintenance of lifts and escalators. Nevertheless, the Bills Committee is concerned about the effect of the repeal of section 5(2A) on those registered lift or escalator engineers who do not possess the stipulated academic qualifications. Members have also pointed out that apprentices in the trade would likely apply for registration under section 5(2A) once they have accumulated ten years experience. The proposed repeal will deprive them of a chance to become a registered lift or escalator engineer.

7. The Administration has clarified that the proposed repeal will not affect persons already on the registers of lift or escalator engineers because registration is valid for life and is not subject to renewal. As for apprentices in the trade, the Administration has advised that under existing section 5(2B), DEMS has the discretion

to register a person who is not academically qualified if he is of the opinion that such a person is qualified to carry out the required functions and duties of a registered lift or escalator engineer. The Administration assures members that DEMS will continue to exercise this discretion where appropriate upon the repeal of section 5(2A). To further allay the concern of the Lift and Escalator Contractors Association, the Administration agrees to provide a grace period such that the proposed repeal of section 5(2A) will take effect one year after the commencement of the Bill. Members consider the proposed arrangement acceptable.

Disciplinary boards and appeal boards

8. Members reckon the need to rectify the existing anomaly whereby DEMS performs both the role of an enforcement authority of the provisions of the Ordinance and the chairman of the disciplinary boards for registered lift or escalator engineers or contractors. To enhance the independence and impartiality of the disciplinary boards and the appeal boards, the Bills Committee welcomes the proposals in the Bill to transfer the statutory power of appointment of disciplinary boards from DEMS to the Secretary for Planning, Environment and Lands and to reorganize the composition of the disciplinary boards and the appeal boards such that DEMS or a public officer shall not be a member of such boards.

9. Members take note that the disciplinary board panel for registered lift or escalator engineers from which members of the disciplinary board should be drawn comprise “qualified engineers” in various disciplines under the existing provision. To clarify the meaning of “qualified engineers”, the Bills Committee agrees and the Administration accepts the suggestion of the Hong Kong Institution of Engineers of categorically stipulating in the Ordinance the requirement of being a “registered professional engineer”, which is defined in the Engineers Registration Ordinance (Cap. 409), for appointment to the disciplinary board panel. The same requirement shall apply to the appointment of appeal board panel members. The Administration also accepts members’ proposal to include structural engineers as eligible persons for appointment to the appeal board panel which currently consists of engineers in all other disciplines. The Administration will move amendments to clauses 2, 7 and 17 of the Bill to achieve the effect.

Codes of practice

10. Members note that DEMS is empowered to establish codes of practice for lifts works and escalator works and that non-compliance with these codes is an offence punishable by a fine of \$5,000 and six months’ imprisonment under the existing provisions. The Bill proposes to expand DEMS’s power to issue codes of practice specifying safety requirements relating to the design and construction of lifts and escalators and to impose the same penalties for non-compliance with these codes. The Bills Committee is aware that non-compliance with the codes of practice in other trades does not normally attract criminal sanction. As the codes of practice issued by DEMS under the Ordinance concern public safety, members agree that it is necessary to impose heavy penalties to enhance the deterrent effect for non-compliance and therefore support the proposals in the Bill.

Mechanized vehicle parking systems

11. The Bills Committee supports the proposed extension of application of the Ordinance to mechanized vehicle parking systems, other than those which do not pass through any floor and the height of travel of which does not exceed 3.5 metres. Although only three mechanized vehicle parking systems have been installed in Hong Kong, members agree with the Administration that it is necessary to regulate such systems in view of their sophisticated engineering design and the technology required in operation. Members take note of the proposal in the Bill to provide for a grace period of 90 days upon the commencement of the Bill before the specified provisions in the Ordinance shall apply to existing mechanized vehicle parking systems. To allow the operators of existing mechanized vehicle parking systems sufficient time to make necessary adjustments in order to comply with the stringent requirements on maintenance and examination, the Bills Committee suggests and the Administration agrees to extend the grace period to 12 months. The Administration will move amendment to clause 37 of the Bill to achieve the effect.

Service lifts

12. Members take note that service lifts which are intended to be used to carry goods are now subject to less stringent examination, maintenance and safety requirements as compared with passenger lifts. In the light of an accident involving a service lift which resulted in one death, the Administration considers it necessary to apply the same requirements to service lifts and passenger lifts alike. The Bills Committee supports this proposal. However, to provide sufficient time to owners of over 200 service lifts to comply with new stringent standards, the Bills Committee suggests and the Administration agrees to extend the grace period from 90 days to 12 months upon the commencement of the Bill before the specified provisions in the Ordinance shall apply to existing service lifts. The Administration will amend clause 37 of the Bill to achieve the purpose.

Others

13. At the suggestion of the Bills Committee, the Administration agrees to move a number of amendments to improve the text of the Bill.

Committee Stage amendments

14. A full set of Committee Stage amendments to be moved by the Administration is at **Appendix II**.

Recommendation

15. Subject to the Committee Stage amendments at Appendix II to be moved by the Administration, the Bills Committee supports the Bill and recommends that the

Second Reading debate be resumed on 20 January 1999.

Advice sought

16. Members are invited to support the recommendation of the Bills Committee at paragraph 15 above.

Legislative Council Secretariat

6 January 1999

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

Membership list

Dr Hon Raymond HO Chung-tai, JP (Chairman)

Hon Ronald ARCULLI, JP

Hon Howard YOUNG, JP

Hon TAM Yiu-chung, JP

Total : 4 members

Appendix II

1st draft: 26. 10. 98
1st draft (revised) : 19.11.98
<???\>
2nd draft: 4 December 1998
3rd draft : 17 December 1998
4th draft : 22 December 1998
5th draft : 22 December 1998

LIFTS AND ESCALATORS (SAFETY) (AMENDMENT) BILL 1998

COMMITTEE STAGE

Amendments to be moved by the Secretary for Planning, Environment and Lands

| <u>Clause</u> | <u>Amendment Proposed</u> |
|---------------|--|
| 2 | (a) By adding before paragraph (a) -
"(aa) in the definition of "governor" by adding "overspeed" before
"governor";". |
| | (b) By adding before paragraph (b) -
"(ba) in the definition of "safety equipment", by adding "overspeed"
before "governor" where it twice appears;". |
| | (c) In paragraph (c) by adding before the definition of "Secretary" -
""registered professional engineer" (註冊專業工筑 v) means a
person whose name is currently entered in the register
established under section 7 |

of the Engineers Registration Ordinance (Cap. 409);".

New By adding -

"2A. Application

Section 3(1)(a) is amended by adding -

"(va) a mechanized vehicle parking system -

(A) which does not pass through any floor; and

(B) the height of travel of which does not exceed 3.5 m;".

6 In proposed section 8 -

(a) in subsection (1), by deleting ("the disciplinary board");

(b) by adding -

"(10) In this section, "the disciplinary board" (紀律審裁委員會) means a board appointed under subsection (1).".

7 (a) By deleting paragraph (b) and substituting -

"(b) in subsection (1) (a), by repealing everything after "who are" and substituting "registered professional engineers within the discipline of mechanical or building

services engineering and are nominated by that Institution for appointment under this paragraph;"

(b) By adding -

"(ba) in subsection (1) (b), by repealing everything after "who are" and substituting "registered professional engineers within the discipline of electrical or electronic engineering and are nominated by that Institution for appointment under this paragraph;"

11 In proposed section 11E -

(a) in subsection (1), by deleting ("the disciplinary board");

(b) by adding -

"(10) In this section, "the disciplinary board" (紀律審裁委員會) means a board appointed under subsection (1)."

14 In proposed section 11J(1)(a)(iii) by deleting "制超".

17 By adding -

"(aa) in subsection (2)(a), by repealing everything after "persons" and substituting "whose names

are included in the list of engineers kept under section 3(2) (b) of the Buildings Ordinance (Cap. 123);";

- (ab) in subsection (2) (b), by repealing everything after "who are" and substituting "registered professional engineers within the discipline of electrical or electronic engineering; and";
- (ac) in subsection (2) (c), by repealing everything after "who are" and substituting "registered professional engineers within the discipline of mechanical or building services engineering.";

28 By adding before paragraph (a) -

"(aa) in subsection (3), by repealing "carries out" and substituting "proposes to carry out";".

29 In proposed section 27I(3) by deleting "carries out" and substituting "proposes to carry out".

New By adding -

"31A. Prohibition of carrying out of lift works or escalator works by unauthorized persons

Section 29A(4) is amended by repealing "mechanical engineering, or electrical or electronic

engineering," where it twice appears and substituting "mechanical or electrical or electronic or building services engineering,".

33 By adding -

"(c) in subsection (3), by repealing "\$60,000" and substituting "\$120,000".".

37 In proposed section 51 -

(a) in subsection (5) (b) by deleting "90 days and 12 months respectively" and substituting "12 months";

(b) in subsection (6) by deleting "90 days" where it twice appears and substituting "12 months".