

LEGISLATIVE COUNCIL

PANEL ON DEVELOPMENT and PANEL ON HOUSING

Regulatory Control on Lift Safety

Purpose

This paper describes the current regulatory regime on lifts and the proposed improvement measures to strengthen lift safety in Hong Kong.

Existing Control on Lift Safety

2. The Lifts and Escalators (Safety) Ordinance (Cap 327) (“the Ordinance”) provides the statutory framework to ensure lift safety of private buildings in Hong Kong. The Electrical and Mechanical Services Department (“EMSD”) is responsible for regulating lifts in private buildings under the Ordinance. The Ordinance requires the EMSD, as the regulatory authority, to maintain registers for qualified engineers and contractors.

3. Under the Ordinance, only registered lift engineers and registered lift contractors are qualified to carry out lift works, including construction, installation and maintenance services. These works shall comply with the required safety standards according to the Code of Practice on the Design and Construction of Lifts and Escalators and the Code of Practice for Lift Works and Escalator Works promulgated by the EMSD. The requirements stipulated under these Codes of Practice are in line with the latest international standards. Moreover, major safety components for lift installations are required to have tests conducted and certificates issued by accredited independent testing institutes to ensure their quality.

4. The Ordinance governs the cycles of periodic maintenance, periodic examination and periodic testing for lifts as follows:

- (i) for periodic maintenance, every lift shall be inspected, cleaned, oiled and adjusted by a registered lift contractor at intervals not exceeding one month. The Code of Practice for Lift Works and Escalator Works drawn up by the EMSD further requires lift contractors to carry out the above maintenance services at least once every two weeks, or as specified in the guidelines of the manufacturer (whichever interval is shorter);
- (ii) for periodic examination, every lift shall be thoroughly examined by a registered lift engineer at intervals not exceeding 12 months; and
- (iii) for periodic testing, the safety equipment of every lift shall be tested by a registered lift engineer at intervals not exceeding 12 months with the lift not carrying any load, and such safety equipment shall be tested by a registered lift engineer at intervals not exceeding five years with the lift carrying loads.

5. The EMSD conducts audit inspections for lifts in private buildings. Samples are selected under the principle of risk assessment. The Department also carries out surprise checks to ensure that the services provided by engineers and contractors are up to standard.

6. Regarding lifts in Government buildings which are exempted from the control in the Ordinance, the repair and maintenance works are currently undertaken by the Electrical and Mechanical Services Trading Fund (“EMSTF”). The EMSTF arranges the relevant works in accordance with the requirements and technical standards of the Ordinance, and monitors the works as appropriate.

7. Lifts in public housing estates managed by the Hong Kong Housing Authority (“HKHA”) are also not governed by the Ordinance. However, the Housing Department (“HD”), being the authority responsible for the regulation and maintenance of lifts in public housing estates, follows the requirements under the Ordinance as the basis for regulation of lifts. The Department employs lift contractors registered under the Ordinance to conduct lift repair and maintenance works according to all the requirements and standards under the Ordinance and the EMSD guidelines, and monitors the works as appropriate. Furthermore, the Lift Ordinance Enforcement Unit of the HD’s Independent Checking Unit exercises regulatory control over HKHA’s lifts on par with the EMSD’s practice.

Package of Improvement Measures

8. The recent lift incidents happened in October and November 2008 have aroused public concern over the safety conditions and the adequacy of the regulatory regime of lifts in Hong Kong. Although statistics do not reveal an increasing trend of lift incidents in recent years, the Government considers it necessary to review and enhance as needed the current regulatory arrangements. Pending investigation reports on the incidents and further review, we have decided to adopt a multi-pronged package of immediate measures in the following areas to enhance the existing regulatory framework in order to assure the public on lift safety in Hong Kong:

(i) Stepping up Inspections

9. The EMSD has, since mid-November 2008, stepped up its audit inspections and spot checks of lifts in private buildings through additional resources provided by the Development Bureau through internal redeployment. Accordingly, this has enabled the EMSD to increase the proportion of audit checks from **one out of ten** to **one out of seven** using a risk-based approach. Such special programme will initially last for three months. In light of investigation results of the recent incidents and effectiveness of our package of improvement measures, we will review our regular inspection programme so as to ensure the effective operation of the regulatory mechanism. However, in line with the spirit of professional regulation in the Ordinance, we do not believe that the regulatory body should replace the registered engineers and contractors in what should be their legal obligations.

(ii) Revision of Tendering Arrangements for Government Contracts

10. In response to the concern of the lift workers' union and members of the public over the "bunching approach" in tendering lift maintenance services (i.e. one contractor being assigned maintenance services for different brands of lifts through one single contract), the EMSTF will adjust its future procurement arrangements with each lift maintenance contract including only one single brand of lifts. This approach will allow the maintenance contractors to be more focused on their technologies and resources allocation, and reinforce the quality of lift maintenance while maintaining the principle of open and competitive tendering. In this context, the HD has always ensured that the routine repair and maintenance services of all lifts under the direct management of the Department are carried out by the original

contractors, i.e. the HD will not adopt the “bunching approach” in the tendering of the provision of maintenance services for lifts.

11. Although we cannot regulate by law the procurement of lift maintenance services, we believe the EMSTF's new procurement arrangements will have some reference effect on the tendering of lift maintenance services for private buildings by their respective owners. The EMSD will, through its public education programmes, publicise the benefits of such procurement arrangements to building owners and management agencies. The Department also intends to provide samples of tender specifications for the reference of private building owners, see paragraph 14 below.

(iii) Enhancement of Codes of Practice on Lift Safety

12. With a view to strengthening safety requirements for lift maintenance, the EMSD is consulting the lift contractors and worker representatives through an established working group to review and enhance the existing Codes of Practice. The Codes of Practice will address issues such as the frequency and duration of specified maintenance tasks. The working group held the first meeting in this series on 24 November 2008. The meeting exchanged initial views on a wide range of issues concerning lift safety, including frequency and duration of specific maintenance tasks, the possibility and the mechanism of disclosing contractors' performance to the public, reporting of incidents by contractors to EMSD, arrangement of surprise inspections, testing on lift components, etc. Further meetings will be convened with a view to arriving at an agreement to enhance the relevant Codes of Practice as soon as possible.

(iv) Enhancing Publicity

13. The Government will enhance public awareness on lift safety, in particular the knowledge of owners' corporations or owners' committees about lift maintenance and procurement of lift maintenance services.

14. To facilitate building owners and management agencies to properly procure lift maintenance service, the EMSD has compiled a sample tender document with the requisite scope and specification for such service. This and other relevant information are scheduled to be posted on EMSD's website in early December. An enquiry hotline will be made available. The Department will also beef up its public education programme on lift safety in the coming year.

(v) Enhancing Workers' Competence

15. There are two routes to become a "competent lift worker" under the Ordinance. A person is qualified if he -

- (a) is the holder of a certificate or has completed a course relating to lifts at an accredited technical institute, and has undergone such craft apprenticeship in lift works for a period, or an aggregate period, of not less than four years; or
- (b) has been in the employment, for a period, or an aggregate period, of not less than four years, of any registered lift contractor and is considered by the contractor by whom he is employed to have had sufficient experience or training in lift works of that particular type so as to carry out such works competently without supervision.

The lift workers' union has expressed concerns that many experienced lift workers under route (b) above may lose their status of being "competent workers" when they change employers or when they are not directly employed by a registered contractor. They have requested for the establishment of a self-standing registration system for lift workers to provide a more formal status for the workers. In response to the union's concerns, the EMSD has launched a scheme to enable those who possess sufficient skills and work experience but have not undergone formal academic training or craft apprenticeship to become "competent lift workers" under route (a) above. The proposed scheme involves a three-month refresher top-up training course and arrangements to verify previous training received by the workers. The first course was started in September 2008 and the second one has been scheduled for early 2009. Under the proposed scheme, upon successful completion of the training course, the lift workers will be regarded as "competent lift workers" under route (a) and such status does not require the recognition by registered lift contractors. If the workers change their employers, the status of being "competent lift workers" will remain. The EMSD will continue its discussions with the trade and workers' union to refine the arrangements of the training courses.

(vi) Announcement of Serious Lift Incidents

16. Under the Ordinance, an owner of a lift shall make immediate notification to the EMSD and the registered lift contractor responsible for the maintenance works the occurrence of certain lift accidents. The incidents that require reporting cover a wide scope, including those involving fatalities or injuries, failure of the main drive system, breakage of suspension ropes, and failure of a brake, overload device or safety equipment, etc. Since lift safety is an issue of public concern, the EMSD has undertaken that, for serious lift incidents, the Department will announce the same within 12 hours of confirmation of the incident. Serious incidents include those involving:

- (i) fatalities or serious injuries; or
- (ii) breakage of suspension ropes or failure of motor brakes, overspeed governors or safety gears.

The EMSD will also publish the investigation reports on the recent incidents once they are available.

Way Forward

17. The EMSD will continue its regulatory role to monitor the operation of lifts in private buildings in Hong Kong to ensure their safety. We expect that the aforementioned multi-pronged package of improvement measures will further enhance the safety of lifts in Hong Kong. We will carefully monitor the implementation and effects of the above measures, review our long-term plan and submit a further report to the Development Panel in three months' time.

**Development Bureau
Transport and Housing Bureau
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