

**For discussion
on 24 February 2009**

LEGISLATIVE COUNCIL

PANEL ON DEVELOPMENT and PANEL ON HOUSING

Update on the Regulatory Control on Lift Safety

Purpose

This paper updates Members on the measures to strengthen lift safety in Hong Kong.

Background

2. We briefed Members on 8 December 2008 the regulatory regime on lifts and the proposed improvement measures to enhance lift safety. We have undertaken to monitor the implementation and effects of the proposed measures, review our longer term plan and submit a further report in three months' time.

3. We have reviewed the package of immediate measures outlined at the last meeting and in the light of the review, decided to put in place comprehensive measures to ensure lift safety in Hong Kong. These additional measures cover legislation, registration of professionals and workers, training, procurement, publicity and public education.

Package of Improvement Measures

(a) Review of the Ordinance

4. The Lifts and Escalators (Safety) Ordinance (Cap 327) ("the Ordinance") provides the regulatory framework to ensure lift safety of

private buildings in Hong Kong. There were a number of amendments to the Ordinance since its enactment in 1960. These amendments were related to, for example, qualification requirements for competent lift and escalator workers, duties for registered engineers and contractors, powers to issue Codes of Practices and wider coverage of lift works. In order to further enhance lift safety, we have decided to conduct a critical and comprehensive review of the Ordinance. The review will cover the following key areas -

(i) **Competent Lift Workers** – Experienced lift workers who are currently qualified as “competent workers” under section 29A(4)(b) of the Ordinance may lose their status of being “competent workers” when they change employers or when they are not directly employed by a registered contractor. As a matter of principle and to be on par with other workers’ registration, we consider it desirable to put in place alternative arrangements whereby competent workers are qualified on their own, instead of being tied to employment. We will examine the framework for establishing such a registration system for lift workers and ensure proper interface with the Construction Workers Registration Ordinance. We will consult the trade and workers’ union to ensure that the proposed registration system will not affect the livelihood of existing lift workers.

Whilst the review of the Ordinance will take some time, the Electrical and Mechanical Services Department (EMSD) will in the interim continue to arrange top-up courses to enable experienced workers who have not undergone formal academic training or craft apprenticeship to become competent workers and such status will remain even if they change employer, i.e. by virtue of section 29A(4)(a) of the Ordinance. The first top-up course for 20 lift workers was concluded on 17 December 2008 with all enrolled workers having acquired the competent lift workers status. The second course is scheduled to commence on 23 February 2009. EMSD will obtain feedback from workers who have attended the top-up courses and review the effectiveness of the courses in consultation with the trade and workers’ union. EMSD will also appeal to workers’ unions and employers to encourage existing workers to attend the course and liaise with the

training institute to assess the capacity for such courses.

(ii) **Registered Lift Engineers** – The qualification and experience required for registration as lift engineers will be reviewed in consultation with the trade and the professional bodies. We will make reference to relevant legislative framework under other ordinances in the course of the review.

(iii) **Sanctions and Penalties** – The current penalties with a maximum fine of \$10,000 and imprisonment of 12 months have remained unchanged since 1987. We will review these provisions in the Ordinance to ensure that there are adequate deterrent effects against offences. In addition, the procedure of disciplinary proceedings and the issuance of improvement letters by EMSD for non-compliance items identified during inspections will be reviewed.

(b) Enhancement of Code of Practice for Lift Works

5. EMSD has continued to work closely with the lift contractor associations and the workers' union under a working group to discuss and enhance the technical guidelines in the Code of Practice for Lift Works. Six meetings of the working group and its task force were held in the past three months on 24 November, 5 and 29 December 2008, 14 and 23 January, and 16 February 2009. With the active participation and support of the trade representatives, **agreement** has been reached on a number of enhancement measures as follows -

(i) *Duration of maintenance activities* – The registered contractor is required to advise the respective lift owner the normal time for performing periodic maintenance for each lift installation. Through a new entry in a prescribed format in the maintenance log book, the owner or the building management agent will be able to monitor the time spent in carrying out lift maintenance activities against specified time. This new arrangement is scheduled to be implemented in June 2009.

(ii) *Maintenance activities to be performed by at least two workers* – To enhance the safety and effectiveness in carrying out lift maintenance activities, the working group has reviewed the existing list of common maintenance tasks that are required to be performed by at least two workers, and has increased the number of such tasks from **two to ten**. Examples of newly added tasks are - working in the lift pit, maintaining the counterweight assembly and lubricating suspension ropes.

(iii) *Disclosure of contractors' performance* – In order to provide more information to lift owners for selecting their lift maintenance contractor, EMSD will establish a performance rating system under which the contractors' performance will be reflected by average demerit points, i.e. demerit points divided by the number of inspections. We have received legal advice that as long as such a system has no retrospective effect and is to be implemented from a current date with the full knowledge and agreement of the contractors concerned, there is no legal impediment. The system will be set up by June 2009 for release to the public.

(iv) *Arrangement of surprise inspections* – In order to ensure vigilance amongst contractors and engineers, EMSD rolled out an e-platform in January 2009 requiring all registered contractors to submit their periodic examination schedule in advance to facilitate surprise inspections on site. This has enabled EMSD inspectors to conduct **surprise check** when examination is being carried out by contractors and engineers, so that matters such as the personal attendance of the lift engineers, the suitability and sufficiency of tools, the deployment of manpower and equipment for carrying out lift tests and examinations could be verified right on the spot.

(v) *Reporting of serious lift incidents by contractors to EMSD* – Lift owners are obliged under the Ordinance to immediately notify EMSD on certain lift incidents. To streamline the process, and noting that lift owners are non-professional owners or owner-occupiers of the building, we will require the registered contractors to report to EMSD serious lift incidents. This will enable EMSD to take prompt actions on

the subsequent investigations and to make notification to the public within the agreed pledge of 12 hours after confirmation. Summary of reported lift incidents will be uploaded onto EMSD website regularly. The first summary report was uploaded on 15 January 2009.

(c) Lift Maintenance Service Procurement

6. Lift safety depends on proper and regular maintenance to be carried out by qualified and responsible lift contractors. EMSD has implemented improvement measures in respect of the procurement of lift maintenance services -

(i) *“Bunching Approach”* – The Electrical and Mechanical Services Trading Fund (EMSTF) has ceased to adopt the “bunching approach” in tendering lift maintenance services. In future, the scope of every procurement contract will only cover a single brand of lifts.

(ii) *Sample tendering document* - A sample tender document and specification for procurement of lift maintenance services and guidelines for preparation of maintenance contracts were posted in EMSD website on 5 December 2008 for reference by the public. EMSD has also held nine seminars to explain and promote the content of the documents to educate lift owners, members of building incorporated owners and building management companies. Three more seminars have been arranged for March and April 2009. A hotline is also available for lift owners to make enquiries or seek clarification.

(iii) *All-inclusive maintenance contract* – This contract form is commonly adopted for lift maintenance. With a view to improving lift safety, EMSD will promote to the public that expensive spare parts and replacement items such as suspension ropes should be included in the tender document as mandatory or provisional items. In this respect, a sample document will be uploaded in EMSD’s website for reference of the public. The sample document will also contain information on suggested time period for replacing the essential items.

(d) Stepping up Inspections

7. Since 5 December 2008, with additional resources provided by Development Bureau within this financial year, one Engineer and seven inspectorate staff have been assigned to strengthen EMSD's lift inspection team. The level of inspections has been stepped up from the previous **one-out-of-ten to one-out-of-seven**. The number of inspections increased from **492** in October to an average of **584** per month since November 2008. As a result, a total of 84 letters for improvement and 5 warning letters were issued to the registered contractors since December 2008. Improvement letters are related to minor defects which do not pose immediate danger or are not safety related such as water or rubbish found in lift pits, minor oil leak from gearbox. Warning letters are issued when there are defects on major safety component such as breakage of suspension rope and ineffective landing door lock.

8. With an additional allocation of resources from Development Bureau for 2009-10, EMSD will extend the step-up inspection period from the initial three months to 15 months, i.e. up to March 2010. However, we would like to emphasize that 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.

9. Further, EMSD has decided to engage local laboratories to perform tensile testing of new ropes prior to their installation for quality assurance purpose. The first batch consisting of four tests conducted in February 2009 showed that the tensile strengths of the ropes were in full compliance with the manufacturers' specifications.

(e) Enhancing Publicity

10. EMSD has rolled out a series of publicity activities since November 2008 to raise the public awareness in lift safety as follows -

- (i) Briefings to District Councils will continue to be conducted to explain the enhancement measures undertaken by EMSD and the trade on lift safety.
 - (ii) Nine Seminars on “How to Manage Lift Maintenance” have been held with participants targeted at lift owners, members of building incorporated owners and building management companies. Together with three coming seminars, the total number of participants is expected to exceed 1 000.
 - (iii) A new radio API on lift safety was launched on 22 December 2008. A television API is being produced for launching in major channels by early March 2009.
 - (iv) “Lift Owners’ Guidebook” and “Guideline on Safe Use of Lift and Escalator” have been distributed to the public. The contents of the former publication will be enriched to include management and selection of lift maintenance contractors.
 - (v) A new leaflet will be posted to EMSD website to advise lift owners and building managing companies how to use the lift log book to manage lift maintenance contractors.
 - (vi) A summary of reported lift incidents in 2008 has been posted to EMSD website on 15 January 2009 for reference by the general public. The information will be updated quarterly.
- (f) EMSD’s Role in Tenant Purchase Scheme Estates

11. In view of the recent lift incidents occurred in estates under the Tenant Purchase Scheme (TPS) of the Housing Authority, the lift maintenance contractors have been required to inspect all the lifts in these estates following which EMSD will carry out 100% audit inspection. The audit inspections are scheduled to be completed by end March 2009. Housing Department (HD) has seconded eight technical staff to EMSD to assist in the audit inspection work.

12. As at 10 February 2009, about 900 inspections by the lift maintenance contractors were made. In 13 cases, the suspension ropes were found having wear and tear, and the contractors had taken the initiative to replace the ropes to ensure lift safety.

13. EMSD and HD will jointly organise a series of seminars for the TPS owners' corporations to share with them the best practice for lift maintenance. The seminars will commence in March 2009.

14. After the 100% audit inspection, EMSD will adopt the risk-based approach in future inspection of the lifts in the TPS housing estates.

Way Forward

15. With the above improvement measures, EMSD will continue to monitor the operation and maintenance of lifts in private buildings in Hong Kong to ensure public safety. EMSD will regularly review the effectiveness of the measures with reference to indicators such as the number of lift incidents and the contractors' performance, and will take necessary actions as appropriate.

16. As for the review of the Ordinance, we will proceed with the preparatory works and consult the trade and workers' union on the proposed areas to be covered in the review with a view to drawing up a programme for the subsequent works.

17. We are happy to make regular reports to the Development Panel as we take forward the above measures.

Development Bureau
Electrical and Mechanical Services Department
February 2009