

For discussion on
22 June 2010

Legislative Council Panel on Development

Public Consultation on Legislative Amendment Proposal to the Lifts and Escalators (Safety) Ordinance, Chapter 327

PURPOSE

This paper reports on the outcome of the public consultation exercise on the legislative amendment proposal to the Lifts and Escalators (Safety) Ordinance, Cap 327, (“**the Ordinance**”) and sets out the Administration’s proposed way forward.

BACKGROUND

2. We briefed Members of the Legislative Council Panel on Development on 27 October 2009 on the various measures to enhance lift safety in Hong Kong and the proposed amendments to the Ordinance to strengthen the regulatory regime and legislative controls over lift and escalator safety. The amendment proposals are grouped under the following six major areas:

- (I) the scope of the Ordinance and duties of lift and escalator owners;
- (II) the registration and renewal requirement for lift and escalator contractors;
- (III) the upgrading of the qualification requirements for lift and escalator engineers;
- (IV) the introduction of a registration system for lift and escalator workers;
- (V) the streamlining of regulatory processes related to the display of certificate, issue of improvement notice and disciplinary proceedings; and
- (VI) the increase in penalty levels and sanctions under the Ordinance.

3. To gauge public views on the amendment proposal, a three-month public consultation was conducted from 30 November 2009 to 28 February 2010. We have subsequently discussed with the key stakeholders on their views given during the consultation and explained to them our proposals to address their concerns.

PUBLIC CONSULTATION

4. During the public consultation period, consultation documents (at **Annex A**) inviting comments on the amendment proposal were widely distributed to District Offices, District Councils (“DCs”), legislative councilors, professional institutions, public organizations, the trade, and the general public. We also uploaded the consultation document to the website of the Electrical and Mechanical Services Department (“EMSD”) for public access and set up dedicated email account and fax line for collection of written submissions from the public. In addition, we organized forums and meetings to seek views from interest groups and the public. Details of the consultation activities are listed in **Annex B**.

OVERALL RESULTS

5. We received a total of 1,038 written submissions and 503 on-line responses. In addition, 126 feedbacks were collected during the forums and meetings from different sectors of the community. The detailed summary of the responses are at **Annex C** and the key results are tabulated as below:

Consulted Items		Overall Feedback		
		Agree/ Support	Disagree/ Not Support	No Comment
(I) The scope of the Ordinance and duties of lift and escalator owners				
1	The continuation of the present regulatory arrangement of the Ordinance applicable to the lifts and escalators installed in public housing estates and government premises	71.7%	20.1%	8.2%
2	The continuation of the statutory duties of lift and escalator owners, who have a shared responsibility in ensuring lift and escalator safety	87.8%	8.3%	3.9%

Consulted Items		Overall Feedback		
		Agree/ Support	Disagree/ Not Support	No Comment
(II) The registration and renewal requirement for lift and escalator contractors				
3	The introduction of new requirements for the registered lift and escalator contractors to employ adequate and suitably qualified professionals, technicians and skilled workers	73.7%	24.3%	2.0%
(III) The upgrading of the qualification requirements for lift and escalator engineers				
4	The proposal for upgrading the qualification requirements for registration as lift and escalator engineers	56.3%	38.9%	4.8%
5	The proposed transitional arrangement for registration as lift and escalator engineers	53.4%	34.7%	11.9%
6	(i) Not to impose a restriction on all lift and escalator owners in the selection of registered contractors and engineers for providing maintenance and examination services separately	62.8%	29.7%	7.5%
	(ii) Not to require all lift and escalator owners to appoint a third party for providing an independent quality assurance service	55.8%	36.2%	8.0%
(IV) The introduction of a registration system for lift and escalator workers				
7	The introduction of a registration system for lift and escalator workers and the transitional arrangement	74.8%	17.7%	7.5%
(V) The streamlining of regulatory processes related to the display of certificate, issue of improvement notice and disciplinary proceedings				
8	The proposed arrangement to display safety label after periodic examination and testing of lifts and escalators	61.9%	33.1%	5.0%

Consulted Items		Overall Feedback		
		Agree/ Support	Disagree/ Not Support	No Comment
9	The proposed change of the issuance of improvement notices to a statutory arrangement and imposition of sanctions for those who fail to comply with the requirements specified in the notices	74.6%	19.3%	6.1%
10	The proposed streamlining of the mechanism on disciplinary proceedings	61.2%	28.8%	10.0%
(VI) The increase in penalty levels and sanctions under the Ordinance				
11	The proposed increase in the penalty level of offences	67.3%	25.3%	7.4%

6. We observe from the responses that there is **general support** for the amendment proposals to enhance regulatory control. Some sectors however have expressed different views and some even disagreed with specific aspects of the amendment proposals. We have analysed the views received and our proposed measures to address the issues identified are discussed in the ensuing paragraphs.

MAIN ISSUES OF CONCERN, FOLLOW-UP DISCUSSIONS AND ADMINISTRATION'S RESPONSES

(I) Scope of the Ordinance and duties of lift and escalator owners

Lifts and escalators of Government and Housing Authority

7. Under the Ordinance, lifts and escalators installed in government premises and public housing estates are subject to the same statutory requirements as those in private premises in respect of their design, construction and maintenance. The essential difference lies in audit inspection. In the amendment proposal, we **proposed** that the present regulatory arrangement should continue.

8. Some 20% of the respondents (mainly from the general public) opined that the regulatory control for lifts and escalators installed in government premises and public housing estates should be consistent with that for private buildings.

9. We accept in principle the argument to subject lifts and escalators installed in government premises and public housing estates to the same regulatory controls as applied to private sector.

Duties of lift and escalator owners

10. Under the Ordinance, owners are required to engage registered contractors and registered engineers respectively for maintaining and examining their lifts and escalators at regular intervals, and to submit certificates issued by registered engineers to EMSD for registration. Registered contractors are required to engage competent workers to carry out lift and escalator works in accordance with the requirements of the Ordinance, whereas registered engineers take on the statutory role to examine and test lift and escalator installations, and certify the installations to be in safe working order. In the amendment proposal, we **proposed** that the statutory duties of the owners, registered contractors, registered engineers and registered workers, and hence the shared responsibility, should continue.

11. Over 87% of the respondents supported to maintain the current shared responsibility in statutory roles amongst lift and escalator owners, registered contractors, engineers and workers. About 8% of the respondents expressed their concerns about their liability under the shared responsibility arrangement.

12. We consider the current statutory controls to require the owners to engage registered contractors and engineers to carry out lift and escalator works are effective and equitable and should therefore continue.

(II) Registration and renewal requirement for lift and escalator contractors

13. Whilst there is currently no statutory requirement to mandate registration renewal, 74% of the respondents supported our proposal to require registered contractors to renew their registrations at regular intervals in order to ensure their continual compliance with registration requirements for carrying out lift and escalator works.

14. However, 28% of the responses from the trade remained not receptive to the proposed registration renewal. They opined that the current company audits had served the same purpose to ensure continual compliance

and that there was insufficient details provided on the requirements for registration renewal.

15. We held meeting with the Lift and Escalator Contractors Association (“LECA”) on 20 April 2010 to discuss their concerns. We also advised that we would prepare guidelines in consultation with the trade on the renewal requirements. After discussion, LECA were more willing to accept the amendment proposal.

(III) Upgrading of the qualification requirements for lift and escalator engineers

16. A major proposed amendment to cope with the advancement in technologies and the increasing public expectation on safety is to adopt a system when registered engineers responsible for examining and testing of lifts and escalators should acquire qualifications of Registered Professional Engineer (“RPE”) of suitable disciplines with at least 2 years’ relevant working experience, and registered engineers are required to renew their registrations at regular intervals.

17. 58% of the responses from the trade did not support the proposed requirement for registration renewal. In addition, they indicated that upgrading the qualification requirement to “a bachelor degree of relevant discipline plus four years relevant experience” should be sufficient. 35% of the responses from the general public also expressed concern whether there were enough number of RPEs in the market to provide services in lift and escalator industry.

18. We held follow-up meetings with LECA on 20 April and 17 May 2010 and the Registered Elevator and Escalator Contractors Association (“REECAL”) on 17 May 2010 to discuss their concern. We clarified with these associations that the Administration would facilitate the trade to adapt to the changes including interim and transitional measures on the registration procedures. The Hong Kong Institution of Engineers (“HKIE”) would also render support in providing training for the lift and escalator engineers to facilitate their attainment of the RPE qualification.

19. Since quality personnel is the fundamental to ensuring lift safety, we intend to take forward the proposal to upgrade the qualification requirements and introduce the requirement for registration renewal. We will continue to liaise with the trade and the HKIE to smoothly plan and implement the upgrading process.

Independent quality assurance undertaken by RPE

20. There were differing views on the proposal of HKIE to establish an independent quality assurance system for lift works performed by registered contractors which was included in the consultation for public consideration.

21. We clarified with the HKIE on 3 May 2010 that independent quality assurance was not mandated in similar local engineering safety legislation and it was **not** a norm to adopt such provision in overseas legislation related to lift and escalator safety. Our proposal to install a 3-tier quality checking system (checking by registered workers, examination by registered engineers and risk-based sample check by the government) and an increase in penalty level would deter malpractice and substandard works.

22. Thus, instead of mandating requirements for independent quality assurance of lift works as proposed by the HKIE, we shall consider measures to nurture the development of independent quality assurance service in the market as an option to the owners.

(IV) Introduction of a registration system for lift and escalator workers

23. Our proposals included the introduction of a registration system for lift and escalator workers. This is for recognizing competence, exerting better control of workmanship, promoting continuous self-development and instituting sanctions against improper and unsafe practices in performing lift and escalator works.

24. 75% of all the respondents supported this proposal. In particular, full support for the proposed registration system was received from the key stakeholders of the trade, including LECA, REECAL and the Hong Kong General Union of Lift and Escalator Employees (“HKGULEE”). However, HKGULEE expressed their concern on the requirement for registration renewal. We met HKGULEE on 14 May 2010 and gained their understanding on the need of registration renewal. HKGULEE however still prefer to have a life-long registration.

25. In light of the views collected, we plan to introduce the registration and renewal system in the legislative amendment, and will work with workers’ unions to devise measures to facilitate workers to adapt to the new system.

(V) Streamlining existing regulatory process

Display of certificate after periodic examination and testing of lifts and escalators

26. 62% of feedback from the trade did not agree to the need of our proposed change to display a newly designed safety label and expressed concern on their liabilities with respect to the duty of issuing such labels.

27. Having considered the diversified views, we plan to drop this proposed change and continue with the existing practice of issuing safety permits by the Government. We will include streamlining measures to the safety permit arrangement, which is well accustomed and accepted by the general public and trade practitioners.

Issuance of improvement notice for non-compliances

28. 19% of the respondents did not support the proposal to confer powers on the Director to issue improvement notices in respect of minor defects to the owner, registered contractor or registered engineer, requiring rectification within a prescribed period. They opined that it was not necessary to give a statutory power for the improvement notices.

29. We consider inclusion of the proposal of “improvement notice” for non-compliances would be an improvement to the legislation and would include such in our legislative amendment.

Procedure of disciplinary proceedings

30. 62% of the respondents from the trade did not support the proposal to empower the Director to take disciplinary actions for relatively minor offences against registered engineers, contractors and workers who were negligent or who acted with misconduct in performing lift and escalator works.

31. LECA opined that there was no urgency to change the disciplinary procedures, and it was undesirable to confer power on a regulatory body to take disciplinary actions by way of streamlining the mechanism of disciplinary proceedings. We met LECA on 17 May 2010 to discuss their concern and pointed out that we would take into account advice given by the trade and improve our Code of Practice to provide clear reference. We

shall continue to work with the trade to refine and clarify the details of the approach for streamlining the disciplinary process.

(VI) Increase in the penalty levels of offences under the Ordinance

32. We **proposed** to increase the penalty level of maximum fine at \$5,000 and imprisonment for 12 months in relation to contravention of safety requirements to a maximum fine of \$200,000 and imprisonment for 12 months.

33. 67% of the respondents supported the proposal. Whilst the general public and the professional institutions provided strong support to the proposal, 62% of respondents from the trade however opined that the proposed increase in the penalty level was too high. They also suggested that penalty on registered engineers and registered workers should be in the form of reprimand, suspension or removal from register rather than imposing fines.

34. During the meetings with LECA on 20 April and 17 May 2010, we explained that the existing penalty level was not sufficient to achieve the necessary punitive and deterrent effects, and was not on par with the penalty levels of ordinances of similar nature. We plan to propose the increase in penalty to reflect the severity of the offences, and bring them in line with those of other similar ordinances.

WAY FORWARD

35. The consultation exercise has helped us to collect views from the public, professional institutions and trade. Since the overall response is supportive, we would proceed to take forward the legislative amendments. Law drafting process will soon commence when the detailed requirements are finalized. Our aim is to introduce the bill to the Council for consideration in 2011.

36. The Administration will continue to work with the major stakeholders on the detailed requirements and arrangements on those specific aspects where concerns were raised. These included the proposed renewal of registration for contractors, engineers and workers; the upgrading of qualification requirements for registered engineers; the modification of the existing safety permit arrangement; and the streamlining of the

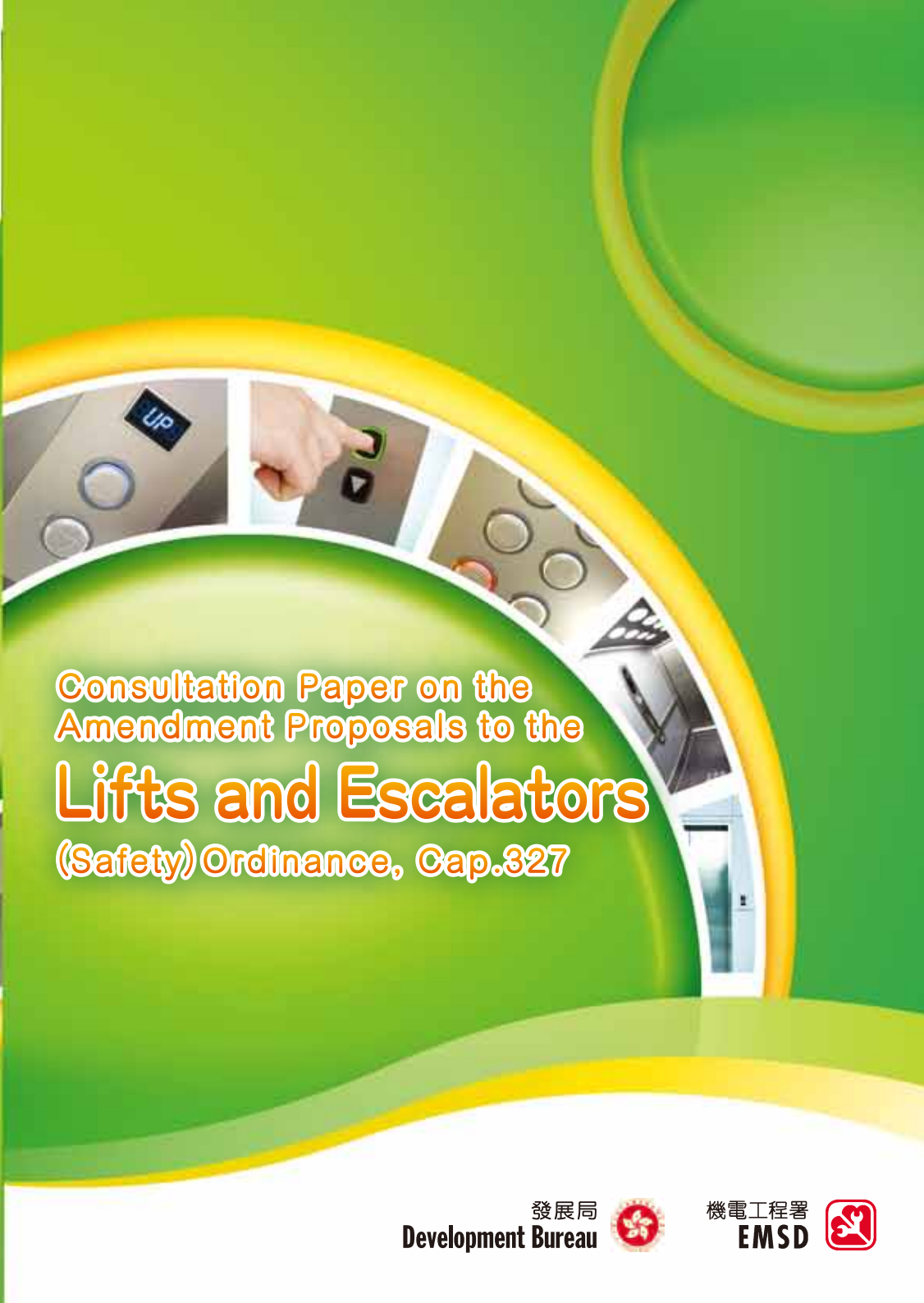
disciplinary process in soliciting their support to prepare for the introduction of the amendment proposal.

ADVICE SOUGHT

37. Members are invited to note the outcome of the public consultation and the Administration's follow-up action to address concerns raised by the stakeholders.

**Development Bureau
Electrical and Mechanical Services Department
June 2010**

Consultation Paper on the Amendment Proposal
to
the Lifts and Escalators (Safety) Ordinance, Chapter 327



Consultation Paper on the
Amendment Proposals to the
Lifts and Escalators
(Safety) Ordinance, Cap.327

發展局
Development Bureau



機電工程署
EMSD



**Consultation Paper
on the Amendment Proposals to
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Table of Contents

	Page
Executive Summary	iii
Introduction	1
Duties of Stakeholders under the Existing Regulatory Framework	1
<i>Lift and escalator owners</i>	2
<i>Lift and escalator contractors</i>	2
<i>Lift and escalator engineers</i>	2
<i>Lift and escalator workers</i>	2
Review of the Lifts and Escalators (Safety) Ordinance	3
<i>Scope of the Ordinance</i>	3
<i>Duties of lift and escalator owners</i>	4
<i>Amendment proposals related to lift and escalator contractors</i>	5
<i>Amendment proposals related to lift and escalator engineers – upgrading the qualification requirements</i>	5
<i>Transitional arrangement</i>	6
<i>Independent quality assurance works undertaken by registered professional engineers</i>	6
<i>Amendment proposals related to lift and escalator workers – introducing a registration system</i>	8
<i>Transitional arrangement</i>	9
Other Provisions to Enhance Lift and Escalator Safety	9
<i>Display of a safety label after periodic examination and testing of lifts and escalators</i>	9
<i>Issuance of improvement notice for non-compliances</i>	10
<i>Procedure of disciplinary proceedings</i>	11
<i>Increase in penalty levels of offences under the Ordinance</i>	11
Response to this Consultation Document	13
Appendix	14
List of Questions	14

**Consultation Paper
on the Amendment Proposals to
the Lifts and Escalators (Safety) Ordinance, Cap.327**

Executive Summary

The regulation of lift and escalator safety in Hong Kong, including the administration of the contractors and engineers engaged in the installation, repair, maintenance, testing and examination of lifts and escalators, falls into the ambit of the Lifts and Escalators (Safety) Ordinance (“the Ordinance”), Cap.327. The Electrical and Mechanical Services Department (“EMSD”) is the authority to enforce the various provisions under the Ordinance.

2. The spate of lift incidents end of last year has heightened public concern over lift safety. Government has promptly put in place a package of improvement measures to enhance lift safety in Hong Kong. In parallel, we started a comprehensive review of the Ordinance with a view to improving operational efficiency of the enforcement work, tightening up the control of maintenance practices, and coping with technological advancement and increasing expectations from members of the public on lift and escalator safety.

3. Five areas were identified for further study and exploring practical solutions to strengthen the regulatory framework on lift and escalator safety. These include (a) the review of the regulatory regime for the public housing estates and government buildings; (b) the upgrading of the qualification requirements for registration as lift and escalator engineers; (c) the introduction of a registration system for lift and escalator workers; (d) the streamlining of existing regulatory processes; and (e) the increase of the penalty level of offences under the Ordinance. Brief description of the amendment proposals is given in the following paragraphs.

4. For the registration of lift and escalator engineers, it is necessary to upgrade the qualification requirements to cope with the advancement in lift and escalator technologies. In this regard, it is proposed to adopt the qualification of registered professional engineer of suitable disciplines with at least 2 years’ relevant working experience as the prerequisite for registration as lift and escalator engineers.

5. For the purpose of recognizing competence, exerting better control of workmanship, and promoting continuous self-development and instituting sanctions against improper and unsafe practices in performing lift and escalator works, it is proposed to introduce a registration system for lift and escalator workers.

6. In order not to affect the livelihood of the existing registered engineers and competent workers, there will be transitional arrangements with

concessions in certain requirements to allow existing engineers to retain their registration status, and to facilitate existing workers to gain registration.

7. To enhance administrative efficiency, amendments to the Ordinance are proposed with regard to (a) display of a safety label after periodic examination and testing of lift and escalator, (b) issuance of improvement notice for non-compliances, and (c) procedure of disciplinary proceedings.

8. The penalty level of the Ordinance consisting of a maximum fine of \$5,000 and 12 months imprisonment in relation to the contravention of safety requirements is considered outdated and not commensurate with the severity of the offences. Increasing the penalty level with reference to ordinances of similar nature is proposed.

9. This consultation paper outlines the above amendment proposals in detail to seek views from stakeholders, interested parties and the public for developing the optimum solution to strengthen the regulatory regime and legislative controls over lift and escalator safety.

**Consultation Paper
on the Amendment Proposals to
the Lifts and Escalators (Safety) Ordinance, Cap.327**

Introduction

Lifts and escalators are the principal means of vertical transportation in buildings. To ensure safety and reliability, all lifts and escalators in Hong Kong are required to be maintained and examined by qualified contractors and engineers at regular intervals.

2. The regulation of lift and escalator safety in Hong Kong falls into the ambit of the Lifts and Escalators (Safety) Ordinance (“the Ordinance”), Cap.327. The Ordinance was enacted in 1960 to provide for the design, construction, maintenance and testing of lifts and escalators, and for matters connected with the aforementioned purposes. The Electrical and Mechanical Services Department (“EMSD”) is the authority to enforce various provisions under the Ordinance.

3. The spate of lift incidents end of last year has heightened public concern over lift safety. Government has promptly put in place a package of improvement measures to enhance lift safety. In parallel, we started a comprehensive review of the Ordinance with a view to improving the operational efficiency of the enforcement work, tightening up the control of maintenance practices, and coping with technological advancement and increasing expectations from members of the public on lift and escalator safety.

4. As we took forward these improvement measures and the review of the Ordinance, we kept updating Members of the LegCo Development Panel the progress and details of our works at its meetings on 8 December 2008, 24 February 2009 and 27 October 2009.

5. The review of the Ordinance is one of the key comprehensive measures undertaken by the Government to bring about enhancements to the regulation of lift and escalator safety. In order to engage the community in this important subject and to foster a consensus, we set out in this consultation paper our amendment proposals to facilitate stakeholders, interested parties and the public to express their views to us such that we can develop the optimum solution to strengthen the regulatory regime and legislative controls over lift and escalator safety.

Duties of Stakeholders under the Existing Regulatory Framework

6. Ensuring lift and escalator safety is a shared responsibility amongst the stakeholders, viz. lift and escalator owners, contractors, engineers and workers. EMSD is the government department vested with the statutory authority

to enforce various provisions under the Ordinance. The role of EMSD is to ensure compliance through regulatory activities, including audit inspections, disciplinary actions and prosecutions, public education and promotional activities on lift and escalator safety.

Lift and escalator owners

7. Lift and escalator owners are required under the law to engage registered lift and escalator contractors for maintaining and keeping the lift and escalator installations in safe working conditions. The owners are also required to cause the lift and escalator installations to be examined and tested by registered lift and escalator engineers at regular intervals to ensure that the installations are in safe working order. After the satisfactory completion of the examination, the owners are required to submit the certificates signed by the registered engineers to EMSD for registration and endorsement.

Lift and escalator contractors

8. Under the Ordinance, only registered lift and escalator contractors are allowed to carry out lift and escalator works. Through engaging competent lift and escalator workers to undertake lift and escalator works, the registered contractors are responsible to ensure the works, including installation, commissioning, repair, modification, inspection, maintenance, etc., are carried out in accordance with the requirements of the Codes of Practice established under the Ordinance. The contractors are obliged to supervise the workers and to provide instructions and guidelines to the workers.

Lift and escalator engineers

9. The functions of the registered lift and escalator engineers are to examine, test, and certify that the lift and escalator installations are in safe working order. They are required to sign a certificate, upon satisfactory completion of the examination, to the owners for onward submission to EMSD.

Lift and escalator workers

10. Lift and escalator workers are frontline tradesmen to perform all types of lift and escalator works under the supervision of the lift and escalator contractors.

Review of the Lifts and Escalators (Safety) Ordinance

11. Earlier this year, EMSD conducted a comprehensive review of the Lifts and Escalators (Safety) Ordinance. The following five areas were identified for further study with a view to exploring practical solutions to strengthen the regulatory framework on lift and escalator safety:

- (a) the review of the regulatory regime for public housing estates and government buildings;
- (b) the upgrading of the qualification requirements for registration as lift and escalator engineers;
- (c) the introduction of a registration system for lift and escalator workers;
- (d) the streamlining of existing regulatory processes; and
- (e) the increase of the penalty level of offences under the Ordinance.

12. Furthermore, to ensure views of stakeholders are properly addressed in the course of legislative review, two task forces with members nominated by the trade, workers' union and professional bodies were established to undertake the review with focus on tasks (b) and (c) respectively. The two task forces finished their deliberations in July 2009, and proposed a number of amendments to the Ordinance to strengthen the legislative framework.

13. The following paragraphs outline the proposed amendments to the Ordinance.

Scope of the Ordinance

14. Lifts and escalators installed in public housing estates and government premises are required by law to comply with the design and construction requirements stipulated in the Code of Practice. Currently, the Housing Department and respective government departments responsible for the management of the lifts and escalators in the public housing estates and government premises also appoint registered lift and escalator contractors and engineers to carry out installation, commissioning, maintenance, repair, inspection, testing and examination. The requirements stipulated in the Ordinance and the Codes of Practice are fully observed. The contractors and engineers concerned will be subject to sanctions under the Ordinance should they fail to deliver the statutory duties in undertaking the lift and escalator works for such installations.

15. Furthermore, upon receipt of notification from the responsible government departments, EMSD will also investigate into the incidents

involving lifts and escalators in these buildings. The regulatory control over the lifts and escalators in the public housing estates and government premises is therefore no less than that of lifts and escalators in private buildings, and where situations warrant disciplinary or prosecution actions against the responsible parties will be taken.

16. The differences under the present regulatory framework are essentially in the administrative aspects. For lifts and escalators in the public housing estates and government premises, there is no need to submit statutory forms and prescribed fees following satisfactory examinations and testing, and the audit inspections of the installations are undertaken by experienced technical and professional staff of the Housing Department and the respective government departments instead of those of EMSD. As the current enforcement practice and management by the Housing Department and other government departments is already effective as compared to that in the private sector, we consider it unnecessary to modify the current regulatory arrangement for the installation and maintenance of lifts and escalators in public housing estates and government premises.

Q1. Do you agree that the present regulatory arrangement of the Ordinance applicable to the lifts and escalators installed in public housing estates and government premises should continue?

Duties of lift and escalator owners

17. As lift and escalator safety is a shared responsibility amongst lift and escalator owners, registered contractors, engineers and workers, the current statutory duties of the lift and escalator owners will remain unchanged. Under the Ordinance, they will continue to play an important role in ensuring the safe operation of lifts and escalators by:

- (a) engaging registered lift and escalator contractors for maintaining lift and escalator installations in safe working conditions;
- (b) causing the lift and escalator installations to be examined and tested by registered lift and escalator engineers at regular intervals; and
- (c) submitting the certificates signed by the registered engineers to EMSD for registration.

Q2. Do you agree that the statutory duties of lift and escalator owners, who have a shared responsibility in ensuring lift and escalator safety, should continue?

Amendment proposals related to lift and escalator contractors

18. To ensure the lift and escalator contractors are technically competent in discharging their statutory duties, they will be required to employ adequate and suitably qualified professionals, technicians and skilled workers. The new requirements will form part of the admission conditions for registration, and also the conditions to maintain their registration status. Renewal of the registration of lift and escalator contractors once every 5 years is proposed.

Q3. Do you agree with the new requirements for the registered lift and escalator contractors to employ adequate and suitably qualified professionals, technicians and skilled workers?

Amendment proposals related to lift and escalator engineers - upgrading the qualification requirements

19. At present, a candidate, who is in possession of a qualification at, or higher than, a higher diploma or higher certificate in mechanical engineering, electrical engineering, electronic engineering or building services engineering issued by one of the recognized institutions, and either (a) has completed an apprenticeship in a suitable discipline of not less than 2 years, and has not less than 3 years' subsequent working experience, or (b) has not less than 5 years' relevant working experience, may seek registration as a lift and escalator engineer.

20. It is considered necessary to upgrade the qualification requirements for registration as lift and escalator engineers to cope with the advancement in lift and escalator technologies over the years, and to meet the increasing expectations of members of the public for ensuring lift and escalator safety.

21. The proposal is to adopt the qualification of registered professional engineer ("RPE") of suitable disciplines with at least 2 years' relevant working experience as the prerequisite criteria for becoming lift and escalator engineers. Apart from the above mentioned qualification requirements, written examination and interview currently adopted for assessing the conversance of the candidates for registration as lift and escalator engineers will continue to be employed in the future. Renewal of the registration of lift and escalator engineers once every 5 years is also proposed.

Q4. Do you support the proposal for upgrading the qualification requirements for registration as lift and escalator engineers?

Transitional arrangement

22. Currently there is no established practice for registered lift and escalator engineers to register as RPE. Although some of them possess the prerequisites for RPE, as at March 2009, only 16 of the registered lift and escalator engineers, out of a total of 44 who are in possession of the qualification and experience, have acquired the RPE status. On the other hand, RPEs not practicing in this field usually lack the hands-on experience on examination of lifts and escalators. Immediate and full adoption of RPE as a qualification requirement for lift and escalator engineers may render difficulties for the trade to find sufficient qualified practitioners to carry out examination and testing of lifts and escalators.

23. In order to ensure a smooth transition, it is recommended that, (a) existing registered lift and escalator engineers can retain their statutory status when the new requirement comes into force, and (b) as an interim measure, degree-holders in suitable disciplines with 4 years' relevant working experience will be eligible for registration as lift and escalator engineers. This interim measure will be dropped when there are enough RPEs with experience in the lift and escalator trade.

Q5. Do you agree with the transitional arrangement for registration as lift and escalator engineers?

Independent quality assurance works undertaken by registered professional engineers

24. At present, most registered lift and escalator engineers are under the employment of lift and escalator contractors and undertake the statutory duty to carry out periodic examinations and testing of lifts and escalators to confirm that the installations are in safe working order.

25. There are however opinions concerning the need to establish an effective and independent quality assurance system, to be serviced by RPEs of the relevant disciplines with adequate experience and knowledge on lifts and escalators. These RPEs should be independent from the lift and escalator maintenance contractors.

26. The move to independent quality assurance aims at adding an extra layer of checking of the performance of registered lift and escalator contractors and engineers. This proposal is conducive to a higher level of compliance to attain an improved overall lift and escalator safety standard.

27. In establishing the independent quality assurance system, there will be the need to have more competent RPEs with lift and escalator knowledge and experience to undertake lift and escalator quality assurance

checking. At present, the number of competent RPEs with the required knowledge and experience is not sufficient.

28. With the compulsory independence from the contractors, practicing RPEs will have difficulties in gaining access to the latest advancement in proprietary lift and escalator technology. The extra quality assurance checking will mean that the cost to society for the upkeep of lifts and escalators will be higher. It will also create administrative burden to the lift and escalator owners who are thereby required to procure for another layer of quality assurance separately, in addition to the arrangement of maintenance services and annual examination for their lift installation.

29. In respect of the independence issue, both the current and the proposed legislative framework allow operational independence for lift and escalator engineers to undertake testing and examinations of lifts and escalators. The owners have the options to engage contractors' in-house engineers, or independent engineers to perform testing and examination duties. Therefore we consider both the current and proposed arrangements have already had the element of independent quality assurance. Compulsory independence through establishment of an extra layer of quality assurance system will restrict owners' choice and may lead to higher charge for testing and examination works. As a comparison, practitioners in other professions, such as architects are not required to be independent from their employers to perform statutory duties for their clients.

30. Furthermore, by stipulating RPE as a requirement for registration, the quality of the registered lift and escalator engineers will be further enhanced. They will be obligated to observe professional ethics and code of conducts in discharging the statutory duties, and make impartial and independent judgment regardless of who their employers are. Registered lift and escalator engineers are also personally liable under the Ordinance, they may be subject to regulatory sanctions for their negligence and misconduct related to the discharge of the statutory functions. Moreover, the penalty level of the regulatory sanctions will be increased under the current amendment proposals to provide the necessary deterrence against malpractices.

Q6. Having considered all the pros and cons, do you agree not to (i) impose a restriction on all lift and escalator owners in the selection of registered contractors and engineers for providing maintenance and examination services separately, and (ii) require all lift and escalator owners to appoint a third party for providing an independent quality assurance service?

Amendment proposals related to lift and escalator workers - introducing a registration system

31. Lift and escalator workers are responsible for the installation, checking, maintenance and repair of lifts and escalators. Their competence has an important bearing on lift and escalator reliability and passenger safety.

32. Two types of competent lift and escalator workers are defined under the Ordinance, viz. those holding certificates in relevant disciplines and have undergone craft apprenticeship for a period of not less than 4 years (Cat. A workers), and those who acquired competence by virtue of experience under the employment of registered lift and escalator contractors for a period of not less than 4 years (Cat. B workers). The status of competent lift and escalator worker obtained by Cat. B workers, however, may not be retained by the worker if he changes his employment, as the new employer may need to assess the worker's capability in the new job before designating him again as a competent lift and escalator worker.

33. Currently, about 75% of the nearly 5,000 serving competent lift and escalator workers are Cat. B workers, i.e. designated by registered lift and escalator contractors. As these workers have not gone through formal apprenticeship training, there exist varying levels of competences among these workers. At present, there is no provision under the Ordinance to institute training and self-development requirements, and to apply sanctions against misconduct or malpractice.

34. For the purposes of recognizing competence, exerting better control of workmanship, promoting continuous self-development and instituting sanctions against improper and unsafe practices in performing lift and escalator works, it is proposed to introduce a registration system for lift and escalator workers. Renewal of the registration of lift and escalator workers once every 5 years is also proposed.

35. The proposed registration system for lift and escalator workers will replace the existing arrangement of competent workers under section 29A. Registered lift and escalator workers under the employment of registered contractors will be required to carry out lift and escalator works in accordance with the provisions of the Ordinance and the relevant Codes of Practice.

36. Under the proposed registration system, workers seeking registration will have to fulfil the pre-requisite requirements of academic attainment, training and working experience. For apprentices, they will be required to have completed a craft certificate course, received practical training and have 4 years' relevant working experience in the lift and escalator trade. Whereas non-apprentices seeking registration will be required to have completed a craft certificate or a relevant engineering certificate course, and have received systematic training offered by registered lift and escalator contractors, and not

less than 4 years' relevant working experience. Where academic attainment is inadequate, workers having not less than 8 years' experience may seek registration via trade tests to demonstrate their knowledge and skills for taking on the role of a registered lift and escalator worker.

Transitional arrangement

37. In order not to affect the livelihood of the existing competent workers, there will be transitional arrangement with concessions in certain requirements to facilitate existing workers to gain registration. Competent workers not in possession of the pre-requisite requirements of academic attainment but are currently practising in a particular category of work will be registered under the respective category of registered worker.

Q7. Do you support the introduction of a registration system for lift and escalator workers, and the transitional arrangement?

Other Provisions to Enhance Lift and Escalator Safety

38. To promote and enhance public scrutiny of lift and escalator safety through the principle of “shared responsibility” and “user surveillance”, other new provisions and amendment to the existing ordinance are proposed as follows.

Display of a safety label after periodic examination and testing of lifts and escalators

39. Currently, a registered lift and escalator engineer shall, following the satisfactory examination and testing of a lift and escalator, submit a certificate in prescribed format in duplicate to the lift and escalator owner within 21 days of the examination and testing. The owner shall within 7 days submit such certificate in duplicate with the prescribed fee to EMSD for registration. After completion of the registration process by EMSD, a copy of the certificate will be returned to the owner for displaying in a conspicuous position in the lift or adjacent to a landing of the escalator in accordance with section 39(3) of the Ordinance.

40. To streamline such a lengthy process, it is proposed to change the above-mentioned arrangement and require the display of a newly designed safety label, in prescribed format, signed by the registered lift and escalator engineer upon satisfactory examination and testing of the lift and escalator, confirming the installation is in safe working order. The safety label will concisely provide the key information such as the name of the registered engineer, the expiry date of the examination and testing, etc, and will facilitate

the general public to understand and monitor whether a lift or escalator has been properly examined and tested.

41. By implementing the proposed change, lifts and escalators will be posted with a valid safety label once they have been successfully examined and tested. Delay in posting of the endorsed certificate to the lift and escalator installation and the uncertainty as to whether the installation has been examined and tested can be avoided.

Q8. Do you support the proposed arrangement to display safety label after periodic examination and testing of lifts and escalators?

Issuance of improvement notice for non-compliances

42. The Director of Electrical and Mechanical Services (“the Director”) may, under section 27(1)(d), prohibit the use and operation of the lift or escalator when it is considered not in safe working order. In other cases where minor defects not imposing immediate danger to the users are found during inspections, or practices of the registered contractor or registered engineer not in accordance with the Code of Practice, the Director will serve notice(s) to the lift or escalator owner, the registered contractor or the registered engineer requiring rectification within a prescribed period.

43. Currently these notices are advisory in nature, and failure to observe and comply with the requirements stated in the notice by the Director will not result in any sanctions. It is therefore proposed to formalise the issuance of such notices (named as “Improvement Notices”) by granting power to the Director to impose sanctions for failure to comply with the requirements within the prescribed period specified in the notice.

Q9. Do you support changing the issuance of improvement notices to a statutory arrangement and imposing sanctions for those who fail to comply with the requirements specified in the notices?

Procedure of disciplinary proceedings

44. Under sections 8 and 11E of the Ordinance, when it appears to the Director that a particular registered lift and escalator engineer or contractor is found negligent or acting with misconduct when performing statutory duties, the Director may refer the case to the Secretary for Development to appoint a disciplinary board to look into the case. Members of the disciplinary board will be drawn from a disciplinary board panel comprising members nominated from the lift and escalator trade, and local professional bodies.

45. With more trade practitioners subject to regulatory controls following the inclusion of the registration system for lift and escalator workers into the regulatory regime, it is anticipated that disciplinary proceedings will be instigated more frequently and there is a need to streamline the process to enable efficient and effective administration of the proceedings.

46. It is proposed that an option be added to the Ordinance, to empower the Director to take disciplinary actions for relatively minor offences against the registered lift and escalator engineers, contractors or workers in question.

Q10. Do you support the proposed streamlining of the mechanism on disciplinary proceedings?

Increase in penalty levels of offences under the Ordinance

47. The current penalty level of offences under the Ordinance remains unchanged since 1987, with maximum fine at \$5,000 and imprisonment for 12 months in relation to contravention of safety requirements.

48. Over the past 10 years, there were 23 prosecution cases for contravention of the safety requirements of the Ordinance. 5 out of these cases were of serious nature. Upon conviction, the offenders were fined between \$500 and \$5,000. It is evident that the level of fines is not commensurate with the severity of the offences, and therefore could not impose the necessary punitive and deterrent effects.

49. It is proposed to increase the penalty level to a maximum fine of \$200,000 and imprisonment for 12 months, so as to reflect the severity of the offences, and be in line with that of other ordinances of similar nature, which include the Builders' Lifts and Tower Working Platforms (Safety) Ordinance, Cap.470, the Factories and Industrial Undertakings Ordinance, Cap.59, the Electricity Ordinance, Cap.406, and the Gas Safety Ordinance, Cap.51.

Q11. Do you agree to increase the penalty levels of offences?

Response to this Consultation Document

50. To help us arrive at the best way to modify the framework for legislative control of lift and escalator safety, we would like to invite your views and comments on any part of this consultation paper. Please send your comments to the Electrical and Mechanical Services Department on or before 28 February 2010 by mail, e-mail or facsimile:

- Mailing address - Lifts and Escalators Sub-Division
Electrical and Mechanical Services Department
3 Kai Shing Street
Kowloon
Hong Kong
- E-mail address - cap327-consultation@emsd.gov.hk
- Facsimile - 2504 5970

51. When returning by mail, you can make use of the postage paid questionnaire at the centre pages of this consultation document.

52. Please note that the Department would wish, either in discussion with others or in any subsequent report, whether privately or publicly, to be able to refer to and attribute views submitted in response to this consultation document. Any request to treat all or part of a response in confidence will be respected, but if no such request is made, it will be assumed that the response is not intended to be confidential.

Development Bureau
Electrical and Mechanical Services Department
30 November 2009

List of Questions

- Q1. Do you agree that the present regulatory arrangement of the Ordinance applicable to the lifts and escalators installed in public housing estates and government premises should continue?***
- Q2. Do you agree that the statutory duties of lift and escalator owners, who have a shared responsibility in ensuring lift and escalator safety, should continue?***
- Q3. Do you agree with the new requirements for the registered lift and escalator contractors to employ adequate and suitably qualified professionals, technicians and skilled workers?***
- Q4. Do you support the proposal for upgrading the qualification requirements for registration as lift and escalator engineers?***
- Q5. Do you agree with the transitional arrangement for registration as lift and escalator engineers?***
- Q6. Having considered all the pros and cons, do you agree not to (i) impose a restriction on all lift and escalator owners in the selection of registered contractors and engineers for providing maintenance and examination services separately, and (ii) require all lift and escalator owners to appoint a third party for providing an independent quality assurance service?***
- Q7. Do you support the introduction of a registration system for lift and escalator workers, and the transitional arrangement?***
- Q8. Do you support the proposed arrangement to display safety label after periodic examination and testing of lifts and escalators?***
- Q9. Do you support changing the issuance of improvement notices to a statutory arrangement and imposing sanctions for those who fail to comply with the requirements specified in the notices?***
- Q10. Do you support the proposed streamlining of the mechanism on disciplinary proceedings?***
- Q11. Do you agree to increase the penalty levels of offences?***

**Views on the Amendment Proposals to
the Lifts and Escalators (Safety) Ordinance, Cap.327**

<p>Question 1: Do you agree that the present regulatory arrangement of the Ordinance applicable to the lifts and escalators installed in public housing estates and government premises should continue?</p> <p>View: <input type="checkbox"/> Agree <input type="checkbox"/> Disagree (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 2: Do you agree that the statutory duties of lift and escalator owners, who have a shared responsibility in ensuring lift and escalator safety, should continue?</p> <p>View: <input type="checkbox"/> Agree <input type="checkbox"/> Disagree (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 3: Do you agree with the new requirements for the registered lift and escalator contractors to employ adequate and suitably qualified professionals, technicians and skilled workers?</p> <p>View: <input type="checkbox"/> Agree <input type="checkbox"/> Disagree (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 4: Do you support the proposal for upgrading the qualification requirements for registration as lift and escalator engineers?</p> <p>View: <input type="checkbox"/> Support <input type="checkbox"/> Not Support (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 5: Do you agree with the transitional arrangement for registration as lift and escalator engineers?</p> <p>View: <input type="checkbox"/> Agree <input type="checkbox"/> Disagree (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 6: Having considered all the pros and cons, do you agree not to (i) impose a restriction on all lift and escalator owners in the selection of registered contractors and engineers for providing maintenance and examination services separately, and (ii) require all lift and escalator owners to appoint a third party for providing an independent quality assurance service?</p> <p>View: (i) <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree (please add ✓ to <input type="checkbox"/> as appropriate)</p> <p> (ii) <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 7: Do you support the introduction of a registration system for lift and escalator workers, and the transitional arrangement?</p> <p>View: <input type="checkbox"/> Support <input type="checkbox"/> Not Support (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 8: Do you support the proposed arrangement to display safety label after periodic examination and testing of lifts and escalators?</p> <p>View: <input type="checkbox"/> Support <input type="checkbox"/> Not Support (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 9: Do you support changing the issuance of improvement notices to a statutory arrangement and imposing sanctions for those who fail to comply with the requirements specified in the notices?</p> <p>View: <input type="checkbox"/> Support <input type="checkbox"/> Not Support (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 10: Do you support the proposed streamlining of the mechanism on disciplinary proceedings?</p> <p>View: <input type="checkbox"/> Support <input type="checkbox"/> Not Support (please add ✓ to <input type="checkbox"/> as appropriate)</p>
<p>Question 11: Do you agree to increase the penalty levels of offences?</p> <p>View: <input type="checkbox"/> Agree <input type="checkbox"/> Not Agree (please add ✓ to <input type="checkbox"/> as appropriate)</p>

Other Views (Please use additional sheet if necessary) _____

Name / Name of Organisation: _____

**Publicity Activities, Consultation Forums and Meetings
Organized to Seek Views on the Amendment Proposal**

(a) Publicity Activities

We conducted a series of publicity activities including press conference, publication of leaflets and posters, and announcements through various media such as announcement of public interests, local newspapers, and bus shelter advertisement sites.

(b) Consultation Forums with the Trade and Property Management Agents

In addition to the publicity activities, we engaged the lift and escalator trades and property management agents to participate in **six** consultation forums and meetings held on 14 December, 18 December, 23 December 2009, 6 January, 23 February, and 24 February 2010 respectively. Over **590** representatives from the following groups participated and shared their views on the proposed amendments to the Ordinance :-

- (i) The Lift & Escalator Contractors Association;
- (ii) The Registered Elevator & Escalator Contractors Association Ltd;
- (iii) Registered lift and escalator engineers ;
- (iv) The Hong Kong General Union of Lift and Escalator Employees;
- (v) The Neighbourhood and Worker's Service Centre and the ThyssenKrupp Elevator (HK) Workers Union;
- (vi) The Building Services Operation and Maintenance Executives Society; and
- (vii) The Hong Kong Association of Property Management Companies.

(c) Meetings with District Councils

In response to our request to all 18 DCs for a briefing to their members on the proposed legislative amendments, five DCs accepted our invitation. We attended meetings of these five DCs to brief Members on the legislative amendment proposal and to listen to their views. Over **140** DC Members attended the meetings.

(d) Public Consultation Forums

Two public consultation forums were respectively organized at the Sheung Wan Civic Centre on 5 January 2010 and the Space Museum on 5 February 2010 to canvass views from the public on the legislative amendment proposal. Over **150** participants attended the two forums.

(e) On-line Discussion Forum

The amendment proposal was posted on the on-line Public Affairs Forum (<https://www.forum.gov.hk>) for the period from 7 January 2010 to 28 February 2010 for the public to view the consultation document and offer their views on-line through the internet webpage.

Detailed Summary of the Responses

We received a total of 1,038 written submissions and 503 on-line responses. In addition, 126 feedbacks were collected during the forums and meetings from different sectors of the community. The summary of the responses are tabulated as follows:

Question 1

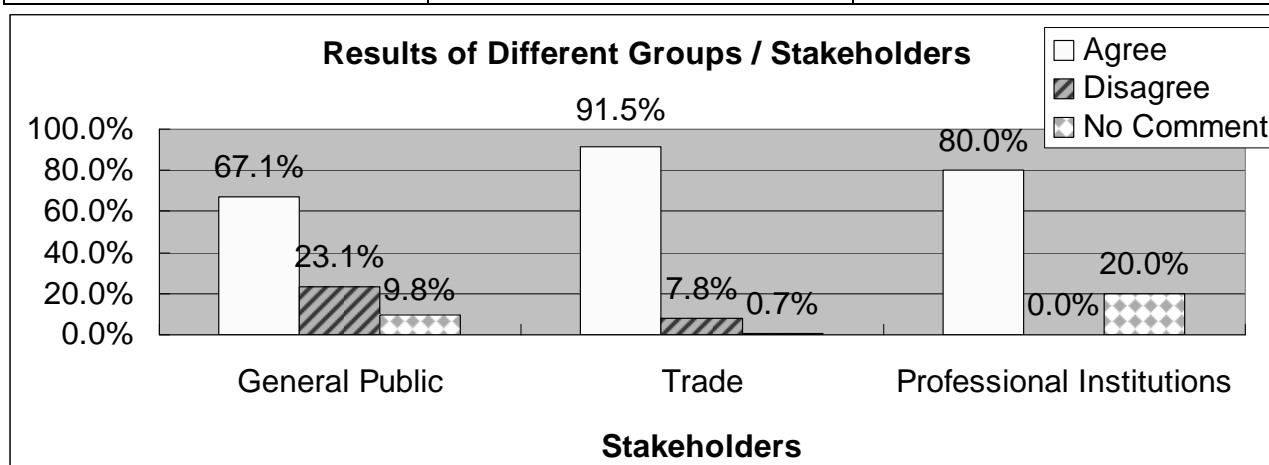
Do you agree that the present regulatory arrangement of the Ordinance applicable to the lifts and escalators installed in public housing estates and government premises should continue?

Number of submissions:

	Agree	Disagree	No Comment	Total
Overall results	551	155	63	769
General public	418	144	61	623
Trade	129	11	1	141
Professional institutions	4	0	1	5

Overall results:

Agree: 71.7%	Disagree: 20.1%	No Comment: 8.2%
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For those who disagreed to continue with the present regulatory arrangement of the

Ordinance applicable to the lifts and escalators installed in public housing estates and government premises, some respondents suggested that the regulatory arrangement should for consistency purpose tally with that for lifts and escalators installed in private buildings in order to ensure the safety of the lifts and escalators.

Question 2

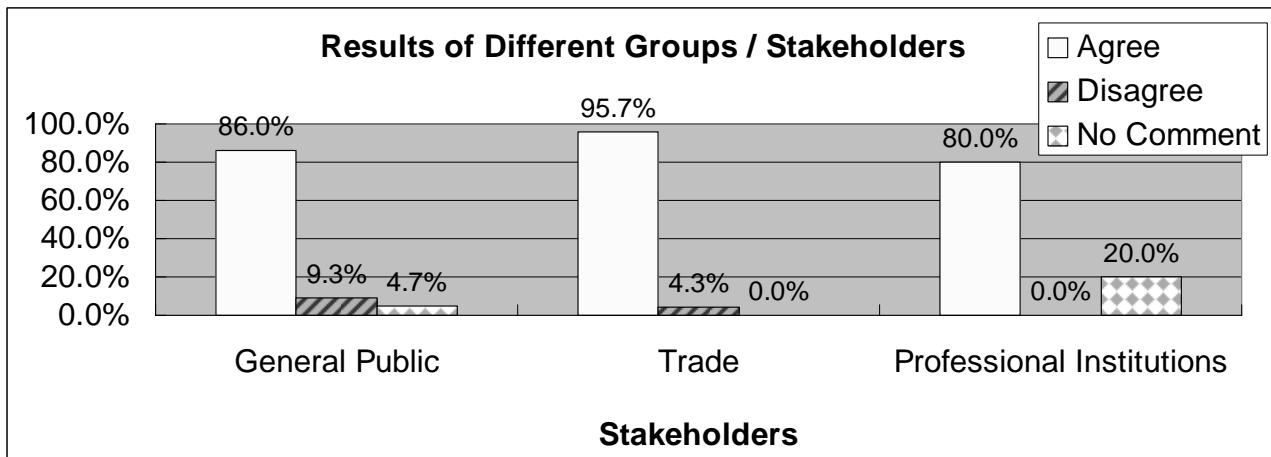
Do you agree that the statutory duties of lift and escalator owners, who have a shared responsibility in ensuring lift and escalator safety, should continue?

Number of submissions:

	Agree	Disagree	No Comment	Total
Overall results	668	63	30	761
General public	529	57	29	615
Trade	135	6	0	141
Professional institutions	4	0	1	5

Overall results:

<i>Agree: 87.8%</i>	<i>Disagree: 8.3%</i>	<i>No Comment: 3.9%</i>
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For those who disagreed to continue with the present statutory duties of lift and escalator owners, some respondents expressed their concerns about their liability with respect to the shared responsibility in ensuring lift and escalator safety, and required more explanations.

Question 3

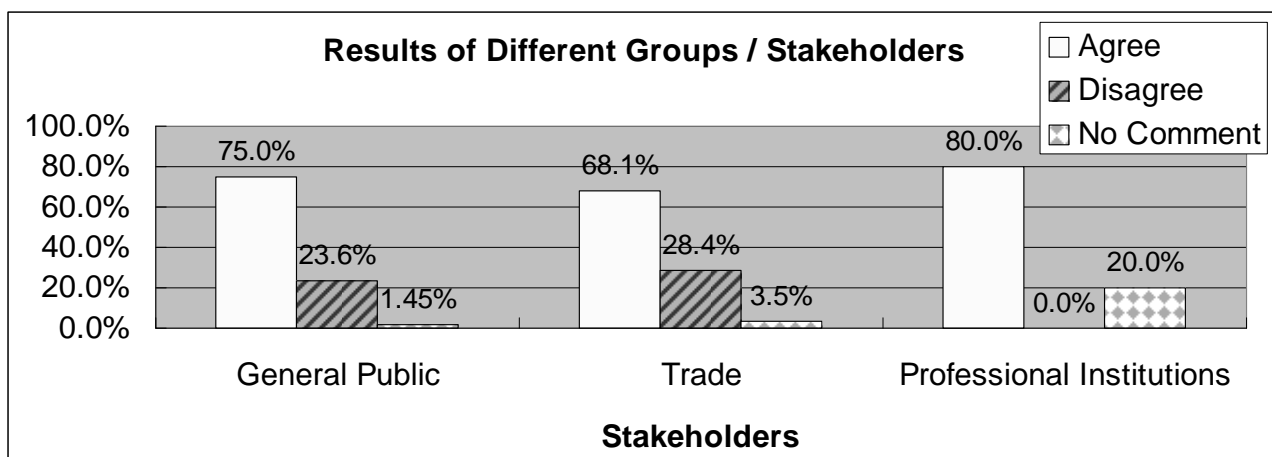
Do you agree with the new requirements for the registered lift and escalator contractors to employ adequate and suitably qualified professionals, technicians and skilled workers?

Number of submissions:

	Agree	Disagree	No Comment	Total
Overall results	564	186	15	765
General public	464	146	9	619
Trade	96	40	5	141
Professional institutions	4	0	1	5

Overall results:

<i>Agree: 73.7%</i>	<i>Disagree: 24.3%</i>	<i>No Comment: 2.0%</i>
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For those who disagreed with the new requirements for the registered lift and escalator contractors to employ adequate and suitably qualified professionals, technicians and skilled workers, some trade members opined that the current company audit had served the audit and checking purposes as the registration renewal system. In addition, some respondents harboured some doubts about the new admission requirements for registration in view of insufficient details being provided in the consultation document.

Question 4

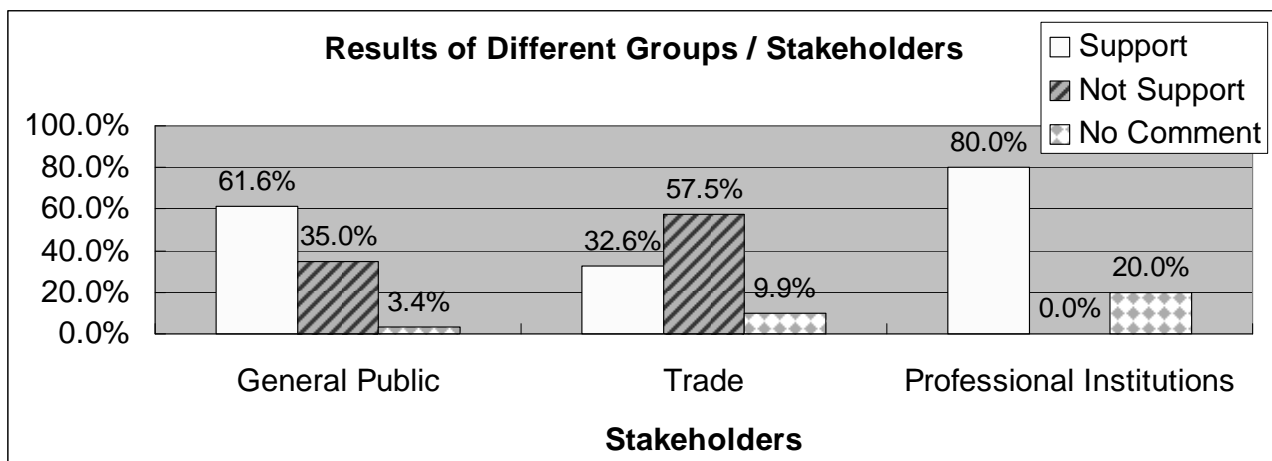
Do you support the proposal for upgrading the qualification requirements for registration as lift and escalator engineers?

Number of submissions:

	Support	Not Support	No Comment	Total
Overall results	428	296	36	760
General public	378	215	21	614
Trade	46	81	14	141
Professional institutions	4	0	1	5

Overall results:

<i>Support: 56.3%</i>	<i>Not Support: 38.9%</i>	<i>No Comment: 4.8%</i>
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For those who did not support the proposal for upgrading the qualification requirements for registration as lift and escalator engineers, some suggested that upgrading the qualification requirement to “a bachelor degree of relevant discipline plus four years relevant experience” would be sufficient. Some expressed their concern about the sufficiency of registered professional engineers (“RPEs”) in the market to provide services in lift and escalator industry after the transitional period. However, some respondents commented that even if the applicant possessed the prerequisites for RPE, two years relevant working experience was not enough.

For those who did not support the requirement for registration renewal, some commented that there was no solid proposal or a clear picture on the renewal requirements which could assure them of the continuation of the registration for the current practicing registered engineers.

Question 5

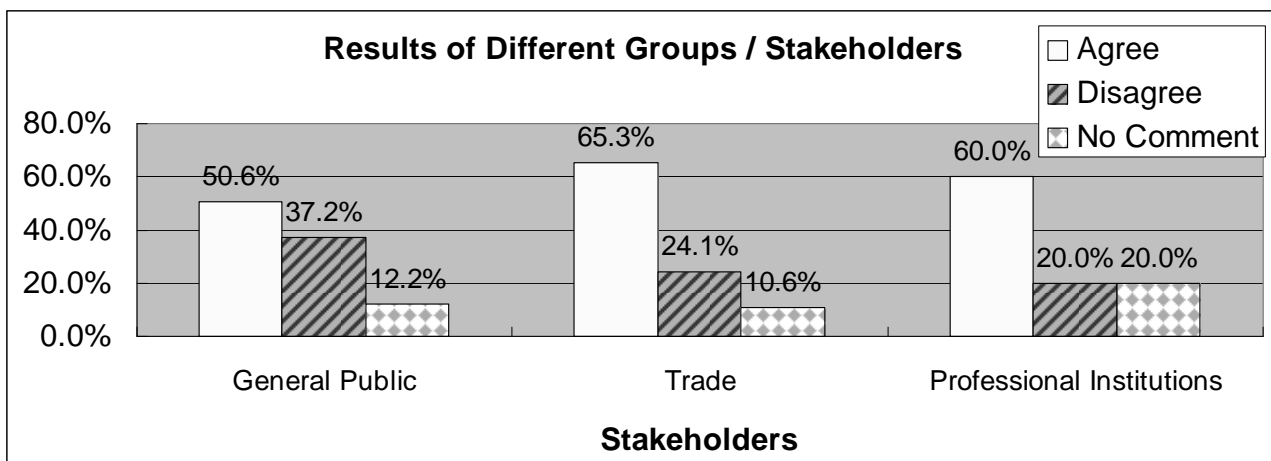
Do you agree with the transitional arrangement for registration as lift and escalator engineers?

Number of submissions:

	Agree	Disagree	No Comment	Total
Overall results	402	261	90	753
General public	307	226	74	607
Trade	92	34	15	141
Professional institutions	3	1	1	5

Overall results:

<i>Agree: 53.4%</i>	<i>Disagree: 34.7%</i>	<i>No Comment: 11.9%</i>
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For those who did not support the proposal for upgrading the qualification requirements for registration as lift and escalator engineers, some suggested that upgrading the qualification requirement to “a bachelor degree of relevant discipline plus four years relevant experience” should be the ultimate qualification prerequisites rather than being an interim measure.

Question 6

Having considered all the pros and cons, do you agree

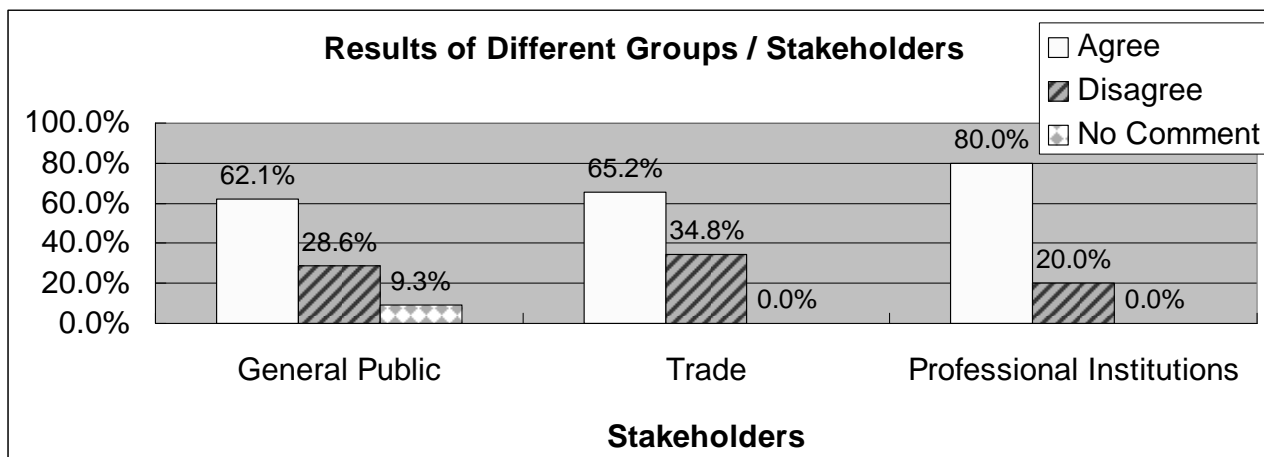
- (i) **NOT TO impose a restriction on all lift and escalator owners in the selection of registered contractors and engineers for providing maintenance and examination services separately, and**

Number of submissions:

	Agree	Disagree	No Comment	Total
Overall results	469	222	56	747
General public	373	172	56	601
Trade	92	49	0	141
Professional institutions	4	1	0	5

Overall results:

<i>Agree: 62.8%</i>	<i>Disagree: 29.7%</i>	<i>No Comment: 7.5%</i>
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For those who disagreed imposing a restriction on all lift and escalator owners in the selection of registered contractors and engineers for providing maintenance and examination services separately, some suggested that the owners' selection right to engage contractors' in-house engineers or independent engineers to perform testing and examination duties should be maintained.

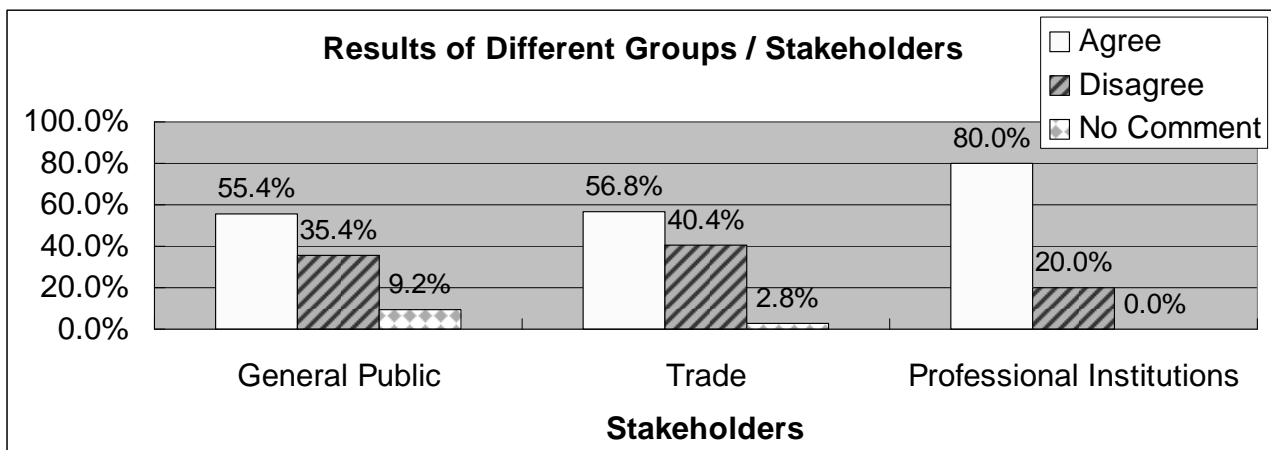
(ii) **NOT TO require all lift and escalator owners to appoint a third party for providing an independent quality assurance service?**

Number of submissions:

	Agree	Disagree	No Comment	Total
Overall results	414	269	59	742
General public	330	211	55	596
Trade	80	57	4	141
Professional institutions	4	1	0	5

Overall results:

<i>Agree: 55.8%</i>	<i>Disagree: 36.2%</i>	<i>No Comment: 8.0%</i>
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For those who disagreed to not requiring all lift and escalator owners to appoint a third party for providing an independent quality assurance service, some supported the arrangement but harboured doubts if the third party for providing an independent quality assurance service could obtain sufficient and latest technical information of the lifts and escalators from the lift and escalator contractors to carry out the testing and examination. In addition, some of them also expressed that the independent quality assurance works by third party would create a layer for the testing and examination and may impose an extra charge for the lift and escalator owners.

Question 7

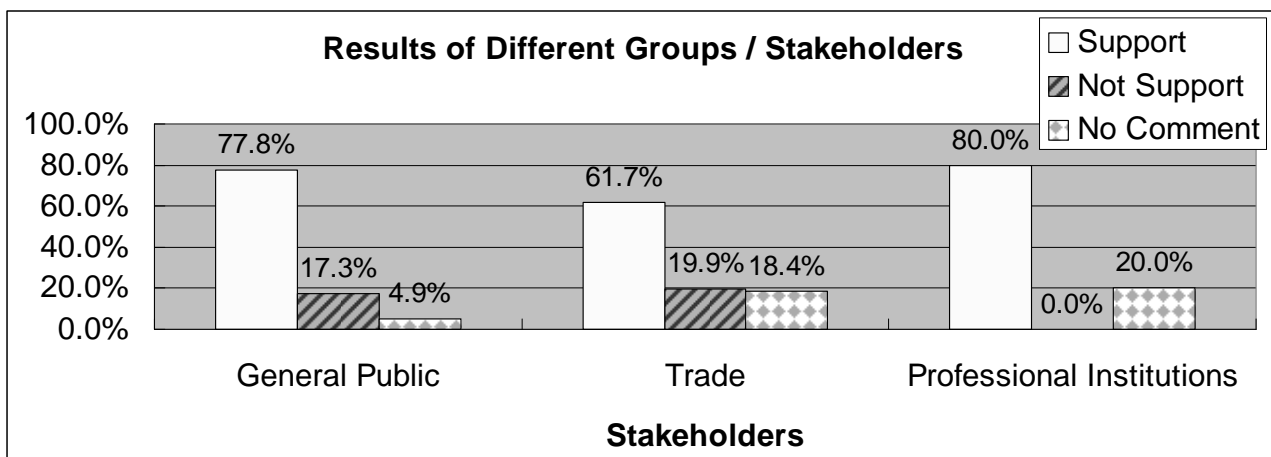
Do you support the introduction of a registration system for lift and escalator workers and the transitional arrangement?

Number of submissions:

	Support	Not Support	No Comment	Total
Overall results	563	133	57	753
General public	472	105	30	607
Trade	87	28	26	141
Professional institutions	4	0	1	5

Overall results:

<i>Support: 74.8%</i>	<i>Not Support: 17.7%</i>	<i>No Comment: 7.5%</i>
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For those who did not support the introduction of a registration system for lift and escalator workers and the transitional arrangement, some suggested that the registration should be a life-long registration so that renewal would not be required.

Question 8

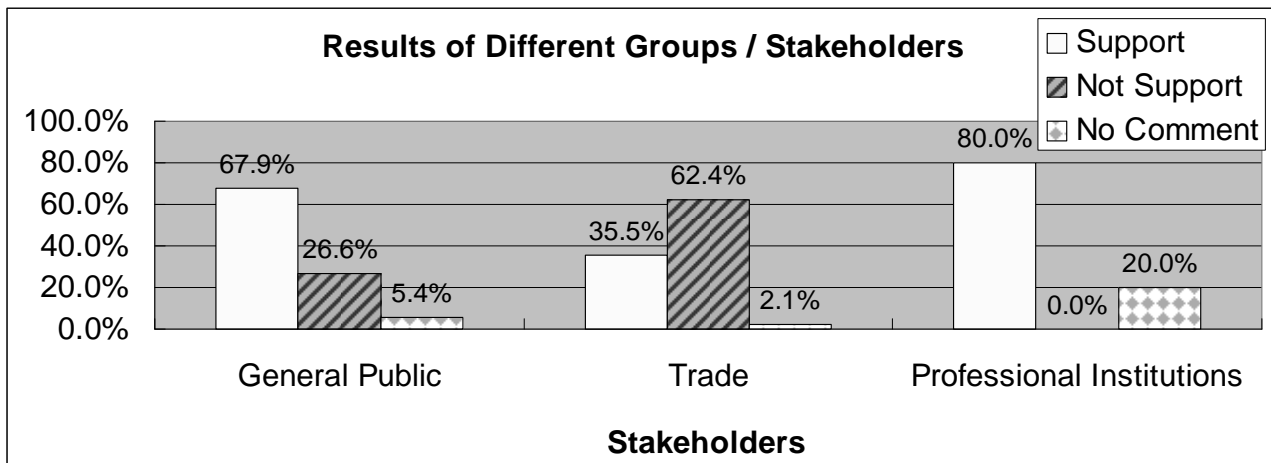
Do you support the proposed arrangement to display safety label after periodic examination and testing of lifts and escalators?

Number of submissions:

	Support	Not Support	No Comment	Total
Overall results	467	250	37	754
General public	413	162	33	608
Trade	50	88	3	141
Professional institutions	4	0	1	5

Overall results:

<i>Support: 61.9%</i>	<i>Not Support: 33.1%</i>	<i>No Comment: 5.0%</i>
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For those who did not support the proposed arrangement to display safety label after periodic examination and testing of lifts and escalators, some questioned that the effect of safety label on lift and escalator safety was in doubt. In addition, some of the trade members concerned their liabilities with respect to the duty of issuing the safety labels.

Question 9

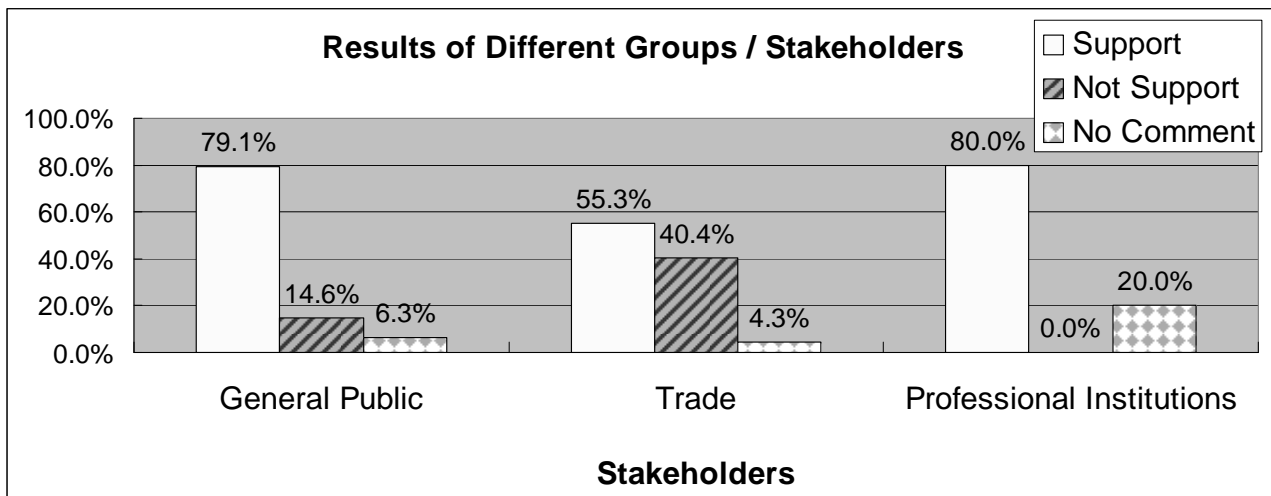
Do you support changing the issuance of improvement notices to a statutory arrangement and imposing sanctions for those who fail to comply with the requirements specified in the notices?

Number of submissions:

	Support	Not Support	No Comment	Total
Overall results	559	145	45	749
General public	477	88	38	603
Trade	78	57	6	141
Professional institutions	4	0	1	5

Overall results:

<i>Support: 74.6%</i>	<i>Not Support: 19.3%</i>	<i>No Comment: 6.1%</i>
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For those who did not support changing the issuance of improvement notices to a statutory arrangement and imposing sanctions for those who fail to comply with the requirements specified in the notices, some commented that it was not necessary to give a statutory power for the improvement notices. Some suggested to clearly define the responsibility and sanction of the owners with respect to the improvement items in the notices.

Question 10

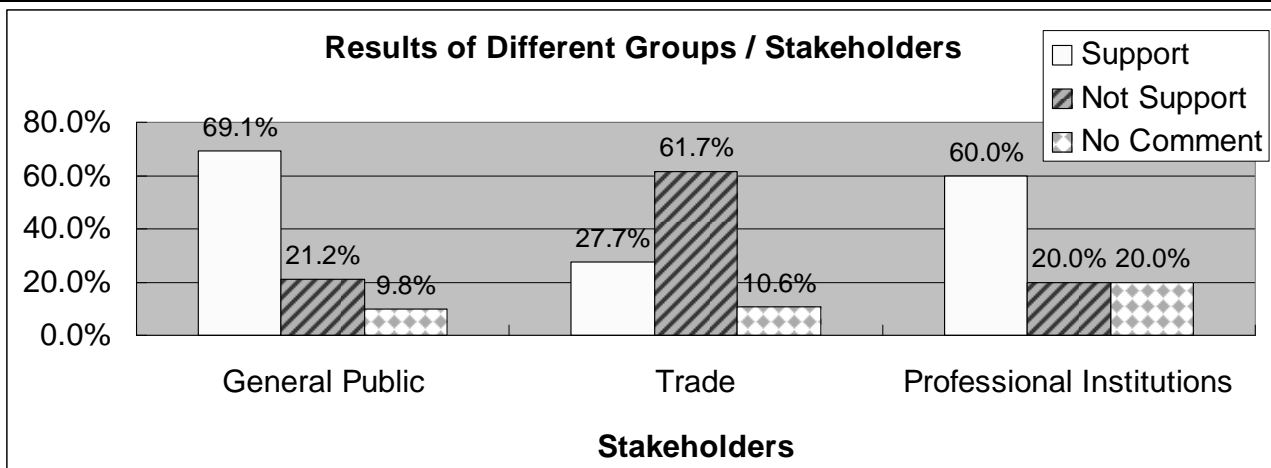
Do you support the proposed streamlining of the mechanism on disciplinary proceedings?

Number of submissions:

	Support	Not Support	No Comment	Total
Overall results	460	216	75	751
General public	418	128	59	605
Trade	39	87	15	141
Professional institutions	3	1	1	5

Overall results:

<i>Support: 61.2%</i>	<i>Not Support: 28.8%</i>	<i>No Comment: 10.0%</i>
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For those who did not support the proposed streamlining of the mechanism on disciplinary proceedings, some opined that there was no urgency to change the disciplinary procedures, and it was undesirable to confer power on a regulatory body to take disciplinary actions by way of streamlining the mechanism of disciplinary proceedings. Some also stated that the current mechanism on disciplinary proceedings was effective and therefore no change on disciplinary proceedings was required.

Question 11

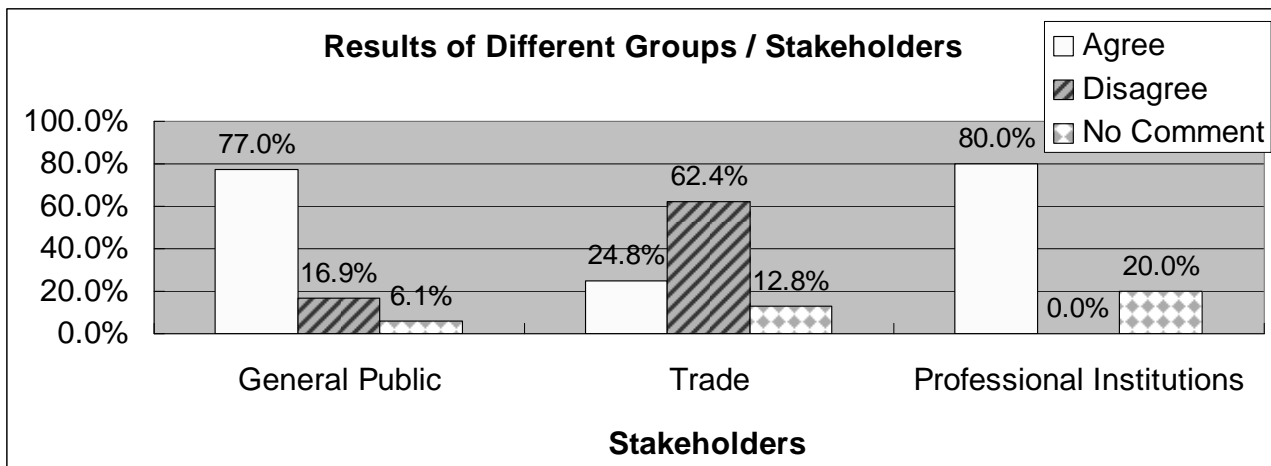
Do you agree to increase the penalty levels of offences?

Number of submissions:

	Agree	Disagree	No Comment	Total
Overall results	509	191	56	756
General public	470	103	37	610
Trade	35	88	18	141
Professional institutions	4	0	1	5

Overall results:

<i>Agree: 67.3%</i>	<i>Disagree: 25.3%</i>	<i>No Comment: 7.4%</i>
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For those who disagree to increase the penalty levels of offences, some opined that the proposed increase in the penalty level was too drastic. They suggested that penalty on registered engineers and registered workers should be in the form of reprimand, suspension or removal from register rather than imposing fines.

Remarks

- All the above figures are round-off to the first decimal place.

Annotations

- (i) **General Public** : includes public, lift/escalator owners, incorporated owners' committee and property management companies
- (ii) **Trade**: includes registered contractors, registered engineers, workers, the Lift & Escalator Contractors Association, the Registered Elevator & Escalator Contractors Association Limited, and the Hong Kong General Union of Lift and Escalator Employees
- (iii) **Professional Institutions**: includes The Hong Kong Institution of Engineers, The Institution of Mechanical Engineers (HK Branch), The International Association of Elevator Engineers (HK and China Branch), The Institution of Engineering and Technology, and The Society of Operations Engineers (Hong Kong Region)