

立法會
Legislative Council

LC Paper No. CB(1)369/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/BC/7/10/2

Bills Committee on Lifts and Escalators Bill
Second meeting on
Tuesday, 21 June 2011, at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Chairman)
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC

Members absent : Hon James TO Kun-sun
Hon CHAN Hak-kan

Public officers : Mr Jimmy CHAN Pai-ming
Attending Principal Assistant Secretary for Development (Works) 3

Mr Jacky WU Kwok-yuen
Assistant Secretary for Development (Work Policies) 7

Mr Alfred SIT Wing-hang
Assistant Director/Gas & General Legislation
Electrical and Mechanical Services Department

Mr CHUI Wai-sing
Chief Electrical and Mechanical Engineer/General Legislation
Electrical and Mechanical Services Department

Mr Leakey LAU Lik-kee
Senior Electrical and Mechanical Engineer/ Lifts and Escalators 1
Electrical and Mechanical Services Department

Ms Frances HUI Hang-ka
Senior Government Counsel
Department of Justice

Ms Angie LI Sau-lee
Senior Government Counsel
Department of Justice

Clerk in Attendance : Ms Annette LAM
Chief Council Secretary (1)7

Staff in Attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mr Daniel SIN
Senior Council Secretary (1)7

Action

I Meeting with the Administration

(LC Paper No. CB(1)2483/10-11(01) — List of follow-up actions arising from the discussion at the meeting on 31 May 2011

LC Paper No. CB(1)2483/10-11(02) — Administration's response to issues raised at the meeting on 31 May 2011)

Other relevant papers previously issued

(LC Paper No. CB(3)684/10-11 — The Bill

File Ref: DEVB/(CR)(W)1-10/30 — Legislative Council Brief
(issued by the Development Bureau on 1.4. 2011)

LC Paper No. LS59/10-11 —Legal Service Division Report

LC paper No. CB(1) 328/10-11(01) —Paper on Lifts and Escalators
Bill prepared by the
Legislative Council Secretariat
(Background brief)

The Committee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

2. The Administration was requested to provide the following information :
 - (a) a breakdown of the 173 equipment fault-related lift incidents from 2006 to 2010 involving each of the lift and escalator contractors registered with the Electrical and Mechanical Services Department, and to assess whether the open tendering system where contracts were normally awarded to the contractors of the lowest bid has been a cause of the lift incidents;
 - (b) detailed information about the criteria and mechanism of the existing scoring/grading system for assessing the performance of the lift and escalator contractors, and to make an analysis on whether contractors with less favourable grading were frequently involved in the equipment fault-related lift incidents;
 - (c) information on the proposed penalties for offences under the Bill, and the sanctions to be imposed on lift and escalator workers and engineers by the relevant disciplinary boards for misconduct, to make a comparison with other comparable legislation that had been referenced on, and to consider raising the penalty level (such as extending the imprisonment term, increasing the amount of fine for contractors etc) to enhance deterrence;
 - (d) an abstract of the code of practice for lift and escalator contractors relating to the staffing, the qualification and technical experience requirements of personnel involved in maintenance or repair operations; and to consider stipulating the minimum staffing ratio and professional requirement in the Bill; and
 - (e) details on the training requirements for lift and escalator workers and engineers during the transitional period and for the purpose of renewal of registration, and to explore with lift and escalator contractors the possibility of full pay for lift and escalator workers during the relevant training periods.

II Any other business

3. There being no other business, the meeting ended at 10:40 am.

Council Business Division 1
Legislative Council Secretariat
16 November 2011

Bills Committee on Lifts and Escalators Bill

Proceedings of the Second meeting on Tuesday, 21 June 2011, at 8:30 am in Conference Room B of the Legislative Council Building

Time Marker	Speaker	Subject(s)	Action Required
000035 – 001207	Chairman	Opening remarks	
001208 – 001939	Administration Chairman	Administration's briefing on analysis of causes of equipment fault related lift incidents (Appendix C of LC Papers CB(1)2528/10-11(01)).	
001940 – 002552	Ms LI Fung-ying Administration Chairman	<p>Ms LI's query on whether the Administration had analyzed the nature of the 173 lift and escalator incidents between 2006 and 2010, and her comments that these incidents reflected the problem with the current practice of selecting tender by lowest bid.</p> <p>The Administration's response that:</p> <p>(a) Contractors were required to comply with certain basic work procedures as well as staffing requirements specified in relevant codes of practice drawn up in consultation with the sector;</p> <p>(b) Investigations were conducted on the incidents. Prosecution or disciplinary actions would be initiated if sufficient evidence was established;</p> <p>(c) The Electrical and Mechanical Services Department (EMSD) conducted inspection for every one out of seven installations; around 7 000 inspections were conducted every year;</p> <p>(d) Information about contractors' performance was released for public information;</p> <p>(e) Regular reviews were conducted with the sector to revise the codes of practice and staffing requirements; and</p>	

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		<p>(f) Contractors would need to comply with the technical and legal requirements in preparing tenders. The public had the choice in selecting suitable bids.</p> <p>Ms LI's query on whether the contractors involved in the 173 lift and escalator incidents were more accident-prone than others and whether the frequency of accidents reflected a management problem and/or the technical competence of their technical staff.</p>	
002553 – 003410	Prof Patrick LAU Chairman Administration	<p>Prof LAU's comment that detailed analyses on the past incidents were warranted to ascertain the root causes of the problems, such as whether the use of third party spare parts or the age of the installations were responsible for most of the incidents.</p> <p>The Chairman requested the Administration to provide a breakdown of the 173 equipment fault-related lift incidents from 2006 to 2010 involving each of the lift and escalator contractors registered with EMSD, and to assess whether the open tendering system where contracts were normally awarded to the contractors of the lowest bid had been a cause of the lift incidents.</p> <p>The Administration's response that:</p> <p>(a) Many of the incidents involved faulty spare parts, which might be original manufacturers' products or third party parts;</p> <p>(b) All spare parts used for repairs and maintenance should meet the manufacturers' specifications; and</p> <p>(c) The proposed registration system should ensure that technicians and engineers had the professional knowledge to apply suitable parts for maintenance and repair works.</p> <p>The Chairman's comments that in addition to meeting manufacturers' specifications, durability should also be a factor for consideration in selecting spare parts.</p>	The Administration to take action as per paragraph 2 of the minutes

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003411 – 005752	Mr Andrew CHENG Chairman Administration	<p>Mr CHENG's query on whether the performance rating system for contractors should be incorporated into the legislation so as to provide a legal basis for EMSD in deciding whether or not to revoke or suspend their licences in case of misconduct.</p> <p>The Chairman's comments that the contractors' performance rating could supplement the penalty provisions in ensuring satisfactory performance.</p> <p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) Contractors' performance rating as well as details of lift and escalator incidents would be publicized in EMSD's website to provide the public with more information in selecting contractors; (b) In addition, standard contract (including safety requirements) was available to facilitate the public in engaging contractors for repair and maintenance works; (c) Any misconduct or contravention of technical requirements would be investigated by a disciplinary board; (d) The objective of the legislation and the codes of practice was to specify safety requirements and service standards to be attained by lift and escalator contractors; and (e) A contractor's rating might be affected by many factors which would vary in time. Rather than relying on performance rating, other sanctions against contravention of technical or safety requirements were available. 	
005753 – 010058	Ms LI Fung-ying Administration Chairman	<p>Ms LI's query on whether the scoring / rating system was related to the number of lift and escalator incidents a contractor was involved in.</p> <p>The Administration was requested to provide detailed information about the criteria and</p>	The Administration

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		<p>mechanism of the existing scoring / rating system for assessing the performance of the lift and escalator contractors, and to make an analysis on whether contractors with less favourable grading were more frequently involved in equipment fault-related lift incidents.</p>	<p>to take action as per paragraph 2 of the minutes</p>
<p>010059 – 014029</p>	<p>Ms LI Fung-ying Administration Chairman</p>	<p>Ms LI's query on whether other sanctions, such as warnings and reprimand, would be imposed against professional misconduct in addition to the revocation and suspension of licence.</p> <p>The Administration's response that the Director of Electrical and Mechanical Services might issue "Improvement Notice", "Cessation Order", or initiate prosecution actions, whereas the disciplinary board could impose a range of sanctions including reprimand, warning letter, temporary suspension of licence, fine, and revocation of licence against misconduct.</p>	
<p>014030 – 011710</p>	<p>Mr Andrew CHENG Administration Chairman</p>	<p>Mr CHENG's comment that the qualification requirements and staffing requirements as stipulated in the Bill were too general. The law should be more specific in setting out the number of qualified technical / professional personnel in a maintenance crew.</p> <p>The Administration's response that the law would only prescribe general requirements, and the contractor had the responsibility to ensure that sufficient number of qualified personnel was deployed to a particular type of maintenance or repair task. More detailed guidelines and requirements would be specified in the code of practice.</p> <p>Mr CHENG's suggestion that the qualification requirements and staffing ratio should be incorporated in the principal legislation.</p> <p>The Administration's response that the principal legislation would require the contractor to ensure sufficient provision of qualified personnel. The actual number of staff to be deployed depended on the nature of maintenance and repair works involved, and the requirements might vary from time to time.</p>	

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		<p>The Administration's comment that it was considered more appropriate to specify detailed requirements in the codes of practice.</p> <p>The Administration was requested to provide an abstract of the code of practice for lift and escalator contractors relating to the staffing, the qualification and technical experience requirements of personnel involved in maintenance or repair operations; and to consider stipulating the minimum staffing ratio and professional requirement in the Bill.</p>	<p>The Administration to take action as per paragraph 2 of the minutes</p>
011711 – 011836	Prof Patrick LAU Chairman	<p>Prof LAU's suggestion of conducting a public hearing on the Bill. The Chairman confirmed that a public hearing session would be conducted.</p>	
000837 – 012115	Mr IP Wing-ming Administration Chairman	<p>Mr IP's comment that the staff union was concerned about the worker-to-installation ratio. The current requirement was that one lift and escalator worker should attend to one installation unless the maintenance or repair job involved any of the ten items specified in the code of practice.</p> <p>Mr IP's further comment that more time should be allowed for inspecting taller buildings with more lift and escalator installations.</p> <p>The Administration's comment that a working group formed under the Task Force for Legislative Amendments to the Lifts and Escalators (Safety) Ordinance was reviewing the work flow with a view to working out the staffing requirements for each procedure. Discussion with the sector would continue.</p>	
012116 – 012635	Mr Andrew CHENG Administration Chairman	<p>Mr CHENG's suggestion that heavier imprisonment terms commensurate with the gravity of the offence should be provided for in the penalty provision, in line with the increase in the level of fine from \$10,000 to \$200,000.</p> <p>The Administration's response that:</p> <p>(a) Reference was drawn from other similar legislation that regulated safety requirements;</p>	

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		<p>(b) Advice had been sought from the Secretary for Justice on the appropriate level of imprisonment terms; and</p> <p>(c) The current proposal was considered to be consistent with other legislation.</p> <p>The Chairman's view that the Administration should give Mr CHENG's suggestion further consideration, as the regulation of lift and escalator maintenance and repair might merit special penalty provisions.</p> <p>The Administration was requested to provide information on the proposed penalties for offences under the Bill, and the sanctions to be imposed on lift and escalator workers and engineers by the relevant disciplinary boards for misconduct, to make a comparison with other comparable legislation that had been referenced on, and to consider raising the penalty levels (such as extending the imprisonment term, increasing the amount of fine for contractors, etc.) to enhance deterrence.</p>	<p>The Administration to take action as per paragraph 2 of the minutes</p>
<p>012639 — 013128</p>	<p>Prof Patrick LAU Administration Mr IP Wing-ming Chairman</p>	<p>Prof LAU's enquiry on the number of contractor / technical personnel that had been imprisoned for misconduct so far.</p> <p>The Administration's response that no one had yet been sentenced to prison for misconduct. The current maximum penalty of 12-month imprisonment already had strong deterrent effect on technical personnel.</p> <p>While accepting a higher level of fine, Mr IP considered the current imprisonment term sufficiently heavy.</p>	
<p>013129 — 013755</p>	<p>Administration Chairman</p>	<p>The Administration's briefing on the transitional arrangements for lifts and escalator engineers.</p>	
<p>013756 — 014523</p>	<p>Mr IP Wing-ming Administration Chairman</p>	<p>Mr IP's enquiry on whether qualified engineers registered under the current legislation should be allowed to hold the practice licence on a permanent basis without the need for renewal every five years.</p>	

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		<p>The Administration's comment that:</p> <ul style="list-style-type: none"> (a) The purpose of the new registration system was to ensure that lift and escalator engineers would update their professional knowledge and skills in pace with the changing technology and standards; (b) It would enable the Administration to keep up-to-date the records of active engineers in the field; and (c) The proposed periodic licence renewal arrangement had been accepted by the professional sector concerned. 	
014524 – 020800	Mr Andrew CHENG Administration Mr IP Wing-ming Chairman	<p>Mr CHENG's comments that lift and escalator workers would tend to attend training courses to meet the 30-hour training requirements when the five-year licence was about to expire. He was concerned that there would not be much technical level enhancement during the licence period.</p> <p>Mr CHENG's suggestion of shortening the licence period.</p> <p>The Administration's response that:</p> <ul style="list-style-type: none"> (a) The requirement to renew licence every five years would ensure that lift and escalator workers could keep their skill levels in pace with technological development; and (b) There was a considerable cost (licence fees and time taken to complete the renewal procedure) for workers to renew their licence, and shortening the period for licence renewal might add to their burden. <p>Mr CHENG's suggestion of requiring lift and escalator workers to attend a certain number of hours of training each year, otherwise workers would tend to delay their training towards the end of the licence period.</p>	

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		<p>Mr IP's suggestion to further discuss how to spread out the training sessions, and his view that workers should be paid for the time taken for training purposes.</p> <p>Mr IP requested the Administration to provide details on the training requirements for lift and escalator workers and engineers during the transitional period and for the purpose of renewal of registration, and to explore with lift and escalator contractors the possibility of full pay for lift and escalator workers during the relevant training periods.</p> <p>The Administration agreed to consult the sector on the training arrangements and whether the training hours should be remunerated.</p>	<p>The Administration to take action as per paragraph 2 of the minutes</p>
020801 – 021040	Chairman	<p>The Chairman's announcement that a public hearing session would be conducted on 17 July 2011. Members were requested to comment on the list of deputations by 23 June 2011.</p>	