

# 立法會 *Legislative Council*

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## **Bills Committee on Lifts and Escalators Bill**

### **Background brief**

#### **Purpose**

This paper provides background information on the Lifts and Escalators Bill, and a summary of the views and concerns expressed by members when the relevant legislative proposals were discussed by the Panel on Development ("the Panel").

#### **Background**

2. According to the Administration, there were 173 cases of mechanical malfunctioning related to lifts causing injury to over 20 people during the period from 2006 to 2010. In view of the number of lift incidents happened in recent years, in particular the one involving the plunging of a lift in Fu Shin Estate in Tai Po at the end of 2008, members of the public have become increasingly concerned about lift safety. It was against this background that The Ombudsman initiated a direct investigation into the regulatory system of lifts in January 2009, and released its findings and made 13 recommendations to the Administration in August 2009.

3. Apart from implementing the recommendations of The Ombudsman, the Administration has adopted a package of multi-pronged improvement measures to enhance lift safety. The measures include enhancement of the existing code of practice, disclosure of contractors' performance, stepping up inspection and enhanced public education and publicity. Meanwhile, the Administration has also conducted a comprehensive review of the Lifts and Escalators (Safety) Ordinance (Chapter 327) ("LESO").

4. The Administration reported progress of implementing the improvement measures and consulted members on the proposed amendments

to LESO at the Panel meeting on 27 October 2009. To gauge public views on the proposed legislative amendments, the Administration conducted a public consultation from November 2009 to February 2010. The outcome of the public consultation was reported to the Panel on 22 June 2010. Members supported the proposed legislative amendments in principle and urged the Administration to expedite introducing the bill to the Legislative Council ("LegCo") to enhance lift and escalator safety.

### **Major proposals in the Bill**

5. LESO was enacted in 1960 and a number of amendments have been made to the ordinance over the past years. Given that the comprehensive review on LESO has proposed making substantial amendments to the legislative framework and with a view to setting out the obligations of stakeholders and the relevant provisions under the ordinance in a clear and systematic manner, the Administration has decided to introduce a new bill and repeal LESO.

6. The Bill, which consists of 8 Parts, was introduced into LegCo on 11 May 2011. The major legislative proposals contained in the Bill are summarized below.

#### Upgrading the qualification requirements for lift and escalator engineers

7. At present, holders of higher diploma or certificate of relevant discipline with the necessary experience may be registered as lift or escalator engineers under LESO. To bring the qualification standards of engineering professionals responsible for lift and escalator works up to a level compatible with other legislation for building safety control, the Bill will require them to be registered professional engineers ("RPEs") of relevant disciplines with at least two years' relevant experience before they may be considered for registration as lift or escalator engineers. All registered lift and escalator engineers will be required to renew their registration every five years.

#### Registration and renewal requirement for lift and escalator contractors

8. At present, any persons considered by the Director of Electrical and Mechanical Services ("DEMS") to be qualified to carry out lift works or escalator works may be registered as lift or escalator contractors under LESO. In order to promote transparency, the Bill will make clear the factors (e.g. whether the applicant has and is capable of maintaining the necessary facilities, resources and workforce to carry out lift or escalator works) that DEMS will consider in deciding whether to register the applicant as a lift

contractor or escalator contractor. The Bill will also introduce a registration renewal system for lift and escalators on five-year basis.

#### Registration system for lift and escalator workers

9. Under LESO, experienced lift and escalator workers are qualified as competent lift worker or escalator workers if they satisfy either (i) the stipulated academic training and experience requirements; or (ii) in the case of inadequate academic qualification, the stipulated employment requirement with registered contractors who recognized that they have acquired sufficient experience or training to carry out lift or escalator works competently without supervision. However, competent workers under the (ii) category may lose their status of being competent lift workers or competent escalator workers when they are no longer employed by a registered contractor. To replace this employment-tied arrangement, the Bill will introduce a registration system whereby qualified lift or escalator workers may apply for registration as registered lift or escalator workers based on their academic attainment, training and experience. Experienced workers who have passed a trade test for lift works or escalator works and who have the required experience are also eligible to apply for registration. The Bill will also require registered workers to renew their registration every five years.

#### Increasing the penalty levels of offences

10. To increase the punitive and deterrent effects of penalty levels for safety-related offences under LESO, it is proposed in the Bill that the maximum fine be increased from \$10,000 to \$200,000, whereas the maximum imprisonment period of 12 months will remain unchanged.

#### Extending the coverage of the legislation

11. The Bill will extend the coverage of the new ordinance to cover the Government, the Housing Authority and the consular offices as responsible persons<sup>1</sup>. The effect of the legislative proposal is that management companies of buildings and management staff of an organization who have the management or control of lifts or escalators will fall into the definition of responsible persons.

#### Other amendments to enhance operation and enforcement

12. To enhance operational efficiency and enforcement effectiveness, the Bill will improve the regulatory processes to bring in greater flexibility. The improvement measures in this respect include:

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<sup>1</sup> Under the Bill, a "responsible person" means (a) the owner of the lift or escalator, or (b) a person who has the management or control of the lift or escalator..

- (a) conferring power on DEMS to issue Improvement Orders for expediting the rectification of non-compliance with statutory requirements and practices;
- (b) allowing more flexibility for responsible persons to schedule the examination of lifts and escalators without affecting safety;
- (c) introducing a new use permit containing concise information of the lift or escalator such as expiry date of examination to better promote user surveillance and requiring responsible persons and registered contractors to retain maintenance records to facilitate accident investigation; and
- (d) empowering the Secretary for Development to make regulations under the new ordinance<sup>2</sup>.

### **Major views and concerns expressed by Panel members**

13. The Administration briefed the Panel on the legislative proposal to amend LESO on 27 October 2009 and 22 June 2010. While Panel members in general supported the proposed amendments, they expressed concerns about the qualification requirements, penalty levels and assistance to owners' corporations ("OCs") and owners of building. The views expressed by Panel members are summarized below.

#### Qualification requirements for lift and escalator engineers

14. Some Panel members considered that there was an urgency to upgrade the qualification requirements for lift and escalators engineers since figures showed that only 6% of them possessed RPE qualifications. On measures to cope with the shortfall, members were concerned whether continuing education was adequate for non-RPE lift and escalator engineers to upgrade their qualifications and suggested to allow a period or a gradual process for these engineers to acquire the required qualifications. To expedite knowledge enrichment, more sharing sessions with veterans and academics of the sector should be held for those engineers with less experience. The Administration envisaged that the percentage of lift and escalator engineers with RPE qualifications would pick up gradually. The Administration

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<sup>2</sup> There will be two sets of regulation to be made by the Secretary for Development. One set covers, among other things, the applications made under the Bill after its enactment, the duties of responsible persons for lifts or escalators, and the duties of registered persons. The other regulation will provide for fees payable under the Bill.

undertook to consider the suggestion of providing transitional arrangement to existing lift and escalator engineers.

#### Assistance to owners' corporations and building owners

15. Some members urged the Administration to provide technical assistance to OCs to facilitate the selection of qualified lift contractors and monitoring of standards of maintenance works. Detailed information about lift contractors, such as their background, adequacy of technical knowhow, sufficiency of spare parts, anticipated duration of maintenance works and capability in dealing with emergencies, should be made available to the public. In this regard, the Administration advised that in addition to a Lift Owners' Guidebook, the Electrical and Mechanical Services Department ("EMSD") had prepared a sample tender document on lift maintenance and the performance of lift contractors as well as a checklist of owners' responsibilities in lift maintenance for owners' reference. Building owners could access information concerning the reliability of lift contractors through EMSD's website. Moreover, EMSD has set up an enquiry hotline to offer technical advice on lift maintenance. It would continue to organize seminars for OCs on how to monitor lift maintenance works.

#### Staffing ratio for lift maintenance and inspection

16. A member expressed disappointment that the Administration had not accepted the suggestion of the Hong Kong General Union of Lift and Escalator Employees to include a staffing ratio for lift maintenance and inspection in the legislative proposal. The Administration explained that it was the consensus views of the trade that one lift and escalator team should handle about 50 installations, and the staffing ratio for lift maintenance and inspection should be specified through administrative measures instead of by legislation in order to provide flexibility. EMSD would monitor contractors to ensure that they deployed adequate manpower for lift and escalator works.

#### Increase in penalty levels

17. Members expressed concern about the proposed increase in the maximum fine for offences from \$10,000 to \$200,000, which would be too heavy for frontline workers. A member considered that the proposed penalties should be comparable and consistent across similar legislation, and that heavier penalties should be imposed on offences or misconduct jeopardizing public safety.

### **Questions raised by Members at Council meetings**

18. LegCo Members have also raised a number of questions relating to lift safety at the Council meetings during the past two sessions. Hyperlinks on these questions and the replies given by the Administration are shown in the **Appendix**.

### **Relevant papers**

19. The relevant papers and their hyperlinks are provided in the **Appendix**.

Council Business Division 1  
Legislative Council Secretariat  
30 May 2011

## Bills Committee on Lifts and Escalators Bill

## List of relevant papers

Date of meeting	Committee	Papers/Minutes of meeting
27 October 2009	Panel on Development	<p>Administration's paper on update on the regulatory control on lift safety and the legislative amendment proposal to Lifts and Escalator (Safety) Ordinance, Chapter 327 (LC Paper No. CB(1)94/09-10(03))  <a href="http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev1027cb1-94-3-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev1027cb1-94-3-e.pdf</a></p> <p>Paper on lift safety prepared by the Legislative Council Secretariat (Background brief) (LC Paper No. CB(1)94/09-10(04))  <a href="http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev1027cb1-94-4-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev1027cb1-94-4-e.pdf</a></p> <p>Minutes of meeting (LC Paper No. CB(1)911/09-10)  <a href="http://www.legco.gov.hk/yr09-10/english/panels/dev/minutes/dev20091027.pdf">http://www.legco.gov.hk/yr09-10/english/panels/dev/minutes/dev20091027.pdf</a></p>
22 June 2010	Panel on Development	<p>Administration's paper on Public Consultation on Legislative Amendment Proposal to the Lifts and Escalators (Safety) Ordinance, Chapter 327 (LC Paper No. CB(1)2247/09-10(07))  <a href="http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0622cb1-2247-7-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0622cb1-2247-7-e.pdf</a></p> <p>Paper on lift safety prepared by the Legislative Council Secretariat (Background brief)</p>

Date of meeting	Committee	Papers/Minutes of meeting
		(LC Paper No. CB(1)2247/09-10(08)) <a href="http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0622cb1-2247-8-e.pdf">http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0622cb1-2247-8-e.pdf</a>  Minutes of meeting (LC Paper No. CB(1)2803/09-10) <a href="http://www.legco.gov.hk/yr09-10/english/panels/dev/minutes/dev20100622.pdf">http://www.legco.gov.hk/yr09-10/english/panels/dev/minutes/dev20100622.pdf</a>

Other papers

Date of Council meeting	Members and questions
19 November 2008	Hon LAU Kong-wah – Safety of lifts <a href="http://www.info.gov.hk/gia/general/200811/19/P200811190212.htm">http://www.info.gov.hk/gia/general/200811/19/P200811190212.htm</a>
19 November 2008	Hon James TO – Monitoring of lift maintenance <a href="http://www.info.gov.hk/gia/general/200811/19/P200811190244.htm">http://www.info.gov.hk/gia/general/200811/19/P200811190244.htm</a>
3 December 2008	Hon CHAN Kam-lam – Maintenance of lifts in public housing estates <a href="http://www.info.gov.hk/gia/general/200812/03/P200812030131.htm">http://www.info.gov.hk/gia/general/200812/03/P200812030131.htm</a>
10 December 2008	Hon IP Wai-ming – Workers who maintain and repair lifts and escalators <a href="http://www.info.gov.hk/gia/general/200812/10/P200812100142.htm">http://www.info.gov.hk/gia/general/200812/10/P200812100142.htm</a>
20 May 2009	Ir Dr Raymond HO Chung-tai – Registration requirements for persons carrying out lift and escalator works

<b>Date of Council meeting</b>	<b>Members and questions</b>
	<a href="http://www.info.gov.hk/gia/general/200905/20/P200905200157.htm">http://www.info.gov.hk/gia/general/200905/20/P200905200157.htm</a>
30 June 2010	Hon IP Wai-ming – Safety of repairs works for lifts <a href="http://www.info.gov.hk/gia/general/201006/30/P201006300147.htm">http://www.info.gov.hk/gia/general/201006/30/P201006300147.htm</a>