

# Lifts and Escalators Bill

**Development Bureau**  
**May 2011**

# Objective

- The Lifts and Escalators Bill introduces a series of regulatory system to enhance legislative control of lifts and escalators in order to protect public safety.

# Background

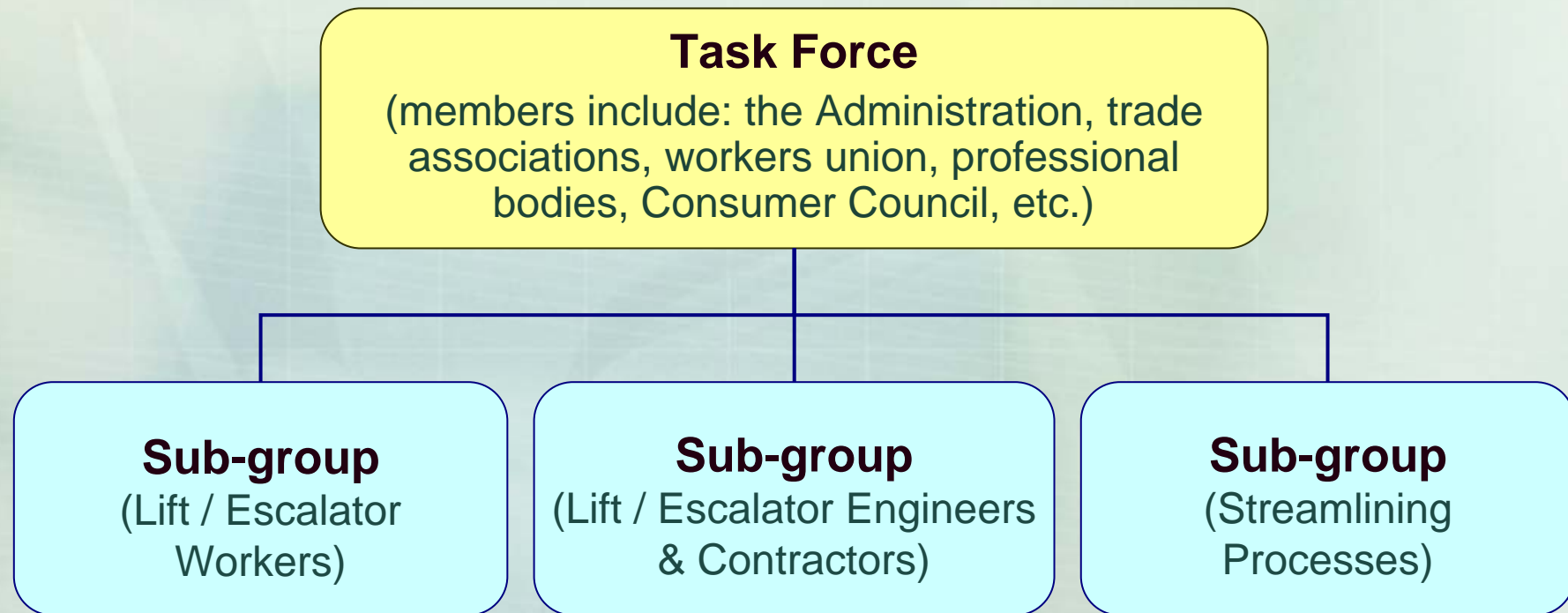
- In the past few years, the Government implemented a package of improvement measures to strengthen the regulatory control over lift and escalator safety under the framework of the Lifts and Escalators (Safety) Ordinance (Cap. 327) (“the Ordinance”).
- The Administration commenced a comprehensive review of the Ordinance in 2009, and conducted a public consultation from November 2009 to February 2010. The public and stakeholders were in general supportive of the legislative proposal.

# Background

- In 2009 and 2010, the Panel on Development was briefed about the progress of relevant measures and the review of the Ordinance.
- The Ordinance was enacted in 1960 and has been amended quite a number of times. As substantial amendments to the legislative framework are proposed under the recent legislative amendment proposal, the Administration proposes to introduce the Lifts and Escalators Bill (“the Bill”) which will replace the Ordinance.

# Background

- To ensure that views of relevant stakeholders are properly addressed in the Bill, a task force for legislative amendments to the Lifts and Escalators (Safety) Ordinance has been established and there are 3 sub-groups under the task force.





# Lifts and Escalators Bill

Part I	Preliminary
Part II	Safety of Lifts
Part III	Safety of Escalators
Part IV	Registration of Persons Involved in Lift Works or Escalator Works
Part V	Disciplinary Proceedings
Part VI	Appeals
Part VII	Administration and Enforcement
Part VIII	Repeal, Transitional and Savings Provisions, and Consequential or Related Amendments
Schedule 1 to Schedule 16	

# Key Regulatory Regime Enhancement Items

The key regulatory regime enhancement items under the Bill include –

- A. Strengthening the regulatory regime for workers, engineers and contractors;
- B. Increasing the penalty levels of offences;
- C. Extending the coverage of the legislation; and
- D. Introducing measures to enhance operational efficiency and enforcement effectiveness.

# A. Strengthening the control regime for workers, engineers and contractors

## 1. Strengthening the control regime for workers

- (i) Introducing a registration system to replace the existing employment-tied competent worker arrangement –

Under the Ordinance, the qualification requirements for becoming a competent worker are:

- **Route 1:**

in possession of specified academic attainment and at least 4 years' relevant experience; or

- **Route 2:**

in possession of at least 4 years' relevant experience, and is recognized by a registered contractor to have had sufficient experience for carrying out lift/escalator works independently without supervision.



## **A. Strengthening the control regime for workers, engineers and contractors**

### **1. Strengthening the control regime for workers (cont'd)**

- (ii) Under the Bill, the qualification requirements for becoming a registered worker are:
  - a) in possession of specified academic attainment and at least 4 years' relevant experience; or
  - b) in possession of at least 8 years' relevant experience and has passed a trade test; and
  - c) renewal of registration every five years, with continuing working and training requirements mandated for renewal.

## **A. Strengthening the control regime for workers, engineers and contractors**

### **1. Strengthening the control regime for workers (cont'd)**

#### (iii) Transitional arrangements

- Retain the competent worker arrangement so as to allow sufficient time for competent workers to seek registration as registered workers; and
- Allow those workers without suitable academic qualifications to apply for registration as registered workers based on the experiences recognized by registered contractors.

# A. Strengthening the control regime for workers, engineers and contractors

## 2. Strengthening the control regime for registered engineers

- (i) Registration requirements uplifted to Registered Professional Engineers qualification;
- (ii) Under the Bill, the qualification requirement for becoming a registered engineer are:
  - in possession of the qualification of registered professional engineer (“RPE”) of specific disciplines;
  - in possession of at least 2 years’ relevant experience; and
  - renewal of registration every five years, with continuing professional development (CPD) mandated for renewal.

(At present, applicants are required to be in possession of a Higher Diploma or Higher Certificate; and (i) have completed at least 2 years apprenticeship and have had at least 3 years’ relevant working experience; or (ii) have at least 5 years’ relevant working experience.)

## **A. Strengthening the control regime for workers, engineers and contractors**

### **2. Strengthening the control regime for registered engineers (cont'd)**

#### **(i) Transitional Arrangements**

- Registered engineers under the Ordinance will automatically become registered engineers when the Bill comes into operation;
- The registration requirements under the Ordinance will be retained; and
- Degree-holders in suitable disciplines with 4 years' relevant experience can apply for registration as registered engineers under the Bill.

## **A. Strengthening the control regime for workers, engineers and contractors**

### **3. Strengthening the control regime for registered contractors**

- (i) Criteria including the necessary facilities, resources and workforce for carrying out lift/escalator works are stipulated as registration requirements;
- (ii) Renewal of registration every five years.

## B. Increasing the penalty levels

### Increasing the existing penalty levels of offences

- Maximum fine increased from \$10,000 to \$200,000, while maximum imprisonment period will remain at 12 months.



## C. Extending the coverage of the legislation

### 1. Extending coverage to persons managing or controlling a lift / escalator (“responsible person”)

- The Ordinance only applies to owners of lifts and escalators, but other persons responsible for managing or controlling these facilities are basically not covered.
- The Bill will extend the coverage to other persons who have management or control in respect of the lifts / escalators.

## C. Extending the coverage of the legislation

### 2. Extension of the application to the Government and Housing Authority etc.

- To bring all lifts and escalators under the single control of EMSD

	No. of lifts	No. of escalators
Government	About 2,500	About 600
Housing Authority	About 5,000	About 120

## **D. Other major measures to enhance operational efficiency and enforcement effectiveness**

1. Enhance flexibility for scheduling lift/escalator examinations;
2. Improve the existing certificate system to facilitate "users' surveillance"; and
3. Confer powers on DEMS to issue "Improvement Order" for rectification of non-compliances with the legislative provisions within a specified time.



**Thank You**