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26 October 2011

Clerk to the Bills Committee,
LegCo Secretariat,
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(Attn: Ms Anita SIT)

Dear Ms SIT,

**Bills Committee on Lifts and Escalators Bill
Administration's Response to Follow-up Items**

In response to Members' discussion at the meeting of the Bills Committee on Lifts and Escalators Bill on 11 October 2011, we provide herewith the following information.

1. Renewal of Registration for Registered Lift and Escalator Engineers

Rationale for applying the registration renewal requirement to existing registered lift and escalator engineers

In view of technological advancement and growing public aspirations for higher lift and escalator safety, the Lifts and Escalators Bill (the Bill) has uplifted the registration qualification requirements for registered lift engineers or registered escalator engineers and introduced a registration renewal requirement to ensure public safety. Moreover, the registration renewal requirement can also enable the Registrar to

maintain a register with accurate information on registered engineers for public inspection. These requirements are similar to those currently in place for registered professionals involved in building safety. During public consultation period, the public has generally supported to uplift the registration qualification requirements for registered lift engineers and registered escalator engineers, and to introduce the registration renewal requirement.

When the proposed legislation comes into operation, lift engineers and escalator engineers registered under the Lifts and Escalators (Safety) Ordinance (Cap. 327) will respectively be recognized as registered lift engineers and registered escalator engineers under the proposed legislation. This one-off arrangement is to ensure that there will be adequate number of lift and escalator engineers to examine lifts and escalators in Hong Kong, when the proposed legislation comes into operation.

Schedule 9 of the Bill specifies the requirements of relevant professional training and relevant working for renewal of registration of registered engineers. They need to have completed at least 90 hours of relevant professional training and have at least one year's relevant working experience obtained within the 5-year period immediately before their submission of the applications. These requirements have taken into account the practical needs for engineers to keep abreast of technological development of lifts and escalators and to maintain their skills and expertise as registered engineers, yet without unnecessarily creating hindrances to their application for registration renewal.

Given the reasons mentioned above, the registration renewal requirements for engineers will be applicable to all registered engineers under the proposed legislation (including the registered engineers under the existing Ordinance). The arrangement, which aims to protect public safety, is considered fair for all the existing and future engineers.

We have discussed with the industry and received their general support during the process of drawing up the registration renewal requirements. The Task Force on Legislative Amendments to the Lifts and Escalators (Safety) Ordinance has also expressed their support for the relevant requirements.

Requirements of registration renewal for registered lift and escalator engineers

Clause 79(3) and schedule 9 of the Bill provide that registered lift

engineers (the applicants) applying for registration renewal should have completed at least 90 hours of relevant professional training and have at least one year's relevant working experience obtained within the 5-year period immediately before their submission of applications. When the Registrar is satisfied that the applicant has met the requirements and is a fit and proper person to continue to perform the functions of a registered lift engineer (see clause 79(3)(b)), the Registrar may then grant him a renewal. We will explain the registration renewal requirements for registered lifts engineers and other relevant considerations in more details during the examination of the relevant provisions, including clause 79(3) and schedule 9, in subsequent Bills Committee meetings. There are similar registration renewal requirements for registered escalator engineers.

2. Transitional arrangements for lift and escalator workers

We will take into account any adverse impact on the livelihood of the existing workers or the human resources in the industry when determining the expiry dates of the two transitional arrangements set out in paragraphs 6 and 7 of Appendix F attached to the LegCo paper CB(1)2528/10-11(01). When the proposed registration system is place, we will be to better monitor the manpower situation. In addition, we will consult the industry stakeholders on the proposed expiry dates.

To effect the termination of the transitional arrangements mentioned above, the Bill, after enactment, would need to be amended. The legislative amendments required to be made are laid down in the relevant provisions of schedule 16 of the Bill. To give effect to the amendments specified in any of those provisions, the Secretary for Development will appoint a date for commencement of the provision, and any such appointment is to be effected by means of a commencement notice made under clause 1(2) of the Bill. The commencement notice is subject to the "negative vetting procedure".

3. Penalty level

The penalties for contravention of relevant offences under the Bill are set to appropriately reflect the severity of offences and exert the required punitive and deterrent effect. In this regard, we have taken into account factors such as the nature of contraventions, liability of the defendants, defence, and onus of proof, as well as making reference to penalties of offences of other building safety related ordinances.

The penalty level of offences under the Bill as a whole is compatible with the offences of similar nature in other ordinances, with the maximum fine increased to \$200,000 and the maximum imprisonment period remained at 12 months. The maximum penalty is generally applicable to serious contraventions which are committed with **wilful intention** such as when a person, in the absence of written permission of the Director of Electrical and Mechanical Services and appropriate statutory defence, reconnects the electricity supply to a lift which has been disconnected by the Director; or when a person wilfully obstructs any enforcement officer in the exercise of the statutory powers. Besides, there are also provisions for disciplinary sanctions under the Bill. A registered contractor or registered engineer is liable to prosecution, or disciplinary sanctions resulting in reprimand, fine and/or cancellation or suspension of the registration if he contravenes any of the provisions.

In respect of the penalty of individual offences, we will explain in more details the regulatory effects of individual provisions and the considerations for setting the level of penalty of the related offences during the clause-by-clause deliberations of the Bills Committee.

4. Registered contractors' performance rating schemes

Registered lifts and escalators contractors' performance rating scheme

The Electrical and Mechanical Services Department (EMSD) has implemented the "Registered Lift Contractors' Performance Rating" scheme and "Registered Escalator Contractors' Performance Rating" scheme ("Registered Contractors' Performance Rating" schemes) since June 2009 and September 2011 respectively to provide reference for owners and their building management companies in selecting suitable contractors for maintaining and repairing the lifts and escalators of their property.

The "Registered Contractors' Performance Rating" schemes are point-deduction schemes based on the results of EMSD's audit inspections, with the full marks of 100. It consists of two parts, each carrying 50 marks, namely (i) "Maintenance Index¹" and (ii) "Safety Index²". The "Maintenance Index" aims to reflect the registered

¹ Maintenance Index = $50 \times (1 - \text{cumulated maintenance performance monitoring points} / \text{number of lift inspections})$

² Safety Index = $50 - \text{cumulated safety performance monitoring points (each critical)}$

contractors' average performance in lift maintenance which is calculated by deducting the cumulated performance monitoring points divided by the number of lift inspections from the "50 marks". If unsatisfactory maintenance performance is identified during EMSD's audit inspection, EMSD will deduct the marks from the "Maintenance Index" of the concerned contractor. The "Safety Index" aims to reflect the safety performance of the registered contractors. If EMSD identifies any serious safety non-compliance during audit inspection, EMSD will take appropriate prosecution action in addition to deducting the safety performance score of the concerned contractor.

The contractors' performance rating (CPR) will be updated every three months and the performance monitoring points will be valid for 12 calendar months. To enable owners and property management companies to have a more comprehensive understanding of contractors' performance, we have announced the "Maintenance Index" and "Safety Index" of individual contractors in addition to the CPR.

Information relevant to contractors' performance

EMSD has published the following contractors' performance related information on EMSD website for reference of the public –

1. Introduction to Registered Lift Contractors' and Registered Escalator Contractors' Performance Rating
2. Current and past performance indexes
3. List of warning letters issued
4. Reported Lift and Escalator Incident Records

The relevant EMSD webpages showing the links to the above information are at **Annex 1**.

To further facilitate the public to understand contractors' performance, EMSD will study to consolidate relevant contractors' performance information being released to make the dissemination of contractors' information on EMSD website more user-friendly, easy to understand and direct. At the same time, we will review the "Registered Contractors' Performance Rating" schemes with property management companies and the trade and will study to further improve the performance assessment criteria, with a view to facilitating the owners and property management companies to select suitable contractors for maintaining and repairing their lifts and escalators.

5. Analysis of the causes of lift incidents involving equipment fault

On 17 June and 4 October 2011, we provided the Bills Committee with papers (Annex C to LegCo paper CB(1)2528/10-11(01) and LegCo paper CB(1)3074/10-11(01)) on analysis of the causes of equipment fault related lift incidents in recent years. In response to the discussions at the Bills Committee meeting of 11 October 2011, we would like to provide the following supplementary information.

Maintenance provided by non-original contractors

Due to rapid technological advancement and the wide variety of lift types, registered lift contractors when undertaking maintenance services for different brand and model of lifts must ensure that they have the required technical support; their employees have received the related maintenance and repair training on the brand and type of lifts; and they have possessed the relevant technical information (including circuit diagrams, operation and maintenance manuals, etc.) of the brand and type of lifts. Besides, it is inevitable that parts are required to be replaced due to equipment fault. Therefore, the registered lift contractors should also keep enough stock of spare parts. In general, original contractors have the competitive edge in satisfying the above criteria.

Practice of awarding tenders to the lowest bid

As tender prices are private contractual information, we do not have access to this information to see whether the maintenance services contracts for lifts involved in previous incidents were awarded to contractors offering the lowest tender prices. As such, we are not able to draw any conclusion on whether the equipment fault related incidents were related to tendering practice of awarding tenders to the lowest bidder.

In spite of the above, owners or their property management agents should select suitable tendering practice with care. If a lift maintenance services contract is awarded to a contractor with unreasonably low tender price, or who is commercially, financially, or technically not capable of undertaking the contract, it is very likely that the quality of maintenance or even the safe operation of the lift may be seriously jeopardised due to the incapability of the maintenance contractor to provide sufficient manpower, equipment and/or tools.

Ages of lifts

Lift is an important transportation means that we use everyday. Due

to their frequent usage, normally wear and tear of the parts of a lift is inevitable. In order to keep lifts in good working order, lift owners must ensure that their lifts are maintained properly. If lifts are properly maintained and examined, and worn and torn components are timely replaced or upgraded, the service life of lifts could be extended.

In general, some of the major components of a lift will wear out or cannot perform their original functions after prolonged usage and corresponding major alteration or upgrading is therefore required. EMSD is promoting to the public the key issues that need to be aware of in maintaining aged lifts as well as providing information on the benefits of upgrading aged lifts. The public can obtain the relevant information from the 'Lift Owners' Guidebook'.

According to information on equipment fault related incidents in 2010, there is no clear indication showing that incident rate is directly related to the age of a lift. We believe that a possible explanation might be that major alteration or upgrading works have been timely carried out for most of the aged lifts. On the other hand, the absence of a clear relationship between ages of lifts and incident rate might due to the small number of incidents happened in the past.

6. Assistance to lift and escalator owners

The prices for maintaining lifts and escalators are affected by a host of factors, including inter alia, the type, model, speed, usage, maintenance specifications and operation requirements of the lifts and escalators. Since the prices for maintaining lifts and escalators are not under the regulatory control of the existing Ordinance, and such prices are sensitive information, there exists great difficulty in obtaining such information from the private market for devising and compiling a reference index. Nevertheless, we will try to engage the representatives of property management companies to see whether reference information on prices could be compiled and provided with a view to facilitating owners and property management companies to select suitable contactors to maintain and repair the lifts and escalators in their properties.

We wish to reiterate that factors other than prices should be duly considered when selecting a suitable contractor for maintaining lifts and escalators, including whether the contractor has sufficient technical knowhow to provide proper maintenance services for various brands and models; whether the contractor's employees have received the related

maintenance and repair training on the concerned brand and model; and whether the contractor has possessed adequate technical information on the concerned brand and model such as circuit diagrams, operation and maintenance manuals, etc. EMSD has posted on its website a sample tender document for procuring lift maintenance services for reference of owners and property management companies. In addition, owners and property management companies may also make reference to the released information on contractors' performance when procuring the relevant services. To further facilitate the public to assess contractors' performance, EMSD will study to consolidate relevant contractors' performance information being released, including the ratings, incident records, summaries of warning letters to make the dissemination of contractors' information on EMSD website more user-friendly, easy to understand and direct.

7. Manpower engaged in lift and escalator works

In the LegCo paper CB(1)3074/10-11(01) submitted to the Bills Committee on 4 October 2011, we have given an account on the existing number of lifts and escalators in the territory, the annual growth rate, the number of registered engineers and competent workers, as well as the manpower resources situation on examination and periodic maintenance services for lifts and escalators³. We are conducting analysis on the manpower resources situation of other engineering services for lifts and escalators.

Apart from providing periodic maintenance services to lifts and escalators, the duties of competent workers also include installation and repair of lifts and escalators as well as the provision of incident support service. On manpower resources, discounting those engaged in periodic maintenance works, there are at present about 1 730 competent workers (about 35% of the total number of competent workers)⁴ engaged in installation and repair of lifts and escalators as well as the provision of

³ At present, there are about 58 000 lifts and 8 000 escalators in Hong Kong. In the past three years, the numbers, on average, increased by about 780 (about 1.3%) and 170 (about 2.1%) respectively each year. There are 4 950 competent workers engaged in lift and escalator works.

⁴ As stated in the LegCo paper CB(1)3074/10-11(01), according to our conservative estimate, at present there are about 3 220 competent workers (or 65% of the total number of competent workers) engaged in periodic maintenance work.

incident support service⁵. Having regard to the number of new⁶ and retired⁷ competent workers, we estimate that there will be about 1 890 competent workers (or registered workers under the proposed legislation) engaged in the relevant works in 2016, representing a net increase of about 9.2%. During the same period, the number of lifts and escalators is estimated to be increased by 4 750, which is equivalent to an increase of 7.2% over the total number of lifts and escalators in 2011.

Since the manpower demand on installation⁸ and repair of lifts and escalators and provision of incident support service is proportional to the total number of lifts and escalators, we believe that there will be adequate manpower resources for installation and repair of lifts and escalators and provision of incident support service in the coming years.

Yours sincerely,



(Jimmy PM CHAN)
for Secretary for Development

⁵ Incident support service includes release of passengers trapped in breakdown lifts, repair works for handling equipment fault incidents and emergency call duty, etc.

⁶ According to the information provided by registered contractors, they are now employing over 690 non-qualified workers. When these workers have gained 4 years' relevant working experience, they may acquire the status of competent workers under the existing Ordinance according to their qualification, or apply for registration as registered lift workers or registered escalator works under the proposed legislation. The estimate has not taken into account those who completed the recognized training course held by the Vocational Training Council and gained relevant working experience to be competent workers each year (we estimate on average there are about 50 graduates each year satisfying the qualification requirements).

⁷ According to the latest information provided by registered contractors, 938 out of 4 950 competent workers are aged 50 or above. Based on this data, we estimate there will be on average about 94 competent workers retiring each year.

⁸ As the annual growth rate of lifts and escalators is relatively stable, the demand for lift and escalator installation works is relatively stable.

Encl.

c.c. w/encl.

Director of Electrical and Mechanical Services (Attn: Mr Alfred SIT)

Law Officer (Civil Law), Department of Justice (Attn: Ms Bonnie CHAU)


Law Draftsman, Department of Justice (Attn: Ms Frances HUI and Ms Angie LI)

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The Government of the Hong Kong Special Administrative Region

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Highlight

Adjustment of Auto-LPG Ceiling Prices in November 2011

The auto-LPG ceiling prices for dedicated LPG filling stations are in the range from \$4.22 to \$4.64 per litre, representing a

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Lifts and Escalators : Publications

- General
- C P R**
- Guidance Notes / Guidelines
- Code of Practice
- Circulars

Lifts and Escalators Bill

Link to the Information on Contractors' Performance Rating

- [Legislative Council Brief: Lifts and Escalators Bill](#) [PDF format (6.38MB)]
- [Press Briefing Powerpoint Slides](#) [PDP format (244KB)]

Report

- [Report on Audit Inspection on the Lifts at the Tenant Purchase Scheme Estates](#) [PDF format (89KB)]

Lift / Escalator Incident

- [Reported Lift Incident Records](#)
- [Reported Escalator Incident Records](#)
- [Technical Report on Incident](#)
 - [Technical Investigation Report on Escalator Incident on 24 February 2011 at the Hong Kong Design Institute, Tseung Kwan O](#) [PDF format (175KB)]
 - [Technical Report on Lift Incident on 11 September 2010 at Tsui Lai Garden, Sheung Shui](#) [PDF format (220KB)]
 - [Technical Report on Lift Incident on 12 March 2009 at Westlands Centre, Westland Road, Quarry Bay](#) [PDF format (169KB)]
 - [Technical Report on Lift Incident on 11 January 2009 at Heng Shan House, Heng On Estate, Ma On Shan](#) [PDF format (101KB)]
 - [Report on the Lift Incident on 9 November 2008 at Wan Lam House, Wan Tau Tong Estate, Tai Po](#) [PDF format (94KB)]
 - [Technical Report on the Lift Incident on 25 October 2008 at Shin Nga House, Fu Shin Estate, Tai Po](#) [PDF format (1.30MB)]
 - [Executive Summary - Lift Incident at Shin Nga House, Fu Shin Estate, Tai Po](#) [PDF format (24KB)]

Guidebook / Guideline & Tips

- [Checklist for Household E & M \(Electricity, Gas, Lifts and Escalators\) Safety](#) (Traditional Chinese version) [PDF format (307KB)]
- [Safe use of Lifts / Escalators](#)
- [Lift Owners' Guidebook \(2009 Edition\)](#) [PDF format (2.89MB)]

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Lifts and Escalators : Publications

- General C P R

Contractors' Performance Rating (CPR)

Registered Lift Contractors

- [Introduction to Registered Lift Contractors' \(RLC\) Performance Rating](#) [PDF format (1.24MB)]
- [Contractors' Performance Rating \(CPR\) \(from September 2010 to August 2011\)](#)
*in performance index order [PDF format (16KB)]
*in alphabetical order [PDF format (16KB)]
- [Past Contractors' Performance Rating](#)
- [Report on the Contractors' Performance Rating \(from September 2010 to August 2011\)](#) [PDF format (41KB)]
- [List of Warning Letters Issued \(from September 2010 to August 2011\)](#) [PDF format (52KB)]
- [Reported Lift Incident Records](#)

Registered Escalator Contractors

- [Introduction to Registered Escalator Contractors' \(REC\) Performance Rating](#) [PDF format (2.04MB)]
- [Contractors' Performance Rating \(CPR\) \(from June 2011 to August 2011\)](#)
*in performance index order [PDF format (15KB)]
*in alphabetical order [PDF format (15KB)]
- [Report on the Contractors' Performance Rating \(from June 2011 to August 2011\)](#) [PDF format (34KB)]
- [List of Warning Letters Issued \(from June 2011 to August 2011\)](#) [PDF format (17KB)]
- [Reported Escalator Incident Records](#)

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