Examination of Estimates of Expenditure 2013-14

CONTROLLING OFFICER'S REPLY TO INITIAL WRITTEN QUESTION

Reply Serial No.

DEVB(W)114

Question Serial No.

3054

Head: 42 Electrical and Mechanical

Subhead (No. & title):

Services Department

Programme: (2) Mechanical Installations Safety

<u>Controlling Officer</u>: Director of Electrical and Mechanical Services

Director of Bureau: Secretary for Development

Question:

In view of the recent lift incident that caused a number of injuries, please advise:

- a. What are the current resources deployed by the Administration in conducting inspection and monitoring of lift safety? What are the manpower and workflow?
- b. Will the Administration consider reviewing the existing legislation in regulating lift safety? Is there sufficient deterrent effect? Is it effective in regulating and monitoring the safety level of lifts, so as to ensure the safety of general public in using lifts? If yes, please provide the details; if no, what are the reasons?
- c. In the past three years (i.e. 2010-11 to 2012-13), what are the numbers of warnings or prosecutions/disciplinary actions against the lift maintenance contractors for failing to comply with the above legislation? What are the related penalties?

Asked by: Hon. CHAN Han-pan

Reply:

a. For monitoring lift and escalator safety, the team in the Electrical and Mechanical Services Department (EMSD) responsible for carrying out audit inspections for lifts and escalators comprises one Senior Engineer, three Engineers and 19 Inspectors. The estimated expenditure in this respect for 2013-14 is around \$15.9 million. EMSD adopts a risk-based approach to arrange audit inspections of lifts and escalators taking into account age, type of installation, complaint, incident, change-over of maintenance contractors, and performance of contractors involved. EMSD also conducts surprise checks to ensure that the services provided by the registered contractors, engineers and workers are up to the standard requirements. Warning letters will be issued to concerned parties for improvement if irregularities are found in the inspections. In case offences are found during inspections, EMSD will take appropriate enforcement and/or disciplinary actions against the parties concerned.

- b. The main provisions of the new Lifts and Escalators Ordinance, Cap 618 (the Ordinance) were put into full operation on 17 December 2012 when the Lifts and Escalators (Safety) Ordinance (Cap.327) was repealed. The Ordinance has introduced a series of enhanced control measures including (a) strengthening the registration regime of the personnel and contractors engaged in lift and escalator works; (b) increasing the penalty levels of offences; (c) extending the coverage of the legislative frameworks; and (d) enhancing the operational efficiency and enforcement effectiveness. The maximum penalty under the new Ordinance is increased to a fine of \$200,000 while maintaining a maximum period of imprisonment at 12 months to achieve greater punitive and deterrent effects. In addition, the Director of Electrical and Mechanical Services as the Registrar under the Ordinance can suspend or cancel the registration of a registered contractor under stipulated circumstances including contravention of any provision of the Ordinance.
- c. The number of warning letters issued to, and prosecutions and disciplinary cases initiated against registered lift contractors in the past three years are summarised in Table 1 below

Table 1

	2010-11	2011-12	2012-13
Number of Warning Letters Issued	16	21	10
Number of Prosecutions Initiated ¹	4	1	1
Number of Disciplinary Cases Initiated ¹	2	0	1

Note: 1 – the prosecutions and disciplinary cases were initiated under the repealed Lifts and Escalators (Safety) Ordinance (Cap 327).

The fines imposed on the convicted prosecution cases range from \$2,000 to \$5,000 while the fines together with the associated administrative charges which the contractors have to pay for the two already completed disciplinary cases are \$424,635 and \$281,289 respectively.

Name in block letters:	CHAN Fan	
	Director of Electrical and	
Post Title:	Mechanical Services	
Date:	2.4.2013	