

《升降機及自動梯條例草案》

《Lifts and Escalators Bill》

二零一一年四月二十一日

21 April 2011

背景

Background

- 過去五年(二零零六至一零年)，超過170宗涉及升降機事故，導致超過20人受傷

Over 170 lift incidents in the past five years (from 2006 to 2010) causing injuries to over 20 people

- 其中在二零零八年年底大埔富善邨發生的升降機下墮事故，令市民更加關注升降機安全

In particular, the plunging of a lift in Fu Shin Estate in end 2008 has heightened public concerns over lift safety

背景

Background

□ 已推出一系列改善措施，確保升降機安全

Enhancement measures introduced to assure lift safety

1. 加強巡查和宣傳，例如：

Stepping up inspections and publicity, e.g.

- 抽查的比例由先前的「十抽一」提高至「七抽一」；相當於由每月抽查大約 420部提高至每月 600部

Inspection rate increased from 1-out-of-10 to 1-out-of-7; which means that the number of inspections is increased from 420 to 600 each month.

背景

Background

2. 披露承辦商表現的資料

Disclosure of contractors' performance

- 推出「承辦商保養表現評級制度」：一套以機電工程署升降機巡查記分結果為基礎的評級制度，48間註冊承辦商所獲表現得分評級於每季公報

Contractors' Maintenance Performance Rating Scheme : a rating system based on audit inspections by EMSD with the results publicized on a quarterly basis

3. 改善現行實務守則

Enhancement of existing code of practice

- 最少兩名工人(工作二人組)進行的指定工作，由2項增至10項（新增項目包括：在升降機井道底坑執行工作、為纜索加油等）

No. of prescribed activities requiring engagement of at least two workers increased from 2 to 10 (additional items include : works in the lift pit; lubricating wire ropes, etc.)

背景

Background

4. 全面檢討於1960年制定的《升降機及自動梯(安全)條例》
(第327章)
Comprehensive review of the existing Lifts and Escalators (Safety)
Ordinance (Cap. 327) enacted in 1960

用以加強升降機及自動梯安全的
《升降機及自動梯條例草案》

《Lifts and Escalators Bill》 to enhance the
safety of lifts and escalators

新條例如何加強升降機及自動梯安全

How the Bill enhances lift / escalator safety

- A. 加強現行工人、工程師及承辦商的規管制度
Strengthening the existing control regime for workers, registered engineers and contractors
- B. 擴大條例的涵蓋範圍
Extending the coverage of the legislation
- C. 提高現行違例的罰則水平
Increasing the existing penalty level of offences
- D. 引入提高運作效率及執法成效的措施
Introducing measures to enhance operational efficiency and enforcement effectiveness

A. 加強工人、工程師及承辦商的規管制度

Strengthening the control regime for workers, engineers and contractors

1. 加強工人的規管制度

Strengthening the control regime for workers

- (i) 引入工人註冊制度：工人將根據其學歷、訓練及經驗，申請成為註冊工程人員，以取代現時的就業掛鈎式的“合資格工人”安排

Introducing a registration system - registration based on workers' academic attainments, training and experience, to replace the existing employment-tied “competent worker” arrangement.

- 與註冊承辦商和工程師一樣，註冊工人同需確保工程妥善和安全地進行，並受相關制度規管
Same as registered contractors and engineers, registered workers shall ensure that the works are carried out properly and safely, and are subject to regulatory control.

A. 加強工人、工程師及承辦商的規管制度 Strengthening the control regime for workers, engineers and contractors

1. 加強工人的規管制度 (繼續)

Strengthening the control regime for workers (cont'd)

- (ii) 註冊工人需每五年為其註冊續期，而且必須符合有關進修規定
Renewal of registration every five years, with training requirements
mandated for renewal

A. 加強工人、工程師及承辦商的規管制度 Strengthening the control regime for workers, engineers and contractors

2. 加強工程師的規管制度

Strengthening the control regime for registered engineers

(i) 註冊要求提升至專業工程師資格

Registration requirements uplifted to Registered Professional Engineers (RPE) qualification

(ii) 註冊工程師需每五年為其註冊續期，而且必須符合有關持續進修規定

Renewal of registration every five years, with continuing professional development mandated for renewal

A. 加強工人、工程師及承辦商的規管制度 Strengthening the control regime for workers, engineers and contractors

3. 加強承辦商的規管制度

Strengthening the control regime for registered contractors

- (i) 註冊要求以法例條文清楚列出
Registration requirements specified in the Bill

- (ii) 註冊承辦商需每五年為其註冊續期
Renewal of registration every five years

B. 擴大法例的涵蓋範圍

Extending the coverage of the legislation

1. 擴大涵蓋範圍，至管理或控制升降機及自動梯的人 （「負責人」）

Extending coverage to persons having management or control of a lift / escalator (“responsible person”)

- 現時的條例(第327章)只涵蓋升降機及自動梯的擁有人，但其他負責管理或控制此等設施的人士則並不涵蓋在內

Existing Ordinance (Cap. 327) only applies to owners of lifts / escalators, but other persons charged with the duty to manage or control these facilities are not covered

- 新條例草案將擴大涵蓋範圍至任何管理或控制升降機或自動梯的人

The Bill will extend the coverage to persons who have management or control of lifts / escalators

B. 擴大法例的涵蓋範圍

Extending the coverage of the legislation

2. 擴大法例適用範圍至政府及房委會等

Wider extension of the ordinance to the Government and Housing Authority etc.

- 將所有升降機及自動梯納入機電工程署的單一監控下
To bring all lifts and escalators under the single control of EMSD

	升降機數目 No. of lifts	自動梯數目 No. of escalators
政府 Government	大約 2,500	大約 600
房委會 Housing Authority	大約 5,000	大約 120

- 加入報告機制，以促進各政府部門遵守條文
A reporting mechanism to be established to facilitate compliance by government departments

C. 提高罰則水平

Increasing the penalty levels

C. 提高違例的罰則水平

Increasing the existing penalty levels of offences

- 最高罰款額由10,000元增至200,000元，最長監禁期則維持在12個月
Maximum fine increased from \$10,000 to \$200,000, while maximum imprisonment period will remain at 12 months

D. 其他提高運作效率及執法成效的主要措施

Other major measures to enhance operational efficiency and enforcement effectiveness

1. 增強升降機及自動梯檢驗時間的靈活性
Enhance flexibility to schedule examination of lifts and escalators
2. 改善現時的證明書制度，方便「使用者監察」
Improving the existing certificate system to facilitate "users' monitoring"
3. 授權機電工程署署長發出「改善令」，以在指定時間內修正不合法例要求的情況
Giving DEMS the power to issue Improvement Order for rectification of any non-compliance with the legislative provisions within a specified time

立法時間表

Legislative Timetable

刊登憲報 Publication in the Gazette	2011年4月21日 21 April 2011
首讀和開始二讀辯論 First Reading and commencement of Second Reading debate	2011年5月11日 11 May 2011
恢復二讀辯論、委員會 審議階段和三讀 Resumption of Second Reading, Committee Stage and Third Reading	另行通知 To be notified

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