

LIFTS AND ESCALATORS ORDINANCE (Chapter 618)

It is hereby notified that the Disciplinary Board under section 110 and Schedule 12 of the Lifts and Escalators Ordinance (Chapter 618) ('the Ordinance') conducted a hearing on 3 March 2021 and was satisfied that Eugene Engineering Company Limited ('Eugene') was guilty of committing disciplinary offences by having been convicted of offences under the Ordinance including the subsidiary legislation at the Fanling Magistrates' Courts on 22 February 2019 (case numbers FLS012468/2018 and FLS012469/2018) in connection with the following charges. The related incident happened in the afternoon of 11 May 2018, in which lift number 5 installed at Paris Court, Sheung Shui Town Centre, 9 Chi Cheong Road, Sheung Shui, New Territories moved upwards unintentionally at 7th Floor, while its doors were opened, causing the death of a woman aged 64:—

- (1) of an offence under section 16(1)(a) and 16(2) of the Lifts and Escalators Ordinance (Chapter 618) in that Eugene, between 28 April 2016 and 11 May 2018 (both dates inclusive), being a registered lift contractor who undertook lift works of lift number 5 with the location number 0510629-005 at Sheung Shui Town Centre, 9 Chi Cheong Road, Sheung Shui, New Territories, in Hong Kong, namely maintenance works of the brake of the said lift number 5, did, without reasonable excuse, failed to ensure that the said lift works were carried out properly; and
- (2) of an offence under section 4(1) and 4(4) of the Lifts and Escalators (General) Regulation (Chapter 618A) in that Eugene, on 10 September 2017, being a registered lift contractor who subcontracted to another person maintenance works of lift number 5 with the location number 0510629-005 at Sheung Shui Town Centre, 9 Chi Cheong Road, Sheung Shui, New Territories, in Hong Kong, did, without reasonable excuse, failed to notify in the specified form the Director of Electrical and Mechanical Services of the subcontracting of the works not later than 7 days before the first commencement day of the works.

The Disciplinary Board ordered that:—

- (1) Eugene be fined HK\$75,000 for the disciplinary offence under Charge (1) and HK\$10,000 under Charge (2) under section 112(1)(b)(ii) of the Lifts and Escalators Ordinance (Chapter 618);
- (2) Eugene should pay the costs of the proceedings incurred by (a) the Disciplinary Board in the sum of HK\$72,310, (b) the Department of Justice in the sum of HK\$10,760 and (c) the Electrical and Mechanical Services Department in the sum of HK\$29,466 under section 112(2) of the Lifts and Escalators Ordinance (Chapter 618); and
- (3) The order made above be published in the *Gazette*.

30 April 2021

WONG Chun-ho, Franky *Chairman of the Disciplinary Board*