

**Subcommittee on the
Occupational Safety and Health
(Display Screen Equipment) Regulation**

Explanatory Note for the Proposed Amendments

Arising from the clause-by-clause examination performed by the Subcommittee at the last meeting, the Administration reviewed the proposed Regulation, and as a result, proposes the following enhancements to clearly reflect our policy intention -

Section 3(1)

2. In the previous draft, the section states that the proposed Regulation covers all workplaces where display screen equipment is used for or in connection with work. At the last Subcommittee meeting, however, some Members raised that there exist scenarios in which the responsible person may not be aware or intend that a workstation under his control is used by users for work purposes. For example, workstations in a public library may be used by a member of the public, who, by nature of his occupation, is a user as defined in the proposed Regulation, for work purposes. In such an event, the responsible person will be liable to comply with sections 4 to 7, which is not the policy intention.

3. Some Members also raised at the last Subcommittee meeting that some workstations may be temporarily used by users (as defined in section 2) for work purposes. It is acknowledged that such short-term use of a workstation will unlikely cause health hazards and, along the principle in section 3(2), the inconvenience caused to the responsible person by requiring him to comply with the proposed Regulation should be avoided.

4. Taking into account the views of the Subcommittee, we wish to clarify our policy intention by amending section 3(1) such that a workstation will fall under the coverage of the proposed Regulation if it is -

- (a) provided by the responsible person to be used by users work;
- (b) not intended for use by the public; and

- (c) normally used or intended to be normally used by users.

Section 4(4)(a)

5. The policy intention is that where the responsible person has reason to suspect that there has been a significant change in the conditions of a previous assessment, the responsible person should review the risk assessment.

Section 6

6. The policy intention is that the responsible person should make available necessary information to users who uses a workstation. The drafting is simplified taking into account Members' views raised at the last Subcommittee meeting.

Section 7

7. The drafting is simplified as a result of the amendments to section 3(1).

Section 8

8. having re-considered the provision, we are of the view that the general safety and health training provided by the responsible person in respect of the use of workstation is already adequate to cater for changes in the workstation. Section 8(2) is repealed.

Section 9

9. Drafting of section 9 is simplified taking into account Members' views raised at the last Subcommittee meeting.

Section 10(2)

10. Section 10(2) is amended as a result of the repeal of section 8(2).

(version as at 27 June 2001)

**OCCUPATIONAL SAFETY AND HEALTH (DISPLAY
SCREEN EQUIPMENT) REGULATION**

(Made under section 42 of the Occupational Safety and
Health Ordinance (Cap. 509) subject to the
approval of the Legislative Council)

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Commissioner for Labour by notice published in the Gazette.

2. Interpretation

In this Regulation, unless the context otherwise requires -
"display screen equipment" (顯示屏幕設備) means any display screen which shows letters, numbers, characters or graphics, regardless of the display process involved;

"user" (使用者) means an employee who normally uses display screen equipment as a significant part of his normal work;

"workstation" (工作間) means an assembly comprising -

- (a) display screen equipment;
- (b) any chair, desk, work surface, printer, document holder or other item peripheral to the display screen equipment; and
- (c) the immediate working environment around the display screen equipment.

3. Application

- (1) ~~This Regulation applies to all workplaces in which display~~ {

~~screen equipment is used for or in connection with work. This Regulation applies to a workstation in a workplace that is -~~

- ~~(a) provided by a person responsible for the workplace to be used by users for work;~~
- ~~(b) not intended for use by the public; and~~
- ~~(c) normally used or intended to be normally used by users.~~

(2) This Regulation does not apply to or in relation to the following -

- (a) display screen equipment that is used mainly to show pictures, television or films;
- (b) drivers' cabs or control cabs for vehicles or machinery;
- (c) display screen equipment on board a means of public transport;
- (d) portable systems not in prolonged use;
- (e) calculators, cash registers or any equipment having a small data or measurement display required for direct use of the equipment; or
- (f) window typewriters.

4. Risk assessment

(1) The person responsible for a workplace shall perform a risk assessment of a workstation in the workplace before it is first used by users.

(2) For workstations in service in the workplace immediately before the commencement of this Regulation and used by users on or after that commencement, the person responsible for the workplace shall

perform a risk assessment of those workstations within 14 days after that commencement.

(3) For the purpose of complying with subsections (1) and (2), the risk assessment shall consist of a process of -

- (a) identifying the potential hazards arising from ~~the work~~ ~~in~~ the workstation;
- (b) deciding who might be at risk and how the person is affected;
- (c) evaluating the risks arising from the potential hazards and deciding whether existing precautions are adequate; and
- (d) recording the findings.

(4) If -

- (a) the person responsible for a workplace has reason to suspect that there has been a significant change in the conditions of a previous assessment ~~may have changed~~;
- or

(b) there has been a significant change in a workstation, the person responsible for the workplace shall review the risk assessment performed in respect of the workstation and revise the record of findings accordingly.

(5) The person responsible for a workplace shall keep a record of all risk assessments performed by him in respect of a workstation, which shall include all findings recorded or revised under subsections (3) (d) and (4), and shall retain that record for a period of at least 2 years after that workstation ceases to be used by any user.

~~(6) The person responsible for a workplace shall -~~

~~(a) upon request by an occupational safety officer, produce for inspection any record kept and retained by him under subsection (5); or~~

~~(b) in case he is unable to comply with paragraph (a), deliver a copy of the record to the officer for inspection within such period as may be specified in a request in writing sent by the officer.~~

~~(6) Upon request by an occupational safety officer, the person responsible for a workplace shall produce for inspection any record kept and retained by him under subsection (5).~~

~~(7) Upon request in writing by an occupational safety officer, the person responsible for a workplace shall, within such period as may be specified in the request, deliver to the officer a copy of any record kept and retained by him under subsection (5).~~

5. Reduction of risks

The person responsible for a workplace shall take steps to reduce any risks identified in a risk assessment performed by him under section 4 to the lowest extent as is reasonably practicable.

6. Provision of information

The person responsible for a workplace shall ~~inform~~ make available to users ~~who normally use~~ of a workstation in respect of which a risk assessment has been performed under section 4 a copy of the following documents -

(a) about a record of the findings of the risk assessment;

and

(b) a record of any action he has taken after the assessment.

7. Requirements for workstation

The person responsible for a workplace shall so far as reasonably practicable ensure that the workstations ~~normally used by users in the~~ workplace are suitable having regard to the safety, ~~and health and~~ welfare of those users of those workstations.

8. Provision of safety and health training

~~(1) An employer shall ensure that a user employed by him is provided with adequate safety and health training in the use of the workstations normally used by the user.~~

~~(2) Whenever the organization of a workstation normally used by a user is substantially modified, an employer shall ensure that the user is provided with adequate safety and health training with regard to the workstation as modified.~~

9. Users to co-operate with responsible person

~~A user shall conform to any system of work and any work practices that the person responsible for the workplace at which the user is employed has provided or established for the safety and health of users at the workplace.~~

A user of a workstation in a workplace shall -

(a) conform to any system of work and any work practice;

and

(b) comply with any risk reduction measure.

that the person responsible for the workplace has established or taken for the safety and health of users at the workstation.

10. Offences

(1) A person responsible for a workplace who fails to comply with section 4(1), (2), (4), (5) ~~or~~ (6) ~~(b) or (7)~~, 5, 6 or 7 commits an offence and is liable on conviction to a fine at level 5.

(2) An employer who fails to comply with section 8 ~~(1) or (2)~~ commits an offence and is liable on conviction to a fine at level 5.

(3) A user who fails to comply with section 9 commits an offence and is liable on conviction to a fine at level 3.

(4) The offences mentioned in subsections (1) and (2) are offences of strict liability.

Commissioner for Labour

November 2000

Explanatory Note

The purpose of this Regulation is to protect the occupational safety and health of employees who normally use workstations (which

include display screen equipment such as computer monitors) in their work.

2. Section 1 provides for the commencement of the Regulation.
3. Section 2 defines certain expressions used in the Regulation.
4. Section 3 describes the scope of application of the Regulation.
5. Section 4 contains provisions outlining the risk assessment which has to be performed by the person responsible for a workplace.
6. Section 5 imposes a duty on the person responsible for a workplace to take steps to reduce any risk identified by him.
7. Section 6 imposes a duty on the person responsible for a workplace to ~~inform~~make available to users of a record of the findings of the risk assessment and of the actions he has taken after the assessment.
8. Section 7 requires the person responsible for a workplace to ensure that the workstations are suitable having regard to the safety ~~and health and welfare~~ of users.
9. Section 8 requires an employer to ensure that a user has been provided with adequate safety and health training.
10. Section 9 imposes a duty on a user to avoid risks by conforming to a system of work and work practices, and by complying with any risk reduction measures, provided or established or taken by the person responsible for a workplace.
11. Section 10 creates offences for failure to comply with the provisions of the Regulation and sets out the penalties to be imposed on offenders.