

**Occupational Safety and Health
(Display Screen Equipment) Regulation**

**Administration's Response to
Issues raised by Members
at the Subcommittee meeting on 21 December 2001**

At the Subcommittee meeting on 21 December 2001, Members deliberated on the Administration's proposal to elaborate the definition of "user" in a code of practice to mean "employees who use display screen equipment (DSE) continuously for four hours or more every day, and more or less daily". Some Members were concerned about whether this definition should be extended to include employees using DSE cumulatively for long hours as well. Members also requested the Administration to provide court cases that may be relevant to the interpretation of "continuous", and proposed to define "user" by making reference to the nature of work in addition to hours of work on DSE.

Definition of "user" and its elaboration

2. The Administration considers it useful to define "user" by making additional reference to the nature of work of an employee, because the nature of work often determines whether the employee uses a DSE for work for a prolonged period of time. Having regard to the objective of the proposed Regulation, i.e. to protect those employees who are required, by virtue of their work, to use DSE for such a long period of time that would adversely affect their occupational health, we agree that our policy intention may be reflected more clearly by incorporating nature of work in the definition of "user". To this end, we propose to revise the definition of "user" in section 2 of the Regulation to mean **"an employee who, by reason of the nature of his work, is required to use display screen equipment more or less on a daily basis and for the majority of his working hours"**.

3. The Administration considers that the definition of "user" should be elaborated, in a code of practice, with reference to the duration of DSE work. At the last Subcommittee meeting, the Administration proposed to elaborate

“user” to mean an employee who uses DSE continuously for four hours or more every day, and more or less daily. Some Members were concerned that employees who work such regular hours, as from 9 a.m. to 5 p.m. during a working day with a lunch break for an hour at 12:30 p.m., or any similar arrangements, may not be covered by the elaborated definition despite their use of DSE for a prolonged period of time. Taking Members’ concern into account, we propose to extend the elaborated definition to cover cumulative use of DSE so that an employee, who uses DSE for a prolonged period of time but such use is interrupted by normal work arrangement, e.g. meal breaks, would fall under the elaborated definition of “user”. In the code of practice, we propose to elaborate the definition of “user” to mean **an employee who is required, more or less daily, to use DSE continuously for at least four hours during a day, or cumulatively for at least six hours during a day.** We consider that this elaboration on “user” would have addressed Members’ concern and would provide greater flexibility.

4. In regard to the meaning of “continuous”, some Members expressed concern about whether it is necessary to qualify the term expressly in order to reflect clearly the policy intention that breaks not exceeding 10 minutes in an hour away from the DSE should not be regarded as breaking the continuity of use of the DSE. We have done some research in this regard and do not find any decided cases that may be relevant in the present context. To address Members’ concern, we propose to provide expressly in the code of practice that “breaks not exceeding 10 minutes in an hour away from the display screen equipment shall not be regarded as breaking the continuity of use of the display screen equipment”.

The link between the code of practice and the Regulation

5. At the last Subcommittee meeting, the Administration proposed to incorporate a checklist for performing risk assessment of workstations into the draft code of practice. While it is our intention that the code would provide practical guidance in performing a risk assessment required under section 4 of the proposed Regulation, some Members considered that the Regulation should have some express reference to the code in order to establish a link between the code and the Regulation. To this end, we propose to include a provision in the Regulation (the new section 4(4)) along the lines of section 41 of the Occupational Safety and Health Ordinance (Cap.509) to

address Members' concern in this regard.

6. In the light of the more detailed guidance set out in the code of practice, sections 4(3)(a), (b) and (c) of the Regulation should be revised to reflect more clearly the proposed requirements in the code.

7. The draft code of practice and the revised draft Regulation incorporating the above-mentioned amendments are at Annex 1 and 2 respectively.

Education and Manpower Bureau
January 2002

DRAFT

Code of Practice for Working with Display Screen Equipment

1. Introduction

- 1.1 The Occupational Safety and Health (Display Screen Equipment) Regulation (“the Regulation”) aims at protecting the safety and health of employees who use display screen equipment at work for prolonged periods of time.
- 1.2 This Code of Practice is issued by the Commissioner for Labour under Section 40 of the Occupational Safety and Health Ordinance (Cap. 509) for the purpose of providing the person responsible for a workplace and employees with practical guidance as to whether an employee is a “user” as defined in the Regulation, and how risk assessments required under the Regulation should be performed. The advice contained in this Code should not be regarded as exhaustive to cover all legal requirements under the Regulation, nor it is intended to relieve duty-holders of their statutory responsibilities.
- 1.3 The terms used in this Code of Practice have the same meaning as those in the Regulation and the Occupational Safety and Health Ordinance.
- 1.4 Although a person does not incur any civil or criminal liability only because he has contravened a provision of this Code of Practice, proof of compliance with, or failure to comply with, this Code may be relied on in legal proceedings by any party to the proceedings as tending to establish or negate a matter that is in issue (see section 41 of the Occupational Safety and Health Ordinance).
- 1.5 The statutory provisions to which reference has been made in this Code of Practice are those in force as at _____.

2. Interpretation of “user”

2.1 Under Section 2 of the Regulation, “user” is defined to mean an employee who, by reason of the nature of his work, is required to use display screen equipment more or less on a daily basis and for the majority of his working hours.

2.2 An employee would be a “user” if he, by the nature of his work, e.g. data processing, telecommunications, computer graphic design, etc, is required to use display screen equipment more or less daily,

- (a) continuously for at least 4 hours during a day; OR
- (b) cumulatively for at least 6 hours during a day.

Breaks not exceeding 10 minutes in an hour away from the display screen equipment shall not be regarded as breaking the continuity of use of the display screen equipment.

3. Risk assessment

- 3.1 Under Section 4 of the Regulation, the person responsible for a workplace is required to perform a risk assessment of a workstation in the workplace.
- 3.2 A risk assessment of a workstation should consist of a process of identifying and assessing the risks to the safety and health of the user of the workstation, deciding whether existing precautions are adequate and recording the findings. It is recommended that such a risk assessment be made by means of a checklist. The checklist should comprise a set of questions on the display screen, input devices, work desk, chair, accessories like document holder and footrest, and the working environment, as appropriate.
- 3.3 The Workstation Risk Assessment Checklist at the Annex may be used in performing risk assessments of workstations. In completing the checklist, the person making the assessment should answer the questions in Part A. Where the answer is “Yes” or the question is not applicable, no follow-up action is required. Where the answer is “No”, follow-up actions will be needed to reduce the risks. Any follow-up action to be taken should be recorded in Part B of the checklist. On completion of the assessment, the person making the assessment should sign and record the date of assessment on the checklist.

Workstation Risk Assessment Checklist

Name of organization : _____

Address: _____

Workstation location: _____

Description of task: _____

Part A : Assessment

	Yes	No	N.A.*	Remarks
Display Screen				
1. Does the screen give a clear, sharp and steady image?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are the characters readable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Are the brightness and contrast adjustable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Does the screen swivel and tilt?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Is the screen positioned at about or slightly below the eye level and in front of the user?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Is the screen free from reflections and glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Input Devices (keyboard, mouse, numeric pad, etc.)				
7. Is the keyboard tiltable and detached from the display screen?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Are the characters on the keys of the keyboard/numeric pad readable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Is the keyboard/numeric pad glare free?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Are the input devices positioned at about the elbow level?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Is there enough space to rest hands in front of the input devices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Work Desk				
12. Is the desk surface large enough for the screen, input devices and documents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Is there adequate leg-room below the desk?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Yes	No	N.A.*	Remarks
Chair				
14. Is the base of the chair stable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15. Do the casters allow easy movement of the chair?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the seat height adjustable to suit the body size of the user?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17. Is the backrest adjustable in both height and tilt to provide adequate support to the lower back?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18. Is the seat pan padded and free from sharp edges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19. Do the armrests, if any, allow the user to get close enough to key comfortably?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Document Holder				
20. Is the document holder, if provided, properly positioned to avoid awkward neck posture and movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Footrest				
21. Is the footrest, if required, stable and provided with a non-slip surface?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Illumination				
22. Is the lighting level suitable for the work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Noise				
23. Is the noise produced by the workstation acceptable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Part B : Follow-up Actions

(If a “No” answer is given to any of the above questions, follow-up actions are required.)

Person making the assessment: _____

Date of assessment: _____

Note: *Not Applicable

Enquiry

If you wish to enquire about this Code of Practice or the Regulation, please contact the Occupational Safety and Health Branch through:

Telephone: 2852 4041

Fax : 2581 2049

E-mail: laboureq@labour.gcn.gov.hk

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, *by reason of the nature of his work, is required to use display screen equipment more or less on a daily basis and for the majority of his working hours*~~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 ~~and assessing the risk to the safety and health of users of a workstation~~~~the potential hazards arising from the work in the workstation;~~
- ~~(b) deciding who might be at risk and how the person is affected;~~
- (~~e~~b) ~~evaluating the risks arising from the potential hazards and~~ deciding whether existing precautions are adequate; and
- (~~d~~c) recording the findings.

(4) In any legal proceedings for an offence under subsection (1) or (2), proof of compliance with, or contravention of, a provision of a code of practice with respect to risk assessment issued under section 40 of the Ordinance may be relied on by any party to the proceedings as tending to establish or negate that the requirements of subsection (1) or (2), as the case may be, have been complied with.

(45) If –

- (a) the person responsible for a workplace has reason to ~~suspect~~believe 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.

(56) The person responsible for a workplace shall, ~~so far as reasonably practicable~~, 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~~c) and (45), and shall retain that record for a period of at least 2 years after that workstation ceases to be used by any user.

~~(67)~~ 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 ~~(56)~~;

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, so far as reasonably practicable, ~~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, so far as reasonably practicable, ensure that a user employed by him is provided with ~~adequate~~necessary 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, so far as reasonably practicable –

- (a) conform to any system of work and work practice that the person responsible for the workplace has established in order to comply with the requirements imposed by this Regulation; and
- (b) comply with any risk reduction measure taken as a result of any risk identified in a risk assessment performed under section 4.

10. Offences

(1) A person responsible for a workplace who fails to comply with section 4(1), (2), ~~(45), (56), or (67)(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~~**necessary** 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 ~~provided or~~ established by the person responsible for a workplace **and by complying with any risk reduction measures taken as a result of risks identified in a risk assessment.**
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.