



**Labour Department (Headquarters)**

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27 February 2002

Clerk to Sub-committee  
Legislative Council  
Legislative Council Building  
8 Jackson Road, Central  
(Attn: Miss Betty Ma)

Dear Miss Ma

**Sub-committee on  
Occupational Safety and Health  
(Display Screen Equipment) Regulation**

I refer to the Hon Margaret Ng's letter dated 26.2.2002 expressing comments on the Administration's Response to issues raised by Members at the Sub-committee meeting on 23.1.2002. Our views on the points raised therein are as follows:

**Point 1: Compliance with the Code of Practice would not defeat the purpose of the Regulation**

The Administration agrees that as the Code of Practice simply provides practical guidance on whether an employee is a "user" as defined in the Regulation, compliance with the Code would not defeat the purpose of the Regulation.

**Point 2: Wording used in section 10 of the Regulation**

The two forms of wording, viz. "compliance"/"failure to comply" and "contravene"/"did not contravene" are merely different ways of expressing the same thing. The wording "contravene"/"did not contravene" has been used in section 10 of the Regulation because that section is drafted along the lines of section 41 of the principal Ordinance where that very form of wording is used.

**Point 3: Duty of Commissioner for Labour to consult**

A code of practice issued under section 40 of the Occupational Safety and Health Ordinance is normally intended to provide practical guidance to assist duty-holders in complying with the requirements of the law. As an established practice, the Labour Department will consult the relevant industries and professional organizations before issuing such a code of practice. The Administration, therefore, considers it unnecessary to provide in the principal Ordinance for a duty of the Commissioner for Labour to consult the parties concerned before issuing a code of practice.

**Point 4: Amendment of the Code of Practice**

Given that the Code of Practice is intended to provide, among other things, practical guidance on the scope of the Regulation, i.e. whether an employee is a “user” as defined in the Regulation, the Administration would not amend the Code in this aspect unless there is a need to amend the Regulation in the first place. In this circumstance, the Administration would certainly consult the Legislative Council to seek its approval.

Yours sincerely

(Dr L M Leung)  
for Commissioner for Labour