

LEGISLATIVE COUNCIL BRIEF

Occupational Safety and Health Ordinance (Cap. 509)

OCCUPATIONAL SAFETY AND HEALTH (DISPLAY SCREEN EQUIPMENT) REGULATION

INTRODUCTION

In accordance with section 42 of the Occupational Safety and Health Ordinance (the Ordinance), the Commissioner for Labour has made the Occupational Safety and Health (Display Screen Equipment) Regulation (the proposed Regulation) to govern the safety and health of employees who normally use display screen equipment (DSE) as a significant part of their normal work (DSE users). Copy of the proposed Regulation is at **Annex A**.

BACKGROUND AND ARGUMENT

2. With the growing use of computers at work, more and more employees are spending a considerable part of their working hours working with DSE, an important part of the workstations. Coupled with this growth, there is an increasing trend of such employees encountering health problems. Examples include upper limb pains and discomfort; eye strain; and fatigue and stress. These health problems are closely related to the design of workstations, working posture, working environment and work organisation. Though many of these problems are temporary and may be relieved after work, they can degenerate into chronic health problems if ignored over considerable period of time.

3. To address the problem, the Commissioner for Labour proposes to introduce the proposed Regulation to regulate the use of DSE through a system of control. The DSE as defined under the proposed Regulation is mainly used for showing letters, numbers, characters or graphics, regardless of the display process involved. The proposed Regulation, however, will not apply to the following DSE applications, which normally pose minimal risks to their users -

- (a) DSE which is used mainly to show pictures, television or films;
- (b) drivers' cabs or control cabs for vehicles or machinery;
- (c) DSE 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; and
- (f) window typewriters.

4. The proposed Regulation covers workstations in use for or in connection with work in office, factories or other workplaces covered under the Ordinance. Workstations are assemblies comprising the DSE, any item peripheral to the DSE, e.g. chair, desk, work surface, printer, etc., and the immediate working environment around the DSE. The working environment includes lighting, ergonomics, acoustics, temperature and humidity.

5. DSE users will be protected under the Regulation because they are usually highly dependent on the use of DSE in their job, and hence are more vulnerable to the risks associated with habitual use of DSE. Examples of these users are data input operators, computer graphic designers, financial dealers, etc.

6. Under the proposed Regulation, a person responsible for a workplace, in which DSE users work, is required to -

- (a) perform risk assessment of workstations before they are first used by DSE users and keep record of the risk assessment;
- (b) take steps to reduce risks which are associated with the use of the workstations and identified in the risk assessment;
- (c) inform DSE users of the findings of the risk assessment and any action taken to reduce the risks; and

- (d) ensure that the workstations are suitable in regard to the safety, health and welfare of DSE users.

7. The employer of DSE users is, on the other hand, required to provide DSE users with adequate safety and health training in the use of the workstations. As for DSE users, they are required to conform to the system of work and work practices that the person responsible for the workplace has provided and established.

8. A risk assessment required under the proposed Regulation is a relatively simple process that may be completed by using a checklist. It may be performed by any person who has good understanding of the use of DSE and the associated health risks, e.g. supervisors. A sample checklist is at **Annex B**.

THE PROPOSED REGULATION

9. The proposed Regulation imposes on a person responsible for a workplace the following responsibilities -

- (a) to perform a risk assessment of a workstation before it is first used by DSE users; review the risk assessment if there has been a significant change in the workstation or in the conditions of a previous assessment; keep the record of the findings of a risk assessment and produce for inspection any record kept and retained by him; (**Section 4**)
- (b) to take steps to reduce any risks identified in a risk assessment to the lowest extent as is reasonably practicable; (**Section 5**)
- (c) to inform users about the findings of the risk assessment and the actions taken after the assessment; (**Section 6**) and
- (d) to ensure that the workstation provided is suitable having regard to the safety, health and welfare of DSE users. (**Section 7**)

10. **Section 8** of the proposed Regulation requires an employer to provide adequate safety and health training for DSE users whereas **Section 9** provides that a user shall cooperate with the person responsible

for a workplace by following any system of work and work practices established for the safety and health of users at the workplace.

11. **Section 10** provides the offences of the proposed Regulation. Upon conviction for contravening the provisions of the proposed Regulation, the maximum levels of fines are \$50,000 for a person responsible for a workplace or an employer and \$10,000 for a user.

LEGISLATIVE TIMETABLE

12. The proposed Regulation will be introduced into the Legislative Council for approval on 6 December 2000.

IMPLEMENTATION

13. We propose that the proposed Regulation should come into operation 12 months after enactment. This would allow sufficient time for employers and employees to prepare themselves for their new obligations. The Labour Department will also provide employers and employees with guidance on compliance with the legal requirements.

BASIC LAW IMPLICATIONS

14. The Department of Justice advises that the proposed Regulation does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

15. The Department of Justice advises that the proposed Regulation is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT

16. The principle ordinance, the Occupational Safety and Health Ordinance, binds the Government by express provision. The proposed Regulation does not affect the current binding effect of the Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

17. There are no financial or staffing implications for the Government.

ECONOMIC IMPLICATIONS

18. The proposed Regulation will result in compliance cost by way of conducting risk assessments, improving workstations to reduce identified risks and providing training and information to users.

19. The risk assessment of a workstation required under the proposed Regulation is simple in most cases and can be conducted by trained staff. Only in complicated cases, which should be quite rare, should a risk assessment be conducted by safety and health consultants. The compliance cost of any outstanding irregularity is limited because there is already good compliance in most office settings on the provision of DSE and workstation furniture. In practice, good ergonomically designed furniture costs not much more than ordinary ones. Besides, the training to be provided to users under the proposed Regulation, which is general and simple, can also be conducted by trained staff. The cost for providing information to users is minimal.

20. On the other hand, efforts in maintaining good ergonomics of display screen work would help protect the health of DSE users and enhance their efficiency. The reduction in ill health and the improved productivity should outweigh the compliance cost mentioned above.

PUBLIC CONSULTATION

21. The Labour Advisory Board and its Committee on Occupational Safety and Health have been consulted and indicated their support for the proposed Regulation and the compliance standards. The affected trades and businesses have also been consulted on the compliance standards. Feedback received is generally positive.

PUBLICITY

22. A press release will be issued and a spokesman will be available to handle media enquiries.

Education and Manpower Bureau
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November 2000

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

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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.

- (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 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) 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 users who normally use a workstation in respect of which a risk assessment has been performed under section 4 about the findings of the risk assessment and 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, health and welfare of those users.

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 workstation 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.

10. Offences

(1) A person responsible for a workplace who fails to comply with section 4(1), (2), (4), (5), (6) 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.

Mrs. Pamela TAN
Commissioner for Labour

8 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 users of the findings of the risk assessment and 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, 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 provided or established 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.

Computer Workstation Risk Assessment Checklist

Department of the organization : _____

Workstation number / location : _____

Description of computer tasks : _____

Part A : Assessment

Display screen equipment and peripherals	Yes	No
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1. Can the position of the screen, and the brightness and contrast of the image be adjusted easily to suit the working situation ?	<input type="checkbox"/>	<input type="checkbox"/>
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2. Is the keyboard tiltable and detachable ?	<input type="checkbox"/>	<input type="checkbox"/>
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Work desk and chair

3. Is the work desk providing adequate leg clearance and the chair adjustable to allow proper work postures ?	<input type="checkbox"/>	<input type="checkbox"/>
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Environment

4. Are glare and reflections being avoided ?	<input type="checkbox"/>	<input type="checkbox"/>
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5. Is the lighting level adequate, and the environment free of noise disturbance ?	<input type="checkbox"/>	<input type="checkbox"/>
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Other workstation problems that may need attention :

Part B : Conclusions and Follow-up

(a "No" answer for any of the above questions or the reporting of workstation problems may indicate the presence of safety and health risks requiring follow-up actions)

Assessor : _____

Date: _____