

**Bills Committee on
Occupational Deafness (Compensation)(Amendment) Bill 2002**

The Administration's Response -

**The daily personal noise exposure of waiters,
bartenders and cashiers in discotheques**

Introduction

At the meeting held on 20 March 2003, the Administration was asked to provide information on the daily personal noise exposure of waiters, bartenders and cashiers in discotheques collected by the Labour Department. The requested information is provided below.

Assessment of daily personal noise exposure in discotheques

2. The Occupational Hygiene Division of the Labour Department (LD) conducted noise assessments in 15 discotheques to measure the daily personal noise exposure of waiters, bartenders and cashiers. The results in each discotheque showed that the daily personal noise exposure of waiters was between 83 dB(A) and 95 dB(A), the daily personal noise exposure of bartenders was between 85 dB(A) and 94 dB(A) while the daily personal noise exposure of cashiers was between 80 dB(A) and 85 dB(A). A breakdown of the survey results is at Annex A.

3. Basing on the daily personal noise exposure of the noise assessment for waiters, bartenders and cashiers in all the discotheques surveyed, the mean daily personal noise exposure for waiters and bartenders is 91 dB(A) while that for cashiers is 82 dB(A).

4. It should be noted that the intensity of sound is measured in decibel by a logarithmic scale. A 3 dB reduction of noise level is equivalent to a 50% reduction of sound intensity. According to this "3-dB rule", though the difference in the mean daily personal noise exposure between waiters/bartenders and cashiers in discotheques is 9 dB(A) in absolute terms, cashiers are subject to only one-eighth of the sound intensity which waiters/bartenders are exposed.

Committee Stage Amendments in relation to discotheques

5. In our submission to the Bills Committee in Legislative Council Paper No. CB(2)1413/02-03(02), we have proposed to amend paragraph (zb) under Clause 16 of the Occupational Deafness (Compensation)(Amendment) Bill 2002 (Amendment Bill) to become “work wholly or mainly in the immediate vicinity of the dancing area of a discotheque” since we will add a definition of “discotheque”. Basing on the results of noise surveys conducted by LD, the policy intent is to include waiters and bartenders that are required to work wholly or mainly in the immediate vicinity of the dancing area of a discotheque to the list of specified noisy occupations under Schedule 3 of the principal Ordinance.

6. At the meeting held on 20.3.2003, some Members expressed doubt on whether the proposed (zb) was sufficiently clear to reflect the policy intent of the Administration and would not cover other posts, such as cashiers, in a discotheque as well. To address Members’ queries, the Administration will move a Committee Stage Amendment (CSA) to the proposed paragraph (zb) to the effect that only those employees performing duties of waiters and bartenders in a discotheque will be included under Schedule 3 of the principal Ordinance as originally intended. The draft amendment is attached at Annex B.

The Bills Committee’s proposed CSA

7. At the same meeting, the Bills Committee decided to move a CSA to expand the proposed noisy occupations under Clause 16 so that all occupations involving work wholly or mainly in the immediate vicinity of a pig slaughterhouse, in a mahjong parlour or a discotheque would become specified noisy occupations. In the meeting, the Administration stated its objection against the CSA to be moved by the Bills Committee.

The Administration’s views on the proposed CSA to be moved by the Bills Committee

8. The Administration’s views on the proposed CSA to be moved by the Bills Committee as mentioned in paragraph 7 are as follows –

- (i) Under the Occupational Deafness Compensation Scheme (the Scheme), an occupation is specified as a “noisy occupation” if the mean daily personal noise exposure over a continuous period of eight hours reaches 90 dB(A) or above. The Administration’s proposal to add the noisy occupations under Clause 16 of the Amendment Bill is based on the mean daily personal noise exposure collected from objective noise surveys;
- (ii) The CSA proposed by the Bills Committee will not only deviate from the current standard of designating a job process as a noisy occupation but will also extend the coverage under the Ordinance to job processes/occupations whose mean daily personal noise exposure level is below 90 dB(A);
- (iii) The intensity of sound is measured in decibel by a logarithmic scale. A 3 dB reduction of noise level is equivalent to a 50% reduction of sound intensity. For example, the suggested CSA to be moved by the Bills Committee in the case of discotheques will render cashiers, who are subject to only 82 dB(A) and one-eighth of the sound intensity as compared to that of waiters/bartenders, eligible to claim compensation under the Ordinance;
- (iv) The Scheme is set up to provide compensation to persons who have been exposed to noise in their working environment and have thus suffered sensorineural hearing loss. It must be noted that sensorineural hearing loss can be caused by a number of factors including noise, old age, medication and diseases. Furthermore, current technology cannot differentiate if the sensorineural hearing loss is due to noise at work or the daily activities or pursuit of amusement of the person concerned. By including occupations with mean daily noise exposure level below 90dB(A), the proposal would be requiring employers who finance the Scheme to compensate hearing loss which are due to factors other than noise at work; and
- (v) The Labour Advisory Board has endorsed the Administration’s proposal to add the noisy occupations based on the mean daily personal noise exposure level at 90dB(A) collected in LD’s noise surveys.

9. The Administration wishes to state again its objection against the CSA to be moved by the Bills Committee.

Labour Department

March 2003

Noise survey for waiters, bartenders and cashiers in discotheques

Disco	Waiter $L_{EP,d}$ (dB(A))	Bartender $L_{EP,d}$ (dB(A))	Cashier $L_{EP,d}$ (dB(A))
1	85.3		
2	83.2		79.6
3	85.3		85.0
4	91.7	91.1	
5		90.0	
6	94.6	92.0	
7	94.3		78.7
8	88.1	85.4	
9	90.1	90.8	
10	82.7		
11	94.3	88.8	83.3
12	94.4	94.0	
13	90.7	91.1	
14	89.8	90.6	
15	92.7	89.8	
Range (dB(A))	83 - 95	85 - 94	80 - 85
Mean (dB(A))	91	91	82

**Proposed amendment to paragraph (zb) of Schedule 3 in Clause 16 of the
Occupational Deafness (Compensation)(Amendment) Bill 2002**

<u>Clause</u>	<u>Amendment Proposed</u>
16	By deleting (zb) under paragraph (c) and substituting – “(zb) preparing or serving drinks (as the main duty) in the immediate vicinity of the dancing area of a discotheque;”.