

LEGISLATIVE COUNCIL

MINUTES

No. 23

Minutes of the meeting held on Wednesday 24 April 2002 at 2:30 pm

Members present:

President

The Hon Mrs Rita FAN HSU Lai-tai, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, GBS, JP

Dr the Hon David CHU Yu-lin, JP

The Hon Cyd HO Sau-lan

The Hon Albert HO Chun-yan

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, JP

Dr the Hon David LI Kwok-po, GBS, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP

The Hon NG Leung-sing, JP

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-yee, JP

The Hon CHEUNG Man-kwong

The Hon HUI Cheung-ching, JP
The Hon CHAN Kwok-keung
The Hon CHAN Yuen-han, JP
The Hon Bernard CHAN
The Hon CHAN Kam-lam
The Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
The Hon LEUNG Yiu-chung
The Hon SIN Chung-kai
The Hon Andrew WONG Wang-fat, JP
Dr the Hon Philip WONG Yu-hong
The Hon WONG Yung-kan
The Hon Jasper TSANG Yok-sing, JP
The Hon Howard YOUNG, JP
Dr the Hon YEUNG Sum
The Hon YEUNG Yiu-chung, BBS
The Hon LAU Chin-shek, JP
The Hon LAU Kong-wah
The Hon LAU Wong-fat, GBS, JP
The Hon Miriam LAU Kin-yee, JP
The Hon Ambrose LAU Hon-chuen, GBS, JP
The Hon Emily LAU Wai-hing, JP
The Hon CHOY So-yuk
The Hon Andrew CHENG Kar-foo
The Hon SZETO Wah
The Hon Timothy FOK Tsun-ting, SBS, JP
The Hon LAW Chi-kwong, JP
The Hon TAM Yiu-chung, GBS, JP

Dr the Hon TANG Siu-tong, JP
The Hon Abraham SHEK Lai-him, JP
The Hon LI Fung-ying, JP
The Hon Henry WU King-cheong, BBS
The Hon Tommy CHEUNG Yu-yan, JP
The Hon Michael MAK Kwok-fung
The Hon Albert CHAN Wai-yip
The Hon LEUNG Fu-wah, MH, JP
Dr the Hon LO Wing-lok
The Hon WONG Sing-chi
The Hon Frederick FUNG Kin-kee
The Hon IP Kwok-him, JP
The Hon LAU Ping-cheung
The Hon Audrey EU Yuet-mee, SC, JP
The Hon MA Fung-kwok

Member absent:

The Hon James TO Kun-sun

Public officers attending:

The Honourable Donald TSANG Yam-kuen, JP
The Chief Secretary for Administration

The Honourable Antony LEUNG Kam-chung, GBS, JP
The Financial Secretary

The Honourable Elsie LEUNG Oi-sie, JP
The Secretary for Justice

Mr Stephen IP Shu-kwan, GBS, JP
Secretary for Financial Services

Dr YEOH Eng-kiong, JP
Secretary for Health and Welfare

Mrs Regina IP LAU Suk-yee, JP
Secretary for Security

Mrs Fanny LAW FAN Chiu-fun, JP
Secretary for Education and Manpower

Mr LEE Shing-see, JP
Secretary for Works

Mrs Carrie YAU TSANG Ka-lai, JP
Secretary for Information Technology and Broadcasting

Ms Sandra LEE Suk-yee, JP
Secretary for Economic Services

Mr John TSANG Chun-wah, JP
Secretary for Planning and Lands

Mr Leo KWAN Wing-wah, JP
Secretary for Home Affairs

Clerks in attendance:

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Mr LAW Kam-sang, JP, Deputy Secretary General

Ms Pauline NG Man-wah, Assistant Secretary General (1)

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Prevention of Copyright Piracy Ordinance (Amendment of Schedule 1) Order 2002 (gazetted on 19.4.2002)	51/2002
2. Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) (Commencement) Notice 2002 (gazetted on 19.4.2002)	52/2002
3. Fixed Penalty (Public Cleanliness Offences) Regulation (L.N. 44 of 2002) (Commencement) Notice 2002 (gazetted on 19.4.2002)	53/2002
4. Matrimonial Causes (Amendment) Rules 2002 (L.N. 26 of 2002) (Commencement) Notice 2002 (gazetted on 19.4.2002)	54/2002

Other Papers

- No.72 - Audited Statement of Accounts of the Quality Education Fund together with the Director of Audit's Report for the year ended 31 August 2001 (published on 16.4.2002)
- No.73 - Audited Statement of Accounts of the Hong Kong Rotary Club Students' Loan Fund together with the Director of Audit's Report for the year ended 31 August 2001 (published on 16.4.2002)
- No.74 - Audited Statement of Accounts of the Sing Tao Foundation Students' Loan Fund together with the Director of Audit's Report for the year ended 31 August 2001 (published on 16.4.2002)
- No.75 - Annual Report 2000-2001
Hong Kong Broadcasting Authority
(published on 17.4.2002)
- No.76 - Annual Report 2001
Kowloon-Canton Railway Corporation
(published on 18.4.2002)
- No.77 - Annual Report 2000-2001, including Statement of Accounts and Auditors' Report, of the Hospital Authority (published on 22.4.2002)
- No.78 - Report and Statement of Accounts of the Samaritan Fund, together with the Director of Audit's Report, for the year ended 31 March 2001 (published on 22.4.2002)

No.79 - Report No. 38 of the Director of Audit on the results of value for money audits - March 2002 (published on 24.4.2002)

Report of the Bills Committee on Medical and Health Care (Miscellaneous Amendments) Bill 2001 (published on 22.4.2002)

Report of the Bills Committee on Travel Agents (Amendment) Bill 2001 (published on 18.4.2002)

Questions

1. Hon Miriam LAU asked Question 1.

The Secretary for Security replied.

Six Members asked supplementaries and the Secretary for Security replied.

2. Hon WONG Yung-kan asked Question 2.

The Secretary for Security replied.

Four Members asked supplementaries and the Secretary for Security replied.

3. Hon Bernard CHAN asked Question 3.

The Secretary for Health and Welfare replied.

Five Members asked supplementaries and the Secretary for Health and Welfare replied.

4. Hon LAU Ping-cheung asked Question 4.

The Secretary for Planning and Lands replied.

Four Members asked supplementaries and the Secretary for Planning and Lands replied.

5. Hon NG Leung-sing asked Question 5.

The Secretary for Financial Services replied.

Eight Members asked supplementaries. The Secretary for Financial Services and the Secretary for Security replied.

6. Hon CHEUNG Man-kwong asked Question 6.

The Secretary for Home Affairs replied.

Four Members asked supplementaries and the Secretary for Home Affairs replied.

Written replies to Questions 7 to 20 were tabled for Members' information.

Bills

First Reading

Mandatory Provident Fund Schemes (Amendment) Bill 2002
Land (Miscellaneous Provisions) (Amendment) Bill 2002

The Bills were read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading

Mandatory Provident Fund Schemes (Amendment) Bill 2002

The Secretary for Financial Services moved the Second Reading and addressed the Council.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debate was adjourned and the Bill was referred to the House Committee.

Land (Miscellaneous Provisions) (Amendment) Bill 2002

The Secretary for Works moved the Second Reading and addressed the Council.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debate was adjourned and the Bill was referred to the House Committee.

Extension of Vetting Period (Legislative Council) Bill 2002

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 March 2002 resumed.

Question on the Second Reading put and agreed to.

Bill read the second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Extension of Vetting Period (Legislative Council) Bill 2002**.

Question that clauses 1 to 25 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Chief Secretary for Administration reported that

the **Extension of Vetting Period (Legislative Council) Bill 2002**

had passed through the Committee without amendment. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

Medical and Health Care (Miscellaneous Amendments) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 13 June 2001 resumed.

Dr Hon LO Wing-lok, Chairman of the Bills Committee on Medical and Health Care (Miscellaneous Amendments) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill.

A Member spoke on the Bill.

The Secretary for Health and Welfare replied.

Question on the Second Reading put and agreed to.

Bill read the second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Medical and Health Care (Miscellaneous Amendments) Bill 2001**.

Question that clauses 1 to 7 stand part of the Bill proposed, put and agreed to.

Question that schedules 1 to 6 stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Health and Welfare reported that

the **Medical and Health Care (Miscellaneous
Amendments) Bill 2001**

had passed through the Committee without amendment. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

Travel Agents (Amendment) Bill 2001

Resumption of Second Reading debate

The debate on the Second Reading which had been moved on 11 July 2001 resumed.

Hon SIN Chung-kai, Chairman of the Bills Committee on Travel Agents (Amendment) Bill 2001, addressed the Council on the Report of the Bills Committee on the Bill. After the address, he spoke on the Bill in his personal capacity as a Member.

Hon Mrs Selina CHOW declared her interest as the Chairman of Hong Kong Tourism Board and spoke on the Bill.

Another Member spoke on the Bill.

Hon Howard YOUNG declared his interest as a director of a registered travel agency and spoke on the Bill.

One more Member spoke on the Bill.

The Secretary for Economic Services replied.

Question on the Second Reading put and agreed to.

Bill read the second time and committed to a Committee of the whole Council.

Committee Stage

The Council went into Committee and considered the **Travel Agents (Amendment) Bill 2001**.

Question that clauses 1, 2, 3, 6, 7 and 9 stand part of the Bill proposed, put and agreed to.

Question that clauses 4, 5, 8 and 10 stand part of the Bill proposed.

The Secretary for Economic Services moved amendments to the aforesaid clauses and addressed the Committee.

Question on the amendments put and agreed to.

Question that clauses 4, 5, 8 and 10, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

Third Reading

The Secretary for Economic Services reported that

the **Travel Agents (Amendment) Bill 2001**

had passed through the Committee with amendments. She moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

Motions

Proposed resolution under the Pharmacy and Poisons Ordinance

The Secretary for Health and Welfare moved the following motion and addressed the Council:

Resolved that -

- (a) the Pharmacy and Poisons (Amendment) Regulation 2002; and

(b) the Poisons List (Amendment) Regulation 2002, made by the Pharmacy and Poisons Board on 8 March 2002 be approved.

Question on the motion proposed, put and agreed to.

Proposed resolution under the Occupational Safety and Health Ordinance and the Interpretation and General Clauses Ordinance

The Secretary for Education and Manpower moved the motion in Appendix I and addressed the Council.

Question on the Secretary for Education and Manpower's motion proposed.

The President stated that Hon LEE Cheuk-yan and Hon Andrew CHENG would move amendments to the motion. In accordance with the Rules of Procedure, the motion and the amendments would be debated together in a joint debate.

Hon LEE Cheuk-yan spoke on the motion and the amendments.

Hon Andrew CHENG, who is also the Chairman of the Subcommittee on Occupational Safety and Health (Display Screen Equipment) Regulation, spoke on the motion and the amendments.

A Member and Hon LEUNG Fu-wah spoke on the motion and the amendments.

While Hon LEUNG Fu-wah was speaking, the President left the chair at 6:20 pm temporarily and the President's Deputy, Hon Mrs Selina CHOW, took the chair.

Another seven Members and Hon James TIEN spoke on the motion and the amendments.

At 7:15 pm, while Hon James TIEN was speaking, the President resumed the chair.

One more Member spoke on the motion and the amendments.

The Secretary for Education and Manpower spoke on the amendments.

Hon LEE Cheuk-yan moved the following amendment to the Secretary for Education and Manpower's motion:

Resolved that the motion to be moved by the Commissioner for Labour under section 42 of the Occupational Safety and Health Ordinance (Cap.509) at the Legislative Council meeting on 24 April 2002 be amended by deleting paragraph (a) and substituting -

"(a) in section 2, by deleting the definition of "user" and substituting -

" "user" (使用者) means an employee who, by reason of the nature of his work, is required to use display screen equipment almost every day and cumulatively for 4 hours or more during a day;" ;".

Question on Hon LEE Cheuk-yan's amendment to the Secretary for Education and Manpower's motion proposed and put.

Hon LEE Cheuk-yan claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 25 were present, six were in favour of the amendment and 19 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 14 were in favour of the amendment and 13 against it. (Voting record in Appendix II.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

Hon Andrew CHENG moved the following amendments to the Secretary for Education and Manpower's motion as follows:

Resolved that the motion to be moved by the Commissioner for Labour under section 42 of the Occupational Safety and Health Ordinance (Cap. 509) at the Legislative Council meeting on 24 April 2002 be amended -

(a) by adding after paragraph (e) -

"(ea) by adding -

"7A. Periodical break

The person responsible for a workplace shall so far as reasonably practicable ensure that users working on display screen equipment in workstations in the workplace can have periodical breaks or changes of activity so as to reduce their workload with that equipment." ;";

(b) by deleting paragraph (j) (i) and substituting -

"(i) in subsection (1), by deleting ", (6) or (7), 5, 6 or 7" and substituting "or (6) (b), 5, 6, 7 or 7A" ;".

Question on Hon Andrew CHENG's amendments to the Secretary for Education and Manpower's motion proposed and put.

Hon Andrew CHENG claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 25 were present, five were in favour of the amendments and 20 against them; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 28 were present, 14 were in favour of the amendments and 13 against them. (Voting record in Appendix III.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendments were negatived.

The Secretary for Education and Manpower replied.

Question on the Secretary for Education and Manpower's motion put and agreed to.

Members' Motions

Safeguarding the reasonable and legitimate rights and interests of employees

Hon LEUNG Fu-wah moved the following motion and addressed the Council:

That, as the local economy is in the doldrums, the unemployment problem persists, the labour market is in an imbalance and the situation in which employees are not duly covered by labour protection is deteriorating, this Council urges the Government to adopt active measures to ensure that employees enjoy reasonable and legitimate labour protection.

Question on Hon LEUNG Fu-wah's motion proposed.

The President stated that Hon Kenneth TING would move an amendment to the motion. In accordance with the Rules of Procedure, the motion and the amendment would be debated together in a joint debate.

Hon Kenneth TING moved the following amendment to Hon LEUNG Fu-wah's motion and addressed the Council:

To delete ", the unemployment problem persists, the labour market is in an imbalance and the situation in which employees are not duly covered by labour protection is deteriorating" after "That, as the local economy is in the doldrums" and substitute with "and companies keep closing down, restructuring and laying off their staff"; and to delete "adopt active measures to ensure" after ", this Council urges the Government to" and substitute with "spare no effort in ensuring".

Question on Hon Kenneth TING's amendment to Hon LEUNG Fu-wah's motion proposed.

16 Members spoke on the motion and the amendment.

Hon LEUNG Fu-wah spoke on the amendment.

The Secretary for Education and Manpower spoke on the motion and the amendment.

Question on Hon Kenneth TING's amendment to Hon LEUNG Fu-wah's motion put.

Hon Mrs Selina CHOW claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 24 were present, 14 were in favour of the amendment and 10 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, four were in favour of the amendment, 21 against it and one abstained. (Voting record in Appendix IV.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

Hon LEUNG Fu-wah replied.

Question on Hon LEUNG Fu-wah's motion put and agreed to.

The problem of "working poverty"

Hon LEE Cheuk-yan moved the following motion and addressed the Council:

That, as the wage level of local low-skilled workers is continuing to decline, thereby aggravating the problem of "working poverty", this Council urges the Government to expeditiously set up an independent commission to work out a minimum wage system and a minimum wage level that suit the local environment, as well as their implementation details, so as to give effect to Article 7 of the International Covenant on Economic, Social and Cultural Rights which asks States Parties to the Covenant to ensure the right of workers to receive remuneration which provides all workers, as a minimum, with a decent living for themselves and their families in accordance with the provisions of the Covenant.

Question on the motion proposed.

Dr Hon David CHU spoke on the motion. While he was speaking, the President left the chair at 10:05 pm temporarily and the President's Deputy, Hon Fred LI, took the chair.

Another eight Members and Hon Audrey EU spoke on the motion.

At 10:51 pm, while Hon Audrey EU was speaking, the President resumed the chair.

Five further Members and the Secretary for Education and Manpower spoke on the motion.

Hon LEE Cheuk-yan replied.

Question on the motion put.

Hon LAU Chin-shek claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 21 were present, six were in favour of the motion, 13 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, 13 were in favour of the motion, four against it and five abstained. (Voting record in Appendix V.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the motion was negatived.

Next Meeting

The President declared that the next meeting of the Council would be held on 8 May 2002 at 2:30 pm.

The Council was adjourned at 11:43 pm.

(Mrs Rita FAN HSU Lai-tai)
President

Council Chamber
Hong Kong

OCCUPATIONAL SAFETY AND HEALTH ORDINANCE
AND
INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 42 of the Occupational Safety and Health Ordinance
(Cap. 509) and section 35 of the Interpretation and
General Clauses Ordinance (Cap. 1))

OCCUPATIONAL SAFETY AND HEALTH (DISPLAY SCREEN
EQUIPMENT) REGULATION

RESOLVED that the Occupational Safety and Health (Display
Screen Equipment) Regulation, made by the Commissioner
for Labour on 8 November 2000, be approved, subject to
the following amendments -

- (a) in section 2, by deleting the definition of "user"
and substituting -

"user" (使用者) means an employee who, by reason
of the nature of his work, is required to
use display screen equipment for a
prolonged period of time almost every
day;"

(b) by deleting section 3(1) and substituting -

"(1) 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.";

(c) in section 4 -

(i) by deleting subsection (3) (a) to (d) and substituting -

- "(a) identifying and assessing the risk to the safety and health of users of a workstation;
- (b) deciding whether existing precautions are adequate; and
- (c) recording the findings.";

(ii) in subsection (4) (a), by deleting everything after "to" and substituting "believe that there has been a significant change in the conditions of a previous assessment; or";

(iii) in subsection(4) (b), by deleting "變動"

and substituting "改變";

(iv) in subsection (5) -

(A) by adding ", so far as reasonably practicable," before "keep";

(B) by deleting "(d)" and substituting "(c)";

(v) by deleting subsections (6) and (7) and substituting -

"(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.";

(d) in section 6, by deleting everything after "shall" and substituting -

", so far as reasonably practicable, make available to users of a workstation in respect of which a risk assessment has been performed under section 4 a copy of the following documents -

- (a) a record of the findings of the risk assessment; and
- (b) a record of any action he has taken after the assessment.";

(e) in section 7 -

- (i) by deleting "normally used by users";
- (ii) by deleting ", health and welfare of those users" and substituting "and health of users of those workstations";

(f) in section 8 -

- (i) in subsection (1) -
 - (A) by deleting "(1)" before "An";
 - (B) by adding ", so far as reasonably practicable," after "shall";
 - (C) by deleting "adequate" and substituting "necessary";
 - (D) by deleting "the workstation normally used by the user" and substituting "workstations";

(ii) by deleting subsection (2);

(g) by deleting section 9 and substituting -

"9. Users to co-operate with responsible person

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.";

(h) by renumbering section 10 as section 11;

(i) by adding -

"10. Effect of workplace code of practice

Without prejudice to section 41 of the Ordinance, in any legal proceedings for an offence under this Regulation, proof that a person contravened or did not contravene a relevant provision of a workplace code of

practice issued under section 40 of the Ordinance in respect of this Regulation may be relied on by any party to the proceedings as tending to establish or negate a matter that is in issue in the proceedings.";

(j) in section 11 -

(i) in subsection (1), by deleting ", (6) or (7)" and substituting "or (6)(b)";

(ii) in subsection (2), by deleting "section 8(1) or (2)" and substituting "section 8".

**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.

Appendix II

投票 VOTE: 1
日期 DATE: 24/04/2002
時間 TIME: 07:37:04 PM

動議 MOTION: 李卓人議員對教育統籌局局長就《職業安全及健康（顯示屏幕設備）規例》動議的決議案作出的修正案
AMENDMENT BY HON LEE CHEUK-YAN TO SECRETARY FOR EDUCATION AND MANPOWER'S PROPOSED RESOLUTION ON THE OCCUPATIONAL SAFETY AND HEALTH (DISPLAY SCREEN EQUIPMENT) REGULATION

動議人 MOVED BY: 李卓人 LEE Cheuk-yan

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	25	28	
投票 Vote	25	27	
贊成 Yes	6	14	
反對 No	19	13	
棄權 Abstain	0	0	
結果 Result	否決 Negatived	否決 Negatived	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Eric LI		李柱銘 Martin LEE	贊成 YES
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah	反對 NO	涂謹申 James TO	
吳靄儀 Margaret NG	反對 NO	陳婉嫻 CHAN Yuen-han	
周梁淑怡 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	反對 NO
陳國強 CHAN Kwok-keung		曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	贊成 YES
黃谷根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊孝華 Howard YOUNG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK	反對 NO	鄧兆棠 Dr TANG Siu-tong	反對 NO
羅致光 LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	贊成 YES
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU		余若薇 Audrey EU	反對 NO
張宇人 Tommy CHEUNG	反對 NO		
麥國風 Michael MAK	贊成 YES	選舉委員會 Election Committee	
梁富華 LEUNG Fu-wah	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	贊成 YES	朱幼麟 Dr David CHU	反對 NO
葉國謙 IP Kwok-him	反對 NO	吳堯星 NG Leung-sing	反對 NO
劉炳章 LAU Ping-cheung	反對 NO	楊耀忠 YEUNG Yiu-chung	反對 NO
		劉漢銓 Ambrose LAU	反對 NO
		馬逢國 MA Fung kwok	反對 NO

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附錄 III

投票 VOTE: 2
 日期 DATE: 24/04/2002
 時間 TIME: 07:41:57 PM

動議 MOTION: 鄭家富議員對教育統籌局局長就《職業安全及健康（顯示屏幕設備）規例》動議的決議案作出的修正案
 AMENDMENT BY HON ANDREW CHENG TO SECRETARY FOR EDUCATION AND MANPOWER'S PROPOSED RESOLUTION ON THE OCCUPATIONAL SAFETY AND HEALTH (DISPLAY SCREEN EQUIPMENT) REGULATION

動議人 MOVED BY: 鄭家富 Andrew CHENG

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	25	28	
投票 Vote	25	27	
贊成 Yes	5	14	
反對 No	20	13	
棄權 Abstain	0	0	
結果 Result	否決 Negatived	否決 Negatived	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	贊成 YES
田北俊 James TIEN	反對 NO	何俊仁 Albert HO	贊成 YES
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Eric LI		李柱銘 Martin LEE	贊成 YES
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah	反對 NO	徐謹申 James TO	
吳靄儀 Margaret NG	反對 NO	陳婉嫻 CHAN Yuen-han	
周梁淑怡 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	反對 NO
陳國強 CHAN Kwok-keung		曾鈺成 TSANG Yok-sing	反對 NO
陳智忠 Bernard CHAN	反對 NO	楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	贊成 YES
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊孝華 Howard YOUNG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK	反對 NO	鄧兆棠 Dr TANG Siu-tong	反對 NO
羅致光 LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	贊成 YES
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU		余若薇 Audrey EU	反對 NO
張宇人 Tommy CHEUNG	反對 NO		
麥國風 Michael MAK	贊成 YES	選舉委員會 Election Committee	
梁富華 LEUNG Fu-wah	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	反對 NO	朱幼麟 Dr David CHU	反對 NO
葉國謙 IP Kwok-him	反對 NO	吳堯星 NG Leung-sing	反對 NO
劉炳章 LAU Ping-cheung	反對 NO	楊耀忠 YEUNG Yiu-chung	反對 NO
		劉漢銓 Ambrose LAU	反對 NO
		馬達國 MA Fung kwok	反對 NO

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Appendix IV

投票 VOTE: 3
 日期 DATE: 24/04/2002
 時間 TIME: 09:44:09 PM

動議 MOTION: 丁午壽議員對梁富華議員就「維護僱員合理合法權益」所提議案作出的修正案
 AMENDMENT BY HON KENNETH TING TO HON LEUNG FU-WAH'S MOTION ON
 "SAFEGUARDING THE REASONABLE AND LEGITIMATE RIGHTS AND INTERESTS OF EMPLOYEES"

動議人 MOVED BY: 丁午壽 Kenneth TING

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	24	27	
投票 Vote	24	26	
贊成 Yes	14	4	
反對 No	10	21	
棄權 Abstain	0	1	
結果 Result	通過 Passed	否決 Negatived	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	贊成 YES	何秀蘭 Cyd HO	反對 NO
田北俊 James TIEN	贊成 YES	何俊仁 Albert HO	反對 NO
何鍾泰 Dr Raymond HO	贊成 YES	李卓人 LEE Cheuk-yan	反對 NO
李家祥 Eric LI		李柱銘 Martin LEE	反對 NO
李國寶 Dr David LI		李華明 Fred LI	反對 NO
呂明華 Dr LUI Ming-wah	贊成 YES	涂謹申 James TO	
吳靄儀 Margaret NG	反對 NO	陳婉嫻 CHAN Yuen-han	反對 NO
周梁淑怡 Mrs Selina CHOW	贊成 YES	陳鑑林 CHAN Kam-lam	反對 NO
張文光 CHEUNG Man-kwong	反對 NO	梁耀忠 LEUNG Yiu-chung	反對 NO
許長青 HUI Cheung-ching	贊成 YES	黃宏發 Andrew WONG	贊成 YES
陳國強 CHAN Kwok-keung	反對 NO	曾鈺成 TSANG Yok-sing	反對 NO
陳智思 Bernard CHAN	贊成 YES	楊森 Dr YEUNG Sum	反對 NO
梁劉柔芬 Mrs Sophie LEUNG	贊成 YES	劉千石 LAU Chin-shek	反對 NO
單仲偕 SIN Chung-kai	反對 NO	劉江華 LAU Kong-wah	反對 NO
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	
黃容根 WONG Yung-kan	反對 NO	蔡素玉 CHOY So-yuk	反對 NO
楊孝華 Howard YOUNG	贊成 YES	鄭家富 Andrew CHENG	反對 NO
劉皇發 LAU Wong-fat	贊成 YES	司徒華 SZETO Wah	反對 NO
劉健儀 Miriam LAU	贊成 YES	譚耀宗 TAM Yiu-chung	反對 NO
霍震霆 Timothy FOK		鄧兆棠 Dr TANG Siu-tong	贊成 YES
羅致光 LAW Chi-kwong	反對 NO	陳偉業 Albert CHAN	反對 NO
石禮謙 Abraham SHEK		黃成智 WONG Sing-chi	反對 NO
李鳳英 LI Fung-ying	反對 NO	馮檢基 Frederick FUNG	反對 NO
胡經昌 Henry WU		余若薇 Audrey EU	反對 NO
張宇人 Tommy CHEUNG	贊成 YES		
麥國風 Michael MAK	反對 NO	選舉委員會 Election Committee	
梁富華 LEUNG Fu-wah	反對 NO	范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	贊成 YES	朱幼麟 Dr David CHU	贊成 YES
葉國謙 IP Kwok-iim	反對 NO	吳亮星 NG Leung-sing	
劉炳章 LAU Ping-cheung	贊成 YES	楊耀忠 YEUNG Yiu-chung	反對 NO
		劉漢銓 Ambrose LAU	贊成 YES
		馬逢國 MA Fung kwok	棄權 ABSTAIN

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Appendix V

投票 VOTE: 4
 日期 DATE: 24/04/2002
 時間 TIME: 11:41:35 PM

動議 MOTION: 「在職貧窮問題」議案
 MOTION ON "THE PROBLEM OF 'WORKING POVERTY'"

動議人 MOVED BY: 李卓人 LEE Cheuk-yan

	功能團體 Functional Constituencies	地方選區及選舉委員會 Geographical Constituencies & Election Committee	最後結果 Final Result
出席 Present	21	23	
投票 Vote	21	22	
贊成 Yes	6	13	
反對 No	13	4	
棄權 Abstain	2	5	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
丁午壽 Kenneth TING	反對 NO	何秀蘭 Cyd HO	
田北俊 James TIEN		何俊仁 Albert HO	
何鍾泰 Dr Raymond HO	反對 NO	李卓人 LEE Cheuk-yan	贊成 YES
李家祥 Eric LI		李柱銘 Martin LEE	
李國寶 Dr David LI		李華明 Fred LI	贊成 YES
呂明華 Dr LUI Ming-wah	反對 NO	涂謹申 James TO	
吳靄儀 Margaret NG		陳婉嫻 CHAN Yuen-han	贊成 YES
周梁淑怡 Mrs Selina CHOW	反對 NO	陳鑑林 CHAN Kam-lam	棄權 ABSTAIN
張文光 CHEUNG Man-kwong	贊成 YES	梁耀忠 LEUNG Yiu-chung	贊成 YES
許長青 HUI Cheung-ching	反對 NO	黃宏發 Andrew WONG	
陳國強 CHAN Kwok-keung	贊成 YES	曾廷成 TSANG Yok-sing	棄權 ABSTAIN
陳智忠 Bernard CHAN		楊森 Dr YEUNG Sum	贊成 YES
梁劉柔芬 Mrs Sophie LEUNG	反對 NO	劉千石 LAU Chin-shek	贊成 YES
單仲偕 SIN Chung-kai	贊成 YES	劉江華 LAU Kong-wah	棄權 ABSTAIN
黃宜弘 Dr Philip WONG		劉慧卿 Emily LAU	贊成 YES
黃容根 WONG Yung-kan	棄權 ABSTAIN	蔡素玉 CHOY So-yuk	棄權 ABSTAIN
楊孝華 Howard YOUNG	反對 NO	鄭家富 Andrew CHENG	贊成 YES
劉皇發 LAU Wong-fat	反對 NO	司徒華 SZETO Wah	贊成 YES
劉健儀 Miriam LAU	反對 NO	譚耀宗 TAM Yiu-chung	
霍震霆 Timothy FOK		鄧兆棠 Dr TANG Siu-tong	反對 NO
羅致光 LAW Chi-kwong	贊成 YES	陳偉業 Albert CHAN	贊成 YES
石禮謙 Abraham SHEK	反對 NO	黃成智 WONG Sing-chi	贊成 YES
李鳳英 LI Fung-ying	贊成 YES	馮檢基 Frederick FUNG	贊成 YES
胡經昌 Henry WU		余若薇 Audrey EU	贊成 YES
張宇人 Tommy CHEUNG	反對 NO		
麥國風 Michael MAK	贊成 YES	選舉委員會 Election Committee	
梁富華 LEUNG Fu-wah		范徐麗泰 Mrs Rita FAN	出席 PRESENT
勞永樂 Dr LO Wing-lok	反對 NO	朱幼麟 Dr David CHU	反對 NO
葉國謙 IP Kwok-him	棄權 ABSTAIN	吳亮星 NG Leung-sing	
劉炳章 LAU Ping-cheung	反對 NO	楊耀忠 YEUNG Yiu-chung	棄權 ABSTAIN
		Ambrose LAU	反對 NO
		馬達國 MA Fung kwok	反對 NO

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