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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting on 24 April 2002

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

I forward for Members' consideration a proposed resolution which the Secretary for Education and Manpower will move at the Council meeting of 24 April 2002 under the Occupational Safety and Health Ordinance and the Interpretation and General Clauses Ordinance relating to the Occupational Safety and Health (Display Screen Equipment) Regulation. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in the draft English version, which the Secretary for Education and Manpower will deliver when moving the proposed resolution, is also attached. The Chinese translation of the draft speech will be issued as soon as it is available.

(Mrs Betty LEUNG)
for Clerk to the Legislative Council

Encl.

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.