

立法會
Legislative Council

LC Paper No. CB(2)1384/01-02

Ref : CB2/SS/4/00

Paper for the House Committee meeting on 22 March 2002

**Further report of the Subcommittee on
Occupational Safety and Health (Display Screen Equipment) Regulation**

Purpose

This paper reports on the further work of the Subcommittee on Occupational Safety and Health (Display Screen Equipment) Regulation.

Background

2. The Secretary for Education and Manpower (SEM) gave notice to move a motion at the Legislative Council (LegCo) meeting on 6 December 2000 to seek the Council's approval for the Occupational Safety and Health (Display Screen Equipment) Regulation (Regulation) made by the Commissioner for Labour (Commissioner) under section 42 of the Occupational Safety and Health Ordinance (Cap. 509) (OSHO) on 8 November 2000.
3. At the meeting of the House Committee on 24 November 2000, Members agreed that a subcommittee be formed to study the Regulation. At the request of the House Committee, SEM withdrew the notice for moving the motion at the Council meeting on 6 December 2000 to allow time for the Subcommittee to study the Regulation.
4. The Subcommittee concluded its deliberations after it held 11 meetings with the Administration, and made a report to the House Committee on 9 November 2001. With the support of the Subcommittee, SEM gave notice to move a motion at the Legislative Council meeting on 21 November 2001 to seek the Council's approval for the Regulation.
5. At the House Committee on 9 November 2001, some Members expressed concern about the implementation details and enforcement of the Regulation. Some Members also expressed concern about the impact of the Regulation on the business environment.

6. The House Committee agreed that the Subcommittee should further discuss these issues of concern with the Administration. At the request of the House Committee, SEM withdrew her notice for moving the motion at the Council meeting on 21 November 2001 to allow time for the Subcommittee to discuss these issues.

The Subcommittee

7. Under the chairmanship of Hon Andrew CHENG Kar-foo, the Subcommittee has held a further four meetings with the Administration. Non-Subcommittee Members have also been invited to these meetings. The Subcommittee has considered submissions from the Hong Kong Information Technology Federation, Hong Kong Information Technology & Network Engineering Employees Association, Hong Kong Communication Industry Employees Association, Hong Kong Workers' Health Centre and Professor LAM Tai-hing of the Department of Community Medicine of The University of Hong Kong.

8. The membership list of the Subcommittee is in **Appendix I**.

Deliberations of the Subcommittee

Cost implications of the Regulation

9. To comply with the Regulation, a person responsible for workplace is required to -

- (a) conduct a risk assessment of a workstation;
- (b) take necessary measures to reduce risks and to ensure that the workstation is suitable having regard to the safety and health of users of that workstation;
- (c) keep assessment records and make the records available to display screen equipment (DSE) users; and
- (d) provide necessary safety and health training to DSE users.

10. According to the Administration, risk assessment of a workstation can be completed in 10 minutes by a clerical staff with knowledge of the use of DSE and the associated health risks. The estimated cost for a 10-minute assessment is \$10 per workstation on the assumption that the clerical staff deployed to conduct risk assessment is of average monthly salary of \$11,500. The necessary safety and health training can be provided to users in 30 minutes through various means, e.g. showing video, reading educational materials. The estimated unit cost for 30-minute training is \$30 per DSE user. The cost for some of the improvement measures to reduce the risks, e.g. repositioning the screen, would not incur additional cost, whereas the cost of purchasing improvement equipment varies from \$70 to \$1,190 depending on the number and type of such

equipment needed. The Administration estimates that the compliance cost per workstation ranges between \$40 and \$1,230.

11. The Administration has informed Members that by making reference to the survey conducted by the Occupational Safety and Health Council in 1997 on computer users in the financing, insurance, real estate and business services sector, who were required to use computers for four or more hours every day (OSHC Survey) and the field experience of Occupational Hygienists of the Labour Department, it is estimated that about 1% to 10% of the workstations require various improvements to reduce the risks.

12. The Administration estimates that average compliance cost per workstation is \$90 and the total cost is \$28 million for the estimated 312 000 workstations used by users who might fall within the meaning of "user" in the Health Guide on Working with Display Screen Equipment to be issued by the Commissioner, i.e. those who use DSE for continuous spells of an hour or more at a time and more or less daily. The estimated number of workstations that would be subject to the Regulation is based on the findings of the OSHC survey and statistics of different survey reports published by the Census and Statistics Department. In the view of the Administration, the compliance cost is relatively low when compared to the social costs that may arise from health problems associated with prolonged use of DSE at work, such as medical expenses.

13. Some Members have expressed concern about the cost implications on the business environment for complying with the provisions of the Regulation. However, some other members consider that the costs are not unacceptable as they are not recurrent expenditure.

Definition of "user"

14. Under the Regulation, "user" means an employee who normally uses DSE as a significant part of his normal work. The Administration has proposed an elaborated meaning of user in the Health Guide, i.e. users are usually highly dependent on the use of DSE to do their jobs, and normally use the equipment for continuous spells of an hour or more at a time and more or less daily.

15. Some Members have expressed serious concern about the proposed elaborated meaning of user in the Health Guide, especially given the cost implications on the business environment. As indicated by the Administration, the findings of the OSHC Survey showed that 68% of the survey respondents in the financing, insurance, real estate and business services sector used computers for four or more hours every day. These Members have queried why the Administration has proposed that a user means an employee who uses DSE for continuous spells of an hour or more at a time more or less daily. They consider that a user should mean an employee who uses DSE continuously for four hours or more every day.

16. Some Members consider that the definition of "user" in the Regulation should also make reference to the nature of work of an employee because the nature of work often determines whether or not the employee uses DSE for a prolonged period of time.

17. At the request of Members, the Administration has provided medical information concerning the relationship between prolonged use of DSE and health problems of DSE users. Based on the findings of six medical studies on the subject conducted in Canada, Hong Kong and the United States, the Administration has the following conclusions -

- (a) While the results from these studies varied, it may be inferred that employees who use DSE for four hours or more every day have a higher risk of developing health problems compared with employees who do not use DSE or employees who use DSE for four hours or less every day; and
- (b) A major study revealed that the use of DSE three hours or less every day was not associated with the increased prevalence of eye and musculoskeletal discomforts.

18. In line with the findings of the medical studies and on the basis of the understanding in the Labour Advisory Board (LAB) meeting on 28 October 1996 that the Regulation was not intended to target at people who only used the DSE intermittently at work, the Administration proposes to revise the definition of "user" in section 2 of the Regulation to mean an employee who, by reason of the nature of his work, is required to use DSE for a prolonged period of time almost every day. The Administration also proposes to elaborate the definition of "user" in a code of practice, instead of in the Health Guide, to mean an employee who is required to use DSE, almost every day, continuously for at least four hours during a day or cumulatively for at least six hours during a day. To reflect clearly its policy intent, the Administration further proposes to provide expressly in the code of practice that breaks not exceeding 10 minutes in an hour away from DSE shall not be regarded as breaking the continuity of use of DSE.

19. The Administration has explained that continuous use is adopted in the elaborated meaning of "user" as the basis for determining whether an employee who uses DSE at least four hours during a day is a user, because although the medical studies do not specify the mode of use of DSE, a major study reveals that the majority of the employees who use DSE four hours or more every day are using the equipment more than seven hours every day. Consequently, it may be inferred that they use DSE more or less continuously rather than intermittently and hence have the higher health risk. The Administration has also explained that the elaborated meaning of "user" to cover cumulative use of DSE is to address some Members' concern so that an employee who uses DSE for a prolonged period of time but such use is interrupted by normal work arrangement, e.g. meal breaks, would fall under the elaborated meaning of "user". The Administration has further explained that the code of practice will be issued by the Commissioner under section 40 of OSHO. Under section 41 of OSHO, if, in any legal proceedings, a court is satisfied that a code of practice is relevant to determining a matter that is at issue in the proceedings, the

code is admissible as evidence in the proceedings. However, a person will not incur a civil or criminal liability only because the person has contravened the code.

20. Some Members have expressed support for the revised definition of "user" and the elaborated meaning of "user" proposed by the Administration.

21. Some other members are, however, not in support of the proposed elaborated meaning of "user". These members share the view of Professor T H LAM of The University of Hong Kong that the duration of use of DSE in all the medical studies provided by the Administration refers to average hours per day, which is a measure of cumulative duration of use, and that there is no mention of continuous use in the studies. They also share the view of Professor LAM that the evidence from the studies shows that working for an average cumulative duration of four hours or more every day can cause health problems to DSE users. Hon LEE Cheuk-yan has indicated that he would move a motion to amend the definition of "user" in section 2 of the Regulation to mean an employee who, by reason of the nature of his work, is required to use DSE almost every day and cumulatively for four hours or more during a day.

22. Some members are of the view that the Administration should review the definition of "user" if, in future, there are medical evidence substantiating that cumulative use of DSE for four hours during a day, almost every day, would cause health problems. The Administration has assured Members that following the coming into effect of the Regulation, the Labour Department will monitor the trend of reported health problems arising from work with DSE, keep in view findings of relevant medical researches, and make reference to its enforcement experience, with a view to reviewing the definition of "user" if necessary. At the request of Members, the Administration has undertaken to state this point in SEM's speech when she moves the motion on the Regulation.

Risk assessment

23. Under section 4 of the Regulation, a person responsible for a workplace is required to perform a risk assessment of a workstation in the workplace. To facilitate the assessment of risk, a sample risk assessment checklist is provided in the Health Guide.

24. As the Health Guide is an advisory document with no legal effect, some Members have suggested that the checklist should be incorporated into the Regulation as a schedule, which is subsidiary legislation, so that a responsible person could discharge his legal obligation under section 4 by completing the checklist.

25. Having considered Members' proposal, the Administration has proposed that the risk assessment checklist should be provided in a code of practice issued by the Commissioner under section 40 of OSHO, instead of in the Health Guide. The Administration has explained that amendment of a code is more flexible than a schedule so as to keep abreast of the rapid development of information technology.

26. Members have discussed the Workstation Risk Assessment Checklist proposed by the Administration. The Checklist comprises a set of questions on the display screen, input devices, work desk, chair, accessories and the working environment. At the suggestion of Members, the Administration has agreed to set out in the Checklist that on completion of the assessment, the person making the assessment should sign and record the date of assessment on the Checklist. The Administration has also agreed to include a recommendation in the code of practice that a copy of the completed Checklist should be provided to users concerned for reference.

27. Hon SIN Chung-kai has suggested that the Checklist should include a section for the user concerned to state his comments on the risk assessment. Most members share the view of the Administration that as the purpose of the Checklist is to assist responsible persons to fulfil their legal obligation and since the user concerned would be provided with a copy of the completed Checklist, it is not necessary to include such a section.

Code of Practice

28. As explained in paragraphs 19 and 25 above, the Commissioner will issue a code of practice under section 40 of OSHO to provide practical guidance on the interpretation of "user" and how risk assessments required under the Regulation should be performed. The Administration has agreed to add a provision to provide an express reference to the code of practice in the Regulation. A copy of the draft Code of Practice for Working with Display Screen Equipment is in **Appendix II**.

29. The Administration has assured Members that since the Code of Practice is intended to provide, among other things, practical guidance on 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. Under the circumstance, the Administration would certainly consult the Legislative Council to seek its approval.

30. In view of the amendment proposed by the Administration, Hon LEE Cheuk-yan has indicated that he would not pursue with his proposed amendment to add to the Regulation a new section 11 concerning guidelines for implementation of the Regulation. Members may wish to refer to paragraph 19 of the Subcommittee's report for the House Committee meeting on 9 November 2001 (LC Paper No. CB(2)312/01-02) for further details.

Warning mechanism

31. Members have requested the Administration to reconsider spelling out clearly in the Regulation a warning mechanism, under which an improvement notice would be issued to responsible persons for non-compliance with the requirements prior to taking prosecution actions.

32. The Administration has responded that the Regulation is premised on a self-regulatory concept which encourages duty-holders to take actions to discharge their

obligations on their own volition and take proactive steps to rectify non-compliance. The provision for a warning mechanism in the Regulation will work against the concept of self-regulation and the purpose of introducing the Regulation. Duty-holders, knowing well that prosecution will not be initiated if immediate action is taken to comply with an improvement notice, would have little incentive to comply with the requirements before an improvement notice is served. In addition, to make it mandatory for warnings to be issued before prosecution is taken would deprive the Labour Department of the authority to take immediate actions in the case of blatant non-compliance. The Administration has also informed Members that when consulted in March 2001, the LAB did not support the proposed warning mechanism.

33. The Administration has assured Members that in the case of non-compliance with the Regulation, the Labour Department would normally issue warning letters and improvement notices as the initial steps of enforcement. It is Labour Department's established policy that in enforcing safety and health laws, the Labour Department would normally issue improvement notices before taking prosecution actions for the less serious breaches, and take immediate prosecution actions for serious breaches or non-compliance with improvement notices. At the request of Members, the Administration has undertaken to state this point in the speech of SEM when she moves the motion on the Regulation.

Offences of strict liability

34. Under the Regulation, a person responsible for a workplace or an employer who fails to comply with the various requirements commits an offence and is liable on conviction to a maximum fine of \$50,000. Section 10(4) of the Regulation provides that such offences are offences of strict liability. Members have requested the Administration to reconsider the need to create offences of strict liability.

35. The Administration has explained that having taken legal advice, the Administration considers that the Regulation, which is concerned with safety and health of DSE users, justifies the creation of strict liability offences. Strict liability offences under the Regulation are necessary to encourage greater vigilance in complying with the Regulation. The creation of these offences would enable more effective prosecution and saves considerable resources of the court in deciding whether an offence is strict liability in nature. According to a previous court case, the defendant can still rely on a defence that he believes for good and sufficient reason that he has complied with the provisions of the Regulation.

36. The Administration has pointed out that while sections 5 and 7 have already built in a defence of reasonable practicability for the strict liability offences, the Administration has, at the requested of the Subcommittee, extended the same defence to sections 4(5), 6, 8 and 9 to allow some flexibility for compliance with the requirements. In the view of the Administration, the Regulation, as amended, strikes a fair balance between the necessary deterrent effect and sufficient safeguard against the offences of strict liability.

37. Members may wish to refer to paragraphs 35 to 45 of the Subcommittee report for the House Committee meeting on 9 November 2001 for further details.

Recommendation

38. The Administration will incorporate the agreed amendments to the Occupational Safety and Health (Display Screen Equipment) Regulation. A revised version of the Regulation showing the changes made is in **Appendix III**.

39. As explained in paragraph 21 above, Hon LEE Cheuk-yan will move a motion to amend the definition of "user". His draft amendment is in **Appendix IV**.

40. Hon Andrew CHENG Kar-foo will also move amendments to the motion on the Regulation to require employers to allow DSE users to take appropriate rest breaks or alternative tasks after prolonged DSE work; and an employer who fails to comply with this provision will be subject to a maximum fine of \$50,000. Hon Andrew CHENG Kar-foo has also proposed that details of the rest break arrangements, e.g. the duration of rest breaks, should be set out in the Health Guide. His draft amendments are in **Appendix V**. Members may wish to refer to paragraphs 23 to 25 of the Subcommittee report for the House Committee meeting on 9 November 2001 for further details.

41. The Subcommittee recommends that the motion on the Regulation be moved by the Secretary for Education and Manpower at the Council meeting on 17 April 2002.

Advice Sought

42. Members are invited to support the recommendation in paragraph 41 above.

Subcommittee on
Occupational Safety and Health
(Display Screen Equipment) Regulation

Membership list

Chairman	Hon Andrew CHENG Kar-foo
Members	Hon Kenneth TING Woo-shou, JP Hon Cyd HO Sau-lan Ir Dr Hon Raymond HO Chung-tai, JP Hon LEE Cheuk-yan Hon HUI Cheung-ching, JP Hon SIN Chung-kai Hon YEUNG Yiu-chung, BBS Hon Mrs Miriam LAU Kin-ye, JP Hon LI Fung-ying, JP Hon Henry WU King-cheong, BBS Hon Michael MAK Kwok-fung Hon LEUNG Fu-wah, MH, JP Dr Hon LO Wing-lok
	(Total : 14 Members)
Clerk	Mrs Sharon TONG LEE Yin-ping
Legal Adviser	Mr Arthur CHEUNG
Date	3 July 2001

DRAFT**Code of Practice for Working with Display Screen Equipment**

1. Introduction
 - 1.1 The Occupational Safety and Health (Display Screen Equipment) Regulation (“the Regulation”) aims at protecting the safety and health of employees who use display screen equipment at work for prolonged periods of time.
 - 1.2 This Code of Practice is issued by the Commissioner for Labour under Section 40 of the Occupational Safety and Health Ordinance (Cap. 509) for the purpose of providing the person responsible for a workplace and employees with practical guidance as to whether an employee is a “user” as defined in the Regulation, and how risk assessments required under the Regulation should be performed. The advice contained in this Code should not be regarded as exhaustive to cover all legal requirements under the Regulation, nor is it intended to relieve duty-holders of their statutory responsibilities.
 - 1.3 The terms used in this Code of Practice have the same meaning as those in the Regulation and the Occupational Safety and Health Ordinance.
 - 1.4 Although a person does not incur any civil or criminal liability only because he has contravened a provision of this Code of Practice, proof of compliance with, or failure to comply with, this Code may be relied on in legal proceedings by any party to the proceedings as tending to establish or negate a matter that is in issue (see section 41 of the Occupational Safety and Health Ordinance).
 - 1.5 The statutory provisions to which reference has been made in this Code of Practice are those in force as at _____.

2. Interpretation of “user”

2.1 Under Section 2 of the Regulation, “user” is defined to mean 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. ~~More or less on a daily basis and for the majority of his working hours.~~

2.2 An employee would be a “user” if he, by the nature of his work, e.g. data processing, telecommunications, computer graphic design, etc, is required to use display screen equipment almost every day, ~~more or less daily,~~

- (a) continuously for at least 4 hours during a day; OR
- (b) cumulatively for at least 6 hours during a day.

Breaks not exceeding 10 minutes in an hour away from the display screen equipment shall not be regarded as breaking the continuity of use of the display screen equipment.

3. Risk assessment

- 3.1 Under Section 4 of the Regulation, the person responsible for a workplace is required to perform a risk assessment of a workstation in the workplace.
- 3.2 A risk assessment of a workstation should consist of a process of identifying and assessing the risks to the safety and health of users of the workstation, deciding whether existing precautions are adequate and recording the findings. It is recommended that such a risk assessment be made by means of a checklist. The checklist should comprise a set of questions on the display screen, input devices, work desk, chair, accessories like document holder and footrest, and the working environment, as appropriate. It is also recommended that a copy of the completed checklist be provided to users concerned for reference.
- 3.3 The Workstation Risk Assessment Checklist at the Annex may be used in performing risk assessments of workstations. In completing the checklist, the person making the assessment should answer the questions in Part A. Where the answer is “Yes” or the question is not applicable, no follow-up action is required. Where the answer is “No”, follow-up actions will be needed to reduce the risks. Any follow-up action to be taken should be recorded in Part B of the checklist. On completion of the assessment, the person making the assessment should sign and record the date of assessment on the checklist.

Workstation Risk Assessment Checklist**Name of organization :** _____**Address:** _____**Workstation location:** _____**Name of user :** _____**Description of task:** _____**Part A : Assessment**

	Yes	No	N.A.*	Remarks
Display Screen				
1. Does the screen give a clear, sharp and steady image?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are the characters readable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Are the brightness and contrast adjustable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Does the screen swivel and tilt?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Is the screen positioned at about or slightly below the eye level and in front of the user?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Is the screen free from reflections and glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Input Devices (keyboard, mouse, numeric pad, etc.)				
7. Is the keyboard tiltable and detached from the display screen? (not applicable to portable systems)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Are the characters on the keys of the keyboard/ numeric pad readable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Is the keyboard/numeric pad glare free?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Are the input devices positioned at about the elbow level?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Is there enough space to rest hands in front of the input devices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Work Desk				
12. Is the desk surface large enough for the screen, input devices and documents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Yes	No	N.A.*	Remarks
13. Is there adequate leg-room below the desk?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Chair				
14. Is the base of the chair stable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15. Do the casters allow easy movement of the chair?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the seat height adjustable to suit the body size of the user?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17. Is the backrest adjustable in both height and tilt to provide adequate support to the lower back?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18. Is the seat pan padded and free from sharp edges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19. Do the armrests, if any, allow the user to get close enough to key comfortably?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Document Holder				
20. Is the document holder, if provided, properly positioned to avoid awkward neck posture and movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Footrest				
21. Is the footrest, if required, stable and provided with a non-slip surface?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Illumination				
22. Is the lighting level suitable for the work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Noise				
23. Is the noise produced by the workstation acceptable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Part B : Follow-up Actions

(If a “No” answer is given to any of the above questions, follow-up actions are required.)

Person making the assessment: _____ **Date of assessment:** _____

Note: *Not Applicable

Enquiry

If you wish to enquire about this Code of Practice or the Regulation, please contact the Occupational Safety and Health Branch through:

Telephone: 2852 4041

Fax: 2581 2049

E-mail: laboureq@labour.gcn.gov.hk

**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, by reason of the nature of his work, is
required to use display screen equipment for a prolonged period of time
almost every day 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.~~ 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.

(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 and assessing the risk to the safety and health of users of a workstation ~~the potential hazards arising from the work in the workstation;~~

~~(b) deciding who might be at risk and how the person is affected;~~

~~(e-b)~~ evaluating the risks arising from the potential hazards and deciding whether existing precautions are adequate; and

~~(d-c)~~ recording the findings.

(4) If -

(a) the person responsible for a workplace has reason to ~~suspect~~ believe that there has been a significant change in 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, so far as

reasonably practicable, 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) The person responsible for a workplace shall -

(a) 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). 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.

~~(6) Upon request in writing 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, so far as reasonably practicable, inform~~make available to~~ users ~~who normally use~~of a workstation in respect of which a risk assessment has been performed under section 4 about the findings of the risk assessment has been performed under section 4 a copy of the following documents -

- (a) about a record of the findings of the risk assessment;
- and
- (b) a record of 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, and health ~~and welfare~~ of ~~those~~ users of those workstations.

8. Provision of safety and health training

(1) An employer shall, so far as reasonably practicable, ensure that a user employed by him is provided with ~~adequate~~ necessary safety and health training in the use of ~~the workstations 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.~~

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.

10. Effect of 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 code of practice issued under section 40 of this 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.

11. Offences

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

Commissioner for Labour

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~~ make available to users of a record of the findings of the

risk assessment and of 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, and health ~~and welfare~~ of users.

9. Section 8 requires an employer to ensure that a user has been provided with ~~adequate~~ necessary 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 and by complying with any risk reduction measures taken as a result of risks identified in a risk assessment.

11. Section 10 describes the effect of a code of practice issued under section 40 of the principal Ordinance.

142. Section 10~~1~~ creates offences for failure to comply with the provisions of the Regulation and sets out the penalties to be imposed on offenders.

敬啓者：

《職業安全及健康（顯示屏幕設備）規例》擬議修訂

就以上政府當局提出的規例的最新擬稿（見立法會 CB(2)1176/01-02(01)號文件附件一），本人認為當中提述“使用者”的釋義（《規例》第 2 條）有必要加以明確化；就此，本人擬就《規例》第 2 條作出修訂，內容為：

““使用者” (user)指因本身的工作性質而差不多每天均使用顯示屏幕設備，而在一天內累積使用顯示屏幕設備 4 小時或以上的僱員；”

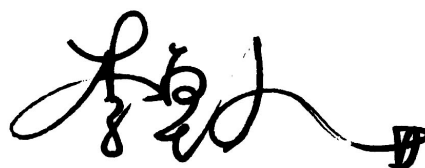
英文版本的修訂內容則為：

““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;”

本人希望在小組委員會下次會議上加以討論。謝謝！

此致

《職業安全及健康（顯示屏幕設備）規例》
小組委員會主席及各委員



李卓人 謹啓

2002 年 2 月 27 日

**OCCUPATIONAL SAFETY AND HEALTH ORDINANCE
AND
RULE 29(6) OF THE RULES OF PROCEDURE OF
THE LEGISLATIVE COUNCIL RULES OF THE HONG
KONG
SPECIAL ADMINISTRATIVE REGION**

**AMENDING MOTION TO BE MOVED BY HONORABLE
ANDREW CHENG KAR-FOO**

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

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 2001 be amended to the effect that the Occupational Safety and Health (Display Screen Equipment) Regulation made by the Commissioner for Labour on 8 November is subject to the following amendments –

(a) by adding –

“7A. Periodical Break

An employer shall so plan the activities of users at work in the workstations at the workplace that their daily work on display screen equipment is periodically interrupted by such breaks or changes of activity as to reduce their workload at that equipment.”;

(b) in section 10(2), by adding “7A,” after “with section”.

