

立法會
Legislative Council

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by the Administration)

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

**Minutes of meeting
held on Wednesday, 28 November 2001 at 8:30 am
in the Chamber of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon Kenneth TING Woo-shou, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon HUI Cheung-ching
Hon YEUNG Yiu-chung, BBS
Hon Mrs Miriam LAU Kin-yee, 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

Members attending : Hon James TIEN Pei-chun, GBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Howard YOUNG, JP
Hon TAM Yiu-chung, GBS, JP

Members absent : Hon Cyd HO Sau-lan
Hon SIN Chung-kai

Public Officers : Mr K K LAM
attending Principal Assistant Secretary for Education and Manpower

Miss Cheryl CHOW
Assistant Secretary for Education and Manpower

Dr LEUNG Lai-man
Occupational Health Consultant
Labour Department

Ms Marie SIU
Senior Government Counsel

Clerk in : Mrs Sharon TONG
attendance Chief Assistant Secretary (2) 1

Staff in : Mr Arthur CHEUNG
attendance Assistant Legal Adviser 5

Miss Betty MA
Senior Assistant Secretary (2)1

Action

I. Meeting with the Administration

The Subcommittee deliberated (Index of proceedings attached at **Annex.**)

2. The Subcommittee requested the Administration to consider the following and provide a response -

(a) To consider amending the following provisions of the proposed Occupational Safety and Health (Display Screen Equipment) Regulation -

Section 2

To spell out explicitly the meaning of "user" in section 2 of the Regulation along the line of the meaning of "user" in paragraph 1.3 of the draft Health Guide, with a view to qualifying "significant part of his normal work" in the definition of "user" in section 2 of the Regulation.

Section 3

To spell out clearly the duration of using DSE by a user which would be within the meaning of continuous use of DSE.

Action

Section 4

To include the Computer Workstation Risk Assessment Checklist (Appendix B to the draft Health Guide) as a schedule to the Regulation. Amendment should be made to subsection (1) to the effect that the person responsible for the workplace should complete the risk assessment checklist to discharge his obligation to perform a risk assessment of a workstation. Consequently, subsection (3)(a), (b) and (c) should be deleted.

Section 5

To revise section 5 to the effect that the person responsible for a workplace should take follow-up actions in accordance with Part B of the risk assessment checklist.

Section 10

To delete subsection (4) having regard to members' concern that non-compliance with the Regulation should not constitute an offence of strict liability as a matter of course.

- (b) In connection with the amendments proposed to section 4(1), the risk assessment checklist should be revised so that no multiple questions would be contained in one single question under Part A and no conclusions were required for completing Part B.
 - (c) To consider spelling out clearly in the Regulation a warning mechanism in relation to the use of DSE, under which an improvement notice would be issued to employer or responsible person for non-compliance with the requirements prior to taking prosecution actions.
 - (d) To provide information on medical assessment in respect of the relationship between prolonged use of DSE and health problems of employees like eyestrain and tenosynovitis, in particular the difference between using DSE continuously for 1 hour and 4 hours in causing these health problems.
3. Members agreed that the next meeting would be scheduled for 21 December 2001 at 10:45 am.
 4. There being no other business, the meeting ended at 10:42 am.

**Proceedings of the meeting of the Subcommittee on
Occupational Safety and Health (Display Screen Equipment) Regulation
on Wednesday, 28 November 2001, at 8:30 am
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0157	Chairman	Welcoming remarks	
0158 - 0750	Admin	Administration's response to the concerns raised at the House Committee meeting on 9 November 2001	
0751 - 0757	Chairman	"	
0758 - 1109	Miss Margaret NG	Amendments proposed to the Regulation	
1110 - 1160	Chairman	"	
1161 - 1232	Mr YEUNG Yiu-chung	Definition of user	
1233 - 1555	Admin	"	
1556 - 1637	Mr YEUNG Yiu-chung	Estimated number of workstations to be covered by the Regulation	
1638 - 1643	Chairman	"	
1644 - 1943	Mr Howard YOUNG	"	
1944 - 2221	Admin	"	
2222 - 2448	Mr Howard YOUNG	"	
2449 - 2747	Admin	"	
2748 - 3042	Mr Kenneth TING	Definition of user	
3043 - 3130	Chairman	"	
3131 - 3313	Admin	"	
3314 - 3318	Chairman	"	
3319 - 3335	Admin	"	
3336 - 3704	Miss Margaret NG	"	
3705 - 3738	Chairman	"	
3739 - 3845	Admin	"	
3846 - 3857	Chairman	"	
3858 - 3859	Miss Margaret NG	"	
3900 - 3925	Chairman	"	
3926 - 3949	Miss Margaret NG	"	

3950 - 4000	Chairman	"	
4001 - 4255	Mr CHEUNG Man-kwong	Estimated number of workstations to be covered by the Regulation	
4256 - 4805	Admin	"	
4806 - 5039	Mr CHEUNG Man-kwong	"	
5040 - 5047	Chairman	"	
5048 - 5104	Mr HUI Cheung-ching	Enforcement of the Regulation	
5105 - 5135	Admin	"	
5136 - 5220	Mr HUI Cheung-ching	"	
5221 - 5241	Admin	"	
5242 - 5355	Mr Henry WU	Estimated number of workstations to be covered by the Regulation	
5356 - 5517	Admin	"	
5518 - 5601	Mr Henry WU	"	
5602 - 5623	Chairman	"	
5624 - 010134	Mr LEE Cheuk-yan	Estimated cost of compliance for the Regulation	
010135 - 010208	Chairman	"	
010209 - 010326	Admin	"	
010327 - 010331	Mr LEE Cheuk-yan	"	
010332 - 010340	Chairman	"	
010341 - 010551	Mr LEUNG Fu-wah	Application of the Regulation	
010552 - 010603	Chairman	"	
010604 - 010612	Mr LEUNG Fu-wah	"	
010613 - 010614	Chairman	"	
010615 - 010902	Admin	"	
010903 - 010928	Mr LEUNG Fu-wah	"	
010929 - 011225	ALA5	"	
011226 - 011250	Miss Margaret NG	"	
011251 - 011255	ALA5	"	
011256 - 011323	Mr LEUNG Fu-wah	"	
011324 - 011602	ALA5	"	
011603 - 011624	Chairman	"	
011625 - 012143	Mr James TIEN	Concerns raised by the commercial and industrial sectors on the Regulation	
012144 - 012501	Admin	"	
012502 - 012732	Mr James TIEN	"	
012733 - 012739	Chairman	"	
012740 - 013248	Dr LO Wing-lok	Application of the Regulation	
013249 - 013255	Chairman	"	

013256 - 013305	Chairman/Admin	"	
013306 - 013638	Dr Raymond HO	Implementation of the Regulation	
013639 - 013853	Ms LI Fung-ying	Definition of user/continuous use of DSE	
013854 - 013857	Chairman	"	
013858 - 013908	Ms LI Fung-ying	"	
013909 - 013922	Chairman	"	
013923 - 014109	Admin	"	
014110 - 014155	Ms LI Fung-ying	"	
014156 - 014202	Chairman	"	
014203 - 014356	Mr TAM Yiu-chung	"	
014357 - 014438	Chairman	"	
014439 - 015307	Miss Margaret NG	Amendments proposed to the Regulation	
015308 - 015316	Chairman	"	√ Admin to provide a response
015317 - 015600	Mr LEE Cheuk-yan	Definition of user and medical assessment on health problems related to use of DSE	√ Admin to provide a response
015601 - 015625	Mr YEUNG Yiu-chung	"	
015626 - 015840	Ms Miriam LAU	Definition of user, offences of strict liability and introduction of a warning mechanism	√ Admin to provide a response
015841 - 015922	Dr LO Wing-lok	Definition of user	
015923 - 020055	Mr CHEUNG Man-kwong	Definition of user and medical assessment on health problems related to use of DSE	
020056 - 020124	Mr James TIEN	Definition of user	
020125 - 020223	Mr LEUNG Fu-wah	Amendments to the Regulation	
020224 - 020312	Chairman	Date of next meeting	
020313 - 020326	Chairman/Miss Margaret NG	"	
020327 - 020404	Mr CHEUNG Man-kwong	"	
020405 - 020411	Mr James TIEN	"	
020412 - 020458	Chairman/Mr James TIEN	"	
020459 - 020642	Admin	"	
020643 - 020706	Chairman	"	
020707 - 020724	Chairman/Miss Margaret NG	"	
020725 - 020741	Chairman	"	

Note : The audio records of the above proceedings are kept at the LegCo

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Council Business Division 2
Legislative Council Secretariat
3 December 2001