

Discrimination Legislation (Miscellaneous Amendments) Bill 2018 gazetted today

The Discrimination Legislation (Miscellaneous Amendments) Bill 2018 (the Bill) was published in the Gazette today (November 30). The Bill amends the Sex Discrimination Ordinance (Cap 480) (SDO), the Disability Discrimination Ordinance (Cap 487) (DDO), the Family Status Discrimination Ordinance (Cap 527) (FSDO) and the Race Discrimination Ordinance (Cap 602) (RDO) to take forward eight recommendations of priority in the Equal Opportunities Commission (EOC)'s Report on the Discrimination Law Review (DLR) which are less complex and controversial. The eight recommendations are:

- (1) to introduce express provisions in the SDO prohibiting direct and indirect discrimination on the grounds of breastfeeding, and to include expression of milk in the definition of breastfeeding;
- (2) to replace the references to "near relative" in the RDO with references to "associate";
- (3) to provide protection from direct and indirect racial discrimination and racial harassment by imputation in the RDO;
- (4) to expand the scope of protection from sexual, disability and racial harassment between persons working in a common workplace under the SDO, DDO and RDO;
- (5) to protect service providers from disability and racial harassment by customers under the DDO and RDO;
- (6) to provide protection from disability and racial harassment between service providers and customers where the acts of harassment take place outside Hong Kong but on Hong Kong registered aircraft and ships in the DDO and RDO;
- (7) to protect members or applicants for membership of a club from sexual and disability harassment by the management of the club under the SDO and DDO; and
- (8) to amend provisions in the SDO, FSDO and RDO such that the requirement that no award of damages could be made if the respondent can prove that he/she has no intention to treat the claimant unfavourably shall be disapplied for claims in respect of an act of unlawful indirect discrimination committed on or after the commencement of the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2018.

A Government spokesman said, "The Government has earlier consulted the Panel on Constitutional Affairs of the Legislative Council (LegCo) and the Labour Advisory Board and gained members' support in pursuing recommendations

that are less complex or controversial, and in-principle support for five employment-related recommendations respectively, with a view to ensuring that the proposed legislative amendments are practicable and workable.

"We plan to introduce the Bill into the LegCo for first and second readings on December 12, 2018. If the Bill is passed by the LegCo, legislative protection for persons concerned, especially women, ethnic minorities and employees, will be enhanced," the spokesman added.