

**43. Discriminatory advertisements**

(1) It is unlawful to publish or cause to be published an advertisement which indicates, or might reasonably be understood as indicating, an intention by a person to do any act which is or might be unlawful by virtue of Part III or IV.

(2) Subsection (1) shall not apply to an advertisement if the intended act would not in fact be unlawful.

(3) For the purposes of subsection (1), use of a job description which is sex specific shall be taken to indicate an intention to discriminate, unless the advertisement contains an indication to the contrary.

(4) The publisher of an advertisement made unlawful by subsection (1) shall not be subject to any liability under that subsection in respect of the publication of the advertisement if he proves—

- (a) that the advertisement was published in reliance on a statement made to him by the person who caused it to be published to the effect that, by reason of the operation of subsection (2), the publication would not be unlawful; and
- (b) that it was reasonable for him to rely on the statement.

(5) A person who knowingly or recklessly makes a statement of the kind referred to in subsection (4) which in a material respect is false or misleading commits an offence and is liable on conviction to a fine at level 4.

**44. Instructions to discriminate**

It is unlawful for a person—

- (a) who has authority over another person; or
- (b) in accordance with whose wishes that other person is accustomed to act,

to instruct him to do any act which is unlawful by virtue of Part III or IV, or procure or attempt to procure the doing by him of any such act.

**45. Pressure to discriminate**

(1) It is unlawful to induce, or attempt to induce, a person to do any act which contravenes Part III or IV by—

- (a) providing or offering to provide him with any benefit; or
- (b) subjecting or threatening to subject him to any detriment.

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**43. 歧視性的廣告**

(1) 任何人如發布或安排發布廣告，而該廣告顯示或可合理地被理解為顯示有人意圖作出憑藉第 III 或 IV 部而屬違法或可屬違法的作為，即屬違法。

(2) 如意圖作出的作為事實上不會屬違法，則第 (1) 款不適用於有關的廣告。

(3) 就第 (1) 款而言，在廣告中使用明確指出性別的字眼描述某工作，須被視為顯示有歧視的意圖，但如該廣告載明相反的意圖，則屬例外。

(4) 被第 (1) 款定為違法的廣告，其發布人如證明——

- (a) 安排發布該廣告的人曾向他作出陳述，謂由於第 (2) 款的實施，該項發布不會屬違法，而他是依據該陳述行事；及
- (b) 他依據該陳述行事是合理的，

即無須就該廣告的發布負上第 (1) 款下的任何法律責任。

(5) 任何人明知而作出或罔顧後果地作出第 (4) 款所提述的陳述，而該陳述在要項上屬虛假或有誤導性，即屬犯罪，一經定罪，可處第 4 級罰款。

**44. 指示他人作出歧視**

如——

- (a) 任何人具有凌駕於另一人之上的權限；或
- (b) 另一人慣於按照該人意願行事，

而該人指示該另一人作出任何憑藉第 III 或 IV 部而屬違法的作為，或促使或企圖促使該另一人作出任何該等作為，即屬違法。

**45. 施壓以使他人作出歧視**

(1) 任何人如藉着——

- (a) 向另一人提供或要約提供任何利益；或
- (b) 使另一人遭受或威脅使另一人遭受任何不利，

誘使或企圖誘使該另一人作出任何違反第 III 或 IV 部的作為，即屬違法。