

Amend the Family Status Discrimination Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Family Status Discrimination (Amendment) Ordinance 2000.

(2) Except section 3, this Ordinance shall be deemed to have come into operation on 21 November 1997.

2. Section added

The Family Status Discrimination Ordinance (Cap. 527) is amended by adding---

"39A. Discrimination in affording immediate family members access to benefits

(1) Nothing in Part III, IV or V shall render unlawful any discrimination by a person among persons in his employment who have family status ("employees") in the way he affords any immediate family members of the employees direct or indirect access to benefits, facilities or services.

(2) Nothing in Part III, IV or V shall render unlawful any discrimination by a principal (as construed in accordance with section 9) among contract workers who have family status in the way he affords any immediate family members of the contract workers direct or indirect access to benefits, facilities or services.

(3) Nothing in Part III, IV or V shall render unlawful any discrimination by a principal (as construed in accordance with section 16) among commission agents who have family status in the way he affords any immediate family members of the commission agents direct or indirect access to benefits, facilities or services."

3. Saving of existing proceedings

(1) This Ordinance shall not affect any proceedings instituted before 1 February 2000 in respect of a former act.

(2) In this section---

"amending Ordinance" (修訂條例) means the Family Status Discrimination (Amendment) Ordinance 2000 (of 2000);

"former act" (前作為) means any act which but for the amending Ordinance may have constituted discrimination under Part III, IV or V of the principal Ordinance;

"principal Ordinance" (主體條例) means the Family Status Discrimination Ordinance (Cap. 527) as it existed immediately before the enactment of the amending Ordinance.

Explanatory Memorandum

This Bill amends the Family Status Discrimination Ordinance (Cap. 527) (the "principal Ordinance") to add a new provision to clarify that it is not unlawful for a person to treat employees, contract workers or commission agents who have family status differently in the way he affords their immediate family members access to benefits, facilities or services.

2. The Bill also expressly provides that relevant proceedings instituted under the principal Ordinance before 1 February 2000 are not to be affected.