

平 等 機 會 委 員 會

EQUAL OPPORTUNITIES COMMISSION

OUR REF: EOC/CR/ORD/18

YOUR REF: CB2/BC/8/13

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17 October 2014

Ms. Joanne MAK
Clerk to Bills Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Madam,

Bills Committee on Sex Discrimination (Amendment) Bill 2014
Meeting on 24 October 2014

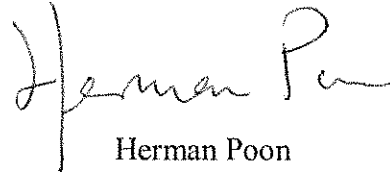
I refer to your letter dated 6 October 2014, advising a change in the meeting time on 24 October 2014. The Commission shall attend the meeting at the re-scheduled time, represented by our Chief Legal Counsel Mr. Herman Poon and Policy & Research Unit Head Dr. Ferrick Chu.

The current prohibition of sexual harassment (section 40 of the Sex Discrimination Ordinance) does not cover a customer harassing a service provider. This type of harassment is not uncommon in service industries and is an issue of significant concern. The Sex Discrimination (Amendments) Bill 2014 will extend protection to service providers who are harassed by customers. The Bill also extends protection to cover harassment which takes place on board a Hong Kong registered ship or aircraft when it is outside Hong Kong. This will make the scope of protection consistent with sex discrimination (which would be unlawful if it takes place on board a Hong Kong ship or aircraft even if it is outside Hong Kong, by virtue of s.41(3) SDO). Relevant stakeholders groups are generally in favour of the Bill. The Constitutional Affairs Panel is also supportive. The Equal Opportunities Commission welcomes and supports this Bill.

The Bills Committee and relevant stakeholders have raised issues of employer liability and using gender neutral references in the law. In principle, we

think employers should have an obligation to take reasonable steps to provide a working environment free of sexual harassment. We also think that it is desirable to use gender neutral references. We are studying these issues as a part of a current review of discrimination law. We now in the process of collecting views on the different issues in the review and expect to make follow-up recommendations in the second quarter of 2015.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Herman Poon". The signature is written in a cursive style with a vertical line extending downwards from the end of the name.

Herman Poon
Chief Legal Counsel

Equal Opportunities Commission