

**Bills Committee on
Discrimination Legislation (Miscellaneous Amendments) Bill 2018**

**List of follow-up actions arising from the discussion
at the meeting on 14 January 2019**

Clause 7 of the Bill proposes to introduce a new section 8A to the Sex Discrimination Ordinance (Cap. 480) on discrimination against breastfeeding. Under the proposed new section 8A(2)(a), a woman is breastfeeding if she (i) is engaged in the act of breastfeeding her child or expressing breast milk to feed her child; or (ii) is a person who feeds her child with her breast milk. Some members expressed concern on whether the legislative intent of the proposed new section 8A was to protect breastfeeding women in general or only breastfeeding mothers. There was a view that the amendment as such did not afford sufficient protection to breastfeeding women from being harassed or vilified. Some members suggested that the Administration should draw reference on similar legislation in Australia and the United Kingdom and consider expanding the scope of protection under the proposed new section 8A so as to also cover the acts of harassment, vilification and offensive behaviour towards breastfeeding women in general. The Administration was requested to consider members' suggestion of reviewing the definition of breastfeeding and to address relevant issues raised on this aspect by the Legal Adviser to the Bills Committee in relation to the proposed new section 8A as set out in his letter dated 7 January 2019 to the Administration (LC Paper No. CB(2)578/18-19(03)).

2. The Administration was also requested to advise in writing whether proceedings against any persons on grounds of protection from sexual, disability and racial harassment/discrimination between persons working in a common workplace under the Sex Discrimination Ordinance (Cap. 480), the Disability Discrimination Ordinance (Cap. 487) and the Race Discrimination Ordinance (Cap. 602) fell within the scope of matters pertaining to the contractual or other legal relationships of a civil nature among the bodies or individuals particularized in Article 7(5) of the Co-operation Arrangement between the Mainland and the Hong Kong Special Administrative Region on the Establishment of the Port at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link for Implementing Co-location Arrangement, and thus were regarded as "reserved matters" under the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Cap 632) to which the laws of the Hong Kong Special Administrative Region would apply in the West Kowloon Station Mainland Port Area ("MPA") if, for example, a female Hong Kong resident working in MPA was discriminated by her colleagues on the ground of breastfeeding (if the proposed amendments under the Bill to broaden the legal protection for breastfeeding women were passed).