

**立法會**  
***Legislative Council***

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Debate and voting arrangements for  
Discrimination Legislation (Miscellaneous Amendments) Bill 2018**

Further to LC Paper No. CB(3) 438/19-20 issued on 21 May 2020, I attach a table on the debate and voting arrangements for the captioned Bill for Members' information.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

**Discrimination Legislation (Miscellaneous Amendments) Bill 2018**  
**Debate and voting arrangements**

- Object of the Bill :**
- (a) to amend the Sex Discrimination Ordinance (Cap. 480) to make breastfeeding discrimination unlawful;
  - (b) to amend the Race Discrimination Ordinance (Cap. 602) to protect an associate of a person from harassment and direct racial discrimination;
  - (c) to expand the meaning of race and racial group in Cap. 602 to include a race that is imputed to a person;
  - (d) to amend Cap. 480, the Disability Discrimination Ordinance (Cap. 487) and Cap. 602 to make harassment at a workplace unlawful;
  - (e) to amend Cap. 487 and Cap. 602 to strengthen the protection against harassment in relation to the provision of goods etc.;
  - (f) to amend the Cap. 487 and Cap. 602 to make certain acts of harassment committed outside Hong Kong unlawful;
  - (g) to amend Cap. 480 and Cap. 487 to make harassment against a member or an applicant for membership of a club unlawful; and
  - (h) to remove the intention requirement for an award of damages for certain acts of indirect discrimination under Cap. 480, the Family Status Discrimination Ordinance (Cap. 527) and Cap. 602.

<b>Joint debate</b>	<b>: Clauses with no amendment, and clauses with amendments and new clauses proposed by the Secretary for Constitutional and Mainland Affairs (“SCMA”)</b>	<b>– Clauses 1 to 33, and new clauses 18A, 19A to 19C, 21A to 21D and 23A to 23C</b>
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Joint debate on the original clauses and the amendments thereto, and the new clauses.

**Debate theme : Definition of breastfeeding and prohibiting harassment involving interns and volunteers at workplace**

Amendments relating to prohibiting discrimination against breastfeeding women

**First group of amendments: amending clauses 4 and 7**

- To amend the proposed section 8A(2)(a)(i) and (ii) in clause 7 to substitute the reference to “her child” with “a child” so that the scope of protection for breastfeeding will not be limited to women feeding their children with their breast milk; and to make corresponding textual amendments to the definition of **breastfeeding** in clause 4(2).

Amendments relating to prohibiting harassment involving interns and volunteers at workplace

**Second group of amendments: amending clauses 19 to 22**

- To amend clauses 19, 21 and 22 to add “intern” and “volunteer” to the proposed definition of **workplace participant**, and to define “volunteer”, “internship” and “intern”, in the proposed new sections 23A of Cap. 480, 22A of Cap. 487 and 24A of Cap. 602; and to amend clause 20 to include volunteer and intern/internship in section 2(1) (interpretation) of Cap. 487.

**Third group of amendments: new clauses 18A, 19A to 19C, 21A to 21D and 23A to 23C**

- To introduce new clauses 18A and 21D to include volunteer and intern/internship in section 2(1) (interpretation) of Cap. 480 and Cap. 602;
- To introduce new clauses 19A to 19C, 21A to 21C and 23A to 23C to the effect that under the above three anti-discrimination ordinances:
  - (i) persons engaging volunteers or interns would be liable for the volunteers’ or the interns’ unlawful acts of harassment committed against other workplace participants in a common workplace in the course of performing volunteer work or an internship, but would be entitled to the corresponding defence if they took reasonably practicable steps to prevent the volunteers or interns from doing those acts or acts of that description; and
  - (ii) the relevant provisions relating to aiding unlawful acts would apply to volunteers and interns; and
- to make corresponding textual changes to the relevant provisions concerning claims in respect of discrimination, harassment or vilification.

Voting order	Remarks
Clauses with no amendment (clauses 1 to 3, 5, 6, 8 to 18, and 23 to 33) standing part of the Bill	—
SCMA’s first group of amendments (to amend clauses 4 and 7)	<b><u>Irrespective of whether</u></b> SCMA’s first group of amendments are <b>passed or not</b> , he <b><u>may move</u></b> his second group of amendments
The original clauses 4 and 7 or such clauses as amended standing part of the Bill	
SCMA’s second group of amendments (to amend clauses 19 to 22)	If SCMA’s second group of amendments are <b><u>negatived</u></b> , SCMA <b><u>may not move</u></b> his third group of amendments
The original clauses 19 to 22 or such clauses as amended standing part of the Bill	—
SCMA’s third group of amendments (new clauses 18A, 19A to 19C, 21A to 21D and 23A to 23C)	The new clauses be read the second time and added to the Bill

**SCMA’s amendments**

(set out in LC Paper No. CB(3) 438/19-20 issued on 21 May 2020)