

立法會
Legislative Council

LC Paper No. CB(2)807/20-21
(These minutes have been seen
by the Administration)

Ref : CB2/BC/2/20

**Bills Committee on
Sex Discrimination (Amendment) Bill 2020**

**Minutes of meeting
held on Friday, 15 January 2021, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Alice MAK Mei-kuen, BBS, JP (Chairman)
Hon Elizabeth QUAT, BBS, JP
Hon YUNG Hoi-yan, JP
Dr Hon CHENG Chung-tai
Hon Vincent CHENG Wing-shun, MH, JP

Public Officers attending : Item II

Mr Andy CHAN Shui-fu, JP
Under Secretary for Constitutional and Mainland Affairs

Ms Judy CHUNG Sui-kei
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Miss Celine KWOK Sin-ling
Assistant Secretary for Constitutional and Mainland Affairs

Miss Wendy HO Yuen-ting
Government Counsel
Department of Justice

Clerk in attendance : Miss Josephine SO
Chief Council Secretary (2) 2

Staff in attendance : Mr Bonny LOO
Senior Assistant Legal Adviser 3

Ms Wendy LO
Senior Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

Action

I. Election of Chairman

Election of Chairman

Ms Alice MAK, the member who had the highest precedence in Council among members of the Bills Committee present, presided over the election of the Chairman. Ms MAK invited nominations for the chairmanship of the Bills Committee.

2. Ms Alice MAK was nominated by Ms YUNG Hoi-yan and the nomination was seconded by Mr Vincent CHENG. Ms Alice MAK accepted the nomination. Ms Elizabeth QUAT, the member of the highest precedence in Council among other members present, took over from Ms Alice MAK to preside over the election of the Chairman. As there was no other nomination, Ms QUAT declared Ms Alice MAK elected as the Chairman of the Bills Committee. Ms MAK then took the chair.

3. Members agreed that the election of Deputy Chairman was not necessary.

II. Meeting with the Administration

(File Ref: CMAB CR 1/19/1, LC Paper Nos. LS18/20-21, CB(3)266/19-20 and CB(2)645/20-21(02) to (05))

4. The Bills Committee deliberated (index of proceedings attached at **Annex**).

5. The Bills Committee completed the discussion of the policy aspects and clause-by-clause examination of the Sex Discrimination (Amendment) Bill 2020 ("the Bill") as well as the consideration of the amendments proposed by the Administration to the Bill, which were tabled at the meeting.

Action

(Post-meeting note: The amendments proposed by the Administration to the Bill and a marked-up copy of the Bill showing the proposed amendments were issued to members vide LC Paper No. CB(2)660/20-21 on 15 January 2021.)

III. Any other business

Invitation for views

6. Members agreed that the Bills Committee would post a notice on the website of the Legislative Council to invite written views on the Bill. The Chairman said that subject to any views received, she would decide whether or not a further meeting of the Bills Committee would be convened to discuss those views or any other outstanding matters.

7. There being no other business, the meeting ended at 11:26 am.

(Post-meeting note: Members were informed vide LC Paper No. CB(2)711/20-21 issued on 26 January 2021 that by the specified deadlines, the Secretariat had not received any proposed amendments from members to the Bill nor any written submissions from the public on the Bill. The Chairman directed that no further meeting of the Bills Committee would be held. Accordingly, the Bills Committee had completed the scrutiny of the Bill.)

Council Business Division 2
Legislative Council Secretariat
22 February 2021

**Proceedings of the meeting of the Bills Committee on
Sex Discrimination (Amendment) Bill 2020
on Friday, 15 January 2021, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000437 - 000627	Ms Alice MAK Ms YUNG Hoi-yan Mr Vincent CHENG Ms Elizabeth QUAT	Election of Chairman	
000628 - 001311	Chairman Admin	<p>The Administration's briefing on the Sex Discrimination (Amendment) Bill 2020 ("the Bill").</p> <p>The Administration's indication of its intention to propose amendments to the Bill, such that relevant provisions to protect breastfeeding women from harassment would apply in the new prescribed areas introduced to the Sex Discrimination Ordinance (Cap. 480) ("SDO") through the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 ("Ord. No. 8 of 2020"), including harassment between participants of a common workplace, as well as harassment by a club's management committee (or its members) against a member of or applicant to that club.</p>	
001312 - 002040	Chairman Dr CHENG Chung-tai Admin	<p>Dr CHENG Chung-tai cited examples to illustrate that there might be inadvertent commission of acts of harassment and discrimination on the ground of breastfeeding within relevant prescribed areas, particularly in a common workplace. His view that the Administration should step up publicity and education to raise public awareness of the legal protection afforded to breastfeeding women from discrimination and harassment through the amendments made to SDO by Ord. No. 8 of 2020 and the Bill.</p> <p>The Administration's advice that the Equal Opportunities Commission ("EOC") had already stepped up its promotional and publicity efforts to facilitate implementation of Ord. No. 8 of 2020, and would further follow up on the legislative amendments in the Bill upon its enactment. A number of promotional leaflets and guidance, including those on harassment (sexual, racial and disability) or breastfeeding discrimination in a</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>common workplace, had been produced and were available on EOC's website. EOC would continue to organize workshops and seminars on various issues, including the new protections from discrimination on the ground of breastfeeding as well as harassment in a common workplace, for business owners and employees in both public and private sectors, such that they could better understand the scope and effect upon implementation.</p>	
002041 - 002440	<p>Chairman Dr CHENG Chung-tai SALA3 Admin</p>	<p>The Legal Adviser to the Bills Committee pointed out that the act of breastfeeding involved two people, i.e. the woman and the child. Enquiry from Dr CHENG Chung-tai on whether a breastfed child, if bullied or harassed, would be protected under the Bill, and confirmation by the Legal Adviser to the Bills Committee that the Bill would not in its terms protect a breastfed child from harassment.</p> <p>The Administration's advice that in proposing amendments to SDO through the Bill so as to prohibit harassment against breastfeeding women, the Administration's policy intent was to protect women who chose to provide child care through breastfeeding. Under the existing protection framework of SDO, the proposed new provisions to prohibit harassment of breastfeeding women would only be applicable to the woman subject to harassment herself. However, as breastfeeding women would be afforded legal protection from harassment after passage of the Bill, this was naturally beneficial to breastfed children as well.</p>	
002441- 002636	<p>Chairman Ms Elizabeth QUAT</p>	<p>Ms Elizabeth QUAT expressed support for the Bill to provide protection for breastfeeding women from harassment.</p> <p>The views of the Chairman and Ms QUAT that the Administration should step up publicity and education to raise public awareness of the key contents of the Bill as well as Ord. No. 8 of 2020.</p>	
<i>Clause-by-clause examination of the Bill</i>			
002637 - 003307	<p>Chairman Admin</p>	<p>Clause-by-clause examination of the Bill, with the aid of the Blue Bill and the Chinese</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>version of the marked-up copy of the relevant provisions of SDO to be amended by the Bill (LC Paper No. CB(2)645/20-21(02))</p> <p><i>Clause 2 - Sex Discrimination Ordinance amended</i></p> <p><i>Clause 3 - Long title amended</i></p> <p><i>Clause 4 - Section 2 amended (interpretation)</i></p> <p><i>Clause 5 - Section 2A added</i></p> <p><i>Clause 6 - Section 9 amended (discrimination by way of victimisation)</i></p> <p><i>Clause 7 - Section 24 amended (other sexual harassment)</i></p> <p><i>Clause 8 - Section 40 amended (other sexual harassment)</i></p> <p><i>Clause 9 - Section 81 amended (persistent discrimination or sexual harassment)</i></p> <p><i>Clause 10 - The expression "sexual" repealed</i></p> <p><i>Clause 11 - The expression "sexually" repealed</i></p> <p><u>Long title</u></p> <p><i>Clause 1 - Short title and commencement</i></p>	
003308 - 003848	Chairman Admin	<p>The Administration's explanations on its proposed amendments to the Bill to amend relevant provisions of SDO (i.e. sections 23A (sexual harassment at workplace) and 39A (sexual harassment by clubs)) so that these new sections in the amended SDO would apply to both sexual harassment and harassment of breastfeeding women.</p>	
003849 - 004200	Chairman SALA3 Admin	<p>The Legal Adviser to the Bills Committee advised that no difficulties had been identified in relation to the legal or drafting aspects of the amendments proposed by the Administration to the Bill.</p> <p>The Administration's confirmation that all consequential amendments to SDO necessitated by Ord. No. 8 of 2020 and the Bill</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		had been dealt with by the Administration's proposed amendments to the Bill, through replacing the references to "sexual harassment" and "sexually harass" by "harassment" and "harass" respectively in the new provisions (i.e. sections 23A and 39A) added by Ord. No. 8 of 2020.	
004201 - 004504	Chairman Admin	The Bills Committee agreed to invite written views on the Bill. The Chairman's closing remarks.	

Council Business Division 2
Legislative Council Secretariat
22 February 2021