



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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來函檔號 YOUR REF :
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By Fax (2840 0657)

1 December 2020

Ms Judy CHUNG
Principal Assistant Secretary
(Constitutional & Mainland Affairs)5
Constitutional and Mainland Affairs Bureau
12/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Ms CHUNG,

Sex Discrimination (Amendment) Bill 2020

We are scrutinizing the legal and drafting aspects of the Bill, and should be grateful if you would please clarify the following matters:

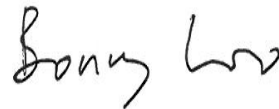
1. It is noted that the Bill seeks to protect breastfeeding women against harassment. However, the act of breastfeeding involves two people, namely, the woman and the child. If a breastfeeding child is bullied or harassed, would he or she be protected under the Bill?
2. According to paragraph 10 of the Legislative Council ("LegCo") Brief, it is the Administration's policy intent that the protection of breastfeeding women from harassment would also apply in relation to harassment between persons working in a common workplace and harassment by the management of a club; and the Administration would further amend Cap. 480 to reflect this policy intent. In this regard, please confirm whether the Administration will propose amendments to the Bill to amend the relevant provisions of Cap. 480 (e.g. sections 23A (sexual harassment among workplace participants including interns and volunteers) and 39A (sexual harassment by clubs) so that these sections would apply to both sexual harassment and harassment of breastfeeding women.

3. Under clause 1(2), the Bill, if passed, would come into operation on the commencement date of Part 2 of the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 (Ord. No. 8 of 2020). Under section 1(3) of Ord. No. 8 of 2020, Part 2 comes into operation on the expiry of 12 months beginning on the day on which that Ordinance is published in the Gazette. Ord. No. 8 of 2020 was published in the Gazette on 19 June 2020. Please confirm whether the Bill, if passed, would come into operation on 19 June 2021.

4. According to paragraph 22 of the LegCo Brief, the public is expected to welcome the Administration's proposal to strengthen legal protection for breastfeeding women. Please confirm whether the public has in fact been consulted on the Bill and, if not, why public consultation is not considered necessary.

We await your bilingual response **as soon as possible**.

Yours sincerely,



(Bonny LOO)
Senior Assistant Legal Adviser

c.c. DoJ (Attn: Miss Queenie WU) (By Fax: 3918 4613)
LA