

政制及內地事務局
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By Fax (2901 1297)

8 December 2020

Mr Bonny LOO
Senior Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
The Legislative Council Complex
1 Legislative Council Road,
Central, Hong Kong

Dear Mr LOO,

Sex Discrimination (Amendment) Bill 2020

Thank you for your letter dated 1 December 2020. Please find below our response to issues relating to the Sex Discrimination (Amendment) Bill 2020 (“this Bill”) set out therein:

1. In proposing amendments to the Sex Discrimination Ordinance (Cap. 480) (“SDO”) through this Bill so as to prohibit harassment against breastfeeding women, it is our policy intent to protect women who choose to provide child care through breastfeeding. This is conducive to creating a more enabling environment for breastfeeding women to continue their full and equal social and economic participation, including staying in or rejoining the workforce while breastfeeding.

Under the existing protection framework of the SDO, the proposed new provisions to outlaw harassment of breastfeeding women is only applicable to the woman subject to harassment herself. However, as breastfeeding women will be afforded legal protection from harassment after passage of this Bill, this is naturally beneficial to breastfed children as well.

2. We confirm our intention to propose amendments to this Bill, such that the provisions to protect breastfeeding women from harassment shall apply in the new prescribed areas introduced to the SDO through the Discrimination Legislation (Miscellaneous Amendments) Ordinance 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 or applicant to that club. This point has already been mentioned in the LegCo Brief on this Bill submitted to LegCo.
3. We confirm that this Bill will come into operation on 19 June 2021.

As stated in section 1(2) of this Bill as published in Gazette, "This Ordinance comes into operation on the commencement date of Part 2 of the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020". The Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 has taken effect upon gazettal on 19 June 2020, wherein section 1(3) states that "Part 2 comes into operation on the expiry of 12 months beginning on the day on which this Ordinance is published in the Gazette". In other words, Part 2 of the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 and this Bill would both come into operation on 19 June 2021.

4. This Bill is formulated on the basis of views expressed to the Government by the Bills Committee on Discrimination Legislation (Miscellaneous Amendments) Bill 2018, and received the support of said Bills Committee. In fact, public consultation relating to these anti-discrimination and

anti-harassment legislative proposals has commenced earlier when the Equal Opportunities Commission conducted its Discrimination Law Review. Moreover, the Government consulted the Legislative Council ("LegCo") Panel on Constitutional Affairs before proposing the Discrimination Legislation (Miscellaneous Amendments) Bill 2018, and the relevant Bills Committee also invited depositions to collect public views. Therefore, it is evident that this Bill is formulated after consultation of the public and LegCo Members.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Judy CHUNG', written over a printed name.

(Ms. Judy CHUNG)

for Secretary for Constitutional and Mainland Affairs

c.c. DoJ (Attn: Miss Wendy HO) (By Fax: 3918 4613)