



# 執法 Enforcement

## 投訴處理

平機會獲授權調查公眾根據四條反歧視條例提出的投訴，並鼓勵爭議各方進行調停。這些條例禁止基於性別、懷孕、婚姻狀況、殘疾、家庭崗位和種族的歧視，同時保障公眾免受性騷擾，以及殘疾和種族中傷與騷擾。

任何人士如感到自己遭受法例所指的歧視、騷擾或中傷，可向平機會作出書面投訴。投訴必須由受屈人或受屈人授權的代表提出，而且必須關乎反歧視條例下的違法行為的指稱。

平機會收到查詢或投訴後，會先審視該查詢或投訴是否符合上述條件或基準。如果符合，便會正式將其歸類為投訴（投訴調查類別），並迅速編配個案主任跟進。

平機會處理的投訴一般分為以下兩類：

- (a) 投訴調查——如上文所述，這類投訴由受屈人或受屈人授權的代表提出；以及
- (b) 平機會作出的主動調查／跟進行動——這類個案涉及違法行為的事件或情況，以及根據法例可能引起歧視問題的事宜。有關事件是由平機會留意到的，或由第三方或不想參與調查或調停過程的個別受屈人士向平機會報告的。在這些情況下，平機會會向有關方面查詢事件，解釋相關的法例條文，並建議他們改善情況。

## Complaint Handling

The EOC is mandated to conduct investigation into complaints lodged under the four anti-discrimination ordinances, and encourage conciliation between the parties in dispute. These ordinances prohibit unlawful discrimination on the grounds of sex, pregnancy, marital status, disability, family status and race, and prohibit sexual harassment, as well as harassment and vilification on the grounds of disability and race.

Anyone who feels that he/she has been subject to discrimination, harassment and vilification as specified in the ordinances may lodge a complaint in writing with the EOC. The complaint must be lodged by the aggrieved person or by a representative authorised by that person, and should contain an allegation of unlawful act under the anti-discrimination ordinances.

Upon receiving an enquiry or complaint, the EOC will verify if it has met the above conditions or threshold. If yes, it will be formally classified as a complaint (under Complaint Investigation), and a case officer will be promptly assigned to follow up on it.

Complaints handled by the EOC are generally classified into two categories:

- (a) *Complaint Investigation* — these are complaints lodged by the aggrieved person or by the representative authorised by the aggrieved person, as mentioned above; and
- (b) *EOC-initiated investigation/follow-up actions* — These are incidents or situations involving unlawful acts, and issues that gave rise to concerns of discrimination under the law. The incidents were noticed by the EOC, or brought to the attention of the EOC by third parties or aggrieved individuals who did not wish to be involved in the investigation or conciliation process. Under these circumstances, the EOC would approach the concerned parties to inquire into the matter, explain the relevant legislative provisions, and advise them on rectifying the situation.

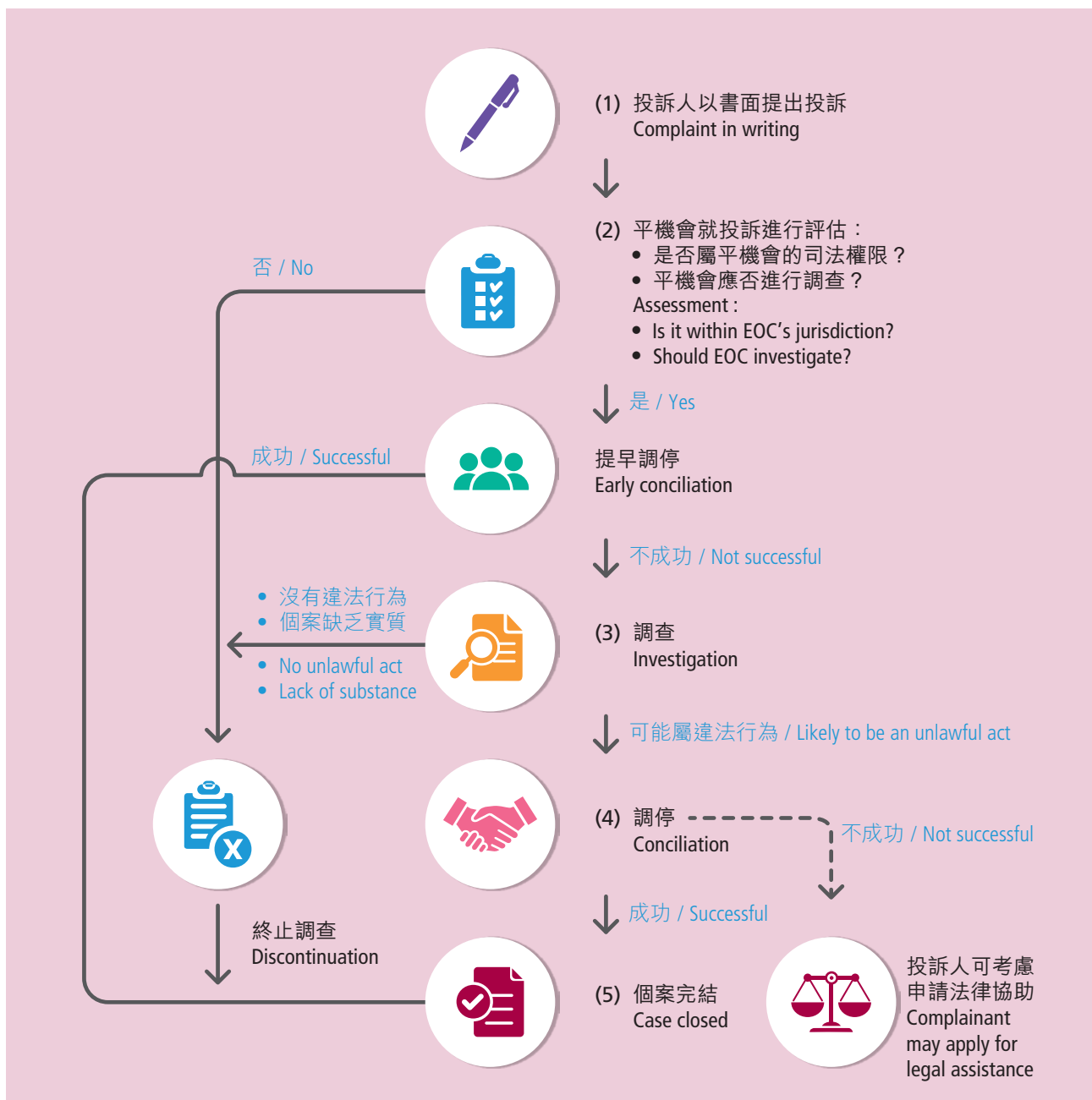
## 執法 Enforcement

### 投訴處理程序

平機會致力按「以受害人為本」的方針處理投訴，同時恪守公平公正的原則。調查投訴時，平機會會審視所有與個案有關的資料，並讓涉案各方有充足機會作出回應。平機會致力在合適情況下，鼓勵爭議各方進行調停。調停完全屬自願性質。

### Complaint-handling Procedures

The EOC is committed to adopting a “victim-centric” approach, while adhering to the principles of fairness and impartiality in handling complaints. When investigating a complaint, the EOC would examine all information relevant to the case and give all involved parties adequate opportunities to respond. Where deemed appropriate, the EOC would encourage the parties in dispute to settle through conciliation, which is entirely voluntary.



## 執法 Enforcement

### 已處理的查詢及投訴

#### 查詢

在2019/20年度，平機會共處理了11,481宗查詢，比2018/19年度多17%。查詢個案上升，可能由於2019年發生社會運動，2020年又爆發2019冠狀病毒病，導致市民日益關注由這些事件引起的歧視、騷擾和中傷情況。投訴當中，有：

- 4,888宗為一般查詢，關乎反歧視條例的條文和平機會的活動；以及
- 6,593宗為具體查詢，關乎一些可能會演變為投訴的情況和事件。

大部分人透過平機會的電話熱線作出查詢，其次為書信，以及與平機會職員當面對談。

#### 2019/20年度具體查詢數字(按條例分類)

### Enquiries and Complaints Handled

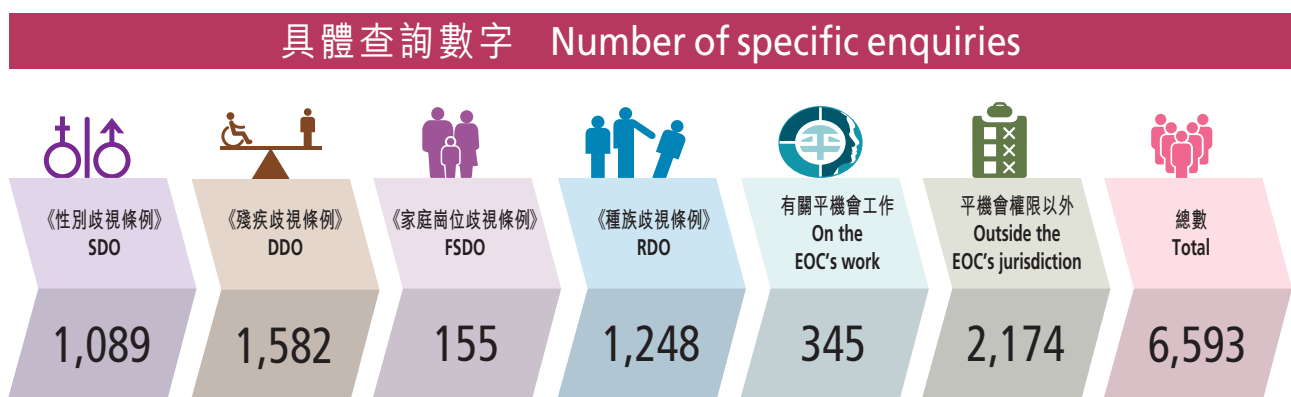
#### Enquiries

In 2019/20, the EOC handled a total of 11,481 enquiries, 17% more than in 2018/19. The increase could be attributed to growing public concerns over discrimination, harassment and vilification amid the city's social unrest in 2019 and the COVID-19 outbreak in Hong Kong in 2020. Out of the enquiries:

- 4,888 were general enquiries about the provisions of the anti-discrimination laws and events organised by the EOC; and
- 6,593 were specific enquiries about scenarios or incidents that might become complaints.

The largest proportion of enquiries was made through the EOC telephone hotline, followed by writing and face-to-face interviews.

#### Breakdown on Specific Enquiries by Ordinances in 2019/20





## 執法 Enforcement

### 已處理的投訴

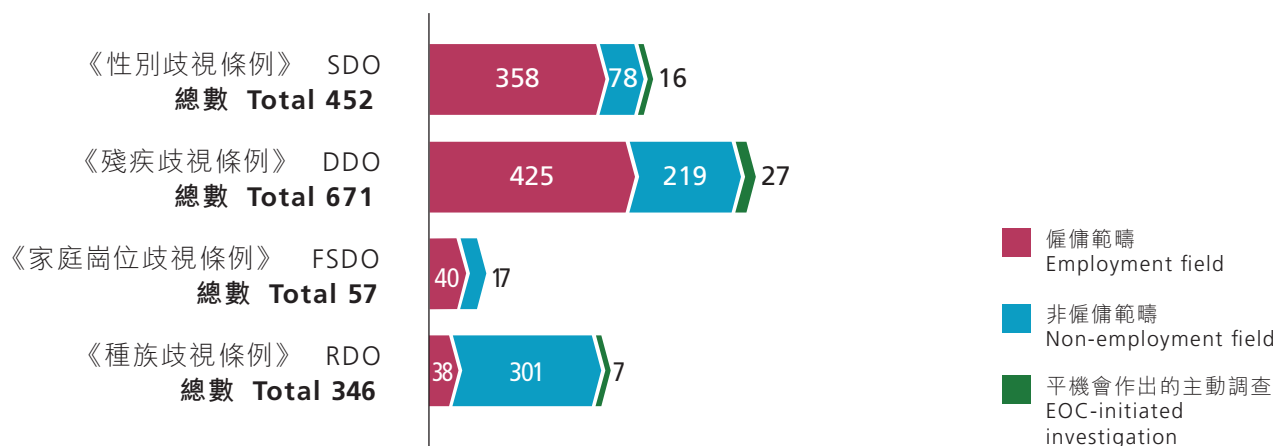
在2019/20年度，平機會收到1,037宗屬投訴調查類別的投訴個案，以及35宗屬主動調查類別的投訴個案；而2018/19年度收到的投訴總數是1,057宗。連同去年尚未完成的個案（包括投訴調查及主動調查的個案），平機會在2019/20年度共處理了1,526宗投訴，比2018/19年度增加9%。

### Complaints Handled

In 2019/20, the EOC received 1,037 complaints under Complaint Investigation and 35 under EOC-initiated Investigation, as compared to a total of 1,057 complaints in 2018/19. Together with the complaints carried forward from the previous year (both those under Complaint Investigation and the EOC-initiated Investigation), the EOC handled a total of 1,526 complaints in 2019/20, 9% more than in 2018/19.

**2019/20年度已處理的投訴總數（包括2018/19年度尚未完成的個案）：1,526宗**

**Total Number of Complaints Handled in 2019/20 (including cases carried over from 2018/19): 1,526**

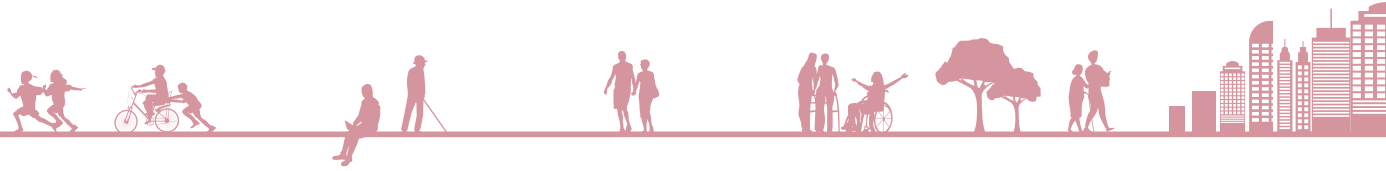


### 有關《性別歧視條例》的投訴

- 大部分（約82%）《性別歧視條例》的投訴（投訴調查類別）屬於僱傭範疇。性騷擾（217宗）和懷孕歧視個案（110宗）仍佔首兩位。

### Complaints under the SDO

- A large majority (around 82%) of the complaints (Complaint Investigation) handled under the SDO belonged to the employment field. Sexual harassment (217 cases) and pregnancy discrimination (110 cases) continued to occupy the top two ranks of cases.



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### 有關《殘疾歧視條例》的投訴

- 有關《殘疾歧視條例》的投訴(投訴調查類別)中,有66%(425宗)屬於僱傭範疇,當中大多數涉及僱員因放病假和工傷而遭解僱。非僱傭範疇的個案則主要涉及提供貨品、服務及設施。

### 有關《家庭崗位歧視條例》的投訴

- 在57宗《家庭崗位歧視條例》的個案中,40宗(70%)屬於僱傭範疇,不少指稱涉及基於家庭崗位而遭解僱。

### 有關《種族歧視條例》的投訴

- 在346宗《種族歧視條例》的個案中,大部分屬於非僱傭範疇,主要涉及在提供貨品、設施或服務方面向內地人作出歧視和騷擾。

### 平機會作出的主動調查／跟進行動

如上文所述,平機會亦會對涉及違法行為的事件或情況,以及根據法例可能引起歧視問題的事宜主動展開調查及／或作出跟進行動。平機會在報告期內處理了50宗此類個案,大部分與《殘疾歧視條例》有關(主要是通道和服務提供的問題),其次是《性別歧視條例》(主要是招聘和服務提供的問題)。

### Complaints under the DDO

- Sixty-six percent (425 cases) of the complaints (Complaint Investigation) handled under the DDO were related to employment, and the majority concerned dismissal of employees due to sick leave and work injuries. For those cases not related to employment, the majority involved the provision of goods, services and facilities.

### Complaints under the FSDO

- Of the 57 FSDO cases, 40 (70%) were employment-related. A number of the allegations concerned dismissal on the ground of family status.

### Complaints under the RDO

- A large majority of the 346 RDO cases were non-employment-related, which mainly concerned discrimination and harassment against the Mainlanders in the provision of goods, facilities or services.

### EOC-initiated investigation/follow-up actions

As mentioned above, the EOC also initiated investigation and/or follow-up actions on incidents or situations involving unlawful acts, and issues that gave rise to concerns of discrimination under the law. During the year under review, the EOC handled 50 such cases, with the majority falling in the DDO category (mainly on accessibility and service provision), followed by the SDO (mainly on recruitment and service provision).

 主動跟進  
Initiated actions on **50** 宗個案  
cases



## 執法 Enforcement

### 調停

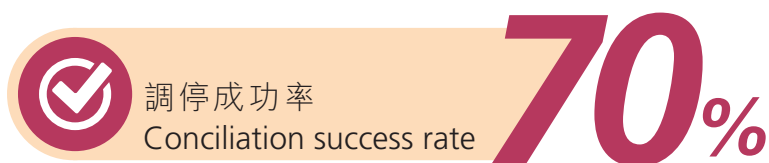
在調查投訴個案的過程中，平機會致力幫助投訴人和答辯人通過調停達成和解。調停完全屬自願性質。和解的形式可以是道歉、金錢賠償、修改政策和慣例、檢討工作程序及其他安排。

在2019/20年度，投訴調查類別中的個案有1,203宗完結，當中182宗進行了調停，最終127宗成功調停，調停成功率為70%；2018/19年度的成功率是71%。

### Conciliation

In the course of investigating a complaint case, the EOC will endeavour to help the complainant and the respondent reach a settlement by way of conciliation. Conciliation is completely voluntary, and the settlement can be in the form of apology, monetary compensation, change in policy and practice, review of work procedures and other arrangements.

Of the 1,203 cases concluded under Complaint Investigation in 2019/20, 182 proceeded to conciliation, with 127 successfully conciliated. The conciliation success rate was 70%, compared to 71% in 2018/19.



### 已完結個案

根據法例，平機會可基於以下任何一個原因，決定不對投訴進行調查或終止調查：

- 平機會信納，根據有關的條例，投訴所指稱的行為不屬違法；
- 平機會認為受屈人不願意進行或繼續調查；
- 有關行為在12個月前作出；
- 在代表投訴個案中，平機會決定投訴不應以代表投訴方式作出(以處理代表投訴的有關規則為依據)；或
- 平機會認為投訴屬瑣屑無聊、無理取鬧、基於錯誤理解或缺乏實質。

### Cases Concluded

Under the Ordinances, the EOC may decide not to conduct or to discontinue an investigation into a complaint for any of the following reasons:

- The EOC is satisfied that the alleged act is not unlawful by virtue of a provision under the ordinances;
- The EOC is of the opinion that there is no desire on the part of the aggrieved person(s) for the investigation to be conducted or continued;
- More than 12 months have elapsed since the act;
- The EOC determines, in the case of a representative complaint, that the complaint should not be a representative complaint (in accordance with the relevant rules dealing with representative complaints); or
- The EOC is of the opinion that the complaint is frivolous, vexatious, misconceived or lacking in substance.

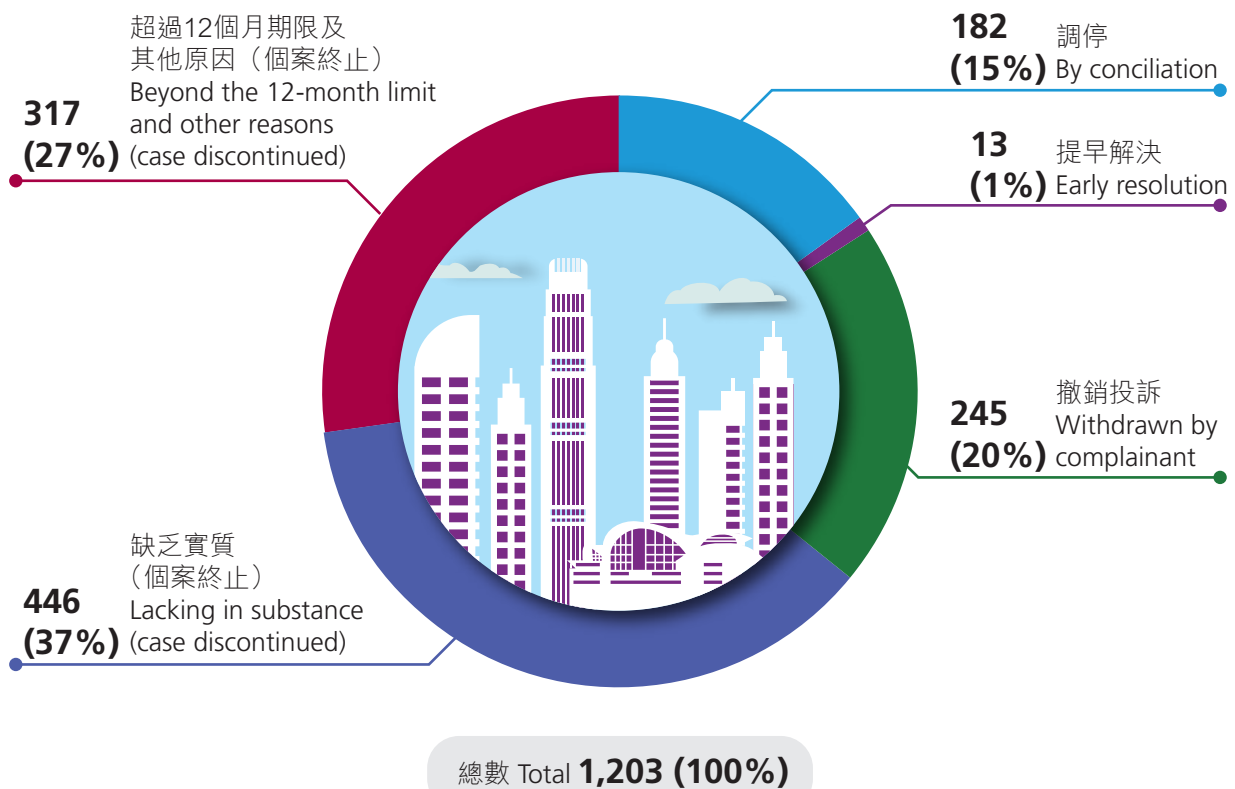
## 執法 Enforcement

整體而言，儘管平機會在2019/20年度收到的投訴有所增加，仍能達到在六個月內完成處理75%個案的服務承諾。

Overall, the EOC was able to fulfil its performance pledge of concluding 75% of the cases within six months in 2019/20, despite the increase in the number of complaints handled.

### 2019/20年度已完結的個案數字 (根據所採取的行動分類)

### Breakdown on Cases Concluded in 2019/20 by Action Taken







## 執法 Enforcement

### 法律服務科

投訴人作出投訴後，若未能達成和解，可向平機會申請協助，包括法律協助。平機會的法律服務科負責處理法律協助的申請，除此，還會就反歧視條例的成效進行檢討，以及向平機會提供內部法律意見和支援。

### 向投訴人提供的協助

每當收到法律協助申請時，法律服務科會指派部門內一名律師處理有關申請。該律師會細閱與個案有關的所有文件和資料，進行法律研究，就應否給予法律協助擬備詳盡的意見書，提交予平機會管治委員會轄下的法律及投訴專責小組。該小組會根據平機會律師的法律意見和下文載列的原則，考慮並決定應否為個案提供協助。

若專責小組成員決定給予某個案法律協助，負責的平機會律師會採取一切所需的跟進行動協助申請人。有關協助包括由平機會律師向申請人提供法律意見、收集或評估進一步資料或證據，或由平機會律師或平機會聘任的私人執業律師在法律訴訟中代表申請人。

法律服務科的指定律師會擔任受助人的法律代表，擬備所需的法律文件，為受助人提起法律訴訟程序。法律服務科的律師會在各非正審聆訊／審訊中代表受助人出庭，或視乎案件的複雜和影響程度，延聘外間的獨立大律師代表受助人出庭。

### Legal Service Division

When a complaint has been lodged, but not settled, the complainant may apply to the EOC for assistance, including legal assistance. The Legal Service Division (LSD) of the EOC is responsible for handling applications for legal assistance, in addition to reviewing the effectiveness of the anti-discrimination laws and providing internal legal advice and support to the EOC.

### Assistance to Complainants

Whenever an application for legal assistance is received, a lawyer of the LSD will be assigned to deal with the application. He or she will peruse all documents and information in relation to the case, conduct legal research, and prepare a detailed submission to the Legal and Complaints Committee (LCC) of the EOC Board, advising whether legal assistance should be granted. Taking into account the advice of the EOC lawyers and the principles mentioned below, the LCC will consider and decide whether assistance should be given to a case.

If Members of the LCC decide to grant legal assistance to a particular case, the responsible EOC lawyer will take all necessary follow-up actions to assist the applicant. The assistance may include legal advice to the applicant by the EOC lawyers, legal services related to the gathering and assessment of further information or evidence, or representation in legal proceedings by the EOC lawyers or by lawyers in private practice engaged by the EOC.

The designated lawyer(s) of the EOC will act as the assisted person's legal representative and prepare the necessary legal documentation with a view to issuing legal proceedings on behalf of the assisted person. The lawyer(s) will appear in Court on behalf of the assisted person in various interlocutory hearings/trials or engage an independent counsel to do so, depending on the complexity and magnitude of the case.





## 執法 Enforcement

### 提供法律協助與否的考慮因素

法律及投訴專責小組會考慮多項因素以決定是否提供法律協助，包括：

- 案件能否就重要法律問題確立先例？
- 案件會否喚起公眾關注香港仍然常見的歧視問題（如懷孕歧視和處所通道問題）？
- 案件會否鼓勵有關方面在制度上作出改革以消除歧視？
- 個案是否過於複雜，或雙方的相對位置過於懸殊（如權力不平衡），以致申請人難以處理？
- 證據是否足以在法庭獲得勝訴？
- 就某特定個案而言，法律訴訟是否消除歧視的最佳或最有效方法？

這些因素在每宗個案的適用程度不一，專責小組通常會綜合考慮各種原因才作出決定。

### Considerations for Giving or Not Giving Legal Assistance

In deciding whether or not to give legal assistance, the LCC considers a wide range of factors, including:

- Could the case establish a precedent on important legal issues?
- Would the case raise public awareness in areas of discrimination which are still prevalent in Hong Kong, such as pregnancy discrimination and accessibility to premises?
- Would the case encourage institutional changes to eliminate discrimination?
- Would it be difficult for the applicant to handle the case given its complexity and/or the relevant position of the parties (e.g. imbalance of power)?
- Is the evidence sufficient to support a good prospect for success in court?
- Is legal proceeding the best or most effective way to eliminate discrimination insofar as the particular case is concerned?

The applicability of these factors varies from case to case, and often a combination of reasons is involved in reaching a decision.



## 執法 Enforcement

### 申請協助

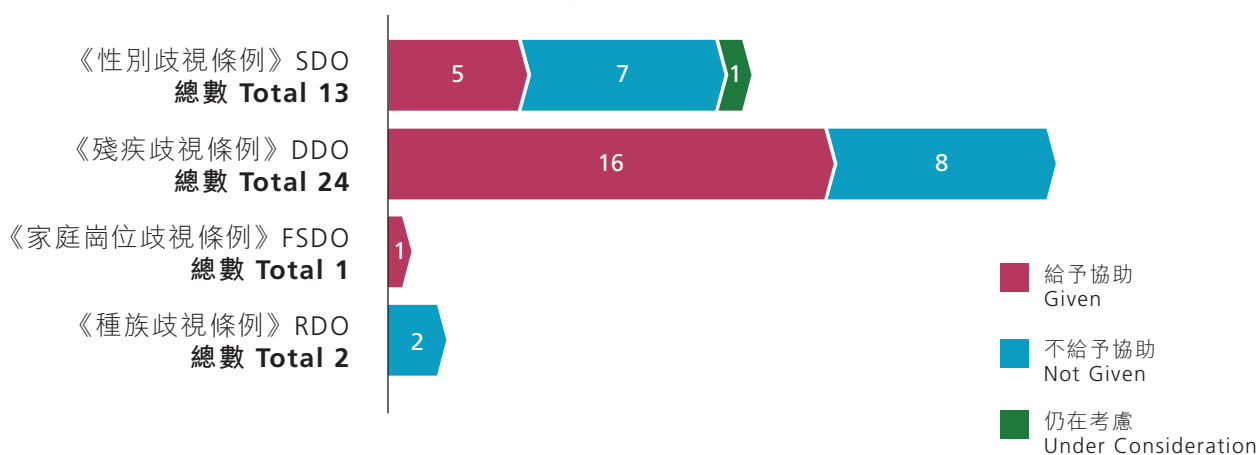
在2019/20年度，平機會共處理了40宗法律協助申請，當中22宗獲得協助，17宗不獲協助。截至財政年度完結時，尚有一宗申請仍在考慮。

### Applications for Assistance

In 2019/20, the EOC handled 40 applications for assistance. Of these, 22 cases were given legal assistance. A total of 17 cases were not given assistance, while 1 case was still under consideration at the end of the fiscal year.

### 按條例劃分的法律協助申請數字

### Breakdown on Applications for Legal Assistance by Ordinance



### 法律協助的案例

2019年6月14日 — 平機會根據《性別歧視條例》及《殘疾歧視條例》，代表一名外籍家庭傭工向區域法院提出法律訴訟。該外籍家庭傭工指稱，其前僱主基於她懷孕及有殘疾而解僱她。

2019年10月23日 — 平機會根據《性別歧視條例》及《家庭崗位歧視條例》，代表一名女士提出法律訴訟。該女士指稱，其前僱主基於她的懷孕及家庭崗位而歧視她，在獲悉她懷孕後不向她發放年終酬金及把她解僱。

2019年12月10日 — 平機會根據《性別歧視條例》代表一名女士提出法律訴訟。該女士指稱，她在接受按摩服務時受到性騷擾。

### Examples of Legally Assisted Cases

14 June 2019 — The EOC issued legal proceedings in the District Court under the SDO and DDO on behalf of a foreign domestic helper, who alleged that her former employer discriminated against her on the grounds of her pregnancy and disability by terminating her employment.

23 October 2019 — The EOC issued legal proceedings under the SDO and FSDO on behalf of a woman, who alleged that her former employer discriminated against her on the grounds of her pregnancy and family status, by not giving her the annual bonus after being informed of her pregnancy, and dismissing her.

10 December 2019 — The EOC issued legal proceedings under the SDO on behalf of a woman, who alleged that she was sexually harassed in the course of receiving massage service.



## 執法 Enforcement

### 無需展開訴訟便已完結的受助個案

在2019/20年度，有22宗在該年度及之前已獲法律協助的個案，無需展開法律訴訟便已解決，或是因為個案的進一步發展及評估證據後未獲進一步協助。

另有22宗個案在2019/20年度及之前獲法律協助的個案仍在處理，至報告期完結時尚未有結果或未展開法律訴訟。

### 法庭案件

平機會在2019/20年度共處理了12宗法庭訴訟，其中八宗有關《性別歧視條例》，三宗有關《殘疾歧視條例》，另有一宗同時有關《性別歧視條例》和《殘疾歧視條例》。

在平機會律師的協助下，四宗個案在保密條款下成功和解而無需進行審訊，或是因為個案的進一步發展及評估證據後未獲進一步協助。此外，法庭判另一宗個案的受助人勝訴。截至2020年3月31日為止，其餘七宗個案仍未完結。

### Legally Assisted Cases Concluded without Commencing Legal Proceedings

In 2019/20, 22 cases, to which legal assistance was given before and during the year, were either resolved without the need to commence legal proceedings, or were given no further assistance upon further development and assessment of evidence.

A total of 22 other cases, to which legal assistance was given before and during the year, remained in process, with no outcome having been reached and no court proceedings having commenced yet at the end of the period under review.

### Court Cases

In 2019/20, the EOC handled 12 court proceedings — 8 under the SDO, 3 under the DDO, and 1 involved both SDO and DDO.

With assistance from the EOC lawyers, 4 cases were either successfully settled on confidential terms without proceeding to trial, or were given no further assistance upon further development and assessment of evidence. The Court ruled in favour of the assisted person in another case. For the remaining 7 cases, they were still ongoing as of 31 March 2020.

 處理  
Handled **12** 案法庭訴訟  
court proceedings



## 執法 Enforcement

### 勝訴案例

區域法院於2019年12月30日裁定一名女士(申索人)基於懷孕受到其僱主(答辯人)的違法歧視，判申索人勝訴。

申索人曾受僱於答辯人，擔任文員職位。申索人指稱，答辯人在得知她懷孕後對她作出歧視行為，包括施加壓力逼使她自行辭職，並在她因流產告病假復工後將她解僱。

平機會管治委員會的法律及投訴專責小組給予申索人法律協助後，平機會的律師擔任申索人的法律代表，為申索人根據《性別歧視條例》及《殘疾歧視條例》提出法律訴訟。平機會的律師在整個法律訴訟過程中一直負責處理這個案，包括擬備法律文件及參加非正審聆訊。審訊時，平機會的律師亦擔任發出指示的律師，以協助外聘訴訟律師。

法庭裁定答辯人拒絕向申索人發放遣散費及工作證明這行為，根據《性別歧視條例》第9條和《殘疾歧視條例》第7(1)條，屬於使人受害的歧視。

為了顯示申索人所受傷害和感到憤怒的程度，法庭判申索人獲得港幣133,000元的賠償，當中包括感情損害賠償、收入損害賠償和懲罰性賠償，並命令答辯人必須在14天內向申索人發出僱用證明。

此外，由於答辯人在訴訟中的表現完全不合理，為申索人及其法律代表帶來不必要的壓力，所以法庭判令答辯人需要支付申索人的訟費。

### Successful Court Case

On 30 December 2019, the District Court ruled in favour of a woman (the "Claimant") who was unlawfully discriminated by her close gap employer (the "Respondent") because of her pregnancy.

The Claimant, who worked as a clerk for a company, alleged that she was discriminated by the Respondent on the ground of her pregnancy by pressuring her to resign, and later dismissing her after she resumed work from sick leave taken because of her miscarriage.

After the LCC of the EOC Board decided to give legal assistance to the Claimant, in-house lawyer of the EOC acted as the legal representative of the Claimant to conduct the case and to initiate legal proceedings under the SDO and the DDO, including preparing court documents and attending interlocutory hearings. The EOC lawyer also acted as the instructing solicitor to assist the external counsel in trial.

The Court ruled that the Respondent unlawfully victimised the Claimant under Section 9 of the SDO and Section 7(1) of the DDO by refusing to provide severance pay and proof of employment to her.

To mark the degree of hurt and indignation felt by the Claimant, the Court awarded a total sum of \$133,000 for injury to feelings, loss of income and punitive damages, and ordered the Respondent to issue a proof of employment to the Claimant within 14 days.

Furthermore, given the Respondent's utterly unreasonable conduct throughout the legal proceedings, which had caused unnecessary stress to the Claimant and her legal representatives, the Court awarded costs of the proceedings to the Claimant.



## 執法 Enforcement

### 和解條款

雖然平機會致力協助有需要的個案展開法律訴訟，但亦重視透過和解解決爭議。經成功調停或獲法律協助後和解的個案，和解條款包括：

- 更改政策／慣例；承諾停止歧視措施；
- 提供福利，包括教育課程／培訓；提供貨品、服務及設施；或改善設施和無障礙通道；
- 限制日後再犯同樣行為；紀律處分；作出道歉；或投訴人接受答辯人／機構的解釋；
- 發出推薦信；金錢賠償；提供聘用機會；或復職；以及
- 向慈善機構作出捐款。

### 金錢賠償

在報告期內，平機會透過調停、法律協助和庭外和解方式，為受歧視的投訴人及申訴人取得的金錢賠償總額超過港幣519萬元。

### Settlement Terms

While the EOC endeavours to assist warranted cases by way of commencing legal proceedings, the EOC appreciates the value of resolving disputes through settlement. For those cases which were successfully conciliated or settled after legal assistance, the settlement terms included:

- Changes in policies/practices; undertaking to cease discriminatory practices;
- Provision of benefits, including education programmes/training; provision of goods, services and facilities; or improvement in facilities and accessibility;
- Restrictions on future acts; disciplinary action; apologies; or complainants accepting the respondents' explanation;
- Provision of reference letters; monetary compensation; offers of employment; or reinstatements; and
- Donations to charity.

### Monetary Compensation

The total monetary compensation secured by the EOC for complainants and claimants through conciliation, legal assistance and settlement out of court during the period under review exceeded HK\$5.19 million.

賠償超過  
Compensation  
exceeded

**\$5,190,000**



## 執法 Enforcement

### 其他法律工作

平機會處理的法律工作涵蓋不同範疇，法律協助只屬其中一項。法律服務科還會就查詢及投訴向投訴事務科提供意見、草擬《實務守則》及其他指引、檢討反歧視條例及提出法例修訂建議、就相關的諮詢或立法建議擬備意見書提交予政府、審校合約及協議，以及提供其他形式的內部法律支援。

### 歧視條例檢討

平機會於2016年就歧視條例檢討向政府提交意見書，提出了73項建議。政府其後提出《2018年歧視法例（雜項修訂）條例草案》，並於2018年11月刊憲，以落實平機會提出的其中八項建議。該條例草案於2018年12月提交立法會，進行首讀及開始二讀辯論。

《2018年歧視法例（雜項修訂）條例草案》建議對四條反歧視條例作出以下修訂：

- 在《性別歧視條例》的教育、僱傭及提供貨品、服務和設施等主要範疇，保障餵哺母乳的婦女免受直接及間接歧視，以及使人受害的歧視；
- 在《性別歧視條例》、《殘疾歧視條例》及《種族歧視條例》下，禁止共同工作場所內沒有僱傭關係的場所使用者（包括寄售專櫃的員工、實習人員及義工）之間的性騷擾、殘疾騷擾及種族騷擾；
- 在《殘疾歧視條例》及《種族歧視條例》下，保障服務提供者免受顧客的殘疾騷擾和種族騷擾，包括在香港註冊的飛機和船舶上作出殘疾騷擾和種族騷擾，即使有關飛機和船舶在香港境外；

### Other Legal Work

Legal assistance is only one of the various branches of legal work at the EOC. The LSD also advises the Complaint Services Division on the handling of enquiries and complaints, drafts codes of practice and other guidance, reviews the anti-discrimination ordinances and proposes legislative amendments to them, drafts submissions to the Government on relevant consultations or legislative proposals, vets contracts and agreements, and provides other forms of internal legal support.

### Discrimination Law Review

Following the EOC's submission on the Discrimination Law Review (DLR) in 2016, the Government introduced and gazetted the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 in November 2018, which took forward eight of the 73 recommendations the EOC made in the DLR. The Bill was introduced into the Legislative Council for First Reading and Commencement of Second Reading in December 2018.

The Bill proposes to make the following amendments to the four anti-discrimination ordinances:

- providing protection from direct and indirect discrimination, as well as victimisation for breastfeeding women in key sectors, such as education, employment and the provision of goods, services and facilities under the SDO;
- providing protection from sexual, disability and racial harassment in common workplaces where there is no employment relationship (including consignment workers, volunteers and interns) under the SDO, DDO and RDO;
- providing protection from disability and racial harassment where customers harass service providers, including where such acts occur on Hong Kong registered aircraft or ships and while they are overseas under the DDO and RDO;



## 執法 Enforcement

- 在《種族歧視條例》下，保障市民免被認定歸於某種族人士而遭直接和間接種族歧視，以及種族騷擾；
- 在《種族歧視條例》下，保障市民的有聯繫者免受直接種族歧視和種族騷擾；
- 在《性別歧視條例》及《殘疾歧視條例》下，保障會社成員或申請成為會社成員的人免受會社管理層的性騷擾和殘疾騷擾；以及
- 廢除《性別歧視條例》、《家庭崗位歧視條例》及《種族歧視條例》下，如間接歧視案中的答辯人能證明施加有關的要求或條件的意圖並不是基於歧視，便無需支付損害賠償的條文規定。
- introducing protection from direct and indirect racial discrimination and racial harassment by imputation under the RDO;
- protecting an associate of a person from direct racial discrimination and racial harassment under the RDO;
- providing protection from sexual and disability harassment for members and prospective members of clubs, by the management of the clubs under the SDO and DDO; and
- repealing requirements of an intention to discriminate as a pre-condition to awarding damages for acts of indirect discrimination under the SDO, FSDO and RDO.

另外，政府於2020年1月在憲報刊登《2020年性別歧視(修訂)條例草案》，保障餵哺母乳的婦女免受騷擾。

In January 2020, the Government also gazetted a separate bill, the Sex Discrimination (Amendment) Bill 2020, to provide protection from harassment on the ground of breastfeeding.

上述兩條條例草案進入立法程序後，平機會已開始就修訂為持份者擬備詳盡指南，內容涵蓋新訂條文的法律效力，以及在相關的受影響範疇內推動平等的良好常規建議。平機會會於修訂通過並生效後發出有關指南。

While the Bills went through the legislative process, the EOC has been preparing detailed guidance for key stakeholders on the amendments, covering both the legal effect of the new provisions, as well as recommended good practices to promote equality in the relevant affected areas. The guidance will be published after the amendments have been passed and come into force.