

# 《2020年歧視法例(雜項修訂)條例》 Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020



平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION

## **《2020年歧視法例(雜項修訂)條例》(《條例》)是關於甚麼？**

### **What is the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 (the Ordinance) about?**

《條例》修訂了目前四條反歧視條例，即《性別歧視條例》、《殘疾歧視條例》、《家庭崗位歧視條例》及《種族歧視條例》，以加強各條例下免受歧視及騷擾的保障。

The Ordinance made amendments to the existing four anti-discrimination Ordinances, namely the Sex Discrimination Ordinance (SDO), Disability Discrimination Ordinance (DDO), Family Status Discrimination Ordinance (FSDO) and Race Discrimination Ordinance (RDO), to enhance protection from discrimination and harassment under the Ordinances.

## **《條例》何時生效？**

### **When did the Ordinance come into effect?**

除了有關餵哺母乳的條文將在刊憲後12個月(即2021年6月19日)生效外，《條例》已於刊憲當日即**2020年6月19日**生效。

The Ordinance came into effect on the day of gazettal on **19 June 2020**, with the exception of the provisions on breastfeeding, which will come into effect 12 months after gazettal, that is, 19 June 2021.

## **《條例》涵蓋哪些修訂？**

### **What are the amendments under the Ordinance?**

經修訂的條文加強了性別、殘疾和種族歧視、性騷擾，和基於殘疾及種族的騷擾等多方面的保障，有關修訂列載如下。

The amendments improve the protection from sex, disability and racial discrimination, as well as sexual harassment, and harassment on the grounds of disability and race in various respects, as listed below.

## 對餵哺母乳女性的歧視

### Discrimination against Breastfeeding Women

在《性別歧視條例》下，保障婦女免因餵哺母乳而受到直接和間接歧視，以及使人受害的歧視。條文適用於下列範疇，即僱傭；貨品、設施及服務的提供；教育；處所的處置和管理；會社及政府的職能。

Protecting breastfeeding women from direct and indirect discrimination, as well as victimisation in the sectors of employment; the provision of goods, facilities and services; education; management and disposal of premises; clubs; and the functions of Government under the SDO.

有關餵哺母乳的條文涵蓋以下情況：

The provisions on breastfeeding discrimination cover situations where:

- 一名女性作出向兒童餵哺母乳的作為；  
A woman is engaging in an act of breastfeeding a child;
- 一名女性作出集乳的作為；  
A woman is engaging in an act of expressing breast milk; and
- 一名女性屬以本身母乳餵哺兒童，但在歧視行為發生時並非在進行餵哺母乳的作為。  
A woman who feeds a child with her breast milk, but is not doing so at the time the relevant act of discrimination is committed.



## 共同工作場所內的騷擾

### Harassment in Common Workplaces

在《性別歧視條例》、《殘疾歧視條例》和《種族歧視條例》下，保障沒有任何僱傭關係的工作場所使用者，例如寄售專櫃員工、義工和實習人員免受性騷擾，和基於殘疾及種族的騷擾。

Protecting workplace participants from sexual, disability and racial harassment in common workplaces where there is no employment relationship, such as consignment workers, volunteers and interns, under the SDO, DDO and RDO.

**義工** — 並非以僱主或僱員身分進行義工工作的人。

**A volunteer** – a person who performs volunteer work other than in the capacity of an employer or employee.

**實習人員** — 一名人士獲另一人任用從事實習，但該人並非另一人的僱員。

**An intern** – a person who is engaged by another person for an internship but is not an employee of that other person.

**「實習」**是指在一段期間從事的工作，而在該期間完成該等工作，是取得某專業或學術資格所必需的，並包括見習職位；或通常稱為實習的任何其他工作。

An “internship” is defined as a period of work the completion of which is required for attaining a professional or academic qualification and includes a pupillage; or any other period of work that is usually described as an internship.





## 對貨品、設施和服務提供者的騷擾 Harassment against Providers of Goods, Facilities and Services

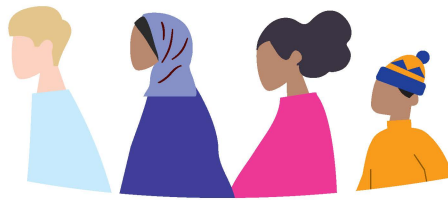
在《殘疾歧視條例》及《種族歧視條例》下，保障**服務提供者**在香港註冊的船舶和飛機上免受顧客的殘疾及種族騷擾，即使有關作為發生時，該船舶及飛機是在香港境外。

Protecting **service providers** from disability and racial harassment by customers, including where such acts occur on board Hong Kong-registered aircraft and ships, even when they are overseas, under the DDO and RDO.

(註：這是在現有保障上新加入的保障。一直以來，《性別歧視條例》、《殘疾歧視條例》及《種族歧視條例》為顧客提供保障，以免受提供貨品、設施及服務的人的性騷擾、殘疾和種族騷擾。2014年《性別歧視條例》獲修訂，再加入保障提供貨品、設施及服務的人免受顧客性騷擾，包括在香港註冊的船舶和飛機上，即使事發時有關船舶及飛機是在香港境外。)

(Note: This is an added protection on top of the original protection provided. Under the SDO, DDO and RDO, there has always been protection from sexual, disability and racial harassment of customers by providers of goods, facilities and services. In 2014, the SDO was further amended to provide protection for providers of goods, facilities and services from sexual harassment by customers, even when the acts occur on board Hong Kong-registered aircraft and ships overseas.)





## 基於他人認定歸於某人的種族的歧視和騷擾 Racial Discrimination and Harassment by Imputation

在《種族歧視條例》下，保障任何人免因被當為某種族人士或某種族群體成員而遭到直接及間接種族歧視和騷擾。

Protecting the public from direct and indirect racial discrimination and racial harassment by imputation under the RDO, that is, a person being imputed to be of a particular race or a member of a particular racial group.

## 對有聯繫者的種族歧視和騷擾 Racial Discrimination and Harassment by Association

在《種族歧視條例》下，保障任何人不會基於其「有聯繫者」的種族，而受到另一人的較差待遇即直接種族歧視，或種族騷擾。

Protecting a person from direct racial discrimination or racial harassment under the RDO, where they are less favourably treated or racially harassed on grounds of the race of an associate.

**有聯繫者**—就某人而言，包括該人的配偶；與該人在真正的家庭基礎上共同生活的另一人；該人的親屬；該人的照料者；及與該人有業務、體育或消閒關係的另一人。

**Associate** – includes a spouse of a person; another person who is living with the person on a genuine domestic basis; a relative of the person; a carer of the person; or another person who is in a business, sporting or recreational relationship with the person.

**照料者**—包括社會福利署署長；獲社會福利署署長以書面授權的社會福利署的任何人員；以及《種族歧視條例》附表6指明的任何人。

**Carer** – includes the Director of Social Welfare, any authorised officer of the Social Welfare Department; and any person specified in Schedule 6 of the RDO.

## 對會社成員的騷擾

### Harassment against Members of Clubs

在《性別歧視條例》及《殘疾歧視條例》下，保障任何會社的成員及已申請成為會社成員的人士，免受會社、會社的管理委員會或會社管理委員會成員的性騷擾和殘疾騷擾。

Protecting members and prospective members of clubs from sexual and disability harassment by clubs or management of the clubs under the SDO and DDO.

## 就間接歧視判給損害賠償

### Awarding Damages for Indirect Discrimination

廢除《性別歧視條例》、《家庭崗位歧視條例》和《種族歧視條例》中，法庭只可就有意圖的作為判給損害賠償的規定。

Repealing requirements of an intention to discriminate as a pre-condition to awarding damages in court proceedings for acts of indirect discrimination under the SDO, FSDO and RDO.



## 我可怎樣找到關於《條例》的更多資料？

### How can I find out more about the amendments under the Ordinance?



有關《條例》的全文，可瀏覽以下連結：

The full content of the Ordinance can be found at:

<https://www.gld.gov.hk/egazette/pdf/20202425/cs1202024258.pdf>

平等機會委員會(平機會)擬備了一系列有關修訂的指引，市民可於平機會網站閱覽有關指引。

The Equal Opportunities Commission (EOC) has also produced a series of Guidance on the amendments, which are available at the EOC website.



平機會網站

[www.eoc.org.hk](http://www.eoc.org.hk)





## 我可如何向平機會提出投訴？

### How can I lodge a complaint with the EOC?

任何人士若認為自己受到四條反歧視條例下的歧視、騷擾或中傷作為，可向平機會提出書面投訴，並透過以下途徑向平機會遞交投訴：

Anyone who feels that he/she has been discriminated against, harassed or vilified as specified in the four anti-discrimination Ordinances may lodge a complaint in writing with the EOC and submit the complaint to the EOC through one of the following channels:



郵寄

Letter by mail



親臨平機會辦事處遞交投訴

In person at the EOC office



傳真

Fax



平機會網站內的表格

Online form on the EOC website



有關反歧視條例的查詢：

Enquiries related to anti-discrimination Ordinances:

<https://www.eoc.org.hk/eoc/graphicsfolder/enquiry pics.aspx>



有關反歧視條例的投訴：

Complaints related to anti-discrimination Ordinances:

<https://www.eoc.org.hk/eoc/graphicsfolder/complaintpics.aspx>



有關平機會服務的查詢及投訴：

Enquiries and complaints related to EOC's services:

<https://www.eoc.org.hk/eoc/graphicsfolder/contactuspics.aspx>

有關四條反歧視法例下的歧視投訴和查詢，請使用以上表格。

For enquiries and complaints about discrimination under the anti-discrimination Ordinances, please make use of the above online forms.



## 聯絡平機會

地址： 香港黃竹坑香葉道41號16樓  
電話： (852) 2511 8211 (只供一般查詢)  
傳真： (852) 2511 8142  
電郵： eoc@eoc.org.hk (只供一般查詢)  
電話短訊： 6972566616538 (供聽障 / 有語言障礙人士作查詢之用)

## Contact the EOC

Address: 16/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong  
Tel: (852) 2511 8211 (for general enquiries only)  
Fax: (852) 2511 8142  
Email: eoc@eoc.org.hk (for general enquiries only)  
SMS service: 6972566616538 (for enquiries by people with hearing impairment / speech difficulties)



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註：此單張之內容只供參考，不能取代法律意見。

Note: This leaflet is for reference only and should not be taken as a substitute for legal advice.