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An Ordinance to amend the Sex Discrimination Ordinance (SDO) to make breastfeeding discrimination unlawful; to amend the Race Discrimination Ordinance (RDO) to protect an associate of a person from harassment and direct racial discrimination; to expand the meaning of race and racial group in the RDO to include a race that is imputed to a person; to amend the SDO, the Disability Discrimination Ordinance (DDO) and the RDO to make harassment at a workplace unlawful; to amend the DDO and RDO to strengthen the protection against harassment in relation to the provision of goods etc.; to amend the DDO and RDO to make certain acts of harassment committed outside Hong Kong unlawful; to amend the SDO and DDO to make harassment against a member or an applicant for membership of a club unlawful; and to remove the intention requirement for an award of damages for certain acts of indirect discrimination under the SDO, the Family Status Discrimination Ordinance and the RDO.

[19 June 2020]

Enacted by the Legislative Council.
Part 1

Preliminary

1. Short title and commencement

(1) This Ordinance may be cited as the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020.

(2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.

(3) Part 2 comes into operation on the expiry of 12 months beginning on the day on which this Ordinance is published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2 to 9 are amended as set out in those Parts.
Part 2

Amendments to Sex Discrimination Ordinance (Cap. 480) Relating to Discrimination on the Ground of Breastfeeding

3. Long title amended
   
   Long title—
   
   Repeal
   “status or pregnancy,"
   
   Substitute
   “status, pregnancy or breastfeeding.”

4. Section 2 amended (interpretation)
   
   (1) Section 2(1), definition of discrimination—
       
       Repeal
       “8 or 9”
       
       Substitute
       “8, 8A or 9”.
   
   (2) Section 2(1)—
       
       Add in alphabetical order
       “breastfeeding (餵哺母乳) means breastfeeding within the meaning of section 8A(2)(a);”.

5. Section 4 amended (act done because of sex, etc. and for other reason)
   
   Section 4—
   
   Repeal paragraph (b)
6. Section 6 amended (sex discrimination against men)

Section 6(2)—

Repeal
“pregnancy or childbirth”

Substitute
“pregnancy, childbirth or breastfeeding”.

7. Section 8A added

After section 8—

Add

“8A. Discrimination against breastfeeding women

(1) A person (the discriminator) discriminates against a woman in any circumstances relevant for the purposes of Part 3 or 4 if the discriminator—

(a) on the ground that the woman is breastfeeding, treats the woman less favourably than the discriminator treats or would treat a person who is not breastfeeding; or
部2 第8條

(b) 對一名餵哺母乳的女性施加一項要求或條件 (屬
歧視者同樣對或會同樣對非餵哺母乳人士施加
者)，而——

(i) 餵哺母乳的女性能符合該項要求或條件
的人數比例，遠較非餵哺母乳女士能符
合該項要求或條件的人數比例為小；

(ii) 歧視者不能顯示，不論被施加該項要求
或條件的人是否餵哺母乳的女性，該項
要求或條件均是有理由支持的；及

(iii) 由於該餵哺母乳的女性不能符合該項要
求或條件，以致該項要求或條件是對她
不利的，
歧視者即屬在就第3或4部而言是有關的情況下，
歧視該女性。

(2) 就本條而言——

(a) 如一名女性——

(i) 作出向兒童餵哺母乳的作為，或作出集
乳的作為；或

(ii) 屬以本身母乳餵哺兒童的人，
該女性即屬餵哺母乳；及

(b) 非餵哺母乳人士，須據此解釋。”。

8. 加入第10A條

第2部，在第10條之後——

加入

8. Section 10A added

Part 2, after section 10—

Add
“10A. Comparison of cases under section 8A
A comparison of the cases under section 8A of—
(a) a woman who is breastfeeding; and
(b) a person who is not breastfeeding,
must be such that the relevant circumstances in the one case are the same as, or not materially different from, those in the other.”.

9. Section 42 amended (discriminatory practices)
Section 42—
Repeal subsection (1)
Substitute
“(1) In this section—

discriminatory practice (歧視性的做法) means the application of a requirement or condition—
(a) that results in an act of discrimination which is unlawful by virtue of any provision of Part 3 or 4 as read with section 5(1)(b), 7(1)(b), 8(b) or 8A(1)(b); or
(b) that would be likely to result in such an act of discrimination if the persons to whom it is applied were not all of the same sex.”.

10. Section 48 amended (special measures)
Section 48(a), (b) and (c)—
Repeal
“who are pregnant”
Substitute
“women who are pregnant or breastfeeding”.
11. **Section 57 amended (acts done for purposes of protection of women)**

   (1) **Section 57(2)(a)(i)—**
   
   *Repeal*
   
   “maternity; or”
   
   *Substitute*
   
   “maternity;”.

   (2) After section 57(2)(a)(i)—
   
   *Add*
   
   “(ia) breastfeeding; or”.

---
Part 3

Amendments to Race Discrimination Ordinance (Cap. 602) Relating to Discrimination and Harassment on the Ground of Race of Associate

12. Section 2 amended (interpretation)

Section 2(1)—

Add in alphabetical order

“associate (有聯繫者), in relation to a person, includes—

(a) a spouse of the person;
(b) another person who is living with the person on a genuine domestic basis;
(c) a relative of the person;
(d) a carer of the person; and
(e) another person who is in a business, sporting or recreational relationship with the person;

carer (照料者) includes—

(a) the Director of Social Welfare;
(b) any officer of the Social Welfare Department authorized in writing by the Director of Social Welfare;
(c) any person specified in Schedule 6;”.

13. Section 5 substituted

Section 5—

Repeal the section

Substitute
“5. 基於有聯繫者的種族的歧視
在就本條例任何條文而言屬有關的情況下，任何人（歧視者）如基於另一人（有關的人）的有聯繫者的種族，而給予有關的人的待遇，是差於歧視者給予（或會給予）沒有與該有聯繫者屬同一種族群體的有聯繫者的第三者的待遇的，歧視者即屬歧視有關的人。”。

14. 修訂第 7 條（種族騷擾）
(1) 第 7(1) 條——
廢除
“近親”
代以
“有聯繫者”。
(2) 第 7(2) 條——
廢除
“近親”
代以
“有聯繫者”。

15. 修訂第 8 條（種族，基於種族，種族群體的涵義以及各人士之間或不同種族群體之間的比較個案）
第 8 條——
廢除第 (6) 款
代以
“(6) 凡根據第 5 條比較——

“5. Discrimination on the ground of race of associate
In any circumstances relevant for the purposes of any provision of this Ordinance, a person (the discriminator) discriminates against another person (the relevant person) if, on the ground of the race of an associate of the relevant person, the discriminator treats the relevant person less favourably than the discriminator treats or would treat another person not having an associate of the same racial group as the associate of the relevant person.”.

14. Section 7 amended (racial harassment)
(1) Section 7(1)—
Repeal
“a near relative”
Substitute
“an associate”.
(2) Section 7(2)—
Repeal
“near relative”
Substitute
“associate”.

15. Section 8 amended (meaning of race, on the ground of race, racial group and comparison of cases of persons or different racial groups)
Section 8—
Repeal subsection (6)
Substitute
“(6) A comparison of the cases under section 5 of—
(a) 有屬於某特定種族群體的有聯繫者的的人的個案；及
(b) 沒有屬於該群體的有聯繫者的人的個案，
則前者的有關情況須與後者的有關情況相同，或
兩者須無重大分別。”。

16. 修訂第 84 條 (附表 1, 2, 3, 4 及 5 的修訂)
   (1) 第 84 條——
       廢除
       “附表 1, 2, 3, 4 及 5 的修訂”
       代以
       “修訂附表”。
   (2) 第 84 條——
       將該條重編為第 84(1) 條。
   (3) 在第 84(1) 條之後——
       加入
       “(2) 政制及內地事務局局長可藉憲報公告，修訂附表
       6。”。

17. 加入附表 6
   在附表 5 之後——
   加入

(a) a person having an associate who is of a
    particular racial group; and
(b) a person not having an associate who is of that
    group,
    must be such that the relevant circumstances in the
    one case are the same as, or not materially different
    from, those in the other.”.

16. Section 84 amended (amendment of Schedules 1, 2, 3, 4 and 5)
   (1) Section 84, heading—
       Repeal
       “1, 2, 3, 4 and 5”.
   (2) Section 84—
       Renumber the section as section 84(1).
   (3) After section 84(1)—
       Add
       “(2) The Secretary for Constitutional and Mainland
       Affairs may, by notice published in the Gazette,
       amend Schedule 6.”.

17. Schedule 6 added
   After Schedule 5—
   Add
“Schedule 6

[ss. 2 & 84] Persons Specified as Carers”.

“附表 6

[第 2 及 84 條]
指明為照料者的人”。“
第 4 部

對《種族歧視條例》(第 602 章) 的修訂：基於他人認定歸於某人的種族的歧視

18. 修訂第 8 條(種族、基於種族、種族群體的涵義以及各人士之間或不同種族群體之間的比較個案)

(1) 第 8(1)(a) 條，在“人種”之後——
加入
“，並包括他人認定歸於該人的種族、膚色、世系、民族或人種”。

(2) 在第 8(1)(b) 條——
廢除
在“即提述”之後的所有字句
代以
“基於以下任何一項而作出的作為——
(i) 該人的種族、膚色、世系、民族或人種；
(ii) 他人認定歸於該人的種族、膚色、世系、民族或人種；”。

(3) 在第 8(1)(d) 條，在“所屬的”之後——
加入
“(或他人認定歸於該人而屬的)”。

Part 4

Amendments to Race Discrimination Ordinance (Cap. 602) Relating to Discrimination by Imputation

18. Section 8 amended (meaning of race, on the ground of race, racial group and comparison of cases of persons or different racial groups)

(1) Section 8(1)(a)—
Repeal
“the person”
Substitute
“the person, and includes a race, colour, descent or national or ethnic origin that is imputed to the person”.

(2) Section 8(1)(b)—
Repeal
“of the race, colour, descent or national or ethnic origin of the person;”
Substitute
“of—
(i) the race, colour, descent or national or ethnic origin of the person; or
(ii) the race, colour, descent or national or ethnic origin that is imputed to the person;”.

(3) Section 8(1)(d), after “falls”—
Add
“or is imputed to fall”.

本文档的自然文本为：

第 4 部

對《種族歧視條例》(第 602 章) 的修訂：基於他人認定歸於某人的種族的歧視

18. 修訂第 8 條(種族、基於種族、種族群體的涵義以及各人士之間或不同種族群體之間的比較個案)

(1) 第 8(1)(a) 條，在“人種”之後——
加入
“，並包括他人認定歸於該人的種族、膚色、世系、民族或人種”。

(2) 在第 8(1)(b) 條——
廢除
在“即提述”之後的所有字句
代以
“基於以下任何一項而作出的作為——
(i) 該人的種族、膚色、世系、民族或人種；
(ii) 他人認定歸於該人的種族、膚色、世系、民族或人種；”。

(3) 在第 8(1)(d) 條，在“所屬的”之後——
加入
“(或他人認定歸於該人而屬的)”。

Part 4

Amendments to Race Discrimination Ordinance (Cap. 602) Relating to Discrimination by Imputation

18. Section 8 amended (meaning of race, on the ground of race, racial group and comparison of cases of persons or different racial groups)

(1) Section 8(1)(a)—
Repeal
“the person”
Substitute
“the person, and includes a race, colour, descent or national or ethnic origin that is imputed to the person”.

(2) Section 8(1)(b)—
Repeal
“of the race, colour, descent or national or ethnic origin of the person;”
Substitute
“of—
(i) the race, colour, descent or national or ethnic origin of the person; or
(ii) the race, colour, descent or national or ethnic origin that is imputed to the person;”.

(3) Section 8(1)(d), after “falls”—
Add
“or is imputed to fall”.
Part 5

Amendments Relating to Harassment at Workplace

Division 1—Sex Discrimination Ordinance (Cap. 480)

19. Section 2 amended (interpretation)

Section 2(1)—

Add in alphabetical order

“intern (實習人員)—see section 23A(2); internship (實習)—see section 23A(2); pupillage (見習職位)—see section 36(4); volunteer (義工)—see section 23A(2);”.

20. Section 23A added

After section 23—

Add

“23A. Sexual harassment at workplace

(1) It is unlawful for a person who is a workplace participant to sexually harass a woman who is also a workplace participant at a workplace of them both.

(2) In this section—

Intern (實習人員) means a person who is engaged by another person for an internship but is not an employee of that other person;

Internship (實習) means—

(a) a period of work the completion of which is required for attaining a professional or academic qualification and includes a pupillage; or
Section 21

After section 46—

Add

(b) any other work that is usually described as an internship;

volunteer (義工) means a person who performs volunteer work other than in the capacity of an employer or employee;

workplace (工作場所), in relation to a person, means a place—

(a) at which the person works as a workplace participant; or

(b) that the person attends as a workplace participant;

workplace participant (場所使用者) means—

(a) an employee;

(b) an employer;

(c) a contract worker;

(d) the principal, within the meaning of section 13(1), of a contract worker;

(e) a commission agent;

(f) the principal, within the meaning of section 20(1), of a commission agent;

(g) a partner in a firm;

(h) an intern; or

(i) a volunteer.”.
“46A. Liability of persons engaging interns and volunteers

(1) This section applies for the purposes of section 23A.

(2) For the avoidance of doubt, this section does not apply for the purposes of any criminal proceedings.

(3) An act done by an intern in the course of an internship is to be treated as an act done—
(a) by the intern; and
(b) by the person who engaged the intern for the internship, whether or not the act was done with the knowledge or approval of that person.

(4) In proceedings brought under this Ordinance against a person in respect of an act alleged to have been done by an intern engaged by the person, it is a defence for the person to prove that the person took reasonably practicable steps to prevent the intern—
(a) from doing that act; or
(b) from doing acts of that description in the course of the internship.

(5) Subsections (6) and (7) apply if a volunteer is engaged by another person to perform volunteer work.

(6) An act done by a volunteer in the course of performing volunteer work is to be treated as an act done—
(a) by the volunteer; and
(b) by the person who engaged the volunteer to perform the work, whether or not the act was done with the knowledge or approval of that person.
(7) In proceedings brought under this Ordinance against a person in respect of an act alleged to have been done by a volunteer engaged by the person, it is a defence for the person to prove that the person took reasonably practicable steps to prevent the volunteer—

(a) from doing that act; or

(b) from doing acts of that description in the course of performing volunteer work.”.

22. Section 47 amended (aiding unlawful acts)

After section 47(2)—

Add

“(2A) For the purposes of subsection (1), if a person who engaged an intern—

(a) is liable under section 46A for an act done by the intern; or

(b) would be liable under section 46A for the act but for section 46A(4),

the intern is deemed to aid the doing of the act by that person.

(2B) For the purposes of subsection (1), if a person who engaged a volunteer—

(a) is liable under section 46A for an act done by the volunteer; or

(b) would be liable under section 46A for the act but for section 46A(7),

the volunteer is deemed to aid the doing of the act by that person.”.
23. Section 76 amended (claims under Part 3 or 4)

Section 76(1)(d)—
Repeal “46”
Substitute “46, 46A”.

Division 2—Disability Discrimination Ordinance (Cap. 487)

24. Section 2 amended (interpretation)

(1) Section 2(1), English text, definition of unjustifiable hardship—
Repeal the full stop
Substitute a semicolon.

(2) Add in alphabetical order
“intern (實習人員)—see section 22A(2);
internship (實習)—see section 22A(2);
pupillage (見習職位)—see section 33(4);
volunteer (義工)—see section 22A(2).”.

(3) Section 2(8), after “22,”—
Add “22A,”.

25. Section 22A added

After section 22—
Add
“22A. Harassment at workplace

(1) It is unlawful for a person who is a workplace participant to harass a person with a disability who is also a workplace participant at a workplace of them both.

(2) In this section—

Intern (實習人員) means a person who is engaged by another person for an internship but is not an employee of that other person;

Internship (實習) means—

(a) a period of work the completion of which is required for attaining a professional or academic qualification and includes a pupillage; or
(b) any other work that is usually described as an internship;

Volunteer (義工) means a person who performs volunteer work other than in the capacity of an employer or employee;

Workplace (工作場所), in relation to a person, means a place—

(a) at which the person works as a workplace participant; or
(b) that the person attends as a workplace participant;

Workplace participant (場所使用者) means—

(a) an employee;
(b) an employer;
(c) a contract worker;
實習 (internship) 指——
   (a) 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
   (b) 通常稱為實習的任何其他工作；

實習人員 (intern) 指符合以下說明的人：該人獲另-人任用從事實習，但該人並非該另一人的僱員。”。

26. 加入第 48A 條
在第 48 條之後——

加入

“48A. 任用實習人員及義工的人的法律責任
(1) 本條為施行第 22A 條而適用。
(2) 為免生疑問，本條不就刑事程序而適用。
(3) 實習人員在實習的過程中作出的作為，須視為由以下的人作出——
   (a) 該實習人員；及
   (b) 任用該實習人員從事該項實習的人 (不論該人是否知悉或批准作出該作為)。
(4) 凡就某人任用的實習人員被指稱作出的作為，而根據本條例對該人提出法律程序，則在該法律程序中，該人如證明自己已採取合理地切實可行的步驟，以防止該實習人員——
   (a) 作出該作為；或

(d) the principal, within the meaning of section 13(1), of a contract worker;
(e) a commission agent;
(f) the principal, within the meaning of section 20(1), of a commission agent;
(g) a partner in a firm;
(h) an intern; or
(i) a volunteer.”.

26. Section 48A added
After section 48—
Add

“48A. Liability of persons engaging interns and volunteers
(1) This section applies for the purposes of section 22A.
(2) For the avoidance of doubt, this section does not apply for the purposes of any criminal proceedings.
(3) An act done by an intern in the course of an internship is to be treated as an act done—
   (a) by the intern; and
   (b) by the person who engaged the intern for the internship, whether or not the act was done with the knowledge or approval of that person.
(4) In proceedings brought under this Ordinance against a person in respect of an act alleged to have been done by an intern engaged by the person, it is a defence for the person to prove that the person took reasonably practicable steps to prevent the intern—
   (a) from doing that act; or
27. Section 49 amended (aiding unlawful acts)

After section 49(2)—

Add

“(2A) For the purposes of subsection (1), if a person who engaged an intern—

(a) is liable under section 48A for an act done by the intern; or
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(b) would be liable under section 48A for the act but for section 48A(4),
the intern is deemed to aid the doing of the act by that person.

(2B) For the purposes of subsection (1), if a person who engaged a volunteer—
(a) is liable under section 48A for an act done by the volunteer; or
(b) would be liable under section 48A for the act but for section 48A(7),
the volunteer is deemed to aid the doing of the act by that person.”.

28. Section 72 amended (claims under Part 3 or 4)

Section 72(1)(d)—

Repeal
“48”
Substitute
“48, 48A”.

Division 3—Race Discrimination Ordinance (Cap. 602)

29. Section 2 amended (interpretation)

(1) Section 2(1), English text, definition of training—

Repeal the full stop
Substitute a semicolon.

(2) Section 2(1)—

Add in alphabetical order
“intern (實習人員)—see section 24A(2);
30. Section 24A added

After section 24—

Add

“24A. Harassment at workplace

(1) It is unlawful for a person who is a workplace participant to harass another person who is also a workplace participant at a workplace of them both.

(2) In this section—

intern (technical term)—see section 24A(2);

pupillage (technical term)—see section 35(4);

volunteer (technical term)—see section 24A(2).”.
(f) 佣金經紀人的主事人 (第 22(1) 條所指者)；
(g) 商號合夥人；
(h) 實習人員；或
(i) 義工；

義工 (volunteer) 指並非以僱主或僱員身分進行義工工作的人；

實習 (internship) 指——

(a) 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
(b) 通常稱為實習的任何其他工作；

實習人員 (intern) 指符合以下說明的人：該人獲另一人任用從事實習，但該人並非該另一人的僱員。”。

31. 修訂第 39 條 (其他騷擾)

第 39(5) 條，在 “24,” 之後——
加入
“24A,”。

32. 加入第 47A 條

在第 47 條之後——
加入

“47A. 任用實習人員及義工的人的法律責任

(1) 本條為施行第 24A 條而適用。
(2) 為免生疑問，本條不就刑事法律程序而適用。

(b) that the person attends as a workplace participant;

workplace participant (場所使用者) means—

(a) an employee;
(b) an employer;
(c) a contract worker;
(d) the principal, within the meaning of section 15(1), of a contract worker;
(e) a commission agent;
(f) the principal, within the meaning of section 22(1), of a commission agent;
(g) a partner in a firm;
(h) an intern; or
(i) a volunteer.”.

31. Section 39 amended (other harassment)

Section 39(5), after “24,”—

Add
“24A,”.

32. Section 47A added

After section 47—

Add

“47A. Liability of persons engaging interns and volunteers

(1) This section applies for the purposes of section 24A.
(2) For the avoidance of doubt, this section does not apply for the purposes of any criminal proceedings.
(3) 實習人員在實習的過程中作出的作為，須視為由以下的人作出——
   (a) 作實習人員；及
   (b) 任用該實習人員從事該項實習的人 (不論該人
       是否知悉或批准作出該作為)。

(4) 凡就某人任用的實習人員被指稱作出的作為，而根據
    本條例對該人提出法律程序，則在該法律程序中，該人如
    證明自己已採取合理地切實可行的步驟，以防止該實習人員——
    (a) 作出該作為；或
    (b) 在有關實習的過程中，作出該類別的作為，
        即為免責辯護。

(5) 如義工獲另一人任用進行義工工作，則第 (6) 及 (7)
    款適用。

(6) 義工在進行義工工作的過程中作出的作為，須視為
    由以下的人作出——
    (a) 作義工；及
    (b) 任用該義工進行該項工作的人 (不論該人是否
        知悉或批准作出該作為)。

(7) 凡就某人任用的義工被指稱作出的作為，而根據
    本條例對該人提出法律程序，則在該法律程序中，該人如
    證明自己已採取合理地切實可行的步驟，以防止該義工——

(3) An act done by an intern in the course of an
    internship is to be treated as an act done—
    (a) by the intern; and
    (b) by the person who engaged the intern for the
        internship, whether or not the act was done
        with the knowledge or approval of that person.

(4) In proceedings brought under this Ordinance against
    a person in respect of an act alleged to have been
    done by an intern engaged by the person, it is a
    defence for the person to prove that the person took
    reasonably practicable steps to prevent the intern—
    (a) from doing that act; or
    (b) from doing acts of that description in the course
        of the internship.

(5) Subsections (6) and (7) apply if a volunteer is
    engaged by another person to perform volunteer
    work.

(6) An act done by a volunteer in the course of
    performing volunteer work is to be treated as an act
    done—
    (a) by the volunteer; and
    (b) by the person who engaged the volunteer to
        perform the work, whether or not the act was done
        with the knowledge or approval of that person.

(7) In proceedings brought under this Ordinance against
    a person in respect of an act alleged to have been
    done by a volunteer engaged by the person, it is a
    defence for the person to prove that the person took
    reasonably practicable steps to prevent the volunteer—
33. Section 48 amended (aiding unlawful acts)

After section 48(2)—

Add

“(2A) For the purposes of subsection (1), if a person who engaged an intern—
(a) is liable under section 47A for an act done by the intern; or
(b) would be liable under section 47A for the act but for section 47A(4),
the intern is deemed to aid the doing of the act by that person.

(2B) For the purposes of subsection (1), if a person who engaged a volunteer—
(a) is liable under section 47A for an act done by the volunteer; or
(b) would be liable under section 47A for the act but for section 47A(7),
the volunteer is deemed to aid the doing of the act by that person.”.

34. Section 70 amended (claims in respect of discrimination, harassment and vilification)

Section 70(1)(d)—
Repeal
“47”
Substitute
“47, 47A”.

———

廃除
所有“47”
代以
“47, 47A”。

———
Part 6

Amendments Relating to Harassment in Relation to Provision of Goods etc.

Division 1—Disability Discrimination Ordinance (Cap. 487)

35. Section 38 amended (harassment in relation to the provision of goods, services and facilities)

(1) Section 38(1)—

Repeal

everything after “disability”

Substitute

“who—

(a) wants to acquire the goods or services;
(b) is in the course of acquiring the goods or services;
(c) wants to make use of the facilities; or
(d) is in the course of making use of the facilities.”.

(2) After section 38(1)—

Add

“(1A) It is unlawful for a person who—

(a) wants to acquire goods or services;
(b) is in the course of acquiring goods or services;
(c) wants to make use of facilities; or
(d) is in the course of making use of facilities,
to harass another person with a disability who, whether for payment or not, provides the goods, services or facilities.”.

Division 2—Race Discrimination Ordinance (Cap. 602)

36. Section 39 amended (other harassment)

(1) After section 39(1)—

Add

“(1A) It is unlawful for a person who—
(a) seeks to obtain or use goods, facilities or services; or
(b) is provided with goods, facilities or services, to harass another person who is concerned with the provision of the goods, facilities or services.”.

(2) Section 39(5), after “(1),”—

Add

“(1A),”.
第 7 部

關乎在香港境外作出騷擾的修訂

第 1 分部——《殘疾歧視條例》（第 487 章）

37. 修訂第 40 條（第 4 部的適用範圍）
在第 40(5) 條之後——

加入

“(6) 第 38(1) 及 (1A) 條不適用於在香港境外作出的騷擾
作為，但第 (7) 條另有規定者除外。

(7) 如騷擾作為是在第 (3)(a)、(b) 或 (c) 款提述的船舶、
飛機或動力承托的航行器上作出的，則即使在該作
為作出時，該船舶、飛機或航行器是在香港境外，
第 38(1) 及 (1A) 條仍適用於該作為。”。

第 2 分部——《種族歧視條例》（第 602 章）

38. 修訂第 40 條（第 4 部的適用範圍）
在第 40(5) 條之後——

加入

“(6) 第 39(1) 及 (1A) 條不適用於在香港境外作出的騷擾
作為，但第 (7) 條另有規定者除外。

Part 7

Amendments Relating to Harassment Committed outside Hong Kong

Division 1—Disability Discrimination Ordinance (Cap. 487)

37. Section 40 amended (extent of Part 4)
After section 40(5)—

Add

“(6) Section 38(1) and (1A) does not apply to an act of harass¬ment that is committed outside Hong Kong except as provided in subsection (7).

(7) Section 38(1) and (1A) applies to an act of harassment that is committed on a ship, aircraft or dynamically supported craft referred to in subsection (3)(a), (b) or (c) even if it is outside Hong Kong when the act is committed.”.

Division 2—Race Discrimination Ordinance (Cap. 602)

38. Section 40 amended (extent of Part 4)
After section 40(5)—

Add

“(6) Section 39(1) and (1A) does not apply to an act of harass¬ment that is committed outside Hong Kong except as provided in subsection (7).
(7) Section 39(1) and (1A) applies to an act of harassment that is committed on a ship, aircraft or dynamically supported craft referred to in subsection (3)(a), (b) or (c) even if it is outside Hong Kong when the act is committed.”.
Part 8

Amendments Relating to Harassment by Clubs

Division 1—Sex Discrimination Ordinance (Cap. 480)

39. Section 39A added
After section 39—
Add

“39A. Sexual harassment by clubs
It is unlawful for a club, the committee of management of a club or a member of the committee of management of a club to sexually harass a woman who is, or has applied to be, a member of the club.”.

Division 2—Disability Discrimination Ordinance (Cap. 487)

40. Section 2 amended (interpretation)
Section 2(8), after “38,”—
Add

“38A,”.

41. Section 38A added
After section 38—
Add
38A. Harassment by clubs

It is unlawful for a club, the committee of management of a club or a member of the committee of management of a club to harass a person with a disability who is, or has applied to be, a member of the club.”.
第 9 部

Amendments Relating to Award of Damages

Part 9—Division 1

Section 42

Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020

Ord. No. 8 of 2020

Part 9—Division 1

Section 42

Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020

Ord. No. 8 of 2020

第 9 部

第 1 分部 —《性別歧視條例》( 第 480 章 )

42. 修訂第 76 條 ( 根據第 3 或 4 部提出的申索 )

在第 76(5) 條之後——

加入

“(5A) 如第 5(1)(b)、7(1)(b) 或 8(b) 條所指的違法歧視作為，
是在《2020年歧視法例 ( 雜項修訂 ) 條例》(2020年
第 8 號 ) 第 9 部生效日期當日或之後作出的，則第 (5)
款並不就該作為而適用。”。

第 2 分部 —《家庭崗位歧視條例》( 第 527 章 )

43. 修訂第 54 條 ( 根據第 III 或 IV 部提出的申索 )

在第 54(6) 條之後——

加入

“(6A) 如第 5(b) 條所指的違法歧視作為，是在《2020年歧
視法例 ( 雜項修訂 ) 條例》(2020年 第 8 號 ) 第
9 部生效日期當日或之後作出的，則第 (6) 款並不
就該作為而適用。”。

Amendments Relating to Award of Damages

Division 1—Sex Discrimination Ordinance (Cap. 480)

42. Section 76 amended (claims under Part 3 or 4)

After section 76(5)—

Add

“(5A) Subsection (5) does not apply in relation to an
unlawful act of discrimination falling within section
5(1)(b), 7(1)(b) or 8(b) that is committed on or after the commencement date of Part 9 of the
Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 (8 of 2020).”.

Division 2—Family Status Discrimination Ordinance (Cap. 527)

43. Section 54 amended (claims under Part III or IV)

After section 54(6)—

Add

“(6A) Subsection (6) does not apply in relation to an
unlawful act of discrimination falling within section
5(b) that is committed on or after the commencement
date of Part 9 of the Discrimination Legislation
(Miscellaneous Amendments) Ordinance 2020 (8 of
2020).”.
Division 3—Race Discrimination Ordinance (Cap. 602)

44. Section 70 amended (claims in respect of discrimination, harassment and vilification)

In section 70(6)—

Add

“(6A) Subsection (6) does not apply in relation to an unlawful act of discrimination falling within section 4(1)(b) that is committed on or after the commencement date of Part 9 of the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 (8 of 2020).”.