

《種族歧視 (正式調查) 規則》
(第 602 章, 附屬法例 A)

Race Discrimination (Formal Investigations) Rules
(Cap. 602 sub. leg. A)

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經核證文本
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條文 Provision	頁數 Page number	最後更新日期 Last updated date
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附表 1 Schedule 1	S1-1—S1-4	13.12.2018
附表 2 Schedule 2	S2-1—S2-4	13.12.2018

尚未實施的條文 / 修訂 —

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<http://www.elegislation.gov.hk>) 閱覽。

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制定史

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《種族歧視 (正式調查) 規則》

(第 602 章, 附屬法例 A)

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Race Discrimination (Formal Investigations) Rules

(Cap. 602 sub. leg. A)

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《種族歧視 (正式調查) 規則》

(第 602 章第 82 條)

(略去制定語式條文——2018 年第 5 號編輯修訂紀錄)

[2009 年 7 月 10 日] 2009 年第 166 號法律公告

(格式變更——2018 年第 5 號編輯修訂紀錄)

1. (已失時效而略去——2018 年第 5 號編輯修訂紀錄)

2. 釋義

凡平機會已根據《性別歧視條例》(第 480 章)第 67 條,將其關於一項正式調查的職能或權力轉授,則在本規則中提述平機會,即提述已獲轉授該職能或權力的人。

3. 通知的送達方式

在本規則中,提述某人獲送達通知,即提述以下列方式,將該通知送達該人——

- (a) 將該通知面交該人;
- (b) 以普通郵遞方式,將該通知寄往該人最後為人所知的居所或業務地點;
- (c) 凡該人是團體(不論屬法人團體或並非法人團體),則於其註冊辦事處或主要辦事處,將該通知交付其秘書或高級人員,或以普通郵遞方式,將該通知寄往該辦事處送交其秘書或高級人員;或
- (d) 凡該人由律師代為行事,則將該通知送交該律師供送達文件的地址,或以普通郵遞方式,將該通知寄往該地址。

Race Discrimination (Formal Investigations) Rules

(Cap. 602, section 82)

(Enacting provision omitted—E.R. 5 of 2018)

[10 July 2009] L.N. 166 of 2009

(Format changes—E.R. 5 of 2018)

1. (Omitted as spent—E.R. 5 of 2018)

2. Interpretation

Where, under section 67 of the Sex Discrimination Ordinance (Cap. 480), the Commission has delegated its functions or powers relating to a formal investigation, any reference in these Rules to the Commission is a reference to the delegate to whom the relevant function or power has been delegated.

3. Service of notices

In these Rules, a reference to a person being served with a notice is a reference to service on that person being effected—

- (a) by delivering it to that person personally;
- (b) by sending it by ordinary post to that person's last known residence or place of business;
- (c) where the person is a body (whether corporate or unincorporate), by delivering it to the secretary or an officer of the body at its registered office or principal office or by sending it by ordinary post to that secretary or such an officer at that office; or
- (d) where the person is acting by a solicitor, by delivering it at, or by sending it by ordinary post to, the solicitor's address for service.

4. 進行正式調查的通知

凡根據本條例第 65 條，平機會須將某項正式調查的進行，通知——

- (a) 該項調查的調查範圍所點名的人；或
 - (b) (凡調查範圍經修改)經修改的調查範圍所點名的人，
- 則送達該人的通知，須列出調查範圍。

5. 關於提交或提供資料或出示文件的規定

凡根據本條例第 66(1) 條，平機會規定某人提交書面資料、以口頭提供資料或出示文件，則送達該人的通知，須符合附表 1 所列格式，或符合具有相類效果而按情況作出所需的變通或更改的格式。

6. 執行通知

為施行本條例第 71(2) 條而送達某人的執行通知，須符合附表 2 所列格式，或符合具有相類效果而按情況作出所需的變通或更改的格式。

4. Notice of holding of formal investigation

Where, under section 65 of the Ordinance, the Commission is required to give notice of the holding of a formal investigation—

- (a) to any person named in the terms of reference for the investigation; or
- (b) where the terms of reference are revised, to any person named in the revised terms of reference,

the notice served on such person must set out the terms of reference.

5. Requirement to furnish or give information or produce documents

Where, under section 66(1) of the Ordinance, the Commission requires a person to furnish written information or give oral information or produce documents, the notice served on the person must be in the form set out in Schedule 1 or in a form to the like effect with such modifications or variations as the circumstances may require.

6. Enforcement notice

An enforcement notice served on a person for the purposes of section 71(2) of the Ordinance must be in the form set out in Schedule 2 or in a form to the like effect with such modifications or variations as the circumstances may require.

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第 602A 章

附表 1

Schedule 1

S1-2
Cap. 602A

附表 1

[第 5 條]

Schedule 1

[s. 5]

關於提交書面資料或以口頭提供資料以及出示文件的通知

Notice to Furnish Written Information or Give Oral Information and
Produce Documents

(根據《種族歧視條例》(第 602 章) 第 66(1) 條)

(Under section 66(1) of the Race Discrimination Ordinance (Cap. 602))

致：A.B.，地址為 []

To A.B. of []

平等機會委員會 (“平機會”) 現正進行一項正式調查，調查範圍 [已藉日期為 年 月 日的通知而向你發給] / [於本通知的附表列出]，現為該項正式調查的目的，根據《種族歧視條例》(第 602 章) (“《條例》”) 第 66(1) 條，規定你 ——

For the purposes of the formal investigation being conducted by the Equal Opportunities Commission (“the Commission”) the terms of reference of which [were given to you in a notice dated] / [are set out in the Schedule to this Notice], you are required, under section 66(1) of the Race Discrimination Ordinance (Cap. 602) (“the Ordinance”)—

(a) [提交以下資料 (在下面描述有關資料) ——]

(a) [to furnish the following information (*description of information to follow*)—]

(b) [於 (註明日期時間)，親臨 (註明地點)，並 [以口頭提供關於以下事宜的資料] / [以口頭提供關於以下事宜的證供，以及出示關於以下事宜並由你管有或控制的所有文件] (指明有關事宜) ——]

(b) [to attend at (*insert time*) on (*insert date*) at (*insert place*) and [give oral information about] / [give oral evidence about, and produce all documents in your possession or control relating to] [the following matters] [the matter of] (*specify the matters or matter*)—]

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第 602A 章

附表 1

Schedule 1

S1-4
Cap. 602A

2. 第 1(a) 段所描述的資料，須按以下規定提交 (指明有關資料須在何時及以何方式和形式提交)。

2. The information described in paragraph 1(a) must be furnished (specify the time or times at which, and the manner and form in which, the information is to be furnished).

日期：20..... 年..... 月..... 日

Dated this day of 20.....

本通知由 [平機會發出] [(註明獲轉授職能或權力的人的姓名) 發出，平機會已根據《性別歧視條例》(第 480 章) 第 67 條，將其在《條例》第 66(1) 條下的職能或權力轉授給他]。

This Notice was issued by [the Commission] [(name delegate) to whom the Commission has under section 67 of the Sex Discrimination Ordinance (Cap. 480) delegated its functions or powers under section 66(1) of the Ordinance].

[本通知的送達已根據《條例》第 66(2)(a) 條獲得書面批准。]

[Service of this Notice was authorized in writing under section 66(2)(a) of the Ordinance.]

[在顧及該項調查的調查範圍及《條例》第 66(2)(b) / 73 條的條文後，本通知的送達無需政務司司長同意。]

[Having regard to the terms of the reference of the investigation and section 66(2)(b)/section 73 of the Ordinance, service of this Notice does not require the consent of the Chief Secretary for Administration.]

[平機會]

[Commission]

[獲轉授職能或權力的人]

[Delegate]

附表

Schedule

調查範圍

Terms of Reference of Investigation

S2-1
第 602A 章

附表 2

Schedule 2

S2-2
Cap. 602A

附表 2

[第 6 條]

執行通知

(根據《種族歧視條例》(第 602 章)第 71 條)

致：A.B.，地址為 []

鑑於在進行正式調查的過程中，平等機會委員會（“平機會”）已信納你當時正在／曾經作出《種族歧視條例》(第 602 章)(“《條例》”)第 71(2) 條所適用的一項／多於一項作為，即（註明有關作為的詳情）——

2. 因此，在不影響你在《條例》或任何其他條例的其他責任下，現根據《條例》第 71(2) 條，規定你不得作出任何 [根據（註明《條例》有關部分或條文的提述）屬違法的歧視性作為] [根據（註明《條例》有關部分或條文的提述）屬違法的騷擾作為] [違反《條例》第 41 條的作為] [參照《條例》第 3 / 4 部，屬違反《條例》第 42 / 43 / 44 / 45 條的作為]。

3. 如因遵從上述規定而涉及改變你的任何處事實務或其他安排，則現根據《條例》第 71(2) 條，進一步規定你 [按本通知指明的方式] 通知平機會，表示你已經實行該等改變及該等改變為何 [，以及採取下列步驟，以將該等資料提供予其他有關人士，即（指明須予採取的步驟）]。

Schedule 2

[s. 6]

Enforcement Notice

(Under section 71 of the Race Discrimination Ordinance (Cap. 602))

To A.B. of []

In the course of a formal investigation the Equal Opportunities Commission (“the Commission”) has become satisfied that you were committing/had committed an act/acts to which section 71(2) of the Race Discrimination Ordinance (Cap. 602) (“the Ordinance”) applies, namely (*insert particulars of acts*)—

2. You are therefore required, without prejudice to your other duties under the Ordinance or any other Ordinance, under section 71(2) of the Ordinance, not to commit any act which is [an unlawful discriminatory act under (*insert reference to relevant Part or provision of the Ordinance*)] [an unlawful act of harassment under (*insert reference to relevant Part or provision of the Ordinance*)] [a contravention of section 41 of the Ordinance] [a contravention of section 42/43/44/45 of the Ordinance by reference to Part 3/Part 4 of the Ordinance].

3. If compliance with the above requirement involves changes in any of your practices or other arrangements, you are further required under section 71(2) of the Ordinance to inform the Commission [in the manner specified in this Notice] that you have effected those changes and what those

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第 602A 章

附表 2

Schedule 2

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Cap. 602A

[現根據《條例》第 71(3) 條，進一步規定你 [按本通知指明的方式] 向平機會提交下列資料，以便平機會核實本通知已獲遵從 (在下面描述有關資料)——]

[你須根據本通知提交予平機會的資料，須按以下規定提交 (指明該等資料或屬某項特定類別的資料須在何時及以何方式和形式提交)——]

日期：20..... 年..... 月..... 日

[平機會]

[獲轉授職能或權力的人]

changes are [and to take the following steps for the purpose of making that information available to other persons concerned, namely (*specify steps to be taken*)].

[You are further required under section 71(3) of the Ordinance to furnish to the Commission [in the manner specified in this Notice] with the following information, in order for it to verify that this Notice has been complied with (*description of information to follow*)—]

[The information to be furnished by you to the Commission under this Notice must be furnished as follows (*specify the time or times at which, and the manner and form in which, the information, or information of a particular description, is to be furnished*)—]

Dated this day of 20.....

[Commission]

[Delegate]