Our Ref. G4/35C (96)	5 July 1996

The Chief Executive
All Authorized Institutions

Dear Sir/Madam,

<u>Sex Discrimination Ordinance and</u>
<u>Disability Discrimination Ordinance</u>

I am writing to draw your attention to the Sex Discrimination Ordinance (SDO) and the Disability Discrimination Ordinance (DDO) which were enacted on 14 July 1995 and 3 August 1995 respectively. The Ordinances are expected to take effect later this year when the Equal Opportunities Commission, which is responsible for the enforcement of both Ordinances, comes into full operation.

The SDO renders unlawful sexual harassment and discrimination on the grounds of sex, martial status and pregnancy in specified areas of activity. These include areas such as employment, education, the provision of goods and services and the disposal and management of premises. The DDO will make discrimination, harassment and vilification on the ground of disability unlawful in specific areas including employment, education, access to premises, provision of goods, facilities and services, clubs and sporting activities, and design of, and alteration or additions to, buildings. The Ordinances will therefore have implications for authorized institutions both as employers and as service providers.

Your attention is particularly drawn to section 28 of the SDO and section 26 of the DDO which concern discrimination in the provision of goods, facilities or services, including banking services. Section 28 of SDO (to be read in conjunction with sections 6, 7 and 8) makes it unlawful for any service provider to discriminate against a person by refusing or deliberately omitting to provide the person with any of the services or with services of the like quality in a like manner and on the like terms as are normal for another person on the grounds of gender, marital status, or pregnancy. Section 26 of DDO makes it unlawful for service providers to discriminate against a person with a disability by refusing to provide the person with services, or discriminate against that person in the terms and conditions on which the service is provided or in the manner in which the service is provided.

Authorized institutions are advised to review and revise, if necessary, their policies and practices in the provision of banking services to ensure that they will at all times comply with the provisions of the SDO and DDO upon its commencement. You may wish to seek your own legal advice on the practical implications of the two Ordinances for your institutions business operations. You should take necessary steps to ensure that your staff are made aware of the effects of the two Ordinances and the principles of equal opportunities in the provision of banking services to customers.

As you are aware, the HKMA and the industry Associations have formed a Working Group to develop a Code of Banking Practice in Hong Kong. The Code will include a section on equal opportunities, and the Working Group will take into account the provisions of the SDO and DDO in developing that section. Any codes of practice to be issued by the Equal Opportunities Commission and the best practice guide issued by the Hong Kong Association of Banks on provision of services to the visually impaired will also be suitably incorporated in the Code.

Yours faithfully,

(D T R Carse)
Deputy Chief Executive

c.c. Chairman, Hong Kong Association of Banks
Chairman, Deposit-taking Companies Association

b.c.c Secretary for Financial Services (Attn.: Mr. David Leung)
Secretary for Home Affairs (Attn.: Ms. Charmaine Lee)
Secretary for Health and Welfare (Attn.: Mr. C. W. Choi)
Commissioner for Rehabilitation (Attn.: Ms. Margaret Hsia)

b.c.c. CB/POL/6/3
G4/36C (96)