

**Ho Lap College (Sponsored by the Sik Sik Yuen)**  
**可立中學 (嗇色園主辦)**  
**Policy on Preventing and Handling Sexual Harassment**  
**防止及處理校園性騷擾政策**

## **I. Introduction 引言**

1. Sexual harassment is an unlawful act. All members, including students, staff, voluntary helpers, contract workers, service providers or agents of a school, are personally liable under the law for their own acts of sexual harassment. 性騷擾是違法行為，無論是學生、教職員、義務工作者、合約員工、服務供應商或代理人，均須對自己所作的性騷擾行為負上個人法律責任。
2. The school will ensure all students and staff members (including prospective students and staff members) and other persons who provide services to school (including voluntary helpers, contract workers/service providers/agents) are able to study, work, conduct extra-curricular activities or provide/have access to services in a safe and sexual hostile-free environment. The school has zero tolerance for sexual harassment. 本校致力保障全體學生和教職員（包括準學生及準員工），以及其他為學校服務的人士（如義務工作者、合約員工，服務供應商及代理人）能夠在一個沒有性騷擾的環境下學習、工作、進行課外活動、提供及享用服務，絕不容許教職員或學生作出任何性騷擾行為。
3. The formulation of a sexual harassment policy in school reflects the school's concern on the issue and provides guidelines for handling complaints related to sexual harassment. Moreover, the development and promotion of the policy enhances the understanding of the issue by all parties in school and helps nurture the right and proper values of respecting others. 校方訂立防止及處理校園性騷擾政策，除了表達校方對性騷擾問題的關注，以及提供處理相關投訴的指引外，還透過制訂及宣傳性騷擾政策，加強校內各方對此問題的認識，培養尊重他人的正確價值觀。

## **II. Definitions of sexual harassment 性騷擾的定義**

1. According to the Sex Discrimination Ordinance (SDO)\*<sup>(1)</sup>, the legal definition of “sexual harassment” includes the following situations:

根據《性別歧視條例》\*<sup>(1)</sup>，「性騷擾」的法律定義包括以下情況：

1.1 Any person who 任何人如 —

- (a) makes unwelcome sexual advances, or unwelcome requests for sexual favors, to another person; or 對另一人提出不受歡迎的性要求，或提出不受歡迎的獲取性方面的好處的要求；或

(b) engages in other unwelcome conduct of a sexual nature in relation to another person; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that that person would be offended, humiliated or intimidated; or, 就另一人作出其他不受歡迎並涉及性的行徑，而在有關情況下，一名合理的人在顧及所有情況後，應會預期該另一人會感到受冒犯、侮辱或威嚇；或

1.2 Any person, either alone or together with other persons, engages in conduct of a sexual nature which creates a hostile or intimidating environment for another person. 任何人如自行或聯同其他人作出涉及性的行徑，而該行徑對另一人造成有敵意或具威嚇性的環境。

2. Sexual harassment may occur to any persons, regardless of their gender; all provisions in the Sex Discrimination Ordinance (SDO) and the school policy related to sexual harassment are applicable to both men and women as well as sexual harassment to persons of the same sex. 性騷擾是不分有關人等的性別，可在任何人身上發生；與性騷擾相關的法例條文及校園騷擾政策適用於男和女，以及同性之間的性騷擾。
3. Even if the act of sexual harassment is not intentional or there is no evidence to prove the intention, it amounts to sexual harassment once the act meets the definition of sexual harassment. Hence, no matter whether the act is intentional or not, or even if the act is of a playful nature, it may amount to sexual harassment. 任何人即使沒有性騷擾的意圖，或不能證明意圖，只要行為本身符合性騷擾的定義，亦會構成性騷擾。因此，無論有心抑或無意，甚至只是嬉戲性質的行為，也可能構成騷擾。
4. A single incident may also amount to sexual harassment. 單一事件亦有可能構成性騷擾。
5. Although sexual harassment incidents are always related to a power relationship, i.e. the powerful harass the weak, the power relationship may not be the most important factor taken into account in determining whether an act of sexual harassment has occurred on campus. In schools, a student may harass a fellow student, or even harass a teacher. If such incidents happened, they are also acts of sexual harassment which the schools should face up to the issue and handled it in an appropriate manner. 雖然性騷擾事件通常牽涉權力關係，較強的一方騷擾較弱的一方，但在校園環境中，權力關係未必是最重要的考慮因素，學生亦有可能騷擾學生，甚至騷擾老師。如有此情況出現，這亦屬違法的性騷擾行為。

註: \*(1) Section 2(5) of the Sex Discrimination Ordinance (SDO) provides the definition of sexual harassment. In addition, sections 2(7), 2(8), 9, 23 and 39 are provisions in relation to sexual harassment. 《性別歧視條例》中第2(5)條界定性騷擾。另外，第2(7)、2(8)、9、23及39條亦與性騷擾有關。有關性騷擾的條文可參考平機會網頁 (<http://www.eoc.org.hk>)。

### III. Examples of sexual harassment 性騷擾的例子

1. Sexual harassment can involve physical, visual, verbal or non-verbal conduct of a sexual nature which is uninvited and unwelcome. 性騷擾包括不受歡迎及向對方主動作出的身體、視覺、言語 或非言語上涉及性的行徑。
2. Some examples of sexual harassment: 性騷擾的一些例子:
  - (a) Uninvited physical contact or gestures 主動作出的身體接觸或動作
  - (b) Unwelcome requests for sex 不受歡迎的性要求
  - (c) Sexual comments or jokes 涉及性的言論或笑話
  - (d) Intrusive questions or insinuations of a sexual nature about a person's private life 追問或影射別人涉及性的私生活
  - (e) Displays of offensive or pornographic material such as posters, pinups, cartoons, graffiti or calendars 展示使人反感或色情的資料如海報、艷照、卡通、塗鴉或月曆
  - (f) Unwanted invitations 不受歡迎的邀請
  - (g) Offensive communications of a sexual nature (letters, phone calls, faxes, e-mail messages, etc.) 使人反感的涉及性的通信資料 (信件、電話、傳真、電郵等)
  - (h) Staring or leering at a person or at parts of his/her body 盯著或色迷迷的看著別人或其身體部位
  - (i) Unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against him/her 不受歡迎的身體接觸，例如未經邀請為某人按摩或故意摩擦其身體
  - (j) Touching or fiddling with a person's clothing e.g. lifting up skirts or shirts, or putting hands in a person's pocket 觸摸或撥弄別人的衣服，例如掀起裙子或襯衫或把手放進其口袋

### IV. Measures to Prevent Sexual Harassment 防止性騷擾的措施

1. The school would distribute/restate the policy at regular intervals to raise the understanding and awareness of staff on sexual harassment. The school would provide the policy statement and other relevant information on sexual harassment to new staff as a standard part of induction. 本校會定期在教職員會議上分發/重申政策聲明，以提高教職員對性騷擾行為的認知和意識。向新入職員工提供有關防止性騷擾的政策聲明及其他相關資料，作為入職簡介的標準項目。
2. The school would promulgate the school policy, the handling procedures and the related discipline actions on sexual harassment to students and their parents via assemblies, parent-teacher association, circulars, etc. 本校會透過學校集會、家教

會、通告等，讓家長和學生知悉學校對性騷擾的政策和相關的處理程序及處分措施。

3. The policy would be uploaded to the school website so that students and staff members can have access to the policy at any time. 於學校網頁上載有關政策，方便有需要者隨時查閱。
4. The school would provide regular training and education programmes on gender equality, respecting others and enhancing awareness on the prevention of sexual harassment for students and staff members. All staff members and students have the obligation and responsibility to prevent and eliminate sexual harassment, including respecting the will and feelings of others, refusing to tolerate any sexual harassment behavior, and supporting co-workers/students to take reasonable steps to stop sexual harassment. 本校會提供培訓和教育學生和教職員有關兩性平等、尊重他人和提高對防止性騷擾的意識，並表明全校教職員和學生有義務和責任協助防止和消除性騷擾，包括尊重他人的意願和感受，不會姑息任何形式的性騷擾的行為，以及支持同事／同學採取合理行動制止性騷擾。
5. The school would clear all articles that may possibly lead to sexual harassment and prevent any improper use of computer technology in order to prevent sexual harassment. 本校會清除校內可能涉及性騷擾的物品，並禁止把這些物品帶入學校，以及防止不適當使用電腦科技，引致性騷擾。
6. The school would review the policy and measures every two years. 本校會每兩年檢討一次有關政策及措施。

## **V. Rights of victim and various actions to be taken 受害人的權利及可以採取的行動**

1. Every person has a right to lodge a complaint on sexual harassment. 人人都有權投訴性騷擾行為。
2. When a person is sexually harassed, he/she may take the following actions: 任何人如感覺受到性騷擾，可採納以下處理方法：
  - 2.1 Speak up at the time. Tell the harasser that his/her behavior is unwanted and has to stop. 即時表明立場，告訴騷擾者他/她的行為是不受歡迎的，必須停止。
  - 2.2 Tell someone he/she trusts, such as his/her teacher/ colleague for emotional support and advice. 告訴信任的人，例如老師/同事/社工，讓他們給予情緒上的安慰和處理方法的建議。
  - 2.3 Keep a written record of the incidents, including the dates, time, location and witnesses and own response. 以書面記錄事件的詳情，包括日期、時間、地點、證人，及投訴人的反應。

- 2.4 Lodge a formal (written) or informal (verbal) complaint to the Principal or the Complaints Committee appointed by the school. 向校長或本校所委任的「性騷擾調停/投訴小組」作正式(書面投訴)或非正式(口頭投訴)投訴。
- 2.5 Lodge a complaint with Equal Opportunities Commission (EOC) and request investigation and/or conciliation; in case conciliation fails, the complainant may request the EOC to provide legal assistance. (Telephone number of the EOC: 2511-8211. Website: [www.eoc.org.hk](http://www.eoc.org.hk))  
向平機會書面投訴（平機會查詢或投訴熱線：2511-8211，網頁：[www.eoc.org.hk](http://www.eoc.org.hk)），要求展開調查或調停；若調停不成功，投訴人可向平機會要求給予法律協助。
- 2.6 Lodge a complaint to the EDB. 向教育局投訴。
- 2.7 Report to the police and/or file a civil law suit against the harasser. 如涉及刑事罪行，可報案由警方調查，或向個別騷擾者提出法律訴訟。

## **VI. Mechanisms for Handling Sexual Harassment Complaints 處理性騷擾投訴的機制**

### **1. Basic principles in handling sexual harassment complaints:**

處理有關性騷擾投訴時的基本原則：

- 1.1 Enquiries and complaints would be handled in a just and impartial manner to ensure that the complainant and the alleged harasser are fairly treated, and both parties have chances to present their case. 以公正、不偏不倚的原則和程序處理查詢和投訴，確保投訴人和被指稱的騷擾者均會得到公平的對待，讓雙方有同樣的機會申述。
- 1.2 All information and records related to a sexual harassment complaint must be kept confidential and only be disclosed to relevant staff on a need-to-know basis. Since the alleged harasser is a key person in the case, under the principle of natural justice, he/she would be informed about the details of the allegation. 向學生和教職員保證，所有與性騷擾有關的資料和記錄都會保密，只按需要向處理有關投訴的負責人披露。由於被指稱的騷擾者是個案關鍵人物，並基於自然公義的原則，學校有需要通知他／她有關指控的詳情。
- 1.3 Complaints would be handled promptly to ensure that they are quickly resolved 立刻處理投訴，務求迅速解決事件。
- 1.4 Complainants would be protected against victimization (which in itself is an unlawful act of discrimination under section 9 of the SDO) and all parties involved should be treated fairly 投訴人應受保護，以免因投訴事件而受害

(根據有關條例 第 9 條，使人受害已是違法的歧視行為)，以及各當事人均應得到公平對待。

1.5 The School would handle cases of suspected sexual harassment for students or young children in discreet. If the complaint is anonymous, the school would conduct investigation. If the information provided is insufficient and cannot be followed up, it will not be accepted. 學校會謹慎處理任何懷疑對學生或年幼學童作出性騷擾的個案。如果投訴是匿名，學校會對有關投訴進行調查。如所提供的資料不足，令學校無法跟進，則可不予受理。

1.6 If the staff member who handles the enquiry / complaint case is closely related to the complainant or the alleged harasser (for instance, relatives), or the alleged harasser is the person-in-charge of handling sexual harassment complaints, the case would be handled by another person. 若負責處理查詢/投訴的教職員，與投訴人或被指稱的騷擾者有密切關係，如親屬關係，或被指稱的騷擾者是校內負責處理性騷擾投訴的教職員，應把個案交由其他人士處理。

## 2. Informal procedures 非正式程序

2.1 The complainant may make a verbal complaint to the Principal or the Complaints Committee appointed by the school. 可向校長或本校所委任的「性騷擾調停/投訴小組」作出口頭投訴。

2.2 The major concern of the complainant is to stop the sexual harassment as soon as possible (e.g. convey a clear message to the alleged harasser), rather than start the investigation of his/her case. 投訴人的主要關注是希望儘快採取非正式行動來遏止騷擾行為（例如：向被投訴者發放清晰的信息），而不要就他/她的個案展開調查。

2.3 The complainant should describe the incident to the person who handles the case. The person will provide support and counseling and discuss possible solutions with the complainant. 投訴人須向處理個案人員描述該事情，而處理個案人員會適當地回應投訴人的情緒及要求，並共同商議各種解決問題的辦法。

2.4 An interview with alleged harasser will be conducted. 處理個案人員會與被投訴者傾談，了解事件，並表達投訴人的訴求

2.5 After the case is handled, the person-in-charge should complete a written record. 個案完結時，處理個案人員須填寫書面記錄。

## 3. Formal procedures 正式程序

- 3.1 The complainant should submit written record of the incidents to the Complaints Committee. The Complaints Committee will contact the complainant and inform the person responsible for the investigation. 可向本校「性騷擾調停/投訴小組」遞交書面投訴，敘述事件經過及有關資料。投訴小組接獲正式投訴後，會盡快與投訴人聯絡及知會處理個案人員的姓名。
- 3.2 The Complaints Committee will inform the alleged harasser of the details of the allegation(s) and the alleged harasser can submit a written response. 處理個案人員會盡快聯絡被投訴者，深入瞭解事件情況，並給予被投訴者一個書面回應的機會。
- 3.3 The Complaints Committee will inform the alleged harasser and the complainant of the results, advice and suggested solutions. All these will be documented. 處理個案人員就調查的結果、建議及解決方法通知投訴人及被投訴者，亦會將有關資料紀錄在案。
- 3.4 If one party does not accept the investigation result, as a principle of natural justice, appeals to senior level of school management would be allowed.  
若性騷擾事件涉及的其中一方不接受調查結果，可向校內更高層上訴，以符合自然公義的原則。
4. If the complainant or alleged harasser is a student, he/she is entitled to be accompanied by his/her parent/guardian/family member to attend the relevant interview as so to safeguard his/her rights.  
如投訴人或被指稱的騷擾者是學生，可由家長／監護人／親人陪同出席與處理投訴有關的會面，以保障學生權益。
5. Time bar for lodging a complaint 投訴的時限
  - 5.1 If the person who is sexually harassed intends to lodge a complaint with the EOC, he/she should take action within 12 months after the incident occurred. Otherwise, the EOC will not handle the case unless there are justifiable reasons for the delay. Any decision to take legal proceedings to the District Court should be made within 2 years after the incident occurred. 若被性騷擾者有意向平機會提出投訴，需於事件發生後的 12 個月內提出；否則，除非有充分的理由引致延誤投訴，平機會可不受理。若打算在區域法院提出法律訴訟，需於事發後 2 年內提出。
  - 5.2 Considering the individual circumstances and the difficulty in conducting an investigation and collecting evidence that may be caused by a delay in handling complaints, the school would only accept complaints made within 3 months after the incident has taken place. 本校考慮到延遲處理投訴會對調查工作及舉證做成困難，在沒有合理原因或充分理由下，本校只接受事件發生後的三個月內提出的投訴。

## 6. “The Complaints Committee” 「性騷擾調停/投訴小組」

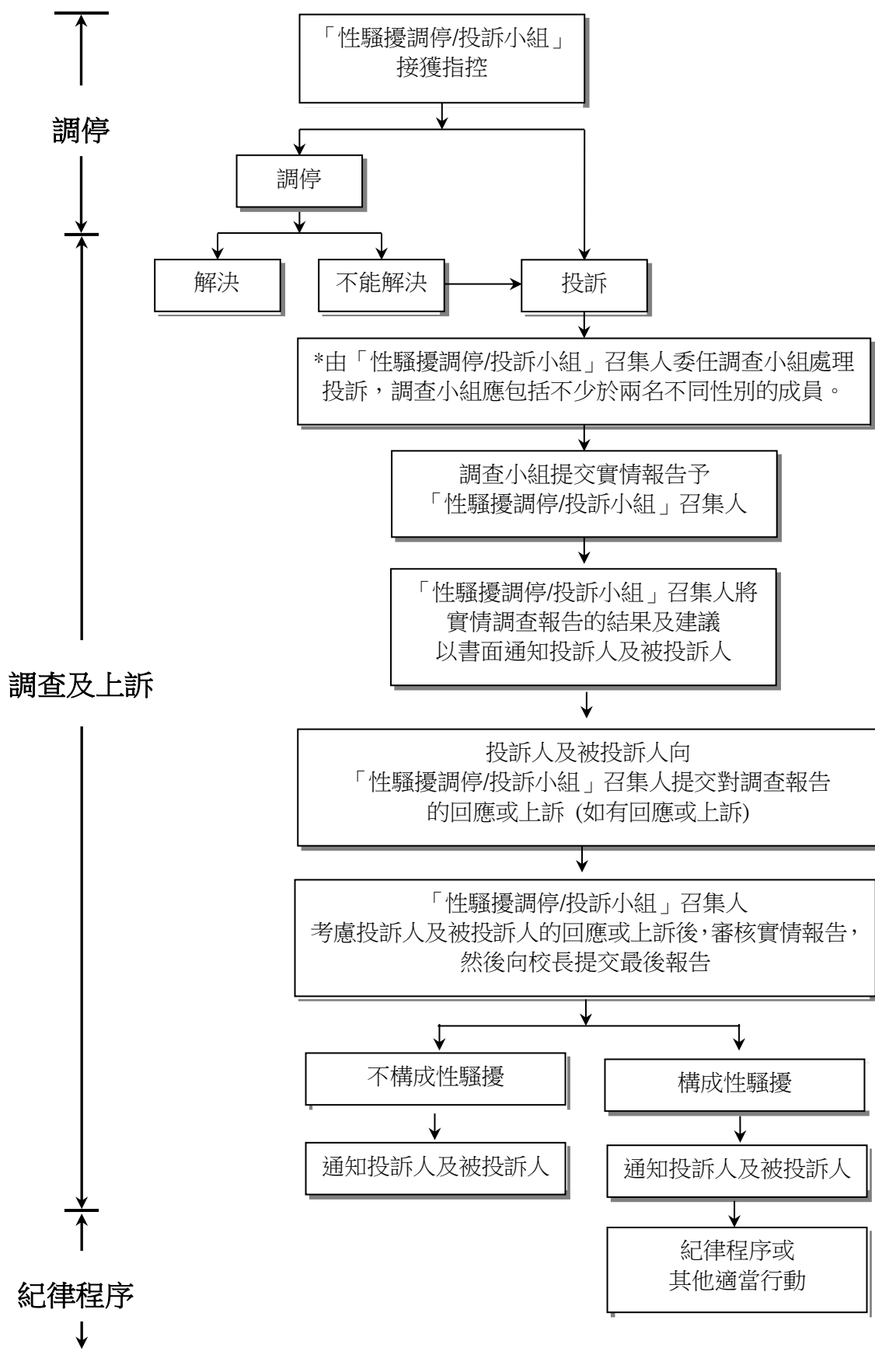
- 6.1 A total of seven members includes two Teacher Managers from the IMC, the Vice Principal, Head of the Discipline Committee, Head of the Counselling Committee and Social Workers will be appointed by the Principal to form the “Complaints Committee”. One of the members will be appointed Convener of the Committee. The Committee should be composed of almost equal number of members of both sexes. 「性騷擾調停/投訴小組」由 2名校師校董、1名副校長、1名訓導主任、1名輔導主任及 2名社工組成。其中一人將被委任為召集人。委員會由大致等量的不同性別成員組成。
- 6.2 The Complaints Committee will appoint at least 2 members to handle each case. The members cannot be acquainted with the complainant or the alleged harasser. 就每個投訴個案，「性騷擾調停/投訴小組」最少委派其中兩位成員為處理個案人員，處理個案人員不能與投訴人或被投訴者有親屬關係或密切的工作關係。
- 6.3 If the alleged harasser is one of the members of the Complaints Committee, he/she will not be appointed as the person to handle the case. 如被投訴者是「性騷擾調停/投訴小組」內的成員，他／她不會被委派為處理個案人員。
- 6.4 The Committee will appoint a member of the same sex to interview the complainant so that the complainant will not be further distressed or humiliated. 接見投訴人由同一性別的處理個案人員負責，以確保處理投訴的過程不會讓投訴人不必要地承受更多困擾和蒙受更大的羞辱。

## VII. Disciplinary Actions 處分

If the case involves sexual harassment, the harasser may receive disciplinary punishment such as making apologies, paying compensation, attending counseling sessions, being suspended and/or dismissed from the school and termination of employment. If the case involves criminal offences, the school will report it to the police. 如經調查後構成性騷擾，校方會向校董會報告，由校董會決定處分措施，如需要道歉、接受輔導、給予賠償、停職／停學、可被解僱等，如事件可能涉及刑事罪行，校方向警方舉報等。



### 處理性騷擾投訴流程圖



## Flow Chart on Handling Sexual Harassment Complaints

