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20 May 2013

Clerk to Panel
Legislative Council Panel on Education
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Miss Polly YEUNG)

Dear Miss YEUNG,

**Legislative Council Panel on Education
Formulation of policy statement on
sexual harassment in schools**

I refer to your letter dated 3 May 2013 and Dr Hon Helena WONG's letter dated 2 May 2013 regarding the formulation of policy statement on sexual harassment by schools. Please find our responses at the **Annex**.

Yours sincerely,

(Miss Alice YU)

for Secretary for Education

Formulation of Policy Statement on Sexual Harassment by Schools

Responsibility of Schools as An Important Institution in Our Society

All persons are obliged to abide by the law. All the more, schools, as an important institution, have the responsibility to acquaint with the laws which apply to them and develop measures appropriate to their circumstances to facilitate compliance. Nevertheless, in recognition of the fact the largest population group in schools comprises children and youngsters, the Education Bureau (EDB) has taken the initiative from time to time to remind schools of the relevant laws and regulations. Training programmes are also organised. This, notwithstanding, with the implementation of school-based management and having regard to the fact that different schools may have different characteristics, including management modes and division of work among their staff, it is impossible for EDB to be prescriptive. School management is expected to devise school-based measures to ensure compliance with the law. The Sex Discrimination Ordinance (SDO) including its provisions on “sexual harassment” is no exception.

The EDB has adopted various measures to facilitate school management to deliberate, in a more informed manner, policies and practices to prevent and combat sexual harassment. These include reminder-circulars, briefings and trainings. Where appropriate, the EDB has also solicited the inputs of the Equal Opportunities Commission (EOC) and education institutions. As students may be victims of sexual harassment, we have also, through a holistic curriculum, sought to enhance their awareness of sexual harassment. The paragraphs to follow will elaborate on these measures.

Drawing Schools’ Attention to Definition of “Sexual Harassment” under the Law

Following the amendment of the definition of "sexual harassment" under the SDO, by which a conduct of sexual nature was extended to cover educational settings, the EDB correspondingly issued a circular in 2009 to remind schools of the amended provisions of the SDO, and urged schools to take reasonable and practicable measures to eliminate sexual harassment, including formulating

relevant school policies (in written form), setting up mechanisms and procedures for handling complaints and arranging training and seminars for teachers and students.

EDB's support provided to schools

When we issued the above-mentioned circular, we worked with the EOC to provide guidelines and briefing sessions for schools to help them formulate measures to eliminate and prevent sexual harassment and set up procedures to handle sexual harassment complaints. The guidelines include sample cases and frequently asked questions on sexual harassment, the essential content of school policy, measures to eliminate and prevent sexual harassment and the suggested procedures of handling sexual harassment complaints, etc. The guidelines and the Outline of a School Policy/ Template have been uploaded to the EDB website and will be updated when necessary.

Other than issuing circulars and guidelines for schools to facilitate schools' formulation of relevant school-based policies having regard to their own circumstances and needs, the EDB staff also advise schools during visits and day-to-day contacts, or issue written advice when necessary, on administrative matters including the need to eliminate sex discrimination in schools and implement relevant measures. Schools are advised to consult the EOC or other relevant organisations (e.g. the Police) if there are any doubts/ difficulties when handling related complaints.

To enhance the effectiveness of implementing sex education in schools (including topics on prevention of sexual harassment), the EDB frequently organises and commissions educational institutions to run professional development programmes on relevant topics to enhance teachers' knowledge, skills and abilities. Starting from the 2002/03 school year, the EDB requires all newly-appointed principals to undergo a designated professional development programme, which includes inviting the EOC staff to deliver a topic on "Equal Opportunities and Education". The topic covers information on the various anti-discrimination ordinances, including the definition of sex discrimination, sexual harassment and the enforcement of the SDO and facilitates the newly-appointed principals to be aware of the need to avoid breaching the ordinances in managing the school and to properly handle such cases when necessary. The EDB will continue to provide appropriate training programmes

for school staff according to the development and needs of society.

Enhancing Students' Awareness

As far as students are concerned, nurturing their whole person development is one of the major goals of school education. Through a holistic curriculum comprising knowledge, values/ attitudes and skills, we help students at different learning stages develop healthy interpersonal relationships, gain a deep understanding of the importance of gender equality, and promote mutual respect and harmony between the two genders (including prevention of sexual harassment). The EDB also advises schools to organise preventive and developmental guidance activities with a view to enhancing students' awareness, decision-making and refusal skills in handling sex-related problems, including sexual harassment. To this end, we provide schools with different kinds of resource materials such as sample lesson plans on self-protection and gender equality as well as a Board Game on Life Challenges with life situations for teachers' reference and use.

Response to the findings of the “Sexual Harassment – Questionnaire Survey for Education Sector” conducted by the Equal Opportunities Commission

The EDB is very concerned about the findings of the “Sexual Harassment – Questionnaire Survey for Education Sector” recently announced by the EOC that some schools have not yet adopted a policy statement on sexual harassment. In this connection, the EDB sent an email on 6 May 2013 to all schools urging them again to take reasonable and practicable measures to ensure that all individuals in the school (including all students, staff members, voluntary helpers, contract workers/ service providers/ agents) are able to study, to conduct extra-curricular activities or work or provide services in a safe and sexually hostile-free environment. In case schools have not yet adopted a policy statement on sexual harassment, they should refer to the related guidelines posted on the EDB homepage or consult the EOC where necessary, to formulate a school policy (in written form) as soon as practicable.

In addition, the EDB has also liaised with the EOC in the first instance regarding the above survey findings and planned to provide further support and to organise training programmes for school principals and teachers, to facilitate them to formulate clearer school policy and implement anti-sexual harassment measures. Details of the training programmes would be announced in due course. We will

also work in collaboration with the major school councils and associations to organise sharing or briefing sessions to raise the awareness of schools and help them get acquainted with the requirements of the SDO so that they will develop measures appropriate to their school-based circumstances for complying with the legal requirements.

Education Bureau
May 2013