



立法會
LEGISLATIVE COUNCIL

來函檔號 YOUR REF : CB2/PL/CA
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毛孟靜議員

毛議員：

要求討論教會內性騷擾問題及召開公聽會

多謝閣下於 2018 年 7 月 3 日就上述事宜致函主席。閣下因應早前有關教會性騷擾事件的報道，認為有必要在教會及各類慈善組織制訂防止性騷擾及處理性侵犯指引，以及加強社會性別教育及預防性騷擾教育，並且要求事務委員會討論上述事宜及召開公聽會。主席指示我回覆如下。

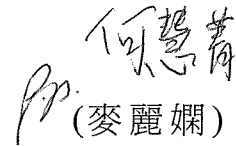
主席察悉，消除性騷擾一直是平等機會委員會("平機會")的工作重點。平機會主席於本年 2 月 14 日在事務委員會會議上就平機會的工作進行簡報時表示，平機會自 2013 年起推行大型反性騷擾運動，提升不同界別對性騷擾的認識和推廣防止性騷擾。有關界別涵蓋的範疇廣泛，包括教育界、商界(尤其是服務業)、社福界、外籍家庭傭工、新來港婦女、紀律部隊及體育界，詳情載於立法會 CB(2)851/17-18(05)及 CB(2)1126/17-18(01)號文件。

至於早前有關教會性騷擾事件的報道，主席相信政府當局與平機會亦同樣關注並且會採取適當跟進行動，因此已指示本人要求政府當局與平機會就這方面的工作提交最新資料。有關的書面回應載於**附件**，供閣下參閱。

主席察悉，政府當局已在立法及行政兩方面採取措施，而平機會亦一直持續在各個範疇和有關界別推動防止性騷擾及舉行相關的公眾教育及宣傳活動，而且根據附件所載文件第 3 頁首段

所述，針對早前有關教會性騷擾事件的報道，平機會已展開相關跟進行動，因此主席認為目前並無需要安排討論有關議題及召開公聽會。

事務委員會秘書


(麥麗嫻)

連附件

副本致： 廖長江議員, SBS, JP (主席)

2018年7月16日

政制及內地事務局
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12 July 2018

Ms Joanne MAK
Clerk to the Panel
Legislative Council Secretariat
The Legislative Council Complex
1 Legislative Council Road,
Central, Hong Kong

Dear Ms Mak,

**Panel on Constitutional Affairs
Letter from Hon Claudia MO**

Thank you for your letter dated 5 July 2018 attaching therewith a letter from Hon Claudia MO on concerns of sexual harassment within churches and charitable bodies.

The Government attaches great importance to incidents of sexual harassment. Depending on the circumstances of each case, legal sanctions may be imposed under the criminal law on persons who harass or offend others. For instance, the offences of “rape” under section 118, “indecent assault” under section 122 and “loitering” under section 160 of the Crimes Ordinance (Cap. 200); “disorder in public places” under section 17B of the Public Order Ordinance (Cap. 245); or “outraging public decency” under the common law may apply to such cases.

On legislation, by virtue of the introduction of the Sex Discrimination (Amendment) Ordinance 2014, the Government has extended the protection and territorial scope of the Sex Discrimination Ordinance (Cap. 480) (SDO) to render unlawful any sexual harassment by customers against providers or prospective providers of goods, facilities or services. The prohibition of

a Hong Kong registered ship or aircraft even if it is outside the territory, affording protection to a large number of service providers in Hong Kong. Moreover, the Government will introduce legislative proposals to the Legislative Council by end-2018 so as to implement the eight prioritised recommendations in the Report on Discrimination Law Review submitted by the Equal Opportunities Commission (EOC) in 2016. Among these recommendations, two are related to the expansion of the scope of protection from sexual harassment under the SDO, which include rendering it 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 person who is, or has applied to be, a member of the club; and expanding the scope legislative protection from sexual harassment to persons working in a common workplace.

As for administrative measures, the Social Welfare Department (SWD) monitors subvented services provided by non-governmental organisations (NGOs) through the Service Performance Monitoring System (SPMS). Under the SPMS, NGOs should properly manage their service units to ensure that their subvented services are in conformity with the requirements of the Funding and Service Agreement, which include the Essential Service Requirements, Output/Outcome Standards and the Service Quality Standards (SQSs). In this connection, the NGOs are required to formulate, in accordance with the criteria and assessment indicators for each standard, relevant policies and procedures for its service units according to its circumstances, and the implementation details for each standard. The SQSs to protect service users from sexual harassment and sexual abuse include requiring the NGOs to keep a checklist of all relevant legislation governing the unit's operation and service delivery and set up a monitoring process to ensure that the relevant legislation including the SDO are strictly complied with. The NGOs are also required to take all reasonable steps to ensure that the service users are free from abuse, and to put in place documented policies and procedures on the prevention and handling of abuse.

Apart from requiring NGOs to submit quarterly statistical reports and annual self-assessment reports, SWD will visit all subvented NGOs within each monitoring cycle (every 3 years) in the form of performance visits (including review visits or surprise visits) to selected subvented service units, so as to assess and monitor their service performance. If non-compliance is found during the visits or in the reports submitted by the NGOs, SWD will ask the NGOs to submit action plans for improvement and monitor the implementation of improvement measures.

On the other hand, the Constitutional and Mainland Affairs Bureau provides a subvention in the form of a lump sum allocation for the EOC each year to discharge functions and duties conferred on it under the four anti-discrimination ordinances, which include handling complaints and work related to sexual harassment under the SDO. We understand that the EOC has implemented its Anti-Sexual Harassment Campaign since 2013. In the past few years, the EOC has endeavoured to promote the prevention of sexual harassment in various sectors and assist them in formulating policies on the prevention of sexual harassment and handling such complaints.

For example, in order to enhance the awareness of social service providers on prevention of sexual harassment, the EOC organised two Seminars on Anti-Sexual Harassment in Social Service Sector for the management of the social welfare sector in 2016 and four Workshops on the Prevention and Handling of Sexual Harassment for Social Welfare Agencies in 2017 to brief the practitioners of the social welfare sector on the setting up of mechanisms to handle complaints about sexual harassment and the ways to handle such complaints.

In view of the suspected incidents of sexual abuse in residential care homes for persons with disabilities, the EOC organised a Seminar on Protecting Persons with Intellectual Disabilities Against Sexual Harassment in December 2016 with a view to helping parents/carers of persons with intellectual disabilities understand their rights under the SDO and the Disability Discrimination Ordinance (Cap. 487) as well as the complaint channels. Following recent reports on sexual harassment in a certain religious body, the EOC had written to a number of religious bodies to discuss how to better prevent and handle complaints of sexual harassment in churches.

The EOC also promotes messages on preventing and handling sexual harassment through regular publicity programmes, including a weekly chat show on Radio 2 of RTHK, a bi-weekly electronic newsletter, guest interviews and publication of articles. The EOC has also promoted the prevention of sexual harassment in primary and secondary schools through a roving performance of dramas entitled “This is not a Joke”, “Sexual Harassment can’t be Tolerated” and “Say No to Sexual Harassment” co-produced with the Forest Union. The EOC will continue its work on public education and publicity, including the Community Participation Funding Programme on Equal Opportunities which sponsors activities organised by NGOs, community organisations and schools, so as to enhance public understanding on the prevention and handling of sexual harassment.

Based on the information provided by the EOC, its expenditure on publicity and public education (including staff costs) for 2018-19 is estimated to be \$27.93 million; about 25% of the aforementioned expenditure is used for publicity and education efforts on the SDO.

From 1 January to 30 June 2018, the EOC received a total of 62 complaints on sexual harassment under the SDO, most of which are related to employment. The EOC has already conducted investigation or taken follow-up actions for these complaints as appropriate. As at 30 June 2018, the investigation on 21 cases was discontinued, mainly due to unsubstantiated cases or withdrawal by complainants; 8 cases were successfully conciliated and the remaining 33 cases are still under investigation. All acts of sexual harassment or abuse will absolutely not be tolerated, and those who are sexually harassed or abused are encouraged to report their cases to the Police or lodge a complaint to the EOC immediately.

Yours sincerely,



(Miss Ellen CHOW)

for Secretary for Constitutional and Mainland Affairs