



本函檔號 Our Ref. : EOC/EMT/87

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By email

28 June 2024

Dear Principal,

**Equal Opportunities and Prevention of Racial Harassment in Schools**

The Equal Opportunities Commission (EOC) strives to ensure equal opportunities for students of different races, protecting them from racial discrimination and harassment, and encourages schools to foster a racially friendly and inclusive learning environment for our children.

In recent years, an increasing number of schools have admitted non-Chinese speaking students coming from different ethnicities. Against this background, this letter serves as a reminder to schools on their responsibility to provide an environment free of racial harassment which is prohibited under the Race Discrimination Ordinance (RDO).

Generally speaking, racial harassment can occur in a wide variety of settings. The impact of racial harassment on students and on those around them can be severe, affecting their physical and mental wellbeing, as well as academic performance and career development.

The RDO prohibits two forms of racial harassment. The first form involves a person's engagement in unwelcome conduct, such as abusive, insulting or offensive behavior, on the ground of the race of another person or an associate of the second-mentioned person, which makes the second-mentioned person reasonably feels offended, humiliated or intimidated. This form of racial harassment can be in any way — physical, visual, verbal or non-verbal — and a single incident may constitute racial harassment. Examples of such harassment include engaging in name calling,

which people of certain racial groups find offensive or impolite; making racial jokes and/or making fun of someone's accent, appearance or traditional food; using racially offensive language when communicating with people from that particular racial group.

The second form of racial harassment relates to creation of a racially hostile or intimidating environment. It constitutes racial harassment when a person (alone or together with other persons) creates a racially hostile or intimidating environment for another person on the ground of the race of the latter person or the latter person's associate. For instance, a group of students paints some racially derogatory graffiti or threatening messages on a wall in the school playground, which make students of a particular race feel offended or intimidated even though the graffiti or messages did not directly target a particular student or students.

The RDO applies to both school staff members as well as students. It is therefore necessary that students and staff be made aware of their personal liability under the RDO for unlawful acts of racial harassment against other students and staff.

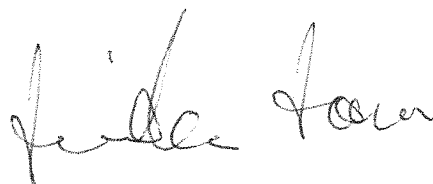
Besides, a school is vicariously liable for any unlawful act of racial harassment of its employees and agents unless the school has taken all reasonably practicable steps to prevent such act. Steps that may be taken include putting in place a policy prohibiting harassment in different aspects of school lives, providing training to staff at all levels, setting up a clear complaint mechanism and designating dedicated personnel to handle matters arising from harassment.

Schools may refer to the following guides issued by the EOC: **“School Policy Framework for Prevention of Racial Discrimination and Harassment”** and **“Promotion of Racial Integration and Prevention of Racial Discrimination in Schools Booklet”** to gain further insights in the application of the RDO in school environment. Kindly be reminded that apart from racial harassment, schools should also work to prevent other types of harassment stipulated under other anti-discrimination Ordinances, such as sexual, disability and breastfeeding harassment. Information on the anti-discrimination Ordinances may be obtained from EOC's website at [www.eoc.org.hk](http://www.eoc.org.hk).

The cultivation of a harassment-free school campus is conducive to developing a supportive environment and promoting racial inclusion and equal opportunities. The EOC is prepared to work with schools in the elimination of discrimination and harassment for the building of a community for everyone to thrive according to their abilities.

This letter is issued as a soft reminder. It does not have the force of law and is not meant to be legal advice on any specific situation. If you need further information regarding a school's legal obligations under the RDO, please contact the EOC at tel. no. 2511 8211.

Yours sincerely,



Ms Linda LAM Mei-sau, SBS  
Chairperson  
Equal Opportunities Commission

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**School Policy Framework for Prevention of Racial Discrimination and Harassment**



**Promotion of Racial Integration and Prevention of Racial Discrimination in Schools Booklet**