

DEALING WITH HARASSMENT IN TAKEAWAYS AND RESTAURANTS

WHY SUFFER IN SILENCE?

**餐館及外賣店：
面對滋擾，有何對策？**

Advice on appropriate action for business owners and workers who encounter harassment.

聽取專家意見，採取適當步驟，
應付生事及滋擾問題。

This booklet has been brought to you in association with the following:



GOVERNMENT OFFICE
FOR THE SOUTH EAST



INTRODUCTION

導言：滋擾問題

This booklet is aimed at owners and workers in small restaurants and food takeaway shops. These establishments advertise widely, open late and are often isolated. They can easily become subject to forms of harassment and a target for troublemakers.

這本小冊子是為小型餐飲企業如餐館和外賣店東主及其從業員而編寫的。餐飲企業營業形式種類繁多，營業地域分佈廣泛，營業時間很長很晚，經營地點通常也比較偏僻，因而很容易成為滋事分子滋擾和攻擊的目標。

The advice given in this booklet applies to all small catering establishments, but it focuses in particular on businesses owned and run by members of ethnic minority communities. These businesses may be particularly vulnerable because of: 本手冊的建議適用於所有小型餐飲企業，尤其適用於來自少數民族企業的東主和從業員。這些企業特別弱勢並容易成為被滋擾的對象，原因在於：

- Racist targeting by vandals and/or troublemakers; 它們往往是流氓及／或滋事份子針對的歧視目標。
- Absence of traditional links with police and community safety officers, which more established community businesses might have; 這些小型餐飲企業不像大型企業那樣，與警方和社區安全官員之間保持著一貫的密切的聯繫。

- Possible misunderstandings when handling harassment cases, by both police and business owners/workers.
有時警方與東主以至從業員雙方面，對處理滋擾事件時所應採取的程序也存在誤解。

This booklet can't offer immediate solutions to these long-standing problems. It can only give advice on appropriate action, when incidents happen.

這本小冊子不能為長期以來存在的問題提供一個即時的解決之道，它只能為一旦發生滋擾事件時所要採取的適當行動提供建議。

However, don't just read and follow the guidelines given and then wait for the worst to happen. Discuss what you learn from this booklet with your local community police officer and your Community Safety Officer. Talk with them about the problems above, to help them find solutions.

然而，請不要僅僅閱覽及遵照手冊中提出的指引而靜待更壞的情況發生。你應和當地的警方、巡邏警員及社區安全官員，一同討論你從這本手冊中所學會的，並且協助他們就上述問題尋求解決辦法。

EXAMPLES OF HARASSMENT

滋擾事件例子

It doesn't matter if an incident is minor. Any kind of nuisance that obstructs the conduct of your business is considered to be harassment.

不論事件大小，任何妨礙你生意正常運作的行為，都應一律視之為滋擾事件處理和看待。

For example:

舉例說：

- In a takeaway shop, a troublemaker may have no intention of buying any food and refuse to leave;
在外賣店內，滋事者沒有打算購買任何食物卻拒絕離開。
- A perpetrator might use abusive language against you;
涉嫌滋事者對你惡言相待。
- A perpetrator (or group) might cause a disturbance outside of the premises.
涉嫌的滋事者（或群黨）在你店外搗亂，影響你的營業。

Nuisance is harassment and must be treated as such. This is because nuisance can develop and grow, into far more serious criminal action.

儘管有時滋擾行為看似微不足道，但也應當嚴肅處理。因為這些行為很容易發展和演變為更嚴重的犯罪行為。

Examples of more serious harassments are:

至於一些更嚴重的滋擾例子有：

- Customers refusing to pay after eating;
客人用餐後拒絕付帳（俗稱食霸王餐）。
- Breaking doors, windows and other parts of the premises;
打碎店內的門窗或其它物品。
- The drawing of weapons and making threats on the premises;
在店內亮出凶器並作出威嚇。
- Physically attacking workers on the premises.
在店內動手傷害工作人員。

It is important to recognise not just harassment, but also how harassment can develop and grow.

由此可見，重要的不僅是要正視滋擾事件本身，而是其可能衍生出來的後果。

REPORTING HARASSMENT

舉報滋擾事件

If you suffer harassment, racist or otherwise, do not ignore it. You must record and report **all** incidents of harassment because:

若你一旦受到滋擾、種族歧視或其它犯罪行為的侵害時，一定不要保持沉默和逆來順受或視作等閒。你必須對整個侵害過程進行詳細記錄並及時報警。因為只有這樣：

- You will be helping the police, in their crime prevention work;
你才能協助警方，防止罪案發生。
- It is your duty, as a community member, to report on perpetrators who might harass others;
履行你作為社區一員的責任，舉報涉嫌疑匪，以免他們進一步侵害其他人。
- If any incident results in court action, evidence is needed.
若事件一旦要訴諸法庭上，證據是至為需要的。

Even if harassment is minor and court action is not anticipated, you **must** report it because minor crime might set the scene for more serious crime at a later stage. Even if the police do not appear to respond immediately, your report will not be ignored.

即使所發生的滋擾事件情節比較輕微或不足以交付法庭處理，你仍然必須及時舉報，因為這些看似微不足道的犯罪行為，日後可能衍生成更嚴重的罪行。即使警方未有立刻趕赴事發現場或即時回應你的舉報，你的舉報和記錄是不會被忽略的。

The police will keep a record of your report and:
警方會對你所作的記錄進行存檔，並：

- Investigate it, as necessary (see below);
如有需要會作進一步的跟進調查（見下文）。
- Link it to other investigations, so that crime in general in your location is reduced;
與其它有關調查的案件聯繫起來一併處理，以期減低你當地的整體罪案。
- Add it to crime statistics that help the planning of crime prevention and police patrolling strategies.
加入罪案統計數字中，從而協助制定防止罪案發生的整體策略及警員巡邏的安排。

In addition to reporting by telephone, try to keep your own record of reports. Write down, as soon as possible:

若你以電話報警，請嘗試保存一份你自己的記錄。盡快把它寫下來。其內容應包括：

- What you saw;
你看到了什麼。
- What you heard;
你聽到了什麼。
- What you said;
你說了什麼。
- How you felt;
你在事發時的感受。

- Date, time and where the incident happened;
事件發生的日期，時間和地點。
- Descriptions of offenders, their ages, gender, clothing, shoes, height, build, hair colour, and any other distinguishing features i.e. wearing of glasses, tattoos;
詳細描述嫌犯的年齡、性別、衣服鞋帽、身高、體形、髮色及其他特徵，例如是否有配戴眼鏡或紋身等。
- Details of any witnesses (If they do not tell you who they are and do not wait for police, write down their descriptions too. If they give you their details, ask them to write down their name, address and telephone numbers).
目擊證人的詳細資料（若他們不願向你透露其身份，也不願意等待警察的到來，你可記下他們的特徵。如他們願意留下他們的資料，你可要求他們寫下他們的名字、地址和聯絡電話號碼）。

Write down the time that you started to make your record of what happened and the time that you finished.

不要忘記寫下你開始記錄事件的詳細經過和完成記錄的準確時間。

These are your notes and you can use them in any way and in any language that you wish. You can use them when you are giving your statement to police and you may be able to use them when you give evidence at court. Tell the police that you have made notes and keep them to take to court, if necessary. 這是你個人的筆記，你可以以任何形式或任何語言記錄下來。你可以在向警方錄口供時提供這些資料，也可以在法庭上作為傳召的證據。告訴警方你個人就事件所作的記錄，如有需要，保存這些資料作法庭上使用。

THE POLICE RESPONSE

警方的處理

The call you make to the police will be graded as follows :

警方收到舉報後，將按照事件的輕重緩急按下列分級進行處理：

- **Grade 1 – Real Emergency – Deployment within 4 minutes** where violence is being used or threatened and serious injury or damage is occurring.
一級處理：真正緊急情況 – 四分鐘內作出行動。用於正在發生的暴力事件、恐嚇及嚴重受傷或破壞的情況。
- **Grade 2 – Deployment within 30 minutes** where rapid attendance is necessary, but where serious injury may not be involved. Racial incidents are treated as grade 2 calls.
二級處理：三十分鐘內作出行動。用於需要迅速到場處理，但並不涉及嚴重受傷的事件。種族事件通常列作二級處理。
- **Grade 3 – Deployment within 2 hours** where attendance is necessary but not urgent.
三級處理：兩小時內作出行動。用於有需要到場處理但不緊急的事件。
- **Grade 4 – Deployment by station** where an appointment can be made for an officer to attend.
四級處理：當事人到警局報案。用於當事人與警局預約，安排與一名警務人員會面。
- **Grade 5 – No police deployment** where reports are dealt with by telephone.
五級處理：不需動用警力。用於可透過電話處理的案件。

The police will investigate your report, based on the information given. The police will also investigate the reports and statements given by others. It is therefore important that you offer complete and accurate information, with witnesses to back you up where possible.

警方會根據你提出的資料作出調查，也會根據其他人提供的記錄及口供作出調查，故你所提供全面及準確的資料是極為重要的，最好有目擊證人支持你的記錄。

If a crime has been committed and the criminal is caught, but the police did not proceed with further action against the perpetrator, this does **not** mean that your report has been a waste of time.

一旦所發生的罪案其嫌犯落網被捕，但警方不能對其採取進一步的檢控行動，這並不表示你所作的舉報是浪費時間。

After the incident, a police officer may call in a multi-agency team (including, for example, the Council's community safety officer) to issue an Acceptable Behaviour Contract (ABC). This is a contract between the perpetrator and the team, defining a set of activities which the perpetrator must not become involved with, in order to prevent harassment continuing.

案發後，警方可能會聯絡多個不同的部門（如地方當局的社區安全官員等），簽訂一份可接受的行為規範約章，這是一份介乎涉嫌疑犯與跨部門之間的一項約章，介定一系列涉嫌疑犯不能涉及的活動，以確保類似的滋擾行動不再繼續發生。

This contract is not legally binding, but it can be used in evidence in applying for an Anti-Social Behaviour Order (ASBO). This is a court order issued against the perpetrator, which prohibits the individual from doing anything stated on the order. Hence the individual could be ordered:

這份約章雖不具法律效力，但仍具有一定約束力。它適用於作為反社會行為條例的證明，是法庭簽署用來對付嫌疑犯的禁令，用以

禁止個人從事任何違反公眾安寧的行為。根據這項禁令，他可能被下令：

- Not to enter specific premises;
不得進入某些特定的場所。
- Not to enter any type of premises (e.g. takeaway shops in the region);
不得進入任何特定性質的場所（如當地的外賣店）。
- Not to enter any region;
不得進入任何特定地區。
- Not to exhibit racially abusive behaviour.
不得使用帶有種族歧視性質的言語和行為。

Breaking any of these rules will make them liable for arrest, prosecution and possible imprisonment.

如有違反禁令中任何所規定的條款，肇事者將承擔由此引起的法律後果，包括被逮捕或被起訴或被監禁的可能性。

IF THINGS GO WRONG

當事件情況逆轉或變得更糟 (如苦主變成被告)

Anger and emotion naturally arise in harassment incidents and the situation can get confused and out of control. In such circumstances, keep in mind that the police will need a detailed record of the incident; remember also that the perpetrator may also make a report to the police.

受到滋擾事件襲擊時，憤怒與衝動往往是很自然的，而事態的發展往往會引起混亂和誤解並極易造成失控。在這種情況下，請務必記住警方需要對事件作詳盡而準確的記錄，同時要明白肇事者可能也會向警方提交對你不利的報告。

The police will investigate and take action based on all the evidence gathered, not just your own. If there is any chance that confusion can lead to false information, take time to step aside and write down everything you know, according to the guidelines given above.

警方會根據所有搜集到的證據，不僅是你提出的證據，作出調查。若一旦有任何可能造成混淆或導致錯誤的資料，你必須抽離出來，並花一些時間，根據上文提出的指引，寫下所有你知道的。

If circumstances require you to carry out self-defence, it's important to note that force must be **reasonable**. It is **not**, for example, reasonable to use a weapon against a perpetrator who is only being abusive.

若事態的發展迫使你不得不進行自衛，請注意所採用的自衛手段必須是合理的。舉例說，用武器來對付向你作出挑釁的滋事者是不允許的。

Always consider carefully any action you decide to take and remember that you may have to prove in court that you behaved in a reasonable manner. If there is any doubt about your action, then you, the original victim, may find yourself arrested as the attacker.

經常要小心考慮你決定的任何行動，這可能需要你在法庭上證明你所作的反應是基於合理的反應行為。若警方或法庭一旦對你的行動存有疑問，那麼閣下，亦即事件的苦主，有可能反被視為襲擊者而被捕。

If you are arrested:

若你一旦被捕：

- **contact your solicitor**, or ask for a member of the “Duty Solicitor Scheme”, who will be independent (nothing to do with the police) and come to speak with you free of charge;
立即與你的律師聯絡，或要求會見「當值律師計劃」的律師，他不隸屬於警方，而是作為獨立的第三者，免費與你就案件作出討論。
- ask for the reason of your arrest;
問清楚你被逮捕的原因。
- ask what charge you are under;
問清楚你被指控的罪名。
- ask which police station you are being taken to.
問清楚你將被帶到哪個警察局。

At the Police Station, you have the right to:
在警局內，你有權：

- have an interpreter;
要求傳譯員。
- call for a doctor if you are not well or injured;
若你身體感到不適或受傷，可要求見醫生。
- remain silent and not make a statement without consulting a solicitor;
在沒有徵詢律師意見前，你可保持緘默及不作任何口供。
- call your family or friend.
致電家人或朋友。

Your period of detention will depend on the charge against you. Normally, if the charge is not serious, the police cannot keep you in custody for more than 24 hours without charging you.

你被拘留的時間是根據你被檢控的罪名而定，一般情形，若控罪不嚴重，警方在沒有落案控告你的情況下，不能扣留你在羈留所超過二十四小時。

If you are unhappy about your treatment at the police station or the way police responded to your call, you can make a formal complaint. Do this after consulting with a solicitor or The Monitoring Group, or immediately after you are released. 若你在警局內對你有關的處理或對警方回應你的方法感到不滿，你可作出正式投訴，你可在諮詢律師或督警組之後，又或者在獲釋後，及時作出投訴。

MAKING SURE THINGS DON'T GO WRONG

確保事情不會出亂子

Install CCTV system in your shop - it will provide excellent video evidence and discourage crime.

在店舖內安裝閉路電視監察器，提供最佳的影像證據，是有效防止罪案發生的措施。

To discourage perpetrators always report incidents - even if the incident is minor, report it to the Police or to your local Community Safety Officer.

打擊涉嫌犯事者最好的辦法，就是向警方或你當地的社區安全官員舉報他們的不法行為，即使滋擾事件看來微不足道。

If you have a local community police officer, talk to him or her about this booklet - ask for advice on areas of the booklet which may not be clear to you.

如果你當地有社區警員當值，與他們就這本手冊進行討論，徵詢他們在這手冊內一些你不明白的地方，尋求他們的意見。

Your Community Safety Officer in your local council is interested in harassment problems you might be experiencing - they need information from you, in order to help you.

你當地的社區安全官員對你遭遇過的滋擾活動會感到興趣，他們需要你提供的資料以便更有效地協助你。

The Community Safety Officer works alongside emergency response teams and the Criminal Investigation Department (CID). If things go wrong, previous evidence you've given to the Officer (for example, about long-term harassment) may be crucial.

社區安全官員與當地的緊急服務部門及刑事偵緝處是一起工作的，若事情一旦出現逆轉或發生變化，你之前向有關人員提供的證據（例如你過去一直受到長期的滋擾）將會極為重要。

Your local community association may also help. Some associations maintain mailing list of small catering businesses in the region and will keep you informed of important developments. It may also help you with the solicitors who are ready to take on harassment cases, when they arise.

你當地的社區組織也可能對你提供某些協助。一些社區組織存有當地小型餐飲企業的郵寄地址，他們或可向你提供重要事件的發展最新情況，或一旦在你有需要時，幫助你聯絡一些樂意處理滋擾案件的律師。

Finally, make sure your premises are fully insured. With a good policy, property can be replaced quickly and easily. Never risk life or limb for the sake of replaceable property.

最後，確保你的店舖已購買適當的保險。若有良好的保險條款保障，你的店舖一旦被破壞，便能很快及很容易地獲得賠償及修理。切記，不要為身外物而讓你的生命和人身安全構成威脅。

USEFUL CONTACT INFORMATION

有用的聯絡資料

Emergency Services 緊急服務	Tel: 電話:	999
Hampshire Constabulary (Non Emergency)	Tel: 電話:	0845 045 45 45
The Monitoring Group 督警組－民權	Tel: 電話:	020 8843 2333
Community Safety Officers 社區支援行動組		
Southampton City Council		023 8083 3988
Eastleigh Borough Council		023 8068 8149
New Forest District Council		023 8028 5148
Winchester City Council		01962 848132
Community Solicitor 社區律師		David Lee Eric Robinson Solicitors 電話 Tel: 023 8022 6891
The Chinese Association of Southampton 修咸頓華人協會	Tel: 電話:	023 8023 7576

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