
CK Asset Holdings Limited

Anti-Harassment Policy

Table of Contents

1. Introduction
2. Prohibition of Harassment and Sexual Harassment
3. Categories of Harassment and Sexual Harassment
4. Responding to Harassment and Sexual Harassment
 - 4.1. Informal Approach
 - 4.2. Formal Approach
5. Investigations
6. No Retaliation or Victimisation
7. Confidentiality
8. Breaches of this Policy

Appendix I: Definitions

Appendix II: Flow Chart for Handling Harassment and Sexual Harassment Cases

Appendix III: Flow Chart for Formal Complaint Investigations

This anti-harassment policy (this “**Policy**”) has been developed by CK Asset Holdings Limited (the “**Company**” or “**CKA**”) and its subsidiaries (collectively the “**Group**”).

1. Introduction

- 1.1. Everyone has the right to be respected and be equally treated. In accordance with our values, the Company strives to provide a safe and respectful work environment for all employees and expects that all employees will conduct themselves with normal standards of courtesy and consideration in the workplace and at work-related events. Harassment and sexual harassment in the workplace and at work-related events are discriminatory and unlawful, are expressly prohibited, and will not be tolerated.
- 1.2. This Policy outlines the Company’s policies and procedures regarding harassment and sexual harassment in the workplace and at work-related events. All employees have the obligation and responsibility to prevent and eliminate harassment and sexual harassment, including respecting the will and feelings of others, refusing to tolerate any harassment or sexual harassment behaviour, supporting co-workers to take reasonable steps to stop harassment and sexual harassment, and to report any such behaviour, if they occur.
- 1.3. All employees (whether full-time or part-time, contract or temporary staff or interns), and directors who are employed by the Group in Hong Kong, and job applicants, commission agents, and volunteers who attend the Group’s Hong Kong offices are required to comply with this Policy. The Company’s overseas subsidiaries and joint ventures over which the Group has management control shall adopt and maintain their own independent anti-harassment policy in compliance with the law, rules and regulations of the jurisdictions in which they operate.
- 1.4. This Policy supersedes any previous policies relating to harassment and sexual harassment. To the extent that any provisions set out in this Policy are inconsistent or in conflict with any such law, rules or regulations, such law, rules or regulations will prevail to the extent of such inconsistency or conflict.
- 1.5. The Company will review this Policy from time to time to ensure that it reflects any changes in applicable law, rules and regulations. The Company reserves the right to make changes to this Policy from time to time. Any amendments to this Policy will be communicated to employees by e-mail or such other means as the Company may decide from time to time.

2. Prohibition of Harassment and Sexual Harassment

- 2.1. The Company is committed to taking such steps as are reasonably possible to ensure that the workplace is free from any form of harassment and sexual harassment. Harassment and sexual harassment in the workplace and at work-related events are discriminatory and unlawful, are expressly prohibited, and will not be tolerated.
- 2.2. Harassment includes any behaviour that is unwanted, offensive, or creates an intimidating, hostile, or offensive environment in the workplace and at work-related events. Hong Kong law currently prohibits sexual, disability and racial harassment. This Policy also prohibits any form of harassment on the grounds of gender, religion, age, sexual preference and nationality and on any other grounds that a reasonable person would consider inappropriate and unacceptable, including any behaviour that is unwanted, offensive, or creates an intimidating, hostile, or offensive work environment.

3. Categories of Harassment and Sexual Harassment

- 3.1. Harassment and sexual harassment can take many forms, including the following:
- 3.1.1. **Sexual harassment** means a person makes an unwelcome conduct of a sexual nature to another person. The unwelcome conduct includes unwelcome sexual attention, physical contact, talking about issues of a sexual nature or making a sexual advance. Sexual harassment includes any unwelcome sexual advance or request for sexual favours, or any unwelcome conduct of a sexual nature, in circumstances where a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated. It also includes creation of a sexually hostile or intimidating environment. For further details, please refer to the Sex Discrimination Ordinance (Cap. 480) (“**SDO**”). Note that the SDO renders unlawful sexual harassment between persons in an employment relationship, and that between providers and users of goods, facilities or services.

Clarification of common myths

- (a) Regardless of gender: Sexual harassment may occur to any person, regardless of gender.
- (b) Intention is irrelevant: Even if the act of sexual harassment is not intentional, 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.
- (c) Single incident: A single incident may also amount to sexual harassment.
- (d) Power relationship: Although sexual harassment incidents are usually related to a power relationship (for example, a supervisor harassing an intern), sexual harassment may also occur between peers.

Examples of sexual harassment¹

- (i) Jokes that are sexual in nature and which are unwelcome.
- (ii) Comments with sexual implications or comments that are sexually suggestive or offensive.
- (iii) Repeated attempts to make a date, despite being told “NO” each time.
- (iv) Displaying sexually obscene or sexually suggestive or offensive photographs or literature.
- (v) Obscene or sexually suggestive or offensive gestures.
- (vi) Inappropriate, unnecessary, unwanted, or sexually suggestive or offensive touching.
- (vii) Sexual propositions or other pressure for sex, implied or overt threats for sex, or phone calls or messages asking for a personal sexual relationship.

These examples are not exhaustive but are intended to give a broad understanding of unacceptable behaviour, including behaviour that constitutes sexual harassment.

3.1.2. **Disability harassment** means unwelcome conduct on account of a person’s disability or that of an “associate”. For further details, please refer to the Disability Discrimination Ordinance (Cap. 487) (“**DDO**”) and the definitions of “associate”, “disability” and “discrimination against persons with disability” in Appendix I.

3.1.3. **Racial harassment** means unwelcome conduct or conduct which creates a hostile environment on account of a person’s race, or on account of the race of that person’s near relative. For further details, please refer to the Race Discrimination Ordinance (Cap. 602) (“**RDO**”) and the definitions of “near relative”, “race” and “racial discrimination” in Appendix I.

¹ Some of these examples of sexual harassment acts have been copied from the Equal Opportunities Commission website: <https://www.eoc.org.hk/en/about-the-eoc/eoc-policies/sexual-harassment-between-external-parties-and-eoc-staff>

CKA Anti-Harassment Policy

- 3.1.4. All provisions of this Policy related to harassment and sexual harassment are applicable to both men and women as well as harassment and sexual harassment to persons of the same sex.
- 3.1.5. Harassment and sexual harassment may be in the form of oral, written or electronic communications, including email, voice mail, text messages and posts on social media, and may be conducted in different ways, which may include but are not limited to:
- (a) Verbal conduct, such as degrading comments relating to an individual's protected characteristics, racial or ethnic slurs or nicknames, sexually graphic comments or nicknames, and threats of harm or violence.
 - (b) Non-verbal conduct, such as suggestive gestures or objects, derogatory or demeaning graphics, and intimidating or threatening gestures or behaviour.
 - (c) Physical conduct, such as impeding or blocking movements, physical interference with normal work or movement, and assault.

These examples are not exhaustive but are intended to give a broad understanding of unacceptable behaviour, including behaviour that constitutes harassment and sexual harassment.

- 3.2. It is important when making a complaint that employees distinguish harassment and sexual harassment from (a) the normal management function of managing performance and behaviour (including supervision of work and performance-related discussions) and (b) normal acceptable interaction in the workplace or at work-related events. The following behaviour does not constitute harassment or sexual harassment:
- (i) the proper exercise of authority by management;
 - (ii) fair and constructive criticism of an employee's performance, conduct or attendance;
 - (iii) reasonable and essential discipline arising from the appropriate management of the performance of an employee at work;
 - (iv) actions taken which can be justified as regards the safety, health and welfare of an employee;
 - (v) legitimate management responses to crisis situations which require immediate action; and
 - (vi) complaints relating to reasonable instructions issued by a manager, assignment of normal duties or relating to terms and conditions of employment.

These examples are not exhaustive but are intended to give a broad understanding of behaviour that does not constitute harassment or sexual harassment.

4. Responding to Harassment and Sexual Harassment

Please refer to the flow chart in [Appendix II](#), which sets out the procedures for how employees who believe that they have been harassed or sexually harassed may respond.

4.1. Informal Approach

4.1.1. Employees who believe that they have been harassed or sexually harassed may take the following steps:

- (a) request the alleged perpetrator to stop, indicating that the matter will be reported if it continues;
- (b) make it clear that the behaviour is upsetting, offensive and/or unacceptable, as the case may be;
- (c) record in writing any incident that occurs; and/or
- (d) if the behaviour continues, the procedures below should be followed.

4.1.2. Where the employee finds it difficult to approach the alleged perpetrator(s) directly, they can seek assistance and advice from a contact person (who may be (a) their head of department; and/or (b) the head of human resources department of their employing company; and/or (c) the head of CKA Human Resources Department; and/or (d) the head of CKA Internal Audit Department; and/or (e) the CKA Executive Director responsible for Human Resources).

4.1.3. The employee may tell someone they trust and ask for emotional support and advice.

4.1.4. An informal procedure seeks to resolve issues with the minimum conflict and stress for all concerned. Having consulted with the contact person, the employee may request the contact person's assistance in raising the issue with the alleged perpetrator(s). The contact person's approach should be non-confrontational, confidential and should seek to resolve issues in an informal manner.

4.1.5. The employee may decide, for whatever reason, to bypass the informal procedure and this will not reflect negatively on the employee in the formal procedure (or otherwise).

4.1.6. The Company may not be aware of the conduct in question unless the employee takes appropriate steps to notify a contact person referred to above.

4.2. Formal Approach

4.2.1. If the employee considers that the matter has not been or cannot be resolved informally, they have the right to file a formal complaint either in accordance with the Company's Whistleblowing Policy - Procedures for Reporting Possible Improprieties (the "Whistleblowing Policy") or in accordance with this Policy.

- 4.2.2. When filing a formal complaint under the Whistleblowing Policy, the employee has the right to file their complaint anonymously. The complaint will be handled in accordance with the procedures set forth in Whistleblowing Policy.
- 4.2.3. If the employee chooses to file a formal complaint under this Policy, they shall put the complaint in writing (including by e-mail) to (at a minimum of one but if practicable two or more of) the following: (a) the head of their department; and/or (b) the head of human resources department of their employing company; and/or (c) the head of CKA Human Resources Department; and/or (d) the head of CKA Internal Audit Department; and/or (e) the CKA Executive Director responsible for Human Resources.
- 4.2.4. Complaints that do not provide relevant details are difficult to investigate and where insufficient detail is provided, further information may be requested. To allow a prompt and thorough response and investigation, the complaint should contain as much information as possible, including:
- (a) details of the complaint (including any relevant alleged incident(s), behaviour, activity(ies), date(s), place(s) and any other relevant information);
 - (b) the person(s) involved and any witnesses;
 - (c) any other information that would assist in investigating the complaint, and any supporting documentation; and
 - (d) how the relevant employee would like the complaint to be resolved, and details of the desired outcome and/or remedy.

5. Investigations

- 5.1. If an employee raises a complaint under the formal procedure, the recipient(s) of the formal complaint under section 4.2.3. will form an investigation team to carry out a full investigation, where appropriate. The members of the investigation team will be determined by the recipient(s) of the formal complaint on a case-by-case basis, which will comprise one or more individuals appointed to investigate the complaint and may include the head of the human resources department of the employee's employing company, as appropriate.
- 5.2. The Company is committed to investigate all complaints promptly and objectively. The investigation will be conducted with due respect to the rights of both the employee making the complaint and the alleged perpetrator in accordance with the principles of natural justice and fair procedures. The purpose of such an investigation is to obtain all relevant information about the matter and could involve taking statements from any individuals who are involved in the alleged matter.
- 5.3. The Company may, use a third party to investigate a complaint where the Company, in its sole and absolute discretion, considers this to be appropriate.

- 5.4. The employee should submit any evidence they have for consideration at the time of raising the formal grievance so that the investigator conducting the process can review all such evidence in connection with the investigation and in advance of any investigation meeting.
- 5.5. If the complaint is against or involves a third party, the investigation team will discuss the matter with the third party and meet with him, her, or a representative of the third party, as the case may be, to clarify the facts, as necessary.
- 5.6. Please refer to the flow chart in Appendix III, which sets out a summary of steps that may be taken by the Company to investigate a complaint under this Policy.
- 5.7. Upon completion of the investigation, the investigation team will compile a report of their findings and recommendations for the endorsement of (a) a director of the employee making the complaint and (if not the same) a director of the alleged perpetrator's employing company, or (b) the CKA Executive Director responsible for Human Resources, before issuing the report to the relevant department(s) for further action.
- 5.8. If no Human Resources personnel is involved in the investigation team, all proposed disciplinary actions to be recommended in the investigation team's report, such as actions that involve suspension or dismissal should be subject to consultation with (a) the human resources department of the employee making the complaint and (if not the same) the human resources department of the alleged perpetrator's employing company, or (b) the CKA Human Resources Department before the report is submitted for director's endorsement.

6. No Retaliation or Victimisation

- 6.1. Retaliation against or victimisation of an employee who makes a genuine complaint of harassment (or any witness providing evidence) in good faith will not be tolerated. The employee making the complaint (or such witness providing evidence) will not suffer any detriment, such as demotion or an unwanted transfer, as a result of doing so. If an employee considers that they are being penalised or victimised as a result of making a complaint (or if a witness considers that they are being penalised or victimised as a result of providing evidence), they should report it immediately to (at a minimum, one, but, if practicable, two or more of) the following: (a) the head of their department; and/or (b) the head of human resources department of their employing company; and/or (c) the head of CKA Human Resources Department; and/or (d) the head of CKA Internal Audit Department; and/or (e) the CKA Executive Director responsible for Human Resources.

- 6.2. Employees who are found to have submitted complaints vexatiously, maliciously, without substance or generally in bad faith may be subject to disciplinary action.

7. Confidentiality

- 7.1. All matters in relation to this Policy will be handled in a confidential manner, to the extent possible and permitted under applicable law, rules and regulations, taking into account the need to conduct an adequate investigation and to perform any subsequent remedial measure. It should also be noted that fair and due process requires that the alleged perpetrator should be made aware of, and given the opportunity to respond to, any allegations made against them.
- 7.2. The Company reserves the right to withhold information gained during investigation, for example, to protect a witness where it is considered that the release of the information would create a substantial risk to the safety, health and welfare at work of the employee. However, this will only occur in exceptional cases and in the vast majority of cases any employee accused of misbehaviour will be furnished with full details of the allegations made so that they have a reasonable opportunity to respond and advance any relevant information.
- 7.3. Any breach of confidentiality under this Policy may be treated seriously and may lead to disciplinary action, as referred to in section 8. below.

8. Breaches of this Policy

All forms of harassment and sexual harassment in the workplace or at work-related events will be treated seriously and may lead to disciplinary action, such as verbal or written warning, attending counselling sessions and/or anti-harassment and anti-sexual harassment training, making apologies, suspension, being dismissed, and/or a referral to the Equal Opportunities Commission of Hong Kong, police or other appropriate law enforcement authorities, which may entail civil liability and/or even criminal consequences.

Appendix IDefinitions

“**associate**” includes a person’s spouse, relative, carer, or a person with whom he/she is co-habiting on a genuine domestic basis. (See Section 1 of the DDO).

“**disability**”, in relation to a person, means:

- (a) total or partial loss of the person’s bodily or mental functions;
- (b) total or partial loss of a part of the person’s body;
- (c) the presence in the body of organisms causing disease or illness;
- (d) the presence in the body of organisms capable of causing disease or illness;
- (e) the malfunction, malformation or disfigurement of a part of the person’s body;
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour, and includes a disability that—
 - (i) presently exists;
 - (ii) previously existed but no longer exists;
 - (iii) may exist in the future; or
 - (iv) is imputed to a person.

For further details, please refer to the Section 2 of the DDO.

“**near relative**” include (a) the person’s spouse; (b) a parent of the person or of the spouse; (c) a child of the person or the spouse of such a child; (d) a brother or sister (whether of full blood or half blood) of the person or of the spouse or the spouse of such a brother or sister; (e) a grandparent of the person or of the spouse; or (f) a grandchild of the person or the spouse of such a grandchild, and, in determining the above relationships, children born out of wedlock are to be included, an adopted child is to be regarded as a child of both the natural parents and the adoptive parent or parents and a step child as the child of both the natural parents and any step parent).

For further details, please refer to the Section 1 of the RDO.

“**race**” in relation to a person, means the race, colour, descent or national or ethnic origin of the person, and includes a race, colour, descent or national or ethnic origin that is imputed to the person.

“**discrimination against persons with disability**” means a person discriminates against another person in any circumstances relevant for the purposes of any provision of the DDO if:

- (a) on the ground of that other person’s disability he treats him less favourably than he treats or would treat a person without a disability;

CKA Anti-Harassment Policy

- (b) he applies to that other person a requirement or condition which he applies or would apply equally to a person without a disability but—
 - (i) which is such that the proportion of persons with a disability who can comply with it is considerably smaller than the proportion of persons without a disability who can comply with it;
 - (ii) which he cannot show to be justifiable irrespective of the disability or absence of the disability of the person to whom it is applied; and
 - (iii) which is to that person's detriment because he cannot comply with it; or
- (c) on the ground of the disability of an associate of that other person he treats him less favourably than he treats or would treat a person without such a disability.

For further details, please refer to Section 6 of the DDO.

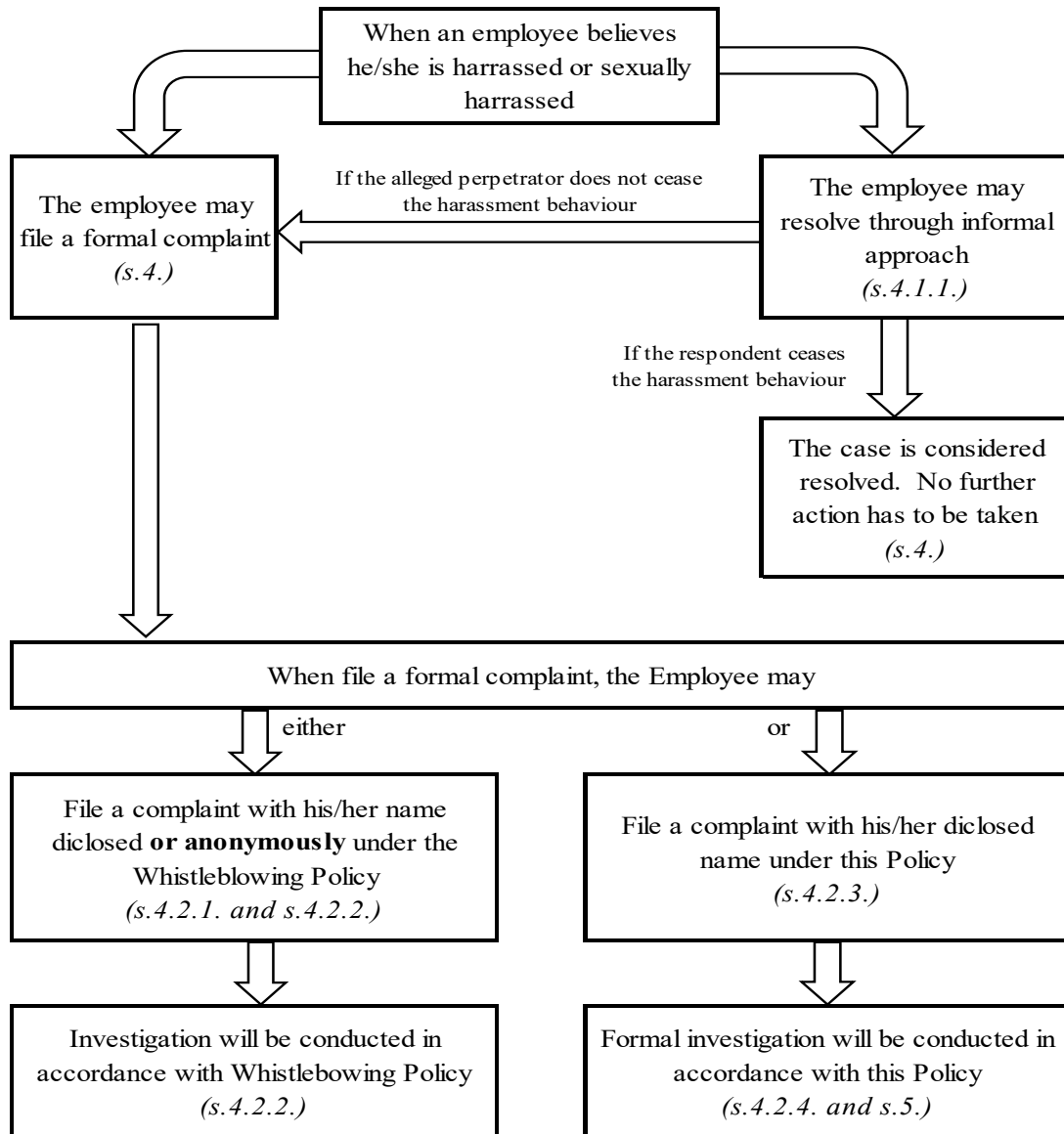
“racial discrimination” means:

- (1) In any circumstances relevant for the purposes of any provision of the RDO, a person (the discriminator) discriminates against another person if—
 - (a) on the ground of the race of that other person, the discriminator treats that other person less favourably than the discriminator treats or would treat other persons; or
 - (b) the discriminator applies to that other person a requirement or condition which the discriminator applies or would apply equally to persons not of the same racial group as that other person but—
 - (i) which is such that the proportion of persons of the same racial group as that other person who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it;
 - (ii) which the discriminator cannot show to be justifiable irrespective of the race of the person to whom it is applied; and
 - (iii) which is to the detriment of the other person because that person cannot comply with it.
- (2) For the purposes of subsection (1)(b)(ii), a requirement or condition is justifiable if it serves a legitimate objective and bears a rational and proportionate connection to the objective.

For further details, please refer to Section 4 of the RDO.

Appendix II

Flow Chart for Handling Harassment and Sexual Harassment Cases



Appendix III
Flow Chart for Formal Complaint Investigations

