

## 2. 風險評估

學校廁所與走廊之間有一小天井，天井的地平面較走廊低一級，有學生在此跌傷，因而投訴學校。

**問題：**天井是該校舍建築規格，學校是否免責？

# 25. 午餐供應

學校(小學)已有固定午餐供應商，其亦為食物衛生局認可之營養午餐供應商之一，學校亦容許家長送飯，用有名牌保溫盒載好放於學校門口指定保溫箱內。但於上兩個月，一班六年級同學約80人一起不再訂飯。之後發現他們一起在其中一家附近，並由一位家長經營之茶餐廳訂購餐盒，有時由該家長送至門口，有時就由某送餐公司代送。

**問題：**該名家長有沒有犯法？學校有什麼行動可以做？

## 疏忽，侵權及相關法律責任

- 老師指控校方無採取措施避免學生向老師施襲
- 法院認為因為過往有發生類似事件，該學生襲擊風險是可預見的，校方沒有採取合適或足夠措施是有疏忽

## 疏忽，侵權及相關法律責任

- 但是否所有類似事件中，校方必然需要負責？
- **Para 41:** *“It was not a sustained struggle. It was not reasonable for Mr. K to expect that there would be any resistance on Mr. E's part. When he picked up the hand of a 7 year old to put it across the mouth, it was reasonable to expect compliance on his part. What Mr. E did was to throw his head about to avoid contact with his hand. Had there been any question of Mr. K being overbearing and using excessive force I am sure that at least one of the observing pupils would have commented on this. As it is, they all were impressed by Mr. E throwing his head to and fro. It hit the desk behind, probably because of the slumped position in which he was sitting by virtue of having his knees up on the desk edge. I am also satisfied that Mr. K had not lost his temper, was not angry and did not display impatience. The evidence of the pupils negatives such an idea.”*
- **Para 44:** *“Having reviewed all the evidence, I have concluded that the Plaintiff's claim must fail. There was neither assault, nor battery, nor negligence. There was no breach of duty of care. There was no reasonably foreseeable harm or injury flowing from Mr. K's acceptable actions. What caused the injury was Mr. E's own voluntary and unnecessary movements.”*
- 延伸：若此事件於今天發生，結果會否一樣？