



DD-1:-

(To Be Read Together with the Safeguarding Code of Conduct Form B dated 5 April 2020)

Definitions Document (including Prohibited Acts or Conduct)

1, "**Association**" means the Hong Kong Association of the Order of Malta Ltd. and as Including SMOM Hong Kong, the latter being a company limited by guarantee and tax-exempt under S.88 of the Inland Revenue Ordinance. For present purposes, whenever the term "Association" or the expression "the Association" appears it is deemed to include SMOM Hong Kong.

2. For the present purposes and without prejudice to any relevant statutory definitions or other mandatory provisions:

I. "**Children**" means persons under the age of 18 (as defined in Article 1 of the United

Nations Convention on the Rights of the Child)

II. **"Young Persons"** or **"Young People"** means those aged between 16 and 18 years;
and

III. **"Adults"** means everyone aged 18 and above.

3. **"Vulnerable Adults"** means persons aged 18 and above who are susceptible to unfair treatment, exploitation or abuse such as the frail and elderly, the physically or intellectually disabled, those suffering from mental health issues, the bereaved, the illiterate, the homeless, refugees and migrant workers, the poor and the sick.

4. **"C/YP/VA's"** means Children/Young Persons/Vulnerable Adults.

5. **"Abuse of a Child or Young Person"** occurs when adults or other children hurt Children or Young People, either physically, sexually, emotionally, psychologically, or in some other way and includes sexual harassment, bullying, neglect, child labour and domestic violence.

6. **"Abuse of a Vulnerable Adult"** occurs when adults or children hurt a Vulnerable Adult physically, sexually, emotionally or psychologically and Includes sexual harassment, bullying, neglect and domestic violence.

7 **"Neglect"** occurs when basic needs such as food, warmth and medical care are not met, or when there is a failure to safeguard C/YP/VAs from exposure to danger resulting in serious Impairment of a C/YP/VAs' health or development.

8. **"Sexual abuse"** occurs when C/YP/VAs are pressured or forced to take part in any kind of sexual activity, even when C/YP/VAs are aware of, or consent to, what is happening. Abuse may be current or recent, or in some cases historical I.e. an adult may disclose sexual abuse that took place when he/she was a child. Abuse may be carried out by adult men or women, including children, siblings or other young people.

9. **"Sexual harassment"** means the term as defined in the Sex Discrimination Ordinance and as currently explained by the Equal Opportunities Commission ("**EOC**") and is a form of "abuse"

prohibited by the Safeguarding Code of Conduct [See *EOC bilingual website: www.eoc.org.hk*]. See also the website of the CDHK at [www.http:- Catholic.org.hk.](http://www.catholic.org.hk)]

10. "**Grooming**" constitutes a case of abuse. Grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. It does not necessarily involve any sexual activity or even discussion of sexual activity - for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

11. "**Physical abuse**", involving the application of force to the body of a person in circumstances which do not justify such application, can occur even if no actual physical harm or injury results.

12. "**Emotional abuse**" is harm done by emotional ill-treatment or rejection, such as degrading punishments, threats, bullying and not giving care and affection, causing adverse effects on the behavior and emotional development of C/YP/VAs.

13 "**Financial abuse**" involves the illegal or improper use of a person's finances or property by another person with whom they have a relationship implying trust.

14. "**Exploitation**" means commercial or other exploitation of C/YP/VAs by, inter alia, the use of C/YP/VAs in work or other activities for the financial or material benefit of others, including C/YP/VAs as labour and prostitution.

15. "**Violence**" means the intentional use of physical force or power, threatened or actual against C/YP/VAs by an individual or group or by state agents, resulting in actual or potential harm to the victim's health, survival, development or dignity.

16 "**Contact with C/YP/VAs**" means the Association members (including Chaplains), personnel (including employees) or volunteers working on an activity or in a position involving or which may involve contact with C/YP/VAs, either under the position description or due to the nature of the work environment.

17. "**Working with C/YP/VAs**" means the Association members (including Chaplains), personnel (including employees) or volunteers being engaged in an activity with C/YP/VAs in the course of

which such contact would reasonably be expected as a normal part of the activity and not one which is merely incidental to the activity.

18. "**Unlawful discrimination**" means discrimination currently prohibited under the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance and the Race Discrimination Ordinance.

19. "**Unjust discrimination**" is not restricted to acts or conduct which are unlawful under the aforesaid Ordinances. All forms of unjust discrimination, whether direct, indirect or reverse, must be avoided. Nothing herein or in the Safeguarding Code of Conduct shall derogate from the fundamental rights and freedoms protected under the Basic Law of the Hong Kong SAR including freedom of religion. Participants accordingly are, among other things, expected to respect the beliefs and practice of the Roman Catholic faith and the traditions of the Order of Malta even if they are non-Catholics.

Dated 5 April 2020, Hong Kong