

**SUMMARY OF COMPLAINTS AGAINST
THE KARATEDO FEDERATION OF HONG KONG, CHINA LIMITED (KFHKCL)**

Complaints on the Selection of the 13th National Games of China

Complaint	KFHKC's Response	SF&OC's Views	KFHKC's Further Response
<p>Complainant A</p> <ol style="list-style-type: none"> 1. KFHKC's failure to announce the selection method of the 13th National Games of China 2. Non-disclosure of qualifying method by KFHKC 3. Concealment of information by the Coaching Director <p>Complainant B</p> <p>KFHKC's negligence to announce the details of the 13th National Games of China suggested "black box" operation</p>	<ul style="list-style-type: none"> - National Games were not included in Karatedo's annual overseas competition plan for 2017/18; athletes may register with the mainland organizers in their individual capacity. - KFHKC is only responsible for coordinating the participation of Hong Kong, China delegation in competitions. For Karatedo which was a new discipline in the National Games, athletes may participate in their individual capacity. - In fact, KFHKC was not aware of the details. KFHKC only found out about the Games from dojo representatives on 27 Jul 2017 (two days after the announcement on WeChat on 25 Jul), when they informed KFHKC that their athletes would participate in the Games in individual capacity. - The registration deadlines were 31 Jul for athletes accepted to play in the finals by China Karatedo Association (CKA) and 5 Aug 2017 for other athletes. As time was tight, KFHKC thought that it would be meaningless to announce the details at such a late stage. - KFHKC only provided a list of athletes accepted to participate in the National Games to LCSD at their request; it should not be regarded as a list of nominations. 	<ul style="list-style-type: none"> - As the sole governing body of Karatedo receiving subvention from LCSD and HKSI, KFHKCL has the duty and responsibility to help Karatedo athletes participate in international competitions. - No matter how tight the time is and whether participation is in delegation's capacity or in individual capacity, KFHKCL should announce the competition method and allow athletes to decide whether or not to participate. - KFHKCL should not blame the CKA for not announcing the competition method. CKA has used this announcement method for all competitions since 2015 and there were 11 days for KFHKCL to inform all dojos / members. <p style="text-align: center;"><i>KFHKCL had failed to fulfil its duty as a National Federation, depriving athletes of a fair opportunity to participate in the National Games.</i></p>	<p>The allegation was about KFHKC's failure to promulgate the event (not the "selection method", or "qualifying method", or "competition method") of the 13th National Games, where karate was included for the first time in the National Games.</p> <p>The Secretariat (LCSD) of the HKSAR delegation (of which the President and the Secretary General are also the President and Secretary General of SF&OC respectively), after having been briefed by KFHKC, had replied to the complainants (see, for example, letter of 19 Oct 2017 at Appendix A.1). The reply quoted KFHKC's explanation and concluded with the request that KFHKC should on future occasions of this nature promptly notify the concerned parties of the event.</p> <p>Importantly and contrary to the conclusion of the Board of SF&OC, the reply did not conclude in finding KFHKC having a "black box" operation nor having provided/used false information.</p> <p>At the EGM on 12 May 2018, there was overwhelming support (74% of votes casted) for KFHKC's policy that it would not assume responsibility for members' participation in overseas events as individuals not representing "Hong Kong China". This policy was passed by resolution at the General Committee Meeting on 17 May 2018. If SF&OC truly respect the autonomy of NSAs, why would they object a policy which was supported overwhelmingly by KFHKC's members.?</p>

<p>Complainant C</p> <p>KFHKC's use of false information and infringement of Olympic Charter</p> <p>(mainly involved three complainants; among them, Complainant A and 16 elite athletes together with 22 dojo representatives sent a joint letter to the Home Affairs Bureau (HAB), Leisure & Cultural Services Department (LCSD) and SF&OC to complain about the unfair nomination process of KFHKC for the 13th National Games of China)</p>	<ul style="list-style-type: none"> - Regarding the Coaching Director (Mr. X)'s alleged abuse of power in informing only his own students about the National Games, KFHKC replied that it was only based on the assumptions of the complainants. Mr. X learned about the Games from a student and the student learned about that from the Hong Kong Sports Institute (HKSI). - Mr. X did not take any part in the selection / nomination process, save from allowing his name to appear as dojo coach of his student. Hence KFHKC told complainants to ask Mr. X directly. <p>KFHKCL believed there to be no conflict of interest and there was no evidence to support an infringement of the principle of fair play. Under the circumstances, KFHKC should be given the benefit of the doubt.</p>	<ul style="list-style-type: none"> - Mr. X has many roles within KFHKCL and he is also the President of Hong Kong Shitoryu Karatedo Ken Kai. If he received information about the Games from his dojo, he should promulgate the information. In the 13th National Games case, Mr. <p>X should have declared his interest and refrained from taking any part in the process.</p> <ul style="list-style-type: none"> - If KFHKCL had announced the information on National Games immediately, there would not be any complaints. <p><i>KFHKC's refusal to handle the case, based upon the argument that it concerned Mr. X's personal affairs, showed a clear case of maladministration.</i></p>	<p>As stated in KFHKC's appeal letter of 16 Mar 2018 but omitted in column 2 of this table: (1) KFHKC was only approached by LSD on 1 Aug 2017 on the matter; hence KFHKC could not possibly assume an effective coordinating role for the event (even if KFHKC intended to do so on an exceptional basis) to meet the deadline of 5 August 2017; (2) In fact, LCSD only requested KFHKC on 15 Aug 2018 to take up a coordinating role and this was restricted to processing subsidy applications from the 6 athletes who participated in the tournament; (3) these athletes all learnt about the tournament from sources other than Mr. X.</p> <p>As explained clearly in KFHKC's appeal letter of 16 Mar 2018 but omitted in column 2 of this table, there was no issue of KFHKC's refusal to handle the case. Otherwise LCSD would not be able to provide a reply to the complainants on this issue.</p>
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Complaints on the Selection of the National Championship Junior 2017

Complaint	KFHKC's Response	SF&OC's Views	KFHKC's Further Response
<p>Complainant B</p> <p>Maladministration in the Selection of the National Championship Junior 2017 held on 6 Jul 2017:</p> <ol style="list-style-type: none"> No clear competition rules & guidelines - when the complainant's son did not follow the order of the performance, he was given a zero score Failure of a referee to withdraw from a competition in which his student participated <p>The complainant issued a letter via legal representative on 11 Sep 2017 alleging that KFHKC changed the selection mechanism on the spur of the moment</p>	<ul style="list-style-type: none"> - KFHKC claimed that athletes should perform according to the order predetermined by ballot before the competition. It had been explained to athletes that if they followed the wrong order, they might get a zero score depending on the final decision of referees. - A referee failed to withdraw from a competition in which his student participated. This was due to deviations from the original competition schedule, which resulted in a change in order of competitions. When the problem was discovered, the referee's score was simply removed and the scores given by the other four referees were used to calculate the final score. KFHKC believed that this already solved the problem. - KFHKC said that the competition rules already stated that referees should not judge in competitions involving students from his affiliated dojo. - KFHKC simply described the incident as "unfortunate". <p>Competition officials had decided to swap around two competitions to save time but they were not aware that it would cause conflict of interest. Since the referee concerned reported the conflict of interest after the competition, KFHKCL thought that it was not a problem and it was not necessary to take any follow-up action.</p>	<ul style="list-style-type: none"> - It was found that KFHKCL never formally introduced the rule that athletes had to perform according to the order predetermined by ballot results. KFHKCL admitted at the Press Conference on 17 Apr 2018 that this was the usual practice and not a formal competition rule. - In the conflict of interest case, KFHKCL was not following the competition rules in cancelling the referee's score since the rules require five scores. KFHKCL should have considered a rematch. - Scoring cards showed that the conflicted referee gave a particularly low score to the complainant's son. There is a strong indication of biased judgement. - KFHKCL did not follow the competition rules and even changed them suddenly. This was against the principle of fair play. - The conflict of interest case was due to a sudden change in order of competitions. Normally one would expect the panel of referees to change with the competitions. The failure to change the referees accordingly showed maladministration in KFHKCL. 	<p>The rule that athletes should perform their kata's in the sequence predetermined by ballot is an unwritten rule that all trained athletes (particularly those at the elite level to which the complainant belongs) understand and adhere to as a matter of routine. In any event, this rule has now been incorporated into the Selection Policy of KFHKC.</p> <p>Simply based on the complainant's assertion that he received a particularly low score from a referee and without giving KFHKC an opportunity to provide an explanation, SFOC concluded that there was a strong indication of biased judgement on the part of the referee and KFHKC had violated the principle of fair play. This approach and the judgement itself were unfair. The fact was: although the referee habitually gives low scores to athletes, the "low score" he awarded to the complainant was actually the highest among all contestants in question.</p>

<p>- KFHKC decided to use four scores to calculate the final score (according to rules, the final score should be calculated by taking out the highest and lowest scores out of five scores).</p>	<p>- KFHKC added that with its limited resources, it was unable to continue to dwell on this complaint and hence only gave a simple reply to the complainant.</p>	<ul style="list-style-type: none"> - KFHKCL only revealed the details of the case when the complainant made a complaint, in response to which KFHKCL explained that it was aware of the conflict of interest at the time and had taken immediate actions to resolve the problem. - SF&OC opined that KFHKCL should have announced the details and organized a rematch immediately. - KFHKCL often ignored the complainant's questions and refused to admit any fault. If KFHKCL genuinely wished to resolve the problem, it should respond to the questions promptly and actively. <p>KFHKCL was responsible for maladministration during the selection. It was unable to resolve the problem in a satisfactory manner and did not handle complaints well.</p>	<p>As stated in KFHKC's appeal letter of 16 Mar 2018 but omitted in column 2 of this table: (1) The conflict of interest was brought to light by the referee himself after the matches were concluded. Hence declaration of interest was never an issue in this incident; (2) The World Karate Federation, after a review of the complaints referred to by SFOC, has confirmed that they found no irregularity nor fraud in the selection method adopted by KFHKC; (3) The choice between the scoring method adopted by KFHKC as a remedial measure and the so called correct (but not agreed by the World Karate Federation) scoring method proposed by the complainant is academic. This is because the results in terms of the final ranking of the contestants are unaffected. No athlete suffered any prejudice as a result of the inadvertent mistake of mis-deployment of referees.</p>
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Complaints on the Unfair Selection Process

Complaint	KFHKC's Response	SF&OC's Views	KFHKC's Further Response
<p>Complainant D</p> <p>1. Lack of transparency – no immediate announcement of competition scores and selection results of the 14th Asian Karate Championship</p>	<ul style="list-style-type: none"> - KFHKC claimed that athletes may wish to keep their scores confidential. - KFHKC would actively consider announcing competition scores and results immediately after a competition, but further discussion was required. - KFHKC would consider uploading results onto its website. 	<ul style="list-style-type: none"> - The explanation about confidentiality is neither convincing nor valid and is challenged by LCSD. 	<p>(The issue here is privacy not confidentiality)</p> <p>KFHKC has sought expert legal advice which confirmed that athletes' scores are "personal data" and subject to protection under the Personal Data (Privacy) Ordinance.</p>
<p>2. No announcement of 1st and 2nd choice candidates according to the selection mechanism</p>	<ul style="list-style-type: none"> - KFHKC said that the athlete receiving the highest score in each selection would be the 1st choice candidate while that receiving the 2nd highest score would be the 2nd choice candidate. This arrangement had not been changed. - However, the selection results would only mention the 1st choice candidates. 	<ul style="list-style-type: none"> - There is room for improvement in the announcement mechanism of 1st and 2nd choice candidates. - According to the complainant, KFHKC announced the 1st and 2nd choice candidates at the same time in 2015 and 2016. Starting from 2017, however, only the 1st choice candidates are announced. 	<p>KFHKC's Selection Policy has now incorporated (in paragraph 36) the rule that one reserve will be designated and his/her name will be appended to the winners' list.</p> <p>Due to heavy office workload in the relevant period in 2017, notification of results to contestants had to be sent in 2 batches.</p>

<p>3. Failure to notify unsuccessful athletes of the results – depriving them of the opportunity to appeal</p>	<ul style="list-style-type: none"> - KFHKC mentioned that all athletes would be informed of the results by mail after each selection. It has not received any complaints regarding the 14th Asian Karate Championship selection. - KFHKCL mentioned that the selection for the Championship took place on 23 Apr 2017 and they informed 1st choice candidates of the selection results on 19 May 2017. If a 1st choice candidate were unable to participate in the competition, he would be replaced by the 2nd choice candidate. KFHKCL then informed all athletes of the selection results on 26 May 2017 and sent the preliminary list of Hong Kong representatives to the competition organizer. Changes could be made before the deadline of registration. - Athletes might appeal against the results within 14 days from the date of announcement. No written appeals from dojo representatives were received during the appeal period. 	<ul style="list-style-type: none"> - KFHKC was unable to provide evidence that it had notified the complainant of the selection results. - SF&OC has grounds to believe that KFHKC had never issued such notifications. The complainant only found out about the results from the 14th Asian Karate Championship’s website on 27 May 2017. - KFHKC claimed in a document dated 16 March 2018 that it had sent out the notification by mail. It further argued that the complainant did not say that he had not received any notification. - SF&OC received a statement from the complainant dated 22 March 2018 saying that he had never received any notification. From this, it is evident that KFHKC had not provided a fair opportunity for athletes to appeal. <p>KFHKC did not follow the established procedures for notifying unsuccessful athletes, hereby depriving them of the opportunity to appeal. This is a violation of the fair play principle.</p>	<p>KFHKC cannot prove that they have dispatched the notifications as, in accordance with their normal office practice, they were sent by ordinary post.</p> <p>Importantly, as stated in KFHKC’s appeal letter of 16 Mar 2018 but omitted in column 2 of this table: (1) The complainant was the only one contestant who claimed non-receipt of the notification; (2) The complainant admitted himself he had found out by himself on the internet that he was not on the list of selected athletes; and (3) The complainant was well aware that his right to appeal had not been jeopardized on this occasion as he had in previous similar circumstances made such an appeal to KFHKC and his appeal was entertained. He simply chose not to appeal on this occasion.</p>
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Complaint received after the General Meeting on 26 March 2018:

Registration for the China Series 2018 – First Station

Complaint	KFHKC's Response	SF&OC's Views	KFHKC's Further Response
<p>Complainant C</p> <p>KFHKC's refusal to allow the participation of the complainant's daughter in the China Series</p> <p>2018 – First Station at her own expense.</p> <p>The competition had been selected by CKA as one of the qualifiers for the 14th National Games of China in 2021.</p>	<ul style="list-style-type: none"> - KFHKC and HKSJ are partners and set the annual budget for 2017/18 together (including the list of competitions, quota, and distribution of financial or other resources). - KFHKC clearly stated that the quota for each event must not exceed two. The complainant's daughter lost in the selection of the China Series 2018 – First Station held on 11 Mar 2018 and hence was unable to obtain one of the two quotas. - KFHKC used to have a rule that allowed athletes to participate in competitions at their own expense. However, this rule was revoked on 9 Jan 2018 and the arrangement is no longer allowed because it would affect the training plan of selected athletes and cause additional workload for the coaches. - It was suggested that the complainant meet with KFHKC and HKSJ to arrive at a solution. 	<ul style="list-style-type: none"> - SF&OC found that KFHKCL gave contradictory views on the issue of athletes participating in competitions at their own expense. - In response to a separate complaint, KFHKCL mentioned the principle of "competition as practice" and allowed athletes to participate in competitions in their dojo's or individual capacity at their own expense (e.g. for K1 competitions). - The complainant contacted CKA and found that the quota for each region is unlimited. If KFHKCL allowed the complainant's daughter to participate in the competition at her own expense, CKA would allow her participation. <p>KFHKCL sets quotas to prevent athletes with potential from participating in the China Series 2018. It is different from its practice in other competitions and violates the principle of fair play.</p>	<p>The fact is "competition as practice" is a principle adopted by HKSJ in formulating the training programmes for individual elite athletes. KFHKC is not in a position to interfere with the design of these tailor-made training programmes.</p> <p>Although previous HKSJ training programmes did incorporate overseas competitions as practice, the policy HKSJ has adopted since Jan 2018 is that athletes must strictly adhere to the training programmes designed for them and self-funded participation in overseas competitions is no longer allowed. Athletes not complying with this HKSJ rule will be disciplined by HKSJ. KFHKC sees no reason not to cooperate with HKSJ and will therefore turn down any athlete's application for participation in overseas competitions on a self-funded basis.</p> <p>KFHKC has not been given the opportunity to fully explain the above arrangements before SF&OC concluded that the complaint was substantiated and KFHKC had violated the principle of fair play. This is ridiculous.</p>

有關中國香港空手道總會有限公司的投訴摘要

投訴十三運選拔事宜

投訴事件	空總回應	本會意見	空總再回應
<p><u>投訴人 (甲)</u></p> <p>1. 投訴空總沒有公布十三運選拔事宜</p> <p>2. 涉嫌隱瞞進入決賽圈途徑或比賽</p> <p>3. 指控教練總監涉嫌知情不報</p> <p><u>投訴人 (乙)</u></p> <p>投訴空總沒有公布十三運消息一事黑箱作業</p> <p><u>投訴人 (丙)</u></p> <p>投訴空手道總會涉嫌提供/行使虛假資料及涉嫌違反奧林匹克憲章</p> <p>(主要投訴人共 3 位，當中投訴人甲連同其他 16 位精英/培訓運動員及 22 位道場代表之聯署信予民政事務局、康文署及本會，譴責空手道總會提名第十三屆全運會不公。)</p>	<p>由於全運會之空手道項目並非空總 2017-18 周年海外賽事計劃，運動員均可以個人名義直接向內地相關單位報名，空總對報名並不知情。</p> <p>一直以來，空總的政策只會承擔統籌以中國香港名義參加之賽事。“中空協”是第一次在全運會舉辦空手道比賽，籌備的時間非常緊張，不需空總統籌選拔運動員以中國香港名義參加比賽，參賽者以個人名義參加便可。</p> <p>事實上，中空協沒有直接通知空總有關比賽事件。中空協於 2017 年 7 月 25 日至 2017 年 7 月 27 日期間在其網站及微信平臺上正式公佈賽事。空總首次知悉比賽是於 2017 年 7 月 27 日由道場代表通知該會，其運動員會以個人名義參加賽事。</p> <p>全運會空手道截止報名日期是 2017 年 7 月 31 日 (已獲中空協確認決賽資格的運動員) 及 2017 年 8 月 5 日(其他運動員) 基於時間緊迫，空總辯稱即使打算破例地向道場會員發放有關比賽的消息，以便他們的運動員自己決定是否以個人名義參加比賽。但考慮到上述的緊湊時間表，這也是一個沒有意義的構想。</p> <p>運動員以個人名義向內地相關單位報名，空總是因應康文署的要求提供已獲接納的香港運動員名單，而非向康文署提交“推薦運動員”名單。</p>	<p>作為本港唯一接受康文署及體育學院資助的空手道團體，空總絕對有義務及責任去協助每個空手道運動員去參加國際性的賽事，而且絕對有責任發放消息，不論時間上有多緊迫，空總都不可以抹殺香港運動員代表香港參賽的權利。參加與否應由運動員自行考慮，空總難辭其疚。</p> <p>無論以任何型式，即“以個人名義”還是“中國香港”參加賽事。他們都是“空手道香港代表”代表“中國香港”。空總有責任幫助每位空手道運動員。</p> <p>空總不可能推萎至中空協沒有直接通知有關比賽事件。<u>事實是中空協自 2015 年已用這方式公佈。(25/7/2017-5/8/2017，合共 11 天時間，絕對有足夠時間，去通知所有道場以及會員)</u></p> <p><i># 總結：空總未有盡作為國家/地區體育會的責任，去公布十三運的比賽事宜，令大部份空手道運動員憤怒。未能提供一個公平機會予所有空手道運動員，違反公平競賽原則。</i></p>	<p>十三運是第一次將空手道納入全運會運動項目。有關的投訴亦由康文署 (作為十三運香港代表團籌備委員會秘書處) 處理。該委員會的主席和秘書長亦是奧委會的主席和秘書長。</p> <p>康文署向空總了解事件後已回覆有關的投訴人士 (<i>回覆例子見附件 A.1</i> 的信函)。回覆信函中引述空總的解釋，並指出已促請空總如日後遇到類似情況應儘快將有關資訊通知相關人士。</p> <p>重要的是：康文署沒有同意投訴人聲稱的黑箱作業及空總提供/行使虛假資料的指控。</p> <p>空總的政策是只會承擔統籌以「中國香港」名義參加之賽事，不會承擔責任協助個別運動員以「個人」名義參加海外比賽。這政策於 2018 年 5 月 12 日空總會會員大會獲得 74% 票數支持，其後亦獲空總執行委員會決議通過。若奧委員會是真的專重體育會的自主權，為什麼會否定這空總絕大部分會員支持的政策呢？</p>

至於有關 X 先生濫用職權，通過掌握第一手比賽資訊並只通知其學生有關比賽的資料，以便他們參加比賽。空總指投訴人的這種指責僅僅是他們的猜測，他們沒有提出任何具體的證據作支持。並解釋 X 先生是從他的一名學生得知這個比賽，而這學生聲稱是在 **2017 年 8 月 1 日**由香港體育學院告知她，因以往的比賽成績而獲得了此比賽決賽資格可直接報名參加決賽。

X 先生並未以任何方式參加比賽，包括擔任他的學生的私人教練或(正如一些投訴人所猜測)協助決賽者的甄選。並且，學員以個人名義向內地相關單位報名，填寫其道場教練資料，實屬正常，空總不予置評，並要求投訴人接向當時人查詢。「需要了解 X 先生的私人問題 ... 可直接向他本人查詢」。

空總認為不應該存在利益衝突的問題及違反了公平競賽原則的指控是沒有實質證據支持的。無論如何，如果奧委會對此事仍有任何疑問，考慮到所提及的制裁非常嚴重，疑點利益應歸於空總。

本會另察覺：X 先生身為中國香港空手道總會執委會委員、教練委員會的教練總監、精英運動項目發展及監察委員會的教練總監等職務，但他同時亦為香港系東流空手道拳會館長，若然收到任何資訊，理應將資訊公開予公眾，絕不能秘而不宣。此外，縱使沒有具體的證據作支持，空總在人事安排及任命上，沒有考慮其相關身份及其私務上的角色衝突，而在十三運會上，X 先生更應避嫌和及早「申報利益」，以免「利益衝突」。

倘若空總選擇即時公開比賽資料，投訴事件是完全可以避免的。

總結：空總未有發現本身存在「申報利益」的問題，不承認過失，被問及責任上問題，空總以事件屬 X 生的私人問題為由，對事件避而不談，並著投訴人自行聯絡當事人，明顯是行政失當，違反公平競賽原則。

正如空總 2018 年 3 月 16 日的上訴書所指出（但未見於此表第二行）：（1）空總於 2017 年 8 月 1 日首次接獲康文署查詢此賽事，即使空總破例地參與有關的統籌工作，也不可能在數天之內（在 2017 年 8 月 5 日之前）有效地執行。（2）實際上，空總最早接獲康文署的正式通知尋求空總協助是 2017 年 8 月 15 日，工作範圍僅限於處理 6 位參加賽事之運動員向政府申請資助的事宜。（3）6 位參加十三運的運動員都不是從 X 先生知悉該賽事。

正如空總 2018 年 3 月 16 日的上訴書所指出（但未見於此表第二行）空總「避而不談」是不能成立的。否則康文署便無法回覆有關的投訴。

投訴 2017 年全國青少年空手道錦標賽選拔事宜

投訴事件	空總回應	本會意見	空總再回應
<p>投訴人 (乙)</p> <p>投訴於 2017 年 7 月 6 日舉行的 2017 年全國青少年空手道錦標賽選拔行政混亂，裁判與運動員有利益衝突，包括：</p> <ol style="list-style-type: none"> 沒有完善的比賽準則及指引及令其兒子因未有按次序去演練而被判零分 評審沒有就其學員參與而避席，涉利益衝突 <p>投訴人再於 11/9/2017 發出律師信件，投訴空總選拔機制可隨時改動，過後亦以似是而非的理了解釋。而在 Y 先生一事上，空總嚴人寬己，當事發後，草草了事，只計算四位評判分數 (套拳的五人評審是不計最高及最低分兩位)</p>	<p>空總稱比賽要依據抽籤次序去演練，職員亦有於賽前講解給運動員知悉，至於是否直接判零分，要視乎評審團的最終決定，空總不能左右評審團的意見。重申絕不容許運動員不跟據程序做事，任意妄為。</p> <p>當時評審員 Y 先生以為是根據選拔程序進行男子青年個人型，故此仍坐在評審團內，當發覺是進行男子少年個人型時，只好繼續坐在評審團內。演練完結評審員 Y 先生要求評審團進行討論，負責人 X 先生得悉 Y 先生的屬會學員在內，提議取消評審員 Y 先生的分數，只計算 4 個評審員的分數，交由評審團表決，評審團一致通過取消 Y 先生的分數，只計算 4 個評審員的分數為其最終的決定，而評審團及負責人 X 先生亦在最終的分數上簽署確認。</p> <p>空總指該會比賽規則已包括避免利益衝突。規則明確地規定：裁判不會參與有他自己道場或有關道場的學生的比賽之場次。</p> <p>空總將所發生事件定性為不幸。選拔賽內之組別及負責每組別的裁判名單已預先制定。但為了節省時間，比賽工作人員首先安排第三組的比賽，並由先前分配給第一組的裁判小組進行裁判，但他們不知道這調動可能造成其中一裁判員和一名參賽運動員之間的利益衝突，比賽結束後，該裁判員親自申報這個問題。因此，在這次事件中利益申報從來不是問題。</p> <p>此外，空總認為投訴人的所謂跟進問題基本上是投訴人對事件繼續表示不滿，並沒有提出新的問題需要實質性答覆。經過審慎考慮後，空總作出結論，不應繼續與投訴人進行無止無休的對話和支付昂貴的法律費用。故空總只向投訴人發了一個簡短的回覆，指出空總對投訴人的指控沒有進一步的評論。對於資源有限的空總而言，這是一種務實的決定；這事件涉及判斷，對錯與否見仁見智，不應該被視為管理不善的表現。</p>	<p>本會發現，空總從來沒有“比賽要依據抽籤次序去演練”這條比賽規則。(空總在事後 17/4/2018 記者會中亦承認只是根據“以往慣例”及“師傅教誨”並無“比賽準則及指引”。(記者會中已證實))</p> <p>當發現 Y 先生的評審團身份有不受時，只取消 Y 先生所評的分數，以餘下 4 位評分作為選拔成績 (與選拔程序中 5 人的遴選準則不符)，空總應考慮重新選拔。</p> <p>此外，本會取得投訴人兒子於當日比賽的評分紀錄，並有證據顯示 Y 先生給予當事人的分數是特別低。Y 先生有可能是刻意降低評分，涉嚴重利益衝突。</p> <p># 總結：空總根據“以往慣例”及“師傅教誨”作評分準則，執法時亂搬龍門、不選用既定的 5 人評分準則、評審未有妥善申報利益，涉嚴重利益衝突，行政失當等。致未能提供一個公平機會予所有空手道運動員，涉違反公平競賽原則。</p> <p>雖然空總聲稱為個別事件，並且有規則已包括避免利益衝突。若如空總所言，每組選拔賽及裁判已預先制定，第三組就應由第三組裁判負責，但以空總之描述結果是用了第一組裁判，職員胡亂調配場次，沒有跟隨既定程序去進行比賽，明顯是行政混亂。</p> <p>空總在回覆投訴人(即投訴後 10 天)，解釋選拔當時已發現有利益衝突的問題，並即時作出補救。本會認為，若果空總於當日已知有問題出錯，為何不即場公布，並即時重新選拔。而非好像為著息事寧人，在接獲投訴後才通知當事人得回參加錦標賽的機會。</p> <p>此外，空總在回覆投訴時，往往迴避問題，及不承認過失(例如：無比賽準則及指引)，或對提問不作置評，實屬不負責任。倘若，空總能顯示誠意節省法律費用，應在第一次回覆投訴人的問題，作正面及積極的回應，這才是最快捷及符合公義的做法。</p> <p># 總結：空總在處理比賽選拔及處理投訴，表現強差人意，行政失當等。致未能提供一個公平機會予所有空手道運動員，涉違反公平競賽原則。</p>	<p>雖然運動員演練個人型要依據抽籤次序這比賽規例當時亦沒有寫下來，但訓練有素的運動員 (尤其是精英運動員包括投訴人兒子) 應該是耳熟能詳。無論如何，此規例現已正式納入空總的選拔機制內。</p> <p>投訴人兒子的評分紀錄顯示投訴人獲得的分數特別低，奧委會便下結論，認為評分的教練「有可能是刻意降低評分，涉嚴重利益衝突」，在未有知會空總讓空總有機會回應的情況下，奧委會已下了結論，確定該些投訴成立，這種處理方式是不公平的。</p> <p>實情是：該評判習慣性給運動員低的評分，在該比賽上投訴人兒子所得的所謂低的評分比起其他運動員是最高的評分。</p> <p>正如空總 2018 年 3 月 16 日的上訴書所指出 (但未見於此表第二行)：(1) 世界空手道聯盟檢視過有關的投訴後認為空總的選拔制度沒有不規則或欺詐的成份；。(2) 採用空總的計分方式或投訴人聲稱的所謂正確 (但不獲世界空手道聯盟認同) 的計分方式純屬學術性的討論，因為所有參賽者的排名次序無論用那種計分方式都是一樣的，實質上在該比賽中沒有任何運動員因裁判掉動安排的錯誤而成績受影響。</p>

投訴空手道總會舉辦選拔賽的過程及不公

投訴事件	空總回應	本會意見	空總再回應
<p><u>投訴人 (丁)</u></p> <p>1. 不即時公開評審團分數和選拔結果，透明度不足</p> <p>2. 未有根據選拔機制設正副選</p> <p>3. 上訴機制形同虛設，沒有正式通知落選運動員，無法進行上訴</p>	<p>空總回應指「分數」屬於個人私隱問題。及後，就康文署的要求詢問空總即時公開評審團分數，空總回應指有可能實施，但要就此建議交予負責處理之小組進行討論，研究利弊，從而作出優化，希望於未來一年可考慮實施。</p> <p>空總表示會考慮把將來的選拔賽結果，盡快上載到空總網頁讓運動員知悉，以增加透明度，並會諮詢運動員會否同意上載所有遴選之結果，希望可於未來盡快實施。</p> <p>空總回應選拔機制列明 — 最高分是正選，第二最高分是副選，這監管安排並沒有改變。</p> <p>空總所有選拔都設正選及副選，選拔結果會以郵寄形式通知，信函只公布正選名單。會於下一次選拔時諮詢運動員會否反對上載所有遴選之所有結果，如運動員同意的話，他們會把比賽或選拔賽結果上載空總網頁。而且再三強調，所有空總負責的選拔賽事，並沒有改變過副選運動員的制度。</p> <p>空總回覆指在每次選拔完成後，會按程序發信函通知遴選者選拔之結果。而空總就第 14 屆亞洲空手道錦標賽，並沒有收到任何投訴。</p> <p>空總於 2017 年 4 月 23 日進行選拔，於 2017 年 5 月 19 日首先致函通知正選運動員之選拔結果，給予正選運動員心理及生理的預備，如正選運動員因傷未能出席賽事或個人理由而被迫放棄機會，以便足夠時間安排替補之名單。接著於 2017 年 5 月 26 日總會致函遴選者（副選及其他名次）選拔結果。總會辦事處會根據相關程序安排為香港代表隊作出初步登記，如有任何更改亦可於截止日期前修正。</p> <p>而上訴必須於選拔結果公佈後 14 天內由所屬道場決策人以書面形式向空總提出上訴。空總指上訴期內沒有收到運動員的所屬道場決策人以書面形式作出上訴。</p>	<p>空總回應「分數」屬於個人私隱問題，如要公布，需得運動員同意，此說法明顯理據不足。但空總承諾會由小組討論及考慮如何公布選拔賽之遴選結果。</p> <p>康文署亦不同意空總將分數公開定為個人私隱。</p> <p>空總未能出示證據證明有按程序以信函通知相關的運動員。有關公布正副選的機制，有待改善。本會收到投訴人證據證明 2015 及 2016 年，空總都會同時公布正、副選，而在 2017 年開始，只公布正選。</p> <p>本會曾多次要求空總就通知其落選運動員提供證明。而空總一直迴避責任，並未能提供證據證明該會曾經向投訴人發出通知。</p> <p>本會有理由相信投訴人所指，空總從未發出這通知電郵，亦相信投訴人所講從未收過空總的任何通知。消息是由投訴人於 2017 年 5 月 27 日在第 14 屆亞洲空手道錦標賽網站上揭發的。</p> <p>空總在 2018 年 3 月 16 日的文件中稱，該會一向以平郵寄出相關通知信，空總的確無法證明自己有寄出通知信。空總亦辯稱投訴人亦沒有說他來沒有收到該通知，來強行冤枉投訴人。</p> <p>本會於 2018 年 3 月 22 日收到投訴人的聲明，堅稱自己從未收過任何通知。若投訴人所言屬實的話，空總絕對沒有提供一個合適的渠道，讓落選運動員進行上訴。</p> <p># 總結：空總在處理投訴以及上訴時，未有跟隨既定程序，通知落選運動員，令投訴人喪失一個合理上訴的機會。致未能提供一個公平機會予所有空手道運動員，涉違反公平競賽原則。</p>	<p>空總諮詢專業法律意見後，確認個別運動員的評分是「個人資料」，該些資料的使用（包括資料披露）是受個人資料（私隱）條例保障的。</p> <p>空總的選拔政策第 36 段現已列出：第二最高分是副選，他/她的名字會被納入選拔結果名單內。</p> <p>2017 年需要分兩批信件通知選手是因應當時工作量的安排。</p> <p>有關通知是以平郵寄出，因此空總無法證明曾向該投訴人發出有關通知。</p> <p>正如空總 2018 年 3 月 16 日的上訴書所指出（但未見於此表第二行）：（1）投訴人是唯一的落選者表示收不到通知；（2）投訴人確認在網上已得到資訊獲悉他已經落選；（3）投訴人在以前類似情況下曾提出上訴，並獲本會處理，所以他是知悉他有上訴權及了解上訴的程序，只是他選擇不上訴而已。有鑒於此，投訴不可能成立。</p>

3月26日會員大會之後收到的其他新案例：

全國空手道錦標系列賽第一站報名一事涉嫌嚴重違反奧林匹克憲章及奧委會會章

投訴事件	空總回應	本會意見	空總再回應
<p><u>投訴人 (丙)</u></p> <p>投訴空總以政治、商業或任何的理由拒絕當事人女兒自費參加2018年全國空手道錦標系列賽第一站。</p> <p>原因是次賽事已被中空協會定為下屆2021年第14屆全運會年空手道比賽入圍資格的辦法之一。</p>	<p>空總與香港體育學院是合作伙伴，共同制定2017-18周年預算。(包括每年參加的賽事、名額、財政及資源分配。</p> <p>空總清楚列明，每項參加人數不多於兩人或兩隊。投訴人女兒於2018年3月11日的2018年全國空手道錦標系列賽第一站落敗，未能取得2個代表席位之一。</p> <p>空總指有關“自費比賽”規定已於2018年1月9日修訂，所有自費參加海外比賽都不會獲得批准，因為此舉會影響體院總教練為個別運動員編排好的訓練計劃，及加重隨行教練的負擔(未能全面照顧、有效監察及確保安全)。</p> <p>建議投訴人與空總及體院三方會面。</p>	<p>本會發現空總對釐定“自費比賽”的定義說法不一。</p> <p>因為空總曾基於「以賽代練」原則，說道場之學員如有興趣、金錢及時間也可以道場或個人名義自行參加國際賽事(例如：《K1》賽事)，從而以賽代練。</p> <p>(投訴人曾聯絡主辦單位(中空協)表示各地區(香港)參加人數不設上限，若空總批准投訴人以自費形式參與比賽，主辦單位亦歡迎投訴人女兒參與。)</p> <p># 總結：相對是次案件，同樣是沒有人數限制及公開參與的海外比賽，空總則設下限制，阻止一些有潛質的運動員參與海外賽事，前後矛盾，有違一貫做法，於情不合、於理不通，涉違反公平競賽原則。</p>	<p>實情是：是否「以賽代練」正正是體院總教練為個別運動員編排好的訓練計劃之一部份，這純粹是體院總教練的決定，空總不應過問。以前體院曾經准許個別運動員以自費形式參加某些海外賽事作為「以賽代練」，但自2018年1月開始體院已經釐定政策，不批准運動員以自費形式參加任何海外比賽，違例者將會受懲處。空總不批准投訴人參加該海外賽事，是配合體院的安排及尊重他們的決定。</p> <p>奧委會處理這新的個案未給予空總機會解釋上述情況，單方面聆聽投訴人的指控便作結論，認為投訴成立及本會涉違反公平競賽原則，是極之荒謬的。</p>