



中國香港空手道總會有限公司
The Karatedo Federation of Hong Kong, China Limited

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Ref: KFHKC/A011/18
Date: 16 March 2018
To: Mr. Ronnie M. C. WONG, JP
Hon. Secretary General
Sports Federation & Olympic Committee of Hong Kong, China

Dear Mr. Ronnie M. C. WONG, JP,

Appeal against the findings of the Officers of the Sports Federation & Olympic Committee of Hong Kong (the "Officers")

1. We refer to the Notice of General Meeting dated 2 March 2018 from the Sports Federation & Olympic Committee of Hong Kong China (the "Federation") calling a general meeting on 26 March 2018 for the purpose of considering special resolutions relating to the sanctions proposed by the Officers against the Karatedo Federation of Hong Kong, China Limited ("KFHKC").
2. We very much regret that despite the detailed explanations provided in our previous correspondence with the Officers, including our letter dated 19 January 2018 in response to the allegation that KFHKC has breached Article 1.1 of the IOC's Code of Ethics and Article 3(1) of the Articles of Association of the Federation, the Officers have found the allegation substantiated and proposed sanctions against KFHKC.
3. In accordance with Article 4(c) of the Articles of Association of the Federation, we should be given a fair opportunity to be heard before the Federation make a decision on the matter. To this end, at the risk of repeating ourselves, we append below a concise response to the Officers' allegations summarized in Appendix V attached to the Notice of General Meeting. This serves as an appeal against the findings of the Officers.
4. We respectfully request that this appeal be circulated in advance to members of the Federation so that they can take an informed decision on 26 March 2018. In a separate email, we will also request that 5 nominated members and staff of



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KFHKC be allowed to attend the General Meeting on 26 March to explain our grounds of appeal further and facilitate discussion of the special resolutions.

The Officers' 1st Allegation: Maladministration and lack of Procedure for declaration of interests as noted in KFHKC's failure to promulgate the details of the 13th National Games of the People's Republic of China to athletes in a timely manner

5. International and regional karatedo tournaments may be classified into two types depending on the mode of participation:
 - (a) participation in the name of individual athletes, individual dojos or individual karate styles;
 - (b) participation in the name of Hong Kong Special Administrative Region.
6. All along, it is KFHKC's policy to assume responsibility for type (b) tournaments only. In this regard, KFHKC's work includes dissemination of tournament information to members through dojo representatives, selection of athletes to take part in the tournament and the associated administrative work. Type (b) tournaments are normally included in KFHKC's annual plans for which the required resources are budgeted for.
7. **It is not meaningful for KFHKC to assume responsibility for type (a) tournaments for the obvious reason that individual athletes and individual dojos can apply direct to the tournament organizer for participation without the support or endorsement of KFHKC.**
8. The karate tournament held by the China Karatedo Association ("CKA") as part of the 13th National Games of the People's Republic of China belongs to type (a). As indicated in Clause 4(1) of their rules of tournament (see information extracted from their website in *Annex A*), participation was in the name of individuals and vetting of the athletes' qualifications rested with CKA (not KFHKC). Accordingly, in line with KFHKC's established policy explained above, KFHKC had not taken any part in disseminating information about the tournament and coordinating participation by its members.



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9. In fact, CKA had not informed KFHKC directly about the tournament. CKA officially announced the tournament in their website and We-Chat platform during the period from 25 July 2017 to 27 July 2017. KFHKC was first made aware of the event on 27 July 2017 by members of KFHKC who intended to participate in the tournament on their own accord, and later by the Leisure and Cultural Services Department (“LCSD”) on 1 August 2017. The deadlines for applying to participate in the tournament by athletes pre-qualified by CKA and by other athletes were 31 July 2017 and 5 August 2017 respectively. In practice therefore, **KFHKC could not possibly assume an effective coordinating role for the tournament even if it intended to do so on an exceptional basis.** Among other things, given that the tournament had not been budgeted for, we have doubts whether LCSD could give us a definitive reply within a matter of days if we had applied to them immediately for funds to support participation of athletes selected by KFHKC.
10. In the event, the earliest official notification from LCSD to KFHKC seeking KFHKC’s assistance was dated 15 August 2017 and the requested work was restricted to processing subsidy applications from the athletes who participated in the tournament in their individual capacities and entered the finals upon confirmation of their eligibility by CKA. It seems obvious that LCSD appreciated the fact that given the constraint of time, it would not be meaningful to request KFHKC to take up the responsibility to coordinate the preparation work for participation by athletes in the name of “Hong Kong, China”.
11. In view of the prominence of the 13th National Games of the People’s Republic of China, one might query why KHHKC have not, **on an exceptional basis, simply disseminate the news to members about the tournament so that they decide themselves whether or not to join as individual athletes. Given the tight timetable mentioned above, this was a non-starter.** This is because our formal notifications to all members are normally arranged by sending hardcopies to dojos by post and we rely on the dojo representatives to disseminate the news further to their members. We admit that at present we do not have a very efficient system of communication with dojos and members. We will seek improvement by introducing electronic means of communication such as email in future.



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12. The Officers' allegation of "conflict of interest" seems to support the complaints concerned that Mr. Fung has abused his official positions by gaining a first-hand knowledge of the tournament and informing only his students about the tournament so that they could participate without competing with other athletes. It is important to note that this accusation from the complainants concerned represent their **mere speculations not supported by any concrete evidence**. The basis of their speculation was that (i) some of the participating athletes are Mr. Fung's students and (ii) Mr. Fung's name appeared in the tournament's publication. While these facts are not disputed, they clearly do not serve to provide evidence supporting the accusation against Mr. Fung.
13. First, we understand from Mr. Fung that he learnt about the tournament from one of his students who in turn got the news from the Hong Kong Sports Institute on 1 August 2017 that based on previous tournament results, she was pre-qualified to join the finals of the forthcoming tournament. We have made further enquiries and note that, as summarized below, none of the other 5 participating athletes learnt about the tournament from Mr. Fung:

Participant	Relationship with Mr. Fung	Source of information about CKA's tournament
A (pre-qualified by CKA)	student	Hong Kong Sports Institute
B	student	CKA's website
C	student	CKA's website
D	nil	CKA's website
E (pre-qualified by CKA)	nil	General Administration of the Sports of China
F (pre-qualified by CKA)	nil	CKA's website



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14. We have further clarified with Mr. Fung that the inclusion of his name in the tournament publication was a result of the inclusion of Mr. Fung's name in the application for participation by one of his students (the pre-qualified athlete mentioned above). It represented merely the student's aspiration that Mr. Fung would accompany her in the tournament as her personal coach. In the event, Mr. Fung did not take part in any way in the tournament, including acting as a personal coach for his students or determination of the list of finalists as some complainants have speculated.
15. In the circumstances, we submit that there should be **no issue of a "conflict of interest" and the finding by the Officers that KFHKC has violated the principle of "fair play" was not supported by evidence.** In any event, if there is still any doubt on the matter, the benefit of doubt should be given to KFHKC in view of the severity of the sanctions proposed.
16. Finally, we apologize that our letter dated 25 September 2017 (copy at *Annex B*) sent to the complainant and copied to you had led you conclude that we "refused to comment" on the complaint. You will appreciate that the complainant's letter dated 25 August 2017 contained mere speculations about Mr. Fung's alleged misconduct without any concrete evidence and we did in our reply explain there was no basis for his allegations. Hence there was **no issue that KFHKC "refused to handle the case"** albeit we admit that the ending of our reply to the effect that the complainant could approach Mr. Fung direct as regards his personal affairs was superfluous and inappropriate. Importantly, Mr. Fung in his letter dated 4 September 2017 (copy at *Annex C*) addressed to you, among others, had explained why the complainants' allegations were unfounded.

The Officers' 2nd Allegation: Administrative confusion in the selection of the National Championship Junior 2017

17. Contrary to the allegations, **KFHKC's tournament rules do include avoidance of conflict of interest.** Specifically, the rules prescribe that a referee will not take part in matches which involve students of his dojos or where both the referee and the athlete belong to the same family of dojos. Participating athletes are organized into groups and the referee panel comprising 5 referees responsible for a



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- particular group will not include any referee who has conflict with interest with the athletes within that group.
18. What happened on 6 July 2017 in the selection of the National Championship junior athletes was unfortunate. A list of the groups of participating athletes and the corresponding referee panel were drawn up in advance. However, while not all the athletes of the first group of athletes have turned up, the athletes of a later group were all ready. To save time, matches for the latter group were convened first and refereeing was carried by the referee panel previously assigned to the first group, without knowing that this could create a conflict of interest between Mr. Cheung and one participating athlete. **This problem was brought to light by Mr. Cheung himself after the matches were concluded. Hence declaration of interest was never an issue in this incident.**
19. KFHKC admitted that greater care should have been exercised by the organizing team to avoid the problem. Although this was only an isolated incident, KFHKC has learnt the lesson and would take measures to prevent a recurrence of the mistake.
20. Importantly, there was no justification for the allegation that the remedial action followed up by KFHKC amounted to a violation of the principle of fair play. In normal circumstances, the highest and lowest scores of the 5-membered panel will be discarded and only the remaining 3 scores will count to form the final score. In this particular incident, as a remedial measure, the Referee Council decided on the spot to simply discard the score of Mr. Cheung and rely on the remaining 4 scores to form a final score for the athlete concerned.
21. There was no unfairness in adopting this assessment approach. First, **as this was an isolated event and therefore unforeseen, there was no pre-existing rules for calculating a suitable score for the athlete concerned. Hence there was no issue of a departure from established rules** as alleged. One may argue that the Referee Council could have chosen to discard Mr. Cheung's score as well as the highest and the lowest scores, and rely on the remaining 2 scores to form a final score. We accept this is a plausible alternative but we do not agree that this is definitely a fairer approach. This approach is actually more biased-prone as in effect it favours 2 scores at the expense of an equal number of scores. More



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importantly, as shown in the calculations in *Annex D*, the results are the same irrespective of which one of the two alternative methods is adopted.

22. In reply to the complainant, KFHKC did explain how the Referee Council resolved the problem that took place on 6 July 2017. In response, the complainant raised further queries through his solicitors. KFHKC noted that the follow-up queries basically represent the complainant's continued expression of dissatisfaction on the matter¹ that do not warrant a substantive reply and more importantly, there was no injustice done to the athletes involved. After due consideration therefore, KFHKC concluded that it could not afford the time and legal expenses to engage in a never-ending dialogue with the complainant. Hence it issued a short reply to the complainant pointing out that KFHKC had no further comments on his allegations. This is a practical approach for an organization like KFHKC with limited resources. It represents a matter of judgment on the part of KFHKC, not a matter of right or wrong, and should not be regarded as a manifestation of maladministration as alleged.

The Officers' 3rd Allegation: Adopting a scoring system different from that used by the Asian Karate Federation ("AKF") and the World Karate Federation ("WKF") was Unfair Selection

23. As KFHKC must be in a better position than the Officers to determine, on a technical basis, the best approach to organize the selection of karate athletes for elite training, we are disappointed that the Officers have concluded that our present system is unfair based on the allegations of just one single complaint.

24. The first ground the Officers adopted to support their conclusion is that KFHKC was unable to provide evidence that WKF would adopt a "point scoring system" in the Tokyo 2020 Olympics similar to our present system for selection of athletes. There was clearly some misunderstanding in the communication between the two parties. During a knowledge-sharing session between the Executive Committee members of KFHKC and the Officers of the Federation on 21 June 2017, we did mention that we came across news that a "point scoring system" similar to the

¹ The only additional point made by the complainant in his letter dated 11 September 2017 through his solicitors was that KFHKC should on its own initiative make public the incident. KFHKC did not agree.



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KFHKC system was being **tested** by WKF members in preparation for the 2020 Tokyo Olympics. Subsequently on 4 July 2017 we submitted to the staff of the Federation upon their request a copy of a blog we picked up online to support this understanding (see *Annex E*). We did not say the adoption of the “points scoring system” would be a **reality** in the 2020 Olympics.

25. In fact, it was never our intention to rely on that system under testing for the Olympics to support our system because as we have repeatedly stressed, both systems are different in nature and it is **meaningless to compare an apple with an orange**. The WKF and AKF rules, irrespective of whether they are based on a “red/blue flag system” or a “point scoring system”, are designed for tournaments where win or lose has to be decided promptly and on a one-off basis. Our rules based on a “point-scoring system” are meant for selection of suitable athletes for elite training.
26. The second ground the Officers adopted to support their conclusion is that KFHKC have not analysed the pros and cons of the “red/blue flag scoring system” widely used in Kata tournaments. We submit that such an analysis is meaningless. We are happy with the continuous use of the “red/blue flag scoring system” in Kata tournaments but that does not mean it is preferred to KFHKC’s “point scoring system” when applied to selection of athletes for elite training. We cannot compare the two applications on an equal footing as we are comparing apples to oranges.
27. To recapitulate, the advantages of our present “point scoring system” for the selection of athletes are as follows:
- (a) includes the assessment of multi-parties including the KFHKC referees (who are used to rank athletes according to performance) and the KFHKC coaches as well as the Hong Kong Sports Institute coach (who will be involved in the future elite training of the selected athletes);
 - (b) provides for each athlete both a total score (which facilitates ranking of the athletes) and a set of sub-scores each representing a performance aspect of the athlete (which will provide useful reference information to the coach and the athlete for future performance improvement of the athlete).



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Please see for reference at *Annex F* a sample score sheet of KFHKC's "point scoring system". The list of performance aspects for which individual scores are assigned is actually the same as the list provided in Article 5: Criteria for Evaluation of the WKF Competition Rules.

28. These features are absent in the "red/blue flag scoring" system which involves only the referees in the adjudication process and determines only who wins and who loses in a match. If you insist on an apple to orange comparison, you may classify these features as the cons of the "red/blue flag scoring system" when it is used in the selection of athletes.
29. The third and final ground the Officers adopted to support their conclusion is that the present "point scoring system" for the selection of athletes is not "recognized by all". We fail to understand what "recognized by all" means. If this means that all rules made by KFHKC must be agreed unanimously by all members in order to be considered as fair, we submit that this requirement is a non-starter.
30. Lastly, we would like to point out that Mr. William Thomas, Chief Karate Coach of the Hong Kong Sports Institute, who will take over from KFHKC the job of selection of athletes for the Hong Kong Team Training Programme, has announced in his briefing to the athletes concerned on 28 February 2018 that he will also adopt the system KFHKC has been using all along (see copy of **Mr. Thomas's presentation materials at Annex G**). **This provides solid evidence that KFHKC's system must be the preferred one.**
31. On the basis of the above, it seems clear that the Officers' allegations of unfairness cannot be substantiated.

The Officers' 4th Allegation: Lack of transparency in the selection and appeal mechanism as evidenced in an inequitable selection and appeal process in the 14th Asian Karate Championships (AKC)

32. While the Officers had correctly outlined the sequence of events in the "Summary of Background Information", it is not clear how the Officers could have arrived at the conclusion that KFHKC failed to provide an equitable selection mechanism and has thus violated the principle of fair play.



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33. We do not believe the Officers have any objection to accord priority to the first-choice athletes vis-à-vis the other athletes (including second-choice athletes) in KFHKC's post-selection administrative arrangements. It is entirely proper for KFHKC to dispatch the first batch of notification letters to the first-choice athletes first and to dispatch the second batch of notification letters to other athletes (the number of which is a multiple of the former) a week later. After all, we need to give the first-choice athletes as much advance notice as possible to prepare for the tournament.
34. We cannot prove that we have dispatched the letters as, in accordance with our normal office practice, they were sent by ordinary post. However, it is important to note that we have not received any complaint from the athletes (including the complainant) that they did not receive our notifications sent through the post. As far as the complainant is concerned, all we have heard from him was that our notification was still outstanding on Saturday 27 May 2017 when he checked the online registration page of the 14th AKC and found that KFHKC had already registered the selected candidates and that he was not on the list. This is understandable as our second dispatch of notifications was sent by post just one day earlier on Friday 26 May 2017. **The complainant did not say he had not received KFHKC's notification subsequently.** On this basis, we failed to appreciate why the Officers concluded that there were reasons to believe that KFHKC had not issued any notification to the complainant.
35. The fact that KFHKC had registered the first-choice selected athletes with AKC before other athletes learnt about their non-inclusion in the first-choice list does not deprive the latter's right to appeal against the results of the selection and secure the opportunity to participate in AKC should the appeal be accepted. This is because KFHKC was at liberty to amend the list of participants registered with AKC until 2 July 2017. In other words, KFHKC had more than enough time (about 5 weeks) to process any appeals and, where necessary, amend the registered list of participants.
36. **Importantly, 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.



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37. By reason of the above, the Officers' allegation that KFHKC was unable to provide an equitable selection mechanism and had violated the principle of fair play cannot be substantiated.
38. With the benefit of hindsight, we admit that our means of communication with the dojos and members could be made more promptly and efficiently by electronic means, for example, email. As pledged in paragraph (11) above, we will introduce electronic communication with dojos and members to make improvements.

Conclusion

39. The sanctions proposed by the Officers against KFHKC are unprecedented and extremely serious. In the immediate term, all FKHKC members will be demoralized as among other things, they would be deprived of the opportunity to participate in the tournaments under the Olympics umbrella. In the medium and long term, the proposed sanctions would gravely jeopardize the development of the sport of karate in Hong Kong. Hence, they must be justified based on overwhelming and concrete evidence supporting the allegations of maladministration and unfairness on the part of KFHKC.
40. However, it should be clear from the above that **the allegations were based on the complainants' mere speculations, half-truths or arguments which favour their own interests rather than serving the overall interest of all members of KFHKC.**
41. On the other hand, we understand that the Officers have consulted WKA and AKA on the allegations. **Both WKA and AKA have replied that:**
- (a) **they find no irregularity** nor any fraud in the selection method adopted by KFHKC; and
 - (b) **they do not agree the KFHKC should be suspended from the Federation** based on issues of selection of athletes.
42. On this basis, it is **only fair that the Federation find the allegations unsubstantiated.**



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43. We do not claim that KFHKC is a perfect organization. We accept that there are rooms for improvement in our communication with dojos and members and we undertake to make such improvements.

44. We have the greatest respect for the **“Olympic spirit which requires mutual understanding with a spirit of friendship, solidarity and fair play”**. We trust that the Federation will consider this appeal in the same spirit.

Yours sincerely,

Yu Kang Chau, Kenny

Chairman

The Karatedo Federation of Hong Kong, China Limited