

**Hong Kong, China Tennis Association**  
**Complaint Handling Mechanism**

<i>Introduction</i>	This document sets out the HKCTA's process and procedure for all Pursuable Complaints.
<i>Pursuable Complaints</i>	<ol style="list-style-type: none"><li>1. A "Pursuable Complaint" refers to a complaint lodged against one or more employees or officers of HKCTA alleging misconduct and/or breach of duty during the discharge of their duties as HKCTA employees or officers, in violation of HKCTA's applicable requirements and policies. Pursuable Complaints may also apply to part-time employees, consultants, agents, and other independent contractors with whom HKCTA maintains contractual relationships.</li><li>2. Pursuable Complaints exclude the following:<ol style="list-style-type: none"><li>(a) complaints regarding the selection of players, captains, coaches, team leaders or related officials under the Selection Policy. Such complaints shall be handled in accordance with the Selection Appeals Procedure as published from time to time;</li><li>(b) complaints contesting the outcome of any competition or match play. In the interest of fair play, individuals who feel aggrieved during a competition or match, or with its outcome (where applicable), should follow existing procedures for resolution;</li><li>(c) repeated complaints that have already been addressed will not be considered unless new substantive grounds or evidence are submitted; and</li><li>(d) complaints that may lead to criminal or civil legal consequences, for which HKCTA lacks jurisdiction.</li></ol></li></ol>
<i>How to Complain</i>	<ol style="list-style-type: none"><li>1. The complaint procedure in this Mechanism is initiated when:<ol style="list-style-type: none"><li>(a) a complainant (or his/her parent or guardian, as applicable) completes the standard complaint form prescribed by HKCTA, attaching all relevant supporting documents (referred to as the "Complaint"); and</li><li>(b) the entire set of the Complaint is sent via email to the Secretariat at <a href="mailto:info@tennishk.org">info@tennishk.org</a>, with a copy addressed to the CEO of HKCTA (Christopher Lai: <a href="mailto:Chris.Lai@tennishk.org">Chris.Lai@tennishk.org</a>).</li></ol></li><li>2. While specific content requirements may be outlined in the standard complaint form, generally, a Complaint will not be processed unless the conditions are met:<ol style="list-style-type: none"><li>(a) the Complaint pertains to a Pursuable Complaint;</li><li>(b) the name, contact number, email address and correspondence address of the complainant (and his/her parent or guardian, as applicable) are clearly set out in the Complaint;</li><li>(c) the name(s) of the employee(s)/officer(s) to which the Complaint relate are clearly identified in the Complaint;</li><li>(d) the Complaint includes detailed grounds for the Complaint, specifying the precise nature of the alleged misconduct or breach of duty;</li></ol></li></ol>

	<p>(e) the Complaint includes all relevant documents or written evidence that the complainant relies upon to support his/her complaint. These documents must be directly relevant to the Complaint; and</p> <p>(f) the complainant (or his/her parent or guardian, as applicable) expressly consents to the full and fair disclosure of the information provided in the Complaint to be fully and fairly disclosed to any employee(s) and officer(s) directly involved in addressing the Complaint.</p> <p>3. Any materials provided to HKCTA for a Complaint will be at the disposal of HKCTA and will not typically be returned to the complainant.</p>
<p><i>No Duty to Further Investigate</i></p>	<p>1. During the processing and review of a Complaint, HKCTA, the Secretariat, and the Complaint Reviewer (as defined below) are not obligated to initiate or conduct additional investigations or seek further information from any person or party to ascertain the facts of the case beyond the information and/or materials included in the Complaint.</p> <p>2. However, the Secretariat retains full discretion to collect additional information from any person or party, including the complainant, if the Secretariat deems it may provide useful supplementary information for the Complaint Reviewer during the review of the Complaint.</p>
<p><i>The Complaint Reviewer</i></p>	<p>1. The Complaint Reviewer shall be appointed by HKCTA's Executive Committee and will typically (though not always) be a person with legal qualification or background.</p> <p>2. Pursuable Complaints which are deemed serious, complex, or those that attract significant public attention may be assigned to a panel comprising multiple Complaint Reviewers, at the discretion of HKCTA's Executive Committee.</p> <p>3. If the appointed Complaint Reviewer has any involvement with, or a relationship to a party who may be affected by the outcome of the Complaint, or if there exists any conflict of interest regarding the Complaint, the Complaint Reviewer shall be disqualified from conducting the review. In such cases, an independent alternate will be appointed by HKCTA's Executive Committee to replace the Complaint Reviewer and carry out the review.</p>
<p><i>Conduct of the Complaint Review</i></p>	<p>1. Upon receipt of the Complaint, the CEO of HKCTA (or his/her nominee) will provide a written acknowledgment of receipt to the complainant within 10 business days.</p> <p>2. After acknowledging the receipt of the Complaint, and before notifying the complainant of the identity of the Complaint Reviewer, the Secretariat will review the information provided in the Complaint and gather any additional relevant information deemed necessary for the Reviewer's assessment.</p>

3. Within 3 months from the date of acknowledgment, the Secretariat will notify the complainant of the identity of the appointed Complaint Reviewer for the Complaint.
4. The complainant may object to the appointed Complaint Reviewer by notifying the Secretariat of his/her objection and providing the reasons for such objection (the "Objection") within 48 hours from the notice of the Complaint Reviewer. Objections can only be made based on the ground specified in paragraph 3 under "*The Complaint Reviewer*" above.
5. HKCTA shall respond to the Objection within 7 days of receiving it, notifying the complainant either that:
  - (a) the Complaint Reviewer has been changed, providing details of the new Complaint Reviewer; or
  - (b) the Complaint Reviewer has not changed, along with the reasons for not accepting the Objection.
6. The decision of HKCTA regarding the selection of the Complaint Reviewer under this Mechanism will be final.
7. The Complaint Reviewer will commence the review of the Complaint as soon as practicable and, in any case, within 30 days of receiving the final decision on the selection of the Complaint Reviewer.
8. The Complaint Reviewer shall provide appropriate directions for the consideration of the matter, including:
  - (a) determining whether the Complaint should proceed through written submissions or an oral hearing;
  - (b) specifying the date and location for the parties involved in the Complaint to convene and address the matter; and
  - (c) determining whether the parties involved in the Complaint should submit statements of evidence and/or written submissions prior to the hearing, and if so, establishing a timetable for doing so.
9. The Complaint Reviewer will assess the grounds stated in the Complaint and satisfy himself/herself, based on reasonable standards, whether there has been misconduct and/or breach of duty on the part of the employee(s) and/or officer(s) subject to the Complaint while discharging their duties as HKCTA employees or officers, in violation of HKCTA's applicable requirements and/or policies, warranting internal disciplinary actions.
10. The Complaint Reviewer shall be entitled to:
  - (a) dismiss the Complaint; or
  - (b) accept the Complaint and provide their findings and recommendations on disciplinary actions and other measures to prevent recurrence to the HKCTA Council.
11. HKCTA will communicate the outcome of the Complaint to the complainant and the employee/officer who is the subject of the

	<p>Complaint in writing (or through an alternative method of communication as determined by the Complaint Reviewer).</p>
<p><i>Confidentiality</i></p>	<ol style="list-style-type: none"> <li>1. Subject to the provisions of this Mechanism and the standard complaint form, the complainant (including his/her parent or guardian, as applicable), HKCTA and any parties related to the Complaint are under an obligation of confidentiality in respect of the Complaint. Save as permitted under this Mechanism, none of these parties shall make any public statement or disclosure of any other matter referred to by any of the parties during the course of these process and procedure.</li> <li>2. Notwithstanding paragraph 1 above, HKCTA shall be entitled to publish the findings of the Complaint Reviewer in such manner and to such extent as is necessary and proper to inform public.</li> </ol>
<p><i>Appeal Procedure</i></p>	<ol style="list-style-type: none"> <li>1. If either the complainant or the employee/officer who is subject to the Complaint is dissatisfied with the findings and recommendations of the Complaint Reviewer, they must exercise their right to appeal within 7 days of receiving the findings. The notice of appeal should be sent in writing to the Secretariat of the HKCTA by email, with the CEO copied, in the same manner as described in paragraph 1 of “<i>How to Complain</i>” above, clearly stating the grounds for the appeal and providing all supporting evidence or arguments.</li> <li>2. The HKCTA Council will determine, within 60 days from the date the notice of appeal is received, whether the appeal warrants further review. The decision of the HKCTA Council on whether to proceed with the appeal shall be final.</li> <li>3. If the HKCTA Council agrees that the appeal has merit, the Complaint will be remitted for a second review by an appeal panel. The appeal panel shall consist of not less than three new Complaint Reviewers who were not involved in the initial review process.</li> <li>4. The appeal panel will consider the grounds of appeal and all additional evidence or arguments presented. The appeal panel will establish, to their reasonable satisfaction, whether or not there has been misconduct and/or a breach of duty on the part of the employee(s) and/or officer(s) subject to the Complaint, in contravention of HKCTA's requirements and/or policies applicable to them.</li> <li>5. The appeal panel shall be entitled to: <ol style="list-style-type: none"> <li>(a) uphold the original findings and recommendations of the Complaint Reviewer;</li> <li>(b) modify the findings and recommendations based on the appeal grounds presented;</li> <li>(c) reverse the original findings and recommendations and propose alternative disciplinary actions or measures.</li> </ol> </li> <li>6. The decision of the appeal panel shall be final and binding. The HKCTA Council will inform the complainant and the employee/officer who is the subject of the Complaint of the appeal</li> </ol>

	panel's decision in writing (or through another agreed method of communication).
<i>Complaint Review is not a Judicial Process</i>	<p>It is important to note that the review of a Complaint under this Mechanism is not a judicial process and as such, any findings resulting from a complaint handled through this Mechanism will be limited to internal disciplinary purposes only. The purpose of this Mechanism is to address alleged misconduct and breaches of duty by HKCTA employees or officers in accordance with HKCTA's requirements and policies. The findings and recommendations made by the Complaint Reviewer are intended solely for the consideration of the HKCTA Council in determining appropriate internal disciplinary actions and measures to prevent future occurrences. It should be understood that the outcome of this process does not carry the legal weight or authority of a court of law or any regulatory authority, and it does not supersede any legal or regulatory proceedings that may be pursued independently by the complainant outside the scope of this Mechanism. HKCTA has full discretion to suspend the Complaint Mechanism with respect to a Complaint if a legal proceeding or regulatory proceeding with respect to the same Complaint has commenced.</p>

## Standard Complaint Form

To: Secretariat, HKCTA (info@tennishk.org)

Copy: Christopher Lai, CEO of HKCTA (Chris.Lai@tennishk.org)

### **Complainant's Details:**

- (a) Name of the complainant:
- (b) Contact number:
- (c) Email address:
- (d) Correspondence address:

### **Employee/Officer/Consultant/Agent/Independent Contractor Details:**

*Please clearly identify here the name(s) of the employee(s)/officer(s), consultant(s), agent(s), and other independent contractor(s) to which the Complaint relates.*

### **Grounds for Complaint:**

*Please provide detailed grounds for the Complaint here, specifying the precise nature of the alleged misconduct or breach of duty:*

### **Supporting Documents:**

*Please attach all relevant documents or written evidence that you rely upon to support your complaint. These documents must be directly relevant to the Complaint.*

*[List of attached supporting documents]*

### **Confirmation of the Complaint Handling Mechanism**

I confirm that I have read and understand the Complaint Handling Mechanism published by HKCTA, based on which this Complaint is lodged.

### **Consent for Disclosure:**

I expressly and irrevocably consent to the full and fair disclosure of the information provided in this Complaint to any employee(s) and officer(s) consultant(s), agent(s), and other independent contractor(s) directly involved in addressing the Complaint.

### **No Return of Materials**

I understand that all materials provided to HKCTA for this Complaint will be at the disposal of HKCTA and will not typically be returned to me.

### **Confidentiality**

I undertake to maintain strict confidentiality of the existence and content of this Complaint and will not make any public statement or disclosure of any other matter referred to by any of the parties during the course of this Complaint.

\_\_\_\_\_  
Signature:

Date: