



## **APPEAL PROCEEDINGS ON SELECTION DECISION/DISCIPLINARY DECISION**

An individual member or a registered team/a registered affiliated club member can appeal against a selection decision or a disciplinary decision to the Appeal Panel including one external member appointed by the Chairman of the The Baseball Association of Hong Kong, China (BAHKC). *If the respondent is the Chairman of BAHKC, the Appeal Panel will be appointed by the BAHKC Board of Directors.*

The person or team/club bringing the appeal is called “the Appellant”.

### **Conditions to be satisfied before an appeal can be made**

1. Appeal should be based on which constitutions, code of conduct, procedures, rules, regulations of BAHKC or local ordinances.
2. Appeals are made within the prescribed time limit.
3. Appeal brought understated grounds of appeal.

### **Appeal Brief**

The Appellant is required to provide an Appeal Brief with the following information:

1. Contact details of the Individual Member/Team/Club (“the Appellant”)
2. Contact details of Respondent (either an individual or a committee)
3. Contact details of Representative (who will be representing the Appellant in these Proceedings, if applicable.)
4. Interested Parties: Any other individual members or groups who or which may be directly affected by, or who has a sufficiently close interest in, the outcome of these Proceedings? If so, please provide their contact details.
5. Jurisdiction: Please specify the basis on which the Appellant has a right of appeal (i.e. give details of the constitutions, code of conduct, procedures, rules, or regulations of BAHKC (please refer to the documents on the page of “Corporate Governance”) which gives a right of appeal to the Appeal Panel. If there is some other jurisdictional basis for the right of appeal specify it.
6. Urgency: Are the grounds for suggesting the appeal should be heard on an urgent basis? If yes, please describe the reasons why you consider there is urgency in hearing the appeal.
7. Decision being appealed: Please provide details of the decision which you are appealing against, including which committee or person within the Respondent made the decision, the date it was made, and the nature of the decision (e.g. selection, misconduct). Please also attach a copy of the decision.
8. Ground of Appeal: Specify the grounds upon which the appeal is brought. These grounds must either be as set out in the relevant constitutions, code of conduct, procedures, rules, or regulations of BAHKC appealed from or if there are no such grounds in such documents, then they must be in accordance with local ordinances such as Discrimination Ordinance.
9. Outcome Sought: Please specify the outcome or relief you are seeking from the appeal.
10. Suspension Application: Are you applying to suspend all or part of the decision appealed from pending the hearing of the appeal. If the suspension application only applies to part of the decision, specify the applicable part.



### **Appeal Panel**

An Appeal Panel is assigned by the Board of Directors and members of the Panel include: (updated on 1 November 2022)

- i. Mr. Dave HO, Chairman of BAHKC, Ex Officio member
- ii. Mr. TO Hin Wing Charles, Director of BAHKC, Ex Officio member
- iii. Mr. CHONG Ki Ming, Secretary General, Ex Officio member
- iv. Two Directors, on rotation basis

### **Steps in Appeal proceedings**

The Appellant files the Appeal Brief to the Appeal Panel c/o BAHKC Secretariat (email: [hkbsa@hkolympic.org](mailto:hkbsa@hkolympic.org)) in writing and be submitted within 24 hours when the Selection Decision/Disciplinary Decision is announced, accompanied by the HK\$1,500 filing fee.

In 7 working days, the BAHKC Secretariat advises appeal proceedings have commenced if the Appeal Brief is satisfied and the filing fee has been made.

The Respondent provides a Statement of Defence within 14 working days.

The Appeal Panel may hold a pre-hearing conference after receiving the Appeal Brief and the Statement of Defence within 7 working days.

BAHKC Secretariat informs the Appellant and/or the Respondent to provide further evidence or required submissions 7 working days before the hearing.

The hearing is held after receiving all required evidence and submissions.

The Appellant and the Respondent would be invited to attend the hearing with the Appeal Panel.

The Appeal Panel decides the appeal and makes orders (if appropriate). The decision of the Appeal Committee is final.

BAHKC Secretariat informs the Appellant of the result of the appeal and is documented by BAHKC.

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