

## Result Management – positive test



Hong Kong Anti-Doping Committee  
香港運動禁藥委員會

*What happens if your sample returns with a positive test result? The paragraphs below provide an overview of the result management process and highlight the areas that you should pay attention to. The information will help protect your best interest in relation to any assertion of anti-doping rule violation (ADRV).*

**Before you make any decision related to an assertion of ADRV, you should seek independent professional / legal advice, especially in the areas marked with \*.**

*Throughout the guide, references are provided to relevant portions of the HKADC Anti-Doping Rules (the Rules). All numbers in brackets refer to specific sections of the Rules.*

### What have happened before I receive a formal notification on assertion of ADRV?

- Laboratory report of your sample suggested a positive test result.
- There was no valid Therapeutic Use Exemption that could explain the test results.
- Follow-up investigation was not applicable or it has proven that the positive test was not caused by physiological or pathological reasons.
- An independent body, the Doping Control Panel, confirmed that there was no major discrepancy in the sample collection process and the laboratory analysis.

### What is expected from me shortly after being notified on an assertion of ADRV?

To decide if you would:

- admit to the ADRV, waive a hearing, and accept the Consequences\*.
- request for your Sample B to be analyzed.
- request for a full laboratory report on your sample.
- accept the imposed Provisional Suspension (if any).
- voluntarily accept Provisional Suspension when none is imposed.

\* Promptly admitting to an ADRV assertion may result in the period of ineligibility starting as early as the date of sample collection. (Note - In the absence of any applicable reason, the period of ineligibility shall start on the date of the hearing decision.) (Article 10.11)

### How should I prepare for the hearing?

- Seek independent professional / legal advice
- Be familiar with the relevant regulations  
You are highly recommended to read and be familiar with the relevant anti-doping rules. The section on 'Highlights of the HKADC Anti-Doping Rules' (see in the next section) could be a good starting point.
- To determine your strategy and to collect evidence that support your argument

### Highlights of the HKADC Anti-Doping Rules

#### Strict Liability Principle (Comment to Article 2.1.1)

An athlete is responsible whenever a prohibited substance is found in an athlete's sample.

#### Possible sanctions and consequences

- Four years of ineligibility for the first violation (Article 10.3)
- Ineligibility is not only limited to participation as a competing athlete (Article 10.12.1)
- Should the sample has been collected during competition, results achieved in the competition will be disqualified (Article 10.1)
- All competitive results obtained from the date a positive sample was collected be disqualified (Article 10.8)
- Withdrawal of sport-related financial support or other sport-related benefits (Article 10.12.4)
- A fine of HK\$ 20,000 (Article 10.10)
- The ADRV may be publicly disclosed (Article 14.3)

#### Conditions for elimination or reduction of the sanction

- A specified substance or contaminated products caused the positive test and you could establish
  - how the substance entered your body
  - it is not intended to enhance sport performance or mask the use of performance enhancing substance
  - you have no significant fault or negligence (Article 10.4)

- You could establish that you bear no fault or negligence (or no significant fault or negligence) in the positive test (Article 10.5.1 and 10.5.2)
- You have provided substantial assistance to allow the discovering or establishing an ADRV by another person. This includes giving full details of those concerned in distributing the relevant prohibited substances or having given advice that has resulted in a doping violation. (Article 10.6.1)
- You voluntarily admit the commission of an ADRV before having received notice of a sample collection which could establish an ADRV and that admission is the only reliable evidence of the violation at the time of admission. (Article 10.6.2)

*Disclaimer:*

*This article is published for reference purpose only and is not intended to give any legal advice by HKADC who shall disclaim any liability arising therefrom. Readers are recommended to refer to the Anti-Doping Rules of HKADC and seek professional / legal advice on important decisions.*

### Hong Kong Anti-Doping Committee

Upper 10/F, Sports Complex Building,  
South China Athletic Association,  
88 Caroline Hill Road, Causeway Bay, Hong Kong

Telephone: (852) 2890 3644

Fax: (852) 2890 3677

WhatsApp: (852) 6257 7099

Email: [antidoping@hkolympic.org](mailto:antidoping@hkolympic.org)

Website: [www.antidoping.hk](http://www.antidoping.hk)

## 結果管理 — 陽性檢測結果



如果你的樣本檢測結果呈陽性，會發生什麼事？下文概述相關結果管理的程序，以及提醒你應該注意的地方。當你面對任何違反運動禁藥管制規條（“違規”）的指控時，這些資料有助保障你的最大利益。

**在對違規指控作出任何決定之前，你應該尋求獨立的專業/法律意見，特別在以下標記為\*的部分。**

本指南不時引用香港運動禁藥委員會的運動禁藥管制規條（“規條”）的有關部分，括號內的所有數字是指“規條”內的指定部分。

**在我正式收到違規指控之前，發生過甚麼事情？**

- 實驗室報告顯示你的樣本呈陽性檢測結果。
- 沒有有效的治療用藥豁免可以解釋這檢測結果。
- 跟進調查並不適用，或調查結果證明陽性結果不是由生理或疾病而造成。
- 獨立的運動禁藥管制專責委員會，確認樣本採集及實驗室分析沒有明顯錯漏。

**在我收到違規指控後，我要盡快作出甚麼回應？**

- 決定會否承認違規，放棄出席聽證會並接受違規後果\*
- 決定會否要求化驗你的B樣本
- 決定會否要求完整的化驗報告
- 決定會否接受被判處暫時停賽（如適用）
- 決定會否於未有裁決前自願暫時停賽

\* 及早承認違規，樣本採集日期可能被用作為停賽期的起算日子。（註：在沒有任何適用原因下，停賽期應以聽證會裁決當日開始計算。）（第10.11條）

**我應該為聽證會作出甚麼準備？**

- 尋求獨立的專業/法律意見
  - 熟悉有關的規條
- 我們強烈建議你閱讀和熟悉有關的運動禁藥管制規條。“香港運動禁藥委員會的運動禁藥管制規條重點”（見下文）可能是一個好的開始。
- 制定你的策略及搜集證據，以支持你的論點。

**香港運動禁藥委員會的運動禁藥管制規條重點**

**嚴格責任原則**（第2.1.1條評論）

運動員須要為在他/她樣本中被發現的禁用物質負責。

**可能的處分及後果**

- 首次違規將被處分停賽四年（第10.3條）
- 停賽不僅限於以運動員身份參與比賽（第10.12.1條）
- 若樣本於比賽期間收集，比賽期間所獲得的成績將被取消（第10.1條）
- 在陽性樣本被採集日或以後，獲得的所有比賽成績將一同被取消（第10.8條）
- 撤銷跟運動有關的金錢資助及其他福利（第10.12.4條）
- 罰款港幣兩萬元（第10.10條）
- 違規的詳情將被公開披露（第14.3條）

**消除或減免處分的條件**

- 若陽性檢測結果由特定物質或受污染產品引起，同時你可以證明：
  - 物質如何進入你的身體
  - 沒有意圖提高運動表現或用以隱蔽使用提高運動表現的物質
  - 你沒有明顯過失或疏忽（第10.4條）
- 可以證明你並沒有任何過失或疏忽（或沒有明顯過失或疏忽）而導致陽性結果（第10.5.1和10.5.2條）

- 你成功協助發現或證實他人違規。當中包括提供分配相關違禁物質或教唆他人違規的相關人士及細節（第10.6.1條）
- 你於收到樣本或有可能違規的通知前，主動作供承認違規，而該供詞是當時唯一可靠的違規證據（第10.6.2條）

免責聲明：

此文章只提供參考作用，香港運動禁藥委員會並無意向任何人士提供法律意見，亦無需承擔相關責任。建議讀者參考香港運動禁藥委員會的運動禁藥管制規條，並於重要決策上尋求專業/法律意見。

**香港運動禁藥委員會**

香港銅鑼灣加路連山道八十八號  
南華體育會體育中心十樓上層

電話：(852) 2890 3644

傳真：(852) 2890 3677

WhatsApp: (852) 6257 7099

電郵：antidoping@hkolympic.org

網址：www.antidoping.hk