

新修訂2021

運動禁藥管制規條

摘要

新修訂的世界運動禁藥法規 (World Anti-Doping Code) (下稱「法規」) 在**2021年1月1日**正式生效。「健康」在法規的眾多理念中被排列首位，而「**運動員的權利**」亦特別包含在法規的基本理念當中。

香港運動禁藥委員會的運動禁藥管制規條 (下稱「規條」) 就法規的更新作出了修訂，以確保香港的運動禁藥管制計劃符合世界運動禁藥機構 (World Anti-Doping Agency) 的標準。此小冊子重點列出了規條的部分重要修訂。

(下文括號內的數字為規條內的相關條例。)

違反運動禁藥管制規條

1. 運動員身體樣本含有禁用物質或其代謝物或標示物 (第2.1條)
2. 運動員採用或意圖採用運動禁用物質或禁用方法 (第2.2條)
3. 運動員逃避、拒絕或不能提供樣本作檢測 (第2.3條)
4. 運動員行蹤資料失誤 (第2.4條)
5. **更新** 運動員或其他人士干預或意圖干預運動禁藥管制 (第2.5條)

「干預」的定義新增了提供偽造文件予運動禁藥管制機構及促使證人作出虛假證詞的行為。

6. 運動員或運動支援人員藏有禁用物質或禁用方法 (第2.6條)
7. 運動員或其他人士販賣或意圖販賣任何禁用物質或禁用方法 (第2.7條)
8. 運動員或其他人士於賽內提供或意圖提供任何禁用物質或禁用方法給運動員；或於賽外提供或意圖提供賽外禁用物質或禁用方法給運動員 (第2.8條)
9. **更新** 運動員或其他人士的串通或意圖串通行為 (第2.9條)

新增「**意圖串通行為**」在違反運動禁藥管制規條中。串通或意圖串通行為可以包括生理或心理上的幫助。

10. 運動員或其他人士的違規合作關係 (第2.10條)
11. **新規條** 運動員或其他人士阻礙或報復他人舉報的行為 (第2.11條)

此規條列明任何威脅他人以阻礙其真誠舉報有關涉嫌違反運動禁藥管制規條、不符合法規要求或其他違反運動禁藥管制的活動，或對這些舉報人士作出報復，均屬違規。

禁用清單： 濫用物質

新類別 世界運動禁藥機構將一些在禁用清單中經常在社會上但於運動以外被濫用的禁用物質特別歸類為**濫用物質**。(第4.2.3條) 規條內列明了涉及使用濫用物質而違反運動禁藥管制規條的特定罰則。

行蹤資料 要求

新要求 精英藥檢名單 (Elite Testing Pool) 的運動員除了須要提交訓練及比賽的時間表或其他常規活動資料外，他們現在亦須要提交**每日的詳細過夜住宿地址**。(第5.5.10條)

運動員的 角色與責任

1. 熟悉及遵守運動禁藥管制政策及規條。(第20.1條)
2. 隨時可接受藥物檢測。(第20.2條)
3. 在運動禁藥管制的範疇內為所攝取及使用的物質及方法負責。(第20.3條)
4. 通知醫護人員有關身為運動員不能使用禁用物質及禁用方法的責任，及為確保任何治療不會違反運動禁藥管制規條負責。(第20.4條)
5. 若運動員在過去十年曾有被非世界運動禁藥法規簽約組織裁定違反運動禁藥管制規條的記錄，必須向香港運動禁藥委員會及有關國際聯會披露。(第20.5條)
6. 配合運動禁藥管制機構進行有關違規之調查工作。(第20.6條)
7. **新責任** 按任何對該運動員有權限的運動禁藥管制機構的要求，**披露他們的運動支援人員的身份**。(第20.7條)
8. **新責任** 如運動員對運動禁藥管制人員或其他有份參與藥物檢測的相關人士有**冒犯行為**，而該行為並不構成干預行為，該運動員有機會因行為失當而受到相關管治機構的紀律處分。(第20.8條)

免責聲明：此小冊子只供參考作用，香港運動禁藥委員會並無意向任何人士提供法律/醫學意見，亦無需承擔相關責任。建議有關人士參閱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。

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Highlights on the New 2021 Anti-Doping Rules

The newly revised World Anti-Doping Code (the Code) enters into force on **1 January 2021**. **Health** becomes the top of the list of rationales for the Code and the identification of **Athletes' Rights** has been specifically included as part of the Fundamental Rationale for the Code.

In response to the Code changes, the Anti-Doping Rules of Hong Kong Anti-Doping Committee (the Rules) has been revised to ensure that the Hong Kong Anti-Doping Programme is in compliance with the requirements of the World Anti-Doping Agency (WADA). This pamphlet highlights some of the important changes of the Rules.

(The numbers in brackets provided hereunder refer to the relevant Articles of the Rules.)

Anti-Doping Rule Violations (ADRVs)

1. Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample (Article 2.1)
2. Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method (Article 2.2)
3. Evading, Refusing or Failing to Submit to Sample Collection by an Athlete (Article 2.3)
4. Whereabouts Failures by an Athlete (Article 2.4)
5. **UPDATED** Tampering or Attempted Tampering with any Part of Doping Control by an Athlete or Other Person (Article 2.5):

The acts of falsifying documents submitted to an Anti-Doping Organization and procuring false testimony from witnesses has been included in the definition of "Tampering".

6. Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person (Article 2.6)
7. Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person (Article 2.7)
8. Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition (Article 2.8)
9. **UPDATED** Complicity or Attempted Complicity by an Athlete or Other Person (Article 2.9)

"Attempted Complicity" has been added to "Complicity" as an ADRV. Complicity or Attempted Complicity may include either physical or psychological assistance.

10. Prohibited Association by an Athlete or Other Person (Article 2.10)
11. **NEW** Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities (Article 2.11)

This Article makes it an ADRV to threaten another person to discourage that person from the good faith reporting to authorities of information relating to an ADRV, non-compliance with the Code or other doping activity, or to retaliate against another person for doing so.

The Prohibited List: Substances of Abuse

NEW WADA has specifically identified some prohibited substances on the Prohibited List which are frequently abused in society outside of the context of sport as **Substances of Abuse**. (Article 4.2.3) Specific sanctions on Anti-Doping Rule Violation involving Substances of Abuse are outlined in the Rules.



Whereabouts Requirement

NEW Athletes included in the Elite Testing Pool (ETP) are required to submit their **daily overnight residence** in addition to their training and competition schedules or schedule of other regular activities. (Article 5.5.10)



Roles and Responsibilities of Athletes

1. To be knowledgeable of and comply with the Anti-Doping Policies and Rules. (Article 20.1)
2. To be available for Sample collection at all times. (Article 20.2)
3. To take responsibility, in the context of anti-doping, for what they ingest and Use. (Article 20.3)
4. To inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate the Anti-Doping Rules. (Article 20.4)
5. To disclose to HKADC and their International Federation any decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation within the previous ten years. (Article 20.5)
6. To cooperate with Anti-Doping Organizations investigating anti-doping rule violations. (Article 20.6)
7. **NEW** To **disclose the identity of their Athlete Support Personnel** upon request by any Anti-Doping Organization with authority over the Athlete. (Article 20.7)
8. **NEW** **Offensive conduct** towards a Doping Control official or other Person involved in Doping Control by an Athlete which does not otherwise constitute Tampering, may result in a charge of misconduct, which may render the Athlete liable to disciplinary actions which may be imposed by their governing bodies. (Article 20.8)

Disclaimer: This pamphlet is published for reference purpose only, and is not intended to give any legal/medical advice by HKADC who shall disclaim any liability arising therefrom. Relevant individuals are recommended to refer to the Anti-Doping Rules of HKADC, and seek for professional/legal advice on important decisions.

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