

Hong Kong Council for Accreditation of Academic and Vocational Qualifications Guidelines for Review

Preamble

These guidelines are intended to provide guidance to an operator, assessment agency, granting body or individual (hereafter referred as ‘the Applicant’) who is not satisfied with a determination made by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) in pursuance of the [Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance \(Cap 1150\)](#) (hereafter referred as ‘the Ordinance’). The guidelines should be read in conjunction with the Ordinance, in particular sections 17A, 17B, 17C and 17D thereof.

If a determination is made by the HKCAAVQ with reference to its authority under another enactment than Cap 1150, for example the AAVQ Ordinance (Cap 592), the Applicant should make reference to the other enactment for information when lodging a review.

Introduction

Under the HKCAAVQ Ordinance (Cap 1150), it is stipulated that an operator, assessment agency, granting body or individual who is not satisfied with a determination made by the HKCAAVQ in regard to an exercise may apply for a review. The HKCAAVQ, upon receipt of a review application, will set up a Review Committee to conduct the review. This Review Committee will make recommendations to the HKCAAVQ who will make a final decision on the review application.

Principles for Conducting Reviews

The reviews conducted by the Review Committee are evidence-based. It is the responsibility of the Applicant to provide evidence to support his/her arguments against the determination of the HKCAAVQ. The Applicant can submit new materials/information for consideration of the Review Committee only if the materials/information has been in existence before the HKCAAVQ made the determination. In this connection, the Applicant is required to show reason(s) why such materials/information was not made available to the HKCAAVQ during the exercise.

The review conducted is neither a new exercise nor an extension of the exercise under dispute. Moreover, all reviews are on decisions taken in the course of the HKCAAVQ’s business and the Review Committee will not deal with any allegations or complaints against individuals.

Procedures for Applying for Reviews

All applications for review must be made to the HKCAAVQ within 30 calendar days of the receipt of the accreditation report. The procedures for handling a review are as follows:

- 1) The Applicant is required to submit to the HKCAAVQ in writing, a statement clearly specifying the date of receipt of the accreditation report, the subject of the review, justification(s) for applying the review and the facts relied on to justify the review.
- 2) The HKCAAVQ will, based on the review application, inform the Applicant of the review fee, by issuance of a payment notice. The Applicant must settle the review fee before the review process can be initiated.
- 3) Upon settlement of the review fee, the HKCAAVQ will form a Review Committee, which consists of a chairman and not less than 2 and not more than 6 members, to be responsible for the application.
- 4) Once formed, the Review Committee may request, in writing, the Applicant to provide two copies of all the documents the Applicant intends to rely on by a date specified by the Review Committee.
- 5) The Review Committee may approach, in writing, third parties for information or provision of documents, if considered necessary and appropriate.
- 6) A copy of the review application and all the documents received by the Review Committee from the Applicant and the third parties will be sent to the HKCAAVQ Case Officer who is responsible for the exercise under review. The Case Officer is required to submit a response to the Review Committee in writing, together with all the submitted documents by a date specified by the Review Committee.
- 7) After examining all available written information, the Review Committee will decide whether a review meeting with the Applicant and the HKCAAVQ Case Officer is necessary.
- 8) If a review meeting is required, the Review Committee will determine the date, time and venue of the meeting.
- 9) Both the Applicant and the HKCAAVQ Case Officer are required to submit a list of representatives who will attend the review meeting to the Review Committee 10 calendar days before the review meeting date. Any person not on the list is not allowed to attend the review meeting. Any change in the list of representatives must be submitted to the Review Committee in writing before the review meeting.
- 10) Having considered all the information obtained, the Review Committee will submit a report to the HKCAAVQ, containing the recommendations and reasons for recommendations.
- 11) Having regard to the recommendations of the Review Committee and any other relevant circumstances, the HKCAAVQ will make a final decision to:
 - a. Confirm the determination under review;
 - b. Vary the determination under review ;

- c. Reverse the determination under review; or
 - d. Substitute any other determination for the determination under review.
- 12) The HKCAAVQ will notify the Applicant in writing of its final decision.

Review Meeting

In case a review meeting is necessary, only evidence that is relevant to the review, as to be decided by the Review Committee Chairman, can be presented. In addition, further information after the review meeting will not be accepted unless it is agreed to or directed by the Review Committee. Legal representation will not be allowed in the Review Committee proceedings, and a counsel or solicitor may appear only if he is acting on his own behalf as a party to the review or he is an officer or employee of a party to a review and is acting as an authorized representative of the party.

If the Applicant fails to attend the review meeting, the Review Committee may:

- Postpone the meeting to a date it thinks fit if it is satisfied that there is acceptable reason for the Applicant's failure to attend;
- Proceed with the meeting; or
- Dismiss the application.

Abandonment of Reviews

The Applicant may abandon the review by notifying the Review Committee and the HKCAAVQ in writing.

Review Fee

The review fee is one-third of the original fee of the exercise, as approved by the Secretary for Education. Where a combined accreditation exercise is involved, the review fee will be based on the fee that relates to the part of the exercise under review. The review fee is not refundable, except when the review result is in variation of the original decision.

Enquiry

For enquiries about review, please contact Ms Hailey Lam at telephone number 3658-0115 or at email haileylam@hkcaavq.edu.hk.