



Principles and Procedural Rules for Review Committees Established by the Council under the Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 1150)

Preamble

Under sections 4(1)(a)(i) and 4(1)(b) of Cap. 1150, the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) conducts accreditation tests generally in relation to operators, assessment agencies, learning programmes and qualifications; and qualifications assessment for individuals. Sections 17A to 17D of Cap. 1150 stipulate the review mechanism for an operator, assessment agency, granting body or individual who is aggrieved by the determination/decision(s) of HKCAAVQ.

For individuals, the Council established a Standing Review Committee for Qualifications Assessment in October 2007 in view of the frequency and nature of applications for review from individuals who were aggrieved by qualifications assessment decisions of HKCAAVQ. For an operator, assessment agency or granting body that is aggrieved by HKCAAVQ's determination/decision(s) of accreditation conducted under section 4(1)(a)(i) of Cap. 1150 (i.e. non-QF related accreditation tests, e.g. Institutional Review for the purpose of seeking Cap. 320 registration, Institutional Review for private university status, and assessment of Continuing Professional Development programmes as commissioned by the Insurance Authority), the Council will establish a review committee to consider an application for review when the need arises.

This document outlines the principles and procedural rules for review committees established by the Council in accordance with the legislative requirements under Cap. 1150.

Principles

1. All reviews should be evidence-based, meaning that the applicant has the responsibility to provide evidence to support variation of the determination/decision(s) of HKCAAVQ.
2. New materials/information submitted by the applicant will only be admissible if such materials/information was in existence before HKCAAVQ made the determination/decision(s). Normally, the applicant will have to show reason(s) why such materials/information was not made available to the Panel/HKCAAVQ during the accreditation/assessment exercise. The underlying logic to this principle is that a review is neither a new accreditation/assessment exercise nor an extension of the one under review.

3. The Chairman, members and secretary of the Review Committee (RC) should have had no involvement in the concerned accreditation/assessment exercise. Any potential conflict of interests should be declared and avoided.
4. All reviews are on determinations/decisions as stated in the applicable accreditation reports. The RC will not deal with allegations or complaints against individuals.
5. Review fees are not refundable, except when the review results are a variation of the original determination/decision(s) of HKCAAVQ.
6. A determination/decision remains valid while under review. In respect of a re-accreditation exercise, the accredited status of the concerned institution/programme is retained until the review process is completed.

Terms of Reference of a Review Committee

1. To conduct a review of the determination/decision(s) made by HKCAAVQ in respect of a particular accreditation/assessment exercise.
2. To make recommendations to the Council in respect of the concerned case with supporting reasons.
3. To answer questions from the Council after the submission of the report.
4. To reconsider its recommendations upon request by the Council in light of any further information provided and questions put to it by the Council and notify the Council whether it confirms, varies, or reverses the original recommendations or substitutes any other recommendations for the original recommendations.
5. Where necessary, to set specific rules and procedures for a review.

Procedures

1. All applications for review must be made within 30 days of the receipt of the accreditation/assessment report in a standard format stating clearly what the subject of the review is and with justification(s). The review fee must be paid together with the application, otherwise, the review mechanism will not be initiated.
2. In accordance with section 17B of Cap. 1150, the Council shall establish a RC to conduct the review. A staff member from the Secretariat, who has no day-to-day involvement in the case, will be appointed to be the Secretary of the RC.
3. Once established, the RC may, by notice in writing, request any person to produce any document that is relevant to the review by a specified date.

4. The RC may, by notice in writing, request any person to appear before it and to give evidence relevant to the review.
5. On receipt of the applicant's grounds for applying for review, a copy of it will be sent to the Secretariat (normally the case officer) for response. Responses from the Secretariat have to reach the RC by a specified date.
6. After examination of all available information in relation to the review, the RC will decide if a review meeting with the applicant and the Secretariat is necessary.
7. Should the RC decide that a review meeting is required, the date, time, venue and the number of representatives to attend the meeting will be determined by the RC.
8. A list of the names of representatives of the applicant and of the Secretariat, who will attend the review meeting, has to be submitted to the RC ten calendar days before the review meeting date. Any person not on the lists is not allowed to attend the review meeting. The RC has to be informed in writing of any change to the lists of representatives submitted before the review meeting.
9. At the review meeting, the applicant and the Secretariat can only present evidence that is relevant to the review, as to be decided by the RC Chairman.
10. The review meeting should be regarded as the last opportunity for the applicant and Secretariat to present their evidence to the RC. Unless agreed to or directed by the RC, further information provided after the review meeting will not be accepted.
11. Legal representation will not be allowed in RC proceedings. But a counsel or solicitor may appear if he/she is acting on his/her own behalf as a party to the review or he/she is an officer or employee of a party to the review and is acting as the authorised representative of the party.
12. If the applicant fails to attend the review meeting, the RC may –
 - if satisfied that there is an acceptable reason for the applicant's failure to attend, postpone the meeting to a date it thinks fit, or
 - proceed with the meeting, or
 - dismiss the application.
13. The applicant may abandon the review by notice in writing to the RC and the Council.

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