

**ACCREDITATION OF ACADEMIC AND VOCATIONAL  
QUALIFICATIONS BILL**

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# A BILL

# To

Provide for matters relating to accreditation of academic and vocational qualifications; and to make consequential and related amendments to certain enactments.

Enacted by the Legislative Council.

## PART 1

### PRELIMINARY

#### 1. Short title and commencement

(1) This Ordinance may be cited as the Accreditation of Academic and Vocational Qualifications Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Education and Manpower by notice published in the Gazette.

#### 2. Interpretation

In this Ordinance, unless the context otherwise requires—

“Accreditation Authority” (評審當局) means the organization or body specified in Part 1 of Schedule 1;

“accreditation report” (評審報告) means a report produced by the Accreditation Authority under section 5(1);

“accreditation test” (評審考核) means any assessment, evaluation or other activity to determine—

(a) in relation to an operator, whether the operator is competent to achieve the objectives as claimed by the operator;

- (b) in relation to an assessment agency, whether the agency is competent to assess the skills, knowledge or experience acquired by individuals in relation to an industry or a branch of an industry;
- (c) in relation to a learning programme, whether the programme meets a standard to achieve the objectives of the programme as claimed by its operator; and
- (d) in relation to a qualification, whether the skills, knowledge or experience recognized by the qualification meet a particular standard;

“appointed assessment agency” (受委評估機構) means an assessment agency appointed or re-appointed by the Secretary under section 8(1)(a) or (b);

“assessment agency” (評估機構) means a person, school, institution, organization or other body—

- (a) the whole or part of the business of which includes the assessment of the skills, knowledge or experience acquired by individuals; and
- (b) which grants qualifications recognizing the skills, knowledge or experience acquired by an individual, after an assessment of those skills, knowledge or experience;

“business” (業務) means business with or without a view to profit;

“granting body” (頒授者), in relation to a qualification, means the person, school, institution, organization or other body which grants the qualification;

“industry” (行業) includes a trade, profession or occupation;

“learning programme” (進修計劃) means a programme of studies or training defined by a curriculum (which may consist of one or more modules, units, subjects or courses or any combination of those elements) and includes, where the context permits, any proposed programme of such studies or training;

“operator” (營辦者) means a person, school, institution, organization or other body, the whole or part of the business of which includes the operation of any learning programme or any part of a learning programme;

“QR Authority” (資歷名冊當局) means the organization or body specified in Part 2 of Schedule 1;

“qualification” (資歷) includes a recognition of the skills, knowledge or experience acquired by an individual;

“Qualifications Framework” (資歷架構) means the framework established and maintained by the Secretary under section 3(1);

“Qualifications Register” (資歷名冊) means the register established by the Secretary under section 3(2);

“review committee” (覆檢委員會) means a committee established by the Accreditation Authority or the QR Authority under section 10(1);

“Secretary” (局長) means the Secretary for Education and Manpower;  
 “self-accrediting operator” (自行評審營辦者) means an operator listed in  
 Schedule 2.

## PART 2

### QUALIFICATIONS FRAMEWORK AND QUALIFICATIONS REGISTER

#### **3. Establishment of Qualifications Framework and Qualifications Register**

(1) The Secretary shall establish and maintain a framework, called the Qualifications Framework, which contains a structure of levels of qualifications, and shall make the framework available to the public on the internet.

(2) The Secretary shall establish a register for entering qualifications recognized under the Qualifications Framework.

#### **4. Accreditation Authority**

(1) The functions of the Accreditation Authority are—

(a) subject to the direction of the Secretary, to develop and implement the standards and mechanism for academic or vocational qualifications accreditation to underpin the Qualifications Framework; and

(b) to conduct accreditation tests to determine the matters required to be determined by the Accreditation Authority under section 8 and Schedule 3.

(2) The Accreditation Authority may perform the functions under subsection (1) on its own or, subject to the prior approval of the Secretary, jointly with other persons or organizations.

(3) The Accreditation Authority may, in relation to a particular case, delegate the performance of the function under subsection (1)(b) and any powers necessary for such performance to any person or to any group of persons, which may include members of the Accreditation Authority.

(4) The Accreditation Authority may—

(a) determine the fees to be charged for the conduct of accreditation tests and charge such fees;

(b) pay honoraria to a person to whom a function is delegated under subsection (3);

- (c) pay the travelling, accommodation or any other expenses reasonably incurred by a person to whom a function is delegated under subsection (3);
- (d) publish and distribute such material (including accreditation reports) as the Accreditation Authority thinks fit;
- (e) determine the fees to be charged for any material published under paragraph (d) and charge such fees; and
- (f) do all things that are necessary for, or incidental or conducive to, the better performance of its functions under this Ordinance.

## 5. Accreditation report

(1) The Accreditation Authority shall, in performing the function under section 4(1)(b) in relation to a particular case and after conducting the relevant accreditation tests, produce a report stating its determination, the validity period of the determination and the conditions or restrictions, if any, subject to which the determination is to have effect.

(2) The Accreditation Authority may vary or withdraw an accreditation report if it is satisfied that—

- (a) in any particular case, the report has been produced in reliance on any misleading or false statement, representation or information, either oral or in writing;
- (b) in the case of a report on an operator, the operator is no longer competent to achieve the objectives as claimed by the operator;
- (c) in the case of a report on an assessment agency, the agency is no longer competent to assess the skills, knowledge or experience acquired by individuals in relation to the relevant industry or branch of industry;
- (d) in the case of a report on a learning programme, the programme no longer meets the standard to achieve the objectives of the programme as claimed by its operator; or
- (e) in the case of a report on a qualification, the skills, knowledge or experience recognized by the qualification no longer meet the particular standard as determined in the report.

(3) The Accreditation Authority shall, on payment of the fees determined under section 4(4)(a), give a copy of the accreditation report to the relevant operator, assessment agency or granting body.

(4) If the Accreditation Authority decides to vary or withdraw an accreditation report under subsection (2), it shall give notice in writing of the decision to the relevant operator, assessment agency or granting body.



## 6. QR Authority

(1) The function of the QR Authority is, subject to the direction of the Secretary, to maintain the Qualifications Register as provided for in section 7.

(2) The QR Authority may perform the function under subsection (1) on its own or, subject to the prior approval of the Secretary, jointly with other persons or organizations.

(3) The QR Authority may do all things that are necessary for, or incidental or conducive to, the better performance of its function under this Ordinance.

## 7. Qualifications Register

(1) Subject to the procedure referred to in subsection (2), the QR Authority may—

- (a) on payment of the fees determined under subsection (7)(a), enter a qualification coming within any of the descriptions specified in Schedule 3 into the Qualifications Register and specify the validity period of such an entry;
  - (b) on payment of the fees determined under subsection (7)(b) and on or before the date of the expiry of the validity period of an entry of a qualification in the Qualifications Register, extend the validity period for such period as the QR Authority thinks fit if the qualification has not ceased to be a qualification coming within any of the descriptions specified in Schedule 3;
  - (c) abridge a validity period specified under paragraph (a) if the relevant qualification ceases to be a qualification coming within any of the descriptions specified in Schedule 3 as in force at the time of the entry of the qualification into the Qualifications Register;
  - (d) abridge a validity period extended under paragraph (b) if the relevant qualification ceases to be a qualification coming within any of the descriptions specified in Schedule 3 as in force at the time of the most recent extension of the validity period; and
  - (e) remove an entry of a qualification from the Qualifications Register if the qualification has been entered into the Qualifications Register—
    - (i) by mistake; or
    - (ii) in reliance on any misleading or false statement, representation or information, either oral or in writing.
- (2) The QR Authority shall determine the procedure for—
- (a) the entry into or removal from the Qualifications Register of a qualification; and

(b) specifying, extending or abridging the validity period of an entry.

(3) An entry of a qualification in the Qualifications Register shall contain the following information—

- (a) the name of the qualification;
- (b) the name of the relevant granting body;
- (c) the description of the relevant learning programme, and the name of the relevant operator (if different from the granting body), if applicable;
- (d) the relevant level of the Qualifications Framework under which the qualification is recognized;
- (e) the registration number assigned by the QR Authority for the entry;
- (f) the validity period of the entry;
- (g) such other particulars as the QR Authority thinks fit.

(4) The Qualifications Register shall be made available to the public for inspection free of charge at such place and in such form and at such reasonable times as the QR Authority may specify.

(5) The QR Authority shall not be liable to refund any fee or any part of any fee on the abridgement of a validity period under subsection (1)(c) or (d) or the removal of an entry of a qualification from the Qualifications Register under subsection (1)(e).

(6) The QR Authority shall, after making a decision to—

- (a) enter or refuse to enter a qualification into the Qualifications Register under subsection (1)(a);
- (b) specify a period as the validity period of an entry of a qualification in the Qualifications Register under subsection (1)(a);
- (c) extend or refuse to extend the validity period of an entry of a qualification in the Qualifications Register under subsection (1)(b);
- (d) abridge the validity period of an entry of a qualification in the Qualifications Register under subsection (1)(c) or (d); or
- (e) remove an entry of a qualification from the Qualifications Register under subsection (1)(e),

give notice in writing of the decision to the relevant operator, assessment agency or granting body.

(7) The QR Authority may, subject to the prior approval of the Secretary, determine fees to be charged for—

- (a) the entry of a qualification into the Qualifications Register and the specification of a validity period of the entry; and

(b) the extension of the validity period of an entry of a qualification in the Qualifications Register, and charge such fees.

**8. Appointed assessment agency**

(1) The Secretary may—

- (a) appoint one or more assessment agencies for such term as the Secretary may specify to grant qualifications, in relation to an industry or a branch of an industry, for the purposes of the Qualifications Framework;
- (b) re-appoint an appointed assessment agency, on or before the date of the expiry of its term, for such term as the Secretary may specify; and
- (c) impose conditions or restrictions in appointing or re-appointing an assessment agency.

(2) The Secretary shall not appoint or re-appoint an assessment agency under subsection (1) unless the Accreditation Authority determines that the agency is competent to assess the skills, knowledge or experience acquired by individuals in relation to the relevant industry or branch of an industry, and in deciding whether to appoint or re-appoint an assessment agency, the Secretary shall have regard to—

- (a) the views of organizations that he considers represent the interests of the relevant industry or branch of an industry;
- (b) the characteristics of the relevant industry or branch of an industry;
- (c) the fee charging policy of the agency; and
- (d) any other matters that the Secretary considers appropriate in the circumstances.

(3) The Secretary shall keep a list of the names of appointed assessment agencies and shall make it available to the public on the internet.

(4) The Secretary may cancel the appointment or re-appointment of an assessment agency—

- (a) if the Accreditation Authority determines that the agency is no longer competent to assess the skills, knowledge or experience acquired by individuals in relation to the relevant industry or branch of an industry;
- (b) if the Secretary is satisfied that the agency—
  - (i) is not able to comply or has not complied with any conditions or restrictions imposed under subsection (1)(c); or
  - (ii) has, by its acts or omissions, misconducted itself; or
- (c) if the Secretary is satisfied that the appointment or the re-appointment should be cancelled for any other reasonable cause.

(5) If the Secretary decides not to re-appoint an assessment agency under subsection (1)(b), he shall send a notice of his decision to the agency and shall state in the notice the reason for the decision.

(6) If the Secretary cancels the appointment or re-appointment of an assessment agency under subsection (4), he shall send a notice of cancellation to the agency and shall state in the notice—

- (a) the reason for the cancellation; and
- (b) the date on which the appointment or re-appointment is to cease to have effect.

(7) If an assessment agency is aggrieved by—

- (a) a decision of the Secretary not to re-appoint it under subsection (1)(b); or
- (b) a decision of the Secretary—
  - (i) on the length of its term of re-appointment specified under subsection (1)(b);
  - (ii) to impose any conditions or restrictions under subsection (1)(c) in respect of its re-appointment; or
  - (iii) to cancel its appointment or re-appointment under subsection (4),

the agency may appeal to the Administrative Appeals Board but the appeal shall not affect the operation of the decision.

### PART 3

#### REVIEWS IN RELATION TO QUALIFICATIONS FRAMEWORK AND QUALIFICATIONS REGISTER

##### **9. Application for reviews**

(1) An operator, assessment agency or granting body who is aggrieved by—

- (a) a determination of the Accreditation Authority, as stated in an accreditation report;
- (b) a decision of the Accreditation Authority on the length of the validity period of a determination of the Authority, as stated in an accreditation report;
- (c) a decision of the Accreditation Authority as to the conditions or restrictions subject to which a determination of the Authority is to have effect, as stated in an accreditation report;
- (d) a decision of the Accreditation Authority referred to in section 5(4); or

(e) a decision of the QR Authority referred to in section 7(6), may apply to the Accreditation Authority or the QR Authority, as the case may be, for a review of the relevant determination or decision.

(2) An application for a review under subsection (1) shall—

(a) be made in such form as the Accreditation Authority or the QR Authority, as the case may be, may specify;

(b) be made—

(i) within 30 days of the receipt by the operator, assessment agency or granting body of a copy of the accreditation report under section 5(3) or the notice of the decision under section 5(4) or 7(6), as the case may be; or

(ii) within such further period as the Accreditation Authority or the QR Authority, as the case may be, may allow; and

(c) be accompanied by the fees determined under subsection (3).

(3) Each of the Accreditation Authority and the QR Authority may, subject to the prior approval of the Secretary, determine the fees to be charged for reviews by review committees established by it under this Part and charge such fees.

## 10. Establishment of review committees

(1) On receipt of an application for a review under section 9(1) and the fees determined under section 9(3), the Accreditation Authority or the QR Authority, as the case may be, shall—

(a) establish a committee to conduct the review and to make general recommendations on any matter arising from the review; and

(b) determine the terms of reference of the committee.

(2) The members of a review committee shall consist of—

(a) a chairman; and

(b) not less than 2 and not more than 6 other persons,

appointed by the Accreditation Authority or the QR Authority, as the case may be, in accordance with subsection (3).

(3) The members of a review committee shall be appointed from among persons, not being members of the Accreditation Authority or the QR Authority, as the case may be, who, in the opinion of the Authority concerned, are suitable by reason of their—

(a) expertise or experience in quality assurance or the conduct of accreditation tests; or

(b) good standing in the field of commerce, finance, education or training or in any industry.

(4) If the chairman or any other member of any review committee, due to absence from Hong Kong or for any other reason, is unable to act as a chairman or member for any period, the Accreditation Authority or the QR Authority, as the case may be, may appoint another person to act in the place of the chairman or such member for that period.

- (5) Each of the Accreditation Authority and the QR Authority may—
- (a) pay honoraria to any member of a review committee established by it;
  - (b) pay the travelling, accommodation or any other expenses reasonably incurred by any member of such review committee in connection with his duties as such member; and
  - (c) make rules to provide for the regulation of the procedures governing meetings of such review committee.

## 11. Functions of review committees

- (1) A review committee—
- (a) shall, subject to this Ordinance, regulate its own procedure;
  - (b) may receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not it would be admissible in a court of law;
  - (c) may, by notice in writing, request any person—
    - (i) to produce to it any document or article that is relevant to the review and is in his custody or under his control; and
    - (ii) to appear before it and to give evidence relevant to the review; and
  - (d) shall, within a period specified by the Accreditation Authority or the QR Authority, as the case may be, submit a report to the Authority concerned which contains—
    - (i) recommendations in respect of the relevant case or general recommendations or both; and
    - (ii) reasons for the recommendations.
- (2) After a report has been submitted by a review committee under subsection (1)(d), the Accreditation Authority or the QR Authority, as the case may be, may—
- (a) provide further information to the review committee and request the review committee to answer any further question that the Authority concerned thinks fit; and
  - (b) request the review committee to reconsider its recommendations.
- (3) If a request is made under subsection (2), the review committee shall within a period specified by the Accreditation Authority or the QR Authority, as the case may be—
- (a) in the case of subsection (2)(a), answer the question; or

- (b) in the case of subsection (2)(b), notify the Authority concerned whether the review committee confirms, varies or reverses the recommendations referred to in subsection (1)(d) or substitutes any other recommendations for those recommendations.

## **12. Final decision of Accreditation Authority or QR Authority**

As soon as practicable after receiving a report referred to in section 11(1)(d) or, if section 11(2) and (3) is applicable, the relevant answer or notification, the Accreditation Authority or the QR Authority, as the case may be, shall—

- (a) having regard to the recommendations and any other relevant circumstances, make a final decision to confirm, vary or reverse the determination or decision under review or substitute any other determination or decision for the determination or decision under review; and
- (b) notify the applicant in writing of the final decision and the reasons for the final decision.

## **PART 4**

### **OFFENCES AND ENFORCEMENT**

## **13. Advertisements relating to the Qualifications Framework and the Qualifications Register**

(1) No person shall publish or cause to be published an advertisement which claims, represents or holds out that a qualification obtainable from a granting body or from the completion of a learning programme is recognized under the Qualifications Framework unless—

- (a) all of the following information is contained in the advertisement—
- (i) the name of the qualification;
  - (ii) the name of the relevant granting body;
  - (iii) the description of the relevant learning programme, and the name of the relevant operator (if different from the granting body), if applicable;
  - (iv) the relevant level of the Qualifications Framework under which the qualification is recognized;
  - (v) the registration number assigned by the QR Authority for the entry of the qualification in the Qualifications Register;
  - (vi) the validity period of the entry; and

(b) at the time of the publication of the advertisement, the information referred to in paragraph (a) and contained in the advertisement corresponds to the information contained in the entry referred to in paragraph (a)(v).

(2) No person shall publish or cause to be published an advertisement which claims, represents or holds out that a person, school, institution, organization or other body is an appointed assessment agency unless the person, school, institution, organization or body is an appointed assessment agency at the time of the publication of the advertisement.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 5.

(4) Where a person is charged with an offence under subsection (3), it shall be a defence for the person charged to prove—

(a) that—

(i) he carries on the business of publishing or arranging for the publication of advertisements;

(ii) he received the advertisement for publication in the ordinary course of his business; and

(iii) at the time of the publication of the advertisement, he believed on reasonable grounds that all the information referred to in subsection (1)(a) was contained in the advertisement and corresponded to the information contained in the relevant entry of a qualification in the Qualifications Register, or that the relevant assessment agency was an appointed assessment agency, as the case may be; or

(b) that he took all reasonable steps and exercised all due diligence to prevent the commission of the offence.

(5) For the purposes of this section, an advertisement may be constituted by any words, whether written or spoken, or any picture, drawing, visual image, figure or article—

(a) appearing in any publication; or

(b) brought to the notice of the general public or any section of the general public in any other way.

(6) For the purposes of this section, “publish” (發表) includes broadcast or otherwise disseminate.



**14. Misleading or false statement, representation or information**

Any person who, either orally or in writing, makes any statement or representation or furnishes any information to the Accreditation Authority, the QR Authority or a review committee in connection with the performance of its functions under this Ordinance which the person knows is misleading or false in a material respect commits an offence and is liable on conviction to a fine at level 5.

**15. Power of entry, search, seize, etc.**

(1) Where a warrant has been issued under subsection (2) in respect of any premises, an inspection officer or a police officer may—

- (a) at any time, using such force as may be necessary, enter and search such premises;
- (b) detain any person found in such premises, during such period as is reasonably required to permit any such search to be carried out, where that person might prejudice the purpose of such search if he were not so detained; and
- (c) inspect, seize and detain anything which is or appears to him to be or to contain, or to be likely to be or to contain, evidence of the commission of an offence under this Ordinance.

(2) Where a magistrate is satisfied by information on oath that there are reasonable grounds for believing that—

- (a) an offence under this Ordinance is being or has been committed in any premises; or
- (b) there is or may be in any premises anything which is or contains, or is likely to be or to contain, evidence of the commission of an offence under this Ordinance,

he may issue a warrant authorizing any inspection officer or police officer to enter such premises.

(3) If an inspection officer or a police officer is requested to produce proof of his authority, he shall not exercise any power conferred by subsection (1) unless he has produced the proof of his authority as requested.

(4) An inspection officer or a police officer may, in the exercise of the powers conferred by subsection (1)—

- (a) break open any door of any premises which he is empowered to enter under that subsection; and
- (b) remove by force any person or thing obstructing him in the exercise of such powers.

(5) Any person who obstructs an inspection officer or a police officer in the exercise of any power conferred by subsection (1) or (4) commits an offence and is liable on conviction to a fine at level 3.

(6) In this section, “inspection officer” (視察人員) means any public officer authorized by the Secretary in writing either generally or in any particular case to be an inspection officer for the purposes of this section.

## PART 5

### MISCELLANEOUS

#### **16. Determination and approval of fees**

(1) The amount of any fee determined under this Ordinance shall not be limited by reference to the amount of administrative or other costs incurred or likely to be incurred in relation to the matter to which such fee relates, and different fees may be determined for the same type of matter in order to provide for particular circumstances or particular cases.

(2) Each of the Accreditation Authority and the QR Authority shall in each year submit to the Secretary for his prior approval—

- (a) a statement of its fee charging policy in relation to the exercise of its power and performance of its functions or duties under this Ordinance; and
- (b) a schedule of its fees which require approval of the Secretary under this Ordinance.

(3) In approving any fee under this Ordinance, the Secretary may approve the amount of the fee proposed to be charged in relation to the relevant matter or may approve a maximum fee that may be charged in relation to such matter or any type of matter.

(4) Each of the Accreditation Authority and the QR Authority may refund, reduce or waive any fees charged by it under this Ordinance, either generally or in any particular case.

#### **17. Secretary may amend Schedules 1, 2 and 3**

(1) The Secretary may by order published in the Gazette amend Schedules 1, 2 and 3.

(2) An order under this section may contain such incidental, consequential, supplemental, transitional or savings provisions as may be necessary or expedient in consequence of the order.

**18. Protection of members, employees, etc. of  
Accreditation Authority, QR Authority  
or review committee, etc.**

(1) A member or employee of the Accreditation Authority or the QR Authority, a member of any review committee or a person delegated under section 4(3), acting in good faith, shall not be personally liable for any act done or default made by—

- (a) the Accreditation Authority or the QR Authority, as the case may be;
- (b) any review committee; or
- (c) any such member, employee or person,

in the exercise or purported exercise of the powers conferred by this Ordinance or in the performance or purported performance of the functions or duties imposed under this Ordinance.

(2) The protection conferred under subsection (1) on any member, employee or other person in respect of any act or default shall not affect any liability of the Accreditation Authority or the QR Authority, as the case may be, for that act or default.

**PART 6**

**CONSEQUENTIAL AND RELATED AMENDMENTS TO THE HONG KONG  
COUNCIL FOR ACADEMIC ACCREDITATION ORDINANCE**

**19. Long title substituted**

The long title to the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) is repealed and the following substituted—

“An Ordinance to provide for the establishment of the Hong Kong Council for Academic and Vocational Accreditation as a body corporate and its functions, and for incidental and related matters.”.

**20. Short title amended**

Section 1 is amended by adding “and Vocational” after “Academic”.

**21. Interpretation**

(1) Section 2(1) is amended by repealing the definition of “academic accreditation”.

(2) Section 2(1) is amended, in the definition of “committee”, by repealing “the Executive Committee or any other committee” and substituting “a committee”.

(3) Section 2(1) is amended, in the definition of “Council”, by adding “and Vocational” after “Academic”.

(4) Section 2(1) is amended by repealing the definitions of “degree course” and “Executive Committee”.

(5) Section 2(1) is amended, in the definition of “總幹事”, by repealing “的人。” and substituting “的人 ;”.

(6) Section 2(1) is amended by adding—

““accreditation report” (評審報告) means a report produced by the Council under section 5A(1);

“accreditation test” (評審考核) means any assessment, evaluation or other activity to determine—

- (a) in relation to an operator, whether the operator is competent to achieve the objectives as claimed by the operator;
- (b) in relation to an assessment agency, whether the agency is competent to assess the skills, knowledge or experience acquired by individuals in relation to an industry or a branch of an industry;
- (c) in relation to a learning programme, whether the programme meets a standard to achieve the objectives of the programme as claimed by its operator;
- (d) in relation to a qualification, whether the skills, knowledge or experience recognized by the qualification meet a particular standard; and
- (e) in relation to an individual, whether the totality of the educational qualifications of the individual meet the standard of a particular qualification obtained in Hong Kong;

“assessment agency” (評估機構) means a person, school, institution, organization or other body—

- (a) the whole or part of the business of which includes the assessment of the skills, knowledge or experience acquired by individuals; and
- (b) which grants qualifications recognizing the skills, knowledge or experience acquired by an individual, after an assessment of those skills, knowledge or experience;

“business” (業務) means business with or without a view to profit;

- “financial year” (財政年度) means a period fixed by the Council under section 13(1);
- “granting body” (頒授者), in relation to a qualification, means the person, school, institution, organization or other body which grants the qualification;
- “industry” (行業) includes a trade, profession or occupation;
- “learning programme” (進修計劃) means a programme of studies or training defined by a curriculum (which may consist of one or more modules, units, subjects or courses or any combination of those elements) and includes, where the context permits, any proposed programme of such studies or training;
- “operator” (營辦者) means a person, school, institution, organization or other body, the whole or part of the business of which includes the operation of any learning programme or any part of a learning programme;
- “qualification” (資歷) includes a recognition of the skills, knowledge or experience acquired by an individual;
- “review committee” (覆檢委員會) means a committee established by the Council under section 17B(1);”.

(7) Section 2(2) is repealed.

## **22. Part heading amended (Part II)**

The heading of Part II is amended by adding “AND VOCATIONAL” after “ACADEMIC”.

## **23. Establishment of the Council**

- (1) Section 3(1) is repealed and the following substituted—  
“(1) There is established a body corporate to be known as the Hong Kong Council for Academic and Vocational Accreditation which may sue and be sued.”.
- (2) Section 3(2)(a) is amended by repealing “subsection (3); and” and substituting “subsections (2A) and (3);”.
- (3) Section 3(2) is amended by adding—  
“(aa) the Permanent Secretary for Education and Manpower or his representative; and”.
- (4) Section 3 is amended by adding—  
“(2A) The appointed members shall be appointed from among persons who, in the opinion of the Chief Executive, are suitable by reason of their—

- (a) expertise or experience in quality assurance or the conduct of accreditation tests; or
  - (b) good standing in the field of commerce, finance, education or training or in any industry.”.
- (5) Section 3(3) is repealed and the following substituted—  
 “(3) Of the appointed members, not less than 4 and not more than 7 shall be persons who are not residents of Hong Kong.”.
- (6) Section 3(9) is repealed.

**24. Section substituted**

Section 4 is repealed and the following substituted—

**“4. Functions of the Council**

- (1) The Council may perform any or all of the following functions—
- (a) conducting accreditation tests in relation to operators, assessment agencies, learning programmes and qualifications, either—
    - (i) generally; or
    - (ii) as authorized under any other enactment;
  - (b) conducting accreditation tests in relation to individuals;
  - (c) disseminating information on standards of learning programmes and promoting the methods and practices of conducting accreditation tests;
  - (d) establishing relationships with accreditation or quality assurance bodies and education and training authorities outside Hong Kong and keeping under review the systems of academic or vocational accreditation in places outside Hong Kong;
  - (e) conducting, holding or assisting in seminars, conferences or any other forms of instructional or promotional activity;
  - (f) conducting or commissioning research into the maintenance or monitoring of the standards of education and of training;
  - (g) such other functions related to academic or vocational accreditation, education or training as may be permitted or assigned to the Council by the Secretary, or as authorized under any other enactment.

(2) The Council may, subject to the prior approval of the Secretary—

- (a) conduct accreditation tests under subsection (1)(a)(i) and (b) in relation to an operator, assessment agency or individual outside Hong Kong, a learning programme operated outside Hong Kong or a qualification obtainable outside Hong Kong; and
- (b) perform outside Hong Kong any function permitted or assigned by the Secretary under subsection (1)(g).”.

## 25. Powers of the Council

(1) Section 5 is amended by renumbering it as section 5(2).

(2) Section 5 is amended by adding—

“(1) Subject to section 19, the Council may—

- (a) do all things that are necessary for, or incidental or conducive to, the better performance of the functions of the Council;
- (b) perform any function under section 4(1) (except section 4(1)(a)(ii)) on its own or jointly with or as agent for other persons or organizations; and
- (c) exercise such powers as may be conferred upon it under any other enactment.”.

(3) Section 5(2) is amended by repealing “The Council” and substituting “Without limiting the generality of subsection (1), the Council”.

(4) Section 5(2)(a) is amended by repealing “section 4” and substituting “section 4(1) (except section 4(1)(a)(ii))”.

(5) Section 5(2)(b) is repealed and the following substituted—

- “(b) publish and distribute such material (including accreditation reports, except those prepared in relation to individuals in performing the function under section 4(1)(b)) as the Council thinks fit;
- (ba) determine the fees to be charged for any material published under paragraph (b) and charge such fees;”.

(6) Section 5(2)(c) is amended by repealing “academic accreditation) and specify conditions and fees (if any) subject to which it can be used and charge any such fee” and substituting “accreditation tests) and specify conditions, and determine fees (if any), subject to which it can be used and charge such fees”.

(7) Section 5(2)(d) is repealed and the following substituted—

- “(d) determine the fees to be charged in respect of the performance of any function referred to in section 4(1)(e) and charge such fees;”.

- (8) Section 5(2)(*e*) is repealed and the following substituted—  
 “(*e*) determine the fees to be charged for the conduct of accreditation tests and charge such fees;”.
- (9) Section 5(2) is amended by adding—  
 “(*ea*) subject to the prior approval of the Secretary, determine the fees to be charged for reviews under Part IVA and charge such fees;”.
- (10) Section 5(2)(*f*) is amended by repealing “and (*e*)” and substituting “, (*e*) and (*ea*)”.
- (11) Section 5(2)(*g*) is repealed and the following substituted—  
 “(*g*) subject to the prior approval of the Secretary, pay honoraria to appointed members who are not residents of Hong Kong;  
 (*ga*) pay honoraria to any person appointed under paragraph (*a*) to whom a function is delegated under section 8(2), in relation to the performance of such function;  
 (*gb*) pay honoraria to members of review committees in relation to the performance of their functions under Part IVA;”.
- (12) Section 5(2)(*h*) is amended by repealing “paragraph (*g*)(ii) in relation to the performance by such person of any function referred to in that paragraph” and substituting “paragraphs (*ga*) and (*gb*) in relation to the performance by such person of any function referred to in those paragraphs”.
- (13) Section 5(2) is amended—  
 (*a*) in paragraph (*l*)—  
     (i) by adding “prior” before “approval”;  
     (ii) by repealing the semicolon at the end and substituting a full stop;  
 (*b*) by repealing paragraph (*m*).
- (14) Section 5 is amended by adding—  
 “(3) The amount of any fee determined under subsection (2) shall not be limited by reference to the amount of administrative or other costs incurred or likely to be incurred in relation to the matter to which such fee relates, and different fees may be determined for the same type of matter in order to provide for particular circumstances or particular cases.  
 (4) For the purposes of subsection (2)(*ea*), the Secretary may approve the amount of the fee proposed to be charged in relation to any matter under that subsection or may approve a maximum fee that may be charged in relation to such matter or any type of matter.”.



**26. Section added**

The following is added immediately after section 5—

**“5A. Accreditation report**

(1) The Council shall, in performing the functions under section 4(1)(a)(i) and (b) in relation to a particular case and after conducting the relevant accreditation tests, produce a report stating its determination and, except in relation to an individual, the validity period of the determination and the conditions or restrictions, if any, subject to which the determination is to have effect.

(2) The Council may vary or withdraw an accreditation report if it is satisfied that—

- (a) in any particular case, the report has been produced in reliance on any misleading or false statement, representation or information, either oral or in writing;
- (b) in the case of a report on an operator, the operator is no longer competent to achieve the objectives as claimed by the operator;
- (c) in the case of a report on an assessment agency, the agency is no longer competent to assess the skills, knowledge or experience acquired by individuals in relation to the relevant industry or branch of industry;
- (d) in the case of a report on a learning programme, the programme no longer meets the standard to achieve the objectives of the programme as claimed by its operator; or
- (e) in the case of a report on a qualification, the skills, knowledge or experience recognized by the qualification no longer meet the particular standard as determined in the report.

(3) The Council shall, on payment of the fees determined under section 5(2)(e), give a copy of the accreditation report to the relevant operator, assessment agency, granting body or individual.

(4) If the Council decides to vary or withdraw an accreditation report under subsection (2), it shall give notice in writing of the decision to the relevant operator, assessment agency, granting body or individual.”.

**27. Executive Director of the Council**

- (1) Section 6(1)(b) is amended by adding “prior” before “approval”.
- (2) Section 6(2) is amended by adding “prior” before “approval”.

**28. Employees, etc. of the Council**

Section 7 is amended by repealing “on terms of remuneration approved by the Secretary under section 9 and on such” and substituting “on such terms of remuneration and”.

**29. Delegation**

(1) Section 8(2) is amended by repealing “The Council may delegate the performance, in relation to a particular case, of any function specified in section 4(a)” and substituting “Without limiting section 5(1)(c), the Council may delegate the performance, in relation to a particular case, of any function specified in section 4(1)(a)(i) or (b) or permitted or assigned by the Secretary under section 4(1)(g)”.

(2) Section 8(2) is amended by repealing “section 5(a)” where it twice appears and substituting “section 5(2)(a)”.

**30. Prior approval of the Secretary for remuneration, etc.**

(1) Section 9(1)(a) is amended by repealing “or of any employee or class of employees or of any advisers appointed or engaged under section 7”.

(2) Section 9(1)(b) is amended by repealing “section 5” and substituting “section 5(2)(g)”.

(3) Section 9(1) is amended by adding “prior” before “approval”.

(4) Section 9(2) is repealed.

(5) Section 9(3) is amended by repealing “remuneration or honoraria any amount other than an amount approved” and substituting “remuneration of the Executive Director or honoraria of appointed members who are not residents of Hong Kong any amount other than an amount approved in advance”.

**31. Secretary to consult with Secretary for Financial Services and the Treasury before approving fees, charges, etc.**

Section 10 is repealed.

**32. Resources of the Council**

Section 11(a) is amended by repealing “the carrying out of its functions” and substituting “the exercise of its powers and performance of its functions and duties”.

**33. Use of surplus funds**

Section 12 is amended by repealing “shall be deposited with any bank approved by the Secretary or invested in such investments as may be approved by the Secretary.” and substituting—

“shall—

- (a) be deposited in any bank as defined in section 2(1) of the Banking Ordinance (Cap. 155); or
- (b) be invested in such other forms of investments as may be approved in advance by the Secretary.”.

**34. Section substituted**

Section 13 is repealed and the following substituted—

**“13. Financial year, programme of proposed activities, estimates of income and expenditure, statement of fee charging policy and schedule of fees**

- (1) The Council may, with the prior approval of the Secretary—
  - (a) from time to time fix a period of 12 months to be the financial year of the Council; and
  - (b) on fixing a new period to be its financial year under paragraph (a), fix a period of more than or less than 12 months as its first financial year after the modification of the period.
- (2) The Council shall, not later than 5 months before the close of each financial year or such other date as the Secretary may approve, submit to the Secretary for his prior approval—
  - (a) a programme of its proposed activities for the next financial year;
  - (b) estimates of its income and expenditure for the next financial year;
  - (c) a statement of its fee charging policy in relation to the exercise of its power and performance of its functions or duties for the next financial year;
  - (d) a schedule of the fees proposed to be charged in relation to the exercise of its powers under section 5(2)(ea) for the next financial year; and
  - (e) a schedule of the fees, which require approval of the Secretary under any other enactment, proposed to be charged by it for the next financial year.

(3) The Council may, subject to the prior approval of the Secretary, revise any programme, estimate, statement or schedule submitted under subsection (2).”.

**35. Part IVA added**

The following is added immediately after section 17—

“PART IVA

REVIEW

**17A. Application for reviews**

(1) An operator, assessment agency, granting body or individual who is aggrieved by—

- (a) a determination of the Council, as stated in an accreditation report;
- (b) a decision of the Council on the length of the validity period of a determination of the Council, as stated in an accreditation report;
- (c) a decision of the Council as to the conditions or restrictions subject to which a determination of the Council is to have effect, as stated in an accreditation report; or
- (d) a decision of the Council referred to in section 5A(4),

may apply to the Council for a review of the relevant determination or decision.

(2) An application for a review under subsection (1) shall—

- (a) be made in such form as the Council may specify;
- (b) be made—
  - (i) within 30 days of the receipt by the operator, assessment agency, granting body or individual of a copy of the accreditation report under section 5A(3) or the notice of the decision under section 5A(4), as the case may be; or
  - (ii) within such further period as the Council may allow; and
- (c) be accompanied by the fees determined under section 5(2)(ea).

**17B. Establishment of review committees**

- (1) On receipt of an application for a review under section 17A(1) and the fees determined under section 5(2)(*ea*), the Council shall—
- (a) establish a committee to conduct the review and to make general recommendations to the Council on any matter arising from the review; and
  - (b) determine the terms of reference of the committee.
- (2) The members of a review committee shall consist of—
- (a) a chairman; and
  - (b) not less than 2 and not more than 6 other persons,
- appointed by the Council in accordance with subsection (3).
- (3) The members of a review committee shall be appointed from among persons, not being members of the Council, who, in the opinion of the Council, are suitable by reason of their—
- (a) expertise or experience in quality assurance or the conduct of accreditation tests; or
  - (b) good standing in the field of commerce, finance, education or training or in any industry.
- (4) If the chairman or any other member of any review committee, due to absence from Hong Kong or for any other reason, is unable to act as a chairman or member for any period, the Council may appoint another person to act in the place of the chairman or such member for that period.
- (5) For the avoidance of doubt, it is declared that Schedule 2 does not apply to a review committee.

**17C. Functions of review committees**

- (1) A review committee—
- (a) shall, subject to this Ordinance, regulate its own procedure;
  - (b) may receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not it would be admissible in a court of law;
  - (c) may, by notice in writing, request any person—
    - (i) to produce to it any document or article that is relevant to the review and is in his custody or under his control; and
    - (ii) to appear before it and to give evidence relevant to the review; and
  - (d) shall, within a period specified by the Council, submit a report to the Council which contains—

- (i) recommendations in respect of the relevant case or general recommendations or both; and
  - (ii) reasons for the recommendations.
- (2) After a report has been submitted by a review committee under subsection (1)(d), the Council may—
- (a) provide further information to the review committee and request the review committee to answer any further question that the Council thinks fit; and
  - (b) request the review committee to reconsider its recommendations.
- (3) If a request is made under subsection (2), the review committee shall within a period specified by the Council—
- (a) in the case of subsection (2)(a), answer the question; or
  - (b) in the case of subsection (2)(b), notify the Council whether the review committee confirms, varies or reverses the recommendations referred to in subsection (1)(d) or substitutes any other recommendations for those recommendations.

**17D. Final decision of the Council**

As soon as practicable after receiving a report referred to in section 17C(1)(d) or, if section 17C(2) and (3) is applicable, the relevant answer or notification, the Council shall—

- (a) having regard to the recommendations and any other relevant circumstances, make a final decision to confirm, vary or reverse the determination or decision under review or substitute any other determination or decision for the determination or decision under review; and
- (b) notify the applicant in writing of the final decision and the reasons for the final decision.”.

**36. Section substituted**

Section 21 is repealed and the following substituted—

**“21. Protection of members, employees, etc.**

(1) A member or employee of the Council, a member of any committee or review committee or any person appointed by the Council under section 5(2)(a), acting in good faith, shall not be personally liable for any act done or default made by—

- (a) the Council;
- (b) any committee;

- (c) any review committee; or
- (d) any such member, employee or person,

in the exercise or purported exercise of the powers conferred by this Ordinance or in the performance or purported performance of the functions or duties imposed under this Ordinance.

(2) The protection conferred under subsection (1) on any member, employee or other person in respect of any act or default shall not affect any liability of the Council for that act or default.”.

### **37. Rule making powers of the Council**

(1) Section 22(2) is amended by adding—

“(aa) the procedures governing meetings of any review committee;”.

(2) Section 22(2)(d) is amended by repealing “academic accreditation” and substituting “accreditation tests”.

### **38. Unauthorized use of the title of the Council**

(1) Section 23(1)(b) is amended by adding “and Vocational” after “Academic” where it twice appears.

(2) Section 23(2) is amended by repealing “of \$50,000” and substituting “at level 5”.

### **39. Section added**

The following is added—

#### **“23A. Misleading or false statement, representation or information**

Any person who, either orally or in writing, makes any statement or representation or furnishes any information to the Council or a review committee in connection with the performance of its functions under this Ordinance which the person knows is misleading or false in a material respect commits an offence and is liable on conviction to a fine at level 5.”.

### **40. Section substituted**

Section 25 is repealed and the following substituted—

**“25. Secretary may amend Schedule 2**

(1) The Secretary may by order published in the Gazette amend Schedule 2.

(2) An order under this section may contain such incidental, consequential, supplemental, transitional or savings provisions as may be necessary or expedient in consequence of the order.”.

**41. Section added**

The following is added—

**“27. Savings and transitional provisions relating to the Accreditation of Academic and Vocational Qualifications Ordinance**

(1) In this section—

“Amending Ordinance” (《修訂條例》) means the Accreditation of Academic and Vocational Qualifications Ordinance ( of 2005);  
“date of commencement” (生效日期) means the date on which the Amending Ordinance comes into operation.

(2) The Council is a continuation of and the same legal entity as the Hong Kong Council for Academic Accreditation established by section 3(1) of this Ordinance as in force before the date of commencement.

(3) The enactment of the Amending Ordinance does not affect the legality or validity of anything done by the Hong Kong Council for Academic Accreditation before the date of commencement.

(4) The enactment of the Amending Ordinance does not affect the legality or validity of anything done by the Executive Committee of the Hong Kong Council for Academic Accreditation before the date of commencement, and with effect from the date of commencement—

(a) the Executive Committee shall continue to exist as a committee established under paragraph 7(1) of Schedule 2;  
and

(b) a person holding office as a member of the Executive Committee immediately before the date of commencement continues to hold office as a member of the committee referred to in paragraph (a) for the remainder of his term of office, unless he ceases to hold office for any other reason before his term of office expires.



(5) Notwithstanding section 23(2), (4) and (5) of the Amending Ordinance, a member holding office as an appointed member of the Hong Kong Council for Academic Accreditation immediately before the date of commencement continues to hold office as a member of the Council for the remainder of his term of office, unless he ceases to hold office for any other reason before his term of office expires.”.

#### **42. Institutions**

Schedule 1 is repealed.

#### **43. Provisions with respect to the Council and members thereof**

(1) Schedule 2 is amended by repealing “[ss. 2, 3 & 25]” and substituting “[ss. 2, 3, 17B, 25 & 27]”.

(2) Schedule 2 is amended, in paragraph 3(b), by repealing “any member is precluded by temporary incapacity or any other reason from performing his functions” and substituting “a member, due to absence from Hong Kong or for any other reason, is unable to act”.

(3) Schedule 2 is amended, in paragraph 4(2), by repealing “and of the Executive Committee”.

(4) Schedule 2 is amended, in paragraph 7(1), by repealing “an Executive Committee and any other” and substituting “any”.

(5) Schedule 2 is amended by repealing paragraph 7(2) and (6).

(6) Schedule 2 is amended, in paragraph 8(1), by repealing “in any institution any aspect of the academic accreditation of which” and substituting “in relation to any academic or vocational accreditation of which”.

(7) Schedule 2 is amended, in paragraph 8(2), by repealing “院校的”.

PART 7

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER ENACTMENTS

**Inland Revenue Ordinance**

**44. Institutions that may accredit or recognize training or development courses for the purpose of section 12(6)(c)(iii)**

Schedule 13 to the Inland Revenue Ordinance (Cap. 112) is amended by adding—

- “38. The Hong Kong Council for Academic and Vocational Accreditation established by section 3(1) of the Hong Kong Council for Academic and Vocational Accreditation Ordinance (Cap. 1150)”.

**Prevention of Bribery Ordinance**

**45. Public bodies**

Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is amended in item 57 by adding “and Vocational” after “Academic”.

**Administrative Appeals Board Ordinance**

**46. Schedule amended**

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended by adding—

- |   |  |
|---|--|
| “66. Accreditation of Academic and Vocational Qualifications Ordinance ( of 2005) | A decision of the Secretary for Education and Manpower—<br>(a) not to re-appoint an assessment agency under section 8(1);<br>(b) on the length of a term of re-appointment specified under section 8(1)(b);<br>(c) to impose any conditions or restrictions under section 8(1)(c) in re-appointing an assessment agency; and |
|---|--|

(*d*) to cancel an appointment or re-appointment under section 8(4).”.

### **Non-local Higher and Professional Education (Regulation) Ordinance**

#### **47. Interpretation**

Section 2(1) of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) is amended, in the definition of “Accreditation Council”, by adding “and Vocational” after “Academic” where it twice appears.

### **Specification of Public Offices**

#### **48. Specification of Public Office**

The Schedule to the Specification of Public Office (L.N. 158 of 2002) is amended by repealing everything after “Hong Kong Council for Academic” and substituting “and Vocational Accreditation Ordinance (Chapter 1150), sections 4(1)(*g*) and (2), 5(2)(*ea*), (*g*) and (*l*), 9(1), 12(*b*), 13(1), (2) and (3) and 17.”.

SCHEDULE 1

[ss. 2 & 17]

ACCREDITATION AUTHORITY AND QR AUTHORITY

### **PART 1**

#### **ACCREDITATION AUTHORITY**

The Hong Kong Council for Academic and Vocational Accreditation established under section 3(1) of the Hong Kong Council for Academic and Vocational Accreditation Ordinance (Cap. 1150).

PART 2

QR AUTHORITY

The Hong Kong Council for Academic and Vocational Accreditation established under section 3(1) of the Hong Kong Council for Academic and Vocational Accreditation Ordinance (Cap. 1150).

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SCHEDULE 2

[ss. 2 & 17 &  
Sch. 3]

SELF-ACCREDITING OPERATORS

1. The Chinese University of Hong Kong
  2. City University of Hong Kong
  3. Hong Kong Baptist University
  4. The Hong Kong Institute of Education (excluding learning programmes which are not learning programmes in teacher education)
  5. The Hong Kong Polytechnic University
  6. The Hong Kong University of Science and Technology
  7. Lingnan University
  8. The Open University of Hong Kong
  9. University of Hong Kong
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SCHEDULE 3

[ss. 4, 7 & 17]

DESCRIPTIONS OF QUALIFICATIONS THAT MAY BE ENTERED INTO THE  
QUALIFICATIONS REGISTER

1. A qualification obtainable from the completion of a learning programme, where the Accreditation Authority determines that—
  - (a) the operator of the learning programme is competent to operate learning programmes that meet QF standards; and
  - (b) the learning programme meets a QF standard.
2. A qualification obtainable from the completion of a learning programme operated by a self-accrediting operator, where—

- (a) the programme has not been excluded in the brackets, if any, next to the name of that self-accrediting operator in Schedule 2; and
  - (b) the self-accrediting operator determines that the programme meets a QF standard.
3. A qualification obtainable from the completion of a learning programme, where—
- (a) the Accreditation Authority determines that the operator of the programme is competent—
    - (i) to ensure that the programmes operated by the operator meet QF standards; and
    - (ii) to determine whether the programmes operated by the operator meet QF standards; and
  - (b) the operator determines, within any conditions or restrictions referred to in section 5(1), that the programme meets a QF standard.
4. A qualification in relation to an industry or a branch of an industry, obtainable from an appointed assessment agency appointed in relation to that industry or that branch, where the appointed assessment agency determines, within any conditions or restrictions imposed by the Secretary under section 8(1)(c), that the qualification meets a QF standard.

Note: In this Schedule, “meet a QF standard” (達到資歷架構標準)—

- (a) in relation to a learning programme, means the programme meets a standard such that the skills, knowledge or experience acquired on the completion of the programme meet all or part of the requirements under a level of the Qualifications Framework; or
- (b) in relation to a qualification, means the skills, knowledge or experience recognized by the qualification meet all or part of the requirements under a level of the Qualifications Framework.

### **Explanatory Memorandum**

The object of this Bill is to provide for matters relating to accreditation of academic and vocational qualifications; and to make consequential and related amendments to certain enactments.

- 2. Clause 2 includes definitions necessary for the interpretation of the Bill.
- 3. Part 2 contains provisions relating to the Qualifications Framework and the Qualifications Register as follows—

- (a) clause 3 provides for the establishment of the Qualifications Framework and the Qualifications Register by the Secretary for Education and Manpower (“the Secretary”);
- (b) clause 4 provides for the functions and powers of the Accreditation Authority;
- (c) clause 5 provides for the production of accreditation reports by the Accreditation Authority;
- (d) clause 6 provides for the functions and powers of the QR Authority;
- (e) clause 7 provides for the maintenance of the Qualifications Register; and
- (f) clause 8 provides for the appointment of assessment agencies for the purposes of the Qualifications Framework (including provisions relating to appeals to the Administrative Appeals Board).

4. Part 3 (clauses 9, 10, 11 and 12) provides for the review of the determinations and decisions of the Accreditation Authority and the QR Authority.

5. Part 4 contains provisions relating to offences and enforcement as follows—

- (a) clause 13 creates an offence relating to advertisements which claim, represent or hold out that a qualification is recognized under the Qualifications Framework or that a person, school, institution, organization or other body is an appointed assessment agency;
- (b) clause 14 creates an offence relating to misleading or false statements, representations or information;
- (c) clause 15 provides for the investigation powers in relation to the offences created under clauses 13 and 14.

6. Part 5 contains miscellaneous provisions. Clause 16 provides for the determination and approval of fees. Clause 17 confers on the Secretary the power to amend Schedules 1, 2 and 3 of the Bill. Clause 18 confers protection in relation to personal liabilities on members, employees, etc. of the Accreditation Authority, the QR Authority or review committees.

7. Part 6 contains consequential and related amendments to the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) (“the Ordinance”)—

- (a) clause 19 amends the long title of the Ordinance to reflect the change of the name of the Hong Kong Council for Academic Accreditation (“the Council”);
- (b) clause 20 amends the short title of the Ordinance to reflect the change of the name of the Council;
- (c) clause 21 amends section 2 of the Ordinance to—
  - (i) delete the reference to the Executive Committee from the definition of “committee”;
  - (ii) change the name of the Council in the definition of “Council”;
  - (iii) repeal definitions that are no longer necessary; and
  - (iv) add new definitions necessary for interpretation of the Ordinance as amended by the Bill;
- (d) clause 22 amends the heading of Part II of the Ordinance to reflect the change of the name of the Council;
- (e) clause 23 amends section 3 of the Ordinance to change the name and membership of the Council;
- (f) clause 24 repeals and re-enacts section 4 of the Ordinance to repeal out of date functions of the Council and modify other functions, in particular adding the following functions—
  - (i) the conduct of accreditation tests;
  - (ii) functions authorized under any other enactment;
- (g) clause 25 amends the powers of the Council under section 5 of the Ordinance and includes, among others—
  - (i) providing for the general powers to do things for the better performance of the function of the Council and to perform the function on its own or jointly with or as agent for other persons or organizations;
  - (ii) adding the powers conferred under any other enactment;
  - (iii) changing the power to determine and charge fees for academic accreditation to a power to determine and charge fees for the conduct of accreditation tests;
  - (iv) adding a power to determine and charge fees for the review of determinations or decisions made by the Council, subject to the prior approval of the Secretary;
  - (v) repealing the requirement of the approval of the Secretary in the payment of honoraria to any person appointed under section 5(a) of the Ordinance (renumbered as section 5(2)(a) by clause 25) to whom a function is delegated under section 8(2) of the Ordinance; and

- (vi) adding a power to pay honoraria and travelling, accommodation or other expenses to members of review committees established under new section 17B added to the Ordinance by clause 35;
- (h) clause 26 adds a new section 5A to the Ordinance which provides for the production, variation and withdrawal of accreditation reports;
- (i) clause 27 contains technical amendments to section 6 of the Ordinance;
- (j) clause 28 amends section 7 of the Ordinance by repealing the requirement of the approval of the Secretary in relation to terms of remuneration of employees and advisers of the Council;
- (k) clause 29 amends section 8(2) of the Ordinance to enable the Council to delegate the performance of its functions of conducting accreditation tests and other functions permitted or assigned by the Secretary in accordance with that provision, and contains a consequential amendment to that section;
- (l) clause 30 makes consequential amendments to section 9 of the Ordinance;
- (m) clause 31 repeals section 10 of the Ordinance which provides for the consultation with the Secretary for Financial Services and the Treasury before the Secretary approves certain matters;
- (n) clause 32 contains technical amendments to section 11(a) of the Ordinance;
- (o) clause 33 amends section 12 of the Ordinance by repealing the requirement of the approval of the Secretary in the choice of banks for deposit of surplus funds;
- (p) clause 34 repeals and re-enacts section 13 of the Ordinance and provides for the Council's financial year and the submission by the Council of a programme of proposed activities, estimates of income and expenditure, a statement of fee charging policy and a schedule of fees for the prior approval of the Secretary in each financial year;
- (q) clause 35 adds a new Part IVA (new sections 17A, 17B, 17C and 17D) to the Ordinance to provide for the review of determinations and decisions of the Council;
- (r) clause 36 repeals and re-enacts section 21 of the Ordinance to confer the protection in relation to personal liabilities in that section also on members of review committees established under new section 17B added by clause 35;



- (s) clause 37 amends section 22 of the Ordinance by conferring on the Council the power to make rules for the regulation of the procedures governing meetings of review committees established under new section 17B added by clause 35;
- (t) clause 38 amends section 23(1)(b) of the Ordinance to reflect the change of the name of the Council and contains a technical amendment to section 23(2) of the Ordinance;
- (u) clause 39 adds a new section 23A to the Ordinance which creates an offence relating to misleading or false statements, representations or information;
- (v) clause 40 repeals and re-enacts section 25 of the Ordinance, and confers on the Secretary the power to amend Schedule 2 to the Ordinance;
- (w) clause 41 adds a new section 27 to the Ordinance containing savings and transitional provisions relating to the Bill;
- (x) clause 42 repeals Schedule 1 to the Ordinance, consequential to the amendments to section 4 of the Ordinance in clause 24;
- (y) clause 43 contains the following amendments to Schedule 2 to the Ordinance—
  - (i) amending paragraph 3(b) of the Schedule in relation to the appointment of acting members of the Council;
  - (ii) repealing paragraph 7(2) and (6) of the Schedule which relates to the Executive Committee and repealing the references to the Executive Committee in paragraphs 4(2) and 7(1) of the Schedule;
  - (iii) consequentially amending paragraph 8 of the Schedule.

8. Part 7 contains consequential and related amendments as follows—

- (a) clause 44 makes a related amendment to Schedule 13 to the Inland Revenue Ordinance (Cap. 112), so that “prescribed course of education” under section 12 of that Ordinance includes a course undertaken to gain or maintain qualifications for use in any employment and being a training or development course accredited or recognized by the Council;
- (b) clauses 45, 46, 47 and 48 make consequential amendments to other enactments.

9. Schedule 1 specifies the Council to be the Accreditation Authority and the QR Authority.

10. Schedule 2 contains a list of self-accrediting operators.

11. Schedule 3 contains the descriptions of qualifications that may be entered into the Qualifications Register.