

立法會

Legislative Council

LC Paper No. LS94/04-05

Paper for the House Committee Meeting on 8 July 2005

Legal Service Division Report on Accreditation of Academic and Vocational Qualifications Bill

I. SUMMARY

1. **Object of the Bill** To provide for accreditation of academic and vocational qualifications under the Qualifications Framework (“QF”) administered by the Hong Kong Council for Academic and Vocational Accreditation, and for related and consequential matters.

2. **Comments** The Bill:—
 - (a) establishes a QF which contains a hierarchy of qualifications;
 - (b) establishes the Accreditation Authority responsible for developing and implementing the standards and mechanism for academic or vocational qualifications accreditation to underpin the QF, and conducting accreditation tests;
 - (c) establishes a Qualifications Register (“QR”) for entering qualifications recognized under the QF to be maintained by the QR Authority;
 - (d) empowers the assessment agencies to grant qualifications, in relation to an industry, for the purposes of the QF;
 - (e) establishes review committees to review decisions of the Accreditation Authority or the QR Authority in relation to the outcome of an accreditation test, etc;
 - (f) regulates advertisements relating to the QF and the QR;
 - (g) provides for determination and approval of fees; and
 - (h) makes consequential amendments to the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) and other related amendments;

3. **Public Consultation** The education and training operators, and other interested parties have been consulted. They are in general in support of the legislative proposals.

4. **Consultation with LegCo Panel** The Panel on Manpower was consulted at its meeting on 17 March 2005 on the legislative proposals. Members raised certain questions about the legislative proposals.

5. **Conclusion** In view of the new policy on accreditation of academic and vocational qualifications under the QR and questions raised by the Panel on Manpower relating to the Bill, Members are recommended to set up a Bills Committee to consider the Bill in detail.

II. REPORT

Object of the Bill

To provide for accreditation of academic and vocational qualifications under the Qualifications Framework (“QF”) administered by the Hong Kong Council for Academic and Vocational Accreditation, and for related and consequential matters.

LegCo Brief Reference

2. EMB (MPE)CR 1/3231/04 issued by the Education and Manpower Bureau on 21 June 2005.

Date of First Reading

3. 6 July 2005.

Comments

4. The Bill establishes a QF which contains a seven-level hierarchy of qualifications. It is designed to be applicable to all sectors. Each level is characterized by its generic level descriptions which describe the common features of qualifications at the same level. Members may refer to the annex to LC Paper No. CB(2)1663/03-04(05) issued to the Panel on Manpower in March 2004 for details of the QF (which may be found at www.legco.gov.hk/yr03-04/english/panels/mp/papers/mp0318cb2-1663-5e.pdf). According to paragraph 43 of the LegCo Brief, the QF is not a mandatory system.

5. According to paragraph 45 of the LegCo Brief, the Administration is setting up Industry Training Advisory Committees (“ITACs”) to specify the competency standards required at different levels of qualifications for the industries. So far, ITACs have been formed in six industries, namely printing & publishing, watch & clock, Chinese catering, hairdressing, property management and electrical & mechanical services.

6. As proposed in the Bill, the Accreditation Authority is responsible for developing and implementing the standards and mechanism for academic or vocational qualifications accreditation to underpin the QF, and conducting accreditation tests. An “accreditation test” is defined to include any assessment or other activity to determine whether an operator of learning programmes is competent to achieve the objectives as claimed by it or whether a learning programme meets the standard as claimed by its operator. It also includes any assessment or other activity to determine the competence of an assessment agency to assess the skills, knowledge or experience acquired by individuals under the Recognition of Prior Learning (RPL) mechanism. RPL is an avenue to enable serving workers, especially those skilled workers with low educational attainment, to acquire qualifications recognized under the QF and then progress through further learning. The Hong Kong Council for Academic and Vocational Accreditation is specified to be the Accreditation Authority.

7. To implement the RPL mechanism, the Secretary for Education and Manpower (“the Secretary”) may appoint one or more assessment agencies to assess the skills, knowledge or experience acquired by individuals in an industry for the purposes of the QF.

8. A Qualifications Register (“QR”) will be established for entering qualifications recognized under the QF. The QR Authority is responsible for maintaining the QR. The Hong Kong Council for Academic and Vocational Accreditation is specified to be the QR Authority.

9. An operator or assessment agency who is aggrieved by the decisions of the Accreditation Authority or the QR Authority in relation to the outcome of an accreditation test, the entry of a qualification into the QR or its subsequent removal, may apply for a review of the relevant decision by a review committee. The Accreditation Authority or the QR Authority will receive the recommendation of a review committee within a specified timeframe. The Accreditation Authority or the QR Authority, as the case may be, shall have regard to the recommendations and any other relevant circumstances, make a final decision on the matter and notify the applicant in writing of the final decision and the reasons for the final decision.

10. There are provisions regulating advertisements relating to the QF and the QR. Any person who wrongly claims that a qualification is recognized under the QF, or that a body is an appointed assessment agency, commits an offence and is liable on conviction to a fine of \$50,000.

11. The amount of any fee determined under the Accreditation of Academic and Vocational Qualifications Ordinance (upon enactment of the Bill) (“the 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. The Accreditation Authority or the QR Authority are required in each year to submit to the Secretary for his approval a statement of its fee charging policy in relation to the exercise of its power and performance of its functions or duties under the Ordinance and a schedule of its fees which require approval of the Secretary under the Ordinance.

12. The Hong Kong Council for Academic Accreditation (“HKCAA”) was established under the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) (“HKCAAO”) as a statutory body to perform the academic accreditation of the non-university institutions funded by the then University and Polytechnics Grants Committee. With the specification of HKCAA (to be renamed as the Hong Kong Council for Academic and Vocational Accreditation under the Bill) as the Accreditation Authority and the QR Authority under the Bill, HKCAA will face a much wider education and training market than before. Against such background, the Bill introduces consequential amendments to HKCAAO. The main amendments include the renaming of HKCAA as the Hong Kong Council for Academic and Vocational Accreditation, replacing the definition of “academic accreditation” by the definition of “accreditation tests”, appointing members to HKCAA with a wider

spectrum of expertise and background, and modifying the functions and powers of HKCAA.

Public Consultation

13. According to the LegCo Brief, HKCAA has been briefing its clients in the education and training sector on its reforms and the proposed operation of the quality assurance system to underpin the QF. They are mainly concerned about the level of fees to be charged by HKCAA in future. Together with HKCAA, the Administration has briefed the education and training operators on the QR. Separately, the Administration has briefed the ITACs and trade unions on the proposal of appointing assessment agencies, and obtained their support. The Manpower Development Committee has also been consulted and endorsed the proposed quality assurance mechanism and the legislative amendments to the HKCAAO.

Consultation with LegCo Panel

14. At its meeting on 17 March 2005, the Panel on Manpower was consulted on the Administration's proposal to expand the scope of responsibility of HKCAA to undertake quality assurance under the QF.

15. Members raised a number of queries, including whether more persons with expertise in vocational accreditation would be appointed to HKCAA, whether the staff establishment of HKCAA would be increased, and whether a heavier penalty would be imposed on persons repeatedly making false claims in relation to the QF or QR.

16. A member suggested that representatives of labour unions should be appointed to HKCAA.

Conclusion

17. The Bill introduces a new policy on accreditation of academic and vocational qualifications under the QR. Members of the Panel on Manpower have already raised a number of queries on the legislative proposals. Members are recommended to set up a Bills Committee to consider the Bill in detail.

Prepared by

Lam Ping-man, Stephen
Assistant Legal Adviser
Legislative Council Secretariat
6 July 2005