

Legislative Council Panel on Manpower

Proposed Amendments to the Hong Kong Council for Academic Accreditation Ordinance

Purpose

This paper seeks Members' views on our proposal to amend the Hong Kong Council for Academic Accreditation (HKCAA) Ordinance (Cap. 1150) in order to expand the scope of responsibility of the HKCAA to undertake quality assurance under the Qualifications Framework (QF).

Background

2. The Hong Kong Council for Academic Accreditation Ordinance was enacted in 1990 to provide for the establishment and the functions of the HKCAA. The Ordinance is insufficient to cater for the HKCAA's new role in support of the launching of the QF.

3. The Executive Council approved the establishment of a seven-level cross-sectoral QF and its associated quality assurance mechanism in February 2004. The introduction of the QF will provide more diversified progression pathways and enhance the relevance and quality of education and training programmes. It will also bring wider recognition to the skills, knowledge and experience of workers, and promote lifelong learning. All these will contribute to the upgrading of the quality of our manpower and help maintain Hong Kong's overall competitiveness in the global economy.

4. We have entrusted the HKCAA with the role in assuring the quality of qualifications under the QF. The HKCAA is also tasked to administer a Qualifications Register (QR) on behalf of the Government. The QR will be a web-based database of information on qualifications, courses and providers that are recognized under the QF.

5. The QF is applicable to all sectors to facilitate the interface between the academic and vocational sectors. “Academic accreditation” as defined in the Ordinance is limited to accreditation of academic standards of institutions of higher education. There is no legal provision to expressly empower the HKCAA to accredit the standards of courses offered by non-higher education institutions or courses that are not “academic” but vocational in nature. The main purpose of this amendment exercise is to expand the ambit of the HKCAA to perform the quality assurance role for both the academic and vocational qualifications of all levels under the QF.

Salient Points of the Proposed Amendments

Name of the Council

6. The Council has decided that the HKCAA should be renamed as the “Hong Kong Council for Academic and Vocational Accreditation” (香港學術及職能評審局) to reflect the expanded scope of activities of the Council under the QF.

Academic and vocational accreditation

7. Under the existing Ordinance, “academic accreditation” is defined as any evaluation, assessment or other activity to determine whether or not the academic standards of any institution of higher education are comparable with internationally recognized standards. The stages of “academic accreditation” including validation and revalidation of degree courses; as well as institutional review and institutional accreditation of institutions of higher education are also spelt out in the Ordinance.

8. However, in order to discharge its role under the QF, the Council is going to adopt a new accreditation approach comprising initial registration, programme validation, institutional accreditation and periodic review. In the new era, the HKCAA will face education and training providers of different sizes offering programmes of different nature and levels. Given the diversity of its accreditation activities, the Council will adopt a model of “fitness for purpose”, i.e. applying a threshold standard appropriate to the level and scope of the education and training providers. In other words, the HKCAA should not apply those standards more fitted to the well resourced

institutions of higher education to other education and training providers.

9. We propose to define “academic and vocational accreditation” as the conduct of any evaluation, assessment, review or other activity to decide whether or not an education or training provider or a study programme of education or training meets the objectives and standards as proclaimed by the education or training provider. It is unnecessary to prescribe in the Ordinance the operational procedures of an accreditation process, which are subject to review from time to time.

Establishment of the Council

10. Under the existing Ordinance, the Council consists of 15 to 21 members appointed by the Chief Executive (power delegated to the Secretary for Education and Manpower (SEM)). There are three categories of members, namely, overseas academics, local academics and local non-academics who have experience in commerce, industry or any profession. Roughly two-thirds of the Council is from an academic background, and one-third is from a non-academic background. The Executive Director is an ex officio member of the Council.

11. The composition is appropriate when the HKCAA is practising in a small, homogenous and publicly funded higher education market, but it no longer fits the wider education and training market. It is proposed that the composition should be revised to achieve a balance of academics and non-academics. Apart from the academics from the higher education institutions, the Council will also need academics from sectors which provide lower level qualifications, private providers and providers of vocational training.

12. The Council has decided to maintain its existing size but agreed that members appointed to the Council should have a wider spectrum of expertise and background in view of the expanded ambit of the HKCAA under the QF. We propose to remove the restriction on the number of academics appointed to the Council. Members appointed to the Council shall be persons with expertise or experience in accreditation work, or persons of good standing in commerce, industry, profession, academic or vocational education and training. To enable the Council to continue to benefit from the counsel of

overseas experts, it is proposed to retain the requirement of non-local Council members.

13. The HKCAA's new role under the QF requires knowledge of the Government policy on education and manpower development. To strengthen the partnership between the Council and the Education and Manpower Bureau (EMB) in the implementation of the quality assurance mechanism to underpin the QF, it is proposed that the Permanent Secretary for Education and Manpower (PSEM) or her representative should be an ex officio member of the Council. This has been endorsed by the Council.

Functions of the Council

14. Under the existing Ordinance, the functions that may be performed by the Council include :

- (a) academic accreditation in relation to the higher education institutions before they gain their self-accrediting status;
- (b) disseminating information on academic standards of degree courses and the promotion of academic accreditation methods and practices;
- (c) establishing relationships with accrediting bodies outside Hong Kong and keeping under review the systems of academic accreditation of such bodies;
- (d) conducting or commissioning research into the maintenance or monitoring of academic standards; and
- (e) such other functions relevant to academic accreditation or higher education as may be permitted or assigned to the Council by the Chief Executive (power delegated to SEM).

15. The Council's functions for items (b) to (e) above should continue, with minor adjustments to also cover vocational accreditation. We propose that item (a) should be replaced by the following new functions of the Council :

- development, implementation and upholding of academic and vocational accreditation mechanisms and standards to underpin the QF;
- development and maintenance of the QR, as well as deciding on the entry of the qualification of a study programme into or the removal of an entry from the QR; and
- academic or vocational accreditation of any education or training provider or in respect of any study programme.

16. The ownership of and the policy responsibility for the QR rests with the EMB. The HKCAA is acting as our agent in administering and maintaining the QR. Therefore, we propose that SEM should reserve power to give directions to the HKCAA where necessary.

Powers of the Council

17. Under the existing Ordinance, the Council may in performing its functions, among other things :

- (a) publish material and distribute, lend with or without charge or sell such material;
- (b) subject to the approval of the Secretary (power delegated to PSEM), determine fees to be charged for academic accreditation and charge any such fees;
- (c) refund, reduce or waive any fee either generally or in any particular case;
- (d) subject to the approval of the Secretary (power delegated to PSEM), pay honoraria to overseas members;
- (e) pay the travelling, accommodation or other expenses reasonably incurred by any member in connection with his duties as such member;

- (f) acquire, hold or dispose of property of any description; and
- (g) subject to the approval of the Secretary (power delegated to PSEM), borrow such money on such security or other terms and conditions as it considers expedient.

Unless specified in paras. 18 to 20 below, the Council's powers in these areas will remain unchanged.

18. It is proposed to empower the Council to publish, produce or release report or any material in connection with the Council's activities on academic and vocational accreditation with or without charge as the Council thinks fit. This will enhance the transparency of the Council's accreditation work and the sharing of good practices.

19. To provide efficient and appropriate accreditation service, the Council needs the flexibility to decide promptly, in consultation with the education and training provider, on the appropriate professional fee to be charged. The requirement to seek the Secretary's prior approval on a case by case basis will hamper this process. It is therefore proposed to empower the Council to determine fees to be charged for academic and vocational accreditation and charge any such fees without seeking the Secretary's prior approval. However, the Council's fee charging policy and fee schedule should be subject to the Secretary's prior approval.

20. We propose that subject to the Secretary's approval, the HKCAA may determine a schedule of fees to be charged for registration of a study programme on the QR and charge any such fees. This is to ensure that the level of registration fees on the QR will not become prohibitively high or an entry barrier.

Appointment of Staff

21. Under the existing Ordinance, the HKCAA has to seek prior approval from the Secretary (power delegated to PSEM) of the terms of remuneration of its employees. It is proposed to remove this requirement as the Council being a self-financing organization should be given the flexibility to determine the terms of remuneration and conditions of service

of its employees (except the Executive Director) as the Council thinks fit. In any event, the Council's staffing expenses are included in its annual estimates of income and expenditure, which are subject to the approval of the Secretary (power delegated to PSEM).

Reviews

22. At present, the Council has an internal review mechanism through which a client institution seeking accreditation may request a review of the outcome of the accreditation. However, this internal review mechanism is not provided for in the Ordinance.

23. We believe that review provisions should be included as a matter of natural justice. We propose that an education or training provider may apply to the Council for a review of a decision in connection with the outcome of an academic and vocational accreditation, or the entry of the qualification of a study programme into or the removal of an entry from the QR.

24. It is important that the composition of the Review Committee should not give rise to a reasonable suspicion of bias. The review should constitute a genuine re-examination of the facts of the case by a body that was not a party to the original decision. Therefore, we propose that the Chairman and members of the Review Committee shall be persons with expertise or experience in accreditation work, or persons of good standing in commerce, industry, profession, academic or vocational education and training. The Chairman and members of the Review Committee shall also be non-Council members. The size of the individual Review Committee will depend on the nature and complexity of the case, and will range between 3 to 7.

25. The Council will receive a report of the Review Committee within a timeframe as determined by the Council. As the Council is in the best position to determine the review (which essentially relates to the standard of an education or training provider, or a programme), the Council shall make a final decision on the review. The Council is required to inform the applicant of the decision of the Council and if the review is rejected, the reasons for the decision in writing.

False Claims

26. To safeguard the credibility and integrity of the QF and the QR, it is necessary to introduce provisions against false claims. It is proposed that no person shall publish or broadcast or otherwise disseminate to the general public any advertisement or information which either expressly or by implication falsely makes reference to a qualification or a study programme being quality assured under the QF or being included in the QR.

27. Any person who contravenes this provision commits an offence and is liable on conviction to a fine of \$50,000. The level of fine of false claims is the same as that related to the unauthorized use of the Council's title under the existing Ordinance as the nature and gravity of both offences are comparable.

Advice Sought

28. Members are invited to comment on the content of this paper.

Education and Manpower Bureau
March 2005