



香港學術及職業資歷評審局
Hong Kong Council for Accreditation of
Academic & Vocational Qualifications

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總幹事 范耀鈞 教授 太平紳士
Executive Director Prof. Yiu-Kwan Fan, BBS, JP

本局檔號 Our Ref
來函檔號 Your Ref

傳真及郵寄

香港中區立法會道 1 號
立法會綜合大樓
立法會秘書處
政府帳目委員會秘書
韓律科女士

韓女士：

審計署署長衡工量值式審計(五十八號報告書) –
香港學術及職業資歷評審局(第二章)

本人就閣下於二零一二年五月三十日之來信謹覆如下：

問題

- (a) 在評審局已修訂的指引中，有否強制要求專家若與接受評審之營辦者有利益衝突，該專家將不可被委任為評審小組成員，並且所有評審小組成員均須向評審局提交利益申報表。請評審局向委員會提供一份已修訂的指引副本；及
- (b) 若上述(a)項中提及之要求並非強制性，評審局如何確保評審小組成員沒有提交利益申報表及成員與接受評審之營辦者有利益衝突之事件（審計署署長報告書第 3.13 及 3.14 段）不會再次發生。

回應

評審局現行的評審小組成員守則(附件)訂明，所有評審小組主席或成員必須向評審局申報利益衝突。

評審局不會委任有利益衝突之專家為評審小組主席或成員。所有評審小組成員之委任均須徵得副總幹事批准。評審小組主席或成員在獲得正式委任前，必須向評審局提交利益申報表，表明其已閱畢評審小組成員守則，以及其本人並不預期參與該次評審活動會構成任何利益衝突。所有獲邀請出任評審小組主席或成員的專家，必須在其獲得委任前將利益申報表交回評審局。評審局人員亦會跟進評審小組主席及成員有否準時提交利益申報表。在評審

活動開始前，評審小組會先召開一個準備會議，會上評審局人員兼評審小組秘書會確定所有參與評審之人士均已提交利益申報表。就審計署署長報告書中提及有評審小組成員沒有交回利益申報表一事，評審局相信事件乃由於利益申報表之記錄和存檔不當所致。評審局會確保日後所有關於利益申報的文件獲得妥善記錄和存檔。

評審局現行的評審小組成員守則訂明，評審小組主席及成員必須盡早向評審局申報其在評審活動進行前、進行中或進行後可能會出現的利益衝突。若評審小組主席或成員在評審活動進行期間發現有利益衝突的情況，該評審小組主席或成員必須立即向評審小組提出並徵求其指示。評審小組會視乎情況要求該名評審小組主席或成員退出該次評審活動，或於與其有利益衝突的題目的討論或決策會議上避席。若利益衝突之情況僅屬輕微，或其出現之可能性極低，評審小組或會容許該名評審小組主席或成員繼續進行評審工作。

評審局現正修訂評審小組成員守則，以為員工提供更具體的指引，協助他們理解何謂利益衝突。評審局亦會建立一個資料庫，儲存不同案例供員工參考。評審局預計有關修訂工作將於二零一二年九月完成。

順頌
文祺！



香港學術及職業資歷評審局總幹事
范耀鈞教授

二零一二年六月五日

附件
YK/RL/dl

副本送：香港學術及職業資歷評審局主席廖長江先生
教育局局長孫明揚先生
教育局副秘書長(1)李美嫦女士



Hong Kong Council for Accreditation of Academic and Vocational Qualifications

Code of Conduct for Panels

Preamble

1. This document sets out general guiding principles for the chairpersons and members of HKCAAVQ panels conducting accreditation, audit, review or other assessment activities (hereafter referred to generally as accreditation activity) regarding possible conflict of interests and the duty of confidentiality.

Conflict of Interests

General Principles

2. HKCAAVQ panel chairpersons and members (hereafter referred to generally as panel members) may experience conflict of interests between their role(s) with the HKCAAVQ and their other professional activities.
3. Panel members should advise the HKCAAVQ of any possible conflict of interests which may arise either before, during or following the accreditation activity, and make full disclosure of their interests to the HKCAAVQ at the earliest available opportunity.

* 委員會秘書附註：本文件只備英文本。

4. If the conflict of interests issue is only identified in the course of their engagement in the accreditation activity, the panel member should immediately place such matter before the respective panel and seek instructions. Depending on the circumstance, he/she might be required by the panel to withdraw from the exercise or be excused from the discussion or decision-making of a particular subject matter. In some cases, where the conflict is slight or only perceivedly possible, the panel member may be allowed to continue in the panel's work but both the declaration and the reason for the special treatment must be on record.
5. It is however not intended that a panel member should make a declaration of interest simply because he or she has particular knowledge or experience on a subject matter.

Potential Conflict of Interest Situations

6. For illustration, the following are examples of potential conflict of interests:
 - (a) The panel member was/is serving, with or without pay, as an adviser, examiner, consultant to the client organisation concerned; or if he/she has recently been an applicant for a position (irrespective of whether the outcome is known to the applicant), or is a current applicant or intending applicant for a position in the client organisation.
 - (b) The panel member has any other close association/partnership with the client organisation concerned. Examples of such could include any joint commercial or professional activity carried out by the panel member in a personal capacity in conjunction with staff member(s) in the client organisation concerned and who are closely associated with the accreditation activity in question, or any potential involvement of a similar nature.
 - (c) The panel member who, as a barrister, solicitor, accountant or other professional adviser, has personally or otherwise advised or represented or had frequent dealings with the client organisation concerned, or any person or body closely connected with the client organisation.

- (d) Pecuniary interests in a matter under consideration by the HKCAAVQ, held either by the panel member or by any close relative of his/hers.
 - (e) Kinship or some friendship which might be so close as to warrant declaration in order to avoid situation where an objective observer might believe that an advice from the panel member could have been influenced by the closeness of the association.
 - (f) Personal conflicts could also include animosity or any interest likely to lead an objective observer to believe that the panel member's advice might have been motivated by personal interest rather than a duty to give impartial advice.
7. Where the panel member is working in a client organisation that is in competition with one which is subject to the accreditation activity by the HKCAAVQ, such situation will normally not be considered as to constitute a potential for conflict of interest, as long as the connection is known to the HKCAAVQ, the Panel and the client organisation concerned.
8. In order to avoid a conflict-of-interests situation arising, panel members are advised to abstain from accepting or negotiating consultancies or performing other services for the client organisation which is subject to the accreditation activity by the HKCAAVQ, and to abstain from accepting hospitality from the organisation concerned, before, during and immediately after the accreditation activity when the relevant report has been issued.

Confidentiality of Documents

General Principles

9. All documents generated through the HKCAAVQ accreditation activities are confidential information and should be used solely for the purpose of the exercise concerned.

10. Panel chairpersons or members shall treat as proprietary and confidential any information or material made available to them either through the HKCAAVQ or the client organisation in question for the purpose of conducting the exercise concerned.
11. Panel members have a right to ask for (and receive) through the HKCAAVQ any information and explanation they need in order to discharge their roles in the context of the accreditation activity. However, these privileges and rights must not be abused and must be exercised with care and integrity so that requests for personal or commercial information of a sensitive nature would be kept to the essential minimum.
12. The materials collected from the client organisation subject to the accreditation activity or the report produced by the HKCAAVQ for the purpose of the exercise, and the copyright therein shall be and shall remain the exclusive property of the HKCAAVQ or the client organisation concerned, as the case may be.
13. Panel members may make notes during the course of exercise in order to help them understand the issues being discussed and to facilitate the performance of their roles in the exercise as required by the HKCAAVQ. These notes should not be divulged to any other party unrelated to the accreditation activity.
14. Panel members shall not communicate, or make known, any information or documents collected in the exercise or views expressed by another member or any person met in the course of the accreditation activity at any time without prior approval by the HKCAAVQ.
15. Upon the completion of the exercise with the issuance by the HKCAAVQ accreditation report, panel members are expected to destroy all information gathered for the exercise, except for any information which is in the public domain.

HKCAAVQ

May 2008