

Accreditation of Academic and Vocational Qualifications Bill

Proposed Changes to the Appeal Mechanism

At the meeting of the Bills Committee on the Accreditation of Academic and Vocational Qualifications Bill held on 31 October 2006, the Education and Manpower Bureau was requested to explain with a flow chart the proposed changes to the appeal mechanism. The flow chart is at Annex.

Education and Manpower Bureau
November 2006

Proposed Changes to the Appeal Mechanism

Accreditation Stage

In an accreditation exercise, the Accreditation Authority forms an accreditation panel which is responsible for evaluating the standard of the relevant programme/operator/assessment agency. Based on the panel's recommendations, the Accreditation Authority will make a decision on that particular accreditation exercise.

Appeal Stage

Step 1: An operator/assessment agency/granting body aggrieved by a decision made by the Accreditation Authority may lodge an appeal to the Appeal Board. All members of the Appeal Board are appointed by the Secretary for Education and Manpower. They shall not be members of the Accreditation Authority, and should be persons with expertise or experience in quality assurance or the conduct of accreditation tests, or persons of good standing in the field of law, commerce, finance, education or training, or in any industry.

Step 2: Each appeal case will be handled by two to six members of the Appeal Board. The Chairman or Vice-chairman of the Board will act as the presiding officer for each case.

Step 3: Upon completion of the investigation, the Appeal Board may make the following decisions:

- 1) reject the appeal; or
- 2) instruct the Accreditation Authority to review the decision/determination under appeal.

The Appeal Board shall notify the Accreditation Authority and the Appellant in writing of its decision and the reasons for the decision.

Step 4: Upon the instruction of the Appeal Board, the Accreditation Authority shall consider the decision under appeal afresh*.

Step 5: After making a final decision, the Accreditation Authority shall notify the Appeal Board and the Appellant in writing of its decision and the reasons for the decision. The final decision will not be subject to further appeal under the Ordinance. However, such final decision may be subject to judicial review in the Court of First Instance.

*If necessary, the Accreditation Authority may establish another accreditation panel to re-assess the standard of the relevant programme/operator/institution.