

Chapter:	592A	ACCREDITATION OF ACADEMIC AND VOCATIONAL QUALIFICATIONS (APPEAL) RULES	Gazette Number	Version Date
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		Empowering section	L.N. 25 of 2008	05/05/2008
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(Cap 592, section 17(2))

[5 May 2008]

(Originally L.N. 25 of 2008)

Section:	1	(Omitted as spent)	L.N. 25 of 2008	05/05/2008
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(Omitted as spent)

Section:	2	Interpretation	L.N. 25 of 2008	05/05/2008
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In these Rules, unless the context otherwise requires—

“appeal” (上訴) means an appeal under section 11 of the Ordinance; (L.N. 59 of 2008)

“Appeal Board” (上訴委員會) means the appeal board established under section 10(1) of the Ordinance;

“appellant” (上訴人) means an operator, assessment agency or granting body lodging a notice of appeal under section 11 of the Ordinance; (L.N. 59 of 2008)

“notice of appeal” (上訴通知書) means a notice of appeal lodged under section 11(2) of the Ordinance;

“presiding officer” (審裁官) means the presiding officer within the meaning of section 12(1)(a) of the Ordinance;

“respondent” (答辯人) means—

- (a) in relation to an appeal against a determination or decision of the Accreditation Authority, the Accreditation Authority;
- (b) in relation to an appeal against a decision of the QR Authority, the QR Authority.

Section:	3	Notice of appeal	L.N. 25 of 2008	05/05/2008
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(1) An appeal shall be made by lodging a notice of appeal in accordance with section 11(2) of the Ordinance.

(2) A copy of a notice of appeal lodged with the Appeal Board shall be served on the respondent on the day on which the notice is lodged with the Appeal Board.

(3) A notice of appeal shall be accompanied by—

- (a) a statement specifying the grounds of the appeal; and
- (b) a statement of the facts relied on as may suffice to enable the Appeal Board and the respondent to be fully and fairly informed of the grounds of appeal.

(4) Where the Appeal Board is satisfied that the appellant has failed to comply with subsection (2) or (3), the Appeal Board may dismiss the appeal.

Section:	4	Appellant to serve documents	L.N. 25 of 2008	05/05/2008
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(1) The appellant shall, within 7 days after the lodging of the notice of appeal or such further period as the presiding officer may on application allow, serve on the Appeal Board and the respondent on the same day— (L.N. 59 of 2008)

- (a) a copy of all documents the appellant intends to rely on; and
- (b) a list of the names of all witnesses the appellant intends to call at the hearing of the appeal.

(2) Where the Appeal Board is satisfied that the appellant has failed to comply with subsection (1), the Appeal Board may dismiss the appeal.

Section:	5	Respondent to serve documents	L.N. 25 of 2008	05/05/2008
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The respondent shall, within 28 days after receiving a copy of the notice of appeal under section 3(2) or such further period as the presiding officer may on application allow, serve on the Appeal Board and the appellant on the same day—

- (a) a written summary of the facts of the case and the reasons for the determination or decision appealed against;
- (b) a copy of all documents the respondent intends to rely on; and
- (c) a list of the names of all witnesses the respondent intends to call at the hearing of the appeal.

Section:	6	Date, time and place of hearing	L.N. 25 of 2008	05/05/2008
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(1) Upon service of the documents referred to in sections 4(1) and 5, the presiding officer shall fix the date, time and place of the hearing of the appeal.

(2) The presiding officer shall, not less than 14 days before the date of the hearing, serve on the appellant and the respondent a notice in writing of the date, time and place of the hearing.

Section:	7	Grounds of appeal	L.N. 25 of 2008	05/05/2008
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The grounds of appeal shall be limited to those set out in the notice of appeal unless the Appeal Board grants leave for the grounds of appeal to be amended.

Section:	8	Languages	L.N. 25 of 2008	05/05/2008
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The hearing of an appeal may be conducted in the Chinese or English language or both as the Appeal Board thinks fit.

Section:	9	Abandonment of appeal	L.N. 25 of 2008	05/05/2008
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(1) An appellant may, at any time, abandon the appeal or any part of the appeal by notice in writing served on the Appeal Board.

(2) An appellant who serves a notice under subsection (1) shall at the same time serve a copy of such notice on the respondent.

Section:	10	Failure of appellant to attend hearing	L.N. 25 of 2008	05/05/2008
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(1) If at the time fixed for the hearing of an appeal, the appellant fails to attend the hearing either in person or through an authorized representative, the Appeal Board may—

- (a) if it is satisfied that the appellant's failure to attend was due to sickness or any other reasonable cause, postpone or adjourn the hearing for such period as it thinks fit;
- (b) proceed to hear the appeal; or
- (c) by order dismiss the appeal.

(2) Where an appeal is dismissed under subsection (1)(c), the appellant may, within 14 days after the making of the order for dismissal, apply to the Appeal Board for a review of the order by serving a notice in writing on the Appeal Board.

(3) An appellant who serves a notice under subsection (2) shall at the same time serve a copy of such notice on the respondent.

(4) The Appeal Board may, if it is satisfied that the appellant's failure to attend the hearing was due to sickness or any other reasonable cause, set aside the order for dismissal.

(5) Where the Appeal Board sets aside an order under subsection (4), the presiding officer shall—

- (a) fix the date, time and place for a fresh hearing of the appeal; and
- (b) not less than 14 days before the date so fixed, serve on the appellant and the respondent a notice in writing of the date, time and place of the hearing.

Section:	11	Service	L.N. 25 of 2008	05/05/2008
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Any document, statement, notice or article required to be served or lodged for the purposes of an appeal may be served or lodged in person or by post.

(L.N. 59 of 2008)