

HKAS 002
(FIFTH EDITION)

Regulations for HKAS Accreditation

Hong Kong Accreditation Service
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HKAS INTRODUCTION

The Hong Kong Accreditation Service (HKAS) was set up in 1998 by the Government of the Hong Kong Special Administrative Region to provide accreditation service to the public. It was formed through the expansion of the Hong Kong Laboratory Accreditation Scheme (HOKLAS). HKAS now offers accreditation for laboratories, certification bodies, inspection bodies, proficiency testing providers, reference material producers, greenhouse gas validation and verification bodies. It may offer other accreditation services in the future when the need arises.

The principal aims and objectives of HKAS are:

- to upgrade the standard of operation of conformity assessment bodies;
- to offer official recognition to competent conformity assessment bodies which meet international standards;
- to promote the acceptance of endorsed reports and certificates* issued by accredited conformity assessment bodies;
- to conclude mutual recognition arrangements with other accreditation bodies; and
- to eliminate the need for repetition of conformity assessment in the importing economies and thereby reducing costs and facilitating free trade across borders.

*Endorsed report or certificate means a report or certificate that the accreditation status of HKAS or its mutual recognition arrangement partners has been claimed (e.g. by bearing the accreditation symbol or a statement on a report or certificate).

The operating cost of HKAS is funded by the Government and is partly recovered by charging fees for services provided by HKAS.

HKAS Executive is responsible for administering HKAS and its accreditation schemes. At present, there are three schemes: the Hong Kong Laboratory Accreditation Scheme (HOKLAS) for laboratories, proficiency testing providers and reference material producers, the Hong Kong Certification Body Accreditation Scheme (HKCAS) for certification bodies and greenhouse gas validation and verification bodies, and the Hong Kong Inspection Body Accreditation Scheme (HKIAS) for inspection bodies. All accreditation schemes of HKAS are operated in accordance with the requirements of the relevant international standard, i.e. ISO/IEC 17011 and other criteria set by relevant international and regional cooperations of accreditation bodies. Participation in the three schemes is voluntary. HKAS may provide accreditation programmes for specific activities under each of these schemes.

Organisations applying for accreditation or those that have been accredited under any of the three schemes are required to demonstrate that:

- they are competent to perform specific activities for which they are applying for accreditation or have been accredited;

- they have implemented an effective management system which complies with the accreditation criteria of relevant scheme; and
- they comply with all regulations in this document (HKAS 002). These regulations are the governing rules for the administration of the three schemes and contain the obligations of any organisation which has applied for HKAS accreditation or has been accredited by HKAS.

This document has 8 Chapters. It contains the general regulations applicable to all the schemes and programmes of HKAS. The regulations for specific accreditation schemes and programmes are listed in HKAS Supplementary Criteria No. 3 – ‘List of accreditation regulations for specific HKAS accreditation schemes and programmes’. The regulations in this document will be amended from time to time and organisations accredited by HKAS or have applied for HKAS accreditation will be notified of the changes. Other interested parties may obtain the current version from the HKAS website.

1. DEFINITIONS AND ABBREVIATIONS

For the purpose of the regulations detailed in this document, the following definitions and abbreviations shall apply:

‘accreditation’	third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks
‘accreditation body’	authoritative body that performs accreditation
‘accreditation criteria’	accreditation regulations, technical and management requirements and other accreditation conditions set by HKAS
‘accredited organisation’	a legal entity to which accreditation is granted
‘applicant organisation’	an organisation which has submitted an application for accreditation to HKAS Executive
‘approved inspector’	an individual who is an employee of or under contract to an accredited organisation and has been authorised by the organisation to perform specific inspections for it and to whom HKAS Executive has given formal approval as a competent person for performing specified inspections
‘approved operator’	an individual who is an employee of or under contract to an accredited organisation and has been authorised by the organisation to perform specific activities and sign the worksheets and to whom HKAS Executive has given formal approval as a competent person for performing specified activities
‘approved personnel’	an approved inspector, approved operator, approved signatory or approved reviewer
‘approved reviewer’	an individual who is an employee of or under contract to an accredited organisation, and has been authorised by the organisation to monitor the proper and compliant use of the Accredited CAB Combined ILAC MRA Mark or the Combined IAF MLA Mark, and to whom HKAS Executive has given formal approval for reviewing the use of Accredited CAB Combined ILAC MRA Mark or the Combined IAF MLA Mark

‘approved signatory’	an individual who is an employee of or under contract to an accredited organisation and has been authorised by the organisation to sign reports issued by the conformity assessment body for specific activities and to whom HKAS Executive has given formal approval for signing HKAS endorsed reports for specified activities
‘assessor’	a person who has the qualifications and experience necessary for examining, evaluating and judging the effectiveness and quality of an activity of a conformity assessment body, has undergone appropriate training for conducting assessments and has been formally appointed by HKAS Executive to perform an assessment
‘authorised representative’	the person who has been employed by an applicant or accredited organisation and is formally nominated by such organisation to represent it to deal with any matter relating to an application for accreditation or an accreditation under a HKAS accreditation scheme (see Chapter 5)
‘certification service’	a term used by HKAS Executive to represent a type of certification or validation/verification activity for which HKAS provides accreditation under HKCAS
‘conformity assessment’	demonstration that specific requirements relating to a product, process, system, person or body are fulfilled. Examples of conformity assessment include, but not limited to, the following: testing, calibration, organising proficiency testing, producing reference materials, inspection, management system certification, product certification, verifying/validating greenhouse gas assertions
‘conformity assessment body’	a certification body, inspection body, laboratory, proficiency testing provider, reference material producer or greenhouse gas validation or verification body that performs conformity assessment service a conformity assessment body is a legal entity or a defined part of a legal entity
‘Executive Administrator’	the staff member of HKAS Executive who is responsible for the administration of HKAS
‘HKAS’	Hong Kong Accreditation Service

‘HKAS endorsed report’	a test report, calibration certificate, or any similar document which bears the accreditation symbol of HKAS and serves as a statement on the activities performed, the results of these activities and, where necessary, may include relevant information required to interpret these results
‘HKAS Executive’	the decision-making body of HKAS with the executive authority to implement and run HKAS on behalf of the Government. Members include the Commissioner for Innovation and Technology (as the Head), the Assistant Commissioner for Innovation and Technology (Infrastructure & Quality Services), the Executive Administrator and professional staff officers. The Head of HKAS Executive is also the Head of HKAS
‘HKCAS’	Hong Kong Certification Body Accreditation Scheme
‘HKIAS’	Hong Kong Inspection Body Accreditation Scheme
‘HOKLAS’	Hong Kong Laboratory Accreditation Scheme
‘HKSAR’	Hong Kong Special Administrative Region
‘ICAC’	Independent Commission Against Corruption of the Government of the HKSAR
‘inspection field’	a term used by HKAS to represent a branch of inspection for which HKAS provides accreditation under HKIAS
‘notification letter’	a letter issued by the Head of HKAS Executive to an applicant or accredited organisation notifying it of the terms of accreditation under a HKAS accreditation scheme
‘observer’	a member of the assessment team but his/her opinion does not unduly influence or interfere in the assessment process or outcome of the assessment
‘proficiency testing’	evaluation of participant performance against pre-established criteria by means of ‘interlaboratory comparisons’ (i.e. organisation, performance and evaluation of measurements or tests on the same or similar items by two or more laboratories in accordance with predetermined conditions)
‘scope of accreditation’	the activities for which an organisation has been accredited by HKAS
‘surveillance’	set of activities conducted by HKAS, except reassessment, to monitor the continued fulfilment by accredited organisations of accreditation criteria

‘suspension’ *	accreditation held in abeyance by HKAS
‘technical expert’	a person assigned by HKAS Executive to provide specific knowledge or expertise with respect to the scope of accreditation to be assessed
‘termination’ *	withdrawal of accreditation by HKAS
‘terms of accreditation’	conditions under which accreditation is granted, including the scope of accreditation, reassessment and surveillance schedule, list of approved personnel and other special conditions appropriate for a particular accreditation as specified by HKAS
‘test category’	a term used by HKAS to represent a branch of testing, calibration or other related activity for which HKAS provides accreditation under HOKLAS
‘voluntary suspension’ *	suspension requested in writing by an accredited organisation
‘voluntary termination’ *	termination requested in writing by an accredited organisation

For any other terms not listed above, the relevant definitions in ISO/IEC 17000, ISO/IEC 17011 and the ‘International Vocabulary of Metrology – Basic and General Concepts and Associated Terms’ published by the Joint Committee for Guides in Metrology (JCGM) apply.

In this document, the term ‘test’ includes ‘examination’ performed by medical laboratories.

* This term applies to all or part of the activities under the scope of accreditation of an accredited organisation. No HKAS endorsed reports shall be issued by an accredited organisation for the activities which are in the state of suspension or termination.

2. AUTHORITY AND ADMINISTRATION OF HKAS

- 2.1 HKAS Executive is the authority to grant, maintain, supervise, renew, suspend or terminate any accreditation under HOKLAS, HKCAS and HKIAS on behalf of HKAS.
- 2.2 HKAS Executive is advised by the Accreditation Advisory Board (AAB) (see Chapter 3).
- 2.3 HKAS Executive will keep confidential all information provided by an organisation in relation to preliminary enquiries or to an application for accreditation and all information obtained in connection with an assessment of an organisation, such that only personnel who require the information for the assessment will be given access to such information. Such personnel will include HKAS Executive and staff, assessors, technical experts and observers involved in the assessment, and members of AAB, and its Working Parties and Task Forces (except where a conflict of interest arises). Without written consent of the organisation, HKAS Executive will not disclose confidential information of an applicant or accredited organisation outside of HKAS Executive except as allowed in this document. However, an organisation shall note that it may be necessary for HKAS Executive to pass HKAS files, including any information in relation to it to persons responsible for evaluating the performance of HKAS under a mutual/multilateral recognition arrangement HKAS has concluded or intended to conclude with other accreditation bodies. HKAS Executive will notify those persons the confidential nature of the information. Where the law requires any information to be disclosed to a third party, HKAS Executive will, where possible and permitted by the law, inform the organisation concerned. Furthermore, HKAS will comply with the provisions under the Personal Data (Privacy) Ordinance (Cap. 486) and the rules under the Code on Access to Information of the Government.

Subject to the above, HKAS Executive may:

- (a) make copies of any document submitted by an applicant or accredited organisation for the purpose of accreditation; and
 - (b) use conventional mail, telephone, fax and unencrypted and unprotected email through the Internet and other means to communicate information relating to accreditation with applicant and accredited organisations as well as with assessors and other relevant parties involved in the accreditation.
- 2.4 HKAS may publish information as HKAS Executive sees necessary, in order to inform applicant and accredited organisations of accreditation criteria and requirements for applying accreditation.

- 2.5 HKAS Executive may amend the Regulations for HKAS accreditation stated in this document and other accreditation criteria from time to time as it sees fit. Applicant and accredited organisations shall conform with the amended regulations and criteria within the period of time specified by HKAS Executive. HKAS Executive may suspend and terminate the accreditation of an organisation or refuse to grant accreditation to it if the organisation fails to conform with the amended regulations and criteria within the specified period of time.
- 2.6 HKAS Executive may perform an on-site reassessment of an accredited organisation at any time earlier than the scheduled reassessment or conduct an on-site surveillance visit to it without giving prior notification to the organisation.
- 2.7 HKAS Executive shall have the right to withdraw accreditation or reduce the scope of accreditation of an accredited organisation. Official notification of such withdrawal or reduction will be given in writing by HKAS Executive to the authorised representative of the accredited organisation. Clause 6.14 in this document is applicable to the exercise of rights and powers by HKAS Executive under this clause.
- 2.8 HKAS Executive shall set fees and charges for any service provided by HKAS. An applicant or accredited organisation can obtain a list of such fees and charges from HKAS Executive. Fees or charges paid by an applicant or accredited organisation are neither refundable nor negotiable.
- 2.9 HKAS Executive may investigate any complaint made to HKAS Executive by a third party against an accredited organisation concerning activities included in its scope of accreditation. The organisation shall provide information to HKAS Executive upon request and shall cooperate with HKAS for the purpose of investigating the complaint.
- 2.10 HKAS Executive may publish information relating to any suspension and termination of accreditation granted by HKAS in any HKAS publications and in the website of HKAS.

3. ACCREDITATION ADVISORY BOARD

- 3.1 The Accreditation Advisory Board (AAB) is an advisory committee which serves to advise HKAS on matters relating to accreditation. Its Chairman and members are appointed by the Secretary for Innovation and Technology under the delegated authority from the Chief Executive by notice in the Gazette, normally for a term of two years. The Chief Executive reserves the right to terminate the membership of any member of AAB at any time.
- 3.2 The Head of HKAS Executive or his/her representative shall act as the ex-officio Vice Chairman of AAB.
- 3.3 The terms of reference of AAB shall be:
- (a) to provide advice to the Head of HKAS Executive on general policy matters relating to accreditation. Such policy matters include:-
 - (i) the *modus operandi*, management and development of HKAS;
 - (ii) accreditation criteria, including technical and non-technical requirements and conditions, which an applicant or accredited organisation shall meet;
 - (iii) charges and fees for the services provided by HKAS;
 - (iv) remuneration for assessors and technical experts;
 - (v) relationships with other accreditation bodies;
 - (vi) promotion of HKAS; and
 - (vii) procedure for handling complaints and appeals made to HKAS.
 - (b) to review (see Chapter 7), if requested by an applicant or accredited organisation, decisions made by HKAS Executive or by AAB;
 - (c) to review and appraise assessment reports and to make recommendations to the Head of HKAS Executive on the following:
 - (i) whether accreditation should be granted to an organisation;
 - (ii) the scope of accreditation of an organisation;
 - (iii) the terms of accreditation;
 - (iv) whether accreditation regarding any activity of an organisation shall be deferred until the organisation attains the requisite standard;

- (v) requirements which an individual organisation shall meet in order to comply with the HKAS accreditation criteria; and
 - (vi) the reassessment and surveillance visit intervals for an accredited organisation.
- (d) to establish working parties to undertake specific tasks. Where a working party is established for the purpose of examining technical problems in relation to an activity for accreditation, the member of AAB who is most experienced in such an activity will normally become the chairman of the working party. The findings and recommendations of the working parties shall be reported to AAB.
 - (e) to propose proficiency testing programmes for conformity assessment bodies and to review the results of such programmes.
 - (f) to advise HKAS Executive on the establishment and maintenance of a panel of assessors and technical experts for each of the accreditation schemes administered by HKAS, including the following:
 - (i) to advise HKAS Executive on the qualification and experience criteria for the selection of assessors and technical experts; and
 - (ii) to recommend to the Head of HKAS Executive any training and instructional needs for assessors and technical experts.
 - (g) to identify and evaluate acceptable sources of calibration to meet the needs of any HKAS accreditation scheme and to review these sources of calibration; and
 - (h) to advise HKAS Executive on any other technical or non-technical matters in connection with accreditation in the furtherance of good practice.

3.4 Members of AAB shall include:

- (a) representatives from private and public bodies having interests in the accreditation for conformity assessment bodies and from other relevant organisations as HKAS Executive sees fit;
- (b) technical specialists in disciplines relating to HKAS accreditation;
- (c) major users of HKAS accredited activities in Hong Kong; and
- (d) representatives from organisations which perform activities which may be accredited under a HKAS accreditation scheme.

3.5 The Executive Administrator shall attend all meetings of AAB and he/she or his/her appointed deputy from HKAS Executive shall participate in all evaluation meetings of an assessment.

- 3.6 Meetings of AAB shall be convened by the Chairman. Attendance of at least one-third of its members shall constitute a quorum.
- 3.7 AAB may delegate its responsibility to individual members for the purpose of evaluating reports on assessments of individual organisations. AAB is not required to re-consider those reports unless the Chairman considers otherwise. Reports concerning the initial assessment of an applicant organisation and major extensions of scope of the accreditation of an accredited organisation shall in most cases be submitted to the Chairman of AAB and the chairman of the relevant working party, where appropriate, for review.
- 3.8 If a member of AAB has a pecuniary or otherwise conflict of interest on any matter in relation to a discussion or decision at any of the AAB meetings, he/she shall declare his/her interest to the Chairman before the discussion is to begin or the decision is to be made. The Chairman shall decide, in each case, the extent to which that member may participate in the discussion and decision of the matter.
- 3.9 If any member of AAB has any connection with an organisation which is being assessed or if there is a conflict of interest on the part of a member of AAB with the organisation which is being assessed, he/she shall abstain from giving any opinion or view on that assessment and withdraw from making any decision on that assessment.
- 3.10 The Head of HKAS Executive may from time to time establish other special advisory committees separate from AAB and define their terms of reference.

4. ACCREDITATION PROCEDURES

4.1 An organisation seeking accreditation under any HKAS accreditation scheme shall follow the accreditation procedure stated in this Chapter and relevant supplementary criteria documents. The organisation shall provide HKAS with all information as required by HKAS Executive for preparing the assessment of the organisation and shall pay the specified application fees. The organisation shall fully cooperate with HKAS Executive and its assessment teams and provide them with full support during an on-site assessment and in any other situation such as to provide all necessary information for assessment of the organisation's competence and its conformity with the accreditation criteria.

The organisation shall permit HKAS Executive to make copies of any documents submitted by it for the purpose of assessing its application in accordance with clause 2.3 of this document. Furthermore, upon the request of HKAS Executive, the organisation shall provide HKAS Executive with a copy of the documentary standard for which it seeks HKAS accreditation for conducting the assessment. All documents provided by the organisation shall be legitimate for use by HKAS Executive in relation to the accreditation under the Copyright Ordinance (Cap. 528).

4.2 An applicant organisation shall use its name and address on an application form. If such organisation is a company incorporated in Hong Kong, the name and address on the application form shall be the name and registered address as recorded in the Company Registry of the HKSAR. If such organisation is a sole-proprietorship, the name shall be the name of its sole-proprietor and the address shall be the one marked on its business registration certificate issued under the Business Registration Ordinance (Cap. 310).

4.3 An applicant organisation shall authorise a person to be its authorised representative. The nominee shall be a senior staff member of the organisation having close appreciation of its activities and a direct interest and influence in the standard of its performance. The organisation may nominate its chief executive as the authorised representative. All official communication between HKAS and the applicant or accredited organisation shall be made between HKAS Executive and the authorised representative, or in his absence, the chief executive or other responsible persons nominated by the organisation.

4.4 If accreditation of an activity of an applicant organisation cannot be granted within one year from the date of receipt of the application, HKAS Executive will examine the progress for accreditation. If the delay is not caused by HKAS, HKAS Executive may suspend processing the application and require the organisation to pay the application fee again before resuming the processing.

4.5 On receipt of an application for accreditation under any HKAS accreditation scheme from an organisation, a member of HKAS Executive or a lead assessor appointed by HKAS Executive will conduct a preliminary visit to the organisation, with assessors and/or technical experts if necessary, to evaluate the readiness of the organisation for assessment.

4.6 On receipt of sufficient information from the applicant organisation, HKAS Executive will arrange an assessment and set a mutually convenient time with the organisation for an on-site assessment visit.

4.7 HKAS Executive will appoint an assessment team to assess the organisation. Members of the team will be selected to provide adequate expertise to cover the activities to be assessed.

An assessment team is led by a lead assessor or a member of HKAS Executive. It may include other assessors for management system and technical operation, technical experts and member(s) of HKAS Executive. A technical expert, if included in an assessment team, will provide technical advice to the team leader and will work closely with an assessor of the team. HKAS Executive may also include observer(s) in an assessment team. An observer shall be allowed to observe the activities of the assessment team but his/her opinion will not be taken into consideration by the assessment team nor HKAS Executive.

The team leader will determine the responsibility of each team member.

4.8 An organisation may object on reasonable grounds to the appointment of any members of HKAS Executive, assessor, technical expert and observer made by HKAS Executive to an assessment team.

4.9 HKAS Executive will set fees for the services provided by assessors and technical experts for assessing an organisation. The organisation concerned shall pay the assessment fees and reimburse HKAS Executive of travel expenses incurred in providing services to it.

4.10 HKAS Executive will brief the assessment team in advance on relevant background information of the organisation, its activities to be assessed, the names and backgrounds of its senior staff and the qualification and experience of its proposed approved personnel (if relevant).

4.11 The assessment team will assess whether the organisation is competent to perform the activities for which it seeks accreditation. The accreditation criteria set by HKAS will be the criteria for assessing the competence of the organisation.

4.12 Every assessor in an assessment team will record his/her findings in writing and will discuss the findings with the team leader who will thereafter prepare an assessment report summarising the findings. The team leader will provide a copy of the report to the organisation at the end of the assessment visit and submit the report to HKAS Executive.

4.13 HKAS Executive may submit the findings of the assessment to AAB for review. HKAS Executive will take into consideration any comments of AAB in the determination of the assessment results and inform the organisation of such results in writing.

- 4.14 The organisation may be required to complete any remedial measures as HKAS Executive sees necessary. The organisation shall notify HKAS Executive in writing of the actions taken or planned against all identified nonconformities within one month of the assessment visit. For critical or significant nonconformities identified, the organisation shall complete the remedial measures and shall inform HKAS Executive in writing of such completion within 6 months of the assessment. HKAS Executive will decide whether or not to grant accreditation for the relevant activities to the organisation.
- 4.15 HKAS will grant accreditation for an activity to an organisation only when:
- (a) the organisation has applied for HKAS accreditation for such activity,
 - (b) accreditation for such activity is within the scope of accreditation service provided by HKAS,
 - (c) the organisation is found to be competent to perform such activity as assessed by HKAS based on the technical criteria and supplementary criteria set out in clause 5.1,
 - (d) conformity of the organisation with the relevant clauses in Chapters 4 and 5 is confirmed,
 - (e) the organisation has demonstrated to the satisfaction of HKAS Executive its ability to conform with the relevant accreditation criteria stated in clause 5.1 and any other conditions as specified by HKAS Executive, and
 - (f) upon granting of the accreditation, the organisation agrees to comply with the clauses in Chapters 4 to 8 and any other conditions as specified by HKAS Executive.
- 4.16 If accreditation for an activity is granted to an organisation, the Head of HKAS Executive will send a notification letter to the organisation to inform it of the terms of accreditation.
- 4.17 HKAS Executive will further issue a certificate of accreditation of the accreditation scheme under which the accreditation is granted to the organisation if any of its activities has been accredited under such scheme.
- 4.18 The certificate of accreditation will include details of the accreditation granted, such as the name of the accreditation scheme under which the accreditation is granted. The certificate of accreditation will also bear a registration number and the date on which it is issued.
- 4.19 The certificate of accreditation shall remain the property of HKAS and shall be returned to HKAS Executive forthwith upon termination of accreditation or the request of HKAS Executive, e.g., when the certificate is no longer valid as determined by HKAS Executive, etc.

- 4.20 The accreditation granted is valid only for the activities described in the accredited organisation's scope of accreditation. HKAS Executive may amend such scope of accreditation from time to time. Accreditation of an organisation for an activity is a formal demonstration of its competence to carry out that particular activity. It is not a guarantee of the performance of the organisation. Accreditation is also not product certification.
- 4.21 HKAS Executive will maintain and publish in a suitable form as it sees fit in respect of each of its accreditation schemes a directory of accredited organisations. Each of the directories will contain details of every accreditation granted under the relevant scheme. The details may include, but not limited to, the name and address of the accredited organisation and the current scope of accreditation at the time of publication (see also clause 2.10). The directories will be made available to the public.
- 4.22 If an accredited organisation has more than one name, upon its request and at the discretion of HKAS Executive, HKAS may grant accreditation for an activity included in its scope of accreditation to it under its other names. The organisation shall pay application fees and annual subscription fee for the use of each additional name.
- 4.23 The accreditation of an accredited organisation may be maintained subject to its continual conformity with relevant accreditation criteria, payment of the annual subscription fee, and satisfactory resolution of nonconformities identified in reassessments and surveillance of the relevant activities. HKAS Executive may continue, maintain, suspend or terminate the accreditation on the basis of the findings of reassessments and surveillance. HKAS Executive may also issue supplementary criteria to govern reassessment and surveillance visit intervals.
- 4.24 The activity/activities listed in the scope of accreditation of an accredited organisation will be reassessed regularly in accordance with specified schedules. HKAS Executive may vary the reassessment and routine surveillance visit schedule as it sees fit.
- 4.25 When an accredited organisation is due for a reassessment, HKAS Executive will issue a reminder letter to it and ask it to provide the information necessary for the reassessment within a specified period of time. HKAS Executive may suspend the accreditation of an organisation which fails to provide the information within the specified period. The procedure for arranging a reassessment is the same as for an assessment and as set out in clauses 4.6 to 4.12. The procedure for carrying out a reassessment is similar to that for an initial assessment except that information of the organisation already known to HKAS Executive will be taken into consideration and in most cases, the findings will not be submitted to AAB for review unless its members so request. The organisation being reassessed shall be required to carry out any remedial measures as HKAS Executive sees necessary. The organisation shall complete and inform HKAS Executive in writing of such remedial measures within the period of time specified in the assessment report. When the remedial measures have been completed to the satisfaction of HKAS Executive, HKAS Executive will issue a notification letter to the organisation to continue the relevant

accreditation. Any changes to the terms of accreditation as HKAS Executive sees fit will also be identified in the notification letter.

4.26 A surveillance visit may be paid to an accredited organisation:

- (a) when there are changes in the organisation's circumstances which may affect its continued conformity with HKAS accreditation criteria;
- (b) when such a visit is, in the opinion of HKAS Executive, necessary to monitor the performance of the accredited organisation; or
- (c) in accordance with specified routine surveillance visit schedules.

A surveillance visit will be conducted by an assessment team as described in clause 4.7 above. The assessment team may select part of the accredited activities for assessment. HKAS may conduct such a visit without giving prior notification to the organisation concerned.

4.27 An accredited organisation may seek to extend its scope of accreditation in an accreditation scheme under which its existing accreditation has been granted. To do so, the organisation shall complete an application form and an assessment questionnaire. It shall provide HKAS with information as required by HKAS Executive for arranging an assessment. It shall further pay the relevant application fee. If an organisation which has been accredited under an accreditation scheme seeks accreditation of its other activities under another accreditation scheme, it shall make an initial application for such accreditation.

4.28 The procedure for processing an application for an extension of scope of accreditation is similar to that for an initial application for accreditation except that no preliminary visit will be paid to the applicant organisation and information of the organisation already known to HKAS Executive will be taken into consideration. However, only the report of assessments for extension to cover major new classes of activity, i.e., new test categories under HOKLAS, new certification services under HKCAS, or new inspection fields under HKIAS will normally be referred to AAB for review. Where the activities covered in the application are very similar to activities for which the applicant organisation has already been accredited by HKAS, HKAS Executive may, at its discretion, assess the application without conducting an on-site assessment visit.

4.29 HKAS, HKAS Executive, any member of AAB and any person acting on behalf of HKAS shall not be liable for any loss or damage suffered by an applicant organisation arising from whatever cause (including but not limited to any act or statement made) in connection with the refusal to grant an accreditation, unless such organisation can prove that HKAS Executive, any member of AAB or any person acting on behalf of HKAS has not acted in his/her *bona fides* whilst determining such refusal to grant accreditation.

5. THE OBLIGATIONS OF AN APPLICANT OR ACCREDITED ORGANISATION

5.1 An accredited organisation shall:

- (a) conform with the accreditation criteria, including accreditation regulations specified in this document, technical and non-technical requirements and other conditions as specified by HKAS Executive under its terms of accreditation. The accreditation regulations for specific accreditation schemes and programmes are listed in HKAS Supplementary Criteria No. 3 – ‘List of accreditation regulations for specific HKAS accreditation schemes and programmes’. HKAS Executive may amend the accreditation criteria from time to time and the accredited organisation shall within the period of time specified by HKAS Executive conform with the amended accreditation criteria;
- (b) represent honestly and truthfully to any person concerned that it is only accredited for activities stated in its scope of accreditation;
- (c) pay the fees and charges as determined by HKAS Executive;
- (d) endeavour to ensure that the accreditation granted by HKAS is not used in a misleading manner;
- (e) be a legal entity; and
- (f) conform to the Business Registration Ordinance (Cap. 310) and provide a copy of its business registration certificate to HKAS Executive if such legislation is applicable to the organisation. If the accredited organisation is incorporated or registered outside HKSAR, it shall provide a copy of official document showing its name and registered address under the laws of its place of incorporation or registration. For each location (except location of on-site activities) where accredited activities are performed, the accredited organisation shall provide proof that the organisation has the right to access and perform accredited activities at that permanent location.

5.2 An accredited organisation which performs an accredited activity for any of its customers shall maintain for such activity a quality standard which is in conformity with the accreditation criteria as set by HKAS. The same standard shall be maintained at all times, no matter whether or not the HKAS endorsed report is used for reporting the result of such activity.

5.3 In situations where an accredited organisation makes a statement on its accreditation status and where non-accredited activity is also mentioned, the organisation shall also include a statement indicating which activity is not accredited.

- 5.4 Upon termination of accreditation for all activities of an accredited organisation as specified in a certificate of accreditation, the organisation shall return such certificate of accreditation to HKAS Executive forthwith.
- 5.5 An applicant or accredited organisation shall cooperate with HKAS Executive and its assessment teams and provide them with full support during an on-site assessment and in any other situation such as to provide all necessary information for assessment of the organisation's competence and its conformity with the accreditation criteria. Upon the request of HKAS Executive, such organisation shall provide HKAS Executive with a copy of the documentary standard for which it seeks HKAS accreditation for use during the assessment.
- 5.6 An applicant or accredited organisation shall not use its accreditation status in such a manner that may bring HKAS or any of its accreditation schemes into disrepute, and shall not make any statement regarding its accreditation status which HKAS Executive may reasonably consider to be misleading.
- 5.7 An accredited organisation shall maintain complete integrity and impartiality in all circumstances. The accredited organisation shall issue and implement a pertinent code of conduct for all its directors, officers, employees and other personnel involved in its operation. The authorised representative shall report immediately any corrupt practice to the ICAC (or similar authority or the police when outside the jurisdiction of the HKSAR). He/she shall further report any impropriety or unlawful act of the organisation or any iniquitous management and/or staff to HKAS Executive.
- 5.8 If an applicant or accredited organisation appoints a new authorised representative, it shall notify HKAS Executive of such change within one calendar month.
- 5.9 The authorised representative or in his absence, another responsible person of an applicant or accredited organisation shall inform HKAS Executive in writing immediately of any changes or intended changes in the organisation's circumstances that may affect its conformity with relevant accreditation criteria. The following list, which is not exhaustive, gives examples of such changes:
- (a) change in ownership or name of the organisation including the change in legal, commercial or organisational status, e.g., mergers, company dissolutions, bankruptcies, compulsory or voluntary liquidation or any other matters concerning the Official Receiver;
 - (b) change in its organisational structure, or key technical or managerial staff;
 - (c) change of the approved personnel;
 - (d) change in the organisational policies, where relevant;
 - (e) change in its registered address or any premises of the organisation where accredited activities are to be carried out;

- (f) change in working procedures and resources including personnel, equipment, facilities, working environment, where significant;
 - (g) change in the nature of the work performed by an accredited organisation; and
 - (h) any other matters that may affect the organisation's capability, or its scope of accreditation or its conformity with the accreditation criteria.
- 5.10 An applicant or accredited organisation shall pay due regard to the confidentiality of its customer's information and shall make internal rules and guidelines in order to ensure protection of its customer's information. Confidential information about a particular customer shall not be disclosed to a third party without the consent of the customer, except where the law requires such information to be so disclosed. However, an applicant organisation or an accredited organisation shall allow HKAS Executive to examine all its records which are relevant to the scope of accreditation in order to assess its competence and conformity with the relevant accreditation criteria. An applicant or accredited organisation shall obtain consent from their customers for the disclosure of any relevant information to HKAS.
- 5.11 An applicant or accredited organisation shall not initiate any contact with assessors, technical experts and/or AAB members on any matter relating to or in connection with the assessment of any activity for the purpose of granting or maintaining accreditation without the prior written agreement from HKAS Executive. All communication concerning its assessment and accreditation shall only be made between the organisation's authorised representative, his/her representative or its chief executive or his/her representative and HKAS Executive.
- 5.12 An applicant or accredited organisation shall have a clear policy in writing concerning the provision or receipt of advantages as stipulated in the Prevention of Bribery Ordinance by its staff. The policy document shall contain a statement notifying its staff of the law under Section 9 of the Prevention of Bribery Ordinance (Cap. 201). The accredited organisation shall further ensure that the policy is made known to all its staff members.
- 5.13 An applicant or accredited organisation shall have a policy and procedure in writing for handling and resolving complaints, disputes and appeals made to it by its customers or other parties. Records of all such complaints, disputes and appeals and actions taken shall be kept by the accredited organisation for a minimum of three years and shall be made available to HKAS Executive for inspection upon request.
- 5.14 Where a complaint, dispute or appeal made to an accredited organisation by its customers or other parties raises any doubt on its conformity with its policies or procedures, the accredited organisation shall ensure that relevant areas of its accredited activities are promptly audited.

- 5.15 If a complaint, dispute or appeal made to an accredited organisation by its customers or other parties relating to any of its accredited activities is not satisfactorily resolved within 60 days from the date of receipt, the accredited organisation shall forthwith notify HKAS Executive in writing of the matter.
- 5.16 Any concerned party may lodge complaints with HKAS on any accredited activities carried out by an accredited organisation.
- 5.17 Upon the request of HKAS Executive, an accredited organisation shall confirm the authenticity or otherwise of a report, certificate or other document purporting to have been issued by it for an accredited activity. Where such a report, certificate or document is found to be a forged document, the organisation shall cooperate with HKAS Executive in the investigation of its cause and taking mutually agreeable steps to prevent recurrence.
- 5.18 An applicant or accredited organisation shall not provide certification to any standard that is used by HKAS as accreditation criteria. HKAS Executive will take immediate action to suspend the accreditation of an accredited organisation in violation of this requirement.

6. SUSPENSION AND TERMINATION

- 6.1 An accredited organisation may voluntarily suspend or terminate its accreditation. HKAS Executive may also suspend or terminate an accredited organisation's accreditation.
- 6.2 The accreditation in suspension, regardless of whether the suspension is voluntary, shall only be reinstated by written notification from HKAS Executive.
- 6.3 An accredited organisation may, by serving a written notice signed by its authorised representative, its chief executive or a person authorised by the chief executive to HKAS Executive, voluntarily suspend its accreditation for any or all of its accredited activities. The accredited organisation shall specify the effective date of the voluntary suspension in the written notice.
- 6.4 If in the opinion of HKAS Executive, an accredited organisation has failed to comply with or is incapable of complying with the accreditation criteria, HKAS Executive may, at its discretion, suspend or terminate such organisation's accreditation.
- 6.5 HKAS Executive may suspend or terminate the accreditation for part or all of the accredited activities of an organisation as defined in its scope of accreditation.
- 6.6 The suspension or termination imposed by HKAS Executive shall commence on the date of the written notice issued by HKAS Executive. The notice shall detail the grounds of such suspension or termination.
- 6.7 The suspension or termination may be imposed by HKAS Executive when an accredited organisation:
- (a) fails to abide by any of the obligations set out in Chapter 5;
 - (b) fails at any time to comply with any of the terms of accreditation;
 - (c) is found to be incompetent to carry out any accredited activities or to be incapable of complying with any of the relevant accreditation criteria;
 - (d) is, in the opinion of HKAS Executive, involved in any impropriety, corrupt practice or other activities which is prejudicial to the good reputation of HKAS; or
 - (e) fails to reply to a request for information provided to it using the latest contact address known to HKAS Executive within the period of time specified in the request.

- 6.8 Within four weeks from the date of notice of suspension, regardless of whether the suspension is voluntary, the authorised representative shall provide HKAS Executive with a programme setting out the actions to be taken by the accredited organisation in order to rectify the situation. The maximum period allowed for such rectification is one year from the effective date of suspension.
- 6.9 An accreditation in suspension, regardless of whether the suspension is voluntary, may be reinstated by HKAS Executive on written request of its authorised representative or chief executive. HKAS Executive may refuse to reinstate the accreditation if there has been a change in the circumstances of the accredited organisation which may affect its conformity with the terms of accreditation or performance of its accredited activities or the rectification action in clause 6.8 is inadequate in the opinion of HKAS Executive. HKAS Executive may conduct a reassessment or a surveillance visit to determine whether the suspended accreditation should be reinstated.
- 6.10 An organisation in a state of suspension, regardless of whether the suspension is voluntary, and, if in the opinion of HKAS Executive, has failed to take adequate measures to rectify the situation, may have its accreditation terminated by HKAS Executive. Such termination may be made in respect of all or any part of the accredited activities of the organisation. HKAS Executive may also terminate all accreditation of an organisation immediately if it fails to reply to a notification of suspension of accreditation within four weeks, or the notification of suspension cannot be delivered to the organisation using its latest contact address known to HKAS Executive. The organisation will be notified in writing of the effective date of such termination by HKAS Executive using its latest contact address known to HKAS Executive.
- 6.11 An accredited organisation may voluntarily terminate its accreditation for all or any part of its accredited activities by serving upon HKAS Executive a written notice signed by its authorised representative or chief executive. The accredited organisation shall specify the effective date of the voluntary termination in the written notice. If the effective date is not specified, it will be determined by HKAS Executive at its discretion.
- 6.12 An organisation with its accreditation in suspension, regardless of whether the suspension is voluntary, shall not issue any HKAS endorsed report for any activities for which accreditation has been suspended, and shall not make any representation to any parties suggesting or implying that the accreditation of such activities is still valid and effective. The organisation shall continue to pay the annual subscription fee.
- 6.13 An organisation with its accreditation terminated, regardless of whether the termination is voluntary, shall not issue any HKAS endorsed report for any activities for which accreditation has been terminated, and shall not make any representation to any parties suggesting or implying that the accreditation of such activities is still valid and effective.

- 6.14 HKAS, HKAS Executive, any member of AAB and any person acting on behalf of HKAS shall not be liable for any loss or damage suffered by an accredited organisation arising from whatever cause (including but not limited to any act or statement made) in connection with the termination or suspension of the accreditation, or in relation to the refusal to reinstate an accreditation, unless such organisation can prove that HKAS Executive, any member of AAB or any person acting on behalf of HKAS has not acted in his/her *bona fides* whilst determining such termination or suspension of accreditation or refusal to reinstate accreditation.

7. COMPLAINTS AND APPEALS

- 7.1 An applicant or accredited organisation may lodge a complaint against any decision made or action taken by HKAS Executive or AAB. A written submission setting out the grounds of such complaint shall be made to HKAS Executive within four weeks after such decision or action has been made or taken.
- 7.2 HKAS Executive shall investigate and examine such complaints. HKAS Executive shall notify the applicant or accredited organisation concerned of the outcome of such investigation and examination.
- 7.3 The applicant or accredited organisation may lodge an appeal to HKAS Executive if it considers the outcome of the investigation and examination as specified in clause 7.2 above is not acceptable to it.
- 7.4 An applicant or accredited organisation may also lodge an appeal against any decision of HKAS Executive or AAB to HKAS Executive directly without first going through the complaints procedure (see clauses 7.1 to 7.2 above).
- 7.5 An appeal shall be lodged by making a written submission to HKAS Executive providing the grounds of the appeal within four weeks from the date of notification of a decision.
- 7.6 The applicant or accredited organisation lodging an appeal may indicate whether it wishes the matter to be referred first to AAB for review or whether it wishes the appeal to be referred directly to the Secretary for Innovation and Technology.
- 7.7 Upon a request from an applicant or accredited organisation for a review by AAB, the Chairman of AAB shall convene a working party, chaired by an AAB member who has no prior involvement in the matter in question, to investigate the case.
- 7.8 The chairman of the working party shall further appoint at least two persons to be members of the working party. The members of the working party, except its chairman, need not be members of AAB.
- 7.9 The working party shall examine matters set out in the submission and may interview individuals involved in the case.
- 7.10 AAB shall make a decision on the review on the basis of the findings of the working party. The Chairman of AAB shall inform the applicant or accredited organisation of the result of the review in writing.
- 7.11 If the applicant or accredited organisation is aggrieved at the AAB's decision on the review, it may request that the appeal be referred to the Secretary for Innovation and Technology within six months of such decision.

- 7.12 Upon request for an appeal, and subject to agreement of the payment of expenses as provided in clause 7.15 below, the Secretary for Innovation and Technology shall convene an appeals board comprising experts such as auditors, assessors, specialists, professional scientists, engineers, technologists and inspectors to investigate the matters set out in the written submission. The appeals board may interview any person involved in the matter, such as staff members of HKAS Executive, assessors and technical experts of HKAS, the organisation's staff or members of the public.
- 7.13 The appeals board may also seek assistance and expert advice from overseas accreditation bodies.
- 7.14 The Secretary for Innovation and Technology shall make a decision on the basis of advice from the appeals board and such decision will be final and conclusive.
- 7.15 Expenses arising from convening of the appeals board may be levied against the party who, in the view of the appeals board, has brought a frivolous and vexatious claim in the appeal.
- 7.16 HKAS, HKAS Executive, any member of AAB, the Secretary for Innovation and Technology and any person acting on behalf of HKAS or the Secretary for Innovation and Technology shall not be liable for any loss or damage suffered by an applicant or accredited organisation arising from whatever cause (including but not limited to any act or statement made) in connection with a complaint, or appeal lodged with HKAS Executive, unless such organisation can prove that HKAS Executive, any member of AAB, the Secretary for Innovation and Technology or any person acting on behalf of HKAS or the Secretary for Innovation and Technology has not acted in his/her *bona fides* whilst determining a decision in connection with such a complaint or appeal.

8. USE OF HKAS ACCREDITATION SYMBOLS AND CLAIMS OF ACCREDITATION STATUS

- 8.1 An accredited organisation may use the HKAS accreditation symbols and claim its accreditation status as described in HKAS Supplementary Criteria No. 1 – ‘Use of HKAS accreditation symbols and claims of accreditation status’ provided that the following conditions are conformed with:
- (a) all advertising and promotional materials (including letterheads) shall not, in the opinion of HKAS Executive, give a false or misleading impression regarding the accreditation status of the organisation;
 - (b) HKAS Supplementary Criteria No. 1 – ‘Use of HKAS accreditation symbols and claims of accreditation status’ and requirements relevant to the accreditation scheme concerned as described in the relevant specific regulations, are conformed with at all times; and
 - (c) any statement made by the organisation in connection with its accreditation status shall not, in the opinion of HKAS Executive, give a false or misleading impression to any third party of its accreditation status.

Where possible, HKAS may provide further guidance on the use of HKAS accreditation symbols when accreditation is granted.

- 8.2 An accredited organisation shall not allow its accreditation be used to imply that any subject of its accredited activities, for example, a product, process, system or person is approved by HKAS or HKAS Executive and shall take suitable actions to stop any incorrect reference to accreditation. It shall ensure that its customers, on receiving any HKAS endorsed report, are aware that the subject of the activity (e.g., the sample, instrument, product, design or system tested, calibrated, certified or inspected) as referred to in such HKAS endorsed report is in no way approved nor disapproved by HKAS or HKAS Executive.
- 8.3 Upon suspension or termination of the accreditation of any activities carried out by an organisation, regardless of whether it is voluntarily made, the organisation shall discontinue to make reference to the accreditation in any report, certificate and other document reporting conformity assessment results, letterhead, brochure, advertising material, stationery, and Internet websites, etc., immediately.