

# HKAS Information Notes No. 4

## Role of HKAS in Handling Complaints against its Accredited Organisations (*Informative*)

### 1. Introduction

1.1 HKAS Executive considers complaints against HKAS accredited organisations as opportunities for monitoring and improving the performance of these organisations. Any party who is not satisfied with such organisation may lodge a complaint against the organisation with HKAS. This document explains the role of HKAS Executive in handling such complaints and provides information to help an aggrieved party determine whether to raise a complaint to HKAS Executive. Procedure for lodging a complaint against an HKAS accredited organisation is then given. Finally, some guidelines on what clients can do to secure satisfactory services from accredited organisations are provided.

### 2. Rights and limitation of HKAS Executive in investigating complaints against an accredited organisation

2.1 It is voluntary for a conformity assessment body (CAB), including laboratory, certification body, inspection body, proficiency testing provider, reference material producer, and validation/verification body, to participate in any HKAS accreditation scheme. There is no ordinance or regulation requiring a CAB in Hong Kong to obtain HKAS accreditation. By applying for HKAS accreditation, an organisation commits itself to complying with 'HKAS 002 – Regulations for HKAS Accreditation' for the activities included in its scope of accreditation. Clauses of HKAS 002 which are relevant to the investigation of a complaint against an accredited organisation include:

Clause 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.

Clause 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.

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Clause 5.16 – Any concerned party may lodge complaints with HKAS on any accredited activities carried out by an accredited organisation. The accredited organisation shall cooperate with HKAS Executive and provide them with full support for investigation of those complaints upon request.

- 2.2 Based on the above provisions of HKAS 002, HKAS Executive has the rights to ask the concerned accredited organisation to provide related information to HKAS Executive to facilitate the investigation of the complaint.

Complaint against an accredited organisation for a non-accredited activity

- 2.3 A complainant may misunderstand that once an accredited organisation has performed a certain activity which is not complying with HKAS accreditation requirements, the complainant can lodge a complaint against that accredited organisation to HKAS and HKAS will investigate it. In fact, if the activity concerned is not included in the scope of accreditation of the accredited organisation, HKAS Executive has no rights to investigate such a complaint.
- 2.4 To allow HKAS Executive to take appropriate action concerning a complaint against an accredited organisation, a client should ensure that the requested activity to be carried out by the organisation has been accredited by HKAS. In addition, the client should request that the result of the activity be included in a report, certificate or statement that bears the appropriate HKAS accreditation symbol, i.e. an endorsed report, certificate or statement. (A sample endorsed report, a sample endorsed certificate and a sample endorsed statement are given in Appendix A of this document.) An accredited organisation can only issue an endorsed report, certificate or statement for activities which are within the organisation’s scope of accreditation. The client can verify whether the activity is listed in the organisation’s latest scope of accreditation as published at the HKAS website.

*Note: If an accredited organisation has been approved by HKAS to show the results of certain non-accredited activities in an endorsed report, certificate or statement, the organisation concerned shall clearly identify in the endorsed report, certificate or statement that such activities are outside its scope of accreditation.*

**3. HKAS procedures for handling complaints against accredited organisations**

- 3.1 Upon receipt of a complaint, HKAS Executive will carry out an investigation as soon as possible.
- 3.2 HKAS Executive will authenticate, as far as possible, the claims or statements made by the complainant or other parties relating to the substance of the complaint. Where necessary, HKAS may further discuss with the complainant and obtain more

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information and evidence if possible. Investigation of a complaint will not be pursued merely on the basis of hearsay.

- 3.3 HKAS Executive will normally not disclose the identity of the complainant without the agreement of the complainant. Where appropriate, HKAS Executive will inform the accredited organisation of the receipt of such complaint and ask the organisation to handle the complaint in accordance with its own procedure and to provide a report of the investigation to HKAS Executive within a given period of time.
- 3.4 HKAS will then investigate the complaint with reference to relevant HKAS accreditation regulations and criteria. In particular, HKAS will assess whether the organisation has handled the complaint in accordance with the requirements specified in HKAS accreditation regulations and criteria and the organisation's management system. The investigation will also cover details such as whether the investigation have been properly conducted, correction has been made, the root cause identified and corrective action has been taken to prevent recurrence of the problem.

#### What HKAS Executive can do and cannot do

- 3.5 HKAS Executive may ask the concerned organisation to provide related documents and records to facilitate the investigation. HKAS Executive may also interview the complainant and staff members of the organisation. Where necessary, HKAS Executive will arrange an on-site surveillance visit. If HKAS Executive identifies any nonconformity with accreditation requirements, it will ask the organisation to take appropriate remedial action within a given period of time and then monitor the effectiveness of the action taken. If there is any critical nonconformity, HKAS Executive will consider suspending or terminating the accreditation of related activities. However, after terminating the accreditation, HKAS Executive will no longer has any rights to require the organisation to comply with any accreditation requirement.
- 3.6 HKAS Executive has no rights to mandate an accredited organisation to take a specific action to settle a complaint against the organisation with the complainant. For example, a complainant who commissioned an accredited laboratory to conduct a test under a contract which stated the laboratory's liability in any case was limited to refunding the cost of the test. The result provided by the laboratory turned out to be wrong and the complainant sustained damages because he relied on the erroneous result. The complainant asked the laboratory to pay compensation but the accredited laboratory refused. The complainant then complained to HKAS. In such case, HKAS Executive could not ask the laboratory to pay compensation even if the investigation showed that the result provided by the laboratory was incorrect. This is because there is no accreditation requirement governing the commercial agreement between the laboratory and its client. The aggrieved party may negotiate with the laboratory for a settlement or resort to other method to seek redress.

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### Time taken for handling a complaint

3.7 HKAS Executive will investigate a complaint at the earliest opportunity. It may, however, take a considerable time to complete the investigation and then for the organisation to complete any remedial action. It will take longer time if more parties are involved or the case is complicated. Nevertheless, HKAS will provide an interim reply to the complainant if the investigation cannot be completed within one month of receipt of the complaint.

## **4. Information that can be disclosed to a complainant**

4.1 HKAS Executive keeps confidential all information of its accredited organisations obtained during accreditation process. Unless otherwise agreed by the subject organisation, HKAS Executive will not release the confidential information of any accredited organisation, including the findings and outcome of the investigation of the complaint to any third party. In the majority of cases, HKAS Executive can only inform the complainant of the actions it has taken to investigate the complaint but not whether any nonconformity with HKAS accreditation requirements has been found, or whether the organisation has been asked to take any correction or corrective action. HKAS Executive will however, thank the complainant for providing the information which has helped HKAS Executive improving its operation.

## **5. Determining whether to complain to HKAS Executive**

5.1 A potential complainant may determine whether it is an appropriate method to seek redress through complaining to HKAS Executive by considering the following questions and answers:

a) *Is the organisation accredited for the relevant activity?*

In most cases, HKAS Executive can only take actions to address complaints related to accredited activities of an organisation. However, if an organisation falsely claimed that it had been accredited for an activity not included in its scope of accreditation, HKAS Executive can investigate such case.

b) *Is there any evidence of possible nonconformity with the accreditation requirements?*

If there is such evidence, it may be useful to complain to HKAS Executive. Otherwise, HKAS Executive does not have the authority to investigate any matter which is not relating to the accreditation of the organisation. In such case, the potential complainant may like to negotiate with the organisation for a settlement or seek redress through other means.

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c) *Has a complaint been made to the accredited organisation first?*

For most cases, it is more effective to complain to the organisation first. The complainant and the organisation may find it easier to arrive at a mutually agreeable solution if the complaint is confined to them. Even if a complaint is made to HKAS Executive, HKAS Executive will inform the concerned organisation to handle the complaint first.

d) *Would it be possible to obtain information about the accredited organisation's internal operation through complaining to HKAS Executive?*

This is not possible as HKAS Executive will keep all information of the accredited organisation confidential.

e) *What should be done if I am not satisfied with a product or service provided by an organisation certified by a certification body which is accredited by HKAS?*

The complainant should lodge a complaint with the certified organisation first since it is usually easier to settle the case using such method. Even if the complaint is lodged with the certification body first, the certification body will follow the international standard to inform the certified organisation of the complaint and then ask the certified organisation to handle the complaint in accordance with its own procedure. The certification body will also monitor the progress of the certified organisation in handling the complaint. The certification body can only investigate the complaint if it relates to an activity which is included in the scope of certification of the certified organisation. At this stage, it may not be appropriate to complain to HKAS Executive as there is no direct relationship between HKAS Executive and the certified organisation. HKAS Executive does not have the rights or authority to investigate any complaint against a certified organisation. If HKAS Executive receives such a complaint, it can only refer the case to the appropriate certification body. Where appropriate, the certification body will, in turn, refer the case to the certified organisation.

If after the case has been handled by the certified organisation and the certification body concerned and the complainant is still not satisfied with the outcome, the complainant may lodge a complaint against the accredited certification body to HKAS Executive. One should note that HKAS Executive cannot suspend the certification of the certified organisation. HKAS Executive, however, can ask the accredited certification body to investigate and take appropriate remedial action if it has identified any nonconformity with the accreditation requirements. HKAS may suspend the accreditation of the certification body if such nonconformity is critical.

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*Note: The relationship between certified organisations, accredited certification bodies and HKAS (the accreditation body) is illustrated in Appendix B.*

- f) *I have discovered a possible nonconformity against accreditation requirements but I am not the direct client of the accredited organisation for the activity concerned, to whom should I complain?*

Complain to the accredited organisation first. An accredited organisation shall have a policy and procedure for handling and resolving complaints made to it by its clients or other parties. If you are not satisfied with the outcome and there is evidence that such outcome was the result of nonconformity with HKAS accreditation requirements, you may lodge a complaint with HKAS Executive.

- g) *I have complained to the accredited organisation but I am not satisfied with the method selected by the organisation to settle the complaint. Can I force the organisation to change its decision through complaining to HKAS Executive?*

It is necessary to determine whether there is any evidence that the settlement method proposed by the organisation is in violation of any HKAS accreditation requirements. Otherwise, HKAS Executive cannot help because the organisation has the autonomy to determine what to do as long as its decision does not violate any HKAS accreditation requirements.

## **6. Procedure for complaining to HKAS Executive against an accredited organisation**

- 6.1 A complainant can lodge a complaint with HKAS Executive by informing HKAS Executive of the subject of the complaint, preferably in writing. All relevant details of the complaint include the name of the accredited organisation, the identity of the accredited activity, the time when the activity was performed, the place where the activity was performed, description and evidence of the nonconformity with accreditation regulations or criteria, description of how the accredited organisation handled the complaint and the outcome and why the outcome was not acceptable. Records and other documents supporting the complaint, including reports and certificates conveying the results of the accredited activity, application forms, contracts, correspondence, records of conversation, or other documents are also required.

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## **7 What can clients do to secure satisfactory service from an accredited organisation?**

7.1 Each accredited organisation commits to providing its service which satisfies the accreditation requirements. The operation of an accredited organisation is assessed rigorously and monitored closely by HKAS Executive periodically. In general, most of the services provided by the accredited organisation are satisfactory although certain cases of unsatisfactory service have been reported. Many of these cases were caused by misunderstanding between the accredited organisation and its client. Therefore, the client can help avoid unsatisfactory service through the following means:

- a) The client should have a clear understanding of the conformity service that it requires so that it can convey its need to the accredited organisation. In some cases, the accredited organisation may provide assistance in determining the clients' need.
- b) Ensure that instructions to the accredited organisation are clearly stated. Although the accredited organisation has the responsibility to review all requests for service, there may be misunderstanding during the interaction with its clients. The client should therefore check what have been stated in the application form, purchase order or other documents commissioning the organisation to provide the service, and any documents or correspondence from the accredited organisation, to acknowledge that the order is clear and accurately reflects the service requested. If the client is aware of any specific information that the organisation should pay particular attention to, it should point out the information explicitly and preferably in writing. In case of doubt, the client should discuss with the staff of the organisation at the earliest opportunity.
- c) For a longer term contract, the client should review the instructions given to the accredited organisation at an appropriate time interval whether it is necessary to initiate any change or improvement.
- d) The client may request to witness the activity performed by the accredited organisation.
- e) The client should ensure that the activity is accredited and ask the accredited organisation to report the result of the activity in a HKAS endorsed report, certificate or statement.

**Appendix A**

**Samples of Endorsed Report, Certificate and Statement**

A.1 Sample Endorsed Report

HKAS accreditation symbol

**ABC Testing Limited**

23, Testing Avenue, Kowloon, Hong Kong.

Tel.: 3995 5555 Fax: 3955 5556 Website: www.abctesting.com



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**TEST REPORT**

Test Report No.:	0001
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CHAN Tai Man

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HKAS has accredited this laboratory (Reg. No. HOKLAS 999) under HOKLAS for specific laboratory activities as listed in the HOKLAS directory of accredited laboratories.



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## A.2 Sample Endorsed Certificate

Certification  
Mark of the  
certification  
body

Certification No.: 001

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# Certificate

Issue Date: 1 January 2019

Expiry Date: 31 December 2021



— HKAS accreditation symbol

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ABC Certification Limited

23, Testing Avenue, Kowloon, Hong Kong.

Tel.: 3995 5555 Fax: 3955 5556

Website: [www.abccertification.com](http://www.abccertification.com)

A.3 Sample Endorsed Statement

HKAS accreditation symbol

**ABC Verification Limited**

23, Testing Avenue, Kowloon, Hong Kong.

Tel.: 3995 5555 Fax: 3955 5556 Website: www.abcverification.com



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**Greenhouse Gas (GHG) Verification Statement (Opinion)**

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CHAN Tai Man

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This verification body (Registration Number HKCAS 088) is accredited by HKAS under HKCAS for specific type of verification activities as listed in the scope of accreditation. This verification statement (opinion) is issued under the terms of accreditation in accordance with HKAS regulations.

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## Appendix B

### **Relationship among Certified Organisations, Accredited Certification Bodies and HKAS (the accreditation body)**

The terms ‘accreditation’ and ‘certification’ are often confused by general public. Simply speaking, ‘certification’ represents a written assurance by a third party (i.e. certification body) of the conformity of a product or management system to specified requirements. ‘Accreditation’, on the other hand, is the formal recognition of the certification body’s competence to carry out certification activities by an accreditation body. HKAS is the accreditation body and our role is to assess certification bodies against accreditation standards (i.e. ISO/IEC 17021-1 for management system certification bodies and ISO/IEC 17065 for product certification bodies.) and other application accreditation criteria.

