Appeal Review

Appeal Review Committee

◆ Candidates who:
  • are dissatisfied with the decision of the Public Examinations Board (PEB) on their complaints and examination irregularities, or
  • have valid reason(s) to query that the established procedures of rechecking/remark ing have not been followed regarding their application for rechecking/remark ing, or
  • have reasonable cause to dispute the marking of their scripts after access to scripts and/or oral recordings through Data Access Request (DAR) made pursuant to the Personal Data (Privacy) Ordinance may submit an appeal review application to the Appeal Review Committee (ARC).

Note

The Appeal Review Committee is an independent committee appointed by the HKEAA Council. Its composition is as follows:
• 2 members from the legal profession (one of them shall be the Chairperson);
• 1 senior administrator from a tertiary institution;
• 2 Council members; and
• 1 Council member representing the interests of parents.
Director – Public Examinations of the HKEAA (non-member) serves as the secretary.

◆ Types of appeal review

1. Processing of examination irregularities
   A candidate may request a review of the PEB decision on examination irregularities in respect of the candidate’s examination on any of the following grounds:
   • The decision was not made in accordance with the examination regulations and instructions given in the Handbook for Candidates.
   • There are extenuating circumstances which the candidate has not been able to present to the HKEAA prior to the decision being made.
   • Due process has not been observed in the handling of the case or the decision on the case has been reached on the basis of material errors or irregularities.

2. Review of the process of rechecking and remarking
   A candidate may request a review of the process of rechecking and remarking on any of the following grounds:
   • There is reason to query that the established procedures of rechecking/remark ing of scripts have not been followed.
   • There are extenuating circumstances which the candidate can adduce to demonstrate that the examination results have been affected by material errors or irregularities in the marking and/or remark ing.

3. Review of the marking of scripts after access to scripts after DAR
   A candidate may request a review of the marking of scripts provided through DAR subject to the provisos that the candidate can provide specific justification(s) to demonstrate that the marking of the scripts has been incorrect (e.g. valid answers unmarked or wrongly marked) and that the candidate has not applied for appeal review of the process of rechecking/remark ing for the same subject before. In compliance with the first-mentioned proviso, a candidate is required to state specifically which question(s) or part(s) of the scripts have been incorrectly marked as well as in what ways such question(s) or part(s) were incorrectly marked, failing which his/her application will NOT be accepted. General assertions such as marking being unfair, big discrepancies between marks given by different markers/remark ers, results below expectation or different from performance in school or other public examination(s) etc. will not be accepted as specific justifications. Candidates who are in doubt about their examination results should apply for rechecking or remark ing.
All applications should be submitted in writing to the Secretary of the ARC in person or by post within the stipulated period:

<table>
<thead>
<tr>
<th>Type of Appeal Review</th>
<th>Application closing date</th>
<th>Release of the ARC decision</th>
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<tbody>
<tr>
<td>Examination irregularities</td>
<td>18 July 2016</td>
<td>Around 10 August 2016</td>
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<tr>
<td>Marking of scripts after DAR</td>
<td>10 calendar days after the scripts are made available to the candidates</td>
<td>Around mid-October or late November, depending on the date of application</td>
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Any late applications (including applications post-marked after the closing date) will NOT be considered unless there are justifications for the delay.

The candidate shall provide the following information in the application:
- Name, candidate number, correspondence address and subject/paper concerned and the results obtained;
- Reason(s)/Justification(s) for review – the candidate shall produce valid reasons or new evidence to substantiate the request. Reasons or justifications such as marking being unfair, big discrepancies between marks given by different markers/remarkers, results below expectation or different from performance in school or other public examination(s) will NOT be accepted.

Candidates shall pay the required fee at the time of application. If the outcome of the application does not concur with the original decision (for examination irregularities) or leads to the upgrade of a subject or component result (for rechecking and remarking process/marking of scripts), the appeal review fee will be refunded to the candidate. The relevant fees paid for rechecking or remarking of the subject/component concerned will also be refunded, as appropriate.

**Processing of Appeal Review Applications**

- For appeal review of the processing of examination irregularities or the process of rechecking and remarking, the ARC shall use its best endeavour to convene a meeting to consider the applications after the closing date of application.
- For appeal review of the processing of examination irregularities, the ARC will examine each and every appeal review case to ensure that the cases were handled fairly, consistently and in accordance with the PEB guidelines.
- For appeal review of rechecking and remarking, the ARC will examine the records of rechecking/remarking process of each and every application with reference to the policy approved by the PEB and the decisions of the special committee as well as the comments from the subject manager(s)/chief or assistant examiner(s) concerned. (Note: Applications for appeal review will NOT automatically lead to remarking of the answer scripts concerned, e.g. if a candidate has applied for remarking and no miscarriage of judgment has been found.)
- For appeal review of the marking of scripts after access to scripts, depending on the submission dates, the applications will be considered by the ARC at its scheduled meetings. Once an application is accepted, the marking of the whole script of the candidate in the subject/component(s)/paper(s) concerned will be reviewed. If the script has not been remarked before, the marking of the candidate’s scripts will be reviewed by the subject manager/chief or assistant examiner(s) concerned with reference to the specific queries made by the appellant at this stage. The ARC will consider if there are any marking inaccuracies in light of the subject manager’s/chief or assistant examiner’s recommendations after the review of the marked scripts. Mark variations within the tolerance limit due to legitimate differences in the exercise of professional judgment on the part of the examiners/markers are not regarded as marking inaccuracies.

**Outcome of Appeal Review Applications**

- Review of a decision on examination irregularities – where there is any mark adjustment or change in mark penalty that results in upgrading in the subject(s)/component(s) concerned, the candidates concerned will be notified of the outcome of their applications according to the prescribed schedule.
Review of the process of rechecking and remarking – where the Committee decides that the scripts concerned shall be rechecked and/or remarked again, the HKEAA will follow the prescribed procedures for rechecking/remarking and complete the process within 3 working days of the relevant decisions by the ARC.

Review of the marking of scripts after DAR – where the ARC decides that there are marking errors (e.g. unmarked or wrongly marked answers) leading to incorrect personal data, the HKEAA shall amend the data and recalculate the final marks of the candidate in the subject/component(s)/paper(s) concerned within 3 working days of the relevant decisions by the ARC.

The candidate will be notified of the outcome of the application according to the prescribed schedule. Where there is any upgrade in the subject(s)/component(s) concerned, JUPAS/tertiary institutions concerned and the EDB will be notified of the revised result, as appropriate, at the same time.

| Note | The decision of the Appeal Review Committee shall be final. |