Dental Council Licensing Examination
Guidance Note on appeal procedures

General

1. This Guidance Note sets out the appeal procedures in respect of: (i) a person’s eligibility to take the Licensing Examination, and (ii) a candidate’s results in the Licensing Examination.

2. Any challenge of the above-mentioned matters is by way of an application to the Review Committee for a review. If a party is not satisfied with the Review Committee’s decision, he can then appeal to the Dental Council. The decision of the Dental Council is final.

3. If a ground of challenge had not been raised at the review stage, it cannot be raised at the appeal stage. The only exception is where the ground of challenge had not arisen until after the review.

4. An application for review is instituted by completing the attached Form A and delivering it (together with the supporting documents) to the Secretary of the Review Committee, within 14 days from the date of the letter notifying the candidate of the relevant decision or the examination results.

5. An appeal is instituted by completing the attached Form B and delivering it (together with the supporting documents) to the Secretary of the Dental Council, within 14 days from the date of the letter notifying the candidate of the Review Committee’s decision.

6. The date of delivery shall be the date of the post mark (for postal delivery) or the date of receipt by the Secretariat (for other modes of delivery). Late delivery will not be accepted and will be returned to the candidate.

7. In respect of eligibility to take the Licensing Examination, the Review Committee and the Dental Council will process the application for review and subsequent appeal as soon as practicable. However, the review/appeal procedures will take time and the decision of the Review Committee or the Dental Council may not be available before the current examination is held. In that case, a candidate who is found eligible may take the examination to be held in the next year.

8. Examination results are decided by the examiners who assessed the candidate’s performance in the examination. The Review Committee and the Dental Council will not usurp the function of the examiners to substitute a different result for the candidate. If an examination result is found to have been improperly decided, the case will be remitted back to the Board of Examiners for re-assessment, re-examination or other remedial measures.

Application to the Review Committee for review

9. An application for review shall be considered by the Review Committee on the basis of the written submissions. There will not be a hearing.
10. The procedures for processing an application for review are as follows:-

(a) The candidate sends a completed Form A to the Secretary of the Review Committee within 14 days from the date of the letter notifying him of his ineligibility to take the Licensing Examination or his examination results. He must provide a written submission on the review.

(b) The Secretary of the Review Committee shall forward the application to the Review Committee. The Examination Committee or the Board of Examiners (as appropriate) will be notified of the application, and invited to provide written response to the Review Committee within 7 days.

(c) If the written response from the Examination Committee or the Board of Examiners raises new matters which have not been addressed by the candidate in his application, the candidate will be given an opportunity to make written reply to such new matters.

(d) The Chairman of the Review Committee shall convene a meeting to conduct the review on the basis of the written information.

(e) The Review Committee may confirm, vary or revoke the decision/result, and may also remit the case back to the Examination Committee or the Board of Examiners for further consideration.

(f) The Secretary of the Review Committee shall notify the candidate and the Examination Committee/Board of Examiners of the Review Committee’s decision, and inform the candidate of his right of appeal to the Dental Council.

Appeal to the Dental Council

11. An appeal shall be considered by the Dental Council.

12. If the Chairman of the Dental Council is of the view that there is no prima facie case for the appeal, the Council may by circulation of papers pass a resolution to dismiss the appeal summarily.

13. If the appeal has not been dismissed summarily, it shall be considered by the Dental Council at a meeting.

14. The procedures for processing an appeal are as follows:-

(a) The appellant sends a completed Form B to the Secretary of the Dental Council within 14 days from the date of the letter notifying him of the decision of the Review Committee. He must provide a written submission on the appeal.

(b) The Secretary of the Dental Council shall forward the appeal to the Council. The Review Committee will be notified of the appeal and invited to provide written response within 7 days.
(c) If the Chairman of the Dental Council does not form a view that the Council should be invited to pass a resolution to dismiss the appeal summarily for the lack of a prima facie case, the Chairman of the Dental Council shall fix the date, time and place of the appeal hearing and the Secretary of the Dental Council shall give 14 days’ notice to the candidate and the Chairman of the Review Committee.

(d) The appellant and the Review Committee may appear at the hearing.

(e) In addition to their written submissions, both parties may make oral submissions at the hearing.

(f) If either or both parties fail to appear at the hearing, the Council may:-
   - adjourn the hearing to a later date; or
   - proceed to hear the appeal; or
   - if the appellant fails to appear, dismiss the appeal

(g) The Dental Council may confirm, vary or revoke the decision/result, and may also remit the case back to the Examination Committee or the Board of Examiners for further consideration

(h) The Secretary of the Dental Council shall, within 28 days of the decision of the Council, notify both parties of the decision.

(i) The decision of the Dental Council shall be final.

Dental Council of Hong Kong
October 2010
Form A

Dental Council Licensing Examination

Review of decision of Examination Committee/examination result

To: Secretary of the Review Committee, Dental Council,

A. I, ______________________________ (name) of __________ (Candidate No, if any), hereby apply to the Review Committee for review of (see Note 1):-
   □ the decision of the Examination Committee in respect of my eligibility to take the Licensing Examination set out in the letter dated ________________________________
   □ my results in the Licensing Examination set out in the letter dated ______________________

B. The grounds for the application for review are (see Notes 3 and 4):-
   □ set out in the attached document (to be entitled “Grounds for Review”)
   □ set out below:-
     1. ___________________________________________________________________
     2. ___________________________________________________________________

C. The following supporting documents are enclosed:-
   □ written submission for the review (see Note 5)
   □ other supporting documents (itemize and specify):
     1. ___________________________________________________________________
     2. ___________________________________________________________________

D. My contact information:-
   Address: ___________________________________________________________________
   Email: ___________________________________________________________________
   Telephone No.: ___________________________________________________________________

Dated: _____________________

(Signed) _________________________
Important Notes:

1. This review form and the supporting documents must be delivered to the Secretary of the Review Committee within 14 days from the date of the letter notifying you of the decision of the Examination Committee or your results in the Licensing Examination. Late delivery will not be accepted. (Date of delivery is the date of post mark for postal delivery, or date of receipt by the Secretariat for other modes of delivery.)

2. Send the review form and the supporting documents by mail to “Secretary of the Review Committee, Dental Council of Hong Kong, 4/F., Hong Kong Academy of Medicine Jockey Club Building, 99 Wong Chuk Hang Road, Aberdeen, Hong Kong”, or by fax to (852) 2554 0577.

3. If a ground of challenge had not been raised at the review stage, it cannot be raised at the appeal stage. The only exception is where the ground of challenge had not arisen until after the review.

4. You cannot apply for review on the ground that you were unaware of or did not understand the procedures and regulations governing the Licensing Examination. You cannot seek special consideration on compassionate grounds, as the examination is an assessment of dental competence.

5. A written submission (setting out clearly the decision to be reviewed, the grounds for review, and explanation as to why the decision should be reviewed) must be provided. The written submission should be as specific and thorough as possible.

6. This form should not be used for complaints about the examination arrangements or enquiries about the examination results are not relevant to an appeal. Complaints and enquiries should be addressed to the Dental Council separately.
To: Secretary of the Dental Council,

A. I, ___________________________ (name) of ___________ (Candidate No, if any) / Examination Committee / Board of Examiners hereby appeals to the Dental Council against the decision of the Review Committee set out in the letter dated ______________________ (see Note 1) in respect of:-  
   □ the eligibility to take the Licensing Examination  
   □ the results in the Licensing Examination

B. The grounds of appeal are (see Notes 3 and 4):-  
   □ set out in the attached document (to be entitled “Grounds of Appeal”)  
   □ set out below:-  
      1. __________________________________________________________  
      2. __________________________________________________________

C. The following supporting documents are enclosed:-  
   □ written submission for the appeal (see Note 5)  
   □ other supporting documents (itemize and specify):  
      1. __________________________________________________________  
      2. __________________________________________________________

D. My contact information:-  
   Address: ______________________________________________________  
   Email: _________________________________________________________  
   Telephone No. : _________________________________________________

Dated: _____________________  

(Signed) _________________________
**Important Notes:**

1. This appeal form and the supporting documents must be delivered to the Secretary of the Dental Council within 14 days from the date of the letter notifying you of the decision of the Review Committee. Late delivery will not be accepted. (Date of delivery is the date of post mark for postal delivery, or date of receipt by the Secretariat for other modes of delivery.)

2. Send the appeal form and the supporting documents by mail to “Secretary of the Dental Council of Hong Kong, 4/F., Hong Kong Academy of Medicine Jockey Club Building, 99 Wong Chuk Hang Road, Aberdeen, Hong Kong”, or by fax to (852) 2554 0577.

3. If a ground of challenge had not been raised at the review stage, it cannot be raised at the appeal stage. The only exception is where the ground of challenge had not arisen until after the review.

4. You cannot appeal on the ground that you were unaware of or did not understand the procedures and regulations governing the Licensing Examination. You cannot seek special consideration on compassionate grounds, as the examination is an assessment of dental competence.

5. A written submission (setting out clearly the decision appealed against, the grounds of appeal, and explanation as to why the appeal should be allowed) must be provided. The written submission should be as specific and thorough as possible. Other supporting documents which have not been provided to the Review Committee at the stage of review will not be considered unless there are exceptional reasons.

6. This form should not be used for complaints about the examination arrangements or enquiries about the examination results are not relevant to an appeal. Complaints and enquiries should be addressed to the Dental Council separately.