

## **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 appeal to the Dental Council of Hong Kong ("the Council").
3. An appeal is instituted by completing the attached Appeal Form and delivering it (together with the supporting documents) to the Secretary of the Council, within 14 days from the date of the letter notifying the candidate of the relevant decision or the examination results.
4. 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.
5. In respect of eligibility to take the Licensing Examination, the Council will process the appeal as soon as practicable. However, the appeal procedures will take time and the decision of the 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 sitting.
6. Examination results are decided by the examiners who assessed the candidate's performance in the examination. The 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 ("BoE") for re-assessment, re-examination or other remedial measures.

### **Appeal to the Council**

7. An appeal shall first be considered by the Licensing Examination Review Committee ("LERC") who will make recommendation to the Council on the basis of the written submissions.
8. The procedures for processing an appeal are as follows:-
  - (a) The candidate sends a completed Appeal Form to the Secretary of the Council 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 appeal.

- (b) The Secretary of the Council shall forward the appeal to LERC. The Examination Committee (“EC”) or BoE (as appropriate) will be notified of the application, and invited to provide written response to LERC within 7 days.
- (c) If the written response from EC or BoE raises new matters which have not been addressed by the candidate in his appeal, the candidate will be given an opportunity to make written reply to such new matters.
- (d) The Chairman of LERC shall convene a meeting to consider the case on the basis of the written information.
- (e) LERC shall make recommendation to the Council to confirm, vary or revoke the decision/result, and may also recommend to remit the case back to EC or BoE for further consideration.
- (f) In considering the recommendation of LERC on an appeal, the Council may by circulation of paper pass a resolution to endorse the recommendation of LERC.
- (g) Unless the recommendation of LERC on an appeal is endorsed by the Council by circulation of paper, the appeal will be considered by the Council at a hearing. The Chairman of the Council shall fix the date, time and place of the appeal hearing and the Secretary of the Council shall give 14 days’ notice to the candidate and the Chairman of EC or BoE.
- (h) The appellant and EC/BoE may appear at the hearing.
- (i) In addition to their written submissions, both parties may make oral submissions at the hearing.
- (j) 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.
- (k) The Council may confirm, vary or revoke the decision/result, and may also remit the case back to EC or BoE for further consideration.
- (l) The Secretary of the Council shall, within 28 days of the decision of the Council, notify the appellant of the decision.
- (m) The decision of the Council shall be final.

**Dental Council Licensing Examination**

**Appeal against the decision of the Examination Committee/examination result**

To: Secretary of the Dental Council of Hong Kong (“the Council”),

A. I, \_\_\_\_\_ (name) of \_\_\_\_\_ (Candidate No, if any), hereby appeal to the Council against (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 of appeal are (see Notes 3) -

- 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 4)  
 other supporting documents (itemize and specify):  
1. \_\_\_\_\_  
2. \_\_\_\_\_

D. My contact information-

Address : \_\_\_\_\_

Email : \_\_\_\_\_

Telephone No. : \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Important Notes :**

1. This appeal form and the supporting documents must be delivered to the Secretary of the Dental Council of Hong Kong (“the Council”) 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 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. 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.
4. A written submission (setting out clearly the decision to be 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.
5. 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 Council separately.