

Hong Kong Organic Resource Centre Certification Ltd.

Certification Policy Manual 2019



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HONG KONG ORGANIC RESOURCE CENTRE CERTIFICATION LTD

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Chapter 1

Background of HKORC

1.1 About Hong Kong Organic Resource Centre Certification Limited

1.1.1 “Hong Kong Organic Resource Centre Certification Limited” (abbreviated as “HKORC-Cert”) is an independent incorporated certification agent managed by “Hong Kong Organic Resource Centre” (abbreviated as “HKORC”).

1.1.2 Its duties include the establishment of a local organic production, aquaculture and processing standard and a certification system; the development and management of “Hong Kong Organic Resource Centre Certification Limited - Hong Kong Organic Production, Aquaculture and Processing Standard” (abbreviated as “the Standard”); the processing of applications for organic certification; the award of certificates to organic products that are produced and processed in accordance with the standard and this manual; and the monitoring and management of the use of HKORC-Cert organic certification seals.

1.1.3 Since 2012, the certification system of HKORC-Cert has been accredited by International Federation of Organic Agriculture Movements (abbreviated as “IFOAM”).

1.2 About Hong Kong Organic Resource Centre

1.2.1 Background

1.2.1.1 To cope with the increasing demand for healthy food and environmental protection, many countries have been actively developing organic farming since the 1990’s. Coupled with the shrinking growth of the local farming industry owing to urbanization and economic transition, the HKSAR Government has been assisting the local farming community to develop organic farming since 2000. A new direction has been charted to develop a new market with higher returns.



In order to allow organic market growing healthily and rapidly, a set of organic standards and a certification system is needed. With funding supports from the Agricultural Development Fund of Vegetable Marketing Organization, HKORC was hence established in December 2002. It is the first local certification body of organic products set up under the Agricultural Development Fund to facilitate the development of organic farming.

1.2.2 Vision Statement

1.2.2.1 We envision HKORC as an independent organic certification agent that works toward the goals of increasing the awareness of farmers, consumers and the general public about organic crops and the role of certification in the production and marketing of organic products, and promoting the sustainable development of organic farming in Hong Kong so as to ensure a safe and high-quality food supply and an ecologically balanced living environment for our future generations.

1.2.3 Long Term Goal

1.2.3.1 We serve with professionalism, dedication and unselfishness in establishing and operating a set of fair, impartial and transparent organic standards and certification system for the organic farming community. In addition, we provide technical support, trade and marketing information to the organic sector; as well as information about organic farming methods and organic foods to the consumers.

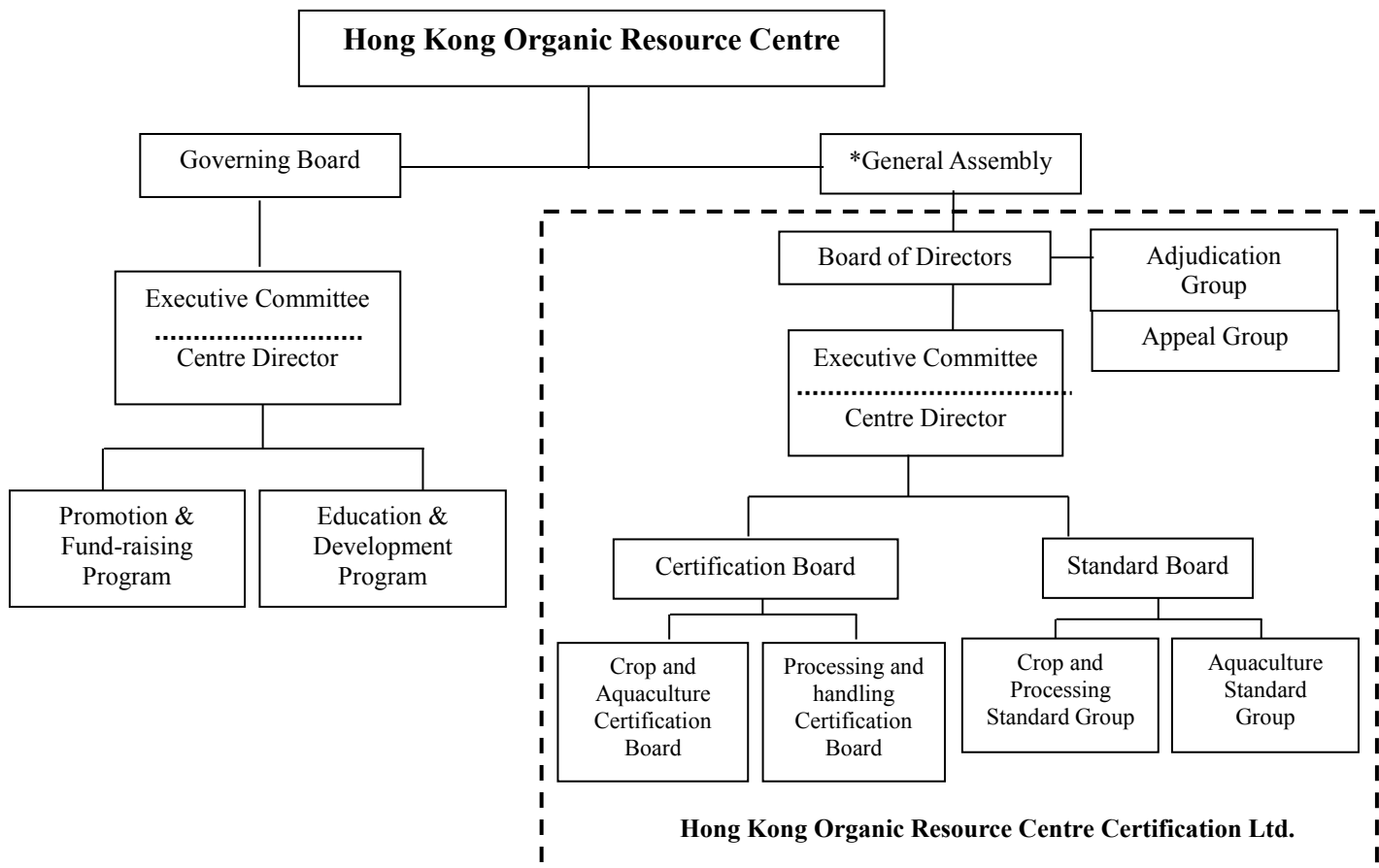


1.3 Organizational Structure

1.3.1 Overview on the Organizational Structure

1.3.1.1 HKORC-Cert is comprised of the Board of Directors, Executive Committee, Certification Board, Standard Board and HKORC-Cert staff.

Diagram 1. Organizational Structure Chart



* Members of General Assembly are the same as that in Governing Board



1.3.2 Board of Directors

1.3.2.1 Members of the Board of Directors come from HKORC Governing Board. The Board is responsible for reviewing and approving the organic standards and certification system formulated or revised by the Standard Board and the Certification Board. It also serves as the body for final appeal of certification decisions.

1.3.3 Certification Board

1.3.3.1 The Certification Board (abbreviated as CB) is consisted of farmers, aquaculture operators, processing operators and retailers, environmentalists/scientists, consumers, government, worthy personages and HKORC founding organization. The Board is responsible for the formulation or revision of the certification system applicable to Hong Kong. Furthermore, the Certification Board, based on this standard and the requirements listed in this manual, assesses organic farming and processing operations for conformance with the standard and makes decisions about their certification status.

1.3.4 Standard Board

1.3.4.1 The Standard Board is made up of farmers, aquaculture operators, processing operators and retailers, environmentalists/scientists, government and HKORC founding organization. The Board is responsible for the formulation or revision of a set of organic standards applicable to Hong Kong for the review and approval by the Board of Directors.

1.3.5 Executive Committee

1.3.5.1 The Executive Committee is made up of a representative from each of the 3 HKORC co-organizers. It is responsible for managing HKORC-Cert staff to execute the entire system.



Part 2

Procedures for Certifying Organic Operation

2.1 Types of Certification

2.1.1 HKORC-Cert provides Crop Production Certification, Aquaculture and Processing and Handling Certification. Certification applicant should refer to the Standard and requirements in this manual relevant to its operation.

2.1.2 Crop Production Certification

2.1.2.1 Applicable to the production units that perform organic farming operation, using methods that conform to the Standard and this manual.

2.1.3 Aquaculture Certification

2.1.3.1 Applicable to the production units that perform organic aquaculture operation, using methods that conform to the Standard and this manual.

2.1.4 Processing and Handling Certification

2.1.4.1 Applicable to the production units that perform processing, handling and packaging of raw materials, using methods that conform to the Standard and this manual.

2.2 Charges for Certification

2.2.1 With the aims of maintaining a fiscally sustainable operation, providing professional quality service, and generating financial resources from the organic sector in order to promote the development of the organic farming, HKORC-Cert collects certification fees which are set in accordance with the nature of services delivered and the type of operation units that will be served.



2.2.2 The principle behind setting HKORC-Cert's fees is to encourage the organic sector's participation in certification while avoiding the negative impact of fees on the organic operations. Fixed amount will be collected by HKORC-Cert, which acts as the cost of certification service regardless of the size (including sales volume) and the nature of the operation.



2.2.3 Certification Fee and Related Fees

Table 1. Certification Fee and Related Administration Fee Schedule

A. HKORC-Cert Certification Fee Type

1. Crop Production Certification

Information Packet Fee: HKD250 (Information Packet Documents)
(This fee will be deducted from the Certification Fee if HKORC-Cert accepts to process the application; Continuation of Certification does not require to submit.)

- Certification Fee:

* Initial Fee of Certification Application (HKD) (Continuation of Certification does not require to submit)	Farm Size (1DC=1/6 Acre=0.0676 Hectare=676 m ²)	*Certification Fee (HKD)
\$800 (This fee will be deducted from the Certification Fee if HKORC-Cert accepts to process the application.)	Below 20 DC.....	\$13,000
	Over 20-50 DC.....	\$20,000
	Over 50-100 DC.....	\$26,000
	Over 100-500 DC.....	\$33,000
	Over 500-1,000 DC.....	\$39,000
	Over 1,000 DC.....	\$52,000

The above fee excludes inspection fee and testing fee.

- Basic Testing Fee: around HKD5,000 (This fee will be charged according to the quotation concerned.)
- Inspection fee: HKD1,200/day (at least two days while half day is to be considered as one whole day)
- Operation units outside Hong Kong: will subject to additional costs including transportation, accommodation, communication, administration

2. Aquaculture Certification

Information Packet Fee: HKD250 (Information Packet Documents)
(This fee will be deducted from the Certification Fee if HKORC-Cert accepts to process the application; Continuation of Certification does not require to submit.)

- Certification Fee:

* Initial Fee of Certification Application (HKD) (Continuation of Certification does not require to submit)	Pond/Production Zone Size (1DC=1/6 Acre=0.0676 Hectare=676 m ²)	*Certification Fee (HKD)
\$800 (This fee will be deducted from the Certification Fee if HKORC-Cert accepts to process the application.)	Below 20 DC.....	\$13,000
	Over 20-50 DC.....	\$20,000
	Over 50-100 DC.....	\$26,000
	Over 100-500 DC.....	\$33,000
	Over 500-1,000 DC.....	\$39,000
	Over 1,000 DC.....	\$52,000

The above fee excludes inspection fee and testing fee.

- Basic Testing Fee: around HKD5,000 (This fee will be charged according to the quotation concerned.)
- Inspection fee: HKD1,200/day (at least two days while half day is to be considered as one whole day)



- Operation units outside Hong Kong: will subject to additional costs including transportation, accommodation, communication, administration

3. Processing and Handling Certification

Information Packet Fee: HKD250 (Information Packet Documents)

(This fee will be deducted from the Certification Fee if HKORC-Cert accepts to process the application; Continuation of Certification does not require to submit)

- Certification Fee:

* Initial Fee of Certification Application (Continuation of Certification does not require to submit)	* Certification Fee (HKD)
10% of Basic Fee (This fee will be deducted from the Certification Fee if HKORC-Cert accepts to process the application.)	Basic Fee
	Repacking\$8,000
	For complicated process procedure or mass production of repacking\$20,000

The above fee excludes inspection fee and testing fee.

- Testing Fee: depends on each application
- Inspection: HKD1,200/day (at least two days while half day is to be considered as one whole day)
- Operation units outside Hong Kong: will subject to additional costs including transportation, accommodation, communication, administration

*Initial Fee of Certification Application (Continuation of Certification does not require the submission of Initial Fee) shall be submitted with Certification Application Form; Certification Fee shall be submitted with the Certification Proposal.

B. Administration Fees

- Appeal Fee: : \$1,000 (This fee will be returned if the appeal is accepted.)
- Scope Amendment Fee : \$500 (This fee is for area extension only. Others are free of charge.)
- Document Review Fee : \$1,200 or above (This fee depends on the number of certificates required for the review. The minimum charge is HKD1,200.)
- Product Acceptance Fee \$1,200 or above (This fee depends on the number of products and on-site audits required. The minimum charge is HKD1,200.)
- Penalty on Nonconformance : Max. \$10,000 (This fee is applicable to suspension or revocation of organic certification.)
- *Repeated inspection fee (subject to individual situation) : \$1,200 each plus associated administration fee

*raised by inadequate information & possible nonconformance by operator



2.3 Scope of Certification

2.3.1 All entities in the chain of custody that has produced, processed, packaged, or labeled an organic product should have been certified.

2.3.2 For Packaged organic agricultural and aquatic products and Processed organic products:

2.3.2.1 HKORC-Cert seals and certificate may be used by operators holding a valid certificate of registration from HKORC-Cert for the production until the packaging process and only in conjunction with those organic products identified on the certificate.

2.3.3 For Unpackaged organic agricultural and aquatic products and Processed organic products:

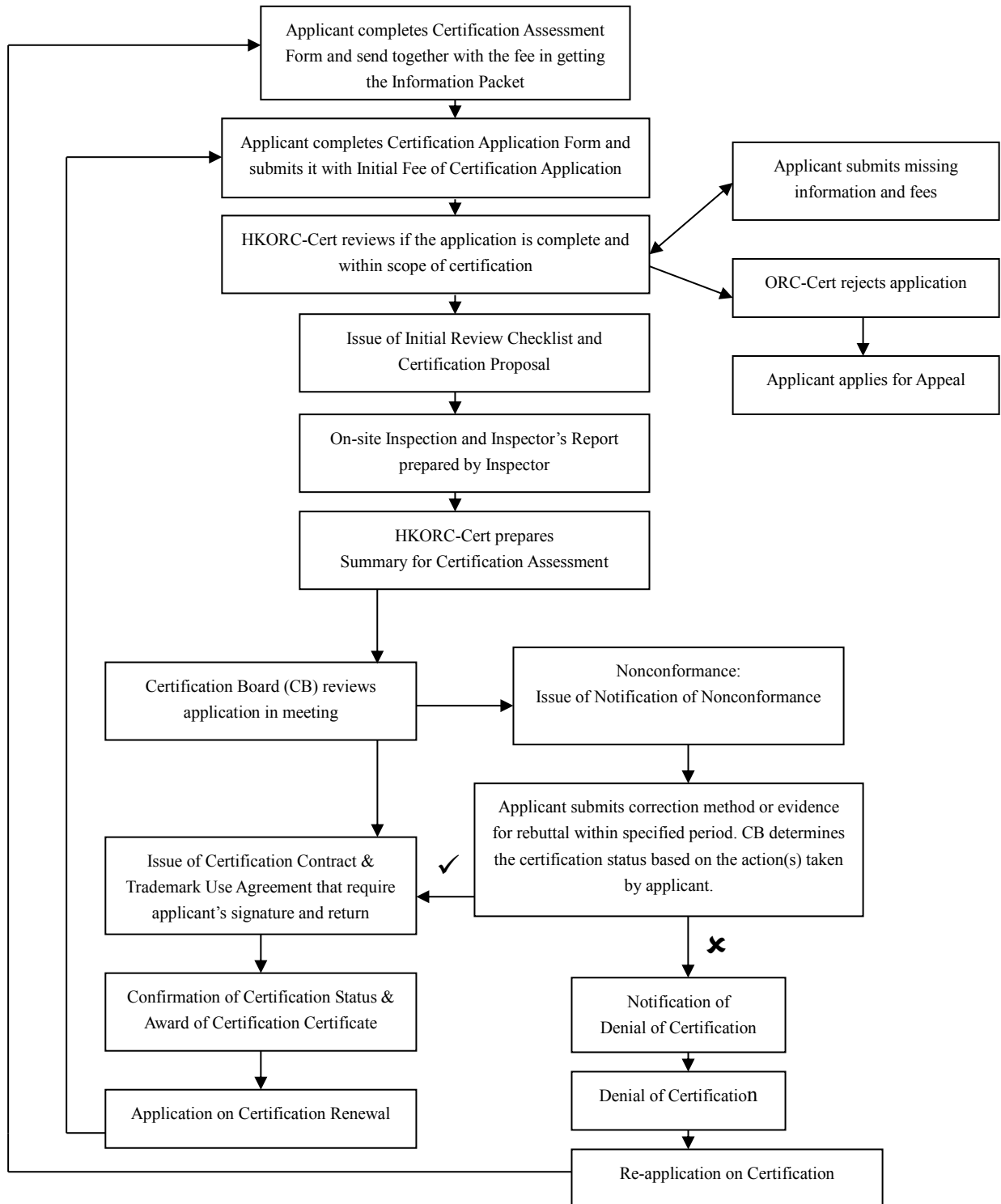
2.3.3.1 HKORC-Cert seals and certificate may only be used by operators holding a valid certificate of registration from HKORC-Cert for the production that the retailing of the products to the consumers is managed by the same operation.

2.3.3.2 HKORC-Cert seals and certificate may not be used by operators holding a valid certificate of registration from HKORC-Cert for the production but the retailing of the products to the consumers is managed by third party unless detailed sales record are provided and the retailing facilities are inspected by HKORC-Cert or certified by other certifying agents recognized by HKORC-Cert.



2.4 Initial Certification

Diagram 2. Flow Chart for Organic Certification





2.4.1 Complete the Certification Assessment Form

2.4.1.1 A potential applicant can submit a Certification Assessment Form that can be obtained from the HKORC-Cert's office. This form facilitates the potential applicant to determine which type of certification to be applied for and to assess its own ability in conforming to the principles of the Standard. The initial information provided through this form facilitates the office to follow up on certification application.

2.4.2 Request an Information Packet

2.4.2.1 First-time applicant of HKORC-Cert certification should return the completed Certification Assessment Form and the Information Packet Fee (by crossed-cheque of local banks made payable to “Hong Kong Organic Resource Centre Certification Ltd.”) to HKORC-Cert office in order to request for the Information Packet for the type of certification (Section 2.1) needed. The Information Packet includes the following documents:

- Certification Policy Manual (Abbreviated as the Policy);
- The Standard; and
- Certification Application Form and other relevant forms

2.4.3 Complete the Certification Application Form

2.4.3.1 Read the relevant part of the Standard as well as the Policy in order to understand the basic requirements of obtaining organic certification. Assess whether the operation fulfills the requirements of the Standard and this manual. For any enquiries regarding the certification requirements, please contact HKORC-Cert for more information.

2.4.3.2 If the applicant thinks that the operation meets the relevant standards, the applicant completes the relevant Certification Application Form or Re-Certification Form and each part of the relevant forms.

The production system and operation methods of the enterprise must be clearly



described as this information is essential for HKORC-Cert's initial assessment on the application of certification / continuation of certification. Any submission of incomplete information would be handled according to Section 2.4.5.2.

2.4.3.3 Submit the fee required. Please refer to “the Certification Fee and Related Administration Fee Schedule” in Section 2.2.3.

2.4.3.4 Keep a copy of the application for your own records before any submission of application to HKORC-Cert.

2.4.4 Submit Certification Application Form

2.4.4.1 Check the Certification Application Form that will be submitted to HKORC-Cert and make sure the documents required have been prepared for the application. The Certification Application should include:

- All the completed application form and relevant forms;
- All the documents copy as required in the forms, e.g. the relevant licenses or copies of certification issued by other certification bodies;
- Initial fee of certification application (by crossed-cheque of local banks made payable to “Hong Kong Organic Resource Centre Certification Ltd.”); and
- Prior year's inspector's report and the relevant record of corrective actions taken, if available.

2.4.4.2 Please send the required information to the Hong Kong Organic Resource Centre Certification Ltd., Hong Kong Baptist University, Kowloon Tong, Hong Kong, in a sealed envelope.

2.4.4.3 Apart from the information as stated in Section 2.4.4.1, applicant shall provide document records, accounting records and subcontractors' information related to its production and sales, and a record of complaint relating to its product for HKORC-Cert's inspection.



2.4.4.4 The operation should immediately report any changes on the operation's certification information to HKORC-Cert.

2.4.4.5 HKORC-Cert will follow our principles of fairness, impartiality and openness to accept all certification applications that fall within HKORC-Cert scope of certification program disregarding the production scale or size, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status of the applicants.

2.4.5 Initial Review of the Application

2.4.5.1 Upon receipt of the certification application and payment, HKORC-Cert staff reviews the application for the following and the result of the review are documented on the Initial Review Checklist and Certification Proposal:

- whether the application's activities fall within the scope of HKORC-Cert certification program;
- the completeness of the required information of the application;
- the ability of the operation to conform to the requirements of relevant parts of the Standard and this manual; and
- payment of the Initial Fee of Certification Application.

2.4.5.2 For incomplete application, HKORC-Cert staff will notify the applicant and request the applicant's submission of additional materials or fees concerned within 5 days.

2.4.5.3 The Initial Review facilitates the determination of:

- any special instructions for site inspection based on the findings about the operation;
- the timeframe, estimated costs (certification fee/inspection fee and so on) and the selected inspector(s) for certification process.

2.4.5.4 HKORC-Cert sends a copy of the completed Initial Review Checklist and Certification Proposal to the applicant by post.



- 2.4.5.5 If the applicant agrees with the Initial Review Checklist and Certification Proposal and submits the certification fees (please refer to Section 2.2.3) stated in the Proposal, HKORC-Cert will arrange the on-site inspection.
- 2.4.5.6 HKORC-Cert submits the application for CB's review within 30 days when it considers the application does not conform to the Standard and this manual apparently. The CB determines whether this application should be rejected or not. HKORC-Cert shall notify the applicant in writing, providing reasons of rejection.
- 2.4.5.7 The applicant may rebut or appeal to the Board of Directors against HKORC-Cert's Initial Review decision within 30 days after the issuance of the rejection.

2.5 Withdrawal of Application

- 2.5.1 An applicant may withdraw his/her application at any time. However, he/she shall be liable for the costs of services, including the cost of administration, application review and sample testing and so on, provided up to the time of withdrawal of its application. In case of withdrawal after the on-site inspection, the submitted fees will not be refunded.
- 2.5.2 Applicant that withdraws his/her application prior to the issuance of certification result will be sent a letter acknowledging the receipt of the withdrawal notification. However, HKORC-Cert will not issue any notice regarding certification approval/denial and nonconformance to that applicant.



2.6 Withdrawal of Certification

- 2.6.1 An applicant may withdraw his/her certification at any time. All submitted fees including costs of certification services, administration, and sample testing and so on, will not be refunded.
- 2.6.2 Applicants must provide a written withdrawal notification to HKORC-Cert for the withdrawal his/her certification and provide the reason.
- 2.6.3 The withdrawal is effective once the notification is received. A letter will be sent acknowledging the receipt of the withdrawal notification, and informing the applicant on the termination of the contract and invalidation of the organic certificate and organic seal. The applicant must return the previous Certification Certificate, all certified copies of previous Certification Certificate and remaining organic labels to HKORC-Cert within 1 month after the issuance of the withdrawal notification.

2.7 The On-site Inspection

2.7.1 The on-site Inspection Arrangement

- 2.7.1.1 HKORC-Cert conducts on-site inspection for each first-time applicant. In which, every production procedure (including those involved in the production and processing of organic products), production site and facilities will be inspected. An on-site inspection will be conducted annually thereafter for each certified operation with the purpose of providing enough information for CB to determine whether the certification of the operation should be continued. For Aquaculture Operator who practices parallel production, at least two inspections annually (one inspection to be conducted at critical time) are required.



2.7.1.2 The Inspector is provided with the following documents prior to the inspection:

- Certification Assessment Form of the operation being inspected;
- The Certification Application Form or Certification Continuation Form;
- The Initial Review Checklist and Certification Proposal completed by HKORC-Cert;
- Special instructions for inspection of the operation
- Prior year's inspector's report and the relevant record of corrective actions taken, if applicable; and
- Other relevant information.

2.7.1.3 Once confirmed the date of inspection, the operation has to be conducted the inspection on time. If the operation need to change the inspection date, the operation has to inform HKORC-Cert and inspector at least 3 days before the inspection date, otherwise the operation will be charged HKD 1000 as handling fee.

2.7.1.4 All inspections must be conducted with the presence of the operation's representative who is knowledgeable about the operation. An observer may be present during the inspection. And, all the organic or non-organic production sites, production procedures, facilities, workers, operator's subcontractors and documents must be available for inspection. All these documents shall be kept for at least three years and be ready before the inspector's arrival at the site.



2.7.2 The Role of Inspectors

2.7.2.1 Conduct on-site inspection in accordance with the Standard and this manual and provide reports on the inspection results. The inspector's report will be the major ground for CB's decision of awarding the certification.

2.7.2.2 The inspectors should not provide any advice that may affect the decision of awarding certification. The inspector may provide the applicant with information about the Standard or this manual but may not provide advice on organic production and processing in any forms. This is to prevent conflict of interests and to safeguard the neutral position of HKORC-Cert.

2.7.3 Qualification of Inspectors

2.7.3.1 The inspectors must possess:

- Diploma or above in Agriculture, Aquaculture, Biology, Environmental Conservation, Food Management, Food Technology, Food Science or related disciplines; or
- farming experience; or
- food processing experience; or
- food trading or related experience

2.7.3.2 Inspectors must complete the inspector training offered by organizations recognized by HKORC-Cert (e.g. International Organic Inspectors Association – IOIA) and pass the examination concerned and be appointed by HKORC-Cert; the inspectors must also understand the Standard and this manual; be familiar with the inspection, certification and associated administrative procedures; acquire the principles of organic farming and the procedures of organic production and processing operation; process critical control points and quality control requirements.

2.7.3.3 He/She must refresh his/her knowledge through trainings periodically.



- 2.7.3.4 The inspectors must be good at observation and must carry out his/her inspection honestly and impartially. He/She is required to write the inspector report in a timely manner, clearly stating the situation of the operation being inspected.
- 2.7.3.5 Inspectors must abide by clauses in the HKORC-Cert policies on declaring interests, acceptance of benefits, and confidentiality. Inspectors should report interests annually.
- 2.7.3.6 Inspectors can only inspect those operations that have had no ownership/partnership, no business or consulting relations with him/her during the past 2 years, and those operations that the inspectors or their immediate family members do not involve in the business.
- 2.7.3.7 Inspectors who have not previously inspected for a certification organization must complete at least two apprentice inspections with an experienced inspector prior to doing an HKORC-Cert inspection independently.

2.7.4 Inspection Procedures

- 2.7.4.1 The Director assigns an inspector, who is on the list of approved inspectors, to perform the inspection work required, according to the equal opportunity principle and the skills and experiences matched with the scope of inspection. Operators have neither the right to choose nor to recommend inspectors.
- 2.7.4.2 The applicant has the right to direct his/her objection to the Chairman of the CB against the inspector assigned by HKORC-Cert in writing, if he/she can provide enough evidence showing that the inspector has possible conflict of interest or unacceptable past performance. HKORC-Cert handles the reassignment of inspector and the Director determines whether the evidence is acceptable or not the new inspector candidate.



2.7.4.3 The inspector firstly reviews the applicant's information provided by HKORC-Cert and makes an appointment with the applicant. He/she will inform the applicant about the arrangement of on-site inspection and review any preliminary questions related to the operation during their contact.

2.7.4.4 The inspector conducts the inspection at the operation and verifies whether the information provided in the Certification Application Form or Re-Certification Form is correct or not. The inspector records his/her observations regarding the operation's conformance with the Standard and this manual on the inspection checklist. These observations and records include:

- the location, soil condition (samples to be taken from different spots in the operation, according to the size of the operation), materials, equipment, facilities, storage units and the relevant records of the production/processing unit
- the operation's conformance or capability to produce or process in compliant with the Standard.
- the accuracy of information, describing the organic production/ processing system and the practices used or to be used, provided by the operator
- if any Group III (prohibited) substances have been and are applied; or if any unapproved use of Group II (restricted) substances; or if any use of Group I (allowed) substance disregarding the specific annotations, during the operation.
- If the operation is found repeatedly not complying with a specific requirement.
- Trace back audit.
- Verify changes that have taken place in the standards have been effectively implemented by the operator. (If applicable)

2.7.4.5 Inspector may request for the collection and testing of soil, water, waste, seeds, plant or animal tissue and processed product for verifying the production/processing condition of the operator when nonconformance of the Standard and this manual is suspected. The inspector must give reasons of suspicion to the operation. HKORC-Cert shall charge the cost incurred.



2.7.4.6 The inspector conducts an exit interview with the authorized representative of the operation to confirm the accuracy and completeness of the observations and information gathered during the inspection. The inspector will also address any issues of concern or nonconformance and request for any additional information.

2.7.5 Surprise check

2.7.5.1 HKORC-Cert may conduct surprise check with applicant to check if the applicant has nonconformance with the requirements of the Standard and this manual. Scope of surprise check includes but not limited to examine documentation and records, and access to the relevant equipment, location(s), area(s), personnel, and subcontractors of the applicant. Whether these inspections are announced or unannounced are at the discretion of HKORC-Cert.

2.7.5.2 In addition to the annual information update and on-site inspections for the certified operations, at least 10% and at most 40% of certified operations are subject to surprise check each year. The additional inspection fees will be responsible by HKORC-Cert.

2.7.5.3 ORC-Cert should obtain operators' agreement to surprise check through the Certification Application Form prior to the surprise check. HKORC-Cert determines the random check according to the following criteria:

- Random choice by the Chairman of CB
- Split production of the operation
- Soil, water, produce, animals or processed products samples which indicates the possibility of contamination
- Operation which have had minor and major nonconformance record;
- recommendation on unannounced inspection raised by inspectors or HKORC-Cert staff



2.7.6 The Inspector's Report

2.7.6.1 After completion of the inspection, the inspector submits the inspector's report to the CB. The report must include the following:

- The report lists the operation's organic production/processing system and practices, according to the framework stated in the Standard and this manual, and evaluates them for conformance with the Standard and this manual.
- The report includes a list of all points of nonconformance found by the inspector.
- By summarizing the information and observation, the inspector makes recommendations regarding the non-conformities to Certification Board.
- The report lists the date, site, area of each inspection and contains the name of interviewee, date of report and signature of inspector.

2.8 Decision on Awarding Certification

2.8.1 The Centre Executive collects and organizes all documents related to the application and prepares a summary that summarizes the course of certification for the operation and if the operation conforms to the requirements of the Standard. All the documents concerned are confidential and should be uploaded on the internal website or sent to the CB members who have no conflict of interest with the applicant by registered post at least a fortnight before the CB meeting for application review and approval. The documents include:

- The summary for certification assessment prepared by the Centre Executive
- The complete set of application from the applicant
- Inspector's report
- Sample test report
- Other related documents

2.8.2 The CB reviews and scrutinizes the applicant's certification application based on the documents of certification application submitted by the Centre Executive in the board meeting.

2.8.3 The CB determines the award of certification according to the Standard and this manual. Applicants who can conform to the Standard are granted with the certification.



- 2.8.4 CB handles the application from first-time applicant / certified operation that has nonconformance according to the Procedures for Handling Nonconformance (Section 3.1).
- 2.8.5 In case of changes of HKORC-Cert certification requirement, first-time applicant / certified operation must comply with the amended Standard and Policy Manual within one month upon their announcement or the effective period required by CB. CB would stick to the new version of Standard and Policy Manual in making decision after the effective date.

2.9 Denial of Certification

- 2.9.1 In the case of nonconformance, the CB handles the application according to the Procedures for Handling Nonconformance (Section 3.1). When the applicant has taken inappropriate corrective actions or the rebuttal is found insufficient for the applicant to qualify for certification, HKORC-Cert will issue the applicant a written notice of Denial of Certification and the case shall be reported to and recorded by the Board of Directors.
- 2.9.2 Notice of Denial of Certification
- 2.9.2.1 A notice of Denial of Certification provides the following information:
- Reason(s) for denial and the relevant source of information.
 - Applicant has the right to reapply for the certification with HKORC-Cert or any other certification agent; and rebut to the CB. If the rebuttal is unsuccessful, the applicant can file an appeal with the Board of Directors.
- 2.9.3 Re-applying for Certification after Certification has been Denied
- 2.9.3.1 Applicant who has been denied certification by other certifying agent must provide HKORC-Cert with the information regarding previous nonconformance(s), denial of certification, and the relevant corrective actions. CB will handle the application in accordance with the Initial Certification Procedure (Section 2.4).



2.9.3.2 HKORC-Cert will handle the application for certification from an applicant whose application has just been denied by HKORC-Cert only after half year of the denial. HKORC-Cert will treat his/her application as a new application, in accordance with the Initial Certification Procedure (Section 2.4).

2.9.4 Actions on the Provision of False Information

2.9.4.1 If CB has reason to believe that an applicant for certification has willfully provided false information in the application process, the board may issue the notice of Denial of Certification without first issuing a Notification of Nonconformance. This denial should be reported to the Board of Directors.

2.10 Amendment of the Scope of Certification

2.10.1 When there are changes to the operation and management of a certified operation, including ownership, manager, production location, area, process, major machines and products, etc. resulting in the change of organic product type and quantity, the operator must apply for the “Amendment of the Scope of Certification” with CB and be approved by HKORC-Cert prior to implementation of the changes; otherwise, the certification may be suspended immediately upon discovery.

2.10.2 The operator must submit the Scope Amendment Form to HKORC-Cert within 30 days of change to the management plan of the operation. HKORC-Cert will not charge the certified organic crop production operators on the amendment on types of vegetables grown while operators can contact staff of HKORC-Cert to have the information revised. If certified operation applies for extension of area for certification, the operator must submit area extension fee of HKD 500 to HKORC-Cert together with the application form in order to cover the cost concerned (this fee will be waived if such application is submitted together with application for continuation of certification). Late submission will result in a HKD 2,000 fine. Operator is subjected to additional charge if its area extension application incurs other costs (e.g. testing fee).



- 2.10.3 If the changes brought to the certified production/processing system, operations, equipment and resources are minimal and are in accordance with the requirements of the Standard, CB issues an amended certificate to the operator. Operators should not release products from such changes until HKORC-Cert has granted permission.
- 2.10.4 If the changes brought to the certified production/processing system, equipment and resources are extensive, HKORC-Cert should send inspector to conduct on-site inspection beforehand and findings submitted for CB's discussion and decision of keeping the certification of the products or not. Operators should not release products from such changes until HKORC-Cert has granted certification.
- 2.10.5 The certification for the changed organic production is valid only after the issuance of the amended certificate by HKORC-Cert.
- 2.10.6 The operation should immediately report any changes on the operation's certification information to HKORC-Cert.

2.11 Acknowledgement of Certification

2.11.1 The Certification Contract and Trademark Use Agreement

- 2.11.1.1 If the CB considers an applicant eligible for obtaining the organic certification, HKORC-Cert will send the applicant notice of this decision along with 2 copies of the "Organic Production/Processing and Handling Certification Contract" and "Trademark Use Agreement". The operation must sign the contract and the agreement, file one for his/her own record, and send the other to HKORC-Cert. This document summarizes the terms and conditions of organic certification with HKORC-Cert and the use of HKORC seals.



2.11.2 Awarding the Certification Certificate

2.11.2.1 Upon HKORC-Cert's receipt of the signed "Organic Production/Processing and Handling Certification Contract" and "Trademark Use Agreement", HKORC-Cert will send the operation a Certification Certificate and add the operation to the Directory of Certified Operations.

2.11.2.2 Certification Certificate includes the following information:

- Name, Authorized person and the geographic location of the certified operation
- The standards to which the product has been certified
- A list of the products and product categories produced, processed or handled
- Business Registration No, if applicable
- The issuance date and term of the certification
- Reference Number of the certificate
- Signature of HKORC-Cert authorized person

2.11.2.3 The valid date of the Certification Certificate is one year upon issuance. Certification continues in effect until surrendered by the organic operation or until suspended or revoked by HKORC-Cert. The certified operation shall also pass the annual inspection.

2.11.2.4 Name, product category and brief information of all HKORC-Cert certified operations are publicized in the Directory of Certified Operations on HKORC-Cert homepage in order to provide reference to the general public.

2.11.2.5 The Certificate issued by HKORC-Cert is the property of HKORC-Cert. Certified operation only has the right to use the Certificate. Certified operation must return the Certificate and all certified copies to HKORC-Cert after expiry of the certificate or the certification is suspended or revoked. If HKORC-Cert could not receive all the above documents, HKORC-Cert will collect the documents directly on-site from the operator. The operation will be charged HKD200 as handling fee.



2.11.2.6 To facilitate the return process of the certificate and its copies, HKORC-Cert accepts the operator to invalidate or destroy the certificate and its copies with appropriate measure instead of returning by mail or in person. Appropriate measures include but not limited to smear or shredder the certification seal on the certificates and take picture of it as a proof to submit to HKORC-Cert.

2.11.2.7 If the operator has lost the Certificate and its copies, and is not able to return them, HKORC-Cert will announce the information of the lost and invalid certificates to the public. If HKORC-Cert finds out the operator or other parties still display the invalid certificate for sales purpose, HKORC-Cert reserves the right of taking legal action against the party.

2.12 Procedures of Continuation of Certification

2.12.1 To maintain and continue certification, a certified operation must renew its certification annually. The operation can obtain the revised version of the Policy, the Standard and the Re-Certification Form annually.

2.12.2 Certified Operation must renew on time.

2.12.3 Certified Operation is required to notify the Certification Board about the non-renewal decision renewal in writing. HKORC-Cert will remove the name of Certified Operation from the list of Certified Operation upon receipt of non-renewal notice.

2.12.4 When a Certified Operation cannot complete its renewal process before its certification expires, HKORC-Cert reserves the right to remove the Certified Operation from the list of Certified Operation.

2.12.5 Continuation of Certification

2.12.5.1 Complete the Re-Certification Form, provide updated information, and pay the certification fee to HKORC-Cert.



2.12.5.2 Information included in the Re-Certification Form is:

- An update on any changes in production/processing operator's business name, authorized person, business registration number, geographical location, contact person, and contact information including phone number, fax number, e-mail address and address;
- information of HKID or passport of the person in charge of the operation unit and to be vetted by inspector during inspection;
- An update on the organic production / processing plan which provides information, supported by documentation, describing the deviations from, changes or modifications to, or other amendments made to the previous year's Organic Management Plan;
- An update on the correction of minor nonconformance previously identified by HKORC-Cert and other updates on the nonconformance condition and their relevant correction actions;
- Other related information

2.12.5.3 The certified operation shall complete the Certification Application Form once every three years in order to renew the whole records completely. The operation needs not complete the Re-Certification Form that year.

2.12.5.4 The procedures on Continuation of Certification can be found at Section 2.4.3 to 2.8.5.

2.12.6 Decision on Continuation of Certification

2.12.6.1 CB handles the application on Continuation of Certification.

2.12.6.2 The certified operation whose continuation of certification is approved by the CB must sign the "Organic Production/Processing and Handling Certification Contract" and "Trademark Use Agreement". HKORC-Cert will send a new Certification Certificate to that operation once the agreement is signed.



- 2.12.6.3 The certified operation must return the previous Certification Certificate, all certified copies of previous Certification Certificate and report the number of remaining organic labels to HKORC-Cert within 1 month after the issuance of new Certification Certificate. If HKORC-Cert could not receive all the above documents before the deadline, HKORC-Cert will collect the documents directly on-site from the certified operator. The certified operation will be charged HKD200 as handling fee.
- 2.12.6.4 CB issues a Notification of Nonconformance (Section 3.1) when minor nonconformance is found. The operator must submit the corrective action by the deadline imposed by CB in order to prevent expiration of its certification. If the operator does not agree with CB's decision on its nonconformance, it can provide the evidence concerned to CB before the deadline.
- 2.12.6.5 If the CB finds major nonconformance, the operation's certification is suspended or revoked, according to the procedures explained in Section 3.1.8.



Part 3

The Control on Certification

The HKORC-Cert certified operations are under the continuous monitoring by HKORC-Cert. Apart from annual update of information through the process of Continuation of Certification, the certified operations are subject to infrequent unannounced on-site inspections. This is to strengthen the monitoring of certification and the recognition of the operations' organic status by the public.

3.1 Procedures for Handling Nonconformance

3.1.1 Identification of the nonconformance

3.1.1.1 When CB finds design or operation of the production/processing system fails to conform to the Standard and this manual, CB will identify the nonconformance is minor or major nonconformance.

3.1.1.2 Nonconformance to the Standard are considered “minor” only if they do not affect the organic integrity of products and are correctable within the timeframe specified by the CB. Also, they:

- do not compromise health or safety of workers,
- do not contain any excessive Group II (restricted) or any Group III (prohibited) materials; or
- do not involve in intentional violation of the Standard

3.1.1.3 Nonconformance to the Standard are considered “major” if they do not belong to 3.1.1.2.

3.1.2 Setting timeframe for correction and the verification method necessary for reporting the corrective action

3.1.2.1 CB decides the item, which corrective action is required, and deadline for correction, according to the standards and manual concerned. The operation shall submit the corrective action proposal to the CB within 14 days after the issuance of Notification of Nonconformance.



3.1.3 Notification of Nonconformance

3.1.3.1 CB informs the applicant of the nonconformance and the deadline for the corrective actions in writing through HKORC-Cert. A Notification of Nonconformance shall provide:

- A description of each nonconformance;
- The facts upon which the Notification of Nonconformance is based;
- The date by which the applicant must correct each nonconformance and submit supporting documentation of each such correction when correction is possible.
- The possible actions that the operation can take in response to the Notification of Nonconformance.

3.1.4 The possible action(s) taken by the applicant upon receipt of the Notification of Nonconformance

- Correct nonconformance(s) and submit a description of the corrective actions taken with supporting documentation to HKORC-Cert before the specified deadline;
- Submit written information, with supporting documentation, to HKORC-Cert to rebut the nonconformance described in the Notification of Nonconformance; or
- Withdraw the application
- Take no corrective action and let the corrective period expires. HKORC-Cert will take action in suspending or revoking the certification.

3.1.5 Method of submitting evidence for corrective actions and rebuttal

3.1.5.1 Operations may provide verification of completion of corrective actions by supplying HKORC-Cert with photographs, written descriptions, record keeping logs or other appropriate means through a notice of corrective action in order to inform HKORC-Cert the completion of the corrective action(s).



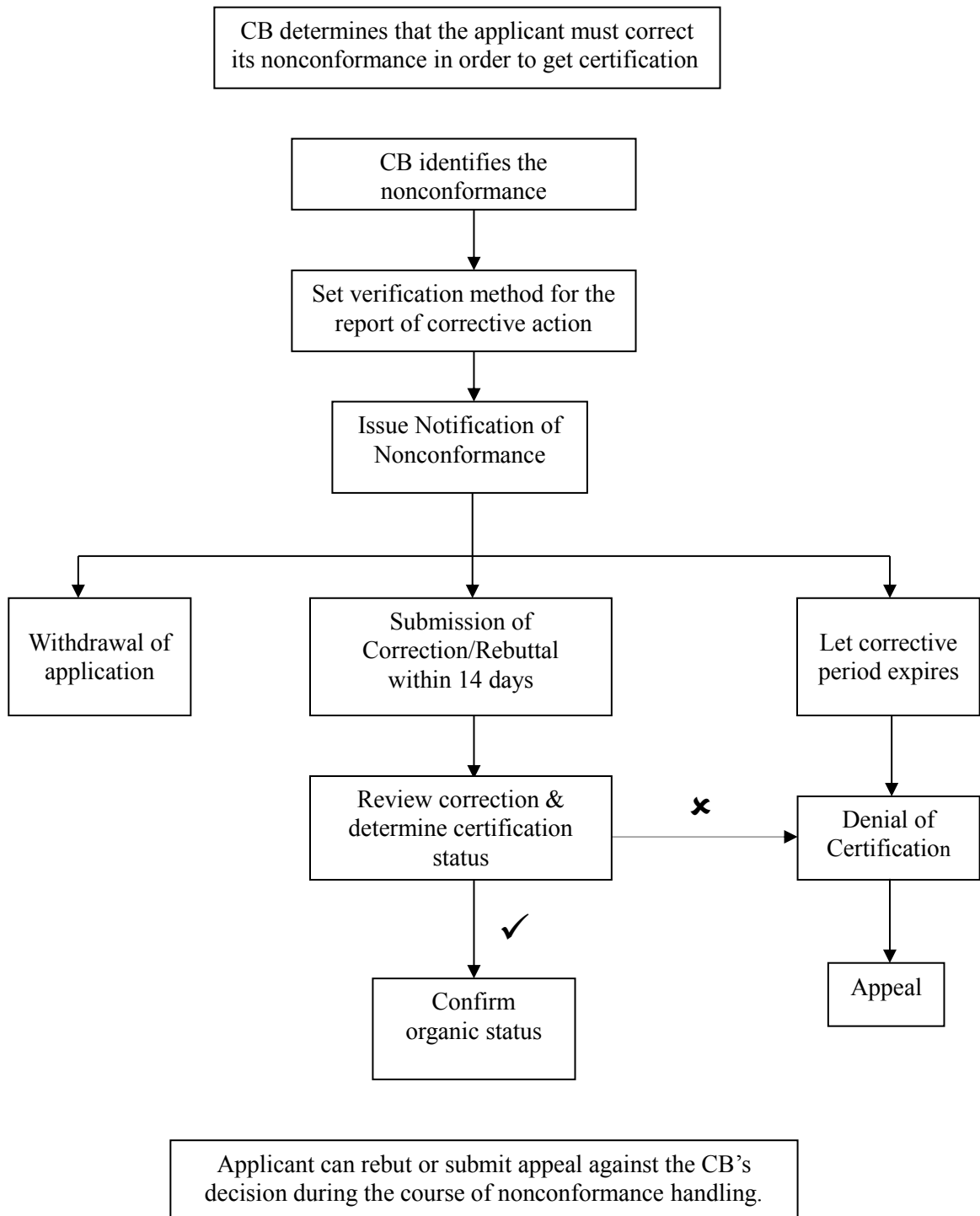
3.1.6 Review and Decision

3.1.6.1 CB reviews the actions taken within 60 days upon the receipt of the notice of corrective actions or evidence for rebuttal purpose in the board meeting. Inspector may be sent for inspecting the operation when necessary.



3.1.7 Handling the nonconformance of first-time applicant

Diagram 3. Flow Chart for the handling of the applicant's nonconformance by CB





- 3.1.7.1 Applicant having minor or major nonconformance can submit proposal on corrective actions, evidence of corrective actions or rebuttal to CB within 14 days. When the corrective action or rebuttal is found to be adequate after inspection or review, CB will inform the approval of certification to the applicant in writing.
- 3.1.7.2 When the applicant fails to submit evidence for corrective actions or the rebuttal before the deadline, or evidence for corrective actions or the rebuttal is not accepted by CB, CB will issue a notice of Denial of Certification, according to the section 2.9.



3.1.8 Handling the nonconformance of Certified Operation

Diagram 4. Flow Chart for the handling of the Crop and Aquaculture Production certified operation's nonconformance by CB

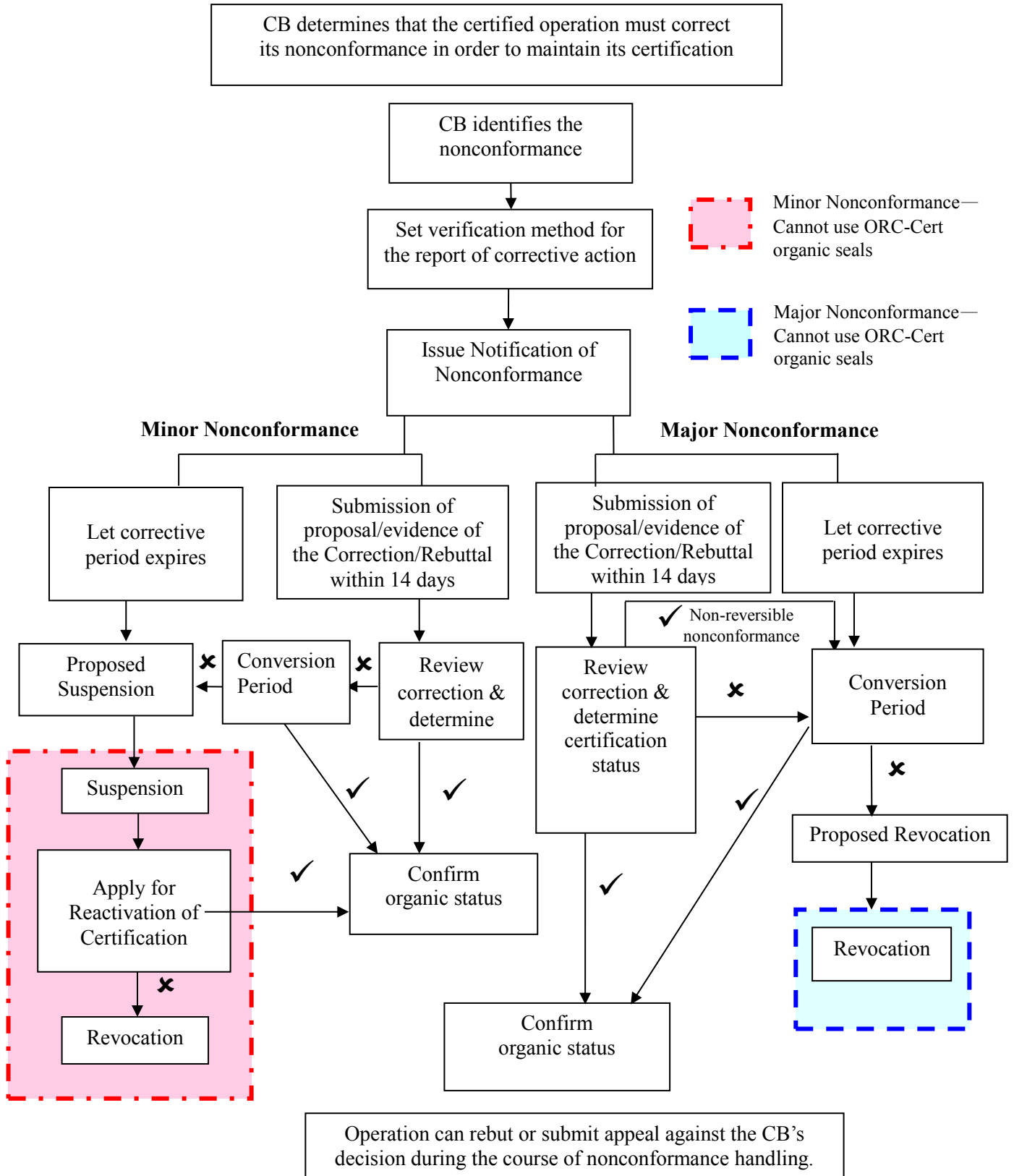
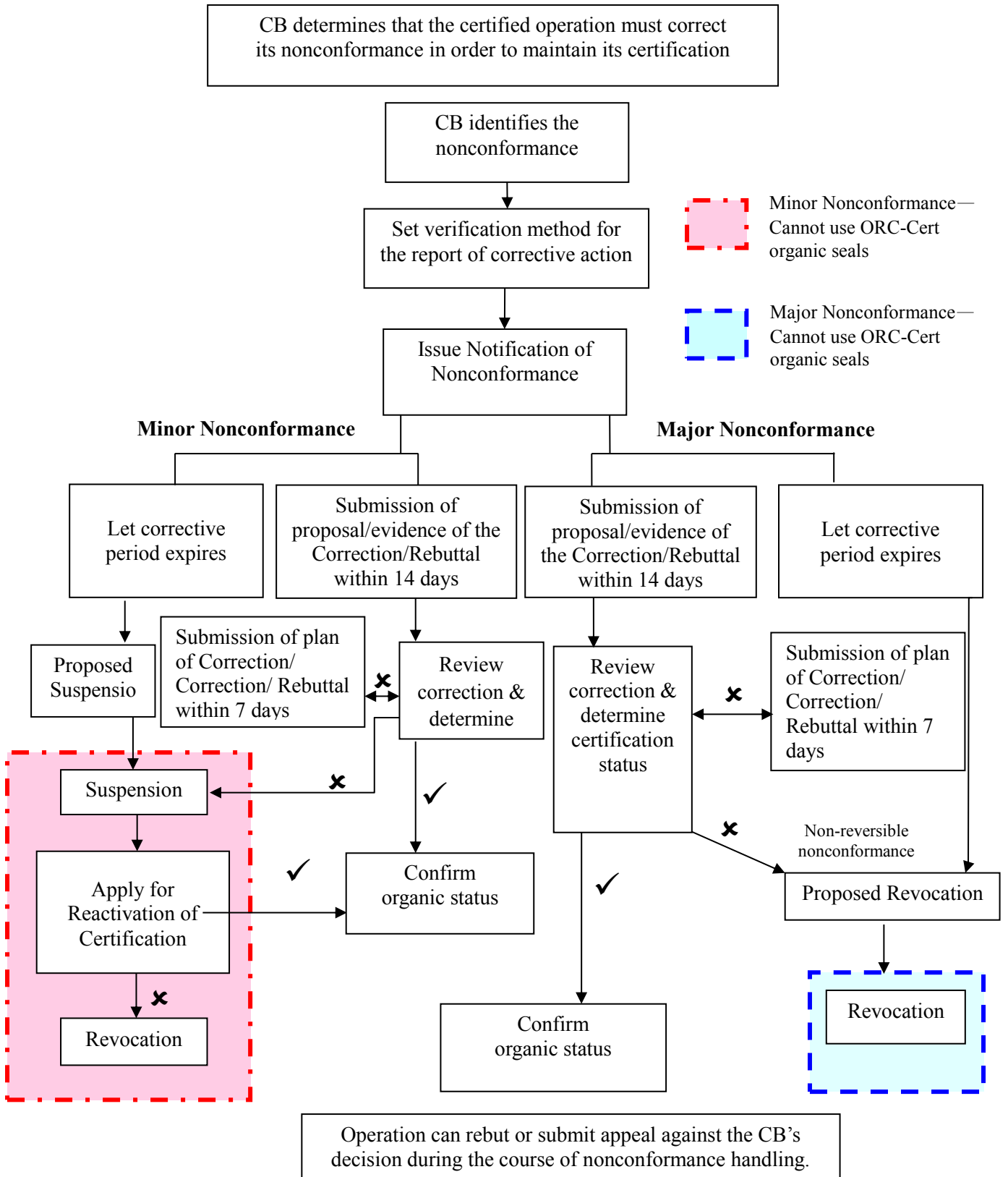




Diagram 5. Flow Chart for the handling the Processing and Handling certified operation's nonconformance by CB





3.1.8.1 CB assesses if the nonconformance is minor or major based on the implication of nonconformance. After the issuance of a Notification of Nonconformance, the operation should submit the proposal/evidence of the corrective action or rebut within 14 days.

3.1.8.2 When the operation demonstrates that each nonconformance has been adequately addressed, CB will have the following action:

3.1.8.2.1 Crop and Aquaculture

- Operation having minor nonconformance: CB notifies the operation that the nonconformance is resolved and the operation's certification status can be maintained in writing.
- Operation having major nonconformance: After the operation has corrected its nonconformance, CB notifies the operation that the nonconformance is resolved and the operation's certification status can be maintained in writing. When the major nonconformance is non-reversible, the operation enters the conversion period.
- Operation having repeated nonconformance: If the operation is found to repeatedly not complying with a requirement, CB may have the right to return the operation unit back to conversion period.

3.1.8.2.2 Processing and Handling

- Operation having minor nonconformance: CB notifies the operation that the nonconformance is resolved and the operation's certification status can be maintained in writing.
- Operation having major nonconformance: After the operation has corrected its nonconformance, CB notifies the operation that the nonconformance is resolved and the operation's certification status can be maintained in writing.
- Operation having repeated nonconformance: If the operation is found to repeatedly not complying with a requirement, CB may have the right to suspend/revoke the operation according to Section 3.1.10.



3.1.8.3 When the operation fails to provide the evidence of corrective actions before the specified deadline¹, or the corrective actions taken or the rebuttal is found inadequate for it to qualify for certification, CB will take the following actions:

- For minor and major nonconformance:

Crop or Aquaculture Operation enters the conversion period. When the nonconformance cannot be resolved in the conversion period, the certification of the operation will be suspended/revoked according to Section 3.1.10.

When the nonconformance is not resolved, the Processing and Handling operation should submit the follow up proposal/evidence of the corrective action or rebut within 7 days. When the nonconformance cannot be resolved, the certification of will be suspended/revoked according to Section 3.1.10.

3.1.9 Ability to rebut or appeal the decision

3.1.9.1 The operation can rebut or file an appeal with the Board of Directors within 30 days upon its receipt of the notification from CB. The appeal procedure can be referred to Section 3.2.

3.1.10 Suspension or Revocation

3.1.10.1 When the operation fails to correct the minor / major nonconformance as stated in the Notification of Nonconformance before the deadline, or the rebuttal to CB or the appeal application to the Board of Directors is not accepted by the board concerned or the nonconformance cannot be resolved after the conversion period for Crop or Aquaculture Operation, CB will suspend or revoke the certification of the entire or a portion of the operation.

3.1.10.2 HKORC-Cert handles operations with minor and major nonconformance by the following methods:

¹If the corrective action takes time more than 14 or 7 days (follow up), the operation has to provide the proposal of the Correction to HKORC-Cert within the corrective period, whatever different kind of written records are accepted. The extended period will be counted as client delay.



3.1.10.2.1 Minor nonconformance:

CB may suspend the certification. Suspension of certification means the temporary removal of certification of the entire or a portion of the production area, until CB accepts the operation's correction of nonconformance. The operation concerned cannot use organic seals on the products which are produced in the suspended area. The expiry of the certification certificate will not be changed.

3.1.10.2.2 Major nonconformance:

CB may revoke the certification as the ultimate judgment. Revocation of certification means the removal of certification of the entire or a portion of the production area when major nonconformance is/are found. The organic status of the operation stops once the operation's revocation date is effective. This operation cannot use organic seals on the products which are produced in the revoked area. HKORC-Cert will collect penalties according to the contract/agreement signed when it finds the operation concerned has the unauthorized use of the organic seals.

3.1.10.3 HKORC-Cert issues the notification of proposed suspension or proposed revocation to the operation before its certification is formally suspended or revoked. If the CB considers that the continuation of the certified operation to use organic seal will harm the public interest, CB can directly issue notification of suspension or revocation to the certified operation.

The notification will state:

- the reasons for and source of evidence supporting the suspension or revocation;
- the proposed effective date of suspension or revocation;
- the effect of a suspension or revocation on future eligibility for certification; and
- the right to rebut with the CB or to file an appeal with the Board of Directors according to the HKORC-Cert procedures concerned

3.1.10.4 When the operation does not take relevant correction, rebuttal or file an appeal in response to the notification of proposed suspension or revocation, the suspension



or the revocation will be effective on the proposed date.

- 3.1.10.5 CB shall not issue any notification of suspension or revocation to operation whose rebuttal, or appeal request is in progress.
- 3.1.10.6 A certified operation under suspension can submit the documentation supporting its corrective action(s) which is different from its last corrective action to the Board of Directors within 30 days after the issuance of notification of suspension for reactivation of its eligibility for certification. The certification of the suspended operation which has not applied for such reactivation will be revoked.
- 3.1.10.7 An operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to reapply for the certification for a period of 18 months following the date of such revocation.
- 3.1.10.8 Operation whose certification is suspended or revoked must return the Certification Certificate, all Certification Certificate copies and the remaining organic labels to HKORC-Cert within 5 days after the effective date of suspension or revocation. If HKORC-Cert could not receive all the above documents before the deadline, HKORC-Cert will collect the documents directly on-site from the operator. The operation will be charged HKD200 as handling fee.
- 3.1.10.9 If certification is reinstated after suspension, HKORC-Cert will notify the suspended operation the relevant information at the date of reinstatement to confirm the certified operation that the qualification of certification will be maintained. If a decision to reduce the scope of certification is made as a condition of reinstatement, relevant information should also be written to notify the certified operation to ensure that the reduced scope of certification is clearly communicated to the certified operation.



3.1.11 Penalty on Nonconformance

3.1.11.1 In addition to suspension or revocation, the certified operation shall be subject to a penalty of not more than HKD10,000 as the administration fee involved

3.1.12 Handling the Willful Violation of the Standard

3.1.12.1 If the CB has reason and evidence to believe that a certified operation has willfully violated the Standard and this manual, the board will suspend or revoke the entire operation or a portion of the operation, according to the procedures concerned. CB shall not issue any notification of suspension or revocation to operation whose corrective action, rebuttal, or appeal request is in progress.

3.1.13 Handling the Allegations of Nonconformance

3.1.13.1 HKORC-Cert may collect information about suspected nonconformance of the Standard and this manual through the monitoring of consumers, inspectors, producers, distributors, government officials, or any other interested parties.

3.1.13.2 The informant should submit details about the suspected problem and its relevant information in writing according to the Procedures for Complaints Handling (Section 3.3).

3.1.13.3 When there is enough evidence proving the validity of suspected problem after investigation, HKORC-Cert handles the case according to the Procedures for Handling Nonconformance (Section 3.1).

3.1.14 Surveillance of Certification

3.1.14.1 HKORC-Cert staff and board members inspect a certified operation infrequently according to the regulations on the use of organic labels. Nonconformance in the use of labels will be handled according to the Procedures in Handling Nonconformance (Section 3.1).



3.1.15 Synthetic Pesticides, Hormone and Antibiotics and Other Synthetic Substances Residue Testing

- 3.1.15.1 Certified operations are forbidden to possess any not-allowed and/or non-approved materials within their production site and facilities. When such materials are found within the certified operations, the CB has the right to suspect potential applications by the certified operation. The CB also has the right to send samples of soil, water or crop to registered laboratories recognized by the HK government or the Chinese Central Government for synthetic pesticides residue testing, hormones and antibiotics, etc. The associated charge should be responsible by the certified operation, which may be reverted to the conversion period or have its certification to be revoked.
- 3.1.15.2 All the products produced by a certified operation and sold under the HKORC-Cert organic labels must be sent to registered laboratories recognized by the HK government or the Chinese Central Government for synthetic pesticides residue testing, when the CB suspects a contamination by synthetic pesticides, hormone, antibiotics or other synthetic substances. The charge should be responsible by the certified operation.
- 3.1.15.3 When the residue testing indicates the soil, water, produce, animal or processed products have been contaminated by synthetic pesticides, hormone, antibiotics or othersynthetic substances; or there is evidence on the application of a prohibited material or method during the review of production process, CB suspends the certified operation according to the procedures 3.1.10 concerned and requests the operation no longer sell the products concerned under the HKORC organic seals.
- 3.1.15.4 CB may require an inspection to ascertain the cause of synthetic pesticides, hormone, antibiotics or other synthetic substances residues' presence. If the residue originates from the nonconformance in production/processing, HKORC-Cert will revoke the operation's certification.

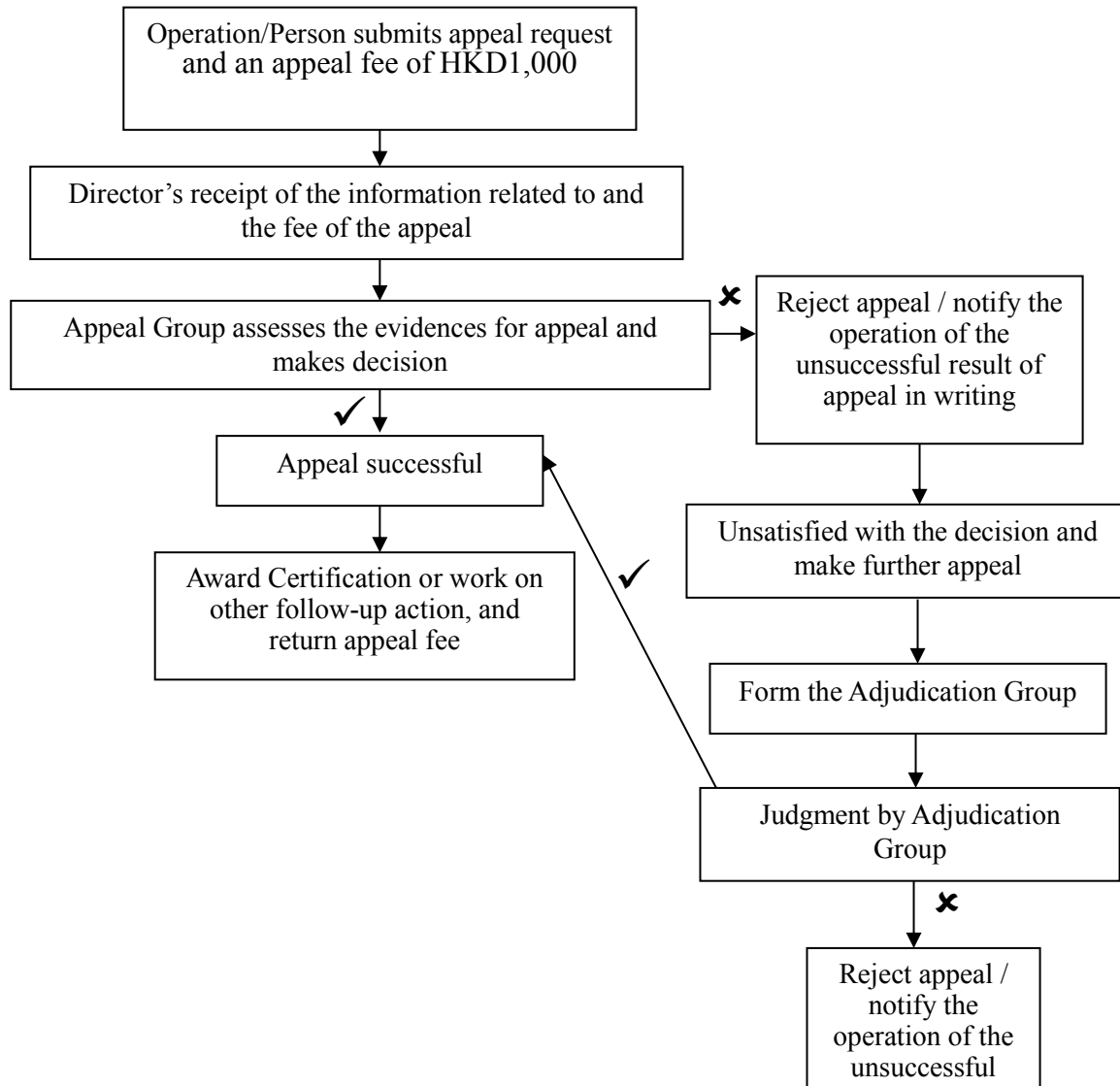


- 3.1.15.5 If the residue is not originated from the nonconformance to the Standard but the contaminants outside, CB and the certified operation could study the strengthening of contamination preventive measures in order to avoid such contamination.
- 3.1.15.6 During the course of handling contamination, the organic status of the area concerned should be suspended. If the concentration of residue is so high that the operation fails to correct, its certification will be revoked. If the operation succeeds in correcting the problem, it enters the conversion period after the CB approves the correction. After the conversion period, the CB confirms the organic status.
- 3.1.15.7 For the contaminated processing operation, if it can correct the contamination problem during the suspension, it can obtain the certification again when CB reviews and accepts the corrective action.



3.2 Procedures for Certification Decision Appeal Handling

Diagram 6. Flow Chart for Certification Decision Appeal Handling



3.2.1 An appeal may be filed to the Board of Directors by an operation/person that objects the CB's decisions to deny, suspend or revoke, or objects the results of complaints handling.

3.2.2 All appeals must be made in writing. The appellant must state the reason, with documented evidence and an appeal fee of HKD1,000 for the appeal. The Board of Directors considers to handling the appeal request only after the Director's receipt of the information related to and the fee of the appeal. The appeal fee will be returned if the appeal is accepted.



- 3.2.3 Upon receipt of written appeal request, the Appeal Group, which is under the Board of Directors, reviews and makes decision on the request at the meeting. If the party / person concerned is not satisfied with the decision made by the Appeal Group and make an appeal again, the Director will invite one qualified independent party who is familiar with organic production or processing and two members of the Governing Board to form an Appeal Group to handle the appeal. Members of the Adjudication Group and their next of kin should not be in relation to the party / person making the appeal, either in business or consulting relationship or in the same industry within the past 2 years. The Director will invite two qualified independent parties who are familiar with organic production or processing and one member of the Governing Board to form an Adjudication Group. The designated members of Adjudication Group, whose appointment agreed by the party /person concerned, should not be involved in the decision-making process during initial review, inspection or certification of the party / person concerned.
- 3.2.4 The appellant/ party concerned may choose to attend the adjudication session and may conduct his/her own defense. The appellant/party concerned is entitled to refuse to accept adjudication panel members but such refusal, in any event, should not happen more than two times. For each refusal made, the appellant/party concerned should provide good reason which is considered acceptable by the HKORC-cert.
- 3.2.5 In the process of filing an appeal, a decision shall be completed within 30 days after HKORC-Cert receives the appeal request in writing.
- 3.2.6 If the Appeal and Adjudication Group considers the evidence for appeal is inadequate and rejects the appeal, the board shall provide the operation/person with reason of rejection in writing.
- 3.2.7 If the appeal is successful, HKORC-Cert will award certification, or maintain the organic eligibility of the appellant.
- 3.2.8 The Adjudication Group decides the following: The award of certification, award of denial of certification, suspension or revocation of the appellant. The group may add condition to the decision when necessary. CB shall accept the final decision after the appeal is handled.



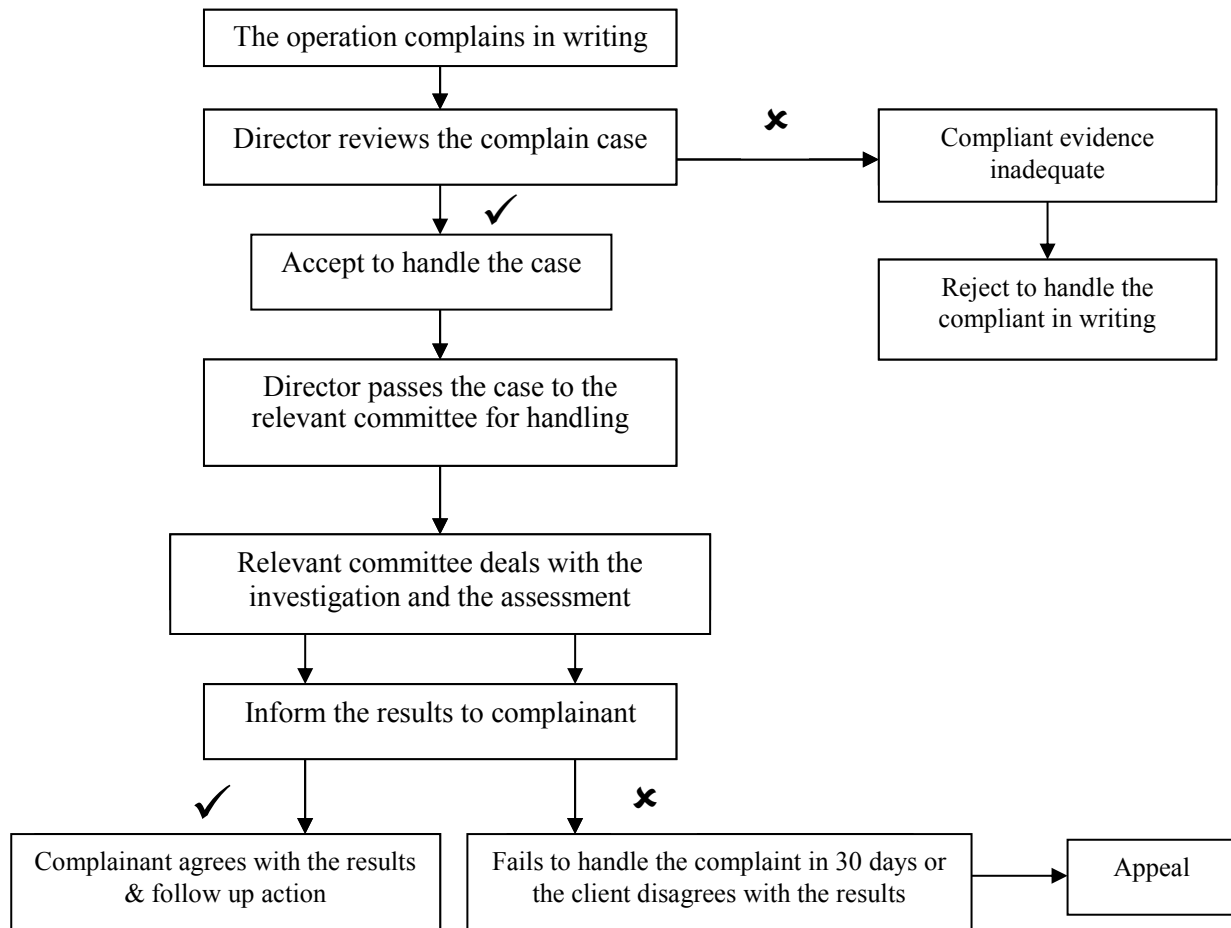
3.2.9 All decisions of CB remain in force until the appeal is settled.

3.2.10 The cost of examining the organic eligibility of the appellant, including the cost of sample testing, during the appeal process shall be responsible by the party initiating the appeal. The appeal fee will be returned if the appeal is accepted.



3.3 Procedures for Complaints Handling

Diagram 7. Flow Chart for Complaint Handling Procedure



3.3.1 In the actualization of HKORC-Cert vision of fairness, impartiality and openness, the complete performance of HKORC-Cert is under the supervision of the general public. The work of the Centre, including the decision on certification status, the work and operation of the boards and committees, board members and staff are also required to be open to the public. If the public has any suggestions or complaints about the persons or work of the HKORC-Cert, complaints could be made to the HKORC-Cert in accordance to the procedures concerned.

3.3.2 Complaints must be in writing, signed and submitted to the Director, stating the problem, dates, reason of complaints, the names of the involved parties, evidence documenting the case and the suggestion in handling the case in the complaint letter.



- 3.3.3 HKORC-Cert staff shall report to the Director immediately upon receipt of the complaint documents.
- 3.3.4 Upon receipt of a complaint, the Director performs a preliminary assessment of the complaint's validity. If the evidence for the complaint is considered to be inadequate, the Director will explain the reasons of not handling the complaint in writing to the complainant. The information of the complaint shall be passed and handled by the relevant committee when the Director considers the evidence for the complaint is adequate.
- 3.3.5 The board concerned shall start the investigation, study and review the case.
- 3.3.6 As soon as the board concerned has completed the investigation and determined the result of the complaint investigation, the board shall contact the subject of the complaint, the Director and Chairman of Board of Directors to present the result, rationale and all substantiated information related to the case.
- 3.3.7 The process of complaint handling shall be completed within 30 days after HKORC-Cert's receipt of the complaint. If the process has not been finished, or the complainant does not accept the result of complaint, the complainant can file an appeal to the Board of Directors within 30 days after the issuance of the results.
- 3.3.8 In the course of complaint handling, the identity of the complainant is kept confidential. However, the complainant shall understand that his/her identity could be disclosed by HKORC-Cert during the course of investigation and making a decision on the complaint.
- 3.3.9 Persons who handle the complaint shall agree with and sign the code of confidentiality and they are forbidden to comment on any conditions of the case to external parties during the investigation.
- 3.3.10 A record of all complaints, dispute proceedings and resolution is kept in the HKORC-Cert office for at least 10 years.



3.4 Procedures for Reviewing Documents from Other Organic Certification Agencies

- 3.4.1 A certification applicant or a certified operation has to go through a process of Document Review when it would use an organic ingredient not certified by a certification agency that is recognized by HKORC-Cert.
- 3.4.2 Document review may be initiated by a certification applicant or a certified operation, requesting HKORC-Cert to review documents of a product certified by other organic certifiers so as to use that product in the operations' production.
- 3.4.3 The party requesting for document review is responsible for the administration fee of HKD1,200, which includes the review fee of one certificate. Applicant is responsible for another HKD800 for each extra certificate review by HKORC-Cert.
- 3.4.4 HKORC-Cert requires the applicant of document review to collect the valid certificates, last inspector reports, last certification decision notices and related information of the ingredients.
- 3.4.5 Successful review results in the "approved" status for that product until the date of expiration for the product as shown on the organic certificate. HKORC-Cert should notify the applicant the result. Regarding the unsuccessful application, the requesting party may rebut or file an appeal against the CB's decision on a document review within 30 days after the issuance of the document review results.



3.5 Procedures for Material Listing

3.5.1 Material listing applicants, including producers, suppliers, retailers and users of cultivation medium, fertilizers and pest control substances, should fill in the Material Listing Application Form and provide the following information:

- Organization which certifies/recognize the product
- Ingredient list with each expressed as a percentage of the total
- Material Safety Data Sheet (such as testing reports on product toxicology, heavy metal content, nutrient level and microbial counts)
- other relevant testing reports (such as report to show whether the product is genetic modified or not)
- production flow / process
- Graphic design or photos of product packaging
- other relevant information (subject to the category of the product)

3.5.2 Submission of documentation together with application fee of \$3,000 for the material listing.

3.5.3 Supplementary information should be provided within one month upon notification by HKORC-Cert staff or otherwise, HKORC-Cert could cease the processing of application.

3.5.4 For commercially produced farm input materials (such as fertilizers and pesticides), HKORC-Cert will take samples at the applicant's warehouse for chemical analysis and the applicant will be liable for the testing fee, based on the quotation at that time.

3.5.5 If necessary, an inspector will be appointed for an on-site inspection. Applicant is financially responsible for the inspection fees and related costs.

3.5.6 Upon thorough checking with standard and the product/substances is found to comply with standard, with the Centre Director's approval, HKORC-Cert will issue a letter to applicant notifying its approved use while validity is one year.



- 3.5.7 Information of the approved product/substances will be uploaded on website of HKORC-Cert under the title 'List of Approved Material' for reference by certified units and public. The approval does not imply effectiveness of the product.
- 3.5.8 Within the one-year validity period, HKORC-Cert has the right to spot-check the approved products. The product will be removed from the list immediately if any non-compliance is confirmed.
- 3.5.9 Approval should be renewed annually.
- 3.5.10 If operator decides to maintain their products on the website of HKORC-Cert, renewal of application of material listing together with application fee and all relevant information should be forwarded to HKORC-Cert 3 months prior to the expiry date for HKORC-Cert's vetting and decision making.
- 3.5.11 The producer should immediately report any changes in composition or other relevant operation's information to HKORC-Cert.
- 3.5.12 As material listing is not a certification, approved material must not have any indication of the approval on the product itself.



3.6 Procedures for Product Acceptance Service for Imported Organic Processed Products

- 3.6.1 An organization operating wholesale, distribution or retailing business has to apply for the Product Acceptance Service when it intends to use HKORC organic seal on an imported processed organic products certified by a certification agency that is recognized by HKORC-Cert.
- 3.6.2 Applicants for product acceptance should fill in and submit the application form, together with the copies of organic certificates and transaction certificates, documents showing product batch information of the relevant products and relevant fees to HKORC-Cert.
- 3.6.3 The acceptance criterion is based on the equivalency of the HKORC Certification programme and the certification programme of the product. The following are the criteria for considering equivalency of standards:
- 3.6.3.1 The certification body has obtained and maintained IFOAM Accreditation or the IFOAM Global Organic System Accreditation for that specific certification program.
- 3.6.3.2 The certification body's program is based on a standard approved in the IFOAM Family of Standards. In addition, the certification body has obtained an accreditation (for the scope of that specific standard) which is recognized as an equivalent accreditation program by IFOAM.
- 3.6.3.3 The organic standard that the product's certification adopted has passed the standard equivalency exercise by HKORC-Cert.
- 3.6.4 HKORC-Cert conducts on-site audit to verify product information.
- 3.6.5 Applying for this service requires an administration fee of \$1,200 per application. This administration fee includes the product acceptance fee for a maximum of 5 product items and first on-site audit fee. For additional items, the product acceptance fee is calculated



according to the quantity of items required for the service and the number of *on-site audits. The charge of the HKORC organic labels is not included in the acceptance service fee. The charging scheme for the acceptance service is shown in the following table:

Administration Fee (HKD)	Product Acceptance Fee (HKD/product item)	
\$1,200 (Including the product acceptance fee of the first 5 product items and first on-site audit fee)	Quantity of products require the service (#item) :	
	6 th – 50 th	\$200/item
	51 st – 100 th	\$180/item
	101 st – 500 th	\$160/item
	501 st – 1000 th	\$140/ item
	1001 st – 3000 th	\$120/ item

item – The same product with different packing materials and/or flavour shall be calculated as different items.
* additional on-site audit - \$500/time.

- 3.6.6 Supplementary information should be provided within 30 days upon notification by HKORC-Cert staff or otherwise, HKORC-Cert could cease the processing of application. All the submitted fees will not be refunded.
- 3.6.7 Information about the application will be reviewed and judged by CB.
- 3.6.8 HKORC-Cert will issue a letter to the applicant confirming the batch of product items accepted by HKORC-Cert after the CB judgment. The validity of such acceptance is for one year. Acceptance of products is only valid for the period of validity of the organic certificate of the products. To continue to use the HKORC organic seal on the products, applicants are required to submit renewed organic certificate of the products before the expiry date.
- 3.6.9 During the validity period, the applicant can use HKORC organic seal on another new batch of HKORC-Cert accepted product items only after the on-site audit and the approval from HKORC-Cert again.
- 3.6.10 Applicant can use HKORC organic seal for the product batch accepted by HKORC-Cert even no renewal is made upon the expiry of product acceptance period concerned until the expiry of the product or the validity of the organic certificate, whichever is shorter.
- 3.6.11 Regarding the product items fail to pass the product acceptance review, the applicant may rebut or file an appeal against the CB’s decision within 30 days after the issuance of the product acceptance review results.



- 3.6.12 Within the validity period, applicant can use HKORC organic seal or give written description on the product package of the relevant batch to illustrate HKORC-Cert's acceptance. However, the seal usage and wordings of description must follow the requirement of HKORC-Cert Standard Chapter 6 and be approved by HKORC-Cert.
- 3.6.13 HKORC-Cert will put the name and information of organic products accepted by HKORC-Cert into the Directory of Product Acceptance until the certification expiry of that product batch. This directory will be uploaded on HKORC-Cert website for the reference of certified units and public. Applicant decides to maintain the product acceptance status shall submit the renewal application to HKORC-Cert for vetting and decision making 3 months prior to the product acceptance expiry every year.
- 3.6.14 HKORC-Cert will check any change or loss in the recognition of programs through IFOAM website every half a year and communicate those to concerned clients in a timely manner.



3.7 Procedures for Confidential Information

3.7.1 Management of Confidential Information

3.7.1.1 All information regarding HKORC-Cert certification applications is confidential. Only Chairman of the Board of Directors, Chairman and members of the CB, the Director, the staff involved in the certification work when fulfilling their duties; or officer who are not employed by HKORC-Cert, such as testing laboratory officer and government officer, can access to that confidential information when required by law. The above mentioned certification personnel may not have access to information related to operations with which they or the members of their immediate family have a conflict of interest.

3.7.1.2 Other confidential information including but not limited to:

- business information of a certified operation, like production prescription, production process and facilities;
- the meeting minutes of discussion on granting organic certification;
- conditions for certification levied against a certified operation;
- the meetings and meeting minutes on the discussion of appeal on certification and any complaints; and
- Information about the operator obtained from sources other than the operator (e.g. complainant, regulators) shall be treated as confidential;
- Personnel information records (except special cases)

3.7.1.3 As a condition of their participation in HKORC-Cert, all Board members, Committee members, staff and inspectors are required to sign and abide to the HKORC-Cert Confidentiality Agreement.

3.7.2 Release of Information

3.7.2.1 HKORC-Cert may release the following information to the public without written permission from certified operation:

- Certification certificates issued each year, including information of those that



are invalid;

- A list of certified operations, including the name and address of operations, type(s) of operations, size of production area, types and quantity of products produced, and the effective dates of certification.

3.7.2.2 Other Information that is not considered to be confidential and is released to the general public:

- The Standard and this manual;
- Blank Application forms, templates and other relevant documents;
- A list of Board members and staff, including inspectors employed by HKORC-Cert; and
- The agenda and meeting minutes that are not classified as confidential

3.7.2.3 Under a certified operation's written agreement, the agreed information of the operation can be released to the public.

3.7.2.4 HKORC-Cert reserves the right to release information on individual operations as required by laws, certification bodies and accredited bodies. The client or person concerned shall, unless prohibited by law, be notified of the information provided.

3.7.2.5 HKORC-Cert may provide researchers with statistical figures and summaries. HKORC-Cert can provide information related to a certified operation to the research institution only under written permission of the certified operation concerned.