

LEGISLATIVE COUNCIL BRIEF

Post Secondary Colleges (Amendment) Bill 2001

INTRODUCTION

At the meeting of the Executive Council on 15 May 2001, the Council ADVISED and the Chief Executive ORDERED that –

- (a) the Post Secondary Colleges (Amendment) Bill 2001 (the Bill), at **Annex A**, should be introduced into the Legislative Council, to empower a post-secondary college registered under the Post Secondary Colleges Ordinance to award degrees with the prior approval of the Chief Executive in Council; and
- (b) approval in-principle should be given for Hong Kong Shue Yan College (HKSYP) to offer degree programmes starting from September 2001, subject to -
 - (i) the validation by the Hong Kong Council of Academic Accreditation (HKCAA) and the fulfillment of conditions and requirements as specified by HKCAA; and
 - (ii) the enactment of the Bill.

BACKGROUND AND ARGUMENT

Development of Hong Kong Shue Yan College

2. Established in 1971, HKSYP is a private post-secondary college registered under the Post Secondary Colleges Ordinance (Cap 320). It offers four-year Diploma courses for 2 600 full-time students. In addition, it runs joint part-time programmes in collaboration with non-local universities such as Peking University. It has long been the aspiration of HKSYP to offer degree programmes and, in the longer run, become a private university in Hong Kong.

3. In 1996, HKCAA conducted an institutional review of the HKSyc and concluded that the College had made significant achievements over the years. HKCAA also pointed out that HKSyc had built up areas of strength in a number of programmes and had established a base from which it could develop into a degree-awarding institution.

Current Policy for Private University

4. In the Education Commission's "Reform Proposals for the Education System in Hong Kong" endorsed by Government last year, it was recommended that we should actively promote the development of private higher education institutions by, inter alia, enabling existing private post-secondary colleges to upgrade to universities upon appropriate accreditation.

5. Last year, the Administration provided some financial assistance to HKSyc to engage HKCAA to conduct validation for four proposed degree programmes with a view to start offering them in 2001. HKCAA was asked to assess whether the programmes could fulfil international standards, and whether the academic environment, institutional processes and quality assurance mechanism of HKSyc were appropriate to enable it to offer the degree programmes, and to make recommendations for improvement as necessary.

Institutional Review and Programme Validation

6. The four proposed degree programmes are –

- (i) Bachelor of Arts (Hons) in Chinese Language and Literature;
- (ii) Bachelor of Arts (Hons) in Journalism and Mass communication;
- (iii) Bachelor of Social Work (Hons); and
- (iv) Bachelor of Commerce (Hons) in Accounting

7. HKCAA has completed an academic review on institutional issues and validation of the proposed Bachelor of Commerce (Hons) in Accounting. HKSyc has submitted the reports to the Administration in March 2001. Validation of the remaining three programmes is underway, and will be completed in May this year.

8. HKCAA is satisfied with the changes to HKSYC's institutional processes and structures since the last review in 1996 and in response to the HKCAA Report. HKCAA concludes that the HKSYC has made significant progress in creating a suitable academic environment for conducting degree programmes and moving towards its goal of degree-granting status. HKCAA advises that HKSYC has the appropriate academic environment, institutional processes and quality assurance mechanism to offer degree programmes as validated by HKCAA. HKCAA therefore recommends that HKSYC should be allowed to offer the validated degree programmes on condition that HKSYC should implement certain enhancement measures as recommended by HKCAA and should arrange a review of its structures and processes by an external body within three years.

9. Based on HKCAA's recommendation, the Chief Executive in Council has given in-principle approval for HKSYC to offer the four-year full-time Bachelor of Commerce (Hons) in Accounting programme (paragraph 6(iv) above) starting from September 2001 for five years of student intakes (i.e. from 2001/02 to 2005/06 inclusive), subject to the fulfillment of the conditions and requirements as specified by HKCAA and the enactment of the Bill. In-principle approval has also been given for HKSYC to offer the other three degree programmes as mentioned at paragraph 6(i) to (iii) above starting from September 2001, subject to the validation by HKCAA and the enactment of the Bill.

10. It should be pointed out that allowing HKSYC to run a number of degree programmes does not automatically confer university status to HKSYC. Under the existing policy, an institution has to fulfil three prerequisites to become a university. Apart from the authority to offer degree programmes validated by HKCAA, it should acquire self-accrediting status, as approved by the Chief Executive-in-Council. To achieve this, an institution should normally have accumulated some experience in providing degree programmes. It should have gone through an institutional review by HKCAA to ensure that it has a sound quality assurance mechanism. The institution should also have in place a sound governance structure.

THE BILL

11. Section 10 of the existing Post Secondary Colleges Ordinance stipulates that a post-secondary college registered under the Ordinance may award diplomas and certificates but shall not award degrees or issue any document which could reasonably be taken as signifying the award of

a university degree. The Bill seeks to amend this section to the effect that such post-secondary college may award degrees with the approval of the Chief Executive-in-Council. Corresponding amendments are also made to regulation 8 of the Post Secondary Colleges Regulations. The provisions that are being amended are at **Annex B**.

12. We envisage that the Post Secondary Colleges Ordinance will need to be comprehensively reviewed in the near future in order to pave the way for the emergence of private universities. In the meantime, the proposed change is essentially a technical amendment to the Ordinance to enable HKSYP to start offering degree programmes in September this year.

PUBLIC CONSULTATION

13. We have consulted HKSYP and HKCAA, and will consult the Legislative Council Panel on Education on 21 May 2001.

BASIC LAW IMPLICATIONS

14. The Department of Justice advises that the proposed Bill does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

15. The Department of Justice advises that the proposed amendment Bill is consistent with the human rights provisions of the Basic Law.

BINDING EFFECTS

16. The amendments will not affect the current binding effect of the Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

17. HKSYP will remain a private institution. There is no financial and staffing implication for Government.

LEGISLATIVE TIMETABLE

18. The legislative timetable will be -

Publication in the Gazette	25 May 2001
First Reading and commencement of Second Reading debate	6 June 2001
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

PUBLICITY

19. A press release will be issued on 16 May 2001, and the Bill will be gazetted on 25 May 2001. A spokesman will be available to explain the decision and answer media enquiries.

SUBJECT OFFICER

20. In case of enquiry, please contact Ms Michelle LI, Principal Assistant Secretary for Education and Manpower, at 2810 3023.

Education and Manpower Bureau
16 May 2001

A BILL

To

Amend the Post Secondary Colleges Ordinance to allow Colleges registered under the Ordinance to award degrees and to make other related amendments.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Post Secondary Colleges (Amendment) Ordinance 2001.

POST SECONDARY COLLEGES ORDINANCE

2. Section substituted

Section 10 of the Post Secondary Colleges Ordinance (Cap. 320) is repealed and the following substituted -

**"10. Award of degrees, diplomas
and certificates**

A College may -

- (a) with the prior approval of the Chief Executive in Council, award degrees; and
- (b) award diplomas and certificates."

POST SECONDARY COLLEGES REGULATIONS**3. Examinations**

Regulation 8 of the Post Secondary Colleges Regulations (Cap. 320 sub. leg.) is amended -

- (a) in subregulation (1), by repealing "college diplomas and college certificates" and substituting "degrees, diplomas and certificates of a College";
- (b) in subregulation (2), by repealing everything after "nominate" and substituting ", if he so wishes, additional examiners for any examination for a degree, diploma or certificate of a College."

Explanatory Memorandum

The object of this Bill is to empower Colleges registered under the Post Secondary Colleges Ordinance (Cap. 320) to award degrees with the prior approval of the Chief Executive in Council.

Chapter:	320	Title:	POST SECONDARY COLLEGES ORDINANCE	Gazette Number:
Section:	10	Heading:	Award of diplomas and certificates	Version Date: 30/06/1997

Colleges registered under this Ordinance and Post Secondary Colleges registered under the Education Ordinance (Cap 279), may award College diplomas and College certificates but shall not award degrees or issue any document which could reasonably be taken as signifying the award of a university degree.

Chapter:	320A	Title:	POST SECONDARY COLLEGES REGULATIONS	Gazette Number:
Section:	8	Heading:	Examinations	Version Date: 30/06/1997

(1) Examinations for college diplomas and college certificates shall be conducted by examiners appointed by the College Council on the recommendation of the Academic Board.

(2) The Director or any person authorized by him in writing in that behalf shall have the right to nominate additional examiners for any college diploma or certificate examination if he so wishes.
