

立法會
Legislative Council

LC Paper No. LS99/00-01

**Paper for the House Committee Meeting
of the Legislative Council
on 8 June 2001**

**Legal Service Division Report on
Post Secondary Colleges (Amendment) Bill 2001**

Object of the Bill

To empower post secondary colleges registered under the principal ordinance to award degrees with the prior approval of the Chief Executive in Council.

LegCo Brief Reference

2. LegCo Brief EMB CR 2/3231/89 II issued by the Education and Manpower Bureau on 16 May 2001.

Date of First Reading

3. 6 June 2001.

Comments

4. The Bill makes a simple amendment to the principal ordinance to allow registered post secondary colleges, which can now only award diplomas and certificates, to award degrees with the prior approval of the Chief Executive in Council.

5. The Post Secondary Colleges Regulations (Cap. 320 sub. leg.) will also be consequentially amended. In provisions relating to examinations and examiners for college diplomas and college certificates, reference to a college degree will be added.

6. The LegCo Brief explains in its paragraph 12 that the proposed change is essentially a technical amendment to enable Hong Kong Shue Yan College (HKSYP) to start offering degree programmes in September this year. Its opening

paragraph informs that the Chief Executive in Council has given approval-in-principle to the College to offer certain degree programmes starting from September 2001, subject to -

- (a) the validation by the Hong Kong Council of Academic Accreditation (HKCAA) and the fulfilment of conditions and requirements as specified by the Council; and
- (b) the enactment of the Bill.

7. Additional information and clarification on drafting have been sought from the Administration, correspondence with which is attached.

Public Consultation

8. According to the LegCo Brief (paragraph 13), HKSYP and HKCAA have been consulted.

Consultation with the LegCo Panel

9. The LegCo Panel on Education was briefed on the Bill at its meeting on 21 May 2001. Members noted that the proposed change was essentially a technical amendment to the principal ordinance to enable HKSYP to start offering degree programmes in September 2001. Members expressed support for the Bill. The Panel recommends that, subject to confirmation by the Legal Service Division that the drafting and legal aspects of the Bill are in order, there is no need to set up a Bills Committee to study the Bill.

Conclusion

10. The Bill is concerned with only one simple proposal. Members may wish to decide now on whether to support the resumption of Second Reading debate.

11. The legal and drafting aspects of the Bill are in order.

Encls.

Prepared by

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4 June 2001

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By Fax (2804 6499) & By Post

23 May 2001

Dear Madam,

Post Secondary Colleges (Amendment) Bill 2001

I would be grateful if you could provide the arguments for conferring in the captioned Bill the power to approve the award of degrees on the Chief Executive in Council (as the most appropriate approving authority?), in addition to those already provided in the relevant LegCo Brief.

You may also wish to clarify the effect of the wording "A College may - (a) with the approval of the Chief Executive in Council, award degrees" in the proposed section 10 as to whether approval is required for the award of each and every degree or whether the approval is intended to relate to degrees in general.

Yours faithfully,

(Arthur CHEUNG)
Assistant Legal Adviser

EMB CR 2/3231/89 III

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28 May 2001

Mr Arthur Cheung
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Hong Kong

Dear Mr Cheung,

Post Secondary Colleges (Amendment) Bill 2001

Thank you for your letter of 23.5.2001.

The power to approve the award of degrees by a post-secondary college should rest with the Chief Executive in Council as the granting of degree awarding status to a non-self-accrediting institution (such as a post-secondary college) is a significant educational and social issue which requires the consideration of the highest level within the Administration.

It is our intention that the approval of the Chief Executive in Council should be required for the award of each and every degree by a post-secondary college. But the Chief Executive in Council could, of course, approve the award of more than one degree at any one time.

Yours sincerely,

(Kenneth Cheng)
for Secretary for Education and Manpower

c.c. Department of Justice (Attn : Ms Françoise Lam)
(Attn : Miss Cindy Yau)