

**Legislative Council Panel on Education**

**SUBCOMMITTEE ON INCREASE IN  
POST-SECONDARY EDUCATION OPPORTUNITIES**

**INTRODUCTION**

On 23 April, the Administration submitted to this Panel a paper vide CB(2)/1317/00-01(03) (see **Annex I**) which set out the Administration's proposals to support the progressive increase in post-secondary education opportunities. Comments on these proposals from the Hon CHEUNG Man-kwong are at **Annex II**. This paper responds to the questions raised by Members and provides supplementary information for their reference.

**RESPONSE AND SUPPLEMENTARY INFORMATION**

**(I) & (X) Development Strategy and Consultation**

2. We propose to explore the principles, strategy and direction from a macroscopic point of view before finalizing the specific details for implementation. In the paper vide CB(2)/1317/00-01(03), we have –

- (a) reiterated our policy objective;
- (b) taken stock of the present position;
- (c) proposed the principles and strategy to be adopted in achieving our policy objective;
- (d) outlined the Government's proposals to enhance the quantity and quality of post-secondary education; and
- (e) described the next step to be taken in our action plan.

3. We would be pleased to discuss with Members the policy direction and work together on the priorities for implementing these proposals. We hope to put in place the support measures as soon as possible so that an increasing number of students who aspire to continue their studies and have the ability to do so can have access to tertiary

education at the earliest possible opportunity. The funding for our proposals has yet to be approved by the Finance Committee. The Education Commission (EC) and the University Grants Committee are jointly conducting a study on the long-term development of tertiary education. Our proposal to expedite increase in post-secondary education opportunities has their full support. Studies on the future development of tertiary institutions will be conducted on the basis of this policy objective.

## **(II) Distribution of places**

4. As indicated in paragraph 2 of CB(2)/1317/00-01(03), our target is that within ten years, 60% of our senior secondary school leavers should have access to tertiary education. We also propose that places provided under the present system should continue to meet the demand of about 30% of these students. Our planning target is to provide first-year first-degree (FYFD) places for about 18% of the relevant age group. However, in pursuing the target, we will take into account the findings of the 2001 Population Census and the availability of qualified candidates for admission to local universities.

5. Self-financing sub-degree or higher diploma courses will provide the remaining places. The Government will facilitate tertiary institutions, private enterprises and other organizations to provide options other than traditional sixth form education, such as professional diploma courses and allocate more resources by providing land and loans to eligible institutions interested in offering such courses. In addition, financial assistance will be provided to students to cover their tuition fees.

## **(III) Student Financial Assistance**

6. At present, self-financing full-time post-secondary programmes are offered by tertiary institutions. The annual tuition fee ranges from \$25,000 to \$50,000, which is on a par with that of publicly-funded post-secondary programmes. To ensure that no qualified students are denied access to tertiary education because of a lack of financial means, the Administration proposes to provide the following financial assistance to students engaged in self-financing post-secondary programmes –

- (a) Means-tested Grant Scheme for the most needy students;

- (b) Means-tested Low-interest Loan Scheme for other needy students; and
- (c) Non-means-tested Loan (NLS) Scheme for all students.

7. The grant and low-interest loan will cover the full amount of the annual tuition fee, subject to a ceiling to be reviewed annually. The initial proposed ceiling is \$60,000. Students can also apply for assistance under the NLS Scheme to cover the tuition fees and basic living expenses. Details on the eligibility criteria are set out in CB(2)/1317/00-01(03). Having regard to the possibly higher loan ceiling and the repayment ability of students to be covered by the new scheme upon graduation, we propose that the maximum repayment period should be 10 years.

8. The total amount of financial assistance will depend on the number of applicants and the financial circumstances of their families. It is initially estimated that the total amount of assistance will increase annually over the next 10 years. By the end of the next decade, the annual total amount would have exceeded 1 billion.

#### **(IV) Setting up branches outside Hong Kong**

9. Currently, some of our local institutions are already offering programmes outside Hong Kong or have set up overseas offices. Institutions are encouraged to consider setting up overseas branches on a prudent basis and in accordance with their own development goals. This will increase the institutions' and students' exposure, facilitate expansion of tertiary places, enhance education opportunities for local and overseas students and foster the development of a diversified higher education system in Hong Kong.

#### **(V) and (IX) Pilot Scheme for Overseas Studies**

10. The Administration proposes to provide financial assistance for students to study abroad. This will widen students' choice and increase their exposure. As a start, the Administration proposes to launch a pilot scheme to support students to study specified sub-degree programmes in selected overseas institutions in disciplines such as Information Technology (IT), Financial Services and Creative Media. Such disciplines should be confined to those with manpower shortages and for which a substantial increase in the number of places will be unattainable in the near future. The list of approved programmes will be

finalized in due course. Students enrolled in the approved programmes can apply for financial assistance. The eligibility and assessment criteria and mode of financial assistance under the pilot scheme are basically the same as those for students studying at local institutions. One of the requirements is that such students should be pursuing full-time post-secondary programmes and have not yet obtained any sub-degree or other higher qualifications. Students who receive financial assistance under the pilot scheme are required to return to Hong Kong to work after graduation. Depending on the effectiveness of the pilot scheme, the Administration will consider extending it to other areas with similar situations.

## **(VI) Accreditation**

11. We intend to establish a clear, coherent and user-friendly framework that assures quality and facilitates new entrants and expansion. Details of our proposed framework are at **Annex III**. We are taking preliminary steps to consult relevant bodies by holding forums, conducting meetings with accreditation bodies, statutory professional bodies and potential providers, as well as consulting the views of relevant subcommittees under the EC. The proposed objective and agenda are well received by these bodies.

12. We are fully aware that legislative amendment will be necessary to put in place the new regulatory framework. Consultation and enactment of the new legislation will take some time. Most of our statutory institutions have acquired self-accrediting status, thus enabling them to conduct accreditation in accordance with existing arrangements. As for courses offered by other institutions, accreditation may be conducted by approved accreditation bodies (e.g. the Hong Kong Council for Academic Accreditation (“HKCAA”) and other statutory professional bodies). As such, we estimate that a considerable number of accredited courses and those to be accredited by means of the above channels may benefit under the Government's proposed support measures as early as possible. We will continue to consult public views on the future framework and put in place the necessary legislation in due course.

## **(VII) Associate Degree**

13. To ensure that there is a common, internationally comparable benchmark of “associate degree”, we have commissioned the Federation

for Continuing Education in Tertiary Institutions (“the Federation”) to conduct a study to draw up a set of common descriptors for “associate degree” and equivalent qualifications, having regard to international practices. The study is now in its final stage and a draft summary of the report is at **Annex IV**. The HKCAA has also conducted an independent study on the same subject. The Federation and the HKCAA have conducted their studies from the perspectives of education providers and accreditation bodies respectively and their recommendations on the common descriptors are broadly the same. All members of the Federation have agreed to adopt the same set of common descriptors. The HKCAA will also conduct accreditation of different courses on the basis of these common descriptors. Henceforth, all local “associate degree” courses will adopt the same set of common descriptors and those failing to comply with these descriptors will not be accredited.

#### **(VIII) Overseas studies**

14. We **recommend** that the student financial assistance scheme should also cover –

- (a) accredited programme leading to a local award, comprising up to 50% of the modules offered outside Hong Kong; and
- (b) a programme offered wholly or partly (up to 50%) in Hong Kong leading to a non-local award as included in a list to be approved by the Administration.

15. Students enrolled in these programmes can apply for financial assistance. The eligibility and assessment criteria and mode of financial assistance will be basically the same as those for students pursuing studies in local institutions. One of the requirements is that such students should be engaged in full-time post-secondary programmes and have not obtained any sub-degree or above qualifications.

**Legislative Council Panel on Education**  
**SUBCOMMITTEE ON INCREASE IN**  
**POST-SECONDARY EDUCATION OPPORTUNITIES**

- Annex I**            Information Paper on Meeting of the LegCo Panel on Education on 23.4.2001
- Annex II**            Questions raised by Hon Cheung Man-kwong on Information Paper of 23.4.2001
- Annex III**          Proposed    Regulatory    Framework    for  
Post-secondary Education
- Annex IV**          Executive Summary of Consultancy Study on Associate Degree in Hong Kong

**PROPOSED REGULATORY FRAMEWORK FOR POST-SECONDARY EDUCATION*****Introduction***

To achieve our new policy objective that 60% of our senior secondary school leavers will receive tertiary education in ten years, we need a clear, coherent and user-friendly regulatory framework that assures quality, facilities new entrants and expansion, and paves the way for a qualifications framework to be established in the future. Under the present system, however, different types of providers are offering post-secondary courses under different legislations. Moreover, the law governing post-secondary colleges needs to be updated to keep pace with modern needs. Against this background, the Education and Manpower Bureau has formulated a proposed regulatory framework for post-secondary education and is now inviting comments on the proposal.

***Existing Regulatory Framework***

2. At present, there are four major types of post-secondary education providers, each subject to a different legislation –

<b>Types of Post-secondary Education Providers</b>	<b>Relevant legislation</b>
(a) Registered schools authorised by Director of Education to offer post-secondary courses on a self-financing basis.	Education Ordinance (Cap. 279) - which basically applies the same standards to registered schools ranging from pre-primary to post-secondary levels.
(b) one approved post-secondary college (i.e. Hong Kong Shue Yan College)	Post Secondary Colleges Ordinance (Cap. 320) - which was first introduced in 1960s.
(c) Statutory Educational Institutions, including – <ul style="list-style-type: none"> <li>• Vocational Training Council</li> <li>• Eight University Grants Committee (UGC)-funded institutions</li> <li>• The Open University of Hong Kong</li> <li>• The Hong Kong Academy for Performing Arts</li> </ul> In addition, some statutory bodies such as Hong Kong Productivity Council and Hong Kong Arts Centre also provide training courses.	Respective governing ordinances
(d) Non-local higher education and professional institutions	Non-local Higher and Professional Education (Regulation) Ordinance

3. The existing system has the following drawbacks –
- (a) Different post-secondary education providers and courses are subject to different sets of regulations with varying degrees of control on operation and quality. This gives rise to questions of fairness and comparability.
  - (b) The regulation over category (a) providers mainly focuses on the operational aspects. It takes little account of the quality of the courses or the providers.
  - (c) The Education Ordinance imposes similar, if not the same, requirements on all registered schools providing courses at primary, secondary and post-secondary levels. Some regulation that aims to protect young school children may be unnecessary or inappropriate for adult-learners. Besides, the Post-Secondary Colleges Ordinance and the Post-Secondary Colleges Regulations, which govern the registration and operation of post-secondary colleges, were enacted in the 1960s. Many of the provisions are now outdated and too restrictive to facilitate diversification of higher education. (For example, only four-year programmes can be offered under the Ordinance.)

### ***Proposed Regulatory Framework***

#### ***Guiding Principles***

4. In drawing up the new statutory regulatory framework for post-secondary education, we will adopt the following guiding principles –
- (a) to avoid double/over regulation on courses or providers;
  - (b) to enhance diversity of courses and providers;
  - (c) to allow sufficient freedom and flexibility for providers;
  - (d) to ensure safety of students;
  - (e) to ensure consumers' accessibility to information;
  - (f) to distinguish between those courses with recognised quality and those without; and
  - (g) to set out a clear mechanism and pathway and provide incentives for providers to upgrade the quality of their courses and status of their institutions.

## *Salient Points of the Proposed Regulatory Framework*

5. We propose to combine the regulation of post-secondary courses offered by registered schools and the regulation of post-secondary colleges (i.e. categories (a) and (b) in paragraph 2) in a single piece of legislation. As regards providers in categories (c) and (d), they will continue to be subject to the existing regulatory framework to avoid double-regulation. However, there will be linkages with the proposed post-secondary education legislation.

### (i) Courses

6. For courses provided at categories (a) and (b), we propose a two-tier approach consisting of registration and accreditation. Registration simply provides a legal basis for post-secondary courses to be offered whereas accreditation bears a quality label. There will be two registers – one for registered course and another for accredited course – available for public inspection. In summary –

- (a) A registered course may legally operate without having to be an accredited course. However, only an accredited course will be eligible for –
  - assistance to be offered by Government in support of the progressive increase in post-secondary education opportunities;
  - recognition by Government for appointment to certain ranks in the Civil Service; and
  - inclusion in the progression ladder or qualifications framework for the articulation and recognition of qualifications.
- (b) An operator of registered courses need not register as a school. It will be subject to a more flexible regulation when compared with the Education Ordinance (which targets at schools). However, the proposed legislation will set out basic requirements in terms of (i) building and fire safety; (ii) compliance with land and planning regulation; (iii) payment and refund arrangements to ensure that students will have refund in case the course ceases operation; and (iv) advertisement and marketing.
- (c) There will be a clear definition of “secondary” and “post-secondary” to ensure that there will not be any gaps and overlap between the Education Ordinance and the proposed Post-Secondary Education Ordinance.

- (d) In order to become an accredited course, the course must receive accreditation by a recognised accreditation body such as the Hong Kong Council for Academic Accreditation (HKCAA) and statutory professional bodies.
- (e) The future register of accredited course may be sub-divided into different levels (e.g. post-graduate, first-degree and sub-degree) and sub-levels (e.g. diploma, higher diploma). This register may facilitate the development of an articulation ladder and a qualifications framework.
- (f) We envisage that the accreditation will focus on individual courses. However, it will inevitably examine the institutional environment in support of the delivery of the course.

(ii) Provider

7. Various outdated or over-restrictive provisions under the existing Post-Secondary College Ordinance will be eliminated to facilitate the establishment and operation of post-secondary colleges. In addition, the legislation will provide a pathway for a post-secondary course provider to become a private university. A synopsis is set out below –

<b>Provider of Post-Secondary Courses</b>		<b>Post-Secondary College</b>		<b>Degree Awarding College</b>		<b>University</b>	
<ul style="list-style-type: none"> <li>• Fulfills basic requirements in terms of safety and quality.</li> <li>• Must submit individual courses for registration and/or external accreditation.</li> </ul>	<ul style="list-style-type: none"> <li>• Must undergo an institutional review by an approved accreditation body on a periodic (say, 5 yearly) basis</li> <li>• May offer and validate its sub-degree programmes. These programmes will be deemed to be “accredited”.</li> </ul>	<ul style="list-style-type: none"> <li>• Same as Post-secondary College</li> <li>• In addition, may, subject to approval of the Chief Executive-in-Council, offer degree programmes that are externally validated by an approved accreditation body.</li> </ul>	<ul style="list-style-type: none"> <li>• Same as Degree awarding college.</li> <li>• In addition, may, subject to the approval of the Chief Executive-in-Council, be renamed “university” and become “self-accrediting” for its own degree programmes.</li> <li>• Must undergo a periodic (say, 5 yearly) institutional review by an approved accreditation body.</li> </ul>				

8. The details of the proposed regulatory framework are set out at **Annex.**

### Post-secondary Courses offered by Statutory Educational Institutions

9. To avoid double regulation, we propose that statutory bodies should continue to be subject to regulation and quality assurance mechanism as currently applied. Specifically,

- (a) Self-accrediting universities should continue to be allowed to offer sub-degree, degree and postgraduate courses provided that these courses have undergone their rigorous internal quality assurance mechanism.
- (b) For courses offered by continuing and professional education (CPE) divisions of the self-accrediting institutions, we propose that they should preferably be subject to the same internal quality assurance mechanism as applied to other programmes offered by the Faculties of their respective universities.
- (c) As an alternative to (b), the CPE divisions should compile a manual on quality assurance on their award-bearing programmes, share common good practices and conduct peer review periodically to ensure that the mechanism is credible. As a medium term measure, the University Grants Committee (UGC) intends to extend the scope of the Teaching and Learning Quality Process Review (TLQPR) to cover CPE divisions of the UGC-funded institutions in the next round.
- (d) For non-self-accrediting institutions, they are not allowed to award degree or above qualifications unless the programmes have been externally validated by an approved accreditation body.
- (e) Post-secondary courses offered by the statutory educational institutions (be they self-accrediting or non-self-accrediting) will be deemed to be accredited courses.

### ***Interim Arrangements***

10. We are fully aware that legislative amendment will be necessary to put in place the new regulatory framework. Consultation and enactment of the new legislation will take some time. Most of our statutory institutions have acquired self-accrediting status, thus enabling them to conduct accreditation in accordance with existing arrangements. As for courses offered by other institutions, accreditation may be conducted by approved accreditation bodies (e.g. the Hong Kong Council for Academic Accreditation (“HKCAA”) and other statutory professional bodies). As such, we estimate that a considerable

number of accredited courses and those to be accredited by means of the above channels may benefit under the Government's proposed support measures as early as possible. We will continue to consult public views on the future framework and put in place the necessary legislation in due course.

### *Advice Sought*

11. The above proposals are preliminary thoughts. Comments on the proposed regulatory framework are welcome. In particular, we would like to invite views on the following issues –

(a) Direction

- Is the proposed regulatory framework a step in the right direction as far as the development of post-secondary education in Hong Kong is concerned?

(b) Scope

- Is the proposed list of exempted statutory bodies at Schedule 1 too restrictive or too liberal?
- Should part-time courses, non-local courses, distance-learning courses and continuing and profession education courses run by professional bodies be included in the regulatory framework?
- What is the most appropriate cut-off point between secondary and post-secondary courses? What about Project Springboard and matriculation courses?

(c) Registration

- Are the requirements listed in Schedule 2 adequate in ensuring that registered courses are of a reasonable standard?

(d) Accreditation

- Are the 10 statutory professional bodies listed in Schedule 3 adequate? How should we cater for the accreditation for professional courses in other fields (e.g. logistics and secretarial related courses)?
- What criteria should be used to determine whether an organisation can be recognised as an accreditation body?

## **PROPOSED REGULATORY FRAMEWORK FOR POST-SECONDARY EDUCATION**

### **1. AMBIT**

We propose to expand the ambit of the Post Secondary Colleges Ordinance to cover –

- (a) conduct of post-secondary courses in Hong Kong
- (b) establishment and operation of post-secondary colleges

### **2. DEFINITION AND APPLICATION**

2.1. “a post-secondary course” means a course which is beyond the level of secondary education as defined in the Education Ordinance (Cap. 279) and will lead to a post-secondary qualification.

2.2. “post-secondary qualification” includes sub-degree, degree or postgraduate qualification or other academic award or title which is at or beyond the level of post-secondary education. Without affecting the generality of the definition, such qualification should include any awards which bear the names of –

- (a) certificate
- (b) diploma
- (c) higher diploma
- (d) associateship
- (e) professional diploma
- (f) associate degree
- (g) degree
- (h) Bachelor’s degree
- (i) Master’s degree
- (j) Doctoral degree

2.3. “a regulated course –

2.3.1. “a regulated course” means a course of education **conducted in Hong Kong** consisting of lectures, tutorials, seminars, group discussion sessions, instruction, or dissemination of information or materials or any combination of these elements which leads to the **award** of any **post-secondary qualification**.

2.3.2. For the avoidance of doubt, a course which only prepares students for external examinations and does not confer qualifications upon completion of the course is not regarded as a “regulated course”.

2.3.3. A course is not a regulated course if –

- (1) The award is conferred solely by a *non-local institution/body* – because this is already governed by the Non-local Higher and Professional Education (Regulation) Ordinance.
- (2) The course is *not conducted in Hong Kong*, e.g.: purely distance learning courses and examinations via the telecommunication and mail involving a person who is not physically present in Hong Kong.
- (3) The courses are offered by statutory educational or training institutions as specified in **Schedule 1**, that are already subject to control under separate legislation:  
Secretary for Education and Manpower (SEM) may by notice in the gazette amend **Schedule 1**.
- (4) The course is *in-house training* offered by a body corporate for its employees.

2.3.4. SEM may, by notice in the Gazette, exempt a class of courses or any individual course from the operation of the Ordinance.

2.3.5. SEM may, by notice in the Gazette, cancel the exemption of a class of courses or any individual courses from the operation of the Ordinance.

### **3. CONDUCT OF POST-SECONDARY COURSES**

Subject to paragraph 5, no person shall conduct a regulated course unless it is a listed course under paragraph 5.2.

### **4. EDUCATION ORDINANCE VS POST-SECONDARY EDUCATION LEGISLATION**

The Education Ordinance will not apply to any school which solely provides regulated courses within the meaning of the post-secondary legislation.

### **5. REGULATION OF POST-SECONDARY COURSES**

#### **5.1. Two tiers of regulation:**

5.1.1. We propose a two-tiered regulatory framework – registration and accreditation.

- 5.1.2. Registration simply provides a legal basis for post-secondary courses to be offered. Accreditation bears a quality label.
- 5.1.3. A registered course may legally operate without having to be an accredited course. However, only accredited courses will be eligible to apply for the support measures to be offered by Government for the expansion of post-secondary education opportunities.

## **5.2. Registration**

- 5.2.1. **Registrar:** SEM or any public officer appointed by him will be the Registrar of Post-secondary Courses.
- 5.2.2. **Register:** The Registrar will keep two registers – one register of registered post-secondary courses and another register of accredited post-secondary courses.
- 5.2.3. **Application for registration:** An operator of a post-secondary course may apply for registration in a specified form.
- 5.2.4. **Obligations of operator of registered course:** The operator of a registered course must comply with the requirements in **Schedule 2**. SEM may amend **Schedule 2** by notice in the Gazette.
- 5.2.5. **Expenses:** If the Registrar incurs any expenses in obtaining advice in respect of an application, the applicant shall be liable to pay to the Registrar a sum of money equal to such expenses.
- 5.2.6. **Certificate:** Where the Registrar allows an application for the registration of a course, he will issue a certificate of registration to the operator of the course and enter such information in the Register which may be made available to the public for inspection.
- 5.2.7. **Conditions of registration:** The Registrar may, upon the issue of a certificate of registration in respect of a course, impose such conditions in relation to the operation of the course as he thinks fit. The Registrar may from time to time, impose such conditions as he thinks fit. Such conditions should be made known to the operator in writing.
- 5.2.8. **Cancel registration:** The Registrar may cancel the registration of a registered course under certain specified circumstances such as (a) the course ceases operation; (b) the operator fails to meet the requirements set out in **Schedule 2**; (c) the operator fails to comply with the conditions of registration.

- 5.2.9. **Appeal:** The operator may appeal to the Administrative Appeals Board if (a) the Registrar refuses application for registration; (b) the Registrar imposes conditions for registration; and (c) the Registrar cancels registration.
- 5.2.10. **Notification:** The operator should notify the Registrar of any change to the original application within one month of such change.
- 5.2.11. **Registrar may require information:** The Registrar may by notice in writing require the operator of a registered course to give information or document which relates to the course.
- 5.2.12. **Entry to premises, etc and power to search, seize, etc:** Where a magistrate is satisfied by information upon oath that there are reasonable grounds for believing that an offence against the legislation has been committed, he may issue a warrant authorising any prescribed officer to enter such premises. There will be powers of entry, seizure, etc to be exercised by police officers and inspection officers appointed under the legislation.

### **5.3. Accreditation**

- 5.3.1. **Accreditation:** A post-secondary course may be accredited by the bodies specified in **Schedule 3**.
- 5.3.2. **Amendment:** SEM may by notice in the Gazette amend **Schedule 3**.
- 5.3.3. **Register of accredited course:** The Registrar will maintain a list of accredited course.
- 5.3.4. **Application:** If a registered course has been accredited by any body set out in **Schedule 3** as a course leading to post-secondary qualification in the relevant field, the course operator may, upon production of documentary proof, apply to the Registrar for inclusion in the register of accredited post-secondary course.
- 5.3.5. **Expenses:** If the Registrar incurs any expenses in obtaining advice in respect of an application, the applicant shall be liable to pay to the Registrar a sum of money equal to such expenses.
- 5.3.6. **Certificate:** Where the Registrar allows an application for the inclusion, he will issue a certificate to the operator of the course and enter such information in the register of accredited course which may be made available to the public for inspection.
- 5.3.7. **Cancel the name from the register:** The Registrar may remove a course from the register of accredited course if (a) the course ceases operation; (b) the validity of the accreditation (if any) has expired); (c) the relevant accreditation bodies cancel the accreditation status of the course.

**5.4. Award**

5.4.1. Unless with the approval of the Chief Executive-in-Council, no registered course shall award degrees or post-graduate awards or issue any document which could reasonably be taken as signifying the award of a university degree or above qualification.

**6. POST-SECONDARY COLLEGE**

**6.1. Registration**

6.1.1. **Registrar:** The SEM (instead of the Director of Education) or any public officer appointed by him will be the Registrar for approving post-secondary colleges.

6.1.2. **Register:** As in the present Ordinance, the Registrar will keep a number of registers (e.g. register of post-secondary college, members of governing Councils, etc).

6.1.3. **Application for registration:** Anyone who wishes to establish a post-secondary college may apply for registration.

6.1.4. **Requirements for registration:** The proposed requirements based on existing ones in the Post-secondary Colleges Ordinance are set out in **Schedule 4**.

6.1.5. **Expenses:** If the Registrar incurs any expenses in obtaining advice in respect of an application, the applicant shall be liable to pay to the Registrar a sum of money equal to such expenses.

6.1.6. **Certificate:** Where the Registrar allows an application for the registration of a course, he will issue a certificate of registration to the operator of the course and enter such information in the Register which may be made available to the public for inspection.

6.1.7. **Conditions of registration:** The Registrar may, upon the issue of a certificate of registration in respect of a college, impose such conditions in relation to the registration and operation of the course as he thinks fit. Examples include the periodic review of the quality assurance mechanisms of the post-secondary college. The Registrar may from time to time, impose such conditions as he thinks fit. Such conditions should be made known to the operator in writing.

6.1.8. **Operation of the college:** SEM may, by regulation, provide for the –

- (a) Composition of the governance structure of the post-secondary college such as the governing councils, academic board, etc.

- (b) The conduct of the affairs of the college, including but not limited to empowering the college and its governing council to exercise certain powers and perform certain duties in furtherance of the college's mission and objectives.

Our proposal on (a) and (b) above are set out in **Schedule 5**.

- 6.1.9. **Cancel registration:** The Registrar may cancel the registration of a registered post-secondary college under certain specified circumstances such as (a) the college ceases operation; (b) the operator breaches the obligations set out in **Schedule 4**; (c) the operator fails to comply with the conditions of registration.
- 6.1.10. **Appeal:** The operator may appeal to the Administrative Appeals Board if (a) the Registrar refuses application for registration; (b) the Registrar imposes conditions for registration; and (c) the Registrar cancels registration.
- 6.1.11. **Notification:** The operator will notify the Registrar of any change to the original application within one month of such change.
- 6.1.12. **Registrar may require information:** The Registrar may by notice in writing require the operator of a registered post-secondary college to give information or document which relates to the college.
- 6.1.13. **Entry to premises, etc and power to search, seize, etc:** Where a magistrate is satisfied by information upon oath that there are reasonable grounds for believing that an offence against the legislation has been committed, he may issue a warrant authorising any prescribed officer to enter such premises. There will be powers of entry, seizure, etc to be exercised by police officers and inspection officers appointed under the legislation.

## **6.2. Award**

- 6.2.1. Registered post-secondary college may award sub-degree academic qualifications and professional qualifications, and shall not, unless with the approval of the Chief Executive-in-Council, award degrees or post-graduate awards or issue any document which could reasonably be taken as signifying the award of a university degree or above qualification.

## **6.3. Name of College**

- 6.3.1. Every college shall be registered under such name in both English and Chinese as may be approved by the Registrar.

- 6.3.2. Unless with the approval of the Chief Executive-in-Council, the college shall not contain the word “University”.
- 6.3.3. No college may use any name other than its registered name.

**7. RESTRICTION ON ADVERTISEMENT, ETC**

- 7.1. Registered post-secondary course must indicate its registration number in its advertisement.
- 7.2. Accredited post-secondary course must indicate its reference number in its advertisement.
- 7.3. No person shall publish or cause to be published any false or misleading information on the content and nature of the post-secondary course.

**8. REGULATION**

SEM may make regulations –

- (a) providing for the operation of the post-secondary courses;
- (b) providing for the operation of the Post Secondary College, including the governing structure and general conduct of the affairs of the college; and
- (c) providing for the collection of fees, use of premises, advertisements and generally for the better carrying out of the provisions and objects of the legislation.

**9. COURSES DEEMED TO BE ACCREDITED COURSE**

- 9.1. All courses offered by Post-secondary Colleges and the institutions mentioned in Schedule 1 shall be deemed to be “accredited course” for the purpose of the legislative framework provided they meet the requirements set out in **Schedule 5**.
- 9.2. SEM may notice in the Gazette amend **Schedule 5**.

**10. TRANSITIONAL**

The new legislation shall not affect the operation and legal status of post-secondary courses approved by the Director of Education under the Education Ordinance and the operation of approved post-secondary colleges under the Post Secondary Colleges Ordinance during the transitional period (to be specified).

## SCHEDULE 1

### EXEMPTION FROM THE REGULATION OF POST-SECONDARY COURSES – STATUTORY EDUCATIONAL INSTITUTIONS

#### *Registered Post-secondary College*

- (1) Registered post-secondary colleges under the Post-Secondary Colleges Ordinance (Cap. 320)

#### *Statutory Educational and Training Institutions*

- (2) Lingnan University as established under the Lingnan University Ordinance (Cap. 422)
- (3) The Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap. 444)
- (4) University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053)
- (5) The Hong Kong Polytechnic University Ordinance established under The Hong Kong Polytechnic University Ordinance (Cap. 1075)
- (6) The Chinese University of Hong Kong established under the Chinese University of Hong Kong Ordinance (Cap. 1109)
- (7) Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126)
- (8) The Vocational Training Council established by the Vocational Training Council Ordinance (Cap. 1130)
- (9) City University of Hong Kong established by City University of Hong Kong Ordinance (Cap. 1132)
- (10) The Hong Kong Academy for Performing Arts established by Hong Kong Academy for Performing Arts Ordinance (Cap. 1135)
- (11) The Hong Kong University of Science and Technology established by the Hong Kong University of Science and Technology Ordinance (Cap. 1141)
- (12) The Open University of Hong Kong established by the Open University of Hong Kong (Cap. 1145)

#### *Other Statutory Bodies*

- (13) The Hong Kong Productivity Council established by the Hong Kong Productivity Council Ordinance (Cap. 1116)
- (14) Hong Kong Arts Centre established by the Hong Kong Arts Centre Ordinance (Cap. 304)

## SCHEDULE 2

### REQUIREMENTS OF OPERATOR OF REGISTERED COURSE

#### (1) *Operator*

The operator of a registered course must be a body corporate, including being –

- (a) a statutory body
- (b) a body corporate registered under the Companies Ordinance

#### (2) *Premises*

2.1. The operator of a registered course must provide documents issued by competent authorities [including relevant Government departments and approved professionals] to demonstrate that the premises to be used for the conduct of the registered course –

- (a) are in compliance with the lease conditions governing the proposed premises;
- (b) are structurally safe for the proposed nature and size of classes;
- (c) will not expose the person in the premises to any undue risk of fire; and
- (d) provide adequate means of escape for all persons in the premises in case of fire.

2.2. The operator of a registered course must display the following documents in conspicuous place in the premises for the conduct of the registered course –

- (a) the documents mentioned in 1 above;
- (b) the certificate of registration of the course; and
- (c) the certificate of accreditation of the course, if any.

#### (3) *Teachers*

Teachers of registered post-secondary courses must possess academic qualifications at degree or above levels or equivalent professional qualifications.

**SCHEDULE 3**  
**RECOGNISED BODIES**  
**FOR THE PURPOSE OF ACCREDITING POST-SECONDARY COURSES**

***Academic Accreditation Body***

- (1) The Hong Kong Council for Academic Accreditation established under the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150)

***Statutory Professional Bodies***

- (1) The Hong Kong Society of Accountants established under the Professional Accountants Ordinance (Cap. 50)
- (2) The Dental Council of Hong Kong established under the Dentists Registration Ordinance (Cap. 156)
- (3) The Law Society of Hong Kong established under the Legal Practitioners Ordinance (Cap. 159)
- (4) The Hong Kong Bar Association established under the Legal Practitioners Ordinance (Cap. 159)
- (5) The Medical Council of Hong Kong established under the Medical Registration Ordinance (Cap. 161)
- (6) The Hong Kong Institution of Engineers established under The Hong Kong Institution of Engineers Ordinance (Cap. 1105)
- (7) The Hong Kong Institute of Surveyors established under The Hong Kong Institute of Surveyors Ordinance (Cap. 1145)
- (8) The Hong Kong Institute of Architects established under The Hong Kong Institute of Architects Incorporation Ordinance (Cap. 1147)
- (9) Hong Kong Institute of Planners established under The Hong Kong Institute of Planners Incorporation Ordinance (Cap. 1153)
- (10) Hong Kong Institute of Landscape Architects established under The Hong Kong Institute of Landscape Architects Incorporation Ordinance (Cap. 1162)

## **SCHEDULE 4**

### **REQUIREMENTS FOR REGISTRATION AS A POST-SECONDARY COLLEGE**

A Post Secondary College shall be eligible for registration under and thereafter to remain on the register where the Registrar is satisfied as to –

- (1) the result of a review by the Hong Kong Council for Academic Accreditation or any other quality assurance agency as designated by the Registrar;
- (2) the result of any periodic reviews by the Hong Kong Council for Academic Accreditation or any other quality assurance agency as designated by the Registrar;
- (3) the composition of the College Council and teaching staff being such as to ensure satisfactory academic and general standards and conduct;
- (4) the courses offered being suitable in all respects for Post Secondary Colleges meeting community needs;
- (5) the equipment, laboratories, library and general facilities being adequate for the courses offered;
- (6) the number and qualifications of the Post Secondary College staff;
- (7) the premises being adequate for the purposes of a Post Secondary College and being in all ways suitable and safe for such purposes;
- (8) the number of students being admitted having regard to the maintenance of status and standards, facilities available and community need;
- (9) the finances of the Post Secondary College;
- (10) the legal status of the Post Secondary College which shall be a corporation unless other arrangements are made, to the approval of the Registrar, for the proper discharge of legal obligations and safeguarding of rights of the College; and
- (11) the College complying in all respects with the provisions of the relevant legislation.

## **SCHEDULE 5**

### **GOVERNANCE STRUCTURE AND POWERS OF POST-SECONDARY COLLEGES**

(Based on existing provisions in Post Secondary Colleges Ordinance and Regulation and Governing Ordinances of local tertiary Institutions)

#### **I. Governance Structure**

##### **1. Council**

- 1.1. There shall be a Council in every College, which shall be the supreme governing body of the College and, as such, may exercise all the powers and perform all of the duties of the College.
- 1.2. The Council shall consist of not less than 10 and not more than 40 members, of whom, –
  - (a) 1 shall be the Chairman;
  - (b) 1 shall be the Treasurer;
  - (c) at least 1 shall be a staff member other than the President of the College;
  - (d) at least 1 shall be a full-time student of the College; and
  - (e) President shall be the ex-officio member.
- 1.3. Subject to this Ordinance, the Council may determine its own procedures of meeting and ways of transacting business and may create and appoint such committees for any general or special purposes as it thinks fit.

##### **2. Academic Board**

- 2.1. There shall be an Academic Board of the College for the purpose of –
  - (a) reviewing and developing academic programmes;
  - (b) directing and regulating the teaching and research conducted in the College;
  - (c) regulating the admission of persons to approved courses of study and their attendance at such courses; and
  - (d) regulating the examinations leading to the academic qualifications conferred by the College.
- 2.2. The Academic Board shall be appointed by the Council.

### **3. Court**

The College may set up a Court to advise the College or the Council on matters relating to the operation of the College.

### **4. President and Vice-Presidents**

4.1. The Council shall appoint a President who, subject to the control of the Council, shall be the principal academic and administrative officer of the College.

4.2. The Council may appoint 1 or more Vice-Presidents to assist the President.

## **II. Powers of a Post-Secondary College**

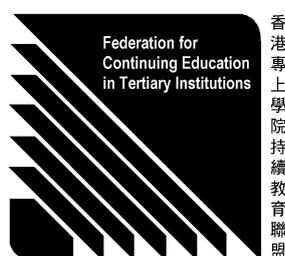
5.1. A College shall have powers to do all such things as are necessary for, or incidental or conducive to, or connected with, the furtherance of its functions and may in particular, without prejudice to the generality of the foregoing –

- (a) acquire, take on lease, purchase, hold and enjoy property of any description and sell, let or otherwise dispose of or deal with the same in such matter and to such extent as the law would allow if the property were held by a natural person in the same interest;
- (b) provide appropriate amenities (including residential accommodation, facilities for social activities and physical recreation) for its students and persons in its employment;
- (c) erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve, keep in repair and regulate the buildings, premises, furniture and equipment and all other property;
- (d) employ staff, expert and professional advisers and consultants on a full/part time basis;
- (e) set terms of remuneration and conditions;
- (f) of service for staff;
- (g) receive and expend funds;
- (g) invest its funds in such manner and to such extent as it thinks necessary or expedient;
- (h) borrow money in such manner and on such securities or terms as it thinks expedient;

- (i) apply for and receive any grant in aid for its functions on such conditions as it thinks fit;
- (j) fix and collect fees and charges for courses of study, facilities and other services provided by it, and specify conditions for the use of such facilities and services;
- (k) reduce, waive or refund fees and charges so fixed, generally or in any particular case or class of case;
- (l) receive and solicit gifts, whether on trust or otherwise, on its behalf and act as trustees of moneys or other property vested in it on trust;
- (m) provide financial assistance by way of grant or loan in pursuance of its objects;
- (n) enter into a contract, partnership or other form of joint venture with other persons;
- (o) print, produce or publish any manuscript, book, play, music, script, programme or other materials including video and audio materials and computer software as the University thinks appropriate or expedient;
- (p) confer diplomas and certificates; and
- (q) approve annual budget estimates of the College.

**DRAFT**

**Associate Degree in Hong Kong**  
***Final Report***  
***of***  
***A Consultancy Study***  
***commissioned by the***  
***Education and Manpower Bureau***  
***and undertaken by***  
***The Federation for Continuing Education in***  
***Tertiary Institutions***



***2 May 2001***

## ***Executive Summary***

Commissioned by Education and Manpower Bureau, the Federation for Continuing Education in Tertiary Institutions conducted a study on Associate Degree (AD) in Hong Kong. The objective of the present study is to elucidate the meaning of AD, and its position in the education system of Hong Kong. To this end, an overview was first undertaken on the AD programmes currently offered in other countries and regions. This was followed by a stock-taking exercise of all the AD programmes currently offered and to be launched in Hong Kong. The key findings and recommendations are summarised below.

### ***Chapter 1: Introduction***

- 1.1. Two major developments in the higher education sector of Hong Kong are: (1) the Government's new planning target of increasing the age participation for tertiary education from the current 30% to 60% by 2010/11; and (2) the development of a diversified, multi-channel, multi-layer higher education system. The Government will facilitate providers to offer options other than traditional sixth form education, such as professional diploma courses, higher diploma courses and AD programmes.
- 1.2. The present study seeks to (1) propose a common descriptor of AD in Hong Kong; (2) identify existing local programmes which fit the descriptor; (3) help build up a repository of information on local and overseas AD programmes; (4) identify problems to be resolved if AD is to be incorporated into a comprehensive qualifications framework to be developed in the future; and (5) map out the progression ladder leading to AD or equivalent qualifications.

### ***Chapter 2: Associate Degree in Other Regions***

- 2.1 AD grows out from the development of community colleges in USA in the 19<sup>th</sup> century. It is now offered in the US and Canada and, more recently, in Taiwan. On the other hand, higher diplomas/diplomas are the most common sub-degree level qualifications in the Commonwealth higher education system. Some countries (e.g. UK) are pioneering new qualification (e.g. Foundation Degree). There are few, if any, places with the co-existence of AD and Higher Diploma/Diploma programmes.
- 2.2 There is no international, national or state common descriptor of an AD, though institutions generally follow some common practices and recommendations of national or regional associations such as the American Association of Community Colleges in USA, and the Association of Canadian Community Colleges in Canada.
- 2.3 The meaning of AD has evolved over the years. A common descriptor will serve as a good starting point. At the same time, we need to keep an open mind to allow AD to evolve in the light of changing circumstances.

### ***Chapter 3: Programmes offered in Hong Kong***

- 3.1 AD was first launched in Hong Kong in 2000. The continuing education divisions of two local universities now offer self-financing programmes. A university has converted publicly-funded Higher Diploma programmes into AD programmes. It is expected that the number of providers, programmes and places will increase in 2001/02.
- 3.2 At present, there is no common descriptor for AD. This study has facilitated FCE in reaching consensus on a common descriptor in terms of programme structure, entrance requirements, teachers' qualifications, etc.
- 3.3 To ensure that the stakeholders fully understand the nature of AD, there is an urgent need for education sector to reach consensus on a common set of descriptors for AD.
- 3.4 Similar to AD, there is no common descriptor for Higher Diploma/diploma. However, it would be desirable to ascertain the similarities and differences between Higher Diploma/Diploma and AD, if Hong Kong is to develop a qualifications framework.

### ***Chapter 4: Associate Degree Programmes in Hong Kong***

- 4.1 This report proposes a set of common descriptors. This includes, *inter alia*, (1) programme objectives, (2) entry requirements, (3) programme structure, (4) curriculum design, (5) learning outcomes, (6) teacher qualifications, (5) quality assurance, (6) exit qualifications, (7) progression and articulation routes, etc. Details are set out in Chapter 4.
- 4.2 *Programme objectives and learning outcome:* Generally, AD should provide an enriched education at post-secondary level that prepares the students for work, leisure, further study and active citizenship. Specifically, AD should equip students with generic skills as well as specialised knowledge/skills that are sufficient to perform effectively at associate professional level, further their studies in universities or pursue professional development.
- 4.3 *Entry requirements:* As a norm, the proposed minimum entry requirements are: (1) satisfactory completion of S6, plus 5 passes in HKCEE (including English and Chinese); (2) satisfactory completion of a Higher Education Foundation Certificate (HEFC) (or pre-AD) programme; or (3) aged 21 or above.
- 4.4 *Programme structure:* As a norm, AD should be a 2-year programme if offered in full-time mode.
- 4.5 *Curriculum design:* AD should be a combination of broad-based, generic knowledge/skills and specialised/vocational knowledge/skills. Non-specialist contents should constitute not less than 20% of total curriculum.
- 4.6 *Teacher qualifications:* At least 70% of the teaching staff should possess a Master's degree or equivalent qualification, and should preferably have teaching or equivalent working experience in relevant fields.

- 4.7 *Quality assurance:* For self-accrediting universities, AD programmes have all been endorsed by the Senate of respective institutions. For providers who are non-self-accrediting, involvement of external quality assurance agencies is recommended.
- 4.8 *Recognition and articulation:* AD is designed as a programme with multiple-entry and multiple-exit. Completion of AD should enable students to articulate to Year 3 of North American universities or Year 2 of UK universities.
- 4.9 *AD and Higher Diploma:* As an exit qualification for employment purposes, the level of AD should be considered as equivalent to that of the Higher Diploma.
- 4.10 The progression ladder of AD and HEFC is shown in Figure One.

### ***Chapter 5: The Higher Education Foundation Certificate***

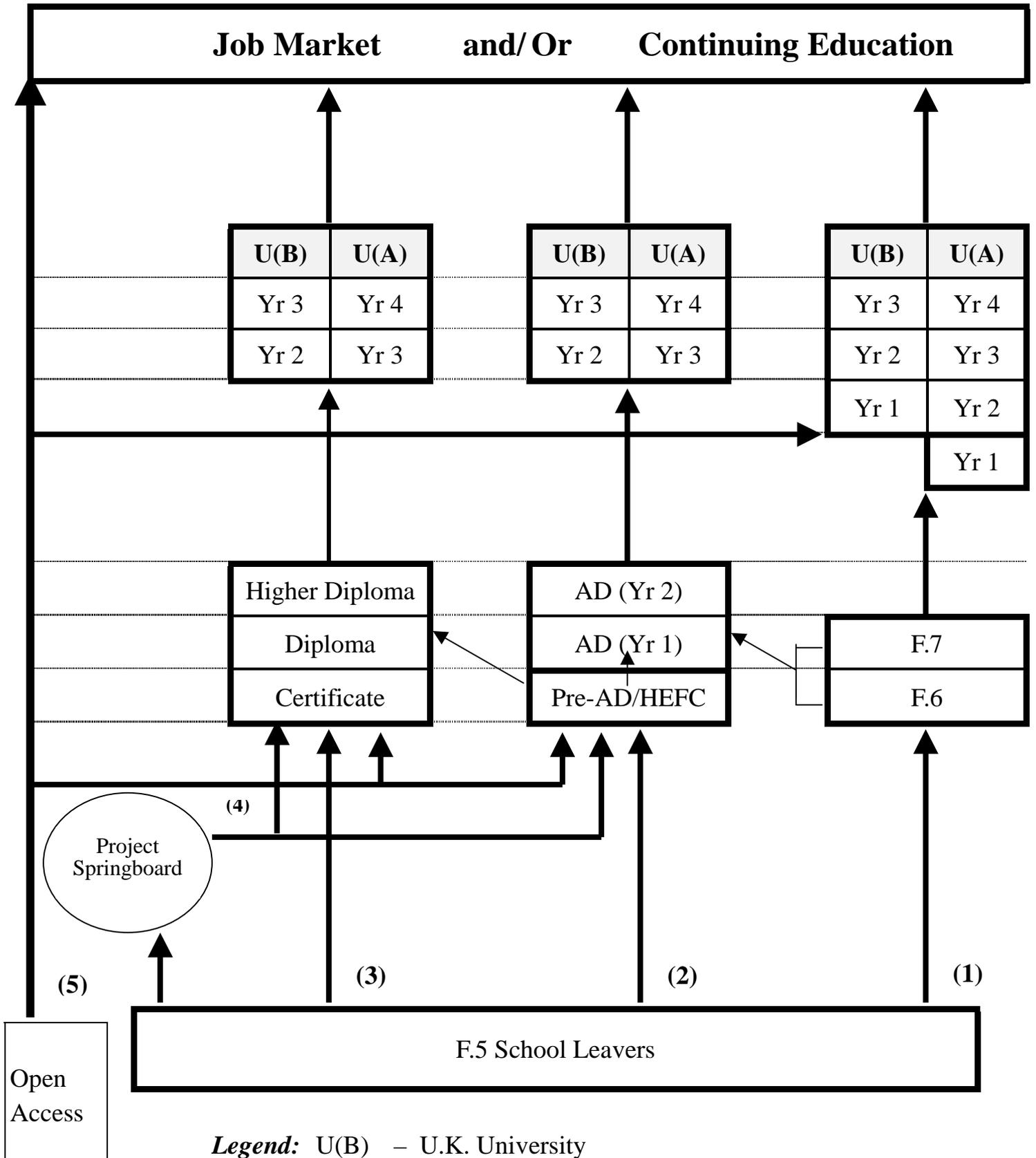
- 5.1 This report proposes the introduction of a HEFC programme. This programme will widen the access for Secondary 5 school leavers to pursue AD programmes other than through the Secondary 6 route. This programme can be viewed as either a standalone programme or an integral part of a 3-year programme admitting Secondary 5 graduates and leading to an AD qualification.
- 5.2 This report also proposes a common descriptor for this programme in terms of, *inter alia*, (1) programme objectives, (2) entry requirements, (3) programme structure, (4) curriculum design, (5) teacher qualifications, (6) quality assurance, (7) exit qualifications and progression routes. Details are set out in Chapter 5.

### ***Chapter 6: Discussion and Recommendation***

- 6.1 To ensure that society at large understand fully the nature and meaning of AD, and in particular its position and role in the current education system of Hong Kong, there is an urgent need for the education sector and course providers to adopt and announce a set of common descriptors for AD programme.
- 6.2 As a starting point, the descriptions in Chapter 4 could be used as a model template for such a set of common descriptors. Consultation should then be carried out, preferably by the government, with all stakeholders concerned, and the descriptors further refined and modified. The revised descriptors should then be promulgated for reference by (and possibly regulation of) current as well as would-be providers of AD programmes. However, we should keep an open mind and modify these descriptors in the light of changing circumstances.
- 6.3 To cater for providers who do not have self-accrediting status, there is a need for the government to formulate a clear policy for the accreditation and quality assurance of the AD programmes to be offered.
- 6.4 Subject to the above conditions being met, the government should recognise AD by
- offering financial assistance to the AD students;

- announcing a range/level of government posts for which the AD graduates are eligible to apply; and
  - stipulating an entry salary point in the Master Pay Scale which is somewhere between the existing entry points for matriculants and degree holders.
- 6.5 As an access programme to AD, HEFC programme students should be eligible to apply for
- student financial assistance; and
  - the same posts with the same entry salary points in the civil service as currently enjoyed by S 6 students or matriculants.
- 6.6 For benchmarking purposes, the government may also consider adopting a set of common descriptors for the HEFC programme.
- 6.7 Concerted efforts should be made by the tertiary institutions and the major course providers in the setting up a credit accumulation and transfer system for all AD (and possibly HEFC) programmes.

**Figure One: Progression Ladder of Associate Degree Programme**



**Legend:** U(B) – U.K. University  
 U(A) – U.S. University  
 AD – Associate Degree  
 HEFC – Higher Education Foundation Certificate