

立法會
Legislative Council

LC Paper No. CB(2)2702/07-08
(The minutes have been seen by
the Administration)

Ref : CB2/PL/ED

Panel on Education

**Minutes of special meeting
held on Monday, 28 April 2008, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Jasper TSANG Yok-sing, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
- Members attending** : Dr Hon Joseph LEE Kok-long, JP
Hon LEUNG Kwok-hung
- Members absent** : Dr Hon YEUNG Sum, JP (Deputy Chairman)
Hon Patrick LAU Sau-shing, SBS, JP
- Public Officers attending** : Education Bureau
Mr Michael WONG
Deputy Secretary for Education (1)

Mr Daniel CHENG
Principal Assistant Secretary for Education (Further
Education)

Food and Health Bureau

Mr Patrick NIP
Deputy Secretary for Food and Health (Health) 1

Miss Pamela LAM
Principal Assistant Secretary for Food and Health
(Health) 1

Department of Health

Dr Amy CHIU
Assistant Director of Health (Traditional Chinese
Medicine)

Hospital Authority

Dr CHEUNG Wai-lun
Director (Cluster Services)

Dr Susie LUM
Chief Manager (Nursing)/Chief Nurse Executive

Hong Kong Council for Accreditation of Academic and
Vocational Qualifications

Ms Dorte Kristoffersen
Deputy Executive Director

Ms Connie LOK
Principal Registrar

The Nursing Council of Hong Kong

Ms Adela LAI
Chairman

Miss Teresa WU
Legal Advisor

Chinese Medicine Council of Hong Kong

Mr James WONG Ngar-kok
Chairman of Chinese Medicine Practitioners Board

Attendance by invitation : Hong Kong Institute of Technology

Dr Joy SHI
President

Dr K S CHAN
Vice-President

Hong Kong Institute of Technology Students' Union

Miss Christy CHAN Sze-ting
Hong Kong Institute of Technology Nursing Student
Representative

Miss LAU Hei-nga
Hong Kong Institute of Technology Nursing Student
Representative

College of Nursing, Hong Kong

Dr Alice TSANG
Vice President

Ms CHOW Fung-kwan
Council Member

香港中醫執業資格試權益組

Ms LUNG Yuk-ping
Chairman

Miss LEE Man-hork
Vice-Chairman

公開大學暨廈門大學兼讀制中醫專業科學士學位課程學生代表

Ms LI Manore
Representative

Ms CHIU Yat-ling
Representative

Hong Kong College of Technology

Dr CHAN Cheuk-hay
President & Principal

Ms Rowena CHIN
Head, Centre of Mainland Programmes

Li Ka Shing Institute of Professional and Continuing
Education of The Open University of Hong Kong

Dr Ben LIU Chi-Pun
Programme Director

Ms Helen PANG Hoi-ning
Senior Programme Manager

Civic Party (Young Civics)

Mr Thomas YU
Chairman

Consumer Council

Ms Connie LAU
Chief Executive

Mr CHAN Wing-kai
Head, Complaints & Advice Division

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

Staff in attendance : Mr Stanley MA
Senior Council Secretary (2)6

Miss Josephine SO
Council Secretary (2)1

Miss Carmen HO
Legislative Assistant (2)6

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- I. Academic and professional accreditation of sub-degree courses**
[LC Paper Nos. CB(2)1713/07-08(01)-(04), CB(2)1718/07-08(01), CB(2)264/07-08(05)-(06), CB(2)1081/07-08(01) and IN13/07-08]

The Chairman said that at the meeting on 14 April 2008, the Panel agreed to discuss academic and professional accreditation of sub-degree courses, including the Associate Degree in Nursing Programme (the Programme) offered by the Hong Kong Institute of Technology (HKIT). At the suggestion of Mr LEUNG Yiu-chung, members agreed to include in the discussion the two courses in Chinese medicine offered respectively by the Xiamen University in collaboration with the Open University of Hong Kong (OUHK) (the OUHK's course) and by the Hong Kong College of Technology (HKCT) in collaboration with the Jinan University (the HKCT's course). It transpired after the meeting that the two courses were not sub-degree but part-time degree courses. Nevertheless, as members had agreed to discuss these two courses at the meeting on 14 April 2008, the relevant deputations were invited. The Chairman added that the Complaints Division of the Legislative Council (LegCo) Secretariat had handled cases relating to the two courses.

2. Members noted the following papers prepared by the LegCo Secretariat -
- (a) A chronology of events in respect of HKIT's application for accreditation of the Programme;
 - (b) A background brief on quality assurance of sub-degree courses; and
 - (c) An information note entitled "Accreditation of professional training in Hong Kong".

Oral presentation by deputations

Hong Kong Institute of Technology

[LC Paper Nos. CB(2)1713/07-08(05), CB(2)1572/07-08(01) and (02)]

3. Dr Joy SHI welcomed the one-off arrangement made by the Food and Health Bureau (FHB) and the Hospital Authority (HA) for students of the Programme to be articulated into HA's nursing training programmes so that they could obtain qualifications for registering or enrolling as nurses in due course. She emphasized that all students of the Programme were qualified for registration as nurses, and over half of the students possessed qualifications above the entry requirements for the Programme. The Programme had been academically accredited by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) and HKIT had made it clear in its enrolment advertisement that the Programme was pending accreditation by the Hong Kong Nursing Council (the Nursing Council).

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However, the accreditation exercise conducted by the Nursing Council had taken three years to complete and the guidelines for accreditation were unclear. She doubted about the neutrality of the Nursing Council in the accreditation process. She appealed to members to support the release of information by the Nursing Council on successful and unsuccessful applications for professional recognition of nursing programmes in the past, and the concurrent processing of academic accreditation and professional recognition of sub-degree programmes.

Hong Kong Institute of Technology Students' Union
[LC Paper Nos. CB(2)1718/07-08(02) and CB(2)1740/07-08(01)]

4. Miss Christy CHAN said that the Programme was operated in accordance with the required standards and had been accredited by HKCAAVQ before its commencement. All students of the Programme met the entry requirements. Given the shortage of nurses, HKIT had provided the training of students to meet the manpower requirement. The students would endeavour to complete their studies and to serve the community after graduation. She stressed that the students of the Programme and their parents were grateful for the support of members, HA, the general public and the media.

College of Nursing, Hong Kong
[LC Paper No. CB(2)1725/07-08(01)]

5. Dr Alice TSANG said that the College of Nursing, Hong Kong welcomed more young people to join the nursing profession to alleviate the shortage of nurses. The College considered it important for all nursing training programmes to meet the requirements and standards set by the Nursing Council. The College was pleased with the one-off arrangement to assist the students of the Programme to be articulated into HA's nursing training programmes, and looked forward to their contributions to the patients and the community in future.

香港中醫執業資格試權益組
[LC Paper No. CB(2)1751/07-08(01)]

6. Ms LUNG Yuk-ping said that under the Chinese Medicine Ordinance (CMO), the HKCT's course offered in 2001 should be recognised and its graduates should be eligible to undertake the Chinese Medicine Practitioners Licensing Examination (the Licensing Examination). However, the Practitioners Board had changed the basic requirements for recognized courses and announced in December 2002 that recognised courses for the Licensing Examination must be full-time undergraduate degree courses with duration of not less than five years. She questioned why the same requirements did not apply to courses offered by the University of Hong Kong (HKU) and the Hong Kong Baptist University (HKBU) which were also part-time degree courses but recognised for the Licensing Examination. She considered it a disparity of treatment, and that graduates of the HKCT's course had been unfairly treated.

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She requested the Chinese Medicine Council of Hong Kong (CMC) to meet with 香港中醫執業資格試權益組 to resolve the matter.

*公開大學暨廈門大學兼讀制中醫專業科學士學位課程學生代表
[LC Paper Nos. CB(2)1725/07-08(02) and CB(2)1751/07-08(02)]*

7. Ms LI Manore said that graduates of the OUHK's course had been unfairly treated. She alleged that CMC had approved the part-time degree courses offered by HKU and HKBU in September 2002 because Dr Daniel TSE was the then Chairman of CMC and Professor Sarah HUI a member. Dr Daniel TSE and Professor Sarah HUI were associated with HKBU and HKU respectively. She considered that CMC should recognize the OUHK's course and the HKCT's course in accordance with section 61(1)(A) of CMO as equivalent programmes for the Licensing Examination.

*Hong Kong College of Technology
[LC Paper No. CB(2)1740/07-08(03)]*

8. Dr CHAN Cheuk-hay said that since May 2002, HKCT had tried to discuss and clarify with the relevant authorities including CMC about the recognition of the HKCT's course for the Licensing Examination. However, CMC had not discussed with HKCT but announced unilaterally in December 2002 the new basic requirements for recognized courses for the Licensing Examination. HKCT had suggested the provision of transitional arrangements and other alternatives, such as bridging programmes to enable its graduates to undertake the Licensing Examination but all the suggestions were rejected. HKCT considered it unfair on the part of CMC to have approved similar courses offered by HKU and HKBU but not the HKCT's course. HKCT was concerned about the lack of dialogue with CMC in a fair and open manner. He urged CMC to allow graduates of HKCT's course to undertake the Licensing Examination.

*Li Ka Shing Institute of Professional and Continuing Education (LiPACE) of
The Open University of Hong Kong
[LC Paper No. CB(2)1751/07-08(03)]*

9. Dr Ben LIU Chi-Pun said that LiPACE had written eight letters to CMC, the Education Bureau (EDB) and relevant authorities between November 1999 and June 2001 concerning the criteria for recognition of the OUHK's course. In CMC's reply in August 2000, there was no mention of the basic requirements for recognized courses for the Licensing Examination as announced by the Practitioners Board in December 2002, such as the course must be full time degree course with duration of not less than five years. LiPACE therefore offered the OUHK's course in June 2001. CMC had all along refused to meet with LiPACE before the announcement of the basic requirements. He questioned why CMC had not consulted the key stakeholders on the basic requirements for undertaking the Licensing Examination. The Chinese medicine

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courses offered by the Xiamen University were recognized by the State Administration of Traditional Chinese Medicine of the People's Republic of China. It was odd that the OUHK's course was not recognized for the Licensing Examination in Hong Kong. Moreover, the Chairman of CMC had indicated in 1999 that a transitional period of five to eight years would be provided but this had not been effected. He stressed that the students of the OUHK's course were only asking for the right to undertake the Licensing Examination, and not to register as Chinese medicine practitioners.

Civic Party (Young Civics)

[LC Paper No. CB(2)1751/07-08(04)]

10. Mr Thomas YU said that the Civic Party was of the view that the great variations in the quality of sub-degree programmes was mainly attributed to the aggressive policy target to enable 60% of secondary school leavers to have access to post-secondary education. To rectify the situation, the Administration should reinforce monitoring of the operation of course providers; require providers to enhance the transparency of their programmes; strengthen cooperation of HKCAAVQ with the relevant professional bodies to facilitate professional recognition of accredited sub-degree programmes; allocate additional resources and improve the existing loans and grants for providers to enhance the quality of teachers, programmes and facilities; and provide incentives for professional bodies and commercial organisations to arrange placements for sub-degree students. The Civic Party considered that the Administration should not leave it entirely to the private sector to decide the mode of sub-degree courses.

Consumer Council

[LC Paper No. CB(2)1740/07-08(04)]

11. Ms Connie LAU said that the Consumer Council received a total of 13 complaints relating to sub-degree programmes since 2005. She pointed out that the decision of the Nursing Council not to approve the Programme had adverse impact on affected students and their parents as well as HKIT and HKCAAVQ. Unlike academic accreditation, professional recognition of certain programmes might include practical elements and requirements that could only be assessed after the commencement of the programmes concerned. The Council was pleased to note the one-off arrangement for the students of the Programme to enrol in HA's nursing training programmes. The Council suggested that providers and accrediting bodies should collaborate to facilitate early completion of the accreditation process. It was incumbent upon providers to enhance transparency of their programmes and keep students informed of the progress of the accreditation. In addition, the Administration should reinforce monitoring of the operation of the sub-degree sector. In its recent research report on fair trading, the Council had proposed legislative amendments to better protect the interests of consumers. The Council considered that the legislative

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amendments should apply to misleading advertisements on sub-degree programmes.

Other submission received

[LC Paper Nos. CB(2)1725/07-08(03) and CB(2)1740/07-08(05)]

12. Members noted the submissions from Ms Mavis LEE and 一群中途喪失考試資格的中醫大學生.

The Administration's response

13. Deputy Secretary for Education (1) (DS(Ed)1) referred members to the principles and procedures in respect of the accreditation of academic qualifications by HKCAAVQ in EDB's paper [LC Paper No. CB(2)1713/07-08(01)].

14. Deputy Secretary for Food and Health (Health) 1 (DS(FH)H1) said that FHB had explained the role of the Nursing Council, as an independent statutory regulatory body, in the professional accreditation of nurse training programmes; and the one-off arrangement proposed by HA for students of the Programme in its paper [LC Paper No. CB(2)1718/07-08(01)]. He highlighted the three suggestions made by FHB to the Nursing Council as detailed in paragraph 11 of the paper.

15. DS(FH)H1 added that the two part-time degree courses in Chinese medicine had been discussed at the meetings of LegCo Panel on Health Services and a LegCo case conference, and CMC had explained the reasons for not recognizing the two courses for the Licensing Examination. He stressed that CMC's decision not to recognise a non-local part-time degree course in Chinese medicine had been scrutinized by the court in a judicial review, and had been accepted and approved of.

Responses of the accreditation bodies

The Nursing Council of Hong Kong

[LC Paper Nos. CB(2)1740/07-08(02), CB(2)1774/07-08(01) and (02)]

16. Ms Adela LAI explained the role of the Nursing Council, the duties of nurses and the requirements of a qualified nursing training programme. She described the series of events relating to HKIT's application for accreditation of the Programme as detailed in the paper entitled "Chronology of Events in respect of the Hong Kong Institute of Technology's Application for Accreditation of Associate Degree in Nursing" which was tabled at the meeting. She highlighted the reasons for rejecting HKIT's application for accreditation of the Programme. She stressed that the accreditation had been conducted in a fair and transparent manner in accordance with the established procedures.

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Chinese Medicine Council of Hong Kong

17. Mr James WONG said that following the enactment of CMO in July 1999, CMC and the Practitioners Board were established in September 1999 to devise and implement regulatory measures for the practice, use, manufacture and sale of Chinese medicine in Hong Kong. The role and functions of CMC and the Practitioners Board were detailed in the Administration's papers. He highlighted that the Practitioners Board and its four Committees comprised 46 members and had held over 300 meetings in the past years; about 77 of which were related to courses. He was concerned about the lack of understanding about Chinese medicine and its courses by the community at large. As regards the OUHK's course, he explained that the Practitioners Board had advised OUHK on 23 December 2003 of its decision not to approve the OUHK's course. He stressed that OUHK and HKCT should have made it clear to their students that the two courses were not recognised for the Licensing Examination. He regretted that the matter had been dragged on for so many years. He considered it unfair to blame the Practitioners Board which was a regulatory body and worked in line with the provisions under the CMO for setting the criteria for recognised courses for the Licensing Examination.

Hong Kong Council for Accreditation of Academic and Vocational Qualifications

18. Ms Dorte Kristoffersen said that she had no specific comments to make.

The Programme

Academic accreditation and professional recognition

19. Mr CHEUNG Man-kwong said that the students of the Programme were the victims of a series of errors made in the accreditation process. He was concerned that if the qualifications of students and teachers and the teaching facilities were the accreditation criteria, the member of the Nursing Council who was sitting on the accreditation panel or the Council of HKCAAVQ should have informed HKCAAVQ of the non-compliance of the Programme with the accreditation criteria. He pointed out that although academic accreditation and professional recognition were separate processes, if a course failed most of the standards for professional recognition, HKCAAVQ should not have accredited it. He queried why the Nursing Council had not made public the result of the unsuccessful application for accreditation of the Programme in February 2006 to reduce the number of affected students. He also queried the appropriateness of HA to cooperate with HKIT to provide placement to the students since the Programme had not been professionally recognised. Mr CHEUNG also criticized HKIT for continuing to recruit students after its accreditation application had been rejected. He added that all parties, including the

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Administration, the Nursing Council, HKCAAVQ, HA and HKIT should have learned a lesson from the incident.

20. Ms Adela LAI responded that the procedures for processing applications were set out in the Handbook for Accreditation of Training Institutions, which was available in the webpage of the Nursing Council. The accreditation criteria included core competences, curriculum of the programme, the code of professional conduct, entry requirements for students, etc in accordance with Nursing Registration Ordinance. Given the complexity of medical procedures, there were practicable difficulties to provide fine details of the accreditation criteria. The Nursing Council had set up an independent accreditation mechanism to ensure that all applications were handled in an objective, professional and fair manner. The accreditation panel would submit its recommendation concerning an accreditation application to the Accreditation Committee which would in turn make its recommendation to the Nursing Council for a decision. She stressed that the Nursing Council had informed HKIT of its decision to reject the accreditation application in February 2006. It was not the normal arrangement for the Nursing Council to make public the result of individual accreditation applications. In accordance with the existing procedures, applicants could resubmit its application after 18 months. Ms LAI also said that the Nursing Council and HKCAAVQ were two independent bodies, and members were appointed to the two bodies in individual capacity.

21. Dr Joseph LEE declared interest as a member of the Nursing Council. He said that the Panel should focus its discussion on the accreditation of sub-degree programmes, and should individual institutes have any complaints, they should approach the Complaints Division of the LegCo Secretariat. In his view, the issue concerning the Programme was about consumer protection. He asked whether HKIT had informed their students of its unsuccessful application for accreditation of the Programme. He queried why HA had offered placement to students of the Programme which was not recognized by the Nursing Council. He also sought information on the relationship between members of HKCAAVQ and members of the Nursing Council/its accreditation panel.

22. Dr Joy SHI clarified that the Nursing Council had not rejected HKIT's application in February 2006. It only requested HKIT to produce further documents to support its application.

23. Director (Cluster Services), Hospital Authority (D(CS)HA) responded that HA had all along cooperated with training institutes to provide hospital placements for students of their nursing programmes as clinical training was an essential element for considering an accreditation application by the Nursing Council. As HKIT's application for accreditation of the Programme was then being considered by the Nursing Council, HA therefore continued to arrange placements for the students.

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24. Ms Dorte Kristoffersen responded that HKCAAVQ conducted academic accreditation through a peer review process, under which an accreditation panel consisting of specialists in the relevant subject or discipline as well as experts in quality assurance and education would examine the quality of the programme and ascertain whether the programme met the academic standards required for a particular qualification level. These specialists were appointed on a personal basis and did not represent any professional bodies.

25. Mr LEE Cheuk-yan was of the view that the students of the Programme were the victims of a series of messy events in the accreditation process. He considered it illogical on the part of HA to continue to provide clinical placements to the students if the Nursing Council had rejected the accreditation of the Programme in February 2006. He also considered it unacceptable for the Nursing Council to have taken three years to complete an accreditation process, and asked for information on the processing time in respect of past applications.

26. Ms Adela LAI pointed out that the Nursing Council had rejected HKIT's application for accreditation of the Programme in February 2006 with detailed explanations. HKIT re-submitted its application in April 2006 which was officially rejected in April 2008. The Nursing Council had approved 11 applications and rejected three applications including HKIT's application in the past five years. Depending on the submission of the required documents, the Nursing Council would take nine to 12 months to complete processing of an accreditation application. For various reasons, the accreditation process for some programmes might take a longer time to complete.

27. Mr LEUNG Kwan-yuen said that in the HKIT's case, the interests of the students of the Programmes as well as the community were jeopardized. He called on the accreditation bodies in different professions to proactively cooperate with course providers to expedite the completion of their accreditation processes. He also considered that the Administration should take the lead in charting the way forward on matters relating to accreditation. He asked whether the Nursing Council could improve transparency and expedite the completion of its accreditation process.

28. Ms Adela LAI responded that professional recognition was an open, fair and independent process separate from academic accreditation. The Nursing Council had released the result of HKIT's application for accreditation of the Programme on its web in July 2007. Noting the concern of members and the public about accreditation process, the Nursing Council would consider uploading information concerning the progress of individual applications for accreditation of nursing education programmes on its web to enhance transparency of its accreditation process. However, Ms LAI pointed out that it was most important for course providers to keep their students informed of the results of their applications as soon as practicable.

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29. Dr Fernando CHEUNG expressed regret over the incidents concerning the Programme and the two courses. He sought information from the various parties on measures to improve the existing situation.

30. DS(Ed)1 responded that EDB would collaborate with the relevant parties to enhance transparency of providers and their learning programmes, including the operation of a comprehensive information portal for the sub-degree sector and the compilation of a "Handbook on Good Practices for the Sub-degree Sector". He pointed out that it had been a practice of HKCAAVQ to appoint members of the relevant professional bodies, in their personal capacity, as members of the accreditation panels for assessing individual learning programmes.

31. Ms Audrey EU requested the Administration to provide detailed information concerning how information relating to applications for professional recognition had been/would be disclosed, time for processing such applications and the mechanism for revising the accreditation criteria, if any. DS(Ed)1 agreed to consider whether and how such information could be provided in the information portal.

32. Mr LEUNG Kwok-hung said that the quality of sub-degree programmes had been compromised as a result of the ambitious policy target to enable 60% of secondary school leavers to have access to post-secondary education. The interests of students of sub-degree programmes such as the Programme were sacrificed. He was concerned about the impartiality of the accreditation process. He considered that with the abolition of nursing training programmes provided by public hospitals, both the nursing students and the community had been adversely affected.

33. Mr Albert CHAN was disappointed that the paper provided by the Administration had not addressed the concern of the students of the courses under discussion and of sub-degree students in general. He said that the Secretary for Education had undertaken to assist the students who had invested substantial time and monies in pursuit of their studies.

34. DS(Ed)1 responded that the Administration had completed Phase 2 Review of the post-secondary education sector and the Steering Committee had made 22 recommendations to facilitate the healthy development of the sub-degree sector and the quality of the sub-degree programmes. He stressed that in general, sub-degree programmes were of a high quality. He considered it inappropriate to project the problems identified in individual cases to the whole sub-degree sector.

35. Mr TAM Yiu-chung pointed out that academic accreditation and professional recognition involved separate and distinct quality assurance processes. He considered it necessary for the Administration to take the lead in

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examining with the accreditation bodies on ways to improve the accreditation process and prevent recurrence of similar incidents. He pointed out that notwithstanding efforts made in enhancing the transparency of the accreditation process, there would certainly be cases where some programmes might not be professionally recognized. The affected students would inevitably seek assistance from various channels. He called on the Administration to examine how such cases should be dealt with. He also sought information on whether there were other cases similar to the HKIT's case.

36. Ms Adela LAI responded that the Nursing Council was processing some accreditation applications but the courses concerned were not sub-degree programmes.

37. DS(FH)H1 said that FHB had made suggestions to the Nursing Council to maintain close communications with institutes and advise them to keep students informed of the progress of accreditation as well as to require institutes to satisfy specified basic requirements before commencing the programmes and admitting students.

Assistance to students

38. Mr CHEUNG Man-kwong expressed concern about the eligibility of the students of the Programme for the financial assistance schemes administered by the Student Financial Assistance Agency (SFAA) after their transfer to the bridging programmes offered by HA under the one-off arrangement.

39. Mr LEE Cheuk-yan noted with concern that about half of the existing students of the Programme did not meet the entry requirements for the Higher Diploma (HD) in Nursing Programme offered by HA. He asked whether HA would consider waiving the entry requirements or allowing these students to complete their three-year nursing courses in HKIT and then enrol in the bridging programme. He also expressed concern about the loan repayment arrangements for students attending the bridging programme.

40. D(CS)HA responded that under the one-off arrangement, students of the Programme would be given a choice to enrol in the HD in Nursing Programme or the Enrolled Nurse Training Programme (ENTP). All students of the Programme were qualified to apply for enrolment to the ENTP. Students who opted for the HD in Nursing Programme would be given a period of 12 months to make up the entry requirement deficiency. The bridging programme for the existing students of the Programme was a one-off arrangement and had been endorsed by the Nursing Council.

41. Dr Fernando CHEUNG noted the one-off arrangement for the students of the Programme but considered this not entirely satisfactory as the need of some students could not be addressed. He asked how the Administration would help

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the students to overcome financial difficulties to continue their nursing studies.

42. DS(Ed)1 explained that there was no need to pay tuition fees for attending the ENTP. HA was considering the submission of an application to HKCAAVQ for accreditation of its HD in Nursing Programme, and should the application be approved, students attending the HD in Nursing Programme would continue to be eligible for the financial assistance schemes provided for accredited courses, and would not be required to repay the loan before the completion of their studies.

43. Mr LEUNG Kwan-yuen asked how the Consumer Council could protect the interests of students, and help those who had financial difficulties in switching to HA's nurse training courses.

44. Ms Connie LAU responded that the Administration should work out feasible remedial measures to help students overcome their financial difficulties to continue their nursing studies in HA's training programmes. The Consumer Council considered it most important that students should be informed of the result of accreditation applications at the earliest opportunity. Where necessary, the Consumer Council could explore the feasibility of instituting legal actions against the responsible parties for the provision of compensation to the affected students.

45. Ms Audrey EU said that the Administration should discuss with students of the Programme ways to assist them. She pointed out that where necessary, the students could approach the Complaints Division of the LegCo Secretariat.

46. Mrs Selina CHOW said that Members belonging to the Liberal Party had all along supported the development of sub-degree education, such as the Programme to alleviate the shortage of nurses in Hong Kong. She urged the various parties including the Administration and HA to resolve the problems encountered by the students concerned.

The two part-time degree Chinese medicine courses

47. Mr LEUNG Kwok-hung said that the Xiamen University and the Jinan University should be requested to provide proof that their Chinese medicine courses were recognized in the Mainland. Should this be the case, CMC should recognize the two courses which were run in collaboration with these two Universities.

48. Mr LEUNG Yiu-chung said that the question was not a matter of transparency as HKIT, OUHK and HKCT had informed their students of the status of their courses. The question was that CMC had changed the basic requirements for recognized courses for the Licensing Examination in 2002. He considered it unethical for CMC to do so and irresponsible on the part of the

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Administration not to intervene on the ground that the procedures had been adhered to. He queried why the Administration had assisted the students of similar courses offered by HKU and BUHK but not those of the two courses offered by OUHK and HKCT to undertake the Licensing Examination.

49. DS(FH)H1 said that the reasons for CMC not to recognise the two courses and details of the relevant issues had been explained to members.

50. Ms Audrey EU noted that the decision of the Practitioners Board not to approve the HKCT's course had been subject to judicial review and the judicial review was dismissed. She requested the Administration to provide the judgement on the judicial review. Given that the judicial review had been dismissed by the court, she sought view from the deputations on ways for members to follow up the matter.

51. Ms LI Manore said that the dismissal of the judicial review did not mean that the course in question were not up to the required standard. The two courses were recognised by the Mainland authorities. She considered that CMC did not represent the interests of Chinese medicine practitioners, and many of its members were not degree-holders in Chinese medicine.

Follow-up

52. Ms Emily LAU said that given the substantial investment in education, it was disappointing that many parties felt aggrieved. She was concerned that matters relating to the recognition of the Programme and the two Chinese medicine courses were not isolated incidents but systemic problems. Given the need to go through the details of the cases and the voluminous documents involved before arriving at a judgement, she considered it necessary for the Administration to set up an independent committee to investigate into the cases. Mr LEUNG Yiu-chung expressed support for Ms LAU's suggestion.

53. DS(FH)H1 reiterated that the disputes over the recognition of the two non-local part-time degree courses in Chinese medicine for the Licensing Examination had been discussed at various meetings, including those of LegCo Panel on Health Services. The Court of Appeal had also ruled that the policy adopted by the Practitioners Board was acceptable. Under these circumstances, the Administration did not consider it necessary to establish an independent committee to re-examine the case.

54. DS(Ed)1 responded that in many jurisdictions with a long accreditation tradition, academic accreditation and professional recognition were separate processes with different objectives and were handled by different quality assurance bodies. The Administration acknowledged the need to enhance transparency of the accreditation of learning programmes through means such as the setting up of a comprehensive information portal on the Internet. The

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Administration considered it appropriate to leave it to the accrediting bodies to see how the accrediting process could be expedited and how they could collaborate with each other in academic accreditation and professional recognition. For some professional training courses, the assessment for professional recognition could only be possible after the relevant courses had commenced.

55. Mr LEUNG Kwok-hung expressed support for the establishment of an independent committee to investigate into the accreditation processes of the Programme and the two courses. He considered it essential to ensure transparency of the accreditation processes to protect the interests of students.

56. Mr Albert CHAN considered it necessary for the Panel to follow up the matter by supporting the appointment of an independent inquiry committee by LegCo, despite the short time available before the end of the current term. He said that the Administration could not be relied on to investigate into the matter.

57. Mrs Selina CHOW considered it necessary to find out the truth of the incidents and the issues involved, including the objectiveness and impartiality of the accreditation conducted by the Nursing Council. She considered it more appropriate to establish a select committee to investigate into the incidents. Given the time constraint, the Administration should be asked to provide a written response to the concerns of the deputations and members. Upon the commencement of the new term, the Panel should consider the remedial measures proposed by the Administration and decide the way forward.

58. The Chairman summed up that although the accreditation bodies had discharged their duties in accordance with their established policies and procedures, cases existed where students had invested substantial time and monies in attending a professional training programme which was not accredited.

Motion

59. Mr CHEUNG Man-kwong moved the following motion which was seconded by Mr LEE Cheuk-yan:

(Translation)

"That this Panel urges the Administration to adopt the following measures -

- (a) the Hong Kong Council for Accreditation of Academic and Vocational Qualifications shall enhance its co-operation with relevant professional bodies to conduct joint assessment; if any part of a particular programme that can

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be assessed in advance, such as teachers' qualifications, student entry requirements and quality, has failed, the programme shall not commence;

- (b) if the accreditation of a programme involves both teaching and practical training, the findings of the interim report shall be made available to the community and the students within one year; if the programme has failed in the assessment, no further student intake shall be allowed and a refund mechanism be put in place to compensate students for their loss in tuition fees;
- (c) the Administration should subsidize the affected students of the Hong Kong Institute of Technology so that they may complete their studies in the programmes offered by the Hospital Authority; and
- (d) the Administration should provide a report on the review of the Chinese medicine courses and the Hong Kong Institute of Technology incident to LegCo for discussion on improvement measures."

60. Mr Albert CHAN proposed the following motion which was seconded by Ms Emily LAU:

(Translation)

"That this Panel urges the Administration to set up an independent inquiry panel to investigate into various issues concerning professional accreditation of degree and associate degree programmes, such as the Associate Degree Programme in Nursing offered by the Hong Kong Institute of Technology, as well as the eligibility criteria for taking the Chinese Medicine Practitioners Licensing Examination and the right to attend examinations."

61. The Chairman invited members' views on the two motions.

62. At the suggestion of members, Mr Albert CHAN agreed that his motion be included in point (d) of Mr CHEUNG Man-kwong's motion to read as follows:

- "(d) an independent inquiry panel shall be set up to investigate into various issues concerning professional accreditation of degree and associate degree programmes, such as the Associate Degree Programme in Nursing offered by the Hong Kong Institute of Technology, as well as the eligibility criteria for taking the

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Chinese Medicine Practitioners Licensing Examination and the right to attend examinations."

63. Mrs Selina CHOW supported the first three points of Mr CHEUNG Man-kwong's motion but expressed reservation about the establishment of an independent inquiry panel by the Administration to examine the matter. Mr TAM Yiu-chung also considered it unnecessary to set up an independent inquiry panel.

64. The Chairman put the motion to vote by a show of hands. Members present at the meeting supported points (a), (b) and (c) of the motion. As regards point (d) of the motion, five members voted for and one member voted against it. The Chairman declared that the motion was passed.

65. The Chairman explained to the deputations that the Panel dealt with policy issues and should not handle individual cases. He advised the deputations to approach the Complaints Division should they have grievances about individual cases. He invited the deputations to give the suggestions, if any, on ways to improve the existing situation concerning academic accreditation and professional recognition.

66. Dr Joy SHI said that HKIT supported the motion passed by the Panel and was ready to provide all relevant documents for public scrutiny. She added that both HKIT and the students had suffered from the unsuccessful application for accreditation of the Programme.

67. Miss Christy CHAN said that students of the Programme were endeavoured to study to become a professional through the sub-degree route. She appealed to members, the Administration and the parties involved in the accreditation process to consider the interests of students and to find ways to assist them.

68. Ms LI Manore said that students of the two Chinese medicine courses should be eligible for undertaking the Licensing Examination but were deprived of the right because of the change of the basic requirements for the Licensing Examination. They had tried various ways to restore their right without success. She doubted the authority of CMC to make decisions concerning recognition of courses and considered that the ability of the students should be tested through the Licensing Examination.

69. Ms LUNG Yuk-ping said that CMC should have dialogue with the students of the two courses. She reiterated that the students were asking for the right to undertake the Licensing Examination and not to register as Chinese medicine practitioners. She stressed that the professional standard of the students could be tested through the Licensing Examination.

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70. Dr Ben LIU Chi-Pun reiterated that OUHK had communicated with CMC two years before the commencement of the OUHK's course concerning professional recognition but had not been advised of the basic requirements announced in December 2002. OUHK had all along informed their students of the developments of the matter.

71. Mr James WONG said that the cases in question were indeed conflicts of interests between course providers and students. The role and functions of CMC should be fairly assessed. Members of CMC and the Practitioners Board were voluntary workers who were dedicated to ensuring the professional standards of Chinese medicine practitioners to protect the health and well-being of the general public. They had made decisions in a fair and impartial manner.

Funding proposal

72. DS(Ed)1 said that Administration would submit its funding proposal for implementing some of the recommendations in the Phase 2 Review Report to the Finance Committee on 23 May 2008. These included the provision of means-tested loans for living expenses for self-financing post-secondary students under the Financial Assistance Scheme for Post-secondary Students, the extension of the repayment period under the Start-up Loan from 10 to 20 years; and the allocation of \$100 million for implementing the new Quality Enhancement Grant Scheme. He added that SFAA would need time to upgrade its computer system for implementing the recommendations from the 2008-2009 academic year.

73. Ms Emily LAU and Mr LEUNG Yiu-chung said that the Administration should provide a written response to the Panel concerning the motion in its submission to the Finance Committee.

74. Dr Fernando CHEUNG requested the Administration to cover in its paper to the Finance Committee whether students of the Programme would need to repay the loan upon transfer to the HD in Nursing Programme offered by HA and whether they would be eligible for the proposed improved financial assistance.

75. DS(Ed)1 noted the member's request. He said that the students would be eligible for the improved financial assistance should HA's bridging programme be accredited by the Nursing Council. D(CS)HA added that HA was considering the matter and had yet to make a decision.

76. The Chairman concluded that members in principle did not object to the submission of the Administration's proposal to the Finance Committee for consideration on 23 May 2008.

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II. Any other business

77. There being no other business, the meeting ended at 1:20 pm.

Council Business Division 2
Legislative Council Secretariat
31 July 2008