

**For discussion
on 5 March 2021**

Legislative Council Panel on Education

Review of the Post Secondary Colleges Ordinance (Cap. 320)

Purpose

This paper seeks Members' views on the legislative amendment proposals on the Post Secondary Colleges Ordinance (Cap. 320).

Background

2. It has all along been the Government's policy to support the parallel development of the publicly-funded and self-financing post-secondary education sectors. The self-financing post-secondary education sector (self-financing sector) helps diversify our higher education system and provides more education opportunities for our secondary school graduates. In pursuance of this policy, the Education Bureau (EDB) exercises oversight of the self-financing post-secondary education institutions (self-financing institutions), focusing on transparency of operations, quality assurance, and good governance, while implementing a host of measures supporting the institutions as well as providing subsidies for students to promote a healthy and sustainable development of the self-financing sector.

3. The Chief Executive (CE) announced in her 2017 Policy Address the setting up of a task force to consider issues pertinent to the development of the self-financing sector. The Task Force on Review of Self-financing Post-secondary Education (Task Force) was thus established in October 2017 to consider the overall role and function of the self-financing sector in serving the long-term education and manpower needs of Hong Kong, and to review major issues of concern pertinent to the ecology of the self-financing sector.

4. In December 2018, the Task Force submitted its review report¹ to the Government, reaffirming the Government's policy of supporting the parallel development of the publicly-funded and self-financing sectors.

¹ The review report of the Task Force is available at https://www.cspe.edu.hk/resources/pdf/en/TF%20review%20report_EN.pdf.

Among other things, the Task Force recommended that the Government strengthen its role to foster strategic co-ordination among self-financing institutions and help them identify their distinct character and niche areas, such that the self-financing sector could operate in a vibrant yet differentiated manner alongside the publicly-funded sector.

5. In this connection, the Government revamped the Committee on Self-financing Post-secondary Education (CSPE)², which was established in 2012 as the key advisory body to the Government on self-financing post-secondary education, in November 2019. The role and functions of the CSPE were strengthened with a view to providing strategic and policy advice on the development of the self-financing sector, including advice on measures to promote, facilitate, and co-ordinate such development in terms of scope of operation, quality, and governance.

6. In terms of quality assurance, there is a sound, robust, and transparent quality assurance mechanism in place to ensure the provision of quality post-secondary education by tertiary institutions in Hong Kong. In the self-financing sector, post-secondary programmes offered by institutions are generally subject to the external quality assurance and accreditation by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) (except those offered by institutions with self-accrediting status³). The quality assurance conducted by the HKCAAVQ aims to ensure that the governance structure, academic standards and quality, teacher quality, quality assurance mechanisms, and financial condition of institutions meet the required standards.

Post Secondary Colleges Ordinance (Cap. 320)

7. The Post Secondary Colleges Ordinance (Cap. 320)⁴ and its subsidiary legislation, the Post Secondary Colleges Regulations (Cap. 320A)⁵, were first enacted in 1960 to govern the registration and regulation of post secondary colleges (the Colleges) and their consequential exemptions from the provisions of the Education Ordinance (Cap. 279). At present, 11 institutions are registered under Cap. 320, namely –

² The terms of reference and membership of the CSPE are available at <https://www.cspe.edu.hk/en/AboutUs-Message.html>.

³ Institutions with self-accrediting status include the eight University Grants Committee-funded universities (covering also their self-financing arms), The Open University of Hong Kong, and institutions enjoying Programme Area Accreditation status in certain disciplines conferred by the HKCAAVQ. The quality assurance of their programmes are primarily subject to their internal procedures.

⁴ The current version of Cap. 320 is available at <https://www.elegislation.gov.hk/hk/cap320>.

⁵ The current version of Cap. 320A is available at <https://www.elegislation.gov.hk/hk/cap320A>.

- (a) Hong Kong Shue Yan University (first registered in 1976 as Hong Kong Shue Yan College);
- (b) Caritas Institute of Higher Education (first registered in 2001 as Caritas Francis Hsu College);
- (c) Chu Hai College of Higher Education (registered in 2004);
- (d) The Hang Seng University of Hong Kong (first registered in 2010 as Hang Seng Management College);
- (e) Tung Wah College (registered in 2011);
- (f) Centennial College (registered in 2012);
- (g) HKCT Institute of Higher Education (registered in 2014);
- (h) Hong Kong Nang Yan College of Higher Education (registered in 2014);
- (i) Gratia Christian College (registered in 2015);
- (j) Yew Chung College of Early Childhood Education (registered in 2018); and
- (k) UOW College Hong Kong (registered in 2019).

8. Since the 1960s, the only major amendment to Cap. 320 took place in 2001 to allow the Colleges to award degrees with the prior approval of the CE in Council (CE-in-C)⁶.

9. In its review report, the Task Force recommended that Cap. 320 be comprehensively reviewed and updated, making reference to comparable provisions in the statutes governing publicly-funded universities and in tandem with the academic and institutional governance expected of a modern higher education institution, so as to facilitate the operation and development of modern post-secondary institutions of the 21st century.

10. In consultation with the CSPE and key stakeholders in the sector, the EDB has commenced the review and formulated a set of legislative

⁶ Before the amendment in 2001, the Colleges registered under Cap. 320 could only award diplomas and certificates, but not degrees.

proposals to amend Cap. 320. A consultation document (see Annex) was released on 21 December 2020 to consult members of the public on the proposals.

Key Proposals

11. The proposed legislative amendments aim to provide for a unified regulatory framework for all operators of self-financing post-secondary education programmes at both the degree and sub-degree levels. The revamped Cap. 320 will be an “enabling” ordinance that provides the Colleges with suitable powers to carry out their functions, so as to support and facilitate the development of self-financing institutions registered under Cap. 320, whilst ensuring an appropriate level of transparency and accountability in their operations in tandem with the academic and institutional governance expected of a modern higher education institution. The revamped regime will also provide for an effective and efficient mechanism to uphold the quality of self-financing post-secondary education by rationalising the arrangements for registration/deregistration of institutions and awarding of degrees, as well as repealing obsolete and overly prescriptive provisions.

12. The details of the proposed amendments to Cap. 320 and Cap. 320A are set out at the Annex to the consultation document. The key proposals are highlighted in the following paragraphs.

(a) Coverage and Powers of Colleges

13. At present, some institutions offering self-financing sub-degree and degree programmes are not registered under Cap. 320. For example, institutions offering sub-degree programmes (but not degree programmes) may be registered under the Education Ordinance (Cap. 279). The coverage of Cap. 320 is proposed to be expanded such that all operators of self-financing post-secondary education programmes at both the degree and sub-degree levels would be subject to a unified regulatory framework. Rather than merely imposing more controls and constraints, it is also proposed that the revamped Cap. 320 regime should empower the Colleges to carry out a range of functions or activities in furtherance of their mission and objects.

(b) Governance Structure and Staff

14. The statutory requirement for the governance structure of the Colleges is proposed to be streamlined from a four-tier structure to a two-tier structure comprising a Board of Governors as the supreme governing body

and an Academic Board regulating academic affairs, with a consequential deletion of the requirements for a College Council and a Faculty Board. However, we also suggest allowing flexibility for the Colleges to set up other non-statutory bodies (such as committees) in their governance structures.

15. As regards staff hired by the Colleges, it is proposed that the Colleges have in place an open, transparent, and fair set of policy and procedures for the employment and appointment of staff who are competent, fit and proper, and having the appropriate experience and qualifications to perform the functions of their respective roles and capacities, replacing the existing requirements under section 2(g) of Cap. 320A, which provide limited flexibility for the appointment of teachers. Furthermore, the Colleges should have in place an open, transparent, fair, and robust system and procedures as recommended by the Academic Board and approved by the Board of Governors to ensure that the titles of their academic staff are commensurate with their academic qualifications, experience, and achievements.

16. It is also proposed that the requirement for the Permanent Secretary for Education (PSED) to keep four registers under section 3 of Cap. 320, i.e. a register of Colleges; a register of members of Board of Governors; a register of members of College Council; and a register of teachers in Colleges, be simplified such that only the registration of the Colleges, the members of Board of Governors as well as the Presidents and Vice-Presidents of the Colleges will be required. The Colleges should also maintain a register of the teachers.

(c) Requirements for Registration

17. It is proposed to amend section 4 of Cap. 320 to reflect the following registration requirements –

- (a) the organisational structure and the constitution of a College are conducive to ensuring satisfactory academic and general standards and conduct, as well as efficient and effective governance and management;
- (b) the College has in place an open, transparent, and fair set of policy and procedures for the employment and appointment of staff being fit and proper, as well as meeting the qualifications required;
- (c) the College has in place an open, transparent, and fair set of policy and procedures to ensure that students admitted are qualified to pursue the relevant academic programmes;

- (d) the number of students being admitted is sufficient enough to provide a meaningful learning environment and experience that meet the learning objectives of the courses offered and consistent with the Colleges' strategic plans;
- (e) both the finances and sustainability of the Colleges should be considered;
- (f) a new subsection is needed to require that the Colleges attain and maintain an institutional review status from the HKCAAVQ, to demonstrate the Colleges' competence to operate programmes at the sub-degree and/or degree level;
- (g) a new subsection is needed to require that the Colleges submit strategic plans and annual reports;
- (h) a new subsection is needed to require that the development and institutional capabilities of the Colleges be consistent with their objects and strategic plans as amended from time to time in the light of changing circumstances and prescribed standards; and
- (i) the following considerations under the existing Cap. 320 are removed –
 - (i) the requirement for offering major courses extending over at least four years; and
 - (ii) the age requirement for student admission.

(d) Cancellation of Registration

18. It was a recommendation of the Task Force that a fair and transparent mechanism should be formulated such that operators whose development and institutional capabilities fall short of their plans and prescribed standards after a reasonably long trial period might be deregistered, with a view to ensuring that institutions can fully demonstrate their competency in continuing to offer an appropriate level of self-financing post-secondary programmes. Hence, it is proposed to incorporate the following procedures into section 6(1) of Cap. 320 to elaborate on the cancellation of registration of the Colleges –

- (a) where PSED is not satisfied in respect of any of the matters specified in section 4 of Cap. 320 as amended (detailed in paragraph 17 above), he/she may issue a letter to the College, requesting it to provide explanations and remedies to his/her satisfaction and/or imposing conditions and/or restrictions as necessary on the

operations of the College; and

- (b) if the College cannot provide explanations and remedies to the satisfaction of PSED within a reasonable period of time as specified by him/her, or fails to comply with the imposed conditions and/or restrictions, or PSED is still not satisfied in respect of any of the matters specified in section 4 after the College has implemented the remedies for a reasonable period of time, PSED may cancel the registration of the College.

19. When a College's registration is cancelled, it is proposed that PSED should have the power to serve an order on the Board of Governors of the College concerned to give such directions and make such requirements as PSED thinks necessary, in order to ensure a smooth teach-out in the best interests of students and the community in general.

20. Concerning the deregistration of individuals (i.e. members of Board of Governors, and the Presidents and Vice-Presidents of the Colleges who are proposed to be subject to PSED's registration under the new regime), there is merit in considering whether PSED should be empowered to impose conditions and/or restrictions on an individual's registration and to suspend an individual's registration, taking into account the nature and gravity of the circumstances, in addition to the existing power of deregistration.

(e) Approval of Names of Colleges and Awards of Degrees

21. It is proposed that the CE-in-C's approval be required only to register a College with a name that contains the word "University", or the Chinese words "Tai Hok" (大學). It is also proposed to delegate the approving authority for a College to award degrees from the CE-in-C to PSED, given the EDB's role to foster strategic co-ordination among self-financing institutions as well as the fact that all new degree programmes must first go through the established quality assurance mechanism. The Colleges may appeal to the Chief Secretary for Administration against PSED's decisions of rejecting the applications.

(f) Accountability and Transparency

22. To enhance the transparency of the finances and major activities of the Colleges, it is proposed to require the Colleges to submit to PSED the following documents from time to time as specified by PSED, as well as to publish extracts of the following documents –

- (a) **strategic plans** (containing academic development plans) – with expected goals and performance targets, to be prepared by the Colleges at least once every five years and annually reviewed by the Board of Governors; and
- (b) **annual reports** – a review of activities undertaken during the year, and the performance of the Colleges against their strategic plans.

23. It is also proposed to additionally require the Colleges to make available the relevant key financial information (e.g. the aggregate income, expenditure, and reserve) to the public.

(g) Removal of Obsolete Requirements

24. It is proposed to remove the following requirements which are obsolete or overly prescriptive –

- (a) the requirement for evening colleges to be registered separately;
- (b) the requirement of seeking PSED’s approval for establishing institutes or departments of research or special studies; and
- (c) the requirements concerning the health measures, dangerous experiments and equipment, age limit and academic requirements for student admission, and conduct of examinations.

Public Consultation and Way Forward

25. The three-month public consultation exercise will end on 19 March 2021. Members of the public, including but not limited to stakeholders in the self-financing sector, are welcome to provide comments on the legislative amendment proposals put forward in the consultation document. The EDB also consulted the Education Commission on 2 February 2021.

26. The EDB will, after considering the comments received during the consultation period, consult the CSPE and finalise the legislative amendment proposals. The EDB will consult the Panel on Education in a timely manner, before introducing the legislative amendment proposals into the Legislative Council for scrutiny in the form of an amendment bill.

Advice Sought

27. Members are invited to comment on the legislative amendment proposals on Cap. 320 set out in paragraphs 11 to 24 above.

Education Bureau
February 2021

**Consultation Document on the Review of
the Post Secondary Colleges Ordinance (Cap. 320)**

**Education Bureau
December 2020**

Consultation Document on the Review of the Post Secondary Colleges Ordinance (Cap. 320)

Background

It has all along been the Government's policy to support the parallel development of the publicly-funded and self-financing post-secondary education sectors. The self-financing sector helps diversify our higher education system and provides more education opportunities for our secondary school graduates. In pursuance of this policy, the Education Bureau (EDB) exercises oversight of the self-financing institutions focusing on ensuring their transparency of operation, quality assurance and good governance, while implementing a host of support measures to institutions as well as providing subsidies for students to promote a healthy and sustainable development of the self-financing sector.

2. The Chief Executive (CE) announced in her 2017 Policy Address to set up a task force to consider issues pertinent to the development of the self-financing post-secondary education sector. The Task Force on Review of Self-financing Post-secondary Education (the Task Force) was established in October 2017 to consider the overall role and function of the self-financing post-secondary education sector in serving the long term education and manpower needs of Hong Kong, and review major issues of concern pertinent to the ecology of the self-financing sector.

3. In December 2018, the Task Force submitted its review report¹ to the Government, reaffirming the Government's policy of supporting the parallel development of the publicly-funded and self-financing sectors. Among other things, the Task Force recommended that the Government strengthen its role to foster strategic co-ordination amongst self-financing institutions and help them identify their distinct character and niche areas, such that the self-financing sector could operate in a vibrant yet differentiated manner alongside the publicly-funded sector.

¹ The review report of the Task Force is available at https://www.cspe.edu.hk/resources/pdf/en/TF%20review%20report_EN.pdf.

4. In this connection, the Government revamped the Committee on Self-financing Post-secondary Education (CSPE)², which was established in 2012 as the key advisory body to the Government on self-financing post-secondary education, in November 2019. The role and functions of the CSPE was strengthened with a view to providing strategic and policy advice on the development of the self-financing sector, including advice on measures to promote, facilitate, and co-ordinate such development in terms of scope of operation, quality, and governance.

5. In terms of quality assurance, there is a sound, robust, and transparent quality assurance mechanism in place to ensure the provision of quality post-secondary education in Hong Kong. In the self-financing sector, post-secondary programmes offered by institutions are generally subject to the external quality assurance and accreditation by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ), except those offered by institutions with self-accrediting status³. The quality assurance conducted by the HKCAAVQ aims to ensure that the governance structure, academic standards and quality, teacher quality, quality assurance mechanisms, and financial condition of institutions meet the required standards.

Post Secondary Colleges Ordinance (Cap. 320)

6. The Post Secondary Colleges Ordinance (Cap. 320)⁴ and its subsidiary legislation, the Post Secondary Colleges Regulations (Cap. 320A)⁵, were first enacted in 1960 to govern the registration and regulation of post secondary colleges (the Colleges) and their consequential exemptions from the provisions of the Education Ordinance (Cap. 279). At present, 11 institutions are registered under Cap. 320, namely –

² The terms of reference and membership of the CSPE are available at <https://www.cspe.edu.hk/en/AboutUs-Message.html>.

³ Institutions with self-accrediting status include the eight University Grants Committee (UGC)-funded universities (covering also their self-financing arms), The Open University of Hong Kong, and institutions enjoying Programme Area Accreditation status in certain disciplines conferred by the HKCAAVQ. The quality assurance of their programmes are primarily subject to their internal procedures.

⁴ The current version of Cap. 320 is available at <https://www.elegislation.gov.hk/hk/cap320>.

⁵ The current version of Cap. 320A is available at <https://www.elegislation.gov.hk/hk/cap320A>.

- (a) Hong Kong Shue Yan University (first registered in 1976 as Hong Kong Shue Yan College);
- (b) Caritas Institute of Higher Education (first registered in 2001 as Caritas Francis Hsu College);
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- (e) Tung Wah College (registered in 2011);
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- (g) HKCT Institute of Higher Education (registered in 2014);
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- (i) Gratia Christian College (registered in 2015);
- (j) Yew Chung College of Early Childhood Education (registered in 2018); and
- (k) UOW College Hong Kong (registered in 2019).

7. Since the 1960s, the only major amendment to Cap. 320 took place in 2001 to allow the Colleges to award degrees with the prior approval of the CE in Council (CE-in-C)⁶.

8. In its review report, the Task Force recommended that Cap. 320 be comprehensively reviewed and updated, making reference to comparable provisions in the statutes governing publicly-funded universities and in tandem with the academic and institutional governance expected of a modern higher education institution. The Task Force considered that the current regulatory framework under Cap. 320 was outdated and inadequate as a regulatory framework necessary to facilitate the operation and development of a modern post-secondary institution of

⁶ Before the amendment in 2001, the Colleges registered under Cap. 320 could only award diplomas and certificates, but not degrees.

the 21st century.

9. Pursuant to the recommendations of the Task Force, the EDB has commenced a review of Cap. 320 and Cap. 320A. In consultation with the CSPE and key stakeholders in the self-financing post-secondary education sector, the EDB has formulated a set of legislative amendment proposals to consult members of the public through this consultation document.

General Principles

10. When formulating the proposed legislative amendments, the EDB has adopted the following general principles –

- (a) the updated Cap. 320 should be an **“enabling” ordinance** which will support and facilitate self-financing post-secondary institutions in their developments;
- (b) the updated Cap. 320 should provide for a **unified and adequate regulatory framework** for the operation and development of self-financing post-secondary institutions, ensuring an appropriate level of transparency and accountability in tandem with the academic and institutional governance expected of a modern higher education institution of the 21st century; and
- (c) the updated Cap. 320 should provide for an **effective and efficient mechanism** to uphold the quality of self-financing post-secondary education by rationalising the arrangements for registration/deregistration of institutions and awarding of degrees.

11. The details of the proposed amendments to Cap. 320 and Cap. 320A are set out at the **Annex**. The key proposals are highlighted in the following paragraphs.

Key Proposals

(a) Coverage of Institutions

12. We consider that there is a need to expand the coverage of Cap. 320 so that all operators of self-financing post-secondary education programmes at both degree and sub-degree levels would be subject to a uniform regulatory framework. Consequential amendments to Cap. 279, which enables operators to provide sub-degree programmes at present, will also need to be made.

13. Similar to the existing arrangement, the revamped Cap. 320 regime will continue to apply to all of the Colleges, regardless of whether they have been awarded a private university title.

(b) Powers of Colleges

14. Cap. 320 currently does not contain an explicit section to provide for the powers of the Colleges. In practice, all of the Colleges are registered under the Companies Ordinance (Cap. 622) as a legal entity, which broadly governs their rights to conduct activities in accordance with their missions and objectives (as stipulated in their constitutions/articles of association). We consider that the revamped Cap. 320 regime should empower the Colleges to carry out a range of functions or activities in furtherance of their mission and objects, rather than merely imposing more controls and constraints on them. With reference to the relevant provisions in the Open University of Hong Kong (OUHK) Ordinance (Cap. 1145)⁷ and the other relevant statutes of publicly-funded post-secondary institutions, we propose to add a new section for this purpose.

(c) Governance Structure

15. We propose that the statutory requirement regarding the governance structure of the Colleges should be streamlined from a four-tier structure to a two-tier structure comprising a Board of Governors as the supreme governing body and an Academic Board to regulate academic

⁷ The OUHK is the only self-financing university among the nine statutory universities in Hong Kong.

affairs, with consequential deletion of the requirements regarding a College Council and a Faculty Board. However, we also suggest allowing flexibility for the Colleges to set up other non-statutory bodies in their governance structures.

(d) Staff

16. Section 3 of Cap. 320 provides for a register of teachers in Colleges kept by the Permanent Secretary for Education (PSED) and section 2(g) of Cap. 320A sets out the requirements concerning the academic qualifications of teachers as well as their conditions of appointment and titles. We propose to replace these detailed requirements with the requirements that the Colleges must have in place an **open, transparent and fair set of policy and procedures** for the employment and appointment of staff who are competent, fit and proper and having the appropriate experience and qualifications to perform the functions of their respective roles and capacities. The College should also maintain a register of the teachers. Furthermore, the Colleges should have in place an open, transparent, fair and robust system and procedures as recommended by the Academic Board and approved by the Board of Governors to ensure that the titles of its academic staff are commensurate with their academic qualifications, experience and achievements.

(e) Registers

17. Section 3 of Cap. 320 stipulates four registers kept by PSED, i.e. a register of Colleges; a register of members of Board of Governors; a register of members of College Council; and a register of teachers in Colleges. We consider that such requirements should be simplified. It is proposed that the revamped Cap. 320 regime should only require the registration of the Colleges, the members of Board of Governors as well as the Presidents and Vice-Presidents in the Colleges, who have a role to play in the corporate governance of the Colleges. In line with the proposal in paragraphs 15 and 16 above, corresponding amendments will be introduced to remove the requirement for PSED to keep the register of members of College Council and teachers in Colleges.

(f) Requirements for registration

18. Section 4 of Cap. 320 stipulates the requirements for registration by the Colleges, highlighting the key considerations for determining their eligibility for registration which concern areas such as governance, management, accountability, teaching and learning, etc. We propose to amend the section to reflect the following requirements –

- (a) the organisational structure of the governance body and staff, and the constitution, statutes or other instruments of a College are conducive to ensuring satisfactory academic and general standards and conduct, as well as the **efficient and effective governance and management** of the College;
- (b) the College has in place an **open, transparent and fair set of policy and procedures** for the employment and appointment of staff being fit and proper, as well as meeting the qualifications required;
- (c) the College has in place an **open, transparent and fair set of policy and procedures** to ensure that students admitted are qualified to pursue the relevant academic programmes;
- (d) **the number of students being admitted**, having regard to the maintenance of status and standards, facilities available and community need, is sufficient enough to provide a **meaningful learning environment and experience** that meet the learning objectives of the courses offered and consistent with the Colleges' strategic plans as amended from time to time in the light of changing circumstances;
- (e) both the **finances and sustainability** of the Colleges should be considered;
- (f) a **new** subsection requiring that the Colleges attain and maintain an **institutional review status** from the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) be added, to demonstrate the Colleges' competence to operate programmes at the sub-degree and/or degree level;

- (g) a **new** subsection requiring that the Colleges submit **strategic plans** and **annual reports** be added;
- (h) a **new** subsection requiring that the **development and institutional capabilities** of the Colleges are consistent with their objects and strategic plans as amended from time to time in the light of changing circumstances and prescribed standards, particularly in respect of teaching and learning, teaching capacity, and programme delivery, be added; and
- (i) the following considerations be removed –
 - (a) the requirement of offering major courses extending over at least four years; and
 - (b) the age requirement for student admission.

(g) Cancellation of registration

19. We consider that the revamped Cap. 320 regime should provide for a fair and transparent mechanism for the cancellation of registration, where the Colleges fail to comply with the registration requirements and their development and institutional capabilities fall short of their plans and prescribed standards after a reasonable period. We propose to add the following procedures –

- (a) where PSED is not satisfied in respect of any of the matters specified in section 4 of Cap. 320 as amended (detailed in paragraph 18 above), he/she may issue a letter to the College, requesting it to provide explanations and remedies to his/her satisfaction and/or imposing conditions and/or restrictions as necessary on the operations of the College; and
- (b) if the College cannot provide explanations and remedies to the satisfaction of PSED within a reasonable period of time as specified by him/her, or fails to comply with the imposed conditions and/or restrictions, or PSED is still not satisfied in respect of any of the matters specified in section 4 after the College has implemented the remedies for a reasonable period of time, PSED may cancel the registration of the College.

20. The existing appeal mechanism under section 6(4) and (5) of Cap. 320 will continue to be in place, i.e., where the registration of a College is cancelled, the College may within 21 days of the receipt of the notice appeal by way of petition to the CE-in-C, and the decision of the CE-in-C shall be final.

21. For cases where an immediate cancellation of registration of the Colleges is required, the existing section 6(6) allows the CE-in-C, after considering the representations submitted by the College, to order PSED to cancel the registration of the Colleges where it appears to the CE-in-C that the continued registration of such College would be prejudicial to the public interest, to the welfare of students or to education generally. We propose no change to this power.

22. When a College has ceased to function, or the Chairman of the Board of Governors requests the cancellation of the registration of the College, or PSED cancels the registration of a College, we suggest that the PSED should have the power to serve an order on the Board of Governors of the College concerned to give such directions and make such requirements as PSED thinks necessary, in order to ensure a smooth teach-out in the best interests of students and the community in general.

23. Concerning the deregistration of individuals (i.e. members of Board of Governors, and the Presidents and Vice-Presidents of the Colleges who are proposed to be subject to PSED's registration under the new regime), we propose to maintain the existing deregistration and appeal mechanisms. In addition to deregistration, there is merit in considering whether PSED should be empowered to impose conditions and/or restrictions on an individual's registration and to suspend an individual's registration, taking into account the nature and gravity of the circumstances.

(h) Name of College

24. We suggest that the CE-in-C's approval be required only to register a College with a name that contains the word "University", or the Chinese words "Tai Hok" (大學).

(i) Streamlining of Procedures for Approving Awards of Degrees

25. At present, the CE-in-C's approval is required for a College to award degrees. We propose to delegate such approving authority to PSED, considering that the EDB has a role to play in fostering strategic coordination among the self-financing institutions in offering programmes. The Colleges may appeal to the Chief Secretary for Administration against PSED's decisions of rejecting the applications for awarding degrees. The mechanism would also apply to conferring honorary degrees and fellowships, having regard to such factors as the maturity and track record of the Colleges, whether the Colleges have acquired university titles, etc.

(j) Accountability and Transparency

26. At present, the Colleges are statutorily required to ensure the keeping of accounts and make them available for inspection by PSED as required. As an administrative measure, the *Code of Good Practices on Governance and Quality Assurance*⁸ issued by the CSPE promulgates that the Colleges should compile and publish annual reports and to make available the relevant financial information to the students and the general public. We agree that the transparency of the finances and major activities of the Colleges should be enhanced under the revamped Cap. 320 regime.

27. In this connection, we propose to require the Colleges to submit to PSED the following documents from time to time as specified by PSED, as well as to publish extracts of the following documents –

- (a) **strategic plans** (containing academic development plans), with expected goals and performance targets, to be prepared by the Colleges at least once every five years and annually reviewed by the Board of Governors; and
- (b) **annual reports**, a review of activities undertaken during the year, and the performance of the Colleges against their strategic plans.

⁸ The Code is available at [http://www.cspe.edu.hk/resources/pdf/en/Code%20of%20Good%20Practices_E%20\(2015\).pdf](http://www.cspe.edu.hk/resources/pdf/en/Code%20of%20Good%20Practices_E%20(2015).pdf).

28. We propose to maintain the requirements for the Colleges to keep accounts and make them available for inspection by PSED as required. To enhance transparency, we propose to require the Colleges to make available the relevant key financial information (e.g. the aggregate income, expenditure, and reserve) to the public.

(k) Removal of Obsolete Requirements

29. We propose to remove the following requirements which are obsolete or overly prescriptive –

- (a) the requirement for evening colleges to be registered separately;
- (b) the requirement of seeking PSED’s approval for establishing institutes or departments of research or special studies; and
- (c) the requirements concerning the health measures, dangerous experiments and equipment, age limit and academic requirements for student admission, and conduct of examinations.

Summary of Key Proposals

30. For ease of reference, the key proposed amendments to the statutory requirements under Cap. 320 and Cap. 320A are summarised in the table below –

Section	Statutory Requirement	Existing	Proposal
<i>Cap. 320</i>			
3	Registers Kept by PSED	Colleges	✓
		Members of Boards of Governors	✓
		Members of College Councils	✓
		Teachers	✓
		Presidents and Vice-Presidents	✗
			✗
			✓

Section	Statutory Requirement		Existing	Proposal
8	Name of College	The prior sanction of the CE-in-C is required for PSED to approve any name containing the word –		
		“University”	✓	✓
		“Tai Hok” (大學)	✓	✓
		“Hok Yuen” (學院)	✓	✗
9	Evening Colleges	Separate registration required	✓	✗
10	Award of Degrees	A College may award degrees with the prior approval of	CE-in-C	PSED
11	Research and Special Studies	Approval of PSED required	✓	✗
Cap. 320A				
2(a)	Governance Structure	Board of Governors	✓	✓
		College Council	✓	✗ No longer a statutory requirement
		Academic Board	✓	✓
		Faculty Board	✓	✗ No longer a statutory requirement
2(e)	Key Officers of Colleges	President	✓	✓
		Vice-President	✓	✓
		Chairman and Vice-Chairman of Board of Governors	✓	✓
		Chairman and Vice-Chairman of College Council	✓	✗ No longer a statutory requirement

Section	Statutory Requirement		Existing	Proposal
		Chairman and Vice-Chairman of Academic Board	✓	✓
		Dean for each Faculty	✓	✓
		<i>Either</i> <ul style="list-style-type: none"> • Academic Registrar • Bursar • Librarian <i>Or</i> <ul style="list-style-type: none"> • Dean of Studies • Registrar • Librarian • Comptroller 	✓	Only a few key positions are statutorily required (e.g. Registrar and Bursar/ Treasurer)
2(f) and (g)	Appointment of officers and teachers	Approval by Board of Governors required	✓	✗ An open, transparent and fair set of policy and procedures required
2(i)	Length of Office of Auditor	One year and shall be eligible for re-appointment	✓	✗ The length and re-appointment eligibility are no longer statutorily required
3(2)	Requirements on Hostels		✓	✗
4	Requirements on Health		✓	✗
5	Requirements on Dangerous Experiments and Equipment		✓	✗
6	Requirements on Admission and Age of Entry of Students		✓	✗
8	Requirements on Examinations		✓	✗
8A	Plans and	Strategic plans	✗	✓

Section	Statutory Requirement		Existing	Proposal
	Reports	Annual reports	✘	✓
		Publish abstracts of strategic plans and annual reports	✘	✓
9	Finance	Keep correct and adequate accounts open to inspection by PSED	✓	✓
		Make available key financial information to the public	✘	✓

Invitation of Submissions

31. Members of the public, including but not limited to stakeholders in the self-financing post-secondary education sector, are welcome to provide any comments on the legislative amendment proposals put forward in this consultation document. Written submissions should be sent to the EDB on or before **19 March 2021 (Friday)** by post, e-mail, or fax –

Mailing Address: Further Education Division
Education Bureau
7/F, East Wing, Central Government Offices,
2 Tm Mei Avenue, Tamar, Hong Kong

E-mail address: 320review@edb.gov.hk

Fax number: (852) 3579 5097

32. The EDB will, in consultation with the CSPE, consider the comments received in finalising the legislative amendment proposals, before they are introduced to the Legislative Council in the form of an amendment bill.

33. It is optional for respondents to supply his/her personal data when providing comments on this consultation document. Any personal data provided with a submission will only be used for the purpose of this

consultation exercise, and may be transferred to the relevant Government bureau(x)/department(s) for purposes directly related to this consultation exercise.

34. The names and comments of respondents that put forth submissions may be published for public viewing after conclusion of the public consultation exercise. The EDB may, either in discussion with others or in any subsequent reports, whether privately or publicly, attribute comments submitted in response to this consultation document.

35. The EDB will respect the wish of respondents to keep the comments confidential in relation to all or part of a submission, and/or to remain anonymous; but if no such wish is indicated in the submission, it will be assumed that all the comments submitted may be disclosed, and the respondents can be named.

36. Any respondents providing personal data to the EDB in the submission will have right of access or correction with respect to such personal data. Any requests for data access or correction of personal data should be made in writing to –

Executive Officer (Further Education)¹
Mailing Further Education Division
Address: Education Bureau
7/F, East Wing, Central Government Offices,
2 Tm Mei Avenue, Tamar, Hong Kong
E-mail address: 320review@edb.gov.hk
Fax number: (852) 3579 5097

Education Bureau
December 2020

Proposed Amendments to the Post Secondary Colleges Ordinance (Cap. 320)

Section No.	Existing Provisions	Proposed Amendments
Long Title	To provide for the registration and control of certain Post Secondary Colleges and their consequent exemption from the provisions of the Education Ordinance (Cap. 279) and for other matters connected therewith.	No amendment is proposed.
1	Short title This Ordinance may be cited as the Post Secondary Colleges Ordinance.	No amendment is proposed.
2	Interpretation In this Ordinance, unless the context otherwise requires— <i>Board of Governors</i> (校董會) includes a Board of Trustees where such a body exists in place of a Board of Governors;	No amendment is proposed.

Section No.	Existing Provisions	Proposed Amendments
	<p><i>College</i> (學院) means a Post Secondary College registered under this Ordinance, and such College should be known as an Approved Post Secondary College;</p> <p><i>Permanent Secretary</i> (常任秘書長) means the Permanent Secretary for Education.</p>	
2A		<p>To add a new section 2A on Powers of College. A possible wording is as follows –</p> <ul style="list-style-type: none"> (a) plan degree, sub-degree, and other academic award programmes, either on its own or in conjunction with other institutions of post secondary education; (b) either on its own or in conjunction with any other person or organisation, produce, develop, acquire and provide courses of study using a variety of instructional means; (c) admit to courses of study suitable persons, having regard to their previous attainments; (d) confer and revoke degrees and other academic awards;

Section No.	Existing Provisions	Proposed Amendments
		<p>(e) provide, whether for profit or otherwise, advisory, consultancy, research and other related services;</p> <p>(f) take on lease, purchase or otherwise acquire, and hold, manage and enjoy property of any description, and sell, let or otherwise dispose of the same;</p> <p>(g) appoint such persons to be employees, advisers or consultants of the College as it thinks fit, either on a full or part time basis, and decide the terms of remuneration and conditions of service of such persons;</p> <p>(h) provide for its students and employees appropriate amenities;</p> <p>(i) invest its funds in such manner and to such extent as it thinks fit;</p> <p>(j) borrow money in such manner and on such security or terms as may be expedient;</p> <p>(k) apply for and receive any grant in aid on such terms as may be expedient;</p>

Section No.	Existing Provisions	Proposed Amendments
		<ul style="list-style-type: none"> <li data-bbox="1144 252 2069 384">(l) solicit and receive gifts, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust; <li data-bbox="1144 443 2069 576">(m) fix 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; <li data-bbox="1144 635 2069 719">(n) reduce, waive or refund such fees or charges either generally or in any particular case or class of cases; <li data-bbox="1144 778 2069 959">(o) agree with other institutions and persons suitable terms for the provision of equipment, facilities or academic materials used in courses of study provided by the College; <li data-bbox="1144 1018 2069 1102">(p) enter into partnership or any other form of joint venture with any person; <li data-bbox="1144 1161 2069 1294">(q) acquire, hold and dispose of interests in other bodies corporate and form or take part in forming bodies corporate that are in line with their objects; <li data-bbox="1144 1353 2069 1390">(r) enter into any contract;

Section No.	Existing Provisions	Proposed Amendments
		<p>(s) erect, provide, equip, maintain, keep in repair and regulate the buildings, premises, furniture and equipment and all other means necessary for carrying on the work of the College; and</p> <p>(t) do such other things as are provided for by this Ordinance or as are necessary for, or incidental or conducive to, the provision of post secondary education by the College.</p>
3	<p>Registers</p> <p>For the purposes of this Ordinance the Permanent Secretary shall keep the following registers—</p> <p>(a) a register of Colleges;</p> <p>(b) a register of members of Boards of Governors;</p> <p>(c) a register of members of College Councils;</p> <p>(d) a register of teachers in Colleges.</p>	<p>To delete subsection (c), as we propose to remove the requirement for Colleges to form College Councils under section 2(a) of Cap. 320A.</p> <p>To change subsection (d) to “a register of Presidents and Vice-Presidents in Colleges”.</p>

Section No.	Existing Provisions	Proposed Amendments
4	<p>Requirements for registration</p> <p>A Post Secondary College shall be eligible for registration under section 3 and thereafter to remain on the register where the Permanent Secretary is satisfied as to—</p> <p>(a) the composition of the Board of Governors, College Council and teaching staff being such as to ensure satisfactory academic and general standards and conduct;</p> <p>(b) the constitution, statutes or other instruments which govern the Post Secondary College;</p>	<p>To amend “the composition of the Board of Governors, College Council and teaching staff” to “the organisational structure of the Board of Governors and staff” in subsection (a). Apart from “satisfactory academic and general standards and conduct”, the organisational structure should also be conducive to the “efficient and effective governance and management of the College”.</p> <p>To amend subsection (b) to the effect that the Post Secondary College should have in place appropriate constitution, statutes and other instruments to ensure satisfactory academic and general standards and conduct, as well as the efficient and effective governance and management of the College by the Board of Governors and the management teams.</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>(c) the courses offered being suitable in all respects for Post Secondary Colleges meeting a community need and including major courses extending over at least 4 years;</p> <p>(d) the equipment, laboratories, library and general facilities being adequate for the courses offered;</p> <p>(e) the number, qualifications, remuneration and conditions of service of the Post Secondary College staff;</p> <p>(f) the premises being adequate for the purposes of a Post Secondary College and being in all ways suitable and safe for such purposes;</p> <p>(g) the conditions as to age and attainments of the students qualifying for admission, the standard of instruction and the final examination standards;</p>	<p>To delete “and including major courses extending over at least 4 years” from subsection (c). We consider that this is an obsolete requirement.</p> <p>To add that the Post Secondary College should also have in place an open, transparent and fair set of policy and procedures for the employment/recruitment and appointment of staff being fit and proper, as well as meeting the qualifications and experience required of the College.</p> <p>To replace subsection (g) with the requirement that the Colleges should have in place an open, transparent and fair set of policy and procedures to ensure that students admitted are qualified to pursue the relevant academic programmes. We also propose to delete section (6)(1) of Cap. 320A on the age requirement.</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>(h) the number of students being admitted having regard to the maintenance of status and standards, facilities available and community need;</p> <p>(i) students being admitted without favour being shown on grounds of race, nationality or religion save where on the application of the Post Secondary College the Permanent Secretary approves of an exception in favour of a class of persons holding a particular religious faith;</p> <p>(j) the Post Secondary College being free from affiliation with or control by any government other than the Government of the Hong Kong Special Administrative Region or any organization outside Hong Kong or any political group and the students teachers and officers refraining from political propaganda and from any undesirable political activity and from any other activity whatsoever which the Permanent</p>	<p>To amend subsection (h) to the effect that the number of students being admitted, having regard to the maintenance of status and standards, facilities available and community need, should be sufficient enough to provide a meaningful learning environment and experience that meet the learning objectives of the courses offered and consistent with the College's strategic plans as amended from time to time in the light of changing circumstances.</p> <p>To expand the scope of subsection (i) to include staff being recruited as well.</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>Secretary considers inimical to the interests of the College;</p> <p>(k) adequate provision being made in the Post Secondary College for the encouragement of corporate and social life and for recreation;</p> <p>(l) the finances of the Post Secondary College;</p> <p>(m) the legal status of the Post Secondary College which shall be a corporation unless other arrangements are made, to the approval of the Permanent Secretary, for the proper discharge of legal obligations and safeguarding of rights of the College;</p> <p>(n) the College complying in all respects with the provisions of this Ordinance.</p>	<p>To amend subsection (l) to read “the finances and sustainability of the Post Secondary College”.</p>

		<p>To add the following considerations –</p> <ul style="list-style-type: none">• the attainment and maintenance of the institutional review status from the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) established under section 3(1) of the HKCAAVQ Ordinance (Cap. 1150) to demonstrate a Post Secondary College’s competence to operate programmes at the sub-degree and/or degree level;• the strategic plans as specified in the new section 8A of Cap. 320A;• the annual reports as specified in the new section 8A of Cap. 320A;• the development and institutional capabilities of the College being consistent with its objects and strategic plans as amended from time to time in the light of changing circumstances and prescribed standards, particularly in respect of teaching and learning, teaching capacity, and programme delivery; and• the Colleges are to maintain a register of teachers for inspection by the Permanent Secretary or any person authorized by him in writing on that behalf.
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Section No.	Existing Provisions	Proposed Amendments
5	<p>Effect of registration</p> <p>So long as a College remains registered under section 3 it shall be exempt from the provisions of the Education Ordinance (Cap. 279).</p>	<p>No amendment is proposed.</p>
6	<p>Refusal of registration and cancellation</p> <p>(1) The Permanent Secretary may refuse to register or may cancel the registration of—</p> <p>(a) any Post Secondary College where he is not satisfied in respect of any of the matters specified in section 4;</p>	<p>To amend subsection (1)(a) to provide for the cancellation of registration of Colleges, where the Colleges fail to comply with the registration requirements and their development and institutional capabilities fall short of their plans and prescribed standards after a reasonable period. Where the Permanent Secretary is not satisfied in respect of any of the matters specified in section 4, he may issue a letter to the College, requesting it to provide explanations and remedies to his satisfaction and/or imposing conditions and/or restrictions as necessary on the operations of the College. If the College cannot provide explanations and remedies to the satisfaction of the Permanent Secretary within a reasonable period of time as specified by him, or fails to comply with the imposed conditions and/or restrictions, or the Permanent Secretary is</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>(b) any person as a member of a Board of Governors or College Council or as a teacher where it appears to him that such person is not a fit and proper person to act in that capacity or that such person fails to comply with the provisions of this Ordinance.</p> <p>(2) The Permanent Secretary shall cancel the registration of—</p> <p>(a) any College where it appears to him that such College has ceased to function or where the Chairman of the Board of Governors, on the instructions of the Board of Governors, requests cancellation;</p> <p>(b) any person from the register of members of Boards of Governors or College Councils or teachers where such person ceases to act in that capacity.</p>	<p>still not satisfied in respect of any of the matters specified in section 4 after the College has implemented the remedies for a reasonable period of time, the Permanent Secretary may cancel the registration of the College.</p> <p>To amend “or College Council or as a teacher” to “or as a President or Vice-President”.</p> <p>To retain the power for the Permanent Secretary to cancel the registration of a College when the College has ceased to function or the College requests cancellation in subsection (2)(a).</p> <p>To amend “or College Councils or teachers” to “or Presidents or Vice-Presidents”.</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>(3) The Permanent Secretary shall give notice in writing of any refusal to register or of any cancellation to the Post Secondary College or person concerned.</p> <p>(4) Where the Permanent Secretary refuses to register or cancels a registration under subsection (1) the Post Secondary College or person concerned may within 21 days of the receipt of the notice under subsection (3) appeal by way of petition to the Chief Executive in Council, and the decision of the Chief Executive in Council shall be final.</p> <p>(5) For the purpose of considering a petition and determining the appeal the Chief Executive in Council may appoint a tribunal to inquire into the matters raised in such petition, and may empower such tribunal to hear evidence and do all other such things as are necessary for its due inquiry. Any tribunal so appointed shall conduct its inquiry in private and submit a report in writing to the Chief Executive in Council.</p>	<p>To retain the procedure for the Permanent Secretary to give notice of the cancellation in subsection (3), and the appeal mechanism in subsections (4) and (5).</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>(6)(a) In addition to the powers of the Permanent Secretary under subsection (1) the Chief Executive in Council may order the Permanent Secretary to refuse to register or to cancel the registration of any Post Secondary College or of any person as a member of a Board of Governors or College Council or as a teacher where it appears to the Chief Executive in Council that the registration or the continued registration of such College or person would be prejudicial to the public interest, to the welfare of students or to education generally.</p> <p>(b) Before making any order under this subsection the Chief Executive in Council shall afford to the Post Secondary College or person concerned the opportunity to submit any representations in writing which shall be considered by the Chief Executive in Council.</p>	<p>To amend “or College Council or as a teacher” to “or as a President or Vice-President”.</p> <p>To retain the representation mechanism in subsection (6)(b).</p>

Section No.	Existing Provisions	Proposed Amendments
		<p>To add a subsection to the effect that when a College has ceased to function, or the Chairman of the Board of Governors requests the cancellation of the College, or the Permanent Secretary cancels the registration of the College, the Permanent Secretary should have the power to serve an order on the Board of Governors to give such directions and make such requirements as the Permanent Secretary thinks necessary, to ensure a smooth teach-out in the best interest of students and the community in general.</p>
7	<p>Visits</p> <p>For the purposes of this Ordinance, and for the purpose of ensuring compliance with any conditions attaching to financial assistance from Government, the Permanent Secretary and any person authorized by him in writing in that behalf, may visit any College, and shall be afforded all reasonable facilities and information by the College and the teachers and officers.</p>	<p>To amend this section to the effect that “financial assistance” is clarified to include not only monetary payments but also assistance provided in other forms such as those under the Land Grant Scheme.</p>

Section No.	Existing Provisions	Proposed Amendments
8	<p>Name of College</p> <p>(1) Every College shall be registered under such name in both English and Chinese as may be approved by the Permanent Secretary, who shall not without the prior sanction of the Chief Executive in Council approve any name containing the word “University”, or the Chinese words “Tai Hok” (大學) or “Hok Yuen” (學院).</p> <p>(2) No College may use any name other than its registered name.</p>	<p>To delete ‘or “Hok Yuen” (學院)’ from subsection (1).</p>
9	<p>Evening Colleges</p> <p>(1) Where any Post Secondary College provides courses in the evening of a like nature to those provided in a College, such Post Secondary College may be required by the Permanent Secretary to include the word “Evening (夜)” in its name.</p> <p>(2) Every Post Secondary College so required shall be deemed a separate College and shall be required to register as such, notwithstanding that</p>	<p>To repeal this section. This is an obsolete requirement as most post-secondary institutions nowadays run evening classes and there are no strong reasons to distinguish between day classes and evening classes under registration in a society promoting lifelong learning. A similar legislative requirement in the Education Ordinance (Cap. 279) was repealed in 2003.</p>

Section No.	Existing Provisions	Proposed Amendments
	it is registered as a College in respect of the courses conducted during the day.	
10	<p>Award of degrees, diplomas and certificates</p> <p>A College may—</p> <p>(a) with the prior approval of the Chief Executive in Council, award degrees; and</p> <p>(b) award diplomas and certificates.</p>	<p>To repeal this section, and incorporate the provisions in this section into the new section 2A with the following changes –</p> <p>To amend subsection (a) to the effect that a College may, subject to the attainment of the accreditation status from the HKCAAVQ established under section 3(1) of the HKCAAVQ Ordinance (Cap. 1150) and with the prior approval of the Permanent Secretary (instead of the CE-in-C), award degrees. The award of honorary degrees and fellowships are also subject to the prior approval of the Permanent Secretary (accreditation by the HKCAAVQ is not required as honorary degrees and fellowships are not learning programmes).</p> <p>Where the Permanent Secretary refuses to approve the applications, the College may within 21 days of the receipt of the application result appeal to the Chief Secretary for Administration with justifications, and the appeal decision of the Chief Secretary for Administration shall be final.</p>

Section No.	Existing Provisions	Proposed Amendments
11	<p>Research and special studies</p> <p>Colleges may establish institutes or departments of research or special studies with the approval in writing of the Permanent Secretary, who in giving his approval shall take into consideration the need for any such institute or department and the ability of the College to maintain satisfactory standards therein with reference to the adequacy of the teaching staff, equipment and general facilities.</p>	To repeal this section as this is an obsolete requirement.
12	<p>Regulations</p> <p>(1)The Chief Executive in Council may by regulation provide for—</p> <p>(a) the provisions required to be in college constitutions including provisions relating to the composition of Boards of Governors, College Councils, Academic Boards and Faculty Boards, the officers and academic staff with their conditions of service and generally for the administration of the College;</p> <p>(b) the conduct of the affairs of the College;</p>	To remove “College Councils” and “Faculty Boards” from subsection (1)(a).

Section No.	Existing Provisions	Proposed Amendments
	<p>(c) forms; (d) generally for the carrying into effect of the provisions of this Ordinance.</p> <p>(2) The Permanent Secretary may exempt any College, officer, teacher or student thereof from any of the provisions of any regulations made under this section.</p>	
13	<p>Conducting courses on general holidays</p> <p>Notwithstanding anything in the General Holidays Ordinance (Cap. 149), a College may conduct educational courses or give instructions on a general holiday.</p>	No amendment is proposed.

Proposed Amendments to the Post Secondary Colleges Regulations (Cap. 320A)

Section No.	Existing Provisions	Proposed Amendments
1	<p>Citation</p> <p>These regulations may be cited as the Post Secondary Colleges Regulations.</p>	<p>No amendment is proposed.</p>
2	<p>Constitution</p> <p>The constitution of every College shall include the following provisions—</p> <p>(a) the following college bodies shall be constituted—</p> <p>(i) a Board of Governors which shall be the supreme governing body of the College;</p> <p>(ii) a College Council which shall be the executive body of the College administering the property and managing the general affairs of the College subject to the directions of the Board of Governors;</p> <p>(iii) an Academic Board which shall regulate the academic affairs of the College subject to the financial control of the College Council; and</p>	<p>To remove subparagraphs (a)(ii) and (iv). This is to streamline the governance structure of the College to a two-tier structure comprising only a Board of Governors as the supreme governing body and an Academic Board looking after academic affairs. However, we suggest also allowing flexibility for the Colleges to set up other non-statutory bodies in their governance structures in addition to the statutory</p>

Section No.	Existing Provisions	Proposed Amendments															
	<p>(iv) a Faculty Board for each faculty in the College which shall be responsible to the Academic Board for the teaching and general organization of the courses assigned to that faculty reporting thereon from time to time to the Academic Board;</p> <p>(b) the College bodies specified in paragraph (a) shall be subject to the provisions in Table A relating to composition and standing orders—</p> <p style="text-align: center;">Table A</p> <table border="1" data-bbox="353 772 1435 1353"> <thead> <tr> <th>College body</th> <th>Composition</th> <th>Statutory meetings</th> <th>Convened meetings</th> <th>Quorum</th> </tr> </thead> <tbody> <tr> <td>Board of Governors</td> <td>Not less than 10 nor more than 40.</td> <td>Once in each academic year.</td> <td>The Chairman may convene at any time and shall do so on written request of 5 members.</td> <td>One-half of the members.</td> </tr> <tr> <td>College Council</td> <td>Not less than 10 members nor more than 25.</td> <td>Four times a year.</td> <td>The Chairman may convene at any time and shall do so on written request of 5 members.</td> <td>One-half of the members.</td> </tr> </tbody> </table>	College body	Composition	Statutory meetings	Convened meetings	Quorum	Board of Governors	Not less than 10 nor more than 40.	Once in each academic year.	The Chairman may convene at any time and shall do so on written request of 5 members.	One-half of the members.	College Council	Not less than 10 members nor more than 25.	Four times a year.	The Chairman may convene at any time and shall do so on written request of 5 members.	One-half of the members.	<p>Board of Governors and Academic Board.</p> <p>To amend “College Council” to “Board of Governors” in subparagraph (a)(iii).</p> <p>To remove the rows concerning College Council and Faculty Board from Table A.</p> <p>To amend the frequency of statutory meetings of Board of Governors to at least twice in each academic year.</p>
College body	Composition	Statutory meetings	Convened meetings	Quorum													
Board of Governors	Not less than 10 nor more than 40.	Once in each academic year.	The Chairman may convene at any time and shall do so on written request of 5 members.	One-half of the members.													
College Council	Not less than 10 members nor more than 25.	Four times a year.	The Chairman may convene at any time and shall do so on written request of 5 members.	One-half of the members.													

Section No.	Existing Provisions					Proposed Amendments
	Academic Board	—	Once in every term.	The Chairman may convene at any time.	One-half of the members.	
	Faculty Board	The Dean of each Faculty to be Chairman of the Board of that Faculty.	Once in every term.	—	—	
	<p>(c) no act or resolution of any College body shall be invalid by reason only of any vacancy in, or any want of qualifications by or validity in the election or appointment of any member of such body;</p> <p>(d)(i) the College bodies specified in paragraph (a) may establish such committees as they see fit;</p> <p>(ii) a committee established under subparagraph (i) may be constituted partly of persons who are not members of the particular College body establishing it;</p>					

Section No.	Existing Provisions	Proposed Amendments
	<p>(e) there shall be the following officers—</p> <ul style="list-style-type: none"> (i) a President who shall be the principal academic and administrative officer, and who shall be appointed and dismissed by the Board of Governors on the advice of the College Council subject to the approval of the Permanent Secretary; (ii) a Vice-President; (iii) a Chairman and Vice-Chairman of the Board of Governors; (iv) a Chairman and Vice-Chairman of the College Council; (v) a Chairman and Vice-Chairman of the Academic Board; (vi) a Dean for each Faculty in the College; <p>and either</p> <ul style="list-style-type: none"> (vii) an Academic Registrar; (viii) a Bursar; (ix) a Librarian; <p>or</p> <ul style="list-style-type: none"> (x) a Dean of Studies; (xi) a Registrar; (xii) a Librarian; (xiii) a Comptroller; (xiv) a Dean of Students; 	<p>To delete “on the advice of the College Council” from subparagraph (e)(i).</p> <p>To delete subparagraph (e)(iv).</p> <p>To retain a few key positions (e.g. Registrar and Bursar/Treasurer) and delete the remaining positions from subparagraphs (e)(vii) to (xiv) to ensure an appropriate level of autonomy for the Colleges. Ordinances for statutory universities also do not specify these positions.</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>(f) all the officers specified in subparagraphs (vi) to (xiv) in paragraph (e) shall be appointed and dismissed by the College Council subject to the approval of the Board of Governors;</p> <p>(g)(i) teachers shall be classified as senior lecturers, lecturers, assistant lecturers, tutors and demonstrators; and such persons shall be appointed by the College Council on recommendations of the Academic Board subject to the approval of the Board of Governors;</p> <p>(ii) save for termination at the end of a period of probation the appointment of a teacher may be terminated by the College Council for good cause only, and in every case the College Council shall consider the recommendations of the Academic Board;</p> <p>(iii) the minimum qualification of a teacher shall be a university degree;</p> <p>(iv) teachers in receipt of full time salaries from the College shall not engage in outside practice for reward without the consent of the College Council and subject to such conditions as it may impose;</p> <p>(h)(i) application for any person to be entered on the register of members of Boards of Governors or of members of College Councils shall be made to the Permanent Secretary by the Chairman of the Board of</p>	<p>To delete paragraph (f).</p> <p>To amend paragraph (g) to the effect that the Colleges should have in place an open, transparent, fair and robust system and procedures as recommended by the Academic Board and approved by the Board of Governors to ensure that the titles of its academic staff are commensurate with their academic qualifications, experience and achievements.</p> <p>To replace “members of College Councils” with “the President and Vice-President” in subparagraph (h)(i) and delete subparagraph (h)(ii).</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>Governors on the instructions of the majority of the same of the prescribed form; <i>(See Form 2)</i></p> <p>(ii) application for any person to be entered on the register of teachers shall be made to the Permanent Secretary by the President subject to the approval of the College Council on the prescribed form; <i>(See Form 3)</i></p> <p>(i) the College Council shall appoint as auditor a certified public accountant (practising) as defined in the Professional Accountants Ordinance (Cap. 50), who shall audit the College accounts annually, and who shall hold office for 1 year but shall be eligible for re-appointment.</p>	<p>To replace “College Council” with “Board of Governors” and delete “, and who shall hold office for 1 year but shall be eligible for re-appointment” in paragraph (i).</p>
3	<p>Premises</p> <p>(1) College premises shall at all times to the satisfaction of the Permanent Secretary or any person authorized by him in writing in that behalf—</p> <p>(a) be kept in a state of repair, cleanliness and safety;</p> <p>(b) be adequately ventilated, lighted and provided with satisfactory water supply and with washing and latrine arrangements;</p> <p>(c) be adequately protected against fire and equipped with fire fighting appliances.</p>	<p>To amend subsection (1) to the effect that the Board of Governors shall ensure that College premises shall at all times to the satisfaction of the Permanent Secretary or any person authorized by him in writing in that behalf be kept in a state of repair, cleanliness and safety and be used and maintained in compliance with</p>

Section No.	Existing Provisions	Proposed Amendments
	<p>(2) College hostels shall be provided with adequate sick rooms and all boarders shall be medically examined by a registered medical practitioner before admission to any College hostel and re-examined at least once in every 6 months thereafter.</p>	<p>the requirements of any law.</p> <p>To repeal subsection (2) as this provision is too prescriptive.</p> <p>To add a new subsection to the effect that if the Permanent Secretary is not satisfied in respect of any of the matters specified in subsection (1), the Permanent Secretary may, by order in writing served on the Board of Governors –</p> <p>(i) suspend the operation of the College in the premises, or any part of the premises, for such period as he thinks fit or until further notice;</p> <p>(ii) prohibit the use of any place for the purposes of a College for such period as he thinks fit or until further notice; or</p>

Section No.	Existing Provisions	Proposed Amendments
		(iii) give such directions and make such requirements as he thinks necessary.
4	<p>Health</p> <p>(1) The Permanent Secretary or any person authorized by him in writing in that behalf may require any person employed in a College and any teacher or student to be medically examined.</p> <p>(2) The College Council shall, if so required in writing by the Permanent Secretary or any person authorized by him in writing in that behalf, cause any employee, teacher or student found to be suffering from an infectious disease to be excluded from the College for such period as he may direct.</p> <p>(3) The College shall provide adequate first aid equipment, and in particular there shall be first aid boxes adjacent to all laboratories and workshops, and the staff shall be familiar with the contents and use of such first aid boxes.</p>	To repeal this section as this provision is too prescriptive.

Section No.	Existing Provisions	Proposed Amendments
5	<p>Dangerous experiments and equipment</p> <p>(1) The College Council shall ensure that no student performs dangerous experiments or uses dangerous equipment without adequate supervision.</p> <p>(2) Poisons, dangerous chemicals and other dangerous equipment shall be properly guarded and under the charge of a responsible member of the College staff.</p>	To repeal this section as this provision is too prescriptive.
6	<p>Admission and age of entry of students</p> <p>(1) No student shall be admitted to a College unless he is at least 17 years of age.</p> <p>(2) The minimum academic requirement for entry into a College shall, save where the Permanent Secretary or any person authorized by him in writing in that behalf otherwise permits, be the possession of a Hong Kong School Certificate or Hong Kong Chinese School Certificate.</p>	To repeal this section as this provision is too prescriptive.

Section No.	Existing Provisions	Proposed Amendments
7	<p>Permission required for courses for teachers</p> <p>No College shall give a course of training for teachers, except with the written permission of the Chief Executive.</p>	<p>To amend this section to the effect that the written permission of the Permanent Secretary (instead of the CE) is required for the Colleges to provide any course of training the completion of which qualifies the participant for being registered as a registered teacher. The CE's approving authority has been delegated to the Permanent Secretary.</p>
8	<p>Examinations</p> <p>(1) Examinations for degrees, diplomas and certificates of a College shall be conducted by examiners appointed by the College Council on the recommendation of the Academic Board.</p> <p>(2) The Permanent Secretary or any person authorized by him in writing in that behalf shall have the right to nominate, if he so wishes, additional examiners for any examination for a degree, diploma or certificate of a College.</p>	<p>To repeal this section as this provision is too prescriptive.</p>

Section No.	Existing Provisions	Proposed Amendments
8A		<p>To add a new section 8A on Plans and Reports, where the Colleges shall –</p> <p>(a) develop strategic plans (containing academic development plans) at least once every five years with expected goals and performance targets, annually review the plans by the Board of Governors, and submit such plans to the Permanent Secretary from time to time as requested by him or any person authorized by him in writing in that behalf;</p> <p>(b) publish abstracts of the strategic plans annually which contain high level expected goals and performance outcomes;</p>

Section No.	Existing Provisions	Proposed Amendments
		<p>(c) compile annual reports, a review of activities undertaken during the year, and the performance of the Colleges against their strategic plans, and submit such reports to the Permanent Secretary from time to time as requested by him or any person authorized by him in writing in that behalf; and</p> <p>(d) publish abstracts of the annual reports, the review of activities undertaken during the year, and the performance of the Colleges against their strategic plans.</p>
9	<p>Finance</p> <p>(1) The College Council shall ensure the keeping of correct and adequate accounts of all income and expenditure of the College.</p> <p>(2) All books of accounts, receipts, vouchers, etc., shall be open to inspection by the Permanent Secretary or any person authorized by him in writing in that behalf.</p>	<p>To replace “College Council” with “Board of Governors” in subsection (1).</p>

Section No.	Existing Provisions	Proposed Amendments
		To add a requirement that the Colleges shall make available the relevant key financial information (e.g. the aggregate income, expenditure, and reserve) to the public.
10	<p>Forms</p> <p>Applications for registration of a Post Secondary College, for registration of a member of the Board of Governors or member of a College Council, or for registration of a teacher shall be made on the forms set out in the Schedule.</p>	To amend section 10 to the effect that the Colleges should only be required to apply for the Permanent Secretary's registration of members of the Board of Governors as well as the President and Vice-President in the College.