

---

# **The Hong Kong Institute of Education (Amendment) Bill 2016**

## **Contents**

<b>Clause</b>		<b>Page</b>
1.	Short title .....	C547
2.	Enactments amended .....	C547
3.	Long title amended .....	C547
4.	Section 1 amended (short title) .....	C549
5.	Section 2 amended (interpretation) .....	C549
6.	Part II heading amended (The Hong Kong Institute of Education) .....	C551
7.	Section 3 amended (establishment and objects of the Institute) .....	C551
8.	Section 4 amended (powers of the Institute) .....	C553
9.	Section 13 amended (Academic Board of the Institute) .....	C557
10.	Section 21 amended (unauthorized use of title of the Institute) .....	C559
11.	“University” substituted for “Institute” .....	C559
Schedule	Consequential Amendments .....	C563

# A BILL

## To

Amend The Hong Kong Institute of Education Ordinance to change the title of The Hong Kong Institute of Education; to provide for the continuation of the body corporate; and to make consequential amendments.

Enacted by the Legislative Council.

**1. Short title**

This Ordinance may be cited as The Hong Kong Institute of Education (Amendment) Ordinance 2016.

**2. Enactments amended**

- (1) The Hong Kong Institute of Education Ordinance (Cap. 444) is amended as set out in sections 3 to 11.
- (2) The enactments specified in the Schedule are amended as set out in the Schedule.

**3. Long title amended**

The long title—

**Repeal**

“The Hong Kong Institute of Education as a body corporate”

**Substitute**

“a body corporate known as The Education University of Hong Kong”.

**4. Section 1 amended (short title)**

Section 1(1)—

**Repeal**

“Hong Kong Institute of Education”

**Substitute**

“Education University of Hong Kong”.

**5. Section 2 amended (interpretation)**

(1) Section 2, definition of *President* and *Vice President*—

**Repeal**

“Institute appointed under section 11(1).”

**Substitute**

“University appointed under section 11(1);”.

(2) Section 2—

(a) definition of *Academic Board*;

(b) definition of *Chancellor*;

(c) definition of *Council*—

**Repeal**

“Institute”

**Substitute**

“University”.

(3) Section 2—

**Repeal the definition of *Institute*.**

(4) Section 2—

**Add in alphabetical order**

“*University* (大學) means the body corporate known as The Education University of Hong Kong by the operation of section 3(1).”.

**6. Part II heading amended (The Hong Kong Institute of Education)**

Part II, heading—

**Repeal**

“HONG KONG INSTITUTE OF EDUCATION”

**Substitute**

“EDUCATION UNIVERSITY OF HONG KONG”.

**7. Section 3 amended (establishment and objects of the Institute)**

(1) Section 3, heading—

**Repeal**

“Establishment and objects of the Institute”

**Substitute**

“Title and objects of University”.

(2) Section 3—

**Repeal subsection (1)**

**Substitute**

“(1) On or after the specified date, the body corporate established under the former section 3(1) and known as The Hong Kong Institute of Education immediately before that date—

- (a) is known as The Education University of Hong Kong; and

(b) may sue and be sued in that name.”.

(3) Section 3(2)—

**Repeal**

“Institute”

**Substitute**

“University”.

(4) After section 3(2)—

**Add**

“(3) Despite the repeal of the former section 3(1), the body corporate established under that section continues in existence as the University on or after the specified date. Accordingly, the rights, obligations and liabilities of that body corporate are not affected in any way by the change of title effected by subsection (1).

(4) In this section—

*former section 3(1)* (原有第3(1)條) means section 3(1) of The Hong Kong Institute of Education Ordinance (Cap. 444) that was in force immediately before the specified date;

*specified date* (指明日期) means the date on which section 7 of The Hong Kong Institute of Education (Amendment) Ordinance 2016 ( of 2016) comes into operation.”.

**8. Section 4 amended (powers of the Institute)**

(1) Section 4, heading—

**Repeal**

“the Institute”

**Substitute**

“University”.

- (2) Section 4—

**Repeal**

“The Institute”

**Substitute**

“The University”.

- (3) Section 4(h)—

**Repeal**

“Institute”

**Substitute**

“University”.

- (4) Section 4(ha)—

**Repeal**

“Hong Kong Institute of Education”

**Substitute**

“Education University of Hong Kong”.

- (5) Section 4(ha)—

**Repeal**

“Institute by”

**Substitute**

“University by”.

- (6) Section 4(ha)—

**Repeal**

“Institute;”

**Substitute**

“University;”.

- (7) Section 4(j)—

**Repeal**

“Institute”

**Substitute**

“University”.

- (8) Section 4(l) and (m), Chinese text—

**Repeal**

“學院”

**Substitute**

“大學”.

- (9) Section 4(qa) and (s)—

**Repeal**

“Institute”

**Substitute**

“University”.

**9. Section 13 amended (Academic Board of the Institute)**

- (1) Section 13, heading—

**Repeal**

“the Institute”

**Substitute**

“University”.

- (2) Section 13(1)—

**Repeal**

“Institute” (wherever appearing)

**Substitute**

“University”.

**10. Section 21 amended (unauthorized use of title of the Institute)**

(1) Section 21, heading—

**Repeal**

“the Institute”

**Substitute**

“University”.

(2) Section 21(1)(a)(i) and (ii)—

**Repeal**

“Institute”

**Substitute**

“University”.

(3) Section 21(1)(b)—

**Repeal**

“Hong Kong Institute of Education”

**Substitute**

“Education University of Hong Kong”.

(4) Section 21(1)(b)(i) and (ii)—

**Repeal**

“Institute”

**Substitute**

“University”.

**11. “University” substituted for “Institute”**

The following provisions—



- (a) section 5(1) and (2);
- (b) section 6(1) and (2);
- (c) section 7;
- (d) section 8(1)(f) and (g);
- (e) section 9(3)(c);
- (f) section 11(1) and (2);
- (g) section 14(1) and (2);
- (h) section 15(1);
- (i) section 16(1);
- (j) section 17(2);
- (k) section 20(1), (2)(a) and (4);
- (l) section 22(1) and (2)(b);
- (m) section 23(1) and (2);
- (n) section 24(a) and (b);
- (o) the Schedule, sections 7 and 12—

**Repeal**

“Institute” (wherever appearing)

**Substitute**

“University”.

---

## Schedule

[s. 2(2)]

### Consequential Amendments

#### Part 1

#### Amendments to Dangerous Drugs Ordinance (Cap. 134)

**1. Fourth Schedule amended (reporting agencies)**

(1) Fourth Schedule—

**Add**

“48A. The Education University of Hong Kong”.

(2) Fourth Schedule—

**Repeal item 52.**

#### Part 2

#### Amendment to Prevention of Bribery Ordinance (Cap. 201)

**2. Schedule 1 amended (public bodies)**

Schedule 1, item 73—

**Repeal**

“Hong Kong Institute of Education”

**Substitute**

“Education University of Hong Kong”.

### **Part 3**

#### **Amendment to Education Ordinance (Cap. 279)**

**3. Section 2 amended (application)**

Section 2(m)—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

### **Part 4**

#### **Amendment to Education Regulations (Cap. 279 sub. leg. A)**

**4. Second Schedule, Part 1 amended (qualifications for a registered teacher)**

Second Schedule, Part 1, paragraph (b)(ii)—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

## Part 5

### **Amendment to Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F)**

**5. Section 2 amended (interpretation)**

Section 2, definition of *specified institution*, paragraph (b)—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

## Part 6

### **Amendment to Road Traffic Ordinance (Cap. 374)**

**6. Section 2 amended (interpretation)**

Section 2, definition of *educational institution*, paragraph (l)—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

## Part 7

### Amendments to Pensions (Special Provisions) (The Hong Kong Institute of Education) Ordinance (Cap. 477)

7. **Long title amended**

The long title, before “The”—

**Add**

“The Education University of Hong Kong, formerly known as”.

8. **Section 1 amended (short title)**

Section 1(1)—

**Repeal**

“Hong Kong Institute of Education”

**Substitute**

“Education University of Hong Kong”.

9. **Section 2 amended (interpretation)**

(1) Section 2, definition of *aggregate service*—

**Repeal**

“Institute”

**Substitute**

“University”.

(2) Section 2, English text, definition of *transferred officer*—

**Repeal the full stop**

**Substitute a semicolon.**

(3) Section 2—

- (a) definition of *Institute*;
- (b) definition of *service under the Institute*—

**Repeal the definitions.**

(4) Section 2—

**Add in alphabetical order**

“*service under the University* (大學服務) means service of a transferred officer in the employment of the University on terms and conditions of the University, but does not include service of an officer who is, while remaining in service under the Government, directed by the Government to work in the University;

*University* (大學) means the body corporate—

- (a) known as The Hong Kong Institute of Education immediately before the commencement date of section 7 of The Hong Kong Institute of Education (Amendment) Ordinance 2016 ( of 2016); and
- (b) known as The Education University of Hong Kong on or after that date by the operation of section 3(1) of The Education University of Hong Kong Ordinance (Cap. 444).”.

**10. “University” substituted for “Institute”**

The following provisions—

- (a) section 3(1)(a) and (c);
- (b) section 4(1) and (2);
- (c) section 5(1), (3), (4) and (5);
- (d) section 6(2), (6), (7), (8), (9) and (12)(a) and (b);

- (e) section 7(2), (3), (4), (5)(a) and (c), (6), (9)(a) and (b) and (10)(b)—

**Repeal**

“Institute” (wherever appearing)

**Substitute**

“University”.

## **Part 8**

### **Amendment to Sex Discrimination Ordinance (Cap. 480)**

11. **Schedule 1 amended (educational establishments and their responsible bodies)**

Schedule 1, item 13—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

## **Part 9**

### **Amendment to Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)**

12. **Schedule 1 amended (local institutions of higher education)**

Schedule 1, item 3—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

**Part 10**

**Amendment to Family Status Discrimination Ordinance  
(Cap. 527)**

13. **Schedule 1 amended (educational establishments and their responsible bodies)**

Schedule 1, item 13—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

**Part 11**

**Amendment to Copyright Ordinance (Cap. 528)**

14. **Schedule 1 amended (educational establishments)**

Schedule 1, item 5—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.



## **Part 12**

### **Amendment to Legislative Council Ordinance (Cap. 542)**

- 15. Section 20E amended (composition of the education functional constituency)**

Section 20E(b)(ix)—

**Repeal**

“Hong Kong Institute of Education”

**Substitute**

“Education University of Hong Kong”.

## **Part 13**

### **Amendment to Chief Executive Election Ordinance (Cap. 569)**

- 16. Schedule, section 2 amended (how Election Committee is to be constituted)**

The Schedule, section 2, Table 5, item 5, column 3, paragraph (2)(i)—

**Repeal**

“Hong Kong Institute of Education”

**Substitute**

“Education University of Hong Kong”.

## **Part 14**

### **Amendment to Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592)**

**17. Schedule 2 amended (self-accrediting operators)**

Schedule 2, item 4—

**Repeal**

“Hong Kong Institute of Education”

**Substitute**

“Education University of Hong Kong”.

## **Part 15**

### **Amendment to Race Discrimination Ordinance (Cap. 602)**

**18. Schedule 1 amended (educational establishments and their responsible bodies)**

Schedule 1, item 12—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

## **Part 16**

### **Amendment to Minimum Wage Ordinance (Cap. 608)**

**19. Schedule 1 amended (education institutions)**

Schedule 1, item 1—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

## **Part 17**

### **Amendment to The English Schools Foundation Ordinance (Cap. 1117)**

**20. Section 8 amended (Nominating Committee)**

Section 8(2)(c)(iii)—

**Repeal**

“Hong Kong Institute of Education” (wherever appearing)

**Substitute**

“Education University of Hong Kong”.

---

## Explanatory Memorandum

The object of this Bill is to amend The Hong Kong Institute of Education Ordinance (Cap. 444) (*Ordinance*) to change the title of The Hong Kong Institute of Education to The Education University of Hong Kong and to make consequential amendments.

2. Clause 1 sets out the short title.
3. Clause 5(3) repeals the definition of *Institute* in section 2 of the Ordinance and clause 5(4) introduces a new definition of *University* to that section.
4. Clause 7(2) amends section 3 of the Ordinance to change the title of The Hong Kong Institute of Education to The Education University of Hong Kong. Clause 7(4) adds new section 3(3) and (4) to the Ordinance to provide for the continuation of the body corporate.
5. Clauses 3, 4, 5(1) and (2), 6, 7(1) and (3), 8, 9, 10 and 11 make consequential amendments to the Ordinance.
6. The Schedule makes consequential amendments to other enactments.