



中華人民共和國香港特別行政區政府總部教育局
Education Bureau
Government Secretariat, The Government of the Hong Kong Special Administrative Region
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10 April 2017

Ms Angel WONG
Clerk to Panel
Legislative Council Panel on Education
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Wong,

Panel on Education

**Education Bureau's Regulation of Institutions
Offering Non-local Higher and Professional Education Courses**

I refer to your letter of 27 March 2017. Please find attached Education Bureau's response to the issues raised in Dr Hon Helena WONG's letter for Members' reference.

Yours sincerely,

(Miss Sharon Ko)
for Secretary for Education

Education Bureau's Regulation of Institutions
Offering Non-local Higher and Professional Education Courses

On 9 January 2017, the Education Bureau (EDB) briefed Members of the Education Panel (the Panel) on the outcome of a review on the existing monitoring and regulatory arrangements under the Non-local Higher and Professional Education (Regulation) Ordinance, Cap. 493 (the Ordinance) of non-local higher and professional education courses operated in Hong Kong. The outcome of the review indicates that in achieving the policy objective of providing protection to local consumers of higher education services, the monitoring mechanism under the existing regulatory framework of the Ordinance is generally effective. Notwithstanding, EDB considers that there is still room to enhance monitoring efforts under the existing regulatory framework, and has implemented a series of measures as follows:

- (a) a new condition for registration has been imposed on courses registered since 31 October 2016 requiring operators concerned to maintain certain documents relating to the non-local courses for a specified period. The Registrar of Non-local Higher and Professional Education Courses will examine such information when warranted;
- (b) the arrangement of referring minor contraventions of the Ordinance to law enforcement departments for follow-up action has been tightened;
- (c) templates for periodic reports have been prepared and put into use to record comprehensively cases of possible contravention spotted from newspapers, magazines and websites, and arising from individual complainants;
- (d) publicity has been made to remind operators that they could seek subsidy under the Accreditation Grant Scheme of the Qualifications Framework Fund for the local accreditation of their courses; and
- (e) arrangements have been made to inform the public, through various channels, that while some non-local courses are locally accredited by the Hong Kong Council for Accreditation of

Academic and Vocational Qualifications, some are not; and locally accredited non-local courses are listed under the Hong Kong Qualifications Framework.

2. As foreshadowed in the panel paper discussed at the aforesaid meeting, operators will be required to provide more information in the annual return form to facilitate the Non-local Courses Registry (NCR) under EDB to examine the operation of the courses, and to initiate investigation in case of suspected breach of the statutory requirements. The revised annual return form has been uploaded onto EDB's website on 10 March 2017. For Annual Returns with reporting period ending on or after 1 June 2017, operators are required to adopt the revised form for reporting purpose.

3. Moreover, NCR would conduct regular inspection starting from the third quarter of 2017 and the preparatory work is underway. Apart from random inspection, targets of inspection will include those operators that have attracted the highest number of complaints; and whose annual returns have revealed irregularities.

4. The Office of The Ombudsman has published its direct investigation report on "Education Bureau's Monitoring and Regulation of Institutions Offering Non-local Higher and Professional Education Courses" on 9 March 2017. The Ombudsman considers the stance taken in the Ordinance regarding the standards of the non-local courses is reasonable¹. The Ombudsman is of the view that EDB's existing monitoring mechanism under the Ordinance of non-local courses could generally achieve the objective of the Ordinance in protecting the interests of students enrolled in such courses.

5. The Ombudsman recommends that EDB:

- (a) devise a mechanism for periodically conducting surprise inspections of the operators' premises and random checks on documents relating to the courses taken by students, in order to prevent more effectively falsification in any material particular by operators through forging or doctoring documents;

¹ In accordance with the Ordinance, effective measures should be in place to ensure that the standard of a non-local course offered in Hong Kong is maintained at a level comparable with a course leading to the same qualification and is recognised in the home country.

- (b) deliberate further with the Department of Justice on the feasibility of imposing an additional condition on courses already registered, under which the operators will be required to maintain certain documents relating to the courses taken by students for the duration of their study and up to two years after completion or discontinuation of their studies; and
- (c) consider amending the Ordinance and the Education Ordinance; and pending legislative amendments, EDB should at least devise clear enforcement guidelines as soon as possible, including setting out for staff's information under what circumstances EDB could invoke the relevant laws to cancel the registration of non-local courses and of schools which have contravened provisions in the Ordinances concerned.

6. EDB is actively following-up the three recommendations put forth by the Ombudsman. On (a) and (c), preparatory work for inspection is underway and the enforcement guidelines are being drawn up. On (b), we are exploring the feasibility of imposing the record-keeping condition on courses already registered.

7. EDB will report to the Panel in due course the effectiveness of the various measures as set out above, as well as the follow-up actions in response to the Ombudsman's recommendations.

Education Bureau
10 April 2017