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# **The Open University of Hong Kong (Amendment) Bill 2021**

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# A BILL

# To

Amend The Open University of Hong Kong Ordinance to change the title of The Open University of Hong Kong to the Hong Kong Metropolitan University; to expressly provide for the capacity to sue and be sued; and to provide for related matters.

Enacted by the Legislative Council.

## 1. Short title and commencement

- (1) This Ordinance may be cited as The Open University of Hong Kong (Amendment) Ordinance 2021.
- (2) This Ordinance comes into operation on 1 September 2021.

## 2. Enactments amended

- (1) The Open University of Hong Kong Ordinance (Cap. 1145) is amended as set out in sections 3 to 8.
- (2) The enactments specified in the Schedule are amended as set out in the Schedule.

**3. Long title amended**

The long title—

**Repeal**

“The Open University of Hong Kong as a body corporate”

**Substitute**

“a body corporate known as the Hong Kong Metropolitan University”.

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

Section 1—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“the Hong Kong Metropolitan University”.

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

Section 2—

**Repeal the definition of *University***

**Substitute**

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

**6. Part II heading amended (The Open University of Hong Kong)**

Part II, heading—

**Repeal**

“THE OPEN UNIVERSITY OF HONG KONG”

**Substitute**

“HONG KONG METROPOLITAN UNIVERSITY”.

**7. Section 3 amended (establishment and object of the University)**

(1) Section 3—

**Repeal subsection (1)**

**Substitute**

“(1) On and after 1 September 2021, the pre-existing body corporate known as The Open University of Hong Kong immediately before that date—

(a) is known in English as the “Hong Kong Metropolitan University” and in Chinese as “香港都會大學”; and

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

(2) Section 3—

**Repeal subsection (3).**

(3) At the end of section 3—

**Add**

“(4) Despite the repeal of section 3(1) and (3) of the OUHKO, the pre-existing body corporate continues in existence as the University on and after 1 September 2021 and, accordingly, the rights, obligations and liabilities of the pre-existing body corporate are not affected in any way by the change of name effected by subsection (1).

(5) In this section—

**OLIO** (《香港公開進修學院條例》) means The Open Learning Institute of Hong Kong Ordinance (Cap. 1145) that was in force immediately before 30 May 1997;

***OUHKO*** (《香港公開大學條例》) means The Open University of Hong Kong Ordinance (Cap. 1145) that was in force immediately before 1 September 2021;

***pre-existing body corporate*** (原有法團) means the body corporate established under section 3(1) of the OLIO and continued in existence under section 3(3) of the OUHKO.”.

**8. Section 17 amended (unauthorized use of title of the University)**

Section 17(1)(b)—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“Hong Kong Metropolitan University” or “香港都會大學”.

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## Schedule

[s. 2]

### Related Amendments

#### Part 1

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

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

Schedule 1, item 53—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“Hong Kong Metropolitan University”.

#### Part 2

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

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

Section 2(k)—

**Repeal**

“The Open University of Hong Kong” (wherever appearing)

**Substitute**

“the Hong Kong Metropolitan University”.

## Part 3

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

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

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

**Repeal**

“The Open University of Hong Kong” (wherever appearing)

**Substitute**

“the Hong Kong Metropolitan University”.

## Part 4

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

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

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

**Repeal**

“The Open University of Hong Kong” (wherever appearing)

**Substitute**

“the Hong Kong Metropolitan University”.

## Part 5

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

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

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

##### Repeal

“The Open University of Hong Kong” (wherever appearing)

##### Substitute

“the Hong Kong Metropolitan University”.

## Part 6

### Amendment to Employees Retraining Ordinance (Cap. 423)

#### 6. Schedule 2 amended (training bodies)

Schedule 2, item 77—

##### Repeal

“Institute of Professional and Continuing Education, The Open University of Hong Kong”

##### Substitute

“School of Professional and Continuing Education, Hong Kong Metropolitan University”.



## Part 7

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

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

Schedule 1—

#### Repeal item 11

#### Substitute

- |   |  |
|---|--|
| “11. The Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145) | The Council or the Senate, within the meaning of section 2 of the Hong Kong Metropolitan University Ordinance (Cap. 1145), according to which of them has the function concerned”. |
|---|--|

## Part 8

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

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

Schedule 1—

#### Repeal item 11

#### Substitute

- |   |  |
|---|--|
| “11. Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145) | The President within the meaning of section 2 of the Hong Kong Metropolitan University Ordinance (Cap. 1145)”. <hr/> |
|---|--|

## Part 9

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

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

Schedule 1—

**Repeal item 11**

**Substitute**

- |   |   |
|---|---|
| “11. The Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145) | The Council, the Court or the Senate, within the meaning of section 2 of the Hong Kong Metropolitan University Ordinance (Cap. 1145), according to which of them has the function concerned”. |
|---|---|

## **Part 10**

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

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

Schedule 1, section 15—

**Repeal**

“The Open University of Hong Kong established by The Open University of Hong Kong”

**Substitute**

“Hong Kong Metropolitan University established by the Hong Kong Metropolitan University”.

## **Part 11**

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

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

Section 20E(a)(v), (aa)(ii)(C) and (b)(vii)—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“the Hong Kong Metropolitan University”.

## Part 12

### Amendments to Chief Executive Election Ordinance (Cap. 569)

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

The Schedule, section 2, Table 5, item 5, column 3, paragraphs (1)(e), (1A)(b)(iii) and (2)(g), in so far as the Table is not repealed—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“the Hong Kong Metropolitan University”.

**13. Schedule, section 5B amended (specified offices of the education subsector)**

The Schedule, section 5B(i), in so far as that section has come into operation for the purpose only of enabling arrangements to be made for the constitution of the new term of office of the Election Committee in 2021—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“the Hong Kong Metropolitan University”.

**14. Schedule, section 39V amended (specified entities of the education subsector)**

The Schedule, section 39V(c), in so far as that section has come into operation for the purpose only of enabling arrangements to be made for the constitution of the new term of office of the Election Committee in 2021—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“the Hong Kong Metropolitan University”.

**Part 13**

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

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

Schedule 2, item 8—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“Hong Kong Metropolitan University”.

## **Part 14**

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

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

Schedule 1, item 10—

**Repeal**

“Open University of Hong Kong established by The Open University of Hong Kong” (wherever appearing)

**Substitute**

“Hong Kong Metropolitan University established by the Hong Kong Metropolitan University”.

## **Part 15**

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

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

Schedule 1, item 9—

**Repeal**

“The Open University of Hong Kong established by The Open University of Hong Kong”

**Substitute**

“Hong Kong Metropolitan University established by the Hong Kong Metropolitan University”.

## Part 16

### Amendments to Improving Electoral System (Consolidated Amendments) Ordinance 2021 (14 of 2021)

**18. Section 411 amended (Schedule, Part 2A added)**

Section 411, new section 5B(i), except in so far as that section has come into operation for the purpose of enabling arrangements to be made for the constitution of the new term of office of the Election Committee in 2021—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“the Hong Kong Metropolitan University”.

**19. Section 438 amended (Schedule, Part 4, Division 5 added)**

Section 438, new section 39V(c), except in so far as that section has come into operation for the purpose of enabling arrangements to be made for the constitution of the new term of office of the Election Committee in 2021—

**Repeal**

“The Open University of Hong Kong”

**Substitute**

“the Hong Kong Metropolitan University”.

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## **Explanatory Memorandum**

The main object of this Bill is to amend The Open University of Hong Kong Ordinance (Cap. 1145) (*Ordinance*) to change the title of The Open University of Hong Kong to the Hong Kong Metropolitan University.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 7(1) amends section 3 of the Ordinance to change the title of The Open University of Hong Kong to the Hong Kong Metropolitan University, and to expressly provide for the capacity to sue and be sued. Clause 7(3) adds new section 3(4) to the Ordinance to provide for the continuation of the body corporate now known as the Hong Kong Metropolitan University.
4. Clauses 3, 4, 5, 6 and 8 make other amendments to the Ordinance that are consequential to the change of title.
5. The Schedule makes related amendments to other enactments.