

立法會 *Legislative Council*

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Bills Committee on Post Secondary Colleges (Amendment) Bill 2025

Background brief

Purpose

This paper sets out the background of the **Post Secondary Colleges (Amendment) Bill 2025** (“the Bill”) and summarizes the areas of concern of the Panel on Education (“the Panel”) on the proposed legislation.

Background

2. **The Post Secondary Colleges Ordinance (Cap. 320) was first enacted in 1960** to govern the registration and regulation of post secondary colleges (“Colleges”). At present, 11 degree-awarding institutions are registered under Cap. 320,¹ while some institutions offering local self-financing post secondary education programmes (e.g. registered schools under the Education Ordinance (Cap. 279) operating sub-degree programmes) are not registered under Cap. 320.

3. According to paragraphs 4 and 5 of the Legislative Council (“LegCo”) Brief, the existing **Cap. 320 is inadequate to support the healthy and vibrant development of the self-financing post secondary education sector. The Bill is therefore introduced into LegCo to reform the regulatory regime of Colleges and to provide for a unified regulatory framework** for all institutions operating local self-financing post secondary education programmes at the degree and sub-degree levels.

¹ The 11 institutions are Hong Kong Shue Yan University, The Hang Seng University of Hong Kong, Saint Francis University, Centennial College, Gratia Christian College, HKCT Institute of Higher Education, Hong Kong Chu Hai College, Hong Kong Nang Yan College of Higher Education, Tung Wah College, UOW College Hong Kong, and Yew Chung College of Early Childhood Education.

The Bill

4. The Bill seeks to:

- (a) **amend Cap. 320** and its subsidiary legislation mainly to:
 - (i) **provide for the registration, refusal, cancellation and suspension of registration** of the Colleges, members of the Boards of Governors, Presidents, Vice-Presidents, and teachers of Colleges;
 - (ii) **adjust** various requirements including the **requirements for the governance structure of and approving names of registered Colleges**;
 - (iii) **provide for the award of degrees**, etc. by registered Colleges;
 - (iv) **provide for the submission of strategic plans and annual reports**, and the **publication of key financial information**, of registered Colleges;
 - (v) **remove obsolete requirements**; and
 - (vi) **provide for transitional matters**; and
- (b) **make related and consequential amendments.**

Deliberations of the Panel

5. The Panel was briefed on the proposed legislative amendments to Cap. 320 at its meetings on 5 March 2021, 5 July 2022 and 1 November 2024. **Members generally supported the proposed amendments** but expressed concerns on several issues.

Registration of the Technological and Higher Education Institute of Hong Kong under the revamped Cap. 320

6. Members **expressed reservation about the registration of the Technological and Higher Education Institute of Hong Kong (“THEi”) under the revamped Cap. 320.** They considered it more appropriate for THEi to remain under the Vocational Training Council (“VTC”) Ordinance (Cap. 1130) as

THEi offered self-financing degree programmes with strong vocational focus and industry collaboration and had already demonstrated high accountability and transparency. Registration of THEi under Cap. 320 might hinder its development in the field of vocational and professional education and training (“VPET”).

7. As advised by the Administration, the proposed amendments to Cap. 320 aimed to provide a unified regulatory framework for all self-financing post-secondary institutions offering sub-degree and degree programmes so as to ensure a level playing field for and the sustainable development of the self-financing post-secondary education sector. **The revamped Cap. 320 regime would not regulate the linkage between the self-financing arms and their respective publicly-funded institutions proper, including matters such as ownership, branding.** Hence, THEi’s registration under Cap. 320 would not affect its connection with VTC or its role in promoting VPET.

Deregistration of Colleges with low student enrolment

8. Members noted that the Colleges had to secure sufficient student intakes in order to meet the registration requirement set out in the revamped Cap. 320. Some members considered that flexibility should be allowed for the **Colleges with low student intakes to continue their operation if they could fully demonstrate their competency in offering high-quality programmes.**

9. As advised by the Administration, **no unified standards would be set for the number of student intakes of the Colleges.** To meet the registration requirements, the overall student enrolment of a College would be considered on a case by case basis, taking into account factors such as the College’s strategic plans and its ability to provide a meaningful learning environment and experience. Colleges whose development and institutional capabilities fell short of their original plans and prescribed standards after a reasonable trial period might be deregistered. Nevertheless, **the Administration would not exercise such power lightly.**

10. Members asked the Administration to bear in mind the interests of teachers and students **when deregistering a College**, such as providing a reasonable transitional period to the deregistered College to **ensure proper assistance for the affected teaching staff and students.** According to the Administration, if a College was deregistered, **the Permanent Secretary for Education** would have the power to serve an order on the Board of Governors of the deregistered College to **implement the relevant arrangements in accordance with such directions and requirements**, in order to ensure a smooth teach-out in the best interests of students and the community in general.

Support for the self-financing post secondary education sector

11. Some members relayed some parents' complaints about the quality of the self-financing programmes. Some other members pointed out that many programmes offered by the Colleges overlapped with or were similar to those offered by the University Grants Committee ("UGC")-funded universities. As a result, **the quality of the programmes varied and some Colleges were under-enrolled.** They considered it necessary to **closely monitor the quality of self-financing programmes** to ensure the provision of quality education for all students. Also, the Administration was asked to **help the Colleges, especially those of small scale,** to increase their competitiveness by **developing distinct characters and niche areas.**

12. As advised by the Administration, **the revamped Cap. 320** regime would **provide greater flexibility for Colleges to develop their distinct characters and niche areas.** The Education Bureau would also foster strategic co-ordination among the Colleges to promote a healthy and sustainable development of the self-financing sector.

13. Some members were concerned that the Administration's support tended to tilt against **the community colleges established by the UGC-funded universities** as they **were not eligible for financial assistance from the Government.** As advised by the Administration, the self-financing arms of **publicly-funded institutions** would become eligible for various Government support measures for the sector **upon their registration under Cap. 320.**

14. There was a view that the Administration should **strengthen the role of the self-financing post-secondary education sector in serving the long-term education, manpower and development needs of Hong Kong.** According to the Administration, it had all along been the Government's policy to support the parallel development of the publicly-funded and self-financing sectors. As the **Colleges** enjoyed **institutional autonomy and a higher degree of flexibility,** they could complement the publicly-funded sector by **providing a diverse range of programmes that catered for market demand.**

Relevant papers

15. A list of the relevant papers on the LegCo website is in the **Appendix.**

Bills Committee on Post Secondary Colleges (Amendment) Bill 2025

List of relevant papers

Committee	Date of meeting	Paper
Panel on Education	5 March 2021	Agenda Item III: Review of the Post Secondary Colleges Ordinance (Cap. 320) Minutes Follow-up paper
	5 July 2022	Agenda Item II: Amendments to the Post Secondary Colleges Ordinance (Cap. 320) Minutes Follow-up paper
	1 November 2024	Agenda Item III: Briefing by the Secretary for Education on the Chief Executive's 2024 Policy Address Minutes
Bills Committee on Post Secondary Colleges (Amendment) Bill 2025	19 March 2025	The Bill Legislative Council Brief Legal Service Division Report

Council meeting	Paper
4 May 2022	Question 3 : Post-secondary institutions
28 February 2024	Question 19 : Post-secondary institutions
28 February 2024	Question 20 : Self-financing post-secondary education institutions