



Post Secondary Colleges (Amendment) Bill 2025





Background and Objectives

Post Secondary Colleges Ordinance (Cap. 320)



- ◆ First enacted in **1960**
- ◆ Only major amendment in **2001** to allow post secondary colleges (Colleges) to **award of degrees** with the prior approval of the Chief Executive-in-Council (CE-in-C)
- ◆ **11 Colleges** currently registered, including **3 private universities**

Public, Legislative Council and Stakeholder Consultation



- ◆ Public consultation conducted from December 2020 to March 2021
- ◆ **Legislative Council Panel on Education** briefed on 5 July 2022 and 1 November 2024
- ◆ Continuous communication with the self-financing post-secondary education sector to provide explanations
- ◆ Stakeholders generally **support** the proposal and specific comments have been suitably **incorporated**

Directions

- ◆ **Reform** the regulatory regime and improve **governance** of self-financing institutions
- ◆ Elevate the **quality, recognition** and **flexibility** of self-financing post-secondary education
- ◆ Promote the **healthy** and **sustainable development** of self-financing institutions
- ◆ Support the self-financing sector in playing a **more proactive role** in developing Hong Kong into **an international post-secondary education hub** and **international hub for high-caliber talent**, contributing to **building a leading country in education**

Objectives

- ◆ **Improve** governance to ensure quality, transparency and accountability of self-financing institutions
- ◆ **Rationalise** the arrangements for registration or deregistration of Colleges and awarding of degrees to remove barriers suitably with a view to enhancing efficiency and effectiveness
- ◆ Provide for a **unified** regulatory framework for **all institutions** operating self-financing post-secondary education programmes to **promote coherence** in regulation and co-ordination





Key Features of the Bill – 1. Improving Governance

1. Registration of Colleges

Enhanced Registration Requirements

- ◆ The **organisational and staffing structure and constitution** are conducive to ensuring satisfactory academic and general standards and conduct, as well as **efficient and effective governance and management**
- ◆ The College has in place an **open, fair, and transparent** set of policy and procedures for ensuring that –
 - ✓ the **staff** recruited and appointed are **fit and proper**
 - ✓ the **students** admitted are **qualified**



1. Registration of Colleges (cont'd)

Enhanced Registration Requirements (cont'd)

- ◆ The **number of students** admitted is **sufficient** to provide a meaningful learning environment and experience for –
 - ✓ achieving the **learning objectives** and **outcomes**
 - ✓ implementing the **strategic plan**



1. Registration of Colleges (cont'd)

New Registration Requirements

- ◆ Should provide a **suitable environment** conducive to teaching and learning
- ◆ Should ensure that the operations **comply in all respects with any law**
- ◆ Both the **finances** and **sustainability** of Colleges will be considered



1. Registration of Colleges (cont'd)



New Registration Requirements (cont'd)

- ◆ Must attain and maintain an **Institutional Review** status from the Hong Kong Council for Accreditation of Academic and Vocational Qualifications
- ◆ Development and institutional capabilities of Colleges should be **consistent with the strategic plan**
- ◆ **Academic standards** of Colleges should be satisfactory

1. Registration of Colleges (cont'd)

Arrangements on Statutory Power

- ◆ More important powers relating to the **registration** and **deregistration of Colleges** will be transferred from the Permanent Secretary for Education (PSED) to the **Secretary for Education (SED)**, view a view to strengthening the regulatory oversight of the Education Bureau
- ◆ PSED will continue to exercise other powers of an **operational nature**



2. Premises

New Requirements

- ◆ Must ensure that the premises shall at all times **to the satisfaction of PSED** be kept in a state of repair, cleanliness and safety and be used and maintained **in compliance in all respects with any law**
- ◆ If not satisfied in respect of any matters, PSED may –
 - ✓ **suspend the operation** of premises
 - ✓ **prohibit the use** of any part of premises
 - ✓ make necessary **directions** and **requirements**

3. Accountability and Transparency

New Requirements

- ◆ Must submit to PSED and publish extracts of –
 - ✓ **strategic plan** – prepared at least once every five years and annually reviewed by the Board of Governors (BoG)
 - ✓ **annual report** – review of activities undertaken during the year and the performance of Colleges against their strategic plans
- ◆ **Finance** – require Colleges to make available to the public **key financial information** (e.g. aggregate income, tuition fee income, aggregate income from other sources, aggregate expenditure, and aggregate reserve)



4. Non-compliance and Deregistration

- ◆ Non-compliance with certain provisions of Cap. 320 normally handled by **suspension / deregistration** after a **fair** and **transparent** mechanism –
 - ◆ Deregistration of **colleges** – by **SED**
 - ◆ Deregistration and suspension of **individuals** (members of BoG, Presidents, Vice-Presidents, and teachers who are not fit and proper) – by **PSED**





5. Deregistration Mechanism (Colleges)

- ◆ A **fair** and **transparent** mechanism to guide individual Colleges with need for improvement to enhance quality

1
If SED is not satisfied in respect of any of the registration requirements

2
SED may issue notice to the Chairperson of BoG of the College –

- Request to provide **explanations** and **rectify the circumstance** within a compliance period; and
- impose **conditions** and/or **restrictions**

4
If the College –

- **cannot provide explanations** and **rectify the circumstance** to the satisfaction of SED; or
- **fails to comply** with the imposed conditions or restrictions

3
If necessary, SED may –

- **extend** the compliance period; and
- **impose further** conditions and/or restrictions

5
SED may **cancel the registration** of the College

6
PSED may impose requirements on the BoG of the College concerned to impose requirements to ensure a **smooth teach-out**

6. Deregistration Mechanism (Individuals)

- ◆ PSED may cancel the registration of **members of BoG, Presidents, Vice-Presidents, and teachers** of Colleges who are not fit and proper persons to act in the respective capacities due to any circumstances
- ◆ In addition to deregistration, PSED will be empowered to **suspend** an individual's registration, taking into account the **nature** and **gravity** of the circumstances
- ◆ Relevant procedures largely resemble those applicable to Colleges
- ◆ **Administrative guidelines** on the "fit and proper" criterion will be promulgated



7. Non-compliance and Offences



- ◆ Introduce a small number of **offences** to address non-compliance cases involving individuals or institutions that are not registered –
 - ✓ providing false or misleading information in relation to registration matters
 - ✓ acting as a member of BoG, President, Vice-President, or teacher of Colleges without registration or with cancelled / suspended registration
(not applicable if an application is submitted within 6 months and is undecided)
 - ✓ Member of BoG not complying with the teaching-out requirements imposed by PSED



Key Features of the Bill – 2. Removing Barriers Suitably

1. Governance Structure and Registers



- ◆ **Statutory Governance Structure** – rationalise to 2-tier

BoG
College Council (CC)
Academic Board
Faculty Board



BoG
Academic Board

- ◆ **Registers** kept by PSED – rationalised accordingly

Colleges
Members of BoG
Members of CC
Teachers



Colleges
Members of BoG
Presidents and Vice-Presidents
Teachers

9. Removal of Obsolete Requirements

- ◆ Separate registration for evening colleges
- ◆ Separate approval for establishment of research institutes
- ◆ Requirements on course length, age limit and academic requirement of students, examinations, health measures, experiments and equipment

10. Statutory Powers

- ◆ **CE-in-C's** approval is required if the College's name contains "**University**" or "**大學**"
- ◆ **Awards of Degrees** – transfer the approving authority from CE-in-C to **SED**, who will continue to perform a gatekeeping function having regard to manpower needs, sustainability, strategic plan, and track record of Colleges



Key Features of the Bill – 3. Unified Regulatory Framework

12. Unified Regulatory Framework

- ◆ **Coverage** – expand to **all** institutions operating local self-financing post-secondary education programmes at the **degree** and **sub-degree** levels –
 - ✓ schools registered under the **Education Ordinance (Cap. 279)** operating sub-degree programmes
 - ✓ **self-financing arms** of publicly-funded institutions
- ◆ **Consequential amendments** to **Cap. 279**
- ◆ **Administrative measures** to support and facilitate the migration of **self-financing arms of publicly-funded institutions**



13. Transitional Arrangements



- ◆ The amended Cap. 320 is targeted to commence operation in **2026** (i.e. around **1 year** after the passage of the amendment bill) to allow **currently registered Colleges** to adapt
- ◆ An additional **transitional period of 2 years** beginning on the commencement date (i.e. a total of around **3 years** after the passage of the bill) for **institutions not currently registered** under Cap. 320 to complete registration
- ◆ During the transitional period, institutions may continue operating self-financing post-secondary programmes under their prevailing legal framework



Thank You