

## **LEGISLATIVE COUNCIL BRIEF**

### **POST SECONDARY COLLEGES (AMENDMENT) BILL 2025**

#### **INTRODUCTION**

At the meeting of the Executive Council on 11 February 2025, the Council ADVISED and the Chief Executive ORDERED that the Post Secondary Colleges (Amendment) Bill 2025 (the Bill), at **Annex A**, should be introduced into the Legislative Council (LegCo).

#### **JUSTIFICATIONS**

##### **Objectives**

2. Education is the key to nurturing talent and building a strong nation. The Chief Executive's 2023 Policy Address (PA) promulgated the strategic goal of developing Hong Kong into an international post-secondary education hub and a cradle for future talent, with a view to injecting vibrancy and growth impetus into our economy, enhancing Hong Kong's status as an international city, and contributing towards the development of a leading country in education. The 2024 PA reaffirmed this goal and outlined the aspiration to build Hong Kong into an international hub for high-calibre talent through the integrated development of education, technology and talent.

3. The self-financing post-secondary education sector forms an integral part of the post-secondary education system in Hong Kong. It has all along been the Government's policy to support the parallel development of the self-financing and publicly-funded sectors. Self-financing institutions enjoy greater flexibility in programme development to respond to the ever-evolving manpower needs of different

sectors of society and provide diversified articulation pathways, particularly in respect of vocational and professional education and training. In this connection, the self-financing sector has demonstrated potential to play a more important role as Hong Kong develops into an international post-secondary education hub.

4. This notwithstanding, the Post Secondary Colleges Ordinance (Cap. 320) (the Ordinance), enacted in 1960 without any major review since then, is inadequate to support the healthy and vibrant development of the self-financing sector. We therefore propose amending the Ordinance to **reform the regulatory regime** of post secondary colleges (Colleges) to **enhance governance, accountability and transparency**. Moreover, we propose rationalising the arrangements for registration or deregistration of Colleges and awarding of degrees, so as to provide for an **efficient and effective mechanism to uphold the quality of self-financing post-secondary education**.

5. In addition to the proposed amendments to the Ordinance, we also propose consequential amendments to the Education Ordinance (Cap. 279) and support measures 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, with a view to **promoting coherence in quality assurance, governance, positioning and overall co-ordination**.

## **Key Proposals**

### ***(a) Governance Structure***

6. We propose to streamline the requirement on the governance structure of Colleges from four-tier to two-tier, comprising a Board of Governors (BoG) as the supreme governing body and an Academic Board regulating academic affairs.

7. We also propose to rationalise the requirement for the Permanent Secretary for Education (PSED) to keep four registers under section 3 of the Ordinance such that PSED should keep the registers of

registered Colleges, members of BoGs, teachers, and additionally Presidents and Vice-Presidents.

***(b) Registration***

8. To uphold a stringent gatekeeping mechanism, we propose to amend section 4 of the Ordinance to introduce new and enhance specified requirements for registration of Colleges as highlighted below–

- (a) the organisational and staffing structure and the constitution of Colleges are conducive to ensuring satisfactory academic and general standards and conduct, as well as **efficient and effective governance and management**;
- (b) Colleges have in place an open, fair and transparent set of policy and procedures for ensuring that –
  - (i) the **staff** recruited and appointed are **fit and proper**; and
  - (ii) the students admitted are qualified;
- (c) the number of students being admitted is sufficient to provide a **meaningful learning environment and experience** for achieving the learning objectives and outcomes and implementing Colleges' strategic plans;
- (d) Colleges should provide **a suitable environment conducive to teaching and learning**;
- (e) Colleges should ensure that their operations **comply in all respects with any law**;
- (f) both the **finances** and **sustainability** of Colleges should be considered;
- (g) Colleges should attain and maintain an **institutional review status** from the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ), to demonstrate their competence to operate programmes at the sub-degree and/or degree level(s);
- (h) the **development** and **institutional capabilities** of Colleges should be consistent with their strategic plans; and

- (i) the **academic standards** of Colleges should be satisfactory.

9. At present, the approving authority for the registration of Colleges, and the majority of the statutory powers under the Ordinance and Cap. 279, are exercised by PSED. It is proposed that the more important powers under the Ordinance relating to the **registration and deregistration of Colleges be vested with the Secretary for Education (SED)**, with a view to strengthening the Education Bureau (EDB)'s regulatory oversight. PSED will continue to exercise other statutory powers of an operational nature.

**(c) *Cancellation of Registration***

10. We propose to introduce a fair and transparent mechanism for cancelling the registration of underperforming Colleges –

- (a) where not satisfied in respect of any of the specified requirements for registration due to any circumstance (detailed in paragraph 8 above), SED may issue a notice to the Chairperson of BoG of the College, requesting the College to provide explanations and rectify the circumstance, and/or imposing conditions and/or restrictions; and
- (b) if the College cannot provide explanations and rectify the circumstance to the satisfaction of SED within the specified compliance period, or fails to comply with the imposed conditions and/or restrictions, SED may extend the compliance period, impose further conditions and/or restrictions, and/or cancel its registration.

11. When a College is deregistered, it is proposed that PSED should have the power to impose requirements on its BoG to ensure a smooth teach-out in the public interest and best interests of affected students.

12. We propose that, if PSED is of the opinion that a registered person is not a fit and proper person to act in the respective capacities due to any circumstance, PSED should be empowered to impose conditions and/or restrictions on, and to suspend an individual's registration, taking into account the nature and gravity of the actual circumstance, in addition



to the existing power of deregistration. The procedures largely resemble those applicable to Colleges. EDB will also promulgate administrative guidelines on the “fit and proper” criterion for the effective implementation of the relevant mechanism.

13. We propose that the appeal mechanism in relation to registration matters remain unchanged, i.e. the appellant may appeal by way of petition to the Chief Executive-in-Council (CE-in-C). CE-in-C will continue to exercise independent judgement and uphold openness, fairness and impartiality in deciding the appeal. On the other hand, the appellant will be informed of the reasons for any adverse decisions and the right to appeal as well as be given the opportunity to give written representations.

*(d) Approval of Names of Colleges and Awards of Degrees*

14. It is proposed that CE-in-C retain the power to approve the registration of Colleges with a name that contains the English word “University” or the Chinese characters “大學”. Other registrations can be approved by SED.

15. We also propose to **delegate the approving authority for a College to award degrees from CE-in-C to SED**, given EDB’s role to foster strategic co-ordination in the self-financing sector and the fact that all new degree programmes must first go through the established quality assurance mechanism. SED may reject such applications having regard to manpower needs, sustainability, the strategic plan and track record of the College, or any other relevant factors. Colleges may appeal to the Chief Secretary for Administration against SED’s decision. This mechanism will also apply to honorary degrees. It is envisaged that this streamlined mechanism will elevate the flexibility of Colleges to swiftly develop programmes in response to evolving market needs whilst ensuring quality.

*(e) Premises*

16. To ensure that Colleges’ premises are used in a safe, legal and compliant manner, it is proposed to amend regulation 3 of the Post

Secondary Colleges Regulations (Cap. 320A) to specify that BoGs of Colleges should, at all times, **ensure that the premises are used and maintained in compliance in all respects with any law** to the satisfaction of PSED. Otherwise, PSED may, by notice to the Chairperson of BoG, suspend the operation of the premises or make necessary directions and/or requirements.

*(f) Accountability and Transparency*

17. To enhance transparency, it is proposed to require Colleges to submit and publish extracts of their strategic plans and annual reports from time to time. In order to strike a balance between the policy objectives and the sensitivity of financial information, it is proposed to only require Colleges to make available to the public key financial information, such as aggregate amounts instead of detailed breakdowns.

*(g) Offences*

18. The non-compliance with any provisions of the Ordinance will normally trigger the deregistration mechanism as outlined in paragraphs 10 to 12 above. For cases involving individuals or institutions not registered under the Ordinance, we propose that the following persons will be guilty of an offence (with proposed penalty levels drawn up with reference to those under the relevant ordinances) –

- (a) a person who provides false or misleading information in, or in relation to, an application for registration or a suspension or cancellation of registration (a fine of \$250,000 and imprisonment for 2 years);
- (b) a person who acts as a member of BoG, President, Vice-President or teacher of a registered College if the person is not registered or the person's registration is suspended or cancelled (a fine of \$250,000 (for member of BoG), a fine at

level 6 (for President or Vice-President), or a fine at level 5 (for teacher) and imprisonment for 2 years (for all))<sup>1</sup>; and

- (c) a member of BoG which does not comply with the requirements imposed by PSED for the teach-out arrangement (a fine of \$250,000 and imprisonment for 2 years).

***(h) Amendments to Other Requirements***

19. It is proposed to remove the following obsolete requirements, with a view to rationalising the academic development and administrative work of Colleges –

- (a) the requirement for evening colleges to be registered separately;
- (b) the requirement of seeking PSED’s approval for establishing institutes or departments of research or special studies; and
- (c) the requirements on the minimum length of courses, age limit and academic requirements for student admission, conduct of examinations, health measures, experiments and equipment.

**Unified Regulatory Framework**

20. At present, some institutions offering local self-financing post-secondary education programmes are not registered under the Ordinance. They include registered schools under Cap. 279 operating sub-degree programmes (but not degree programmes)<sup>2</sup>; and self-financing

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<sup>1</sup> According to Schedule 8 “Level of Fines for Offences” under the Criminal Procedure Ordinance (Cap. 221), the fines at Level 5 and Level 6 currently in effect are \$50,000 and \$100,000 respectively. The offence provision does not prohibit a person from acting as a member of BoG, President, Vice-President or teacher of a registered College if, within the six months immediately before the person so acts, an application has been made for registration and the application has not yet been decided by PSED.

<sup>2</sup> There are currently seven registered schools under Cap. 279 operating sub-degree programmes, namely Caritas Bianchi College of Careers, Caritas Institute of Community Education, Hong Kong Adventist College, Hong Kong College of Technology, Hong Kong Institute of Technology, HKU SPACE Po Leung Kuk Stanley Ho Community College, and YMCA College of Careers.

arms of publicly-funded institutions<sup>3</sup> established under their respective enabling ordinances.

21. Since Cap. 279 is primarily designed to regulate primary and secondary education, it cannot provide a fit-for-purpose regulatory framework for the operation of post-secondary education. As regards the self-financing arms of publicly-funded institutions, there is also room for improvement in their operation of self-financing sub-degree and/or degree programmes, given that they often have their own governance bodies with only indirect oversight by the governing bodies of the institutions proper; their self-financing programmes are also not subject to the same planning and approval mechanism as applicable to the publicly-funded programmes, to ensure alignment with market needs and Government policies.

22. In this connection, it is proposed to provide for a **unified regulatory framework for all institutions operating local self-financing sub-degree and degree programmes**, with a view to promoting coherence in quality assurance, governance, positioning and overall co-ordination of the self-financing sector. In practice, a two-pronged approach is proposed to implement the regulatory framework. Firstly, consequential amendments will be made to Cap. 279 such that schools registered thereunder will not be able to continue operating sub-degree programmes without a registration under the amended Ordinance. Secondly, EDB will adopt administrative measures to support the self-financing arms of publicly-funded institutions to register under the amended Ordinance, including reviewing the scope and eligibility of the package of support measures (detailed at **Annex B**) and implementing appropriate facilitation arrangements (detailed at **Annex C**)<sup>4</sup>.

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<sup>3</sup> The self-financing arms of five University Grants Committee-funded universities and the Vocational Training Council currently offer local self-financing sub-degree and/or degree programmes.

<sup>4</sup> It is our policy intention that a limited number of self-financing sub-degree and undergraduate programmes may still be offered by the publicly-funded institutions proper for justifiable strategic reasons as an exception. The current practice of publicly-funded institutions proper offering self-financing postgraduate programmes will also not be affected.

23. We note that publicly-funded institutions generally appreciate our policy intention and do not raise any in-principle objection. In particular, the larger-scale self-financing arms have indicated their intention to register under the amended Ordinance, while the smaller-scale ones intend to consolidate their operation under their respective institutions proper. EDB and HKCAAVQ would continue to maintain close liaison with relevant institutions to facilitate their migration.

### **Commencement and Transitional Arrangements**

24. The amended Ordinance will come into operation on a date to be appointed by SED. It is our current plan to allow the currently registered Colleges sufficient time to adapt to the new requirements by setting the commencement date to be around one year after the passage of the Bill, which will also be aligned with the commencement of an academic year.

25. In addition, the Bill will provide for a transitional period of two years beginning on the commencement date (i.e. a total of around three years after its passage) for the institutions currently not registered thereunder to complete the registration procedures. During this period, these institutions may continue operating self-financing post-secondary programmes under their prevailing legal frameworks.

### **THE BILL**

26. The major provisions are set out below –

- (a) **Clause 7** amends section 3 of the Ordinance to provide that PESD must keep a register of registered Colleges, a register of members of BoGs of registered Colleges, a register of Presidents and Vice-Presidents of registered Colleges and a register of teachers of registered Colleges;
- (b) **Clause 8** amends section 4 of the Ordinance to revise certain eligibility requirements, and add new eligibility requirements,

for the registration of a College and for a registered College to remain on the register. It also changes the authority who decides on the eligibility from PSED to SED;

- (c) **Clause 9** adds a new section 4A to the Ordinance to provide for the procedures for registration of a College;
- (d) **Clause 10** amends section 5 of the Ordinance to provide for the award of degrees, sub-degrees, diplomas and certificates by a registered College;
- (e) **Clause 11** adds a new section 5A to the Ordinance to provide for the procedures for registration of a member of BoG, President, Vice-President or teacher of a registered College;
- (f) **Clause 12** repeals section 6 of the Ordinance which concerns the refusal and cancellation of registration. On the other hand, **clause 13** adds new sections 6A, 6B, 6C and 6D, and a new Part 3 (containing new sections 6E and 6F) to the Ordinance. In particular –
  - (i) the new sections 6A, 6B and 6C provide for the cancellation of registration of a registered College, the suspension and cancellation of registration of a member of BoG, President, Vice-President or teacher of a registered College, and the power of CE-in-C to order a refusal or cancellation of the registration;
  - (ii) the new section 6D provides for certain offences relating to the registration of a College or a member of BoG, President, Vice-President or teacher of a registered College; and
  - (iii) the new Part 3 provides for the appeals against certain decisions relating to the registration and the award of degrees under the Ordinance;
- (g) **Clause 14** amends section 7 of the Ordinance to provide for visits to a registered College for ensuring compliance with conditions attaching to any assistance from the Government;
- (h) **Clause 15** amends section 8 of the Ordinance to change the authority for approving the names of registered Colleges from

PSED to SED. The clause also adjusts the scope of names that require the prior sanction of CE-in-C;

- (i) **Clause 17** repeals sections 9, 10 and 11 of the Ordinance. Sections 9 and 11 concern certain requirements that are now obsolete. The provisions on the award of degrees, diplomas and certificates under section 10 are provided for in section 5 of the Ordinance as amended by clause 10;
- (j) **Clause 18** amends section 12 of the Ordinance to, among other things, revise the scope of provisions that are required to be in college constitutions. Under that section, CE-in-C may by regulation provide for those provisions;
- (k) **Clause 20** adds a new Part 5 and a new Schedule to the Ordinance to provide for savings and transitional provisions;
- (l) **Clause 23** amends regulation 2 of Cap. 320A to simplify the requirements for the governance structure of registered Colleges;
- (m) **Clause 24** amends regulation 3 of Cap. 320A to adjust the requirements for the premises of registered Colleges. It, among other things, empowers PSED to take certain measures if PSED is not satisfied as to the compliance with the requirements of a registered College;
- (n) **Clauses 25 and 27** repeal regulations 4, 5, 6 and 8 of Cap. 320A, which concern certain requirements that are now obsolete;
- (o) **Clause 26** substitutes regulation 7 of Cap. 320A to adjust the requirements for the permission to give a teaching training course;
- (p) **Clause 28** adds new regulations 8A and 8B to Cap. 320A to provide for the submission of strategic plans and annual reports of registered Colleges;
- (q) **Clause 29** amends regulation 9 of Cap. 320A to provide for the publication of key financial information of registered Colleges;

- (r) **Clauses 30 and 31** repeal regulation 10 of and the Schedule to Cap. 320A, which provide for forms that will no longer be applicable;
- (s) **Clause 34** amends section 18A of Cap. 279 to provide that an approval in relation to the provision of sub-degree programmes under section 18A(1) of Cap. 279 expires after 2 years beginning on the date on which that clause comes into operation;
- (t) **Clause 35** amends section 86 of Cap. 279 to prohibit the issue of sub-degrees or documents resembling sub-degrees;
- (u) **Clause 36** adds a new section 101 to Cap. 279 to provide for transitional provisions; and
- (v) **Clauses 37 to 48** make consequential amendments to other enactments.

  D   The existing provisions being amended are at **Annex D**.

## **LEGISLATIVE TIMETABLE**

27. The legislative timetable will be –

Publication in the Gazette	7 March 2025
First Reading and commencement of Second Reading debate	19 March 2025
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

## **IMPLICATIONS OF THE PROPOSAL**

  E   28. The proposal has economic, financial and sustainability implications (at **Annex E**). The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not



affect the current binding effect of the Ordinance. It has no civil service, environmental, family, gender and productivity implications.

## **PUBLIC CONSULTATION**

29. EDB conducted a public consultation from 21 December 2020 to 20 March 2021, during which 37 written submissions were received. Overall speaking, the respondents **agreed** with the principles of the proposed amendments and their specific comments have been suitably incorporated. In addition, EDB briefed the LegCo Panel on Education on 5 July 2022 and 1 November 2024. Members were generally supportive of the proposed legislative amendments, while some Members raised specific comments, which have been suitably incorporated.

## **PUBLICITY**

30. A press release will be issued before gazettal of the Bill. EDB will also inform relevant stakeholders and arrange publicity on its website and other platforms. A spokesperson will be available for answering enquiries.

## **ENQUIRIES**

31. In case of enquiries, please contact Mr Kasper NG, Principal Assistant Secretary (Further Education), at 3509 8502.

## **BACKGROUND**

32. The Ordinance was first enacted in 1960 to govern the registration and regulation of Colleges. At present, 11 degree-awarding institutions, including three private universities, are registered under the

Ordinance<sup>5</sup>, with a total student enrolment of around 21 100 in the 2023/24 academic year. The only major amendment to the Ordinance took place in 2001 to allow Colleges to award degrees with the prior approval of CE-in-C.

33. Since the announcement in the 2000 PA to increase the post-secondary education participation rate to 60% within ten years, the self-financing sector has developed rapidly. The current post-secondary education participation rate has exceeded 80% (with over 55% at the degree level). At the same time, the significant expansion of the self-financing sector has brought about concerns regarding the sustainability and quality of some self-financing institutions in relation to student enrolment and public recognition. Against this background, the Government established the Task Force on Review of Self-financing Post-secondary Education (Task Force) in October 2017 and the Task Force submitted its review report in December 2018, reaffirming the Government's parallel development policy and making a number of recommendations, including the review of the Ordinance.

**Education Bureau**  
**March 2025**

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<sup>5</sup> They 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.

## Post Secondary Colleges (Amendment) Bill 2025

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# A BILL

## To

Amend the Post Secondary Colleges Ordinance and its subsidiary legislation to provide for the registration of post secondary colleges and members of the Boards of Governors, Presidents, Vice-Presidents and teachers of the colleges; to adjust the mechanism for the refusal, cancellation and suspension of such registration; to adjust the requirements for visiting registered post secondary colleges; to adjust the requirements for approving names of registered post secondary colleges; to provide for the award of degrees etc. by registered post secondary colleges; to simplify the requirements for the governance structure of registered post secondary colleges; to adjust the requirements for the premises of registered post secondary colleges; to adjust the requirements for permitting teacher training courses; to provide for the submission of strategic plans and annual reports, and the publication of key financial information, of registered post secondary colleges; to remove obsolete requirements; to provide for transitional matters; and to make related amendments.

Enacted by the Legislative Council.

## Part 1

### Preliminary

#### 1. Short title and commencement

- (1) This Ordinance may be cited as the Post Secondary Colleges (Amendment) Ordinance 2025.

- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Education by notice published in the Gazette.

#### 2. Enactments amended

The enactments specified in Parts 2 to 5 are amended as set out in those Parts.

**Part 2****Amendments to Post Secondary Colleges Ordinance  
(Cap. 320)****3. Long title amended**

The long title—

**Repeal**

“certain”.

**4. Part 1 heading added**

Before section 1—

**Add****“Part 1****Preliminary”.****5. Section 2 amended (interpretation)**

(1) Section 2—

**Repeal**

“, unless the context otherwise requires”.

(2) Section 2, English text, definition of *Permanent Secretary*—**Repeal**

“Education.”

**Substitute**

“Education;”.

(3) Section 2—

(a) definition of *Board of Governors*;(b) definition of *College*—**Repeal the definitions.**

(4) Section 2—

**Add in alphabetical order**“*authorized person* (獲授權人士) means a person authorized by the Permanent Secretary under section 6G;*Post Secondary College* (專上學院) means an institution that provides self-financing degree or sub-degree education, but excludes an institution that solely provides regulated courses as defined by section 2(1) of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493);*registered college* (註冊學院) means a Post Secondary College registered under this Ordinance;*Secretary* (局長) means the Secretary for Education;*sub-degree* (副學位) means an associate degree or a higher diploma.”.**6. Part 2 heading added**

Before section 3—

**Add****“Part 2****Registration of Post Secondary Colleges etc.”.****7. Section 3 amended (registers)**

(1) Section 3, Chinese text, heading—

**Repeal**

“註冊”.

- (2) Section 3, English text—

**Repeal**

“shall”

**Substitute**

“must”.

- (3) Section 3(a)—

**Repeal**

“Colleges”

**Substitute**

“registered colleges”.

- (4) Section 3(b), after “Governors”—

**Add**

“of registered colleges”.

- (5) After section 3(b)—

**Add**

“(ba) a register of Presidents and Vice-Presidents of registered colleges; and”.

- (6) Section 3—

**Repeal paragraph (c).**

- (7) Section 3(d)—

**Repeal**

“in Colleges”

**Substitute**

“of registered colleges”.

- (8) Section 3, Chinese text—

**Repeal**

“以下註冊”

**Substitute**

“以下”.

**8. Section 4 amended (requirements for registration)**

- (1) Section 4, heading—

**Repeal**

“Requirements”

**Substitute**

“Specified requirements”.

- (2) Section 4—

**Renumber the section as section 4(1).**

- (3) Section 4(1), English text—

**Repeal**

“shall be”

**Substitute**

“is”.

- (4) Section 4(1)—

**Repeal**

“section 3 and thereafter to remain on the register”

**Substitute**

“section 4A and to remain, after registration, on the register of registered colleges kept under section 3(a)”.

- (5) Section 4(1)—

**Repeal**

“where the Permanent Secretary”



**Substitute**

“if the Secretary”.

(6) Section 4(1)—

**Repeal paragraph (a)**

**Substitute**

“(a) the organizational structure of the Board of Governors, the staffing structure and the constitution, statutes or other instruments that govern the Post Secondary College being such as to ensure—

(i) satisfactory academic and general standards and conduct; and

(ii) efficient and effective governance and management of the Post Secondary College;”.

(7) Section 4(1)—

**Repeal paragraph (b).**

(8) Section 4(1)(c)—

**Repeal**

“and including major courses extending over at least 4 years”.

(9) After section 4(1)(d)—

**Add**

“(da) the policy and procedures for the recruitment and appointment of the staff of the Post Secondary College being open, fair and transparent to ensure fitness and properness of the staff;”.

(10) Section 4(1)(f)—

**Repeal**

“purposes” (wherever appearing)

**Substitute**

“purpose”.

(11) Section 4(1)—

**Repeal paragraph (g)**

**Substitute**

“(g) the policy and procedures for admitting students being open, fair and transparent to ensure that the students to be admitted are qualified to pursue the relevant programmes;”.

(12) Section 4(1)(h)—

**Repeal**

everything after “admitted”

**Substitute**

“, having regard to the maintenance of status and standards, facilities available and community needs, being sufficient to provide a meaningful learning environment and experience for—

(i) achieving the learning objectives and outcomes of the programmes offered by the Post Secondary College; and

(ii) implementing the strategic plan of the Post Secondary College;”.

(13) Section 4(1)(i), after “admitted”—

**Add**

“, and staff being recruited or appointed,”.

(14) Section 4(1)(i)—

**Repeal**

“Permanent”.

(15) Section 4(1)(j)—

**Repeal**

“Permanent”.

- (16) Section 4(1)(k)—

**Repeal**

“for the encouragement of corporate and social life and for recreation;”

**Substitute**

“for—

- (i) a suitable environment conducive to teaching and learning;
- (ii) the encouragement of corporate and social life; and
- (iii) recreation;”.

- (17) Section 4(1)(l), after “finances”—

**Add**

“and sustainability”.

- (18) Section 4(1)(m), English text—

**Repeal**

“which shall be”

**Substitute**

“being”.

- (19) Section 4(1)(m)—

**Repeal**

“to the approval of the Permanent”

**Substitute**

“with the approval of the”.

- (20) Section 4(1)—

**Repeal paragraph (n)****Substitute**

- “(n) the attainment and maintenance of an Institutional Review status granted by the Accreditation Council, which demonstrates that the Post Secondary College—
- (i) has the abilities to comply with the requirements under this Ordinance for the purpose of being registered as a registered college; and
  - (ii) has an overall competence to operate self-financing programmes at the degree or sub-degree level;
- (o) the development and institutional capabilities of the Post Secondary College being such as to be consistent with the strategic plan of the Post Secondary College;
- (p) the academic standards of the Post Secondary College, particularly in respect of teaching and learning, teaching capacity and programme delivery; and
- (q) the operation of the Post Secondary College complying in all respects with any law.”.

- (21) After section 4(1)—

**Add**

- “(2) A registered college is eligible to remain on the register if the Secretary is satisfied as to the college complying in all respects with the condition of the registration and with the requirements under this Ordinance.
- (3) For the eligibility of a registered college to remain on the register, the requirement under subsection (2) is in addition to, and does not derogate from, those provided under subsection (1).
- (4) In this section—

*Accreditation Council* (評審局) means the Hong Kong Council for Accreditation of Academic and Vocational Qualifications established under section 3(1) of the Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 1150).".

9. **Section 4A added**

After section 4—

**Add**

**"4A. Registration of Post Secondary Colleges**

- (1) A person who is proposed to be the Chairperson of the Board of Governors of a Post Secondary College (*applicant*) may apply to the Permanent Secretary for registration of the Post Secondary College as a registered college.
- (2) An application under subsection (1) must be—
  - (a) made in the form specified by the Permanent Secretary; and
  - (b) accompanied by any information or document the Permanent Secretary may require.
- (3) The Secretary may approve an application for registration of a Post Secondary College under subsection (1) if the Secretary is satisfied that the Post Secondary College is eligible for registration under the requirements for registration specified in section 4(1) (*specified requirements*).
- (4) In deciding whether to approve an application for registration of a Post Secondary College under subsection (1), the Secretary may exempt the Post Secondary College from complying with any of the specified requirements as the Secretary considers appropriate.

- (5) The Secretary may impose conditions on the registration of a Post Secondary College as the Secretary considers appropriate.
- (6) As soon as reasonably practicable after the Secretary approves an application under subsection (3), the Permanent Secretary must—
  - (a) enter the name of the Post Secondary College in the register of registered colleges kept under section 3(a); and
  - (b) by written notice, inform the applicant of—
    - (i) the approval;
    - (ii) any exemption granted under subsection (4); and
    - (iii) any condition imposed under subsection (5).
- (7) If, in relation to a Post Secondary College, the Secretary is not satisfied as to any specified requirement, the Secretary may refuse to approve an application for the registration of the Post Secondary College under subsection (1).
- (8) If the Secretary refuses to approve an application under subsection (7), the Permanent Secretary must, by written notice, inform the applicant of the refusal and the reasons for the refusal."

10. **Section 5 amended (effect of registration)**

- (1) Section 5, heading, after "registration"—

**Add**

**"of Post Secondary Colleges".**

- (2) Section 5—

**Renumber the section as section 5(1).**

## (3) Section 5(1)—

**Repeal**

everything after “a” and before “exempt”

**Substitute**

“registered college remains on the register of registered colleges kept under section 3(a), it is”.

## (4) After section 5(1)—

**Add**

“(2) Subject to subsection (3), a registered college—

- (a) may, with the prior approval of the Secretary, award degrees;
- (b) may award sub-degrees; and
- (c) may award diplomas and certificates.

(3) A registered college may not award a degree (other than an honorary degree) or a sub-degree unless there is a statement in the accreditation report of the college to the effect that the degree or sub-degree—

- (a) comes within a description of qualification specified in section 1 or 3 of Schedule 3 to the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592); and
- (b) may be entered in the Qualifications Register.

(4) In deciding whether to grant an approval for the purposes of subsection (2)(a), the Secretary may have regard to—

- (a) for a degree that is not an honorary degree—
  - (i) the manpower needs of the sectors to which the degree relates;
  - (ii) the sustainability of the degree programme; and

(iii) the strategic plan and track record of the registered college;

(b) for an honorary degree—

- (i) the maturity and track record of the registered college; and
- (ii) whether the college has been approved under section 8(1) for its name to contain the English word “University” or the Chinese characters “大學”; and

(c) any other factors that the Secretary considers relevant.

(5) If, in relation to a registered college, the Secretary refuses to grant such an approval, the Permanent Secretary must, by written notice, inform the college of the refusal and the reasons for the refusal.

(6) In this section—

*accreditation report* (評審報告) has the meaning given by section 2 of the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592);

*Qualifications Register* (資歷名冊) has the meaning given by section 2 of the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592).”.

**11. Section 5A added**

After section 5—

**Add**

**“5A. Registration of members of Board of Governors, Presidents, Vice-Presidents and teachers**

(1) The following person may apply to the Permanent Secretary for registration of a person as a member of the

- Board of Governors, a President or a Vice-President of a registered college—
- (a) the Chairperson of the Board of Governors of the college; or
  - (b) if there is no Chairperson of the Board of Governors of the college—the person proposed to be the Chairperson.
- (2) The President of a registered college may apply to the Permanent Secretary for registration of a person as a teacher of the college.
- (3) An application under subsection (1) or (2) must be—
- (a) made in the form specified by the Permanent Secretary; and
  - (b) accompanied by any information or document the Permanent Secretary may require.
- (4) A person is eligible to be registered as a member of the Board of Governors, a President, a Vice-President or a teacher of a registered college if the person is a fit and proper person to act as such a member, President, Vice-President or teacher (as the case requires).
- (5) If the Permanent Secretary is satisfied that a subject person is eligible to be registered under subsection (4), the Permanent Secretary may—
- (a) approve the application;
  - (b) enter the name of the subject person in—
    - (i) for an application for registration as a member of the Board of Governors of a registered college—the register of members of Boards of Governors of registered colleges kept under section 3(b);

- (ii) for an application for registration as a President or a Vice-President of a registered college—the register of Presidents and Vice-Presidents of registered colleges kept under section 3(ba); or
  - (iii) for an application for registration as a teacher of a registered college—the register of teachers of registered colleges kept under section 3(d); and
- (c) by written notice, inform the applicant and the subject person of the approval.
- (6) If the Permanent Secretary is not satisfied that a subject person is eligible to be registered under subsection (4), the Permanent Secretary may refuse to approve the application.
- (7) If the Permanent Secretary refuses to approve an application under subsection (6), the Permanent Secretary must, by written notice, inform the applicant and the subject person of the refusal and the reasons for the refusal.
- (8) In this section—
- applicant* (申請人) means the person who makes an application under subsection (1) or (2);
- subject person* (待註冊人) means the person for whose registration an application is made under subsection (1) or (2).”.

## 12. Section 6 repealed (refusal of registration and cancellation)

### Section 6—

**Repeal the section.**

**13. Provisions added**

Before section 7—

**Add****“6A. Cancellation of registration of registered colleges**

- (1) If, in relation to a registered college, the Secretary is no longer satisfied as to any requirements specified in section 4(1) and (2) due to any circumstance, the Secretary may, by written notice to the Chairperson of the Board of Governors of the college, do one or more of the following—
  - (a) request the college to provide explanations for and take actions to rectify the circumstance within a period specified in the notice (*compliance period*);
  - (b) impose conditions or restrictions, or both, on the registration of the college as the Secretary considers necessary.
- (2) If a registered college fails to comply with a request made under subsection (1)(a) to the satisfaction of the Secretary within the compliance period, the Secretary may, by written notice to the Chairperson of the Board of Governors of the college, do one or more of the following—
  - (a) extend the compliance period;
  - (b) impose further conditions or restrictions, or both, on the registration of the college as the Secretary considers necessary.
- (3) The Secretary may cancel the registration of a registered college if—
  - (a) the college fails to comply with a request made under subsection (1)(a) to the satisfaction of the Secretary within the compliance period or (if

applicable) the compliance period extended under subsection (2)(a); or

- (b) the college fails to comply with a condition or restriction imposed under subsection (1)(b) or (2)(b).
- (4) The Secretary may also cancel the registration of a registered college if—
  - (a) it appears to the Secretary that the college has ceased to operate; or
  - (b) the Chairperson of the Board of Governors of the college, on the authorization of the Board of Governors, requests the Secretary to cancel the registration of the college.
- (5) As soon as reasonably practicable after the Secretary cancels the registration of a registered college under subsection (3) or (4), the Permanent Secretary must, by written notice, inform the Chairperson of the Board of Governors of the college of—
  - (a) the cancellation; and
  - (b) the reasons for the cancellation.
- (6) A cancellation of registration under subsection (3) or (4) takes effect on—
  - (a) the date of the notice given under subsection (5); or
  - (b) if a later date is specified in the notice—the later date.
- (7) If the Secretary cancels the registration of a registered college under subsection (3) or (4), the Permanent Secretary may, by written notice to all members of the Board of Governors of the college, impose any requirement on the Board of Governors to ensure that the

transition towards cessation of the operation of the college is handled in the public interest and in the best interests of the affected students.

- (8) If a Board of Governors fails to comply with a requirement imposed under subsection (7), a person who is a member of the Board of Governors at that time commits an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 2 years.
- (9) It is a defence for a person charged with an offence under subsection (8) to establish that—
  - (a) the failure of the Board of Governors took place without the person's knowledge or consent; or
  - (b) the person had taken all reasonable steps to prevent the failure of the Board of Governors.
- (10) A person is taken to have established a matter that needs to be established for a defence under subsection (9) if—
  - (a) there is sufficient evidence to raise an issue with respect to that matter; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

**6B. Suspension and cancellation of registration of members of Board of Governors, Presidents, Vice-Presidents and teachers**

- (1) Subsection (2) applies if the Permanent Secretary is of the opinion that a registered person is not, or is no longer, a fit and proper person to act as a member of the Board of Governors, a President, a Vice-President or a teacher of a registered college due to any circumstance.
- (2) The Permanent Secretary may, by written notice to the registered person, do one or more of the following—

- (a) request the person to provide explanations for and take actions to rectify the circumstance within a period specified in the notice (*compliance period*);
  - (b) impose conditions or restrictions, or both, on the registration of the person as the Permanent Secretary considers necessary.
- (3) If a registered person fails to comply with a request made under subsection (2)(a) to the satisfaction of the Permanent Secretary within the compliance period, the Permanent Secretary may, by written notice to the person, do one or more of the following—
    - (a) extend the compliance period;
    - (b) impose further conditions or restrictions, or both, on the registration of the person as the Permanent Secretary considers necessary.
  - (4) The Permanent Secretary may suspend or cancel the registration of a registered person if—
    - (a) the person fails to comply with a request made under subsection (2)(a) to the satisfaction of the Permanent Secretary within the compliance period or (if applicable) the compliance period extended under subsection (3)(a); or
    - (b) the person fails to comply with a condition or restriction imposed under subsection (2)(b) or (3)(b).
  - (5) The Chairperson of the Board of Governors of a registered college must, within 30 days beginning on the date on which a registered person ceases to be a member of the Board of Governors, a President or a Vice-President of the college, inform the Permanent Secretary of the cessation by written notice.

- (6) The President of a registered college must, within 30 days beginning on the date on which a registered person ceases to be a teacher of the college, inform the Permanent Secretary of the cessation by written notice.
- (7) If—
- (a) the Permanent Secretary is informed under subsection (5) or (6) that a registered person has ceased to be a member of the Board of Governors, a President, a Vice-President or a teacher of a registered college; or
  - (b) it has otherwise come to the notice of the Permanent Secretary that a registered person ceases to be a member of the Board of Governors, a President, a Vice-President or a teacher of a registered college,
- the Permanent Secretary must cancel the registration of the person as such a member, President, Vice-President or teacher (as the case requires).
- (8) On the cancellation of the registration of a registered college of which a registered person is a member of the Board of Governors, a President, a Vice-President or a teacher, the registration of the person in respect of the college is cancelled.
- (9) As soon as reasonably practicable after suspending or cancelling the registration of a registered person under subsection (4) or (7), the Permanent Secretary must, by written notice, inform the following persons of the matters specified in subsection (10)—
- (a) the registered person; and
  - (b) either of the following—
    - (i) for a registration as a member of the Board of Governors, a President or a Vice-President of

- a registered college—the Chairperson of the Board of Governors of the college;
  - (ii) for a registration as a teacher of a registered college—the President of the college.
- (10) For the purposes of subsection (9), the matters are—
  - (a) the suspension or cancellation;
  - (b) in the case of suspension—the period of suspension; and
  - (c) the reasons for the suspension or cancellation.
- (11) A suspension or cancellation of registration under subsection (4) or (7) takes effect on—
  - (a) the date of the notice given under subsection (9); or
  - (b) if a later date is specified in the notice—the later date.
- (12) In this section—
 

*registered person* (註冊人士) means a person registered under this Ordinance as a member of the Board of Governors, a President, a Vice-President or a teacher of a registered college.

#### 6C. Powers of Chief Executive in Council to order refusal or cancellation of registration

- (1) If it appears to the Chief Executive in Council that the registration of a Post Secondary College as a registered college is or would be prejudicial to the public interest, to the welfare of students or to education generally, the Chief Executive in Council may, after considering any written representation submitted under subsection (4), order the Secretary to refuse to approve an application for, or to cancel, the registration.



- (2) If it appears to the Chief Executive in Council that the registration of a person as a member of the Board of Governors, a President, a Vice-President or a teacher of a registered college is or would be prejudicial to the public interest, to the welfare of students or to education generally, the Chief Executive in Council may, after considering any written representation submitted under subsection (4), order the Permanent Secretary to refuse to approve an application for, or to cancel, the registration.
- (3) The powers exercisable under subsection (1) or (2) are in addition to, and do not derogate from, the powers exercisable under sections 4A, 5A, 6A and 6B.
- (4) Before making an order under subsection (1) or (2), the Chief Executive in Council must afford the Post Secondary College or the person (as may be appropriate) an opportunity to submit written representation.
- (5) If the Chief Executive in Council makes an order under subsection (1)—
  - (a) the Secretary must refuse to approve the application for, or cancel, the registration of the Post Secondary College in compliance with the order; and
  - (b) as soon as reasonably practicable after the Secretary makes the refusal or cancellation, the Permanent Secretary must, by written notice, inform the person proposed to be the Chairperson of the Board of Governors of the Post Secondary College (in the case of refusal) or the Chairperson of the Board of Governors of the Post Secondary College (in the case of cancellation) of—
    - (i) the refusal or cancellation; and
    - (ii) the reasons for the refusal or cancellation.

- (6) If the Chief Executive in Council makes an order under subsection (2)—
  - (a) the Permanent Secretary must refuse to approve the application for, or cancel, the registration of the person in compliance with the order; and
  - (b) as soon as reasonably practicable after making the refusal or cancellation, the Permanent Secretary must, by written notice—
    - (i) for an order against the registration as a member of the Board of Governors, a President or a Vice-President of a registered college—inform the person and the Chairperson of the Board of Governors of the college or the person proposed to be the Chairperson (as may be appropriate) of—
      - (A) the refusal or cancellation; and
      - (B) the reasons for the refusal or cancellation; or
    - (ii) for an order against the registration as a teacher of a registered college—inform the person and the President of the college of—
      - (A) the refusal or cancellation; and
      - (B) the reasons for the refusal or cancellation.
- (7) A cancellation of registration under subsection (5)(a) or (6)(a) takes effect on—
  - (a) the date of the notice given under subsection (5)(b) or (6)(b) (as the case requires); or
  - (b) if a later date is specified in the notice—the later date.

- (8) If the Secretary cancels the registration of a registered college in accordance with subsection (5)(a), the Permanent Secretary may, by written notice to all members of the Board of Governors of the college, impose any requirement on the Board of Governors to ensure that the transition towards cessation of the operation of the college is handled in the public interest and in the best interests of the affected students.
- (9) If a Board of Governors fails to comply with a requirement imposed under subsection (8), a person who is a member of the Board of Governors at that time commits an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 2 years.
- (10) It is a defence for a person charged with an offence under subsection (9) to establish that—
  - (a) the failure of the Board of Governors took place without the person's knowledge or consent; or
  - (b) the person had taken all reasonable steps to prevent the failure of the Board of Governors.
- (11) A person is taken to have established a matter that needs to be established for a defence under subsection (10) if—
  - (a) there is sufficient evidence to raise an issue with respect to that matter; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

#### 6D. Offences relating to registration

- (1) A person who in an application for registration, or in relation to an application for registration or a suspension or cancellation of registration, under this Ordinance—

- (a) provides any information that is false or misleading in a material particular; and
  - (b) knows or reasonably ought to know that the information is false or misleading in a material particular,commits an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 2 years.
- (2) A person must not act as a member of the Board of Governors of a registered college if—
  - (a) the person is not registered as such a member under this Ordinance; or
  - (b) the registration of the person as such a member—
    - (i) is suspended or cancelled under section 6B; or
    - (ii) is cancelled under section 6C.
- (3) Subsection (2)(a) does not prohibit a person from acting as a member of the Board of Governors of a registered college if, within 6 months immediately before the person so acts—
  - (a) an application has been made under section 5A(1) for registration of the person as such a member; and
  - (b) the application has not yet been decided by the Permanent Secretary.
- (4) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 2 years.
- (5) A person must not act as a President or a Vice-President of a registered college if—
  - (a) the person is not registered as such a President or Vice-President (as the case requires) under this Ordinance; or

- (b) the registration of the person as such a President or Vice-President (as the case requires)—
    - (i) is suspended or cancelled under section 6B; or
    - (ii) is cancelled under section 6C.
- (6) Subsection (5)(a) does not prohibit a person from acting as a President or a Vice-President of a registered college if, within 6 months immediately before the person so acts—
  - (a) an application has been made under section 5A(1) for registration of the person as such a President or Vice-President (as the case requires); and
  - (b) the application has not yet been decided by the Permanent Secretary.
- (7) A person who contravenes subsection (5) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 2 years.
- (8) A person must not act as a teacher of a registered college if—
  - (a) the person is not registered as such a teacher under this Ordinance; or
  - (b) the registration of the person as such a teacher—
    - (i) is suspended or cancelled under section 6B; or
    - (ii) is cancelled under section 6C.
- (9) Subsection (8)(a) does not prohibit a person from acting as a teacher of a registered college if, within 6 months immediately before the person so acts—
  - (a) an application has been made under section 5A(2) for registration of the person as such a teacher; and
  - (b) the application has not yet been decided by the Permanent Secretary.

- (10) A person who contravenes subsection (8) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.

### Part 3

### Appeals

#### 6E. Appeal to Chief Executive in Council

- (1) If a Post Secondary College, or a person who makes an application under section 4A(1) for registration of a Post Secondary College, is aggrieved by—
  - (a) a decision to impose a condition on the registration of the Post Secondary College under section 4A(5); or
  - (b) a decision to refuse to approve an application for the registration of the Post Secondary College under section 4A(7),
 the Post Secondary College or the person (as the case may be) may appeal to the Chief Executive in Council against the decision.
- (2) If a registered college, or the Chairperson of the Board of Governors of a registered college, is aggrieved by—
  - (a) a decision to impose a condition or restriction on the registration of the college under section 6A(1)(b) or (2)(b); or
  - (b) a decision to cancel the registration of the college under section 6A(3) or (4)(a),
 the college or the Chairperson (as the case may be) may appeal to the Chief Executive in Council against the decision.

- (3) A person aggrieved by any of the following decisions may appeal to the Chief Executive in Council against the decision—
  - (a) a decision to refuse to approve an application for the registration of the person under section 5A(6);
  - (b) a decision to impose a condition or restriction on the registration of the person under section 6B(2)(b) or (3)(b);
  - (c) a decision to suspend or cancel the registration of the person under section 6B(4);
  - (d) a decision to cancel the registration of the person under section 6B(7)(b).
- (4) An appeal against a decision under subsection (1), (2) or (3) may only be made by petition to the Chief Executive in Council within 30 days beginning on the date on which a notice is given in relation to the decision under section 4A(6)(b) or (8), 5A(7), 6A(1), (2) or (5) or 6B(2), (3) or (9).
- (5) For considering a petition and determining an appeal under this section, the Chief Executive in Council may—
  - (a) appoint a tribunal to inquire into the matters raised in the petition; and
  - (b) empower the tribunal to hear evidence and do all other things that are necessary for a proper inquiry by the tribunal.
- (6) A tribunal appointed under subsection (5) is required to conduct its inquiry in private and submit a written report to the Chief Executive in Council.
- (7) On an appeal under this section against a decision, the Chief Executive in Council may confirm, vary or reverse the decision.

- (8) A determination of the Chief Executive in Council for an appeal under this section is final.

#### **6F. Appeal to Chief Secretary for Administration**

- (1) If a registered college, or the President of a registered college, is aggrieved by a decision to refuse to grant to the college an approval mentioned in section 5(2)(a), the college or the President (as the case may be) may appeal to the Chief Secretary for Administration against the decision.
- (2) An appeal against a decision under subsection (1) may only be made by a written notice to the Chief Secretary for Administration within 30 days beginning on the date on which a notice is given in relation to the decision under section 5(5).
- (3) On an appeal under this section against a decision, the Chief Secretary for Administration may confirm, vary or reverse the decision.
- (4) A determination of the Chief Secretary for Administration for an appeal under this section is final.

### **Part 4**

#### **Regulation of Registered Colleges etc.**

#### **6G. Authorization of persons**

The Permanent Secretary may in writing authorize a person as an authorized person for the purposes of this Ordinance.”.

#### **14. Section 7 amended (visits)**

- (1) Section 7—  
Repeal

“financial assistance from”

**Substitute**

“any assistance from the”.

(2) Section 7—

**Repeal**

everything after “and any” and before “and the”

**Substitute**

“authorized person, may visit any registered college, and are to be afforded all reasonable facilities and information by the college”.

(3) Section 7, Chinese text, after “由”—

**Add**

“特區”.

15. **Section 8 amended (name of College)**

(1) Section 8, heading—

**Repeal**

“College”

**Substitute**

“registered college”.

(2) Section 8(1)—

**Repeal**

“College shall”

**Substitute**

“registered college must”.

(3) Section 8(1)—

**Repeal**

“Permanent”.

(4) Section 8(1), English text—

**Repeal**

“who shall”

**Substitute**

“who must”.

(5) Section 8(1)—

**Repeal**

everything after “containing”

**Substitute**

“the English word “University” or the Chinese characters “大學”.”.

(6) Section 8(2)—

**Repeal**

“College”

**Substitute**

“registered college”.

16. **Section 8A added**

After section 8—

**Add**

**“8A. Conducting courses on general holidays**

Despite the General Holidays Ordinance (Cap. 149), a registered college may conduct educational courses or give instructions on a general holiday.”.

17. **Sections 9, 10 and 11 repealed**

Sections 9, 10 and 11—

**Repeal the sections.****18. Section 12 amended (regulations)**

- (1) Section 12(1)(a)—

**Repeal**

everything after “to the”

**Substitute**

“organizational structure of Boards of Governors and Academic Boards, the staffing structure and the conditions of service of the staff and generally for the administration of the registered college;”.

- (2) Section 12(1)(b), before “conduct”—

**Add**

“operation and”.

- (3) Section 12(1)(b)—

**Repeal**

“College”

**Substitute**

“registered college”.

- (4) Section 12(1)—

**Repeal paragraph (c).**

- (5) Before section 12(1)(d)—

**Add**

“(ca) the strategic plan and annual report of the registered college; and”.

- (6) Section 12(2)—

**Repeal**

“College, officer, teacher or student thereof”

**Substitute**

“registered college”.

**19. Section 13 repealed (conducting courses on general holidays)**

Section 13—

**Repeal the section.****20. Part 5 and Schedule added**

After Part 4—

**Add****“Part 5****Savings and Transitional Provisions****14. Savings and transitional provisions for Post Secondary Colleges (Amendment) Ordinance 2025**

The savings and transitional provisions set out in the Schedule have effect for the purposes of the amendments made to this Ordinance by the Post Secondary Colleges (Amendment) Ordinance 2025 ( of 2025).

**Schedule**

## Savings and Transitional Provisions for Post Secondary Colleges (Amendment) Ordinance 2025

### 1. Interpretation

(1) In this Schedule—

*Amending Ordinance* (《修訂條例》) means the Post Secondary Colleges (Amendment) Ordinance 2025 ( of 2025);

*College* (學院) has the meaning given by the former section 2.

(2) For the purposes of this Schedule, where the word “former” appears immediately before a reference to a section, the reference is to be construed as a reference to the section of this Ordinance as in force immediately before the section was amended by the Amending Ordinance.

### 2. Register of Colleges, register of members of Boards of Governors and register of teachers in Colleges

On and after the date on which section 7 of the Amending Ordinance comes into operation—

- (a) a register of Colleges kept under the former section 3(a) is to be regarded as a register of registered colleges kept under section 3(a);
- (b) a register of members of Boards of Governors kept under the former section 3(b) is to be regarded as a register of members of Boards of Governors of registered colleges kept under section 3(b); and
- (c) a register of teachers in Colleges kept under the former section 3(d) is to be regarded as a register of teachers of registered colleges kept under section 3(d).

### 3. Provision of self-financing degree or sub-degree programmes during transitional period

- (1) This section applies to an institution that, immediately before the commencement date—
  - (a) was not on the register of Colleges kept under the former section 3(a); and
  - (b) has provided a self-financing degree or sub-degree programme (*programme*) under any other Ordinance.
- (2) The institution may, during the transitional period, continue to provide the programme as if section 9 of the Amending Ordinance had not come into operation.
- (3) However, if the institution is registered as a registered college under section 4A at any time during the transitional period, this Ordinance applies to the institution on the registration.
- (4) In this section—

*commencement date* (生效日期) means the date on which section 9 of the Amending Ordinance comes into operation;

*transitional period* (過渡期) means the period of 2 years beginning on the commencement date.

### 4. Request for cancellation not yet dealt with

If a request for cancellation of registration of a College—

- (a) has been made by the Chairman of the Board of Governors of the College under the former section 6(2)(a); but
- (b) has not been dealt with by the Permanent Secretary before the date on which section 12 of the Amending Ordinance comes into operation,

the Permanent Secretary is to, on or after that date, deal with the request under the former section 6 as if section 12 of the Amending Ordinance had not come into operation.

#### 5. Appeal not yet made to Chief Executive in Council

##### (1) If—

- (a) but for the Amending Ordinance, a Post Secondary College or person would have had a right to appeal to the Chief Executive in Council under the former section 6(4);
- (b) the Post Secondary College or person has not made the appeal before the commencement date; and
- (c) on the commencement date, the period within which the Post Secondary College or person may make the appeal has yet to expire,

on or after the commencement date, the Post Secondary College or person may make the appeal to the Chief Executive in Council under the former section 6 within that period as if section 12 of the Amending Ordinance had not come into operation.

- (2) If the Post Secondary College or person makes an appeal to the Chief Executive in Council under subsection (1), the Chief Executive in Council is to deal with the appeal under the former section 6 as if section 12 of the Amending Ordinance had not come into operation.

- (3) In this section—

**commencement date** (生效日期) means the date on which section 12 of the Amending Ordinance comes into operation.

#### 6. Appeal not yet determined by Chief Executive in Council

If an appeal—

- (a) has been made to the Chief Executive in Council under the former section 6(4); but
- (b) has not been determined before the date on which section 12 of the Amending Ordinance comes into operation,

the Chief Executive in Council is to, on or after that date, continue to deal with the appeal under the former section 6 as if section 12 of the Amending Ordinance had not come into operation.

#### 7. Authorization of persons

- (1) If, immediately before the commencement date, an authorization for a person made in writing by the Permanent Secretary for the purposes of a specified provision has effect, the authorization continues to have effect on and after the commencement date as if it had been made by the Permanent Secretary under section 6G.

- (2) In this section—

**commencement date** (生效日期) means the date on which section 13 of the Amending Ordinance comes into operation;

**specified provision** (指明條文) means —

- (a) the former section 7; or
- (b) regulation 3(1)(a) or 9(2) of the Post Secondary Colleges Regulations (Cap. 320 sub. leg. A) as in force immediately before the commencement date.



**8. Approval for names**

If, immediately before the date on which section 15 of the Amending Ordinance comes into operation, an approval for the name of a College granted by the Permanent Secretary under the former section 8(1) has effect, the approval continues to have effect on and after that date as if it had been granted by the Secretary under section 8(1).

**9. Prior approval of Chief Executive in Council for awarding degrees**

(1) If, immediately before the commencement date, a College has had the prior approval of the Chief Executive in Council under the former section 10(a) for awarding degrees (*prior approval*), it may, on or after the commencement date, continue to award the degrees as if section 17 of the Amending Ordinance had not come into operation.

(2) However—

- (a) the Secretary may withdraw the prior approval at any time on or after the commencement date; and
- (b) the prior approval ceases to have effect if, at any time on or after the commencement date, the registration of the College as a registered college under this Ordinance is cancelled.

(3) In this section—

*commencement date* (生效日期) means the date on which section 17 of the Amending Ordinance comes into operation.”

**Part 3**

## Amendments to Post Secondary Colleges Regulations (Cap. 320 sub. leg. A)

**21. Title amended**

The title, English text—

**Repeal**

**“Regulations”**

**Substitute**

**“Regulation”.**

**22. Regulation 1 repealed (citation)**

Regulation 1—

**Repeal the regulation.**

**23. Regulation 2 amended (constitution)**

(1) Regulation 2—

**Repeal**

**“College shall”**

**Substitute**

**“registered college must”.**

(2) Regulation 2(a)—

**Repeal**

**“college bodies shall”**

**Substitute**

**“registered college bodies must”.**

- (3) Regulation 2(a)(i), English text—

**Repeal**

“shall be”

**Substitute**

“is”.

- (4) Regulation 2(a)(i)—

**Repeal**

“College;”

**Substitute**

“college; and”.

- (5) Regulation 2(a)—

**Repeal subparagraph (ii).**

- (6) Regulation 2(a)(iii), English text—

**Repeal**

“shall regulate”

**Substitute**

“regulates”.

- (7) Regulation 2(a)(iii), English text—

**Repeal**

“College subject”

**Substitute**

“college subject”.

- (8) Regulation 2(a)(iii)—

**Repeal**

“College Council; and”

**Substitute**

“Board of Governors;”.

- (9) Regulation 2(a)—

**Repeal subparagraph (iv).**

- (10) Regulation 2—

**Repeal paragraph (b)****Substitute**

- “(b) the registered college bodies specified in paragraph (a) are subject to the provisions in the following Table relating to composition and standing orders—

**Table**

Column 1	Column 2	Column 3	Column 4	Column 5
Registered college body	Composition	Statutory meetings	Convened meetings	Quorum
Board of Governors	Not less than 10 nor more than 40	At least twice in each academic year	The Chairperson may convene at any time and must do so on written request of 5 members	One-half of the members
Academic Board	—	At least once in each term	The Chairperson may convene at any time	One-half of the members”.

- (11) Regulation 2(c)—

**Repeal**

“College body shall be”

**Substitute**

“registered college body is”.

(12) Regulation 2(d)(i)—

**Repeal**

“College bodies”

**Substitute**

“registered college bodies”.

(13) Regulation 2(d)(ii)—

**Repeal**

“College body”

**Substitute**

“registered college body”.

(14) Regulation 2—

**Repeal paragraphs (e), (f), (g), (h) and (i)**

**Substitute**

“(e) there must be the following officers—

- (i) a President (being the principal academic and administrative officer), who is to be appointed or dismissed by the Board of Governors;
- (ii) a Vice-President;
- (iii) a Chairperson and a Vice-Chairperson of the Board of Governors;
- (iv) a Chairperson and a Vice-Chairperson of the Academic Board;
- (v) for each faculty (or such unit with any other name) in the college, an officer who is primarily

responsible for the management of the faculty or unit (commonly known as a dean);

- (vi) an officer who is primarily responsible for the financial affairs of the college (commonly known as a bursar or treasurer); and
- (vii) an officer who is primarily responsible for the registry of the college (commonly known as a registrar);
- (f) a person must not concurrently hold the offices of the President and the Chairperson of the Board of Governors of the college;
- (g) the college must have open, fair and transparent procedures and a robust system, which are approved by the Board of Governors after considering the recommendations of the Academic Board, to ensure that the titles of the academic staff of the college are commensurate with their academic qualifications, experience and achievements;
- (h) application for a person to be registered as a member of the Board of Governors, a President or a Vice-President of the college must be made to the Permanent Secretary by the Chairperson of the Board of Governors on the authorization of the Board of Governors;
- (i) application for a person to be registered as a teacher of the college must be made to the Permanent Secretary by the President;
- (j) the Board of Governors must appoint an auditor (who is a certified public accountant (practising) as defined by section 2(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588)) to audit the accounts of the college annually.”.

**24. Regulation 3 amended (premises)**

(1) Regulation 3(1)—

**Repeal**

“College premises shall”

**Substitute**

“Any premises of a registered college must”.

(2) Regulation 3(1)—

**Repeal**

“person authorized by him in writing in that behalf”

**Substitute**

“authorized person”.

(3) Regulation 3(1)(a)—

**Repeal**

“safety;”

**Substitute**

“safety; and”.

(4) Regulation 3(1)—

**Repeal paragraphs (b) and (c).**

(5) At the end of regulation 3(1)—

**Add**

“(d) be used and maintained in compliance in all respects with any law.”.

(6) Regulation 3—

**Repeal subregulation (2).**

(7) At the end of regulation 3—

**Add**

“(3) If the Permanent Secretary or any authorized person is not satisfied as to any matters specified in subregulation (1) in relation to any premises of a registered college, the Permanent Secretary or the authorized person may, by written notice to the Chairperson of the Board of Governors of the college, do one or more of the following—

- (a) suspend the operation of the college in the premises, or any part of the premises, for a period that the Permanent Secretary or the authorized person considers appropriate or until further notice;
- (b) prohibit the use of any part of the premises for the college for a period that the Permanent Secretary or the authorized person considers appropriate or until further notice;
- (c) give such directions to, and impose such requirements on, the college as the Permanent Secretary or the authorized person considers necessary.”.

**25. Regulations 4, 5 and 6 repealed**

Regulations 4, 5 and 6—

**Repeal the regulations.**

**26. Regulation 7 substituted**

Regulation 7—

**Repeal the regulation**

**Substitute**

**“7. Permission required for programmes and courses for teachers**

Except with the permission of the Permanent Secretary, a registered college must not provide any degree or sub-degree programme or training course the completion of which qualifies a participant of the programme or course to be registered as a registered teacher under the Education Ordinance (Cap. 279).”.

**27. Regulation 8 repealed (examinations)**

Regulation 8—

**Repeal the regulation.**

**28. Regulations 8A and 8B added**

Before regulation 9—

**Add**

**“8A. Strategic plans**

- (1) A registered college must submit a strategic plan for every academic year to the Permanent Secretary.
- (2) A registered college—
  - (a) must, within 30 days beginning on the commencement date or the registration date of the college (whichever is the later), submit a strategic plan under subregulation (1) in the way specified by the Permanent Secretary; and
  - (b) must, within 5 academic years next following the date on which a strategic plan is submitted in accordance with this subregulation, submit another strategic plan under subregulation (1) in the way specified by the Permanent Secretary.

- (3) A strategic plan under subregulation (1) must contain an academic development plan, expected goals and performance targets of the registered college formulated for—
  - (a) for a strategic plan submitted in accordance with subregulation (2)(a)—
    - (i) the academic year within which the commencement date falls or (if the college is registered on or after the commencement date) the academic year next following the registration date; and
    - (ii) at least 2 consecutive academic years next following the academic year ascertained in accordance with subparagraph (i); or
  - (b) for a strategic plan submitted in accordance with subregulation (2)(b)—at least 3 consecutive academic years that fall after the academic year within which the strategic plan is submitted.
- (4) A registered college—
  - (a) may, having regard to any change of circumstances and on its own initiative, revise a strategic plan submitted in accordance with subregulation (2); and
  - (b) must, within 30 days beginning on the date on which a strategic plan is revised under paragraph (a), submit the revised strategic plan to the Permanent Secretary in the way specified by the Permanent Secretary.
- (5) A registered college must make available to the public, in the form specified by the Permanent Secretary, an abstract of the latest strategic plan submitted in accordance with subregulation (2) or (4)(b) for the current academic year.

- (6) A registered college must arrange a strategic plan submitted in accordance with subregulation (2) or (4)(b) to be reviewed by its Board of Governors in each of the academic years for which the strategic plan is formulated.
- (7) For the purposes of this regulation—
  - (a) if a registered college has submitted, before the commencement date, to the Permanent Secretary one or more plans (*pre-existing plan*) containing an academic development plan, expected goals and performance targets of the college formulated for the academic year within which the commencement date falls, then on and after the commencement date—
    - (i) the latest pre-existing plan is taken to be the strategic plan submitted in accordance with subregulation (2)(a);
    - (ii) the latest pre-existing plan is taken to be submitted on the commencement date; and
    - (iii) the latest pre-existing plan is taken to have complied with subregulation (3)(a); or
  - (b) if a registered college has submitted, on or after the commencement date, and before the registration date of the college, to the Permanent Secretary one or more plans (*pre-registration plan*) containing an academic development plan, expected goals and performance targets of the college formulated for the academic year next following the registration date, then on and after the registration date—
    - (i) the latest pre-registration plan is taken to be the strategic plan submitted in accordance with subregulation (2)(a);

- (ii) the latest pre-registration plan is taken to be submitted on the registration date; and
- (iii) the latest pre-registration plan is taken to have complied with subregulation (3)(a).

- (8) In this regulation—

*commencement date* (生效日期) means the date on which section 28 of the Post Secondary Colleges (Amendment) Ordinance 2025 ( of 2025) comes into operation;

*registration date* (註冊日期), in relation to a registered college, means the date on which the application for registration of the college is approved under section 4A(3) of the Ordinance.

#### 8B. Annual reports

- (1) A registered college must submit an annual report to the Permanent Secretary in every academic year after—
  - (a) the academic year within which the commencement date falls; or
  - (b) if the college is registered on or after the commencement date—the academic year next following the registration date.
- (2) A registered college must, within 30 days beginning on the date on which an annual report is made, submit the report under subregulation (1) in the way specified by the Permanent Secretary.
- (3) An annual report submitted in an academic year under subregulation (1) must contain—
  - (a) a review of the activities undertaken by the registered college during the academic year (*review year*) immediately before the academic year within which the annual report is submitted; and

- (b) a review of the performance of the registered college in the review year with reference to the strategic plan of the college for the review year submitted under regulation 8A.
- (4) A registered college must make available to the public, in the form specified by the Permanent Secretary—
  - (a) if the college has submitted only one annual report under subregulation (1)—an abstract of the report;
  - (b) if the college has submitted 2, 3, 4 or 5 annual reports under subregulation (1)—an abstract of each of the reports; or
  - (c) if the college has submitted more than 5 annual reports under subregulation (1)—an abstract of each of the 5 latest annual reports.
- (5) In this regulation—  
*commencement date* (生效日期) means the date on which section 28 of the Post Secondary Colleges (Amendment) Ordinance 2025 ( of 2025) comes into operation;  
*registration date* (註冊日期), in relation to a registered college, means the date on which the application for registration of the college is approved under section 4A(3) of the Ordinance.”.

**29. Regulation 9 amended (finance)**

- (1) Regulation 9(1)—

**Repeal**

“College Council shall”

**Substitute**

“Board of Governors must”.

- (2) Regulation 9(1)—

**Repeal**

“the College”

**Substitute**

“the registered college”.

- (3) Regulation 9(2), English text—

**Repeal**

“, shall”

**Substitute**

“must”.

- (4) Regulation 9(2)—

**Repeal**

“person authorized by him in writing in that behalf”

**Substitute**

“authorized person”.

- (5) After regulation 9(2)—

**Add**

“(3) The registered college must make available the following financial information to the public—

- (a) the aggregate income;
- (b) the tuition fee income;
- (c) the aggregate income from sources other than tuition fees;
- (d) the aggregate expenditure;
- (e) the aggregate reserve; and
- (f) any other financial information that the Permanent Secretary considers appropriate.”.

**30. Regulation 10 repealed (forms)**

Regulation 10—

**Repeal the regulation.**

**31. Schedule repealed**

The Schedule—

**Repeal the Schedule.**

**Part 4**

**Related Amendments to Education Ordinance (Cap. 279)**

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

Section 2(d)—

**Repeal**

“post secondary college registered under”

**Substitute**

“registered college defined in section 2 of”.

**33. Section 3 amended (interpretation)**

Section 3(1)—

**Add in alphabetical order**

“*sub-degree* (副學位) means an associate degree or a higher diploma;”.

**34. Section 18A amended (approval of Permanent Secretary required for post secondary education)**

After section 18A(1)—

**Add**

“(1A) An approval under subsection (1) in relation to the provision of post secondary education through a programme at the sub-degree level at a school expires after 2 years beginning on the date on which section 34 of the Post Secondary Colleges (Amendment) Ordinance 2025 ( of 2025) comes into operation.”.



**35. Section 86 amended (prohibition of issue of degrees or documents resembling degrees)****(1) Section 86, heading—****Repeal****“degrees or documents resembling degrees”****Substitute****“degrees, sub-degrees or documents resembling degrees or sub-degrees”.****(2) Section 86(a), after “degree”—****Add****“or sub-degree”.****(3) Section 86(b), after “degree”—****Add****“or sub-degree”.****36. Section 101 added****After section 100—****Add****“101. Transitional provisions relating to Post Secondary Colleges (Amendment) Ordinance 2025**

(1) This section applies to a school that continues to provide post secondary education through a programme at the sub-degree level (*post secondary programme*) after the end of the transitional period.

(2) The Permanent Secretary may, by written notice served on the management authority and every manager of the school, impose any requirement on the management committee or incorporated management committee (as

may be appropriate) of the school to ensure that the transition towards cessation of the operation of the post secondary programme is handled in the public interest and in the best interests of the affected students.

(3) If a management committee of a school without IMC fails to comply with a requirement imposed on the committee under subsection (2), a person who is a member of the management committee at that time commits an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 2 years.

(4) If an incorporated management committee of an IMC school, with the consent or connivance of a manager of the school, fails to comply with a requirement imposed on the committee under subsection (2), the manager commits an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 2 years.

(5) If a manager of a school without IMC is charged with an offence under subsection (3), it is a defence to the charge if the manager establishes that—

(a) the failure of the management committee took place without the manager’s knowledge or consent; or

(b) the manager had taken all reasonable steps to prevent the failure of the management committee.

(6) A person is taken to have established a matter that needs to be established for a defence under subsection (5) if—

(a) there is sufficient evidence to raise an issue with respect to that matter; and

(b) the contrary is not proved by the prosecution beyond reasonable doubt.

(7) If the management authority of a school is required by a notice under subsection (2) to continue to provide the post

secondary programme, the management authority must not, by doing so in compliance with the notice, be regarded as having contravened section 18A.

- (8) If a person or school is required by a notice under subsection (2) to—
- (a) award a sub-degree to another person; or
  - (b) issue a document that could reasonably be taken as signifying the award of a sub-degree to another person,

the person or school must not, by doing so in compliance with the notice, be regarded as having contravened section 86.

- (9) In subsection (1)—

*transitional period* (過渡期) means the period of 2 years beginning on the date on which section 36 of the Post Secondary Colleges (Amendment) Ordinance 2025 ( of 2025) comes into operation.”.

## Part 5

### Consequential Amendments

#### Division 1—Amendments to Specification of Public Offices Notice (Cap. 1 sub. leg. C)

##### 37. Schedule amended (specification of public offices)

- (1) The Schedule, entry relating to the Permanent Secretary for Education specified for the purposes of the Post Secondary Colleges Ordinance (Cap. 320)—

##### Repeal

“8, 9, 11”

##### Substitute

“4A, 5, 5A, 6A, 6B, 6C”.

- (2) The Schedule, after the entry relating to the Secretary for Development specified for the purposes of the Buildings Ordinance (Cap. 123)—

##### Add

“Secretary for Education	Post Secondary Colleges Ordinance (Cap. 320), sections 4, 4A, 5, 6A, 6C and 8 and section 9(2)(a) of the Schedule.”.
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#### Division 2—Amendment to Public Order Ordinance (Cap. 245)

##### 38. Section 7 amended (regulation of public meetings)

Section 7(2)(c)—

**Repeal**

“college registered under”

**Substitute**

“registered college as defined in”.

**Division 3—Amendment to Education Regulations (Cap. 279 sub. leg. A)**

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

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

**Repeal**

“Post Secondary College registered under”

**Substitute**

“registered college as defined in”.

**Division 4—Amendment to Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F)**

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

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

**Repeal**

“Post Secondary College registered under”

**Substitute**

“registered college as defined in”.

**Division 5—Amendment to Road Traffic Ordinance (Cap. 374)**

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

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

**Repeal**

“post secondary college registered under”

**Substitute**

“registered college as defined in”.

**Division 6—Amendments to Sex Discrimination Ordinance (Cap. 480)**

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

(1) Schedule 1, item 4—

**Repeal**

“post secondary college registered under”

**Substitute**

“registered college defined in section 2 of”.

(2) Schedule 1, item 4—

**Repeal**

“(or Board of Trustees where no Board of Governors exists) or the College Council, according to which of them has the function concerned”.

**Division 7—Amendments to Family Status Discrimination Ordinance (Cap. 527)**

43. Schedule 1 amended (educational establishments and their responsible bodies)
- (1) Schedule 1, item 4—  
Repeal  
“post secondary college registered under”  
Substitute  
“registered college defined in section 2 of”.
- (2) Schedule 1, item 4—  
Repeal  
“(or Board of Trustees where no Board of Governors exists) or the College Council, according to which of them has the function concerned”.

**Division 8—Amendment to Copyright Ordinance (Cap. 528)**

44. Schedule 1 amended (educational establishments)
- Schedule 1, item 3—  
Repeal  
“post secondary college registered under”  
Substitute  
“registered college defined in section 2 of”.

**Division 9—Amendments to Legislative Council Ordinance (Cap. 542)**

45. Section 20E amended (composition of the education functional constituency)
- (1) Section 20E(a)(ii)—  
Repeal  
“approved post secondary colleges registered under”  
Substitute  
“registered colleges as defined in”.
- (2) Section 20E(b)(xxii)—  
Repeal  
“post secondary colleges registered under”  
Substitute  
“registered colleges as defined in”.

**Division 10—Amendment to Chief Executive Election Ordinance (Cap. 569)**

46. Schedule, section 39V amended (specified entities of the education subsector)
- The Schedule, section 39V(b)—  
Repeal  
“post secondary colleges registered under”  
Substitute  
“registered colleges as defined in”.

**Division 11—Amendments to Race Discrimination  
Ordinance (Cap. 602)**

47. **Schedule 1 amended (educational establishments and their responsible bodies)**
- (1) Schedule 1, item 4—  
**Repeal**  
“Post Secondary College registered under”  
**Substitute**  
“registered college as defined in”.
- (2) Schedule 1, item 4—  
**Repeal**  
“(or the Board of Trustees where no Board of Governors exists) or the College Council, according to which of them has the function concerned”.

**Division 12—Amendment to Minimum Wage Ordinance  
(Cap. 608)**

48. **Schedule 1 amended (education institutions)**
- Schedule 1, item 11—  
**Repeal**  
“Approved post secondary colleges registered under”  
**Substitute**  
“Registered colleges as defined in”.

**Explanatory Memorandum**

The main purpose of this Bill is to amend the Post Secondary Colleges Ordinance (Cap. 320) (*principal Ordinance*) and the Post Secondary Colleges Regulations (Cap. 320 sub. leg. A) (*principal Regulations*) to improve the regulatory and quality assurance mechanisms of self-financing post secondary institutions.

2. The Bill contains 5 Parts.

**Part 1—Preliminary**

3. Clause 1 sets out the short title and provides for commencement.
4. Clause 2 introduces the enactments that are amended by the Bill.

**Part 2—Amendments to Principal Ordinance**

5. Part 2 (clauses 3 to 20) sets out the amendments to the principal Ordinance.
6. Clause 3 amends the long title of the principal Ordinance to provide that the principal Ordinance concerns the registration and control of Post Secondary Colleges.
7. Clauses 4 and 6 add new Parts 1 and 2 headings to the principal Ordinance to improve the organization of the principal Ordinance.
8. Clause 5 amends section 2 of the principal Ordinance to add defined expressions (e.g. *authorized person*, *registered college* and *sub-degree*) that are necessary for the interpretation of the principal Ordinance.
9. Clause 7 amends section 3 of the principal Ordinance to provide that for the purposes of the principal Ordinance, the Permanent Secretary for Education (*Permanent Secretary*) must keep a register of registered colleges, a register of members of Boards of Governors of

- registered colleges, a register of Presidents and Vice-Presidents of registered colleges and a register of teachers of registered colleges.
10. Clause 8 amends section 4 of the principal Ordinance to revise certain eligibility requirements, and add new eligibility requirements, for the registration of a Post Secondary College and for a registered Post Secondary College (*registered college*) to remain on the register under the principal Ordinance. That clause also changes the authority who decides on the eligibility from the Permanent Secretary to the Secretary for Education (*Secretary*).
  11. Clause 9 adds a new section 4A to the principal Ordinance to provide for the procedures for registration of a Post Secondary College.
  12. Clause 10 amends section 5 of the principal Ordinance to provide for the award of degrees, sub-degrees, diplomas and certificates by a registered college.
  13. Clause 11 adds a new section 5A to the principal Ordinance to provide for the procedures for registration of a member of the Board of Governors, President, Vice-President or teacher of a registered college.
  14. Clause 12 repeals section 6 of the principal Ordinance that concerns the refusal and cancellation of registration. On the other hand, clause 13 adds new sections 6A, 6B, 6C and 6D, a new Part 3 (containing new sections 6E and 6F), a new Part 4 heading and a new section 6G to the principal Ordinance. In particular—
    - (a) the new sections 6A, 6B and 6C provide for—
      - (i) the cancellation of registration of a registered college;
      - (ii) the suspension and cancellation of registration of a member of the Board of Governors, President, Vice-President or teacher of a registered college; and

- (iii) the power of the Chief Executive in Council to order a refusal or cancellation of the registration;
  - (b) the new section 6D provides for certain offences relating to the registration of a Post Secondary College or the registration of a member of the Board of Governors, President, Vice-President or teacher of a registered college;
  - (c) the new Part 3 provides for the appeals against certain decisions relating to the registration and the award of degrees under the principal Ordinance; and
  - (d) the new section 6G provides for the authorization of persons for the purposes of the principal Ordinance.
15. Clause 14 amends section 7 of the principal Ordinance to provide for visits to a registered college for ensuring compliance with conditions attaching to any assistance from the Government.
16. Clause 15 amends section 8 of the principal Ordinance to change the authority for approving the names of registered colleges from the Permanent Secretary to the Secretary. That clause also adjusts the scope of names that require the prior sanction of the Chief Executive in Council.
17. Clauses 16 and 19 add a new section 8A to, and repeal section 13 of, the principal Ordinance respectively to improve the organization of the principal Ordinance by relocating the provision on conducting courses on general holidays.
18. Clause 17 repeals sections 9, 10 and 11 of the principal Ordinance. Sections 9 and 11 concern certain requirements that are now obsolete. The provisions on the award of degrees, diplomas and certificates under section 10 are provided for in section 5 of the principal Ordinance as amended by clause 10.
19. Clause 18 amends section 12 of the principal Ordinance to, among other things, revise the scope of provisions that are required to be in

college constitutions. Under that section, the Chief Executive in Council may by regulation provide for those provisions.

20. Clause 20 adds a new Part 5 and a new Schedule to the principal Ordinance to provide for savings and transitional provisions.

### **Part 3—Amendments to Principal Regulations**

21. Part 3 (clauses 21 to 31) sets out the amendments to the principal Regulations.
22. Clause 21 amends the English title, and clause 22 repeals regulation 1, of the principal Regulations to bring them in line with the prevailing drafting conventions.
23. Clause 23 amends regulation 2 of the principal Regulations to, among other things, simplify the requirements for the governance structure of registered colleges.
24. Clause 24 amends regulation 3 of the principal Regulations to adjust the requirements for the premises of registered colleges. It, among other things, empowers the Permanent Secretary to take certain measures if the Permanent Secretary is not satisfied as to the compliance with the requirements of a registered college.
25. Clauses 25 and 27 repeal regulations 4, 5, 6 and 8 of the principal Regulations. The regulations concern certain requirements that are now obsolete.
26. Clause 26 substitutes regulation 7 of the principal Regulations to adjust the requirements for the permission to provide a teacher training course.
27. Clause 28 adds new regulations 8A and 8B to the principal Regulations to provide for the submission of strategic plans and annual reports of registered colleges.

28. Clause 29 amends regulation 9 of the principal Regulations to provide for the publication of key financial information of registered colleges.
29. Clauses 30 and 31 repeal regulation 10 of, and the Schedule to, the principal Regulations. The forms provided for in that regulation and that Schedule will no longer be applicable.

### **Part 4—Related Amendments to Education Ordinance**

30. Part 4 (clauses 32 to 36) sets out the related amendments to the Education Ordinance (Cap. 279) (*EO*).
31. Clause 32 amends section 2 of the EO to include a reference to registered college as defined in the principal Ordinance as amended by clause 5.
32. Clause 33 amends section 3 of the EO to add the definition of *sub-degree* that is necessary for the interpretation of the EO.
33. Clause 34 amends section 18A of the EO to provide that an approval in relation to the provision of sub-degree programmes under section 18A(1) of the EO expires after 2 years beginning on the date on which that clause comes into operation.
34. Clause 35 amends section 86 of the EO to prohibit the issue of sub-degrees or documents resembling sub-degrees.
35. Clause 36 adds a new section 101 to the EO to provide for transitional provisions.

### **Part 5—Consequential Amendments**

36. Part 5 (clauses 37 to 48) makes consequential amendments to other enactments.

**Government Support Measures for  
Self-Financing Post-Secondary Institutions under the  
Unified Regulatory Framework of the  
Revamped Post Secondary Colleges Ordinance (Cap. 320)**

**For institutions**

- (a) **Land Grant Scheme (LGS)** – LGS provides land sites at nominal premium or vacant government premises at nominal rent to self-financing non-profit-making post-secondary institutions. Since the launch of LGS in 2002, 11 land sites and eight vacant government premises have been granted to eligible institutions;
- (b) **Start-up Loan Scheme (SLS)** – SLS provides interest-free loans to self-financing non-profit-making post-secondary institutions to develop campuses, re-provision existing campuses operating in sub-optimal environment, and enhance teaching and learning facilities. Since the launch of SLS in 2001, of the total loan commitment of \$9 billion, 40 loans amounting to about \$7.7 billion have been approved for 18 institutions. In addition, the ambit of SLS has been expanded from 2012 to support the development of student hostels;
- (c) **Quality Enhancement Support Scheme (QESS)** under the Self-financing Post-secondary Education Fund (SPEF) – Since its establishment in 2011, SPEF has received a total Government injection of \$3.52 billion. Investment returns of SPEF are used to, among others, support worthwhile non-works projects under QESS to enhance the quality of self-financing post-secondary education. To date, over 120 projects have been approved;
- (d) **Matching Grant Scheme (MGS)** – Self-financing degree-awarding institutions were invited to participate in a few rounds of MGS launched by the Government to help higher education institutions diversify their funding sources, by providing public funds to match private donations secured by the institutions subject to specified



criteria. The seventh MGS ended in July 2019, with nearly \$500 million matching grants provided to independent local self-financing degree-awarding institutions;

- (e) **Research Endowment Fund (REF)** – The Government has injected a total of \$46 billion into REF. Part of the investment income of the Fund is used to support the self-financing degree sector on a competitive basis to enhance academic and research development. The total funding awarded for the self-financing sector is about \$752 million;
- (f) **Enhancement and Start-up Grant Scheme for Self-financing Post-secondary Education (ESGS)** – The \$1.26 billion ESGS was launched in 2020 to provide financial support for self-financing post-secondary institutions to develop and enhance programmes that meet market needs but require high start-up costs. Independent non-profit-making education institutions offering full-time locally-accredited local self-financing sub-degree or undergraduate (including top-up degree) programmes are eligible to apply for funding, subject to a cap of \$42 million. In the first four rounds of applications, 15 applications with a total commitment of \$405 million were approved; and
- (g) **Pilot Project on the Development of Applied Degree Programmes (Pilot Project)** – To strengthen the vocational and professional education and training progression pathway at degree level, the Government launched the Pilot Project in 2020, under which the Government provides an one-off grant of up to \$2 million on a reimbursement basis to each selected self-financing post-secondary institution to develop an applied degree programme with strong industry and applied elements in a discipline with keen manpower demand. Eight applied degree programmes were selected in the two rounds of the Pilot Project, commencing in the 2022/23 and 2024/25 academic years respectively. Taking into the experience of the Pilot Project, the Guidelines on Developing Applied Degree Programmes have been promulgated the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ), with a view to supporting the development of more applied degree programmes.

## **For students**

- (h) **Study Subsidy Scheme for Designated Professions / Sectors (SSSDP)** – SSSDP currently subsidises about 4 000 undergraduate students and another 2 000 sub-degree students per cohort to pursue designated full-time locally-accredited self-financing undergraduate (including top-up degree) and sub-degree programmes in selected disciplines to nurture talent for industries with keen human resource demand. For the 2025/26 academic year, each student can receive up to about \$81,450 and \$40,730 (for laboratory-based undergraduate and sub-degree programmes respectively) or \$46,780 and \$23,390 (for other undergraduate and sub-degree programmes respectively) each year as tuition fee subsidy. With effect from the 2024/25 academic year, an additional annual subsidy is provided to students enrolling in designated programmes under SSSDP that are recognised applied degree programmes developed in accordance with the relevant guidelines by HKCAAVQ, with total annual subsidy amounts of up to \$87,770 (for laboratory-based programmes) and \$50,810 (for non-laboratory-based programmes). The number of subsidised sub-degree and undergraduate places will be further increased in phases by 1 000 each to support the migration of the self-financing arms of University Grants Committee (UGC)-funded universities to the unified regulatory framework, subject to the progress of the review of the Post Secondary Colleges Ordinances (Cap. 320) (the Ordinance);
- (i) **Non-means-tested Subsidy Scheme for Self-financing Undergraduate Studies in Hong Kong (NMTSS)** – NMTSS provides non-means-tested annual subsidy to eligible students to pursue full-time locally-accredited local and non-local self-financing undergraduate (including top-up degree) programmes in Hong Kong offered by eligible institutions (save for those enrolling in subsidised places under SSSDP). For the 2025/26 academic year, the subsidy is up to \$35,120. The number of students receiving subsidies in the 2024/25 academic year is around 12 750; and

- (j) **Self-financing Post-secondary Scholarship Scheme (SPSS)** under SPEF – SPSS provides scholarships and awards to outstanding students pursuing full-time locally-accredited self-financing sub-degree or undergraduate programmes. To date, over 51 000 students have been granted awards / scholarships.

### **Other Support Measures**

The self-financing post-secondary education sector is also eligible for other support measures, which are primarily intended for supporting other policy merits, such as promoting the Hong Kong Qualifications Framework (QF) and supporting needy students –

- (k) **QF Fund** – The QF Fund, with a total injection of \$2.2 billion, supports the development of QF by assisting providers (including self-financing post-secondary institutions) in seeking accreditation of their programmes and supporting various schemes, studies, projects and public education; and
- (l) **Student Finance** – The Working Family and Student Financial Assistance Agency provides both means-tested and non-means-tested financial assistance to students in the self-financing post-secondary education sector. For instance, the Financial Assistance Scheme for Post-secondary Students provides full-time students pursuing locally-accredited self-financing post-secondary education programmes with means-tested grant and non-means-tested low-interest loans, at a level comparable to their counterparts in the publicly-funded programmes.

### **Eligibility and Scope**

The abovementioned support measures are primarily considered on a merit-basis and their eligibility varies having regard to the policy objectives, status of institutions and level of programmes being offered, etc. In principle, all post secondary colleges offering locally-accredited degree programmes registered under the Ordinance and the Hong Kong Metropolitan University (HKMU) are eligible for all the above schemes.

On the other hand, the Vocational Training Council's self-financing Technological and Higher Education Institute of Hong Kong is eligible for all except (f), while the self-financing arms of the UGC-funded universities are eligible for (a), (b), (c), (e)<sup>1</sup>, (j), (k) and (l) only. Upon the commencement of the amended Ordinance, it is our intention that institutions operating self-financing post-secondary education programmes that do not register under the amended Ordinance will not be eligible for (a) to (j), with the exception of HKMU which is deemed to be under the unified regulatory framework in a broader sense. All post-secondary programme providers will continue to be eligible for other support measures in (k) and (l).

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<sup>1</sup> Only applicable to self-financing arms that are degree-awarding.

**Facilitation Arrangements for the Migration of  
Self-Financing Arms of the Publicly-Funded Institutions under the  
Unified Regulatory Framework of the Revamped  
Post Secondary Colleges Ordinance (Cap. 320)**

**Accreditation**

All self-financing arms of University Grants Committee (UGC)-funded universities, but not the Vocational Training Council, are currently leveraging the self-accrediting status of their respective universities proper in offering their self-financing programmes. The Education Bureau (EDB) and the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) will **give due recognition to their track records** in the relevant accreditation process under the amended Post Secondary Colleges Ordinance (Cap. 320) (the Ordinance) where appropriate –

- (a) at the institutional level, HKCAAVQ may, having considered the institutions' maturity and quality assurance track records, consider **providing certain facilitations when conducting the institutional review (IR)** for registration under the Ordinance, in accordance with its established facilitation practice on a case-by-case basis. For instance, a paper-based review may be adopted to streamline the accreditation procedures;
- (b) at the programme level, HKCAAVQ may, having regard to the institutions' operational track records, examine whether they possess the required maturity and capabilities to apply for a **Programme Area Accreditation (PAA) status** in certain programme area(s). Upon obtaining a PAA status, an institution may develop and operate learning programme(s) within an approved programme area at the approved Qualifications Framework level or lower levels without going through individual learning programme accreditation by HKCAAVQ; and

- (c) The IR and PAA status granted will be subject to HKCAAVQ's periodic review, normally at a five-yearly interval.

### **Future Linkage with the Respective Institutions Proper**

2. The amended Ordinance **will not regulate the linkage between the self-financing arms and their respective publicly-funded institutions proper**. The detailed arrangements should be left to the publicly-funded institutions proper to determine, including the naming and branding of the self-financing arms, sharing of campus facilities at a cost, appointment of members of the institutions proper to the governing bodies of the respective colleges, etc., subject to the relevant requirements under UGC and the amended Ordinance. These include UGC's principle of "no cross-subsidisation" and HKCAAVQ's IR. For the avoidance of doubt, the amended Ordinance will provide sufficient flexibility for the publicly-funded institutions proper to continue to own and serve as the sponsoring body of the self-financing entities and oversee their strategic development and operation as they see fit.

### **Transitional Period**

3. To ensure a smooth transition, the amended Ordinance is proposed to commence operation about one year after the passage of the Post Secondary Colleges (Amendment) Bill 2025 (the Bill) by the Legislative Council, which will also be aligned with the commencement of an academic year to facilitate planning and implementation by institutions concerned. In addition, the amended Ordinance will provide for a transitional period of two years after the commencement date. In other words, there will be **a total transitional period of around three years after the passage of the Bill** for the self-financing arms to complete the requisite registration procedures. During the transitional period, those institutions not yet registered under the amended Ordinance may continue operating post-secondary programmes as they are, without being subject to the requirements under the amended Ordinance. They will be required to comply with the requirements under the amended Ordinance in full once their registration is completed.

4. **To facilitate the process, HKCAAVQ will work closely with the relevant institutions and provide assistance as appropriate,** including commencing early discussions with the institutions, issuing an alignment note on the expected standards and relevant requirements, providing customisation of the relevant accreditation process where applicable, and adopting a “fitness for purpose” principle in conducting the assessment.

### **Operation of Self-financing Programmes by the Institutions Proper**

5. It is our policy intention that only the self-financing arms established outside the publicly-funded institutions proper be required to register under the Ordinance, while **a limited number of self-financing sub-degree and undergraduate programmes may still be offered by the publicly-funded institutions proper, provided that there are justifiable strategic reasons to do so on an exceptional basis**, and continue to be subject to the existing jurisdiction of the relevant enabling ordinances.

6. In addition, UGC-funded universities proper also offer a sizeable number of self-financing postgraduate programmes. As the operation of these postgraduate programmes are considered to be within the proper functions of UGC-funded universities, they will not be regulated under the amended Ordinance.

Cap. 320

Post Secondary Colleges  
Ordinance

20/06/2019

To provide for the registration and control of certain Post Secondary Colleges and their consequent exemption from the provisions of the Education Ordinance (Cap. 279) and for other matters connected therewith.

[20 May 1960]

*(Format changes—E.R. 2 of 2019)***2. Interpretation**

In this Ordinance, unless the context otherwise requires—

**Board of Governors** (校董會) includes a Board of Trustees where such a body exists in place of a Board of Governors;

**College** (學院) means a Post Secondary College registered under this Ordinance, and such College should be known as an Approved Post Secondary College;

**Permanent Secretary** (常任秘書長) means the Permanent Secretary for Education. *(Added 3 of 2003 s. 24. Amended L.N. 130 of 2007)*

*(Amended 3 of 2003 s. 24)***3. Registers**

For the purposes of this Ordinance the Permanent Secretary shall keep the following registers— *(Amended 3 of 2003 s. 25)*

- (a) a register of Colleges;
- (b) a register of members of Boards of Governors;
- (c) a register of members of College Councils;
- (d) a register of teachers in Colleges.

**4. Requirements for registration**

A Post Secondary College shall be eligible for registration under section 3 and thereafter to remain on the register where the Permanent Secretary is satisfied as to— *(Amended 3 of 2003 s. 25)*

- (a) the composition of the Board of Governors, College Council and teaching staff being such as to ensure satisfactory academic and general standards and conduct;



- (b) the constitution, statutes or other instruments which govern the Post Secondary College; (*Amended 37 of 1962 s. 2*)
- (c) the courses offered being suitable in all respects for Post Secondary Colleges meeting a community need and including major courses extending over at least 4 years; (*Amended E.R. 2 of 2019*)
- (d) the equipment, laboratories, library and general facilities being adequate for the courses offered;
- (e) the number, qualifications, remuneration and conditions of service of the Post Secondary College staff;
- (f) the premises being adequate for the purposes of a Post Secondary College and being in all ways suitable and safe for such purposes;
- (g) the conditions as to age and attainments of the students qualifying for admission, the standard of instruction and the final examination standards;
- (h) the number of students being admitted having regard to the maintenance of status and standards, facilities available and community need;
- (i) students being admitted without favour being shown on grounds of race, nationality or religion save where on the application of the Post Secondary College the Permanent Secretary approves of an exception in favour of a class of persons holding a particular religious faith; (*Amended 3 of 2003 s. 25*)
- (j) the Post Secondary College being free from affiliation with or control by any government other than the Government of the Hong Kong Special Administrative Region or any organization outside Hong Kong or any political group and the students teachers and officers refraining from political propaganda and from any undesirable political activity and from any other activity whatsoever which the Permanent Secretary considers inimical to the interests of the College; (*Amended 53 of 2000 s. 3; 3 of 2003 s. 25*)
- (k) adequate provision being made in the Post Secondary College for the encouragement of corporate and social life and for recreation;
- (l) the finances of the Post Secondary College;

- (m) the legal status of the Post Secondary College which shall be a corporation unless other arrangements are made, to the approval of the Permanent Secretary, for the proper discharge of legal obligations and safeguarding of rights of the College; (*Amended 3 of 2003 s. 25*)
- (n) the College complying in all respects with the provisions of this Ordinance.

## **5. Effect of registration**

So long as a College remains registered under section 3 it shall be exempt from the provisions of the Education Ordinance (Cap. 279).

## **6. Refusal of registration and cancellation**

- (1) The Permanent Secretary may refuse to register or may cancel the registration of— (*Amended 3 of 2003 s. 25*)
  - (a) any Post Secondary College where he is not satisfied in respect of any of the matters specified in section 4;
  - (b) any person as a member of a Board of Governors or College Council or as a teacher where it appears to him that such person is not a fit and proper person to act in that capacity or that such person fails to comply with the provisions of this Ordinance.
- (2) The Permanent Secretary shall cancel the registration of — (*Amended 3 of 2003 s. 25*)
  - (a) any College where it appears to him that such College has ceased to function or where the Chairman of the Board of Governors, on the instructions of the Board of Governors, requests cancellation;
  - (b) any person from the register of members of Boards of Governors or College Councils or teachers where such person ceases to act in that capacity.
- (3) The Permanent Secretary shall give notice in writing of any refusal to register or of any cancellation to the Post Secondary College or person concerned. (*Amended 3 of 2003 s. 25*)
- (4) Where the Permanent Secretary refuses to register or cancels a registration under subsection (1) the Post Secondary College or person concerned may within 21 days of the receipt of the notice under subsection (3) appeal by way of petition to the Chief Executive in Council, and the decision of the Chief Executive in Council shall be final. (*Amended 53 of 2000 s. 3; 3 of 2003 s. 25; E.R. 2 of 2019*)

- (5) For the purpose of considering a petition and determining the appeal the Chief Executive in Council may appoint a tribunal to inquire into the matters raised in such petition, and may empower such tribunal to hear evidence and do all other such things as are necessary for its due inquiry. Any tribunal so appointed shall conduct its inquiry in private and submit a report in writing to the Chief Executive in Council. (*Amended 53 of 2000 s. 3*)
- (6) (a) In addition to the powers of the Permanent Secretary under subsection (1) the Chief Executive in Council may order the Permanent Secretary to refuse to register or to cancel the registration of any Post Secondary College or of any person as a member of a Board of Governors or College Council or as a teacher where it appears to the Chief Executive in Council that the registration or the continued registration of such College or person would be prejudicial to the public interest, to the welfare of students or to education generally. (*Amended 3 of 2003 s. 25*)
- (b) Before making any order under this subsection the Chief Executive in Council shall afford to the Post Secondary College or person concerned the opportunity to submit any representations in writing which shall be considered by the Chief Executive in Council. (*Amended 53 of 2000 s. 3*)

## **7. Visits**

For the purposes of this Ordinance, and for the purpose of ensuring compliance with any conditions attaching to financial assistance from Government, the Permanent Secretary and any person authorized by him in writing in that behalf, may visit any College, and shall be afforded all reasonable facilities and information by the College and the teachers and officers.

*(Amended 3 of 2003 s. 25)*

## **8. Name of College**

- (1) Every College shall be registered under such name in both English and Chinese as may be approved by the Permanent Secretary, who shall not without the prior sanction of the Chief Executive in Council approve any name containing the word “University”, or the Chinese words “Tai Hok” (大學) or “Hok Yuen” (學院). (*Amended 53 of 2000 s. 3; 3 of 2003 s. 25*)
- (2) No College may use any name other than its registered name.

## **9. Evening Colleges**

- (1) Where any Post Secondary College provides courses in the evening of a like nature to those provided in a College, such Post Secondary College may be required by the Permanent Secretary to include the word “Evening ( 夜 )” in its name. *(Amended 3 of 2003 s. 25)*
- (2) Every Post Secondary College so required shall be deemed a separate College and shall be required to register as such, notwithstanding that it is registered as a College in respect of the courses conducted during the day.

## **10. Award of degrees, diplomas and certificates**

A College may—

- (a) with the prior approval of the Chief Executive in Council, award degrees; and
- (b) award diplomas and certificates.

*(Replaced 16 of 2001 s. 2)*

## **11. Research and special studies**

Colleges may establish institutes or departments of research or special studies with the approval in writing of the Permanent Secretary, who in giving his approval shall take into consideration the need for any such institute or department and the ability of the College to maintain satisfactory standards therein with reference to the adequacy of the teaching staff, equipment and general facilities.

*(Amended 3 of 2003 s. 25)*

## **12. Regulations**

- (1) The Chief Executive in Council may by regulation provide for — *(Amended 53 of 2000 s. 3)*
  - (a) the provisions required to be in college constitutions including provisions relating to the composition of Boards of Governors, College Councils, Academic Boards and Faculty Boards, the officers and academic staff with their conditions of service and generally for the administration of the College;
  - (b) the conduct of the affairs of the College;
  - (c) forms;
  - (d) generally for the carrying into effect of the provisions of this Ordinance.

- (2) The Permanent Secretary may exempt any College, officer, teacher or student thereof from any of the provisions of any regulations made under this section. *(Amended 3 of 2003 s. 25)*

**13. Conducting courses on general holidays**

Notwithstanding anything in the General Holidays Ordinance (Cap. 149), a College may conduct educational courses or give instructions on a general holiday.

*(Added 1 of 2004 s. 22)*

## Post Secondary Colleges Regulations

(Cap. 320, section 12)

[20 May 1960]

*(Format changes—E.R. 2 of 2019)*

### 1. Citation

These regulations may be cited as the Post Secondary Colleges Regulations.

### 2. Constitution

The constitution of every College shall include the following provisions—

- (a) the following college bodies shall be constituted—
  - (i) a Board of Governors which shall be the supreme governing body of the College;
  - (ii) a College Council which shall be the executive body of the College administering the property and managing the general affairs of the College subject to the directions of the Board of Governors;
  - (iii) an Academic Board which shall regulate the academic affairs of the College subject to the financial control of the College Council; and
  - (iv) a Faculty Board for each faculty in the College which shall be responsible to the Academic Board for the teaching and general organization of the courses assigned to that faculty reporting thereon from time to time to the Academic Board;
- (b) the College bodies specified in paragraph (a) shall be subject to the provisions in Table A relating to composition and standing orders—

**Table A**

College body	Composition	Statutory meetings	Convened meetings	Quorum

**Table A**

College body	Composition	Statutory meetings	Convened meetings	Quorum
Board of Governors.	Not less than 10 nor more than 40.	Once in each academic year.	The Chairman may convene at any time and shall do so on written request of 5 members.	One-half of the members.
College Council.	Not less than 10 members nor more than 25.	Four times a year.	The Chairman may convene at any time and shall do so on written request of 5 members.	One-half of the members.
Academic Board.	—	Once in every term.	The Chairman may convene at any time.	One-half of the members.
Faculty Board.	The Dean of each Faculty to be Chairman of the Board of that Faculty.	Once in every term.	—	—

- (c) no act or resolution of any College body shall be invalid by reason only of any vacancy in, or any want of qualifications by or validity in the election or appointment of any member of such body;
- (d) (i) the College bodies specified in paragraph (a) may establish such committees as they see fit;
- (ii) a committee established under subparagraph (i) may be constituted partly of persons who are not members of the particular College body establishing it;
- (e) there shall be the following officers—
- (i) a President who shall be the principal academic and administrative officer, and who shall be appointed and dismissed by the Board of Governors on the advice of the College Council subject to the approval of the Permanent Secretary; (*3 of 2003 s. 27*)

- (ii) a Vice-President;
  - (iii) a Chairman and Vice-Chairman of the Board of Governors;
  - (iv) a Chairman and Vice-Chairman of the College Council;
  - (v) a Chairman and Vice-Chairman of the Academic Board;
  - (vi) a Dean for each Faculty in the College;
  - and either
  - (vii) an Academic Registrar;
  - (viii) a Bursar;
  - (ix) a Librarian;
  - or
  - (x) a Dean of Studies;
  - (xi) a Registrar;
  - (xii) a Librarian;
  - (xiii) a Comptroller;
  - (xiv) a Dean of Students;
- (f) all the officers specified in subparagraphs (vi) to (xiv) in paragraph (e) shall be appointed and dismissed by the College Council subject to the approval of the Board of Governors;
- (g) (i) teachers shall be classified as senior lecturers, lecturers, assistant lecturers, tutors and demonstrators; and such persons shall be appointed by the College Council on recommendations of the Academic Board subject to the approval of the Board of Governors;
- (ii) save for termination at the end of a period of probation the appointment of a teacher may be terminated by the College Council for good cause only, and in every case the College Council shall consider the recommendations of the Academic Board;
- (iii) the minimum qualification of a teacher shall be a university degree;
- (iv) teachers in receipt of full time salaries from the College shall not engage in outside practice for reward without the consent of the College Council and subject to such conditions as it may impose;



- (h) (i) application for any person to be entered on the register of members of Boards of Governors or of members of College Councils shall be made to the Permanent Secretary by the Chairman of the Board of Governors on the instructions of the majority of the same of the prescribed form; (*See Form 2*)
- (ii) application for any person to be entered on the register of teachers shall be made to the Permanent Secretary by the President subject to the approval of the College Council on the prescribed form; (*See Form 3*) (*3 of 2003 s. 27*)
- (i) the College Council shall appoint as auditor a certified public accountant (practising) as defined by section 2(1) of the Accounting and Financial Reporting Council Ordinance (Cap. 588), who shall audit the College accounts annually, and who shall hold office for 1 year but shall be eligible for re-appointment. (*76 of 1973 s. 3; 23 of 2004 s. 56; E.R. 2 of 2019; L.N. 66 of 2022*)

### **3. Premises**

- (1) College premises shall at all times to the satisfaction of the Permanent Secretary or any person authorized by him in writing in that behalf— (*3 of 2003 s. 27*)
  - (a) be kept in a state of repair, cleanliness and safety;
  - (b) be adequately ventilated, lighted and provided with satisfactory water supply and with washing and latrine arrangements;
  - (c) be adequately protected against fire and equipped with fire fighting appliances.
- (2) College hostels shall be provided with adequate sick rooms and all boarders shall be medically examined by a registered medical practitioner before admission to any College hostel and re-examined at least once in every 6 months thereafter.

### **4. Health**

- (1) The Permanent Secretary or any person authorized by him in writing in that behalf may require any person employed in a College and any teacher or student to be medically examined.
- (2) The College Council shall, if so required in writing by the Permanent Secretary or any person authorized by him in writing in that behalf, cause any employee, teacher or student found to be suffering from an infectious disease to be excluded from the College for such period as he may direct.

- (3) The College shall provide adequate first aid equipment, and in particular there shall be first aid boxes adjacent to all laboratories and workshops, and the staff shall be familiar with the contents and use of such first aid boxes.

*(3 of 2003 s. 27)*

## **5. Dangerous experiments and equipment**

- (1) The College Council shall ensure that no student performs dangerous experiments or uses dangerous equipment without adequate supervision.
- (2) Poisons, dangerous chemicals and other dangerous equipment shall be properly guarded and under the charge of a responsible member of the College staff.

## **6. Admission and age of entry of students**

- (1) No student shall be admitted to a College unless he is at least 17 years of age.
- (2) The minimum academic requirement for entry into a College shall, save where the Permanent Secretary or any person authorized by him in writing in that behalf otherwise permits, be the possession of a Hong Kong School Certificate or Hong Kong Chinese School Certificate. *(3 of 2003 s. 27)*

## **7. Permission required for courses for teachers**

No College shall give a course of training for teachers, except with the written permission of the Chief Executive.

*(53 of 2000 s. 3)*

## **8. Examinations**

- (1) Examinations for degrees, diplomas and certificates of a College shall be conducted by examiners appointed by the College Council on the recommendation of the Academic Board.
- (2) The Permanent Secretary or any person authorized by him in writing in that behalf shall have the right to nominate, if he so wishes, additional examiners for any examination for a degree, diploma or certificate of a College. *(3 of 2003 s. 27)*

*(16 of 2001 s. 3)*

## **9. Finance**

- (1) The College Council shall ensure the keeping of correct and adequate accounts of all income and expenditure of the College.

- (2) All books of accounts, receipts, vouchers, etc., shall be open to inspection by the Permanent Secretary or any person authorized by him in writing in that behalf. (3 of 2003 s. 27)

## 10. Forms

Applications for registration of a Post Secondary College, for registration of a member of the Board of Governors or member of a College Council, or for registration of a teacher shall be made on the forms set out in the Schedule.

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## Schedule

[reg. 10]

### Form 1

#### POST SECONDARY COLLEGES ORDINANCE

#### (Chapter 320)

*Application to register a college as an approved Post Secondary College*

Address (for correspondence) .....

.....

Tel. No. ....

Date .....

Permanent Secretary for Education,  
Education Bureau,  
Hong Kong.

1. I hereby apply for registration of the college, particulars of which are set out below, as an approved Post Secondary College.

2. Particulars—

(a) Proposed name of College (in English) .....

.....

(b) Proposed name of College (in Chinese) .....

.....

(c) Proposed address of College .....

.....

(d) Whether (i) day College,  
(ii) evening College.

(e) Fees per student per year .....

(f) Sources and amount of annual revenue other than fees .....

.....

- (g) Amount of capital funds available for building and equipment or already spent for such purposes .....
- .....
- (h) Name and address of lessee of college premises .....
- .....
- .....
- (i) Rent of college premises .....
- (j) Number of teaching weeks in academic year .....
- .....
- (k) Number of students it is proposed to admit per annum .....
- .....
- (l) Total number of students for which the College will provide .....
- .....
- (m) Names of proposed Faculties and Departments in each Faculty .....
- .....
- .....
- .....
- .....
- .....
- .....
- .....
- .....
- .....
- .....

3. I attach applications in duplicate for the persons listed in Appendix A to be registered as a Member of the Board of Governors of the College.

4. I attach applications in duplicate for the persons listed in Appendix B to be registered as Members of the College Council.

5. I attach applications in duplicate for the persons listed in Appendix C to be registered as teachers.

6. I attach particulars (including salaries) of all officers it is proposed to appoint.

7. I attach 3 copies of a rough plan or diagram of the college premises (with dimensions).

8. I attach a list of proposed courses and outline contents and length of each course.

9. I attach a copy of the Conditions of Service and Contract for Employment of a full-time teacher of the College.

10. I attach a copy of the Requirements for Admission of a student to the College.

11. I attach a copy of the Ordinance incorporating the College or other evidence of incorporation together with a copy of the Constitution of the College.

12. I attach a general account of the proposed conduct, organization, courses and finance of the College.

13. The Board of Governors request approval for the appointment of ..... as President.

(Signed) .....

*Chairman of the Board of Governors*

*Note:* Registration of a college does not release the Board of Governors or any other person from compliance with any relevant requirements of the Buildings Ordinance (Chapter 123) or any other Ordinance, nor does it in any way affect or modify any agreements or covenants whatsoever relating to the premises intended for use as the college.

*(3 of 2003 s. 26; L.N. 130 of 2007)*

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Form 2

POST SECONDARY COLLEGES ORDINANCE

(Chapter 320)

*Application for registration of a Member of a Board of Governors  
and or Member of a College Council of Post Secondary College*

Address (for correspondence) .....

Tel. No. ....

Date .....

Permanent Secretary for Education,  
Education Bureau,  
Hong Kong.

College.....

Address.....

On the instructions of the majority of the members of the Board of Governors of ..... College I hereby make application for Mr./Mrs./Miss ....., particulars of whom are given below, to

be registered as \* a Member of the Board of Governors of this college.  
a Member of the Council

2. Particulars—

(a) Name (in English)..... (in Chinese).....

- (b) Aliases.....
- (c) Residential Address .....
- (d) Date of Birth .....
- (e) Place of Birth .....
- (f) Occupation(s) during the last 10 years. (If full and complete information has already been supplied in a previous application for registration as a manager of a college, this section need not be completed) .....  
.....  
.....
- (g) Particulars of education .....
- (h) Experience in or knowledge of educational matters .....  
.....
- (i) Special interest in the above College .....
- (j) Any other relevant remarks .....  
.....

(Signed) .....  
*Chairman of the Board of Governors*

..... College

*Note:* This form should be completed in duplicate.

\* Delete as necessary.

*(3 of 2003 s. 26; L.N. 130 of 2007; E.R. 2 of 2019)*

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Form 3

POST SECONDARY COLLEGES ORDINANCE

(Chapter 320)

*Application for registration of a teacher of an approved  
Post Secondary College*

..... College

Date .....

Permanent Secretary for Education,  
Education Bureau,  
Hong Kong.

1. With the approval of the College Council I hereby make application for Mr./Mrs./Miss ....., particulars of whom are given below, to be registered as a teacher in this College.

2. Particulars—

(a) Name (in English) .....

(b) Name (in Chinese) .....

(c) Aliases .....

(d) Sex .....

(e) Date of Birth .....

(f) Place of Birth .....

(g) Where educated with dates—

School or University	From Month/Year	To Month/Year
.....		
.....		
( )		
.....		
.....		
( )		
.....		
.....		
( )		

(h) Educational qualifications .....

(Certificates, diplomas, degrees) .....

.....

.....

.....

(i) Details of occupation(s) other than teaching since leaving school, college or university .....

.....

.....

.....

.....

(j) Details of all teaching experience—

School (with dates month/year)	Classes taught	Subjects taught

--	--	--

(k) Details of any publications or original research .....

3. Subjects to be taught .....

4. Proposed salary .....

5. Full-time or part-time .....  
(if part-time, state hours) .....

6. The following persons who are/are not aware of the statements made on this form may be referred to regarding the character of the teacher:

—

(a) Name ..... Occupation .....  
Address .....

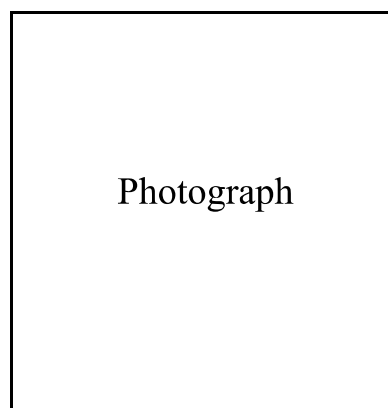
(b) Name ..... Occupation .....  
Address .....

7. I attach—

(a) 3 signed photographs

(b) medical certificate

(c) educational certificates, or other evidence of educational qualifications of the teacher.



Identity Card No. ....

(Signed) .....

*President*

*Note:* This form should be completed in duplicate.



*(3 of 2003 s. 26; L.N. 130 of 2007)*

## 2. Application

This Ordinance shall not apply to—

- (a) the University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053);
- (b) The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109);
- (c) The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075); (*Amended 6 of 1982 s. 24; 94 of 1994 s. 24; E.R. 1 of 2021*)
- (d) any post secondary college registered under the Post Secondary Colleges Ordinance (Cap. 320);
- (e) any technical college or technical institute defined in section 2 of the Vocational Training Council Ordinance (Cap. 1130); (*Added 6 of 1982 s. 24. Amended 50 of 1983 s. 34; 35 of 1991 s. 14*)
- (f) any industrial training centre or skills centre defined in section 2 of the Vocational Training Council Ordinance (Cap. 1130); (*Added 6 of 1982 s. 24. Amended 35 of 1991 s. 14*)
- (g) the Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126); (*Added 50 of 1983 s. 34. Amended 38 of 1984 s. 28; 93 of 1994 s. 40*)
- (h) the City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132); (*Added 65 of 1983 s. 25. Amended 38 of 1984 s. 28; 47 of 1987 s. 25; 92 of 1994 s. 33*)
- (i) The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135); (*Added 38 of 1984 s. 28. Amended 47 of 1987 s. 25; 72 of 1992 s. 28*)
- (j) The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141); (*Added 47 of 1987 s. 25*)

- (k) the Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145); (*Replaced 50 of 1997 s. 29. Amended 22 of 2021 s. 2*)
- (l) Lingnan University established by the Lingnan University Ordinance (Cap. 1165); or (*Replaced 54 of 1999 s. 31*)
- (m) The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444). (*Added 16 of 1994 s. 26. Amended 6 of 2016 s. 2*)

### 3. Interpretation

- (1) In this Ordinance, unless the context otherwise requires — (*Amended 27 of 2004 s. 2*)

***aided school*** (資助學校) means any school that receives subsidies from the Government in accordance with the code of aid for primary schools, the code of aid for secondary schools or the code of aid for special schools; (*Added 21 of 2000 s. 2*)

***Appeal Board*** (上訴委員會) means an Appeal Board appointed under section 62(1)(aa); (*Added 1 of 2004 s. 2*)

***Appeal Boards Panel*** (上訴委員團) means the Appeal Boards Panel appointed under section 59(1)(a); (*Added 1 of 2004 s. 2*)

***authorized person*** (獲授權人士) has the same meaning as it has in section 2 of the Buildings Ordinance (Cap. 123); (*Replaced 47 of 1990 s. 2*)

***Building Authority*** (建築事務監督) has the same meaning as it has in section 2 of the Buildings Ordinance (Cap. 123);

***certificate of provisional registration*** (臨時註冊證明書) means in relation to a school which is provisionally registered, the certificate which is issued by the Permanent Secretary under section 18(1) in respect of the school; (*Amended 3 of 2003 s. 2*)

***certificate of registration*** (註冊證明書) means—

- (a) in relation to a school which is registered under section 13, the certificate issued by the Permanent Secretary under section 18(1) in respect of the school; and
- (b) in relation to a school which is registered under either of the repealed Ordinances, the certificate of registration issued by the Permanent Secretary under such Ordinance in respect of the school; (*Amended 3 of 2003 s. 2*)

**code of aid for primary schools** (小學資助則例) means the code described as such and issued by the Permanent Secretary, under the terms of which the Government gives subsidies to certain primary schools, as the same may be amended from time to time; (*Added 21 of 2000 s. 2. Amended 3 of 2003 s. 2*)

**code of aid for secondary schools** (中學資助則例) means the code described as such and issued by the Permanent Secretary, under the terms of which the Government gives subsidies to certain secondary schools, as the same may be amended from time to time; (*Added 21 of 2000 s. 2. Amended 3 of 2003 s. 2*)

**code of aid for special schools** (特殊學校資助則例) means the code described as such and issued by the Permanent Secretary, under the terms of which the Government gives subsidies to certain special schools, practical schools or skills opportunity schools, as the same may be amended from time to time; (*Added 21 of 2000 s. 2. Amended 3 of 2003 s. 2*)

**document** (文件) includes any account, counterfoil, text-book, exercise book, pamphlet, publication, newspaper, poster, drawing, sketch, film, filmstrip, slide, gramophone record, and other printed, written or recorded matter, whether relating to school management, teaching or recreation or to any other activity of or in connexion with a school;

**DSS school** (直資學校) means a school which has joined the Direct Subsidy Scheme administered by the Permanent Secretary under which the school receives subsidy directly from the Government on such terms and conditions as specified by the Government from time to time; (*Added 1 of 2004 s. 2*)

**evening instruction** (夜間授課) means any instruction the greater part of which in any one day takes place after 6 p.m.;

**functions** (職能) includes powers and duties;

**IMC school** (設有法團校董會學校) means a school in respect of which an incorporated management committee is established under Part IIIB; (*Added 27 of 2004 s. 2*)

**inclusive fee** (費用總額) means the total sum of money charged in respect of the education of a pupil in a school;

**incorporated management committee** (法團校董會), in relation to a school, means the incorporated management committee established under section 40BN or 40BX in respect of the school; (*Added 27 of 2004 s. 2*)

**inspector of schools** (學校督學) means a person who is appointed under section 79 to be an inspector of schools, a medical officer of schools and a health inspector of schools;

**kindergarten education** (幼稚園教育) means a 2 years course of education normally commencing when a child has attained the age of 4 years; (*Replaced 42 of 1993 s. 2*)

**manage** (管理) includes administer;

**management authority** (管理當局) means, in relation to—

- (a) a school without IMC, the supervisor of the school;
- (b) an IMC school, the incorporated management committee of the school; (*Added 27 of 2004 s. 2*)

**management committee** (校董會), in relation to a school without IMC, means the managers of the school; (*Replaced 27 of 2004 s. 2*)

**manager** (校董), in relation to a school—

- (a) means a person who is registered as a manager of the school under section 29 or under either of the repealed Ordinances; and
- (b) subject to sections 40AL and 40AS, includes an alternate manager within the meaning of section 40AB; (*Replaced 27 of 2004 s. 2*)

**nursery education** (幼兒教育) means a one year course of education normally commencing when a child has attained the age of 3 years; (*Replaced 42 of 1993 s. 2*)

**Permanent Secretary** (常任秘書長) means the Permanent Secretary for Education; (*Added 3 of 2003 s. 2. Amended L.N. 130 of 2007*)

**permit to teach** (准用教員許可證) means a permit issued under section 50(1) or under either of the repealed Ordinances for the employment as a teacher in a school of a person who is not a registered teacher;

**permitted teacher** (准用教員) means a person, not being a registered teacher, who is permitted to be employed as a teacher in a school in accordance with a permit to teach;

**post secondary education** (專上教育) means education which is beyond the stage of secondary education;

**practical school** (實用中學) means a school that provides education for pupils through a practical curriculum and that has been approved by the Permanent Secretary for such purpose; (*Added 21 of 2000 s. 2. Amended 3 of 2003 s. 2*)

**primary education** (小學教育) means a 6 years course of education normally commencing when a child has attained the age of 6 years; (*Replaced 42 of 1993 s. 2*)

**primary school** (小學) means a school which provides primary education; (*Added 34 of 1979 s. 2*)

**principal** (校長) means, subject to section 58AA, a teacher who is approved as the principal of a school under section 53(2) or section 57(2) or under either of the repealed Ordinances; (*Amended 8 of 2001 s. 2*)

**proof of identity** (身分證明文件) has the meaning assigned to it by section 17B(1) of the Immigration Ordinance (Cap. 115); (*Added 8 of 2001 s. 2*)

**provisionally registered** (臨時註冊) means provisionally registered under section 15;

**registered** (註冊), in relation to a school, means registered under section 13 or under either of the repealed Ordinances;

**registered name** (註冊名稱) means the name in which a school is registered or provisionally registered;

**registered teacher** (檢定教員) means a person who is registered as a teacher under section 45(1) or under either of the repealed Ordinances;

**repealed Ordinances** (已廢除條例) means—

- (a) the Education Ordinance 1952 (Cap. 279, 1964 Ed.); and
- (b) the Education Ordinance 1913 (26 of 1913);

**school** (學校) means an institution, organization or establishment which provides for 20 or more persons during any one day or 8 or more persons at any one time, any nursery, kindergarten, primary, secondary or post secondary education or any other educational course by any means, including correspondence delivered by hand or through the postal services; (*Amended 38 of 1983 s. 2; 42 of 1993 s. 2*)

**school management company** (學校管理公司), in relation to a school, means a company designated as such under subsection (2); (*Added 27 of 2004 s. 2*)

**school premises** (校舍) includes school recreation rooms, residential facilities, playing fields and playing grounds, and any other places used for the purposes of a school;

**school without IMC** (不設法團校董會學校) means a school other than an IMC school; (*Added 27 of 2004 s. 2*)

**secondary education** (中學教育) means a course of education after primary education which normally commences when a child has attained the age of 12 years and is completed before he attains the age of 19 years; (*Replaced 42 of 1993 s. 2*)

**secondary school** (中學) means a school which provides secondary education; (*Added 34 of 1979 s. 2*)

**skills opportunity school** (技能訓練學校) means a school that provides education for pupils through a skills oriented curriculum and that has been approved by the Permanent Secretary for such purpose; (*Added 21 of 2000 s. 2. Amended 3 of 2003 s. 2*)

**special school** (特殊學校) means a school that provides education for pupils through a special education curriculum and that has been approved by the Permanent Secretary for such purpose; (*Added 21 of 2000 s. 2. Amended 3 of 2003 s. 2*)

**specified form** (指明格式) means a form specified by the Permanent Secretary; (*Added 8 of 2001 s. 2. Amended 3 of 2003 s. 2*)

**sponsoring body** (辦學團體), in relation to a school, means a society, organization or body (whether incorporated or not) which is approved in writing by the Permanent Secretary to be the sponsoring body of the school; (*Replaced 27 of 2004 s. 2*)

**supervisor** (校監) means— (*Amended 27 of 2004 s. 2*)

- (a) in relation to a school without IMC, a manager who is—
    - (i) approved as the supervisor of the school under section 34 or 38(2) or under either of the repealed Ordinances; or
    - (ii) approved as the acting supervisor of the school under section 38A(2);
  - (b) in relation to an IMC school, a manager who is—
    - (i) appointed or elected under section 40AJ(2) as the supervisor of the school; or
    - (ii) appointed or elected under section 40AJ(3) as the acting supervisor of the school. (*Amended 27 of 2004 s. 2*)
- (2) The Permanent Secretary may by notice published in the Gazette designate any company which is incorporated under the Companies Ordinance (Cap. 622), or under the Companies Ordinance (Cap. 32) as in force at the time of the incorporation, for the purposes of operating a school as stated in its articles of association as a school management company. (*Added 27 of 2004 s. 2. Amended 28 of 2012 ss. 912 & 920*)
- (3) A notice published under subsection (2) is not subsidiary legislation. (*Added 27 of 2004 s. 2*)

(*Amended 42 of 1993 s. 2; 8 of 2001 s. 2; 3 of 2003 s. 2; 27 of 2004 s. 2*)

**18A. Approval of Permanent Secretary required for post secondary education**

- (1) No management authority of a school shall cause or allow post secondary education to be provided at the school unless it has received the approval of the Permanent Secretary to do so. *(Amended 3 of 2003 s. 11; 27 of 2004 s. 70)*
- (2) The supervisor of a school without IMC who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 3 months. *(Amended L.N. 205 of 2000)*
- (3) If an incorporated management committee contravenes subsection (1) with the consent or connivance of a manager of the school, the manager shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 3 months. *(Added 27 of 2004 s. 7)*

*(Added 42 of 1993 s. 9. Amended 27 of 2004 s. 7)*

**86. Prohibition of issue of degrees or documents resembling degrees**

No person or school shall—

- (a) award a degree to a person; or
- (b) issue any document which could reasonably be taken as signifying the award of a degree to a person.



**Schedule**

[s. 1]

**Specification of Public Offices**

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Justice	Bankruptcy Ordinance (Cap. 6), paragraph (c) of the definition of <b>Registrar</b> in section 99A(7).
Chief Justice	Evidence Ordinance (Cap. 8), sections 27(2) and 29A(2).
Chief Justice	Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), paragraph (d) of the definition of <b>Registrar</b> in section 286E(7). ( <i>14 of 2016 s. 180</i> )
Chief Justice	Juvenile Offenders Ordinance (Cap. 226), section 3A(2).
Chief Secretary for Administration	The Rules of the High Court (Cap. 4 sub. leg. A), Order 69, rule 2, and Order 70, rule 3. ( <i>E.R. 4 of 2024</i> )
Chief Secretary for Administration	Evidence Ordinance (Cap. 8), sections 19A(1) and 40(5).
Chief Secretary for Administration	Immigration Ordinance (Cap. 115).
Chief Secretary for Administration	Air Passenger Departure Tax Ordinance (Cap. 140).
Chief Secretary for Administration	Registration of Persons Ordinance (Cap. 177), section 11.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Criminal Procedure Ordinance (Cap. 221), section 85(1).
Chief Secretary for Administration	Prison Rules (Cap. 234 sub. leg. A), rule 222(2).
Chief Secretary for Administration	Probation of Offenders Rules (Cap. 298 sub. leg. A), rule 42.
Chief Secretary for Administration	Basel Evangelical Missionary Society Incorporation Ordinance (Cap. 1002), section 6(2).
Chief Secretary for Administration	Scout Association of Hong Kong Ordinance (Cap. 1005), section 9(3).
Chief Secretary for Administration	Catholic Mission of Macao Incorporation Ordinance (Cap. 1006), section 5(2).
Chief Secretary for Administration	China Peniel Missionary Society Incorporation Ordinance (Cap. 1011), section 6(2).
Chief Secretary for Administration	Church of England Trust Ordinance (Cap. 1014), sections 3(2) and 4(1).
Chief Secretary for Administration	Daughters of Charity of the Canossian Institute Incorporation Ordinance (Cap. 1016), section 5(2).
Chief Secretary for Administration	Maryknoll Sisters of St. Dominic Incorporation Ordinance (Cap. 1019), section 5(2).
Chief Secretary for Administration	Hong Kong Chinese Christian Churches Union Incorporation Ordinance (Cap. 1025), section 3(1) and (2).
Chief Secretary for Administration	Irish Province of the Order of Franciscans Minor Incorporation Ordinance (Cap. 1028), section 5(2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Jesuit Order (English Assistancy) Incorporation Ordinance (Cap. 1029), section 5(2).
Chief Secretary for Administration	Jesuit Order (Portuguese Province) Incorporation Ordinance (Cap. 1030), section 5(2).
Chief Secretary for Administration	Kowloon Union Church Incorporation Ordinance (Cap. 1032), section 6(2).
Chief Secretary for Administration	Petites Sœurs des Pauvres, St. Pern, Bretagne, Incorporation Ordinance (Cap. 1039), section 6(2).
Chief Secretary for Administration	Pontifical Foreign Missions Institute Incorporation Ordinance (Cap. 1041), section 5(2).
Chief Secretary for Administration	Salesian Society Incorporation Ordinance (Cap. 1043), section 5(2).
Chief Secretary for Administration	Sisters of the Precious Blood Order Incorporation Ordinance (Cap. 1045), section 4(2).
Chief Secretary for Administration	Sœurs de Saint Paul de Chartres Incorporation Ordinance (Cap. 1046), section 5(2).
Chief Secretary for Administration	Chater (Cathedral and St. Andrew's) Endowment Funds Incorporation Ordinance (Cap. 1050), section 4(3).
Chief Secretary for Administration	Union Church Incorporation Ordinance (Cap. 1052), section 14(5).
Chief Secretary for Administration	Chinese Rhenish Church, Hong Kong Synod, Incorporation Ordinance (Cap. 1060), section 3(1) and (2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Church of Christ in China, Wanchai Church, Incorporation Ordinance (Cap. 1063), section 6(3).
Chief Secretary for Administration	Daughters of Mary Help of Christians Incorporation Ordinance (Cap. 1070), section 6(2).
Chief Secretary for Administration	Hong Kong Baptist Church Incorporation Ordinance (Cap. 1078), section 10(1).
Chief Secretary for Administration	Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong Incorporation Ordinance (Cap. 1084), section 6(2).
Chief Secretary for Administration	Education Scholarships Fund Ordinance (Cap. 1085), section 6(2).
Chief Secretary for Administration	Tsung Tsin Mission of Hong Kong Incorporation Ordinance (Cap. 1090), section 6(2).
Chief Secretary for Administration	Heung Yee Kuk Ordinance (Cap. 1097).
Chief Secretary for Administration	Abbot of the Order of Cistercians of the Strict Observance Incorporation Ordinance (Cap. 1107), section 6(2).
Collector of Stamp Revenue	Betting Duty Ordinance (Cap. 108), sections 6GH(3), 6GI(5), 6GJ(1), 6GK(1), (3)(b) and (4), 6GL(2), (3) and (5), 6GM(1), 6GN(4) and (8)(b), 6GO(4)(a), 6L(2), 6M(3), 6N(4), 6O(1), 6P, 6Q, 6R(1), 6S(4) and (7)(b), 6T(4) (a), 6V(2), (4) and (6)(b), 6ZL(1), 6ZM(1), 6ZO(2), (3), (4) and (6)(a) and 7(3).
Collector of Stamp Revenue	Betting Duty Regulations (Cap. 108 sub. leg. A), regulation 3(4).
Commissioner for Innovation and Technology	Inland Revenue Ordinance (Cap. 112), section 19 of Schedule 45. <i>(29 of 2018 s. 14)</i>

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Cap. 59), sections 7(4) and 9A.
Commissioner for Labour	Employees' Compensation Ordinance (Cap. 282).
Commissioner for Labour	Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360).
Commissioner for Transport	Ferry Services Ordinance (Cap. 104).
Commissioner for Transport	Ferry Services Regulations (Cap. 104 sub. leg. A).
Commissioner for Transport	Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229).
Commissioner for Transport	Public Bus Services Ordinance (Cap. 230).
Commissioner for Transport	Public Bus Services Regulations (Cap. 230 sub. leg. A).
Commissioner for Transport	Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237).
Commissioner for Transport	Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240).
Commissioner for Transport	Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272).
Commissioner for Transport	Motor Vehicles (First Registration Tax) Ordinance (Cap. 330).
Commissioner for Transport	Road Tunnels (Government) Ordinance (Cap. 368).
Commissioner for Transport	Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A).
Commissioner for Transport	Kowloon-Canton Railway Corporation Ordinance (Cap. 372).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Transport	Kowloon-Canton Railway Corporation Regulations (Cap. 372 sub. leg. A).
Commissioner for Transport	Road Traffic Ordinance (Cap. 374).
Commissioner for Transport	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).
Commissioner for Transport	Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B).
Commissioner for Transport	Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C).
Commissioner for Transport	Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D).
Commissioner for Transport	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E).
Commissioner for Transport	Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F).
Commissioner for Transport	Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).
Commissioner for Transport	Road Traffic (Village Vehicles) Regulations (Cap. 374 sub. leg. N).
Commissioner for Transport	Road Traffic (Parking on Private Roads) Regulations (Cap. 374 sub. leg. O).
Commissioner for Transport	Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q).
Commissioner for Transport	Road Traffic (Driving-offence Points) Ordinance (Cap. 375).
Commissioner for Transport	Tsing Sha Control Area Ordinance (Cap. 594).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Transport	Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A).
Commissioner for Transport	Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Cap. 594 sub. leg. B).
Commissioner of Correctional Services	Training Centres Ordinance (Cap. 280).
Commissioner of Customs and Excise	Import and Export Ordinance (Cap. 60), sections 7, 12, 13G, 13H, 27(3) and (3B), 28(2A) and (10), 29A(1) and 33A(1)(b). <i>(16 of 2023 s. 4)</i>
Commissioner of Customs and Excise	Import and Export (Registration) Regulations (Cap. 60 sub. leg. E).
Commissioner of Customs and Excise	Import and Export (Carriage of Articles) Regulations (Cap. 60 sub. leg. I), regulation 4.
Commissioner of Customs and Excise	Dutiable Commodities Ordinance (Cap. 109), except section 7.
Commissioner of Customs and Excise	Dutiable Commodities Regulations (Cap. 109 sub. leg. A).
Commissioner of Customs and Excise	Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations (Cap. 109 sub. leg. C), regulations 9 and 11.
Commissioner of Customs and Excise	Control of Chemicals Ordinance (Cap. 145).
Commissioner of Customs and Excise	Reserved Commodities Ordinance (Cap. 296), section 10.
Commissioner of Customs and Excise	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg. A), regulations 7A and 9(2).
Commissioner of Customs and Excise	Industrial Training (Clothing Industry) Ordinance (Cap. 318).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner of Customs and Excise	Trade Descriptions Ordinance (Cap. 362), sections 16(3), 16C(1), (2) and (3) and 30(2), (3) and (5).
Commissioner of Customs and Excise	Smoking (Public Health) Ordinance (Cap. 371), section 10A(4).
Commissioner of Customs and Excise	Copyright Ordinance (Cap. 528).
Commissioner of Customs and Excise	Prevention of Copyright Piracy Ordinance (Cap. 544).
Commissioner of Inland Revenue	Inland Revenue Ordinance (Cap. 112), section 16C. <i>(29 of 2018 s. 14)</i>
Commissioner of Mines	Mining Ordinance (Cap. 285), sections 13, 18, 20, 21, 31 and 37.
Commissioner of Mines	Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295 sub. leg. D), regulations 3(2) and 7.
Director of Accounting Services	Waterworks Regulations (Cap. 102 sub. leg. A), regulation 50(2) and (3).
Director of Agriculture, Fisheries and Conservation	Forests and Countryside Ordinance (Cap. 96), sections 22(5) and 23.
Director of Agriculture, Fisheries and Conservation	Pesticides Ordinance (Cap. 133), except sections 5(4), 6(c), 10, 11 and 14.
Director of Agriculture, Fisheries and Conservation	Pesticides Regulations (Cap. 133 sub. leg. A).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) Ordinance (Cap. 139), sections 6, 7 and 10(2).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) Regulations (Cap. 139 sub. leg. A), regulations 30, 34, 35, 37, 44 and 51.



Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139 sub. leg. B), regulations 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H and 7. ( <i>L.N. 68 of 2016</i> )
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139 sub. leg. C), regulations 4, 11(1) and 13.
Director of Agriculture, Fisheries and Conservation	Dairies Regulations (Cap. 139 sub. leg. D), regulations 3, 8, 9, 11, 15, 16(2), 18, 19(2)(f), 21(3), 26(1) and 29(2).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139 sub. leg. F), regulations 4(1) and (3), 6(a) and (b) and 8(1) and (3).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139 sub. leg. I), regulations 5(1) and (3) and 7.
Director of Agriculture, Fisheries and Conservation	Public Health (Animals) (Riding Establishment) Regulations (Cap. 139 sub. leg. J), regulations 5(1) and (3) and 7.
Director of Agriculture, Fisheries and Conservation	Wild Animals Protection Ordinance (Cap. 170), section 13.
Director of Agriculture, Fisheries and Conservation	Plant (Importation and Pest Control) Ordinance (Cap. 207).
Director of Agriculture, Fisheries and Conservation	Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A), regulations 4(1) and (2) (a), 5(1) and (2)(b), 8(1), 9(1), 10(1)(a), (b), (c) and (d) and (2), 11(1), (2) and (3)(a), 13(2), 14, 15(4) and 18(5).
Director of Agriculture, Fisheries and Conservation	Marine Parks Ordinance (Cap. 476), section 22(1).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Agriculture, Fisheries and Conservation	Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A), section 17.
Director of Agriculture, Fisheries and Conservation	Kadoorie Agricultural Aid Loan Fund Ordinance (Cap. 1080), section 7.
Director of Buildings	Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301), sections 5, 7(1), 13, 14(1), 15(1), (2)(c)(ii) and (8), 16(1), (3), (6), (8) and (9), 17, 18(2) and 20(g).
Director of Buildings as Building Authority	Buildings Ordinance (Cap. 123).
Director of Buildings as Building Authority	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276), section 15(1).
Director of Buildings as Building Authority	Education Ordinance (Cap. 279), section 12(1) (d).
Director of Buildings as Building Authority	Roads (Works, Use and Compensation) Ordinance (Cap. 370).
Director of Buildings as Building Authority	Kowloon-Canton Railway Corporation Ordinance (Cap. 372), section 35(1).
Director of Civil Engineering and Development	Ferry Services Ordinance (Cap. 104), sections 16(1)(a), 20(1) and 28(4).
Director of Civil Engineering and Development	Sand Ordinance (Cap. 147), sections 2 and 3.
Director of Electrical and Mechanical Services	Evidence Ordinance (Cap. 8), section 28(1)(b) (i).
Director of Electrical and Mechanical Services	Tramway Ordinance (Cap. 107), sections 25 and 33.
Director of Electrical and Mechanical Services	Aerial Ropeways (Safety) Ordinance (Cap. 211).
Director of Electrical and Mechanical Services	Peak Tramway Ordinance (Cap. 265), section 14A.
Director of Electrical and Mechanical Services	Electricity Ordinance (Cap. 406).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Environmental Protection	Waste Disposal Ordinance (Cap. 354), sections 16(1), 17, 19(1) and 36(3).
Director of Environmental Protection	Ozone Layer Protection Ordinance (Cap. 403).
Director of Environmental Protection	Environmental Impact Assessment Ordinance (Cap. 499).
Director of Environmental Protection	Environmental Impact Assessment (Appeal Board) Regulation (Cap. 499 sub. leg. A).
Director of Health	Undesirable Medical Advertisements Ordinance (Cap. 231).
Director of Health	Animals (Control of Experiments) Ordinance (Cap. 340).
Director of Highways	Public Lighting Ordinance (Cap. 105).
Director of Highways	Tramway Ordinance (Cap. 107).
Director of Highways	Road Traffic Ordinance (Cap. 374).
Director of Highways	Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).
Director of Highways	Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q).
Director of Highways	Tsing Sha Control Area Ordinance (Cap. 594).
Director of Highways	Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A).
Director of Immigration	Immigration Ordinance (Cap. 115).
Director of Intellectual Property	Director of Intellectual Property (Establishment) Ordinance (Cap. 412).
Director of Intellectual Property as Registrar of Designs	Registered Designs Ordinance (Cap. 522).
Director of Intellectual Property as Registrar of Designs	Registered Designs Rules (Cap. 522 sub. leg. A).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Intellectual Property as Registrar of Patents	Patents Ordinance (Cap. 514).
Director of Intellectual Property as Registrar of Patents	Patents (Transitional Arrangements) Rules (Cap. 514 sub. leg. B).
Director of Intellectual Property as Registrar of Patents	Patents (General) Rules (Cap. 514 sub. leg. C).
Director of Intellectual Property as Registrar of Trade Marks	Trade Marks Ordinance (Cap. 559).
Director of Intellectual Property as Registrar of Trade Marks	Trade Marks Rules (Cap. 559 sub. leg. A).
Director of Lands	Land (Miscellaneous Provisions) Ordinance (Cap. 28).
Director of Lands	Government Leases Ordinance (Cap. 40).
Director of Lands	Lands Resumption Ordinance (Cap. 124).
Director of Lands	Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126), section 7(3).
Director of Lands	Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127).
Director of Lands	Mining Ordinance (Cap. 285).
Director of Lands	Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301), sections 18(2), 20(g), 23(1) and (2), 24 and 25(2).
Director of Lands	Road Traffic Ordinance (Cap. 374), sections 123(3) and (4) and 124(1) and (2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Marine	Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F), sections 4(2) and (3), 8(1) and (2), 9(1) and (2), 15(1) and (2), 19(1), 20(1), 21(1), 23(1), 24(1) and (2), 25(1), (2) and (3), 26(1) and (2) and 27(1) and (2). <i>(29 of 2021 s. 11)</i>
Director of Marketing	Agricultural Products (Marketing) Ordinance (Cap. 277).
Director of Marketing	Marine Fish (Marketing) Ordinance (Cap. 291).
Director of Social Welfare	Offences against the Person Ordinance (Cap. 212), section 44(4).
Director of Social Welfare	Reformatory Schools Ordinance (Cap. 225).
Director of Social Welfare	Juvenile Offenders Ordinance (Cap. 226).
Director of Social Welfare	Probation of Offenders Ordinance (Cap. 298).
Director-General of Civil Aviation	Air Passenger Departure Tax Ordinance (Cap. 140).
Director-General of Trade and Industry	Import and Export Ordinance (Cap. 60), sections 9(3), 33A(1)(b) and 36(2).
Director-General of Trade and Industry	Import and Export (General) Regulations (Cap. 60 sub. leg. A), regulations 5AB(1), (2), (3), (4) and (5), 5AC(1) and (3), 5AD(1) and (2), 5AE(1)(c) and 6(3) and (4) and item 1 of Part 1 and item 13 of Part 4 of Schedule 5.
Director-General of Trade and Industry	Import and Export (Fees) Regulations (Cap. 60 sub. leg. B).
Director-General of Trade and Industry	Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg. G), regulation 2.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director-General of Trade and Industry	Export (Certificates of Origin) Regulations (Cap. 60 sub. leg. H), regulations 6(2), 7(1) to (4), 8(1) and (3), 9(2) and 11(1)(c).
Director-General of Trade and Industry	Import (Radiation) (Prohibition) Regulations (Cap. 60 sub. leg. K).
Director-General of Trade and Industry	Reserved Commodities Ordinance (Cap. 296), section 6.
Director-General of Trade and Industry	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg. A).
Director-General of Trade and Industry	Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap. 296 sub. leg. B).
Financial Secretary	Legal Tender Notes Issue Ordinance (Cap. 65), section 3(2), (3) and (5).
Financial Secretary	Money Lenders Ordinance (Cap. 163), sections 33A and 33B.
Financial Secretary	Prison Rules (Cap. 234 sub. leg. A), rule 263.
Financial Secretary	Hong Kong Tourism Board Ordinance (Cap. 302), section 7(d).
Financial Secretary	Government Lotteries Ordinance (Cap. 334).
Financial Secretary	Customs and Excise Service (Welfare Fund) Regulation (Cap. 342 sub. leg. C), section 8.
Financial Secretary	The Hong Kong Association of Banks Ordinance (Cap. 364), section 12(1).
Financial Secretary	Trading Funds Ordinance (Cap. 430), sections 3(1) and 8(2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Financial Secretary	Hong Kong Science and Technology Parks Corporation Ordinance (Cap. 565), sections 23(6) and 24.
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115), sections 12, 17(1) and 24(2).
Gas Authority	Gas Safety Ordinance (Cap. 51).
Insurance Authority	Financial Institutions (Resolution) Ordinance (Cap. 628). <i>(23 of 2016 s. 205 and E.R. 2 of 2017)</i>
Land Registrar	Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126), sections 11(1) and (3) and 12(1) and (3).
Land Registrar	Land Registration Ordinance (Cap. 128).
Land Registrar	Building Management Ordinance (Cap. 344).
Monetary Authority	Crimes Ordinance (Cap. 200), sections 103(1) and 104(1).
Monetary Authority	Financial Institutions (Resolution) Ordinance (Cap. 628). <i>(23 of 2016 s. 205 and E.R. 2 of 2017)</i>
Permanent Secretary for Education	Post Secondary Colleges Ordinance (Cap. 320), sections 3, 8, 9, 11 and 12(2).
Principal Probation Officer	Probation of Offenders Rules (Cap. 298 sub. leg. A), rules 15, 20(2) and 21.
Registrar of Companies	Trustee Ordinance (Cap. 29).
Registrar of Companies	Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32).
Registrar of Companies	Limited Partnerships Ordinance (Cap. 37).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Registrar of Companies	Registered Trustees Incorporation Ordinance (Cap. 306).
Registrar of Companies	Securities and Futures Ordinance (Cap. 571), Part IVA. <i>(33 of 2021 s. 34)</i>
Registrar of Companies	Securities and Futures (Open-ended Fund Companies) Rules (Cap. 571 sub. leg. AQ). <i>(33 of 2021 s. 34)</i>
Registrar of Companies	Companies Ordinance (Cap. 622).
Registrar of Companies	Limited Partnership Fund Ordinance (Cap. 637). <i>(14 of 2020 s. 101; E.R. 5 of 2020)</i>
Registrar of Co-operative Societies	Co-operative Societies Ordinance (Cap. 33).
Registrar of Co-operative Societies	J. E. Joseph Trust Fund Ordinance (Cap. 1067), sections 3, 4, 5, 6 and 7.
Registrar of Credit Unions	Credit Unions Ordinance (Cap. 119).
Registrar of Money Lenders	Money Lenders Ordinance (Cap. 163).
Secretary for Constitutional and Mainland Affairs	Sex Discrimination Ordinance (Cap. 480), section 65(3) and sections 16(2) and (3) and 17(2) of Schedule 6.
Secretary for Constitutional and Mainland Affairs	Personal Data (Privacy) Ordinance (Cap. 486), section 14(6) and sections 2(2) and (3) and 3(2) of Schedule 2.
Secretary for Culture, Sports and Tourism	Books Registration Ordinance (Cap. 142). <i>(L.N. 144 of 2022)</i>
Secretary for Development	Buildings Ordinance (Cap. 123).
Secretary for Education	Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493), section 8(1)(a)(ii)(B).



Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Secretary for Education	Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 1150), sections 4(1)(g) and (2), 5(2)(e), (ea), (g) and (l), 9(1), 12(b), 13(1), (2) and (3) and 17.
Secretary for Home and Youth Affairs	Probate and Administration Ordinance (Cap. 10), sections 60B, 60C, 60D, 60E, 60F, 60G and 60K. ( <i>L.N. 144 of 2022</i> )
Secretary for Home and Youth Affairs	New Territories Ordinance (Cap. 97), sections 15, 16 and 18. ( <i>L.N. 144 of 2022</i> )
Secretary for Home and Youth Affairs	Hotel and Guesthouse Accommodation Ordinance (Cap. 349), sections 19(1) and 20(1), (2), (4)(b)(ii) and (5). ( <i>6 of 2020 s. 43; L.N. 144 of 2022</i> )
Secretary for Home and Youth Affairs	Clubs (Safety of Premises) Ordinance (Cap. 376). ( <i>L.N. 144 of 2022</i> )
Secretary for Home and Youth Affairs	New Territories Land (Exemption) Ordinance (Cap. 452), section 12. ( <i>L.N. 144 of 2022</i> )
Secretary for Home and Youth Affairs	Heung Yee Kuk Ordinance (Cap. 1097), section 3(2)(c) and (3) and paragraph 6 of the First Schedule and paragraph 5(2) of the Second Schedule. ( <i>L.N. 144 of 2022</i> )
Secretary for Labour and Welfare	Employees Retraining Ordinance (Cap. 423), sections 9(2) and (3) and 14(4).
Secretary for Security	Immigration Ordinance (Cap. 115), sections 29(1), (2) and (4), 32(2), (2A), (3) and (4)(a), 34(b) and 35(2).
Secretary for Security	Marriage Ordinance (Cap. 181), section 5J(7).
Secretary for Security	Essential Services Corps Ordinance (Cap. 197).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Secretary for Security	Public Order Ordinance (Cap. 245), section 31(6)(i).
Secretary for Security	Auxiliary Medical Service Ordinance (Cap. 517).
Secretary for Security	Civil Aid Service Ordinance (Cap. 518).
Secretary for Transport and Logistics	Merchant Shipping (Safety) Ordinance (Cap. 369), section 5. ( <i>L.N. 144 of 2022</i> )
Secretary for Transport and Logistics	Roads (Works, Use and Compensation) Ordinance (Cap. 370). ( <i>L.N. 144 of 2022</i> )
( <i>Schedule replaced 18 of 2014 s. 62. 12 of 2015 s. 99; 7 of 2016 s. 21; 9 of 2018 s. 12; 24 of 2023 s. 29; E.R. 4 of 2024</i> )	

**7. Regulation of public meetings**

- (1) Subject to this Ordinance, a public meeting may take place if, but only if,—
- (a) the Commissioner of Police is notified under section 8 of the intention to hold the meeting; and
  - (b) the holding of the meeting is not prohibited by the Commissioner of Police under section 9.
- (2) This section shall not apply to—
- (a) a meeting of not more than 50 persons; (*Amended 77 of 1995 s. 6*)
  - (b) a meeting in private premises (whether or not the public or any section of the public are permitted to attend) where the attendance at the meeting does not exceed 500 persons; (*Amended 77 of 1995 s. 6*)
  - (c) a meeting in any school registered or provisionally registered or exempted under the Education Ordinance (Cap. 279), or in any college registered under the Post Secondary Colleges Ordinance (Cap. 320), or in any educational establishment established by any Ordinance, if—
    - (i) the meeting is organized or approved by an accredited society or similar body of such school, college or educational establishment; and
    - (ii) the meeting is held with the consent of the management of such school, college or educational establishment in accordance with the terms of that consent,whether or not the public or any section of the public are permitted to attend.

## Second Schedule

*(Format changes—E.R. 2 of 2012)*

### Part 1

[reg. 68]

#### Qualifications for a Registered Teacher

- (1) An approved degree of a specified institution together with an approved teacher's diploma, certificate, or like qualification to teach; *(1 of 2004 s. 18)*
- (2) a degree in education of a specified institution; *(1 of 2004 s. 18)*
- (3) *(Repealed 1 of 2004 s. 18)*
- (4) a teacher's certificate issued by the Hong Kong Government;
- (5) a Hong Kong Government Normal School certificate and 5 years approved teaching experience; *(L.N. 122 of 1974)*
- (6) a Hong Kong Government Evening Institute teacher's certificate and 5 years approved teaching experience; *(L.N. 122 of 1974)*
- (7) a certificate of status as "Qualified Teacher" or "Qualified Kindergarten Teacher" issued by the Hong Kong Education Department to a teacher who has completed an approved course of training and passed a written and practical test, and approved teaching experience; or *(L.N. 122 of 1974; L.N. 268 of 1990; E.R. 3 of 2022)*
- (8) any other educational training and experience which in the opinion of the Permanent Secretary is equivalent to the qualifications specified in paragraph (1), (2), (4), (5), (6) or (7). *(3 of 2003 s. 14; 1 of 2004 s. 18; E.R. 3 of 2022)*
- (9) *(Repealed 1 of 2004 s. 18)*

For the purposes of this Part and Part 2— *(1 of 2004 s. 18)*

- (a) **approved** (認可) means approved by the Permanent Secretary;
- (b) **specified institution** (指明院校) means any of the following—

- (i) the Lingnan University established by the Lingnan University Ordinance (Cap. 1165);
- (ii) The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444); *(6 of 2016 s. 2)*
- (iii) the University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053);
- (iv) The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075);
- (v) The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109);
- (vi) the Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126);
- (vii) the City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132);
- (viii) The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135);
- (ix) The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141);
- (x) the Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145); *(22 of 2021 s. 2)*
- (xi) any Post Secondary College registered under the Post Secondary Colleges Ordinance (Cap. 320). *(1 of 2004 s. 18)*

## **Part 2**

[reg. 69]

### **Qualifications for a Permitted Teacher, other than a Teacher to Whom Part 2A, 3 or 4 Applies**

*(L.N. 268 of 1990; 1 of 2004 s. 18)*

- (1) A higher diploma issued by a specified institution; *(1 of 2004 s. 18)*

- (1A) an associate degree of a specified institution; or (*1 of 2004 s. 18*)
- (2) any other educational training or practical experience which in the opinion of the Permanent Secretary is equivalent to the qualifications specified in paragraph (1) or (1A). (*L.N. 237 of 1982; 3 of 2003 s. 14; 1 of 2004 s. 18*)

## **Part 2A**

[reg. 69A]

### **Qualifications for a Permitted Teacher Who is Permitted to Teach other Educational Courses**

- (1) One or two certificates of the Hong Kong Certificate of Education Examination with an aggregate of 5 separate subjects at Grade E or a higher grade, including— (*L.N. 23 of 2012*)
  - (a) English Language (Syllabus B), or of a standard which in the opinion of the Permanent Secretary is equivalent to Grade E or a higher grade in that certificate; or
  - (b) Chinese Language;
- (1A) one or two certificates of the Hong Kong Diploma of Secondary Education Examination with an aggregate of 5 separate subjects consisting of—
  - (a) English Language or Chinese Language at Level 2 or a higher level;
  - (b) 2 subjects each of which is—
    - (i) a subject from the New Senior Secondary subjects at Level 2 or a higher level;
    - (ii) a subject from the Applied Learning subjects with an “Attained” or “Attained with Distinction” result; or
    - (iii) a subject from the Other Language subjects at Grade E or a higher grade; and
  - (c) 2 subjects each of which is—
    - (i) a subject from the New Senior Secondary subjects at Level 2 or a higher level; or
    - (ii) a subject from the Other Language subjects at Grade E or a higher grade; or (*L.N. 23 of 2012*)

- (2) any other educational training or practical experience which in the opinion of the Permanent Secretary is equivalent to the qualifications specified in paragraph (1) or (1A).

For the purposes of this Part and Part 4, a subject is not separate from another subject by reason only that instruction in the first subject is given in a language different from that in which instruction in the second subject is given.

*(1 of 2004 s. 18; L.N. 23 of 2012)*

### **Part 3**

[reg. 70]

#### **Qualifications for a Permitted Teacher Who is Permitted to Teach English**

The qualifications specified in Part 2 or 2A and— *(1 of 2004 s. 18)*

- (1) Grade E or higher grade in English Language (Syllabus B) in the Hong Kong Certificate of Education Examination;
- (1A) Level 2 or a higher level in English Language in the Hong Kong Diploma of Secondary Education Examination; *(L.N. 23 of 2012)*
- (2) a pass in English Language in the Hong Kong English School Certificate, the Hong Kong Chinese School Certificate, or the Hong Kong School Certificate; or
- (3) a knowledge of English of a standard which in the opinion of the Permanent Secretary is equivalent to— *(L.N. 23 of 2012)*
  - (a) Grade E in English Language (Syllabus B) in the Hong Kong Certificate of Education Examination; or
  - (b) Level 2 in English Language in the Hong Kong Diploma of Secondary Education Examination. *(3 of 2003 s. 14; L.N. 23 of 2012)*

*(1 of 2004 s. 18)*

### **Part 4**

[reg. 70A]

#### **Qualifications for a Permitted Teacher Who is Permitted to Teach Pupils Undergoing Nursery or Kindergarten Education**

- (1) A certificate of status as “Qualified Assistant Kindergarten Teacher” issued by the Hong Kong Education Department to a teacher who has completed an approved course of training, and approved teaching experience;
- (2) one or two certificates of the Hong Kong Certificate of Education Examination with an aggregate of 5 separate subjects at Grade E or a higher grade, including English Language (Syllabus A or B) and Chinese Language; (*1 of 2004 s. 18*)
- (2A) one or two certificates of the Hong Kong Diploma of Secondary Education Examination with an aggregate of 5 separate subjects consisting of—
  - (a) English Language at Level 2 or a higher level;
  - (b) Chinese Language at Level 2 or a higher level;
  - (c) 2 subjects each of which is—
    - (i) a subject from the New Senior Secondary subjects at Level 2 or a higher level;
    - (ii) a subject from the Applied Learning subjects with an “Attained” or “Attained with Distinction” result; or
    - (iii) a subject from the Other Language subjects at Grade E or a higher grade; and
  - (d) either of the following—
    - (i) a subject from the New Senior Secondary subjects at Level 2 or a higher level;
    - (ii) a subject from the Other Language subjects at Grade E or a higher grade; or (*L.N. 23 of 2012*)
- (3) any other educational training or practical experience which in the opinion of the Permanent Secretary is equivalent to the qualifications specified in paragraph (1), (2) or (2A). (*3 of 2003 s. 14*)

For the purposes of this Part, **approved** (認可) means approved by the Permanent Secretary. (*3 of 2003 s. 14*)

(*L.N. 268 of 1990; L.N. 23 of 2012*)  
(*E.R. 2 of 2012*)



## 2. Interpretation

In this Order, unless the context otherwise requires—

***exempted school*** (獲豁免學校) means a school that—

- (a) provides any educational course other than nursery, kindergarten, primary, secondary or post secondary education; and
- (b) is not funded wholly or partly by any subsidy from the Government;

***public examination*** (公開考試) means—

- (a) The Hong Kong Certificate of Education Examination;
- (ab) the Hong Kong Diploma of Secondary Education Examination; (*L.N. 24 of 2012*)
- (b) The Hong Kong Higher Level Examination;
- (c) The Hong Kong Advanced Level Examination; or
- (d) any examination the result of which is, in the opinion of the Permanent Secretary, equivalent to a result obtained in an examination mentioned in paragraph (a), (ab), (b) or (c); (*L.N. 24 of 2012*)

***school workshop*** (學校工場) has the same meaning as in regulation 2 of the Education Regulations (Cap. 279 sub. leg. A);

***science laboratory*** (科學實驗室) has the same meaning as in regulation 2 of the Education Regulations (Cap. 279 sub. leg. A);

***specified institution*** (指明院校) means any of the following—

- (a) the Lingnan University established by the Lingnan University Ordinance (Cap. 1165);
- (b) The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444); (*6 of 2016 s. 2*)
- (c) the University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053);
- (d) The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075);

- (e) The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109);
- (f) the Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126);
- (g) the City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132);
- (h) The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135);
- (i) The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141);
- (j) the Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145); *(22 of 2021 s. 2)*
- (k) any Post Secondary College registered under the Post Secondary Colleges Ordinance (Cap. 320).

## 2. Interpretation

In this Ordinance, unless the context otherwise requires—

***approved breath analysing instrument*** (認可呼氣分析儀器) means an instrument of a type approved by the Commissioner of Police under section 39F for analysing the proportion of alcohol in a specimen of a person's breath; (*Added 39 of 1995 s. 2*)

***approved operator*** (認可操作員) means a member of the police force authorized by the Commissioner of Police under section 39F; (*Added 39 of 1995 s. 2*)

***approved pre-screening device*** (認可預檢設備) means a device—

- (a) of a type approved by the Commissioner of Police under section 39F; and
- (b) for indicating whether or not the proportion of alcohol in a person's breath reaches such a level that it would be reasonable to suspect that such proportion is likely to exceed the prescribed limit; (*Added 23 of 2008 s. 3*)

***approved screening device*** (認可檢查設備) means a device of a type approved by the Commissioner of Police under section 39F for indicating whether the proportion of alcohol in a person's breath is likely to exceed the prescribed limit; (*Added 39 of 1995 s. 2*)

***authorized police officer*** (獲授權警務人員), in relation to a preliminary drug test, means a police officer authorized under section 39T(3) to carry out that test; (*Added 24 of 2011 s. 3*)

***autonomous mode*** (自動模式), in relation to an AV, means the mode under which the AV is being operated by its AV system; (*Added 11 of 2023 s. 3*)

***autonomous vehicle*** (自動駕駛車輛)—

- (a) means a motor vehicle that is autonomous within the meaning of Schedule 14; but
- (b) does not include one that is constructed or adapted for use primarily on a road, or any part of a road, that is intended for use by pedestrians (including those parts for pedestrian crossing); (*Added 11 of 2023 s. 3*)

***AV*** (自動車) means an autonomous vehicle; (*Added 11 of 2023 s. 3*)

***AV system*** (自動車系統) means a system (including hardware, software and computer programmes) that enables the

operation of a motor vehicle without the monitoring by, or control of, a natural person; (*Added 11 of 2023 s. 3*)

**bicycle** (單車) means a vehicle with 2 wheels designed and constructed to be propelled by the use of pedals;

**breath analysis** (呼氣分析) means an analysis of a specimen of a person's breath under section 39C; (*Added 39 of 1995 s. 2*)

**breath test centre** (呼氣測試中心) means a place or vehicle designated by the Commissioner of Police as a breath test centre under section 39C(20); (*Added 50 of 1999 s. 2*)

**bus** (巴士) means a motor vehicle constructed or adapted for the carriage of a driver and more than 19 passengers and their personal effects;

**Note—**

See also section 113C. (*Replaced 10 of 2017 s. 3*)

**Commissioner** (署長) means the Commissioner for Transport;

**conductor** (指導員) in relation to a bus includes any person, other than the driver, who is employed—

- (a) to be in charge of, or to guide, passengers on the bus; or
- (b) as an inspector of any service provided by the bus;

**disabled person** (傷殘人士) means a person who is the holder of a certificate signed by or on behalf of the Director of Health or the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap. 113) stating that such person is suffering from a permanent disease or physical disability that causes him considerable difficulty in walking; (*Added 34 of 1993 s. 2*)

**display ticket** (泊車票) means a ticket obtained from a pay and display machine for display on a motor vehicle to indicate payment for the use of the parking space in which the vehicle is parked and which shows—

- (a) the payment made for obtaining it;
- (b) the date on which payment is made and the time of expiry of the period to which the payment relates; and
- (c) the parking place in respect of which the machine is erected; (*Added 61 of 1991 s. 2*)

**disqualified** (取消駕駛資格)—see section 2B; (*Replaced 35 of 2023 s. 46*)

**domestic driving permit** (當地駕駛許可證) and **domestic driving licence** (當地駕駛執照) in relation to a place outside Hong Kong mean a document issued under the law of that place authorizing the driver to drive motor vehicles or a specified class or description of motor vehicles in that place;

**driver** (司機、駕駛人), in relation to any vehicle (other than a rickshaw), vehicle of the North-west Railway, or tram, means any person who is in charge of or assisting in the control of it and, in relation to a rickshaw, means any person pulling a rickshaw; (*Amended 46 of 1987 s. 2*)

**driver operated village vehicle** (司機操作的鄉村車輛) means a motor vehicle having an overall length not exceeding 3.2 m and an overall width not exceeding 1.2 m constructed or adapted primarily for the carriage of goods on roads in rural areas or areas inaccessible or closed to other motor vehicles, in addition to the carriage of a driver only, but does not include one that is an AV; (*Added 31 of 1986 s. 2. Amended 11 of 2023 s. 3*)

**driving improvement course** (駕駛改進課程) means a driving improvement course provided by a driving improvement school under section 102B(3)(a); (*Added 3 of 2002 s. 2*)

**driving improvement school** (駕駛改進學校) means a place designated by the Commissioner as a driving improvement school under section 102B(1) and in respect of which the designation is for the time being in force; (*Added 3 of 2002 s. 2*)

**driving licence** (駕駛執照) means a driving licence issued under this Ordinance;

**drug** (藥物) means—

- (a) a substance specified in Schedule 1A; or
- (b) any substance (other than alcohol or a substance referred to in paragraph (a)) which, when consumed or used by a person, deprives a person (temporarily or permanently) of any of his or her normal mental or physical faculties; (*Added 24 of 2011 s. 3*)

**Drug Influence Recognition Observation** (識認藥物影響觀測) means a test carried out by an authorized police officer on a person, to detect signs that indicate the effect on the human body of the consumption or use of drugs, so as to assist the police officer to form an opinion as to whether or not the person is under the influence of a drug; (*Added 24 of 2011 s. 3*)

**e-contact means** (電子聯絡方式), in relation to a person, means—

- (a) an electronic mail address through which the person can be contacted by an electronic mail; or

- (b) a telephone number in the numbering plan as defined by section 2(1) of the Telecommunications Ordinance (Cap. 106) through which the person can be contacted by an SMS message; (*Added 13 of 2024 s. 53*)

***educational institution*** (教育機構) means—

- (a) any institution, organization or place which provides, or where there is provided, for 10 or more persons during any one day, whether or not at the same time, kindergarten, primary, secondary or post secondary education or any other educational course which is either —
  - (i) registered as a school under the Education Ordinance (Cap. 279); or
  - (ii) exempted from registration as a school under the Education Ordinance (Cap. 279);
- (b) any post secondary college registered under the Post Secondary Colleges Ordinance (Cap. 320);
- (c) the University of Hong Kong referred to in the University of Hong Kong Ordinance (Cap. 1053);
- (d) The Chinese University of Hong Kong established under The Chinese University of Hong Kong Ordinance (Cap. 1109);
- (e) The Hong Kong Polytechnic University established under the Hong Kong Polytechnic University Ordinance (Cap. 1075); (*Amended 94 of 1994 s. 25*)
- (f) the Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126); (*Added 50 of 1983 s. 34. Amended 93 of 1994 s. 41*)
- (g) the City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132); (*Added 65 of 1983 s. 25. Amended 92 of 1994 s. 34*)
- (h) The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135); (*Added 38 of 1984 s. 28*)
- (i) The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141); (*Added 47 of 1987 s. 25*)

- (j) the Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145); (*Replaced 50 of 1997 s. 29. Amended 22 of 2021 s. 2*)
- (k) Lingnan University established by the Lingnan University Ordinance (Cap. 1165); (*Replaced 54 of 1999 s. 32*)
- (l) The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444); (*Added 16 of 1994 s. 27. Amended 6 of 2016 s. 2*)

**fail** (沒有), for the purposes of sections 39B, 39C, 39O and 39S, includes refuse; (*Added 39 of 1995 s. 2. Amended 24 of 2011 s. 3*)

**franchised bus** (專利巴士) has the meaning given to it by regulation 2(1) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G); (*Added 6 of 2012 s. 3*)

**golf cart** (高爾夫球車) means a motor vehicle having an overall length not exceeding 3.2 m and an overall width not exceeding 1.2 m constructed or intended for use for the carriage of passengers on golf courses, in addition to the carriage of a driver, but does not include one that is an AV; (*Added 80 of 1988 s. 3. Amended 11 of 2023 s. 3*)

**goods** (貨、貨物) includes burden of any description;

**goods vehicle** (貨車) means a motor vehicle, or trailer, which is constructed or adapted for use primarily for the carriage of goods, but does not include—

- (a) a motor tricycle or a motor cycle with or without a sidecar attached thereto; or
- (b) a village vehicle; (*Replaced 31 of 1986 s. 2*)

**gross vehicle weight** (車輛總重), in relation to a vehicle, means the sum of the weights transmitted to the road surface by all the wheels of the vehicle and includes, in the case of a trailer, any weight of the trailer imposed on the drawing vehicle, and the **permitted gross vehicle weight** (許可車輛總重) of a vehicle means the maximum gross vehicle weight assigned or determined in respect of the vehicle in accordance with regulations made under this Ordinance; (*Amended 66 of 1985 s. 2*)

**heavy goods vehicle** (重型貨車) means a goods vehicle having a permitted gross vehicle weight exceeding 24 tonnes but not exceeding 38 tonnes;

- hire car permit** (出租汽車許可證) means a permit issued in accordance with this Ordinance authorizing the use of a private car for the carriage of passengers for hire or reward;
- hospital** (醫院) means an institution which provides medical or surgical treatment for in-patients or out-patients; (*Added 39 of 1995 s. 2*)
- Impairment Test** (損害測試) means a combination of any or all of the tests specified by the Commissioner of Police under section 39T(1), carried out by an authorized police officer on a person, so as to assist the police officer to form an opinion as to whether or not the person's ability to drive properly is impaired by the consumption or use of drugs; (*Added 24 of 2011 s. 3*)
- international driving permit** (國際駕駛許可證) means an international driving permit issued under the authority of a country or place other than Hong Kong which is a party to an international agreement for the time being in force in respect of Hong Kong; (*Amended 3 of 2002 s. 15*)
- invalid carriage** (傷殘者車輛) means a motor vehicle especially designed and constructed for the sole use of a person suffering from physical defects or disabilities;
- kindergarten education** (幼稚園教育) has the meaning assigned to it by section 3 of the Education Ordinance (Cap. 279);
- learner's driving licence** (學習駕駛執照) means a learner's driving licence issued under regulation 12 or 12A of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B); (*Added 23 of 2008 s. 3*)
- light bus** (小型巴士) means a motor vehicle constructed or adapted for use solely for the carriage of a driver and not more than 19 passengers and their personal effects, but does not include an invalid carriage, motor cycle, motor tricycle, private car or taxi; (*Amended 89 of 1988 s. 2; 19 of 2004 s. 2; 10 of 2017 s. 3*)
- light goods vehicle** (輕型貨車) means a goods vehicle having a permitted gross vehicle weight not exceeding 5.5 tonnes;
- medium goods vehicle** (中型貨車) means a goods vehicle having a permitted gross vehicle weight exceeding 5.5 tonnes but not exceeding 24 tonnes;
- motor cycle** (電單車) means a two-wheeled motor vehicle with or without a sidecar;
- motor tricycle** (機動三輪車) means a three-wheeled motor vehicle other than—



- (a) a motor cycle with a sidecar; and
- (b) a village vehicle; (*Replaced 31 of 1986 s. 2*)

**motor vehicle** (汽車) means any mechanically propelled vehicle;

**multi-cycle** (多輪車) means a vehicle with—

- (a) 4 or more wheels designed and constructed to be propelled by the use of pedals and of which wheels at least 4 touch the road simultaneously when the vehicle is ridden; and
- (b) a seat (or seats) whose height is not less than 350 mm above the road at any time when the vehicle is ridden; (*Added 89 of 1994 s. 2*)

**noise emission standards** (噪音發出標準), in relation to the prohibition or control of the emission of noise in respect of motor vehicles intended to be registered under this Ordinance, means the noise emission standards prescribed in or by virtue of regulations made under section 27 of the Noise Control Ordinance (Cap. 400); (*Added 13 of 1996 s. 2*)

**North-west Railway** (西北鐵路) means the North-west Railway within the meaning of the Kowloon-Canton Railway Corporation Ordinance (Cap. 372); (*Added 56 of 1986 s. 26*)

**operator** (營辦商) means, in relation to a parking meter, any person who has entered into a management agreement with the Government to undertake such functions relating to parking meters as are specified by the Commissioner and on such terms and conditions as are imposed by the Commissioner; (*Added 91 of 1993 s. 2*)

**overall length** (全長度) and **overall width** (全寬度) in relation to a vehicle, shall have the meanings assigned to them respectively by regulations made under section 9; (*Added 31 of 1986 s. 2*)

**owner** (擁有人、車主), in relation to—

- (a) a private road, means the person who under common law has the right to restrict access by the public to that road; and
- (b) a vehicle, includes the person in whose name the vehicle is registered or a village vehicle permit is issued, and the person by whom a vehicle is kept and used and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under the agreement; (*Replaced 80 of 1988 s. 3*)

**parking fee** (泊車費), in relation to a particular parking space, means a fee payable under section 12(4) for the time being for

the use of that space for parking; (*Added 61 of 1991 s. 2*)

***parking meter*** (停車收費錶)—

- (a) means an apparatus constructed and designed to receive and indicate, or to indicate, payment for the use of a parking space; and
- (b) includes a space sensor installed, whether or not on the apparatus, in relation to the parking space; (*Replaced 25 of 2020 s. 3*)

***parking place*** (泊車處) means a place designated by the Commissioner under this Ordinance as a parking place;

***parking space*** (泊車位) means a space in a parking place indicated by lines or other marks for the accommodation of one vehicle; (*Added 61 of 1991 s. 2*)

***passenger*** (乘客) in relation to a vehicle means any person carried in or on it other than any driver or conductor of it;

***passenger service licence*** (客運營業證) means a licence to operate a passenger service issued under this Ordinance;

***pay and display machine*** (憑票泊車機)—

- (a) means a machine or apparatus constructed and designed to issue a display ticket in relation to parking spaces in a parking place; and
- (b) includes a space sensor installed, whether or not on the machine or apparatus, in relation to the parking spaces; (*Replaced 25 of 2020 s. 3*)

***pedestrian controlled village vehicle*** (由徒步者控制的鄉村車輛) means a motor vehicle controlled by a pedestrian, having an overall length not exceeding 3.2 m and an overall width not exceeding 1.2 m, constructed or adapted primarily for the carriage of goods on roads in rural areas or areas inaccessible or closed to other motor vehicles, and not constructed or adapted for the carriage of a driver or any passenger, but does not include one that is an AV; (*Added 31 of 1986 s. 2. Amended 11 of 2023 s. 3*)

***personal effects*** (個人財物) means goods which are the property of the driver of a motor vehicle or any passenger carried therein;

***personalized registration mark*** (自訂登記號碼) means a personalized registration mark assigned or allocated under regulations made under section 6; (*Added 25 of 2005 s. 2*)

***post secondary education*** (專上教育) has the meaning assigned to it by section 3 of the Education Ordinance (Cap. 279);

***preliminary drug test*** (初步藥物測試) means a Drug Influence Recognition Observation, an Impairment Test or a Rapid Oral

Fluid Test; (*Added 24 of 2011 s. 3*)

**prescribed limit** (訂明限度) means—

- (a) 22 micrograms of alcohol in 100 millilitres of breath;
  - (b) 50 milligrams of alcohol in 100 millilitres of blood; or
  - (c) 67 milligrams of alcohol in 100 millilitres of urine,
- or such other proportion as the Secretary may notify in the Gazette under section 39G; (*Added 39 of 1995 s. 2. Amended 50 of 1999 s. 2; L.N. 106 of 2002; L.N. 130 of 2007; 6 of 2012 s. 2*)

**pre-service course** (職前課程) means a course provided under section 102I(2)(a); (*Added 6 of 2012 s. 3*)

**pre-service training school** (職前訓練學校) means a place designated as a pre-service training school under section 102I(1) and in respect of which the designation is for the time being in force; (*Added 6 of 2012 s. 3*)

**primary education** (小學教育) has the meaning assigned to it by section 3 of the Education Ordinance (Cap. 279);

**private bus** (私家巴士) means a bus used or intended for use—

- (a) otherwise than for hire or reward; or
- (b) for the carriage of passengers who are exclusively—
  - (i) the students, teachers and employees of an educational institution; or
  - (ii) disabled persons and persons assisting them, whether or not for hire or reward;

**private car** (私家車) means a motor vehicle constructed or adapted for use solely for the carriage of a driver and not more than 7 passengers and their personal effects but does not include an invalid carriage, motor cycle, motor tricycle or taxi;

**private light bus** (私家小巴) means—

- (a) a school private light bus; or
- (b) a light bus (other than a school private light bus) used or intended for use—
  - (i) otherwise than for hire or reward; or
  - (ii) exclusively for the carriage of persons who are disabled persons and persons assisting them, whether or not for hire or reward; (*Replaced 50 of 1999 s. 6*)

**private road** (私家路) means every thoroughfare, street, lane, alley, court, square, car park, passage, path, way and place to which access by the public may be restricted under common law,

irrespective of whether such access is so restricted, but does not include—

(a) (*Repealed 23 of 2002 s. 91*)

(b) any part of the carriageway of the North-west Railway designated by the Commissioner for the purposes of the definition of **road** (道路) in this section by notice in the Gazette; (*Added 80 of 1988 s. 3*)

**probationary driving licence** (暫准駕駛執照) means a probationary driving licence to drive a motor cycle, motor tricycle, private car or light goods vehicle issued under regulation 12G of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B); (*Added 23 of 2008 s. 3*)

**public bus** (公共巴士) means a bus, other than any private bus, which is used or intended for use for hire or reward;

**public light bus** (公共小巴) means a light bus, other than any private light bus, which is used or intended for use for hire or reward;

**public service vehicle** (公共服務車輛) means any motor vehicle registered as a public bus, public light bus or taxi, or as a private car in respect of which a hire car permit is in force;

**Rapid Oral Fluid Test** (快速口腔液測試) means a test carried out

- (a) on a person's oral fluid;
- (b) by an authorized police officer;
- (c) using any instrument approved under section 39T(2); and
- (d) to detect the presence of any specified illicit drug in the person's oral fluid; (*Added 24 of 2011 s. 3*)

**recovery vehicle** (救援車輛) means a motor vehicle which is constructed or adapted for the purpose of removing from a road (by means of towing, carrying or otherwise) a vehicle which is not roadworthy, has been involved in an accident or has otherwise broken down on that road; (*Added 71 of 1991 s. 2*)

**register** (登記), when used as a verb, includes **re-register**;

**register** (登記冊), when used as a noun, means the register of vehicles maintained under this Ordinance;

**registered** (已登記、登記) means registered under this Ordinance;

**registered owner** (登記車主) means the person registered as owner of a vehicle under this Ordinance;

**registration document** (登記文件) means the book or document which relates to the registration of a motor vehicle in the

register and which is required to be issued to the registered owner under this Ordinance;

**registration mark** (登記號碼) means—

- (a) a special registration mark;
- (b) a personalized registration mark; or
- (c) any other registration mark assigned or allocated, or deemed to be assigned or allocated, under regulations made under section 6; (*Replaced 25 of 2005 s. 2*)

**repealed Ordinance** (已廢除條例) means the repealed Road Traffic Ordinance (Cap. 220, 1979 Ed.);

**road** (路、道路) includes every highway, thoroughfare, street, lane, alley, court, square, car park, passage, path, way and place to which the public have access either continuously or intermittently, whether or not the same is the property of the Government, and includes the carriageway of the North-west Railway, but does not include any private road, or any part of the carriageway of the North-west Railway designated by the Commissioner for the purposes of this definition by notice in the Gazette; (*Amended 56 of 1986 s. 26; 46 of 1987 s. 2; 80 of 1988 s. 3; 29 of 1998 s. 105; L.N. 326 of 2000; 23 of 2002 s. 91*)

**road hump** (路丘) means a hump placed transversely across the carriageway of a road for the purpose of regulating the speed of vehicles being driven on that road; (*Added 80 of 1988 s. 3*)

**road marking** (道路標記) means a line, word, mark or device placed on, or set into, the surface of a road for conveying to persons using the road any warning, information, requirement, restriction, prohibition or direction and includes a road hump, but does not include a road marking within the meaning of section 121; (*Amended 80 of 1988 s. 3*)

**roadworthy** (宜於道路上使用) in relation to any motor vehicle means that the vehicle is suitable and safe for use for any of the purposes for which it may lawfully be used, having regard to the class or any division of the class of motor vehicle within which—

- (a) application has been made to register the vehicle; or
- (b) the vehicle is registered, or is required to be registered, as the case may be;

**school crossing patrol** (學校交通安全隊員) means any person authorized to act as a school crossing patrol pursuant to regulations made under section 11;

***school private light bus*** (學校私家小巴) means a light bus used or intended for use primarily for the carriage of persons who are the students of an educational institution, persons accompanying or in charge of such students, teachers or employees of the institution, to or from the institution, whether or not for hire or reward; (*Added 50 of 1999 s. 6*)

***screening breath test*** (檢查呼氣測試) means a preliminary test under section 39B, but does not include a test of a specimen of breath by an approved pre-screening device; (*Added 39 of 1995 s. 2. Amended 23 of 2008 s. 3*)

***secondary education*** (中學教育) has the meaning assigned to it by section 3 of the Education Ordinance (Cap. 279);

***Secretary*** (局長) means the Secretary for Transport and Logistics; (*Added 6 of 2012 s. 3. Amended L.N. 144 of 2022*)

***semi-trailer*** (半拖車) means any trailer designed, constructed or adapted to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its weight and of the weight of its load is borne by the motor vehicle;

***SMS message*** (短訊) has the meaning given by section 3(1) of the Unsolicited Electronic Messages Regulation (Cap. 593 sub. leg. A); (*Added 13 of 2024 s. 53*)

***space sensor*** (車位感應器) means a device installed by the Commissioner in respect of a parking meter, or pay and display machine, for detecting whether a parking space, for which the meter or machine is erected, is occupied; (*Added 25 of 2020 s. 3*)

***special purpose vehicle*** (特別用途車輛) means a motor vehicle designed, constructed or adapted primarily for a use other than the carriage on a road of goods, the driver or passengers;

***special reasons*** (特別理由) means special reasons relating to the offence, and in exceptional circumstances special reasons relating to—

- (a) the offender; and
- (b) such other circumstance that the court or magistrate may consider to be relevant; (*Amended 23 of 2008 s. 3*)

***special registration mark*** (特殊登記號碼) means a special registration mark assigned or allocated, or deemed to be assigned or allocated, under regulations made under section 6; (*Added 25 of 2005 s. 2*)

***specially authorized vehicle examiner*** (特許驗車主任) means a person authorized under section 88(1)(b) to issue suspension

of vehicle licence orders;

***specified illicit drug*** (指明毒品) means a substance specified in Schedule 1A; (*Added 24 of 2011 s. 3*)

***standing or plying for hire*** (停車候客) means, in respect of any vehicle, being on any road, whether in motion or stationary, and exhibiting any sign or signal, or having a person who is exhibiting any sign or signal or who in any other way indicates, that the vehicle or any portion of it is available for hire whether on a predetermined route or otherwise;

***student*** (學生) means any person who is attending an educational institution for the purpose of pursuing a course of education;

***taxi*** (的士) means a motor vehicle which is registered as a taxi under this Ordinance;

***taxi service improvement course*** (的士服務改進課程) means a taxi service improvement course provided by a taxi service improvement school under section 102B(3A)(a); (*Added 35 of 2023 s. 46*)

***taxi service improvement school*** (的士服務改進學校) means a place designated by the Commissioner as a taxi service improvement school under section 102B(1) and in respect of which the designation is for the time being in force; (*Added 35 of 2023 s. 46*)

***taximeter*** (的士計程錶) means any appliance for measuring the time or distance for which a taxi is used, or for measuring both time and distance, or for recording the fare by time or distance or by a combination of time and distance, which is for the time being approved for the purpose by the Commissioner;

***teacher*** (教員) means any person employed at an educational institution for the purpose of instructing students;

***temporary driving licence*** (臨時駕駛執照) means a temporary driving licence issued under regulation 13 of the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B); (*Added 23 of 2008 s. 3*)

***tier 1*** (第1級), ***tier 2*** (第2級) and ***tier 3*** (第3級) have the meaning given by section 39A(1A); (*Added 19 of 2010 s. 2*)

***traffic sign*** (交通標誌) means a sign, object or device for conveying to persons using a road any warning, information, direction, requirement, restriction or prohibition, but does not include a sign within the meaning of section 121; (*Amended 80 of 1988 s. 3*)

***traffic warden*** (交通督導員) means a person appointed as traffic warden or a senior traffic warden under section 58;

**trailer** (拖車) means a vehicle which is not mechanically propelled and is towed or intended for towing by a motor vehicle, including any semi-trailer or draw bar trailer;

**tram** (電車) includes all electrically powered vehicles and trailers constructed for use on a tramway;

**Transport Tribunal** (交通審裁處) means a Transport Tribunal appointed under section 17;

**tricycle** (三輪車) means a vehicle with 3 wheels propelled by the use of pedals;

**vehicle** (車輛) means any vehicle whether or not mechanically propelled which is constructed or adapted for use on roads but does not include a vehicle of the North-west Railway or a tram; (*Amended 46 of 1987 s. 2*)

**vehicle design standards** (車輛設計標準) has the same meaning as in section 2 of the Air Pollution Control Ordinance (Cap. 311); (*Added 3 of 1991 s. 2*)

**vehicle emission standards** (車輛廢氣排放標準) means the vehicle emission standards set out in a code of practice issued or revised under Part 8A; (*Added 3 of 1991 s. 2*)

**vehicle examination centre** (驗車中心) means a place designated as a vehicle examination centre under section 88(2);

**vehicle examiner** (驗車主任) means a person appointed as a vehicle examiner under section 88(1)(a);

**vehicle identification number** (車輛識別號碼) means a chassis number or any mark assigned to a vehicle by the manufacturer or a mark assigned by the Commissioner primarily for registration and identification purposes; it may consist of numerals or letters, or a combination thereof; (*Added 89 of 1994 s. 2*)

**vehicle licence** (車輛牌照) means a licence issued in respect of a vehicle in accordance with regulations made under section 6;

**vehicle of the North-west Railway** (西北鐵路車輛) means a light rail vehicle including a vehicle used for maintenance purposes operated along and by means of the rails of the North-west Railway; (*Added 46 of 1987 s. 2*)

**village vehicle** (鄉村車輛) means—

- (a) a driver operated village vehicle;
- (b) a pedestrian controlled village vehicle; or
- (c) a golf cart; (*Replaced 80 of 1988 s. 3*)

**village vehicle permit** (鄉村車輛許可證) means a permit issued in respect of a village vehicle in accordance with regulations



made under section 12A. (*Added 31 of 1986 s. 2*)

(*Amended E.R. 2 of 2012; 25 of 2020 s. 3*)

## Schedule 1

[ss. 2(1) & 90]

### Educational Establishments and their Responsible Bodies

Educational establishment	Responsible body
1. The University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053)	The Court, the Council, the Senate or the Convocation, within the meaning of section 2 of the University of Hong Kong Ordinance (Cap. 1053), according to which of them has the function concerned
2. The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109)	The Council, the Senate, the Convocation, the Faculties, the School of Studies or the Board of Studies, within the meaning of section 2 of The Chinese University of Hong Kong Ordinance (Cap. 1109), according to which of them has the function concerned
3. The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075)	The Council of The Hong Kong Polytechnic University established under section 5 of The Hong Kong Polytechnic University Ordinance (Cap. 1075) ( <i>Amended 18 of 2014 s. 21</i> )
4. Any post secondary college registered under the Post Secondary Colleges Ordinance (Cap. 320)	The Board of Governors (or Board of Trustees where no Board of Governors exists) or the College Council, according to which of them has the function concerned

Educational establishment	Responsible body
5. Any technical college or technical institute defined in section 2 of the Vocational Training Council Ordinance (Cap. 1130)	The Vocational Training Council established by section 4 of the Vocational Training Council Ordinance (Cap. 1130)
6. Any industrial training centre or skills centre defined in section 2 of the Vocational Training Council Ordinance (Cap. 1130)	The Vocational Training Council established by section 4 of the Vocational Training Council Ordinance (Cap. 1130)
7. The Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126)	The Board of Governors or the Council, within the meaning of section 2 of the Hong Kong Baptist University Ordinance (Cap. 1126), according to which of them has the function concerned ( <i>Amended 18 of 2014 s. 21</i> )
8. The City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132)	The Council or the Academic Board, within the meaning of section 2 of the City University of Hong Kong Ordinance (Cap. 1132), according to which of them has the function concerned ( <i>Amended 18 of 2014 s. 21</i> )
9. The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135)	The Council or the Academic Board, within the meaning of section 2 of The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135), according to which of them has the function concerned
10. The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141)	The Court, the Council, the Senate or the Convocation, within the meaning of section 2 of The Hong Kong University of Science and Technology Ordinance (Cap. 1141), according to which of them has the function concerned

Educational establishment	Responsible body
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 ( <i>Replaced 22 of 2021 s. 2</i> )
12. Lingnan University established by the Lingnan University Ordinance (Cap. 1165)	The Court, the Council or the Senate, within the meaning of section 2 of the Lingnan University Ordinance (Cap. 1165), according to which of them has the function concerned ( <i>Replaced 54 of 1999 s. 33</i> )
13. The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444)	The Council or the Academic Board, within the meaning of section 2 of The Education University of Hong Kong Ordinance (Cap. 444), according to which of them has the function concerned ( <i>Amended 6 of 2016 s. 2</i> )
14. Any school which is registered or provisionally registered under the Education Ordinance (Cap. 279)	The management committee, within the meaning of section 3 of the Education Ordinance (Cap. 279), of the school
15. Any school, within the meaning of section 3 of the Education Ordinance (Cap. 279), entirely maintained and controlled by the Government	The Permanent Secretary for Education ( <i>Amended 3 of 2003 s. 41; L.N. 130 of 2007</i> )

**Schedule 1**

[ss. 2(1) &amp; 68]

**Educational Establishments and Their Responsible Bodies***(Format changes—E.R. 1 of 2013)*

Educational establishment	Responsible body
1. The University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053)	The Court, the Council, the Senate or the Convocation, within the meaning of section 2 of the University of Hong Kong Ordinance (Cap. 1053), according to which of them has the function concerned
2. The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109)	The Council, the Senate, the Convocation, the Faculties, the School of Studies or the Board of Studies, within the meaning of section 2 of The Chinese University of Hong Kong Ordinance (Cap. 1109), according to which of them has the function concerned
3. The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075)	The Council or Senate, within the meaning of section 2 of The Hong Kong Polytechnic University Ordinance (Cap. 1075), according to which of them has the function concerned
4. Any post secondary college registered under the Post Secondary Colleges Ordinance (Cap. 320)	The Board of Governors (or Board of Trustees where no Board of Governors exists) or the College Council, according to which of them has the function concerned

Educational establishment	Responsible body
5. Any technical college or technical institute defined in section 2 of the Vocational Training Council Ordinance (Cap. 1130)	The Vocational Training Council established by section 4 of the Vocational Training Council Ordinance (Cap. 1130)
6. Any industrial training centre or skills centre defined in section 2 of the Vocational Training Council Ordinance (Cap. 1130)	The Vocational Training Council established by section 4 of the Vocational Training Council Ordinance (Cap. 1130)
7. The Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126)	The Council, Court or Senate, within the meaning of section 2 of the Hong Kong Baptist University Ordinance (Cap. 1126), according to which of them has the function concerned
8. The City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132)	The Council, Court or Senate, within the meaning of section 2 of the City University of Hong Kong Ordinance (Cap. 1132), according to which of them has the function concerned
9. The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135)	The Council or the Academic Board, within the meaning of section 2 of The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135), according to which of them has the function concerned
10. The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141)	The Court, the Council, the Senate or the Convocation, within the meaning of section 2 of The Hong Kong University of Science and Technology Ordinance (Cap. 1141), according to which of them has the function concerned
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 (Replaced 22 of 2021 s. 2)

Educational establishment	Responsible body
12. Lingnan University established by the Lingnan University Ordinance (Cap. 1165)	The Council, the Court or the Senate, within the meaning of section 2 of the Lingnan University Ordinance (Cap. 1165), according to which of them has the function concerned ( <i>Replaced 54 of 1999 s. 35</i> )
13. The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444)	The Council or the Academic Board, within the meaning of section 2 of The Education University of Hong Kong Ordinance (Cap. 444), according to which of them has the function concerned ( <i>Amended 6 of 2016 s. 2</i> )
14. Any school which is registered or provisionally registered under the Education Ordinance (Cap. 279)	The management committee, within the meaning of section 3 of the Education Ordinance (Cap. 279), of the school
15. Any school, within the meaning of section 3 of the Education Ordinance (Cap. 279), entirely maintained and controlled by the Government	The Permanent Secretary for Education ( <i>Amended 3 of 2003 s. 41; L.N. 130 of 2007</i> )

## Schedule 1

[ss. 40A, 119B, 195 & 273D  
& Schs. 2 & 3]  
(Amended 15 of 2007 s. 73)

### Educational Establishments

1. Any school, within the meaning of section 3 of the Education Ordinance (Cap. 279), entirely maintained and controlled by the Government.
2. Any school which is registered or provisionally registered under the Education Ordinance (Cap. 279).
3. Any post secondary college registered under the Post Secondary Colleges Ordinance (Cap. 320).
4. Lingnan University established by the Lingnan University Ordinance (Cap. 1165). (*Replaced 54 of 1999 s. 36*)
5. The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444). (*Amended 6 of 2016 s. 2*)
6. University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053).
7. The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075).
8. The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109).
9. Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126).
10. Any industrial training centre or skills centre defined in section 2 of the Vocational Training Council Ordinance (Cap. 1130).



11. Any technical college or technical institute defined in section 2 of the Vocational Training Council Ordinance (Cap. 1130).
12. City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132).
13. The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135).
14. The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141).
15. Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145). (*Replaced 15 of 2007 s. 73; Amended 22 of 2021 s. 2*)

**20E. Composition of the education functional constituency**

The education functional constituency is composed of—

- (a) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the following institutions—
  - (i) institutions of higher education funded through the University Grants Committee;
  - (ii) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320);
  - (iii) technical colleges established under the Vocational Training Council Ordinance (Cap. 1130);
  - (iv) The Hong Kong Academy for Performing Arts;
  - (v) the Hong Kong Metropolitan University; and  
*(Amended 22 of 2021 s. 2)*
- (aa) full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the institutions which—
  - (i) offer post secondary education leading to the award of any qualification entered into the Qualifications Register established under the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592); and
  - (ii) are set up by—
    - (A) an institution of higher education funded through the University Grants Committee;
    - (B) The Hong Kong Academy for Performing Arts; or
    - (C) the Hong Kong Metropolitan University; and  
*(Replaced 14 of 2015 s. 4. Amended 22 of 2021 s. 2)*
- (b) members of each of the following bodies—
  - (i) Council of the University of Hong Kong;
  - (ii) Council of The Chinese University of Hong Kong;
  - (iii) Council of The Hong Kong University of Science and Technology;
  - (iv) Council of the City University of Hong Kong;

- (v) Council of The Hong Kong Polytechnic University;
  - (vi) Council of The Hong Kong Academy for Performing Arts;
  - (vii) Council of the Hong Kong Metropolitan University; (*Amended 22 of 2021 s. 2*)
  - (viii) the Vocational Training Council; (*Amended 10 of 2006 s. 35*)
  - (ix) Council of The Education University of Hong Kong; (*Amended 6 of 2016 s. 2*)
  - (x) Council of the Hong Kong Baptist University;
  - (xi) Council of Lingnan University; (*Replaced 54 of 1999 s. 39*)
  - (xii)-(xxi) (*Repealed 14 of 2021 s. 279*)
  - (xxii) Board of Governors of post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320); and (*Added 14 of 2021 s. 279*)
- (c) registered teachers registered under the Education Ordinance (Cap. 279); and
  - (d) permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap. 279); and
  - (e) teachers and principals of schools entirely maintained and controlled by the Government; and
  - (f) persons whose principal or only employment is that of full-time teaching with the following institutions—
    - (i) technical institutes, industrial training centres or skills centres established under the Vocational Training Council Ordinance (Cap. 1130);
    - (ii) industrial training centres established under the repealed Industrial Training (Construction Industry) Ordinance (Cap. 317) and maintained under the Construction Industry Council Ordinance (Cap. 587); (*Amended 12 of 2006 s. 84*)
    - (iia) industrial training centres established under the Construction Industry Council Ordinance (Cap. 587); (*Added 12 of 2006 s. 84*)
    - (iii) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap. 318);

- (iv) Hong Chi Association—Hong Chi Pinehill Integrated Vocational Training Centre; *(Replaced 25 of 2003 s. 8. Amended 2 of 2011 s. 6)*
- (v) Caritas Lok Mo Integrated Vocational Training Centre of Caritas—Hong Kong incorporated under the Caritas—Hong Kong Incorporation Ordinance (Cap. 1092); and *(Replaced 25 of 2003 s. 8. Amended 10 of 2006 s. 35)*
- (g) registered managers of schools registered under the Education Ordinance (Cap. 279).  
*(Added 48 of 1999 s. 13)*

## Schedule

[ss. 2, 8, 9B, 16, 26, 43 & 47]  
(Amended 14 of 2021 s. 405)

### Election Committee

#### 39V. Specified entities of the education subsector

The specified entities of the education subsector are—

- (a) institutions of higher education funded through the University Grants Committee;
- (b) post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320);
- (c) the Hong Kong Metropolitan University; (*Amended 22 of 2021 s. 2*)
- (d) The Hong Kong Academy for Performing Arts;
- (e) the Vocational Training Council;
- (f) The Hong Kong Examinations and Assessment Authority;
- (g) the Hong Kong Council for Accreditation of Academic and Vocational Qualifications;
- (h) schools registered under section 13 of the Education Ordinance (Cap. 279) or under either of the repealed Ordinances (as defined by section 3(1) of that Ordinance), other than an exempted school (as defined by section 2 of the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F)); and
- (i) schools entirely maintained and controlled by the Government.

## Schedule 1

[ss. 2(1) & 84]

### **Educational Establishments and their Responsible Bodies**

*(Format changes—E.R. 5 of 2018)*

Item	Educational establishment	Responsible body
1.	The University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053)	The University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053)
2.	The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109)	The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109)
3.	The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075)	The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075)
4.	Any Post Secondary College registered under the Post Secondary Colleges Ordinance (Cap. 320)	The Board of Governors (or the Board of Trustees where no Board of Governors exists) or the College Council, according to which of them has the function concerned
5.	The Vocational Training Council established by the Vocational Training Council Ordinance (Cap. 1130)	The Vocational Training Council established by the Vocational Training Council Ordinance (Cap. 1130)
6.	The Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126)	The Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126)

Item	Educational establishment	Responsible body
7.	The City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132)	The City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132)
8.	The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135)	The Council or the Academic Board, within the meaning of section 2 of The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135), according to which of them has the function concerned
9.	The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141)	The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141)
10.	The Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145) ( <i>Amended 22 of 2021 s. 2</i> )	The Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145)
11.	The Lingnan University established by the Lingnan University Ordinance (Cap. 1165)	The Lingnan University established by the Lingnan University Ordinance (Cap. 1165)
12.	The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444) ( <i>Amended 6 of 2016 s. 2</i> )	The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444)
13.	Any school which is registered or provisionally registered under the Education Ordinance (Cap. 279)	The management committee, incorporated management committee or school management company (as the case may be), within the meaning of section 3(1) of the Education Ordinance (Cap. 279), of the school

Item	Educational establishment	Responsible body
14.	Any school, within the meaning of section 3(1) of the Education Ordinance (Cap. 279), entirely maintained and controlled by the Government	The Permanent Secretary for Education
15.	The Clothing Industry Training Authority established by the Industrial Training (Clothing Industry) Ordinance (Cap. 318)	The Clothing Industry Training Authority established by the Industrial Training (Clothing Industry) Ordinance (Cap. 318)
16.	The Construction Industry Council established by the Construction Industry Council Ordinance (Cap. 587)	The Construction Industry Council established by the Construction Industry Council Ordinance (Cap. 587)



## Schedule 1

[ss. 2 & 17]

### Education Institutions

1. The Education University of Hong Kong established by The Education University of Hong Kong Ordinance (Cap. 444). *(Amended 6 of 2016 s. 2)*
2. University of Hong Kong established by the University of Hong Kong Ordinance (Cap. 1053).
3. The Hong Kong Polytechnic University established by The Hong Kong Polytechnic University Ordinance (Cap. 1075).
4. The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap. 1109).
5. Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap. 1126).
6. City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap. 1132).
7. The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135).
8. The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap. 1141).
9. Hong Kong Metropolitan University established by the Hong Kong Metropolitan University Ordinance (Cap. 1145). *(Amended 22 of 2021 s. 2)*

10. Lingnan University established by the Lingnan University Ordinance (Cap. 1165).
11. Approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap. 320).
12. Bodies established under section 6(2)(h) of the Vocational Training Council Ordinance (Cap. 1130).
13. Schools registered or provisionally registered under the Education Ordinance (Cap. 279).

## **Implications of the Proposal**

### **Economic Implications**

The proposal aims to improve the regulatory and quality assurance mechanisms of self-financing post-secondary institutions, with a view to supporting the healthy and sustainable development of the self-financing post-secondary education sector. A sound self-financing sector is conducive to nurturing talent, thus benefitting the Hong Kong economy in the longer term.

### **Financial Implications**

2. The Post Secondary Colleges (Amendment) Bill 2025 itself has no financial implications. That said, upon migration to the unified regulatory framework under the legislative amendments, the self-financing arms of University Grants Committee (UGC)-funded universities will become eligible for the Study Subsidy Scheme for Designated Professions / Sectors (SSSDP) and the Non-means-tested Subsidy Scheme for Self-financing Undergraduate Studies in Hong Kong (NMTSS), and therefore there would be an increase in the expenditure of both subsidy schemes. As far as SSSDP is concerned, as announced in the Chief Executive's 2022 Policy Address, the number of subsidised sub-degree and undergraduate programme places under SSSDP will be increased in phases by 1 000 each, which is intended to accommodate cover the programmes in relevant disciplines offered by the self-financing arms of UGC-funded universities so as to encourage their migration to the unified regulatory framework. For NMTSS, the locally-accredited self-financing undergraduate programmes of the self-financing arms will also become eligible for NMTSS after their migration. It is estimated that the expanded coverage of SSSDP and NMTSS following the migration of the self-financing arms will incur additional expenditure of \$327.42 million (full-year effect from 2028-29 onwards based on 2024-25 prices) and \$103.17 million (full-year effect from 2026-27 onwards based on 2024-25 prices) respectively. The

Education Bureau will meet the additional funding requirements with its existing resources.

### **Sustainability Implications**

3. The proposal is conducive to the sustainable development of the self-financing post-secondary education sector. It will help promote the efficient use of education resources and enhance the quality and competitiveness of our population.