

Consultation Document
on
Review of Post Secondary Colleges Ordinance (Cap. 320) and
Post Secondary Colleges Regulations (Cap. 320A)

Prepared by
Further Education Division
Education Bureau
October 2012

Any views/comments in relation to this consultation paper can be sent to the Education Bureau by mail, electronic mail or facsimile:

Address: Further Education Division
Education Bureau
7/F, East Wing, Central Government Offices
Tamar, Hong Kong

E-mail address: 320review@edb.gov.hk

Fax No.: (852) 3579 5097

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Post Secondary Colleges Regulations (Cap. 320A)**

Introduction

The Post Secondary Colleges Ordinance (Cap. 320) (the Ordinance) and its subsidiary legislation, the Post Secondary Colleges Regulations (Cap. 320A) (the Regulations), were first enacted in 1960 to govern the registration and operation of post-secondary colleges and their consequent exemption from the provisions of the Education Ordinance (Cap. 279).

2. At present, there are six colleges registered under the Ordinance, namely:

- the Hong Kong Shue Yan University (first registered in 1976 as Hong Kong Shue Yan College);
- Caritas Institute of Higher Education (first registered in 2001 as Caritas Francis Hsu College);
- Chu Hai College of Higher Education registered in 2004;
- Hang Seng Management College registered in 2010;
- Tung Wah College registered in 2011; and
- Centennial College in 2012.

The Hong Kong Baptist College and Lingnan College were once registered in 1970 and 1978 respectively but later became University Grants Committee (UGC)-funded institutions and de-registered with the enactment of their own ordinances.

3. The only major amendment to the Ordinance took place in 2001, when Section 10 was revised by allowing registered post-secondary colleges to award degrees with the approval of the Chief Executive in Council (CE-in-Council). The current version of the Ordinance and the Regulations can be found at <http://www.legislation.gov.hk/eng/home.htm>.

Review

Objectives

4. The Ordinance and the Regulations stipulate the legal requirements for the registration and monitoring of post-secondary education institutions. Some of the legal requirements have become archaic and can no longer keep abreast of the rapid changes in the post-secondary education sector including the introduction of sub-degree qualification. The review of the Ordinance and the Regulations aim to provide update and replace obsolete legal requirements to keep pace with the changes in the sector.

5. In addition, it is the Government's policy objective to promote the healthy development of the self-financing post-secondary sector, thereby widening the choices and opportunities for students and facilitating the diversification of the higher education sector. Updating and streamlining the legislative framework will help safeguard the quality of the self-financing post-secondary education and facilitate the development of the sector.

Proposed Legislative Amendments

6. Following a review of the Ordinance and the Regulations, we propose a number of legislative amendments as set out below:

(a) Removal of Registration Requirement on Length of Programmes Offered

At present, the scope of post-secondary colleges registered under the Ordinance is very restrictive as Section 4(c) stipulates that the courses offered shall “*include major courses extending over at least four years*”. With the development of an increasingly diversified post-secondary education sector, post-secondary courses now vary considerably in length of study. It is also a trend that greater emphasis is placed on learning outcomes rather than on length of study. For instance, sub-degree programmes, i.e. Associate Degree (AD) and Higher Diploma (HD), normally

last for two to three years. The requirement under Section 4(c) is too rigid and could not cover these programmes.

We therefore propose that the course duration requirement be removed and instead, the main types of courses offered could be defined by the levels of qualifications awarded, namely AD or HD and above.

(b) Removal of Admission Requirement on Student Age

Section 4(g) of the Ordinance requires that the Permanent Secretary for Education (PS(Ed)) has to be satisfied with “*the conditions as to age and attainments of the students qualifying for admission*” and Regulation 6(1) of the Regulations provides that “*no students should be admitted to a College unless he is at least 17 years of age*”. The age requirement for admission is obsolete nowadays as students should be admitted to a post-secondary college on the merit of performance or attainment and prior learning experience rather than age. In fact, some outstanding students may be admitted earlier than the age of 17. We therefore propose that the admission requirement on student age be removed.

(c) Removal of Admission Requirement on Academic Qualifications

Regulation 6(2) of the Regulations provides that the minimum academic qualification for entry into a college shall “*be the possession of a Hong Kong School Certificate or Hong Kong Chinese School Certificate*”. Both academic qualifications have become obsolete now. However, it may not be appropriate to replace them in the Regulations by stipulating the Hong Kong Diploma of Secondary Education (HKDSE) Examination as the only new minimum academic qualification in view of the fact that Hong Kong’s education sector is becoming increasingly internationalised. There is a growing diversity of acceptable equivalent qualifications such as International Baccalaureate (IB), General Certificate of Education (GCE) A-Level, etc.

Moreover, with the introduction of the Qualifications Framework since 2008, vocational qualifications are getting wider recognition. It would therefore not be appropriate to restrict admission into a post-secondary college to one local qualification, for example, HKDSE. The Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) or the appropriate authority¹ conducting local accreditation will ensure, during the accreditation exercise², that the programmes concerned have set appropriate minimum entry requirements.

(d) Removal of Requirement of CE-in-Council’s Approval for Using “Hok Yuen”(學院)

Section 8(1) of the Ordinance requires that CE-in-Council’s approval be sought before using the name “Hok Yuen” (學院). Generally speaking, “Hok Yuen” (學院) is a modern term denoting either a post-secondary college or a constituent college of a university. The term has become commonly used nowadays. In fact, save for the Hong Kong Shue Yan University which is a university, the remaining five registered post-secondary colleges under the Ordinance use the Chinese name “學院”. To streamline the procedures, we propose removing the requirement of seeking CE-in-Council’s approval for using this name. However, the requirement in Section 8(1) of the Ordinance that every college shall be registered under such name in both English and Chinese as may be approved by the Permanent Secretary for Education, the registering authority under the Ordinance, shall remain unchanged.

¹ University Grants Committee-funded institutions enjoy self-accrediting status. The Hong Kong Institute of Education also has self-accrediting status in respect of its teacher education programmes at degree and above levels. Its non-teacher education programmes are subject to validation by HKCAAVQ.

² In conducting the accreditation, HKCAAVQ and appropriate authority will take into account any prevailing guidelines for the programme/qualification concerned. For instance, for AD and HD qualifications, the Education Bureau has issued the Common Descriptors which set out, among other things, the minimum entry qualifications.

(e) Removal of Registration Requirement of Evening Colleges

Sections 9(1) and (2) of the Ordinance stipulate that a college operating evening classes may be required to bear the word “evening” in its name and if so required, must be separately registered from the college operating day classes. This is an obsolete requirement as most post-secondary colleges nowadays run evening classes and there are no strong reasons to distinguish between day classes and evening classes under registration in a society promoting lifelong learning. Moreover, similar legislative requirement in the Education Ordinance (Cap. 279) was repealed in 2003. We therefore propose that the registration requirement of evening colleges be removed.

(f) Streamlining of Procedures for Approving Award of Degrees

At present, CE-in-Council’s approval is required for a college to award degrees under Section 10(a) of the Ordinance. As more and more post-secondary colleges begin to offer degree programmes, approval from CE-in-Council has to be sought for the launch of each and every such programme. However, the key issue of whether a post-secondary college should be allowed to award degree is whether it has the capability to deliver degree programmes and the quality of the degree programmes concerned. This would be considered by HKCAAVQ or the appropriate authority when conducting local accreditation exercises of the programmes concerned. More streamlined procedures for granting degree-awarding authority to accommodate the vibrant development of the sector would certainly be of merit. We therefore propose that the approval authority for a college to award degrees be rested in the Secretary for Education instead of the CE-in-Council, with reference to the local accreditation granted by HKCAAVQ for the programmes concerned.

(g) Updating of Provision on Other Qualifications and Awards to be Conferred

While Section 10(a) of the Ordinance stipulates that CE-in-Council's approval is required for a college to award degrees, Section 10(b) provides that a registered post-secondary college may award "*diplomas and certificates*". Regulation 8(1) and (2) of the Regulations have also referred to "*diplomas and certificates*" when setting out the examination arrangement. In line with the introduction of the Qualifications Framework and the development of the post-secondary education sector, we propose to amend these provisions so that a broader coverage of the qualifications and other awards including honorary degrees and honorary awards may be conferred by registered post-secondary colleges.

(h) Removal of Medical Requirements on College Hostels

Regulation 3(2) of the Regulations stipulates that all "*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 hostels and re-examined at least once in every 6 months thereafter.*" These medical requirements, which were laid down in the 1960s, are obsolete now and indeed onerous on the post-secondary colleges. Moreover, Regulation 4 of the Regulations already empowers the Permanent Secretary for Education to require, if necessary, any person in a college to undertake medical examination and be excluded from school should the person be found to be suffering from infectious diseases. Hence, we consider the requirement of Regulation 3(2) unnecessary and propose its removal.

On the other hand, Regulation 3(1) of the Regulations stipulates that "*College premises shall at all times to the satisfaction of the Permanent Secretary or any person authorized by him in writing in that behalf*" in various aspects such as cleanliness, safety, provision of facilities, etc. The requirements should also be

applicable to college hostels which are included in college premises.

Views Sought

7. This consultation document has set out the background for the review of the Ordinance and the Regulations as well as the proposed legislative amendments. We welcome your views and comments and please forward them to the Education Bureau on or before **20 November 2012** by mail, electronic mail or facsimile:

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Education Bureau
7/F, East Wing, Central Government Offices
Tamar, Hong Kong
E-mail address: 320review@edb.gov.hk
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8. It is voluntary for any member of the public to supply his/her personal data upon providing views on the consultation document. Any personal data provided with a submission will only be used for the purpose of this consultation exercise.

9. The views/comments submitted by individuals/ organizations/ institutions (including those represented by individuals) (the senders) in response to the consultation document, as well as the names of organizations/ institutions (including those represented by individuals) putting forth views/comments may be transferred to the relevant Government bureaux and departments for purposes directly related to this consultation exercise and may be published for public viewing after conclusion of the public consultation exercise. This Bureau may, either in discussion with others or in any subsequent report, whether privately or publicly, attribute views/comments submitted in response to the consultation document. We will respect the wish of senders to keep the views/comments confidential in relation to all or part of a submission, and the wish of relevant organizations/ institutions (including those represented by individuals) to remain anonymous; but if no such wish is

indicated, it will be assumed that all the views/comments submitted may be disclosed, and the organizations/ institutions (including those represented by individuals) can be named.

10. Any sender providing personal data to this Bureau in the submission will have right of access or correction with respect to such personal data. Any requests for data access or correction of personal data should be made in writing to:

Executive Officer (Further Education)1
Further Education Division
Education Bureau
7/F, East Wing, Central Government Offices
Tamar, Hong Kong
(Email Address: 320review@edb.gov.hk)
(Fax Number: (852) 3579 5097)

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