

Chapter:	320	POST SECONDARY COLLEGES ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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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]

(Originally 15 of 1960)

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Post Secondary Colleges Ordinance.

Section:	2	Interpretation	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

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. (Amended 3 of 2003 s. 24; L.N. 130 of 2007)

(Amended 3 of 2003 s. 24)

Section:	3	Registers	3 of 2003	28/02/2003
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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.

Section:	4	Requirements for registration	3 of 2003	28/02/2003
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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 four years;
- (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.

Section:	5	Effect of registration		30/06/1997
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So long as a College remains registered under section 3 it shall be exempt from the provisions of the Education Ordinance (Cap 279).

Section:	6	Refusal of registration and cancellation	3 of 2003	28/02/2003
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- (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 twenty-one 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)
- (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)

Section:	7	Visits	3 of 2003	28/02/2003
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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)

Section:	8	Name of College	3 of 2003	28/02/2003
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(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.

Section:	9	Evening Colleges	3 of 2003	28/02/2003
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(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.

Section:	10	Award of degrees, diplomas and certificates	16 of 2001	29/06/2001
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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)

Section:	11	Research and special studies	3 of 2003	28/02/2003
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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)

Section:	12	Regulations	3 of 2003	28/02/2003
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(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)

Section:	13	Conducting courses on general holidays	L.N. 18 of 2004	01/04/2004
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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)