

LEGISLATIVE COUNCIL BRIEF

DEVELOPMENT AND CHANGE OF TITLE OF THE HONG KONG INSTITUTE OF EDUCATION & THE HONG KONG INSTITUTE OF EDUCATION (AMENDMENT) BILL 2016

INTRODUCTION

The Hong Kong Institute of Education (HKIEd) submitted an application for university title to the Government in July 2014. In line with the established procedures, the Education Bureau (EDB) invited the University Grants Committee (UGC) to consider the application and to let the Government have its expert views. UGC has since set up a Review Group, led by Sir Ivor Crewe, Master of University College, Oxford, to consider the matter. UGC submitted the Report of the Review Group on the Application for University Title by HKIEd (the Review Group Report) (a copy of its executive summary is at **Annex A**) to EDB in September 2015.

2. At the meeting of the Executive Council on 26 January 2016, the Council ADVISED and the Chief Executive ORDERED that –
 - (a) HKIEd should be granted self-accrediting status in respect of three programme areas covered by its existing Programme Area Accreditation (PAA) status, namely Chinese Studies, English Studies and Environmental Studies;
 - (b) HKIEd should be granted full self-accrediting status upon obtaining PAA status in two other programme areas as detailed in paragraph 13 below;
 - (c) HKIEd should be granted university status; and
 - (d) The Hong Kong Institute of Education (Amendment) Bill 2016 (the Bill), at **Annex B**, should be introduced into the Legislative Council (LegCo).

JUSTIFICATIONS

Development of HKIEd since 2009

3. On 23 June 2009, the then Chief Executive in Council decided on the way forward with respect to institutional development of HKIEd. Among other things, the then Chief Executive in Council decided to support HKIEd to develop into a multi-disciplinary institution with a focus on teacher education and a good spread of complementary disciplines (i.e. “Education-plus”), as well as to strengthen its research capability, through provision of additional UGC-funded student numbers (120 first-year first-degree (FYFD) and 30 research postgraduate (RPg) places). HKIEd has since utilised these additional student numbers to introduce a number of new undergraduate programmes in complementary disciplines, as well as research programmes. A list of FYFD programmes in complementary disciplines is at **Annex C**.

4. UGC states in its Review Group Report that HKIEd has made commendable progress since 2009 in achieving its “Education-plus” mission. Its traditional strength in teacher education has broadened to reflect the wider development of education as an important professional field. That strength has been enhanced through the successful development of the complementary disciplines. In addition, HKIEd has rapidly developed its research capabilities, using the funding and other support made available to it to build a solid foundation for further growth in its research activity.

Extension of Self-accrediting Status

5. An institution with self-accrediting status is one found to have the competence to take responsibility for accrediting its own degree programmes. All along, the Government is of the view that it is academically desirable to allow a degree-awarding institution to be responsible for accrediting its own programmes, provided that it has the readiness to do so. Self-accrediting status is a recognition that the institution has an enduring commitment to quality, and can engender among academic staff, and within the institution as a whole, a greater sense of responsibility and pride in the programmes they offer.

6. To be granted self-accrediting status, the institution must have sufficiently demonstrated that it has put in place sound internal quality assurance mechanisms and improvement processes to ensure the quality of its programmes and graduates. Besides, self-accrediting status does not exempt an institution from external quality assurance. At present, UGC-funded

institutions, with full self-accrediting status or otherwise, are subject to periodic audits on the quality of the institutions' educational provision by the Quality Assurance Council (QAC) under the aegis of UGC. All other post-secondary institutions which do not receive UGC funding are not subject to the remit of QAC. Instead, they may acquire PAA status from the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) in specific programme areas. A PAA status is equivalent to self-accrediting status, but is limited in scope, duration and subject to Periodic Reviews by HKCAAVQ.

7. Unlike the other seven UGC-funded institutions which enjoy full self-accrediting status, HKIED was granted limited self-accrediting status in teacher education programmes by the then Chief Executive in Council in 2004. Therefore, apart from undergoing periodic quality audits by QAC in its capacity as a UGC-funded institution, HKIED would also need to seek external accreditation by HKCAAVQ insofar as programmes other than teacher education are concerned. In other words, HKIED is the only institution in Hong Kong which is subject to quality oversight by both QAC and HKCAAVQ.

8. Further to the then Chief Executive in Council's decision on 23 June 2009, HKIED has since introduced new undergraduate programmes in complementary disciplines after seeking necessary accreditation by HKCAAVQ. In July 2014, HKIED was granted PAA status by HKCAAVQ for complementary undergraduate programmes in Chinese Studies, English Studies and Environmental Studies.

9. In light of HKCAAVQ's decision, we asked UGC, in the terms of reference of the review, to advise whether HKIED should be granted self-accrediting status in the above three programme areas. In its Review Group Report, UGC considers that the processes and structures in place in HKIED to satisfy periodic external scrutiny by the QAC are as mature and well-founded as in the other UGC-funded institutions in Hong Kong. In view of this maturity and of the ample evidence of high quality teaching and research performance, UGC recommends that HKIED be granted self-accrediting status in the three programme areas covered by its existing PAA status.

10. We support UGC's finding in this regard and agree that, in addition to teacher education programmes, HKIED should also be permitted to assume the responsibility for accrediting its own programmes in Chinese Studies, English

Studies and Environmental Studies at this juncture. This would spare HKIED from the need to undertake Periodic Reviews by HKCAAVQ in future as far as these three programme areas are concerned. Similar to the other seven UGC-funded institutions, HKIED will continue to be subject to periodic external quality audits by QAC on an institutional basis, notwithstanding the extension of its self-accrediting status to the abovementioned three programme areas.

11. In the course of its review, UGC has also considered whether full self-accrediting status (i.e. one that is not limited to specific programme areas) should be granted to HKIED. UGC considers there is no substantive difference between HKIED and the other UGC-funded institutions in relation to the quality of internal academic processes and takes the view that full self-accrediting status for HKIED will be an appropriate scenario, but the phasing of the move to this full status would be a matter for more detailed consideration.

12. We see merits in the above finding of UGC and therefore have carefully reviewed whether HKIED should be granted full self-accrediting status at this juncture. We take the view that, in considering whether full self-accrediting status should be granted to any institution, it is desirable to adopt a prudent, evidence-based approach, taking into account the track record of its programme offerings and other relevant factors. Above all, full self-accrediting status entails significant responsibility. It should only be granted if we are satisfied that, given the depth and breadth of an institution's track record and the rigour of its internal academic process, the institution can be entrusted to accredit all of its programmes.

13. At present, HKIED has obtained self-accrediting status in teacher education and PAA status in Chinese Studies, English Studies and Environmental Studies respectively. Moreover, it is operating degree programmes in two other areas, namely psychology and creative arts and culture, for which HKIED will seek PAA status from HKCAAVQ in due course. In line with UGC's recommendation that it is appropriate to grant full self-accrediting status to HKIED but the phasing of the move to this full status would be a matter for more detailed consideration, we take the view that HKIED should be granted full self-accrediting status after it has obtained PAA status from HKCAAVQ in these two remaining programme areas. As mentioned in paragraph 6 above, a PAA status is equivalent to self-accrediting status, but is limited in scope, duration and subject to Periodic Reviews by HKCAAVQ. The award of PAA status in the two remaining programme areas by HKCAAVQ to HKIED would provide ample assurance that HKIED indeed has

the ability to assume responsibility for accrediting all of its own programmes and is in a position to be granted full self-accrediting status rather than one restricted to individual programme areas. We therefore consider that upon obtaining PAA status in the aforesaid two remaining programme areas from HKCAAVQ, instead of granting self-accrediting status to the two programmes areas only, HKIEd should be granted **full** self-accrediting status direct by the Chief Executive in Council.

14. In light of the Chief Executive in Council's decision as set out in paragraph 2(a) and (b) above, the Secretary for Education will need to, by order published in the Gazette, amend Schedule 2 of the Accreditation of Academic and Vocational Qualifications Ordinance to extend the self-accrediting status of HKIEd as appropriate. We will take into account the progress of HKIEd's application for PAA status in respect of its remaining programme areas in determining the timing of the publication of the relevant order(s).

University Title

15. When considering the institutional development of HKIEd in 2009, the then Chief Executive in Council decided that the question of whether or not HKIEd should be granted university title should be revisited at a later date. The Government also made it clear to HKIEd that, in considering whether it should be granted university title in future, the Government would take into account all relevant factors, including its progress in achieving its Education-plus mission; the quality and standard of its academic programmes; the level and mix of programmes offered; the quality of students and standing of academic staff; research capability; internal governance; quality assurance structures and the extent of self-accrediting powers; resources available to the institution, and the public interest. Before such a title may be so granted, HKIEd must be able to demonstrate that it already possesses the qualities and attributes commonly expected of a university. The Government will then take a view on the application for university title in the light of the outcome of the special review by UGC and other relevant considerations.

16. Measuring against the above criteria, UGC states in its Review Group Report that HKIEd already possesses the qualities and attributes commonly expected of a university and is fully worthy of joining the ranks of the other UGC-funded universities in Hong Kong. Evidence to support this recommendation includes the following —

- (a) a coherent vision and mission, understood by staff and students, with education at its core and with “Education-plus” providing a sound base for further development. This helps ensure that HKIED will remain committed to its core mission even if it is granted university status;
- (b) breadth of academic provision, achieved through the development of self-standing programme areas which are complementary to education;
- (c) demonstrated readiness to receive self-accrediting status in three complementary programme areas (as mentioned in paragraphs 9 and 10 above), in addition to prevailing self-accrediting status in teacher education programmes which it obtained in 2004;
- (d) governance structures and processes appropriate to a well-managed university;
- (e) exemplary internal quality assurance mechanism, with external peer involvement in process review, supporting a culture of continuous quality improvement in HKIED;
- (f) staff and students at different levels are involved in research and scholarly activities, with outputs of good external standing;
- (g) high academic standards, seen in the externally-validated quality of teaching, in the quality of graduates and reflected in employer satisfaction; and
- (h) administrative and other support services which are fit for purpose and appropriately flexible in dealing with the changing environment in teaching and learning and in research.

We are satisfied with UGC’s findings and take the view that university title should be granted to HKIED at this juncture.

17. As regards the new name to be adopted by HKIED, UGC has pointed out that it should be a matter for the HKIED Council, staff and students to decide, so long the future title should refer explicitly to the core mission of education. We understand that HKIED has embarked on an extensive consultation exercise, and would propose that its title be changed to The Education University of Hong Kong in English (with “EdUHK” as the English abbreviation) and 香港教育大學 in Chinese (with “教大” as the Chinese abbreviation).

18. In light of the Chief Executive in Council’s approval to grant university status to HKIED, the HKIED Ordinance will have to be amended to effect the change in title. To this end, the Bill at **Annex B** will be introduced into LegCo.

Other Actions to be Taken by HKIED

19. In its Review Group Report, UGC has suggested a number of areas for further improvement for implementation by HKIED, including: articulate more clearly and develop further its vision and mission; make it explicit in the formal enabling instruments that HKIED will remain committed to “Education-plus” as its core mission; plan for changing external circumstances such as projected demographic changes in school-age population; provide better coordination and support in research; establish a small International Advisory Forum; and establish a Development Office to encourage fund-raising from benefactors. As far as the formal enabling instruments are concerned, the long title of the HKIED Ordinance will remain substantially unchanged. After the change in the title of HKIED, the long title will be: “to establish a body corporate known as The Education University of Hong Kong to provide teacher education and facilities for research into and the development of education, and to provide for related matters”. As for the other suggestions, they are within the remit of UGC and HKIED, and UGC will actively follow up its suggestions with HKIED.

THE BILL

20. The main provisions of the Bill are –

- (a) **Clauses 3 and 4** which update the long and short titles of the HKIED Ordinance to change the title of HKIED;
- (b) **Clause 5(3)** which repeals the definition of *Institute* in section 2 of the HKIED Ordinance and **clause 5(4)** which introduces a new definition of *University*;
- (c) **Clause 7(2) and (4)** which changes the title of HKIED to The Education University of Hong Kong and provides that the rights, obligations and liabilities of HKIED are not affected by the change;
- (d) **Clauses 5(1), 5(2), 7(3) and 8 to 11** which amend all the references to *Institute* in the HKIED Ordinance by substituting the term with *University*; and
- (e) **The Schedule** makes consequential amendments to other Ordinances.

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

LEGISLATIVE TIMETABLE

21. The legislative timetable will be –

Publication in the Gazette	19 February 2016
First Reading and commencement of Second Reading debate	2 March 2016
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

IMPLICATIONS OF THE PROPOSAL

22. 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 HKIED Ordinance. It has no significant economic implications, and no financial, civil service, productivity, environmental, family, gender or sustainability implications.

PUBLIC CONSULTATION

23. On matters concerning tertiary education, especially with regard to UGC-funded institutions, the Government seeks the expert advice of UGC. The recommendations contained in this paper are in line with the recommendations of UGC's Review Group Report. During the review exercise, UGC has extensively sought the views of HKIED, the school sector and other relevant stakeholders. Besides, we will consult the LegCo Panel on Education.

PUBLICITY

24. A press release will be issued. The Review Group Report will also be published for public consumption.

BACKGROUND

25. HKIED was formally established in 1994 by merging the four former Colleges of Education (i.e. Grantham, Northcote, Sir Robert Black and the Hong Kong Technical Teachers' College) and the Institute of Language in Education. In the 2015/16 academic year, HKIED provides about 50 RPg, 427

taught postgraduate, 4 151 undergraduate (including 621 FYFD) and 1 113 sub-degree publicly-funded places each year at an annual recurrent funding of about \$708.3 million. In June 2009, in light of a review conducted by UGC, the then Chief Executive in Council decided on the way forward with respect to the institutional development of HKIED. HKIED has since been following up on this decision. In July 2014, HKIED submitted an application for university title to the Government.

ENQUIRIES

26. Enquiries on this brief can be directed to Miss Sharon Ko, Principal Assistant Secretary for Education, at telephone number 3509 8501.

**Education Bureau
January 2016**

Report of the Review Group on the Application for University Title by the Hong Kong Institute of Education

PART ONE: EXECUTIVE SUMMARY

Background to the Report

1. The Hong Kong Institute of Education (HKIED) submitted an application for university title to the Education Bureau (EDB) in July 2014. The application followed earlier milestones on HKIED's path to the university status it desires:

1. 2003: UGC Institutional Review of HKIED
2. 2009: UGC Review of HKIED's 'Development Blueprint'
3. 2012: HKIED Report to EDB on progress in implementing the recommendations in that 2009 Review and EDB's response
4. 2014: Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) award of Programme Area Accreditation (PAA) status to HKIED in three non-education programme areas.

Following previous practice, the EDB invited the UGC in July 2014 to carry out a special review on HKIED to determine whether it possesses the necessary capacity and qualities to be accorded university title.

Terms of reference of the Review Group

2. In summarised form, the terms of reference of the Review Group were to advise the Government:

- (a) on HKIED's progress in implementing the recommendations in the 2009 Review;
- (b) on whether HKIED should be granted self-accrediting status in the programme areas covered by its existing PAA status;
- (c) in light of (a) and (b), on whether HKIED already possesses the qualities and attributes commonly expected of a university and should be granted the university title at this juncture;
- (d) on whether there are any other actions HKIED should take in

future to further its role and improve the quality of education it provides.

and if necessary to bring to the Government's attention issues of concern, if any, in relation to HKIED's application for university title.

Institutional Profile

3. HKIED was formally established in 1994 following the amalgamation of a number of teacher education institutions. It came under the aegis of the University Grants Committee (UGC) in 1996. It has been offering publicly funded bachelor and taught postgraduate degrees since 1998. In 2002, it began offering sub-degree programmes. It is the only institution in Hong Kong with a primary focus on teacher education. Starting in 2010 and with a view to becoming a multi-disciplinary institution, HKIED has offered a small number of non-teacher education programmes, as well as research postgraduate programmes, with additional resources provided by the Government.

Teacher education landscape

4. The observations on changes in the global landscape in teacher education highlighted in the 2009 Report still hold true in 2015. Similar to its Report in 2007, McKinsey's 2010 follow-up research on the transformation of school system performance continued to emphasise that any successful system of school education would rely heavily on good teachers. Similar findings may be found in the education policy documents of Singapore and China. The League Table of global school rankings published by the Organization for Economic Co-operation and Development (OECD) in May 2015, which placed Hong Kong in second place globally, provided further evidence of the value placed on education by the community in Hong Kong.

Characteristics used worldwide to determine university title

5. As the terms of reference of the Review Group include providing advice to the UGC on, "whether HKIED ... possesses the qualities and attributes commonly expected of a university and should be granted university title at this juncture", the Review Group decided that it should re-examine the issue of, "the qualities and attributes commonly expected of a university". It accordingly undertook desk-based research on the common practice in a number of jurisdictions around the world.

6. Common themes emerging from the research echoed the findings of the 2009 Review Group. A university is expected to display most if not all of the following characteristics: sound quality assurance of programmes, procedures and systems; periodic scrutiny by external academic peers; robust governance both in terms of structures and their operation; academic autonomy; student involvement in governance; academic breadth; peer-acknowledged research and scholarship; and possession of self-certification or degree awarding powers.

Review process: fact-finding and evidence-gathering

7. The Review Group already had at its disposal a significant amount of documentary material and data about the Institute, largely sourced from the external scrutiny of HKIEd, which had taken place at various times and by various bodies since 2003. In order to round out its understanding of HKIEd, the Review Group conducted further fact-finding, including seeking supplementary information from HKIEd and the views of the education, academic and business communities in Hong Kong on HKIEd's application.

Evidence available to the Review Group

8. The evidence available to the Review Group included prior documentation (review groups in 2004 and 2009; Legislative Council Brief on the institutional development of HKIEd in 2009; Quality Assurance Council (QAC) Audit Report in 2011 & Progress Report submitted by HKIEd in 2013; PAA 2014), HKIEd's letter to the EDB of 7 July 2014, the HKIEd response to the questions put to it by the Review Group in December 2014, the letter from the EDB to the UGC of 26 January 2015 and views expressed by local associations and other interested stakeholders, along with the responses of HKIEd Council officers, senior management, staff, students and others during the visit made by the Review Group to the HKIEd Tai Po Campus on 9 - 10 February 2015, as well as observations made by Review Group members during that visit.

Determination of assessment criteria

9. The Review Group developed a set of key criteria covering the following seven aspects of HKIEd: vision, mission and strategic direction; academic breadth and subject complementarity; governance; academic standards and quality assurance; research accomplishments and

capacity; academic and academic supporting staff; and resources and support structures.

Criteria and Review Group findings

10. The Review Group findings are summarised as follows:

REVIEW CRITERIA	REVIEW GROUP OVERALL FINDINGS
<p>VISION, MISSION AND STRATEGIC DIRECTION</p> <p>Criterion 1.1: Institutional vision and mission are appropriate and clearly articulated</p> <p>Criterion 1.2: Staff and students understand and accept the mission</p>	<p>The vision, mission, aims and objectives of HKIED are appropriate and sustainable. 'Education-plus' as a concept is widely understood by staff and students</p>
<p>ACADEMIC BREADTH AND SUBJECT COMPLEMENTARITY</p> <p>Criterion 2.1: The range of disciplines is appropriate to its mission</p> <p>Criterion 2.2: Complementary disciplines meet stakeholder expectations of their having been chosen strategically and of their success in enhancing teacher education in Hong Kong</p>	<p>HKIED meets expectations of academic breadth. The development of complementary disciplines takes into account their potential contributions to the enhancement of educational practice in Hong Kong. Choices of discipline have been consistent with the 2009 Review Group Report.</p>
<p>GOVERNANCE</p> <p>Criterion 3.1: Inclusive academic planning and management processes, which facilitate the implementation of HKIED's mission</p> <p>Criterion 3.2: Robust and effective financial planning and resource allocation</p>	<p>HKIED demonstrates robust governance of its academic activities which incorporate participation by campus constituencies and external stakeholders. Strong financial planning and transparent resource allocation have allowed HKIED to build on opportunities.</p>
<p>ACADEMIC STANDARDS AND QUALITY ASSURANCE</p> <p>Criterion 4.1: Academic standards are appropriate and rigorous</p> <p>Criterion 4.2: Quality Assurance is integral to HKIED's academic activities, including quality enhancement based on QA outcomes</p>	<p>Academic standards set by HKIED and attained by students are appropriate to a higher education institution of good standing. Indicators of student quality are comparable to students on teacher education programmes in other universities in Hong Kong. Employer satisfaction with graduates is strong. Quality Assurance is fit for purpose, with assessment outputs used to enhance practice.</p>
<p>RESEARCH ACCOMPLISHMENTS AND CAPACITY</p>	

<p>Criterion 5.1: Research and scholarly activity are fostered and supported among academic staff, postgraduate and undergraduate students</p> <p>Criterion 5.2: Research draws on academic strengths from across HKIEd and contributes to innovation in curriculum design and content</p>	<p>Investment from 2009 has brought significant dividends in terms of research outcomes and the quality of the student experience. Engagement with and success in research among staff shows a clear upward trend. Collaboration across disciplinary boundaries is evident. HKIEd has enhanced the research capacities of students by broadening their participation in courses and projects.</p>
<p>ACADEMIC AND ACADEMIC SUPPORTING STAFF</p> <p>Criterion 6.1: A significant proportion of the Academic and Academic Supporting staff have gained higher degrees/doctorates or equivalent qualifications and actively contribute to the advancement of knowledge in their fields</p> <p>Criterion 6.2: A coherent and comprehensive strategy for staff recruitment, development and retention</p>	<p>Recognition of the quality of its research is spreading to regional and international arenas. Academic staff members indicate a commitment to remain at HKIEd, with positive retention data as illustration. Workload is planned in a systematic way to ensure that staff have time to pursue scholarly endeavours. Student evaluations and external assessment indicate satisfaction with the quality of teaching.</p>
<p>RESOURCES AND SUPPORT STRUCTURES</p> <p>Criterion 7.1: Campus resources (financial, physical, IT, library) are well managed and are appropriate, given HKIEd's aims and objectives for its future development</p> <p>Criterion 7.2: Systems and services provide support for both teaching and research</p>	<p>Adequacy of resources and a flexible support structure for teaching and research are evident in HKIEd. Improvements to existing facilities and new building projects are scheduled. Planning is underway to ensure that HKIEd keeps pace with changes in teaching and research that require ongoing upgrades in library facilities, educational technology and in computing resources and support.</p>

HKIEd's progress since 2009

11. HKIEd has made commendable progress since 2009 in developing into a multi-disciplinary institution. Its traditional strength in teacher education has broadened to reflect the wider development of Education as an important professional field. That strength has been enhanced through the successful development of the complementary disciplines. In addition, the Institute has rapidly developed its research capabilities, using the funding and other support made available to it to build a solid foundation for further growth in its research activity. The Review Group

RECOMMENDS that the UGC note the satisfactory progress made by HKIEd since 2009 in developing into a successful multi-disciplinary institution.

Self-accreditation in the 2014 PAA subject areas

12. HKIEd has had the authority to self-accredit the courses it offers in Education since 2004. As such courses constitute the major part of the Institute's activities, the Review Group considers that the processes and structures in place to satisfy external scrutiny by the QAC are as mature and well-founded as in the other UGC-funded institutions in Hong Kong. In view of this maturity and of the ample evidence of high quality teaching and research performance, the Review Group

RECOMMENDS to the UGC that HKIEd be granted self-accrediting status in the three programme areas covered by its existing PAA status.

Grant of University title

13. The Review Group considers that HKIEd already possesses the qualities and attributes commonly expected of a university. It is fully worthy of joining the ranks of the other UGC-funded universities in Hong Kong and sharing their status as institutions with full powers of self-accreditation. The Review Group

RECOMMENDS to the UGC that HKIEd should be granted university title at this juncture.

Self-accreditation

14. Evidence suggests that there is no substantive difference between HKIEd and the other UGC-funded universities in relation to the quality of internal academic processes underpinning the validation and award of degrees and sub-degree qualifications. Student outcomes in terms of graduate quality are also comparable to the other UGC-funded universities. Bearing that in mind, the Review Group considers that University title with full powers of self-accreditation is appropriate for the Institute. The phasing of the move to the new status of full self-accreditation would need to be a matter for more detailed consideration but the move to self-accreditation in the three PAA programme areas should be initiated as soon as is practicable.

Possible 'mission drift'

15. Now and into the future, formal safeguards to preserve the core mission lie in the strong governance of the Institute. It should be made explicit in the formal enabling instruments that HKIEd's core activity will remain the education of teachers and that the programmes it offers must be directly relevant or complementary to such an end.

Institutional title

16. The Review Group considers that it will be a matter for the HKIEd Council, staff and students to decide on an appropriate title for the Institute, signifying that it has University status. Analogous to the question of the preservation of the core mission in the enabling instruments, the Review Group believes that the future title should refer explicitly to the core mission of education and thus should contain the word "Education".

Areas for further improvements

17. The use of 'University' in its title will bring with it heightened external expectations of the Institute. In this context, the Review Group proposes a number of actions, which it believes may help the Institute to respond to such expectations. These include clearer articulation and further development of the vision and mission, planning for changing external circumstances, enhancing research co-ordination and support, establishing a small International Advisory Forum, and strengthening fund-raising efforts.

Conclusion

18. The right to use university in its title has long been an ambition of HKIEd. Since the first meeting in October 2014, the Review Group has had an extensive opportunity to learn about HKIEd - its current activities, its achievements and its potential. The Review Group has concluded that the award of this right to the title of 'university' is now fully warranted. The Review Group has been impressed by the importance that Hong Kong places on education and the critical role played by HKIEd in ensuring that the teachers, in whose hands that education lies, are of the highest quality. As well as the strong evidence of the primacy that the HKIEd gives to the quality of its teaching and research, the Review Group was consistently impressed with the enthusiasm and commitment of staff at all levels within HKIEd and, it

should be added, of its students. The Review Group wishes the HKIED a long and prosperous future as the eighth UGC-funded campus-based university.

**The Hong Kong Institute of Education (Amendment)
Bill 2016**

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A BILL

To

Amend The Hong Kong Institute of Education Ordinance to change the title of The Hong Kong Institute of Education; to provide for the continuation of the body corporate; and to make consequential amendments.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as The Hong Kong Institute of Education (Amendment) Ordinance 2016.

2. Enactments amended

- (1) The Hong Kong Institute of Education Ordinance (Cap. 444) is amended as set out in sections 3 to 11.
- (2) The enactments specified in the Schedule are amended as set out in the Schedule.

3. Long title amended

The long title—

Repeal

“The Hong Kong Institute of Education as a body corporate”

Substitute

“a body corporate known as The Education University of Hong Kong”.

4. Section 1 amended (short title)

Section 1(1)—

Repeal

“Hong Kong Institute of Education”

Substitute

“Education University of Hong Kong”.

5. Section 2 amended (interpretation)(1) Section 2, definition of *President* and *Vice President*—**Repeal**

“Institute appointed under section 11(1).”

Substitute

“University appointed under section 11(1);”.

(2) Section 2—

(a) definition of *Academic Board*;(b) definition of *Chancellor*;(c) definition of *Council*—**Repeal**

“Institute”

Substitute

“University”.

(3) Section 2—

Repeal the definition of *Institute*.

(4) Section 2—

Add in alphabetical order

“*University* (大學) means the body corporate known as The Education University of Hong Kong by the operation of section 3(1).”.

6. Part II heading amended (The Hong Kong Institute of Education)

Part II, heading—

Repeal

“HONG KONG INSTITUTE OF EDUCATION”

Substitute

“EDUCATION UNIVERSITY OF HONG KONG”.

7. Section 3 amended (establishment and objects of the Institute)

(1) Section 3, heading—

Repeal“**Establishment and objects of the Institute**”**Substitute**“**Title and objects of University**”.

(2) Section 3—

Repeal subsection (1)**Substitute**

“(1) On or after the specified date, the body corporate established under the former section 3(1) and known as The Hong Kong Institute of Education immediately before that date—

(a) is known as The Education University of Hong Kong; and

(b) may sue and be sued in that name.”.

(3) Section 3(2)—

Repeal

“Institute”

Substitute

“University”.

- (4) After section 3(2)—

Add

“(3) Despite the repeal of the former section 3(1), the body corporate established under that section continues in existence as the University on or after the specified date. Accordingly, the rights, obligations and liabilities of that body corporate are not affected in any way by the change of title effected by subsection (1).

- (4) In this section—

former section 3(1) (原有第 3(1)條) means section 3(1) of The Hong Kong Institute of Education Ordinance (Cap. 444) that was in force immediately before the specified date;

specified date (指明日期) means the date on which section 7 of The Hong Kong Institute of Education (Amendment) Ordinance 2016 (of 2016) comes into operation.”.

8. Section 4 amended (powers of the Institute)

- (1) Section 4, heading—

Repeal

“the Institute”

Substitute

“University”.

- (2) Section 4—

Repeal

“The Institute”

Substitute

“The University”.

- (3) Section 4(h)—

Repeal

“Institute”

Substitute

“University”.

- (4) Section 4(ha)—

Repeal

“Hong Kong Institute of Education”

Substitute

“Education University of Hong Kong”.

- (5) Section 4(ha)—

Repeal

“Institute by”

Substitute

“University by”.

- (6) Section 4(ha)—

Repeal

“Institute;”

Substitute

“University;”.

- (7) Section 4(j)—

Repeal

“Institute”

Substitute

“University”.

- (8) Section 4(l) and (m), Chinese text—

Repeal

“學院”

Substitute

“大學”.

- (9) Section 4(qa) and (s)—

Repeal

“Institute”

Substitute

“University”.

9. Section 13 amended (Academic Board of the Institute)

- (1) Section 13, heading—

Repeal

“the Institute”

Substitute

“University”.

- (2) Section 13(1)—

Repeal

“Institute” (wherever appearing)

Substitute

“University”.

10. Section 21 amended (unauthorized use of title of the Institute)

- (1) Section 21, heading—

Repeal

“the Institute”

Substitute

“University”.

- (2) Section 21(1)(a)(i) and (ii)—

Repeal

“Institute”

Substitute

“University”.

- (3) Section 21(1)(b)—

Repeal

“Hong Kong Institute of Education”

Substitute

“Education University of Hong Kong”.

- (4) Section 21(1)(b)(i) and (ii)—

Repeal

“Institute”

Substitute

“University”.

11. “University” substituted for “Institute”

The following provisions—

- (a) section 5(1) and (2);
- (b) section 6(1) and (2);
- (c) section 7;
- (d) section 8(1)(f) and (g);
- (e) section 9(3)(c);

- (f) section 11(1) and (2);
- (g) section 14(1) and (2);
- (h) section 15(1);
- (i) section 16(1);
- (j) section 17(2);
- (k) section 20(1), (2)(a) and (4);
- (l) section 22(1) and (2)(b);
- (m) section 23(1) and (2);
- (n) section 24(a) and (b);
- (o) the Schedule, sections 7 and 12—

Repeal

“Institute” (wherever appearing)

Substitute

“University”.

Schedule

[s. 2(2)]

Consequential Amendments

Part 1

Amendments to Dangerous Drugs Ordinance (Cap. 134)

1. Fourth Schedule amended (reporting agencies)

(1) Fourth Schedule—

Add

“48A. The Education University of Hong Kong”.

(2) Fourth Schedule—

Repeal item 52.

Part 2

Amendment to Prevention of Bribery Ordinance (Cap. 201)

2. Schedule 1 amended (public bodies)

Schedule 1, item 73—

Repeal

“Hong Kong Institute of Education”

Substitute

“Education University of Hong Kong”.

Part 3

Amendment to Education Ordinance (Cap. 279)

3. Section 2 amended (application)

Section 2(m)—

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 4

Amendment to Education Regulations (Cap. 279 sub. leg. A)

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

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

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 5

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

5. Section 2 amended (interpretation)

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

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 6

Amendment to Road Traffic Ordinance (Cap. 374)

6. Section 2 amended (interpretation)

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

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 7

Amendments to Pensions (Special Provisions) (The Hong Kong Institute of Education) Ordinance (Cap. 477)

7. **Long title amended**

The long title, before “The”—

Add

“The Education University of Hong Kong, formerly known as”.

8. **Section 1 amended (short title)**

Section 1(1)—

Repeal

“Hong Kong Institute of Education”

Substitute

“Education University of Hong Kong”.

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

(1) Section 2, definition of *aggregate service*—

Repeal

“Institute”

Substitute

“University”.

(2) Section 2, English text, definition of *transferred officer*—

Repeal the full stop

Substitute a semicolon.

(3) Section 2—

(a) definition of *Institute*;

(b) definition of *service under the Institute*—

Repeal the definitions.

(4) Section 2—

Add in alphabetical order

“*service under the University* (大學服務) means service of a transferred officer in the employment of the University on terms and conditions of the University, but does not include service of an officer who is, while remaining in service under the Government, directed by the Government to work in the University;

University (大學) means the body corporate—

(a) known as The Hong Kong Institute of Education immediately before the commencement date of section 7 of The Hong Kong Institute of Education (Amendment) Ordinance 2016 (of 2016); and

(b) known as The Education University of Hong Kong on or after that date by the operation of section 3(1) of The Education University of Hong Kong Ordinance (Cap. 444).”.

10. **“University” substituted for “Institute”**

The following provisions—

(a) section 3(1)(a) and (c);

(b) section 4(1) and (2);

(c) section 5(1), (3), (4) and (5);

(d) section 6(2), (6), (7), (8), (9) and (12)(a) and (b);

(e) section 7(2), (3), (4), (5)(a) and (c), (6), (9)(a) and (b) and (10)(b)—

Repeal

“Institute” (wherever appearing)

Substitute

“University”.

Part 8

Amendment to Sex Discrimination Ordinance (Cap. 480)

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

Schedule 1, item 13—

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 9

Amendment to Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)

12. **Schedule 1 amended (local institutions of higher education)**

Schedule 1, item 3—

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 10

Amendment to Family Status Discrimination Ordinance (Cap. 527)

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

Schedule 1, item 13—

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 11

Amendment to Copyright Ordinance (Cap. 528)

14. **Schedule 1 amended (educational establishments)**

Schedule 1, item 5—

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 12

Amendment to Legislative Council Ordinance (Cap. 542)

15. **Section 20E amended (composition of the education functional constituency)**

Section 20E(b)(ix)—

Repeal

“Hong Kong Institute of Education”

Substitute

“Education University of Hong Kong”.

Part 13

Amendment to Chief Executive Election Ordinance (Cap. 569)

16. **Schedule, section 2 amended (how Election Committee is to be constituted)**

The Schedule, section 2, Table 5, item 5, column 3, paragraph (2)(i)—

Repeal

“Hong Kong Institute of Education”

Substitute

“Education University of Hong Kong”.

Part 14

Amendment to Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592)

17. **Schedule 2 amended (self-accrediting operators)**

Schedule 2, item 4—

Repeal

“Hong Kong Institute of Education”

Substitute

“Education University of Hong Kong”.

Part 15

Amendment to Race Discrimination Ordinance (Cap. 602)

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

Schedule 1, item 12—

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 16

Amendment to Minimum Wage Ordinance (Cap. 608)

19. **Schedule 1 amended (education institutions)**

Schedule 1, item 1—

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Part 17

Amendment to The English Schools Foundation Ordinance (Cap. 1117)

20. **Section 8 amended (Nominating Committee)**

Section 8(2)(c)(iii)—

Repeal

“Hong Kong Institute of Education” (wherever appearing)

Substitute

“Education University of Hong Kong”.

Explanatory Memorandum

The object of this Bill is to amend The Hong Kong Institute of Education Ordinance (Cap. 444) (*Ordinance*) to change the title of The Hong Kong Institute of Education to The Education University of Hong Kong and to make consequential amendments.

2. Clause 1 sets out the short title.
3. Clause 5(3) repeals the definition of *Institute* in section 2 of the Ordinance and clause 5(4) introduces a new definition of *University* to that section.
4. Clause 7(2) amends section 3 of the Ordinance to change the title of The Hong Kong Institute of Education to The Education University of Hong Kong. Clause 7(4) adds new section 3(3) and (4) to the Ordinance to provide for the continuation of the body corporate.
5. Clauses 3, 4, 5(1) and (2), 6, 7(1) and (3), 8, 9, 10 and 11 make consequential amendments to the Ordinance.
6. The Schedule makes consequential amendments to other enactments.

**First-year first-degree programmes in disciplines
complementary to education offered by
The Hong Kong Institute of Education (HKIEd)
in the 2015/16 academic year**

1. Bachelor of Arts (Honours) in Language Studies (Chinese Major)
2. Bachelor of Arts (Honours) in Language Studies (English Major)
3. Bachelor of Social Sciences (Honours) in Global and Environmental Studies
4. Bachelor of Social Sciences (Honours) in Psychology
5. Bachelor of Arts (Honours) in Creative Arts and Culture (Visual Arts)
6. Bachelor of Arts (Honours) in Creative Arts and Culture (Music)

**Provisions to be amended by
The Hong Kong Institute of Education (Amendment) Bill 2016**

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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An Ordinance to establish The Hong Kong Institute of Education as a body corporate to provide teacher education and facilities for research into and the development of education, and to provide for related matters.

(Enacted 1994)

[25 April 1994] *L.N. 237 of 1994*

(Originally 16 of 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	1	Short title		30/06/1997
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(1) This Ordinance may be cited as The Hong Kong Institute of Education Ordinance.

(2) (Omitted as spent)

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	2	Interpretation	23 of 2002	19/07/2002
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Remarks:

For transitional provisions relating to the amendments made by the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002), see section 53 of that Ordinance.

In this Ordinance, unless the context otherwise requires-

"Academic Board" (教務委員會) means the Academic Board of the Institute established under section 13;

"Chairman" (主席) and "Deputy Chairman" (副主席) mean respectively the Chairman and Deputy Chairman of the Council appointed under section 8(2);

"Chancellor" (校監) means the Chancellor of the Institute provided for under section 6; (Added 23 of 2002 s. 44)

"committee" (委員會) means a committee of the Council established under section 9;

"Council" (校董會) means the Council of the Institute established under section 7;

"financial year" (財政年度) means the period fixed by the Council under section 17(2); (Replaced 65 of 1996 s. 2)

"functions" (職能) includes powers and duties;

"Institute" (學院) means The Hong Kong Institute of Education established under section 3(1);

"President" (校長) and "Vice President" (副校長) mean respectively the President and a Vice President of the Institute appointed under section 11(1). (Added 23 of 2002 s. 44)

(Amended 23 of 2002 s. 44)

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Part:	II	THE HONG KONG INSTITUTE OF EDUCATION		30/06/1997
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(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	3	Establishment and objects of the Institute		30/06/1997
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(1) There is established an institute to be known as The Hong Kong Institute of Education which shall be a body corporate with power in that name to sue and be sued.

(2) The objects of the Institute are to provide teacher education and facilities for research into and the development of education.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	4	Powers of the Institute		30/06/1997
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The Institute may, in furtherance of its objects-

- (a) plan degree and other academic award programmes, either on its own or in conjunction with other institutions of higher education;
- (b) produce, develop, acquire and provide courses of study, either on its own or in conjunction with any other person;
- (c) confer and revoke degrees and other academic awards including honorary degrees and honorary awards;
- (d) provide, whether for profit or otherwise, advisory, consultancy, research and development and other related services;
- (e) enter into any contract;
- (f) erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve, keep in repair and regulate its buildings, premises, furniture, equipment and other property;
- (g) take on lease, purchase or otherwise acquire, and hold, manage and enjoy property of any description, and sell, let or otherwise dispose of the same;
- (h) appoint such persons to be employees, advisers or consultants of the Institute as it thinks fit, either on a full or part-time basis, and decide the terms of remuneration and conditions of service of such persons;
- (ha) pay to the Government the cost of pensions, allowances, gratuities and pension benefits payable by the Government under section 5 of the Pensions (Special Provisions) (The Hong Kong Institute of Education) Ordinance (Cap 477) for service under the Institute by a person transferred from service under the Government to service under the Institute; (Added 38 of 1995 s. 8)
- (i) provide for its students and employees appropriate amenities;
- (j) borrow or otherwise raise money on such security as may be necessary and, for that purpose, charge all or part of the property of the Institute; (Amended 65 of 1996 s. 3)
- (k) apply for and receive any grant in aid on such terms as may be expedient;
- (l) solicit and receive gifts, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust;
- (m) fix fees and charges for courses of study, facilities and other services provided by it and specify conditions for the use of such facilities and services;
- (n) reduce, waive or refund such fees or charges either generally or in any particular case or class of cases;

- (o) pay the reasonable travelling and accommodation expenses of any member of the Council, of the Academic Board or of any committee incurred in connection with his duties as such member;
- (p) enter into partnership or any other form of joint venture with any person;
- (q) acquire, hold and dispose of interests in other bodies corporate and take part in forming bodies corporate;
- (qa) invest the funds of the Institute in such manner and to such extent as it thinks necessary or expedient; (Added 65 of 1996 s. 3)
- (r) print, sell, reproduce or publish or arrange for the printing, sale, reproduction or publication of any manuscript, book, play, music, poster, advertisement or other material, including video and audio material and computer software;
- (s) do such other things as are provided for by this Ordinance or as are necessary or desirable for, or incidental or conducive to, the furtherance of the objects of the Institute.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	13	Academic Board of the Institute		30/06/1997
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- (1) There shall be an Academic Board of the Institute whose functions shall be to-
 - (a) plan, develop, review and advise the Council on and, if so empowered by the Council under subsection (5), regulate the academic programmes of the Institute;
 - (b) advise the Council on and, if so empowered by the Council under subsection (5), regulate the admission of persons to courses of study provided by the Institute, and their continuance therein;
 - (c) advise the Council on and, if so empowered by the Council under subsection (5), regulate examinations leading to degrees and other academic awards of the Institute and nominate persons for appointment as examiners;
 - (d) advise the Council on and, if so empowered by the Council under subsection (5), regulate the requirements for the conferring of degrees and other academic awards of the Institute;
 - (e) advise the Council on the ratio of degree to sub-degree courses provided by the Institute;
 - (f) advise the Council generally on and, if so empowered by the Council under subsection (5), regulate academic matters relating to the Institute.

(2) The members of the Academic Board shall be appointed and may be removed by the Council in accordance with rules made under section 22.

(3) Unless rules made under section 22 otherwise provide, sections 48 to 52 of the Interpretation and General Clauses Ordinance (Cap 1) shall apply to the Academic Board.

(4) Subject to this section and to any rules made under section 22, the Academic Board may regulate its own procedure.

(5) The Council may delegate to the Academic Board any of its functions relating to academic matters which under section 9(3) it may delegate to a committee, including the powers to make and enforce rules mentioned in section 22(1)(d), (e), (f) and (g) and (2).

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	21	Unauthorized use of title of the Institute		30/06/1997
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(1) No person shall incorporate or form, or be a director, officer, member or organizer of, or work in connection with, any body of persons which-

- (a) falsely purports or holds itself out to be-
 - (i) the Institute or any branch or part thereof; or
 - (ii) in any way connected or associated with the Institute; or

- (b) uses the title "The Hong Kong Institute of Education" or a title in any language which so closely resembles that title as to be capable of deceiving or misleading any person into believing that the body of persons is-
- (i) the Institute or any branch or part thereof; or
 - (ii) in any way connected or associated with the Institute.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$100000.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	5	Directions of the Chief Executive in Council	53 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 53 of 2000 s. 3

(1) The Chief Executive in Council may give to the Institute directions with respect to the exercise of its powers or the achievement of its objects, either generally or in any particular case.

(2) In the exercise of its powers and the achievement of its objects the Institute shall comply with any directions given by the Chief Executive in Council under subsection (1).

(3) The Chief Executive in Council may delegate the powers conferred upon him by this section to a public officer. (Added 65 of 1996 s. 4)

(Amended 53 of 2000 s. 3)

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	6	The Chancellor	23 of 2002	19/07/2002
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Remarks:

For transitional provisions relating to the amendments made by the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002), see section 53 of that Ordinance.

(1) There shall be a Chancellor of the Institute who shall be the head of the Institute.

(2) The Chief Executive shall be the Chancellor of the Institute. (Amended 53 of 2000 s. 3)

(Amended 23 of 2002 s. 46)

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	7	The Council and its functions		30/06/1997
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There shall be a Council of the Institute which, subject to this Ordinance-

(a) shall be the executive governing body of the Institute;

(b) shall have general control over the administration of the Institute and the conduct of its affairs; and

(c) on behalf of the Institute, may exercise any of the powers conferred and shall perform all of the duties imposed by law on the Institute.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	8	Membership of the Council	23 of 2002	19/07/2002
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Remarks:

For transitional provisions relating to the amendments made by the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002), see section 53 of that Ordinance.

- (1) The Council shall consist of-
 - (a) the President;
 - (b) the Vice Presidents, if any have been appointed;
 - (c) at least one but not more than 3 public officers appointed by the Chief Executive; (Amended 53 of 2000 s. 3)
 - (d) at least one but not more than 3 persons nominated by the Academic Board from among its number and appointed by the Council;
 - (e) 3 members elected from among their number by- (Amended 23 of 2002 s. 47)
 - (i) the full-time teaching staff; and
 - (ii) the administrative staff whose rank or grade is equivalent to that of full-time teaching staff;
 - (f) not more than 14 other persons appointed by the Chief Executive, who shall be neither public officers nor employees of the Institute, and of whom- (Amended 23 of 2002 s. 47)
 - (i) at least 5 shall be persons considered by the Chief Executive to have had relevant experience in commerce, industry or a profession in Hong Kong;
 - (ii) not more than 3 shall be persons considered by the Chief Executive to have had relevant experience in higher education either in Hong Kong or elsewhere; and
 - (iii) not more than 3 shall be persons considered by the Chief Executive to have had relevant experience in education, other than higher education, either in Hong Kong or elsewhere;
 - (g) a full-time student of the Institute appointed by the Council.
- (2) The Chief Executive shall appoint, from among those members appointed under subsection (1)(f)(i)- (Amended 23 of 2002 s. 47)
 - (a) the Chairman of the Council;
 - (b) the Deputy Chairman of the Council; and
 - (c) the Treasurer of the Council.
- (3) A member of the Council appointed under subsection (1)(c) shall hold office at the discretion of the Chief Executive. (Amended 53 of 2000 s. 3)
- (4) A member of the Council appointed under subsection (1)(d) or (f)-
 - (a) shall be appointed for 3 years or such lesser period as the appointor may specify in any particular case;
 - (b) may resign by giving notice in writing to the appointor;
 - (c) may be reappointed.
- (4A) A member who became a member of the Council under subsection (1)(d) shall cease to be a member of the Council when he ceases to be a member of the Academic Board. (Added 23 of 2002 s. 47)
- (5) A member elected under subsection (1)(e) shall serve for a term of 3 years but shall cease to be a member of the Council when he ceases to be a member of the body that elected him.
- (5A) A member appointed under subsection (1)(g) shall serve for a term of one year. (Added 65 of 1996 s. 5)
- (6) Notice of all appointments under this section shall be published in the Gazette. (Amended 23 of 2002 s. 47)
(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	9	Committees of the Council	23 of 2002	19/07/2002
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Remarks:

For transitional provisions relating to the amendments made by the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002), see section 53 of that Ordinance.

(1) The Council may, in furtherance of its objects, establish, and appoint the members of, such committees as it thinks fit and any such committee may consist partly of persons who are not members of the Council.

(2) The chairman of every committee shall be appointed by the Council from among the members of the Council.

(3) The Council may in writing, with such restrictions or conditions as it thinks fit, delegate to a committee any of its functions, including the appointment of an acting President or acting Vice President under section 11, except- (Amended 23 of 2002 s. 48)

(a) its functions under section 7(a) and (b);

(b) the appointment or dismissal of the President or a Vice President; (Amended 23 of 2002 s. 48)

(c) decisions on terms of remuneration and conditions of service for employees of the Institute;

(d) the duty to cause financial statements to be prepared as required by section 14(2);

(e) approval of the report required to be submitted to the Chief Executive under section 16(1); (Amended 53 of 2000 s. 3)

(f) the making of rules under section 22;

(g) the power to establish committees under this section or to appoint members to such committees.

(4) Unless rules made under section 22 otherwise provide, sections 48 to 52 of the Interpretation and General Clauses Ordinance (Cap 1) shall apply to every committee and to the appointment of members to any committee.

(5) Subject to this section and to any rules made under section 22, a committee established under this section may regulate its own procedure.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	11	Appointment of President and Vice President	23 of 2002	19/07/2002
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Remarks:

For transitional provisions relating to the amendments made by the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002), see section 53 of that Ordinance.

(1) The Council shall appoint a President of the Institute, and may appoint one or more Vice Presidents of the Institute, on such terms of remuneration and conditions of service as it may decide.

(2) The President shall, subject to any directions of the Council, be responsible for the management and administration of the Institute and for the discipline of students and employees thereof.

(3) The Vice Presidents, if any, appointed under subsection (1) shall perform such duties as the President may specify and one of them specified by the Council shall, during the incapacity or absence from Hong Kong of the President or if the office of President is temporarily vacant, perform the functions of the President.

(4) During any period when a Vice President is performing the functions of the President, or during the incapacity or absence from Hong Kong of a Vice President, the Council may appoint any person to act as Vice President.

(5) If no Vice President is appointed under subsection (1) then, during the incapacity or absence from Hong Kong of the President, or if the office of President is temporarily vacant, the Council may appoint any person to act as President.

(6) The appointment or dismissal of the President or a Vice President shall be effected by a resolution passed

by not less than 2/3 of the members of the Council who are present at a meeting of the Council and competent to vote on the matter.

(7) A member of the Council appointed under section 8(1)(d) or (g) or elected under section 8(1)(e) shall not participate in any deliberation or vote on the appointment or dismissal of the President or a Vice President.

(Amended 23 of 2002 s. 50)
(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	14	Accounts		30/06/1997
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(1) The Council shall keep proper accounts and records of the financial transactions of the Institute.

(2) As soon as is practicable after the end of each financial year, the Council shall cause to be prepared statements of the income and expenditure of the Institute during that financial year and of the assets and liabilities of the Institute on the last day of that financial year.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	15	Auditors		30/06/1997
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(1) The Council shall appoint auditors, who shall be entitled at any time to have access to all books of accounts, vouchers and other financial records of the Institute and to require such explanations thereof and such other information as they think fit.

(2) The auditors shall, as soon as is practicable, audit the statements prepared under section 14(2) and shall report thereon to the Council in sufficient time for the Council to take the action required by section 16.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	16	Statements and reports	53 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 53 of 2000 s. 3

(1) The Council shall, not later than 6 months after the end of each financial year or by such later date as the Chief Executive may determine, submit to the Chief Executive a report on the activities of the Institute and copies of the statements prepared under section 14(2) and of the report made under section 15(2). (Amended 53 of 2000 s. 3)

(2) (Repealed 65 of 1996 s. 6)

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	17	Estimates and financial year	53 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 53 of 2000 s. 3

(1) (Repealed 65 of 1996 s. 7)

(2) The Council may, from time to time, with the prior approval of the Chief Executive, fix a period to be the financial year of the Institute. (Amended 53 of 2000 s. 3)

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	20	Director of Audit's examination		30/06/1997
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(1) The Director of Audit may carry out such examination as he thinks fit into the economy, efficiency and effectiveness with which the Institute has used its resources in discharging its functions and exercising its powers.

(2) For the purpose of carrying out an examination under subsection (1), the Director of Audit shall-

- (a) have a right of access at all reasonable times to any documents in the custody or under the control of the Institute which he may reasonably require; and
- (b) be entitled to require from any person holding or accountable for any document referred to in paragraph (a) such information and explanation as are reasonably necessary.

(3) The Director of Audit may submit to the President of the Legislative Council the results of any examination carried out by him under subsection (1), and the President of the Legislative Council shall, on receiving such results, cause them to be laid on the table of the Legislative Council.

(4) Subsection (1) shall not be construed as entitling the Director of Audit to question the merits of the policy objectives established for the Institute.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	22	Power of the Council to make rules		30/06/1997
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(1) The Council may make rules for the better carrying out of the objects of the Institute and the provisions of this Ordinance and in particular, but without prejudice to the generality of the foregoing, may make rules regulating-

- (a) the powers and duties of any committee;
- (b) the number, appointment and removal of members of the Academic Board and of any committee;
- (c) the quorum and procedures governing meetings of the Academic Board and of any committee;
- (d) the admission of persons to courses of study provided by the Institute and their continuance therein;
- (e) the conduct of examinations and of students attending such examinations;
- (f) the requirements for the award of degrees and other academic awards of the Institute;
- (g) the formalities for the conferring of degrees and other academic awards, including honorary degrees and honorary awards;
- (h) the conduct and discipline of students and employees of the Institute in relation to their activities as such students or employees;
- (i) financial procedures, including the method of payment of fees;
- (j) the procedures for-
 - (i) nomination by the Academic Board of some of its members for appointment to the Council under section 8(1)(d); and
 - (ii) election of a member of the Council by staff under section 8(1)(e), including rules defining "full-time teaching staff" and "administrative staff whose rank or grade is equivalent to that of full-time teaching staff" for the purposes of section 8(1)(e).

(2) Rules made under this section may-

- (a) provide in respect of a breach of any rule made under subsection (1)(d), (e) or (h) for the holding of a disciplinary inquiry by a committee established under section 9 and for the procedure to be followed in respect of any such inquiry;
- (b) empower any such committee, after the holding of a disciplinary inquiry, to impose penalties for the breach of any rule made under subsection (1)(d), (e) or (h) by way of a fine not exceeding \$5000, a requirement to make good any loss of or damage to property or premises of the Institute, suspension or

dismissal from any course of study provided by the Institute and the withholding or revocation of a degree or other academic award; and

- (c) provide for a right of appeal to the Council against any finding of or penalty imposed at such disciplinary inquiry.

(3) Rules made under this section shall be published for information, in such manner as the Council thinks fit and shall not be treated as subsidiary legislation for the purpose of section 34 of the Interpretation and General Clauses Ordinance (Cap 1). (Amended 65 of 1996 s. 10)

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	23	Admissibility of documents	23 of 2002	19/07/2002
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Remarks:

For transitional provisions relating to the amendments made by the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002), see section 53 of that Ordinance.

(1) Any document purporting to be duly executed under the seal of the Institute or to be signed by the Chairman or President or some other person authorized by the Council to act in that behalf, shall be admitted in evidence in any court of law and shall, unless the contrary is proved, be deemed to have been duly executed or signed.

(2) A certificate signed by the Chairman or the President that an instrument of the Council purporting to be made or issued by or on behalf of the Institute was so made or issued shall be conclusive evidence in any court of law of that fact.

(3) In this section, "President" (校長), in relation to a document or certificate signed before the date of commencement* of section 44 of the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002), includes Director within the meaning of section 2 as in force immediately before that date. (Added 23 of 2002 s. 52)

(Amended 23 of 2002 s. 52)

(Enacted 1994)

Note:

* **Commencement date: 19 July 2002.**

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	24	Power of the Chief Executive in Council to make regulations	53 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 53 of 2000 s. 3

The Chief Executive in Council may make regulations for the better carrying out of the provisions of this Ordinance and in particular, but without prejudice to the generality of the foregoing, may provide for- (Amended 53 of 2000 s. 3)

- (a) the admission of persons other than students, staff or members of the Council to the premises of the Institute; and
- (b) regulating the conduct of persons admitted to the premises of the Institute and for the removal of any person who infringes any regulation made under this section.

(Enacted 1994)

Chapter:	444	THE HONG KONG INSTITUTE OF EDUCATION ORDINANCE	Gazette Number	Version Date
Schedule:		SCHEDULE		30/06/1997

[section 10]

PROVISION WITH RESPECT TO MEETINGS AND PROCEDURES
OF THE COUNCIL

1. Meetings of the Council shall be held at such times and places as may be appointed by the person for the time being acting as Chairman, who shall preside at all such meetings.
2. The Deputy Chairman shall act as Chairman if the Chairman is absent from Hong Kong or is, for any other reason, unable to act as Chairman, or if the office of Chairman is vacant.
3. If for any period both the Chairman and the Deputy Chairman are absent from Hong Kong or are, for any other reason, unable to act as Chairman, or if the offices of Chairman and Deputy Chairman are vacant, the members of the Council may elect one of their numbers appointed under section 8(1)(f)(i) of this Ordinance to act as Chairman for that period. (Amended 65 of 1996 s. 11)
4. At any meeting of the Council 1/2 of the members for the time being shall constitute a quorum.
5. A meeting of the Council may be adjourned by the person presiding or, if the meeting so resolves, by a decision of the meeting.
6. At meetings of the Council on any matter on which a decision is taken by vote-
 - (a) an affirmative vote of a majority of those members present qualified to vote on the matter shall be required for the passing of a resolution; (Amended 65 of 1996 s. 11)
 - (b) the person presiding shall have a casting as well as a deliberative vote.
7. If the Chairman so decides in respect of a particular meeting, any member of the Council who is an employee, adviser, consultant or full-time student of the Institute may be excluded from the whole or part of that meeting.
8. If a member present at a meeting of the Council has any pecuniary or other personal interest in any matter to be considered at that meeting, he shall-
 - (a) as soon as possible after the commencement of the meeting, disclose the existence and nature of the interest;
 - (b) if so required-
 - (i) by the person presiding; or
 - (ii) where the person presiding is the interested person, by a majority of the members of the Council who are present at the meeting, withdraw from the meeting while the matter is being considered; and
 - (c) not vote on that matter.
9. The Council may transact any of its business by circulation of papers and for that purpose a resolution in writing which is approved in writing by a majority of the members for the time being shall be as valid and effectual as if it had been passed at a meeting of the Council, but a person to whom section 8 of this Schedule applies shall not vote and shall not be counted in calculating the majority for approval of such a resolution.
10. The powers of the Council shall not be affected by-
 - (a) any vacancy in its membership;
 - (b) any defect in the appointment or qualification of a person purporting to be a member; or
 - (c) any minor irregularity in the convening of any meeting of the Council.

11. The exercise of any power by the Council may be signified by the person presiding at the meeting or other deliberation at which such power was exercised, or by any person from time to time authorized by the Council to signify the exercise of such power.

12. The fixing of the seal of the Institute shall be-

- (a) authorized or ratified by resolution of the Council; and
- (b) authenticated by the signature of any 2 members of the Council, authorized by the Council either generally or specially to act for that purpose.

(Enacted 1994)

Chapter:	134	DANGEROUS DRUGS ORDINANCE	Gazette Number	Version Date
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Schedule:	4	Reporting Agencies	E.R. 2 of 2014	10/04/2014
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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.

[sections 49A & 49I]

1. Aberdeen Kai-fong Welfare Association Social Service Centre
2. Baptist Oi Kwan Social Service
3. Barnabas Charitable Service Association Limited
4. Canossa Hospital (Caritas)
5. Caritas-Hong Kong
6. Christian Family Service Centre
- 6A. Christian New Life Association Limited (Added L.N. 57 of 2011)
7. Christian Zheng Sheng Association Limited
8. Chu Hai College of Higher Education (Amended L.N. 57 of 2011)
9. City University of Hong Kong
10. Correctional Services Department
11. Customs and Excise Department
12. DACARS, Limited
13. Department of Health
14. Education Bureau (Amended L.N. 130 of 2007)
15. Evangel Hospital
- 15A. Glorious Praise Fellowship (Hong Kong) Limited (Added L.N. 57 of 2011)
16. Hong Kong Adventist Hospital
17. Hong Kong Baptist Hospital
18. Hong Kong Baptist University
19. Hong Kong Central Hospital
20. Hong Kong Children & Youth Services
21. Hong Kong Christian Service
22. Hong Kong Family Welfare Society
23. Hong Kong Lutheran Social Service
24. Hong Kong Playground Association
25. Hong Kong Police Force
26. Hong Kong Sanatorium and Hospital Limited
- 26A. Hong Kong Sheng Kung Hui Welfare Council (Added L.N. 57 of 2011)
27. Hong Kong Young Women's Christian Association
28. Hospital Authority
29. International Social Service Hong Kong Branch
30. KELY Support Group
31. Ling Oi Centre, Finnish Evangelical Lutheran Mission

32. Lingnan University
33. Matilda and War Memorial Hospital
34. Methodist Epworth Village Community Centre
- 34A. Mission Ark Limited (Added L.N. 57 of 2011)
35. Operation Dawn Limited
36. Precious Blood Hospital (Caritas)
37. Social Welfare Department
38. St. James' Settlement
39. St. Paul's Hospital
40. St. Stephen's Society
41. St. Teresa's Hospital
42. Stewards Limited
43. The Boys' and Girls' Clubs Association of Hong Kong
44. The Boys' Brigade, Hong Kong Limited (Amended L.N. 57 of 2011)
45. The Chinese University of Hong Kong
46. The Chinese Young Men's Christian Association of Hong Kong
47. The Christian New Being Fellowship Limited
48. The Church of United Brethren in Christ Hong Kong Limited
49. The Evangelical Lutheran Church of Hong Kong
50. The Hong Kong Council of Social Service
51. The Hong Kong Federation of Youth Groups
52. The Hong Kong Institute of Education
53. The Hong Kong Medical Association
54. The Hong Kong Polytechnic University
55. The Hong Kong University of Science and Technology
56. The Neighbourhood Advice-Action Council
57. The Salvation Army
58. The Society for the Aid and Rehabilitation of Drug Abusers
59. The Society of Rehabilitation and Crime Prevention, Hong Kong
60. The University of Hong Kong
61. Tsuen Wan Adventist Hospital
- 61A. Tung Wah Group of Hospitals (Added L.N. 57 of 2011)
62. Sha Tin International Medical Centre Union Hospital
63. Vocational Training Council
64. Wu Oi Christian Centre
65. Yan Oi Tong Limited
66. Yang Memorial Methodist Social Service
67. Zion Social Service Limited

(Fourth Schedule replaced L.N. 36 of 2005)
(Format changes—E.R. 2 of 2014)

Chapter:	201	PREVENTION OF BRIBERY ORDINANCE	Gazette Number	Version Date
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Schedule:	1	Public Bodies	L.N. 84 of 2015	10/07/2015
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[sections 2(1) & 35]
(Amended 20 of 1999 s. 6)

1. Hong Kong Telecom International Limited. (Replaced 20 of 1999 s. 6)
2. China Light and Power Company Limited.
3. (Repealed 20 of 1999 s. 6)
4. The Chinese University of Hong Kong. (Replaced 20 of 1999 s. 6)
5. Hong Kong Arts Development Council. (Replaced 26 of 1995 s. 19)
6. (Repealed L.N. 198 of 1999)

7. Fish Marketing Organization.
8. Hong Kong and China Gas Company Limited.
9. Hong Kong and Yaumati Ferry Company Limited.
10. Hong Kong Air Cargo Terminals Limited.
11. Hong Kong Building and Loan Agency.
12. Hong Kong Commercial Broadcasting Company Limited.
13. Hong Kong Electric Company Limited.
14. Hong Kong Export Credit Insurance Corporation.
15. Hong Kong Housing Authority.
16. Hong Kong Housing Society.
17. (Repealed 50 of 1987 s. 13)
18. The Hong Kong Polytechnic University. (Replaced 94 of 1994 s. 23)
19. Hong Kong Productivity Council.
20. Hong Kong Settlers Housing Corporation Limited.
21. Hong Kong Telephone Company Limited.
22. Hong Kong Tourism Board. (Replaced 3 of 2001 s. 45)
23. Hong Kong Trade Development Council.
24. Hong Kong Tramways Limited.
25. Kowloon Motor Bus Company (1933) Limited.
26. (Repealed L.N. 249 of 1990)
27. Ocean Park Corporation. (Amended 35 of 1987 s. 40)
28. Peak Tramways Company Limited.
29. Asia Television Limited. (Replaced L.N. 31 of 1983)
30. Hong Kong Jockey Club. (Amended 20 of 1999 s. 6)
31. The Hong Kong Jockey Club (Charities) Limited. (Replaced L.N. 512 of 1994)
32. "Star" Ferry Company Limited.
33. Television Broadcasts Limited.
34. The Community Chest of Hong Kong.
35. University of Hong Kong.
36. Vegetable Marketing Organization.
37. MTR Corporation Limited. (Added 36 of 1975 s. 31. Amended 13 of 2000 s. 65)
38. (Repealed 5 of 2001 s. 40)
39. The Hong Kong Examinations and Assessment Authority. (Added 23 of 1977 s. 17. Amended 23 of 2002 s. 26)
40. Consumer Council. (Added 56 of 1977 s. 22)
41. (Repealed 20 of 1999 s. 6)
42. The Vocational Training Council. (Added 6 of 1982 s. 25)
43. The Kowloon-Canton Railway Corporation. (Added 73 of 1982 s. 39)
44. New Lantao Bus Company (1973) Limited. (Added L.N. 160 of 1983)
45. Hong Kong Baptist University. (Added 50 of 1983 s. 34. Amended 93 of 1994 s. 39)
46. City University of Hong Kong. (Added 65 of 1983 s. 25. Amended 92 of 1994 s. 32)
47. The Hong Kong Academy for Performing Arts. (Added 38 of 1984 s. 28)
48. The Hong Kong University of Science and Technology. (Added 47 of 1987 s. 25)
49. Communications Authority (Replaced 17 of 2011 s. 28)
50. Hong Kong Council on Smoking and Health. (Added 56 of 1987 s. 21)
51. Urban Renewal Authority. (Replaced 63 of 2000 s. 38)
52. Securities and Futures Commission. (Added 10 of 1989 Schedule 2)
53. The Open University of Hong Kong. (Replaced 50 of 1997 s. 29)
54. (Repealed 11 of 2004 s. 17)
55. Travel Industry Council of Hong Kong. (Added L.N. 62 of 1990)
56. (Repealed 20 of 1999 s. 6)
57. Hong Kong Council for Accreditation of Academic and Vocational Qualifications. (Replaced 6 of 2007 s. 50)
58. The Hospital Authority (including any committee established by the Hospital Authority). (Added 68 of 1990 s. 24)
59. The Airport Authority. (Replaced 71 of 1995 s. 49)

60. Metro Broadcast Corporation Limited. (Added L.N. 184 of 1991)
61. Hong Kong Academy of Medicine. (Added 55 of 1992 s. 16)
62. Lingnan University. (Added 72 of 1992 s. 29. Replaced 54 of 1999 s. 29)
63. Citybus Limited. (Added L.N. 330 of 1992)
64. New Hong Kong Tunnel Company Limited. (Added L.N. 382 of 1992)
65. Tate's Cairn Tunnel Company Limited. (Added L.N. 382 of 1992)
66. (Repealed 5 of 2001 s. 40)
67. (Repealed 134 of 1997 s. 85)
68. Tradelink Electronic Commerce Limited. (Replaced L.N. 125 of 1998)
69. Travel Industry Compensation Fund Management Board. (Added 51 of 1993 s. 8)
70. Western Harbour Tunnel Company Limited. (Added 72 of 1993 s. 71)
71. Wharf Cable Limited. (Added L.N. 384 of 1993)
72. The Legislative Council Commission. (Added 14 of 1994 s. 24)
73. The Hong Kong Institute of Education. (Added 16 of 1994 s. 25)
74. Hong Kong Quality Assurance Agency. (Added L.N. 409 of 1994)
75. Equal Opportunities Commission. (Added 67 of 1995 s. 91)
76. The Security and Guarding Services Industry Authority. (Added 97 of 1994 s. 34)
77. Legal Aid Services Council. (Added 17 of 1996 s. 14)
78. Route 3 (CPS) Company Limited. (Added 33 of 1995 s. 65)
79. Privacy Commissioner for Personal Data. (Added 81 of 1995 s. 72)
80. Authorized Persons Registration Committee. (Added 54 of 1996 s. 27)
81. Structural Engineers Registration Committee. (Added 54 of 1996 s. 27)
82. Contractors Registration Committee. (Added 54 of 1996 s. 27)
83. The Estate Agents Authority. (Added 48 of 1997 s. 57)
84. Long Win Bus Company Limited. (Replaced 20 of 1999 s. 6)
- 84A. Long-term Prison Sentences Review Board. (Added 86 of 1997 s. 44. Amended 20 of 1999 s. 6)
85. Electoral Affairs Commission. (Added 129 of 1997 s. 24)
86. Mandatory Provident Fund Schemes Authority. (Added 4 of 1998 s. 8)
87. New World First Bus Services Limited. (Added L.N. 239 of 1998)
88. The Hong Kong Mortgage Corporation Limited. (Added L.N. 313 of 1998)
89. Hong Kong Note Printing Limited. (Added L.N. 313 of 1998)
90. Exchange Fund Investment Limited. (Added L.N. 16 of 1999)
91. The Stock Exchange of Hong Kong Limited. (Added 20 of 1999 s. 6)
92. Hong Kong Futures Exchange Limited. (Added 20 of 1999 s. 6)
93. Hong Kong Securities Clearing Company Limited. (Added 20 of 1999 s. 6)
94. The SEHK Options Clearing House Limited. (Added 20 of 1999 s. 6)
95. HKFE Clearing Corporation Limited. (Added 20 of 1999 s. 6)
96. Hong Kong Exchanges and Clearing Limited. (Added 12 of 2000 s. 23)
97. Hong Kong Science and Technology Parks Corporation. (Added 5 of 2001 s. 40)
98. The Ombudsman. (Added 30 of 2001 s. 24)
- *99. A company recognized as an investor compensation company under section 79(1) of the Securities and Futures Ordinance (Cap 571). (Added L.N. 226 of 2002 and 5 of 2002 s. 407)
100. (Repealed 17 of 2012 s. 64)
101. Hong Kong Deposit Protection Board. (Added 7 of 2004 s. 55)
102. Geotechnical Engineers Registration Committee. (Added 15 of 2004 s. 61)
103. Hong Kong Sports Institute Limited. (Added L.N. 4 of 2005)
104. Construction Industry Council. (Added 12 of 2006 s. 84)
105. Construction Industry Training Board. (Added 12 of 2006 s. 84)
106. Financial Reporting Council. (Added 18 of 2006 s. 79)
107. Commissioner on Interception of Communications and Surveillance. (Added 20 of 2006 s. 68)
108. Hong Kong IEC Limited. (Added L.N. 233 of 2006)
109. Independent Police Complaints Council. (Added 33 of 2008 s. 47)
110. West Kowloon Cultural District Authority (including any committees established under the West Kowloon Cultural District Authority Ordinance (Cap 601)). (Added 27 of 2008 s. 42)
111. Any entity established under section 5(2)(h) of the West Kowloon Cultural District Authority Ordinance (Cap

- 601). (Added 27 of 2008 s. 42. Amended L.N. 38 of 2012)
112. Digital Broadcasting Corporation Hong Kong Limited. (Amended L.N. 50 of 2011)
113. Minor Works Contractors Registration Committee. (Added L.N. 179 of 2009)
114. Inspectors' Registration Committee. (Added 16 of 2011 s. 46)
115. Phoenix U Radio Limited. (Added L.N. 50 of 2011)
116. The disciplinary board panel established under section 108 of the Lifts and Escalators Ordinance (Cap 618), including a disciplinary board established under section 110 of that Ordinance. (Added 8 of 2012 ss. 156 & 160)
117. The appeal board panel established under section 116 of the Lifts and Escalators Ordinance (Cap 618), including an appeal board established under section 118 of that Ordinance. (Added 8 of 2012 ss. 156 & 160)
118. Hong Kong Internet Registration Corporation Limited. (Added L.N. 38 of 2012)
119. Hong Kong Domain Name Registration Company Limited. (Added L.N. 38 of 2012)
120. Hong Kong Applied Science and Technology Research Institute Company Limited. (Added L.N. 38 of 2012)
121. Hong Kong Cyberport Management Company Limited. (Added L.N. 38 of 2012)
122. The wholly owned subsidiary of the Securities and Futures Commission that is established under section 5(4)(da) of the Securities and Futures Ordinance (Cap 571). (Added 9 of 2012 s. 35)
123. Competition Commission. (Added 14 of 2012 s. 176)
124. Construction Workers Registration Board. (Added 17 of 2012 s. 64)
125. HK Television Entertainment Company Limited. (Added L.N. 84 of 2015)
- (Replaced L.N. 272 of 1974)
(Format changes—E.R. 1 of 2012)

Note:

- * **The Investor Compensation Company Limited has been recognised as an investor compensation company (please see [G.N. 1220 of 2003](#)).**

Chapter:	279	EDUCATION ORDINANCE	Gazette Number	Version Date
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Section:	2	Application	L.N. 211 of 1999	30/07/1999
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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)
- (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)
- (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 Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145); (Replaced 50 of 1997 s. 29)
- (l) Lingnan University established by the Lingnan University Ordinance (Cap 1165); or (Replaced 54 of 1999 s. 31)
- (m) The Hong Kong Institute of Education established by The Hong Kong Institute of Education

Chapter:	279A	EDUCATION REGULATIONS	Gazette Number	Version Date
Schedule:	2		E.R. 2 of 2012	02/08/2012

Part 1

[regulation 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; (L.N. 122 of 1974; L.N. 268 of 1990)
- (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); or (3 of 2003 s. 14; 1 of 2004 s. 18)
- * (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 Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444);
 - (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 Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145);
 - (xi) any Post Secondary College registered under the Post Secondary Colleges Ordinance (Cap 320). (1 of 2004 s. 18)

Part 2

[regulation 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

[regulation 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

[regulation 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

Part 4

[regulation 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)

(Format changes—E.R. 2 of 2012)

Note:

* This paragraph was repealed by section 18 of the Education (Miscellaneous Amendments) Ordinance 2004 (1 of 2004). The saving and transitional provisions contained in sections 20 and 21 of that Amendment Ordinance read as follows-

"20. Saving regarding qualifications of registered teachers and permitted teachers

- (1) If immediately before the commencement date there is in existence an application-
 - (a) for registration as a teacher made under section 44 of the Education Ordinance (Cap 279); or
 - (b) to employ a person as a permitted teacher in a school made under section 49 of the Education Ordinance (Cap 279),

which has not been disposed of, then the application is to be disposed of as if this Ordinance has not been enacted.

(2) A person who possesses the prescribed qualifications for registration as a teacher immediately before the commencement date may apply for registration within 2 months from the commencement date and the application is to be disposed of as if this Ordinance had not been enacted.

(3) This section is in addition to and not in derogation from section 23 of the Interpretation and General Clauses Ordinance (Cap 1).

**** (4) In this section and section 21, "commencement date" (生效日期) means the date appointed by the Secretary for Education and Manpower for the commencement of section 18 of this Ordinance under section 1(2) of this Ordinance.**

**** Commencement date: 1 October 2004.**

21. Transitional provisions regarding qualifications of permitted teachers

(1) Notwithstanding section 51(1)(c) of the Education Ordinance (Cap 279), the Permanent Secretary may issue a permit under section 50 of that Ordinance in respect of a person who was serving as permitted teacher in a school immediately before the commencement date even though the person does not possess the prescribed qualifications for a permitted teacher on or after the commencement date.

(2) Subsection (1) applies where-

- (a) an application to employ the person as a permitted teacher in a school is made under section 49 of the Education Ordinance (Cap 279) within 5 years from the commencement date; and**
- (b) at the time of making the application the person has been enrolled in or is attending a training course approved by the Permanent Secretary for the purpose."**

Chapter:	279F	Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order	Gazette Number	Version Date
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Section:	2	Interpretation	E.R. 2 of 2012	02/08/2012
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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 Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444);
- (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 Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145);
- (k) any Post Secondary College registered under the Post Secondary Colleges Ordinance (Cap 320).

Chapter:	374	Road Traffic Ordinance	Gazette Number	Version Date
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Section:	2	Interpretation	E.R. 2 of 2012	02/08/2012
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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)

automatic vending machine (自動銷售機) means a machine erected pursuant to section 12(1)(l); (Added 61 of 1991 s. 2)

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 more than 16 passengers and their personal effects; (Amended 89 of 1988 s. 2)

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) means disqualified under this Ordinance from holding or obtaining a driving licence and **disqualification** (駕駛資格取消) shall be construed accordingly;

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; (Added 31 of 1986 s. 2)

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)

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 Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145); (Replaced 50 of 1997 s. 29)
- (k) Lingnan University established by the Lingnan University Ordinance (Cap 1165); (Replaced 54 of 1999 s. 32)
- (l) The Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444); (Added 16 of 1994 s. 27)

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; (Added 80 of 1988 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 16 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)

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 card (泊車儲值卡) means a card, permit, pass or other similar device issued by the Commissioner or on his behalf or caused to be issued by him and-

- (a) the value of which at any particular time is encoded on it to permit its use in conjunction with-
 - (i) a parking meter for payment of a parking fee;
 - (ii) a pay and display machine, to obtain a display ticket; and
- (b) which when used for payment of a parking fee causes to be indicated on the parking meter the period in respect of which it is so used and whether that period has elapsed; (Added 61 of 1991 s. 2)

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) means an apparatus constructed and designed to receive and indicate or to indicate payment for the use of a space in a parking place; (Added 61 of 1991 s. 2)

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) means any machine or other apparatus designed and constructed to issue a display ticket; (Added 61 of 1991 s. 2)

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; (Added 31 of 1986 s. 2)

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 Housing; (Added 6 of 2012 s. 3)

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;

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)

specialty 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;

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)

Chapter:	477	PENSIONS (SPECIAL PROVISIONS) (THE HONG KONG INSTITUTE OF EDUCATION) ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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An Ordinance to provide for the pensions, allowances, gratuities and pension benefits of certain officers transferred from service under the Government to service under The Hong Kong Institute of Education.

(Enacted 1995)

[1 July 1995] *L.N. 306 of 1995*

(Originally 38 of 1995)

Chapter:	477	PENSIONS (SPECIAL PROVISIONS) (THE HONG KONG INSTITUTE OF EDUCATION) ORDINANCE	Gazette Number	Version Date
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Section:	1	Short title		30/06/1997
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(1) This Ordinance may be cited as the Pensions (Special Provisions) (The Hong Kong Institute of Education) Ordinance.

(2) (Omitted as spent)

(Enacted 1995)

Chapter:	477	PENSIONS (SPECIAL PROVISIONS) (THE HONG KONG INSTITUTE OF EDUCATION) ORDINANCE	Gazette Number	Version Date
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Section:	2	Interpretation		30/06/1997
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In this Ordinance, unless the context otherwise requires-

"aggregate service" (總計服務) means the total length of service of an officer under the Government and the Institute;

"allowance" (津貼) includes an "annual allowance" (年積金) payable under the Pensions Ordinance (Cap 89);

"death gratuity" (死亡恩恤金) means a death gratuity payable under or defined in the relevant Pensions Ordinance;

"gratuity" (酬金) means a gratuity payable under the Pensions Ordinance (Cap 89);

"highest pensionable emoluments" (最高可供計算退休金的薪酬) means the highest pensionable emoluments as defined in the relevant Pensions Ordinance;

"Institute" (學院) means The Hong Kong Institute of Education established by section 3 of The Hong Kong Institute of Education Ordinance (Cap 444);

"pension" (退休金) means a pension payable under the relevant Pensions Ordinance;

"pension benefits" (退休金利益) means pension benefits as defined in section 2(1) of the Pension Benefits Ordinance (Cap 99);

"pensionable emoluments" (可供計算退休金的薪酬) means pensionable emoluments as defined in the relevant Pensions Ordinance;

"pensionable service" (可供計算退休金的服務) means pensionable service as defined in the relevant Pensions Ordinance;

"relevant Pensions Ordinance" (有關退休金條例) means the Pensions Ordinance (Cap 89) or the Pension Benefits Ordinance (Cap 99) that applied to a transferred officer immediately before his transfer;

"service under the Institute" (學院服務) means service of a transferred officer in the employment of the Institute on terms and conditions of the Institute, but does not include service of an officer who is, while remaining in service under the Government, directed by the Government to work in the Institute;

"short service gratuity" (短期服務酬金) means short service gratuity as defined in section 2(1) of the Pension Benefits Ordinance (Cap 99);

"transferred officer" (轉任人員) means an officer referred to in section 3(1).

(Enacted 1995)

Chapter:	477	PENSIONS (SPECIAL PROVISIONS) (THE HONG KONG INSTITUTE OF EDUCATION) ORDINANCE	Gazette Number	Version Date
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Section:	3	Application		30/06/1997
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- (1) This Ordinance applies to an officer-
 - (a) transferring from service under the Government to service under the Institute;
 - (b) who is, immediately before the transfer, an officer to whom a relevant Pensions Ordinance applied; and
 - (c) whose transfer to service under the Institute the Secretary for the Civil Service specifies for the purposes of this section by notice published in the Gazette.
- (2) A notice under subsection (1)(c) must specify the grade and rank of the officer and the date on which the transfer occurred or, where appropriate, is to occur.

(Enacted 1995)

Chapter:	477	PENSIONS (SPECIAL PROVISIONS) (THE HONG KONG INSTITUTE OF EDUCATION) ORDINANCE	Gazette Number	Version Date
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Section:	4	Options		30/06/1997
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(1) An officer in service under the Government to whom the Pensions Ordinance (Cap 89) applies who is to be transferred to service under the Institute may opt to have either section 5 or 6 applied to him for any pension, allowance or gratuity.

(2) An officer in service under the Government to whom the Pension Benefits Ordinance (Cap 99) applies who is to be transferred to service under the Institute may opt to have either section 5 or 7 applied to him for any pension or pension benefits.

(3) The officer must exercise his option under this section not later than the day preceding the date of the officer's transfer and in accordance with the terms offered by the Government.

(Enacted 1995)

Chapter:	477	PENSIONS (SPECIAL PROVISIONS) (THE HONG KONG INSTITUTE OF EDUCATION) ORDINANCE	Gazette Number	Version Date
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Section:	5	Application of Pensions Ordinance (Cap 89) and Pension Benefits Ordinance (Cap 99) extended		30/06/1997
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(1) A transferred officer continues to have the Pensions Ordinance (Cap 89) applied to him if immediately before his transfer that Ordinance applied to him and he has opted under section 4 to have this section applied to him while he is in the service under the Institute.

(2) If immediately before the transfer the officer was rendering service which could be taken into account for computing an annual allowance of gratuity, his prior service under the Government is service which is taken into account.

(3) A transferred officer continues to have the Pension Benefits Ordinance (Cap 99) applied to him if immediately before his transfer that Ordinance applied to him and he has opted under section 4 to have this section applied to him while he is in the service under the Institute.

(4) Service the transferred officer renders under the Institute after transfer is pensionable service and public service under the relevant Pensions Ordinance.

(5) This section does not allow the period between the commencement of service under the Institute and the

expiration of a period of absence from duty on leave with salary immediately before the final termination of his service under the Government to be both a period of service under the Government and a period of service under the Institute to determine the length of pensionable service or service to be taken into account for computing an annual allowance or gratuity.

(Enacted 1995)

Chapter:	477	PENSIONS (SPECIAL PROVISIONS) (THE HONG KONG INSTITUTE OF EDUCATION) ORDINANCE	Gazette Number	Version Date
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Section:	6	Rights under Pensions Ordinance (Cap 89) frozen		30/06/1997
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(1) This section applies to a transferred officer to whom the Pensions Ordinance (Cap 89) applied immediately before his transfer and who has opted under section 4 to have this section applied to him.

(2) The transferred officer shall be granted on his retirement from service under the Institute in circumstances permitted by the Institute for his service under the Government a pension, annual allowance or gratuity under the Pensions Ordinance (Cap 89) as the case requires if his aggregate service would have qualified him for the pension, annual allowance or gratuity as if it had been wholly under the Government.

(3) A pension granted to the officer is computed under regulation 10(1) of the Pensions Regulations (Cap 89 sub. leg. A).

(4) An annual allowance granted to the officer is computed under regulation 26(1) of the Pensions Regulations (Cap 89 sub. leg. A) as though regulation 10(1) of those Regulations applied and "pension" in that regulation included an annual allowance.

(5) A gratuity or annual allowance granted to the officer is computed under regulation 27 or 28 (as the case requires) of the Pensions Regulations (Cap 89 sub. leg. A) as though regulation 10(1) of those Regulations applied and "pension" in that regulation included a gratuity or annual allowance.

(6) If the transferred officer's aggregate service does not qualify him for a pension, annual allowance or gratuity under subsection (2), he shall on his retirement from service under the Institute in circumstances permitted by the Institute, be granted for his service under the Government-

- (a) a gratuity under regulation 12 of the Pensions Regulations (Cap 89 sub. leg. A) as though "pension" in that regulation referred to a pension granted under subsection (2);
- (b) a gratuity computed under regulation 26(8) of the Pensions Regulations (Cap 89 sub. leg. A) as though regulation 12 of those Regulations applied; or
- (c) a gratuity computed under regulation 28(1)(a) of the Pensions Regulations (Cap 89 sub. leg. A) as though regulation 12 of those Regulations applied.

(7) Where a transferred officer dies while in service under the Institute after completing not less than 2 years' aggregate service, there shall be paid for his service under the Government-

- (a) a death gratuity computed under section 17(1) of the Pensions Ordinance (Cap 89) but shall not in any case be supplemented under section 17(4) of that Ordinance; or
- (b) a gratuity computed under regulation 29(2) of the Pensions Regulations (Cap 89 sub. leg. A) as though the words "or where appropriate the commuted annual allowance gratuity supplemented in accordance with paragraph (2A)," were omitted from paragraph (2)(a)(i)(B) of the regulation.

(8) Where a transferred officer dies after retirement from service under the Institute-

- (a) if he has been granted, or become eligible for, a pension under this section, a death gratuity shall be paid for his service under the Government under section 17(3) of the Pensions Ordinance (Cap 89); or
- (b) if he has been granted, or become eligible for, an annual allowance under this section, a gratuity shall be granted for his service under the Government under regulation 29(6) of the Pensions Regulations (Cap 89 sub. leg. A) as though the words "supplemented in accordance with paragraph (2A)" were omitted from the regulation.

(9) Service the transferred officer renders under the Institute after transfer is public service for the purpose of regulation 10(1) or 12 under the Pensions Regulations (Cap 89 sub. leg. A).

(10) A pension, annual allowance or gratuity which has been granted under this section may be cancelled, suspended, reduced or may cease, as the case may be, under section 11, 13, 15 or 15A of the Pensions Ordinance (Cap 89).

(11) A pension, annual allowance or gratuity granted under this section is not assignable or transferrable except

under section 12 of the Pensions Ordinance (Cap 89).

(12) The amount of pension, gratuity or pension benefits payable under this section are computed by reference to the salary payable at the date when the payment of the pension, annual allowance, gratuity or pension benefits falls due for-

- (a) the salary point reached by the officer in his substantive rank in the Government service at the date immediately before his transfer to service under the Institute;
- (b) if the officer is transferred to service under the Institute within a period of absence from duty on leave with salary immediately before the final termination of his service under the Government, the salary point reached by the officer in his substantive rank in the Government service at the date immediately before the expiration of the period of absence; or
- (c) if the salary point mentioned in paragraph (a) or (b) is replaced on a revision of salary structure, the equivalent salary point in force when the payment falls due.

(Enacted 1995)

Chapter:	477	PENSIONS (SPECIAL PROVISIONS) (THE HONG KONG INSTITUTE OF EDUCATION) ORDINANCE	Gazette Number	Version Date
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Section:	7	Rights under Pension Benefits Ordinance (Cap 99) frozen		30/06/1997
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(1) This section applies to a transferred officer to whom the Pension Benefits Ordinance (Cap 99) applied immediately before his transfer and who has opted under section 4 to have this section applied to him.

(2) The transferred officer shall be granted on his retirement from service under the Institute in circumstances permitted by the Institute for his service under the Government a pension under regulation 9(1) of the Pension Benefits Regulations (Cap 99 sub. leg. A) if his aggregate service would have qualified him for the pension as if it had been wholly under the Government.

(3) If the transferred officer's aggregate service does not qualify him for a pension under subsection (2), he shall on his retirement from service under the Institute in circumstances permitted by the Institute, be granted for his service under the Government a short service gratuity under section 32 of the Pension Benefits Ordinance (Cap 99) computed under regulation 11 of the Pension Benefits Regulations (Cap 99 sub. leg. A) as though "pension" where it occurs the second time in that regulation referred to a pension granted under subsection (2).

(4) A transferred officer who resigns from service under the Institute, with the approval of the Institute and the Secretary for the Civil Service after completing an aggregate service of not less than 10 years, shall be granted for his service under the Government a pension as though section 11(1)(j) of the Pension Benefits Ordinance (Cap 99) applied to him and payment of the pension is deferred under section 7(a) of that Ordinance.

(5) A death gratuity shall be paid for his service under the Government-

- (a) under section 20(2) of the Pension Benefits Ordinance (Cap 99), which shall not in any case be supplemented under section 20(6) of that Ordinance, if he dies while in service under the Institute after completing not less than 2 years' aggregate service;
- (b) under section 20(5)(a) of the Pension Benefits Ordinance (Cap 99) if he has been granted a deferred pension under subsection (4) and dies before the deferred pension is paid to him; or
- (c) under section 20(4) of the Pension Benefits Ordinance (Cap 99) if he dies after retirement from service under the Institute having been granted, or becoming eligible for, a pension under this section.

(6) Service the transferred officer renders under the Institute after transfer is public service for the purpose of regulation 9(1) of the Pension Benefits Regulations (Cap 99 sub. leg. A) or section 32 of the Pension Benefits Ordinance (Cap 99) as the case requires.

(7) A pension granted under this section may be cancelled, suspended, reduced or may cease under section 26, 28, 29 or 29A of the Pension Benefits Ordinance (Cap 99).

(8) Pension benefits granted under this section are not assignable or transferable except under section 31 of the Pension Benefits Ordinance (Cap 99).

(9) The amount of pension or pension benefits payable under this section are computed by reference to the salary payable at the date when the payment of the pension or pension benefits falls due for-

- (a) the salary point reached by the officer in his substantive rank in the Government service at the date immediately before his transfer to service under the Institute;
- (b) if the officer is transferred to service under the Institute within a period of absence from duty on leave

with salary immediately before the final termination of his service under the Government, the salary point reached by the officer in his substantive rank in the Government service at the date immediately before the expiration of the period of absence; or

- (c) if the salary point mentioned in paragraph (a) or (b) is replaced on a revision of salary structure, the equivalent salary point in force when the payment falls due.

(10) Where a deferred pension is payable under subsection (4) or a death gratuity is payable under subsection (5)(b), the amount of the deferred pension or death gratuity is computed by reference to the highest pensionable emoluments enjoyed or drawn by the officer in his substantive rank in the Government service which would have been taken for the purpose of computing his pension if he had retired and been granted a pension-

- (a) at the date of his transfer; or
 (b) if the officer is transferred to service under the Institute within a period of absence from duty on leave with salary immediately before the final termination of his service under the Government, at the date of expiration of the period of absence.

Chapter:	480	Sex Discrimination Ordinance	Gazette Number	Version Date
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Schedule:	1	Educational Establishments and their Responsible Bodies	18 of 2014	05/12/2014
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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.

[sections 2(1) & 90]

	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) (Amended 18 of 2014 s. 21)
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
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 (Amended 18 of 2014 s. 21)

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| 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 (Amended 18 of 2014 s. 21) |
| 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 Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145) | The Council or the Senate, within the meaning of section 2 of The Open University of Hong Kong Ordinance (Cap 1145), according to which of them has the function concerned (Replaced 50 of 1997 s. 29) |
| 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 (Replaced 54 of 1999 s. 33) |
| 13. | The Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444) | The Council or the Academic Board, within the meaning of section 2 of The Hong Kong Institute of Education Ordinance (Cap 444), according to which of them has the function concerned |
| 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 (Amended 3 of 2003 s. 41; L.N. 130 of 2007) |

(Enacted 1995)

Chapter:	493	NON-LOCAL HIGHER AND PROFESSIONAL EDUCATION (REGULATION) ORDINANCE	Gazette Number	Version Date
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Schedule:	1	LOCAL INSTITUTIONS OF HIGHER EDUCATION	L.N. 217 of 2007	11/01/2008
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[sections 2(1) & 41]

Item	Institution	Executive head
1.	Hong Kong Shue Yan University registered under the Post Secondary Colleges Ordinance (Cap 320).	The President of Hong Kong Shue Yan University. (Amended L.N. 217 of 2007)

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| 2. | Lingnan University established by the Lingnan University Ordinance (Cap 1165) | The President within the meaning of section 2 of the Lingnan University Ordinance (Cap 1165). (Replaced 54 of 1999 s. 34) |
| 3. | The Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444). | The President within the meaning of section 2 of The Hong Kong Institute of Education Ordinance (Cap 444). (Amended 23 of 2002 s. 84) |
| 4. | University of Hong Kong established by the University of Hong Kong Ordinance (Cap 1053). | The Vice-Chancellor of the University. |
| 5. | The Hong Kong Polytechnic University established by the Hong Kong Polytechnic University Ordinance (Cap 1075). | The President of the University. |
| 6. | The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap 1109). | The Vice-Chancellor of the University. |
| 7. | Hong Kong Baptist University established by the Hong Kong Baptist University Ordinance (Cap 1126). | The President and Vice-Chancellor within the meaning of section 2 of the Hong Kong Baptist University Ordinance (Cap 1126). |
| 8. | City University of Hong Kong established by the City University of Hong Kong Ordinance (Cap 1132). | The President within the meaning of section 2 of the City University of Hong Kong Ordinance (Cap 1132). (Amended 23 of 2002 s. 84) |
| 9. | The Hong Kong Academy for Performing Arts established by The Hong Kong Academy for Performing Arts Ordinance (Cap 1135). | The Director within the meaning of section 2 of The Hong Kong Academy for Performing Arts Ordinance (Cap 1135). |
| 10. | The Hong Kong University of Science and Technology established by The Hong Kong University of Science and Technology Ordinance (Cap 1141). | The President of the University. |
| 11. | The Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145). | The President within the meaning of section 2 of The Open University of Hong Kong Ordinance (Cap 1145). (Replaced 50 of 1997 s. 29)
(Enacted 1996) |

Chapter:	527	Family Status Discrimination Ordinance	Gazette Number	Version Date
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Schedule:	1	Educational Establishments and Their Responsible Bodies	E.R. 1 of 2013	25/04/2013
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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.

[sections 2(1) & 68]

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
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 Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145)	The Council, the Court or the Senate, within the meaning of section 2 of The Open University of Hong Kong Ordinance (Cap 1145), according to which of them has the function concerned

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 (Replaced 54 of 1999 s. 35)
13. The Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444) The Council or the Academic Board, within the meaning of section 2 of The Hong Kong Institute of Education Ordinance (Cap 444), according to which of them has the function concerned
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 (Amended 3 of 2003 s. 41; L.N. 130 of 2007)

(Format changes—E.R. 1 of 2013)

Chapter:	528	COPYRIGHT ORDINANCE	Gazette Number	Version Date
Schedule:	1	EDUCATIONAL ESTABLISHMENTS	15 of 2007	06/07/2007

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

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 Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444).
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. The Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145). (Replaced 15 of 2007 s. 73)

Chapter:	542	Legislative Council Ordinance	Gazette Number	Version Date
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Section:	20E	Composition of the education functional constituency	14 of 2015	17/07/2015
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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 Open University of Hong Kong; and
- (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 Open University of Hong Kong; and (Replaced 14 of 2015 s. 4)
- (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 Open University of Hong Kong;
 - (viii) the Vocational Training Council; (Amended 10 of 2006 s. 35)
 - (ix) Council of The Hong Kong Institute of Education;
 - (x) Council of the Hong Kong Baptist University;
 - (xi) Council of Lingnan University; (Replaced 54 of 1999 s. 39)
 - (xii) Board of Governors of the Hong Kong Shue Yan University; (Amended 25 of 2003 s. 8; 7 of 2008 s. 2)
 - (xiii) Board of Governors of the Caritas Institute of Higher Education; (Added 25 of 2003 s. 8. Amended 11 of 2012 s. 32; 14 of 2015 s. 4)
 - (xiv) Board of Governors of the Chu Hai College of Higher Education; (Added 14 of 2015 s. 4)
 - (xv) Board of Governors of the Centennial College; (Added 14 of 2015 s. 4)
 - (xvi) Board of Governors of the Tung Wah College; (Added 14 of 2015 s. 4)
 - (xvii) Board of Governors of the Hang Seng Management College; (Added 14 of 2015 s. 4)
 - (xviii) Board of Governors of the Hong Kong Nang Yan College of Higher Education; (Added 14 of 2015 s. 4)
 - (xix) Board of Governors of the HKCT Institute of Higher Education; and (Added 14 of 2015 s. 4)
- (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)

- (ii) 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)

Chapter:	569	Chief Executive Election Ordinance	Gazette Number	Version Date
Schedule:		Schedule	14 of 2015	17/07/2015

[sections 2, 8, 16, 26,
43 & 47]

Election Committee

Part 1

Preliminary

1. Interpretation

(1) In this Schedule—

body (團體) means an incorporated or unincorporated body, and includes a firm or a group of persons (which may include incorporated or unincorporated bodies) who are associated with each other through a shared relevant interest;

corporate member (團體成員), in relation to a body included in a subsector, means a body that is a member of the body so included;

elector (選民), in relation to a functional constituency or geographical constituency, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

Electoral Registration Officer (選舉登記主任) means the person holding office as Electoral Registration Officer under section 44, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office is vacant;

ex-officio member (當然委員), in relation to the Election Committee, means a member of that Committee referred to in section 2(7)(c);

functional constituency (功能界別) means a functional constituency specified in section 20(1) of the Legislative Council Ordinance (Cap 542);

geographical constituency (地方選區) means an area declared to be a geographical constituency in accordance with Part 3 of the Legislative Council Ordinance (Cap 542);

interim register of members of the Election Committee (選舉委員會暫行委員登記冊) means a register published under section 40(1); (Added 10 of 2006 s. 21)

Member (議員), in relation to the Legislative Council, has the meaning assigned to it by section 3(1) of the Legislative Council Ordinance (Cap 542);

name (名稱), in relation to a subsector, is to be construed by reference to its description under the column headed "subsector" in Table 1, 2, 3 or 4 in section 2, as may be applicable;

officer (高級人員), in relation to a body corporate, includes a director or executive, or any other person concerned in the management, of the body;

registered (登記), in relation to a functional constituency or geographical constituency, means registered under the Legislative Council Ordinance (Cap 542) as an elector for the constituency;

Returning Officer (選舉主任), in relation to a subsector, means the Returning Officer appointed for the subsector under section 47, and includes any person appointed to act in place of such an Officer when the Officer is absent or when an office of Returning Officer is vacant;

Revising Officer (審裁官) means a Revising Officer appointed under section 46, and includes any person appointed to act in place of the Officer when the Officer is absent or when the office of Revising Officer is vacant;

subsector (界別分組) means, subject to section 11, a subsector represented on the Election Committee as provided by section 2(4);

subsector by-election (界別分組補選) means an election to elect a member of the Election Committee assigned to a subsector who, under section 2(7)(b), is to be elected by the relevant subsector, otherwise than at a subsector ordinary election;

subsector election (界別分組選舉) means a subsector ordinary election or a subsector by-election;

subsector ordinary election (界別分組一般選舉) means an election to elect those members of the Election Committee assigned to a subsector who, under section 2(7)(b), are to be elected by the relevant subsector, for a new term of office of the Election Committee;

sub-subsector (小組) means a sub-subsector referred to in section 2(9)(a);

sub-subsector by-election (小組補選) means an election to elect a member of the Election Committee assigned to a sub-subsector who, under section 2(7)(b) and (9), is to be elected by the sub-subsector, otherwise than at a sub-subsector ordinary election;

sub-subsector ordinary election (小組一般選舉) means an election to elect those members of the Election Committee assigned to a sub-subsector who, under section 2(7)(b) and (9), are to be elected by the sub-subsector, for a new term of office of the Election Committee;

the regulations (《規例》) means regulations made under section 46 of this Ordinance.

(2) In this Schedule, unless the context otherwise requires, in respect of the sports, performing arts, culture and publication subsector—

(a) all references to "subsector", "subsector by-election" and "subsector ordinary election" mean "sub-subsector", "sub-subsector by-election" and "sub-subsector ordinary election" respectively and with any necessary modifications; and

(b) all references to "subsector election" mean "sub-subsector ordinary election" or "sub-subsector by-election" with any necessary modifications.

(3) For the purposes of this Schedule—

(a) the circumstances in which a person has a substantial connection with a body include, but are not limited to, being a member, partner, officer or employee of the body; and

(b) the circumstances in which a person has a substantial connection with a subsector include, but are not limited to, being a member, partner, officer or employee of—

(i) a body included in the subsector; or

(ii) a corporate member of a body referred to in subparagraph (i).

(4) For the purposes of this Schedule, a reference to an entitlement to vote at a general meeting of a body is a reference to an entitlement to vote at such a meeting as provided by the body's constitution and, in this subsection—

(a) the reference to the constitution of a body is a reference to the constitution either—

(i) as in force on 3 October 1997; or

(ii) as subsequently amended or substituted, but only if the amendment or substitution, in so far as it relates to—

(A) the objects of the body;

(B) the criteria and conditions of membership of the body; or

(C) the eligibility of members of the body to vote at a general meeting of the body,

has been approved in writing by the Secretary for Constitutional and Mainland Affairs; and (Amended L.N. 130 of 2007)

(b) **constitution** (章程), in relation to a body, includes articles of association and rules.

- (5) In column 3 of Table 4 in section 2—
- (aa) ***elected member*** (民選議員) means a person who is elected to be an elected member under Part V of the District Councils Ordinance (Cap 547); (Added 1 of 2011 s. 8)
- (a) ***Hong Kong and Kowloon District Councils*** (港九各區議會), in relation to the subsector specified in item 5 of that Table, means the District Councils specified in items 1 to 9 of Schedule 2 to the District Councils Ordinance (Cap 547); and
- (b) ***New Territories District Councils*** (新界各區議會), in relation to the subsector specified in item 6 of that Table, means the District Councils specified in items 10 to 18 of Schedule 2 to the District Councils Ordinance (Cap 547).
- (6) In item 8 of Table 5 in section 2—
- (a) ***non-profit making company*** (非牟利公司) means a company formed for the purpose of promoting the aims specified in paragraph (4)(a), (b) or (c) opposite to that item in column 3 of that Table, that is required by its constitution to apply its profits, if any, or other income solely in promoting those aims and to prohibit the payment of any dividend to its members; and
- (b) ***social service*** (社會服務) means the provision of any one or more of the following services for the benefit of the community—
- (i) family and child welfare services;
 - (ii) services for young people;
 - (iii) services for the elderly;
 - (iv) services for offenders;
 - (v) rehabilitation services;
 - (vi) community development;
 - (vii) social security.

1A. Effect of inclement weather warning on date

- (1) In this section—
- gale warning*** (烈風警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);
- inclement weather warning day*** (惡劣天氣警告日) means a working day on which a gale warning or a rainstorm warning is in force at any time during the ordinary business hours of the office of the Electoral Registration Officer;
- rainstorm warning*** (暴雨警告) has the same meaning as in the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);
- working day*** (工作日) means any Monday, Tuesday, Wednesday, Thursday or Friday other than a general holiday.
- (2) If—
- (a) the Electoral Registration Officer is required by section 14 to do an act not later than a date; and
 - (b) the date falls on an inclement weather warning day,
- that section has effect in relation to the act as if it requires the Officer to do the act not later than the next working day, which is not an inclement weather warning day, following the date. (Added 12 of 2014 s. 23)

Part 2

Membership of Election Committee

2. How Election Committee is to be constituted

- (1) The Election Committee is to consist of 1200 members, who must be Hong Kong permanent residents. (Amended 1 of 2011 s. 9)
- (2) The membership of the Election Committee (other than ex-officio members) is to be determined in accordance with the procedures specified in this Schedule.

- (3) The members of the Election Committee are to be representative of 4 sectors, with each sector being represented by 300 members. (Amended 1 of 2011 s. 9)
- (4) The sectors are to be composed of the subsectors specified in Tables 1, 2, 3 and 4.
- (5) The composition of the subsectors is as follows—
 - (a) except in the case of the higher education and education subsectors, the social welfare subsector and the tourism and hotel subsectors, the composition of a subsector specified in Table 1, 2 or 3 which has the same name as that of a functional constituency is to be the same as that of the functional constituency;
 - (b) each of the subsectors specified in column 2 of Table 4 is to be composed of the persons described in column 3 of that Table in relation to the subsector;
 - (c) the Hong Kong Chinese Enterprises Association, tourism, hotel, Chinese medicine, higher education, education, Employers' Federation of Hong Kong and social welfare subsectors are to be composed as shown in Table 5; and
 - (d) the religious subsector is to be composed as described in Part 3.
- (6) Subject to subsection (7), for the purpose of constituting the Election Committee, each subsector is allocated the number of members specified in the relevant Table in respect of the subsector.
- (7) The Election Committee is constituted in the following manner—
 - (a) the number of members allocated to the religious subsector is to be nominated by that subsector in accordance with Part 3;
 - (b) subject to subsection (9), the number of members allocated to the subsectors specified in Tables 1, 2 and 3 (except those allocated to the religious subsector), and items 3, 4, 5 and 6 of Table 4 are to be elected by the relevant subsectors in accordance with Part 4; and
 - (c) subject to subsection (8), the number of members allocated to the subsector specified—
 - (i) in item 1 of Table 4 is to be filled by the persons holding office as Hong Kong deputies to the National People's Congress; and
 - (ii) in item 2 of Table 4 is to be filled by the persons holding office as the Members of the Legislative Council,

who are registered as ex-officio members of the Election Committee in, and whose names have not been removed from, the final register of members of the Election Committee.
- (8) Subject to section 41, the Electoral Registration Officer shall, in compiling an interim register of members of the Election Committee under section 40(1) after the publication of results of the subsector ordinary elections, register— (Amended 10 of 2006 s. 21)
 - (a) the persons holding office on the date of those subsector ordinary elections (or the last of those dates, if different dates are specified for those subsector ordinary elections) as Hong Kong deputies to the National People's Congress; and
 - (b) the persons holding office on the date of those subsector ordinary elections (or the last of those dates, if different dates are specified for those subsector ordinary elections) as the Members of the Legislative Council,

(except those persons who are not Hong Kong permanent residents) as ex-officio members of the Election Committee, in accordance with the EAC Regulations.
- (9)
 - (a) Subject to paragraph (b), the number of members allocated to the sports, performing arts, culture and publication subsector is to be divided equally among the 4 sub-subsectors constituting that subsector, namely sports, performing arts, culture and publication sub-subsectors.
 - (b) If the number of members cannot be allocated equally as an integer, the sub-subsectors are to be allocated the largest possible integer, and the remaining number is to be allocated according to the number of voters of the sub-subsectors such that the sub-subsector having the greatest number of voters is allocated a seat first until all the seats are allocated.

Table 1

First Sector

Item	Subsector	Number of members
1.	Catering	17
2.	Commercial (first)	18
3.	Commercial (second)	18
4.	Employers' Federation of Hong Kong	16
5.	Finance	18
6.	Financial services	18
7.	Hong Kong Chinese Enterprises Association	16
8.	Hotel	17
9.	Import and export	18
10.	Industrial (first)	18
11.	Industrial (second)	18
12.	Insurance	18
13.	Real estate and construction	18
14.	Textiles and garment	18
15.	Tourism	18
16.	Transport	18
17.	Wholesale and retail	18

(Amended 1 of 2011 s. 9)

Table 2

Second Sector

Item	Subsector	Number of members
1.	Accountancy	30
2.	Architectural, surveying, planning and landscape	30
3.	Chinese medicine	30
4.	Education	30
5.	Engineering	30
6.	Health services	30
7.	Higher education	30
8.	Information technology	30
9.	Legal	30
10.	Medical	30

(Amended 1 of 2011 s. 9; 14 of 2015 s. 15)

Table 3

Third Sector

Item	Subsector	Number of members
1.	Agriculture and fisheries	60
2.	Labour	60
3.	Religious	60
4.	Social welfare	60

5. Sports, performing arts, culture and publication 60
(Amended 1 of 2011 s. 9)

Table 4

Fourth Sector

Item	Subsector	Constituents	Number of members
1.	National People's Congress ("NPC")	Hong Kong deputies to the NPC.	36
2.	Legislative Council	Members of the Legislative Council.	70
3.	Chinese People's Political Consultative Conference ("CPPCC")	Hong Kong members of the National Committee of the CPPCC.	51
4.	Heung Yee Kuk	Chairman and Vice-Chairmen of the Heung Yee Kuk and the Ex-Officio, Special and Co-opted Councillors of the Full Council of the Heung Yee Kuk.	26
5.	Hong Kong and Kowloon District Councils	Elected members of the Hong Kong and Kowloon District Councils.	57
6.	New Territories District Councils	Elected members of the New Territories District Councils.	60

(Amended 1 of 2011 s. 9)

Table 5

Composition of Subsectors Referred to in Section 2(5)(C)

(Subsectors without an equivalent functional constituency)

Item	Subsector	Constituents
1.	Hong Kong Chinese Enterprises Association	Members of the Hong Kong Chinese Enterprises Association entitled to vote at general meetings of the Association.
2.	Tourism	(1A) Travel industry members of the body known immediately before 1 April 2001 as the Hong Kong Tourist Association, entitled immediately before that date, under the constitution of that body in force immediately before that date, to vote at general meetings of that body. (Added 25 of 2003 s. 56) (1) Members of the Travel Industry Council of Hong Kong entitled to vote at general meetings of the Council. (2) Members of The Board of Airline Representatives in Hong Kong. (Replaced 25 of 2003 s. 56. Amended 10 of 2006 s. 32)
3.	Hotel	(1) Members of the Hong Kong Hotels Association entitled to vote at general meetings of the Association. (2) Members of the Federation of Hong Kong Hotel Owners Limited entitled to vote at general meetings of the Federation. (Amended 10 of 2006 s. 32)
4.	Chinese medicine	(1) Members of— (a) The Hong Kong Association of Traditional Chinese Medicine Limited;

- (b) International General Chinese Herbalists and Medicine Professionals Association Limited;
- (c) Sin-Hua Herbalists' and Herb Dealers' Promotion Society Limited;
- (d) Society of Practitioners of Chinese Herbal Medicine Limited;
- (e) The Hong Kong T.C.M. Orthopaedic and Traumatic Association Limited;
- (f) The Hong Kong Federation of China of Traditional Chinese Medicine;
- (g) Hong Kong Acupuncturists Association;
- (h) Hong Kong Chinese Herbalists Association Limited;
- (i) Association of Hong Kong & Kowloon Practitioners of Chinese Medicine, Limited;
- (j) Hong Kong Chinese Medicine Practitioners Association Limited,

who are Chinese medicine practitioners entitled to vote at the general meetings of the respective bodies. (Replaced 1 of 2011 s. 9)

- (2) Registered Chinese medicine practitioners registered under the Chinese Medicine Ordinance (Cap 549). (Added 1 of 2011 s. 9)

5. Higher education

- (1) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in—
 - (a) institutions of higher education funded through the University Grants Committee;
 - (b) approved post secondary colleges registered under the Post Secondary Colleges Ordinance (Cap 320);
 - (c) technical colleges established under the Vocational Training Council Ordinance (Cap 1130);
 - (d) The Hong Kong Academy for Performing Arts;
 - (e) The Open University of Hong Kong. (Amended 25 of 2003 s. 56; 14 of 2015 s. 15)
 - (f)-(m) (Repealed 14 of 2015 s. 15)

- (1A) Full-time academic staff engaged in teaching or research and administrative staff of equivalent rank in the institutions which—
 - (a) 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
 - (b) are set up by—
 - (i) an institution of higher education funded through the University Grants Committee;
 - (ii) The Hong Kong Academy for Performing Arts; or
 - (iii) The Open University of Hong Kong. (Added 14 of 2015 s. 15)

- (2) Members of—

- (a) the Council of the University of Hong Kong;
- (b) the Council of The Chinese University of Hong Kong;
- (c) the Council of The Hong Kong University of Science and Technology;
- (d) the Council of the City University of Hong Kong;
- (e) the Council of The Hong Kong Polytechnic University;
- (f) the Council of The Hong Kong Academy for Performing Arts;
- (g) the Council of The Open University of Hong Kong;
- (h) the Vocational Training Council; (Amended 10 of 2006 s. 32)
- (i) the Council of The Hong Kong Institute of Education;
- (j) the Council of the Hong Kong Baptist University;
- (k) the Council of Lingnan University;
- (l) the Board of Governors of the Hong Kong Shue Yan University; (Amended 25 of 2003 s. 56; 7 of 2008 s. 10)
- (m) the Board of Governors of the Caritas Institute of Higher Education; (Added 25 of 2003 s. 56. Amended 11 of 2012 s. 39; 14 of 2015 s. 15)
 - (n) the Board of Governors of the Chu Hai College of Higher Education; (Added 14 of 2015 s. 15)
 - (o) the Board of Governors of the Centennial College; (Added 14 of 2015 s. 15)
 - (p) the Board of Governors of the Tung Wah College; (Added 14 of 2015 s. 15)
 - (q) the Board of Governors of the Hang Seng Management College; (Added 14 of 2015 s. 15)
 - (r) the Board of Governors of the Hong Kong Nang Yan College of Higher Education; (Added 14 of 2015 s. 15)
 - (s) the Board of Governors of the HKCT Institute of Higher Education. (Added 14 of 2015 s. 15)

6. Education

- (1) Registered teachers registered under the Education Ordinance (Cap 279).
- (2) Permitted teachers engaged in full-time employment in schools registered or provisionally registered under the Education Ordinance (Cap 279).
- (3) Teachers and principals of schools entirely maintained and controlled by the Government.
- (4) Persons whose principal or only employment is that of full-time teaching with the following bodies—
 - (a) technical institutes, industrial training centres and skills centres established under the Vocational Training Council Ordinance (Cap 1130);
 - (b) 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)
- (ba) industrial training centres established under the Construction Industry Council Ordinance (Cap 587); (Added 12 of 2006 s. 84)
 - (c) industrial training centres established under the Industrial Training (Clothing Industry) Ordinance (Cap 318);
 - (d) Hong Chi Association-Hong Chi Pinehill Integrated Vocational Training Centre; (Replaced 18 of 2011 s. 52)
 - (e) Caritas Lok Mo Integrated Vocational Training Centre of Caritas-Hong Kong incorporated under the Caritas-Hong Kong Incorporation Ordinance (Cap 1092). (Replaced 25 of 2003 s. 56. Amended 10 of 2006 s. 32)
- (5) Registered managers of schools registered under the Education Ordinance (Cap 279).
7. Employers' Federation of Hong Kong Members of the Employers' Federation of Hong Kong entitled to vote at general meetings of the Federation.
8. Social welfare
- (1) Social workers registered under the Social Workers Registration Ordinance (Cap 505).
 - (2) Corporate members of the Hong Kong Council of Social Service entitled to vote at general meetings of the Council.
 - (3) Exempted societies within the meaning of the Societies Ordinance (Cap 151) that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter—
 - (a) to promote the co-ordination and improvement of social service activities;
 - (b) to develop resources, such as manpower, funds and data, for social service activities; or
 - (c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs,
 and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.
 - (4) Non-profit making companies registered under the Companies Ordinance (Cap 622), or a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap 622), that have been operating with paid employees to provide service on a regular basis in accordance with the following aims for a period of 12 months immediately before making the application for registration as a voter— (Amended 28 of 2012 ss. 912 & 920)
 - (a) to promote the co-ordination and improvement of social service activities;
 - (b) to develop resources, such as manpower, funds and data, for social service activities; or

- (c) to promote public understanding of social service needs and the role of the voluntary agencies in meeting those needs, and which publish their annual reports and audited accounts or certified accounts with regard to annual income and expenditure.

2A. (Omitted as expired—E.R. 1 of 2013)

3. Resignation of member of Election Committee

- (1) If a member of the Election Committee representing the subsector specified in item 3 of Table 4 in section 2 ceases to be a Hong Kong member of the National Committee of the Chinese People's Political Consultative Conference, he is deemed to have resigned from the membership of the Election Committee unless—
 - (a) the cessation is due to the expiry of the term of office of the National Committee of the Chinese People's Political Consultative Conference; and
 - (b) he is a Hong Kong member of the National Committee of the Chinese People's Political Consultative Conference when the immediately following term of office of that Committee commences. (Replaced 10 of 2006 s. 6)
- (1A) If a member of the Election Committee representing the subsector specified in item 4 of Table 4 in section 2 ceases to be the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk, he is deemed to have resigned from the membership of the Election Committee unless—
 - (a) the cessation is due to the expiry of his term of office as the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk (as the case may be); and
 - (b) he is the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk immediately after the cessation. (Added 10 of 2006 s. 6)
- (1B) If a member of the Election Committee representing the subsector specified in item 5 of Table 4 in section 2 ceases to be a member of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap 547), he is deemed to have resigned from the membership of the Election Committee unless—
 - (a) the cessation is due to the expiry of his term of office as a member of such District Council; and
 - (b) he is a member of such District Council immediately after the cessation. (Added 10 of 2006 s. 6)
- (1C) If a member of the Election Committee representing the subsector specified in item 6 of Table 4 in section 2 ceases to be a member of a District Council specified in item 10, 11, 12, 13, 14, 15, 16, 17 or 18 of Schedule 2 to the District Councils Ordinance (Cap 547), he is deemed to have resigned from the membership of the Election Committee unless—
 - (a) the cessation is due to the expiry of his term of office as a member of such District Council; and
 - (b) he is a member of such District Council immediately after the cessation. (Added 10 of 2006 s. 6)
- (2) If—
 - (a) a person is a member of the Election Committee (other than an ex-officio member); and
 - (b) the Electoral Registration Officer, by adding the person's name to the final register of members of the Election Committee, registers the person as an ex-officio member of the Committee under section 41(3),the person is deemed to have resigned, on the date of the publication under section 41(4) of a notice to the effect that the person's name has been so added, from the membership referred to in paragraph (a).
- (3) A member of the Election Committee (other than an ex-officio member) may resign from the membership by giving written notice of resignation to the Electoral Registration Officer.
- (4) A notice of resignation is not effective unless it is signed by the member concerned.
- (5) A notice of resignation takes effect—
 - (a) on the date on which the notice is received by the Electoral Registration Officer; or
 - (b) if a later date is specified in the notice, on that later date.

4. Electoral Registration Officer to compile and publish provisional register

- (1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations a provisional register of members of the Election Committee within 14 days after the making of a vacancy declaration. (Amended 10 of 2006 s. 31)
- (2) The Electoral Registration Officer is not required to compile and publish a provisional register of members of the Election Committee under subsection (1) if— (Amended 10 of 2006 s. 31)
 - (a) the vacancy declaration is made within 12 months after the date of the making of another vacancy declaration; or (Amended 10 of 2006 s. 31)
 - (b) the election to fill the vacancy referred to in the vacancy declaration is to be held on a date that falls outside the term of office of the Election Committee.
- (3) A provisional register of members of the Election Committee is to be based on the existing final register of members of the Election Committee.
- (4) In compiling a provisional register of members of the Election Committee, the Electoral Registration Officer shall—
 - (a) after scrutinizing the existing final register of members of the Election Committee, strike out the names and other relevant particulars of those persons (other than ex-officio members) whom the Electoral Registration Officer is satisfied on reasonable grounds as, on the date of the making of the relevant vacancy declaration— (Amended 10 of 2006 s. 31)
 - (i) being dead;
 - (ii) having resigned, or being deemed to have resigned, from the Election Committee under section 3; or
 - (iii) having ceased to be registered or eligible to be registered, or having been disqualified from being registered, under the Legislative Council Ordinance (Cap 542) as an elector for a geographical constituency; and
 - (b) enter the names and other relevant particulars of those persons on an omissions list.
- (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish—
 - (a) in the Gazette; and
 - (b) in such other publications (if any) as are prescribed by the EAC Regulations, a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the final register of members of the Election Committee have been entered on an omissions list and specifying the times and the place at which the omissions list may be inspected.
- (6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations—
 - (a) keep the omissions list at that Officer's office; and
 - (b) during the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.
- (7) In this section—

existing final register of members of the Election Committee (現有選舉委員會正式委員登記冊) means the final register of members of the Election Committee that is in effect under section 43 on the date of the making of the relevant vacancy declaration; (Replaced 10 of 2006 s. 31)

vacancy declaration (空缺宣布) means a declaration under section 5 of this Ordinance. (Replaced 25 of 2003 s. 56)

(Amended 10 of 2006 s. 31)

5. Supplementary nomination or subsector by-election to be held to fill vacancy in membership of Election Committee

- (1) As soon as practicable after the Electoral Registration Officer has published a provisional register of members of the Election Committee, the Electoral Affairs Commission—
 - (a) shall ascertain the number of members representing each subsector (other than a subsector specified in items 1 and 2 of Table 4 in section 2) on the Election Committee; and
 - (b) if the number of members so ascertained as representing a subsector is less than the number of members allocated to the subsector in accordance with section 2(6), shall, in accordance with the EAC Regulations, arrange for a supplementary nomination (in the case of the religious subsector) or a

subsector by-election (in the case of any other subsector) to be held to fill the vacancy among the members representing the subsector on the Election Committee.

- (2) When making an ascertainment under subsection (1)(a), the Electoral Affairs Commission shall have regard to—
 - (a) the provisional register of members of the Election Committee; and
 - (b) the determinations of the Revising Officer on the appeals, if any, made under section 48 against the decisions of the Electoral Registration Officer in relation to the register.

Part 3

Religious Subsector

6. Composition of the religious subsector

- (1) The religious subsector is to be composed of the following bodies (referred to in this Part as *the designated bodies*)—
 - (a) Catholic Diocese of Hong Kong;
 - (b) Chinese Muslim Cultural and Fraternal Association;
 - (c) Hong Kong Christian Council;
 - (d) The Hong Kong Taoist Association;
 - (e) The Confucian Academy; and
 - (f) The Hong Kong Buddhist Association.
- (2) The Chief Executive in Council may, by order published in the Gazette, distribute the number of members allocated to the religious subsector among the designated bodies.

7. Nomination of members by the religious subsector

- (1) Subject to subsection (7), each designated body may nominate a number of persons selected by it as members representing the religious subsector on the Election Committee for a new term of office of the Committee.
- (2) If—
 - (a) the Electoral Affairs Commission is required to arrange for a supplementary nomination to fill a vacancy among the members representing the religious subsector on the Election Committee; and
 - (b) the vacancy is due to the number of members from a designated body representing the religious subsector on the Election Committee being less than the assigned number for the body,the designated body may nominate a number of persons selected by it to fill the vacancy.
- (3) The process of nomination under subsection (1) or (2) (other than the selection of nominees) shall be carried out in accordance with the EAC Regulations.
- (4) If—
 - (a) the number of persons nominated by a designated body under subsection (1) exceeds the assigned number for the body; or
 - (b) the number of persons nominated by a designated body under subsection (2) exceeds the number of vacancies to be filled,subject to subsection (6), the body shall—
 - (c) indicate which of the nominees are to be given preference in making up the assigned number or in filling the vacancy; and
 - (d) then rank the excess nominees, if more than one, in order of priority.
- (5) If the Returning Officer determines that any of the nominees to be given preference under subsection (4) is not validly nominated, the assigned number is to be made up or the vacancy is to be filled from the excess nominees (subject to their being validly nominated) in their order of priority.
- (6) If—
 - (a) the number of persons nominated by a designated body under subsection (1) exceeds the assigned number for the body; or
 - (b) the number of persons nominated by a designated body under subsection (2) exceeds the number of vacancies to be filled,

but the body does not indicate preference under subsection (4) or the number of nominees to whom preference is given is less than the assigned number for that body or the number of vacancies to be filled, the Returning Officer shall determine which nominees of that body (subject to their being validly nominated) are to make up the assigned number or to fill the vacancy by drawing lots. The nominees on whom the lot falls are to become members of the Election Committee.

- (7) The number of nominees to become members of the Election Committee from each designated body cannot exceed the assigned number for that body.
- (8) The Returning Officer shall declare the nominees who become the members of the Election Committee as such members in accordance with the EAC Regulations.
- (9) In this section—

assigned number (獲配席位數目), in relation to a designated body, means the number specified in an order made under section 6(2) for that body.

8. Who is qualified for selection as a nominee

- (1) A person is eligible to be selected as a nominee under section 7 if the person—
 - (a) is both registered and eligible to be registered under the Legislative Council Ordinance (Cap 542) as an elector for a geographical constituency, and is not disqualified from being so registered; and
 - (b) has a substantial connection with the religious subsector.
- (2) A person is not eligible to be selected as a nominee under section 7(1) if the person—
 - (a) is a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council (whether or not the person is an ex-officio member of the Election Committee); or
 - (b) is a candidate at a subsector ordinary election.
- (3) A person is not eligible to be selected as a nominee under section 7(2) if the person—
 - (a) is a member of the Election Committee; or
 - (b) is a candidate at a subsector by-election, the nomination period for which coincides or partly coincides with the period during which the nomination under that section is to be made.
- (4) A person who is selected as a nominee by a designated body as a member representing the religious subsector on the Election Committee is not eligible to be selected by another designated body as such a member if the period during which the nominations are to be made coincides or partly coincides.

9. When a person is disqualified from being a nominee

A person is disqualified from being a nominee under section 7 if the person—

- (a) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (b) on the date of nomination, is serving a sentence of imprisonment;
- (c) without limiting paragraph (a), where the nomination is made within 3 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

10. Application of the Elections (Corrupt and Illegal Conduct) Ordinance

The Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) applies, with any necessary modifications, to and in relation to the selection and nomination of persons to be members of the Election Committee under section 7 in the same way as it applies to and in relation to a subsector election and so applies as if the persons

selected or nominated were candidates at a subsector election.

Part 4

Subsector Election

Division 1—Preliminary

11. Interpretation

(1) In this Part, unless the context otherwise requires—

authorized representative (獲授權代表), in relation to a corporate voter, means the person authorized by the corporate voter to cast its vote at a subsector election;

corporate voter (團體投票人) means a body that is a voter for a subsector;

District Council ordinary election (區議會一般選舉) means elections to elect persons to fill the vacancies caused by the expiration of the term of office of the elected members of District Councils; (Added 33 of 2002 s. 11)

existing functional constituencies final register (現有功能界別正式選民登記冊) means the final register of electors for functional constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap 542) that is in effect on the date of registration of voters for the subsectors; (Amended 33 of 2002 s. 11)

existing geographical constituencies final register (現有地方選區正式選民登記冊) means the final register of electors for geographical constituencies compiled under section 32(1) or (1A) of the Legislative Council Ordinance (Cap 542) that is in effect on the date of registration of voters for the subsectors; (Amended 33 of 2002 s. 11)

existing subsector final register (現有界別分組正式投票人登記冊), in relation to—

(a) the compilation of a subsector provisional register to be compiled and published not later than 30 November 2001, means the subsector final register that was compiled and published under section 10 of Schedule 2 to the Legislative Council Ordinance (Cap 542) in force immediately before the commencement of section 73 of this Ordinance;

(b) the compilation of any other subsector provisional register, means the subsector final register that is in effect under section 15 at the time the subsector provisional register is compiled;

subsector (界別分組) means a subsector referred to in section 2(7)(b);

subsector final register (界別分組正式投票人登記冊) means the final register to be compiled and published under section 14(1)(b) or (1A)(b); (Amended 33 of 2002 s. 11)

subsector provisional register (界別分組臨時投票人登記冊) means the provisional register to be compiled and published under section 14(1)(a) or (1A)(a); (Amended 33 of 2002 s. 11)

voter (投票人) means a person whose name is registered in a subsector final register and who is eligible to be so registered and is not disqualified from being so registered or from voting at a subsector election.

(2) The results of subsector ordinary elections that are declared on different dates are, for the purposes of this Schedule, taken to have been declared on the later or latest of those dates.

Division 2—Registration of voters

12. Who is eligible to be registered as a voter

(1) Subject to this section—

(a) a person is eligible to be registered as a voter for a subsector with the same name as a functional constituency (other than the education subsector, the social welfare subsector and the tourism subsector) if—

- (i) the person is eligible to be registered as an elector for that functional constituency and has made an application to be so registered; or
- (ii) the person—

- (A) is registered for that functional constituency in the existing functional constituencies final register; and
 - (B) is eligible to be, and is not disqualified from being, registered as an elector for that functional constituency; and
 - (b) a person is eligible to be registered as a voter for a subsector specified in Table 5 in section 2 (other than the higher education and education subsectors, the social welfare subsector and the tourism and hotel subsectors) if—
 - (i) the person—
 - (A) is a person specified opposite to that subsector in column 3 of Table 5 in section 2; and
 - (B) where the person is a natural person, is eligible to be registered as an elector under Part 5 of the Legislative Council Ordinance (Cap 542) for a geographical constituency and has made an application to be so registered, or is registered in the existing geographical constituencies final register and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency; or
 - (ii) the person—
 - (A) is registered for that subsector in the existing subsector final register; and
 - (B) is eligible to be, and is not disqualified from being, registered as a voter for that subsector.
- (2) A person is eligible to be registered as a voter for the sports, performing arts, culture and publication subsector subject to the following conditions—
 - (a) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(a) or (b) of, or Part 1 of Schedule 1B or item 40, 41, 43, 50, 54, 59 or 65 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the sports sub-subsector; (Amended 25 of 2003 s. 56; 7 of 2008 s. 10)
 - (b) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(i), (ka) or (kb) of, or item 1, 2, 3, 5, 9, 16, 17, 23, 24, 34, 39, 42, 45, 52, 55, 56, 57, 63, 64 or 66 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the performing arts sub-subsector; (Amended 25 of 2003 s. 56; 14 of 2015 s. 16)
 - (c) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(d) or (e) of, or Part 2 of Schedule 1B or item 6, 7, 10, 11, 13, 14, 19, 20, 22, 26, 27, 31, 33, 35, 37, 38, 48, 53, 58, 61 or 62 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the culture sub-subsector; and
 - (d) a person who is registered, or applies to be registered, as an elector for the sports, performing arts, culture and publication functional constituency by virtue of being a person described in section 20V(1)(g), (h), (j) or (k) of, or item 15, 21, 28, 32, 36 or 51 of Part 3 of Schedule 1B to, the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the publication sub-subsector. (Amended 7 of 2008 s. 10)
- (3) A person is eligible to be registered as a voter for the higher education subsector if the person—
 - (a) is a person described in section 20E(a), (aa) or (b) of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the education functional constituency; or
 - (b) is registered for the education functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20E(a), (aa) or (b) of the Legislative Council Ordinance (Cap 542). (Amended 25 of 2003 s. 56)
- (4) A person is eligible to be registered as a voter for the education subsector if—
 - (a) the person is a person described in section 20E(c), (d), (e), (f) or (g) of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the education functional constituency; or
 - (b) the person is registered for the education functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20E(c), (d), (e), (f) or (g) of the Legislative Council Ordinance (Cap 542).
- (5) A person is eligible to be registered as a voter for the social welfare subsector if—

- (a) the person is a person described in section 20M of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the social welfare functional constituency;
 - (b) the person is registered for the social welfare functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20M of the Legislative Council Ordinance (Cap 542);
 - (c) the person is a person described in paragraph (2), (3) or (4) of item 8 of Table 5 in section 2 and has made an application to be registered for the social welfare subsector; or
 - (d) the person—
 - (i) is registered for the social welfare subsector in the existing subsector final register by virtue of being a person described in paragraph (2), (3) or (4) of item 8 of Table 5 in section 2; and
 - (ii) is not disqualified from being registered as a voter for that subsector.
- (6) A person is eligible to be registered as a voter for the tourism subsector if the person—
- (a) is a person described in section 20O(aa), (b) or (c) of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the tourism functional constituency; or
 - (b) is registered for the tourism functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20O(aa), (b) or (c) of the Legislative Council Ordinance (Cap 542). (Amended 25 of 2003 s. 56)
- (7) A person is eligible to be registered as a voter for the hotel subsector if—
- (a) the person is a person described in section 20O(d) or (e) of the Legislative Council Ordinance (Cap 542) and has made an application to be registered for the tourism functional constituency; or
 - (b) the person is registered for the tourism functional constituency in the existing functional constituencies final register, and is eligible to be registered as an elector for that functional constituency by virtue of being a person described in section 20O(d) or (e) of the Legislative Council Ordinance (Cap 542).
- (8) A person is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2 and is eligible to be registered as an elector for the District Council (first) functional constituency. (Amended 1 of 2011 s. 11)
- (9) A person is eligible to be registered as a voter for the New Territories District Councils subsector if the person is a person described opposite to that subsector in column 3 of Table 4 in section 2 and is eligible to be registered as an elector for the District Council (first) functional constituency. (Amended 1 of 2011 s. 11)
- (10) Subject to this section—
- (a) a person who is registered or applies to be registered as an elector for a functional constituency with the same name as a subsector, cannot, subject to paragraph (b), be registered only as an elector for that functional constituency and not as a voter for the subsector;
 - (b) a person who is registered or applies to be registered as a voter for a subsector with the same name as a functional constituency, cannot be registered only as a voter for that subsector and not as an elector for the functional constituency;
 - (c) a person who is registered, or has made an application to be registered, as an elector for a functional constituency with the same name as a subsector may be registered only as a voter for that subsector (whether or not the person is eligible to be registered as a voter for any other subsector), except that, if the person is eligible to be registered as a voter for any other subsector specified in item 3 of Table 4, or item 1, 4, 7 or 8 (by virtue of subsection (5)(c) or (d) of Table 5, in section 2, the person may choose to be registered as a voter in the first-mentioned subsector or in that other subsector; and
 - (d) a person who ceases to be eligible to be registered as an elector for a functional constituency with the same name as a subsector ceases to be eligible to be registered as a voter for that subsector, but may, subject to paragraph (a) and subsection (12), apply to be registered as a voter for any other subsector for which the person is eligible to be registered as a voter.
- (11) Subject to this section—
- (a) a person who is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector may be registered only as a voter for that subsector; (Replaced 1 of 2011 s. 11)
 - (b) a person who is eligible to be registered as a voter for the New Territories District Councils subsector may be registered only as a voter for that subsector; (Replaced 1 of 2011 s. 11)

- (c) a person who—
 - (i) is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; and
 - (ii) would, but for this paragraph, be eligible to be registered as a voter for any subsector other than the 2 subsectors referred to in subparagraph (i),
may be registered only as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector, as the case may be; (Replaced 1 of 2011 s. 11)
- (d) a person who ceases to be eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector may, subject to subsections (10)(a) and (12), apply to be registered as a voter for any other subsector for which the person is eligible to be registered as a voter; (Replaced 1 of 2011 s. 11)
- (e) a person who—
 - (i) is a person described opposite to the Hong Kong and Kowloon District Councils subsector in column 3 of Table 4 in section 2; and
 - (ii) is eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (g), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the Hong Kong and Kowloon District Councils subsector; (Replaced 1 of 2011 s. 11)
- (f) a person who—
 - (i) is a person described opposite to the New Territories District Councils subsector in column 3 of Table 4 in section 2; and
 - (ii) is eligible to be registered as an elector for the District Council (first) functional constituency, cannot, subject to paragraph (h), be registered only as an elector for the District Council (first) functional constituency and not as a voter for the New Territories District Councils subsector; (Replaced 1 of 2011 s. 11)
- (g) a person who is eligible to be registered as a voter for the Hong Kong and Kowloon District Councils subsector cannot be registered only as a voter for that subsector and not as an elector for the District Council (first) functional constituency; and (Added 1 of 2011 s. 11)
- (h) a person who is eligible to be registered as a voter for the New Territories District Councils subsector cannot be registered only as a voter for that subsector and not as an elector for the District Council (first) functional constituency. (Added 1 of 2011 s. 11)
- (12) A person who would, but for this subsection, be eligible to be registered as a voter for 2 or more subsectors (other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector) may, subject to subsection (10), be registered as a voter for only one of those subsectors of the person's choice. (Amended 1 of 2011 s. 11)
- (13) A person who is registered, or applies to be registered, as an elector for the education functional constituency by virtue of being a person described in section 20E(a), (aa) or (b) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the higher education subsector. (Amended 25 of 2003 s. 56)
- (14) A person who is registered, or applies to be registered, as an elector for the education functional constituency by virtue of being a person described in section 20E(c), (d), (e), (f) or (g) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the education subsector.
- (15) A person who is eligible to be registered as a voter for both the education subsector and the higher education subsector, may only be registered as a voter for the higher education subsector.
- (16) A person who is registered, or applies to be registered, as an elector for the tourism functional constituency by virtue of being a person described in section 20O(aa), (b) or (c) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the tourism subsector. (Amended 25 of 2003 s. 56)
- (17) A person who is registered, or applies to be registered, as an elector for the tourism functional constituency by virtue of being a person described in section 20O(d) or (e) of the Legislative Council Ordinance (Cap 542) may be registered only as a voter for the hotel subsector.
- (18) A person who is eligible to be registered as a voter for both the tourism subsector and the hotel subsector, may only be registered as a voter for the hotel subsector.
- (19) A person described in column 3 of Table 4 in section 2 in relation to the subsector specified in item 3 of that Table, who—
 - (a) is eligible to be registered as an elector under Part 5 of the Legislative Council Ordinance (Cap 542)

for a geographical constituency and has made an application to be so registered; or
(b) is registered in the existing geographical constituencies final register, and is eligible to be, and is not disqualified from being, registered as an elector for a geographical constituency, is eligible to be registered as a voter in that subsector.

- (20) A member of a body specified in item 1, 2, 3, 7 or 8 of column 3 of Table 5 in section 2 is not eligible to be registered as a voter for the relevant subsector, unless immediately before that member applies for registration as a voter—
- (a) if the member is a corporate member of a body—
 - (i) that member has been a member of that body for at least 12 months; and
 - (ii) that member has been operating for at least 12 months; or
 - (b) if the member is a natural person, the person has been a member of that body for at least 12 months.
- (21) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap 557) is not eligible to be registered as a voter for any subsector. (Added 1 of 2011 s. 11)
- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap 558) is not eligible to be registered as a voter for any subsector. (Added 1 of 2011 s. 11)

13. Corporate voter to have authorized representative

- (1) A corporate voter is required to select one eligible person to be its authorized representative for the purpose of casting its vote at a subsector election.
- (2) A person is eligible to be an authorized representative of a corporate voter for a subsector only if the person—
 - (a) is—
 - (i) registered as an elector for a geographical constituency; or
 - (ii) eligible to be registered as an elector for a geographical constituency and has applied to be so registered;
 - (b) has a substantial connection with the corporate voter;
 - (c) is not registered or has not made an application to be registered as a voter for the subsector; and
 - (d) is not disqualified from registration or voting under section 31 or 53 of the Legislative Council Ordinance (Cap 542).
- (3) A person who is an authorized representative of a corporate voter is not eligible to be selected as the authorized representative of another corporate voter.
- (4) A person cannot act as an authorized representative of a corporate voter unless the person is registered as such a representative by the Electoral Registration Officer.
- (5) A corporate voter may from time to time replace its authorized representative, but only in the circumstances and manner prescribed by the EAC Regulations. The replacement does not have effect until it is registered by the Electoral Registration Officer.
- (6) An application may be made to the Electoral Registration Officer for the purposes of subsection (1) or (5) in accordance with the EAC Regulations by the corporate voter concerned. The application shall be in writing and be in a form specified under section 45.
- (7) The Electoral Registration Officer may refuse an application made under subsection (6) only on the ground that the authorized representative specified in the application is ineligible to be, or is disqualified from being, such a representative.

14. Electoral Registration Officer to compile and publish a register of voters

- (1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations—
 - (a) not later than 1 June in each year other than a year in which a District Council ordinary election is to be held, a provisional register of voters for subsectors; and (Amended 12 of 2014 s. 171)
 - (b) not later than 25 July in each year other than a year in which a District Council ordinary election is to be held, a final register of voters for subsectors. (Amended 33 of 2002 s. 11)
- (1A) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations—
 - (a) not later than 1 August in each year in which a District Council ordinary election is to be held, a

- provisional register of voters for subsectors; and (Amended 12 of 2014 s. 171)
- (b) not later than 25 September in each year in which a District Council ordinary election is to be held, a final register of voters for subsectors. (Added 33 of 2002 s. 11)
- (1B) Despite subsections (1) and (1A), as soon as practicable after the District Council ordinary election in 2011, the Electoral Registration Officer must, in accordance with the EAC Regulations—
- (a) compile the subsector final register for the Hong Kong and Kowloon District Councils subsector by—
- (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
 - (ii) registering in the subsector final register all persons who are elected as members of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap 547) under Part V of that Ordinance as voters of the subsector;
- (b) compile the subsector final register for the New Territories District Councils subsector by—
- (i) striking out the names and other relevant particulars of all voters from the existing subsector final register; and
 - (ii) registering in the subsector final register all persons who are elected as members of a District Council specified in item 10, 11, 12, 13, 14, 15, 16, 17 or 18 of Schedule 2 to the District Councils Ordinance (Cap 547) under Part V of that Ordinance as voters of the subsector;
- (c) if the persons referred to in paragraphs (a)(ii) and (b)(ii) are registered as voters in any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector, strike out their names and other relevant particulars from the subsector final register for that subsector to the effect that they are no longer registered as voters for that subsector. (Added 1 of 2011 s. 12)
- (1C) The Electoral Registration Officer must, as soon as practicable after complying with subsection (1B), publish in accordance with the EAC Regulations the subsector final register in which there is any addition or removal of names and other relevant particulars of voters. (Added 1 of 2011 s. 12)
- (2) The Electoral Registration Officer may amend a subsector provisional register or subsector final register so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.
- (3) A subsector provisional register is to be based on the existing subsector final register. (Amended 10 of 2006 s. 31)
- (4) In compiling a subsector provisional register, the Electoral Registration Officer shall—
- (a) after scrutinizing the register on which the subsector provisional register is to be based, strike out the names and other relevant particulars of those persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the subsector final register;
 - (b) enter the names and other relevant particulars of those persons on an omissions list; and
 - (c) add to the register the names and other relevant particulars of those persons who have made applications for registration since the date prescribed for the purposes of this paragraph by the EAC Regulations and who are eligible to have their names included in the subsector final register.
- (5) As soon as practicable after complying with subsection (4), the Electoral Registration Officer shall publish—
- (a) in the Gazette; and
 - (b) in such other publications (if any) as are prescribed by the EAC Regulations, a notice to the effect that the names and other relevant particulars of persons who are no longer eligible to have their names included in the subsector final register have been entered on an omissions list and specifying the times and the place at which the omissions list may be inspected.
- (6) The Electoral Registration Officer shall, for the period prescribed for the purposes of this subsection by the EAC Regulations—
- (a) keep the omissions list at that Officer's office; and
 - (b) during the ordinary business hours of that office, make that list available for inspection by members of the public, free of charge.

15. When subsector final register is to take effect

A subsector final register takes effect on the date of its publication and continues to have effect until the

publication of the next subsector final register.

Division 3—Conduct of subsector elections

16. When a subsector ordinary election is to be held

- (1) A subsector ordinary election is to be held on the date specified by the Chief Executive. The Chief Executive shall give notice of that date in the Gazette.
- (2) The Chief Executive may specify different dates to hold different subsector ordinary elections.

17. Who is eligible to be nominated as a candidate at a subsector election

- (1) A person is eligible to be nominated as a candidate at a subsector election for a subsector only if the person—
 - (a) has reached 18 years of age;
 - (b) is both registered and eligible to be registered for a geographical constituency; and
 - (c) either—
 - (i) is both registered and eligible to be registered as a voter for that subsector; or
 - (ii) satisfies the Returning Officer for the subsector that the person has a substantial connection with the subsector.
- (2) A person is not eligible to be nominated as a candidate at a subsector ordinary election if the person is—
 - (a) a nominee of a designated body under section 7(1); or
 - (b) a Hong Kong deputy to the National People's Congress or a Member of the Legislative Council (whether or not the person is an ex-officio member of the Election Committee).
- (3) A person is not eligible to be nominated as a candidate at a subsector by-election if—
 - (a) the person is a nominee of a designated body under section 7(2) and the period during which the nomination under that section is to be made and the nomination period for the by-election coincide or partly coincide; or
 - (b) the person is a member of the Election Committee.

18. When a person is disqualified from being a subsector candidate

A person is disqualified from being nominated as a candidate at a subsector election and from being elected as a member of the Election Committee if the person—

- (a) has ceased to have a substantial connection with the subsector concerned;
- (b) has ceased to be registered or eligible to be registered as an elector for a geographical constituency;
- (c) has in Hong Kong or in any other place been sentenced to death or imprisonment (by whatever name called) and has not either—
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (d) on the date of nomination or on the date of the subsector election, is serving a sentence of imprisonment;
- (e) without limiting paragraph (c), where the subsector election is to be held or is held within 3 years after the date of the person's conviction, is or has been convicted—
 - (i) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iii) of any offence prescribed by the EAC Regulations;
- (f) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (g) is a member of the armed forces of the People's Republic of China or any other country or territory.

18A. When a person is disqualified from being a candidate for 4 subsectors in the Fourth Sector

- (1) This section is without prejudice to section 18.
- (2) A person is disqualified from—
 - (a) being nominated as a candidate at a subsector election for the subsector specified in item 3 of Table 4 in section 2; or
 - (b) being elected as a member of the Election Committee representing that subsector, if he is not a Hong Kong member of the National Committee of the Chinese People's Political Consultative Conference.
- (3) A person is disqualified from—
 - (a) being nominated as a candidate at a subsector election for the subsector specified in item 4 of Table 4 in section 2; or
 - (b) being elected as a member of the Election Committee representing that subsector, if he is not the Chairman or a Vice-Chairman of the Heung Yee Kuk or a Councillor of the Full Council of the Heung Yee Kuk.
- (4) A person is disqualified from—
 - (a) being nominated as a candidate at a subsector election for the subsector specified in item 5 of Table 4 in section 2; or
 - (b) being elected as a member of the Election Committee representing that subsector, if the person is not elected as a member of a District Council specified in item 1, 2, 3, 4, 5, 6, 7, 8 or 9 of Schedule 2 to the District Councils Ordinance (Cap 547) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election. (Amended 1 of 2011 s. 13)
- (5) A person is disqualified from—
 - (a) being nominated as a candidate at a subsector election for the subsector specified in item 6 of Table 4 in section 2; or
 - (b) being elected as a member of the Election Committee representing that subsector, if the person is not elected as a member of a District Council specified in item 10, 11, 12, 13, 14, 15, 16, 17 or 18 of Schedule 2 to the District Councils Ordinance (Cap 547) under Part V of that Ordinance in the District Council ordinary election held immediately before the relevant subsector election or in any District Council by-election for that District Council after the ordinary election. (Amended 1 of 2011 s. 13)
(Added 10 of 2006 s. 6)

18B. Election as District Council member does not affect nomination made earlier

- (1) This subsection applies to a case in which—
 - (a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector has subscribed the nomination paper of a candidate for that subsector in a subsector election; and
 - (b) after the subscription of the nomination paper but before the subsector election the person is elected as a member of a District Council under Part V of the District Councils Ordinance (Cap 547).
- (2) In a case to which subsection (1) applies—
 - (a) the validity of the subscription of the nomination paper is not affected by the person's election; and
 - (b) the person is disqualified—
 - (i) if the election is a subsector ordinary election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in that election; or
 - (ii) if the election is a subsector by-election, from subscribing the nomination paper of any candidate for the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector in any by-election for any subsector held during the term of the District Council for which the person is elected,
 unless the candidate nominated by the person meets any description in subsection (3).
- (3) The descriptions are—
 - (a) the candidate withdraws candidature under section 21;
 - (b) the Returning Officer decides under section 22(1) or 23(4) that the candidate is not validly nominated;
 - (c) the Returning Officer has given a notice of death in respect of the candidate under section 23(1).
(Added 1 of 2011 s. 14)

18C. Candidate for other subsectors cannot stand for District Councils subsector election even though elected as District Council member

- (1) This subsection applies to a case in which—
 - (a) a person who is registered as a voter for any subsector other than the Hong Kong and Kowloon District Councils subsector and the New Territories District Councils subsector is nominated as a candidate for that subsector in a subsector election; and
 - (b) after the nomination but before the subsector election the person is elected as a member of a District Council under Part V of the District Councils Ordinance (Cap 547).
- (2) In a case to which subsection (1) applies—
 - (a) the validity of the nomination of the person for the subsector is not affected by the person's election; and
 - (b) the person is, whether or not returned at the election, disqualified—
 - (i) if the election is a subsector ordinary election, from being nominated as a candidate for the election in the Hong Kong and Kowloon District Councils subsector or the New Territories District Councils subsector; or
 - (ii) if the election is a subsector by-election, from being nominated as a candidate for the Hong Kong and Kowloon District Councils subsector by-election or the New Territories District Councils subsector by-election held during the term of the District Council for which the person is elected.

(Added 1 of 2011 s. 14)

19. Candidate to lodge deposit

- (1) A person is validly nominated as a candidate for a subsector at a subsector election only if a deposit has, in the manner prescribed by the EAC Regulations, been lodged with the Returning Officer for the subsector concerned by or on behalf of the person.
- (2) The deposit is to be of such an amount as prescribed by the regulations for the purposes of this section and is to be disposed of as provided by the regulations.

20. Person not to be nominated for more than one subsector

A person who is nominated as a candidate for a subsector at a subsector election is not eligible to be nominated as a candidate at another subsector election that is to be held on the same day or if the nomination periods for the elections coincide or partly coincide.

21. Withdrawal of candidature

- (1) A candidate for a subsector election may withdraw the candidate's candidature at any time before the close of nominations.
- (2) The withdrawal of such a candidate's candidature has effect only if it is in writing signed by the candidate and complies with the EAC Regulations.

22. Who are validly nominated candidates for subsector election

- (1) The Returning Officer for a subsector shall, as soon as practicable after receiving a nomination form that complies with the EAC Regulations, decide in accordance with those Regulations whether or not a person is validly nominated as a candidate at the subsector election.
- (2) The Returning Officer for a subsector shall, in accordance with the EAC Regulations, publish a notice stating which persons are validly nominated as candidates at the subsector election.

23. Death or disqualification of a validly nominated candidate before date of subsector election

- (1) If, after the Returning Officer has made a decision under section 22(1) that a candidate is validly nominated for a subsector election, but before the date of the subsector election, proof is given to the satisfaction of the

Returning Officer that the candidate has died, that Officer shall, in accordance with the EAC Regulations, give notice of the death.

- (2) If a notice under section 22(2) has been published, the Returning Officer shall also, in accordance with the EAC Regulations—
 - (a) publicly declare that the candidate under subsection (1) has died; and
 - (b) further declare which candidates are validly nominated for the subsector election.
- (3) Subsections (1) and (2) do not apply if the Returning Officer has publicly declared under section 25(1) that the candidate was duly elected as a member of the Election Committee.
- (4) If, after the Returning Officer has made a decision under section 22(1) that a candidate is validly nominated for a subsector election, but before the date of the subsector election, proof is given to the satisfaction of the Returning Officer that the candidate is disqualified from being nominated as a candidate for a subsector election, the Returning Officer shall, in accordance with the EAC Regulations, vary the decision to the effect that the candidate is not validly nominated. If the Returning Officer so varies the decision, that Officer shall, in accordance with those Regulations, give notice of the variation of the decision.
- (5) If a notice under section 22(2) has been published, the Returning Officer shall also, in accordance with the EAC Regulations—
 - (a) publicly declare that the decision has been varied; and
 - (b) further declare which candidates are validly nominated for the subsector election.
- (6) Subsections (4) and (5) do not apply if the Returning Officer has publicly declared under section 25(1) that the candidate was duly elected as a member of the Election Committee.

24. When holding of a subsector election can be postponed or adjourned

- (1) The Electoral Affairs Commission may by order direct the postponement of a subsector election if, before that election is held, the Commission is of the opinion that the election is likely to be obstructed, disrupted, undermined or seriously affected by riot or open violence or any other occurrence of public danger.
- (2) The Electoral Affairs Commission may by order direct the adjournment of the polling or counting of votes for a subsector election if, during the polling or counting of votes in respect of that election, the Commission is of the opinion that the polling or counting is likely to be or is being obstructed, disrupted, undermined or seriously affected by riot or open violence or any other occurrence of public danger.
- (3) The Returning Officer or Returning Officers concerned shall give effect to a direction under this section as soon as practicable after being notified of it.
- (4) If the subsector election, or polling or counting of votes at the subsector election, is directed to be postponed or adjourned under this section, the Electoral Affairs Commission shall specify a date for the holding of the subsector election, or the polling or counting, in place of the postponed subsector election or the adjourned polling or counting. The Electoral Affairs Commission shall give notice of that date in the Gazette. That date is to be not later than 14 days from the date on which the election, polling or counting of votes would have taken place but for the direction.

25. What is to happen if insufficient number of candidates is nominated for a subsector

- (1) If—
 - (a) after the close of nominations of candidates for a subsector ordinary election, no more candidates have been validly nominated than the number of members allocated to the subsector; or
 - (b) after the close of nominations of candidates for a subsector by-election, no more candidates have been validly nominated than the number of members to be returned at the by-election,the Returning Officer concerned shall, in accordance with the EAC Regulations, publicly declare the candidates for the subsector to be duly elected as members of the Election Committee representing the subsector.
- (2) If, after the close of nominations of candidates for a subsector election, no candidate was validly nominated, the Returning Officer concerned shall, by notice published in the Gazette, declare that no candidate was validly nominated for the subsector election.
- (3) If—
 - (a) after the close of nominations of candidates for a subsector ordinary election, the number of candidates validly nominated was less than the number of members allocated to the subsector; or

(b) after the close of nominations of candidates for a subsector by-election, the number of candidates validly nominated was less than the number of members to be returned at the by-election, the Returning Officer concerned shall, by notice published in the Gazette, declare that the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

26. Death or disqualification of a validly nominated candidate before declaration of election result

- (1) If, on or after the date of a subsector election but before declaring the result of the subsector election, proof is given to the satisfaction of the Returning Officer concerned that a validly nominated candidate for the subsector election has died or is disqualified from being elected, the proceedings for the subsector election are to begin (if they have not begun) or to continue (if they have begun) as if the death or disqualification had not occurred.
- (2) If—
 - (a) after the counting of votes is finished, the candidate referred to in subsection (1) is found to be successful at the subsector election; and
 - (b) there is no other candidate at the subsector election who can be returned under section 29(9) for the subsector in place of that candidate,the Returning Officer concerned shall, in accordance with the EAC Regulations, declare that—
 - (c) no candidate is returned at the subsector election; or
 - (d) (where more than one member of the Election Committee are to be returned at the subsector election and there are other candidates returned at the subsector election) the number of members of the Election Committee returned at the subsector election for the subsector is less than the number of members to be returned at the election.

27. How subsector election is to be conducted

- (1) At every contested subsector election—
 - (a) a poll is to be taken for the subsector; and
 - (b) voting at the poll is to be by secret ballot.
- (2) The poll is to be conducted in accordance with the EAC Regulations.
- (3) The Returning Officer appointed for a subsector is responsible for supervising a subsector election for the subsector in accordance with this Schedule, the Electoral Affairs Commission Ordinance (Cap 541) and the EAC Regulations.

28. Who is entitled to vote at a subsector election

- (1) A person is entitled to vote at a subsector election only if the person is registered as a voter for the subsector concerned.
- (2) A person registered as a voter for a subsector may not be prevented from voting at a subsector election only because the person's name should not have been included in the subsector final register prepared for the subsector.
- (3) A corporate voter may vote at a subsector election only by its authorized representative.

29. System of voting and counting of votes

- (1) Voting and counting of votes at a poll referred to in section 27 is to be conducted in accordance with the simple or relative majority system of election (otherwise known as the "first past the post" system of voting).
- (2) At a subsector ordinary election, a voter may vote for as many candidates as the number of members allocated to the subsector concerned and no more.
- (3) At a subsector by-election, a voter may vote for as many candidates as the number of members to be returned at the by-election and no more.
- (4) If a subsector ordinary election is contested by more candidates than the number of members allocated to the subsector, the candidates to be elected for the subsector are those who obtain the greatest number of

votes at the election and then the next greatest and so on until the required number of members is elected.

- (5) If a subsector by-election is contested by more candidates than the number of members to be returned at the by-election—
 - (a) in the case of a single vacancy, the candidate to be elected for the subsector is the one who obtains the greatest number of votes at the by-election; and
 - (b) in the case of more than one vacancy, the candidates to be elected for the subsector are those who obtain the greatest number of votes at the by-election and then the next greatest and so on until the required number of members is elected.
- (6) If, after the counting is finished at a subsector election, a member is still to be returned for the subsector and the most successful candidates remaining have an equal number of votes, the Returning Officer shall determine the result of the election by drawing lots. The candidate on whom the lot falls is to be returned at the subsector election.
- (7) As soon as practicable after determining the result of a subsector election, the Returning Officer concerned shall, in accordance with the EAC Regulations, publicly declare as elected the candidates who were successful at the subsector election.
- (8) Despite subsection (7), if, before declaring the result of a subsector election, proof is given to the satisfaction of the Returning Officer that the candidate or a candidate who was successful at the subsector election has died or is disqualified from being elected, that Officer shall not declare that candidate as elected.
- (9) If there is another candidate or there are other candidates at the subsector election who has not or have not been returned for the subsector, the candidate is to be returned or the candidate who obtains the greatest number of votes is to be returned (subject to that candidate's being not disqualified from being elected) in place of the deceased or disqualified candidate. In that case, the Returning Officer concerned shall publicly declare the candidate so returned to be elected.

30. When a voter is disqualified from voting at subsector election

- (1) A person registered as a voter for a subsector is disqualified from voting at a subsector election for that subsector, if the person—
 - (a) has ceased to be eligible to be registered as a voter for that subsector;
 - (b)-(d) (Repealed 7 of 2009 s. 4)
 - (e) is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
 - (f) is a member of the armed forces of the People's Republic of China or any other country or territory.
- (2) This section applies to an authorized representative of a corporate voter in the same way as it applies to a voter who is a natural person.

31. Consequences of non-compliance with requirements of this Schedule

In any proceedings brought to question the validity of a subsector election, the Revising Officer shall not declare the election to be invalid only because of—

- (a) a failure to comply with the regulations or with the EAC Regulations; or
- (b) a mistake in the use of a form specified under this Schedule or under the Electoral Affairs Commission Ordinance (Cap 541),

if the Revising Officer is satisfied on reasonable grounds that the conduct of the election was in accordance with the principles laid down in this Schedule and the Electoral Affairs Commission Ordinance (Cap 541) and that the failure to comply or mistake did not affect the result of the election.

32. Misnomer or inaccuracy not to affect operation of election document

- (1) A misnomer or inaccurate description of a person, a person's identity document or place specified in a document to which this section applies does not limit the full operation of the document with respect to that person, identity document or place if the description of the person, identity document or place is such as to be commonly understood.
- (2) This section applies to a subsector provisional register, a subsector final register, a nomination paper, ballot

paper, notice or other document prepared for the purposes of a subsector election.

(3) In this section—

identity document (身分證明文件) means—

- (a) an identity card issued to a person under the Registration of Persons Ordinance (Cap 177);
- (b) a document issued to a person under regulations in force under that Ordinance certifying that the person is exempt from being required to register under that Ordinance; or
- (c) any other document issued to a person that is acceptable to the Electoral Registration Officer as proof of the person's identity.

33. Subsector election to be presumed valid

Every subsector election is presumed to be valid, unless it is questioned by means of an appeal lodged with a Revising Officer within the period during which an appeal can be made to a Revising Officer under section 39 and the Officer, on the hearing of an appeal, determines that the election is invalid.

34. Subsector election not to be questioned only because of defect in appointment of electoral officer

A subsector election is not to be questioned only because of a defect in the appointment of an electoral officer who is responsible for conducting the subsector election.

35. Returning Officer to publish result of subsector election

- (1) The Returning Officer shall publish in the Gazette the names of the persons duly elected as members of the Election Committee at a subsector election.
- (2) The publication of a notice shall be in accordance with the EAC Regulations.

36. Offences by Returning Officers and others with respect to conduct of subsector election

- (1) Any person holding office as a Returning Officer or an Assistant Returning Officer at a subsector election who neglects or refuses to perform the functions of that office in relation to such an election commits an offence and is liable on conviction to a fine at level 2.
- (2) A prosecution for an offence under this section may be brought only with the consent of the Secretary for Justice.
- (3) A person is not to be liable to conviction under this section unless the complaint or information alleging the offence is laid within 3 months after the date of the alleged commission of the offence.

37. Voter not to be required to disclose how vote was cast

- (1) A voter who is asked to disclose the name of, or any particulars relating to, the subsector candidate for whom the voter voted at a subsector election is not required to answer the question.
- (2) A person shall not, without lawful authority, require or purport to require a voter at a subsector election to disclose the name of, or any particulars relating to, a subsector candidate for whom the voter voted at the subsector election.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2.
- (4) In this section, **voter** (投票人) includes an authorized representative of a corporate voter.

Division 4—Miscellaneous

38. Subsector candidates entitled to send letters to voters free of postage

- (1) A validly nominated candidate at a subsector election is entitled to send free of postage one letter addressed to each voter whose name appears in the subsector final register for the subsector for which the candidate is

nominated.

- (2) Each such letter is to relate to the election concerned and is to comply with all requirements and limitations (if any) prescribed by the EAC Regulations.
- (2A) A letter sent under subsection (1) by a candidate who is validly nominated at a subsector election—
 - (a) may contain information on any other candidate who is also validly nominated at that election; and
 - (b) is, if it contains any information mentioned in paragraph (a), not to be regarded, for the purposes of subsection (1), as being sent by that other candidate. (Added 18 of 2011 s. 35)
- (3) The cost to the Postmaster General of enabling subsector candidates to exercise their entitlements under this section is a charge on, and is to be met from, the general revenue.

39. Subsector election may be questioned only by appeal to Revising Officer

- (1) A person claiming to be a candidate at a subsector election may appeal against the result to a Revising Officer in accordance with the regulations.
- (2) An appeal under subsection (1) may be lodged only during the period of 7 days following the date on which the Returning Officer has published in the Gazette the result being appealed against.
- (3) Any person whose election is questioned by an appeal under this section and the Returning Officer in respect of the subsector election concerned may be made a respondent to the appeal.
- (4) At the hearing of the appeal, the appellant is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.
- (5) At the end of a hearing, the Revising Officer shall determine whether the person whose election is questioned was or was not duly elected.
- (6) The determination of the Revising Officer on such an appeal is final.

Part 5

Interim Register and Final Register of Members of Election Committee

(Amended 10 of 2006 s. 21)

40. Electoral Registration Officer to compile and publish interim register and final register

(Amended 10 of 2006 s. 21)

- (1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations— (Amended 10 of 2006 s. 21; 1 of 2011 s. 15)
 - (a) if the polling for the subsector ordinary elections for all subsectors is held on the same day, an interim register of members of the Election Committee within 7 days after the results of the elections are published under section 35; or
 - (b) if the polling for the subsector ordinary elections for different subsectors is held on different days, the relevant parts of an interim register of members of the Election Committee within 7 days after the results of the relevant elections are published under section 35. (Amended 1 of 2011 s. 15)
- (2) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations a final register of members of the Election Committee within 7 days after the result of a subsector by-election is published under section 35. (Amended 10 of 2006 s. 21)
- (3) The Electoral Registration Officer shall also compile and publish in accordance with the EAC Regulations a final register of members of the Election Committee within 7 days after a nominee under section 7(2) is declared as a member of the Election Committee under section 7, unless the period during which the nomination under section 7(2) is to be made and the nomination period for a subsector by-election coincide or partly coincide.
- (3A) The Electoral Registration Officer shall—
 - (a) compile in accordance with the EAC Regulations a final register of members of the Election Committee on the basis of the interim register of members of the Election Committee, incorporating any amendment made under section 41 or 42; and
 - (b) publish the final register in accordance with the EAC Regulations on the date on which the Election Committee is constituted. (Added 10 of 2006 s. 21)
- (4) If—

- (a) the Electoral Registration Officer has compiled and published a provisional register of members of the Election Committee under section 4;
 - (b) the Electoral Affairs Commission has ascertained under section 5(1)(a) the number of members representing each subsector (other than a subsector specified in items 1 and 2 of Table 4 in section 2) on the Election Committee; and
 - (c) the number of members representing each subsector on the Election Committee so ascertained is equal to the number of members allocated to the subsector in accordance with section 2(6),
- the Electoral Registration Officer shall, as soon as practicable after the Electoral Affairs Commission's ascertainment, publish in accordance with the EAC Regulations the provisional register as a final register of members of the Election Committee.

41. Electoral Registration Officer to amend interim register or final register to give effect to change in ex-officio membership

(Amended 10 of 2006 s. 21)

- (1) The Electoral Registration Officer may from time to time amend the interim register of members of the Election Committee or final register of members of the Election Committee in accordance with this section and the EAC Regulations to give effect to any change in the ex-officio membership of the Election Committee.
- (2) If a person is registered as an ex-officio member of the Election Committee—
 - (a) by virtue of being a person referred to in section 2(7)(c)(i), and subsequently that person ceases to be a Hong Kong deputy to the National People's Congress, that person ceases to be an ex-officio member of the Election Committee and the Electoral Registration Officer shall, subject to subsection (3), remove that person's name from the interim register of members of the Election Committee or final register of members of the Election Committee; or
 - (b) by virtue of being a person referred to in section 2(7)(c)(ii), and subsequently that person ceases to be a Member of the Legislative Council, that person ceases to be an ex-officio member of the Election Committee and the Electoral Registration Officer shall, subject to subsection (3), remove that person's name from the interim register of members of the Election Committee or final register of members of the Election Committee.
- (3) The Electoral Registration Officer shall register as ex-officio members of the Election Committee—
 - (a) persons who become Hong Kong deputies to the National People's Congress; and
 - (b) persons who become Members of the Legislative Council,
 from time to time (except those persons who are not Hong Kong permanent residents) in accordance with the EAC Regulations.
- (4) If the Electoral Registration Officer adds names to or removes names from the interim register or final register of members of the Election Committee under this section, that Officer shall, as soon as practicable after the addition or removal, publish, in accordance with the EAC Regulations, a notice to the effect that names have been so added or removed.

(Amended 10 of 2006 s. 21)

42. Electoral Registration Officer may amend register

- (1) The Electoral Registration Officer may amend a provisional register, interim register or final register of members of the Election Committee so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.
- (2) If a Revising Officer directs the Electoral Registration Officer to incorporate into the interim register of members of the Election Committee or final register of members of the Election Committee the Revising Officer's determination on an appeal under section 39 or 48, the Electoral Registration Officer shall also amend the register to effect the direction.
- (3) If the Electoral Registration Officer amends the interim register of members of the Election Committee or final register of members of the Election Committee under subsection (2), that Officer shall, as soon as practicable after the amendment, publish, in accordance with the EAC Regulations, a notice of the amendment.

(Amended 10 of 2006 s. 21)

43. When final register is to take effect

- (1) During the term of office of the Election Committee, a final register of members of the Election Committee is to—
 - (a) have effect as amended from time to time in accordance with sections 41 and 42 and the EAC Regulations after its publication; and
 - (b) cease to have effect on the publication of the next final register of members of the Election Committee.
- (2) If names have been removed from or added to the final register of members of the Election Committee under section 41(2) or (3), or the register has been amended under section 42(2), the register as amended is to take effect on the date of the publication of the notice under section 41(4) or 42(3).

Part 6

Miscellaneous

44. Appointment of Electoral Registration Officer and assistants

- (1) The Chief Executive shall appoint an Electoral Registration Officer and such number of Assistant Electoral Registration Officers as appears to the Chief Executive to be necessary for the purposes of registering persons as members of the Election Committee and as voters at subsector elections.
- (2) The Electoral Registration Officer has such functions as are conferred or imposed on that Officer by or under this Schedule.
- (3) An Assistant Electoral Registration Officer may, with the authority of the Electoral Registration Officer, perform the functions of Electoral Registration Officer.
- (4) The Secretary for Constitutional and Mainland Affairs shall publish in the Gazette a notice of the appointment of a person as Electoral Registration Officer and the Officer's address. (Amended L.N. 130 of 2007)
- (5) The executive authorities of the Government shall ensure that the Electoral Registration Officer is provided with such staff as that Officer requires in order to perform that Officer's functions under this Schedule.
- (6) Expenses properly incurred by the Electoral Registration Officer in the performance of that Officer's functions under this Schedule or the Electoral Affairs Commission Ordinance (Cap 541) are a charge on, and are payable from, the general revenue.

45. Electoral Registration Officer may specify forms

The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of this Schedule.

46. Appointment of Revising Officer

- (1) The Chief Justice may appoint any magistrate, or any legal officer within the meaning of the Legal Officers Ordinance (Cap 87), to be a Revising Officer for the purposes of this Schedule.
- (2) If no appointment is made under subsection (1), the Registrar of the High Court is taken to be a Revising Officer.
- (3) A Revising Officer has such functions as are conferred or imposed on the Officer by or under this Schedule.
- (4) A Revising Officer has, when performing the Officer's functions, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap 227).

47. Appointment of Returning Officers and assistants

- (1) The Electoral Affairs Commission shall appoint for each subsector a Returning Officer and such number of Assistant Returning Officers as appears to the Commission to be necessary to enable members of the Election Committee (other than ex-officio members) to be returned for the subsector.
- (2) A Returning Officer has such functions as are conferred or imposed on that Officer by or under this

Schedule.

- (3) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, perform the functions of Returning Officer.
- (4) The Electoral Affairs Commission shall publish in the Gazette a notice of the appointment of a Returning Officer and that Officer's address.
- (5) The executive authorities of the Government shall ensure that each Returning Officer is provided with such staff as that Officer requires in order to perform that Officer's functions under this Schedule.
- (6) Expenses properly incurred by a Returning Officer in the performance of that Officer's functions under this Schedule or the Electoral Affairs Commission Ordinance (Cap 541) are a charge on, and are payable from, the general revenue.

48. Right of appeal to Revising Officer against decisions of Electoral Registration Officer

- (1) A person who is dissatisfied with a decision of the Electoral Registration Officer made for the purposes of this Schedule may appeal against the decision to a Revising Officer.
- (2) The determination of a Revising Officer on such an appeal is final.
- (3) The Electoral Registration Officer, or an Assistant Electoral Registration Officer, is required to appear as the respondent at the hearing of the appeal.
- (4) At the hearing of the appeal, the appellant or any other person concerned in the appeal is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.

49. (Repealed 10 of 2006 s. 31)

(Amended E.R. 2 of 2012)

Chapter:	592	ACCREDITATION OF ACADEMIC AND VOCATIONAL QUALIFICATIONS ORDINANCE	Gazette Number	Version Date
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Schedule:	2	SELF-ACCREDITING OPERATORS	L.N. 26 of 2008	05/05/2008
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[sections 2 & 22 & Schedule 3]

1. The Chinese University of Hong Kong
2. City University of Hong Kong
3. Hong Kong Baptist University
4. The Hong Kong Institute of Education (excluding learning programmes which are not learning programmes in teacher education)
5. The Hong Kong Polytechnic University
6. The Hong Kong University of Science and Technology
7. Lingnan University
8. The Open University of Hong Kong
9. University of Hong Kong

Chapter:	602	Race Discrimination Ordinance	Gazette Number	Version Date
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Schedule:	1	EDUCATIONAL ESTABLISHMENTS AND THEIR RESPONSIBLE BODIES	L.N. 166 of 2009	10/07/2009
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[sections 2(1) & 84]

Item Educational establishment Responsible body

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| 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) |
| 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 Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145) | The Open University of Hong Kong established by The Open University of Hong Kong 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 Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444) | The Hong Kong Institute of Education established by The Hong Kong Institute of Education 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 |
| 14. Any school, within the meaning of section | The Permanent Secretary for Education |

3(1) of the Education Ordinance (Cap 279),
entirely maintained and controlled by the
Government

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| 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) |

Chapter:	608	MINIMUM WAGE ORDINANCE	Gazette Number	Version Date
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Schedule:	1	EDUCATION INSTITUTIONS	L.N. 147 of 2010	01/05/2011
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[sections 2 & 17]

1. The Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444).
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. The Open University of Hong Kong established by The Open University of Hong Kong Ordinance (Cap 1145).
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).

Chapter:	1117	THE ENGLISH SCHOOLS FOUNDATION ORDINANCE	Gazette Number	Version Date
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Section:	8	Nominating Committee	L.N. 86 of 2008	18/04/2008
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Remarks:

The original section 8 has been renumbered as section 23 — see 5 of 2008 s. 3.

- (1) There shall be a Nominating Committee whose function is to nominate persons to serve as members of the Board of Governors for the purposes of section 6(1)(h).
- (2) The Nominating Committee shall comprise the following members—
 - (a) 2 persons nominated by the Committee of School Council Chairmen from among the members of the Committee;
 - (b) 2 persons from the business sector, one of whom is nominated by The Hong Kong General Chamber of Commerce and the other by The British Chamber of Commerce in Hong Kong;
 - (c) one person who is active in the field of higher education nominated by one of the following higher education institutions, namely—
 - (i) the University of Hong Kong established by the University of Hong Kong Ordinance (Cap 1053);
 - (ii) The Chinese University of Hong Kong established by The Chinese University of Hong Kong Ordinance (Cap 1109); or
 - (iii) The Hong Kong Institute of Education established by The Hong Kong Institute of Education Ordinance (Cap 444); and
 - (d) one person nominated by the Committee of Parents from among the members of that Committee.
- (3) The higher education institutions mentioned in subsection (2)(c) shall act in rotation in nominating a person for the purposes of that paragraph.
- (4) In selecting persons for nomination as members of the Board, the Nominating Committee shall have regard to the desirability of having as wide a range of experience and expertise represented on the Board as is practicable.
- (5) In order to broaden the pool of candidates available for nomination as a member of the Board under section 6(1)(h), the Nominating Committee shall invite professional groups and business organizations to submit the names of persons who are eligible to be nominated as such a member.
- (6) Any decision of the Nominating Committee concerning nominations to the Board shall be final.

(Added 5 of 2008 s. 8)