

**NON-LOCAL HIGHER AND PROFESSIONAL EDUCATION
(REGULATION) ORDINANCE (CAP.493)**

**Guidance Notes for Completion of Form 1A -
Application for Registration of a Course to be Offered by
a Non-local Institution Leading to a Non-local Higher Academic Qualification**

The following Guidance Notes are to assist Operators to complete “Form 1A - Application for Registration of a Course to be Offered by a Non-local Institution Leading to a Non-local Higher Academic Qualification” (the Form) under the Non-local Higher and Professional Education (Regulation) Ordinance (the Ordinance). The Notes should be read in conjunction with the Ordinance itself and the Non-local Higher and Professional Education (Regulation) Rules, Cap.493B (the Rules). Applicants are advised to refer to Section 2 of the Ordinance and Section 2 of the Rules respectively for interpretation of the terms used.

Pursuant to section 12(1) of the Ordinance, the Registrar of Non-local Higher and Professional Education Courses (the Registrar) will, upon issue of the certificate of registration, impose a condition in relation to the operation of the course that the operator shall maintain copies of each student’s application form(s), offer letter(s), credit exemption document(s), attendance record(s), transcript(s), certificate(s) and payment record(s) in relation to the course commencing from the beginning of the student’s studies until two calendar years after the completion or termination (on whatever grounds) of such student’s studies. Under section 12(4) of the Ordinance, the operator of the course may appeal to the Non-local Higher and Professional Education Appeal Board against the imposition of a condition imposed under section 12(1) within 1 month after being notified of the imposition of such condition. The Registrar may issue a proposal to cancel the registration of a course under section 13 of the Ordinance, and may subsequently cancel such registration under section 14 of the Ordinance, if a condition imposed under section 12(1) is not fulfilled.

ONE Application Form is to be used for each course. If you are seeking registration of more than one course, please use separate Application Forms. Photocopies of the Application Form are acceptable.

Items on the Form are designed to elicit the information necessary to consider the course for registration in accordance with the stipulated criteria. You should provide accurate and complete information as required in the Form, and you can furnish any relevant information that could assist the processing of the application. Please put ‘N/A’ for item(s) not applicable and use separate sheets if there is not enough space in the Form. Please however be reminded that incomplete application form and inadequate information might render your application not able to be processed and your application might be rejected without completing the assessment process.

Purely distance learning courses with no physical presence in Hong Kong, as defined in section 2 of the Rules, are not subject to regulation under the Ordinance. However, the Registrar welcomes applications for registration of such courses on a voluntary basis.

Enquiries should be addressed to-

Non-local Courses Registry, Education Bureau
Room 603, 6/F, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong
Telephone No. : (852) 2520 0255 or (852) 2520 0559
Fax No. : (852) 2520 0061
E-mail Address : enquiry_ncr@edb.gov.hk

A. Particulars of Operator

An operator is the person, institution, or body which is in charge of the conducting of the course in Hong Kong or who enters into a contract with another person under which the course is offered to that person.

An application may be made by a person, an agency or a representative's office conducting the course in Hong Kong on behalf of the Non-local Institution, OR by the Non-local Institution itself. In some cases, the operator named in this Section may also be the institution named in Sections B and C of the Form.

Proof of Identity (Attachment 1)

If the operator is an individual, please provide a copy of ID CARD and the utility bill/bank statement/ other relevant documentation showing the address at which he/she ordinarily resides or from which he/she carries on business;

If the operator is a registered school under the Education Ordinance (Cap.279), please provide a copy of the relevant School Registration Certificate;

If the operator is a company (solely owned, partnership/consortium or limited), please provide a copy of the Business Registration Certificate on which the address of the company's registered office in Hong Kong is shown;

If the operator is a non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622), please provide the address of the principal place of business of the company in Hong Kong;

If the operator is a body other than a company or an unincorporated body of persons, please provide the relevant registration document, e.g. society of registration, showing the address from which the body transacts business.

B. Information about the Non-local Institution Responsible for the COURSE

Item 1: The name of the Non-local Institution should be the legal name of the institution in the country where it operates.

Item 3: The official address of the Non-local Institution should be the address of the institution where it is legally registered.

Item 10: The following documentary evidence, as Attachment 2, is expected by HKCAAVQ:

Country/Area	Examples of Documentary Evidence for Accreditation/ Approval Status of the Non-local Institution
Australia	■ A screen cap of/ link to the website of Tertiary Education Quality and Standards Agency (TEQSA) ■ The approval documents from the Australian Skills Quality Authority (ASQA) ■ A screen cap of/ link to the website of Victorian Registration & Qualifications Authority (VRQA)
Chinese Mainland	■ List of Chinese Colleges and Universities (全國高等學校名單) published by the Ministry of Education

Country/Area	Examples of Documentary Evidence for Accreditation/ Approval Status of the Non-local Institution
New Zealand	■ A screen cap of/ link to the website of the New Zealand Qualifications Authority (NZQA)
Switzerland	■ A screen cap of/ link to the list of “Recognised or Accredited Swiss Higher Education Institutions” maintained by Swiss universities
The United Kingdom	■ The Orders of the Privy Council of the United Kingdom showing the statute of the institutions ■ Approval documents from The Office of Qualifications and Examinations Regulation (Ofqual) ■ A screen cap of/ link to the website of The Quality Assurance Agency for Higher Education (QAA)
The United States of America	■ A screen cap of/ link to the website of the relevant regional accreditor/ accreditation body (e.g. Commission on Colleges of the Southern Association of Colleges and Schools (SACS)/ Texas Higher Education Coordinating Board)

Note: The examples listed above are not exhaustive. Institutions should provide the relevant evidence to prove their recognition status according to educational system of their own countries.

Item 13: Total current staff complement (headcount)

“Hong Kong staff” refers to any salaried staff of the institution who are based in Hong Kong. It does not refer to visiting staff from the home institution, nor to staff of the local agency or representative’s office, unless such staff are appointed and paid by the institution.

(Note: The presence of salaried staff in Hong Kong is NOT a requirement for course registration.)

Item 15 – 20: Information about the Local Agency/ Representative’s Office, if any

This section is only applicable if the Operator is the Non-local Institution who would like to remotely operate their courses in Hong Kong. The local agency/representative’s office should be authorised to act on behalf of the Non-local Institution to create legal relationships with a third party, e.g. students undertaking the course. A local agency/ representative’s office who acts within the scope of authority conferred by his or her principal binds the principal in the obligations he or she creates against third parties.

The presence of a local agency/representative’s office is NOT a requirement for course registration.

C. Information about the Non-local Institution/Body Responsible for the AWARD (if different from Section B)

This Section applies to a course which has been accredited or validated by another institution/body, which will award the qualification. For example, the course may be offered by a non-local college, but students who successfully complete the course may receive the award from a non-local university.

Item 10: The following documentary evidence, as **Attachment 3**, is expected by HKCAAVQ:

Country/Area	Examples of Documentary Evidence for Accreditation/Approval Status of the Non-local Institution/Body Responsible for the Award
Australia	■ A screen cap of/ link to the website of Tertiary Education Quality and Standards Agency (TEQSA) ■ The approval documents from the Australian Skills Quality Authority (ASQA) ■ A screen cap of/ link to the website of Victorian Registration & Qualifications Authority (VRQA)
Chinese Mainland	■ List of Chinese Colleges and Universities (全國高等學校名單) published by the Ministry of Education
New Zealand	■ A screen cap of/ link to the website of the New Zealand Qualifications Authority (NZQA)
Switzerland	■ A screen cap of/ link to the list of “Recognised or Accredited Swiss Higher Education Institutions” maintained by Swiss universities
The United Kingdom	■ The Orders of the Privy Council of the United Kingdom showing the statute of the institutions ■ Approval documents from The Office of Qualifications and Examinations Regulation (Ofqual) ■ A screen cap of/ link to the website of The Quality Assurance Agency for Higher Education (QAA)
The United States of America	■ A screen cap of/ link to the website of the relevant regional accreditor/ accreditation body (e.g. Commission on Colleges of the Southern Association of Colleges and Schools (SACS)/ Texas Higher Education Coordinating Board)

Note: The examples listed above are not exhaustive. Institutions should provide the relevant evidence to prove their recognition status according to educational system of their own countries.

D. Information about the Course to be Conducted in Hong Kong and the Course in Home Country

Item 1 : Equivalent/Comparable Course

An equivalent course is a course leading to the same qualification with identical mode of delivery/duration/entry requirements/curriculum/assessment methods. **A comparable course** is one that leads to the same qualification, but is different in its mode of delivery/duration/entry requirements/curriculum/assessment methods.

Item 2: Service Agreement (Attachment 4)

There should normally be a contract/service agreement for the non-local course between the Non-local Institution and its collaborative partner in Hong Kong indicating the terms of collaboration. A valid Service Agreement/Contract includes but is not limited to the following:

- ♦ Names of the Non-local Institution and the Operator
- ♦ Names of the course(s) and validity period of the collaborative arrangement
- ♦ Duties and responsibilities of the respective parties in regard to the particular course

- ♦ Termination arrangement
- ♦ Signed signatory page with date and signed by person(s) with authority to represent and bind the organisation(s) they represent by signing the agreement/contract.

If no contract/service agreement exists between the Non-local Institution and the Operator, the Operator must explain in detail how the partnership is to be operated regarding the distribution of responsibilities between the two parties and how to ensure that the parties carry out the duties up to satisfaction.

Item 3: Division of Responsibilities

The Operator and Non-local Institution should have a clear division of responsibilities and such division of responsibilities should be clearly stated. If a particular task is handled by both the Operator and the Non-local Institution, please tick both boxes.

Item 4: Comparison Table

(c) Course Approval (**Attachment 5**)

The home course and the proposed non-local course to be offered in Hong Kong should have undergone the established internal and external validation/ approval procedures. Hence, the documentary evidence for both courses (i.e. home course and Hong Kong course) should be made available for the assessment. The following documentary evidence, as **Attachment 5**, is expected by HKCAAVQ:

<u>Assessment item</u>	<u>Documentary Evidence to be presented</u>
Comparable/ Equivalent Home Course	<u>Internal Validation and Approval</u> (i) From the Awarding Institution ■ Minutes of the Senate/Academic Board/highest academic authority of the institution clearly indicating the approval of the home course and the award(s) preferably with approval period; and ■ Validation Panel Report (if any) (ii) From the Offering Institution (if different from the awarding institution) ■ Minutes of the highest academic authority clearly indicating the approval of the home course; and <u>External Validation/Approval (if external accreditation is required)</u> From the External Authority, e.g. a national accreditor/ accreditation body or the education authority in the home place of origin: ■ A formal written approval (preferably with validity period) for the home course; or ■ A formal written approval (preferably with validity period) for the home institution to offer the home course
Examples	<u>The United Kingdom and Australia</u> ■ Minutes of the Senate/Academic Board of a recognised university to approve the original home course or the Quality Assurance Committee/Sub-Committee under the Academic Board to approve a latest revalidation/change; and/or ■ Minutes of the highest academic authority of a Listed Body to approve the course/latest review and award; and the approval evidence from the Office of Qualifications and Examinations Regulation (Ofqual), UK or the database on Vocational Education and Training in Australia.

<u>Assessment item</u>	<u>Documentary Evidence to be presented</u>
	<u>The United States of America</u> ■ Minutes of the Board of Trustees to approve the original home course or the highest academic authority to approve the latest revalidation/change; and ■ Letter from the relevant regional accreditor/ accreditation body (e.g. Commission on Colleges of the Southern Association of Colleges and Schools (SACS)/ Texas Higher Education Coordinating Board) on the home course or the home institution. <u>Chinese Mainland</u> ■ Ministry of Education's approval document of the home course
The proposed Hong Kong Course	<u>Internal Validation/Approval</u> (i) From the Awarding Institution ■ Same as home course (ii) From an Offering Institution (if different from the awarding institution) ■ Same as home course <u>External Validation/Approval (if required)</u> From an External Authority, e.g. a national accreditor/ accreditation body or the education authority in the home place of origin: ■ Same as home course
Examples	<u>The United Kingdom and Australia</u> ■ Meeting minutes of the Quality Assurance Committee, which is the highest course approval authority of the home institution, which can indicate the Hong Kong course has been approved by the named Committee. <u>The United States of America</u> ■ Minutes of the Board of Trustees to approve the offering of the course in Hong Kong; and ■ Letter from the relevant regional accreditor/ Accreditation Body (e.g. Commission on Colleges of the Southern Association of Colleges and Schools (SACS)/ Texas Higher Education Coordinating Board) on the approval of the Hong Kong course. <u>Chinese Mainland</u> ■ Minutes of the highest academic authority of the home institution to approve the course/latest review and award.

(e) Length of course

Standard length:

Please specify the length of study for a student who is admitted with basic/minimum qualifications and without credit exemption/deferment of study. The period should be indicative of the normal time during which a student could complete the course and obtain the qualification concerned, and should include all periods of non-studying periods (e.g. term-breaks).

Minimum length:

Please specify the minimum length of time in which a student could possibly complete the course and obtain the qualification, e.g. in case of a student taking maximum loading or entering the

course with maximum exemption / transfer of credits granted.

Maximum allowable length: Please specify the maximum length of time a student is allowed to complete the course and obtain the qualification. Under normal circumstances a student should be considered to have failed and not allowed to continue his/her study after this period.

(f) Student Number

Item vi: Profile of Students – please provide the distribution of the entry routes and entry qualifications of each entry route for students admitted in the latest intake of the home course to enable assessment of how the proposed practices of the Hong Kong course compare with that of the home course.

(g) Teaching Staff

Please give a profile of all the teaching staff directly involved in the delivery of the home course and Hong Kong course as well as the following:

- (i) Hong Kong staff appointed to assist with teaching and learning activities in Hong Kong; and
- (ii) any other staff who are not full-time academics in the non-local institution, or other persons from outside Hong Kong who are appointed to assist with teaching and learning activities in Hong Kong.

The profile should reflect the academic background, teaching and research experience of the staff concerned. If staff are not yet recruited, the academic, teaching and research requirements for staff to be appointed shall be listed.

(h) Admission

Please state the minimum entry requirements as published in the course prospectus, which should have been approved by the relevant authority as stated in Item 4(c) above. If admission to the course through a non-standard route (e.g. mature student scheme) is available, details should be provided and the maximum number of admissions through such route for each cohort must be stated.

For courses conducted in English, operator should refer to the policy of the Non-local Institution for admitting international students and specify the minimum English Language Proficiency such as IELTS or TOEFL scores.

(i) Curriculum (**Attachment 6**)

For the assessment of a new application and change, the latest versions of the course Documents/Syllabuses of the home and Hong Kong courses should be made available to HKCAAVQ. They serve as essential information to illustrate the details of the courses and how the standard of the Hong Kong course could be deemed comparable to the home course. Latest Approved Definitive Course Document or relevant Module Descriptors for both the home and Hong Kong courses must be presented as **Attachment 6** to the application.

Please outline changes, if any, to the structure and/or curriculum of the home course, including

adaptations which seek to take into account the Hong Kong circumstances, such as additional materials on the local context, local case studies, references to local texts/articles, a locally developed unit, assignments with local relevance, assessment by formal examination, etc.

(j) Requirement for award of the qualification (Attachment 7)

Please outline differences, if any, between the requirements for award of the qualification for home course students and Hong Kong students.

If internship and placement are applicable to the Hong Kong course for award of qualification, the following documentary evidence as **Attachment 7** is expected by HKCAAVQ:

Home Course	■ Samples of internship agreement (undertaking) with internship partner agencies; ■ Internship implementation guidelines; ■ Samples of intern evaluation/ assessment reports; ■ Supervision and assessment guidelines for internship supervisors.
Hong Kong Course	■ Samples of internship agreement (undertaking) with internship partner agencies; ■ Internship implementation guidelines; ■ Samples of intern evaluations/ assessment reports; ■ Supervision and assessment guidelines for internship supervisors.

(k) Assessment

This refers to the assessment pattern and the relevant weighting of each component for each year of study. For example,

	Year 1	Year 2	Year 3
Written examination	30%	30%	-
Continuous assessment	70%	50%	30%
Thesis/Dissertation/Project	-	20%	-
Other	-	-	70%

This is an indicative format only and operators may alter it to suit the special circumstances of their individual courses.

Item 9: External Examiner(s) / Moderator(s) for the Course in Hong Kong

Where there is no external examiner/moderator system in place, please provide information about any system/procedures for ensuring that standards in Hong Kong are comparable to those at the home institution as **Attachment 8**.

Item 10: Name(s) and address(es) of person(s) / organisation(s) responsible for the administration of examinations in Hong Kong (if applicable)

If examinations are not directly administered by the non-local institution, please name the person(s) or organisation(s) responsible for conducting examinations in Hong Kong, e.g. the Hong Kong Examinations and Assessment Authority.

Item 11: Teaching/Learning activities associated with the course

Please provide a breakdown of the contact hours for lectures, tutorials and group discussions in each of the modules and indicate the division of teaching hours among the home and Hong Kong teaching staff in each module of study including thesis/dissertation/project supervision as **Attachment 9**.

Item 12: Student facilities and support services provided in Hong Kong (**Attachment 10**)

Learning materials: please specify the study material available and/or provided to students (e.g. video-tapes, self-study packages, course books) .

Access to library: "library" here refers to libraries of local institutions/organisations. Please give the names of the libraries and details of the types of access available e.g. reference, reader, borrower.

Other Support: please specify any teaching and learning support not mentioned elsewhere (e.g. E-mail, 'fax-a-tutor', language laboratory, practicum, study skills, advice and counselling, etc).

Item 13: Professional qualification

Please refer to section 2(2)(b) of the Ordinance which details what a course leading to the award of a non-local professional qualification is. If the course leads to both non-local higher academic qualification and professional qualification, the completed Form 1P should be returned along with Form 1A pertaining to the same course.

E. Quality Assurance Procedures

The information provided in this Section should describe the quality assurance procedures in place to ensure that the course in Hong Kong is delivered to an academic standard comparable with a course conducted in the home country leading to the same qualification. Any existing quality assurance documents, e.g. Quality Assurance Manual, Quality Framework, Academic Quality Standard, should be provided as **Attachment 11**. Please note that insufficient information provided in this Section may cause delay in processing the application.

Item 6(c): Feedback channels for Hong Kong students and teaching staff

The student feedback collected via the stipulated quality assurance mechanisms provides useful information to illustrate the quality of delivery of the Hong Kong course and the effectiveness of the mechanisms to address the needs of students by both the home institution and the operator. Samples of End-of-Module Evaluation Questionnaire template and where applicable end of course/semester/term questionnaire templates (as **Attachment 12**) are expected by HKCAAVQ for assessment.

F. Fee Schedule

Please note that under Section 10(3)(d)(i) of the Ordinance, there should be an express term in the contract between the operator and students stating that the tuition fee charged for any part

of the course (as defined in Section 2(7) of the Ordinance) shall not be payable before the period of 3 months. Only under exceptional circumstances and with full justification from the operator will the Registrar exercise the discretion conferred by the Ordinance and allow any other period for payment of tuition fee.

Please also refer to section 10(3)(e) of the Ordinance and sections 4 and 6 of the Rules regarding the payment, collection and refund of fees and charges. A sample contract with students with the terms of payments and a copy of the proposed terms of refund should be provided as **Attachments 13 and 14** respectively.

G. Declaration by the Operator of the Course

This declaration should be signed by the Operator of the course as defined by the Ordinance. The course name shall tally with that shown on page 2 of Form 1A. If the Operator is not an individual, Form 1A should be signed by:

- ♦ the Supervisor of the School as defined under the Education Ordinance when the Operator is a registered school under the Education Ordinance (Cap.279);
- ♦ the proprietor/one of the proprietors of the company when the Operator is a solely owned/private company;
- ♦ one of the partners when the Operator is a partnership firm/consortium;
- ♦ the Manager as defined by section 2(1) of the Companies Ordinance (Cap. 622) when the Operator is a limited company/non-Hong Kong company;
- ♦ the Executive Head who takes the lead managerial responsibilities of the Operator when none of the above is applicable.

Please note the WARNING at the end of the Guidance Notes.

H. Statement by Executive Head of Non-local Institution Responsible for the Course

The declaration in Section G should be supported by this statement from the head of the non-local institution offering the course. The course name should tally with that shown on page 2 of Form 1A.

Please note the WARNING at the end of the Guidance Notes.

I. Undertaking by the Designated Person

A "designated person" in relation to a registered course means the person who has given an undertaking referred to in section 10(1)(c)(iii) or 36(2) or (4) of the Ordinance in respect of the course, and has not been replaced under Section 36 of the Ordinance.

The role and functions of a designated person is described in sections 13(2)(a), 14(2)(a), 16(3)(b)(i), 16(5)(b), 19(1), 19(3) and 21(3) of the Ordinance.

A designated person of a registered course who fails to comply with a requirement under sections 13(2)(a), 14(2)(a) or 16(3)(b) commits an offence, see section 17 of the Ordinance. The operator or designated person of a registered course who fails to comply with the requirements to notify the Registrar and/or students of the course of any changes in accordance with sections 19(1) or (3) commits an offence, see section 19(4) of the Ordinance.

Please provide photocopy of ID Card of designated person (**Attachment 15**) and the address at which the designated person ordinarily resides and the address from which he/she carries on business.

WARNING

Please note that it is an offence to make a statement or representation of facts which is false in connection with the Ordinance. Your attention is drawn to the provisions of the Ordinance, and in particular to:

Section 33(1)

"Any person who in purported compliance with the provisions of this Ordinance or a requirement under this Ordinance makes any statement or representation of facts which is false in a material particular and which -

- (a) he knows to be false in such particular; or
 - (b) he has no reasonable ground to believe to be true in such particular,
- commits an offence."

Section 33(2)

"Any person who conceals, destroys, mutilates or falsifies any document or record affecting or relating to the affairs of any course with the intention of -

- (a) concealing any offence against this Ordinance or contravention of any condition imposed under Section 12; or
- (b) obstructing any public officer in the performance of his functions under this Ordinance,

commits an offence."

Section 33(3)

"Any person who commits an offence under Subsection (1) or (2) is liable on conviction to a fine at level 4 and to imprisonment for 2 years."