

## Guideline on Registration as an Eligible Course under the Extended Non-means-tested Loan Scheme

**Student Finance Office**

**Working Family and Student Financial Assistance Agency**

### *For Course Providers not having the self-accreditation status or Programme Area Accreditation status granted by HKCAAVQ*

#### **I. Background**

1.1 The Non-means-tested Loan Scheme (“NLS”) was first introduced in the 1998/99 academic year to provide an alternative source of finance to post-secondary students who did not wish or failed to go through the means test under the means tested financial assistance scheme to assist them to pursue studies. Loan borrowers do not need to go through any means test, or provide security for the loans. For safeguarding public resources, NLS operates on a no-gain-no-loss and full-cost recovery basis.

1.2 The ambit of NLS was later extended to provide loans for students pursuing a wide and diverse range of part-time and full-time post-secondary/continuing and professional education courses, which is now known as the **“Extended Non-means-tested Loan Scheme (ENLS)”**. Courses covered by the Tertiary Student Finance Scheme – Publicly-funded Programmes (“TSFS”) / Non-means-tested Loan Scheme for Full-time Tertiary Students (“NLSFT”) and Financial Assistance Scheme for Post-secondary Students (“FASP”) / Non-means-tested Loan Scheme for Post-secondary Students (“NLSPS”) are not eligible under ENLS.

#### **II. Course Eligibility under ENLS**

2.1 The Government completed a review on the operation of the non-means-tested loan schemes in 2012 and has implemented a package of improvement measures from the 2012/13 academic year. One of the improvement measures is to suitably revise the course eligibility criteria of ENLS to restrict the eligible courses to those with a reasonable degree of quality assurance. With effect from 1 July 2012, the eligible courses under ENLS has been revised as follows:

- (1A) Courses accredited by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (“HKCAAVQ”);
- (1B) Courses offered by institutions (including their Schools of Professional and Continuing Education) by virtue of their self-accreditation status or Programme Area Accreditation status;
- (2) Courses under Diploma of Applied Education (“DAE”) / Diploma Yi Jin (“DYJ”);
- (3) Courses covered by the Financial Assistance Scheme for Designated Evening Adult Education Courses;
- (4) Training or development courses provided or funded by local statutory bodies; and
- (5) Registered courses and exempted courses under the Non-local Higher and Professional Education (Regulation) Ordinance (Chapter 493).

### III. Register of Eligible Courses

3. The Student Finance Office (“the Office”) maintains a Register of Eligible Courses (“Register”) under ENLS. The Register is available at the website of the Office ([https://www.wfsfaa.gov.hk/en/resources/course\\_search/index.htm?category=preprimary](https://www.wfsfaa.gov.hk/en/resources/course_search/index.htm?category=preprimary)). With the exception of institutions with self-accreditation status or Programme Area Accreditation status granted by the HKCAAVQ, all course providers have to apply to the Office for registration of their courses. The Office will approve the inclusion of these courses into the Register after having checked their eligibility and having satisfied with their operation. The Register will be put under constant review. Information contained in the Register is for reference only. The Office reserves the right to amend, delete or alter the Register without prior notice.

### IV. Scope of loans under ENLS

4.1 ENLS provides loan(s) to students to settle **tuition fees** of eligible full-time or part-time courses conducted in Hong Kong. Other fees / charges such as application fee, registration fee, examination fee, graduation fee, continuation fee etc., are not covered by ENLS.

4.2 Courses fulfilling the eligibility mentioned in paragraph 2.1 above must also fulfill the following criteria for the purpose of ENLS:

- (a) the tuition fee of the course under application must not be less than HK\$1,000; and
- (b) the duration (i.e. from commencement date to completion date) of the course under application must not be shorter than 1 month.

4.3 There are two payment methods for the loan(s) under ENLS:

- (a) unpaid tuition fees:  
issue of cheque(s) by instalment(s) made payable to course provider or its operator / local agency (if applicable) and to be collected by the applicant in person or by an authorised person on his / her behalf; and / or
- (b) tuition fees already paid by the applicant:  
direct credit to the applicant’s personal bank account.

Hence, course providers are required to provide the name of cheque payee to the Office for preparation of the cheques. Normally, the name of cheque payee should be the same as the course provider. In case the course provider chooses to use another entity as the name of cheque payee, the course provider has to submit proof of relationship between the course provider and that entity to justify the deviation.

## V. Procedure for Registration of Course under ENLS

5.1 To apply for registration as an eligible course under ENLS, institution not having the self-accreditation status or Programme Area Accreditation status granted by the HKCAAVQ has to follow the procedure specified below:

- (a) download the “Application Form for Registration as an Eligible Course under the Extended Non-means-tested Loan Scheme” and the “Guideline on Registration as an Eligible Course under the Extended Non-means-tested Loan Scheme” from the website of the Office ([https://www.wfsfaa.gov.hk/en/sfo/postsecondary/enls/course\\_provider.php](https://www.wfsfaa.gov.hk/en/sfo/postsecondary/enls/course_provider.php));
- (b) study the Guideline and complete the Application Form carefully; and
- (c) submit the duly completed Application Form with **all** relevant information and supporting documents to the Office.

## VI. Timeframe and Result of the Application

6.1 The Office will determine whether a course should be approved for registration under ENLS after having checked its eligibility and having satisfied with its operation. In the process, the Office may approach the course provider for further information and conduct an inspection to the premises of the course provider, as deemed appropriate.

6.2 Subject to the availability of all required information, the Office will normally take 4 weeks for processing the application. The processing time may be lengthened if the information and supporting documents provided by the course provider are not complete and in order. The Office will notify the course provider of the result in writing. The registration will not take effect before the Office’s approval is given.

6.3 Approval of registration of course is subject to the Terms and Conditions set out in the letter of approval issued by the Office to the course provider concerned and the Terms and Conditions set out in the Appendix of this Guideline. The Office reserves the rights to make changes to the Terms and Conditions where necessary and appropriate as deemed by the Office.

6.4 Course providers should study carefully the Terms and Conditions subject to which registration of a course as an eligible course is approved.

## **VII. Requirements of the Office**

7.1 Course providers are required to issue an admission letter to every ENLS applicant clearly stating the following information:

- (a) ENLS applicant's full name (i.e. student's full name);
- (b) course name;
- (c) mode of study (i.e. full time / part time);
- (d) payment schedule;
- (e) tuition fee amount;
- (f) course commencement date and completion date; and
- (g) cheque payee name.

The admission letter must be authenticated by the course provider and bear the institution chop for verification purpose.

7.2 In the case that the ENLS applicant has already paid all or part of the tuition fee(s), course providers are required to issue official receipt(s) to the ENLS applicant clearly stating the following information:

- (a) ENLS applicant's full name (i.e. student's full name);
- (b) course name;
- (c) date of payment received;
- (d) amount of tuition fee(s) paid;
- (e) month(s) / instalment(s) covered by the fee paid (if applicable); and
- (f) payment method.

The receipt must be authenticated by the course provider and bear the institution chop for verification purpose.

7.3 Course providers must keep complete and accurate student records. The Office may conduct inspections on the records including but not limited to enrollment and student records, tuition fees payment and attendance records to authenticate the information provided by ENLS applicants.

7.4 The Office may ask the course providers from time to time to confirm whether ENLS applicants have completed / withdrawn from / ceased / suspended / deferred their studies.

7.5 Course providers must also abide by any other conditions set by the Office from time to time for the purpose of efficient administration of ENLS.

## **VIII. De-registration and Suspension**

8.1 Courses in the Register of Eligible Courses under ENLS are liable to be de-registered or suspended upon the occurrence of certain specified events. The provisions concerning de-registration or suspension of a course are set out in Annex to the Terms and Conditions at the Appendix hereto.

**Terms and Conditions Applicable to Eligible Courses  
under the Extended Non-means-tested Loan Scheme (“ENLS”)**

**Registration as an Eligible Course under ENLS**

The approval of the Student Finance Office (“the Office”) of registration of the course (“Course”) as an eligible course under ENLS (“Registration”) is granted on and subject to the following Terms and Conditions:

1. The Course shall fulfill and meet all the requirements and specifications set out in the approval letter and in:
  - (a) the “Guideline on Registration as an Eligible Course under the Extended Non-means-tested Loan Scheme” (including the terms and conditions be amended from time to time) (“Guideline”); and
  - (b) the “Application Form for Registration as an Eligible Course under the Extended Non-means-tested Loan Scheme” and all supporting documents and revisions submitted by the course provider prior to the Registration in connection with its application for Registration.

(All of the above together with the Approval Letter are collectively referred to as “ENLS Terms”.)

2. It is the course provider’s responsibility to ensure all premises are safe for the purpose of delivering the Course and adequate protection has been taken against all risks including fire and structural risks.
3. The course provider shall keep record on the following in respect of the Course for 3 years, which should be produced for inspection and photocopying by officers of the Office from time to time upon request:
  - (a) enrollment of each ENLS applicant;
  - (b) attendance of each ENLS applicant;
  - (c) receipts of payment of tuition fees from each ENLS applicant;
  - (d) promotion/publicity materials of the Course; and
  - (e) such other records mentioned in other parts of ENLS Terms.
4. The course provider should inform the Office of any proposed change(s) to the specifications and arrangements of approved course so long as the Registration remains in effect. Such changes includes for example, changes to course name, particulars of responsible person / authorized contact person, venue, mode of delivery, tuition fees payable by ENLS applicants, name of cheque payee and any licensing, partnership or collaboration arrangement and so on. The course provider should inform the Office of the proposed change(s) by completing the “Course Amendment Form for an Eligible Course under the Extended Non-means-tested Loan Scheme” which can be downloaded at the website of the Office  
[https://www.wfsfaa.gov.hk/en/sfo/postsecondary/enls/course\\_provider.php](https://www.wfsfaa.gov.hk/en/sfo/postsecondary/enls/course_provider.php)).

5. The course provider shall not effect any of change(s) as stated in paragraph 4 above without prior agreement of the Office. The course provider should inform the Office immediately of any suspension, cancellation or discontinuation of the Course. Nothing herein shall be construed to prejudice the Office's power to amend the documents mentioned in paragraph 1(a) and 1(b) above from time to time.
6. Promotion of the Course as an eligible course under ENLS could commence only after the Office's approval to include it into the Register of Eligible Courses. The following wordings should be used in the description of "eligible courses" in the course provider's promotional materials or any other related documents in relation to the Course:

**“This course is an eligible course under  
the Extended Non-means-tested Loan Scheme”**

“本課程為「擴展的免入息審查貸款計劃」合資格課程”

7. In the course provider's promotion materials, if both eligible courses and non-eligible courses are involved, the course provider should clearly indicate and distinguish eligible courses from the non-eligible courses to avoid misleading interested students.
8. If the course provider offers any discount, rebates or grants exemption to ENLS applicants which leads to reduction in tuition fee, such details should be clearly stated in the admission letters and / or payment schedules issued to ENLS applicants. The maximum amount of ENLS loan will be the total tuition fee payable after deducting any discount and/or exemption offered. In case a refund or rebate of tuition fee is made to the applicants, the course provider should remind them to notify the Office and refund the amount to the Office immediately promptly for offsetting the overpaid amount of ENLS loan.
9. Any form of splitting or sharing of the tuition fees payable by ENLS applicants of the Course by the course provider, with ENLS applicants, or with any other person, in return for such ENLS applicants attending the Course is strictly prohibited.
10. The course provider may hire an agent or sub-contractor to recruit participants for the Course in return for a commission payable by the course provider to that agent or sub-contractor provided that (a) ENLS Terms shall be observed by the agent(s) or sub-contractor(s) as if they were the course provider, and (b) in addition to the foregoing, the course provider shall be responsible for all acts and omissions of the agent(s) or sub-contractor(s) as if they were its own. The course provider is required to keep a proper record of all recruitment agent(s) or sub-contractor(s) appointed by the course provider for this purpose. Notwithstanding the foregoing, engagement of ENLS applicants in the Course as recruitment agents for that Course is strictly prohibited.

11. Save to the extent permitted under paragraph 6 above, the course provider shall not advertise, or hold itself out as an agent, employee, servant, representative or partner, of the Government; nor imply that the Government is in any way responsible for its acts and / or omissions. The Office shall be entitled to require the course provider to withdraw or cease using any promotional materials which he / she considers to be inappropriate or undesirable. The course provider may only promote the Course using the course name, in English and / or Chinese, as approved by the Office.
12. While the course provider is approved to offer an ENLS eligible course, its Director(s), officer(s) or employee(s) or any of the course provider's respective holding companies or subsidiaries under section 2 of the Companies Ordinance (Chapter 32) are not accepted to act as an Indemnifier nor a Witness of any ENLS application.
13. The course provider must fully cooperate with the officers of the Office and promptly provide all relevant information and documents which they may from time to time request for inspection and photocopying or otherwise for the purposes of administration of ENLS.
14. Please also take note that the Registration does not exempt the course provider from compliance with all relevant statutory requirements applicable to the Course. The course provider should well acquaint itself with and conform in all respects to the provisions of any legislation and regulation applicable to the provision of the Course.
15. The course provider undertakes and warrants that for so long as the Registration remains in effect:
  - (a) all information supplied, and statements and representations made by the course provider or on its behalf in its application submitted to the Government for Registration and from time to time during the continuance of the Registration are true, accurate and complete; all records to be kept by the course provider in compliance with paragraph 3 above are true, accurate and complete;
  - (b) the course provider shall obtain, maintain, and renew upon expiry, all governmental or regulatory authorisations, approvals, permits, licences which may be required or necessary in connection with the provision of the Course and to bear all costs, charges and expenses that may be incurred in obtaining and maintaining the permits and licenses;
  - (c) the Application Form has been duly executed by the course provider and ENLS Terms constitute legally binding and valid obligations on its part enforceable in accordance with their Terms and Conditions; and
  - (d) the course provider will comply with such other instructions and directions as the Government may from time to time issue in connection with or in relation to the Course or the Registration.

16. The course provider shall indemnify and keep indemnified the Government from and against:
- (a) all and any claims, actions, investigations, demands, proceedings, threatened, brought or instituted against the Government;
  - (b) and all liabilities (including liability to pay compensation and damages), damage, losses, costs, charges and expenses which the Government may sustain or incur (including all legal and other costs, charges, and expenses, on a full indemnity basis, which the Government may pay or incur in relation to any claim action or proceeding instituted by, or against, the Government),
- which in any case arise directly or indirectly from, or as a result of, or in connection with, or which relate in any way to:
- (i) any non-compliance by the course provider of any of the conditions set out in ENLS Terms; or
  - (ii) the negligence, recklessness, or willful misconduct on the course provider's part or on the part of the course provider's employee, agent, consultant or sub-contractor in the provision or conduct of the Course.
17. The course provider shall comply with the Prevention of Bribery Ordinance (Cap. 201).
18. The course provider must ensure that all information and documents provided to the Government are accurate, true and complete. It is an offence to obtain property and / or pecuniary advantage by deception. Any person who does so commits an offence and shall be liable on conviction upon indictment to imprisonment for ten years under the Theft Ordinance (Chapter 210 of the Laws of Hong Kong).
19. The Course may be de-registered or have its registration as eligible course status suspended in accordance with the provisions set out in Annex hereto. In the event of de-registration of the Course, the course provider shall comply with and observe all the requirements specified in Annex upon a de-registration.
20. Without prejudice to the Government's power to de-register the Course, in the event that the course provider shall have conducted the Course otherwise than in accordance with ENLS Terms, or the course provider shall have failed to comply with or observe any of the provisions set out in ENLS Terms, the Government may by notice in writing to the course provider require that the Course (or such part thereof as stipulated by the Government) be re-conducted in strict accordance with ENLS Terms (and that no additional fees shall be chargeable on ENLS applicants) or that the course provider make good and rectify the non-compliance with the relevant provision at its sole costs and expenses within such time period or such other date as may be stipulated by the Government in the notice.
21. All rights and powers of the Government hereunder may be exercised by the Office for and on its behalf.



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Working Family and Student Financial Assistance Agency  
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**DE-REGISTRATION***Ground for de-registration*

1. A course once registered under the Extended Non-means-tested Loan Scheme (“ENLS”) as an eligible course (“Registration”) may be deregistered if the course provider fails to comply with the Terms and Conditions of approval for registration, or in other circumstances considered appropriate by the Student Finance Office (“the Office”). The following are examples of the circumstances leading to de-registration (each a “non-compliance event”). They are not exhaustive and are explained for demonstration purposes only:
  - (a) all and any information or document supplied, and statements and representations made by the course provider to the Government at the time of application for Registration, or from time to time whilst the Registration remains in effect is untrue, inaccurate or incomplete;
  - (b) the course provider does not comply with any of the Terms and Conditions set out in ENLS Terms and in the letter issued by the Government granting approval of Registration of that course;
  - (c) after an inspection or a series of inspections having been conducted, the Office considers that the course fails to meet any of the requirements specified in ENLS Terms;
  - (d) a petition is presented or a proceeding is commenced or an order is made or an effective resolution is passed for the winding-up, insolvency, bankruptcy, administration, reorganisation, reconstruction, or dissolution of the course provider otherwise than for the purpose of a solvent reconstruction or amalgamation previously approved by the Government in writing, or the course provider makes any composition or arrangement with creditors; or a receiver, administrator, trustee or similar officer has been appointed in respect of the course provider’s business or assets (or any part thereof); or
  - (e) such other circumstances as the Office deems necessary in order to safeguard the public money and/or the interest of ENLS applicants.
2. Occurrence of any of the non-compliance events listed in paragraph 1 above will normally lead to de-registration of all ENLS eligible course(s) provided by the defaulting course provider. Non-compliance events referred to in any of paragraphs 1(a) to (e) above of a less severe nature may first attract a warning in writing from the Office to the course provider, which may also be announced through the website of the Office. In the event of any subsequent occurrence of non-compliance event after a warning is given (whether in relation to the same course or a different course, and whether it is of the same type of noncompliance event or of a different type), all courses provided by the defaulting course provider and registered as eligible courses may be de-registered by the Office without further warning.

## Procedures

### 3. De-registration

- (a) Where it is considered necessary to de-register a course, the Office will notify the course provider of its intention to do so (“Notice of Intention to De-register”). The Office’s intention to de-register a course will be announced through the website of the Office. No new ENLS applications will be accepted by the Office after the date when the Notice of Intention to De-register is issued to the course provider.
- (b) The course provider will be allowed 14 calendar days from the date of the written notification to make written representations. The Office will consider the representations, if any, before making a final decision as to whether the course should be de-registered (“Formal De-registration”). Any decision made by the Office shall be final and binding on the course provider. The Formal De-registration will be announced through the website of the Office.
- (c) If and when the Formal De-registration has been made, no ENLS applications involving the de-registered course will be processed or accepted. The Office may cancel any outstanding ENLS loan applications and loan payments with payment dates later than the date of Formal De-registration for the application(s) already approved.

### 4. Suspension

- (a) The Office may suspend processing of ENLS applications of eligible courses conducted by the course provider if:
  - (i) there is suspicion of fraud or other criminal activity committed by the course provider, its Responsible Person or management; or
  - (ii) the course provider fails to comply with instructions of the Government in respect of operations of the courses, including measures to remedy breaches of any regulatory provisions.
- (b) The Office may also refer suspected fraud cases referred to in 4(a)(i) above and non-compliance cases referred to in 4(a)(ii) above to the appropriate law enforcement agencies and / or regulatory authorities for investigation and invoke the suspension;
- (c) The suspension will be announced through the website of the Office. The Office will issue a Notice of Suspension to the course provider once it is decided to invoke the suspension.
- (d) Pending the outcome of the investigation by the appropriate law enforcement agencies and / or regulatory authorities and where applicable, the relevant criminal proceedings, the course provider should cease to accept ENLS applicants and commence new classes for the courses purportedly as ENLS eligible courses with immediate effect after the date of the Notice of Suspension issued to the course provider. The Office will not consider application submitted by the course provider for registration of courses as

eligible courses under ENLS whilst the suspension continues in effect regardless whether the application is lodged before or after the date of the Notice of Suspension.

- (e) If the outcome of the criminal proceedings leads to a conviction (which conviction is not subject to any on-going appeal to a higher court) and/or the investigation leads to a revoke of the course by the relevant authority, the Office will immediately proceed to de-register all courses suspended previously by notice in writing to the course provider. Such de-registration shall be treated as a Formal De-registration mentioned in paragraph 3 above and shall be announced through the website of the Office.

#### *Indemnity and follow-up*

5. Upon the Formal De-registration or Suspension of a course is made by the Office pursuant to paragraph 3 or 4 above, as the case may be:
  - (a) the course provider shall indemnify the Government and the Office in accordance with the indemnity clause contained in ENLS Terms;
  - (b) the Office shall not be liable or responsible for all and any claim, action, proceeding, loss or damage (including any pecuniary loss, economic loss or loss of profit) which may be suffered or incurred by the course provider, NLS applicants, or any other person arising from the de-registration or suspension of registration;
  - (c) the course provider shall forthwith provide to the Government all such information and documents as the Government may request in connection with the course which has been de-registered or suspended;
  - (d) the course provider shall forthwith cease accepting any new applications for the course as a ENLS eligible course; and shall refrain from promoting the course as a ENLS eligible course;
  - (e) the Office shall withdraw the course from the Register of Eligible Courses under ENLS as published on the Office's website. In the event of a suspension, the course will be reinstated if the suspension is withdrawn;
  - (f) taking into the Formal De-registration, the Office will not consider application submitted by the course provider applying for registration of courses as eligible courses under ENLS for one year commencing from the date of Formal De-registration regardless whether the application is lodged before or after the date of De-registration; and
  - (g) the course provider shall inform all affected ENLS applicants about the Office's decision to de-register or suspend the courses.
6. Responsible Persons of de-registered or suspended ENLS eligible courses, and the director / shareholder / partner / sole proprietor (as the case may be) of the course provider of such courses may be disqualified from acting as Responsible Person whether for the same course provider or for a different course provider for one year commencing from the date of Formal De-registration.

*Objection to de-registration or suspension*7. Raising an objection

If a course provider feels aggrieved by a Formal De-registration or Suspension, it may raise an objection to Office in writing within 30 calendar days after the date of the notice of the relevant decision containing sufficient information concerning the alleged grounds for its objection to the Formal De-registration or Suspension. Objections not raised in accordance with above will not be considered.

8. Consideration of objection

The Office will examine the objection submitted by the course provider and inform the course provider in writing of the consideration of the objection within 60 calendar days from the date of receipt of the written objection raised by the course provider. During the process, all courses remain de-registered or suspended, as the case may be.

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