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MACAO SPECIAL ADMINISTRATIVE REGION

Law No. 10/2017

Higher Education Regime

According to paragraph (1) of Article 71 of the Basic Law of the Macao Special Administrative Region, the Legislative Assembly hereby decrees that the following shall be enforced as law:

CHAPTER I

General provisions

Article 1

Purpose and scope

This Law establishes the higher education regime of the Macao Special Administrative Region, hereinafter referred to as “the Macao SAR”, which regulates:

- (1) Activities, organization and operation of public and private higher education institutions of the Macao SAR;
- (2) Higher education activities carried out in the Macao SAR by higher education institutions based outside of the Macao SAR.

Article 2

Definitions

For the purposes of this Law, the following definitions shall apply:

- (1) Higher education – the various levels of education that are beyond secondary level and provided by higher education institutions;
- (2) Higher education institution – a public or private organization which is established, recognized and authorized to provide higher education programs, confer degrees, and undertake any other academic activities in higher education in accordance with applicable legislation;

- (3) Academic year – the period of one year from the commencement date of academic activities specified by a higher education institution;
- (4) Admission – the entry into higher education granted to students who possess legal conditions for acceptance by higher education institutions and attendance at higher education programs;
- (5) Registration – the act which admitted applicants, students transferring to another higher education institution and those regaining the status of a higher education student lost due to interruption of studies shall carry out in order to enter higher education;
- (6) Enrollment – the act that enables students with valid registration to attend the courses or curricular units included in the study plan of the respective program;
- (7) Study plan of a program– an organized set of curricular units which a student shall accomplish with fulfillment of the academic requirements for the purpose of obtaining a particular degree or completing a non-degree program;
- (8) Mobility – the circumstance in which a student who has registered and enrolled in a higher education institution attends part of the program in another higher education institution or moves among different higher education institutions;
- (9) Internship – academic training activities of practical or theoretical-practical nature which are covered in the study plan of a higher education program and carried out for a specific period of time, aiming to undertake training and apprenticeship of a professional practice or to learn certain professional techniques;
- (10) Prescription – the circumstance which binds a student who does not complete the study plan of a higher education program within the period of time stipulated in the respective regulation;
- (11) Minor – a set of curricular units which belongs to a complementary or additional area of study in a bachelor’s degree program and which may constitute an independent curriculum plan conferring a certificate;
- (12) Major – a set of curricular units which constitutes the essential and characteristic core of a program and which may be combined with another Major or one Minor in the study plan of a bachelor’s degree program offered pursuant to the credit system;
- (13) Non-local higher education program – a higher education program offered in the Macao SAR by a higher education institution based outside of the Macao SAR in cooperation with the Macao SAR entities with prior authorization.

Article 3

Objectives of higher education

The objectives of higher education are, inter alia:

- (1) To train qualified personnel of higher education in the areas of culture, science and technology, etc., cultivate their academic and personal virtues, and motivate them to

develop competencies, namely thinking, scientific research, innovation, critical analysis, team integration and adaptation to change, by imparting theoretical and practical knowledge, for the pursuit of professional activities;

- (2) To create conditions that enable duly qualified individuals to receive higher education;
- (3) To promote research and development in the areas of culture, science and technology;
- (4) To encourage the dissemination of knowledge, especially in the areas of culture, science and technology, and enhance the value of research activities;
- (5) To promote innovation and local potential for scientific research;
- (6) To encourage interaction between teaching and research;
- (7) To provide specialized services for the community and establish reciprocal relationships with the community;
- (8) To encourage cooperation and exchange between the Macao SAR and the regions beyond the Macao SAR in the areas of culture, science and technology within the scope of higher education activities.

Article 4

Equality of admission

The Government of the Macao SAR shall create equality of admission to higher education, without discrimination on grounds of nationality, descent, sex, race, language, religion, political or ideological beliefs, economic situation or social status.

CHAPTER II

Higher education institutions

SECTION I

Roles and responsibilities, nature and autonomy of higher education institutions

Article 5

Roles and responsibilities of higher education institutions

The roles and responsibilities of higher education institutions are as follows:

- (1) To train qualified personnel of higher education by offering degree programs, postgraduate programs or other programs in accordance with the provisions of this Law and other applicable legislation;
- (2) To encourage academic research, and create necessary conditions for research and development activities, as well as the publication of academic works;
- (3) To provide specialized services for the community;
- (4) To carry out vocational training and refresher training;
- (5) To promote cultural innovation and dissemination, as well as transmission of knowledge;
- (6) To encourage cooperation and exchange between similar organizations based in the Macao SAR and those based outside of the Macao SAR in the areas of culture, science and technology;
- (7) To ensure that the educational environment is appropriate for the accomplishment of the purposes of respective higher education institutions and that the resources required for such an accomplishment are available.

Article 6

Nature and legal status of higher education institutions

1. Public higher education institutions are legal persons of public law, entitled to academic, pedagogical, administrative and financial autonomy.
2. Private higher education institutions are self-managed and enjoy academic, pedagogical, administrative and financial autonomy, without prejudice to Articles 45 to 47.
3. Private higher education institutions, depending on the nature of their respective holders, are divided into two categories: profit making and non-profit making, and may benefit from tax exemption under applicable legislation.
4. Higher education institutions are entitled to autonomy, without prejudice to the supervision that public higher education institutions are under, as well as the evaluation that higher education institutions shall undertake pursuant to the higher education quality evaluation system, and without prejudice to the monitoring of the Government of the Macao SAR that activities and operation of public and private higher education institutions are under.
5. Activities carried out by higher education institutions are considered public interest activities.

Article 7

Academic autonomy

1. Higher education institutions, in the enjoyment of academic autonomy, may formulate, plan and carry out research projects and other academic activities.
2. When carrying out academic research, higher education institutions shall take into account, inter alia, the nature and objectives of their own, and seek to solve problems arising from social, economic, educational and cultural development.

Article 8

Pedagogical autonomy

1. Higher education institutions, in the enjoyment of pedagogical autonomy, may draw up study plans and syllabuses for their own programs, define their own pedagogical methods, select their own student assessment procedures and conduct new methodologies.
2. Higher education institutions, in the enjoyment of pedagogical autonomy, shall respect the diversity of pedagogical theories and methods.

Article 9

Administrative and financial autonomy

Higher education institutions, within the framework of applicable legislation and according to their own nature, are entitled to administrative and financial autonomy.

SECTION II

Statutes of higher education institutions

Article 10

Formulation, amendment, approval and confirmation of the statutes

1. The statutes of higher education institutions shall be formulated, amended, approved and confirmed pursuant to the provisions of this Law and other applicable legislation, and shall only take effect after their publication in the Official Gazette of the Macao Special Administrative Region, hereinafter referred to as “the Official Gazette”.
2. When the statutes or their amendments do not comply with the provisions of this Law and other applicable legislation, or when the regulations stipulated in the statutes are not in accordance with the nature of respective higher education institutions, the Chief Executive, through the bureau responsible for the higher education sector, may notify

these higher education institutions of their non-compliance; if these higher education institutions do not make necessary corrections or modifications, the Chief Executive reserves the right to revoke the recognition of these higher education institutions or the approval of their programs, without prejudice to the non-confirmation of the statutes.

Article 11

Content of the statutes

1. The statutes of higher education institutions shall contain the fundamental regulations of respective higher education institutions' internal organization on the academic, pedagogical, administrative and financial areas, the autonomy system of each organizational or academic unit, and the ways of amendment of the statutes.
2. The statutes of higher education institutions shall also define the nature, the composition, the authority, and the mode of operation of their organizational bodies, as well as the means of appointing or electing their respective members.

SECTION III

Organizational bodies and staff

Article 12

Organizational bodies

1. Higher education institutions shall establish the following organizational bodies:
 - (1) Council;
 - (2) Rector or president;
 - (3) Management and administrative bodies;
 - (4) Academic and pedagogical bodies.
2. The organizational body mentioned in subparagraph (1) of the preceding paragraph is the organizational body responsible for defining and implementing the institutional development policy.
3. The absence of any of the organizational bodies referred to in paragraph 1 or their irregular composition determines the impossibility of operating a higher education institution, except during the period of its establishment, in which such organizational bodies may be replaced, for a fixed period, by preparatory committees.

Article 13

Staff

According to their respective duties, the staff of higher education institutions falls into one of the following groups:

- (1) Management staff - the head of a higher education institution that directs and represents it, namely the rector or the president, and the staff who assist him/her in the execution of his/her duties;
- (2) Teaching staff - those primarily engaged in pedagogical duties in a higher education institution or those who, in accordance with applicable staff or hierarchical regulations, shall be included in this group;
- (3) Research staff - those primarily engaged in research activities in a higher education institution or those who, in accordance with applicable staff or hierarchical regulations, shall be included in this group;
- (4) Non-teaching staff – staff who carry out administrative or other duties not included in the previous groups, particularly those in the supporting and administrative units at various levels and those in the areas of administration, pedagogy and scientific research, etc. within an academic unit.

CHAPTER III

Programs and degrees

Article 14

Approval of programs

1. The establishment and the amendments of higher education programs shall be approved by an order of the Secretary supervising the higher education sector, which shall be published in the Official Gazette, and which shall include, inter alia, the name of the higher education institution, the program to be offered and the degree it confers, the respective study plan, as well as other relevant content and information stipulated in the higher education legislation.
2. The provisions of the preceding paragraph shall apply neither to higher education institutions which have already been granted the status to self-regulate and offer new programs in the approved scopes before the effective date of this Law, nor to those that acquire this status in accordance with the higher education quality evaluation system, without prejudice to the provisions of the following Article.

Article 15

Registration and commencement of operation of programs

1. It is compulsory to register higher education programs in the bureau responsible for the higher education sector.
2. No programs shall commence operation before the publication of the notice of the registration which is referred to in the preceding paragraph in the Official Gazette.

Article 16

Suspension and cancellation of programs

The suspension and the cancellation of higher education programs are subject to approval by an order of the Secretary supervising the higher education sector which is to be published in the Official Gazette.

Article 17

Degrees, diplomas, certificates and titles

1. Higher education institutions shall confer the following degrees:
 - (1) Bachelor's degree;
 - (2) Master's degree;
 - (3) Doctoral degree.
2. Higher education institutions may award the following diplomas and certificates:
 - (1) Associate's diploma, to programs with a study period of not less than two academic years;
 - (2) Diploma, to programs with a study period of not less than one academic year;
 - (3) Certificate, to Minor programs.
3. Higher education institutions may, in accordance with the credit system, offer dual degree programs and programs consisting of one or two Majors.
4. Higher education institutions may exceptionally be authorized to offer programs that confer degrees, diplomas and certificates other than those provided for in the preceding paragraphs, and these programs shall be approved pursuant to the provisions of this Law.
5. Higher education institutions authorized to offer doctoral programs may, under the terms established in their respective statutes, confer honorary doctoral degrees on local or non-local eminent individuals.

6. Higher education institutions may, under the terms established in their respective statutes, confer other honorary titles commonly used internationally on local or non-local eminent individuals.

7. The bachelor's degree, master's degree and doctoral degree are designated on the degree certificate in accordance with the respective academic area, field of knowledge and designation that the responsible organizational body of each higher education institution sets out in the internal regulations of the respective programs.

Article 18

Bachelor's degree

1. The bachelor's degree is conferred on those who have completed the bachelor's degree program offered by a higher education institution and fulfilled the academic requirements for the degree.

2. The bachelor's degree proves awardees' acquisition of the technical and academic knowledge of a given area of study, and demonstrates their ability to solve problems within the area of study through collection, selection and interpretation of relevant information as well as their ability to deepen lifelong learning with a high degree of autonomy.

3. The designation of the program that confers the bachelor's degree is determined by the study plan of the respective program, and shall correspond to the field of knowledge and be compatible with the respective specialization or academic area of the academic unit in which the program is offered.

4. Programs that confer the bachelor's degree may fall into one of the following modalities:

(1) Programs that, as a rule, have a study period of not less than four academic years;

(2) Programs that consider the possibility of attending a special integrated program with two Majors of two different bachelor's degree programs within the same academic area as the core components;

(3) Programs that are offered pursuant to the credit system, in which students shall take all courses and obtain the required number of credits, according to the respective study plan, to complete the program.

5. The requirements for the programs referred to in subparagraphs (2) and (3) of the preceding paragraph are stipulated in the legislative instrument that establishes the credit system of the higher education regime.

6. In addition to the required academic qualifications, applicants may also be required to have other knowledge or professional experience in order to attend programs that confer the bachelor's degree in a given area of study.

Article 19

Dual bachelor's degree

1. The dual bachelor's degree program is a bachelor's degree program which is offered according to the credit system by different faculties, schools or departments of a higher education institution and which may confer two bachelor's degrees to enable students to obtain a high degree of technical and scientific training as well as a greater capacity for the exercise of professional activities in a given field of knowledge.

2. Applicants for a dual bachelor's degree program shall meet all of the following requirements:

(1) They have completed the first year of a bachelor's degree program with an "Excellent" grade in average or its equivalent.

(2) They have been recognized by the responsible pedagogical body of the academic unit which offers the respective program that they possess special competencies to attend two programs simultaneously.

(3) The program referred to in subparagraph (1) and the dual bachelor's degree program to be attended are offered pursuant to the credit system by the faculties, schools or departments of the same higher education institution.

3. Obtaining a dual bachelor's degree is conditional on passing all courses and acquiring the credits required to complete the program according to the study plan and its duration, including the credits obtained in the first year of the bachelor's degree program referred to in subparagraph (1) of the preceding paragraph.

4. Without prejudice to the provisions of paragraph 7 of Article 17, any other documents recognizing a dual bachelor's degree program shall only contain the designation of the respective program for identification, and the courses completed shall only be indicated on the qualification certificate of the program.

5. The conditions for admission to a dual bachelor's degree program and for completion of the program with fulfillment of the academic requirements for the degree shall be set out in the respective regulations and defined in accordance with the legislative instrument that establishes the credit system of the higher education regime.

Article 20

Master's degree

1. The master's degree is conferred on individuals who have completed the master's degree program offered by a higher education institution and fulfilled the academic requirements for the degree.
2. The master's degree proves awardees' acquisition of an in-depth level of knowledge and skills as well as their ability of developing these knowledge and skills in a particular area of expertise, and demonstrates their ability to understand and solve problems in broad and multidisciplinary contexts related to that field of expertise.
3. The designation of a master's degree program is one that is included in the study plan of the respective program and shall correspond to the respective specialization, academic area and field of knowledge.
4. The master's degree program lasts at least 18 months, with a minimum of 12 months and a maximum of 24 months, as a rule, as its lecturing period.
5. According to the terms of the study plan and relevant regulations, the pass of the master's degree program after the lecturing period may be determined by the writing of an original thesis of scientific research nature for that particular purpose and for the oral defense, or by the writing of an original project report, or by the submission of a summary report after completing an internship.
6. The writing of the thesis, the project report, or the internship report as well as the internship itself shall be guided by one of the following instructors:
 - (1) Instructors from the same higher education institution or other higher education institutions with a doctoral degree in the respective academic area;
 - (2) Full professors, associate professors or instructors holding equivalent titles without any doctoral degree in the respective academic area but with prior approval from the academic-pedagogical body of the higher education institution that offers the program.
7. Higher education institutions shall define the submission of the thesis, the project report or the internship summary report referred to in paragraph 5 within a period of not less than six months, without prejudice to the possibility of early submission requested by master's degree students.
8. Applicants for a master's degree program shall be the holder of a bachelor's degree or equivalent academic qualifications recognized, for the purpose of pursuing studies, by the academic-pedagogical body of the higher education institution that offers the program, and they may also be required to possess other knowledge or professional experience.

Article 21

Doctoral degree

1. The doctoral degree is conferred on individuals who have completed the doctoral degree program, and passed the doctoral examinations.
2. The doctoral degree proves awardees' ability to carry out a significant and original research, including its design, planning and compilation, etc., which meets the requirements imposed by the standards of academic quality and integrity, as well as awardees' skills of critical analysis, evaluation and synthesis of new and complex ideas, and their ability to communicate with peers, academia and society in general in the related field of expertise.
3. The designation of the doctoral program is one that is included in the study plan of the respective program and shall correspond to the respective specialization, academic area and field of knowledge.
4. The doctoral degree program has, as a rule, a study period of three academic years.
5. The examinations for obtaining the doctoral degree referred to in paragraph 1 shall include the writing of an original thesis of a related field of knowledge or specialization for that particular purpose and for the oral defense.
6. In addition to the provisions of the preceding paragraph, obtaining a doctoral degree may still be conditional on passing all assessment criteria that are included in the study plan of the doctoral degree program.
7. Doctoral students, with authorization from respective higher education institutions, may choose supervisors for their own research work from instructors with a doctoral degree in the respective specialization, full professors, associate professors, or instructors with equivalent titles.
8. Applicants for a doctoral degree program shall be the holder of a master's degree or equivalent academic qualifications recognized, for the purpose of pursuing studies, by the academic-pedagogical body of the higher education institution that offers the program, or shall be the holder of a bachelor's degree with an "Excellent" grade.

Article 22

Associate's diploma

1. Associate's diploma programs refer to those offered pursuant to the credit system with a minimum study period of two academic years.
2. Associate's diploma programs are offered and structured pursuant to the legislative instrument that establishes the credit system of the higher education regime, and other applicable legislation.
3. Individuals who have completed an associate's diploma program and fulfilled the academic requirements for the degree may apply for transition into the third year of a

bachelor's degree program in the same field of knowledge, provided that it is recognized as equivalent by the respective higher education institution.

Article 23

Majors and Minors

1. A Major is a core component of the specialized training in a particular field of knowledge of a bachelor's degree program offered pursuant to the credit system.
2. A Minor, having a field of knowledge different from the Major, and not being indispensable for the attainment of the bachelor's degree, is an additional area of study of a bachelor's degree program offered pursuant to the credit system.
3. The composition of the Major and the Minor, and other conditions with which the Major and the Minor shall comply are stipulated in the legislative instrument that establishes the credit system of the higher education regime.

CHAPTER IV

Teaching staff

Article 24

Qualification for teaching

1. Holders of a doctoral or master's degree, or equivalent academic qualifications are qualified for higher education teaching.
2. Without prejudice to the provisions of the following paragraph, teaching staff participating in a given program shall not be holders of a degree lower than the one that the program confers.
3. At the request of higher education institutions and with authorization from the bureau responsible for the higher education sector, individuals who do not have the academic qualifications referred to in the preceding paragraphs but meet any one of the following conditions may also be engaged on higher education teaching, provided that:
 - (1) They possess professional experience or other qualifications that recommend them for the exercise of higher education teaching;
 - (2) They have been recognized by the academic-pedagogical body of respective higher education institutions as being qualified for the exercise of higher education teaching.
4. Activities carried out by teaching staff of higher education institutions are considered public interest activities.

CHAPTER V

Students

Article 25

Conditions of admission to higher education

1. When determining the conditions of admission to each higher education program, higher education institutions shall particularly take into account the enhancement of the educational, cultural and academic levels of the Macao SAR, as well as the need to ensure teaching quality.
2. Only individuals who have successfully completed three-year senior secondary education or those who have obtained equivalent academic qualifications are allowed to be enrolled in higher education programs.
3. Higher education institutions may provide a one-year foundation program for students who have completed senior secondary education but without meeting the conditions stipulated in the preceding paragraph.
4. In addition to the conditions of admission referred to in the preceding paragraphs, each higher education institution may establish specific conditions, including applicants' participation in the entrance examinations and applicants' attendance at preparatory language courses for the mediums of instruction of the higher education programs that the applicants have been enrolled in.
5. Individuals who do not fulfill the conditions of admission provided for in the preceding paragraphs and who have reached the age of 23 may be granted admission to higher education programs, provided that they are proven to possess relevant competencies, particularly by attaining a pass in a special examination.
6. Admission to higher education programs may also be granted to gifted students who, even if they have not yet completed secondary education, are recommended by the secondary schools they attend and approved by the academic-pedagogical body of respective higher education institutions which shall submit relevant cases, duly documented, to the bureau responsible for the higher education sector for confirmation.

Article 26

Registration and enrollment

1. Registration is compulsory for applicants who:
 - (1) Attend higher education programs for the first time;

- (2) Have lost their student status due to interruption of studies;
 - (3) Have their request for transfer accepted by higher education institutions to which they transfer.
2. Enrollment entitles registered students to attend the courses within the respective program and is compulsory for all study regimes.

Article 27

Student categories

1. The categories of higher education students are as follows:
 - (1) Students who attend programs on a full-time basis;
 - (2) Students who attend programs on a part-time basis.
2. Students who attend programs on a full-time basis are those enrolled in higher education programs which are offered by higher education institutions of the Macao SAR and which have attendance and assessment schemes requiring students' compulsory attendance in a certain number of classes and other teaching activities.
3. Students who attend programs on a part-time basis are those enrolled in higher education programs which are offered by higher education institutions of the Macao SAR and which have attendance and assessment schemes that do not require students' compulsory attendance in a certain number of classes or other teaching activities, or those enrolled in higher education programs which are offered in the Macao SAR by higher education institutions based outside of the Macao SAR.

Article 28

Mobility

1. The mobility of students among higher education institutions is permitted.
2. Higher education institutions may recognize the study periods, courses or credits of their own programs or programs offered by any other higher education institutions, for the purpose of enabling students to attend higher education programs.
3. Each higher education institution shall formulate regulations on the mobility of students and on the recognition and accreditation of credits, as well as on the recognition of the study periods or courses of higher education programs.

Article 29

Participation in academic activities

1. Higher education institutions may organize academic activities in pedagogical and academic research areas to promote the participation of students who are currently enrolled in a bachelor's degree or a higher degree program, on a full-time basis, under the conditions that are appropriate for the simultaneous development of those academic activities.
2. For the purpose of obtaining information for verification and management, higher education institutions shall establish and keep updating a database relating to students' participation in the academic activities referred to in the preceding paragraph, which shall include, inter alia:
 - (1) Students' identification;
 - (2) Information of the academic activities and the number of hours of participation per week.
3. Higher education institutions shall provide means for the divisions responsible for the verification and management of academic activities so that they can immediately obtain information concerning the students who participate in such activities.
4. Students' participation in academic activities shall not exceed the limit of 15 hours per week.

Article 30

Internship

1. Students are allowed to have an internship only when the following conditions are simultaneously met:
 - (1) Students are attending a bachelor's degree or a higher degree program;
 - (2) The internship activities are arranged or approved by the higher education institution they are attending, and carried out pursuant to the study plan of the program.
2. It is the responsibility of higher education institutions to ensure that internship is carried out under the hygiene and safety conditions stipulated in applicable legislation.
3. Higher education institutions shall not charge students engaged in internship any additional fees.
4. In the case of an internship held outside of the Macao SAR, higher education institutions shall promote signing agreements with other local higher education institutions or collaborating entities which are legally constituted, expressly defining the rights and obligations of both parties as well as all matters relating to the internship arrangements, supervisors and student insurance.

Article 31

Prescription system

1. In accordance with the prescription system provided for in the legal instruments governing higher education matters, if students are proven to be unable to complete the program at the end of an academic year, their right to registration and enrollment shall lapse.
2. The prescription system provided for in the preceding paragraph is not applicable to students enrolled in master's and doctoral programs, whose prescription system is stipulated in the relevant regulations of respective higher education institutions.
3. The prescription system referred to in the preceding paragraphs shall stipulate a minimum period within which students are not allowed to register for the same program and after which students may proceed with the re-registration, provided that they meet the requirements and conditions for admission to the relevant program at the time of re-registration.
4. Programs approved to be offered pursuant to the credit system are subject to the specific prescription system which is stipulated in the legislative instrument that establishes the credit system of the higher education regime.

CHAPTER VI

Funding, property and revenues

Article 32

Funding for higher education

1. Funding for higher education shall comprise:
 - (1) Funding for public higher education institutions;
 - (2) Financial support to private higher education institutions;
 - (3) Funding for the implementation and operation of the higher education evaluation system;
 - (4) Financial support to higher education students.
2. It is the responsibility of the Government of the Macao SAR to ensure the establishment of funding mechanisms for higher education, including the Higher Education Fund, within the available budget.

Article 33

Higher Education Fund

1. The Higher Education Fund, which has legal personality, was created for the purpose of making the funding referred to in paragraph 1 of Article 32 available, without prejudice to the funding provided by other public entities according to the law.
2. The Higher Education Fund enjoys administrative, financial and patrimonial autonomy, and is supported technically and administratively by the bureau responsible for the higher education sector.
3. The organization, management and operation of the Higher Education Fund are stipulated by a complementary administrative regulation.

Article 34

Funding for public higher education institutions

1. It is the responsibility of the Government of the Macao SAR to provide necessary funds for the operation of public higher education institutions within the available budget.
2. It is the responsibility of public higher education institutions to formulate and propose their annual and multi-annual budgets.
3. The appropriations allocated by the Government of the Macao SAR to public higher education institutions shall be based on the analysis of their draft annual budgets, their mid-term development plans, and their balance sheets and activity reports of the previous financial years.
4. The economic and financial management of public higher education institutions is governed by the following documents relating to planning:
 - (1) Annual and multi-annual activity plans and financial plans;
 - (2) Annual budgets and their updates.
5. The financial plans referred to in the preceding paragraph shall foresee the changes in revenue and expenditure, the scheduled investments and the sources of funding to be used in relation to the period involved.

Article 35

Property of public higher education institutions

The property of public higher education institutions is comprised of assets and rights which are allocated to public higher education institutions for the achievement of their purposes by the Government of the Macao SAR, or other public or private entities.

Article 36

Revenues of public higher education institutions

The revenues of public higher education institutions are as follows:

- (1) Revenues derived from assets themselves or from the usufruct rights of assets;
- (2) Revenues from tuition fees;
- (3) Revenues from the provision of services and the sale of publications;
- (4) Subsidies, subventions, contributions, donations, inheritances and legacies;
- (5) Revenues from intellectual property rights, industrial property rights or the transfer of know-how;
- (6) Deposit interests;
- (7) Balances of the annual management account of the previous years;
- (8) Proceeds from fees, emoluments, fines, as well as any other revenues that are legally obtained;
- (9) Credit revenues;
- (10) Support from public or private funding of the Macao SAR or outside of the Macao SAR;
- (11) Appropriations from the Macao SAR budget.

CHAPTER VII

Higher education quality assurance

Article 37

Scope and composition of quality evaluation

1. Higher education institutions, regardless of their legal nature, and higher education programs are all subject to the higher education quality assurance mechanisms of the Macao SAR, particularly to the higher education evaluation system.
2. The higher education quality evaluation is composed of:

- (1) Institutional evaluation, further divided into institutional accreditation and institutional quality audit;
- (2) Program evaluation, further divided into program accreditation and program review.

Article 38

Principles of quality evaluation

The higher education quality evaluation shall comply with the principles of equity, objectivity, impartiality and transparency.

Article 39

Purposes of quality evaluation

Quality evaluation aims to boost the development of local higher education, stimulate the quality of academic activities, improve the academic, pedagogical and research levels of higher education, and ensure the quality and continuous enhancement of higher education programs.

Article 40

Higher education quality evaluation system

The higher education quality evaluation system is stipulated by a complementary administrative regulation.

CHAPTER VIII

Establishment and closure of private higher education institutions

Article 41

Establishment of private higher education institutions

1. Private legal entities in the form of association or foundation, which are legally established, may be authorized to establish higher education institutions.
2. Legal entities in the form of commercial company, which are legally established, may also be authorized to establish higher education institutions under the following circumstances:

- (1) There is a direct relationship between the academic area to be offered by the higher education institution and the activities within the scope of the business activity of the commercial company;
- (2) Relevant educational activities are affiliated to those that constitute the business activity of the commercial company.

Article 42

Authorization

1. The Chief Executive has the power to authorize the establishment of private higher education institutions.
2. The authorization referred to in the preceding paragraph shall be decreed in the form of an executive order and shall take effect only after the publication of relevant executive orders in the Official Gazette.
3. The application for authorization shall be submitted to the bureau responsible for the higher education sector at least nine months before the expected commencement date of the operation of higher education institutions, and shall be accompanied by the requisite documents and information stipulated in the higher education legislation.
4. The decision regarding the application for authorization to establish a private higher education institution may be appealed pursuant to the law.

Article 43

Recognition

1. Private legal entities that intend to establish higher education institutions shall apply for the recognition of their respective higher education institutions in accordance with the law.
2. The Chief Executive has the power to recognize private higher education institutions.
3. The recognition of private higher education institutions shall be decreed in the form of an executive order and shall only take effect after the publication of relevant executive orders in the Official Gazette.
4. For the purpose of recognizing private higher education institutions, requesting entities shall submit their applications to the bureau responsible for the higher education sector with requisite documents and information stipulated in the higher education legislation.
5. The application for recognition referred to in this Article may be submitted simultaneously with the application referred to in the preceding Article.

6. The application for authorization relating to the commencement of the operation of the first batch of programs may be submitted simultaneously with the application for authorization of the establishment of a private higher education institution and that for its recognition, and it shall be submitted within three years immediately after the application for the establishment of that higher education institute.

7. After the publication of the executive order referred to in paragraph 3, private higher education institutions shall register in the bureau responsible for the higher education sector for the purpose of issuing the requisite license, according to the higher education legislation.

8. A decision regarding the application for the recognition of a private higher education institution may be appealed pursuant to the law.

Article 44

Holders of higher education institutions

1. A private legal entity that establishes a higher education institution in accordance with this Law is deemed to be the holder of the respective higher education institution.

2. Holders of private higher education institutions, through their representatives or their administrative or management bodies, have authority to:

- (1) Create and ensure the conditions for the normal operation of the respective higher education institution;
- (2) Provide the higher education institution with organizational and operational statutes;
- (3) Assume, ultimately, the economic and financial management of the higher education institution;
- (4) Appoint and replace members of the organizational bodies of the higher education institution, according to the higher education institution's statutes;
- (5) Appoint its representatives in the organizational bodies of the higher education institution;
- (6) Hire staff for the higher education institution after consulting with and collecting opinions from the management and administrative bodies of the higher education institution.

3. Private legal entities owning private higher education institutions are civilly, criminally and financially responsible for the operation of respective higher education institutions which have no legal personality of their own, and for the acts of their organizational bodies.

4. Holders' exercise of their own authority shall not jeopardize the academic and pedagogical autonomy of respective private higher education institutions.

Article 45

Statutes of higher education institutions

1. Without prejudice to Article 11, the statutes of private higher education institutions shall stipulate the objectives and the organizational structure of respective higher education institutions.
2. The statutes of private higher education institutions shall also contain the academic, cultural and pedagogical planning of respective higher education institutions and shall specify the relationship between higher education institutions and their respective holders.
3. The statutes of private higher education institutions and their amendments shall be approved by their respective holders, and internally approved by the organizational bodies referred to in paragraph 1 of Article 12 only when these organizational bodies are duly established to do so.
4. The statutes of private higher education institutions and their amendments shall be confirmed by an order of the Chief Executive to be published in the Official Gazette.

Article 46

Autonomy

Private higher education institutions enjoy autonomy within the scope of the mandatory provisions and principles stipulated in this Law and other applicable legislation.

Article 47

Management

Holders and their respective higher education institutions under the management systems stipulated in their statutes shall abide by the principle of autonomy of the academic-pedagogical bodies as well as that of the administrative and financial bodies.

Article 48

Voluntary closure

1. Under the premise of protecting students' interests, the closure of private higher education institutions and the suspension of programs shall be carried out by suspending enrollments in the first academic year of each program, and shall be fully implemented only two years after the program with the longest duration ends, with the exception of cases duly substantiated and recognized by an order of the Secretary supervising the higher education sector which is to be published in the Official Gazette.
2. Holders of private higher education institutions shall inform the Secretary supervising the higher education sector about the intention of voluntarily closing respective private higher education institutions and suspending programs in operation at least one year in advance of the commencement of the academic year in which the suspension of enrollments intends to start.
3. The closure of private higher education institutions provided for in the preceding paragraphs shall be declared by an order of the Secretary supervising the higher education sector to be published in the Official Gazette, and such closure may be appealed pursuant to the law.

Article 49

Automatic closure

1. Without prejudice to students' legitimate interests, the extinction or dissolution of the holders of private higher education institutions implies the automatic closure of respective higher education institutions and the automatic suspension of their programs, with the exception of a valid transfer of respective higher education institutions to other holders.
2. The provisions referred to in the preceding Article, with necessary adaptations, shall apply to the automatic closure and suspension provided for in the preceding paragraph.

Article 50

Compulsory closure

1. When the operation of a private higher education institution takes place under the condition of a significant decline in teaching quality or serious violation of this Law, the Chief Executive may determine the compulsory closure of the higher education institution or the compulsory suspension of its programs, by means of a well-reasoned decision in the form of an executive order.
2. Before making the decision regarding the compulsory closure of a higher education institution or the compulsory suspension of its programs, the circumstances referred to in the preceding paragraph shall be unequivocally proven in a proceeding launched for this purpose, and a hearing shall be held for interested parties.

3. In the event of circumstances referred to in paragraph 1, the Chief Executive shall take necessary measures to protect students' interests.
4. The provisions referred to in paragraph 1 shall not preclude the civil and criminal liabilities of the holders of private higher education institutions.
5. The act referred to in paragraph 1 may be appealed pursuant to the law.

Article 51

Custody of documentation

1. In the order referred to in paragraph 3 of Article 48 or in the executive order referred to in paragraph 1 of the preceding Article, the entity responsible for the custody of the fundamental documentation of the closed private higher education institution shall be appointed.
2. The entity referred to in the preceding paragraph shall be responsible for issuing relevant documents in case any interested party applies for any documentation regarding the operational period of the closed private higher education institution.
3. For the purposes of this Article, fundamental documentation shall refer to documents relating to pedagogical and administrative activities carried out by a private higher education institution, in particular, books of minutes of its organizational bodies, accounts of the higher education institution, contracts of the teaching staff, records of its pedagogical activities, registers for student assessment and student profiles.

CHAPTER IX

Non-local higher education programs

Article 52

Purpose and scope

1. The provisions referred to in this Chapter shall apply to higher education activities carried out in the Macao SAR by higher education institutions based outside of the Macao SAR, particularly the delivery of higher education programs conferring degrees, diplomas or certificates.
2. The programs referred to in the preceding paragraph shall be offered in collaboration with local entities of the Macao SAR, especially educational and research entities, and the mode of delivery shall be primarily lecturing and can be complemented by distance teaching.

3. The distance teaching referred to in the preceding paragraph refers to lessons which are delivered with special media, methods and techniques and in these lessons, students use pre-specified teaching materials; these students and local entities responsible for pedagogical management shall maintain regular contact.

Article 53

Confirmation of interests

1. The delivery of higher education programs in the Macao SAR by higher education institutions based outside of the Macao SAR is subject to prior confirmation by the Chief Executive that these programs to be delivered are beneficial to the Macao SAR; the application for confirmation shall be submitted to the bureau responsible for the higher education sector.

2. The application for confirmation referred to in the preceding paragraph shall be accompanied by the information stipulated in the higher education legislation, an application for authorization to commence the operation of programs, the information of the teaching facilities provided by the collaborating entities and the information about the allocation of the equipment designated for the programs.

3. For the purposes of the preceding paragraph, if appropriate documents are not attached to the application, the higher education institution shall submit to the bureau responsible for the higher education sector all the requisite documents within 30 days from the date of notification; otherwise the application shall be dismissed by the Chief Executive.

Article 54

Program operation

1. Higher education institutions based outside of the Macao SAR shall apply for authorization to start the operation of programs they intend to offer.

2. In order to justify decisions regarding the confirmation of interests to the Macao SAR and the authorization to commence the operation of programs, the Chief Executive may consult with experts in the relevant areas of the proposed programs.

3. Programs offered in the Macao SAR by the higher education institutions referred to in paragraph 1 shall be the same as the programs already offered at the location of their respective headquarters, ensuring the same quality and the same rigor in scientific, academic and pedagogical aspects, and may make necessary adaptations to the realities of the Macao SAR according to actual situations.

4. Amendments of the programs authorized pursuant to the provisions of this Chapter shall require prior authorization from the Chief Executive and are governed, with necessary adaptations, by the provisions referred to in the preceding paragraphs.

5. Non-local higher education programs are subject to the provisions for this type of programs stipulated in the higher education quality evaluation system.

Article 55

Publication

1. The orders for confirmation, authorization and amendment of the programs referred to in this Chapter shall be published in the Official Gazette.

2. The orders referred to in the preceding paragraph shall include, particularly, the following information:

- (1) Name of the higher education institution that offers the program and address of its headquarters outside of the Macao SAR;
- (2) Name and address of the collaborating entities, as well as all information related to the teaching venue;
- (3) Name of the higher education program to be offered and designation of the certificate, diploma or degree conferred by the program;
- (4) Study plan of the program;
- (5) Expected commencement date of academic activities.

Article 56

Invalidation and revocation

1. In the event of a supervening absence of factual or legal prerequisites underlying the confirmation of interests of a program to the Macao SAR, the validity of such a confirmation shall lapse.

2. The validity of the authorization to operate a program shall lapse when any of the following circumstances occurs:

- (1) The authorized program does not commence operation within two years from the date of the authorization order;
- (2) There is neither new enrollment nor a sufficient number of enrollments to justify its operation for two consecutive academic years.

3. Failure to comply with legal requirements or lack of academic and pedagogical prerequisites that justify the authorization to operate the program shall lead to its revocation.

CHAPTER X

Penalty system

Article 57

Penalties

1. Violation of the provisions of this Law constitutes an administrative offense.
2. Negligence is punishable.
3. For administrative offenses committed by the holders or by the organizational bodies of private higher education institutions based in the Macao SAR, as a result of violating the provisions of this Law, the following penalties shall apply to the respective holders:
 - (1) A fine of 150,000 to 500,000 patacas for non-compliance or defective compliance with the holders' authority or obligations as a result of the holders' exercise of or the omission of the holders' exercise of the authority or obligations, in violation of the provisions of Article 44;
 - (2) A fine of 300,000 to 750,000 patacas:
 - (i) For the exercise of teaching by individuals without appropriate qualifications or proper authorization, in violation of the provisions of paragraphs 1 to 3 of Article 24;
 - (ii) For the implementation of the statutes, in violation of the provisions of Article 45;
 - (iii) For the non-compliance with the notification deadline or with the procedural regulations for the voluntary closure of a higher education institution or suspension of its programs, in violation of the provisions of paragraphs 1 and 2 of Article 48;
 - (3) A fine of 500,000 to 1,500,000 patacas:
 - (i) For the operation of a higher education institution without the establishment of compulsory organizational bodies or with compulsory organizational bodies that are not duly constituted, in violation of the provisions of Article 12;
 - (ii) For the operation of programs prior to the publication of the registration notice in the Official Gazette, in violation of the provisions of Article 15;
 - (iii) For the establishment or operation of a higher education institution without authorization, recognition or requisite licensing, in violation of the provisions of paragraph 3 of Article 42 and those of paragraphs 1, 4 and 7 of Article 43;

(iv) For the regulations and procedures related to the commencement of the operation of programs, in violation of the provisions of paragraph 6 of Article 43.

4. For administrative offenses committed by higher education institutions which are based outside of the Macao SAR and offer higher education programs in the Macao SAR or by local private collaborating entities, the following penalties shall apply to respective local private collaborating entities:

(1) A fine of 300,000 to 750,000 patacas:

(i) For the exercise of teaching by individuals without appropriate qualifications or proper authorization, in violation of the provisions of paragraphs 1 to 3 of Article 24;

(ii) For the non-compliance with the notification deadline or with the procedural regulations for the suspension of programs, in violation of the provisions of paragraphs 1 and 2 of Article 48;

(2) A fine of 500,000 to 1,500,000 patacas:

(i) For the delivery of higher education programs in the Macao SAR without prior confirmation of their interests to the Macao SAR, in violation of the provisions of paragraphs 1 and 2 of Article 53;

(ii) For the delivery of higher education programs in violation of paragraphs 1 and 4 of Article 54.

Article 58

Authority

1. It is the Chief Executive's authority to apply the penalties provided for in this Law.

2. The bureau responsible for the higher education sector shall have authority to:

(1) Enforce this Law and oversee compliance with this Law, and initiate and investigate proceedings related to the administrative offenses provided for therein;

(2) Verify the existence and maintenance of the requirements and prerequisites for the normal operation of higher education institutions, and adopt or promote proper measures.

Article 59

Destination of fines

The amount of fines resulting from the application of the penalties provided for in this Law shall revert to the Higher Education Fund.

CHAPTER XI

Transitional and final provisions

Article 60

Transitional provisions

1. Higher education institutions that have not established the organizational bodies provided for in subparagraph (1) of paragraph 1 of Article 12 shall establish these bodies within one year from the effective date of this Law.
2. This Law shall apply to applications for approval of programs and for authorization to establish higher education institutions which are still pending on the effective date of this Law.
3. For existing private higher education institutions that are operating in full compliance with the provisions stipulated in this Law and other applicable legislation, the license referred to in paragraph 7 of Article 43 shall be issued to these higher education institutions by the bureau responsible for the higher education sector.
4. *Bacharelado* degree programs that are offered by higher education institutions of the Macao SAR and are still in operation on the effective date of this Law shall be terminated; the provisions of paragraph 1 of Article 48 shall apply to such closure with necessary adaptations, and these programs shall be governed by the previous legislation until the completion of the closure.
5. The provisions of this Law do not affect the validity of *bacharelado* degrees conferred by higher education institutions of the Macao SAR under the previous legislation.

Article 61

Exclusion of application

1. The provisions of this Law apply neither to higher education institutions of religious nature that exclusively offer theology programs nor to higher education institutions that exclusively provide training for the clergy, regardless of their religious denominations.
2. Training programs for police officers or fire officers offered by Macao Security Forces Training College (ESFSM) are subject to their own regulations, without prejudice to the principles stipulated in this Law.

Article 62

Responsible bureau

The Tertiary Education Services Office is empowered by this Law to exercise the authority of the bureau responsible for the higher education sector until a new entity is appointed by the organic legislative instrument that restructures the Office.

Article 63

Complementary regulations

The execution of the complementary regulations of this Law is to be approved by the Chief Executive.

Article 64

Revocation

The following shall be revoked:

- (1) **Decree-Law No. 11/91/M** of February 4, while remaining in force the provisions referred to in paragraphs 3 to 5 of Article 6, Article 7, Article 21, Article 27, Article 36, paragraphs 2 and 4 of Article 40 and Article 41 until they are replaced by applicable higher education legislation;
- (2) **Decree-Law No. 8/92/M** of February 10;
- (3) **Decree-Law No. 41/99/M** of August 16, while remaining in force the provisions referred to in paragraph 2 of Article 3 and Article 4 until they are replaced by applicable higher education legislation.

Article 65

Entry into force

This Law shall enter into force one year from the date of its publication.

Approved on July 27, 2017.

The President of the Legislative Assembly, *Ho Iat Seng*.

Signed on July 31, 2017.

Hereby published.

The Chief Executive, *Chui Sai On*.