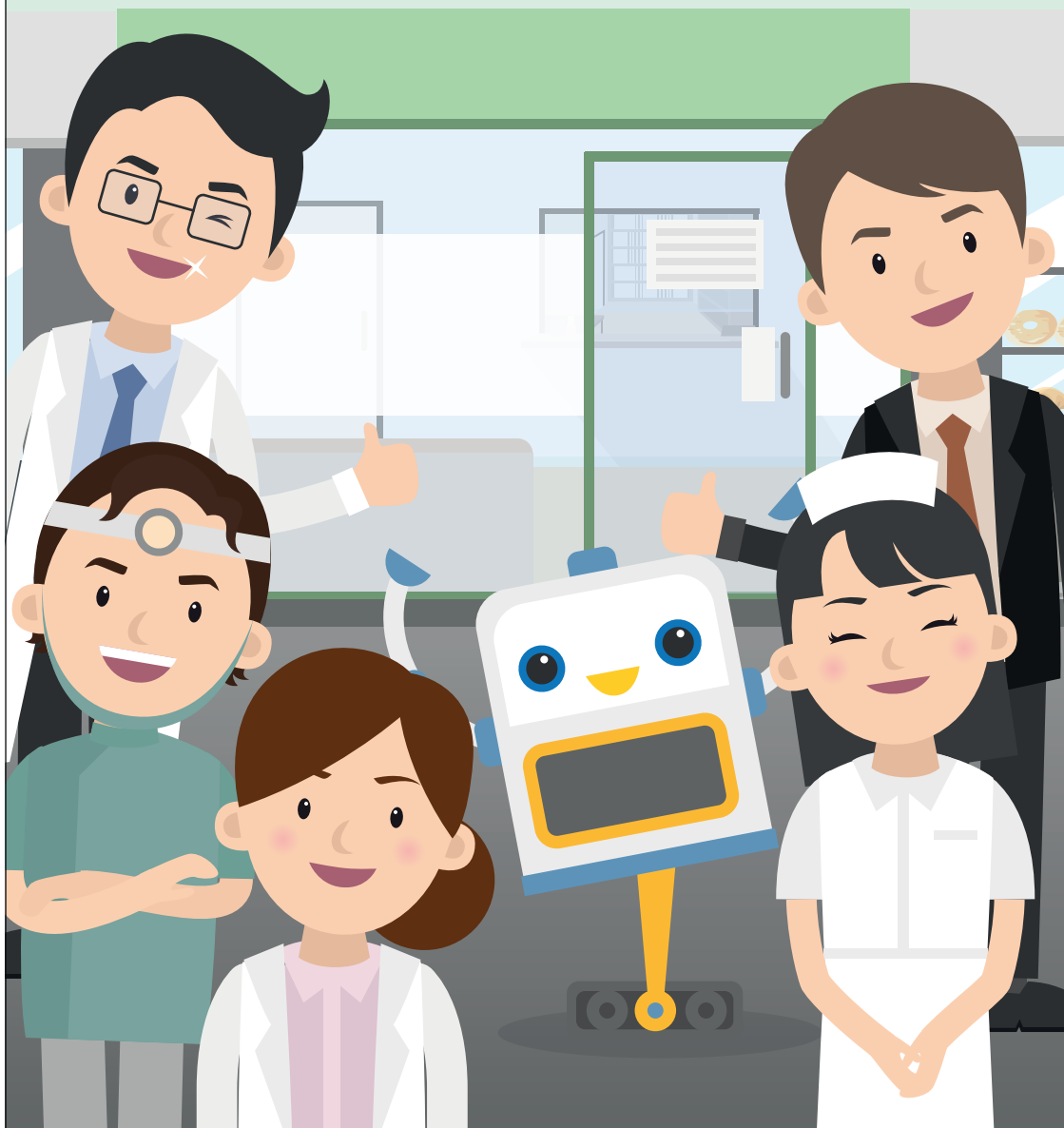


# Private Healthcare Facilities Ordinance

## Clinics



### Clinic

- Under the “Private Healthcare Facilities Ordinance” (Cap. 633) (the Ordinance), clinics are premises used by registered medical practitioners or registered dentists to provide private medical services without lodging, and continuous confinement of patients within the facility may not exceed 12 hours.
- The key difference between a clinic and a “Day Procedure Centre” (DPC) is that, apart from providing general clinic services and “Minor Medical Procedures”, “Scheduled Medical Procedures” specified under the Ordinance should not be carried out in a clinic.

### “Scheduled Medical Procedures” and “Minor Medical Procedures”

- As specified in the Ordinance, “Scheduled Medical Procedures” are medical procedures that are carried out in ambulatory settings and entail a higher level of risk. (Please refer to Section 2 of the Ordinance on interpretation of “Scheduled Medical Procedures” and Column 2 of Schedule 3 to the Ordinance on the particular medical procedures under classes of specialized services or the information materials on “Day Procedure Centres” for details.)
- “Minor Medical Procedures” are medical procedures carried out in ambulatory settings, which are not “Scheduled Medical Procedures”. (Please refer to Section 2 of the Ordinance on the interpretation of “Minor Medical Procedures” and the medical procedures as described in Column 3 of Schedule 3 to the Ordinance.)

### Application for Clinic Licence

- Except for “Small Practice Clinics” (SPCs), all clinics, including the “Scheduled Clinics” listed in Schedule 6 to the Ordinance, must apply for a licence.
- A facility meeting the requirements of an SPC may request for a letter of exemption. For details, please refer to the information materials on “Small Practice Clinics”.
- Details of applications for clinic licences will be announced in due course.

### Transitional Arrangement

- A clinic may continue to operate until the Secretary for Health appoints by notice published in the Gazette that the provisions on offence / penalty for operating a clinic without licence under the Ordinance come into force. However, operators shall be aware of the requirements of the Ordinance early and get prepared for obtaining the relevant licence before relevant provisions on offence / penalty take effect.
- A clinic that has been in operation on 30 November 2018, upon application for a clinic licence, will be issued a provisional licence subject to meeting of the criteria as set out in Section 136(2) of the Ordinance.
- Clinics issued with provisional licences may continue to operate legally until the application for the full licence is approved, withdrawn or rejected, or the Secretary for Health appoints by notice published in the Gazette the date on which the transitional arrangement expires (in order to provide sufficient preparation time for the trade, the expiry date of the transitional arrangement will be at least 1 year after the date on which the notice is published).

### Application for Provisional Licence

- To be eligible for a provisional licence, the operator must prove that the clinic has been in operation on 30 November 2018.
- If a clinic comes into operation or has been relocated to a new premises after 30 November 2018, the eligibility for a provisional licence will be lost and the clinic will have to apply for a full licence. For details, please refer to the “Guidance Notes for Application for Clinic Licence” to be issued in due course.
- The application procedure and arrangement will be announced in due course.

### The Responsibilities of the Licensee of a Clinic

- The licensee is wholly responsible for the operation of the clinic;
- Ensuring that the clinic complies with the requirements of the Ordinance, licensing conditions and the “Code of Practice for Clinics”;
- Appointing a “Chief Medical Executive” (CME) for the clinic;
- Setting up and enforcing rules, policies and procedures relating to the quality of care for, and the safety of, patients in the clinic;
- Making available to the public information about the prices of chargeable items and services provided in the clinic; and
- Putting in place complaints handling procedures.

### The Responsibilities and Requirements of the CME of a Clinic

- The CME is responsible for the day to day administration of the clinic.
- The responsibilities of the CME include adoption and implementation of rules, policies and procedures concerning healthcare services provided in the clinic.
- For a clinic with medical practice, the CME must be a registered medical practitioner. If the clinic also provides dental practice, the licensee must also appoint a registered dentist to assist the CME in carrying out the day to day administration of the dental practice.
- For a clinic with only dental practice, the CME must be a registered dentist.
- The CME of a clinic must be a medical practitioner or a dentist who has been registered for not less than 4 years in Hong Kong; and must not serve at the same time as the CME of a hospital, nor at the same time serves for more than 3 clinics or more than 1 DPC and 1 clinic.
- The Ordinance does not prohibit having the same person as the licensee and the CME.

### A Single CME for 4 or more Clinics

- If the same licensee operates 4 or more clinics at the same time, the licensee may appoint a single CME for the clinics, provided that this CME is a medical practitioner or dentist who has been registered in Hong Kong for not less than 8 years and is not serving at the same time as the CME of another private healthcare facility (PHF).
- In addition, the licensee shall establish a “Medical Advisory Committee” (MAC) for this group of clinics, and appoint for each clinic in the group a registered medical practitioner or a registered dentist who is serving at that clinic to assist the CME in carrying out the day to day administration of the clinic. For details, please refer to the information on “Requirements for governance and premises of private healthcare facilities”.

### Validity Period of a Clinic Licence

- Under normal circumstances, the licence of a clinic is valid for 5 years and the licence of a Scheduled Clinic listed in Schedule 6 to the Ordinance is valid for 1 year.

### Other information

- Materials on the following subjects under the Ordinance are available:
  - Introduction of the Private Healthcare Facilities Ordinance
  - Day Procedure Centres
  - Small Practice Clinics
  - Requirements for governance and premises of private healthcare facilities
- Further details are available at [www.orphf.gov.hk](http://www.orphf.gov.hk) (accessible by scanning this QR code).

