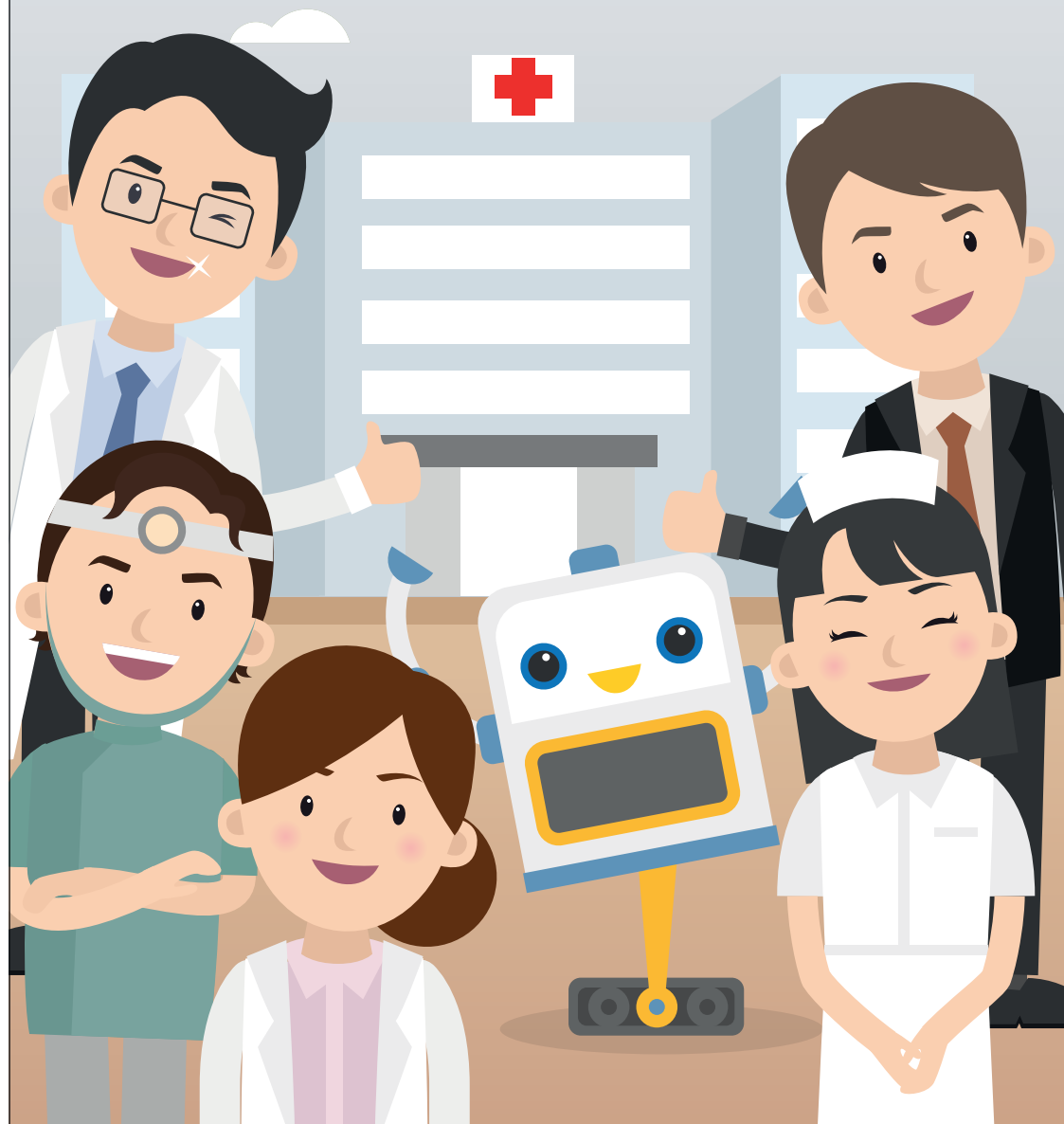


Private Healthcare Facilities Ordinance



The Private Healthcare Facilities Ordinance (Cap. 633)

- The Private Healthcare Facilities Ordinance (the Ordinance) passed in November 2018 provides for a new regulatory regime for private healthcare facilities (PHFs).
- All premises of PHFs, including private hospitals, day procedure centres (DPCs) and clinics, where registered medical practitioners or registered dentists practise, will be regulated under the Ordinance.
- To legally operate, PHFs must meet certain standards for licensing or exemption, apply for a licence or request for a letter of exemption from the Department of Health (DH) upon the commencement of the Ordinance.

Types of licences

- Under the Ordinance, premises of a PHF must be covered by either a licence or a letter of exemption. There are three major types of licences, including licences for hospitals, DPCs and clinics.
- A clinic satisfying the conditions of “Small Practice Clinics” (SPCs) specified under the Ordinance may request for a letter of exemption.

Classification of a hospital, a DPC and a clinic

- The classification of the PHFs is mainly based on the type of medical services they provide:

	Hospitals	Day Procedure Centres	Clinics
Medical procedure requiring lodging	✓	✗	✗
Services to pregnant women for and immediately after childbirth	✓	✗	✗
Medical procedures specified in the “Code of Practice for Day Procedure Centres” as to be conducted only in hospitals	✓	✗	✗
Medical procedures which may require continuous confinement of the patient within the facility for more than 12 hours	✓	✗	✗
“Scheduled Medical Procedures” specified in Section 2 and Column 2 of Schedule 3 to the Ordinance	✓	✓	✗
Consultation services and “Minor Medical Procedures” (Such as medical procedures described in Section 2 and Column 3 of Schedule 3 to the Ordinance)	✓	✓	✓

“Scheduled Medical Procedures”

- “Scheduled Medical Procedures” are medical procedures that are carried out in an ambulatory setting and as specified in Schedule 3 to the Ordinance, including the following eight classes of specialized services:
 - Endoscopic procedure
 - Chemotherapy
 - Haemodialysis
 - Interventional radiology and lithotripsy
 - Radiotherapy
 - Surgical procedure
 - Anaesthetic procedure
 - Dental procedure
- Please refer to Section 2 of the Ordinance on the interpretation of “Scheduled Medical Procedures” and Column 2 of Schedule 3 to the Ordinance on the particular medical procedures under the abovementioned classes of specialized services.

Medical procedures that can be performed only in hospitals

- The “Code of Practice for Day Procedure Centres” specifies the high-risk medical procedures, such as blood transfusion, that can be performed only in hospitals. Please refer to the “Code of Practice for Day Procedure Centres” for details.

“Minor Medical Procedures”

- “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.

Under what circumstances a PHF may be exempted from licensing?

- Under the Ordinance, SPCs may request for exemption from licensing.
- If a clinic meets the conditions of an SPC, request for a letter of exemption could be made. Please refer to the information on “Small Practice Clinic” for details.
- There is no exemption from licensing for hospitals and DPCs.

For a PHF with both medical and dental practices, or performing both “Scheduled Medical Procedures” and “Minor Medical Procedures” on patients, how many licences will be needed?

- The regulatory regime under the Ordinance is premises based, and only one licence is required for one premises. Hence, a facility that provides both medical and dental services on the same premises needs to apply for one licence only.
- Besides, since DPCs may provide general clinic services, applying for a DPC licence is sufficient. There is no need to apply for an extra clinic licence.

Are facilities with only practices of Chinese medicine practitioners or other allied healthcare professionals (such as physiotherapists) required to apply for a licence under the Ordinance?

- The Ordinance does not cover premises where only Chinese medicine practitioners or other healthcare professionals practise.
- However, if on the same premises a licence is issued under the Ordinance for the practice of a medical practitioner or a dentist, the licence of the premises will also cover the services provided by the Chinese medicine practitioners and other healthcare professionals serving there.

Does the operator of a PHF have to be a medical practitioner or a dentist?

- Operators of the PHF include holders of licence or letter of exemption of a PHF.
- Apart from operators of exempted SPCs (including all partners or directors) who must be registered medical practitioners or registered dentists, the Ordinance does not require the operators of other PHFs to be medical practitioners or dentists.

Who can apply for a licence?

- Any of the following persons that operates or has control over a PHF (other than a hospital or a clinic that is a scheduled clinic listed in Schedule 6 to the Ordinance), or that intends to operate or have control over such a PHF, may apply for a licence for the facility:
 - an individual;
 - a partnership;
 - a company;
 - a body corporate other than a company;
 - a society
- For details of applicants for hospital or scheduled clinic licences, please visit www.orphf.gov.hk.

Other Information

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

