



**Guidance notes for Application for Hospital Licence (Cap. 633)**  
Applicable for Registered Hospitals and Scheduled Nursing Homes  
during Specified Period (2 July 2019 to 31 December 2019)

**1. Introduction**

- 1.1 The Private Healthcare Facilities Ordinance (Cap. 633) (hereafter referred as “the Ordinance”) was enacted on 30 November 2018, providing for the regulation of private healthcare facilities, namely hospitals, day procedure centres, clinics and health services establishments.
- 1.2 Pursuant to section 10(1) of the Ordinance, a person who intends to operate a private healthcare facility is required to obtain a licence under the Ordinance.
- 1.3 Upon commencement of section 10(3)(a) of the Ordinance, it is an offence under the Ordinance to operate a private hospital without a licence.
- 1.4 Division 2 of Part 9 of the Ordinance provides for the transitional arrangements for application for hospital licence where an existing hospital or a scheduled nursing home (a nursing home listed in Schedule 10 of the Ordinance) has already registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165).

**2. Purpose**

- 2.1 This document serves as a general guide for **application for hospital licence for a hospital or a scheduled nursing home registered** under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap.165), where the application is **made within the specified period of 2 July to 31 December 2019 (both days inclusive) under section 13 and in reliance of section 125 or 126 respectively.**

### 3. Application Procedure

#### 3.1 Who may apply for hospital licence for hospital/ scheduled nursing home already registered

3.1.1 Pursuant to sections 125 and 126 of the Ordinance, the person who wish to apply for a hospital licence under the Ordinance for a registered hospital or a scheduled nursing home must be the registered person in relation to the hospital or scheduled nursing home under application and the Certificate of Registration issued under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap.165) (“the Certificate of Registration”) is valid at the time of application.

3.1.2 Pursuant to section 14 of the Ordinance, the applicant for a licence issued for a hospital must be a company, or other body corporate, operated by a board of directors (however described).

3.1.3 The applicant for hospital licence shall authorize an authorized representative in writing to complete and submit the application form (PHF 12) and relevant required supporting documents listed in the checklist of documents (PHF 13) on behalf of the applicant.

3.1.4 The document authorizing the authorized representative shall include a resolution in writing relating to the authorization passed by the Board of Directors of the company or body corporate.

#### 3.2 What premises may be included in the application

3.2.1 For application made by the registered person of a hospital during the specified period, he may apply for a single hospital licence for the **main premises** and those **associated premises** stated on the Certificate of Registration if the criteria stipulated in section 125(3) of the Ordinance are met.

3.2.2 Where the associated premises stated on the Certificate of Registration meet the criteria in section 125(3) of the Ordinance and the applicant intends to continue operating that premises, that particular premises must be included in the application for hospital licence.

3.2.3 The transitional arrangements as provided in section 3.2.1 for hospitals are only applicable if :

3.2.3.1 the applicant is a registered person in relation to a registered hospital;

3.2.3.2 the certificate of registration is valid at the time of application; and

3.2.3.3 the application for a hospital licence is made during the specified period.

3.2.4 For application made by the registered person in relation to a scheduled nursing home, he may only include the premises of the scheduled nursing home in the application if transitional arrangements provided in section 126 of the Ordinance is sought.

### 3.3 Application Timeline

3.3.1 In order to enable issuance of a hospital licence in reliance on section 125 or 126 of the Ordinance before the penalty provisions for operating a hospital without a licence under the Ordinance commence, the application should be submitted as soon as possible when the specified period for application starts. **Transitional arrangements provided in Division 2 of Part 9 of the Ordinance will not be applicable to any applications received after expiry of the specified period of 2 July to 31 December 2019 (both days inclusive).**

3.3.2 It is of utmost importance that responses to Department of Health (“DH”)’s requests for supplementary information, alterations or improvement to the premises, and amendments to applications are made within the deadline specified by DH (usually **within 10 working days** from the date of DH’s letter/request) or according to the timeline agreed between DH and the applicant.

3.3.3 Any need for submitting supplementary information or making alteration or improvement to the premises and any delay in reply from the applicant may lead to issuance of the hospital licence after the penalty provision commences. Should this happen, the hospital must cease operation until the hospital licence under the Ordinance is issued so as to avoid commission of an offence under the Ordinance.

### 3.4 Submitting the application

3.4.1 The application form and Code of Practice for Private Hospital (CoP) (PHF(E) 11A) can be accessed at the website of the Office for Regulation of Private Healthcare Facilities at [www.orphf.gov.hk](http://www.orphf.gov.hk).

3.4.2 The duly completed **application form** and **all required documents** listed in the checklist of documents shall be submitted to DH to the following address:

Office for Regulation of Private Healthcare Facilities  
Department of Health  
Room 402, 4/F  
14 Taikoo Wan Road  
Taikoo Shing  
Hong Kong

3.4.3 Upon receipt of an application, DH will check against the checklist of documents to confirm if all documents required have been submitted.

3.4.4 If all documents required to be submitted under the checklist of documents have been submitted, DH will issue a General Demand Note (“GDN”) to the applicant **within 2 working days** or no later than the last day of the specified period (i.e. 31 December 2019), whichever date is earlier, for payment of application fee.

3.4.5 If the documents required to be submitted are incomplete, the submission will be rejected and the applicant will be notified to collect the documents submitted or the documents will be disposed of in accordance with DH procedures.

3.4.6 An application will be accepted by DH only when all required documents stated in the checklist of documents are submitted and the relevant application fee is received (see section 3.5 below).

3.4.7 An application for hospital licence made in reliance of section 125 or section 126 of the Ordinance must be made within the specified period of **2 July to 31 December 2019** (noting that the application is only considered as having been made upon receipt of payment). This transitional arrangements will not be applicable to applications made after expiry of the specified period.

3.4.8 The actual payment date on a working day will be considered as the application receipt date. Where the payment date falls on a gale warning day, black rainstorm day or public holiday, the receipt date of the application will be taken as the first working day after the payment date. Any payment received after the specified period would render the application not eligible for transitional arrangements.

### 3.5 Application fee

- 3.5.1 The application fee for a hospital licence application made during the specified period by a registered person for a registered hospital or a scheduled nursing home where the Certificate of Registration is valid at the time of the application is \$5,020.
- 3.5.2 The applicant shall make payment according to the payment methods stated in the GDN on or before the specified deadline stated on the GDN. If payment is not received by the specified deadline stated on the GDN, the submitted document will not be further processed and the applicant will be notified to collect the submitted documents or the submitted documents will be disposed of in accordance with DH procedures. It shall be noted that for applications made after the specified period, transitional arrangements will not apply and the applicant will need to apply for a hospital licence using the application form (PHF 14) and pay the relevant application fee.
- 3.5.3 If payment of relevant application fee is received by the date specified on the GDN, an acknowledgment of receipt letter with an Application Reference Number will be issued to the applicant **within 2 working days** after payment.
- 3.5.4 The Application Reference Number shall be quoted in all correspondence between the applicant and DH.
- 3.5.5 Any application fee paid will not be refunded regardless of whether the application is approved or not.

### 3.6 Processing of application

- 3.6.1 An application will be accepted by DH for processing upon payment of the specified application fee.
- 3.6.2 Following receipt of an application, the submitted information will be assessed for compliance with the licensing requirements (e.g. legal requirements stipulated in the Ordinance and criteria set out in the CoP).
- 3.6.3 Before an application is approved, DH will inspect the premises of the hospital and may at any time require the applicant to submit additional supporting documents, to make necessary amendment(s) to the application, or to make alteration or improvement to the premises for fulfilling the licensing criteria. A deadline for submission will be provided to the applicant for compliance with the requirements and the applicant may apply for extension of the deadline if with reasonable grounds.

3.6.4 If the applicant fails to provide the required information by the deadline specified in DH's request (usually **within 10 working days**) or the extended deadline, the application is taken to have been withdrawn and a notification of the deemed withdrawal will be issued to the applicant.

3.6.5 If there is/are ground(s) for refusal to issue a licence, a notification of refusal specifying the reasons for refusal may be issued to the applicant. If the applicant is aggrieved, he/she may appeal to the Administrative Appeals Board.

### 3.7 Inspection and notification of results of application

3.7.1 After receipt of all information necessary for conducting an on-site inspection for assessment of compliance with licensing requirements, DH will arrange an on-site inspection.

3.7.2 If inspection findings reveal that alterations or improvements to the premises, amendments to the application or additional information for approval of licence are necessary, the applicant will be informed of the same **within 7 working days** after completion of the on-site inspection.

3.7.3 The applicant shall make the necessary alterations, improvements or amendments and submit the required information to the DH by the deadline specified by DH or the extended deadline. Otherwise, the application may be deemed withdrawn under section 26 of the Ordinance. The DH may arrange additional on-site inspection with the applicant after completion of all required alterations and improvements to premises, necessary amendments to the application, and receipt of all required information.

3.7.4 If the alterations or improvements required or done are not performed or do not meet the licensing requirements and there is/are ground(s) for refusing to issue a licence, a notification of refusal specifying the reasons for refusal may be issued to the applicant **within 15 working days** from the date of last submission of documents/information from the applicant. If the applicant is aggrieved, he/she may appeal to the Administrative Appeals Board.

3.7.5 Upon completion of inspection(s), all required alterations and improvements to the premises and necessary amendment to the application and receipt of all information required that show compliance with the relevant licensing requirements, the Hospital Licence will be issued to the applicant.

### 3.8 Particular requirements on presentation of documents for submission

3.8.1 The applicant must submit the application form together with the required documents according to the checklist of documents and a covering letter.

3.8.2 The covering letter shall include a list of all documents submitted with the application and an index of the documents with corresponding page numbers.

3.8.3 All documents shall be paginated and indexed and compiled as a bundle.

3.8.4 For subsequent submissions, requirements in sections 3.8.1 to 3.8.3 and the following additional requirements apply:

- (a) The Application Reference Number must be quoted in the covering letter;
- (b) Where amendments or updates have been made to the previously submitted documents, the covering letter shall state the parts/sections where changes have been made to the original submission and highlight the page and paragraph numbers where changes have been made. The updated/amended documents shall be provided in both tracking mode showing changes made and in clean version mode.

3.8.5 Where only part of a document submitted is relevant to the application or request made by DH, the relevant part must be highlighted.

3.8.6 Where the documents do not meet the requirements as stipulated in this section, DH will not further process the submitted documents and they will be returned to the applicant.

#### 3.8.7 Incomplete submission

- 3.8.7.1 Unless agreed by DH, incomplete replies to requests for further information will not be entertained and will be returned to the applicant until a complete response is provided to all requests for information made by DH.

#### **4. After the Hospital Licence is issued**

4.1 The Licensee of Hospital shall comply with all conditions imposed on the Licence, the requirements stipulated under the Ordinance and relevant Code of Practice.

#### **4.2 Associated premises**

4.2.1 The associated premises of the hospital may be covered by a single hospital licence within the validity period of

- (a) the hospital licence; and
- (b) the renewed hospital licence on the first renewal and after the first renewal only.

4.2.2 Within the validity period of the licence, particular associated premises covered by the licence would cease to be covered by the licence immediately if a specified event listed below occurs:

- (a) A licence is issued under section 17 of the Ordinance in respect of the particular associated premises; or
- (b) An application for variation of scale or scope of services to remove the particular associated premises from the coverage of the hospital licence, made by the licensee of hospital, is approved by DH.

#### **4.3 Renewal of Licence**

4.3.1 The licence for a hospital is valid for a period of not more than 2 years as specified in the licence.

4.3.2 Application for renewal of licence, if any, shall be made not less than 6 months before the expiry of the licence unless the Director of Health has specified in writing such other period.

4.3.3 For details, please refer to the Guidance Notes for Application for Renewal of Hospital Licence.



#### 4.4 Variations of scale or scope of services

4.4.1 Within the validity period of the licence issued, the licensee of hospital may apply to the Director of Health to vary the scale or scope of services specified in the licence.

4.4.2 For details, please refer to the Guidance Notes for Application for Variation of Services in respect of a Hospital Licensed under the Private Healthcare Facilities Ordinance and Guidance Notes for Application for Extension of a Hospital Block or Redevelopment of Existing Hospital Block in relation to a Licensed Hospital.

##### Important Note

Under section 93 of the Private Healthcare Facilities Ordinance, if a person makes a statement or representation that is false or misleading in a material particular in this application and the person knows or is reckless as to whether the statement or representation is false or misleading in a material particular, the person commits an offence and is liable on summary conviction to a fine at level 6 and to imprisonment for 2 years.