



Guidance Notes for Cancellation of Day Procedure Centre Licence at Licensee's Request

1. In what circumstances the licensee of a day procedure centre (DPC) shall make a request for cancellation of licence?

The licensee of a DPC shall request for cancellation of licence if the DPC is intended to –

- relocate to other premises
- cease providing any scheduled medical procedure
- change of licensee
- cease operation before the licence expires

For **DPC holding a provisional licence** with similar intents listed above, the licensee shall write to the Department of Health (DH) to withdraw the application for DPC licence (See [FAQ Q1](#)), instead of making a request for cancellation of licence.

2. Who can make a request for cancellation of licence?

The licensee or its authorized partner / representative shall be responsible for making the request for cancellation of licence.

3. How should the request for cancellation of licence be made?

The licensee shall complete the notification form (PHF 27). The hard copy of the completed form, together with a closure plan, shall be sent to the Office of Regulation for Private Healthcare Facilities of DH **not less than 6 weeks**^(Note) before the intended date of cancellation of licence. The request for cancellation of licence shall be sent to the following address –

Licensing Division
Office for Regulation of Private Healthcare Facilities
Department of Health
6/F, Guardian House
32 Oi Kwan Road
Wan Chai, Hong Kong

4. Preparation of DPC for Cancellation of Licence

Before cancellation of the licence, the licensee shall make proper arrangement where necessary for the patients affected to ensure continuity of care after cessation of operation of the DPC.

Licensee shall prepare a closure plan and submit with the notification form. The closure plan includes, but not limited to –

- Staff arrangement
- Booking schedule of the last two weeks of operation
- Schedule for informing patients about the cessation of operation
- Management of medical records and case referral
- Arrangement for patient access to their medical records after the cessation of operation
- Arrangement of outstanding laboratory and radiological results (*if any*)
- Disposal of chemical waste (including drugs), clinical waste, irradiating apparatus, radioactive materials, medical equipment (*if any*)

Director of Health (DoH) may impose on the licensee a requirement for the cancellation of licence that he considers appropriate^(Note). DH may conduct site inspection and inspect the implementation of the closure plan where necessary.

Licensee shall ensure that the DPC adheres to the closure plan and the requirement(s) imposed by DoH. Licensee shall inform DH promptly if there is any change in the closure plan or the date of cessation of operation.

Note: According to Section 35 of the Private Healthcare Facilities Ordinance (Cap. 633) (“the Ordinance”) and the Clause 1.3.11 of the Code of Practice for Day Procedure Centres, if a licensee intends to cease operating a DPC, he must make a request **in writing** to DoH to **cancel the licence in not less than 6 weeks** before the intended date of cessation of operation.

DoH may cancel the licence from the day after the intended date of cessation of operation and impose on the licensee a requirement for the cancellation of licence that DoH considers appropriate. Persons who contravene the above may commit an offence and is liable to a fine at level 4 and to imprisonment for 3 months.

Frequently Asked Questions

Q1 My DPC holds a provisional DPC licence. If my DPC is intended to cease operation, should I complete the notification form (PHF 27)?

A1 The notification form for cancellation of DPC licence is NOT applicable for DPC with a provisional licence. Licensees of DPC with provisional licence shall inform DH for **withdrawal** of DPC licence application by email or letter. The provisional DPC licence will become invalid upon withdrawal of the DPC licence application.

Q2 What are the consequences if I cease operating my DPC without notifying DH before the licence expires?

A2 The licensee, without reasonable excuse, commits an offence under the Ordinance and is liable to a fine at level 4 and to imprisonment for 3 months.

Q3 Do I need to pay for cancellation of DPC licence?

A3 No fee is required for cancellation of licence.

Q4 My DPC is going to be relocated from the current premises to another premises in the same building. Can I use the current licence after relocation of my DPC?

A4 No, all private healthcare facility licences are premises-based. For the current premises, you shall submit a notification form (PHF 27) to DH for cancellation of licence. For the new premises, you shall apply for a new DPC licence **at least 2 months before** the intended date of commencement of operation of the new premises. Please refer to the Guidance Notes for Application for DPC Licence (PHF(E) 22A) for details.

Q5 My DPC will soon cease providing any scheduled medical procedure, and will be operated as a clinic. Do I need to make a request for cancellation of my DPC licence?

A5 Yes, you shall complete the notification form (PHF 27) and submit it to DH for cancellation of licence **not less than 6 weeks before**^(Note) the intended date of cessation of operation as a DPC. You shall also apply for a clinic licence or request for a letter of exemption for small practice clinic if applicable. Details on application for clinic licences and request for letters of exemption in terms of small practice clinics will be announced in due course.

Q6 My DPC will no longer provide any endoscopic procedure, the only specialized service specified in my DPC licence. Instead, my DPC will provide scheduled medical procedures under surgical service after a few months. Do I need to make a request for cancellation of my DPC licence and apply for a new one?

A6 No. Temporary suspension of the endoscopic procedures does not require to make a request for cancellation of DPC licence.

You shall apply for a variation of service **at least 2 months before** the intended date of commencement of operation of the new service for –

(i) cessation of endoscopic procedure; and

(ii) addition of surgical procedure

Please refer to the Guidance Notes for Variation of Service / Particulars for Day Procedure Centres (PHF(E) 26A) for details.

Q7 My DPC will be operated by another company. The new company will apply for a new DPC licence. Do I still need to make a request for cancellation of my DPC licence?

A7 Yes, you shall submit a notification form (PHF 27) to DH for cancellation of licence **not less than 6 weeks before**^(Note) the intended date of cessation of operation for your DPC.

Q8 What would happen for a DPC licence if the licensee is an individual and the licensee has died?

A8 DoH may by order cancel the licence on the death of the licensee. Alternatively, DoH may defer the cancellation of the licence until the expiry of 12 weeks after the date of death of the licensee if he satisfied with the following conditions that:

- the personal representative of the deceased licensee has made a request in writing to DoH asking for the deferment;
- The personal representative has appointed a registered medical practitioner or a registered dentist (as the case requires) to administer the facility; and
- The personal representative has undertaken to assume the full responsibilities of the deceased licensee in operating the facility.

Q9 I have received a requirement from DoH regarding the cancellation of licence for my DPC. Is there any consequence if I fail to comply with the requirement?

A9 Failure to comply with the requirement(s) imposed by DoH, without reasonable excuse, may commit an offence under the Ordinance. The licensee is liable to a fine at level 4 and to imprisonment for 3 months.