



Guidance Notes for Closure of Exempted Clinics

Introduction

This Guidance Notes serves as a reminder to operators of an exempted clinic on their responsibility in planning closure of their exempted clinic. Clinic closure here refers to the cessation of the clinic's operations and the service to patients will be terminated. This Guidance Notes should be read in conjunction with the Private Healthcare Facilities Ordinance (Cap. 633) ("the Ordinance") and PHF(E) 54A Guidance Notes for Notice of Intended Change or Cessation of Exempted Clinics.

Preparing for clinic closure

If you intend to cease to operate the clinic, please ensure proper arrangement has been made for the affected patients to ensure the continuity of care after the clinic's closure. You should adhere to the relevant professional guidelines and laws of the Hong Kong Special Administrative Region for the closure.

Please ensure you have made the following preparations before cessation of operation: -

- Staff management;
- Informing patients about cessation of operation;
- Management of medical records and case referral;
- Arrangement of patient access to their medical records after cessation of operation;
- Arrangement of outstanding laboratory and radiological results;
- Disposal of chemical waste (including drugs), clinical wastes, irradiating apparatus, radioactive materials, and medical equipment.

Registered medical practitioners should refer to section 1.3 of the Code of Professional Conduct issued by the Medical Council of Hong Kong regarding cessation of practice. Registered dentists should refer to section 4.3 of the Code of Professional Discipline for the Guidance of Dental Practitioners in Hong Kong issued by the Dental Council of Hong Kong regarding cessation of practice. You may also contact the Drug Office and the Radiation Health Division of the Department of Health ("DH") for proper disposal of drugs and irradiating apparatus.

Notifying DH of your clinic closure

According to section 44(1) of the Ordinance, operators of an exempted clinic must give the Director of Health not less than 14 days' notice in writing for: -

- any intended cessation of the clinic's operation (i.e. closure of clinic); or
- any intended cessation of the clinic's operating as a small practice clinic.

Operators are required to submit the PHF 54 Notice of Intended Change or Intended Cessation of an Exempted Clinic ("ICC Form") to DH not less than 14 days before the intended cessation, **regardless of the reasons for closure**. Upon receiving your notification, DH will proceed with the revocation of your exemption and may contact you regarding your closure plan.

If operators plan to operate another clinic in the future, they must request a new letter of exemption or apply for clinic licence.

Regulatory actions for those fail to comply

Pursuant to section 44 of the Ordinance, the operators of an exempted clinic who, without reasonable excuse, fail to notify DH of the intended cessation of the clinic commits an offence. DH may take appropriate enforcement action(s). Offending operators may be considered as inappropriate to carry on the practice in the clinic without a licence when they make a new request for a letter of exemption.

If violation of professional code of conduct and / or contravention of other ordinances is suspected, DH may refer the case to relevant professional / enforcement bodies.

Frequently Asked Questions

Q1 Our clinic is operated by a company. We have decided to wind up the company but the exact date is not known yet. We will close down the clinic once the company has been wound up. When should we notify DH?

A1 For exempted clinics operated by company, operators are advised to notify DH in writing if the company has commenced to be wound up. DH may contact your company for the closure plan. Please be reminded that under the Ordinance, you are required to give no less than 14 days' notice to DH for intended cessation of the clinic's operation.

Q2 I am a sole proprietor of an exempted clinic. I have made voluntary arrangement with my creditors on my asset but I would continue to operate the clinic. Do I need to notify DH?

A2 Operators are advised to notify DH in writing as soon as practicable for any change in financial situation, including bankruptcy or voluntary arrangement with the individual's creditors within the meaning of the Bankruptcy Ordinance (Cap. 6).

Q3 I operate an exempted clinic as a partnership with 2 other medical practitioners. Unfortunately, a partner passed away last week. What should we do?

A3 Subject to your partnership agreement, if the passing of a partner does not lead to dissolution of the partnership, you and your partner may continue to operate the exempted clinic. Please inform DH of the change of operator of your clinic within 14 days after the date of the partner's death.

If the clinic's operation is to be ceased, you should inform DH of the cessation within 14 days after the date of the partner's death.