

Government implements regulatory regime for clinics and small practice clinics

Following the plan to implement regulations for private healthcare facilities (PHFs) in phases, the Government announced today (May 21) that commencement notices have been made under the Private Healthcare Facilities Ordinance (Cap. 633) (the Ordinance) to implement the regulatory regime for clinics and small practice clinics (SPCs).

The aforesaid commencement notices will be gazetted this Friday (May 23) and tabled at the Legislative Council meeting for negative vetting on May 28. The Department of Health (DH) will step up the promotion to the healthcare sector in parallel, and begin to accept applications for clinic licences and requests for letters of exemption for SPCs from October 13 onwards.

The Ordinance regulates premises where registered medical practitioners and/or registered dentists practise. It stipulates that a licence is required for operating a clinic, and licensees must at all times comply with the Ordinance, licence conditions and codes of practice (CoP) issued by the Director of Health (DoH). Pursuant to the recommendations made by the Advisory Committee for Regulatory Standards for Private Healthcare Facilities, the DH has formulated the standards in respect of accommodation, staffing and equipment etc for operating a clinic. The DoH will issue the CoP for Clinics by gazettal on May 23, specifying October 13 as the day on which the CoP comes into effect to tie in with the arrangements for licence applications.

Application details

Clinics already in operation on or before November 30, 2018 (i.e. the gazettal date for the enactment of the Ordinance), may require substantial alterations (e.g. modifying the accommodation layout) in order to meet the licensing requirements. As a transitional arrangement, operators of such clinics may apply for a licence between October 13, 2025, and April 13, 2026. After considering the circumstances, the DH may issue a provisional licence which allows these clinics to continue their operation before a full licence is issued.

The provisional licence will expire on a date specified by the Secretary for Health for the expiry of provisions pertaining to such licences; when a full licence is issued to the licensee; or when the application for a full licence is withdrawn or rejected to give operators more time to make alterations.

As for clinics which commenced operation after November 30, 2018 (including those which started businesses or moved to new premises), operators can directly apply for a full licence from October 13 onwards.

For SPCs (i.e. clinics having not more than five registered medical practitioners and/or registered dentists that meet specific conditions under the Ordinance), operators must ask the DoH for a letter of exemption from obtaining a licence from October 13 onwards for their continued operation.

The above arrangements aim to focus on regulating clinics under the management of incorporated bodies. SPCs are exclusively operated by registered medical practitioners and/or registered dentists whose professional practice is already governed by the existing legislation with relevant safeguards. The Ordinance also empowers the DoH to revoke exemptions on specific grounds (e.g. an SPC has been operated in a way contrary to the public interest) to better uphold public interests.

Supporting arrangements

To ensure that the industry has a full understanding of the regulations, the DH has launched a publicity campaign on the website since the first quarter of this year and will progressively step up the relevant work, including disseminating information through various platforms such as professional organisations, press releases, television and radio announcements. The DH will also arrange multiple briefing sessions for the healthcare sector. Please refer to the website of the Office for Regulation of Private Healthcare Facilities (www.orphf.gov.hk) for details.

To address public concern about the use of titles or descriptions by illegal practitioners which may mislead the public into believing that medical services are provided therein, the Government plans to further implement section 92 of the Ordinance after the clinic licences and letters of exemption for SPCs have come into force to prohibit premises other than a permitted facility (i.e. neither a licensed hospital/day procedure centre/clinic, nor an SPC holding a letter of exemption) from bearing a specified title or description in order to enhance regulation.

Since its enactment in 2018, the primary objective of the Ordinance is to ensure that premises providing medical services shall comply with stipulated facility and safety standards, and oversee the quality and price transparency of medical services as appropriate. As for commercial practices of PHFs (including commercial marketing or prepayment mode of consumption), the Government will continue to exercise comprehensive regulation through other existing laws to safeguard the rights and interests of the public.