

LCQ2: Regulation of private healthcare facilities

Following is a question by Professor the Hon Chan Wing-kwong and a reply by the Acting Secretary for Health, Dr Libby Lee, in the Legislative Council today (May 21):

Question:

It has been reported that earlier on, a private healthcare facility (PHF) providing vaccination and health check-up services was suspected to have closed down, resulting in customers who have purchased prepaid services not being able to use such services, and no refund has been arranged for them. In this connection, will the Government inform this Council:

(1) whether it knows the current number of private facilities providing healthcare-related services and, among them, the number of those which have obtained PHF licences;

(2) of the number of complaints received by the Government in the past three years involving private facilities providing healthcare-related services, as well as the main contents of and the follow-up actions taken on such complaints; and

(3) as it has been reported that the Government has set up an inter-departmental task force to follow up the aforesaid incident of suspected closure of a PHF, and the Chief Executive has also indicated that he would review the existing regulation of PHFs, of the specific details of the Government's work in respect of the review concerned, as well as the measures in place to step up regulation, so as to further protect the rights and interests of consumers?

Reply:

President,

Upon consultation with the Security Bureau (SB) and the Commerce and Economic Development Bureau (CEDB), the Health Bureau provides a consolidated reply to the question raised by Professor the Hon Chan as follows:

Closure incident of a private healthcare facility (PHF)

The recent suspected sudden closure of a company providing medical-related services (including vaccination and health check-up services) has impacted many individuals who have purchased prepaid services. In response, the Government has set up an inter-departmental dedicated team on May 2, 2025, to ensure that relevant cases are handled as soon as possible and members of the public involved are provided with assistance. The inter-departmental dedicated team comprises representatives from the SB, the CEDB, the Hong Kong Customs and Excise Department (Customs), the Hong Kong Police

Force (Police), the Department of Health (DH) and the Consumer Council.

Customs and the Police have been carrying out investigations into the incident under the Trade Descriptions Ordinance (Cap. 362) (TDO), and to find out if other criminal offences are involved. On May 7, Customs arrested a director and a company secretary of the company concerned. They allegedly wrongly accepted payments as their commercial practices in the course of selling services, which is suspected to be in contravention of the TDO. Law enforcement agencies will continue to arrange for those who have made a report to give statements, with a view to gathering evidence for taking appropriate enforcement actions. The Consumer Council will also continue its attempt to contact the company concerned in order to handle the complaints by means of conciliation.

To ensure that affected individuals could receive proper medical support, the DH has set up a designated telephone hotline, email and instant messenger channels for receiving enquiries from locals and non-locals for free, as well as providing health information, in particular vaccination-related advice, and assisting parents in arranging for their children to receive vaccinations under the Hong Kong Childhood Immunisation Programme at the Maternal and Child Health Centres. Eligible children (mainly Hong Kong residents) are entitled to free vaccinations while non-eligible children will need to pay standard fees. Enquirers can also ask for information on how to receive other vaccines. The Primary Healthcare Commission (PHC Commission) has already engaged with family doctors and healthcare facilities to ascertain that there is a stable supply of relevant vaccines in the private sector, and has reminded family doctors listed in the Primary Care Directory (PCD) to update their practice information. The PHC Commission also enhanced the search function of the PCD to facilitate citizens in seeking medical consultation. After learning that the company concerned had used the laboratory services of a private hospital, the DH also took the initiative to contact the private hospital and offered assistance in delivering these laboratory reports to relevant doctors so that relevant cases could be followed up. The DH has also reached out to registered professionals operating medical laboratories or radiological imaging services, inviting them to contact the DH for assistance if they are unable to deliver the reports to referring doctors from the company concerned.

This incident shows that the operation of PHFs involves aspects other than professional standards of medical services, including commercial practices. It is imperative for the Government to leverage on various legal tools in existence to safeguard public interests in a more effective and comprehensive manner.

Regarding the prepayment mode of consumption under this incident, currently various laws in Hong Kong protect consumers' rights and interests. Among others, the TDO covers goods and services, and prohibits traders from subjecting consumers to unfair trade practices. The Government has noted multiple suggestions from various sectors of the community on how to offer better protection to consumers on prepayment mode of consumption, including introducing a statutory cooling-off period and limiting the maximum period of prepayment contracts. The CEDB has commenced a study taking into account

factors such as the economic environment, the operating situation of relevant industries, as well as complaint and enforcement statistics, with a view to conducting in-depth review on various recommendations, so as to formulate appropriate strategies as early as possible to strengthen the protection of consumers' rights and interests.

Regulation of PHFs

As for the regulation of medical services, the Government has enacted the Private Healthcare Facilities Ordinance (Cap. 633) (the Ordinance) in 2018 for regulating PHFs. The primary objective 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. The Government has been progressively implementing the regulatory regime for various types of PHFs on a risk-based approach. Although the implementation progress has been affected by the COVID-19 epidemic, provisions pertaining to hospitals and day procedure centres (DPCs) under the Ordinance have already come into full force. As of April 30, 2025, there were a total of 14 licensed private hospitals and 259 licensed DPCs in Hong Kong.

Regarding clinics and small practice clinics (SPCs), the Health Bureau follows the scheduled plan to implement the regulation for PHFs in phases, and will submit the commencement notices to the Legislative Council (LegCo) today (May 21) for gazettal on Friday (May 23) and tabling at the LegCo Meeting next Wednesday (May 28) for negative vetting in order to commence the relevant provisions. Once the above provisions take effect, a licence will be required for operating a clinic, and licensees must at all times comply with the Ordinance, licence conditions and codes of practice issued by the Director of Health (DoH). For SPCs (i.e. clinics having not more than five registered medical practitioner(s) and/or registered dentist(s) that meet specific conditions under the Ordinance), operators must ask the DoH for a letter of exemption from obtaining a licence. To allow sufficient preparation time for the sector and tie in with the publicity arrangement, the DH will begin to accept applications from October 13, 2025. More accurate figures related to PHFs could then be collected, and at this stage the DH does not have the number of clinics and SPCs.

The Government also plans to further implement section 92 of the Ordinance after the clinic licences and letters of exemption for SPCs have come into force in order to enhance regulation, prohibiting the use of titles or descriptions by individual unlicensed premises which may mislead the public into believing that medical services are provided therein.

The Government has also established the Committee on Complaints against Private Healthcare Facilities under the Ordinance in 2020, which has received 93 complaints over the past three years. As of May 13, 2025, cases considered and concluded stood at 78 with another 15 being under investigation. The complaints mainly involved issues related to professional practices of healthcare professionals, staff performance and communication issues of the facility, as well as administrative procedures etc.

Thank you, President.