

LEGISLATIVE COUNCIL BRIEF

Private Healthcare Facilities Ordinance

PRIVATE HEALTHCARE FACILITIES ORDINANCE (SPECIFICATION OF DATE FOR SECTION 135(1)(a)) NOTICE

PRIVATE HEALTHCARE FACILITIES ORDINANCE (SPECIFICATION OF DATE FOR SECTION 136(1)(a)) NOTICE

INTRODUCTION

The Private Healthcare Facilities Ordinance (Specification of Date for Section 135(1)(a)) Notice and the Private Healthcare Facilities Ordinance (Specification of Date for Section 136(1)(a)) Notice, at **Annex**, were made by the Director of Health (the Director) under sections 135(6)(a) and 136(6)(a) of the Private Healthcare Facilities Ordinance (Cap. 633, the Ordinance) respectively to specify the dates (the specified dates) in relation to transitional arrangements for existing operators of day procedure centres and clinics.

JUSTIFICATIONS

2. The Private Healthcare Facilities Bill was passed by the Legislative Council on 15 November 2018, and the Ordinance was gazetted on 30 November 2018. The Ordinance will further protect patient safety and consumer rights through the introduction of a new regulatory regime for private healthcare facilities.

3. As part of the transitional arrangements for the new regulatory regime, the Director must¹, on receiving the operator's application for a full licence², issue a provisional licence to the operator of an existing day procedure centre or an existing clinic that was operated by the operator on the date specified by the Director if the Director is satisfied that certain conditions are met.

¹ Under sections 135 and 136 of the Ordinance.

² Made under section 13 of the Ordinance.

Sections 135(6)(a) and 136(6)(a) of the Ordinance respectively provide that the Director may, by notice published in the Gazette, specify the dates with respect to day procedure centres and clinics. The provisional licence allows the day procedure centre or clinic concerned to continue to operate under the new regulatory regime during the transitional period before the day procedure centre or clinic is qualified for a full licence.

4. We consider that given the nature of provisional licence, it would be appropriate to set the specified dates, with respect to both day procedure centres and clinics, as the date on which the Ordinance is gazetted. All persons who operate their day procedure centres or clinics only after the gazettal date of the Ordinance should prepare themselves for the new licensing regime according to the Ordinance, and aim to obtain a full licence once the registration for day procedure centres and clinics begins (tentatively in 2020 and 2021 respectively). The proposed arrangement has been announced in the press release issued on 15 November 2018.³

THE NOTICES

5. Section 1 of the Notice made under section 135(6)(a) of the Ordinance provides that the Notice comes into operation on the day on which section 135 of the Ordinance comes into operation. Similarly, section 1 of the Notice made under section 136(6)(a) of the Ordinance provides that the Notice comes into operation on the day on which section 136 of the Ordinance comes into operation. Sections 2 of the two Notices specify 30 November 2018 as the date for the purposes of sections 135(1)(a) and 136(1)(a) of the Ordinance respectively.

³ <https://www.info.gov.hk/gia/general/201811/15/P2018111500322.htm>

LEGISLATIVE TIMETABLE

6. The legislative timetable will be –

Publication in the Gazette

7 December 2018

Tabling at Legislative Council

12 December 2018

ENQUIRY

7. Enquiries on this brief may be directed to Mr Michael Li, Assistant Secretary for Food and Health (Health) 4B, Food and Health Bureau, at 3509 8939.

Food and Health Bureau
5 December 2018

Private Healthcare Facilities Ordinance (Specification of Date for Section 135(1)(a)) Notice

(Made by the Director of Health under section 135(6)(a) of the Private
Healthcare Facilities Ordinance (Cap. 633))

1. Commencement

This Notice comes into operation on the day on which section 135
of the Private Healthcare Facilities Ordinance (Cap. 633) comes
into operation.

2. Specification of date for section 135(1)(a) of Ordinance

The date referred to in section 135(1)(a) of the Ordinance is
30 November 2018.



Director of Health

3 December 2018

Explanatory Note

Section 135(1)(a) of the Private Healthcare Facilities Ordinance
(Cap. 633) (*Ordinance*) refers to a date to be specified by the
Director of Health under section 135(6)(a) of the Ordinance. If a
person who operates a day procedure centre on the date applies for
a licence for a day procedure centre under the Ordinance, the
person must be issued a provisional licence for the centre if certain
conditions are satisfied.

2. This Notice specifies 30 November 2018 as the date.

Private Healthcare Facilities Ordinance (Specification of Date for Section 136(1)(a)) Notice

(Made by the Director of Health under section 136(6)(a) of the Private
Healthcare Facilities Ordinance (Cap. 633))

1. Commencement

This Notice comes into operation on the day on which section 136
of the Private Healthcare Facilities Ordinance (Cap. 633) comes
into operation.

2. Specification of date for section 136(1)(a) of Ordinance

The date referred to in section 136(1)(a) of the Ordinance is
30 November 2018.



Director of Health

3 December 2018

Explanatory Note

Section 136(1)(a) of the Private Healthcare Facilities Ordinance
(Cap. 633) (*Ordinance*) refers to a date to be specified by the
Director of Health under section 136(6)(a) of the Ordinance. If a
person who operates a clinic on the date applies for a licence for a
clinic under the Ordinance, the person must be issued a provisional
licence for the clinic if certain conditions are satisfied.

2. This Notice specifies 30 November 2018 as the date.