

**File reference: HHB/H/53/6**

## **LEGISLATIVE COUNCIL BRIEF**

**Private Healthcare Facilities Ordinance  
(Cap. 633)**

**Private Healthcare Facilities Ordinance  
(Commencement) Notice 2025**

**Private Healthcare Facilities Ordinance  
(Specification of Period for Section 136(1)(b)) Notice**

**Private Healthcare Facilities Ordinance  
(Amendment of Schedule 6) Notice 2025**

and

**Dentists Registration Ordinance  
(Cap. 156)**

**Dentists Registration (Amendment) Ordinance 2024  
(Commencement) Notice 2025**

## **INTRODUCTION**

To implement the arrangements concerning applications for a clinic licence and requests for a letter of exemption for a small practice clinic (“SPC”) under the Private Healthcare Facilities Ordinance (Cap. 633) (“the Ordinance”), the Secretary for Health (“the Secretary”) and the Director of Health (“the Director”) have made the following notices in accordance with the Ordinance and the Dentists Registration Ordinance (Cap. 156) –

- (a) pursuant to section 1(2) of the Ordinance, the Secretary has made the Private Healthcare Facilities Ordinance (Commencement) Notice 2025 (at **Annex 1**) to specify 13 October 2025 as the day on which provisions pertaining to clinics and SPCs under the Ordinance come into operation;
- (b) pursuant to section 136(6)(b) of the Ordinance, the Director has made the Private Healthcare Facilities Ordinance (Specification of Period for Section 136(1)(b)) Notice (at **Annex 2**) to specify 13 October 2025 to 13 April 2026 as the relevant licence application period for clinics already in operation on 30 November 2018;
- (c) pursuant to section 123 of the Ordinance, the Secretary has made the Private Healthcare Facilities Ordinance (Amendment of Schedule 6) Notice 2025 (at **Annex 3**) to update the list of scheduled clinics in Schedule 6; and
- (d) pursuant to section 1(2) of the Dentists Registration (Amendment) Ordinance 2024, the Secretary has made the Dentists Registration (Amendment) Ordinance 2024 (Commencement) Notice 2025 (at **Annex 4**) to repeal section 12 of the Dentists Registration Ordinance (Cap. 156).

## **JUSTIFICATIONS**

### **Overview of the Regulatory Regime**

2. After scrutiny of the Legislative Council (“LegCo”), the Ordinance was gazetted on 30 November 2018 to provide for a regulatory regime for premises where registered medical practitioners and/or registered dentists practise. Operators must hold a licence or a letter of exemption for operating premises of relevant private healthcare facilities (“PHFs”). PHF licensees must at all times comply with the Ordinance, licence conditions and relevant codes of practice (“CoPs”) issued by the Director.

3. The Department of Health (“DH”) has been implementing the Ordinance in phases according to the risk levels of different types of PHFs. In particular, licences for hospitals and day procedure centres (“DPCs”) have been effective since 1 January 2021, the same day on which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) was repealed. Penalty provisions pertaining to the operation of hospitals and DPCs without a licence also commenced on 1 January 2021 and 30 June 2022 respectively. To further implement the Ordinance, the Government needs to bring the regulatory regime for clinics and SPCs into operation.

4. Pursuant to the Ordinance, clinics are premises where registered medical practitioners and/or registered dentists practise without lodging, and the continuous confinement of patients within the facility for private medical services should not exceed 12 hours. Different from hospitals and DPCs, clinics can only perform lower-risk medical procedures but not “scheduled medical procedures”<sup>1</sup> specified under the Ordinance.

5. Once the above commencement notices take effect, a licence will be required for operating a clinic<sup>2</sup>, and the licensee must appoint a registered medical practitioner or a registered dentist as the chief medical executive (“CME”)<sup>3</sup> to take charge of the day to day administration of the

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<sup>1</sup> Schedule 3 to the Ordinance specifies the “scheduled medical procedures” which are not to be performed in clinics, such as lumbar puncture and haemodialysis. These medical procedures carry higher risks, and can only be performed in hospitals or DPCs.

<sup>2</sup> Pursuant to section 14 of the Ordinance, an individual, a partnership, a company, a body corporate other than a company, and a society that operates or has control over a clinic, or that intends to operate or have control over such a clinic, may apply for a licence from the Director.

<sup>3</sup> Pursuant to section 53 of the Ordinance, the CME of a clinic must be a registered medical practitioner or a registered dentist who has been registered for not less than 4 years in Hong Kong. If the practice specified in the licence for a clinic is a dental practice only, the CME must be a registered dentist; and in any other case, the CME must be a registered medical practitioner.

PHF<sup>4</sup>, similar to the practice for hospitals and DPCs. However, a person that operates an SPC may ask the Director for a letter of exemption from obtaining a licence and is not required to appoint a CME. Pursuant to section 41 of the Ordinance, a clinic is an SPC if the following conditions are met –

- (a) the clinic is operated by:
  - (i) a registered medical practitioner or a registered dentist as a sole proprietor;
  - (ii) a partnership having not more than 5 partners, each of whom is a registered medical practitioner or a registered dentist; or
  - (iii) a company having not more than 5 directors, each of whom is a registered medical practitioner or a registered dentist;
- (b) the sole proprietor/partners/directors is/are the only medical practitioner(s) or dentist(s) serving the clinic, and the total number of locum days for which other registered medical practitioner(s) or registered dentist(s) take(s) up consultation duties must not exceed a specified number of days in a year; and
- (c) the sole proprietor/partners/directors or the company has/have the exclusive right to use the premises forming the clinic.

Pursuant to section 43 of the Ordinance, each registered medical practitioner or registered dentist may at the same time operate not more than 3 SPCs for which an exemption is in force.

6. The original intent of the exemption arrangement is to focus on regulating clinics under the management of incorporated bodies. As SPCs are exclusively operated by registered medical practitioners and/or registered dentists whose professional practice is already governed by the

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<sup>4</sup> Various provisions in the Ordinance set out the responsibilities of a CME, which include adopting and implementing rules, policies and procedures concerning healthcare services provided in the PHF; ensuring that every healthcare professional working in the facility has a valid practising certificate or an enrolment that is still in force, and has the requisite qualifications, training and experience which are relevant; and keeping and maintaining a staff register, a patients attendance register and any other register that the Director requires in the form and way specified etc.

existing legislation with relevant safeguards, they are of relatively lower risks and therefore not required to appoint a separate CME. Nevertheless, the Ordinance empowers the Director to revoke exemptions on specific grounds (e.g. an operator has contravened the Ordinance, or an SPC has been operated in a way contrary to the public interest) to better uphold public safety.

#### Latest implementation progress

7. As mentioned by the Health Bureau (“HHB”) to the LegCo Panel on Health Services on the implementation of the Ordinance on 8 November 2024, the Government plans to specify the commencement date of provisions pertaining to clinics and SPCs in the first half of 2025 with a view to accepting applications for a clinic licence and requests for a letter of exemption for an SPC starting from Q4 2025.

8. Pursuant to the Ordinance, licensing conditions under the Ordinance include the compliance with CoPs issued by the Director, which set out specific regulatory standards for various types of PHFs. The DH has formulated in collaboration with the Advisory Committee for Regulatory Standards for Private Healthcare Facilities<sup>5</sup> a detailed Standards for Clinics in respect of accommodation, staffing and equipment etc. for operating a clinic, which has been uploaded onto the website of the Office for Regulation of Private Healthcare Facilities for stakeholders’ reference<sup>6</sup> to facilitate early preparation by the trade. The Director also gazettes a notice on 23 May 2025 to issue the Code of Practice for Clinics which is formulated on the basis of the Standards for Clinics, and specifies 13 October 2025 as the day on which it comes into effect to tie in with the arrangement for licence application.

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<sup>5</sup> The Advisory Committee for Regulatory Standards for Private Healthcare Facilities is a body established under the Ordinance, with members comprising representatives from the Hong Kong Academy of Medicine and its constituent colleges, the Hospital Authority, the academia, as well as associations of private hospitals as well as registered medical practitioners and dentists. Its functions include devising, reviewing and updating the standards of regulation for PHFs.

<sup>6</sup> The website is <https://www.orphf.gov.hk/files/file/standards-for-clinics.pdf>.

9. To address public concern about the use of titles or descriptions by individual premises which may mislead the public into believing that medical services are provided therein, 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.

10. Specifically, section 92 of the Ordinance stipulates that except with the prior approval in writing of the Director, or except as provided or permitted by any other law, no premises other than a permitted facility (i.e. neither a licensed hospital/DPC/clinic, nor an SPC holding a letter of exemption) may bear a title or description: (a) that includes an expression specified in Schedule 8 to the Ordinance, or a similar expression; and (b) that suggests that the services provided in the premises are medical services provided in a PHF. The Government will conduct consultation with stakeholders in due course and amend the current list of expressions specified in Schedule 8 (see **Annex 5**), with a view to ensuring more comprehensive coverage of titles or descriptions which are prohibited for use.

## **SUBSIDIARY LEGISLATION**

### ***Private Healthcare Facilities Ordinance (Commencement) Notice 2025 and Private Healthcare Facilities Ordinance (Specification of Period for Section 136(1)(b)) Notice***

11. The Private Healthcare Facilities Ordinance (Commencement) Notice 2025 specifies the commencement date, namely 13 October 2025, of the provisions pertaining to clinics and SPCs under the Ordinance. In other words, the DH will accept applications for a clinic licence and requests for a letter of exemption for an SPC from that date onwards. This aims to allow sufficient preparation time for the trade and tie in with DH's publicity arrangement to provide application details, with a view to ensuring smooth transition of existing premises without affecting the provision of medical services to the public. This will be consistent with the past practice for implementing the provisions pertaining to the regulation of hospitals and DPCs.

12. The Private Healthcare Facilities Ordinance (Specification of Period for Section 136(1)(b)) Notice specifies the period, namely 13 October 2025 to 13 April 2026, for clinics already in operation on 30 November 2018<sup>7</sup> to apply for licences under section 136(1)(b) of the Ordinance. Specifically, these clinics have been operating in relevant premises before gazettal of the Ordinance, and may require substantial alterations (e.g. modifying layout of the accommodation) in order to meet the licensing requirements. With reference to the practice for DPCs, if an operator of such a clinic applies for a licence between 13 October 2025 and 13 April 2026, it will be issued with a provisional licence provided that the conditions under section 136(2) of the Ordinance<sup>8</sup> have been met, which allows the clinic to continue its operation before a full licence is issued. The provisional licence will expire on a date specified by the Secretary for the expiry of provisions pertaining to such licences, when a full licence is issued, or when the application for a full licence is withdrawn or rejected, so as to give operators more time to make alterations.

13. As for clinics which commenced operation after 30 November 2018, operators of such clinics can directly apply for a full licence from 13 October 2025 onwards; furthermore, all operators of SPCs can ask the Director for a letter of exemption from 13 October 2025 onwards.

***Private Healthcare Facilities Ordinance (Amendment of Schedule 6) Notice 2025***

14. Schedule 6 to the Ordinance is meant to provide for a transitional arrangement, which sets out scheduled clinics exempted under section 8 of the Medical Clinics Ordinance (Cap. 343) (i.e. healthcare premises in

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<sup>7</sup> The date specified in the Private Healthcare Facilities Ordinance (Specification of Date for Section 136(1)(a)) Notice gazetted on 7 December 2018.

<sup>8</sup> Section 136(2) of the Ordinance stipulates that, on receiving an application for a clinic licence, the Director must issue a provisional licence if the Director is satisfied that the following conditions are met:

- (a) the applicant is a fit and proper person to operate or exercise control over the clinic;
- (b) a person is to be appointed as the CME for the clinic and the person is a fit and proper person to administer the clinic; and
- (c) the operation of the clinic by the applicant would not be contrary to the public interest.

existence on 5 September 1963 that operate on a non-profit-sharing basis, which are exempted from the requirement of appointing and maintaining a registered medical practitioner to be responsible for its medical management under the Medical Clinics Ordinance).

15. Since the Medical Clinics Ordinance will be replaced by the regulatory regime under the Ordinance, operators of scheduled clinics will be required to apply for a clinic licence. As 21 of the 25 scheduled clinics in Schedule 6 to the Ordinance have already ceased operation, this notice aims to remove these clinics from Schedule 6. The DH will accept applications submitted by the remaining 4 scheduled clinics.

### ***Dentists Registration (Amendment) Ordinance 2024 (Commencement) Notice 2025***

16. Section 12 of the Dentists Registration Ordinance (Cap. 156) currently regulates “dental companies”<sup>9</sup>, which overlaps with the regulatory regime for dental clinics under the Ordinance. As indicated by the Government during the LegCo’s scrutiny of the Dentists Registration (Amendment) Bill 2024, section 12 of the Dentists Registration Ordinance will need to be repealed upon commencement of the clinic licensing regime under the Ordinance. In this connection, this notice also specifies 13 October 2025 as the commencement date.

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<sup>9</sup> In general, section 12 of the Dentists Registration Ordinance stipulates that a body corporate may carry on the business of dentistry if –

- (a) it carries on no business other than dentistry or some business ancillary to the business of dentistry; and
- (b) a majority of the directors and all persons practising dentistry are registered dentists.

The Dentists Registration Ordinance provides that every body corporate carrying on the business of dentistry shall within seven days of 1 January in every year transmit to the Registrar a statement in the prescribed form containing the names and addresses of all persons who are directors or managers of the company, or who perform dental operations in connection with the business of the company, and, if any such body corporate fails so to do, it shall be deemed to be carrying on the business of dentistry in contravention of that ordinance.

The above requirements will be replaced by the provisions for regulating clinics or SPCs under the Ordinance, aligning the arrangement for premises where registered medical practitioners and/or registered dentists practise.



## **LEGISLATIVE TIMETABLE**

17. The legislative timetable is as follows –

Publication in the Gazette	23 May 2025
Tabling at the LegCo for negative vetting	28 May 2025
Commencement date	13 October 2025

## **PUBLIC CONSULTATION**

18. The Government briefed the LegCo Panel on Health Services regarding the implementation of the Ordinance on 8 November 2024, and explained the arrangement for repealing section 12 of the Dentists Registration Ordinance at the policy meeting of the Dental Council of Hong Kong on 15 January 2025.

19. To ensure that operators of clinics and SPCs can fully understand the requirements on licence applications and requests for a letter of exemption, the DH has launched a publicity campaign since Q1 2025 and will continue to take forward relevant work in phases, including enhancing the content and outreach of the website, sending letters to medical practitioners and dentists through professional organisations, and issuing press releases. The Government will also broadcast video and radio announcements, place advertisements in professional journals, and arrange multiple briefing sessions for the healthcare sector to provide information related to applications for a clinic licence and requests for a letter of exemption for an SPC.

## **ENQUIRIES**

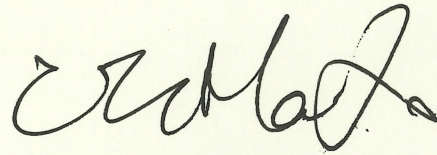
20. Any enquiries on this brief can be addressed to Mr Ronald Cheng, Principal Assistant Secretary for Health (Tel: 3509 8929).

**Health Bureau**  
**Department of Health**  
**21 May 2025**

**Private Healthcare Facilities Ordinance  
(Commencement) Notice 2025**

Under section 1(2) of the Private Healthcare Facilities Ordinance (Cap. 633), I appoint 13 October 2025 as the day on which the following provisions of the Ordinance come into operation—

- (a) sections 13(2)(c) and (3)(c), 14(2), 19(3) and (4) and 32(2)(b);
- (b) Part 4;
- (c) sections 50, 53(2), (4)(b) and (c) and (5), 56(2), 57(5)(a), 65 (in so far as it relates to a private healthcare facility that is a clinic), 66(2)(a), 67(2)(a) and 68(1)(b) and (c);
- (d) Part 6 (in so far as it relates to a private healthcare facility that is a clinic);
- (e) sections 107(1)(b) and (3)(b), 136, 137 (in so far as it relates to a provisional clinic licence) and 138.



Secretary for Health

16.5. 2025



Private Healthcare Facilities Ordinance (Specification of Period for Section  
136(1)(b)) Notice

Section 1

1

**Private Healthcare Facilities Ordinance (Specification  
of Period for Section 136(1)(b)) Notice**

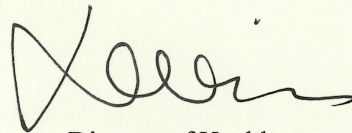
(Made by the Director of Health under section 136(6)(b) of the Private  
Healthcare Facilities Ordinance (Cap. 633))

**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 period for section 136(1)(b) of Ordinance**

The period specified for the purposes of section 136(1)(b) of the  
Ordinance is the period beginning on 13 October 2025 and ending  
on 13 April 2026.



Director of Health

16 May 2025

Private Healthcare Facilities Ordinance (Specification of Period for Section  
136(1)(b)) Notice

Explanatory Note  
Paragraph 1

2

**Explanatory Note**

Section 136(1)(b) of the Private Healthcare Facilities Ordinance  
(Cap. 633) refers to a period to be specified by the Director of Health  
under section 136(6)(b) of the Ordinance. If a person operating a  
clinic on 30 November 2018 applies within the period for a licence  
for a clinic under the Ordinance, the person would be issued a  
provisional licence for the clinic if the conditions specified in section  
136(2) of the Ordinance are satisfied.

2. This Notice specifies that the period begins on 13 October 2025 and  
ends on 13 April 2026.



**Private Healthcare Facilities Ordinance (Amendment of  
Schedule 6) Notice 2025**

(Made by the Secretary for Health under section 123 of the Private  
Healthcare Facilities Ordinance (Cap. 633))

**1. Commencement**

This Notice comes into operation on 13 October 2025.

**2. Private Healthcare Facilities Ordinance amended**

The Private Healthcare Facilities Ordinance (Cap. 633) is amended  
as set out in section 3.

**3. Schedule 6 amended (scheduled clinics)**

(1) Schedule 6—

**Repeal**

*“(as at 1 April 2017)”.*

(2) Schedule 6—

**Repeal items 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19,  
20, 21, 22, 23 and 25.**



Secretary for Health

16.5.2025

**Explanatory Note**

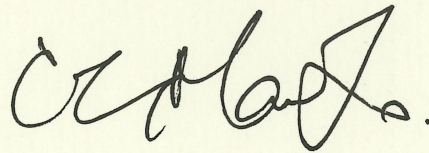
This Notice amends the list of scheduled clinics in Schedule 6 to the Private Healthcare Facilities Ordinance (Cap. 633) to remove from the list clinics that have ceased to operate.



**Dentists Registration (Amendment) Ordinance 2024  
(Commencement) Notice 2025**

Under section 1(2) of the Dentists Registration (Amendment) Ordinance 2024 (22 of 2024), I appoint 13 October 2025 as the day on which the following provisions of the Ordinance come into operation—

- (a) sections 41 and 94;
- (b) section 118 in so far as it relates to the repeal of Form 5 in the First Schedule.



Secretary for Health

16.5.2025

**Schedule 8 to the Private Healthcare Facilities Ordinance**  
**Expressions Not to be Used in Titles or Descriptions**  
**of Premises (other than Permitted Facility)**  
**(Not yet in operation)**

**Part 1 Expressions Describing Private Healthcare Facility**

1. hospital
2. day procedure centre
3. clinic
4. health services establishment
5. 醫院
6. 日間醫療中心
7. 診所
8. 衛生服務機構

**Part 2 Other Expressions Relating to Private Healthcare Facility**

1. clinical
2. curative
3. dental
4. dentistry
5. diagnosis
6. diagnostic
7. health care
8. healthcare
9. medical
10. medicine
11. surgery
12. surgical
13. therapeutic
14. treatment
15. 手術
16. 牙科
17. 外科
18. 治療
19. 診療
20. 診斷
21. 醫科
22. 醫學
23. 醫療