

October 2025 Update

The Regulation of Clinics and Day Procedure Centres under the New Private Healthcare Facilities Ordinance



Important Notice: This document is for general reference only and does not constitute legal advice in relation to any specific case.

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1 Parties Concerned

The following are the parties concerned:

- Patients
- Department of Health
- Medical doctors and dentists who work in private clinics and day procedure centres
- Doctors and dentists who invest in clinics and day procedure centres in addition to working there
- Medical groups that invest in and operate clinics and day procedure centres
- Suppliers and service providers of clinics and day procedure centres
- Professional managers and other professional and technical staff engaged by clinics and day procedure centres
- Various healthcare engineering service providers
- Accountants and auditors
- Legal advisers
- Insurers

2 Clinic and Day Procedure Centre Licences

The **Private Healthcare Facilities Ordinance** (Cap. 633 of the Laws of Hong Kong) (the “**Ordinance**”) was passed in late 2018 to regulate 4 types of private healthcare facilities, namely (i) private hospitals, (ii) day procedure centres, (iii) clinics, and (iv) health services establishments.

This document discusses clinics and day procedure centres (“**DPCs**”) only.

As far as private clinics and DPCs are concerned, the Office for Regulation of Private Healthcare Facilities “(**ORPHF**”) will regulate in two major aspects:

- ORPHF’s Licensing Division is in charge of licensing and regulatory functions under the Ordinance and assist the Hong Kong Police Force in the investigation of suspected illegal medical practices.
- ORPHF’s Quality and Standards Division is responsible for exemption of small practice clinics under the Ordinance, development of standards and specifications for private healthcare facilities, and provide secretariat and/or research support to advisory committees and committee on complaints.

3 Licensing Requirement

Day Procedure Centre Licence

A DPC is any premises that are used, or intended to be used, by doctors or dentists for carrying out scheduled medical procedures on patients, without lodging. The period of continuous confinement for patient must be within the facility for not more than 12 hours. Also, the continuous confinement for any patient must be within the same calendar day. A DPC will need a day procedure centre licence from the Department of Health.

A “scheduled medical procedure” means a medical procedure that is described in Schedule 3 to the Ordinance and which is carried out in an ambulatory setting.

DPCs must comply with the **Code of Practice for Day Procedure Centres**.

[https://www.orphf.gov.hk/files/forms/PHF\(E\)_21A_CoP_DPC.pdf](https://www.orphf.gov.hk/files/forms/PHF(E)_21A_CoP_DPC.pdf)

The Code of Practice for Day Procedure Centres comprises a set of core standards, which applies to all day procedure centres and procedure-specific standards for day procedure centres.

Applications for day procedure centre licences commenced on **2 January 2020**.

Clinic Licences

A **clinic** means any premises that do not form part of the premises of a hospital, a day procedure centre or an outreach facility and that are used, or intended to be used, for (i) providing medical services to patients, without lodging, or (ii) carrying out minor medical procedures on patients, without lodging.

All clinics are regulated by the new regime. A “small practice clinic” may apply for exemption from the licence requirement if it satisfies the following requirements:

- It must be operated by (i) a registered medical practitioner or registered dentist as a sole proprietor; or (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;
- Except the sole proprietor/partners/directors, no other registered medical practitioners or registered dentists practise in the clinic.
- The sole proprietor/ partner(s)/ director(s)/ company has/ have the exclusive right to use the clinic.

Each registered medical practitioner or registered dentist may operate at most three small practice clinics with valid exemption at the same time.

Licensed clinics must comply with the **Code of Practice for Clinics** issued by the Department of Health.

[https://www.orphf.gov.hk/files/forms/PHF\(E\)_31A_CoP_Clinic.pdf](https://www.orphf.gov.hk/files/forms/PHF(E)_31A_CoP_Clinic.pdf)

The Code of Practice for Clinics contains the following sections:

1. Management/ Governance
2. Physical conditions
3. Service delivery and care process
4. Infection control
5. Risk management and contingency

The Department of Health started to accept ***applications for clinic licences*** and ***requests for letters of exemption for small practice clinics*** on **13 October 2025**.

For an operator who has been operating a clinic on 30 November 2018:

- On receipt of the operator's application for a full licence, the Director of Health must issue a provisional licence to the operator if the Director of Health is satisfied that certain conditions are met.
- The provisional licence allows the clinic concerned to continue to operate during the transitional period under the new regulatory regime before it is qualified for a full licence (Please refer to section 136 of the PHFO).
- During the validity period of its provisional licence, a clinic is not required to comply with the requirements on separate entrance under section 67 of the PHFO, subject to certain conditions (Please refer to section 138 of the PHFO).

For an operator who starts operating a clinic after 30 November 2018: They will need to comply with requirements under the new regulatory regime, and aim to apply for a full licence or a letter of exemption in accordance with the arrangements announced by the Department of Health and requirements stipulated under the PHFO.

Exemption arrangements for small practice clinics

Under the PHFO, a clinic is a “small practice clinic” if:

- it is operated by –
 - a registered medical practitioner or registered dentist as a sole proprietor;
 - a partnership having not more than five partners, each of whom is a registered medical practitioner or a registered dentist; or
 - a company having not more than five directors, each of whom is a registered medical practitioner or a registered dentist;
- other than the sole proprietor/partners/directors, no other registered medical practitioners or registered dentists practise in the clinic; and

- the sole proprietor/partner(s)/director(s)/company has/have the exclusive right to use the clinic.

The operator(s) of a small practice clinic may request the Director of Health for a letter of exemption to operate the clinic without a licence. Each registered medical practitioner or registered dentist may operate up to three small practice clinics with valid exemption at the same time.

4 The Licensee and the Chief Medical Executive (CME)

The Ordinance provides that a clinic/ DPC licensee will be wholly responsible for the operation of the facility. This requirement does not apply to small practice clinics with exemption in force. Under the regulatory regime, the licensee of a clinic or DPC can be a legal person (eg a limited company) or a natural person.

The clinic/ DPC licensee must:

- set up the relevant rules, policies and procedures;
- enforce relevant rules, policies and procedures;
- ensure the facility's compliance with the licence conditions, codes of practice, etc.; and
- appoint a Chief Medical Executive ("**CME**") for the facility.

The CME must be a medical practitioner or dentist (as the case may be). He/ she will be responsible for:

- the day-to-day administration of the clinic/ DPC;
- the adoption and implementation of rules, policies and procedures concerning the healthcare services provided in the clinic/ DPC.

The licensee of a clinic/ DPC can also be appointed as the CME for the same clinic/ DPC.

A doctor or a dentist may only serve as a CME of one of the following units at the same time:

- 1 private hospital; or
- 2 day procedure centres; or
- 3 clinics; or
- 1 day procedure centre and 1 clinic; or
- a group of 4 or more clinics operated by the same licensee with:
 - a Medical Advisory Committee established (see Part 5 below); and

- a registered medical practitioner or a registered dentist appointed for each of the clinics to assist the CME in carrying out the day-to-day administration of the clinic.

A doctor or dentist who operates, or intends to operate, a small practice clinic may request the Director of Health for exemption for the clinic, regardless of whether he/ she is serving as a CME of other one or more than one private healthcare facility.

Who can be a CME?

DPC	Clinic	Single CME of a group of 4 or more clinics operated by the same licensee with a Medical Advisory Committee
• Possess the necessary qualifications and experience • Physically and mentally fit to administer the facility • Of integrity and good character • Dental practice only: Registered dentist; Other cases: Registered medical practitioner; • Combined medical and dental practices: Registered medical practitioner (with a registered dentist appointed to assist CME)		
Registered in Hong Kong for 6 years or more	Registered in Hong Kong for 4 years or more	Registered in Hong Kong for 8 years or more
Must not serve as CME of more than two DPCs, or more than three clinics, or more than one DPC and one clinic, except for the case of 4 or more clinics of the same licensee		A person may serve as CME of 4 or more clinics of the same licensee at the same time provided that: • a Medical Advisory Committee is established for the clinics; • for each clinic, a registered medical practitioner / registered dentist serving the clinic is appointed to assist CME; and • the person does not serve as CME of another private

	healthcare facility at the same time
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5 Group CME and Medical Advisory Committee

A licensee who operates 4 or more clinics at the same time may appoint **a single CME** for the clinics **if** the licensee:

- has established a Medical Advisory Committee (“MAC”) for the clinics; and
- has appointed for each of the clinics a doctor or dentist (as the case may be) who is serving the clinic to assist the chief medical executive in carrying out the day to day administration of the clinic.

The MAC must consist of a chairperson and other members decided by the licensee. At least half of the members must be registered medical practitioners or registered dentists, including at least 1 registered medical practitioner who is not employed by, or practising in, the facility.

If the practice is a dental practice only, the chairperson must be a registered dentist. In any other case, the chairperson must be a registered medical practitioner.

The MAC may determine its own procedure.

The MAC must advise the licensee of the facility on:

- the qualifications of healthcare professionals for providing services in the clinics and delineation of their clinical responsibilities;
- all matters concerning medical diagnosis, treatment and care given, or to be given, in the clinics;
- all matters concerning the quality of care for, and the safety of, patients in the clinics.

Both the licensee and the CME of the clinics are responsible for ensuring that the advice given by the MAC is properly implemented.

The licensee and the CME are also each primarily responsible for implementing the MAC's advice on matters that fall within their respective areas of responsibility.

The licensee of the clinics must provide in writing to the Director a list of the members of the Medical Advisory Committee. In addition, on request, the licensee must also report to the Department of Health on any activity or advice of the MAC.

6 Transitional Arrangement

Transition for DPCs/Clinics that were already in Operation on 30 November 2018

Under the transitional arrangements, operators of clinics which were in operation on 30 November 2018 are eligible for a provisional licence. Provisional licences may be issued for applications submitted from 13 October 2025 to 13 April 2026 (both dates inclusive).

The following are the conditions that must be met for a provisional licence upon application for a full licence:

- The operator is a fit and proper person to exercise control over or operate the clinic or DPC;
- The person to be appointed as the CME for the clinic or DPC is a fit and proper person to administer the centre/clinic; and
- The operation of the clinic or DPC by the operator would not be contrary to the public interest.

The provisional licence allows the clinic or DPC to continue to operate during the transitional period under the new regulatory regime before it is qualified for a full licence.

Transition for DPCs/Clinics that Start Operation after 30 November 2018

Operators who started operating clinics and DPCs after 30 November 2018 must comply with requirements under the new regulatory regime. No provisional licence would be granted.

7 Appeals

There is right of appeal in relation to various matters, eg refusal to grant a licence to a clinic/ DPC, refusal to renew a licence, a decision to suspend or cancel a licence, etc.

The appeals are to be made to the Administrative Appeals Board following the procedures under the Administrative Appeals Board Ordinance (Cap. 442).

An appeal may only be made within 14 days after the aggrieved person receives notice of the decision.

8 Complaints

The Ordinance provides for a two-tier complaints handling system.

The Clinic's/ DPC's Own Complaints Management

The licensee must put in place a complaints handling procedure for receiving, managing and responding to complaints that are received against the clinic/DPC. The complaints handling procedure must be communicated appropriately to the patients of the clinic/DPC and (if the case requires) people acting on behalf of the patients.

The licensee must, on receiving a complaint, ensure that an investigation of the complaint is conducted and findings made. If the case requires, an improvement measure, whether general or specific to the complaint, must be implemented. The complainant must be informed of the findings of the investigation and any improvement measure and, if the case requires, of any follow-up action taken or to be taken.

The CME of the clinic/DPC must, on request, provide to the Director of Health a summary of the following matters that the Director considers necessary for performing the Director's functions under the Ordinance:

- the complaints against the clinic/DPC received by it;
- the findings of the investigations into the complaints;
- actions (including improvement measures) taken in response to the complaints.

Committee on Complaints against Private Healthcare Facilities

Complaints can be made to the Committee on Complaints against Private Healthcare Facilities (the “**Complaints Committee**”). The following people may make a complaint to the Complaints Committee against a licensed clinic/ DPC:

- (a) a patient of the clinic/DPC;
- (b) a next of kin of the patient;
- (c) a substitute decision maker of the patient;
- (d) a person authorized by the patient in writing;
- (e) the personal representative of the patient.

A licensed clinic/ DPC must fully cooperate with the Complaints Committee in providing any information or documents requested and giving any assistance necessary for concluding the case but may still effect a settlement with the complainant.

TAC's Services

With knowledge, experience and diligence, we provide the following services:

- Corporate and compliance legal advice for clinic and day procedure centre licence applicants and licensees.
- Contracts with Chief Medical Executive, doctors/ dentists, professional, technical and general staff.
- Advising clinics and day procedure centres on handling complaints.
- Advising/ representing clients in relation to complaints received via their own complaints handling procedures and complaints made to the Complaints Committee.
- Advising clinics and day procedure centres on relevant civil and criminal liabilities.
- Handling relevant due diligence for investors/ investees.
- Reviewing/ drafting shareholders' agreements, investment agreements and related collaboration agreements.
- Reviewing/ drafting agreements with suppliers and service providers of clinics and day procedure centres.
- Providing independent legal advice to Medical Advisory Committees.

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知識 **KNOWLEDGE** 經驗 **EXPERIENCE** 勤勉 **DILIGENCE** ● 客戶成功 **CLIENT'S SUCCESS**

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