

Medical Services (8)

1. What are the liberalization measures for the Medical Services under Supplement V to CEPA?

The liberalization measures on medical services introduced with effect from 1 January 2009 under the Supplement V to CEPA are as follows-

- Hong Kong service suppliers (HKSS) are allowed to set up wholly-owned outpatient clinics in Guangdong Province.¹
- No restriction is imposed on the service suppliers of capital investment between Hong Kong and Mainland partners in setting up outpatient clinics in the form of equity joint venture or contractual joint venture in Guangdong Province.
- No requirement is imposed on the total investment in setting up outpatient clinics by HKSS on a wholly-owned, equity joint venture or contractual joint venture basis in Guangdong Province.
- The health administrative department at provincial level of Guangdong Province is responsible for the project establishment and approval procedures for setting up outpatient clinics by HKSS on a wholly-owned, equity joint venture or contractual joint venture basis in Guangdong Province.
- Qualified Hong Kong permanent residents with Chinese Citizenship are allowed to apply for and obtain the Mainland's "medical practitioner's qualification certificates" through accreditation.

2. What are the new liberalization measures for the Medical Services under Supplement VII to CEPA?

The further liberalization measures on medical services introduced with effect from 1 January 2011 under the Supplement VII to CEPA are as follows-

- HKSS are allowed to set up wholly-owned hospitals in Shanghai, Chongqing, Guangdong Province, Fujian Province and Hainan Province².

¹ Subject to the Mainland's requirements on setting up outpatient clinics.

² Subject to Mainland's requirements on setting up of wholly-owned hospitals by foreign investment.

- No requirement is imposed on the total investment in setting up hospitals by HKSS on a wholly-owned, equity joint venture or contractual joint venture basis in Guangdong Province.
- No restriction is imposed on the ratio of capital investment between HKSS and Mainland partners in setting up hospitals in the form of equity joint venture or contractual joint venture in Shanghai, Chongqing, Guangdong Province, Fujian Province and Hainan Province.
- Statutory healthcare professionals³ who are registered to practise in Hong Kong are allowed to provide short-term services in the Mainland. The maximum duration of the licence for short-term practice is 3 years. On expiry, the licence for short term practice is renewable.
- The health administrative department at provincial level of Guangdong Province is responsible for the project establishment and approval procedures for setting up medical institutions by HKSS on an equity joint venture or contractual joint venture basis in Guangdong Province.
- HKSS are allowed to set up convalescent hospitals in the form of wholly-owned, equity joint venture or contractual joint venture to provide convalescent services in Guangdong Province.⁴

3. What are the basic requirements and application procedures for setting up hospitals and convalescent hospitals in the Mainland?

The hospitals in the Mainland are divided into different grades according to their scale. Subject to the services provided, they are further categorised into general hospitals, specialist hospitals, convalescent hospitals, etc. The relevant information is set out in 《醫療機構基本標準(試行)》 (translated as the *Basic standards of Medical Institutions (for Trial Implementation)*) promulgated in the website of the Ministry of Health. In December 2010, the Ministry of Health promulgated in its website 《香港和澳門服務

³ Under existing legislation in HK, there are 12 types of healthcare professionals who are required to be registered with their respective boards or councils before they are allowed to practise in Hong Kong. These include Medical Practitioners, Chinese Medicine Practitioners, Dentists, Pharmacists, Nurses, Midwives, Medical Laboratory Technologists, Occupational Therapists, Optometrists, Radiographers, Physiotherapists, and Chiropractors.

⁴ Subject to Mainland's requirements as stipulated in 《醫療機構管理條例》 and 《醫療機構管理條例實施細則》.

提供者在內地設立獨資醫院管理暫行辦法》(translated as *Interim Administrative Measures on Setting up Wholly-Owned Hospitals by Hong Kong and Macao Service Suppliers in the Mainland*) which stipulated the requirements and application procedures for setting up hospitals.

- 4. Under the Supplement V to CEPA, HKSS are allowed to set up wholly-owned outpatient clinics in Guangdong Province. What is meant by outpatient clinics? What services do outpatient clinics cover? What are the application procedures?**

According to 《醫療機構管理條例實施細則》(translated as the *Implementation details for the Management of Medical Institutions*) promulgated in the website of Ministry of Health, outpatient clinics are divided into several categories such as 綜合門診部 (translated as “Integrated outpatient clinics”) and 專科門診部 (translated as “Specialist outpatient clinics”). In March 2009, the Department of Health of Guangdong Province promulgated 《港澳服務提供者設置門診部實施細則(試行)》(translated as the *Implementation details for the Set up of Outpatient Clinics by Hong Kong/Macao Service Suppliers (Provisional)*) in its website stipulating the requirements and application procedures for setting up outpatient clinics.

- 5. What relevant Mainland rules/regulations governing the existing regulation of medical services are currently available for reference?**

Please refer to the “Information Database on CEPA Service Sectors” of website of Trade and Industry Department:

http://www.tid.gov.hk/english/cepa/tradeservices/med_relevant.html

and the “Easy Guide to Investment in the Medical Service Sector”:

http://www.tid.gov.hk/english/cepa/tradeservices/files/med_factsheets.pdf

- 6. What are the application procedures for Hong Kong permanent residents who wish to sit the Mainland’s qualification examinations for doctors?**

Hong Kong permanent residents who wish to sit the Mainland’s qualification examinations for doctors should, in accordance with the *Law of the People’s Republic of China on Qualified Doctors in Practice* and the *Interim Provisions on National Examination for Qualification as a Doctor* and within the deadline as set out in the public notice, submit to the Secretariat of the relevant Boards and

Councils (i.e. Medical Council of Hong Kong, Dental Council of Hong Kong, or Chinese Medicine Council of Hong Kong as appropriate) duly completed Application for Participating in the National Qualification Examinations for Doctors by Permanent Residents of Hong Kong Special Administrative Region (《香港特別行政區永久性居民參加國家醫師資格考試報名申請審核表》) and Application for Sitting the National Qualification Examinations for Doctors by Permanent Residents of the Hong Kong/Macao Special Administrative Regions and Conferment of Qualification (《香港/澳門特別行政區永久性居民申請參加國家醫師資格考試報名暨授予醫師資格申請表》) together with relevant supporting documents in triplicate and 14 full-faced bare-headed colour photos (1.5" × 1") taken in the past six months.

Interested persons may visit the websites of the Ministry of Health (www.moh.gov.cn) or the National Medical Examination Center (www.nmec.org.cn) for the application forms and relevant details of the qualification examinations.

7. How can Hong Kong permanent residents who are graduates of full-time Chinese medicine degree programmes of Hong Kong seek internship in the Mainland for the purpose of sitting the Mainland's Qualification Examinations for Doctors?

Graduates of Chinese medicine degree programme from the University of Hong Kong, the Chinese University of Hong Kong and the Baptist University of Hong Kong, who are permanent residents of Hong Kong, can apply to those recognized Chinese medicine institutions in the Mainland direct for medical internship. A copy of the Application for Medical Internship for the Purpose of Sitting the National Qualification Examinations for Doctors by Permanent Residents of the Hong Kong/Macao Special Administrative Region (Hong Kong/Macao university graduates of Chinese medicine) (《香港/澳門特別行政區永久性居民(港澳中醫專業學歷)參加國家醫師資格考試申請實習審核表》) should be submitted to the institutions. Subject to approval, the applicant will receive from the medical institution concerned a notification for internship. Upon completion of the internship for one year and passing the assessment, the applicant will be issued a Certificate of Completion of Internship for the Purpose of Participating in the National Qualification Examinations for Doctors by Permanent Residents of the Hong Kong/Macao Special Administrative Region (《香港/澳門特別行政區永久性居民參加

國家醫師資格考試實習合格證明》).

8. Who is the Mainland authority vested with the power to consider applications for setting up clinics in the Mainland?

Hong Kong permanent residents who are eligible to practise western medicine, dentistry, or Chinese medicine in Hong Kong and have practised in Hong Kong for at least five years can, upon obtaining the Certificate of Qualification as Doctors in the Mainland (《醫師資格證書》), apply for setting up clinics in the Mainland. Under the *Administrative Rules Governing Medical Institutions of the PRC*, any persons who wish to set up medical institutions should seek approval from the department for health administration of the People's Government at or above the county level and obtain from it a copy of the approval for setting up such institution before they can proceed with any further applications.