

How to Apply for a Licence under the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance

The Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap.566) (the Ordinance)

The Ordinance, enacted in May 2001, came into operation on 1 April 2002. The Ordinance is –

- (i) to provide for the licensing, control and inspection of drug dependence treatment centres which provide residential accommodation for persons voluntarily undergoing treatment or rehabilitation after the treatment;
- (ii) to ensure that the drug dependent persons in these treatment centres receive services in a properly managed and physically secure environment; and
- (iii) to enable the Government to keep a register of all treatment centres.

Definition

According to the Ordinance, “treatment centre” means any place used or intended to be used -

- (i) for the treatment for drug dependence or for the rehabilitation of 4 or more drug dependent persons undergoing such treatment or rehabilitation on a voluntary basis; and
- (ii) for providing residential accommodation for such persons undergoing treatment for drug dependence, or undergoing rehabilitation, at that place.

The Ordinance does not apply to treatment centres managed and controlled by the Hospital Authority.

The Code of Practice for Drug Dependent Persons Treatment and Rehabilitation Centres (the Code of Practice)

The Director of Social Welfare, as authorized by the Ordinance, may issue from time to time Code of Practice setting out principles, procedures or guidelines for the operation, management or other control of treatment centres and providing practical guidance in respect of any one or more of the requirements of the Ordinance. Copies of the Code of Practice can be obtained from the Licensing Office of Drug Dependents Treatment Centres (**Licensing office**); or downloaded from the website of the Social Welfare Department at <http://www.swd.gov.hk>.

Application for a Licence / Certificate of Exemption

According to the Ordinance, all treatment centres established on or after 1 April 2002 and planned to commence operation on or after that date, are subject to regulation by licensing. Certificates of exemption are only applicable for treatment centres already in operation before the commencement of the Ordinance on 1 April 2002 but which are unable to comply fully with the licensing requirements, and applications for certificates of exemption must have been made to Director of Social Welfare on or before 30 June 2002.

Conditions in relation to the operation, management or other control of the treatment centre may be imposed upon issue or renewal of a licence or certificate of exemption. The validity period of a licence or certificate of exemption, the maximum period of which is 12 months, may vary according to the treatment centre's degree of compliance with various requirements relating to its construction, design, structure, fire precautions, health, sanitation, safety, accommodation, staffing, equipment and management of the treatment centre as set out in the Ordinance and the Code of Practice. Furthermore, the applicant should ensure that the treatment centre premises do comply with the conditions of the Government leases that restricts the use of the place.

The Licensing Office, under normal circumstances, upon receipt of the required documents if which are all in order, would take 2 to 4 months to complete processing the application for a licence and issue the licence.

Renewal of Licence/Certificate of Exemption

An application for renewal of the licence or certificate of exemption must be made to the Licensing Office not more than 4 months and not less than 2 months prior to the expiration of the licence or certificate of exemption, or within such other period prior to the expiration as the Director of Social Welfare may in writing permit.

Loss of Licence/Certificate of Exemption

In case of loss of a licence or certificate of exemption, the specified operator of such licence or certificate should report to the police and apply to the Licensing Office for a certified true copy of the licence or certificate in respect of the treatment centre concerned.

Penalties

It should be noted that among other offences stipulated in the Ordinance –

- (i) pursuant to section 4(1) of the Ordinance, no person shall operate or exercises control over the management of a treatment centre unless he is the specified operator of the treatment centre. Pursuant to section 4(3), a person who contravenes the said section commits an offence and is liable on the first conviction, to a fine at level 6 (at present \$100,000 maximum) and to imprisonment for 6 months, and to a fine of \$5,000 for each day during which the offence continues; and on subsequent conviction, to a fine at level 6 and to imprisonment for one year, and to a fine of \$10,000 for each day during which the offence continues.
- (ii) pursuant to section 4(2) of the Ordinance, no person shall take part in the management of a treatment centre unless a licence or a certificate of exemption in respect of the treatment centre is for the time being in force. Pursuant to section 4(4), a person who contravenes the said section commits an offence and is liable to a fine at level 3 (at present \$10,000 maximum).

Fees

No fee is payable for an application, or on the issue or renewal of a licence or certificate of exemption.

How to apply

Application form for the issue or renewal of a licence or certificate of exemption can be downloaded from the website of the Social Welfare Department at <http://www.swd.gov.hk> or obtained from the Licensing Office. The duly completed application form (the original and 3 copies), in English or Chinese, together with the required supporting documents may be sent by registered post/submitted in person to the Licensing Office, or submitted online through the SWD website. For enquiry, please contact the Licensing Office at –

Address : Unit 206, THE HUB,
23 Yip Kan Street, Wong Chuk Hang, Hong Kong.
Tel. No. : 3184 0812
Email : lodtcenq@swd.gov.hk