

LCQ19: Unlicensed medical practice

Following is a question by the Hon Pau Tse and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 6):

Question:

It has been reported that in the year before last, four persons of South Korean nationality who claimed that they were medical staff and two Hong Kong women suspected of acting as intermediaries allegedly used a hotel in Hong Kong as a medical clinic, solicited patronage through online advertisements and conducted, for customers in the hotel, medical examinations prior to plastic surgery. Those four persons of South Korean nationality were subsequently prosecuted for, among other offences, practising without registration as medical practitioners (commonly known as "unlicensed medical practice"). Regarding the issue of foreign nationals engaging in unlicensed medical practice in Hong Kong, will the Government inform this Council:

(1) of the number of cases involving foreign nationals engaging in unlicensed medical practice in Hong Kong received by the authorities in the past three years, together with a breakdown by nationality; among them, of the respective numbers of those who were prosecuted and convicted;

(2) whether intermediaries were involved in the cases mentioned in (1); if so, of the details;

(3) whether it received in the past three years reports of medical incidents involving foreign nationals engaging in unlicensed medical practice in Hong Kong; if so, of the details; of the channels through which members of the public may pursue so as to hold the other party responsible; which policy bureau or government department is dedicated to the handling of the relevant complaints lodged by members of the public;

(4) of the measures put in place to alert members of the public that they should, before receiving medical services relating to plastic surgery, verify whether the persons providing such services for them are medical practitioners registered under the Medical Registration Ordinance (Cap. 161);

(5) given that talks held by intermediaries are available in the market from time to time to induce members of the public in Hong Kong to join cross-boundary/cross-nation plastic surgery packages, whether the authorities have compiled statistics on the current number of intermediaries engaging in such business in Hong Kong; whether the authorities will study the enactment of legislation to regulate plastic surgery intermediaries with a view to enhancing the protection for members of the public; and

(6) as the Code of Professional Conduct for the Guidance of Registered Medical Practitioners stipulates that practice promotion by medical

practitioners is not permitted, whether overseas medical practitioners coming to Hong Kong to provide consultation service for patients is subject to similar restriction and regulation; if so, of the details; if not, whether the authorities have studied amending the legislation to plug the loopholes?

Reply:

President,

My reply to the questions raised by the Hon Paul Tse is as follows.

(1) to (3) The Department of Health (DH) refers complaints of suspected illegal practice of medicine to the Police and provides professional support if needed. In 2015-2017, DH referred 67 cases of suspected illegal practice of medicine to the Police.

As the progress of cases involved varies, the Government does not maintain statistics on number of cases of illegal practice of medicine involving foreign nationals, number prosecuted and convicted, and number involving intermediary agent.

Members of the public should report suspected illegal practice of medicine to the Police. The DH will provide professional support to the Police if needed.

(4) The DH has been providing information to the public on the possible risks and complications associated with certain cosmetic procedures through various media, including television, radio, newspapers and websites. Besides, the DH has produced pamphlets and booklets on common beauty procedures advising the public that certain beauty procedures should only be performed by locally registered medical practitioners (e.g. procedures related to injection). A list of registered medical practitioners can be found at the website of the Medical Council of Hong Kong (www.mchk.org.hk/english/list_register/doctor_list.php). Further information is available at the DH website (www.dh.gov.hk/english/useful/useful_medical_beauty/useful_medical_beauty.html).

(5) The Food and Health Bureau and DH do not have the statistics on number of intermediaries engaging in business involving cross-boundary/cross-nation plastic surgery packages. The reply to part 4 of the question above has set out the current measures of the Government on increasing public awareness on possible risks associated with cosmetic procedures.

(6) The Medical Council of Hong Kong issued the Code of Professional Conduct to provide guidance on professional conduct for registered doctors in Hong Kong. The Code is not applicable to any person not registered in Hong Kong.

Moreover, according to section 28 of the Medical Registration Ordinance (MRO), subject to the provision of section 28(3) of the MRO, if any person who is not being registered or provisionally registered or exempted from

registration practises medicine or surgery, or does any medical diagnosis, prescribes any medical treatment or performs any medical treatment (including surgery) in relation to a person which results in personal injury to that person, he commits an offence and is liable to fine and imprisonment. The maximum penalty is imprisonment for seven years.