

LCQ4: Healthcare services provided by unregistered persons

Following is a question by Professor the Hon Chan Wing-kwong and a reply by the Under Secretary for Health, Dr Libby Lee, in the Legislative Council today (October 30):

Question:

It has been reported that there are currently many premises in the community claiming to be pain treatment centres, etc., boasting that they can provide clients with services such as "bone manipulating" and pain treatment, but some members of the public are injured after receiving services provided by persons who are suspected to be non-healthcare professionals at these premises. In this connection, will the Government inform this Council:

- (1) whether it knows the number of the aforesaid premises and, among them, the number of those which have applied for licences for private healthcare facilities (PHFs);
- (2) of the number of complaints made against the aforesaid premises and the follow-up situations in the past three years; among them, the number of cases involving unlicensed medical practice, and the respective numbers of persons prosecuted and convicted; and
- (3) as it is learnt that some premises which have not applied for PHFs licences are presenting an image of licensed healthcare facilities through means such as promotion and furnishings in order to mislead consumers, of the measures the authorities have put in place to caution members of the public against seeking inappropriate treatments for certain medical conditions, so as to safeguard their health?

Reply:

President,

In consultation with the Security Bureau, I provide a consolidated reply as follows:

Premises providing pain relief services in the community can be classified into three categories:

- (1) involving healthcare services which should be provided by registered medical practitioners and/or dentists, e.g. prescription of painkillers or performance of surgical procedures etc.;
- (2) involving healthcare services which should be provided by healthcare professions of other different disciplines; and

(3) not providing healthcare services, say conducting only massage which do not concern the practice of healthcare professionals.

These three categories of services are regulated by different legislations. As the premises under the aforementioned categories 1 and 2 provide healthcare services, they are regulated by relevant legislations on healthcare facilities and healthcare professions.

Since 2018, the Private Healthcare Facilities Ordinance (Cap. 633) regulates premises where registered medical practitioners and/or dentists practise. Operators are required to obtain a licence or letter of exemption in order to operate private healthcare facilities. The existing law specifically covers premises of these two healthcare professions as their daily operation may very likely involve high-risk issues such as infection control and blood management, thereby requiring the most stringent regulatory system under a risk-based principle. In this connection, apart from being regulated by the specific legislations on healthcare professions, such premises are also regulated by the Private Healthcare Facilities Ordinance. As of the third quarter of 2024, there are 14 licensed private hospitals and 259 licensed day procedure centres in Hong Kong. The Government is also preparing to implement the clinic licensing regime under the Private Healthcare Facilities Ordinance and will make an announcement shortly.

Premises under category 2 involve healthcare services which are provided by healthcare professions of other multiple disciplines. By nature, services commonly known as "bone-manipulating" and "pain management" may be similar to the treatments provided by Chinese medicine practitioners, physiotherapists and chiropractors under their respective scope of practice. Depending on the actual services performed, relevant ordinances would come into play when healthcare services which must be provided by registered healthcare professionals are involved. This serves to prevent non-professionals from performing such acts so as to safeguard public health.

The provision of a service will be considered as practising Chinese medicine if it involves the performance of any act or activities on the basis of traditional Chinese medicine in general practice, acupuncture or bone-setting as stipulated in the Chinese Medicine Ordinance (Cap. 549). Any person who is neither a registered nor listed Chinese medicine practitioner providing such service commits an offence and is liable to a fine at level 6 and imprisonment for three years. By the same token, any person who practises the profession of a physiotherapist as stipulated in the Supplementary Medical Professions Ordinance (Cap. 359) without registration commits an offence and is liable to a fine at level 2 and imprisonment for six months; whereas any person who is not listed in the register of registered chiropractors under the Chiropractors Registration Ordinance (Cap. 428) but practises chiropractic as defined in the Code of Practice by the Chiropractors Council commits an offence and is liable to a fine at level 5 and imprisonment for one year.

During the period of 2021 to the third quarter of 2024, available

records show that there were a total of 35 suspected cases of providing "bone-manipulating" or "pain management" services in contravention of the various ordinances on healthcare professionals. Of these, 3 cases were successfully prosecuted with conviction, while the others are still being processed or could not be successfully prosecuted possibly due to the individuals involved being subsequently proven to be registered healthcare professionals, etc. Members of the public should report to the Police if they suspect that someone is practising without registration or falsely using the title of a registered healthcare professional. The Department of Health (DH) as well as the statutory boards and councils of relevant healthcare professions will provide professional support to the Police as appropriate.

To prevent the public from seeking improper treatment of certain conditions regardless of the type of premises which provides such services, the Undesirable Medical Advertisements Ordinance (Cap. 231) prohibits/restricts the publication of advertisements that will likely lead to the use of any medicine, surgical appliance or treatment for the purpose of treating or preventing diseases or conditions specified in Schedules 1 and 2 to the Ordinance. These include any disease of the musculo-skeletal system, including rheumatism, arthritis and sciatica. The DH has put in place an established mechanism for screening advertisements. Appropriate actions will be taken in accordance with the law against any contravention of the Ordinance.

The Government urges members of the public not to casually believe the claims of being able to offer so-called "treatment" from random persons who are not registered or accredited as healthcare professionals. Since the professional qualifications and standards of these persons have not been attested, the safety and effectiveness of the so-called "treatment" cannot be assured. It may even worsen the condition or cause injury. Before receiving healthcare services, members of the public can browse the online registers of the statutory boards and councils of relevant healthcare professions to ascertain the qualifications of service providers. If members of the public have doubts about the qualifications of the healthcare professionals, they can also request the person concerned to provide relevant certification documents in order to better protect their safety.