

LCQ8: Regulating the performance of invasive medical procedures

Following is a question by Dr the Hon David Lam and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (November 29):

Question:

It has been reported that earlier on, some medical beauty centres provided injection services with slimming effects for their customers, resulting in a number of people being suspected of Mycobacterium abscessus infection. On the other hand, the Steering Committee on Review of the Regulation of Private Healthcare Facilities set up a working group in 2012 to differentiate between medical procedures and beauty services. The working group published a relevant report in 2013 and it has been 10 years since then. However, it is learnt that the Government has not yet drawn up any legal definitions for "medical procedures" and "medical practices" and, as a result, invasive medical procedures available in the market can still be sold to members of the public as beauty items. In this connection, will the Government inform this Council:

- (1) whether it has plans to draw up clear definitions for "medical practices" and "medical procedures"; and
- (2) whether it will expressly stipulate that only personnel who have passed rigorous healthcare professional training may provide medical services including invasive medical procedures, so as to safeguard the health of members of the public?

Reply:

President,

The consolidated reply to the question raised by Dr the Hon David Lam is as follows:

In November 2013, the Steering Committee on Review of Regulation of Private Healthcare Facilities set up by the Government endorsed the report submitted by its Working Group on Differentiation between Medical Procedures and Beauty Services. It was recommended that certain procedures (including invasive procedures), in view of their inherent risks, should only be performed by registered medical practitioners or registered dentists, namely procedures that involve injections, procedures that involve the mechanical or chemical exfoliation of the skin below the epidermis, hyperbaric oxygen therapy and dental bleaching.

Since 2013, the Department of Health (DH) has been using its website (www.dh.gov.hk/english/useful/useful_medical_beauty/useful_medical_beauty.html) and producing booklets, leaflets and promotional videos etc to provide the

public with information on the differentiation between medical procedures and beauty services by setting out procedures that should only be performed by registered medical practitioners or registered dentists. Citizens are also reminded to understand the details, potential risks and possible complications associated with the relevant medical procedures, and consult registered medical practitioners or registered dentists before deciding to undergo such procedures. The DH has also issued an advisory note to beauty service providers

(www.dh.gov.hk/english/useful/useful_medical_beauty/files/Advisory_note_eng.pdf) which clearly reminds them not to perform the aforementioned medical procedures if they are not registered medical practitioners or registered dentists, or else they may violate the law. Furthermore, the DH has issued letters to registered medical practitioners and registered dentists (www.dh.gov.hk/english/useful/useful_medical_beauty/files/Letter_to_doctors.pdf and www.dh.gov.hk/english/useful/useful_medical_beauty/files/Letter_to_doctors2.pdf), reminding them to strictly observe the professional codes issued by their respective Councils when performing relevant procedures in their professional practice.

Any person who is not a registered medical practitioner or registered dentist shall not perform medical procedures that should be performed by registered medical practitioners or registered dentists; otherwise, the person may be charged for violating the Medical Registration Ordinance (Cap. 161) and the Dentists Registration Ordinance (Cap. 156) etc and liable on conviction upon indictment to imprisonment for seven years. Regarding the incident mentioned in the question, the Police has been investigating with the DH on the suspected practice of medicine without registration. The DH will continue to provide professional support to the Police in their subsequent work. Such incidents involve either performance of medical procedures by non-healthcare professionals, or suspected non-compliance with the respective professional codes by healthcare professionals in performing medical procedures. These acts are already subject to relevant statutory and professional regulation under the existing regulatory framework. As for some views that the performance of relevant procedures by the beauty service industry should be regulated, the Government considers that this will not only be unhelpful in preventing recurrence of similar incidents, but also probably lead to public misconception that the beauty service industry is allowed to perform medical procedures.