

**立法會**  
**Legislative Council**

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 31 October 2012**

**Amendments to motion on  
“Regulating beauty industry”**

Further to LC Paper No. CB(3) 57/12-13 issued on 18 October 2012, eight Members (Dr Hon Joseph LEE, Hon Alice MAK, Dr Hon KWOK Ka-ki, Hon CHAN Han-pan, Hon Vincent FANG, Hon CHAN Chi-chuen, Hon Ronny TONG and Dr Hon LEUNG Ka-lau) have respectively given notices of their intention to move separate amendments to Dr Hon Helena WONG’s motion on “Regulating beauty industry” scheduled for the Council meeting of 31 October 2012. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Dr Hon Helena WONG to speak and move her motion;
- (b) the President proposes the question on Dr Hon Helena WONG’s motion;
- (c) the President calls upon the eight Members who intend to move amendments to speak in the following order but no amendment is to be moved at this stage:
  - (i) Dr Hon Joseph LEE;
  - (ii) Hon Alice MAK;

- (iii) Dr Hon KWOK Ka-ki;
  - (iv) Hon CHAN Han-pan;
  - (v) Hon Vincent FANG;
  - (vi) Hon CHAN Chi-chuen;
  - (vii) Hon Ronny TONG; and
  - (viii) Dr Hon LEUNG Ka-lau;
- (d) the President calls upon the designated public officer(s) to speak;
  - (e) the President invites other Members to speak;
  - (f) the President gives leave to Dr Hon Helena WONG to speak for the second time on the amendments;
  - (g) the President calls upon the designated public officer(s) to speak again;
  - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the eight Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Dr Hon Joseph LEE to move his amendment to the motion, and forthwith proposes and puts to vote the question on Dr Hon Joseph LEE's amendment;
  - (i) after Dr Hon Joseph LEE's amendment has been voted upon, the President deals with the other seven amendments; and
  - (j) after all amendments have been dealt with, the President calls upon Dr Hon Helena WONG to reply. Thereafter, the President puts to vote the question on Dr Hon Helena WONG's motion, or her motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Odelia LEUNG)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on  
“Regulating beauty industry”  
to be held at the Council meeting of 31 October 2012**

**1. Dr Hon Helena WONG’s original motion**

That in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care needs, which even include invasive medical beauty services the effectiveness of which is in doubt; recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive medical beauty services, the conduct and responsibility of individual beauty service providers and medical practitioners as well as the regulation of medical devices; in this connection, this Council calls on the industry to immediately stop high-risk invasive medical acts, and urges the Government to expeditiously enact legislation to regulate the conduct and services of the beauty industry; the relevant measures should include:

- (a) to clearly define high-risk and invasive medical procedures, and require that only professionally qualified healthcare personnel may carry out such procedures;
- (b) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the risks and possible after-effects to the customers who are intending to receive the treatments;
- (c) to clearly define the responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents;
- (d) to implement a medical device registration system, and require that only professionally qualified persons may operate such devices; and
- (e) to amend the relevant legislation, and incorporate a ‘cooling-off period’ for selling beauty services into the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, to combat unfair trade practices,

with a view to upgrading the industry's conduct and standard of services for the protection of public health.

## **2. Motion as amended by Dr Hon Joseph LEE**

That, *given that* in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care needs, which even include invasive medical beauty services the effectiveness of which is in doubt; recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive medical beauty services, the conduct and responsibility of individual beauty service providers and medical practitioners as well as the regulation of medical devices; ~~in this connection~~, this Council calls on the industry to immediately stop high-risk invasive medical acts, and urges the Government to expeditiously enact legislation to regulate the conduct and services of the beauty industry; the relevant measures should include:

- (a) to clearly define high-risk and invasive medical procedures, and require that only professionally qualified healthcare personnel may carry out such procedures;
- (b) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the risks and possible after-effects to the customers who are intending to receive the treatments;
- (c) *to enact legislation on regulating beauty services and related premises, including laboratories and clinics, so as to ensure that the medicinal drugs, supplies and devices provided by such premises comply with safety standards and requirements, with a view to protecting the health and safety of members of the public and employees in the trade;*
- ~~(c)~~(d) to clearly define the responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents;
- ~~(d)~~(e) to implement a medical device registration system, and require that only professionally qualified persons may operate such devices; and
- ~~(e)~~(f) to amend the relevant legislation, and incorporate a 'cooling-off period' for selling beauty services into the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, to combat unfair trade practices,

with a view to upgrading the industry's conduct and standard of services for the protection of public health.

Note: Dr Hon Joseph LEE's amendment is marked in *bold and italic type* or with deletion line.

### **3. Motion as amended by Hon Alice MAK**

That *when the Government published in July 2003 the consultation document entitled 'Regulation of Medical Devices in Hong Kong' proposing the introduction of a regulatory framework for medical devices, there were already views expressing concern about the use of medical devices in the beauty industry and advocating that the regulation of the beauty industry should be strengthened*; in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care needs, which even include invasive medical beauty services the effectiveness of which is in doubt; recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive medical beauty services, the conduct and responsibility of individual beauty service providers and medical practitioners as well as the regulation of medical devices; in this connection, this Council calls on the industry to immediately stop high-risk invasive medical acts, and urges the Government to expeditiously enact legislation to regulate the conduct and services of the beauty industry; the relevant measures should include:

- (a) to *set up under the Steering Committee on Review of the Regulation of Private Healthcare Facilities a working group including the beauty industry, expeditiously and* clearly define high-risk and invasive medical procedures, and require that only professionally qualified healthcare personnel may carry out such procedures;
- (b) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the risks and possible after-effects to the customers who are intending to receive the treatments;
- (c) to clearly define the responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents;
- (d) to implement a medical device registration system, and require that only professionally qualified persons may operate such devices; ~~and~~

- (e) *to step up inspection and monitoring, so as to preclude unscrupulous businessmen from engaging beauty industry employees to carry out medical procedures or operate devices for medical treatment uses;*
- (f) *to strengthen the regulation of misleading beauty care advertisements, and step up publicity and education to assist members of the public in understanding the relevant risks before purchasing beauty care services; and*
- (e)(g) to amend the relevant legislation, and incorporate a ‘cooling-off period’ for selling beauty services into the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, to combat unfair trade practices,

with a view to upgrading the industry’s conduct and standard of services for the protection of public health.

Note: Hon Alice MAK’s amendment is marked in *bold and italic type* or with deletion line.

#### **4. Motion as amended by Dr Hon KWOK Ka-ki**

That, *given the Government’s disregard for the regulation of the beauty industry in Hong Kong over the years, consumers have been repeatedly misled by unscrupulous sales practices and harmed by improper beauty care treatments in the past, and* in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care needs, which even include invasive medical beauty services the effectiveness of which is in doubt; *at present, since this kind of organizations shall only apply for business registration certificates and are not subject to regulation by any licensing system, the standards of organizations in the beauty industry vary;* recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive medical beauty services, the conduct and responsibility of individual beauty service providers and medical practitioners as well as the regulation of medical devices; in this connection, this Council calls on the industry to immediately stop high-risk invasive medical acts, and urges the Government to expeditiously enact legislation to regulate the conduct and services of the beauty industry; the relevant measures should include:

- (a) to clearly define high-risk and invasive medical procedures, and require that only professionally qualified healthcare personnel may carry out

such procedures, *so as to ensure that such procedures are subject to regulation by the Medical Registration Ordinance, the Chinese Medicine Ordinance, the Nurses Registration Ordinance or other codes of professional conduct;*

- (b) *to enact comprehensive legislation and put in place a licensing system as well as a demerit point system to regulate the beauty industry and penalize non-compliant beauty care organizations;*
- ~~(b)~~(c) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the risks and possible after-effects to the customers who are intending to receive the treatments;
- ~~(c)~~(d) to clearly define the responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents, *requiring licensees or operators to also bear responsibilities in case of medical incidents;*
- ~~(d)~~(e) to implement a medical device registration system, and require that only professionally qualified persons may operate such devices; ~~and~~
- ~~(e)~~(f) to amend the relevant legislation, and incorporate a ‘cooling-off period’ for selling beauty services into the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, to combat unfair trade practices;
- (g) *to extend the scope of the Undesirable Medical Advertisements Ordinance to regulate exaggerated, misrepresented or misleading beauty service advertisements; and*
- (h) *to increase the manpower and resources of the Customs and Excise Department and the Department of Health, so as to ensure that they can conduct inspections on organizations providing beauty services,*

with a view to upgrading the industry’s conduct and standard of services for the protection of public health.

Note: Dr Hon KWOK Ka-ki’s amendment is marked in *bold and italic type* or with deletion line.

## **5. Motion as amended by Hon CHAN Han-pan**

~~That in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care~~

~~needs, which even include invasive medical beauty services the effectiveness of which is in doubt; recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, *since a recent incident in which four persons sustained septic shock after receiving intravascular infusions provided by a beauty treatment centre* and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive medical beauty services, *regulation of beauty services involving medical procedures, including the conduct and responsibility of individual beauty service providers and medical practitioners as well as the industry and healthcare personnel*, the regulation of medical devices; in this connection, this Council calls on the industry to immediately stop high risk invasive medical acts, and, *professional development of employees in the beauty industry as well as the regulation of product sales, and consumer rights and interests, etc.*, this Council urges the Government to expeditiously enact legislation to regulate the conduct and services of the beauty industry; the relevant measures should include *conduct studies and adopt appropriate measures, including:*~~

- (a) ~~to clearly define high risk and invasive medical procedures, and require that only *the types of beauty services involving medical procedures as well as associated risks, and stipulate that high-risk services must be carried out by* professionally qualified healthcare personnel may carry out such procedures;~~
- (b) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the risks and possible after-effects to the customers who are intending to receive the treatments;
- (c) to clearly define the responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents, *and establish a reporting mechanism for relevant incidents;*
- (d) to ~~implement~~ *conduct a study on the implementation of* a medical device registration system, and require that only professionally qualified persons *or persons with accredited qualifications for operating the relevant devices* may operate such devices; ~~and~~
- (e) *to conduct a study on the promotion of the professional development of beauticians; and*
- (e)(f) to amend the relevant legislation, and incorporate a ‘cooling-off period’ for selling *pre-paid* beauty services into the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, to combat unfair trade practices,



with a view to upgrading the industry's conduct and standard of services for the protection of ~~public health~~ **consumer health, rights and interests**.

Note: Hon CHAN Han-pan's amendment is marked in ***bold and italic type*** or with deletion line.

## **6. Motion as amended by Hon Vincent FANG**

~~That in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care needs, which even include invasive medical beauty services~~ ***given the large increase in market demand for deep beauty care, there has been a marked increase in recent years in cases involving the use of medical methods in beauty procedures, which even include some invasive and so-called 'medical beauty' services, the effectiveness of which is in doubt; and some elements of which are actually high-risk medical acts; for example,*** recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive ~~medical beauty~~ ***'medical beauty'*** services, the conduct and responsibility of ~~individual~~ beauty service providers and medical practitioners ~~as well as~~ ***engaging in 'medical beauty' care, the regulation of medical devices as well as the regulation of essentially high-risk medical acts under the guise of beauty services that are similar to acts involved in the incident;*** in this connection, this Council calls on ***the Government to expeditiously differentiate high-risk 'medical beauty' services from beauty services and*** the industry to immediately stop ~~high-risk invasive medical acts~~ ***medical acts defined as high-risk and invasive,*** and urges the Government to expeditiously enact legislation to regulate ***the abuse of medical acts in the beauty industry, so as to improve*** the conduct and services of the beauty industry; the relevant measures should include:

- (a) to clearly define high-risk and invasive medical procedures, and require that only professionally qualified healthcare personnel ***who have received the relevant training*** may carry out such procedures;
- (b) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the risks and possible after-effects to the customers who are intending to receive the treatments;
- (c) to clearly define the responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents;

- (d) to implement a medical device registration system, *differentiate medical devices from beauty devices*, and require that only professionally qualified persons *who have obtained accredited training relating to the relevant devices* may operate such devices; and
- (e) to ~~amend the relevant legislation, and incorporate a ‘cooling-off period’ for selling beauty services into~~ *review* the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, *and study whether to bring ‘medical beauty care’ under regulation*, to combat unfair trade practices,

with a view to upgrading the industry’s conduct and standard of services for the protection of public health.

Note: Hon Vincent FANG’s amendment is marked in *bold and italic type* or with deletion line.

## 7. Motion as amended by Hon CHAN Chi-chuen

That in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care needs, which even include invasive medical beauty services the effectiveness of which is in doubt; recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive medical beauty services, the conduct and responsibility of individual beauty service providers and medical practitioners as well as the regulation of medical devices; in this connection, this Council calls on ~~the industry to immediately stop high-risk invasive medical acts~~ *the authorities and the industry to jointly discuss the definition of medical procedures involved in medical beauty care, clearly set out the risks in different areas and provide recommended guidelines*, and urges the Government to expeditiously enact legislation to regulate the conduct ~~and services~~ of the beauty industry; the relevant measures should include:

- (a) to clearly define high-risk and invasive medical procedures *through joint discussion by the authorities and the industry*, and require that only professionally qualified healthcare personnel may carry out such procedures;
- (b) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the risks and possible after-effects to the customers who are intending to receive the treatments;

- (c) to clearly define the responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents; *and*
- ~~(d) to implement a medical device registration system, and require that only professionally qualified persons may operate such devices; and~~
- ~~(e)~~*(d)* to amend the relevant legislation, and incorporate a ‘cooling-off period’ for selling beauty services into the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, to combat unfair trade practices, *especially forbidding the publication of certain medical beauty efficacies which have not been scientifically and empirically proven in related promotional advertisements to avoid misleading consumers,*

with a view to upgrading the industry’s conduct and standard of services for the protection of public health.

Note: Hon CHAN Chi-chuen’s amendment is marked in *bold and italic type* or with deletion line.

## 8. Motion as amended by Hon Ronny TONG

That in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care needs, which even include invasive medical beauty services the effectiveness of which is in doubt; recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive medical beauty services, the conduct and responsibility of individual beauty service providers and medical practitioners as well as the regulation of medical devices; *in addition, as such beauty service products are often sold in the form of package tickets, if the companies concerned suddenly close down, consumers will suffer losses immediately but are unable to receive any compensation;* in this connection, this Council ~~calls,~~ *besides calling* on the industry to immediately stop high-risk invasive medical acts, ~~and~~ urges the Government to expeditiously enact legislation to regulate the conduct and services of the beauty industry; the relevant measures should include:

- (a) to clearly define high-risk and invasive medical procedures, and require that only professionally qualified healthcare personnel may carry out such procedures;

- (b) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the ~~risks~~ ***medical risks to be involved*** and possible after-effects to the customers who are intending to receive the treatments;
- (c) to clearly define the ***respective medical risk*** responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents, ***including the responsibility to take out medical insurance***;
- (d) to implement a medical device registration system, and require that only professionally qualified persons may operate such devices; ~~and~~
- (e) to amend the relevant legislation, and incorporate a ‘cooling-off period’ for selling beauty services into the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, to combat unfair trade practices; ***and***
- (f) ***to study the establishment of a trust fund for prepayment and medical risks relating to the beauty industry, so as to protect the rights and interests of consumers and persons affected by blunders in medical beauty treatments, and enable them to get reasonable compensation,***

with a view to upgrading the industry’s conduct and standard of services for the protection of public health.

Note: Hon Ronny TONG’s amendment is marked in ***bold and italic type*** or with deletion line.

## 9. Motion as amended by Dr Hon LEUNG Ka-lau

That in recent years the beauty industry in Hong Kong has been developing rapidly and providing a range of services over and above general beauty care needs, which even include invasive medical beauty services the effectiveness of which is in doubt; recently, a beauty treatment centre gave intravascular infusions to some 40 consumers, with the consequence that four women sustained septic shock, and one of them had even passed away unfortunately; the incident has aroused public concern about the risks of invasive medical beauty services, the conduct and responsibility of individual beauty service providers and medical practitioners as well as the regulation of medical devices; in this connection, this Council calls on the industry to immediately stop high-risk invasive medical acts, and urges the Government to expeditiously enact legislation to regulate the conduct and services of the beauty industry; the relevant measures should include:

- (a) to clearly define high-risk and invasive medical procedures, and require that only professionally qualified healthcare personnel may carry out such procedures;
- (b) *to amend the Medical Registration Ordinance stipulating that companies which actually or claim to engage in medical business must have more than half of their directors being registered medical practitioners, so that the Medical Council of Hong Kong has legal basis to require registered medical practitioners serving as directors to ensure the operation of such companies in compliance with professional conduct, otherwise it may take disciplinary action and even remove their names from the register of medical practitioners;*
- ~~(b)~~(c) to stipulate that the industry and healthcare personnel must clearly and fully disclose in advance the risks and possible after-effects to the customers who are intending to receive the treatments;
- ~~(e)~~(d) to clearly define the responsibilities that the industry and healthcare personnel must bear after the occurrence of incidents;
- ~~(d)~~(e) to implement a medical device registration system, and require that only professionally qualified persons may operate such devices; and
- ~~(e)~~(f) to amend the relevant legislation, and incorporate a ‘cooling-off period’ for selling beauty services into the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012, which will come into force next year, to combat unfair trade practices,

with a view to upgrading the industry’s conduct and standard of services for the protection of public health.

Note: Dr Hon LEUNG Ka-lau’s amendment is marked in *bold and italic type* or with deletion line.