



中華人民共和國香港特別行政區政府總部食物及衛生局

Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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18 December 2013

Ms Maisie LAM
Chief Council Secretary
Panel on Health Services
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms LAM,

**Panel on Health Services
Meeting on 18 November 2013
Response to Motion and Follow-up Action**

The Panel on Health Services of the Legislative Council passed a motion at its meeting on 18 November 2013 under the agenda item "Regulation of medical beauty treatments or procedures" and requested the Administration to provide the number of enforcement actions taken against persons who practiced medicine/surgery or dentistry without registration. The Administration's response to the motion and the requested supplementary information are set out in the ensuing paragraphs.

Response to the Motion

The beauty industry, like most other industries and businesses in Hong Kong, runs and evolves in a free-market environment subject to laws and regulations of a general nature. Most of the practices of the beauty industry are non-intrusive and involve no or very little health risks that call for direct, regulatory intervention. Instead of regulating the beauty industry indiscriminately, the Administration has adopted a risk-based approach

focusing on those procedures/treatments that are intrinsically risky and could cause considerable harm to clients if not properly administered by qualified personnel.

Against the above-mentioned backdrop, a Working Group on Differentiation between Medical Procedures and Beauty Services (Working Group) was set up under the Steering Committee on Review of the Regulation of Private Healthcare Facilities (Steering Committee) in October 2012. To better safeguard public health, it recommended that certain cosmetic services should be performed by registered medical practitioners/ dentists because of the risks involved. These procedures include those involving injections, mechanical/chemical exfoliation of the skin below the epidermis, hyperbaric oxygen therapy¹ and dental bleaching. These recommendations have been endorsed by the Steering Committee. The Department of Health (DH) has issued advisory notes to the beauty industry and medical profession to remind practitioners of the requirements when providing cosmetic services. DH will take enforcement action as necessary under the Medical Registration Ordinance (Cap. 161) and the Dentists Registration Ordinance (Cap. 156). Moreover, DH will enhance publicity to raise public awareness of the risks of cosmetic services.

For cosmetic procedures involving the use of medical devices, particularly energy-emitting devices, the Steering Committee agreed that the regulatory approach to these procedures should be deliberated within the regulatory framework for medical devices the set up of which is currently under review. The Administration plans to introduce a new regulatory regime for the control of the use of specified high-risk medical devices through legislation. The Administration will engage a consultant to conduct an in-depth study into the subject and consult stakeholders, including the beauty industry and medical profession.

The beauty industry has already put in place structured training and education in accordance with the Qualifications Framework (QF) introduced in May 2008 to provide a transparent and accessible platform to promote lifelong learning with a view to enhancing the competitiveness of the workforce in Hong Kong. The QF is a seven-level hierarchy covering qualifications in the academic, vocational and continuing education sectors. It is underpinned by a robust quality assurance mechanism. All qualifications recognised under the QF are locally accredited and quality assured.

¹ The Working Group recommended that this procedure should only be performed by registered medical practitioners on patients with clinical need and not as a form of beauty procedure.

The development of the QF is industry-led. The Education Bureau has so far assisted 19 industries, covering about 46% of the total labour force in Hong Kong, in setting up Industry Training Advisory Committees (ITAC).

Among them, the Beauty ITAC was established in 2006 to assist the industry in implementing the QF with the objective of promoting lifelong learning and continuous skills upgrading of its practitioners. The Education Bureau, through the QF Secretariat (QFS), assisted the Beauty ITAC to complete the industry's first version of Specification of Competency Standards (SCS) in November 2010, which sets out the competency requirements and outcome standards required of the industry at various QF levels. The beauty SCS has laid down a good foundation for the development of education and training programmes (including in-house training programmes) that meet the practical needs of the industry. More than 50 SCS-based courses related to the beauty industry have gradually been offered since May 2011. These SCS-based courses are accredited by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications and are recognized under the QF.

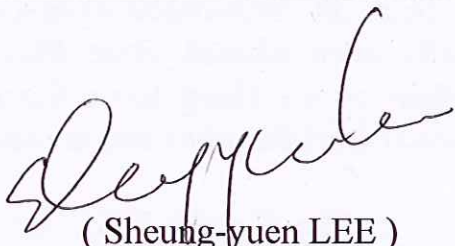
The Beauty ITAC is contemplating the implementation of a Recognition of Prior Learning (RPL) mechanism on the basis of the SCS produced, subject to consensus reached on the remit and coverage of the RPL mechanism. The Education Bureau and the QFS will continue to assist the beauty industry to sustain its development and to enhance the competency of the practitioners riding on the QF platform.

Looking ahead, we will continue to adopt a risk-based approach to address beauty procedures/treatments of a high-risk nature, and consider it appropriate to rely on the QF system for enhancing the training and education of beauty practitioners in keeping with the arrangement for other industries. We should allow time for the Working Group's recommendations to be implemented over a longer period, for the medical device regulatory model to come into shape, and for the beauty industry QF framework to grow and mature in the coming years. The Administration would focus its efforts and resources on improving the current system, and put on hold suggestions such as setting up a steering committee on regulation of beauty industry until we are in a position to fully assess the impact and effectiveness of the various measures now being put in place or in the pipeline for public consultation.

Supplementary Information

DH provides professional support to the Police for investigation of suspected violations of the Medical Registration Ordinance (Cap. 161) and the Dentists Registration Ordinance (Cap. 156). The number of joint operations conducted by the Police and DH for enforcement of the two Ordinances from 2010 to 2013 is set out below –

Year	No. of joint operations by Police and DH	
	Cap. 161	Cap. 156
2010	5	4
2011	6	9
2012	9	3
2013 (As of 30 November)	12	6


(Sheung-yuen LEE)
for Secretary for Food and Health

cc. Education Bureau (Attention: Kilian TUNG Yuk Lun, Assistant Secretary (Further Education) 3)

Department of Health (Attention: Dr Teresa LI Mun Pik, Principal Medical and Health Officer (5))