



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

Our Ref. : FHB/H/1/5
Your Ref. : CB2/PL/HS+CI

Tel No. : (852) 3509 8965
Fax No. : (852) 2840 0467

14 October 2015

Prof Hon Joseph LEE Kok-long
Chairman of Panel on Health Services
Hon WONG Ting-kwong
Chairman of Panel on Commerce and Industry
Legislative Council Complex
1 Legislative Council Road
Central

Dear Hon LEE and Hon WONG,

Panel on Health Services and Panel on Commerce and Industry

Regulation and Development of Beauty Services

Thank you for your letter to the Chief Secretary for Administration of 23 July 2015, which has been referred to the Food and Health Bureau (FHB) for reply. This is a consolidated response in consultation with the Commerce and Economic Development Bureau (CEDB) and the Education Bureau (EDB).

Beauty Industry in Hong Kong, like most other industries and businesses, runs and evolves in a free-market environment subject to laws and regulations of a general nature. Instead of regulating the beauty industry indiscriminately, the Government has adopted a risk-based approach to focus on high-risk procedures which may cause unnecessary harm or complications to members of the public if performed by a person without proper training or qualification. We note that at the joint

meeting of the Panel on Health Services and Panel on Commerce and Industry, Members agreed with the existing policy direction of regulating high-risk cosmetic procedures.

In 2012, FHB established a Steering Committee on Review of Regulation of Private Healthcare Facilities (the Steering Committee) which recommended, among others, that certain aesthetic procedures (such as botulinum toxin A injection and dental bleaching) should only be performed by registered medical practitioners or registered dentists. The Department of Health has issued advisory notes to both the beauty industry and medical profession to remind practitioners of the requirements when providing cosmetic services.

It is also important to maintain, among others, good standard of ambulatory facilities (e.g. on premises management, physical conditions and infection control) where high-risk medical procedures/practices (such as liposuction and breast augmentation) are performed. In view of this, the Steering Committee also recommended that such ambulatory facilities should be regulated under the new regulatory regime for private healthcare facilities proposed to be established.

The recommendations by the Steering Committee were widely supported by the public in the three-month public consultation on Regulation of Private Healthcare Facilities conducted in December 2014. FHB is now taking steps to consult stakeholders on the technical details for an eventual enactment of the proposed legislation to enhance the regulatory regime for private healthcare facilities (which include ambulatory facilities mentioned above).

On the support for the development of the beauty industry, the following initiatives are worth noting –

- (a) In 2006, the Consumer Council, in collaboration with the beauty industry, drew up a voluntary Code of Trade Practices for Beauty Industry to facilitate industry enhancement and encourage self-regulation. The Code provides guidance on various operational aspects of the industry, including assurance of quality of services and goods, promotion and marketing practices, the pre-payment mode of operation, stipulation of performance pledge and arrangements for handling consumer complaints.

- (b) In 2012, the Consumer Council published the Report on Unfair Terms in Standard Form Consumer Contract, which provides guidelines on drafting standard-form consumer contracts based on the principle of fairness, good faith and honesty. The Report specifically assists the beauty industry by providing it with a sample contract for reference.
- (c) Funding schemes are available to industries (including the beauty industry). For example, the SME Development Fund administered by the Trade and Industry Department provides financial support to non-profit-distributing organisations to implement projects which aim to enhance the competitiveness of Hong Kong's small and medium enterprises in general or in specific sectors.
- (d) Legislation such as the Trade Descriptions Ordinance (Cap. 362) is in place to combat common unfair trade practices deployed by unscrupulous traders against consumers, thereby fostering a fair business environment.

As such, existing support measures could be made use of for the further development of the industry.

To encourage lifelong learning and enhancing competitiveness of the workforce in Hong Kong, the Government launched the Qualifications Framework (QF) in 2008. At present, EDB has set up 20 Industry Training Advisory Committees (ITACs) for 21 industries/ sectors, including the Beauty and Hairdressing ITAC that covers the beauty and hairdressing industries.

Similar to other ITACs, the Beauty and Hairdressing ITAC is tasked to draw up Specification of Competency Standards (SCSs) for the two industries, which set out the skills, knowledge and outcome standards required of employees in different functional areas of the respective industries. With reference to the SCSs, education and training providers can develop courses for learners in line with the industry needs. SCSs also serve as guides for employers in the development of in-house training and human resources management, such as staff recruitment and performance assessment.

On the suggestion of building upon the existing QF to develop a licensing system for beauty practitioners and the competency requirements for operating medical devices commonly used by the beauty sector, as

most of the practices of the beauty industry pose low health risks to members of the public, the Government does not see a need to develop a licensing system for beauty practitioners.

The Government is committed to safeguarding patient safety. We will continue to adopt a risk-based approach to regulate high-risk cosmetic procedures. The Government considers that there is no need to set up a steering committee on regulation of beauty industry and establish a beauty industry development council. The Government will continue to help strengthen the training of practitioners in the beauty industry under the QF, as in the case of many other industries, with a view to enhancing the professional level of the industry and fostering its development.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Sun', with a large, stylized flourish at the end.

(Chris SUN)

for Secretary for Food and Health

c.c.

Chief Secretary for Administration (Attn: Ms Candy LAU)

Secretary for Commerce and Economic Development

(Attn: Mr LEE Sheung-yuen)

Secretary for Education (Attn: Mr Rick CHAN)