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(Updated version)

To the Legislative Council Panel on Health Services for the  
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In response to the call for views on “Regulation of medical beauty treatments/ procedures” by Dr. Leung Ka-lau, Panel Chairman, it is pointed out that the followings, listed out on pages 3 to 8 of this document, are issues which need to be addressed:

## 1. **Doctors – licence vs competence**

Doctors in Hong Kong need a licence to practice. Amongst other purposes, this serves to guarantee a sufficient standard of competence to safe-guard the public interests. This protection was certainly sound at the time section 16(1) of the Medical Registration Ordinance, which entitles registered medical practitioners to practice “medicine, surgery and midwifery” and thus practically all fields in medicine, was first drawn up. With advancement in medical knowledge and the development of specialised medical practice, this blank cheque opens up a possible channel for doctors to turn to lucrative areas of medical practice without having undergone the necessary recognised relevant training or acquired the necessary skills.

**Proposal:** There must be a clear stipulation of the qualification requirements for different cosmetic procedures and such qualifications must be according to recognised programmes under the Hong Kong Academy of Medicine.

## **2. Treatments – beauty vs medical**

The term “medical beauty”, *ipso facto*, implies the application of medical treatment in enhancing beauty. A clear demarcation of ordinary beauty treatment and medical intervention is necessary to prevent commercial abuse because any intervention intrinsically carries a certain degree of risk.

**Proposal:** Either a definition of aesthetic intervention must be established, or a list of individual procedures drawn up. Those treatments under medical must be restricted to qualified medical practitioners or registered physician extenders under strict supervision by qualified medical practitioners.

### **3. Drugs and devices – regulation, scope and enforcement**

Physician prescription medications continue to be available too easily. Some such medications are still obtainable without prescription in some pharmacy shops. It is also legitimate for the general consumer to purchase medical devices. Some of these, e.g. dermal fillers, lasers and other high energy machines for medical treatment, are essential tools and workhorses in beauty parlours. Internet medicines and devices of uncertain origin and authenticity are easily available.

**Proposal:** Medical device listing must be made compulsory and proposed regulatory controls on the possession and operation of lasers and intense pulsed light equipments need to be implemented as soon as possible.

#### **4. Institutions – beauty parlours vs healthcare providers**

Healthcare institutions are regulated to safety standards far above ordinary commercial enterprises.

**Proposal:** Commercial enterprises providing beauty treatments which incorporate medical services are either to be prohibited from so doing or to be subject to the same standard of regulation.

## **5. Laboratories – precision vs safety**

Laboratories in Hong Kong are regulated voluntarily mainly as to their measurement precision standards by the Hong Kong Accreditation Service. Where a laboratory supplies processed pharmaceutical products for “self consumption”, the existing legislative frameworks, including the Pharmacy and Poisons Ordinance (Cap 138), the Chinese Medicine Ordinance (Cap. 549), and the Public Health and Municipal Services Ordinance (Cap. 132), etc, are arguably to no avail if locally manufactured products are not for “sale to the public”.

**Proposal:** “Home-made pharmaceutical products” in private laboratories must also be regulated. Laboratories providing services in relation to the management of patients must be subject to a compulsory accreditation scheme.

## **6. Advertisements – law and enforcement**

The Undesirable Medical Advertisements Ordinance (Cap 231) prohibits any advertisements “likely to lead to the use of any medicine, surgical appliance or treatment for – treating human beings for ... the promotion of ... restoration of lost youth and for ... the surgical alteration of a person’s appearance ...”, section 3(1)(b) and Schedule 2(2) and 2(3) but apparently such advertisements abound in entertainment magazines and as huge posters around town.

**Proposal:** Stricter enforcement is necessary.

**END**