



香港醫務委員會
The Medical Council of Hong Kong

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For discussion on 27 November 2012

Legislative Council Panel on Health Services

**Written submission by the
Chairman of the Medical Council of Hong Kong
on the Council's Regulatory Role over Medical Practitioners
in relation to the Regulation of Medical Beauty Treatments/Procedures**

- The Medical Council of Hong Kong is empowered by the Medical Registration Ordinance, Cap. 161, Laws of Hong Kong, to handle registration and disciplinary regulation of medical practitioners in Hong Kong.
- Medical and health products and services are offered by a variety of organizations. The Medical Council does not have jurisdiction over such organizations. The provision of medical services, through any organizations or business modes and irrespective of setting, is primarily a professional relationship between medical practitioners and their patients. Medical practitioners have professional obligation to ensure that their medical services are up to the required professional standards and they are in full compliance with the relevant legislations and the Code of Professional Conduct. The Medical Council has jurisdiction over the professional conduct of medical practitioners in accordance with the provisions in the Medical Registration Ordinance and the Medical Practitioners (Registration and Disciplinary Procedure) Regulation.
- Complaints or information against medical practitioners touching on matters of professional misconduct lodged with the Medical Council, no matter by individuals or other bodies such as the Hong Kong Police Force and the Independent Commission Against Corruption, are handled by the Medical Council in accordance with the statutory provisions.

- The situations that give rise to disciplinary proceedings include where a medical practitioner has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment or where there is evidence that a medical practitioner has been guilty of misconduct in a professional respect. Appropriate disciplinary sanctions are imposed according to the seriousness of the cases.
- For the purpose of giving general guidance to medical practitioners as to what may commonly constitute professional misconduct, the Medical Council has published a Code of Professional Conduct (“the Code”).
- As provided in the Code, medical practitioners should act in the patient’s best interest when carrying out medical procedures or treatment. They should ensure that they are fully competent to provide proper care of the patient under their care. They should properly explain to the patient the nature, effect and risks of the proposed treatment and seek the patient’s consent before providing the treatment.
- The Code also stipulates that medical practitioners should use new medical procedures primarily for the benefit of the patient, and should have good grounds, supported where necessary by experimental or trial results, to expect that such procedures would yield equal or better results than alternative methods of available treatment. Besides, the Code provides that medical practitioners utilising complementary/alternative treatment modalities should ensure that the modality of treatment concerned is ethical, beneficial and safe for the patient, and is carried out in the best interest of the patient.
- Medical practitioners should also exercise careful scrutiny and judgment of medical contracts and schemes of the organization to which they are associated to ensure that they are ethical and in the best interest of the patients. They should dissociate themselves from an organization which provides substandard medical services, imposes restrictions on their independent professional judgment, infringes patients’ rights, advertises in contravention of the principles and rules applicable to individual medical practitioners, or otherwise contravenes the Code.
- After a disciplinary inquiry involving a medical practitioner practising in a beauty parlour in January 2011, the Medical Council in the judgment and through a press conference had reminded members of the public that before receiving treatment from beauty parlours claiming to provide service of registered medical practitioners, they should ascertain the identity of the medical practitioner who will provide the medical treatment and also obtain proof of treatment provided by the doctor. The public should be educated on their right as a customer and as a patient.

23 November 2012