

Proposal on the regulation and development of aesthetic practices

By

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With the advance of the society, questing for beauty is no longer a luxury. It becomes a necessity. In fact, aesthetic practices have grown in prevalence in many places around the world as well as Hong Kong.

In early October 2012, 4 women suffered from septic shock and one subsequent died after receiving intravenous infusion of cultured blood product for rejuvenation. This incident has aroused the public concerns over the issues of differentiation between medical procedures and cosmetic-related activities.

The Hong Kong Government has set up a Working Group on Differentiation between Medical Procedures and Beauty Services in November 2012. Report has been submitted and endorsed in November 2013. The Legislative Council Secretariat Research Office has also submitted a Research Report on Regulation of aesthetic practices in selected places on 28 November 2014.

After going through these two reports. Our society was astonished by the fact that there are no regulations in Hong Kong in governing the beauty sector in performing aesthetic procedure. Beauticians are not required to meet any training requirements prior to their practices. Beautician can perform high-power lasers without the supervision of medical practitioners. Moreover, there are no specific measures to protect the public in receiving cosmetic treatment in beauty shop.

We disagree with the Working Group on Differentiation between Medical Procedures and Beauty Services in suggesting that the procedures involving external application of energy can be performed solely by beauticians. Serious complications of these procedures like hyperpigmentation, infection, skin burn and necrosis, scarring are not rare. According to the guidelines on aesthetic practices for doctors in Singapore, these procedures must be done by people that have competence in carrying out the procedure and managing the anticipated serious complications. Beauticians are not physician. They are not qualified to treat these complications. As a result, they are not competent enough to handle these instruments alone. Our society strongly recommends these procedures should be done by medical practitioners or done under the supervision of medical practitioners.

Though the beauty sector has developed the specification of competency standards under the qualifications framework recently. It is only a voluntary framework. To improve the standard of beauticians. Our society urges the government to establish an authority which helps to set up training and govern the standard of beauticians. Beauticians must pass the examination prior to their practices. In order to avoid misleading and confusion, beauticians can only use quotable qualifications that are preapproved by the authority.

Due to the keen commercial competition, some beauty shops are notorious for false trade descriptions and unfair trade practices. In Feb 2015, three beauticians who allegedly claimed a customer needed expensive treatment to avoid cancer have been arrested. This sort of malpractice was only the tip of the iceberg. To enhance protection of persons undergoing aesthetic procedures, our society agrees to introduce a seven-day cooling-off period to cover transactions involving aesthetic procedures so that the persons concerned can have time to rethink about the benefits and risks involved. We also agree to set up a redress system should be put in place for persons who are dissatisfied with the services provided to seek refund or compensation.

Nowadays in Hong Kong, we are overwhelming by advertisement of aesthetic procedures. Some of them are misleading. Some of them even contain false information. Public may have the concept that all aesthetic procedures are safe and free of side effect. In fact this is not true. According to the medial ordinance, medical practitioners are not allowed to advertise themselves or their services. We are worried that the public can only receive these biased information from the beauty service provider. We are also surprised to find that there are only a small number of successful prosecutions against beauty service provider despite the large volume of misleading advertisements. We hope the government can have a separate department to screen these advertisements before they can launch to public.

Hong Kong Government is considering extending the regulatory regime to cover ambulatory facilities in which outpatient surgeries or high-risk medical services are performed. Our society deeply concern this regulation may bring too much cost and administrative burden on private clinics since this will lead to further increase in total cost for patients to receive such procedures in Hong Kong, encouraging them to seek treatments overseas in consequence, which may not be in their best interest while further restrict growth of this sector in H.K.

Too strict regulations with the added costs and administrative burden will fundamentally change the ecology of medical practice, favoring enterprises with higher capital strength to dominate the market. Fewer solo or small group medical practices in this area can survive. A scenario of young doctors in these fields being employed by the beauty industry will be the future. The prospect of professional autonomy will be greatly jeopardized which would not be beneficial to patients. Doctor to patient relationship would be more trustworthy than company-customer relationship with too much commercial considerations.

In conclusion, our society was astonished by the fact that there are no regulations in Hong Kong governing the beauty sector in performing aesthetic procedure and beauticians are not required to have any training or to meet any requirement prior to their practices. Our Society deeply concerns about the overwhelming misleading aesthetic procedure advertisement. It's a pity that Hong Kong is far behind Singapore and Korea concerning the laws in protecting the customers in using aesthetic procedures. The public are in real danger. We urge the government to have enforcement in action against misleading advertisement, setting up a separate authority to govern the standard of beauticians and to re-considerate the procedures involving external application of energy should be done under supervision of medical practitioners. Our society strongly believes that if there government doesn't act fast, tragedies will happen again very soon.

References:

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