

LCQ15: Slimming and beauty care services

Following is the question by Dr Hon Joseph Lee and a written reply by the Secretary for Economic Development and Labour, Mr Stephen Ip, in the Legislative Council today (February 15):

Question:

A survey conducted by the Consumer Council (CC) has revealed that slimming service providers often use exaggerated language to persuade the public to join slimming treatment programmes. The charges for such treatment programmes may be as high as \$50,000, but their effectiveness remains questionable. Some members of the public have even had their legs scorched. Meanwhile, CC is drawing up a Beauty Industry Code of Practice to provide guidance to the industry on matters such as trade practice and service quality. In this connection, will the Government inform this Council:

(a) of the number of complaints received by the authorities concerned about injuries caused by cosmetic/slimming treatment programmes last year;

(b) of the expected effectiveness of the Beauty Industry Code of Practice which has no legal effect; and

(c) whether it plans to introduce legislation to regulate matters such as the use and sale of slimming treatment devices, the professional qualification requirement for and conduct of the operators of such devices, the use of drugs and chemicals by slimming service providers, the contents and marketing tactics of slimming advertisements, and the charging level and mode of slimming services; if it does, of the details of the plan; if not, the reasons for that?

Reply:

Madam President,

Having consulted the Health, Welfare and Food Bureau (HWFB), our consolidated reply is as follows –

(a) In 2005, the Department of Health (DH) did not receive any complaints

concerning injuries caused by beauty or slimming treatment programmes. The Consumer Council (the Council) received a total of 38 such complaints, of which 30 were related to beauty treatment while the 8 others were related to slimming treatment.

These cases involved allergy, pain and the appearance of marks on the skin after treatment.

(b) The drafting of the relevant Beauty Industry Code of Practice (the Code) has just been completed. The Code covers areas such as service quality, complaint handling and prepayment for services. Throughout the drafting process, the Consumer Council has consulted the trade and acted as the convenor of the task force responsible for the drafting of the Code. All 11 task force members are representatives of the beauty industry, and the industry representatives have promised that they will actively promulgate and abide by the Code. Accordingly, the Council is confident that the Code will help enhance service quality of the beauty care industry.

(c) There is no specific legislation governing the provision of slimming and beauty care services. However, consumers are protected by general consumer protection legislation including -

(i) the Unconscionable Contracts Ordinance, which empowers the courts to refuse to enforce, or to revise unconscionable terms in consumer contracts for the sale of goods or supply of services;

(ii) the Supply of Services (Implied Terms) Ordinance, which stipulates that a supplier of a service is obliged to carry out the service with reasonable care and skill and within a reasonable time; and

(iii) the Sale of Goods Ordinance, which provides that where a seller sells goods in the course of a business, there is an implied condition that the goods supplied are of merchantable quality and that a buyer has the right to reject defective goods unless he or she has a reasonable opportunity to examine the goods.

The HWFB advises that a Medical Device Administrative Control System (the System) has been implemented in phases by the DH since 2004. The System is intended to administer the sale and use of medical devices, instead of slimming devices. The definition of medical device is adopted from the recommendations of

the Global Harmonisation Task Force. A device is only regarded as a medical device if its intended use, as claimed by the manufacturer, involves actual modification of body structure.

The HWFB further advises that where the use of pharmaceutical products is concerned, the current Pharmacy and Poisons Ordinance regulates the supply, dispensing and use of such products. Under this Ordinance, prescription drugs can only be prescribed and administered for use by registered medical practitioners or dispensed by registered pharmacists on receipt of valid prescriptions issued by medical practitioners. Other controlled pharmaceutical products are required to be supplied in pharmacies registered under the Ordinance.

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