

LCQ15: Regulation of premises providing Chinese-style wellness and health services

Following is a question by Professor the Hon Chan Wing-kwong and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (June 4):

Question:

It has been reported that on March 20 this year, a woman had to be sent to hospital for treatment as she got burnt while receiving cupping service at a blind massage parlour in Sham Shui Po. It has also been learnt that at present quite a number of premises in the market providing beauty, hairdressing, massage, foot spa, wellness and health services (such premises) openly boast that they can provide customers with such services as tuina, bone-setting, pain relief, moxibustion, cupping and scraping. Regarding the regulation of premises providing Chinese-style wellness and health services, will the Government inform this Council:

(1) of the number of complaints received by the authorities in relation to such premises and the follow-up situation in each of the past five years; among them, of the number of cases involving unlicensed medical practice, and the respective numbers of persons prosecuted and convicted;

(2) of the measures taken by the authorities to regulate such premises; whether they have taken the initiative to inspect such premises in prevention of illegal medical practices at such premises; if so, of the number of inspections carried out by the authorities and the result in each of the past three years; and

(3) whether the authorities will step up promotion and education efforts to prevent members of the public from inadvertently falling into the trap of illegal medical practice at such premises; if so, of the details?

Reply:

President,

In consultation with the Security Bureau, I provide a consolidated reply to the question raised by Professor the Hon Chan Wing-kwong as follows:

In order to safeguard public health and safety, a statutory regulatory system is in place for healthcare professions in Hong Kong. At present, there are 13 healthcare professions (Note) which are subject to statutory registration in order to practise in Hong Kong so as to ascertain that their qualifications are up to standards, and that their professional conducts are regulated by relevant statutory boards and councils. Any person who practises as these healthcare professions or uses these healthcare profession titles

without registration may violate relevant laws.

As mentioned in the question regarding services such as tui-na, bone manipulating, pain management, moxibustion, cupping and gua-sha, premises providing relevant services in the community can be broadly classified into two categories:

(1) involving healthcare services which should be provided by the 13 healthcare professions under statutory registration or enrolment to provide services in accordance with their respective scope of practice, such as prescription of drugs, performance of medical procedures (for example, Chinese medicine treatment, physiotherapy or surgery); and

(2) not providing healthcare services concerning the practice of healthcare professionals, such as solely providing services of massage, foot bathing, beauty or hairdressing.

Statutory regulation of relevant healthcare facilities and/or healthcare professions

As the services provided by premises under the first category mentioned above are healthcare services, hence these services should be subject to statutory regulation targeting relevant healthcare facilities and/or healthcare professions. As regards services commonly known as "bone manipulating" and "pain management", they may be similar to the nature of treatments provided by Chinese medicine practitioners, physiotherapists and chiropractors under their respective scope of practice. Depending on the actual services performed, relevant legislation would come into play when healthcare services which must be provided by registered healthcare professionals are involved. This serves to prevent non-professionals from performing such acts so as to safeguard public health.

The provision of a service will be considered as practising Chinese medicine if it involves the performance of any act or activities on the basis of traditional Chinese medicine in general practice, acupuncture or bone-setting as stipulated in the Chinese Medicine Ordinance (Cap. 549). Any person who is neither a registered nor listed Chinese medicine practitioner providing such service commits an offence and is liable to a fine at level 6 and imprisonment for three years. By the same token, any person who practises the profession of a physiotherapist as stipulated in the Supplementary Medical Professions Ordinance (Cap. 359) without registration commits an offence and is liable to a fine at level 2 and imprisonment for six months; whereas any person who is not listed in the register of registered chiropractors under the Chiropractors Registration Ordinance (Cap. 428) but practises chiropractic as defined in the Code of Practice by the Chiropractors Council commits an offence and is liable to a fine at level 5 and imprisonment for one year.

Members of the public who suspect that someone is practising without registration and/or unlawfully using the title of a registered healthcare professional should report to the Police. The Department of Health (DH) and the statutory boards and councils of relevant healthcare professions will

provide professional support to the Police as appropriate. Records concerning number of cases upon conclusion of prosecution process in relation to section 28 of the Medical Registration Ordinance (Cap. 161) and section 108 of the Chinese Medicine Ordinance (Cap. 549) during the period from 2020 to 2024 are tabulated in the Annex.

Since 2018, the Private Healthcare Facilities Ordinance (PHFO) (Cap. 633) has regulated premises where registered medical practitioners and/or dentists practise. Operators are required to obtain a licence or a letter of exemption in order to operate the relevant private healthcare facilities. The existing law specifically covers premises of these two healthcare professions as their daily operation may very likely involve high-risk aspects such as blood management. It is therefore necessary to put in place the most stringent regulatory system under a risk-based principle in addition to the specific legislations regulating these two healthcare professions. As of April 30, 2025, there are 14 licensed private hospitals and 259 licensed day procedure centres in Hong Kong. The Government is also implementing the regulatory regime for clinics and small practice clinics (SPCs) under the PHFO, and will begin to accept applications for a clinic licence and requests for a letter of exemption for a SPC from October 13, 2025 onwards.

Regulation of facilities not providing healthcare services

Regarding matters relating to premises under the second category mentioned above which do not involve healthcare services nor practice of healthcare professions, such premises should fulfill the requirements of other relevant legislation. For instance, the Massage Establishments Ordinance (Cap. 266) aims to regulate massage establishments through a licensing regime in order to prevent and combat vice or illegal prostitution activities committed by criminals in these establishments. At present, the requirement for a Massage Establishments Licence does not apply to a number of specified services such as salon, beauty salon and nursing home. The Government does not maintain relevant statistics for such facilities.

To prevent the public from seeking improper treatment of certain conditions regardless of the type of premises which provides such services, the Undesirable Medical Advertisements Ordinance (Cap. 231) prohibits/restricts the publication of advertisements that will likely lead to the use of any medicine, surgical appliance or treatment for the purpose of treating or preventing diseases or conditions specified in Schedules 1 and 2 to the Ordinance. These include any disease of the musculo-skeletal system, including rheumatism, arthritis and sciatica. The DH has put in place an established mechanism for screening advertisements. Appropriate actions will be taken in accordance with the law against any contravention of the Undesirable Medical Advertisements Ordinance.

The Government urges members of the public not to casually believe the claims of being able to offer so-called "treatment" from random persons who are not registered or accredited as healthcare professionals. Since the professional qualifications and standards of these persons have not been attested, the safety and effectiveness of the so-called "treatment" cannot be assured. It may even worsen the condition or cause injury. Before receiving

healthcare services, members of the public can browse the online registers of the statutory boards and councils of relevant healthcare professions (www.dh.gov.hk/english/main/main_rhp/main_rhp.html) to ascertain the qualifications of service providers. If members of the public have doubts about the qualifications of the healthcare professionals, they can also request the person concerned to provide relevant certification documents in order to better protect their safety. The DH has enhanced public education and publicity, and urges members of the public to check the qualifications of service providers before receiving healthcare services and only to consult healthcare professionals being regulated.

Note: These 13 healthcare professions are medical practitioners, dentists, nurses, Chinese medicine practitioners, physiotherapists, occupational therapists, medical laboratory technologists, optometrists, radiographers, chiropractors, dental hygienists, midwives and pharmacists.