

MEDICAL REGISTRATION ORDINANCE (Chapter 161)
ORDER MADE BY THE INQUIRY PANEL OF
THE MEDICAL COUNCIL OF HONG KONG
DR LAM MEI (REGISTRATION NO.: M14285)

It is hereby notified that after due inquiry held on 28 February 2022 in accordance with section 21 of the Medical Registration Ordinance, Chapter 161 of the Laws of Hong Kong, the Inquiry Panel of the Medical Council of Hong Kong ('Inquiry Panel') found Dr LAM Mei (Registration No.: M14285) guilty of the following disciplinary charges:—

'That in or about 2017, she, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent:

- (a) the publication of her name and her Annual Practising Certificate dated 30 November 2016 on the website at (<http://ly.soyoung.com>), thereby promoting or endorsing various medical treatments shown in the said website, and/or canvassing for the purpose of obtaining patients; and*
- (b) the publication of articles, her name, title and photographs on Facebook at (<http://www.facebook.com/maylamdr>) which contained information that was impermissible under paragraph 5 of the Code of Professional Conduct and/or thereby canvassing for the purpose of obtaining patients.*

In relation to the facts alleged, whether individually or cumulatively, she has been guilty of misconduct in a professional respect.'

Dr LAM Mei's name has been included in the General Register from 2 July 2004 to the present and her name has never been included in the Specialist Register.

Briefly stated, the Medical Council ('the Council') received on 18 October 2017 an email from one Annie WONG complaining Dr LAM of use of impermissible professional title in the website at (<http://ly.soyoung.com/ly:xx35343>) ('the Website') and advertising herself on Facebook at (<http://www.facebook.com/maylamdr>) ('Dr LAM's Facebook').

There was no dispute that Dr LAM's Annual Practising Certificate dated 30 November 2016 was shown in the Website together with promotional materials relating to various medical treatments offered by one MedicGlow 医学美容中心 ('MedicGlow'). In particular, there were two photographs of ladies below which the Chinese name of Dr LAM '林薇' appeared in the column of doctor '医生'.

Through the hyperlinks supplied by the Complainant, the Secretary had downloaded the relevant extracts from the Website and Dr LAM's Facebook and placed before the Inquiry Panel for consideration.

There was no dispute that a photograph showing Dr LAM working in her clinic was posted on Dr LAM's Facebook on 15 September 2017. On 4 January 2018, another photograph was posted on Dr LAM's Facebook showing Dr LAM, who was giving laser treatment to a patient.

Dr LAM admitted through her solicitor that she failed to take adequate steps to prevent the publication of the materials to which disciplinary charge (a) related. Dr LAM also admitted through her solicitor that the factual particulars in respect of disciplinary charge (b).

It is stipulated in the Code of Professional Conduct (2016 edition) ('the Code') that:—

'5.1.3 ... Practice promotion of doctors' medical services as if the provision of medical care were no more than a commercial activity is likely both to undermine public trust in the medical profession and, over time, to diminish the standard of medical care.

...

5.2.1 A doctor providing information to the public or his patients must comply with the principles set out below.

...

5.2.1.2 Such information must not:—

...

- (d) aim to solicit or canvass for patients;
- (e) be used for commercial promotion of medical and health related products and services ...;

...

5.2.2 Practice promotion

5.2.2.1 *Practice promotion means publicity for promoting the professional services of a doctor, his practice or his group ... Practice promotion in this context will be interpreted by the Council in its broadest sense, and includes any means by which a doctor or his practice is publicized, in Hong Kong or elsewhere, by himself or anybody acting on his behalf or with his forbearance (including the failure to take adequate steps to prevent such publicity in circumstances which would call for caution), which objectively speaking constitutes promotion of his professional services, irrespective of whether he actually benefits from such publicity.*

5.2.2.2 *Practice promotion by individual doctors, or by anybody acting on their behalf or with their forbearance, to people who are not their patients is not permitted except to the extent allowed under section 5.2.3.*

...

18.2 *A doctor who has any kind of financial or professional relationship with, uses the facilities of, or accepts patients referred by, such an organization, must exercise due diligence (but not merely nominal efforts) to ensure that the organization does not advertise in contravention of the principles and rules applicable to individual doctors. Due diligence shall include acquainting himself with the nature and content of the organization's advertising ...'*

The Inquiry Panel opined that the appearance of Dr LAM's name and Annual Practising Certificate together with other promotional materials in the Website would give readers the impression that the medical treatments shown in the Website were endorsed by Dr LAM and she was a registered medical practitioner in Hong Kong with special skill and experience in various medical treatments shown in the Website.

The Inquiry Panel considered that the publication of these materials in the Website was done for the purpose of canvassing patients for MedicGlow for which Dr LAM had a professional relationship.

For these reasons, by failing to take adequate steps to prevent the publication of these materials in the Website, Dr LAM had in the view of the Inquiry Panel by her conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel found Dr LAM guilty of professional misconduct as per disciplinary charge (a).

While publication of Dr LAM's name, professional title and photographs in her Facebook by itself might not be objectionable, publication of posts in the Facebook of Dr LAM which contained her name, title and photographs depicting her at work and offering laser treatment to a patient was impermissible under paragraph 5.2.1.2(d) of the Code of Professional Conduct in that they aimed to solicit or canvass for patients.

In sanctioning, acquiescing in and failing to take adequate steps to prevent the publication of these materials in her Facebook, Dr LAM had in the view of the Inquiry Panel by her conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel found Dr LAM guilty of professional misconduct as per disciplinary charge (b).

Taking into consideration the nature and gravity of the disciplinary charges and what was read and heard in mitigation, the Inquiry Panel made a global order in respect of disciplinary charges (a) and (b) that Dr LAM's name be removed from the General Register for a period of 1 month. The Inquiry Panel further order that the operation of the removal order be suspended for a period of 6 months.

The orders are published in the *Gazette* in accordance with section 21(5) of the Medical Registration Ordinance. The full decision of the Inquiry Panel of the Medical Council is published in the official website of the Medical Council of Hong Kong (<http://www.mchk.org.hk>).