

MEDICAL REGISTRATION ORDINANCE (Chapter 161)  
ORDER MADE BY THE INQUIRY PANEL OF  
THE MEDICAL COUNCIL OF HONG KONG  
DR CHAN CHIU CHUEN (REGISTRATION NO.: M11626)

It is hereby notified that after due inquiry held on 19 April 2024 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 found Dr CHAN Chiu Chuen (Registration No.: M11626) guilty of the following charges:

*“That in or about 2020 to 2022, he, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent:*

*(a) the publication of his photo(s) and promotional statement(s) of his experience and/or skills in relation to his practice on the Facebook page named “我的外科醫生老公之日常” and/or*

*(b) the publication of medical information (including but not limited to photo(s)) of his patient(s) on the Facebook page named “我的外科醫生老公之日常”.*

*In relation to the facts alleged, either singularly or cumulatively, he has been guilty of misconduct in a professional respect.”*

2. Briefly stated, the Medical Council received a letter dated 28 April 2022 complaining Dr CHAN of practice promotion. Attached to the complaint letter was a set of website printouts containing posts of various dates downloaded from the Facebook page named “我的外科醫生老公之日常” (“the Facebook Page”).

3. Dr CHAN admitted the factual particulars of all the disciplinary charges against him, but only in relation to the element of “failed to take adequate steps to prevent”.

4. It is stipulated in the Code of Professional Conduct (2016 edition) (“Code”) that:

*“1.4.1 A doctor should obtain consent from a patient before disclosure of medical information to a third party not involved in the medical referral.*

*...*

*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;*

...

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.*

...

5.2.3.3 ...

*Letters of gratitude or announcements of appreciation from grateful patients or related persons identifying the doctor concerned should not be published in the media or made available to members of the public. A doctor should take all practical steps to discourage any such publications."*

5. According to Dr CHAN's submission to the Preliminary Investigation Committee ("PIC") dated 19 October 2022, the Facebook Page was created by Dr CHAN's wife on 24 April 2020. Dr CHAN's wife worked as the Clinic Manager at Dr CHAN's clinic, thus was aware of the daily operations of the Clinic as well as the types of cases handled by Dr CHAN. The Facebook Page contains *inter alia* a number of posts (collectively "the Posts") which were created by Dr CHAN's wife for sharing episodes of Dr CHAN's life as a surgeon.

6. The Posts showed the telephone number of Dr CHAN's clinic. It showed some photographs of Dr CHAN. One photograph even showed Dr CHAN dressed up in surgical attire

inside the operating theater, and this photograph was in fact used as the profile photograph of the Facebook Page. There was reference to Dr CHAN's Chinese name together with the doctor's title in the post dated 2 June 2020. Readers could easily relate that the reference to the writer's "老公" in the Posts was Dr CHAN. There were also published photographs of letters of gratitude and gifts from patients to Dr CHAN.

7. The Posts did discuss in some details the medical conditions and related matters of each of the patients. For the post dated 2 June 2020, there were two photographs showing the post-operative wound condition of the patient. For the post dated 30 September 2020, there was a photograph showing the lipomas removed from a patient's body. Obviously, the Posts contained medical information of Dr CHAN's patients. Revealing the medical information of patients in such callous manner was definitely not allowed, and was a blatant contravention of the Code.

8. Looking at the Posts as a whole, or at each of them independently, whilst the contents might appear anecdotal, the context conveyed to the readers or the public was that Dr CHAN was diligent, experienced and skillful in his practice. Besides context, the following statements were obviously promotional and canvassing in nature:

"... 憑藉老公純熟謹慎的技巧，使病人在手術後並沒有出現聲音沙啞或手腳麻痺等常見副作用..."(from the post dated 2 June 2020);

"... 幫病人割脂肪瘤，是老公經常有做的手術..." (from the post dated 28 September 2020);

"...老公行醫超過 23 年，什麼病人都遇過..."(from the post dated 3 October 2020);

"...婆婆請放心，所有病人找我做手術，即是表達了對我專業資格的信任，因此放心將身體交給我！我也必定不負所托，盡力地好好完成手術，為你的康復之路出一分力..." (from the post dated 17 December 2020);

"...老公話因為不想自己有任何錯漏，而影響婆婆的手術成效，所以事前一定要做足功課..." (from the post dated 17 December 2020)

9. The Posts remained published to the public on the Facebook Page for a relatively long period of time, from the respective dates when they were published, to at least the date when they were extracted by the Council's secretariat on 11 May 2022. In fact, Dr CHAN acknowledged in his PIC submission dated 19 October 2022 that the Facebook Page was officially shut down only on 9 September 2022.

10. The Inquiry Panel was satisfied that in or about 2020 to 2022, Dr CHAN had failed to take adequate steps to prevent the publication of his photo(s) and promotional statement(s) of his experience and/or skills in relation to his practice, and the publication of medical information of his patients on the Facebook Page. Dr CHAN had in the view of the Inquiry Panel fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr CHAN was found guilty of misconduct in a professional respect for both charges (a) and (b).

11. Taking into consideration the nature and gravity of the disciplinary charges for which Dr CHAN was convicted and what the Inquiry Panel had heard and read in mitigation, the Inquiry Panel made a global order in respect of both charges (a) and (b) that Dr CHAN's name be removed from the General Register for a period of 3 months; and the operation of the removal order be suspended for a period of 12 months.

12. The orders are published in the Gazette in accordance with section 21(5) of the Medical Registration Ordinance. 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>).

TANG Wai-king, Grace *Chairman, the Medical Council of Hong Kong*