

MEDICAL REGISTRATION ORDINANCE (Chapter 161)
ORDER MADE BY THE INQUIRY PANEL OF
THE MEDICAL COUNCIL OF HONG KONG
DR LEUNG KWOK LING ARES (REGISTRATION NO.: M05819)

It is hereby notified that after due inquiry held on 26 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 LEUNG Kwok Ling Ares (Registration No.: M05819) guilty of the following disciplinary charge:

“That in or about July 2021, he, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent the publication of the business cards of Dr CHAN Pak Hong, Dr LAU Shing Chi, Dr LAW Yuen Ki and/or Dr WONG To in relation to their practice at “Prestige Medical Centre” or “Platform Medical Centre” on the Facebook page of “良醫生 Dr Ares” which is owned and/or operated and/or controlled by him.

In relation to the facts alleged, he has been guilty of misconduct in a professional respect.”

Briefly stated, the Secretary of the Medical Council (the “Council”) received an email from one LO Kelly (the “Complainant”) on 24 July 2021 complaining of “*canvassing*” (the “Complaint”). The Complainant also provided the Secretary with a hyperlink to a Facebook page (the “Facebook Page”) at https://m.facebook.com/story.php?story_fbid=355147852851138&id=100050677770470.

In support of her case, the Secretary had downloaded on 26 July 2021 and tabled before the Inquiry Panel a Facebook post extracted from the Facebook Page (the “Facebook Post”), which formed the subject of the disciplinary charge against Dr LEUNG.

In response to the Complaint, Dr LEUNG admitted in his submission to the Preliminary Investigation Committee (“PIC”) dated 27 June 2022 that:-

“1. [He] owned and operated the Facebook Page personally for around 5 years...”

2. *In late July 2021, [he] accompanied [his] wife to the clinic shown in the Facebook post as she took part in the establishment and design of the clinic. [He] took pictures of the shopfront and the interiors of the clinic [him]self. In order to express [his] admiration for the work [his] wife has done and celebrate her effort, [he] published a post on the Facebook Page about the clinic.*

3. *[He] would like to confirm that:*

(a) *All the photographs in the post, including the photograph containing the business cards of the Doctors, were taken by [him]. [He] obtained the business cards from the clinic. The Doctors did **not** pass their business cards to [him].*

(b) *[He] put those information on the Facebook Page out of [his] own volition...*

4. *Upon receipt of the PIC Notice, the Doctors immediately brought this matter to [his] attention. [He] then promptly took remedial actions by removing the post in question on 13 June 2022 and closing down the Facebook Page permanently on 18 June 2022, so that the information in the post will no longer be accessible to the public..."*

In response to Dr LEUNG's PIC submission, the Secretary had downloaded on 14 January 2023 and tabled before the Inquiry Panel extracts from the webpage of Prestige Medical Centre at <https://www.prestige-pmc.com/about-us/?lang=en>, which showed at the time that:-

- (a) Prestige Medical Centre was founded by Dr LEUNG in 1993;
- (b) Prestige Medical Centre operated as medical practice group with over a dozen specialists and 7 different medical centres in Hong Kong including the Platform Medical Centre; and
- (c) The name and photograph of Dr LEUNG appeared prominently at the top of a list of gynaecologists of Prestige Medical Centre.

In his second submission to the PIC by a letter from his solicitors dated 30 June 2023, Dr LEUNG further explained that:-

"4. [He] was the chief operating officer of Townhealth International Medical Group Limited from June 2020 to July 2022... This was a full time non-clinical position..."

...

9. *It is evident from the company search attached to the PIC Notice that [he] had no involvement with Prestige Medical Centre Limited in July 2021, nor any other organisation (other than Townhealth). He is neither a shareholder nor director... Prestige Medical Clinic has no connection with the Townhealth Group...*

...

11. *In July 2021, he accompanied his wife to Prestige Medical Centre following a recent refurbishment and took the opportunity to post photographs and information on his Facebook page to describe to his followers the steps taken to protect the health of patients, including air treatment and antimicrobial coatings. His motive was to highlight this to the public during the pandemic...*

Dr LEUNG admitted the factual particulars of the disciplinary charge against him.

It was clearly stated in section 5.2.2.1 of the Code of Professional Conduct (the “Code”) (2016 edition) that:-

“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... irrespective of whether he actually benefits from such publicity.”

When being notified of the Complaint, Dr LEUNG merely explained to the PIC that photographs of the business cards of the 4 doctors mentioned in the disciplinary charge were posted by him without their knowledge and consent. The Inquiry Panel had grave doubt about Dr LEUNG’s subsequent claim that he “*had no involvement with Prestige Medical Centre Limited in July 2021*”; and he “*conduct[ed] only a few consultations at Prestige Medical Centre each week*” only after 2021.

Even if Dr LEUNG’s claim was true, as the Court of Appeal aptly pointed out in *Chan Hei Ling Helen v Medical Council of Hong Kong* [2009] 4 HKLRD 174 at paragraph 46:-

“But when a person who belongs to the medical profession is permitted to engage in other activities, it does not follow that he would be free to carry on that other activity free from all ethical or professional constraints. Rather, it is to be expected that if the doctor’s status, qua doctor, is engaged or involved when carrying out that other activity, ethical or professional constraints could arise...”

In the Inquiry Panel's view, the Facebook Post must be read as a whole. It was evident to the Inquiry Panel that the Facebook Page was posted by Dr LEUNG in his capacity as a doctor. Indeed, Dr LEUNG admitted in his first PIC submission that "*the Facebook Page served predominantly as a portal to promote COVID-19 awareness and care*". Since his status *qua doctor* was engaged when he posted the Facebook Page, Dr LEUNG was subject to "*all ethical or professional constraints*" which ensued.

Dr LEUNG emphasized that his intention was to promote COVID-19 vaccinations at a time when "*lay public did not accept scientific or medical explanations and refused vaccinations*". There was however no mention of COVID-19 vaccinations in the Facebook Post. It was also evident to the Inquiry Panel that reference in the Facebook Post about the steps taken to protect the health of patients including "*air treatment and antimicrobial coatings*" during the COVID-19 pandemic would serve to promote the professional services of the 4 doctors mentioned in the disciplinary charge. In any event, there was no reason and let alone justification in the Inquiry Panel's view for Dr LEUNG to post the business cards of the 4 doctors mentioned in the disciplinary charge.

For these reasons, the Inquiry Panel was satisfied on the evidence before it that Dr LEUNG had by his conduct in this case fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel found Dr LEUNG guilty of misconduct in a professional respect as charged.

Dr LEUNG had a clear disciplinary record.

In June 2006, the Council issued a clear warning that all future cases of unauthorized practice promotion would be dealt with by removal from the General Register for a short period with suspension of operation of the removal order, and in serious cases the removal order would take immediate effect. The same warning was repeated in subsequent disciplinary decisions of the Council.

Taking into consideration the nature and gravity of the present case and what the Inquiry Panel had read and heard in mitigation, the Inquiry Panel ordered that Dr LEUNG's name be removed from the General Register for a period of 1 month and the operation of the removal order be suspended for a period of 6 months.

The order is published in the Gazette in accordance with section 21(5) of the Medical Registration Ordinance. The full decision of the Inquiry Panel 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*