

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE INQUIRY PANEL OF
THE MEDICAL COUNCIL OF HONG KONG

DR KWOK YAM TAT JEREMY (REGISTRATION NO.: M01464)

It is hereby notified that after due inquiry held on 6 May 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 found Dr KWOK Yam Tat Jeremy (Registration No.: M01464) guilty of the following charges:—

‘That he, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent the publication of:—

(a) *the following information on the Facebook page of NIVANA in November 2017 which promoted or endorsed the product ‘Nivana’:—*

(i) his name, title and photograph;

(ii) the statement that ‘Dr Jeremy Kwok would carefully and patiently understand needs of patients, and then recommends NIVANA as THE ultimate anti-ageing TOTAL solution’; and

(iii) the statement that ‘Dr Jeremy Kwok highly recommends NIVANA’;

(b) *the following promotional statements in respect of his practice in association with Dr Beauty (‘the Company’):—*

(i) ‘銅會員85折；銀會員8折；金會員75折；白金以上7折’ on the webpage <http://www.drbeauty.com.hk> in about April or May 2018; and

(ii) ‘商家購買水光療程，更有買5送1優惠’ on the Facebook page of the Company in January 2018.

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

Briefly stated, the Secretary of the Medical Council (‘the Council’) received a complaint alleging Dr KWOK of, amongst others, impermissible practice promotion for himself and/or his practice in association with Dr Beauty Aesthetic and Antiaging Centre Limited (‘Dr Beauty’); and of commercial promotion for the beauty products of NIVANA.

Also attached to the complaint were copy extracts downloaded by the Complainant from the Facebook pages of NIVANA and Dr Beauty; and from the webpage of Dr Beauty at <http://www.drbeauty.com.hk>, which formed the subjects of the disciplinary charges against Dr KWOK. Copies of the same were placed before the Inquiry Panel for consideration.

At the beginning of this inquiry, Dr KWOK admitted through his solicitor that he failed to take adequate steps to prevent the publication of information on the Facebook page of NIVANA and the promotional statements in association with Dr Beauty as set out in the charges.

The Secretary’s case also was that Dr KWOK sanctioned and/or acquiesced in the publication of the offending promotional materials. There was however nothing in the evidence adduced by the Secretary to show that Dr KWOK had actually sanctioned the publication of the offending promotional materials. Moreover, the Inquiry Panel was unable to agree with the Legal Officer that it was open for the Inquiry Panel to infer from the fact that the offending promotional materials were published over a course of some 2 years that Dr KWOK had acquiesced in their publication. It remained for the Inquiry Panel to consider and determine on the evidence whether Dr KWOK’s conduct had fallen below the standards expected of registered medical practitioners in Hong Kong.

In this connection, the Inquiry Panel noted from reading the Facebook page of NIVANA to which disciplinary charges (a)(i) to (iii) related that the products of ‘NIVANA’ were said to be ‘THE ultimate anti-ageing TOTAL solution’. Such an exaggerated and sensational statement, which was neither factual nor objectively verifiable, was in view of the Inquiry Panel made for the purpose of claiming uniqueness without proper justifications. This was no doubt a form of commercial promotion for the products of ‘NIVANA’.

And in view of the Inquiry Panel, the appearance of Dr KWOK's name, title and photograph in the said Facebook page of NIVANA together with the statements that '*Dr Jeremy Kwok would carefully and patiently understand needs of patients*' and that he '*highly recommends NIVANA*' would leave the readers with the impression that the products of 'NIVANA' were endorsed by Dr KWOK.

For these reasons, in failing to take any or any adequate steps to prevent the publication of the offending materials which form the subjects of disciplinary charges (a)(i) to (iii) against him, Dr KWOK had in view of the Inquiry Panel fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr KWOK was found guilty of misconduct in a professional respect as per disciplinary charges (a)(i) to (iii).

The Inquiry Panel also noted from the extracts from the webpage and Facebook page of Dr Beauty to which disciplinary charges (b)(i) and (ii) related that Dr Beauty was founded by Dr KWOK; and Dr Beauty could offer a wide range of cosmetic medical treatments to its members at discounted prices plus a limited time bonus offer of buy 5 get 1 free for '水光療程'. There was no doubt in mind of the Inquiry Panel that those unduly persuasive promotional offers were made with a view to encouraging readers to seek consultation and/or cosmetic medical treatments from Dr Beauty, an organization with which Dr KWOK was associated. This was also in view of the Inquiry Panel a form of indirect practice promotion for Dr KWOK.

For these reasons, in failing to take any or any adequate steps to prevent the publication of the offending materials which form the subjects of disciplinary charge (b) against him, Dr KWOK had in view of the Inquiry Panel fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr KWOK was found guilty of misconduct in a professional respect as per disciplinary charges (b)(i) and (ii).

The Inquiry Panel was told in mitigation that Dr KWOK had promptly asked NIVANA and Dr Beauty to remove the offending promotional materials after he became aware of their publication. The Inquiry Panel was particularly concerned about the offer of discount and bonus offer of buy 5 get 1 free in the Facebook page of Dr Beauty. In response to the complaint, whilst claiming that he '*did not (and does not) perform the treatment "水光療程"*', Dr KWOK admitted to the Preliminary Investigation Committee of the Council that he '*was engaged by Dr Beauty to provide medical services*'. But then again, the real point in view of the Inquiry Panel was that Dr KWOK ought to take adequate steps to prevent the publication of such offending promotional materials, irrespective of whether he actually benefitted from them.

Taking into consideration the nature and gravity of the disciplinary charges for which Dr KWOK was convicted and what the Inquiry Panel had heard and read in mitigation, the Inquiry Panel made a global order that Dr KWOK's name be removed from the General Register for a period of 3 months and further ordered that the operation of the removal order be suspended for a period of 36 months.

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>).

LAU Wan-ye, Joseph *Chairman, The Medical Council of Hong Kong*