

MEDICAL REGISTRATION ORDINANCE (Chapter 161)  
ORDER MADE BY THE INQUIRY PANEL OF  
THE MEDICAL COUNCIL OF HONG KONG  
DR WONG TIN YAU (REGISTRATION NO.: M09149)

It is hereby notified that after due inquiry held on 14 May 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 WONG Tin Yau (Registration No.: M09149) guilty of the following disciplinary charge:

“That in or about November 2020, he, being a registered medical practitioner, engaged in impermissible promotion of himself or his practice and/or claimed superiority over other doctors by sanctioning, acquiescing in or failing to take adequate steps to prevent the following statement(s) from being published in Issue 402 of the “Capital” magazine:

- (i) “好醫生黃天祐與 HIV 的不解緣”;
- (ii) “本文的主角黃天祐醫生(Andrew)，具備傳統好醫生的素質時，也有勇於創新、有冒險精神等新時代好醫生的特性。”;
- (iii) “Andrew 以事實證明，勇於嘗試，事事行前一步，才能開發藍海，成為新時代的好醫生。”;
- (iv) “曾擔任衛生署衛生防護中心感染控制處主任多年的 Andrew，現在開啟事業新的一頁，剛在香港私家醫療服務上發展，並計劃在大灣區複製香港防治愛滋病的模式，開創另一個新天地，貫徹 “do something new” 的信念。”

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

Briefly stated, on 11 November 2022, the Medical Council received an email from an anonymous complainant, complaining that an article published in Capital Magazine (“the Article”) claimed that Dr WONG was a good doctor and had superior quality, such contents amounting to impermissible practice promotion. A copy of the Article was attached to the email.

Another copy of the same Article was provided in the Secretary's bundle, which showed that it was published in Capital Magazine (November 2020, Issue 402).

Dr WONG admitted the factual particulars of the disciplinary charge against him except the element of "claiming superiority over other doctors".

It was stipulated in the Code of Professional Conduct (2016 edition) ("Code") that:

*"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:-*

...

*(b) be comparative with or claim superiority over other doctors;*

...

*(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. ..."*

The Article had two pages. An almost full-size photograph of Dr WONG already took up all the space of one page. Superimposed on the photograph was the first row of words which read "好醫生黃天祐". This first row of words was in the biggest font size,

when comparing with the rest of the font sizes on the page. The Article had no other title. It was not hard for readers to view this first row of words which was in the biggest font size as the title or heading.

Immediately underneath was the second row containing these words“與 HIV 的不解緣”, which were printed in the second biggest font size.

Starting from the third row onwards were words printed in the smallest font size which read “美劇 (Good Doctor) 中的眾醫生性格各異, 但全都是為病人康復而盡心盡力的好醫生。本文的主角黃天佑醫生 (Andrew), 具備傳統好醫生的質素時, 也有勇於創新、有冒險精神等新時代好醫生的特性...”。

The second page was the content section. It first discussed the quality of a traditionally “good” doctor was to have benevolence, and went on to suggest that Dr WONG was such type of a “good” doctor. It mentioned twice in the contents that Dr WONG had the quality of a “good” doctor of the new generation (i.e. “從 Andrew 決定選擇以感染及傳染科作為專科, 便可窺一二他具備新時代好醫生的特性”; “Andrew 以事實證明, 勇於嘗試, 事事行前一步, 才能開發藍海, 成為新時代的好醫生。”)。

After some discussion on medical treatment of HIV patients, the Article then ended with these words: “曾擔任衛生署衛生防護中心感染控制處主任多年的 Andrew, 現在開啟事業新的一頁, 剛在香港私家醫療服務上發展, 並計劃在大灣區複製香港防治愛滋病的模式, 開創另一個新天地, 貫徹 “do something new” 的信念。”

The Article referred to Dr WONG as a “good” doctor numerous times, in the title or heading in big font size; in the passage referring him as one of those “good” doctors seen in American TV series; in the content section referring to him as having the traditional quality of a “good” doctor; mentioning twice that he was a “good” doctor of the new generation; and the mentioning at the end of the Article that he had just started his private practice.

The Article went at great length to praise Dr WONG as a “good” doctor. The title and name of Dr WONG was made known. The Article was certainly practice promotional, which was impermissible. Not only was Dr WONG referred to as “good” doctor numerous times, the contents of the Article also suggested that Dr WONG was the first doctor in Hong Kong who selected the field of infectious disease (“... 是當年第一個醫生選擇這個冷門的專科作專科培訓及考試...”). This might give some readers the impression that Dr WONG was more superior over other doctors.

In Dr WONG’s submission to the Preliminary Investigation Committee of the

Council, Dr WONG explained how the Article came about. Dr WONG said that he was first approached by Mr Edmond Lee (“Mr Lee”), the Senior Manager of the Business Development of Gilead (a pharmaceutical company), on 5 October 2020. Mr Lee knew that Capital Magazine wished to publish an article about medical treatment for HIV patients. Mr Lee therefore approached Dr WONG to see if he would be willing to attend an interview with Capital Magazine. The interview took place on 12 October 2020 at Dr WONG’s clinic. After the interview, Mr Lee sent Dr WONG the draft article for his consideration on 20 October 2020. Dr WONG then sent a revised draft to Mr Lee on 23 October 2020. Mr Lee then passed the revised draft to Capital Magazine. On or about 30 October 2020, Dr WONG contacted Mr Lee as, on second thought, Dr WONG wished to make changes to the revised draft to remove reference to the American TV series “The Good Doctor” because he was concerned that it might give readers the wrong impression that he was trying to promote himself, which was not his intention. Mr Lee confirmed that it was not Dr WONG’s idea to make reference to “The Good Doctor” in the article, rather, it was Capital Magazine’s idea to make reference to the show as a tagline. Unfortunately, when Mr Lee enquired with Capital Magazine, he was told that no further changes could be made because the draft had already been sent to printer.

Even if it was true that Dr WONG had tried to remove the reference in the Article to the American TV series of “The Good Doctor”, there still remained many other statements which had nothing to do with the American TV series, yet still referring to Dr WONG as a “good” doctor. There was also a statement at the end suggesting that Dr WONG had just started his private practice. Dr WONG had reviewed and even revised the draft. Dr WONG had knowledge of all these other statements.

The Inquiry Panel was satisfied that in or about November 2020, Dr WONG had engaged in impermissible practice promotion by sanctioning, acquiescing in or failing to take adequate steps to prevent the publication of the offending promotional statements and/or claiming superiority over other doctors in the Article. Dr WONG had in the Inquiry Panel’s view fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel found Dr WONG guilty of misconduct in a professional respect as charged.

Dr WONG 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 disciplinary charge for which Dr WONG was convicted and what the Inquiry Panel had heard and read in mitigation, the Inquiry Panel ordered that Dr WONG'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 3 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*