

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR LAM TSZ KIN (REGISTRATION NO.: M13476)

It is hereby notified that after due inquiry held on 12 July 2023 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 LAM Tsz Kin (Registration No.: M13476) guilty of the following disciplinary charge:—

“That in or about September 2021, he, being a registered medical practitioner, sanctioned, acquiesced in or failed to take any or adequate steps to prevent the use of the title “皮膚科醫生” on a poster titled “CHAMP DISTRICT 醫生講座” posted at Lee Garden Two in Causeway Bay, which misled the public that he was a specialist, when in fact his name was not included in the Specialist Register under the speciality of “Dermatology and Venereology” at the material times.

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

2. Briefly stated, a complaint *via* email was received by the Medical Council on 5 September 2021 against Dr LAM for claiming that he was a dermatologist on a poster posted at the lobby of Lee Garden Two, Causeway Bay when in fact Dr LAM’s name was not in the Specialist Register under the speciality of “Dermatology and Venereology”. Attached to the email included a photograph of the poster (“Poster”).

3. The Poster was titled “CHAMP DISTRICT 醫生講座”. It concerned a talk of the topic “口罩下的皮膚問題 如何保持皮膚年輕?” held on 20 September 2021 at 21st Floor, Lee Garden Two. It showed a photograph of Dr LAM with his name, doctor’s title and professional qualifications. Underneath Dr LAM’s name were these words “皮膚科醫生”.

4. Dr LAM admitted that in or about September 2021, there was a poster titled “CHAMP DISTRICT 醫生講座” posted at Lee Garden Two in Causeway Bay, whereby under his name there was a title of “皮膚科醫生”, which was misleading as his name was not included in the Specialist Register under the speciality of “Dermatology and Venereology” at the material times.

5. Dr LAM told the Inquiry Panel that in his submission to the Preliminary Investigation Committee (“PIC”) dated 21 June 2022 that prior to the talk, he had informed Ms KU, a representative of the host of the talk, that (a) the talk should not involve any practice promotion; (b) the talk could only be given for health education purposes; and (c) his clinic names, contact details and fees should not be mentioned during the talk.

6. In Dr LAM’s submission to the PIC dated 28 October 2022, Dr LAM accepted that he had failed to take adequate steps to prevent the mistake of having a title of “皮膚科醫生” on the Poster.

7. Notwithstanding Dr LAM’s aforesaid admission, it remained however for the Inquiry Panel to consider and determine on the evidence whether he had been guilty of misconduct in a professional respect.

8. There was no dispute that the name of Dr LAM had never been included in the Specialist Register under the speciality of “Dermatology and Venereology”.

9. The Inquiry Panel had no doubt that the use of the title “皮膚科醫生” would mislead the public in thinking that Dr LAM was a specialist in Dermatology and Venereology.

10. In the Court of Appeal’s decision of *Ng Kin Wai v The Dental Council of Hong Kong* (CACV 194/2010) 14 October 2011, Fok JA (as he then was) emphasized (at paragraph 45 of the Judgment) the importance of quoting only such professional title which a dentist is entitled because “[p]rofessional titles are important and members of the public are likely to rely on the expertise implied by those titles in choosing a dentist and submitting themselves to treatment by that dentist.”

11. Although the appellant in the *Ng Kin Wai* case was a dentist, Fok JA’s observation was in the Inquiry Panel’s view equally apposite to quotation of professional titles by registered medical practitioners.

12. It is stipulated in the Code of Professional Conduct (2016 Edition) (“Code”) that:—

“7. *Specialist title*

7.1 *Only doctors on the Specialist Register are recognized as specialists, and can use the title of “specialist in a specialty”. A specialist can claim himself as a specialist only in the specialty under which he is included in the Specialist Register but not other specialties.*

7.2 *Doctors who are not on the Specialist Register cannot claim to be or hold themselves out as specialists. A non-specialist is not allowed to use any misleading description or title implying specialization in a particular area (irrespective of whether it is a recognized specialty), such as “doctor in dermatology” or “皮膚醫生”.*”

13. Clearly, Dr LAM was in breach of section 7.2 of the Code, which expressly prohibited the use of “any misleading description or title implying specialization in a particular area (irrespective of whether it is a recognized specialty)”.

14. In the Inquiry Panel’s view, Dr LAM was invited to give a talk should have called for caution that there might be materials containing his professional information published by the host. Dr LAM should have taken adequate steps to enquire in advance if there were such materials containing his professional information, and if his professional information was factually correct. Dr LAM had failed to do so.

15. In failing to take adequate steps to prevent the use of the title “皮膚科醫生” on the Poster, the Inquiry Panel was satisfied on the evidence before it that Dr LAM had by his conduct fallen below the standards expected amongst registered medical practitioners in Hong Kong and the Inquiry Panel found him guilty of professional misconduct as charged.

16. Taking into consideration the nature and gravity of the disciplinary charge for which Dr LAM was convicted and what the Inquiry Panel had heard and read in mitigation, the Inquiry Panel ordered that a warning letter be issued to Dr LAM, and the Inquiry Panel’s order be published in the *Gazette*.

17. 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 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*