

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR WANG I SING SANDY (REGISTRATION NO.: M15192)

It is hereby notified that after due inquiry held on 15 September 2020 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 WANG I Sing Sandy (Registration No.: M15192) guilty of the following disciplinary charge:—

*“That in or about October 2014, she, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent the use or appearance of her name, title and/or photograph in an article and/or advertisement published on 9 October 2014 on a blog at (<http://jobbeauty8.blogspot.hk/2014/10/nume-is-new-me-nume.html?m=1>), promoting or endorsing the injection of “Restylane” and/or “Botox”.*

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

2. Dr WANG’s name has been included in the General Register from 2 January 2007 to the present. Her name has never been included in the Specialist Register.

3. Briefly stated, the Secretary of the Medical Council received on 31 May 2018 a complaint accusing Dr WANG of practice promotion. A copy of an article entitled “NuMe is New Me-NuMe 名人醫美外科中心” [“the Article”] published on the internet by a blogger, who called herself “Jo Wong”, in her blog at (<http://jobbeauty8.blogspot.hk/2014/10/nume-is-new-me-nume.html?m=1>) on 9 October 2014 was attached to the complaint. The blogger mentioned at the beginning of the Article that she was invited by NuMe Aesthetic and Surgical Center [“NuMe”] to pay a visit to its Causeway Bay branch. The blogger then talked about the event held by NuMe on the day of her visit. This was followed by reference to presentation by a representative from “Restylane” on the efficacy and special feature(s) of “Restylane” medical products

4. The Article then continued with photographs and descriptions step by step on how Dr WONG administered injections of “Restylane” and “Botox” to the face of a female patient. Dr WANG, who was referred to as “Dr Sandy Wang 王醫生” in the Article, was seen to be wearing a white gown and a surgical mask. The blogger praised Dr WANG for using a finer needle for better comfort for her patient during treatment. The blogger further praised at the end of the Article that the effect of the injection of “Restylane” and “Botox” was so natural and there was no visible injection wound.

5. It is clearly stipulated in the Code of Professional Conduct (2009 edition) that:—

*“6.1 It is appropriate for a doctor to take part in bona fide health education activities, such as lectures and publications. However, he must not exploit such activities for promotion of his practice or to canvass for patients. Any information provided should be objectively verifiable and presented in a balanced manner, without exaggeration of the positive aspects or omission of the significant negative aspects.*

*6.2 A doctor should take reasonable steps to ensure that the published or broadcasted materials, either by their contents or the manner they are referred to, do not give the impression that the audience is encouraged to seek consultation or treatment from him or organizations with which he is associated. He should also take reasonable steps to ensure that the materials are not used directly or indirectly for the commercial promotion of any medical and health related products or services.*

*6.3 ... Doctors must not give the impression that they, or the institutions with which they are associated, have unique or special skills or solutions to health problems...*

...

*18.2 A doctor who has any kind of financial or professional relationship with, uses the facilities of, or accepts patients referred by...an organization, must exercise due diligence (but not merely nominal efforts) to ensure that the organization does not advertise in contravention of the principles and rules applicable to individual doctors...”*

6. It was evident to the Inquiry Panel on the evidence that Dr WANG had a professional relationship with NuMe at the material time. The Inquiry Panel agreed with defence Counsel that the Article should be read as a whole but it was idle to argue that the Article was written by the blogger in her own capacity without any direct quotation from Dr WANG on the efficacy of “Restylane” and/or “Botox”. In the view of the Inquiry Panel, the real question was what the Article would mean to an ordinary person.

7. The Inquiry Panel was of the view that the use or appearance of her name, professional title and photographs in the Article would leave the readers with the impression that Dr WANG was promoting or endorsing the “Restylane” and “Botox” injections. It was particularly true when this part of the Article was preceded by reference to the event held by NuMe and presentation by a representative from “Restylane” on the efficacy and special feature(s) of “Restylane” medical products.

8. There was in the view of the Inquiry Panel no legitimate reason why in the ordinary course of treatment photographs would be taken of Dr WANG and her patient inside the treatment room. The Inquiry Panel did not accept that Dr WANG’s submission that “*she was not even aware of the fact that she was being photographed*”. To the contrary, the Inquiry Panel noted from reading the Article that Dr WANG was depicted in one of the photographs holding a syringe in her hands and facing the direction of the camera. The Inquiry Panel also noted from reading the Article that someone was holding a video camera when Dr WANG was about to start administering injection to a female patient.

9. Unlike the case where a doctor does not even know that someone is going to talk about her professional practice and services in the social media, Dr WANG should know that photographs were being taken of her and a female patient together with other people inside the treatment room. In the view of the Inquiry Panel, Dr WANG ought to take proactive steps in the circumstances to ensure that photographs taken of her whilst administering injections to a female patient would not be used for the purpose of promoting or endorsing the injections of “Restylane” and “Botox”. This was particularly true when Dr WANG knew NuMe was organizing a promotional event at the Causeway Bay branch where she worked on the same day.

10. It was inadequate in the view of the Inquiry Panel for Dr WANG to rely solely on what she claimed to be a written undertaking from NuMe that her name would not be used in promoting treatment or aesthetic medical products. Nor could Dr WANG safely assume that photographs taken of her whilst administering injections to a female patient would not be disclosed to third parties and let alone not to be used for promotional purposes. In failing to take any or any adequate steps to prevent the promotion or endorsement of the injections of “Restylane” and “Botox”, Dr WANG had in the view of the Inquiry Panel fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel also found Dr WANG guilty of misconduct in a professional respect as charged.

11. Dr WANG had a previous disciplinary record relating to impermissible practice promotion back in 2008. The Inquiry Panel was deeply concerned that Dr WANG’s previous disciplinary conviction also related to publication of her name, professional title and photographs in an advertisement in a magazine, in which she endorsed a similar aesthetic medical product offered by a company with which she was employed. Bearing in mind her previous breach of the Code on practice promotion, Dr WANG ought in the view of the Inquiry Panel to have a higher index of suspicion on how the photographs taken of her whilst administering “Restylane” and “Botox” injections to the female patient might be used. This reflected on the lack of vigilance on the part of Dr WANG.

12. Having considered the nature and gravity of the case and the mitigation advanced by Dr WANG, the Inquiry Panel ordered that the name of Dr WANG be removed from the General Register for a period of 6 months and that the operation of the removal order be suspended for a period of 36 months.

13. Dr WANG has lodged an appeal against the order made by the Inquiry Panel and the appeal was dismissed by the Court of Appeal on 25 November 2022.

14. 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 of the Medical Council is published in the official website of the Medical Council of Hong Kong (<http://www.mchk.org.hk>).