

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR HUI KIM MING CHRISTOPHER (REGISTRATION NO.: M12921)

It is hereby notified that after due inquiry held on 2 September 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 HUI Kim Ming Christopher (Registration No.: M12921) guilty of the following disciplinary charges:

'That, he, being a registered medical practitioner:—

- (i) *in or around January 2021, sanctioned, acquiesced in or failed to take adequate steps to prevent the use of a description or title, namely “呼吸系統科專科”, in an article with the title “吸煙增加感染肺炎球菌風險” published on 30 January 2021 in the Headline Daily, when his name was not included in the Specialist Register under the specialty of “Respiratory Medicine” at the material time; and/or*
- (ii) *in or around March 2021, sanctioned, acquiesced in or failed to take adequate steps to prevent the use of a description or title, namely “呼吸系統科”, on the website of “813 Medical Centre” (http://www.medicalcentre813.com.hk/doctors/b5lk_m_hui3.htm), when his name was not included in the Specialist Register under the specialty of “Respiratory Medicine” at the material time.*

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

2. Dr HUI Kim Ming Christopher's name has been included in the General Register from 2 January 2001 to the present and his name has been included in the Specialist Register under the Specialty of Respiratory Medicine since 7 April 2021.

3. On 24 March 2021, the Medical Council received a complaint *via* email that Dr HUI had quoted himself the title resembling a 'specialist in respiratory medicine' when he was not eligible to quote as such. The complainant provided two website links, namely a link to the website of Headline Daily and the link to the website of '813 Medical Centre' (http://www.medicalcentre813.com.hk/doctors/b5lk_m_hui3.htm).

4. The website printout of the Headline Daily, which was printed out on 25 March 2021, was an article written in Chinese entitled '吸煙增加感染肺炎球菌風險'. As to the layout of the article, it showed at the top the publishing date being 30 January 2021, followed by a photograph of a male, then the main content, and at the bottom the reference to the description or title of the Defendant as '呼吸系統科專科 許建名醫生'. It also showed the article would remain effective for two years from the date of publication.

5. The website printout of 813 Medical Centre, which was printed out on 25 March 2021, showed the logo of 813 Medical Centre, the service information of Dr HUI, which included his name, description or title, qualifications, practicing address and contact telephone and fax numbers underneath the words 'By Appointment'. As it appeared, Dr HUI was practising at 813 Medical Centre. Particular to note was that the description or title of Dr HUI was referred to as '呼吸系統科'.

6. At all material times when the description or title of Dr HUI was quoted as '呼吸系統科專科 許建名醫生' or '呼吸系統科' respectively in the websites of the Headline Daily and 813 Medical Centre, Dr HUI's name was not on the Specialist Register under the Specialty of Respiratory Medicine.

7. Under the Medical Registration Ordinance, Chapter 161, only doctors whose names are on the Specialist Register can lawfully use the specialist title, and it is a criminal offence for persons whose names are not on the Specialist Register to use the specialist title. Every doctor must practise within the ambit of the law. That in itself imposes on every doctor a professional responsibility to acquaint himself with the law governing the practice of medicine. Failure to discharge that responsibility thus resulting in contravention of the legal requirements is a matter of professional misconduct.

8. The importance of quoting only the professional titles which a doctor is entitled to use is summarised by Fok JA in the case of *Ng Kin Wai v. The Dental Council of Hong Kong* (CACV 194/2010):—

'Professional 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.'

9. It is stipulated in the Code of Professional Conduct (2016 edition) ('Code') that:—

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.*

...

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 ...*

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 ...*

...

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".*

10. At all material times, Dr HUI was not on the Specialist Register under the Specialty of Respiratory Medicine and therefore he could not use or allow to be used any description or title showing or implying that he was a specialist under that specialty.

11. Dr HUI admitted the factual particulars of both charges. In his submissions to the Preliminary Investigation Committee, Dr HUI claimed that the article which appeared on the website of Headline Daily was an academic interview and he was asked for an opinion. Dr HUI said he had no control over its editorial release, timing or contents, and it was only upon being notified of the complaint that he became aware of the article, which he did not follow. Dr HUI said he had no intention or need to misrepresent. As to the webpage of 813 Medical Centre, Dr HUI said that he was unaware of the mistake on that page of the website.

12. The real question was whether the circumstances under which Dr HUI accepted the invitation to give his opinion called for him to take reasonable steps to ensure that his professional title would not be misquoted. That same question went to his service information published in the website of 813 Medical Centre, as to what he had done to ensure that his professional title would not be misquoted.

13. In the view of the Inquiry Panel, given Dr HUI had knowledge that his opinion would be published on the webpage of Headline Daily, that should have called for him to exercise extra caution on how he might be introduced in the article. However, Dr HUI had done nothing at all. It was no excuse for Dr HUI to simply say that he had no control over its editorial release, timing or contents. As to his service information published on the webpage of 813 Medical Centre, again

Dr HUI had done nothing at all to ensure that his title would not be misquoted. It was no excuse to simply say that it was published there by mistake.

14. The Inquiry Panel was satisfied that Dr HUI had in or around January 2021 failed to take adequate steps to prevent the use of a description or title, namely ‘呼吸系統科專科’ , in an article with the title ‘吸煙增加感染肺炎球菌風險’ published on 30 January 2021 in the Headline Daily, when his name was not included in the Specialist Register under the specialty of “Respiratory Medicine” at the material time.

15. The Inquiry Panel was also satisfied that Dr HUI had in or around March 2021 failed to take adequate steps to prevent the use of a description or title, namely ‘呼吸系統科’ , on the website of ‘813 Medical Centre’ (http://www.medicalcentre813.com.hk/doctors/b5/k_m_hui3.htm), when his name was not included in the Specialist Register under the specialty of ‘Respiratory Medicine’ at the material time.

16. For those reasons, Dr HUI had in the view of the Inquiry Panel by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. The Inquiry Panel therefore found him guilty of misconduct in a professional respect under charges (i) and (ii).

17. Taking into consideration the nature and gravity of the disciplinary charges and the mitigation advanced by Dr HUI through his legal representative, the Inquiry Panel made a global order in respect of charges (i) and (ii) that a warning letter be issued to Dr HUI.

18. 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>).

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