

DENTISTS REGISTRATION ORDINANCE (Chapter 156)

ORDER MADE BY THE DENTAL COUNCIL OF HONG KONG

It is hereby notified that the Dental Council of Hong Kong (“the Council”), after due inquiry held on 16 August 2023 in accordance with section 18 of the Dentists Registration Ordinance, Chapter 156 of the Laws of Hong Kong, found Dr CHIU Hon-ching (“Dr CHIU”) (Registration No. D03791) guilty of the following charges:—

“That, in or about November 2018, in respect of an article published on 27 November 2018 on the website of corphub.asia, ([- \(i\) The publication of his name, title, photograph\(s\), interview record\(s\) and statement\(s\), and/or promotional information which promoted his practice in association with “CJ Dental Care” in which he had a direct or indirect financial and/or professional relationship; and/or
- \(ii\) The publication of promotional statement\(s\) and/or information relating to his experience, skills and/or practice which canvassed for the purpose of obtaining patients and/or were not service information permitted to be published;](https://corphub.asia/?route=article&id=894&title=%E5%AE%A3%E6%8F%9A%E5%A4%A7%E7%9C%BE%E5%8F%A3%E8%85%94%E5%81%A5%E5%BA%B7%E6%84%8F%E8%AD%98_%E4%BF%9D%E9%A4%8A%E7%82%BA%E5%85%88_%E5%BC%8D_%E5%B0%88%E8%A8%AA%E6%80%9D%E5%82%91%E7%89%99%E7%A7%91%E9%A6%96%E5%B8%AD%E6%8A%80%E8%A1%93%E5%AE%98%E5%AD%A3%E8%B6%85%E9%86%AB%E7%94%9FJack%E7%B9%91%E5%89%B5%E8%BE%A6%E4%BA%BA%E8%B6%99%E6%B1%97%E9%9D%92%E9%86%AB%E7%94%9FCedric), he, being a registered dental practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent:—</p></div><div data-bbox=)

and that in relation to the facts alleged, either singularly or cumulatively, he has been guilty of unprofessional conduct.”

Briefly stated, the complaint against Dr CHIU was unauthorized practice promotion in relation to an article dated 27 November 2018 published on the website of “corphub.asia”, which was accessed on 5 October 2020 (“the Article”).

Dr CHIU admitted the factual particulars of all the charges against him. However, it remained for the Council to consider and determine whether in respect of each of the charges Dr CHIU was guilty of unprofessional conduct.

It is stipulated in the Code of Professional Discipline for the Guidance of Dental Practitioners in Hong Kong (revised in July 2008) (“Code”) that:—

“1.2.3 Practice Promotion

1.2.3.1 Practice promotion means publicity for promoting the professional services of a dentist, his dental practice or his group, which includes any means by which a dentist or his dental 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.

1.2.3.2 Practice promotion by individual dentists, or by anybody acting on their behalf or with their forbearance, to people who are not their patients must comply with section 1.3.

1.2.3.3 Dentists must never give the impression that they, or the institutions with which they are associated, have unique or special skills or solutions to the patient’s dentalloral problems.

...

1.6 DentallOral Health Education Activities

1.6.1 It is appropriate for a dentist to take part in bona fide dentalloral 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.*

*1.6.2 A dentist 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 dental or health related products or services.*

*1.6.3 ... Information should not be presented in such a way that it furthers the professional interests of the dentists concerned, or attracts patients to their care.*

...

## 2. CANVASSING

*2.1 Canvassing for the purpose of obtaining patients, either by himself, his servants, agents or others whether directly or indirectly, and association with or employment by persons or organisations which canvass, may lead to disciplinary proceedings ...”*

At all material times, Dr CHIU was a shareholder and director of CJ Dental Care Ltd., which traded under the name of “CJ Dental Care”. Dr CHIU did not dispute that he had a direct financial and professional relationship with CJ Dental Care at the time of publication of the Article.

The Article showed three photographs. In one photograph, Dr CHIU posed with another dental practitioner in a clinic in front of the signage “思傑牙科醫療集團 CJ Dental Care”. Dr CHIU accepted that a photograph in the Article showed his picture. Dr CHIU also accepted that the Article showed the name of his clinic. There was another photograph which showed a number of framed certificates, honours and/or awards, and one of which had these words “仁心仁術”.

The Article was entitled “宣揚大眾口腔健康意識 保養為先——專訪思傑牙科首席技術官季超醫生 Jack、創辦人趙汗青醫生 Cedric”. It contained, inter alia, the following statements:—

“... 本著「以人為本，服務至上」及「堅持專業精神」的理念，趙汗青 (Cedric) 創立思傑牙科，為大眾提供全方位專業及貼心的口腔治療。業務分佈於旺角、太子、紅磡、西營盤及屯門，提供洗牙、補牙、口腔復修、牙齒美白、傳統以及透明牙齒矯正等服務。”

“牙齒保養為本建立醫患默契 ... 我們每次都和病人分析牙疾情況和背後原因 ... 這就需要我們不斷提醒和教育病人日常護理的重要性。”

“2013 年，思傑牙科在太子成立第一間牙科診所，至今已發展至 6 間分店，為 30 萬香港家庭提供可靠口腔服務；更於去年進軍內地，在深圳開設診所。”

“要找到一位配合得天衣無縫的牙醫並不容易，牙醫又會不會為了賺錢而做些不必要的項目？Jack 爽快一笑：「好的牙醫知道什麼時候不需要做些什麼，擁有簡化步驟的能力。我們為每個病人訂立合適的治療方案，和病人建立長久的關係和默契，服務是最重要的。」”

“思傑牙科的團隊一直在擴張，以積極態度應對病人的要求和諮詢。團隊精神也是思傑牙科非常重視的元素，他們時常舉辦員工聚會和團隊建設，讓各區診所的同事熟悉彼此；亦會組織定期在職培訓，幫助員工持續學習。Jack 贊成香港牙醫人數不足，市民往往需要預約一段時間才能面見牙醫，但市場仍會出現良性競爭，正面促進大家進步。”

“另一方面 ... 以義診服務回饋社會。至今他們已進行的社會項目超過 40 個，服務地區包括香港、中國內地、台灣、尼泊爾等地，參與義工超過 300 人，受惠人數超過 3 500 人。”

“緊貼最新牙科技術 ... 作為思傑牙科首席技術官，Jack 較早到美國吸收新知識，期盼將新科技帶到香港和內地。他和筆者分享數項嶄新技術，包括在植牙方面，引用數碼化 3D 技術，可從電腦上直接觀看 3D 圖像，不需要實體牙模即可決定牙套樣式和治療方案，節省時間；手術也變得更微创，從而降低風險。對於大家聞之色變的牙周病，在 3D 列印技術的幫助下，醫生可為病人再生萎縮了的牙肉，讓牙肉重新抓住牙齒；加上個人化的訂製藥物，令病人得

到最好的護理。「外國較關注牙齒美觀與否，將美容結合醫療；香港則着重牙齒健康和功能性，我們也在這方面多加着墨，提供最先進的口腔服務。」”(“the Statements”)

By a letter from Dr CHIU’s solicitors of 24 June 2022, Dr CHIU confirmed that other than himself, Dr Jack Ji Chao (“Dr Ji”), a registered dentist, was the person referred to in the Article. When the Article was looked at as a whole, the Council did not consider that there was any bona fide content relating to oral health education or activities. The contents bolstered the image of CJ Dental Care and its team at great length. In the Council’s view, the purpose to promote the practice of Dr CHIU and CJ Dental Care and to canvass patients was obvious.

From the Statements, there were references to terms such as “以人為本，服務至上”，“堅持專業精神”，and “建立醫患默契”。There was mention that CJ Dental Care would constantly remind and educate their patients about the importance of daily care. There was mention that it was not easy to find a dentist who provided seamless services. There was then a rhetorical question asking whether a dentist would perform unnecessary treatments for the purpose of making profits, followed by a quote of Dr Ji: “好的牙醫知道什麼時候不需要做些什麼，擁有簡化步驟的能力。我們為每個病人訂立合適的治療方案，和病人建立長久的關係和默契，服務是最重要的。” It was noted that Dr Ji’s quote used the words “我們”，which referred to CJ Dental Care, including Dr CHIU. The quote gave the impression to readers that their dentists were good and treatment plans given by them were appropriate. There were mentions of their expanding business in Hong Kong and elsewhere, their expanding team, and team spirits. There were also mentions of how CJ Dental Care stayed abreast of the latest development in dental technology. All these were not service information permitted to be published under the Code. Clearly, the purpose of publishing them was to promote the practice of Dr CHIU and CJ Dental Care and to canvass patients.

Dr CHIU had a direct financial and professional relationship with CJ Dental Care. Dr CHIU should have taken proactive steps to prevent the publication of these offending materials, but he had not done so. The Council was satisfied that Dr CHIU had failed to take adequate steps to prevent the publication of these offending materials in the Article.

The Council was satisfied that the conduct of Dr CHIU had seriously fallen below the standard expected amongst registered dentists. It would be reasonably regarded as disgraceful and dishonourable by registered dentists of good repute and competency.

The Council therefore found Dr CHIU guilty of both charges.

Having regard to the gravity of this case and the mitigation submitted by Dr CHIU, the Council ordered that in respect of both charges (i) and (ii), a warning letter should be issued to Dr CHIU. The Council’s order shall be published in the *Gazette*.

In accordance with section 18(5) of the Dentists Registration Ordinance, the order of the Council shall be published in the Government of Hong Kong Special Administrative Region Gazette. The full judgment of the Council is published in the official website of the Council (<http://www.dchk.org.hk>).

LEE Kin-man *Chairman, Dental Council of Hong Kong*