G.N. 1370

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR WONG TIN HAU (REGISTRATION NO.: M15327)

It is hereby notified that after due inquiry held on 6 January 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 WONG Tin Hau (Registration No.: M15327) guilty of the following disciplinary charges:—

"That he being a registered medical practitioner,

(a) in or about 2020, engaged himself in improper professional practice in his association with 'Lutronic_APAC' by sanctioning, acquiescing in, or failing to take reasonable steps to prevent the following:—

(i) the use of 'Master of Science in Aesthetic Plastic Surgery [(MScAPS)] in University of London' in the Facebook post of 'Lutronic_APAC' ('Facebook Post'), which was not a quotable qualification approved by the Medical Council of Hong Kong; and/or

(ii) the publication in the Facebook Post of the promotion statement(s) of 'world-famous skin expert', 'aesthetic physician' and/or 'cosmetic surgeon' in relation to his experience, skill and/or practice.

(b) from about October 2020 to January 2021, sanctioned, acquiesced in or failed to take adequate steps to prevent:—

(i) the use of the title of "Aesthetic & Plastic Surgeon" in the website of (http://www.multispecialtysociety.com), which was misleading to the public that he was a specialist in Plastic Surgery when his name was not included in the Specialist Register under the specialty of "Plastic Surgery"; and/or

(ii) the use of the title of "Aesthetic & Plastic Surgeon" in the website of (http://www.multispecialtysociety.com), which was not a quotable qualification approved by the Medical Council of Hong Kong; and/or

(iii) the use of the title of "Cosmetic Surgeon" in an online webinar event, which was not a quotable qualification approved by the Medical Council of Hong Kong; and/or

(iv) the publication of the promotional statement of "an absolute expert with lasers, particular picosecond lasers" in relation to his experience, skills and/or practice in the website of (https://www.facebook.com/watch/?v=3234384823339447).

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

2. Briefly stated, the Secretary of the Medical Council (the "Council") received several emails in 2020 from one Cici LEUNG complaining of Dr WONG's use of *"illegal title for advertisement"*. Attached to the complaint emails were extracts from the Facebook post of *'Lutronic_APAC'*, which formed the subjects of the disciplinary charges (a)(i) and (ii) against Dr WONG.

3. By a letter dated 19 January 2021, the Council of the Hong Kong Association of Cosmetic Surgery lodged a complaint to the Secretary of the Council against Dr WONG for the use of the title of *"Aesthetic & Plastic Surgeon"* in a webinar event held on 22 October 2020 and 14 January 2021 respectively. Attached to the complaint letter were extracts from the website of *(http://www.multispecialtysociety.com)*, which formed the subjects of the disciplinary charges (b)(i) and (ii) against Dr WONG.

4. And by a letter dated 19 February 2021, the President of the Hong Kong Society of Plastic, Reconstructive & Aesthetics Surgeons lodged a complaint to the Secretary of the Council against Dr WONG for misquoting himself as an *"Aesthetic & Plastic Surgeon"* and *"Cosmetic Surgeon"*. Attached to the complaint letter were extracts from the website of *(http://www.multispecialtysociety.com)* and YouTube, which formed the subjects of the disciplinary charges (b)(iii) and (iv) against Dr WONG.

5. Dr WONG admitted the factual particulars of the disciplinary charges against him.

6. Persons seeking medical services often relied upon professional qualifications to make an informed choice of doctors. Therefore, information provided by doctors about their professional qualifications should always be accurate and not misleading.

7. The scheme of quotable qualifications was set up by the Council to regulate the quoting of qualifications by doctors in their communication of practice information to the public. The regulation was considered necessary to maintain public confidence in the medical profession and to protect the public from misleading information. A List of Quotable Qualifications was established to include those qualifications which the Council was satisfied to be directly related to medical practice and of an acceptable standard and reflected significant improvement to a doctor's medical competence over and above his basic training.

8. Whilst academic biography of a doctor might be published in medical literature and the like, it did not necessarily follow that the same information, albeit factually accurate and objectively verifiable, could be provided to the public without limitation. In view of the Inquiry Panel, persons seeking medical service for themselves or their families could be particularly vulnerable to persuasive influence from practice promotion.

9. In this connection, it was specifically stated in the Code of Professional Conduct (the "Code") (2016 edition) that:—

> *"5.2.1 A doctor providing information to the public or his patients must comply with the principles set out below.*
>
> *5.2.1.1 Any information provided by a doctor to the public or his patients must be:—*
>
> *(a) accurate;*
>
> *(b) factual;*
>
> *(c) objectively verifiable…*
>
> *5.2.1.2 Such information must not:—*
>
> *(a) be exaggerated or misleading;*
>
> *(b) be comparative with or claim superiority over other doctors;*
>
> *(c) claim uniqueness without proper justifications for such claim;*
>
> *(d) aim to solicit or canvass for patients…*
>
> *6.1 It is appropriate for a doctor to take part in bona fide health education activities… 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…"*

10. It was evident to the Inquiry Panel that the use of *'Master of Science in Aesthetic Plastic Surgery [(MScAPS)] in University of London'* in the present case was impermissible. The Inquiry Panel also agreed with the Legal Officer that the publication in the present case of the promotional statement(s) of *'world-famous skin expert'*, *'aesthetic physician'* and *'cosmetic surgeon'* in relation to Dr WONG's experience, skill and/or practice was a form of unauthorized practice promotion.

11. By sanctioning, acquiescing in, or failing to take reasonable steps to prevent the use of the said non-quotable qualification and publication of the said promotional statements, Dr WONG has by his conduct in the present case fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr WONG was found guilty of disciplinary charges (a)(i) and (ii).

12. The Inquiry Panel agreed with the Legal Officer that the use of the title of *"Aesthetic & Plastic Surgeon"* in the present case would mislead the readers from the public into thinking Dr WONG was a specialist in Plastic Surgery when in fact he was not. It is also evident to the Inquiry Panel that the use of the titles of *"Aesthetic & Plastic Surgeon"* and *"Cosmetic Surgeon"* in the present case was impermissible. Furthermore, the Inquiry Panel agreed with the Legal

Officer that the publication in the present case of the promotional statement of *"an absolute expert with lasers, particular picosecond lasers"* in relation to Dr WONG's experience, skills and/or practice was a form of unauthorized practice promotion.

13. By sanctioning, acquiescing in, or failing to adequate steps to prevent the use of the said offending titles and publication of the said promotional statement, Dr WONG had in view of the Inquiry Panel by his conduct in the present case fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr WONG was found guilty of disciplinary charges (b)(i), (ii), (iii) and (iv).

14. Dr WONG had a previous disciplinary conviction relating to wrongful use of professional title(s) and quotation of non-quotable qualification(s) and appointment(s); and commercial promotion of products. The name of Dr WONG was ordered to be removed from the General Register for 1 month with suspension for 12 months after due inquiry on 6 April 2020.

15. The Inquiry Panel was particularly concerned that the misconduct giving rise to the disciplinary charges in the present case happened during the 12 months suspension period. And the misconduct giving rise to the disciplinary charges in the present case was not isolated incidents. Bearing in mind what had happened in the previous disciplinary case, Dr WONG ought to have a higher index of suspicion when dealing with organizers of lecture and webinar in the present case. The Inquiry Panel had grave doubt whether Dr WONG had sufficient insight into his repeated misconduct of the same nature. Indeed, defence solicitor also told that she had no instruction from Dr WONG on why the suspended removal order should not be activated.

16. The Inquiry Panel found it appropriate to activate the suspended removal order. Having considered the nature and gravity of the case and the mitigation advanced by Dr WONG, the Inquiry Panel also made a global order that the name of Dr WONG be removed from the General Register for a period of 2 months. The Inquiry Panel further ordered that the removal order to run concurrently with the activated suspended removal order of 1 month, giving a total of 2 months.

17. Pursuant to the Inquiry Panel's orders, Dr WONG's name has been removed from the General Register on 3 March 2023.

18. 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-yee, Joseph *Chairman, The Medical Council of Hong Kong*