

香港醫務委員會
The Medical Council of Hong Kong

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr CHOW Wing Chow Stephen (周永就醫生) (Reg. No.: M09577)
Date of hearing: 14 May 2015

Present at the hearing

Council Members/Assessors: Prof. Felice LIEH-MAK GBS CBE JP (Temporary Chairman)
Dr CHAN Yee Shing
Miss CHAU Man Ki Mabel MH
Dr TUNG Sau Ying Nancy
Dr WONG Yee Him John
Mr YU Kwok Kuen Harry

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Mr Chris HOWSE of Messrs. Howse Williams
Bowers

Senior Government Counsel representing the Secretary: Mr Eric KO

1. The charges against the Defendant, Dr CHOW Wing Chow Stephen, are:

“That he, being a registered medical practitioner:

- (a) sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the title of “皮膚科顧問周永就醫生” in an article published in the January 2008 issue of the Elle, which was misleading to the public that he was a specialist in dermatology, when in fact he had not been approved by the Medical Council to have his name included in the Specialist Register in the field of dermatology and venereology;
- (b) sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the title(s) of “皮膚科顧問周永就醫生” and/or “皮膚科顧問醫生周永就” in an article published in the February 2008 issue of the Elle, which was/were misleading to the public that he was a specialist in dermatology,

when in fact he had not been approved by the Medical Council to have his name included in the Specialist Register in the field of dermatology and venereology;

- (c) sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the title of “皮膚科顧問周永就醫生” in an article published in the April 2008 issue of the Elle, which was misleading to the public that he was a specialist in dermatology, when in fact he had not been approved by the Medical Council to have his name included in the Specialist Register in the field of dermatology and venereology; and
- (d) in respect of the article published in January 2008 issue of Elle, he, sanctioned, acquiesced in or failed to take adequate steps to prevent the publication of the phrase “髮膚指甲一旦出現不妥，立即來信讓皮膚科顧問周永就醫生為你診症解憂，令你從此有「面」見人” therein, which canvassed for patients.

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

Facts of the case

- 2. The Defendant was at all material times a registered medical practitioner. His name has been included in the General Register from 10 September 1994 to present.
- 3. By a letter dated 5 November 2009 issued by The Hong Kong Association of Specialists in Dermatology, complaint was made to the Medical Council that the Defendant was quoted in 3 issues of a local magazine as “皮膚科顧問周永就醫生” and/or “皮膚科顧問醫生周永就” implying that he specialized in the area of dermatology when he was not a specialist in “Dermatology and Venereology”.
- 4. There is no dispute that the Defendant’s name has never been included in the Specialist Register under the specialty of “Dermatology and Venereology”.
- 5. The Defendant also admitted the particulars in respect of each of the above disciplinary charges against him.

6. Nevertheless, it is our responsibility to determine whether the Defendant's conduct constitutes professional misconduct.

Findings of the Council

7. There is no dispute that the Defendant's name has never been included in the Specialist Register, let alone under the specialty of "Dermatology and Venereology".
8. The titles "皮膚科顧問" and "皮膚科顧問醫生" clearly implied in our view that the Defendant specialized in the area of dermatology when in fact he was not.
9. In the Court of Appeal's decision of *Ng Kin Wai v The Dental Council of Hong Kong* (CACV 194/2010), Fok JA (as he then was) emphasized 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."
10. Although the appellant in the *Ng Kin Wai* case was a dentist, Fok JA's observation is in our view equally apposite to quotation of professional titles by registered medical practitioners.
11. In our view, the use of the titles "皮膚科顧問" and "皮膚科顧問醫生" would serve to promote the professional advantage of the Defendant, and was no doubt a form of unauthorized practice promotion. It is indeed accepted by the Defendant that the publication of the phrase "髮膚指甲一旦出現不妥，立即來信讓皮膚科顧問周永就醫生為你診症解憂，令你從此有「面」見人" would have canvassed for patients.
12. It is also an offence under section 28(1)(b)(iii) of the Medical Registration Ordinance for any person to "willfully or falsely takes or uses any name, title, addition or description implying that his name is included in the Specialist Register".
13. We are satisfied on the evidence before us that the Defendant's conduct in respect of charges (a) to (d), either singularly or cumulatively, has fallen below the standard expected amongst registered medical practitioners in Hong Kong. Therefore, we also

find him guilty of professional misconduct in respect of charges (a) to (d).

Sentencing

14. The Defendant has a clear record.
15. In accordance with our published policy, we shall give him credit for his frank admission and cooperation both at the preliminary investigation stage as well as the hearing before us today.
16. In July 2006, the Medical Council issued a clear warning that all future cases of unauthorized practice promotion would be dealt with by removal from the General Register for a short period with suspension of operation of the removal order, and in serious cases the removal order would take immediate effect. The same warning was repeated in subsequent disciplinary decisions of the Medical Council.
17. Having considered the gravity of the charges for which the Defendant is convicted and what we have heard and read in mitigation, we order that:-
 - (1) in respect of charge (a), the Defendant's name be removed from the General Register for a period of 1 month;
 - (2) in respect of charge (b), the Defendant's name be removed from the General Register for a period of 1 month;
 - (3) in respect of charge (c), the Defendant's name be removed from the General Register for a period of 1 month;
 - (4) in respect of charge (d), the Defendant's name be removed from the General Register for a period of 1 month; and
 - (5) all of the above removal orders to run concurrently and be suspended for a period of 12 months.

Prof. Felice LIEH-MAK, GBS, CBE, JP
Temporary Chairman, Medical Council