

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

[REDACTED]

3rd Defendant: Dr HO Tin Yee Tinny (何天儀醫生) (Reg. No.: M09467)

[REDACTED]

Date of hearing: 20 July 2026 (Monday)

Present at the hearing

Council Members/Assessors: Prof. TANG Wai-king, Grace, SBS, JP
(Chairperson of the Inquiry Panel)
Dr CHOW Wing-sun
Dr LAI Hoi-ching, JoJo
Ms LAU Queenie Fiona, SC
Dr CHUNG Yat-ming, Danny

Legal Adviser: Mr Edward SHUM

Defence Counsel representing the Defendants: Mr Abraham CHAN, SC, as instructed by
Messrs. Howse Williams

Legal Officer representing the Secretary: Miss Wingkie LAM, Government Counsel

The [REDACTED] Defendant is present. [REDACTED]

The Amended Charge

1. The amended charge against [REDACTED] Dr HO Tin Yee Tinny (3rd Defendant) [REDACTED] is:

“That, in or about October 2023 to November 2023, he/she, being a registered medical practitioner, sanctioned, acquiesced in or failed to take any or adequate steps to prevent the publication of the following promotional statements or information:

- (a) *“在香港 HK 科学养肤：中环高端院所观察”;*
- (b) *“背靠专业资格团队，提供客制化皮肤护理方案，照顾你从提升肌肤的舒适与韧度，到优化肤质与肤色，改善线条与轮廓的 360°皮肤需要”;* and
- (c) *“配备国际化一线设备，供自由搭配选择，更多项目详情，欢迎咨询”;*

on the official account of Skincentral on a website (<https://www.xiaohongshu.com/>) of “Xiao Hong Shu”, a social media platform, relating to his/her practice at Skincentral.

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

Facts of the case

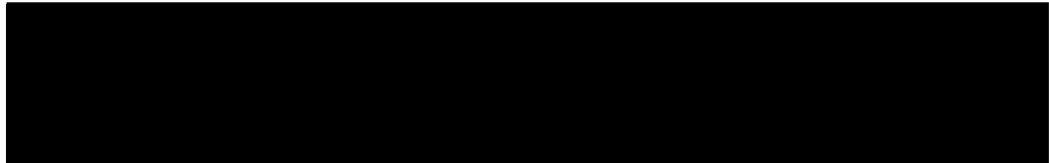
2. [REDACTED]
3. [REDACTED]
4. The name of the 3rd Defendant has been included in the General Register from 6 June 1994 to the present. Her name has been included in the

Specialist Register under the Specialty of Dermatology & Venereology since 6 February 2002.

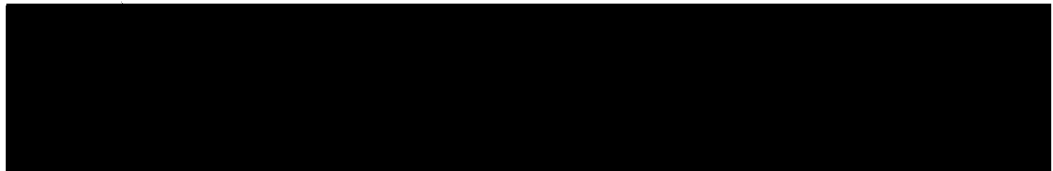
5.



6.



7.



8. Briefly stated, the Secretary of the Medical Council (the “Council”) received a complaint from [REDACTED] (the “Complainant”) accusing the Defendants of impermissible practice promotion on the official account of Skincentral with Xiao Hong Shu (“XHS”), a social media platform, in XHS’ website of <https://www.xiaohongshu.com/> (the “Website”). In support of the complaint, the Complainant provided the Secretary with extracts downloaded from the Website, which contained the three promotional statements that now form the subject of the amended disciplinary charge against the Defendants (the “Extracts”) together with the webpages depicting the names, photographs and professional qualifications of the Defendants.

9. Also, the Secretary subsequently downloaded from the Skincentral website in which the respective names, photographs and professional qualifications of the Defendants were depicted under the heading of “*Dermatological Care. By Specialists*”.

10. Copies of the Extracts and webpages are placed by the Legal Officer before us for consideration.

11. In response to the complaint, the 3rd Defendant explained to the Preliminary Investigation Committee (“PIC”) of the Council through her solicitors by letter dated 11 June 2025 that Skincentral “*established a... [XHS] account to extend its public education to benefit the audience in Mainland China... Contents*

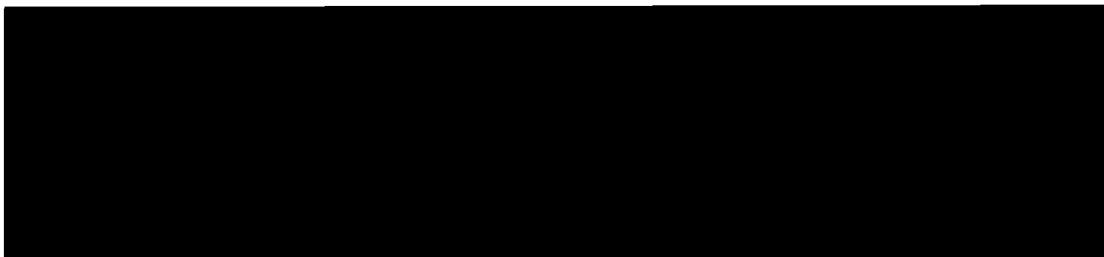
posted on XHS [were] prepared to align with Mainland culture and language... The XHS content, including the three statements in question, was prepared by a digital communications staff member...”.

12. Enclosed with the 3rd Defendant’s submission to the PIC was a statement from the Administrative Manager of Skincentral, who mentioned, amongst others, that the 3rd Defendant “*performs a review and final approval of the drafts they are published... [t]he other doctors subject to this complaint were not informed about the setting up or the existence of the XHS account, of which [the 3rd Defendant] was in charge...*”; and “*[i]n August 2024, the contents including the three Statements on XHS were removed...*”

Burden and Standard of Proof

13. We bear in mind that the burden of proof is always on the Secretary and the Defendants do not have to prove their innocence. We also bear in mind that the standard of proof for disciplinary proceedings is the preponderance of probability. However, the more serious the act or omission alleged, the more inherently improbable must it be regarded. Therefore, the more inherently improbable it is regarded, the more compelling the evidence is required to prove it on the balance of probabilities.
14. There is no doubt that the allegation against the Defendants here is a serious one. Indeed, it is always a serious matter to accuse a registered medical practitioner of misconduct in a professional respect. Therefore, we need to look at all the evidence and to consider and determine the amended disciplinary charge against each of the Defendants separately and carefully.

Findings of the Inquiry Panel

15. 

16. The 3rd Defendant admitted the factual particulars of the amended charge against her but it remains for us to consider and determine on the evidence whether the 3rd Defendant has by her conduct in the present case been guilty of misconduct in a professional respect.

17. We gratefully adopt as our guiding principle the following statements of the law by Ma CJHC (as he then was) in *Kwok-Hay Kwong v The Medical Council of Hong Kong*; CACV 373/2006; [2008] 3 HKLRD 524:-

“29. *The freedom of expression includes the right to advertise and this is so even where the intention is for personal financial gain...*

...

32. *... it is important also to recognize the following facets of advertising...*

(1) *The public interest as far as advertising is concerned lies in the provision of relevant material to enable informed choices to be made...*

(2) *The provision of relevant material to enable informed choices to be made includes information about latest medical developments, services or treatments...*

33. *In contrast to these what may be called the advantages of advertising just highlighted, it is, however also important to bear in mind the need to protect the public from the disadvantages of advertising. Misleading medical advertising must of course be guarded against. In Rocket [v Royal College of Dental Surgeons of Ontario], McLachlin J referred (at p.81g) to the danger of “misleading the public or undercutting professionalism”. In Stambuck [v Germany], the European Court of Human Rights said, “nevertheless, it [advertising] may sometimes be restricted, especially to prevent unfair competition and untruthful or misleading advertising”. There were references made in both cases to the need to limit commercialism to enable high standards of professionalism to be maintained.*

34. *The body that imposes restrictions... must therefore carefully balance the interests of the person who seeks the right to exercise the freedom of expression... against other aspects of the public interest... I should also add this. In the context of medical advertising, there is in addition the important consideration that the "public" which is exposed to advertising will include particularly vulnerable members of society, namely, the sick and infirm. The interests of these persons must be particularly borne in mind. The balancing exercise may not always be easy to perform, and in any given case, the scales may be tipped one way or the other by the importance of any factor in the circumstances."*
18. We understand from reading the Judgment of the Court of Appeal in the *Kwok-Hay Kwong* case that any restriction on freedom of expression in advertising must be reasonably necessary and proportionate to the legitimate aim of avoiding the danger of "*misleading the public or undercutting professionalism*" and preventing "*unfair competition and untruthful or misleading advertising*".
19. It is evident to us from reading the Extracts that the three promotional statements were published by Skincentral had nothing to do with public health education. They were unduly persuasive and would generate unrealistic expectation in the minds of the readers that the 3rd Defendant was a specialist, who could provide individualized treatment plans to fulfil every aspect of their dermatological care needs; and so they should consult her.
20. For these reasons, in sanctioning, acquiescing in or failing to take reasonable steps to prevent the publication of the statements or information particularized in the amended disciplinary charge, the 3rd Defendant has by her conduct in this case fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the 3rd Defendant guilty of misconduct in a professional respect as charged.

Sentencing

21. In line with our published policy, we shall give the 3rd Defendant credit in sentencing for her admission and cooperation throughout these disciplinary proceedings.

22. We bear in mind that the primary purpose of a disciplinary order is not to punish the 3rd Defendant but to protect the public from persons who are unfit to practise medicine and to maintain public confidence in the medical profession by upholding its high standards and good reputation.
23. On 23 June 2006, the Medical Council issued a clear warning that all future cases of impermissible 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 Council.
24. The 3rd Defendant has one previous disciplinary record back in 2019 relating to the impermissible practice promotion for her professional practice or services and skincare products and treatments via articles, photographs and/or blog posts published in the internet. As a result, the name of the 3rd Defendant was ordered to be removed from the General Register for a period of 3 months and the operation of the removal order be suspended for a period of 12 months.
25. In the course of sentencing, the Inquiry Panel highlighted that *“the gravamen of her misconduct lay in her lack of alertness and failure to take proactive steps to prevent this from happening.”*
26. Bearing in mind what had happened in the previous disciplinary case, the 3rd Defendant ought in our view to stay vigilant and avoid trespassing into impermissible practice promotion again.
27. We are told in mitigation that the 3rd Defendant has devised a detailed protocol for Skincentral’s Clinic Manager and Digital Communications Team staff to follow carefully in order to ensure consistency and compliance with the Council’s requirements for communications to the public and to existing patients.
28. In our view, the best protocol still requires the vigilance of those who put it into practice.
29. We need to ensure that the 3rd Defendant would be more vigilant and refrain from committing similar misconduct in the future.

30. Taking into consideration the nature and gravity of the disciplinary charge for which we have found the 3rd Defendant guilty and what we have read and heard in mitigation, we order that the name of the 3rd Defendant be removed from the General Register for a period of 6 months; and the operation of the removal order be suspended for 36 months.

Remark

31. The name of the 3rd Defendant is included in the Specialist Register under the Specialty of Dermatology & Venereology. We shall leave it to the Education and Accreditation Committee to decide on whether anything may need to be done to her specialist registration.

Prof. TANG Wai-king, Grace, SBS, JP
Chairperson of the Inquiry Panel
The Medical Council of Hong Kong