

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr PANG Henry (彭亨利醫生) (Reg. No.: M18829)

Date of hearing: 17 August 2026 (Monday)

Present at the hearing

Council Members/Assessors: Prof. FOK Tai-fai, SBS, JP
(Chairperson of the Inquiry Panel)
Dr KWOK Wang-chun
Dr WONG Chun-kwan, Bonnie
Ms FUNG Dun-mi, Amy, MH, JP
Mr MO Pak-kuen

Legal Adviser: Mr Stanley NG

Defence Counsel representing the Defendant: Mr Samuelson CHOI as instructed by
Messrs. V. Hau & Chow

Legal Officer representing the Secretary: Miss Nova TANG, Government
Counsel

The Defendant is not present.

The Charges

1. The charges against the Defendant, Dr PANG Henry, are:

“That, between August 2023 and March 2025, he, being a registered medical practitioner, in respect of the website (<https://www.ofnoah.hk/>) of Noah & Zoey Health Limited (“Noah”), a company with which he had a professional and/or

financial relationship, promoted his practice in association with Noah and/or the services provided by Noah, in that he:

(i) sanctioned, acquiesced in or failed to take reasonable steps to prevent the publication of the following statements:-

- (a) “全港最大男士線上診所”；*
- (b) “50,000 瀏覽人次數字持續上升中”；*
- (c) “獲 50,000+ 位滿意男士信賴”；*
- (d) “50,000 位男士重拾自信”；*
- (e) “在 noah 平台上，我們希望讓男士們坦然了解這些常見的健康問題，並將您與我們優質、方便、且可負擔的醫療服務連繫起來，讓您從內到外都隨時保持最佳狀態。”；*
- (f) “受眾多亞洲醫學界權威支持” accompanied by a list of doctors including himself, with his photo, name and title displayed;*
- (g) “認識亞洲的頂級醫療專家”；*
- (h) “我們全心全意為您的健康著想，提供最好、最信得過的治療。”；*
- (i) “他們是男性健康領域的專家——無論是有關頭髮、性健康、心理健康，甚至一般健康問題——我們的醫生團隊從開始診症一刻起，便一直為您提供全方位的支援，細心跟進您的療程進度。”； and/or*
- (j) Comments of users which are unverifiable; and/or*

(ii) promoted medical and health related products and services.

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 name of the Defendant has been included in the General Register from 1 July 2018 to the present. His name has never been included in the Specialist Register.
3. By an email dated 28 August 2023, [REDACTED] (the “Complainant”) complained to the Medical Council (the “Council”) of an advertisement (the

“Advertisement”) seen on a social media platform which promoted medical consultation services through text messages. Attached to this email was a snapshot of the Advertisement, which the Complainant claimed to have downloaded from the website of <https://www.ofnoah.hk> (“Website”).

4. The Secretary of the Council later accessed the Website and downloaded the Advertisement, which now formed the subject of the disciplinary charges against the Defendant. The Secretary also came to know that the Website was operated by a company in Hong Kong called Noah & Zoey Health Limited (the “Company”).
5. Subsequent enquiry by the Secretary with the Company revealed that a telemedicine service agreement (“Agreement”) was made between the Company and the Defendant on 15 March 2023 whereby the Defendant agreed, amongst others, to *“join the Company’s platform and to be included in the Company’s database for patient matching and to provide support and general medical information to the Company which may be published on the Noah Website (as defined below)... and other mediums from time to time published by the Company.”*
6. By a letter dated 17 October 2025, the Company advised the Secretary that the Agreement had been terminated on 14 March 2025, and the Advertisement had been removed from the Website on 19 March 2025.

Burden and Standard of Proof

7. We bear in mind that the burden of proof is always on the Secretary and the Defendant does not have to prove his 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.
8. There is no doubt that the allegations against the Defendant here are serious ones. 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 each of the disciplinary charges against him separately and carefully.

Findings of the Inquiry Panel

9. We have gone through the Advertisement. It contains the following statements:

- (a) “全港最大男士線上診所”；
- (b) “50,000 瀏覽人次數字持續上升中”；
- (c) “獲 50,000+ 位滿意男士信賴”；
- (d) “50,000 位男士重拾自信”；
- (e) “在 noah 平台上，我們希望讓男士們坦然了解這些常見的健康問題，並將您與我們優質、方便、且可負擔的醫療服務連繫起來，讓您從內到外都隨時保持最佳狀態。”；
- (f) “受眾多亞洲醫學界權威支持” accompanied by a list of doctors including the Defendant, with his photo, name and title displayed;
- (g) “認識亞洲的頂級醫療專家”；
- (h) “我們全心全意為您的健康著想，提供最好、最信得過的治療。”；
- (i) “他們是男性健康領域的專家——無論是有關頭髮、性健康、心理健康，甚至一般健康問題——我們的醫生團隊從開始診症一刻起，便一直為您提供全方位的支援，細心跟進您的療程進度。”； and
- (j) *Comments of users which are unverifiable (“Statements”).*

10. The Defendant does not dispute that the Statements were published on the Website at all material times. The Defendant does not contest that the Statements were offending.

11. In our view, the Statements were published by the Company on its Website for the purpose of canvassing patients for, amongst others, the Defendant. Publication in the Advertisement of medical services provided through the online platform of the Company coupled with comments of users, which are unverifiable, would leave the readers with the untruthful or misleading impression that medical services provided through the online platform of the Company had gained the trust and satisfaction of some 50,000 plus male patients.

12. Publication in the Advertisement of laudatory statements, which claimed superiority over other registered medical practitioners, coupled with the Defendant’s photo would also leave the readers with the untruthful or misleading impression that the Defendant was very experienced and skillful in the field; and so they should consult him.

13. What the Defendant contests is that at the commencement of his service with the Company in March 2023, he had checked the Website and he did not see the offending Statements. He said that he only first knew about the Statements on or around 2 July 2024, when the Preliminary Investigation Committee (“PIC”) of the Council informed him of the complaint. He said that it would be too onerous to require him to check on the Website every day. We do not agree with the Defendant. The Agreement entered into between the Company and the Defendant was for him to provide telemedicine services via the Company’s online platform. Information to the public would only be provided online. These kinds of platforms would have called for caution to be exercised on a regular basis to check if the information published on these websites were appropriate. We do not expect the Defendant to check on the appropriateness of the contents of the Website every day as it would be too onerous for him as a medical doctor. However, the Defendant had done nothing to check on the appropriateness of the contents of the Website for a period of 16 months from around March 2023 to 2 July 2024, which was an unduly long period of time. Even counting from late 2023 to 2 July 2024, a period of around 6 to 7 months, this was still in our view an unduly long period of time. The Defendant had only exercised nominal efforts to check on the Website at the commencement of his service with the Company, and had done nothing afterwards. In our view, the Defendant had failed to exercise due diligence.
14. The Defendant also told us that as soon as he was brought to the notice of the Statements on or around 2 July 2024, he had on diver dates from August 2024 to 14 March 2025 taken remedial actions by contacting the relevant staff of the Company. However, despite his effort, the Company had taken no action. The Defendant said that he had no alternative but to terminate his service with the Company at the end.
15. We have looked at copies of the WhatsApp messages between the relevant staff of the Company and the Defendant. In one message sent out on 4 July 2024, the Defendant wrote “*Yes agree, though better still to **hide these info at the moment for safety sake on main page ...***” [bold our emphasis]. In another message sent out on 25 February 2025, the Defendant wrote “*Please also take my name off **for the time being too***” [bold our emphasis]. As of the dates of these WhatsApp messages, the Defendant only asked the relevant staff of the Company to hide the offending Statements and/or take off his name for the time being. What the Defendant should have done was to ask the Company to take off all the offending Statements from the Website permanently, but not just at the moment or for the time being. We do not accept that the Defendant had taken reasonable remedial actions to prevent the publication of these offending Statements.

16. Further, in one WhatsApp message dated 8 November 2024, we were told by the Defendant's counsel that the Defendant had taken steps to find a replacement doctor. As at 8 November 2024, the offending Statements still remained on the Website. What the Defendant should have done was to press the Company to remove the offending Statements permanently, instead of finding an innocent doctor to take his place.
17. We are satisfied on the evidence before us that the Defendant has by his conduct in the present case fallen below the standards expected amongst registered medical practitioners in Hong Kong and we find him guilty of professional misconduct as per disciplinary charge (i).
18. There is no dispute that the Advertisement had published medical and health related products and services.
19. It has long been the consensus of members of the medical profession that public endorsement or promotion of medical or health related products and services by registered medical practitioners are unacceptable.
20. As Bokhary PJ said in *Medical Council of Hong Kong v Helen Chan* [2010] 13 HKCFA 248:-

“68. *The medical profession is – as the public interest requires that it should be – regulated by law, essentially in the form of the Medical Registration Ordinance. This Ordinance establishes the Medical Council, prescribes its composition and lays down its functions including those in regard to professional discipline. The Medical Council has published a pamphlet entitled “Professional Code and Conduct”. It serves as a code for the guidance of registered medical practitioners on how they should and should not conduct themselves...*

...

70. *The correctness in law of those statements is attested by many judicial pronouncements by courts of last resort...Lord Morris of Borth-y-Gest spoke in a similar vein when, delivering the advice of the Privy Council in *Gardiner v. General Medical Council* (1961) 105 SJ 525, he said (at p.525) that “[w]ithin the profession the line between the unobjectionable and objectionable publication should present no difficulties of recognition for any reasonable practitioner, even though the accepted ethical standards might not be formulated precisely or in any written code.”*

...

72. *What must the Medical Council have meant when (without citing any specific written rule) it spoke of a “long-established rule that doctors are prohibited from public endorsement or promotion of a commercial brand of medical or health related products”? Plainly the Medical Council was referring to a consensus within the medical profession that such endorsement or promotion by a doctor is unethical.”*
21. For the same reason as set out under charge (i) above, we are of the view that the Defendant should have exercised due diligence to check on the Website to prevent the promotion of medical and health related products and services, but he had failed to do so.
22. In failing to take reasonable steps to prevent the promotion by the Advertisement of medical and health related products and services, the Defendant has again by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we also find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (ii).

Sentencing

23. The Defendant has a clear disciplinary record.
24. We bear in mind that the primary purpose of a disciplinary order is not to punish the 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.
25. We have considered the volunteer work performed and the CME courses taken by the Defendant.
26. On 23 June 2006, the 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 Council.

27. Taking into consideration the nature and gravity of the disciplinary charges for which we have found the Defendant guilty and what we have heard and read in mitigation, we shall make a global order in respect of charges (i) and (ii) that the name of the Defendant be removed from the General Register for a period of 3 months. We further order that the operation of our removal order be suspended for a period of 12 months.

Prof. FOK Tai-fai, SBS, JP
Chairperson of the Inquiry Panel
The Medical Council of Hong Kong