

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr TAN Jin Min Jeremiah (陳治文醫生) (Reg. No.: M09131)
(formerly registered as Dr TAN Jin Min 先前註冊為陳振明醫生)

Date of hearing: 7 July 2026 (Tuesday)

Present at the hearing

Council Members/Assessors: Prof. TANG Wai-king, Grace, SBS, JP
(Chairperson of the Inquiry Panel)
Prof. CHAN Ka-leung, Francis, SBS, JP
Dr CHAN Tat-ming, Danny
Ms LIU Lai-yun, Amanda
Ms CHUI Hoi-yee, Heidi

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Mr Simon FUNG of Messrs. Howse
Williams

Legal Officer representing the Secretary: Miss Karen NGAI,
Senior Government Counsel

The Defendant is not present.

The Charges

1. The charges against the Defendant, Dr TAN Jin Min Jeremiah, 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) A photo of Dr. Jeremiah Tan. Next to it, with his Google score 4.9/5 and marked “好評如潮”. Also, Dr. Tan’s comments “雖然香港有很多取得男士藥物的渠道，但他們大多不可信。noah 的出現，讓男士們終於可以安心獲取優質、隱密及安全的治療。”;*
- (g) “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;*
- (h) “認識亞洲的頂級醫療專家” accompanied with his photo displayed;*
- (i) “我們全心全意為您的健康著想，提供最好、最信得過的治療。”*
- (j) “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*
- (k) 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 8 September 1993 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>.
4. The Secretary of the Council later accessed the said website and downloaded the Advertisement, which now formed the subject of the disciplinary charge 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 an agreement made between the Company and the Defendant on 12 April 2022 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... Website... and other mediums from time to time published by the Company.”*
6. By a letter dated 17 October 2025, the Company further advised the Secretary that the Advertisement had already been removed from its 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. The Defendant admits the factual particulars of the disciplinary charges against him and indicates through his solicitor that he is not going to contest the issue of misconduct in a professional respect.
10. At the beginning of this inquiry, we are told by the Legal Officer that the Secretary and the Defendant had agreed and signed a Statement of Facts. A copy of the same is placed before us for consideration.
11. We gratefully adopt as our guiding principle the following statement of the law by Ma CJHC (as he then was) in *Kwok-Hay Kwong v Medical Council of Hong Kong* [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 (Ontario)], McLachlin J referred (at 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. Where the public interest is in favour of allowing advertising, the fact that the person who places the advertisement will incidentally benefit is no reason to justify restrictions. 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.”

12. In our view, the Advertisement was posted by the Company in 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.
13. Publication in the Advertisement of laudatory statements about the Defendant, which claimed superiority over other registered medical practitioners, coupled with his 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.
14. For these reasons, we are firmly of the view that restriction of the Advertisement in this case is both justifiable and proportionate to the legitimate aim of preventing the vulnerable members of the public from being misled.

15. In sanction, acquiescing in or failing to take reasonable steps to prevent the publication of the statements particularized in disciplinary charge (i), the Defendant has by his conduct in this case fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (i).
16. 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.
17. 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.’*

18. In sanctioning, acquiescing in or 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

19. The Defendant has two previous disciplinary records related to drug dispensation and prescription.
20. We accept that the present disciplinary inquiry relates to different subject matters.
21. In line with our published policy, we shall give the Defendant credit in sentencing for admitting the factual particulars of the disciplinary charges and not contesting the issue of misconduct in a professional respect.
22. We bear in mind that the primary purpose of a disciplinary order is not 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.
23. 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.
24. We are particularly concerned that despite receipt of complaint against him, the Defendant merely raised the matter with the Company. Indeed, the Defendant, who was and still is working for the Company, did not even know that the Advertisement had already been removed when he sent his email to the Company on 2 June 2026 demanding for immediate removal of his profile and any references from its website.

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