

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

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**DISCIPLINARY INQUIRY**  
**MEDICAL REGISTRATION ORDINANCE, CAP. 161**

Defendant: Dr WONG Kevin Ka Ming (Reg. No.: M10602)

Date of hearing: 24 February 2023 (Friday)

Present at the hearing

Council Members/Assessors: Prof. LAU Wan-yee, Joseph, SBS  
(Chairperson of the Inquiry Panel)  
Dr HO Hung-kwong, Duncan  
Prof. HUI Mamie  
Ms LI Siu-hung  
Mr LAM Ho-yan, Mike

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Mr Michael CHAO of  
Messrs. Mayer Brown

Government Counsel representing the Secretary: Miss Katrina CHAN

1. The charge against the Defendant, Dr WONG Kevin Ka Ming, is:

‘That in or about May 2021, he, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent the use of title(s) of “clinical oncologist” and/or “臨床腫瘤醫生” in the website of <http://www.oncare.com.hk>, which were misleading to the public that he was a specialist in clinical oncology, when in fact he has not been approved by the Medical Council of Hong Kong to have his name included in the Specialist Register under the specialty of “Clinical Oncology”.

In relation to the facts alleged, 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 15 May 1996 to the present. His name has never been included in the Specialist Register.
3. Briefly stated, by a letter dated 26 October 2021, the Hong Kong College of Radiologists complained to the Medical Council (the “Council”) that the name of the Defendant was listed under the specialty of Clinical Oncology in the practice website of OnCare Hong Kong (“OnCare”).
4. Attached to the complaint letter was a printout of the webpage of the OnCare Cancer Center Team in the practice website of OnCare at <http://www.oncare.com.hk>, which now forms the subject of the disciplinary charge against the Defendant.
5. A copy of the said printout was placed by the Legal Officer before us for our consideration and the material parts read as follows:

### ***“OnCare Team – OnCare Cancer Center Team***

*OnCare Cancer Centers for the care and treatment of cancer allows us to bring together a team of professionals who will work to treat your cancer. Each member of our team plays a special role in your care. Some of the members work directly with you, while some members do not deal directly with you but are still vital to your treatment. Your health and comfort are very important to us. We have a well-trained staff available to meet your needs and to help you with any problems, questions, or concerns that you might have about your illness and care.*

...

### ***Clinical Oncologist***

*Clinical Oncologists are focused on providing radiation therapy, in keeping with the overall treatment plan. Medical and clinical oncologists often work in partnership together, and clinical oncology covers both the therapeutic administration of ionizing radiation (radiotherapy) and cytotoxic chemotherapy.*

*(Dr. Kevin Wong and Dr... are clinical oncologists: please refer to Our Doctors for detail introduction)...”*

6. The Secretary of the Council (the “Secretary”) also downloaded from the practice website of OnCare and printed out the Chinese version of the webpage of the OnCare Cancer Center Team. A copy of the same was placed by the Legal Officer before us for consideration.

7. The Chinese version of the webpage of the OnCare Cancer Center Team was a direct translation of its English counterpart and the name of the Defendant was listed in the webpage under “臨床腫瘤醫生”.
8. The Secretary further accessed to the hyperlink “*Our Doctors*” in the website of OnCare and printed out the profile of the Defendant. A copy of the same was placed by the Legal Officer before us for our consideration and the material parts read as follows:

**“Dr. Kevin K.M. Wong – OnCare Cancer Center Doctors**

***Dr. Kevin Wong, MBBS (Syd.), FRACR***

*Dr. Kevin Wong graduated from the Medical School of Sydney University Australia. He commenced his Radiation Oncology training at the Prince of Wales Hospital Sydney and finished at the Peter MacCallum Cancer Institute Melbourne where he became a Fellow of the Royal Australian College of Radiologists. Dr. Wong was subsequently appointed Consultant and served in the Head and Neck as well as Gastrointestinal units.*

*He relocated to Hong Kong in 2002 to take up the position of Oncology-in-charge with St. Teresa’s Hospital Cancer Center. Dr. Wong left in 2005 to join AmMed Cancer Center and now continues his practice at OnCare Hong Kong. He is a member of numerous professional bodies including Chinese Society of Clinical Oncology (CSCO) and Hong Kong Society of Clinical Oncology.”*

**Burden and Standard of Proof**

9. We bear in mind that the burden of proof is always on the Legal Officer 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.
10. There is no doubt that the allegation against the Defendant 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 disciplinary charge against him carefully.

## **Findings of the Inquiry Panel**

11. The Defendant admits that he failed to take adequate steps to prevent the use of title(s) of “clinical oncologist” and/or “臨床腫瘤醫生” in the website of <http://www.oncare.com.hk>, which were misleading to the public that he was a specialist in clinical oncology, when in fact he has not been approved by the Medical Council of Hong Kong to have his name included in the Specialist Register under the specialty of “Clinical Oncology”. It remains however for us to consider and determine on the evidence whether he has been guilty of misconduct in a professional respect.
12. There is no dispute that the name of the Defendant has never been included in the Specialist Register, let alone under the specialty of “Clinical Oncology”.
13. The use of the title “Clinical Oncologist” in the webpage of the “*OnCare Cancer Center Team*” in the practice website of OnCare implied in our view that the Defendant was a specialist in Clinical Oncology but when in fact he had not been approved by the Council to have his name included in the Specialist Register under the specialty of “Clinical Oncology”.
14. In the Court of Appeal’s decision of *Ng Kin Wai v The Dental Council of Hong Kong* (CACV 194/2010) 14 October 2011, Fok JA (as he then was) emphasized (at paragraph 45 of the Judgment) 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.”
15. 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.
16. Also, the use of the titles “Clinical Oncologist” and “臨床腫瘤醫生” in the webpage of the “*OnCare Cancer Center Team*” in the practice website of OnCare would serve in our view to promote the professional advantage of the Defendant, and was no doubt a form of unauthorized practice promotion.
17. It is clearly stated in paragraph 5.2.3.5 of the 2016 edition of the Code of Professional Conduct (the “Code”) that the practice website of a medical practice group to which a doctor belongs “... may carry only the service information which is permitted on doctors directories under section 5.2.3.7. The same rules on doctors directories in electronic format also apply to practice websites...”

18. A doctor has a personal responsibility to ensure that the service information about him in the practice website of a medical practice group to which he belongs is in compliance with the Code. In this connection, section 7.1 of the Code specifically provides that “[o]nly doctors on the Specialist Register are recognized as specialists, and can use the title of “specialist in a specialty”...”
19. Whilst doctors may be categorized as specialist practitioners on the practice website of a medical practice group but their names must actually be registered under the relevant specialties in the Specialist Register or they will be in breach of section 7.2 of the Code which expressly prohibits the use of “any misleading description or title implying specialization in a particular area (irrespective of whether it is a recognized specialty)”.
20. In failing to take adequate steps to prevent the use of the title(s) of “clinical oncologist” and “臨床腫瘤醫生” in the website of OnCare, 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 charged.

### **Sentencing**

21. The Defendant has a clear disciplinary record.
22. In accordance with our published policy, we shall give the Defendant in sentencing credit for his admission and cooperation before us today.
23. 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.
24. In 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.
25. We are told in mitigation that the Defendant did not use the offending titles deliberately for the purpose of practice promotion.

26. We are also told in mitigation that although the Defendant is a qualified and fully accredited radiation oncologist in Australia with a currently valid practicing licence, the oncology training that he received was not recognized by the Hong Kong College of Radiologists to be sufficient for him to be registered as a specialist in Clinical Oncology.
27. We appreciate that this is not a case of a medical practitioner who professes to be a specialist in a particular specialty when he has never received the relevant specialist training at all.
28. Taking into consideration the nature and gravity of the disciplinary charge for which the Defendant is convicted and what we have read and heard in mitigation, we order that the name of the Defendant be removed from the General Register for a period of 1 month. We further order that the operation of the removal order be suspended for a period of 12 months.

Prof. LAU Wan-ye, Joseph, SBS  
Chairperson of the Inquiry Panel  
The Medical Council of Hong Kong