

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

---

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

Defendant: Dr LO Yin Ling (盧燕玲醫生) (Reg. No.: M13654)

Date of hearing: 4 July 2017 (Tuesday)

Present at the hearing

Council Members/Assessors: Prof. LAU Wan-yee, Joseph, SBS (Chairman)  
Dr LO Chi-yuen, Albert  
Ms LAU Wai-yee, Monita  
Dr TONG Fu-man  
Mr KWONG Cho-shing, Antonio, MH

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Ms Alison SCOTT of Messrs. Howse  
Williams Bowers

Senior Government Counsel representing the Secretary: Mr Mark CHAN

1. The charge against the Defendant, Dr LO Yin Ling, is:

“That in or around September to December 2013, she, being a registered medical practitioner, canvassed for the purpose of obtaining patients by displaying impermissible signages and mobile display unit at and/or outside her clinic located at Shop 42, East Point Centre, 1056 King’s Road, Quarry Bay, Hong Kong, which offered free glucose reading, free flu vaccine and/or free blood pressure measurement to the general public.

In relation to the facts alleged, she 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. Her name has been included in the General Register from 2 July 2002 to present and her name has never been included in the Specialist Register.
3. There is no dispute that the Defendant was at all material times practising at the Neohealth Medical Centre, which was situated at Shop 42, LGF, East Point Centre, 1045-1056 King's Road, Hong Kong.
4. By a letter dated 3 December 2013, the Complainant, Dr HO, who was practising in the vicinity of the Defendant's clinic, brought to the attention of the Medical Council that the Defendant displayed in front of her clinic and at outside East Point Centre signages and mobile display unit promoting the medical services available at the Defendant's clinic.
5. Dr HO also complained that the Defendant displayed signages on the glass panel of her clinic and on a mobile display unit outside her clinic which offered free glucose reading, free flu vaccine and free blood pressure measurement to the general public.

### **Burden and Standard of Proof**

6. We bear in mind that the burden of proof is always on the Legal Officer and the Defendant does not have to prove her 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.
7. There is no doubt that the allegation made against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse any registered medical practitioner of misconduct in a professional respect. We need to look at all the evidence and to consider and determine the charge against the Defendant carefully.

### **Findings of the Council**

8. The Defendant admits that in around September to 3 December 2013, she failed to

prevent display of impermissible signages and mobile display unit at and/or outside the aforesaid clinic at which she was employed, which offered free glucose reading, free flu vaccine and/or free blood pressure measurement to the general public. However, it remains for us to decide on the evidence whether her conduct would constitute professional misconduct.

9. It is clearly stated in section 5.2.2.2 of the Code of Professional Conduct (2009 edition) (the “Code”) that practice promotion by individual doctors to people who are not their patients is not permitted except to the extent allowed under section 5.2.3. Practice promotion in this context will be interpreted by the Medical Council in its broadest sense.
10. Whilst a doctor is permitted under section 5.2.3 of the Code to display at the exterior of her clinic a service information note bearing the medical services provided by her, any offer for free glucose reading, free flu vaccine and free blood pressure measurement to the general public would fall foul of the permitted contents of service information notices allowed by the Code.
11. In our view, display of impermissible signages and mobile display unit by the Defendant in this case was for promoting her medical services and to canvass for patients. No registered medical practitioner should canvass for patients by offering free medical services or any other inducement. Such kind of practice promotion is in blatant breach of the Code.
12. For these reasons, we are satisfied that the Defendant’s conduct had fallen below the standards expected of registered medical practitioners in Hong Kong. Therefore, we find her guilty as charged.

### **Sentencing**

13. The Defendant has a clear disciplinary record.
14. In accordance with our published policy, we shall give her full credit for her frank admission of the factual particulars of the disciplinary charge against her and her cooperation throughout these disciplinary proceedings.
15. We bear in mind that the purpose of passing a disciplinary order on the Defendant is not to punish her, but to maintain public confidence in the medical profession by upholding its high standards and integrity.

16. The Defendant frankly acknowledged that even in her capacity as an employee, she ought to have asked her employer to remove the impermissible signages and mobile display unit; and if her employer refused to remove them, she ought to have resigned from the aforesaid clinic.
17. 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.
18. Having considered the nature and gravity of this case and what we have heard and read in mitigation, we order that the Defendant's name 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 Yee Joseph, SBS  
Chairman, Medical Council