

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 CHEUNG Wing Tak (張永德醫生) (Reg. No. M12309)

Date of hearing: 13 November 2014

1. The charges against the Defendant, Dr CHEUNG Wing Tak, are:

“That in or around June 2012, he, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent:

(a) quoting the following information on the name card which were not approved by the Medical Council of Hong Kong: “服務範圍: 處理急症及長期病患 健康檢查 皮膚疾病治療 疫苗注射 小手術私家醫院住院服務 尊貴驗身計劃 永久無痛植髮”; and

(b) quoting the following titles on the name card which were not approved by the Medical Council of Hong Kong:

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|--------------------------|-------|
| i) 新界總商會                 | 常務董事; |
| ii) 新界總商會                | 西醫顧問; |
| iii) 新界總商會青年事務委員會        | 常委;   |
| iv) 香港童軍總會新界東地域大埔北區區務委員會 | 副主席;  |
| v) 香港童軍總會新界東地域沙田北區區務委員會  | 副主席;  |
| vi) 香港旭日扶輪社              | 社員;   |
| vii) 國際植髮醫學會             | 會員;   |
| viii) 香港毒理學會             | 創會會員; |
| ix) 香港兒童皮膚學會             | 創會會員; |

- x) 匯賢醫療醫務有限公司 主席;
- xi) 優質生活(香港)顧問有限公司 主席;
- xii) 得利管理有限公司 執行董事;  
and
- xiii) 常務董事兼西醫顧問.

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 Defendant was at material times and still is a registered medical practitioner and his name has been included in the General Register from 16 July 1999 to present.
- 3. On 21 June 2012, the Chairman of the Medical Council received by post an anonymous letter from someone who called themselves “A group of caring doctor” inviting him to investigate whether the Defendant’s name card contained information more than those allowed in the Code of Professional Conduct (“the Code”). There was also attached to this letter a copy of the name card of the Defendant (“the Defendant’s name card”).

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

- 4. 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.

5. 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 each of the charges against the Defendant separately.

### **Findings of Council**

6. Section 5.2.3 of the Code specifically provides that a doctor, whether in private or public service, may provide information about his professional services to the public only in the ways set out therein. And in respect of visiting cards, section 5.2.3.2 of the Code only permits the following information to be carried, namely:-

- “(a) Name of the doctor with the prefix Dr. (西醫/男西醫/女西醫) or the Chinese suffix “醫生/醫師”.
- (b) Name of the practice.
- (c) Name of partners, assistants or associates in the practice.
- (d) Quotable qualifications and appointments and other titles approved by the Council.
- (e) Specialist title approved by the Council.
- (f) Name and logo of the medical establishment with which the doctor is associated. (Only bona fide logos which are graphic symbols designed for ready recognition of the medical establishment may be displayed.)
- (g) Consultation hours.
- (h) Telephone, fax, pager numbers and e-mail address.
- (i) Address(es) and location map of the practice.”

7. There is no dispute that the Defendant’s name card contained, amongst others, the following information, which were not approved by the Medical Council, namely:-

“服務範圍: 處理急症及長期病患 健康檢查 皮膚疾病治療 疫苗注射  
小手術私家醫院住院服務 尊貴驗身計劃 永久無痛植髮”

8. The inclusion of such information in the Defendant's name card, which in our view is a visiting card, is contrary to section 5.2.3.2 of the Code. Moreover, the inclusion of such information aimed to solicit and canvass patients and was tantamount to practice promotion not approved by the Code.
9. All doctors are required to comply with the provisions of the Code. In failing to do so, the Defendant's conduct has fallen short of the standard reasonably expected amongst registered medical practitioners in Hong Kong. We therefore find him guilty of charge (a).
10. In respect of charge (b), we find as a fact that the Defendant's name card did contain the following titles, which were not approved by the Medical Council, namely:-

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|--------------------------|-------|
| i) 新界總商會                 | 常務董事; |
| ii) 新界總商會                | 西醫顧問; |
| iii) 新界總商會青年事務委員會        | 常委;   |
| iv) 香港童軍總會新界東地域大埔北區區務委員會 | 副主席;  |
| v) 香港童軍總會新界東地域沙田北區區務委員會  | 副主席;  |
| vi) 香港旭日扶輪社              | 社員;   |
| vii) 國際植髮醫學會             | 會員;   |
| viii) 香港毒理學會             | 創會會員; |
| ix) 香港兒童皮膚學會             | 創會會員  |
| x) 匯賢醫療醫務有限公司            | 主席;   |
| xi) 優質生活(香港)顧問有限公司       | 主席;   |
| xii) 得利管理有限公司            | 執行董事; |
| and                      |       |
| xiii) 常務董事兼西醫顧問.         |       |

11. By failing to comply with section 5.2.3.2 of the Code which permits only quotable qualifications and appointments and titles approved by the Medical Council to be carried on a doctor's visiting card, the Defendant's conduct has fallen short of the standard reasonably expected amongst registered medical practitioners in Hong Kong. Therefore, we also find him guilty of charge (b).

### **Sentencing**

12. The Defendant has a clear record.
13. In accordance with our policy, we shall give him credit in sentencing for admitting the factual allegations in respect of the charges and for his full cooperation in the preliminary investigation stage and before us today.
14. In June 2006, the Medical Council issued a clear warning that all future cases of practice promotion will be visited by removal from the General Register for a short period with suspension of the removal order, and in serious cases the removal order will take immediate effect. The same warning has been repeated on many subsequent occasions. We must have full regard to the warning in sentencing, so as not to send a wrong message to the profession that we are relaxing on our efforts to stamp out practice promotion not approved by the Code.
15. The Defendant's solicitor referred us to the previous decisions of the Medical Council in *Dr LAU Hay Tung* and *Dr CHEUNG Yu Fung*. In our view, the factual circumstances of those cases are clearly distinguishable from the present case.
16. However, we bear in mind that the 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 the reputation of the profession.
17. Having considered what we have heard and read in mitigation and taking into account the nature and gravity of the disciplinary charges proven in this case, we order that:-

- (1) in respect of charge (a) that the Defendant's name be removed from the General Register for a period of one month and we also order that the operation of the removal order be suspended for one year; and
- (2) in respect of charge (b) that the Defendant be reprimanded.

Prof. LAU Wan Yee Joseph, SBS  
Chairman, Medical Council