

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

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

Date of hearing: 28 January 2010  
Defendant: Dr WONG Ka Yan Fiona (王家欣醫生)

1. The charge against Dr WONG Ka Yan Fiona is that:

“In or around June 2006, she, being a registered medical practitioner, promoted, or acquiesced in the promotion of, or failed to take adequate steps to prevent the promotion of her practice in association with an organization known as ‘the Skin Clinic’ by means of the inclusion in an advertisement in the 7 June 2006 issue of the publication ‘Sunday Life’ of a coupon offering advantages to new clients.

In relation to the facts alleged, she has been guilty of misconduct in a professional respect.”

**Agreed Facts of the Case**

2. The Defendant has been and is a registered medical practitioner in Hong Kong since 3 July 2003.
3. In 2006, the Defendant provided medical cosmetic treatments at the Skin Clinic.
4. The advertisement and the coupon in page 8 of the Secretary’s Bundle were published in the 7 June 2006 issue of the publication of “Sunday Life”.
5. In 2006, the Defendant had visiting cards printed under the name of the Skin Clinic, with the title of “Medical Consultant”.

### *Findings of Council*

6. Defendant exercised her right not to give evidence. We do not draw any adverse inference from this.
7. On the Defendant's admission that she provided medical cosmetic treatments at the Skin Clinic, it is clear that she had a professional relationship with the clinic. Therefore, she had a responsibility under paragraph 14.1.1 of the Professional Code and Conduct (November 2000 version) to exercise due diligence to ensure the clinic's compliance with the code.
8. We are of the view that the contents of the advertisement dated 7<sup>th</sup> June 2006 were mainly medical in nature. It was related to medical treatment administered by a female doctor, which included laser treatment of skin, Restylene injection and Botox injection.
9. The coupon included in the advertisement offered a very substantial discount from the original price of HK\$ 2,800 to HK\$ 388 on laser treatment for the removal of hair and pimples, plus a free laser treatment for removal of scars related to pimples worth HK\$2,800. Plainly the coupon was offered in order to attract patients to the Skin Clinic.
10. Giving a plain and natural interpretation to the entire advertisement, we are of the view that it served to attract patients to the Defendant's practice at the Skin Clinic.
11. Based on the name card of the Defendant, we note that the Defendant provides service in the Skin Clinic in a capacity of "Medical Consultant" from 10:00 to 19:00 daily from Monday to Saturday. With such close and direct relationship with the clinic, she ought to be aware of the advertising activities of the clinic.
12. As a doctor who works in the Skin Clinic, the Defendant has the duty to take adequate steps in preventing the promotion of the practice in contravention of the Code. We see no evidence at all that such steps were taken by the Defendant. In the circumstances, the Defendant has failed to discharge her responsibility to exercise due diligence to ensure the compliance with the Code.

13. Doctors who have any kind of financial or professional relationship with organizations that offer medical services to the public have a duty to ensure that the organization's advertising would conform to the Professional Code and Conduct. Information provided to the public should not be in the nature of canvassing or providing publicity to enhance or promote services provided by the doctor for the purposes of attracting patients.
14. We are satisfied that the conduct of the Defendant has fallen short of the standard expected amongst registered medical practitioners, and that her conduct constitutes professional misconduct. We find her guilty of the charge.

### Sentencing

15. The Defendant has a clear record.
16. The Defendant was found guilty on the limb of failing to take adequate steps, on which she specifically instructed Defence Counsel not to make any submission to resist any finding. Although this is not entirely a situation of full cooperation to speed up the inquiry, we give her some credit in sentencing. We also give her credit in not disputing any of the facts.
17. In view of the rampant situation of practice promotion, the Council has on 23<sup>rd</sup> June 2006 issued a clear warning that in future cases of practice promotion offenders should expect to be removed from the General Register for a short period with suspension of the order, and in serious cases the removal will take immediate effect. The same warning was repeated in December 2008.
18. We note that the offence was committed shortly before 23<sup>rd</sup> June 2006. In the circumstances, in sentencing we give the Defendant the benefit of not being affected by that warning. However, we must advise her to be particularly careful in future, as she would not be given such advantage if she comes before us again on the same charge.
19. Having regard to the gravity of the case and the commission of the offence before 23<sup>rd</sup> June 2006, we order that the Defendant be reprimanded.

Prof. Felice Lieh-Mak, CBE, JP  
Chairman, Medical Council