

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Date of hearing: 8 December 2010
Defendant: Dr WONG Shell Fean (王紹宏醫生)

1. The Defendant, Dr WONG Shell Fean, is charged as follows:

“In or around February 2009, he, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent the publication in a practice website of Femina Healthcare the following information about him, namely:-

- (a) the qualifications of “英國 Fetal Medicine Foundation 胎兒醫學文憑”, “美國醫療超聲波操作員文憑” and “香港婦產科專科學院母胎醫學”, which are not quotable qualifications approved by the Medical Council of Hong Kong;
- (b) the appointments of “香港大學兼職婦產科顧問醫生” and “香港大學兼職婦產科副教授”, which are not full-time appointments and thereby not quotable appointments approved by the Medical Council of Hong Kong;
- (c) the appointment of “澳洲昆士蘭大學婦產科榮譽教授”, which is not a full-time appointment and thereby not quotable appointments approved by the Medical Council of Hong Kong;
- (d) the appointments of “Mater Mothers’ Hospital 資深顧問醫生”, “澳洲昆士蘭大學婦產科教授”, “香港九龍西聯網(廣華和瑪嘉烈醫院) 產前診斷中心主管, 瑪嘉烈醫院產前診斷中心主管”, “瑪嘉烈醫院婦產科高級醫生, 廣華醫院婦產科醫生” and “香港中文大學婦產科助理教授”, which are not current appointments and thereby not quotable appointments approved by the Medical Council of Hong Kong;

(e) the statements of or about:-

- (i) “王紹宏醫生是一位資深的醫生”;
- (ii) “行醫 20 年”;
- (iii) “擁有十七年婦產科經驗和教導許多婦產科醫生”;
- (iv) “Marquis’s Who’s Who”;
- (v) Dr Wong’s experience of addressing academic conferences held in a number of places; and
- (vi) “王醫生執行胎兒手術/治療的經驗是香港罕有”,

which are not service information permitted to be published in a practice website; and

(f) the statements of or about:-

- (i) “王紹宏醫生是一位資深的醫生”;
- (ii) “行醫 20 年”;
- (iii) “擁有十七年婦產科經驗和教導許多婦產科醫生”;
- (iv) “Marquis’s Who’s Who”; and
- (v) “王醫生執行胎兒手術/治療的經驗是香港罕有”,

which are comparative with or claim superiority over other doctors.

In relation to the facts alleged, he has been guilty of professional misconduct.”

Facts of the case

2. The case involves the publication in a website of various information relating to the Defendant. The website was designed and set up by a health care company, of which the Defendant was an employee.
3. All factual allegations are admitted by the Defence. Although the “Statement of Admitted Facts” signed by both parties did not state clearly that the truth of the stated facts was admitted, both parties confirmed categorically that the truth of the stated facts was admitted and invited us to interpret the “Statement of Admitted Facts” as admission of the truth of the stated facts. While we shall do so in this case, in future all admitted facts should clearly state that the truth of the stated facts is admitted.
4. The published information included qualifications and appointments which were not quotable qualifications or quotable appointments, descriptions which were not permitted to be published under the Code of Professional Conduct, and descriptions which claimed superiority over other doctors. Publication of such information contravened the provisions of the Code.
5. The published information was provided by the Defendant to the website designers knowing that the information would be published in the website. In the circumstances, he sanctioned the publication of the information. The purpose of publishing such information in a website of a health care company was obviously to promote the practice of the Defendant and to canvass for patients.
6. All registered medical practitioners are required to comply with the provisions of the Code. Knowingly providing information to others for publication in contravention of the Code is clearly conduct below the standard expected amongst registered medical practitioners. We are satisfied that the Defendant’s conduct in each of the charges constituted professional misconduct. We find him guilty of all charges.

Sentencing

7. The Defendant has a clear record.

8. The Defendant honestly admitted the misconduct and his responsibility both during preliminary investigation and in the inquiry. We are informed that he has taken rectification measures to remove the offending information from the website. This reflects his remorse which in turn shows that it is unlikely that he will re-offend. We shall give him credit for the admission in accordance with our stated policy.
9. We accept that the published information was factual but not permissible under the Code, and the gravity of the case is among the less serious in this type of disciplinary offence.
10. In 2006, this Council issued a warning that in view of the rampant situation of contravening practice promotion future cases would be visited by removal from the General Register for a period with suspension of the order, and in serious cases the removal would take immediate effect. The same warning has been repeated on many subsequent occasions. In the circumstances, those who engage in contravening practice promotion cannot expect to be given lenient sentences as those cases before the warning.
11. Having regard to the gravity of the case, we consider that removal from the General Register for 2 months is appropriate. Giving credit to the mitigating factors, we make a global order in respect of all charges of removal from the General Register for a period of 1 month. We further order that the removal order shall be suspended for a period of 12 months, subject to the condition that he does not commit further disciplinary offences during the suspension period.

Other remarks

12. The Defendant's name is included in the Specialist Register under the specialty of Obstetrics and Gynaecology. While it is for the Education and Accreditation Committee to consider whether any action should be taken in respect of his specialist registration under section 20N of the Medical Registration Ordinance, we are of the view that this case does not reflect adversely upon his suitability to remain on the Specialist Register.

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