

香港醫務委員會

The Medical Council of Hong Kong

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

Date of hearing: 25 February 2011

Defendant: Dr. CHAN Hei Ling Helen (陳曦齡)

1. The charge alleged against the Defendant, Dr. CHAN Hei Ling Helen, is that:

“She, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent the appearance of her name, title, photographs and statements in an advertisement in Oriental Daily on the 4 August 2004 issue, in which she endorsed the line of health products of “Doctor’s Choice” offered by Vita Green Health Products Company Limited (維特健靈健康產品有限公司) with which she had a financial relationship.

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

2. This case has been remitted back by the Court of Final Appeal for re-consideration of the disciplinary order, limited to either an order of reprimand or an order of serving a warning letter.
3. The factual basis of our consideration is the findings of the Council in the 2006 inquiry.
4. We have considered mitigation advanced by the Defence Solicitor. Other than the fact that she has no other disciplinary record, we do not see any mitigating factor which carries weight.
5. In accordance with the Court of Final Appeal’s direction, we treat this case as a one-off incident.
6. This is clearly a case of deliberate promotion of the brand of products of the

Defendant's own company. The article in question is a commissioned advertisement. Although the Defendant was taking part in the press conference in the capacity of the Managing Director of the company, she made statements in the capacity of a doctor giving medical opinion on the advantages of the products in question. It is clearly a doctor's public endorsement of the commercial brand of products, in contravention of the long established rule of the medical profession that doctors are prohibited from public endorsement or promotion of a commercial brand of medical or health related products.

7. Having regard to the gravity of the case and the mitigation advanced, we order that the Defendant be reprimanded. In accordance with the provisions of the Medical Registration Ordinance, the order will be published in the Gazette.
8. We should add that the gravity of this case is at the highest end of the scale for cases which can be appropriately dealt with by an order of reprimand. In previous cases of promotional advertisements, the usual sentence was an order of suspended removal from the General Register for a short period, irrespective of whether it was a one-off incident. This case should not be taken as a precedent for future cases of similar nature.

Prof. LAU Wan-yee, Joseph
Temporary Chairman, Medical Council