

香港醫務委員會

The Medical Council of Hong Kong

DISCIPLINARY INQUIRY

MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr CHEUNG Yu Fung (張宇峰醫生) (Reg. no M12568)

Date of hearing: 20 February 2013

1. The charges against the Defendant, Dr CHEUNG Yu Fung, are that:-

1st Case:

“On or about 28 August 2010, he, being a registered medical practitioner :-

- (a) failed to quote as the first qualification the one by virtue of which he was registered as a medical practitioner, contrary to the “Advice in regard to qualifications that are acceptable to the Council for use on signboards, letter-heads, visiting cards, etc.” issued by the Medical Council of Hong Kong in June 2009;
- (b) quoted on his name card the qualification of “MSc. Dermatology (London University)” (in Chinese “英國倫敦大學皮膚學碩士”), which was not a quotable qualification approved by the Medical Council of Hong Kong;
- (c) quoted on his name card the qualification of “Diploma of Child Health (London)” (in Chinese “英國倫敦皇家醫學院小兒科文憑”), which was not in the format approved by the Medical Council of Hong Kong;
- (d) sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the title of “Dermatologist” in his name card, which was not acceptable to the Medical Council for use and was misleading to the public that he was a specialist in dermatology, when in fact his name was not included in the Specialist Register under the specialty of “Dermatology and Venereology”.

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

2nd Case

“In or around January and February 2011, he, being a registered medical practitioner :-

- (a) in respect of his name card,
 - (i) failed to quote as the first qualification the one by virtue of which he was registered as a medical practitioner, contrary to the “Advice in regard to qualifications that are acceptable to the Council for use on signboards, letter-heads, visiting cards, etc.” issued by the Medical Council of Hong Kong in June 2009;
 - (ii) sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the title of “Dermatologist” which was not acceptable to the Medical Council for use and was misleading to the public that he was a specialist in dermatology, when in fact his name was not included in the Specialist Register under the specialty of “Dermatology and Venereology”;

- (b) in respect of the signboard exhibited outside his practice situated at Room 2505, 25/F, Parklane Square, 2 Tuen Hi Road, Tuen Mun, New Territories (“His Clinic”),
 - (i) failed to quote as the first qualification the one by virtue of which he was registered as a medical practitioner, contrary to the “Advice in regard to qualifications that are acceptable to the Council for use on signboards, letter-heads, visiting cards, etc.” issued by the Medical Council of Hong Kong in June 2009;
 - (ii) sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the title of “Dermatologist” which was not acceptable to the Medical Council for use and was misleading to the public that he was a specialist in dermatology, when in fact his name was not included in the Specialist Register under the specialty of “Dermatology and Venereology”;

- (c) engaged in impermissible practice promotion to non-patients under the Code of Professional Conduct issued by the Medical Council of Hong Kong by displaying at the exterior of His Clinic information not permitted to be displayed, namely information relating to “MTS 微針療法” and “Botox 保妥適”.

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

Facts of the case

2. All charges are in respect of titles, qualifications and information quoted by the Defendant either in his name card, signboard or service information notices. The respective charges are self-explanatory as to the facts involved, and there is no need for us to repeat the same in our judgment.

Findings of Council

3. All the facts are borne out by the documentary evidence. The Defendant admits the factual allegations, and only takes issue as to the meaning of the title “dermatologist”.
4. This Council has laid down clear rules as to the contents of doctor’s name cards, signboards and service information notices, as well as the manner and format of quoting such information in the respective channels. These rules are set out in the Code of Professional Conduct, which is supplemented by additional rules promulgated in the Council’s newsletters and the Council’s website.
5. In order to protect the public from misleading information, doctors are allowed to quote only qualifications included in the List of Quotable Qualifications in connection with their medical practice. These qualifications have satisfied the criteria for quotable qualifications as to the standard and level of training involved. Qualifications which have not been included in the List cannot be quoted.
6. If a doctor quotes his qualification(s), the first qualification quoted must be the qualification by virtue of which he was registered as a medical practitioner, and additional qualifications should follow after that primary qualification. The primary qualification provides significant information for the public in making an informed choice of doctors. In this respect, the Defendant’s name card and signboard quoted additional qualifications but not the primary qualification at all.
7. The qualifications must be quoted in accordance with the approved format. It is unacceptable to quote a qualification in an unapproved format, especially

in the abbreviated form where the difference of a single word or letter may mean an entirely different thing or a different qualification. Accuracy is important in this respect.

8. For service information notices displayed at the exterior of a doctor's clinic, there are clear stipulations in respect of location, size, format and contents. Such stipulations are important to ensure that the notices will provide proper information for facilitating the public in making a proper decision as to whether to consult the doctor, and not be used as a form of advertisement for improperly attracting readers to use the services of the doctor. Multi-colouring, non-uniform fonts, graphic illustrations and ornate notices are not permitted. The notice should set out the services and procedures provided, but not the claimed benefits and indications of particular procedures for attracting patients.
9. As to titles suggesting or implying that the doctor is a specialist in a particular area, this is governed by both the Medical Registration Ordinance and the Code of Professional Conduct. Under section 20M of the Ordinance, only doctors whose names are included in the Specialist Register can use the title of "Specialist" in the relevant specialty. Section 28(1)(b) of the Ordinance makes it a criminal offence for a person whose name is not in the Specialist Register to use any title or description implying that he is a specialist. Section 7.2 of the Code also makes it clear that non-specialists are not allowed to use any misleading description or title implying specialization in a particular area.
10. The natural and ordinary meaning of the word "dermatologist" is a specialist doctor in dermatology. Although the Defendant argues that the word only means that he is a scholar specializing in the study of dermatology, we cannot accept such casuistry and specious argument. We must interpret the word from the objective perspective of the general public, not the subjective and distorted perspective of the Defendant. After all, the purpose of the name card and the signboard is to convey information to the reader. They are not the Defendant's internal documents. The information on them must be understood from the perspective of the reader.
11. We have considered each charge separately and independently. We are satisfied that the Defendant's conduct in respect of each charge has fallen

below the standard expected amongst registered medical practitioners. We find him guilty of professional misconduct in respect of each charge.

Sentencing

12. The Defendant has a clear record.
13. We give him credit for admitting most of the factual allegations, both during preliminary investigation and in this inquiry.
14. The Defendant claims that he has rectified the name card and signboard, and has removed the offending notices on the exterior of his clinic. However, he cannot provide any evidence, except a photocopy of the new name card shown in page 29 of the Secretary's Bundle. As to the signboard, the only rectification he claims is that he has removed the title "dermatologist". By implication the problem of quoting of additional qualifications without the primary qualification still remains.
15. We must point out that there are still problems with the new name card as shown in the Secretary's Bundle, one of which is that his primary qualification is quoted at the end of all the additional qualifications rather than as the first qualification. While we accept that he has made efforts to rectify his problems, it is clear that he still does not have full insight of what is wrong. If he continues to use this name card and the same signboard, he may soon find himself facing further disciplinary proceedings.
16. Having regard to the gravity of the 2 cases and the mitigating factors, we make the global order that the Defendant be reprimanded.
17. We have considered whether the order can be suspended. Having regard to the multiple charges and the various problems involved, we are of the view that the order cannot be suspended.

Other remarks

18. We feel obliged to make the remark that there are matters shown in the evidence which, although not the subject matters of the charges, are questionable conduct, such as the many titles in his curriculum vitae displayed in his clinic of being the doctor-in-charge of various hospitals in 8 different specialties.
19. Given that he has already been found guilty of professional misconduct in respect of impermissible practice promotion, he should expect that a much more serious sentence will be imposed if he is found guilty of misconduct again. While we are not making any finding as to the truth of such titles, the Defendant should avoid treading in the grey area. He should also take immediate action to rectify all the problems for which he has been found guilty.
20. For the avoidance of doubt, we have not taken the above remark into consideration in deciding on the charges and in sentencing.

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