

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr WONG Ming Ho Edmond (王明皓醫生) (Reg. No.: M14674)

Date of hearing: 8 May 2025 (Thursday)

Present at the hearing

Council Members/Assessors: Dr CHOI Kin, Gabriel
(Chairperson of the Inquiry Panel)
Prof. LAU Yu-lung, BBS, JP
Dr LEUNG Yiu-hong
Mr CHAN Wing-kai
Dr LO Pui-yin

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Mr Chris HOWSE of Messrs. Howse Williams

Legal Officer representing the Secretary: Mr Eric KO, Senior Government Counsel

The Charge

1. The amended charge against the Defendant, Dr WONG Ming Ho Edmond, is:

“That in or about June 2022, he, being a registered medical practitioner and/or the Chief Medical Executive of Adventist Medical Center – Taikoo Place (港安醫療中心 – 太古坊) (“the Day Procedure Centre”), sanctioned, acquiesced in or failed to take adequate steps to prevent the publication of promotional and/or misleading information about the service(s) and/or treatment(s) of the Day Procedure Centre on the Facebook of “港安醫療中心”

Adventist Medical Center” , including the following statements:

- (i) “排緊政府眼科，點樣先可以盡快睇到？” ；
- (ii) “排緊政府婦科，點樣先可以盡快睇到？” ；
- (iii) “排緊政府心臟科，點樣先可以盡快睇到？” ；
- (iv) “排緊政府外科，點樣先可以盡快睇到？” ； and
- (v) “如果你持有政府專科門診預約便條或醫生轉介信，
喺2022年9月30日或以前只需港幣 \$50 即可享用
指定專科門診服務 (名額有限，額滿即止)...”

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

Facts of the case

2. The name of the Defendant has been included in the General Register from 2 July 2005 to the present. His name has been included in the Specialist Register under the specialty of Urology since 2 May 2012.
3. Briefly stated, on 8 July 2022, the Secretary of the Medical Council (the “Council”) received a letter from someone called “眼科譚醫生” complaining the Tai Koo Shing Adventist Medical Center (“AMC”) of canvassing for patients by publishing misleading advertisement in its Facebook on 6 June 2022.
4. The Secretary of the Council subsequently downloaded relevant extracts (the “Extracts”) of the advertisement (the “Advertisement”) from the Facebook of AMC, which now form the subject of the disciplinary charge against the Defendant.
5. At all material times, AMC was and still is a Day Procedure Centre licensed under the Private Healthcare Facilities Ordinance, Cap. 633 (“PHFO”) and the Defendant was its Chief Medical Executive (“CME”).
6. The Defendant initially submitted to the Preliminary Investigation Committee (“PIC”) of the Council by his solicitors’ letter dated 9 December 2022 that:-

“5. *At all material times, Dr. Wong was the Chief Medical Executive of the AMC. He was only involved in the clinical aspects of AMC by carrying out quality assurance procedures and practices in AMC... He was not involved in any other administration and he was not involved in marketing. He was not aware of the publication of the advertisements on AMC’s Facebook page prior to receiving notice of this complaint against him...*”
7. However, the Defendant later submitted to the PIC by his solicitors’ letter dated

6 May 2024 that:-

“ ...

6. *The above statements on AMC's Facebook page were first published by AMC's marketing team sometime in March 2022. Prior to this, Dr. Wong had no knowledge whatsoever about the publication and he was not consulted before the statements were published. He first became aware of the publication in April 2022 during a meeting of the AMC's Management Committee. The publication was removed at end of September of 2022.*
 7. *As the Chief Medical Executive of AMC, Dr. Wong, in accordance with section 55 of the Private Healthcare Facilities Ordinance (Cap. 633), was responsible for the day to day administration of AMC and the adoption and implementation of rules, policies and procedures concerning healthcare services provided in AMC. He was not in charge of the promotional or marketing activities of AMC. Accordingly, he was not involved in the publication of the above statements on AMC's Facebook page.*
 8. *AMC's marketing activities are handled by the Marketing Team supervised by a Senior Business Development & Marketing Manager and a General Manager. Neither of them is required to report to Dr. Wong. We enclose a letter signed by Ms. Brenda Mak, Senior Business Development & Marketing Manager of AMC, confirming that Dr. Wong was not responsible for approving and reviewing AMC's marketing materials.*
 9. *To the best of Dr. Wong's knowledge, the Marketing Team is aware of the Code of Professional Conduct for the Guidance of Registered Medical Practitioners in Hong Kong and the limitations on practice promotion. Prior to this complaint, Dr. Wong is not aware of any impermissible promotional campaign by AMC to the public.*
 10. *Dr. Wong also trusted that AMC, being one of the clinics operated by Hong Kong Adventist Hospital, which has a longstanding history in providing healthcare services, would be aware of a doctor's professional obligations and would not adopt impermissible practices. Dr. Wong had no reason to believe that his involvement was necessary to regulate the Marketing Team's activities at the time.*
 11. *In the circumstances, we submit that it would be unfair to hold Dr. Wong responsible for AMC's publication simply by reason of being their Chief Medical Executive, who is responsible for the medical management of the clinic.”*
8. A copy of the letter written by one Ms MAK, the Assistant Director of Marketing and Business Development of Hong Kong Adventist Hospital (“Adventist Hospital”) dated 30 April 2024 was placed before us for consideration.

Burden and Standard of Proof

9. We bear in mind that the burden of proof is always on the Secretary 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.
10. There is no doubt that the allegations against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse a registered medical practitioner of misconduct in a professional respect. Therefore, we need to look at all the evidence and to consider and determine the disciplinary charge against him carefully.

Findings of the Inquiry Panel

11. There is no direct evidence to show that the Defendant had sanctioned the publication of the Advertisement. The main thrust of the Secretary's case is that the Defendant admitted to the PIC that he was aware of the publication of the Advertisement in April 2022. And yet, he did nothing to prevent its further publication in the Facebook page of AMC.
12. In *Dr Leung Ka Lau v The Medical Council of Hong Kong* [2025] HKCA 140, the Court of Appeal identified 3 overarching principles in section 5 of the Code of Professional Conduct (the "Code") issued by the Council in January 2016: "First, communication is fundamental to provision of good patient care... Second, the purpose of good communication is to provide, inter alia, information to the patients who could make an informed choice of doctors and the medical service they offered... Third, patients may be vulnerable to persuasive influences and are entitled to be protected from misleading advertisements. Treating promotion of doctors' service as if it is a commercial activity is likely to undermine public trust in the medical profession and, over time, to diminish the standard of medical care".
13. The Court of Appeal in the case of *Dr Leung Ka Lau* went on to hold that although the Code "does not expressly mention that the offering of discounts to the public is prohibited, but reading the Code as a whole, this must be the clear intention of the Code". This is because "the offering of discount price is inconsistent with the three

overarching principles identified” and “[o]ne may ask what is the benefit of offering a discounted price instead of simply stating the price of the treatment which by itself is a permissible mode of practice promotion?...there is no significant benefit for the public to know that the fee they pay is discounted rather than the normal fee... Medical care will be regarded as a mere commercial activity by the proliferation of advertisements soliciting or canvassing for patients. There is the temptation to offer discounts purely to attract patients which may erode the provision of quality services and the temptation to ‘cut corners’ and provides less than the quality required to meet the pressure of discounted fees... The inevitable conclusion is that offering discounts is contrary to the three overarching principles and this form of advertisement is aimed to solicit and canvass for patients and is used for commercial promotion of medical service. Hence it is a prohibited form of advertising...”

14. Applying these legal principles to the present case, we agree with the Secretary that the offering of “designated specialist outpatient service at the special rate of HKD\$50” is aimed to solicit and canvass for patients and is used for commercial promotion of medical services of AMC.
15. We appreciate that unlike the advertisements in the case of Dr Leung Ka Lau, which “visually showed the original price, the crossing out of the original price and the discounted price placed on top of the crossed out original price”, in the present case, only the price of HK\$50 was shown in the Advertisement in the Facebook of AMC.
16. We need to remind ourselves not to impose a blanket ban on advertising medical services at a nominal fee or even free of charge. It is open for doctors or organizations with which they have financial or professional relationship to provide charitable medical services to the public at a nominal fee or even free of charge. The real question is whether the Advertisement in the present case had crossed the line and fallen into improper solicitation and canvassing for patients.
17. There is no direct evidence on what sort of “designated specialist outpatient service” would be provided by AMC “at the special rate of HK\$50”. But we share the concern of the Court of Appeal in the case of Dr Leung Ka Lau that “offer [of] discounts purely to attract patients... may erode the provision of quality services”.
18. We appreciate that unlike the advertisement in the case of Dr Leung Ka Lau, which might solicit or canvass for “patients [who were] prone to undergo unnecessary procedures”, patients would be required to show either “a valid government specialist outpatient clinic appointment slip” or “a referral letter from GP” before

they “can use AMC’s designated specialist outpatient service at the special rate of HK\$50”.

19. There would however be little point in our view for any patient “with a valid government specialist out-patient clinic appointment slip” to undergo another consultation at AMC. In this regard, we also noted from reading the Extracts the following statements:-

“港安醫療中心，除咗設有日間手術中心進行小手術同腸胃鏡檢查之外，仲有#港安醫院做最強後盾！在本中心診症後，如醫生認為有需要，可以直接轉介至港安醫院進行手術。其中好常見嘅小腸氣手術，仲會有機會有優惠㗎！”

20. This reinforced our view that payment of HK\$50 was for consultation instead of actual treatment. However, after seeing the Advertisement, members of the public might be persuaded to undergo another consultation at AMC, which would be superfluous for them.

21. In our view, the Advertisement had crossed the line and fallen into improper solicitation and canvassing for patients, contrary to the 3 overarching principles identified by the Court of Appeal in the case of Dr Leung Ka Lau. Hence, it is a prohibited form of advertising.

22. We do not accept the Defendant’s explanation to the PIC by his solicitors’ letter dated 6 May 2024 that he “had no reason to believe that his involvement was necessary to regulate the Marketing Team’s activities at the time”.

23. It was clearly stated in section 18.2 of the Code that:-

“A doctor who has any kind of financial or professional relationship with, uses the facilities of, or accepts patients referred by, such an organization, must exercise due diligence (but not merely nominal efforts) to ensure that the organization does not advertise in contravention of the principles and rules applicable to individual doctors...”

24. For these reasons, in failing to take adequate steps to prevent the continual publication of the Advertisement after he knew about it in April 2022, the Defendant had in our view by his conduct in the present case fallen below the standard expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as charged.

25. Solicitor for the Defendant invited us to rule on the question whether the Defendant could be held responsible in his capacity as CME of AMC for what others had done in this case. Given our findings above, we do not find it necessary for us to do so. In any event, it is beyond our purview to comment on whether the obligations and responsibilities of CME under PHFO, who may not necessarily be a registered medical practitioner, are limited to clinical and healthcare matters.

Sentencing

26. The Defendant has a clear disciplinary record.
27. In line with our published policy, we shall give the Defendant credit in sentencing for admitting before us today his responsibility as a registered medical practitioner to take adequate steps to prevent the continual publication of the Advertisement.
28. We need to remind ourselves that the primary 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 its high standards and good reputation.
29. We accept that the decision to publish the Advertisement did not originate from the Defendant; and “[h]e was not consulted prior to the publication in March 2022”. The gravamen of the Defendant’s misconduct lies in his failure to take adequate steps to prevent the continual publication of the Advertisement in the Facebook of AMC after he knew about it in April 2022.
30. Taking into consideration the nature and gravity of the disciplinary charge for which we find the Defendant guilty and what we have read and heard in mitigation, we order that the Defendant be reprimanded.

Dr CHOI Kin, Gabriel
Chairperson of the Inquiry Panel
The Medical Council of Hong Kong