

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

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

Defendant: Dr CHANG Kit (張傑醫生) (Reg. No.: M12342)

Date of hearing: 7 July 2022 (Thursday) (Day 1); and  
8 October 2022 (Saturday) (Day 2)

Present at the hearing

Council Members/Assessors: Prof. LAU Wan-ye, Joseph, SBS  
(Chairperson of the Inquiry Panel)  
Dr CHAN Tin-sang, Augustine  
Dr SO Hing-yu  
Mr CHAN Wing-kai  
Mr WONG Ka-kin, Andy

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Mr WU Tung Wah, Steve of  
Messrs. Anthony Siu & Co.

Government Counsel representing the Secretary: Mr Alfred YEUNG

1. The charges against the Defendant, Dr CHANG Kit, are:

*“That he, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent:*

- (a) the use of his photograph, name, title and statements on the web article “了解如何把臉部骨膠原喚醒、再生 ~ Sculptra” in or about June 2011, which promoted or endorsed the product “Sculptra®”;*
- (b) the use of his photograph, name and title on the web article “滿載玻尿酸的“平,靚,正”代表 - 白白肌” in or about September 2012, which promoted or endorsed the product “白白肌”;*

- (c) *the publication of the web article “詳談、體驗。HealthLase 康仕美皮膚醫學中心。高能量聚焦超聲波緊膚 HIFU。Ultraformer” (or his photograph on the said article) in or about February 2014, which promoted his practice or services offered by his practice in association with Healthlase Medical Skin Centre;*
- (d) *the publication of the web article “跟進、分享。HealthLase 康仕美皮膚醫學中心。高能量聚焦超聲波緊膚 HIFU。Ultraformer” (or his photograph, name and title on the said article) in or about May 2014, which promoted his practice or services offered by his practice in association with Healthlase Medical Skin Centre.*

*In relation to the facts alleged, either singularly or cumulatively, 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 23 July 1999 to the present. His name has also been included in the Specialist Register under the specialty of Paediatrics since 8 February 2006.
3. Briefly stated, the Medical Council (the “Council”) received on 27 April 2018 an email, which later known to be sent by one Madam FUNG, complaining the Defendant of practice promotion.
4. Attached to the complaint email were 4 web articles, which now form the subjects of disciplinary charges (a) to (d) against the Defendant. Copies of the 4 web articles were placed before us by the Legal Officer for our consideration in this inquiry.
5. There is no dispute that the Defendant’s photographs, name and professional title appeared in the web article entitled “了解如何把臉部骨膠原喚醒、再生 ~ Sculptra”, to which disciplinary charge (a) relates (the “1<sup>st</sup> Article”).
6. According to the author of the 1<sup>st</sup> Article, she and her fellow bloggers were invited to participate in a seminar organized by a company called Sanofi. The theme of this seminar was about a medical product manufactured by Sanofi and marketed in Hong Kong under the trade name of “Sculptra”. The author of the 1<sup>st</sup> Article also claimed that the product “Sculptra<sup>®</sup>” was “a new generation of injection containing poly-L-lactic acid”, which had been widely

used for treatments of patients in over 46 countries in the world since 1999 and resulting in improvement on their facial appearance, which lasted for over 2 years.

7. According to the author of the 1<sup>st</sup> Article, the Defendant demonstrated in front of the audience how the product “*Sculptra*®” would be used to improve the facial appearance of a female model. It was also mentioned in the 1<sup>st</sup> Article that the Defendant had received an injection of “*Sculptra*®” 2 days before the seminar. In this connection, the Defendant was depicted in a photograph with another man, who was administering an injection to his face.
8. There is also no dispute that the Defendant’s photograph, name and title appeared in the web article entitled “滿載玻尿酸的“平,靚,正”代表 - 白白肌”, to which disciplinary charge (b) relates (the “2<sup>nd</sup> Article”).
9. According to the author of the 2<sup>nd</sup> Article, the Defendant attended the Hong Kong launch party of a Taiwanese skincare brand “白白肌” and was invited by the organizer of the event to share with bloggers his tips on rehydration care for sensitive skin. The Defendant was depicted in a photograph that showed him speaking in front of a large backdrop on which numerous logos of “白白肌” were prominently displayed.
10. It was also mentioned in the 2<sup>nd</sup> Article that during the “game time” of the event, the Defendant was asked to select the winner, who gave the best explanation on how to achieve 100% skin hydration. In this connection, the Defendant was depicted in a photograph that showed him standing with the winner and other ladies in front of a large backdrop on which numerous logos of “白白肌” were prominently displayed.
11. The web article entitled “詳談、體驗。HealthLase 康仕美皮膚醫學中心。高能量聚焦超聲波緊膚 HIFU。Ultraformer”, to which disciplinary charge (c) relates (the “3<sup>rd</sup> Article”), gave a detailed description of the “*High-Intensity Focused Ultrasound*” (“HIFU”) treatment that the author received from the Defendant at HealthLase Medical Skin Centre.
12. Also published in the 3<sup>rd</sup> Article were 10 odd photographs showing step by step how the Defendant provided the HIFU treatment to the author.
13. The author of the web article entitled “跟進、分享。HealthLase 康仕美皮膚醫學中心。高能量聚焦超聲波緊膚 HIFU。Ultraformer”, to which disciplinary charge (d) relates (the “4<sup>th</sup> Article”), mentioned about a sharing session on treatment held at HealthLase Medical Skin Centre. The Defendant was shown in 2 photographs to be applying something like a wand from what the author of the 4<sup>th</sup> Article claimed to be a HIFU Ultraformer machine on 2 ladies. Moreover, the Defendant was quoted in the 4<sup>th</sup> Article for his explanation on the use and efficacy of HIFU Ultraformer treatment.

14. The Legal Officer also placed before us for our consideration in this inquiry company search results obtained from the Companies Registry, which showed that the Defendant was at all material times one of the directors of HealthLase Medical Skin Centre Ltd.
15. There is no dispute that the Defendant was at all material times the Chief Medical Officer of HealthLase Medical Skin Centre 康仕美皮膚醫學中心, a clinic operated by HealthLase Medical Skin Centre Ltd.

### **Burden and Standard of Proof**

16. 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.
17. There is no doubt that each of the allegations made against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse any registered medical practitioner of misconduct in a professional respect. We need to look at all the evidence and to consider and determine each of the disciplinary charges against him separately and carefully.

### **Findings of the Inquiry Panel**

18. We agree with the Legal Officer that the Secretary has made out a strong case against the Defendant. So before we adjourned this inquiry part heard on Day 1 after the close of the Secretary's case, the Defendant informed us through his solicitor that he would plead guilty to disciplinary charges (c) and (d). And by a letter dated 26 July 2022, the Defendant further informed us through his solicitor that he would also plead guilty to charges (a) and (b).
19. It remains for us to consider all the evidence and determine whether the Defendant has been guilty of misconduct in a professional respect.
20. It is clearly stated in section 5 of the Code of Professional Conduct (2009 edition) (the "Code") that:-

*“5.1.3 Persons seeking medical service for themselves or their families can nevertheless be particularly vulnerable to persuasive influence, and patients are entitled to protection from misleading*

*advertisements. Practice promotion of doctors' medical services as if the provision of medical care were no more than a commercial activity is likely both to undermine public trust in the medical profession and, over time, to diminish the standard of medical care.*

...

*5.2.2.1 Practice promotion... will be interpreted by the Medical Council in its broadest sense, and includes any means by which a doctor or his practice is publicized, in Hong Kong or elsewhere, by himself or anybody acting on his behalf or with his forbearance (including the failure to take adequate steps to prevent such publicity in circumstances which would call for caution), which objectively speaking constitutes promotion of his professional services, irrespective of whether he actually benefits from such publicity."*

21. Section 6 of the Code also stipulates that:-

*"6.1 It is appropriate for a doctor to take part in bona fide health education activities, such as lectures and publications. However, he must not exploit such activities for promotion of his practice or to canvass for patients. Any information provided should be objectively verifiable and presented in a balanced manner, without exaggeration of the positive aspects or omission of the significant negative aspects.*

*6.2 A doctor should take reasonable steps to ensure that the published or broadcasted materials, either by their contents or the manner they are referred to, do not give the impression that the audience is encouraged to seek consultation or treatment from him or organizations with which he is associated. He should also take reasonable steps to ensure that the materials are not used directly or indirectly for the commercial promotion of any medical and health related products or services."*

22. It is evident to us from reading the 1<sup>st</sup> Article as a whole that the use of the Defendant's photographs, name and professional title either alone or in

conjunction with the statement that the Defendant had received an injection of “Sculptra®” 2 days before the seminar would leave the readers with the impression that the Defendant was promoting or endorsing the product “Sculptra®”.

23. By sanctioning, acquiescing in or failing to take adequate steps to prevent the use of his photograph, name, title and the said statement in the 1<sup>st</sup> Article, the Defendant has in our view by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (a).
24. It is also evident to us from reading the 2<sup>nd</sup> Article as a whole that the use of the Defendant’s photographs, name and professional title would leave the readers with the impression that the Defendant was promoting or endorsing the product “白白肌”. This is particularly true because the Defendant was depicted in these photographs with a big backdrop behind him and on which numerous logos of “白白肌” were prominently displayed.
25. By sanctioning, acquiescing in or failing to take adequate steps to prevent the use of his photograph, name and title in the 2<sup>nd</sup> Article, the Defendant has in our view by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (b).
26. It is also evident to us from reading the 3<sup>rd</sup> Article as a whole that photographs of the Defendant taken whilst he was performing medical procedure on his patient would be promotional of the Defendant’s practice or services offered by his practice in association with HealthLase Medical Skin Centre.
27. There was no legitimate reason in our view why in the ordinary course of treatment photographs would be taken step by step of how the Defendant performed medical procedure on his patient’s face. Even if these photographs were taken for comparison purpose before and after the medical procedure, they should show the face of the patient and not the face of the Defendant.
28. Given the unusual circumstances, the Defendant ought in our view to take proactive steps to ensure that photographs taken of him whilst performing medical procedure on his patient’s face would not be used for commercial promotion purposes. And we agree with the Legal Officer that the Defendant did nothing in this regard even after learning from the sharing session in respect of HIFU Ultraformer treatment that this patient was a “Star Blogger”.

29. For these reasons, by sanctioning, acquiescing in or failing to take adequate steps to prevent the publication of the 3<sup>rd</sup> Article and the use his photograph therein, the Defendant has in our view by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (c).
30. It is also evident to us from reading the 4<sup>th</sup> Article as a whole that the sharing session at HealthLase Medical Skin Centre was held for the purpose of commercial promotion of HIFU Ultraformer treatment. This was also a form of indirect practice promotion for the Defendant's practice or services offered by his practice in association with HealthLase Medical Skin Centre.
31. In response to the complaint relating to the 4<sup>th</sup> Article, the Defendant initially explained to the Preliminary Investigation Committee through his former solicitors' letter dated 25 March 2021 that:-

*“25. As far as Dr. Chang can recollect:-*

*(1) In about March 2014, Ms. Kwok and a Chris Jung (“Chris”) of a company called “Good Union Corporation Limited” (“Good Union”) approached HealthLase Medical Centre saying that they wished to organize a sharing session for Ms. Kwok. Good Union is the supplier of the HIFU equipment (marketed under the brand name “Ultraformer”) used for HIFU treatment;*

*...*

*(3) Chris and Ms. Kwok informed that they wish to use the venue of HealthLase Medical Centre for the event and asked to invite the existing customers of HealthLase Medical Centre to attend;*

*(4) Dr. Chang was invited as a guest speaker to explain the potential use of the HIFU technique. A representative of Good Union also spoke on the principles behind HIFU;*

*(5) Insofar as Dr. Chang and HealthLase Medical Centre are concerned, this is a private event...”*

32. In our view, whether the participants of the sharing session were existing patients of HealthLase Medical Skin Centre is of no consequence. The real point is that the Defendant should not allow the event to be exploited for promotion of his practice and/or to canvass for patients for HealthLase Medical Skin Centre with which he was associated.

33. In this connection, it is clearly stipulated in the Code that:-

*“6.3 ... Doctors must not give the impression that they, or the institutions with which they are associated, have unique or special skills or solutions to health problems...*

*...*

*18.2 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. Due diligence shall include acquainting himself with the nature and content of the organization’s advertising, and discontinuation of the relationship with an organization which is found to be advertising in contravention of the principles and rules.”*

34. For these reasons, by sanctioning, acquiescing in or failing to take adequate steps to prevent the publication of the 4<sup>th</sup> Article and the use of his photograph, name and title therein, the Defendant has in our view by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (d).

### **Sentencing**

35. The Defendant has a clear disciplinary record.

36. In line with our published policy, we shall give the Defendant credit in sentencing for not contesting the disciplinary charges to the end. However, unlike defendants who admitted the disciplinary charges against them at the earliest opportunity, the credit to be given to the Defendant must be of a lesser extent.



37. On 23 June 2006, the Council issued a clear warning that all future cases of unauthorized practice promotion would be dealt with by removal from the General Register for a short period of time with suspension of operation of the removal order; and in serious cases the removal order would take immediate effect. The same warning was repeated in subsequent disciplinary decisions of the Council.
38. We are told in mitigation that the Defendant has after pleading guilty to the disciplinary charges taken proactive steps to prevent further publication of the offending promotional materials. We are also told that the Defendant had terminated his relationship with HealthLase Medical Skin Centre. Although the Defendant still provides medical skin and treatment services to patients of his current clinic, Healthkit Medical Centre, his career plan is that he will place more emphasis on his medical practice in paediatrics. The Defendant also intends to cease all aesthetic medicine practice by 2025.
39. We appreciate that the Defendant has received a lot of support from his professional colleagues and patients. However, we need to bear in mind that his misconduct spread over a relatively long period of time. We are particularly concerned about the 3<sup>rd</sup> Article, which showed step by step how the Defendant performed medical procedure on his patient's face. We need to ensure that the Defendant will not commit the same or similar misconduct in the future.
40. Taking into consideration the nature and gravity of the disciplinary charges for which the Defendant is found guilty and what we have heard and read in mitigation, we shall make a global order in respect of disciplinary charges (a) to (d) that the name of the Defendant be removed from the General Register for a period of 4 months and that the operation of the removal order be suspended for a period of 24 months.

### **Remark**

41. The Defendant's name is included in the Specialist Register under the Specialty of Paediatrics. We shall leave it to the Education and Accreditation Committee to decide on whether anything may need to be done to his specialist registration.

Prof. LAU Wan-ye, Joseph, SBS  
Chairperson of the Inquiry Panel  
The Medical Council of Hong Kong