



香港牙醫管理委員會
The Dental Council of Hong Kong

Disciplinary Inquiry under s.18 of DRO

Defendant: Dr CHIU Hon-ching 趙汗青牙科醫生 (Reg. No. D03791)

Date of hearing: 16 August 2023

Present at the hearing

Council Members: Dr LEE Kin-man, JP (Chairman)
Dr CHEUNG Tat-leung
Dr WAI Tak-shun, Dustin
Prof. WONG Yeung-shan, Samuel

Legal Adviser: Mr Stanley NG

Legal representative for the Defendant: Mr Chris HOWSE, Messrs Howse Williams, Solicitors

Legal Officer representing the Secretary: Miss Joycelyn HO, Government Counsel

The Charges

1. The charges against the Defendant, Dr CHIU Hon-ching, are as follows:-

“That, in or about November 2018, in respect of an article published on 27 November 2018 on the website of corphub.asia,

- (i) The publication of your name, title, photograph(s), interview record(s) and statement(s), and/or promotional information which promoted your practice in association with "CJ Dental Care" in which you had a direct or indirect financial and/or professional relationship; and/or
- (ii) The publication of promotional statement(s) and/or information relating to your experience, skills and/or practice which canvassed for the purpose of obtaining patients and/or were not service information permitted to be published;

and that in relation to the facts alleged, either singularly or cumulatively, you have been guilty of unprofessional conduct.”

Burden and Standard of Proof

- 2. The Council bears in mind that the burden of proof is always on the Legal Officer and the Defendant does not have to prove his innocence. The Council also bears 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.
- 3. There is no doubt that each of the allegations against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse a registered dentist of unprofessional conduct. Therefore, we need to look at all the evidence and to consider and determine each of the disciplinary charges against him separately and carefully.

Unprofessional Conduct

- 4. According to section 18(2) of the Dentists Registration Ordinance, Cap. 156 (“DRO”), “unprofessional conduct” means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.

Facts of the Case

- 5. The name of the Defendant has been included in the General Register (“GR”) since 27 July 2009. His name has never been included in the Specialist Register.
- 6. Briefly stated, the complaint against the Defendant is unauthorized practice promotion in relation to an article dated 27 November 2018 published on the website of “corphub.asia”, which was accessed on 5 October 2020 (“the Article”).

Findings of Council

- 7. The Defendant admitted the factual particulars of all the charges against him. However, it remains for us to consider and determine whether in respect of each of the charges the Defendant was guilty of unprofessional conduct.

8. It is stipulated in the Code of Professional Discipline for the Guidance of Dental Practitioners in Hong Kong (revised in July 2008) (“Code”) that:

“1.2.3 *Practice Promotion*

- 1.2.3.1 *Practice promotion means publicity for promoting the professional services of a dentist, his dental practice or his group, which includes any means by which a dentist or his dental 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.*
- 1.2.3.2 *Practice promotion by individual dentists, or by anybody acting on their behalf or with their forbearance, to people who are not their patients must comply with section 1.3.*
- 1.2.3.3 *Dentists must never give the impression that they, or the institutions with which they are associated, have unique or special skills or solutions to the patient’s dental/oral problems.*

...

1.6 *Dental/Oral Health Education Activities*

- 1.6.1 *It is appropriate for a dentist to take part in bona fide dental/oral 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.*
- 1.6.2 *A dentist 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 dental or health related products or services.*
- 1.6.3 *... Information should not be presented in such a way that it furthers the professional interests of the dentists concerned, or attracts patients to their care.*

...

2. *CANVASSING*

- 2.1 *Canvassing for the purpose of obtaining patients, either by himself, his servants, agents or others whether directly or indirectly, and*

association with or employment by persons or organisations which canvass, may lead to disciplinary proceedings ... ”

9. At all material times, the Defendant was a shareholder and director of CJ Dental Care Ltd., which traded under the name of “CJ Dental Care”. The Defendant does not dispute that he had a direct financial and professional relationship with CJ Dental Care at the time of publication of the Article.
10. The Article shows three photographs. In one photograph, the Defendant posed with another dental practitioner in a clinic in front of the signage “思傑牙科醫療集團 CJ Dental Care”. The Defendant accepts that a photograph in the Article show his picture. The Defendant also accepts that the Article shows the name of his clinic. There is another photograph which shows a number of framed certificates, honours and/or awards, and one of which has these words “仁心仁術”.
11. The Article is entitled “宣揚大眾口腔健康意識 保養為先 -- 專訪思傑牙科首席技術官季超醫生 Jack、創辦人趙汗青醫生 Cedric”. It contains, *inter alia*, the following statements:

“... 本著「以人為本，服務至上」及「堅持專業精神」的理念，趙汗青（Cedric）創立思傑牙科，為大眾提供全方位專業及貼心的口腔治療。業務分佈於旺角、太子、紅磡、西營盤及屯門，提供洗牙、補牙、口腔復修、牙齒美白、傳統以及透明牙齒矯正等服務。”

“牙齒保養為本 建立醫患默契 ... 我們每次都和病人分析牙疾情況和背後原因...這就需要我們不斷提醒和教育病人日常護理的重要性。”

“2013 年，思傑牙科在太子成立第一間牙科診所，至今已發展至 6 間分店，為 30 萬香港家庭提供可靠口腔服務；更於去年進軍內地，在深圳開設診所。”

“要找到一位配合得天衣無縫的牙醫並不容易，牙醫又會不會為了賺錢而做些不必要的項目？ Jack 爽快一笑：「好的牙醫知道什麼時候不需要做些什麼，擁有簡化步驟的能力。我們為每個病人訂立合適的治療方案，和病人建立長久的關係和默契，服務是最重要的。」”

“思傑牙科的團隊一直在擴張，以積極態度應對病人的要求和諮詢。團隊精神也是思傑牙科非常重視的元素，他們時常舉辦員工聚會和團隊建設，讓各區診所的同事熟悉彼此；亦會組織定期在職培訓，幫助員工持續學習。 Jack 贊成香港牙醫人數不足，市民往往需要預約一段時間才能面見牙醫，但市場仍會出現良性競爭，正面促進大家進步。”

“另一方面 ... 以義診服務回饋社會。至今他們已進行的社會項目超過 40 個，服務地區包括香港、中國內地、台灣、尼泊爾等地，參與義工超過 300 人，受惠人數超過 3,500 人。”

“緊貼最新牙科技術 ... 作為思傑牙科首席技術官，Jack 較早前到美國吸收新知識，期盼將新科技帶到香港和內地。他和筆者分享數項嶄新技術，包括在植牙方面，引用數碼化 3D 技術，可從電腦上直接觀看 3D 圖像，不需要實體牙模即可決定牙套樣式和治療方案，節省時間；手術也變得更微創，從而降低風險。對於大家聞之色變的牙周病，在 3D 列印技術的幫助下，醫生可為病人再生萎縮了的

牙肉，讓牙肉重新抓住牙齒：加上個人化的訂製藥物，令病人得到最好的護理。「外國較關注牙齒美觀與否，將美容結合醫療；香港則着重牙齒健康和功能性，我們也在這方面多加着墨，提供最先進的口腔服務。」” (“the Statements”)

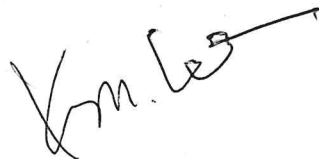
12. By a letter from the Defendant’s solicitors of 24 June 2022, the Defendant confirmed that other than himself, Dr Jack Ji Chao (“Dr Ji”), a registered dentist, was the person referred to in the Article.
13. When the Article is looked at as a whole, we do not consider that there is any bona fide content relating to oral health education or activities. The contents bolster the image of CJ Dental Care and its team at great length. In our view, the purpose to promote the practice of the Defendant and CJ Dental Care and to canvass patients is obvious.
14. From the Statements, there are references to terms such as “以人為本，服務至上”，“堅持專業精神”，and “建立醫患默契”. There is mention that CJ Dental Care will constantly remind and educate their patients about the importance of daily care. There is mention that it is not easy to find a dentist who provides seamless services. There is then a rhetorical question asking whether a dentist would perform unnecessary treatments for the purpose of making profits, followed by a quote of Dr Ji: “好的牙醫知道什麼時候不需要做些什麼，擁有簡化步驟的能力。我們為每個病人訂立合適的治療方案，和病人建立長久的關係和默契，服務是最重要的。” It is noted that Dr Ji’s quote uses the words “我們”，which refers to CJ Dental Care, including the Defendant. The quote gives the impression to readers that their dentists are good and treatment plans given by them are appropriate. There are mentions of their expanding business in Hong Kong and elsewhere, their expanding team, and team spirits. There are also mentions of how CJ Dental Care stayed abreast of the latest development in dental technology. All these are not service information permitted to be published under the Code. Clearly, the purpose of publishing them was to promote the practice of the Defendant and CJ Dental Care and to canvass patients.
15. The Defendant has a direct financial and professional relationship with CJ Dental Care. The Defendant should have taken proactive steps to prevent the publication of these offending materials, but he had not done so. We are satisfied that the Defendant had failed to take adequate steps to prevent the publication of these offending materials in the Article.
16. We are satisfied that the conduct of the Defendant had seriously fallen below the standard expected amongst registered dentists. It would be reasonably regarded as disgraceful and dishonourable by registered dentists of good repute and competency.
17. We therefore find the Defendant guilty of both charges.

Sentencing

18. The Defendant has two previous disciplinary records. The nature of the charges of one 2016 disciplinary record is about medical treatment and is completely different from that of the present case. Another 2019 disciplinary record is pertinent. On 16 May 2019, the Defendant was convicted by this Council of canvassing and an order of reprimand was imposed. The order of the Council was published in the Gazette.
19. The Council bears in mind that the purpose of a disciplinary order is not to punish the Defendant, but to protect the public and maintain public confidence in the dental profession.
20. The Defendant does not contest the charges at today's inquiry. The Council will give the Defendant credit for his admission.
21. We give credit to the various volunteering/charitable work and achievement of the Defendant.
22. We have looked at the previous written decision of the 2019 conviction. The nature of the offence in that case was more serious than the present case. In that case, the Defendant received the Notice of the Preliminary Investigation Committee ("PIC") on 14 July 2017. We have considered if the Defendant should be more vigilant and cautious to unauthorized practice promotion after receipt of the PIC Notice in that previous case. However, we accept what the Defendant's solicitor submitted to us that the Defendant had no knowledge of the publication of the Article in the present case until receipt of the PIC Notice in the present case.
23. Having regard to the gravity of this case and the mitigation submitted by the Defendant, the Council orders that in respect of both charges (i) and (ii), a warning letter shall be issued to the Defendant. Our order shall be published in the Gazette.

Remarks

24. The Council notes that Dr Ji is the other dentist referred to in the Article. In fact, the contents quote remarks made by Dr Ji. However, only the Defendant, but not Dr Ji, appears before us today. The Secretary may wish to look into this matter.



Dr LEE Kin-man, JP
Chairman

The Dental Council of Hong Kong