



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

Disciplinary Inquiry under s.18 of DRO

Defendants: Dr CHIU Hon-ching (趙汗青牙科醫生) (Reg. No. D03791)
Dr JI Chao (季超牙科醫生) (Reg. No. D03978)
Dr LAW Hong-yu (羅康裕牙科醫生) (Reg. No. D04071)

Date of hearing: 16 May 2019

Present at the hearing

Council Members: Prof. CHEUNG Shun-pan, Gary (Temporary Chairman)
Dr CHAN Chi-chun
Dr LAU Kin-kwan, Kenny
Dr TONG Chi-kit, Antonio

Legal Adviser: Mr Stanley NG

Legal representatives for the Defendants: Mr Edward FAN, instructed by Messrs. M.H. Tang & Co., Solicitors, for Defendants Dr CHIU Hon-ching and Dr JI Chao

Mr Chris HOWSE, Messrs. Howse Williams, Solicitors, for Defendant Dr LAW Hong-yu

Legal Officer representing the Secretary: Ms. Vienne LUK, Senior Government Counsel

The Charges

1. The amended charge against each of Dr CHIU Hon-ching (“**Dr CHIU**”), Dr JI Chao (“**Dr JI**”) and Dr LAW Hong-yu (“**Dr LAW**”) is identical. It is as follows:-

“In about September 2016, you, being a registered dentist, sanctioned, acquiesced in or failed to take adequate steps to prevent dissemination of promotional materials of ‘CJ Dental Care’, with which you had, whether directly or indirectly,

a financial and/or professional relationship and/or association, for the purpose of canvassing; and that in relation to the facts alleged you have been guilty of unprofessional conduct.”

Facts of the case

2. In about September 2016, CJ Dental Care sent out two leaflets to its existing patients.
3. One leaflet is entitled “CJ Dental Care Love and Sharing Scheme (Exclusive For Existing Patients)”. In this leaflet, CJ Dental Care informed its existing patients that it had recently expanded and relocated its Tsim Sha Tsui clinic to Mongkok. It also informed its existing patients that by presenting that leaflet to its specified clinics before the expiry date (i.e. 31 October 2016) they could enjoy an exclusive dental benefit of HK\$950 in original value for only HK\$300. It also enclosed three gift cards for existing patients to share with their family and friends.
4. Another leaflet is entitled “CJ Dental Care Love and Sharing Scheme (for New Patients only)”. This leaflet targeted at new patients. Enclosed in this leaflet was a gift card, which entitled a new patient to redeem by the expiry date as set out in the gift card (i.e. 31 October 2016) at CJ Dental Care’s specified clinics an exclusive dental benefit of HK\$950 in original value for only HK\$300.
5. “CJ Dental Care” is a trade name used by CJ Dental Care Ltd. Its only director is Dr CHIU. Its sole shareholder is another company known as Cedric and Jack Dental Care Ltd. Dr CHIU and Dr JI are shareholders of Cedric and Jack Dental Care Ltd. Dr LAW holds shares in Cedric & Jack Dental Care Ltd. via another company known as One Hong Kong Dental Ltd. Dr CHIU and Dr JI have been the directors of Cedric & Jack Dental Care Ltd. Dr LAW was a director of Cedric and Jack Dental Care Ltd. at the material time and he resigned his directorship on 10 May 2017. Dr LAW has a contract with Cedric and Jack Dental Care Ltd. pursuant to which he can be asked to treat patients operated by CJ Dental Care Ltd.
6. At today’s inquiry, all three Defendants pleaded guilty to the charge respectively laid against them and did not contest the issue of unprofessional conduct.

Burden and Standard of Proof

7. 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.

Unprofessional Conduct

8. 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.

Findings of Council

9. According to paragraph 1.2.2(d) of the Code of Professional Discipline (“Code”), any information provided by a dentist to the public or his patients must not aim to solicit or canvass for patients.
10. According to paragraph 1.4.1(a) of the Code, a dentist may provide information about his service to his patients provided that such information is not disseminated in such a way as to constitute practice promotion to patients not under his care.
11. According to paragraph 2.1 of the Code, 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 organizations which canvass, may lead to disciplinary proceedings. Except in an emergency the Council does not consider it permissible for a dental practitioner to call upon or communicate with any person who is not already a patient of his practice with a view to providing advice or treatment unless expressly requested to do so by that person.
12. Clearly, the scheme under the two leaflets sent out by CJ Dental Care to promote to friends and relatives of existing patients is a breach of paragraphs 1.2.2(d) and 1.4.1(a) of the Code and amounted to canvassing not permitted under paragraph 2.1 of the Code.
13. All three defendants do not contest the respective charge laid against them and do not contest the issue of unprofessional conduct.
14. The Council is satisfied that the conduct of all three Defendants had seriously fallen below the standard expected amongst registered dentists. It would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.
15. The Council therefore finds all three Defendants guilty of the charge respectively laid against them.

Sentencing

16. 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.

Dr CHIU

17. The Council gives credit to the Dr CHIU’s guilty plea.
18. Although Dr CHIU has a previous disciplinary record, the Council takes note that the nature of the charge in the previous case is different from the charge in the present case.
19. Dr CHIU is the sole director of CJ Dental Care Ltd. Dr CHIU is responsible for the decision making of CJ Dental Care Ltd. According to the mobile messages between Tiffany Yeung, manager of CJ Dental Care Ltd., and Dr LAW on “Wed 4 April” (“the Mobile Messages”), it was Dr CHIU who suggested the gift cards scheme. The Council does not agree that Dr CHIU’s culpability is the same as the other defendants in the present case.

20. Having regard to the gravity of the case and the mitigation submitted by Dr CHIU, the Council makes the following orders:-
- (a) In respect of the charge against Dr CHIU, that Dr CHIU be reprimanded;
 - (b) The order in paragraph (a) above shall be published in the Gazette.

Dr JI

21. The Council gives credit to Dr JI's guilty plea and that he has no previous disciplinary record.
22. At all material times, Dr JI has been a director of Cedric & Jack Dental Care Ltd. From an e-mail dated 22 July 2017, Dr JI was involved in the discussion of matters related to the management of "CJ Dental". This was at the time when Dr JI was out of Hong Kong pursuing his further education. The Council does not consider the fact that Dr JI being out of Hong Kong was a mitigating factor.
23. Having regard to the gravity of the case and the mitigation submitted by Dr JI, the Council makes the following orders:-
- (a) In respect of the charge against Dr JI, a warning letter be issued to Dr JI;
 - (b) The order in paragraph (a) above shall be published in the Gazette.

Dr LAW

24. The Council gives credit to Dr LAW's guilty plea and that he has no previous disciplinary record.
25. From the Mobile Messages, Dr LAW knew about the proposal of the "gift cards scheme" in May 2016, but his objection was raised only in December 2016, which was already after the gift cards had been disseminated. Dr LAW did not take any steps to check the contents or to object the proposal before the dissemination.
26. Having regard to the gravity of the case and the mitigation submitted by Dr LAW, the Council makes the following orders:-
- (a) In respect of the charge against Dr LAW, a warning letter be issued to Dr LAW;
 - (b) The order in paragraph (a) above shall be published in the Gazette.



Prof. CHEUNG Shun-pan, Gary
Temporary Chairman
The Dental Council of Hong Kong