



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

**Disciplinary Inquiry under s.18 of DRO**

Defendant: Dr LAM Suk-ye 林淑儀牙科醫生 (Reg. No. D03085)

Date of hearing: 16 February 2017

**Present at the hearing**

Council Members: Dr LEE Kin-man (Chairman)  
Dr LAM Tak-chiu, Wiley, JP  
Dr LAU Kin-kwan, Kenny  
Dr MAK Sin-ping, BBS  
Ms WONG Yu-pok, Marina, JP

Legal Adviser: Mr Stanley NG

Defendant's representative: Mr William CHAN of Messrs. Mayer Brown JSM, Solicitors

Legal Officer representing the Secretary: Mr William LIU, Senior Government Counsel

1. The charge against the Defendant, Dr LAM Suk-ye is that:-

“In or about November 2015, you, being a registered dentist, canvassed for the purpose of obtaining patients by sanctioning, acquiescing in or failing to take adequate steps to prevent the publication of improper, misleading and inaccurate contents in the website (<http://www.drolivia.hk/>); and that in relation to the facts alleged you have been guilty of unprofessional conduct.”

**Facts of the case**

2. The complainant in this case is of the name “陳志強”. On 10 November 2015, the Council received from the complainant his letter dated 7 November 2015. In the letter, the complainant complained that many of the contents of the website of the Defendant ([www.drolivia.hk](http://www.drolivia.hk/)) were misleading or amounted to unauthorized practice promotion. The

complainant enclosed the webpages printed from the Defendant' website ("the November 2015 Webpages").

3. The Defendant sent to the Council her letter dated 11 May 2016. In her letter, the Defendant apologized for the contents of her website and she said she would take action to improve the shortcomings in order to make sure that her website would be up to the required standard before 10 June 2016.
4. The Defendant then sent the Preliminary Investigation Committee ("PIC") of the Council her submission dated 2 June 2016. In her submission to the PIC, the Defendant apologized for the incorrect and inappropriate content of her website, which was partly due to her over-estimation of the ability of her webpage designer. She said she had already made amendments to her website. She enclosed in her submission the webpages printed from her website on 3 June 2016.
5. On 20 June 2016, the Council received another letter from the complainant dated 18 June 2016. The complainant enclosed another set of webpages printed from the website of the Defendant. The complainant complained that a number of areas of the contents of those webpages were in contravention of the Council's Code.
6. On 6 July 2016, the Council received another letter from the complainant dated 4 July 2016. The complainant enclosed another set of webpages printed from the website of the Defendant. The complainant complained that a number of areas of the contents of those webpages were in contravention of the Council's Code.
7. In the Secretary's hearing bundle, there is also a webpage printed out from the website of the Defendant on 1 February 2017.
8. At today's inquiry, the Defendant admitted to the charge.

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

9. The Council bears in mind that the burden of proof is always on the Legal Officer and the Defendant does not have to prove her 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**

10. 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**

11. Although the Defendant admitted to the charge, the Council still has to consider the case and to decide on whether the facts alleged amount to unprofessional conduct.
12. The charge against the Defendant is limited to the time frame of “in or about November 2015”. The Council will therefore only consider the contents of the November 2015 Webpages. The Council finds the other webpages printed out subsequently in 2016 or 2017 as irrelevant for the purpose of consideration of the verdict.
13. The Council has looked at the November 2015 Webpages. The Council considers that many of the contents therein were improper, misleading and/or inaccurate. For instance, it quoted that her clinic was certified and authorized by the Dental Council of Hong Kong, and even published the logo of the Council. It used wordings in many places such as “state of the art dental services”, “highest standards”, “excellent”, “painless surgery”, “no bleeding”, “perfect restoration”, etc. It also contained a number of “Satisfied patient testimonials and references” under “Reviews and References”. It also asked the viewers to share the page with friends and family. It wrote “share the page with friends and family on Social Networks or via e-mail”. It also quoted her as “Dentist DDS” and “Doctor of Dental Surgery BDS”, which are not her registered qualification in the General Register.
14. The Council takes the view that the entire design of the November 2015 Webpages is clearly canvassing for the purpose of obtaining patients.
15. The Defendant admitted that she canvassed for the purpose of obtaining patients by sanctioning, acquiescing in or failing to take adequate steps to prevent the publication of the November 2015 Webpages.
16. The Council is satisfied that the conduct of the Defendant had seriously fallen below the standard expected amongst registered dentists. It would be regarded as disgraceful and dishonourable by registered dentists of good repute and competency.
17. The Council therefore finds the Defendant guilty of the charge against her.

**Sentencing of the Defendant**

18. The Defendant has a clear record.
19. The Defendant does not contest the charge at today’s inquiry. The Council will give the Defendant credit for her admission.
20. The Defendant has taken action to make changes to her website after receipt of the letter from the PIC.
21. The Council accepts that the Defendant is remorseful.
22. 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.

23. Having regard to the gravity of the case and the mitigation submitted by the Defendant, the Council makes the following orders:-

- (a) A warning letter be given to the Defendant.
- (b) The order in (a) above shall be published in the Gazette.



Dr LEE Kin-man  
Chairman  
The Dental Council of Hong Kong