



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

Disciplinary Inquiry under s.18 of DRO

Defendant: Dr LEE Hoi-king 李海景牙科醫生 (Reg. No. D03139)

Date of hearing: 6 February 2014

1. The Defendant, Dr LEE Hoi-king, is charged that :

“He, being a registered dentist, in about January 2013 –

- (a) in an article referring to him in “U magazine” Issue 373 (“the Article”) quoted or failed to prevent the quote of a qualification “香港大學理科碩士(植齒科) MSc (Implant)” which was not on the List of Registrable/Quotable Additional Qualifications of the Dental Council of Hong Kong at the material time; and/or
- (b) in the Article, published or failed to prevent the publication of the different locations of his clinics and the claim that he specialised in treatment of periodontal diseases and dental implant technique, which constituted an act of canvassing and/or soliciting for patients;

and that in relation to the facts alleged he has been guilty of unprofessional conduct.”

Facts of the case

2. The case involves an article published in a weekly magazine on food. Most, if not all, the articles in the magazine are on culinary and restaurant recommendations.

3. The article in question (“the Article”) was entitled “牙醫講飲講食”, meaning “Dentist talking about food and drink”, in which the Defendant recommended a particular restaurant. The Article spread over 2 full pages of the magazine, with the Defendant’s photograph prominently occupying the larger part of the 2 pages. At the top of the Article were the Defendant’s name, his status as a registered dentist, his qualifications including an unquotable qualification “香港大學理科碩士(植齒科) MSc (Implant)”, the various locations of his clinics, and the claim that he specialised in treatment of periodontal diseases and dental implant technique.

Findings of the Council

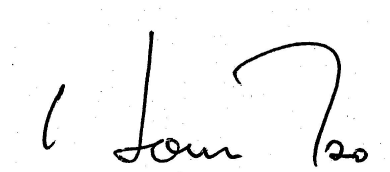
4. The factual allegations of the charges are not disputed. In fact, the Defendant admits all the allegations. Nevertheless, it remains our responsibility to determine whether the Defendant’s conduct constituted unprofessional misconduct.
5. Only qualifications included in the List of Registrable/Quotable Additional Qualifications are quotable by registered dentists. The qualification “香港大學理科碩士(植齒科) MSc (Implant)” was and still is not included in the List. Therefore, it was impermissible for the Defendant to quote that qualification.
6. Under section 1.3.8.3 of the Code of Professional Discipline, a dentist who publishes his service information in magazines or newspapers must ensure that the published information includes only the information which is permitted in service information notices and directories of dentists. Section 1.6.2 provides that a dentist who takes part in dental education activities 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 from him.
7. Section 2 of the Code prohibits dentists from canvassing for the purpose of obtaining patients, either by himself, his servants, agents or others either directly or indirectly.
8. Although the Article contained a few sentences which may be marginally related to dental hygiene, the overall contents together with the various photographs was a restaurant recommendation. The dental qualifications of the Defendant, the locations of his clinics and the areas in which he specialised were entirely irrelevant and out of place in that article. The only purpose and effect of publishing such information in the Article was to canvass for patients to consult the Defendant for dental services.

9. Only dentists included in the Specialist Register can claim to be specialized in particular areas of dentistry. Under section 25A of the Dentists Registration Ordinance, it is a criminal offence punishable with 3 years imprisonment for any person to falsely use any description implying (whether in itself or in the circumstances in which it is used) that he is a specialist dentist or his name is included in the Specialist Register.
10. The Defendant explained to the Preliminary Investigation Committee that the Article was published as a result of an interview arranged by his wife, and the offending information was provided to the magazine without his approval. We do not accept that explanation, as in attending the interview he has a duty to ensure that the Article would not contain any prohibited information. There was no reason for a food magazine to publish such irrelevant information unless requested by the interviewee. We are of the view that the information was provided to the magazine for publication, at least with the Defendant's agreement.
11. We are satisfied that the Defendant's conduct in respect of either charge would be reasonably regarded as disgraceful and dishonourable by registered dentists of good repute and competency. We find him guilty of unprofessional conduct as set out in both charges.

Sentencing

12. The Defendant has a clear record.
13. In accordance with our published policy, we shall give him discount in sentencing for his honest admission both in preliminary investigation and in this inquiry.
14. As we have pointed out earlier, the offending information was provided to the magazine for publication at least with the Defendant's agreement. Nevertheless, we agree that he accepted full responsibility for his misconduct as soon as he was notified of the complaint against him by the Preliminary Investigation Committee.
15. We bear in mind that the purpose of a disciplinary order is not to punish the Defendant, but to protect the public from persons who are unfit to practise dentistry for reason of competence, honesty or other reasons, and to maintain public confidence in the dental profession by upholding the reputation of the profession.

16. We accept that he has learned a hard lesson and would take particular care in his future dealings with the media. In the circumstances, the likelihood of re-offending is low.
17. Having regard to the gravity of the case and the mitigating factors, we order that a warning letter be served upon the Defendant. The order shall be published in the Gazette.
18. We must impress upon the Defendant that this is a lenient order. If not for the mitigating factors, a much heavier sentence would be appropriate. He should treasure the opportunity we have given him, and take particular caution to ensure that he complies with the ethical rules. If he commits any further disciplinary offence, he cannot expect further leniency.

A handwritten signature in black ink, appearing to read 'Homer Tso', is centered on the page. The signature is written in a cursive style with a large, sweeping flourish at the end.

Dr Homer Tso, SBS, JP
Chairman
Dental Council of Hong Kong