

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE INQUIRY PANEL OF  
THE MEDICAL COUNCIL OF HONG KONG

DR CHANG KIT (REGISTRATION NO.: M12342)

It is hereby notified that after due inquiry held on 7 July 2022 and 8 October 2022 in accordance with section 21 of the Medical Registration Ordinance, Chapter 161 of the Laws of Hong Kong, the Inquiry Panel of the Medical Council of Hong Kong found Dr CHANG Kit (Registration No.: M12342) guilty of the following charges:—

*“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 - 自白肌” in or about September 2012, which promoted or endorsed the product “自白肌”;*
- (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.”*

2. Briefly stated, the Medical Council (the “Council”) received on 27 April 2018 an email complaining Dr CHANG of practice promotion. Attached to the complaint email were 4 web articles, which formed the subjects of disciplinary charges (a) to (d) against Dr CHANG. Copies of the 4 web articles were placed before the Inquiry Panel by the Legal Officer for consideration.

3. There was no dispute that Dr CHANG’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) related (the “1st Article”).

4. According to the author of the 1st Article, she and her fellow bloggers were invited to participate in a seminar organized by a company called Sanofi. The theme of the seminar was about a medical product manufactured by Sanofi and marketed in Hong Kong under the trade name of “Sculptra”. The author of the 1st Article also claimed that the product “Sculptra®” 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.

5. According to the author of the 1st Article, Dr CHANG 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 1st Article that Dr CHANG had received an injection of “Sculptra®” 2 days before the seminar. In this connection, Dr CHANG was depicted in a photograph with another man, who was administering an injection to his face.

6. There was also no dispute that Dr CHANG’s photograph, name and title appeared in the web article entitled “滿載玻尿酸的“平、靚、正”代表 - 自白肌”, to which disciplinary charge (b) related (the “2nd Article”).

7. According to the author of the 2nd Article, Dr CHANG attended the Hong Kong launch party of a Taiwanese skincare brand “自白肌” and was invited by the organizer of the event to share with bloggers his tips on rehydration care for sensitive skin. Dr CHANG was depicted in a photograph that showed him speaking in front of a large backdrop on which numerous logos of “自白肌” were prominently displayed.

8. It was also mentioned in the 2nd Article that during the “game time” of the event, Dr CHANG was asked to select the winner, who gave the best explanation on how to achieve 100% skin hydration. In this connection, Dr CHANG 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.

9. 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) related (the “3rd Article”), gave a detailed description of the “*High-Intensity Focused Ultrasound*” (“HIFU”) treatment that the author received from Dr CHANG at HealthLase Medical Skin Centre. Also published in the 3rd Article were 10 odd photographs showing step by step how Dr CHANG provided the HIFU treatment to the author.

10. 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) related (the “4th Article”), mentioned about a sharing session on treatment held at HealthLase Medical Skin Centre. Dr CHANG was shown in 2 photographs to be applying something like a wand from what the author of the 4th Article claimed to be a HIFU Ultraformer machine on 2 ladies. Moreover, Dr CHANG was quoted in the 4th Article for his explanation on the use and efficacy of HIFU Ultraformer treatment.

11. The Legal Officer also placed before the Inquiry Panel for consideration in the inquiry company search results obtained from the Companies Registry, which showed that Dr CHANG was at all material times one of the directors of HealthLase Medical Skin Centre Ltd. There was no dispute that Dr CHANG 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.

12. Before the Inquiry Panel adjourned the inquiry part heard on Day 1 after the close of the Secretary’s case, Dr CHANG informed the Inquiry Panel through his solicitor that he would plead guilty to disciplinary charges (c) and (d). And by a letter dated 26 July 2022, Dr CHANG further informed the Inquiry Panel through his solicitor that he would also plead guilty to charges (a) and (b).

13. It was evident to the Inquiry Panel from reading the 1st Article as a whole that the use of Dr CHANG’s photographs, name and professional title either alone or in conjunction with the statement that Dr CHANG had received an injection of “*Sculptra*®” 2 days before the seminar would leave the readers with the impression that Dr CHANG was promoting or endorsing the product “*Sculptra*®”.

14. 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 1st Article, Dr CHANG had in view of the Inquiry Panel by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr CHANG was found guilty of misconduct in a professional respect as per disciplinary charge (a).

15. It was also evident to the Inquiry Panel from reading the 2nd Article as a whole that the use of Dr CHANG’s photographs, name and professional title would leave the readers with the impression that Dr CHANG was promoting or endorsing the product “*白白肌*”. This was particularly true because Dr CHANG was depicted in the photographs with a big backdrop behind him and on which numerous logos of “*白白肌*” were prominently displayed.

16. By sanctioning, acquiescing in or failing to take adequate steps to prevent the use of his photograph, name and title in the 2nd Article, Dr CHANG had in the view of the Inquiry Panel by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr CHANG was found guilty of misconduct in a professional respect as per disciplinary charge (b).

17. It was also evident to the Inquiry Panel from reading the 3rd Article as a whole that photographs of Dr CHANG taken whilst he was performing medical procedure on his patient would be promotional of Dr CHANG’s practice or services offered by his practice in association with HealthLase Medical Skin Centre.

18. There was no legitimate reason in view of the Inquiry Panel why in the ordinary course of treatment photographs would be taken step by step of how Dr CHANG performed medical procedure on his patient’s face. Even if those 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 Dr CHANG.

19. Given the unusual circumstances, Dr CHANG ought in view of the Inquiry Panel 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 the Inquiry Panel agreed with the Legal Officer that Dr CHANG 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".

20. For these reasons, by sanctioning, acquiescing in or failing to take adequate steps to prevent the publication of the 3rd Article and the use his photograph therein, Dr CHANG had in view of the Inquiry Panel by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr CHANG was found guilty of misconduct in a professional respect as per disciplinary charge (c).

21. It was also evident to the Inquiry Panel from reading the 4th 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 Dr CHANG's practice or services offered by his practice in association with HealthLase Medical Skin Centre.

22. In view of the Inquiry Panel, whether the participants of the sharing session were existing patients of HealthLase Medical Skin Centre was of no consequence. The real point was that Dr CHANG 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.

23. For these reasons, by sanctioning, acquiescing in or failing to take adequate steps to prevent the publication of the 4th Article and the use of his photograph, name and title therein, Dr CHANG had in view of the Inquiry Panel by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, Dr CHANG was found guilty of misconduct in a professional respect as per disciplinary charge (d).

24. Taking into consideration the nature and gravity of the disciplinary charges for which Dr CHANG was found guilty and what the Inquiry Panel has heard and read in mitigation, the Inquiry Panel made a global order in respect of disciplinary charges (a) to (d) that the name of Dr CHANG 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.

25. The orders are published in the *Gazette* in accordance with section 21(5) of the Medical Registration Ordinance. Full decision of the Inquiry Panel of the Medical Council is published in the official website of the Medical Council of Hong Kong (<http://www.mchk.org.hk>).

LAU Wan-ye, Joseph *Chairman, The Medical Council of Hong Kong*