

香港醫務委員會  
The Medical Council of Hong Kong

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**DISCIPLINARY INQUIRY**  
**MEDICAL REGISTRATION ORDINANCE, CAP. 161**

Defendant: Dr CHAN Ying Wing Jessie (陳盈穎醫生) (Reg. No.: M15982)

Date of hearing: 9 October 2024 (Wednesday)

Present at the hearing

Council Members/Assessors: Dr CHOI Kin, Gabriel  
(Chairperson of the Inquiry Panel)  
Dr MARCET Marcus Mitchell  
Dr CHAN Hung-chiu, Peter  
Mr Wong Hin-wing, Simon, MH, JP  
Ms HO Yuk-wai, Joan

Legal Adviser: Mr Stanley NG

Defence Solicitor representing the Defendant: Mr Michael CHAO of  
Messrs. Mayer Brown

Government Counsel representing the Secretary: Miss Crystal WONG

1. The charge against the Defendant, Dr CHAN Ying Wing Jessie, is:

*“That in or about September 2022, she, being a registered medical practitioner, sanctioned, acquiesced in or failed to take adequate steps to prevent the publication of the misleading statement: “2017 年成為東區醫院乳腺外科主管”, in the article about herself in the practice website of “Hong Kong Breast Cancer And Disease Centre” (<http://www.hkbreast.com/dr-chan-ying-wing-jessie/>), when there was no position of “乳腺外科主管” in Pamela Youde Nethersole Eastern Hospital (“PYNEH”) and she did not hold such position in PYNEH at the material time.*

*In relation to the facts alleged, she has been guilty of misconduct in a professional respect.”*

### **Facts of the case**

2. The name of the Defendant has been included in the General Register from 2 July 2009 to the present. Her name has been included in the Specialist Register under the specialty of General Surgery since 2 November 2016.
3. Briefly stated, an anonymous complaint was received by the Medical Council on 16 September 2022, alleging that the Defendant claimed in the website of Hong Kong Breast Cancer and Disease Centre (“the Centre”) (<http://www.hkbreast.com/dr-chan-ying-wing-jessie/>) (“the Website”) that she had become “東區醫院乳腺外科主管” in 2017, when in fact there was no such position at PYNEH and the Defendant was only a resident doctor at the time. A printout from the Website on 13 September 2022 (“the Printout”) was attached.

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

4. We bear in mind that the burden of proof is always on the Secretary and the Defendant does not have to prove her innocence. We also bear 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.
5. There is no doubt that the allegation against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse a registered medical practitioner of misconduct in a professional respect. Therefore, we need to look at all the evidence and to consider and determine the disciplinary charge against her carefully.

### **Findings of the Inquiry Panel**

6. At the beginning of the inquiry, the Defendant through her Solicitor admitted to the particulars of the charge against her. Despite the Defendant’s admission, it remains for us to consider and determine on the evidence whether her conduct had fallen below the standards expected of registered medical practitioners in Hong Kong.

7. It is stipulated in the Code of Professional Conduct (2016 edition) (“Code”) that:

“ 5.2.1 A doctor providing information to the public or his patients must comply with the principles set out below.

5.2.1.1 Any information provided by a doctor to the public or his patients must be:-

(a) accurate;

(b) factual;

(c) objectively verifiable;

...

5.2.1.2 Such information must not:-

(a) be exaggerated or misleading;

...”

8. According to the Defendant’s submission to the Preliminary Investigation Committee (“PIC”) of the Medical Council dated 8 August 2023, the Defendant joined PYNEH in 2016. The Defendant became the main staff responsible for managing the breast surgery service at PYNEH under supervision of the Consultant of the team since 2017. The Defendant left PYNEH and commenced private practice at the Centre in 2021. The Defendant left the Centre in May 2023.

9. The Printout shows the Defendant’s name, doctor’s title, qualifications, photographs, contact details and consultation hours. The Defendant was practising at the Centre at the time of the Printout. Under the heading “簡歷”, which gave a brief description of the Defendant’s experience, it contained *inter alia* this statement:

“2017 年成為東區醫院乳腺外科主管” (“the Statement”)

10. According to a letter from the Hospital Chief Executive of PYNEH (“HCE of PYNEH”) to the Medical Council dated 31 March 2023, the HCE of PYNEH confirmed that there was no position of “乳腺外科主管” in PYNEH since its establishment, including in or about Year 2017, and that the Defendant did not hold the position of “乳腺外科主管” when she worked in PYNEH.

11. Given the confirmation by the HCE of PYNEH, it was clearly inaccurate for the Defendant to describe herself as being “東區醫院乳腺外科主管” in 2017. The Statement would clearly mislead the public in believing that the Defendant had held such a position at PYNEH in 2017, when in fact there was no such position at all.
12. In the Court of Appeal’s decision of *Ng Kin Wai v The Dental Council of Hong Kong* (CACV 194/2010) 14 October 2011, FOK JA (as he then was) emphasized (at paragraph 45 of the decision) the importance of quoting only such professional title which a dentist is entitled because “[p]rofessional titles are important and members of the public are likely to rely on the expertise implied by those titles in choosing a dentist and submitting themselves to treatment by that dentist.”
13. Although the appellant in *Ng Kin Wai* case was a dentist, FOK JA’s observation is in our view equally apposite to quotation of professional titles or positions by registered medical practitioners.
14. We are satisfied on the evidence that in or about September 2022, the Defendant had sanctioned, acquiesced in or failed to take adequate steps to prevent the publication of the misleading statement “2017 年成為東區醫院乳腺外科主管” in the Website of the Centre, when there was no position of “乳腺外科主管” in PYNEH and she did not hold such position in PYNEH at the material time. The Defendant had in our view fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as charged.

### **Sentencing**

15. The Defendant has a clear disciplinary record.
16. We give credit to the Defendant for her frank admission and full cooperation throughout these disciplinary proceedings.
17. We bear in mind that the primary purpose of a disciplinary order is not to punish the Defendant but to protect the public from persons who are unfit to practise medicine and to maintain public confidence in the medical profession by upholding its high standards and good reputation.

18. The Defendant fully accepted that the Statement should not have been published, and it was certainly not her intention to mislead. The Defendant claimed that she just started her private practice at the material time and she was not well versed with the relevant requirements under the Code. In any event, the Defendant accepted that her ignorance at the time was not an excuse for transgression of the Code.
19. The Defendant submitted that she had immediately asked the Centre to remove the Statement after receiving the first PIC Notice. The Defendant left the Centre in May 2023, and her entire profile had been removed from the Centre's website.
20. The Defendant submitted that having gained experience in this case, she would exercise extreme caution and diligence in vetting and reviewing the practice website of her clinic. She had also requested her clinic to let her approve any materials which would identify or mention her name before publishing the same to the public. We accept that the risk of re-offending is low.
21. The charge against the Defendant is that she had published a misleading statement. There is no evidence that there was any practice promotion on her part. We therefore will not take on board any consideration of practice promotion.
22. Taking into consideration the nature and gravity of the disciplinary charge for which the Defendant is convicted and what we have heard and read in mitigation, we order that a warning letter be issued to the Defendant, and our order shall be published in the Gazette.

### **Remarks**

23. We also note from the Webpage Printout that a copy of the Defendant's name card was posted therein, and one of her qualifications was quoted as "MBChB". We take this opportunity to remind the Defendant that the correct quotation should be "MB ChB (CUHK)".

Dr CHOI Kin, Gabriel  
Chairperson of the Inquiry Panel  
The Medical Council of Hong Kong

Hong Kong Breast Cancer And Disease Centre

香港乳癌及乳病治療中心



陳盈穎醫生

Posted by HK Breast in 外科專科醫生

Dr Chan Ying Wing Jessie



Specialist in General Surgery

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### 簡歷

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2008年於香港中文大學畢業，取得內外全科醫學士學位 ( MBChB )。畢業後加入東區尤德夫人那打素醫院外科部並於2015年完成外科專科培訓，取得香港外科醫學院院士 ( FCSHK )，英國愛丁堡皇家外科醫學院院士 [ FRCS ( edin ) ] 及香港醫學專科學院院士 [ FHKAM ( surgery ) ] 資格。2017年成為東區醫院乳腺外科主管，2019年晉升為副顧問醫生。2021年轉為私人執業。

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