

**Inquiry by
Inquiry Committee of the Chiropractors Council**

Respondent: Dr. CHU Chun Pu

Date of hearing: 7 June 2011

1. The Respondent, Dr. CHU Chun Pu, is charged that:-

“He, being a registered chiropractor, -

- (a) instigated, sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the statement “香港首個太空人脊醫” in an article published in 壹蘋果健康網 on 12 November 2007 (“the Article”) which in the context of the Article is misleading and/or indicates or implies superiority;
- (b) instigated, sanctioned, acquiesced in or failed to take adequate steps to prevent the publication in the Article of an untrue statement that “當年是二〇〇〇年，...，朱君璞是唯一一個香港人脊醫” but in 2000 he was not a registered chiropractor;

and in relation to the facts alleged, either individually or cumulatively, he has been guilty of misconduct in a professional respect.”

Facts of the case

2. The facts of the case are simple. After the Respondent was interviewed by a reporter, an article was published firstly in a magazine and then in the website associated with the magazine. Although the article is identical in both the magazine version and the website version, the charges are only concerned with the website version. In the article there were 2 statements which are alleged to be respectively misleading or indicating superiority in charge (a) and untrue in charge (b).

Committee’s findings

3. The Respondent has not given evidence in the inquiry. That is his legal right. We shall not draw any adverse inference from his silence.

4. The reporter who conducted the interview was called to give evidence. According to his evidence, he was a reporter focusing on medical topics. Around the time of the successful launch of a lunar exploration spacecraft by China in October 2007, he started looking for a story that covered both space research and medical research. He did not know the Respondent, but was told by a friend that the Respondent had worked in the National Aeronautics and Space Administration (“NASA”) in the U.S.A.. He then approached the Respondent for an interview. The Respondent agreed, and had an interview for about 2 hours in his clinic, followed by another interview at the Respondent’s home the next day together with a photographer. That latter interview took 3 to 4 hours.
5. There is no dispute that the Respondent was a research intern at NASA for 4 months in the year 1997. He acquired his chiropractic degree in July 2002, therefore he started his chiropractic programme after 1997. He was first registered as a chiropractor in the Canadian province of British Columbia in September 2003. In other words, he was not and could not be a chiropractor at the time he worked as an intern in NASA. Any claim that he was a chiropractor working in NASA is untrue. We are satisfied that the statement in question in charge (b) is untrue.
6. The statement in question in charge (a) is that the Respondent was “香港首個太空人脊醫”, the natural and ordinary meaning of which is that the Respondent was the first chiropractor from Hong Kong to become an astronaut. That statement is not only misleading but also untrue, as the Respondent was never an astronaut. It is a far cry from an intern at NASA to an astronaut.
7. We have considered carefully how the 2 statements in question had come to be published in the article. The reporter claimed that the Respondent had not given him the information, and the 2 statements were only mistakes made by him and his editor in drawing up the article in an attractive presentation.
8. The reporter was inconsistent in his evidence about how some of the information came to be published in the article. He categorically said that the Respondent told him that (i) after obtaining the degree in genetics the Respondent studied chiropractic; and (ii) after graduation from the chiropractic programme the Respondent did not wish to practise chiropractic immediately and therefore looked for a job at NASA. However, when cross-examined that this was contradictory to his earlier evidence that the Respondent said that after working at NASA the Respondent went to study chiropractic, the reporter changed his evidence and said that it was a mistake

he made.

9. The article contained many items of specific information which could only have been provided to the reporter by the Respondent. For example, if not told by the Respondent the reporter could not have known the year and department in which the Respondent worked in NASA. The same applies to the number of workers in that department, the Respondent's salary in NASA, his subsequent income from his chiropractic practice in Canada, the research project in which he was involved, the work of his colleagues, the names and occupation of his father and grandfather, the universities at which he studied and the programmes of his studies. The "*Participation Certificate*" issued by NASA and the photograph showing the Respondent and his colleagues must have been provided by the Respondent to the reporter.
10. Having regard to the article as a whole, we are satisfied that the substance of the whole article was provided by the Respondent to the reporter for the purpose of publication.
11. Nevertheless, we bear in mind that some reporters and editors may wish to boost the attraction of some articles by adopting eye-catching phrases particularly in the captions, and the actual wording might not be supplied by the Respondent to the reporter. In the main body of the article it was stated that the Respondent was engaged in a research project on osteopenia of astronauts, and it was never mentioned that he had been an astronaut. We do not rule out the possibility that the statement "香港首個太空人脊醫" in the caption was coined by the reporter or the editor without the Respondent's knowledge.
12. We are of the view that it was not reasonably foreseeable to the Respondent that such a statement would be published. There was little that the Respondent could and should have done in order to prevent the publication of a statement which he could not reasonably foresee. In the circumstances, we find the Respondent not guilty of charge (a).
13. We then turn to charge (b). We have already made the finding that the statement in question in charge (b) is untrue. We then have to decide whether the Respondent instigated, sanctioned, acquiesced in or failed to take adequate steps to prevent the publication of the statement. The statement fittingly tied in with the whole story that the Respondent was engaged in research on osteopenia of astronauts and designing an instrument for measuring changes in the bone density of astronauts. The statement was also consistent with the chronology of the story that the Respondent had

finished his chiropractic study before joining NASA. We are satisfied that the substance of the whole story including the statement in question was provided by the Respondent, and the only purpose for providing such statement was for the purpose of publication.

14. The statement in the article that the Respondent worked in NASA in year 2000 was wrong, as the Respondent actually worked there in the year 1997. The "*Participation Certificate*" issued by NASA to the Respondent was dated 28 May 2000. The reporter could have deduced from the certificate that the Respondent worked in NASA in the year 2000. Alternatively, the Respondent might have given the wrong date to the reporter. In any case, this is immaterial as the Respondent was not a chiropractor before September 2003.
15. As we have found that the Respondent provided to the reporter for the purpose of publication the information that he was a chiropractor when he worked in NASA, we are satisfied that he instigated the publication of the statement in question in charge (b). We are satisfied that the Respondent's conduct in this respect has clearly fallen below the standard expected amongst registered chiropractors, and thus constitutes professional misconduct. We find him guilty of charge (b).
16. In conclusion, we find the Respondent not guilty of charge (a) and guilty of charge (b).

Sentencing

17. The Respondent has a previous conviction on 2 charges. The conviction was in July 2010, and the misconduct was committed in October 2007. The charges are of similar nature to charge (b) in the present case.
18. The previous case involved use of various descriptions including "*NASA Ames Research Centre*" in the Respondent's website. While the acts in question in the 2 cases took place around the same period of time, we must have regard to the fact that this shows that the present case is not an isolated incident.
19. We must point out that this is not a case of carelessness, as we have made the finding that the untrue information was provided by the Respondent to the reporter for the purpose of publication. The whole story line in the article was that he had the choice to start practising chiropractic before joining NASA, but

he chose to do something which to him would be more satisfying. However, in fact he had not even started to study chiropractic. He could not have made any mistake that he was a chiropractor when he was working in NASA. Therefore, he must have known that the story line was untrue when he told the story to the reporter. This is a matter of dishonesty.

20. In the previous case the Respondent had taken immediate rectification measures. However, in the present case he has done nothing at all to rectify the misconduct. There was no remorse at all.
21. We see no mitigating factor of weight.
22. Having regard to the gravity of the case, we order that the Respondent be reprimanded in writing. We also order the Secretary to record the reprimand in the Register of Registered Chiropractors.
23. The order shall be published in one Chinese and one English newspaper. While it is for the Council to decide whether to publish the order in other publications pursuant to section 21(1)(b) of the Chiropractors Registration Ordinance, we recommend that the order be published in the Gazette.



Ms. KAN Wai-mei, May
Chairman,
Inquiry Committee,
Chiropractors Council