

Inquiry Committee of the Chiropractors Council of Hong Kong

Respondent: Dr. CHIN Yon-wei

Date of hearing: 5th June 2006

Inquiry Committee: Dr. Edward Lee Tin Tak (Chairman)

Dr. Stanley Meares Lum

Dr. Ng Shu-yan

Ms. Mary Chu Man Lai

1. The respondent Dr. Chin Yon Wei is charged as follows:-

“He, being a registered chiropractor, had instigated, sanctioned, connived at, organized the publication of, or failed to take adequate steps to prevent the publication of two articles respectively in two Chinese newspapers, namely the Sun (issue dated 24 March 2005) and the Oriental Daily (issue dated 29 March 2005), which contained materials (i) promoting his own professional advantage; and (ii) commending or drawing attention to his professional skill, knowledge or services, and his treatment method known as ‘Myopraktic Methods’. In relation to the facts alleged, he has been guilty of misconduct in a professional respect.”

2. The respondent is neither present nor represented at the inquiry today. We are satisfied on the evidence that the Notice of Inquiry dated 20 March 2006 was properly served on and received by the respondent on 22 March 2006. We are also satisfied on the evidence that the respondent has informed the Secretary of the Council on 29 May 2006 that he chose not to attend the inquiry, and he had no objection to production in evidence of any of the documents in the hearing bundle. In the circumstances, we decided to proceed with the inquiry in the absence of the respondent.

3. The facts of the case are that two articles were published in two newspapers on two separate dates, namely the Sun on 24 March 2005 and the Oriental Daily on 29 March 2005. The contents of the two articles were substantially similar, and were on a ‘Myopraktic Method’ developed by the respondent for the treatment of muscle tension and back pain. Both articles were almost of full page coverage, with large size photographs of the respondent posing in front of some radiographs and a model skeleton. The respondent’s office telephone number was published in both articles as

the enquiry number.

4. We note that the respondent had been notified of the complaint and invited by the Preliminary Investigation Committee to submit written representation on the complaint. However, no explanation or representation was given by the respondent as invited.

5. We note that although the articles were on the 'Myopraktik Method', the main theme was to promote the treatment as the unique skills and abilities of the respondent to treat muscle tension and back pain. Unlike educational articles which should set out both the pros and cons of a treatment method, the two articles were one-sided promotion of the 'Myopraktik Method' emphasizing only the advantages and effectiveness of the method. In fact, the Sun article quoted the respondent as saying that the effectiveness of the method was guaranteed. This is a matter which causes us serious concern, as chiropractic is a clinical science, any one method cannot guarantee success.

6. In different parts of the articles the uniqueness of the skill which was available from only the respondent was emphasized. It was also reported that the respondent said he would promote the 'Myopraktik Method' on a franchise basis. By so doing, the respondent was clearly promoting the method as a commercial product. The publication of the respondent's office telephone number in both articles was clearly intended for the purpose of attracting patients.

7. We are satisfied that both articles are promotional of the respondent's professional practice and commended his professional skills, and constitute self-advertisement by the respondent which is prohibited under section 3.7.1 to 3.7.3 of the Code of Practice. There is no evidence that the respondent has taken any steps to prevent the publication of the articles. The fact that the articles were published 5 days apart showed that after the publication of the first article the respondent had the opportunity to take steps to prevent publication of the second article, but he did not do so. Furthermore, it is obvious from the contents of the articles and the fact that the respondent posed for the photographs in the articles that he actually instigated or arranged for the publication of the articles.

8. The prohibition against self-advertisement is specifically set out in the Code of Practice. We also wish to quote an observation of the Privy Council on what may or may not be published which is reproduced in section 3.7.4.7 of the Code of Practice:-

“On the one side of the line there might be a book or an article which is an exposition of a particular subject either written as a text-book for medical students or practitioners or written impersonally in order to give information to the general public. No exception could be taken to such a publication. As an example on the other side of the line there might be a book or an article an essential theme of which is the praise and commendation of the skill and abilities of the writer himself with an express or implied suggestion that his successes in dealing with cases show that potential patients would do well to have resource to him. That would be unethical advertising.”

The two articles obviously fall into the latter category.

9. We are satisfied that the respondent’s conduct in sanctioning the publication of each of the articles has fallen below the standard expected among registered chiropractors. We are satisfied that this constitutes professional misconduct.

10. We find the respondent guilty as charged.

Sentencing

11. The respondent has a clear disciplinary record. We are particularly concerned with the announcement by the respondent that the ‘Myopraktic Method’ will be marketed as a commercial product by way of franchise, which is a blatant form of advertisement. Having regard to the gravity of the charge, we order that the respondent be reprimanded in writing and the reprimand be recorded in the register.

12. We recommend that the Council should consider publishing the order in the Gazette and the Council’s website, in addition to the mandatory publication of the order in the newspapers under section 21(1) of the Chiropractors Registration Ordinance.

Dr. Edward Lee
Chairman