

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr TUNG Kwok Fai (董國輝醫生) (Reg. No.: M03795)

Date of hearing: 28 July 2026 (Tuesday)

Present at the hearing

Council Members/Assessors: Dr CHOI Kin, Gabriel
(Chairperson of the Inquiry Panel)
Dr HO Pak-leung, JP
Dr CHIU Shing-ping, James
Ms LEE Yin-han, Yvonne
Mr HO Chun-kit

Legal Adviser: Mr Stanley NG

Legal Officer representing the Secretary: Miss Phoebe WONG, Government Counsel

The Defendant is present and he is not legally represented.

The Charges

1. The charges against the Defendant, Dr TUNG Kwok Fai, are:

“On or about 18 November 2023, he, being a registered medical practitioner, disregarded his professional responsibility to his patient [REDACTED] (“the Patient”), in that:

(a) “Eurorectal Ointment 20g” was wrongly dispensed to the Patient; and/or

(b) he failed to ensure that the drugs were dispensed to the Patient strictly in accordance with the prescription.

In relation to the facts alleged, either singularly or cumulatively, he 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 25 October 1979 and up to the present. His name has never been included in the Specialist Register.
3. On 18 November 2023, the Patient consulted the Defendant for his left ankle sprain. Medications were dispensed to the Patient.
4. After the Patient left the Defendant's clinic, he discovered that a 20g tube of Eurorectal Ointment, which was for hemorrhoids, was dispensed to him. He returned to the Defendant's clinic to enquire if the tube of Eurorectal Ointment was wrongly dispensed to him. After consulting the Defendant, the clinic assistant exchanged the Eurorectal Ointment with Hepacare Cream for the Patient.
5. By a statutory declaration made on 2 February 2024, the Patient lodged a complaint against the Defendant with the Medical Council ("Council"). Photographs of the medications dispensed by the Defendant were enclosed therein ("Photographs").

Burden and Standard of Proof

6. We bear in mind that the burden of proof is always on the Secretary and the Defendant does not have to prove his 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.
7. There is no doubt that the allegation against the Defendant here is serious. 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 him carefully.

Findings of the Inquiry Panel

8. The Defendant admits the factual particulars of the charges against him but it remains for us to consider and determine on the evidence whether he is guilty of misconduct in a professional respect.
9. We have looked at the Photographs. One photograph shows that a 20g tube of Eurorectal Ointment was dispensed on 18 November 2023 by the Defendant to the Patient for application twice daily, once every 12 hours (“外用忌食，痔瘡”). On the tube of the ointment, it was printed with these words “痔立療 痔瘡軟膏”.
10. The Patient consulted the Defendant for left ankle sprain. Eurorectal Ointment, which was for hemorrhoids, was clearly wrongly dispensed to the Patient.
11. We are satisfied on the evidence before us that the Defendant has by his conduct in the present case fallen below the standards expected amongst registered medical practitioners in Hong Kong and we find him guilty of misconduct in a professional respect under charge (a).
12. It is stipulated in the Code of Professional Conduct (2022 Edition) (“Code”) that:

“9.2 A doctor who dispenses medicine to patients has the personal responsibility to ensure that the drugs are dispensed strictly in accordance with the prescription... before they are handed over to the patients. The doctor should establish suitable procedures for ensuring that drugs are properly labelled and dispensed. Doctors are advised to observe the provisions of Good Dispensing Practice Manual issued by the Hong Kong Medical Association.”
13. According to the Defendant’s medical records for 18 November 2023, he prescribed Lysozyme 60mg, Europain (paracetamol) 500mg and a tube of Hirudoid cream (viz. Hepacare cream) to the Patient.

14. In his submission to the Preliminary Investigation Committee (“PIC”) of the Council dated 4 December 2025, the Defendant told the PIC that the reason for the mistake was because his clinic assistant did not give him the drugs for double checking before dispensing them to the Patient. The Defendant said that it was his clinic assistant’s careless mistake and her omission in seeking his checking before dispensing to the Patient. The Defendant however also admitted that it was his ultimate responsibility in ensuring that the drugs should be dispensed strictly in accordance with the prescription.
15. The right to dispense medicines is a privilege to doctors in Hong Kong. Adherence to the Code and to the Good Dispensing Practice Manual issued by the Hong Kong Medical Association (“HKMA”) is important.
16. The Defendant’s failure to ensure that the drugs were dispensed to the Patient strictly in accordance with his prescription was a contravention of the Code.
17. We are satisfied on the evidence before us that the Defendant has by his conduct in the present case fallen below the standards expected amongst registered medical practitioners in Hong Kong and we find him guilty of misconduct in a professional respect under charge (b).

Sentencing

18. The Defendant has a clear disciplinary record.
19. In line with our published policy, we shall give the Defendant credit in sentencing for his admission and cooperation throughout these disciplinary proceedings.
20. 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.
21. We have considered a character reference letter submitted by the Defendant. We are satisfied that the Defendant is of good character.

22. The Defendant told us that he has taken remedial measures since this incident. In his PIC submission, he told us that he has reinforced his routine clinic procedures in that all drugs should be checked by another clinic assistant and must be given to him for double checking before dispensing to patients. The Defendant also said that he had instructed his clinic assistants to strictly adhere to these procedures. With these remedial measures in place, we are of the view that the risk of re-offending is low.
23. We accept that the Defendant has insight into his wrongdoing and is remorseful.
24. Taking into consideration the nature and gravity of this case and what we have read and heard in mitigation, we shall make a global order in respect of both charges (a) and (b) that a warning letter be issued to the Defendant. Our order shall be published in the Gazette.

Remark

25. We take this opportunity to remind the Defendant that he should always familiarize himself with the Good Dispensing Practice Manual issued by the HKMA.

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