

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr KWAN Ka Hong (關家康醫生) (Reg. No.: M02495)

Date of hearing: 28 April 2026 (Tuesday)

Present at the hearing

Council Members/Assessors: Dr CHOI Kin, Gabriel
(Chairperson of the Inquiry Panel)
Prof. CHAN Ka-leung, Francis, SBS, JP
Dr LAU Chi-hung
Mrs BIRCH LEE Suk-yea, Sandra, GBS, JP
Mr MO Pak-kuen

Legal Adviser: Mr Edward SHUM

Legal Officer representing the Secretary: Miss Christy TSO,
Government Counsel

The Defendant is present and he is not legally represented.

The Charge

1. The charge against the Defendant, Dr KWAN Ka Hong, is:

“That he, being a registered medical practitioner, breached the condition imposed under an order made under section 21(1) of the Medical Registration Ordinance, Cap.161, Laws of Hong Kong, in that he failed to complete within 12 months between 9 February 2024 and 8 February 2025 courses relating to abdominal and/or pelvic conditions to the equivalent of 10 CME points.”

Facts of the case

2. The name of the Defendant has been included in the General Register since 11 June 1975 to the present. His name has never been included in the Specialist Register.
3. The Defendant was previously found guilty of misconduct in a professional respect by an Inquiry Panel of the Medical Council (the “Council”) after due inquiry on 29 December 2023.
4. Taking into consideration the nature and gravity of the two disciplinary charges for which the Defendant was found guilty viz. failure to properly obtain detailed medical history of his patient with abdominal pain; and failure to conduct and/or record proper examination of his patient’s body temperature and/or related symptoms, the Inquiry Panel made a global order that the name of the Defendant be removed from the General Register for a period of one month. The Inquiry Panel further ordered that the removal order be suspended for a period of 12 months subject to the condition that the Defendant shall complete within 12 months courses (to be pre-approved by the Council Chairman) relating to abdominal and/or pelvic conditions to the equivalent of 10 CME points.
5. By a letter dated 9 May 2024, the Defendant was reminded by the Secretary of the Council to observe the said condition in the order of the Inquiry Panel. A hyperlink to a list of CME programme providers was also included in that letter for the Defendant’s easy reference.
6. The Defendant submitted on 4 June 2024 an application for and subsequently obtained pre-approval to attend a course relating to diagnosis and management of small bowel bleeding to the equivalent of one CME point.
7. By a letter dated 2 September 2024, the Defendant was reminded again by the Secretary of the Council to observe the said condition in the order of the Inquiry Panel.
8. By an email dated 30 October 2024, one Dr KWAN, who claimed to be the Defendant’s son, sought to apply for pre-approval for the Defendant to attend a conference organized by the College of Surgeons of Hong Kong. This application was not accepted by the Council Chairman because it did not come from the Defendant.

9. By a letter dated 2 January 2025, the Defendant informed the Council that he had completely retired from practice on 31 December 2024.
10. By a letter dated 14 January 2025, the Defendant was warned by the Secretary of the Council that if he failed to make good the remaining nine CME points by 8 February 2025, his breach of condition previously imposed by the Inquiry Panel would be reported to the Chairman of the Preliminary Investigation Committee (“PIC”) for consideration under section 6(1)(a)(v) of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation, Cap. 161E.
11. The PIC subsequently referred the Defendant’s case to us for inquiry.

Burden and Standard of Proof

12. 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.
13. We need to look at all the evidence and to consider and determine the disciplinary charge against the Defendant carefully.

Findings of the Inquiry Panel

14. We do not accept the Defendant’s explanation that he was prevented from fulfilling the condition previously imposed by the Inquiry Panel because of unavailability of suitable relevant courses. Were it the case, we would expect the Defendant to have informed the Council Chairman of the same well before the deadline.
15. We are of the view that he had not made proper efforts to fulfill the said condition before the deadline, despite a number of reminders and warnings that he had to do so.

16. We feel obliged to make the observation that the Defendant has been taking a rather casual attitude towards the Inquiry Panel's order in the previous case. The Defendant might have thought that his retirement from medical practice would put an end to everything.
17. We are satisfied on the evidence before us that the Defendant was in breach of the said condition. Accordingly, we find the Defendant guilty as charged.

Sentencing

18. 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.
19. As mentioned above, the Defendant has one disciplinary record. By suspending the operation of the removal order, the Inquiry Panel in the previous case gave the Defendant an opportunity to rectify the shortcomings underlying the misconduct which constituted the disciplinary charges. Apparently, the Defendant still failed to have sufficient insight into his shortcomings and let alone rectifying the same.
20. The Defendant told us in mitigation that consideration could be taken of his retirement from practice for some 3 months from January 2025 to April 2025 when he changed his mind and applied for practicing certificate. This reinforces in our view that the Defendant has been taking a rather casual attitude towards the Inquiry Panel's order in the previous case.
21. We see no reason why the suspended removal order should not be activated in full.
22. Taking into consideration the nature and gravity of this case and what we have heard in mitigation, we further order in respect of this case that the Defendant's name be removed from the General Register for a period of 2 months, which is to run consecutively with the activated removal order, and thus making a total of 3 months.

23. We have considered whether our removal order may be suspended but we do not find it appropriate to do so in the circumstances in this case.

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