

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

1st Defendant: Dr CHIU Ming Yu (趙名宇醫生) (Reg. No.: M12926)
2nd Defendant: Dr CHUANG Wai Man Vivien (莊慧敏醫生) (Reg. No.: M12790)

Date of hearing: 26 May 2026 (Tuesday)

Present at the hearing

Council Members/Assessors: Dr CHOI Kin, Gabriel
(Chairperson of the Inquiry Panel)
Prof. LIANG Hin-suen Raymond, SBS, JP
Dr CHOW Wai-man, Rudolph
Miss LAU Queenie Fiona, SC
Mr CHONG Sing-kee, Keith

Legal Adviser: Mr Stanley NG

Defence Solicitor representing the Defendants: Dr David KAN of
Messrs. Howse Williams

Legal Officer representing the Secretary: Mr Johnny CHAN,
Government Counsel

1. The charge against the 1st Defendant, Dr CHIU Ming Yu, is:

“That he, being a registered medical practitioner, was convicted at the Kowloon City Magistrates’ Courts on 6 April 2023 of the offence of theft, which is an offence punishable with imprisonment, contrary to section 9 of the Theft Ordinance, Cap. 210, Laws of Hong Kong.”

2. The charge against the 2nd Defendant, Dr CHUANG Wai Man Vivien, is:

“That she, being a registered medical practitioner, was convicted at the Kowloon City Magistrates’ Courts on 6 April 2023 of the offence of theft, which is an offence punishable with imprisonment, contrary to section 9 of the Theft Ordinance, Cap. 210, Laws of Hong Kong”

Facts of the case

3. The name of the 1st Defendant has been included in the General Register from 2 January 2001 to the present. His name has been included in the Specialist Register under the Specialty of Orthopaedics & Traumatology since 2 May 2012.
4. The name of the 2nd Defendant has been included in the General Register from 8 July 2000 to the present. Her name has been included in the Specialist Register under the Specialty of Clinical Microbiology and Infection since 7 March 2007.
5. On 6 April 2023, the 1st and 2nd Defendants were each convicted after trial of the offence of theft by a Magistrate of the Kowloon City Magistrates’ Courts in Case No. KCCC 1147/2022 and were each fined \$5,000.
6. On 21 October 2024, the 1st and 2nd Defendants’ appeal against their convictions was dismissed by a Deputy High Court Judge in Case No. HCMA 223/2023.
7. The 1st Defendant reported his conviction to the Medical Council (“Council”) by an email dated 2 May 2023.
8. The 2nd Defendant reported to the Council her conviction by an email dated 3 May 2023.

Findings of the Inquiry Panel

9. There is no dispute that the offence of theft was and still is an offence punishable with imprisonment in Hong Kong. By virtue of section 21(1)(a) of the Medical Registration Ordinance, Cap. 161 (“MRO”), our disciplinary powers against the 1st and 2nd Defendants are engaged.

10. Section 21(3) of the MRO provides that:-

“Nothing in this section shall be deemed to require an inquiry panel to inquire into the question whether the registered medical practitioner was properly convicted but the panel may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.”

11. Briefly stated, the prosecution case, which the trial Magistrate accepted, was that on 23 April 2022, at AEON Supermarket, 7 Tak Fung Street, Basement level, Whampao, Hung Hom, Kowloon (九龍紅磡德豐街 7 號黃埔花園地庫「永旺(香港)百貨有限公司」) (“Supermarket”), the 1st and 2nd Defendants were shopping together in the Supermarket. They went to the self-checkout kiosk for payment. The 1st Defendant was responsible for scanning the items, while the 2nd Defendant was responsible for putting the items into shopping bags. After they left the Supermarket, both the 1st and 2nd Defendants were intercepted by a security guard of the Supermarket at the parking lot. The security guard had been following them for some time. The 1st and 2nd Defendants were brought back to the Supermarket. It was discovered that the 1st and 2nd Defendants had only paid for some items of a total value of \$697.40. They had however not paid for nine items, namely one watermelon, one honeydew melon, two packs of puddings, two packs of blueberries, one pack of sashimi, one pack of sushi, and one pack of chicken, of a total value of \$1,632.80. The police later arrived and arrested the 1st and 2nd Defendants.

12. In convicting the 1st and 2nd Defendants, the Magistrate had these to say:

“... 當然，去到一般事項上，法庭仍然係需要考慮究竟控方而家所指控嘅事情關鍵嘅，就係兩名被告人喇，喺案法嘅當時，第一，是否懷有一個不誠實嘅意圖，要去偷竊；二，亦都需要考慮究竟兩位是否共犯嚟嘅。

...

總之觀乎當時一啲沒有爭議嘅客觀事實，即係嗰個閉路電視所顯示到二人當其時嗰個作為，本席唔相信第一被告當時係由於疏忽或者由於擔心細女兒嘅情況，以致到佢口供所講嘅只係不斷地掃瞄貨品，但係就並沒有細想，因為喺呢個過程當中呢，被告顯 -- 第一被告顯然係有去留意嗰一個螢幕所顯示，究竟有啲乜嘢貨品係有掃瞄，亦都確保有物品係重複或者多咗咁樣去掃瞄嘅。因此本席認為呢，第一被嘅告說法根本並非事實，本席拒絕接納。

而關於第二被告所作嘅解釋，當時二人少去 -- 一同去超市呀，或者二

人少合作去用嗰個自動收費機等等呢，本席認為都只不過係為咗開脫自己嘅罪責，所先至以作咁樣嘅解釋。既然係少一齊會去用呢個咁嘅收費機，難道唔係應該更加專注同埋更加小心，究竟自己處理嘅物品邊啲係已係第一被告付款或者掃瞄咗嘅，以其後可以為相關嘅物品自行付款？當然，辯方亦都希望法庭去考慮呢，喺第二被告同埋第一被告離開嗰個自動收費機嘅時候，並沒有即時離開，甚至係繼續喺上址係購買其他嘅物品，例如嗰個消毒濕紙巾等喇，甚至係叫第一被告再截返去超市嗰度，再購物喇等等，本席仍然認為第二被告並沒有將當時嘅實況向法庭如實講述嘅，本席不相信第二被告當其時純粹係因為混亂喇，或者自己嘅一時大意，而將物品沒有掃瞄嘅情況之下，直接放入去購物袋又或者膠袋之內。

簡而言之，本席認為第一及第二被告在一般事項上嘅證供呢，係難以支持佢哋當其時嘅行為，亦都同佢哋當其時所作嘅行為係相違背嘅，本席唔相信二人所講，當時並沒有一個意圖去偷竊上述嘅物品。反而本席認為其實二人對於當時嗰啲物品呢，有邊一啲貨品係已被掃瞄，邊一啲貨品係尚未掃瞄呢，必然係心知肚明。尤其是喺佢哋當天所選購嘅物品，而剛巧有付款嘅物品，只不過係去到六百多元，而未有付款嘅物品嘅總額竟然係高達一千六百多元，本席認為唯一合理嘅推論就係二人當其時都係懷有一個不誠實嘅意圖，以致到有一啲物品係選擇性地去掃瞄，並且亦都確保有邊一啲物品第一被告係心知肚明已係掃瞄，邊一啲係尚未掃瞄，然之後仍然係就住尚未掃瞄嘅物品帶離開超市。雖然二人並非即時離開，但係本席認為呢一點並不會構成一個固有不可能，因為大部分會去作出偷竊行為嘅人，必然係認為自己係已係成功瞞天過海，所以先至會做上述行為。所以當做完上述嘅偷竊行為之後未有即時逃離現場，本席認為並無什麼奇怪之處，只不過係代表二人當其時深信自己已經成功行事。

關於兩位亦都喺佢哋嘅口頭招認，以及補錄供詞及錄影會面內呢，招認自己當其時係一時貪心，所以就偷取相關嘅物品，對於二人相關方面嘅招認，本席給予絕對嘅比重。

本席已係小心考慮過控辯雙方嘅陳詞，辯方所提出關於證據上可疑之處，本席亦有逐一去考慮，然而，本席認為呢，基於法庭有嘅證據所顯示，本席不接納兩名被告人嗰個辯解，係指當時並無意或並沒有不誠實咁樣去偷竊相關物品。當然，法庭不接納兩位被告人嘅證詞，舉證責任仍然係在控方身上㗎，而控方嘅證據本席認為係充分嘅，除了一啲不爭嘅事實，就係超市相關物品並沒有付款，而亦都有兩名被告人自己嘅招認。本席認為控方嘅證據能夠在毫無合理疑點下，充分指出在案發嘅當時第

一及第二被告係懷有不誠實嘅意圖，意圖永久係去剝削屬於超市嘅物品，二人係存心去偷竊相關嘅物品，並且係一同行事，亦清楚知道對方嘅行為，大家喺度做緊啲乜嘢。

基於咁樣嘅理由之下，本席看不到本席存在合理嘅疑點，控方已能夠成功舉證針對兩名被告人嘅控罪，因此裁定第一及第二被告罪名成立。”

13. In upholding the convictions of the 1st and 2nd Defendants, the Deputy High Court Judge acknowledged that the appeal was a rehearing on the materials before the trial Magistrate. In his view, the trial Magistrate was justified to find that there was dishonest intent on the part of the 1st and 2nd Defendants, and that they were acting in concert in committing the offence.
14. Given the verdict of the trial Magistrate and the dismissal of the appeal against convictions by the Deputy High Court Judge, we are entitled to take the convictions as conclusively proven against the 1st and 2nd Defendants.
15. Accordingly, we find the 1st Defendant guilty of the disciplinary offence as charged. We also find the 2nd Defendant guilty of the disciplinary offence as charged.

Sentencing

16. In line with our published policy, we shall give the 1st and 2nd Defendants credit in not contesting the disciplinary proceedings today. However, given that there is hardly any room for dispute in a disciplinary case involving criminal conviction, the credit to be given to the 1st and 2nd Defendants must necessarily be of a lesser extent than in other cases.
17. We bear in mind that the primary purpose of a disciplinary order is not to punish the Defendants for the offence for a second time 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. It is clearly stated in section 27.2 of the Code of Professional Conduct (2022 Edition) that a particularly serious view will likely be taken in respect of offences involving dishonesty.
19. It is essential in our view to maintain amongst members of the public a well-founded confidence that any registered medical practitioner whom they consult

will be a person of unquestionable integrity, probity and trustworthiness. Any person who lacks these essential attributes can hardly be a fit and proper person to practise medicine.

1st Defendant (Dr CHIU Ming Yu)

20. The 1st Defendant has a clear disciplinary record.
21. We have considered the character reference letters as submitted and his contributions to the medical profession.
22. We accept that the 1st Defendant deeply regretted what he did and the offence was one-off. In our view, the 1st Defendant has learnt his lesson and the chance of committing the same or similar offence in the future will be low.
23. Having considered the nature and gravity of this case and what we have heard and read in mitigation, we order that the name of the 1st Defendant be removed from the General Register for a period of 4 months. We further order that the operation of the removal order be suspended for 24 months.

2nd Defendant (Dr CHUANG Wai Man Vivien)

24. The 2nd Defendant has a clear disciplinary record.
25. We have considered the character reference letters as submitted and her contributions to the medical profession.
26. We accept that the 2nd Defendant deeply regretted what she did and the offence was one-off. In our view, the 2nd Defendant has learnt her lesson and the chance of committing the same or similar offence in the future will be low.
27. Having considered the nature and gravity of this case and what we have heard and read in mitigation, we order that the name of the 2nd Defendant be removed from the General Register for a period of 4 months. We further order that the operation of the removal order be suspended for 24 months.

Remark

28. The name of the 1st Defendant is included in the Specialist Register under the Specialty of Orthopaedics & Traumatology. The name of the 2nd Defendant is included in the Specialist Register under the Specialty of Clinical Microbiology and Infection. It is for the Education and Accreditation Committee to consider whether any action should be taken in respect of their specialist registrations.

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