

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

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**DISCIPLINARY INQUIRY**  
**MEDICAL REGISTRATION ORDINANCE, CAP. 161**

Defendant: Dr LI Wing Hei Sunny (李永熙醫生) (Reg. No.: M18803)

Date of hearing: 13 May 2025 (Tuesday)

Present at the hearing

Council Members/Assessors: Prof. FOK Tai-fai, SBS, JP  
(Chairperson of the Inquiry Panel)  
Dr KWOK Wang-chun  
Dr TANG Yan-ki  
Mr LAM Chi-yau  
Mr FUNG Cheuk-nang, Clement, MH

Legal Adviser: Mr Stanley NG

Defence Solicitor representing the Defendant: Mr Chris Howse  
of Messrs. Howse Williams

Legal Officer representing the Secretary: Miss Agnes FONG,  
Senior Government Counsel

**The Charge**

1. The amended charge against the Defendant, Dr LI Wing Hei Sunny, is:

*“That he, being a registered medical practitioner, was convicted on 4 April 2023 and sentenced on 5 May 2023 at the West Kowloon Magistrates’ Courts of the offence of indecent assault, which is an offence punishable with imprisonment, contrary to section 122(1) of the Crimes Ordinance, Cap. 200, Laws of Hong Kong.”*

### **Facts of the case**

2. The name of the Defendant has been included in the General Register from 1 July 2018 to the present. His name has never been included in the Specialist Register.
3. At around 6:30 p.m. on 15 April 2022, a female X (“X”), an 18-year old student, and her friend took a train at Cheung Sha Wan MTR station, with a plan to go to Mong Kok. She stood by a handrail in the centre of the compartment, without holding the handrail. X was lowering her head focusing on her mobile phone. During the journey from Cheung Sha Wan to Sham Shui Po, she sensed that her left buttock was vibrated, which was like vibrations of a mobile phone, and the intensity of the vibrations was not significant. There were some people getting off the train at Sham Shui Po station, where everyone moved and stopped. After the train door closed, X sensed the same position was vibrated in the same way. She felt uncomfortable and took one step forward. The vibrations stopped. She began to think that it was not a mobile phone sending vibrations to her. She looked down backward and saw the Defendant was close to her in a distance of around 5 centimetres. After a few seconds, she sensed another instance of vibrations in the same position before arriving at Prince Edward station. Each of the instances of vibrations lasted for approximately a few seconds to ten seconds.
4. At the material time, Police Constable 12066 (“PC 12066”) was conducting anti-crime patrol in plain clothes. He patrolled to somewhere near Car 6-5 on Platform no. 2 of Sham Shui Po station. At the time there were passengers getting on and off. He saw the Defendant got off and again on the train. He followed the Defendant onto the train. He saw the Defendant walked to the back of X, with half a palm apart. He then saw a few instances of the Defendant’s upper body leaning backward and the position of his genital organ on his lower body leaning forward to contact X’s left buttock. During these instances of contact, he also saw when X moved a small step forward towards her friend, the Defendant would chase after X by moving a small step toward her back.
5. The Defendant then got off the train at Prince Edward station. PC 12066 followed the Defendant to get off the train and walk to the platform for Tiu Keng Leng direction. Later on, PC 12066 stopped the Defendant and revealed his police identity. At around 6:40 p.m. that day, the Defendant was then brought

to the police room at Prince Edward station. PC 12066 then carried out a quick body search on the Defendant. The Defendant was wearing a blue jacket, which covered the position of the zipper of his trousers. PC 12066 pulled up the Defendant's jacket and saw the Defendant's trouser zipper was open and his penis was revealed. On the left and right sides of his penis, there was respectively a vibrator attached to each side with white tape. PC 12066 then found that both vibrators contained batteries inside, with each of them connected to a controller with an electric cord, and the controller was placed in the same trouser pocket.

6. At the police room at Prince Edward station, PC 12066 arrested the Defendant on the charge of indecent assault and he cautioned the Defendant. Under caution, the Defendant said "Due to the great pressure at work, I placed vibrators on my lower body and pushed against the girl's buttock for pleasure."
7. During a thorough body search at Mong Kok Police Station later that day, PC 12066 found the Defendant did not wear underpants and there was a transparent grey plastic container fitted to the position of his testicles. PC 12066 checked the two vibrators functioned normally.
8. The Defendant was subsequently charged with the offence of indecent assault, contrary to section 122(1) of the Crimes Ordinance, Cap. 200.
9. On 4 April 2023, the Defendant was convicted after trial at the West Kowloon Magistrates' Court in Case No. WKCC 1235/2022 of the offence of indecent assault.
10. On 5 May 2023, the Defendant was sentenced to 14 days' imprisonment.
11. The Defendant subsequently appealed against the conviction to the Court of First Instance in Case No. HCMA 211/2023. On 5 June 2024, the Court dismissed the Defendant's appeal.

### **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.

### **Findings of the Inquiry Panel**

13. There is no dispute that the offence of indecent assault is punishable with imprisonment. By virtue of section 21(1) of the Medical Registration Ordinance, Cap. 161 (“MRO”), our disciplinary powers against the Defendant are engaged.

14. Section 21(3) of the MRO expressly 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.”*

15. We are therefore entitled to take the aforesaid conviction as proven against the Defendant.

16. Accordingly, we find the Defendant guilty of the amended disciplinary charge.

### **Sentencing**

17. The Defendant has a clear disciplinary record.

18. In line with our published policy, we shall give the Defendant credit in sentencing for his frank admission and not contesting the disciplinary charge. However, given that there is hardly any room for dispute in a disciplinary case involving criminal conviction, the credit to be given to him must necessarily be of a lesser extent than in other cases.

19. 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.

20. The offence of indecent assault committed by the Defendant on X was very serious. What the Defendant did had tarnished the reputation of doctors in Hong Kong.
21. It is clearly stated in paragraph 27.2 of the Code of Professional Conduct (2022 edition) that a particularly serious view will likely be taken in respect of offences involving indecent behaviour.
22. We have considered the character reference letters as submitted by the Defendant's solicitor.
23. The Defendant's solicitor produced a Clinical Psychological Report prepared by Dr CHEUNG Chuen Yih Amos ("Dr CHEUNG"), a Clinical Psychologist, dated 22 April 2025. The Defendant's solicitor also called Dr CHEUNG to give evidence. Dr CHEUNG wrote in his report that the Defendant was caught off guard by his impulsiveness and momentary lapse of judgment at the time. In our view, there was a sequence of events before the indecent assault incident in the train. It was well planned with vibrators placed at his penis, and the Defendant was not wearing underwear and his zipper was open. We do not agree that the Defendant's indecent act was because of a momentary lapse of judgement or because of sudden impulsiveness.
24. Dr CHEUNG told us that the indecent assault incident was a result of multiple stress factors. However, Dr CHEUNG agrees that if in the future the stress factors pile up again, and if the Defendant does not seek help, there is a potential of relapse.
25. We are of the view that the Defendant should have also consulted a psychiatrist to assess his psychiatric condition and prognosis. However, there is no such evidence placed before us.
26. It is essential in our view to maintain amongst members of the public a well-founded confidence that any medical doctor 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.

27. We need to ask ourselves whether the Defendant can be safely allowed to remain in practice, having regard to our responsibility to safeguard the public from persons who are unfit to practice medicine.
28. Taking into consideration the nature and gravity of this case and what we have heard and read in mitigation, we order that in respect of the amended disciplinary charge the Defendant's name be removed from the General Register for a period of 9 months.
29. We have considered carefully whether the operation of the removal order should be suspended. We do not consider it appropriate to suspend the operation of the removal order for the reasons aforesaid.

Prof. FOK Tai-fai, SBS, JP  
Chairperson of the Inquiry Panel  
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