

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr LUK Sunny Wai Leung (陸偉亮醫生) (Reg. No.: M11630)

Date of hearing: 25 August 2025 (Monday)

Present at the hearing

Council Members/Assessors: Prof. TANG Wai-king, Grace, SBS, JP
(Chairperson of the Inquiry Panel)
Prof. LUI Cho-ze, Joseph
Dr WONG Mo-lin, Maureen
Mrs BIRCH LEE Suk-yee, Sandra, GBS, JP
Ms HO Yuk-wai, Joan

Legal Adviser: Mr Edward SHUM

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

Legal Officer representing the Secretary: Mr Eric KO, Senior Government Counsel

The Charges

1. The amended charges against the Defendant, Dr LUK Sunny Wai Leung, are:

“That he, being a registered medical practitioner, disregarded his professional responsibility to his patient [REDACTED] (“the Patient”) in that:

(a) on 25 August 2011 he inappropriately dispensed to the Patient “Inhibace Cilazapril 2.5 mg” tablets the expiry date of which fell on or before 25 August 2008; and

(b) on 30 September 2011 he inappropriately dispensed to the Patient “Inhibace Cilazapril 2.5 mg” tablets the expiry date of which fell on or before 25 August 2008.

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 Defendant was at all material times and still is a registered medical practitioner. His name has been included in the General Register from 26 August 1997 to present and his name has never been included in the Specialist Register.
3. The Defendant admitted the factual particulars of the amended disciplinary charges against him.
4. There is no dispute that the Patient was accompanied by his friend i.e. the Complainant to see the Defendant on 25 August 2011. The Patient brought along reports of results from a recent body check, which showed that he had elevated blood pressure measuring 169/102 and Triglycerides level of 4.67mmol/L.
5. During the consultation, the Defendant rechecked the Patient’s blood pressure 3 times, which all showed that the Patient had elevated blood pressure. Considering that the Patient’s Triglycerides was more than 3 times over the normal level, the Defendant advised the Patient to undergo medical treatment. The Defendant also advised the Patient to control his diet.
6. The Patient was further told by the Defendant to come back for follow-up in one month on 22 September 2011.
7. Upon the Defendant’s prescription, the Patient was given 28 days’ supply of Inhibace (containing the active ingredient of Cilazapril) tablet 2.5mg and Simtin 20mg (one tablet each daily) respectively by the Defendant’s clinic nurse after the consultation for treatment of his high blood pressure and high Triglycerides.

8. The Patient was scheduled to follow up on 22 September 2011. Meanwhile, the Patient accidentally lost some of the Inhibace tablets. According to the Complainant, she tried to obtain replacement Inhibace tablets from pharmacy stores but in vain.
9. On 30 September 2011, the Complainant attended the Defendant's clinic and asked the clinic nurse if the Patient might have some more Inhibace tablets. When the Complainant enquired about the expiry date of the 30 tablets of Inhibace dispensed to the Patient, the clinic nurse took back the medicine after consulting the Defendant.
10. Suspecting that the Inhibace tablets dispensed to the Patient might have already expired, the Complainant lodged this complaint with the Secretary of the Medical Council on 11 October 2011.
11. Further enquiry by the Secretary of the Medical Council with the Drug Office of the Department of Health subsequently revealed that Inhibace tablets 2.5mg were last imported into Hong Kong on 17 August 2006 with the batch number B2206 and expiry date of 25 August 2008.

Burden and Standard of Proof

12. We bear in mind that the burden of proof is always on the Legal Officer 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. There is no doubt that the allegations against the Defendant are serious ones. Indeed, it is always a serious matter to accuse any registered medical practitioner of misconduct in a professional respect. Therefore, we need to look at all the evidence and to consider and determine each of the amended disciplinary charges against him separately and carefully.

Findings of the Council

14. Registered medical practitioners in Hong Kong are in a unique position in that

they can prescribe and dispense medicines to patients. As a registered medical practitioner who dispensed medicines to his patient, the Defendant had the personal responsibility to ensure the medicines were safe and proper in all material aspects.

15. In this connection, we note from reading the Memo from the Drug Office of the Department of Health to the Medical Council dated 11 September 2012 that:-

“...According to the information provided by the certificate holder of Inhibace..., Inhibace Tab 2.5mg... was last imported to HK on 17.8.2006 with the... expiry date 25 August 2008 ...”

16. Indeed, the Defendant also admitted that the expiry date of the Inhibace Cilazapril 2.5mg tablets, which he dispensed to the Patient on two occasions, fell on or before 25 August 2008.
17. We are particularly concerned that the Defendant inappropriately dispensed expired medicine to the Patient on two occasions without verifying the actual expiry date of the medicine.
18. We accept that there is no evidence before us that the Patient had suffered any harm after taking the dispensed medicine. However, the significance of the expiry date on any medicine lies in that the efficacy and safety cannot be guaranteed beyond the date. Also, the anxiety or distress that the Patient in this case might develop after taking the dispensed medicine must not be overlooked.
19. In our view, the Defendant had by his conduct in this case fallen below the standard expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of misconduct in a professional respect as per the amended disciplinary charges (a) and (b).

Sentencing

20. The Defendant has a clear disciplinary record.

21. In line with our published policy, we shall give the Defendant credit in sentencing for his frank admission and cooperation throughout these disciplinary proceedings.
22. 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 the public confidence in the medical profession by upholding its high standards and good reputation.
23. We are told in mitigation that upon realizing that the dispensed medicine had already expired, the Defendant immediately apologized to the Patient. Moreover, the Defendant had after the incident strengthened his precautions. In particular, the Defendant had instructed his nursing staff to keep computer records of all medicines which he had in stock and their respective expiry dates. And the Defendant would personally double check all stocks and their respective expiry dates every month. Furthermore, clear labels would be placed on each medicine stock to alert his nursing staff and himself of the expiry dates. And new stock would be kept separately until the old stock had been used or disposed of in order to avoid mixing medicines with different expiry dates.
24. We accept that the Defendant had learned a hard lesson. Given his good insight and the remedial measures that he had taken after the incident, we believe the chance of the Defendant repeating the same or similar breach in the future would be low.
25. Taking into consideration the nature and gravity of the amended disciplinary charges for which we find the Defendant guilty and what we have heard and read in mitigation, we order that a warning letter be issued to the Defendant in respect of both the amended disciplinary charges (a) and (b). We further order that our order be published in the Gazette.

Prof. TANG Wai-king, Grace, SBS, JP
Chairperson of the Inquiry Panel
Medical Council of Hong Kong