

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr WONG Ka Hing (王家慶醫生) (Reg. No.: M11037)

Date of hearing: 10 May 2016

Present at the hearing

Council Members/Assessors: Prof. Felice LIEH-MAK GBS CBE JP (Temporary Chairman)
Dr CHOW Pak-chin, JP
Dr HO Hung-kwong, Duncan
Dr HUNG Se-fong, BBS
Mr YU Kwok-kuen, Harry
Mr KWONG Cho-shing, Antonio, MH
Dr KWONG Kwok-wai, Heston, JP

Legal Adviser: Mr Edward SHUM

Defence Counsel representing the Defendant: Ms Leona CHAN instructed by Messrs.
Francis KONG & Co., Solicitors

Senior Government Counsel representing the Secretary: Miss Carmen POON

1. The charges against the Defendant, Dr WONG Ka Hing, are:

“That he, being a registered medical practitioner:

- (a) was convicted at the Kwun Tong Magistrates’ Courts on 29 April 2013 of 2 counts of the offence of forgery, which is an offence punishable with imprisonment, contrary to section 71 of the Crimes Ordinance, Cap. 200, Laws of Hong Kong; and
- (b) was convicted at the Kwun Tong Magistrates’ Courts on 29 April 2013 of the offence of fraud, contrary to section 16A(1)(a) of the Theft Ordinance, Cap. 210, Laws of Hong Kong.”

Facts of the case

2. The Defendant was at all material times a registered medical practitioner. His name has been included in the General Register from 31 August 1996 to present.
3. On 29 April 2013, the Defendant was convicted on his own plea of the abovementioned offences by the Principal Magistrate of the Kwun Tong Magistrates' Courts ("the Court"). He was sentenced to 200 hours of community services.
4. There is no dispute that all the above-mentioned offences were punishable with imprisonment.
5. The facts of the case, which the Defendant admitted, were set out in the Amended Brief Facts placed before the Court ("the Amended Brief Facts"), a copy of which was adduced by the Legal Officer as part of her case against the Defendant.
6. Briefly stated, the Defendant fraudulently prepared and submitted to the Childhood Influenza Vaccination Subsidy Scheme claim forms for his two young patients and received a total sum of \$160 from the Department of Health; whereas in truth his medical fees had already been charged on their father's MTR staff medical card. In order to perpetuate the fraud, the Defendant also forged the signatures on the patients' consent forms to claim for Government subsidy after his nurse assistant had refused to do so despite his instruction.

Findings of Council

7. Section 21(3) of the Medical Registration Ordinance (MRO) expressly provides that:-

"Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered medical practitioner was properly convicted but the Council 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."
8. The Council is therefore entitled to take the said convictions as conclusively proven against the Defendant.
9. Accordingly, we also find the Defendant guilty of the disciplinary offences as charged.

Sentencing

10. The Defendant has a clear disciplinary record.
11. In line with our published policy, we shall give him credit for his frank admission in this Inquiry and cooperation during the preliminary investigation stage. However, given that there is hardly any room for dispute in a disciplinary case involving criminal convictions, the credit to be given to the Defendant must necessarily be of a lesser extent than in other cases.
12. We bear in mind that the purpose of a disciplinary order is not to punish the Defendant for the abovementioned offences 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 the high standards and good reputation of the profession.
13. It is essential in our view to maintain among members of the public a well-founded confidence that any registered medical practitioner whom they consulted 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.
14. Despite the relatively small amount of money involved, we are most concerned that the Defendant went all out to perpetuate the fraud by forging the signatures on the consent forms to claim for Government subsidy. In our view, the Defendant's dishonest conduct was a serious breach of trust owed to his patients and to the Government, which vaccination subsidy scheme could not work without the bona fides of the participating doctors.
15. Taking into consideration the nature and gravity of the disciplinary charges and what we have read and heard in mitigation, we shall make a global order in respect of charges (a) and (b) that the Defendant's name be removed from the General Register for a period of 6 months.
16. We have considered whether the removal order should be suspended. We have reservation on whether the Defendant is genuinely remorseful. Remorse usually comes hand in hand with insight into one's wrongdoings. Regrettably, whilst the Defendant admitted what he had done, he had not provided us with any evidence of rehabilitative steps taken by him. Nor had he placed before us character references

or testimonials which might convince us that he was truly reformed. We do not consider that this is a suitable case for suspension of the removal order.

17. We further recommend that when the Defendant applies for restoration of his name to the General Register, he should provide cogent evidence to the satisfaction of the Council of his insight into his wrongdoings and that he has reformed himself.

Prof. Felice LIEH-MAK GBS CBE JP
Temporary Chairman, Medical Council