

香港醫務委員會

The Medical Council of Hong Kong

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr GREIG James Donald (Reg. No.: M07708)

Date of hearing: 15 June 2020 (Monday)

Present at the hearing

Council Members/Assessors: Prof. Felice LIEH-MAK, GBS CBE JP
(Chairperson of the Inquiry Panel)
Dr CHEUNG Chin-pang
Dr SO Hing-yu
Mr KWONG Cho-shing, Antonio MH
Mr LUI Wing-cheung, Kenneth

Legal Adviser: Mr Edward SHUM

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

Government Counsel representing the Secretary: Mr Louie CHAN

1. The charges against the Defendant, Dr GREIG James Donald, are:

“That he, being a registered medical practitioner, was convicted at the Shatin Magistrates’ Courts on 25 February 2019 of the offences of:

(a) careless driving, contrary to section 38(1) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong; and

(b) driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit, contrary to section 39A(1) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong.”

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 Specialist Register under the specialty of General Surgery since 7 September 1998.
3. According to the Brief Facts of the Case prepared by the Police and upon which the Defendant was convicted of the said offences, the Defendant was driving his car along Tate's Cairn Highway (Kowloon bound) at around 07:29 hours in the morning of 29 October 2018 (Monday). The Defendant failed to slow down and stopped in time in response to the change of traffic condition ahead. As a result, his car rammed into the rear of the car in front of him and pushing it forward to collide with another car.
4. Police officers later arrived at the accident scene and asked the Defendant to undergo a screening breath test. The result of the screening breath test conducted at 08:12 hours indicated that the Defendant's breath had 56 micrograms of alcohol in 100 millilitres, which exceeded the prescribed limit of 22 micrograms of alcohol in 100 millilitres of breath.
5. The Police then declared arrest of the Defendant and escorted him back to the Shatin Police Station for further investigation. The Defendant later underwent an evidential breath test at 09:14 hours with the result of 45 micrograms of alcohol in 100 millilitres of breath.
6. The Defendant was subsequently charged and convicted on his own plea of the said offences on 25 February 2019. In respect of the offence of "careless driving", the Defendant was fined \$4,000. And in respect of the charge of "driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit", the Defendant was fined \$10,000 and disqualified from holding or obtaining a driving licence for all classes for 12 months or until the completion of a driving improvement course, whichever was the later. Moreover, the Defendant had to attend and complete a driving improvement course at his own cost within the last 3 months of the disqualification order.
7. Meanwhile, the Defendant reported his conviction through his solicitors by letter to the Medical Council dated 28 February 2019.

Findings of the Inquiry Panel

8. There is no dispute that both “*careless driving*” and “*driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit*” were and still are offences punishable with imprisonment. In the premises, our disciplinary powers under section 21(1)(a) of the Medical Registration Ordinance, Cap. 161 (“MRO”) are engaged.
9. Section 21(3) of 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.”
10. We are therefore entitled to take the said conviction as proven against the Defendant.
11. Accordingly, we also find the Defendant guilty of the disciplinary offences as charged.

Sentencing

12. The Defendant has a previous disciplinary record relating to unauthorized practice promotion.
13. In line with 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 conviction, the credit to be given to him must necessarily be of a lesser extent than in other cases.
14. We bear in mind that the primary purpose of a disciplinary order is not to punish the Defendant a second time for the said offences 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.

15. Driving a motor vehicle whilst under the influence of alcohol is a serious offence. The Defendant, being a registered medical practitioner, ought to know better than any lay person the effect of alcohol on driving. It was mere luck that no one was seriously injured in the accident. Indeed, the Defendant also admitted through his solicitor that he is aware of the impairment effects of alcohol on driving.
16. We are told in mitigation that the Defendant drank a small glass of whisky whilst watching the Formula One Grand Prix Championship race. The Defendant underestimated the amount of spirit he poured over the ice in the glass thinking it was much less than he subsequently measured it to be.
17. We are also told in mitigation that the Defendant was on his way to his clinic for administrative duties scheduled in the morning when the accident happened.
18. Through his solicitor, the Defendant assured us that he fully appreciated the errors that he made and had since refrained from consuming any alcohol whilst watching late night Formula One races. The Defendant took the matter of alcohol consumption seriously because this would affect not only his professional life but also his pursuits in scuba diving and flight training, both of which required zero alcohol tolerance.
19. In this connection, we further noted from reading reference letters from the Defendant's professional colleagues that they had never known him to show any signs of excessive alcohol consumption.
20. We accept that the Defendant has learnt a hard lesson from his conviction. Given his insight into his wrongdoings, we believe that the risk of his committing the same or similar breach in the future is low.
21. Taking into consideration the nature and gravity of this case and what we have heard and read in mitigation, we order in respect of both disciplinary offences that a warning letter be issued to the Defendant. We further order that our said order be published in the Gazette.

Remark

22. The Defendant's name is included in the Specialist Register under the Specialty of General Surgery. We shall leave it to the Education and Accreditation Committee to decide on whether anything may need to be done to his specialist registration.

Prof. Felice LIEH-MAK, GBS CBE JP
Chairperson of the Inquiry Panel
The Medical Council of Hong Kong