

香港醫務委員會

The Medical Council of Hong Kong

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr LEUNG Cheuk Wa Wilfred (梁卓華醫生) (Reg. No.: M10261)

Date of hearing: 29 May 2017 (Monday)

Present at the hearing

Council Members/Assessors: Prof. LAU Wan-yee, Joseph, SBS (Chairman)
Dr IP Wing-yuk
Dr LI Tak-lai, Theresa
Dr LEUNG Chi-chiu
Miss CHAU Man-ki, Mabel MH
Prof TAN Choon-beng, Kathryn
Dr TONG Fu-man

Legal Adviser: Mr Edward SHUM

Defendant : Dr LEUNG Cheuk Wa Wilfred (who is not legally represented)

Government Counsel representing the Secretary: Ms Carmen SIU

1. The charges against the Defendant, Dr LEUNG Cheuk Wa Wilfred, are:

“That he, being a registered medical practitioner, was convicted at the Shatin Magistrates’ Courts on 25 November 2014 of the offences of:

- (a) driving a motor vehicle with alcohol concentration in breath above the prescribed limit, which is an offence punishable with imprisonment, contrary to section 39A(1) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong; and
- (b) careless driving, which is an offence punishable with imprisonment, contrary to section 38(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 General Register from 20 September 1995 to present and his name has been included in the Specialist Register under the Specialty of Paediatrics since 3 May 2006.
3. There is no dispute that the Defendant was found guilty on his own plea of the offences of (1) driving a motor vehicle with alcohol concentration in breath above the prescribed limit, contrary to section 39A(1) of the Road Traffic Ordinance, Cap. 374; and (2) careless driving, contrary to section 38(1) of the Road Traffic Ordinance, Cap. 374.
4. There is no dispute that the said offences are punishable with imprisonment.
5. According to the Brief Facts of the Case prepared by the Police and upon which the Defendant was convicted, the Defendant's car was following a taxi. When the taxi stopped before the give-way sign to observe the traffic flow of the roundabout ahead, the Defendant's car could not stop in time and hit the taxi from behind and pushing it about 1 metre forward. Police was summoned to the scene and the Defendant was asked to undergo a Screening Breath Test. The result of the Screening Breath Test indicated that the Defendant's breathing had 46 micrograms of alcohol in 100 millilitres, which was more than double of the prescribed limit of 22 micrograms of alcohol in 100 millilitres. The Defendant was arrested and escorted back to Tin Sum Police Station. The Defendant subsequently underwent another Screening Breath Test with the result that his breathing had 35 micrograms of alcohol in 100 millilitres notwithstanding that more than 1 hour had elapsed since the traffic accident.

Findings of the Council

6. Section 21(3) of the Medical Registration Ordinance 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.”

7. The Council is therefore entitled to take the said convictions as conclusively proven against the Defendant.
8. Accordingly, we also find the Defendant guilty of the disciplinary offences as charged.

Sentencing

9. The Defendant has a clear disciplinary record.
10. 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 convictions, the credit to be given to him must necessarily be of a lesser extent than in other cases.
11. We bear in mind that the 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.
12. Driving a motor vehicle whilst under the influence of alcohol is a serious offence. It is mere luck that no one was seriously injured in this case. Indeed, the Defendant admitted the seriousness of his misdeed and his inadequacy as a medical professional. The Defendant, being a registered medical practitioner, ought to know better than any lay person the effect of alcohol on driving. And yet, he took the chance and drove his car home from the hospital where he parked instead of taking a taxi directly back from the restaurant to home after drinking alcohol.
13. However, we appreciate that the Defendant is a compassionate doctor and he has engaged in numerous voluntary works both in Hong Kong and abroad. The Defendant also told us that he has already quitted drinking. We accept that the Defendant has shown full remorse and he has learnt a hard lesson from both the criminal convictions. Given his genuine insight into his misdeed, we believe that the risk of his committing the same or similar offences in the future is low.

14. Having regard to the nature and gravity of the disciplinary offences and what we have heard and read in mitigation, we shall make a global order that a warning letter be issued to the Defendant.

Remark

15. The Defendant's name is included in the Specialist Register under the Specialty of Paediatrics. 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. LAU Wan Yee Joseph, SBS
Chairman, Medical Council