

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr LIM Loong Lu (林龍如醫生) (Reg. No.: M09120)

Date of hearing: 17 May 2021 (Monday)

Present at the hearing

Council Members/Assessors: Prof. TANG Wai-king, Grace, SBS, JP
(Chairperson of the Inquiry Panel)
Dr MA Chung Yee, Arisina
Dr LAU Ho-lim
Mr HUNG Hin-ching, Joseph
Ms HO Yuk-wai, Joan

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Mr Woody CHANG of
by Messrs. Mayer Brown

Government Counsel representing the Secretary: Mr Jesse YU

1. The charges against the Defendant, Dr LIM Loong Lu, are:

“That on 18 July 2019, he, being a registered medical practitioner, disregarded his professional responsibility to his patient in that he:

(a) failed to properly wash and/or sterilize his hands before the procedure of removal of foreign body (“the Procedure”) from the Patient;

(b) failed to properly explain the Procedure to the Patient’s mother; and/or

(c) failed to properly keep operation records of the Procedure, including the details of “foreign body” and local anaesthesia.

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 name of the Defendant has been included in the General Register from 8 September 1993 to the present. His name has never been included in the Specialist Register.
3. The Defendant admits the factual particulars of the disciplinary charges against him.
4. Briefly stated, the Patient, accompanied by her mother (“the Complainant”), consulted the Defendant at his clinic in the afternoon of 18 July 2019 for removal of foreign body in her right middle finger. After removal of the foreign body by scraping under local anaesthesia, the Defendant charged the Patient \$4,000 for his services. The Complainant considered the Defendant’s service charge to be unusually high. Nevertheless, the Complainant settled the payment with credit card before leaving the Defendant’s clinic.
5. The Complainant subsequently lodged this complaint against the Defendant with the Medical Council.

Burden and Standard of Proof

6. 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.
7. There is no doubt that each of the allegations against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse a registered medical practitioner of misconduct in a professional respect. Therefore, we need to look at all the evidence and to consider and determine the disciplinary charges against him separately and carefully.

Findings of the Inquiry Panel

8. The Defendant admits the factual particulars of the disciplinary charges against him. However, it remains for us to consider and determine on the evidence whether the Defendant has by his conduct in the subject incident fallen below the standards expected of registered medical practitioners in Hong Kong.
9. It is essential in our view for the Defendant to sterilize and/or wash his hands properly before proceeding with the scraping of the foreign body in the Patient’s right middle finger in order to avoid possible risk of infection. In failing to do so, the Defendant has in our view by his conduct in the subject incident fallen below the standards expected of registered medical practitioners in Hong Kong.
10. Accordingly, we find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (a).

11. The Defendant now admits that he failed to properly explain the Procedure to the Complainant before proceeding with the scraping of the foreign body in the Patient's right middle finger. It is idle in our view for the Defendant to ask the Complainant to put her signature on a consent form without first explaining properly to her the Procedure. In failing to obtain an informed consent from the Complainant, the Defendant has again in our view by his conduct in the subject incident fallen below the standards expected of registered medical practitioners in Hong Kong.
12. Accordingly, we also find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (b).
13. It is clearly stipulated in section 1.1.3 of the Code of Professional Conduct (2016 edition) ("the Code") that:

"All doctors have the responsibility to maintain systematic, true, adequate, clear and contemporaneous medical records..."
14. There is no dispute that the Defendant never noted down the details of the foreign body and local anaesthesia in his operation records for the Procedure. In failing to keep adequate record of these essential details about the Procedure, the Defendant has again in our view by his conduct in the subject incident fallen below the standards expected of registered medical practitioners in Hong Kong. This is particularly true when local anaesthesia was being administered to a young child of 2 years old.
15. Accordingly, we further find the Defendant guilty of misconduct in a professional respect as per disciplinary charge (c).
16. Although this is not a part of the disciplinary charges that the Defendant is facing, we wish to remind the Defendant of his responsibility to maintain systematic, true, adequate, clear and contemporaneous medical records. In this connection, we find it impossible to discern from reading the Defendant's consultation record the strength of the medication prescribed to the Patient.

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 admission and full cooperation before us today.
19. We bear in mind that the primary purpose of a disciplinary order is not to punish the Defendant. Rather, it is 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. We accept that the Defendant has learned his lesson. However, we are particularly concerned about the Defendant's shortcomings in this case.

21. Taking into consideration the nature and gravity of this case and what we have heard and read in mitigation, we shall make a global order in respect of disciplinary charges (a), (b) and (c) that the Defendant be reprimanded.

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