

香港醫務委員會

**The Medical Council of Hong Kong**

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**DISCIPLINARY INQUIRY**  
**MEDICAL REGISTRATION ORDINANCE, CAP. 161**

Defendant: Dr LI Wing Hong (李永康醫生) (Reg. No.: M11966)

Date of hearing: 21 May 2019 (Tuesday)

Present at the hearing

Council Members/Assessors: Prof. Felice LIEH-MAK, GBS, CBE, JP  
(Chairperson of the Inquiry Panel)  
Dr CHOW Yu-fat  
Dr MAK Siu-king  
Mr LAM Chi-yau  
Ms NG Ka-man, Rendy

Legal Adviser: Mr Edward SHUM

Defence Solicitor representing the Defendant: Mr William CHAN of Messrs. Mayer  
Brown

Senior Government Counsel (Acting) representing the Secretary: Miss Sanyi SHUM

1. The amended charge against the Defendant, Dr LI Wing Hong, is:

“That he, being a registered medical practitioner, was convicted at the Eastern Magistrates’ Courts on 17 February 2015 of the offence of driving a motor vehicle with alcohol concentration in breath exceeding 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.”

### **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 13 July 1998 to present and his name has been included in the Specialist Register under the Specialty of General Surgery.
3. There is no dispute that the Defendant was found guilty on his own plea of the offence of driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit, contrary to section 39A(1) of the Road Traffic Ordinance, Cap. 374.
4. There is no dispute that the said offence was and still is 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 was driving a private car along the southbound of Ap Lei Chau Bridge Road at around midnight on 5 December 2014. On reaching near lamppost No.37288, the Defendant involved in a traffic accident with a public light bus without casualty reported. Police was summoned to the scene and the Defendant was asked to undergo a Screening Breath Test at 00:21 hours on 6 December 2014. The result of the Screening Breath Test indicated that the Defendant's breath had 44 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 Aberdeen Police Station. The Defendant subsequently underwent another Screening Breath Test with the result that his breath had 41 micrograms of alcohol in 100 millilitres notwithstanding that nearly 1 hour had elapsed since the traffic accident.

### **Findings of the Inquiry Panel**

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

7. The Council is therefore entitled to take the said conviction as conclusively proven against the Defendant.
8. Accordingly, we also find the Defendant guilty of the disciplinary offence 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 conviction, 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 offence 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. The Defendant, being a registered medical practitioner, ought to know better than any lay person the effect of alcohol on driving. Indeed, the Defendant admitted the seriousness of his misdeed and he deeply regretted his foolish decision to drive after drinking.
13. We accept that the Defendant has shown full remorse and he has learnt a hard lesson from the criminal conviction. 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 this case and what we have heard and read in mitigation, we order that a warning letter be issued to the Defendant. We further order that our order be gazetted.

**Remark**

15. 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