

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr NG Sheung Yee (吳尚義醫生) (Reg. No.: M01387)

Date of hearing: 14 June 2022 (Tuesday)

Present at the hearing

Council Members/Assessors: Dr CHOI Kin, Gabriel
(Chairperson of the Inquiry Panel)
Dr LEUNG Chi-chiu
Dr LI Wilson
Mr CHAN Wing-kai
Mr LAI Kwan-ho, Raymond

Legal Adviser: Mr Stanley NG

Defence Counsel representing the Defendant: Ms Cindy LEE and Ms Maria SO
as instructed by Messrs. Wong & Co.,
Solicitors

Government Counsel representing the Secretary: Miss Katrina CHAN

1. The charge against the Defendant, Dr NG Sheung Yee, is:

“That he, being a registered medical practitioner, was convicted at the District Court on 20 May 2021 of the offence of causing grievous bodily harm by dangerous driving, which is an offence punishable with imprisonment, contrary to section 36A of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong.”

Facts of the case

2. The name of the Defendant has been included in the General Register from 14 July 1969 to the present. His name has been included in the Specialist Register under the Specialty of General Surgery since 4 March 1998.
3. The accident occurred on the morning of 2 November 2019 at Tai Po Road outside Savannah College of Art and Design. That section of Tai Po Road was a two-lane carriageway with a speed limit of 50km/hr. That morning, the weather was fine, the lighting was good and the road surface was dry and in good repair. The traffic lights at the pedestrian crossing were functioning properly.
4. At around 8:21 a.m., a Mr Chan, the driver of light goods vehicle [REDACTED], was travelling in the left lane of Tai Po Road, southbound (“the first lane”). As Mr Chan approached the pedestrian crossing outside the Savannah College of Art and Design, the traffic lights for vehicles turned from green to amber. Mr Chan stopped in front of the horizontal line at the traffic lights by which time the traffic lights had turned red. While waiting at the traffic lights Mr Chan noticed from his side mirrors private car GH 9701 travelling along the second lane at a speed of around 50km/hr. Notwithstanding the traffic lights was red, GH 9701 did not reduce speed on approaching the pedestrian crossing. GH 9701 failed to comply with the red traffic signal and hit a Mr Tam, a student, who was crossing the road when the pedestrian light was green. Mr Tam was thrown to the air and landed on the first lane. GH 9701 came to a halt on the second lane.
5. The police were called. Mr Tam was taken to hospital having sustained a fracture of the right ankle. The Defendant was the driver of GH 9701 at all material times.
6. On 20 May 2021, the Defendant was convicted at the District Court in Case No. DCCC 328/2020 of the offence of causing grievous bodily harm by dangerous driving, contrary to section 36A of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong. The Defendant was sentenced to 9 months’ imprisonment suspended for 12 months.

7. By a letter of 28 May 2021, the Defendant via his solicitors reported to the Council of his conviction and sentence. The Reasons for Sentence in DCCC 328/2020 was enclosed.

Findings of the Inquiry Panel

8. There is no dispute that “*causing grievous bodily harm by dangerous driving*” was and still is an offence punishable with imprisonment. By virtue of section 21(1) of the Medical Registration Ordinance (“MRO”), Cap. 161, Laws of Hong Kong, our disciplinary powers against the Defendant are engaged.

9. Section 21(3) of the 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 criminal conviction as conclusively proven against the Defendant.
11. Accordingly, we find the Defendant guilty of the disciplinary offence as charged.

Sentencing

12. The Defendant has one previous disciplinary record back in 2013 related to the issuance of 2 receipts to the patient for the payment of the same surgical fee. This record was different in nature to the disciplinary offence in the present case.
13. In line with published policy, we shall give the Defendant credit for his frank admission and cooperation in this inquiry. 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 purpose of a disciplinary order is not to punish the Defendant 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 its high standards and good reputation.
15. The offence committed by the Defendant is serious. However, according to the Reasons for Sentence, we note that the Court accepted that the Defendant did not deliberately drive through the red light, and his failure to realise the traffic lights had changed to red was due to inattention. The Court also accepted that apart from the offence taking place on a pedestrian crossing, there were no other aggravating factors.
16. We accept that the Defendant has shown remorse and has learnt a hard lesson from the said criminal conviction. We also note that the Defendant told the Court that he was determined not to drive any motor vehicle again. The Defendant through his counsel also told us that he would not drive any motor vehicle again. We therefore accept that the risk of re-offending is low.
17. We also give credit to the Defendant's contribution to medicine, including training medical students; volunteering to help the Hospital Authority during SARS and supporting the Government's health initiatives, most recently, Colorectal Cancer Screening.
18. Having regard to the nature and gravity of this case and what we have heard and read in mitigation, we order that the Defendant be reprimanded.

Remark

19. The name of the Defendant is included in the Specialist Register under the Specialty of General Surgery. It is for the Education and Accreditation Committee to consider whether any action should be taken in respect of his specialist registration.

Dr CHOI Kin, Gabriel
Chairperson of the Inquiry Panel
The Medical Council of Hong Kong