

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 YUEN Chun Max (源俊醫生) (Reg. No.: M13711)

Date of hearing: 22 October 2021 (Friday)

Present at the hearing

Council Members/Assessors: Prof. LAU Wan-ye, Joseph, SBS  
(Chairperson of the Inquiry Panel)  
Dr CHEUNG Hon Ming  
Dr LUM Chor-ming, Christopher  
Ms HUI Mei-sheung, Tennessy, MH, JP  
Mr YUEN Hon-lam, Joseph

Legal Adviser: Mr Edward SHUM

Defence Counsel representing the Defendant: Ms Elizabeth HERBERT and  
Ms Peggy PAO as instructed by  
Messrs. Francis Kong & Co., Solicitors

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

1. The amended charges against the Defendant, Dr YUEN Chun Max, are:

“That he, being a registered medical practitioner:

- (a) was convicted at the West Kowloon Magistrates’ Courts on 22 January 2019 of the offence of driving/using an unregistered/unlicensed vehicle, which is an offence punishable with imprisonment, contrary to sections 52(1)(a) and 52(10)(a) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong;

- (b) was convicted at the West Kowloon Magistrates' Courts on 22 January 2019 of the offence of using vehicle without insurance, which is an offence punishable with imprisonment, contrary to sections 4(1) and 4(2) of the Motor Vehicles Insurance (Third Party Risks) Ordinance, Chapter 272, Laws of Hong Kong; and/or
- (c) has been guilty of misconduct in a professional respect in that he failed to report to the Medical Council the convictions mentioned in paragraphs (a) and (b) above within 28 days from the convictions, contrary to section 29.1 of the Code of Professional Conduct published in January 2016; in relation to the facts alleged, 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 2 July 2002 to the present. His name has never been included in the Specialist Register.
3. There is no dispute that the Defendant was convicted on his plea of the abovementioned offences at the Western Kowloon Magistrates' Courts on 22 January 2019.
4. However, the Defendant did not report his criminal conviction to the Medical Council until the time when he applied for renewal of his Annual Practising Certificate on 20 May 2020.

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

5. There is no dispute that the aforesaid offences were and still are 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.
6. 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.”*

7. We are therefore entitled to take the said criminal conviction as conclusively proven against the Defendant.
8. Accordingly, we also find the Defendant guilty of the amended charges (a) and (b).
9. It is clearly stated in section 29.1 of the Code of Professional Conduct (2016 edition) that:-

*“A doctor who has been convicted in or outside Hong Kong of an offence punishable with imprisonment or has been the subject of adverse findings in disciplinary proceedings by other professional regulatory bodies is required to report the matter to the Council within 28 days from the conviction or the adverse disciplinary finding, even if the matter is under appeal. Failure to report within the specified time will in itself be ground for disciplinary action. In case of doubt the matter should be reported.”*

10. The Defendant admitted that he did not report his criminal conviction to the Medical Council within 28 days from 22 January 2019.
11. In deciding whether the Defendant’s failure to report his criminal conviction within time would constitute professional misconduct, we bear in mind that the vehicle driven by the Defendant had been unregistered and without insurance for some 3 years. In view of the serious nature of the underlying offences, the Defendant’s protracted failure to report his criminal conviction to the Medical Council is inexcusable.
12. For these reasons, the Defendant has in our view by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, we find the Defendant guilty of professional misconduct as per the amended charge (c).

### **Sentencing**

13. The Defendant has a clear disciplinary record.

14. In line with our published policy, we shall give the Defendant credit in sentencing for his admission and not contesting the disciplinary proceedings. However, given that there is hardly 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.
15. We bear in mind that the primary purpose of a disciplinary order is not to punish the Defendant 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.
16. We accept that the Defendant has shown remorse and he has learnt a hard lesson.
17. 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 the amended charges (a), (b) and (c) that a warning letter be issued to the Defendant; and our order is to be published in the Gazette.

Prof. LAU Wan-yee, Joseph, SBS  
Chairperson of the Inquiry Panel  
The Medical Council of Hong Kong