香 港 醫 務 委 員 會
The Medical Council of Hong Kong

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr KWOK Ka Ki (郭家麒醫生) (Reg. No.: M06447)

Date of hearing: 16 April 2026 (Thursday)

Present at the hearing

Council Members/Assessors: Prof. TANG Wai-king, Grace, SBS, JP
(Chairperson of the Inquiry Panel)
Dr WONG Lap-gate, Michael
Prof. CHAN Tak-mao, Daniel
Mrs BIRCH LEE Suk-yee, Sandra, GBS, JP
Mr FUNG Cheuk-nang, Clement, MH

Legal Adviser: Mr Edward SHUM

Legal Officer representing the Secretary: Mr Anthony CHAN, SC as instructed by Department of Justice

The Defendant is not present and he is not legally represented.

The Charge

1. The amended charge against the Defendant, Dr KWOK Ka Ki, is:

> *"That he, being a registered medical practitioner, was convicted at the High Court on 27 August 2024 of the offence of conspiracy to commit subversion, which is an offence punishable with imprisonment, contrary to Article 22(3) of Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region in Schedule to the Promulgation of National Law 2020 (LN 136 of 2020) and sections 159A and 159C of the Crimes Ordinance, Cap. 200, Laws of Hong Kong."*

Preliminary issue

2. Before this inquiry began, the Legal Officer told us and we are satisfied upon reading the relevant affirmation of service that the Notice of Inquiry dated 15 August 2025 (together with a copy of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation, Cap. 161E (the "Regulation"), Laws of Hong Kong and a copy of the Practice Directions on Disciplinary Inquiries issued by the Secretary of the Medical Council (the "Secretary") were duly served on the Defendant by post to his address as recorded in the General Register in accordance with section 51 of the Regulation.

3. It is evident to us from the correspondence subsequently exchanged between the Defendant and the Secretary that the Defendant decided on his own volition not to be present either by himself or by his legal representative, despite he has been duly served with the Notice of Inquiry.

4. For these reasons, we decided to proceed with this inquiry in the absence of the Defendant.

Facts of the case

5. The name of the Defendant has been included in the General Register from 28 March 1987 to the present. His name has been included in the Specialist Register under the Specialty of Urology since 7 April 2004.

6. There is no dispute that the Defendant was charged and convicted on his own plea of the offence of conspiracy to commit subversion contrary to Article 22(3) of Law of the People's Republic of China on Safeguarding National Security ("NSL") in the Hong Kong Special Administrative Region ("HKSAR") in Schedule to the Promulgation of National Law 2020 (LN 136 of 2020) and section 159A and 159C of the Crimes Ordinance, Cap. 200 (the "Offence").

7. By reason of the said conviction, our disciplinary powers over the Defendant pursuant to section 21(1)(a) of the Medical Registration Ordinance ("MRO"), Cap. 161, Laws of Hong Kong are engaged.

8. Briefly stated, the Defendant had conspired with other persons to paralyze the operations of the HKSAR Government by disrupting the normal and systematic

running of the Legislative Council (the "LegCo") thus compelling the Chief Executive to dissolve the LegCo and ultimately causing the Chief Executive to resign (the "Scheme"). This involved a massive and well-organized scheme to attain a controlling majority in the LegCo, commonly known as "35+".

9. In order to gain the controlling majority in the LegCo and with a view to avoiding the potential issue of vote splitting, a primary election (the "Primary Election") for the pro-democracy camp was organized and publicly propagandized.

10. It was stated in the Summary of Facts upon which the Defendant was convicted that:-

> *"320. On 25 March 2020, [he] attended the press conference of the Civic Party to show their allegiance to act in furtherance of the Scheme...*
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> *321. [He] committed himself in his personal capacity and as a member of the Civic Party to the Online Declaration [that its members would veto the acts, bills and appr[opri]ations including the Budget in achieving the impugned objectives of the Scheme]...*
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> *322. With a view to advocating for the International Battlefront, [he] together with other members of the Civic Party... jointly called on the US Government to swiftly pass the US legislation [i.e. the Hong Kong Human Rights and Democracy Act]...[and] also requested the US Government to impose sanctions against the Chief Executive and specific senior officials of the [HKSAR] Government... In the course of the Primary Election, [he] solicited and petitioned for interference of the US Government in relation to the HKSAR's affairs.*
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> *323. ...[he] attended the Civic Party's Pep Rally...[and] advocated for support by saying that in view of the relentless oppression by the Central authorities since 2014 (namely the decision of the Standing Committee of the National People's Congress which led to the umbrella movement and the attempt to implement the extradition bill in 2019 which led to the large scale of protests), it had come to the time where Hong Kong people should join their course to fight against the authorities, particularly when the*

Central authorities tried to use NSL to oppress all Hong Kong citizens by permanently depriving them of their freedom. He reiterated the propaganda of the Civic Party that "The more the oppression, the stronger the tenacity".

324. ...[he] submitted the Primary Election Nomination Form... confirming his intention to join the Primary Election...

326. ...[he] attended the Election Forum for the New Territories West geographical constituency... During the said Election Forum, he advocated for the Scheme and emphasized how he would seize the opportunity to use his power, political connection and/or influence and best endeavour to further their conspiracy and achieve the objectives. He claimed that he had also become unflinching in fighting the LegCo Battlefront and acknowledged the importance of having indivisible solidarity with the hard-line protestors. He persistently referred the Government as a totalitarian / oppressive regime.

...

328. [He] ran for the Primary Election. In addition to street rallies, he advocated for the Primary Election and campaigned for his election on various social media platforms... and newspaper column...

329. Subsequently, [he] was announced to be a winner in the Primary Election of the New Territories West geographical constituency.

330. ...in furtherance of the Scheme, [he] submitted the LegCo nomination form with a view to participating in the Election.

331. In summary, in the course of events leading to the Primary Election, [he] had demonstrated his persistent commitment to the Scheme in his personal capacity and as a member of the Civic Party by representations and conduct such as endorsing the Online Declaration and subscribing to the Manifesto of the Civic Party..."

11. Meanwhile, on 30 July 2020, the Defendant was disqualified from the LegCo General Election on the ground that he did not have the genuine and truthful intention to uphold the Basic Law and pledge allegiance to the HKSAR.

12. By a Certificate of Conviction & Sentence dated 10 September 2025 (which supersedes the one dated 4 February 2025), the Registrar of the High Court certified that the Defendant was on 27 August 2024 convicted on his own plea of the Offence and was on 19 November 2024 sentenced to imprisonment for 50 months.

Burden and Standard of Proof

13. We bear in mind that the burden of proof is always on the Secretary. We also bear in mind that the standard of proof for disciplinary proceedings is the preponderance of probability.

14. It is however stipulated in section 21(3) of the MRO 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.*"

Findings of the Inquiry Panel

15. It is evident from the evidence before us that the Defendant continued to actively participated in the Scheme after the enactment of the offence of subversion under Article 22 of the NSL.

16. Conspiracy to commit subversion, contrary to Article 22(3) of the NSL is a serious offence. Indeed, the penalty band as prescribed in Article 22 of the NSL stated as follows:-

> *"A person who is a principal offender or a person who commits an offence of a grave nature shall be sentenced to life imprisonment or*

fixed-term imprisonment of not less than ten years; a person who actively participates in the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and other participants shall be sentenced to fixed term imprisonment of not more than three years, short-term detention or restriction."

17. In its Reasons for Verdict of the Defendant's co-conspirators, who pleaded not guilty to the Offence, the Court specifically referred to the following passages in the Court of Final Appeal's judgment in *HKSAR v Lai Chee Ying* [2021] HKCFA 3 to explain the aim of enacting the offence of subversion under Article 22 of NSL and the mischief behind :-

> *"11. The reference to the abovementioned Decision of the National People's Congress ("NPC") is to its Decision dated 28 May 2020 (which has been referred to as "the 5.28 Decision") forming part of the process of formulating and applying the NSL to the HKSAR. Given the special status of the NSL as a national law applied under Article 18 of the Basic Law... and given the express reference in NSL [Article]1 to that process, regard may properly be had to the Explanations and Decisions made in proceedings of the NPC and the NPC Standing Committee ("NPCSC") regarding promulgation of the NSL as a law of the HKSAR as extrinsic materials relevant to consideration of the context and purpose of the NSL.*
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> *12. The process started with the Explanation of a Draft Decision (which was subsequently to become the "5.28 Decision") presented to the NPC on 22 May 2020... The Explanation began by identifying the concerns of the Central Authorities in the light of recent events in Hong Kong:*
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> *"**At present, the increasingly notable national security risks in the HKSAR have become a prominent problem. In particular, since the onset of Hong Kong's 'legislative amendment turmoil' in 2019, anti-China forces seeking to disrupt Hong Kong have blatantly advocated such notions as 'Hong Kong independence', 'self-determination' and 'referendum', and engaged in activities to undermine***

national unity and split the country. They have brazenly desecrated and defiled the national flag and emblem, incited Hong Kong people to oppose China and the Communist Party of China ('CPC'), besiege Central People's Government ('CPG') offices in Hong Kong, *and discriminate and ostracize Mainland personnel in Hong Kong.* ***These forces have also wilfully disrupted social order in Hong Kong, violently resisted police enforcement of the law, damaged public facilities and property, and paralyzed governance by the government and operation of the legislature. Moreover in recent years, certain foreign or external forces have flagrantly interfered in Hong Kong's affairs. They have made intervention and created disturbances in various ways, such as by legislative and administrative means and through non-governmental organizations.*** *In collusion with those anti-China Hong Kong disrupters, these forces of the same ilk backed and cheered on the disrupters and provided a protective umbrella, and utilized Hong Kong to carry out activities endangering national security.* ***These acts and activities have seriously challenged the bottom line of the 'One Country, Two Systems' principle, seriously undermined the rule of law, and seriously jeopardized national sovereignty, security and development interests."*** ***[emphasis added]***".

18. We fully agree with the observation of the Court in its Reasons for Sentence of the Defendant and other convicted co-conspirators that:-

> *"37. In this case, candidates for the Primary Election were essential character of the Scheme, without them, the Scheme simply could not get off the ground. They lent their support to and actively participated in the Scheme. They therefore in our view should be categorised into "the active participant" category. Had the Scheme been carried out to the very end, the adverse consequences would be far reaching and no less serious than overthrowing the Government of the HKSAR."*

19. In sentencing the Defendant, the Court adopted a starting point of 84 months and his sentence was reduced to 50 months after taking into consideration all mitigating factors. Obviously, the culpability of the Defendant fell, in the eyes of the Court, to be within the upper range of the active participant category.

20. And we are entitled to take the Certificate of Conviction & Sentence in HCCC 70/2022 issued by the Registrar of High Court on 10 September 2025 as conclusive proof against the Defendant.

21. Accordingly, we find the Defendant guilty of the amended disciplinary charge.

Sentencing

22. The Defendant has a clear disciplinary record.

23. We bear in mind that the primary purpose of a disciplinary order is not to punish the Defendant a second time for the criminal 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.

24. Our attention was drawn by the Legal Officer to a number of precedent cases in which the names of registered medical practitioners were ordered to be removed indefinitely from the General Register.

25. We need to remind ourselves that they are "*of limited utility other than to gauge the broad range of sentences which have been applied by different tribunals in different circumstances to different facts*".

26. In this regard, we gratefully adopt as our guiding principles the statements of law summarized by the Court of Appeal in *Dr Nip Mun Wing v The Medical Council of Hong Kong*; CACV 231/2014; 5 November 2015:-

> "*17. In Lau Koon Leung v Medical Council of Hong Kong [2006] 3 HKLRD 225, Yuen JA noted in her judgment (with whose reasoning, Lam J (as he then was) agreed), at 251A-G:*

"The reasons for caution in appeals against penalties have been repeated in a number of authorities eg Peatfield v General Medical Council [1986] 1 WLR 243, Ng Mei Sin v Medical Council of Hong Kong [1995] 1 HKLR 204, Dr Chow Siu Shek v Medical Council of Hong Kong [1995] 2 HKC 527. In Evans v General Medical Council (unrep., The Times, 19 November 1984), quoted in Ghosh v General Medical Council [2001] 1 WLR 1915, it was held:

> *The principles upon which this Board acts in reviewing sentences passed by the Professional Conduct Committee are well settled. It has been said time and again that a disciplinary committee are the best possible people for weighing the seriousness of professional misconduct and that the Board will be very slow to interfere with the exercise of the discretion of such a committee...*
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> *The committee[s] are familiar with the whole gradation of seriousness of the cases of various types which come before them, and are peculiarly well qualified to say at what point on that gradation erasure becomes the appropriate sentence. The Board does not have that advantage nor can it have the same capacity for judging what measures are from time to time required for the purpose of maintaining professional standards (at para. 34).*

Whilst the Privy Council in Ghosh v General Medical Council [2001] 1 WLR 1915 asserted a wide jurisdiction on hearing the doctor's appeal from her penalty to decide whether it was appropriate or was excessive or disproportionate, it affirmed the reasons for caution explained in Evans v General Medical Council (unrep., The Times, 19 November 1984) and said that for those reasons, it would accord an "appropriate measure of respect to the judgment of the committee" (at para. 34)."

18. *In Siu Chung Yin Ronald v Dental Council of Hong Kong [2014] 4 HKLRD 337, McWalters JA, giving the reasons for judgment of the Court held, at 359:*

"We cannot detect, therefore, any error by the Council in its assessment of the seriousness of the unprofessional conduct and the culpability of the appellants in respect of it. In deciding whether the Council's determination that the appellants should be punished by a removal order was excessive and disproportionate or was appropriate and necessary in the public interest, we are conscious that there is now a less restrictive and less deferential approach in the review of a disciplinary tribunal's findings. Nevertheless, there are still good reasons to accord an appropriate measure of respect to the judgment of the Dental Council for, to adopt the words of the Privy Council in Evans v General Medical Council... this Court does not have the advantage of being familiar with the whole gradation of seriousness of the cases of various types of unprofessional conduct which come before the Dental Council, which is particularly well qualified to say at what point in that gradation removal from the General Register becomes the appropriate sentence. This Court "does not have the advantage nor can it have the same capacity for judging what measures are from time to time required for the purposes of maintaining professional standards.""

...

22. *As for comparisons with the penalties meted out by the Council in other cases involving steroids, these will be of limited utility other than to gauge the broad range of sentences which have been applied by different tribunals in different circumstances to different facts. And they will, with respect, be of even less utility where the decision has not been the subject of appellate review. As the Court in Musonza explained, at para. 67:*

> *"...as in criminal sentencing in the Crown courts, previous appellate decisions concerned with sentence or sanction are or should be used as indicators of the appropriate level or severity of sentence or sanction, in other words as guidelines to the appropriate sentence or sanction being appealed. It is therefore permissible to refer to previous sanction decisions to show that a particular decision is outside the wide margin of appreciation permitted to a CCC (Conduct and Competence Committee) panel when deciding on an appropriate sanction.*

Any reference to other decisions for this purpose should be both limited and circumspect and the previous decisions scrutinised with care to ensure that their different factual background is taken account of."

27. Although the case of *Dr Nip Mun Wing v The Medical Council of Hong Kong* concerned professional misconduct of improper administration of systemic steroid, the above quoted legal principles on sentencing are apposite to our present case.

28. Our conclusion is fortified by what the Privy Council had explained in *Dad v General Dental Council* [2000] 1 WLR 1538 at 1542C-1543A:-

"...The assessment of the seriousness of the misconduct upon proof of a conviction is essentially a matter for the committee, in the light of their experience of the range of cases which come before them. They are the best qualified to judge what measures are required to maintain the standards and reputation of the profession and to assess the seriousness of the misconduct. As a general rule therefore the Board will be very slow to interfere with decisions of the committee on matters relating to penalty. As Lord Upjohn said in McCoan v. General Medical Council [1964] 1 W.L.R. 1107, 1113, no general test can be laid down, as each case must depend on its own particular circumstances.

...In Ziderman v. General Dental Council [1976] 1 W.L.R. 330, 333A-B Lord Diplock observed that the purpose of disciplinary proceedings against a dentist who has been convicted of a criminal offence by a court of law is not to punish him a second time for the same offence but to protect the public who may come to him as patients and to maintain the high standards and good reputation of an honourable profession.

...The extent to which the nature and gravity of the offence of which the dentist has been convicted is likely to bring the profession into disrepute or to undermine public confidence in the profession is primarily one for the committee. But it is a matter on which their determination may more readily be regarded as reviewable by the

Board than it would if the committee had been dealing with a case of conduct which in their view amounted to serious professional misconduct.

In the present case what the committee had to do was to balance the nature and gravity of the offences and their bearing on the dentist's fitness to practise as a dentist against the need for the imposition of the penalty and its consequences..."

29. We wish to emphasize that whilst the Medical Council (the "Council") takes a particularly serious view in respect of offences involving dishonesty, indecent behavior and violence, the type of cases, which warrants an order for removal from the General Register, is not closed.

30. In *Dr Benjamin Mark Herbert v Veterinary Surgeons Board of Hong Kong* [2018] HKCA 337, the Court of Appeal quoted with approval (at paragraph 23 of the Judgment) the following passages from the English Administrative Court in *The Queen (on the application of Remedy UK Limited) v The General Medical Council*:-

> *"(1) Misconduct is of two principal kinds. First, it may involve sufficiently serious misconduct in the exercise of professional practice such that it can properly be described as misconduct going to fitness to practise. Second, it can involve conduct of a morally culpable or otherwise disgraceful kind which may, and often will, occur outwith the course of the professional practice itself, but which brings disgrace upon the doctor and thereby prejudices the reputation of the profession.*
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> ...
>
> *(6) Conduct falls into the second limb if it is dishonourable or disgraceful or attracts some kind of opprobrium; that fact may be sufficient to bring the profession of medicine into disrepute. It matters not whether such conduct is directly related to the exercise of professional skills."*

31. Although the Court of Appeal was dealing with a case of professional misconduct unrelated to the veterinary surgeon's practice, the observations on two principal kinds of misconduct are equally apposite to conviction cases.

32. In order to maintain public confidence in the medical profession, the sentence that we are going to impose on the Defendant has to reflect the ethos and expectations of the community at large.

33. In our view, when it comes to a conviction case not involving medical practice, greater weight must be given to the need to maintain public confidence in the medical profession than the consequences of the imposition of the sanction on the individual defendant doctor.

34. In this case, the Defendant started his political career by serving as a District Councillor in 1994. He was a LegCo Member in the Medical Functional Constituency between 2004 and 2008. Between 2003 and 2006, the Defendant served in various roles for the Hospital Authority, the Medical Council and Tung Wah Hospital. From 2012 to late 2020, he was a LegCo Member representing the New Territories West Geographical Constituency.

35. We are particularly concerned about the damage that the Defendant's flagrant violation of the NSL had done on the public confidence in the medical profession. As a former LegCo Member representing the Medical Functional Constituency and a former Member of the Medical Council, the Defendant ought in our view to have appreciated that what he did was, to use the words of the Court of Appeal in *Albert Wou v The Medical Council of Hong Kong*; CACV 35/1987; "*conduct of such a character and degree of seriousness that it tended to reflect adversely on the profession in which [he] practised.*"

36. We are however unable to identify anything of weight in the Defendant's mitigation plea before the Court and us today which indicates that he has truly reflected on the nature and gravity of his flagrant violation of the NSL.

37. Indeed, the Defendant still maintained in his submission to the Preliminary Investigation Committee of the Council dated 14 July 2025 that:-

> *"...[his] conviction was not related to [his] clinical practice. Basically, the charge arose from [his] political commitment as a member of the Legislative Council in the participation in the primary election in 2020. There was no complaint to [his] integrity, and no dishonesty and negligence to [his] duties as a doctor..."*

38. Regrettably, the Defendant is still putting his political agenda in the forefront. It also reflects in our view on his continued lack of sufficient insight into the significance of his flagrant violation of the NSL on the public confidence in the medical profession.

39. In his subsequent correspondence with the Secretary, the Defendant went so far as to saying that "*It is an uphill battle for me to face all these challenges in preparing for the inquiry. While I am facing an authority with resources and manpower, I am here alone. I am always "an egg in front of a high wall.*" This illustrates to us that the Defendant has showed no remorse and let alone been rehabilitated.

40. For these reasons and taking into consideration the nature and gravity of this case and the Defendant's written response to the disciplinary charge and as amended, we consider an order for removal of the name of the Defendant from the General Register indefinitely to be appropriate and proportionate; and we so order.

41. We have to consider whether to impose an immediate implementation order in this case. Pursuant to section 21(1)(iva) of the MRO, when making our removal order without suspension, we may further order that such order takes effect upon publication in the Gazette if we are satisfied that it is necessary to do so for the protection of the public or in the best interest of the registered medical practitioner.

42. It is trite law that misconduct is of two principal kinds. It extends beyond misconduct relating to medical practice to cover other misconduct, which is likely to bring the medical profession into disrepute or to undermine the public confidence in the medical profession. It follows in our view that the power to make an immediate implementation order under section 21(1)(iva) of the MRO is not confined to cases involving patient safety.

43. As pointed out by the Privy Council in *Dad v General Dental Council*, "*[i]n cases of [the latter] kind greater weight must be given to the public interest and to the need to maintain public confidence in the profession than to the consequences of the imposition of the penalty in the individual*"; and we are "*best qualified to judge what measures are required to maintain the standards and reputation of the [medical] profession and to assess the seriousness of the misconduct.*"

44. Trust is essential to the practice of medicine. There can be no medicine in the absence of trust. It is essential in our view for the protection of the public to prevent public confidence in the medical profession from being undermined by leaving the name of the Defendant in the General Register.

45. Bearing in mind the particular circumstances of this case, we are firmly of the view that it is necessary to make an immediate implementation order under section 21(1)(iva) of the MRO. We therefore further order that our removal order shall take effect upon publication in the Gazette.

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