

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 LEUNG Man Keung (梁文強醫生) (Reg. No. M11595)

Date of hearing: 24 July 2014

1. The amended charge against the Defendant, Dr LEUNG Man Keung, is:

“That on or about 23 June 2010, he, being a registered medical practitioner, disregarded his professional responsibility to his patient [REDACTED] (“the Patient”) in that he prescribed ibuprofen to the Patient when he knew or should have known that the Patient was allergic to non-steroidal anti-inflammatory drugs (“NSAIDs”).

In relation to the facts alleged, he has been guilty of misconduct in a professional respect.”

**Facts of the case**

2. The Defendant was at all material times a registered medical practitioner and his name has been included in the General Register from 11 August 1997 to present.
3. On 23 June 2010, the Patient consulted the Defendant at a clinic in Fanling for, amongst other complaints, sore throat and running nose. According to the Patient, he showed the Defendant during the consultation his allergy card which stated that he was allergic to, amongst other drugs, non-steroidal anti-inflammatory drugs (NSAIDs). After the consultation, the Defendant prescribed to the Patient, amongst other drugs, ibuprofen capsules 200 mg to be taken one capsule four times a day for 3 days.

4. Ibuprofen is an NSAID.
5. The Patient went home and took the prescribed drugs, including ibuprofen. He later developed acute allergic reaction, which was most likely due to ibuprofen, and had to attend hospital for emergency treatment. He was treated with intravenous hydrocortisone and Piriton injections. He was discharged home later the same day. His recovery was uneventful.

### **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 the allegation made against the Defendant here is a serious one. Indeed, it is always a serious matter to accuse any registered medical practitioner of misconduct in a professional respect. We need to look at all the evidence and to consider and determine the amended charge against the Defendant carefully.

### **Findings of Council**

8. Medical practitioners in Hong Kong are in a unique position that they can both prescribe and dispense medicine to their patients. Consequently, the Defendant might prescribe medicine to the Patient only if drug treatment was necessary and appropriate. As a doctor who dispensed medicine to patients, the Defendant had the personal responsibility to ensure medication safety.

9. Patients are entitled to, and they often do, rely on doctors to exercise reasonable care and competence in avoiding prescription of medicine to which they have a known allergy. Allergic reaction to drug is not dose-dependent and can be triggered by even a small dose. Moreover, allergic reaction to drug can be very serious and potentially life-threatening.
10. We accept on the evidence that the Patient had developed serious drug allergy after consulting the Defendant in early 2010 and he actually went back to the Defendant for injection of anti-allergy medication. We also accept that the Patient had shown the Defendant his allergy card during the consultation on 23 June 2010. With such history of allergy to drugs, the Defendant ought to have known that the risk of his having an allergic reaction after taking the same drugs again would be high.
11. The Defendant frankly admitted that he had failed to check the Patient's drug allergy record, which was kept in the clinic's computer, before prescribing the Patient with ibuprofen. If the Defendant had taken adequate note of the Patient's history of allergy, he would know that the Patient was allergic to diclofenac and mefenamic acid, both of them NSAIDs, and he ought to have considered whether there were safer alternatives than ibuprofen.
12. In our view, prescription of ibuprofen to the Patient, whom the Defendant well knew was allergic to NSAIDs, was clearly inappropriate and unsafe. The Defendant's conduct has clearly fallen short of the standard expected amongst registered medical practitioners in Hong Kong. We therefore found the Defendant guilty of the amended charge.

## **Sentencing**

13. The Defendant has a clear record.
14. In accordance with our policy, we shall give him credit in sentencing for admitting the factual allegations in respect of the amended charge and for his full cooperation in the preliminary investigation stage and before us today.
15. We bear in mind that the 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 the reputation of the profession.
16. The Defendant had on more than one occasion caused drug allergy to the Patient because of his lack of prudence but we accept that the Defendant has learnt his lesson.
17. The Defendant is now working for the Hospital Authority ["HA"]. We are told in mitigation that the Defendant voluntarily submitted to supervision by his senior at HA and his work performance had been good and there was no incident related to drug prescription. We also note that the Defendant had attended several courses on safe use of drugs in treatment. We accept that he is unlikely to commit the same or similar professional misconduct in the future.
18. Taking into account the whole circumstances of this case and what we have heard and read in mitigation, we consider it appropriate to order that the Defendant's name be removed from the General Register for a period of 3 months. We further order that the removal order be suspended for 12 months.

Prof. Felice LIEH-MAK, GBS, CBE, JP  
Temporary Chairman, Medical Council