

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr WONG John (黃健靈醫生) (Registration No: M03582)

Date of hearing: 3 March 2015

1. The charge against the Defendant, Dr WONG John, is:

“That he, being a registered medical practitioner, was convicted at the District Court of Hong Kong on 13 March 2012 for offences punishable with imprisonment, namely two counts of “misconduct in public office”, contrary to Common Law and punishable under section 101I(1) of the Criminal Procedure Ordinance, Cap. 221, Laws of Hong Kong, and two counts of “false accounting” contrary to section 19(1)(a) of the Theft Ordinance, Cap. 210, Laws of Hong Kong.”

Facts of the case

2. The Defendant was at all material times a registered medical practitioner. His name has been included in the General Register from 11 April 1979 to present and in the Specialist Register under the Specialty of General Surgery since 4 March 1998.
3. The Defendant was employed by the University of Hong Kong [“HKU”] in the Department of Surgery for 34 years from 1975 until his retirement in 2009. He held the position of Chair Professor of Surgery for 30 years and for 26 years from 1982 to 2008 he was the Head of the Department of Surgery.
4. On 13 March 2012 the Defendant was convicted after trial in the District Court of Hong Kong of two counts of misconduct in public office and two counts of false accounting.

5. On 19 April 2012 the Defendant was sentenced to 240 hours of community service and a compensation order of \$478,985.46 was made against him in favour of his former employer, the HKU.
6. There is however no dispute that all the offences for which the Defendant had been convicted were and still are offences punishable with imprisonment under the laws of Hong Kong.
7. In relation to the first of the two counts of misconduct in public office, it was found by the trial judge that between January 2002 and January 2007 the Defendant had used money from the bank accounts of the Skills Development Centre at the HKU [“the Centre”] and/or of the Advanced Trauma Life Support [“ATLS”], which was of the training programmes ran by the Centre, to pay for salary and employment related expenses of his driver-cum-domestic helper in the sum of \$731,347.
8. The learned trial judge also found in relation to the other count of misconduct in public office that between late 2006 and December 2008, knowing that his personal assistant had stolen money from the Centre’s account in the sum of \$3.06 million, the Defendant failed to report the theft and lent her \$2.672 million to pay the money back in order to conceal the theft.
9. The two counts of false accounting of which the Defendant was convicted related to false entries made or caused to be made by him in the Directors’ Report and Account of a company called Unisurgical Limited [“Unisurgical”] for the years ended 31 March 2006 and 31 March 2007 respectively. Unisurgical was a company established by the Defendant for the purpose of looking after the welfare of the staff of the Department of Surgery of the HKU.

10. The false entries were in relation to overseas travelling expenses incurred by Unisurgical in respect of which he claimed tax reduction of \$121,763 and \$2,550 respectively, when in fact the expenses had been incurred in relation to his official duties and had been reimbursed by the HKU.
11. By a letter dated 4 May 2012, the Defendant first reported to the Council of his said convictions.

Findings of the Council

12. Section 21(3) of the Medical Registration Ordinance [“MRO”] expressly provides that:-

“Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered medical practitioner was properly convicted but the Council 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.”

13. The Council is clearly entitled to take the said convictions as conclusively proven against the Defendant. The Defendant sought to convince us that the factual findings were wrong on a number of grounds. However, the Defendant frankly acknowledged that he had given evidence to that effect in his defence case but was rejected by the trial judge. It is clearly inappropriate for us to make a second guess on the correctness of the trial judge’s factual findings.
14. In her Reasons for Sentence, the learned trial judge recapitulated her finding that the Defendant had personally opened, controlled and operated a number of bank accounts and the money received from course fees and other income of the Centre were paid into these bank accounts in order to create

“flexibilities” in the administration of the Centre as the Defendant regarded the financial administration of HKU was too rigid.

15. The Defendant apparently found irksome the bureaucracy of the HKU Finance Office which refused his request for HKU to hire his domestic helper as a driver for his department’s car. It is however no excuse for him to bend the rules by not keeping the money received from course fees and other income of the Centre with the HKU Finance Office.
16. Although the learned trial judge did not accept that the Defendant was driven by greed, we must, like the learned trial judge, bear in mind the fact that there was a bonus with his arrangement in that he and his family could enjoy a domestic helper’s service for free. In the result, the HKU was tricked of \$731,347 over the course of 5 years.
17. We are particularly concerned about the sums involved and the length of time over which the offences were committed. In our view, what the Defendant had done was no doubt in breach of trust that he owed to his former employer, the HKU.
18. Taking into consideration the Certificate of Conviction and the transcript of the trial of the Defendant in the District Court, we are satisfied that the Defendant was convicted in Hong Kong of offences punishable with imprisonment, namely, 2 counts of Misconduct in Public Office, contrary to common law and punishable under section 101I(1) of the Criminal Procedure Ordinance, Cap. 221, Laws of Hong Kong; and 2 counts of False Accounting contrary to section 19(1)(a) of the Theft Ordinance, Cap. 210, Laws of Hong Kong.
19. We therefore find the Defendant guilty of disciplinary offence.

Sentencing

20. The Defendant has a clear disciplinary record. His name has been included in the General Register from 11 April 1979 to present. His name has also been included in the Specialist Register under the speciality of General Surgery since 4 March 1998.
21. We bear in mind that the purpose of a disciplinary order is not to punish the Defendant for the criminal offence 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 the reputation of the profession.
22. We acknowledge the Defendant had led a distinguished professional career in the course of which he had spurned the allures of repeated invitations to join very lucrative private practice in order to achieve his ideal to give his whole life to public service, teaching and research. Moreover, the Defendant had donated substantial sums to people in need and had raised similarly substantial sums for education and research for his department and the Medical Faculty of the HKU.
23. We further learnt from reading the Court of Appeal's decision on hearing of the appeal for review of sentence that the Defendant's health has deteriorated significantly in the recent years. He has some visual impairment and some significant hearing loss. He also suffers from severe coronary artery disease in respect of which he has undergone angioplasty stenting procedure and now requires continual medication.
24. However, in view of the nature and gravity of the offences as noted in our findings above, we are of the view that this case warrants an order of removal from the General Register for a period of 6 months. We have also

considered whether the removal order should be suspended but we do not consider that this is suitable for a case involving honesty and integrity.

Remarks

25. The Defendant's name is included in the Specialist Register under the speciality of General Surgery. We shall leave it to the Education & Accreditation Committee to consider if anything needs to be done in relation to his specialist registration.

Prof. LAU Wan Yee Joseph, SBS
Chairman, Medical Council