

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Defendant: Dr CHIANG Sing Hoi (formerly registered as CHIANG, Chi Sum James)
(蔣丞海醫生(先前註冊為蔣智深)) (Reg. No.: M14246)

Date of hearing: 30 October 2015

Present at the hearing

Council Members/Assessors: Prof. LAU Wan Yee Joseph, SBS (Chairman)
Dr CHOW Pak Chin, JP
Dr LAM Tzit Yuen David
Ms LAU Wai Yee Monita
Ms HUI Mei Sheung Tennessy, JP
Dr MOK Pik Tim Francis

Legal Adviser: Mr Erik SHUM

Defence Solicitor representing the Defendant: Mr Chris HOWSE of Messrs. Howse Williams
Bowers

Senior Government Counsel (Ag) representing the Secretary: Miss Vienne LUK

1. The charges against the Defendant, Dr CHIANG Sing Hoi (formerly registered as CHIANG, Chi Sum James), are:-

“That he, being a registered medical practitioner:

- (a) was convicted and sentenced at the Eastern Magistrates’ Courts on 21 January 2014 of behaving in a disorderly manner in a public place, which is an offence punishable with imprisonment, contrary to section 17B(2) of the Public Order Ordinance, Chapter 245, Laws of Hong Kong; and
- (b) was convicted and sentenced at the Eastern Magistrates’ Courts on 21 January 2014 of resisting a police officer in the due execution of his duty, which is an offence punishable with imprisonment, contrary to section 36(b) of the Offences against the Person Ordinance, Chapter 212, 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 2 July 2004 to present and in the Specialist Register under the specialty of Anaesthesiology since 2 March 2011.
3. At the Inquiry, Defence Solicitor submitted that the Defendant admits to the facts to be presented by the Legal Officer for the Secretary which have been reduced into writing and the convictions as stated in the Notice of Inquiry as referred to above.
4. The Legal Officer then presented as Exhibit G the following Statement of Agreed Facts:-
 - “(1) The Defendant has been a registered medical practitioner in Hong Kong since 2 July 2004. His name is also included on the Specialist Register under the Specialty of Anaesthesiology.
 - (2) On 12 November 2013, the Defendant was convicted of (i) behaving in a disorderly manner in a public place contrary to Section 17B(2) of the Public Order Ordinance, Chapter 245, Laws of Hong Kong and (ii) resisting a police officer in the due execution of his duty contrary to Section 36(b) of the Offences Against the Person Ordinance, Chapter 212, Laws of Hong Kong, on his own guilty pleas in the Eastern Magistrates’ Courts in the Case of ESCC 2633/2013 and the amended brief facts of the case were admitted. Both of the said offences are punishable with imprisonment. The case was then adjourned to 21 January 2014 pending the probation officer’s report, community service order report, psychiatric report and psychological report.
 - (3) On 21 January 2014, the Defendant was asked to confirm his guilty pleas to the above two offences and his admission of the amended brief facts of the case. He was then convicted and sentenced to a probation order for a period of 18 months with special conditions for each offence. Both probation orders were to run concurrently.
 - (4) By a letter dated 28 January 2014, the Defendant reported his convictions and sentences to the Medical Council.”

5. The Brief facts which were admitted by the Defendant in the above criminal case was read out by the Legal Officer for the Secretary and appeared on page 24C of the Secretary's bundle.
6. Further, the certificates issued by the Magistrates' Court relating to the Defendant's convictions and sentences are produced on page 27 of the Secretary's bundle.
7. The Defendant's Solicitor agreed with the above facts and documents.

Findings of the Council

8. Upon the admission of the Defendant through his solicitor of the convictions and the facts as summarized above and the documentary evidence as presented by the Legal Officer of the Secretary, the Council finds the Defendant guilty as charged.

Sentencing

9. The Defendant has a clear disciplinary record and before the criminal convictions as stated in the charge were passed the Defendant had a clear criminal record.
10. In line with our published policy, we shall give the Defendant credit for his frank admission in the Inquiry. However, as acknowledged by the Defence Solicitor, given that there is hardly any room for dispute in a disciplinary case involving criminal conviction, the credit to be given to the Defendant must necessarily be of a lesser extent than in other cases.
11. 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.
12. The offences of the Defendant were convicted are in essence as follows: the Defendant in a public place while off duty as a doctor placed his handbag under the skirt of a female student in order to take underskirt photographs and after being discovered the Defendant tried to run and escape from police arrest. It is not disputed by the Defence that the above offences are serious in nature. The offences

reflect badly on the weakness of self-control of the Defendant and his integrity. In the context of a career of a doctor where the public should have complete trust on the integrity of doctors, the acts of the Defendant have brought disrepute to the profession and damaged the said public trust.

13. We also note that the offences were not committed during the course of discharging the Defendant's duties as a doctor or that they were committed in the setting of a hospital or clinic.
14. We have considered all the submissions of mitigation made on behalf of the Defendant which included the co-operation of the Defendant to this Inquiry and admitting to the relevant facts; the Defendant has a clear disciplinary record; the female victim of the offence was probably not aware of the Defendant's wrongful act and disappeared from the scene and not to be found; the Defendant fully complied with the terms of the probation order and satisfactorily completed the whole 18 months of probation; the Defendant's medical reports show that the Defendant has had no medical problem in terms of psychiatry and psychology; the Defendant has shown remorse and learnt a very bitter lesson; thus the risk of repetition of the Defendant's wrong doing is very slim; the Defendant has suffered a suspension of practice with no pay for one year since he was suspended from work by the Hospital Authority after he was convicted from July 2013; and the Defendant has a good character and produced letters from colleagues from the two hospitals he served giving good remarks of the Defendant's skills, integrity and character.
15. The Defendant's Solicitor also submitted a previous decision of the Medical Council where the defendant in that case was also charged criminally of the same offence as the first charge under the present disciplinary charge here and was sentenced to four months removal order suspended for one year.
16. We find that the most important point to be considered in sentencing is whether the Defendant has any medical problem and the risk of his re-offending, thus posing a risk to the health and trust and welfare of the public. Having considered all the evidence produced by the Defence, in particular to the medical reports relating to the Defendant and the probation officer's reports, we are satisfied that the risk of the Defendant repeating his misdeeds is slim. However, in light of the primary aim to protect the interests of the public we find that there is still a need to monitor the Defendant for a period of time in terms of the Defendant's ability to cope with stress.

17. Having regard to the seriousness of the offences the Defendant committed and the interests of the public on the one hand and the personal background and the mitigating factors as outlined above in favour of the Defendant on the other hand, the Council finds that the appropriate sentence is as follows:-
- (1) the Defendant's name be removed from the General Register for a period of four months, and such order be suspended for a period of one year; and
 - (2) there be imposed a condition of the above suspension of the removal order, namely the Defendant shall be examined by a psychiatrist nominated by the Council so that a half yearly medical report be produced and submitted to the Council.
18. Lastly, as to the matter relating to the status of the Defendant on the Specialist Register, we shall refer the matter to the Education and Accreditation Committee for their consideration.

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