

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

DISCIPLINARY INQUIRY
MEDICAL REGISTRATION ORDINANCE, CAP. 161

Date of hearing: 13 December 2007, 5 May 2008, 7 May 2008, 9 May 2008, 12
June 2008, 19 July 2008 and 20 July 2008

Defendant: Dr. SIU Ting Wing (蕭定榮醫生)

1. The charges alleged against Dr. SIU Ting Wing are that:

“He, being a registered medical practitioner, disregarded his professional responsibilities to his patient in that:

- (a) on or around 12 May 2004 he failed to ensure that the medicine bag containing “Qualicana Tab” dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication and (ii) a name that properly identified the patient;
- (b) on or around 12 May 2004 he failed to ensure that the medicine bag containing “Xenical” dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication and (ii) a name that properly identified the patient;
- (c) on or around 12 May 2004 he failed to ensure that the medicine bag containing “Redusa” dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication and (ii) a name that properly identified the patient;
- (d) on or around 19 May 2004 he failed to ensure that the medicine bag containing “Soment” dispensed to him was properly labelled with the name of doctor or means of identifying the doctor who prescribed the medication;
- (e) in or about May 2004 he failed to ensure that the medicine bag

containing “Redusa 15” dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication and (ii) the date of dispensing;

- (f) in or about May 2004 he failed to ensure that the medicine bag containing “Xenical” dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication and (ii) the date of dispensing;
- (g) in or about May 2004 he failed to ensure that the medicine bag containing “Sutamin 10mg” dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication; (ii) the date of dispensing; and (iii) the trade name or pharmacological name of the drug;
- (h) in or about May 2004 he failed to ensure that the medicine bag containing “Triacin” dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication; (ii) the date of dispensing; and (iii) the trade name or pharmacological name of the drug;
- (i) in or about May 2004 he failed to ensure that a medicine bag containing the medication dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication; (ii) the date of dispensing; and (iii) the trade name or pharmacological name of the drug;
- (j) in or about May 2004 he failed to ensure that a medicine bag containing the medication dispensed to him was properly labelled with (i) the name of doctor or means of identifying the doctor who prescribed the medication; (ii) the date of dispensing; and (iii) the trade name or pharmacological name of the drug;
- (k) in or about May 2004 he prescribed to the patient an inappropriate anti-obesity medication, namely Qualicana tab;
- (l) in or about May 2004 he failed to provide appropriate monitoring for the possible side effects of the anti-obesity treatment.”

2. While it was not expressly stated in the charges, it is clear that they are charges of the offence of professional misconduct contrary to section 21(1)(b) of the Medical Registration Ordinance. We suggest that the Legal Officer should make this clear in future cases.
3. The patient was 18 years old when he sought weight reduction treatment from a beauty consultancy, namely Be A Lady Limited, in 2004, and decided to join an anti-obesity programme which included treatment by registered medical practitioners.
4. Treatment by doctors started on 3 May 2004 in the Mongkok branch by Dr. Yeung. Each time the patient was accompanied by his mother. As there were too many people at the Mongkok branch, from the second treatment onwards the patient switched to the Shatin branch. On 12th and 19th May 2004 and 2nd and 9th June 2004, treatment was provided by Dr. SIU Ting Wing at the Shatin branch. Medicines were prescribed and dispensed in each treatment. A few days after the treatment on 19 May 2004, the patient began to develop serious mood swings, insomnia and aching in the chest. He would shout aloud and sweep things onto the floor. On 2 June 2004, the patient told Dr. SIU about his conditions and asked whether they were related to the medicines. Dr. SIU said maybe or maybe not, nevertheless he continued to prescribe similar medicines to the patient. After taking the medicines for several more days, the patient had a serious depression and very much wanted to commit suicide. He then stopped taking the medicines. On 9 June 2004, the patient again told Dr. SIU that he still had the depressive conditions. Dr. SIU then told him that he would stop prescribing one of the medicines. No physical examination was conducted.
5. As the mood swings and suicidal thought continued, the patient's mother took the patient to see a psychiatrist on 11 June 2004. Psychiatric treatment by various psychiatrists continued for over three and a half years afterwards.
6. The Defendant maintained that he had no memory of having provided treatment to the patient. He claimed that he worked in various branches of Be A Lady including the Shatin branch from May to August 2004 on a part-time basis, only providing Dysport and tissue filler injections to clients but was not involved in weight reduction treatments at all. He also claimed that he never prescribed medicine to clients in Be A Lady.
7. The crucial question for us to resolve is whether the Defendant had provided

treatment to the patient. The patient was unable to identify the Defendant as the doctor who provided treatment to him. The patient's mother also failed to do so initially when she was asked to see whether the doctor was present in the inquiry. Later she was given the opportunity to observe each person at close distance after she revealed that she had problems with her vision. After looking at various persons at close distance, she pointed out the Defendant but with the remark that Dr. SIU "*was not that young and not that fair*". At the conclusion of her evidence when being excused from the witness stand, she further volunteered that the defendant "*really looks like Dr. SIU Ting Wing*". When she was told that her evidence was finished, she again said that "*I think he looks very like him*".

8. We note that the mother's evidence in this respect was corroborated by a Defence witness who worked at Be a Lady as a Business Development Manager in 2004. When he was asked about whether there was any change in the Defendant's appearance, he said that the Defendant now obviously has fairer skin and darker hair, and his hair style looked better and with more hair. He also said that the Defendant's spectacles had changed.
9. There is ample evidence to show that the Defendant was in fact Dr. SIU Ting Wing who provided treatment to the patient. Both the Chairman of Be A Lady and the slimming consultant responsible for handling the patient gave clear evidence that there were only two doctors who worked in the Shatin branch at the relevant time, namely the Defendant and Dr. Yeung who had treated the patient on 3 May 2004 at the Mongkok branch. There was no other doctor called Dr. SIU. The slimming consultant would introduce the doctor to the patient by referring to the doctor's name. A Defence witness who was a former customer of Be A Lady also confirmed that the slimming consultant would introduce the doctor to her.
10. We also note that the patient continued to receive treatment from Dr. Yeung at Be A Lady on 11 subsequent occasions from 26 June 2004 to 20 September 2004. When the mother told Dr. Yeung about the problems with Dr. SIU's medicines, Dr. Yeung made a comment on Dr. SIU's practice of prescription, suggesting that Dr. Yeung also acknowledged that Dr. SIU had provided treatment to the patient. In September 2004 the patient's mother also complained to the officer-in-charge of Be A Lady about the medicines prescribed by Dr. SIU Ting Wing. While the duty rosters of attending doctors were not available at this inquiry because the rosters were not kept for so long, the rosters must be available at that time when the patient just completed treatment in September 2004. Be A Lady never

disputed that Dr. SIU prescribed those medicines to the patient.

11. Having regard to all the evidence, in particular the mother's identification and corroboration by other witnesses, we are satisfied that the Defendant did provide treatment to the patient on the 4 occasions in May and June 2004.
12. We further have to consider whether the Defendant prescribed the medicines to the patient. There was clear and consistent evidence that during the consultations the doctor would write down the prescriptions which would then be dispensed by a staff of Be A Lady. Although the medicines were not handed over to the patient directly by the doctor, the staff dispensed the medicines under the authority and on behalf of the doctor who made the prescription. Therefore, if the medicines were not properly labelled in accordance with paragraph 10.1 of the Code of Professional Conduct, the doctor failed to discharge his professional responsibility to ensure proper labelling of the dispensed medicines.
13. We are satisfied that the medicines set out in charges (a) to (j) respectively were prescribed and dispensed by the Defendant. It is obvious from the medicine bags that the medicine were not properly labelled as described in the charges. We are satisfied that the Defendant has disregarded his professional duty to his patient, and his conduct has fallen below the standard expected of registered medical practitioners. We are satisfied that this constituted professional misconduct. We find him guilty of charges (a) to (j).
14. We then turn to charge (k) which involves prescription of an inappropriate medication, namely Qualicana, to the patient. There is clear expert evidence that Qualicana which is the trade name for tiratricol may cause serious health consequences including heart attacks and strokes. It is not approved by both local and American regulatory authorities as a treatment for weight reduction. We are satisfied that the medicine was not appropriate for the patient's weight reduction treatment. We are satisfied that the Defendant's conduct in prescribing the medicine for the patient's treatment has fallen below the standard expected of registered medical practitioners and constituted professional misconduct. We find him guilty of charge (k).
15. As to charge (l) which involves failure to provide appropriate monitoring of the side effects of the treatment provided to the patient, we accept the evidence of the experts that the treatment provided by the Defendant was an aggressive regime of a cocktail therapy with drugs which can have adverse physical and

psychiatric side effects. One of the medicines, namely Redusa, acts on the central nervous system and may precipitate various mental symptoms and illnesses, including depression and insomnia. Sutamin can substantially increase blood pressure and cause mood changes. Triacin may cause dizziness, drowsiness and excitation.

16. The patient must be carefully assessed and monitored for any adverse side effects, including monitoring of the patient's weight, blood pressure, pulse and other side effects. The Defendant failed to provide such monitoring, despite the fact that the patient complained to him of the side effects which had manifested. We are satisfied that the Defendant's conduct had clearly fallen below the standard expected of registered medical practitioners. We find him guilty of charge (1).
17. In conclusion, the Defendant is found guilty of all 12 charges.

Sentencing

18. The Defendant has three previous convictions for disciplinary offences:-
 - (i) conviction on 9 December 2004 for practice promotion, for which a warning letter was served on him;
 - (ii) conviction on 12 April 2006 for 3 charges of failure to properly label dispensed medicines, for which he was ordered to be removed from the General Register for a period of 3 months, but the operation of the removal order was suspended for 1 year;
 - (iii) conviction on 16 April 2008 for one charge of failure to properly label dispensed medicine and one charge of improper prescription and failure to advise on side effects of the prescribed medicine, for each charge he was ordered to be removed from the General Register for a period of 3 months and the orders shall run concurrently.
19. As conviction (i) was of a different nature, we shall disregard it for the purpose of sentencing in the present case.
20. The misconduct in conviction (iii) was committed in July 2005. As the incidents in the present case took place in May and June 2004, we shall also disregard conviction (iii) for the purpose of sentencing in the present case.
21. Conviction (ii) is of the same nature as charges (a) to (j) in the present case, and

the misconduct was committed on 23 September 2003 although the conviction was on 12 April 2006. It must be taken into consideration in determining sentence.

22. This is a case involving the use of medicine which is not approved for use in weight reduction treatment. It is well known that tiratricol (Qualicana) which has thyroid hormone activity may cause serious side effects including depression, heart attacks and strokes. Medical practitioners must know that it should not be used for weight reduction. Its side effects are too serious for it to be used for this purpose.
23. The case also involves the use of potent medicines which require close monitoring of the patient's condition. Nevertheless, despite the manifestation of serious side effects including suicidal ideas the Defendant failed to deal with the problems. If not for the mother's close attention and seeking psychiatric treatment for the patient, the patient could have committed suicide and died. The Defendant's attitude is completely irresponsible.
24. We can see no mitigating factor at all. Having regard to the gravity of the case, including the nature and potential danger of the medicines involved, we order that:-
 - (i) in respect of charges (a) to (j), the Defendant's name be removed from the General Register for a period of 6 months;
 - (ii) in respect of charge (k), the Defendant's name be removed from the General Register for a period of 10 months;
 - (iii) in respect of charge (l), the Defendant's name be removed from the General Register for a period of 9 months.
 - (iv) the orders in sub-paragraph (i), (ii) and (iii) above shall run concurrently, but shall be consecutive to the 3 months removal order made on 16 April 2008.
25. We have considered the suitability of suspending operation of these orders. Given the Defendant's record and the gravity of the case, we do not consider that the orders should be suspended.
26. We feel obliged to repeat the observation of the disciplinary panel in the case on 16 April 2008 that being an employee of a beauty centre is no excuse for a doctor to disregard his professional responsibility to his patients. As is again

demonstrated in this case, similar to that case in April 2008, the patient reposed a high degree of trust in registered medical practitioners and would comply with their instructions without question. We must protect the public by preventing unscrupulous members of the medical profession from abusing that trust and jeopardizing the health of the patients.

27. The Defendant mitigated on the ground that the failure to label the name of the prescribing doctor was a measure of the beauty centre to prevent clients from seeking treatment directly from the employed doctor thus undermining the commercial interest of the beauty centre. That clearly demonstrates his lack of insight into his misconduct, as no doctor should allow any commercial consideration to compromise his professional responsibility to patients.
28. In light of the increasing number of cases involving weight reduction in beauty centres, we wish to take the opportunity to remind the public to exercise particular care to ensure that weight reduction by use of medicine is administered only by registered medical practitioners, and the identity and status of persons administering such medical treatment are ascertained and recorded in order to ensure that follow up action can be taken in case any problem arises.

Prof. Felice Lieh-Mak, CBE, JP
Chairman, Medical Council