

香港醫務委員會

The Medical Council of Hong Kong

DISCIPLINARY INQUIRY **MEDICAL REGISTRATION ORDINANCE, CAP. 161**

Date of hearing: 14 October 2009

Defendant: Dr WONG Tak Lun (黃德鄰醫生)

1. The charge alleged against Dr WONG Tak Lun is that:

“He, being a registered medical practitioner, was convicted at the Kwun Tong Magistrates’ Courts on 20 March 2008 of three counts of conspiracy to defraud, contrary to Common Law and punishable under section 159C(6) of the Crimes Ordinance, Chapter 200, Laws of Hong Kong, which is an offence punishable with imprisonment.”

Facts of the case

2. The Defendant Doctor, being a registered medical practitioner, was convicted at the Kwun Tong Magistrates’ Courts on 20 March 2008 of three counts of conspiracy to defraud, contrary to Common Law and punishable under section 159C(6) of the Crimes Ordinance, Chapter 200, Laws of Hong Kong, which is an offence punishable with imprisonment. The Defendant Doctor was sentenced to 240 hours of community service for each count, and the sentences were ordered to run concurrently.
3. Between 2003 and 2004, three patients of the Defendant Doctor, namely Madam Yeung, Madam Wong, and Madam Chan respectively took out insurance policies with CMG Asia Limited (“the Company”), which was subsequently merged with Sun Life Hong Kong Limited in March 2006, for insurance coverage including accidental medical expenses and temporary disability allowance.

4. Shortly after their insurance policies had been approved, Madam Yeung, Madam Wong and Madam Chan all started to submit to the Company claims for compensation with supporting medical receipts issued by the Defendant Doctor.
5. Between October 2004 and June 2007, the three patients submitted to the Company altogether 50 receipts issued by the Defendant Doctor.
6. Some of the medical receipts were false in that the amounts stated in those receipts were deliberately inflated. Other receipts were false in that there had been no such consultation on the dates in question and no fee was paid by the patients.
7. These facts are not disputed. The Defence admitted that he was convicted of the offences set out in the charge.

Findings of the Council

8. A registered medical practitioner who is convicted of any offence punishable by imprisonment is liable to disciplinary proceedings by the Medical Council. A conviction in itself does not necessarily indicate professional misconduct.
9. However, a particularly serious view is to be taken when a medical practitioner is convicted of an offence involving dishonesty.
10. Medical practitioners are required to issue reports and certificates for a variety of purposes on the assumption that the truth of the certificates can be accepted without question. Medical practitioners are expected to exercise care in issuing certificates and kindred documents to ensure that the contents are truthful.
11. The Medical Council takes an extremely serious view of any medical practitioner who in his professional capacity gives any certificate or similar document containing statements which are untrue.
12. On the Defendant Doctor's own admission, we are satisfied that the allegations in the charge are proven to the required standard. We find him guilty of the charge.

Sentencing

13. The Defendant Doctor has a clear record. He admitted the facts of the case, showed genuine remorse and was fully cooperative during the Inquiry. This has been taken into consideration in sentencing.
14. We note that the Defendant Doctor has provided good reference from his patients.
15. In regard to the mitigation that the Defendant Doctor did the matter out of benevolence, we cannot accept this mitigation. Despite having been referred to the right to adduce evidence to support the mitigation, the Defence did not provide any evidence of such.
16. With regard to the mitigation that there was no financial gain from the offence, we must point out that it is the ethical conduct rather than the gain which is of significance. The Medical Council has repeatedly emphasized that honesty and integrity are of paramount importance for the medical profession.
17. Having regard to his previous record, the gravity of the case and the mitigation, we order that the Defendant Doctor's name be removed from the General Register for a period of six months and such an order be suspended for a period of two years.
18. We have considered whether the order should not be suspended from operation. But in view of the Defendant Doctor's clear record, his admission of the facts, his demonstration of genuine remorse, his full cooperation with the Inquiry and no evidence to indicate a personal financial gain resulting from the offences, we consider that a suspension order is more appropriate.
19. Due to the combination of the factors unique to this case, the suspension order should not be taken as a precedent case.

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