

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 YAN Dominic Wai Man (忻維民醫生) (Reg. No.: M03868)

Date of hearing: 7 November 2025 (Friday)

Present at the hearing

Council Members/Assessors: Dr CHOI Kin, Gabriel  
(Chairperson of the Inquiry Panel)  
Dr CHOW Yu-fat  
Prof. LAM Hung-san, Hugh Simon  
Mr WONG Hin-wing, Simon, MH, JP  
Dr CHUNG Yat-ming, Danny

Legal Adviser: Mr Stanley NG

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

Legal Officer representing the Secretary: Ms Carmen SIU,  
Senior Government Counsel

**The Charge**

1. The charge against the Defendant, Dr YAN Dominic Wai Man, is:

*“The particulars of the complaint are that he, being a registered medical practitioner, disregarded his professional responsibility to his patient, [REDACTED] (“the Patient”) in that he, on 11 April 2023, inappropriately or without proper justification, prescribed Mefenamic Acid (Ponstan) to the Patient when he knew or ought to have known that she was at the time about 28 weeks pregnant.*

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

**Facts of the case**

2. The name of the Defendant has been included in the General Register from 26 February 1980 to the present. His name has never been included in the Specialist Register.
3. On 11 April 2023, the Defendant was consulted by the Patient who was accompanied by her husband. The Patient complained of generalized pain and discomfort. The Patient informed the Defendant that she was about 28 weeks pregnant.
4. The Defendant carried out an examination of the Patient. The Defendant carried out a URTI examination. He noted no runny nose; sore throat. The Defendant made a diagnosis of regular flu.
5. The Defendant advised the Patient that he would prescribe medication which would be suitable for a pregnant woman and he prescribed Ponstan one tablet four times a day for three days and Piriton, one tablet three times a day for four days.
6. After the consultation, the Patient's husband conducted research on the internet and noted that Mefenamic Acid 250mg was not suitable to be used during the third trimester (28 weeks to 40 weeks) of pregnancy. The Patient's husband subsequently sought advice from his doctor's friend and was told that Mefenamic Acid (Ponstan) was not suitable for pregnant patients at third trimester. The Patient attended Accident and Emergency Department of the Yan Chai Hospital at around 10:30 p.m. on the same day. The Patient's husband was also told by the doctor there that Mefenamic Acid (Ponstan) was not suitable for pregnant patients at third trimester.
7. By way of a statutory declaration made on 18 August 2023, the Patient's husband lodged a complaint against the Defendant with the Medical Council.

### **Burden and Standard of Proof**

8. We bear in mind that the burden of proof is always on the Secretary 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.
9. There is no doubt that the allegation made against the Defendant here is serious. Indeed, it is always a serious matter to accuse a registered medical practitioner of misconduct in a professional respect. Therefore, we need to look at all the evidence and to consider and determine the disciplinary charge against him carefully.

### **Findings of the Inquiry Panel**

10. The Defendant admits the facts of the disciplinary charge against him and he does not contest professional misconduct. It remains however for us to consider and determine on all the evidence whether he has by his conduct in this case fallen below the standards expected of registered medical practitioners in Hong Kong.
11. Patients are entitled to, and they often do, rely on the vigilance of doctors who should exercise reasonable care in avoiding prescription of drugs which are contraindicated.
12. Ponstan is a well-known registered brand and Mefenamic Acid is the active substance, and it can be used to treat acute and chronic pain, primary dysmenorrhea (period pain), dysfunctional menorrhagia (heavy or prolonged menstrual bleeding) plus simultaneous pain relief and lowering the temperature in flu-like illness. Mefenamic Acid is in a group of medications called Non-steroidal Anti-inflammatory Drugs ("NSAIDs").
13. According to Dr LAU Kwan Chung Jonathan ("Dr LAU"), the Secretary's expert, in general, NSAIDs should be avoided in pregnancy and one of the key messages for the use of NSAIDs is that NSAIDs are contraindicated in the third trimester

of pregnancy. The Department of Health Drug Office has issued a letter to healthcare professionals in Hong Kong on 16 October 2020, informing them that FDA recommends avoiding use of NSAIDs in pregnancy at 20 weeks or later because they can result in low amniotic fluid. Specifically, Mefenamic Acid, as a prostaglandin synthesis inhibitor, is contraindicated in the third trimester of pregnancy as it may expose the foetus to cardiopulmonary toxicity (premature constriction/closure of the ductus arteriosus and pulmonary hypertension) and renal dysfunction. It may expose the mother and the neonate, at the end of pregnancy, to possible prolongation of bleeding time, an anti-aggregating effect which may occur even at very low doses; and inhibition of uterine contractions resulting in delayed or prolonged labour. We accept the views of Dr LAU.

14. The Defendant had knowledge that the Patient was about 28 weeks pregnant and he even advised the Patient that he would prescribe medication which would be suitable for a pregnant woman. There is no reason why the Defendant still prescribed Mefenamic Acid (Ponstan) to the Patient, which is contraindicated for pregnant woman in the third trimester of pregnancy. Prescribing Mefenamic Acid (Ponstan) to the Patient was clearly inappropriate and unsafe.
15. The Defendant's conduct had in our view fallen below the standards expected of registered medical practitioners in Hong Kong. We therefore find him guilty of misconduct in a professional respect as charged.

### **Sentencing**

16. The Defendant has two previous disciplinary records. The disciplinary record in 1987 related to unauthorized practice promotion for which a warning letter was issued to him. The disciplinary record in 2012 related to prescription of an NSAID (Ibuprofen 200mg) to a patient when the Defendant knew or should have known that the patient was allergic to Ibuprofen, and the Defendant was reprimanded. Although committed quite some time ago, the second disciplinary record also related to NSAID prescription.
17. In line with published policy, we shall give credit to the Defendant for his frank admission and full cooperation throughout these disciplinary proceedings.
18. We bear in mind that the primary 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 its high standards and good reputation.

19. We have considered the character reference letters as submitted by the Defendant.
20. The offence committed by the Defendant in this case was serious. It was only fortunate that the Patient had not taken the drug Ponstan prescribed by the Defendant; otherwise serious and dangerous consequences, such as those mentioned by Dr LAU, might result.
21. The Defendant told us that he had taken remedial steps to ensure that there will be no repeat in this error in the future. However, this is second time that the Defendant has committed similar offences relating to prescription of drugs. For the protection of the public, we have to ensure that the Defendant has sufficient drug knowledge and there will be no risk of re-offending in the future.
22. Taking into consideration the nature and gravity of this case and what we have heard and read in mitigation, we order that the name of the Defendant be removed from the General Register for a period of 2 months. We further order that the removal order be suspended for a period of 12 months, subject to the following conditions:
  - (a) the Defendant shall complete continuing medical education courses, to be pre-approved by the Council Chairman and to the equivalent of 12 CME points, on safe prescription of drugs in pregnancy and proper use of NSAIDs during the suspension period; and
  - (b) the Defendant shall complete during the 12-month suspension period satisfactory peer audit by a Practice Monitor to be appointed by the Council with the following terms:
    - (i) the Practice Monitor shall conduct random audit of the Defendant's practice with particular regard to safe prescription of drugs and the Defendant's prescribing behaviour;
    - (ii) the peer audit should be conducted without prior notice to the Defendant;
    - (iii) the peer audit should be conducted at least twice during the 12-month suspension period;

- (iv) during the peer audit, the Practice Monitor should be given unrestricted access to all parts of the Defendant's clinic and the relevant records which in the Practice Monitor's opinion is necessary for the proper discharge of his duty;
- (v) the Practice Monitor shall report directly to the Chairman of the Council the finding of his peer audit. Where any defects are detected, such defects should be reported to the Chairman of the Council as soon as possible;
- (vi) in the event that the Defendant does not engage in active practice at any time during the 12-month suspension period, unless otherwise ordered by the Council, the peer audit shall automatically extend until the completion of the 12-month suspension period; and
- (vii) in case of change of Practice Monitor at any time before the end of the 12-month suspension period, unless otherwise ordered by the Council, the peer audit shall automatically extend until another Practice Monitor is appointed to complete the remaining period of audit.

Dr CHOI Kin, Gabriel  
Chairperson of the Inquiry Panel  
The Medical Council of Hong Kong