

Press Release

The Medical Council of Hong Kong (“the Council”) is a statutory body established under the Medical Registration Ordinance, Cap. 161, Laws of Hong Kong. Empowered to regulate the medical profession, the Council possesses independent quasi-judicial functions to order disciplinary sanctions through disciplinary proceedings against medical practitioners whose professional competence or conduct falls short of the expected standard.

The Council has noted media enquiries regarding a recent disciplinary case in which “no evidence was offered” (“the Case”). To address public concern, the Council hereby provides a brief outline of the disciplinary inquiry procedures.

When the Council receives a complaint against a registered medical practitioner, if the Preliminary Investigation Committee, after investigation, considers that there is a reasonable prospect of establishing a case of professional misconduct against the medical practitioner concerned and decides to refer the case to an inquiry panel for inquiry, the Secretary of the Council will issue a Notice of Inquiry to the defendant medical practitioner to lay charge(s) against him/her. If subsequently there is a change in circumstances that undermine the basis of the charge(s) laid (e.g. a key witness being unable to attend the inquiry due to loss of contact, health reasons, refusal to testify, etc.), rendering the case no longer having a reasonable prospect of proving the charges, the Secretary may, after obtaining legal advice, decide to “offer no evidence”. Such a decision is made solely on the specific, objective circumstances of each individual case and relies exclusively on the evidence.

As far as the Case is concerned, the Secretary explained to the inquiry panel at the commencement of the inquiry that, having considered the overall circumstances, including all evidence that could be adduced and the unavailability of the Secretary’s witness, the Secretary had decided to “offer no evidence” on all the disciplinary charges. It is hoped that the above explanation assists public understanding.

The Medical Council of Hong Kong

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