

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE MEDICAL COUNCIL OF HONG KONG

It is hereby notified that after due inquiry held on 25 October 2010 in accordance with section 21 of the Medical Registration Ordinance, Chapter 161 of the Laws of Hong Kong, the Medical Council of Hong Kong was satisfied that the following charges have been proven against Dr SIU Ting Wing (Reg. no.: M04093):—

‘He, being a registered medical practitioner:—

- (a) was convicted at the Eastern Magistrates’ Court on 4 May 2009 of an offence punishable with imprisonment, namely failing to keep register of dangerous drugs, contrary to Regulation 5(1)(a) and Regulation 5(7) of the Dangerous Drugs Regulations made under Dangerous Drugs Ordinance, Chapter 134, Laws of Hong Kong;
- (b) was guilty of misconduct in a professional respect in that he failed to report to the Medical Council the conviction mentioned in paragraph (a) above within 28 days of the conviction, contrary to section 29 of the Code of Professional Conduct for the Guidance of Registered Medical Practitioners issued by the Medical Council of Hong Kong.’

On 18 July 2008, pharmacists of the Department of Health conducted an inspection to the Defendant’s clinic and demanded to see the dangerous drugs registers. Dr SIU replied that he did not have any dangerous drugs register because he had not obtained any dangerous drug. No dangerous drug register was found in the clinic.

It was subsequently discovered that Dr SIU had in fact ordered various dangerous drugs from the suppliers. Dr SIU had received the following quantities of dangerous drugs at his clinic within the 2 years immediately before 18 July 2008:—

Panbesy 15 mg (Phentermine 15 mg)	1 200 capsules
Panbesy 30 mg (Phentermine 30 mg)	14 800 capsules
Dima 5 mg (Nitrazepam 5 mg)	5 000 tablets
Kratium 5 mg (Diazepam 5 mg)	4 000 tablets
Kratium 10 mg (Diazepam 10 mg)	22 000 tablets
Lorans 0.5 mg (Lorazepam 0.5 mg)	7 000 tablets

The Dangerous Drugs Regulations require that every medical practitioner shall keep a register of each dangerous drug he had obtained in accordance with the prescribed format. The register shall be preserved for a period of two years from the date of the last entry, and shall be kept at the premises to which it relates so as to be available for inspection by any officer authorized by the Director of Health at all times. Failure to comply with such requirement is a criminal offence punishable by a fine of \$450,000 and imprisonment for 3 years.

After trial on 4 May 2009, Dr SIU was convicted of the offence of failing to keep a register in accordance with the requirements with respect to each of the above-mentioned dangerous drugs. He did not report the conviction to the Medical Council, contrary to section 29 of the Code of Professional Conduct which requires any conviction of an offence punishable by imprisonment to be reported within 28 days from the conviction, even if the matter is under appeal.

On 25 October 2010, the Council ordered under section 21(1) of the Medical Registration Ordinance that:—

- (a) In respect of charge (a), the name of Dr SIU Ting Wing be removed from the General Register for a period of 3 months.
- (b) The removal order in the present case shall be consecutive to 2 previous orders of removal for 3 months and 10 months made by the Council on 16 April 2008 and 20 July 2008 respectively.
- (c) In respect of charge (b), Dr SIU Ting Wing be reprimanded.

Dr SIU appealed to the Court of Appeal on 12 November 2010 against the orders of the Council. The appeal was dismissed on 21 December 2012.

Dr SIU's name was removed from the General Register on 18 March 2011 pursuant to 2 previous removal orders. The present removal order takes effect from 18 February 2013 to 17 May 2013.

The orders are published in the *Gazette* in accordance with section 21(5) of the Medical Registration Ordinance. The full judgment of the Council is published in the official website of the Medical Council of Hong Kong (<http://www.mchk.org.hk>).

LAU Wan-ye Joseph *Chairman, The Medical Council of Hong Kong*