

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE MEDICAL COUNCIL OF HONG KONG
DR LAU WING FONG (REGISTRATION NO.: M12659)

It is hereby notified that after due inquiry held on 17 May 2016 in accordance with section 21 of the Medical Registration Ordinance, Chapter 161 of the Laws of Hong Kong, the Medical Council of Hong Kong found Dr LAU Wing Fong (Registration No.: M12659) guilty of the following disciplinary offence:—

‘That she, being a registered medical practitioner, was convicted at Kwun Tong Magistrates’ Courts on 11 July 2012 of 15 counts of an offence punishable with imprisonment, namely ‘Failing to keep a Register of Dangerous Drugs in the form specified in the First Schedule’, contrary to Regulation 5(1)(a) and 5(7) of the Dangerous Drugs Regulations made under Dangerous Drugs Ordinance, Chapter 134, Laws of Hong Kong’

Dr LAU was at all material times a registered medical practitioner. Her name has been included in the General Register from 8 July 2000 to present and her name has never been included in the Specialist Register.

On 14 December 2011, pharmacists from the Department of Health inspected Dr LAU’s clinic and found 15 types of dangerous drugs. Dr LAU was asked to produce the relevant dangerous drugs registers for inspection.

Pharmacists from the Department of Health then found out that the dangerous drugs records made by Dr LAU were of a different format from the statutory form specified in the First Schedule to the Dangerous Drugs Regulations, Chapter 134A. Whilst there were separate records for receipt and supply of each type of dangerous drugs but transactions of the 15 types of dangerous drugs were all listed in one single record. Moreover, name and address of person or firm from whom the dangerous drugs were received or to whom supplied, patient’s identity card number, invoice number and balance of dangerous drugs were all missing from the Defendant’s dangerous drugs records.

Dr LAU was subsequently charged with 15 counts of ‘failing to keep a register of dangerous drugs in the form specified in the First Schedule’, contrary to regulations 5(1)(a) and 5(7) of the Dangerous Drugs Regulations, Chapter 134A. Dr LAU was convicted on her own plea of the aforesaid offences at the Kwun Tong Magistrates’ Court on 11 July 2012 and was fined a total sum of \$37,500. There is no dispute that the aforesaid offences are punishable with imprisonment.

Section 21(3) of the Medical Registration Ordinance (MRO) stipulates that ‘Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered medical practitioner was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.’ The Medical Council was therefore entitled to take the said convictions as conclusively proven against Dr LAU and found Dr LAU guilty of the disciplinary offence as charged.

The Medical Council has repeatedly emphasized the importance of proper record of dangerous drugs in compliance with the statutory requirements. Medical practitioners being given the legal authority to supply dangerous drugs must diligently discharge the corresponding responsibility to keep records in the prescribed form.

Having considered the nature and gravity of the charges and the mitigation advanced by Dr LAU’s lawyer, the Medical Council ordered that Dr LAU’s name be removed from the General Register for a period of 2 months, and the operation of the removal order be suspended for a period of 12 months, subject to the condition that Dr LAU shall complete during the suspension period satisfactory peer audit by a Practice Monitor to be appointed by the Council with the following terms:—

- (a) the Practice Monitor shall conduct random audit of Dr LAU’s practice with particular regard to the keeping of dangerous drugs registers;
- (b) the peer audit should be conducted without prior notice to Dr LAU;

- (c) the peer audit should be conducted at least once every 6 months during the suspension period;
- (d) during the peer audit, the Practice Monitor should be given unrestricted access to all parts of Dr LAU's clinic and the relevant records which in the Practice Monitor's opinion is necessary for proper discharge of his duty;
- (e) the Practice Monitor shall report directly to the Chairman of the Council the finding of his peer audit at 6-monthly intervals. Where any defects are detected, such defects should be reported to the Chairman of the Council as soon as practicable; and
- (f) in the event that Dr LAU does not engage in active practice at any time during the suspension period, unless otherwise ordered by the Council, the peer audit shall automatically extend until the completion of 12 month suspension period.

The orders are published in the *Gazette* in accordance with section 21(5) of the Medical Registration Ordinance. The full decision of the Medical 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