

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE MEDICAL COUNCIL OF HONG KONG
DR LEUNG YING KIT (REGISTRATION NO.: M01930)

It is hereby notified that after due inquiry held on 12 August 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 LEUNG Ying Kit (Registration No.: M01930) guilty of the following disciplinary offence:—

‘That in or about March 2009, he, being a registered medical practitioner, disregarded his professional responsibility to his patient Madam X (‘the Patient’) in that he failed to adequately and properly explain to the Patient of the risks and possible complications of colonoscopy, including but not limited to the risk of bowel perforation, before performing colonoscopy on the Patient.

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

Dr LEUNG was at all material times a registered medical practitioner. His name has been included in the General Register from 8 July 1972 to present and his name has never been included in the Specialist Register.

There is no dispute that the Patient consulted Dr LEUNG on 3 March 2009 for her moderately severe abdominal pain and other medical problems. The Patient was 79 years old at the time. Beforehand, she had consulted other doctors for the problems but had no improvement after taking the medication prescribed by these other doctors.

Upon the advice of Dr LEUNG, the Patient was admitted to Precious Blood Hospital for upper GI endoscopy and colonoscopy (‘the said medical procedures’) for diagnostic and examination purposes on the following day.

There is no dispute that Dr LEUNG did not advise the Patient of the risk of bowel perforation at the consultation on 3 March 2009. Nor had he advised the Patient of the same before performing the said medical procedures on the following day.

The Patient complained of abdominal pain after the said medical procedures. Upon referral by Dr LEUNG, the Patient was later admitted to a public hospital and was found to have perforated abdominal viscera.

The Patient’s son subsequently lodged this complaint against Dr LEUNG with the Medical Council.

It is clearly stated in para. 2.1 of the Code of Professional Conduct (2009 edition) that ‘Consent to medical treatment is part of quality care and also a legal requirement. Consent has to be given voluntarily by the patient after having been informed of the relevant aspects of the medical procedure including the general nature, effect and risks involved.’ The Medical Council considered that it to be the duty of any doctor to give his patient proper explanation of the risks and complications of the proposed medical procedure. The explanation should be balanced and sufficient to enable the patient to make an informed decision, and should cover significant risks as well as risks of serious consequence even if the probability would be low.

Bowel perforation is a known, though uncommon, serious complication of colonoscopy. This may lead to severe morbidity or even mortality. Dr LEUNG should adequately and properly explain to the Patient of the risk of bowel perforation before performing colonoscopy on her.

In the Medical Council’s view, Dr LEUNG’s conduct had fallen below the standard reasonably expected of medical practitioners in Hong Kong. Therefore, the Medical Council found him guilty of professional misconduct in respect of the charge.

Having considered the nature and gravity of the charge and the mitigation advanced by Dr LEUNG’s lawyer, the Medical Council ordered that Dr LEUNG’s name be removed from the General Register for a period of 1 month, and the operation of the removal order be suspended for a period of 6 months.

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*