

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE MEDICAL COUNCIL OF HONG KONG
DR HO OI PING PATRICK (REGISTRATION NO.: M02971)

It is hereby notified that after due inquiry held on 25 October 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 HO Oi Ping Patrick (Registration No.: M02971) guilty of the following disciplinary offence:—

‘That he, being a registered medical practitioner, was convicted at the Tsuen Wan Magistrates’ Courts on 2 September 2013 of eleven counts of the offence of failing to keep a Register of Dangerous Drugs in the form specified in the first schedule, which is an offence punishable with imprisonment, contrary to regulations 5(1)(a) and 5(7) of the Dangerous Drugs Regulations made under Dangerous Drugs Ordinance, Chapter 134, Laws of Hong Kong.’

Dr HO was at all material times a registered medical practitioner. His name has been included in the General Register from 7 July 1977 to present and his name has never been included in the Specialist Register.

On 25 February 2013, pharmacists from the Department of Health inspected Dr HO’s clinic and found 13 different dangerous drugs. Dr HO was asked to produce the relevant dangerous drugs registers for inspection. Only a pile of papers was produced by Dr HO who claimed it was the dangerous drug record for all the entries made with respect to the 13 different dangerous drugs.

Pharmacists from the Department of Health then found out that the dangerous drugs records made by Dr HO were of a different format from the statutory form specified in the First Schedule to the Dangerous Drugs Regulations, Chapter 134A. 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 Dr HO’s dangerous drugs records.

Dr HO was subsequently charged with 11 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 HO was convicted on his own plea of the aforesaid offences at the Tsuen Wan Magistrates’ Court on 2 September 2013 and was fined a total sum of \$11,000. 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 HO and found Dr HO 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 HO, the Medical Council ordered that Dr HO’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 HO 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 HO’s practice with particular regard to the keeping of dangerous drugs registers;

- (b) the peer audit should be conducted without prior notice to Dr HO;
- (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 HO'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;
- (f) in the event that Dr HO 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; and
- (g) 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 peer audit.

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*