

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE MEDICAL COUNCIL OF HONG KONG
DR CHEUNG CHUNG SING (REGISTRATION NO.: M04221)

It is hereby notified that after due inquiry held on 8 November 2017 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 CHEUNG Chung Sing (Registration No.: M04221) guilty of the following disciplinary offence:—

‘That he, being a registered medical practitioner, was convicted at the Kowloon City Magistrates’ Courts on 6 November 2013 of four counts of the offence of failing to keep a Register of Dangerous Drugs in the form specified in the First Schedule, being an offence punishable with imprisonment, contrary to regulations 5(1) and 5(7) of the Dangerous Drugs Regulations made under Dangerous Drugs Ordinance, Chapter 134, Laws of Hong Kong.’

Dr CHEUNG was at all material times a registered medical practitioner. His name has been included in the General Register from 5 March 1981 to present and his name has never been included in the Specialist Register.

On 19 April 2013, pharmacists from the Department of Health (‘DH’) visited Dr CHEUNG’s clinic at Room 3136, 3rd Floor, Lok Fu Plaza, Lok Fu, Kowloon for dangerous drugs (‘DD’) inspection. They met Dr CHEUNG’s clinic assistant, Ms YIU and the locum doctor, Dr LI. According to Ms YIU, Dr CHEUNG was on leave on that day.

With the assistance of Ms YIU, 4 kinds of DD, namely, Lorazepam 1mg x 9,801 tablets, Diazepam 10mg x 2,640 tablets, Diazepam 5mg x 3,013 tablets and Phentermine 30mg x 131 capsules were found. However, the DD Register kept by Dr CHEUNG was found to be non-compliant with the statutory requirements under the Dangerous Drugs Regulations, Chapter 134A (the ‘DD Regulations’), in that (1) the receipt or supply record of the 131 Phentermine 30mg capsules was not found; (2) separate registers or separate parts of the dangerous drug register were not used for entries made with respect to each of the remaining 3 DD; (3) the date of receipt or supply was not recorded for every entry; and (4) the address and identity card number of patients, column for invoice number and the DD balance were all found missing.

Dr CHEUNG was subsequently charged with 4 counts of the offence 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 DD Regulations. Dr CHEUNG was convicted on his own plea of the aforesaid offence at the Kowloon City Magistrates’ Court on 6 November 2013 and was fined a total sum of \$10,000.

There is no dispute that the aforesaid offence is punishable with imprisonment. And Dr CHEUNG’s convictions were reported to the Council through his solicitors by a letter dated 11 November 2013.

Section 21(3) of the Medical Registration Ordinance expressly provides 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 is therefore entitled to take the aforesaid conviction as conclusively proven against Dr CHEUNG. Accordingly, the Medical Council also found Dr CHEUNG guilty of the disciplinary offence as charged.

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

In this case, there was nothing in the evidence to suggest that Dr CHEUNG prescribed the DD to his patients improperly. However, the Medical Council was quite concerned about the substantial quantities of DD found in Dr CHEUNG’s clinic. Stringent control of DD is essential

to avoid misuse and abuse. Failure to comply with the statutory requirements to keep proper DD Registers may jeopardize the monitoring system of DD by public officers.

The Medical Council was told in mitigation that Dr CHEUNG had since the incident taken immediate remedial measures to rectify his shortcomings and to prevent recurrence of the same mistake. Before his retirement from medical practice in April 2017, he had conducted regular checks of each DD register every week to ensure compliance with the statutory requirements.

Having considered the nature and gravity of this case and the mitigation advanced by Dr CHEUNG's solicitor, the Medical Council ordered that Dr CHEUNG'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. The Medical Council wished to emphasize that but for his retirement from medical practice, the Council would have imposed the usual condition of peer audit on Dr CHEUNG.

The order is 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*