

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

ORDER MADE BY THE INQUIRY PANEL OF
THE MEDICAL COUNCIL OF HONG KONG

DR LI WING HONG (REGISTRATION NO.: M11966)

It is hereby notified that after due inquiry held on 21 May 2019 in accordance with section 21 of the Medical Registration Ordinance, Chapter 161 of the Laws of Hong Kong, the Inquiry Panel of the Medical Council of Hong Kong found Dr LI Wing Hong (Registration No.: M11966) guilty of the following disciplinary offence:—

‘That he, being a registered medical practitioner, was convicted at the Eastern Magistrates’ Courts on 17 February 2015 of the offence of driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit, which is an offence punishable with imprisonment, contrary to section 39A(1) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong.’

Dr LI was at all material times and still is a registered medical practitioner. His name has been included in the General Register from 13 July 1998 to present and his name has been included in the Specialist Register under the Speciality of General Surgery.

There is no dispute that Dr LI was found guilty on his own plea of the offence of driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit, contrary to section 39A(1) of the Road Traffic Ordinance, Chapter 374.

There is also no dispute that the said offence was and still is punishable with imprisonment.

According to the Brief Facts of the Case prepared by the Police and upon which Dr LI was convicted, Dr LI was driving a private car along the southbound of Ap Lei Chau Bridge Road at around midnight on 5 December 2014. On reaching near lamppost No.37288, Dr LI involved in a traffic accident with a public light bus without casualty reported. Police was summoned to the scene and Dr LI was asked to undergo a Screening Breath Test at 00.21 hours on 6 December 2014. The result of the Screening Breath Test indicated that Dr LI’s breath had 44 micrograms of alcohol in 100 millilitres, which was more than double of the prescribed limit of 22 micrograms of alcohol in 100 millilitres. Dr LI was arrested and escorted back to Aberdeen Police Station. Dr LI subsequently underwent another Screening Breath Test with the result that his breath had 41 micrograms of alcohol in 100 millilitres notwithstanding that nearly 1 hour had elapsed since the traffic accident.

It is expressly provided in section 21(3) of the Medical Registration Ordinance that ‘*Nothing in this section shall be deemed to require an inquiry panel to inquire into the question whether the registered medical practitioner was properly convicted but the panel 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.*’ Therefore, the Inquiry Panel was entitled to take the said conviction as conclusively proven against Dr LI and found him guilty of the disciplinary offence as charged.

In the Inquiry Panel’s view, driving a motor vehicle whilst under the influence of alcohol is a serious offence. Being a registered medical practitioner, Dr LI ought to know better than any lay person the effect of alcohol on driving. It was mere luck that no one was seriously injured in the traffic accident.

Indeed, Dr LI admitted the seriousness of his misdeed and he deeply regretted his foolish decision to drive after drinking.

The Inquiry Panel accepted that Dr LI had shown full remorse and he had learnt a hard lesson from the criminal conviction. Given his genuine insight into his misdeed, the Inquiry Panel believed that the risk of his committing the same or similar offences in the future would be low.

Taking into account the nature and gravity of the case and the mitigation advanced by Dr LI, the Inquiry Panel ordered that a warning letter be issued to Dr LI.

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