

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR SOONG ROONG SHENG (REGISTRATION NO.: M04823)

It is hereby notified that after due inquiry held on 26 June 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 ('Inquiry Panel') found Dr SOONG Roong Sheng (Registration No.: M04823) guilty of the following disciplinary offences:—

First case (MC 13/280)

'That, on or about July 2013, he, being a registered medical practitioner, issued, in respect of Madam X, two untrue, misleading or otherwise improper sick leave certificates, namely:—

- (i) A sick leave certificate dated 12 July 2013 certifying Madam X attended In-Health Medical Centre on 12 July 2013 with a diagnosis of L.B.P., and sick leave from 13 July 2013 to 19 July 2013 was being granted; and*
- (ii) A sick leave certificate dated 19 July 2013 certifying Madam X attended In-Health Medical Centre on 19 July 2013 with a diagnosis of L.B.P., and sick leave from 20 July 2013 to 25 July 2013 was being granted,*

when in fact he did not see Madam X on 12 July 2013 and 19 July 2013.

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

Second case (MC 16/137)

'That, he, being a registered medical practitioner:—

- (a) was convicted at the Eastern Magistrates' Courts on 25 April 2016 of eight counts of the offence of failing to keep a register of dangerous drugs in the specified form, which is an offence punishable with imprisonment, contrary to regulations 5(1)(a) and 5(7) of the Dangerous Drugs Regulations made under the Dangerous Drugs Ordinance, Chapter 134, Laws of Hong Kong; and*
- (b) was convicted at the Eastern Magistrates' Courts on 25 April 2016 of five counts of the offence of failing to keep register or records of a dangerous drugs, which is an offence punishable with imprisonment, contrary to regulations 5(1)(a) and 5(7) of the Dangerous Drugs Regulations made under the Dangerous Drugs Ordinance, Chapter 134, Laws of Hong Kong.'*

The name of Dr SOONG Roong Sheng was at all material times and still is included in the General Register. His name had never been included in the Specialist Register.

Upon the direction of the Chairperson of the Inquiry Panel, inquiry into the above-mentioned disciplinary charges against Dr SOONG was consolidated into one pursuant to section 16 of the Medical Practitioners (Registration and Disciplinary Procedure) Regulation.

First Case (MC 13/280)

Dr SOONG admitted the factual particulars of the amended disciplinary charges against him.

Briefly stated, Hong Kong Dragon Airlines Limited ('Dragonair') complained to the Medical Council that they received from Madam X 2 sick leave certificates issued by Dr SOONG. According to the subject sick leave certificates, Dr SOONG had seen Madam X on 12 and 19 July 2013 respectively. Subsequent investigation by Dragonair however revealed that Madam X departed from Hong Kong to Prague on 10 July 2013 and only returned to Hong Kong on 26 July 2013.

In the submission to the Preliminary Investigation Committee, Dr SOONG admitted that he issued the subject sick leave certificates to Madam X when she visited his clinic on 9 July 2013. According to Dr SOONG, Madam X returned to see him for her persistent lower back pain. After examining Madam X and in view of her medical condition, Dr SOONG considered 2 more weeks of sick leave to be appropriate. But since Madam X had already obtained sick leave for 10 July 2013 and she was going to have 2 days off on 11 and 12 July 2013, she requested the further sick leave period to start from 13 July 2013. Dr SOONG further explained that he

understood that Dragonair would not accept medical certificate for a sick leave period of more than 1 week. In order to save Madam X the trouble of coming to his clinic again, Dr SOONG issued the subject sick leave certificates in one go on 9 July 2013 and post-dated them 12 and 19 July 2013 respectively. Dr SOONG denied however that he knew Madam X would make use of the further sick leave period to travel outside Hong Kong.

There was no dispute that the subject sick leave certificates were issued by Dr SOONG on 9 July 2013 and they were post-dated 12 July 2013 and 19 July 2013 respectively. However, there was no evidence that Dr SOONG issued the subject sick leave certificates without proper medical consultation.

For decades, sick leave certificates issued by registered medical practitioners have been accepted without question by members of the public. Even if Dr SOONG had no intention to mislead Dragonair, his cavalier attitude in post-dating the subject sick leave certificates should be condemned. The Inquiry Panel was firmly opined that any sick leave certificate should be issued on the date of consultation. Public confidence in sick leave certificates issued by registered medical practitioners would be undermined unless the date of consultation and the date of issue are truly stated.

In the view of the Inquiry Panel, Dr SOONG's conduct had fallen below the standards expected of registered medical practitioners in Hong Kong and the Inquiry Panel therefore found him guilty of misconduct in a professional respect as charged.

Second Case (MC 161137)

On 8 October 2015, pharmacists from the Department of Health visited Dr SOONG's clinic for dangerous drugs ('DD') inspection.

The DD Registers kept by Dr SOONG were found to be non-compliant with the statutory requirements under the Dangerous Drugs Regulations, Cap. 134A ('DD Regulations'). In particular, (1) invoice number(s); (2) balance; and (3) name and address of person(s) or firm(s) from whom received were found to be missing. Moreover, identity card number of patient(s) was found to be missing from one of the DD Registers.

Dr SOONG was subsequently charged with 8 counts of the offence of 'failing to keep a register of dangerous drugs in the specified form' and 5 counts of the offence of 'failing to keep register or records of a dangerous drugs', both contrary to regulations 5(1)(a) and 5(7) of the DD Regulations.

Dr SOONG was convicted on his own plea of the aforesaid offences at the Eastern Magistrates' Court on 25 April 2016 and was fined a total sum of \$30,000.

There was no dispute that the aforesaid offences are punishable with imprisonment. And Dr SOONG duly reported his convictions to the Medical Council through his solicitors by a letter dated 26 April 2016.

The Inquiry Panel was entitled to take the aforesaid convictions as conclusively proven against Dr SOONG. Accordingly, the Inquiry Panel found Dr SOONG guilty of the disciplinary offence as charged.

In the view of the Inquiry Panel, 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.

Having regard to nature and gravity of the First and Second Cases and the mitigation advanced by Dr SOONG's legal representative, the Inquiry Panel ordered that:—

- (i) in respect of the First Case, Dr SOONG's name be removed from the General Register for a period of 1 month and the operation of the removal order be suspended for 24 months;
- (ii) in respect of the Second Case, Dr SOONG'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 24 months on the condition that he shall complete during the suspension period satisfactory peer audit by a Practice Monitor to be appointed by the Medical Council; and
- (iii) the above suspended removal orders to run concurrently.

The orders are 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>).