

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR WONG YAT CHING (REGISTRATION NO.: M02975)

It is hereby notified that after due inquiry held on 22 October 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 WONG Yat Ching (Registration No.: M02975) guilty of the following disciplinary charge:—

‘That he, being a registered medical practitioner, was convicted at the Kowloon City Magistrates’ Courts on 8 June 2017 of nine 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 Dangerous Drugs Ordinance, Chapter 134, Laws of Hong Kong.’

Briefly stated, on 7 November 2016, pharmacists from the Department of Health (‘DH’) visited Dr WONG’s clinic for dangerous drugs (‘DD’) inspection.

There was no dispute that the following 9 types of DD were found:—

- (1) Nitrazepam 5 mg tablet(s);
- (2) Alprazolam 0.25 mg tablet(s);
- (3) Midazolam 15 mg tablet(s);
- (4) Diazepam 10 mg tablet(s);
- (5) Phentermine 30 mg capsule(s);
- (6) Bromazepam 1.5 mg tablet(s);
- (7) Triazolam 0.25 mg tablet(s);
- (8) Lorazepam 1 mg tablet(s); and
- (9) Pinazepam 5 mg capsule(s).

However, the DD registers kept by Dr WONG on transactions within the previous two years beginning on 7 November 2014 were found to be non-compliant with the statutory requirements under the Dangerous Drugs Regulations, Chapter 134A (the ‘DD Regulations’) in that:—

- (1) the address(es) of the supplier(s), invoice number(s) and balance(s) were missing from three sets of DD registers; and
- (2) the address(es) of supplier(s), patient’s identity card number(s) and balance(s) were missing from another set of DD registers.

Dr WONG further revealed to the DH pharmacists that he kept some DD in a locked receptacle at his home and he agreed to bring them back to his clinic for inspection on the following day.

On 8 November 2016, DH pharmacists returned to Dr WONG’s clinic. Dr WONG further produced for their inspection some DD, a 2-page DD register, three DD booklets and several invoices from four different DD suppliers. Again these DD registers were found to be non-compliant with the statutory requirements in that:—

- (1) the address(s) of suppliers were missing from the 2-page DD register; and
- (2) the name(s) and address(es) of the supplier(s), patient’s identity card number(s) and invoice number(s) were missing from the other three DD booklets.

Dr WONG later went through his consultation records and noted that the quantity of Diazepam 10 mg tablets found in his clinic was 8 tablets less than the total quantity stated in the relevant DD register.

Dr WONG was subsequently charged with nine 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 WONG was convicted on his own plea of the aforesaid offences at the Kowloon City Magistrates' Courts on 8 June 2017 and was fined a total sum of \$27,000. The aforesaid offences were punishable with imprisonment.

Dr WONG's convictions were reported to the Medical Council through his solicitors by a letter dated 14 June 2017.

Section 21(3) of the Medical Registration Ordinance, Chapter 161, expressly provides 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.'

The Inquiry Panel was therefore entitled to treat the aforesaid convictions as conclusively proven against Dr WONG.

Accordingly, the Inquiry Panel found Dr WONG guilty of the disciplinary offence as charged.

The Inquiry Panel accepted that there was nothing in the evidence to suggest that Dr WONG prescribed DD to his patients improperly.

In the Inquiry Panel's view, stringent control of DD was essential to avoid misuse and abuse. Failure to comply with the statutory requirements to keep proper DD registers might jeopardize the monitoring system of DD by public officers.

The Inquiry Panel was told in mitigation that Dr WONG had since the incident taken immediate remedial measures to rectify his shortcomings. However the Inquiry Panel needed to ensure that the chance of his repeating the same or similar breach should be low.

Taking into consideration the nature and gravity of this case and Dr WONG's plea of mitigation, the Inquiry Panel ordered that Dr WONG'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 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.

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 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*