

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR CHUANG HSIU MIN SAMMY (REGISTRATION NO.: M11309)

It is hereby notified that after due inquiry held on 16 November 2021 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 CHUANG Hsiu Min Sammy (Registration No.: M11309) guilty of the following amended disciplinary charges:—

'That he, being a registered medical practitioner:—

- (a) was convicted at the Kowloon City Magistrates' Courts on 11 July 2019 of the offence of using vehicle without insurance, which is an offence punishable with imprisonment, contrary to Sections 4(1) and 4(2) of the Motor Vehicle Insurance (Third Party Risks) Ordinance, Chapter 272, Laws of Hong Kong;*
- (b) was convicted at the Kowloon City Magistrates' Courts on 11 July 2019 of the offence of driving/using an unregistered / unlicensed vehicle, which is an offence punishable with imprisonment, contrary to Sections 52(1)(a) and 52(10)(a) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong; and/or*
- (c) has been guilty of misconduct in a professional respect in that he failed to report to the Medical Council the convictions mentioned in paragraphs (a) and (b) above within 28 days from the convictions, contrary to section 29.1 of the Code of Professional Conduct published in January 2016, in relation to the facts alleged, he has been guilty of misconduct in a professional respect.'*

Dr CHUANG's name has been included in the General Register from 2 January 1997 and to the present. His name has been included in the Specialist Register under the specialty of General Surgery since 7 February 2007.

There was no dispute that Dr CHUANG was convicted on his own plea of the said two offences at the Kowloon City Magistrates' Courts on 11 July 2019.

There was also no dispute that Dr CHUANG did not report his criminal conviction to the Medical Council within 28 days from 11 July 2019. Dr CHUANG first reported his conviction of the offence of *'Using vehicle without insurance'* to the Medical Council by letter dated 30 October 2019. It was not until 16 November 2020 that Dr CHUANG reported through his solicitors to the Medical Council by letter of his conviction of the offence of *'Driving/using unregistered/unlicensed vehicle'*.

There was no dispute that the said two offences were and still are punishable with imprisonment. By virtue of section 21(1) of the Medical Registration Ordinance ('MRO'), Chapter 161, Laws of Hong Kong, the disciplinary powers against Dr CHUANG are engaged.

Section 21(3) of the MRO 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 take the said criminal conviction as conclusively proven against Dr CHUANG. Accordingly, the Inquiry Panel found Dr CHUANG guilty of the amended disciplinary charges (a) and (b).

The Inquiry Panel noted from reading the Statement of Agreed Facts upon which Dr CHUANG was convicted of the said two offences that the vehicle involved had been unregistered and without third party insurance for some 19 and 26.5 months respectively.

Driving an unregistered vehicle and especially one without third party insurance are serious matters. Dr CHUANG told the Preliminary Investigation Committee that he was aware of the requirement to report criminal conviction of an offence punishable with imprisonment to the Medical Council but he was under the mistaken impression that he did not have to report because he 'consulted the police and was told that traffic offences were not criminal offences.'

It was however clearly stated in section 29.1 of the Code of Professional Conduct (2016 edition) that:—

'A doctor who has been convicted in or outside Hong Kong of an offence punishable with imprisonment or has been the subject of adverse findings in disciplinary proceedings by other professional regulatory bodies is required to report the matter to the Council within 28 days from the conviction or the adverse disciplinary finding, even if the matter is under appeal. Failure to report within the specified time will in itself be ground for disciplinary action. In case of doubt the matter should be reported.'

The Inquiry Panel considered that Dr CHUANG should take all reasonable steps to find out whether his criminal conviction needed to be reported to the Medical Council. He could not simply rely on what the Police had told him. In case of doubt, Dr CHUANG ought to report his criminal conviction in accordance with section 29.1 of the Code. Dr CHUANG's failure to report his criminal conviction within the specified time was inexcusable. Therefore, Dr CHUANG had in view of the Inquiry Panel by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel found Dr CHUANG guilty of professional misconduct as per the amended disciplinary charge (c).

The Inquiry Panel wished to emphasize that driving an unregistered vehicle and especially one without third party insurance are serious matters. It was aggravated in the present case by the long lapse of time in which the vehicle concerned was unregistered and without third party insurance. But for his insight into his wrongdoings, Dr CHUANG would be facing more severe sanctions.

Having regard to the nature and gravity of the case and what was heard and read in mitigation, the Inquiry Panel made a global order in respect of the amended disciplinary charges (a), (b) and (c) that a warning letter be issued to Dr CHUANG and that the said order be published in the *Gazette*.

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>).

LAU Wan-ye, Joseph *Chairman The Medical Council of Hong Kong*