

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR LI CHUN HIM (REGISTRATION NO.: M16192)

It is hereby notified that after due inquiry held on 8 February 2022 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 Chun Him (Registration No.: M16192) guilty of the following disciplinary offences:—

‘That he, being a registered medical practitioner:—

- (a) was convicted at the Fanling Magistrates’ Courts on 6 May 2021 of the offence of dangerous driving, which is an offence punishable with imprisonment, contrary to section 37(1) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong; and*
- (b) was convicted at the Fanling Magistrates’ Courts on 6 May 2021 of the offence of driving a motor vehicle with alcohol concentration in blood above 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’s name has been included in the General Register from 2 July 2010 to the present and his name has been included in the Specialist Register under the speciality of Emergency Medicine since 9 April 2018.

According to the Brief Facts of the Case prepared by the Police and upon which Dr LI was convicted, the accident location was an open space car park for storage of new and repaired vehicles at Kiu Wong Street, Tin Shui Wai, New Territories. There was no road marking regulating the traffic direction. The road condition and visibility at the accident location was very clear and the traffic flow was light. There was a drop bar at the car park entrance with many different car yards and car parks alongside, with the possibility of vehicles coming in and out. Most of vehicles there were large vehicles. The speed limit of 50 kmph was imposed.

At 1307 hours on 4 September 2020, Dr LI was driving his car towards the entrance of the car park in high speed. The security guard there raised the drop bar to avoid collision but Dr LI’s car still hit the drop bar. Dr LI kept driving fast in the car park and had a head-on collision with a stationary medium goods vehicle (‘MGV’). Dr LI then reversed his car for around 50m to hit another stationary MGV’s front. Afterwards, Dr LI accelerated his car until it came to a halt after crashing into iron railings (3m damaged) with the front of his car seriously damaged. The security guard there and a staff of Crown Motors Ltd (‘CML’) witnessed the course of the accident. The staff of CML reported the case. The two MGVs, which belonged to CML, were slightly damaged.

A police officer attended the scene for initial enquiry and found a nearly empty bottle of ‘Black Label’ whisky in an open black bag at the front compartment of Dr LI’s car. At 1351 hours, a Screening Breath Test was conducted on Dr LI with 117 µg/100ml which exceeded the prescribed limit of 22 micrograms of alcohol in 100 millilitres of breath. At 1353 hours, Dr LI was arrested. Dr LI sustained shoulder injury and was taken to Tuen Mun Hospital for further enquiry. Upon arrival at the Tuen Mun Hospital, at 1705 hours, a blood specimen was taken from Dr LI. The Government Chemist Certificate confirmed that the blood of Dr LI was found containing not less than 194 milligrams of alcohol per 100 millilitres of blood.

The police investigation concluded that considering the road condition bearing potential danger to the knowledge of Dr LI but Dr LI still applied undesired driving manner at risk, such as:—

- (1) driving in a relatively high speed while approaching the car park entrance without slowing down or stoppage before the drop bar, and immediately after the impact Dr LI failed to stop but kept dashing forward into the car park; and
- (2) even though the staff of CML stood in front of Dr LI’s car after the first impact with a stationary MGV, Dr LI still ignored that staff but to continue his dangerous driving manner which caused more crashes to other properties. Dr LI only stopped his car when it was stuck at the iron railings.

Therefore, Dr LI's driving clearly fell far below the expected standard and it would be obvious to a competent and careful driver that driving in that way would be dangerous resulting in the accident, and Dr LI was driving on the road under the influence of alcohol concentration in excess of the prescribed limit (Tier 3).

On 6 May 2021, Dr LI was found guilty on his own plea of the offences of (i) dangerous driving, contrary to section 37(1) of the Road Traffic Ordinance, Chapter 374 ('RTO'); and (ii) driving a motor vehicle with alcohol concentration in blood above the prescribed limit, contrary to section 39A(1) of RTO at the Fanling Magistrates' Courts. The said offences were and still are punishable with imprisonment.

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 offences as charged.

In the Inquiry Panel's view, the offences committed in the present case were very serious. Being a registered medical practitioner, Dr LI ought to know better than any lay person the effect of alcohol on driving.

The Inquiry Panel accepted that Dr LI had shown full remorse and he had learnt a hard lesson from the criminal convictions. 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 him.

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*