

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR NG YUNG KOK (REGISTRATION NO.: M18592)

It is hereby notified that after due inquiry held on 26 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 NG Yung Kok (Registration No.: M18592) guilty of the following disciplinary offence:—

*'That he, being a registered medical practitioner, was convicted at the Kowloon City Magistrates' Courts on 7 May 2021 of the offence of committing an act outraging public decency, which is an offence punishable with imprisonment, contrary to Common Law and punishable under section 101I(1) of the Criminal Procedure Ordinance, Chapter 221, Laws of Hong Kong.'*

The name of Dr NG has been included in the General Register from 1 July 2017 to the present and his name has never been included in the Specialist Register.

Briefly stated, Dr NG reported to the Medical Council by an e-mail dated 25 May 2021 that he was convicted of the offence of committing an act outraging public decency at the Kowloon City Magistrates' Court on 7 May 2021 and was sentenced by the Magistrate to Community Service Order for 120 hours on 21 May 2021.

According to the Brief Facts of the Case upon which Dr NG was convicted:—

*'In the evening of 2020-04-04, PW2 [Prosecution Witness 2] was taking escalator from the concourse to Exit A at Tsim Sha Tsui MTR station. During which, PW2 spotted D [Defendant] acting furtively by putting his mobile phone (Exh 1) under PW1's upskirt. Feeling worried for indecency, PW2 thus intercepted D and alerted PW1 [Prosecution witness 1] for the situation. D immediately deleted the upskirt video. Upon arrival of police, D was arrested by PW3 [Prosecution Witness 3]. Under caution, D admitted he was taking upskirt video of PW1 out of working pressure and deleted the video after being spotted due to afraid of losing his job as a doctor.'*

*On 2021-02-19, D was formally charged with one count of 'Outraging Public Decency.'*

There is no dispute that the offence of 'committing an act outraging public decency' was and still is an offence punishable with imprisonment in Hong Kong. In this premises, the disciplinary powers of the Medical Council of Hong Kong under section 21(1)(a) of the Medical Registration Ordinance, Cap. 161 ('MRO'), Chapter 161, were 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.'*

Taking into consideration the Certificate of Trial and the transcript of the hearing before the Magistrate, the Inquiry Panel was therefore entitled to take the aforesaid conviction to be conclusively proven against Dr NG and accordingly found Dr NG guilty of the disciplinary offence as charged.

The Inquiry Panel acknowledged that Dr NG did not commit the act outraging public decency during the course of his medical practice. However, it was clearly stated in section 27 of the Code of Professional Conduct (2016 edition) (the 'Code'):—

*'27.1 A doctor convicted of any offence punishable with imprisonment is liable to disciplinary proceedings of the Council, regardless of whether he is sentenced to imprisonment. A conviction in itself will invoke the Council's disciplinary procedure even if the offence does not involve professional misconduct...*

*27.2 A particularly serious view will likely to be taken in respect of offences involving... indecent behaviour...*

The Inquiry Panel accepted that Dr NG had shown remorse and frankly admitted the criminal offence before the Magistrate.

In the view of the Inquiry Panel, any act of outraging public decency must be condemned. Whilst the Inquiry Panel acknowledged that Dr NG had learnt a hard lesson and had insights into his wrongdoing, the Inquiry Panel was nevertheless of the view that there was a need, both for the protection of the public as well as in the best interest of Dr NG, to monitor him for a period of time in terms of his ability to cope with the underlying stresses and negative emotions.

Having considered the nature and gravity of this case and what was heard and read in mitigation, the Inquiry Panel ordered that Dr NG's name be removed from the General Register for a period of 4 months and the operation of the removal order be suspended for a period of 1 year subject to the condition of examination by a psychiatrist to be appointed by the Medical Council once every 6 months during the suspension period.

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*