

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR NG SHEUNG YEE (REGISTRATION NO.: M01387)

It is hereby notified that after due inquiry held on 14 June 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 NG Sheung Yee (Registration No.: M01387) guilty of the following disciplinary charge:—

‘That he, being a registered medical practitioner, was convicted at the District Court on 20 May 2021 of the offence of causing grievous bodily harm by dangerous driving, which is an offence punishable with imprisonment, contrary to section 36A of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong.’

Dr NG’s name has been included in the General Register from 14 July 1969 to the present. His name has been included in the Specialist Register under the Specialty of General Surgery since 4 March 1998.

The accident occurred on the morning of 2 November 2019 at Tai Po Road outside Savannah College of Art and Design. That section of Tai Po Road was a two-lane carriageway with a speed limit of 50km/hr. That morning, the weather was fine, the lighting was good and the road surface was dry and in good repair. The traffic lights at the pedestrian crossing were functioning properly.

At around 8.21 a.m., a Mr Chan, the driver of light goods vehicle SX 9182, was travelling in the left lane of Tai Po Road, southbound (‘the first lane’). As Mr Chan approached the pedestrian crossing outside the Savannah College of Art and Design, the traffic lights for vehicles turned from green to amber. Mr Chan stopped in front of the horizontal line at the traffic lights by which time the traffic lights had turned red. While waiting at the traffic lights Mr Chan noticed from his side mirrors private car GH 9701 travelling along the second lane at a speed of around 50km/hr. Notwithstanding the traffic lights was red, GH 9701 did not reduce speed on approaching the pedestrian crossing. GH 9701 failed to comply with the red traffic signal and hit a Mr Tam, a student, who was crossing the road when the pedestrian light was green. Mr Tam was thrown to the air and landed on the first lane. GH 9701 came to a halt on the second lane.

The police were called. Mr Tam was taken to hospital having sustained a fracture of the right ankle. Dr NG was the driver of GH 9701 at all material times.

On 20 May 2021, Dr NG was convicted at the District Court in Case No. DCCC 328/2020 of the offence of causing grievous bodily harm by dangerous driving, contrary to section 36A of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong. Dr NG was sentenced to 9 months’ imprisonment suspended for 12 months.

By a letter of 28 May 2021, Dr NG *via* his solicitors reported to the Council of his conviction and sentence. The Reasons for Sentence in DCCC 328/2020 was enclosed.

There is no dispute that ‘*causing grievous bodily harm by dangerous driving*’ was and still is an offence punishable with imprisonment. By virtue of section 21(1) of the Medical Registration Ordinance (‘MRO’), Chapter 161, Laws of Hong Kong, the Inquiry Panel’s disciplinary powers against Dr NG is engaged.

Section 21(3) of the MRO expressly provided 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 NG.

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

Dr NG had one previous disciplinary record back in 2013 related to the issuance of 2 receipts to the patient for the payment of the same surgical fee. This record was different in nature to the disciplinary offence in the present case.

Having regard to the nature and gravity of this case and what the Inquiry Panel has heard and read in mitigation, the Inquiry Panel ordered that Dr NG be reprimanded.

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*