

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR CHENG CHI CHOI (REGISTRATION NO.: M09594)

It is hereby notified that after due inquiry held on 29 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 CHENG Chi Choi (Registration No.: M09594) guilty of the following disciplinary charge:—

‘That he, being a registered medical practitioner, was convicted at the Kwun Tong Magistrates’ Courts on 27 July 2021 of 10 counts of the offence of failing to keep a register of dangerous drugs in the form specified in the First Schedule, which is an offence punishable with imprisonment, contrary to Regulations 5(1)(a) and 5(7) of the Dangerous Drugs Regulations made under the Dangerous Drugs Ordinance, Chapter 134, Laws of Hong Kong.’

Briefly stated, on 16 November 2020, pharmacists from the Department of Health visited Dr CHENG’s clinic in Lam Tin for dangerous drug (‘DD’) inspection and 10 types of DD, namely, Dormicum 15 mg x 945 tablets; Rohypnol 1 mg x 630 tablets; Akamon 3 mg x 900 tablets; Diazepam (Kratium) 2 mg x 1 253 tablets; Xanax 0.25 mg x 100 tablets; Redusa Forte 35 mg x 725 capsules; Redusa 15 mg x 661 capsules; Diazepam (Kratium) 5 mg x 2 949 tablets; Panbesy 15 mg x 550 capsules; and Epsilon x 1 338 tablets, were found.

However, the DD Registers kept by Dr CHENG were found to be non-compliant with the statutory requirements under the Dangerous Drugs Regulations, Chapter 134A (the ‘DD Regulations’) in that:—

- (i) the remaining balance(s) of DD were missing;
- (ii) date(s) of receipt from suppliers of DD were missing;
- (iii) name(s) and address(es) of suppliers of DD were missing;
- (iv) amount of DD received and invoice number(s) were missing; and
- (v) identity card number(s) of patient(s) were missing.

Dr CHENG was subsequently charged and convicted on his own plea of 10 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.

There was no dispute that the aforesaid offence was and still is punishable with imprisonment.

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 conviction as conclusively proven against Dr CHENG and found him guilty of the disciplinary offence as charged.

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

However, stringent control of DD was in the Inquiry Panel’s view 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 CHENG had since the incident taken immediate remedial measures to rectify his shortcomings. However, the Inquiry Panel needed to ensure that the chance of Dr CHENG repeating the same or similar breach in future should be low.

Having considered the nature and gravity of the case and the mitigation advanced by Dr CHENG, the Inquiry Panel ordered that Dr CHENG’s name be removed from the General Register for a period of 1 month, and the operation of the removal order be suspended for a

period of 6 months on the condition that Dr CHENG would complete during the suspension period satisfactory peer audit by a Practice Monitor to be appointed by the Medical Council.

The orders are 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*