

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR WOO CHAI FONG DONALD (REGISTRATION NO.: M05162)

It is hereby notified that after due inquiry held on 30 August 2023 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 WOO Chai Fong Donald (Registration No.: M05162) guilty of the following disciplinary charge:—

*“That he, being a registered medical practitioner, was convicted at the Shatin Magistrates’ Courts on 20 October 2022 of the offence of driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit (Tier II), which is an offence punishable with imprisonment, contrary to section 39A(1) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong.”*

2. By a letter dated 3 November 2022, Dr WOO informed the Secretary of the Medical Council (the “Council”) that he “was convicted with drunk drive on 6 October 2022”.

3. According to the Certificate of Trial issued by the Second Clerk of the Shatin Magistrates’ Courts on 9 January 2023, Dr WOO was found guilty on his own plea after trial by a Magistrate of the offence of “Driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit (Tier II)”, contrary to section 39A(1) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong.

4. According to the Agreed Brief Facts of Case upon which Dr WOO was convicted by the trial Magistrate:—

*“At 0005 hours on 2022-09-10, while PC 11762 (“PW1”) and party were on duty in uniform and mounting a roadblock at chainage 25.9E, Tsing Sha Highway (Shatin bound), PW1 intercepted a private car... (“OV”) and a strong alcohol smell was emanated from the male driver WOO Chai-fong (“D”). D was requested to undergo a direct Screening Breath Test (“SBT”).*

*2. At 0011 hours, PW1, a qualified screening breath device operator, requested D to conduct a Screening Breath Test (“SBT”) by using the approved screening breath device... At 0014 hours, D provided a valid breath specimen and the result was 49 ug/100ml in breath, exceeding the prescribed limit of 22 ug/100ml. D was arrested and subsequently escorted to Tsing Yi Police Station for an Evidential Breath Test (“EBT”).*

*3. At 0040 hours on 2022-09-10 and inside Tsing Yi Police Station Report Room, WSGT 57000 (“PW2”), a qualified breath analyzing instrument... operator, explained the procedures... to D, demonstrated to him how to provide a breath specimen with the screening breath device... Upon PW2’s request, D provided two valid breath specimens at 0056 hours and both readings were 37ug/100ml, which exceeded the prescribed limit of 22ug/100ml...”.*

5. The offence of “Driving a motor vehicle with alcohol concentration in breath exceeding the prescribed limit”, contrary to section 39A(1) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong, was at all material times and still is an offence punishable with imprisonment. Pursuant to section 21(1)(a) of the Medical Registration Ordinance (“MRO”), Chapter 161, Laws of Hong Kong, the Inquiry Panel’s disciplinary powers over Dr WOO were engaged.

6. Since Dr WOO was found guilty of the said offence on his own plea after trial, the Inquiry Panel was therefore entitled to treat his criminal conviction as conclusively proven. Accordingly, Dr WOO was found guilty of the disciplinary offence as charged.

7. Driving a motor vehicle whilst under the influence of alcohol is a serious offence. It was mere luck that no one had been injured in this case. Dr WOO, being a registered medical practitioner, ought to know better than any lay person the effect of alcohol on driving. Indeed, Dr WOO admitted the seriousness of his misdeed and promised the trial Magistrate that he would never drive after drinking again.

8. The Inquiry Panel noted from reading the transcript of the criminal trial before the Magistrate that Dr WOO had a clear criminal and driving offence records before the subject

incident. The Inquiry Panel accepted that Dr WOO had learned his lesson. Given Dr WOO's insight into his wrongdoing, the Inquiry Panel believed the chance of his repeating the same or similar breach of the law in the future would be low.

9. Taking into account the nature and gravity of the case, the Inquiry Panel ordered that a warning letter be issued to Dr WOO.

10. 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-yee, Joseph *Chairman, The Medical Council of Hong Kong*