

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR LAW HING FAI (REG. NO.: M05788)

It is hereby notified that after due inquiry held on 21 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 (“Inquiry Panel”) found Dr LAW Hing Fai (Registration No.: M05788) guilty of the following charges:—

“From July 2020 to April 2021, he, being a registered medical practitioner, disregarded his professional responsibility to his patient (“the Patient”), in that he:—

- (a) failed to keep proper and/or adequate medical records in respect of the Patient; and*
- (b) prematurely performed a revision operation of the Patient’s upper eyelid on 12 October 2020.*

In relation to the facts alleged, either singularly or cumulatively, he has been guilty of misconduct in a professional respect.”

2. Briefly stated, the Patient first consulted Dr LAW on 10 July 2020 for advice on improvement of her eyelid contour.

3. It was not disputed that the Patient told Dr LAW during that consultation that although her depressive illness was well managed by medication, a side effect of taking psychiatric drug(s) for a long period of time was that she became obese and hence losing her eyelid contour.

4. In addition to the Patient’s request for double upper eyelid formation by stitching, Dr LAW suggested to the Patient after physical examination that she might undergo upper eyelid fat removal so that her eyelid contour would look more prominent.

5. The Patient returned to see Dr LAW on 13 August 2020 and again on 12 October 2020 complaining of upper eyelid asymmetry after the operation done on 12 July 2020.

6. According to Dr LAW’s PIC statement, he *“persuaded [the Patient] to observe for a few more weeks because when the swelling subsided completely, the crease height would be lower as expected. However, she insisted on removal by saying repeatedly that she did not like the current appearance at that moment. Her husband further added that she was of a character that she would not give up until her request was fulfilled. Under such circumstances, [he] yielded to her urging and cut one of the stitches.”*

7. The Secretary of the Council received the present complaint against Dr LAW from the Patient by email on 14 May 2021.

8. It is clearly stated in section 1 of the 2016 edition of the Code of Professional Conduct (the “Code”) that:—

“1.1.1 The medical record is the formal documentation maintained by a doctor on his patients’ history, physical findings, investigations, treatment and clinical progress...”

1.1.2 A medical record documents the basis for the clinical management of a patient. It reflects on the quality of care and is necessary for continuity of care...”

1.1.3 All doctors have the responsibility to maintain systematic, true, adequate, clear, and contemporaneous medical records...”

9. It was however evident to the Inquiry Panel from reading the medical records kept by Dr LAW on the Patient that essential particulars like medical history of the Patient; her known drug allergy, if any; details of medication and/or nutrient supplement that she was taking, which might affect her blood clotting; physical findings; details of surgical procedures performed; details of anaesthetics administered; post-operative condition and clinical progress of the Patient were all missing.

10. The Inquiry Panel emphasized that the medical records kept by Dr LAW on the Patient were not solely for his own reference. In the view of the Inquiry Panel, proper and adequate medical

record keeping is essential for the management and continuity of care of the Patient, be it by Dr LAW or other professional colleagues.

11. In failing to keep proper and/or adequate medical records in respect of the Patient, Dr LAW had in the view of the Inquiry Panel his conduct fallen below the standard expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel found Dr LAW guilty of misconduct in a professional respect as per disciplinary charge (a).

12. Regardless of whether it was the Patient who initiated the request, there was no dispute that Dr LAW performed a revision operation of her left upper eyelid during the consultation on 12 October 2020.

13. It was the unchallenged evidence of Dr YEU that “*[f]or the operation done in the [P]atient, the result would be stable 3 months after the operation if the [P]atient follows the preoperative management advice.*” The Inquiry Panel also agreed with Dr YEU that “*[r]evision operation is usually done when the result of the operation is stable. Only if there is eminent risk to the [P]atient’s health or the result will not improve with time, early revision operation will be done. The [defendant] should act for the best interest of the [P]atient rather than [her] request.*”

14. For those reasons, by performing a revision operation of the Patient’s left upper eyelid prematurely, Dr LAW had in the view of the Inquiry Panel by his conduct fallen below the standard expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel also found Dr LAW guilty of misconduct in a professional respect as per disciplinary charge (b).

15. Taking into consideration the nature and gravity of the disciplinary charges for which the Inquiry Panel found Dr LAW guilty, the Inquiry Panel ordered that Dr LAW’s name be removed from the General Register for a period of 6 months and the operation of the removal order be suspended for a period of 18 months, subject to the conditions that Dr LAW shall complete during the suspension period satisfactory peer audit by a Practice Monitor to be appointed by the Council.

16. 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 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*