

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR CHAN KWOK WING (REGISTRATION NO.: M07843)

It is hereby notified that after due inquiry held on 11 October 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 CHAN Kwok Wing (Registration No.: M07843) guilty of the following disciplinary charge:—

“That, he, being a registered medical practitioner was convicted at the Shatin Magistrates’ Courts on 3 January 2022 of the offence of indecent assault, which is an offence punishable with imprisonment, contrary to Section 122(1) of the Crimes Ordinance, Chapter 200, Laws of Hong Kong.”

Dr CHAN’s name has been included in the General Register from 3 September 1990 to the present. His name has been included in the Specialist Register under the Specialty of Endocrinology, Diabetes & Metabolism since 4 March 1998.

There was no dispute that Dr CHAN was convicted after trial at the Shatin Magistrates’ Courts on 3 January 2022 of the offence of indecent assault and was sentenced to imprisonment for 21 days.

By an email dated 31 January 2022, Dr CHAN reported his criminal conviction to the Council.

Dr CHAN subsequently lodged an appeal against the said conviction but was dismissed by Madam Justice LAI on 24 June 2022. A copy of the Judgment on appeal was adduced by the Legal Officer as part of her case against Dr CHAN before the Inquiry Panel.

There was no dispute that the incident leading to the arrest and subsequent conviction of Dr CHAN for the offence of indecent assault happened on a public bus. Details of how the victim was indecently assaulted by Dr CHAN were set out in the following paragraph of the Judgment of Madam Justice LAI dated 24 June 2022:—

“4. 本席採納答辯人簡述女子X的證供如下：

[5. 於2020年11月10日早上，X在巴士總站登上巴士，坐在上層右方車頭數起第二排近窗的位置。上車後，X合上雙眼休息，期間曾睡著。

6. X醒來時意識到有人坐在自己的左邊，並感覺到這人的右大腿與自己的左大腿摩擦，力度細，動作有點像踭腳。X張開眼發現這人是上訴人。當時，X感到驚慌，大腿輕微向窗的方向縮，但上訴人越貼越近。之後，上訴人將其右大腿壓上X的左大腿上，即上訴人的右大腿下方接觸着X的左大腿上方。X有感受到對方腳的重量。然後，上訴人進一步將他的右腳從X膝蓋位置攝進X兩腿之間。X形容動作慢，不是十分大力。她當時仍然是十分驚慌。最初上訴人的姿勢不容許他的腳攝進去而被迫移開，然後上訴人站起來調校冷氣，再調整身體把腳攝在她雙腳中間。

7. X補充在上訴人的腿部進行上述的動作期間，他右手肘亦貼近自己左胸位置作一些不自然的郁動或摩擦。

8. 當巴士駛出大老山隧道後，X恐怕上訴人會下車離開，便用雙腳夾住上訴人攝在自己雙腿間的腳，並向一名男乘客求助，指自己被非禮。上訴人即時想站起身，但左邊的男乘客向上訴人大喝，要求他離開，X鬆腳，上訴人就走到下層。X跟著走到下層，向司機表示被非禮。司機把車停在站直至警察到場把上訴人拘捕。]

Furthermore, according to the Brief Facts of Case adduced by the prosecution at the criminal trial of Dr CHAN, the victim was a 27 years old lady, who was wearing short skirt, and the whole incident lasted for about 20 minutes.

Since Dr CHAN's appeal against conviction has already been dismissed, the Inquiry Panel was entitled to take the said conviction as conclusively proven against Dr CHAN. Accordingly, the Inquiry Panel also found Dr CHAN guilty of the disciplinary offence as charged.

It is clearly stated in paragraph 27.2 of the Code of Professional Conduct (2016 edition) (the "Code") that a particularly serious view will likely be taken in respect of offences involving indecent behavior.

The Inquiry Panel was deeply concerned that Dr CHAN indecently assaulted the victim in broad daylight on public transport and the whole incident lasted for some 20 minutes. The Inquiry Panel fully agreed with the learned trial magistrate that the manner in which Dr CHAN committed the indecent assault amounted to an insult to the victim.

Taking into consideration the nature and gravity of this case and what the Inquiry Panel had heard and read in mitigation, the Inquiry Panel ordered that Dr CHAN's name be removed from the General Register for a period of 6 months.

Pursuant to the Inquiry Panel's order, Dr CHAN's name has been removed from the General Register on 18 November 2022; and pursuant to section 19(B)(1) of the Medical Registration Ordinance, Dr CHAN's name has also been removed from the Specialist Register on the same day.

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