

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR YUEN CHUN MAX (REGISTRATION NO.: M13711)

It is hereby notified that after due inquiry held on 22 October 2021 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 YUEN Chun Max (Registration No.: M13711) guilty of the following amended disciplinary charges:—

‘That he, being a registered medical practitioner:—

- (a) was convicted at the West Kowloon Magistrates’ Courts on 22 January 2019 of the offence of driving/using an unregistered/unlicensed vehicle, which is an offence punishable with imprisonment, contrary to sections 52(1)(a) and 52(10)(a) of the Road Traffic Ordinance, Chapter 374, Laws of Hong Kong;
- (b) was convicted at the West Kowloon Magistrates’ Courts on 22 January 2019 of the offence of using vehicle without insurance, which is an offence punishable with imprisonment, contrary to sections 4(1) and 4(2) of the Motor Vehicles Insurance (Third Party Risks) Ordinance, Chapter 272, Laws of Hong Kong; and/or
- (c) has been guilty of misconduct in a professional respect in that he failed to report to the Medical Council the convictions mentioned in paragraphs (a) and (b) above within 28 days from the convictions, contrary to section 29.1 of the Code of Professional Conduct published in January 2016; in relation to the facts alleged, he has been guilty of misconduct in a professional respect.’

Dr YUEN’s name has been included in the General Register from 2 July 2002 to the present. His name has never been included in the Specialist Register.

There was no dispute that Dr YUEN was convicted on his plea of the abovementioned offences at the Western Kowloon Magistrates’ Courts on 22 January 2019.

However, Dr YUEN did not report his criminal conviction to the Medical Council until the time when he applied for renewal of his Annual Practising Certificate on 20 May 2020.

There was no dispute that the aforesaid offences were and still are 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 YUEN were 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 YUEN.

Accordingly, the Inquiry Panel also found Dr YUEN guilty of the amended disciplinary charges (a) and (b).

It was clearly stated in section 29.1 of the Code of Professional Conduct (2016 edition) that:—

‘A doctor who has been convicted in or outside Hong Kong of an offence punishable with imprisonment or has been the subject of adverse findings in disciplinary proceedings by other professional regulatory bodies is required to report the matter to the Council within 28 days from the conviction or the adverse disciplinary finding, even if the matter is under appeal. Failure to report within the specified time will in itself be ground for disciplinary action. In case of doubt the matter should be reported.’

Dr YUEN admitted that he did not report his criminal conviction to the Medical Council within 28 days from 22 January 2019.

In deciding whether Dr YUEN's failure to report his criminal conviction within time would constitute professional misconduct, the Inquiry Panel bore in mind that the vehicle driven by Dr YUEN had been unregistered and without insurance for some 3 years. In view of the serious nature of the underlying offences, Dr YUEN's protracted failure to report his criminal conviction to the Medical Council was inexcusable.

For these reasons, Dr YUEN had in the Inquiry Panel's view by his conduct fallen below the standards expected of registered medical practitioners in Hong Kong. Accordingly, the Inquiry Panel found Dr YUEN guilty of professional misconduct as per the amended disciplinary charge (c).

Taking into consideration the nature and gravity of this case and what the Inquiry Panel had heard and read in mitigation, the Inquiry Panel made a global order in respect of the amended charges (a), (b) and (c) that a warning letter be issued to Dr YUEN, and the Inquiry Panel's order was to be published in the *Gazette*.

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*