

MEDICAL REGISTRATION ORDINANCE (Chapter 161)

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

DR YAN WING TAT VICTOR (REGISTRATION NO.: M01268)

It is hereby notified that after due inquiry held on 6 December 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 YAN Wing Tat Victor (Registration No.: M01268) guilty of the following disciplinary charge:—

*“That on 19 June 2018, he, being a registered medical practitioner, disregarded his professional responsibility to his patient (“the Patient”), deceased, in that he, during a medical consultation with the Patient, solicited the Patient to donate HK\$1,000,000 to the Division of Cardiology of the Chinese University of Hong Kong.*

*In relation to the fact alleged, he has been guilty of misconduct in a professional respect.”*

2. This case originated from a complaint by a Mr WONG made on 14 July 2019 with the Medical Council. The complaint was that Dr YAN had during the consultation on 19 June 2018 with the Patient solicited for a donation of \$1 million to fund his son’s research work at The Chinese University of Hong Kong.

3. On 28 January 2021, Mr Wong provided to the Medical Council an Affirmation of a Ms Fung made on 31 July 2019 for use in a High Court proceedings, which exhibited therein a copy of the audio recording and transcript (in Chinese with English translation) of the consultation with Dr YAN on 19 June 2018.

4. At the inquiry, a Statement of Agreed Facts was submitted to the Inquiry Panel. It was agreed between the Secretary and Dr YAN that the transcript in the Secretary’s bundle (“the Transcript”) represented the contents of the audio recording of Dr YAN’s consultation with the Patient on 19 June 2018.

5. Dr YAN adopted a neutral position and deferred to the Inquiry Panel as to whether what took place on 19 June 2018 amounted to solicitation and if so, whether the solicitation would amount to misconduct in a professional respect.

6. Dr YAN did not dispute that what took place on 19 June 2018 was a medical consultation. In fact, there were many paragraphs from the Transcript showing that there were discussions with the Patient of Dr YAN’s medical opinion and medications. The Inquiry Panel had no doubt that what took place on 19 June 2018 was a medical consultation and there was a subsisting doctor-patient relationship at the material time.

7. In this case, Dr YAN requested the Patient during a medical consultation to donate HK\$1 million under the name of his son to the Division of Cardiology of the Chinese University of Hong Kong. Dr YAN had not just requested once, but repeatedly requested for donation for his son during the medical consultation. In the view of the Inquiry Panel, it was inappropriate.

8. What was more serious in this case was that there had been obviously conflict of interest on the part of Dr YAN when he solicited for donation for his son. Further, Dr YAN made the remarks to the Patient that should his grandson wish to study medicine, there might be a higher chance of being offered a place at the medical school of the Chinese University of Hong Kong, or that the Patient would be well taken care of when one day he had to attend the Prince of Wales Hospital. In the view of the Inquiry Panel, it was absolutely unbecoming of a medical practitioner to have made those remarks of making donation for differential treatments, which damaged not only the good reputation and professionalism of the medical profession, but also in particular that of the colleagues working at the Department of Cardiology of the Chinese University of Hong Kong. Dr YAN’s solicitation for donation in this case clearly amounted to an abuse of doctor-patient relationship and trust.

9. Dr YAN’s conduct had fallen below the standards expected of registered medical practitioners in Hong Kong. Dr YAN was therefore found guilty of misconduct in a professional respect as charged.

10. Having considered the nature and gravity of the case and the mitigation advanced by Dr YAN, the Inquiry Panel ordered that a warning letter be issued to Dr YAN.

11. 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*