

Inquiry of the Dental Council
Re: Dr. Mok Wing-kei, Keith

Date of hearing: 5 November 2009

1. The Defendant, Dr. Mok Wing-kei, Keith is charged as follows:

“That he, being a registered dentist,

- (i) on 7 November 2008 at the Kwun Tong Magistrates’ Court, was convicted of three counts of “possession of dangerous drugs” contrary to Sections 8(1)(a) and (2) of the Dangerous Drugs Ordinance, Cap. 134, Laws of Hong Kong; such offences being punishable with imprisonment in Hong Kong; and/or
- (ii) failed to report to the Council in writing as soon as practicable of his being convicted of offences punishable with imprisonment on 7 November 2008 at the Kwun Tong Magistrates’ Court; and that in relation to the fact alleged he has been guilty of unprofessional conduct.

2. The three dangerous drugs which were the subjects of these convictions were

- (i) 4,500 pills of Duromine
- (ii) 3,000 pills of Redusa Forte 35mg
- (iii) 10,000 pills of Panbesy 30mg

All these drugs contain phentermine which is a dangerous drug in Part I of the First Schedule to the Ordinance used for reducing appetite and body weight, and is not used in dental practice.

3. The Defendant purchased these drugs during a period from November 2007 to February 2008.

4. On 8 April 2008, Pharmacists of Department of Health (DH) visited Dr. Mok’s clinic for an investigation. The Defendant was not in the clinic and claimed that he was in the Mainland. On the following day, he made a statement in Tseung Kwan O Police Station claiming that the above-mentioned drugs were lost on a street in Mong Kok on 5 April 2008.

5. On 11 April 2008, at an interview with Pharmacists of DH, the Defendant claimed those drugs were purchased for self consumption. He also claimed that he did not know that phentermine was a controlled substance. The Defendant was subsequently prosecuted for 3 offences of possession of dangerous drugs. He pleaded guilty and was fined a total of \$12,000.

6. It was difficult for us to accept the Defendant’s claim that such a large quantity of drugs were purchased for self use. That amount of drugs he purchased far exceeded the quantity that could be consumed by one person within the shelf life of these drugs.

7. We also could not accept his claim that he had never come to know that phentermine was a controlled substance. Evidence clearly indicated that he himself signed the Poison Forms when the pharmaceutical company delivered these drugs to his office. Thus he should have been aware of the special nature of these drugs. All dental practitioners are strongly advised to familiarise themselves with and to keep available their own copy of the Dangerous Drugs Ordinance and its Subsidiary Legislation (Chapter 134, laws of Hong Kong).

8. We hold the view that the defendant being a dentist abused his power of purchasing and possessing those drugs not required for the practice of his profession.

9. We wish to point out that dental practitioners are given the legal right to possess and supply dangerous drugs on the basis that the statutory requirements in respect of safe custody and record keeping are properly complied with. The requirements are designed to prevent abuse of dangerous drugs. In the present case, the alleged loss of that large quantity of drugs which was not recovered raises public safety concern.

10. The defendant was convicted of three counts of “possession of dangerous drugs” contrary to Sections 8(1)(a) and (2) of the Dangerous Drugs Ordinance, Cap. 134, Laws of Hong Kong; such offences being punishable with imprisonment in Hong Kong. We find him guilty of charge (i).

11. The Dental Council of Hong Kong had sent two letters to all dental practitioners dated 27 December 2003 and 22 December 2008 reminding practitioners of their responsibility to report in writing to the Council whenever they are convicted of any offence punishable with imprisonment. Failure to do so may lead to disciplinary action for unprofessional conduct. And in case of doubt the conviction should be reported. The defendant has never reported to the Council his being convicted of offences punishable with imprisonment on 7 November 2008. We are of the view that the Defendant’s conduct would be reasonably regarded as dishonourable and disgraceful by registered dentists of good repute and competency. We find him guilty of unprofessional conduct in respect of charge (ii).

Sentencing

12. The Defendant has a clear record.

13. Phentermine is not a recreational drug used by drug abusers. However, we must point out that phentermine affects the central nervous system and cardiovascular system. It can have an addictive effect, and can be fatal if used inappropriately.

14. We must emphasize that all members of the dental profession, irrespective of their years of experience and seniority, must comply with their professional and legal responsibilities. Ignorance is no excuse.

15. In this case, the defendant's abuse of professional privilege in purchasing that large quantity of dangerous drugs which are not relevant to the practice of dentistry might have serious implications. In respect of charge (i), having regard to the gravity of this case, we order that the Defendant's name be removed from the General Register for a period of one month. We have considered whether the order should be suspended from operation, but we do not consider this to be a suitable case for suspension.

16. For charge (ii), the defendant admitted that he had failed to report to the Council in writing as soon as practicable of his being convicted of offences punishable with imprisonment on 7 November 2008 at the Kwun Tong Magistrates' Court. We decided that an order of a warning letter be served on the defendant. The order shall be published in the Gazette.

Dr. Homer Tso, BBS, JP
Chairman
Dental Council