

## **Inquiry of the Dental Council**

Defendant: Dr. LIE KEN JIE, Ket Phoei Ronny

Date of hearing: 5 May 2011

1. The Defendant, Dr. LIE KEN JIE, Ket Phoei Ronny, is charged as follows:

“He, being a registered dentist, on 12 February 2010 at the Eastern Magistrates’ Courts, was convicted for an offence of “prescribed officer soliciting an advantage”, contrary to Section 3 of the Prevention of Bribery Ordinance, Cap. 201, Laws of Hong Kong; such offence being punishable with imprisonment in Hong Kong.”

### **Facts of the case**

2. The Defendant was an Acting Senior Dental Officer of the Department of Health. For the purposes of the Prevention of Bribery Ordinance, he was a prescribed officer. At the material time, he was posted at a Government dental clinic. In April 2009, the Defendant asked a Dental Officer for a loan of \$30,000. The Dental Officer was posted at another Government dental clinic, but would work at the clinic in which the Defendant was working on a bi-weekly basis.
3. The Dental Officer reported the matter to his supervisor, and the supervisor advised the Dental Officer not to lend the money to the Defendant. Nevertheless, the Dental Officer decided to make the loan. He met the Defendant and the Defendant’s wife outside a bank. At the Defendant’s request, he issued a cheque in the name of the Defendant’s wife and gave it to the Defendant.
4. The cheque was subsequently cashed by the Defendant’s wife in the company of the Defendant.
5. In an interview under caution by officers of the Independent Commissioner Against Corruption, the Defendant admitted that the Dental Officer had issued a cheque in the amount of \$30,000 to his wife and the Defendant had accompanied his wife to the bank.
6. Under section 3 of the Prevention of Bribery Ordinance, a prescribed officer who solicits or accepts an advantage without the general or special permission of the Chief Executive is guilty of an offence. The offence is punishable with imprisonment for 1 year.
7. The Defendant did not have the general or special permission of the Chief Executive to solicit or accept the loan in question.
8. The Defendant was charged with the offence of “prescribed officer soliciting an advantage without permission”, contrary to section 3 of the Prevention of Bribery Ordinance. On 12 February 2010, he pleaded guilty to the offence in the Eastern Magistrates’ Courts. On his plea and admission of the Summary of Facts, he was convicted of the offence. On 1 March 2010, he was sentenced to a fine of \$5,000, and was ordered to pay to the Government \$1,000 and to repay \$30,000 to the Dental Officer who made the loan.
9. The above facts are admitted by the Defendant in the inquiry.

10. On the basis of the Certificate of Trial issued by the Eastern Magistrates' Courts and the Defendant's admission, we are satisfied that he was convicted of the offence as charged.

### Sentencing

11. The Defendant has a clear record.
12. In accordance with our policy stated in the Practice Directions, we shall give him credit for cooperation during preliminary investigation and honest admission of the charge in the inquiry.
13. We also take into consideration the favourable character reference from the Defendant's colleagues and friends.
14. We bear in mind that there is no evidence of actual corruption in this case.
15. Defence Solicitor urged us to treat the criminal conviction as a minor and technical offence which was wholly unrelated to his practice as a dentist. We disagree. The offence is a corruption-related offence, designed to prevent public officers from abusing his position to obtain personal advantages, and to avoid opportunities for corruption from arising. All public officers are regularly reminded of the prohibited conduct, and every public officer must be fully aware of it. The Defendant must be well aware of the provisions of the Prevention of Bribery Ordinance, as the only reason for requiring that the loan be made in the name of his wife was to avoid being caught by the provisions of the Ordinance.
16. While the criminal conviction is not relevant to the dental competence of the Defendant, it is relevant to his ethical conduct. By engaging in unlawful financial dealings, he placed himself in a position which might compromise his professional conduct.
17. Having regard to the gravity of the case, we consider that a suspended order of removal from the General Register for a short period is appropriate. However, having regard to the mitigating factors and giving him the greatest possible credit, we order that he be reprimanded. The order will be published in accordance with the provisions of the Dentists Registration Ordinance.

### Other remarks

18. We must advise the Defendant to treasure the opportunity we have given him, and be particularly careful in future to ensure that his conduct complies with the ethical standard required of all registered dentists.
19. The Defendant's name is included in the Specialist Register under the specialty of Orthodontics. While it is for the Education and Accreditation Committee to decide whether any action should be taken under section 12F of the Dentists Registration Ordinance in respect of his specialist registration, we are of the view that this case does not touch upon his clinical competence.



Dr. Homer Tso, BBS, JP  
Chairman, Dental Council