



香港牙醫管理委員會
The Dental Council of Hong Kong

Disciplinary Inquiry under s.18 of DRO

Defendants: Dr LAW Chin-hung 羅展鴻牙科醫生 (Reg. No. D03587)
Dr LI Mei, Karen 李薇牙科醫生 (Reg. No. D03593)

Date of hearing: 17 March 2016

1. The Defendants are Dr LAW Chin-hung (“LAW”) and Dr LI Mei, Karen (“LI”).

2. LAW and LI are each charged of the following:

“That you, being a registered dentist, in about May 2012 practised as a dental practitioner at Shop 6, G/F, Goodview Centre, 12 Wu Pak Street, Hong Kong, (“the Address”) –

- (1) failed to report to the Registrar of Dentists the Address as your practising address, which constitute an offence under section 10(3)(e) of the Dentists Registration Ordinance (Cap. 156); and
- (2) practised under the name of “Aberdeen Community Dental Centre” (“香港仔社區牙科中心”) without the prior approval of the Dental Council of Hong Kong;

and that in relation to the facts alleged you have been guilty of unprofessional conduct.”

Facts of the Case

3. Both LAW’s and LI’s names have been included in the General Register of this Council from 5 August 2005 to present.

4. On 8 May 2012, the Council received a letter of complaint dated 6 May 2012. The complainant complained *inter alia* that both LAW and LI practised under the name of “香港仔社區牙科中心”, which name was believed not to have been approved by the Council.
5. The complainant attached to the letter of complaint copies of some photographs and the name cards of LAW and LI. The copies of the photographs and name cards showed that LAW and LI practised at the Address under the name of “Aberdeen Community Dental Centre” (“香港仔社區牙科中心”).
6. Section 10(3)(b) of the Dentists Registration Ordinance, Cap. 156 (“DRO”) provides that every registered dentist shall report to the Registrar every address at which he carries on the practice of dentistry for gain.
7. Section 10(3)(c) of DRO provides that every registered dentist shall report to the Registrar any change of his registered address or the change of any other address at which he carries on the practice of dentistry for gain within 2 months of such change.
8. Section 10(3)(e) of the DRO provides that a registered dentist who fails to make a report in accordance with paragraph (b) or (c) of that section commits an offence and is liable on summary conviction to a fine of \$500.
9. Paragraph 1.9 of the Council’s Code of Professional Discipline (“Code”) provides that prior approval of the Council must be sought if any dental practitioner wishes to practise in any name other than his own.
10. According to LAW’s submission to the Preliminary Investigation Committee (“PIC”) dated 7 May 2015, LAW admitted that he had failed to report to the Council the Address as his practising address. LAW said he was under the mistaken impression that only full time addresses had to be reported. LAW appreciated his mistake and he did register his address when he commenced working full time. Further, LAW accepted that he practised under the name of “Aberdeen Community Dental Centre” (“香港仔社區牙科中心”) in 2012 without seeking prior approval from the Council. LAW accepted that this was in breach of the Code, and he had changed the shop sign to “Dr. Law Chin Hung Dental Clinic” (“羅展鴻牙科診所”) immediately.
11. According to LI’s submission to the PIC dated 25 March 2015 and 7 March 2016, LI admitted that she had failed to report to the Council the Address as her practising address. She had at the time planned to employ another dentist to work at the practice. She did not appreciate the need to register addresses at which she was working part-time. She did not appreciate her mistake until receipt of the Notice of the PIC. Further, LI accepted that she practised under the name of “Aberdeen Community Dental Centre” (“香港仔社區牙科中心”) in 2012 without seeking

prior approval from the Council. LI accepted that this was in breach of the Code. LI ensured there would be no repetition.

Burden and Standard of Proof

12. The Council bears in mind that the burden of proof is always on the Legal Officer and the Defendants do not have to prove their innocence. This Council also bears in mind that the standard of proof for disciplinary proceedings is the preponderance of probability. However, the more serious the act or omission alleged, the more inherently improbable must it be regarded. Therefore, the more inherently improbable it is regarded, the more compelling the evidence is required to prove it on the balance of probabilities.

Unprofessional Conduct

13. According to section 18(2) of the DRO, “unprofessional conduct” means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.

Findings of Council

14. The Council bears in mind that it has to consider the case against LAW and LI separately.

Findings of Council in respect of LAW

15. The charge against LAW is that (i) he had failed to report to the Registrar the Address as his practising address, which constitute an offence under section 10(3)(e) of DRO; and (ii) he had practised under the name of “Aberdeen Community Dental Centre” (“香港仔社區牙科中心”) without seeking prior approval from the Council.
16. LAW pleaded guilty to the charge. LAW’s conduct was seriously below the standard expected amongst registered dentists. It would be regarded as disgraceful and dishonourable by registered dentists of good repute and competency.
17. The Council therefore finds LAW guilty of the charge.

Findings of Council in respect of LI

18. The charge against LI is that (i) she had failed to report to the Registrar the Address as her practising address, which constitute an offence under section 10(3)(e) of DRO; and (ii) she had practised under the name of “Aberdeen Community Dental Centre” (“香港仔社區牙科中心”) without seeking prior approval from the Council.
19. LI pleaded guilty to the charge. LI’s conduct was seriously below the standard expected amongst registered dentists. It would be regarded as disgraceful and dishonourable by registered dentists of good repute and competency.
20. The Council therefore finds LI guilty of the charge.

Sentencing

21. The Council bears in mind that it has to consider sentencing against LAW and LI separately.
22. The Council bears in mind that the purpose of a disciplinary order is not to punish the Defendant, but to protect the public and maintain public confidence in the dental profession.

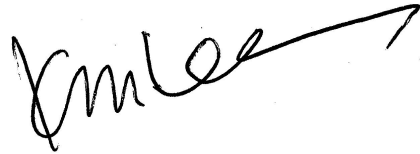
Sentencing in respect of LAW

23. LAW has a clear record.
24. LAW pleaded remorse and insight into his mistake. He pleaded guilty at the earliest instance.
25. Having regard to the gravity of the case and his mitigation, the Council makes the following orders:-
 - (a) in respect of the charge, a warning letter be issued to LAW; and
 - (b) the order in (a) above shall not be published in the Gazette.

Sentencing in respect of LI

26. LI has a clear record.

27. LI pleaded remorse and insight into her mistake. She pleaded guilty at the earliest instance.
28. Having regard to the gravity of the case and her mitigation, the Council makes the following orders:-
- (a) in respect of the charge, a warning letter be issued to LI; and
 - (b) the order in (a) above shall not be published in the Gazette.

A handwritten signature in black ink, appearing to read 'Kin Man', with a long horizontal stroke extending to the right.

Dr LEE Kin Man
Chairman
The Dental Council of Hong Kong