



Press Releases

Ex-doctors of HA charged with MIPO over referral of patients and theft of medicine

2018-11-28

Three former doctors of the Hospital Authority (HA) have been charged by the ICAC today (November 28) with conspiracy to commit misconduct in public office (MIPO) by referring HA patients to a private eye clinic operated by two of them, and theft of medicine from the HA respectively.

The defendants are Yau Shing-kin, 39, Byron Chu Tung-hang, 42, both former full-time doctors of Caritas Medical Centre (CMC) under the HA; and Aaron Chu Tung-ki, 45, former part-time doctor of CMC.

Yau, Aaron Chu and Byron Chu face a joint charge of conspiracy to commit MIPO, contrary to Common Law and Section 159A of the Crimes Ordinance. Yau and Aaron Chu jointly face a similar charge, while Aaron Chu and Byron Chu face another similar joint charge. In addition, Yau alone faces one count of theft, contrary to Section 9 of the Theft Ordinance.

The defendants will appear at the West Kowloon Magistracy on Friday (November 30) for transfer to the District Court for plea.

The case arose from a corruption complaint referred by the HA. Subsequent ICAC enquires revealed the above alleged offences.

At the material time, Yau was a full-time doctor of the Department of Ophthalmology of CMC (OPD/CMC) under the HA. Aaron Chu had been a part-time doctor of the OPD/CMC since August 2011, while his younger brother Byron Chu had been a full-time turned part-time doctor of the OPD/CMC since May 2016. The Chu brothers also operated a private eye clinic in Tsim Sha Tsui.

During their service with the OPD/CMC, Yau and the Chu brothers were responsible for, amongst other duties, providing clinical and specialist services in ophthalmology. Regarding clinical service, they treated patients, recorded their diagnosis and managed their medical records.

Two of the charges allege that between January 4, 2012 and June 21, 2016, Yau, Aaron Chu and/or Byron Chu conspired together for Yau to, in the course of or in relation to his public office, wilfully misconduct himself without reasonable excuse or justification, by:

- (i) referring patients being treated by him at CMC to consult and seek treatment from Aaron Chu and/or Byron Chu at the clinic in Tsim Sha Tsui instead, in violation of the General Guidelines of the HA on Referring Patients for Private Healthcare Service;
- (ii) disclosing the information and records of the patients to Aaron Chu and/or Byron Chu in breach of the policy of the HA in relation to management of patients' personal data and records; and

(iii) taking up outside work at the clinic in Tsim Sha Tsui in breach of the policy of the HA regarding outside work by its staff.

Another charge alleges that between January 4, 2012 and June 8, 2016, Aaron Chu and Byron Chu conspired together for Byron Chu to, in the course of or in relation to his public office, wilfully misconduct himself without reasonable excuse or justification, by:

(i) referring patients being treated by him at CMC to consult and seek treatment from Aaron Chu at the clinic in Tsim Sha Tsui instead, in violation of the General Guidelines of the HA on Referring Patients for Private Healthcare Service; and

(ii) disclosing the information and records of the patients to Aaron Chu in breach of the policy of the HA in relation to management of patients' personal data and records.

The remaining charge alleges that on May 26, 2016, Yau stole 29 bottles of eye drops and nine tubes of eye ointment from the HA.

The HA and CMC has rendered full assistance to the ICAC during its investigation into the case.

The defendants have been released on ICAC bail, pending their court appearance on Friday.

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新聞公佈

廉署起訴三名醫管局前醫生涉嫌就轉介病人串謀公職人員行為失當及盜竊藥物

2018年11月28日

廉政公署今日(十一月二十八日)落案起訴三名醫院管理局(醫管局)前醫生，控告他們分別涉嫌串謀公職人員行為失當，轉介醫管局病人至其中二人所開設的私家眼科診所，以及盜竊醫管局藥物。

被告為邱承建，三十九歲，朱東恒，四十二歲，同為醫管局轄下明愛醫院前全職醫生；及朱東麒，四十五歲，明愛醫院前兼職醫生。

邱承建、朱東麒及朱東恒同被控一項串謀犯公職人員行為失當罪名，違反普通法及《刑事罪行條例》第159A條。邱承建及朱東麒另被控一項相類罪名，而朱東麒及朱東恒亦被控一項相類罪名。此外，邱承建另被控一項盜竊罪名，違反《盜竊罪條例》第9條。

三名被告將於星期五(十一月三十日)在西九龍裁判法院應訊，以待案件轉介區域法院答辯。

廉署早前接獲貪污投訴，調查後揭發上述涉嫌罪行。

邱承建於案發時為醫管局轄下明愛醫院眼科部(明愛眼科部)全職醫生。朱東麒自二〇一一年八月起出任明愛眼科部兼職醫生，而其弟朱東恒則由二〇一六年五月起由全職轉任兼職明愛眼科部醫生。朱氏兄弟亦在尖沙咀經營一所私家眼科診所。

邱承建及朱氏兄弟於服務明愛眼科部期間，其中一項職責是提供眼科臨床及專科服務。在臨床服務方面，他們會治療病人，記錄其診斷及管理其醫療紀錄。

其中兩項控罪指邱承建、朱東麒及／或朱東恒涉嫌於二〇一二年一月四日至二〇一六年六月二十一日期間，一同串謀使邱承建在執行其公職過程中或在與其公職有關的事上，無合理辯解或理由而故意作出不當行為，即：

- (i) 轉介那些由他於明愛醫院診治的病人到該尖沙咀診所並改向朱東麒及／或朱東恒尋求診治，違反醫管局有關《轉介病人接受私營醫療服務的一般指引》；
- (ii) 向朱東麒及／或朱東恒披露該些病人的資料及紀錄，違反醫管局有關處理病人個人資料及紀錄的政策；及
- (iii) 在該尖沙咀診所從事外間工作，違反醫管局有關員工從事外間工作的政策。

另一項控罪指朱東麒及朱東恒涉嫌於二〇一二年一月四日至於二〇一六年六月八日期間，一同串謀

使朱東恒在執行其公職過程中或在與其公職有關的事上，無合理辯解或理由而故意作出不當行為，即：

- (i) 轉介那些由他於明愛醫院診治的病人到該尖沙咀診所並改向朱東麒尋求診治，違反醫管局有關《轉介病人接受私營醫療服務的一般指引》；及
- (ii) 向朱東麒披露該些病人的資料及紀錄，違反醫管局有關處理病人個人資料及紀錄的政策。

餘下一項控罪指邱承建涉嫌於二〇一六年五月二十六日從醫管局偷竊二十九瓶滴眼劑及九支眼藥膏。

醫管局及明愛醫院在廉署調查案件期間提供全面協助。

三名被告已獲廉署准予保釋，以待星期五應訊。

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