



Press Releases

Ex-member of Medical Council charged by ICAC guilty of MIPO over abuse of public office for private gain

2023-7-28

A former lay member of the Medical Council of Hong Kong (Medical Council), charged by the ICAC, was today (July 28) convicted at the District Court of misconduct in public office (MIPO) for abusing her public office by disclosing personal information of a complainant and details of the complaint for pursuing private gain to tout business as a solicitor. The offence was revealed in the course of a corruption probe by the Commission.

Monita Lau Wai-yee, 65, former lay member of the Medical Council, was found guilty of one count of MIPO, contrary to the Common Law.

In delivering the verdict, Judge Mr Isaac Tam Sze-lok remarked that the defendant's misconduct had caused harm to the public interest and constituted an abuse of the public trust in the office holder. It had also damaged the integrity of the complaint system of the Medical Council and had an adverse impact on public confidence.

The Judge adjourned the case to August 25 for sentence, pending the defendant's psychiatric and psychological reports. The defendant was remanded in the custody of the Correctional Services Department.

The Medical Council is a statutory body which handles complaints against registered medical practitioners, conducts investigations into alleged professional misconduct and takes disciplinary actions in substantiated cases.

Between late January 2012 and late January 2018, the defendant, who was a solicitor by profession, was one of the lay members of the Medical Council. She would occasionally act as a volunteered legal professional for Society for Community Organization (SOCO), which was a non-governmental organisation.

The court heard that in June 2015, a patient filed a complaint with the Medical Council against a doctor for alleged professional misconduct. The complaint was later referred to a Preliminary Investigation Committee (PIC) of the Medical Council and the defendant was appointed as one of the lay members of the committee.

Prior to the first PIC meeting on the complaint in April 2017, the defendant received the relevant materials, including the patient's contact details. In the same month, she disclosed the personal particulars of the patient and details of his complaint to a community organiser of SOCO.

In late May 2017, a meeting with the patient at the defendant's office was arranged by the community organiser. The patient subsequently retained the defendant to represent him to file a civil claim against the doctor. In May 2019, the solicitors firm which the defendant worked for issued to the patient an invoice in the sum of about \$720,000, which included legal fees of over \$580,000 payable to the defendant.

The Medical Council had rendered full assistance to the ICAC during its investigation.

The prosecution was today represented by Senior Public Prosecutor Human Lam, assisted by ICAC officers Simon Chan and Keira Cheung.

The ICAC reminds public officers, who are entrusted with mandate and power to handle public affairs, to uphold a high standard of integrity, be honest and impartial while discharging official duties, so as to meet the public expectations.

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新聞公佈

醫委會前委員以權謀私遭廉署控公職人員行為不當罪成候判

2023年7月28日

廉政公署調查一宗貪污案件時，揭發一名香港醫務委員會(醫委會)前業外委員濫用公職，披露一名投訴人的個人資料及其投訴詳情，為自己招攬事務律師生意謀取私利。被告今日(7月28日)在區域法院被裁定藉公職作出不當行為罪名成立。

劉慧兒，65歲，醫委會前業外委員，被裁定一項藉公職作出不當行為罪名成立，違反普通法。

法官譚思樂裁決時稱，被告作出不當行為，損害公眾利益，並濫用公眾對出任公職者的信任。其不當行為更破壞了醫委會的投訴制度，削弱公眾對該制度的信心。

法官譚思樂將案件押後至8月25日判刑，以待索取被告的精神科及心理報告。被告還押懲教署看管。

醫委會是一個法定機構，負責處理針對註冊醫生的投訴、調查涉嫌專業失德的指控，以及就指控成立的個案採取紀律行動。

被告本身為事務律師，她於2012年1月底至2018年1月底期間為醫委會其中一名業外委員。她亦不時以義務法律專業人士的身分，為非政府機構香港社區組織協會(社協)服務。

案情透露，一名病人於2015年6月向醫委會投訴一名醫生涉嫌專業失德，投訴其後轉介至醫委會的初步偵訊委員會(偵委會)跟進，而被告獲委任為該偵委會的其中一位業外委員。

被告於2017年4月在偵委會首次審議該宗投訴前接獲相關材料，包括該病人的聯絡資料。被告同月向社協一名社區組織幹事披露該病人的個人資料及其投訴詳情。

在該社區組織幹事的安排下，被告於2017年5月底在其辦公室與該病人會面。該病人其後聘用被告代表他向該醫生提出民事申索。該病人於2019年5月接獲被告所屬律師行發出的發票，要求他支付約72萬元，包括須向被告支付的律師費逾58萬元。

醫委會在廉署調查案件期間提供全面協助。

控方今日由高級檢控官林曉敏代表出庭，並由廉署人員陳勇傑及張楚喬協助。

公職人員肩負公眾信任和使命而獲授權處理公共事務。廉署提醒公職人員必須恪守高度誠信，並誠實無私地履行公職，以符合市民大眾的期望。

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