



Press Releases

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

2023-8-25

A former lay member of the Medical Council of Hong Kong (Medical Council), charged by the ICAC, was today (August 25) sentenced to two and a half years' imprisonment at the District Court for 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 earlier found guilty of one count of MIPO, contrary to the Common Law.

In sentencing, Judge Mr Isaac Tam Sze-lok remarked that the defendant had successfully obtained business deals by making use of the information obtained by her public office. The behaviour was not acceptable even though it only happened once.

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判囚兩年半

2023年8月25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(8月25日)在區域法院被判入獄兩年半。

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

法官譚思樂判刑時稱，被告利用公職獲取的資料成功取得生意，即使只涉及一宗生意，也不能容忍。

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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