



Press Releases

Ex-member of Medical Council charged with MIPO

2021-6-3

The ICAC yesterday (June 2) charged a former lay member of the Medical Council of Hong Kong (Medical Council) with misconduct in public office (MIPO) for disclosing personal information of a complainant and details of the complaint so as to arrange for the solicitation of a retainer from the complainant to pursue a civil claim against a doctor and act for him in the civil claim.

The ICAC investigation arose from a corruption complaint and the defendant was charged pursuant to legal advice sought from the Department of Justice.

Monita Lau Wai-yee, 63, former lay member of the Medical Council, faces one count MIPO, contrary to the Common Law. She will appear in the Eastern Magistrates' Courts tomorrow (June 4) for the case to be transferred to the District Court for plea.

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.

The defendant, a solicitor by profession, was one of the lay members of the Medical Council between January 24, 2012 and January 23, 2018. In addition, she occasionally acted as a volunteered legal professional for a non-governmental organisation (NGO).

In June 2015, a patient filed a complaint with the Medical Council (the complainant) against a doctor for alleged professional misconduct. The complaint was later referred to a Preliminary Investigation Committee of the Medical Council for preliminary investigations and the defendant was appointed by the Medical Council as a member of the committee.

The charge alleges that between April 1, 2017 and January 23, 2018, the defendant, in the course of or in relation to her public office, namely a lay member of the Medical Council, without reasonable excuse or justification, wilfully misconducted herself by:

- (a) disclosing to a community organiser of the aforesaid NGO the personal particulars of the complainant and the details of his complaint against the aforesaid doctor;
- (b) causing the community organiser to arrange a meeting among the complainant, the community organiser and herself on May 26, 2017 during which she solicited a retainer from the complainant to pursue a civil claim against the doctor; and
- (c) accepting instructions via her solicitors firm from the complainant to act for him in the civil claim.

ICAC enquiries revealed that the complainant was subsequently requested to pay legal fee totalling over \$520,000 to the aforesaid solicitors firm.

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

The defendant has been released on ICAC bail, pending her court appearance tomorrow.

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新聞公佈

廉署起訴醫委會前委員涉嫌公職人員行為不當

2021年6月3日

廉政公署昨日(六月二日)落案起訴一名香港醫務委員會(醫委會)前業外委員，控告她涉嫌藉公職作出不當行為，披露一名投訴人的個人資料及其投訴詳情，以安排唆使對方聘用她向一名醫生提出民事申索，並代對方在該民事申索中行事。

廉署早前接獲貪污投訴遂展開調查，徵詢律政司法律意見後，落案起訴被告。

劉慧兒，六十三歲，醫委會前業外委員，被控一項藉公職作出不當行為罪名，違反普通法。她將於明日(六月四日)在東區裁判法院應訊，以待案件轉介區域法院答辯。

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，她於二〇一二年一月二十四日至二〇一八年一月二十三日期間為醫委會其中一名業外委員。此外，她不時會以義務法律專業人士的身分為一個非政府機構服務。

一名病人(投訴人)於二〇一五年六月向醫委會投訴一名醫生，指該醫生涉嫌專業失德。該宗投訴其後轉介至醫委會的初步偵訊委員會作初步調查，而被告獲醫委會委任為該初步偵訊委員會的成員。

控罪指被告涉嫌於二〇一七年四月一日至二〇一八年一月二十三日期間，身為醫委會業外委員，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做出不當行為，即：

- (a) 向上述非政府機構的一名社區組織幹事披露投訴人的個人資料，及其投訴上述醫生的詳情；
- (b) 致使上述社區組織幹事安排投訴人、該社區組織幹事及被告本人於二〇一七年五月二十六日會面，期間唆使投訴人聘用她向該醫生提出民事申索；及
- (c) 透過被告的律師事務所接受投訴人指示，代他在該民事申索中行事。

廉署調查發現，上述律師事務所其後要求投訴人支付逾五十二萬元律師費。

醫委會在廉署調查案件期間提供全面協助。

被告已獲廉署准予保釋，以待明日應訊。

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