

香港醫務委員會  
**The Medical Council of Hong Kong**

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**DISCIPLINARY INQUIRY**  
**MEDICAL REGISTRATION ORDINANCE, CAP. 161**

Defendant: Dr SO Man Ho John (蘇文灝醫生) (Reg. No.: M18834)

Date of hearing: 27 November 2024 (Wednesday)

Present at the hearing

Council Members/Assessors: Prof. TANG Wai-king, Grace, SBS, JP  
(Chairperson of the Inquiry Panel)  
Dr MAK Siu-king  
Dr TAM Sau-man, Barbara  
Mrs BIRCH LEE Suk-yee, Sandra, GBS, JP  
Ms WONG HY Careen

Legal Adviser: Mr Stanley NG

Defence Counsel representing the Defendant: Mr Henry LEUNG as instructed by  
H Y Leung & Co. LLP, Solicitors

Senior Government Counsel (Acting) representing the Secretary: Miss Phoebe YEUNG

1. The charges against the Defendant, Dr SO Man Ho John, are:

*“That he, being a registered medical practitioner, was convicted at the Eastern Magistrates’ Courts:*

*(1) on 27 July 2023 of the offence of careless driving, which is an offence punishable with imprisonment, contrary to section 38(1) of the Road Traffic Ordinance, Cap. 374, Laws of Hong Kong; and*

*(2) on 27 July 2023 of the offence of driving a motor vehicle with alcohol concentration in breath above the prescribed limit, which is*

*an offence punishable with imprisonment, contrary to section 39A(1) of the Road Traffic Ordinance, Cap. 374, Laws of Hong Kong.”*

**Facts of the case**

2. The name of the Defendant has been included in the General Register from 1 July 2018 to the present. His name has never been included in the Specialist Register.
3. According to the Brief Facts of the Case prepared by the police and upon which the Defendant was convicted, the accident took place at Cross Harbour Tunnel. On 6 April 2023 at around 0307 hours, the Defendant was driving his private vehicle TV6590 along the tunnel (southbound), whilst taxi JR2050 (“1<sup>st</sup> taxi”) and taxi VJ9707 (“2<sup>nd</sup> taxi”) were travelling in sequence along the tunnel in the opposite direction (northbound). Upon reaching near alcove No. B0975, the Defendant’s vehicle hit the curb of the alcove, then bounced to the opposite lane (northbound). As a result, the offside front of the Defendant’s vehicle collided with the offside front of the 1<sup>st</sup> taxi. The Defendant’s vehicle further rammed into the front of the 2<sup>nd</sup> taxi before side-turned to its nearside. All three vehicles were damaged at the point of contact. The taxi driver of the 1<sup>st</sup> taxi suffered from abrasion on his right hand and the taxi driver of the 2<sup>nd</sup> taxi suffered from chest wall contusion.
4. The police attended the accident scene. At around 0345 hours, police conducted the Screening Breath Test (SBT) on the Defendant with the result of 120 micrograms of alcohol in 100 millilitres of breath that exceeded the prescribed limit (22 micrograms of alcohol).
5. The Defendant was brought back to Wan Chai Police Station for further investigation. Between 0437 hours and 0442 hours, the police conducted the Evidential Breath Test (EBT) on the Defendant with the result of 37 micrograms of alcohol in 100 millilitres of breath that exceeded the prescribed limit. At 0443 hours, the police arrested the Defendant.
6. The Defendant was subsequently prosecuted of the offences of (i) careless driving, contrary to section 38(1) of the Road Traffic Ordinance, Cap. 374 (“1<sup>st</sup> Offence”); and (ii) driving a motor vehicle with alcohol concentration in breath above the prescribed limit, contrary to section 39A(1) of the Road Traffic Ordinance, Cap. 374 (“2<sup>nd</sup> Offence”).

7. On 27 July 2023, the Defendant appeared before the Eastern Magistrates' Courts in Case No. ESCC 1403 of 2023. The Defendant was found guilty on his own plea of the 1<sup>st</sup> Offence and the 2<sup>nd</sup> Offence.
8. In respect of the 1<sup>st</sup> Offence, the Defendant was sentenced to a fine of \$3,000, and disqualification from driving for 4 months. In respect of the 2<sup>nd</sup> Offence, the Defendant was sentenced to (i) a Community Service Order for 140 hours; (ii) disqualification from driving for 12 months, or until the completion of a driving improvement course at his own cost, whichever is later; and (iii) attendance and completion of a driving improvement course at his own cost. The disqualification order of the 1<sup>st</sup> and the 2<sup>nd</sup> Offences were to run concurrently.

### **Findings of the Inquiry Panel**

9. There is no dispute that the offences of “careless driving” and “driving a motor vehicle with alcohol concentration in breath above the prescribed limit” were and still are punishable with imprisonment. By virtue of section 21(1) of the Medical Registration Ordinance (“MRO”), Cap. 161, Laws of Hong Kong, our disciplinary powers against the Defendant are engaged.
10. Section 21(3) of the MRO expressly provides that:

*“Nothing in this section shall be deemed to require the inquiry panel to inquire into the question whether the registered medical practitioner was properly convicted but the panel may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.”*
11. We are therefore entitled to take the said conviction as conclusively proven against the Defendant.
12. Accordingly, we also find the Defendant guilty of both disciplinary offences as charged.

## Sentencing

13. The Defendant has a clear disciplinary record.
14. In line with our published policy, we shall give the Defendant credit in sentencing for his admission and cooperation in this inquiry. However, given that there is hardly room for dispute in a disciplinary case involving criminal conviction, the credit to be given to him must necessarily be of a lesser extent than in other cases.
15. We bear in mind that the primary purpose of a disciplinary order is not to punish the Defendant but to protect the public from persons who are unfit to practise medicine and to maintain public confidence in the medical profession by upholding its high standards and good reputation.
16. Driving a motor vehicle whilst under the influence of alcohol is a serious offence. The Defendant, being a registered medical practitioner, ought to know better than any lay person the effect of alcohol on driving.
17. We learnt from reading the transcript of the criminal proceedings before the Magistrate that the Defendant had a clear criminal and driving offence record before the subject incident. We accept that the Defendant had learnt his lesson. Given the Defendant's genuine remorse and insight into his wrongdoing, we believe the risk of his repeating the same or similar breach of the law in the future would be low.
18. Taking into consideration the nature and gravity of this case and what we have heard and read in mitigation, we shall make a global order in respect of both charges that a warning letter be issued to the Defendant. We further order that our order be published in the gazette.

Prof. TANG Wai-king, Grace, SBS, JP  
Chairperson of the Inquiry Panel  
The Medical Council of Hong Kong