



香港牙醫管理委員會
The Dental Council of Hong Kong

Disciplinary Inquiry under s.18 of DRO

Defendant: Dr WONG Fai 黃暉牙科醫生 (Reg. No. D03030)

Date of Hearing: 12 November 2025

Present at the Hearing

Council Members: Dr LEE Kin-man, MH, JP (Chairperson)
Prof. LEUNG Wai-keung
Dr LIU Wai-ming, Haston
Mr KOK Che-leung, BBS
Ms NG Wai-ping, Charlotte

Legal Adviser: Mr Stanley NG

Legal representative for the Defendant: Mr David CHAN, instructed by Messrs. Sidney Lee & Co., Solicitors

Legal Officer representing the Secretary: Mr Raymond WONG, Government Counsel

The Charge

1. The charge against the Defendant, Dr WONG Fai, is as follows: -

“On 16 November 2023 at the Fanling Magistrates’ Courts, you, being a registered dentist, were convicted of the offence of ‘possessing irradiating apparatus without licence’ under section 7(1)(c) of the Radiation Ordinance, Cap. 303, Laws of Hong Kong, which is an offence punishable with imprisonment.”

Burden and Standard of Proof

2. The Council bears in mind that the burden of proof is always on the Legal Officer and the Defendant does not have to prove his innocence. The Council also bears in mind that the standard of proof for disciplinary proceedings is the preponderance of probability. However, the more serious the act or omission alleged, the more inherently improbable must it be regarded.

Therefore, the more inherently improbable it is regarded, the more compelling the evidence is required to prove it on the balance of probabilities.

Facts of the Case

3. The name of the Defendant has been included in the General Register (“GR”) since 5 August 1995. His name has never been included in the Specialist Register.
4. According to the Summons to Defendant in Case No. FLS 10648/2023 dated 20 October 2023, information was laid against the Defendant that on 22 May 2023 at G/F, No. 9 Kwong Fuk Road, Tai Po, New Territories, otherwise than under and in accordance with a licence issued under the Radiation Ordinance, Cap. 303, he did have in his possession an irradiating apparatus, namely, a radiography unit which consisted of a machine and an X-ray tube, contrary to section 7(1)(c) of Radiation Ordinance, Cap. 303 (“the Offence”).
5. The Brief Facts of the Case in FLS 10648/2023 read as follows:

“ The Deft, WONG Fai ..., a dentist, obtained an irradiating apparatus (“IA”) licence to possess and use a radiography unit, which consisted of a machine and an X-ray tube at his clinic in 2014. The licence was last renewed on 31 January 2019, which was valid until 21 May 2020. On 16 January 2019, the original X-ray tube of the radiography unit was replaced by a new X-ray tube by a supplier, but the supplier did not take away the original X-ray tube. On 19 March 2019, upon the application submitted by the Deft to withdraw the IA licence due to the abandonment of the machine and the original X-ray tube, the licence has become invalid.

2. On 22 March 2023, the Radiation Board received the Deft’s application for a licence to possess and use an IA, which consisted of the same machine and a new X-ray tube. After conducting an on-site inspection on D/T [2023-05-22 at 1100 hours], PW1 [Inspector LEE Shun-yan of Radiation Board] found that the machine and the new X-ray tube was installed at the Deft’s clinic at L [G/F, No. 9 Kwong Fuk Road, Tai Po, New Territories] and it was functional and capable of emitting ionizing radiation. As the IA was not licensed, PW1 believed that the Deft had contravened s.7(1)(c) of Radiation Ordinance (Cap. 303) and investigation was then carried out.

3. At an interview conducted on 15 June 2023, the Deft had admitted under caution that he has been in possession and has used IA at his clinic.”

6. On 16 November 2023, the Defendant was convicted on his own plea of the Offence at Fanling Magistrates’ Courts. The Defendant was sentenced on the same day to a fine of HK\$ 2,000.
7. By a letter dated 18 November 2023, the Defendant reported to the Council his conviction and sentence.

Findings of Council

8. There is no dispute that the Offence is an offence punishable with imprisonment. By virtue of section 18(1)(a) of the Dentists Registration Ordinance, Cap. 156 (“DRO”), our disciplinary powers against the Defendant are engaged.

9. Section 18(3) of the DRO expressly provides that:

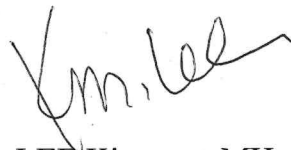
“Nothing in this section shall be deemed to require the Council to inquire into the question whether the registrant was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.”

10. We are therefore entitled to take the aforesaid conviction as proven against the Defendant.
11. Accordingly, we find the Defendant guilty of the disciplinary charge.

Sentencing

12. The Defendant has two previous disciplinary records. The first disciplinary record (2009) concerns medical treatment and is of a different nature from the present case. The second disciplinary record (2015) concerns *inter alia* the Defendant's failure to make MPF contributions in the prescribed manner. In our view, the second disciplinary record is of a similar nature as the present offence insofar as both cases relate to issues of statutory compliance in practising dentistry.
13. We shall give the Defendant credit for his cooperation in that he did not contest the disciplinary charge. However, given that there is hardly any 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.
14. We bear in mind that the purpose of a disciplinary order is not to punish the Defendant but to protect the public from persons who are unfit to practise dentistry and to maintain public confidence in the profession by upholding its high standards and good reputation.
15. We have considered the character reference letters and the CPD record as provided.
16. We have already published in our Code of Professional Discipline that dentists practising dentistry in Hong Kong should familiarize themselves with a number of legislations and guidelines, including the Radiation Ordinance, Cap. 303 and its subsidiary legislation. It appears to us that the Defendant had not so familiarized himself at all material times.
17. The Defendant told us that since the incident, he has kept a Licence Log Book stating the type of licences involved, the description and corresponding model number of the apparatus or machine, and the relevant commencement and expiry dates of the licences. However, the said Licence Log Book shown to us is in the form of a piece of paper written in manuscript. From the said piece of paper, we do not see for IA licensing maintenance and renewal matters, there has been in place a stringent and prudent logging system. There is no alert system, no tracking system and no responsible person to ensure compliance.
18. Taking into consideration the nature and gravity of this case and what we have heard and read in mitigation, we order that in respect of charge, the Defendant be reprimanded. Our order shall be published in the Gazette.

19. This is the second time that the Defendant has been convicted of a disciplinary offence relating to compliance issues. We must warn the Defendant that if he contravenes similar offences relating to compliance issues in the future, for the protection of the public, we may impose a heavier sentence.

A handwritten signature in black ink, appearing to read 'Kin-man Lee', is positioned above the printed name.

Dr LEE Kin-man, MH, JP
Chairperson
The Dental Council of Hong Kong