

**SINGAPORE DENTAL COUNCIL  
DISCIPLINARY INQUIRY AGAINST  
DR. HOO SWEE TIANG**

**Disciplinary Committee:**

Dr. Dominic Leung (Chairman)  
Dr. Chan Siew Luen  
Dr. Eu Oy Chu  
Mr. Vijai Parwani (Lay Person)

**Legal Assessor:**

Mr. Giam Chin Toon, SC

**Counsel for the SDC:**

Mr. Goh Teck Wee/  
Mr. Soon Wei Song

**Counsel for the Respondent**

Mr. Quek Mong Hua/  
Mr. Jonathan Cho

**GROUND OF DECISION**

*(Note: Certain information may be redacted or anonymised to protect the identity of the parties.)*

1. Dr. Hoo Swee Tiang (NRIC No. S84XXXXXC) (DCR 22060D) (Dr Hoo) a Registered Dentist claimed trial in a State Court to a charge of outrage of modesty, an offence under Section 354(1) of the Penal Code (Chapter 224).
  
2. Dr Hoo was charged as follows:

*“You, Hoo Swee Tiang, Male / 31 years old are charged that you, on the 10<sup>th</sup> day of April 2013 at or about 6.30pm, inside the MRT train travelling between City Hall MRT station and Eunos MRT station, Singapore, did use criminal force on XXX,*

*Female, 30 years old, to wit, by touching the rear inner part of both of her exposed thighs with your hand, knowing it likely that you would thereby outrage the modesty of the said XXX, and you have thereby committed an offence punishable under Section 354(1) of the Penal Code, Chapter 224.”*

3. At the end of the trial on 1 July 2016, the learned District Judge Luke Tan found Dr Hoo guilty as charged and sentenced him to 6 weeks imprisonment.
4. Dr Hoo appealed against the conviction and sentence and the appeal was dismissed on 9 May 2017. He had since then completed serving his sentence.
5. Pursuant to the conviction, the Singapore Dental Council (SDC) preferred a charge against Dr Hoo under Section 40(1) (b) of the Dental Registration Act (DRA) to which Dr Hoo pleaded not guilty.
6. The charge reads as follows:

*“That you, **DR HOO SWEE TIANG (NRIC NO. S84XXXXXC)**, a registered dentist under the Dental Registration Act (Cap. 76) (DCR 22060D) are charged that you, on 1 July 2016 were convicted in the State Courts in MAC 900921/2014 for an offence of outrage of modesty, an offence punishable under*

*section 354 (1) of the Penal Code, for which you were sentenced to a term of imprisonment of 6 weeks as certified under the hand and seal of the State Courts of Singapore (annexed herein) and the appeal of which was dismissed and sentence thereunder upheld as certified under the hand and seal of the High Court of Singapore (annexed herein), and that you have thereby been convicted of a criminal offence implying a defect of character which makes you unfit for your profession within the meaning of section 40(1) (b) of the Dental Registration Act (Cap. 76).”*

7. Defence counsel Mr Quek Mong Hua explained that the defence does not intend to dispute that there was a conviction of a criminal offence of outraging the modesty of a female person under Section 354 (1) of the Penal Code. However, for the purpose of the charge under Section 40(1) (b) of the Dental Registration Act (DRA) before the Disciplinary Committee (DC), the Defence would seek to establish that in view of the circumstances of the case and based on the testimonies of the 18 character witnesses tendered, Dr Hoo’s conviction did not make him unfit for his profession within the meaning of Section 40(1) (b) of the DRA.

8. The Respondent agreed to dispense with the oral testimonies of the SDC's witnesses. Counsel for the Respondent, Mr Quek Mong Hua (Mr. Quek) had no questions for them, and conceded that SDC's case had been made out for Dr Hoo's defence to be called.
  
9. The following witnesses gave evidence for the Respondent:
  - 1) Dr A who was a classmate of Dr Hoo and had known him since 2005. They were colleagues at NUH.
  
  - 2) Dr B who was a classmate of Dr Hoo.
  
  - 3) Dr C who was President of the XXX from 2011-2015. Dr Hoo was a member of the XXX and involved in organising events and projects for the XXX.
  
  - 4) Mr D, XX of XXX in which Dr Hoo is currently practising as a dentist.
  
10. Generally, the 4 character witnesses affirmed and re-confirmed the contents of their written testimonies on Dr Hoo placed before the DC. Their personal view of Dr Hoo remained unchanged despite the fact that he had been found guilty and convicted of the criminal charge. They held the view that he was not unfit for his profession even though he had been convicted.

11. The Respondent tendered the following written submissions:

- 1) M/s. Lee & Lee's letter of representation dated 18 April 2018 addressed to the Singapore Dental Council which essentially incorporated Submissions of the Respondent.
- 2) Respondent's Further Submissions dated 8 May 2018.
- 3) Respondent's Closing Submissions dated 19 June 2018.

12. SDC tendered the following written submissions:

- 1) SDC's Written Submissions dated 7 May 2018.
- 2) SDC's Closing Submissions dated 18 June 2018.

13. On 21 June 2018, the Respondent applied to be permitted to make a final response and explain any clarifications that may require before the DC in view of the fact that SDC had made certain allegations against the Respondent in their Closing Submissions without any basis either in law or on the facts. SDC disagreed with the Respondent and objected to his application to make further response.
  
14. After considering the views of both parties, the DC decided that there was no need for a final response or a further hearing and disallowed the Respondent's request.

#### Respondent's Case

15. Respondent's case could be summarised as follows:
  - a) Despite the conviction, the facts and circumstances of the case do not imply a defect in character which would make Dr Hoo unfit for his profession within the meaning of Section 40 (1) (b) of the DRA.
  
  - b) (i) Dr. Hoo had an outstanding track record as a dental student and practitioner since his graduation in 2009. The offence was a one-off event and it was highly unlikely that such an incident would happen again.

- (ii) The numerous good character references tendered as evidence together with the oral testimonies of the 4 character witnesses before the DC, would establish the fact that Dr Hoo had not such a defect in character as to make him unfit for his profession.

a) Nature and circumstances of the offence

16. The court had found on the facts adduced that the offence was the result of a momentary lapse of judgment and not a wilful and intentional attempt to flout the law. This finding was made by the learned District Judge. (See ADB 55 – Paragraphs 137 and 138 of the Judgment). It would be an important factor to consider when the DC is considering how Section 40(1) (b) of the DRA should be interpreted and applied to the Respondent.

17. Section 40(1)(b) reads –

*“Where a registered dentist ... is found or judged by a Disciplinary Committee –*

*(a) ...*

*(b) to have been convicted in Singapore or elsewhere of any offence implying a defect in character which makes him unfit for his profession ... the Disciplinary Committee may exercise*

*one or more of the powers referred to in sub-section (2)."*

(emphasis added)

18. Mr. Quek submitted that Section 40(1)(b) of the DRA is a 3-stage inquiry:
  - i) Whether there was a criminal conviction?
  - ii) Whether it implied a defect in character?
  - iii) Whether the defect in character made him professionally unfit for his profession?
19. The second and third elements above should not be conflated so that the conviction automatically imply a defect in character making the Respondent unfit for his profession.
20. Section 40(1)(b) of the DRA is clearly not for the purpose of punishing the Respondent a second time for the offence after he had been dealt with under the Penal Code. Rather, the purpose of the inquiry under section 40(1)(b) is to decide whether the Respondent had such a defect in character that made him unfit to continue in his profession and if so, what would be the appropriate order to be made.



21. To support the contention that a conviction did not automatically imply a defect of character as to make the Respondent unfit for his profession, the Respondent cited the case of *The Law Society of Singapore v Wong Sin Yee* [2003] 3 SLR209 (at [12]) which held:

*“[A] conviction of criminal offence does not per se imply a defect of character rendering [a professional] unfit for his profession ... “*

*“It is the nature of the offence, and the circumstances under which it was committed and in turn the punishment imposed, which are likely to be determinative.”*

22. The Court held at [16]:

*“[I]t does not follow that in every instance where a solicitor is convicted of a section 323 offence of simple hurt, it must necessarily imply a defect of character warranting action under section 83(2)(a) [of the Legal Profession Act]. The circumstances under which the altercation arose, leading to the assault are critical.”*

23. It is clear therefore that the type of offence however it is defined in the Penal Code is not determinative of whether it implies a defect of character rendering the required dentist unfit for his profession. It is the nature and circumstances

under which the offence was committed that has to be considered.

24. The DC is entitled to look beyond the fact of conviction and consider the facts and circumstances surrounding the offence. This would include the accused's conduct at the trial and what he actually did in relation to the alleged offence before a DC determines whether there was a defect of character which would render a registered dentist unfit for his profession.

25. In the present case, SDC had not proved beyond reasonable doubt that Dr. Hoo was unfit to continue in his practice as they had merely relied on the conviction and nothing more.

b) Good Character References showing there is no defect in character

26. The good character references produced before the DC all of which vouched for the integrity and character of the Respondent remained unrebutted by SDC. This should be taken into account.

27. In any event, the conviction of the Respondent was under circumstances which did not suggest that he had any predisposition to such conduct. The offence was at best an isolated one.

28. Mr Quek submitted that he found it puzzling why the learned District Judge in his

judgment had found the character references unhelpful at the State Court hearing.

29. He pointed out that the learned District Judge had held that the testimonials provided by the character witnesses related to what they knew of Dr Hoo in school and working environment and these witnesses would be unable to comment or know how Dr Hoo had behaved in a different setting such as a crowded MRT train. He submitted however, that this remark was made only in the context of the criminal charge and not related to the issue of Dr Hoo's fitness for the profession.
  
30. As Dr Hoo's conduct is now to be considered by the DC in relation to the question of his fitness for the profession, these testimonials ought to be considered not in the light of whether he had committed the offence (as the learned District Judge had done at the trial), but whether defect in character ought to be implied to make him unfit to practise as a dentist because of his conviction in this case.
  
31. Most importantly, the learned District Judge had observed that the offence was an isolated incident of a momentary lapse of judgment rather than a wilful and intentional attempt to flout the law. It is submitted that it was highly unlikely such an event would ever happen again.

32. The Respondent contended that in view of the evidence of the character witnesses, public confidence in this case would not be affected should Dr. Hoo be allowed to continue his practice. The various character references obtained from the perspective of witnesses who were informed and reasonable members of the public, should provide sufficient weight to persuade the DC that Dr. Hoo was fit to practise and that public confidence in the profession would not be harmed if he was permitted to remain in practice.
33. There was therefore no need to subject Dr. Hoo to any of the prescribed possible disciplinary orders as set out under section 40(2) of the DRA other than to give him a stern warning with a condition that he should scrupulously observe the conventional practice of having a female chaperone in his dental clinic whenever he has to attend to a female patient. This requirement if imposed would fully protect the interests of his existing patients without adversely affecting the high standing of the profession at the same time.

#### SDC's Case

34. The test in section 40(1)(b) of the DRA is to be carried out in two and not three stages as contended by the Respondent:
- (1) First, a conviction of an offence has to be established.

(2) Second, the conviction has to be for an offence which implies a defect in character which makes the dentist unfit for his profession.

35. Respondent's submission that section 40(1)(b) of the DRA is a 3-stage inquiry cannot be sustainable. If the Respondent's argument is correct, the word "which" appearing in section 40(1)(b) would be rendered irrelevant and nugatory. The operative word "which" as used in the section is related to the defect in character resulting from the conviction which would render him unfit for the profession. Once it is established that the conviction of the relevant offence implies a defect in character, it would make him unfit to practise as a dentist.

36. It is an objective inquiry. The phrase "a defect in character which makes him unfit for his profession" would have to be read as a complete phrase and not in two parts as contended by the Respondent.

37. Respondent's interpretation of the section, if accepted would necessitate various medical and dental DCs having to inquire as to each respondent's subjective fitness for the profession in every case of this nature placed before them.

38. Counsel for SDC contended that so long as the defect in character was one which would make any registered dentist unfit for his profession on an objective basis, the test would be satisfied.

39. It is therefore important to look at the nature of the offence, the circumstances under which it was committed and the punishment imposed by the court. The prevailing objective in mind throughout would have to be the protection of the public as well as the preservation of the good name of the profession.

Decision of the DC

40. We have considered parties' submissions very carefully. In the DC's view, a conviction on a charge of outraging modesty under section 354(1) of the Penal Code would imply a defect in character. The Respondent did not contend otherwise. The question is whether such a defect in character would render him unfit for the profession.
41. The Respondent's argument is that even if the conviction implied a defect in character, the circumstances surrounding the offence might still show that he was not unfit for his profession. In other words, the DC is obliged under the section 40(1)(b) of the DRA to assess the surrounding circumstances of the offence before reaching a decision as to whether the conviction would or would not render him unfit for his profession.
42. We are not persuaded by the argument that in a case of a conviction for outraging modesty under section 354(1) of the Penal Code, the defect in character implied by the conviction would not render the Respondent unfit for his

profession on the basis of testimonials from witnesses who knew him as of good character and the argument that it was a one-off event which would not render him unfit for the profession.

43. Specifically, we do not agree with Mr. Quek that the circumstances of the case do not warrant the DC to find that the conviction though showing a defect in character does not render the Respondent unfit for his profession.
44. Simply put, we find that a conviction for outraging modesty would be a character defect which renders the Respondent unfit for his profession.
45. We accept that it is possible that offences of other nature might not render a respondent unfit for his profession if circumstances justify such a conclusion.
46. Furthermore, it does not really matter whether section 40(1)(b) of the DRA is a 2-stage or a 3-stage test. The conclusion would still be the same in the case before us.
47. In the circumstances, the DC finds Dr. Hoo guilty as charged.

### **SENTENCE**

48. The only question left is the appropriate sentence to be imposed on Dr. Hoo.

49. The Respondent cited the English case of *Giele v. General Medical Council* (2006) 1 WLR 942 and submitted that the DC should approach the question of sanctions starting with the least severe punishment.
50. In *Giele*'s case, the medical practitioner was charged with serious professional misconduct in relation to an alleged sexual relationship with a patient. He was found guilty by the Fitness to Practise Panel of the General Medical Council and the sanction of erasure was imposed when the panel found that there were no exceptional circumstances not to impose the erasure. The Court however disagreed with the approach taken by the panel.
51. Collin J in his judgment at [20] said:

*"I have had to consider the correct approach in cases of sexual misconduct and the weight to be attached to testimonials in a number of cases. I do not intend to burden this judgment with lengthy explanations ... from my other judgments. In Council for the Regulation of Healthcare Professional v General Medical Council (2005) 84 BMLR 7 ... I said at paragraph 14;*

*"It follows that in my view testimonials can in the case of doctors be accorded greater weight than in the case of solicitors. The*



*requirement of absolute honesty so that there can be absolute trust in a solicitor is obviously of paramount importance. That he may be a good solicitor is obviously something to be taken into account, but the public interest in him being able to continue to practise is not so important. Thus testimonials which establish that a doctor is, in the view of eminent colleagues and of nursing staff who have worked with him, one who is not only competent but whose loss to the profession and to his potential patients would be serious indeed can, in my opinion, be accorded substantial weight.”*

52. The Court held at [26]:

*“The panel had to approach the question of sanctions starting with the least severe. It was not a question of deciding whether erasure was wrong but whether it was right for the misconduct in question after considering any lesser sanction ... The panel must look at the misconduct and the mitigation and decide what sanction is appropriate, no doubt bearing in mind that improper sexual relationships with vulnerable patients are always regarded as most serious.”*

53. At [33], the Court held:

*"There can be no doubt that the improper sexual relationship which was established in this case, could have merited erasure. However, the mitigation and in particular the testimonials might well have tipped the balance against it. But the panel approached the issue of sanction in the wrong way, clearly believing that there should be erasure unless exceptional circumstances existed. Accordingly, I am entitled to form my own view. I am entirely satisfied that erasure was not required and that public confidence in the profession, which must reflect the views of an informed and reasonable member of the public, would not be harmed if suspension was imposed. Suspension for 12 months is itself a severe penalty for any practitioner and I am satisfied that for the misconduct in this case it will provide an appropriate sanction."*

54. Counsel for SDC Mr. Goh Teck Wee (Mr. Goh) on the other hand submitted that Dr. Hoo's name should be removed from the Register of Dentists and that he be ordered to pay costs.
  
55. Mr. Goh relied on several aggravating factors in this case. In summary his submissions were as follows:

- 1) The offence was sexual in nature.
- 2) The Respondent showed no remorse. He pleaded not guilty and evidently does not appreciate ramifications of his actions on the dental profession as a whole when he insisted on continuing his practice.
- 3) The suggestion that a female chaperone be required as a condition to be present when he treats a female patient is unacceptable. She can be sent out of the room at any time by Dr. Hoo who is her superior. There is little assurance that the general public would be protected.
- 4) In view of Dr. Hoo's conduct as shown, it could not be said that such an incident would not happen again even if a chaperone is present.

56. Mr. Goh cited three authorities in support of his submission that Dr. Hoo ought to be removed from the register.

- 1) *SMC v. Dr. Lee Siew Boon Winston [2018] SMCDT 4*
  - a) Dr. Lee, a medical practitioner, was convicted in the State Courts on two charges of using criminal force on a patient with the intention to outrage her modesty under section 354(1) of the Penal Code. He was sentenced to an

aggregate term of 10 months imprisonment. His appeal against the conviction and sentence was dismissed.

- b) The Singapore Medical Council (SMC) had preferred two charges against him. The first related to his conviction of the outrage of modesty offences implying a defect of character which made the respondent unfit for the medical profession. The second charge related to a false declaration made to the SMC which involved fraud and dishonesty on his part.
  
- c) Dr. Lee pleaded guilty to the charges before the Disciplinary Tribunal. He had asked for a fine. He submitted a written mitigation which pleaded inter alia as follows:
  - i. He would pose a very low risk to the public of re-offending in the same manner.
  
  - i. He pleaded guilty at an early stage and was remorseful.
  
  - i. Testimonials from 4 of Dr. Lee's employers, 3

female patients and Dr. Lee's wife were tendered.

d) The SMC Disciplinary Tribunal held at [87] and [88]:

1) *"87. In arriving at the appropriate sentence, we gave full regard to Dr. Lee's early plea of guilt, and to the various good testimonials from his employers, female patients and his wife. We also note that he is the sole bread winner of his family. We also considered that he has duly served his prison sentence for the offence underlying the First Charge and was already effectively suspended for eight months. However, these mitigating factors have to be weighed against interests of protecting the public and maintaining public trust and confidence of the profession which must take centre stage in this case. In all the circumstances of this case, Dr. Lee's actions imply a defect of character that renders him fundamentally unsuited to continue as a registered medical practitioner. Consistent with*

*sentencing precedents of Dr. A, Dr. C and Dr. One, the Tribunal is of the view that the only just and proportionate sanction to reflect the culpability of Dr. Lee and to uphold the proper standards of conduct and behaviour and public confidence in the profession is for the name of the Respondent to be removed from the Register. We did not think it would serve any additional purpose to also impose a fine on Dr. Lee.*

88. *Taking into account the nature of the complaint together with Dr. Lee's conduct and the need to impose a sanction which was not only sufficiently deterrent but also proportionate in all the circumstances of this case, this Tribunal ordered that:*

(a) *Dr. Lee's name be removed from the appropriate register; and*

(b) *Dr. Lee pay the cost and expenses of and incidental to these proceedings, including*

*the costs of the solicitors to the SMC.”*

- 2) *Wong Siew Kune [Reported in Straits Times on 14 June 2007]*
  - a) *Dr. Wong Siew Kune, a consultant radiologist at SGH was jailed for two months for insulting the modesty of two women by using his cellphone to film up the skirts of two women.*
  - b) *He pleaded guilty before the DC which said it considered Wong’s unblemished record before the criminal offence were committed. Dr. Wong was suspended from practice for 24 months. Dr. Wong was ordered to continue psychiatric treatment. He has to produce reports by 2 consultant psychiatrists certifying that he is fit to practise. In addition, the SMC recommended that he practises only in a supervisory setting for one year.*
  
- 3) *Dr. Lawrence Lau Kar Yek [Reported in Straits Times on 4 August 1998]*
  - a) *Dr. Lawrence Lau was a general practitioner. He pleaded guilty to a charge of insulting the modesty of a woman in a car by peeping at a woman who was having sex in a car and*

shining a torch into the car when she was in a state of undress.

b) *He was fined \$2,000.00 in Court. At the disciplinary hearing, Dr. Lau was taken off the register as SMC was concerned about his fitness to practise as a doctor. SMC viewed his offence as a serious one as it brought disrepute to the medical profession.*

57. The three cited cases could be applied to Dr. Hoo's case when the facts are analysed.

1) Dr. Winston Lee's case

a) Dr. Hoo's case is also sexual in nature. Sexual crimes seriously undermines public trust in the profession and severe measures should be taken against perpetrators.

b) While Dr. Lee's crime is more severe, he had shown remorse. On the other hand, Dr. Hoo had to date shown absolutely no remorse. He had pleaded not guilty and did not appreciate the ramifications of his action to the dental profession.



2) Dr. Wong Siew Kune's case

- a) The conviction of an offence of outrage of modesty in the case of Dr. Hoo is more serious than that of insult of modesty for which Dr. Wong was convicted.
- b) Dr. Wong had pleaded guilty before the DC and agreed to continue receiving medical treatment for his mental illness.
- c) Dr. Hoo should be given a sentence beyond the 24 months and a fine of \$5,000.00 that had been imposed on Dr. Wong.

3) Dr. Lawrence Lau Kar Yek

- a) Dr. Hoo's offence is a more serious one which resulted in a 6 weeks' imprisonment as compared to the \$2,000.00 fine imposed by the Court on Dr. Lawrence Lau.
- b) The SMC DC found that Dr. Lau's action crossed the threshold necessitating a striking off the appropriate register.
- c) Dr. Hoo's offence was more serious and he had not shown

any remorse. Dr. Hoo should therefore be struck off the register.

58. We have considered the submissions of both parties. Firstly, as a matter of observation, we note that in the case of Dr. Winston Lee, the sexual offence was committed on his patient in the course of his practice. This aggravating factor in Dr. Winston Lee's case is not present in Dr. Hoo's case.
59. Secondly, whilst pleading guilty to a charge may be said to be showing remorse and therefore a factor to consider in mitigation, it would be wrong to find a Respondent who claims trial as showing no remorse and therefore deserves no leniency for that. The Respondent is after all exercising his legal right that the law had accorded him and he should not be disadvantaged by it if he decides to claim trial so long as his defence is properly conducted.
60. In this case, we did not find that Dr. Hoo had in any way acted vexatiously or improperly in the conduct of his defence. In fact his counsel had been most helpful in assisting the DC to arrive at a proper decision. Consequently, the DC will not hold it against him for showing no remorse because he did not plead guilty.
61. We have noted also that Dr. Hoo's current employers FDC had indicated that they were prepared to continue employing him after his conviction. This showed

their confidence in him despite the unfortunate event.

62. Whilst we are prepared to give some weight to the testimonies of the character witnesses when they said that Dr. Hoo is unlikely to re-offend, we have to bear in mind that the high standards of and public confidence in the profession must at all times be foremost in our mind when we decide on the appropriate sanction to be imposed.

63. In considering sentence, we are guided by Sunderesh Menon CJ delivering the judgment of the Court of Appeal in *Ang Peng Tiam v Singapore Medical Council* [2017] 5 SLR 356; [2017] SGHC 143 which sets out the relevant principles to be applied when sentence is being considered by a tribunal in medical disciplinary cases.

64. *Menon CJ held as follows:*

i) *at [97]*

*Courts and tribunals have, not infrequently, recognised as a mitigating factor an offender's good character, as indicated by his past contributions to society, favourable testimonials, or an unblemished record. Two justifications have been articulated as to why such an offender may be given some credit. First, it has been said that good character may, in some circumstances, suggest that an offender's actions in committing the offence were out of character and thus likely to be a one-off aberration,*

*with a low likelihood that he would re-offend. The second proffered justification is that person of good character is less deserving of punishment when he commits an offence, as compared to some other person who commits a similar offence but who is not regarded as being of good character.*

ii) *at [101]*

*We reject the view that an offender's general good character, or his past contributions to society (such as volunteer work and contributions to charities) can be regarded as a mitigating factor in so far as this rests on the notion that it reflects the moral worth of the offender. First, it is not the place of the court to judge the moral worth of those who are before it. Second, such considerations will generally have no relevance to the offender's culpability or the harm that he has caused by the commission of the offence for which he is being sentenced. Third, as observed in *Mitigation and Aggravation in Sentencing* at p 11, treating contributions to society as mitigating may be perceived as unfairly favouring the privileged who will often be more likely to be able to make such contributions because of their station in life, than will be the case with less privileged offenders.*

iii) *at [102]*

*On the other hand, we accept the evidence of an offender's long and*

*unblemished record may be regarded as a mitigating factor of modest weight if, and to the extent, such evidence fairly allows the court to infer that the offender's actions in committing the offence were "out of character" and that therefore, he is unlikely to re-offend.*

iv) *at [103]*

*However, even in such cases, the mitigating weight to be placed on this will be readily displaced if the court is satisfied that there are other sentencing considerations that override this. Thus, little if any weight will be placed on the fact that the offender has had a long and unblemished record if the key sentencing objective is general deterrence, because the focus then would be on sending a clear message to others of the harsh consequences that await those who might be thinking of following in the offender's footsteps. The law must also not be misconstrued as providing those with an established good track record a free pass for misconduct on the basis that it is out of character.*

v) *at [104]*

*This will equally be true in the context of medical disciplinary proceedings, where any mitigating value that an offender's good track might attract must also be balanced against the wider interest of protecting public confidence in and the reputation of the medical profession.*

65. Following the principles laid down in Ang Peng Tiam's case, we had considered the mitigating value of the good record of Dr. Hoo, the wider interests of protecting public confidence and the reputation of the profession, and are of the view that a period of suspension rather than a removal from the register would be the most appropriate sentence in this case.
66. In the circumstances, it is ordered as follows:-
- 1) Dr. Hoo be suspended for a period of 6 months.
  - 2) Dr. Hoo's registration after the expiry of the suspension shall be restricted for a period of 2 years under the supervision of 2 supervisors complying with the conditions laid down by the SDC in the criteria for Conditional Registration published in the SDC website (last updated in 14 May 2018).
  - 3) Dr. Hoo be censured in writing.
  - 4) Dr. Hoo gives an undertaking to abstain in future from such conduct complained of.
  - 5) Costs and expenses of and incidental to these proceedings including costs of the legal assessor be paid by Dr. Hoo.

67. It is hereby ordered pursuant to Regulation 25 of the Dental Registration Regulations that the grounds of decision be published for the benefit of the public.

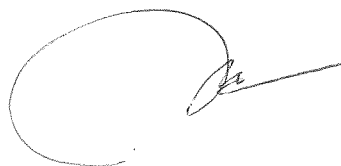
68. The hearing is hereby concluded.

Dated 3<sup>rd</sup> day of October 2018.



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Dr. Dominic Leung (Chairman)



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Dr. Chan Siew Luen



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Dr. Eu Oy Chu



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Mr. Vijai Parwani (Lay Person)