

SINGAPORE DENTAL COUNCIL

DISCIPLINARY COMMITTEE INQUIRY AGAINST DR LEE ZIYING FELICIA ON 21 MARCH 2022 AND 26 APRIL 2022

Disciplinary Committee:

Dr Chan Siew Luen (Chairman)
Mr Ong Ming Da
Dr Seow Yian San
Mr Teh Joo Heng (Layperson)

Legal Assessor:

Ms Vicki Loh
(Legal Solutions LLC)

Counsel for the SDC:

Mr Chia Voon Jiet
Mr Sim Bing Wen
Ms Lee I-Lin

Counsel for the Respondent:

Mr Suresh Damodara (instructed counsel)
(M/s Damodara Ong LLC)
Ms Josephine Costan
(M/s David Nayar & Associates)

DECISION OF THE DISCIPLINARY COMMITTEE ON SENTENCE

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

Introduction

1. The Respondent, Dr Lee Ziyong Felicia (the “**Respondent**”), is a registered dental practitioner. In August 2019, she was practicing as a dentist with conditional registration at Q & M Dental Group.

Criminal Convictions in the State Courts

2. On 22 June 2020, the Respondent was convicted in the State Courts of Singapore on three (3) charges in total ("**Convicted Offences**"), two (2) offences under the Protection of Harassment Act (Cap. 256A, 2015 Rev Ed) ("**POHA**") and one (1) offence under the Penal Code (Cap. 224, 2008 Rev Ed) ("**Penal Code**"), with three (3) other offences taken into consideration.
3. The Convicted Offences related to the Respondent's conduct towards several police officers at a petrol station in the wee hours of 7 August 2018 while the Respondent was intoxicated.
4. On 22 June 2020, the following sentences were imposed on the Respondent:
 - (a) 1st POHA charge: five (5) days' imprisonment;
 - (b) 2nd POHA charge: five (5) days' imprisonment; and
 - (c) Penal Code charge: four (4) weeks' imprisonment.
5. The sentences for the 1st POHA charge and the Penal Code Charge were ordered to run consecutively, and the sentence for the 2nd POHA charge was ordered to run concurrently, resulting in an aggregate sentence of four weeks and five days' imprisonment. The three remaining offences were taken into consideration for the purposes of sentencing.
6. The Respondent was incarcerated on 6 July 2020 and released on 28 July 2020 after remission for good behaviour.

Reference to the Disciplinary Committee

7. In view of the Respondent's criminal convictions for the Convicted Offences, and by virtue of section 34(2) of the Dental Registration Act (Cap. 76, 2009 Rev Ed) (the "**DRA**"), the Singapore Dental Council ("**SDC**") referred her to a Disciplinary Committee ("**DC**") for a formal inquiry pursuant to section 37 of the DRA.

The Charge

8. Pursuant to the matters stated above, a Notice of Inquiry dated 5 October 2021 (“**NOI**”) was served on the Respondent. As the Respondent had been convicted in the State Courts of Singapore on the Convicted Offences, the Respondent faced one charge of having been convicted of charges implying a defect in character which made her unfit for the profession, within the meaning of section 40(1)(b) of the DRA (“**DRA Charge**”):-

That you, Dr Lee Ziyong Felicia, a registered dentist under the Dental Registration Act (Cap. 76, 2009 Rev Ed) are charged that you were, on Monday, 22 June 2020, convicted, and, on Friday, 26 June 2020, sentenced on two (2) charges of the offence of using abusive words towards a public servant in relation to the execution of his duty as such public servant, an offence punishable under section 6(3) of the Protection from Harassment Act (Cap. 256A, 2015 Rev Ed), and one (1) charge of the offence of using criminal force on a public servant in the execution of his duty as such public servant, an offence punishable under section 353 of the Penal Code (Cap. 224, 2008 Rev Ed):

Particulars

- (a) *On the 7th day of August 2018, at or about 3:33am, at an ESSO petrol kiosk located at 174 Holland Road, Singapore, you did use abusive words towards a public servant, one Police Sergeant Syarifuddin, in relation to the execution of his duty as such public servant, to wit, by uttering the words “Oh Fuck Off!” in the English language to the said Police Sergeant Syarifuddin, and thereby contravened section 6(1)(a) of the Protection from Harassment Act (Cap. 256A, 2015 Rev Ed) (“**1st POHA Offence**”);*
- (b) *On the 7th day of August 2018, at or about 3:38am, at an ESSO petrol kiosk located at 174 Holland Road, Singapore, you did use abusive words towards a public servant, one Police Inspector Abdul Hadi Bin Abdul Halim, in relation to the execution of his duty as such public servant, to wit, by uttering the words ‘Fuck Off!’ for five (5) consecutive times in the English*

language to the said Police Inspector Abdul Hadi Bin Abdul Halim, and thereby contravened section 6(1)(a) of the Protection from Harassment Act (Cap. 256A, 2015 Rev Ed) (“2nd POHA Offence”);

- (c) *On the 7th day of August 2018, at or about 3:38am, at an ESSO petrol kiosk located at 174 Holland Road, Singapore, you did use criminal force to one Police Inspector Abdul Hadi Bin Abdul Halim, a public servant, in the execution of his duty as such public servant, to wit, by hitting him over the left arm, and thereby committed an offence punishable under section 353 of the Penal Code (Cap. 224, 2008 Rev Ed) (“Penal Code Offence”);*
- (d) *You consented to two (2) additional offences under section 353 of the Penal Code and one (1) offence for conducting yourself in such a manner as to cause annoyance to any person in a public place, whilst drunk, an offence punishable under section 14(2)(i) of the Liquor Control (Supply and Consumption) Act 2015 (No. 5 of 2015), being taken into consideration for the purposes of sentencing;*
- (e) *You were sentenced on 26 June 2020 by the learned District Judge Luke Tan to four (4) weeks’ imprisonment on the Penal Code Offence and five (5) days’ imprisonment for each of the two (2) POHA Offences, with the imprisonment term for the 2nd POHA Offence ordered to run concurrently, resulting in an aggregate sentence of four (4) weeks’ and five (5) days’ imprisonment, with effect from 6 July 2020; and*
- (f) *The aforesaid convictions have not been set aside and that in relation to the facts alleged, you have thereby been convicted of offences implying a defect in character which makes you unfit for your profession within the meaning of section 40(1)(b) of the Dental Registration Act (Cap. 76, 2009 Rev Ed).*

9. SDC’s position is that as the Respondent has been convicted on the Convicted Offences, and these offences involved violent and abusive conduct against police officers carrying out their duties which warranted a custodial sentence, this

has damaged the reputation of the dental profession and public confidence in the profession and is a discredit to the proper standards of conduct and behaviour on the part of members of the dental profession. Accordingly, the Convicted Offences imply a defect of character rendering the Respondent unfit for the dental profession within the meaning of section 40(1)(b) of the DRA.

Facts surrounding the Convicted Charges and DRA Charge

10. The primary facts surrounding the Convicted Charges that led to the DRA Charge were not in dispute. An Agreed Statement of Facts dated 3 March 2022 (“**Agreed Statement of Facts**”) had been tendered to the DC prior to the hearing and the particulars are substantially set out below.
11. All the offences took place in the wee hours of the morning of 7 August 2018 when the Respondent had visited an ESSO petrol kiosk located at 174 Holland Road, Singapore (“**Petrol Kiosk**”) and shouted at the two attendants working there.
12. As the petrol kiosk attendants were unable to calm the Respondent down, they proceeded to call the police on the “999” hotline number. Five uniformed police officers responded to this call, including one Police Sergeant Syarifuddin (“**Sgt Syarif**”) and one Police Inspector Abdul Hadi Bin Abdul Halim (“**Inspector Hadi**”).
13. Subsequently, the Respondent’s father arrived at the Petrol Kiosk and attempted to persuade the Respondent to return home. He was however unsuccessful.
14. As the Respondent’s father was having difficulties calming the Respondent down, Sgt Syarif stepped in and told the Respondent to relax. The Respondent then told Sgt Syarif, “*Oh Fuck Off!*”.
15. Thereafter, the Respondent attempted to open the door of a police vehicle. She was stopped by three police officers who informed her that it was not her vehicle. However, the Respondent continued to demand that the car door be opened for her and launched into a series of a expletives directed at Insp Hadi, including

yelling the words “*fuck off!*” five consecutive times. The Respondent then swung her right arm above her head and hit Insp Hadi on his left arm. The Respondent’s actions were captured on the body-worn camera of Insp Hadi.

The Disciplinary Proceedings and Hearing

Preliminary issue of objection to inclusion of TIC charges in DRA Charge

16. At the outset, Counsel for the Respondent raised a preliminary objection to the NOI and DRA Charge, namely that the particulars of the DRA Charge should not include the three charges which the Respondent had consented to be taken into consideration for purposes of sentencing at the State Courts (“**TIC Charges**”).
17. This was on the basis that the exercise of the DC’s powers with reference to section 40(1)(b) of the DRA had to be pursuant to actual convictions, and not charges for which there had been no conviction. Counsel for the Respondent also submitted that it was not appropriate for one charge to include particulars of other charges; this was also the protocol for criminal charges.
18. On the other hand, Counsel for SDC took the position that the inclusion of the TIC Charges in the DRA Charge was legally sound. The District Judge at the State Courts would have considered the TIC Charges for the purposes of sentencing, and having the TIC Charges in mind, given a slightly higher custodial sentence. In all fairness then to the Respondent, it was only appropriate to include the TIC Charges in the particulars for the DRA Charge as the sentence she had received at the State Courts was not merely based on the Convicted Charges but also the TIC Charges. To exclude the TIC Charges in the DRA Charge would give the erroneous impression that the three Convicted Charges had given rise to a more severe sentence.
19. Having heard parties on this preliminary objection, the DC indicated that it would consider the preliminary objection but in the meantime directed for the DRA Charge (as prepared by SDC) to be read to the Respondent.

Plea of Not Guilty to DRA Charge

20. While the Respondent admitted that she had pleaded guilty and had been convicted of the Convicted Charges at the State Courts, she did claim trial to the DRA Charge.
21. As no witnesses were called by either the Respondent or SDC, parties proceeded with their respective submissions. The DC confirmed that the documents tendered previously, namely, SDC's Opening Statement, Prosecution's Bundle of Authorities, and the Respondent's Defence ("**Defence**"), all dated 4 March 2022, had been read and would be considered by the DC.

Issues raised before the DC

22. Parties addressed the DC on several issues:
- (a) Whether the Respondent's convictions at the State Court were final and conclusive;
 - (b) Whether the said convictions implied a defect in character that made the Respondent unfit for the dental profession;
 - (c) Whether the Respondent's conduct was as a result of provocation;
 - (d) Whether the Respondent's conduct was a "one-off" event and the implications, if so; and
 - (e) Implications of the Respondent's intoxication being involuntary.

Whether the Respondent's convictions at the State Court were final and conclusive

23. Counsel for SDC referred to section 40(3) of the DRA, which states,

"(3) In any proceedings instituted under this Part against a registered dentist or registered oral health therapist consequent upon his conviction for a criminal offence, a Disciplinary Committee and the General Division of the High Court on appeal from any order of the Disciplinary Committee shall accept his conviction as final and conclusive." [emphasis added]

24. Pursuant to the above therefore, Counsel for SDC submitted that the DC was bound to accept the Respondent's convictions at the State Court as final and conclusive. It followed that it was not open to the Respondent to challenge the facts giving rise to the Convicted Offences.
25. While the Respondent did not expressly challenge the validity or finality of the Respondent's convictions at the State Court, Counsel for the Respondent did seek to suggest a certain understanding of the Respondent's conduct on 7 August 2018 that was not necessarily borne out by the Agreed Statement of Facts. This is elaborated on below.

Whether the said convictions implied a defect in character that made the Respondent unfit for the dental profession

26. At the outset, Counsel for SDC submitted that it was well accepted that the Respondent's conviction need not relate to the Respondent's conduct in her professional practice. The case of *In the Matter of Dr Khoo Buk Kwong* [2014] SMCDT 77 ("**Dr Khoo's case**") stood for this proposition.
27. Further, the Dentist's Pledge, as found in the SDC, Ethical Code and Guidelines, August 2006 ("**Code**") which was in force at the material time, clearly contemplated that a defect of character could be implied from conduct that is not directly connected to one's conduct in the work place. In particular, the Dentist's Pledge required dentists to "*uphold the honour and noble traditions of the dental profession; [and] "conduct [oneself] with honour and dignity that shall merit the respect of patients, colleagues and [one's] community;"*. The Respondent's conduct, as evidenced by the Convicted Offences, fell short of this.
28. Counsel for SDC invited the DC to consider the following factually similar cases:
 - (a) In Dr Khoo's case, the conduct of the respondent doctor and nature of the offence was similar to the Respondent's, and Counsel for SDC submitted

that a similar sentence should be applied in this case. In Dr Khoo's case, the Medical Disciplinary Tribunal had opined that where there was a criminal conviction of violence, it was appropriate that an order of suspension be made, and there was no exceptional circumstances in Dr Khoo's case to warrant a lesser sanction. Similarly, in this case, the Respondent had been convicted of serious charges against the police, including a charge pursuant to section 353 of the Penal Code.

(b) There was a similar factual matrix in the case of *Public Prosecutor v Balasubramaniam s/o Thevathas* [2018] SGDC 203, where the accused faced charges under section 353 of the Penal Code and sections 6(1) and 6(3) of the POHA. In that regard, Counsel for SDC highlighted the Court's findings that there is a general public interest in ensuring that there be general deterrence against acts of abuse or assault on police officers. Such offences are viewed seriously and usually result in a custodial sentence, in line with the severity.

29. Accordingly, Counsel for SDC highlighted that the Respondent's infractions, in particular, her conviction for an offence under section 353 of the Penal Code, which was for violent and abusive conduct against public servants, including police officers, inherently implied that she was unfit for her profession. The fact that the State Court had found her conduct sufficiently serious to warrant custodial sentences in respect of each of the three offences should also be taken into consideration in evaluating the Respondent's conduct.

30. In response thereto, Counsel for the Respondent took the position that the Respondent's convictions at the State Court did not imply a defect in character as there was no causal link between the Convicted Offences and her fitness to practice as a dentist. Counsel was at pains to emphasize that apart from the Convicted Offences, the Respondent had "*not a single blemish against her in the course of practice*", and that she had continued to practice dentistry in an "*exemplary and fit manner*" after her conviction.

31. Counsel for the Respondent also referred to paragraph A6 of the Code for the argument that it has to be shown that the Respondent has done something “*reasonably regarded as disgraceful or dishonourable by the professional brethren*”. He also sought to distinguish Dr Khoo’s case, on the basis that the respondent doctor in that case had not contested the allegation that his conviction on the underlying criminal charges implied a defect of character making him unfit for the medical profession. This was unlike the Respondent, who was contesting that the Convicted Offences implied a defect of character rendering her unfit for the dental profession. In addition, the respondent doctor in Dr Khoo’s case had accepted that he knew what he was doing at the material time; this was again unlike the Respondent’s mental state at the time of the commission of the Convicted Offences in that she was intoxicated. Accordingly, Counsel for the Respondent argued that Dr Khoo’s case was not a relevant precedent.
32. In response thereto, Counsel for SDC had highlighted that paragraph A6 of the Code is not relevant as it pertains to professional misconduct, whereas the Respondent’s conduct in question is indisputably conduct that took place outside of the workplace. The Respondent’s intoxication was voluntary, and should not be considered a mitigating factor. This is also elaborated on below.

Whether the Respondent’s conduct was as a result of provocation

33. Counsel for SDC also took the position that the Agreed Statement of Facts, left no room for argument that the Respondent’s conduct leading to the Convicted Offences might have been due to provocation on the part of the police officers.
34. Instead, the Respondent’s behaviour – in terms of spewing vulgarities and swinging her arm at the police office - was unprovoked and took place solely as a result of her lack of self-restraint. Even if the conduct was occasioned by her intoxication, given that she was voluntarily intoxicated, this still showed a lack of self-restraint and should not be a mitigating factor. The Respondent’s conduct was similar to that of the respondent doctor in Dr Khoo’s case, where the

respondent doctor had pushed the police sergeant repeatedly on her arms, and kicked her abdomen.

35. Counsel for the Respondent also sought to clarify that the point that was being made is that the Respondent's conduct, insofar as the Convicted Offences were concerned, was *reactionary*, in response to the actions of the police officers attempting to restrain her. Accordingly, the Respondent's conduct leading up to the section 353 Penal Code charge, was "*significantly less culpable*" and "*caused less harm*" than the conduct in the precedent cases cited to the DC.
36. Counsel for SDC however countered that this assertion that the Respondent's conduct was in reaction to the police officers' actions, was not borne out by either the Agreed Statement of Facts or the Statement of Facts that was tendered at the State Courts.

Whether the Respondent's conduct was a "one-off" event and implications if so
Implications of Respondent's intoxication being involuntary

37. Counsel for SDC also addressed the Respondent's contentions in her Defence, that her conduct was a "*one-off*" event, and that her level of intoxication was involuntary.
38. It was submitted that it was incontrovertible that the Respondent's intoxication was self-induced – the Respondent had gone out with friends and had a few drinks with them. (The DC notes that this was in fact set out quite clearly in the Respondent's own letter to the SDC on 5 November 2020 as part of her written explanation, in response to SDC's Notice of Complaint dated 25 September 2020.) Given that it was self-induced therefore, the Respondent's intoxication should not be a mitigating factor to be taken into account. In contrast, an offender's voluntary intoxication is taken seriously by the Courts. With reference to the case of *Wong Hoi Len v Public Prosecutor* [2009] 1 SLR(R) 115 at [44] ("**Wong Hoi Len**"), it was noted by the Honourable VK Rajah JA as he then was that,

“a sentencing judge should ordinarily take into account an offender’s intoxication as an aggravating consideration.”

39. Counsel for the Respondent accepted that the Respondent had been voluntary intoxicated, however the DC were urged to consider the other stressors at play in the Respondent’s life at the material time, including the Respondent’s mother’s cancer diagnosis and that the Respondent was acting as caregiver, and providing financial support to her parents.
40. In addition, the DC were asked to consider the Respondent’s conduct as a “*one-off*” event that did not imply a defect in character on the part of the Respondent. Counsel for the Respondent referred to the testimonial given of the Respondent’s volunteer work, by the Venerable Dr K Gunaratana of the Mahakaruna Buddhist Society and also to the psychiatric report given by Dr Brian Yeo, both of which were tendered to the State Court during sentencing in 2019.
41. Counsel for the Respondent further asserted that as the State Court had accepted that the Respondent’s conduct was an aberration, this should not be taken as indicative of her usual behaviour, and therefore nothing turns on it. While the Respondent had been given custodial sentences for each of the Convicted Offences, this was due to policy reasons and should not be a relevant factor for the DRA Charge. The former point was challenged by the Counsel for the SDC as there was no indication in any of the documents before the DC that the State Court had accepted the Respondent’s conduct as an aberration; the fact that the State Court had given the Respondent custodial sentences for each of the Convicted Offences suggested otherwise.

Disciplinary Committee’s Findings

42. After considering the documents tendered and having heard both Counsel for the SDC and Counsel for the Respondent, the DC found the Respondent guilty of the DRA Charge. We elaborate on the reasons hereinbelow.

43. The Respondent faces one charge under section 40(1)(b) of the DRA. The central issue for determination in this case is whether the Respondent's convictions at the State Court implied a defect in character that made the Respondent unfit for the dental profession. The other points raised by Counsel for the SDC and the Respondent were secondary factors in the determination of this central issue.
44. At the outset, we note that while both counsel had addressed the DC as to whether the Respondent's convictions at the State Court were final and conclusive to begin with, this issue was not heavily canvassed and Counsel for the Respondent did not substantively challenge the finality of the State Court convictions. The DC notes that this was rightly so, given that the Respondent had pleaded guilty to the Convicted Charges at the State Court.

Whether the said convictions implied a defect in character that made the Respondent unfit for the dental profession

45. Having considered the nature of the Convicted Offences, which involved the use of vulgarities and assault on a police officer, the DC was of the view that the Respondent's conduct implied a defect in character making her unfit for the dental profession.
46. The DC accepted that there the inquiry did not concern whether the Respondent was in any way incompetent or unfit to continue with dental practice per se. It was indisputable after all that the Respondent's conduct in question had not taken place in any dental practice or during the course of the Respondent carrying out dental work at all.
47. That being said, it is well-established that the underlying convictions need not relate to the Respondent's conduct in her professional practice. As a member of an honourable and established profession, the Respondent was expected and obliged to continue to conduct herself with honour and dignity even outside of her clinical work. As rightly pointed out by the Counsel for the SDC, the

Respondent's conduct was clearly outside this ambit, and in breach of the SDC Dentist's pledge.

48. The DC is also of the view that it is trite that not all convictions imply a defect in character. This has been considered previously in *The Law Society of Singapore v Wong Sin Yee* [2002] SGDSC 5 at [11] and also set out in the Grounds of Decision of SDC's disciplinary inquiry against Dr Hoo Swee Tiang dated 3rd October 2018. The DC must consider whether the conviction at hand, is such as to imply a defect in character.
49. Having considered the Convicted Offences and the Agreed Statement of Facts, and parties' submissions therefore, the DC finds that the Respondent's convictions which involve violent and abusive conduct towards police officers, are such as to imply a defect in character within the meaning of section 40(1)(b) of the DRA. The DC agrees that the Respondent's conduct is similar in nature to the conduct complained of in Dr Khoo's case, and falls short of what the public would expect of a dentist, even outside of her clinical work.

Other issues raised

50. The DC notes that the other issues canvassed were secondary to the central issue of whether the Respondent's conduct implied a defect in character.
51. The DC agrees with the SDC that the Agreed Statement of Facts does not suggest that the Respondent's conduct was provoked by, or in reaction to, the conduct of the police officers at the material time.
52. To the extent that it was a "one-off" event, this does not change the fact that the Respondent had behaved in the manner she did, and that her conduct implies a defect in character. At best therefore, the DC is of the view that the fact that the Respondent has only been convicted of such behaviour on one occasion goes towards mitigation, rather than the Respondent's culpability insofar as the DRA Charge is concerned.

53. The DC also agreed with SDC's position that the Respondent's intoxication was irrelevant for the purposes of ascertaining culpability of the DRA Charge. It was not disputed that the Respondent had become intoxicated voluntarily; it would have been a very different consideration if the Respondent had become intoxicated involuntarily, against her will. The various points raised by Counsel for the Respondent therefore, for example, that the Respondent does not drink on a regular basis and was unaware of the dangers of "mixing" drinks would at best go towards mitigation of the sentence to be imposed rather than the Respondent's culpability insofar as the DRA Charge is concerned.

Preliminary objection

54. For completeness, we wish to also expound on the preliminary objection raised by the Counsel for the Respondent regarding the inclusion of the TIC Charges into the DRA Charge.
55. This objection was on the basis that the exercise of the DC's powers with reference to section 40(1)(b) of the DRA had to be pursuant to actual convictions, and not charges for which there had been no eventual conviction. Counsel for the Respondent also submitted that it was not appropriate for one charge to include particulars of other charges; this was also not the protocol for criminal matters.
56. The TIC Charges were set out at sub-paragraph (d) of the particulars to the DRA Charge which read,

"You consented to two (2) additional offences under section 353 of the Penal Code and one (1) offence for conducting yourself in such a manner as to cause annoyance to any person in a public place, whilst drunk, an offence punishable under section 14(2)(i) of the Liquor Control (Supply and Consumption) Act 2015 (No. 5 of 2015), being taken into consideration for the purposes of sentencing;"

57. Having heard parties and considered the issues at hand, the DC agrees with Counsel for SDC that it is appropriate, and right, for the TIC Charges to be included in the DRA Charge. For all intents and purposes, in meting out the sentence for the Convicted Offences, it appears that the sentencing Judge had taken into consideration these TIC Charges. (The DC notes that the Certificate under section 45A of the Evidence Act dated 2 July 2020, exhibited in the Agreed Bundle of Documents dated 3 March 2022 refers to the TIC Charges as having been dealt with on 22 June 2020 i.e. together with the Convicted Offences, as well.)
58. Insofar as the DRA Charge is concerned therefore, it would be factually accurate for the particulars of the DRA Charge to include the TIC Charges as this may, and in all likelihood would, have impacted the sentence that was given to the Respondent at the State Courts.
59. The DC further notes that there was no question at all that the TIC Charges were convictions, or were being treated as convictions, that might in and of themselves have given rise to the DRA Charge. It is quite clear that the DC was convened pursuant to the Convicted Offences only. However, it was appropriate for the TIC Charges to be included as particulars, due to their impact on sentencing at the State Courts.
60. Accordingly, the DC is of the view that the Respondent's preliminary objection on this issue has no basis.

Submissions and hearing on Sentencing

61. Parties were thereafter invited to submit on sentencing.
62. Counsel for the Respondent requested that the oral submissions made earlier which were intended to be in relation to the DRA charge, but which the DC notes were in substance more in the nature of a mitigation plea, be considered for the purposes of sentencing.

63. As Counsel for the SDC indicated that they needed more time to take instructions and put in written submissions on sentencing, by consent, the inquiry was adjourned to 26 April 2022 to allow parties to make the relevant submissions.
64. Counsel for SDC tendered sentencing submissions and a supplementary bundle of authorities on 11 April 2022. While the Respondent was invited to tender written submissions on sentencing, if any, by 18 April 2022, it is noted that no written submissions for the Respondent were received on or before 26 April 2022. Instead, at the adjourned hearing on 26 April 2022, Counsel for the Respondent requested for leave to tender written submissions. Counsel for the DC had no objections, and the DC allowed this. Counsel for both parties also addressed the DC via oral submissions. For the avoidance of doubt, all of the above were taken into consideration by the DC in arriving at their decision herein, even if no express reference has been made to the same.
65. For completeness, the DC also notes that the Respondent was invited to address the DC on mitigation or otherwise at the hearing on 21 March 2022, but that the Respondent declined to do so.
66. SDC submitted that in the circumstances, an appropriate sentence would be as follows:
- (a) Suspension of the Respondent's registration for a *minimum* period of four (4) months;
 - (b) That the Respondent be censured;
 - (c) That the Respondent provide a written undertaking to the SDC that she will not engage in the conduct complained of, and any similar conduct in the future; and
 - (d) That the Respondent pay the costs of and incidental to these proceedings, including the costs of solicitors to the SDC and the legal assessor.
67. With reference to the case of *Singapore Medical Council v Kwan Kah Yee* [2015] 5 SLR 201 ("**Kwan Kah Yee**"), the purpose of sanctions in medical disciplinary proceedings (and by extrapolation dental disciplinary proceedings) is to ensure

that the offender does not repeat the offence and that the public is protected from the actions of errant doctors, and to uphold the reputation of the profession.

68. With further reference to the oft-cited case of *Wong Meng Hang v Singapore Medical Council and other matters* [2019] 3 SLR 526, the DC were invited to consider that in the context of disciplinary proceedings, “*broader public interest considerations are paramount...[including] the need to uphold the standing and reputation of the profession, as well as to prevent an erosion of the public confidence and competence of its members.*”
69. The principal precedent cited by Counsel for the SDC for the purposes of sentencing was Dr Khoo’s case. The facts were similar in that the respondent doctor in question had fallen asleep after imbibing alcohol, and then pushed and kicked a police officer, for which conduct he was charged. The DC was reminded of the severity of the offence of assaulting a public servant, in particular, a police officer, and given the more aggravating factors in this case, the DC was invited to give an uplift from the sentence in Dr Khoo’s case, to the Respondent.
70. With reference to paragraphs 20 to 27 of the SDC’s sentencing submissions, SDC cited 4 reasons why the sentence should be proportionally higher than that in Dr Khoo’s case:
 - (a) The Respondent faced a more severe charge under the Penal Code, and the duration of the eventual custodial sentence was also higher. This indicated that the Respondent’s offences were more serious than those committed by Dr Khoo.
 - (b) The Respondent’s conduct was more aggressive and belligerent than Dr Khoo’s. She had outrightly challenged the authority of the police and continued to taunt them. Her behaviour thus caused damage to the profession in the eyes of the public.
 - (c) The respondent doctor in Dr Khoo’s case was given a ‘discounted’ sentence by the Medical Disciplinary Tribunal as he had pleaded guilty at the outset.

As the Respondent had elected to claim trial, while she should not be penalised for the same, no discount should be taken into consideration for the purposes of sentencing.

(d) The Respondent's voluntary intoxication was an aggravating factor to be considered.

71. Counsel for the SDC also invited the DC to consider and adopt the reasoning in Dr Khoo's case, namely that the offence of causing hurt to a police officer is a serious offence, for which a correspondingly serious sanction should be imposed by the disciplinary tribunal in order to uphold the reputation of, and public confidence in the profession, and to uphold proper standards of conduct and behaviour on the part of the members (See Dr Khoo's case at [26] to [27]). Specifically, in Dr Khoo's case, the disciplinary tribunal considered the precedent cases involving violence against police officers by members of professional bodies, and considered that in such cases, the "*only proper sanction*" was suspension, unless there were "*exceptional circumstances*" that would warrant a lesser sanction.
72. On the other hand, Counsel for the Respondent argued against a suspension of the Respondent's registration, and instead took the position that a penalty of \$20,000 to \$30,000 would suffice. Further, Counsel for the Respondent prayed that the Grounds of Decision not be published.
73. While the Respondent did not disagree with the principles in *Kwan Kah Kee*, it was emphasized that the Respondent's conduct was not conducted in the course of her dental practice, and that a distinction should be drawn between disciplinary proceedings in relation to misconduct during dental practice and otherwise. Much was also made of the argument that the Respondent should not face a double jeopardy: as she had already been punished in the criminal proceedings, Counsel for the Respondent sought to persuade the DC that any orders made by the DC should be confined to issues regarding her fitness to practice as a dentist, and not to punish her a second time.

74. Of the four distinguishing factors that the SDC had raised in relation to Dr Khoo's case, Counsel for the Respondent had submitted as follows:

- (a) It was incontrovertible that the Respondent had caused a lower degree of physical harm: the Respondent was a female dentist who had hit a male police officer, this was in contrast to Dr Khoo's case where the respondent, a male doctor, had kicked a female police officer's abdomen. In addition, Counsel for the Respondent was at pains to submit that the conduct exhibited by the Respondent took place over a very short duration of 12 minutes or so. It would not be appropriate therefore to try and 'splice' the Respondent's conduct into minute tranches, to suggest that there was a continuum of conduct of behaviour that was disrespectful to the police.
- (b) The Respondent was merely exercising her right to claim trial.
- (c) The Respondent's intoxicated state should not be a basis for an 'uplift' of the sentence relative to Dr Khoo's case, each case should turn on its own facts.

75. Having heard parties' submissions on sentencing, the DC sets out its views below.

Sentencing in disciplinary cases

76. The DC rejects the Respondent's submission that the DC should be confined to only considering her fitness to practice as a dental professional. Section 40(1)(b) of the DRA clearly contemplates convictions that might pertain to events that take place outside of the dental practice, and the DC notes that from the outset there was no question at all of the inquiry being as to her fitness to practice as a dental professional per se. The Respondent's contention on this point is misguided and irrelevant.

77. It follows then, that there is also no question of the Respondent being punished for a second time as it were, vis-à-vis the Convicted Charges. The sanctions to

be imposed, if any, in respect of the DRA Charge, are in relation to the Respondent's Convicted Charges implying a defect in character which make her unfit for the profession, and not intended to punish the Respondent again for her transgressions which gave rise to the Convicted Charges. In this inquiry, the DC is rather more concerned with upholding the reputation and standing of the dental profession, given the Respondent's Convicted Charges, especially in the eyes of the public.

Reference to Dr Khoo's case

78. As the tribunal's findings in Dr Khoo's case are not binding, the DC did consider afresh whether or not the Respondent's conduct of violence against police officers, that culminated in the Convicted Charges, implies a defect of character, that would warrant a suspension of the Respondent's registration.
79. On consideration, the DC was of the view that the Respondent's conduct of violence against police officers, falls short of the honourable and dignified conduct that is expected of dentists, and does adversely affect the public's perception of the dental profession. As mentioned above, the fact that this did not take place within the ambit of the Respondent's dental practice is irrelevant.
80. The DC accepts and agrees with the Medical Disciplinary Tribunal's observations in Dr Khoo's case that a conviction of violence against police officers is sufficiently serious and should warrant a suspension of registration, unless there are exceptional circumstances. The DC similarly finds that there are no such exceptional circumstances here.
81. The DC also accepts SDC's submission for a 4 month suspension. It is noted that pursuant to section 40(2)(b) of the DRA, where a suspension is in order, the minimum suspension period is 3 months. Having regard to the nature of the Respondent's conduct, the DC is of the view that the period of suspension should at least, be more than the minimum suspension period of 3 months.

82. The DC further accepts that the Respondent was in this case convicted under section 353 of the Penal Code, which was more serious than Dr Khoo's charge under section 323 of the Penal Code. It is appropriate therefore that there be an uplift in terms of the suspension. The DC further notes that they were prepared to consider a suspension that might be in the 3-6 month range; as the SDC had sought a 4 month suspension, this was accepted.

Conclusion

83. For the reasons set out above, the DC orders as follows:

- (a) The Respondent's registration be suspended for four (4) months;
- (b) The Respondent be censured;
- (c) The Respondent is to submit a written undertaking to the SDC that she will not engage in the conduct complained of, or any similar conduct; and
- (d) The Respondent is to pay the full costs and expense of, and incidental to these proceedings, including the costs of the solicitors to the SDC and the legal assessor.

84. With reference to the Respondent's request that the Grounds of Decision not be published, the DC notes that while publication is at the DC's discretion, as a general rule, it is appropriate for the grounds of decision to be published, for the benefit of the public, and to maintain public confidence in the profession. It is not a prerequisite that the disciplinary inquiry must deal with a novel issue before the grounds of decision may be published. Accordingly, pursuant to regulation 25 of the Dental Registration Regulations, the DC orders that the grounds of decision be published.

85. The hearing is thereby concluded.

Dated this 1st day of June, 2022.

**Dr Chan Siew Luen
(Chairman)**

**Mr Ong Ming Da
(Member)**

**Dr Seow Yian San
(Member)**

**Mr Teh Joo Heng
(Layperson)**