

## TRADITIONAL CHINESE MEDICINE PRACTITIONERS BOARD

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### GROUND OF DECISION ON THE COMPLAINT AGAINST LIM AH BAH (REGISTRATION NUMBER: TXXXX454E) RECEIVED BY THE BOARD

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Date of Board Hearing: 23 August 2023

#### A. INTRODUCTION

1. The complaint made against the Registered Person, Mr. Lim Ah Bah (“**Mr. Lim**”), arose from a complaint or information received by the Traditional Chinese Medicine Practitioners Board (the “**Board**”) regarding the conviction of Mr. Lim for 2 offences under Section 354(1) of the Penal Code (Cap. 224) for outrage of modesty and 2 offences under Section 509 of the Penal Code (Cap. 224) for insulting the modesty of a victim by the State Courts of Singapore on 30 June 2021.
  
2. The brief facts pertaining to the Complaint are as follows:
  - (a) Mr. Lim is a registered Traditional Chinese Medicine (“**TCM**”) physician and currently on the register but without a valid practising certificate, which lapsed after 30 June 2022.
  
  - (b) At the material time, he was practising at Clinic X (“**Clinic**”).
  
  - (c) On 5 July 2022, the Board received information from one Ms.C, from the Singapore Police Force, that Mr. Lim has been convicted and sentenced on 5 August 2021 to 13 months and 2 weeks’ imprisonment for 4 offences

pertaining to outrage of modesty and insulting the modesty of a woman (the “**Convictions**”).

(d) The Convictions relate to the following 4 charges:

1<sup>st</sup> Charge

“... on 1 October 2018 sometime between at about 1.11 pm to about 2.54 pm at Clinic X, did use criminal force to ... with the intention to outrage her modesty, to wit, **by rubbing both her nipples and sucking on them** and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

2<sup>nd</sup> Charge

“... on 1 October 2018 sometime between at about 1.11 pm to about 2.54 pm at Clinic X, did use criminal force to one ... with the intention to outrage her modesty, to wit, **by touching the upper part of her vagina through her pants**, and you have thereby committed an offence punishable under section 354(1) of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

3<sup>rd</sup> Charge

“... on 1 October 2018 sometime between at about 1.11 pm to about 2.54 pm at Clinic X, did insult the modesty of one ... to wit, **by asking the victim to apply lubricant gel on her vagina**, and you have thereby committed an offence punishable under section 509 of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

4<sup>th</sup> Charge

*“... on 1 October 2018 sometime between at about 1.11 pm to about 2.54 pm at Clinic X, did insult the modesty of one ... to wit, **by asking the said ... about whether she was married and whether she had a boyfriend, and upon finding out that she had a boyfriend, telling her to have more sexual intercourse with her boyfriend and suggesting that her boyfriend could suck her nipple to have better blood circulation, or words to that effect, and you have thereby committed an offence punishable under section 509 of the Penal Code (Cap 224, 2008 Rev Ed).”***  
(Emphasis added.)

- (e) In the State Courts of Singapore, Mr. Lim was convicted after trial and sentenced on 5 August 2021 to a total term of 13 months and 2 weeks’ imprisonment with effect from 20 August 2021. The Convictions have been certified by the State Courts of Singapore dated 21 October 2022.
3. An Inquiry Committee (“**IC**”) was constituted and it has since completed the inquiry and submitted its report (“**IC Report**”) to the Board. Thereafter, the Board convened a hearing (the “**Board Hearing**”) on 23 August 2023 for Mr. Lim to address the Board. However, Mr. Lim did not respond nor did he attend the Board Hearing. Notice of the Board Hearing was given to Mr. Lim by way of a registered letter dated 24 July 2023 as well as email notifications of 24 July 2023, 25 July 2023, 7 August 2023 and 11 August 2023.

**B. BOARD'S DECISION**

4. The Board, having considered and deliberated on the IC Report as well as the documents and evidence pertaining thereto, agrees and accepts the findings of the IC as set out below.
  
5. There is clear and undeniable evidence that Mr. Lim has been convicted of the aforesaid offences, i.e. the Convictions. In particular, the certificate from the State Courts of Singapore dated 21 October 2022 certified that Mr. Lim was convicted after trial and sentenced on 5 August 2021 to 13 months and 2 weeks' imprisonment with effect from 20 August 2021. Such conviction is final and conclusive pursuant to Section 22 of the Traditional Chinese Medicine Practitioners Act 2000 (the "**TCMP Act**").
  
6. The Convictions relate to outrage of modesty and insulting the modesty of a woman. They were committed in the Clinic and in a TCM practitioner-patient relationship. The Board takes a very strong view that such sexual offences are of a serious and grave nature, and an abuse of the privileges accompanying registration as a TCM practitioner. They imply a defect in character which renders Mr. Lim unfit to remain on the Register under Section 19(1)(h) of the TCMP Act
  
7. Further, such conduct is regarded as disgraceful and dishonourable to the TCM profession. It amounts to professional misconduct as defined in the Ethical Code and Ethical Guidelines for TCM Practitioners ("**ECEG**"), namely that:

*"Whether the conduct being complained amounts to professional misconduct is to*

be determined by the rules and standards of the TCM profession. **Professional misconduct is akin to the expression “infamous conduct in a professional respect”.** The expression “infamous conduct in a professional respect” has been judicially defined in the case of *Alison v General Council of Medical Education and Registration* as follows:

*“If it is shown that a medical man in the pursuit of his profession, has done something with regard to it **which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency, it is open to the [Board] to say that he has been guilty of infamous conduct in a professional respect.**”* (Emphasis added.)

8. Accordingly, the Board is of the view that the conduct of Mr. Lim as revealed in the aforesaid Convictions amounted to professional misconduct under Section 19(1)(i) of the TCMP Act as well as improper acts or conduct which renders him unfit to remain on the Register for the purposes of Section 19(1)(k) of the TCMP Act.
9. Insofar as mitigation is concerned, the Board notes that Mr. Lim has shown no remorse and chosen not to respond or take part in the inquiry proceedings and the Board Hearing.
10. Taking all of the aforesaid into account, the Board is of the view that striking off would be appropriate based on all the circumstances of this case. Mr. Lim’ registration as a registered person is therefore cancelled pursuant to Section 19(1) of the Act.

11. Further, pursuant to Section 20 of the TCMP Act, the Board directs that Mr. Lim shall bear and pay for all the costs and expenses of and incidental to the inquiry proceedings.

Date of publication: 28 November 2023

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