

TRADITIONAL CHINESE MEDICINE PRACTITIONERS BOARD

GROUNDS OF DECISION ON THE COMPLAINT AGAINST PANG CHAN HONG (REGISTRATION NUMBER: TXXXX198J) RECEIVED BY THE BOARD

Date of Board Hearing: 30 August 2023

A. INTRODUCTION

1. The complaint made against the Registered Person, Mr. Pang Chan Hong (“**Mr. Pang**”), arose from a complaint or information received by the Traditional Chinese Medicine Practitioners Board (the “**Board**”) regarding the conviction of Mr. Pang under Section 354(2) of the Penal Code (Cap. 224) for outrage of modesty by the State Courts of Singapore on 4 December 2020, which on appeal on 23 April 2021, the conviction was upheld and sentence increased.

2. The brief facts pertaining to the complaint are as follows:
 - (a) Mr. Pang 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 Y (the “**Clinic**”).

 - (c) On 4 December 2020, after a trial for an offence of outrage of modesty involving a then 12 years old male patient (“**the Patient**”) under Section

354(2) of the Penal Code (Cap. 224) (“**the Offence**”), Mr. Pang was convicted and sentenced to 18 months imprisonment by the State Courts of Singapore.

- (d) On appeal, an additional 2 months’ imprisonment was imposed in substitution for caning on 23 April 2021. The total sentence was increased to 20 months’ imprisonment (the “**Conviction**”).
- (e) The Conviction has been certified by the State Courts of Singapore dated 2 February 2023 and the written grounds of decision published in *Public Prosecutor v Pang Chan Hong* [2020] SGDC 273.
- (f) The Conviction relates to the following charge:

“... on 24 July 2018, sometime between 9.00 pm and 9.45 pm, at the massage room of Clinic Y, **did use criminal force to one [redacted] (male / then 12 years old)**, knowing it to be likely that you would thereby outrage the modesty of the said victim by such criminal force, to wit, **by touching the penis and testicles of the said victim and kissing the said victim on the lips**, and you have thereby committed an offence punishable under s 354(2) of the Penal Code (Cap 224, 2008 Rev Ed).” (Emphasis added.)

- (g) Sections 354(1) and (2) of the Penal Code (Cap. 224) read as follows:

“Assault or use of criminal force to a person with intent to outrage modesty

354.-(1) **Whoever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that he will thereby**

***outrage the modesty of that person**, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with caning, or with any combination of such punishments.*

(2) *Whoever commits an offence under subsection (1) **against any person under 14 years of age** shall be punished with imprisonment for a term which may extend to 5 years, or with fine, or with caning, or with any combination of such punishments.”* (Emphasis added.)

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 30 August 2023 for Mr. Pang to address the Board. Mr. Pang attended the Board Hearing in person.

B. BOARD’S DECISION

4. The Board, having considered and deliberated on the IC Report as well as the documents, evidence and oral submissions of Mr. Pang during the Board Hearing, agrees and accepts the findings of the IC as set out below.
5. There is clear and irrebuttable evidence that Mr. Pang has been convicted of the aforesaid Offence, i.e. the Conviction. In particular, the certificate from the State Courts of Singapore dated 2 February 2023 as well as the written grounds of decision published in *Public Prosecutor v Pang Chan Hong* [2020] SGDC 273.
6. Whilst Mr. Pang took the position at the Board Hearing (as well as in the Inquiry

Proceedings) that he was innocent and wrongly convicted, the Board has no jurisdiction to look into the matter as his recourse lies with the criminal courts. Indeed, Mr. Pang did appeal against his Conviction and on 23 April 2021, his appeal was dismissed and an additional 2 months' imprisonment was imposed in substitution for caning. His total sentence was therefore increased to 20 months' imprisonment.

7. More pertinently, Section 22 of the Traditional Chinese Medicine Practitioners Act 2000 (the "**TCMP Act**") mandates that the Board shall accept such conviction as final and conclusive.

8. Section 22 of the Act provides:

*"The Board in taking action under section 19, and the General Division of the High Court on appeal from an order of the Board under section 21, **are to accept the conviction of a registered person for a criminal offence as final and conclusive.**"* (Emphasis added.)

9. In the premises, the Board has to accept the Conviction as final and conclusive, and is not in a position to consider Mr. Pang's plea of innocence or wrongful conviction.

10. The Conviction relates to the offence of outrage of modesty under Section 354(2) of the Penal Code (Cap. 224). The gravity of the Offence is compounded by the fact that it relates to a minor, a young and vulnerable 12 years old boy at the material

time. It was committed in the Clinic and in a TCM practitioner-patient relationship. The Board takes a very strong view that the nature of the Offence is very serious and grave in nature, and an abuse of the privileges accompanying registration as a TCM practitioner. Such conduct implies a defect in character which renders Mr. Pang unfit to remain on the Register under Section 19(1)(h) of the TCMP Act

11. 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**”), which provides 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.)*

12. Accordingly, the Board is of the view that the conduct of Mr. Pang as revealed in the aforesaid Conviction 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.

13. Insofar as mitigation is concerned, Mr. Pang sought to rely on several certificates of good merit and testimonials. Such testimonials of good character or good work are of limited value as the paramount consideration in such inquiry or disciplinary proceedings is safeguarding the public and repairing the damage done to the TCM profession. Further, it is to be measured against the gravity of the Offence that Mr. Pang has been convicted of.

14. 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 so as to safeguard the public and repair the damage done to the TCM profession. Mr. Pang' registration as a registered person is therefore cancelled pursuant to Section 19(1) of the Act.

15. Further, pursuant to Section 20 of the TCMP Act, the Board directs that Mr. Pang 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.)