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PRESS RELEASE

DISCIPLINARY TRIBUNAL INQUIRY FOR DR ONG THENG KIAT

1. Dr Ong Theng Kiat ("Dr Ong") was an obstetrician and gynaecologist who, at the material time, had been operating two clinics.
2. On 10 September 2013, Dr Ong was convicted on his plea of guilty at the then-Subordinate Courts to two charges under section 376A (1)(a) of the Penal Code (punishable under section 376A(2) of the Code) of sexual penetration of a minor under 16 years of age with her consent. These two charges pertain to two acts of sexual intercourse between Dr Ong and a 14-year old secondary school student ("the minor"). The first act of consensual sexual intercourse took place on 6 September 2011 at Balestier Hotel ("the hotel") after Dr Ong had picked the minor from her home. Dr Ong did not use a condom. During the course of the conversation prior to visiting the hotel, Dr Ong had lied about his age and job. After the act of sexual intercourse, Dr Ong handed the minor two tablets of a "morning after pill" which he had taken from his clinic and advised her to consume the pills to prevent a pregnancy. The second act of consensual sexual intercourse took place in early 2012 at Bukit Brown cemetery. This time, a condom was used. Dr Ong was eventually sentenced to 10 months imprisonment on each of the charges, with both sentences running concurrently.
3. On the same day, Dr Ong also pleaded guilty to a separate charge of knowingly making a false declaration in writing to the Singapore Medical Council ("SMC") in an attempt to obtain a Practising Certificate under section 62(a) of the Medical Registration Act (Cap 174) ("the MRA"). This charge arose from a response that Dr Ong furnished in a form to the SMC for the purposes of renewing his Practising Certificate in which he answered "No" to a question on the matter of, inter alia, whether he was the subject of any investigation by the police for any subject matter which might form the basis of professional misconduct. He was fined \$4,000 for this charge.

4. In light of Dr Ong's criminal convictions at the then-Subordinate Courts and the sentences imposed on him, the SMC referred the matter to the Disciplinary Tribunal ("the Tribunal") for a formal inquiry.
5. At the hearing of the Disciplinary Tribunal Inquiry for Dr Ong on 1 April 2015, he did not contest the allegation that his criminal convictions implied a defect of character which made him unfit for the medical profession and pleaded guilty to the charges preferred by the SMC. In determining whether the convictions made Dr Ong unfit for the profession, the Tribunal considered both the nature of the offences and the sentences imposed by the then-Subordinate Courts. The Tribunal concluded that the offence of having sex with a minor was serious and that Dr Ong had dishonestly tried to conceal his arrest to obtain a medical practising certificate. The Tribunal was therefore satisfied that Dr Ong's convictions did imply a defect in character rendering him unfit for the profession.
6. In deciding the matter of the sanction to be imposed, the Tribunal concluded as follows:
 - a) The submissions by Dr Ong's counsel that the minor was sexually precocious and had had sex with other men were irrelevant as the objective of section 376A(1) of the Penal Code was to protect the young against their own immature sexual experimentation, relative naivety and lack of life experience which may result in them succumbing to temptations or being taken advantage of;
 - b) The submission by Dr Ong's counsel that his arrest and subsequent proceedings caused immense suffering and led to suicidal thoughts and that he had been in de facto suspension since July 2013 were not matters of significance but were simply the unfortunate and natural consequences of his own doing;
 - c) Although Dr Ong was diagnosed in January 2013 to have suffered from major depression owing to the sudden death of his wife in May 2011, this diagnosis does not lessen his responsibility because:
 - (i) Dr Ong had initiated the meeting with the minor. When he made the suggestion, Dr Ong already knew the minor's actual age and that she was schooling. To ensure the meeting would take place, Dr Ong had

informed the minor that he would arrange his schedule to suit her availability. It was also significant that Dr Ong told the minor before they met that he wanted her to perform sexual acts on him in his car. He also brought two “morning after pills” which he had taken from his clinic along with him before he drove to pick the minor up and also had the presence of mind to inform the minor to remain in the car whilst he checked-in to the hotel on 6 September 2011;

- (ii) The unprotected sexual intercourse on 6 September 2011 was also a matter of aggravation as it gave rise to the risk of consequences to the minor. Dr Ong callously subjected the minor to the risk and then tried to mitigate it by insisting that she take the first pill in the car. He also called her to check if she had taken the second pill. Five days later, he sent her a text message asking her to inform him when she had her menstruation;
- (iii) The 47-year age gap between Dr Ong and the girl was also relevant. To cover up this staggering age gap, during the meeting on 6 September 2011, Dr Ong had lied to the girl that he was 40 years old and that his occupation was related to stocks;
- (iv) This was not a one-off offence as Dr Ong knew perfectly well that what he had done was fundamentally wrong and lied to the girl that he would be in Indonesia between the first and second incidents. He was certainly capable of exercising restraint and was in a position to put a stop to his conduct. However, Dr Ong met her again and on this occasion he picked the minor up from school and had sexual intercourse with her in the car before dropping her back at school; and
- (v) Dr Ong had tried to hide his arrest from the SMC when he attempted to renew his practising certificate and, in so doing, had been plainly dishonest and had deliberately tried to conceal his arrest for the serious offences.

7. The Tribunal noted that Dr Ong had pleaded guilty and indicated his remorse. On the matter of Dr Ong’s public service, the Tribunal did not think that there was service to the community in an exceptional way. The Tribunal also noted that the testimonials spoke well of Dr Ong. However, it did not find these mitigating factors to tip the scales at all heavily in favour of Dr Ong.

8. The Tribunal opined that Dr Ong's offence of sex with a minor was a grave one which brought the profession into disrepute and noted that the nature of the offence and the particular facts relating to his criminal convictions rendered him fundamentally unsuited to continue as a registered medical practitioner. For those reasons, the Tribunal was of the view that the maximum period of suspension and/or any other lesser sanction would be insufficient and that the only appropriate sanction to uphold the proper standards of conduct and behaviour and public confidence in the profession was for Dr Ong's name to be struck off from the Register.
9. In the circumstances, the Tribunal ordered for Dr Ong to be struck off from the Register and for him to bear the costs and expenses of and incidental to the proceedings, including the costs of the counsel to the SMC.
10. The Tribunal also ordered that the Grounds of Decision be published.

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