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PRESS RELEASE LEGAL PROCEEDINGS CONCERNING DR PANG AH SAN

1. Dr Pang Ah San is a registered medical practitioner in private practice. He had been found guilty of professional misconduct in two sets of disciplinary proceedings by the Singapore Medical Council ("**SMC**"), one of which went on appeal to the Court of 3 Judges, which upheld the decision.
2. In 2012, the first set of disciplinary proceedings was brought against Dr Pang in relation to his offering and providing to a patient treatment that was not generally accepted by the medical profession outside the context of a formal and approved clinical trial.
3. In summary, Dr Pang had recommended to the patient the use of the loop Percutaneous Endoscopic Gastrostomy ("**loop-PEG**") tube, which was significantly different from the standard PEG tube. Dr Pang carried out the loop-PEG procedure on the patient and, soon after the patient was discharged, the patient's medical condition deteriorated significantly and the patient passed away 20 days later.
4. The hearing for the first set of disciplinary proceedings lasted 10 days, and the Disciplinary Committee convicted Dr Pang of professional misconduct. Dr Pang was fined \$10,000, censured, ordered to provide a written undertaking and to pay to SMC 70% of the costs of the disciplinary proceedings.
5. Dr Pang subsequently appealed to the Court of 3 Judges. He was represented by lawyers during the appeal. The Court of 3 Judges upheld the decision of the Disciplinary Committee and dismissed the appeal. Dr Pang was ordered to pay to SMC the costs of the appeal.
6. In dismissing the appeal, the Court of 3 Judges observed that the loop-PEG procedure was not generally accepted by the medical profession, noting that "*the experts had never seen (or even heard of) the loop-PEG device*" and that "*the experts did not know of anyone else using the loop-PEG*". The Court of 3 Judges found that the loop-PEG procedure was part of research, and ought to have been carried out in the context of a clinical trial.
7. In particular, the Court of 3 Judges upheld the Disciplinary Committee's finding that Dr Pang had "*intentionally and deliberately ignored his ethical obligations*".

8. The costs orders in the first set of disciplinary proceedings and the appeal were taxed by the High Court on 1 July 2014. Dr Pang was ordered to pay to SMC the sum of \$138,680.63 and \$65,566.09 respectively. These sums include legal costs and disbursement incurred, as well as the fees that SMC had already paid to the Legal Assessor and expert in the proceedings.
9. In 2014, the second set of disciplinary proceedings were brought against Dr Pang pursuant to a separate complaint. This was similarly in relation to his offering and providing to three other patients treatment that was not generally accepted by the medical profession outside the context of a formal and approved clinical trial.
10. The hearing lasted seven days, and the Disciplinary Committee convicted Dr Pang of professional misconduct. Dr Pang was suspended for six months in total, fined \$10,000, censured, ordered to provide a written undertaking and to pay to SMC the full costs of the disciplinary proceedings on an indemnity basis.
11. In ordering costs on an indemnity basis against Dr Pang, the Disciplinary Committee explained that this was because of Dr Pang's "*wilful and deliberate wasting of time and costs*" as well as his "*insolent and recalcitrant*" attitude in the proceedings. Dr Pang did not appeal against the order of the Disciplinary Committee in the second set of proceedings.
12. The costs order in the second set of disciplinary proceedings were taxed by the High Court on 26 May 2015. Dr Pang was ordered to pay to SMC the sum of \$290,072.91, which also included the Legal Assessor's fees and expert's fees in the second set of proceedings.

COMMITTAL PROCEEDINGS

13. As of 26 May 2015, the costs taxed by the High Court totalled \$494,319.63. These sums include legal costs and disbursements incurred, as well as the fees that SMC had already paid to the Legal Assessor and expert in the two sets of proceedings.
14. Despite repeated demands for payment, Dr Pang failed to pay to SMC any part of the judgment debt arising from the three taxation orders. SMC's attempts to enforce the judgment debt against Dr Pang were unsuccessful, even though, in the course of the enforcement proceedings, Dr Pang had revealed to the Court that he had more than sufficient funds to make full payment of the judgment debt.
15. Consequently, SMC commenced Examination of Judgment Debtor ("**EJD**") proceedings in April 2016 to seek information and documents from Dr Pang on his assets, in order to enforce the judgment debt.
16. However, over the course of three EJD hearings held between May to July 2016, Dr Pang refused to provide to SMC the information and documents relating to his assets, and continued to refuse to pay the judgment debt. Dr Pang therefore breached the court orders requiring him to do so. In refusing to comply with the court orders, Dr Pang had also disregarded the orders of the

Disciplinary Committees and the Court of 3 Judges that he pay the costs of the disciplinary proceedings and the appeal.

17. As a last resort, SMC applied for an order of committal against Dr Pang for his repeated breaches of court orders in relation to examination of judgment debtor proceedings.
18. On 13 September 2016, the matter was heard in the High Court before the Honourable Justice Choo Han Teck. As of this date, a sum of more than \$538,000 (inclusive of interest) continues to be due and outstanding from Dr Pang.
19. After hearing parties, Justice Choo gave Dr Pang up to 28 September 2016 to comply with the EJD orders made against him or to pay to SMC the judgment debt.
20. Dr Pang did not comply with the EJD orders and did not pay to SMC the judgment debt.
21. On 28 September 2016, parties appeared before Justice Choo. On the basis of Dr Pang's non-compliance, and in line with the legal precedents, SMC submitted in its written submissions that the appropriate sentence should be a custodial sentence of seven days or, alternatively, a substantial fine with a significant custodial sentence in default.
22. Having read the submissions and after hearing parties, Justice Choo ordered that Dr Pang be committed to prison for one week, with effect from 3 October 2016. Justice Choo also informed Dr Pang that should he continue to refuse to obey the court orders that were made, he may subsequently be imprisoned for a longer period if this issue arises again before the Court.
23. The SMC views Dr Pang's breaches of the court orders very seriously. It is important that SMC takes action to uphold these orders and send a signal to the medical profession that errant medical practitioners cannot disregard the authority of the Disciplinary Committee / Disciplinary Tribunal and the Court. Further, as a statutory body under the Ministry of Health responsible for regulating the medical profession and ensuring the public is protected from harm, SMC proceeded to take all reasonable steps to recover the significant sums involved. It was for these reasons that the SMC commenced committal proceedings against Dr Pang.

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