

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY TRIBUNAL INQUIRY FOR
DR KHOO BUK KWONG ON WEDNESDAY, 11 JUNE 2014**

Disciplinary Tribunal:

Dr Yap Lip Kee - Chairman
Prof Sonny Wang Yee Tang
Ms Jasvender Kaur – Legal Service Officer

Counsel for SMC:

Mr Philip Fong
Mr Lionel Chan
(M/s Harry Elias Partnership LLP)

The Respondent:

Dr Khoo Buk Kwong, acting in person

GROUNDINGS OF DECISION OF THE DISCIPLINARY COMMITTEE

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

Background

1. On 27 May 2011, the Respondent, Dr Khoo Buk Kwong, was convicted on his plea of 'guilty' in the Subordinate Courts on a charge of causing hurt under Section 323 of the Penal Code (Cap 224). The victim was a police officer on duty. An offence of disorderly behaviour and of using abusive language were taken into consideration for the purposes of sentence with the consent of the Respondent. He was sentenced to two weeks' imprisonment.
2. In light of the Respondent's conviction and sentence imposed on him, the Singapore Medical Council ('SMC') took the view that the Respondent's conviction and sentence implied a defect in character which made him unfit for the profession. The matter was referred to the Disciplinary Tribunal ('the Tribunal').
3. The complaint has been expressed in the following charge:

“are charged that you on 27 May 2011 were convicted in the Subordinate Courts in DAC 15280/2011 for an offence of voluntarily causing hurt to a police officer on duty, an offence punishable under Section 323 of the Penal Code for which you were sentenced to a term of imprisonment of 2 weeks as

certified under the hand and Seal of the Subordinate Courts of Singapore dated 31 March 2011 (annexed herein) and that you have thereby been convicted of a criminal offence implying a defect of character which makes you unfit for your profession within the meaning of section 53(1)(b) of the Medical Registration Act (Cap. 174)."

4. A Notice of Inquiry dated 18 September 2013 was duly served on the Respondent to attend a Pre-Inquiry Conference ('PIC') on 21 October 2013. The Respondent informed the Tribunal that he does not intend to contest the charge but required an adjournment until June 2014 to settle his personal affairs, which request was granted.
5. At the disciplinary hearing on 11 June 2014, the Respondent pleaded guilty to the charge. Counsel for SMC outlined the case by presenting an agreed statement of facts, the accuracy of which was confirmed by the Respondent. The salient facts are summarised below.

Summary of Agreed Facts

6. The incident happened on 3 November 2010 at 5.10am at Orchard Cineleisure. The Respondent had gone there to K-Box at 2.50am on the invitation of a group of friends. His friends left at about 5.00am. A staff at the K-Box then approached the Respondent to settle the bill amounting to \$124.76. The Respondent handed over his ATM card but refused to key in his pin number. The staff again requested the Respondent to settle the bill. The Respondent then handed his EZ-Link card, insisting that it was his credit card. Thereafter, the Respondent left. He was later found sleeping at the entrance of the K-Box.
7. The police were then contacted. Woman Police Sergeant P1 ('Sgt P1') and her partner responded to the call. The officers woke the Respondent up. After the Respondent stood up, they identified themselves as police officers. The officers held onto the Respondent's shoulders. Sgt P1 advised the Respondent to settle the bill. However, he started shouting to let him go and pushed the police officers' hands which were on his shoulders. The Respondent was advised to calm down. He did so and agreed to pay the bill. The Respondent then proceeded to the cashier's counter. As his gait was unsteady, the police officers' supported him. However, the Respondent started to gesticulate wildly and shouted at the officers to let him go. Sgt P1 again told the Respondent to calm down and said in a firm tone, "We are the

police. Calm down. We are here to help.” The Respondent then shouted “*the female officer is a bitch*” and pushed Sgt P1’s arms several times with both his hands. He then lifted his leg and kicked Sgt P1’s abdomen, causing her to lose her balance. However, she did not fall to the ground. The Respondent was then arrested.

8. Sgt P1 felt pain at her abdomen when she was kicked. She sustained a laceration on her right forearm.

Mitigation

9. The Respondent tendered a written mitigation plea. He had been operating a clinic in Choa Chu Kang since October 1992. From April 2009, he has been practising as a full-time locum doctor.
10. He explained that he was under ‘tremendous’ stress due to family and personal circumstances. In 2009, his mother suffered a stroke and is now bedridden and tube-fed. He has a 15-year-old son who is autistic and requires special medical attention.
11. He also started to have relationship difficulties with his wife then and the marriage eventually broke down in early 2010. He said he was ‘tormented’ and depressed when his marriage broke down. He pays a monthly maintenance of \$8,000 to his ex-wife.
12. On 5 August 2010, he was adjudged a bankrupt due to failed investments.
13. As regards the offence, he said that he apologised to the police officer prior to his conviction. He emphasised that he was remorseful and will not repeat his actions.
14. He added in his oral address that he was intoxicated at the time of the offence and was taking the medication *Lexotan* and *Prozac* for depression. He claimed that he did not know what happened during the incident. He also stated that he has stopped drinking.
15. He urged the Tribunal not to suspend him as he wanted to continue to practice as a doctor to serve the community. In addition, he stated that he had to meet the financial demands of providing for his siblings, mother, autistic son and to pay for the maintenance of his ex-wife and to provide for the expenses of his two other sons.

Conviction implying a defect in character - Section 53(1)(b) MRA

16. The Respondent did not contest the allegation that his conviction on the charge implies a defect of character which makes him unfit for the medical profession under Section 53(1)(b) of the Medical Registration Act (Cap 174) ('the MRA').
17. With respect to the oral mitigation that he did not know what had happened as he was under the influence of intoxication and medication, the Tribunal noted that the Respondent was vague with regard to his claim that he was under medication for depression. Initially he said that he was under medication for 'more than weeks, maybe months'. Later, he stated that he self-medicated himself from about September 2009 onwards for '*a few months to a year*'. The offence was committed in November 2010. Further, the Tribunal noted that in the Notes of Evidence of the proceedings in the Subordinate Courts, the prosecution had stated that the Respondent knew what he was doing. The Respondent had accepted the statement of facts which clearly showed that he knew what he was doing. In the Tribunal's opinion, this was essentially an attempt to go behind the conviction and therefore did not assign any weight to this particular aspect of the Respondent's mitigation as the Tribunal is required to accept the conviction as final and conclusive (see Section 53(3) of the MRA).
18. In determining whether the conviction made the respondent unfit for his profession, both the nature of the offence and the sentence imposed by the court must be taken into consideration. It is clear that the conviction need not relate to conduct in his professional practice.
19. The assault was on a police officer who was carrying out her duty in attending to a complaint. The authority of members of the police force must be respected by individual members of the community. The Respondent had not only pushed the sergeant repeatedly on her arms but had also kicked her abdomen. The Respondent should not have allowed himself to lose control in the way that he did. The Tribunal was therefore satisfied that the conviction does imply a defect in character rendering him unfit for the profession.

Submissions on Sentencing

20. Counsel for SMC submitted that a suspension order was appropriate. He cited two precedents which he submitted were directly relevant due to the nature of the conviction. The first precedent involved a doctor (*'Dr A's case'*) who was convicted of scalding the domestic worker's forearm with a hot iron, an offence under Section 324 read with Section 73(2) of the Penal Code (Cap 224), and was sentenced to four months' imprisonment. The domestic worker had left the hot iron unattended on numerous occasions and the doctor's son had been burnt on one occasion. On the day of the incident, the domestic worker had again left the hot iron unattended and failed to keep it despite being told repeatedly to do so. The offence was described to have been committed 'at the spur of the moment under very trying conditions'. The doctor was given a six-month suspension.

21. In the other case (*Wong Sin Yee*), an advocate and solicitor, was convicted of an offence of voluntarily causing hurt under Section 323 of the Penal Code (Cap 224). He was involved in a traffic altercation and used his handphone to hit the victim on his mouth. The victim suffered a 1 cm haematoma and a superficial abrasion on the right inner lip. He was sentenced to 12 months' imprisonment. He was suspended from practice for two years'.

22. At the request of the Tribunal, five other precedents were tendered which also involved court convictions. However, the nature of the offences was vastly different. Three of the precedents involved offences of 'fraud and dishonesty', namely, evasion of income tax (*Dr Currie Chiang*); subverting the course of justice (*Dr Wu Tze-Liang Woffles*); and shoplifting (*Dr Quah Weiren Charles Abraham ('Quah')*). In both *Dr Currie Chiang* and *Dr Woffles Wu's* case, a suspension order of four months' was ordered. In *Quah's* case, there was no suspension ordered and he was instead censured for the conviction of shoplifting under Section 379 of the Penal Code. In arriving at its decision in that case, the tribunal had noted that Quah was not a registered medical practitioner when the offence was committed. His provisional registration had also been cancelled and he had to re-apply to complete his housemanship training before he could qualify as a fully registered medical practitioner. More significantly, the grounds of decision of the Disciplinary Committee stated that *'this decision should not be cited as a precedent'*.

23. With regard to the remaining two precedents, one of them involved a conviction for possession of a controlled drug under Section 8(a) of the Misuse of Drugs Act (Cap 185) and a charge of possession of utensils intended for the use of consumption of a controlled drug under Section 9 of the said Act (*Dr Lim Houw Mervin*). The respondent was censured. The tribunal explained the sanction imposed on the grounds that the respondent had committed the offences in a 'momentary lapse in judgment' and that he had not been in practice for a period of 12 months as he had served eight months of imprisonment and was detained for four months in a Drug Rehabilitation Centre. In the other case of *Dr Teo Tiong Kiat*, the subject-matter of the charges before the tribunal related to three hit-and-run offences, i.e., failing to stop after a road accident where serious injuries were caused to a pedal cyclist and the death of another, failure to render assistance after the road accident, and moving the vehicle without the authority of a police officer after the road accident. The respondent was fined a sum of \$20,000 by the tribunal. From the grounds of decision, it is clear that the main reason for not imposing an order of suspension was because the respondent had returned to the scene within 30 minutes, unlike typical hit-and-run cases. The tribunal stated:

"As noted previously, the offences in question, while undeniably serious, are nevertheless not pre-meditated ones involving fraud, dishonesty or violence, for which suspension if not striking off were clearly warranted to punish, deter and protect.

... For the avoidance of doubt, we would add that had the Respondent been drunk and/or had he not returned to the scene of the accident, albeit much later, we would certainly have taken a different view of the matter and would have been quite inclined to impose a suspension."

24. The Respondent did not make any specific submission on the precedents cited.

Reasons for sanction

25. The Tribunal noted that the Respondent had indicated his intention to plead guilty at the outset. It noted the Respondent's family and personal circumstances at the material time and he had said that such behaviour would not happen again. The Tribunal also noted that a sanction which affected the Respondent's ability to practise

would damage his ability to earn a living and support his dependants but this was an unfortunate and natural consequence of the Respondent's own doing.

26. The offence of causing hurt to a police officer in the course of his duty is always regarded as a serious offence. The gravity of the offence and the actions of the Respondent is reflected by the custodial sentence imposed. The Tribunal took the view that a serious sanction was required for an offence of violence against a police officer in order to uphold the reputation of the medical profession and public confidence in it and to uphold proper standards of conduct and behaviour on the part of members.
27. The Tribunal noted that in both precedents involving a conviction of violence; a member of the medical profession in one case and a member of the legal profession in the other case, orders of suspension were made. There were no exceptional circumstances in the present case to warrant a lesser sanction. The Tribunal took the view that the only proper sanction was to direct the suspension of the registration of the Respondent in the register.
28. In terms of the length of the suspension, in the Tribunal's view, the facts of the present case were less serious than that in the two precedents, in particular, that of *Dr A's* case. In that case, the offence was a more serious charge under Section 324 of the Penal Code; the victim was vulnerable; and the nature of the hurt was more serious.
29. Having regard to the matters against the Respondent and matters in his favour, the Tribunal took the view that the minimum period of three months' suspension to be appropriate.

Orders by Disciplinary Tribunal

30. Accordingly, the following orders were made against the Respondent that he:
 - a) be suspended from practice for a period of **three months**;
 - b) be censured; and
 - c) pay the costs and expenses of and incidental to the proceedings, including the costs of the solicitors to the SMC.

Publication of Decision

31. We also order that the Grounds of Decision be published.

32. The hearing is hereby concluded.

Dated this 11th day of June 2014.