

**SINGAPORE MEDICAL COUNCIL DISCIPLINARY TRIBUNAL INQUIRY FOR
DR LIM LOK HOUW MERVIN ON 21 MARCH 2014**

Disciplinary Tribunal:

Prof Ho Lai Yun – Chairman
A/Prof Rathi Mahendran
Mr Ng Peng Hong – Legal Service Officer

Counsel for the SMC:

Mr Anand Nalachandran
Mr Kevin Ho Ming Jie
(M/s Braddell Brothers LLP)

Counsel for the Respondent:

Mr Charles Lin
(M/s MyintSoe & Selvaraj)

DECISION OF THE DISCIPLINARY TRIBUNAL

Background

1. The Respondent pleaded guilty to the following charge:

“That you, Dr Mervin Lim Lok Houw (NRIC No. S7783834A) are charged that, on or about 25 February 2011, whilst practising as a medical practitioner, you were convicted of offences under sections 8(a) and 9 of the Misuse of Drugs Act (Cap. 185) (“MDA”), to wit:-

PARTICULARS

- a. On or about 4 October 2010, you had in your possession:-
 - (i) two (2) packets of crystalline substance which were found to contain 0.37 grams of Methamphetamine (a controlled drug specified in Class A of the First Schedule to the MDA), without authorisation under the MDA or the Regulations made thereunder (“Charge 1”) and was charged accordingly; and

- (ii) drug utensils used in connection with the consumption of a Class A Controlled Drug listed in the First Schedule to the MDA, without authorisation under the MDA or the Regulations made thereunder ("Charge 2") and was charged accordingly.

b. You were, on or about 25 February 2011, convicted by the learned District Judge Roy Neighbour of the aforesaid offences and was sentenced as follows:-

- (i) to serve 12 months' imprisonment in respect of Charge 1; and
- (ii) to serve 3 months' imprisonment in respect of Charge 2;

With the following charges taken into consideration for the purpose of sentencing in respect of Charge 1 and 2 above :-

- (i) possession of a Controlled Drug under section 8(a) of the MDA in relation to your possession of 5 tablets and 2 fragments of substances containing α -methyl-1,3, 4-(methylendioxy) phenethylamine; and
- (ii) possession of a Controlled Drug under section 8(a) of the MDA in relation to your possession of 1 packet, 4 tablets and 1 fragments of substances containing ketamine; and

c. The aforesaid offences implies a defect in character which makes you unfit for your profession, and you are thereby guilty of having been convicted in Singapore of an offence implying a defect in character which makes you unfit for your profession under Section 53(1)(b) of the Medical Registration Act (Cap. 174)."

2. Accordingly, we find the Respondent of having been convicted in Singapore of offences implying a defect in character which makes him unfit for his profession.

Mitigation

3. In mitigation, Counsel for the Respondent tendered a written mitigation dated 14 March 2014. The mitigation plea set out his educational qualifications and his employment history. 2 testimonials from his previous employers were also tendered in support of the mitigation plea. Counsel urged the Tribunal to be lenient.

4. His plea for leniency is based on the following factors:

- a) The Respondent has pleaded guilty at an earlier stage and is remorseful.
- b) He is sorry for any disrepute brought to the medical profession by his convictions.
- c) When the incident occurred in 2010, he was under substantial stress at that time in combining his work duties and his studies. He committed the offences at the spur of the moment during a momentary lapse in judgment.
- d) The Respondent was sentenced to 12 months' imprisonment for his criminal offences and was released from prison for good behaviour after serving 8 months of imprisonment. Prior to his conviction in Court on the 25 February 2011, he was detained in the Drug Rehabilitation Unit for 4 months. In total the Respondent was in detention for 12 months.
- e) After his release from prison, the Respondent was under urine supervision at the Central Narcotics Bureau ("CNB") every week from October 2011. He had to attend urine supervision at the CNB on a

weekly basis for 12 months. He successfully completed the supervision in October 2012.

- f) The Respondent is not covered by the Medical Protection Society or any insurers for his convictions and the present Singapore Medical Council's disciplinary inquiry. He will have to pay all the costs of the proceedings including the costs for the solicitor for the Council from his personal account. The costs are likely to be substantial. Accordingly, the Respondent submitted that he be allowed to continue to practise so that he can pay the costs that would likely be ordered against him.
- g) Finally, the Respondent also expressed his profound regrets and apologises to the Singapore Medical Council ("SMC") for any trouble he has caused to them.

Submissions on Sentencing

5. With regard to sentencing precedent, both Counsel for the Respondent and the SMC referred to a SMC case in 2007 where a medical practitioner, a house officer practising with the National Health Care Group, was convicted of 1 charge of unauthorised possession of controlled drugs with 3 similar charges taken into consideration for the purposes of sentencing. The medical practitioner was sentenced to 8 months' imprisonment. The Disciplinary Committee in that case took into account the fact that the medical practitioner would have effectively been suspended from practice for almost a year during his imprisonment. The medical practitioner was censured and ordered to give an undertaking and pay the costs of the proceedings.

Reasons for the Sentence

6. In determining the appropriate sentence, the Tribunal has regard to all the circumstances of the case set out in the agreed statement of facts and the mitigation

plea. Among other factors, we consider and give full credit to the Respondent for his early plea of guilt. We also take into account the submission that the offences were committed at the spur of the moment during a momentary lapse in judgment. We note that he had served 8 months of imprisonment and was detained for 4 months in the Drug Rehabilitation Centre. Therefore he could not have been in practice for a period of 12 months.

Orders by this Disciplinary Tribunal

7. Having regard to all the circumstances of the case and considering the submissions and precedent cited, we determine that the Respondent:-
 - a) be censured;
 - b) gives a written undertaking to the SMC that he will not engage in the conduct complained of and any similar conduct; and
 - c) pays the cost and expenses of and incidental to these proceedings, including the costs of the solicitors to the SMC.

Publication of Decision

8. We order that the Grounds of Decision be published.
9. The hearing is hereby concluded.

Dated this 21st day of March 2014.