

IN THE REPUBLIC OF SINGAPORE

SINGAPORE MEDICAL COUNCIL DISCIPLINARY TRIBUNAL

[2020] SMCDT 2

Between

Singapore Medical Council

And

Dr Pang Ah San

... Respondent

GROUNDS OF DECISION

Administrative Law — Disciplinary Tribunals

Medical Profession and Practice — Professional Conduct — Suspension and penalty

TABLE OF CONTENTS

Introduction.....	3
Trial.....	6
Charges	6
Chronology	7
SMC’s case against the Respondent	10
<i>First charge: Emails from June 2012 to April 2013</i>	11
<i>Second charge: Emails from December 2014 to November 2015</i>	20
<i>Third charge: Emails of May and September 2017</i>	24
<i>Evidence of SMC Deputy Registrar</i>	26
Respondent’s defence	28
Findings and Verdict of the Tribunal.....	30
<i>Derogatory emails were sent by the Respondent</i>	30
<i>Respondent’s conduct was improper and brought disrepute to the medical profession</i>	31
<i>The Respondent ought not to have sent the derogatory emails</i>	33
<i>Verdict</i>	35
Sentence.....	36
SMC’s submissions on sentence.....	36
Respondent’s submissions on sentence and mitigation	37
Sentencing considerations.....	38
<i>Orders that may be made by the Tribunal</i>	38
<i>Sentencing objective</i>	39
<i>Culpability and harm</i>	39
<i>Aggravating and mitigating factors</i>	40
<i>Sentencing precedents</i>	42
<i>Suspension</i>	43
<i>Penalty</i>	44
Orders made by the Tribunal	45
PUBLICATION OF DECISION	46

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Singapore Medical Council

v

Dr Pang Ah San

[2020] SMCDT2

Disciplinary Tribunal — DT Inquiry No. 2 of 2020

Dr Chan Wing Kwong (Chairman), Prof Hsu Pon Poh and Mr Kessler Soh (Legal Service Officer)

8 to 10 July 2019, 23 to 24 October 2019, 15 January 2020 and 11 March 2020

Administrative Law — Disciplinary Tribunals

Medical Profession and Practice — Professional Conduct — Suspension and penalty

4 June 2020

GROUNDINGS OF DECISION

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

INTRODUCTION

1. The Respondent, Dr Pang Ah San, is a registered medical practitioner. He had been a registered medical practitioner since 1982 (apart from a period of time when he was suspended from practice, as shall be explained below).
2. Between 2007 and 2009, while practising as a general surgeon, the Respondent used a “loop” percutaneous endoscopic gastrostomy tube (“**loop-PEG tube**”) to treat *four* patients who needed permanent feeding by way of a gastrostomy tube. The loop-PEG tube was a novel device that differed in design as well as the method of insertion from the standard percutaneous endoscopic gastrostomy tube that had been medically accepted as a device for feeding. The Respondent’s use of the loop-PEG tube was subsequently found to be a device that had not been generally accepted by the medical

profession, and it became the subject matter of two separate disciplinary proceedings against him. These disciplinary proceedings related to the Respondent providing treatment (to the four patients) that was not generally accepted by the medical profession outside the context of a formal and approved clinical trial. Such treatment was in breach of the Ethical Code and Ethical Guidelines of the Singapore Medical Council (“SMC”), and amounted to professional misconduct within the meaning of the then s 45(1)(d) of the Medical Registration Act (Cap 174, 2004 Rev Ed).

3. In 2009, the first Complaints Committee (the “CC1”), which had been convened to investigate a complaint made by the family of one of the four patients, referred the matter to a formal inquiry. The first Disciplinary Committee (the “DC1”) held the inquiry between 2011 and 2012, and found the Respondent guilty of professional misconduct. The Respondent was fined \$10,000, censured, ordered to provide a written undertaking and to pay costs.¹ The Respondent appealed against the decision of the DC1 to the Court of Three Judges (the “C3J”). The appeal was dismissed by the C3J.² Meanwhile, a separate complaint was made in relation to the Respondent’s treatment of the other three patients with the loop-PEG tube. In 2013, a second Complaints Committee (the “CC2”), having investigated the matter, referred it to a formal inquiry. The second Disciplinary Committee (the “DC2”) held the inquiry in 2014 and found the Respondent guilty of professional misconduct. The Respondent was suspended for a total of six months, fined \$10,000, censured, ordered to give an undertaking and to pay costs.³ The Respondent did not appeal against the decision of the DC2.
4. The Respondent was ordered to pay costs in relation to the proceedings before the DC1, the C3J and the DC2. These costs were taxed before the High Court in taxation proceedings in 2014 and 2015. When the Respondent failed to pay the taxed costs, various legal proceedings were taken between 2015 and 2017, including bankruptcy proceedings, examination of judgment debtor proceedings and execution proceedings to enforce the payment. In the course of the enforcement proceedings, the Respondent failed to comply with the directions of the High Court to provide information concerning his assets. After a committal hearing for contempt of court, he was committed to prison

¹ *In the Matter of Dr Pang Ah San and Dr A* [2012] SMCDC 8.

² *Pang Ah San v Singapore Medical Council* [2014] 1 SLR 1094.

³ *In the Matter of Dr Pang Ah San* [2014] SMCDC 5.

for seven days in October 2016. Finally, a bankruptcy order was made against the Respondent in October 2017.

5. Against this background, over a five-year period from June 2012 to September 2017, the Respondent sent more than 120 emails, many of them containing attachments, to numerous recipients.⁴ The recipients included members of the medical profession, the Minister for Health, and various other persons including members of the press. The emails contained statements that were highly derogatory and abusive of the SMC, members of the SMC, the SMC's disciplinary processes, and the individuals involved in the CC1, DC1, CC2 and DC2 that inquired into the complaints against the Respondent's professional misconduct in the use of the loop-PEG tube. (In these grounds of decision, the emails will be referred to, in whole or in part, as the "**derogatory emails**".)
6. A complaint was made against the Respondent for sending these derogatory emails. Three charges were subsequently brought against the Respondent under s 53(1)(c) of the Medical Registration Act (Cap 174) (Rev Ed 2014) (the "**MRA**") for improper acts or conduct which brought disrepute to the medical profession (the "**disreputable conduct**" offences). The charges related to derogatory emails that the Respondent sent over three periods of time:
 - (a) from June 2012 to April 2013 (the "**first charge**");
 - (b) from December 2014 to November 2015 (the "**second charge**"); and
 - (c) in May 2017 and September 2017 (the "**third charge**").
7. The present Disciplinary Tribunal ("**Tribunal**") was convened to inquire into the three charges. The Respondent denied the charges and conducted his own defence at the inquiry. He did not dispute that he had sent the emails and that they were derogatory. His defence was that the contents of the emails were true and that he was justified in sending them. Having considered the evidence and the material placed before us, we were not persuaded by the Respondent's defence. We found that he had made highly derogatory statements in the emails without any justification, and that the entire course of his conduct in sending the derogatory emails was improper and brought disrepute to the medical profession. Accordingly, he was convicted on all three charges. On

⁴ Witness Statement of PW (PW1), at [5].

11 March 2020, we ordered that he be suspended for a period of 10 months and that he pays a penalty of \$10,000, in addition to other orders.

8. The grounds of our decision are set out below.

TRIAL

Charges

9. The three charges against the Respondent are set out in the (Re-Amended) Notice of Inquiry dated 10 July 2019.⁵ The Respondent was charged with making “derogatory statements against the Singapore Medical Council (“SMC”) that eroded the integrity and good name of the medical profession in various emails sent to numerous recipients”, and that he had been “guilty of such improper act or conduct which brings disrepute to the profession” under s 53(1)(c) of the MRA. The salient particulars of these charges are summarised in the following table:

Charge	Period	Recipients	Particulars
First charge	June 2012 to April 2013	Numerous recipients including members of the medical profession, Council Members of the SMC, the Director of Medical Services, Registrar of the SMC	Derogatory statements that attacked the authority and integrity of the SMC, and impugned the conduct of the CC1 and DC1.
Second charge	December 2014 to November 2015	Numerous recipients including members of the medical profession	Derogatory statements that attacked the authority and integrity of the SMC, and impugned the conduct of the CC1, DC1, CC2, DC2, taxation proceedings and bankruptcy proceedings.

⁵ Agreed Bundle Volume 1 (“AB1”), Tab 1, pp 1-12 (as amended); attaching Schedules A to C at pp 13-87.

Charge	Period	Recipients	Particulars
Third charge	in May 2017 and September 2017	Numerous recipients including members of the medical profession and the Executive Secretary of the SMC	Derogatory statements that attacked the authority and integrity of the SMC, and impugned the conduct of the CC1, DC1, CC2, DC2, the execution proceedings for enforcement of the taxed costs.

10. Section 53(1)(c) of the MRA provides: “Where a registered medical practitioner is found by a Disciplinary Tribunal — [...] (c) to have been guilty of such improper act or conduct which, in the opinion of the Disciplinary Tribunal, brings disrepute to his profession; [...] the Disciplinary Tribunal may exercise one or more of the powers referred to in subsection (2).”

Chronology

11. In order to appreciate the contents of the derogatory emails and the context in which they were sent, it is important to appreciate the chronology of the underlying events. These are summarised in the table below.

	Date	Event
1.	May 2009	The CC1, which had been convened to inquire into a complaint made against the Respondent and another doctor (Dr A) in relation to the use of the loop-PEG tube, ordered that a formal inquiry be held before a DC.
2.	September 2011 to March 2012	A formal inquiry was held before the DC1.
3.	23 July 2012	The DC1 found the Respondent guilty of professional misconduct. He was fined the maximum sum of \$10,000, censured, ordered to provide a written undertaking and ordered to pay costs. (Dr A was acquitted.)
4.	22 August 2012	The Respondent filed an appeal to the C3J against the decision of the DC1 (the “ Appeal ”).
5.	3 May 2013	The C3J heard the Appeal and dismissed it. The Respondent was ordered to pay costs.

	Date	Event
6.	15 May 2013	The CC2, which had been convened to inquire into another complaint made against the Respondent in relation to the use of the loop-PEG tube, ordered that a formal inquiry be held before a DC.
7.	1 July 2014	The costs orders made against the Respondent in the DC1 inquiry and the Appeal before the C3J were taxed before an Assistant Registrar of the Supreme Court. ⁶
8.	July to October 2014	A formal inquiry was held before the DC2.
9.	15 October 2014	The DC2 found the Respondent guilty of professional misconduct on three charges. He was suspended for a period of 6 months, fined the maximum sum of \$10,000, censured, ordered to give a written undertaking and to pay costs. The Respondent did not appeal against the decision of the DC2.
10.	26 May 2015	The costs order made against the Respondent in the DC2 inquiry was taxed before an Assistant Registrar of the Supreme Court. ⁷
11.	20 August 2015	The SMC served a statutory demand on the Respondent in respect of the costs orders taxed on 1 July 2014 and 26 May 2015 (the “ Taxed Costs ”). The total amount of Taxed Costs was \$510,412.29. ⁸ The Taxed Costs remained unpaid by the deadline stipulated in the statutory demand.
12.	23 September 2015	The SMC filed a bankruptcy application against the Respondent. ⁹

⁶ Agreed Bundle Volume 2 (“**AB2**”), Tabs 15-16.

⁷ AB2, Tab 17.

⁸ AB2, Tab 19.

⁹ AB2, Tab 20.

	Date	Event
13.	12 November 2015	<p>The bankruptcy application was dismissed: The Respondent informed the court that he had funds in excess of \$1 million and was able to pay all of his debts. The Respondent exhibited in his affidavit a bank statement from Bank A showing that he had more than \$1 million in liquid funds.</p> <p>The Respondent did not, however, pay the Taxed Costs to the SMC. The SMC subsequently applied to garnish the Bank A account in respect of the Taxed Costs due and owing to the SMC. However, on 11 January 2016, Bank A informed the SMC that the Respondent had no balance and no active account with Bank A.¹⁰</p>
14.	5 April 2016	<p>The SMC commenced examination of judgment debtor proceedings (“EJD Proceedings”) against the Respondent in respect of the Taxed Costs that remained unpaid by him.¹¹</p> <p>Over the course of three hearings in the EJD Proceedings on 6 May, 17 June and 15 July 2016, the Respondent did not provide information concerning his assets as ordered by the court.¹²</p>
15.	25 August 2016	<p>The SMC obtained leave of court to apply for an order of committal against the Respondent in respect of his failure to provide information concerning his assets as ordered by the court in the EJD Proceedings.¹³</p>
16.	13 September 2016	<p>At the first committal hearing, after hearing the Respondent’s submissions, the High Court gave the Respondent up to 28 September 2016 to comply with the orders made in the EJD Proceedings or pay to SMC the Taxed Costs.</p> <p>The Respondent did not comply with the High Court’s directions.</p>
17.	28 September 2016	<p>The High Court made an order of committal against the Respondent, and the Respondent was committed to prison for contempt of court for a period of seven days starting from 3 October 2016.¹⁴</p>

¹⁰ AB2, Tabs 23-26.

¹¹ AB2, Tab 27.

¹² AB2, Tabs 30, 33, 35.

¹³ AB2, Tab 36.

¹⁴ AB2, Tab 38.

	Date	Event
18.	7 July 2017	The SMC served a second statutory demand on the Respondent in respect of the Taxed Costs. The Taxed Costs remained unpaid by the deadline stipulated in the second statutory demand.
19.	8 August 2017	The SMC filed a second bankruptcy application against the Respondent. ¹⁵ The application was heard on 7 September and 5 October 2017.
20.	5 October 2017	A bankruptcy order was made against the Respondent (the “ Bankruptcy Order ”). ¹⁶ The Respondent appealed against the Bankruptcy Order.
21.	23 October 2017	The appeal against the Bankruptcy Order was heard and dismissed by the High Court. ¹⁷

SMC’s case against the Respondent

12. The SMC’s case against the Respondent was that while these proceedings were ongoing, the Respondent sent numerous derogatory emails, many with attachments, which attacked the authority and integrity of the SMC, and impugned the conduct of the CC1, DC1, CC2, DC2, the taxation proceedings, bankruptcy proceedings, and execution proceedings for the enforcement of the Taxed Costs. The Respondent did not dispute sending the derogatory emails. All these derogatory emails were compiled in a bundle of more than 670 pages and admitted in evidence at the inquiry as an agreed bundle: Agreed Bundle Volume 3 (“**AB3**”). Some of the derogatory statements made in these emails are set out at [13]-[0] below. In view of the voluminous content of the emails, it is not practicable to set out the contents comprehensively. What is presented below represents a *sample* of the contents of *some* of these emails to illustrate the nature of the derogatory statements made by the Respondent.¹⁸ The reference to an “email” includes its attachment(s).

¹⁵ AB2, Tab 40.

¹⁶ AB2, Tab 43.

¹⁷ AB2, Tab 47.

¹⁸ The full extracts of the derogatory portions of each email and attachment can be found at Schedules A to C of the Notice of Inquiry (AB1, at pp 13-87). The SMC’s submissions on each individual email and attachment are set out in the Closing Submissions (P7) at Appendix 1.

First charge: Emails from June 2012 to April 2013

13. Between 12 June and 18 July 2012 (which was after the hearing before the DC1 and before the DC1’s decision on 23 July 2012), the Respondent sent various emails to numerous recipients, ranging from about 120 to 150 recipients each.¹⁹ A sample of the contents of some of these derogatory emails are set out below.

Date of email	Sample of contents of email	Ref (AB3)
12 June 2012	<p>“one Singaporean [...] hijacked the mighty Singapore Medical Council; and forced it to declare that (a) the loop-gastrostomy tube is unacceptable to the medical profession” (p 3 of AB3)</p> <p>“The hijacker’s name appears in the following list.” [This is followed by a list of 14 names, which included the SMC Executive Secretary, SMC Deputy Registrar, and members of the CC1.] (p 3)</p>	pp 1, 3-4
14 June 2012	<p>“the charge is clearly false” (p 2)</p> <p>“This is a hijack, isn’t it?” (p 3)</p>	pp 2-3
15 June 2012	<p>“the charge is clearly false” (p 5)</p> <p>“the person who is directing the charge has neither clinical practice nor surgical expertise. [...] this director is unfit to hold office.” (p 5)</p>	pp 5-6
16 June 2012	<p>“the charge is clearly false” (p 9)</p> <p>“the person who is directing the charge [...] is unfit to hold office” (p 9)</p> <p>There is “undeniable evidence of a hijack” (p 9)</p>	p 9
17 June 2012	<p>The prosecuting counsel [whose name and law firm are named] has “a track record of deceit” (p 10)</p>	p 10

¹⁹ AB3, pp 1-45.

Date of email	Sample of contents of email	Ref (AB3)
18 June 2012	<p>The prosecuting counsel [whose initials appear] “is a child of vice” (p 13)</p> <p>“Wrongful Persecution” (p 15)</p> <p>The SMC “convened a Hanging Committee (HC) to investigate the matter” [referring to the CC1] (p 15)</p> <p>The HC ordered a “Burial Committee (BC)” [referring to the DC1] (p 16)</p> <p>The expert witness lacked “intellectual honesty and moral integrity” (p 16)</p>	pp 13, 15-16
21 June 2012	<p>The SMC “has asked the Disciplinary Committee to find the use of the loop-PEG a “gross professional misconduct.”</p> <p>This means that the hijacker has full control of the cockpit. Do you agree?” (p 17)</p>	p 17
29 June 2012	<p>“innocent hostages” should be saved “before the hijacker crashes the aeroplane” (p 21)</p> <p>“The Terrorist” (p 29)</p> <p>A terrorist is “no different from the director at the Medical Council who hired [the prosecuting counsel] to win a conviction at all costs” (p 29)</p>	pp 20-21, 27-29
7 July 2012	<p>Poem: “The Liar’s Lair” (p 31)</p> <p>“when a liar can act as its expert counsel a terrorist must be in charge at the Medical Council”</p>	p 31
10 July 2012	<p>“the terrorist could wreak havoc with impunity because he usurps the powers of the MC” (p 30)</p> <p>The prosecuting counsel [who is named] “seeks to win a conviction with dishonest arguments.” (p 36)</p>	pp 30-31, pp 32-36
18 July 2012	<p>The prosecuting counsel was “blatantly misrepresenting the [...] facts.” (p 44)</p> <p>The prosecuting counsel [who is named] “is guilty of suppressing the truth” (p 44)</p> <p>In appointing the prosecuting counsel, the director at the SMC “found the perfect partner(s) to abuse that trust and power” [entrusted to it under the MRA] (p 45)</p>	pp 44-45

14. Between July 2012 and March 2013 (after the decision of the DC1 on 23 July 2012 and pending the hearing of the Respondent’s Appeal before the C3J on 3 May 2013), the Respondent sent various emails to numerous recipients, ranging from about 140 to 150 recipients each. A sample of the contents of some of these derogatory emails are set out below.²⁰

Date of email	Sample of contents of email	Ref (AB3)
24 July 2012	The DC1 “too mighty to be wrong” chose [to believe] the “unqualified” prosecuting counsel. (p 47 of AB3)	pp 46-47
27 July 2012	“they were intent on burying me mocking my intellectual honesty ridiculing my moral integrity beating me up so severely” (p 51) “[...] the charge prosecuted maliciously when I have to call three stooges the Dream Team” (p 51)	pp 50-52
29 July 2012	“a disciplinary committee had found him guilty of creativity, originality and novelty” (p 60)	pp 58-60
30 July 2012, 8:16 am	“the Hanging Committee (HC) robbed me of the right to reply [...] Then, the Burial Committee (BC) denied me the right to adduce evidence” (p 62)	pp 61-63
12 September 2012	Email subject: “In the Kingdom of SMC” At the DC1 inquiry, “it was painful to see four (4) dishonest and deceitful professors hide and bluff away their own mistakes.” (p 70)	pp 70-71
14 September 2012	“4 medical professors -- [the initials of two DC1 members, SMC’s DC1 expert witness, and a witness who testified at the DC1 inquiry are stated] -- knew nothing about therapeutic misconception but insisted on sitting in judgment of my conduct.” (p 72)	pp 72-93
18 September 2012, 6.48 pm	“Eight dishonest and deceitful doctors*” [with the * pointing to a footnote listing eight initials, corresponding to three CC1 members, CC1 expert, three DC1 members and DC1 expert witness] (p 106)	pp 104-106

²⁰ AB3, pp 46-342.

Date of email	Sample of contents of email	Ref (AB3)
18 September 2012, 10.19 pm	“The eight doctors were dishonest and deceitful. They were dishonest because they did not examine the contemporaneous documents. They were deceitful because they pretended to be ethical, upright and fair.” (p 109)	pp 107-109
20 September 2012	“The gang of 8 doctors [...] circumvent the inconvenient truth” (p 111)	pp 111-112
21 September 2012	“a gross injustice caused by our callous peers” (p 113)	pp 113-114
30 September 2012	“the three clowns in the DC” (p 122)	p 122
3 October 2012	“The ringmaster is more lethal assassin than legal assessor. A well-massaged Decision of the Disciplinary Committee [...] stops the aggrieved doctor from appealing to the Court of Three Judges” (p 144) “charge is kangaroo prosecution is korrupt judge is kelong” (p 144, emphasis in original)	p 144
5 October 2012	The legal assessor of the DC1 (whose initials and first name are stated) is called a “Lethal Assassin” (p 151)	pp 148-151
8 October 2012	“The three clowns and the ringmaster were wilfully blind and deaf” (p 155)	pp 152-156
18 October 2012	Poem: “Chairman of the DC” (p 177) “he is the gallant obedient doctor trained not to think but to follow [...] – the pride of the powerful SMC” (p 177)	pp 176-177
19 October 2012	“is it [initials of DC1 legal assessor]’s greed for money [...]?” (p 159) “is it [initials of DC1 prosecuting counsel]’s professional misconduct [...]?” (p 159)	pp 157-159

Date of email	Sample of contents of email	Ref (AB3)
20 October 2012, 6.12 am	Poem: "Chairman of the DC (2)" marked as "TOP SECRET / (Potentially Contempt of Court)" (p 180) [Three DC1 members are named, with one or two letters of each name redacted.] "the intention was obvious at first encounter a desire to crash an aeroplane into the tower" (p 180)	pp 178-180
26 October 2012	Email subject: "A blindness that is wilful and vicious" (p 196) "[...] the 4-year mis-inquiry whence the wilfully blind appointees of the SMC viciously condemned him as guilty" (p 198)	pp 196-198
4 November 2012	"the smc allowed Mr [initials of prosecuting counsel] to argue disingenuously hell-bent on winning a joint conviction for personal glory the doctor-judges were surgical and ethical weaklings" (p 216) "The author [...] welcomes any donation to defray his appeal or his funeral" (p 216)	pp 214-218
8 November 2012	"never mind the clowns judging him [...] together we make smc the monkey [...] never mind the missing leadership [...] smc is butt of medical mockery" (p 223)	pp 219-224
10 November 2012	"the perverse decision of a dc" (p 225)	p 225
11 November 2012	the grounds of decisions published by the SMC on its website "were not written to educate, medicate or rehabilitate but to punish and to spite" (p 229)	pp 227-231
12 November 2012	The conviction by the DC1 was blamed on "the deliberate abuse of power by [names of three DC1 members, with one or two letters of each name redacted]" (p 234) "the three stooges [...] each must take equal share of the shame" (p 235)	pp 232-235

Date of email	Sample of contents of email	Ref (AB3)
19 November 2012, 6.57 am	“the members of the DC of the SMC [...] must be the masters of f%#@.” (p 252)	pp 250-253
19 November 2012, 6.31 pm	<p>“I am the regulator the country needs <i>viva la</i> Dr SMC (schizophrenic, malignant, corrupt)” (p 256)</p> <p>“three unethical doctors with record of abuse” [with a footnote naming three DC1 members, with one or two letters of each name redacted] (p 257)</p> <p>“that institution [referring to the SMC] is devoid of medical integrity and honesty” (p 257)</p> <p>“For quackery, witchery, perjury, contempt and everything else, please consult Drs [names of three DC1 members, with one or two letters of each name redacted], the masters of the act.” (p 258)</p>	pp 254-258

15. On 20 November 2012, the SMC through their solicitors wrote a letter to the Respondent through his solicitors.²¹ The letter stated that the Respondent had on numerous occasions between June to November 2012 (and continuing) published various emails to numerous members of the medical profession, including the Director of Medical Services, and officers in Ministry of Health (“MOH”) and Health Sciences Authority, and doctors in various hospitals and private clinics containing defamatory allegations and imputations against the SMC, the CC1, the DC1, the legal assessor and the prosecuting counsel involved in the disciplinary inquiry. The letter also stated that given that the emails impugn, among other things, the decision of the DC1 which was the subject of the Appeal, it was improper for the Respondent to comment on the DC1’s decision or the conduct of the DC1 at the inquiry in a public forum as such comments may constitute *sub judice* contempt. The letter requested that the Respondent be informed to cease and desist from sending out any further emails making defamatory allegations against the SMC or passing disparaging comments on the conduct of the DC1 or the decision of the DC1.

²¹ AB2, Tab 11.

16. On 22 November 2012, the Respondent’s solicitors responded by letter²² stating that they had specifically drawn their client’s attention to the allegations in the 20 November 2012 letter and specifically advised him not to send out any emails making defamatory allegations against the SMC or passing disparaging comments on the conduct of the inquiry or the decision of the DC1.
17. Notwithstanding this exchange of correspondence between the SMC and the Respondent through their solicitors, the Respondent continued to send derogatory emails. Between 22 November 2012 and 30 April 2013, the Respondent sent various emails to numerous recipients, ranging from about 100 to 150 recipients each. A sample of the contents of some of these derogatory emails are set out below.

Date of email	Sample of contents of email	Ref (AB3)
22 November 2012	“To alert third parties not to follow THEM into a surgical minefield which may be safely traversed only with a true ethical compass, a vital instrument not present in THEM.” (p 263 of AB3)	pp 259-263
12 January 2013	“the DC inquired but buried the truth” (p 269)	pp 267-274
18 January 2013	“the DC was a burial committee while the CC was the hanging committee” (p 278)	pp 275-287
21 January 2013	“The Council hires the most voracious legal sharks and barracudas, and incentivises them to prosecute the doctor. [...] The doctor is as good as a goner, even if innocent.” (p 296) “SMC is not acting in the interests of the public and the profession.” (p 297, emphasis in original)	pp 293-297
24 January 2013	“At the inquiry by DC of the SMC against me for using the loop-PEG, it was painful to see four (4) dishonest and deceitful professors hide and bluff away their own mistakes.” (p 305)	pp 303-306

²² AB2, Tab 12.

Date of email	Sample of contents of email	Ref (AB3)
28 January 2013	The executive director of the SMC (who is named) “is hitting below the belt”. (p 309) Poem: “Bad Fish” “He is as good As a gangster By default, the puppeteer He respects no right He wins every fight By virtue of might” (p 309)	pp 307-310
30 January 2013	Email subject: “SMC acted in good faith? No! Egregious bad faith.” (p 316) “the three stooges were hell-bent on execution” (p 318)	pp 316-318
31 January 2013	Poem: “The Bloody Years 2008-2012” “Across the killing fields of the wayward DC May aggrieved spirits soon sleep peacefully.” (p 321)	pp 320-321
7 February 2013	“the killing fields of the SMC” (p 337)	pp 335-337
9 March 2013	SMC is said to be acting in “egregious bad faith”, “extreme bad faith” (p 341) “punish[ing] a doctor arbitrarily” (p 342) “What deterrence is in place to stop SMC from acting in extreme bad faith?” (p 342)	pp 338-342

18. On 15 March 2013, the SMC through their solicitors sent a letter of demand to the Respondent.²³ The letter asserted that various emails sent by the Respondent from June 2012 to March 2013 contained allegations and imputations that were defamatory of the SMC. The letter demanded that the Respondent, among other things: (a) immediately cease and desist from making, repeating, posting and publishing the defamatory statements and/or other words to the same or similar effect concerning the SMC; (b) provide an absolute retraction of the defamatory statements and an apology in terms to be agreed by the SMC, to be published to all the recipients of the emails; and (c) undertake to refrain from making, repeating, posting and publishing the defamatory

²³ AB2, Tab 13.

statements and/or other words to the same or similar effect concerning the SMC, by 22 March 2013.

19. The Respondent did not comply with the letter of demand. Between March (after receiving the letter of demand) and April 2013, he sent various emails to numerous recipients, ranging from about 140 to 150 recipients each.²⁴ A sample of the contents of some of these derogatory emails are set out below.

Date of email	Sample of contents of email	Ref (AB3)
9 April 2013	Email subject: “Puppets and Stooges (p.a.s)” (p 383 of AB3) “The Traitor has many puppets and stooges (p.a.s) to do his work. He succeeded at the CC, and again at the DC.” (p 385)	pp 383-385
12 April 2013 13 April 2013	“To help [...] fix the verdict, the MC fills the Tribunal with doctors from <i>outside</i> the relevant specialty” (p 399) “The MC does not want a fair hearing by ethical peers [...] Neither does it want the world to know the truth” (p 399)	pp 394-396 pp 397-399
22 April 2013, 7.46 am	[Three CC1 members are named] “scoundrel or stooge silly or senile sinful or servile” (p 436)	pp 434-436
22 April 2013, 10.23 am	“the medical council acted in extreme bad faith” (p 437) “other DCs have nailed innocent doctors, harder and higher on SMC’s wall (webpage) of shame [...] If SMC has any honour, it should offer me compensation ” (p 440, emphasis in original)	pp 437-440
23 April 2013	[Three DC1 members are named] “scoundrel or stooge stupid or silly sleepy or slippery” (p 443)	pp 441-443

²⁴ AB3, pp 343-458.

Date of email	Sample of contents of email	Ref (AB3)
26 April 2013	“Tyranny of the Misguided and the Misfit” (p 449) “medical men like Drs [eleven doctors are named: three CC1 members, CC1 expert, three DC1 members, DC1 expert witness, SMC Executive Secretary, SMC Registrar and SMC President], <i>et al</i> , copped out.” (p 449)	pp 447-449
30 April 2013	[Various persons are named: three CC1 members, CC1 expert, three DC1 members, DC1 expert witness, SMC Executive Secretary, SMC Registrar; DC1 legal assessor, DC1 prosecuting counsel, SMC’s counsel at the Appeal hearing] “Please do not say that the doctors and lawyers appointed by SMC were acting in good faith; that would be disingenuous.” (p 458)	pp 453-458

20. On 6 November 2013, the SMC wrote to the Respondent a letter²⁵ giving the Respondent one final opportunity to: (a) provide an absolute retraction of all defamatory statements which he had made to date; (b) send a letter of apology to all the recipients of his defamatory emails; and (c) provide an undertaking that he will refrain from (among other things) making, repeating, posting, publishing in any manner any defamatory statements and/or other words to the same or similar effect concerning the SMC to any person, by 20 November 2013, failing which the SMC would make a complaint to the Chairman of the Complaints Panel regarding the Respondent’s conduct.

21. The Respondent did not comply with the demands in the letter.

Second charge: Emails from December 2014 to November 2015

22. Subsequently, between December 2014 and November 2015 (after the inquiry by the DC2 had been completed and the DC2 had rendered its decision on 15 October 2014),

²⁵ AB2, Tab 14.

the Respondent sent various emails to numerous recipients.²⁶ A sample of the contents of some of these derogatory emails are set out below.

Date of email	Sample of contents of email	Ref (AB3)
19 February 2015, 12:17 pm 12:18 pm 12:19 pm 12:21 pm	<p>Email with the subject “Gong Xi Fa Cai” was sent four times to numerous recipients (about 540 recipients in total). The emails contained links to blog posts written by the Respondent in the period December 2014 to February 2015.</p> <p>“Once upon a time, in the Kingdom of SMC, a goat tried to teach an owl a lesson. The goat rammed against the tree, hoping to cause the owl to fall to the ground, thus making a monkey out of the owl.</p> <p>Was the goat Prof [name of DC1/DC2 expert witness], Prof [name of DC1 chairman] or Prof [name of DC2 chairman]? Was the tree the Singapore Medical Council or the High Court of 3 Judges? The posts in this blog lead to the answers.” (p 464 of AB3)</p> <p>“the Disciplinary Committees of the Singapore Medical Council really screwed up” (p 465)</p> <p>“How on Earth did the Singapore Medical Council end up with fraudulent Prof [surname of DC1/DC2 expert witness] as its expert witness, and paying him \$31,000.00 for his egregious efforts?” (p 467)</p> <p>“Prof [name of DC2 chairman] is the closet traitor: An unethical, dishonest, vicious doctor.” (p 467)</p> <p>“the deceitful Second DC, comprising Prof [full names of three DC2 members]” (p 469)</p> <p>“the three professors wilfully disregarded evidence. And they were deliberately dishonest [...] Summary: the three members of the Second DC were Prof Dishonest, Prof Dishonest and A/Prof Dishonest.” (p 472, emphasis in original)</p>	pp 459-532

²⁶ AB3, pp 459-642.

Date of email	Sample of contents of email	Ref (AB3)
	<p>“Don’t you agree that he [the DC2 chairman] is guilty of misconduct, a “brazen” collusion to defraud the citizenry of something?” (p 475)</p> <p>“Everybody has at least one skeleton. Some have more ... in the closet. We now know that Prof [name of DC2 chairman] et al have three more, which may be aptly labelled Lack of Integrity, Lack of Honesty and Lack of Courage. There is a fourth: Dishonour.” (pp 483-484)</p> <p>“the DC acted <u>in bad faith</u>. [...] the DC acted <u>with malice</u>.” (p 513, emphasis in original)</p> <p>“the DC <u>fell short</u> of the expected standards of integrity and honesty. Its misconduct is not accidental but intentional.” (p 514, emphasis in original)</p> <p>“Clearly, Prof [title and surname of three DC2 members] did not deliver an honourable decision.” (p 516)</p> <p>“It was pure treachery when the Prosecution Counsel hoodwinked the first DC with a senile expert witness, and then the Legal Assessor hoodwinked the Court of Three Judges with a disingenuously written Decision, and then the second Prosecution Counsel used the erroneous appeal Judgment to hoodwink the second DC, and then the second Legal Assessor piled on the deceit, to propagate the vicious cycle of deception.” (p 517)</p> <p>“When a Traitor is DC Chairman” (p 530)</p> <p>“The legal cronies engaged by SMC contribute to the crisis By crafting falsehoods and charging on an indemnity basis.” (p 531)</p> <p>The disciplinary process is “run by a goon.” (p 531)</p>	

Date of email	Sample of contents of email	Ref (AB3)
5 April 2015, 8.41 am 8.43 am 8.44 am 8.45 am 8.48 am 8.49 am	Email with the subject “Will I survive?” and an attachment was sent six times to numerous recipients (about 470 recipients in total). “Snakes and Traitors” “They are [...] outright liars.” “Dramatis Personae” [This is followed by a <i>full listing</i> of the names of each member and expert of the CC1 and CC2, and each member, legal assessor, expert witness, and prosecuting counsel of the DC1 and DC2.) (p 541) “the Snakes and Traitors maliciously convicted me for professional misconduct. Later the Singapore Medical Council pulled the proverbial wool over the High Court of Three Judges, causing my appeal to be dismissed.” (p 542)	pp 533-543
26 April 2015, 7.01 am 7.01 am 7.01 am 7.01 am 7.02 am	Email with an attachment was sent five times to numerous recipients (about 380 recipients in total). “Singapore Scandal (Importance of Integrity)” (p 557) “If a party is allowed to operate without integrity, even the Supreme Court would be hoodwinked.” (p 557) “When reading them [the grounds of decision of the DCs], please do remember that they contain [...] crooked reasoning [...]. In LawNet, the crooked reasoning [...] is contained in [the grounds of decision of the C3J]” (p 559)	pp 544-561
30 April 2015, 7.11 am 7.12 am 7.17 am 7.19 am 7.20 am 7.22 am	Email with the subject “Prescription” and an attachment was sent six times to numerous recipients (about 400 recipients in total). “When a medical council is afflicted by disease Of a deficiency of vital honesty and integrity The condition can be cured with relative ease: An apology and the resignation of Prof [initials and surname of DC2 chairman]” (p 570) “the three professors wilfully disregarded evidence. And they were deliberately dishonest [...] Summary: The three members of the Second DC were Prof Dishonest, Prof Dishonest and A/Prof Dishonest.” (p 572)	pp 562-572

Date of email	Sample of contents of email	Ref (AB3)
2 May 2015, 10.46 am 10.48 am 10.49 am 11.08 am 11.10 am 11.11 am	Email with the subject “Exception” and an attachment was sent six times to numerous recipients (about 320 recipients in total). “Clearly, there was only one way to convict me: corruptly. For Prof [surname of DC1/DC2 expert witness]’s charade as an expert, for giving false evidence, he was paid \$31,000.” (p 581) “Since all the essential elements were false, the charge was fraudulent.” (p 581)	pp 573-582
13 July 2015, 9.03 am 9.06 am 9.08 am 9.11 am 9.11 am	Email with the subject “Knives versus Whistle” and attachments was sent five times to numerous recipients (about 450 recipients in total). “Power entrusted to the SMC does corrupt powerfully. The roles played by the Court contribute significantly to the corruption.” (p 606)	pp 593-607

Third charge: Emails of May and September 2017

23. Between 2 and 29 May 2017, the Respondent sent various emails to the Executive Secretary of the SMC.²⁷ A sample of the contents of some of these derogatory emails are set out below.

Date of email	Sample of contents of email	Ref (AB3)
2 May 2017	“Prof [surname of DC1/DC2 expert witness] [...] as an expert witness for SMC, he is a demented tart” (p 643 of AB3)	p 643
3 May 2017	“money stolen from a boy scout should be returned to him. Not to return stolen money is dishonesty.” (p 644)	p 644
29 May 2017	“the “assholes” who colluded to rig the two formal inquiries looking into the allegations against the loop-PEG procedure.” (p 646) “One is guaranteed to fall into the pit latrine If one strays from honesty, honor, and discipline. [...]	p 646

²⁷ AB3, pp 643-648.

Date of email	Sample of contents of email	Ref (AB3)
	Already too many are smelling like not roses but pure shit.” (p 646)	

24. Between 13 and 23 September 2017 (while the SMC’s second bankruptcy application against the Respondent was pending), the Respondent sent various emails to numerous recipients, ranging from about 40 to 200 recipients each.²⁸ A sample of the contents of some of these derogatory emails are set out below.

Date of email	Sample of contents of email	Ref (AB3)
13 September 2017	<p>Email subject: “Appeal for a contribution from you” (p 649 of AB3)</p> <p>“Prof [name of DC1/DC2 expert witness] told not only a lie but a bunch of lies about it [the loop-PEG].” (p 651)</p> <p>“the President and Members [of the SMC] do not appear to have any iota of moral integrity or intellectual honesty left in them.” (p 652)</p> <p>“Shame is on the judge for sending him – a schoolboy who did nothing wrong – to the infamous Changi Prison.” (p 655)</p> <p>“shame on SMC for instructing Senior Counsel to misrepresent the truth, [...] for peddling lies about the loop-PEG, for deceiving the Court into throwing me down the steep slippery slope of justice, and for attempting to make me a financial bankrupt.” (p 656)</p> <p>The SMC is “morally bankrupt and intellectually dishonest” (p 656)</p>	pp 649-657
22 September 2017, 4.12 am 4.13 am 4.13 am 4.14 am	<p>An email with an attachment was sent four times to about 95 recipients.</p> <p>“SMC wants Dr Pang executed for a serious crime” (p 662)</p> <p>“SMC and C3J [...] their decisions were based on the lies of Prof [name of DC1/DC2 expert witness]” (p 663)</p>	pp 658-665

²⁸ AB3, pp 649-672.

Evidence of SMC Deputy Registrar

25. PW, the Deputy Registrar of the SMC, gave a written Witness Statement and testified at the inquiry.²⁹ He testified that the SMC is a statutory body whose function is, among others, to regulate the conduct of the medical profession and to maintain the high professional and ethical standards of the medical profession. One of its statutory functions is to carry out disciplinary inquiries into complaints lodged against doctors.
26. The SMC decided to lodge a complaint against the Respondent in respect of the emails and statements made by him as the SMC took the view that the statements and remarks made by the Respondent were defamatory of the SMC, and he persisted in making such statements and remarks against the SMC despite a letter of demand from SMC's solicitors that he refrain from doing so (the letter of 15 March 2013 referred to above, at [0]). The SMC was of the view that the Respondent's actions were improper and brought disrepute to the medical profession.
27. As such:
- (a) On 22 March 2016, the SMC lodged a complaint against the Respondent in respect of the statements in his emails in the period June 2012 to November 2015;³⁰
 - (b) On 12 June 2017, the SMC submitted additional information to its complaint against the Respondent in respect of the statements in his emails in May 2017;³¹ and
 - (c) On 13 October 2017, the SMC submitted further additional information to its complaint against the Respondent in respect of the statements in his emails in September 2017.³²
28. The Respondent's emails attacked the authority and integrity of the SMC and impugned the conduct of:
- (a) The CC1 and the investigative process;
 - (b) The DC1 and legal assessor, SMC's appointed prosecution counsel, SMC's appointed expert witness and the disciplinary process;

²⁹ PW1. Transcript, 8 July 2019, pp 66-97.

³⁰ AB1, Tab 2.

³¹ AB1, Tab 4.

³² AB1, Tab 5.

- (c) The Appeal and the appeal process;
 - (d) The CC2 and the investigative process;
 - (e) The DC2 and legal assessor, SMC's appointed prosecution counsel, SMC's appointed expert witness and the disciplinary process; and
 - (f) The proceedings for the taxation and enforcement of the taxed costs by SMC.
29. The language used by the Respondent in these emails was not just defamatory of the SMC but was often personal and abusive of the various officers, committee members, counsels, experts and other persons involved in SMC's disciplinary processes. The content of these emails was also mocking of the SMC, how it carried out its disciplinary processes and the various persons who were involved in SMC's disciplinary processes. Furthermore, he did not confine his attack to just one person, but he attacked the integrity of almost every person who was involved in the two disciplinary inquiries against him, and the integrity of the SMC itself. The Respondent's statements in these emails clearly eroded the integrity and good name of the medical profession.
30. The Respondent continued to send these emails even after the DC1's decision had been upheld by the C3J on appeal. He continued to assert that there was a "miscarriage of justice" and that SMC had "hoodwinked" and "deceived" the C3J.
31. The emails were sent to a large number of recipients. For instance, on 19 February 2015, the Respondent sent the same email and attachment four times to a total of about 540 recipients. On 30 April 2015, he sent another email and attachment six times to a total of about 400 recipients.
32. The emails were also sent to a wide and diverse group of recipients within the medical profession and medical community and, on many occasions, even to the Minister for Health, the Singapore Medical Association, the Prime Minister's Office, the Istana, the Supreme Court, the Attorney-General's Chambers, the Law Society and the media. Members of the press to whom the emails were sent included Salma Khalik (Senior Health Correspondent, Straits Times), KC Vijayan (Senior Law Correspondent, Straits Times), Selina Lum (Law Correspondent, Straits Times), Rachel Chang (Assistant Political Editor, Straits Times), Chang Ai-Lien (Science Editor, Straits Times), Joyce

Hooi (Correspondent, Business Times) and Poh Lay Hoon (Senior Correspondent, Lianhe Zaobao).

33. The Emails were sent over a prolonged period of time over five years and at very frequent intervals, often only a few days apart. This kept the issues in the Respondent's emails very much alive for the recipients of his emails, many of whom were repeat recipients.
34. Many of the Respondent's emails were sent apparently for the purpose of soliciting for donations to help him continue to fight against the SMC and challenge the convictions in the two disciplinary inquiries. He clearly had an ulterior motive and deliberately used incendiary language against the SMC in his emails in order to gain sympathy with his recipients.
35. The Respondent also displayed recalcitrant behaviour in the course of the five-year period and persisted in sending out the defamatory emails despite being warned against doing so, and apparently against the advice of his counsel.
36. In his witness statement, the PW highlighted a sample of the more egregious emails from the Respondent.³³ The statements in the emails, which could be considered to be defamatory or derogatory of the SMC, had eroded the integrity and good name of the medical profession. By attacking the authority and integrity of the SMC, and impugning the conduct of the disciplinary processes which the SMC is charged by law with the responsibility of carrying out, the Respondent was impeding the ability and authority of the SMC to perform its statutory functions effectively and authoritatively. It was the SMC's view that the Respondent's conduct was improper and brought the medical profession into disrepute, and it was therefore necessary for the SMC to lodge a complaint against him.

Respondent's defence

37. In his defence, the Respondent stated that he was a medical doctor of 37 years standing and a surgeon of 30 years standing. He was the inventor of the loop-PEG tube. The CC1, DC1, CC2, DC2 did not examine the actual loop-PEG tube. So those proceedings were

³³ PW1, at [47]-[80].

- based on “fake knowledge, inexperience, false testimony and misunderstanding of the loop-PEG tube”.³⁴ The Respondent said that he was wrongly convicted and severely punished for trying to save lives using the loop-PEG tube. He felt obliged, under the Physician’s Pledge, to maintain the “highest standards of intellectual honesty and moral integrity” and to correct this wrong.
38. The crux of the Respondent’s defence was that his emails were *true* and not false. The emails employed literary devices such as “allusion, analogies, imagery, metaphors, parable, parody, satire, poetry and tragedy” to explain a complex matter. Besides being *obligatory*, the emails were *explanatory*, and also *contributory* to the review of the SMC disciplinary process.³⁵
39. The Respondent submitted that falsehoods and wrongdoings bring disrepute to the medical profession. To correct these falsehoods and wrongdoings is to restore the medical profession’s reputation of honesty and integrity, trustworthiness and fairness. An adverse effect on the SMC may not be an adverse effect on the medical profession. There is no prohibition against sending emails which are critical of the SMC to members of the medical profession, council members of the SMC, the Director of Medical Services, Registrar of the SMC and the Executive Secretary of the SMC. The SMC’s disciplinary processes have been publicly criticised before by the C3J and in the press. There was the public ministerial statement in Parliament by the Minister for Health on 1 April 2019 that the MOH would be reviewing the SMC disciplinary process. The Senior Minister of State for Health and Law said in a speech on 13 September 2019 that the confidence of the medical profession over the disciplinary process had been called into question “for a while”.³⁶ The setting up of a high-level committee (the MOH Workgroup) to comprehensively review SMC’s disciplinary processes proved that the criticism contained in the emails were valid and true.
40. The Respondent also submitted that it was unreasonable to hold the criticism in the emails as disreputable conduct when the emails were private communications. It was not proved that the medical profession had been brought into disrepute. The emails were

³⁴ Witness Statement of Respondent (RW1), at [4]-[5].

³⁵ RW1, at [9].

³⁶ Respondent’s Additional Documents (R4), Tab D, at [6].

written to explain how his exemplary conduct was mischaracterised as egregious misconduct. Despite his best efforts, he did not succeed through the “proper channels”.

41. The Respondent submitted that the emails did not attack the authority of the SMC but criticised the misuse of the authority. The emails did not attack the integrity of the SMC but criticised the lack of integrity of specific events or persons. The emails were not false. They were written to sound the alarm that the disciplinary process was going in the wrong direction. The emails were attempts to prevent the medical profession falling into disrepute, not to push it into disrepute. It was done in the best interests of the medical profession. The Respondent’s conduct was “obligatory, explanatory and had made a positive contribution”; it was “heroic, not disreputable”.³⁷

Findings and Verdict of the Tribunal

Derogatory emails were sent by the Respondent

42. The Respondent did not dispute that he sent the emails in question, as compiled in AB3.³⁸
43. We found, beyond a reasonable doubt, that the emails contained statements that were highly derogatory. This would be immediately apparent from the sample of the contents of these emails set out at [13]-[0], above. In these emails the Respondent described in highly disparaging terms the SMC and its disciplinary processes. Among other things, he attacked the SMC and its various disciplinary committees, using derogatory labels such as “terrorist”, “snakes and traitors”, “without integrity”, “outright liars”, “*kelong*” (partial, unfair, biased), “corrupt”. He referred to the CC1 and DC1 as the “Hanging Committee” and the “Burial Committee”, which have plainly derogatory connotations. He made the serious allegation that the SMC “fix[es] the verdict” against doctors in disciplinary proceedings. He said that the disciplinary processes, including the CC1 and DC1, were run by “puppets and stooges”. He named each individual member of the CC1, DC1, CC2 and DC2, the legal assessors, prosecuting counsel, and the SMC expert witness involved in these committees, variously describing them as “dishonest”, “deceitful”, “masters of f%#@”, having a “record of abuse”, committing “deliberate

³⁷ Closing Submission of Respondent (R5), at [34].

³⁸ Opening Statement of Respondent (R1), at [2].

abuse of power”. He personally and abusively attacked each of them as “*outright liars*” who had maliciously convicted him.³⁹ He imputed improper motives on the SMC, CC1, DC1, CC2, DC2 and impugned their integrity, propriety and impartiality. He made repeated assertions that the disciplinary inquiries against him were carried out corruptly – even to the extent of suggesting that the courts contributed significantly to the corruption.⁴⁰ He alleged that he had been wrongfully convicted with “crooked reasoning”, and that the SMC had “hoodwinked” the C3J to uphold the decision of the DC1 to convict him. These are but some of the many derogatory statements that the Respondent made in the emails.

Respondent’s conduct was improper and brought disrepute to the medical profession

44. We found the Respondent’s repeated acts of sending out the derogatory emails to numerous recipients to be a course of conduct that was improper. In our opinion, such conduct brought disrepute to the medical profession.
45. As was explained above at [0], the emails contained statements that were highly derogatory.
- (a) The emails were a blunderbuss attack on the authority and integrity of the SMC and impugned the conduct of every aspect of the SMC’s disciplinary processes. The Respondent alleged, among other things, that the SMC was an institution that lacked integrity. He alleged that the disciplinary proceedings instituted against him were sham proceedings, by corrupt and deceitful individuals, who unjustly convicted him of professional misconduct. He attacked the authority and integrity of SMC as a regulator in these proceedings.
 - (b) The emails also specifically attacked the investigative processes of the CC1 and CC2 and the inquiry processes of the DC1 and DC2. *Each* doctor involved as members or expert witnesses for the SMC at the CC1, CC2, DC1, DC2, as well as each legal assessor and prosecuting counsel involved were specifically named. The Respondent disparaged and attacked the integrity of almost every one of them.
 - (c) The emails went further, and also attacked the subsequent appeal process, the C3J’s decision to dismiss his appeal, the decision of a High Court Judge to

³⁹ 5 April 2015, AB3, p 541.

⁴⁰ 13 July 2015, AB3, p 606.

commit him to prison for contempt of court, and SMC's conduct of the proceedings for the taxation and enforcement of the taxed costs.

46. The language employed by the Respondent in these emails was not just derogatory, but often contemptuous, mocking and abusive of the SMC and the individuals involved in the disciplinary processes. His offensive remarks far exceeded the bounds of propriety.
47. The derogatory emails were sent to a *large number* of recipients. The list of recipients grew from 120 to 150 recipients in 2012, to more than 500 recipients by 2015. The emails were sent to a *wide and diverse* group of recipients. Apart from members of the medical profession, the recipients of some of the emails included the Minister for Health, the Prime Minister's Office, the Istana, the Supreme Court, the Law Society, and members of the press. Some of the emails included hyperlinks to his *publicly accessible* blog posts⁴¹, where he made derogatory statements attacking the authority and integrity of the SMC and its disciplinary processes. In doing so, he published the derogatory statements to the world at large and extended the reach of the derogatory statements. Some of the emails also urged the recipient to "Help spread the word!"⁴² It was evident that the Respondent intended for his emails to be disseminated widely to as many persons as possible.
48. The derogatory emails were sent over a prolonged period of time over five years and at very frequent intervals. The derogatory statements contained in them were made *repeatedly* over a protracted period. It was a deliberate and sustained smear campaign against the SMC and its disciplinary processes.
49. The Respondent persisted in sending out the derogatory emails despite being warned to cease and desist, and against the specific advice of his own lawyer ([0]-[16], above).
50. Taking all these considerations into account, the Respondent's conduct was highly improper. Further, in scurrilously attacking the authority and integrity of the SMC, and impugning the conduct of the disciplinary processes which the SMC was charged by

⁴¹ See, for example, pp 459-532 of AB3 (email of 19 February 2015).

⁴² See, for example, pp 652, 654, 657 of AB3.

law with the responsibility of carrying out, his conduct had brought disrepute to the medical profession.

The Respondent ought not to have sent the derogatory emails

51. We found none of the points raised by the Respondent in his defence to be tenable.
52. At the inquiry, the Respondent sought to explain the merits of the Loop-PEG tube and asserted that he was wrongly convicted of professional misconduct by the DC1 and DC2 in respect of his treatment of the four patients using the loop-PEG tube. We did not consider it appropriate, however, for these substantive issues to be re-opened and re-litigated before us. These issues that had been determined by the DC1 and the DC2. The decision of the DC1 was upheld by the C3J on appeal; and the Respondent did not appeal against the decision of the DC2. The decisions of the DC1 and the DC2 were thus final and binding on the Respondent and it was not open to him to argue before the present Tribunal that those decisions were wrong.
53. The Respondent submitted that his derogatory emails were “true”, “explanatory”, “obligatory” and “contributory”. In essence he was asserting that he was justified in making the statements or that the statements amounted to fair criticism. The burden lay on him, therefore, to prove these assertions. Apart from his own bare assertions, however, the Respondent produced no independent witnesses or evidence to support his claims, for example, that the disciplinary process was corrupt, and the persons involved were dishonest and deceitful liars. We were not persuaded by his bare assertions and found them to be completely unfounded and irrational. This was especially so given that his conviction by the DC1 had been upheld by the C3J, and he did not appeal against his conviction by the DC2. There was no rational, objective basis to question these convictions, and to allege that they were corrupt. In short, there was simply no basis for the Respondent to say that his derogatory statements against the SMC and its disciplinary processes were “true”. Further, his use of contemptuous, mocking, incendiary and abusive language cast more heat than light, and was hardly “explanatory”. As to his claim that it was “obligatory”, there was no social, moral or ethical basis for the Respondent to use rude and abusive language to put down fellow members of the medical profession and other individuals in the manner that he did,

- regardless of how wrong he perceived them to be. Finally, the derogatory statements in his emails could hardly be said to be “contributory” to the medical profession.
54. The Respondent sought to argue that he was justified in criticising the SMC and its disciplinary processes by pointing out that the SMC’s disciplinary processes had been “publicly criticized before”. In our view, there is a place for reasoned, measured, respectful and constructive engagement on the SMC and its processes using proper channels for feedback. It is quite another thing, however, to use language that is disparaging, contemptuous and abusive in highlighting any perceived deficiencies. Members of the medical profession must not lose sight of their solemn promise in the Physician’s Pledge to “respect my colleagues as my professional brothers and sisters”. Any points of disagreement must be expressed in good faith and not in an offensive or disagreeable manner. This is necessary in order that the reputation of the profession may be upheld. The Respondent’s sustained barrage of derogatory statements could not, in any way, be considered respectful or made in good faith. It fell far short of the standards of acceptable conduct. The manner in which the Respondent used disparaging, contemptuous and abusive language to criticise the SMC and its disciplinary processes was wholly unacceptable and outside the bounds of fair criticism.
55. The Respondent’s argument that his emails were “private communications” was, in our view, a mischaracterisation of the true nature of these emails. He sent the derogatory emails to hundreds of recipients, either by directly addressing to them (“To”), copying to them (“cc”) or blind copying to them (“bcc”). His emails were not private communications but broadcasts to hundreds of recipients. He even sent his derogatory emails to members of the press, no doubt with the view that they be disseminated as widely as possible. In some of his emails he solicited for funds and urged his recipients to “Help spread the word!” which would necessarily mean that the derogatory statements contained in those emails would also be shared with others who may not have been in his initial recipient list. Some of the emails included hyperlinks to his *publicly accessible* blog posts where he made derogatory statements attacking the authority and integrity of the SMC and its disciplinary processes. (See [47], above.) Quite plainly, therefore, the derogatory emails could not be considered as private communications.

56. Ultimately, the Respondent's claims that his conduct had been "heroic" and in the best interests of the medical profession were simply incredible and unacceptable. His derogatory emails criticising the SMC and its disciplinary processes had no factual basis, and it was inconceivable that such a course of conduct could in any way prevent the medical profession falling into disrepute, as he claimed. On the contrary, the Respondent's smear campaign against the SMC and the persons involved in the disciplinary processes against him eroded the integrity and good name of the medical profession by attacking the authority and integrity of the SMC and impugning the conduct of the SMC's disciplinary processes. His contemptuous conduct was more likely than not to undermine public confidence in the medical profession and the privilege of self-regulation that it enjoyed.

Verdict

57. The legal test as to whether a disreputable conduct offence under s 53(1)(c) of the MRA has been made out was laid down in *Low Chai Ling v Singapore Medical Council* [2013] 1 SLR 83 ("**Low Chai Ling**") at [72]:

[...] the primary concern underlying the disreputable conduct offence is the protection of the medical profession's integrity and good name. Would public confidence in the medical profession be damaged by the offending conduct? What message would such conduct send to the public at large about doctors? This is an objective inquiry, which relates to the question of how a reasonable layperson would perceive the offending doctor's conduct and, hence, the entire medical profession as a result.

58. A practical test would be "if reasonable people, on hearing about what [the errant doctor] had done, would have said without hesitation that as [a doctor] he should not have done it." (*Low Chai Ling*, at [72]) Applying this test to the present case, we had no doubt that, objectively, any reasonable person, on hearing about what the Respondent had done (sending numerous derogatory emails to numerous and diverse recipients; using language that was contemptuous, mocking and abusive; attacking the SMC, its disciplinary processes and the persons involved in the disciplinary inquiries), would have said that *he should not have done it*. We accepted the SMC's submission that the Respondent's misconduct eroded the integrity and good name of the medical profession, and damaged public confidence in the medical profession, by attacking the authority

and integrity of the SMC and impugning the conduct of the SMC's disciplinary processes. The Respondent's conduct clearly amounted to improper conduct that brought disrepute to the medical profession, within the meaning of s 53(1)(c) of the MRA.

59. Accordingly, we found that the three charges against the Respondent had been proven beyond a reasonable doubt, and he was found guilty and convicted on all the three charges.

SENTENCE

60. We next considered the appropriate orders to be made in the sentencing of the Respondent.

SMC's submissions on sentence

61. Counsel for the SMC urged the Tribunal to make the following orders:⁴³
- (a) that the Respondent be suspended for a period of 15 months;
 - (b) that the Respondent be fined a penalty of \$10,000;
 - (c) that the Respondent be censured;
 - (d) that the Respondent be ordered to remove all Facebook posts that contain derogatory statements against the SMC that erode the integrity and good name of the medical profession within seven days of the Tribunal's decision;
 - (e) that the Respondent give a written undertaking not to make, send, publish and/or disseminate any further derogatory statements against the SMC that erode the integrity and good name of the medical profession, whether by way of email, blog posts, Facebook posts or otherwise, within seven days of the Tribunal's decision; and
 - (f) that the Respondent pays all the costs and disbursements of and incidental to this inquiry.
62. Counsel submitted that there were a number of aggravating factors in the present case, which included the following: the Respondent used exceptionally inflammatory and abusive language to denigrate almost every party involved in his earlier disciplinary proceedings; he sent the emails and attachments containing derogatory statements to a

⁴³ Prosecution's Sentencing Submissions (P9).

large and diverse group of recipients; the derogatory emails were sent over a prolonged period of time and sustained at very frequent intervals; many of the emails were sent with the motive to solicit donations; the Respondent was recalcitrant and persisted in sending out the defamatory emails despite receiving legal advice from his own lawyers and multiple warnings against doing so; he was unremorseful for his actions; he had antecedents that should be taken into consideration in sentencing.

63. It was highlighted that the Respondent's emails containing the derogatory statements were far-reaching and persistent. He launched a concerted and sustained attack on SMC with the intention of completely undermining its authority and integrity. The Respondent had also made his derogatory statements on public blog posts and circulated the links to these public blog posts by email to hundreds of recipients. This made the reach of these offending statements far wider. The Respondent's earliest blog posts were published in or around December 2014 and were accessible on the Internet for more than nine months (until they were made private on or around September 2015) and were repeatedly sent to hundreds of recipients during that period.
64. It was also highlighted that while the inquiry before the present Tribunal was ongoing, in 2019 and 2020, the Respondent continued to post further incendiary statements on his Facebook account which attacked the authority and integrity of the SMC and impugned the conduct of the CC1, CC2, DC1, DC2. In these Facebook posts, he named the members of the DC1 and DC2 and even posted their photographs. These Facebook posts were "shared" numerous times.⁴⁴

Respondent's submissions on sentence and mitigation

65. The Respondent submitted that he should not receive any punishment. Citing the Senior Minister of State for Health and Law, he submitted that not every infraction brings about professional misconduct consequences; and the same should apply to "disreputable conduct".⁴⁵ The derogatory statements in the emails caused no harm to the public. They were not intended to cause public harm. They were sent to responsible, not irresponsible, recipients. No evidence was adduced by the prosecution to show that the

⁴⁴ P9, Annex A.

⁴⁵ Respondent's Submissions on Sentencing & Mitigation (R7), at [2]-[3].

public was harmed. The statements in the emails, however critical, were an attempt to maintain the high standing of the medical profession.

66. The Respondent said that he was “provoked” by the inquiries of the CC1 and DC1 into his use of the loop-PEG tube, which is “safer and better”, but “remains proscribed to this day”. Public interest was “deeply harmed when the loop-PEG tube was prohibited *after* the world had scrutinized, accepted and published it”.⁴⁶ Public interest would be served if the proscription is lifted. The statements in the emails, though derogatory of the culprits, was advancing the public interest (in trying to have the proscription of the loop-PEG tube lifted).
67. The Respondent said that he had lived many years of his life in the service of humanity. He did not need a deterrent sentence to remind him to continue doing so. For example, when a medical doctor was urgently needed for a mission to evacuate Singaporeans from Wuhan, China, the epicentre of the ongoing COVID-19 epidemic, he stepped up when many would not. He did not gain financially from writing the statements. He paid an extremely heavy price for helping others. His surgical practice was force-closed. His family suffered. His character was assassinated. There was no need for additional deterrence.

Sentencing considerations

Orders that may be made by the Tribunal

68. The orders that a Disciplinary Tribunal may make after finding a doctor guilty of a disciplinary offence under s 53(1) of the MRA are set out in s 53(2):

[T]he Disciplinary Tribunal may —

(a) by order remove the name of the registered medical practitioner from the appropriate register;

(b) by order suspend the registration of the registered medical practitioner in the appropriate register for a period of not less than 3 months and not more than 3 years;

[...]

(e) by order impose on the registered medical practitioner a penalty not exceeding \$100,000;

⁴⁶ Respondent’s Reply to Prosecution’s Submissions on Sentence (R8), at [9].

- (f) by writing censure the registered medical practitioner;
- (g) by order require the registered medical practitioner to give such undertaking as the Disciplinary Tribunal thinks fit to abstain in future from the conduct complained of; or
- (h) make such other order as the Disciplinary Tribunal thinks fit [...].

Sentencing objective

69. In *Wong Meng Hang v Singapore Medical Council* [2019] 3 SLR 526 (“**Wong Meng Hang**”), the C3J explained the objectives of sentencing as follows (at [23]):

[...] Disciplinary proceedings enable the profession to enforce its standards and to underscore to its members the values and ethos which undergird its work. In such proceedings, broader public interest considerations are paramount and will commonly be at the forefront when determining the appropriate sentence that should be imposed in each case. *Vital public interest considerations include the need to uphold the standing and reputation of the profession, as well as to prevent an erosion of public confidence in the trustworthiness and competence of its members.* This is undoubtedly true for medical practitioners, in whom the public and, in particular, patients repose utmost trust and reliance in matters relating to personal health, including matters of life and death. [...]

[Emphasis added]

70. A key sentencing objective, therefore, is to uphold the standing and reputation of the medical profession, and to prevent an erosion of public confidence in the profession. General deterrence, in particular, is a matter of considerable importance and “is a central and operative sentencing objective in most, if not all disciplinary cases”: *Wong Meng Hang* at [25].

Culpability and harm

71. In deciding on the appropriate sentence, we also considered the Respondent’s culpability and the harm caused by his improper conduct.
72. In our judgment, the Respondent’s culpability was high. He wilfully sent a large number of highly derogatory emails over a prolonged period of more than five years. He used language that was contemptuous, mocking, abusive, offensive, disrespectful and wholly

inappropriate. He was recalcitrant and maintained his barrage of emails despite being warned against doing so, and despite being specifically advised by his own lawyer to stop (after receiving the letter of 20 November 2012 from SMC's counsel). He persisted in doing so even after there was finality to the decision of the DC1 (which the C3J affirmed when dismissing his appeal) and the DC2 (which he did not appeal against). He did so despite having the knowledge that his emails could be considered defamatory;⁴⁷ he continued to send them anyway. His conduct, therefore, was persistently wilful and egregious.

73. As to the harm caused by the Respondent's improper conduct, he made spurious and very serious allegations attacking the SMC, its disciplinary processes, and the individuals involved in the CC1, DC1, CC2 and DC2. Such false allegations had the potential to undermine severely the reputation and integrity of the SMC and impede its ability to perform its statutory functions under the MRA. It also had the potential to bring the SMC disciplinary process into disrepute, undermine the medical profession's privilege of self-regulation and discourage doctors and other individuals from serving on its disciplinary committees and tribunals. While the Respondent's conduct did not result in harm to a specific patient, such harm or potential harm is not easily and directly quantifiable, but it is no less real or significant and must be dealt with decisively. Given the highly derogatory nature of the emails, that they were sent to large and diverse groups of recipients numbering in the hundreds, and that the emails were sent over a five-year period at frequent intervals, the harm caused by the Respondent's improper conduct would be significant.

Aggravating and mitigating factors

74. Apart from the culpability and harm factors discussed above, we considered the aggravating and mitigating factors in the present case.
75. Counsel for the SMC submitted that the Respondent's antecedents was a relevant factor in sentencing. He was convicted for professional misconduct in two previous DC inquiries. He was fined \$10,000 by the DC1; and suspended for six months and fined \$10,000 by the DC2. While we noted that the Respondent had been found guilty of professional misconduct in relation to the use of the loop-PEG tube, we placed little

⁴⁷ Transcript, 10 July 2019, p 77 (lines 1-25). Also see, for example, AB3, pp 261-263.

weight on these prior convictions as aggravating factors, as his professional misconduct in the prior disciplinary inquiries was not similar to the improper or disreputable conduct complained of in the case before us.

76. Conversely, there were no mitigating factors in the Respondent's favour. While he, his family, and his medical practice may have suffered from the consequences of his convictions at the two previous disciplinary inquiries, it was not a consideration that mitigated the severity of his disreputable conduct. His volunteering to participate in a mission to evacuate Singaporeans from Wuhan during the COVID-19 epidemic was indeed commendable but was also of little mitigating value in sentencing. The Respondent showed no remorse at all for his disreputable conduct and made no apology for his nasty remarks. He continued to maintain that his prior convictions by the DC1 and DC2 were wrong, and that he was justified in sending the derogatory emails.
77. The Respondent also sought to argue that there was a delay in bringing the charges against him. This was refuted by Counsel for the SMC. The SMC lodged the complaint against the Respondent on 22 March 2016. The Notice of Complaint was issued to the Respondent on 13 September 2016. The Complaints Committee completed its preliminary inquiry within 1½ years and referred the matter to a formal inquiry in January 2018. It was submitted by Counsel that the timeframe taken, in the circumstances of the case, was not unusual at all. There were numerous derogatory statements in issue. There were 133 emails and attachments in issue, numbering more than 670 pages in total. Many of the emails and attachments contained multiple derogatory statements, so the total number of derogatory statements that required investigation and examination far exceeded the 133 emails and attachments in question. The context in which these derogatory statements were made spanned a six-year period from 2011 to 2017, including the previous two disciplinary proceedings against the Respondent and the Appeal (from 2011 to 2014), as well as the subsequent enforcement proceedings (from 2014 to 2017) including taxation, bankruptcy, garnishee, examination of judgment debtor and committal proceedings. The Respondent continued to make derogatory statements even *after* the Notice of Complaint was issued to him on 13 September 2016. These further derogatory statements were subsequently placed before the Complaints Committee on 12 June 2017 and 13 October 2017. Therefore,

more time was required for the investigation and examination of these further derogatory statements.

78. We accepted the submission of the SMC that there had been no undue delay in the prosecution of this matter. Given the numerous derogatory emails in issue, the context in which these emails were sent, and the large amount of material that had to be placed before the Complaints Committee and, indeed, before this Tribunal, the time taken by the SMC in bringing these proceedings against the Respondent was entirely reasonable. It was not a mitigating factor in the Respondent's favour and no sentencing discount ought to be applied on that account.

Sentencing precedents

79. There were no sentencing precedents that were directly relevant to the facts of the present case. Counsel for the SMC submitted a list of past cases of disciplinary offences brought under s 53(1)(c) of the MRA.⁴⁸ However, as was noted by Counsel, none of these cases were helpful as the facts in those cases were very different from the present case. It would seem that the Respondent's disreputable conduct was *unprecedented* in the medical profession.
80. Counsel for the SMC submitted that guidance could be sought from the sentences meted out by disciplinary tribunals in cases where lawyers were taken to task for publishing statements that were derogatory or in contempt of court in breach of similar provisions in the Legal Profession Act (LPA). For example, in *Re Gopalan Nair* [1992] 2 SLR(R) 969 ("*Gopalan Nair*"), a lawyer sent two letters to the Attorney-General ("**AG**") asking questions and demanding explanations in a threatening tone. He subsequently published the correspondence between him and the AG by faxing the letters to various law firms in Singapore. In show cause proceedings before a Court of Three Judges, the lawyer was suspended from practice for a period of two years.
81. In cases which involved far less egregious conduct, fines have been imposed. For example, in *The Law Society of Singapore v Eugene Singarajah Thuraisingam* [2018] SGDT 8 ("*Eugene Thuraisingam*"), the lawyer published one poem on his Facebook account which was accessible to the public. He was found to be in contempt of court for

⁴⁸ Prosecution's Sentencing Submissions (P9), Annex B.

scandalizing the judiciary. The disciplinary tribunal took into account a number of mitigating factors, such as the respondent's extensive contributions to public service; the emotional stress that he was under; his "steadfast efforts to remedy and apologise for his contempt" by immediately removing the Facebook post, when he received a letter from the AG, and issuing a public apology acknowledging that his post had contained statements in contempt of court; his early plea of guilt; and the unlikelihood that he would reoffend. In light of the many mitigating factors, the tribunal held that the lawyer's misconduct did not disclose cause of sufficient gravity for a show cause hearing. The tribunal recommended to the Council of the Law Society that a fine of \$18,000, being *close to the maximum* of \$20,000 that could be imposed under the relevant provision of the LPA. The Council eventually imposed a fine of \$5,000.

Suspension

82. In urging this Tribunal to order a period of suspension for the Respondent, Counsel for the SMC submitted that the case of *Gopalan Nair* was a useful and relevant reference point. While the SMC did not have the same constitutional role as the AG, the SMC was a statutory body whose function, amongst others, was to regulate the conduct of the medical profession and to maintain the high professional and ethical standards of the medical profession. The Complaints Committees and Disciplinary Committees were sub-committees created by statute and appointed by the SMC to carry out its statutory and disciplinary functions. The Respondent's actions had made a mockery of the medical profession's regulatory body. His derogatory statements were deliberate attacks on the authority and integrity of the SMC, had impugned the conduct of its disciplinary processes, and were disseminated to many hundreds of recipients. As in *Gopalan Nair*, the Respondent was completely unremorseful. His complete lack of remorse warranted a stern and adequately lengthy suspension so as to ensure that he would not repeat his misdemeanours. The sentencing principle of specific deterrence was applicable in the present case.
83. We agreed with the submission of the SMC that a period of suspension was warranted on the facts of the present case. It was egregious conduct on the part of the Respondent, as a member of the medical profession, to make unjustified derogatory, offensive and abusive remarks about the SMC, its disciplinary processes, and the doctors and other persons serving on the Complaints Committees and Disciplinary Committees of the

SMC. Such conduct undermined the authority of the SMC and brought disrepute to the medical profession. The Respondent had been completely unremorseful for his wilful conduct, unlike in the case of the lawyer *Eugene Thuraisingam* (above, at [81]) who was remorseful and entered an early plea of guilt, and had a number of mitigating factors in his favour. We agreed with the submission of Counsel for the SMC that *specific deterrence* was an important sentencing objective. The imposition of a financial penalty or a censure would be inadequate to achieve that objective. A period of suspension was necessary to deter the Respondent from repeating his egregious conduct.

84. Under s 53(2)(b) of the MRA (reproduced at [68], above), the Tribunal was empowered to order a period of suspension of between three months (minimum) and three years (maximum). Considering that the Respondent's culpability was high and the harm or potential harm was significant (as explained at [72]-[73], above), a period of suspension in excess of the minimum was warranted. In our judgment, in order to achieve the sentencing objective of specific deterrence, and considering the Respondent's highly egregious conduct, an uplift from the minimum to a period of about *ten months* would be appropriate. This, in our view, would be an adequately calibrated sentence that reflects the severity of the Respondent's improper conduct while ensuring a sentence that is fair, and which also seeks to deter him from such conduct in the future.

Penalty

85. As for the penalty of \$10,000 that Counsel for the SMC urged the Tribunal to impose, it was submitted that the additional financial penalty was appropriate as there was evidence that the Respondent had a financial motivation in sending the derogatory emails. Many of his emails were sent with the purpose of soliciting donations to help sustain his fight against the SMC and challenge the convictions in the two disciplinary inquiries. The Respondent stated in an affidavit that as of 2 October 2017, he had received monetary donations from at least 44 donors as a result of his solicitation for funds.⁴⁹ As such, a fine on top of a term of suspension should be imposed so as to disgorge the profits that he had wrongfully earned from his errant conduct. While the Respondent did not reveal how much funds he had collected from the 44 individuals, it was submitted that a \$10,000 fine would serve as a sufficient deterrent against similar breaches in the future.

⁴⁹ Closing Submission of Respondent (R5), at [14]; AB2, pp 941-942.

86. We accepted the submission of the SMC and considered it appropriate to impose a penalty of \$10,000 in addition to a period of suspension.

Orders made by the Tribunal

87. The conduct of the Respondent in sending numerous derogatory emails to numerous recipients impugning the authority and integrity of the SMC and its disciplinary processes, and personally attacking the individuals involved in these processes, was improper and completely unacceptable. Regardless of how aggrieved he felt by the decisions of the earlier disciplinary proceedings against him, there was no cause or justification for him to conduct himself in such a wholly inappropriate and egregious manner. For this reason, we also considered it appropriate that apart from a period of suspension and a penalty, the Respondent ought to be censured for his improper conduct, and he ought to provide an undertaking not to repeat such conduct. The Respondent should also pay the costs of these proceedings. That said, it is our sincere hope that the Respondent would seek to put his past grievances behind him and, following the period of his suspension, employ his skills and resources as a medical doctor in more constructive ways.

88. In the circumstances, the Tribunal ordered that:
- (a) the Respondent be suspended for a period of **ten (10) months**;
 - (b) the Respondent pay a penalty of **\$10,000**;
 - (c) the Respondent be censured;
 - (d) the Respondent give a written undertaking to the SMC that he will not engage in the conduct complained of or any similar conduct;
 - (e) the Respondent remove all posts on Facebook or any other social media that contain derogatory statements against the SMC and persons appointed by the SMC in connection with its past and pending disciplinary processes within 7 days; and
 - (f) the Respondent pay the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the SMC.

PUBLICATION OF DECISION

89. We order that the Grounds of Decision be published with the necessary redaction of identities and personal particulars of persons involved.

90. The hearing is hereby concluded.

Dr Chan Wing Kwong
Chairman

Prof Hsu Pon Poh

Mr Kessler Soh
Legal Service Officer

Ms Chang Man Phing, Mr Alvin Lim and Mr Joel Tieh (M/s WongPartnership LLP)
for the Singapore Medical Council; and

Dr Pang Ah San (Respondent in person)