

IN THE REPUBLIC OF SINGAPORE

SINGAPORE MEDICAL COUNCIL DISCIPLINARY TRIBUNAL

[2026] SMCDT (A) 1

Between

Singapore Medical Council

And

Dr Nah Kwang Meng Joshua

... Respondent

GROUND OF DECISION

Administrative Law – Disciplinary Tribunals

Medical Profession and Practice – Professional Conduct – Improper act or conduct -
Suspension

TABLE OF CONTENTS

INTRODUCTION.....	3
SUBMISSIONS ON SENTENCING.....	6
SMC’S SUBMISSIONS ON SENTENCE	6
RESPONDENT’S SUBMISSIONS ON SENTENCE	8
DT’S DECISION ON THE APPROPRIATE SENTENCE.....	9
GENERAL SENTENCING APPROACH.....	9
CONCLUSION	14

This judgment is subject to final editorial corrections approved by the Disciplinary Tribunal and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

Singapore Medical Council
v
Dr Nah Kwang Meng Joshua

[2026] SMCDT (A) 1

Disciplinary Tribunal – DT Inquiry No. 1 of 2026

Dr Tham Tat Yean (Chairman), Dr Michael Wong Tack Keong, Ms Wong Peck (Judicial Service Officer)

19 January 2026

Administrative Law – Disciplinary Tribunals

Medical Profession and Practice – Professional Conduct – Section 59D(1)(b) of the Medical Registration Act 1997

19 January 2026

GROUND OF DECISION

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

Introduction

1. The Respondent, Dr Nah Kwang Meng Joshua (“**The Respondent**”), is a medical practitioner registered with the Singapore Medical Council (“**SMC**”), under the Medical Registration Act 1997 (“**MRA**”). It is undisputed that he has been a registered medical practitioner since 2 May 2007.
2. At all material times, the Respondent practices at Dr Nah & Lee Family Clinic (“**the Clinic**”). The SMC had received information that the Respondent had been charged and

convicted on 20 October 2023 in Singapore by the State Courts of one charge of attempting to commit an act that had the tendency to pervert the course of justice which was an offence under section 204A read with section 511(1) and punishable under section 512 (2) of the Penal Code 1871 (“**Penal Code**”).

3. Before the Disciplinary Tribunal (“**DT**”), the Respondent pleaded guilty to one charge which read as follows:

“That you, Dr Nah Kwang Meng Joshua, a registered medical practitioner under the Medical Registration Act 1997 (“**MRA**”), are charged that, on 20 October 2023, you were convicted in Singapore by the State Courts of one (1) charge of attempting to commit an act that has a tendency to pervert the course of justice, which is an offence under section 204A read with section 511(1) and punishable under section 512(2) of the Penal Code 1871 (“**Penal Code**”):

Particulars

- (a) On 14 July 2022 at about 11.24pm, after dinner and having consumed alcohol (approximately 3 to 4 glasses of beer), you were driving a motorcar bearing registration number SMW XXXX (“**Vehicle**”) along Sophia Road towards Upper Wilkie Road with a passenger in the front seat;
- (b) You noticed that there was a Police road block along Sophia Road towards Upper Wilkie Road near lamp post 27, at about five cars in front of you. The barrier had been erected pursuant to section 26(2) of the Police Force Act 2004 (“**Police Force Act**”), and there was a sign warning drivers about the presence of the barrier. In accordance with the Police Force Act, you were supposed to proceed towards the barrier and stop your Vehicle at or near the barrier and remain in the Vehicle;
- (c) Believing that you would fail the alcohol breathalyser test and be arrested for drink driving if the Police were to find out that you were the driver of the Vehicle, you requested your front seat passenger to swap seats with you so that you would not be presented as the driver of the Vehicle at the road block ahead. You continued in persuading your front seat passenger to swap seats, despite having been rejected by him several times;
- (d) You then got out of the Vehicle. Upon seeing this, one Senior Staff Sergeant (“**the SSSGT**”) immediately approached you. You then claimed that you were only retrieving surgical masks from the rear boot to pass to your front seat passenger;
- (e) The SSSGT conducted an alcohol breathalyser test on you, and the breath alcohol device indicated a “Fail”. You were arrested for driving under the influence of alcohol and escorted to the Traffic Police for a Breath Analysing Device test. The test recorded your breath as showing 32 microgrammes of alcohol in every 100 millilitres of breath, which was under the prescribed legal limit of 35 microgrammes of alcohol per 100 millilitres of breath;

- (f) By attempting to swap seats with your front seat passenger to conceal the evidence that you were the driver of the Vehicle, you had attempted to commit an act that has a tendency to pervert the course of justice;
- (g) You were charged with one count under section 204A read with section 511(1) of the Penal Code (MAC-904989-2023) and punishable under section 512(2) of the said Code, for an offence of attempting to commit an act that has a tendency to pervert the course of justice;
- (h) On 20 October 2023, you pleaded guilty to the aforesaid offence, and consented to having another charge under section 26(5) punishable under section 26(8)(a) of the Police Force Act (DAC-912887-2023) taken into consideration for the purpose of sentencing;
- (i) On 20 October 2023, you were convicted in State Courts No. 11D by the learned District Judge Lim Tse Haw of the aforesaid offence of attempting to commit an act that has a tendency to pervert the course of justice, and were sentenced to a fine of \$4,000, in default twenty (20) days' imprisonment;
- (j) The aforesaid conviction has not been set aside, and is final and conclusive.

and that in relation to the facts alleged, you have been guilty of such improper act or conduct which brings disrepute to the profession under section 59D(1)(b) of the MRA.”

4. The Respondent admitted to the Agreed Statement of Facts without qualification. The Disciplinary Tribunal found the Respondent guilty of improper act or conduct which brought disrepute to the profession and convicted him of the charge.
5. The Disciplinary Tribunal made the following orders:
 - (a) the Respondent be suspended for 4 months (with the period of suspension to commence 40 days after the date of the suspension order);
 - (b) the Respondent be censured;
 - (c) the Respondent to provide a written undertaking to the SMC that he would not engage in the conduct complained of or any similar conduct in the future; and
 - (d) the Respondent to pay the costs and expenses of and incidental to these proceedings, including the costs of the SMC's solicitors.

Submissions on sentencing

SMC's Submissions on Sentence

6. The SMC submitted that in such cases, public interest considerations are paramount including the need to uphold the standing and reputation of the profession and to prevent an erosion of public confidence in the trustworthiness and competence of its members¹. Primacy of these public interest considerations means that other considerations such as the offender's personal mitigating circumstances and the principle of fairness to the offender do not carry as much weight. The key sentencing principle is general and specific deterrence.
7. The Court of Three Judges in *Wong Meng Hang v SMC* [2019] 3 SLR 526 at [23] ("**Wong Meng Hang**") at [36] stated that the sentencing framework is only applicable to cases relating to deficiencies in a doctor's clinical care and not to other forms of misconduct. At [44] of the SMC's Sentencing Guidelines for Singapore Medical Disciplinary Tribunals ("**Sentencing Guidelines**"), the *Wong Meng Hang* sentencing framework has been extended to non-clinical offences. Therefore, the *Wong Meng Hang* sentencing framework would apply to the present case. This was affirmed in *Ong Kian Peng Julian v SMC* [2023] 3 SLR 1756 where the Court of Three Judges at [62] held that the *Wong Meng Hang* sentencing framework is to extend to other forms of misconduct.
8. The sentencing framework to be applied in the present case as set out in *Wong Meng Hang* is as follows:
 - (a) Step 1: Identify the level of harm and the level of culpability
 - (b) Step 2: Identify the applicable indicative sentencing range based on the level of harm and culpability
 - (c) Step 3: Identify the appropriate starting point within the indicative sentencing range

¹ *Wong Meng Hang v SMC* [2019] 3 SLR 526 at [23]

- (d) Step 4: Make adjustments to the starting point to take into account offender-specific factors.

9. At [55] of Sentencing Guidelines, the matrix based on *Wong Meng Hang* is set out as follows:

Harm Culpability	Slight	Moderate	Severe
Low	Fine or other punishment not amounting to suspension	Suspension of up to 1 year	Suspension of 1 to 2 years
Medium	Suspension of up to 1 year	Suspension of 1 to 2 years	Suspension of 2 to 3 years
High	Suspension of 1 to 2 years	Suspension of 2 to 3 years	Suspension of 3 years or striking off

10. Applying the *Wong Meng Hang* sentencing framework to the present case, the SMC submitted that the Respondent's level of harm was at the higher end of slight. He was convicted of one criminal charge for which he was sentenced to a fine and he did not actually succeed in his attempt to subvert the course of justice.
11. As for the Respondent's culpability, it was medium (middle to upper middle end). This was because the Respondent had persistently asked the passenger in his car to swap seats despite having been turned down. He attempted to conceal the truth that he was the driver of the car and therefore disregarded the standards of conduct reasonably expected of a medical practitioner.
12. In sum the level of harm was slight (high end) and the level of culpability was medium (middle to upper-middle end). Therefore, the applicable indicative sentence was a term of suspension of up to 1 year. The SMC submitted that the appropriate starting point was 6 to 7 months. The SMC also acknowledged that there was a dearth of precedents

in terms of similar cases that were sentenced in the past. According to SMC, the Court of Three Judges in *Wong Meng Hang* had stated at [96] that past cases which did not apply such a framework had unduly lenient sentences so sentences should be calibrated upwards. As the Respondent is a registered doctor since 2 May 2007, he is a senior doctor. This was an aggravating factor. Little weight ought to be accorded to his plea of guilt as the SMC had no difficulty proving his wrongdoing given his court conviction.

13. Further, his unblemished record as a doctor was at best a neutral factor. Given his seniority, an uplift of 1 month was appropriate, resulting in a final sentence of 7 to 8 months' suspension. In summary, the SMC submitted for the following sentence to be imposed:

- (a) the Respondent be suspended for 7 to 8 months;
- (b) the Respondent be censured;
- (c) the Respondent to provide a written undertaking to the SMC that he would not engage in the conduct complained of or any similar conduct in the future; and
- (d) the Respondent to pay the costs and expenses of and incidental to these proceedings, including the costs of the SMC's solicitors.

Respondent's Submissions on Sentence

14. In the written plea of mitigation, the Respondent agreed that the sentencing framework in *Wong Meng Hang* should apply to the present case. The assessment was that no actual harm was caused to public confidence as the Respondent's attempt at avoiding being identified as the driver was detected almost instantly. The attending police officer saw him alight from the car and approached him immediately. This was followed by the breathalyser test.

15. For the present case, it entailed a single breach and it was a failed attempt on the Respondent's part, with no actual obstruction of justice. This was also not committed by the Respondent in his professional capacity. The duration of his attempt to swap seats was not long. Hence, the assessment was that this would fall under slight harm and low culpability.
16. According to the sentencing matrix, where there was slight harm and low culpability, the indicative sentencing range was "fine or other punishment not amounting to suspension". The mitigating factors were that the Respondent pleaded guilty early and he had a long unblemished track record. He was remorseful and had been attending bi-weekly counselling since October 2021 and has been on sabbatical leave since October 2024 to recalibrate his life goals and values.
17. The Respondent referred to the factually similar case of *Dr Wu Tze-liang Woffles* ("**Dr Wu**"). *Dr Wu* pleaded guilty and was convicted of two charges under section 81(3) of the Road Traffic read with section 109 of the Penal Code. He instigated a friend to furnish false information to the Traffic Police on two separate occasions that he was the driver of *Dr Wu*'s car when speeding offences were committed. The Disciplinary Tribunal in *Dr Wu*'s case imposed a suspension of 4 months. In sum, the Respondent submitted that the following sentence as appropriate:
- (a) the Respondent be censured in writing;
 - (b) the Respondent to provide a written undertaking to the SMC that he would not engage in the conduct complained of or any similar conduct in the future; and
 - (c) the Respondent to pay a financial penalty not exceeding \$10,000.

DT's Decision on the Appropriate Sentence

General sentencing approach

18. The prescribed punishment under section 59D(2) of the MRA for the charge includes:

- (a) removal of the name of the registered medical practitioner from the appropriate register;
 - (b) order of suspension from practice for a period of not exceeding 3 years;
 - (c) where the registered medical practitioner is a fully registered medical practitioner in Part I of the Register of Medical Practitioners- by order remove his name from Part I of the Register and conditionally register him instead under Part II of that Register;
 - (d) where the registered medical practitioner is registered other than Part I of the Register of Medical Practitioners- by order impose additional appropriate conditions or restrictions on his registration or vary such conditions or restrictions already imposed;
 - (e) order of penalty not exceeding \$100,000;
 - (f) written censure of the registered medical practitioner;
 - (g) order of undertaking given by the registered medical practitioner to abstain in future from the conduct complained of; or
 - (h) make such other order as the Disciplinary Tribunal thinks fit.
19. Under section 59D(5) of the MRA, the Disciplinary Tribunal may order the registered medical practitioner to pay the Medical Council such sums as it thinks fit in respect of costs and expenses of and incidental to any proceedings before the Disciplinary Tribunal.
20. The Disciplinary Tribunal agreed with parties that the appropriate sentencing framework is set out in the Court of Three Judges decision of *Wong Meng Hang*. The Tribunal had also taken cognizance of the Sentencing Guidelines.

21. In Step 1, the Disciplinary Tribunal determines the level of harm and culpability in order to determine the seriousness of the offences.
22. For “harm”, it refers to the type and gravity of the harm or injury caused to the patient and to society by the commission of the offence². Harm can take various forms and regard may also be had to the potential harm that could have resulted from dangerous acts of misconduct, even if it did not actually materialize on the given facts. When assessing potential harm, both (i) the seriousness of the harm risked; and (ii) the likelihood of the harm arising should be considered. Potential harm should be taken into account only if there was a sufficient likelihood of the harm arising³.
23. As for “culpability”, this refers to the degree of blameworthiness disclosed by the misconduct of the Respondent⁴. This may be assessed by reference to the extent and manner of the offender’s involvement in causing the harm, the extent to which the offender had departed from standards reasonably expected of the medical practitioner, the offender’s state of mind when committing the offences and the circumstances surrounding the commission of the offences.
24. For Step 2, the Disciplinary Tribunal identifies the applicable indicative sentencing range based on the level of harm and culpability in Step 1. In *Wong Meng Hang*, the following sentencing matrix was endorsed:

Harm Culpability	Slight	Moderate	Severe
Low	Fine or other punishment not amounting to suspension	Suspension of up to 1 year	Suspension of 1 to 2 years
Medium	Suspension of 3 months to 1 year	Suspension of 1 to 2 years	Suspension of 2 to 3 years

² *Wong Meng Hang* at [30]

³ Sentencing Guidelines at [50]

⁴ *Wong Meng Hang* at [30]

High	Suspension of 1 to 2 years	Suspension of 2 to 3 years	Suspension of 3 years or striking off
-------------	-------------------------------	-------------------------------	--

25. In Step 3, the Disciplinary Tribunal identifies the appropriate starting point within the indicative sentencing range. To do so, the Disciplinary Tribunal should take into account the level of harm caused by the misconduct and the level of culpability of the Respondent. Previous similar cases should also be considered by the Disciplinary Tribunal.
26. For the final step which is Step 4, the Disciplinary Tribunal will adjust the starting point to take into account offender-specific factors such as those factors that may be aggravating or mitigating in order to derive at an appropriate sentence.
27. In cases where an order of suspension is warranted, this will commonly be paired with other punishments including a fine, censure or the requirement of an undertaking to be furnished⁵.
28. The Disciplinary Tribunal assessed that the present case fell under middle of slight harm and lower end of medium culpability. Although the Respondent did not succeed in making the seat swap, it was undisputed that his misconduct had caused harm to the repute of the medical profession and for this purpose, the Respondent had pleaded guilty to the charge before the Disciplinary Tribunal. It was clear that he intended to perpetuate an act of deceit that was detrimental to the good standing of doctors, particularly since the case was reported in the newspapers.
29. As for culpability, the Disciplinary Tribunal assessed the Respondent's culpability as lower end of medium. Although it was only one occasion, the Respondent repeatedly attempted to persuade his passenger to swap seats with him although the passenger had already rejected him. The Respondent did so because he was well aware that there were serious consequences if he were found to be drink driving. Utmost in his mind was that he wanted to cover up the possibility of being found to be drinking and driving. It was

⁵ *Wong Meng Hang* at [34]

fortuitous that the attending police officer was alert and discovered the Respondent's attempted subterfuge.

30. This Tribunal disagreed with the Respondent that as the criminal case in the State Courts did not relate to misconduct by the Respondent in his professional capacity, it formed a basis for the submission for low culpability. It was clear from legislation namely section 59D(1)(b) of the MRA that even misconduct not relating to professional capacity such as any improper act or conduct that brought disrepute to the profession would be punished upon conviction, by way of orders made by the Disciplinary Tribunal. The Tribunal noted that for the criminal charge which the Respondent was convicted of by the District Court, the offence itself was a serious one. The prescribed punishment was imprisonment term which may extend to 7 years, or with fine, or with both, notwithstanding that the Court decided to impose a \$4,000 court fine.
31. Having assessed the Respondent to fall under middle of slight harm and lower end of medium culpability, the indicative starting range was up to 1 year's suspension as per the Sentencing Guidelines that took reference from *Wong Meng Hang*. The Tribunal identified the appropriate starting point as 3 months' suspension.
32. As pointed out by the SMC, there was a dearth of similar cases that had gone before the Disciplinary Tribunal. The Respondent had highlighted the case of *Dr Wu* who was convicted in the then Subordinate Courts for two counts under section 81(3) of the Road Traffic Act (Cap 276, Ed 1999). With respect, this case did not assist the Respondent in his submission for a financial penalty not exceeding \$10,000 to be imposed by the Disciplinary Tribunal. In *Dr Wu*'s case, he was suspended for a period of 4 months by the Disciplinary Tribunal under the then provision of section 53(2) read with section 53(1)(a) of the MRA as his conviction involved fraud or dishonesty. For the present case, this Tribunal applied the *Wong Meng Hang* sentencing framework rather than taking reference from *Dr Wu*'s case to guide its decision. Even if this Tribunal were to consider using *Dr Wu*'s case to guide its decision in the present case, it would be also appropriate for the Respondent to be given a suspension like in *Dr Wu*'s case as both cases involved criminal convictions in essence relating to subverting the course of justice through acts of dishonesty. The Tribunal noted that *Dr Wu*'s case pre-dated *Wong Meng Hang* which meant that *Dr Wu*'s case would be of limited guidance.

33. The Disciplinary Tribunal agreed with the SMC that an uplift should be accorded given the seniority of the Respondent. It is trite that seniority of the registered medical practitioner was an aggravating factor. In this instance, the Tribunal was of the view that 1 month uplift was appropriate. The Tribunal accepted the SMC's submission that the Respondent's unblemished track record was a neutral factor⁶.
34. The Disciplinary Tribunal's decision was to impose 4 months' suspension. We considered that it was appropriate to accompany the above sentence with the usual order of censure and undertaking. As for costs, we also regarded it appropriate to order costs and expenses of and incidental to these proceedings including the costs of the SMC's solicitors to be paid by the Respondent.

Conclusion

35. Accordingly, this Tribunal orders that:
- (a) The Respondent be suspended from practice for a period of **4 months**;
 - (b) The Respondent be censured;
 - (c) The Respondent gives a written undertaking to the SMC that he will not engage in the conduct complained of or any similar conduct in the future; and
 - (d) The Respondent pays the costs and expenses of and incidental to these proceedings, including the costs of the solicitors to the SMC.
36. Although the SMC has not submitted on the commencement date of the suspension, it is further ordered that the period of suspension is to commence 40 days after the date of the order herein as this would give the Respondent time to make the necessary preparations if required.

⁶ SMC's sentencing submissions at [54] to [56].

37. We further order that the Grounds of Decision be published with the necessary redaction of identities and personal particulars of persons involved.
38. The hearing is hereby concluded.

Dr Tham Tat Yean
Chairman

Dr Michael Wong Tack Keong

Ms Wong Peck
Judicial Service Officer

Mr Kenny Chooi, Mr Joel Yap and Mr Aaron Soh
(M/s Adsan Law LLC)
for Singapore Medical Council; and

Mr Ng Yuan Siang
(M/s Eugene Thuraisingam LLP)
for Dr Nah Kwang Meng