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We are CMEL! Welcome to the nineteenth issue of the CMEL Newsletter! This publication aims to update you on the latest news and information in the biomedical world. We will also share information about upcoming events, so stay tuned! Find out more about [CMEL](#). We also have a Facebook page, you can follow us [here](#).

Top stories in this newsletter

Case Summary :

Hong Kong court decision – a baby's negligence claim against the Hospital Authority for failing to inform her mother at the time of the pregnancy of a chromosomal defect of the baby and the risk of the baby suffering associated disabilities was barred and not permitted



In the recent case of *Lam Wing Hei and Lam Tsz Kiu v Hospital Authority*, a mother and her baby, who was born with disabilities associated with a chromosomal defect, sued the Hospital Authority for negligently failing to inform the mother at the time of the pregnancy of the chromosomal defect and the risk of the baby suffering the associated disabilities above so that the mother could consider having an abortion. A doctor of the Hospital Authority was allegedly aware of the chromosomal defect at the time of the mother's pregnancy, but the baby's disabilities themselves were of a genetic origin and were not caused by any negligence on the part of the Hospital Authority. The court held that all negligence claims of the same kind as the baby's claim were barred by the Law Amendment and Reform (Consolidation) Ordinance and were not permitted by the common law. Please click [here](#) for a summary of this case on our website.

在一宗近期的案件 *Lam Wing Hei* 及 *Lam Tsz Kiu v* 醫院管理局 中，一個嬰孩患有與一個染色體缺陷相關的殘疾，該嬰孩及其母親控告醫院管理局疏忽，醫管局涉嫌沒有在該母親懷孕期間告知她上述染色體缺陷及患上前述相關殘疾的風險，以使該母親可考慮墮胎。醫管局的醫生涉嫌在該母親懷孕期間已得知該嬰孩有上述染色體缺陷，然而該嬰孩的殘疾是由遺傳（而非醫管局的疏忽）所致。法庭裁定所有與該嬰孩的申索同類的疏忽申索均為《法律修訂及改革（綜合）條例》所禁制並且不被普通法容許。請[按此](#)閱讀本中心網站中該案件的撮要。

In the News :

Australian court authorized administration of blood transfusion to a 17-year-old pregnant girl who refused blood transfusion on religious grounds



The Australian court granted authority to a hospital to administer blood transfusion to a 17-year-old pregnant girl against her refusal in a recent court case. The girl and her family members were Jehovah's Witnesses, who were forbidden by their religion to receive blood transfusion. Read more [here](#).

在一宗近期的法庭案件中，澳洲法庭授權一家醫院向該案中的 17 歲懷孕少女進行輸血，即使該名少女拒絕接受輸血。該名少女及她的家人皆為耶和華見證人，耶和華見證人的教義禁止他們接受輸血。請[按此](#)閱讀有關報導。

NGO called for more financial support from the government for end-of-life care services of nursing homes in Hong Kong

The overwhelming majority of deaths take place in hospitals in Hong Kong. Please click [here](#) to read an article about a non-governmental organisation's recent call for more financial support from the government for end-of-life care services of nursing homes in Hong Kong. The non-governmental organisation suggests that, apart from allowing more nursing home residents to spend their last days in nursing homes where they wish to do so, the expansion of end-of-life care services in nursing homes might have the benefit of saving substantial public funds which would otherwise have to be expended.

在香港大部分人是 在醫院離世的。最近一個非政府組織呼籲政府為香港護養院的晚期護理服務提供更多財政支持，請[按此](#)閱讀一篇相關報導。該非政府組織認為，擴大護養院的晚期護理服務除了能使更多希望在護養院度過最後的日子的護養院院友可以如其所願外，還可能使政府節省不少公帑。

In Commentary :

The significance of the perspectives of the elderly on mental capacity for reform of the mental capacity law



The effectiveness of the law in protecting the mentally incapacitated from exploitation partly hinges on the accuracy of mental capacity assessments. Please click [here](#) to read an article that discusses the challenges in defining and assessing mental capacity. The author suggests that the reform of the legal doctrine of mental capacity shall be undertaken with reference to the perspectives of the elderly, who are most affected by this doctrine.

到底法律能否有效地保護精神上無行為能力的人士以使他们免遭剝削，某程度上視乎於對精神上行為能力的評估是否準確。請[按此](#)閱讀一篇相關文章，該文章提到定義及評估精神上行為能力時所遇到的挑戰。作者建議當局在改革關於精神上行為能力的法律時應考慮長者的看法，因為上述法律對長者的影響最為深遠。