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We are CMEL! Welcome to the thirty-sixth 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 story in this newsletter

Article:



Managing the property and affairs of persons without mental capacity

Persons without mental capacity, such as some of the patients with dementia, are vulnerable to financial and other abuse. Click [here](#) for a bilingual article co-authored by CMEL's Deputy Director, Ms Daisy Cheung, for some legal tools that may be used to safeguard against such abuse in Hong Kong.

精神上無行為能力的人(例如部分認知障礙症患者)易遭侵吞財產及剝削，本中心副總監張天目女士合著的雙語文章討論了香港應對上述問題的一些法律工具，[按此](#)閱讀該文。

Recent Case:



Test for the diagnosis of death challenged in UK court

In the 1993 UK court case of *Bland*, the House of Lords, the then highest court, endorsed “the medical consensus” that death was to be diagnosed by an absence of brain stem function. In a recent UK court case, *Re M (Declaration of Death of Child)*, doctors concluded that a baby was “brain stem dead” and, thus, clinically dead. The hospital, therefore, sought permission to turn off and disconnect the ventilator on which the baby was placed. The parents did not accept that their baby was dead and submitted to the Court of Appeal that regard should be had to the medical practice in other nations, in particular, the US, where the test is “whole brain death” rather than “brain stem death”. The Court of Appeal held that (1) brain stem death is established as the legal criteria by the decision of the House of Lords in *Bland* and (2) therefore, it is not open to the present court, which is a lower court, to contemplate a different test. Read a summary of the judgment [here](#).

在稱為 *Bland* 的 1993 年英國法庭案件中，當時最高級的法庭上議院認可了死亡的診斷準則為喪失腦幹功能的“醫學共識”。近期一宗名為 *Re M (宣告兒童死亡)* 的英國法庭案件中，醫生診斷案中嬰兒“腦幹死亡”，並因嬰兒“腦幹死亡”的診斷而斷定嬰兒根據臨床診斷已死，醫院因此提出將嬰兒的呼吸器關掉並中斷連接，但嬰兒的父母不同意他已死，並向上訴庭提出應考慮其他國家尤其是美國的做法，美國以“全腦死亡”而非“腦幹死亡”為準則。上訴庭裁定，因上議院在 *Bland* 一案已確立“腦幹死亡”為法律上的準則，故上訴庭(作為比上議院低級的法庭)不能採用不同的準則。[按此](#)閱讀裁決簡要。

In the News:



Ethical concerns over a lottery-style free drug programme to give away potentially life-saving gene therapy

The subsidiary of a Swiss pharmaceutical giant launched a lottery-style free drug programme to give out doses of an expensive but potentially life-saving gene therapy. The lottery element raises ethical concerns. Read more [here](#).

瑞士製藥巨企的子公司推出計劃，抽籤免費送出多劑基因療法，該藥售價不菲但或有救命之效，抽籤決定誰獲送藥的安排引起倫理爭議，[按此](#)閱讀更多。