



## APRIL ISSUE 2021

We are CMEL! Welcome to the fiftieth 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 [Twitter account](#) and a [Facebook page](#).

## Top story in this newsletter

## Editorial:



## Vaccine Bubble &amp; Injury Compensation

社論: 「疫苗氣泡」與疫苗傷害賠償

On 28 April 2021, the government of Hong Kong SAR announced measures to relax social distancing measures under a "[vaccine bubble](#)" scheme, effective for 14 days from 29 April. This scheme is essentially risk-based in that it recognises that the risk of transmission of the COVID-19 virus cannot be completely eradicated, and various mitigation measures have been introduced in proportion to the level of risk. From both ethical and legal viewpoints, this scheme is commendable for a number of reasons, including its attempt to: (i) ensure that vaccination remains voluntary; (ii) provide incentives for healthy but potentially at-risk individuals to get vaccinated; (iii) minimise economic and social harms; and (iv) secure the employment prospect of employees who are unable to get vaccinated for health reasons. Prior to the announcement of this scheme, reporters contacted CMEL on concerns that certain groups of individuals (particularly employees) could be unfairly discriminated against. Another concern raised by the reporters was access to compensation for vaccine injury, in the light of the fact that only a small proportion of residents in Hong Kong has been vaccinated (which was, at the time of writing, just [under 15%](#) of the entire population). The personal observation of Dr [Calvin W. L. Ho](#) was that measures that could promote public trust would include: (a) providing legal assurance of no-fault compensation (typically in the form of a statute as in common law jurisdictions like the United Kingdom and the United States), and (b) presuming cause or otherwise having a standard of causality which is not perceived as unduly restrictive. While Dr Ho is not aware of any local statute that is specific to this concern, a COVID-19 vaccine [indemnity fund](#) has been established by the government. News reports that relate to these discussions are referenced in this month's newsletter (please see section on "Knowledge Exchange").

Apart from the above, CMEL would like to thank all speakers and participants of its webinar on Gross Negligence Manslaughter, a recording of which is now available online. CMEL is also pleased to present new publications by its core faculty members, including a new book by Dr [Harry Yi-Jui Wu](#). Readers are also welcome to participate in Dr Wu's book talk on 14 May 2021.

今年 4 月 28 日, 香港政府公布由今年 4 月 29 日起在「[疫苗氣泡](#)」計劃下, 放寬社交距離措施共 14 天。這項計劃基本上以風險為基礎, 因這項計劃考慮到 2019 冠狀病毒的傳播風險未能被完全清除, 根據不同的風險水平實行相對的緩和措施。從倫理及法律角度看, 這項計劃嘗試: (i) 確保疫苗接種仍屬自願性質; (ii) 提供誘因予健康但有潛在風險人士接種疫苗; (iii) 將對經濟及社會的影響減到最少; 以及 (iv) 保障因健康理由而未能接種疫苗的僱員的工作前景, 這項計劃在這些方面值得讚揚。在以上計劃公布前, 記者向本中心就個別群體(尤其是僱員)可能受到不公平歧視作查詢, 此外鑑於香港只有小部份市民已接種疫苗(於撰寫

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此文時，已接種疫苗者只佔整體人口少於百分之十五)，記者也提出了有關接種疫苗的人身傷害賠償的疑問。本中心何維倫副教授個人認為，可以提升公眾信任的措施包括: (a) 提供無過失賠償的法律保證 (一般會以訂立法例的形式作出，例子包括英國和美國等普通法司法管轄區); 及(b) 推定因果關係或訂立一個不被認為過高的因果關係標準。以何教授所知，雖然香港似乎沒有針對此事的法例，但香港政府已成立了 2019 冠狀病毒病疫苗的保障基金。有關上述議題的新聞報道請參閱本通訊的 "Knowledge Exchange" 部分。

另外，本中心衷心感謝所有參與了本中心的「嚴重疏忽誤殺」網上研討會的講者及參加者，相關的錄影片段已上傳至互聯網。最後，本通訊也分享了本中心核心教職員的最新作品，其中包括吳易叡助理教授的新書，歡迎讀者參加吳教授將於今年 5 月 14 日舉行的書籍講座。

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## Video:



### **(Webinar) Gross Negligence Manslaughter: Should it apply to healthcare practitioners?**

CMEL held a webinar on Gross Negligence Manslaughter in healthcare on 9 April 2021.

Watch the video recording (about 2 hours) [here](#). Click [here](#) for the Index Cases for this webinar.

本中心於 2021 年 4 月 9 日舉行「嚴重疏忽誤殺：應否應用於醫療人員？」網上研討會。

[按此](#)觀看研討會的錄影片段，片長約 2 小時。[按此](#)閱讀研討會的案例匯編。

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## News:



### **Controversy over "vaccine passports" for international travel**

The controversial measure of requiring proof of COVID-19 vaccination as a condition of entry for international travel has recently raised concerns over inequity in vaccine distribution, discrimination and privacy issues. Read more [here](#).

將已接種 2019 冠狀病毒病疫苗作為國際入境者入境條件一事引起了關於疫苗分配不均、歧視及私隱問題的爭議，[按此](#)閱讀更多。

### **New Zealand's plan to ban sale of tobacco to the new generation**

The New Zealand government is consulting the public on various proposals on the regulation of tobacco, including the proposal to adopt a "smokefree generation policy", for which the New Zealand government gave the following example. If, for instance, the relevant legislation for a "smokefree generation" commences on 1 January 2022, people born after 1 January 2004 or those less than 18 years old at the time of the commencement will never be able to lawfully be sold smoked tobacco products. Read more [here](#).

紐西蘭政府正為多項控煙措施建議諮詢公眾，當中包括建立一個「無煙世代」的政策建議。紐西蘭政府舉例指，假設「無煙世代」的相關法律在 2022 年 1 月 1 日生效，從此以後向任何在 2004 年 1 月 1 日以後出生的人(即在 2022 年 1 月 1 日當日尚不足 18 歲者)售賣煙草產品將是非法的。[按此](#)閱讀更多。



## Suggestion for a compensation scheme for workers affected by the vaccine bubble in Hong Kong

In an interview with HK01, a local online news portal, our Dr [Calvin W. L. Ho](#) suggested a fair compensation scheme for Hong Kong employees adversely affected by the vaccine bubble.

Click [here](#) for the article [article in Chinese only].

香港推行「疫苗氣泡」措施。本中心[何維倫](#)副教授接受《香港 01》訪問，建議為蒙受「疫苗氣泡」負面影響的僱員設立公平的補償計劃，[按此](#)閱讀報道。

## "Vaccine bubble" as an interim measure in Hong Kong

In the interview with HK01 above, our Dr [Calvin W. L. Ho](#) also emphasised that "vaccine bubble" as an interim measure requires collaborative monitoring for effectiveness and harms.

Click [here](#) for the article [article in Chinese only].

在《香港 01》的訪問中，本中心[何維倫](#)副教授指出「疫苗氣泡」為臨時措施，各方須合作監察「疫苗氣泡」的有效性及其負面影響，[按此](#)閱讀報道。

## Differential treatments of the vaccinated and the unvaccinated in Hong Kong

Recently Hong Kong has adopted a number of measures which aim at incentivising residents to get vaccinated against COVID-19 and involve differential treatments for those vaccinated and those who are not.

In an interview with Ming Pao, a local newspaper, our Dr [Calvin W. L. Ho](#) shared his views on this matter.

Click [here](#) for the article [article in Chinese only].

香港採取多項措施鼓勵市民接種 2019 冠狀病毒病疫苗，措施牽涉差別對待已接種和沒有接種疫苗的人。本中心[何維倫](#)副教授接受《明報》訪問，分享他的想法，[按此](#)閱讀報道。

## Suggestion for flexible hospital visitation policies for unvaccinated visitors in Hong Kong

In early April this year, discussion about easing restrictions on visits to Hong Kong public hospitals for visitors who had been vaccinated against COVID-19 raised concerns about the pressure to get vaccinated for those whose loved ones were hospitalised.

Our Dr [Calvin W. L. Ho](#) shared his views on this issue in the interview with Ming Pao above.

Click [here](#) for the relevant article [article in Chinese only].

今年四月初，香港探討在疫情下對已接種 2019 冠狀病毒病疫苗的探訪者放寬公立醫院探訪限制的可能性，建議當時引起公眾關注住院病人的親屬或會因此蒙受接種疫苗的壓力。在上述《明報》訪問中，本中心[何維倫](#)副教授分享了他的見解，[按此](#)閱讀報道。

## Disparity between the vaccinated and the unvaccinated in the workplace in Hong Kong

In early April this year, a Hong Kong mahjong parlour required its employees to get vaccinated against COVID-19, claiming that it would "suspend" any unvaccinated employee from work unless the employee could provide medical proof to show that vaccination would not be suitable for him/ her.

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Our Dr [Calvin W. L. Ho](#) shared his views on differential treatments in the workplace for those vaccinated and those who are not in the interview with Ming Pao above.

Click [here](#) for the relevant article [article in Chinese only].

今年四月初，香港有麻將館要求員工接種 2019 冠狀病毒病疫苗，並指會要求沒有接種疫苗的員工「停工休息」，除非有醫生證明該員工不宜接種疫苗。就僱主對有接種和沒有接種疫苗的員工的差別待遇，本中心[何維倫](#)副教授在《明報》的訪問中分享他的想法，[按此](#)閱讀報道。

### Vaccine injury compensation

The Hong Kong government has set up a COVID-19 vaccine [indemnity fund](#). Our Dr [Calvin W. L. Ho](#) observed that presuming cause or otherwise having a standard of causality which is not perceived as unduly restrictive could promote public trust. He was [interviewed by CitizenNews](#), a local online news portal.

香港政府已設立 2019 冠狀病毒病疫苗[保障基金](#)。本中心[何維倫](#)副教授個人認為，推定因果關係或訂立一個不被認為過高的因果關係標準，將可提升公眾信任，何維倫副教授接受了[《眾新聞》](#)的採訪。

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## Publications: Recent publications



Please click on the links to read the publications.

[Book]

- **"Mad by the Millions: Mental Disorders and the Early Years of the World Health Organization"**

By [Harry Yi-Jui Wu](#)

Publisher: MIT Press (2021)

<https://mitpress.mit.edu/books/mad-millions>

[Territory report]

- **"Hong Kong Special Administrative Region, People's Republic of China: Legal Response to Covid-19"** [Open Access]

By Stephen Thomson and [Eric C. Ip](#)

A territory report published in Jeff King and Octavio Ferraz (eds), *The Oxford Compendium of National Legal Responses to Covid-19* (Oxford University Press, 2021)

<https://oxcon.ouplaw.com/view/10.1093/law-occ19/law-occ19-e8>

[Journal articles]

- **"Gendered Disease Iconography through the Lens of COVID-19 in Hong Kong"** [Open Access]

By [Harry Yi-Jui Wu](#)

In *Men and Masculinities* (March 2021)

<https://doi.org/10.1177/1097184X211001415>

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- "Historical Reflection on *Taijin-kyōfushō* During Covid-19: A Global Phenomenon of Social Anxiety?" [Open Access]

By Shisei Tei and [Harry Yi-Jui Wu](#)

In *History and Philosophy of the Life Sciences* (2021)

<https://doi.org/10.1007/s40656-021-00392-9>

[Op-ed]

- "Vaccine Hesitancy in Time of Post-truth Politics" [Open Access]

By [Harry Yi-Jui Wu](#)

In *United Daily News* (14 April 2021)

<https://health.udn.com/health/story/6001/5387110?fbclid=IwAR3p6hTysyPXLtvlDZgWDalf6nWdtgQWp542lia8uZslbvS70WVezottvn4>

請按以下連結閱讀近期本中心成員的文章。

[書籍]

- 《群瘋：精神疾病以及世界衛生組織的早年歲月》

作者: [吳易叡](#) 助理教授

出版社: 麻省理工學院出版社 (2021 年)

<https://mitpress.mit.edu/books/mad-millions>

[地區報告]

- 《中華人民共和國香港特別行政區：關於 2019 冠狀病毒病的法律回應》 [免費閱覽]

作者: Stephen Thomson 副教授 及 [葉子暘](#) 副教授

收錄於 Jeff King 與 Octavio Ferraz 編輯的《牛津國內法應對 2019 冠狀病毒病匯編》(2021 年, 牛津大學出版社)

<https://oxcon.ouplaw.com/view/10.1093/law-occ19/law-occ19-e8>

[期刊論文]

- 《從香港的 2019 冠狀病毒病疫情看性別化的疾病肖像》 [免費閱覽]

作者: [吳易叡](#) 助理教授

刊登於《男性與男子氣概》期刊 (2021 年 3 月)

<https://doi.org/10.1177/1097184X211001415>

- 《2019 冠狀病毒病疫情之中「對人恐怖症」的歷史反思:全球性的社會恐慌?》 [免費閱覽]

作者: 鄭志誠研究員 及 [吳易叡](#) 助理教授

[專欄]

- 《後事實時代的疫苗猶豫》 [免費閱覽]

作者: [吳易叡](#) 助理教授

刊登於台灣《聯合報》(醫病平台專欄) (2021 年 4 月 14 日)

<https://health.udn.com/health/story/6001/5387110?fbclid=IwAR3p6hTysyPXLtvlDZgWDalf6nWdtgQWp542lia8uZslbvS70WVezottvn4>

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**Event:**

**Webinar with CMEL's members**



**Seeking Commonality of Mental Suffering in a Divided World—Book launch of *Mad by the Millions: Mental Disorders and the Early Years of the World Health Organization***

Organiser: Centre for the Humanities and Medicine & Medical Ethics and Humanities Unit, The University of Hong Kong

Speaker: Dr [Harry Yi-Jui Wu](#) (Author of the book and CMEL's board member)

Moderator: Dr [Priscilla Song](#) (CMEL's board member)

Date & Time: 14 May 2021 (Fri), 2:00 pm - 3:30 pm (Hong Kong Time)

Register to attend on ZOOM: Click [here](#)

「在分裂的世界尋找精神苦難的共性：《群瘋：精神疾病以及世界衛生組織的早年歲月》書籍發佈會」

主辦: 港大 人文醫學中心 以及 醫學倫理及人文學部

講者: 該書作者 [吳易叡](#) 助理教授 (本中心董事會成員)

主持: [宋柏萱](#) 副教授 (本中心董事會成員)

日期及時間: 2021 年 5 月 14 日(五) 下午 2 時至 3 時 30 分 (香港時間)

報名在 ZOOM 平台參與: [按此](#)

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