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THE UNIVERSITY OF HONG KONG
CENTRE FOR MEDICAL ETHICS AND LAW

The Centre for Medical Ethics and Law (CMEL) develops new ideas and solutions in response to the big ethical, legal and policy questions of medicine and health.

Relational Autonomy: Rethinking Informed Consent in Healthcare from Cross-Cultural and Religious Perspectives

26 January 2022, Wednesday
6:30 pm – 8:30 pm (Hong Kong Time)
Live Zoom Session

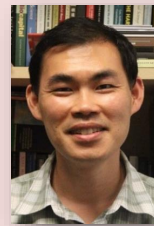
The requirement of informed consent in healthcare and biomedical research tends to be construed and implemented in ways that are overtly individualistic and without adequate recognition of the attending social, cultural and religious conditions. Drawing from contributions in the edited monographs "[Cross-Cultural and Religious Critiques of Informed Consent](#)" and "[Medical Decision-Making on Behalf of Young Children](#)", contributing authors and commentators discuss key arguments and implications of this contribution to the bioethical literature on informed consent.

CHAIRS:



Prof Gilberto KK Leung

Tsang Wing-Hing Professor in Clinical Neuroscience, and Associate Dean (Teaching & Learning), Li Ka Shing Faculty of Medicine, The University of Hong Kong



Dr Calvin Ho

Associate Professor of Law & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong

SPEAKERS:

Fr. Joseph Tham, LC

Professor, School of Bioethics, Regina Apostolorum Pontifical University, Italy



Prof Ellen Y. Zhang

Head, Director of Centre for Applied Ethics, Associate Programme Director of Master of Arts in Ethics and Public Affairs and Professor, Department of Religion and Philosophy, Hong Kong Baptist University, Hong Kong



Prof Ruiping Fan

Professor, Department of Public Policy, City University of Hong Kong, Hong Kong



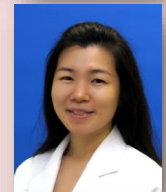
Prof Imogen Goold

Professor of Medical Law, Faculty of Law, University of Oxford, United Kingdom



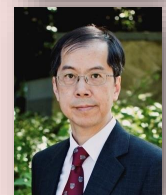
Ms Jingyi Lin

Senior Medical Social Worker, Tan Tock Seng Hospital, Singapore



Dr Derrick K.S. Au

Director, CUHK Centre for Bioethics, Faculty of Medicine, The Chinese University of Hong Kong, Hong Kong



Organised by:
Centre for Medical Ethics & Law,
The University of Hong Kong

Registration & Other Details:
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About the Webinar

The requirement of informed consent in healthcare and biomedical research tends to be construed and implemented in ways that are overtly individualistic and without adequate recognition of the attending social, cultural and religious conditions. Drawing from contributions in the edited monographs "[Cross-Cultural and Religious Critiques of Informed Consent](#)" and "[Medical Decision-Making on Behalf of Young Children](#)", contributing authors and commentators discuss key arguments and implications of this contribution to the bioethical literature on informed consent.

Chairs & Speakers

Chairs

Dr Calvin Ho

Associate Professor of Law & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong

Prof Gilberto KK Leung

Tsang Wing-Hing Professor in Clinical Neuroscience, and Associate Dean (Teaching & Learning), Li Ka Shing Faculty of Medicine, The University of Hong Kong

Speakers

Fr. Joseph Tham, LC

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Ms Jingyi Lin

Senior Medical Social Worker, Tan Tock Seng Hospital, Singapore

Dr Derrick K.S. Au

Director, CUHK Centre for Bioethics, Faculty of Medicine, The Chinese University of Hong Kong, Hong Kong

Programme

Relational Autonomy: Rethinking Informed Consent in Healthcare from Cross-Cultural and Religious Perspectives

26 January 2022, Wednesday
6:30 pm – 8:30 pm (Hong Kong Time)

PANEL 1	
6:30 - 6:35	Introductory remarks by the Chair: Prof Gilberto KK Leung Tsang Wing-Hing Professor in Clinical Neuroscience, and Associate Dean (Teaching & Learning), Li Ka Shing Faculty of Medicine, The University of Hong Kong
6:35 - 6:50	Presentation 1: Fr. Joseph Tham, LC Professor, School of Bioethics, Regina Apostolorum Pontifical University, Italy <i>Title:</i> <i>Healthcare decision-making: Cross-cultural analysis of the shift from autonomous to the relational self</i>
6:50 - 7:05	Presentation 2: Prof Ellen Y. Zhang Head, Director of Centre for Applied Ethics, Associate Programme Director of Master of Arts in Ethics and Public Affairs and Professor, Department of Religion and Philosophy, Hong Kong Baptist University, Hong Kong <i>Title:</i> <i>Informed consent: A critical response from a Buddhist perspective</i>
7:05 - 7:20	Presentation 3: Prof Ruiping Fan Professor, Department of Public Policy, City University of Hong Kong, Hong Kong <i>Title:</i> <i>A Confucian view of informed consent in biomedical practice</i>
7:20 - 7:25	Break

PANEL 2	
7:25 - 7:30	<p>Introductory remarks by the Chair:</p> <p>Dr Calvin Ho Associate Professor of Law & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong</p>
7:30 - 7:45	<p>Presentation 4:</p> <p>Prof Imogen Goold Professor of Medical Law, Faculty of Law, University of Oxford, United Kingdom</p> <p><i>Title:</i> <i>Autonomy and decision-making for children – A comparative analysis across five continents</i></p>
7:45 - 8:00	<p>Presentation 5:</p> <p>Ms Jingyi Lin Senior Medical Social Worker, Tan Tock Seng Hospital, Singapore</p> <p><i>Title:</i> <i>Consideration of relational autonomy on decision-making and informed consent in healthcare settings</i></p>
8:00 - 8:15	<p>Presentation 6:</p> <p>Dr Derrick K.S. Au Director, CUHK Centre for Bioethics, Faculty of Medicine, The Chinese University of Hong Kong, Hong Kong</p> <p><i>Title:</i> <i>Alternative forms of autonomy in medical practice: Can informed consent be shared?</i></p>
8:15 - 8:30	Q&A and conclusion

Abstracts

PRESENTATION 1

Fr. Joseph Tham, LC

Professor, School of Bioethics, Regina Apostolorum Pontifical University, Italy

Title:

Healthcare decision-making: Cross-cultural analysis of the shift from autonomous to the relational self

This presentation addresses three factors that have contributed to shifts in decision-making in healthcare. First, the notion of patient autonomy, which has changed due to the rise of patient-centred approaches in contemporary healthcare and the re-conceptualization of physician–patient relationship. Second, the understanding of patient autonomy has broadened to better engage patient participation. Third, the need to develop cross-cultural healthcare ethics. Our paper shows that the shift in the West from the individual to the relational self indicates an important change in the understanding of autonomy through the lens of culture. Practices that recognize the notion of the relational self allow for a more balanced view of autonomy and a richer conception of moral agency.

PRESENTATION 2

Prof Ellen Y. Zhang

Head, Director of Centre for Applied Ethics, Associate Programme Director of Master of Arts in Ethics and Public Affairs and Professor, Department of Religion and Philosophy, Hong Kong Baptist University, Hong Kong

Title:

Informed consent: A critical response from a Buddhist perspective

According to UNESCO Declaration of Bioethics and Human Rights, the informed consent process requires four characteristics to be valid: voluntariness, disclosure, understanding and capacity. Whenever one of these elements is missing, informed consent can be compromised. In their Principle of Biomedical Ethics, Tom L. Beauchamp and James F. Childress claim that informed consent is an individual's autonomous authorization, postulating seven structural elements, namely, competence to understand and decide, voluntariness in deciding, disclosure of material information, recommendation of a plan, understanding of the information and recommended plan, decision in favour of the plan and authorization of the chosen plan. This presentation examines the key elements in the process of informed consent and their ethical implications and offers a critical response from Buddhism. The author contends that informed consent is a complicated concept which may have desirable and undesirable effects on medical practice, yet it is better to have it.

PRESENTATION 3

Prof Ruiping Fan

Professor, Department of Public Policy, City University of Hong Kong, Hong Kong

Title:

A Confucian view of informed consent in biomedical practice

This presentation argues that contemporary Confucian people must reject medical paternalism, but they do not have to shift to an individualist approach to informed consent in biomedical practice. To pursue the complete ideal of human flourishing, Confucian tradition should develop a Confucian conception of human rights, including a right to informed consent for patients, subjects and their families in biomedical contexts. However, the Confucian account of informed consent for biomedical practice is not an individualist account, in which the individual is appreciated as possessing sole or exclusive decisional authority in biomedical matters independently of one's family. Instead, the Confucian approach to informed consent is virtue-oriented and family-based. It accentuates the naturalness, usefulness and normalness of the engagement of family members in a patient's biomedical decision-making, thus acknowledging a shared decisional authority granted by both the patient and the family. If the patient and the immediate family members hold disagreement, they need to work out a solution through reasonable discussion in light of the moral requirements of the virtues. Sometimes, the physician may play a crucial role in providing advice and standing on one side, the side of the patient or the family, to tip the scale.

PRESENTATION 4

Prof Imogen Goold

Professor of Medical Law, Faculty of Law, University of Oxford, United Kingdom

Title:

Autonomy and decision-making for children – A comparative analysis across five continents

While there are many shared principles and understandings of autonomy and how to approach decision-making with regard to children in the medical context, there are also considerable differences across jurisdictions. These include who should be the dominant decision making, how to approach children's rights and interests and what to do when there is a conflict. This paper provides a comparative perspective on these issues by bringing together analysis from a range of jurisdictions across Europe, North and South America, Africa and Asia. It contextualises the differences and similarities, and drawing out the cultural and social values that inform the approach in different countries, with the hope of fostering cross-jurisdictional discussion about how best to approach these complex situations.

PRESENTATION 5

Ms Jingyi Lin

Senior Medical Social Worker, Tan Tock Seng Hospital, Singapore

Title:

Consideration of relational autonomy on decision-making and informed consent in healthcare settings

The early conception of patient autonomy has been deemed as individualistic and inadequate in encompassing the patient's interests and values within their social, cultural and religious context. Recent discourse of autonomy as a relational concept with cultural and religious considerations, and its implication on healthcare decision-making and consent taking, is highly relevant for healthcare practitioners in achieving cultural competence and better patient-centred care.

PRESENTATION 6

Dr Derrick K.S. Au

Director, CUHK Centre for Bioethics, Faculty of Medicine, The Chinese University of Hong Kong, Hong Kong

Title:

Alternative forms of autonomy in medical practice: Can informed consent be shared?

Individual autonomy as the pillar concept of informed consent has often been criticized for ignoring the relational aspects of decision-making. Relational autonomy, on the other hand, has not found a way to operationalize or translate its theory into standard practice. In end-of-life practices, the shared decision-making (SDM) model has gained some popularity but still falls short of addressing the challenges of incorporating relational autonomy into informed consent processes. This presentation considers the potentials and constraints of applying relational autonomy to enrich informed consent in practice.

Biographies

CHAIRS

Dr Calvin Ho

Associate Professor of Law & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong



Dr Calvin Ho is Associate Professor with the Faculty of Law, and Co-Director of the Centre for Medical Ethics, at the University of Hong Kong. His research is primarily on the governance of health and biomedical technologies, including human genome editing, human pluripotent stem cell research, and health technologies based on Artificial Intelligence and data analytics. He is an Ethics Board member of Médecins Sans Frontières (Doctors Without Borders), and a member of the Access to COVID-19 Tools (ACT) Accelerator Ethics Working Group of the World Health Organization.

Professor Gilberto KK Leung

Tsang Wing-Hing Professor in Clinical Neuroscience, and Associate Dean (Teaching & Learning), Li Ka Shing Faculty of Medicine, The University of Hong Kong



Professor Gilberto K.K. Leung is a neurosurgeon, Tsang Wing-Hing Professor in Clinical Neuroscience, and Associate Dean (Teaching & Learning) at the LKS Faculty of Medicine, University of Hong Kong. He holds a LLM in Medical Law and Ethics with Distinction, and the School of Law's McLagan Prize for Best Graduate, from the University of Edinburgh. He is currently President of the Hong Kong Academy of Medicine.

Biographies

SPEAKERS

Fr. Joseph Tham, LC

Professor, School of Bioethics, Regina Apostolorum Pontifical University, Italy



Rev. Joseph Tham is a Chinese Canadian, physician and theologian with specialization in bioethics. He is former dean of the School of Bioethics in *Regina Apostolorum* where he presently teaches bioethics. He is a Fellow of the UNESCO Chair in Bioethics and Human Rights. He is the author and editor of numerous articles and books, including *The Missing Cornerstone* (2004), *The Secularization of Bioethics* (2007) and *Bioetica al Futuro [Bioethics of the Future]* (2010), *Religious Perspectives on Human Vulnerability in Bioethics* (2014), *Religious Perspectives on Bioethics and Human Rights* (2017), *Sexuality, Gender and Education* (2018), *Religious Perspectives on Social Responsibility in Health* (2018) and *Interreligious Perspectives on Mind, Genes*

and the Self (2018).

Prof Ellen Y. Zhang

Head, Director of Centre for Applied Ethics, Associate Programme Director of Master of Arts in Ethics and Public Affairs and Professor, Department of Religion and Philosophy, Hong Kong Baptist University, Hong Kong



Ellen Y. Zhang is a professor in and head of the Department of Religion and Philosophy and director of the Centre for Applied Ethics at Hong Kong Baptist University. She is editor-in-chief for *International Journal of Chinese and Comparative Philosophy of Medicine* and on the editorial board for the *Journal of Religious Ethics*. Her research interests include Chinese philosophy (Daoism and Buddhism) and comparative philosophy and ethics.

Prof Ruiping Fan

Professor, Department of Public Policy, City University of Hong Kong, Hong Kong



Ruiping FAN received his PhD in philosophy from Rice University in Houston. He is currently professor of philosophy in the Department of Public Policy at the City University of Hong Kong. He is a leading scholar of bioethics in Asia, and is well-known for his bioethical explorations drawing on Confucian cultural resources. He is a founding editor of the *International Journal of Chinese & Comparative Philosophy of Medicine* (a bilingual journal in Hong Kong). He also serves as Associate Editor of the *Journal of Medicine & Philosophy* (English in USA) as well as the *Chinese Medical Ethics* journal (Chinese in mainland China). Cooperating with mainland and Hong Kong scholars, he has launched and organized the “Building Chinese Bioethics” annual

seminar for a dozen years now. In addition to over 180 journal articles and book chapters (over 100 in English and 80 in Chinese) published, he also authored *Reconstructionist Confucianism: Rethinking Morality after the West* (in English, 2010) and *Contemporary Confucian Bioethics* (in Chinese, 2011). He was the editor or co-editor of 10 volumes (5 in English and 5 in Chinese) regarding bioethical and Confucian studies, including the most recent one titled *Sex Robots: Social Impact and the Future of Human Relations* (Springer 2021).

Prof Imogen Goold

Professor of Medical Law, Faculty of Law, University of Oxford, United Kingdom

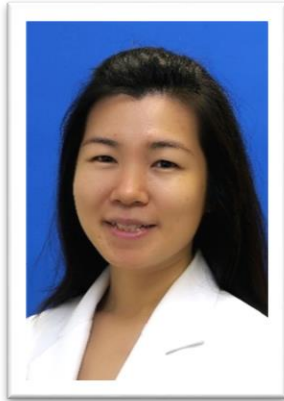


Imogen Goold studied Law and Modern History at the University of Tasmania, Australia, receiving her PhD in 2005. Her doctoral research explored the use of property law to regulate human body parts. She also received a Masters degree in Bioethics from the University of Monash in 2005. From 1999, she was a research member of the Centre for Law and Genetics, where she published on surrogacy laws, legal constraints on access to infertility treatments and proprietary rights in human tissue. In 2002, she took up as position as a Legal Officer at the Australian Law Reform Commission, working on the inquiries into Genetic Information Privacy and Gene Patenting. After leaving the ALRC in 2004, she worked briefly at the World Health Organisation, researching the

provision of genetic medical services in developing countries. She is now examining the impact of moral arguments on the regulation of IVF and also writing a book based on her work on body part ownership.

Ms Jingyi Lin

Senior Medical Social Worker, Tan Tock Seng Hospital, Singapore



Jingyi is a medical social worker from Singapore. She was trained in social work at National University of Singapore (NUS) and started her career as a community social worker for adults with severe intellectual disability for 2.5 years before moving to the healthcare sector in the last 10 years. She is a graduate from the inaugural cohort of the LLM(MEL) programme, and has a keen interest in the interplay of social, medical, legal considerations in healthcare and public health.

Dr Derrick K.S. Au

Director, CUHK Centre for Bioethics, Faculty of Medicine, The Chinese University of Hong Kong, Hong Kong



Dr Derrick Au is Director of the Centre for Bioethics at the Chinese University of Hong Kong (CUHK) and current Chairman of the Bioethics Course Committee in CUHK Faculty of Medicine. He received medical education in the United States at Brown University and postgraduate training in Hong Kong. Dr Au practiced clinical medicine in geriatrics and rehabilitation services for two decades before taking up management positions in the Hospital Authority (HA) including Director of Quality & Safety, overseeing clinical ethics among other responsibilities. He joined CUHK in March 2017. In public services Dr Au has served as member of committees in the Medical Council of Hong Kong (2012-2019), Chairman of the HA Clinical Ethics Committee (2017-2020), and the Hong Kong

Genome Institute (2020-present). Dr Au is also a writer, and publishing books on history of medicine, medical professionalism and bioethics.

About CMEL



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The Centre for Medical Ethics and Law (CMEL) develops new ideas and solutions in response to the big ethical, legal and policy questions of medicine and health. CMEL is the first cross-faculty interdisciplinary institution of its kind in the region. It was founded in 2012 by the LKS Faculty of Medicine and Faculty of Law at The University of Hong Kong as a joint inheritor of their vibrant intellectual traditions dating back to 1887 and 1969 respectively.

Today, CMEL brings together bioethicists, academic lawyers, medical scientists, and other scholars to conduct cutting edge bioethical and legal research and contribute to policy development in flagship areas like digital health and emergent technologies, mental health and capacity, and population and global health.

Research, teaching and knowledge exchange—CMEL’s core initiatives—aim to ensure that developments in biomedicine and public health will be underpinned by ethical and legal considerations.

Centre for Medical Ethics & Law, The University of Hong Kong

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