



Annual Review of Hong Kong Health Law 2023 & Book Launch of

Healthcare Law and Ethics: Principles & Practices

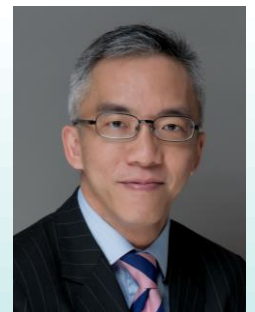
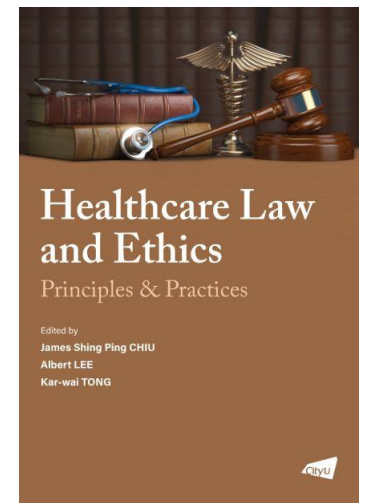
31 March 2023 (Friday)

6:30 pm – 8:30 pm (Hong Kong Time)

11/F, Cheng Yu Tung Tower, Centennial Campus, HKU (in-person event)

This seminar intends to offer an overview of significant and noteworthy regulatory and case law developments affecting medical and health law in Hong Kong.

This seminar will also feature a book launch of *Healthcare Law and Ethics: Principles & Practices* (City University of Hong Kong Press, 2023). Dr James S. P. Chiu, co-editor, will introduce the book.



SPEAKERS

Gilberto K. K. Leung **Opening Address and Introductory Remarks**

Tsang Wing-Hing Professor in Clinical Neuroscience, Co-Director of the Centre for Medical Ethics and Law & Associate Dean (Teaching & Learning), LKS Faculty of Medicine, The University of Hong Kong

James S. P. Chiu **Book Launch of *Healthcare Law and Ethics: Principles & Practices***

Co-editor of *Healthcare Law and Ethics: Principles & Practices*
Hon Clinical Assistant Professor, LKS Faculty of Medicine, The University of Hong Kong

James Badenoch, KC **Patient Consent: How and Why the Law Has Changed**

Adjunct Professor, Faculty of Law, The University of Hong Kong

Calvin Ho **Gross Negligence Manslaughter and Other Legal Updates**

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

Jane Or **Gross Negligence Manslaughter and Other Legal Updates**

Centre Manager of the Centre for Medical Ethics and Law, The University of Hong Kong

David Kan **Recent Cases Before the Medical Council of Hong Kong**

Partner at Howse Williams & Solicitor Advocate



CME/CPD Accreditation,
Registration & Other Details:

<https://cmel.hku.hk>

Enquiry:

3917 1845/ cmel@hku.hk

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About the “Annual Review of Hong Kong Health Law 2023” Seminar

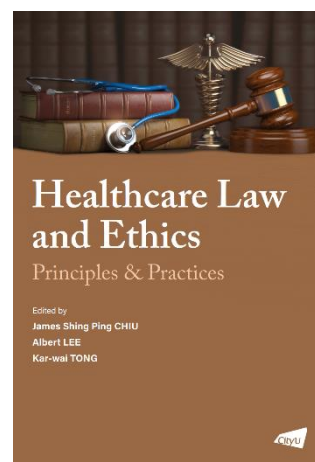
This seminar is intended to provide an overview of significant and noteworthy regulatory and case law developments in 2022 affecting medical and health law in Hong Kong.

About the Book Launch

This seminar will also feature a book launch of *Healthcare Law and Ethics: Principles & Practices* (City University of Hong Kong Press, 2023). Dr. James S. P. CHIU, co-editor, will introduce the book.

About *Healthcare Law and Ethics: Principles & Practices* (City University of Hong Kong Press, 2023):

“With the increasing number of complaints and court cases relating to healthcare disputes, healthcare practitioners (HCPs) are now facing more challenges and dilemmas in their daily practices. This book is unique in that most chapters are written jointly by two authors: one with legal training and one with a healthcare background. The balanced view offered thus allows readers to gain a thorough understanding of the concepts presented. Although most of the examples and scenarios are specific to medical doctors, the basic principles and ethical considerations as well as the enforcement of laws and regulations are, with some modifications, equally applicable to other HCPs, such as dentists, nurses, midwives, etc. Readers interested in healthcare law and ethics from numerous fields and stages of training, including legal and healthcare practitioners, trainees, postgraduate researchers and undergraduate students, will find this book both informative and practical as an aid to their work and studies.”



This paperback has 576 pages. It was published last month, 4 years after the authors started writing.

This book is unique in that most chapters are written jointly by two authors: one with legal training and one with a healthcare background. The balanced view offered thus allows readers to gain a thorough understanding of the concepts presented. Although most of the examples and scenarios are specific to medical doctors, the basic principles and ethical considerations are, with some modifications, equally applicable to other healthcare practitioners (HCPs), such as dentists, nurses and midwives etc.

The book consists of 15 chapters dealing with issues which concern HCPs most. The lead authors include three renowned King's Counsels from the UK and nine experts in the legal and medical fields from Hong Kong. The most updated information discussed include the revised Code of Professional Conduct for the Guidance of Registered Medical Practitioners (2022), the amended Medical Registration Ordinance (2018) and the landmark case of *Montgomery* on consent (2015).

This book provides a general overall view of medico-legal and ethical issues commonly encountered in healthcare provisions to unfold the complexity. It is hoped that healthcare and legal practitioners, trainees, postgraduate researchers and undergraduate students will find this book both informative and practical as a tool in their work and studies.

Objective, Coverage and Learning Outcomes

This seminar takes a look at important legal developments that relate to health and healthcare in Hong Kong in 2022. Attendees will be able to acquire knowledge of these developments. The coverage is not intended to be comprehensive, but the intent is to promote discussion.

The Programme

31 March 2023, Friday
6:30 pm – 8:30 pm (Hong Kong Time)

6:30 - 6:35	<p>Opening Address and Introductory Remarks</p> <p>Gilberto K. K. LEUNG Tsang Wing-Hing Professor in Clinical Neuroscience, Co-Director of the Centre for Medical Ethics and Law & Associate Dean (Teaching & Learning), LKS Faculty of Medicine, The University of Hong Kong</p>
6:35 - 6:45	<p>Book Launch of <i>Healthcare Law and Ethics: Principles & Practices</i> (City University of Hong Kong Press, 2023)</p> <p>James S. P. CHIU Co-editor of <i>Healthcare Law and Ethics: Principles & Practices</i> (City University of Hong Kong Press, 2023) Hon Clinical Assistant Professor, LKS Faculty of Medicine, The University of Hong Kong</p>
6:45 - 7:15	<p>Patient Consent: How and Why the Law Has Changed</p> <p>James BADENOCH, KC Adjunct Professor, Faculty of Law, The University of Hong Kong</p>
7:15 – 7:20	<p>Break</p>
7:20 - 7:50	<p>Gross Negligence Manslaughter and Other Legal Updates</p> <p>Calvin HO Associate Professor of Law & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong</p> <p>Jane OR Centre Manager, Centre for Medical Ethics and Law, The University of Hong Kong</p>
7:50 - 8:15	<p>Recent Cases Before the Medical Council of Hong Kong</p> <p>David KAN Partner at Howse Williams & Solicitor Advocate</p>
8:15 - 8:30	<p>Q&A</p>

Speakers

Gilberto K. K. LEUNG

Tsang Wing-Hing Professor in Clinical Neuroscience, Co-Director of the Centre for Medical Ethics and Law, Faculties of Law and Medicine & Associate Dean (Teaching & Learning) of the Li Ka Shing Faculty of Medicine, The University of Hong Kong

Professor Gilberto K. K. Leung is a neurosurgeon, Clinical Professor, Associate Dean (Teaching & Learning) at the LKS Faculty of Medicine, University of Hong Kong. He holds an LLB from the University of London and an LLM in Medical Law and Ethics with Distinction from the University of Edinburgh.



James Shing Ping CHIU

Co-editor of *Healthcare Law and Ethics: Principles & Practices* (City University of Hong Kong Press, 2023)

Hon Clinical Assistant Professor, Li Ka Shing Faculty of Medicine, The University of Hong Kong

Dr. Chiu is an Honorary Clinical Assistant Professor of the Medical Faculty at the University of Hong Kong. He was appointed an Adjunct Assistant Professor to help starting the first mediation course at the Chinese University of Hong Kong in 2010. He began to conduct mediation in 2006 and was the Mediation Course Co-ordinator and Lead Trainer of the Hong Kong Academy of Medicine (HKAM) and a Committee Member of the Hong Kong Mediation Council. He was a Vice-Chairman of the Regulatory Framework Sub-committee of the Steering Committee on Mediation and a member of the Working Group on Apology Legislation of the Department of Justice. James is a member of the Working Party on Review of the HK Mediation Code.



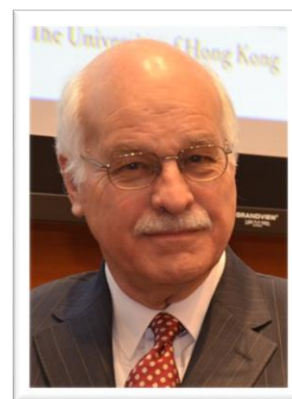
Dr. Chiu is the Co-Chairman of the Professionalism and Ethics Committee and the Convenor of the Task Force on Laws for Healthcare Practitioners at HKAM. He is a member of the Preliminary Investigation Committee (1) and a Medical Assessor in Inquiry Panels of the Medical Council of Hong Kong. James is a member of the Ethics Committee and of the Medicolegal Support Group of the HK Medical Association.

Dr. Chiu has published extensively on mediation, negotiation, apologies, medical ethics and medico-legal issues, including book chapters in "Apology Ordinance (Cap. 631) Commentary and Annotations" (Sweet & Maxwell 2018) and "Mediation in Hong Kong: Law & Practice" (Wolters Kluwer 2014 and 2022). He has chaired /spoken in over 100 meetings on these topics, both in Hong Kong and abroad. James was listed in Who's Who in the World as a Healthcare professional from 2009 to 2012, and then as a Law professional in 2013. He was invited to join the International Network for Law and Apology Researchers (INLAR) in 2015.

James BADENOCH, KC

Adjunct Professor, Faculty of Law, The University of Hong Kong

Professor James Badenoch, KC, is an eminent Queen’s Counsel who has specialized for over 35 years in clinical negligence, medical law, and professional discipline. He has appeared in a succession of major cases in the UK Supreme Court, the House of Lords, the Privy Council, the Court of Appeal, the High Court, the GMC and the GDC as well as the Hong Kong Court of Final Appeal and the Hong Kong High Court. Most famously, he was the leading counsel in the landmark case of *Montgomery v Lanarkshire Health Board* [2015] UKSC 11, in which he successfully persuaded the UK Supreme Court to adopt a modern formulation of doctors’ duties to their patients as regards the provision of information and the taking of consent, thereby overturning more than half a century of precedent established by the former House of Lords in the case of *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582 and *Sidaway v Board of Governors of the Bethlem Royal Hospital and the Maudsley Hospital* [1985] AC 871.



Calvin HO

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

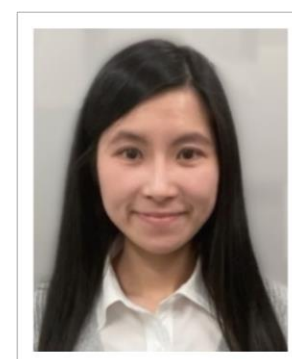
Calvin is Associate Professor with the Faculty of Law, and Co-Director of the Centre for Medical Ethics, at the University of Hong Kong. His research is primarily on the governance of health and biomedical technologies, including human genome editing, human pluripotent stem cell research, and health 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.



Jane OR

Centre Manager, Centre for Medical Ethics and Law, The University of Hong Kong

Jane is the Centre Manager of the Centre for Medical Ethics and Law at the University of Hong Kong. She holds a Bachelor of Laws degree from the University of Hong Kong.



David KAN

Partner at Howse Williams & Solicitor Advocate

David is a dual qualified medical doctor/solicitor and is a Founding Member of the Faculty of Forensic and Legal Medicine of the Royal College of Physicians (UK). He "changed horses" to law almost 25 years ago. Nowadays he and Chris Howse lead a team of experienced healthcare lawyers which handle all types of clinical negligence claims, including complex high value and fatal accident claims.



As an experienced litigator, David has gained accreditation as a Solicitor Advocate with Higher Rights of Audience in Hong Kong's Court of First Instance, Court of Appeal and Court of Final Appeal. David has substantial advocacy experience representing clients before the Civil Courts, Coroner's Court, Medical and Dental Council and other professional tribunals.

David also has considerable experience in advising on mental health law, medical criminal proceedings, clinical trials and risk management issues.

David has a Master's Degree in Medical Law and Ethics which placed him on good stead to provide healthcare regulatory advice to healthcare professionals as well as institutional clients including hospitals, pharmaceutical and biotechnology companies, medical device manufacturers, specialist group practices and corporate healthcare providers. In 2008, David was appointed as an Honorary Associate Professor in the Department of Pathology, Faculty of Medicine, The University of Hong Kong. He regularly lectures at HKU as well as to the Specialist Colleges. He provides clients and others with training in healthcare law. He is an advisor to various entities including the British Medical Association (HK) and the Hong Kong Medical Association.

Outside of private practice, David has served on various governing boards including those of a government hospital and a major international school. He is also a qualified coach with the Squash Rackets Association (UK) and he trains almost daily.

About the Organisers

Organised by:



CMEL

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. 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

Address: Office 9.21, 9th Floor, Cheng Yu Tung Tower,
Centennial Campus, The University of Hong Kong

Email: cmel@hku.hk
Tel: (852) 3917 1845
Fax: (852) 2549 8495

Website: <https://cmel.hku.hk>
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