

Organiser



Co-organisers



Roundtable: The Development of Regulation and Professional Guidance on Medical AI in Hong Kong Programme Booklet (Day 2)

The objectives of the roundtable are to explore:

- (a) how best to regulate and govern medical AI (including, but not limited to, AI medical devices) in Hong Kong;
- (b) the responsibilities of doctors in Hong Kong regarding their use of AI; and
- (c) the provision of guidance in the form of guidelines to doctors on these responsibilities.

Organiser: Centre for Medical Ethics and Law (CMEL),
The University of Hong Kong (HKU)

Co-organisers: PHG Foundation, The University of Cambridge
Hong Kong Academy of Medicine

Date: 18 – 19 September 2026 (Fri – Sat)

Venue: Academic Conference Room, 11/F,
Cheng Yu Tung Tower, Centennial
Campus, HKU

Mode of Attendance: In person

The roundtable is not open to the public.

Attendance is by invitation only.

Notice

A meeting report by CMEL and the PHG Foundation of the University of Cambridge will emerge from this roundtable meeting. The report will not attribute anything said by anyone except for presentation summaries specifically approved.

Acknowledgement

CMEL and the PHG Foundation would like to express their sincere gratitude and appreciation to the WYNG Foundation for their support.

Programme

Day 2 AI and Professional Responsibilities for Clinicians	
9:00 – 9:15	Arrival - Registration and Refreshments
9:15 – 9:20	Welcome and Introduction Prof Gilberto Leung Co-Director, Centre for Medical Ethics and Law, HKU Director of the School of Clinical Medicine, Clinical Professor and Tsang Wing Hing Professor in Clinical Neuroscience, LKS Faculty of Medicine, HKU Convenor, Task Force on Laws for Healthcare Practitioners, Professionalism and Ethics Committee, Hong Kong Academy of Medicine
Session 1 Moderator: Prof Gilberto Leung Co-Director, Centre for Medical Ethics and Law, HKU Director of the School of Clinical Medicine, Clinical Professor and Tsang Wing Hing Professor in Clinical Neuroscience, LKS Faculty of Medicine, HKU Convenor, Task Force on Laws for Healthcare Practitioners, Professionalism and Ethics Committee, Hong Kong Academy of Medicine	
9:20 – 9:40	Tort Liability for AI Systems Prof Craig Purshouse Deputy Director and Research Fellow, Centre for Medical Ethics and Law, HKU Deputy Director, Centre for Private Law, HKU Associate Professor, Faculty of Law, HKU
9:40 – 10:00	Navigating Data Privacy Risks in Medical AI Ms Joyce Liu Senior Legal Counsel and Head of the Global Affairs and Research Division, Office of the Privacy Commissioner for Personal Data, Hong Kong
10:00 – 10:20	Guidelines on the Use of AI in Clinical Practice – MCHK’s Perspective Dr YEUNG Hip Wo, Victor Chairman of the Ethics Committee, The Medical Council of Hong Kong
10:20 – 10:50	Roundtable Discussion
10:50 – 11:10	Intermission (Tea Break)
Session 2 Moderator: Dr James Chiu Senior Research Fellow, Centre for Medical Ethics and Law, HKU Co-chairman of the Professionalism and Ethics Committee, Hong Kong Academy of Medicine	

11:10 – 11:30	Medical AI – A Defence Lawyer’s Perspective Mr William Chan Partner of Johnson Stokes & Master (JSM) and the Co-Head of JSM’s Healthcare Team
11:30 – 11:50	AI in Litigation for Advocates and Their Professional Consequences Mr Norman Hui Chairman of the Standing Committee on AI and Ethics, Hong Kong Bar Association Principal Lecturer, Faculty of Law, HKU
11:50 – 12:20	The Draft HKAM Best Practice Guidelines on Medical AI Prof Eric C. Ip Co-Director and Research Fellow, Centre for Medical Ethics and Law, HKU Professor, Faculty of Law, HKU Prof Trevor T. W. Wan Research Fellow, Centre for Medical Ethics and Law, HKU Assistant Professor, Faculty of Law, HKU
12:20 – 12:50	Roundtable Discussion
12:50 – 12:55	Closing Remarks Prof Gilberto Leung Co-Director, Centre for Medical Ethics and Law, HKU Director of the School of Clinical Medicine, Clinical Professor and Tsang Wing Hing Professor in Clinical Neuroscience, LKS Faculty of Medicine, HKU Convenor, Task Force on Laws for Healthcare Practitioners, Professionalism and Ethics Committee, Hong Kong Academy of Medicine

Presentation Abstracts and Biographies of Presenters

Prof Craig Purshouse

Deputy Director and Research Fellow, Centre for Medical Ethics and Law, HKU

Deputy Director, Centre for Private Law, HKU

Associate Professor, Faculty of Law, HKU

Presentation Title: Tort Liability for AI Systems

Abstract:

In this paper, I offer a sceptical response to recent claims that artificial intelligence (AI) poses an unprecedented challenge for tort law. Focusing on the Law Commission of England and Wales' recent discussion paper on AI and the law, I argue that many concerns about AI's impact on tort liability are overstated and that existing common law principles are sufficiently flexible to address harms caused by AI systems. I challenge claims that complex AI supply chains make duties of care unclear, noting that negligence law has long dealt with comparable situations involving multiple actors. In the medical negligence context, I argue that the standard of care can accommodate AI-assisted decision-making. Finally, I question proposals to grant AI systems separate legal personality, contending that such reforms are unlikely to resolve liability concerns and may weaken accountability before offering conclusions on the common law's capacity to respond to technological change.

Biography:



Prof Craig Purshouse is an Associate Professor in the Faculty of Law at the University of Hong Kong. He is Deputy Director of the Centre for Medical Ethics and Law and also a Deputy Director of the Centre for Private Law. Craig's research interests are in torts and medical law. His work on these subjects has been cited by the UK Supreme Court, the Court of Appeal of Singapore, the High Court of England and Wales, the English and Scottish Law Commissions, and in the UK Parliament. Craig's most recent publications have focused on negligence liability for 'wrongful life', information non-disclosure and nervous shock/psychiatric injuries. He is Commentaries Editor of the *Medical Law Review* and is a member of the editorial board of *Medical Law International*.

Ms Joyce Liu

Senior Legal Counsel and Head of the Global Affairs and Research Division, Office of the Privacy Commissioner for Personal Data, Hong Kong

Presentation Title: Navigating Data Privacy Risks in Medical AI

Abstract:

Artificial Intelligence (AI) is increasingly being integrated into clinical practice, from diagnostic tools and medical imaging to AI scribes and documentation assistants. While these technologies have the potential to enhance clinical decision-making, improve efficiency and reduce administrative burdens, they also raise personal data privacy risks that healthcare professionals should not overlook. The growing use of medical AI creates new situations in which sensitive patient data may be collected, processed, stored and shared. Generative AI and agentic AI further amplify these risks through their ability to generate content and operate with autonomy. In addition to the obligations under the *Code of Professional Conduct*, doctors must also comply with the *Personal Data (Privacy) Ordinance* (PDPO) whenever they collect and use personal data.

This presentation examines the key personal data privacy risks arising from the use of medical AI tools and maps them against the PDPO's Data Protection Principles. It also highlights the guidance issued by the Privacy Commissioner and identifies practical steps that healthcare professionals can take to support safe and responsible adoption of AI.

Biography:



Ms Joyce Liu is Senior Legal Counsel and Head of the Global Affairs and Research Division at the Office of the Privacy Commissioner for Personal Data (PCPD), Hong Kong. She leads the Division's work on policy development, regulatory guidance and research initiatives relating to personal data protection, emerging technologies and the evolving international privacy landscape. She has contributed to the development of PCPD's guidance publications, including the "*Artificial Intelligence: Model Personal Data Protection Framework*" and "*Checklist on Guidelines for the Use of Generative AI by Employees*".

Representing the PCPD in international forums and professional networks, Joyce actively engages with privacy regulators, policymakers, industry representatives and academia, and works closely with both local communities and overseas counterparts to promote privacy awareness and responsible data governance.

Joyce holds a Bachelor of Laws degree and completed the Postgraduate Certificate in Laws at the University of Hong Kong. She was admitted as a solicitor of the High Court of Hong Kong in 2016.

Dr YEUNG Hip Wo, Victor

Chairman of the Ethics Committee, The Medical Council of Hong Kong

Presentation Title: Guidelines on the Use of AI in Clinical Practice – MCHK's Perspective**Abstract:**

Artificial Intelligence (AI) is rapidly revolutionizing the healthcare sector, empowering our healthcare professionals and enhancing their clinical decision-making to improve patient care delivery. In the presentation, World Medical Association (WMA) Statement on Artificial and Augmented Intelligence in Medical Care and Singapore Ministry of Health (MOH) Artificial Intelligence in Healthcare Guidelines (AIHGle 2.0) will be reviewed and discussed. A multidisciplinary approach is essential for regulating the application of AI in healthcare, and MCHK looks forward to engaging in extensive discussions with various stakeholders to formulate practice guidelines.

Biography:

Dr YEUNG Hip Wo, Victor, earned his bachelor's degree in Biophysics from Johns Hopkins University in the USA, subsequently pursuing his medical degree at the University of Hong Kong. Following his graduation, he embarked on a career as a urological trainee and ultimately attained his fellowship in 2013. He was later promoted to the position of associate consultant and appointed as an honorary clinical assistant professor at the University of Hong Kong and the Chinese University of Hong Kong. In 2017, he established his own private practice in Causeway Bay.

In addition to his clinical responsibilities, Dr Yeung is a dedicated researcher, having published numerous articles in various international journals. He has also presented at multiple conferences and was honored with the best poster presentation award at the 14th Urological Association of Asia Congress in 2016. Furthermore, he has developed a wall-mounted urinal designed to measure men's urinary flow rate, which is now patented in both Hong Kong and China. This innovative design reduces patient embarrassment during urination while using the traditional funnel for flow rate examinations. In 2019, it received the Gold Award at the FITMI Asian International Innovation Technology Exhibition.

Dr Yeung is actively involved in several medical societies and alumni associations. He currently serves as the President Emeritus of the Johns Hopkins University Hong Kong Alumni Association. Additionally, he holds the position of Vice-President of both the Hong Kong Medical Association and the Hong Kong University Medical Alumni Association. He is also the treasurer of the Society of Practising Urologists, as well as the chairperson of the Ethics Committee and a council member of the Medical Council of Hong Kong, the Federation of Medical Societies of Hong Kong and the Hong Kong Society of Endourology.

Mr William Chan

Partner of Johnson Stokes & Master (JSM) and the Co-Head of JSM's Healthcare Team

Presentation Title: Medical AI: A Defence Lawyer's Perspective**Abstract:****Medical AI: A Defence Lawyer's Perspective**

8 September 2026

Artificial intelligence (“AI”) is rapidly transforming the practice of medicine globally and in Hong Kong. Medical AI is increasingly being engaged as a means of supporting diagnosis, triage, monitoring, administration and clinical decision-making. For example, in Hong Kong, the Hospital Authority has already deployed AI models across public healthcare services, including tools used in radiological imaging. The attraction is clear because if used appropriately, medical AI may improve efficiency, support earlier identification of clinical risks and assist clinicians in managing large volumes of information. Medical AI also has immense potential in easing the overburdened healthcare system and facilitating better access to healthcare in Hong Kong.

However, technological integration brings novel legal vulnerabilities. While medical practitioners frequently view AI as a safeguard against error, from a defence lawyer's perspective, AI-assisted care introduces distinct exposure to medical negligence claims and disciplinary proceedings. Questions have also been raised as to how the existing legal principles and legislative framework cater for claims arising from inappropriate use of AI. This article explores how the existing legal framework may accommodate medical-AI claims, the risks that doctors need to be aware of when using medical AI and other legal issues surrounding the use of medical AI.

The Existing Legal Framework

Under the existing legal framework, a patient pursuing a medical negligence claim needs to establish the usual elements of the tort of negligence, that is, duty of care, breach, causation and damages. Putting aside the issue of informed consent, on whether there has been a breach of duty, the Hong Kong Courts would apply the test laid down in *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582 and modified by subsequent legal authorities. In a nutshell, a doctor is not negligent if he/she has acted in accordance with a practice accepted as proper by a responsible body of medical opinion that has a logical basis.

At present, the use of medical AI does not create a distinct tort or cause of action in itself. In other words, the *Bolam* test would still apply, although the Court's focus and the questions put to medical experts would likely be different. For example, the Court may ask whether the decision to adopt or not adopt medical AI was appropriate, whether the risks involved in the use of medical AI (if any) had been explained and whether the medical AI tool was used in a proper manner.

While the use of medical AI has yet to be tested in Hong Kong Courts, from a defence lawyer's perspective, there are three obvious ways in which clinical liability may arise, as explored below.

(1) Under-reliance

A foreseeable issue is under-reliance. If a properly validated AI tool is widely available and commonly used for a particular diagnostic purpose, the Court may, in an appropriate case, ask why it was not used. A doctor may find it difficult to defend his/her management if, say, an approved AI diagnostic tool has been proven to minimize human oversight errors, is readily available and has been well incorporated into day-to-day practice, such that a doctor may be considered to have acted below standard for not using the tool.

Each case would of course have to be decided on its own facts and whether the doctor has satisfied the *Bolam* test would depend on many factors such as availability, reliability, local practice and the urgency of the situation. That said, as medical AI becomes more easily available and embedded in practice, non-use may become increasingly difficult to defend / justify.

(2) Over-reliance

The converse issue is over-reliance. AI may identify patterns or risks which are not immediately apparent, but its output still needs to be assessed against the patient's presentation and the information available at the time. Over-reliance is a real cause for concern as humans are susceptible to automation bias, that is, the psychological tendency to uncritically trust automated suggestions.

Over-reliance may be more apparent in high-volume clinical settings. For example, a tired doctor may be tempted to only conduct a superficial review of an image or patient chart once an AI tool tags the file as "low risk". The current law will likely classify the medical AI device as a tool that aids doctors in their decision making only, i.e. it is not a substitute for clinical judgment, and the legal duty of care still rests on the doctor. If the doctor over-trusts or relies on the AI tool and fails to appropriately screen out false negative results, the doctor will be at risk of civil and/or disciplinary proceedings, particularly when the patient suffers from serious permanent disabilities as a result.

(3) Incompetent or off-label use

A further concern is incompetent or inappropriate use. This may include using an unsuitable tool, entering incomplete information, applying the tool outside its intended scope, or relying on outputs from systems which are not designed for clinical use (i.e. "off-label" use of medical AI). Doctors will require training on how to select the most appropriate medical AI tool based on the clinical situation, as well as how to use the medical AI tool properly. Medical institutions and hospitals will also need to carefully select and purchase appropriate medical AI devices and ensure that its doctors are provided with the medical AI tools that are expected to be used in patient care, and to keep its shelf of medical AI tools up-to-date.

Prompt-driven tools may create additional issues, as different wording in the prompts may produce materially different responses. Training and governance will be important – not only should clinicians understand how a particular system operates, but also when its output should be treated with caution.

Overriding AI recommendations

As mentioned above, most medical AI devices will likely be treated as a tool that assists, rather than replaces, a doctor's clinical judgment. Since the doctors still have the "final say" in terms of clinical decisions and it is anticipated that medical AI will unlikely be fault free and may produce false negative results, there will be instances where doctors would need to override an AI recommendation in order to fulfil their professional obligation to patients.

It would not be difficult to imagine a scenario in which an AI recommendation was appropriately overruled, but the clinical outcome was still adverse. For example, if an AI diagnostic tool flags a patient as being at "high risk" of sepsis based on certain vital signs readings but a doctor correctly decides, after physical examination and further investigation, that the patient is not actually at high risk, what happens when the patient later develops sepsis and passes away? Would the doctor be immediately considered negligent in light of the adverse outcome?

In such circumstance, the *Bolam* test would likely still apply and the question would be whether a reasonable doctor would have overruled the AI recommendation. From a defence perspective, what becomes important is the rationale behind the decision to override the AI recommendation and whether such rationale was properly documented. Doctors will need to be aware of the risks involved in overriding an AI recommendation and the importance of detailed documentation. Medical institutions and hospitals may wish to implement policies and/or guidelines on overriding AI recommendations, for example established mechanisms for junior doctors to consult seniors before overriding an AI recommendation, and guidance on proper documentation of the decision.

Informed consent

It is trite that doctors need to obtain "informed consent" on a particular treatment from a patient before proceeding with the treatment. The test for obtaining informed consent was laid down in the case of *Montgomery v Lanarkshire Health Board* [2015] UKSC 11. In short, doctors must take reasonable steps to ensure a patient knows any "material risk" of a recommendation treatment. A risk is material if a reasonable person in that patient's position would likely attach significance to it, or if the doctor is (or should be) aware that this specific patient would attach significance to it.

When medical AI is involved, a question that may arise is whether a patient needs to be informed that medical AI is being deployed in his/her care. There is no clear answer at the moment. The answer will likely depend on the technology's role. If medical AI is used in the background to organise information, prioritise workflow or assist internal processes, specific disclosure will unlikely be required for the purpose of obtaining informed consent. The position may be different where the doctor places substantial reliance on an AI recommendation, where the technology is novel or experimental,

where the medical AI device plays a pivotal role in recommending invasive interventions, or where its use carries specific risks that may affect a patient's decision.

Wider issues and conclusion

The medico-legal issues relating to the use of medical AI are not confined to negligence. AI-assisted care may also raise questions of data privacy, cybersecurity and information governance. Healthcare providers may need to consider how patient data is processed, whether the system is sufficiently transparent to be scrutinised after an adverse event, and whether existing indemnity arrangements respond to claims involving AI-supported decisions. In exceptional cases, serious adverse outcomes may also prompt questions extending beyond civil liability, such as criminal liability.

Medical AI should not be seen as a legal risk to be avoided. It has real potential to improve healthcare delivery and patient outcomes. The concern is that adoption may move faster than the development of clear professional, regulatory and evidential standards. Existing negligence principles provide a starting point, but they may not answer every issue, especially where responsibility may be shared between individual clinical judgment, institutional systems and the design or performance of the technology itself.

A more realistic approach may therefore be to focus on responsible adoption. This would include appropriate selection and validation of AI tools, clear governance frameworks, proper training for users, guidance on documentation, and mechanisms for review when the technology produces unexpected or disputed outputs.

William Chan

Partner, Johnson Stokes & Master

Biography:



William Chan

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“William is a brilliant lawyer with a sharp legal mind.”

CHAMBERS ASIA PACIFIC

Overview

William is a Partner and Co-Head of JSM’s Healthcare Team. Clients turn to William for his expertise in medico-legal cases, leveraging his extensive experience in medical malpractice claims and disciplinary proceedings. Hospitals and healthcare professionals, including doctors, dentists, nurses and physiotherapists, trust William’s counsel in a wide range of legal proceedings, including civil claims for medical negligence, inquiries before disciplinary tribunals, Coroner’s inquests, criminal cases in the context of clinical practice and judicial review cases.

William has acted as advocate in Medical Council and Dental Council inquiries, and also in Coroner’s inquests. He regularly delivers lectures and seminars to healthcare professionals, and also contributes articles on medical-legal issues in various newsletters regularly, including the monthly newsletter of the Hong Kong Medical Association.

William speaks English, Cantonese and Mandarin.

Professional & community involvement

- Honorary Legal Advisor, The College of Surgeons of Hong Kong
- Honorary Legal Advisor, Hong Kong College of Orthopaedic Surgeons
- Honorary Legal Advisor, Asian Pacific International Pulmonary Alliance
- Honorary Legal Advisor, Hong Kong Orthopaedic Association
- Honorary Legal Advisor, Hong Kong College of Critical Care Nursing
- Member, Clinical Ethics Committee of the New Territories West Cluster of the Hospital Authority

Recognition



Mr Norman Hui

Chairman of the Standing Committee on AI and Ethics, Hong Kong Bar Association
Principal Lecturer, Faculty of Law, HKU

Presentation Title: AI in Litigation for Advocates and Their Professional Consequences

Abstract:

AI in Litigation for Advocates and Their Professional Consequences¹²

Norman Hui, Chairman of the Standing Committee on AI and Ethics, Hong Kong Bar Association³;
Principal Lecturer, University of Hong Kong, Faculty of Law⁴

Introduction

Hong Kong is an internationally recognised common law jurisdiction⁵⁶⁷ with a highly regarded legal system and medical profession⁸⁹¹⁰. Like every other professional field, both law and medicine are increasingly affected by the use of artificial intelligence ("AI").

The legal profession is now undergoing significant transformation. Regulators, courts and professional bodies have recognised that AI can improve efficiency and productivity, but its use also raises concerns regarding accuracy, confidentiality, professional responsibility and the administration of justice. Across common law jurisdictions, guidance and sanctions are beginning to emerge as lawyers increasingly integrate AI into professional practice.

AI Regulation in Legal Professions Across Jurisdictions

England & Wales: Solicitors¹¹

The Law Society of England & Wales¹² has issued guidance¹³ entitled *Generative AI – the Essentials*¹⁴.

¹ This presentation has been written by Norman Hui and submitted for: “**Roundtable: The Development of Regulation and Professional Guidance on Medical AI in Hong Kong**” - The objectives of the roundtable are to explore:

(a) how best to regulate and govern medical AI (including, but not limited to, AI medical devices) in Hong Kong;

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(c) the provision of guidance in the form of guidelines to doctors on these responsibilities.

Date: 18 - 19 September 2026 (Fri – Sat) Venue: Academic Conference Room, 11/F, Cheng Yu Tung Tower, Centennial Campus, The University of Hong Kong (HKU)

Day 2 (19 September 2026) Session 2

² This presentation is written and owned by Norman Hui.

³ <https://hkba.org/standing-committees?section=ai-ethics#f368>

⁴ https://www.law.hku.hk/academic_staff/norman-hui/

⁵ https://www.doj.gov.hk/en/community_engagement/speeches/20250630_sj1.html

⁶ <https://www.legco.gov.hk/details.php?a=11&v=the-common-law#>

⁷ https://www.doj.gov.hk/en/community_engagement/speeches/20251020_sj3.html

⁸ <https://www.legco.gov.hk/yr2025/english/panels/ps/papers/ps20251013cb3-1432-1-e.pdf>

⁹ <https://www.gov.hk/en/residents/health/hosp/overview.htm>

¹⁰ <https://www.mastersportal.com/articles/2744/best-medical-schools-in-the-world.html>

¹¹ <https://www.lawsociety.org.uk/>

¹² The Law Society's Hall, 113 Chancery Lane, London WC2A 1PL

¹³ <https://www.lawsociety.org.uk/>

¹⁴ <https://www.lawsociety.org.uk/topics/ai-and-lawtech/generative-ai-the-essentials>

The guidance recognises the considerable benefits of generative AI in improving efficiency and service delivery. However, it stresses that solicitors remain fully responsible for all AI-assisted work.

The guidance highlights risks including hallucinated authorities, inaccurate legal analysis, breaches of confidentiality, intellectual property concerns, cybersecurity threats and data protection issues. Solicitors must independently verify all AI-generated content before relying upon it in legal advice, research, drafting or court submissions.

The Law Society of England & Wales has also introduced a Certificate in Ethical Artificial Intelligence¹⁵ to train professionals in responsible AI deployment, governance and ethical oversight.

England & Wales: Barristers¹⁶

The Bar Council of England & Wales has issued guidance concerning the use of ChatGPT and other large language model technologies¹⁷. Although not formal professional guidance, it reflects “considerations” that are prevailing expectations regarding professional conduct¹⁸ where barristers should verify all AI-generated material against authoritative legal sources. Failure to do so may amount to incompetence, negligence or professional misconduct. Responsibility remains entirely with the barrister, regardless of how the misinformation was generated.

The Bar Standards Board¹⁹ subsequently published formal guidance on Artificial Intelligence and Other Technologies. The guidance emphasises that AI does not diminish professional obligations. Barristers remain responsible for accuracy, legality, confidentiality and privilege, while maintaining appropriate governance, human oversight and independent judgment.²⁰

Scotland

Judicial acceptance of carefully supervised AI use can be seen in *VP Evans (as executrix of HB Evans, deceased) & Ors v The Commissioners for HMRC* [2025] UKFTT 01112 (TC)²¹, where a tribunal judge used AI to assist in summarising documents, treating the AI output only as an initial draft and independently verifying its accuracy.

Singapore

¹⁵ https://learn.lawsociety.org.uk/product/certificate-in-ethical-artificial-intelligence/?utm_source=Legal_geek&utm_medium=event&utm_campaign=L&D_marketing_tracking&utm_content=Cyber.AI&_gl=1*73c4cr*_gcl_au*MTUzNjg3MTAzOC4xNzg4ODQ2MDg1

¹⁶ <https://www.barstandardsboard.org.uk/>

¹⁷ <https://www.barcouncilethics.co.uk/documents/considerations-when-using-chatgpt-and-generative-ai-software-based-on-large-language-models/>

¹⁸ <https://www.barcouncilethics.co.uk/wp-content/uploads/2024/01/Considerations-when-using-ChatGPT-and-generative-artificial-intelligence-Nov-2025.pdf>

¹⁹ Bar Standards Board, 289-293 High Holborn, London, WC1V 7HZ

²⁰ <https://www.barstandardsboard.org.uk/static/5e1baa5c-614c-4105-afae9a9ccdf8d97b/c0d1ed62-fcad-4a68-8ab810de5fa9b116/Artificial-Intelligence-Guidance-May-2026.pdf>

²¹ https://www.iclr.co.uk/document/2026003424/2025ukftt1112tc_TNA/html

The Singapore Ministry of Law published its *Guide for Using Generative AI in the Legal Sector* in March 2026²². The guide recognises AI's ability to improve legal services while emphasising that professional duties always remain paramount.

Lawyers retain ultimate responsibility for AI-assisted work and must verify outputs, protect confidential information, mitigate bias and hallucinations, and maintain appropriate oversight.

Separately, the Law Society of Singapore (a fused profession)²³²⁴²⁵²⁶ issued an advisory warning against uploading confidential, privileged or personal information into publicly available AI systems. The advisory warning promotes a cautious, risk-based approach and encourages enterprise-grade systems with proper data governance and cybersecurity safeguards.

Hong Kong's Emerging AI Framework

The Judiciary²⁷

The Hong Kong Judiciary published *Guidelines on the Use of Generative Artificial Intelligence for Judges and Judicial Officers and Support Staff of the Hong Kong Judiciary*²⁸ in July 2024.

The judicial guidelines make clear that AI may only support judicial and administrative work. Judges must independently exercise judicial functions and remain personally responsible for all decisions. AI-generated information must be treated cautiously and independently verified because of the risks of inaccuracies, hallucinations, bias, confidentiality breaches, privacy concerns and intellectual property infringement.

The Judiciary therefore adopts a principled and risk-based approach designed to preserve judicial independence, accountability and public confidence in the administration of justice.

The Law Society of Hong Kong²⁹

In January 2024, the Law Society issued its position paper *The Impact of Artificial Intelligence on the Legal Profession*³⁰.

The paper recognises AI as a transformative technology capable of improving efficiency and access to

²² https://www.mlaw.gov.sg/files/Guide_for_using_Generative_AI_in_the_Legal_Sector_Published_on_6_Mar_2026_.pdf

²³ <https://www.singaporelawwatch.sg/About-Singapore-Law/Overview>

²⁴ https://ink.library.smu.edu.sg/sol_research/1583/

²⁵ <https://www.ibanet.org/MediaHandler?id=47fe5343-a521-4076-a8b9-5f679743831d> [13.1.2]

²⁶ <https://www.lawsociety.org.sg/>

²⁷ <https://www.judiciary.hk/en/home/index.html>

²⁸ https://www.judiciary.hk/doc/en/court_services_facilities/guidelines_on_the_use_of_generative_ai.pdf

²⁹ <https://www.hklawsoc.org.hk/>

³⁰ https://www.hklawsoc.org.hk/-/media/HKLS/Home/News/2024/LSHK-Position-Paper_AI_EN.pdf?rev=77bf900208614367b9cbb15fd10aaa58

justice while also creating risks involving hallucinations, bias, confidentiality and professional responsibility. It emphasises that AI should be an aid to lawyers rather than a substitute for professional judgment.

Further guidance appears in the Professional Indemnity Scheme bulletin *Generative AI in Legal Practice – Risks and Tips December Issue No.15*^{31 32}. The bulletin warns of risks including fabricated authorities, breaches of confidentiality, inadvertent waiver of legal professional privilege, negligence claims, disciplinary proceedings, adverse costs orders and reputational damage. Solicitors remain personally responsible for ensuring the accuracy of all AI-assisted work.

The Hong Kong Bar Association³³

The Hong Kong Bar Association has established the Standing Committee on AI and Ethics ("SCAIE")³⁴ in 2026. The SCAIE is preparing a position paper and related guidance addressing the ethical and professional implications of AI.

It is anticipated that recommendations will include an annex to the Code of Conduct dealing specifically with AI usage, together with guidance on the consequences of misuse.

Consequences of AI Misuse in Legal Proceedings

Although no reported Hong Kong cases presently involve AI-generated hallucinations in litigation, a growing body of authority from England & Wales demonstrates the seriousness with which courts view such misconduct.

R (Ayinde) v London Borough of Haringey [2025]³⁵

The leading authority is *R (Ayinde) v London Borough of Haringey* [2025] EWHC 1383 (Admin), where the court reaffirmed that lawyers remain personally responsible for every document submitted to the court.

The court recognised that AI may assist administrative and research-related tasks but warned that generative AI systems can produce fictitious authorities, fabricated quotations and inaccurate legal propositions that appear plausible but are entirely false.

Dame Victoria Sharp emphasised that lawyers are under a strict duty to verify all AI-generated material against authoritative sources before relying upon it. This duty applies whether a lawyer personally used AI or relied on work produced by others who had done so.

³¹ https://www.hklawsoc.org.hk/-/media/HKLS/pub_e/circular/Download/2025/20251218/C-20251218-Long.pdf?rev=7f6a7eed913b493886f5701e4288a754

³² https://www.hklawsoc.org.hk/-/media/HKLS/pub_e/circular/2025/25-824a1.pdf

³³ <https://hkba.org/>

³⁴ <https://hkba.org/standing-committees?section=ai-ethics#f368>

³⁵ <https://www.judiciary.uk/wp-content/uploads/2025/06/Ayinde-v-London-Borough-of-Haringey-and-AI-Haroun-v-Qatar-National-Bank.pdf>

The court also stated that future inquiries into professional misconduct may examine whether supervising partners, team leaders and managers adequately discharged their oversight obligations. Ultimately, legal judgment, critical analysis and independent verification remain indispensable.

Re D (A Child) (Recusal) [2025]³⁶

In *Re D (A Child) (Recusal) [2025] EWCA Civ 1570*, Lord Justice Baker highlighted the growing problem of AI-generated hallucinations in legal proceedings.

His Lordship acknowledged that AI can assist both lawyers and litigants in person but not an authoritative source of law and users must ensure that all legal authorities cited genuinely exist and support the propositions advanced. Failure to do so wastes court resources and risks misleading courts and opposing parties.

Omar Rafique v HMRC [2026]³⁷

In *Omar Rafique v The Commissioners for His Majesty's Revenue and Customs [2026] UKFTT 00673 (TC)*, the tribunal made clear that all litigants, whether legally represented or not, may use AI to assist preparation of submissions. However, everyone remains under a duty to ensure that submissions are factually accurate and not misleading.

The tribunal emphasised that no party is immune from sanctions for serious breaches of court or tribunal obligations simply because AI was involved.

Greystead Road Tribunal Decision [2026]³⁸

In a 2026 property tribunal decision concerning 59 Greystead Road, London, the applicant relied heavily upon legal propositions obtained through internet searches and AI-generated research.

The tribunal found that purported statutory wording did not exist, that several cases were irrelevant,

³⁶ “74. As noted by Lord Justice Baker as recently as 9th December 2025 in *Re D (A Child) (Recusal) [2025] EWCA Civ 1570* at paragraph 83:

“Finally, I return to the issue raised by the father’s representatives about the mother’s erroneous citation of authority (see in particular paragraph 54 above). I absolve the mother of any intention to mislead the court. Litigants in person are in a difficult position putting forward legal arguments. It is entirely understandable that they should resort to artificial intelligence for help. Used properly and responsibly, artificial intelligence can be of assistance to litigants and lawyers when preparing cases. But it is not an authoritative or infallible body of legal knowledge. There are a growing number of reports of “hallucinations” infecting legal arguments through the citation of cases for propositions for which they are not authority and, in some instances, the citation of cases that do not exist at all. At worst, this may lead to the other parties and the court being misled. In any event, it means that extra time is taken and costs are incurred in cross-checking and correcting the errors. All parties – represented and unrepresented – owe a duty to the court to ensure that cases cited in legal argument are genuine and provide authority for the proposition advanced.”

³⁷ <https://vlex.co.uk/vid/omar-rafique-v-the-1118607089>

³⁸ https://assets.publishing.service.gov.uk/media/69ede5d108ecdb5c6f34af8a/59GREY_1.pdf

that others did not support the propositions attributed to them, and that at least one cited authority did not exist.

The tribunal expressly identified reliance upon AI hallucinations as a relevant factor when determining costs. Applications for costs protection and reimbursement of tribunal fees were therefore refused.

Rodney v Gee'z Micro Bar and Pitstop [2026]³⁹

In *Mrs Sabrena Rodney v Gee'z Micro Bar and Pitstop and Ors.* (2026), appeal documents prepared by solicitors contained numerous inaccurate and misleading authorities, together with indications that AI-generated legal research had been used without proper verification.

His Honour Judge Grimshaw concluded that the evidence did not establish the intent required for contempt proceedings. Nevertheless, the conduct reflected serious professional failings and a reckless failure to ensure the accuracy of authorities presented to the court.

Although contempt proceedings were not pursued due to mitigating circumstances, the court ordered referral of the solicitors to the Solicitors Regulation Authority and directed publication of the judgment as a warning concerning misuse of AI in legal practice.

Conclusion

The developing authorities demonstrate a consistent theme across common law jurisdictions: AI may assist legal practice, but responsibility always remains with the lawyer.

The cases from England & Wales suggest that misuse of AI, particularly reliance upon hallucinated authorities, may give rise to a range of sanctions including public admonition, costs orders, wasted costs orders under section 51 of the Senior Courts Act 1981, strike-out orders, regulatory referrals, contempt proceedings and potentially criminal investigation where appropriate⁴⁰.

Professional bodies are increasingly adopting risk-based approaches that encourage innovation while insisting upon competence, independent verification, confidentiality safeguards and professional accountability.

The Hong Kong Bar Association's SCAIE continues to monitor developments in common law jurisdictions and is expected to issue recommendations addressing both best practices and sanctions for different categories of AI misuse. Similar issues are likely to be considered by the Medical Council of Hong Kong in the context of professional regulation and ethical guidance for both clinical and non-

³⁹ <https://www.judiciary.uk/wp-content/uploads/2026/05/Transcript-of-judgment-re-contempt-M00DD215.pdf>

⁴⁰ <https://www.judiciary.uk/wp-content/uploads/2025/06/Ayinde-v-London-Borough-of-Haringey-and-Al-Haroun-v-Qatar-National-Bank.pdf>, [23] – [32]

clinical aspects of treatment, care where AI and its related risks⁴¹⁴²⁴³ are involved. Same considerations would apply to medical research as well.

As AI becomes embedded within professional practice, the core message remains unchanged: technology may assist lawyers and professionals, but it cannot replace professional judgment, ethical responsibility and accountability to the court, clients and the administration of justice.

Dated 9 September 2026

NORMAN HUI
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⁴¹ <https://www.qld.gov.au/community/your-home-community/cyber-security/cyber-security-for-queenslanders/case-studies/medibank-private-cyber-incident>

⁴² <https://www.oaic.gov.au/news/media-centre/oaic-takes-civil-penalty-action-against-medibank>

⁴³ <https://www.afr.com/technology/medibank-faces-maximum-21-5trn-fine-in-new-cyber-hack-case-20240605-p5jjeg>

Biography:



Mr Norman Hui joined the University of Hong Kong, Faculty of Law in August 2004 and teaches Civil Advocacy, Civil Litigation, Personal Injuries Litigation and Professional Practice and Management in the PCLL course.

Norman is a practising member of the Hong Kong Bar Association (HKBA) since 1996 and the Chairman of the Standing Committee on AI and Ethics since its inception in 2026 and the Co-Chairman of the Standing Committee on Pro Bono Affairs since its inception in 2025.

Norman is a contributor to leading legal texts such as chief editor for Professional Conduct of Lawyers in Hong Kong and continues to sit as a Deputy District Judge in 2012, 2013, 2023, 2024, 2025, 2026 and onwards.

Norman Hui appears regularly before courts at all levels in Hong Kong and intellectual property specialist tribunals acting for local and international clients regarding consumer designs, comic art, medicines, engineering patents, cosmetics, fashion items and leading global music copyright claims. He is recognised by *The Legal 500* as a leading junior in intellectual property law and serves as a member of the Practice Committee on Intellectual Property HKBA.

Norman is also a recognised personal injury practitioner serving on the Practice Committee on Personal Injuries HKBA and a member of the Law Reform Commission Subcommittee on periodical payments for future pecuniary loss in personal injury cases.

Prof Eric C. Ip

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Professor, Faculty of Law, HKU

Prof Trevor T. W. Wan

Research Fellow, Centre for Medical Ethics and Law, HKU
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Presentation Title: The Draft HKAM Best Practice Guidelines on Medical AI**Biographies:****Prof Eric C. Ip**

Prof Eric C. Ip (DPhil, University of Oxford) is a public health bioethicist and Professor at the Centre for Medical Ethics and Law, The University of Hong Kong (HKU).

His work on the law and ethics of population health has appeared in *The Lancet Public Health*, *The Lancet Planetary Health*, *American Journal of Public Health*, *Journal of Law and the Biosciences*, *Medical Law Review*, *Journal of Medical Ethics*, *Health Economics, Policy and Law*, and *Public Health Ethics*. He is pioneering a new paradigm of planetary

health law, which helps to develop a more coherent legal regime that addresses, among other things, the implications of the climate crisis on health and human rights. He teaches global health law for the Li Ka Shing Faculty of Medicine at HKU.

Prior to joining HKU, Prof Ip taught at University College London (UCL) and the Chinese University of Hong Kong (CUHK), where he served as Assistant Dean of the Faculty of Law. He has received the Young Researcher Award (2014) and Research Excellence Award (2015) from CUHK, and the Faculty Research Output Prize (2017), Faculty Outstanding Teaching Award (2018), University Research Output Prize (2020), Faculty Research Output Prize (2021), and University Outstanding Young Researcher Award (2021) from HKU, in recognition of his achievements in research or teaching.

Prof Trevor T. W. Wan

Prof Trevor T. W. Wan is an Assistant Professor at the Faculty of Law, The University of Hong Kong (HKU), where he serves as Co-Director of the Bachelor of Social Sciences (Government and Laws) and Bachelor of Laws dual degree programme.

Trevor's scholarship interrogates the social foundations of legal medicine. His research employs an interdisciplinary framework, integrating comparative law, political science, and socio-legal

methodologies, to develop innovative paradigms for analysing coroner's inquests and the constitutional dimensions of mental health and happiness. Trevor's work has been published or is forthcoming in leading peer-reviewed journals across law and medicine, including the *American Journal of Comparative Law*, *International Journal of Constitutional Law*, *German Law Journal*, *Hong Kong Medical Journal*, and the *BMJ Journal of Medical Ethics Blog*.

Born and raised in Hong Kong, Trevor holds an LL.M. from Harvard Law School where he was the Hong Kong Jockey Club Fellow, and an LL.B. and a B.Soc.Sc. in Government and Laws from HKU, both with First Class Honours. He is a member of the International Society of Public Law and the British Institute of International and Comparative Law. He currently serves as the Deputy Editor-in-Chief of the *Hong Kong Law Journal*, the flagship faculty journal of HKU Law.

Moderators

Prof Gilberto Leung

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Director of the School of Clinical Medicine, Clinical Professor and Tsang Wing Hing Professor in Clinical Neuroscience, LKS Faculty of Medicine, HKU

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Prof Gilberto Leung is a neurosurgeon, Clinical Professor, and Tsang Wing-Hing Professor in Clinical Neuroscience at the University of Hong Kong (HKU). He graduated from the University of London with M.B.B.S. in 1992 and joined HKU in 2005, where he later obtained his MS, PhD, and MD degrees. He currently serves as Director of the School of Clinical Medicine and Convenor of the Clinical Neuroscience Consortium at the HKU Faculty of Medicine. He is the Immediate-Past President and Honorary Fellow of the Hong Kong Academy of Medicine; Council Member of the Medical Council of Hong Kong; and Convenor of the Institute for Medical Advancement and Clinical

Excellence (IMACE). He holds an LLB from the University of London and an LLM in Medical Law and Ethics with Distinction from the University of Edinburgh. He is Co-Director of the Centre for Medical Ethics and Law (CMEL) at HKU; Convenor of the Task Force for Laws for Healthcare Professionals at the Hong Kong Academy of Medicine; and Chairman of the Clinical Ethics Committee of the Hospital Authority Hong Kong Island Cluster.

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Dr James CHIU, MBBS (HK), FCSHK, FHKAM (Surgery), Specialist in General Surgery, LLB(Hons) Lond, is Hon Clinical Assistant Professor at Medical Faculty, University of Hong Kong (HKU), Senior Research Fellow of Centre for Medical Ethics and Law jointly founded by Medical Faculty and Law Faculty, HKU; and co-chairman of Professionalism and Ethics Committee of the Hong Kong Academy of Medicine (HKAM). He helps to draft the HKAM “Best Practice Guidelines for the Ethical and Professional Use of Artificial Intelligence in Healthcare”.

Dr Chiu is an Invited member of the International Network for Law and Apology Researchers (INLAR). He has published many articles in his areas of research, including *“Inborn Errors’ of Artificial Intelligence Tools and Practical Tips for Expert Witnesses”*, JSP Chiu and GKK Leung, Editorial, Hong Kong Medical Journal, (Oct 2025). James has also co-edited and co-authored *“Healthcare Law and Ethics: Principles & Practices”* (City University of Hong Kong Press, 2023) with Prof. Albert LEE and Dr K.W. TONG; and Vol. 43(2) on *Professions and Trades* of *“Halsbury’s Laws of Hong Kong”* (LexisNexis, 2023, 2026) with Mr. Norman HUI. Dr Chiu has chaired or spoken in over 100 local and international meetings/ conferences for healthcare and legal practitioners.

About CMEL



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 clinical care, population and global health, mental health and capacity, health technologies, and legal medicine and coroners' practice.

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

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