



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.



**JANUARY-
FEBRUARY 2022
NEWSLETTER**

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EDITORIAL

RESEARCH RECOGNITION AND UPCOMING EVENTS

[Dr Eric C. Ip](#), CMEL Research Fellow, has received the **Outstanding Young Researcher Award** from the University of Hong Kong (HKU) and the **Faculty Research Output Prize** from HKU Law. We would like to send our heartiest congratulations to Dr Ip.

We invite readers to join the following online events in February:

- **Master of Laws in Medical Ethics and Law Online Information Session;**
- **"Annual Review of Hong Kong Health Law in 2021" webinar;**
- **"The Spirit Ambulance: Choreographing the End of Life in Thailand" online talk.**

A number of other online events are scheduled for March and April and may be of interest.

If you missed our January webinar on Relational Autonomy and Informed Consent, you might wish to watch the recording, which is now available online.

In this newsletter, we have presented a number of publications and interviews of CMEL members as well as updates relating to data privacy and the power of the Chairman and Deputy Chairman of the Preliminary Investigation Committee of the Medical Council of Hong Kong.

Finally, we take this opportunity to wish everyone a successful Year of the Tiger!



CMEL: HAPPY AND HEALTHY LUNAR NEW YEAR



LATEST CMEL RESEARCH

BOOK CHAPTERS "Breathing Life into Law: What it means to take an Ethics+ Approach to Conceptualising Laws in Research Governance"

In *Law and Legacy in Medical Jurisprudence: Essays in Honour of Graeme Laurie*, a book edited by E. Dove & N. Nic Shuibhne (Cambridge University Press, 2022)

By [Calvin W. L. Ho](#) and *Justin Y. C. Wong

<https://doi.org/10.1017/9781108903295.009>

The chapter is not open access. Interested readers are welcome to contact [Calvin W. L. Ho](#) at cmel@hku.hk.

*Former intern at CMEL and currently a student at Harvard College in the United States

Abstract:

The lived experience of law in medical practice and research is typified by the intricate, sometimes complex and often mundane (and perhaps even ritualistic) procedural requirements. While some scholars have been content to limit the normativity of law to this account, Graeme Laurie reminds us that law is interconnected with ethics, and its distinctiveness may be better understood as process, particularly in boundary or liminal spaces where the roles of ethics and law are blurred. This processual conception of law is in turn a component of governance regimes that Laurie depicts as 'Ethics+'. He argues that ethics is always a necessary component of a robust and defensible regime of health research that is rooted in the core values and principles at stake while concurrently enabling adaptation and accommodation. Law as an 'Ethics+' governance regime embraces uncertainty and the liminal nature of the health research journey, while admitting value-based objectives that can act as foci for stakeholders. In this chapter, we examine this bright beacon legacy of Laurie that points the way to a rich and non-formalistic account of law; not simply as law in action or law on the books, but law subsisting in-between.

"Hong Kong: The Healthcare Professions and the Outbreak"
(Open Access)

In *Covid-19 in Asia*, a book edited by Victor V. Ramraj (Oxford University Press, 2020)

By [Calvin W. L. Ho](#) and [Daisy Cheung](#)

*The book has recently become open access. To access the book, please navigate to the webpage below and click on the "Open Access" icon in the upper right-hand corner.

https://global.oup.com/academic/product/covid-19-in-asia-9780197553831?subjectcode1=1803647%7CMED00010&facet_narrowbytype_facet=Academic%20Research&facet_narrowbybinding_facet=Ebook&lang=en&cc=us#

**JOURNAL
ARTICLES**

"Governing the Access to COVID-19 Tools Accelerator: towards greater participation, transparency, and accountability" (Open Access)

In *The Lancet* (2022)

[Calvin W. L. Ho](#) is a contributing author

[https://doi.org/10.1016/S0140-6736\(21\)02344-8](https://doi.org/10.1016/S0140-6736(21)02344-8)

"The International Pandemic Preparedness Treaty and an Emerging Digital Divide" (Open Access)

In *AsiaGlobal Online* (2022)

By [Calvin W. L. Ho](#) and Karel Caals

<https://www.asiaglobalonline.hku.hk/international-pandemic-preparedness-treaty-and-emerging-digital-divide?fbclid=IwAR2PjLuqZw5RnTRqo79Wk6fDsblogBXoYmwiq6tOVpBbxntOGBSQoe8R72Q>



EVENTS

VIRTUAL INFORMATION SESSION FOR MEDICAL ETHICS AND LAW PROGRAMME



HKU LAW

MASTER OF LAWS (LLM) MEDICAL ETHICS AND LAW

ADMISSIONS 2022-2023

Information Session on Zoom

16 February 2022 (Wed) | 7 pm – 7:45 pm HKT
Register [here](#).

Learn more about the programme [here](#).

HKU CENTRE FOR MEDICAL ETHICS AND LAW (CMEL)

UPCOMING WEBINAR ON HONG KONG HEALTH LAW 2021

Title: Annual Review of Hong Kong Health Law in 2021 (Webinar) (CPD/CME: pending)

Wed, 23 February 2022, 6:30 pm – 8 pm HKT

Webinar Abstract: Year 2021 saw a number of significant and noteworthy regulatory and case law developments affecting medical and health law in Hong Kong. This webinar will take a look at some of these developments.

This webinar will be jointly organised with [Messrs Howse Williams](#).

Presentation Abstracts, Details and Registration: click [here](#)

CMEL will host the following webinars in March and April:

- "The Governance of the Progress of Gene-Editing Technologies: A Critical Response from a Biomedical, Ethical, and Legal Perspective"



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.

Annual Review of Hong Kong Health Law in 2021

23 February 2022, Wednesday
6:30 pm – 8:00 pm (Hong Kong Time)
Live Zoom Session

Year 2021 saw a number of significant and noteworthy regulatory and case law developments affecting medical and health law in Hong Kong. This webinar will take a look at some of these developments.



CHAIRS:

Calvin HO

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

Philip BEH

Principal Clinical Practitioner of the Department of Pathology & Co-Director of the Centre for Medical Ethics and Law, The University of Hong Kong

SPEAKERS:

David KAN *Recent MCHK Inquiry Judgment*

Partner at Howse Williams & Solicitor Advocate

Jane OR *Updates on Medical Negligence and Gross Negligence Manslaughter*

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

Albert LEE *Alternative Dispute Resolution for Medical Mishaps: Role of Arbitration*

Clinical Professor of Public Health and Primary Care and Founding Director of Centre for Health Education and Health Promotion, The Chinese University of Hong Kong & Honorary Professor, Department of Rehabilitation Science, Hong Kong Polytechnic University

Calvin HO *Recent Advances in Data Governance and Healthcare Digitalisation*

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



CMEL/CPD Accreditation, Registration & Other Details: <https://www.cmel.hku.hk>
Enquiry: 3917-1845 / cmel@hku.hk



UPCOMING WEBINARS ON GENE-EDITING, HEALTH

INSURANCE AND DATA ACCESS

24 March 2022 (Thu), 10 am – 12 pm HKT

Details and Registration: To be announced in or around late Feb 2022

- "Protecting Policy Holders' Interests in Health Insurance", to be co-organised with the Asian Institute of International Financial Law ("AIIFL")

31 March 2022 (Thu), 8 pm – 9:30 pm HKT

Details and Registration: To be announced in or around late Feb 2022

- "Data Access and Health-related Research: Comparative analysis", to be co-organised with PHG Foundation, University of Cambridge

21 April 2022 (Thu), 8 pm – 10 pm HKT

Details and Registration: To be announced in the next newsletter

VIDEO: WEBINAR ON RELATIONAL AUTONOMY AND INFORMED CONSENT

Click [here](#) for the video recording of CMEL's webinar entitled "Relational Autonomy: Rethinking Informed Consent in Healthcare from Cross-Cultural and Religious Perspectives", which was held on 26 January 2022 from 6:30 pm to 8:30 pm (HKT).

Webinar Abstract: 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.

Presentation Abstracts and Details: click [here](#)

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
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SPEAKERS:

 Fr. Joseph Tham, LC Professor, School of Bioethics, Regina Apostolorum Pontifical University, Italy	 Prof Imogen Goold Professor of Medical Law, Faculty of Law, University of Oxford, United Kingdom
 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	 Ms Jingyi Lin Senior Medical Social Worker, Tan Tock Seng Hospital, Singapore
 Prof Ruijing Fan Professor, Department of Public Policy, City University of Hong Kong, Hong Kong	 Dr Derrick K.S. Au Director, CMEL, 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: <http://www.cmel.hku.hk>
Enquiry: 3917-1849 / cmel@hku.hk

HKU CENTRE FOR THE HUMANITIES AND MEDICINE (CHM)

UPCOMING ONLINE TALKS

If you are interested in any of the three events below, please register and the Zoom link will be sent to you prior to the event.

All are welcome.

For enquiries, please contact Mr Adrian Kam by email at adkam@hku.hk or by phone at +852 3917 2867. Visit the website of the Centre for the Humanities and Medicine: <https://chm.hku.hk/>

HKU Global Health & Humanities Book Talk Series

Talk Title: The Spirit Ambulance: Choreographing the End of Life in Thailand

Date & Time: Wed, 23 February 2022 @ 8:30 am HKT
(Other Time Zones: Wed, 23 February 2022 @ 12:30 am GMT London / 11:30 am Sydney; Tuesday, 22 February 2022 @ 4:30 pm Seattle / 7:30 pm EST New York)

Delivery: via Zoom

Registration Weblink: <https://bit.ly/34DeUHF>

Speaker: Scott Stonington MD & PhD (Assistant Professor of Anthropology & Internal Medicine, University of Michigan)

Discussant: Jean Langford PhD (Professor Emerita of Cultural Anthropology, University of Minnesota)

Moderator: Priscilla Song PhD (Associate Professor, Centre for the Humanities and Medicine, HKU)

Co-hosted by:

* Centre for the Humanities and Medicine, HKU

* Medical Ethics and Humanities Unit, HKU

Talk Abstract:

[The Spirit Ambulance](#) (University of California Press 2020) is a journey into decision-making at the end of life in Thailand, where families attempt to craft good deaths for their elders in the face of clashing ethical frameworks generated by high-tech medical care, human-rights politics, and Buddhist metaphysics. Scott Stonington's gripping ethnography documents how Thai families attempt to pay back a "debt of life" to their elders through intensive medical care, followed by a medically assisted rush from the hospital to home to ensure a spiritually advantageous last breath. The result is a powerful exploration of the nature of death and the complexities arising from the globalization of biomedical expertise and ethics around the world.

Speaker Bio: Dr Scott Stonington MD & PhD is Assistant Professor of Anthropology and Internal Medicine at the University of Michigan, a hospitalist at the VA Medical Center, and a primary care physician at the Neighborhood Family Health Center in Ypsilanti, Michigan. In addition to his first book *The Spirit Ambulance*, Dr Stonington has also published extensively in social medicine, most recently as lead editor of “Case Studies in Social Medicine” in the *New England Journal of Medicine*, the first series in a major medical journal devoted to social theory.

Discussant Bio: Jean M. Langford PhD is Professor Emerita of Cultural Anthropology at the University of Minnesota. She is the author of *Consoling Ghosts: Stories of Medicine and Mourning from Southeast Asians in Exile* (Duke 2013) and *Fluent Bodies: Ayurvedic Remedies for Postcolonial Imbalance* (Duke 2002), as well as numerous articles. Her book manuscript in progress, *Animal Becomings: Improvising Life in Creativity*, explores the psychic creativity of sanctuary animals as it emerges through practices of care and self-care.

Talk Title: Reimagining Social Medicine from the South

Date & Time: Fri, 25 March 2022 @ 9 pm HKT
(Other Time Zones: 9 am EST New York/ 1 pm GMT London/ 3 pm SAST Cape Town / 4 pm EAT Dar es Salaam)

Delivery: via Zoom

Registration Weblink: <https://bit.ly/3sq5mYN>

Speaker: Abigail Neely PhD (Assistant Professor of Geography, Dartmouth College)

Discussant: Stacey Langwick MPH & PhD (Associate Professor of Anthropology, Cornell University)

Moderator: Laura Meek PhD (Assistant Professor, Centre for the Humanities and Medicine, HKU)

Co-hosted by:

* Centre for the Humanities and Medicine

* Medical Ethics and Humanities Unit

Talk Abstract:

In [*Reimagining Social Medicine from the South*](#), political ecologist Abigail H. Neely explores social medicine’s possibilities and limitations at one of its most important origin sites: the Pholela Community Health Centre (PCHC) in South Africa. The PCHC’s focus on medical and social factors of health yielded remarkable success. And yet South Africa’s systemic racial inequality hindered health center work, and witchcraft illnesses

challenged a program rooted in the sciences. By rewriting the story of social medicine from Pholela, Neely challenges global health practitioners to recognize the multiple worlds and actors that shape health and healing in Africa and beyond.

Speaker Bio: Abigail H. Neely PhD is an Assistant Professor of Geography at Dartmouth College, USA. Her work examines the histories and presents of biomedicine and traditional medicine in rural South Africa through political ecology and medical anthropology lenses. In addition to her book, *Reimagining Social Medicine from the South*, she has published in geography, anthropology, and African Studies journals. She is a committed teacher and advocate for a more diverse and inclusive university and a mom to two energetic boys.

Discussant Bio: Stacey A. Langwick MPH & PhD is an Associate Professor in the Department of Anthropology at Cornell University. She is author of *Bodies, Politics and African Healing: The Matter of Maladies in Tanzania* (2011) and co-editor of *Medicine, Mobility and Power in Global Africa* (2012). Her articles and essays have appeared in *American Ethnologist*, *Cultural Anthropology*, *Current Anthropology*, *Science, Technology and Human Values*, and *Medical Anthropology*, as well as a number of edited volumes. She is currently working on a second sole authored book entitled *Medicines That Feed Us: Plants, Healing and Sovereignty in a Toxic World*.

CHM Science, Technology and Medicine Seminar Series

Talk Title: **Trans-Speciaded Thinking: Rat Training as Epistemological Practice in Tanzania**

Date & Time: Wed, 30 March 2022 @ 9 pm – 10:30 pm HKT
(Other Time Zones: 9 am – 10:30 am EST New York/ 2 pm – 3:30 pm GMT London/ 3 pm – 4:30 pm SAST Cape Town)

Delivery: via Zoom

Registration Weblink: <https://bit.ly/3ux08No>

Speaker: Jia Hui Lee, PhD (Mellon Post-Doctoral Fellow and Visiting Assistant Professor of Anthropology, Haverford College)

Discussant: Susan Levine, PhD (Professor and Head of Anthropology, University of Cape Town)

Moderator: Laura Meek, PhD (Assistant Professor, Centre for the Humanities and Medicine, HKU)

Talk Abstract:

This paper positions rodent trainers in Tanzania as philosophers of the mind who explore, propose, and critique the experiences of being human through their speculation of rodent minds. Rodent trainers in Tanzania speculate about rodent minds as a

way to understand how best to train them to detect landmines as part of an international humanitarian project. I draw on these trainers' experiences of working with rats to analyze how they participate in a long, cross-disciplinary history of thinking about cognition that depend on careful observations of rodent behaviors. In speculating about rodent learning and cunning, rodent trainers subsequently reflect on the importance of "hekima," an intelligent ability to understand and participate in social relations that foster solidarity and social wellbeing in Tanzanian society. I further situate this "working theory of mind" within the social inequalities that Tanzanian trainers confront while working for an international NGO. This paper forms part of a larger research project that builds on ongoing critiques in Black studies, anthropology, and science & technology studies about "post/humanism," and suggests that scholars begin to look to Africa for "counterhumanisms."

Speaker Bio: Jia Hui Lee is a Mellon Post-Doctoral Fellow and a Visiting Assistant Professor of Anthropology at Haverford College. His research project, *Interstitial Intelligence: Human-Rodent Sensing, Cognition, and Work in Morogoro, Tanzania*, is a historically informed ethnography of various human-rodent encounters in zoological research, animal training, and pest management schemes. He examines how rodent researchers, trappers, and trainers produce new knowledges, sensory capacities, and technologies, and their entanglements with colonial legacies, global inequities, and speculations about the future. More broadly, his research argues that such more-than-human encounters are crucial sites for generating theories and critiques that offer a counterhumanist vision of being "human" in 21st-century Africa. He has a PhD from the Massachusetts Institute of Technology and a MPhil from the University of Cambridge.

Discussant Bio: Susan Levine is Professor and Head of Anthropology at The University of Cape Town. She is a medical anthropologist whose research focuses on toxic landscapes, children and childhoods, virological and biomedical science, and with new work in vaccine hesitancy in South Africa. Dr Levine leads a new MA program called Health Humanities and the Arts, which brings artists, medical workers and social scientists into conversation.

HKU MEDICAL ETHICS AND HUMANITIES UNIT (MEHU)

UPCOMING MEDICAL HUMANITIES "CONVERSATIONS & CONNECTIONS" SEMINAR

The Medical Ethics and Humanities Unit (MEHU) in the School of Clinical Medicine at HKU invites you to an ambitious talk by psychiatrist and academic Dr Chan Kai Tai. Come hear the presentation and join a vibrant conversation on the humanistic dimensions of medicine. Learn how the big challenges facing healthcare systems are also where the big opportunities reside.

Talk Title: The Humanistic Challenges for Future Doctors: From Medical Advancements to Digitization and COVID-19.

Talk Abstract:

Since the year 2000, there have been drastic and unprecedented transformations and challenges in the medical profession and in healthcare systems. These include progressive medical and scientific advances, ongoing ideological changes, unprecedented digitalization, and the changing COVID-19 pandemic. How can future doctors prepare and equip themselves in the midst of such dramatic vicissitudes and opportunities? This talk invites audiences to re-examine how humanistic and ethical considerations are essential to navigating some of the most important medical challenges of our times.

Speaker Bio:

Dr Chan Kai Tai is a psychiatrist and academic, currently working as Clinical Associate Professor in the Department of Psychiatry mainly in the area of youth mental health. Since his medical student days, he has been a professional songwriter with subsequent involvement in various cross-media and cultural works, which is the root of his recent academic pursuit for an interdisciplinary lens to look at the emerging issues across the Millennium. His recent works are on youth mental health and digital mental health intervention, impact of digitalization to human mind, as well as culture and mental health.



Date/Time:

Thu, 17 March 2022, 12:30 pm – 2 pm

Location: Online, Zoom

Registration required:

https://hkuems1.hku.hk/hkuems/ec_hdetail.aspx?guest=Y&ueid=80372



We hope you will join us for this insightful and provocative seminar! Please contact Dr Alex Gearin at MEHU akgearin@hku.hk if you have any questions about the event or are interested in presenting a talk in the series.

KNOWLEDGE EXCHANGE

MEDIA INTERVIEWS

["People are scared': Xi'an residents struggle to find food and medical help"](#)

In the *Financial Times* (8 January 2022)

In an interview with the *Financial Times*, our [Dr Calvin W. L. Ho](#) shared his views on the control of the COVID pandemic in Mainland China.

["China rushes to develop an mRNA vaccine as doubts grow over local jabs"](#)

In the *Financial Times* (6 January 2022)

In an interview with the *Financial Times*, our [Dr Calvin W. L. Ho](#) shared his views on Mainland China's development of COVID vaccines.

CONSULTATION FOR A FACT- CHECK SERVICE

Our [Dr Calvin W. L. Ho](#) was consulted on some issues by the HKBU FactCheck Service in its fact-checking exercise in relation to mandatory COVID vaccination. The relevant report of the HKBU FactCheck Service is available [here](#) [in Chinese only].

MEDICAL LAW UPDATES

CHAIRMAN AND DEPUTY CHAIRMAN OF THE PRELIMINARY INVESTIGATION COMMITTEE OF

These were two appeals by the Chairman and Deputy Chairman of the Preliminary Investigation Committee of the Medical Council of Hong Kong ("MCHK") (referred to jointly as "the Chairman") against the decision of a judge by which the judge dismissed the Chairman's applications for a mandatory

**THE MEDICAL
COUNCIL OF
HONG KONG v
HOSPITAL
AUTHORITY [2021]
HKCA 1793**

injunction obliging the Hospital Authority to disclose certain documents concerning the treatment of two patients which formed the subject of complaints to MCHK.

The Court of Appeal held that the Chairman had no power to compel disclosure and, therefore, it was not necessary to consider if ordering disclosure would involve a "disproportionate interference with the fundamental rights to privacy" of the patients in question.

Click [here](#) for the judgment.

**NEW ANTI-
DOXXING LAW IN
FORCE**

The Personal Data (Privacy) (Amendment) Ordinance 2021 came into effect in the last quarter of 2021. The Amendment Ordinance was enacted to, among other things, create offences for disclosing personal data without consent of the data subject. It is hoped that the new law will help curb doxxing acts.

Click [here](#) for the Implementation Guideline issued by the Privacy Commissioner for Personal Data.

CENTRE FOR MEDICAL ETHICS AND LAW HKU

ABOUT



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 population and global health, mental health and capacity, and digital health and emergent technologies.

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.

CONTACT

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THE UNIVERSITY OF HONG KONG
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