



MARCH ISSUE 2021

We are CMEL! Welcome to the forty-ninth issue of the CMEL Newsletter! This publication aims to update you on the latest news and information in the biomedical world. We will also share information about upcoming events, so stay tuned! Find out more about [CMEL](#). We also have a [Twitter account](#) and a [Facebook page](#).

Top story in this newsletter

Editorial:



Doctor's conviction of Gross Negligence Manslaughter in Hong Kong and CMEL's forthcoming webinar on this topic

On 1st December 2020, Dr MAK Wan Ling, a registered medical practitioner, was found guilty of Manslaughter by Gross Negligence in a retrial by the High Court in Hong Kong. Dr Mak administered a heavily contaminated processed blood product to a patient, causing the patient's death. Dr Mak failed to ensure that bacteria tests had been conducted on the blood product and to obtain proper consent from the deceased.

To follow up, CMEL will hold a webinar to explore some of the issues raised such as:

- the test for determining whether the defendant's conduct involved "gross negligence"; and
- the arguments for and against prosecuting medical doctors for "Gross Negligence Manslaughter".

Click [here](#) for our editorial. Details of the webinar are set out below.

2020年12月1日，註冊醫生麥允齡在香港高等法院重審中，被裁定「嚴重疏忽導致誤殺」罪名成立。麥醫生向一名病人施用被嚴重污染的血液製品，導致病人死亡。麥醫生未曾確保該血液製品已經驗菌測試，並且未有取得病人的正當同意。

本中心將舉辦網上研討會探討此案的相關爭議，例如：

- 以何準則判斷被告的行為是否涉及「嚴重疏忽」；及
- 應否控告醫生「嚴重疏忽導致誤殺」的正反論點。

[按此](#)閱讀本中心的特寫文章。關於網上研討會的詳情，請參閱後文。

CPD/ CME Event:



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

9 Apr 2021 (Fri), 4pm - 6pm (Hong Kong Time)

Language: English | Registration: Click [here](#)

Continuing Medical Education (CME) accreditation: Click [here](#)

CPD Accreditation by the Law Society of Hong Kong: Pending

「嚴重疏忽誤殺：應否應用於醫療人員？」網上研討會

2021年4月9日(五)下午4至6時(香港時間)

語言:英語 | 報名:[按此](#) | 持續醫學進修學分: [按此](#) | 香港律師會持續專業進修:待定

Video Recording:



Watch our Book Talk with the Editor and Contributing Authors

CMEL held a Book Talk for the book ["Covid-19 in Asia: Law and Policy Contexts"](#) with the Editor and Contributing Authors on 17 March 2021.

Our Dr [Calvin W. L. Ho](#) and Ms [Daisy Cheung](#) co-authored the chapter "Hong Kong: The Healthcare Professions and the Outbreak" in the book.

Watch the video recording of the Book Talk (1 hour) [here](#).

本中心於 2021 年 3 月 17 日舉行 [《亞洲的 2019 冠狀病毒病疫症: 法律和政策環境》](#) 一書的書籍講座，與該書編輯及合著者對談。

該書其中一章《香港: 醫療專業與疫情爆發》由本中心 [何維倫](#) 副教授及 [張天目](#) 助理教授合撰。

[按此](#) 觀看講座的錄影片段，片長 1 小時。

News:



Ombudsman found Hong Kong government's monitoring mechanism for high-demand vaccines inadequate

In 2019, a number of medical centres allegedly provided counterfeit nine-valent human papillomavirus (HPV) vaccines in Hong Kong. The Office of the Ombudsman has recently completed a direct investigation on the Government's mechanism for monitoring vaccines offered by private healthcare facilities. The investigation has revealed inadequacies in the Government's monitoring mechanism for "vaccines with excessive demands". Read more [here](#).

2019 年香港有醫務中心涉嫌提供冒牌九價子宮頸癌疫苗。申訴專員公署主動調查政府對私營醫療機構提供疫苗的監管機制，公署最近完成調查。是次調查發現，就「供不應求」的疫苗而言，政府的監管機制有不足之處。[按此](#) 閱讀更多。

Publications:



Recent publications

Please click on the links to read the publications.

[Blog essay]

- **"COVID-19 Exceptionalism and the 'New Normal' of Authoritarian Governance"** [Open Access]

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

In *Administrative Law in the Common Law World*: <https://adminlawblog.org/> (10 March 2021)

<https://adminlawblog.org/2021/03/10/eric-c-ip-and-stephen-thomson-covid-19-exceptionalism-and-the-new-normal-of-authoritarian-governance/>

[Correspondence]

- **"Placebo use and unblinding in COVID-19 vaccine trials: recommendations of a WHO Expert Working Group"** [Open Access]

By Jerome Amir Singh, Sonali Kochhar, Jonathan Wolff & WHO ACT-Accelerator Ethics & Governance Working Group, of which [Calvin W. L. Ho](#) is a member

In *Nature Medicine* (2021)

<https://doi.org/10.1038/s41591-021-01299-5>

[Research Articles]

- **"The Political Determinants of China's New Health Constitution"** [Open Access]

By [Eric C. Ip](#)

In *Medical Law Review (OUP)* (2021)
<https://doi.org/10.1093/medlaw/fwaa030>

- **"Recommendations for the development of Egyptian human biobanking ethical guidelines"** [version 2; peer review: 2 approved] [Open Access]

By Ahmed Samir Abdelhafiz, [Calvin W. L. Ho](#) & Teck Chuan Voo

In *Wellcome Open Research* (2021) 6:4
<https://doi.org/10.12688/wellcomeopenres.16556.2>

請按以下連結閱讀近期本中心成員的文章。

[博客文章]

- **《2019 冠狀病毒病例外論與威權管治「新常態」》** [免費閱覽]

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

發表於《普通法世界的行政法》博客: <https://adminlawblog.org/>
(2021 年 3 月 10 日)

<https://adminlawblog.org/2021/03/10/eric-c-ip-and-stephen-thomson-covid-19-exceptionalism-and-the-new-normal-of-authoritarian-governance/>

[通訊短文]

- **《2019 冠狀病毒病疫苗試驗中安慰劑的應用及解盲: 世衛組織專家工作組的建議》** [免費閱覽]

作者: Jerome Amir Singh, Sonali Kochhar, Jonathan Wolff 及 世衛組織「2019 冠狀病毒病應對工具加速器 ("ACT-Accelerator") 倫理及管治工作組」([何維倫](#) 副教授為工作組成員)

刊登於《自然醫學》(2021)
<https://doi.org/10.1038/s41591-021-01299-5>

[研究文章]

- **《中國新基本醫療衛生與健康促進法的政治決定因素》** [免費閱覽]

作者: [葉子暘](#) 副教授

刊登於牛津大學出版社《醫學法律評論》(2021)
<https://doi.org/10.1093/medlaw/fwaa030>

- **《就埃及發展人體生物樣本庫倫理指引的建議》** [版本 2; 同行評審: 2 認可] [免費閱覽]

作者: Ahmed Samir Abdelhafiz, [何維倫](#) 副教授, Teck Chuan Voo

刊登於《惠康免費閱覽研究》(2021) 6:4
<https://doi.org/10.12688/wellcomeopenres.16556.2>

Knowledge Exchange:



Reusing health insurance data of the dead

In a recent article published in the United Daily News, a Taiwanese newspaper, CMEL's Research Fellow Dr Chih-hsing Ho shared her views on the Taiwanese Government's plan to make the health insurance data of the dead available to the industrial sector.

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

台灣政府擬將去世者的健康保險資料開放予產業界使用。

本中心研究員何之行博士於台灣報章《聯合報》發表文章，分享她對此事的見解，[按此](#)閱讀該文。

Collaboration:



Canadian-funded project on regulation of Artificial Intelligence in healthcare

CMEL (Dr [Calvin W. L. Ho](#)) is partnering with the Centre for Law, Technology and Society of the University of Ottawa in a project to consider how Artificial Intelligence should be regulated in healthcare. The project is funded by the Canadian Institutes of Health Research.

本中心 ([何維倫](#)副教授) 將與渥太華大學的法律、科技及社會研究中心合作，探討如何規管醫療人工智能的使用。該研究項目獲得加拿大衛生研究院資助。