



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.



**NOVEMBER-
DECEMBER 2021
NEWSLETTER**

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EDITORIAL

**WELCOME TO
OUR NEW BI-
MONTHLY
NEWSLETTER**



Left: LLM(MEL)
Class of 2021
with Dr Eric C.
Ip and Dr
Calvin W. L. Ho

We congratulate the 21 students in our **Master of Laws in Medical Ethics and Law ("LLM(MEL)")** course who graduated in 2021, and our first MBBS student who successfully completed the course as an intercalated degree. We also take this opportunity to remember the late Ms Lau Ching Kar Karen, who was one of our LLM(MEL) students, and we are grateful to her brother, Mr Aaron Lau, for the eulogy that is published in this issue.

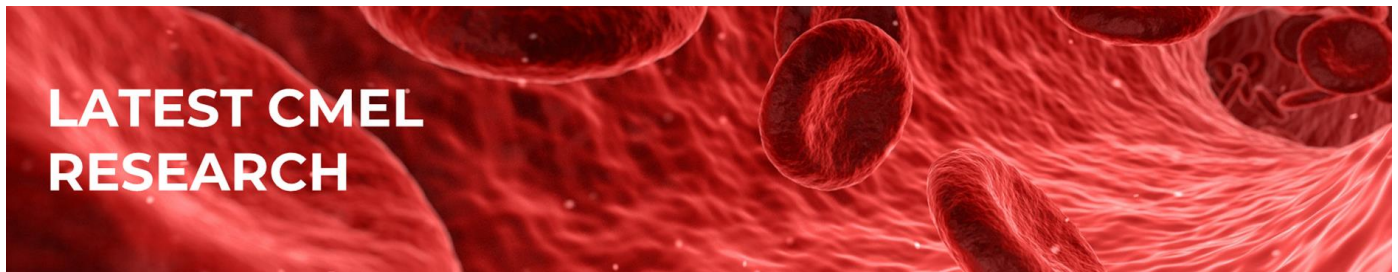
As in our previous newsletters, we highlight new publications, interviews, and online resources, such as updates on non-locally trained medical practitioners, "alternative smoking products", medical manslaughter and the Private Healthcare Facilities Ordinance.

Looking ahead into the new year, we invite readers to participate in our events as well as those of our collaborators, the Centre for the Humanities and Medicine ("CHM") (Faculty of Arts and LKS Faculty of Medicine) and the Medical Ethics and Humanities Unit ("MEHU") (LKS Faculty of Medicine). Among these are CMEL's "Informed Consent" webinar and "Annual Review of Hong Kong Health Law" webinar in January and February 2022 respectively as well as the "Medical Research and Drug Policy" virtual book talk of CHM and MEHU in January 2022.

Finally, we take this opportunity to wish everyone restful holidays and a fruitful new year to come.



Above: LLM(MEL) Class of 2021 with Former Chief Justice The Honourable Mr Geoffrey Ma and Dean Professor Hualing Fu



JOURNAL ARTICLES

"International comparisons of COVID-19 case and mortality data and the effectiveness of non-pharmaceutical interventions: a plea for reconsideration"

In *Journal of Biosocial Science* (2021)

Our [Eric C. Ip](#) is a co-author

<https://www.cambridge.org/core/journals/journal-of-biosocial-science/article/abs/international-comparisons-of-covid19-case-and-mortality-data-and-the-effectiveness-of-nonpharmaceutical-interventions-a-plea-for-reconsideration/C5F96D98FC8AE3C553BD6AB30C1955AA>

"GA4GH: International policies and standards for data sharing across genomic research and healthcare" (Open Access)

In *Cell Genomics* (2021)

Our [Calvin W. L. Ho](#) is a co-author

<https://doi.org/10.1016/j.xgen.2021.100029>

"Open science, data sharing and solidarity: who benefits?" (Open access)

In *History and Philosophy of the Life Sciences* (2021)

Our [Calvin W. L. Ho](#) is a co-author

<https://doi.org/10.1007/s40656-021-00468-6>

BOOK CHAPTER

"The patient-centric turn in medical liability in Singapore" (Open Access)

In *Medical Liability in Asia and Australasia* (Part of the *Ius Gentium: Comparative Perspectives on Law and Justice* book series), Springer Nature, 2022

By [Calvin W. L. Ho](#)

https://doi.org/10.1007/978-981-16-4855-7_15

POLICY PAPER

"COVID-19 vaccine trial designs in the context of authorized COVID-19 vaccines and expanding global access: ethical considerations" (Open Access)

Policy Brief of the World Health Organization, 29 November 2021

Our [Calvin W. L. Ho](#) is a contributor

<https://apps.who.int/iris/bitstream/handle/10665/349693/WHO-2019-nCoV-Policy-brief-Vaccine-trial-design-2021.1-eng.pdf>



GRADUATE EDUCATION

APPLY TO THE MEDICAL ETHICS AND LAW MASTER'S DEGREE PROGRAMME

We are calling for applications to the [Master of Laws in Medical Ethics and Law \("LLM\(MEL\)"\) programme](#) for the 2022 intake.

Please refer to the "Events" section below for details of the information sessions.

IN MEMORIAM: LAU CHING KAR KAREN

One of the students in the LLM(MEL) class of 2021, Ms LAU Ching Kar Karen, passed away earlier this year. Karen had done well and will always be a member of the HKU Law School. The following is a memoriam written by Ms Karen Lau's brother in loving remembrance of her.

In Memoriam: Lau Ching Kar Karen

Congratulations to all 2021 Master of Laws (Medical Ethics and Law) graduates. My late sister, Lau Ching Kar Karen, would have been among you as a graduand at the 205th Congregation, but she succumbed to terminal cancer in May 2021 at the age of 40.

As a practising Barrister-at-Law and formerly a teacher at a local secondary school, Karen has inspired many to become legal professionals as well as educators. Karen was a smart, loving, caring, and gentle person. She was always cheerful and when her friends encountered difficulties, her kindness would radiate like the sun, providing warmth and shelter in the darkest of times. When given an insurmountable task at work, she would openly accept it with open arms and complete it with sheer perfection. Even when she had Sarcoma, she did not run away in fear. Instead, she stood up and fought valiantly until the end.

Today, we are here to remember a great friend, a great ally, a great colleague, a great sister, a great human being. Though she is not bodily with us, her life has touched many and her spirit shall imbue every one of us. Her legacy shall continue as she has reminded us not to give up hope as waking up to a new day is a gift.

My family and I would like to thank Karen's teachers and

classmates, as well as the Centre for Medical Ethics and Law and the Department of Law of the University of Hong Kong for the unwavering support during her studies this past year. While Karen has yet to complete her Masters due to this sudden illness, my family and I remain hopeful that a posthumous award of the degree is possible, as Karen's wish was to complete this course. I am confident that Karen's commitment, perseverance and resilience shall continue to inspire generations of students to come.

Lau Ching Kong Aaron, MEd (HKU)



Above: The late Ms Lau Ching Kar Karen



EVENTS

**VIRTUAL
INFORMATION
SESSIONS FOR
MEDICAL ETHICS
AND LAW
PROGRAMME**



HKU LAW

MASTER OF LAWS (LLM) MEDICAL ETHICS AND LAW

ADMISSIONS 2022-2023

Identical Information Sessions on Zoom

19 January 2022 (Wed) | 7:00 pm – 7:45 pm (HKT)
Register [here](#).

16 February 2022 (Wed) | 7:00 pm – 7:45 pm (HKT)
Register [here](#).

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

HKU CENTRE FOR MEDICAL ETHICS AND LAW (CMEL)

**CMEL'S WEBINAR
ON INFORMED
CONSENT IN
HEALTHCARE**

Title: Relational Autonomy: Rethinking Informed Consent in Healthcare from Cross-Cultural and Religious Perspectives (Webinar)

Date: 26 January 2022 (Wed), 6:30 pm – 8:30 pm (HKT)

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



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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	 Prof Josephine Ho Associate Professor of Law, Faculty of Law, The University of Hong Kong	 Prof 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: <https://www.cmel.hku.hk>

Enquiry: 3517-1845 / cmel@hku.hk

arguments and implications of this contribution to the bioethical literature on informed consent.

Details and registration: click [here](#)

CMEL'S WEBINAR ON HONG KONG HEALTH LAW 2021

Title: Annual Review of Hong Kong Health Law in 2021 (Webinar) (CPD/CME to be applied for)

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

Abstract: Year 2021 saw a number of significant and noteworthy statutory 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](#).

Details and registration link will be made available on [CMEL's website](#) soon.

VIDEO: VIRTUAL CONFERENCE ON INTELLECTUAL PROPERTY, COVID-19, AND THE NEXT PANDEMIC

CMEL's Co-Director [Dr Calvin W. L. Ho](#) and Research Fellow [Dr Eric C. Ip](#) participated in a virtual conference entitled "Intellectual Property, Covid-19, and the Next Pandemic: Diagnosing Problems, Developing Cures" as a speaker on 5 November 2021 and as a moderator on 6 November 2021 respectively.

The title of Dr Ho's presentation was "Governing the ACT-Accelerator: Current Challenges to Access and Innovation, and Opportunities for Change". The conference was co-organised by the Law and Technology Centre of the University of Hong Kong and the Georgetown University Law Center.

The video recording is available [here](#).

VIDEO: WEBINAR ON REPRODUCTIVE GENETIC SCREENING

CMEL's [Dr Calvin W. L. Ho](#) was one of the speakers at a virtual seminar entitled "Seminar on Genomics — Ethical and Governance Considerations for Reproductive Genetic Screening" held on 23 November 2021.

His topic was the responsible implementation of expanded prenatal genetic testing in Hong Kong and Singapore. The seminar was organised by the CUHK Centre for Bioethics of the Chinese University of Hong Kong.

The video recording is available [here](#).



HKU CENTRE FOR THE HUMANITIES AND MEDICINE (CHM)

GLOBAL HEALTH AND HUMANITIES BOOK SERIES

This virtual book series features recently published authors in conversation with established scholars working at the nexus of global health and the humanities, ethics, and law. Started by CMEL board members [Dr Priscilla Song](#) (Associate Professor in the [Centre for the Humanities and Medicine](#)) ("CHM") and Dr Harry Wu (former Director of the [Medical Ethics and Humanities Unit](#)) during the height of the COVID-19 pandemic social distancing restrictions in Hong Kong, the book series has played an important role in facilitating virtual engagement among faculty and students at the University of Hong Kong with scholars around the world.

Authors featured in the book series to date include:

- Dr Yanzhong Huang ([Toxic Politics: China's Environmental Health Crisis and its Challenge to the Chinese State, Cambridge University Press 2020](#))
- Dr Eugene Richardson ([Epidemic Illusions: On the Coloniality of Global Public Health, MIT Press 2020](#))
- Dr Wayne Soon ([Global Medicine in China: A Diasporic History, Stanford University Press 2020](#))

- Dr Harry Wu ([*Mad by the Millions: Mental Disorders and the Early Years of the World Health Organization*, MIT Press 2021](#))
- Professor Li Zhang ([*Anxious China: Inner Revolution and Politics of Psychotherapy*, University of California Press 2020](#))



The next upcoming book talk in the series will feature Dr Ido Hartogsohn ([*American Trip: Set, Setting and the Psychedelic Experience in the 20th Century*, MIT Press 2020](#)):

- **Talk Title: Beyond the substance: psychedelics and the challenge of medical research and drug policy**

Speaker: Dr Ido Hartogsohn, PhD (Assistant Professor in the Graduate Program in Science, Technology and Society, Bar Ilan University, Israel)

Discussants: Professor Gordon Mathews (Department of Anthropology, Chinese University of Hong Kong) & Dr Alex Gearin (Medical Ethics and Humanities Unit, University of Hong Kong)

Book Information: [*American Trip: Set, Setting and the Psychedelic Experience in the 20th Century* \(MIT Press 2020\)](#)

Date/Time: 10 January 2022 (Mon), 5:00 pm HKT (Other Time Zones: 9:00 am London / 11:00 am Tel Aviv / 8:00 pm Sydney)

Delivery: via Zoom

Registration: click [here](#)

Talk abstract: Medical science and drug policy approaches have often been based on essentialist definitions of drug action and dichotomous distinctions between licit drugs and drugs of abuse. In recent years, though, a growing awareness of the context-dependency and socio-cultural situatedness of drug effects has opened up the prospect of rethinking medical drug research and drug policy in light of social constructivist insights into drug effects, which place the emphasis on the cruciality of set and setting (context) rather than chemical essentialism. Based on Ido Hartogsohn's *American Trip: Set, Setting and the Psychedelic Experience in the 20th Century* (MIT Press, 2020), the talk will use the story of mid-twentieth-century American psychedelic research and culture as a backdrop for an examination of social-constructivist insights into the context-dependency of drug effects and their implications for medical research and drug policy.

Additional book talks in the spring 2022 lineup will feature the following authors:

- February 2022: Dr Scott Stonington ([*The Spirit Ambulance: Choreographing the End of Life in Thailand*, University of California Press 2020](#))
- March 2022: Dr Abigail Neely ([*Reimagining Social Medicine from the South*, Duke University Press 2021](#))

For more details about upcoming book talks, please check out the [Events page of the Centre for the Humanities and Medicine](#).

HKU MEDICAL ETHICS AND HUMANITIES UNIT (MEHU)

MEHU'S FILM SCREENING AND DISCUSSION EVENT: "ALIVE IN THE MORTUARY"

The [Medical Ethics and Humanities Unit \(MEHU\)](#) is a teaching and research unit of the LKS Faculty of Medicine inaugurated in 2012. MEHU seeks to inspire interest and scholarly work in medical ethics and humanities through the corresponding curricula in the undergraduate MBBS programme, as well as events and collaborations with academic and community-based colleagues. MEHU welcomes colleagues to get involved with its "Conversations and Connections" event series, which brings together diverse voices to stimulate discussion and thought around the issues that matter to those who practice and use healthcare. Speakers have ranged from healthcare professionals to creative artists, philosophers, Olympic athletes, advocates for transgender rights, humanitarian workers, and medico-legal experts. The first event of this year's series kicked off with a screening and lively panel discussion of the film "Alive in the Mortuary" based on an award-winning script by local playwright Ms Chong Mui Ngam and produced by Hong Kong's own Chung Ying Theatre company. Students and staff joined to watch the film which follows a medical graduate from Hong Kong University who becomes a surgeon working in a challenging war environment in Africa. The character encounters a series of ethical and existential dilemmas while stuck in a mortuary and confronted by an apparition of his younger self. After the film, the vibrant panel discussion was led by HKUMed neurosurgeon Dr Anderson Tsang in conversation with the artistic director of the film, Mr Dominic Cheung, and nurse and midwife Ms Tobey Lee who worked with *Medicins sans Frontieres* in a refugee field hospital in Africa. The speakers highlighted the power of theatre in communicating the ambiguous experiences and ethical challenges of medicine to the broader public. Reflecting on the main character in the film, Director Cheung reminded the audience of the importance of grasping our initial motivations, passions, and dreams during times of ethical crisis and challenge. For more information about the MH "Conversations and Connections" series or to be included on the mailing list please contact coordinator, Dr Alex Gearin (akgearin@hku.hk).



KNOWLEDGE EXCHANGE

PERSPECTIVE FROM A FORENSIC PATHOLOGIST AND AN ADVOCATE FOR VICTIMS OF SEXUAL VIOLENCE

Our [Dr Philip Beh](#) recently had the honour of being interviewed in the SCOM Talk Show hosted by the Hang Seng University of Hong Kong. In the interview, Dr Beh talked about his experiences as a forensic pathologist and his views on the concept of "death". As an advocate for victims of sexual violence, he shared his views on the governmental policies and law. Click [here](#) for the video (in Cantonese only).

PROPOSAL OF A VACCINE PASS SYSTEM FOR HONG KONG

In two radio programmes on Radio Television Hong Kong, "Talkabout" and "Open Line Open View", our [Dr Calvin W. L. Ho](#) shared his views on the proposal to introduce a local vaccine pass system for entering designated premises, such as workplaces, schools and public places, in Hong Kong. Click the links below to learn more:

- Article:
https://news.rthk.hk/rthk/en/component/k2/1619471-20211112.htm?fbclid=IwAR2it-9FBI9tdRSOZEiM1IHozzxIIXrT0saHVNkER_F2BszBSVbUHLPtYI
- Podcast (starting from 37:42) (in Cantonese only):
https://www.rthk.hk/radio/radio1/programme/openline_open_view/episode/786229?fbclid=IwAR0jfp2fvlfSoLrh9Sno_4dq6p6vaKT2h2g-UPIDaWKHW5iLGhDpJf_5XuA

CALL TO ENGAGE IN CONSENSUS BUILDING

In the journal *Cell Genomics*, our [Dr Calvin W. L. Ho](#) explains how the Regulatory & Ethics Toolkit of Global Alliance for Genomics & Health can support consensus building in genomics research from the bottom up. Learn more here:

[https://www.cell.com/cell-genomics/fulltext/S2666-979X\(21\)00043-4](https://www.cell.com/cell-genomics/fulltext/S2666-979X(21)00043-4)

GOVERNANCE OF ONE HEALTH

HKU Bulletin features the research and policy work of our [Dr Calvin W. L. Ho](#) on One Health and its challenges from legal and ethics perspectives. Learn more here:

<https://bulletin.hku.hk/cover-story-theme/disunity-of-purpose/>

MEDICAL LAW UPDATES



NEW PATHWAY FOR NON- LOCALLY TRAINED DOCTORS TO PRACTISE IN HONG KONG

The Legislative Council of Hong Kong recently passed the [Medical Registration \(Amendment\) Bill 2021](#) to create a new pathway for non-locally trained medical practitioners to practise in Hong Kong. Click [here](#) for a news article on this.

BAN ON ALTERNATIVE SMOKING PRODUCTS IN HONG KONG

The [Smoking \(Public Health\) \(Amendment\) Bill 2019](#) was recently passed by the Legislative Council of Hong Kong. The amendments brought about by the bill will, among other things, prohibit the import, manufacture and sale of "alternative smoking products". Read more [here](#).

APPEAL IN THE DR BEAUTY GROSS NEGLIGENCE MANSLAUGHTER CASE: *HKSAR v CHOW HEUNG WING, STEPHEN AND CHAN KWUN CHUNG* [2021] HKCA 1655

In the infamous "DR Beauty" case, the deceased underwent at a clinic of the DR Group a cellular therapy treatment known as "CIK" treatment whereby blood extracted from her was taken to a laboratory to undergo a process of culturing, after which it was infused back into her. The blood was contaminated before it was infused back into her, who died from "multi-organ failure" afterwards.

The first defendant ("D1") and the second defendant ("D2"), who were in charge of the DR Group and processed the blood respectively, sought leave to appeal against both their convictions and sentences. The Court of Appeal refused leave to appeal against their conviction and dismissed their appeals against conviction but allowed their appeals against sentence. Upon consideration, the Court of Appeal reduced the sentences, in the case of D1, to 10 years' imprisonment and, in the case of D2, to 8 years' imprisonment.

Click [here](#) for a summary of the Judgment.

**DOCTOR JAILED
FOR GROSS
NEGLIGENCE
MANSLAUGHTER
OVER DEATH OF
A LIPOSUCTION
PATIENT: *HKSAR v
KWAN HAU CHI,
VANESSA* [2021]
HKCFI 2978**

A medical doctor was sentenced to 6 years' imprisonment in Hong Kong for gross negligence manslaughter in respect of the death of her patient, who died in 2014 following a liposuction procedure performed by the doctor.

Click [here](#) for a summary of the Reasons for Sentence.

**NEW
REGULATORY
REGIME FOR
PRIVATE
HEALTHCARE
FACILITIES IN
HONG KONG**

In the postscript to the Reasons for Sentence in *HKSAR v Kwan Hau Chi, Vanessa*, the case above, the judge observed that the incident was "a classic example of the need not only of the regulation of private healthcare facilities in Hong Kong but of the ease at which medical practitioners can conduct high-risk medical procedures in these facilities" and noted that the Private Healthcare Facilities Ordinance (Cap. 633) ("PHFO") was gazetted subsequent to the incident.

PHFO introduces a new regulatory regime for private healthcare facilities (PHFs). Four types of PHFs (hospitals, day procedure centres, clinics and health services establishments) are subject to regulation. This new regime is being implemented in phases. Click [here](#) for a simple guide to the PHFO.



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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