



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.

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

Philip BEH

Principal Clinical Practitioner, Department of
Pathology, Li Ka Shing Faculty of Medicine &
Co-Director, 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, 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, Centre for Medical Ethics and Law, The University of Hong Kong



CME/CPD Accreditation,
Registration & Other Details:
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Organised by:



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THE UNIVERSITY OF HONG KONG
CENTRE FOR MEDICAL ETHICS AND LAW

Co-organised by:

Howse Williams
何韋律師行

About the Webinar

This workshop provides an analysis of important regulatory and case law developments that relate to health and healthcare in Hong Kong in 2021. The coverage is not intended to be comprehensive, but the intent is to promote professional deliberation and discussion on developments that are likely to be far-reaching. Accordingly, the aims (all pertaining to the jurisdiction of Hong Kong) are as follows:

1. Review selected decisions of the Inquiry Panel of the Medical Council of Hong Kong.
2. Review the state of the law on gross negligence manslaughter as applicable to medical practitioners and draw the attention of the audience to the new regime introduced by the Private Healthcare Facilities Ordinance (Cap. 633).
3. Review the state of the law on medical negligence.
4. Provide an update on alternative dispute resolution in healthcare from a legal and regulatory perspective.
5. Provide an analysis of regulatory developments that pertain to digital health.

Chairs & Speakers

Chairs

Calvin HO

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

Philip BEH

Principal Clinical Practitioner, Department of Pathology, Li Ka Shing Faculty of Medicine & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong

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Calvin HO

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Programme

Annual Review of Hong Kong Health Law in 2021

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

6:30 - 6:35	<p>Introductory remarks by the Chairs:</p> <p>Calvin HO Associate Professor of Law & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong</p> <p>Philip BEH Principal Clinical Practitioner, Department of Pathology, Li Ka Shing Faculty of Medicine & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong</p>
6:35 - 6:55	<p>Presentation 1:</p> <p>David KAN Partner at Howse Williams & Solicitor Advocate</p> <p><i>Title:</i> <i>Recent MCHK Inquiry Judgment</i></p>
6:55 - 7:15	<p>Presentation 2:</p> <p>Jane OR Centre Manager, Centre for Medical Ethics and Law, The University of Hong Kong</p> <p><i>Title:</i> <i>Updates on Medical Negligence and Gross Negligence Manslaughter</i></p>
7:15 - 7:35	<p>Presentation 3:</p> <p>Albert LEE 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</p> <p><i>Title:</i> <i>Alternative Dispute Resolution for Medical Mishaps: Role of Arbitration</i></p>

<p>7:35 - 7:50</p>	<p>Presentation 4:</p> <p>Calvin HO Associate Professor of Law & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong</p> <p><i>Title:</i> <i>Recent Advances in Data Governance and Healthcare Digitalisation</i></p>
<p>7:50 - 8:00</p>	<p>Q&A</p>

Speakers & Presentations

CHAIRS



Calvin HO

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

Calvin is Associate Professor with the Faculty of Law, and Co-Director of the Centre for Medical Ethics, at the University of Hong Kong. His research is primarily on the governance of health and biomedical technologies, including human genome editing, human pluripotent stem cell research, and health technologies based on Artificial Intelligence and data analytics. He is an Ethics Board member of Médecins Sans Frontières (Doctors Without Borders), and a member of the Access to COVID-19 Tools (ACT) Accelerator

Ethics Working Group of the World Health Organization.



Philip BEH

Principal Clinical Practitioner, Department of Pathology, Li Ka Shing Faculty of Medicine & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong

Philip is Co-Director of CMEL since its inception. He is a forensic pathologist by training and has been teaching medical ethics at the faculty of medicine for over twenty years.

Speakers & Presentations

PRESENTATION 1

David KAN

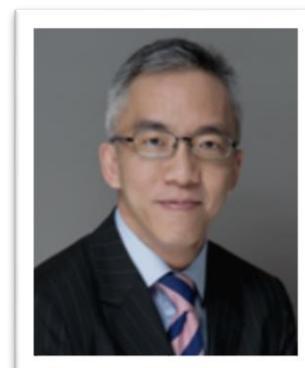
Partner at Howse Williams & Solicitor Advocate

About the presentation:

Title:

Recent MCHK Inquiry Judgment

This presentation considers recent judgment of MCHK Inquiries, to illustrate the principles and approach adopted by the MCHK in their disciplinary proceedings and the conduct of Inquiry hearings.



About the speaker:

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

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

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

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

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

PRESENTATION 2

Jane OR

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



About the presentation:

Title:

Updates on Medical Negligence and Gross Negligence Manslaughter

This presentation will review a number of court decisions in 2021 in relation to medical negligence and gross negligence manslaughter.

About the speaker:

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

PRESENTATION 3

Albert LEE

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



About the presentation:

Title:

Alternative Dispute Resolution for Medical Mishaps: Role of Arbitration

Both healthcare professionals and patients/carers go through a period of trauma as result of medical mishaps. Litigation as mean of resolving the disputes is lengthy and very painful for both parties, Alternate Dispute Resolution (ADR) such as arbitration can be an option not only for speedy resolution but also both parties would agree on issues to be arbitrated and selection of arbitrator(s) with expertise for the disputed matters. Confidentiality also minimises undue stress and anxiety. There is a concern on process of justice without formal judicial procedure. Hong Kong like other common law jurisdictions has systems of law protecting public interest. They would be very appropriate places to consider arbitration in resolving healthcare disputes.

Ref: Lee A. Alternate Dispute Resolution for Medical Disputes. *Hong Kong Law Journal* 2018; 48 (1):): 23-36.

About the speaker:

Albert is Clinical Professor of Public Health and Primary Care and Founding Director of Centre for Health Education and Health Promotion of the Chinese University of Hong Kong. He obtained his medical degree and law degree from University of London in 1984 and 2015 respectively. He obtained higher professional and academic qualifications in family medicine, public health, legal medicine and arbitration from academic colleges/institutions in Australia, Hong Kong, Ireland, UK and US. He has published over 250 scientific papers and over 200 invited presentations. He has served as WHO Temporary Advisor in Health Promotion from time to time and was elected as International Member (Academician) of National Academy of Medicine in 2012, first from Hong Kong.

PRESENTATION 4

Calvin HO

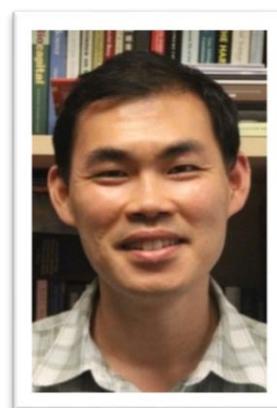
Associate Professor of Law & Co-Director, Centre for Medical Ethics and Law, The University of Hong Kong

About the presentation:

Title:

Recent Advances in Data Governance and Healthcare Digitalisation

This presentation provides an analysis of how key requirements in the “Guidance on Ethical Development and Use of AI” recently issued by the Office of the Privacy Commissioner for Personal Data (PCPD) apply to healthcare digitalisation. Reference will be made to comparable requirements in international normative and/or regulatory documents, with focus on those of the World Health Organization and the European Union. Additionally, decisions of the PCPD (or the Administrative Appeals Board) that relate to these requirements (or recommendations) will be considered.



About the speaker:

Calvin is Associate Professor with the Faculty of Law, and Co-Director of the Centre for Medical Ethics, at the University of Hong Kong. His research is primarily on the governance of health and biomedical technologies, including human genome editing, human pluripotent stem cell research, and health technologies based on Artificial Intelligence and data analytics. He is an Ethics Board member of Médecins Sans Frontières (Doctors Without Borders), and a member of the Access to COVID-19 Tools (ACT) Accelerator Ethics Working Group of the World Health Organization.

About the Organisers

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The Centre for Medical Ethics and Law (CMEL) develops new ideas and solutions in response to the big ethical, legal and policy questions of medicine and health. CMEL is the first cross-faculty interdisciplinary institution of its kind in the region. It was founded in 2012 by the LKS Faculty of Medicine and Faculty of Law at The University of Hong Kong as a joint inheritor of their vibrant intellectual traditions dating back to 1887 and 1969 respectively.

Today, CMEL brings together bioethicists, academic lawyers, medical scientists, and other scholars to conduct cutting edge bioethical and legal research and contribute to policy development in flagship areas like digital health and emergent technologies, mental health and capacity, and population and global health.

Research, teaching and knowledge exchange—CMEL’s core initiatives—aim to ensure that developments in biomedicine and public health will be underpinned by ethical and legal considerations.

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

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