



Preservation of Dignity in the Terminally Ill

24 November 2022, Thursday

8:00 pm – 9:30 pm (Hong Kong Time)

Online: Live Zoom Session

In person (*HKU Staff and HKU Students Only):

Philip K.H. Wong Theatre (formerly the Moot Court),
2/F, Cheng Yu Tung Tower, Centennial Campus, HKU

In the case of [HKSAR v Kwok Wai-yin \[2022\] HKCFI 2989](#), the accused has been sentenced to one year probation for killing his cancer-stricken wife, while he himself suffered from a major depressive disorder. When Mr Justice Albert Wong sentenced the accused, he noted the tough situation of patients and helpers and mentioned that it was for the government to consider whether to orchestrate the way forward. In this webinar, a panel of scholars will discuss this case, as well as advance directives and euthanasia in a wider context.

CO-CHAIRS:

Dr Calvin Ho

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



Prof Gilberto K. K. Leung

Tsang Wing-Hing Professor in Clinical Neuroscience,
Co-Director of the Centre for Medical Ethics and Law
Associate Dean (Teaching & Learning), LKS Faculty of Medicine, The University of Hong Kong



SPEAKERS:

Advance Directives in Hong Kong

Ms Daisy Cheung

Assistant Professor of Law & Deputy Director of Centre for Medical Ethics and Law, The University of Hong Kong



The Rights of the Terminally Ill Child to Respect for and Protection of Her /His Dignity and the Option of Euthanasia

Prof Jaap Doek

Guest Lecturer of Leiden University

Emeritus professor of Law (Family and Juvenile Law), Vrije Universiteit, Amsterdam



The Rapid Expansion of Euthanasia/Assisted Suicide in Canada: A Cautionary Tale

Prof Trudo Lemmens

Professor and Scholl Chair in Health Law and Policy of Faculty of Law, University of Toronto



Prior registration is required.

All are welcome to attend the seminar online.

Only HKU staff and HKU students may attend the seminar in person. In-person attendees must register in advance and comply with the HKU Vaccine Pass requirements. They are requested to arrive 15 minutes early.

Enquiry:

3917-1845 / cmel@hku.hk

Registration & Details:

<https://cmel.hku.hk>



About the Seminar

In the case of [HKSAR v Kwok Wai-yin \[2022\] HKCFI 2989](#), the accused has been sentenced to one year probation for killing his cancer-stricken wife, while he himself suffered from a major depressive disorder. When Mr Justice Albert Wong sentenced the accused, he noted the tough situation of patients and helpers and mentioned that it was for the government to consider whether to orchestrate the way forward. In this webinar, a panel of scholars will discuss this case, as well as advance directives and euthanasia in a wider context.

Presentation 1

Advance Directives in Hong Kong

Ms Daisy Cheung

Assistant Professor of Law

Deputy Director and Research Fellow at the Centre for Medical Ethics and Law, The University of Hong Kong

Biography



Daisy Cheung is an Assistant Professor of Law and Deputy Director and Research Fellow at the Centre for Medical Ethics and Law, The University of Hong Kong (HKU). Daisy's research focuses on mental health and capacity law. Her publications include analyses on a number of issues related to Hong Kong's Mental Health Ordinance (MHO), including its compulsory detention treatment regime, its conditional discharge regime and the problematic way in which mental capacity is conceived of and assessed in different contexts under the MHO. She has published on public mental health ethics in the face of the Covid-19 pandemic, and has written on mental capacity law and ethics across several contexts, including an RGC-funded project on adult guardianship regimes and an edited collection on advance medical directives in Asia (forthcoming 2022, Cambridge University Press). She is currently working on a RGC-funded project on best interests determinations on behalf of individuals who lack capacity, and an ongoing project on the implications of novel neurointerventions on mental capacity law and ethics. She currently teaches the courses 'Mental Disability and the Law' and 'Beginning and End of Life'. She is a member of the Mental Health Law Committee of the Law Society of Hong Kong and is a co-founder of a support group for persons on conditional discharge in Hong Kong.

Presentation 2

The Rights of the Terminally Ill Child to Respect for and Protection of Her /His Dignity and the Option of Euthanasia

Prof Jaap E. Doek

Guest Lecturer of Leiden University

Emeritus professor of Law (Family and Juvenile Law), Vrije Universiteit, Amsterdam

Biography



Jaap E. Doek is the special legal advisor of ECPAT and in that capacity he was involved in the drafting of the Terminology Guidelines for the protection of children from sexual exploitation and sexual abuse (also known as The Luxemburg Guidelines 2016) and in the production of the Explanatory report to the Guidelines (Bangkok: ECPAT sept. 2019). He was also involved in the development of the Guidelines for the Implementation of the Optional Protocol on the sale of children, child prostitution and child pornography which were adopted by the UN Committee on the Rights of the Child (UN Doc. CRC/C/156, 10 September 2019).

He co-founded the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) and was involved in the founding of Defence for Children International. He is the chairperson of the Supervisory Board of Child Helpline International, a member of the Board of the African Child Policy Forum, and a member of the Advisory Committee of Defence for Children International.

He was a member of the UN CRC Committee (1999 – 2007) and the chairperson of that committee from 2001 - 2007. He was professor of Juvenile Law at the University of Leiden (1998 – 2003), visiting scholar at the Law schools of the Georgetown University and the University of Michigan (1993), and a visiting professor at the school of law of the Northwestern University (1999).

He has been a juvenile court judge in the district courts of Alkmaar and The Hague (1978 – 1985) and a deputy justice in the court of appeal of Amsterdam (2005 – 2012). From 1982 – 1986, he was a member of the board of the International Association of Juvenile and Family Court Magistrates (IAJFM).

Abstract

It is obvious: the worst thing that can happen to a child and her/his parent(s) is that the child is terminally ill. An illness which goes with a lot of suffering and pain for the child. Among many other concerns and problems, the question may arise of how we can respect and protect the dignity of the child. The option of euthanasia may be considered in addressing this question.

Euthanasia is a crime in the Netherlands. However, there is an exception: at the explicit and repeated request of a terminally ill adult person euthanasia can be performed exclusively by a medical doctor who must meet very specific conditions and follow strict rules. I shall briefly deal with these conditions, rules and practice. However, the focus will be on the question of whether the option of euthanasia for the terminally ill child. In the Netherlands, specific rules are developed for children between 12 and 18 years of age with a role for the child her/himself, her/his parent(s) and the doctor (often a specialized pediatrician). Currently, a discussion is under way regarding the question of whether rules should be developed for children below the age of 12.

Presentation 3

The Rapid Expansion of Euthanasia/Assisted Suicide in Canada: A Cautionary Tale

Prof Trudo Lemmens

Professor and Scholl Chair in Health Law and Policy of Faculty of Law, University of Toronto

Biography



Trudo Lemmens is Professor and Scholl Chair in Health Law and Policy at the Faculty of Law, the Joint Centre for Bioethics, and the Dalla Lana School of Public Health of the University of Toronto. His research focuses on the interaction of law, governance mechanisms, and ethical norms and values in the context of health care, biomedical research, and health product development. His publications include the co-authored book *Reading the Future? Legal and Ethical Challenges of Predictive Genetic Testing*, the co-edited volumes *Regulating Creation: The Law, Policy and Ethics of Assisted Human Reproduction*, and *Law and Ethics in Biomedical Research: Regulation, Conflict of Interest, and Liability*, as well as numerous chapters and articles in national and international law, policy, science, medicine and bioethics journals. He has also written and lectured extensively on Euthanasia and Assisted Suicide (Medical Assistance in Dying as it is called in Canada), particularly on the developments in Canada, Belgium, and the Netherlands. He was a member of the Council of Canadian Academies' expert panel on Medical Aid in Dying, an expert witness for the federal Attorney General in the *Truchon* case, and he has testified before Canadian Parliamentary committees mandated to discuss draft legislation and the review of the practice. He has also been consulted as an expert on these issues internationally.

For more information: <https://www.law.utoronto.ca/faculty-staff/full-time-faculty/trudo-lemmens>

Abstract

In 2016, in response to a Supreme Court decision, Canadian parliament created a legal exemption to the absolute prohibition on euthanasia/physician-assisted-suicide and allowed what it termed Medical Assistance in Dying for persons suffering intolerably from a serious medical condition or disability and whose death is reasonably foreseeable. Then in 2021, it expanded this option for persons with disabilities who are not approaching their natural death,

including for persons with mental illness. Further expansions are currently debated in a parliamentary commission. This presentation will discuss how Canada's law and practice has evolved, and why its rapid expansion of state-funded and medical-system-organized provision of death as a tool to relieve suffering raises serious social justice and ethical concerns.

Co-chairs

Dr Calvin W. L. Ho

Associate Professor of Law

Co-Director, Centre for Medical Ethics and Law, Faculties of Law and Medicine

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.

Prof Gilberto K. K. Leung

Tsang Wing-Hing Professor in Clinical Neuroscience

Co-Director of the Centre for Medical Ethics and Law, Faculties of Law and Medicine

Associate Dean (Teaching & Learning) of the Li Ka Shing Faculty of Medicine

The University of Hong Kong



Professor Gilberto K.K. Leung is a neurosurgeon, Clinical Professor, Associate Dean (Teaching & Learning) at the LKS Faculty of Medicine, University of Hong Kong. He holds an LLB from the University of London and an LLM in Medical Law and Ethics with Distinction from the University of Edinburgh.

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 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.

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