

**OCTOBER ISSUE 2020**

We are CMEL! Welcome to the forty-fourth 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****Recent Case:****Role of College of Dental Surgeons of Hong Kong in disciplining dentists clarified in court**

*Dr Tse Kit Ming v The College of Dental Surgeons of HK* [2020] HKCFI 2453

T is a registered dentist and a registered specialist in oral and maxillofacial surgery. He was convicted by the Dental Council of Hong Kong of a plagiarism charge and received a suspended sentence.

T is also a Fellow of the College of Dental Surgeons of Hong Kong (“the College”). After T’s suspended sentence was spent and in the exercise of its powers under Article 14 of its Memorandum and Articles of Association, the College requested T to explain his conduct, claiming that it had good reason to form an opinion that T’s conviction was likely to be injurious to the College’s interests. T challenged this in court.

The Hong Kong Court of First Instance (“the court”) recently gave judgment.

The court declared that the College has neither jurisdiction nor power to take disciplinary action against T in respect of the plagiarism charge.

The court held that the College has no role to play in the taking of disciplinary actions or imposition of disciplinary sanctions against dentists or specialist dentists under the statutory framework. The court, however, refused to declare Article 14 *ultra vires*. (Paragraphs 46 & 86-91 of the judgment)

Further, the court found that it was *Wednesbury* unreasonable for the College to invoke Article 14 requesting T to explain his conduct, as the College failed to take into account the matters set out in paragraph 99 of the judgment, such as the fact that the College’s request for T to explain his conduct might cause the College to terminate T’s Fellowship with the College, which termination would have the “domino effect” of termination of T’s Fellowship with the Hong Kong Academy of Medicine, ultimately resulting in the removal of T’s status under the Specialist Register through the backdoor and exposing him to the risk of double jeopardy.

Click [here](#) for the judgment.

T 是一名註冊牙醫及註冊口腔頷面外科專科牙醫，他曾因學術剽竊而被香港牙醫管理委員會定罪及判處緩刑。

T 也是香港牙科醫學院（下稱「牙科醫學院」）院士。緩刑期間 T 沒有再犯，緩刑期滿後，牙科醫學院引用組織章程大綱及細則第 14 條，要求 T 解釋自己的行為，並指有合理原因相信 T 的學術剽竊罪會影響牙科醫學會的利益，於是 T 入稟法院提出挑戰。

香港原訟法庭最近頒下判詞。

法庭宣告，牙科醫學院沒有管轄權或權力就 T 的學術剽竊罪紀律處分 T。

法庭認為，就在法定框架內對牙醫或專科牙醫採取紀律處分或施加紀律制裁一事而言，牙科醫學院沒有任何角色。然而，法庭拒絕裁定第 14 條為超越權限的條文。(判決第 46 和 86-91 段)

法庭裁定，鑑於牙科醫學院沒有考慮判決第 99 段列出的事宜，牙科醫學院引用第 14 條要求 T 解釋自己的行為的做法，違反了 *Wednesbury* 案的合理性標準。第 99 段列出的事宜包括 (但不限於): 牙科醫學院的要求或導致牙科醫學院終止 T 該院院士的身份，而終止牙科醫學院院士身份會令 T 因而失去香港醫學專科學院院士身份及從專科名冊被除名，最終透過「後門」使 T 失去專科牙醫身份並令 T 面臨一罪兩審的風險。

[按此](#)閱讀判決。

## Master's Degree:



### Master of Laws in Medical Ethics and Law

Applications for the 2021 entry of the Master of Laws in Medical Ethics and Law programme will open soon. Please stay tuned. More about the programme [here](#).

下年度的法學碩士(醫學倫理與法律)課程快將開始招生，敬請留意，[按此](#)瀏覽課程資料。

## Upcoming Webinar:



### (Webinar) Health and Artificial Intelligence: Law, Ethics and Society

Session 1 (“**Ethical Considerations and Policy Development**”):

7 Dec 2020 (Mon), 7pm - 9pm

Session 2 (“**Responsible AI and the Law**”): 8 Dec 2020 (Tue), 7pm - 9pm

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

Continuing Medical Education (CME) & Law Society Continuing Professional Development (CPD) Accreditation: To be applied for

[「醫療與人工智能：法律、倫理與社會」網上研討會](#)

第 1 節「倫理因素與制定政策」：2020 年 12 月 7 日(一)下午 7 至 9 時

第 2 節「負責任的人工智能與法律」：2020 年 12 月 8 日(二)下午 7 至 9 時

語言: 英語 | 報名: [按此](#)

持續醫學進修 及 律師會持續專業進修 學分: 本中心將作出申請

## Video Recordings:



### Video recordings of Workshop on Advance Medical Directives ("Living Will, Living Well? Advance Directives Across Asia")

Click [here](#) for the video recordings of Session 1 “**Advance Directives Across Asia**” (2 hours) and Session 2 “**Advance Directives in Hong Kong**” (2 hours), which were held on 30 Sep and 2 Oct 2020.

[按此](#)觀看本中心今年 9 月 30 日及 10 月 2 日的工作坊的錄影片段，第一節為「**預設醫療指示 (亞洲多地)**」，第 2 節為「**預設醫療指示 (香港)**」，每節 2 小時。



[Journal Paper]

1. **"COVID-19 Emergency Measures and the Impending Authoritarian Pandemic"** [Open Access]  
By Associate Professor Stephen Thomson and Associate Professor [Eric C. Ip](#)  
In *Journal of Law and the Biosciences*, Isaa064,  
<https://doi.org/10.1093/jlb/Isaa064>
2. **"Deepening the Normative Evaluation of Machine Learning Healthcare Application by Complementing Ethical Considerations with Regulatory Governance"**  
By Associate Professor [Calvin Ho](#)  
In *The American Journal of Bioethics* (2020) 20:11, 43-45, DOI:  
[10.1080/15265161.2020.1820106](https://doi.org/10.1080/15265161.2020.1820106)  
Please click on link to access abstract. (This paper is not open access.)

[Book chapter in open-access book]

3. **"Global Governance of Anti-microbial Resistance: A Legal and Regulatory Toolkit"**  
By Associate Professor [Calvin Ho](#) and Assistant Professor Tsung-Ling Lee  
In: Jamrozik E., Selgelid M. (eds) *Ethics and Drug Resistance: Collective Responsibility for Global Public Health*. Public Health Ethics Analysis, vol 5. Springer (2020), pp 401-420.  
Available at: [http://link-springer-com-443.webvpn.fjmu.edu.cn/chapter/10.1007/978-3-030-27874-8\\_25](http://link-springer-com-443.webvpn.fjmu.edu.cn/chapter/10.1007/978-3-030-27874-8_25)

[期刊文章]

1. 《2019 冠狀病毒病緊急措施與即將來臨的威權主義全球大流行》[免費閱覽]  
作者: Stephen Thomson 副教授 及 [葉子暘](#) 副教授  
刊登於《法律與生物科學雜誌》, Isaa064,  
<https://doi.org/10.1093/jlb/Isaa064>
2. 《倫理因素輔以法規管治以深化機器學習醫療軟件設備的應然性評估》  
作者: [何維倫](#) 副教授  
刊登於《美國生物倫理學期刊》(2020) 20:11, 43-45, DOI:  
[10.1080/15265161.2020.1820106](https://doi.org/10.1080/15265161.2020.1820106)  
請按以上連結閱讀摘要 (正文並非可免費閱覽)。

[可免費閱覽書籍的章節]

3. 《抗菌素耐藥性全球管治: 一套法律及規管工具》  
作者: [何維倫](#) 副教授 及 李崇菱 助理教授  
刊登於 Jamrozik E. 及 Selgelid M. 所編輯的《倫理與抗藥性: 全球公共衛生的集體責任》一書 (公共衛生倫理分析系列第 5 冊), Springer (2020), 401-420 頁  
可於以下連結閱覽: [http://link-springer-com-443.webvpn.fjmu.edu.cn/chapter/10.1007/978-3-030-27874-8\\_25](http://link-springer-com-443.webvpn.fjmu.edu.cn/chapter/10.1007/978-3-030-27874-8_25)

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## Collaboration: [Swiss-funded project on COVID-19-related public perception](#)



C MEL (Associate Professor [Calvin Ho](#)) is partnering with the Institute of Biomedical Ethics and History of Medicine, University of Zurich, in a [project](#) to test the application of a platform ([PubliCo](#)) for the study of public perception concerning COVID-19 in Hong Kong. The project is funded by the Swiss Federal Institute of Technology.

本中心 ([何維倫](#) 副教授) 與 蘇黎世大學 生物醫學倫理學及醫學史研究所合作，測試將一個名為“[PubliCo](#)”的平台應用於研究香港公眾對 2019 冠狀病毒病的看法。該[研究項目](#)獲瑞士聯邦科技研究院資助。

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## Award:



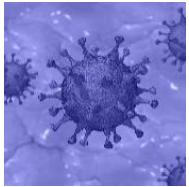
### [Ms Daisy Cheung received Early Career Teaching Award](#)

Assistant Professor [Daisy Cheung](#) received an [Early Career Teaching Award](#) from the University of Hong Kong in a recent ceremony. Please join us in congratulating her.

最近[張天目](#)助理教授在一個典禮中獲香港大學頒授「[新晉教員教學獎](#)」，本中心致以衷心祝賀。

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## Knowledge Exchange:



### [Dr Philip Beh spoke on Collateral Damage of COVID-19](#)

C MEL has prepared a [brief report](#) on [Dr Philip Beh](#)'s recent talk on the “collateral damage of COVID-19”, in which he highlighted the ethical conflicts that could arise between public health goals and individual well-being.

本中心總監[馬宣立醫生](#)近日就「新冠狀病毒引起的附帶傷害」演講，探討公共衛生目標與個人福祉之間可能存在的倫理衝突。就馬醫生的分享，本中心撰寫了[簡短報告](#)。

### [Dr Calvin Ho on sharing of data in vaccine research](#)

Associate Professor [Calvin Ho](#) suggested in an interview with *University World News* that, if a research group finds that a candidate does not give rise to an immune response, it should “share the data so that everybody else does not go down that route”. Click [here](#) for the news article.

在《大學世界新聞》的訪問中，[何維倫](#)副教授指出，如一個研究團隊發現所研究的疫苗物質沒有觸發免疫反應，該團隊應與他人分享相關數據，以免他人重蹈覆轍。[按此](#)閱讀《大學世界新聞》的報道。