



# 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.



**AUGUST 2021**  
**NEWSLETTER**

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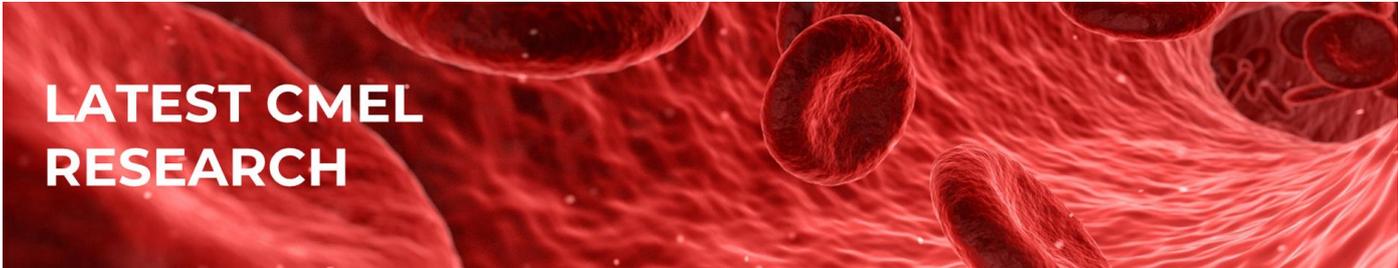
## EDITORIAL

### DOCTOR'S MANSLAUGHTER CONVICTION AND OTHER UPDATES

In late August, a Hong Kong jury found a medical doctor guilty of gross negligence manslaughter over the death of her patient, who had died after receiving a liposuction treatment from the doctor. This fatal incident was mentioned in our centre's [April webinar on gross negligence manslaughter in the medical context](#). With support from our centre, our collaborator will host another webinar on gross negligence manslaughter in October. Details will follow in our next newsletter.

In this month's newsletter, we have included a number of medical law updates on mental capacity, limitation period and medical malpractice, inclusive of the verdict above. We also highlight new publications that consider how law and ethics—as generative processes—contribute to the knowledge and practice of digital medicine. In an editorial and a journal article, legal and ethical values and processes that constitute a learning health system are considered in relation to the care of patients with chronic kidney disease and (more briefly) in end-of-life decision-making. In the same vein, a book chapter published in an edited monograph to celebrate the 20<sup>th</sup> anniversary of the national bioethics advisory committee in Singapore considers how ethical governance and law have contributed to the digitalization of the island state's healthcare system since 2001.

Last but certainly not least, our [Dr Philip Beh](#) has recently shared in an interview his views on the current manpower of the Coroner's Court in Hong Kong. We have included a link to the relevant news clip.



## LATEST CMEL RESEARCH

### EDITORIAL

**"Drawing on Social Media to Enhance and Personalize Decision-Making and Care at the End of Life"** [Open Access]

By [Calvin W. L. Ho](#) and Chia-Chin Lin

In *Cancer Nursing* (2021)

[https://journals.lww.com/cancernursingonline/Fulltext/2021/09000/Drawing\\_on\\_Social\\_Media\\_to\\_Enhance\\_and\\_Personalize.1.aspx](https://journals.lww.com/cancernursingonline/Fulltext/2021/09000/Drawing_on_Social_Media_to_Enhance_and_Personalize.1.aspx)

### JOURNAL ARTICLE

**"A Call for an Ethics and Governance Action Plan to Harness the Power of Artificial Intelligence and Digitalization in Nephrology"** [Open Access]

By [Calvin W. L. Ho](#) and Karel Caals

In *Seminars in Nephrology* (2021)

<https://doi.org/10.1016/j.semnephrol.2021.05.009>

### BOOK CHAPTERS

**"Human Biomedical Research in the Age of 'Big Data' Analytics and Artificial Intelligence"** [Open Access]

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

In *The Future of Bioethics in Singapore* (Ministry of Health, Singapore, 2021)

<https://www.bioethics-singapore.gov.sg/publications/bac20thanniversarypublication>

## BOOK CHAPTERS

### "Medical Decision-Making on Behalf of Minors: The Hong Kong Context"

By [Daisy Cheung](#)

In *Medical Decision-Making on Behalf of Young Children: A Comparative Perspective* (Hart Publishing, 2020)

\*Recently became available online to HKU library users at [http://find.lib.hku.hk/record=HKU\\_IZ51628313190003414](http://find.lib.hku.hk/record=HKU_IZ51628313190003414)

### "Parental Rights, Best Interests and Significant Harms: Singapore and Malaysia Perspectives on Medical Decision-Making on Behalf of Children"

By [Calvin W. L. Ho](#) and Sharon Kaur

In *Medical Decision-Making on Behalf of Young Children: A Comparative Perspective* (Hart Publishing, 2020)

\*Recently became available online to HKU library users at [http://find.lib.hku.hk/record=HKU\\_IZ51628313190003414](http://find.lib.hku.hk/record=HKU_IZ51628313190003414)



## WEBINAR ON GROSS NEGLIGENCE MANSLAUGHTER

With support from our centre, our collaborator will hold a webinar on gross negligence manslaughter in October. Details will follow in our September newsletter.

## WEBINAR ON PAEDIATRIC VACCINE TRIALS

CMEL's Co-Director [Dr Calvin W. L. Ho](#) will be speaking on the ethical and legal considerations in initiating paediatric vaccine trials as part of a panel entitled "***Initiating clinical trials in children—Is there a right time?***" together with other panel members [Dr Steven Joffe](#) (University of Pennsylvania) and [Dr Mayumi Sako](#) (National Center for Child Health and Development, Tokyo, Japan). The panel is part of a webinar series entitled "***Advancing international pediatric clinical research: Informing the future from COVID-19 lessons learned***" organised by MRCT Center of Brigham and Women's Hospital and Harvard in Cambridge Massachusetts, USA, and

will be held on 7 October, 2021, from 6am to 9am (time in Hong Kong). Those interested to attend this webinar are welcome to contact Ms Phoenix To ([cmel@hku.hk](mailto:cmel@hku.hk)) for details. A recording of the session should be subsequently available from the website of the [MRCT Center](#).



## PRESS INTERVIEW

### CORONER'S COURT IN HONG KONG

In an interview with Now TV, CMEL's Co-Director [Dr Philip Beh](#) shared his views on the current manpower of the Coroner's Court in Hong Kong.

Click [here](#) for the clip and transcript [in Chinese only].



## MEDICAL LAW UPDATES

### DOCTOR CONVICTED OF MANSLAUGHTER

Dr Vanessa Hau-chi Kwan, a medical doctor, has recently been found guilty of gross negligence manslaughter in Hong Kong over the death of her patient, who died after receiving a liposuction treatment from Dr Kwan. Read more [here](#).

### MOMIN LOK v HOSPITAL AUTHORITY [2021] HKCA 1075

The issue in this medical negligence action for personal injuries was whether, under the Limitation Ordinance, the plaintiff brought the present action against the defendant within the time limit of 3 years from the date on which the plaintiff acquired knowledge of various specified matters. The Court of Appeal held that the plaintiff had acquired the requisite knowledge that her injury was capable of being attributed to the anticoagulation medication and treatment more than 3 years before she brought the present action. The plaintiff's misguided belief at that time in the precise manner in which the treatment resulted in injury was not so fundamental as to mean that she did not possess such requisite knowledge.

Click [here](#) for the judgment.

**LAU WAH v  
MEDICAL  
COUNCIL OF  
HONG KONG (劉華  
及 香港醫務委員  
會) [2021] HKCA  
1136**

A patient applied for leave to apply for judicial review of the decision of the "*Investigation Committee*" ("IC") of the Medical Council of Hong Kong ("MCHK") not to refer her complaint against two doctors for a "*hearing*". The Court of First Instance refused to grant leave. Dismissing the patient's appeal, the Court of Appeal held that the decision of the IC/ MCHK had a reasonable basis and that the patient's case was not reasonably arguable.

Click [here](#) for the judgment.

**RE NLS [2021]  
HKCFI 2203**

This was an inquiry under Part II of the Mental Health Ordinance ("MHO") as to whether NLS was a mentally incapacitated person who was incapable of managing and administering his property and affairs. Comparing one's capacity to manage his property and finances with one's capacity to execute a will or an enduring power of attorney, the Court of First Instance observed that the requirement as to the capacity of an individual to manage his property and affairs may be higher because "*the general concept of managing affairs is an ongoing act*", and it "*relates to a continuous state of affairs whose demands may be unpredictable and may occasionally be urgent*".

Click [here](#) for the judgment.

**RE T (A CHILD)  
[2021] UKSC 35**

A local authority applied to the court for an order authorising the authority to accommodate T, then a 15-year-old in the care of the authority, in a placement in England which was not a registered children's home or approved for use as secure accommodation, in circumstances which involved deprivation of her liberty, and the order was granted. Subsequently, the court authorised the local authority to deprive T of her liberty in a registered children's home in England, which was not approved for use as secure accommodation. The Supreme Court of the United Kingdom held that it was permissible for the court to use its inherent jurisdiction to authorise the deprivation of liberty in cases like the present. The Supreme Court held that any consent on the part of the child would form part of the circumstances that the court must evaluate in considering an application.

Click [here](#) for a summary.

## 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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