

The Ethics Committee and the Professional Code and Conduct

6.1 The Ethics Committee (EC) is established by the Council and its functions include:-

- (a) to study and review any case relating to medical ethics or professional conduct, either on its own motion or at the request in writing of not less than 20 registered medical practitioners;
- (b) to advise and make recommendations to the Council on matters about medical ethics and professional conduct generally.

6.2 The membership of the EC (as at 31 December 2005) was as follows:-

Dr David FANG, SBS, JP (Chairman)

Dr CHAN Chok-wan

Dr CHAN Yee-shing

Dr LAI Cham-fai

Professor LEUNG Ping-chung, SBS, OBE, JP

Dr LI Kwok-tung, Donald

Dr LI Siu-lung, Steven

Mrs LING LEE Ching-man, Eleanor, SBS, OBE, JP*

Professor TAO LAI Po-wah, Julia**

Dr TSE Hung-hing

Dr YEUNG Chiu-fat, Henry

** lay person who is re-appointed for a term of six months with effect from 25 September 2005.*

*** lay person who is appointed for a term of three years.*

6.3 Recognizing the concern that there was an increase in the number of complaints involving the discourteous attitude of some doctors towards patients, the EC prepared an article on “Proper Bedside Manners” for the reference of all medical practitioners. With the endorsement of the Council, the article was published in the 11th Issue of the Council’s Newsletter.

6.4 Since January 2005, the EC has been updating the Professional Code and Conduct (the Code) issued in November 2000 to incorporate previously approved changes, to improve clarity and remove ambiguities, and to re-arrange the provisions in a more systematic manner. With the endorsement of the Council,

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the Code would be renamed as the “Code of Professional Conduct” (the updated Code) upon promulgation. In respect of paragraph 28 of the Code on “Pre-natal diagnosis, intrauterine intervention, scientifically assisted reproduction and related technology”, the EC had sought advice from the Hong Kong College of Obstetricians and Gynaecologists (HKCOG) and the Hong Kong College of Paediatricians (HKCPaed). The EC would take into consideration the comments and proposed amendments from HKCOG and HKCPaed when revising paragraph 28 of the Code.

6.5 The EC had reviewed paragraph 4.2.3.5 of the Code on “Internet homepages” with a view to allowing a doctor to include more information in his practice website and recommended the following changes:-

- A doctor may publish his professional service information in either his practice website or the website of a bona fide medical practice group, but not both. If a doctor is a member of more than one medical practice group, he may publish his service information in the website of only one of the groups. In other words, he may publish the information in only one website.
- The website may carry the service information which is permitted on doctors directories. The same rules on doctors directories in electronic format also apply to practice websites.
- Hyperlinkage may be established between the website and specialist doctors directories in which the doctor’s name is listed.

The recommended changes had been endorsed by the Council and incorporated into the updated Code pending promulgation.

6.6 The definition of practice promotion under paragraph 4.2.2.1 of the Code had also been reviewed by the EC. The EC recommended restating the definition to remove any misunderstanding that communication with other registered healthcare professionals might be regarded as practice promotion. With the endorsement of the Council, the recommendation had been incorporated into the updated Code pending promulgation.

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- 6.7** The EC had also reviewed paragraphs 14.2.5 and 14.2.6 of the Code on “Contract medicine and managed care” and paragraph 3.1 on “Untrue or misleading certificates and other professional documents”. The recommendations drawn up by the EC had been endorsed by the Council and incorporated into the updated Code pending promulgation.
- 6.8** The EC noticed that paragraph 15.2 of the Code might not cover sharing of fees with doctors and health-care professionals who have rendered bona fide medical services to patients. The EC would discuss this subject further.
- 6.9** In reviewing paragraph 4.2.3 of the Code on “Dissemination of information about professional services to the public”, the EC recommended adding a new paragraph to allow doctors to publish notices containing their service information in four types of printed media, i.e. journals, magazines, newspapers and periodicals. Given the divided views among the EC and the professional organizations consulted, a general survey on the proposal among all members of the medical profession had been conducted. Noting that the majority of the respondents were against the proposal, the EC decided not to pursue the proposal further. Nevertheless, the EC would continue to explore a gradual relaxation of the restrictions on dissemination of information about professional services.
- 6.10** In response to an enquiry, the EC had a discussion on whether a doctor could issue sick leave certificates in respect of himself. The EC was of the opinion that self-issuance of sick leave certificates was unacceptable. The EC recommended issuing a guideline to this effect in the Council’s Newsletter.
- 6.11** At the invitation of the Preliminary Investigation Committee, the EC considered whether a doctor-patient relationship existed between the examining doctor and the examinee in disability assessment examinations which were usually commissioned by insurance companies or law firms for the purpose of compensation assessment. The EC would draw up some guidelines in respect of this matter for consideration by the Council.