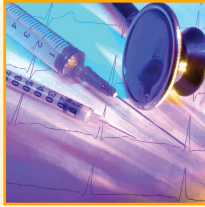


6 The Ethics Committee and the Professional Code and Conduct



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 2008) was as follows:-

Dr David FANG, SBS, JP (Chairman)
Dr CHAN Chok-wan
Dr CHAN Yee-shing
Ms CHEUNG Jasminia Kristine*
Dr CHOW Pak-chin
Dr LAI Cham-fai
Professor LEUNG Ping-chung, SBS, OBE, JP
Dr LI Kwok-tung, Donald, JP
Mrs LING LEE Ching-man, Eleanor, SBS, OBE, JP**
Dr SHIH Tai-cho, Louis
Professor TAO LAI Po-wah, Julia***
Dr TSE Hung-hing

* lay person who is appointed for a term of three years with effect from 1 March 2006.

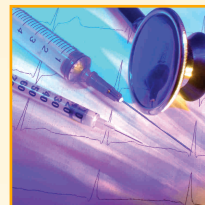
** lay person who is re-appointed for a term of three years with effect from 25 March 2008.

*** lay person who is re-appointed for a term of three years with effect from 12 February 2007.

6.3 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, the Code would be renamed as the "Code of Professional Conduct" (the updated Code) upon promulgation.

The Ethics Committee and the Professional Code and Conduct

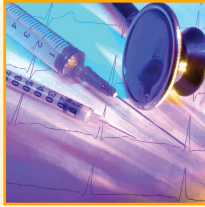
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6.4 The updating exercise continued in 2008. When the updated Code was still being finalized, the Council decided to promulgate a few changes to the Code / updated Code ahead of the promulgation of the complete updated Code:-

- (a) adding a new section 5.2.3.8 "Newspapers, magazines, journals and periodicals" in the updated Code to permit publication of service information in 4 types of printed media (with effect from 2 April 2008);
- (b) removal of the limit on number of medical services and procedures in Appendix E (Guidelines on Service Information Notices) and Appendix F (Guidelines on Doctors Directories) (with effect from 2 April 2008);
- (c) superseding paragraph 5 "Books, lectures, mass media appearances, electronic publications" of the existing Code by section 6 "Health education activities" of the updated Code (with effect from 7 May 2008);
- (d) revision to section 5.2.1 "Principles and rules of good communication and information dissemination" of the updated Code to elaborate on the relevant principles (promulgated vide the 15th Issue of the Council's Newsletter in October 2008);
- (e) revision to section 5.2.3.4 "Telephone directories published by telephone companies" of the updated Code (promulgated vide the 15th Issue of the Council's Newsletter in October 2008);
- (f) superseding paragraph 14.1-14.1.1 "Relationship between doctors and organizations" of the existing Code by section 18 "Relationship with health care and health products organizations" of the updated Code (promulgated vide the 15th Issue of the Council's Newsletter in October 2008); and
- (g) revising Appendix F (Guidelines on Doctors Directories) concerning the part on distribution of directory (promulgated vide the 15th Issue of the Council's Newsletter in October 2008).

6 The Ethics Committee and the Professional Code and Conduct



- 6.5 The Council finalized the updated Code in October 2008 and decided to print and promulgate it in early 2009.
- 6.6 In 2008, the Council, on the recommendation of the EC, had granted:-
- (a) approval to the Hong Kong Ophthalmological Society to continue publishing their doctors directory in February 2008;
 - (b) approval to the Hong Kong Orthopaedic Association to continue publishing their doctors directory in March 2008;
 - (c) approval to the Hong Kong Association of Private Eye Surgeons to publish their doctors directory in July 2008; and
 - (d) special approval to the Hospital Authority to publish a district-based doctors directory for the Tai Po District in September 2008.
- 6.7 The EC had considered an application from the Federation of Medical Societies of Hong Kong (FMSHK) for approval as one of the professional medical organizations that can provide doctors' service information via their regular publications (i.e. "Hong Kong Medical Diary" and "Medical and Dental Directory of Hong Kong". Noting that the publications were qualified publications under section 5.2.3.8 of the updated Code and that the publications were solely distributed to doctors, dentists and related healthcare professionals, the EC recommended and the Council agreed that approval is not necessary for FMSHK to provide doctors' service information via their regular publications.
- 6.8 At the invitation of the Council, the EC considered the subject of informed consent. After discussion, the EC considered that some provisions in section 2 of the updated Code should be elaborated. The review on section 2 of the updated Code was still ongoing.