

6. The Ethics Committee and the Code of Professional 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; and
 - (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 2010) was as follows:-

Dr TSE Hung-hing (Chairman)

Dr CHAN Chok-wan, BBS

Dr CHAN Yee-shing

Dr CHENG Chi-man

Ms CHEUNG Jasminia Kristine*

Dr David FANG, SBS, JP

Dr LAI Cham-fai

Professor LEUNG Ping-chung, SBS, OBE, JP

Dr LI Kwok-tung, Donald, SBS, JP

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

Dr SHIH Tai-cho, Louis, JP

Professor TAO LAI Po-wah, Julia***

* *lay person who is re-appointed for a term of three years with effect from 1 March 2009.*

** *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 2010.*

- 6.3 The Chinese version of the “Code of Professional Conduct” (the Code) (revised in January 2009) had been endorsed by the Council and would be promulgated in early 2011.

- 6.4 In 2010, the Council, on the recommendation of the EC, had granted:

- (a) approval to the Hospital Authority and the Hong Kong Medical Association to continue to publish their doctors directories; and
- (b) approval to the Administration to publish the Primary Care Directory of Hong Kong.



- 6.5 To draw the attention of medical practitioners to the need to exercise caution in their attitude and manner towards patients, a press conference, co-hosted by the Chairman of the Council and the Chairman of the EC, was held on 3 February 2010.
- 6.6 On the recommendation of the EC, the Council had endorsed to revise the permitted contents of doctors directories as promulgated in the Guidelines on Doctors Directories at Appendix D to the Code to include “information about doctors’ participation in insurance/other payment scheme”, so as to facilitate the public to make their choice of doctors. The revised Guidelines on Doctors Directories took immediate effect upon promulgation in the 17th Issue of the Council’s newsletter in August 2010.
- 6.7 The Council noted that sedation/anaesthesia procedures were being carried out in private clinics more often than before. However, it was questionable whether such private clinics were properly equipped and staffed for carrying out the sedation/anaesthesia procedures. As the risks of sedation/anaesthesia could have serious consequences and could be life-threatening, the Council invited the Hong Kong Academy of Medicine (HKAM) to draw up a set of guidelines on procedural sedation. The guidelines were not only for anaesthesiologists but for all medical practitioners who perform sedation/anaesthesia in private clinics. The Council in the 17th Issue of the Council’s newsletter in August 2010 reminded medical practitioners to exercise extreme caution when performing and monitoring the sedation/anaesthesia procedures and to refer to the above guidelines promulgated in the HKAM’s website.
- 6.8 The EC had been reviewing section 2 of the Code on “Consent to medical treatment” since end 2008. The review was still ongoing by the end of 2010. Any amendments, if approved by the Council, will be promulgated in the Council’s newsletter.
- 6.9 Subsequent to a disciplinary inquiry concerning charging a patient excessive fees for laboratory tests in 2009, the EC reviewed the existing provisions in the Code and satisfied that the principles governing “excessive fees” and “rebates” were adequately and properly set out in sections 12.3 and 14.1 of the Code respectively. With the dismissal of the defendant doctor’s appeal against the Council’s disciplinary order by the Court of Appeal in March 2010 and the defendant doctor’s withdrawal of his application for appeal to the Court of Final Appeal in August 2010, the Council endorsed the EC’s recommendation to publish in the Council’s newsletter an article to elaborate on the relevant principles. The drafting work was ongoing by the end of 2010.