

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 2011) was as follows:-

Dr TSE Hung-hing (Chairman)

Dr CHAN Chok-wan, BBS

Dr CHENG Chi-man

Ms CHEUNG Jasminia Kristine

Dr David FANG, SBS, JP

Dr LAI Cham-fai

Dr LEUNG Chi-chiu (from 3 March 2011 onwards)

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

6.3 To cater for the need of people who may not be computer literate, the Council, on the recommendation of the EC, had revised the Guidelines on Doctors Directories at Appendix D to the “Code of Professional Conduct” (the Code) to require that doctors directories in electronic format should be in printable form, so that printed copies could be made when necessary. The revised Guidelines on Doctors Directories took immediate effect upon promulgation in the 18th issue of the Council’s newsletter in October 2011.

6.4 The EC had been reviewing section 2 of the Code on “Consent to medical treatment” since end 2008 with a view to providing clearer guidelines to medical practitioners on informed consent. With the endorsement by the Council, the revised section 2 was promulgated in the 18th issue of the Council’s newsletter and took immediate effect.

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- 6.5 Subsequent to a disciplinary inquiry concerning charging a patient excessive fees for laboratory tests in 2009, the EC had reviewed the relevant provisions in the Code. While the issues of “excessive fees” and “improper financial transactions” (including rebates between doctors and other persons) were governed by sections 12 and 14 of the Code, the Council and the EC considered it appropriate to provide further guidance to the medical profession on charging of fees for laboratory tests. On the recommendation of the EC, the Council published guidelines on charging fees for laboratory tests in the 18th issue of the Council’s newsletter.
- 6.6 Noting that childbirth by surrogacy arrangement had become a matter of public concern, the Council, on the recommendation of the EC, had invited the Council on Human Reproductive Technology (CHRT), the authority with statutory responsibility for regulating surrogacy arrangements, to make a public announcement on surrogacy arrangement jointly. The joint statement was promulgated in the websites of the Council and CHRT, as well as in the 18th issue of the Council’s newsletter.
- 6.7 The Council, on the recommendation of the EC, had granted approval to the Hong Kong Doctors Union and Hong Kong Orthopaedic Association to continue to publish their doctors directories.
- 6.8 At the invitation of the Food and Health Bureau (FHB), the Council discussed the “Consultation Paper on Introduction of the Concept of Advance Directives in Hong Kong” issued by FHB in February 2010. The Council endorsed in principle the Government’s proposal to promote public awareness of the concept of advance directives in Hong Kong and invited the EC to study the consultation paper in greater details with a view to considering whether guidelines on handling advance directives should be drawn up for reference by medical practitioners. Since mid-2010, the EC had been working on the matter with the assistance of a Working Group comprising of:-

Dr TSE Hung-hing (convenor)

Dr David FANG, SBS, JP

Dr Lawrence LAI, BBS, JP

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

Dr TSE Chun-yan (a representative of the Hospital Authority)

The EC would continue to consider the matter in 2012.