



## ROUNDTABLE ON LIABILITY FOR MEDICAL NEGLIGENCE

Tuesday, 22 August 2017, 9.00 am – 1.00 pm  
Lee Sheridan Conference Room, Eu Tong Sen Building, Faculty of Law, NUS

Organized by  
EW Barker Centre for Law & Business  
in collaboration with Centre for Biomedical Ethics

*Hii Chii Kok v Ong Peng Jin London Lucien and another* [2017] SGCA 38  
*ACB v Thomson Medical Pte Ltd and others* [2017] SGCA 20

### SYNOPSIS

The two recent Singapore Court of Appeal decisions in *Hii Chii Kok* and *Thomson Medical* have profound implications for medical practice and medical litigation in Singapore. *Hii Chii Kok* has finally rejected the *Bolam* test for medical negligence with respect to the duty to inform and *Thomson Medical* has opened the door to claims for assisted reproductive negligence. Both cases were influenced by considerations of patient autonomy: in *Hii Chii Kok*, autonomy reshaped the law's approach to the doctor-patient relationship and in *Thomson Medical*, it reshaped the notion of actionable damage.

Together, these two decisions compel us to rethink questions of medical ethics, the concept of autonomy, the evolving nature of the doctor-patient relationship, the evolving nature of medical practice/industry, the scope of liability of medical practitioners, and the policy approach of tort law. This roundtable, bringing together experts in the field with intimate knowledge of the legal and ethical issues as well as the two cases, is intended to explore these, and other issues, from a multidisciplinary perspective, including law, ethics, business and public policy.

The roundtable will be divided into two sessions, the first focusing on *ACB* and the second on *Hii Chii Kok*. Short presentations on selected topics will be made by panellists to focus the discussion. The aim of the roundtable is to facilitate informed and critical debate that will be of value to practitioners and will provide leads for further research inquiry by academics. There will be two student rapporteurs for the sessions and a comprehensive report will be prepared.



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### Programme

0830 - 0900 – Registration

0900 - 0910 – Welcome Remarks (Kumar Amirthalingam)

#### Session 1:

Time	Name	Details
0910 - 0920	Margaret Fordham	Wrongful Birth
0920 - 0930	Owen Schaefer	Genetic Affinity And Autonomy
0930 - 0940	Sharon Kaur	Genetic Affinity And Damages
0940 - 0950	Swati Jhaveri	Justiciability In Medical Negligence Generally
0950 - 1050	All participants	Roundtable Discussion
1050 - 1110		Morning Coffee Break

#### Session 2:

Time	Name	Details
1110 - 1120	Tracey Evans Chan	The <i>Hii Chii Kok</i> Test
1120 - 1130	Voo Teck Chuan	Is Shared Decision-Making A Necessary Means To Achieve The Reasonable/Particular Patient Standard?
1130 - 1140	Dr Chin Jing Jih	<i>Hii Chi Kok</i> : Implications For Clinical Practice
1140 - 1150	Kumar Amirthalingam	Rethinking the Medical Negligence Paradigm
1150 - 1250	All participants	Roundtable Discussion
1250 - 1300		Wrap-Up
1300 - 1400		Lunch

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### List of Participants

➤ Sorted alphabetically by surname

No	Name	Institution
1	Kumar Amirthalingam	NUS Law
2	Michael Caleb	Cardiac, Thoracic and Vascular Surgery NUH
3	Charmaine Chan	Bioethics Advisory Committee
4	Tracey Evans Chan	NUS Law
5	Audrey Chiang	Dentons Rodyk
6	Chin Jing Jih	Continuing and Community Care, TTSH
7	Choo Jin Hua	Mediation Services, MOH Holdings
8	Raymond Chua	Health Regulation Group, MOH
9	Margaret Fordham	NUS Law
10	Goh Khean Teik	Director of Manpower Standards and Development, MOH
11	Florence Ho	CBME
12	Kevin Ho	Braddell Brothers
13	Swati Jhaveri	NUS Law
14	Sharon Kaur	CBME
15	Khoo Yingxiang	Mediation Unit, MOH Holdings
16	Kuah Boon Theng	Legal Clinic
17	Markus Labude	CBME
18	Lee Shir Ying	Laboratory Medicine, NUH
19	Leong Wai Kum	NUS Law
20	Lim Min	Straits Law Practice



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### List of Participants (Continued)

No	Name	Institution
21	Charles Lin	MyintSoe & Selvaraj
22	Lok Vi Ming	LVM Law Chambers
23	Peter Loke	CBME
24	Peter Manning	Emergency Medicine Department, NUH
25	Sumytra Menon	CBME
26	David Pittaway	Inner Temple London
27	Owen Schaefer	CBME
28	Matthew Seet	NUS Law
29	Paul Tambyah	Department of Medicine, NUH
30	David Tan	NUS Law
31	Justin Tan	NUS Law
32	Tan Yock Lin	NUS Law
33	Voo Teck Chuan	CBME
34	Denise Wong	AGC Academy
35	Wong Wen Jian	NUS Law
36	Benedict Yan	Laboratory Medicine, NUH

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