

Letter to the Department of Justice, 27th February 2018

Dear Officer in charge of the Legal Policy Division of the Department of Justice,

In response to the public consultation on proposed legislation on continuing powers of attorney (CPA), the Hong Kong Society of Palliative Medicine holds the view that Life-sustaining treatment (LST) should not be excluded from the scope of CPA if other healthcare decisions are included. The reasons of our standpoint are listed as below:

1. It will be difficult to draw a line distinguishing LST from other healthcare decisions. Excluding LST will lead to potential conflict and confusion.
2. In other countries where the legal system allows appointment of healthcare proxies, LST is not excluded.
3. Including LST in the CPA allows a person to delegate such decisions to someone he / she trusts and this is in accordance to the ethical principle of respecting patient autonomy, with the attorney making decisions for the best interests of the person.
4. Delegating the attorney to make such LST decisions will reduce difficulties when family members have divergent views.

In those countries including United Kingdom which have implemented similar legal framework, no major problem of abuse has been observed. In addition, when the actual LST decisions have to be made, healthcare professionals will be involved in the discussion and can act as check and balance in the process. This check and balance has been working regarding legal guardians in Hong Kong for years without major problems observed.

Please consider including LST in the scope of CPA.

Thank you very much for your kind attention.

Regards

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Chairman

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