

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1119/01-02  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/20/00

**Bills Committee on Human Organ Transplant (Amendment) Bill 2001**

**Minutes of the second meeting  
held on Friday, 25 January 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members Present** : Dr Hon LO Wing-lok (Chairman)  
Hon Cyd HO Sau-lan  
Hon CHAN Yuen-han, JP  
Hon LAW Chi-kwong, JP  
Hon Michael MAK Kwok-fung  
Hon Audrey EU Yuet-mee, SC, JP

**Members Absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Dr Hon TANG Siu-tong, JP

**Public Officers Attending** : Mr Eddie POON  
Principal Assistant Secretary for Health and Welfare

Miss Eleanor JIM  
Assistant Secretary for Health and Welfare

Dr Heston KWONG  
Principal Medical and Health Officer  
Department of Health

Dr Beatrice CHENG  
Executive Manager, Hospital Authority

Miss Shandy LIU  
Senior Government Counsel  
Department of Justice

Action

**Attendance by Invitation** : The University of Hong Kong

Professor FAN Sheung-tat  
Professor, Chair of Surgery

Hong Kong Burns Society

Professor Andrew BURD  
President

Hong Kong Chinese Medical Association

Dr William S C CHAO  
President

Hong Kong College of Cardiology

Dr Elaine CHAU  
Senior Medical Officer, Grantham Hospital

Hong Kong Society of Transplantation

Dr LUI Siu-fai  
President

**Clerk in Attendance** : Ms Doris CHAN  
Chief Assistant Secretary (2) 4

**Staff in Attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1

Ms Dora WAI  
Senior Assistant Secretary (2) 4

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**I. Confirmation of minutes of meeting held on 14 December 2001**  
(LC Paper No. CB(2)840/01-02)

The minutes were confirmed.

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**II. Meeting with deputations and the Administration**

(LC Paper Nos. CB(2)964/01-02(01) to (03))

2. The Bills Committee deliberated (Index of proceedings attached at the **Annex**).
3. The Bills Committee requested the Administration to provide a response to the following issues raised by members and deputations at the meeting -
  - (a) to confirm whether these two skin substitutes, "AlloDerm" and "Apligraf", fell within the definition of organ referred in the Bill;
  - (b) to consider creating an additional Schedule to the Human Organ Transplant Ordinance (the Ordinance) for the setting out of materials containing human bodily parts where transplant of such would not be restricted for the purposes of sections 5 to 7 of the Ordinance and where commercial dealing would be allowed;
  - (c) to give reason(s) for the view that medical members of the Human Organ Transplant Board (the Board) might have conflict of interests if they were appointed Chairman or Deputy Chairman of the Board;
  - (d) to provide plan on enhancing communication between frontline medical practitioners and the Board; and
  - (e) to state in section 5B(2)(a)(ii) in clause 5 of the Bill that a medical practitioner would be considered to have satisfied the requirement that, to his best knowledge, the organ/tissue he intended to transplant into his patient was previously removed for therapeutic purposes if he declared that he had read the declaration made by the medical practitioner who removed the organ/tissue for therapeutic purposes.

**III. Date of next meeting**

4. Members agreed to hold the next meeting on 22 February 2002 at 10:45 am to continue discussion on the Bill.
5. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2  
Legislative Council Secretariat  
25 February 2002

**Proceedings of the second meeting of the  
Bills Committee on Human Organ Transplant (Amendment) Bill 2001  
on Friday, 25 January 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
0000-0329	Chairman	Confirmation of minutes of meeting held on 14 December 2001 and way forward	
0330-0623	Prof S T FAN, University of Hong Kong	Briefing on its submission (LC Paper No. CB(2) 964/01-02(01))	
0624-0906	Prof Andrew BURD, Hong Kong Burns Society	Briefing on its submission (LC Paper No. CB(2) 964/01-02(02))	
0907-0917	Dr William S C CHAO, Hong Kong Chinese Medical Association	Supported the Bill	
0918-0919	Dr Elaine CHAU, Hong Kong College of Cardiology	Ditto	
0920-1413	Admin	Intent of the proposed sections 5B and 5C in clause 5 of the Bill	
1414-1419	Prof S T FAN	Ditto	
1420-1509	Mr LAW Chi-kwong	Ditto	
1510-1706	Admin	Ditto	
1707-1749	SALA1	Ditto	
1750-2039	Ms Audrey EU	Proposal of creating an additional Schedule to the Human Organ Transplant Ordinance (the Ordinance) for setting out the types of transplants involving human organs which would not be subject to regulation by the Human Organ Transplant Board (the Board) if it was apparent that no commercial dealings could be involved	
2040-2240	Admin	Ditto	
2241-2251	Chairman	Ditto	
2252-2418	Prof S T FAN	Ditto	
2419-2420	Chairman	Ditto	
2421-2611	SALA1	Ditto	

Action

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
2612-2724	Admin	The Administration would draw the Board's attention to the concern raised by Prof S T FAN in his submission, following the enactment of the Bill	
2725-2759	Chairman	The Administration should explain the intent of proposed section 5B in clause 5 of the Bill in its speech to the Council during the resumption of the Second Reading debate on the Bill	
2800-2914	Admin	The Administration agreed to explain the intent of the proposed section 5B in clause 5 of the Bill in the speech to be made by the Secretary for Health and Welfare during the resumption of the Second Reading debate on the Bill	✓
2915-2952	Prof S T FAN	Reiterated his concern	
2953-3154	Dr William S C CHAO	Proposal of setting up an independent board comprising doctors only to centralise the distribution of human organs for transplant purposes	
3155-3343	Admin	Ditto	
3344-3455	Ms Audrey EU	Ditto	
3456-3537	Dr William S C CHAO	Ditto	
3538-4019	Admin	Responses to concerns raised by the Hong Kong Burns Society	
4020-4134	Prof. A BURD	Proposed section 7 in clause 6 of the Bill provided too much leeway for the Board to decide which of the requirements in subsection (2) could be waived, and suggested that it should be replaced with more specific provisions	
4135-4310	Admin	The Administration would include in its speech to the Council during the resumption of Second Reading debate on the Bill that the Board would give due regard to the concerns of the Hong Kong Burns Society in the regulation of imported non-viable allogenic skin	
4311-4431	Ms Audrey EU	Restrictions on transplant of imported organs in overseas jurisdictions	

Action

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
4432-4541	Prof. A BURD	Ditto	
4542-4626	Ms Audrey EU	Ditto	
4627-4629	Prof. A BURD	Ditto	
4630-4645	Ms Audrey EU	Ditto	
4646-4709	Chairman	Question on whether skin substitutes that had human origin fell within the definition of organ referred to in the Bill	
4710-5143	Admin	Ditto	
5144-5208	Chairman	Ditto	
5209-5301	Prof Andrew BURD	Ditto	
5302-5309	Chairman	Ditto	
5310-5358	Admin	Ditto	
5359-5434	Prof Andrew BURD	Ditto	
5435-5458	Chairman	The Administration should provide a response as to whether two skin substitutes, "AlloDerm" and "Apligraf", fell within the definition of organ in the Bill	✓ (Admin to provide a response)
5459-5557	Miss CHAN Yuen-han	Query whether non-viable allogenic skin should fall within the definition of organ in the Bill, as there was no consensus internationally as to whether this material was a transplant device, a pharmaceutical product or a dressing	
5558-5750	Admin	Response to Miss CHAN's question	
5751-5811	Miss CHAN Yuen-han	Proposed section 7 in clause 6 of the Bill	
5812-5855	Admin	Ditto	
5856-010001	Miss CHAN Yuen-han	Ditto	
010002-010127	Admin	Ditto	
010128-010210	Prof. S T FAN	Ditto	
010211-010401	Admin	Ditto	
010402-010544	Ms Audrey EU	Definition of organ in the Bill	
010545-010710	Admin	Ditto	

Action

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
010711-010808	Ms Audrey EU	Proposal of creating an additional Schedule to the Ordinance for the setting out of materials containing human bodily parts where transplant of such would not be restricted for the purposes of sections 5 to 7 of the Ordinance and where commercial dealing would be allowed	
010809-010826	Chairman	Ditto	
010827-010938	Admin	Ditto	
010939-010946	Chairman	Ditto	
010947-011024	Ms Audrey EU	Ditto	
011025-011129	Admin	Ditto	✓ (Admin to provide a response)
011130-011208	Prof Andrew BURD	Definition of payment referred in the Bill	
011209-011309	Admin	Ditto	
011310-011501	Ms Cyd HO	The Administration to explain why there was a need to regulate skin intended for transplant	
011502-011706	Admin	Ditto	
011707-011751	Ms Cyd HO	Ditto	
011752-011843	Admin	Ditto	
011844-011856	Ms Cyd HO	Ditto	
011857-011905	Chairman	Ditto	
011906-011911	Admin	Ditto	
011912-011935	Chairman	Inviting Dr S F LUI of the Hong Kong Society of Transplantation to give his views on the Bill	
011936-012111	Dr S F LUI, Hong Kong Society of Transplantation	Stating his views on the Bill	
012112-012201	Chairman	Composition of the Board	
012202-012218	SALA1	Ditto	
012219-012243	Chairman	Ditto	
012244-012256	Prof S T FAN	Ditto	
012257-012453	Admin	Ditto	
012454-012527	Dr William S C CHAO	Ditto	

Action

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
012528-012606	Prof Andrew BURD	Board membership and communication between the medical sector and the Board	
012607-012731	Admin	Ditto	
012732-012751	Chairman	Ditto	
012752-012826	Admin	Ditto	
012827-012832	Chairman	Ditto	
012833-012858	Admin	Ditto	
012859-012908	Chairman	Ditto	
012909-012923	Ms Audrey EU	Ditto	
012924-012938	Chairman	Ditto	
012939-013030	Ms Audrey EU	Ditto	
013031-013118	Prof S T FAN	Ditto	
013119-013135	Chairman	The Administration should provide give reason(s) for the view that medical members of the Board might have conflict of interests if they were appointed Chairman or Deputy Chairman of the Board, and to provide plan on enhancing communication between frontline medical practitioners and the Board	✓ (Admin to provide a response)
013136-013236	Ms Cyd HO	Commenting that appointing doctors as Chairman or Deputy Chairman of the Board would give rise to conflict of roles rather than conflict of interests	
013237-013332	Chairman	Referred members to a submission from the Specialty Group in Urology Service, Hospital Authority, tabled at the meeting	
013333-013446	Dr S FLUI	Doctors should be relieved of the duties of verifying the genetic relationship between donor and recipient	
013447-014004	Admin	Ditto	
014005-014111	Dr S FLUI	Ditto	
014112-014130	Dr William S C CHAO	Ditto	
014131-014405	Prof S T FAN	Ditto	



Action

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
014406-014504	Mr Michael MAK	Proposal of using DNA testing to verify the genetic relationship between the donor and the recipient	
014505-014525	Prof S T FAN	Ditto	
014526-014621	Chairman	Inviting questions from members on the Administration's response to issues raised by members at the last meeting (LC Paper No. CB(2) 964/01-02(03))	
014622-014713	Mr Michael MAK	Part I of the Administration's response regarding payment	
014714-014903	Admin	Ditto	
014904-014935	Miss CHAN Yuen-han	Ditto	
014936-015027	Admin	Ditto	
015028-015140	Chairman	Paragraph (e) of Part II of the Administration's response	
015141-015426	Admin	Ditto	
015427-015507	Chairman	Ditto	
015508-015541	Admin	Ditto	
015542-015600	Chairman	The Administration should state in the proposed section 5B(2)(a)(ii) in clause 5 of the Bill that a medical practitioner would be considered to have satisfied the requirement that, to his best knowledge, the organ/tissue he intended to transplant into his patient was previously removed for therapeutic purposes if he declared that he had read the declaration made by the medical practitioner who removed the organ/tissue for therapeutic purposes	✓ (Admin to provide a response)
015601-015739	Ms Audrey EU	Table 1 of Annex A to the Administration's response	
015740-015828	Admin	Ditto	
015829-015932	Ms Audrey EU	Ditto	
015933-015948	Admin	Ditto	
015949-015954	Chairman	Ditto	
015955-020015	Ms Audrey EU	Ditto	
020016-020145	Admin	Ditto	

Action

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
020146-020226	Chairman	Table 2 of Annex A to the Administration's response	
020227-020250	Admin	Ditto	
020251-020448	Chairman	Date of next meeting	
020449-020452	Ms Audrey EU	Ditto	
020453-020512	Chairman	Ditto	

**Note : The audio records of the above proceedings are kept at the LegCo Library**

Council Business Division 2  
Legislative Council Secretariat  
25 February 2002