

立法會
Legislative Council

LC Paper No. CB(2)1946/01-02
(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 fourth meeting
held on Friday, 22 March 2002 at 8:30 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
Dr Hon TANG Siu-tong, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Michael MAK Kwok-fung
- 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
- Clerk in Attendance** : Ms Doris CHAN
Chief Assistant Secretary (2) 4

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

Miss Mary SO
Senior Assistant Secretary (2) 8

I. Confirmation of minutes of meeting held on 22 February 2002
(LC Paper No. CB(2)1321/01-02)

The minutes were confirmed.

II. Meeting with the Administration
(LC Paper Nos. CB(2)1319/01-02(01) to (08))

2. The Bills Committee deliberated (Index of proceedings attached at the **Annex**).

3. At the request of the Bills Committee, the Administration undertook to provide a response to the following issues raised by members at the meeting -

- (a) To ascertain and report on whether the Administrative Appeals Board would agree to hear appeals pertaining to the granting of exemptions to individual products for transplantation that fell within the definition of organ and yet their commercial dealings should not be prohibited; and if so, to prepare proposed Committee Stage amendments (CSAs) accordingly; and
- (b) To consider whether further amendment should be included in the Bill so that homosexual marriages/domestic partnership registered overseas and having subsisted for not less than three years would be treated on an equal footing with the marital relationship referred to in the proposed section 5A(1)(a)(ii).

The Administration also undertook to provide a full set of CSAs in response to members' views raised at previous meetings before the next meeting.

III. Date of next meeting

4. Members agreed to hold the next meeting on either 25 or 26 April 2002 at 8:30 am to consider the Administration's response and the full set of CSAs referred to in paragraph 3 above.

(Post-meeting note : The next meeting of the Bills Committee was subsequently scheduled for 11 June 2002 at 10:45 am.)

5. There being no other business, the meeting ended at 10:20 am.

Council Business Division 2
Legislative Council Secretariat
14 May 2002

**Proceedings of the fourth meeting of the
Bills Committee on Human Organ Transplant (Amendment) Bill 2001
on Friday, 22 March 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000-0139	Chairman	Welcoming remarks and minutes of meeting	
0140-0419	Admin	Introduced the Administration's responses to issues raised by members at the last meeting (LC Paper No. CB(2)1319/01-02(01)) and submissions on the Bill (LC Paper No. CB(2)1319/01-02(08))	
0420-0456	Dr TANG Siu-tong	Item 14 of the Administration's response to the submissions on the Bill (LC Paper No. CB(2)1319/01-02(08))	
0457-0519	Admin	Ditto	
0520-0536	Dr TANG Siu-tong	Ditto	
0537-0646	Admin	Ditto	
0647-0653	Chairman	Ditto	
0654-0742	Admin	Ditto	
0743-0807	Chairman	Ditto	
0808-0827	Admin	The Administration undertook to ascertain and report on whether the Administrative Appeals Board would agree to hear appeals pertaining to the granting of exemptions to individual products for transplantation that fell within the definition of organ and yet their commercial dealings should not be prohibited; and if so, to prepare proposed Committee Stage amendments (CSAs) accordingly	✓ (Admin to provide a response)
0828-0924	Chairman	Whether a person who had reached the age of 16 could donate his/her organ to his/her spouse so long as their marriage had subsisted for not less than three years	
0925-1022	Admin	Ditto	
1023-1037	Chairman	Ditto	
1038-1057	Admin	Ditto	
1058-1130	SALA1	Ditto	
1131-1142	Chairman	Ditto	
1143-1147	SALA1	Ditto	

Action

Time	Speaker	Subject(s)	Action required
1148-1238	Admin	Ditto	
1239-1245	Chairman	Ditto	
1246-1307	Ms Audrey EU	Types of administrative decisions relating to human organ transplant which the Administrative Appeal Board would hear appeals against	
1308-1355	Admin	Ditto	
1356-1405	Ms Audrey EU	Ditto	
1406-1533	Admin	Ditto	
1534-1547	Ms Audrey EU	Ditto	
1548-1607	Admin	Ditto	
1608-1615	Ms Audrey EU	The Administration should provide a full set of CSAs in response to members' views raised at previous meetings	
1616-1705	Admin	Ditto	
1706-1747	Ms Audrey EU	Ditto	
1748-1811	Admin	Ditto	
1812-1833	Chairman	Ditto	
1834-1858	Admin	Ditto	
1959-2024	Ms Audrey EU	Ditto	
2025-2047	Admin	Ditto	
2048-2155	Ms Audrey EU	Ditto	
2156-2314	Admin	Ditto	
2315-2408	Mr LAW Chi-kwong	Ditto	
2409-2431	Chairman	Ditto	
2432-2522	Ms Audrey EU	Ditto	
2523-2538	Chairman	Ditto	
2539-2600	Admin	The Administration undertook to provide a full set of CSAs in response to members' views raised at previous meetings before the next meeting	✓
2601-2718	Ms Cyd HO	Criteria for organ transplants between homosexual couples registered as domestic partners overseas should be the same as that for between spouses, so long as the domestic partnership had subsisted for not less than three years	

Action

Time	Speaker	Subject(s)	Action required
2719-2738	Chairman	Ditto	
2739-2744	Admin	Ditto	
2745-2759	Ms Cyd HO	Ditto	
2800-2807	Chairman	Ditto	
2808-2853	Admin	Ditto	
2854-2929	Ms Cyd HO	Ditto	
2930-3017	Admin	Ditto	
3018-3052	Ms Cyd HO	Ditto	
3053-3212	Admin	Ditto	
3213-3309	Ms Cyd HO	Ditto	
3310-3636	Admin	Ditto	
3637-3723	SALA1	Ditto	
3724-3741	Ms Audrey EU	Ditto	
3742-3922	Ms Cyd HO	Ditto	
3923-4115	Admin	Ditto	
4116-4228	Ms Cyd HO	Ditto	
4229-4244	Chairman	Ditto	
4245-4316	Admin	Ditto	
4317-4335	Ms Cyd HO	Ditto	
4336-4345	Chairman	The Administration should consider whether further amendment should be included in the Bill so that homosexual marriages/domestic partnership registered overseas and having subsisted for not less than three years would be treated on an equal footing with the marital relationship referred to in the proposed section 5A(1)(a)(ii)	✓ (Admin to provide a response)
4346-4445	Mr LAW Chi-kwong	Rationale for stipulating that a donor could be 16 years of age if he/she was married	
4446-4543	Admin	Ditto	
4544-4639	Mr LAW Chi-kwong	Ditto	
4640-4838	Admin	Ditto	
4839-4854	Mr LAW Chi-kwong	Ditto	
4855-4950	Ms Audrey EU	Ditto	

Action

Time	Speaker	Subject(s)	Action required
4951-5436	Admin	Ditto	
5437-5442	Chairman	Ditto	
5443-5816	Ms Cyd HO	Reiterated her view that criteria for organ transplants between homosexual couples registered overseas as domestic partners should be the same as that for between spouses, so long as the domestic partnerships had subsisted for not less than three years	
5817-010131	SALA1	Establishment of marriage referred to in the Marriage Ordinance (Cap.181) and the Marriage Reform Ordinance (Cap. 178)	
010132-010149	Ms Cyd HO	Homosexual marriages/domestic partnership registered overseas should be treated on an equal footing with marriages recognised by Cap.181 and Cap. 178 for te purpose of organ transplant	
010150-010225	SALA1	Ditto	
010226-010231	Ms Cyd HO	Ditto	
010232-010319	Admin	The Administration repeated its undertaking to consider whether homosexual marriages/domestic partnership registered overseas should be treated on an equal footing with marriages recognised by Cap.181 and Cap. 178 for the purpose of organ transplants	✓ (Admin to provide a response)
010320-010349	Ms Cyd HO	Reiterated her views expressed above	
010350-010418	Chairman	Establishment of marriage referred to in Cap.181 and Cap. 178 needed to be amended to recognise homosexual marriages/domestic partnership registered overseas before homosexual couples could be treated as spouses referred to in proposed section 5A(1)(a)(ii)	
010419-010513	Mr LAW Chi-kwong	Echoed similar views expressed by the Chairman	

Action

Time	Speaker	Subject(s)	Action required
010514-010559	Ms Cyd HO	It should be technically possible to include in the Bill to the effect that a registered medical practitioner might carry out a restricted organ removal or a restricted organ transplant if he was satisfied that the recipient of the organ concerned was, at the time of the transplant, the homosexual partner of the donor and their domestic partnership registered overseas had subsisted for not less than three years without amending Cap.181 and Cap. 178	
010600-010831	Miss CHAN Yuen-han	Wide public consultation was needed before deciding on whether homosexual marriages/domestic partnership registered overseas should be treated on an equal footing with marriages recognised by Cap.181 and Cap. 178	
010832-010852	Chairman	<u>Clause-by-clause examination of the Bill</u> Proposed section 5E in clause 5 - Circumstances in which requirements in sections 5C(3)(b) and 5D(1)(d) are waived	
010853-010950	Ms Cyd HO	Ditto	
010951-011158	Mr LAW Chi-kwong	Ditto	
011159-011446	Chairman	Ditto	
011447-011515	SALA1	Ditto	
011516-011727	Admin	Ditto	
011728-011901	Chairman	Proposed section 7 in clause 6 - Restrictions on transplant of imported organs	
011902-011914	SALA1	Ditto	
011915-011942	Admin	Ditto	
011943-012010	Chairman	Proposed section 9 in clause 7- Protection of members and officers of board against personal liability	
012011-012039	SALA1	Ditto	
012040-012213	Admin	Ditto	

Action

Time	Speaker	Subject(s)	Action required
012214-012310	SALA1	Ditto	
012311-012320	Chairman	Ditto	
012321-012345	SALA1	Ditto	
012346-012413	Miss CHAN Yuen-han	Ditto	
012414-012549	Admin	Ditto	
012550-012557	Chairman	Proposed section 10 in clause 7 - Amendment of Schedule	
012558-012631	Admin	Ditto	
012632-012803	Chairman	Clause 8 - Schedule added Clause 9 - Interpretation of sections 10 and 11 Clause 10 - Cessation of offices of existing board members Clause 11 - Transitional provisions	
012804-012834	SALA1	Clause 11(2)	
012835-012933	Admin	Ditto	
012934-012948	SALA1	Ditto	
012949-013521	Chairman	Consequential amendments to the Human Organ <u>Transplant Regulation</u> Clause 12 - Empowering section amended Clause 13 - Sections amended Clause 14 - Information that must be supplied to the board and the persons who must supply it Clause 15 - Additional information for imported organs Clause 16 - Schedule amended Consequential amendments to the Mental Health <u>Ordinance</u> Clause 17 - Prohibition against organ transplant	
013522-013605	Chairman	Date of next meeting	
013606-013615	Mr LAW Chi-kwong	Took back his remarks made earlier at the meeting in relation to the "Sicilian" issue	
013616-013626	Chairman	Closing remarks	

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

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