

From:
Sent: Friday, February 08, 2002 11:03 AM
To: lwlhk@hkstar.com
Subject: Human Transplant Ordinance

Dear Dr Lo

Here are some of my comments on the Human Transplant Ordinance:

1. The present ordinance (and the Bill amendments) makes import of organ/ tissues from a living source in a foreign country practically impossible. It is difficult to predict advances in technology. There may be a need for HK to import such tissues for one reason or another eg. technology to harvest that tissue not available in HK. Worse scenario is if such tissue is a commercial product in the overseas countries.

2. There are examples of human parts being sold as commercial products eg hair, placenta, plasma products. It should be understood that the definition would be (and should be) left to the medical profession.

3. The application procedure is very cumbersome. eg. a total of 8 documents need to be submitted for transplant involving living unrelated person :

- a/Application,
- b/declaration by doctor who has clinical responsibility for intended donor that there is no payment
- c/declaration of intended donor
- d/declaration of recipient
- e/Declaration by another doctor on explanation,
- f/declaration by a suitably qualification person on explanation
- g/form 1 after removal
- h/form 2 after transplant

I try to go through the need of these forms with the assumption that govt believes that filling forms is a way to ensure that the ordinance is complied. With that assumption, I agree that each of these form is necessary (my personal view is that this is only a stupid way to ensure that the ordinance is complied).

However, I think that these form should be kept as simple as possible. For instance, what is the relevance of "cause of death" in relation to the spirit of this Ordinance? Doctors are required to fill in cause of death in Form 1 (The form to be completed after removal of organ for cadaveric source). I hope you understand that in practice, getting the correct answer involves a lot of administrative work if the case is a coroner case. I seriously doubt the necessity for suppling this information to the Board.

4. Some of the front line staff are quite unhappy about the bureaucracy. As I understand (hearsay), the private eye doctors are quite unhappy. May be you could try to contact _____ and he will tell you his grievance.

5. For tissues which might be imported to hk involving more than one donor (eg skin bank or cornea), the legal requirement is one form for each donor and for each single time. I wonder if administratively, it could be simpler if the Board can allow approval for import from a certain organisation over a specified period etc. Just a personal thought, may be you can check with _____ what he thinks. This point will help frontline but not too important.

6. Section 7(1) (c)and 7(5)(a)

Imagine a scenario when a doctor who import and organ from a foreign country submit a photo copy of the certificate to the Board (this has to be the case, because it is not possible to get original before import). The doctor then has to rely on the foreign hospital/ tissue bank to submit the original to him so that he can forward to the HOT Board within 7 days. If the foreign bank failed to do that, the doctor will have committed a criminal offence 7(6). Do you think this is reasonable?

With warmest regard
A doctor

Regards
A doctor