

7 March 2002

Paper No. CB(2)1319/01-02(02)

Ms. Doris Chan
Clerk to Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Hong Kong

Dear Ms. Chan,

Human Organ Transplant (Amendment) Bill 2001

The Academy is of the view that the policy behind the Human Organ Transplant (Amendment) Bill 2001 is the correct one and should be supported.

There are a few areas we feel that could be improved through further amendment to reflect the service providers concerned to cope with new scientific developments.

1. The basis of the law is to prohibit commercialization of organ donation, in particular “living donors”. Yet there is too heavy an onus placed on the service providers who are doing all the work in good faith. Amendment should thus be made to protect the service providers who might contravene certain parts of the ordinance non purposefully though he/she has acted to the best of the knowledge and in good faith.
2. Flexibility is needed for removal of organs on a living individual as a treatment process and for the organs to be transplanted to specific recipients who could and are willing to receive these organs (Clause 5B)
3. Bones are often removed as a therapeutic measure or as part of an operation. These bone pieces are stored in banks to be used as graft months or years later. The amendment bill allows provisions for such yet still specify that the registered medical practitioner shall submit a declaration (Clause 5B). As bone graft are done quite frequently, such a declaration is unnecessary and could be too cumbersome.

4. Imported organs could be either from cadavers or living donors (in particular bone). Most of these organs are purchased, and thus borders on commercialization.

I am also enclosing the views of individual Academy Colleges and Fellows for your consideration.

Yours sincerely,

C.H. Leong
President