

28 January 2002

Dr. KH Lo  
President  
The College of surgeons of Hong Kong

Dear Dr. Lo

**Re: Human Organ Transplant Regulation**

Thank you for inviting me to comment on the Human Organ Transplant (amendment) Bill 2001. The following is a summary of my comments:

**1. Definition of "organ" and "payment"**

Agree that those bodily parts are proposed to be set out in a Schedule to the Ordinance.

Agree payment for the administrative cost incidental to the removal, transportation or preservation of the organ to be supplied will not be prohibited by the Ordinance.

**2. Board Membership**

The appointment of a panel of fourteen members would provide a flexible way to facilitate the function of the Board in case any substantive board member fails to fulfil the duty.

**3. Appointment of secretary and legal adviser**

Agree that this should be explicitly state in the Ordinance.

**4. Transplant of organs previously removed for therapeutic purposes**

Agree that transplant of organs previously removed for therapeutic purposes are not subject to the requirements set out in Section 5 of the Ordinance.

**5. Interview of donor and recipient**

I think the same medical practitioner or interviewer to the donor and recipient would give a more consistent impression and information to the persons involved.

**6. Structure of Section 5**

Agree that different requirements should be set out under more distinct categories.

**7. Criminal sanctions**

Agree that contravention to the compliance of normal practice and supplying falsified information should be made an offence.

**8. The role of the Board in relation to imported organs**

Failure to supply a certificate containing all the necessary information and statements concerning the transplantation of an imported organ would be an offence. Failure to supply the original of the certificate to the Board within 7 days after the transplant is an offence.

**9. Protection of Members and officers of the Board against personal liability**

Agree that persons within the Board involved in decisions should be protected from liability insofar as they act in good faith in the performance of their functions under the Ordinance.

In short with the exception of point number 5 above, I agree with the proposal in the amendments of the Ordinance.

Yours sincerely,

Dr. Stephen Foo