

**立法會**  
***Legislative Council***

LC Paper No. LS126/00-01

**Paper for the House Committee Meeting  
of the Legislative Council  
on 22 June 2001**

**Legal Service Division Report on  
Human Organ Transplant (Amendment) Bill 2001**

**Object of the Bill**

To make various amendments to the Human Organ Transplant Ordinance (Cap. 465).

**LegCo Brief Reference**

2. HW CR 1/3231/98 (01) Pt. 6 dated June 2001 issued by the Health and Welfare Bureau.

**Date of First Reading**

3. 20 June 2001.

**Comments**

4. The Bill is the result of a comprehensive review of the Human Organ Transplant Ordinance (Cap. 465) ("the Ordinance"), conducted after the enactment of the Human Organ Transplant (Amendment) Ordinance 1999 (Ord. No. 7 of 1999) which addressed the urgent need to modify the requirements of approval by the Human Organ Transplant Board ("the Board") in respect of organ transplants.

5. The amendments proposed in this Bill mainly concern the operational aspects of the Board, the administrative procedures to be followed for transplants, and the control of imported organs for the purpose of transplant. More specifically, the Bill proposes to:-

- (a) amend the definitions of "organ" and "payment", and add some new definitions;

- (b) provide for a vice-chairman of the Board, and a panel which provides substitute members to the Board where substantive members are unable to perform their duties for a period;
- (c) state explicitly that a secretary and a legal adviser shall be appointed to the Board;
- (d) enable the transplant of organs previously removed for therapeutic purposes without going through the procedures prescribed in the Ordinance;
- (e) enable the donor and recipient of an organ be interviewed by the same interviewer or medical practitioner;
- (f) refine the drafting of the existing section 5 of the Ordinance;
- (g) create offences for various contraventions;
- (h) require an organ imported for transplant to be accompanied by a certificate, which shall be supplied to the Board by the relevant medical practitioner within 7 days after the transplant; and
- (i) provide for immunity for members and officers of the Board against personal liability.

### **Consultation with Panel**

6. Contents of the Bill were discussed at the meeting of the Panel on Health Services on 9 April 2001. Minutes of the meeting are in LC Paper No. CB(2)1458/00-01.

### **Conclusion**

7. The appropriate procedure for the approval of organ transplants and the appropriate level of control of such transplants are matters of public concern. We recommend that a Bills Committee be set up to consider the Bill in detail.

Prepared by

LEE Yu-sung  
Senior Assistant Legal Adviser  
Legislative Council Secretariat  
20 June 2001