

立法會
Legislative Council

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**Paper for the House Committee meeting
on 1 November 2002**

**Report of the Bills Committee on
Human Organ Transplant (Amendment) Bill 2001**

Purpose

This paper reports on the decision of the Bills Committee on Human Organ Transplant (Amendment) Bill 2001 to hold in abeyance the consideration of the Bill.

The Bill

2. The Bill seeks, amongst other things, to amend the definitions of "organ" and "payment" in the Human Organ Transplant Ordinance (Cap. 465), require an organ imported for transplant to be accompanied by a certificate, enable the transplant of organ previously removed for therapeutic purposes, and add various provisions relating to the administration of the Human Organ Transplant Board.

The Bills Committee

3. At the House Committee meeting on 22 June 2001, Members agreed to form a Bills Committee to study the Bill. The membership list of the Bills Committee is in the **Appendix**. Under the chairmanship of Dr Hon LO Wing-lok, the Bills Committee has held four meetings with the Administration.

Outstanding issues awaiting the Administration's response

4. At the fourth meeting held on 22 March 2002, the Administration was asked to provide a written response to the following issues raised by members before the fifth meeting scheduled for 25 April 2002 -

- (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 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 fifth meeting was twice postponed and subsequently cancelled at the request of the Administration.

5. When approached again recently regarding the date for the next meeting, the Administration was advised that the work of the Bills Committee might have to be held in abeyance if it was not in a position to report back to the Bills Committee in the immediate future.

6. The Administration has responded that it agrees to put on hold the scrutiny of the Bill by the Bills Committee for the time being, pending the Administration's further research on and deliberation of the most appropriate and feasible mechanism to grant exemptions to individual products for transplantation which fall within the definition of "organ" and yet their commercial dealings should not be prohibited. Concurrently, the Administration will identify and propose to the Bills Committee an appeal mechanism for people/organisations that are aggrieved by the decisions made regarding their applications for exemption.

Decision of the Bills Committee

7. The Bills Committee agrees to hold in abeyance the consideration of the Bill pending the Administration's response to the outstanding issues.

Advice Sought

8. Members are invited to note the decision of the Bills Committee in paragraph 7 above.

Bills Committee on Human Organ Transplant (Amendment) Bill 2001

Membership List

Chairman	Dr Hon LO Wing-lok
Members	Hon Cyd HO Sau-lan Hon CHAN Yuen-han, JP Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP Dr Hon LAW Chi-kwong, JP Dr Hon TANG Siu-tong, JP Hon Michael MAK Kwok-fung Hon Audrey EU Yuet-mee, SC, JP (Total : 8 Members)
Clerk	Ms Doris CHAN
Legal Adviser	Mr LEE Yu-sung
Date	14 December 2001