

立法會
Legislative Council

LC Paper No. CB(2)2493/99-00
(These minutes have been
seen by the Administration
and cleared with the Chairman)

Ref : CB2/BC/3/98

**Bills Committee on
Human Reproductive Technology Bill**

**Minutes of the 26th meeting
on Thursday, 1 June 2000 at 8:30 am
in Conference Room B of the Legislative Council Building**

Members Present : Hon Cyd HO Sau-lan (Chairman)
Hon Michael HO Mun-ka
Hon CHAN Yuen-han
Dr Hon LEONG Che-hung, JP

Members Absent : Hon YEUNG Yiu-chung
Hon Ambrose LAU Hon-chuen, JP
Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP

Public Officers Attending : Mr Gregory LEUNG, JP
Secretary for Health and Welfare (Acting)

Mr Eddie POON
Principal Assistant Secretary for Health and Welfare (Medical) 3

Dr Thomas CHUNG Wai-hung
Principal Medical and Health Officer (Special Duties)

Dr Heston KWONG
Principal Medical and Health Officer (3)

Action

Mr Geoffrey FOX
Senior Assistant Law Draftsman

Mr W L CHEUNG
Senior Government Counsel

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser

Ms Joanne MAK
Senior Assistant Secretary (2) 4

I. Meeting with the Administration
(LC Paper No. CB(2)2104/99-00(01))

Definition of "reproductive technology (RT) procedure"

Principal Medical and Health Officer (Special Duties) (PMHO(SD)) said that the Administration proposed to change the wording of the new paragraph to be added after the paragraph (b) of the above definition in clause 2 from "the *donation* of gametes" to "the *obtaining* of gametes". He explained that "obtaining" was a more appropriate expression since the Bill sought to regulate reproductive technology centres rather than donors. He considered it inappropriate to make it "the obtaining of gametes *from donors*" because in certain circumstances, the sperms might not come from a donor, such as in the case of a man who wished to save his sperms for his own future use before receiving chemotherapy.

2. Senior Assistant Law Draftsman (SALD) explained that if the RT centre performed any medical procedure for its client without the client's consent, this would give rise to a criminal offence according to other existing ordinances. Therefore, there was no need to add "with consent" after "the obtaining of gametes".

Membership of the Council on Human Reproductive Technology (the Council)

3. Dr LEONG Che-hung considered that the restriction in clause 3(3)(a)(ii) that the person responsible under a licence or the licensee could not be appointed as a

Action

member of the Council should be removed as he opined that the expertise of such persons useful to the Council. He would move a Committee Stage amendment (CSA) to delete this subclause if the Administration decided not to move such a CSA.

4. Addressing Dr LEONG's concern, SALD suggested that a CSA could be added to provide that the Chief Executive could appoint such a person to be an adviser to the Council in relation to the technical medical issues handled by the Council. SALD further said that the appointment of such a person could be made subject to certain conditions such as that there should not be a conflict of interests for his involvement in the work of the Council. He explained that the subclause in question aimed to avoid conflict of interests.

5. However, Dr LEONG considered that the reasons given by the Administration for preserving this subclause were unconvincing and said that the important point was whether the person concerned would declare any conflict of interests involved.

Adm

6. Mr Michael HO Mun-ka considered that the suggestion of SALD was acceptable. Secretary for Health and Welfare (Acting) (SHW(Atg)) said that he needed to further deliberate the matter and would revert as soon as possible.

Prohibition against sex selection

7. SALD invited members' attention to clause 13(3) where the Administration proposed to add a new sentence to state explicitly what would be considered as a procedure to bring about sex selection.

Licensee and person responsible

8. SHW(Atg) said that the Administration proposed to add new subclauses 2A and 2B to clause 21. He explained that the CSAs sought to empower the Council to allow the licensee and the person responsible to be the same person if it was satisfied that such arrangement would not prejudice the discharge of duty by the person responsible. SHW(Atg) explained that the new CSAs were proposed having regard to the fact that some organizations such as the Family Planning Association of Hong Kong and university departments might have difficulty in finding two separate persons to be the licensee and person responsible respectively.

9. Dr LEONG Che-hung agreed to withdraw the CSA which he had earlier proposed to make it possible for the licensee and the person responsible to be the same person.

Revocation of licence

10. SALD said that the Administration proposed to add a new subclause (7) to

Action

clause 25 so as to make it clear that the revocation of a licence might be subject to such conditions, if any, as the Council thought fit specified in the notice effecting the revocation. He said that the CSA was proposed to address members' concerns about the treatment of the gametes and embryos already stored at a RT centre when its licence was revoked. The purpose of the CSA was to put it beyond doubt that when the Council revoked a licence, it could put conditions in that revocation which were binding on the licensee as to what action he should take in respect of the genetic material or embryo that had already been stored at the clinic. In this connection, clause 36 was also amended so that it would be an offence if clause 25(7) was contravened.

11. Members had no further questions on the CSAs.
12. Members and the Administration agreed to resume the Second Reading debate on the Bill on 21 June 2000.
13. There being no other business, the meeting ended at 9:15 am.

Legislative Council Secretariat

4 July 2000