

立法會
Legislative Council

LC Paper No. CB(2)2163/99-00
(These minutes have been
seen by the Administration)

Ref : CB2/BC/3/98

**Bills Committee on
Human Reproductive Technology Bill**

**Minutes of the 24th meeting
held on Thursday, 30 December 1999 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
Hon LAW Chi-kwong, JP

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

Public Officers Attending : Mr Gregory LEUNG Wing-lup, JP
Deputy Secretary for Health and Welfare 1

Mr Rick CHAN
Assistant Secretary for Health and Welfare (Medical) 6

Dr Thomas CHUNG Wai-hung
Principal Medical and Health Officer (3)

Mr G A FOX
Senior Assistant Law Draftsman

Miss Frances HUI
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

Committee Stage amendments (CSAs) to be moved by the Administration

Schedule 1A - Sex-linked genetic disease

Principal Medical and Health Officer (3) (PMHO3) introduced the Schedule which had been added at members' request.

Schedule 2 - Consequential amendments

2. Senior Assistant Legal Adviser (SALA) explained the purpose of the proposed amendment to clause 47A(8) of the Offences Against the Person Ordinance (Cap. 212). He said that by this amendment, a registered medical practitioner who carried out therapeutic abortion of any fetus of a woman in case of multiple pregnancy would not be liable to prosecution, if the grounds for the procedure were any of those specified in clause 47A(1).

3. PMHO3 pointed out that there was a greater possibility for women who conceived by using RT procedures to carry multiple fetuses. He said that as the carriage of too many fetuses might affect the growth of some of them and pose health hazards to the mother, it might be necessary to remove one (or some) of them by operation in some occasions. He said that strictly speaking, this was not regarded as "termination of pregnancy" because the woman concerned did not have all her fetuses removed in the circumstances. Therefore, it was necessary to address these situations by amending clause 47A(8) of Cap. 212 to re-define "termination of pregnancy".

4. Some members were concerned whether the proposed amendment would be abused by people to terminate pregnancies for the purpose of gender selection. In

Action

response, PMHO3 pointed out that a pregnant woman seeking treatment for fetal reduction would have to explain why she needed it and doctors would also have to judge whether the continuance of her pregnancy would involve the risks as mentioned in clause 47A(1) of Cap. 212. He did not think that people could take advantage of the proposed amendment to seek fetal reduction or terminate their pregnancies for the purpose of gender selection. Senior Assistant Law Draftsman (SALD) informed members that the amendment was proposed based on an equivalent amendment made to the Human Fertilization and Embryology Act in the United Kingdom.

5. PMHO3 further said that the Draft Code of Practice on Reproductive Technology and Embryo Research (the Code) provided guidelines on the prevention of multiple pregnancies and advised RT practitioners to take measures to prevent high multiple pregnancies. The Code also made recommendations on treatment methods for cases where a pregnancy involving more than three fetuses occurred. He said that when fetal reduction was required, the selection of which fetus(es) to be removed would be based on clinical judgment of the doctors concerned, who would take into consideration the risk of injury to the pregnant woman as well as that to the fetuses.

6. The Bills Committee finished examining the draft CSAs proposed by the Administration issued under LC Paper No. CB(2) 684/99-00(01).

II. Any other business

7. Miss CHAN Yuen-han informed members that following discussion with SALA and the legal adviser of the Hong Kong Federation of Trade Unions, she had decided to withdraw her proposal to incorporate the provisions in the Code relating to counselling in the Bill as such provisions would have no legal effect unless they were accompanied by penalties for failures of compliance. She said that the withdrawal of her proposal would also avoid causing undue delay to the completion of scrutiny of the Bill.

8. In response to Miss CHAN Yuen-han, SALD explained that the words "Long title" in the "Amendments to be moved by the Hon. CHAN Yuen-han" actually referred to the long title of the Bill and was not meant to be the title of Miss CHAN's proposed amendments.

Date of next meeting

9. The next meeting would be held on 17 January 2000 at 8:30 am.

10. The meeting ended at 9:35 am.

Action

Legislative Council Secretariat
30 May 2000