

(Translation)

(Letterhead of the Parents' Association of Pre-School Handicapped Children)

18 January 1999

Members, Bills Committee on Human Organ Transplant (Amendment) Bill 1999

Dear Sirs,

Regarding the Human Organ Transplant (Amendment) Bill 1999, various parents' associations of mentally handicapped persons have the following views:

- 1) Parents of mentally handicapped persons welcome the amendments proposed in the Bill as mentally handicapped persons who fail to meet the requirements of Section 5(4)(c) can now undergo transplant operations legally. The rights of mentally handicapped persons can thus be safeguarded.
- 2) The exemptions to Section 5(4)(c) as proposed in the Bill is applicable to children (minors) as well as mentally handicapped persons. According to the existing law, parents, being the legal guardians of their children, have the right to sign on their behalf for consent to undergo an operation. Do the amendments proposed in the Bill imply that parents no longer have the right to consent to transplant operations on behalf of their children (including mentally handicapped children)?
- 3) According to the Bill, the above exemption is also applicable to patients or mentally handicapped persons within the meaning of the Mental Health (Amendment) Ordinance 1997. We would like to know whether the exemptions are intended for "patients and mentally handicapped persons", or for "mentally incapable persons" within the meaning of the above Ordinance?
- 4) Parents hope that the Legislative Council will, after providing for mentally handicapped persons to undergo transplant operations, stipulate the means and legislative procedures for them to be organ donors.

The Parents' Association of  
Pre-School Handicapped Children

c.c. : Rehabilitation Division, Hong Kong Council of Social Service  
Various parents' associations