

(Translation)

Submission from Alliance For Patients Mutual Help Organization

4 January 1999

Dear Sir,

Amendment to the Human Organ Transplant Ordinance

The Alliance For Patients Mutual Help Organization comprises 31 chronically ill patients, some of them have undergone organ transplant operations. In response to the invitation of the Subcommittee on Human Organ Transplant, the Alliance would like to raise the following comments on the Human Organ Transplant Ordinance:

1. Handling of unconscious patients

According to the provision of the Ordinance, the intended recipient must sign the application form appended in the Schedule of the Ordinance to certify that he is aware of the situation and his entitlement. However, if the patient is in a comatose state, it is impossible to secure his signature. *The Alliance proposes that the patient's next-of-kin can sign on his behalf and that consideration be given to accepting the signatures of two registered non-attending doctors, who not involved in the transplant operation, to confirm the condition of the patient and the necessity of the organ transplant operation.*

2. Time Limit for the Board to Consider Urgent Cases

As the condition of some patients may fluctuate or deteriorate rapidly, applications have to be processed expeditiously to ensure that the patients can be operated upon within a reasonable period of time. Therefore, the Alliance proposes that the Board should, *base on the attending doctor's assessment of the urgency of the patient's condition, make a decision within 2 hours upon receiving an application.*

3. Establishment of an Appeal Mechanism to Handle Disapproved Applications

Since the existing Ordinance fails to explain the procedure for a judicial review, which directly affects the patient's chance of survival, the Alliance proposes that an appeal mechanism be incorporated into the existing Ordinance to deal with disapproved applications. The appeal board should consist of three members, who are respectively *a judge, a medical practitioner and a member of the public*. Since the Board has already examined the validity of the supporting documents, it is proposed that *the appeal board should consider other supplementary proofs* (such as letters and photographs) *provided by family members or the attending doctor which can establish the genetic relationship, and make a final decision within 2 hours.*

4. Simplifying the Application Forms

The Alliance considers that the cumbersome application procedure and the application forms appended in the Schedule should be duly amended so as to enhance the efficiency of lodging and processing of applications and to ensure an effective utilization of the resources of the medical profession.

5. Regulating the Procedure for importing Human Organs for Transplant purpose

The existing Ordinance specifies that before transplanting an imported organ into a person, relevant certificates and supporting documents should be supplied to the Board. The Alliance proposes that the Ordinance should specify the time limit for the Board to examine such documents and that the existing procedure and application forms should be simplified to prevent imported organs from decaying as a result of unnecessary delay.

6. Handling of supporting documents issued outside Hong Kong

The existing Ordinance provides that the Board shall approve the application if it is satisfied that all supporting documents are duly signed by the parties concerned, and if the documents are not issued in Hong Kong, certification from the consulate of the country of origin is required. While the Alliance understands that the provision aims at preventing commercial dealings in organ donation, it is proposed that the Board should examine and simplify the complicated and time-consuming procedure.

7. Regular Review of the Ordinance

With the continuous development of surgical transplant techniques, it is necessary to revise the list of organs regulated by the Ordinance. Regular reviews and public consultation on the situation of patients suffering from different kinds of organ failures should also be carried out, so as to ensure that Ordinance can meet the needs of the medical profession and the patients.

The introduction of organ transplant operations have given new lives to many patients who suffer from organ failures. In fact, the transplant operations are cost effective as medical resources can thus be saved and patients can make further contributions to society upon recovery. However, there is a lack of public awareness on organ donation and greater efforts on public education is needed. The Alliance hopes that the Subcommittee can help convey our views, so that patients suffering from organ failures can lead a better life.

Should there be any enquiries concerning the above suggestions, please feel free to call the undersigned at 9355 4804 or Miss KONG Kit-wah at 2304 6371.

Iris S.C. Chan (signed)
Chairman, Alliance For Patients Mutual
Help Organization