

Procedure for

Handling Applications for Living Non-Related Transplant

Receiving Certificates Accompanying Imported Organs

(Appendices to this Procedure are not attached)

PURPOSE

This booklet sets out the procedures for (a) handling applications for living non-related transplant and (b) receiving certificates accompanying imported organs. Members of the Human Organ Transplant Board (the Board) are invited to familiarise themselves with the procedures and refer to this booklet whenever it is necessary. If there is any conflict with the provisions of the Human Organ Transplant Ordinance (the Ordinance), then the Ordinance prevails.

APPLICATIONS FOR LIVING NON-RELATED TRANSPLANT

2. Section 5 of the Ordinance requires that prior written approval of the Board must be obtained for any transplant involving a live donor, unless the donor is related to the recipient genetically or is the spouse of the recipient and their marriage has subsisted for not less than three years. The Board may give its approval if the conditions stipulated in section 5(4) have been satisfied. Furthermore, before giving approval, the Board shall also ensure that the requirement stipulated in section 5(5) of the Ordinance has been met.

3. Since some of the applications for transplant may have to be processed promptly, the Board has agreed to accept and process applications whenever submitted, both inside and outside office hours.

The Secretariat

4. All applications for living non-related transplant should be submitted to the Board in the following manner before the operation takes place -

(a) *during office hours (except for public holidays)*

Mondays to Fridays: 9:00 a.m. to 5:00 p.m. (except 1:00 p.m. to 2:00 p.m.)

Saturdays : 9:00 a.m. to 1:00 p.m.

The Application Form, Declarations and any relevant documents should be sent to the Secretariat by fax. The applicant should then immediately confirm with the Secretariat that relevant documents have been faxed and arrange the original forms and photocopies of the supporting documents to be sent to the Secretariat by post.

(Tel No. : 2961 8955
Fax No. : 2527 9849
Address : 17/F, Wu Chung House,
213 Queen's Road East,
Wanchai, Hong Kong)

(b) *outside office hours*

The Application Form, Declarations and any relevant documents should be sent to the Secretariat by fax. It is advisable for the applicant to inform the Secretariat in advance that an application is forthcoming so that it can be dealt with more timely. The applicant should also confirm with the Secretariat afterwards that relevant documents have been faxed and arrange for the original forms and photocopies of the supporting documents to be sent to the Secretariat by post.

(Pager No. : XXXX X382 call XXXX
Fax No. : 2527 9849
Address : 17/F, Wu Chung House,
213 Queen's Road East,
Wanchai, Hong Kong)

5. The Secretary and the Assistant Secretary are required to carry a pager by turn on a monthly basis to handle urgent applications and urgent enquiries outside office hours. The duty roster for the Secretary and the Assistant Secretary is prepared at Appendix I.

6. The Secretariat, upon receipt of the application, will clarify any incomplete information with the applicant and check the information provided therein according to the conditions and requirement contained in sections 5(4) and (5) of the Ordinance. The Secretariat will prepare a Board paper listing the conditions which appear to have been met by the application and highlighting any special points for members to note (a sample of the paper is at Appendix III). The Secretariat will inform members by phone and send the application and the paper to members by fax for consideration.

The Board to Consider Applications

7. Applications have to be circulated to all members for consideration. A decision of approving or disapproving an application must be made by the majority of the Board (i.e. at least five members of the Board).

8. The Board's decision of approving or disapproving an application will be reached either by circulation of papers or by calling a special meeting. It is anticipated that if the information provided is clear and comprehensive without controversy it will be possible to reach a decision by circulation. If any member is in doubt or considers that a meeting is desirable to discuss the application, then he must request the Secretary to convene a special meeting. It is anticipated-

- (a) For straightforward cases (for example, the information provided is clear and comprehensive without controversy), members shall indicate their decision by completing and returning the reply slip (a sample is at Appendix IV) to the Secretariat by fax. Unless a member requests a special meeting to be convened to consider the particular application, the majority decision of the members (i.e. five members) that approval/disapproval should be given will be taken as the Board's decision.
- (ii) For cases where discussion is required (for example a member has doubts about the information provided in the application and considers that discussion is required), the Board will have to convene a meeting as soon as possible to consider the application. The quorum of the meeting shall not be less than half of the members and the decision must be made by the majority of the Board.

Decision Made

9. After a decision has been made, the Secretariat shall inform the applicant the result of his/her application by phone in the first instance, followed by written confirmation by fax which shall be copied to all Board members for information. Sample letters for approving and rejecting applications are attached at Appendices V and VI respectively.

Members' Schedule

10. Since some members might have to travel overseas from time to time, before the last week of each month members will be invited to register their availability in Hong Kong to consider applications for the next month by completing and returning Appendix II to the Secretariat. Those members who will leave Hong Kong for a particular period are required to provide contact telephone/pager/fax numbers/e-mail address, if applicable, to facilitate communication so that a decision to be made by the majority of the Board can be ensured. Members are also invited to notify the Secretariat as soon as possible if there is any change in their schedules.

11. Upon receipt of members' return concerning their availability, the Secretariat will arrange for the appointment of temporary members to replace the substantive members for periods where a few members will be outside Hong Kong. This is to ensure that a majority decision of the Board can be obtained in urgent cases.

12. Members are also requested to provide their contact telephone no. or pager no. for both office hours and outside office hours so that they can be reached 24 hours per day. They are invited to inform the Secretariat if there is any change in the contact nos. For members' reference, a contact telephone list of members is provided at Appendix I.

CERTIFICATES ACCOMPANYING IMPORTED ORGANS

13. Under section 7 of the Ordinance, a human organ imported for the purpose of transplanting it into a person in Hong Kong must be accompanied by a certificate signed by a person in the country of origin who is acceptable to the Board. It should contain all listed statements in section 7(1)(a)-(d) of the Ordinance and information required under section 4 of the Regulation. The person who is to transplant the imported organ is required to supply the certificate together with the required supporting documents and a declaration to the Board BEFORE the transplantation. As the timing of receiving such certificates is unpredictable, the Board has to check the certificate promptly and inform the applicant of the result as soon as possible.

14. A certificate accompanying an imported organ and a declaration made by the doctor who is to transplant the imported organ should be sent to the Secretariat in the same manner as stated in para 4 above. The Secretariat shall then check carefully whether-

- (a) the certificate submitted includes all the listed statements in section 7(1)(a) -(d) of the Ordinance and the required information in section 4 of the Regulation;
- (b) the certificate is signed by either the medical practitioner who removed the organ in the country of origin OR the medical director of the institute/hospital which provided the organ, with supporting documents as proof of evidence; and
- (c) a declaration duly completed by the doctor who is to transplant the organ is also submitted.

15. The Secretariat will circulate the certificate and supporting documents to members by fax for consideration. If members are satisfied that the certificate contains the information required in section 7(1)(a) to (e) of the Ordinance and section 4 of the Regulation and the signatory is acceptable to them, the Secretariat shall notify the applicant by phone first of the result which will be followed by written confirmation by fax that the certificate has been received by the Board and that the signatory is acceptable to it, so that the applicant can proceed with the transplant.

ORDINANCE AND REGULATION

16. Copies of the Human Organ Transplant Ordinance and Regulation are attached at Appendices VIII and IX respectively for members' reference.