

**Letterhead of HONG KONG KIDNEY FOUNDATION LIMITED**

November 18, 1998

Hon Michael Ho  
Chairman  
Health Services Panel  
Legislative Council  
9 Jackson Road  
Central  
Hong Kong

Fax No: 28778024 / 25090775

Dear Mr. Ho,

**Re: Human Organ Transplant Ordinance and Regulation**

I have been directed by the Board of Governors of Hong Kong Kidney Foundation to draw the Human Organ Transplant Board's attention to the operational difficulty to comply with Section 5 of the Human Organ Transplant Ordinance, Cap 465.

It is not possible for an intended recipient, who is in semi-comatose or comatose state from organ failure, to sign the declaration form C (application for transplant involving live donor).

It is also not possible for a medical practitioner and a suitably qualified person (1) to explain to an intended recipient who is in semi-comatose or comatose state to ensure the recipient has understood the procedure, the risk involved and his/her entitlement to withdraw consent at any time and (2) to sign the declaration form D (application for transplant involving live donor) stating that he/she has explained the matter to the recipient.

It is of the opinion of the Board of Governors of Hong Kong Kidney Foundation that in a life and death situation, if the recipient is in a semi-coma or comatose state, the next-of-kin should have the right to consent to the transplant operation on behalf of the recipient.

Dr. SF Lui  
For Board of Governors,  
Hong Kong Kidney Foundation