

立法會
Legislative Council

LC Paper No. LS57/06-07

**Paper for the House Committee Meeting
on 13 April 2007**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 4 April 2007**

Date of Tabling in LegCo : 18 April 2007

Amendment to be made by : 16 May 2007 (or 6 June 2007 if extended by resolution)

Human Reproductive Technology Ordinance (Cap. 561)
Human Reproductive Technology (Licensing) Regulation (L.N. 55)

This Regulation provides for the requirements relating to the implementation of the licensing system provided in the Human Reproductive Technology Ordinance (Cap. 561) ("the Ordinance") for regulating human reproductive technology procedures, embryo research and related activities ("relevant activities").

Part 1 of the Regulation

2. It contains the commencement and interpretation provisions for the Regulation. The Regulation will come into operation on a day to be appointed by the Council on Human Reproductive Technology ("the Council") by notice published in the Gazette.

Part 2 of the Regulation

3. It deals with application to the Council for a licence to carry on a relevant activity in premises specified in the application. The relevant activity must be carried on in the specified classes of premises. The application must designate an individual possessing the prescribed qualifications as the person under whose supervision the relevant activity is to be carried on. The Inspection Committee established under the Council may require an applicant to make arrangements for the inspection of the proposed licensed premises and to provide further information and assistance. The Inspection Committee also handles complaints about an applicant for

a licence. The Inspection Committee will present its recommendations in respect of an application and any other relevant information to the Council to facilitate the latter's determination of the application.

Part 3 of the Regulation

4. It sets out the different classes of licences that the Council may grant and the conditions to which those licences are subject.

Part 4 of the Regulation

5. It provides for the procedures for handling a complaint against the person responsible under a licence or the licensee. The Secretary to the Council shall refer the complaint to the Investigation Committee established under the Council for investigation. The Investigation Committee may dismiss a complaint if it is frivolous or groundless. Otherwise, the Investigation Committee shall conduct an inquiry into the complaint and submit a report to the Council for the latter's determination of the complaint.

6. Where the Investigation Committee has been delegated any function of the Council under section 29 of the Ordinance to suspend a licence, it shall follow the specified procedures to determine the matter.

Part 5 of the Regulation

7. It makes supplementary provisions concerning an appeal made to the Administrative Appeals Board against a decision of the Council under the Ordinance and the operation of the decision pending appeal.

LegCo Brief

8. Members may refer to LegCo Brief with file reference : HWF/H/39/7 of April 2007 from Health, Welfare and Food Bureau for background information.

9. The Brief also refers to the Human Reproductive Technology (Fees) Regulation ("the Fees Regulation") to be made under the Ordinance. The Fees Regulation provides for fees for application, variation and revocation of licences. The Fees Regulation will be gazetted on 13 April 2007 and tabled in LegCo together with the Regulation on 18 April 2007.

Consultation with the public

10. In July 2006, the Council launched a consultation exercise on the proposed licensing system and the Code of Practice with existing reproductive technology service providers and potential applicants on the licensing system, social workers, legal practitioners, the academic and ethical groups. A total of 14 written

responses were received. The Council has taken into account the comments received in preparing the Regulation.

Consultation with LegCo's Panel

11. The Panel on Health Services was briefed on the licensing system for regulating human reproductive technology practice, including handling of complaints, at its meeting on 13 November 2006. Members urged for the early implementation of the above arrangements.

Follow-up

12. The Legal Service Division has written to the Administration to clarify some legal and drafting points on the Regulation. We are still waiting for the Administration's reply.

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12 April 2007

LS/S/28/06-07