

**HONG KONG SPECIAL ADMINISTRATIVE REGION**

**ORDINANCE NO. 28 OF 2018**



Carrie LAM  
Chief Executive  
19 July 2018

An Ordinance to amend the Human Organ Transplant Ordinance to provide that a donor is not to be regarded as having given consent to a proposed organ removal with the offer of inducement only because the consent has been given in consideration of a proposed organ transplant into a person chosen by the donor under a donation arrangement.

[20 July 2018]

Enacted by the Legislative Council.

**1. Short title**

This Ordinance may be cited as the Human Organ Transplant (Amendment) Ordinance 2018.

**2. Human Organ Transplant Ordinance amended**

The Human Organ Transplant Ordinance (Cap. 465) is amended as set out in section 3.

**3. Section 5DA added**

After section 5D—

**Add****“5DA. Consent given in donation arrangement**

- (1) This section applies in determining, for the purposes of the board’s approval in writing under section 5C, whether the donor of a dyad in a donation arrangement has given the donor’s consent without the offer of inducement as required by section 5D(1)(c).
- (2) The donor is not to be regarded as having given consent with the offer of inducement only because the donor’s consent has been given in consideration of a proposed transplant into the beneficiary of the dyad of an organ removed from the donor of another dyad in the donation arrangement.

- (3) In this section—

**beneficiary** (受益人), in relation to a dyad in a donation arrangement, means a person who is chosen by the dyad’s donor as the recipient in relation to the donor of another dyad in the arrangement;

**donation arrangement** (捐贈安排) means a paired donation arrangement or a pooled donation arrangement;

**dyad** (兩人組合) means a group of 2 persons consisting of a donor and a beneficiary;

**paired donation arrangement** (配對捐贈安排) means an arrangement between 2 dyads under which—

- (a) an organ is to be removed from each dyad’s donor for transplant into the beneficiary of the other dyad;

- (b) each removal and each transplant is to be carried out by a registered medical practitioner in Hong Kong; and
- (c) the organs to be removed and transplanted are of the same kind;

***pooled donation arrangement*** (匯集捐贈安排) means an arrangement among 3 or more dyads under which—

- (a) for each dyad—
  - (i) an organ is to be removed from the dyad's donor for transplant into the beneficiary of any other dyad; and
  - (ii) an organ is to be transplanted into the dyad's beneficiary from the donor of any other dyad;
- (b) each removal and each transplant is to be carried out by a registered medical practitioner in Hong Kong; and
- (c) the organs to be removed and transplanted are of the same kind.”.