

**人體器官移植規例**  
(摘要說明)

**背景**

人體器官移植委員會於 1996 年 2 月成立後，其首要工作是根據人體器官移植條例第 5(2)，6(1) 及 7(1)(e) 條制訂規例。委員會曾於 1996 年 9 月就所草擬的規例，諮詢醫院管理局、私家醫院、醫療團體及有關組織的意見，諮詢名單請參閱附錄 VI。人體器官移植規例於 1997 年 11 月刊登憲報，並提交臨時立法會。臨時立法會於 1997 年 12 月通過決議修訂規例，並在憲報刊登。規例與條例的其他條款同時於 1998 年 4 月 1 日生效。有關規例及決議，請參閱英文版。

**目的**

2. 人體器官移植規條例的目的是一

- (a) 確定可為《人體器官移植條例》第 5(2) 條的目的而確立血親關係的方式；
- (b) 就以下各項，指明須提供的資料及須提供該等資料的人—
  - (i) 從器官捐贈人身上切除器官（表格 1）；
  - (ii) 將器官移植於器官受贈人體內（表格 2）；
  - (iii) 器官的處置（表格 3）；
- (c) 指明須在附同進口器官的證明書內提供的額外資料。

1997年第551號法律公告

人體器官移植規例

(由人體器官移植委員會根據《人體器官移植條例》(第465章)第5(2)、6(1)及7(1)(e)條訂立)

1. 生效日期

本規例自衛生福利局局長以憲報公告指定的日期起實施。

2. 確立血親關係以從在生的器官捐贈人身上進行移植

為施行本條例第5條，任何醫生如——

- (a) 要從一名在生的人身上切除器官，而切除的用意在於將該器官移植於與該人有血親關係的另一人體內；或
- (b) 要將(a)段所提述的器官移植於該另一人體內，

可藉以下文件以證明上述血親關係屬實——

- (i) 根據《生死登記條例》(第174章)、《婚姻條例》(第181章)、《婚姻制度改革條例》(第178章)及《人事登記條例》(第177章)所發出的出生證明書、結婚證書及身分證明文件；或
- (ii) 如器官捐贈人或器官受贈人，或某其他人(而該人的出生或婚姻是證明器官捐贈人與器官受贈人有血親關係所必需的)，在香港以外的任何國家或地區居住、出生或結婚，則指相當於第(i)段所提述的文件並由該國家或地區的有關當局所發出的文件。

3. 須向委員會提供的資料及須提供該等資料的人

(1) 為施行本條例第6(1)條——

L.N. 551 of 1997

HUMAN ORGAN TRANSPLANT REGULATION

(Made by the Human Organ Transplant Board under sections 5(2), 6(1) and 7(1)(e) of the Human Organ Transplant Ordinance (Cap. 465))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Health and Welfare by notice in the Gazette.

2. Establishment of genetic relationship for transplant from live donor

For the purposes of section 5 of the Ordinance, a medical practitioner who is—

- (a) to remove an organ from a living person with the intention of it being transplanted into another person who is genetically related to the person from whom the organ is to be removed; or
- (b) to transplant the organ referred to in paragraph (a) into such genetically related person,

may establish the fact of genetic relationship—

- (i) by means of birth certificates, marriage certificates and identity documents issued under the Births and Deaths Registration Ordinance (Cap. 174), Marriage Ordinance (Cap. 181), Marriage Reform Ordinance (Cap. 178) and Registration of Persons Ordinance (Cap. 177); or
- (ii) where the donor or recipient, or some other person whose birth or marriage is necessary to show that the donor and recipient are genetically related, resides outside Hong Kong or was born or married outside Hong Kong, by means of documents that are equivalent to those referred to in paragraph (i) and are issued by the relevant authority in the country or territory in which such person resides, was born or was married, as the case may be.

3. Information that must be supplied to the board and the persons who must supply it

(1) For the purposes of section 6(1) of the Ordinance, the following persons shall supply to the board the specified information in the prescribed form for each organ removed or transplanted—

- (a) 已在香港從器官捐贈人(不論是在生或去世的)身上切除作移植於另一人體內用的器官的醫生,須就每個該等器官,以附表內的表格1向委員會提供指明的資料;
- (b) 已在香港將器官(不論該器官是在香港或其他地方切除的)移植於某人體內的醫生,須就每個該等器官,以附表內的表格2向委員會提供指明的資料;
- (c) 凡——
- (i) 已就某器官提交表格1,而在該表格內已申報該器官正存放於某醫院、診所或其他機構內;或
- (ii) 已就某進口器官向委員會提供證明書,則負責作出將該器官處置的決定的人,須就每個該等器官,以附表內的表格3向委員會提供指明的資料。
- (2) 就第(1)(a)及(b)款而言,凡某個器官的切除或移植涉及多於一名醫生,則其中任何一名醫生均可提供有關資料,但主管有關外科手術的醫生須確保有關資料已予提供。
- (3) 根據第(1)款須向委員會呈交的每份表格,須於有關事情發生後30天內或委員會應申請所容許的較長限期內呈交。
- (4) 凡委員會已根據本條例第5(3)條發出將某個器官從某在生的人的身上切除以移植於另一人體內的批准,而該器官後來沒有被切除,則——
- (a) 安排將有關事宜提交委員會以取得其批准的人;或
- (b) (如(a)段所述述的人已不再牽涉於該事宜)作出或不切除該器官的決定的人,
- 須於該項批准發出後30天內或於委員會應申請所容許的較長限期內,以表格1提供有關資料。

#### 4. 就進口器官提供的額外資料

為施行本條例第7(1)條,下列的額外資料須於進口器官的證明書內提供——

- (a) 器官的種類及數量;
- (b) 器官捐贈人的姓名、年齡及性別;

- (a) a medical practitioner who, in Hong Kong, removed an organ from a donor, whether living or dead, for the purpose of its being transplanted into another person shall supply the relevant information in Form 1 in the Schedule;
- (b) a medical practitioner who, in Hong Kong, transplanted an organ into a person, regardless of whether such organ was removed in Hong Kong or elsewhere, shall supply the relevant information in Form 2 in the Schedule;
- (c) a person who is responsible for making the decision to dispose of—
- (i) an organ for which a Form 1 has already been filed and in which form information is given that the organ is being kept in a hospital, clinic or other institution; or
- (ii) an imported organ for which a certificate was supplied to the board,
- shall supply the information in Form 3 in the Schedule.
- (2) For the purposes of subsection (1)(a) and (b), where more than one medical practitioner is involved in removing or transplanting an organ, any of the medical practitioners may supply the relevant information but the medical practitioner who is in charge of the surgical operation shall ensure that the relevant information is supplied.
- (3) Each form required to be submitted to the board under subsection (1) shall be submitted within 30 days after the relevant event took place or within such longer period as the board, on application, may allow.
- (4) Where the board gave its approval under section 5(3) of the Ordinance for an organ to be removed from a living person for transplant into another person and the organ is subsequently not removed—
- (a) the person who caused the matter to be referred to the board for its approval; or
- (b) where the person referred to in paragraph (a) is no longer involved in the matter, the person who made the decision not to remove the organ,
- shall, within 30 days after such approval was given or within such longer period as the board, on application, may allow, supply the relevant information in Form 1.

#### 4. Additional information for imported organs

For the purposes of section 7(1) of the Ordinance, the following additional information shall be supplied in a certificate for an imported organ—

- (a) type of organ and the quantity;
- (b) name, age and sex of donor;

- (c) 切除器官的日期；
- (d) 如器官捐贈人已去世——
  - (i) 死亡的時間及日期；
  - (ii) 死因 (如知道的話)；
- (e) 會運送該器官的航空公司或承運人的名稱；
- (f) 會於何日運送該器官。

附表

[第 3 條]

表格 1

[第 3(1) 及 (4) 條]

〈人體器官移植條例〉(第 465 章)

〈人體器官移植規例〉

為捐贈而切除器官的資料

	編號： (供內部使用)
<b>I. 器官捐贈人的個人詳情</b>	
全名：..... <small>(請用正體，先寫姓氏)</small>	
香港身分證號碼/護照號碼*：.....	
年齡：.....	
性別：男/女*	
婚姻狀況：單身/已婚*	
<b>(a) <input type="checkbox"/> 在器官切除時，器官捐贈人是在生的——</b>	
(i) <input type="checkbox"/> 器官捐贈人與器官受贈人有血親關係。他們是..... (請述明該血親關係)，現附上證明文本一份。本人信納《人體器官移植條例》第 5(4)(b) (c) 條的規定已獲遵從。	
(ii) <input type="checkbox"/> 器官捐贈人與器官受贈人是一對已婚夫婦。他們的婚姻已持續不少於 3 年，現附上證明文本一份。本人信納《人體器官移植條例》第 5(4)(b) (c) 條的規定已獲遵從。	
(iii) <input type="checkbox"/> 器官捐贈人與器官受贈人既非有血親關係，亦非一對婚姻已持續不少於 3 年的已婚夫婦。人體器官移植委員會已就該項切除及移植透過文件檔案編號..... (日期為.....)，發出批准。	
<b>(b) <input type="checkbox"/> 在器官切除時，器官捐贈人已去世——</b>	
死亡的時間及日期：上午/下午..... / ..... / .....	
死因：.....	
<b>II. <input type="checkbox"/> 被切除的器官</b>	
被切除器官的類別：.....	

- (c) date of removal of organ;
- (d) where the donor is deceased—
  - (i) time and date of death;
  - (ii) cause of death (if known);
- (e) name of airline or carrier by which it is to be sent;
- (f) date on which it is to be sent.

SCHEDULE

[s. 3]

FORM 1

[s. 3(1) & (4)]

HUMAN ORGAN TRANSPLANT ORDINANCE (CHAPTER 465)

HUMAN ORGAN TRANSPLANT REGULATION

INFORMATION ON ORGAN REMOVAL FOR DONATION

	Serial Number: (for internal use)
<b>I. Particulars of the Donor</b>	
Full name: ..... <small>(in BLOCK letters, Surname first)</small>	
HKIC/Passport* No.: .....	
Age: .....	
Sex: M/F*	
Marital status: Single/Married *	
<b>(a) <input type="checkbox"/> The donor was LIVING at the time of the removal of the organ(s)—</b>	
(i) <input type="checkbox"/> The donor and the recipient are genetically related. They are..... (please state the genetic relationship) and a copy of proof is enclosed. I am satisfied that the requirements in section 5(4)(b) (c) of the Human Organ Transplant Ordinance have been complied with.	
(ii) <input type="checkbox"/> The donor and the recipient are a married couple. Their marriage has subsisted for not less than 3 years and a copy of proof is enclosed. I am satisfied that the requirements in section 5(4)(b) (c) of the Human Organ Transplant Ordinance have been complied with.	
(iii) <input type="checkbox"/> The donor and the recipient are neither genetically related nor a married couple whose marriage has subsisted for not less than three years. Approval has been given by the Human Organ Transplant Board for the removal and transplant through File Reference ..... dated .....	
<b>(b) <input type="checkbox"/> The donor was DEAD at the time of the removal of the organ(s)—</b>	
Time and date of death: ..... am/pm; ..... / ..... / .....	
Cause of death: .....	
<b>II. <input type="checkbox"/> Organ(s) removed</b>	
Description of the organ(s) removed: .....	

切除日期: ..... / ..... / .....  
 年 月 日  
 進行器官切除所在的醫院/診所/機構的名稱:  
 (如於診所/機構進行器官切除, 亦請註明其地址)

III.  器官沒有在人體器官移植委員會發出批准後的30天內切除  
 器官的類別 .....  
 人體器官移植委員會已透過文件檔案編號 .....  
 (日期為 .....) 發出批准, 但後來器官切除沒有進行, 因為 (請註明理由):

IV.  器官已切除但未移植  
 器官雖已切除, 但沒有在切除後的30天內進行移植, 因為:  
 (請於適當方格內加上“√”號)  
 (a)  該/該等器官在切除後被認為不能使用——  
 不能使用的器官的類別: .....  
 (在第二部註明多於一個器官已被切除時給須填寫)  
 器官不能使用的理由: .....  
 處置方式: .....  
 處置日期: ..... / ..... / .....  
 年 月 日  
 (b)  # 被切除的器官現存放於:  
 (i)  在本表格第II部註明的醫院/診所/機構  
 (ii)  其他機構 (請註明名稱及地址):

V. 期限的延長  
 已請求延長呈交本表格的期限, 而人體器官移植委員會已發出批准。(請註明批准延長的  
 文件檔案編號及批准日期):

VI. 由以下人士根據《人體器官移植條例》第6條呈交——  
 ..... 醫生 香港身分證號碼/護照號碼\*: .....  
 (請用正楷書寫全名, 凡為姓氏)  
 電話號碼: ..... 傳真號碼: .....  
 地址/醫院名稱: .....  
 日期: ..... 簽署: .....

\* 請刪去適用者刪去。  
 適用於第II部(a)號, 適用於第IV部(a)號。  
 適用於第IV部(b)號。  
 # 凡現時有的器官且適用於第IV部(a)號, 該等器官移植給器官受贈人的人須呈交表格2。如該/該等器官後來被發現不  
 適合移植, 作出該該/該等器官處置的決定的人, 須於處置該/該等器官的30天內向委員會呈交表格3。

Date of the removal: ..... / ..... / .....  
 Day Month Year  
 Name of the hospital/clinic/institution where the removal of the organ(s) took place:  
 (Also state the address if the removal of the organ(s) took place in clinic/institution)

III.  Organ(s) not removed within 30 days after approval given by Human Organ Transplant Board  
 Description of organ .....  
 Approval was given by the Human Organ Transplant Board through File Reference .....  
 dated ..... but no removal subsequently took place because  
 (please state reasons):

IV.  Organ(s) removed but not transplanted  
 The organ(s) was/were removed but no transplant subsequently took place within  
 30 days after the removal because:  
 (please tick as appropriate)  
 (a)  The organ(s), after removal, was/were considered to be unusable—  
 Description of unusable organ(s): .....  
 (Complete ONLY if more than one organ has been removed as stated in Part II)  
 Reason(s) why organ(s) was/were unusable: .....  
 Manner of disposal: .....  
 Date of disposal: ..... / ..... / .....  
 Day Month Year  
 (b)  # The organ(s) removed is/are being kept in:  
 (i)  The hospital/clinic/institution stated in Part II above  
 (ii)  Other institution (please specify name and address):

V. Extension of Deadline  
 A request for extending the deadline for submission of the Form has been made and  
 approval has been given by the Human Organ Transplant Board. (Please state the File  
 Reference and date of the approval for the extension):

VI. Submitted under section 6 of the Human Organ Transplant Ordinance by—  
 Dr. .... HKIC/Passport\* No.: .....  
 (Full name in BLOCK letters, Surname first)  
 Telephone number: ..... Fax number: .....  
 Address/Hospital name: .....  
 Date: ..... Signature: .....

\* Please delete whichever is inappropriate.  
 Please tick if applicable and fill in the information as required.  
 # In future, when the stored organ(s) is/are used for transplant, Form 2 must be submitted by the person who transplants it/them into the recipient. If the organ(s) is/are subsequently found unsuitable for transplant, the person who makes the decision to dispose of the organ(s) must submit Form 3 to the Board within 30 days of the disposal of the organ(s).

- 11
- 1 本表格須由切除器官的醫生填寫，如委員會已發出事先批准對器官並未切除，則本表格須由安插該有關事宜提交委員會以取得其批准的人填寫，如該人已不再參與於其中，則本表格須由作出不切除該器官的決定的人填寫，如該器官的切除涉及多於一名醫生，則其中任何一名醫生均可用表格1提交資料。然而，主管該手術的醫生有責任確保表格1已予提交。
  - 2 應就每名器官捐贈人使用一份表格。
  - 3 除非委員會已批准延長提交表格的期限，否則須於器官切除的30天內提交本表格，如後來器官切除沒有進行，則須於委員會發出批准的30天內提交本表格。

表格 2

[第 3(1) 條]

〈人體器官移植條例〉(第 465 章)

〈人體器官移植規例〉

器官移植的資料

編號： (供內部使用)
<b>I. 器官受贈人的個人詳情</b>
全名：..... <small>(請用正楷，先寫姓氏)</small>
香港身分證號碼/護照號碼*：.....
年齡：.....
性別：男/女*
婚姻狀況：未婚/已婚*
<b>II. 器官的詳細資料</b>
<input type="checkbox"/> 器官是在本地捐贈的—— 器官捐贈人的全名：..... <small>(請用正楷，先寫姓氏)</small>
香港身分證號碼/護照號碼*：.....
<input type="checkbox"/> 器官是進口的—— 請述明根據本條例第 7(1) 條附該器官向委員會呈交的證明書的日期： ..... / ..... / ..... <small>年 月 日</small>
移植的器官的類別：.....
移植的日期：..... / ..... / ..... <small>年 月 日</small>
進行移植器官所在的醫院/診所/機構的名稱： <small>(如於診所/機構進行器官移植，亦請註明其地址)</small> .....

Notes:

1. This form must be completed by the medical practitioner who removed the organ(s) or, where no organ was removed but prior approval was given by the Board, it must be completed by the person who caused the matter to be referred to the Board for its approval or, where that person is no longer involved, by the person who made the decision not to remove the organ. Where more than one medical practitioner was involved in removing the organ, any of them can submit the information in Form 1. However, the medical practitioner who was in charge of the operation is responsible for ensuring that Form 1 is submitted.
2. One form should be used for each donor.
3. Unless the Board has given approval for extension of the submission deadline, this form must be submitted within 30 days of the removal of the organ or the Board's approval if no removal subsequently took place.

FORM 2

[s. 3(1)]

HUMAN ORGAN TRANSPLANT ORDINANCE (CHAPTER 465)

HUMAN ORGAN TRANSPLANT REGULATION

INFORMATION ON ORGAN TRANSPLANT

Serial Number: (for internal use)
<b>I. Particulars of the Recipient</b>
Full name: ..... <small>(in BLOCK letters, Surname first)</small>
HKIC/Passport* No.: .....
Age: .....
Sex: M/F*
Marital status: Single/Married*
<b>II. Particulars of the Organ</b>
<input type="checkbox"/> The organ is donated locally—— Full name of the Donor: ..... <small>(in BLOCK letters, Surname first)</small>
HKIC/Passport* No.: .....
<input type="checkbox"/> The organ is imported—— Please state the date of submission of the certificate accompanying the organ to the Board under Section 7(1) of the Ordinance: ..... / ..... / ..... <small>Day Month Year</small>
Description of the organ transplanted: .....
Date of the transplant: ..... / ..... / ..... <small>Day Month Year</small>
Name of the hospital/clinic/institution where the transplant of the organ took place : <small>(Also state the address if the transplant of the organ took place in clinic / institution)</small> .....





1997年第615號法律公告

釋義及通則條例

臨時立法會決議

人體器官移植規例

臨時立法會於1997年12月17日根據《釋義及通則條例》(第1章)第34(2)條提出和通過的決議。

議決將1997年11月26日提交臨時立法會會議省覽的《人體器官移植規例》(即刊登於憲報的1997年第551號法律公告)修訂——

(a) 在第3條中——

(i) 在第(1)款中——

(A) 將(b)及(c)段分別重編為(c)及(d)段；

(B) 加入——

“(b) 已獲器官貯存庫授權的醫生(就貯存庫委任的技術員在香港從去世的器官捐贈人身上切除作移植於另一人體內用的器官)，須就每個該等器官，以附表內的表格1向委員會提供指明的資料。若該器官貯存庫是在一間醫院或機構之下成立的，則須由該醫院或機構作出該或該等醫生的授權或該或該等技術員的委任；”；

(ii) 在第(2)款中，廢除“(b)”而代以“(c)”；

(iii) 將第(3)及(4)款分別重編為第(4)及(5)款；

(iv) 加入——

“(3) 就第(1)(b)款而言，凡某醫生獲器官貯存庫授權提供有關資料，主管該器官貯存庫的醫生(不論該貯存庫是

L.N. 615 of 1997

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION OF THE PROVISIONAL LEGISLATIVE COUNCIL

HUMAN ORGAN TRANSPLANT REGULATION

Resolution made and passed by the Provisional Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on 17 December 1997.

RESOLVED that the Human Organ Transplant Regulation, published as Legal Notice No. 551 of 1997 and laid on the table of the Provisional Legislative Council on 26 November 1997, be amended—

(a) in section 3—

(i) in subsection (1)—

(A) by renumbering paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(B) by adding—

“(b) a medical practitioner authorized by an organ bank in the case where a technician appointed by the bank removed an organ from a dead donor in Hong Kong, for the purpose of its being transplanted into another person, shall supply the relevant information in Form 1 in the Schedule. In the case where the organ bank is established under a hospital or institution, the authorization of medical practitioner(s) or appointment of technician(s) shall be given or made by the hospital or institution;”;

(ii) in subsection (2), by repealing “(b)” and substituting “(c)”;

(iii) by renumbering subsections (3) and (4) as subsections (4) and (5) respectively;

(iv) by adding—

“(3) For the purposes of subsection (1)(b), where a medical practitioner authorized by an organ bank shall supply the relevant information, the medical practitioner in charge of the organ bank, whether or

否在一間醫院或機構之下成立)，須確保有關資料已予提供。”；

(b) 在附表中——

(i) 在表格 1 中——

(A) 廢除“[第 3(1) 及 (4) 條]”而代以“[第 3(1) 及 (5) 條]”；

(B) 廢除註 1 而代以——

“1. 本表格須由切除器官的醫生或獲器官貯存庫授權(就器官貯存庫委任的技術員從去世的器官捐贈人身上切除器官)的醫生填寫，如委員會已發出事先批准但器官並未切除，則本表格須由安排將有關事宜提交委員會以取得其批准的人填寫，如該人已不再牽涉於其中，則本表格須由作出不切除該器官的決定的人填寫。如該器官的切除涉及多於一名醫生，則其中任何一名醫生均可用表格 1 呈交資料。然而，主管該手術的醫生或主管該器官貯存庫的醫生有責任確保表格 1 已予呈交。”；

(ii) 在表格 2 第 1 部，廢除“未婚”而代以“單身”。

臨時立法會秘書  
馮毅祥

1997 年 12 月 17 日

not the bank is established under a hospital or institution, shall ensure that the relevant information is supplied.”;

(b) in the Schedule—

(i) in Form 1—

(A) by repealing [s. 3(1) & (4)] and substituting “[s. 3(1) & (5)]”;

(B) by repealing Note 1 and substituting—

“1. This form must be completed by the medical practitioner who removed the organ(s) or the medical practitioner authorized by the organ bank in the case where the technician appointed by the bank removed the organ(s) from the dead donor or, where no organ was removed but prior approval was given by the Board, it must be completed by the person who caused the matter to be referred to the Board for its approval or, where that person is no longer involved, by the person who made the decision not to remove the organ. Where more than one medical practitioner was involved in removing the organ, any of them can submit the information in Form 1. However, the medical practitioner who was in charge of the operation or the medical practitioner who is in charge of the organ bank is responsible for ensuring that Form 1 is submitted.”;

(ii) in Part I of Form 2, by repealing “未婚” and substituting “單身”。

Ricky FUNG Choi-cheung  
Clerk to the Provisional  
Legislative Council

17 December 1997