

LETTERHEAD OF THE LAW SOCIETY OF HONG KONG

Our Ref :
Your Ref : FL0204/98/20917
Direct Line :

BY FAX/POST

12 October, 1998

Mrs. Eleanor Chow
Bills Committee
3/F Citibank Tower
3 Garden Road
Central, Hong Kong

Dear Mrs. Chow,

RE: HUMAN REPRODUCTIVE TECHNOLOGY COMMITTEE ("THE BILL")

Members of the Law Society's Family Law Committee have reviewed the Bill and have the following comments:-

Section 36

This section deals with offences and the Committee notes that the Administration has maintained the level of fines at levels 4 and 6. The Committee had made recommendations during the consultation period on this topic and had stated that the level of fines being \$25,000 and \$100,000 respectively are far too low. Members of the Committee felt that as drafted, section 36(2) was almost an invitation to the unscrupulous practitioner to commit a second offence, as the provisions of Section 36(2)(b) contemplates, quite clearly, the possibility of a licensee committing subsequent offences. The level of the fines could almost be regarded as a "disbursement" by an unscrupulous practitioner and as such will not act as a deterrent.

The Committee submits its view that the fines should be substantially increased in order to deter breaches of the provisions.

Yours sincerely,

Joyce Wong
Director of Practitioners Affairs
e-mail: dpa@hklawsoc.org.hk