

**LETTERHEAD OF HOSPITAL AUTHORITY**

Our Ref: HA 752/10/4

23 October 1998

The Secretary  
Bill Committee on Human Reproductive Technology  
c/o The Secretariat  
Legislative Council  
Fax no.:2524 3802

Dear Sir/Madam,

**Human Reproductive Technology Bill**

We have the following comments regarding the Human Reproductive Technology Bill which was gazetted on 4 September 1998 for your consideration:

**Establishment of Council on Human Reproductive Technology**

We do not agree with Section 3(3)(ii) that the persons responsible under licence or the licensee shall not be appointed as members of the Council for the following reasons:

- (a) Assisted Reproductive Technology is complicated and advancing rapidly, and representation from Reproductive Technology Units such as their Directors is essential. They have the necessary expertise to give advice and provide explanation on the spot concerning details related to patient care.
- (b) Due to the large size of the Council, these persons are unlikely to give undue influence on the Council.
- (c) Similar bodies overseas have included representatives of the Reproductive Technology Units as well as patients.

It is also suggested that the memberships of the Council may also include:

- (a) a lay person who has undergone or is still undergoing Assisted Reproductive Technology treatment who could represent the consumer point of view.
- (b) Scientists and clinicians with experience in the field to provide expert advice as and when necessary.

**Functions and Powers of Council**

Section 4(1)(b)(ii) states that the Council shall publish or otherwise make available statistics and summaries concerning relevant activities which have been carried on. It

is strongly suggested that only pooled data are to be released to the public and figures of individual units should not be shown. This is to avoid the figures may act as a surrogate advertisement for the units and the units would implement more selective patient screening policy in order to make their figures look better, in which those couples with more difficult problems may be prevented from being treated at all.

### Prohibitions against the Provision of Reproductive Technology Procedures to Unmarried Persons

It is considered that to confine treatments to couples who are married and to prohibit it to those couples in an unmarried relationship as stated in Section 13 is discriminatory. Similar legislation has been legally challenged successfully overseas.

### Register A

Under Section 30, the Council shall keep and maintain a register which shall contain any information obtained by the Council which falls within Section 30(2). This implies that the Council will keep information including that related to the use of donor gametes or embryos. There is concern on the Council rather than individual units keeping such information. Who will be held responsible if the information is inadvertently released? There are also practical difficulties involved in the transfer of such data and its security.

Another problem is that of donor sperm obtained from overseas by couples for use in Hong Kong. This is happening because donor sperm is very hard to come by in Hong Kong, and the demand from patients is high. There will also be a limit to the number of offspring allowed by one sperm donor in Hong Kong. Appropriately screened sperm is available commercially overseas and can easily be shipped into Hong Kong. This allows many couples to have treatment who would otherwise remain infertile. The data required by the Licensing Body may not be available for sperm obtained from overseas, and this would prevent donor sperm from being imported. This would prevent couples from having treatment here, and it is suggested that this matter be considered in the final drafting of the Bill.

We shall not have representative appearing before the Bills Committee to give oral representation.

Thank you for your attention.

Yours faithfully,

(Dr S H LIU)  
for Chief Executive  
Hospital Authority