

**The Administration's reply to the eight submissions to
LegCo Bills Committee on the Human Reproductive Technology Bill**

- (1) *The fines for offences should be substantially increased in order to deter breaches of the provisions [section 36].*

The levels of penalties in the Bill were determined by reference to the penalties in the Human Organ Transplant Ordinance which has been recently enacted. It was considered that the Bill could not justifiably have significantly higher penalties than Human Organ Transplant Ordinance considering their comparability. The deterrent effect does not only rely on the levels of fines but also the imprisonment and revocation of the license.

- (2) *The licensee and person responsible may be appointed as members of the Council of Human Reproductive Technology [section 3(3)(ii)].*

There will be conflict of interest if licensee and person responsible are appointed as members of the Council.

- (3) *The membership of the Council may also include a lay person who has undergone or is still undergoing RT treatment who could represent the consumer point of view, scientists and clinicians with experience in the field to provide expert advice [section 3].*

There is no restriction to the appointment of laymen to the Council. However, as it may be difficult to identify persons who have received RT treatment, such a requirement should not be explicitly stated.

As stated in section 3(2), there will be 4 members of the Council engaging in the teaching or practice of obstetric and gynaecology or relevant activities. They can provide expert advice as and when necessary.

- (4) *The Council should only make the information of relevant RT activities which have been carried on available through the release of pooled data or in a manner in which units are not*

identified individually instead of publishing lists of statistics and summaries [section 4(b)(ii)].

The purpose to publish or make available the statistics and summaries for RT activities is to allow the public or parties concerned to have better understanding of the issue. The details of the information to be released have yet to be decided by the future Council.

- (5) *RT procedures should not be confined to married couples only [section 13(5)].*

We propose that RT procedures should be restricted to legally married couples, having taken into account the majority of public views that welfare of children could be best protected when they are brought up by married couples.

- (6) *The data required by the Council to be included in the Register A may not be available for sperm obtained from overseas, and this would prevent donor sperm from being imported [section 30].*

The Council in future will make regulations to request the licensee to furnish to the Council necessary and enabling information. The concern of availability of data required regarding imported sperm is noted.

- (7) *Would the organisation which provided the RT service be obliged to perform counselling of the person requesting information [section 30(3)(b)]?*

The provision does not specify who should provide the suitable opportunity to receive proper counselling. The detailed requirement for counselling of the person requesting information will be formulated by the Council in future.

- (8) *Does the Bill have retrospective effect?*

No.

- (9) *Creation of embryo for research should not be entirely prohibited [section 13(1)(a)(i)].*

It was recommended by the former Committee on Scientific Assisted Human Reproduction (SAHR) that no embryo should be deliberately created for the purpose of research. The Provisional Council on RT has also examined the issue and taken into account the ethical and moral issues. It concurs with the recommendation by the Committee on SAHR.

- (10) *Medical practitioners should have the same equal right as other people to be appointed as the Chairperson and deputy Chairperson of the Council [section 3(2)(a)&(b)].*

We are giving further thoughts to this issue.

- (11) *Only the professionals specialised in RT, but not any person as stated in the Bill, should be allowed to be the licensee.*

The comment is noted. Section 20(1) requires an applicant for a licence to furnish to the Council relevant information as the Council requires for determining whether the licence should be granted or refused. In other words, the Council will consider seriously before granting a licence.

- (12) *The Bill does not set out the qualifications required for the person responsible.*

The future Council will look into the details when it is making the regulations.