

## LCQ18: Promoting organ donation

Following is a question by the Hon Elizabeth Quat and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (June 14):

Question:

It is learnt that at present there are nearly 3 000 patients awaiting organ donation in Hong Kong, but Hong Kong is one of the places in the world with lowest deceased organ donation rates, and the waiting time for organ transplant is also becoming increasingly long. During the period between 2015 and 2019, the average waiting time for kidney, liver and heart transplants increased from 51, 43 and 16.1 months to 54, 43.8 and 26 months respectively, and about 150 patients unfortunately died of illness while waiting for transplant in the same period. In this connection, will the Government inform this Council:

(1) of (i) the number of patients waiting for organ transplant, (ii) the average waiting time for organ transplant and (iii) the number of patients who died of illness while waiting for transplant, during the period between 2019 and 2022, with a breakdown by year and the organ the donation of which was awaited;

(2) whether it has plans to set up additional street counters in the 18 districts across the territory and enlist the assistance of the District Services and Community Care Teams to conduct publicity, so as to raise the awareness and willingness of members of the public towards organ donation; if so, of the details;

(3) given that at present, although some members of the public have expressed their wish to donate organs after death, their decision of organ donation after death is still subject to the consent of their family, whether the Government will consider revising the mechanism and making reference to the mode of wills, so as to give legal effect to the donation wishes expressed by organ donors before death; if so, of the details; if not, the reasons for that;

(4) as it is learnt that in respect of the issue of establishing a standing organ transplant mutual assistance mechanism with the Mainland, some people have recently misinterpreted the country's organ donation and transplant mechanism on the Internet, and promoted the idea that registered organ donors should scrutinise the identity of the recipients and even incited others to cancel organ donation registration, of the measures put in place by the Government to combat and clarify such online false statements, so as to increase public confidence in the establishment of a standing organ transplant mutual assistance mechanism with the Mainland; and

(5) as it is learnt that members of the public who have not registered for

organ donation are able to file application for withdrawal of donation via the website of Centralised Organ Donation Register (CODR), and any person can make repeated registrations for other persons, and there are views that such acts will disrupt CODR and increase the burden of administrative work on government personnel, whether the Government will study redesigning the registration and withdrawal process and the system of the CODR website, as well as enhancing the security of the website; if so, of the details; if not, the reasons for that?

Reply:

President,

The consolidated reply, in consultation with the Department of Health (DH) and the Hospital Authority (HA), to the various parts of the question raised by the Hon Elizabeth Quat is as follows:

(1) The number of patients waiting for organ transplant, average waiting time and the number of deaths while waiting for transplant from 2019 to 2022 are listed at Annex.

(2) Over the years, the Government has all along been committed to building a culture that is supportive of organ donation with a view to promoting the trend of organ donation in society and giving patients awaiting organ transplant an extra chance to live a new life.

The Health Bureau (HHB), together with the DH and the HA, have been working with multiple professional community partners in promoting organ donation on various fronts by different means, including setting-up of promotion booths by the DH in venues such as government buildings/offices, exhibitions and activities, schools, hospitals, etc. for more than 4 300 times from 2021 to April 2023. The DH is committed to building a culture which is more receptive to and advocates organ donation in society with a view to encouraging more people to register on the Centralised Organ Donation Register (CODR), such that more patients awaiting an organ transplant will be given a new lease of life. Besides, the HA has conducted a series of media seminars and sessions to strengthen public understanding of organ donation and transplant so as to dispel any concern that they may have.

The HHB, the DH and the HA would continue with the publicity strategies and collaborate with various sectors through various channels in the future. These include setting up organ donation promotion booths in different districts across the city to foster public education and promotion in a multi-pronged approach, setting up street counters in 18 districts across Hong Kong through active liaison with the Home Affairs Department, strengthening publicity through the District Health Centres, as well as exploring the use of the District Services and Community Care Teams to take forward the promotion activities, in a bid to build a culture which is more receptive of and advocates organ donation in society and enhance public awareness of and willingness for organ donation.

(3) Hong Kong has been adopting an "opt-in" system for cadaveric organ donations. Members of the public can carry signed Organ Donation Cards as an expression of wish to donate organs after death, but what is more important is that such wish should be made known to the family members. Under the existing mechanism, even if a deceased person has indicated his/her wish to donate organs after death, organ donation co-ordinators would seek the consent of the family members of the deceased. Should there be any objection from the family members of the deceased, the relevant transplant surgery will not be performed.

Apart from Organ Donation Cards, the DH launched the CODR computer system in 2008 to provide members of the public with an additional convenient means to clearly indicate one's wish for organ donation so that family members and medical staff are aware of the expressed wish. Whenever the HA encounters cases concerning patients with potential brain death, organ donation co-ordinators of the HA would ascertain if the deceased has expressed a wish for organ donation on the CODR, and would approach his/her family members after declaration of brain death. Organ donation co-ordinators would then explain the details of organ donation to the family members and convey to them the deceased's wish so as to seek their consent to the donation of the deceased's organs as soon as possible, thereby saving lives of patients who are in need of organ transplant. Experience shows that most people, upon learning their beloved family member's wish to donate organs after death, are more willing to respect and honour such wishes. The record on the CODR is merely an expression of wish and does not bear any legal effect or binding force.

As regards the adoption of a legislative approach like drawing on overseas experiences to introduce mechanisms such as "automatic organ donation after death" and "opt-out systems", or suggestions like providing Organ Donation Cards or the CODR with legal effect so that it can form part of a will, this is very different from the existing organ donation regime. Organ donation is a selfless and generous act of benevolence. The Government is of the view that organ donation should be promoted through strengthening education and publicity, thus it is not an appropriate juncture to consider mandatory legislations. As a matter of fact, regarding such a controversial topic, mandatory implementation of organ donation through legislative means without sufficient consensus in society may be counterproductive as it may deter those who would like to express their wish for donation. This should be given careful consideration. The Government has no plan to provide the CODR with any legal effect by legislative means at this stage.

(4) The Government noticed some remarks distorting organ donation and even urging others to withdraw registration for organ donation on the Internet recently, going against the spirit of selfless love in organ donation. The HHB expresses regret and condemns such act. As a matter of fact, the nation has made remarkable achievements worldwide in human organ donation work in recent years, while the China Organ Transplant Response System (COTRS) is also highly recognised by the World Health Organization and The Transplantation Society. Besides, the Government has explained on various occasions earlier that the second-tier organ transplant mutual assistance

mechanism under discussion with the Mainland would adopt the principle of "Hong Kong organs for Hong Kong use", whereby the cross-boundary mutual assistance mechanism would only be activated when the donated organs of the deceased in the Mainland or Hong Kong Special Administrative Region could not be successfully matched with patients in the respective places. Arrangements such as Hong Kong's allocation of cadaveric organ donation and queuing arrangement for patients would in no way be affected.

The DH recently observed some abnormalities in the figures relating to withdrawal filed via the website of the CODR. The Police also carried out an arrest operation recently in regard to the alleged illegal use of others' personal information for withdrawal of registrations. The Government appeals to members of the public to keep supporting the selfless and generous act of organ donation and not to hastily withdraw the registration based on false information and misunderstanding which goes against their original intention to save lives and jeopardises the hard-earned atmosphere in support of organ donation in Hong Kong over the years. The HHB will, in collaboration with the medical sector, continue to strengthen explanatory work, so that members of the public can understand more about and support organ donation, thus bringing more hope to the patients.

(5) The Government all along attaches great importance to the protection of privacy for personal data.

The DH has been closely monitoring the operation of the CODR system and enhancing the CODR system in a timely manner. Since late April last year, members of the public can choose to register on the CODR online using "iAM Smart". Moreover, since late May this year, they can use the "Centralised Organ Donation Register (Enquiry of Registration Status)" service of the application to connect to the CODR system, enabling them to check whether they have registered on the CODR.

Meanwhile, the DH is reviewing the procedures of registration and withdrawal application on the CODR system. The system would be updated and relevant procedures would be enhanced at an appropriate time after considering factors including personal privacy and identity verification.