

December 20, 2024

The Editor
Bloomberg

Dear Editor,

We refer to an article titled “Hong Kong’s IVF Rules Send People Into Black Market for Eggs, Embryos” by Kristine Servando published in Bloomberg on 6 December 2024. The article contains misinformation regarding the regulations of reproductive technology procedures under the laws of Hong Kong. It describes and rather sadly sympathises with the condemnable illicit act of two foreigners breaking the law in Mainland China by engaging in commercial egg donation and for-profit surrogacy. The Health Bureau of the Hong Kong Special Administrative (HKSAR) Region Government wishes to put the record straight as follows.

Reproductive technology procedures are distinct from other medical procedures, given that the rights and welfare of children - and not just those of the parents - are at stake. The existing codes governing the provision of reproductive technology should thus take account of social, legal, and ethical aspects in addition to medical considerations. In Hong Kong, such codes are under the remit of the Council on Human Reproductive Technology (the Council), whose composition is statutorily required to comprise persons from different sectors, including persons engaged in the fields of medicine, law, social work, religion, theological or philosophical education, psychology, and sociology. The composition of the Council reflects the holistic considerations that have been given due weight in the formulation of the prevailing codes which reflect current societal values in Hong Kong.

The provision of reproductive technology procedures is regulated by the Human Reproductive Technology Ordinance (Hong Kong Laws Chapter 561) (the Ordinance) enacted in 2000. It aims to promote the healthy practice of reproductive technology in Hong Kong covering the relevant aspects such as: the safety and appropriateness of reproductive technology services and research, respecting human life, preventing human reproductive tissue trading, safeguarding the status of families, protecting the rights of service users, and safeguarding the welfare of children born through reproductive technology.

The article erroneously states that there is a “Hong Kong law punishing unmarried people from doing infertility treatment overseas”. There is no such law in Hong Kong. The truth is that the prohibition of providing reproductive technology procedures to unmarried people applies only to service providers in Hong Kong. The Ordinance has no mention about regulating infertility treatment conducted outside Hong Kong, or restricting/punishing married or unmarried people from seeking infertility treatment overseas.

The law in Hong Kong does however prohibit commercial dealings in gametes, as well as surrogacy arrangements on a commercial basis, regardless of whether the person is

married or unmarried. This prohibition is perfectly in line with the universal principle of prohibition of human organ/tissue trading and the protection of vulnerable populations, i.e. the poor, especially women, who are open to severe exploitation by the rich.

The HKSAR Government is mindful of the ever-progressing technology and societal values evolving around reproductive technology. We will continue to holistically and thoroughly deliberate on the relevant policies together with the Council.

Professor Chung-mau Lo
Secretary for Health
The Government of the Hong Kong Special Administrative Region

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