

PART 8 OF HUMAN ORGAN TRANSPLANT ORDINANCE (CAP. 465)
NOTICE OF APPEAL UNDER SECTION 7F
SPECIFIED FORM

To: The Secretary, Appeal Board (Exemption of Regulated Products)

1. Appellant and Authorized Representative (if any):

A. Full name of

Appellant: _____ (English)

_____ (Chinese)

Address of

Appellant: _____

Telephone No. of

Appellant: _____

B. Full name of Authorized

Representative: _____ (English)

_____ (Chinese)

Address of Authorized

Representative: _____

Telephone No. of Authorized

Representative: _____

C. Address of Appellant for service of documents (if different from the above):

2. Particulars of the regulated product that is the subject matter of the decision under appeal:

3. Particulars of the decision under appeal:

4. Particulars of witness(es) the appellant intends to call at the hearing (if any):

Full Name of Witness: _____

Address of Witness: _____

Telephone No. of

Witness: _____

(Please set them out in full and attach additional sheets, if necessary)

5. The following documents are also attached to this notice:

- (a) A copy of the notice given by the Director of Health of the decision under appeal;
- (b) A statement setting out the grounds of appeal; and
- (c) Supporting documents, including witness statements, the appellant intends to rely in support of the appeal.

Dated this day of
(month, year)

.....
(Signature of Appellant)

GUIDANCE NOTES ON LODGING APPEAL
UNDER SECTION 7F OF THE HUMAN ORGAN TRANSPLANT ORDINANCE (CAP. 465)

Serving the notice

1. This form must be duly completed in writing and delivered in person or sent by post to the Secretariat, Appeal Board (Exemption of Regulated Products) at the address and office hours set out below within 30 days after the date of the notice of the decision given by the Director of Health (**the Director**) under section 7C or 7D of the Human Organ Transplant Ordinance that the appellant wishes to appeal against.

Address: Secretary, Appeal Board (Exemption of Regulated Products), Food and Health Bureau, 19/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong
Office Hours: 9am – 5pm, Mondays to Fridays except public holidays

2. An acknowledgment letter will be issued on the next following office day.

Directions of the Appeal Board

3. The Appeal Board may at any time give directions for clarifying the issues arising on the appeal, e.g. requiring a party to provide to the Appeal Board any particulars or supplementary statements (including witness statements) in the party's custody or control for the determination of the appeal and to give a copy to the other party.

Determining an appeal by oral hearing

4. The appellant and the Director will be notified of the arrangement of the oral hearing at least 21 days before the date appointed.

Request for determining an appeal without an oral hearing

5. If the appellant and the Director agree or inform the Appeal Board in writing that the appeal is to be determined without an oral hearing, the Appeal Board may conduct an appeal without an oral hearing and both parties will be informed in advance of this intention of the Appeal Board and the date, time and place at which the Appeal Board is to meet to determine the appeal.

Determining an appeal on written submission

6. The Director must, within 28 days after being given any written submissions under this notice, submit to the secretary to the Appeal Board (**the secretary**) his comments on the submissions and serve a copy of the comments to the appellant.

Abandonment of appeal

7. The appellant may, at any time, abandon the appeal or any part of the appeal by notice in writing given to the secretary with a copy of the notice to the Director.

Extension of time limits

8. If there is difficulty in giving the notice or providing the particulars within the specified period, the appellant and the Director may apply to the Chairman of the Appeal Board (**the Chairman**) in writing for extension. The Chairman may grant an extension of time either before or after the period in question has expired.

Decision of Appeal Board

9. The Secretary will inform the appellant and the Director of the Appeal Board's decision and a statement of the reasons for the decision by post.

Witness statements to be made on oath or affirmation

10. A witness statement must be made on oath or affirmation. The appellant and the Director may apply to the Chairman in writing with justification for waiving the requirement.

Enquiries

11. The appellant is advised to read sections 7A to 7J of the Human Organ Transplant Ordinance (Cap. 465) and the Human Organ Transplant (Appeal Board) Regulation (Cap. 465B) before lodging this notice of appeal. For enquiries, please contact the Appeal Board Secretariat at 3509 7963 (tel.) or by 2840 0467 (fax).

**PERSONAL DATA IN THE NOTICE OF APPEAL TO THE
APPEAL BOARD (EXEMPTION OF REGULATED PRODUCTS)**

Purpose of Collection

1. The personal data the appellant provide in the Notice of Appeal will be used by the Appeal Board (Exemption of Regulated Products) (“Appeal Board”) for the following purposes:
 - (a) activities relating to the appeal lodged by the appellant to the Appeal Board; and
 - (b) facilitating communication between the Appeal Board and the appellant.
2. The provision of personal data by means of the Notice of Appeal is obligatory by virtue of section 4 under the Human Organ Transplant (Appeal Board) Regulation. If the appellant does not provide sufficient information, the Appeal Board may not be able to process his/her appeal.

Classes of Transferees

3. The personal data the appellant provides by means of the Notice of Appeal may be disclosed to the other party to the appeal and the relevant government departments/organizations for the purposes mentioned in paragraph 1 above.

Access to Personal Data

4. The appellant has a right of access and correction with respect to personal data as provided for in sections 18 and 22 and Principle 6 of the Schedule 1 of the Personal Data (Privacy) Ordinance. The appellant’s right of access includes the right to obtain a copy of the Notice of Appeal and/or other documents provided by the appellant containing his/her personal data.

Enquiries

5. Enquiries concerning the personal data collected by means of the Notice of Appeal, including the making of access and corrections, should be address to:

Secretary, Appeal Board (Exemption of Regulated Products)
Food and Health Bureau
19/F, East Wing
Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Tel. No.: 3509 7963
Fax. No.: 2840 0467