

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), Health Bureau, 19/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong

Office Hours: 9am – 1pm & 2pm – 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 8961 (tel.) or by 2840 0467 (fax).