



## The Legal Age for Organ Donation from a Living Donor

The recent incidence of an underaged adolescent (less than 18 years old) indicating her wish to be the donor for her mother with liver failure has raised the controversy on the legal age for organ donation from a living donor. The hospital organ donation team refused her request for being the living donor because she was not an adult (18 years or above) and therefore she was not supposed to make independent medical decision from the legal perspectives.

The Hong Kong Paediatric Foundation fully supports the decision of the organ donation team from Queen Mary Hospital for the following reasons:

- (1) Organ donation is an admirable action to save lives. However, as medical profession, we should consider the medical ethics especially regarding organ donation by living donors in which the life of a healthy person is risked in saving or improving the life of another person (i.e. a patient).
- (2) Organ donation by living donors is considered to be a major medical decision because of the potential risk and harm to the living donor. Hence the living donor should be an adult who could fully understand the health consequences of the donation and make independent decision.
- (3) Directed donation by living donor to family members prompts distinct ethical concerns. The donor may feel pressured to donate when they have a sick family member. Hence, this decision should not leave to a minor younger than 18 years of age who may not be mature enough to understand the risks or to make independent decisions.
- (4) The legal age of an adult is set at 18 years or above by WHO, UNICEFF, United Nations and many international child health organizations such as International Pediatric Association (IPA) based on many ethical, developmental and practical considerations and deliberations. Anybody under this age should be considered as a minor and should not be responsible to make independent medical decisions that may pose health or psychological consequences to them.
- (5) According to the United Nation Charter on Children's Rights, the definition of a "Child" is referred to those of 0-18 years of age. All children and youth under this age range should be protected from unnecessary risks and harm. Living donation from this age group is inappropriate under any circumstances for the notion of doing no harm to children and youth.
- (6) Based on the above reasons, any legal or political means by local authorities to move the effective age of adulthood is ethically and morally INADVISABLE and should not be compelled whatsoever!

As a professional child health organization, the Hong Kong Paediatric Foundation fully appreciates the recent urgent situation of organ donation for a critical patient. However, we have to emphasize the importance to respect the Guideline of Organ Donation from Living Donors and to safeguard the rights and benefits of our children and youth who are underage. We sincerely hope more people can support organ donation from cadavers and sign up for Centralised Organ Donation Register set up by the HKSAR government to bring new life to those who are waiting for organ transplant.