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Professor Lee Eng Hin
Chairman
Human Embryo and Chimera Research Working Group
Bioethics Advisory Committee
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Dear Sir

INVITATION TO COMMENT ON CONSULTATION PAPER

We refer to your letter dated 7 November 2007 inviting the Law Society to provide its comments on the issues set out in the consultation paper entitled "Donation of Human Eggs for Research".

The Society appointed an ad hoc committee to review the consultation paper.

We are pleased to enclose our ad hoc committee's feedback on the matter for your consideration.

Thank you for giving the Society the opportunity to give our views on the matter.

Yours faithfully



Alvin Chen
Director
Representation and Law Reform

Enc.



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4 JANUARY 2008

THE LAW SOCIETY OF SINGAPORE

**AD HOC COMMITTEE'S FEEDBACK ON THE
BIOETHICS ADVISORY COMMITTEE'S
CONSULTATION PAPER ON DONATION OF HUMAN
EGGS FOR RESEARCH**



THE LAW SOCIETY
OF SINGAPORE

COMMENTS ON THE BIOETHICS ADVISORY COMMITTEE'S CONSULTATION PAPER ON DONATION OF HUMAN EGGS FOR RESEARCH

1. We have been appointed by the Law Society of Singapore to provide our comments on the Consultation Paper by the Bioethics Advisory Committee ("BAC") on Donation of Human Eggs for Research ("the Consultation Paper").
2. All members of this ad-hoc committee are involved in advising and representing individuals and organisations in the health care industry as part of their legal work.
3. We set out below our views on the issues raised at paragraph 5 of the Consultation Paper, in the order that they appear.

(1) Whether healthy women not undergoing fertility treatment should be allowed to donate eggs for research, and if so, under what conditions

4. It appears that the donation of eggs for research by women not undergoing fertility treatment is currently already permitted. In principle we have no objections to this being so, but are of the view that this should be subject to the following conditions:-
 - (1) detailed and informed consent to be obtained and documented. We would advocate that the consent be obtained by someone other than the healthy donor's doctor;
 - (2) there should not be any undue influence or incentives being paid to the donors;
 - (3) at the same time, we acknowledge that for healthy women who donate their eggs for research, in the event that they suffer injury or some harm as a result of their altruistic actions, they should have recourse to treatment without the burden of paying the medical expenses. We would propose a mandatory no fault based insurance coverage for donors which will provide for full payment of medical expenses in the event of an

immediate complication or risk materialising during the egg collection process as well as a compensation for the longer term risks that can be attributed to the egg donation. We recognise that with regards the risk of future cancer from ovarian stimulation, this appears to be low (paragraph 25 of the Consultation Paper) and that there may be difficulties in establishing that the cancer(s) have been caused by egg donation related procedures. Nevertheless, we are of the view that in principle compensation for these risks should be addressed in line with the current practice for clinical trials.

(2) Whether egg donors for research should be compensated for time, inconvenience and risk, and if so, what type of compensation or monetary amount would be acceptable and not amount to an inducement

5. We recognise that in clinical trials, particularly those involving healthy subjects, subjects are sometimes paid for their time and expenses during the course of their participation in the trial. We are of the view that similarly, some compensation should be paid to healthy women who donate their eggs for research because of the time and expenses that these donors would have to expend. This may indirectly help to increase the number of eggs obtained for research but we do not feel that merely compensating these donors in a modest sum to cover their time and expenses would necessarily amount to an undue inducement to them to participate. What may be appropriate to consider is a reasonable lump sum compensation for the time and inconvenience involved in the process on a per cycle basis and this would also bring this in line with current practices for clinical trials involving healthy participants.
6. We suggest the amount paid to donors be regulated by guidelines which prescribe a limited range of payment.
7. Compensation for risks can take the form of mandatory insurance as discussed above.

(c) Whether there are circumstances in which the compensation for eggs could amount to a sale and if so whether such sale should ever be contemplated

8. Egg donation can be said to be analogous to organ donation. Just as the sale of organs is prohibited under current legislation, the sale of eggs for whatever purpose should also be prohibited.
9. If a donor obtains payment in excess of reasonable compensation for time spent and inconvenience, and stands to profit financially from the donation, the donation could foreseeably amount to a sale. This is to be guarded against.
10. It is also important for there to be no co-relation between the amount of compensation payable and the quantity or quality of eggs obtained.

(d) Any prohibitions, limits or regulatory mechanisms that should govern the supply and use of human eggs for research in Singapore

11. Limits on donor age and the number of times a donor may make a donation should be considered. This can help to ensure that the risks to donors are minimized.
12. The issue of mandatory counselling for the donor should also be considered as the donation involves both immediate side-effects and possible long term consequences which are important for the healthy donor to know and deliberate upon. Consent should not be taken by treating physicians but by independent third parties.
13. We also suggest a formal regulatory framework which applies to research institutions, researchers and private companies involved in the procurement of eggs for research, which should all be licensed under the existing legislation and guidelines which apply to centres engaged in in-vitro fertilisation for treatment. This is to prevent a situation where the ethical standards of conduct may vary depending on whether or not the institution is regulated under the Private Hospitals and Medical Clinics Act.

(e) Any other matters related to donation of human eggs for research

14. In considering mandatory insurance, the possibility of donors exploiting the scheme for the benefit of insurance coverage for cancer should be addressed.

Dated this 4th day of January 2008