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Government working party
suggests sweeping reforms

ABORTION ON DEMAND LAW

by
Sa Ni Harte

ABORTION on demand may soon become a reality in Hongkong if laws being drafted by the Legal Department are passed by the Governor-in-Council.

The sweeping reforms now being readied would mean an end to the controversial conditions under which abortions are at present allowed.

To be called the Offence Against the Person Amendment Bill, the revision is based on the recommendations made by a government working party consisting of members of the Legal Department, Home Affairs Department, Social Welfare Department, Medical and Health Department and the secretary for Social Services.

The working party submitted their recommendations in a report to the Governor-in-Council of which certain ideas were accepted in principal.

These recommendations include extending the law in line with what is offered women under the British law and to include economic considerations as a criterion for abortion.

In Britain, the abortion law encompasses the welfare of existing children and the foetus itself. The purpose is to bring economic and sociological considerations into play.

These are particularly important since a situation may often exist where no actual injury is suffered by the woman but where the addition of an unwanted child may restrict the development of the family unit.

Another suggestion believed to have been made is that unmarried teenagers under the age of 16 should be encouraged to have abortions unless it is medically inadvisable or there are other overriding considerations.

Also, the view of the father should be taken into account, but limiting his right and leaving the ultimate decision to the mother and physician.

The working party also called for regular revision of protective and restrictive legislation so as to allow expansion of the grounds for legal abortion with the final goal being a total de-control so that abortion can be carried out in recognised hospitals or licensed private clinics which are inspected regularly and staffed by qualified doctors.

The full control of such establishment should rest with the Director of Medical and Health.

Another call is for educating the public to the facilities that are available or will be made available in the future. It is felt that with proper publicity, illegal abortions will be eradicated.

At present, a woman can only obtain a legal abortion in Hongkong when two doctors feel that the continuance of the pregnancy would be a risk to her life or damage her physical or mental health.

There are now 12 institutions in Hongkong where women can obtain a legal abortion - Alice Ho Miu Ling Nethersole

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Hospital, the Hongkong Adventist Hospitals in Stubbs Road and Tsunwan; Hongkong Buddhist Hospital, Hongkong Central Hospital, Hongkong Sanatorium and Hospital, Matilda and War Memorial Hospital, Pok Oi Hospital, Kwong Wah Hospital, Tung Wah Hospital, Tung Wah Eastern Hospital and United Christian Hospital.

But the conditions under which a legal abortion are at present permitted have been described as ambiguous.

Urban Councillor Dr Denny Huang feels that the term mental health is too flexible a term and "this would depend very much on the ethics or sympathy of the doctors toward the woman when they make the diagnosis."

"Just consider what a mental strain it would be if a woman who wanted an abortion is turned down by these doctors?" he asked.

"I feel the restrictions should be lifted," Dr Huang said. "This will wipe out back-street abortionists and bring Hongkong medically up to par with the rest of the world."

The chairman of the Christian Industrial Committee, Dr L.K. Ding, called for greater liberalisation when the abortion law was first introduced.

Dr Ding said that in the first trimester (the first three months of pregnancy) the sole decision should lie with the women and it should be "abortion on demand." If she is married, the woman can consult her husband.

In the second trimester, the doctor has a role to play in consenting to perform the operation and if he finds it is too risky, his decision can override the woman's request.

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