

## *Child's interests should guide fertility decisions*

**Winnie Chow** says our rules on treatment for would-be parents need to reflect social norms

**H**ong Kong's Human Reproductive Technology Ordinance deals with cutting-edge medical science, but the approach behind it is conservative and outdated. It should be revised in line with current social norms and reality. The main issue at stake should be: what is in the child's best interest? And this comprises several factors, all of which relate to the individuals who are seeking to become parents.

For example, the ordinance prohibits reproductive technology assistance to anyone other than married couples, yet it does not stipulate an upper age limit for a woman to try to conceive through the process (although there are restrictions on the minimum age). Elsewhere in the world, this has led to women in their late 60s, and even 70, giving birth as a result of fertility treatment.

While the majority of families in Hong Kong still consist of married parents and children, this is not the only social norm. Increasingly, couples choose to live as unmarried partners and parents in an enduring family relationship. Same-sex couples are also increasingly accepted and recognised in Hong Kong – as evidenced by recent amendments to the Domestic and Cohabitation Relationships Violence Ordinance – and there are also many single parents in our society.

Single parenthood is permitted by the Adoption Ordinance. As such, who is to say that mothers

and fathers who are married make better parents than those who are unmarried, or that a single parent, or two fathers or two mothers, would not provide the kind of nurture and care that is in the best interests of the child?

There are many social and ethical issues to consider. At the end of the day, it is the qualities of individual, potential parents that we should focus on. The conservative idea that there is stigma attached to a child born of unmarried parents is a narrow, outdated view.

But open-mindedness about the type of person who makes a good parent should not mean we set no boundaries. Again, the interests of the child should guide us. The lack of an upper age restriction for a person seeking reproductive technology treatment, coupled with the fact that guidelines are not legally binding, creates many ethical implications, particularly from a child welfare perspective.

For example, what are the chances of parents in their late 60s bringing up a baby to adulthood? It is far more likely that these children will lose their parents at a tender age. Surely this cannot be in the child's best interest.

Winnie Chow is a partner at Hampton, Winter and Glynn. She is actively involved in the advancement of family law in Hong Kong and is a member of the Council on Human Reproductive Technology. She writes here in a personal capacity