

# Maternal Mystery: Babies Bring Joy, and Questions, in Hong Kong

Bachelor Businessman Welcomes Triplets With Fanfare; A Lucky Number

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HONG KONG—The photos of triplets born into a billionaire family that were splashed across the front pages of local papers in October made for a great story.

Their proud grandfather, Lee Shau-kee, the 82-year-old chairman of property developer [Henderson Land Development](#) Ltd. and one of the richest men in Asia, held up the three baby boys swathed in blue. Next to him stood the father, Peter Lee, the bachelor vice chairman and heir apparent to the Henderson empire.

There was only one thing missing: their mother.



Proud grandfather Lee Shau-kee, the 82-year-old chairman of property developer Henderson Land Development Ltd. and one of the richest men in Asia, with an armful of triplets.

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The question of her identity has since sparked debate and confusion over surrogacy's legality in Hong Kong. Many Hong Kong couples are going to the U.S. to find and pay a woman to bear their children. But a decade-old Hong Kong law deems commercial surrogacy—in which the surrogate mother is paid—a crime, regardless of where it takes place.

Back in October, the Lee family announced the arrival of triplets with much fanfare: a press release, photos, a donation to a local hospital and bonuses of HK\$10,000, or about \$1,300, for each of Henderson Land's approximately 1,300 employees.

The fact that the newborns were triplets was especially auspicious: Three is a lucky number in Cantonese and sounds like the word "birth." But 47-year-old Peter Lee's bachelorhood immediately focused media attention on the mother's identity.

Several local newspapers reported that the triplets were born to a paid surrogate mother in California. When asked at the time about the allegation, a Henderson representative said: "The newspapers have said it all." Henderson representatives wouldn't comment further on the matter and Peter Lee's office didn't respond to questions.

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The story might have stayed a bit of gossip if it weren't for the Human Reproductive Technology Ordinance, passed in 2000, which, among other things, bans commercial surrogacy.

At a regular meeting of Hong Kong's legislature Dec. 1, lawmaker Cyd Ho questioned whether authorities have looked into a case concerning a "male Hong Kong permanent resident" who "recently issued a press release on the triplets born to him"—though she didn't identify the resident by name. "It gives the message that anybody can violate the law in Hong Kong

without getting caught," she said of the case in a later interview.

"Surrogacy with commercial interest is the same as the trade of organs," said Ms. Ho. "It is still a trade, and women from poverty may be compelled into this transaction."

She declined to specify whether she was referring to the Peter Lee case in her remarks in the legislature. "I'm not going against a certain individual," she said.



The Lee triplets

As it turns out, a government body called the Council of Human Reproductive Technology has reported to police a suspected violation of the surrogacy law, police confirm. It is the first case in the law's 10 years of existence, the Council said. The Council wouldn't say whom the case involved.

The case is pending police investigation, said a government official, who noted that the law would apply to cases even in which payment is made outside of Hong Kong.

Hong Kong isn't alone in banning commercial surrogacy. Australia, the Netherlands and France also forbid the practice. Surrogacy laws in the U.S. are determined by states. In New York, for instance, it is illegal.

Despite the law, Hong Kong's interest in surrogate motherhood is providing clients for a number of agencies in the U.S. California, where a 1993 California Supreme Court decision upheld the legality of a commercial surrogate arrangement, is a popular destination.

The Surrogacy Center Hong Kong, based in Laguna Niguel, Calif., caters to Hong Kong parents looking for surrogate mothers in the U.S.

"Knock on wood, we haven't had any legal issues yet," says Hilary Neiman,

an attorney for the center, founded six years ago.

She says about 40% of clients are single men who pay anywhere from \$20,000 to \$35,000 for a surrogate mother, "depending on her experience." Hong Kong's ban on commercial surrogacy, combined with its affluent, well-traveled population, make it a sizable market for U.S. agencies. For international parents, the entire process is done in the U.S.—from sperm donation to the birth, according to surrogacy coordinators. Lawyers are called in for both parties, contracts are drawn up and requests (for example, that the mother eat only organic food) are laid out. Parents pay all medical bills.

Michelle Davis, a program coordinator at the Surrogacy Source, an agency based in Irvine, Calif., says that one-third of its international clients are from Hong Kong.

Karen Roeb, a clinical administrator at Fertility Miracles, a Beverly Hills, Calif.-based agency, says 65% of its business is international, with many clients from Asia, including from Hong Kong.

Ms. Roeb says none of her Hong Kong clients have ever had any legal difficulty. "I don't consider what we are doing as illegal," she says. "We're seeing more and more recent cases from Hong Kong," says Lori Meyer, a fertility attorney based in Los Angeles. Ms. Meyer said she was unaware that the Hong Kong ban applies to international transactions. The law is phrased in unusually universal terms: "No person shall, whether in Hong Kong or elsewhere, make or receive any payment for initiating or taking part in any negotiations with a view to the making of a surrogacy arrangement."

Even some Hong Kong legal experts are befuddled by the law. "I didn't notice the absurdity of this until I read the ordinance because of the news," says Ronny Tong, a barrister and member of the Hong Kong Legislative Council, in reference to the ban's extraterritorial reach. "I think it's crazy, it's unimaginable," he laughs.

"If other people around the world knew about this, we will become the international laughing stock."