

C007E

Amend the Mental Health Ordinance.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Mental Health (Amendment) Ordinance 2000.

2. Effect of guardianship order

Section 44B(1)(c) of the Mental Health Ordinance (Cap. 136) is amended by repealing "治療、第 59ZA 條所指的" and substituting "第 59ZA 條所指的治療或".

3. Board may make guardianship orders

Section 59O(3)(c) is amended by repealing "intrusive" and substituting "intrusive".

4. Term and effect of guardianship order

Section 59R(3)(c) is amended by repealing "治療、第 59ZA 條所指的" and substituting "第 59ZA 條所指的治療或".

5. Review of guardianship orders

Section 59U(6)(a)(i) is amended by adding "of" after "case".

6. Section added

The following is added---

"59ZBA. Prohibition against organ transplant

(1) Nothing in this Ordinance shall be construed as enabling the removal, in the course of any treatment or special treatment of a mentally incapacitated person who has attained the age of 18 years and is incapable of giving consent to the carrying out of such treatment or special treatment, as the case may be, from that person of any organ for the purpose of transplanting it into another person.

(2) In this section, "organ" (器官) has the same meaning as in section 2 of the Human Organ Transplant Ordinance (Cap. 465).".

Explanatory Memorandum

This Bill amends the Mental Health Ordinance (Cap. 136) (the "Ordinance") so as to prohibit the removal, from any mentally incapacitated person who has attained the age of 18 years and is incapable of giving consent, of any organ as defined in section 2 of the Human Organ Transplant Ordinance (Cap. 465) for the purpose of transplanting the organ into another person (clause 6). The Bill also contains some textual amendments to the Ordinance (clauses 2 to 5).