

**File reference: FH CR 1/3261/14**

## **LEGISLATIVE COUNCIL BRIEF**

Mental Health Ordinance  
(Chapter 136)

### **Declaration of Mental Hospital (Consolidation) (Amendment of Schedule) Order 2016**

#### **INTRODUCTION**

At the meeting of the Executive Council on 22 November 2016, the Council ADVISED and the Acting Chief Executive ORDERED that the Declaration of Mental Hospital (Consolidation) (Amendment of Schedule) Order 2016 (“the Order”) at **Annex A** should be introduced into the Legislative Council (“LegCo”).

#### **JUSTIFICATIONS**

##### **Kwai Chung Psychiatric Observation Unit**

2. The Mental Health Ordinance (“MHO”) (Cap. 136) and its subsidiary legislation provide a legal framework for the care and supervision of mentally incapacitated persons. Under section 3(1) of the MHO, the Chief Executive (“CE”) may by order declare any place which is the property of the Government to be a mental hospital for the detention, custody, treatment and care of mentally disordered persons. The mental hospitals so declared are specified in the Schedule to the Declaration of Mental Hospital (Consolidation) Order (Cap. 136 sub. leg. B). Among them is the Kwai Chung Psychiatric Observation Unit.

3. Under the existing legislation, the Kwai Chung Psychiatric Observation Unit comprises the following parts of the Kwai Chung Hospital (excluding the stairways and lift wells) –

- (a) the second floor of Blocks L, M, G and H;
- (b) the seventh floor of Blocks G and H;
- (c) the sixth, ninth and tenth floors of Blocks L and M; and
- (d) the third floor of Block G.

### **Redevelopment of Kwai Chung Hospital**

4. During the redevelopment of the Kwai Chung Hospital, Blocks G and H of the Hospital will be demolished to make way for the construction of a new hospital building.

#### *Decanting Arrangement*

5. The Hospital Authority (“HA”) proposes that patients accommodated or to be accommodated in Blocks G and H of the Kwai Chung Psychiatric Observation Unit be relocated to the fourth floor of Blocks L and M of the Kwai Chung Hospital. In order to carry out the decanting arrangement, an order made by CE under section 3(1) of the MHO is necessary before patients could be relocated.

#### *Implementation Schedule*

6. In light of the progress of the redevelopment of Kwai Chung Hospital, HA plans to start the decanting arrangement in March 2017. Subject to LegCo’s negative vetting, the Order would come into effect on 10 February 2017.

7. As it would take some time for all patients accommodated in Blocks G and H to be transferred to Blocks L and M, HA does not intend to remove Blocks G and H from the Kwai Chung Psychiatric Observation Unit at this stage. We will make further order(s) to update the locations of the Kwai Chung Psychiatric Observation Unit (including the removal of obsolete locations) as and when appropriate.

### **THE ORDER**

8. The Order declares the fourth floor of Block L and M of the Kwai Chung Hospital as part of the Kwai Chung Psychiatric Observation Unit.

9. The existing provision being amended is at **Annex B**.

## **LEGISLATIVE TIMETABLE**

10. The legislative timetable of the Order will be –

Publication in the Gazette	9 December 2016
Tabling at LegCo	14 December 2016
Commencement of the Order	10 February 2017

## **IMPLICATIONS OF THE PROPOSAL**

11. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal does not have economic, civil service, sustainability, family, gender or environmental implications. LegCo Finance Committee approved funding in April 2016 for phase 1 of the redevelopment, which involves renovation works at Blocks L and M of the Kwai Chung Hospital for decanting purposes.

## **PUBLIC CONSULTATION**

12. We have consulted the LegCo Panel on Health Services (“the Panel”) which has indicated support to the redevelopment proposals of the Kwai Chung Hospital including the decanting arrangement. We have also informed the Panel on the making of the Order on 28 November 2016.

## **PUBLICITY**

13. A spokesperson will be available to answer media and public enquiries.

## **ENQUIRIES**

14. Any enquiries on this brief can be addressed to Mr FONG Ngai, Principal Assistant Secretary for Food and Health Bureau (Health) (Tel: 3509 8917).

**Food and Health Bureau**  
**7 December 2016**

Declaration of Mental Hospital (Consolidation) (Amendment of Schedule) Order  
2016

Section 1

1

**Declaration of Mental Hospital (Consolidation)  
(Amendment of Schedule) Order 2016**

(Made by the Chief Executive under section 3 of the Mental Health Ordinance (Cap. 136) after consultation with the Executive Council)

**1. Commencement**

This Order comes into operation on 10 February 2017.

**2. Declaration of Mental Hospital (Consolidation) Order amended**

The Declaration of Mental Hospital (Consolidation) Order (Cap. 136 sub. leg. B) is amended as set out in section 3.

**3. Schedule amended**

The Schedule, item 2(c), before “sixth”—

**Add**

“fourth.”.



Chief Executive

1 December 2016

Declaration of Mental Hospital (Consolidation) (Amendment of Schedule) Order  
2016

Explanatory Note

Paragraph 1

2

**Explanatory Note**

The Kwai Chung Psychiatric Observation Unit is a place declared to be a mental hospital under section 3 of the Mental Health Ordinance (Cap. 136). This Order declares the fourth floor of Blocks L and M of the Kwai Chung Hospital as part of the Observation Unit, by amending the Declaration of Mental Hospital (Consolidation) Order (Cap. 136 sub. leg. B).

Chapter:	136B	DECLARATION OF MENTAL HOSPITAL (CONSOLIDATION) ORDER	Gazette Number	Version Date
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Schedule:		SCHEDULE	L.N. 61 of 2006	01/04/2006
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[paragraph 2]

1. Castle Peak Hospital

The hospital at Tsing Chung Koon Road, Tuen Mun, known as the Castle Peak Hospital, but excluding the entire Block B and Ward D102 of Block D of that hospital. (L.N. 104 of 2002; L.N. 61 of 2006)

2. Kwai Chung Psychiatric Observation Unit

That part of the Kwai Chung Hospital, Lai King Hill Road, Kwai Chung, known as the Kwai Chung Psychiatric Observation Unit and consisting of-

- (a) the second floor of Blocks L, M, G and H;
- (b) the seventh floor of Blocks G and H;
- (c) the sixth, ninth and tenth floors of Blocks L and M; and
- (d) the third floor of Block G,

of that hospital, but excluding the stairways and lift wells on those floors. (L.N. 104 of 2002)

3. Pamela Youde Nethersole Eastern Psychiatric Observation Unit

All those parts of the Pamela Youde Nethersole Eastern Hospital known as Wards G3, J3, H3, K3, G4, J4, H4, K4, H5 and K5 collectively known as the Pamela Youde Nethersole Eastern Psychiatric Observation Unit, being all the third floor, fourth floor and fifth floor (excluding Wards G5 and J5), excluding the stairways, lift lobbies and lift wells, of the Special Block. (L.N. 41 of 1995)

4. New Territories East Psychiatric Observation Unit

All those parts of the Tai Po Hospital, Chuen On Road, Tai Po known as Wards 2AR, 2AL, 2BR, 2BL, 2CR, 2CL, 2DR and 2DL on the second floor of the Main Block and collectively known as the New Territories East Psychiatric Observation Unit. (L.N. 169 of 2000)

5. Kowloon Psychiatric Observation Unit

All those parts of the Kowloon Hospital, 147A Argyle Street, Kowloon known as Wards 9D and 9E (on the ninth floor of the Main Building) and Wards 10D and 10E (on the tenth floor of that building) and collectively known as the Kowloon Psychiatric Observation Unit.