

File reference: FH CR 1/3261/14

LEGISLATIVE COUNCIL BRIEF

Mental Health Ordinance
(Chapter 136)

Declaration of Mental Hospital (Consolidation) (Amendment) Order 2018

INTRODUCTION

A At the meeting of the Executive Council (“the Council”) on 8 May 2018, the Council ADVISED and the Chief Executive (“CE”) ORDERED that the Declaration of Mental Hospital (Consolidation) (Amendment) Order 2018 (“the Order”) at **Annex A** should be made under section 3(1) of the Mental Health Ordinance (“MHO”) (Cap. 136).

JUSTIFICATIONS

Kowloon Psychiatric Observation Unit

2. The MHO and its subsidiary legislation provide a legislative framework for the care and supervision of mentally incapacitated persons. Under section 3(1) of the MHO, 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 Kowloon Psychiatric Observation Unit.

3. Under the existing legislation, the Kowloon Psychiatric Observation Unit comprises “[a]ll 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)”.

4. There are 180 psychiatric beds in the Kowloon Psychiatric Observation Unit for the detention, custody, treatment and care of mentally disordered persons residing in the Kowloon Central Cluster (“KCC”) and the Kowloon East Cluster (“KEC”) of the Hospital Authority (“HA”).

Extension of the Kowloon Psychiatric Observation Unit

5. With the growing demand for inpatient psychiatric services in KCC and KEC, HA proposes to extend the Kowloon Psychiatric Observation Unit by adding a new psychiatric ward, which will be known as “Ward 8D” of the Main Building of the Kowloon Hospital. The proposal includes 40 additional psychiatric beds in the new ward, representing an increase of 22%.

6. The new ward will relieve the overcrowding situation of the Kowloon Psychiatric Observation Unit. Patients will have additional floor space to receive more therapeutic activities.

Implementation Schedule

7. HA plans to put the new ward into operation in October 2018. Subject to LegCo’s negative vetting, the Order would come into effect on 1 October 2018.

THE ORDER

8. The Order declares the Ward 8D (on the eighth floor of the Main Building) of the Kowloon Hospital as part of the Kowloon Psychiatric Observation Unit.

9. The relevant existing provision of Cap. 136 sub. Leg. B is at **Annex B**.

B

LEGISLATIVE TIMETABLE

10. The legislative timetable of the Order will be –

Publication in the Gazette	18 May 2018
Tabling at LegCo	23 May 2018
Commencement of the Order	1 October 2018

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, gender or environmental implications. The addition of a new psychiatric ward would enhance the inpatient psychiatric services, which would in turn help relieve the worries and burden of the patients' family members. The additional resources required for the new psychiatric ward has been included in the 2018-19 Budget.

PUBLIC CONSULTATION

12. We have consulted the LegCo Panel on Health Services ("the Panel") on 24 April 2018 and the Panel has no objection to the proposal.

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 Chris FUNG, Principal Assistant Secretary for Food and Health Bureau (Health) (Tel: 3509 8917).

Food and Health Bureau
16 May 2018

**Declaration of Mental Hospital (Consolidation)
(Amendment) Order 2018**

(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 1 October 2018.

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—

Repeal item 5

Substitute

“5. Kowloon Psychiatric Observation Unit

The following parts of the Kowloon Hospital, 147A Argyle Street, Kowloon (collectively known as the Kowloon Psychiatric Observation Unit)—

- (a) Ward 8D on the eighth floor of the Main Building;
- (b) Wards 9D and 9E on the ninth floor of the Main Building;
- (c) Wards 10D and 10E on the tenth floor of the Main Building.”.



Chief Executive

J May 2018

Explanatory Note

The Kowloon Psychiatric Observation Unit at the Kowloon Hospital is a place declared to be a mental hospital under section 3 of the Mental Health Ordinance (Cap. 136). It is specified in the Schedule to the Declaration of Mental Hospital (Consolidation) Order (Cap. 136 sub. leg. B) (*principal Order*). The Unit consists of certain parts of the Hospital.

2. This Order amends the principal Order to declare Ward 8D on the eighth floor of the Main Building of the Hospital as part of the Unit.

Declaration of Mental Hospital (Consolidation) Order

Schedule

S-2

Paragraph 1

Cap. 136B

Schedule

[para. 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 fourth, sixth, ninth and tenth floors of Blocks L and M; and (*L.N. 185 of 2016*)
- (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*)

Declaration of Mental Hospital (Consolidation) Order

Schedule

S-4

Paragraph 4

Cap. 136B

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. (*L.N. 61 of 2006*)