

LEGISLATIVE COUNCIL BRIEF

Mental Health Ordinance
(Chapter 136)

DECLARATION OF MENTAL HOSPITAL (CONSOLIDATION) (AMENDMENT) ORDER 2022

INTRODUCTION

A At the meeting of the Executive Council (“the Council”) on 10 May 2022, the Council ADVISED and the Chief Executive (“CE”) ORDERED that the Declaration of Mental Hospital (Consolidation) (Amendment) Order 2022 (“the 2022 Amendment Order”) at **Annex A** should be made under section 3(1) of the Mental Health Ordinance (Cap. 136) (“MHO”).

JUSTIFICATIONS

Existing Legislation

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 MHO, the 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. 136B) (“the Order”). At present, the Schedule to the Order covers the Castle Peak Hospital, Kwai Chung Psychiatric Observation Unit, Pamela Youde Nethersole Eastern

Psychiatric Observation Unit, New Territories East Psychiatric Observation Unit and Kowloon Psychiatric Observation Unit.

3. The current amendments are related to the Castle Peak Hospital, Kwai Chung Psychiatric Observation Unit, Pamela Youde Nethersole Eastern Psychiatric Observation Unit and New Territories East Psychiatric Observation Unit.

Inclusion of a Ward at the Castle Peak Hospital

4. Under the existing legislation, the Castle Peak Hospital at Tsing Chung Koon Road, Tuen Mun, excluding the entire Block B and Ward D102 of Block D, is declared to be a mental hospital.

5. Apart from medical treatment, the Castle Peak Hospital has been providing education, training and counselling services to patients admitted under MHO. From the operational perspective, it is considered more convenient and efficient to centrally provide such services to the patients in a dedicated area, instead of providing such services to the patients at their respective wards. In this regard, Ward D102 of Block D at the Castle Peak Hospital has been identified as a suitable venue to serve as an activity centre for providing such services. Accordingly, the Hospital Authority (“HA”) proposes amending the Order so that Ward D102 of Block D at the Castle Peak Hospital will cease to be excluded.

Exclusion of Wards at the Kwai Chung Psychiatric Observation Unit

6. Currently, the Kwai Chung Psychiatric Observation Unit, which is declared to be a mental hospital, comprises the following places at the Kwai Chung Hospital, Lai King Hill Road, Kwai Chung (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 fourth, sixth, ninth and tenth floors of Blocks L and M; and
- (d) the third floor of Block G.

7. Under the redevelopment of the Kwai Chung Hospital from 2016 onwards, Blocks G and H of the Kwai Chung Hospital were demolished to make way for the construction of a new hospital building. To facilitate the relocation of patients accommodated in Blocks G and H to the fourth floor of Blocks L and M of the Kwai Chung Hospital, the Declaration of Mental Hospital (Consolidation) (Amendment of Schedule) Order 2016 (“the 2016 Amendment Order”) was made and came into effect on 10 February 2017 to add the fourth floor of Blocks L and M of the Kwai Chung Hospital to the Kwai Chung Psychiatric Observation Unit in the Order.

8. To allow time for the decanting arrangement, the 2016 Amendment Order did not remove Blocks G and H of the Kwai Chung Hospital from the Kwai Chung Psychiatric Observation Unit in the Order.

9. As the relocation of patients was completed in July 2018 and Blocks G and H of the Kwai Chung Hospital were demolished in March 2021, HA proposes that all wards located in Blocks G and H be removed from the Kwai Chung Psychiatric Observation Unit in the Order.

Exclusion of Wards at the Pamela Youde Nethersole Eastern Psychiatric Observation Unit

10. At present, the Pamela Youde Nethersole Eastern Psychiatric Observation Unit, which is declared to be a mental hospital, comprises Wards G3, J3, H3, K3, G4, J4, H4, K4, H5 and K5 of the Pamela Youde Nethersole Eastern Hospital, being all the third to fifth floors (excluding Wards G5 and J5), excluding the stairways, lift lobbies and lift wells, of the Special Block.

11. For years, the Pamela Youde Nethersole Eastern Psychiatric Observation Unit provided in-patient psychiatric services to patients

admitted under MHO in HA's Hong Kong East, Hong Kong West and Kowloon East Clusters. With the rationalisation of services within HA and in anticipation of the declaration of the Kowloon Psychiatric Observation Unit as a mental hospital, there was decreasing demand for in-patient psychiatric services at the Pamela Youde Nethersole Eastern Psychiatric Observation Unit. As a result, since October 2002, Wards H5 and K5 of the Pamela Youde Nethersole Eastern Hospital have been redeployed and are currently serving as medical in-patient wards.

12. As patients admitted under MHO will no longer be accommodated in Wards H5 and K5 of the Pamela Youde Nethersole Eastern Hospital, HA proposes removing those two Wards from the Pamela Youde Nethersole Eastern Psychiatric Observation Unit in the Order.

Inclusion of a Ward at the New Territories East Psychiatric Observation Unit

13. Under the existing legislation, the New Territories East Psychiatric Observation Unit, which is declared to be a mental hospital, comprises Wards 2AR, 2AL, 2BR, 2BL, 2CR, 2CL, 2DR and 2DL on the second floor of the Main Block of the Tai Po Hospital.

14. As the New Territories East Psychiatric Observation Unit is the only mental hospital in HA's New Territories East Cluster, in the light of the growing population and service demand, there are operational needs to expand the New Territories East Psychiatric Observation Unit. HA thus proposes adding Ward 1DL on the first floor of the Main Block of the Tai Po Hospital to the New Territories East Psychiatric Observation Unit in the Order, providing 28 additional beds on top of the existing 250.

THE 2022 AMENDMENT ORDER

15. The main provisions of the 2022 Amendment Order are as follows

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- (a) section 3(1) amends item 1 in the Schedule to the Order so that Ward D102 of Block D at the Castle Peak Hospital is included in the declaration for the Castle Peak Hospital as a mental hospital;
- (b) sections 3(2) to 3(5) amend item 2 in the Schedule to the Order so that all wards located in Blocks G and H of the Kwai Chung Hospital are excluded from the declaration for the Kwai Chung Psychiatric Observation Unit as a mental hospital;
- (c) sections 3(6) and 3(7) amend item 3 in the Schedule to the Order so that Wards H5 and K5 of the Pamela Youde Nethersole Eastern Hospital are excluded from the declaration for the Pamela Youde Nethersole Eastern Psychiatric Observation Unit as a mental hospital; and
- (d) section 3(8) amends item 4 in the Schedule to the Order so that Ward 1DL on the first floor of the Main Block of the Tai Po Hospital is included in the declaration for the New Territories East Psychiatric Observation Unit as a mental hospital.

B 16. The relevant existing provisions of the Order are at **Annex B**.

LEGISLATIVE TIMETABLE

17. The legislative timetable of the 2022 Amendment Order is as follows -

Publication in the Gazette	20 May 2022
Tabling at the Legislative Council ("LegCo")	25 May 2022
Commencement	15 July 2022

IMPLICATIONS OF THE PROPOSAL

18. The 2022 Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights. The 2022 Amendment Order will not affect the current binding effect of MHO and its subsidiary legislation. It has no civil service, economic, environmental, family, financial, gender, productivity or sustainability implications. HA will cope with the operation of the new wards with its own financial and manpower resources.

PUBLIC CONSULTATION

19. The proposal of amending the Order was discussed at the meeting of the LegCo Panel on Health Services on 1 April 2022. The Panel has expressed support for the relevant amendments.

PUBLICITY

20. A spokesperson will be available to answer enquiries.

ENQUIRIES

21. Any enquiries on this brief can be addressed to Mr Chris FUNG, Principal Assistant Secretary for Food and Health (Health), at 3509 8917.

Food and Health Bureau

18 May 2022

Declaration of Mental Hospital (Consolidation) (Amendment) Order 2022

Section 1

1

Declaration of Mental Hospital (Consolidation) (Amendment) Order 2022

(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 15 July 2022.

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

(1) The Schedule, item 1—

Repeal

everything after “Block B”

Substitute

“of that hospital.”.

(2) The Schedule, item 2(a)—

Repeal

everything after “Blocks L”

Substitute

“and M; and”.

(3) The Schedule—

Repeal item 2(b).

(4) The Schedule, item 2(c)—

Repeal

Declaration of Mental Hospital (Consolidation) (Amendment) Order 2022

Section 3

2

“; and”

Substitute a comma.

(5) The Schedule—

Repeal item 2(d).

(6) The Schedule, item 3—

Repeal

“H4, K4, H5 and K5”

Substitute

“H4 and K4”.

(7) The Schedule, item 3—

Repeal

“third floor, fourth floor and fifth floor (excluding Wards G5 and J5)”

Substitute

“third floor and fourth floor”.

(8) The Schedule—

Repeal item 4

Substitute

“4. New Territories East Psychiatric Observation Unit

The following parts of the Tai Po Hospital, Chuen On Road, Tai Po (collectively known as the New Territories East Psychiatric Observation Unit)—

(a) Ward 1DL on the first floor of the Main Block;

(b) Wards 2AR, 2AL, 2BR, 2BL, 2CR, 2CL, 2DR and 2DL on the second floor of the Main Block.”.



Chief Executive

11 May 2022

Explanatory Note

This Order amends the Declaration of Mental Hospital (Consolidation) Order (Cap. 136 sub. leg. B)—

- (a) to include Ward D102 of Block D of the Castle Peak Hospital in the declaration for that hospital as a mental hospital;
- (b) to exclude the second floor, the third floor and the seventh floor of Block G, and the second floor and the seventh floor of Block H, of the Kwai Chung Hospital from the declaration for the Kwai Chung Psychiatric Observation Unit as a mental hospital;
- (c) to exclude Wards H5 and K5 on the fifth floor of the Special Block of the Pamela Youde Nethersole Eastern Hospital from the declaration for the Pamela Youde Nethersole Eastern Psychiatric Observation Unit as a mental hospital; and
- (d) to include Ward 1DL on the first floor of the Main Block of the Tai Po Hospital in the declaration for the New Territories East Psychiatric Observation Unit as a mental hospital.

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

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. (*L.N. 100 of 2018*)