



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our Ref. : L/M to FHB/H/33/32 Pt. 28

Tel : 3509 8919

Fax : 2840 0467

24 June 2021

Ms Joanne MAK
Clerk to Panel on Constitutional Affairs
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms MAK,

**Legislative Council Panel on Constitutional Affairs
Admission to mental hospitals of the Hospital Authority
under the Mental Health Ordinance (Cap. 136)**

At the meeting of the Legislative Council (“LegCo”) Panel on Constitutional Affairs held on 30 April 2018, the Administration was requested to provide a written response to address the concern raised by the then LegCo Member, Hon SHIU Ka-chun, regarding the Mental Health Ordinance (Cap. 136) governing the compulsory admission of patients with mental illness to hospitals in the light of the rights and freedoms of persons with disabilities under Articles 14 and 19 of the Convention on the Rights of Persons with Disabilities. Our reply in consultation with the Hospital Authority (“HA”) is set out below.

Generally speaking, patients in need of psychiatric in-patient services of HA will be admitted to HA’s mental hospitals designated under the Declaration of Mental Hospital (Consolidation) Order (Cap. 136B). For a patient who has been assessed by doctors of HA to be in need of psychiatric in-patient services and has indicated his/her consent for hospitalisation, HA will ask him/her (or his/her parent/guardian if the patient is under the age of 16) to sign the “Application for reception as a voluntary patient” (“VP form”) in accordance with section 30 of the Mental Health Ordinance. Upon receipt of

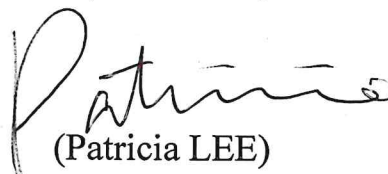
the VP form, the medical superintendent of the mental hospital concerned will admit the patient as a voluntary patient.

Separately, in the interests of the patient's own health or safety or with a view to protecting other persons, HA may consider making an application to a District Judge or magistrate according to section 31 of the Mental Health Ordinance for detention of a patient who is suffering from mental disorder of a nature or degree which warrants his/her detention in a mental hospital for at least a limited period for observation. A patient detained in a mental hospital by virtue of section 31 of the Mental Health Ordinance has the right to make an application to the Mental Health Review Tribunal to seek a review of his/her case according to section 59B of the Mental Health Ordinance.

For patients who need to be admitted to psychiatric wards, the healthcare personnel will explain to them and their family members the contents of the VP form and the operation of the psychiatric wards concerned, such as rules that patients must comply with and the procedures and arrangements for discharge. The healthcare personnel of the psychiatric wards will also explain the details to the patients upon their admission and provide them with information such as hospitalisation notes and Patients' Charter, so as to ensure that the patients and their family members understand the relevant in-patient arrangements. After the patients are discharged, they may receive relevant support services provided for persons in recovery in the community.

HA is committed to providing mental health services whilst striking a balance between safeguarding the health and safety of the patients and protecting the rights and freedoms of individuals. It will keep in view the relevant operational arrangements to ensure that the patients' needs are suitably addressed in the process of service delivery.

Yours sincerely,



(Patricia LEE)

for Secretary for Food and Health

c.c. Chief Executive, Hospital Authority (Attn: Ms Dorothy LAM)