

CONDITIONAL DISCHARGE

A GUIDE FOR PATIENTS



WHAT IS CONDITIONAL DISCHARGE (CD)?

An order under section 42B of the Mental Health Ordinance.

A CD order is imposed if your psychiatrist believes you have potential to be violent but are able to be safely discharged from hospital subject to certain conditions. These conditions aim to keep both you and society safe.

Examples of conditions include:

- Staying at a specified place (e.g. halfway house)
- Attending treatment sessions at a hospital or clinic
- Taking specified medication

The CD order will last indefinitely until specifically discharged by the Mental Health Review Tribunal or through the doctor's instigation.





WHAT IS A HALFWAY HOUSE?

A fixed residence for you to live in.

Halfway houses may impose their own additional restrictions.

Common examples of such restrictions include:

- A curfew
- Limited ability to control your finances
- Limitations on your movement during the initial weeks of residency



WHO DECIDES MY CD TERMS?

Your psychiatrist, who has the power to:

Make a CD order and impose CD conditions as they deem fit.

Vary CD conditions, after the original CD has been made.

WHAT IF I BREACH MY CONDITIONS?

If you breach your conditions and pose a safety risk to yourself or others, your psychiatrist has the power to recall you to the hospital by serving written notice to you or the person responsible for you under the CD regime.

This is set out in section 42B(3) of the Mental Health Ordinance.



WHAT IS THE MENTAL HEALTH REVIEW TRIBUNAL (MHRT)?

The MHRT processes reviews of those under CD orders and decides if the applicant is fit to have their CD order lifted.

It is made up of a chairman with legal experience, a doctor, a social worker, and one lay member.



IS MY CD ORDER STILL EFFECTIVE IF I AM READMITTED TO HOSPITAL?

The current CD order will cease to be effective if you are formally recalled to a mental hospital. When you are discharged, you may be put under a new CD order.

The CD order will still be effective if you are informally readmitted to a hospital, voluntarily attend the hospital, or are admitted to a non-psychiatric ward of the hospital.



HOW CAN I APPEAL?

You, and your relatives, have the right to have your CD order reviewed by the MHRT.

You can apply for review once every 12 months.

You are entitled to legal representation during the review process. You can also apply for Legal Aid to assist with financing the legal representation.

QUESTIONS FOR YOUR PSYCHIATRIST

1. Why do I have to be placed on CD?
2. What can I do for the conditions to be relaxed?
3. Can you adjust my medications as it causes me to feel unwell?
4. What is the diagnosis of my mental health condition?
5. It has been a long time since I was last diagnosed. I believe I have now improved, can you diagnose me again?



WHAT ASSISTANCE IS AVAILABLE TO ME IN APPEALING MY CD?

You are entitled to have legal or other authorised representatives present at the review hearing with you.

Contact the organizations below for assistance if needed.



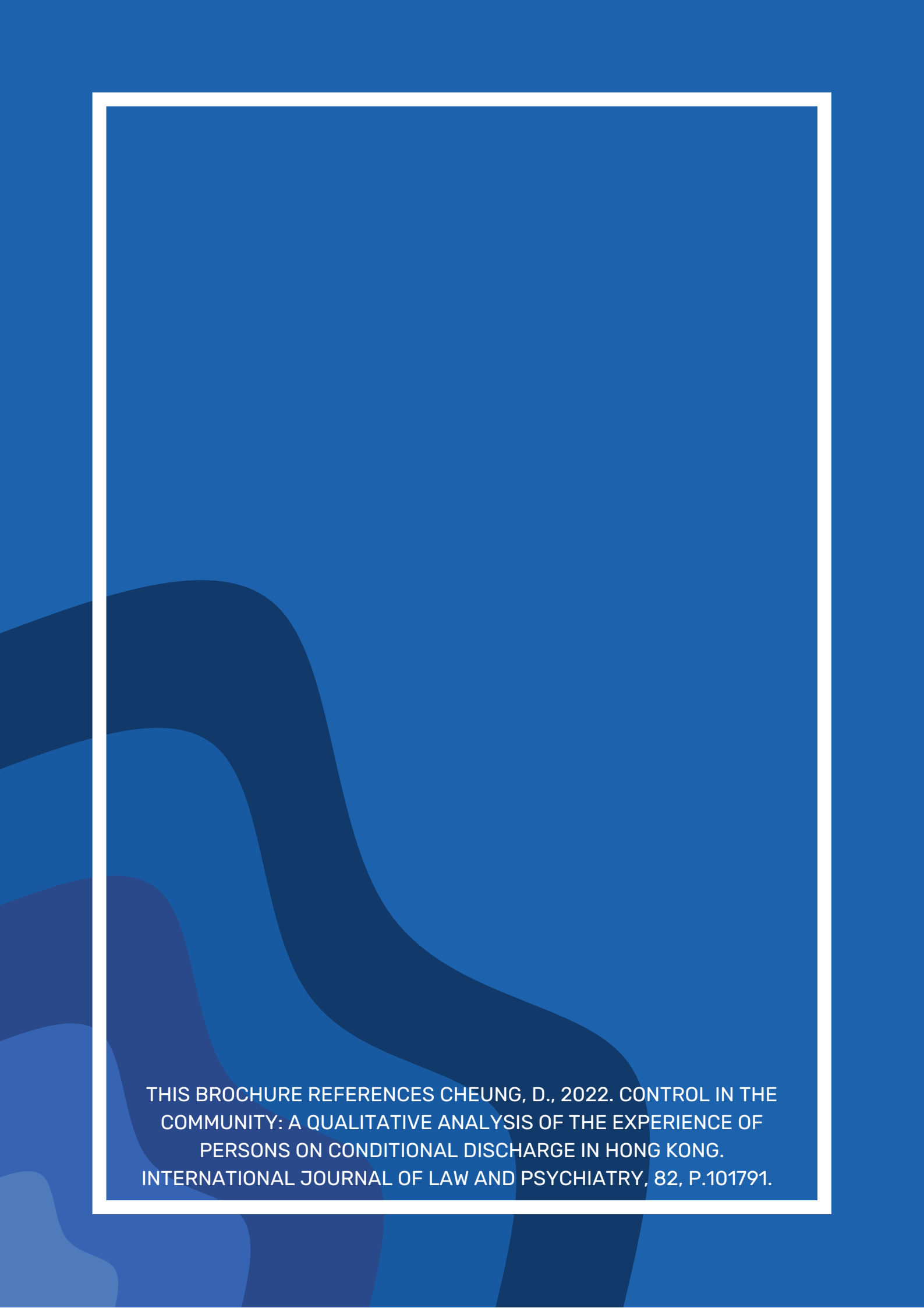
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