

WEBINAR

Assessing the Older Persons' Mental Capacity for Decision Making

6 SEPTEMBER 2023 | 8.00PM – 9.30PM (GMT +10)



As the global life expectancy increases and the population ages there are more older persons developing forms of cognitive decline. A [study](#) has reported that the global prevalence of cognitive impairment ranges from 5.1% to 41% with a median of 19.0%. How can we determine that an older person has the mental capacity to decide their medical treatment and personal affairs?

Medical practitioners and healthcare providers are often challenged on the legitimacy of an older person's consent; particularly in cases where patients have existing conditions that impact on their cognition. Besides medical treatment, practitioners also assess whether an older person has capacity to make other decisions such as power of attorney, making a will and delegation of authority. The validity of these medical assessments can be challenged legally and professionally.

Common law states that it should be assumed that a person has full mental capacity unless proven otherwise. UK Mental Capacity Act preserves the common law presumption of capacity as MCA s1 (2) states a person is assumed to have capacity unless it is established that the person lacks the capacity. Capacity is not a static nor permanent condition, but an assessment of the quality of the decision-making process at that given point in time. As such, a person being treated for a mental illness does not automatically render the person incompetent.

In this webinar, a panel of experts from Hong Kong and Australia will discuss how to better assess mental capacity for decision making particularly among older persons from the medico-legal, geriatric and forensic psychiatry perspectives.

When: Wednesday, 6 September 2023 | 8:00pm – 9:30pm (GMT +10)

Please join us at the webinar by clicking on the button below to register. If you have any queries, please email us at apac.communications@awac.com.

We look forward to seeing you!

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PROGRAMME



Time	Topics	Speakers
8:00 to 8:05 pm	Brief Overview and Introduction	Moderator: Professor Albert LEE Medico-legal Consultant of Allied World Assurance Company
8:05 to 8:25 pm	Assessing Mental Capacity under the Mental Health Ordinance	Daisy CHEUNG Deputy Director of Centre for Medical Ethics and Law, The University of Hong Kong
8:25 to 8:45 pm	Assessing Older Adults on Mental Capacity for Advance Directive, Enduring Power of Attorney and Making A Will	Dr Christopher CM Lum Specialist in Geriatric, Honorary Clinical Associate Professor, Department of Medicine and Therapeutics, The Chinese University of Hong Kong and Department of Medicine, University of Hong Kong
8:45 to 9:05 pm	Complexities In Determining Capacity from A Clinical Interview: A Case Review by A Medicolegal Psychiatrist	Dr Leonard Lee Consultant Medico-legal Psychiatrist, Australia
9:05 to 9:30 pm	Questions and Answers	

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SPEAKERS

Name	Professional Backgrounds
 <p>Professor Albert LEE MB BS (Lond) MPH MD (CUHK) LLB (Hons) LLMArbDR (Distinct-CityUHK) FRCP (Lond & Ireland) FRACGP (Aus) FHKAM (FamMed) HonFFPH (UK) FCLM (US) FACLM (Aus) FCI Arb (UK) Accredited Mediator (CEDR-UK) GDLP (Distinct-Aus.Coll.Law)</p>	<p>Professor Albert LEE is Emeritus Professor in Public Health and Primary Care of Chinese University of Hong Kong and Medico-legal Consultant of Allied World Assurance Company. He is specialist in Family Medicine/General Practice in Hong Kong and Australia and also admitted as lawyer in New South Wales, Australia and Barrister and Solicitor (New Zealand). He is International Member of National Academy of Medicine, USA and Honorary Fellow of Faculty of Public Health, UK.</p>
 <p>Daisy CHEUNG Deputy Director of Centre for Medical Ethics and Law, The University of Hong Kong</p>	<p>Daisy CHEUNG is an Assistant Professor of Law and Deputy Director and Research Fellow at the Centre for Medical Ethics and Law, The University of Hong Kong (HKU).</p> <p>Daisy’s research focuses on mental health and capacity law. Her publications include analyses on issues related to Hong Kong’s Mental Health Ordinance (MHO). These issues includes MHO’s compulsory detention treatment regime, conditional discharge regime, and how mental capacity is conceived and assessed in different medico-legal contexts under the MHO.</p> <p>Daisy has published on public mental health ethics in the face of the Covid-19 pandemic, and wrote on mental capacity law and ethics across several contexts. This includes a project funded by Research Grants Council of Hong Kong (RGC) on adult guardianship regimes, and an edited collection of book chapters on advance medical directives in Asia.</p> <p>In addition, Daisy is currently working on an RGC-funded project on best interest determinations, on behalf of individuals who lack capacity. In addition, she is also part of an ongoing project that researching on the role of capacity restoration within the Mental Capacity Act framework in the UK.</p> <p>She currently teaches the course “Mental Disability and the Law” and is also involved in undergraduate Law of Tort teaching at HKU.</p>

	<p>Daisy is a member of the Mental Health Law Committee of the Law Society of Hong Kong, and is a co-founder of a support group for persons on conditional discharge in Hong Kong.</p>
 <p>Dr Christopher CM Lum Specialist, Geriatric, Honorary Clinical Associate Professor, Department of Medicine and Therapeutics, The Chinese University of Hong Kong and Department of Medicine, University of Hong Kong</p>	<p>Dr Christopher CM Lum is a specialist in Geriatric, Honorary Clinical Associate Professor, Department of Medicine and Therapeutics, The Chinese University of Hong Kong (CUHK) and Department of Medicine, The University of Hong Kong (HKU).</p> <p>Dr Lum obtained his medical degree from HKU in 1985. He attained Fellowship of the Hong Kong College of Physicians in 1993; Fellowship of the Royal Australasian College of Physicians in 1994; and Master of Public Health at CUHK in 1998.</p> <p>Dr Lum was Secretary to the Hong Kong College of Physicians' Geriatric Medicine Board from 2011 to 2015, before he became Chairman from 2015 to 2019. The Geriatric Medicine Board overlooks training of doctors leading to recognition of Specialist in Geriatric Medicine in Hong Kong.</p> <p>On top of Dr Lum's honorary teaching post for the Faculty of Medicine in two Hong Kong universities, he is also part-time Consultant at Princess Margaret Hospital (Hong Kong) and Consultant to the Community End-of-Life Care Programme under CUHK's Jockey Club Institute of Ageing.</p> <p>In his capacity to the JCECC (stands for Jockey Club End-of-Life Community Care Project), Dr Lum has organised training activities for medical practitioners on assessing mental capacity for advanced directive and enduring power of attorney.</p>
 <p>Dr Leonard Lee Consultant Psychiatrist, Sydney, Australia</p>	<p>Dr Leonard Lee obtained his medical degree (MBBS) from the University of Sydney in 1980, after his initial education in Singapore. He attained Fellowship of the Royal Australian and New Zealand College of Psychiatrists in 1988; Membership of the Faculty of Child Psychiatry of the RANZCP in 1991; Membership of the Australasian College of Legal Medicine in 1997; and the Certificate in Forensic Psychiatry of the New South Wales Institute of Psychiatry in 1998.</p> <p>Dr Lee has completed training in assessment of permanent impairment for the NSW Workers Compensation and Motor Accident Commissions, in the assessment of capacity and in the interpretation of aspects of psychometric testing.</p> <p>He maintains a busy psychiatric practice with a particular interest in medicolegal issues.</p>