

THE HKMA CME & LSHK CPD SERIES (ACCREDITED RME ELECTIVE):

**Mental Capacity Assessment
for Advance Medical Directives & Enduring Powers of Attorney**

6 September 2025 (Saturday), 2:00 – 4:00 p.m.

(with luncheon included from 1:00-2:00pm)

The President of The Law Society of Hong Kong -

Opening Speech

1. Thank you, Dr. Cheng.
2. Good afternoon, ladies and gentlemen, and members of the Law Society of Hong Kong and the Hong Kong Medical Association (HKMA). It is a real pleasure to welcome you to this sixth and final lecture on “Mental Capacity Assessment for Advance Medical Directives and Enduring Powers of Attorney”.
3. The collaboration between HKMA and the Law Society on this important initiative has been a mutually enriching experience. Over the past three months, through five webinars, our two professions have exchanged valuable insights and learned practical approaches to better understand and address the complex

issues surrounding mental capacity assessments for Advance Medical Directives and Enduring Powers of Attorney.

4. Today marks more than just the end of this education and training series. It is also a moment to reflect on how the work we do impacts the lives of the people we serve.
5. At this juncture, I would like to take a moment to share the Law Society's work and vision with you all. Representing over 13,000 members, The Law Society serves not only as a professional association for solicitors in Hong Kong, but also as an independent self-regulatory body for the profession. Entrusted with statutory responsibility, we ensure our profession upholds the highest professional standards. However, our vision goes beyond just regulation. The Law Society also embraces a broader social role by encouraging our members to use their legal expertise to benefit the wider community. At the heart of this is our commitment to public legal education.
6. In 2023, we collaborated with the RTHK to produce a radio program series titled "The Nitty Gritty of Law" (《法律是咁的》). Through 14 radio episodes, we conveyed legal knowledge to the general public in a light-hearted manner. The programme received very positive feedback from audience.

7. Building on its success, this year, we collaborated with the RTHK again to produce a second season of the program - “The Nitty Gritty of Law 2” (《法律是咁的 2》). From February to May, 16 episodes were aired on not only radio, but also television and online platforms, reaching an even broader audience across multiple channels.
8. Being the host of the program, I still vividly remember that one of these episodes was about the “Three Instruments of Peace” (平安三寶), which as you all know, are the Advance Medical Directives, Enduring Powers of Attorney and Wills.
9. In that episode, we shared and examined real-life issues associated with the Three Instruments of Peace. For example:
 - How and who to determine whether a person is to be rescued or not during an emergency situation?
 - What does a person need to do to ensure that his wishes can be respected and executed, in the event that he passes away or loses the mental capacity to make decisions? and
 - Why is it important for people to seek legal advice or have doctors act as witnesses when they make the Three Instrument of Peace?

10. These questions are not just legal or medical concepts. They are practical issues that affect all of us. Given Hong Kong's ageing population, it is important to enhance and ensure quality end-of-life care. The Advance Decision on Life-sustaining Treatment Ordinance¹, which was passed in November last year, was a significant and encouraging advancement in this area.
11. I understand that discussions about mental capacity, Advance Medical Directives and Enduring Powers of Attorney can seem distant until they become personal. Perhaps you have seen a family member, client or patient struggle to make medical decisions during a hospital stay, or you may have wondered what might happen if you or a loved one were unable to speak for yourselves in an emergency. These are real and important concerns that impact many families here in Hong Kong.
12. That is why, at the beginning of my speech, I emphasized that our work is more than just law and medicine. It is about respect, dignity, and giving people control over their healthcare decisions.

¹ The Ordinance provides for (a) the making and revocation of advance medical directives as regards life-sustaining treatments and the operation of instructions in advance medical directives; (b) the making, revocation and operation of do-not-attempt cardiopulmonary resuscitation orders that have a continuing effect; and (c) related matters.

Passed by the LegCo in November 2024, the Ordinance is planned to take effect 18 months after its passage (i.e. around mid-2026). This buffering period is to enable medical institutions, relevant policy bureaux and departments, and other related organisations to update their protocols, records and systems, and to train their staff before the Ordinance takes effect.

13. I hope that through these joint lectures, we have strengthened the safety net for our clients, patients, and loved ones – to help them make their wishes known, and to ensure that those wishes would guide their care at times when they are most vulnerable. Ultimately, the “Three Instruments of Peace” provide peace of mind not just for individuals, but also their family members.
14. Looking ahead, I hope the legal and medical professions will continue to combine our strengths and expertise to better serve our community, and I look forward to more collaboration opportunities in the near future.
15. Thank you all for your dedication to this important and meaningful work. Let us now begin our final lecture with a shared sense of purpose and commitment.
16. Thank you.