

2009-2011 FOURTH Report 第四份報告





願景

監護委員會的願景是透過監護令保護精神上無行為能力的成年人,促進他們的福利和利益。

使命

為了實現這個願景,監護委員會承諾實踐下列使命:

- 為了支援、保護及倡導精神上無行為能力成年人的最佳利益,委任監護人:
 - (i) 協助管理他們的財務;
 - (ii) 確保他們得到所需的服務及醫療;
 - (iii)保護他們免被虐待、榨取金錢和疏忽照顧;
 - (iv)提升照顧素質。
- 協助解決親屬與服務提供者之間,就精神上無行為能力成年人的最佳利益問題而產生的爭執。
- 經常檢討有關監護令的法例,以促進精神上無行為能力成年人的最佳利益。

核心價值

監護委員會持守下列的核心價值:

- 1. 保護
- 2. 同情
- 3. 公正
- 4. 獨立
- 5. 尊重
- 6. 方便

Vision, Mission and Values

Vision

The vision of the Guardianship Board is to promote the welfare, interests and protection of mentally incapacitated adults through guardianship.

Mission

To manifest its vision, the Guardianship Board commits to the following mission:

- 1. To support, protect and advocate the best interests of mentally incapacitated adults by empowering guardians to:
 - a) facilitate the management of their finances;
 - b) ensure that their needs for services and medical treatment are met;
 - c) protect them against abuse, exploitation and neglect;
 - d) enhance their quality of care.
- 2. To facilitate the resolution of disputes with relatives and service providers, concerning the best interests of mentally incapacitated adults.
- 3. To keep the guardianship legislation under continuous review so that it promotes the best interests of mentally incapacitated adults.

Values

The Guardianship Board commits to the following values:

- 1. Protection
- 2. Compassion
- 3. Fairness
- 4. Independence
- 5. Respect
- 6. Accessibility



我們的工作

委員會辦事處

監護委員會的辦事處位於九龍尖沙咀漢口道28號亞太中心807室,交 通方便,市民可乘坐香港鐵路或其他交通工具前往監護委員會。為方便傷 殘人士,該大廈設有傷殘人士設施。我們的網頁內附有辦事處地圖。

委員會角色

監護委員會是香港特別行政區內一個類司法審裁機構,主要的法定職 能是展開及進行聆訊,為年滿18歲精神上無行為能力替自己作決定之人士 作出監護令。委員會同時亦可作出附屬的命令。

監護委員會是根據《精神健康條例》第136章IVB部訂定的功能及授予的權力而獨立運作的法定團體:委員會在制定命令及作出決定時須遵守該 條例的原則和準則。監護委員會的聯繫政府機關為勞工及福利局。監護委員會具指定而有限制的權力。委員會可:

- 作出監護令以委任一位非官方監護人(家人或朋友)或官方監護人(社會福利署署長);
- 2. 向被委任的監護人授予以下權力:
 - (一) 規定當事人居住在指定的地方;
 - (二)將當事人送往指定的地方,並容許在有關的過程中使用合理的武力以達到運送的目的;
 - (三)規定當事人在指定的時間到指定的地方接受醫療或牙科治療、特別治療、職業、教育或訓練;
 - (四)在當事人無能力理解有關治療的一般性質及效果時,監護人有權 代表當事人同意接受該等醫療或牙科治療;

Our Work

Our Office

The Board is situated at Unit 807, Hong Kong Pacific Centre, 28 Hankow Road, Tsimshatsui, Kowloon. The building is accessible to people with disabilities. The location is convenient for access by MTR or motor vehicle. A location map is available in our website.

Our Identity

The Guardianship Board is a legal quasi-judicial tribunal of Hong Kong Special Administrative Region. Its central statutory role is to conduct hearings in order to make guardianship orders for people aged 18 years or over with decision-making incapacities. It may make a range ancillary orders as well.

The Board is an independent body corporate and operates under Part IVB of Mental Health Ordinance, Cap. 136, which provides functions and powers of the Board, most of the orders it can make, the principles and criteria to be applied when the Board is making decisions. The sponsoring bureau of the Guardianship Board is the Labour & Welfare Bureau.

The Guardianship Board has specific and limited powers. The Board can:

- 1. make guardianship orders to appoint a private guardian (family member or friend) or the public guardian (Director of Social Welfare);
- 2. grant the following powers to guardian so appointed:
 - (a) to require the person concerned to reside at a specific place;
 - (b) to bring the person concerned to a specific place and use reasonable force for the purpose;
 - (c) to require the person concerned to attend at a place and time for medical or dental treatment, special treatment, occupation, education or training;
 - (d) to consent to medical or dental treatment if the person concerned is incapable of understanding the general nature and effect of the treatment;

- (五) 容許任何註冊醫生、認可社會工作者或其他監護令指明的人士接觸 當事人;
- (六)為當事人的供養或其他利益而持有、收取或支付每月指定的款項(現時最高限額為每月港幣12,000元)。

備註:

- (一) 監護人若獲委員會批准代當事人償還過往的欠款,他/她必需從按月的 指定金額內,首先支付當事人當月的供養上的費用,方可用餘額償還 該等欠款。
- (二) 監護令不適用的範圍甚多,例如處理物業、股票、証券、申領遺產承 辦、投資項目、工傷或意外索償、物業或投資糾紛、追討金錢損失或 就探視及接觸上出現的問題。

我們的工作

監護委員會獲授權為年滿18歲精神上無行為能力為個人事宜、財務或 醫療或牙科治療作決定之人士委任監護人。在一般的個案中,若果沒有其 他有效解決問題的非正式安排出現,或不可能作出該些安排時,監護委員 會便會進行處理該等申請。在這些情況下,監護委員會可能會委任一位非 官方監護人(家人或朋友)或官方監護人(社會福利署署長)。再者,委員會可 能授予監護人法律權力替當事人在其住宿或接受醫療或牙科治療等個人事 宜上作出重要的決定。監護人亦可能獲授予法律權力替當事人處理限量的 金錢,而現時的上限為每月港幣12,000元。

誰是我們的服務對象?

監護委員會為年滿18歲的弱智或精神紊亂人士委任監護人,例如:精 神病患者、患有老人癡呆症、中風或腦部受損人士等。

注意:《死因裁判官條例》(第504章)於1997年作出相應修訂,凡當事 人於被收容監護期間死亡,死因裁判官須就該宗死亡個案進行研訊。

- (e) to require access to the person concerned to be given to any doctor, approved social worker or other person specified in the guardianship order;
- (f) to hold, receive or pay a specified monthly sum for the maintenance or other benefit of the person concerned (currently maximum at HK\$12,000 per month).

Remarks:

- (1) A legal guardian is obliged to first pay for the current maintenance and provisions of subject person before repaying the previous debts approved by the Board.
- (2) Guardianship Order is not suitable for many cases. For example: handling property, stocks, securities, application for a grant of probate, investments, work injury or accident compensations, dispute on property or investment, recovering money misappropriated, problems on access and visit.

Our Work

The Board is authorized to appoint guardians for adults 18 years of age or over who are mentally incapable of making their own decisions about their personal affairs, financial matters or medical or dental treatment. In normal situation, application for guardianship will be proceeded only where there are no effective informal arrangements already in place or such an arrangement cannot be made.

Therefore, the Board may decide to appoint a private guardian (family member or friend) or the public guardian (Director of Social Welfare). In addition, the Board may give the guardian the legal power to make important decisions relating to personal circumstances for such adults about his/her place of residence or consenting to his/her medical or dental treatment. The guardian may also be given legal power to manage a limited amount of that person's money, which currently is a maximum of HK\$12,000 per month.

Whom we serve?

The Board appoints legal guardian for person aged 18 or over who has mental handicap or mental disorder, e.g. mental illness, dementia, stroke and brain damage.

Note : According to the revision of "Coroners Ordinance" (Cap 504) in 1997, where a subject dies whilst under guardianship, a coroner shall hold an inquest into the death.

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本報告涵蓋監護委員會二零零九年至二零一一年的工作情況。

香港監護制度經過十三年的不斷發展,漸漸成為有效率及常用的工 具,促進及保障缺乏作出決定能力的精神上無行為能力的人的利益。在各 持份者的共同努力下,成人監護制度可應付香港人口急速老化的現象,繼 續履行使命,截至二零一一年底,香港共有一百三十八萬人超過六十歲, 其中九十六萬人超過六十五歲。持久授權書乃是解決精神行為能力缺損相 關問題的有效方法之一,現時,持久授權書的法例正進行嚴謹的評估及改 革,希望能革除不足之處。監護制度在未來數年將面對更多挑戰,擴展監 護制度的範疇能有助面對社會的不斷轉變。

監護制度的成功全賴持份者的充分合作及努力。在此,本人衷心感謝 勞工及福利局、社會福利署、醫院管理局、律政司署、各志願機構、金融 機構及全部離任及現任的委員會委員給予當事人付出的努力。

趙宗義律師

監護委員會主席 二零一二年

from the Chairperson

This report presents the works of the Guardianship Board for the years 2009 to 2011.

Hong Kong guardianship has gone through substantial development since the last thirteen years. It remains an effective and commonly available tool to promote and protect the interests of the mentally incapacitated persons lacking decision-making ability. With the endeavors of key stakeholders, it is confident that adult guardianship will be able to continue its mission in face of, among others, the super-aging population of Hong Kong SAR. By the end of 2011, Hong Kong has a total of 1.38 million people over 60 and 960,000 over 65. Presently, the law on enduring powers of attorney, as a means of redress, is under rigorous examination and reform. Guardianship is certain to face many challenges in the next few years and it is hoped that the scopes applicable to guardianship will be widened in order to meet the ever increasing societal needs.

The success of guardianship is dependent upon the keen collaborations of all those involved. Thus, it remains for me to thank whole-heartedly the Labour and Welfare Bureau, Social Welfare Department, Hospital Authority, Department of Justice, participating non-government organizations, financial institutions and all past and present Board members for their strenuous efforts rendered to subject-persons.

that this

Charles CHIU Chung-yee Chairperson of Guardianship Board Year 2012



2009

• 一月

首次香港監護會議暨監護委員會十週年 紀念

三月

高院雜項案件2008年第953號是委員會自 一九九九年第四宗上訴個案。高等法院 對委員會的規限或規管探望/接觸當事人 的權力作出重要的裁決

• 五月

委任四名新的C組成員(C組成員人數增至 十五人)

• 九月

向法律改革委員會《持久授權書:個人照 顧事宜》的諮詢文件作出回應

• 十月

確立委員會的服務承諾

2010

• 四月

刊行第三份報告(年份包括二零零六、二 零零七及二零零八年)

九月

主席探訪澳洲新南威爾斯監護權裁判庭

2011

• 二月

三十六名委員會委員的任期屆滿

- 三月 十四號新小冊子《如何管理精神上無行 為能力人士的財務》出刊
- 四月

發佈內部個案處理指引("ICHG")及內部 行政指引("IOG")

第五宗高等法院上訴個案(雜項案件 2011年第635號)

七月

第一宗上訴法庭個案 (民事上訴案件 2010年第154號)

刊載全部醫療報告的修訂表格

• **九月** 發佈委員會委員手冊

• **十一月** 聘用外判文檔管理服務公司

澳洲新南威爾斯監護權裁判庭新主席 Malcolm Schyvens先生到訪

Major Events

2009

• January

The first ever Hong Kong Guardianship Conference in commemoration of the 10th Anniversary of Guardianship Board

• March

HCMP 953/2008 is the FOURTH appeal case of the Board since 1999. The High Court made an important decision on the jurisdiction of Board over the question of regulating, restricting or monitoring visits / access to the subjectperson

• May

4 additional new Panel C members appointed (total number of panel C members increased to 15)

September

Response to Law Reform Commission's Consultation Paper on Enduring Powers of Attorney: Personal Care

October

Launch of an official performance pledge

2010

April Third Report (covering

Third Report (covering years 2006, 2007 and 2008) released

• September

Chairperson paid a visit to Guardianship Tribunal, NSW, Australia

2011

• February

Major rotation of the 36 Board members due to expiry of appointments

• March

New Leaflet no. 14 - How to manage the finances of a mentally incapacitated person issued

• April

Internal Case Handling Guide ("ICHG") and Internal Office Guide ("IOG") promulgated

5th Appeal to High Court (HCMP 635/2011)

• July

1st Court of Appeal Case (CACV 154/2010)

Further improved forms of all medical reports launched

- September
 Board Members' Manual promulgated
- November

Outsourced record management service provider retained

A visit by the new President, Mr Malcolm Schyvens of the Guardianship Tribunal, NSW, Australia



工作

常務

委員會秘書處除主席外有四位職員。 一如以往,在實際可行的情況下,申請程 序是以用者為本、高效率及不拘形式的方 法為依歸。另外,值得一提的是香港的成 年人監護制度有其獨特之處:首先,法例 只賦予監護人同意接受治療的權力,換言 之,監護人無拒絕治療權力;第二,監護 人財務權力每月上限為港幣壹萬貳仟元(二 零一一年第四季數字);第三,監護人只 有正面的探視權,即監護人可要求某些人 士探視當事人。一些個案,要充分滿足當 事人的全面需要,只可透過關愛他們的人 士緊密的合作達致。於過往三年,個案數 量持續穩定,但由於複雜個案增加令工作 量變得繁重。委員會於委員的協助及付出 下,每年可處理大約六百宗事項,當委員 會批發監護令時,會一致地遵守最佳利益 及最後方法的原則。

為有效監察申請個案趨勢、質素及效 率,自二零零九年六月起,秘書處每月會 舉行恆常內部會議。同時,委員會繼續於 聆訊前使用書面提問方式(運用已標準化的 不同樣板)向前線政府社會工作者發出提 問。最後,為協助公眾人士更了解委員會 的有限財務權力,於二零一一年三月委員 會出版了第十四份小冊子,解説監護人與 產業受託監管人的財務權力之分別。

聯合國《殘疾人權利公約》(下稱"公約")



二零零八年八月,中華人民共和國政 府宣告公約同樣適用於香港。於二零一一 年,委員會的工作情況已納入香港特區政 府向聯合國公約呈交的工作報告內。在過 往一宗個案中,委員會提醒官方監護人在 計劃當事人的福利安排時,必須再次考慮 是否侵犯公約內提及多項當事人的應有權 利。

General

The Board has a Secretariat consisting of four staff under the Chairperson. Like our counterparts, applications are processed, as far as practical, in an user-friendly, efficient and informal manner. Yet, it is worth to mention that there are various special features of Hong Kong adult guardianship. First, at law, a guardian can only give consent to medical treatment. In a very strict sense, therefore, a quardian has no power to give a refusal. Secondly, a guardian only has a financial power to spend a maximum monthly sum of HK\$12,000 (4th Quarter, 2011). Thirdly, a guardian only has a positive access power, namely, to require some named person to access to the subjectperson. In some cases, the needs of subjectpersons can only be fully met by additional means through keen collaboration of all those attending to their needs. In the past three years, caseload remains steady and heavy, with increasing numbers of

complicated cases. The Board has, with the assistance and dedication of its members, duly discharged around 600 matters each year and has consistently applied the guiding principles of best interests and last-resort in making Guardianship Orders.

It is worth to mention that, with a view to monitor trends, quality and efficiency, an internal monthly case conference system has been implemented since June 2009. As well, the Board continued to enhance the use of pre-hearing requisitions by various standardized template to frontline government social work officers. Lastly, to ensure quality, the Board also held posthearing discussions with case social workers. Lastly, to assist the public to understand the limited financial powers of the Board better, a new leaflet no. 14 was issued in March 2011 to distinguish the guardian's power from a Committee's power.

United Nations Convention on the Rights of Persons with Disabilities ("The Convention")

Equally important, in August 2008 the Mainland Government has declared that the Convention shall apply to Hong Kong. In 2011, the Board's work has been incorporated into a report to the Convention. The public guardian has been reminded in one case to re-consider, when formulating the welfare plan, whether the subject-person's several rights under the Convention have been infringed.

Regarding the legal principle, the Board has also reminded itself of the importance

有關法律條文,委員會同樣會提醒自 己必須注意公約第十二條(在法律面前獲得 平等承認)的要求,內文:

- (一) 締約國重申殘疾人享有在法律面前的 人格在任何地方均獲得承認的權利。
- (二) 締約國應當確認殘疾人在生活的各方 面在與其他人平等的基礎上享有法律 權利能力。
- (三) 締約國應當採取適當措施,便利殘疾 人獲得他們在行使其法律權利能力時 可能需要的協助。
- (四) 締約國應當確保,與行使法律權利能 力有關的一切措施,均依照國際人權 法提供適當和有效的防止濫用保障。

這些保障應當確保與行使法律權利能 力有關的措施尊重本人的權利、意願 和選擇,無利益衝突和不當影響,適 應本人情況,適用時間盡可能短,並 定期由一個有資格、獨立、公正的當 局或司法機構覆核。提供的保障應當 與這些措施影響個人權益的程度相 稱。

(五)在符合本條的規定的情況下,締約國 應當採取一切適當和有效的措施,確 保殘疾人享有平等權利擁有或繼承財 產,掌管自己的財務,有平等機會獲 得銀行貸款、抵押貸款和其他形式的 金融信貸,並應當確保殘疾人的財產 不被任意剝奪。

改革的必要—"重新發現的成人監護制度"

香港監護法例於一九九七年六月通 過,雖然僅於《精神健康條例》加入新 設的第IVB部,但香港仍然是首個亞洲城 市擁有現代模式的成人監護法律。隨後, 日本於二零零零年開始有成人監護法,接 著,二零零五年有英國及二零一零年有新 加坡設立同類法律,這些國家對監護制度 內「精神上無行為能力」及「監護人權 力」的法律較廣泛及全面,但需涉及法庭 委出監護人,所以彈性較少。香港的監護

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制度有其獨特之處,但監護人的權力只限 於六個基本範疇,尤指非常狹窄的每月現 金財務權限,再者,香港未有設立獨立公 共監護人或公共代理人(或公共受託人)辦事 處,其中工作則由社會福利署署長及法定 代表律師分擔,導致財務權力的操作變得 複雜。

香港特別行政區的高等法院於上訴案 件雜項案件2008年第953號,清楚裁定法

in observing Article 12 (Equal recognition before the law), which states:

- 1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
- 2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
- 3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
- 4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of

legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

A Case for Reform – "Re-discovering adult guardianship"

Hong Kong guardianship law was passed in June 1997. Despite a mere insertion of a new Part IVB in the Mental Health Ordinance (Cap. 136), it nevertheless embarked Hong Kong as the first city in Asia to have adult guardianship in the modern sense. In 2000, Japan also started adult guardianship and then United Kingdom in 2005 and Singapore in 2010. In these countries, the guardianship systems are more comprehensive in terms of legal definitions of mental incapacities and guardian powers but they are less flexible due to the involvement of court in appointing guardians. Hong Kong has its own uniqueness and special features in guardianship, yet suffers from a limitation of guardian's powers to six essential areas and particularly a very limited monthly financial jurisdiction in cash. Further, Hong Kong has no independent Public Guardian or Public Trustee (or Public Advocate) in place. The work involved is being shared between Director of Social Welfare and Official

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定監護人權力的詮釋方法,需以"基本權 力"為基礎。按此,法定監護人沒有法定 明文權力限制其他人(包括施虐者)作出探視 或接觸當事人。判案書亦提及政府應即時 全面覆檢及改革監護制度。委員會歡迎及 同意高等法院的意見,此舉無疑令監護制 度可面對日後的挑戰。再者,在其他普通 法管轄區,精神行為能力及監護的相關法 律在這幾年間已進行全面改革。以下列舉 一些本港成人監護制度需要改革的要點:

- (一)法定監護人的權力可伸展至普通法及 衡平法賦予監護人的全部權力,可參 考澳洲新南威爾斯州的模式;
- (二) 監護人的財務權力可伸展至產業受託 監管人權力,即是說監護委員會可委 任產業受託監管人;
- (三)成立獨立公共監護人及公共代理人(或 公共受託人)辦事處(該辦事處能以全 面產業受託監管人權力行事);

(四)精神上無行為能力人士之定義及監護 準則方面,應採取英國的模式(詳見 Mental Capacity Act 2005),在此情 況下,方可配合精神行為能力的最新 醫學(包括評估)及法律發展,與時並 進。現時香港的相關法制已遠遠落後 其他國家。



複雜個案

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於二零一零年,委員會審理了一宗十 分複雜的家庭糾紛個案,當中涉及十名律 師(包括兩位資深大律師)出席兩天的聆訊。 於二零一一年,同一宗案需進行覆核聆 訊。整體來説,在這期間的複雜個案數量 保持高位:

年份	複雜個案
2009	35
2010	35
2011	35

工作

Solicitor. Thus, the management of finances becomes unnecessarily complicated.

In an appeal decision (HCMP 953/ 2008), the High Court of Hong Kong SAR has made a clear ruling that the interpretation of statutory powers of a legal guardian is on an "essential power approach". On that basis, it was ruled that a legal guardian does not have a power to restrict access of another person, even if he were an abuser, from visiting or contacting the subject-person. The judge in that case has urged that it is the high time that the guardianship scheme should be reviewed and reformed. With full agreement to the judge's view, there is no doubt that a fundamental reform should be considered in order that the quardianship system can meet up with its challenges in the next decade or so. More so, the mental capacity and guardianship laws in many common law jurisdictions have by now been comprehensively codified in recent years. In the following, some key elements for reform are set out:

a. The powers of a legal guardian be extended to include all powers as a

guardian in law and equity, which is based on Australia's New South Wales model.

- b. The financial powers of a legal guardian be extended to a committee's powers, which means the power of the Guardianship Board to appoint a committee.
- c. Establishing an independent Public Guardian and Public Trustee (Advocate) Office (who can act with full committee powers).
- d. The existing definitions of mentally incapacitated person and criteria of guardianship be replaced and the United Kingdom model be adopted (see Mental Capacity Act 2005), for only by then the modern medical (including assessment) and legal development of mental capacity can be brought in line. The existing local legal provisions are pretty much outdated.

Complicated Case

In year 2010, the Board has heard an exceedingly complex family conflict case where a total of 10 lawyers (including 2 senior counsel) attended the two-day hearing. The same case also reached a review hearing in 2011. Overall, the volume of complicated cases remained high during this period:

Year	Complicated cases
2009	35
2010	35
2011	35

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個案研究

個案 1 侵吞財產及考慮長遠福利計劃的最佳利益

1. 陳女士是一位七十歲的單身女士,患有 老年痴呆症,獨居於香港半山高級住宅 區的寬敞居所。於二零零九年十二月, 陳女士伴隨陌生人到銀行,從個人戶口 轉賬七百五十萬元到她與其中一位陌生 人的聯名戶口,銀行職員就事件立即報 警,陌生人(包括一對夫婦及他們的成年) 兒子)被捕及需要協助調查,陳女士被送 往醫院接受診治及留院觀察。據了解, 陳女士只在數月前認識懷疑侵吞者(夫婦 家庭),早於二零零九年十月,陳女士亦 曾被帶到其他銀行,成功把三百五十萬 元從陳女士的個人戶口,轉到她與該對 夫婦的兒子的聯名定期戶口。委員會進 行緊急監護聆訊及委任社會福利署署長 為監護人。



2. 於三個月後的正式聆訊,委員會決定延續監護令一年,據存檔的社會背景調查報告,委員會得悉陳女士的資產包括價值超過一億元的股票、一億一仟一佰萬元的存款及陳女士是已故兄長位於半山區居所的遺產管理人,故此,委員會建議官方監護人向高等法院申請產業受託監管人命令,以管理當事人的龐大資產及追討被侵吞的款項,並為福利計劃等事宜作出安排。

工作

 於二零一一年二月的覆核聆訊,委員會 知悉陳女士居住在一所私營護老院的四 人房間,每月費用為一萬元(包括院費及 雜費)。陳女士每星期接受兩次物理治療 及定期到醫院覆診。有關二零零九年十 二月侵吞財產事件,警方沒有採取任何 行動,有關向高等法院申請產業受託監 管人命令,委員會驚訝地得知,官方監 護人經考慮後認為現階段沒有必要提出 該申請。委員會指出官方監護人應為陳 女士的最佳利益著想(已向個案社工明確 地解釋條款)向法庭提出申請。

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Case Study

Case 1 Financial abuse and best interests considered in long-term welfare planning

- 1. Madam J was a 70 year-old woman who was a singleton and lived alone in a sizeable flat of an upper class residential area in Hong Kong Mid-levels. In December 2009, Madam J was accompanied by strangers to transfer \$7.5 million from a sole-name account to her joint account with one of the strangers. The incident was reported to police immediately by bank staff. The strangers (included a couple and their adult son) were arrested for investigation. Madam J was sent to a hospital for medical consultation and kept at a hospital ward since. As revealed, Madam J only knew the suspected abusers (the couple's family) a few months ago. Earlier in October 2009, she was brought by the same couple to banks and successfully transferred a sum of \$3.5 million from her sole-name account to a joint fixed deposit account of her and the couple's adult son. The Board conducted an EGO hearing and appointed the Director of Social Welfare as the guardian.
- 2. At the normal guardianship hearing 3 months later, Guardianship Order was continued for one year. According to the social enquiry report subsequently filed, the Board noted that Madam J had assets including over \$100 million worth of

stocks, cash \$111 million at bank and she was the Administratrix of her late elder brother's residence at Hong Kong Midlevels. The Board therefore recommended the public guardian to apply to Court for a committee order to manage the huge assets of the subject and to recover her abused money. Obviously the welfare plan was also pending.

3. At a review hearing in February 2011, the Board noted Madam J lived in a 4-person room of an ordinary private care and attention home at a monthly fee of \$10,000 (included home fee and miscellaneous expenses). She received physiotherapy about two sessions per week and regular follow-ups at hospital. Regarding the progress of police intervention on financial abuse incident in December 2009, there was no action taken to revert the abused money. Regarding the application for a committee order, the public guardian considered it was, quite to the surprise of the Board, not necessary at this stage. The Board continued, in the best interests of Madam J (explained to the case workers in unequivocal terms), to pursue the public guardian to make the Court application.



- 沈先生是患有血管性痴呆症及神經性梅 毒的八十七歲男士,他於二零一一年四 月入住醫院,懷疑被[養]子亞輝打傷。
- 二零一一年五月上旬,醫務社工因懷疑 沈先生分別被亞輝及第二任妻子身體虐 待及侵吞財產而提出監護令申請,兩位 近親亦因為沈先生的財務管理及將來照 顧計劃發生爭執。同年六月,沈先生出 院回家之後,亞輝一直提供支援及探 望。
- 3. 沈先生每月有港幣一萬二仟元的店舖租 金收入,但受到内地親屬的干涉,租客 已停止繳交租金予亞輝。亞輝擁有一個 與沈先生的聯名戶口,餘款只有港幣二 百四十元。自二零零五年,戶口一共被 提取二百九十六萬元,亞輝承認他於二 零一一年二月提取了港幣八十二萬元(即 戶口的最後結餘)。他解釋他的做法是想 保護沈先生,因為他看見聯名戶口不時 有不明的巨額提款,他亦希望保障自己 作為他已故母親(即沈先生於二零零八年 去世的首任妻子) 遺產承繼人之一的利 益。他表示二百九十六萬元全是他[養]父 母的金錢及從租金收入累積下來。第二 任妻子從沒有聯絡亞輝商討當事人的事 盲。

- 社會背景調查報告擬備人提及,現時由 亞輝照顧當事人,沈先生行動自如,甚 至能自行到第二任妻子位於深圳的住 所。最近,亞輝向申請人建議撤銷監護 申請及他打算交託律師處理租約事務。
- 於同年十月的聆訊中,申請人不確定她 應否撤銷她的申請,因沈先生名下已沒 有任何存款/現金,但當事人入院時曾懷 疑被亞輝打傷。亞輝聲稱他用聯名戶口 提取的存款支付沈先生每月港幣五仟至 六仟元的開支,同時,亞輝當場提交他 的出生證明書,證實他是沈先生與第一 任妻子的親生兒子,他對批出監護令有 所保留。
- 社會背景調查報告擬備人的立場含糊, 與她自己的原建議背道而馳,又提出沈 先生名下只有一所舖位(亦非委員會司法 權範圍),而且亞輝亦給予當事人合宜照 顧。
- 7.委員會最終批出監護令,委任社會福利 署署長為監護人,藉以保障沈先生的全 面福利及財務利益。

Case 2 Family conflict and financial abuse

- Mr Y was a 87 year-old man and suffered from vascular dementia and neurosyphilis. He was admitted to hospital in April 2011, suspected of being hit by his [adopted] son, C.
- 2. In early May 2011, hospital medical social worker applied for Guardianship Order on ground of physical abuse and financial abuse respectively by C and Mr Y's 2nd wife. Both these two close family members were in conflict over finance handling and future care planning of Mr Y. In June 2011, Mr Y was discharged home, being visited and supported by C.
- 3. Mr Y had a shop rented out for \$12,000 a month. But the tenant stopped paying rent to C because of interference by some Mainland relatives. C had a joint bank account with Mr Y with a balance of only \$240. Since 2005, a total of \$2.96 million were withdrawn from it. C admitted having withdrawn of \$820,000 (being the final balance) in February 2011. He explained that he wanted, by doing so, to protect Mr Y as he saw money in sizeable sums having been withdrawn from the joint account from time to time for unknown reasons. He also wished to protect his own interests as a beneficiary of his late mother's estate (i.e. estate of Mr Y's 1st wife who died in 2008). He maintained that the said \$2.96 million were monies of his [adopted] parents and accumulated rentals received from the shop. The 2nd wife was never contacted to discuss the matters.

- 4. The social enquiry report maker stated that C currently took care of the needs of Mr Y, who was physically able to move around and even went to his 2nd wife's place in Shenzhen, Mainland China. C recently approached the applicant to withdraw the application and he liked to instruct a lawyer to handle the tenancy issue.
- 5. At the hearing in October 2011, the applicant was not sure if she should withdraw her application as there was no savings/money under Mr Y's name. Yet, Mr Y was beaten up by C at hospital admission. C said he was paying the monthly expenses of Mr Y at \$5,000 to \$6,000 a month from the money held by him. At the same hearing, C also surprisingly submitted his birth certificate proving that he was in fact the lawful and natural son of Mr Y and his 1st wife. He appeared very reserved against granting a Guardianship Order.
- 6. The social enquiry report maker, contrary to her own recommendation, was evasive on whether Guardianship Order should be granted because Mr Y only had a shop under his own name (i.e. outside the jurisdiction of the Board) and C has taken care of him adequately.
- 7. The Board finally decided to grant a Guardianship Order with Director of Social Welfare appointed as guardian in order to protect Mr Y's overall welfare and financial interests.

個案 3 需留意當事人的資產淨值

- 唐先生是一位五十五歲慣性吸煙及酗酒 者。於二零一一年一月,唐先生因中 風被送往醫院。入院前,他是一名護衛 員,每月賺取港幣九仟元。唐先生的情 況嚴重,需接受多個神經外科手術。於 同年六月申請監護令時,唐先生已被轉 送到復康醫院,他右邊半身不遂及完全 失去語言能力,認知能力明顯缺損,日 常起居活動完全需要依靠,他在簡短智 力測試只有兩分(三十分為滿分)。
- 唐先生的妻子住在自置居所計劃的單 位,她申請監護令為動用唐先生的銀行 存款,於調查期間發現,唐先生的銀行 存款只有港幣三萬二仟元,及強制性公 積金(強積金)計劃供款九萬元。

 唐先生曾於二零零八年申請破產,但於 同年撤銷有關法律程序,因為他與兩位 債權人(即兩所銀行)達成共識,以分期形 式還款。

工作

- 社會背景調查報告擬備人建議批出監護
 令並委任妻子為監護人,但據估計當事
 人欠兩位債權人的款項最少二十萬元。
- 委員會考慮到唐先生根本沒有資產淨 值,駁回申請。

第॥部 (產業受託監管人命令及第24條命令) 建議

委員會曾於適合的個案中,作出第II部建議,藉以更有效管理當事人的資產。

年份	個案數量
2009	37
2010	33
2011	32

*第24條命令——首命令於二零零七年三月二十一日發出, Re LSK 雜項案件2003年第4683號。

Case 3 Net equity in subject's assets considered

- Mr T was a 55 years old man who was a chronic smoker and drinker. In January 2011, he suffered from Cerebral Vascular Accident (CVA) and admitted to a hospital. At the time of onset, he worked as a security guard, earning \$9,000 per month. He was in serious conditions and had a number of neurosurgeries performed on him. At the time of guardianship application in June 2011, Mr T was already transferred to a rehabilitation hospital. He suffered from right hemiplegia and total dysphasia. His cognitive ability was significantly impaired and his activities of daily living were totally dependent. His MMSE was only 2/30.
- Mr T's wife, living in her Home Owner Scheme flat, applied to Guardianship Board with a view to mobilize subject's savings at bank. During social enquiry stage, Mr T was found to have only savings at bank of \$32,000, entitlements

at a Mandatory Provident Fund (MPF) Scheme at \$90,000.

- 3. As checked, Mr T had once applied to become a bankrupt in 2008, but later withdrew the court proceedings in the same year. It was because he reached a compromise with his two institutional creditors (two banks) by making instalment payments.
- 4. The social enquiry report maker recommended for Guardianship Order with the wife as guardian. At the hearing, the wife liked to become the guardian. But, it was estimated that the subject's indebtedness owing to two outside creditors amounted to at least \$200,000.
- 5. Application was dismissed as Mr T does not have a net equity after taking into account of his overall indebtedness.

Part II (Committee Order/Section 24 Order) Recommendations

Part II recommendations made in order to better manage subject's assets.

Year	Number of cases
2009	37
2010	33
2011	32

*Section 24 Order – 1st order made on 21 March 2007, RE LSK, HCMP 4683 of 2003.

個案及主要統計

一般監護令申請

年 份	申請
2009	305
2010	298
2011	279
合 共	882



月份



Outcome, overall caseload & major statistics

Normal Guardianship Applications

Year	Applications
2009	305
2010	298
2011	279
Total	882



Month





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工作

一般監護令及覆核聆訊

年份	一般監護令聆訊	覆核聆訊
2009	277	279
2010	257	303
2011	261	306
合 共	795	888



月份



YearNormal guardianship hearingReview hearing200927727920102573032011261306Total795888





Month

Hearings for Review of Guardianship Orders (Chart 3) 2009 2010 2011 45 40 35 30 25 **9** 20 15 10 5 0 Feb Mar Apr May Jun Jul Aug Oct Nov Dec Jan Sep Month

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批出命令的種類

命令	2009	2010	2011
一般監護令	218	200	179
覆核命令	160	200	205
緊急監護令	1	3	2
駁回申請	12	16	22
撤銷申請	40	37	48
不延續的命令(免除)	106	99	96
延期命令	22	17	24
合 共	559	572	576



批出命令的種類(圖四)

工作

Types of Order Made

Orders	2009	2010	2011
Normal guardianship Orders	218	200	179
Review Order	160	200	205
Emergency Guardianship Order (EGO)	1	3	2
Application dismissed	12	16	22
Application withdrawn	40	37	48
Orders not renewed (discharged)	106	99	96
Orders of adjournment	22	17	24
Total	559	572	576



為取得同意治療權力而提出申請的個案



為取得同意治療權力而提出申請的個案(圖五)



緊急監護令申請

(32

年份	申請
2009	6
2010	10
2011	8
合 共	24





T 作





(34



Trend of cases on elderly (Age above 60 years old) in normal Guardianship and EGO Applications

Year	Applications
2009	241
2010	243
2011	209
Total	693

Trend of cases on elderly (Age above 60 years old) in normal guardianship and EGO Applications (Chart 7) 2009 2010 2011 35 -30 -25 **2**0 15 10 5 0 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

Month





残疾類別

殘 疾	2009	2010	2011
精神病	11	7	15
弱智	27	16	18
中風/腦血管意外/血管性痴呆症	154	157	138
痴呆症(阿氏痴呆症/老年痴呆症/早老性痴呆症)	77	89	74
其他(包括意外)	39	29	34
合 共	305	298	279

殘疾類別(圖八)



工作
The Work

Types of Disability

Disability	2009	2010	2011
Mental illness	11	7	15
Mental handicap	27	16	18
Stroke/CVA/Vascular dementia	154	157	138
Dementia (Alz./Senile/Pre-senile)	77	89	74
Others (including accident)	39	29	34
Total	305	298	279





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申請一般監護令的原因

原因	2009	2010	2011
財務	199	182	172
被侵吞財產	15	11	6
糾紛	5	11	7
福利及保障	10	9	10
接受治療	29	12	13
住宿	7	5	20
精神康復	0	2	1
出院	3	6	4
其他/不能分類	0	7	8
其他虐待	0	2	3
合 共*	268	247	244

* 延期個案的申請原因不會在上表列出。



申請一般監護令的原因(圖九)

The Work

Reasons	2009	2010	2011
Finance	199	182	172
Financial abuse	15	11	6
Conflict	5	11	7
Welfare & Protection	10	9	10
Consent to treatment	29	12	13
Residence	7	5	20
Psy-rehabilitation	0	2	1
Discharge	3	6	4
Others/Unclassified	0	7	8
Other abuse	0	2	3
Total *	268	247	244

Reasons for Normal Guardianship Applications

* Reasons for adjourned cases were not shown on the table above.



Reasons for Normal guardianship applications (Chart 9)



不被延續命令的個案

年 份	不被延續命令的個案	覆核聆訊	百分比
2009	106	279	38%
2010	99	303	33%
2011	96	306	31%
合 共	301	888	34%

醫院管理局第IVC部查詢

委員會每日需編配人手,即時書面回覆醫院管理局有關病人是否被收容監護的查詢。

年份	查詢
2010	8,870
2011	9,745

投訴

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在此報告期內,秘書處收到的投訴數 量下降。

由於複雜/家庭糾紛個案增加,一般而 言,投訴數量亦會相應增多,然而,與其 他國家的投訴情況相比及考慮本地聆訊個 案的數目,在這期間委員會收到的投訴數 量極低(1,131個聆訊中只有4宗投訴)[兩宗 是投訴主席、一宗是投訴委員會的裁決及 一宗是投訴職員及申請程序],這是值得鼓 舞的事情。

工作

有關投訴詳列如下:

二零零九年六月

投訴秘書處職員不接納已過期的醫療 報告。

			The Work
Cases not ren	ewed		
Year	Cases not renewed	Review hearing	%
2009	106	279	38%
2010	99	303	33%
2011	96	306	31%
Total	301	888	34%

Hospital Authority Part IVC Enquiries

The Board has to deploy resources to reply in writing to the enquiry from Hospital Authority on guardianship status of patients.

Year	Enquiries
2010	8,870
2011	9,745

Complaints

During the period under report, the Board received a decreased number of complaints.

Nevertheless, due to rising number of complicated / conflict cases, it is natural that the number of complaints would rise in future. Encouragingly though, the complaints lodged during this period are negligibly small in number (4/1,131*) [two complaints were laid against the Chairperson, a complaint again the Board's decision, and a complaint was against staff and application procedure], when compared internationally and in terms of the volume of cases heard.

The complaints are listed below:

June 2009

Complaint against the staff on not accepting the expired medical report.

June 2010

Complaint against the Board's decision to change the guardian's appointment in favour of the Director of Social Welfare.

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二零一零年六月

投訴委員會的裁決,不滿委員會轉換 並委任社會福利署署長為監護人。

二零一零年八月

懷疑施虐者投訴主席於聆訊中作為聆 訊主持者的表現。

二零一零年十月

申請人(即兒子)(家庭糾紛個案)投訴主 席於聆訊中作為聆訊主持者的表現及對他 存有(其中包括)個人偏見。

二零一一年

委員會並沒有收到任何投訴。

上訴

1. 檔案:高等法院雜項案件2008年第953號

雜項案件2008年第953號是委員會自 一九九九年成立以來第四個上訴個案,高 等法院於二零零九年三月作出重要裁決, 釐清監護人作出規定、規限或監察探視安 排的權力。當事人的女兒是一個慣性的投 訴人,她獲得了法庭撤銷委員會限制探視 當事人的特別條款。

之後,女兒就同一案件曾經申請第二 次上訴,申訴有關官方監護人作出的住宿 決定,但這次,高等法院判她敗訴並需支 付堂費。

雜項案件2008年第953號的判案書 出刊後,於二零零九年八月,委員會首次 就一宗個案作出向法院申請探視命令的建 議。

2. 檔案: 高等法院雜項案件2011年第635號

於二零一一年四月十二日,委員會收 取了高等法院(雜項案件2011年第635號)的 動議通知書,申請人(即女兒)對委員會於二 零一零年八月的裁決提出上訴。案件有關 當事人住在精神病院的出院問題,委員會 委任社會福利署署長為監護人,上訴於二 零一一年十月審理並即時被駁回。

工作

The Work

August 2010

Complaint by suspected abuser against the Chairperson in the performance of his role as the presiding member at hearing.

October 2010

Complaint by applicant-son (family conflict case) against the Chairperson in

the performance of his role as a presiding member hearing the application on ground of (inter alia) personal bias.

For 2011

the Board records no complaint received.

Appeals

1. HCMP 953/2008

HCMP 953/2008 is the FOURTH appeal case of the Board since 1999. The High Court made an important decision in March 2009 on the jurisdiction of Board over the question of regulating, restricting or monitoring visits / access to the subjectperson. A habitual complainant, the daughter of the subject has won as the court set aside the Board's special conditions on restricting access.

The daughter later filed her second appeal in the same case against an

accommodation decision made by the public guardian. But for this time, she lost the case and was ordered by High Court to pay the legal costs.

Since the Judgment in HCMP 953/ 2008, the Board has made the first ever recommendation for court order to monitor access when concluding a case heard in August 2009.

2. HCMP 635/2011

On 12 April 2011, the Board was served with a Notice of Motion of High Court (HCMP 635/2011) under which an applicant-daughter has lodged an appeal against the Board's decision in August 2010. The case concerned a discharge problem of the subject person at a mental hospital and Director of Social Welfare was appointed the legal guardian. The appeal was heard in October 2011 upon which the case was dismissed.



委員會委員

以下委員會委員在此報告期內受委任(註一):

甲組委員

大律師/律師

- 4. 姚定國律師
 2. 梁偉強大律師
- 3. 李樹旭大律師
- 4. 陳家樂太平紳士,SBS
- 5. 徐伯鳴太平紳士
- 6. 洪惠貞律師
- 7. 關德康律師
- 8. 邵信發律師
- 9. 蕭財發律師
- 10. 楊元彬律師
- 11. 黃瑞珊律師
- 12. 黃勁大律師
- 13. 楊啟基律師

(註二)

- (任期至二零一一年一月三十一日)
- (任期至二零一一年一月三十一日)
- (任期至二零一一年一月三十一日)
- (任期至二零一一年一月三十一日)
- (任期至二零一一年一月三十一日)
- (任期由二零一一年二月一日開始)
- (任期由二零一一年二月一日開始)
- (註二) (任期由二零一一年二月一日開始)
- (任期由二零一一年二月一日開始)
- (任期由二零一一年二月一日開始)

乙組委員

註冊醫生

1. 陳偉智醫生 方榮志醫生 2. 3. 林美玲醫生 雷永昌醫生 4. 陳漢威醫生 (任期至二零一一年一月三十一日) 5. (任期至二零一一年一月三十一日) 6. 陳華發醫生 戴樂群醫生 (任期至二零一一年一月三十一日) 7.

Board Members

The Members of the Board during the years (Note 1) under report are set out below:

Panel A Members

Barristers and Solicitors

- 1. Mr IU Ting-kwok
- 2. Mr Richard LEUNG Wai-keung
- 3. Mr Andrew LI Shu-yuk
- 4. Mr Walter CHAN Kar-lok, S.B.S., JP
- 5. Mr Norman CHUI Pak-ming, JP
- 6. Ms Christina HUNG Wai-ching
- 7. Mr Thomas KWAN Tak-hong
- 8. Mr SHAW Shun-fat
- 9. Mr SIU Choi-fat
- 10. Mr Benny YEUNG Yuen-bun
- 11. Ms Susan WONG
- 12. Mr WONG King
- 13. Mr Kenneth YEUNG Kai-kay

(Note 2)
(Appointment up to 31 January 2011)
(Appointed on 1 February 2011)
(Appointed on 1 February 2011)
(Note 2)(Appointed on 1 February 2011)
(Appointed on 1 February 2011)
(Appointed on 1 February 2011)
(Appointed on 1 February 2011)

Panel B Members

Registered Medical Practitioners

- 1. Dr CHAN Wai-chi
- 2. Dr FONG Wing-chi
- 3. Dr May LAM Mei-ling
- 4. Dr Victor LUI Wing-cheong
- 5. Dr Felix CHAN Hon-wai
- 6. Dr CHAN Wah-fat
- 7. Dr David DAI Lok-kwan

(Appointment up to 31 January 2011) (Appointment up to 31 January 2011) (Appointment up to 31 January 2011)

Left Left 監護委員會 GUARDIANSHIP BOARD

委員會委員

8.	孔志航醫生	(任期至二零一-	-年一月三十一日)
9.	郭偉明醫生	(任期至二零一-	-年一月三十一日)
10.	梁萬福醫生	(任期至二零一-	-年一月三十一日)
11.	林煒醫生	(任期至二零一-	-年一月三十一日)
12.	勞振威醫生	(任期至二零一-	-年一月三十一日)
13.	沈孝欣醫生	(任期至二零一-	-年一月三十一日)
14.	蔡定國醫生,太平紳士	(任期至二零一-	-年一月三十一日)
15.	姚玉筠醫生	(任期至二零一-	-年一月三十一日)
16.	林翠華教授	(任期由二零一-	-年二月一日開始)
17.	羅振邦醫生	(任期由二零一-	-年二月一日開始)
18.	梁佩瑤醫生	(任期由二零一-	-年二月一日開始)
19.	歐陽東偉醫生	(任期由二零一-	-年二月一日開始)
20.	蔡永傑醫生	(任期由二零一-	-年二月一日開始)
21.	江德坤醫生	(任期由二零一-	-年二月一日開始)
22.	徐慕菁醫生	(任期由二零一-	-年二月一日開始)
23.	黃詠妍醫生	(任期由二零一-	-年二月一日開始)
臨床心理學家			

1.	馮淑敏博士	(任期至二零一一年一月三十一日)
2.	繆李金碧女士	(任期至二零一一年一月三十一日)
3.	梁莊麗雅博士	(任期至二零一一年一月三十一日)
4.	黃熾榮博士	(任期至二零一一年一月三十一日)
5.	曾慶培博士	(任期由二零一一年二月一日開始)
6.	陳皓宜博士	(任期由二零一一年二月一日開始)
7.	陳乾元博士	(任期由二零一一年二月一日開始)
8.	胡潔瑩博士,太平紳士	(任期由二零一一年二月一日開始)

職業治療師

- 1. 李萍英博士
- 2. 陳德敏女士
- 3. 劉華珍女士

(任期至二零一一	年一月三十一日)
(任期由二零一一	年二月一日開始)
(任期由二零一一	年二月一日開始)

Board Members

- 8. Dr Rommel HUNG Chi-hong
- 9. Dr Henry KWOK Wai-ming
- 10. Dr Edward LEUNG Man-fuk
- 11. Dr LIN Wei
- 12. Dr LO Chun-wai
- 13. Dr Karen SHUM Hau-yan
- 14. Dr Peter TSOI Ting-kwok, JP
- 15. Dr YIU Yuk-kwan
- 16. Professor LAM Chiu-wa
- 17. Dr Alexander LAW Chun-bon
- 18. Dr LEUNG Pui-yiu
- 19. Dr AU YEUNG Tung-wai
- 20. Dr CHOI Wing-kit
- 21. Dr KONG Tak-kwan
- 22. Dr Eileena CHUI Mo-ching
- 23. Dr WONG Wing-yin

Clinical Psychologists

- 1.Dr Amy FUNG Shuk-man(/2.Mrs Peggy Roberta MIU LEE(/
- 3. Dr Anita LEUNG CHONG Ngai-ngor
- 4. Dr WONG Chee-wing
- 5. Dr Michael TSANG Hing-pui
- 6. Dr Cindy CHAN
- 7. Dr Calais CHAN Kin-yuen
- 8. Dr Kitty WU Kit-ying, JP

(Appointment up to 31 January 2011) (Appointed on 1 February 2011)

- (Appointed on 1 February 2011)
- (Appointed on 1 February 2011)
- (Appointed on 1 February 2011)
- (Appointment up to 31 January 2011)
 (Appointed on 1 February 2011)

Occupational therapist

- 1. Dr Eria Ll Ping-ying
- 2. Miss Emma CHAN Tak-mun
- 3. Ms Medina LAU Wah-chun

(Appointment up to 31 January 2011) (Appointed on 1 February 2011) (Appointed on 1 February 2011)



社會工作者

周淑琼女士
周賢明先生,MH
張危美玉女士
馮啟民先生
李秀霞女士
吳家雯女士
袁漢林先生
楊美玲女士
陳佩儀女士
程志剛先生
郭烈東先生
馬錦華太平紳士
蘇國安先生
曾福怡女士
錢黃碧君女士
陳潔玲女士
錢文紅女士
潘廣輝先生
葉燕心女士
何錦昌先生
李楚翹博士
尹家碧女士
孫勵生先生

24. 伍庭山先生

(任期至二零一一年一月三十一日) (任期至二零一一年一月三十一日) (任期至二零一一年一月三十一日) (任期至二零一一年一月三十一日) (任期至二零一一年一月三十一日) (任期至二零一一年一月三十一日) (任期由二零一一年二月一日開始) (任期由二零一一年二月一日開始) (任期由二零一一年二月一日開始) (任期由二零一一年二月一日開始) (任期由二零一一年二月一日開始) (任期由二零一一年二月一日開始) (任期由二零一一年二月一日開始) (任期由二零一一年二月一日開始) (任期由二零一一年二月一日開始)

委員會委員

- 丙組委員
- 1. 江馬玉琴女士
- 2. 梁綺萍女士
- 3. 盧鄭玉珍女士
- 4. 袁遠有女士
- 5. 郭敏怡女士

(任期由二零零九年五月一日開始)

(任期由二零一一年二月一日開始)

(任期由二零零九年五月一日開始)

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Board Members

Social Workers

- 1. Ms Kitty CHAU Shuk-king
- 2. Mr Francis CHAU Yin-ming, MH
- 3. Mrs Marian CHEUNG NGAI Mei-yuk
- 4. Mr David FUNG Kai-man
- 5. Ms Elsa LEE Sau-ha
- 6. Ms Carmen NG Ka-man
- 7. Mr Joseph YUEN Hon-lam
- 8. Ms YEUNG Mee-ling
- 9. Ms CHAN Pui-yi
- 10. Mr CHING Chi-kong
- 11. Mr KWOK Lit-tung
- 12. Mr Timothy MA Kam-wah, JP
- 13. Mr Christopher SO Kwok-on
- 14. Ms Connie TSANG Fook-yee
- 15. Mrs Teresa TSIEN WONG Bik-kwan
- 16. Ms CHAN Kit-ling
- 17. Miss CHIEN Man-hung
- 18. Mr POON Kwong-fai
- 19. Ms Frances IP Yin-sum
- 20. Mr Allan HO Kam-cheung
- 21. Dr LEE Tsor-kui
- 22. Ms WAN Ka-pik
- 23. Mr SUEN Lai-sang
- 24. Mr NG Ting-shan

(Appointment up to 31 January 2011)
(Appointed on 1 February 2011)

(Appointed on 1 February 2011)

Panel C Members

- 1. Mrs KONG MA Yuk-kum
- 2. Ms Nora LEUNG Yee-ping
- 3. Mrs LO CHENG Yuk-chun
- 4. Ms YUEN Yuen-yau
- 5. Ms Wandy KWOK Man-yee

(Appointed on 1 May 2009) (Appointed on 1 May 2009)

委員會委員

6.	陳桂坡先生	(任期由二零零九年五月一日開始)
7.	馬佩玲女士	(任期由二零零九年五月一日開始)
8.	朱慧心女士	(任期至二零一一年一月三十一日)
9.	劉美瑛女士	(任期至二零一一年一月三十一日)
10.	何鑑如先生	(任期至二零一一年一月三十一日)
11.	何永芳女士	(任期至二零一一年一月三十一日)
12.	鄺張鈺儀女士	(任期至二零一一年一月三十一日)
13.	唐許嬋嬌女士	(任期至二零一一年一月三十一日)
14.	黃李思敏女士	(任期至二零一一年一月三十一日)
15.	黃美玲女士	(任期由二零一一年二月一日開始)
16.	高唐維珠女士	(任期由二零一一年二月一日開始)
17.	韓燕萍女士	(任期由二零一一年二月一日開始)
18.	陳慧貞小姐	(任期由二零一一年二月一日開始)
19.	卓政德先生	(任期由二零一一年二月一日開始)
20.	周淑嫺女士	(任期由二零一一年二月一日開始)
21.	陳瑞貞女士	(任期由二零一一年二月一日開始)
22.	李淑儀女士	(任期由二零一一年二月一日開始)
23.	黃麗明女士	(任期由二零一一年二月一日開始)
24.	羅美玲女士	(任期由二零一一年二月一日開始)

註一: 若委員姓名後沒有列出其履任或離任日期者[,]則其任期乃由二零零八年二月一日起。

註二: 黃瑞珊律師及李樹旭大律師因獲司法機構委任,故分別於二零一二年九月十二日及十一月一日辭 任委員會委員。



Board Members

/	Mr Eddia CLIANI Kurai bar	(Approximated and 1 May 2000)
6.	Mr Eddie CHAN Kwai-bor	(Appointed on 1 May 2009)
7.	Miss MA Pui-ling	(Appointed on 1 May 2009)
8.	Ms Betty CHU Wai-sum	(Appointment up to 31 January 2011)
9.	Mrs FURNISS LAU Mei-ying	(Appointment up to 31 January 2011)
10.	Mr Stephen HO Kam-yu	(Appointment up to 31 January 2011)
11.	Ms Sally HO Wing-fong	(Appointment up to 31 January 2011)
12.	Mrs Margaret KWONG CHEUNG Yuk-yee	(Appointment up to 31 January 2011)
13.	Mrs Heidi TONG HUI Sim-kiu	(Appointment up to 31 January 2011)
14.	Mrs Almond WONG LEE Sze-mun	(Appointment up to 31 January 2011)
15.	Ms WONG Mee-ling	(Appointed on 1 February 2011)
16.	Mrs KO TONG Wai-chu	(Appointed on 1 February 2011)
17.	Ms Rosina HON	(Appointed on 1 February 2011)
18.	Miss CHAN Wai-ching	(Appointed on 1 February 2011)
19.	Mr Paul CHEUK Ching-tak	(Appointed on 1 February 2011)
20.	Ms CHAU Sook-haan	(Appointed on 1 February 2011)
21.	Ms Cecilia TAN	(Appointed on 1 February 2011)
22.	Ms Angela LEE Shuck-yee	(Appointed on 1 February 2011)
23.	Ms WONG Lai-ming	(Appointed on 1 February 2011)
24.	Ms LO Mei-ling	(Appointed on 1 February 2011)

Remarks:

Note 1: For those members without an appointment date or expiration date specified, their appointments have started since 1 February 2008.

Note 2: Because of the appointments of Judiciary, Ms Susan WONG and Mr Andrew LI Shu-yuk have resigned from the Board on 12 September 2012 and 1 November 2012 respectively.





監護委員會主席及秘書處首長	:	趙宗義律師
委員會秘書	:	林雪貞小姐
主席之私人秘書	:	李碧嬋小姐
助理委員會秘書	:	馮翠珊小姐
助理文員	:	鄭瑞微小姐

在報告年度內,委員會整理了內部的程序,在2011年4月完成內部個案處理指引 ("ICHG")、內部行政指引("IOG")及在2011年9月完成委員會委員手冊(第一版)。

委員的發展

 這時期的主要挑戰是於二零一一年二月 一日大部份委員會委員(六十名委員中的 三十八名)需要更替,所以秘書處於二零 一零年的部份資源投放於招募委員及準 備迎新研討會。

及於二零一零年二月四日及二零一一年 一月二十九日舉辦了兩場資訊分享講 座。

 另外,因為希望委員會委員能獲取有關 監護制度的最新標準、法例要求及知 識,以致他們能精確地履行職責,委員 會投放資源舉辦研討會及分享講座,及 發放《每月通訊》。截至本報告時段, 主席總共發出九十八期的《每月通訊》



Chairperson & Head of the Secretariat	:	Mr Charles CHIU Chung-yee
Secretary to the Board	:	Ms Shera LAM Suet-ching
Personal Secretary to the Chairperson	:	Ms Angel LEE Pik-sim
Assistant Secretary to the Board	:	Miss Katie FUNG Chui-shan
Clerical Assistant	÷	Miss CHENG Sui-mei

The Board has experienced significant internalization processes during these years by launching the Internal Case Handling Guide (ICHG) and Internal Office Guide (IOG) in April 2011 and Members' Manual (1st edition) in September 2011.

Members' development

- The major challenge during this period was the massive turn-over of 38/60 Guardianship Board members on 1 February 2011. Some resources in 2010 were devoted to the significant recruitment exercise and preparation for induction training.
- 2. As it is important to keep members informed of the current standard, requirements and guardianship knowledge in order that they can

discharge their duties adequately, the Board has devoted resources to bring about workshops, trainings and monthly bulletins. Up to the time of this report, a total of 98 monthly bulletins were written by the Chairperson and 2 development sessions were given to members respectively on 4 February 2010 and 29 January 2011.



網頁

委員會官方網頁加強了版面及精確的內在連結功能,以及加入了簡體字介面,現有網 頁一共提供三種不同的字樣,新變革已於2011年1月4日晚上完成上載。

年份	瀏覽人次
2005年4月1日至2009年12月31日	205,719
2010	74,638
2011	75,163

宣傳

傳媒訪問/剪報

- 2010年5月4日,主席接受星島日報新 聞記者訪問。有關報導於2010年5月
 13日刊登於本地新聞版面。
- 2. 2010年6月下旬,明報報導有關委員會 4. 的一宗關於一名老婦被朋友的兒子騙去 物業的個案,及法院批出保護令予社會 福利署署長為臨時接管人。
- 2011年5月2日(星期一),明報的本地新 聞版有半版內文報導委員會對精神上無

行為能力的人被侵吞財產的工作。記者 早於一個月前曾諮詢委員會於過去兩年 半的統計數字。

秘書處

 主席於2011年5月26日在將軍澳電視城 接受無線電視「快樂長門人」節目主 持的錄影訪問,有關片段於2011年6月 16日(星期四)在翡翠台播出。

The website

Our official website has been enhanced with a better facelift and refined intra-links, as well as with the addition of a simplified Chinese version. Totally, the site now offers three written versions. The revamp has been completed and already launched at the midnight on 4 January 2011.

Year	Enquiries
1 April 2005 to 31 December 2009	205,719
2010	74,638
2011	75,163

Publicity

Media interviews / Newspaper clipping

- 1. On 4 May 2010, an interview of the Chairperson was made by a journalist of Sing Tao Daily. The stories came out on 13 May 2010 at a conspicuous place of the Local News section of the newspaper.
- 2. In late June 2010, Ming Pao reported a Board's case of an elderly woman having been cheated her flat by a friend's son and the Director of Social Welfare was authorized by Court to issue a protective writ as the interim receiver.
- 3. On Monday, 2 May, 2011, Ming Pao Daily inserted in its Local News section

a positive and half-page report on the works of Guardianship Board on combating financial abuse of mentally incapacitated adults. The reporter had made an enquiry with the Board a month earlier for various statistics for the past two and a half years.

4. The Chairperson have attended a recorded interview on 26 May 2011 at TVB City at Tseung Kwan O for an elderly serial program called "Happy Elders" (快樂長門人) of the Jade Station which was on air on Thursday 16 June 2011.



公眾研討會

日期: 項目:

二零零九年

由主席主講:

 3月4日 醫院管理局護理深造學院專科老人護理學課程老人照顧之法律及倫理 觀點課堂 出席:150名醫院管理局護士

秘書處

- 5月15日 探訪社會福利署沙田區辦事處及舉行分享會 出席:28名公職人員
- 3. 6月22日 香港大學秀圃老年研究中心及香港理工大學主辦「超越預設醫療指示 的鋭思」座談會 — 預設醫療指示的法律架構及在香港的發展
 出席:300名公眾人士

由委員會秘書主講:

- 3月3日 匡智會講座 出席:100位家長及同工
- 9月25日 香港心理衛生會講座 出席:45位家長及同工
- 3. 12月17日 循道衛理中心講座 出席:200名公眾人士

二零一零年

由主席主講:

- 1. 1月8日 社會福利署舉行成年人監護研討會 出席:150名社會工作者
- 3月11日 香港中文大學精神科學院講座 出席:約100名醫護同工及醫務社工
- 3. 6月11日 2010聯合世界大會—社會工作及社會發展 香港監護-保護長者會議 出席: 30名公眾人士

Public seminars

Date : Description :

Year 2009

by Chairperson:

- 1. 4 March Talk on Legal and Ethical Aspects of Gerontological care to Postregistration Certificate Course in Gerontological Nursing, Institute of Advanced Nursing Studies, Hospital Authority No. of audience: 150 Hospital Authority nurses
- 2. 15 May Briefing and Visit to Shatin District Office of Social Welfare Department No. of audience: 28 public officers
- 22 June Talk on Advance Directives: the legal framework and the Hong Kong development, Symposium of Thinking beyond the concept of Advance Directives, Co-organised by Sau Po Centre on Aging and Polytechnic University No. of audience: 300 general public

by Secretary to the Board:

- 1. 3 MarchSeminar of Hoi Chi Association
No. of audience: 100 parents and staff
- 2. 25 September Seminar of the Mental Health Association of Hong Kong No. of audience: 45 parents and staff
- 3. 17 December Seminar of Methodist Centre No. of audience: 200 general public

Year 2010

by Chairperson:

1.	8 January	Training course on adult guardianship for Social Welfare Department No. of audience: 150 social work officers
2.	11 March	Seminar at the invitation of Department of Psychiatry, Chinese University of Hong Kong No. of audience: Around 100 medical and nursing staff and medical social workers
3.	11 June	Talk on Protecting Elders – Hong Kong Guardianship, 2010 Joint World Conference on Social Work and Social Development No. of audience: 30 general public

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秘書處

- 4. 6月18日 香港大學社會工作及社會行政學系監護令課堂 出席:100名社工系學生
- 5. 9月8日 青山醫院「精神上無行為能力的人的財務管理」講座 出席:約110名醫護及復康服務同工及醫務社工
- 6. 11月4日 香港大學社會工作及社會行政學系三小時傍晚課堂出席:30名社工系學生
- 7. 11月26日 探訪社會福利署東區及灣仔區辦事處及舉行分享會出席:19名公職人員

由委員會秘書主講:

- 5月25日 基督教靈實協會秀茂坪日間活動中心暨宿舍於監護委員會舉行的小組 座談會
 出席:18名家長及同工
- 8月24日 香港弱智人士家長聯會於監護委員會舉行的小組座談會 出席:22名家長及同工
- 3. 9月28日明愛康復服務講座出席:180名家長及社工
- 4. 10月12日 香港唐氏綜合症協會、勵智協進會及協康會於監護委員會舉行的小組 座談會
 出席:15名家長及同工
- 5. 11月9日 社會福利署屯門區辦事處於監護委員會舉行的小組座談會 出席:24名社會工作者

6. 12月3日 香港心理衛生會講座 出席:70名家長及同工

二零一一年

由主席主講:

- 1. 1月21日 社會福利署舉行成年人監護研討會 出席:120名社會工作者
- 3月3日 香港弱智人士家長聯會「監護令的檢視與前膽」研討會 出席:超過300人

4.	18 June	Talk on "Guardianship" to Department of Social Work and Social
		Administration, Hong Kong University
		No. of audience: 100 social worker students

- 5. 8 September Castle Peak Hospital Seminar: on "Financial management of mentally incapacitated persons" No. of audience: about 110 medical and allied health colleagues and medical social workers
- 6. 4 November
 3-hour Evening lecture to Department of Social Work and Social Administration, Hong Kong University
 No. of audience: 30 social worker students
- 7. 26 November Briefing and Visit to Eastern and Wan Chai District Office of Social Welfare Department
 No. of audience: 19 public officers

by Secretary to the Board:

1.	25 May	Workshop to Haven of Hope Christian Service Sau Mau Ping day Activity Centre cum Hostel at Guardianship Board No. of audience: 18 parents and staff
2.	24 August	Workshop to The Hong Kong Joint Council of Parents of the Mentally Handicapped at Guardianship Board No. of audience: 22 parents and staff
3.	28 September	Seminar to Caritas Rehabilitation Service No. of audience: 180 parents and social workers
4.	12 October	Workshop to The Hong Kong Down Syndrome Association, IDEAL and Heep Hong Society at Guardianship Board No. of audience: 15 parents and staff
5.	9 November	Workshop to Social Welfare Department Tuen Mun District at Guardianship Board No. of audience: 24 social work officers
6.	3 December	Seminar to The Mental Health Association of Hong Kong No. of audience: 70 parents and staff

Year 2011

by Chairperson:

1. 21 Ja	anuary	Training course on adult guardianship to Social Welfare Department No. of audience: 120 social work officers
2. 3 Ma	arch	Symposium of The Hong Kong Joint Council of Parents of Mentally Handicapped on guardianship updates No. of audience: over 300 general public



秘書處

- 5月28日 香港老年痴呆症協會舉辦「失智症-社區與院舍之人本照顧」討論會 出席:200名院舍及護理工作人員
- 4. 6月10日
 醫院管理局進修學院講座

 出席:115名醫院管理局專職醫療服務同工
- 7月20日 青山醫院「精神上無行為能力的人的財務管理」講座 出席:約100名醫護人員
- 6. 7月20日 沙田醫院「監護令及有關事宜」講座出席:約100名醫護人員
- 7. 9月21日 香港中文大學醫科 倫理講授
 出席:約50名醫科學生

由委員會秘書主講:

- 5月13日 保良局劉陳小寶長者地區中心講座 出席:60-80名照顧者及同工
- 5月27日 基督教家庭服務中心迪智展能中心暨宿舍講座 出席:70-80名家長及同工

主席編寫的文章:

- 香港基督教服務處《遺忘•告別》
 香港虐老個案與介入策略初探——虐老文章(2009年7月27日)
- 香港大學李嘉誠醫學院《醫學倫理》期刊 就法律改革委員會諮詢文件「持久授權書:個人照顧」的意見文章(2009年9月16日)
- 香港心理衛生會《愛在晚晴時——失智症照顧者指南》 監護令文章(2009年10月27日)
- 香港老年痴呆症協會15週年誌慶文章
 「監護令、前瞻照顧計劃/預設指示及持久授權書」(2010年7月30日)

3.	28 May	Seminar of HKADA of Person Centered Care for Persons with Dementia and Brain Health in the Community - Discussion Forum No. of audience: 200 residential workers and healthcare providers
4.	10 June	Seminar of Hospital Authority Institute of Advanced Allied Health Studies No. of audience: 115 allied health staff of Hospital Authority
5.	20 July	Castle Peak Hospital Seminar: on "Financial management of mentally incapacitated adults" No. of audience: about 100 allied health staff
6.	20 July	Shatin Hospital Seminar: on "Guardianship and Related Matters: An update" No. of audience: about 100 allied health staff
7.	21 September	Medical Faculty of CUHK - Grand Round on Ethics No. of audience: around 50 medical students
by	Secretary to t	he Board:
1.	13 May	Seminar of Po Leung Kuk Lau Chan Siu Po District Elderly Community Centre No. of audience: 60-80 carers and staff
2.	27 May	Seminar of Christian Family Service Centre Dick Chi Day Activity Centre cum Hostel No. of audience: 70-80 parents and staff
Ar	ticles written	by Chairperson:
1.		別》香港虐老個案與介入策略初探 abuse (27 July 2009)
2.		Faculty of Medicine "Ethics in Medicine" – article on "General Comment ation Paper on EPA – Personal Care" (16 September 2009)
3.		Association of Hong Kong《愛在晚晴時——失智症照顧者指南》– lianship (27 October 2009)
4.	To celebrate HKADA 15th Anniversary - Article on "Guardianship, Advance Care Planning / Advance Directives and Enduring Power of Attorney in Dementia Care" (30 July 2010)	

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主席出席的海外會議及演講:

- 出席新加坡「社會發展,青年及體育部(MCYS)」及新加坡「警務署(SPF)」舉辦國際 家庭暴力網絡會議,演講題目為「香港監護制度」。主席隨後與「社會發展,青年及體 育部(MCYS)」之管理層舉行半天座談會(2009年10月20-23日)
- 吉隆坡世界阿茲海默病會議,演講題目為「老年痴呆症長者的法律及金錢事宜」 (2010年10月22-24日)
- 何鴻燊博士醫療拓展基金會及香港老年痴呆症協會主辦「實用院舍醫療照顧」澳門講座 (2010年8月14日)

出席海外及本地會議:

- 1. AGAC主辦於澳洲布利斯班舉行的2009年國際會議(2009年3月19至20日)
- 2. 2009醫院管理局研討大會(2009年5月4日)
- 3. 香港大學主辦「超越預設醫療指示的鋭思」座談會(2009年6月22日)
- 4. 椿齡智研學會首次會議及第一次2009科學研討會(2009年9月12日)
- 5. 家庭調解工作坊(2010年3月15日)
- 6. 2010醫院管理局研討大會(2010年5月10日)
- 7. 受資助機構企業管治研討會(2010年5月24日)
- 8. 民事司法制度改革訓練課程專業講習會 ——第一單元: 個案管理(2010年7月8日)
- 9. 橫濱會議:2010成年監護法律世界會議(2010年10月2至4日)
- 10. 流金頌研討會:照顧腦退化症患者的服務需求(2011年9月15日)

Overseas conferences attended & presentations by Chairperson

- 1. Presentation of Hong Kong guardianship at National Family Violence Networking Symposium by Ministry of Community Development, Youth and Sports (MCYS) & Singapore Police Force (SPF) and a Half-day dialogue session with MCYS key staff (20-23 October 2009)
- 2. Presentation on "the legal and money matters of demented elders" at the World Alzheimer's Conference in Kuala Lumpur (22-24 October 2010);
- 3. Talk on "實用院舍醫療照顧" to Practical Medical Care in the Residential Home, coorganised by Dr Stanley Ho Medical Development Foundation and HKADA in Macau (14 August 2010)

Overseas and local conference attended

- 1. 2009 National Conference by AGAC at Brisbane, Australia (19 to 20 March 2009)
- 2. Hospital Authority Convention 2009 (4 May 2009)
- 3. Thinking the concept of AD Symposium organized by HKU (22 June 2009)
- 4. The Chinese Dementia Research Association Inaugural Meeting cum First Scientific Symposium 2009 (12 September 2009)
- 5. Family Mediation Workshop (15 March 2010)
- 6. Hospital Authority Convention 2010 (10 May 2010)
- 7. Seminar on Corporate Governance for subvented organizations (24 May 2010)
- 8. Civil Justice Reform Training Programme Specialised Session Module 1: Case Management (8 July 2010)
- 9. Yokohama Conference: World Congress of Adult Guardianship Law 2010 (2-4 October 2010)
- 10. Cadenza Symposium: Caring for People with Dementia: Needs and Services (15 September 2011)



刊物

- 1. 第三份報告(涵蓋2006,2007及2008年)(2010年4月)
- 2. 監護委員會聆訊錄音記錄指引(2009年9月)
- 3. 服務承諾書(2009年9月)
- 4. 於聆訊要求償還代支款項的實務手則(P.N. No. 1/2010)(2010年3月)
- 5. 新14號小冊子——如何管理精神上無行為能力人士的財務(2011年2月)
- 6. 內部個案處理指引("ICHG")(2011年4月)
- 7. 內部行政指引(會計、人事及行政)("IOG")(2011年4月)
- 8. 委員會委員手冊(第一版)(2011年9月)
- 改善命令表格——為令法定監護人能有效管理個案,監護令的財務權力加入一項標準 特別條款,授權監護人可更改銀行的通訊地址及與銀行安排自動轉帳指示。

秘書處

- 10. 為意外索償個案作"進一步命令建議"——新建議模式可用於當事人因意外受傷,被法 庭裁定得到賠償的個案。部份意外受傷個案的當事人可被納入收容監護,但他們的每 月支出上限需與監護令一般限制相若。
- 11. 親屬或朋友可利用"要求償還替當事人代支款項"的列表(有特定格式)向委員會提出申請一社會調查報告擬備人可透過該列表評估親屬或朋友要求償還替當事人代支的款項。委員會亦就此作出首份實務守則(P.N. No. 1/2010)詳述有關要求償還代支款項的步驟。
- 12. 改進證人傳票內容 設兩種證人傳票的範本可分別向信用卡公司及證券及商品代理 人/公司發出,同時,在這期間強制性公積金計劃管理局曾經作出不能履行證人傳票 的要求,委員會曾作出努力理順了這些延誤。

The Publications

- 1. Third Report (covering years 2006, 2007 and 2008) (April 2010)
- 2. Guideline for obtaining Recordings of Guardianship Board Hearings (September 2009)
- 3. Performance Pledge (September 2009)
- 4. Practice Note on Claims for Reimbursements at a hearing (P.N. No. 1/2010) (March 2010)
- 5. New Leaflet no. 14 How to manage the finances of a mentally incapacitated person (February 2011)
- 6. Internal Case Handling Guide ("ICHG") (April 2011)
- 7. Internal Office Guide (Accounts, Human Resource and Administration) ("IOG") (April 2011)
- 8. Board Members' Manual (1st edition) (September 2011)
- Improvement of Form of Order To facilitate case management of the legal guardian, all Guardianship Order with financial power will have a standard special condition authorizing the guardian to change the bank correspondence address and arrange auto-transfer instructions with banks.
- 10. **"Further Order Recommendation" in personal injuries cases** a new recommendation type is now in place for cases where the subject-person is entitled to compensation, being held in court, for personal injuries. Thus, in personal injuries cases, some of them would be suitable for guardianship. However, the rider is that the subject's expenses must be within the reach of guardianship, per month.
- 11. Use of template for assessment for claim of reimbursements by relatives or friends of subject-persons Assessments of reimbursement claims by friends / relatives of a subject is commonly done by a template by social enquiry report maker. The Board has correspondingly issued its <u>first</u> Practice Note (P.N. No. 1/2010) on detail practical steps for making such a claim.

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秘書處



- 13. 更新醫療報告表格——進一步改良報告表格之格式,令醫生必需填寫對當事人的"診斷"。
- 14. 每月報表(予非官方監護人)格式改進——格式微調至突顯出填寫上月結餘款項的重要 性。
- 15. **小冊子更新**——為一號及五號小冊子作出改進,令內容更精確。

公眾查詢

諮詢次數	
815	
566	
686	
	815 566

- 12. **Improvement of Witness Summons** two further templates of witness summonses to seek financial information respectively from credit card companies and securities and commodities brokers/firms were formulated. Also, the Board has overcome some resistive attempts by Mandatory Provident Fund Authority against compliance of witness summonses during this period.
- 13. **Medical Report Forms updated** further improvements include, among others, the certifying doctors must state the "diagnosis" of the subject-person.
- 14. **Monthly account format improved (for private guardian)** slight modification to show the importance of entering the amount of surplus of the preceding month.
- 15. Leaflets updated Leaflets no. 1 and 5 were further improved and refined.

Public Enquiries

Year	No. of enquiries
2009	815
2010	566
2011	686



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