



**REASONS FOR ORDER**

**Mental Health Ordinance (Cap. 136)<sup>1</sup>**

**(Section 59O)**

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**BETWEEN**

**The Director of Social Welfare**

**Guardian<sup>2</sup>**

**and**

**Madam SY**

**Subject<sup>3</sup>**

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**[Remark: This case must be read together with the connecting case marked above at upper right corner.]**

**Members of Guardianship Board constituted**

Chairperson of the Board: Mr Charles CHIU Chung-yee

Member referred to in section 59J (3) (b): Dr Maria CHUI Yeuk-ping

Member referred to in section 59J (3) (c): Mr KO Ping-hang

**Date of Reasons for order for Renewal:** the 6<sup>th</sup> day of November 2018.

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<sup>1</sup> Sections cited in this Order shall, unless otherwise stated, be under Mental Health Ordinance (Cap. 136) Laws of Hong Kong.

<sup>2</sup> S2 of Mental Health Guardianship Board Rules and S59U(4)(b) of Mental Health Ordinance

<sup>3</sup> S2 of Mental Health Guardianship Board Rules and S59U(4)(a) of Mental Health Ordinance

## **BOARD's ORDER**

1. These Reasons for Decision are for the Board's Order made Upon Review of Guardianship Order made on 6 November 2019 concerning Madam SY ("the subject").

## **REASONING OF THE BOARD**

### **Background to review**

2. The subject is 77 years of age, woman, with vascular dementia. The earlier renewed Guardianship Order had been made on 15 November 2016 for a period of three years, with powers to make decisions on the subject's behalf as set out therein, and subject to the conditions referred to therein.

### **The Law**

3. This (3<sup>rd</sup>) Review was conducted under section 59U (2) (b) of the Mental Health Ordinance, which requires that a review must be conducted prior to the expiry of the original Guardianship Order. The first Guardianship Order was granted as early as 5 December 2012 due to serious abuse incidents.

### **Latest case development after granting Guardianship Order in 2013**

4. Subject is living in a subvented elderly home since 2017.
5. Subject is required to attend psychiatric follow up at half-year interval and medical follow-up in about 16 weeks.

6. Due to health become poor, subject's younger brother seldom visits the subject. He would contact caseworkers to show concerns of the subject's condition. He was satisfied with the care and service provided by the present subvented home.
7. Since subject moved to the present subvented home, the abuser, Mr KL (male ex-tenant of subject) did not appear.
8. High Court granted a Part II Order on 21 November 2016 and appointed Official Solicitor to be committee. The Committee transferred all savings of subject at banks to the committee account, included the savings in joint account of subject and KL. The keys of subject's safe deposit box were kept by the committee. The maturity benefit of subject's insurance policy has received by committee and the subject's property was sold. The proceeds has been deposited to committee account.
9. [Noting no add-on quality enhancement despite a grant of committee order.] The Board, given the immense wealth and deteriorating health of the subject and her younger brother, would urge the public guardian to consider, at the very least, to arrange a private personal care worker/assistant to attend the subject regularly. The Board believed this move will enhance the quality of life of the subject. The Board requested the delegated guardian to report the progress in this respect within 3 months from today.

## **Reasoning of the Guardianship Board**

10. The Board accepted and adopted the views and recommendations of the progress social enquiry report (particularly paragraph 25) and accordingly decided not to renew the Guardianship Order.
  
11. Taking into account of the continual and satisfactory care provided to the subject by the present old age home, the Guardianship Board concluded that the subject's best interests and welfare needs can be met without the renewal of the guardianship order.

(Mr Charles CHIU Chung-ye)  
Chairperson of Guardianship Board