



Application Procedure for Review of a Guardianship Order

At Guardianship Board, there are three types of reviews

A. Review initiated by a person other than the Board

The Board **MUST** review an order at any time prior to the expiry of a guardianship order at the request of any of the following persons: -

- (a) the mentally incapacitated person who is the subject of the guardianship order;
- (b) his/her guardian;
- (c) the Director of Social Welfare;
- (d) any other person (including a relative of the person concerned) who, in the opinion of the Board, has a genuine interest in mentally incapacitated person's welfare.

The applicant should fill out the application form (Form 2). Applicant can get the application form from the Guardianship Board or downloaded the form from our website.

Processing

- (a) After the Board received a valid review application form, notice of the review will be sent to the applicant, the mentally incapacitated person, the guardian and the Director of Social Welfare.
- (b) The Board may request the applicant to obtain a review medical report. The Board has a standard review medical report form.
- (c) The Board will request the Social Welfare Department to prepare a progress social enquiry report on the mentally incapacitated person and his/her family. This may take a number of weeks to prepare, but it will not take more than four weeks.

The hearing and order

The Board will then notify the parties, who are the applicant, the person concerned, the guardian and the Director of Social Welfare on the date, time and venue of hearing. It is mandatory to give two weeks' notice to the parties of the hearing details, unless they all agree to a shorter time. The Board will also notify any other relevant person, such as a relative, the doctor, and the social worker.

At the hearing, the Guardianship Board may:-

- (a) vary the guardianship order, and may transfer the functions of a guardian to the Director of Social Welfare, or such other person approved by the Board; or
- (b) suspend or revoke the guardianship order; or
- (c) take no further action in relation to the guardianship order.

B. Review initiated by the Guardianship Board

The Board **may**, of its own initiative, and in accordance with such procedures as it thinks fit, review any guardianship order at any time prior to the expiry of the order. The same procedures as outlined above apply, except that the Board will not complete a Form 2, but will send a notice of the review cum hearing to the relevant parties.

C. Mandatory (or automatic) review prior to expiry of order

The Guardianship Board will automatically review each guardianship order just before its expiry date. The same procedures as outlined for other reviews apply, except that the Board will not complete a Form 2, but will send a notice of the review cum hearing to the relevant parties.

D. A review is not an appeal

When Guardianship Board conducts a review, it does not re-examine the original decision. When hearing a review matter, Guardianship Board considers the current circumstances of the person who is the subject of the order and decides whether the order should continue or whether it needs to be changed.

For more information, contact the Guardianship Board:

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Important notes : The information in this leaflet is for general guidance only and does not purport to be legal advice given by the Guardianship Board.

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