



監護委員會版權聲明

© 版權屬監護委員會所有 2018。

本刊物任何部份未經委員會書面同意及授權，不得翻印。

Copyright notice of the Guardianship Board

© Copyright of the Hong Kong Guardianship Board 2018.

Reproduction of any part is allowed only with written permission from the Guardianship Board.



監護委員會
GUARDIANSHIP BOARD



6th Report
2015-2017 第六份報告



監護委員會
GUARDIANSHIP BOARD

願景、使命及核心價值

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：

1. 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；
 - (ii) 保護他們免被虐待、榨取金錢和疏忽照顧；
 - (ii) 提升照顧素質。
2. 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。
3. 於政策局作出邀請時，提供監護令法例檢討之法律意見。

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. At the initiative of policy bureau, to give legal advice on guardianship legislation review.

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：

1. 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；
 - (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17,000元）。

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;
 - (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\$17,000 per month).

我們的工作

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：提取強積金；處理保險單(包括保留、終止或取回現金價值等)；代當事人租售、轉贈或管理物業；買賣股票、証券或投資項目；申領遺產承辦、尋求工傷或意外索償；物業或投資糾紛；追討金錢損失或就探視及處理接觸上出現的問題；或決定退休公務員的長俸選擇。

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17,000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、患有認知障礙症、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。

Our Work

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: withdraw MPF; on behalf of the subject to deal with insurance policy e.g. continuing or terminating the policies (including retrieval of cash value etc.); to rent out, sell, assign or manage property; buy or sell stocks, securities or investments; applying for a grant of probate; seeking work injury or accident compensations; handling disputes on property or investment; recovering money misappropriated; handling problems on access and visit or making pension options of civil servants.

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\$17,000 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, Alzheimer's disease, 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.

6th Report

2015-2017 第六份報告



Contents

目錄

08	主席獻詞	09	Message from the Chairperson
12	要事年表	13	Major Events
	工作		The Work
14	• 個案例子	15	• Case Examples
18	• 個案及主要統計	19	• Outcome, Overall Caseload & Major Statistics
34	• 醫院管理局第IVC部查詢	35	• Hospital Authority Part IVC Enquires
34	• 投訴	35	• Complaints
36	• 上訴	37	• Appeals
38	• 最佳利益平衡表範本	39	• Sample of Best Interests Balance Sheet
40	委員會委員	41	Board Members
	秘書處		The Secretariat
46	• 第二屆香港監護會議	47	• 2nd Guardianship Conference of Hong Kong
50	• 委員的發展	51	• Members' Development
50	• 網頁	51	• Website
50	• 宣傳	51	• Publicity
60	• 刊物	61	• The Publications
60	• 公眾查詢	61	• Public Enquiries

主席獻詞

首先，委員會對六十位委員於過往無私的協助衷心表達謝意，同時，委員會工作得以順利推展，一直有賴委員會全體同事的努力及配合。縱然委員會的編制微薄，20年以來只有四位職員，而專業工作方面，只有一位初級法庭書記及一位文書助理主理，但因團隊的緊密配搭、專業及努力不懈的精神，長時間以來能夠肩負香港特別行政區的監護工作。在本報告的時段內，委員會每年處理約550個聆訊，平均每宗均能於服務承諾的時間內完成。委員會亦藉此機會，衷心向各主要持份者致謝，包括勞工及福利局、社會福利署、醫院管理局、律政司及法定代表律師，以及涉及監護工作的主要政府機構。

一如以往，2015年至2017年期間，委員會以專業精神切實履行其法定責任，在實務操作方面，近期有五個正面發展：

1. 委員會於2017年2月18日於馬哥孛羅香港酒店舉行全港第二屆監護會議。為節省公共資源，全部籌備工作，並沒有外聘人手或公司負責。會議主題為“尊重願望及意願”。會議舉行的時間適逢社康護理界別正積極討論，如何推廣“生命晚期照顧計劃”及擴闊“持久授權書”的適用範圍，實在令會議內容更加豐富。委員會在此必須再次向主講嘉賓，澳洲新南威爾斯民事及行政審裁處轄下監護處副主席Malcolm Schyvens先生，作出衷心謝意。該處及其前行者於委員會在過往20年來，一直作出可貴的專業指導及支援，合作無間。
2. 社會福利署於2017年3月，推行區域監護事務處(港島)的先導計劃，以單一辦事處專責執行區內每一個監護令的實施，成效顯著。委員會熱熾期望最終可達致成立全港統一的專責辦事處，處理全港監護個案。

Message from the Chairperson

Let me, first of all, thank all my 60 Board members for their devotion to the cause of protecting and promoting the welfare interests of the mentally incapacitated persons under guardianship. Not only blessed with able and compassionate members, the Board is equally and uniquely supported by an exceedingly professional and energetic team of staff. Despite stagnant staff size in the past 20 years, the 4 serving staff are invaluable assets which have built up the success of the Board today. That said, it is needed to emphasize that the professional team has all along been consisted of only a judicial clerk and a clerical assistant. Despite the slim structure, the Board has thrived well in the long past and succeeded to shoulder up all guardianship cases in HKSAR. Of note, hearings were discharged prevalently well within pledged time limits. Today, the Board handles around 550 matters a year. Hence, a vote of gratitude respectively to all volunteer Board members and our Board staff should be recorded. Needless to say, our gratitude also extend to all major stakeholders including Labour and Welfare Bureau, Social Welfare Department, Hospital Authority, as well as the Department of Justice and Official Solicitor's Office, and all those agencies which are involved in guardianship cases.

The past three years 2015-2017 have proved to be consistently fruitful years of the Board's work. All cases were discharged professionally and well within time pledges. On field developments up to the time of writing, five positive matters are worth noting:

1. Taking Hong Kong guardianship to a new height, the Board has hosted, without engaging an external conference organizer, the 2nd Guardianship Conference in Hong Kong on 18 February 2017 at Hong Kong Marco Polo Hotel. The Conference theme was "Respecting Will and Wishes". This conference came timely as the discussions in the society on the topic of expanding the scope of the enduring powers of attorney and end-of-life care were most heated. A vote of hearty gratitude is extended to Mr Malcolm Schyvens, the Vice-President, Guardianship Division of New South Wales Civil and Administrative Tribunal, who travelled all the way to the conference and delivered two insightful speeches. Hong Kong cannot thank him enough, including his pre-decessors and the former Guardianship Tribunal for their continuous and strong supports, advices and collegiate collaborations in the long past of 20 years, if not more.
2. Social Welfare Department has launched a pilot project in March 2017 in setting up a centralized regional unit in handling guardianship cases in Hong Kong Island—the Regional Guardianship Office (Hong Kong Island). It is the Board's keen wish that it will eventually be developed into a territory-wide specialized team.
3. A scheme of Special Needs Trust for mental handicaps has been put under in-depth feasibility study by Government and a working party has been set up in early 2017. It is hoped that the

主席獻詞

3. 特區政府於2017年初成立工作小組探討成立特殊需要信託的可行性，讓弱智人士的家長，於生前為其子女成立信託。該計劃可望於數月間施行。
4. 經約十年的極其緩慢進程，全新的持續授權書法例，有望於短期內通過成為法律，屆時委員會將會執行全新的附加司法管轄範圍。條例草案的諮詢已於2018年4月完結。委員會盼望該草案盡快獲本港立法會通過。委員會察悉到交由委員會全面監管持續授權書及為持續授權書的註冊機構最佳，在精神缺損領域中，因使用者多為普通市民，普世認同服務使用方便的元素，致為重要。
5. 委員會自數年前向個案社工推廣使用“最佳利益平衡表”，近年喜見該量表的運用續漸普遍。該量表尤其有助於在複雜個案中，客觀評估(其中包括)如何決定當事人的居所或應否拒絕接受津貼院舍床位的提供。

趙宗義律師
監護委員會主席
二零一八年

Message from the Chairperson

trust scheme will likely come into operation in the next few months. Parents can then set up a trust for the benefits of mental handicap children operable once they pass away.

4. Continuing Powers of Attorney (CPA) is coming into being soon, after almost 10 years' dragging. Department of Justice is very close to finalize the draft bill of this new Continuing Powers of Attorney Ordinance, as the final consultation on the draft bill has been closed in April 2018. The Board is keenly looking forward to its passage through the Legislative Council and the promulgation of the Board's additional jurisdiction to register and supervise CPAs. On the proposed additional jurisdiction, it accords the modern world view that accessibility of users who are ordinary citizens is of prime importance.
5. Since introduction of the use of the Best Interests Balance Sheet (BIBS) in past years, it is pleasingly observed that case social workers are getting familiar with the use of this tool to come to a decision (among others) on subject's accommodation, especially in conflict cases or in cases where family proposed to decline an offer of subvented placement.

Charles CHIU Chung-yee

Chairperson of Guardianship Board
Year 2018

要事年表

2015

• 三月

法定監護人原本可藉宣誓替當事人取回強積金供款，用於日後供養當事人，但被強積金管理局單方面終止。

• 六月

主席探訪澳洲新南威爾斯民事及行政審裁處轄下監護處，及向該處50多名員工及委員演說。

• 十一月

一系列每月報表填寫範本(包括累計報表)正式提供予個案社工參考。

• 十二月

主席代表香港出席於南韓首爾舉辦首屆亞洲監護會議及發表兩次演講。

• 四月

優秀社會工作者頒獎儀式於社會福利署訓練中心舉行。

• 六月

委員會收到高等法院的上訴判詞，法庭維持委員會的裁決，於本個案中繼續委任官方監護人(HCMP 1717/2015及CACV157/2016)。

• 六月

南韓C JE教授帶領一組韓國及日本代表(“the Asnet Team”)到訪委員會

• 八月

社會福利署社工小組研討會。

• 十月

主席出席Australian Guardianship and Administration Council (AGAC) 主辦於澳洲雪梨舉行的全國會議及發表演說。

12

2016

• 一月

主席接受香港電台普通話台節目“新紫荊廣場”的一小時訪問。

• 二月

“予個案社工及非官方監護人指引 - 擬備最新社會背景調查報告核對清單”開始發放給社工。

• 二月

委員會向社會福利署發出首三份“監護委員會判案時附帶意見”，全部均關於報告內容含誤導資料。

• 三月

為協助個案社工有更多時間修改全部(不正確)的每月報表，秘書處會於發出聆訊通知時(即聆訊前14天)提出書面要求。

• 四月

刊行第五份報告(二零一二年及二零一四年)。

2017

• 二月

第二屆本港監護會議(暨會前之精神能力研討會)成功進行。

• 三月

新委員會簡介會，有33名新委員出席。

• 三月

覆核申請的“補充資料”表格開始使用。

• 三月

區域監護事務處(港島)開始運作，該團隊專責處理居於香港島的當事人的監護個案。

• 十一月

主席出席於星加坡舉行的第三屆亞洲監護會議並演講。

Major Events

2015

- **March**
The ad-hoc practice collaborated with MPFA by relying on a statutory declaration of a legal guardian to release the entitlements of the MPF account for the maintenance of the subject was ceased by MPFA unilaterally.
- **June**
The Chairperson visited the Guardianship Division of New South Wales Civil and Administrative Tribunal and spoke to 50 staff and tribunal members.
- **November**
A set of samples of completed monthly accounts (including cumulative (final) account) were launched for case social workers' reference.
- **December**
On behalf of Hong Kong, two presentations by the Chairperson were made at the first Asian Guardianship Conference in Seoul, Korea.

2016

- **January**
An one-hour radio interview was attended by the Chairperson at “新紫荊廣場” Putonghua Station, RTHK.
- **February**
“The Checklist for preparing progress social enquiry report – A Guidance for case social worker and private guardian” was being circulated to social workers.
- **February**
The Board has issued the first three Obiter Dictums. All concerned apparent misleading information contained in reports.
- **March**
Availing case social workers of more time to amend all (incorrect) monthly accounts, the Secretariat will early raise request when serving of the Notice of Hearing, i.e. 14 days before hearing.
- **April**
5th Report (2012-2014) was published.

- **April**
The Outstanding Social Worker Awards presentation was carried out at the training centre of Social Welfare Department.
- **June**
The Board received an Appeal decision from High Court. The Court upheld the Board's decision in this case in appointing continuously the public guardian (HCMP 1717/2015 & CACV157/2016).
- **June**
Professor C Je from South Korea has led a team of Korean and Japanese delegates (“the Asnet team”) to visit the Board.
- **August**
Small-class briefing sessions for Social Welfare Department social workers.
- **October**
The Chairperson spoke at the Australian Guardianship and Administration Council (AGAC) National Conference in Sydney, Australia.

2017

- **February**
Pre-conference Mental Capacity Workshop and 2nd Guardianship Conference were successfully held.
- **March**
The new members briefing was conducted. A total of 33 new members attended.
- **March**
New supplementary form regarding review application launched for use.
- **March**
Regional Guardianship Office (Hong Kong Island) (“RGO”) - a specialized team, to handle guardianship caseworks for subjects living on Hong Kong Island commenced operation.
- **November**
The Chairperson spoke at the 3rd Asian Guardianship Conference at Singapore.

個案例子

個案一：良好結局

本個案的首次聆訊於2013年，委員會讚揚報告擬備人以無畏的精神揭露本案當事人的財產被侵吞。當事人為單身的65歲老婦人，以收取退休金過活，患有血管性癡呆症。她唯一弟弟作為申請人向委員會為她申請監護令，希望運用當事人在銀行約港幣190,000元的儲蓄。然而，在社會背景調查過程中，申請人及其妻子被揭發是侵吞者，盜用當事人至少港幣520萬元資產。

當事人一直以來以個人名義擁有兩個物業（「物業」）。於2013年3月，精神科專科醫生和醫院醫生提供兩份醫療報告，證實當事人於簡短智力測驗(MMSE)的評分較差(2011年8月為11/30及2013年3月為4/30)。最重要的是，兩位醫生明確表示當事人已患有血管性癡呆達4年。根據醫學證據，確定當事人自2009年以來缺乏精神上的行為能力。

考慮到事情發生的時序表，委員會認為以下均為侵吞當事人資產的明顯行為：

1. 於2010年6月簽立遺囑，
2. 於2010年6月將當事人個人名義擁有的物業變為與申請人共同擁有，
3. 分別於2011年3月及4月出售全部物業，總值為港幣520萬元，
4. 隨後以申請人及其妻子的名義購買一個單位（“第一單位”），
5. 申請人將自己加入當事人的銀行戶口，成為戶口聯名持有人，
6. 於2012年10月上述戶口提取全部存款餘額383萬港元，

7. 將上述款項港幣383元萬以申請人及其妻子聯名名稱存入另一個銀行戶口，
8. 2013年初出售第一單位及購買另一單位（“第二單位”），由申請人及其妻子共同擁有，

這是一個清晰案例，當事人被最親的家庭成員嚴重侵吞財產，而侵吞者又不願意歸還款項，那麼申請人與當事人之間有明顯的財務利益衝突。

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，向侵吞者追究。

在第二次覆核監護令時，委員會決定不延續監護令。因委員會欣慰地得悉，官方監護人迅速接手本案，並與律政司和法定代表律師辦公室共同努力，成功追討弟弟（侵吞者）歸還出售兩個聯名物業的一半收益，總額為港幣250萬元。當事人現安頓於資助護理安老院。



The Work

Case Examples

Case 1 : Good result

When the case was first heard in 2013, the Board commended the report maker for his strenuous and fearless efforts to expose the finance abuse in this case. The subject, single, a pensioner, was an elderly women of 65 at that time, suffering from vascular dementia. Her only younger brother as applicant came to the Board to apply for Guardianship Order with a hope to use the subject's savings at bank of about HK\$190,000. Yet, during the course of social investigation, the applicant and his wife was found to be abusers having embezzled the subject's assets of at least HK\$5.2 millions.

The subject originally owned two properties ("Properties") in sole ownership for a long time. Both the psychiatrist specialist and a doctor of hospital providing the supporting medical reports in March 2013 confirmed that the subject has poor MMSE scores, 11/30 in August 2011 and 4/30 in March 2013. Most importantly, the two doctors stated unequivocally that the subject suffered from vascular dementia for 4 years. On medical evidence, it is established that the subject has mental incapacity since 2009.

Bearing in mind the time line of onset, the Board holds that: -

1. the will made in June 2010,
2. the change of the sole ownership of the Properties into joint ownership with the applicant in June 2010,
3. the sale of the Properties respectively in March and April 2011 at HK\$5.206 million,
4. the consequential purchase of the a flat under the names of the applicant and his wife ("1st flat"),

5. the adding of the applicant's name as a joint holder of the subject's bank account,
6. the withdrawal of the entire remaining credit balance of HK\$3.83 million from the aforesaid account in early October 2012,
7. the deposit of the aforesaid sum of HK\$3.83 million into another bank account in the joint names of the applicant and his wife,
8. the sale of the 1st flat and purchase of the another flat ("2nd flat") under joint ownership of the applicant and his wife in early 2013, are all blatant acts of financial abuse of subject's assets.

This is a clear case of serious financial abuse by close, if not the closest, family members who were unwilling to make restitution. The applicant has clear conflict of interests of a financial nature with the subject.

The Board recommended the public guardian to apply for a committee order from High Court to pursue against the abusers.

In a second review of a case, the Board discharged the Guardianship Order. The Board was very pleased to note that the public guardian has taken up the elder abuse swiftly and in joint efforts with Department of Justice and Official Solicitor's Office, has pursued the younger brother (the abuser) to return (which he did) half of the proceeds of the subject's two joint flats in a sum of \$ 2.5 million. The subject is now well settled down at a subvented care and attention home.

個案二：嚴重財務侵吞

當事人是81歲的獨居寡婦，患有癡呆症（混合型癡呆症），於大約兩年前，即2015年9月確診。她的養子（W先生）（侵吞者）已結婚，是一名慣性罪犯，並斷斷續續被監禁。背景透露，一名男性朋友（以下簡稱“S先生”），為房地產經紀，一直在幫助當事人管理她的金錢。

在2017年1月16日，當事人被醫生評估為不適合管理她自己的傷殘津貼，故此，她被轉介到申請人（政府社會工作者）的辦公室，進行申請委任受託人。

就此，有關本個案的嚴重財務侵吞曝光了。

委員會發現，自2015年9月10日當事人被診斷為癡呆症以來，她的養子一直侵吞當事人財產。

從確診以來，經過一連串共21次有借據的涉嫌貸款予W先生，當事人被侵吞港幣329,000元。

涉嫌的貸款自2016年3月5日開始，即在當事人確診患有癡呆症後約半年，此時當事人的銀行儲蓄（包括定期存款）約為港幣600,000元。值得一提，銀行存摺顯示，直到2015年10月27日前，戶口內根本沒有大量現金，在此之前當事人戶口沒有任何借出款項記錄。第一次的涉嫌貸款發生後，從2016年7月開始，貸款次數有如雪球效應，所謂的貸款數量和金額隨之增加，並逐漸加劇，即一個月內貸款超過一筆。

侵吞者的計劃很明顯，就是盡快侵吞當事人的金錢。

S先生確實是一名關鍵人物，因為他在此期間從當事人的銀行戶口提取了款額16次之多，並且一直知道當事人是精神上無行為能力。

況且，S先生確實親手將提款交予侵吞者。因此，儘管部分提出存款是用於當事人的基本生活上，S先生實際上是這侵吞計劃的主要參與者。

委員會認為編寫和簽署大量所謂借據的意圖，是侵吞者旨在替自己辯護的預前設計，以便侵吞行為在光明正大下進行計劃。言而，委員會認為這些反而引證本案與其他類似侵吞財產案件存有一樣的標誌。

自2016年3月以來侵吞者是否實際償還了貸款？答案顯然是否定的，2016年5月8日，W先生只曾經還款港幣2,000元。經審查所謂的借據後，委員會認為全部的書面還款承諾，是侵吞者用來誤導當事人借錢給他的眾多方式之一。

委員會認為當事人隨著年紀漸老和精神上變得缺損，加上孤單感與及恐懼失去社交支援，她終於經不起不恰當教唆和脅迫，被哄騙放棄她的金錢。

有關當事人被財務侵吞事件非常清晰，委員會毫無猶豫地裁定將當事人收容監護。委員會拒絕接納社會背景調查報告和懷疑虐待老多專業個案會議所指沒有財務侵吞的結論。

The Work | Case Examples

Case 2 : Serious financial abuse

Subject, 81 years old widow, living alone, suffered from dementia (mixed-type dementia) as diagnosed in September 2015, that is, some two years ago. Her adopted son (Mr W) (the abuser), married with a wife, was a habitual law offender and has been imprisoned on and off. History revealed a male friend (hereafter referred to as “Mr S”), real estate agent, has been helping the subject to manage her money since.

She was certified unfit to manage her normal disability allowance on 16 January 2017, when she was then referred to the applicant's (social worker) office to consider appointment of an appointee.

The serious financial abuse on the subject then came to the light.

The Board found that the subject was financially abused by her adopted son throughout the years since she was diagnosed dementia on 10 September 2015.

The financial abuses have recorded a casualty in the total sum of \$329,000, done by way of a series of 21 alleged loans since the time of the said diagnosis.

The alleged loans were started since 5 March 2016, i.e. about half a year after the diagnosis of dementia, at which time, the subject's bank savings (inclusive of fixed deposit) were at about \$600,000. It is worth to point out there was no loan records before that time because the subject's bank book showed that the bank account did not have substantial cash at all until after 27 October 2015. Once the first alleged loan was made, the snowball effect was then seen from July 2016 onwards. The alleged loans then increased in number and amount and was gradually intensified, i.e. more than one loan in a single month.

The abuser's scheme was clear, that is, to embezzle the subject's money as quickly as he could.

Mr S who was indeed a key player, as he did keep withdrawing the subject's bank savings for sixteen times during this period in question, with knowledge of subject's mental incapacity.

Indeed, it was Mr S who actually paid over the money to the abuser. Thus, Mr S was in fact an aider and abetter of this scheme of abuse, albeit some part of the money so withdrawn could have very well been spent on subject's basic maintenance.

The Board finds that the intent of preparing and signing of the great number of so-called borrowing notes were nothing but conforming the hallmarks of similar financial abuse cases. These borrowing notes were intended to be produced for defence by the abuser in case his acts of abuses came to broad daylight.

Did the abuser ever actually repay the loans since March 2016? The answer is plainly no, save \$2,000 on 8 May 2016. In the view of the Board, after examining each of the so-called borrowing notes, the consistent pattern of written promises to repay was one of many ways the abuser has used to lure the subject to lend him the money.

With the kind of advance age and mental vulnerability and feeling of loneliness and fear of losing collateral supports, the subject, as the Board finds, was put under tremendous undue influence and constructive coercion and was coaxed to give up her money.

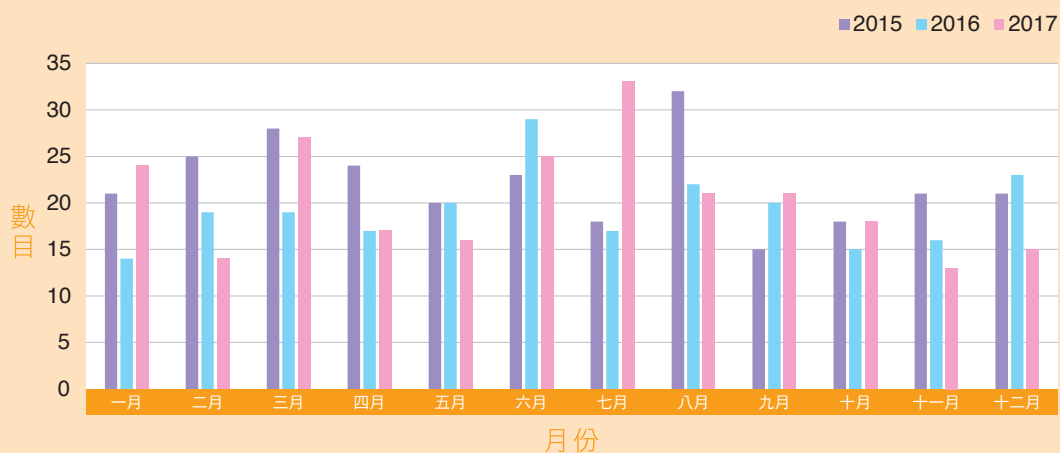
The Board concludes that the financial abuse on the subject was crystal clear and there was not any room of doubt. Accordingly, the Board rejected the social enquiry reports and remarked the conclusion of the Multi-disciplinary Case Conference (MDCC) as most unhelpful.

工作 | 個案及主要統計

一般監護令申請

年份	申請
2015	266
2016	231
2017	244
合共：	741

圖一：一般監護令申請

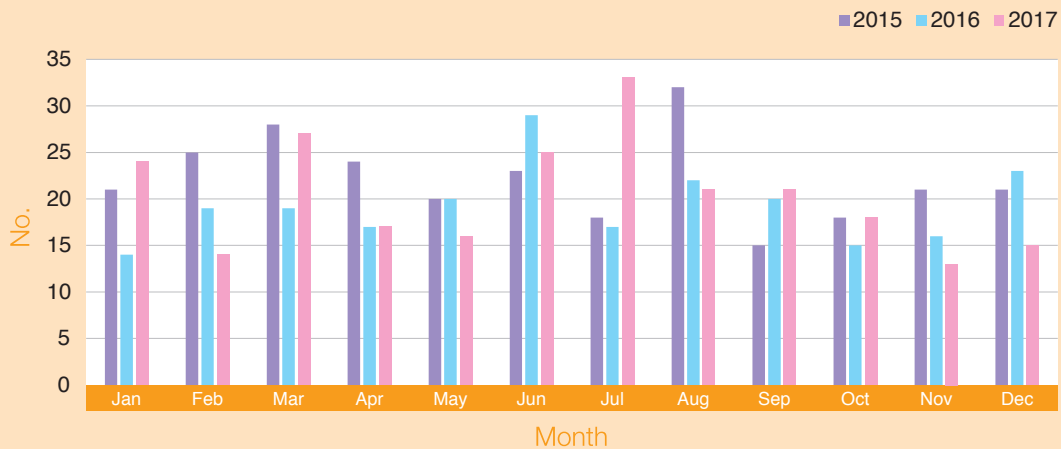


The Work | Outcome, overall caseload & major statistics

Normal Guardianship Applications

Year	Applications
2015	266
2016	231
2017	244
Total :	741

Chart 1 : Normal Guardianship Applications

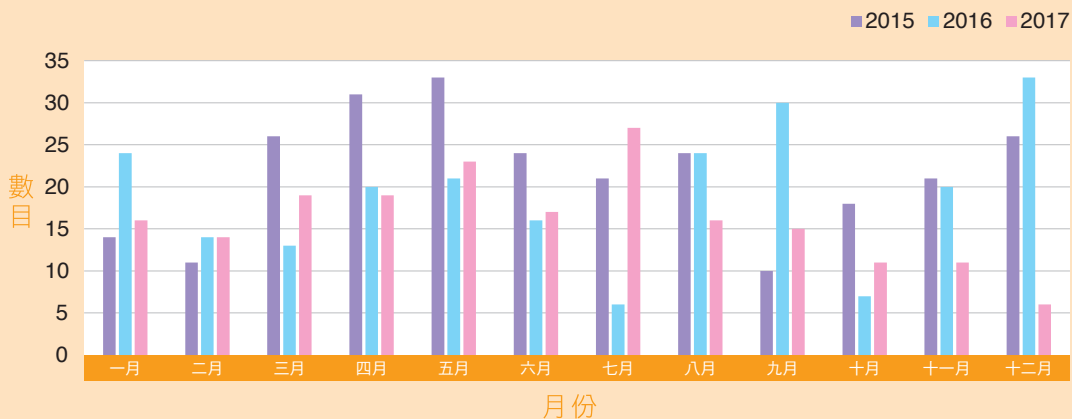


工作 | 個案及主要統計

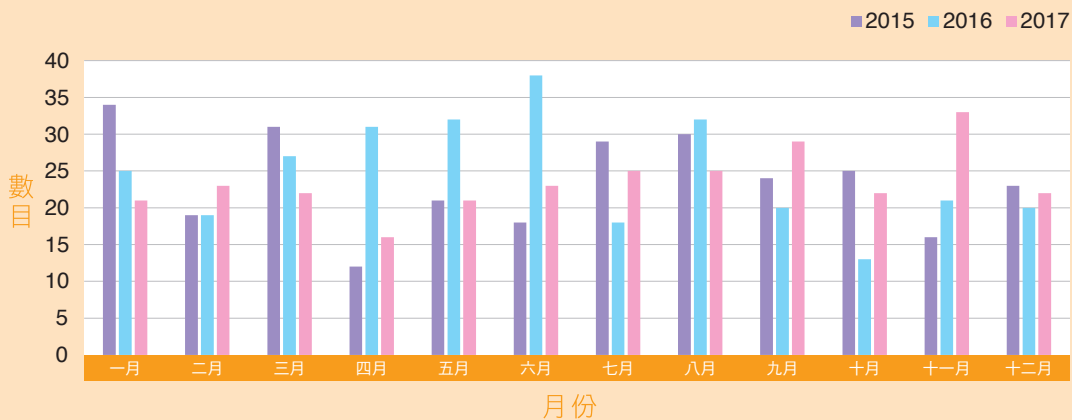
一般監護令聆訊及 覆核監護令聆訊

年份	一般監護令聆訊	覆核聆訊
2015	259	282
2016	228	296
2017	194	282
合共：	681	860

圖二：一般監護令聆訊



圖三：覆核聆訊



The Work | Outcome, overall caseload & major statistics

Hearings for Normal Guardianship Application and Guardianship Order Reviews

Year	Normal guardianship hearing	Review hearing
2015	259	282
2016	228	296
2017	194	282
Total :	681	860

Chart 2 : Normal Guardianship hearing

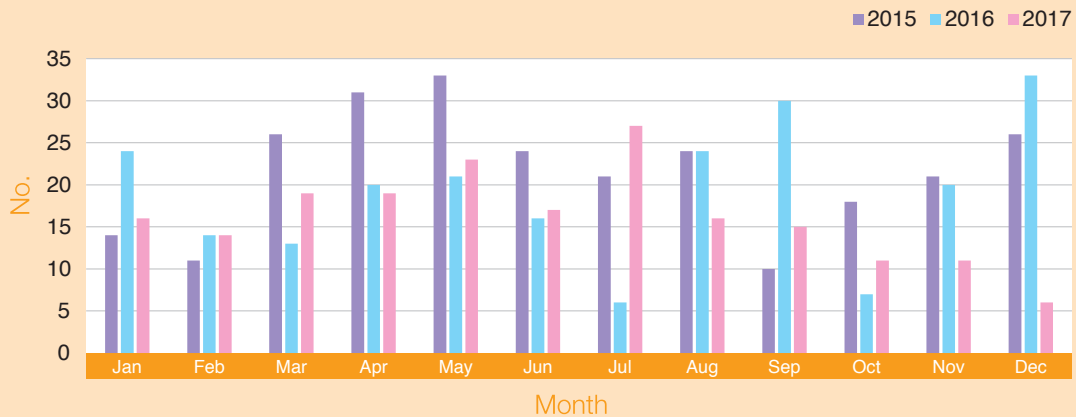
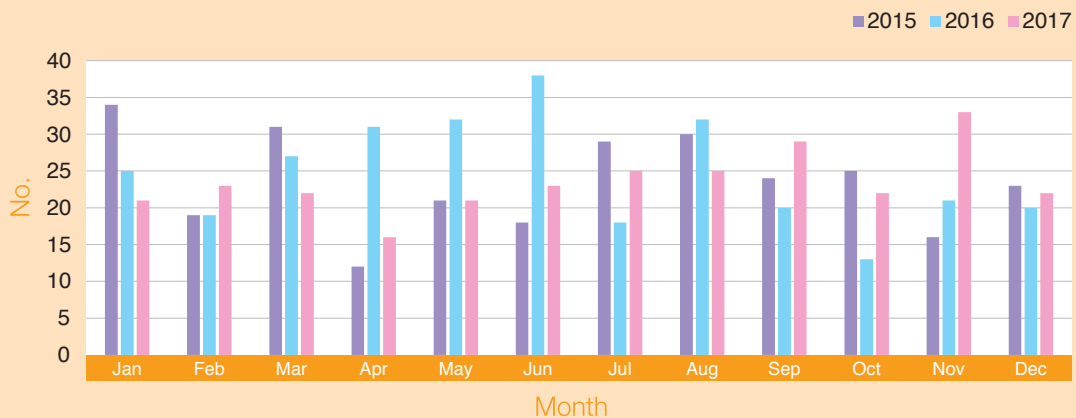


Chart 3 : Review hearing

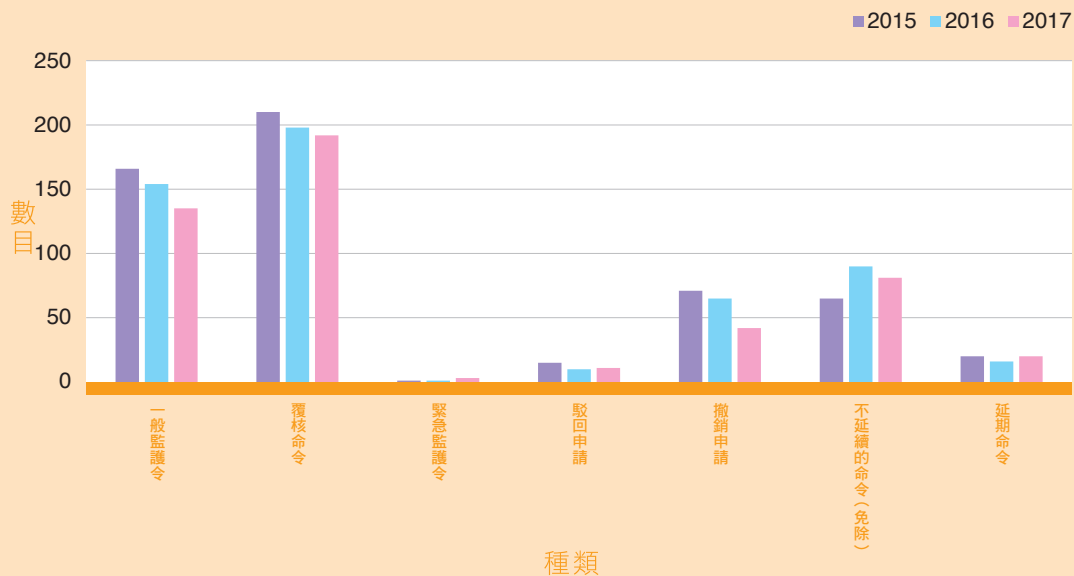


工作 | 個案及主要統計

批出命令 的種類

命令	2015	2016	2017
一般監護令	166	154	135
覆核命令	210	198	192
緊急監護令	1	1	3
駁回申請	15	10	11
撤銷申請	71	65	42
不延續的命令(免除)	65	90	81
延期命令	20	16	20
合共：	548	534	484

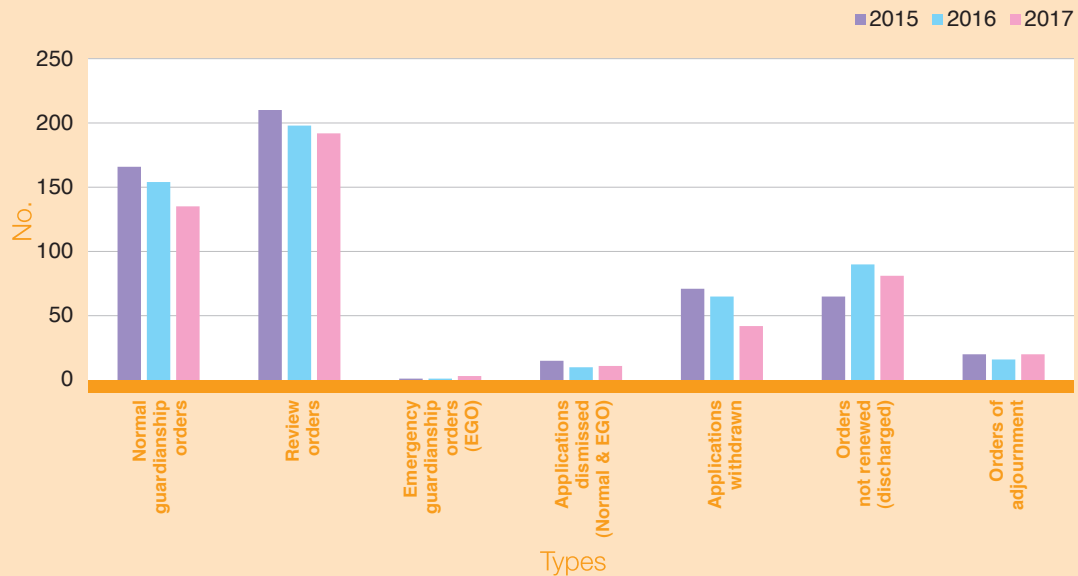
圖四：批出命令的種類



The Work | Outcome, overall caseload & major statistics

Types of Order Made	Order	2015	2016	2017
	Normal guardianship Orders	166	154	135
	Review Orders	210	198	192
	Emergency Guardianship Orders (EGO)	1	1	3
	Applications dismissed (Normal & EGO)	15	10	11
	Applications withdrawn	71	65	42
	Orders not renewed (discharged)	65	90	81
	Orders of adjournment	20	16	20
	Total :	548	534	484

Chart 4 : Types of Order Made

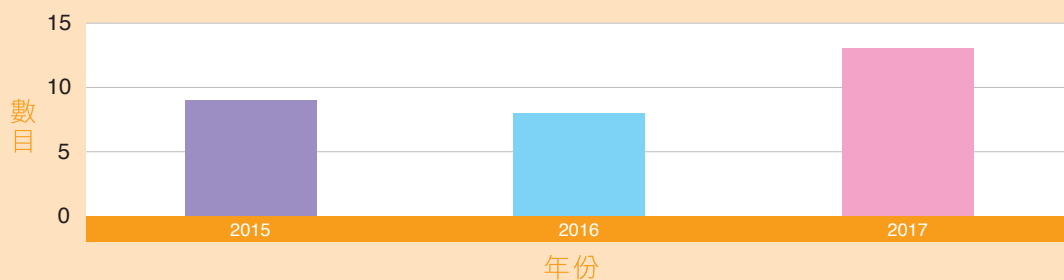


工作 | 個案及主要統計

為取得同意治療權力 而提出申請的個案

年份	申請
2015	9
2016	8
2017	13
合共：	30

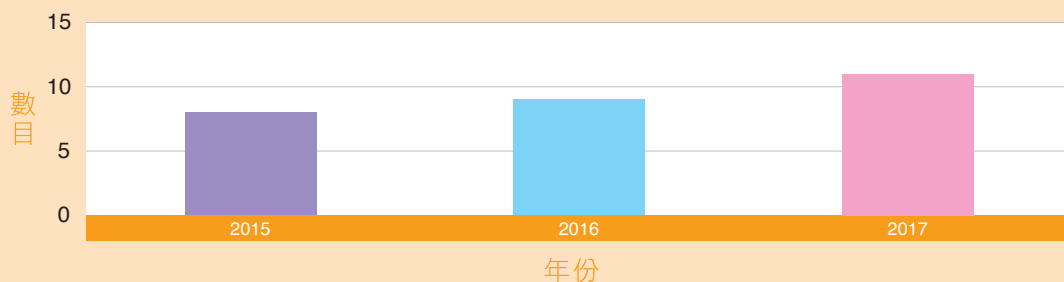
圖五：為取得同意治療權力而提出申請的個案



緊急監護令申請

年份	申請
2015	8
2016	9
2017	11
合共：	28

圖六：緊急監護令申請

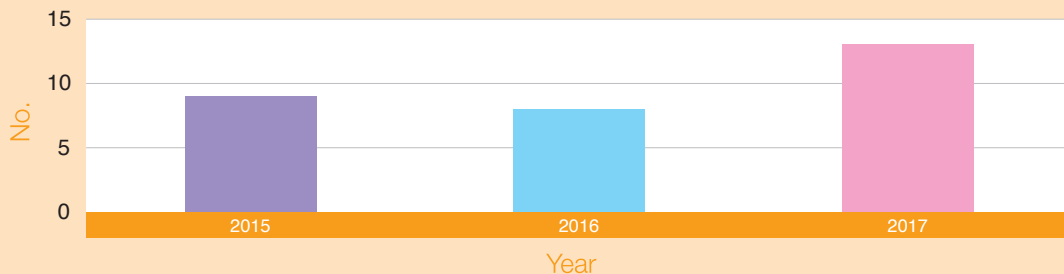


The Work | Outcome, overall caseload & major statistics

Application filed asked for the power of consent to treatment

Year	Applications
2015	9
2016	8
2017	13
Total :	30

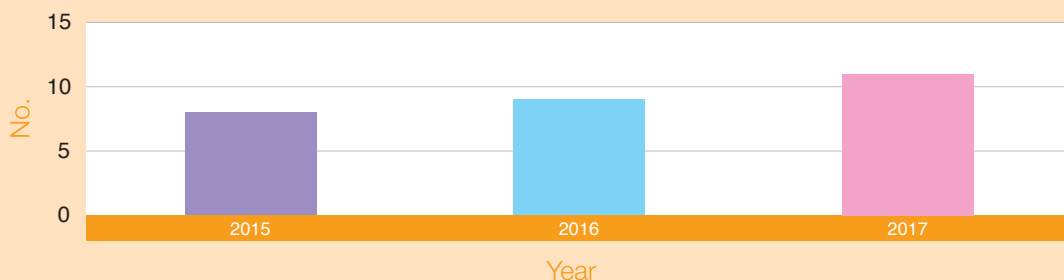
Chart 5 : Application filed asked for the power of consent to treatment



Emergency Guardianship Order (EGO) Applications

Year	Applications
2015	8
2016	9
2017	11
Total :	28

Chart 6 : Emergency Guardianship Order (EGO) Applications

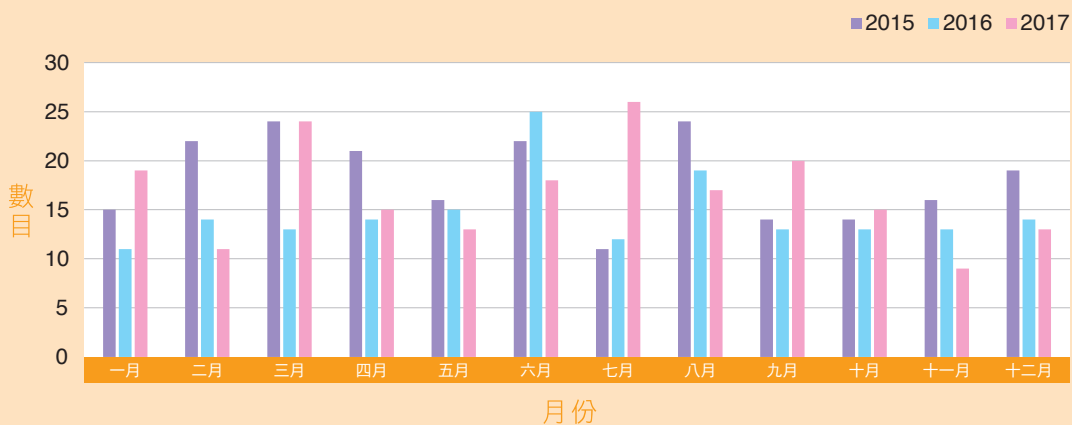


工作 | 個案及主要統計

有關長者個案的趨勢 (年齡於六十歲以上) 一般及緊急 監護令申請

年份	申請
2015	218
2016	176
2017	200
合共：	594

圖七：有關長者個案的趨勢(年齡於六十歲以上)
一般及緊急監護令申請

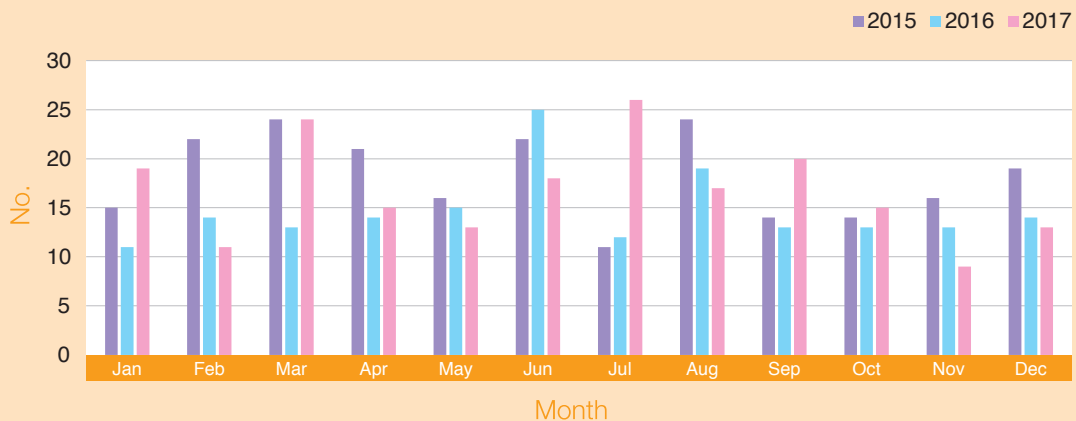


The Work | Outcome, overall caseload & major statistics

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

Year	Applications
2015	218
2016	176
2017	200
Total :	594

Chart 7 : Trend of cases on elderly (Age above 60 years old) in normal Guardianship Applications

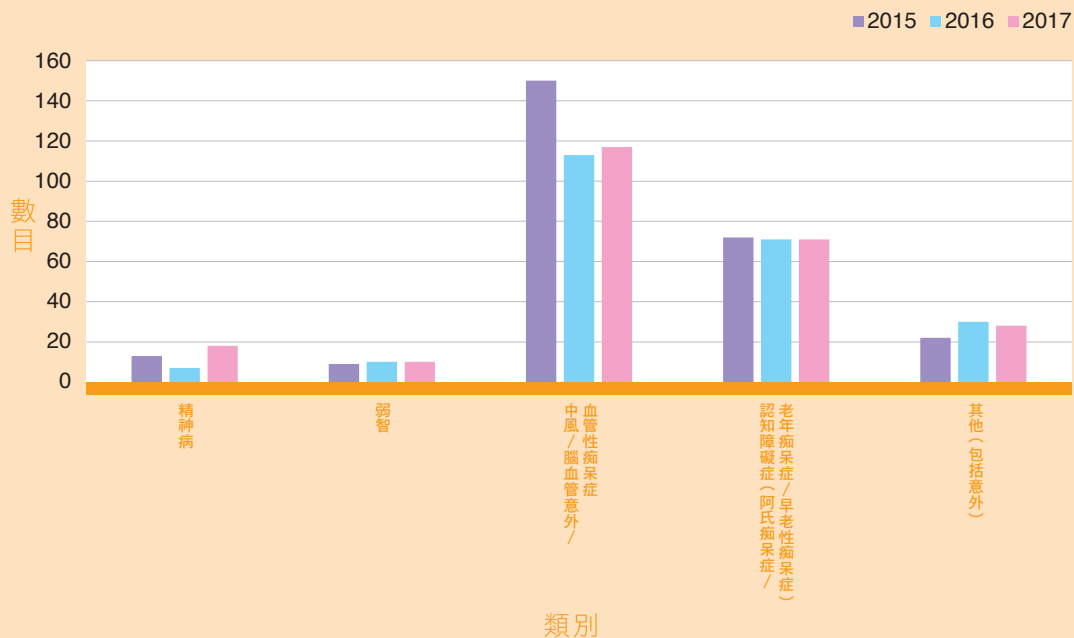


工作 | 個案及主要統計

殘疾類別

殘疾	2015	2016	2017
精神病	13	7	18
弱智	9	10	10
中風/腦血管意外/血管性痴呆症	150	113	117
認知障礙症（阿氏痴呆症/老年痴呆症/早老性痴呆症）	72	71	71
其他（包括意外）	22	30	28
合共：	266	231	244

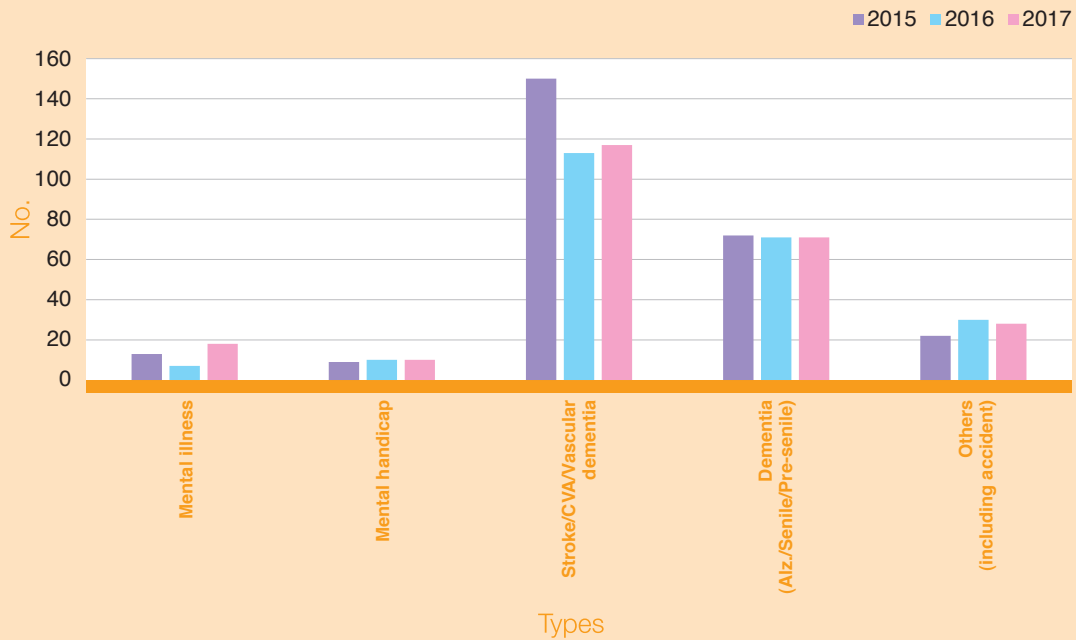
圖八：殘疾類別



The Work | Outcome, overall caseload & major statistics

Types of Disability	Disability	2015	2016	2017
	Mental illness	13	7	18
	Mental handicap	9	10	10
	Stroke/CVA/Vascular dementia	150	113	117
	Dementia (Alz./Senile/Pre-senile)	72	71	71
	Others (including accident)	22	30	28
	Total :	266	231	244

Chart 8 : Types of Disability



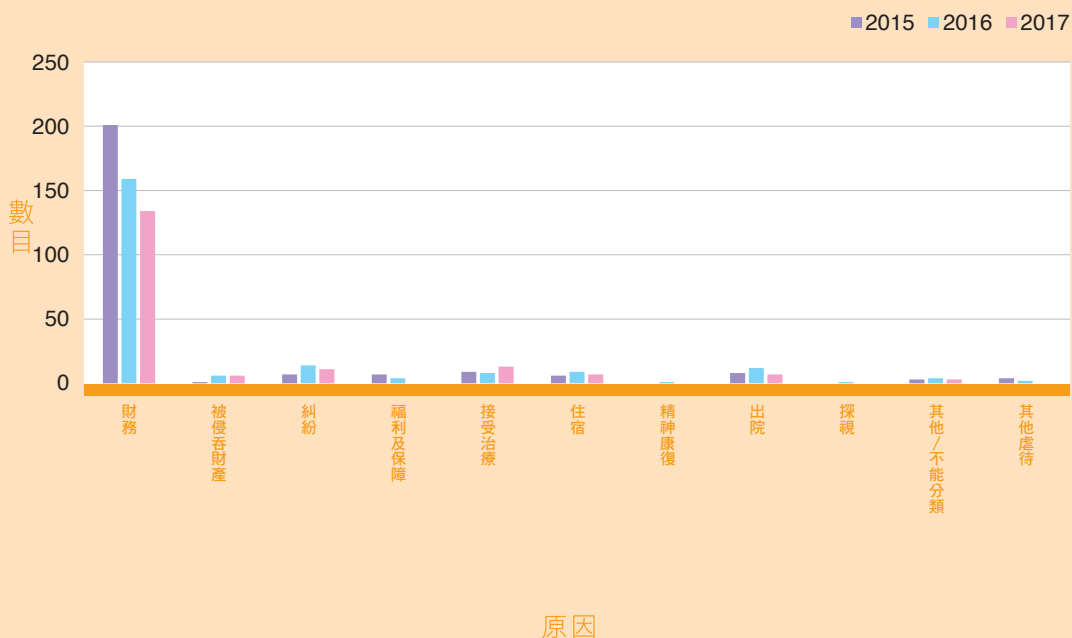
工作 | 個案及主要統計

申請一般監護令的原因

原因	2015	2016	2017
財務	201	159	134
被侵吞財產	1	6	6
糾紛	7	14	11
福利及保障	7	4	0
接受治療	9	8	13
住宿	6	9	7
精神康復	0	1	0
出院	8	12	7
探視	0	1	0
其他/不能分類	3	4	3
其他虐待	4	2	0
合共*：	246	220	181

* 延期個案的申請原因不會在上表列出。

圖九：申請一般監護令的原因



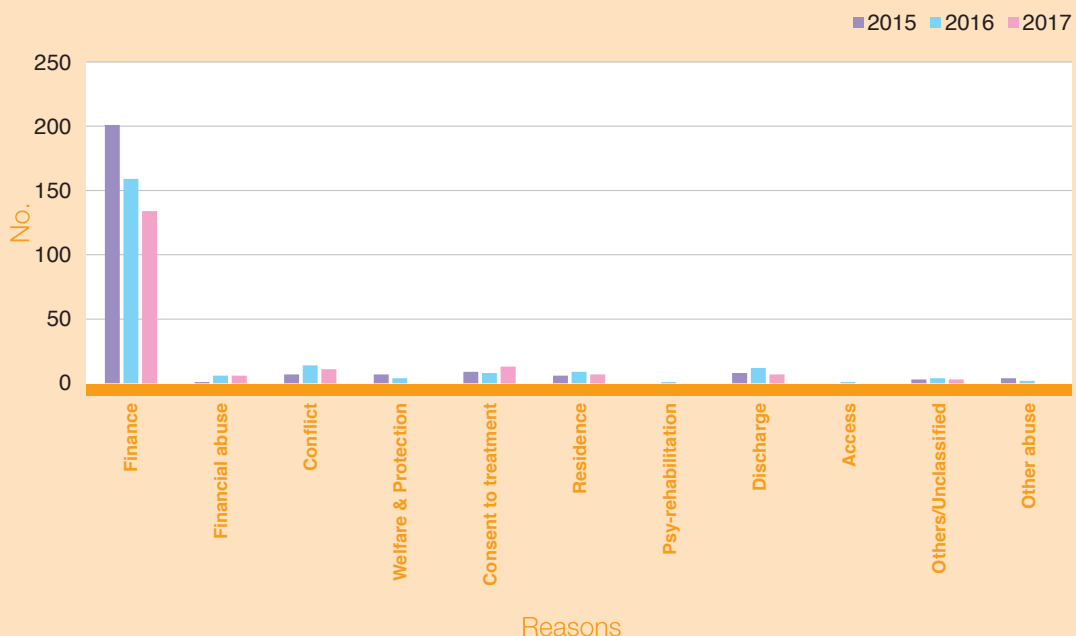
The Work | Outcome, overall caseload & major statistics

Reasons for Normal Guardianship Applications

Order	2015	2016	2017
Finance	201	159	134
Financial abuse	1	6	6
Conflict	7	14	11
Welfare & Protection	7	4	0
Consent to treatment	9	8	13
Residence	6	9	7
Psy-rehabilitation	0	1	0
Discharge	8	12	7
Access	0	1	0
Others/Unclassified	3	4	3
Other abuse	4	2	0
Total * :	246	220	181

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

Chart 9 : Reasons for Normal Guardianship Applications



工作 | 個案及主要統計

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
2015	65	282	23.1%
2016	90	296	30.4%
2017	81	282	28.7%
合共：	236	860	27.4%

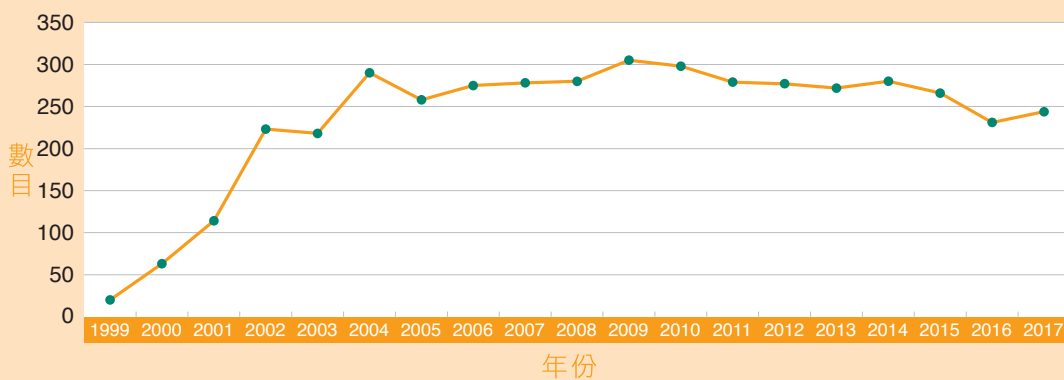
自1999年申請一般監護令數目

合共：4,227

1999*	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
20	63	114	223	218	290	258	275	278	280	305	298	279	277	272	280	266	231	244

* 只由二月至十二月，共11個月。

圖十：自1999年申請一般監護令數目



The Work | Outcome, overall caseload & major statistics

Cases not renewed

Year	Cases not renewed	Review hearing	%
2015	65	282	23.1%
2016	90	296	30.4%
2017	81	282	28.7%
Total :	236	860	27.4%

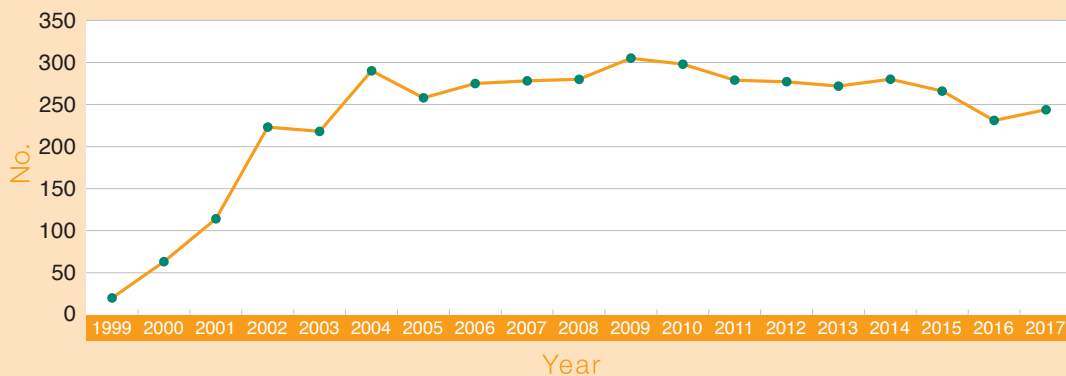
Guardianship Applications since 1999

Total : 4,227

1999*	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
20	63	114	223	218	290	258	275	278	280	305	298	279	277	272	280	266	231	244

* Remark: 11 months only - from February to December.

Chart 10 : Guardianship Applications since 1999



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
2015	13,541
2016	14,386
2017	16,457

投訴

在此報告期內，秘書處收到相約數量的投訴。

與過往年度一樣，由於複雜/家庭糾紛個案增加，將來的投訴數量亦會相應增多。

有關投訴詳列如下：

(一) 2015年-共5項投訴

- (i) 投訴秘書處職員。
- (ii) 兩項投訴委員會主席於主持聆訊時的表現。
- (iii) 兩項投訴委員會的裁決。

(二) 2016年-共2項投訴

- (i) 投訴秘書處職員。
- (ii) 投訴委員會主席於主持聆訊時的表現，及委員會的裁決。

(三) 2017年 - 委員會並沒有收到任何投訴。

The Work |

Hospital Authority Part IVC Enquiries

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

Year	Enquiries
2015	13,541
2016	14,386
2017	16,457

Complaints

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

Same as last years, due to rising number of complicated conflict cases, it is natural that the number of complaints would rise in future.

The complaints are listed below:

1. Year 2015 - total 5 complaints

- (i) One complaint was against staff.
- (ii) Two complaints were against the Chairperson in the performance of his role as a presiding member hearing application.
- (iii) Two complaints were against the Board's decision.

2. Year 2016 – total 2 complaints

- (i) One complaint was against staff.
- (ii) One complaint was against the Chairperson in the performance of his role as a presiding member hearing application and the Board's decision.

3. Year 2017 - The Board records no complaint received.

上訴

1. 高院雜項案件2663/2014

第五份報告中曾提及本上訴。

本案是極其複雜的案件，當事人的內地（第二位）妻子以刀指嚇從津助院舍帶走當事人後，當事人除一度入院之外一直失去所踪。妻子及其代表大律師以歇斯底里、不受控制的方式阻止及衝擊委員於聆訊前在醫院進行的探訪及本案聆訊的進行。在監護令獲批後，妻子提出上訴，曾申請法律援助但被拒絕。上訴申請經延訊後於高等法院正式審理，並作出判決，法官維持委員會的裁決。

2. 高院雜項案件1717/2015及民事上訴案件157/2016

HCMP 1717/2015 – 當事人的長子（W先生）提出上訴，反對委員會決定延續監護令，及委任社會福利署署長為官方監護人。委員會得悉上訴人（長子）有性格問題，不斷轉換當事人安老院舍，令當事人的幼子最後申請監護以保護患癡呆症的母親。

上訴人（長子）於批出首次監護令後曾提出上訴，反對委員會批出監護令，但及後在高等法院第一次聆訊時撤回申請。

上訴人反對延續監護令，因為他認為委員會採納家人或院舍對他的指控（例如他對母親（當事人）曾作出的不當行為）不合理，及沒有處理他對他的弟弟（即申請人）的指控（例如非法移民到香港，向入境事務處作出虛假聲明），並且委員會在不恰當的情況作出命令。

在2016年6月，委員會收到高等法院的上訴裁決。在本案，法院維持委員會的裁決，繼續委任官方監護人，並駁回上訴及命令W先生支付堂費。

CACV157/2016 - 由於W先生（上訴人）未能在高等法院上訴成功，並被處罰需支付堂費，他於是進一步就高等法院的判決向上訴庭提出上訴，同時申請法律援助。

高等法院和上訴法庭均維持監護委員會的兩項相關裁決。

上級法院確認委員會作出命令的理由恰當，法律上沒有出錯。上訴人被責令支付全部堂費。

3. 高院雜項案件517/2016

當事人被兒子虐待身體，在過去幾年，已經有多次記錄兒子於照顧當事人時經常襲擊她。一年前，被社工揭發，隨後當事人被收容監護。

上訴人（當事人的兒子）反對委員會作出延續監護令的決定，因為這是意味著他將當事人帶回家中照顧的計劃被拒絕。

上級法院確認委員會的決定理由正確，並不存有法律上的錯誤。上訴被駁回，上訴人被命令支付堂費。

The Work |

Appeals

1. HCMP 2663/2014

This appeal was already mentioned in the 5th Report.

This was a very unruly and complicated case where the subject was abducted at knifepoint by his Mainlander (2nd) wife and since then disappeared. The wife's barrister has stormed the hearing at Guardianship Board in a hysterical and uncontrolled manner. After Guardianship Order was granted, the wife lodged an appeal for which legal aid was refused. The appeal in High Court was finally heard after adjournments and the Judgment was finally delivered. The Judge upheld the Board's decision.

2. HCMP 1717/2015 & CACV157/2016

HCMP 1717/2015 - An appeal has been filed by the elder son of the subject (Mr W) against the Board's decision to renew the Guardianship Order appointing continuously the Director of Social Welfare as the public guardian. The Board found that the appellant-son had personality problem and kept changing aged homes for the subject so much so that the younger son finally applied for guardianship to protect the demented mother. The appellant-son has filed an appeal against the Board's first decision on granting public guardianship at the first instance, but later withdrew it at the first hearing in High Court. This time (i.e. the second appeal), he insisted he should be appointed as the new guardian.

The appellant objected to the renewed Guardianship Order as he believed the Board has not made proper finding of allegations against him (e.g. his inappropriate behavior towards his mother, the subject) and his allegations against his younger brother (e.g. an

illegal immigrant to Hong Kong then making false declarations to Immigration Department) and that the Board made an order on improper footing.

In the month of June 2016, the Board received an Appeal decision from High Court. The Court upheld the Board's decision in this case in appointing continuously the public guardian and has dismissed the appeal with costs.

CACV157/2016 – Since Mr W (the appellant) has failed in his appeal to High Court and was penalized by legal costs, he further appealed from the judgment of High Court to the Court of Appeal and at same time applied for legal aid.

Two respective decisions of Guardianship Board have been upheld by High Court and Court of Appeal.

The higher courts declared the Board's reasons were properly founded and there have been no error at law made. Appellant was ordered to pay costs.

3. HCMP no. 517/2016

The appellant (the son of subject) objected to the Board's decision in continuing the Guardianship Order which in a way would mean that his plan to restore the subject to his home for care was rejected. The appellant has had notorious record of repeatedly assaulting the subject in the past years when the subject was under his personal care.

The higher court declared the Board's reasons were properly founded and there have been no error at law made. Appellants was ordered to pay costs.

最佳利益平衡表範本

	A 轉換到甲安老院的好處	B 轉換到乙安老院的好處 (即A&C的壞處)	C 轉換到丙安老院的好處 (即A&B的壞處)
福利利益/ 負擔	不變	可聘請兼職物理治療師，提供一星期一至兩次物理治療及少量訓練	利益：(a) 達到護養院要求，若當事人的健康狀況下滑，可內部轉到護養院照顧；(b) 護理及照顧支援更集中；(c) 提供一星期兩至三次物理治療
社交利益/ 負擔	<u>負擔</u> ：只可乘巴士、小巴或的士到達	<u>負擔</u> ：只可乘巴士、小巴或的士到達	<u>利益</u> ：更為方便，位置鄰近港鐵站、巴士及小巴站
情緒利益/ 負擔	<u>利益</u> ：無適應問題	<u>負擔</u> ：適應問題	<u>利益</u> ：方便家庭成員探望 <u>負擔</u> ：適應問題
倫理利益/ 負擔	<u>負擔</u> ：無改善照顧及服務質素 <u>負擔</u> ：家庭成員可能會因維持住在現時安老院，令糾紛升級	<u>負擔</u> ：家庭成員可能會因執行有關轉變令糾紛升級	<u>利益</u> ：強化照顧及服務質素 <u>負擔</u> ：家庭成員可能會因執行有關轉變令糾紛升級
醫療利益/ 負擔	0.5 物理治療師、 保健員1:29.4、 護士 1:18.38、 護士數目：8 <u>利益</u> ：無需改變覆診的醫院/診所	0.5 物理治療師、 保健員1:49.33、 護士 1:18.5、 護士數目：8 <u>負擔</u> ：需要改變覆診的醫院/診所	1 物理治療師、 保健員1:28、 護士 1:10.18、 護士數目：11 <u>負擔</u> ：需要改變覆診的醫院/診所
財務利益/ 負擔	<u>負擔</u> ：\$10,000，不能購買額外復康服務	<u>利益</u> ：較低院費-\$8,429，監護人可購買額外復康服務及儀器	<u>利益</u> ：較低院費- \$8,800，監護人可購買額外復康服務及儀器
當事人的 意見及意願	無偏好	無偏好	無偏好
家庭成員 的意見及意願			第1、第3、第4 及第6 女兒同意建議 第7 兒子對有關建議持開放態度，當獲取更多新院舍的資料後，他表示不反對。 第5 兒子不同意轉變當事人的居所，但他會尊重監護人的最終決定 第2 兒子先是不同意，但知悉轉院會減少院費開支及方便家庭成員探望後，他表示不反對。

結論及建議：

- 必要的基本原則，為提升當事人的最佳利益。
- 建議是：
 - ~ 藉此改善照顧當事人的質素，
 - ~ 更好善用當事人的有限財務資源，
 - ~ 讓家庭成員可勤密探望。
- 大部份子女一致同意。
- 建議當事人的居所轉到丙安老院。
- 宿位申請已提交。

The Work |

Sample of Best Interests Balance Sheet (BIBS)

	A Advantage to change to old age home I	B Advantage to change to old age home II (Disadvantage of A&C)	C Advantage to change to old age home III (Disadvantage of A&B)
Welfare Benefits / Burdens	No change	Hire a part-time PT providing PT about 1 to 2 times a week and less training.	<u>Benefits</u> : (a) meet nursing home requirements. If subject's health condition deteriorated, she could be internally transferred to nursing home care (b) Nursing and care support more intensive (c) provide PT 2 to 3 times a week
Social Benefits / Burdens	<u>Burden</u> : only reached by bus, minibus or taxi	<u>Burden</u> : only reached by bus, minibus or taxi	<u>Benefit</u> : Most convenient as located near MTR station, bus & minibus stops
Emotional Benefits / Burdens	<u>Benefit</u> : No adjustment problem	<u>Burden</u> : adjustment problem	<u>Benefit</u> : Convenient for family members to visit <u>Burden</u> : adjustment problem
Ethical Benefits / Burdens	<u>Burden</u> : No enrichment in care & service quality <u>Burden</u> : disputes between family member might escalate upon maintaining at present aged home	<u>Burden</u> : disputes between family member might escalate upon implementation of the proposed change	<u>Benefit</u> : Enrichment in care and service quality <u>Burden</u> : disputes between family member might escalate upon implementation of the proposed change
Medical Benefits / Burdens	0.5 PT, Health worker 1:29.4, Nurse 1:18.38, no. of nurse: 8 <u>Benefit</u> : no need to change follow-ups at hospitals/clinics	0.5 PT, Health worker 1:49.33, Nurse 1:18.5, no. of nurse: 8 <u>Burden</u> : require to change follow-ups to other hospitals/clinics	1 PT, Health worker 1:28, Nurse 1:10.18, no. of nurse: 11 <u>Burden</u> : require to change follow-ups to other hospitals/clinics
Financial Benefits / Burdens	<u>Burden</u> : \$10,000, can't purchase extra rehab. service	<u>Benefit</u> : Lower home fee - \$8,429, guardian can purchasing extra rehab. Service & equipment	<u>Benefit</u> : Lower home fee - \$8,800, guardian can purchasing extra rehab. Service & equipment
Views & wishes of subject	No preference	No preference	No preference
Views & wishes of family members			Agreed to proposed changes by 1 st , 3 rd , 4 th & 6 th daughters 7 th son opened to the proposed changes, after obtained more information on new aged home, he showed no objection 5 th son disagreed to change the accommodation of subject but he would respect the legal guardian's final decision 2 nd son disagreed at first, but after knowing changes could reduce home fees & facilitate visits of family members, he showed no objection

Conclusion & Recommendation:

- It is necessary to uphold the rationale on promoting subject's best interests
- Proposed change is:
 - ~ expected to enrich subject's care quality
 - ~ to promote better use of her limited financial resources
 - ~ to facilitate the family members' frequent visits
- largely agreed upon by all children
- Recommended the subject to change her accommodation to old age home III
- Application for placement was made

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

1. 陳永雄律師
2. 丘愛莉律師
3. 馬兆華律師
4. 徐嘉華律師
5. 周卓如律師，太平紳士，BBS
6. 吳金源律師 (任期由2017年2月1日開始)
7. 蕭澤宇律師，太平紳士，BBS (任期由2017年2月1日開始)
8. 黃鎮南律師，太平紳士，BBS (任期由2017年2月1日開始)
9. 蕭財發律師 (任期至2017年1月31日止)
10. 楊元彬律師 (任期至2017年1月31日止)
11. 楊啟基律師 (任期至2017年1月31日止)

40

乙組委員

註冊醫生

1. 屈康欣醫生
2. 譚鉅富醫生
3. 梁琳明醫生
4. 廖建華醫生
5. 朱偉星醫生 (任期由2017年2月1日開始)
6. 洪秉基醫生 (任期由2017年2月1日開始)
7. 郭志銳醫生 (任期由2017年2月1日開始)
8. 郭初航醫生 (任期由2017年2月1日開始)
9. 李舜華醫生 (任期由2017年2月1日開始)
10. 馬漢明醫生 (任期由2017年2月1日開始)
11. 蘇浩培醫生 (任期由2017年2月1日開始)
12. 譚焯坤醫生 (任期由2017年2月1日開始)
13. 林翠華教授 (任期至2017年1月31日止)
14. 羅振邦醫生 (任期至2017年1月31日止)
15. 梁佩瑤醫生 (任期至2017年1月31日止)
16. 歐陽東偉醫生 (任期至2017年1月31日止)
17. 蔡永傑醫生 (任期至2017年1月31日止)
18. 江德坤醫生 (任期至2017年1月31日止)
19. 徐慕菁醫生 (任期至2017年1月31日止)
20. 黃詠妍醫生 (任期至2017年1月31日止)

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 Philip CHAN Wing-hung
2. Ms Ellie CHIU Oi-li
3. Mr Ismail MA Shiu-wah
4. Ms Jennifer TSUI Ka-wah
5. Mr Alfred CHOW Cheuk-yu, BBS, JP
6. Mr Paul NG Kam-yuen (Appointed on 1 February 2017)
7. Mr SIU Chak-yu, BBS, JP (Appointed on 1 February 2017)
8. Mr WONG Chun-nam, BBS, JP (Appointed on 1 February 2017)
9. Mr SIU Choi-fat (Appointment up to 31 January 2017)
10. Mr Benny YEUNG Yuen-bun (Appointment up to 31 January 2017)
11. Mr Kenneth YEUNG Kai-kay (Appointment up to 31 January 2017)

Panel B Members

Registered Medical Practitioners

1. Dr Karen WAT Hong-yun
2. Dr Stanley TAM Kui-fu
3. Dr Jess LEUNG Lam-ming
4. Dr LIU Kin-wah
5. Dr Daniel CHU Wai-sing (Appointed on 1 February 2017)
6. Dr Gabriel HUNG Bing-kei (Appointed on 1 February 2017)
7. Professor Timothy KWOK Chi-yui (Appointed on 1 February 2017)
8. Dr KWOK Choi-hon (Appointed on 1 February 2017)
9. Dr Jenny LEE Shun-wah (Appointed on 1 February 2017)
10. Dr MA Hon-ming (Appointed on 1 February 2017)
11. Dr SO Ho-pui (Appointed on 1 February 2017)
12. Dr TAM Cheuk-kwan (Appointed on 1 February 2017)
13. Professor LAM Chiu-wa (Appointment up to 31 January 2017)
14. Dr Alexander LAW Chun-bon (Appointment up to 31 January 2017)
15. Dr LEUNG Pui-yiu (Appointment up to 31 January 2017)
16. Dr AU YEUNG Tung-wai (Appointment up to 31 January 2017)
17. Dr CHOI Wing-kit (Appointment up to 31 January 2017)
18. Dr KONG Tak-kwan (Appointment up to 31 January 2017)
19. Dr Eileen CHUI Mo-ching (Appointment up to 31 January 2017)
20. Dr WONG Wing-yin (Appointment up to 31 January 2017)

委員會委員 |

臨床心理學家

1. 陳潔冰女士 (任期由2017年2月1日開始)
2. 鄭健榮博士 (任期由2017年2月1日開始)
3. 梁麗端女士 (任期由2017年2月1日開始)
4. 顏俏歡女士 (任期由2017年2月1日開始)
5. 曾慶培博士 (任期至2017年1月31日止)
6. 陳皓宜博士 (任期至2017年1月31日止)
7. 陳乾元博士 (任期至2017年1月31日止)
8. 胡潔瑩博士，太平紳士 (任期至2017年1月31日止)

職業治療師

1. 李雅儀女士 (任期由2017年2月1日開始)
2. 陳德敏女士 (任期至2017年1月31日止)
3. 劉華珍女士 (任期至2017年1月31日止)

護士

1. 徐若萍博士 (任期由2017年2月1日開始)

社會工作者

1. 周翠女士
2. 黃玉霜女士
3. 李笑芬女士
4. 翁麗女士
5. 劉淑儀女士
6. 何貴英女士
7. 方長發先生，太平紳士
8. 歐陽素華女士 (任期由2017年2月1日開始)
9. 陳鳳雯女士 (任期由2017年2月1日開始)
10. 翟冬青女士 (任期由2017年2月1日開始)
11. 張達昌先生 (任期由2017年2月1日開始)
12. 何婉慧小姐 (任期由2017年2月1日開始)
13. 翁文智女士 (任期由2017年2月1日開始)
14. 譚秀玲女士 (任期由2017年2月1日開始)
15. 黃愛球小姐 (任期由2017年2月1日開始)
16. 容美端女士 (任期由2017年2月1日開始)
17. 陳潔玲女士 (任期至2017年1月31日止)
18. 錢文紅女士 (任期至2017年1月31日止)
19. 潘廣輝先生 (任期至2017年1月31日止)
20. 葉燕心女士 (任期至2017年1月31日止)
21. 何錦昌先生 (任期至2017年1月31日止)

Board Members |

Clinical Psychologists

1. Ms Sumee CHAN Kit-bing (Appointed on 1 February 2017)
2. Dr CHENG Kin-wing (Appointed on 1 February 2017)
3. Ms Flora LEUNG Lai-tuen (Appointed on 1 February 2017)
4. Ms NGAN Chiu-foon (Appointed on 1 February 2017)
5. Dr Michael TSANG Hing-pui (Appointment up to 31 January 2017)
6. Dr Cindy CHAN (Appointment up to 31 January 2017)
7. Dr Calais CHAN Kin-yuen (Appointment up to 31 January 2017)
8. Dr Kitty WU Kit-ying, JP (Appointment up to 31 January 2017)

Occupational therapists

1. Ms LEE Nga-yee (Appointed on 1 February 2017)
2. Miss Emma CHAN Tak-mun (Appointment up to 31 January 2017)
3. Ms Medina LAU Wah-chun (Appointment up to 31 January 2017)

Nurse

1. Dr Maria CHUI Yeuk-ping (Appointed on 1 February 2017)

Social Workers

1. Ms CHOW Tsui
2. Ms WONG Yuk-sheung
3. Ms LI Siu-fan
4. Ms YUNG Lai
5. Ms Alice LAU Shuk-yee
6. Ms Florence HO Kwai-ying
7. Mr FONG Cheung-fat, JP
8. Ms AU YEUNG So-wah (Appointed on 1 February 2017)
9. Ms Angel CHAN Fung-man (Appointed on 1 February 2017)
10. Ms CHAK Tung-ching (Appointed on 1 February 2017)
11. Mr CHEUNG Tat-cheong (Appointed on 1 February 2017)
12. Miss Vennus HO Yuen-wai (Appointed on 1 February 2017)
13. Ms ONG Man-chi (Appointed on 1 February 2017)
14. Ms TAM Sau-ling (Appointed on 1 February 2017)
15. Miss WONG Oi-kau (Appointed on 1 February 2017)
16. Ms YUNG Mei-tuen (Appointed on 1 February 2017)
17. Ms CHAN Kit-ling (Appointment up to 31 January 2017)
18. Miss CHIEN Man-hung (Appointment up to 31 January 2017)
19. Mr POON Kwong-fai (Appointment up to 31 January 2017)
20. Ms Frances IP Yin-sum (Appointment up to 31 January 2017)
21. Mr Allan HO Kam-cheung (Appointment up to 31 January 2017)

委員會委員 |

- | | |
|----------------|-------------------|
| 22. 李楚翹博士 | (任期至2017年1月31日止) |
| 23. 尹家碧女士 | (任期至2017年1月31日止) |
| 24. 孫勵生先生 | (任期至2017年1月31日止) |
| 25. 伍庭山先生 | (任期至2017年1月31日止) |
| 26. 游秀慧女士，太平紳士 | (任期至2017年12月16日止) |

丙組委員

- | | |
|------------|------------------|
| 1. 王朱燕平女士 | |
| 2. 黃李聞韶女士 | |
| 3. 梁翠嫻女士 | |
| 4. 曾頌文女士 | |
| 5. 梁雪雲女士 | |
| 6. 陳一心先生 | (任期由2015年5月1日開始) |
| 7. 夏兆彭先生 | (任期由2015年5月1日開始) |
| 8. 何永成先生 | (任期由2015年5月1日開始) |
| 9. 陳麗麗女士 | (任期由2015年5月1日開始) |
| 10. 高秉衡先生 | (任期由2017年2月1日開始) |
| 11. 賴美寶女士 | (任期由2017年2月1日開始) |
| 12. 劉淑賢女士 | (任期由2017年2月1日開始) |
| 13. 李祥佩女士 | (任期由2017年2月1日開始) |
| 14. 梁黎艷明女士 | (任期由2017年2月1日開始) |
| 15. 吳紹平先生 | (任期由2017年2月1日開始) |
| 16. 宋小萍女士 | (任期由2017年2月1日開始) |
| 17. 謝勵勤女士 | (任期由2017年2月1日開始) |
| 18. 黃美玲女士 | (任期至2017年1月31日止) |
| 19. 高唐維珠女士 | (任期至2017年1月31日止) |
| 20. 韓燕萍女士 | (任期至2017年1月31日止) |
| 21. 陳慧貞小姐 | (任期至2017年1月31日止) |
| 22. 卓政德先生 | (任期至2017年1月31日止) |
| 23. 陳瑞貞女士 | (任期至2017年1月31日止) |
| 24. 李淑儀女士 | (任期至2017年1月31日止) |
| 25. 黃麗明女士 | (任期至2017年1月31日止) |
| 26. 袁遠有女士 | (任期至2015年4月30日止) |
| 27. 郭敏怡女士 | (任期至2015年4月30日止) |
| 28. 陳桂坡先生 | (任期至2015年4月30日止) |
| 29. 馬佩玲女士 | (任期至2015年4月30日止) |

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2014年2月1日起。

Board Members |

- | | |
|------------------------------|--------------------------------------|
| 22. Dr LEE Tsor-kui | (Appointment up to 31 January 2017) |
| 23. Ms WAN Ka-pik | (Appointment up to 31 January 2017) |
| 24. Mr SUEN Lai-sang | (Appointment up to 31 January 2017) |
| 25. Mr NG Ting-shan | (Appointment up to 31 January 2017) |
| 26. Ms Sania YAU Sau-wai, JP | (Appointment up to 16 December 2017) |

Panel C Members

- | | |
|------------------------------------|-------------------------------------|
| 1. Mrs Josephine WONG CHU Yin-ping | |
| 2. Mrs Margaret WONG LEE Man-shiu | |
| 3. Ms LEUNG Tsui-han | |
| 4. Ms Lana TSANG Chung-man | |
| 5. Ms LEUNG Shuet-wan | |
| 6. Mr CHAN Yat-sum | (Appointed on 1 May 2015) |
| 7. Mr HA Siu-pang | (Appointed on 1 May 2015) |
| 8. Mr HO Wing-sing | (Appointed on 1 May 2015) |
| 9. Ms Lily CHAN | (Appointed on 1 May 2015) |
| 10. Mr KO Ping-hang | (Appointed on 1 February 2017) |
| 11. Ms LAI Mee-po | (Appointed on 1 February 2017) |
| 12. Ms LAU Shuk-yin | (Appointed on 1 February 2017) |
| 13. Ms Cindy Cat LEE Cheung-pui | (Appointed on 1 February 2017) |
| 14. Mrs Mary LEUNG LAI Yim-ming | (Appointed on 1 February 2017) |
| 15. Mr NG Siu-pin | (Appointed on 1 February 2017) |
| 16. Ms Katherine SUNG | (Appointed on 1 February 2017) |
| 17. Ms TSE Lai-kun | (Appointed on 1 February 2017) |
| 18. Ms WONG Mee-ling | (Appointment up to 31 January 2017) |
| 19. Mrs KO TONG Wai-chu | (Appointment up to 31 January 2017) |
| 20. Ms Rosina HON | (Appointment up to 31 January 2017) |
| 21. Miss CHAN Wai-ching | (Appointment up to 31 January 2017) |
| 22. Mr Paul CHEUK Ching-tak | (Appointment up to 31 January 2017) |
| 23. Ms Cecilia TAN | (Appointment up to 31 January 2017) |
| 24. Ms Angela LEE Shuck-ye | (Appointment up to 31 January 2017) |
| 25. Ms WONG Lai-ming | (Appointment up to 31 January 2017) |
| 26. Ms YUEN Yuen-yau | (Appointment up to 30 April 2015) |
| 27. Ms Wendy KWOK Man-ye | (Appointment up to 30 April 2015) |
| 28. Mr Eddie CHAN Kwai-bor | (Appointment up to 30 April 2015) |
| 29. Miss MA Pui-ling | (Appointment up to 30 April 2015) |

Remarks:

Note 1: For those members without an appointment date or expiration date specified, their appointments have started since 1 February 2014.

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	:	何佩珊小姐

香港第二屆監護會議

2017年2月17日和18日分別在唯港薈和馬哥孛羅香港酒店成功舉辦會議前精神能力研討會及香港第二屆監護會議。

於2月18日，會議廳擠滿了290名參加的各界人士，其中絕大部分都全程參與。由康復專員梁振榮先生，太平紳士及社會福利署署長葉文娟女士，太平紳士主禮。



社區組委會義務負責接待參加者及專業組委員周翠小姐擔任主理當天程序。每位講者都發表了極富內涵和極具深度的演講，幾乎可以肯定所有參加者都從中受益。澳洲新南威爾斯民事及行政審裁處轄下監護處副主席Malcolm Schyvens先生從悉尼遠道而來，當天發表了兩場精彩的演講。並代表新南威爾斯民事及行政審裁處致送紀念品予委員會留念。

所有演講簡報和論文於2017年2月27日已上載至委員會官方網站（www.adultguardianship.org.hk/conf2017）以便查看。

The Secretariat

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	:	Ms Katie FUNG Chui-shan
Clerical Assistant	:	Ms HO Pui-shan

2nd Guardianship Conference of Hong Kong

Pre-conference Workshop on mental capacity assessment and 2nd Guardianship Conference were successfully held on 17 and 18 February 2017 at respectively Icon Hotel and Marco Polo Hongkong Hotel.

On the 18th, the conference hall was packed with 290 (actual turn-out) participants and most of them stayed throughout the whole day. Mr David LEUNG, JP, Commissioner for Rehabilitation and Ms Carol YIP, JP, Director of Social Welfare have graciously officiated the Conference.

Member-volunteers have manned the reception desk and Ms CHOW Tsui who has mastered the entire proceedings that day. Every speaker has delivered extremely informative and thought-provoking presentations and it was almost certain that all delegates have benefited from them. Mr Malcolm Schyvens, the Deputy President, Division Head – Guardianship New South Wales Civil & Administrative Tribunal (NSWNCAT) – Sydney, Australia travelled a long way from Sydney and delivered two quality speeches that day. The NSWNCAT has sent to the Board a gift plaque to commemorate the Conference.

All PowerPoint presentations and papers are already uploaded to our official website (www.adultguardianship.org.hk/conf2017) for viewing on 27 February 2017.

為回顧當天會議程序，列印如下：

Programme

8:30 - 8:45 a.m. **Registration**

Opening

8:45 - 9:00 a.m. **Welcoming**

MC: Ms Twiggy CHOW Tsui, Guardianship Board Member

9:00 - 9:10 a.m. **Kick-off speech**

Mr David LEUNG, JP, Commissioner for Rehabilitation Labour & Welfare Bureau

9:10 - 10:00am **Key-note speech**

**Trends of legal development of guardianship:
a transition or a destination**

Mr Malcolm Schyvens, Deputy President, Division Head-Guardianship Division
NSW Civil and Administrative Tribunal, Australia

10:00 - 10:30 a.m. **Coffee / Tea Break**

Morning sessions

10:30-10:50 a.m. **Clinical experience in challenging cases of capacity assessment**

Dr Josephine WONG, Honorary Clinical Assistant Professor, Department of Psychiatry
The University of Hong Kong

10:50 - 11:10 a.m. **The special needs trust for individuals with mental disability:
a research perspective**

Professor Lusina HO, Faculty of Law, The University of Hong Kong

11:10 - 11:30 a.m. **The law of enduring powers - a new vista**

Mr Peter WONG, Deputy Solicitor General, Legal Policy Division, Department of Justice,
HKSAR Government

11:30 - 11:50 a.m. **Guardianship outcomes: Do guardian powers matter?**

Mr Charles CHIU, Chairperson of Guardianship Board

11:50 - 1:00 p.m. **Lunch** (luncheon for invited guests only)

Afternoon sessions

1:00 - 2:00 p.m. **The challenges of enduring power review cases: a tool-kit**

Mr Malcolm Schyvens, Deputy President, Division Head-Guardianship Division,
NSW Civil and Administrative Tribunal, Australia

2:00 - 2:30 p.m. **The role of guardian and attorney of enduring powers in end-of-life
care (including advance care plan and advance directive): a research
perspective for future**

Dr Roger CHUNG, Assistant Professor, School of Public Health and Primary Care & Assistant Professor
(by courtesy), Jockey Club Institute of Ageing, Faculty of Medicine, The Chinese University of Hong Kong

2:30 - 3:00 p.m. **Coffee / Tea Break**

3:00 - 3:30 p.m. **Elder abuse from a clinical perspective**

Dr Eileena CHUI, Consultant Psychiatrist, Department of Psychiatry, Queen Mary Hospital

Closing

3:30 - 3:50 p.m. **Closing Remarks**

Mr Charles CHIU, Chairperson of Guardianship Board

The Secretariat |

To recap, the run-down of the Conference is set out as follows:

Programme

8:30 - 8:45 a.m.	Registration
Opening	
8:45 - 9:00 a.m.	Welcoming MC: Ms Twiggy CHOW Tsui , Guardianship Board Member
9:00 - 9:10 a.m.	Kick-off speech Mr David LEUNG, JP , Commissioner for Rehabilitation Labour & Welfare Bureau
9:10 - 10:00am	Key-note speech Trends of legal development of guardianship: a transition or a destination Mr Malcolm Schyvens , Deputy President, Division Head-Guardianship Division NSW Civil and Administrative Tribunal, Australia
10:00 - 10:30 a.m.	Coffee / Tea Break
Morning sessions	
10:30-10:50 a.m.	Clinical experience in challenging cases of capacity assessment Dr Josephine WONG , Honorary Clinical Assistant Professor, Department of Psychiatry The University of Hong Kong
10:50 - 11:10 a.m.	The special needs trust for individuals with mental disability: a research perspective Professor Lusina HO , Faculty of Law, The University of Hong Kong
11:10 - 11:30 a.m.	The law of enduring powers - a new vista Mr Peter WONG , Deputy Solicitor General, Legal Policy Division, Department of Justice, HKSAR Government
11:30 - 11:50 a.m.	Guardianship outcomes: Do guardian powers matter? Mr Charles CHIU , Chairperson of Guardianship Board
11:50 - 1:00 p.m.	Lunch (luncheon for invited guests only)
Afternoon sessions	
1:00 - 2:00 p.m.	The challenges of enduring power review cases: a tool-kit Mr Malcolm Schyvens , Deputy President, Division Head-Guardianship Division, NSW Civil and Administrative Tribunal, Australia
2:00 - 2:30 p.m.	The role of guardian and attorney of enduring powers in end-of-life care (including advance care plan and advance directive): a research perspective for future Dr Roger CHUNG , Assistant Professor, School of Public Health and Primary Care & Assistant Professor (by courtesy), Jockey Club Institute of Ageing, Faculty of Medicine, The Chinese University of Hong Kong
2:30 - 3:00 p.m.	Coffee / Tea Break
3:00 - 3:30 p.m.	Elder abuse from a clinical perspective Dr Eileen CHUI , Consultant Psychiatrist, Department of Psychiatry, Queen Mary Hospital
Closing	
3:30 - 3:50 p.m.	Closing Remarks Mr Charles CHIU , Chairperson of Guardianship Board

Conference medium: English

委員的培訓

1. 這時期的挑戰是分別於2015年5月1日有4位(4/17)的丙組成員及2017年2月1日有34/60位的委員會委員需要更替。
2. 為令委員更能與時並進及履行職責，持續分享監護制度的最新標準、要求及實務知識致為重要。所以，委員會投放資源舉辦研討會、講座及編寫《每月通訊》。截止本報告時段，主席總共發出170期的《每月通訊》，及於2015年5月18日、2016年1月30日及2017年3月14日舉行了3次的培訓/簡介講座。
3. 大部份委員(包括委員會前任及現任委員)出席2017年2月18日於馬可孖羅香港酒店舉行的香港第二屆監護會議。

網頁

自2008年，秘書處已一共上載89個委員會裁決於官方網頁內。

年份	瀏覽人次
2015*	88,793
2016	110,278
2017	135,219

[*備註：*經網站服務提供商確認，2015年2月、3月和4月的數據已損壞，因此數據不准確，且無法檢索。]

宣傳

社區及國際性宣傳 / 傳媒訪問 / 剪報

1. 香港電台「鏗鏘集」書面查詢有關監護個案。(2015年7月15日)
2. 向香港電台「鏗鏘集」內的電視節目「但願你醒來」提出書面意見。(2015年8月10日)
3. 主席接受香港電台第6台普通話台「新紫荊廣場」節目的1小時電台訪問。(2016年1月13日)
4. 明報報導有關監護委員會第五份報告的內容(包括統計數字及個案)。(2016年5月7日)

The Secretariat |

Members' development

1. The major challenge during this period was the turn-over of 4/17 Panel C members on 1 May 2015 and 34/60 Guardianship Board members on 1 February 2017.
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 170 monthly bulletins were written by the Chairperson and 3 development/briefing sessions were given to members respectively on 18 May 2015, 30 January 2016 and 4 March 2017.
3. Most of our members (including outgoing and existing members of the Board) attended the 2nd Guardianship Conference on 18 February 2017 held at Marco Polo Hongkong Hotel.

Website

Since 2008, a total of 89 Decisions of the Board have been uploaded to our official website.

Year	No. of visitors
2015*	88,793
2016	110,278
2017	135,219

[Remark: * as confirmed by webhosting service provider, the data for February, March and April 2015 were corrupted and thus are inaccurate and cannot be retrieved.]

Publicity

Media interviews / Newspaper clipping

1. Written enquiry from RTHK “鏗鏘集” on a guardianship case. (15 July 2015)
2. Written feedback to the TV program 「但願你醒來」 of RTHK “鏗鏘集” (10 August 2015)
3. An one-hour radio interview was attended by the Chairperson at Radio 6, “新紫荊廣場” Putonghua Station, RTHK (13 January 2016)
4. Report on Ming Pao Newspaper regarding the contents (including statistics and case example) of the Board's Fifth Report. (7 May 2016)

公眾研討會

日期 項目

2015 年

(由主席主講)

- 1月23日** 明愛康復服務舉辦監護制度之講座
(出席：400名家長/照顧者/社工)
- 1月27日** 醫院管理局長期護理醫護照顧證書有關監護令課堂
(出席：25名註冊護士)
- 3月5日** 香港中文大學醫學院那打素理學院老年學理學學士課程課堂
(出席：26名學生)
- 6月10日** 為澳洲新南威爾斯民事及行政審裁處轄下監護處講解香港與新南威爾斯的監護法制的分別
(出席：50名員工及委員)
- 10月14日** 香港法律專業學會舉辦「監護令、第II部命令及持久授權書」講座
(出席：88名律師)
- 11月9日** 香港理工大學應用社會科學系課堂-精神能力及監護令
(出席：50名學生)
- 11月27日** 為社會福利署綜合家庭服務社工於委員會秘書處舉辦的小組座談會
(出席：23名社工)

(由委員會秘書主講)

- 6月16日** 匡智張玉瓊晨輝學校監護令講座
(出席：30位家長)
- 6月23日** 香港四邑商工總會陳南昌紀念學校監護令講座
(出席：25位家長及教職員)
- 7月20及22日** 香港認知障礙症協會課堂
(出席：50位學生)

The Secretariat | Public seminars

Public seminars

Date Description

Year 2015

(by Chairperson)

- 23 January** Seminar to Caritas Rehabilitation Service on guardianship
(Audience: 400 parents/carers/social workers)
- 27 January** Lecture on guardianship at the Long Term (Infirmity) Care Nursing Certificate Course in Hospital Authority
(Audience: around 25 registered nurses)
- 5 March** Presentation was delivered to the Chinese University of Hong Kong students of Bachelor of Science in Gerontology Programme at Guardianship Board's office
(Audience: 26 students)
- 10 June** Presentation to Members and staff of the Guardianship Division of New South Wales Civil & Administrative Tribunal on similarities and differences between the Hong Kong and NSW guardianship jurisdictions
(Audience: 50 members and staff)
- 14 October** Lecture on Guardianship, Part II Order & Enduring Powers of Attorney to Hong Kong Academy of Law
(Audience: 88 lawyers)
- 9 November** Lecture on Understanding Mental Health Ordinance and Guardianship for Social Workers to Master course of Social Work, Hong Kong Polytechnic University.
(Audience: 50 students)
- 27 November** Workshop on Monitoring the execution of financial power of guardianship cases to case social workers of Integrated Family Services Centre, Social Welfare Department at Guardianship Board's office
(Audience: 23 social workers)

(by Secretary to the Board)

- 16 June** Talk on guardianship to Hong Chi Winifred Mary Cheung Morninghope School
(Audience: 30 parents)
- 23 June** Talk on guardianship to HKSYP&IA Chan Nam Chong Memorial School
(Audience: 25 parents & staff)
- 20 & 22 July** Lecture on guardianship to a group of students of Certified Dementia Care Planner Course of the Hong Kong Alzheimer's Disease Association
(Audience: 50 students)

秘書處 | 公眾研討會

- 9月2日** 香港唐氏綜合症協會監護令講座
(出席：20位家長/照顧者/工作人員)
- 9月25日** 香港耀能協會監護令講座
(出席：70位社工)
- 11月4及18日** 香港中文大學社會工作學系學生於聆訊旁聽後的簡短講解
(出席：14名學生)
- 12月18日** 香港耆康老人福利會監護令講座
(出席：40位社工)

2016 年

(由主席主講)

- 3月10日** 香港中文大學醫學院那打素理學院老年學理學學士課程課堂
(出席：28名學生)
- 4月22日** 賽馬會耆智園舉辦「監護令及持久授權書」講座
(出席：約120名參加者)
- 4月29日** 社會福利署舉行成年人監護研討會暨優秀社會工作者頒獎儀式
(出席：120名社會工作者)
- 5月5日** 香港中文大學醫學院監護令講座
(出席：160名醫院同工)
- 6月16日** 為南韓而來的C JE教授及韓國及日本的代表(“Asnet團隊”)舉行監護令簡介會
(出席：約4名訪客)
- 6月24日** 明愛醫院醫生協會及護士協會舉辦「監護令」講座
(出席：100名醫護同工)
- 8月19日** 為社會福利署綜合家庭服務社工於委員會秘書處舉辦的小組座談會
(出席：21名社工)

The Secretariat | Public seminars

- 2 September** Talk on guardianship to The Hong Kong Down Syndrome Association
(Audience: 20 parents/carers/staff)
- 25 September** Talk on guardianship to SAHK Tin Yiu Hostel
(Audience: 75 social workers)
- 4&18 November** De-briefing session to the Law and Social Work students after attending hearings as observers from Department of Social Work, Chinese University of Hong Kong
(Audience: 14 students)
- 18 December** Talk on guardianship to The Hong Kong Society for the Aged
(Audience: 40 social workers)

Year 2016

(by Chairperson)

- 10 March** Presentation was delivered to the Chinese University of Hong Kong students of Bachelor of Science in Gerontology Programme at Guardianship Board's office
(Audience: 28 students)
- 22 April** Talk on guardianship and Enduring Powers of Attorney at the invitation of Jockey Club Centre for Positive Ageing
(Audience: 120 participants)
- 29 April** Social Welfare Department advanced training course on adult guardianship and related issues cum Outstanding Social Worker Awards Presentation
(Audience: 120 social work public officers)
- 5 May** Academic Lecture: Guardianship Order: From Application to its Application to Faculty of Medicine, The Chinese University of Hong Kong
(Audience: 160 health professionals)
- 16 June** Briefing on guardianship to Professor C Je from South Korea and a team of Korean and Japanese delegates ("the Asnet team")
(Audience: 4 visitors)
- 24 June** Talk on Guardianship Order: From Application to its Application at the invitation of Caritas Medical Centre Doctors' Association and Caritas Medical Centre Nurses' Association
(Audience: 100 doctors, nurses & allied health professionals of Caritas Medical Centre)
- 19 August** Workshop on Monitoring the execution of financial power of guardianship cases to case social workers of Integrated Family Services Centre, Social Welfare Department at Guardianship Board's office
(Audience: 21 social workers)

秘書處 | 公眾研討會

(由委員會秘書主講)

- 9月27及29日** 香港認知障礙症協會課堂
(出席：44名學生)
- 10月21日** 香港耀能協會監護令講座
(出席：8名家長)
- 11月21及22日** 香港中文大學社會工作學系學生於聆訊旁聽後的簡短講解
(出席：10名學生)

2017 年

(由主席主講)

- 3月9日** 香港中文大學醫學院那打素理學院老年學理學學士課程課堂
(出席：30名學生)
- 4月28日** 香港大學社會科學學院賽馬會安寧頌舉辦「監護令、持久授權書及特殊需要信託」講座
(出席：123名參加者)
- 5月26日** 香港認知障礙症協會舉辦「及早準備：認知障礙症預前照顧研討會」
(出席：33名社工、護士及職業治療師)
- 6月20日** 救世軍香港安老院舍完善人生關顧計劃第三期啟動禮暨「全人全隊到全城起動」研討會
(出席：200名社會工作專職同工)
- 6月27日** 靈實協會靈實司務道寧養院舉辦「監護令及持久授權書」講座
(出席：30名同工)
- 12月11日** 社會福利署區域監護事務處(港島)分享會
(出席：7名社會工作者)

(由委員會秘書主講)

- 10月27日及
11月10日** 香港中文大學社會工作學系學生於聆訊旁聽後的簡短講解
(出席：13名學生)

The Secretariat | Public seminars

(by Secretary to the Board)

- 27 & 29 Sept** Lecture on guardianship to a group of students of Certified Dementia Care Planner Course of the Hong Kong Alzheimer's Disease Association
(Audience: 44 students)
- 21 October** Talk on guardianship to SAHK LOHAS Garden
(Audience: 8 parents/carers)
- 21 & 22 Nov** De-briefing session to the Law and Social Work students after attending hearings as observers from Department of Social Work, Chinese University of Hong Kong
(Audience: 10 students)

Year 2017

(by Chairperson)

- 9 March** Lecture on guardianship to a group of students of Bachelor of Science in Gerontology course of the Chinese University of Hong Kong
(Audience: 30 students)
- 28 April** Seminar on Guardianship, Enduring Powers of Attorney & Special Need Trust in End-of-Life Care organized by Jockey Club End-of-Life Community Care Project
(Audience: 123 participants)
- 26 May** Talk on guardianship and related issues to Hong Kong Alzheimer's Disease Association's Seminar
(Audience: 33 social workers, nurses, occupational therapists)
- 20 June** Panelist at The Salvation Army Palliative Care in Residential Care Homes for the Elderly Launching Ceremony of Project Phase III cum Seminar on "Envisioning from Compassionate Teams to Compassionate Community"
(Audience: 200 social care professionals)
- 27 June** Talk on Enduring Powers of Attorney and Advance Directives to Haven of Hope Sister Annie Skau Holistic Care Centre
(Audience: 30 staff)
- 11 December** Sharing and visit to Regional Guardianship Office (Hong Kong Inland), Social Welfare Department
(Audience: 7 social workers)

(by Secretary to the Board)

- 27 Oct & 10 Nov** De-briefing session to social work students after attending hearings as observers from Department of Social Work, Chinese University of Hong Kong
(Audience: 13 students)

主席編寫的文章

1. 由主席著作的“讓我決定 (Let me Decide)”文章於亞洲創傷心理研究學會刊物“Stress Points”刊登。(2015年12月)
2. 文章有關持久授權書於聖雅各福群會之「松柏之聲」刊出。(2016年9月中旬)
3. “簽立持久授權書時的精神行為能力的評估量表驗證 (Validation of an instrument to assess the mental capacity to sign an enduring powers of attorney)”，由林翠華教授、雷永昌醫生、高淑芬醫生、Mr Ken LAI及趙宗義律師聯合著作，文章於於東亞精神科學志2017年第27期第1號刊登。

出席的重要會議/會面

1. 與扶康會就提供信託服務予智障人士家長進行會面 (2015年1月8日)
2. 社會福利署監護辦事處常務聯絡會議 (2015年2月13日)
3. 與律政司處、勞工及福利局、醫院管理局及社會福利署就持續授權書進行冗長會議 (2015年4月30日)
4. 勞工及福利局康復專員到委員會參觀並與主席及秘書處職員會面 (2015年7月8日)
5. 與香港基督教服務處就虐老進行會議 (2015年10月26日)
6. 與社會福利署署長、副署長及助理署長(康復及醫務社會服務)進行午餐會 (2015年11月10日)
7. 社會福利署署長及總社會工作主任 (康復及醫務社會服務) 到訪委員會秘書處並旁聽聆訊(2016年2月3日)
8. 與社會福利署監護辦事處及區域監護事務處(港島)社工進行會議 (2016年6月2日)
9. 兩位勞工及福利局助理秘書長到訪委員會秘書處並旁聽聆訊 (2017年6月17日)
10. 「特殊需要信託」工作小組會議 (2016年7月28日、2016年11月2日、2017年1月17日、2017年3月10日、2017年11月14日)
11. 與澳洲新南威爾斯民事及行政審裁處主席Mr Wright法官及副主席Malcolm Schyvens先生於他們的新辦事處會談 (2016年10月28日)

The Secretariat | Public seminars

Articles written by Chairperson

1. An Article for Asian Traumatic Stress Points of Asian Society for Traumatic Stress Studies entitled “Let me Decide” is published (December 2015)
2. Publication of an article in St James’ Settlement “松柏之聲” An article entitled “Enduring Powers of Attorney” is published (mid-September 2016).
3. Publication of a joint article in East Asian Arch Psychiatry An article entitled “Validation of an instrument to assess the mental capacity to sign an enduring powers of attorney” is published at East Asian Archives of Psychiatry (Volume 27, Number 1, 2017), co-authored with Dr Victor WC LUI, Professor Linda LAM, Mr Ken C LAI and Dr Rachel KO.

Meetings attended

1. Meeting with Fu Hong Society regarding trust service for parents of mental handicaps (8 January 2015)
2. Regular liaison meeting with Guardianship Office, Social Welfare Department (13 February 2015)
3. Meeting or length with Department of Justice, Labour and Welfare Bureau, Hospital Authority and Social Welfare Department regarding Continuing Powers of Attorney (30 April 2015)
4. Commissioner of Rehabilitation, Labour and Welfare Bureau has visited the Board (8 July 2015)
5. Meeting with Hong Kong Christian Service regarding elder abuse (26 October 2015)
6. Lunch meeting with Director of Social Welfare, Deputy Director of Social Welfare and Assistant Director (Rehabilitation & Medical Social Services) (10 November 2015)
7. Director of Social Welfare and Chief Social Work Officer (Rehabilitation & Medical Social Services) has visited the Board and observed at hearings (3 February 2016)
8. Meeting with Commissioner of Rehabilitation and Assistant Secretary of Labour and Welfare Bureau (17 March 2016)
9. Meeting with colleagues of Social Welfare Department Guardianship Office and Regional Guardianship Office (Hong Kong Islands) (2 June 2016)
10. Assistant Secretaries of Labour and Welfare Bureau has visited the Board and observed at hearings (17 June 2016)
11. Meeting of Working Group on Special Need Trust (28 July 2016, 2 November 2016, 17 January 2017, 10 March 2017, 14 November 2017)
12. Meeting with the President, Mr Justice Wright and Deputy President Mr Malcolm Schyvens of Guardianship Division, NCAT, NSW, Australia at their new premises (28 October 2016)

主席出席的海外及本地會議或/及演講

1. 香港大學醫學倫理與法律中心講座：醫生的披露責任和Bolam定律不再視作適用：有關“患者同意”的法律的戲劇性變化（2015年5月4日）
2. 椿齡智研學會第六屆年度大會暨科學研討會，發表“有趣的監護令案例”（2015年9月12日）
3. 醫院管理局“照顧安老院舍虛弱院友的晚期生活”訓練課程由老人科專科小組安排，講題：監護令及持久授權書事宜(2015年11月17日)
4. 在韓國首爾舉行的第一屆亞洲監護會議，主題為老年及殘疾人士保障及支援，演講「香港成人監護 - 十六年」（2015年12月11日至12日）
5. 2016年澳洲全國會議由澳洲監護及管理局（AGAC）舉辦，演講“香港成人監護 - 17年”（2016年10月17日至18日）
6. 香港心理衛生會2015/16年度大會及第16屆邱大斌先生紀念講座，演講“虐待長者：開始與結束”（2016年12月13日）
7. 於新加坡舉行的第三屆亞洲監護會議，演講“在實際工作中-從富挑戰的監護個案汲取經驗”，並由主辦單位安排參觀“SG Enable and Enabling Village”（2017年11月28日至30日）

60

刊物

1. 第五份報告(涵蓋2012, 2013 及2014年)已派發予委員會委員及各持份者，亦已上載到委員會網頁(2016年4月)；
2. 新16號小冊子-“予個案社工及非官方監護人指引 - 擬備最新社會背景調查報告核對清單”已出版。(2016年2月)；
3. 為小冊子1、2、3、6、13、14及16號作出改進及更新。

公眾查詢

年份	諮詢次數
2015	546
2016	338
2017	524



The Secretariat |

Overseas and Local conferences attended and/or presentations by Chairperson

1. Lecture Centre for Medical Ethics and Law of The University of Hong Kong on the Doctor's Duty of Disclosure and the Decline of Bloam: A Dramatic Change in the Law on Patient Consent (4 May 2015)
2. Presentation on "Interesting cases of Guardianship Order" at The Sixth Annual General Meeting cum Scientific Symposium of The Chinese Dementia Research Association (12 September 2015)
3. Presentation on "Guardianship Order, Enduring Powers Attorney and Coroner Issues" at Seminar of Hospital Authority Central Commissioned Training Program 2015/16, End of Life Care for Frail Residents in Residential Care Home for the Elderly organised by Geriatrics Subcommittee (17 November 2015)
4. Presentation on "Hong Kong Adult Guardianship – 16 years on" at 1st Asian Conference on Advocacy and Support for the Elderly and Disabled Persons in Post-Aged Society in Seoul, Korea (11-12 December 2015)
5. Presentation on "Hong Kong Adult Guardianship – 17 years on" at Australian Guardianship and Administration Council (AGAC) 2016 National Conference (17-18 October 2016)
6. Presentation on "Elder Abuse: the beginning and the end" at The Mental Health Association of Hong Kong Annual General Meeting 2015/16 & the 16th T P Khoo Memorial Lecture (13 December 2016)
7. Presentation on "Making it work-lessons to learn from challenging guardianship cases" at 3rd Asian Conference in Singapore and visit to "SG Enable and Enabling Village" were arranged by the organizer for the participants (28-30 November 2017)

61

The Publications

1. Fifth Report (covering years 2012, 2013 and 2014) Printed copies of the Fifth Report had been distributed to Board Members and key stakeholders, with a soft copy uploaded to our official website (April 2016)
2. New Leaflet no. 16 on Checklist for Preparing progress social enquiry report – A Guidance for case social worker and private guardian published (February 2016)
3. Leaflets updated - Leaflets no. 1, 2, 3, 6, 13, 14 and 15 were further improved and refined

Public Enquiries

Year	No. of enquiries
2015	546
2016	338
2017	524



Sixth Report

2015-2017 第六份報告



九龍尖沙咀漢口道28號亞太中心807室
Unit 807, Hong Kong Pacific Centre, 28 Hankow Road, Tsimshatsui, Kowloon
電話 Tel no: (852) 2369 1999
電郵 E mail: gbenquiry@adultguardianship.org.hk
傳真 Fax no: (852) 2739 7171
網址 Website: www.adultguardianship.org.hk

