

How to manage the financial needs of an MIP



There are two usual ways to deal with the financial needs of a mentally incapacitated person (MIP):

- (i) The financial power of a guardian (by application to the Guardianship Board);
- (ii) The appointment of a committee of estate (by application to the High Court).

The financial jurisdiction of the Guardianship Board is limited to empower guardians to mobilize the MIP's bank savings and cash.

There are many situations that a Guardianship Order is not applicable, e.g. give instructions for mandatory provident fund accounts, insurance policies, to deal with landed property, to handle investment and stock, handle probate, seeking work injury or accident compensations, engage in civil claims or giving instructions relating to pensions etc. Applicants should first clarify whether a Guardianship Order can assist them to address their needs before applying.

Once an application is accepted, the social investigation must continue even though the applicant may wish to withdraw the application.

Please note also that the maximum monthly sum that could be authorized by the Guardianship Board is limited by reference to the Quarterly Report on General Household Survey and such money can only be used for the MIP's maintenance and other benefits. The maximum amount at any given time can be checked from the Board's website.

Guardianship can serve many purposes of relieving relatives of the MIP from the financial burden by being authorized to mobilize money belonging to the MIP to fund his/her own care expenses. If needed, please contact the Guardianship Board for general enquiries.



The relatives of a mentally incapacitated person may also, separately or in parallel, apply to the High Court for an order under Part II of the Mental Health Ordinance (Cap. 136) to handle the property and affairs of the MIP. The decision whether to grant a Part II order vest with the High Court.

Regarding an application for a Part II order, more information is available at the following websites: -

- (i) Judiciary - www.judiciary.hk
- (ii) Official Solicitor's Office - www.oso.gov.hk



IMPORTANT NOTE

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