

Road Map and Steps in Submitting Guardianship Applications

STEP 5 ARRANGING THE HEARING DATE

- ✦ The Board Secretariat will fix a date for the hearing
- ✦ After a tentative date is fixed, the parties will be notified by letter at least 14 days before the scheduled date.
- ✦ The normal processing time for an application, from the date of receipt of a duly completed Form 1 and the actual hearing, will be about 4 to 9 months (the actual time will depend on the current caseload of the secretariat during that period).



STEP 6 GUARDIANSHIP HEARING

- ✦ The venue of the hearing is usually at the Hearing Centre of Guardianship Board.
- ✦ At least three members of the Board will conduct the hearing. They will independently assess the medical reports, social enquiry report and the oral evidence and representations given at the hearing.
- ✦ All requests and claims must be made in person to the Board at the hearing.
- ✦ Withdrawal requests are also determined by the Board at the hearing.



IMPORTANT NOTE

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Applicant to discuss proposed application with the person concerned^{*1} if possible and appropriate, relatives & social worker (if any).

Applicant obtains application form (Form 1) and two medical report forms from Guardianship Board or Integrated Family Service Centres or Medical Social Services Units of Social Welfare Department.

Are you sure you can be the applicant? (see Board's "Procedural Guidelines").

Obtain medical reports from two doctors. **Check time limit^{**2}**.

Complete Form 1 & send in Form 1 and two medical reports **within the time limit^{**3}**

Applicant tells the person concerned / relatives about the guardianship application, if not already informed.

Applicant tells the Board's staff the names and contact details of concerned person's relatives / social worker (if any) so they can be informed of the application.

Applicant attends interview by Social Welfare Department's social worker for social enquiry report and produces financial information of the person concerned, if any.

When receives notice of hearing, applicant submit further statements / letters / reports (if any) to the Board before the hearing.

Applicant discusses with the Board's staff about the need to call relatives/friends/social worker to attend the hearing, or file letters/reports. If necessary, the Board will ask them to attend.

Applicant arranges for the person concerned to attend hearing or Board members will interview him/her in advance.

Applicant attends hearing (see pamphlet "Hearing Process for Guardianship")

The Board makes a decision.

Applicant requests medical examination and report from an approved doctor & one other doctor. If applicant chooses to obtain a report from a private psychiatrist, applicant can obtain the approved doctors list from Guardianship Board^{**4}.

Checked with proposed private guardian that he/she consents to be guardian.

Remarks:

*1 We prefer to use the term "person concerned" as the Board has not yet made an order confirming that he/she is a mentally incapacitated person in need of guardianship.

**2 The medical reports must be sent to the Board within 14 days of the date of the second medical examination of the person concerned.

**3 The person concerned must have been seen within 14 days by the applicant before the date of the application.

**4 The doctors list can be found at the Board's website.

For details, please read the Board's Procedural Guidelines. If you have any problems in completing the application form, please contact the Board Secretariat at 2369 1999 or visit our website: www.adultguardianship.org.hk.



STEP 1 PREPARATION

The application form

- ✦ Applicants are required to complete Form 1.

Medical reports

- ✦ Two medical reports must be enclosed.
- ✦ One of the medical reports must be given by an Approved Doctor.



STEP 2 SUBMISSION OF THE APPLICATION

It is the Applicant's responsibility to meet time deadlines

- ✦ The applicant must complete Form 1 within the period of 14 days after last seen the subject of the application.
- ✦ The second medical examination date of the subject must be within 14 days of your submission date to the Board's Secretariat.

The Board has provided an Online Calculator to assist you to calculate the submission dates.



STEP 3 PROCESSING BY BOARD SECRETARIAT

The Board Secretariat will check Form 1 and the two medical reports.

- ✦ Once duly completed, the guardianship application will be accepted.
- ✦ The applicant will receive an acknowledgment letter with additional information.

The Board Secretariat will inform the Director of Social Welfare to prepare a social enquiry report.



STEP 4 SOCIAL ENQUIRY

The delegated social worker from the Social Welfare Department will produce a Social Enquiry Report to the Board.

- ✦ They have four weeks to prepare it.
- ✦ The social workers will interview the applicant, the subject, the proposed guardian, relatives and others.
- ✦ The social workers have the legal right to seek information about the family background, social and financial situation of the subject including bank account information.

Applicants and other interviewed persons are encouraged to co-operate with the investigation.

