

## **Guardianship Board Under the Mental Health (Amendment) Ordinance 1997**

### **Background**

Under the Mental Health (Amendment) Ordinance 1997, an independent Guardianship Board is established to implement the new guardianship provisions for mentally disordered or mentally handicapped persons [collectively known as Mentally Incapacitated Persons (MIP) in the Amendment Ordinance], aged 18 years and above who are incapable of making their own decisions.

### **Guardianship Board**

#### **Purpose**

The Guardianship Board is empowered by the Ordinance to protect the interests, welfare and well-being of mentally disordered or mentally handicapped persons, aged 18 years and above who have limited capacity to make their own decisions by the appointment of a guardian.

#### **Composition**

Members of the Guardianship Board are appointed by the Chief Executive. The Board comprises a Chairperson with legal experience and other members from relevant professions including barristers/ solicitors, medical practitioners/ social workers/ clinical psychologists, and persons with personal experience with Mentally Incapacitated Persons such as parents and relatives of the MIP.

#### **Functions and Powers**

The functions and powers of the Guardianship Board laid down in the Amendment Ordinance include: considering and determining applications for the appointment of guardians, making and reviewing guardianship orders and giving directions to guardians as to the nature and extent of the relevant guardianship orders.

#### **Operations**

The Amendment Ordinance provides that upon receipt of a guardianship application and the relevant medical reports, the Guardianship Board will arrange a date for a hearing. The hearing will be conducted by the Board. The Board will examine all the information and evidence collected, interview the MIP and relevant witnesses to reach a decision.

## **Guardianship Office**

A Guardianship Office is set up in the Social Welfare Department to assist in the establishment of the Guardianship Board, to provide on-going support to the Board upon its establishment and co-ordinate the service provided to Mentally Incapacitated Persons in relation to guardianship matters, including provision of social enquiry reports.

To obtain information on the Board or the functions of the Guardianship Office, please contact respective bodies as follow:

### **Guardianship Board**

Address: Room 807-809, 8/F  
Hong Kong Pacific Centre  
28 Hankow Road  
Tsim Sha Tsui, Kowloon  
Tel: 2369 1999  
Fax: 2739 7171

### **Guardianship Office**

#### **Social Welfare Department**

Address: Room 901, 9/F  
Wu Chung House  
213 Queen's Road East  
Wan Chai, Hong Kong  
Tel: 2892 5154  
Fax: 2893 6983