

# 保護長者

## 免被侵吞財產

Protecting Elders Against Financial Abuse

### What is financial abuse?

- **Financial abuse is any act which involves depriving an elder of his/her wealth, or not acting in an elder's interests, including getting an elder's possessions, money or assets (such as property or public housing tenancy, etc.) without his/her consent.**

### Common risk factors of financial abuse

- The elder may lack the ability to manage his/her wealth independently.
- The elder cannot manage his/her own wealth due to deterioration of mental well-being.
- The abuser faces financial difficulties.

### What are the indicators of financial abuse of an elder?

- A bank account jointly opened by an elder and another person has money withdrawn from it unilaterally by the person other than the elder.
- An elder suddenly assigns the title deed of his/her property to another person or purchases a property jointly with another person who later sells it unilaterally.
- An elder suddenly loses his/her property or assets, etc.
- An elder is unable to cover his/her daily basic necessities or cannot pay for the basic daily expenses even though he/she should be financially sufficient.
- An appointee or agent who receives and keeps the Comprehensive Social Security Assistance payment for an elder recipient spends the money on himself/herself but not on the elder.
- An abuser withdraws money from an elder's account by forging his/her signature, using the elder's seal without his/her permission, or deceiving the elder to sign on blank cash withdrawal slips or cheques.
- An abuser coerces the elder to hand over his/her money or property by inflicting injuries to the elder's body or threatening him/her.

The behaviour or signs listed above are not necessarily evidence of elder abuse. However, if these indicators appear, we should be alerted and pay more attention to the elders. Where necessary, assistance of professionals (e.g. social workers, medical personnel) should be enlisted as soon as possible.

### How to prevent financial abuse?

- An elder may learn and strengthen the ability to manage his/her personal property independently so as to avoid relying on others.
- An elder should think carefully or discuss with persons he/she finds trustworthy before deciding on major financial arrangements or making a will.
- An elder should monitor if there are any unusual transaction records in his/her bank accounts.
- An elder should keep abreast of current events and developments in society to avoid

being out of touch with the community and safeguard themselves against the risk of financial abuse. The elder should take part in social activities more frequently to widen his/her social circle. Should the elder have any doubts or difficulties, he/she should always talk to a trustworthy friend.

- An elder should as far as possible keep his/her own bank passbooks, seals, title deeds, etc. and manage the property on his/her own.
- In case an elder, his/her carer or an acquaintance of the elder suspects that the elder is being abused financially, early assistance should be sought.

### How to help an elder who is incapable of managing his/her own property or making major decisions?

- If an elder is certified by a psychiatrist to be a mentally incapacitated person (e.g. a mental patient, demented person, person with brain impairment or mentally handicapped person), who cannot manage his/her own property or make any significant decisions, his/her family members can make decisions on the personal and financial aspects of the elder for his/her interests.
- Under the following situations, however, family members or social workers may consider applying to the Guardianship Board for a guardianship order for the elder:
  - where the mentally incapacitated person is suffering from abuse or neglect
  - where the mentally incapacitated person or some other people disagree with the decisions currently made by the family members on behalf of the elder
  - where there are disagreements among family members or between family members and the service provider of the mentally incapacitated person, which results in a lack of appropriate accommodation or medical treatment
  - where the mentally incapacitated person objects to the proposed care and treatment
- After conducting investigations and hearings, the Guardianship Board will appoint a legal guardian to make decisions on behalf of the elder. Though legal guardian is usually a relative or friend of the elder, the Guardianship Board may also appoint the Director of Social Welfare to act as the legal guardian.
- The Guardianship Board's enquiry hotline: 2369 1999

### How to seek assistance?

- Persons in need of assistance may approach District Elderly Community Centres, Family Services Centres/Integrated Family Service Centres in respective districts. Telephone numbers for enquiries and addresses of these centres are available on the Social Welfare Department website at <http://www.info.gov.hk/swd>.
- If the abused elder is receiving other social services, he/she may seek assistance from the social workers of the service unit concerned, who may arrange referrals where necessary.
- **Social Welfare Department Hotline: 2343 2255**
- **Caritas Family Crisis Support Centre Hotline: 18288**

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## 何謂侵吞財產？

- **侵吞財產是指任何涉及剝奪長者財富或妄顧長者利益的行為，包括在未經長者同意下，取用長者的財物、金錢或資產（例如房屋資產，或公屋戶籍等）。**

## 「侵吞財產」常見的誘因

- 長者對個人財政管理缺乏獨立能力
- 長者精神狀態衰退，以致失去管理個人財富的能力
- 施虐者財政出現困難

## 如何會發現長者的財產被侵吞？

- 長者與他人開設聯名戶口後，被人單方面提取金錢。
- 長者突然把樓宇屋契等轉名，或與人聯合購買物業，而物業被單方面出售。
- 長者突然失去了原本擁有的財物或資產等。
- 在長者經濟充足的情況下，卻缺乏日常生活基本物資，或不能支付基本日常生活開支。
- 綜援受委人或受託人代長者領取或保管綜援後，私自使用金錢而非用於長者身上。
- 施虐者假冒長者的簽名、擅取長者的印章或誘騙長者在空白的提款單或支票上簽名，然後提取長者的金錢。
- 施虐者傷害長者的身體及威嚇長者，迫使長者交出金錢或財產。

以上所列的行為或跡象，並非一定是虐待長者的證據，但當這些表徵出現時，大家應提高警覺，多關注長者的情況，如有需要，盡快尋求專業人士（例如社工、醫護人員）協助。

## 如何預防侵吞財產事件？

- 長者可學習如何管理個人財產，加強理財的獨立能力，避免依賴他人。
- 長者在決定重大的財務安排或訂立遺囑前，應先仔細考慮或與可信賴的人商量。
- 留意銀行戶口有否不尋常的交易紀錄。
- 長者可多留意新事物及社會動態，避免與社會脫節，及早提防被侵吞財產的危機；並多參與社區活動，擴大社交圈子，當遇到懷疑或困難時，可向值得信賴的朋友傾訴。
- 長者盡量自己保管銀行存摺、印章、屋契等及自行處理財務安排。
- 如長者、他們的照顧者或長者所認識的人，懷疑長者遭受侵吞財產，應盡早求助。

## 如何幫助沒有能力管理自己財產或為自己作出重大決定的長者？

- 若長者經精神科醫生証實是「精神上無行為能力的人」（例如精神病患者、痴呆症患者、腦部受損的人或弱智人士），無法管理財務或處理其他生活上的重大決定，長者家人一般都可以就長者利益着想為長者作出個人及財政上的決定。

- 但在下列情況下，家屬或社工可以考慮向監護委員會為長者申請監護令：
  - 當精神上無行為能力的人正受到虐待或疏忽照顧
  - 當精神上無行為能力或其他人不同意目前長者家人替他做的決定
  - 當精神上無行為能力的人的家人之間，或其家人與服務提供者之間發生歧見，引致他沒有適當的居所或不能接受適當的治療
  - 當精神上無行為能力的人反對接受建議的照顧或治療
- 監護委員會在作出調查及聆訊後，可委任法定監護人為長者作出決定。法定監護人通常是親屬或朋友，但委員會亦可委任社會福利署署長擔任。
- **監護委員會查詢電話：2369 1999**

## 如何求助？

- 可聯絡各區長者地區中心及家庭服務中心/綜合家庭服務中心，各中心的查詢電話及地址可參考社會福利署網頁：  
<http://www.info.gov.hk/swd>
- 如被虐長者正接受其他社會服務，可向該服務單位求助。如有需要，該服務單位社工可安排轉介。
- **社會福利署熱線：2343 2255**
- **明愛向晴熱線：18288**