

## What is financial abuse?

- Financial abuse is any act which involves depriving an elderly person of his/ her wealth, or not acting in an elderly person's interests, such as taking away an elderly person's possessions, money or transferring his/ her assets without consent.

## Common risk factors of financial abuse

- An elderly person lacks the ability to manage his/ her wealth independently.
- An elderly person fails to manage his/ her own wealth due to deterioration of mental condition.
- The abuser faces financial difficulties.

## How to identify an elderly person is being financially abused?

- An elderly person opens a joint account with another person who later withdraws money from it unilaterally.
- An elderly person suddenly transfers his/ her properties to another person, or purchases a property jointly with another person who later sells it unilaterally.
- An elderly person suddenly loses possessions or assets belonging to him/ her.
- An elderly person has inadequate resources to cover daily basic necessities and daily living expenses even though he/ she should be financially sufficient.
- An elderly person suddenly makes a will to leave all or most of his/ her possessions to a non-related person.
- An appointee or agent entrusted to receive or keep in custody of the Comprehensive Social Security Assistance payments on behalf of an elderly person uses the money without the elderly person's consent.
- An abuser obtains an elderly person's money by forging his/ her signature, using the elderly person's seal without authority or tricking the elderly person into signing a blank withdrawal slip or cheque.
- An abuser decoys or forces an elderly person to hand over his/ her money or property by deceiving, injuring and threatening the elderly person.

The behaviours or signs listed above may not necessarily be evidence of elder abuse. However, once they appear, we should be alerted and pay more attention to the elderly person. Where necessary, assistance of relevant professionals (e.g. social workers, healthcare personnel and police officers, etc.) should be sought as soon as possible.

## How to prevent financial abuse?

- An elderly person may learn and strengthen the ability to manage his/ her personal property independently so as to avoid relying on others.
- An elderly person should think carefully or discuss with persons he/ she finds trustworthy before deciding on major financial arrangement or making a will.
- An elderly person should monitor if there are any unusual transactions in his/ her bank accounts.
- An elderly person should keep abreast of new things and developments in society to avoid being out

of touch with the community and safeguard himself/ herself against the risk of financial abuse. The elderly person should also take part in social activities frequently to widen his/ her social circle. Should the elderly person have any doubts or difficulties, he/ she should talk to a trustworthy friend.

- An elderly person 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 elderly person, his/ her carer or acquaintance suspects that the elderly person is being financially abused, early assistance should be sought.

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

- In some situations (e.g. physical deterioration, illness, etc.), an elderly person may not be able to manage his/ her own property or make any significant decisions, his/ her family members would make informal arrangement on the personal and financial aspects of the elderly person for his/ her best interests.
- If effective informal arrangements cannot be made and an elderly person is certified by two registered medical practitioners (one of them should be an approved doctor) to be a mentally incapacitated person (e.g. mental patient, person with dementia, person with brain impairment, mentally handicapped person, etc.) in accordance with the Mental Health Ordinance, family members or social workers may consider applying to the Guardianship Board for a guardianship order for the elderly person under the following situations:
  - where the elderly person is suffering from or at risk of sexual abuse, physical abuse, psychological abuse, financial abuse, neglect and abandonment, etc.
  - where the elderly person or other people disagree with the arrangements currently made by the family members on behalf of the elderly person
  - where there are disagreements among family members of the elderly person or between family members and the service provider, which results in a lack of appropriate accommodation or medical treatment for him/ her
  - where the elderly person objects to the proposed care or treatment
- A social enquiry report to be prepared by the Director of Social Welfare will be called for. After conducting hearings, the Guardianship Board will make decision if a guardian is required and if so appoint a legal guardian to make decisions on behalf of the elderly person according to the legal powers granted. Though the legal guardian is usually a relative or friend of the elderly person, 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 or Integrated Family Service Centres/ Integrated Services Centres in respective districts. Telephone numbers for enquiries and addresses of these centres are available on the Social Welfare Department website at <http://www.swd.gov.hk/>
- If the elderly person being abused is receiving other social services, he/ she may seek assistance from the social worker of the service unit concerned, who may arrange referrals where necessary.
- Social Welfare Department Hotline : 2343 2255**
- Family Crisis Support Centre (24-hour hotline) : 18288**
- CEASE Crisis Centre 24-hour Hotline : 18281**



保護長者

免被侵吞財產

Protecting Elderly Persons Against Financial Abuse

# 保護長者 – 免被侵吞財產

## 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，例如在未經長者同意下，取用長者的財物、金錢或轉移長者的資產。

## 侵吞財產常見的誘因

- 長者對個人財政缺乏獨立管理的能力
- 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

## 怎樣留意到長者財產被侵吞？

- 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。
- 在長者經濟充足的情況下，卻缺乏日常生活基本物質，及不能支付基本日常生活開支。
- 長者突然訂立平安紙，將全部或大部份財產留給與自己沒有關係的人。
- 綜援受委人或代理人代長者領取或保管綜援後，未經長者同意，便直接取用長者的金錢。
- 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。
- 施虐者欺騙長者、傷害長者的身體及威嚇長者，欺哄或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，應盡快向有關專業人士（例如社工、醫護人員、警方等）尋求協助。

## 如何預防侵吞財產事件？

- 長者可學習如何管理個人財產，以加強獨立理財的能力，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。
- 長者應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／她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？

- 有部份長者可能因不同的情況（例如身體機能衰退、疾病等）無法管理自己的財務或處理其他生活上的重大決定，長者的家人一般都會就長者的最佳利益為長者作出個人及財政上的非正式安排。
- 若果沒有其他有效解決問題的非正式安排，及長者根據《精神健康條例》，經兩名註冊醫生（其中一位必須為認可醫生）證實是「精神上無行為能力的人」（例如精神病患者、認知障礙症患者、腦部受損的人士或弱智

人士等），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：

- 當長者正受到性侵犯、身體虐待、精神虐待、被侵吞財產、疏忽照顧及遺棄等或處於以上的危險時
- 當長者或其他人不同意目前長者家人替他／她作出的安排
- 當長者的家人之間，或其家人與服務提供者發生歧見，引致他／她沒有適當的居所或不能接受適當的治療
- 當長者反對接受建議的照顧或治療
- 監護委員會將會要求社會福利署署長提交社會背景調查報告，並在作出聆訊後，決定是否需要為該長者委任監護人；如有需要的話，可委任法定監護人。法定監護人可根據監護令所列的權力為該長者作出決定。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或綜合家庭服務中心／綜合服務中心，各中心的查詢電話及地址可參考社會福利署網頁：<http://www.swd.gov.hk/>
- 如受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
- 向晴熱線（24小時）：18288
- 芷若園24小時危機熱線：18281