

Hearing Process for Guardianship Applications

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



When a valid application form with two medical reports are received, the Guardianship Board's Secretariat will process the application, and obtain a social enquiry report from the Social Welfare Department on the person the application is about and his/her family or friends. The Board will then hold a hearing to decide on the application after considering the report and other available evidence.



At least 14 days in advance, the parties to the hearing will be notified of the date, time and place of the hearing, that is:

- the person proposed to be received into guardianship (subject);
- the applicant;
- the Director of Social Welfare.

Notice will also be given to the proposed guardian, if not the applicant and other interested parties and witnesses as the Board directs.



- Every guardianship application is heard by the Guardianship Board.
- Every hearing is conducted by at least three members of the Board.
- There must be one person with personal experience of persons with mental incapacity, one lawyer and one professional (e.g. doctor, social worker, clinical psychologist).
- The Board's Chairperson or a lawyer member is the presiding member.

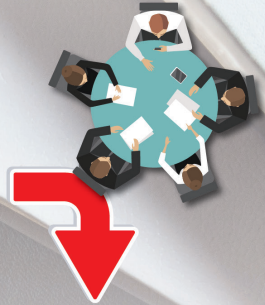




- Unless the applicant is present, the hearing will not proceed and will be adjourned. Other invited parties are expected to attend. Claimants must attend in person.
- The Subject of the application will always be invited, but may be excused upon request.
- Persons may choose to be legally represented but it is usually not necessary.
- The Board will consider available evidence and representations. The social enquiry report and the doctors' evidence are examined. The parties may ask each other questions in the Board's presence.

The Board will take into consideration:

- whether the appointment of a guardian is appropriate and meets the criteria and principles of the law;
- who the guardian should be;
- what powers the guardian will have; and
- the length and other terms and conditions of the order.



- The Guardianship Board decides, at the beginning of the hearing, whether in the interests of the person concerned, or for some other good reason, it should require all or part of the hearing to be held privately.
- At the end of the hearing, the Board may announce its decision or reserve it for the written decision. The written Order and the Reasons for Order are issued within 7 working days. Unless the hearing is held in public, the proceedings and written decisions shall not be discloseable unless with the Board's approval.

IMPORTANT NOTE

All contents in this document are for general information only. No information constitutes any legal or specialist advice. Information in this document is not intended to be relied upon by readers in the making of decisions in any particular case.

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