

Legislative Council Panel on Welfare Services
Meeting on 10 May 1999

Honoraria and Allowances
for Guardianship Board Members and Witnesses

PURPOSE

This paper informs Members of the Administration's review on the honoraria and allowances payable to members and witnesses of the Guardianship board established under Mental Health Ordinance (Cap. 136).

BACKGROUND

2. At the Finance Committee meeting held on 30 March 1998, the proposed remuneration for the Chairperson, honoraria for members and allowances for witnesses were approved. However, Members asked the Administration to review the level of honoraria and allowances paid to Board members and witnesses and to report the findings to the relevant Panel.

3. The Guardianship Board was established on 1 February 1999.

4. The current rates of honoraria payable to Guardianship Board members are as follows -

| Barrister/solicitor/medical practitioner | 3,000 |
|--|-------|
| Social worker/psychologist | 2,000 |
| Others | 800 |

(Half-day honoraria attracts 50% of full-day rate)

The allowances payable to witnesses are as follows -

| Professional/expert | 200 |
|---------------------|-----|
| Non-professional | 90 |

(Half-day honoraria attracts 50% of full-day rate)

CONSIDERATION

5. Members of the Guardianship Board examine documents, interview mentally incapacitated persons such as mentally handicapped or mentally ill adults, hear evidence from witnesses, and make guardianship orders. In accordance with paragraph 3 of the Schedule to ss.59J(4) and 73 of the Mental Health Ordinance, the Guardianship Board may pay its members such fees and allowances as the Secretary for Health and Welfare, after consulting the Secretary for the Treasury, so determines.

6. The Board may also summon witnesses (e.g. relatives of mentally disordered or mentally handicapped person) to attend the Board's proceedings. Section 59L(3) of the Mental Health Ordinance stipulates that the Guardianship Board may pay allowances to recompense in part, for travelling expenses, subsistence and loss of earnings to any person attending any proceedings of the Guardianship Board as a witness.

7. We are not yet in a position to assess the Board's workload or the degree of involvement of individual members. Given the broad similarities with the work of the Mental Health Review Tribunal, we see merit in initially, drawing reference from its experience. The current level of honoraria payable to Board members, and the current rate of allowance payable to witnesses, follow that of the Review Tribunal. According to the secretariat of the Review Tribunal, the existing levels are considered to be adequate and appropriate.

8. We shall, however, keep the rates of honoraria and allowances under regular review having regard to the operational experience of the Guardianship Board and the rates adopted by the Review Tribunal.

Health and Welfare Bureau
May 1999