Power of Attorney

Planning ahead is one of the most thoughtful ways to protect yourself, your family, and the wealth you have worked hard to build. While many people associate loss of mental capacity with later life, unexpected illness or accidents can happen at any age. Having the right arrangements in place can help ensure your affairs are handled smoothly and in line with your wishes.

If you have family responsibilities, business interests, investments, or cross-generational planning needs, early preparation can give you and your loved ones valuable reassurance and continuity.

If you become unable to make decisions, your family may face practical difficulties in accessing funds, managing assets, or supporting ongoing business and personal commitments. A well-prepared plan can reduce uncertainty, help avoid delays, and give your loved ones clearer guidance during a difficult time.

You may consider using a Power of Attorney ("**POA**") or an Enduring Power of Attorney ("**EPA**") as part of your personal and wealth planning. These documents allow a trusted person to act on your behalf in appropriate circumstances, subject to the terms and legal requirements of the relevant document.

A POA can be helpful for day-to-day or temporary arrangements, while an EPA is designed to continue if you later become mentally incapacitated. This makes an EPA an important tool for long-term protection and continuity.

Types of Power of Attorney

The most suitable arrangement will depend on your personal circumstances, objectives, and the level of authority you wish to give.

- **General Power of Attorney:** Allows your appointed attorney(s) to handle a broad range of matters, often for convenience or temporary situations such as travel. It will be automatically revoked and cease to be effective if you lose mental capacity.
- **Specific or Limited Power of Attorney:** Gives authority to your appointed attorney(s) for defined matters only, such as handling a particular transaction, managing a specific account, or dealing with a property matter. It will be automatically revoked and cease to be effective if you lose mental capacity.
- **Enduring Power of Attorney:** Allows you to appoint one or more trusted attorneys to manage your property and financial affairs if you later become

mentally incapacitated. An EPA must follow prescribed legal requirements and may need to be registered with the High Court when required.

The key point is to choose the arrangement that best reflects your needs and gives your family and advisers clear guidance if support is ever needed.

Choosing the right arrangement is an important part of responsible wealth planning. For longer-term protection, an EPA can be particularly useful because it is designed to remain effective if you later lose mental capacity, subject to applicable legal requirements.

Signing a Power of Attorney

To put a POA or EPA in place, you must generally be an adult and have the mental capacity to understand the nature and effect of the document. Proper execution and witnessing are important to ensure the arrangement is effective when needed.

- **Age:** You should be 18 years old or above.
- **Mental capacity:** You should understand the implications of granting authority to another person(s). For an EPA, certification by appropriate professionals may also be required.

As the requirements and formalities may vary depending on the nature of the document and your individual circumstances, you are encouraged to seek independent legal advice in Hong Kong to ensure that your POA or EPA is properly prepared, executed, witnessed, and, where applicable, registered in accordance with applicable legal requirements.

Registering a Power of Attorney with the Bank

The Donor and all Attorneys must visit a branch in person with the original POA or EPA document, or a copy certified by a qualified solicitor in Hong Kong. Each Attorney should also bring valid identification and, where applicable, proof of residential address. Where the Attorneys are appointed to act jointly, we will require identification documents and proof of residential address for each Attorney.

If you wish to register an EPA with us, the EPA must first be registered with the High Court of Hong Kong. You will also be required to provide a medical certificate confirming that the Donor is mentally incapacitated.

Standard Chartered Bank may need to review your POA or EPA before acting on it. If the POA or EPA contains any restrictions, conditions or limitations, we may require additional information or supporting documents. This review helps us ascertain that the document appears valid, that the attorney has the relevant authority to act on your behalf, and that the Bank can rely on the document in processing the requested instructions.

Need assistance? Please contact us or visit your nearest branch. Our team will be pleased to guide you through the registration process.

Useful References

Hong Kong e-Legislation – Cap. 31 Powers of Attorney Ordinance

Hong Kong e-Legislation – Cap. 501 Enduring Powers of Attorney Ordinance

Department of Justice - Archive - Enduring Powers of Attorney

Enduring Powers of Attorney | Community Legal Information Centre (CLIC)

授權書

及早規劃，是保障您、您的家人，以及您努力建立的財富其中一個最體貼周全的方式。雖然很多人會把心智能力下降與年長階段聯繫起來，但突如其來的疾病或意外可在任何年齡發生。預先作出合適安排，有助確保您的事務能夠按照您的意願順利處理。

如果您有家庭責任、業務利益、投資安排或跨代傳承規劃需要，及早準備可為您和摯愛帶來更大的安心與延續性。

若您日後未能自行作出決定，您的家人或會在提取資金、管理資產，或維持業務及個人承擔方面遇到實際困難。周全的計劃可減少不確定性，避免不必要的延誤，並在困難時刻為您的摯愛提供更清晰的指引。

您可考慮把授權書（「**POA**」）或持久授權書（「**EPA**」）納入您的個人及財富規劃之中。這些文件可讓您委任值得信賴的人士，在適當情況下代表您行事，惟須受相關文件的條款及法律要求所規限。

授權書可用於日常或臨時安排；而持久授權書則旨在於您日後精神上無行為能力時仍然有效。因此，持久授權書是長遠保障及延續安排的重要工具。

授權書的種類

最合適的安排取決於您的個人情況、目標，以及您希望授予的權限範圍。

- **一般授權書：**讓您委任的受權人可處理較廣泛的事務，通常適用於便利或臨時情況，例如外遊期間。若您精神上無行為能力，該授權書一般會被自動撤銷並停止生效。
- **特定或有限授權書：**授權您委任的受權人只可處理指定事項，例如辦理某項交易、管理特定賬戶或處理物業事宜。若您精神上無行為能力，該授權將會自動撤銷並停止生效。
- **持久授權書：**讓您委任一名或多名值得信賴的受權人，在您日後精神上無行為能力時管理您的財產及財務事務。持久授權書必須符合指定法律要求，並在需要時向高等法院註冊。

重點是選擇最能配合您需要的安排，並在日後需要支援時，為您的家人及顧問提供清晰指引。

選擇合適安排是負責任財富規劃的重要一環。就長遠保障而言，持久授權書尤其有用，因為它旨在於您日後喪失心智能力時仍然有效，惟須符合適用的法律要求。

簽立授權書

要設立授權書或持久授權書，您一般須為成年人，並具備理解文件性質及效力的心智能力。文件須妥善簽署及見證，方能在需要時有效執行。

- **年齡：**您應年滿 18 歲或以上。
- **精神上行為能力：**您應明白授權他人代為行事的含義及影響。就持久授權書而言，或需由合適專業人士作出證明。

由於相關要求及手續可能會因文件性質及您的個別情況而有所不同，建議您在香港尋求獨立法律意見，以確保您的授權書或持久授權書已按照適用法律要求妥善擬備、簽立、見證，並在適用情況下完成註冊。

向銀行登記授權書

授權人及所有受權人均須親身到分行，並攜同授權書或持久授權書正本，或由香港合資格律師核證的副本。每名受權人亦應攜同有效身份證明文件，以及在適用情況下提供住址證明。若受權人獲委任共同行事，我們將要求每名受權人提供身份證明文件及住址證明。

如您希望向本行登記持久授權書，該持久授權書必須先在香港高等法院註冊。您亦須提供醫療證明書，以確認授權人精神上無行為能力。

渣打銀行或需在根據您的授權書或持久授權書行事前，先行審閱有關文件。若授權書或持久授權書載有任何限制、條件或規限，本行可能會要求提供額外資料或證明文件。此審閱有助本行確認文件表面上具有效力、受權人具備代表您行事的相關權限，以及本行可依據該文件處理所要求的指示。

需要協助？ 歡迎聯絡我們或親臨就近分行。我們的團隊樂意為您講解登記流程，並提供所需協助。

實用參考資料

[香港電子法例——第 31 章《授權書條例》]

[香港電子法例——第 501 章《持久授權書條例》]

[律政司 - 持久授權書]

[持久授權書 | Community Legal Information Centre (CLIC)]