Authorisation Guide of Hang Seng Bank

Introduction

If you would like someone you trust to handle your banking matters on your behalf, you may authorise that person to do so in different manners. We accept the following three types of authorisation arrangements. You may apply / arrange them at any branch, depending on your needs.

If you need legal advice, please consult a solicitor.

Types of authorisation we accept

- Hang Seng Bank's Authorisation Form (bank-prescribed form)
- General Power of Attorney (under Hong Kong Law, Cap. 31 Powers of Attorney Ordinance)
- Enduring Power of Attorney (under Hong Kong Law, Cap. 501 Enduring Powers of Attorney Ordinance)

Important: When you create any power of attorney / authorisation, you must still have mental capacity. If you lose mental capacity after signing, only an Enduring Power of Attorney can remain effective after it has been registered with the Court.

Disclaimer

This document is for general information and guidance only and does not constitute legal advice. Actual circumstances may diverge from the generic guidance above. You should seek legal advice based on your personal circumstances and choose an appropriate third-party account management arrangement. The powers of an Authorised Person/ Attorney are subject to the Bank's account rules, terms and conditions, the relevant Ordinance and the authorisation document terms. We may not be able to carry out all instructions as requested.

1. Hang Seng Bank's Authorisation Form

You may sign the Bank's prescribed authorisation form to appoint an Authorised Person to give instructions on your specified authorised account(s). This form is standardised and cannot be amended. The Authorised Person's powers are limited by the terms of the form.

How to apply

You and the proposed Authorised Person(s) must visit any branch together and bring the required documents for record purposes. We will:

- assess the Authorised Person's eligibility
- record the Authorised Person's signature

The authorisation will generally take effect within 4 working days.

If you wish to authorise more than one account, you must complete separate application documents for each account.

Note: If the authorised account has more than one account holder, or you intend to authorise more than 1 person as authorised persons, all account holders/ proposed authorised persons must visit the branch.

Required documents (originals)

- Your identity document(s)
- The Authorised Person's:
    - identity document(s)
    - valid address proof

Authority, responsibilities and risks

- The Authorised Person may handle transactions and/or services for the authorised account in accordance with the authorisation terms (see section 4 "Capabilities of Authorisations" for the scope of transactions and services possible under each type of authorisation)
- The Authorised Person cannot appoint another authorised person on your behalf.
- Any transaction effected pursuant to or as a result of an instruction given by any authorised person shall be irrevocable and binding on you in all respects, including any terms and conditions relating to the transaction.
- You may appoint more than one Authorised Person, but the Bank's prescribed authorisation form stipulates the Authorised Persons to "act individually" . If you wish for the Authorised Persons to "act jointly", please consider other types of authorisation.

Cancellation / revocation

In general, we will act on instructions under the Bank's prescribed authorisation form unless:

- you notify us to cancel the appointment (you must visit a branch in person), or
- we learn that the account holder or the Authorised Person:
    - has passed away
    - has lost mental capacity
    - is bankrupt, or
    - fails the Bank's internal review.
- the authorisation is terminated under the authorisation terms or the applicable account terms.

2. General Power of Attorney

A General Power of Attorney is a legal document made under Hong Kong law (Cap. 31 *Powers of Attorney Ordinance*). It allows you to appoint one or more Attorneys to handle account transactions and/or services on your behalf. You should arrange the document through a solicitor and include authorisation limits suitable for your needs.

We must review each request for services and/or transactions under a General Power of Attorney individually and on a case-by-case basis. If you want to authorise a third party to handle day-to-day banking instructions on an ongoing basis, you should consider setting up the Bank's prescribed authorisation form at any branch (see section 1 "Hang Seng Bank's Authorisation Form").

How to set up and apply for services

- While you still have mental capacity, you sign a General Power of Attorney that meets the Ordinance requirements with a solicitor. You do not need to visit our branch during the set-up of the General Power of Attorney.
- The Attorney(s) must visit any branch in person with the required documents to apply for the service(s).
- We will review the validity of the instruction(s). We will call the Attorney within about 3 working days to notify the result (more time may be required depending on the case).

- During the review, we may call you to confirm the instruction(s). If we cannot reach you, we will be unable to process the transaction. Please ensure the phone number we have on record is up to date.

Required documents (originals)

- Signed General Power of Attorney
- The Attorney's:
    - identity document(s)
    - valid address proof

Requirements for a General Power of Attorney

It must:

- Comply with the formalities under the Powers of Attorney Ordinance
- Be signed by the donor (you) in the presence of a practising solicitor in Hong Kong
- State:
    - Your identity document number and a signature that matches the Bank's record
    - The Attorney's identity document number
    - If there is more than one Attorneys, whether they act jointly or individually. If not specified, it will be assumed they act jointly
- If it was created more than 12 months ago, we may require additional information
- If you set up Power of Attorney overseas, the document must be witnessed according to the requirements of the place where it is signed (e.g. notarisation and/or legalisation)

Authority, responsibilities and risks

- The scope of authority is subject to what is stated in the document. If there are restrictions, we will follow them, so not all services/transactions listed under section 4 "Capabilities of Authorisations" may apply.
- You may specify acting jointly or acting individually:
    - Acting jointly means the Authorised Persons must act together; instructions from any single attorney are invalid.
- The attorney cannot appoint another authorised person/ attorney on your behalf.
- Any transaction effected pursuant to or as a result of an instruction given by any attorney shall be irrevocable and binding on you in all respects, including any terms and conditions relating to the transaction.

Note: A General Power of Attorney does not apply to functions you hold as a trustee or personal representative of an estate (i.e. trustees or estate administrators/executors—whether with or without a will—cannot use a General Power of Attorney to delegate those duties).

Cancellation / revocation

We will be unable to act on instructions under a General Power of Attorney if:

- you notify us to cancel it (you must visit a branch in person, regardless of whether the Authorised Person still holds the original), or
- it does not meet the Ordinance requirements or the Bank's requirements, or
- the donor or the Attorney:
  - has passed away
  - has lost mental capacity
  - is bankrupt, or
  - fails the Bank's internal review.

3. Enduring Power of Attorney

An Enduring Power of Attorney is a legal document made in the prescribed form under Hong Kong law (Cap. 501 *Enduring Powers of Attorney Ordinance*). While you still have mental capacity, you may appoint one or more Attorney(s) to handle account transactions and/or services on your behalf.

If you later lose mental capacity, the Enduring Power of Attorney will not become invalid for that reason. However, before the Attorney(s) can exercise the power, it must first be registered with the High Court.

How to set up and apply for services

- While you still have mental capacity, you must sign an Enduring Power of Attorney that complies with the Ordinance. We will review the validity of the instruction(s), and will notify the Attorney the result.

Required documents (originals)

- Enduring Power of Attorney
- The Attorney's:
  - identity document(s)
  - valid address proof
- If the donor is assessed as lacking mental capacity, relevant supporting documents must be provided.

Requirements for an Enduring Power of Attorney

- It must comply with the prescribed form under the Enduring Powers of Attorney Ordinance.
- If the donor loses mental capacity, the Enduring Power of Attorney must be registered with the High Court.
- Evidence of registration may include:
    - the court stamp and the clerk's initials, or
      a letter issued by the High Court showing the Enduring Power of Attorney registration number
- For details, please consult a practising solicitor.

Authority, responsibilities and risks

- Once we accept your Enduring Power of Attorney that has been registered with the High Court and you have lost mental capacity, we may apply appropriate restrictions to your account under internal procedures (e.g. freezing the account) to ensure we only accept instructions from the Attorney within the authorised scope.
- Please work with your solicitor to set appropriate powers and conditions.
- You may appoint one or more Attorney(s) and specify acting jointly and/or acting individually. Please state this clearly in the Enduring Power of Attorney.
    - Acting jointly means the Attorney must act together and cannot act alone; any decision by a single Authorised Person has no effect.
- The Attorney cannot appoint another authorised person/ attorney on your behalf.
- If we accept instructions under the Enduring Power of Attorney, any transaction completed based on those instructions is irrevocable and binding on you, including the relevant terms and conditions.
- If there are restrictions in the Enduring Power of Attorney, we will follow them, so not all services/transactions listed under section 4 "Capabilities of Authorisations" may apply.

Note: An attorney under an Enduring Power of Attorney is governed by the Ordinance and the document terms, and owes fiduciary duties to the donor, including but not limited to acting honestly and diligently, keeping proper accounts and records, avoiding conflicts of interest, and not mixing assets.

Cancellation / revocation

We will be unable to act on instructions under an Enduring Power of Attorney if:

- the donor who still has mental capability notifies us to cancel it (you must visit a branch in person), or
- it does not meet the Ordinance requirements or the Bank's requirements, or
- the account holder or the Attorney:
    - has passed away
    - is bankrupt, or
    - fails the Bank's internal review, or
- the donor regains mental capacity (after regaining capacity, you may visit any branch with an accompanying person to apply to revoke the Enduring Power of Attorney; we may require medical evidence or a court order), or
- the Attorney loses mental capacity, or
- the submitted enduring power of attorney is revoked by another court order

4. Capabilities of Authorisations

The following describes the broadest scope of powers that may be granted under different authorisation documents. If a General Power of Attorney or Enduring Power of Attorney contains other provisions or restrictions, we will follow the document terms. As a result, we may not be able to provide all services/transactions.

Banking Services	Hang Seng Bank's Authorisation Form	General Power of Attorney	Enduring Power of Attorney
Manage account holder's account(s) when the account holder has lost mental capacity	×	×	Upon meeting conditions set at the EPOA
Obtain information about account holder's account(s) (ie account enquiry)	✓	✓	✓
Make payments (ie remittance)	✓	✓	✓
Withdraw/ Deposit cash	✓	✓	✓

Banking Services	Hang Seng Bank's Authorisation Form	General Power of Attorney	Enduring Power of Attorney
Deposit/ Issue cheques	✓	✓	✓
Order cheque book	✓	✓	✓
Order statement	✓	✓	✓
Set up/ amend/ cancel standing instruction and AutoPay	✓	✓	✓
Change account holder's correspondence address	✓	×	×
Retrieve items from Safe Deposit Box	Required to sign additional forms at the branch where the safe deposit box is located	The attorney must sign an additional declaration before accessing the box	Subject to the terms of the EPOA
Account closure	✓	✓	✓

Banking Services	Hang Seng Bank's Authorisation Form	General Power of Attorney	Enduring Power of Attorney
Apply internet/ mobile/ phone banking service	×	×	×
Operate account via internet/ mobile / phone banking	×	×	×
Apply ATM card	×	×	×
Operate account using ATM card	×	×	×
Order a replacement debit card/ PIN for the account holder	×	×	×

We do not charge any fee for using any of the above authorisation arrangements.