Elderly Customers Authorisation User Guide

What is Power of Attorney?

A Power of Attorney is a legal document that allows you (the Donor) to appoint one or more individuals (the Attorney or Attorneys) to act on your behalf. It can only be signed while you have mental capacity. You can grant authorisation to a trusted third party who is aged 18 or above to assist you manage your future banking issue.

There are three types of Power of Attorney: General/Specific Power of Attorney, Enduring Power of Attorney, and Mandate issued by the Bank.

What is General / Specific Power of Attorney?

- A General Power of Attorney is a legal document which conveys appointment one or more individuals (Attorney/Attorneys) to act on your behalf (the Donor) to assist you manage your future banking issues.
- It applies to all of your affairs. You also have the option to limit your General Power of Attorney to specific affairs only. This is known as a Specific Power of Attorney.
- It must be created in a specific form under section 7 of the Powers of Attorney Ordinance (Cap.31) as a deed, and you require to execute the deed before a qualified solicitor in Hong Kong.
- It will be automatically revoked or cancelled if you lose mental capacity or pass away.

What is Enduring Power of Attorney?

- An Enduring Power of Attorney is a legal document which conveys appointment one or more individuals (Attorney/Attorneys) to make financial decisions for you (the Donor) and to carry out everyday transactions on your behalf.
- It must be created in a specific form according to the Enduring Power of Attorney Ordinance (Cap.501).
- If you are losing or has lost mental capacity, the Attorney must register the Enduring Power of Attorney with the High Court of Hong Kong in order to be able to make decisions on your behalf. Once it is registered with the Bank, your access right to your accounts will be removed.

What is Mandate?

- Mandate is a bank form used within our bank for you to authorise a third party to give us certain instructions regarding your accounts.

Frequently asked questions

1) What an Attorney / Delegate can do?

Activities [1]	General / Specific Power of Attorney	Enduring Power of Attorney	Mandates
Manage account holder's account(s) when the account holder has lost mental capacity	✗	✓	✗
Open/close Basic Account on behalf of account holder	✗ [2]	✓	✗
Obtain information and account maintenance about account holder's account(s)	✓	✓	✓
Withdraw cash / make payment instructions (i.e. remittance)	✓	✓	✓
Deposit cash / cheques	✓	✓	✓
Issue cheques	✓	✓	✓
Internet Banking Service	✗	✗	✗
Phone Banking Service	✗	✗	✗
ATM Card Application	✗	✗	✗
Adjust the withdrawal limit for ATM card	✓	✓	✓
Request cheque book / statement	✓	✓	✓
Set up / amend / cancel standing orders and autoPay services	✓	✓	✓
Apply for new lending facility (i.e., Mortgage, Overdraft, Loan and Credit Card)	✗	✗	✗
Access of Safe Deposit Box	✓ *Subject to the signing arrangement of Safe Deposit Box*	✓ *Subject to the terms of the **"Enduring Power of Attorney"***	✓ *Subject to the signing arrangement of Safe Deposit Box*

Notes:

1. *For all types of authority, restrictions may apply (including where multiple attorneys are appointed), meaning that not all of the activities detailed in the table above will be permitted.*
2. *Under a General POA, an attorney can only operate an existing account, not initiate or terminate the primary banking relationship, unless specifically endorsed by the Bank's relevant departments on a case-by-case basis.*

2) Why would an elderly customer need to authorise someone?

- Some elderly customers may prefer assistance due to mobility limitations or vision/hearing challenges. Authorisation ensures you can still access essential banking services safely and conveniently.
- It eases the difficulties and distress that may otherwise be suffered by the donor's family in managing the donor's affairs.

3) What is my responsibility as a donor?

- Before deciding which type of Power of Attorney is right for you, you could consider seeking legal advice.
- You must have mental capacity to create Power of attorney.
- You are fully responsible for all actions and transactions made by your attorney or delegate, just as if you performed them yourself.

4) How do I set up a third-party authorisation?

- Visit a branch with the following documents:

General / Specific Power of Attorney	Enduring Power of Attorney	Mandates
1. Original or a copy certified by a qualified solicitor in Hong Kong. 2. Identification document of prospective customer and appointed Attorney.	1. Original Enduring Power of Attorney document or a copy certified by a qualified solicitor in Hong Kong. It must first be registered with the High Court in Hong Kong and your attorney will need to show us evidence of registration, such as a cover letter issued by the High Court with the registration number of the Enduring Power of Attorney. 2. Medical certificate confirming the mental incapacity of the Donor. 3. Identification document of prospective customer and appointed Attorney.	1. Mandate in standard bank form provided upon visit. 2. Identification document of prospective customer and appointed Attorney.

- No application fee for setting up third party authorization.

5) Can Authorised Person help if any suspected fraud case?

- If there is any suspected fraud involving your account, the Bank will alert you as soon as possible to seek advice from family members, social workers, or attorney/ attorneys and may, subject to obtaining the customer's consent, proactively assist in contacting any registered authorized signer on the account record.

6) What is the risk associated with third party authorisation?

- An attorney may abuse their power and misuse funds for personal use. Please contact us as soon as possible regarding an amendment to the power of attorney if any suspicious activity is identified.