

Public Bank (Hong Kong) Limited

Notice of Amendment of Terms and Conditions with respect to the implementation of the Revenue (Abolition of Estate Duty) Ordinance 2005

With respect to the implementation of the **Revenue (Abolition of Estate Duty) Ordinance 2005 (“the Ordinance”)** on **11 February 2006**, the Bank shall require any person accessing any bank account(s) and / or safe deposit box(es) of a deceased customer who passed away on or after 11 February, 2006, in the absence of a letter of administration or grant of probate issued by a court of competent jurisdiction, to produce the relevant document(s) issued by the Secretary for Home Affairs (“SHA”). All references to SHA in the following paragraphs during the transitional period should read the Commissioner of Inland Revenue.

For accessing bank account(s):

1. Certificate for Necessity of Release of Money (“Certificate”)

The Bank shall require a **Certificate for Necessity of Release of Money** issued by SHA for the purpose of releasing money from the bank account(s) of the deceased, maintained in his / her sole name, to the holder of Certificate to meet the funeral expenses of the deceased or maintenance of his / her former dependents. The Bank shall also request the holder of the Certificate to produce proof of personal identity and check against the available balance in the account(s) in question.

2. Confirmation Notice & Schedule of Cash/Bank Accounts

The Bank shall require a **Confirmation Notice (“Confirmation”)** issued by SHA supported by a **Schedule of Cash / Bank Accounts of the Deceased in Hong Kong as at the date of death (“Schedule”)** to release the balance of the account(s) to the holder of the Confirmation Notice (or his / her lawful attorney) provided that the balance plus the value of other properties (wholly made up of money) shown on the Schedule do not exceed HK\$50,000 in aggregate. All bank accounts must be beneficially owned by the deceased and the deceased did not hold any property as trustee or as the manager of a “Tso”(祖) or “Tong”(堂). The Bank shall request the holder of the Confirmation to produce proof of personal identity and check against the available balance in the account(s) in question.

For accessing safe deposit box:

Effective 11 February, 2006, the following new clauses will be forming part of the **Terms and Conditions for Renting of Safe Deposit Box**:

Customers, renting a safe deposit box in his / her sole name, who passed away on or after 11 February, 2006

Upon the Bank receiving a written notice of death of a Safe Deposit Box customer, the Bank will restrict the access to the Box to person(s) who produces a **Certificate for Necessity of Inspection of Bank Deposit Box (“Certificate for Inspection”)** issued by the Secretary for Home Affairs (“SHA”). The Bank will restrict the removal of items from the Box to person(s) who produces an **Authorization for Removal from Bank Deposit Box (“Authorization for Removal”)** for the purpose of allowing the holder to remove documents and / or articles, as the case may be, from the Bank’s safe deposit box rented by the deceased, subject to the relevant provisions of the Revenue (Abolition of Estate Duty) Ordinance 2005. The holder(s) of the Certificate for Inspection and / or Authorization for Removal must be able to produce proof of personal identity.

Customers, renting a safe deposit box in joint names, who passed away on or after 11 February, 2006

- (1) Upon the Bank receiving a written notice of death of one or more of the persons comprising the customer, no matter whether the rule of survivorship applies, the Bank shall restrict inspection of and removal of items from the Box to any person(s) who produces the following document issued by SHA:
 - (a) Certificate for Inspection, and /or
 - (b) Authorization for Removal, andsubject to the relevant provisions of the Ordinance.
- (2) The inspection of the Box should take place in the presence of the holder of the Certificate for Inspection, the surviving renter, the executor or the person entitled in priority to administer the estate, where applicable, a Bank staff and any public officers authorized by SHA.
- (3) If there is the survivorship arrangement stated in Schedule 1 of the Agreement for Renting of Safe Deposit Box (“the Agreement”) and
 - (a) the surviving renter is also the intending executor or the person entitled in priority to administer the estate, the surviving renter can apply to SHA for an Authorization for Removal and remove items specified therein from the Box;
 - (b) the surviving renter is not the intending executor or the person entitled in priority to administer the estate, and who has given written consent to the surviving renter to

- remove items from the Box, the surviving renter can apply to SHA for an Authorization for Removal and remove items specified therein from the Box in the presence of the executor or the person entitled in priority to administer the estate;
- (c) the surviving renter is not the intending executor or the person entitled in priority to administer the estate, and who has not given any written consent to the surviving renter to remove items from the Box, the surviving renter can have access to the Box and remove items that belong to himself / herself from the Box without the presence of the executor or the person entitled in priority to administer the estate provided that the surviving renter can show sufficient proof to the Bank that the deceased had passed away for over 12 months and that an inventory of the contents in the safe deposit box has already been prepared in accordance with the relevant legal requirements.
- (4) If there is no survivorship arrangement stated in Schedule 1 of the Agreement, the surviving renter or executor or the person entitled in priority to administer the estate can apply to SHA for an Authorization for Removal and remove items specified therein from the Box in the presence of the other party, (if the applicant is the surviving renter, the other party refers to the executor or the person entitled in priority to administer the estate or vice versa) where applicable.
- (5) The holder(s) of the Certificate for Inspection and / or Authorization for Removal must produce proof of personal identity.

大眾銀行(香港)有限公司

2005 年收入(取消遺產稅)條例實行關於銀行戶口及

保管箱租用條款及條件修訂通知書

由於 2005 年收入(取消遺產稅)條例於 2006 年 2 月 11 日生效，銀行將要求任何人仕處理於 2006 年 2 月 11 日及以後去世的客戶之銀行戶口及/或保管箱時，若沒有具司法管轄權的法庭發出的遺產管理證明書或遺囑認證通過，必須出示由民政事務局局长簽發之相關文件。在過渡期間，下文提及民政事務局局长之處，均應解作稅務局局长。

處理已去世客戶之銀行戶口：

1. 需要支用款項證明書

為支付已去世之銀行戶口持有人的殯殮開支及支付在緊接死者去世前由死者贍養，及屬於死者的遺產享有權益的人仕的生活費，銀行將要求出示由民政事務局局长簽發的**需要支用款項證明書**。收到證明書後，銀行將要求該證明書持有人出示身份證明文件，及查核有關戶口的結餘。該戶口必須以死者本人姓名持有。

2. 確認通知書及死者去世當日在香港擁有的現金/銀行戶口清單

若要求提取死者之銀行戶口於去世當日的戶口結餘，銀行將要求出示由民政事務局局长簽發的**確認通知書**(“**確認書**”)及死者去世當日在香港擁有的**現金/銀行戶口清單**(“**清單**”)。若死者之戶口於去世當日的結餘已清楚列明於**確認書**及夾附的**清單**上，而連同所列的其他財產(全部均為金錢)的總值不超過 HK\$50,000，銀行將可支付戶口結餘予**確認書**持有人(或其合法受權人)。收到**確認書**後，銀行會要求**確認書**持有人出示身份證明文件，亦會查核有關戶口的結餘。該等戶口必須為死者所實益擁有，而死者並沒有以祖/堂的信託人身份或經理或司理身份持有任何資產。

處理已去世客戶之保管箱

下述條文將為本銀行的**銀行保管箱租用條款及條件**之一部份，並於 2006 年 2 月 11 日起生效。

有關於 2006 年 2 月 11 日及以後去世並以本人姓名租用保管箱的新條文如下：

當銀行收到保管箱客戶去世的書面通知後，對要求檢視已去世客戶之保管箱者，銀行將要求出示由民政事務局局長簽發的**需要檢視銀行保管箱證明書**(“**檢視證明書**”)。當要於已去世客戶之保管箱提取任何物品，銀行將要求出示由民政事務局局長簽發的**自銀行保管箱取去物品授權書**(“**取去物品授權書**”)，方可讓該授權書持有人於死者之保管箱提取任何文件及/或物品，並一切依據 2005 年收入(取消遺產稅)條例之相關條文執行。證明書及授權書持有人均須出示個人身份證明文件。

有關於 2006 年 2 月 11 日及以後去世以聯名租用保管箱之新條文如下：

- (1) 當銀行收到組成聯名”客戶”的任何成員去世的書面通知後，不管尚存者取得權的規則是否適用，銀行將只容許由民政事務局局長簽發的下列文件持有人檢視及/或從保管箱提取任何物品：
 - (a) **檢視證明書**，及/或
 - (b) **取去物品授權書**，及一切依據 2005 年收入(取消遺產稅)條例之相關條文執行。
- (2) 檢視保管箱及提取保管箱內任何物品只可由檢視證明書持有人執行，並要有尚存租用人，遺囑執行人或有權優先管理死者遺產的人(如適用)，銀行職員及任何由民政事務局局長授權的公職人仕在場。
- (3) 當記載於保管箱租用合約附件一的尚存者取得權的規則適用時：
 - (a) 若尚存租用人亦同時是將被委任為遺囑執行人或有權優先管理死者遺產的人時，尚存租用人可向民政事務局局長申請取去物品授權書，提取該授權書上訂明的物品。
 - (b) 若尚存租用人並非是將被委任為遺囑執行人或有權優先管理死者遺產的人時，而該人仕已給同意書予尚存租用人提取保管箱內的物品，尚存租用人可向民政事務局局長申請取去物品授權書，並在遺囑執行人或有權優先管理死者遺產的人在場時，提取該授權書上訂明的物品。
 - (c) 若尚存租用人並非是將被委任為遺囑執行人或有權優先管理死者遺產的人時，而該人仕並沒有給任何同意書予尚存租用人提取保管箱內的物品，尚存租用人沒有遺囑執行人或有權優先管理死者遺產的人在場的情況下，要提供充份證明死者已死去超過 12 個月及保管箱物品清單已按有關的法例條文備妥，銀行可讓尚存租用人處理及提取保管箱內屬於其個人的物品。
- (4) 當記載於保管箱租用合約附件一的尚存者取得權的規則不適用時，尚存租用人或遺囑執行人或有權優先管理死者遺產的人可向民政事務局局長申請取去物品授權書，並在適用的另一方(如申請人是尚存租用人，另一方則指遺囑執行人或有權優先管理死者遺產的人，反之亦然)在場的情況下，提取該授權書上訂明的物品。
- (5) 檢視證明書及取去物品授權書持有人均須出示個人身份證明文件。

