大 眾 銀 行（香 港）
PUBLIC BANK (HONG KONG)
（馬來西亞大眾銀行附屬公司 A subsidiary of Public Bank Berhad, Malaysia）

Types of Account Authorization and Common Questions

If you are considering appointing a third party to make financial decision and carry out transactions on your behalf, Public Bank (Hong Kong) Limited (the "Bank" or "we") is willing to assist you with guidance and support on the account authorization. Although we cannot provide legal advice, we can provide the following information which may be useful for you to have a better understanding.

A power of attorney is a legal document that allows you (as the "Donor") to appoint one or more persons (as your "Attorney(s)") to act on your behalf. The power of attorney must be made by the Donor who is mentally competent.

Before deciding which type of power of attorney that best fits your needs, you may need to seek independent legal advice.

Please note that you are suggested to appoint a person whom you trust as the Attorney and to be accompanied by your family members, relatives, friends, or other trusted persons during the application process to ensure that your needs and requests are duly respected and safeguarded.

Here are some common types of power of attorney:

1. **General / Specific Power of Attorney ("GPA/SPA")**
   - GPA/SPA should be created according to Powers of Attorney Ordinance (Cap. 31).
   - GPA/SPA must be signed by the Donor in the presence of and witnessed by a qualified solicitor in Hong Kong.
   - GPA /SPA allow the Donor to appoint one or more Attorneys to act on the his/her behalf to make financial decisions and carry out the daily transactions or banking needs. GPA applies to all of the legal and financial affairs; while SPA is designed to be used for a specific purpose and solely for that purpose.
   - However, GPA/SPA will lapse if the Donor subsequently becomes mentally incapable.
2. **Enduring Power of Attorney ("EPA")**
   - EPA should be created according to Enduring Powers of Attorney Ordinance (Cap. 501).
   - EPA must be signed by the Donor before a registered medical practitioner and a solicitor; and the Attorney(s) must sign the EPA.

- EPA allows the Donor to appoint one or more Attorneys to act on the Donor's behalf to take care of his/her financial matters in the event that he/she subsequently becomes mentally incapable.
- When the Donor is losing or has lost mental capacity, the EPA must be registered with the High Court of Hong Kong. The registered EPA, the registration evidence and a medical certificate made and signed by a registered medical practitioner confirming the mental incapacity of the Donor must be produced before the EPA can be registered with us.
- Once the EPA is registered at the Bank, the Donor cannot access to their accounts.

3. The Bank's Designated Authorization Letter

- It is the Bank's designated form used within the Bank for the Donor to authorize one or more Attorneys to act on the Donor's behalf to manage the Donor's accounts in accordance with the terms and condition set out therein.
- The authorization should be made by both the Donor and the Attorney(s) in person at the same time at any of our branches.
- However, the authorization will be cancelled automatically if we are notified with evidence that the Donor is mentally incapacitated or died.

Frequently Asked Questions

1. If I wish to authorize someone to manage my bank accounts using the Bank's Designated Authorization Letter, what should I do and how many persons can I appoint?

You or all of the account holders (if case of joint account) (the "Donor") can authorize one or more persons (the "Attorney(s)") to manage some or all of your accounts as specified in the Bank's designated form (the "Bank's Authorization Letter"). If there are more than one Attorney, you have to decide their signing arrangement.

You and the Attorney(s) have to visit any of our branches at the same time to complete the application process in presence of our staff.

Each Attorney must be aged 18 or above and should provide us a valid identification document and/or valid travel document (if the Attorney is not a Hong Kong Permanent resident) and address proof (if applicable). The Attorney(s) may further be requested to provide other documents and

information, such as nationality, occupation and employment details, source of wealth and source of funds.

In order to protect your interest, our staff will need to know the relationship between you and the Attorney(s), the reason for the authorization and may require additional information and documents from you and the Attorney.

At the time of the application, you and the Attorney(s) must have mental capacity to sign the Authorization Letter.

Once the Authorization Letter is accepted by the Bank, the Attorney(s) will be able to manage your account(s) on your behalf in accordance with the signing arrangement and the terms and condition set out in the Authorization Letter.

2. Is there anything else I need to know about the Bank's Authorization Letter?

You should also take note of the following:

- We only accept our standard form of Authorization Letter. No alternation to any of the terms is allowed.
- As long as you have mental capacity, you can cancel the Authorization Letter at any time by visiting any of our branches.
- Our staff may (but are not obliged to) contact you to confirm the Attorney(s)' instruction.

3. Is there any fee for setting up the Bank's Authorization Letter?

No.

4. If I wish to grant a General / Specific Power of Attorney or an Enduring Power of Attorney, what should I do?

If you consider that a General/Specific Power of Attorney or an Enduring Power of Attorney is suitable for you, you may seek independent legal advice to ensure that the document is accurately tailored to your specific needs. Cost may be involved for the legal consultant and the preparation of such document. Please refer to your solicitor for details.

5. If I have applied for a General/Specific Power of Attorney or an Enduring Power of Attorney, do I need to notify the Bank in advance? What documents should also be provided?

Yes. The General/Specific Power of Attorney or an Enduring Power of Attorney must be registered with us and will only become effective at our Bank upon successful registration.

General/Specific Power of Attorney

The Donor and the Attorney(s) are required to visit any of our branches in person to complete the registration procedures, including to complete the documents designated by the Bank and provide signature specimens.

The Donor is required to produce the original of the General/Specific Power of Attorney signed in the presence of and witnessed by a solicitor practicing in Hong Kong, and each Attorney is required to provide his/her identity document and/or valid travel document (if the Attorney is not a Hong Kong permanent resident) and proof of address (if applicable). The Attorney(s) may further be requested to provide other documents and information, such as nationality, occupation and employment details, source of wealth and source of funds.

If the Attorney's authority is subject to any restrictions as stated in the General/Specific Power of Attorney, we may request additional information or documents.

The registration process takes time. Our staff will notify the Donor upon the successful registration of the power of attorney.

Enduring Power of Attorney

The Attorney(s) is/are required to visit any of our branches in person to complete the registration procedures, including to complete the documents designated by the Bank and provide signature specimens. If needed, we may also require the Donor to be presence at our branch.

The Attorney(s) is/are required to produce the original of (i) the Enduring Power of Attorney, (ii) evidence of registration of the Enduring Power of Attorney at the High Court of Hong Kong (such as a cover letter issued by the High Court of Hong Kong with the registration number of the Enduring Power of Attorney; or the Enduring Power of Attorney sealed with the seal of the High Court of Hong Kong with the registration date and registration number), and (iii) a medical certificate made and issued by a registered medical practitioner confirming the mental incapacity of the Donor.

Each Attorney is required to provide his/her identity document and/or valid travel document (if the Attorney is not a Hong Kong permanent resident) and proof of address (if applicable). We may request for other documents and information, such as nationality, occupation and employment details, source of wealth and source of funds, etc.

If the Attorney's authority is subject to any restrictions as stated in the E Enduring Power of Attorney, we may request additional information or documents.

The registration process takes time. Our staff will notify the Attorney upon successful registration of the power of attorney.

6. Is there any fee for registering the General / Specific Power of Attorney or an Enduring Power of Attorney at the Bank?

No.

7. Can I revoke the authority that I have granted to the Attorney(s) under the Bank's Authorization Letter, General/Specific Power of Attorney and Enduring Power of Attorney?

Yes, given that you still have the legal capacity to do so. You can visit any of our branches for the revocation/cancellation. You may require to provide relevant evidence.

8. What happens if the Donor becomes mentally incapacitated?

When we are notified that the Donor has become mentally incapacitated and provided with evidence, only the Enduring Power of Attorney will remain valid. Both the General/Specific Power of Attorney and Bank's Authorization Letter will be revoked automatically.

9. What happens if the Donor passes away?

When we are notified that the Donor has passed away and provided with evidence, General/Specific Power of Attorney, Enduring Power of Attorney and the Bank's Authorization Letter and the Attorney's authority would be revoked.