中國銀行(香港)有限公司
BANK OF CHINA (HONG KONG) LIMITED

Guide to Powers of Attorney

【Disclaimer：The information below is provided for general reference only. The Bank does not make any guarantee in respect of such information, and it should not be regarded as legal advice on which reliance may be placed. Where necessary, customers should seek independent legal advice when preparing a General Power of Attorney or an Enduring Power of Attorney.】

A Power of Attorney is a legally binding written document that allows a customer (Donor), to appoint one or more attorneys to make decisions, sign documents, or handle property on the customer's (Donor) behalf in respect of specific or general matters. Authorization can be carried out in the following ways:

General Power of Attorney ("PoA")

A General Power of Attorney is a legally binding document under which a customer (Donor) appoints an attorney to handle financial, asset-related, business, or other matters on the customer's (Donor) behalf. A key feature is that the customer (Donor) must execute the document while mentally capable. Once the customer (Donor) becomes mentally incapacitated, for example due to coma or dementia, the General Power of Attorney will immediately cease to be valid。

Application procedure: The customer (Donor) is required to sign the formal Power of Attorney document. The customer (Donor) may prepare and execute the document in accordance with the Powers of Attorney Ordinance, Cap. 31 of the Laws of Hong Kong, or seek assistance from a third party, such as a solicitor, to complete。

Enduring Power of Attorney ("EPOA")

An Enduring Power of Attorney is a legal document made under the Enduring Powers of Attorney Ordinance, Cap. 501 of the Laws of Hong Kong. It allows a person, while mentally capable, to appoint an attorney in advance so that, in the unfortunate event that the person subsequently becomes mentally incapacitated, for example due to dementia, the attorney may lawfully manage financial matters such as bank accounts, property, and investments on the person's behalf. This enables the attorney to use the person's financial resources to meet the person's needs.

Application procedure: Pursuant to the above Ordinance, an application must be made in writing to the Registrar of the High Court, together with supporting documents, including but not limited to the original Enduring Power of Attorney document, certified copies, and copies of the valid practising certificates of the registered medical practitioner and solicitor who witnessed the execution of the document.

[1]Additional Attorney can also be added when opening a new account,subject to the Bank's guidelines. For details, please contact the Bank.

Bank of China (Hong Kong)'s "Mandate (Change)" Form[1]

Unlike a General Power of Attorney or an Enduring Power of Attorney, which are statutory legal instruments, Bank of China (Hong Kong)'s "Mandate (Change)" form is part of the Bank's internal process. It allows a customer to give instructions to the Bank to authorize a third party, namely a newly added attorney, to give instructions to the Bank in relation to the customer's（Donor）account. The customer (Donor) must execute the arrangement while mentally capable. Once the customer (Donor)becomes mentally incapacitated, for example due to coma or dementia, and the Bank becomes aware of such circumstances, the authorization will immediately cease to be valid。

Application procedure: To apply Bank of China (Hong Kong)'s "Mandate (Change)" form, the customer (Donor) and the authorized person (Attorney) may visit any of our branches to complete the relevant procedures。

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If you wish to register a Power of Attorney, please bring the required documents and visit a branch in person to complete the relevant procedures. No fee is charged by the Bank.
When registering a Power of Attorney, both the donor and the attorney must be present.

	General Power of Attorney	**Enduring Power of Attorney**	**Bank of China (Hong Kong)'s "Mandate (Change)"**
General required information	Identity documents（The customer（Donor）and each attorney） Accepted residential address proof and permanent address proof, where applicable.		
Power of Attorney document	The original Power of Attorney document, or a true copy certified by a Hong Kong practising solicitor, must be produced	The registered Enduring Power of Attorney must be produced. The Enduring Power of Attorney must first be registered with the High Court of Hong Kong.	Not applicable.
General restrictions and conditions	Authorization is subject to any restrictions or conditions, the Bank may require the customer (Donor) or the attorney to provide additional information before the Power of Attorney can be registered with the Bank. For example, if the relevant restriction requires medical certification of the donor's capacity, the Bank may require the customer (Donor) or the attorney to produce such certification.		
General risks involved	1. Property & Assets Misappropriation Risk Unauthorized transfer of funds: The attorney may transfer funds out of the customer's(Donor) bank account or transfer funds into his or her own name.。 2. Fraud & Misuse Risk Abuse of authority: The attorney may act contrary to the customer's(Donor) true intentions and seek personal gain. 3. Investment & Debt Risk Debt exposure： The attorney may use the Power of Attorney to borrow money in the customer's(Donor) name, causing the customer(Donor) to assume substantial debt obligations。 4. Legal & Validity Risk Unclear validity period： If the Power of Attorney does not specify an expiry date, the authority may continue for an extended period, increasing the difficulty of management. Difficulty of revocation： Certain Powers of Attorney, may contain terms		

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	that restrict the right of revocation and may require complex legal procedures before they can be terminated. Territorial limitations: Powers of Attorney issued in certain jurisdictions may not be recognised in overseas jurisdictions. 5. Specific risks associated with an Enduring Power of Attorney ("EPOA") Inappropriate choice of attorney: If, only after the donor has become mentally incapacitated, it is discovered that the attorney lacks integrity or sufficient ability to handle the relevant matters, the attorney can no longer be replaced. Limited scope of protection: An Enduring Power of Attorney generally covers only property and financial matters. It does not cover decisions relating to medical treatment or daily living care.
General customer responsibilities	1. Assuming the consequences of the attorney's acts Legal effect: Documents, contracts, and agreements signed by the attorney within the scope of authority are deemed to have been signed by the customer (Donor) personally, and the customer (Donor) will bear the corresponding responsibilities. Responsibility for valid acts: Provided that the acts of the attorney fall within the scope of authority under the Power of Attorney, the customer(Donor) will generally be responsible for such acts。 2. Preparation and authenticity of the Power of Attorney Personal signature or seal: The Power of Attorney must be personally signed or sealed by the customer (Donor) to evidence the customer's (Donor) genuine intention。 Clear authority: The customer (Donor) is responsible for clearly setting out in writing the powers that the customer (Donor) wishes the attorney to have, particularly powers relating to asset management。 3. Specific responsibilities under an Enduring Power of Attorney ("EPOA") Advance planning： If the customer (Donor) anticipates that he or she may become mentally incapacitated in the future, the customer (Donor) may execute an Enduring Power of Attorney to manage financial matters. Ensuring mental capacity: At the time of signing, the customer (Donor) must be mentally capable and able to understand the contents of the authorization. 4. Obligation to notify revocation or changes Timely revocation: If the customer (Donor) intends to terminate the authorization, the customer (Donor) should revoke the authorization in writing in a timely manner. Notification to third parties: To avoid the attorney continuing to act in the customer's (Donor) name, the customer (Donor) should notify relevant third parties, such as banks and trustees, that the authorization has been revoked. If the customer (Donor) fails to give timely notification, the customer

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	(Donor) may remain responsible for acts signed or performed by the attorney. 5. Supervision of the attorney Attribution of liability： Although the law regulates attorneys and requires them to act honestly, the selection of a suitable attorney remains the responsibility of the customer (Donor).	
Matters that may be authorized and limitations	Please refer to “Matters that may be authorized”.	
Authority of the attorney	Subject to the scope of authority set out in the Power of Attorney.	Account operations may be conducted in accordance with the authority specified in the “Mandate (Change)” form.

Under the Mental Health Ordinance, a **Mentally Incapacitated Person (“MIP”)** refers to a person who, due to mental illness, dementia, intellectual disability, accident, or other causes, is unable to understand or manage his or her own financial, property, or medical decisions.

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Frequently Asked Questions

1. **How long does it take to register a Power of Attorney with the Bank？**
   Where a new authorized signatory is added using Bank of China (Hong Kong)'s"Mandate (Change)" form, the arrangement may take effect immediately；
   For a General Power of Attorney or an Enduring Power of Attorney, the processing time depends on the circumstances of each case.

2. **Can more than one attorney be appointed？**
   Where a new authorized signatory is added using Bank of China (Hong Kong)'s"Mandate (Change)" form, a maximum of three authorized persons may be accepted for each account.；
   For a General Power of Attorney or an Enduring Power of Attorney, this depends on the contents of the relevant Power of Attorney.

3. **What should I do if I appoint a solicitor or a law firm as my attorney？**
   The procedure is generally similar to the normal authorization procedure. However, if the attorney is not an immediate family member of the account holder, the Bank's staff may make further enquiries with the customer；
   For a General Power of Attorney or an Enduring Power of Attorney, this depends on the contents of the relevant Power of Attorney.

4. **What happens to the Power of Attorney if the donor dies？**
   Provided that the Bank has received notification, all authorization documents and all powers of the attorney will cease to be valid or will be revoked.

5. **What happens if the Power of Attorney document contains restrictive clauses？**
   Where a new authorized signatory is added using Bank of China (Hong Kong)'s "Mandate (Change)" form, restrictive clauses cannot be imposed. However, different signing arrangements may be set for different accounts；
   For a General Power of Attorney or an Enduring Power of Attorney, this depends on the contents of the relevant Power of Attorney.

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6. Can an attorney manage the account holder's account through phone banking, internet banking, or mobile banking？

No

7. Apart from specific provisions in the Power of Attorney, under what general circumstances will an authorization be terminated?

General Power of Attorney

1. The donor passes away
2. The donor becomes mentally incapacitated, except in the case of an Enduring Power of Attorney
3. The donor requests cancellation of the authorization

Enduring Power of Attorney

1. The donor passes away

Bank of China (Hong Kong)'s "Mandate (Change)" Form

1. The account holder passes away
2. The account holder becomes mentally incapacitated
3. The account holder cancel the authorization

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Matters That May Be Authorized

Depending on the contents of the relevant Power of Attorney and subject to compliance with the Bank's requirements, the attorney may manage financial matters and make decisions on behalf of the donor. The table below sets out activities that the donor may consider authorising the attorney to carry out. If, due to various factors relating to the relevant Power of Attorney, the attorney is unable to carry out such activities, please contact the Bank's staff. The Bank will endeavour to identify the most suitable and convenient handling method for you.

<table>
<tr><th></th><th>General Power of Attorney</th><th>Enduring Power of Attorney</th><th>Bank of China (Hong Kong)'s "Mandate (Change)"</th></tr>
<tr><td>Managing the account on behalf of the account holder when the account holder becomes mentally incapacitated</td><td>Ceases to be valid</td><td>Subject to the contents of the Power of Attorney</td><td>Ceases to be valid</td></tr>
<tr><td>Obtaining the account holder's account information（such as account enquiries and statement enquiries）</td><td colspan="2" rowspan="5">Subject to the contents of the Power of Attorney</td><td>✓</td></tr>
<tr><td>Transfers （such as remittances）</td><td>✓</td></tr>
<tr><td>Cash withdrawals／deposits</td><td>✓</td></tr>
<tr><td>Cheque deposits／issuance</td><td>✓</td></tr>
<tr><td>Account closure</td><td>✓</td></tr>
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