

Letter of Delegation explained

What is a Letter of Delegation?

A Letter of Delegation is an instruction which you give to us to allow a third party (the Delegate) to give us certain instructions relating to specific accounts that you held with us. Our standard form Letter of Delegation must be used.

By signing a Letter of Delegation at HSBC, you're letting us know that you're happy for your Delegate to carry out transactions on your HSBC bank account in accordance with the terms set out in the Letter of Delegation form.

Could a Letter of Delegation be right for me?

Before deciding if a Letter of Delegation is right for you, you may want to seek independent legal advice to make sure the terms meets your needs.

What important information do I need to know?

Mental capacity

You must have mental capacity to sign a Letter of Delegation.

A Letter of Delegation is automatically revoked (cancelled) if you lose mental capacity.

Restrictions

We only accept our standard form Letter of Delegation. No alternation to any of the terms is allowed. If there are certain things you don't want your Delegate to have control over, you may consider setting up a Specific Power of Attorney at solicitor's office and then register it with us.

Multiple Delegates

Each Letter of Delegation allows you to appoint one Delegate to operate a specific account only. You'll have to sign separate Letter of Delegation form if you need to appoint more than one Delegate to operate a specific account, or allow one Delegate to operate more than one of your accounts with us. Alternatively, you may consider signing General or Specific Power of Attorney at solicitor's office, and then register it with us.

If you have signed separate Letters of Delegation to appoint more than one Delegate to operate a specific account, we will treat this as your instructions for each of the Delegates to give us separate instructions over the operation of your account. They do not have to act jointly.

Hence, if you want to appoint more than one Delegate to jointly operate a specific account, you should not use our Letter of Delegation standard form. Instead, you may consider signing a General or Specific Power of Attorney at solicitor's office, and then register it with us.

Fees

No fees for setting up a Letter of Delegation with us.

What powers does a Delegate have?

To see what powers a Delegate would have over your account, please refer to the terms set out in our Letter of Delegation and see our 'What an Attorney/ a Delegate Can Do' table.

How do I sign a Letter of Delegation?

If you feel a Letter of Delegation is right for you, you and your Delegate have to visit one of our branches in person.

There are some important things to remember:

- ◆ The Letter of Delegation is our standard form. No alternation is allowed. It must be signed by you and your Delegate at branch in the presence of our staff
- ◆ We will need to see suitable documents for identification and address verification¹ of your Delegate. For the list of documents we accept as proof of identity and verification of address, please refer to 'Points to note for Power of Attorney set up'
- ◆ Your Delegate must provide a specimen signature

When will Delegate access stop?

As long as you have mental capacity, you can choose to cancel your Letter of Delegation at any time. You must tell us if you want to do this.

We also have the power to suspend or terminate the Letter of Delegation at any time if we consider it appropriate.

There are also certain events which would result in it being automatically revoked. For more information on events which may affect your Letter of Delegation see our 'Stopping Delegate Access' section.

Note:

1. Address verification is required if your Attorney is authorised to deal with your investment account

What an Attorney / a Delegate can do

An Attorney can help make decisions about someone's finances, or make decisions on their behalf.

If the Power appoints a sole Attorney or multiple Attorneys who can each act 'jointly and severally' (i.e. together or individually) , the table below provides guidance on the services that we can provide.

If the Power appoints more than one Attorney to act together (i.e. 'jointly') , all Attorneys have to act together at all times.

A Delegate can help our accountholder to operate the specific account as stated in our standard form (i.e. Letter of Delegation) .

If you have signed separate Letters of Delegation to appoint more than one Delegate to operate a specific account, each of the Delegates can give separate instructions to us over the operation of your account. They do not have to act jointly. Generally, an Attorney / a delegate may have the powers indicated below. However, if the Power of Attorney document contains restrictions, we need to comply with the restrictions which may mean that we cannot provide some of these services.

	General Power of Attorney ¹	Enduring Power of Attorney ²	Letter of Delegation signed at branch
Manage account holder's account (s) when the account holder has lost mental capacity	x	✓	x
Obtain information about account holder's account (s) (i.e. account enquiry)	✓	✓	✓
Open / close Basic Banking Account with Independence with account holder	x	✓	x
Make payments (i.e. remittance)	✓	✓	✓
Withdraw / Deposit cash	✓	✓	✓
Deposit / Issue cheques	✓	✓	✓
Apply internet / mobile / phone banking service	x	x	x
Operate account via internet / mobile / phone banking	x	x	x
Apply ATM card	x	x	x
Operate account using ATM card	x	x	x
Order cheque book	✓	✓	✓
Order statement	✓	✓	✓
Order a replacement debit card / PIN for the account holder	x	x	x
Set up / amend/cancel standing instruction and AutoPay	✓	✓	✓
Change account holder's correspondence address	✓	✓	✓
Apply for new lending (Overdraft, Loan, mortgage and Credit Card)	x	x	x
Retrieve items from Safe Deposit Box	✓ Subject to the signing of 'Appointment of Deputy of Lessee (s) of a Safe Deposit Locker' by account holder	✓ Subject to the terms of the 'Enduring Power of Attorney'	✓ Subject to the signing of 'Appointment of Deputy of Lessee (s) of a Safe Deposit Locker' by account holder

Notes:

1. We may accept Specific Power of Attorney (or Special Power of Attorney) signed before a qualified solicitor of Hong Kong provided that the power given to the Attorney is clearly stated, reasonable and acceptable to us. We may verify the power with you if we consider necessary before accepting instructions from your Attorney.
2. We only accept Enduring Power of Attorney that has been registered with the High Court of Hong Kong and the Customer (Donor) is losing/has lost mental capacity. The services provided to the Attorney is subject to the powers and restrictions specified in the Enduring Power of Attorney.

Stopping Attorney access

Letter of Delegation will be revoked if any of the following occurs

- ◆ Account holder (Donor) dies
- ◆ Account holder (Donor) loses mental capacity
- ◆ Account holder (Donor) wants to cancel by giving us written notice
- ◆ Delegate dies
- ◆ Delegate loses mental capacity
- ◆ Delegate wants to cancel
- ◆ Delegate becomes bankrupt
- ◆ We exercise our right to suspend or terminate it