

怎樣申請從死者銀行戶口支用款項 以支付其生前贍養的人士的生活費

(適用於在二零零六年二月十一日或之後去世的人士的遺產)



怎樣申請從死者銀行戶口支用款項 以支付其生前贍養的人士的生活費 (適用於在二零零六年二月十一日或之後去世的人士的遺產)

引言

民政事務總署署長根據民政及青年事務局局長轉授的權力，在接獲有關人士的申請後，可發出“需要支用款項證明書”，批准從死者銀行戶口支用款項，以支付死者生前贍養的人士的生活費。有關的規定載於《遺囑認證及遺產管理條例》(香港法例第10章)第60B條。

申請支用款項以支付死者生前贍養的人士的生活費

民政事務總署署長批准從死者(在二零零六年二月十一日或之後去世的人士)銀行戶口支用款項，是為了協助死者生前贍養的人士應急。

- 有關的受養人須在緊接死者去世前由死者贍養，**並**對死者遺產享有實益權益。
- 可支用的款額不會較死者在緊接去世前給予有關的受養人作贍養之用的款額為大，可支用款項的總額也不會超過有關的受養人對死者遺產享有的實益權益。
- 有關的銀行戶口須只以死者本人姓名開立。
- 如果死者立下遺囑，並指定一名或多名遺囑執行人，申請人應為該名指定的遺囑執行人或其中一名指定的遺囑執行人。死者如沒有指定遺囑執行人，申請人則應為有權優先管理有關遺產的人。
- 申請須以表格HAEU2提出。有關表格可向民政事務總署遺產受益人支援組索取(聯絡該組的方法，可參閱下文**查詢**一段)，或從下列網址下載：
https://www.had.gov.hk/tc/public_services/estates/forms_publications.htm。
- 申請獲批後，銀行須根據指示按月發放款項給申請人，為期三個月。申請人如有需要，可再行提出申請。

證明文件

申請從死者銀行戶口支用款項，以支付死者生前贍養的人士的生活費，必須提交下列證明文件(正本及影印本)：

- (a) 死者的身份證 / 護照；
- (b) 死者的死亡證；
- (c) 申請人的身份證 / 護照；
- (d) 死者的最後遺囑(如申請人以遺囑執行人身分提出申請)；
- (e) 可證明死者與申請人關係的文件，例如結婚證書或出生證明書(如申請人並非死者的遺囑執行人)；
- (f) 較申請人有權優先管理死者遺產的人士妥為簽立的放棄承辦書(如適用)；
- (g) 較申請人有權優先管理死者遺產的人士的死亡證(如適用)；
- (h) 可證明(f)或(g)項所提述的人士與死者關係的文件(如適用)；
- (i) 可證明死者與他生前贍養的人士關係的文件，例如結婚證書或出生證明書；
- (j) 可證明死者在緊接去世前給予贍養的人士生活費的文件；及
- (k) 列明戶口現有結餘的銀行確認書 / 結算單 / 存摺，而有關戶口只以死者本人姓名開立。

申請獲批後，申請人會獲發“需要支用款項證明書”，證明書會載有明確的指示。申請人可向銀行出示證明書，要求支用有關的款項。

本署承諾收到申請以及所有必需的文件和資料後起計五個工作天內，發出“需要支用款項證明書”以支付死者生前贍養的人士的生活費。

銀行收到證明書後，會要求證明書的持有人出示身分證明文件，並會查核有關戶口的結餘。

查詢

關於申請“需要支用款項證明書”，從死者(在二零零六年二月十一日或之後去世的人士)銀行戶口支用款項，以支付死者生前贍養的人士的生活費，如有任何查詢，可聯絡民政事務總署遺產受益人支援組：

- 地址：香港灣仔軒尼詩道130號修頓中心3樓
- 電話：2835 1535
- 傳真：2122 9497
- 電郵：ebsu@had.gov.hk
- 網址：https://www.had.gov.hk/tc/public_services/estates.htm

有關二零零六年二月十一日之前去世的人士的遺產管理事宜，
請與稅務局遺產稅署聯絡，電話號碼2594 3240。

民政事務總署

二零二四年二月

政府物流服務署印

How to apply for release of money from bank account for maintenance of former dependants of a person who died on or after 11 February 2006



How to apply for release of money from bank account for maintenance of former dependants of a person who died on or after 11 February 2006

Introduction

The Director of Home Affairs, under authority delegated by the Secretary for Home and Youth Affairs, may issue on application a “Certificate for Necessity of Release of Money” to authorize release of money from the bank account of the deceased person for maintenance of former dependants. Section 60B of the Probate and Administration Ordinance, Chapter 10, Laws of Hong Kong, is relevant.

Application for release of money for maintenance of former dependants

The certificate for release of money from the bank account of the deceased person is to provide immediate relief for former dependant(s) of a person who died on or after 11 February 2006.

- The former dependant(s) in question should have been supported financially by the deceased person immediately before his/her death **and** have a beneficial interest in the estate.
- The money to be released will not be greater than the amount provided by the deceased person to the former dependant(s) in question immediately before death. Nor will the amounts in aggregate be greater than the beneficial interest of the former dependant(s) in the estate.
- The bank account in question should be one held in the sole name of the deceased person.
- If the deceased person has left a will and has named an executor or executors, the applicant should be the executor or one of the executors. Otherwise, the applicant should be the one who is entitled in priority to administer the estate.
- The application should be made on Form HAEU2. Copies of the form are available from the Estate Beneficiaries Support Unit of the Home Affairs Department. (Please refer to the section on **Enquiries** below for contact details.) Alternatively, the form can be downloaded from the following website : https://www.had.gov.hk/en/public_services/estates/forms_publications.htm
- On approval, the bank will be required to release the money in monthly instalments for a period of three months. Further applications may be made if necessary.

Supporting documents

The following documents (originals and photocopies) are required to support an application for a certificate for release of money from the bank account of the deceased person for maintenance of former dependant(s) –

- (a) the identity card/passport of the deceased person;
- (b) the death certificate of the deceased person;
- (c) the identity card/passport of the applicant;
- (d) the last will of the deceased person, if the applicant is in the capacity of the executor;
- (e) any document(s) evidencing the relationship between the deceased person and the applicant, such as marriage or birth certificate, if the applicant is not the executor of the deceased person;
- (f) the letter(s) of renunciation duly executed by the person(s) entitled in higher priority to administer the estate, if applicable;
- (g) the death certificate(s) of the person(s) entitled in higher priority to administer the estate, if applicable;
- (h) any document(s) evidencing the relationship between person(s) named under (f) or (g) and the deceased person, if applicable;
- (i) any document(s) evidencing the relationship between the deceased person and the former dependant(s), such as marriage or birth certificate;
- (j) any document(s) evidencing the payment of maintenance by the deceased person to the dependant(s) immediately before death; and
- (k) the bank confirmation/statement/passbook showing the current balance of the account(s) held in the sole name of the deceased person.

On approval of the application, a certificate for release of money with detailed specifications will be issued to the applicant who may then take the certificate to the bank.

We pledge to issue a “Certificate for Necessity of Release of Money” for maintenance of former dependants of a deceased person within five working days of receipt of an application and all necessary documents and information.

On presentation of the certificate, the bank will ask for proof of identity from the holder of the certificate. The bank will also check against the available balance in the account(s) in question.

Enquiries

If you have any questions relating to the application for a certificate for release of money from the bank account of a person who died on or after 11 February 2006 to meet the maintenance of his/her former dependants, you may contact the Estate Beneficiaries Support Unit of the Home Affairs Department –

- Address : 3/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong
- Telephone : 2835 1535
- Fax : 2122 9497
- E-mail : ebsu@had.gov.hk
- Website : https://www.had.gov.hk/en/public_services/estates.htm

For administering the estates of persons who died before 11 February 2006, please contact the Estate Duty Office of the Inland Revenue Department at 2594 3240.

*Home Affairs Department
February 2024*