

Supplement No. 4
of
Guide to Non-Contentious Probate Practice

PART 4 – HOW TO PREPARE AN APPLICATION FOR GRANT

1. Add paragraph 48A as follows.

48A. If the deceased died domiciled in the Mainland without a PRC identity card or a PRC passport, a duly authenticated Notarial Certificate or an affidavit of law from a PRC lawyer (see also paragraphs 251 to 253 of the present Guide to NCPP) is required to be filed.

2. Add (2A) to footnote 44 re: General Guidance on Authentication

(2A) The entering into the Apostille Convention by the Mainland in 2023 does not affect the existing arrangement made in 1997 with HKSAR. See Attachment “D”.

PART 5 – DECEASED DIED TESTATE

3. Insert new *E4.3* and paragraph 165A.

E4.3 Avoidance of gifts to attesting witnesses and their spouse

165A. A purported gift to a beneficiary is held to be void because one of the two attesting witnesses is the wife of the beneficiary. The attempt to make use of s.5 (1) (d) (ii) (2) and s.5 (2) WO to get round s.10 (1) WO was rejected by the Court^{83A}.

PART 8 – MISCELLANEOUS

4. Add new Part J and paragraph 315.

J. Amendment of grant

315. The laws of Hong Kong require an applicant for grant to state on Specified Forms N4.1 and N4.2 balance of each bank account as at the date of death of the deceased. See also attachment “E”.

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5. Under Part 5, add “*E4.3 Avoidance of gifts to attesting witnesses and their spouse.....62*”.
6. Under Part 8, add “J. Amendment of grant.....102”

^{83A} *Re Sze Lin On*, [2024] HKCFI 1865 (unrep.)

Table of Cases

7. Under those begin with letter “S”, add the case of “*Re Sze Lin On*, [2024] HKCFI 1865 (unrep.)62”



Announcement

Authentication of public documents issued in the Mainland


Since resumption of sovereignty, authentication of public documents in the Mainland to be used in the HKSAR has been governed by the existing arrangement¹, its format being:



¹ Letter (97) No.19 issued by the Office of the Chinese Senior Representative, Sino-British Joint Liaison Group dated 2 June 1997

The entering into the Apostille Convention² by the Mainland in 2023 and the issuance of authentication of public documents by Apostille relate only to overseas countries/parties which have also been acceded to the same Convention, but not the HKSAR, the format of an Apostille being:


本附加证明书仅证明公文上的签名、签署人署名时的身份，必要时可证明公文上的印章属实。附加证明书不对公文内容予以证明。
This Apostille only certifies the authenticity of the signature, the capacity of the person who has signed the public document and, where appropriate, the identity of the seal or stamp which the public document bears. This Apostille does not certify the content of the document for which it was issued.
Visit <https://consular.mfa.gov.cn/VERIFY/> and scan the QR code to verify the issuance of this Apostille.

附加证明书
APOSTILLE
(1961年10月5日海牙公约)
(Convention de La Haye du 5 octobre 1961)

1. 文书出具国: 中华人民共和国
Country: People's Republic of China

本公文 This public document

2. 签署人
has been
signed by 


3. 签署人身份
acting in the
capacity of 

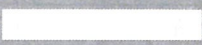
4. 印鉴名称
bears the
seal/stamp of 


证明 Certified

5. 签发地
at 

6. 签发日期
the 

7. 签发人
by 

8. 附加证明书编号
No 

9. 签发机关印鉴:
Seal/Stamp: 

10. 签名:
Signature: 



² The HCCH Convention of 5 October 1961 for Abolishing the Requirement of Legalization for Foreign Public Documents

Until further arrangement and/or notice, we shall continue to **ACCEPT** the Authentication referred to in the first paragraph above and will **DECLINE** the Apostille mentioned in the second paragraph.

Probate Registry

High Court

October 2024



Announcement

Amendment of Grant Bank Accounts

The laws of Hong Kong¹ require an applicant for grant to state on Specified Forms N4.1 and N4.2 balance of each bank account as at the **date of death** of the Deceased.

On 14 April 2025, Hong Kong Monetary Authority and The Hong Kong Association of Banks issued their Circular and Guideline² respectively to announce that, subject to their discretion in each case, banks may release money to a grantee according to the actual balance of each bank account of the Deceased **without amendment to the grant** (Specified Forms N4.1 and N4.2). The relevant

¹ Section 24A (13) of the Probate and Administration Ordinance (Cap.10) and Specified Forms N4.1 and N4.2 under rule 2A of the Non-Contentious Probate Rules (Cap.10A)

² HKMA Circular titled “Handling of Cash at Bank of Deceased Account Holders” dated 14 April 2025 and HKAB Guideline titled “Handling cash at bank of deceased account holders” dated 14 April 2025

paragraphs from the said Guideline of The Hong Kong Association of Banks are reproduced below:

“C. The New Practice

As of the date of this Guideline, where the bank account balance as of the deceased date stated on a probate application is different from what is stated in the record of a bank as at the money release date, the bank may, subject to its discretion after taking into account the particular circumstances of each case, nonetheless proceed to release money in the bank accounts if the deviation from the actual bank balance is traceable and/or reasonable and neither the following thresholds (the “**Thresholds**”) has been exceeded:

- (a) if a grantee’s estimated amount or amount known to him/her, in respect of the total value of all accounts in one bank, is likely to be less than \$1 million, banks may release to the grantee the bank account balances without any amendment to the grant according to the actual balance of each bank account if it does not exceed the higher of \$10,000 or 110% of the stated amount; or
- (b) if a grantee’s estimated amount or amount known to him/her, in respect of the total value of all accounts in one bank, is likely to be \$1 million or more, banks may release to the grantee the bank account balances without any amendment to the grant according to the actual balance of each bank account if it does not exceed the stated amount by the lower of \$200,000 or 10% of the stated amount.

...”

Probate Registry
High Court
14 April 2025