

Revenue (Abolition of Estate Duty) Bill 2005

**Draft Forms of Schedule of Assets and Liabilities and
related documents**

The paper entitled “Schedule of Property and the Intermeddling Provisions” of 5 July 2005 sets out the Administration’s latest proposal on the requirement to file a schedule of assets and liabilities with the Court for processing an application for a grant of representation. As requested by the Bills Committee at its meeting on 6 July 2005, we attach herewith the following draft forms provided by the Judiciary –

Annex A – Schedule of Assets and Liabilities;

Annex B – Additional Schedule of Assets and Liabilities;

Annex C – Affidavit verifying the Schedule;

Annex D – Corrective Affidavit made before Grant, verifying the Additional Schedule of Assets and Liabilities; and

Annex E – Corrective Affidavit made after Grant, verifying the Additional Schedule of Assets and Liabilities.

We understood that the attached draft forms have taken into account comments of the Law Society of Hong Kong.

2. Members are requested to note that these are draft forms. After due process, the forms will be specified by the Registrar of the High Court by General Notice in the Gazette.

*Home Affairs Bureau
13 July 2005*

This is the exhibit “ -1” referred to in the Affidavit/Affirmation of _____ sworn/affirmed before me this _____ day of _____ 20_____

Commissioner for Oaths

SCHEDULE OF ASSETS AND LIABILITIES of the deceased in Hong Kong as at the date of death (“the Schedule”)

Name of Deceased: _____ (“the Deceased”),

Hong Kong Identity Card/Passport Number _____

Date of Death: _____

A. ASSETS

1. CASH (Please specify amount) HK\$ _____

2. CASH AT BANK

<u>Names of Banks</u>	<u>Account No.</u>	<u>Balance as at date of death</u>
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3. SAFE DEPOSIT BOX

<u>Bank</u>	<u>Box No.</u>	<u>Contents</u> (as shown in the inventory list annexed)
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4. STOCKS, SHARES AND UNIT TRUSTS

Number of Shares

Companies/Trusts

5. BUSINESS

Name

Business Registration Number

Percentage

6. HOUSEHOLD GOODS

(including picture, jewels, furniture, etc.)

7. MOTOR VEHICLES AND SHIPS

(Please specify Registration Numbers)

8. LAND AND BUILDINGS

9. INSURANCE POLICIES AND MPF ACCOUNTS

(Specify name of insurance company, fund names, policy numbers and account no.)

10. CHOSE IN ACTION

(Including debts due to the deceased, accrued rentals, compensation, utility deposits, interest in the other estate and claims).

**11. PROPERTY HELD BY DECEASED AS TRUSTEE OR AS
MANAGER OF CHO OR TONG**

12. OTHER ASSETS
(i.e. properties not covered by the above heads)

B. LIABILITIES

Name of Creditors

Description of debt

NOTE

This Schedule is verified by Affidavit/Affirmation by the executor/administrator pursuant to Section 15A/*24A/*49A of the Probate and Administration Ordinance (Cap. 10). The accuracy or truthfulness of the information disclosed herein has not been verified by the Probate Registry or the High Court, which is not required by law to do so.

WARNING

Pursuant to section 60H of the Probate and Administration Ordinance (Cap. 10), all companies, banks, firms and shops and other persons to whom a copy of this Schedule may be presented should not deal with any property of the deceased not set out therein.

Dated the day of 20 .

ADDITIONAL SCHEDULE OF ASSETS AND LIABILITIES of the deceased in Hong Kong (“Additional Schedule”) as at the date of death

This Additional Schedule should be read together with the SCHEDULE OF ASSETS AND LIABILITIES and all previous Additional Schedules, if any.

Name of Deceased: _____

Hong Kong Identity Card/Passport Number: _____

Date of Death: _____

Particulars of Additional Assets/Liabilities

Item	Description

Amendment to the particulars of the Schedule of Assets and Liabilities/*Additional Schedule of Assets and Liabilities previously filed

Previous Item	Correct Description (in replacement of previous Description)

NOTE

This Additional Schedule is verified by Affidavit/Affirmation by the executor/administrator pursuant to Section 15A/*24A/*49A of the Probate and Administration Ordinance (Cap. 10). The accuracy or truthfulness of the information disclosed herein has not been verified by the Probate Registry or the High Court, which is not required by law to do so.

WARNING

Pursuant to section 60H of the Probate and Administration Ordinance (Cap. 10), all companies, banks, firms and shops and other persons to whom a copy of this Additional Schedule may be presented should not deal with any property of the deceased not set out in the Schedule of Assets and Liabilities as corrected by this and any previous Additional Schedule(s), if any.

Dated _____.

AFFIDAVIT/AFFIRMATION verifying the SCHEDULE OF ASSETS AND LIABILITIES

I/*We, [name(s)], [Hong Kong Identity Number/Passport Number____] of [Address] the intending Administrator(s)/*Executor(s) named in the Will of the Deceased, hereby (jointly and severally*) make oath/*solemnly sincerely and truly affirm and say that –

1. I/*We have prepared/*caused to be prepared the Schedule of Assets and Liabilities exhibited hereto marked “ ___-1”.
2. To the best of my/*our knowledge, information and belief as at the date hereof, such Schedule of Assets and Liabilities contains true and correct information of the assets and liabilities of the Deceased in Hong Kong as at the date of death.

SWORN/*AFFIRMED by the abovenamed)
_____, at _____,)
Hong Kong, this _____ day of _____)
the same (including the said Schedule) having)
been duly interpreted to the)
affirmant/*deponent in _____ dialect)
of the Chinese language by _____)

Before Me,

Solicitor, HKSAR/*A Commissioner for Oaths
(firm name)

I, [name of interpreter], of [address], [description], make oath/*solemnly and sincerely affirm that I well understand the English and the Chinese languages and that I have truly, distinctly and audibly interpreted the contents of the above Affidavit/*Affirmation and the said Schedule to the deponent [insert name], and that I will truly and faithfully interpret the oath/*affirmation about to be administered to him.

SWORN/*AFFIRM by the _____)
abovenamed _____,)
_____, Hong Kong,)
this day of _____)

Before me,

Solicitor, HKSAR/*A Commissioner for Oaths
(firm name)

*Delete as appropriate

**CORRECTIVE AFFIDAVIT/*AFFIRMATION made before Grant
verifying the ADDITIONAL SCHEDULE OF ASSETS AND LIABILITIES**

I [name] of [address] [description] make oath/do solemnly and sincerely affirm and say as follows:

1. The deceased died on _____ [date] _____.
2. I refer to the Schedule of Assets and Liabilities exhibited to my previous Affidavit/*Affirmation filed herein on [date] marked “ -1” (“the Schedule”).
3. Since the filing of that Affidavit/*Affirmation, it has come to my knowledge that the Schedule is inaccurate.
4. I have accordingly prepared/*caused to be prepared an Additional Schedule of Assets and Liabilities, which is exhibited hereto marked “ -2” (“the Additional Schedule”), to correct the inaccuracy in the Schedule.
5. To the best of my knowledge, information and belief as at the date hereof, the Schedule as corrected by the Additional Schedule contains true and correct information of the assets and liabilities of the deceased in Hong Kong as at the date of death.

AFFIRMED/*SWORN by the above named _____)
_____, at _____,)
Hong Kong, this _____ day of _____)
the same (including the Additional Schedule))
having been duly interpreted to the _____)
affirmant/*deponent in _____ dialect)
of the Chinese language by _____)

Before me,

Solicitor, HKSAR/*A Commissioner for Oaths
(firm name)

I, [name of interpreter], of [address], [description], make oath/*solemnly and sincerely affirm that I well understand the English and the Chinese languages and that I have truly, distinctly and audibly interpreted the contents of the above Affidavit/*Affirmation and the Additional Schedule to the deponent [insert name], and that I will truly and faithfully interpret the oath/*affirmation about to be administered to him.

SWORN/*AFFIRM by the)
abovenamed , at)
_____, Hong Kong,)
this day of)

Before me,

Solicitor, HKSAR/*A Commissioner for Oaths
(firm name)

*Delete as appropriate

Note: This form should be adapted suitably for a second or further revision of the original Schedule or a previous Additional Schedule of Assets and Liabilities.

**CORRECTIVE AFFIDAVIT/*AFFIRMATION made after Grant
verifying the ADDITIONAL SCHEDULE OF ASSETS AND LIABILITIES**

I [name] of [address] [description] make oath/*do solemnly and sincerely affirm and say as follows:

1. On the _____ day of _____ Grant of Probate/*Letters of Administration (under Grant No. _____ of _____) was/were issued to me with the Schedule of Assets and Liabilities of the deceased as at the date of his/*her death (“the Schedule”) annexed.
2. Since the issue of the Grant, it has come to my knowledge that the Schedule is inaccurate.
3. I have accordingly prepared/*caused to be prepared an Additional Schedule of Assets and Liabilities, which is exhibited hereto marked “ -2” (“the Additional Schedule”), to correct the inaccuracy in the Schedule.
4. To the best of my knowledge, information and belief as at the date hereof, the Schedule as corrected by the Additional Schedule contains true and correct information of the assets and liabilities of the deceased in Hong Kong as at the date of death.

AFFIRMED/*SWORN by the above named _____)
_____, at _____,)
Hong Kong, this _____ day of _____)
the same (including the Additional Schedule))
having been duly interpreted)
to the affirmant/*deponent in _____)
dialect of the Chinese language by _____)

Before me,

Solicitor, HKSAR/*A Commissioner for Oaths
(firm name)

I, [name of interpreter], of [address], [description], make oath/*solemnly and sincerely affirm that I well understand the English and the Chinese languages and that I have truly, distinctly and audibly interpreted the contents of the above Affidavit/*Affirmation and the Additional Schedule to the deponent [insert name], and that I will truly and faithfully interpret the oath/*affirmation about to be administered to him.

SWORN/*AFFIRM by the)
abovenamed , at)
_____, Hong Kong,)
this day of)

Before me,

Solicitor, HKSAR/*A Commissioner for Oaths
(firm name)

*Delete as appropriate

Note: This form should be suitably adapted for a second or further revision of the original Schedule or a previous Additional Schedule of Assets and Liabilities.