How to Write a Will and Avoid Litigations Afterwards 如何訂立遺囑,以防止訴訟

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What Happen If Died Intestate? 如果沒有立遺屬,死後會怎樣?

Law of Succession 繼承法

| Relative Surviving | | Other Relatives | Entitlement | |
|--------------------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | Spouse | No issue, or parent or brother or sister of the whole blood or issue of such a brother sister | All to spouse | |
| 2. | Spouse and issue | Other relatives immaterial | Spouse takes \$500,000 and half of the residue; the other half is held on statutory trusts for issue | |
| 3. | Spouse and parent or brother or sister of the whole blood or issue of such brother or sister | No issue | Spouse takes \$1,000,000 and half of the residue; the other half is held for parent(s) or on statutory trusts for such brothers or sisters | |
| 4. | Issue | No spouse | All to issue on statutory trusts | |
| 5. | Parent(s) | No spouse, no issue | All to parent(s) | |
| 6. | Brothers and sisters of the whole blood | No spouse, no issue, no parent | All to such brothers and sisters on statutory trusts | |
| 7. | Brothers and sisters of the half blood | No spouse, no issue, no parent, no brother or sister of the whole blood | All to such brothers and sisters on statutory trusts | |
| 8. | Grandparent(s) | None of the above | All to grandparent(s) | |
| 9. | Uncles and aunts of the whole blood | None of the above | All to such uncles and aunts on statutory trusts | |
| 10. | Uncles and aunts of the half blood | None of the above | All to such uncles and aunts on | |
| 11. | None of the above relatives | | All to Hong Kong Government as bona vacantia | |

Law of Succession 繼承法

遺屬

- 1. 只餘配偶 (即無遺下子女、父母、 兄弟姊妹、甥姪)
- 遺下配偶及子女(即使遺下父母、 兄弟姊妹、甥姪)
- 3. 遺下配偶、父母、兄弟姊妹或 甥姪,沒有子女
- 4. 只餘子女,無配偶(即使遺下 父母及兄弟姊妹)
- 5. 遺下父母、無子女及配偶 (即使遺下兄弟姊妹)
- 6. 遺下單親、無子女及配偶 (即使遺下兄弟姊妹)
- 7. 無遺下配偶、子女及父母

8. 無遺下上述任何親屬

攤分方法

全歸配偶

遺產的首五十萬歸配偶,其餘則作以下分配:

(a) 一半歸配偶;(b) 一半由子女均分

遺產的首一百萬歸配偶,其餘則作以下分配:

(a) 一半歸配偶; (b) 一半歸父母。若無父母, 則由兄弟姊妹均分;若無父母及兄弟姊妹, 則由甥姪均分。

全歸子女

由父母均分

全歸單親

由兄弟姊妹均分。若無兄弟姊妹,則由甥姪 均分;若無甥姪,由祖父母及外祖父母平分; 更無祖父母及外祖父母,由叔伯姑舅平分。

全歸政府

What are the contents of a Will

| TESTATOR 立「平安書」人 | | | | | |
|---------------------|--------------------------|--------------------------------|-------------------|----|--|
| NAME : | | | (|)_ | |
| 姓名 | Surname | Given Name | (In Chinese) | | |
| | 姓 | 名 | 中文 | | |
| SEX : 性別 | | | | | |
| PASSPORT/H. | K.I.D. NO. : | (Photocopy | is enclosed) | | |
| 護照 / 香港身份証號碼 | | (付上影印本 | | | |
| OCCUPATION : | | DATE OF BI | RTH : | | |
| 職業 | | 出生日期 | | | |
| RESIDENTIAI | L ADDRESS 地址 : | | | | |
| MARRIAGE S | TATUS : Single/ Married/ | Divorced (Please delete whiche | ver inapplicable) | | |
| | | 婚 (請刪去不適用者) | ** | | |

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| | | EXECUTOR AND TRUSTEE 執行人及信託人 | | |
|-----------------------------------------|----------------|-------------------------------|--------------|----|
| NAME : | | | (|)_ |
| 姓名 | Surname | Given Name | (In Chinese) | |
| | 姓 | 名 | 中文 | |
| SEX : 性別 | | | | |
| PASSPORT/H.K.I.D. NO. : 護照 / 香港身份証號碼 | | (Photocopy is encl (付上影印本) | osed) | |
| OCCUPATION: | | DATE OF BIRTH : | <u>:</u> | |
| 職業 | | 出生日期 | | |
| RESIDENTIA | AL ADDRESS 地址: | | | |
| RELATIONS 與立「平安書 | | | | |

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| | BENEFICIARY 受益人 | | | | | | |
|----|----------------------|-----------------------|--|---|-----------------|---|--|
| A) | | Surname 姓 | | (| (In Chinese) 中文 |) | |
| | Sex : 性別 | | | | | | |
| | | K.I.D. No. : 身份証號碼 | | | | | |
| | Date of Birt 出生日期 | :h : | | | | | |
| | Relationship 關係 | p : | | | | | |
| | Residential | Address 地址: | | | | | |
| | % of Estate 財產分配百 | : ī分比 | | | | | |

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| C) | NAME: | | | (| |) |
|----|--------------------------|-------------|--------------|---|-----------------|---|
| , | 姓名 | Surname 姓 | Given Name 名 | | (In Chinese) 中文 | |
| | Sex : 性別 | | | | | |
| | Passport/H.K 護照 / 香港身 | | | | | |
| | Date of Birth 出生日期 | : | | | | |
| | Relationship 關係 | : | | | | |
| | Residential A | Address 地址: | | | | _ |
| | % of Estate :_ 財產分配百分 | 分比 | | | | |

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| | | INFANT BENEFICIA 未成年受益人 (即十八歲以下) | | | |
|----------------------------|---------------------------------------------|--------------------------------------------|-------------------|--------------------|---|
| NAME : | | | (| |) |
| 姓名 | Surname 姓 | Given Name 名 | | (In Chinese) 中文 | |
| SEX : 性別 | | | | | |
| Passport/Birth 護照 / 出生証 | | | | - | |
| Date of Birth: 出生日期 | | | | | |
| Relationship :_ 關係 | | | | | |
| Residential Ad | dress 地址 : | | | | |
| | ary is under the age of 18, 為18歲以下,我們提議你 | we suggest that you should ap 尔委任一位監護人。 | point a guardian. | | |

| GUARDIAN 監護人 | | | | | |
|-----------------|-----------------------------------|-----------------------|-----------|-----------------|----|
| | | | (| |)_ |
| 姓名 | Surname 姓 | Given Name 名 | | (In Chinese) 中文 | |
| SEX : | | | | | |
| 性別 | | | | | |
| PASSPORT/I | H.K.I.D. NO. : | (Photocopy is e | enclosed) | | |
| 護照/香港身 | 身份証號碼 | (付上影印本) | | | |
| RELATIONS | SHIP : | | | | |
| 關係 | | | | | |
| RESIDENTL | AL ADDRESS 地址 : | | | | |
| | | | | | |
| Note: Please | e ensure she/he is willing to act | | | | |
| 備註:請確何 | 保她/他願意成為監護人 | | | | |
| | | (Copy Right Reserved) | | | |
| | | | | | |
| SIGNATUR | RE | DATE | | · | |
| 簽署 | | 日期 | | | |
| CONTACT 聯絡電話 | TEL. NO. | | | | |

Thank You 謝謝

PLEASE NOTE

The law and procedure on this subject are very specialised. This article is a general explanation for your reference only and should not be relied on as legal advice for any specific case. If legal advice is needed, please contact our solicitors.

請注意

本題目之法律及程序十分專門。此文章只屬一般性之解釋,供你參考,而不應被依賴為關於任何特定事件之法律意見。如需法律意見,請與我所律師聯絡。

Christine M. Koo & Ip, Solicitors & Notaries LLP 顧張文菊、葉成慶律師事務所 有限法律責任合夥