# 財富傳承工具 — 遺囑

繁體中文 | 简体中文 | English

## 課程描述

課程時長： 約 10 分鐘

本網上學習課程旨在為學員提供遺囑的基礎知識，並介紹其作為財富傳承工具的功能、優點及局限。課程完成後，學員能專業地協助客戶了解相關財富傳承安排。

完成準則： 學員必須通過所有指定評估，課程方視為完成。

## 學習目標

- 說明遺囑的功能，以及其在遺產分配及財富傳承中的作用。
- 辨識遺囑在財富傳承規劃中的優勢及限制。

## 遺囑與平安紙是否一樣？

遺囑之所以又稱為平安紙，主要原因是因為，在傳統華人社會中，直言「死」或者「遺囑」，往往被視為不吉利，甚至有人覺得提早立遺囑是「詛咒自己」。為了打破這種心理隔閡，大家便用「平安」這兩個字來代替，意思是立了這張紙，不僅不是引來不幸，反而是一種「買個安心、求個平安」的舉動。此外，對於立遺囑的人來說，提早把財產分配好，為家人（特別是年幼的子女或年邁的父母），安排好日後的生活保障，這種「事情都交代妥當了」的踏實感，亦是一種內心的平安。

## 什麼是遺囑？

遺囑是一份由立遺囑人所訂立的一份法律文件，這文件交代了當立遺囑人過身後他／她的遺產將如何處理。

## 遺囑的好處

立遺囑有什麼好處？第一，可以自由決定將哪些資產，如物業、銀行存款、股票、具紀念價值的物品，留給特定的人，避免法律依據預設程序自動分配。第二，透過遺囑可以指定一位或多位你信任的親友或專業人士作為「執行人」，負責在立遺囑人離世後處理清點資產及分配遺產等繁瑣程序。第三，若子女未成年，可以在遺囑中指定合適的監護人，並可考慮設立信託以管理其財產，直到子女成年。第四，如果想將資產留給未婚伴侶、繼子女、朋友或慈善機構，應透過遺囑作出明確安排。否則在法律預設的無遺囑繼承安排下，該等人士一般未必享有繼承權。

[AIA - INTERNAL]

## 遺囑的限制

Q: 立了遺囑是否就一定可以安寢無憂？

A: 不一定。利用遺囑作為資產承傳工具是有若干法律及實務風險的。

風險 1：保管風險

遺囑屬紙本文件，可能受到火災、水災、霉爛、蟲蛀（如白蟻）或其他原因而損毀。一旦關鍵文字、簽名或日期變得模糊不清，法院在審批遺產承辦時可能會質疑其有效性。

此外，如遺失了正本，法律上通常會推定該遺囑已被立遺囑人親自銷毀，遺產將被迫按照無遺囑程序分配。

風險 2：道德風險

如果遺囑存放在家中，利益受損的親屬（例如在遺囑中分得較少或沒有資產的人）若先一步找到遺囑，可能會私自將其撕毀。

風險 3：婚姻狀況的影響

一般而言，除非有特別聲明，否則在結婚前所撰寫的任何遺囑，在登記結婚的那一刻起，法律上會視為「自動撤銷（作廢）」。

作廢後的後果： 如果婚後沒有重新撰寫遺囑而離世，遺產將會完全依照「無遺囑繼承法律」來分配。此時，新婚配偶將享有優先且大份額的繼承權，而舊遺囑中原本想留給父母、兄弟姊妹或前任伴侶的資產，將全數落空。

風險 4：遺囑有效性的爭議

在法律上，並非任何時候寫下的遺囑都有效。如果立遺囑人在簽署時被認定缺乏足夠的精神行為能力，該遺囑將會被法院裁定完全無效。這也是身後遺產爭端中最常見的訴訟理由。

## 減低遺囑的潛在風險

要減低遺囑的潛在風險，必須：

- 確保遺囑符合法律要求。
- 將遺囑妥善存放，並讓信任的人或遺囑執行人知道存放的位置。
- 確保立遺囑人在訂立及簽署遺囑時具備充分的精神行為能力。
- 妥善委任遺囑執行人，最好選擇可信任、有能力並年紀比較輕的人（以減低執行人先於立遺囑人離世的風險）。

[AIA - INTERNAL]

但是，由於遺囑的有效性及內容在某些情況下可能受到挑戰，因此，在適當情況下，可考慮透過保險、信託及其他資產傳承工具進行整體規劃。透過將部分大型資產與遺囑配合使用，可提高資產傳承效率，並減少遺產管理上的不確定性。

## 學習重點

1. 遺囑是一份由立遺囑人所訂立的一份法律文件，這文件交代了當立遺囑人過身後他／她的遺產將如何處理。
2. 遺囑可以讓立遺囑人根據個人意願，將指定的資產分配給任何人 (包括未婚伴侶、慈善機構等)；並指定信任的親友或專業人士作為「執行人」，確保遺囑順利執行；更可為未成年的子女，在遺囑中指定合適的監護人，依法接替父母的角色，履行對子女的照顧義務與法律權利。
3. 相對其他財富傳承工具，遺囑可能面對較多挑戰。因此配合不同的財富傳承工具如保險、信託，可進一步優化資產保障。

[AIA - INTERNAL]

# 财富传承工具 — 遗嘱

繁體中文 | 简体中文 | English

## 课程描述

课程时长：约 10 分钟

本网上学习课程旨在为学员提供遗嘱的基础知识，并介绍其作为财富传承工具的功能、优点及局限。课程完成后，学员将能专业地协助客户了解相关财富传承安排。

完成准则：学员必须通过所有指定评估，课程方视为完成。

## 学习目标

- 说明遗嘱的功能，以及其在遗产分配及财富传承中的作用。
- 辨识遗嘱在财富传承规划中的优势及限制。

## 遗嘱与平安纸是否一样?

遗嘱之所以被称为平安纸，主要原因是在传统华人社会中，直言死或遗嘱往往被视为不吉利，甚至有人觉得提早立遗嘱是诅咒自己。为打破这种心理隔阂，大家便用平安这两个字来代替，意思是立了这张纸，不仅不是引来不幸，反而是一种买个安心，求个平安的举动。此外，对于立遗嘱的人来说，提早把财产分配好、为家人（特别是年幼的子女或年迈的父母）安排好日后的生活保障，这种事情都交代妥当了的踏实感，亦是一种内心的平安。

## 什么是遗嘱?

遗嘱是一份由立遗嘱人所订立的一份法律文件，这文件交代了当立遗嘱人过身后他／她的遗产将如何处理。

## 遗嘱的好处

立遗嘱有什么好处？一，可以自由决定将哪些资产，如物业、银行存款、股票，具纪念价值的物品留给特定的人，避免法律依据预设程序自动分配。二，透过遗嘱可以指定 1 位或多位你信任的亲友或专业人士作为执行人，负责在立遗嘱人离世后处理清点资产及分配遗产等繁琐程序。三，若子女未成年可以在遗嘱中指定合适的监护人，并可考虑设立信托以管理其财产，直到子女成年。四，如果想将资产留给未婚伴侣、继子女、朋友或慈善机构应透过遗嘱做出明确安排，否则在法律预设的无遗嘱继承安排下，该等人事一般未必享有继承权。

[AIA - INTERNAL]

## 遗嘱的局限性

Q: 立了遗嘱是否就一定可以安寝无忧?

A: 不一定。利用遗嘱作为资产承传工具是有若干法律及实务风险的。

风险 1：保管风险

遗嘱属纸本文件，可能受到火灾、水灾、霉烂、虫蛀（如白蚁）或其他原因而损毁。一旦关键文字、签名或日期变得模糊不清，法院在审批遗产承办时可能会质疑其有效性。

此外，如遗失了正本，法律上通常会推定该遗嘱已被立遗嘱人亲自销毁，遗产将被迫按照无遗嘱程序分配。

风险 2：道德风险

如果遗嘱存放在家中，利益受损的亲属（例如在遗嘱中分得较少或没有资产的人）若先一步找到遗嘱，可能会私自将其撕毁。

风险 3：婚姻状况的影响

一般而言，除非有特别声明，否则在结婚前所撰写的任何遗嘱，在登记结婚的那一刻起，法律上会视为「自动撤销（作废）」。

作废后的后果：如果婚后没有重新撰写遗嘱而离世，遗产将会完全依照「无遗嘱继承法律」来分配。此时，新婚配偶将享有优先且大份额的继承权，而旧遗嘱中原本想留给父母、兄弟姊妹或前任伴侣的资产，将全数落空。

风险 4：遗嘱有效性的争议

在法律上，并非任何时候写下的遗嘱都有效。如果立遗嘱人在签署时被认定缺乏足够的精神行为能力，该遗嘱将会被法院裁定完全无效。这也是身后遗产争端中最常见的诉讼理由。

## 减低遗嘱的潜在风险

要减低遗嘱的潜在风险，必须：

- 确保遗嘱符合法律要求。
- 将遗嘱妥善存放，并让信任的人或遗嘱执行人知道存放的位置。
- 确保立遗嘱人在订立及签署遗嘱时具备充分的精神行为能力。
- 妥善委任遗嘱执行人，最好选择可信任、有能力并年纪比较轻的人（以减低执行人先于立遗嘱人离世的风险）。

[AIA - INTERNAL]

但是，由于遗嘱的有效性及内容在某些情况下可能受到挑战。因此，在适当情况下，可考虑透过保险、信托及其他资产传承工具进行整体规划。透过将部分大型资产与遗嘱配合使用，可提高资产传承效率，并减少遗产管理上的不确定性。

## 学习重点

1. 遗嘱是一份由立遗嘱人所订立的一份法律文件，这文件交代了当立遗嘱人过身后他／她的遗产将如何处理。
2. 遗嘱可以让立遗嘱人根据个人意愿，将指定的资产分配给任何人 (包括未婚伴侣、慈善机构等)；并指定信任的亲友或专业人士作为「执行人」，确保遗嘱顺利执行；更可为未成年的子女，在遗嘱中指定合适的监护人，依法接替父母的角色，履行对子女的照顾义务与法律权利。
3. 相对其他财富传承工具，遗嘱可能面对较多挑战。因此可配合不同的财富传承工具如保险、信托，可进一步优化资产保障。

[AIA - INTERNAL]

# Legacy Planning Tool - Will

繁體中文 | 简体中文 | English

## Course Description

Course Duration: Approximately 10 minutes

This e-learning course is designed to provide learners with a fundamental understanding of wills and introduce their functions, advantages, and limitations as a legacy planning tool. Upon completion of the course, learners will be able to gain a better understanding of the key concepts and practical applications of wills and legacy planning.

Completion Criteria: The course is considered complete only when all required assessments are successfully passed.

## Learning Objectives

- Illustrate the function of a will and its importance in estate distribution and legacy planning.
- Recognize the strengths and limitations of a will in legacy planning.

## Is a Will the Same as a "Ping On Paper"?

Will, also known as a Ping On Paper. This term originated because, in traditional Chinese society, openly discussing death or making a will was often considered taboo or inauspicious. Some people even believed that making a will too early might be seen as "tempting fate" or bringing bad luck upon themselves. To overcome this psychological barrier, people began using the word "Ping On", meaning peace and well-being, as a more positive and acceptable expression. The idea is that creating a will does not invite misfortune; rather, it is a prudent act, much like buying a sense of comfort. In addition, for the person making the will, having their assets distributed according to their wishes, and ensuring that family members, especially young children or elderly parents, are provided for, can bring a reassuring sense that everything has been properly arranged. This feeling of preparedness and certainty is, in itself, a form of peace of mind.

## What Is a Will?

A will is a legal document created by an individual (the testator) that sets out how his or her estate is to be distributed and managed after death.

## Advantages of a Will

What are the benefits of having a will? 1. A will enables the testator to decide how assets—such as properties, bank deposits, investments, and personal items of sentimental value—will be distributed. This helps ensure that the estate is distributed according to the testator's wishes, rather than under the default rules of intestacy. 2. A will allows the appointment of one or more trusted family members, friends, or professionals as executors. The executors are responsible for managing the estate after the testator's death, including identifying assets and distributing the estate to beneficiaries. 3. Where there are minor children, a will can be used to nominate suitable guardians to care for them. It can also provide for the establishment of a trust to manage inherited assets on behalf of the children until they reach adulthood. 4. A will enables assets to be left to beneficiaries who may not be entitled to inherit under the default intestacy rules, such as unmarried partners, stepchildren, friends, or charitable organisations. Without a valid will, these individuals or organisations would generally not be entitled to inherit the assets.

[AIA - INTERNAL]

## Limitations of a Will

Q: Does having a will guarantee complete peace of mind?

A: Not necessarily. Although a will is one of the most commonly used legacy planning tools, it also comes with certain risks and limitations that should be taken into account when planning for the transfer of wealth and assets.

Risk 1: Custody Risk

A will is typically a paper document and may be vulnerable to physical damage caused by fire, flooding, mould, or pest infestation (such as termites). If key information, signatures, or dates become damaged or illegible, the court may question the validity of the will during the probate process.

In addition, if the original will cannot be located, there is a legal presumption that the testator intentionally destroyed it. As a result, the estate may have to be distributed under the intestacy rules, rather than according to the testator's wishes.

Risk 2: Moral Hazard Risk

If a will is kept at home, a family member whose interests are adversely affected by the will—for example, someone who receives a smaller share of the estate or is excluded altogether—may attempt to destroy or conceal the document before it is discovered.

Risk 3: Impact of Marital Status

As a general rule, unless expressly stated otherwise, a will made before marriage is automatically revoked upon marriage.

Risk 4: Disputes Over the Validity of the Will

Not every will is legally valid simply because it has been written and signed. If the testator is found to have lacked the requisite mental capacity at the time of execution, the court may declare the will wholly invalid. Challenges based on mental capacity are among the most common grounds for estate litigation.

## Reducing the Potential Risks of a Will

To mitigate the potential risks associated with a will, the following measures should be taken:

- Ensure that the will complies with all applicable legal requirements.
- Keep the will in a secure location and ensure that a trusted individual or the appointed executor is aware of where the original will is stored.
- Ensure that the testator possesses full testamentary capacity and sufficient mental capacity at the time of making and signing the will.
- Appoint an appropriate executor. Ideally, the executor should be a trustworthy, capable, and relatively younger individual, thereby reducing the risk of the executor predeceasing the testator.

However, a will may not always provide complete certainty, as its validity and provisions can be challenged under certain circumstances. Accordingly, individuals may wish to consider a comprehensive estate planning strategy that incorporates insurance, trusts, and other wealth succession solutions. When used alongside a will, these arrangements can facilitate more efficient wealth transfer and help reduce uncertainties in estate administration.

[AIA - INTERNAL]

## Key Learning Points

1. A will is a legal document created by a testator that sets out how his or her estate is to be managed and distributed upon death.
2. A will enables the testator to distribute specified assets according to personal wishes, including leaving assets to beneficiaries such as an unmarried partner, friends, stepchildren, or charitable organisations. It also allows the appointment of trusted family members, friends, or professionals as executors to carry out the testator's wishes. In addition, a will can be used to appoint suitable guardians for minor children, ensuring that appropriate arrangements are in place for their care and well-being.
3. Compared with other wealth succession tools, a will may be more susceptible to legal and practical challenges. Therefore, incorporating other wealth transfer solutions, such as insurance and trusts, can further enhance asset protection and succession planning.

[AIA - INTERNAL]