



香港經典爭產案 法律剖析

LANDMARK PROBATE DISPUTES IN HONG KONG
A LEGAL ANALYSIS



ONC LAWYERS
柯伍陳律師事務所

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Preface

This book contains an analysis of some of the most important probate dispute cases in Hong Kong. It shows how serious problems and prolonged litigations could arise from the succession process of some of the wealthiest families in Hong Kong, sometimes despite the assistance of able professionals. Whilst it should not be treated as an exhaustive checklist for successful succession planning, the lessons that could be learned from these cases could surely guide the testator in his or her succession planning, and avoid a lot of angsts amongst the family members expecting to inherit significant wealth.

Ultimately the best way to ensure smooth succession and keep peace and harmony in the family is to nurture the right values amongst the family members. But it is a task easier said than done.

It is hoped that this little book could shed light on how our courts deal with the common issues in probate disputes, and provide guidance on how such disputes could be resolved, and more importantly, avoided.

ONC Lawyers

February 2025

序

本書收錄及分析了香港多宗重要的爭產案例，從這些香港富豪家族的遺產爭議案件可見，即使有專業人士從旁協助，有時仍會發生嚴重的紛爭，需要進行漫長訴訟。雖然本書並未羅列所有成功遺產規劃的元素，但這些案例對於規劃承傳，應對及避免遺產爭議應該有相當的參考價值。

始終，要維繫家庭和睦，將財富順利承傳，最重要還是在家中建立良好的價值觀，當然這是易說難做的。

我們希望本書能協助讀者了解香港法院如何處理爭產案件中的常見問題，並說明如何解決這些糾紛，更重要的是，如何避免出現糾紛。

ONC 柯伍陳律師事務所

2025 年 2 月

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1. Estate of Tycoon Teddy Wang: How Nina Kung Triumphed in the Legal Battle against her Father-in-law

The Billionaire Vanishes

- The decade long legal saga began with the mysterious disappearance of Mr Teddy Wang Teh-huei (“Mr Wang”), founder of the Chinachem Group. In 1990, Mr Wang was kidnapped for ransom. It was not his first encounter, but, this time, the 56-year-old billionaire had never been seen since. In 1999, Mr Wang’s father (“Father”) was granted leave by a judge to swear to his belief that Mr Wang’s death had occurred on or since 1990. Mr Wang was legally declared dead.
- Following this development, the Father claimed probate of a will executed in 1968¹ under which he was the sole beneficiary (the “1968 Will”). At the time of the 1968 Will, there were marital difficulties between Mr Wang and his wife, Nina Kung (“Nina”). However, later, by 1970, the couple had reconciled and went on to build a highly successful business empire together.
- In response to the Father’s action, Nina counterclaimed for probate of a Chinese, homemade will dated 12 March 1990, under which she was the sole beneficiary (the “1990 Will”).
- In his affirmations, Mr Wang’s butler (the “Butler”) claimed to have signed the 1990 Will as a witness after witnessing Mr Wang himself do so. As the identity of another attesting witness could not be ascertained at all, the Butler was Nina’s most valuable witness. However, the Butler passed away before he could give evidence in court. His death before trial must therefore have been “a surprise and a blow” for Nina, and correspondingly, “a surprise and a boon” for the Father.
- The Father accused the 1990 Will of being a forgery, setting the stage for the dramatic legal showdown in history.

1 According to Probate and Administration Ordinance (Cap. 10), for estate with a will, a grant of probate must be obtained before the executor of the will can begin to dispose of the estate of the deceased.

1. 王德輝遺產案：龔如心如何擊敗家翁奪得遺產

億萬富翁失蹤

- 這宗世紀爭產案始於華懋集團創辦人王德輝的神秘失蹤。1990年，56歲的王德輝遭綁架。這並非他首次遇到類似事件，早在1983年他亦曾遭綁架，幸而脫險。但是這一次卻沒那麼幸運，王德輝被綁架後一直失蹤。其父王廷歆在1999年獲法官批准宣誓相信王德輝已於1990年左右身亡。法院宣告王德輝死亡。
- 其後，王廷歆入稟法院，提出一份於1968年簽立並以王廷歆為唯一受益人的遺囑（「1968年遺囑」），要求進行認證¹。在1968年遺囑訂立時，王德輝與妻子龔如心正經歷婚變，但雙方在1970年言歸於好，更攜手建立了一個商業王國。
- 面對家翁採取的法律行動，龔如心向法院提出反申訴，請求認證另一份聲稱是王德輝於1990年3月12日在家中訂立、以龔如心為唯一受益人的中文遺囑（「1990年遺囑」）。
- 王德輝生前的管家在誓詞中表示，他在見證王德輝簽署1990年遺囑後，以見證人的身份簽署。由於另一名見證人的身份無法確認，管家便成為龔如心一方最重要的證人。然而，管家尚未出庭作證便已去世，這對龔如心可謂沉重打擊，對王廷歆卻屬意外喜訊。
- 王廷歆指控龔如心偽造1990年遺囑，由此展開這場戲劇性的法律角力。

1 根據《遺囑認證及遺產管理條例》（香港法例第10章），在有遺囑的情況下，遺囑執行人必須獲得法庭授予遺囑認證書，方可開始處置遺產。

Nina's Defeats at the Lower Courts

- Unparalleled in the legal history of Hong Kong, the trial at the first instance was a chimera, devouring a significant part of the judicial capacity and a serpent's tail in the form of a 600-page judgment, extending over a record-breaking 172 days across a 14-month period².
- The central issue at trial was whether the 1990 Will purportedly signed by Mr Wang was a forgery. Having heard evidence from handwriting experts and after examining the similarities and differences between the questioned signatures and the known signatures, David Yam J found the purported signatures of both the Butler and Mr Wang to be forgeries:
 - (1) He identified 8 significant differences in the character “王”, 6 significant differences in the character “德”, and 5 significant differences in the character “輝”. He said that there was no acceptable explanation for those differences.
 - (2) He also identified the unnaturalness of the Butler's signatures, more than 10 significant differences and 6 less conspicuous features that suggested forgery, including incidences of retouching/rewriting, unnatural pen movements, lack of smooth turning, tremors, and slow writing.
- Expressing his sentiments on the issue, the judge said, **“apart from being cogent and strong, they [the evidences] are to the extent that the only conclusion I can draw is that I have no doubt at all these eight signatures are nothing but forgeries.”**
- In addition, the judge referred to 9 matters as “suspicious circumstances”, which were supportive of the Father's case:
 - (1) Mr Wang had no reason to change his mind, having made the Father the sole beneficiary under the 1968 Will.
 - (2) Mr Wang was a prudent person who was never slow in engaging the services of lawyers. There was no reason for him to prepare a homemade will.

2 Wang Din Shin v Nina Kung (unreported, 21 November 2002, HCAP8/1999, Yam J)

下級法院判龔如心敗訴

- 這場香港法律界史無前例的漫長訴訟，在高等法院原訟法庭進行了歷時 14 個月長達 172 日的聆訊，最後頒下共 600 頁判詞²。
- 本案的關鍵在於 1990 年遺囑的真偽。在參考字跡專家的意見並仔細比較 1990 年遺囑的簽署與王德輝過往簽署的異同後，任懿君法官裁定王德輝及其管家的簽署均屬偽造：
 - (1) 法官發現簽署中的「王」字與過往字跡有 8 處顯著不同，「德」字有 6 處，而「輝」字亦有 5 處。法官認為該等差異並無合理解釋。
 - (2) 法官同時發現管家的簽署不自然，其中有 10 處顯著差異及 6 處細微差異，包括補寫 / 覆寫、筆觸生硬、欠缺流暢轉彎，下筆震顫而緩慢，均顯示簽署屬偽造。
- 對於此問題，法官表示：「[上述證據]不但貫徹有力，而且唯一可以得出的結論是全部 8 個簽署均屬偽造。」
- 不僅如此，法官還指出另外 9 項「疑點」：
 - (1) 王德輝在 1968 年遺囑已將其父列為唯一受益人，沒有理由改變主意。
 - (2) 王德輝生性謹慎，向來習慣委託律師辦事，沒有理由自行在家簽立遺囑。

2 Wang Din Shin v Nina Kung (unreported, 21 November 2002, HCAP8/1999, Yam J)