

Hong Kong Trustees' Association
Trust Training Certificate Course Part B (Stream 1) Syllabus

Unit	Module	Learning Objective	Outline
Unit 8 – Other Trusts in Detail	Module 14: Other Types of Estate Planning Trusts and their uses	<p>At the end of this module, students will be able to</p> <ol style="list-style-type: none"> i. Identify the appropriate types of trusts to suit specific estate planning needs ii. Be able to explain and compare the differences between these types of trusts iii. Identify the jurisdictions in which these various types of trusts exist iv. Be able to articulate the benefits of the various types of trusts discussed in this module 	<p>This module provides an in depth explanation of the following types of trusts and their uses:-</p> <ul style="list-style-type: none"> • Accumulation and Maintenance Trusts; • Non-Charitable Purpose Trusts (including STAR Trusts); • Special Needs Trusts; BVI VISTA Trusts; • Trusts combined with Insurance; and • Foreign Grantor Trusts <p>Where appropriate case studies are provided to demonstrate the various uses of such trusts.</p>
Unit 9 – The Contents of Trusts and Drafting	Module 15: Drafting and Important Deed Provisions	<p>At the end of this Module students will</p> <ol style="list-style-type: none"> i. understand the specific drafting issues required for specific types of trusts and why these are important. ii. Understand the key features of jurisdictions commonly adopted for trust structures iii. Explain the reasons for selection of a specific jurisdiction given the drafting advantages or disadvantages 	<p>This Module concerns the following matters:</p> <ul style="list-style-type: none"> • A review of the usual provisions for:- <ul style="list-style-type: none"> - Discretionary Trust; - Protective Trust; - Fixed Interest Trust; - Accumulation and Maintenance Trust; - Foreign Grantor Trust; - Granny Trust; - Charitable Trust

			<ul style="list-style-type: none"> - Non Charitable Purpose Trust - Special Needs Trust - Life Insurance Trust - VISTA TRUST • The choice of trustee. • Choosing the jurisdiction of the proper law. • Reasons for selection of a particular jurisdiction to achieve specific objectives for estate planning.
Unit 10 – Testamentary Issues & Avoiding Testamentary Disputes	Module 16: Testamentary Issues - Wills	<p>After completion of this module students will</p> <ol style="list-style-type: none"> i. Understand the importance of making a will; ii. Understand what is meant by testamentary capacity and be able to list the requirements for testamentary capacity; iii. Be aware of and explain the need for care in the drafting of a will in order to avoid disputes; iv. List the information to be contained in a will; v. Understand the interplay between trusts and wills and be able to explain and compare the differences and where each is appropriate; vi. Explain the issues that arise with multi 	<ol style="list-style-type: none"> 1. The reasons and need for making Wills and avoiding testamentary disputes 2. Can a Trust be used instead of a Will to avoid Probate? 3. The nature and use of limited Wills 4. The usual content of Wills 5. Information to be kept with Wills 6. Multiple jurisdiction Wills and probating 7. Testamentary trusts versus inter vivos trust 8. Standby trusts 9. Marriage and common law spouses/partnership relationships 10. Community of property 11. Post-nuptial agreements and pre-nuptial agreements 12. Matrimonial property and express, resulting, constructive and family trusts

		<p>jurisdiction assets and explain the need for multiple wills;</p> <p>vii. Understand and explain the limitations of testamentary trusts/ standby trusts</p> <p>viii. Understand what constitutes a legal marriage and be able to elaborate the requirements;</p> <p>ix. Be able to list the key issues concerning the concept of ownership of property;</p> <p>x. Understand the differences in pre-nuptial and post-nuptial agreements and be able to explain the legal protection provided under each instrument;</p> <p>xi. Understand how marital property is treated under trust and list the key points;</p> <p>xii. Be aware of important cases which influence marital dispute decisions of the Courts in Hong Kong and the concepts of express, resulting and constructive trusts; and</p> <p>xiii. Be aware of cryptocurrencies' status in family trusts and matrimonial disputes</p>	13. Cryptocurrencies and family trusts and matrimonial disputes
Unit 11 – International Taxation	Module 17: Tax with regard to Trusts, Settlers & Beneficiaries; Taxation of Assets	<p>At the end of this Module, students will be able to understand the following:-</p> <p>i. the general implications for taxation for a settlor or founder when respectively creating a trust or foundation;</p> <p>ii. the problems of not carrying out</p>	<p>This Module provides for the aspects of international taxation as follows:</p> <ol style="list-style-type: none"> 1. General application 2. Triggers for taxation 3. Residence of individuals and the tests for this

		<p>international estate planning during lifetime;</p> <p>iii. the general application of taxation for beneficiaries of a trust;</p> <p>iv. nationality as a trigger for taxation;</p> <p>v. the nature of domicile of origin, of dependency and of choice and of deemed domicile as triggers for taxation;</p> <p>vi. the different ways in which residence arises as a trigger for taxation; and</p> <p>vii. source of income, and capital gains as a trigger for taxation.</p> <p>viii. understand the key elements for the taxation of assets by reference to the nature and situs of an asset;</p> <p>ix. be able to explain how relief from taxation of an asset can arise by reference to the nature of the asset and to the recipient of it; and</p> <p>x. be able to compare such taxation and reliefs across jurisdictions mentioned.</p>	<p>4. Nature of the asset – situs of the asset – recipient of the asset;</p> <p>5. Funds – issue for Hong Kong funds;</p> <p>6. Retirement schemes in Hong Kong;</p> <p>7. Exemptions and reliefs</p>
Unit 13 – Family Offices	Module 18: Family Offices	<p>At the end of this Module students will understand</p> <p>i. the nature, role and types of Family Offices;</p> <p>ii. how a Family Office may be brought into the trusts/ asset holding structures; and</p> <p>iii. the need and requirements for good</p>	<p>This Module covers:-</p> <ul style="list-style-type: none"> ● The nature of a Family Office. ● The role of a Family Office. ● How a Family Office may be brought into the trusts/ asset holding structures required. ● The need for good family governance:

		<p>family governance.</p> <p>iv. Regulatory/Licensing requirements which may apply</p>	<ul style="list-style-type: none"> - Family Charters/ Family Constitutions (requirements and drafting); - Family Council; - voting; and - family business management succession criteria. <ul style="list-style-type: none"> ● Comparison between Single Family Offices and Multi-Family Offices and their pros and cons. ● Multi-Family Office considerations ● Licensing & incentives for Family Offices – Hong Kong and Singapore ● The role of a Family Office in relation to the investment of family wealth
<p>Unit 17 – Trusts and Issues for PRC Nationals</p>	<p>Module 19: Trusts and Issues for PRC Nationals</p>	<p>At the end of this Module students will understand</p> <ul style="list-style-type: none"> i. understand how PRC trust law compares with trust law in common law jurisdictions; ii. understand the reasons why Chinese clients wish to make foreign trusts and the types of trust which they require; iii. be aware of and list the challenges of compliance for Chinese clients; iv. be able to explain the consequences of dual nationality of Chinese clients with regard to trusts and assets; and 	<p>This Module covers the following issues:-</p> <ul style="list-style-type: none"> ● Comparison of PRC Trusts with Common Law Trusts; ● Types of Trust required and reasons for this; ● Challenges of compliance requirements such as KYC, AML, SOF and SOW; ● Special issues and consequences of dual nationality; ● The need for and use of Foreign Grantor Trusts (for the USA) and Granny Trusts (for Canada); ● Trusts and PRC nationals – onshore versus offshore; ● Hong Kong Trusts which are available to PRC

		v. understand how Chinese taxation specifically impacts Chinese clients as Settlers and as Beneficiaries.	Nationals; and <ul style="list-style-type: none"> • Overview of tax provisions – <ul style="list-style-type: none"> - PRC nationals as settlors and beneficiaries; and - PRC settlors with US Beneficiaries
Unit 19 – Collective Investment Schemes – Part 1 Private Arrangements	Module 21: Collective Investment Schemes – Part 1 Private Arrangements	At the end of this Module, students should be able to: <ol style="list-style-type: none"> Understand and explain the key elements of what constitutes a Collective Investment Scheme (“CIS”), especially for private placement Explain the differences between Unit Trusts (“UT”), Open-ended Fund Companies (“OFC”) and Limited Partnership Funds (“LPF”) in the context of private CIS, the documentation involved, as well as the relevant regulatory obligations Explain the key parties necessary for UTs, OFCs and LPFs as well as their roles and licensing requirements Comparison of private CIS in Hong Kong to private funds in the Cayman islands 	This Module provides an overview of vehicles available for collective investment schemes in Hong Kong that are not offered to the investing public, but only through private placement. The type of collective investment scheme for private placement in Hong Kong will then be compared to other jurisdictions, with a primary focus on the Cayman Islands.