繁體中文 | 简体中文 | English

信託的四大角色

課程描述

課程時長：約 6 分鐘。

本網上學習課程透過角色介紹、信託角色關係圖及陳先生的故事，讓學員認識委託人、受託人、受益人和信託保護人的角色、權力與責任，了解四者在信託安排中的分工及關係，並透過互動練習和學習評估鞏固理解。

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

完成本課程後，學員將能夠：

- 辨識信託安排中的委託人、受託人、受益人和信託保護人，並說明各自的主要權力與責任。
- 根據信託角色關係圖，說明財產所有權轉移、資產管理、指定受益人及監督受託人的關係。
- 運用陳先生的例子，說明四大角色如何在信託安排中分工，並辨別與其職責不符的描述。

四大角色的權力與責任

委託人 (Settlor)

角色

- 信託的創立者，也是信託財產的原來擁有人。

權力／責任

- 負責將財產轉入信託，並與受託人簽訂信託契約，決定信託的目的。
- 委託人必須明確表現出建立具法律約束力的信託的真實意願（例如：希望這筆錢用來照顧小孩、或是傳承給下一代）。
- 清晰明確界定受益人及信託財產，以及信託財產該如何管理、分配。

受託人／信託人 (Trustee)

角色

- 接受委託，負責管理信託財產的人或機構。
- 在法規健全的環境下，通常會由信託公司或銀行（如私人銀行的信託部）來擔任受託人。
- 受託人通常由公司擔任，但在某些情況下亦可由個人擔任。

權力／責任

- 必須依照信託契約的內容，誠實、謹慎地管理或處理信託財產。
- 法律上，這筆財產的名義所有權會轉移給受託人，但受託人不能把這筆錢放進自己的口袋，必須專款專用。

[AIA - INTERNAL]

受益人 (Beneficiary)

角色

- 最終享受信託財產帶來的好處或收益的人。

權力／責任

- 享有獲得信託利益的權利（例如定期拿到生活費、醫療費或教育基金）。
- 受益人可以是一人或多人，委託人自己也可以當受益人。

信託保護人 (Protector)

角色

- 信託的「守門人」。
- 扮演著至關重要的「監督」與「制衡」角色。

權力／責任

- 他們不直接持有或管理信託資產，而是作為委託人（Settlor）與受託人（Trustee）之間的橋樑，確保信託的運作始終符合委託人的初衷。
- 由於委託人有機會會過世、失智，而那時候如果受益人年紀還小，無法有效監督受託人。信託保護人就需要站在受益人的立場，監督受託人有沒有好好照著契約做事。
- 信託保護人通常擁有解任與替換受託人，以及在不違背委託人根本意願的前提下修改契約條款或同意財產分配的權力。

陳先生（信託成立人）的故事

以下個案乃假設並只作舉例說明之用。

本字幕由人工智慧自動生成，內容可能存在不準確或不完整之處，僅供參考

陳先生是一位成功的企業家，現年 50 歲。數年前，他曾經歷一場漫長而痛苦的離婚訴訟，他與前妻育有一名 15 歲女兒——心怡。現時，陳先生擁有穩定交往的女友，並計劃於未來一年內再婚。

基於過往離婚的經歷，陳先生希望妥善保障個人資產，避免日後若婚姻出現變故而資產會再被瓜分。

同時，他十分疼愛心怡，希望將大部分財富傳承予她。然而，他亦擔心心怡年紀尚輕，未必具備足夠的理財能力；此外，若她將來面對婚姻變故，財產會被分走。

為此，陳先生委任信託公司擔任受託人，並將名下資產轉移至信託名下。自信託成立及資產完成轉移後，該等資產在法律上不再直接屬於陳先生或心怡個人，而是由信託持有及按信託契約管理。

根據信託條款，心怡每月可獲發 3 萬元作為生活及教育開支，於大學就讀期間，額外發放留學資金；至 35 歲時才可分階段獲得較大金額的信託本金。透過此安排，資產能夠按照成立人的意願進行管理及傳承。

不過，陳先生亦考慮到另一項潛在風險：假如未來信託公司的收費變得不合理、投資管理表現未如理想，又萬一心怡發生了契約裡沒預料到的意外，信託公司未必能靈活配合其需要。

因此，陳先生委任最信任的妹妹阿雯擔任信託保護人，作為信託的「守門人」，負責監察受託人是否依照信託契約及成立人的原意履行職責，並獲授予若干重要權力，例如更換受託人、批准特定重大決策，以及在指定情況下對信託條款修訂提出同意。

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信託保護人的設立，既保留專業管理的優勢，亦融入家族成員對受益人實際需要的理解，從而更全面地保障受益人的長遠利益。

學習重點

透過陳先生的故事，大家可認識到信託安排的四大角色 ：

- 委託人是信託的創立者，也是信託財產的原來擁有人。負責提供財產，並與受託人簽訂信託契約，決定信託的目的，以及財產如何管理分配。
- 受託人接受委託，負責管理資產。受託人通常由信託公司或銀行（如私人商營銀行的信託部）來擔任。法律上，這筆財產的名義所有權會轉移給受託人，但受託人不能把這筆錢放進自己的口袋，必須專款專用。
- 受益人，最終享受信託財產帶來的好處或收益的人。
- 信託保護人 ，信託的「守門人」，扮演著至關重要的「監督」與「制衡」角色。 負責監督受託人。信託保護人通常擁有變更受託人、修改契約條款或同意財產分配的權力。信託保護人通常擁有解任與替換受託人、以及在不違背委託人根本意願的前提下修改契約條款或同意財產分配的權力。

[AIA - INTERNAL]

信托的四大角色

繁體中文 | 简体中文 | English

课程描述

课程时长：约 6 分钟。

本网上学习课程通过角色介绍、信托角色关系图及陈先生的故事，让学员认识委托人、受托人、受益人和信托保护人的角色、权力与责任，了解四者在信托安排中的分工及关系，并通过互动练习和学习评估巩固理解。

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

完成本课程后，学员将能够：

- 辨识信托安排中的委托人、受托人、受益人和信托保护人，并说明各自的主要权力与责任。
- 根据信托角色关系图，说明财产所有权转移、资产管理、指定受益人及监督受托人的关系。
- 运用陈先生的例子，说明四大角色如何在信托安排中分工，并辨别与其职责不符的描述。

四大角色的权力与责任

委托人 (Settlor)

角色

- 信托的创立者，也是信托财产的原来拥有人。

权力／责任

- 负责将财产转入信托，并与受托人签订信托契约，决定信托的目的。
- 委托人必须明确表现出建立具法律约束力的信托的真实意愿（例如：希望这笔钱用来照顾小孩、或是传承给下一代）。
- 清晰明确界定受益人及信托财产，以及信托财产该如何管理、分配。

受托人／信托人 (Trustee)

角色

- 接受委托，负责管理信托财产的人或机构。
- 在法规健全的环境下，通常会由信托公司或银行（如私人银行的信托部）来担任受托人。
- 受托人通常由公司担任，但在某些情况下也可由个人担任。

权力／责任

- 必须依照信托契约的内容，诚实、谨慎地管理或处理信托财产。
- 法律上，这笔财产的名义所有权会转移给受托人，但受托人不能把这笔钱放进自己的口袋，必须专款专用。

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受益人 (Beneficiary)

角色

- 最终享受信托财产带来的好处或收益的人。

权力／责任

- 享有获得信托利益的权利（例如定期拿到生活费、医疗费或教育基金）。
- 受益人可以是一人或多人，委托人自己也可以当受益人。

信托保护人 (Protector)

角色

- 信托的「守门人」。
- 扮演着至关重要的「监督」与「制衡」角色。

权力／责任

- 他们不直接持有或管理信托资产，而是作为委托人（Settlor）与受托人（Trustee）之间的桥梁，确保信托的运作始终符合委托人的初衷。
- 由于委托人有机会会过世、失智，而那时候如果受益人年纪还小，无法有效监督受托人。信托保护人就需要站在受益人的立场，监督受托人有没有好好照着契约做事。
- 信托保护人通常拥有解任与替换受托人，以及在不违背委托人根本意愿的前提下修改契约条款或同意财产分配的权力。

陈先生（信托成立人）的故事

以下个案乃假设并只作举例说明之用。

本字幕由人工智慧自动生成，内容可能存在不准确或不完整之处，仅供参考

陈先生是一位成功的企业家，今年 50 岁。几年前他经历了一场漫长而痛苦的离婚诉讼。他和前妻有一个 15 岁的女儿，名叫欣怡。目前陈先生有一位稳定的女朋友，并计划在明年内再婚。

基于过去的离婚经历，陈先生希望妥善保护自己的个人资产，以避免未来如果出现任何婚姻问题，资产再次被分割。

与此同时，他非常疼爱欣怡，希望将大部分财富留给她。然而，他也担心欣怡年纪尚轻，可能还不具备足够的理财能力。此外，他担心如果欣怡未来面临婚姻问题，她的资产可能会被分割。

为了解决这个问题，陈先生指定了一家信托公司担任受托人，并将他的资产转移到了信托中。一旦信托设立且资产转移完成，这些资产在法律上就不再直接属于陈先生或欣怡个人，而是由信托持有，并根据信托契约进行管理。

根据信托条款，欣怡每月将获得三万元作为生活费和教育费，并在大学期间提供额外的留学资金。只有在年满 35 岁时，她才能分阶段获得更大额度的信托本金。通过这种安排，资产可以按照委托人的意愿进行管理和成长。

然而陈先生也考虑到了另一个潜在风险：如果未来信托公司的收费变得不合理，或者投资管理表现未达预期该怎么办？而且，万一欣怡遇到了合同中未涵盖的突发状况，信托公司可能无法灵活地满足她的需求。

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因此，陈先生任命了他最信任的妹妹阿文担任信托监察人，作为信托的把关人，负责监督受托人是否按照信托契约和委托人的初衷履行职责，并被授予某些重要权利，例如更换受托人、批准特定的重大决策，以及在特定情况下同意修改信托条款。

设立信托监察人既保留了专业管理的优势，又融入了家庭成员对受益人实际需求的了解，从而更全面地保障了受益人的长期利益。

学习重点

透过陈先生的故事，大家可认识到信托安排的四大角色：

- 委托人是信托的创立者，也是信托财产的原来拥有人。负责提供财产，并与受托人签订信托契约，决定信托的目的，以及财产如何管理分配。
- 受托人接受委托，负责管理资产。受托人通常由信托公司或银行（如私人商营银行的信托部）来担任。法律上，这笔财产的名义所有权会转移给受托人，但受托人不能把这笔钱放进自己的口袋，必须专款专用。
- 受益人，最终享受信托财产带来的好处或收益的人。
- 信托保护人，信托的「守门人」，扮演着至关重要的「监督」与「制衡」角色。 负责监督受托人。信托保护人通常拥有变更受托人、修改契约条款或同意财产分配的权力。信托保护人通常拥有解任与替换受托人、以及在不违背委托人根本意愿的前提下修改契约条款或同意财产分配的权力。

[AIA - INTERNAL]

The Four Key Roles in a Trust

繁體中文 | 简体中文 | English

Course Description

Course duration: Approximately 6 minutes.

Through role introductions, a trust role diagram and Mr. Chen's story, this e-learning course introduces the roles, powers and responsibilities of the settlor, trustee, beneficiary and protector. Learners will explore how the four roles work together in a trust arrangement and reinforce their understanding through interactive practice and an assessment.

Completion criteria: Learners must pass all assigned assessments for the course to be considered complete.

Learning Objectives

Upon completing this course, learners will be able to:

- Identify the settlor, trustee, beneficiary and protector in a trust arrangement and describe their main powers and responsibilities.
- Use the trust role diagram to explain the connections involving the transfer of ownership, asset management, the designation of beneficiaries and oversight of the trustee.
- Use Mr. Chen's example to explain how the four roles divide their responsibilities in a trust arrangement and identify statements that do not match their duties.

The Four Roles and Their Powers and Responsibilities

Settlor

Role

- The founder of the trust and the original owner of the trust property.

Powers/Responsibilities

- Responsible for transferring property into the trust, entering into a trust agreement with the trustee, and determining the purpose of the trust.
- The settlor must clearly demonstrate a genuine intention to establish a legally binding trust (for example, the desire to use the funds to care for children or pass them on to the next generation).
- The settlor must clearly define the beneficiaries, the trust property, and how the trust property is to be managed and distributed.

Trustee

Role

- The person or institution entrusted with managing the trust property.
- In a well-regulated environment, the role of trustee is typically filled by a trust company or a bank (such as the trust division of a private bank).
- A trustee is typically a company, although an individual may also serve in this role.

Powers/Responsibilities

- The trustee must manage or administer the trust property honestly and prudently in accordance with the terms of the trust agreement.
- Legally, the legal title to the property is transferred to the trustee, but the trustee cannot pocket the money; it must be used exclusively for the specified purposes.

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Beneficiary

Role

- The person who ultimately enjoys the benefits or returns generated by the trust property.

Powers/Responsibilities

- Has the right to receive trust benefits (such as regular living expenses, medical expenses, or educational funds).
- There may be one or more beneficiaries, and the settlor may also serve as a beneficiary.

Protector

Role

- The “gatekeeper” of the trust.
- Plays a crucial role in “oversight” and “checks and balances”.

Powers/Responsibilities

- They do not directly hold or manage the trust assets but act as a bridge between the settlor and the trustee, ensuring that the trust's operations always align with the settlor's original intentions.
- Since the settlor may pass away or become incapacitated—and if the beneficiary is still young at that time and unable to effectively oversee the trustee—the trust protector must act in the beneficiary's best interests to ensure the trustee is acting in accordance with the terms of the trust.
- The trust protector typically has the authority to remove and replace the trustee, as well as to amend the terms of the trust or approve the distribution of assets, provided such actions do not conflict with the settlor's fundamental intentions.

The Story of Mr. Chen (Trust Settlor)

The following case is hypothetical and is provided for illustrative purposes only.

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Mr Chan is a successful entrepreneur aged 50. A few years ago he went through a long and painful divorce proceeding. He has a 15-year-old daughter Yenny with his ex-wife. Mr Chan is currently in a stable relationship with his girlfriend and plans to remarry within the next year.

Based on his past divorce experience, Mr Chan wishes to properly protect his personal assets to avoid them being divided again should his future marriage encounter any issues.

At the same time he dotes on Yenny very much and hopes to pass on the majority of his wealth to her. However, he is also concerned that Yenny is still young and may not possess sufficient financial management skills. Furthermore, he worries that if she faces any marital breakdown in the future her assets might be taken away.

To this end, Mr Chan appointed a trust company to act as the trustee and transferred his assets into the trust. Once the trust was established and the assets were transferred, these assets legally no longer belong directly to Mr Chan or Yenny personally but are held by the trust and managed in accordance with the trust deed.

According to the terms of the trust, Yenny will receive a monthly disbursement of $30,000 for living and educational expenses, with additional funding for overseas studies during her university years. She will only be able to receive larger amounts of the trust principal in stages once she reaches the age of 35. Through this arrangement the assets can be managed and passed on according to the settler's wishes.

However, Mr Chan also considered another potential risk: What if the trust company's fees become unreasonable in the future or their investment management performance falls short of expectations? And if,

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heaven forbid, Yenny encounters an unforeseen situation not covered by the deed, the trust company might not be able to flexibly adapt to her needs.

Therefore, Mr Chan appointed his most trusted sister Aman as the trust protector. Acting as the gatekeeper of the trust, she is responsible for monitoring whether the trustee is fulfilling their duties in accordance with the trust deed and the settler's original intentions. She is also granted certain important powers, such as replacing the trustee, approving specific major decisions, and providing consent for amendments to the trust terms under specified circumstances.

The establishment of a trust protector not only retains the advantages of professional management but also incorporates family members' understanding of the beneficiary's actual needs, thereby more comprehensively safeguarding the long-term interests of the beneficiaries.

Key Learning Points

Through Mr. Chen's story, you can learn about the four key roles in a trust arrangement:

- The settlor is the founder of the trust and the original owner of the trust property. The settlor is responsible for providing the property, entering into a trust agreement with the trustee, determining the purpose of the trust, and specifying how the property is to be managed and distributed.
- The trustee accepts the mandate and is responsible for managing the assets. The trustee is typically a trust company or a bank (such as the trust department of a private commercial bank). Legally, the nominal ownership of the property is transferred to the trustee, but the trustee cannot pocket the money and must use it strictly for its intended purpose.
- Beneficiary: The person who ultimately enjoys the benefits or proceeds derived from the trust property.
- The trust protector, the "gatekeeper" of the trust, plays a crucial role in "oversight" and "checks and balances." They are responsible for overseeing the trustee. The trust protector typically has the authority to remove and replace the trustee, amend the terms of the trust agreement, or approve the distribution of assets. The trust protector typically has the authority to remove and replace the trustee, as well as to amend the terms of the trust agreement or approve the distribution of assets, provided that such actions do not conflict with the settlor's fundamental intentions.

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