

Annex 1 Consultation Questions

1. Do you have any comments on the proposed scope of the Code?
2. Do you have any comments on the proposed applicability of the Code?
3. Do you agree with the proposed exemptions from the Code? If not, please explain your views.
4. Do you consider any other exemptions necessary? If so, what are they and why are they necessary?
5. Do you have any comments on the proposed six general principles?
6. Do you think any other general principles are necessary? If so, what are they and why are they necessary?
7. Do you have any comments on the proposed standards for disclosure of relevant information?
8. Do you have any comments on the proposed standards for fees and charges?
9. Do you have any comments on the proposed standards for representations?
10. Do you have any other comments on the proposed standards for the principle on “fairness, honesty and integrity”?
11. Do you have any comments on the proposed standards for prompt execution?
12. Do you have any comments on the proposed standards for acting in the interests of customers?
13. Do you have any comments on the proposed standards for handling conflicts of interest?
14. Do you have any comments on the proposed standards for fitness and propriety of a trustee and its staff?
15. Do you have any comments on the proposed continuous professional training and training hours for individuals engaged in the trust business?
16. What are your views about the industry’s need for competency and professional development of trust practitioners? Do you consider that the existing local and international development programs and professional qualifications have met the need? Do you have any suggestions to enhance competency and develop the talent pool for the industry?

17. Do you have any other comments on the proposed standards for the principle on “Due skill, care and diligence”?
18. Do you have any comments on the proposed standards related to ownership and entitlement of trust assets?
19. Do you have any comments on the proposed standards for segregation of trust assets?
20. Do you have any comments on the proposed standards for reconciliation of trust assets?
21. Do you have any comments on the proposed standards for management accountability?
22. Do you have any comments on the proposed standards for confidentiality?
23. Do you have any comments on the proposed standards for managing outsourced activities which are basically in line with the relevant requirements in the SPM SA-2 on Outsourcing?
24. Do you have any comments on the proposed standards for internal controls on managing and administering the trust?
25. Do you have any comments on the proposed standards for complaint handling which are basically in line with the SPM IC-4 on Complaint Handling Procedures?
26. Do you have any comments on the proposed standards for risk management?
27. Do you have any comments on the proposed standards for accounting and other record keeping?
28. Do you have any comments on the proposed standards for professional indemnity insurance cover?
29. Do you have any other comments on the proposed standards for the principle on “Corporate governance and internal controls”?
30. Do you have any comments on the proposed standards for compliance policies and procedures?
31. Do you have any comments on the proposed standards for compliance function and review?
32. Do you have any comments on the proposed standards for notification or reporting to regulators?

33. Do you have any other comments on the proposed standards for “Co-operation with regulators”?
34. Do you agree that the HKMA should establish and maintain on its website a list of trust companies? Please explain your view.
35. If yes to Question 34, do you agree that trust service providers other than those regulated and supervised by the HKMA should be published on the list (while differentiation may be made by categorizing by types of entities)?
36. Do you have any comments and/or suggestions on any basic particulars that should be provided in the list? Please explain your view and suggestions.
37. Do you have any other comments on the “Proposed list of trust companies”?
38. Do you have any comments on the proposed implementation timeline?