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**THE LEGAL VALUE AND REGULATION OF FAMILY TRUST PROPERTY**

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DOI: <http://dx.doi.org/10.37500/IJESSR.2020.3618>

**ABSTRACT**

Family property trust is an important field of the new development of China's trust industry. Regulating the family trust property system is an important opportunity for the trust industry to develop into a market-oriented, standardized, legalized and internationalized industry. It is the core of regulating the family trust property system to understand the legal nature of the family trust property and to grasp the fiduciary, familial, beneficial and inherited nature of the family trust property. The legal value of the family trust property embodies the security of the family property, the legal continuation of the family home, the maintenance of the family reputation and the trust of the family property. To construct the legal system of family property trust, it is necessary to clarify the family trust property category, standardize the family trust property management system, regulate the family trust property liability, formulate the family trust property directory, and so on.

**KEYWORDS:** Family Trust; Family Property; Trust Property; The Trust System

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\* **The research is funded by Guangdong Polytechnic College via grant number 2019GKJSK013 and The Fund Support Project of Innovation and Entrepreneurship for College Students in Guangdong Polytechnic College (Granted number: 02/Major arts).**

**1. INTRODUCTION**

In 2001, China enacted the "Trust law of the People's Republic of China" to formally establish the trust legal system in China. According to the law, "trust" is clearly defined as "Based on the trust of the trustee, the client entrusts its property rights to the trustee, and the trustee conducts management or disposition in the name of the client, in the name of the client, for the benefit or specific purpose of the beneficiary". Trust is one of the earliest phenomena of human beings who entrusted management of corresponding property under certain conditions due to trust. The core motivation for the formation of the trust system, "the use of property", has been widely applied to all kinds of property management in society, giving full play to the social value effect of "making the best use of things and people doing their duty". It is widely used by countries around the world and is known as "the most unique masterp

iece of British legal genius" and "typical Anglo-American legal system". When it is used as a unique property management model into the family property management field, it will fully radiate the magic of family trust, integrate into the core field of the trust system, and renew the core value of the ancient trust system. The rapid development of family trust has brought about new space and development of traditional trust industry. At the same time, it also makes the operation model of family trust property more mature. In 2014, the General Office of the China Banking Regulatory Commission issued "Guiding Opinions on the Risk Supervision of Trust Companies", which stipulated Exploring family wealth management and tailoring asset management solutions for customers", indicating that regulating family wealth activities has been included in the scope of risk supervision of trust companies. The Trust Supervision and Administration Department of the China Banking and Insurance Regulatory Commission issued the "Notice on Strengthening Trust Supervision in the Transition Period of Asset Management Business" (hereinafter referred to as the "Notice"), specifically regulating the content of family trust and forming the prototype of system.

## **1. Legal Attributes of Family Trust Property**

According to the "2019 China Private Wealth Report", in 2018, the number of high-net-worth people with Chinese personal investable assets of more than 10 million yuan reached 1.97 million. The growth rate of China's private wealth market is slower than that of previous years, but there is still potential for growth. This shows that China's family property will continue to grow, promote the rapid development of family trust industry.(Hein 2009) With the continuous growth of China's economic aggregate in the world, especially the opening of the board trading in the Shanghai Stock Exchange Science and Technology Board open trading, it implies that the effect of creating wealth in the board will be released quickly, which indicates from another side that the field of family property trust management will get more effective and rapid development. It is of great significance to recognize, analyze and grasp the core value of the family property trust system.

The family trust property mainly has the following characteristics: first, the trust property. The trust property management relationship is based on the trust agreement (letter deed) signed by the trustor and the trustee, and its core content is to use the trust property for the trustee's proper operation and management to ensure the beneficiary's benefit. Its greatest legal significance is to separate the ownership of trust property from the management right, which produces two major legal effects and practical effects, that is, the ownership of trust property remains unchanged according to the contract and the management right benefits. The fiduciary nature, that is, an explicit trust, is set up to express it in an explicit manner in order to realize the interests of a specific subject, and it can be effective only if the conditions and conditions set are met. Such as the "three certainties", the certainty of intention, the certainty of object and the certainty of object. Invariance and benefits have achieved the legal effect and positioning of the trust, and also expanded the scope of application of the trust system and the space for social existence. (Li & Zhao 2018) Family trust is the integration of family property attributes and the trust deed of the trust relationship, which promotes the development and growth of the family trust industry, and realizes the effective enhancement of the family trust property value and the development

of a virtuous circle. The trustworthiness of family trusts not only appears as such, but also activates the decision-making power of family property trust management. Although the family concept and family has the connotation of law and sociology, there is consensus on the understanding of the decision-making right of property trust management, and they all realize that the decision-making right of property management is the premise of the trust management of family property, and it is also the fundamental condition to determine whether the trust relationship of family property is established or whether the trust deed is effective. The trustworthiness is not only the legal attribute of all trust relationships, but also the decision-making right or voting right of family property management, which is especially evident in the trust relationship of family property. Because the decision-making power of the family property trust management directly involves the establishment of the letter deed whether the requirements are complete, the effectiveness, and so on. (Lou 2016)

The other is familial. Important property of the family trust manifests for the wealthy family and his family to provide a benefit from financial services, the foundation is based on a family member or a certain range of relatives. When paying the agreed trust fees, the family property is maximized the fundamental purpose of "patriotic outflow", thus protecting the wealth of the wealthy. The premise of family trust is familial, and family association is an important factor for its expansion and development, which is an important identification point of other property trusts. Compared with other trust financial products, family trust financial management essentially belongs to a special structure of property. The design of property trust structure based on the premise of family property identification is the fundamental property of family trust, which is dedicated to meeting the high net worth family property management service system. The legal essence of a family trust is to properly separate the ownership of the family property from the right of management and beneficial right according to the letter deed, and entrust it to the trustee, who manages the family property of the trust according to the letter deed, manages the family property dutifully, ensures the sound operation of the family property and designated beneficiary to benefit according to the contract. The trust relationship of family property also has many new problems in the innovative development of Internet finance. For example, Internet finance financiers and platforms and investors, when conducting credit transactions such as stake-based equity and fund custody, are often mixed with the legal relationship between family property trusts and financial management, which has certain legal risks due to asymmetric information. The family trust operates like a limited company. The family trust property will not be damaged and terminated due to the death of the principal. The trustee's responsibility always guarantees the life-long benefit with a certain kinship relationship, which basically meets and shows the family nature of the family trust relationship.

The third is usefulness. The core content of the trust property system is to fully embody the fundamental purpose of trust property management is to give full play to the trust property's usufruct rights, and to show the attribute effect of "using everything to the best". Among the legal attributes of family trust property, the legal significance of usability is particularly important, and it is the most concerned and sensitive attribute of stakeholders in family relations.

The usability of family trust property is derived from the property of the family and is the common concern of the family stakeholders. The usefulness of family trust property means that the family property commissioner realizes that enjoying, operating and managing the value-added, income and benefit of the property is the fundamental factor for family property to be inherited and inherited, and is also the driving force behind the family property trust management. In fact, whether it is a public trust or a private interest trust, the usefulness of the trust property determines the foundation of the trust relationship, which is that the trust parties trust each other in good faith, and public trust is the foundation of the credit system. The principle of honesty and trust is also the core of the trust system, which also reveals that in the process of using the usufruct to dispose of their trust property, new buds of family trust are conceived. The generation and development value assessment and cognition of the UK utility system is enough to realize its important influence and role in the trust system. Trust and equity laws are applied to family law or family property management, and gradually form a very influential family trust property Management system, this is the influence and integration of the property benefit system in the field of family property. Usability is the core feature of the family trust system and is the point of integration or integration of the interests of family trustees, trustees and beneficiaries. This fully demonstrates the fiduciary obligation imposed by the principles of good faith and fairness in the legal relationship of family property trust, and constitutes the core system of the fiduciary order of family property, that is, the usufructuary system of family property trust. To ensure the usefulness of family trust property, it is necessary to specify the certainty of family trust property, which includes the certainty of family trust property ownership and the beneficiary's right. The former certainty is the prerequisite for the establishment of the trust relationship or the validity of the trust agreement. (Yue 2015) The latter certainty is the driving force for the continuance and development of family trust. Because the trust takes property rights as the material basis, the core of trust relationship is to have independent and identifiable trust property. This shows that the usability of family property is more significant and of legal value than that of general trust property.

Fourth, inheritance. The trust system was originally developed based on equity in the United Kingdom. It has great influence in the countries of the Anglo-American legal system and is recognized by common law countries. However, civil law countries have denied its legitimacy for a long time. The reason is that many scholars in civil law countries believe that the system structure of common law ownership and equitable ownership of trust property is in conflict with the principle of "one thing, one right" and "real right". Later, as the trust system was introduced into the commercial field of the civil law system, it was widely applied, especially since the trust system promoted and fully realized the "making the best use of everything", the trust system was more applicable to the civil law system countries and became a universally applicable legal system in all countries of the world. (Xia 2016) The key content of the trust system is to construct the real information disclosure system. As trust industry is one of the important financial markets, financial consumers make corresponding decisions based on the quantity and quality of information disclosure to maximize the information symmetry between financial institutions and customers. This system is also applicable to the trust system and family proper

ty management, which can not only meet and realize the effect of "making the best use of everything" , but also fully meet and solve the needs of family property inheritance and wealth inheritance in Eastern and Western countries, becoming a family property management system popular with noble families. (Chen 2018) The reason is that the maximum legal value of the family trust system fully demonstrates and protects the core of the family property interests, that is, the inheritance of the family property and the realization of its value-added benefits, which is different from the general trust property to some extent. Traditional trust only shows the general continuity and connectivity, and its significance of inheritance cannot be compared with the inheritance and value significance of family trust property. Because of this, the trust system has been widely applied to the family property management, which has become the main force and battlefield to promote the new round of development of the trust industry. It is the key to standardize and perfect the family trust system to accurately understand and grasp this important attribute of the family property trust.

The above characteristics of family trust show the core content and legal significance of family trust system, and also indicate the difference between the quality and quantity of family trust system and traditional trust system. Family trust has become a new field and trend in the rapid development of China's trust industry. The perfection and regulation of family property trust relationships is precisely to maintain the social order, social fairness and social democracy that are necessary for the healthy development of the trust market in China. Based on this, the essential attributes of the family trust property are analyzed, the purpose is to study the core value of the family trust system and its applicable practical significance, and then promote the wider application and promotion of the family trust system, and the development and regulation of the family trust industry.

## **2. Legal Value Cognition of Family Trust Property**

The trusts system originated in the UK has a huge social effect. The trusts theory separates the ownership of the property from the right to use it and the usufruct to maximize the expansion of the trusts system applicable to the management of family property. The core value of family trust property revolves around the above four characteristics and attributes, highlighting the usefulness of family trusts property. Confirming and maintaining the core value of family trusts property is the core content of establishing and standardizing the legal system of family trust property. Protecting the beneficiary rights of family trust property is the focus and basic point of family trust system. (Yang 2015) To improve the legal system of family trusts, we should not only stick to the concept of the legal system of trusts, but also highlight the specific legal system contents in the following aspects, so as to recognize and ensure the legal value of the family trusts property and give play to the social significance of the family trusts property system to Implement.

First, the family property security will have evidence. The development of family trusts industry mainly lies in the great change of family property management concept. As the wealth concept of the wealthy family class has changed from "creating wealth, preserving and increasing value" to "wealth security", (Yue 2018) the concept of family financial management has become more concerned with the

inheritance of wealth. The traditional family property curse of "three generations of wealth" has increasingly aroused the strong concern of the "generation who create wealth". The family property trusts management model is just the solution to their worries and helps their family property inheritance. Family or family members according to the letter will family property to the trustee, the trustee in trust management, management is achieved and clear the family of the trust property beneficiary, guarantee the family letter industry would be able to normal operation, and ensure the family trust property stated to maximize interests, finally realizes the family estate fortune to continue heritage, stable development. To realize the purpose of family trusts, the basic basis is the letter deed signed by the trustor and the trustee. The trustee shall abide by the fiduciary duty, fulfill the fiduciary duty, manage the trustee's family property, and the beneficiary may benefit according to the contract. Therefore, the fiduciary duty becomes the most basic duty of the trustee, which is the fundamental guarantee for the realization of the interests of the family trusts relationship. In trusts affairs, the relationship between the trustor and the trustee is defined based on the trust obligation under the trust contract, and the trustor's duty of honesty is based on the legitimacy of the family trusts property. Article 8 of China's trust law stipulates that "the establishment of a trusts shall be in writing", and the importance of the form of the trust deed is clearly defined in "black and white", especially in determining the beneficiary or the scope of the beneficiary and the form and method of the beneficiary obtaining the trusts benefits. A fiduciary duty of loyalty is also established in trust law, clear requirements ", (Zhao 2007) the trustee shall fulfill his duties, fulfill the obligation of being honest, trustworthy and cautious, and effective management ", this is the core content of letter deed of fiduciary duty, is also a family trust money guarantee of the beneficial right of the production, but also family estate property becomes sustainable heritage elements of "family" of development, also is the contemporary business most ground gas, and can promote the development and prosperity of the trusts market "the most dynamic areas.

Second, the legal continuation of the home. Family trusts property and general trusts property have both similarities and characteristics. Independence, ensuring that the family trusts property is distinct from the trustee property (including the trustor's non-trust property, the trustee's own property, etc.). The independence of the family trust property and the fiduciary performance of the fiduciary contract are sufficient and necessary conditions to ensure the income of the family trust property. Regardless of the form, type and value of the family trust property, the trustee must pay the proceeds derived from the trust property to the beneficiary as long as the trustee accepts the trust property in accordance with the letter deed and carries out management, utilization and disposal of the trust property and other trust management activities.

The third is the family reputation family letter lease continued. The trusts management model of family property can not only ensure the continuity of family property, but also extend the family reputation and inheritance to a large extent. This is the general trust system cannot replace, and is the family relatives long for and can continue the family intangible property. In fact, the definition and identification of family property is the basic premise of family trusts property. The criterion and condition of identifying family property and family property are the key factors to determine whether the property ca

can be transformed and identified as trust property. Trusts is often thought to have originated from family land usufruct and heritage trust in ancient Rome, which was later absorbed and developed into a trust system based on usufruct in Britain. The land usufruct system in ancient Rome is the origin of the family property trust system, while the land usufruct system in the middle ages in England is one of the origins of the legal system of land trusts that cannot be ignored. For example, before the usufruct code was promulgated in England in 1535, "trusts" was called "usufruct". In fact, the ancient Romans often used usufructuary right as a way to dispose of the inheritance. The Romans often left the usufructuary right to the person who in need of care, i.e. the beneficiary, and only retained the ownership (the nominal right) to his successor, who would resume the ownership after the death of the usufructuary right. This is the original state of the legacy trust system in ancient Rome, and the later land trusts is the advanced development form of the trust system. Although the modern trusts system has developed rapidly, the "original intention" of the trusts system cannot be forgotten. The "family" of the family property trust becomes the "core" of the trusts system, and the definition of the trust property of the "family" or clan becomes the key to whether the trust is effective or not.

Fourth, the family property trusts common benefits. It is customary to divide the trust into private interest trust and public trust according to its function. There are different versions of what came into being first. Some people think that public trusts is earlier than private benefit trust. The reason is that the usufruct system was originally applied in religious activities, and its nature of public welfare is strong. Family trusts shows its private benefit, and its trusts is applied later than public trust. Others counter that usufructuary rights are a way for individuals to dispose of their property, and that trusts should be applied for private purposes, prior to religious activities. On the face of it, both claims have their own reasons, and both point out the purpose of the application of the trust and its relevance in the field. "Beginner's mind" of the family property trusts must be a private interest, the problem is that the family as the senior form of family property trusts property trusts is bigger or a set of family members, its emerging private interest "beginner's mind", "forgets" gradually, more and more show family "public interest", this is the legal sense of "family" "court" "family" of different connotation. (Zhang 2017) The property trusts of family and clan is based on the trust relationship, which shows the interactive conditions under the trust establishment, promotes mutual assistance and mutual benefit, and then realizes the trust and develops into the internal and external relationship of family property trust. Therefore, it is presumed that the private benefit trusts are earlier than the public benefit trusts, and then it is predicted that the public benefit nature of the property trusts is based on the trusts of family property, which develops into the family property trust, and then evolves into the social trusts. The change path of the trust type is also from the "private benefit" trust to the "public benefit" trusts. Especially as the types and forms of family property become more and more diversified, trusts is not only limited to tangible or intangible property such as land, real property, currency, stock, fund, equity and patent, etc. Time changes and social development also complicate the interest relationship between families or family members.

More cases of "public benefit" trust seem to originate from the original intention of "private benefit" a

nd also show as small family property trust. With the increasing risk of trusts market, the frame structure from family trusts to family trusts is becoming more complicated, more precise and more public. Family property trusts has gradually seen the emergence of some similar "public welfare" institutions, such as family committees and trusts supervisors, whose purpose is to cooperate with each other and give consideration to mutual restriction, so as to ensure the smooth implementation of the family trust system and ensure the continued benefits of the beneficiaries. To understand the essence of family trust property, understand the original intention of family trust system, conform to the development law of family trust relationship, grasp the core of family trust system and standardize it. The specific content of the family trusts system, highlighting the legal value of the family trust system, has become the main content of the construction and improvement of the family trusts legal system.

### **3. Legal Regulations of Family Trust Property**

The legal nature of the family trust property is destined to have different characteristics of the family trust relationship and other trusts, so it is necessary to legally regulate the family trust property system, especially to explore the core content of the family trust property management. Western developed countries use trusts as the most ideal and important management method for family wealth inheritance planning, and are also an ideal way to achieve a stable and effective transition of private property or avoid tax. The vast majority of families or families and their private wealthy people pass on their property to future generations through trust relationships or the establishment of trust foundations. Family trust property is the subject matter of common concern of family members, family members, trustees, trustees and beneficiaries, etc. It is also the trust property that is implemented and used as an effective management and operation tool for family or family property management and inheritance distribution. Therefore, it is a financial management method that is "recommended" by many private individuals such as families or family businesses. Looking forward to the future development of the family trust market, the scale of the future development of the family trust market in China will continue to expand. From the perspective of the latest wealth scale, China's high net worth people held 61 trillion yuan of investable assets in 2018, with a compound annual growth rate of 12%. High net worth people hold about 30.8 million RMB of investable assets per capita. In 2019, China's private wealth market will continue to maintain steady growth. With the rise of the new economy and new driving forces, the value-added effect of equity makes the newly rich groups represented by the middle and senior management and professional groups emerge. Nowadays, after undergoing several ups and downs in the capital market, the investment behavior and mentality of the rich have changed, and the wealth management commissioned by professional institutions to trust financial management is gradually approaching and becoming mainstream. Regulating the management system of family trust property has become one of the important contents of the new development of China's trust industry. Some scholars regard "family wealth and business inheritance" as the core value of family trust, and "family land trust management" as the special application value of family trust. Based on this, it is particularly important and necessary to construct the legal system of family property trust.

The first is to clarify the scope of family trust property. Defining the family trust property is the prem



ise of implementing the family trust system. At present, the system of family trust property in China is still incomplete, and there are few specific normative documents. Chapter iii of trust law, "trust property", involves relevant contents, but it fails to make special and specific provisions on "family trust property". Although the provisions of this chapter have listed the contents of the trust property, whether it belongs to the legal effect of the trust property, the legal property of the trust property, the mandatory exemption of the trust property, etc., the corresponding provisions are made, but it is relative to the content level of the trust property which still needs to be improved, especially the content regulations concerning family trust property need to be improved. It is particularly important to recognize and define the attributes of family trust property, which specifically involves the classification of the original collateral and fruits in family property. Whether the family trust property can be regarded as the real right of security and claim to exercise the right of control of the family trust property requires an innovative solution from the traditional theory of the real right of civil law. Practice on the management of the trust property of the family, mainly is the trustee and the trustee or trust agreement, signed the letter and trust agreement more cases are provided by the trustee or the trust company unilateral trust formats contracts, the stipulations on the management of the trust property of the family tend to favor the trustee, is not conducive to the trustor or the beneficiary.

The "Notice" states that "family trust refers to the trust company accepting the entrustment of a single individual or family, with the protection, inheritance and management of family wealth as the main trust purpose, providing property planning, risk isolation, asset allocation, child education, family governance, public welfare (charitable) business and other customized affairs management and financial services trust business ". Such a clear definition of the connotation of family trust also implies the importance of the legal value determination of family trust property and its important role in promoting the trust industry. It can be seen that it is very necessary to construct the explicit system of family trust property, and the state should issue and revise the normative documents as soon as possible to formulate the system of publicity of family trust property. Such as the status of the family trust property type, form, scope, situation, etc.; Regulations on the content, conditions, standards and procedures of family trust property recognition; Decision-making power on family trusts property, clarifying the qualifications of family trustees, the rights, obligations and duties of subjects such as family committees or trust supervisors on family trust decision and it also stipulates the family members' disposition and remedy measures and mechanisms when they have objections to the trust property decision-making power.

Second, standardize the management system of family trust property. After the family trust relationship is established according to law, even if the principal, trustee, beneficiary, family committee or trust supervisor of the family trust has different rights and obligations in the trust property, but the family trust property is still independent, and neither party nor any creditor should claim creditor's rights on the family trust property. Such a provision is not only the legal nature and value of the family trust property, but also the guarantee that the trustee fully enjoys the right to manage the family trust property according to the family letter deed or agreement. The two characteristics of the family trust property s

system constitute the great attraction for the development of trust industry and the potential of trust market resources. Because of this, family trust is widely applied, especially the family trust property is independent, different from the property not used for trust by the trustee, and relatively independent from the trustor, the trustee and the beneficiary. Article 15 of China's Trust Law stipulates that "trust property differs from other properties with which the trustor hasn't established a trust.", which is the legal basis for the management of family trust property. In the implementation of the "differentiated" management system, the key is to clearly regulate which specific aspects are different from "Untrusted Property". For example, the trust law makes specific provisions on whether the trust property can be "freely disposed" by the trustor and the beneficiary: it is clear that only when the trustor dies or dissolves according to law, is cancelled according to law, or is declared bankrupt, the ownership right of the trust property or the right to suggest management will change. Otherwise, the independence of the trust property will not be affected in any way, and the trustee is independent of the management right of the trust property, so it is protected according to law. At the same time, the trust property shall not be regarded as the guarantee of the trustor's debts, nor shall it be listed as the inherent property of the trustee. The creditor of the beneficiary cannot claim the ownership of the trust property, at best, can only claim the trust interest due to the beneficiary in the trust property. So visible, family trust property management system can follow here and calm, clear the basic content of family trust property management system, standardize the family trust property management contents and its trustees exercise the rights of the trust property management, exclude or limit family trust property the trustee and the beneficiary and its creditors and other main body illegal who advocates the rights of the trust property of the family. With the trustees of the trust property of the family of prohibited or restricted, the exercise of other rights except as a family trust property management, such as specifically prohibits enforced family situation of the trust property, the trustee is prohibited from family trust property is used for financing or financing guarantee again, to ban the trustee trust property of the family of transfer, the trustee is prohibited from family trust property listed in the independent "inherent property or become part of the inherent property", and so on. The above provisions are to ensure that the family trust property is not illegally disposed of or lost in disguised transfer, and also to safeguard the trustee's full enjoyment of the management right of the family trust property, so as to realize the trust interests.

The third is to regulate the responsibility of family trust property. In order to standardize the family trust property, we should not only pay attention to and clarify the operation and management system of the family trust property, fully recognize and play its value role, but also explore and distinguish the responsibility scope of the trust property and its exemption from liability of the trustees, trustees and beneficiaries in the specific operation of the family trust property system. The premise of setting up the property trust system is to encourage the trustee to boldly and actively manage the trust property under the premise that the trust property is protected from losses, implement the mechanism to promote the appreciation of the trust property, give full play to the beneficial effect of the trust property and its institutional advantages, and maximize the value of the trust property. Therefore, in the process of the implementation of the family property trust system, it is extremely necessary to prevent and contro

the family trust property management liability risks and regulate the family trust property liability system. The family trust property liability will directly relate to the stability of the family property trust system, whether the rule of law has power and potential, whether it can list the relevant subject liability situation, whether it can clarify the responsibility exemption and so on. According to the characteristics of different property forms, the risk status of family trust property and its controllability, etc., the liability risk is determined by cognition and research. Now family property trust has developed from single-function family trust products to comprehensive family trust products, and even formed the top family trust business of family office. This will bring more risks to the management of family trust property, more difficult prevention and control. In the family trust category, there are also many new functional biased trust products, which make the trust property liability have corresponding changes. For example, family trust products are of pension type, wealth preservation and appreciation type, family business inheritance type, and child rearing type. What's more, there are trust companies that are exploring offshore family trust products set up by actual controllers in China for overseas interests, which is also a new trend and new development of the family property trust industry.

With the rapid increase of high-net-worth population in China, the demand for family trust property and trust products will increase explosively, and the legal problem of family trust as family property management is becoming more and more prominent. At present, it is necessary to classify and manage the risks of the trustee's operation and management of the family trust property according to the different types of the trust products of the family property, in combination with its functional requirements and the degree of risk control of the trust property, and delimit its corresponding responsibilities. The family property trust disputes arising from it also have certain uniqueness. In a general civil case, the realization of the right to be confirmed by effective legal documents is a big problem in China. At the same time, we should also ensure the legitimacy of the family trust property, prevent and dissolve the family trust property illegal transfer of property or suspected of "money laundering" and other illegal issues.

The fourth is the development of family trust property directory. Family trust property management, prior to clear, and regulating the family of the trust property, determine the scope of the can, into the family trust property situation and its categories, particularly clear whether the family of the trust property of the public or to inform, how to plan can be made in the family of the trust property, and how to clarify the boundaries of family trust property of the public and private relations, and so on. It is necessary to amend the trust law to define the property nature of family trust, especially to regulate the legal system of family equity trust. In fact, family property trusts products, due to the different types, type and attributes of family trust property, it is also necessary to properly classify the family trust property. Different directories have different management systems, and there are clear corresponding legal systems. For example, it mainly involves specific classification standards of family trust property, registration rules of trust property, fiduciary procedures, related tax obligations, trust registration against the third condition, and so on. Clarify the legal effect of family trust property registration, the level of effectiveness of registration or not, etc. On the issue of whether to enforce the family trust property li

st, there are advocates of the voluntary principle. The decision-making power is specified by the principal and the trustee through the family deed or trust agreement, and decides whether they can confront the third party. It is generally believed that if the family trust property is not included in the registration list and the trust is registered, its trust effectiveness cannot be opposed to a third party. Therefore, distinguishing or regulating the registration of family trust property will be whether it will levy the relevant tax or whether it can be credited or not, and whether it has the legal effect against third parties. "Effectively established express trusts have the complete form requirements for trust establishment, but the express form of express trust cannot be used as the sole criterion for determining trust relationships." which determines that the effectiveness of family property trusts is not a single issue, it will involve many factors in the family trust relationship. Such as whether the family trust property registration is publicly announced, whether the deed or trust agreement is notarized, whether the privacy protection of the trust property, the management status of the trust property management, the professional qualifications of the trustee or trust institution, etc. These factors are related to the standardization and legalization of the subjects, objects, types of trust property, ways of trust, speciality of trust activities, and supervision of trust market.

#### 4. CONCLUSION

Regulating the family property trust system is necessary for the family trust property management itself, and it is also inevitable to comprehensively promote the healthy development of China's trust industry. Standardization and legalization are the basic requirements for the business environment optimization of China's family property trust management system, as well as the important content of perfecting and perfecting China's trust legal system. In specific standardization and legalization path choice, combined with the specifications required for home family property trust priorities of the specific content, mandatory and voluntary, professional and professional situations, such as select format through trust contract mode, trust industry rules, bank insurance supervision department regulations, administrative regulations or local decrees, modify, etc., the trust law step by the step to realize the standardization, the family property trusts under the rule of law, further standardize and improve the system of trust law in our country, in order to help push the scientific and orderly development of China's family property trusts industry.

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