

CODE OF PRACTICE

**FOR
THE ADMINISTRATION OF
INSURANCE AGENTS**

(issued pursuant to section 67 of the Insurance Companies Ordinance)

June 1995



THE HONG KONG FEDERATION OF INSURERS

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INTRODUCTION

In January, 1993 the member companies of The Hong Kong Federation of Insurers implemented a significant self-regulation programme known as "The Code of Practice for the Administration of Insurance Agents"

The objective of the programme was to promote professional standards in dealing with existing and prospective policyholders. This booklet contains a revised version which supersedes that original code. It reflects two years of experience and also incorporates the requirements of enabling legislation that became effective on June 30, 1995. The basic principles which an agent should follow in conducting his business are set out in Part F of the Code.

Being an industry built on the principles of utmost good faith and trust, the growth and strength of insurance in Hong Kong requires the highest levels of professionalism and consumer confidence. Effective self-regulation programmes such as this Code play a critically important role toward achieving those goals.

PART A : INTERPRETATION

Status

1. This is the Code of Practice for the Administration of Insurance Agents (the "Code") approved by the Insurance Authority pursuant to section 67 of the Insurance Companies Ordinance and referred to in Article 48 of the Articles of Association of The Hong Kong Federation of Insurers.

Definitions

2. In this Code, the following words are defined as follows:-

"Board" means the Insurance Agents Registration Board established by The Hong Kong Federation of Insurers to administer the Code pursuant to its Articles of Association;

"Federation" means The Hong Kong Federation of Insurers;

"Ordinance" means the Insurance Companies Ordinance, Chapter 41 of the Laws of Hong Kong, as amended from time to time; and

"Principal" means an insurer to whom Part X of the Ordinance applies or Lloyd's;

Application of the Ordinance

3. All words and expressions not defined in this Code shall have the meanings ascribed to them by the Ordinance.

Conflict with the Ordinance

4. The intention is that this Code should be no more onerous on Principals and insurance agents than the Ordinance. This Code should be interpreted according to that intent. In the event of a conflict between this Code and the Ordinance, the Ordinance shall prevail and this Code shall be invalid to the extent of any such inconsistency.

PART B : GENERAL PRINCIPLES

Functions of the Board

5. The Federation may give general directions or, in a particular case, specific directions to the Board as to the execution of its functions under this Code and the Board shall comply with such directions.
6. The Board may:
 - (a) refer complaints received by it concerning insurance agents to the relevant Principal for investigation;
 - (b) receive investigation reports from any Principal relating to complaints against insurance agents;
 - (c) require any Principal to take disciplinary action in consequence of an investigation report;
 - (d) confirm the appointment of insurance agents or revoke such confirmation;
 - (e) keep and maintain a register of insurance agents whose appointments have been confirmed by the Board; and
 - (f) report to the Insurance Authority where it appears to the Board that:
 - (i) an insurance agent or a Principal has breached Part X of the Ordinance or this Code; or
 - (ii) an insurance agent is not or has ceased to be a fit and proper person to act as an insurance agent.

Guidelines

7. The Board may issue guidelines from time to time as to how it intends to exercise its powers and fulfil its responsibilities under this Code. Such guidelines shall not form part of this Code.

Status of Chinese Version of the Code

8. This Code is accompanied by a Chinese version. The Chinese version does not form part of the Code and is for guidance purposes only.

Criminal Prosecution

9. A Principal or an insurance agent who fails to comply with this Code or with Part X of the Ordinance may be subject to criminal prosecution pursuant to section 77 of the Ordinance.

Outdated Version (Second Edition)

PART C : RULES

Confirmation of the Appointment of Insurance Agents

10. A Principal shall obtain the confirmation of the Board in accordance with this Code before confirming the appointment of any person as its insurance agent.

Registration of Insurance Agents

11. The Board, on behalf of the relevant Principal, shall register an insurance agent as soon as practicable after receiving the application for registration of such agent by that Principal.
12. The registration of an insurance agent shall continue only for such period, not exceeding three years, as the Board may specify. The relevant Principal may re-apply for re-registration of an insurance agent no earlier than 3 months before the expiration of that agent's registration.

Cancellation of the Registration of Insurance Agents

13. The registration of an insurance agent shall be cancelled upon the agent ceasing to be the agent of the relevant Principal. The Principal shall notify the Board within seven days of such cessation and provide such details as the Board may require. Upon such notification by the Principal, the Board, on behalf of the Principal, shall immediately remove the agent from that part of the register relating to that Principal.

Notification to the Insurance Authority

14. The Board, on behalf of the relevant Principal, shall give the Insurance Authority details of the registration and cancellation of registration of insurance agents within seven days of such registration or cancellation of registration and shall make the register available to the Insurance Authority for inspection.

Representation of Principals by Insurance Agents

15. A person shall not act as an insurance agent for more than four Principals of whom no more than two shall be long term insurers.
16. For the purposes of clause 15:
 - (a) representation by a person of a composite insurer shall be regarded as the representation of two Principals, one long term and one general, unless the insurance agent's activities are restricted to either long term or general business; and
 - (b) representation by a person of a group of insurance companies shall be deemed to be one Principal if their activities are limited to either long term or general business, or two Principals if their activities include both long term and general business unless the insurance agent's activities are restricted to either long term or general business.

In this sub-clause:

"group of companies" means that the relationship between the companies is that of "subsidiary" and "holding company" or they are the subsidiaries of another company; and

"subsidiary" and "holding company" shall have the meanings attributed to them by sections 2(4)-(7) of the Companies Ordinance.
17. If a person acts as an insurance agent for any Principal, he shall notify such Principal prior to accepting an appointment to act as an insurance agent for another Principal.

Obligations of Principals in respect of Insurance Agents

18. A Principal shall ensure that each of its insurance agents:

- (a) does not, to the Principal's knowledge, act at any one time for more than the maximum number of Principals allowed;
- (b) meets the fit and proper criteria set out in Part E of this Code;
- (c) is confirmed by and registered with the Board in accordance with this Code;
- (d) is appointed as an insurance agent of the Principal in writing by an agency agreement. The agency agreement shall require the insurance agent to comply with Part F of this Code; and
- (e) complies with this Code.

Termination of the Appointment of Insurance Agents

19. A Principal shall terminate the appointment of an insurance agent if the Principal becomes aware that such an insurance agent:

- (a) acts at any one time for more than the maximum number of Principals allowed;
- (b) has been determined by the Board not to be fit and proper to be an insurance agent; or
- (c) fails to comply with this Code.

Training of Insurance Agents

20. A Principal shall provide to each of its insurance agents sufficient training where a reasonable person receiving such training:

- (a) shall be familiar with the requirements of the Ordinance and this Code; and
- (b) would thereby be able to competently undertake the duties of an insurance agent in accordance with the requirements of the Ordinance and this Code.

PART D : PROCEDURES

The Register

21. The Board, on behalf of a Principal, shall keep and maintain a register of insurance agents whose appointments have been confirmed by the Board. The register shall be kept in a manner and form determined by the Insurance Authority and shall be available for inspection by the public during normal working hours at the registered office of the Federation.

Applications for the Confirmation of Appointment and Registration of Insurance Agents

22. The following provisions shall apply to every application made to the Board for the confirmation of appointment and registration of an insurance agent:
- (a) the relevant Principal shall be responsible to submit the application;
 - (b) the application shall be made in such manner and form as may be prescribed by the Board from time to time;
 - (c) the appointing Principal and the relevant insurance agent or proposed insurance agent shall provide to the Board such additional information relevant to the application as the Board may require;
 - (d) the Board shall not be required to consider an application unless it is made in the prescribed manner and form, is complete and in respect of which the information requested has been provided in full;
 - (e) an appointing Principal who becomes aware of any change in the material circumstances of an insurance agent or proposed insurance agent who is the subject of a pending application shall notify the Board forthwith of such change; and

- (f) an insurance agent or proposed insurance agent who is the subject of an application shall satisfy the Board that he is fit and proper to act as such and, unless the Board is so satisfied, it shall not confirm the appointment of that person as an insurance agent by the appointing Principal and register that person as the insurance agent of the appointing Principal.

Complaints against Insurance Agents

- 23. The following shall apply if the Board receives a complaint concerning an insurance agent:
 - (a) the Board may refer the complaint to the relevant Principal for investigation;
 - (b) the Principal shall diligently and expeditiously investigate the circumstances of the complaint and, on request by the Board, report the progress and the findings (if any) of the investigation. In consequence of such report, the Board may request the Principal to conduct further inquiries;
 - (c) when the Board considers that all matters relevant to the complaint have been fully and satisfactorily investigated and reported, it may require the Principal to take disciplinary action;
 - (d) disciplinary action may include requiring the Principal to:
 - (i) issue a reprimand to an insurance agent;
 - (ii) suspend or terminate the appointment of any of its insurance agents; or
 - (iii) take or refrain from taking such other action as the Board thinks fit.
 - (e) if a Principal fails to comply with a requirement to take disciplinary action, the Board may impose a further requirement and report such failure to the Insurance Authority; and

- (f) before requiring a Principal to take disciplinary action, the Board shall provide any person who is likely to be adversely affected by such action with an opportunity to make representations in such manner and form as the Board considers appropriate and the Board shall consider such representations.

Appeals

24. (a) There shall be an Appeal Tribunal who shall determine appeals against decisions of the Board made under this Code, and its decisions shall be final.
- (b) The members of the Appeal Tribunal shall be persons nominated by the Federation and confirmed by the Insurance Authority.
- (c) Any person aggrieved by a decision of the Board made under this Code may appeal to the Appeal Tribunal but that decision shall take effect immediately notwithstanding that an appeal has or may be made.
- (d) The Appeal Tribunal shall determine its own procedures. An appeal shall be made in such manner and form as the Appeal Tribunal deems appropriate.
- (e) On hearing an appeal the Appeal Tribunal may confirm, vary or reverse the decision being appealed or substitute therefore such other decision, consistent with the powers of the Board, as it thinks fit.

Reports to the Insurance Authority

25. The Board may report any matters concerning a complaint, the investigation of the complaint, the relevant Principal's report or the disciplinary action required, to the Insurance Authority. Neither the Board nor the individual members of the Board shall incur any liability to any person concerned by making such disclosure in good faith.

PART E : FIT AND PROPER CRITERIA

Fitness and Properness of Insurance Agents

26. (a) Before determining pursuant to clauses 19(b) and 22(f) that a person is not fit and proper to act or continue acting as an insurance agent, the Board shall provide that person with an opportunity to make representations in such manner and form as the Board considers appropriate and shall consider such representations; and
- (b) if, following such consideration, the Board is not satisfied that a person is fit and proper to act or continue acting as an insurance agent, the Board shall provide the Insurance Authority with a written report specifying the grounds for its opinion. The Board shall give the person a copy of its report.

Matters Relevant to Fitness and Properness of Insurance Agents

27. In considering whether a person is fit and proper to act or continue acting as an insurance agent, the Board shall take into account:
- (a) whether that person has ever been declared bankrupt or been an officer or senior manager of a corporation that has become insolvent;
- (b) whether the person has acquired educational or other qualifications and experience commensurate with his proposed responsibilities or responsibilities as an insurance agent;
- (c) whether the person has ever been convicted of any criminal offence which may affect his fitness, suitability or properness to act as an insurance agent or been found guilty of misconduct by a professional body to which he belongs or has belonged;
- (d) whether the person is found not to have complied with or is in breach of this Code and/or the rules of the Federation; and
- (e) if the person is an individual, whether the person possesses the qualifications and experience specified in clause 30; and

PART F : MINIMUM REQUIREMENTS OF MODEL AGENCY AGREEMENT

31. A Principal is required to appoint an insurance agent under a written agency agreement that meets the minimum requirements of a model agency agreement adopted by the Federation. The Federation will from time to time publish a model agency agreement. The minimum requirements of this model agency agreement will be the inclusion of the Conduct of Insurance Agents as follows for general insurance business and for long term insurance business.

Conduct of Insurance Agents for General Insurance Business

32. An insurance agent shall at all times conduct business in good faith and with integrity.
33. In the event of a complaint concerning the conduct of an insurance agent, the agent shall co-operate with the Principal concerned to establish the facts. The complainant should be informed that he should in the first instance refer the complaint to the relevant Principal. If the complainant is still dissatisfied he may refer the matter to the Board.
34. An insurance agent shall:
- (a) identify himself and the Principal(s) he represents prior to discussing insurance policies with any person;
 - (b) give advice only on those matters in which he is competent to deal with or otherwise seek advice from his Principal(s) when necessary;
 - (c) explain the cover afforded by each policy recommended to ensure that the prospective policyholder understands what he is buying;
 - (d) explain the differences to which he is referring when making comparisons with other types of policies;

- (e) treat all information supplied by the prospective policyholder as confidential and disclose such information only to the Principal or Principals to which the business is being offered;
 - (f) not make inaccurate or misleading statements about any Principals or their policies, or any other intermediaries;
 - (g) not impose any charge in addition to the policy premium without disclosing the amount and purpose of such charge to the policyholder before the binding of the policy;
 - (h) not pay any part of any commission or discount allowed to the agent to any director, partner or employee of any insured as an inducement to place the business with the Principal unless the prior agreement and approval of the insured is received in writing.
35. In assisting a prospective policyholder to complete the proposal or application form, an insurance agent shall :
- (a) not influence the prospective policyholder, and make it clear that the answers or statements given are the latter's own responsibility; and
 - (b) explain the consequences of fraud, non-disclosure and inaccuracies to the prospective policyholder and draw his attention to the relevant statements in the proposal form.

Conduct of Insurance Agents for Long Term Insurance Business

36. An insurance agent shall at all times conduct business in good faith and with integrity.
37. In the event of a complaint concerning the conduct of an insurance agent, the agent shall co-operate with the Principal concerned to establish the facts. The complainant should be informed that he should in the first instance refer the complaint to the relevant Principal. If the complainant is still dissatisfied he may refer the matter to the Board.

38. An insurance agent shall:

- (a) identify himself and the Principal(s) he represents prior to discussing insurance policies with any person;
- (b) make every reasonable effort to ensure that the policy proposed is suitable to the needs and resources of the prospective policyholder as disclosed to the insurance agent;
- (c) give advice only on those matters in which he is competent to deal with or otherwise seek advice from his Principal(s) when necessary;
- (d) explain the cover afforded by each policy recommended to ensure that the prospective policyholder understands what he is buying;
- (e) explain the differences to which he is referring when making comparisons with other types of policies or forms of investment;
- (f) treat all information supplied by the prospective policyholder as confidential and disclose such information only to the Principal or Principals to which the business is being offered;
- (g) not make inaccurate or misleading statements about any Principals or their policies, or any other intermediaries;
- (h) not impose any charge in addition to the policy premium without disclosing the amount and purpose of such charge to the policyholder before the binding of the policy;
- (i) not make inaccurate, misleading or incomplete statements or comparisons to induce an insured to replace existing long term insurance with other long term insurance to the insured's disadvantage; and

- (j) not pay or offer to pay any rebate of premium, commission or other incentive not specified in the policy as an inducement to any prospective long term insurance policyholder.
39. In assisting a prospective policyholder to complete the proposal or application form, an insurance agent shall:
- (a) not influence the prospective policyholder, and make it clear that the answers or statements given are the latter's own responsibility; and
 - (b) explain the consequences of fraud, non-disclosure and inaccuracies to the prospective policyholder and draw his attention to the relevant statements in the proposal form.
40. When selling policies related to long term business, an insurance agent shall:
- (a) explain the long term nature of the policy and the consequences of early discontinuance and/or surrender;
 - (b) where a policy offers participation in profits, or is investment-linked, explain the difference between guaranteed and projected benefits;
 - (c) where projected benefits are illustrated, explain the assumptions on which the illustrations are based, including any future bonus or dividend declaration, and that projected benefits are not guaranteed;
 - (d) in the case of participating (with-profit) business, explain that any bonuses or dividends declared in the future may be lower or higher than those currently quoted and that past performance may not be a guide to future performance;

- (e) in the case of unit-linked business, explain that unit value and the value of the policyholder's benefits may fluctuate;
- (f) unless specifically authorized by a Principal, use only such sales proposals and illustrative figures that are supplied by the Principal and shall use the whole illustration in respect of the policy being discussed, and no other, and shall not add to it or select only the most favourable aspects of it; and
- (g) if the insurance agent is authorized by a Principal to prepare certain illustrations himself, prepare them using only the assumptions authorized by the Principal.

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- (戊) 若保險計劃屬單位相關性質者，應解釋單位價值與保單持有人的收益價值可能會浮動；
- (己) 除非得到保險公司特別授權，否則在討論保險計劃時，只可使用保險公司提供的銷售計劃和數據例子，以及有關該保險計劃的整體說明，不得另用他例，亦不得另加資料或只選擇最有利的部份作討論；以及
- (庚) 假如保險代理獲保險公司授權自行準備某些數據，則有關代理只能用已獲保險公司認可的假設，準備有關數據。

- (癸) 不得提供或答應提供任何保費回佣、佣金，或其他在保單中沒有說明的優惠，誘使長期保險銷售對象購買有關保險。

三十九、 保險代理在協助長期保險銷售對象填寫投保建議書或申請書時：－

- (甲) 不得影響銷售對象，並需對銷售對象清楚說明填報的資料或聲明必須由其本人負責；以及
- (乙) 向銷售對象解釋欺詐、隱瞞事實及提供不正確資料的後果，以及指出投保書內所載的有關條文。

四十、 銷售與長期保險業務有關的保單時，保險代理應該：－

- (甲) 解釋保單的長遠性質，以及提前中止合約及退保的後果；
- (乙) 若保單提供參與利潤分配或與投資相關，必須解釋保證收益和預計收益的分別；
- (丙) 舉例說明預計收益時，應解釋例子的各項假設，包括派發紅利或股息，以及說明保單持有人並不必然享有該等預計收益；
- (丁) 若保險計劃屬參與（有利潤）業務性質者，應向銷售對象清楚指出將來派發的紅利或股息或會低於或高於現時列出的數據；過往的表現，不一定是將來表現的指南；

三十八、 保險代理應該：－

- (甲) 無論與任何人洽談保單之前，必須先表明身份，並說明所代表的保險公司；
- (乙) 盡力確保建議的保單適合銷售對象向保險代理披露的需要及負擔能力；
- (丙) 提供保險事務意見時，只限於能力可處理的範圍之內，否則應徵詢其代表之保險公司的意見；
- (丁) 解釋推薦的每份保單的承保範圍，確保銷售對象明白所購買的保單內容；
- (戊) 與其他種類的保單或其他形式的投資作比較時，必須清楚解釋具體的分別；
- (己) 對銷售對象提供的所有資料絕對保密，除了安排有關業務之保險公司之外，不得對任何人士披露銷售對象之資料；
- (庚) 不得對任何保險公司或其保單，或者其他中間人，作出不正確或有誤導成份的言論；
- (辛) 除非在簽署保單之前，向保單持有人披露保費之外之其他收費之數額及用途，否則不得在保費以外附加任何收費；
- (壬) 不得作出不正確、有誤導成份或不全面的言論或比較，誘使受保人以其他長期保險取代其現有的長期保險，引致該受保人蒙受損失；以及

- (戊) 對銷售對象提供的所有資料絕對保密，除了安排有關業務之保險公司之外，不得對任何人士披露銷售對象之資料；
- (己) 不得對任何保險公司或其保單，或者其他中間人，作出不正確或有誤導成份的言論；
- (庚) 除非在簽署保單之前，向保單持有人披露保費以外之其他收費之數額及用途，否則不得在保費以外附加任何收費；
- (辛) 除非事先取得受保人之書面同意及批准，否則不能向受保人的董事、合夥人或僱員提供代理部份應得的佣金或折扣，誘使其向有關保險公司投保。

三十五、 保險代理在協助銷售對象填寫投保建議書或申請書時：

- (甲) 不得影響銷售對象，並需對銷售對象清楚說明填報的資料或聲明必須由其本人負責；以及
- (乙) 向銷售對象解釋欺詐、隱瞞事實及提供不正確資料的後果，以及指出投保書內所載的有關條文。

從事長期保險業務的保險代理之操守

三十六、 無論何時，保險代理都必須本著誠信及以正直的態度進行業務。

三十七、 遇有投訴保險代理的操守時，保險代理應與保險公司合作，查明實情。有關保險代理需通知投訴人應先把投訴交予有關保險公司處理，假如投訴人仍未滿意，則可將投訴轉介委員會處理。

己部：標準代理合約的最低要求

- 三十一、 保險公司必須以書面代理合約方式委任保險代理，有關代理合約必須符合聯會採用的標準代理合約之最低要求；聯會會不時印行標準代理合約。標準代理合約的最低要求應包括下列所載「從事一般保險業務的保險代理之操守」及「從事長期保險業務的保險代理之操守」。

從事一般保險業務的保險代理之操守

- 三十二、 無論何時，保險代理都必須本著誠信及以正直態度進行業務。
- 三十三、 遇有投訴保險代理的操守時，保險代理應與保險公司合作，查明實情。有關保險代理需通知投訴人應先把投訴交予有關保險公司處理，假如投訴人仍未滿意，則可將投訴轉介委員會處理。
- 三十四、 保險代理應該：—
- (甲) 無論與任何人洽談保單之前，必須先表明身份，並說明所代表的保險公司；
 - (乙) 提供保險事務意見時，只限於能力可處理的範圍之內，否則應徵詢其代表之保險公司的意見；
 - (丙) 解釋推薦的每份保單的承保範圍，確保銷售對象明白所購買的保單內容；
 - (丁) 與其他種類的保單作比較時，必須清楚解釋具體的分別；

(乙) 擬代表超過一間長期保險及超過一間一般保險公司的個別人士，必須：－

(i) 年滿十八歲或以上；以及

(ii) - 具有三年與保險有關的工作經驗；或

- 擁有被認可之保險業資格，例如：英國特許保險業學會會員或會士 (ACII 或 FCII)、澳洲保險業學會會員或會士 (AII 或 FAII)、紐西蘭保險業學會會員或會士 (AIINZ 或 FIINZ) 或壽險業管理學會會士 (FLMI)、特許壽險承保人 (CLU) 或其他委員會認可之資格；或

- 成功通過委員會認可的考試，考試範圍包括保險實務、自律制度及守則。

(己) 委員會就個別情況認為有關之其他事宜。

二十八、 委員會可以下列理由認定某人不符合適當人選準則，而不適合出任或繼續出任保險代理：－

(甲) 該保險代理的委任被某間保險公司根據委員會或保險業監督的要求撤銷；或

(乙) 委員會根據該名人士的言行表現，認定他對保險代理的職責與道德操守嚴重缺乏認識。

二十九、 假如有關人士是有限公司，而其控權人或董事若以個人身份提出的保險代理登記申請，會被視為不符合適當人選準則而遭拒絕，則委員會亦可認定該公司並不適合出任保險代理。

保險代理的最低資格及經驗要求

三十、 在決定個別人士是否符合適當人選準則出任保險代理前，委員會會先行考慮該名人士是否具備以下的最低資格與經驗要求：－

(甲) 擬代表不超過一間長期保險及一間一般保險公司的個別人士，必須：－

(i) 年滿十八歲或以上；以及

(ii) 完成中五課程或同等學歷，或具有兩年有關商務工作經驗；以及

(iii) 成功修畢由委員會不時作出認可的課程，課程範圍包括保險常識、自律制度及守則。

戊部：適當人選準則

保險代理的適當人選準則

- 二十六、(甲) 根據第十九項次條款(乙)及第二十二項次條款(己)，委員會在決定某人因不符合適當人選準則而不適合出任或繼續出任保險代理前，必須以其認為適合的方式及形式給予該名人士作出陳述的機會；而委員會亦必須考慮有關陳述；以及
- (乙) 假如委員會根據上述考慮仍然認為某人因不符合適當人選準則而不適合出任或繼續出任保險代理，委員會需向保險業監督遞交書面報告詳述理由。同時，委員會亦會給予該名人士報告的副本。

保險代理適當人選準則的有關事宜

- 二十七、委員會在決定某人是否符合適當人選準則出任或繼續出任保險代理時，應考慮下列各點：－
- (甲) 該名人士是否曾經宣佈破產或曾在已經宣佈破產的公司出任高級行政人員或高級經理；
- (乙) 該名人士是否具備與其所擬從事的職務、或保險代理的職務所需之教育水平或其他資格及經驗；
- (丙) 該名人士曾否被判犯刑事罪行，以致他可能並不適合出任保險代理；又或其是否曾被所屬的專業團體裁定行為不當；
- (丁) 該名人士是否曾經被裁定未有遵守或違反守則及／或聯會的規例；又
- (戊) 假若有關人士是個別人士，他是否具備第三十項條款所列之資格與經驗；以及

- (己) 委員會在要求保險公司採取紀律行動前，必須為任何可能因有關紀律行動導致利益受損的人士提供機會，以委員會認為合適的方式和形式作出陳述，又委員會必須考慮該等陳述。

上訴

- 二十四、(甲) 上訴裁判處會處理就委員會根據守則所作之決定提出的上訴，有關決定乃最終的決定。
- (乙) 上訴裁判處的成員會由聯會提名，經保險業監督認可的人士擔任。
- (丙) 假若任何人士對委員會根據守則所作的決定感到不滿，可向上訴裁判處上訴。但無論有關人士是否已經提出上訴、或將會提出上訴，委員會所作的決定應即時生效。
- (丁) 上訴裁判處會自行決定上訴程序。上訴方式及形式以上訴裁判處認為合適者為準。
- (戊) 上訴裁判處於聆聽上訴後，可維持、改變或推翻原來決定。假如裁判處認為合適，可根據委員會原有的權力，以其他決定取替原來的決定。

向保險業監督提交報告

- 二十五、 委員會可就投訴的各項事宜、調查、有關保險公司的報告，或所需的紀律行動向保險業監督報告，委員會或委員會之個別成員無需為有關之忠實陳述對任何人士負上任何責任。

- (己) 除非申請登記的保險代理或準保險代理能令委員會相信其符合適當人選準則出任保險代理，否則委員會不會確認保險公司委任該名人士為保險代理，亦不會登記該名人士為有關保險公司的保險代理。

投訴保險代理

二十三、委員會於收到投訴保險代理個案時，會依下列程序處理：—

- (甲) 委員會可轉介該投訴予有關保險公司調查；
- (乙) 保險公司需詳細及盡速地調查有關投訴的背景原委，並根據委員會的要求，報告調查的進度及結果（如有者）。委員會可根據有關報告，要求保險公司作進一步查詢；
- (丙) 當委員會認為有關投訴的所有事宜都已得到全面及令人滿意的調查及報告後，可要求該保險公司採取紀律行動；
- (丁) 紀律行動包括要求該保險公司：—
- (i) 向保險代理發出警戒；
 - (ii) 暫停或終止該公司任何保險代理的委任；或
 - (iii) 根據委員會認為合適與否，採取或不採取其他行動。
- (戊) 假若保險公司未有遵照要求採取紀律行動，委員會可進一步提出要求，並向保險業監督報告有關保險公司未有遵照要求採取紀律行動；以及

丁部：程序

登記冊

二十一、 委員會會代表保險公司，為所有已被委員會確認的保險代理登記，並保存及更新有關登記。該登記冊會依保險業監督規定的方式和形式保存，並於辦公時間內在聯會的註冊辦事處供市民查閱。

確認委任及登記保險代理之申請

二十二、 所有向委員會提交之確認委任及登記保險代理之申請，必須遵照下列條款進行：—

(甲) 有關保險公司必須負責提交申請；

(乙) 申請必須依照委員會不時訂定的方式和形式提出；

(丙) 負責委任的保險公司及有關的保險代理或準保險代理，必須根據委員會所需，向委員會提交與申請有關的附加資料；

(丁) 除非申請以指定的方式和形式提交，並且完全填妥，又所需提交的資料齊備，否則委員會不必受理有關申請；

(戊) 假若負責委任的保險公司於保險代理或準保險代理的申請受理期間，得悉該保險代理或準保險代理的情況有關鍵性的轉變，則負責委任的保險公司應知會委員會有關轉變；以及

保險公司對其保險代理應負的責任

十八、 保險公司應確保其保險代理：－

- (甲) 不會同時代表超過最高規定總數的保險公司；
- (乙) 符合守則戊部關於適合出任保險代理的標準；
- (丙) 由委員會依照守則確認及進行登記；
- (丁) 由保險公司以書面合約委任為該保險公司之代理，有關代理合約必須要求保險代理遵守守則己部之規定；以及
- (戊) 遵守守則之規定。

終止保險代理的委任

十九、 保險公司如察覺保險代理有下列情況，應終止保險代理的委任：－

- (甲) 同時代表超過規定最高總數的保險公司；
- (乙) 被委員會裁定不適合出任保險代理；或
- (丙) 未有遵守守則之規定。

保險代理的訓練

二十、 保險公司必須為其保險代理提供足夠訓練，任何明事理的人士在接受訓練後應能：－

- (甲) 熟悉條例和守則的規定；以及
- (乙) 根據條例和守則的規定履行保險代理的職責。

乙部：一般原則

委員會之職責

五、 聯會可為委員會訂下一般指引，或在特殊情況下訂定特別指引，以便委員會根據守則執行職責，委員會必須遵守有關指引。

六、 委員會可：－

- (甲) 轉介投訴保險代理之個案予有關保險公司進行調查；
- (乙) 受理保險公司就投訴保險代理個案所作的調查報告；
- (丙) 要求保險公司依循報告採取紀律行動；
- (丁) 確認保險代理的委任以及撤銷確認該等委任；
- (戊) 為所有已為委員會確認之保險代理進行登記，並保存有關登記冊；以及
- (己) 就以下事件向保險業監督作出報告：－
 - (i) 保險代理或保險公司違反條例第十部或守則；
或
 - (ii) 任何保險代理不再適合出任保險代理。

指引

七、 委員會可不時發出指引，說明如何運用守則賦予委員會的權力及完成守則授予委員會之職責，但該等指引不會納入守則之內。

甲部：闡釋

法定地位

- 一、 此乃《保險代理管理守則》(下稱「守則」)，已獲保險業監督根據保險公司條例第六十七條認可,並根據香港保險業聯合立案章程第四十八章編訂。

定義

- 二、 於守則中出現的下列詞彙定義如下：－

「委員會」 指香港保險業聯會根據立案章程成立，以便執行守則內各項事宜的保險代理登記委員會；

「聯會」 指香港保險業聯會；

「條例」 指保險公司條例，即香港法例第四十一章，包括條例制訂之後的所有修訂；以及

「保險公司」 指任何受條例第十部規範的保險人或勞合社。

條例之應用

- 三、 任何並未於守則中界定之詞彙或辭句，均以條例之解釋為準。

與條例抵觸處

- 四、 守則之原意並非在條例以外，對保險公司與保險代理附加規限，故此解釋守則時應以此為原則。假若守則與條例有所抵觸，則以條例為準，又遇有守則與條例不符處，則守則之有關部份自當無效。

序言

一九九三年一月，香港保險業聯會實施《保險代理管理守則》，此乃一項重要的自我規管計劃，目的在於提高業內的專業水平，加強對已投保及有意投保人仕的服務。本冊子刊載了取代原來守則的最新修訂，一則總結了執行自我規管兩年以來的經驗，二則將已於一九九五年六月三十日生效的法例要求納入守則之內。守則的已部載列保險代理經營業務時所需遵守的原則。

誠信以及客戶的信賴是經營保險業務首要的原則，保險業在港得以增長及蓬勃發展，全賴高質素的專業水平及客戶信心，像《保險代理管理守則》此等有效的自我規管計劃，在保險業達臻上述目標上扮演着舉足輕重的角色。

保險代理手冊

保險代理管理守則

(根據保險公司條例第六十七條編訂)

一九九五年六月



HKFI

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