

THE CODE OF PRACTICE

FOR THE ADMINISTRATION OF
INSURANCE AGENTS

保險代理管理守則

HKFI

香 港 保 險 業 聯 會
THE HONG KONG FEDERATION OF INSURERS

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THE HONG KONG FEDERATION OF INSURERS

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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:-

"HKFI"	means The Hong Kong Federation of Insurers;
"IARB"	means the Insurance Agents Registration Board established by the HKFI to administer the <i>Code</i> pursuant to its <i>Articles of Association</i> ;
"Insurance Agency"	means an insurance agent which is not an individual insurance agent;
"Line of Insurance Business"	Means:- (a) General Business; (b) Long Term (excluding Linked Long Term) Business; and/or (c) Long Term (including Linked Long Term) Business as defined in the <i>Insurance Companies Ordinance</i> ;
"MPF Code"	means the <i>Code of Conduct for MPF Intermediaries</i> issued by the Mandatory Provident Fund Schemes Authority ("MPFA"), as amended from time to time;
"MPF Intermediary"	has the meaning assigned to it by the <i>MPF Code</i> ;
"Ordinance"	means the <i>Insurance Companies Ordinance</i> , Chapter 41 of the <i>Laws of Hong Kong</i> , as amended from time to time;
"Principal"	means an insurer to whom Part X of the <i>Ordinance</i> applies or Lloyd's;

"Responsible Officer"

in relation to

(a) an insurance agent which is an Insurance Agency means a person who, alone or jointly with others, is responsible for the conduct of the insurance agency business of such insurance agent, not being a person who:-

(i) is also responsible for the conduct of other business; and

(ii) has a subordinate responsible for the whole of the insurance agency business;

or

(b) an insurance agent which is an Insurance Agency formed outside Hong Kong means a person who, alone or jointly with others, is responsible for the conduct of the whole of the insurance agency business of such insurance agent carried on within Hong Kong, not being a person who:-

(i) is also responsible for the conduct of the insurance agency business carried on by the insurance agent elsewhere; and

(ii) has a subordinate responsible for the whole of the insurance agency business carried on by the insurance agent within Hong Kong;

and

"Technical Representative"

in relation to an insurance agent means a person (not being an insurance subagent who is classified as an insurance agent for the purpose of this *Code*) who provides advice to a policy holder or potential policy holder on insurance matters for such insurance agent, or arranges contracts of insurance in or from Hong Kong on behalf of that insurance agent.

3. In this *Code*, where the context permits:-

(a) words and expressions importing the masculine gender shall include the feminine and neuter genders and vice versa;

- (b) words and expressions importing singular shall include the plural and vice versa; and
- (c) words and expressions importing person(s) shall include partnership, body(ies) of persons and corporation(s).

Application of the *Ordinance*

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

Conflict with the *Ordinance*

- 5. 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.

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PART B : GENERAL PRINCIPLES

Functions of the IARB

6. The HKFI may give general directions or, in a particular case, specific directions to the IARB as to the execution of its functions under this *Code* and the IARB shall comply with such directions.
7. The IARB may:-
 - (a) refer complaints received by it:-
 - (i) concerning insurance agents to any Principal or insurance agent; and
 - (ii) concerning Responsible Officers or Technical Representatives to any Principal or the relevant insurance agent as appropriatefor investigation;
 - (b) receive investigation reports from any Principal or relevant insurance agent relating to complaints mentioned in clause 7(a);
 - (c) require any Principal or relevant insurance agent to take disciplinary action in consequence of a complaint;
 - (d) confirm the appointment of insurance agents, Responsible Officers and Technical Representatives or revoke such confirmation;
 - (e) keep and maintain:-
 - (i) a register of insurance agents; and
 - (ii) a sub-register of insurance agents' Responsible Officers and Technical Representativeswhose appointments have been confirmed by the IARB;and
 - (f) report to the Insurance Authority where it appears to the IARB that:-
 - (i) an insurance agent, a Responsible Officer, Technical Representative or Principal has breached Part X of the *Ordinance* or this *Code*;
 - (ii) an insurance agent is not or has ceased to be a fit and proper person to act as such; or
 - (iii) a Responsible Officer or Technical Representative is not or has ceased to be a fit and proper person to act as such.

Guidance Notes

8. The IARB may issue Guidance Notes from time to time as to how it intends to exercise its powers and fulfil its responsibilities under this *Code*. Such Guidance Notes shall not form part of this *Code*.

Construction of the *Code* in both Official Languages

9. Sections 10B and 10C of the *Interpretation and General Clauses Ordinance*, Chapter 1 of the *Laws of Hong Kong*, shall apply to the construction and interpretation of the English language text and Chinese language text of the *Code* as if the *Code* was an "Ordinance" referred to in those sections.
10. The HKFI shall have the power to determine the meaning of the *Code* in both English and Chinese versions and to resolve inconsistencies, if any, between the two versions of the *Code*. Any determination made by the HKFI shall be conclusive and binding.

Criminal Prosecution

11. 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*.

PART C : RULES

INSURANCE AGENTS

Confirmation of the Appointment of Insurance Agents

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

Registration of Insurance Agents

13. The IARB, 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.
14. The registration of an insurance agent shall continue only for such period, not exceeding three years, as the IARB may specify. The relevant Principal may apply for re-registration of an insurance agent no earlier than three months before the expiration of that agent's registration.
15. The IARB shall issue a registration number to an insurance agent once the agent is registered. The insurance agent shall disclose his registration number if so requested. He shall also have his registration number identified on his business cards if they are distributed.
16. When an insurance agent is the subject of a pending investigation into his fitness and properness to act or continue acting as an insurance agent and his registration will expire before the investigation is finally disposed of by the IARB, the IARB may on good cause being shown and at its absolute discretion whether before or after the expiry of the registration grant to such agent provisional registration for a period not exceeding three years.

Cancellation of the Registration of Insurance Agents

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

Notification to the Insurance Authority

18. The IARB, 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

19. 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.
20. For the purposes of clause 19:-

- (a) representation by a person of a composite insurer shall be regarded as the representation of two Principals, one general and one long term, unless the insurance agent's activities are restricted to either General or Long Term 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 General or Long Term Business, or two Principals if their activities include both General and Long Term Business unless the insurance agent's activities are restricted to either General or Long Term 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*.

- 21. If a person acts as an insurance agent for any Principal, he shall obtain the consent of such Principal prior to accepting an appointment to act as an insurance agent for another Principal.
- 22. Subject to clauses 19 and 20, if a person is registered as an agent of another insurance agent, he shall register to represent all the Principal(s) of the appointing agent and shall register to be engaged in all appointed Line(s) of Insurance Business of the appointing agent.

Obligations of Principals in respect of Insurance Agents

23. 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) is eligible to be engaged in a Line of Insurance Business in respect of which the Principal is authorized to carry on and has appointed the insurance agent to engage in;
- (c) meets the fit and proper criteria set out in Part E of this *Code*;
- (d) is confirmed by and registered with the IARB in accordance with this *Code*;
- (e) 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*;

- (f) discloses his registration number if so requested;
- (g) identifies his registration number on his business cards if they are distributed;
- (h) complies with this *Code*; and
- (i) has registered as an MPF intermediary with the MPFA where the insurance agent is engaged in selling or advising on Mandatory Provident Fund schemes or their constituent or underlying funds.

Termination of the Appointment of Insurance Agents

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

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

Training of Insurance Agents

25. 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*.

RESPONSIBLE OFFICERS AND TECHNICAL REPRESENTATIVES

Confirmation of the Appointment of Responsible Officers and Technical Representatives

26. An insurance agent shall obtain the confirmation of the IARB in accordance with this *Code* before confirming the appointment of any person as its Responsible Officer or Technical Representative.

Registration of Responsible Officers and Technical Representatives

27. The IARB shall register a Responsible Officer or Technical Representative as soon as practicable after receiving the application for registration of such Responsible Officer or Technical Representative by an insurance agent.

28. The registration of a Responsible Officer or Technical Representative shall continue only for such period, not exceeding three years, as the IARB may specify. The insurance agent may apply for re-registration of a Responsible Officer or Technical Representative no earlier than three months before the expiration of that Responsible Officer's or Technical Representative's registration.

29. The IARB shall issue a registration number to a Responsible Officer or Technical Representative once the Responsible Officer or Technical Representative is registered. The Responsible Officer or Technical Representative shall disclose his registration number if so requested. He shall also have his registration number identified on his business cards if they are distributed.
30. When a Responsible Officer or Technical Representative is the subject of a pending investigation into his fitness and properness to act or continue acting as a Responsible Officer or Technical Representative and his registration will expire before the investigation is finally disposed of by the IARB, the IARB may on good cause being shown and at its absolute discretion whether before or after the expiry of the registration grant to such Responsible Officer or Technical Representative provisional registration for a period not exceeding three years.

Cancellation of the Registration of Responsible Officers and Technical Representatives

31. The registration of a Responsible Officer or Technical Representative shall be cancelled upon his cessation to be the Responsible Officer or Technical Representative of the insurance agent. The insurance agent shall notify the IARB within seven days of such cessation and provide such details as the IARB may require. Upon such notification by the insurance agent, the IARB shall immediately remove the Responsible Officer or Technical Representative from that part of the sub-register relating to that insurance agent.

Notification to the Insurance Authority

32. The IARB shall give the Insurance Authority details of the registration and cancellation of registration of Responsible Officers or Technical Representatives within seven days of such registration or cancellation of registration and shall make the sub-register available to the Insurance Authority for inspection.

Representation of Insurance Agents by Responsible Officers and Technical Representatives

33. A person shall not act as a Responsible Officer or Technical Representative for more than one insurance agent.

Obligations of Insurance Agents in respect of their Responsible Officers and Technical Representatives

34. An insurance agent shall ensure that any person acting as its Responsible Officer or Technical Representative:-
- (a) does not, to the insurance agent's knowledge, act at any one time for more than one insurance agent;
 - (b) is eligible to be engaged in a Line of Insurance Business which the insurance agent is eligible to be engaged in;
 - (c) meets the fit and proper criteria for Responsible Officers and Technical Representatives set out in Part E of this *Code*;

- (d) is confirmed by and registered with the IARB in accordance with this *Code*;
- (e) discloses his registration number if so requested;
- (f) identifies his registration number on his business cards if they are distributed; and
- (g) complies with this *Code*.

Termination of the Appointment of Responsible Officers or Technical Representatives

35. An insurance agent shall terminate the appointment of a Responsible Officer or Technical Representative if the insurance agent becomes aware that such Responsible Officer or Technical Representative:-

- (a) acts at any one time for more than one insurance agent;
- (b) has been determined by the IARB not to be fit and proper to be a Responsible Officer or Technical Representative; or
- (c) fails to comply with this *Code*.

Training of Responsible Officers and Technical Representatives

36. An insurance agent shall provide to its Responsible Officer and each of its Technical Representatives 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 a Responsible Officer or Technical Representative in accordance with the requirements of this *Code*.

PART D : PROCEDURES

The Register

37. The IARB, on behalf of a Principal, shall keep and maintain:-

- (a) a register of insurance agents; and
- (b) a sub-register of insurance agents' Responsible Officers and Technical Representatives

whose appointments have been confirmed by the IARB. The register, including the sub-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 HKFI.

Application for the Confirmation of Appointment and Registration of Insurance Agents

38. The following provisions shall apply to every application made to the IARB for the confirmation of appointment and registration of an insurance agent:-

- (a) the relevant Principal shall be responsible for submitting the application;
- (b) the application shall be made in such manner and form as may be prescribed by the IARB from time to time;
- (c) the appointing Principal and the relevant or proposed insurance agent shall provide to the IARB such additional information relevant to the application as the IARB may require;
- (d) the IARB 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 changes in the material circumstances of an insurance agent or proposed insurance agent who is the subject of a pending application shall notify the IARB forthwith of such changes; and
- (f) an insurance agent or proposed insurance agent who is the subject of an application shall satisfy the IARB that he is fit and proper to act as such and, unless the IARB 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.

Matters Relevant to Fitness and Properness of Insurance Agents and Complaints against Insurance Agents

39. The following shall apply if the IARB becomes aware of any matter which may render an insurance agent not fit and proper to act or continue acting as such or receives a

complaint concerning an insurance agent:-

- (a) the IARB may refer the matter or the complaint to any Principal or insurance agent for investigation;
- (b) the Principal shall diligently and expeditiously investigate the matter or the circumstances of the complaint and, on request by the IARB, report the progress and the findings (if any) of the investigation within 14 days of the date of referral or such further period as may be specified by the IARB. In consequence of such report, the IARB may request the Principal to conduct further inquiries;
- (c) if the IARB considers that it is likely to take disciplinary action if the matter or the complaint is proven, the IARB shall provide the insurance agent to whom the matter relates or the subject of the complaint and any Principal who is likely to be adversely affected by such action with an opportunity to make representations in such manner and form as the IARB considers appropriate and within 14 days or such further period as may be specified by the IARB and the IARB shall consider such representations;
- (d) when the IARB considers that all matters relevant to the matter or the complaint have been fully and satisfactorily investigated and reported and that all representations concerning the matter or the complaint have been considered and the matter renders the insurance agent not fit and proper to act or continue acting as such or the complaint is proven, it may require a Principal to take disciplinary action;
- (e) disciplinary action may include requiring a Principal to:-
 - (i) issue a reprimand to any of its insurance agents;
 - (ii) suspend or terminate the appointment of any of its insurance agents; or
 - (iii) take or refrain from taking such other action as the IARB thinks fit;an insurance agent whose appointment has been terminated in these circumstances will be barred from registration as an insurance agent, a Responsible Officer or Technical Representative for a specified period;
- (f) when requiring disciplinary action affecting any Principal or insurance agent, the IARB shall also serve on that Principal and insurance agent a notification of that requirement together with a statement specifying the grounds thereof; and
- (g) if a Principal fails to comply with a requirement to take disciplinary action, the IARB may impose a further requirement and report such failure to the Insurance Authority.

Application for the Confirmation of Appointment and Registration of Responsible Officers and Technical Representatives

40. The following provisions shall apply to every application made to the IARB for the confirmation of appointment and registration of a Responsible Officer or Technical Representative:-

- (a) the insurance agent shall be responsible for submitting the application;
- (b) the application shall be made in such manner and form as may be prescribed by the IARB from time to time;
- (c) the appointing insurance agent and the relevant or proposed Responsible Officer or Technical Representative shall provide to the IARB such additional information relevant to the application as the IARB may require;
- (d) the IARB 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 insurance agent who becomes aware of any changes in the material circumstances of a Responsible Officer or Technical Representative or a proposed Responsible Officer or Technical Representative who is the subject of a pending application shall notify the IARB forthwith of such changes; and
- (f) a Responsible Officer or Technical Representative or a proposed Responsible Officer or Technical Representative who is the subject of an application shall satisfy the IARB that he is fit and proper to act as such and, unless the IARB is so satisfied, it shall not confirm the appointment of that person as a Responsible Officer or Technical Representative by the appointing insurance agent and register that person as the Responsible Officer or Technical Representative of the appointing insurance agent.

Matters Relevant to Fitness and Propriety of Responsible Officers and Technical Representatives of Insurance Agents and Complaints against Responsible Officers and Technical Representatives of Insurance Agents

41. The following shall apply if the IARB becomes aware of any matter which may render a Responsible Officer or Technical Representative of an insurance agent not fit and proper to act or continue acting as such or receives a complaint concerning a Responsible Officer or Technical Representative of an insurance agent:-

- (a) the IARB may refer the matter or the complaint to the insurance agent or any Principal as appropriate for investigation;

- (b) the insurance agent or any Principal as appropriate shall diligently and expeditiously investigate the matter or the circumstances of the complaint and, on request by the IARB, report the progress and the findings (if any) of the investigation within 14 days of the date of referral or such further period as may be specified by the IARB. In consequence of such report, the IARB may request the insurance agent or the Principal to conduct further inquiries;
- (c) if the IARB considers that it is likely to take disciplinary action if the matter or the complaint is proven, the IARB shall provide the Responsible Officer or Technical Representative to whom the matter relates or the subject of the complaint and the insurance agent and/or any Principal who is likely to be adversely affected by such action with an opportunity to make representations in such manner and form as the IARB considers appropriate and within 14 days or such further period as may be specified by the IARB and the IARB shall consider such representations;
- (d) when the IARB considers that all matters relevant to the matter or the complaint have been fully and satisfactorily investigated and reported and that all representations concerning the matter or the complaint have been considered and the matter renders the Responsible Officer or Technical Representative not fit and proper to act or continue acting as such or the complaint is proven, it may require the insurance agent and/or a Principal to take disciplinary action;
- (e) disciplinary action may include requiring an insurance agent and/or a Principal to:-
 - (i) issue a reprimand to a Responsible Officer or Technical Representative;
 - (ii) suspend or terminate the appointment of a Responsible Officer or Technical Representative; or
 - (iii) take or refrain from taking such other action as the IARB thinks fit;a Responsible Officer or Technical Representative whose appointment has been terminated in these circumstances will be barred from registration as an insurance agent, a Responsible Officer or Technical Representative for a specified period;
- (f) when requiring disciplinary action affecting an insurance agent, Responsible Officer or Technical Representative, the IARB shall also serve on that insurance agent, Responsible Officer and Technical Representative concerned a notification of that requirement together with a statement specifying the grounds thereof; and
- (g) if an insurance agent and/or a Principal fails to comply with a requirement to take disciplinary action, the IARB may impose a further requirement and report such failure to the relevant Principal (if appropriate) and the Insurance Authority.

Appeals

42. There shall be an Appeals Tribunal who shall determine appeals against decisions of the IARB made under this *Code*, and its decisions shall be final.

43. The members of the Appeals Tribunal shall be persons (not being members of the IARB) nominated by the HKFI and confirmed by the Insurance Authority.
44. Any person adversely affected by a decision of the IARB made under this *Code* may appeal to the Appeals Tribunal but that decision shall take effect immediately notwithstanding that an appeal has or may be made.
45. The Appeals Tribunal may determine its own procedures but otherwise an appeal shall be conducted and determined in accordance with the *Appeals Tribunal Proceedings Rules*, as amended from time to time.
46. On determining an appeal the Appeals Tribunal may confirm, vary or reverse the decision being appealed or substitute thereof such other decision, consistent with the powers of the IARB, as it thinks fit.

Reports to the Insurance Authority

47. The IARB may report any matters concerning a complaint, the investigation of the complaint, the relevant Principal's or insurance agent's report or the disciplinary action required, to the Insurance Authority. Neither the IARB nor the individual members of the IARB 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, Responsible Officers and Technical Representatives

48. (a) Before determining pursuant to clauses 24(b) and 38(f) or 35(b) and 40(f) that a person is not fit and proper to act or continue acting as an insurance agent, a Responsible Officer or Technical Representative, the IARB shall provide that person with an opportunity to make representations in such manner and form as the IARB considers appropriate and shall consider such representations; and
- (b) if, following such consideration, the IARB is not satisfied that a person is fit and proper to act or continue acting as an insurance agent, a Responsible Officer or Technical Representative, the IARB may revoke the registration of such person and shall provide the Insurance Authority with a written report specifying the grounds for its opinion. The IARB shall give the person a copy of its report.

Matters Relevant to Fitness and Properness of Insurance Agents

49. In considering whether a person is fit and proper to act or continue acting as an insurance agent, the IARB shall take into account:-
- (a) whether that person has ever been declared bankrupt or been a controller, a director, an officer or a senior manager of a corporation that has become insolvent;
 - (b) whether the person has acquired educational or other qualifications 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 has failed to conduct insurance agency business in a manner complying with clauses 71 to 79 (Part F: Minimum Requirements of Model Agency Agreement) of this *Code* and/or the rules of the HKFI;
 - (e) whether the person is found not to have complied with or is in breach of this *Code* and/or the rules of the HKFI;
 - (f) whether the person possesses the qualifications specified in clauses 52 to 65 (Minimum Qualifications for Persons Acting as Insurance Agents);
 - (g) such other matters as the IARB considers relevant in the circumstances;
 - (h) whether the person has registered as an MPF intermediary with the MPFA where the person is engaged in selling or advising on Mandatory Provident Fund schemes or their constituent or underlying funds;

- (i) if the person is also an MPF intermediary, whether the person is found not to have complied with or is in breach of the *MPF Code*; and
- (j) in case where the person is a company, partnership or sole proprietorship, whether the person has taken adequate measures to ensure that each of its directors and employees, as appropriate:-
 - (i) has registered as an MPF intermediary with the MPFA; and
 - (ii) complies with the requirements as specified in the *MPF Code*

where the director or employee is engaged in selling or advising on Mandatory Provident Fund schemes or their constituent or underlying funds.

50. The IARB may consider a person not fit and proper to act or continue acting as an insurance agent if:-

- (a) his appointment as an insurance agent was terminated by a Principal pursuant to a requirement imposed by the IARB or the Insurance Authority; or
- (b) in the opinion of the IARB, by his words or actions, he has manifested a material lack of understanding of the duties and ethical responsibilities of an insurance agent.

51. The IARB may consider a person not fit and proper to act or continue acting as an insurance agent if:-

- (a) its appointed Responsible Officer or any of its Technical Representatives would not be considered fit and proper to act as an insurance agent if he applied as an individual; or
- (b) any of its controllers or directors would not be considered fit and proper to act as an insurance agent if he applied as an individual. For the purpose of this sub-clause, the requirements specified in clauses 52(b) to (d) and 65 are not applicable to any controller or director not being an insurance agent, a Responsible Officer or Technical Representative.

Minimum Qualifications for Persons Acting as Insurance Agents

52. The minimum qualifications that an individual must fulfill before he may be considered by the IARB to be fit and proper to act as an insurance agent are that:-

- (a) he has attained the age of 18; and
- (b) he is a Hong Kong Permanent Resident or Hong Kong Resident whose employment visa conditions, if any, do not restrict him from acting as an insurance agent; and

- (c) he has completed education to a level of Form 5 or equivalent unless he was engaged in the insurance intermediary business in Hong Kong immediately before 1 January 2000 and has not since ceased to be engaged in insurance-related work in the insurance industry in Hong Kong for two consecutive years; and
- (d) he has successfully passed the relevant papers of the Insurance Intermediaries Qualifying Examination recognized by the Insurance Authority ("the Qualifying Examination") unless he has been exempted under the criteria specified in clauses 55 and 56 as appropriate.

53. The Qualifying Examination consists of the following papers:-

- (a) compulsory paper - Principles and Practice of Insurance;
- (b) qualifying paper - General Insurance;
- (c) qualifying paper - Long Term Insurance; and
- (d) qualifying paper - Investment-linked Long Term Insurance.

54. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent, unless exempted under clauses 55 and 56 as appropriate, is only eligible to be engaged in a Line of Insurance Business in respect of which he has passed the Qualifying Examination. In addition to passing the compulsory paper on Principles and Practice of Insurance, an insurance agent is required to pass the General Insurance paper and Long Term Insurance paper for his engaging in General Business and Long Term (excluding Linked Long Term) Business respectively. He is required to pass, in addition to the compulsory paper, both Long Term Insurance and Investment-linked Long Term Insurance papers for his engaging in Long Term (including Linked Long Term) Business.

55. An individual shall be exempted from papers (a), (b) and (c) as appropriate of the Qualifying Examination if he:-

- (a) was engaged in the insurance intermediary business in Hong Kong immediately before 1 January 2000 and is in possession of one of the following:-
 - (i) proven relevant experience in insurance business in Hong Kong for a cumulative period of at least five years within the six-year period immediately before 1 January 2000; or
 - (ii) the Certificate of Proficiency in General Insurance Studies issued by the HKFI;

or

(b) is in possession of any of the following recognized professional qualifications in insurance or actuarial science:-

- (i) Associate or Fellow of the Chartered Insurance Institute (ACII/FCII);
- (ii) Senior Associate or Fellow of the Australian and New Zealand Institute of Insurance and Finance [ANZIIF (Snr Assoc) / ANZIIF (Fellow)];
- (iii) Fellow of the Life Management Institute (FLMI);
- (iv) Chartered Life Underwriter (CLU);
- (v) Chartered Property Casualty Underwriter (CPCU);
- (vi) Hong Kong Diploma in Insurance Studies of the Insurance Institute of Hong Kong;
- (vii) Fellow of the Institute of Actuaries of England (FIA);
- (viii) Fellow of the Faculty of Actuaries in Scotland (FFA);
- (ix) Fellow of the Institute of Actuaries of Australia (FIAA); or
- (x) Fellow of the Society of Actuaries of the United States of America (FSA),
or other qualifications acceptable to the Insurance Authority.

56. An individual shall be exempted from paper (d) of the Qualifying Examination if he:-

- (a) was engaged in long term insurance intermediary business in Hong Kong immediately before 1 January 2002 and has fulfilled all of the following:-
 - (i) has proven long term insurance experience in Hong Kong for a cumulative period of at least seven years within the eight-year period immediately before 1 January 2002; and
 - (ii) has proven experience in Hong Kong in selling at least four linked long term policies per annum and 50 linked long term policies in total within the five-year period immediately before 1 January 2002;

or

(b) is in possession of any of the following recognized professional qualifications in insurance, investment or actuarial science:-

- (i) Chartered Life Underwriter (CLU) with an elective paper "HS 328 Investments" in the CLU qualifying examination successfully passed;
- (ii) Chartered Financial Consultant (ChFC);

- (iii) Certified Financial Planner (CFP);
 - (iv) Fellow of the Institute of Actuaries of England (FIA);
 - (v) Fellow of the Faculty of Actuaries in Scotland (FFA);
 - (vi) Fellow of the Institute of Actuaries of Australia (FIAA);
 - (vii) Fellow of the Society of Actuaries of the United States of America (FSA);
 - (viii) Foundation Programme Examination of the Hong Kong Securities Institute (FPE) successfully passed;
 - (ix) Diploma Programme Examination of the Hong Kong Securities Institute (DPE) successfully passed;
 - (x) HKSI Practising Certificate of the Hong Kong Securities Institute; or
 - (xi) HKSI Specialist Certificate of the Hong Kong Securities Institute;
- or other qualifications acceptable to the Insurance Authority.

57. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent who has been exempted under clause 55(a)(i) is only eligible to be engaged in the Line of Insurance Business [General Business and Long Term (excluding Linked Long Term) Business only] in which he has been engaged for five years within the six-year period immediately before 1 January 2000 or has substantially been engaged during that five-year period.
58. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent who has been exempted under clause 55 (a)(ii) is eligible to carry on general insurance agency business only.
59. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent who has been exempted under clause 55 (b)(i) to (vi) is eligible to carry on both general and long term (excluding linked long term) insurance agency business; and an insurance agent who has been exempted under clause 55 (b)(vii) to (x) and clause 56 (b)(iv) to (vii) is eligible to carry on both general and long term (including linked long term) insurance agency business.
60. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent who is eligible to carry on long term (excluding linked long term) insurance agency business and has been exempted under clause 56 is also eligible to carry on long term (including linked long term) insurance agency business.

61. An insurance agent in the insurance intermediary business in Hong Kong immediately before 1 January 2000 shall, unless exempted under clause 55, pass the Qualifying Examination in respect of papers (a), (b) and (c) as appropriate on or before 31 December 2001 or the expiration of the validity of his registration effected in 1999, whichever is later.
62. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent who was engaged in long term insurance intermediary business in Hong Kong immediately before 1 January 2002 and continues/intends to engage in linked long term insurance intermediary business thereafter shall, unless exempted under clause 56, pass paper (d) of the Qualifying Examination on or before 31 December 2003.
63. An insurance agent who has ceased to be engaged in insurance-related work in the insurance industry in Hong Kong for two consecutive years shall pass the relevant papers of the Qualifying Examination before he can be re-appointed as an insurance agent, unless he has been exempted under clauses 55 (b) and 56 (b) as appropriate.
64. An individual, who has passed the Qualifying Examination for two consecutive years during which he has not been engaged in insurance-related work in the insurance industry in Hong Kong, shall pass the relevant papers of the Qualifying Examination again before he can be appointed as an insurance agent, unless he has been exempted under clauses 55 (b) and 56 (b) as appropriate.
65. An insurance agent shall comply with the requirements of the Continuing Professional Development Programme in such manner and form as specified by the Insurance Authority.

Insurance Agent which is an Insurance Agency

66. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his/its Principal is authorized to carry on, an insurance agent which is an Insurance Agency is only eligible to be engaged in the Line of Insurance Business which its Responsible Officer is eligible to be engaged in.

Matters Relevant to Fitness and Propriety of Responsible Officers and Technical Representatives

67. In considering whether a person is fit and proper to act or continue acting as a Responsible Officer or Technical Representative, the IARB shall take into account whether that person is fit to act as a general insurance agent (for the relevant or proposed Responsible Officer or Technical Representative intending to be engaged in general insurance agency business), long term (excluding linked long term) insurance agent [for the relevant or proposed Responsible Officer or Technical Representative intending to be engaged in long term (excluding linked long term) insurance agency business] or long term (including linked long term) insurance agent [for the relevant or proposed Responsible Officer or Technical Representative intending to be engaged in long term (including linked long term) insurance agency business] if he applied as an individual. In this connection, the provision in clauses 49, 52 to 65 may, as appropriate, apply to the

relevant or proposed Responsible Officer or Technical Representative as if he were an insurance agent.

68. The IARB may consider a person not fit and proper to act or continue acting as a Responsible Officer or Technical Representative if:-

- (a) his appointment as a Responsible Officer or Technical Representative was terminated by an insurance agent pursuant to a requirement imposed by the IARB or the Insurance Authority; or
- (b) in the opinion of the IARB, by his words or actions, he has manifested a material lack of understanding of the duties and ethical responsibilities of a Responsible Officer or Technical Representative.

Other Matters Relating to the Eligibility for Persons Acting as Responsible Officers and Technical Representatives

69. A Technical Representative is only eligible to be engaged in a Line of Insurance Business which the insurance agent appointing him is eligible to be engaged in.

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PART F : MINIMUM REQUIREMENTS OF MODEL AGENCY AGREEMENT

70. 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 HKFI. The HKFI 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

71. An insurance agent shall at all times conduct business in good faith and with integrity.
72. In the event of a complaint concerning the conduct of an insurance agent, the agent shall co-operate with the IARB and 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 IARB.
73. An insurance agent shall:-
- (a) identify himself as an insurance agent acting on behalf of the Principal(s) he represents prior to discussing insurance policies with any person;
 - (b) disclose his registration number if so requested and identify his registration number on his business cards if they are distributed;
 - (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 policy holder understands what he is buying;
 - (e) explain the specific differences to which he is referring when making comparisons with other types of policies;
 - (f) treat all information supplied by the prospective policy holder as confidential and disclose such information only to the Principal(s) 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 policy holder before the binding of the policy; and

- (i) 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 prior agreement and approval of the insured is received in writing.

74. In assisting a prospective policy holder to complete the proposal or application form, an insurance agent shall:-

- (a) not influence the prospective policy holder, 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 policy holder and draw his attention to the relevant statements in the proposal form.

Conduct of Insurance Agents for Long Term Insurance Business

75. An insurance agent shall at all times conduct business in good faith and with integrity.

76. In the event of a complaint concerning the conduct of an insurance agent, the agent shall co-operate with the IARB and 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 IARB.

77. An insurance agent shall:-

- (a) identify himself as an insurance agent acting on behalf of the Principal(s) he represents prior to discussing insurance policies with any person;
- (b) disclose his registration number if so requested and identify his registration number on his business cards if they are distributed;
- (c) make every reasonable effort to ensure that the policy proposed is suitable to the needs and resources of the prospective policy holder as disclosed to the insurance agent;
- (d) give advice only on those matters in which he is competent to deal with or otherwise seek advice from his Principal(s) when necessary;
- (e) explain the cover afforded by each policy recommended to ensure that the prospective policy holder understands what he is buying;
- (f) explain the specific differences to which he is referring when making comparisons with other types of policies or forms of investment;
- (g) treat all information supplied by the prospective policy holder as confidential and disclose such information only to the Principal(s) to which the business is being offered;

- (h) not make inaccurate or misleading statements about any Principals or their policies, or any other intermediaries;
 - (i) not impose any charge in addition to the policy premium without disclosing the amount and purpose of such charge to the policy holder before the binding of the policy;
 - (j) not make inaccurate or misleading statements or comparisons to induce an insured to replace existing long term insurance with other long term insurance to the insured's disadvantage;
 - (k) 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 policy holder; and
 - (l) comply with the requirements as specified in the *MPF Code* where he is engaged in selling or advising on Mandatory Provident Fund schemes or their constituent or underlying funds.
78. In assisting a prospective policy holder to complete the proposal or application form, an insurance agent shall:-
- (a) not influence the prospective policy holder, 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 policy holder and draw his attention to the relevant statements in the proposal form.
79. 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 specific 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 linked long term business, explain that unit value and the value of the policy holder'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 he is authorized by a Principal to prepare certain illustrations himself, prepare them using only the assumptions authorized by the Principal.

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GUIDELINES ON MISCONDUCT

The Code of Practice for the Administration of Insurance Agents (the *Code*) specifies that the Insurance Agents Registration Board (IARB) may issue Guidance Notes from time to time as to how it intends to exercise its powers and fulfil its responsibilities under the *Code*. This *Guidance Note* is intended to help both insurers and insurance agents comply with the *Code* and in particular Part F of the *Code*. The phrase "in good faith and with integrity" used in this Part cannot have a fully defined meaning, however, it is clear that it is in the best interests of customers, insurance agents and Principals to set out, from time to time, certain guidelines which if followed, provide comfort to all concerned that all possible steps are being taken to conduct business in good faith and with integrity.

Failure to comply may constitute a breach of the *Code* by either a Principal/an insurance agent under Part C or an insurance agent under Part F.

1. On no account will insurance agents ask customers to sign blank or incomplete forms and any alterations to forms must be initialled by the customers

Many complaints arise from prospective customers and/or clients whose interests have been adversely affected because they have submitted to their insurance agents' requests to sign blank forms. In order to protect the insuring public against potential losses arising from misrepresentation or forgery, insurance agents must not request their prospective customers and/or clients to sign blank forms or sign any documents relating to the policy before they have been duly completed and any alteration should be initialled by the customers.

2. An insurance agent selling a life assurance policy shall ensure that the prescribed *Customer Protection Declaration (CPD) form* is completed

It is an insurance agent's duty to present each policy with complete honesty and objectivity. In the case where the client is already a policy holder, this means that full and fair disclosure of all facts regarding both the new coverage and the existing insurance is necessary. Policy holders should be made fully aware of the estimated cost of replacing an existing policy. In selling a life assurance policy, insurance agents must duly complete the *CPD form* as prescribed by the Hong Kong Federation of Insurers from time to time and bring the content to the attention of the customer.

3. Principals must establish control procedures to monitor insurance agents' compliance with the *Code*

Principals will take all necessary steps to satisfy themselves that insurance agents are complying with the *Code* and with any Guidance Notes issued (as required by Part C). The IARB recognizes that individual circumstances may arise where it is impracticable or unhelpful to the customer to adhere rigidly to the *Code* or the Guidance Notes but the IARB will expect a principal to be able to demonstrate that sufficient check and control exist to ensure that exceptions are rare and fully documented.

When dealing with complaints the IARB may ask a Principal to provide details of the monitoring and control systems in place to ensure the Guidance Notes are not breached. Principals should note that the IARB may report to the Insurance Authority under Part B if it believes that adequate controls are not in place.

GUIDELINES ON HANDLING OF PREMIUMS

The Code of Practice for the Administration of Insurance Agents (the *Code*) specifies that the Insurance Agents Registration Board (IARB) may issue Guidance Notes from time to time as to how it intends to exercise its powers and fulfil its responsibilities under the *Code*. This *Guidance Note* is intended to help both insurers and insurance agents comply with the *Code* and in particular Part F of the *Code* which stipulates that an insurance agent shall at all times conduct business in good faith and with integrity.

Failure to comply may constitute a breach of the *Code* by either a Principal/an insurance agent under Part C or an insurance agent under Part F.

Handling of Premiums

More than one third of complaints handled by the IARB relate to misappropriation or mishandling of premium. Customers will want to pay their premiums in a variety of ways including cash, credit card, cheque and bank transfer. It is up to the Principal to decide which methods are acceptable but the following methods are recommended:

Cheque in favour of the Principal or

Credit card/ direct deposit/ bank transfer from the customers' account to the Principal.

Any other method of payment or credit facilities extended to an agent should be subject to clear rules set out by the Principal designed to avoid the mixing of customers' money with agents' personal funds.

GUIDELINES ON THE EFFECTIVE DATE OF REGISTRATION OF INSURANCE AGENTS, RESPONSIBLE OFFICERS AND TECHNICAL REPRESENTATIVES

The Code of Practice for the Administration of Insurance Agents (the Code) specifies that the Insurance Agents Registration Board (IARB) may issue Guidance Notes from time to time as to how it intends to exercise its powers and fulfil its responsibilities under the *Code*. This *Guidance Note* is intended to help both insurers and insurance agents comply with the *Code* and in particular Part C of the *Code* which stipulates that the appointment of insurance agents, Responsible Officers and Technical Representatives shall be confirmed in accordance with the *Code*.

No prospective or current insurance agents, their Responsible Officers or Technical Representatives shall hold themselves out as engaging in the insurance agency business relating to a Principal before the IARB confirms their relevant registrations in writing by way of a *Notice of Confirmation of Registration*.

A prospective or current insurance agent must take note that it may be an offence under section 77 of the *Insurance Companies Ordinance* to hold himself out as an insurance agent of a Principal before he is registered by the IARB. Therefore, no person shall act or hold himself out as an insurance agent for and on behalf of any prospective appointing Principal before the date specified by the IARB in the *Notice of Confirmation of Registration*. Any breach may render the person liable to criminal prosecution for an offence under section 77 of the *Insurance Companies Ordinance*.

A prospective or current Responsible Officer or Technical Representative of an insurance agent should also take note that it may be a breach of the *Code* to hold himself out as the Responsible Officer or Technical Representative of such insurance agent before he is registered by the IARB. Therefore, no person shall be a Responsible Officer or Technical Representative of any prospective appointing insurance agent before the date specified by the IARB in the *Notice of Confirmation of Registration*. Any breach may affect the fitness and properness of the Responsible Officer, Technical Representative or insurance agent concerned.

Guidance Note issued on 30 November 2004

**GUIDANCE NOTE ON COMPLIANCE WITH THE REQUIREMENTS OF
THE CONTINUING PROFESSIONAL DEVELOPMENT (CPD) PROGRAMME**

1. Background

The *Code of Practice for the Administration of Insurance Agents* (the *Code*) specifies that the Insurance Agents Registration Board (IARB) may issue Guidance Notes from time to time as to how it intends to exercise its powers and fulfill its responsibilities under the *Code*. This *Guidance Note* aims to assist insurance agents to comply with the annual CPD requirements. For the purpose of this *Guidance Note*, any reference to "insurance agent" shall include responsible officer and technical representative.

Part E of the *Code* under "Minimum Qualifications for Persons Acting as Insurance Agents" stipulates:

- (a) The minimum qualifications an individual must fulfill before he may be considered by the IARB to be fit and proper to act as an insurance agent.
- (b) That an insurance agent shall comply with the CPD requirements in such manner and form as specified by the Insurance Authority (IA).

2. CPD Requirements

The IA has specified that:

- (a) Insurance agents are required to earn 5 core and 10 non-core credits every year since the launch of the CPD Programme on 1 January 2002 up to 31 July 2005; and
- (b) From 1 August 2005, insurance agents are required to earn 10 CPD hours every year. Any excess CPD hours accumulated within a particular year cannot be carried forward to any other years.

The IARB shall deem an insurance agent having complied with the CPD requirements under the "Minimum Qualifications for Persons Acting as Insurance Agents" as qualified for maintaining his registration status for another 12 months if:

- (i) The insurance agent completes all 5 core and 10 non-core credits for each assessment year within a 12-month period for the entire transitional period up to 31 July 2005; and
- (ii) From 1 August 2005, the insurance agent completes all 10 CPD hours for the assessment year within a 12-month period ending on 31 July every year thereafter.

All newly registered insurance agents (meaning those who were not registered as insurance agents or brokers within the two years or more immediately prior to their registration), whose registration has been confirmed after 31 July 2004, shall refer to section 4 below.

3. CPD Assessment

In the spirit of encouraging compliance with the CPD requirements, the following shall apply:

- (a) For easy administration, calendar month shall be used as the basis for calculating CPD requirements irrespective of the day of the month on which registration of an insurance agent takes place (i.e. regardless of whether an insurance agent is registered on, say, 1

- January or 31 January, January shall be used for calculation of his CPD credits/hours.)
- (b) If the registration of an insurance agent has been cancelled for less than 6 consecutive calendar months, such insurance agent shall be required to fulfill the CPD requirements for the entire 12-month assessment period, including the period of cancellation, which shall be reported as follows:
- (i) on the next succeeding assessment date (if both the cancellation date and the re-registration date fall within the same 12-month assessment period) (see example 1 in Annex 1 attached); or
 - (ii) at the time of re-registration (if the re-registration date falls in the next 12-month assessment period) (see example 2 in Annex 1 attached).
- (c) If the registration of an insurance agent has been cancelled for a period of 6 consecutive calendar months or more, such insurance agent shall **not** be required to earn any CPD hours before re-registration, provided that such insurance agent shall not be registered as an insurance broker during such period. In this case, the insurance agent is required to report his CPD hours from the date of re-registration on a pro rata basis by the next succeeding assessment date. Please see the attached Annex 2 for the pro rata CPD hours required.

(For ease of calculation, all CPD hours shall be rounded down to the lower integer.)

4. Assessment for Newly Registered Insurance Agents

- (a) A newly registered insurance agent, whose registration has been confirmed after 31 July 2004 up to 31 July 2005, may choose **either** to report:
- (i) On a pro rata basis on 31 July 2005 (e.g. if an insurance agent was first registered in September 2004, he would report 4 core and 9 non-core credits on 31 July 2005). Please see the attached Annex 3 for the pro rata credits required; **or**
 - (ii) On a pro rata basis on 31 July 2006 (e.g., by using the same example above, he should report 4 core and 9 non-core credits (for the 11-month period up to 31 July 2005) plus 10 CPD hours (for the 12-month period from 1 August 2005 to 31 July 2006)).

However, to allow insurance agents the flexibility in choosing the activities to comply with the CPD requirements, they may report 19 CPD hours for the entire 23-month registration period.

Please see the attached Annex 3 for the pro rata credits required for the period up to 31 July 2005, if used, or attached Annex 4 for the pro rata CPD hours required for the whole period.

- (b) A newly registered insurance agent, whose registration has been confirmed after 31 July 2005, may choose **either** to report:
- (i) On a pro rata basis on 31 July immediately after his registration (e.g. if an insurance agent was first registered in September 2005, he would report 9 CPD hours on 31 July 2006). Please see the attached Annex 2 for the pro rata CPD hours required; **or**
 - (ii) In the next assessment year also on a pro rata basis (e.g., by using the same example above, he may report his CPD hours on 31 July 2007, i.e. 19 CPD hours for this 23-month registration period). Please see the attached Annex 4 for the pro rata CPD hours required.

5. Assessment for Professionally Qualified Insurance Agents

For insurance agents who are qualified pursuant to "List of specified qualifications" of the CPD Information Sheet published by the IA, which specifies that, inter alia, they are considered to have satisfied the non-core credits requirements if they have satisfied the CPD requirements specified by the institutes granting their qualifications. Nonetheless, they are still required to comply with the core credits requirements to earn 5 core credits every year up to 31 July 2005. (Please refer to sections 3 and 4 above for assessment details.)

From 1 August 2005, holders of such qualifications are considered to have satisfied the 10 CPD hours requirement if (a) the institutes granting such qualifications have a specific CPD programme for holders of such qualifications; and (b) they have satisfied the CPD requirements specified by the institutes granting such qualifications. Evidence of holding such qualifications/titles should be submitted by the insurance agents to the IARB upon request. They should also be able to produce documentary proof that compliance with the respective institute's CPD programmes is essential for the holding of such qualifications/titles.

6. Maintaining CPD records and Monitoring of CPD Compliance

- (a) Responsibilities of insurance agents:
- (i) decide on the appointing insurer responsible for reporting their CPD credits/ hours and notify such appointing insurer accordingly (if applicable);
 - (ii) inform all appointing insurers if they should change the appointing insurer responsible for reporting their CPD credits/hours (if applicable);
 - (iii) complete and file a Declaration Form to be promulgated by the IARB within 2 weeks (i.e. by 14 August) from the assessment date as follows:
 - By individual insurance agents to:
 - the appointing insurer responsible for reporting their CPD credits/hours; and
 - all other appointing insurer(s) by providing each of them with a signed copy of the Declaration Form;
 - By responsible officers to:
 - the appointing insurer responsible for reporting their CPD credits/hours; and
 - all other appointing insurer(s) by providing each of them with a signed copy of the Declaration Form;
 - By technical representatives (TRs) to their appointing insurance agent.
 - (iv) retain their proof of compliance with CPD requirements (including Declaration Forms and evidence/record of attendance) for at least a period of 3 years after the assessment date. The original proof of compliance with CPD requirements should be produced as and when required by the IARB.
- (b) Responsibilities of insurance agents who have appointed TRs:
- (i) dispatch copies of Declaration Form to all of their TRs;
 - (ii) arrange sufficient CPD training for their TRs, if necessary;
 - (iii) issue evidence/record of attendance to prove a TR who has attained a course sponsored by the insurance agent with the number of CPD credits/ hours and type of credits printed on evidence/record of attendance;
 - (iv) monitor the compliance of their TRs with the CPD requirements;
 - (v) collect Declarations Forms from their TRs by 14 August;
 - (vi) file the Annual Return to the IARB and report on those who fail to achieve the CPD credits/hours by 15 September; and
 - (vii) offer help to their TRs in maintaining proof of compliance with CPD requirements.

- (c) Responsibilities of all insurers:
- (i) dispatch copies of Declaration Form to all of their insurance agents and responsible officers of insurance agencies;
 - (ii) obtain confirmation from all their insurance agents and responsible officers of insurance agencies as to who would be responsible for reporting their CPD credits/hours by 14 August;
 - (iii) arrange sufficient CPD training for their insurance agents and responsible officers of insurance agencies, if necessary;
 - (iv) issue evidence/record of attendance to prove an insurance agent or a responsible officer of insurance agency who has attained a course sponsored by the insurer with the number of CPD credits/hours and type of credits printed on the evidence/record of attendance;
 - (v) monitor the compliance of their insurance agents and responsible officers of insurance agencies with the CPD requirements;
 - (vi) collect Declarations Forms from their insurance agents and responsible officers of insurance agencies by 14 August as follows:
 - originally signed Declaration Form for those insurers responsible for reporting CPD credits/hours; or
 - signed copy of Declaration Form for those insurers NOT responsible for reporting CPD credits/hours;
 - (vii) file the Annual Return to the IARB by 15 September (for those insurers responsible for reporting CPD credits/hours, report on those who fail to achieve the CPD credits/hours as well); and
 - (viii) offer help to their insurance agents and responsible officers of insurance agencies in maintaining proof of compliance with CPD requirements.

7. Consequence of Non-Compliance

In the circumstances that an insurance agent fails to meet the CPD requirements, his confirmation of registration shall be revoked by the IARB. Under such circumstances, the IARB shall not consider his application for re-registration for 3 months as a starting point from the date his confirmation of registration is revoked. Such insurance agent shall be required to complete all outstanding CPD hours at the time of re-registration.

In the circumstances that an insurance agent makes a false declaration in reporting his CPD hours, his confirmation of registration shall be revoked for 12 months as a starting point by the IARB. Such insurance agent shall be required to complete all outstanding CPD hours at the time of re-registration.

8. Transitional Period

Please refer to revised Guidance Note 8 for details applicable to the Transitional Period.

EXAMPLES OF CALCULATION OF CPD HOURS

Example 1

Registration date: 1 January 2004

(assuming insurance agent has complied with the CPD requirements on 31 July 2005)

De-registration date: 1 April 2006

Re-registration date: 1 June 2006 (less than 6 months from the de-registration date)

Time to report CPD hours: 31 July 2006

Total number of months for report of CPD hours: 12 (from 1 August 2005 to 31 July 2006)

CPD hours to be reported: 10

Example 2

Registration date: 1 January 2004

(assuming insurance agent has complied with the CPD requirements on 31 July 2005)

De-registration date: 1 June 2006

Re-registration date: 1 October 2006 (less than 6 months from the de-registration date)

Time to report CPD hours: 1 October 2006

Total number of months for report of CPD hours: 12 (from 1 August 2005 to 31 July 2006)

CPD hours to be reported at the time of re-registration: 10

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Annex 2

Effective 1 August 2005: Number of CPD hours to be reported by insurance agents, whose registrations have been cancelled for 6 consecutive calendar months or more, by the assessment date (i.e. 31 July) immediately following re-registration

<u>Re-registration Month</u>	<u>Total No. of Months for reporting</u>	<u>CPD Hours</u>
August	12	10
September	11	9
October	10	8
November	9	7
December	8	6
January	7	5
February	6	5
March	5	4
April	4	3
May	3	2
June	2	1
July	1	0

***This table would also apply to newly registered insurance agents who choose to report their CPD hours for less than a 12-month period from 1 August 2005.**

Annex 3

Number of CPD credits to be reported by insurance agents newly registered between August 2004 to July 2005, by the assessment date on 31 July 2005

<u>Registration Month</u>	<u>Total No. of Months for reporting</u>	<u>Core Credits</u>	<u>Non-Core Credits</u>
August 2004	12	5	10
September 2004	11	4	9
October 2004	10	4	8
November 2004	9	3	7
December 2004	8	3	6
January 2005	7	2	5
February 2005	6	2	5
March 2005	5	2	4
April 2005	4	1	3
May 2005	3	1	2
June 2005	2	0	1
July 2005	1	0	0

Annex 4

Number of CPD hours to be reported by insurance agents newly registered from August 2005 by the second 31 July immediately following registration

<u>Registration Month</u>	<u>Total No. of Months for reporting</u>	<u>CPD Hours</u>
August	24	20
September	23	19
October	22	18
November	21	17
December	20	16
January	19	15
February	18	15
March	17	14
April	16	13
May	15	12
June	14	11
July	13	10

***This table would also apply to newly registered insurance agents, confirmed after 31 July 2004, and who choose to report CPD hours on 31 July 2006**

Guidance Note issued on 30 November 2004

**GUIDANCE NOTE ON COMPLIANCE WITH THE REQUIREMENTS OF
THE CONTINUING PROFESSIONAL DEVELOPMENT (CPD) PROGRAMME
FOR THE TRANSITIONAL PERIOD**

Background

The Code of Practice for the Administration of Insurance Agents (the *Code*) specifies that the Insurance Agents Registration Board (IARB) may issue Guidance Notes from time to time as to how it intends to exercise its powers and fulfill its responsibilities under the *Code*. This *Guidance Note* aims to assist insurance agents to comply with the CPD requirements for the Transitional Period. For the purpose of this *Guidance Note*, any reference to "insurance agent" shall include responsible officer and technical representative.

Part E of the *Code* under "Minimum Qualifications for Persons Acting as Insurance Agents" stipulates:

- (i) The minimum qualifications an individual must fulfill before he may be considered by the IARB to be fit and proper to act as an insurance agent.
- (ii) That an insurance agent shall comply with the CPD requirements in such manner and form as specified by the Insurance Authority (IA).

CPD Requirements

The IA has specified that insurance agents are required to earn 5 core and 10 non-core credits every year since the launch of the CPD Programme on 1 January 2002 up to 31 July 2005. The IA has stipulated in the CPD Information Sheet that the following would apply only to the Transitional Period:

- (i) Deficiency of credits gained in a year should be made up during the Transitional Period;
- (ii) Excess credits accumulated in a particular year can be carried forward to another year; and
- (iii) Insurance intermediaries joining the insurance intermediary profession on or before 2002, 2003 or 2004 will have their accumulated credits assessed during 2005.

The IARB shall deem an insurance agent having complied with the CPD requirements under the "Minimum Qualifications for Persons Acting as Insurance Agents" as qualified for maintaining his registration status for another 12 months if he completes all CPD requirements under the transitional arrangement (please see the section "CPD Assessment" below for the detailed CPD requirements).

CPD Assessment

- (a) For easy administration, calendar month shall be used as the basis for calculating CPD requirements irrespective of the day of the month on which registration of an insurance agent takes place (i.e. regardless of whether an insurance agent is registered on, say, 1 January or 31 January, January shall be used for calculation of his CPD credits.)
- (b) The first assessment date of all insurance agents shall be 31 July 2005.
- (c) *Insurance agents registered before 1 January 2002*
 - (i) An insurance agent has to earn 15 core and 30 non-core credits only by 31 July 2005.
 - (ii) If the registration of an insurance agent has been cancelled for **one calendar**

month or more during the Transitional Period and he applies for re-registration thereafter, he shall be required to report his CPD credits on a pro rata basis, but in any event would not exceed 15 core and 30 non-core credits.

- (d) *Insurance agents newly registered on or after 1 January 2002 up to 31 July 2005*
The number of CPD credits required to be reported by the newly registered insurance agents on the first assessment date are shown in the attached Table I.
- (e) If the registration of an insurance agent has been cancelled for **one calendar month or more** during the Transitional Period and the insurance agent applies for re-registration thereafter, he shall be required to report his CPD credits on a pro rata basis as follows:
- (i) on 31 July 2005 (if the re-registration date is on/before 31 July 2005); or
 - (ii) at the time of re-registration (if the re-registration date is after 31 July 2005).
- (f) If the registration of an insurance agent has been cancelled for a period more than 24 consecutive calendar months, he shall **not** be required to earn any CPD credits for re-registration. Instead, as stipulated in the *Code*, he shall, unless exempted by the professional qualifications specified under clauses 55 and 56 of the *Code* as appropriate, successfully pass the relevant paper(s) of the Insurance Intermediaries Qualifying Examination (IIQE) recognized by the IA again before he may be considered by the IARB to be fit and proper to act as an insurance agent.

Assessment for Professionally Qualified Insurance Agents

- (g) For insurance agents who are qualified pursuant to "List of specified qualifications" of the CPD Information Sheet published by the IA, which specifies that, inter alia, they are considered to have satisfied the non-core credits requirements if they have satisfied the CPD requirements specified by the institutes granting their qualifications. Nonetheless, they are still required to comply with the core credits requirements to earn 5 core credits every year. (Please refer to (a) to (f) above for assessment details.)

Maintaining CPD records and Monitoring of CPD Compliance

- (h) Responsibilities of insurance agents:
- (i) decide on the appointing insurer responsible for reporting their CPD credits and notify such appointing insurer accordingly (if applicable);
 - (ii) inform all appointing insurers if they should change the appointing insurer responsible for reporting their CPD credits (if applicable);
 - (iii) complete and file a Declaration Form to be promulgated by the IARB within 2 weeks (i.e. by 14 August) from the assessment date as follows:
 - By individual insurance agents to:
 - the appointing insurer responsible for reporting their CPD credits; and
 - all other appointing insurer(s) by providing each of them with a signed copy of the Declaration Form;
 - By responsible officers to:
 - the appointing insurer responsible for reporting their CPD credits; and
 - all other appointing insurer(s) by providing each of them with a signed copy of the Declaration Form;
 - By technical representatives (TRs) to their appointing insurance agent.
 - (iv) retain their proof of compliance with CPD requirements (including Declaration Forms and evidence/record of attendance) for at least a period of 3 years after the assessment date. The original proof of compliance with CPD requirements should be produced as and when required by the IARB.
- (i) Responsibilities of insurance agents who have appointed TRs:
- (i) dispatch copies of Declaration Form to all of their TRs;

- (ii) arrange sufficient CPD training for their TRs, if necessary;
- (iii) issue evidence/record of attendance to prove a TR who has attained a course sponsored by the insurance agent with the number and type of CPD credits printed on evidence/record of attendance;
- (iv) monitor the compliance of their TRs with the CPD requirements;
- (v) collect Declarations Forms from their TRs by 14 August;
- (vi) file the Annual Return to the IARB and report on those who fail to achieve the CPD credits by 15 September; and
- (vii) offer help to their TRs in maintaining proof of compliance with CPD requirements.
- (j) Responsibilities of all insurers:
 - (i) dispatch copies of Declaration Form to all of their insurance agents and responsible officers of insurance agencies;
 - (ii) obtain confirmation from all their insurance agents and responsible officers of insurance agencies as to who would be responsible for reporting their CPD credits by 14 August;
 - (iii) arrange sufficient CPD training for their insurance agents and responsible officers of insurance agencies, if necessary;
 - (iv) issue evidence/record of attendance to prove an insurance agent or a responsible officer of insurance agency who has attained a course sponsored by the insurer with the number of CPD credits and type of credits printed on the evidence/record of attendance;
 - (v) monitor the compliance of their insurance agents and responsible officers of insurance agencies with the CPD requirements;
 - (vi) collect Declarations Forms from their insurance agents and responsible officers of insurance agencies by 14 August as follows:
 - originally signed Declaration Form for those insurers responsible for reporting CPD credits; or
 - signed copy of Declaration Form for those insurers NOT responsible for reporting CPD credits;
 - (vii) file the Annual Return to the IARB by 15 September (for those insurers responsible for reporting CPD credits, report on those who fail to achieve the CPD credits as well); and
 - (viii) offer help to their insurance agents and responsible officers of insurance agencies in maintaining proof of compliance with CPD requirements.

Consequence of Non-Compliance

- (k) In the circumstances that an insurance agent fails to meet the CPD requirements, his confirmation of registration shall be revoked by the IARB. Under such circumstances, the IARB shall not consider his application for re-registration for 3 months as a starting point from the date his confirmation of registration is revoked. Such insurance agent shall be required to complete all outstanding CPD credits at the time of re-registration.
- (l) In the circumstances that an insurance agent makes a false declaration in reporting his CPD credits, his confirmation of registration shall be revoked for 12 months as a starting point by the IARB. Such insurance agent shall be required to complete all outstanding CPD credits at the time of re-registration.

Table I**TRANSITIONAL ARRANGEMENT**

CPD credits to be reported on the first assessment date (i.e. 31 July 2005) for insurance agents newly registered between 1 January 2002 and 31 July 2004:

<u>First registration date falling On any date between</u>	<u>Registration Month</u>	<u>Total No. of Months for reporting</u>	<u>Core Credits</u>	<u>Non-Core Credits</u>
1/1/2002 – 31/1/2002	January 2002	43	15	30
1/2/2002 – 28/2/2002	February 2002	42	15	30
1/3/2002 – 31/3/2002	March 2002	41	15	30
1/4/2002 – 30/4/2002	April 2002	40	15	30
1/5/2002 – 31/5/2002	May 2002	39	15	30
1/6/2002 – 30/6/2002	June 2002	38	15	30
1/7/2002 – 31/7/2002	July 2002	37	15	30
1/8/2002 – 31/8/2002	August 2002	36	15	30
1/9/2002 – 30/9/2002	September 2002	35	14	29
1/10/2002 – 31/10/2002	October 2002	34	14	28
1/11/2002 – 30/11/2002	November 2002	33	13	27
1/12/2002 – 31/12/2002	December 2002	32	13	26
1/1/2003 – 31/1/2003	January 2003	31	12	25
1/2/2003 – 28/2/2003	February 2003	30	12	24
1/3/2003 – 31/3/2003	March 2003	29	12	24
1/4/2003 – 30/4/2003	April 2003	28	11	23
1/5/2003 – 31/5/2003	May 2003	27	11	22
1/6/2003 – 30/6/2003	June 2003	26	10	21
1/7/2003 – 31/7/2003	July 2003	25	10	20
1/8/2003 – 31/8/2003	August 2003	24	10	20
1/9/2003 – 30/9/2003	September 2003	23	9	19
1/10/2003 – 31/10/2003	October 2003	22	9	18
1/11/2003 – 30/11/2003	November 2003	21	8	17
1/12/2003 – 31/12/2003	December 2003	20	8	16
1/1/2004 – 31/1/2004	January 2004	19	7	15
1/2/2004 – 29/2/2004	February 2004	18	7	15
1/3/2004 – 31/3/2004	March 2004	17	7	14
1/4/2004 – 30/4/2004	April 2004	16	6	13
1/5/2004 – 31/5/2004	May 2004	15	6	12
1/6/2004 – 30/6/2004	June 2004	14	5	11
1/7/2004 – 31/7/2004	July 2004	13	5	10
1/8/2004 – 31/7/2005*		N/A		

*The insurance agents shall be assessed on a pro-rata basis in accordance with paragraph 4(a) of Revised Guidance Note 7.

20 January 2006

The Code of Practice for the Administration of Insurance Agents

New Clause	Addendum (Bold Words)
In Page 28, add Clause 56(b)(xii) Immediately following Clause 56(b)(xi)	56. An individual shall be exempted from paper (d) of the Qualifying Examination if he:- (b) is in possession of any of the following recognized professional qualifications in insurance, investment or actuarial science:- (xii) HKSI Professional Diploma in Financial Markets of the Hong Kong Securities Institute;

OUTDATED
VERSION
(Sixth Edition)

The Code of Practice for the Administration of Insurance Agents

New/Existing Clause	Addendum (Bold Words)
Under "Contents", add "and Restricted Scope Travel Business" at the end of "Conduct of Insurance Agents for General Insurance Business" under "Part F: Minimum Requirements of Model Agency Agreement"	<p>PART F : MINIMUM REQUIREMENTS OF MODEL AGENCY AGREEMENT</p> <p>Conduct of Insurance Agents for General Insurance Business and Restricted Scope Travel Business</p>
<p>Under clause 2:</p> <p>i. amend the definition of "Line of Insurance Business" as shown on right-hand side; and</p> <p>ii. add definition of "Restricted Scope Travel Business" immediately following the definition of "Responsible Officer"</p>	<p>2. In this <i>Code</i>, the following words are defined as follows:-</p> <p>"Line of Insurance Business" means:-</p> <p>(a) General Business (as defined in the <i>Insurance Companies Ordinance</i>);</p> <p>(b) Long Term (excluding Linked Long Term) Business (as defined in the <i>Insurance Companies Ordinance</i>); and/or</p> <p>(c) Long Term (including Linked Long Term) Business (as defined in the <i>Insurance Companies Ordinance</i>); and/or</p> <p>(d) Restricted Scope Travel Business;</p> <p>as defined in the <i>Insurance Companies Ordinance</i>;</p> <p>"Restricted Scope Travel Business" means effecting and carrying out contracts of travel insurance tied to a tour, travel package, trip or other travel services which the same travel agent arranges for his clients, excluding any annual travel insurance policies or any travel insurance policies for tours, travel packages, trips or other travel services which the travel agent does not arrange for his clients;</p>
Add clause 15A immediately following clause 15	<p>15A. The insurance agent shall display his name and registration number on the name plate put in front of the service desk or counter if he is registered as engaging in the Restricted Scope Travel Business and provides face-to-face insurance service at service desk or counter.</p>

New/Existing Clause	Addendum (Bold Words)
Amend clause 20 as shown on right-hand side	<p>20. For the purposes of clause 19:-</p> <p>(a) representation by a person of a composite insurer shall be regarded as the representation of two Principals, one general and one long term, unless the insurance agent's activities are restricted to either (i) General or Restricted Scope Travel Business or (ii) Long Term Business; and</p> <p>(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 (i) General or Restricted Scope Travel Business or (ii) Long Term Business, or two Principals if their activities include both (i) General or Restricted Scope Travel Business and (ii) Long Term Business unless the insurance agent's activities are restricted to either (i) General or Restricted Scope Travel Business or (ii) Long Term Business.</p>
<p>Under clause 23:</p> <p>i. add sub-clause (ga) immediately following sub-clause (g);</p> <p>ii. delete "and" at the end of sub-clause (h);</p> <p>iii. add "and" at the end of sub-clause (i); and</p> <p>iv. add sub-clause (j) immediately following sub-clause (i)</p>	<p>23. A Principal shall ensure that each of its insurance agents:-</p> <p>(ga) displays his name and registration number on the name plate put in front of the service desk or counter if he is registered as engaging in the Restricted Scope Travel Business and provides face-to-face insurance service at service desk or counter;</p> <p>(h) complies with this Code; and</p> <p>(i) has registered as an MPF intermediary with the MPFA where the insurance agent is engaged in selling or advising on Mandatory Provident Fund schemes or their constituent or underlying funds; and</p> <p>(j) has been licensed as a travel agent under the Travel Agents Ordinance (Chapter 218 of the Laws of Hong Kong) where the insurance agent is registered to be engaged in Restricted Scope Travel Business.</p>
Add clause 29A immediately following clause 29	<p>29A. The Responsible Officer or Technical Representative shall display his name and registration number on the name plate put in front of the service desk or counter if he is registered as engaging in the Restricted Scope Travel Business and provides face-to-face insurance service at service desk or counter.</p>

New/Existing Clause	Addendum (Bold Words)
<p>Under clause 34:</p> <p>i. delete "and" at the end of sub-clause (f); and</p> <p>ii. add sub-clause (fa) immediately following sub-clause (f)</p>	<p>34. An insurance agent shall ensure that any person acting as its Responsible Officer or Technical Representative:-</p> <p>(f) identifies his registration number on his business cards if they are distributed; and</p> <p>(fa) displays his name and registration number on the name plate put in front of the service desk or counter if he is registered as engaging in the Restricted Scope Travel Business and provides face-to-face insurance service at service desk or counter; and</p>
<p>Under clause 53:</p> <p>i. delete any reference of "compulsory paper" or "qualifying paper";</p> <p>ii. delete "and" at the end of sub-clause (c);</p> <p>iii. add "and" at the end of sub-clause (d); and</p> <p>iv. add sub-clause (e) immediately following sub-clause (d)</p>	<p>53. The Qualifying Examination consists of the following papers:-</p> <p>(a) compulsory paper Principles and Practice of Insurance;</p> <p>(b) qualifying paper General Insurance;</p> <p>(c) qualifying paper Long Term Insurance; and</p> <p>(d) qualifying paper Investment-linked Long Term Insurance; and</p> <p>(e) Travel Insurance Agents Examination.</p>
<p>Amend clause 54 as shown on right-hand side</p>	<p>54. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent, unless exempted under clauses 55 and 56 as appropriate, is only eligible to be engaged in a Line of Insurance Business in respect of which he has passed the relevant Qualifying Examination paper(s). In addition to passing the compulsory paper on Principles and Practice of Insurance, an insurance agent is required to pass the General Insurance paper and Long Term Insurance paper for his engaging in General Business and Long Term (excluding Linked Long Term) Business respectively. He is required to pass, in addition to the compulsory paper, both Long Term Insurance and Investment-linked Long Term Insurance papers for his engaging in Long Term (including Linked Long Term) Business. An individual must pass:</p> <p>(a) (i) the Principles and Practice of Insurance paper and (ii) General Insurance paper before he can be registered to be engaged in General Business;</p>

New/Existing Clause	Addendum (Bold Words)
Amend clause 54 as shown on right-hand side	<p>(b) (i) the Principles and Practice of Insurance paper and (ii) Long Term Insurance paper before he can be registered to be engaged in Long Term (excluding Linked Long Term) Business;</p> <p>(c) (i) the Principles and Practice of Insurance paper, (ii) Long Term Insurance paper and (iii) Investment-linked Long Term Insurance paper before he can be registered to be engaged in Long Term (including Linked Long Term) Business; and/or</p> <p>(d) the Travel Insurance Agents Examination paper before he can be registered to be engaged in the Restricted Scope Travel Business.</p>
Amend clause 55 as shown on right-hand side	<p>55. An individual shall be exempted from papers (a), (b), and (c) and (e) as appropriate of the Qualifying Examination if he:-</p>
Add clause 55A immediately following clause 55	<p>55A. Other than clause 55, an individual shall be exempted from paper (e) of the Qualifying Examination if he has passed the papers on (i) Principles and Practice of Insurance and (ii) General Insurance of the Qualifying Examination.</p>
Amend clause 57 as shown on right-hand side	<p>57. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent who has been exempted under clause 55(a)(i) is only eligible to be engaged in the Line of Insurance Business only for (i) General Business or Restricted Scope Travel Business, and (ii) Long Term (excluding Linked Long Term) Business only in which he has been engaged for five years within the six-year period immediately before 1 January 2000 or has substantially been engaged during that five-year period.</p>
Amend clause 58 as shown on right-hand side	<p>58. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent who has been exempted under clause 55 (a)(ii) is eligible to carry on general insurance agency business or restricted scope travel insurance agency business only.</p>
Amend clause 59 as shown on right-hand side	<p>59. Subject always that no insurance agent shall be engaged in a class of insurance business other than that his Principal is authorized to carry on, an insurance agent who has been exempted under clause 55 (b)(i) to (vi) is eligible to carry on both general and long term (excluding linked long term) insurance agency business and restricted scope travel insurance agency business; and an insurance agent who has been exempted under clause 55 (b)(vii) to (x) and clause 56 (b)(iv) to (vii) is eligible to carry on both general and long term (including linked long term) insurance agency business and restricted scope travel insurance agency business.</p>

New/Existing Clause	Addendum (Bold Words)
Add "and Restricted Scope Travel Business" immediately following the sub-heading "Conduct of Insurance Agents for General Insurance Business" under Part F: "Minimum Requirements of Model Agency Agreement"	Conduct of Insurance Agents for General Insurance Business and Restricted Scope Travel Business
Amend clause 67 as shown on right-hand side	<p>67. In considering whether a person is fit and proper to act or continue acting as a Responsible Officer or Technical Representative, the IARB shall take into account whether that person is fit to act as a general insurance agent for the relevant or proposed Responsible Officer or Technical Representative intending to be engaged in general insurance agency business, long term (excluding linked long term) insurance agent [for the relevant or proposed Responsible Officer or Technical Representative intending to be engaged in long term (excluding linked long term) insurance agency business] or long term (including linked long term) insurance agent [for the relevant or proposed Responsible Officer or Technical Representative intending to be engaged in long term (including linked long term) insurance agency business] if he applied as an individual in the particular Line of Business in which he intends to be registered as being engaged in the same manner as for an application for registration by an individual insurance agent. In this connection, the provision in clauses 49, 52 to 65 may, as appropriate, apply to the relevant or proposed Responsible Officer or Technical Representative as if he were an insurance agent.</p>
Amend clause 70 as shown on right-hand side	<p>70. 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 HKFI. The HKFI 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 gGeneral insurance bBusiness and Restricted Scope Travel Business and for lLong tTerm insurance bBusiness.</p>
Under clause 73, add sub-clause (ba) immediately following sub-clause (b)	<p>73. An insurance agent shall:</p> <p>(ba) display his name and registration number on the name plate put in front of the service desk or counter if he is registered as engaging in the Restricted Scope Travel Business and provides face-to-face insurance service at service desk or counter;</p>

~ End ~

For Applicants **without**
prospective appointing
insurance agents

Guidance Note 9 issued on 25 January 2008

Notice of Intention to Register as a Responsible Officer/Technical Representative of an Insurance Agent (being a Travel Agent) for Engaging in Restricted Scope Travel Business

(to be submitted by fax (28387125) or by mail no later than 30 April 2008)

Date: _____ 2008

To: THE INSURANCE AGENTS REGISTRATION BOARD (IARB)

As required under the Guidance Note on Restricted Scope Travel Business, please find attached a copy of my Hong Kong Identity Card.

Signature _____

Name _____

Telephone number _____

Address _____

(For completion by IARB)

Receipt acknowledged by the IARB on _____ 2008.

Identification number: _____

(please provide a copy of this Notice when you file the application for registration in future)

GUIDANCE NOTE ON RESTRICTED SCOPE TRAVEL BUSINESS

This Guidance Note aims to:

- A. provide waiver for a person who has not completed education to a level of Form 5 or equivalent but wishes to be registered with the Insurance Agents Registration Board ("IARB") in order to be engaged in Restricted Scope Travel Business only (the "Applicant"); and
- B. facilitate the identification of the registration status of insurance agents, Responsible Officers and Technical Representatives engaging in Restricted Scope Travel Business.

A. Waiver of Requirement for Form 5 Education

Clause 52(c) of the *Code of Practice for the Administration of Insurance Agents* ("Code") which states "he has completed education to a level of Form 5 or equivalent unless he was engaged in the insurance intermediary business in Hong Kong immediately before 1 January 2000 and has not since ceased to be engaged in insurance-related work in the insurance industry in Hong Kong for two consecutive years; and" will not be applicable to the Applicant. Instead, the following criteria will be applicable only to and must be met by the Applicant:

- i. he was engaged in the travel agency business in Hong Kong immediately before 15 May 2006 and has not since ceased to be engaged in travel-related work in Hong Kong for two consecutive years;
- ii. he has proven relevant experience in travel agency business in Hong Kong for a cumulative period of at least five years within the six-year period immediately before 15 May 2006;
- iii. for an Applicant who has not passed the paper on Travel Insurance Agents Examination under the Insurance Intermediaries Qualifying Examination recognized by the Insurance Authority (the "Examination Paper"):
 - a. he must notify the IARB of his intention to do so by forwarding to the IARB on or before 30 April 2008 via his prospective appointing insurance agent or by himself (only if he does not have a prospective appointing insurance agent) the appropriate form of Notice attached together with a copy of his Hong Kong Identity Card; and
 - b. on or before 30 April 2009, he has to pass the Examination Paper; and
- iv. for an Applicant who has already passed the Examination Paper, he must on or before 30 April 2008 either:
 - a. make an application for registration with the IARB; or
 - b. notify the IARB (should he decide not to apply for registration with the IARB for the time being) as stated in A.iii.a. above.

The IARB will **not** accept any application for registration under this waiver **after** 30 April 2008 **unless** the appropriate Notice has been filed with the IARB on or before 30 April 2008.

Other than Clause 52(c), the Applicant must meet the Minimum Qualifications for Persons Acting as Insurance Agents specified in the Code.

Unless and until the Applicant has been successfully registered with the IARB, he shall not be engaged in Restricted Scope Travel Business.

Should the Applicant wish to be engaged in any other lines of business other than Restricted Scope Travel Business, he must fulfill all the requirements specified under the Code, including Clause 52(c).

B. Identification of the Registration Status of Insurance Agents, Responsible Officers and Technical Representatives Engaging in Restricted Scope Travel Business

The IARB may consider a person not fit and proper to act or continue acting as an insurance agent, a Responsible Officer or a Technical Representative engaging in Restricted Scope Travel Business, who provides face-to-face insurance service at service desks or counters, if he does not show his name and registration number, whether printed or in handwriting, on receipts for premium on travel insurance directly arranged by him for his clients.

For Applicants **with**
prospective appointing
insurance agents

Notice of Intention to Register as a Responsible Officer/Technical Representative of an Insurance Agent (being a Travel Agent) for Engaging in Restricted Scope Travel Business

(to be submitted by fax (28387125) or by mail no later than 30 April 2008)

Date: _____ 2008

To: THE INSURANCE AGENTS REGISTRATION BOARD (IARB)

As required under the Guidance Note on Restricted Scope Travel Business, please find

attached _____ copy(ies) of the Hong Kong Identity Card(s) of the following applicant(s):

1. _____
2. _____
3. _____

Submitted by: _____

Chop of travel agency _____

Name & telephone number of person submitting Notice _____

Travel agency's registration number with IARB
(if applicable) _____

(For completion by IARB)

Receipt acknowledged by the IARB on _____ 2008.

Identification number: _____

(please provide a copy of this Notice when you file the application for registration in future)



The Code of Practice for the Administration of Insurance Agents

New Clause No.	Addendum
7A	Without prejudice generally to the IARB's powers of delegation, the IARB may at any time establish a Panel or Panels which shall consist of at least one Board member. A Panel shall consider and deal with such matters and things referred to it by the IARB. Subject to clause 7B below, the IARB may delegate any of its powers or functions to the Panels as it thinks fit, and any Panel so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the IARB.
7B	<p>In the event that a Panel refers a complaint to an insurer and the insurer fails:</p> <ul style="list-style-type: none">(a) to investigate the complaint;(b) to report to the Panel the findings of the investigation and the action taken, if any; or(c) to take disciplinary action as required by the Panel; <p>the insurer is deemed to be in breach of this Code, and the Panel shall refer the matter back to the IARB.</p>

GUIDANCE NOTE ON COMPLIANCE WITH THE REQUIREMENTS OF THE CONTINUING PROFESSIONAL DEVELOPMENT (CPD) PROGRAMME FOR REGISTERED PERSONS WHO ARE REGISTERED AS ENGAGING IN RESTRICTED SCOPE TRAVEL BUSINESS (RSTB) ONLY

1. Background

The Code of Practice for the Administration of Insurance Agents (the Code) specifies that the Insurance Agents Registration Board (IARB) may issue Guidance Notes from time to time as to how it intends to exercise its powers and fulfil its responsibilities under the Code. This Guidance Note aims to assist Registered Person(s) (RP) who are registered as engaging in RSTB only to comply with the annual CPD requirements. For RPs engaging in other line(s) of business, please refer to Guidance Note 7.

For the purpose of this *Guidance Note*, any reference to "RP(s)" shall include insurance agent(s), responsible officer(s) and technical representative(s).

Part E "Fit and Proper Criteria" of the *Code* stipulates:

- (a) the minimum qualifications an individual must fulfill before he may be considered by the IARB to be fit and proper to be registered as an RP; and
- (b) that an RP shall comply with the CPD requirements in such manner and form as specified by the Insurance Authority (IA).

2. CPD Requirements

The IA has specified that: "*From 1 August 2008 onwards, travel insurance agents, their responsible officers and technical representatives are required to earn **3 CPD hours every year**. The first assessment date for compliance with the CPD requirements will be **31 July 2009**. Any excess CPD hours accumulated within a particular year cannot be carried forwarded to any other years.*"

Subject to compliance with other fitness and properness criteria, the IARB shall deem an RP who is registered as engaging in RSTB only having complied with the CPD requirements under the Fit and Proper Criteria of the Code as qualified for maintaining his registration status for another 12 months if he completes all 3 CPD hours for the assessment year within a 12-month period ending on 31 July every year (i.e. from August of a particular year to 31 July of the following year) ("**Assessment Year**").

3. CPD Assessment

In order to comply with the CPD requirements, the following shall apply:

- (a) The assessment will only take into account CPD hours earned from 1 August 2008 onwards.
- (b) For the sake of clarity and easy reference:
 - (i) calendar month shall be used as the basis for calculating CPD requirements irrespective of the day of the month on which registration of an RP takes place (i.e. regardless of whether an RP is registered on, say, 1 January or 31 January, January shall be used for calculation of the required CPD hours);
 - (ii) please refer to Annexes 2 and 4 as appropriate for the CPD hours to be reported.

- (c) If the registration of an RP has been cancelled for less than six consecutive calendar months, such RP shall be required to fulfill the CPD requirements for the entire Assessment Year, including the period of cancellation, which shall be reported as follows:
- (i) on the assessment date immediately following re-registration (if both the cancellation date and the re-registration date fall within the same Assessment Year) (see Example 1 in Annex 1 attached); or
 - (ii) at the time of re-registration (if the re-registration date falls within the next Assessment Year) (see Example 2 in Annex 1 attached).
- (d) If the registration of an RP has been cancelled for six consecutive calendar months or more, such RP shall **not** be required to earn any CPD hours before re-registration, provided that such RP shall not be registered with the IARB as an RP engaging in other line(s) of business; or otherwise registered as an insurance broker or a chief executive/technical representative of an insurance broker during such period. Instead, he is required to only report his CPD hours from the date of re-registration on a pro rata basis by the assessment date immediately following re-registration. Please see Annex 2 for the pro rata CPD hours required.

For the avoidance of doubt, this clause does not apply to an RP whose registration is revoked by the IARB due to non-compliance with the CPD requirements. Such person shall be required to complete all outstanding CPD hours at the time of registration.

- (e) For an RP who is registered as engaging in RSTB, if his registration is cancelled and within the same month is successfully registered with the IARB as engaging in a line of business other than RSTB, for that Assessment Year he would be required to:
- (i) report his CPD hours for the months he is registered as engaging in RSTB (excluding the month referred to in (e) above) in accordance with this Guidance Note 10; **and**
 - (ii) report his CPD hours for the months he is registered as engaging in a line of business other than RSTB (including the month referred to in (e) above) in accordance with Guidance Note 7.

Please see Example 1 in Annex 3.

- (f) For an RP who is registered as engaging in a line of business other than RSTB, if his registration is cancelled and within the same month is successfully registered with the IARB as engaging in RSTB only, for that Assessment Year he would be required to:
- (i) report his CPD hours for the months he is registered as engaging in the line of business other than RSTB (excluding the month referred to in (f) above) in accordance with Guidance Note 7; **and**
 - (ii) report his CPD hours for the months he is registered as engaging in RSTB (including the month referred to in (f) above) in accordance with this Guidance Note 10.

Please see Example 2 in Annex 3.

- (g) If the registration of an RP engaging in RSTB has been cancelled for less than six consecutive calendar months before he is successfully re-registered as engaging in a line

of business other than RSTB, or vice versa, the CPD requirements for the months that he is not registered with the IARB will be based on the line of business of his re-registration, to be reported in accordance with (c) above.

Please see Examples 3 and 4 in Annex 3.

4. Assessment for Newly Registered RPs

An RP who is newly registered (meaning a person who has never been registered as (i) an insurance agent or (ii) the responsible officer or a technical representative of an insurance agent or (iii) an insurance broker or (iv) the chief executive or technical representative of an insurance broker) may choose **either** to report:

- (a) On a pro rata basis on 31 July immediately following his registration (e.g. if an RP was first registered in November 2008, he would report 2 CPD hours on 31 July 2009). Please see Annex 2 for the pro rata CPD hours required; **or**
- (b) On the next assessment date also on a pro rata basis (by using the same example above, he may report his CPD hours on 31 July 2010, i.e. 5 CPD hours for this 21-month registration period). Please see Annex 4 for the pro rata CPD hours required.

The above is also applicable to an RP who has been re-appointed after ceasing to be engaged in insurance-related work in the insurance industry in Hong Kong for two consecutive years.

5. Assessment for Professionally Qualified RP

For RPs who are qualified pursuant to "List of specified qualifications" of the CPD Information Sheet published by the IA, they are considered to have satisfied the 3 CPD hours requirement if (a) the institutes granting such qualifications have a specific CPD programme for holders of such qualifications; and (b) they have satisfied the CPD requirements specified by the institutes granting such qualifications. Evidence of holding such qualifications/ titles should be submitted by the RPs to the IARB upon request. They should also be able to produce documentary proof that compliance with the respective institutes' CPD programmes is essential for the holding of such qualifications/titles.

6. Maintaining CPD records and Monitoring of CPD Compliance

- (a) Responsibilities of Responsible Officers (RO):
 - (i) decide on the appointing insurer responsible for reporting their CPD hours and notify all appointing insurers accordingly (if applicable);
 - (ii) inform all appointing insurers if they should change the appointing insurer responsible for reporting their CPD hours (if applicable);
 - (iii) complete and file a Declaration Form specified by the IARB within 2 weeks from the assessment date (i.e. by 14 August) as follows:
 - to the appointing insurer responsible for reporting their CPD hours; and
 - to all other appointing insurer(s) by providing each of them with a signed copy of the Declaration Form; and
 - (iv) retain their proof of compliance with CPD requirements (including a copy of the Declaration Forms and originals of the evidence/record of attendance) for at least a period of 3 years after the assessment date. The proof of compliance with CPD requirements should be produced as and when required by the IARB.

- (b) Responsibilities of Technical Representatives (TR):
- (i) complete and file a Declaration Form specified by the IARB within 2 weeks from the assessment date (i.e. by 14 August) to their appointing insurance agency; and
 - (ii) retain their proof of compliance with CPD requirements (including a copy of the Declaration Forms and originals of the evidence/record of attendance) for at least a period of 3 years after the assessment date. The proof of compliance with CPD requirements should be produced as and when required by the IARB.
- (c) Responsibilities of insurance agencies who have appointed TRs:
- (i) dispatch copies of Declaration Form to all of their TRs for their completion;
 - (ii) arrange sufficient CPD training for their TRs, if necessary;
 - (iii) issue evidence/record of attendance to prove a TR who has completed a course organized by the insurance agency with the number of CPD hours printed on evidence/record of attendance;
 - (iv) monitor the compliance of their TRs with the CPD requirements;
 - (v) collect Declaration Forms from their TRs by 14 August;
 - (vi) file the Annual Return to the IARB and report on those who fail to achieve the CPD hours by 15 September; and
 - (vii) offer help to their TRs in maintaining proof of compliance with CPD requirements.
- (d) Responsibilities of all insurers:
- (i) dispatch copies of Declaration Form to all of the RO of their insurance agencies for their completion;
 - (ii) obtain confirmation from all the RO of their insurance agencies as to which appointing insurer would be responsible for reporting their CPD hours by 14 August;
 - (iii) arrange sufficient CPD training for the RO of their insurance agencies, if necessary;
 - (iv) issue evidence/record of attendance to an RO of their insurance agencies who has completed a course organized by the insurer with the number of CPD hours printed on the evidence/record of attendance;
 - (v) monitor the compliance of the RO of their insurance agencies with the CPD requirements;
 - (vi) collect Declaration Forms from the RO of their insurance agencies by 14 August as follows:
 - originally signed Declaration Forms for those insurers responsible for reporting CPD hours; or
 - signed copy of Declaration Forms for those insurers NOT responsible for reporting CPD hours;

- (vii) for those insurers responsible for reporting CPD hours, file the Annual Return to the IARB and report on those who fail to achieve the CPD hours by 15 September; and
- (viii) offer help to the RO of their insurance agencies in maintaining proof of compliance with CPD requirements.

7. Consequence of Non-Compliance

In the circumstances that an RP fails to meet the CPD requirements, his registration shall be revoked for 3 months as a starting point by the IARB. Such RP shall be required to complete all outstanding CPD hours at the time of re-registration.

In the circumstances that an RP makes a false declaration in reporting his CPD hours, his registration shall be revoked for 12 months as a starting point by the IARB. Such RP shall be required to complete all outstanding CPD hours at the time of re-registration.

In the circumstances that an RP fails to respond to the request of the IARB to produce proof of compliance with the CPD programme, his registration shall be revoked for a specified period of time as determined by the IARB. The future application for registration of such RP will not be processed unless he can produce proof of compliance.

EXAMPLES OF CALCULATION OF CPD HOURS

Example 1

Registration date: 1 January 2008

*De-registration date: 1 April 2009

**Re-registration date: 1 June 2009 (less than 6 consecutive calendar months from the de-registration date)

Both the de-registration date* and the re-registration date** fall within the same Assessment Year.

**Report CPD hours on the assessment date immediately following re-registration:
31 July 2009**

Total number of months for report of CPD hours: 12 (from 1 August 2008 to 31 July 2009)

CPD hours to be reported: 3

Example 2

Registration date: 1 January 2009

(assuming the RP has complied with the CPD requirements on 31 July 2009)

De-registration date: 1 June 2010

Re-registration date: 1 October 2010 (less than 6 consecutive calendar months from the de-registration date)

Report CPD hours at time of re-registration: 1 October 2010 (date falls on the next Assessment Year)

Total number of months for report of CPD hours: 12 (from 1 August 2009 to 31 July 2010)

CPD hours to be reported: 3

Number of CPD hours to be reported by RPs whose registrations have been cancelled for 6 consecutive calendar months or more, by the assessment date (i.e. 31 July) immediately following re-registration

<u>Re-registration/Registration Month</u>	<u>Total No. of Months for reporting</u>	<u>CPD Hours</u>
August	12	3
September	11	3
October	10	3
November	9	2
December	8	2
January	7	2
February	6	1
March	5	1
April	4	1
May	3	0
June	2	0
July	1	0

This table also applies to newly registered RPs and who choose to report their CPD hours on the assessment date immediately following registration.

FURTHER EXAMPLES ON CALCULATION OF CPD HOURS

Applicable to cancellation of registration and re-registration within the same month

Example 1

If an RP is registered for RSTB in August; then his registration is cancelled in November and he is re-registered for a line of business other than RSTB **in the same month** as follows:

Period of registration	No. of months registered for		CPD hours required
	RSTB	Line of business other than RSTB	
August – October	3		0 (from Annex 2)
November (month of re-registration) – July of the following year		9	7 (from Annex 5)

The total CPD hours required for the Assessment Year will be **7**.

Example 2

If an RP is registered for a line of business other than RSTB in August; then his registration is cancelled in November and he is re-registered for RSTB **in the same month** as follows:

Period of registration	No. of months registered for		CPD hours required
	Line of business other than RSTB	RSTB	
August – October	3		2 (from Annex 5)
November (month of re-registration) – July of the following year		9	2 (from Annex 2)

The total CPD hours required for the Assessment Year will be **4**.

Applicable to cancellation of registration and re-registration NOT within the same month

Example 3:

If an RP is registered for RSTB in August, then his registration is cancelled in December and he is re-registered for a line of business other than RSTB in March of the following year as follows:

Period of registration	No. of months registered for		CPD hours required
	RSTB	Line of business other than RSTB	
August – December	5		1 (from Annex 2)
January - February (registration cancelled)		2	5 (from Annex 5)
March – July		5	

The total CPD hours required for the Assessment Year will be **6**.

Example 4:

If an RP is registered for a line of business other than RSTB in August, then his registration is cancelled in December and he is re-registered for RSTB in March of the following year as follows:

Period of registration	No. of months registered for		CPD hours required
	Line of business other than RSTB	RSTB	
August – December	5		4 (from Annex 5)
January - February (registration cancelled)		2	2 (from Annex 2)
March – July		5	

The total CPD hours required for the Assessment Year will be **6**.

Number of CPD hours to be reported by newly registered RPs (commencing August 2008) by the next Assessment Year immediately following registration

<u>Registration Month</u>	<u>Total No. of Months for reporting</u>	<u>CPD Hours</u>
August	24	6
September	23	6
October	22	6
November	21	5
December	20	5
January	19	5
February	18	4
March	17	4
April	16	4
May	15	3
June	14	3
July	13	3

The following table is extracted from Guidance Note 7 for the calculation of relevant CPD hours required of RP having been engaged in a line of business other than RSTB during an Assessment Year

<u>Registration Month</u>	<u>No. of Months for reporting</u>	<u>CPD Hours</u>
August	12	10
September	11	9
October	10	8
November	9	7
December	8	6
January	7	5
February	6	4
March	5	3
April	4	2
May	3	1
June	2	0
July	1	0

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甲部：釋義

法定地位

1. 此乃獲保險業監督根據《保險公司條例》第 67 條認可，並根據香港保險業聯會《立案章程》第 48 章編訂的《保險代理管理守則》（下稱《守則》）。

定義

2. 《守則》內下列詞彙的定義如下：—

「保聯」	指香港保險業聯會；
「委員會」	指保聯根據《立案章程》成立，負責執行《守則》內各項事宜的保險代理登記委員會；
「保險代理商」	指非個人保險代理；
「保險業務範圍」	指《保險公司條例》內界定的：— (a) 一般保險業務； (b) 長期保險（不包括相連長期保險）業務；及／或 (c) 長期保險（包括相連長期保險）業務；
「《強積金守則》」	指由強制性公積金計劃管理局（「積金局」）發出的《強積金中介人操守守則》，以及其後之修訂；
「強積金中介人」	以《強積金守則》內之定義為準；
「《條例》」	指《保險公司條例》，即《香港法例》第 41 章，以及其後之修訂；
「保險公司」	指任何受《條例》第 X 部規範的保險人或勞合社；
「負責人」	就 (a) 屬保險代理商的保險代理而言，指單獨或與其他人士共同負責處理該保險代理的保險代理業務的人士，但不包括：— (i) 同時負責處理其他業務；並且 (ii) 有下屬負責整個保險代理業務的人士； 或 (b) 香港以外地方成立而屬保險代理商的保險代理而言，指單獨或與其他人士共同負責處理該保險代理在香港經營的整個保險代理業務的人士，但不包括：—

- (i) 同時負責處理該保險代理在其他地方經營的保險代理業務；並且
- (ii) 有下屬負責該保險代理在香港經營的整個保險代理業務的人士；

以及

「業務代表」

就保險代理而言，指就保險事宜代表保險代理向保單持有人或潛在的保單持有人提供意見，或代表該保險代理在香港或從香港安排保險合約的人士，但不包括為本《守則》的施行而被歸類為保險代理的保險分代理。

3. 在《守則》文義許可的情況下：

- (a) 凡指男性的字及詞句亦指女性及中性，反之亦然；
- (b) 凡指單數的字及詞句亦指眾數，反之亦然；及
- (c) 凡指（眾）人的字及詞句亦指合夥經營、團體及法團。

《條例》之應用

4. 任何沒有在《守則》界定之字及詞句，必須以《條例》之解釋為準。

與《條例》抵觸處

5. 《守則》之原意並非在《條例》之外對保險公司與保險代理附加規限，故此解釋《守則》時應該以此為原則。遇到《守則》與《條例》有抵觸處，則以《條例》為準；但凡出現任何不一致之處，則《守則》之有關部分自當無效。

乙部：一般原則

委員會之職責

6. 保聯可以為委員會訂下一般指令，或在特殊情況下訂定特別指令，以便委員會根據《守則》執行職責，委員會必須遵守有關指令。
7. 委員會可以：—
 - (a) 將其接獲：—
 - (i) 涉及保險代理的投訴轉介任何保險公司或保險代理；及
 - (ii) 涉及負責人及業務代表的投訴，視乎所需，轉介任何保險公司或有關保險代理進行調查；
 - (b) 接納任何保險公司或有關保險代理就第 7 條 (a) 款提及的投訴個案所作的調查報告；
 - (c) 於投訴審結後，要求任何保險公司或有關保險代理採取紀律行動；
 - (d) 確認保險代理、負責人及業務代表的委任或撤銷確認有關委任；
 - (e) 為所有已經獲委員會確認委任的：—
 - (i) 保險代理備存和保存登記冊；及
 - (ii) 負責人及業務代表備存和保存附屬登記冊；以及
 - (f) 就下列事件向保險業監督報告：—
 - (i) 保險代理、負責人、業務代表或保險公司違反《條例》第 X 部或《守則》；

(ii) 保險代理不符合或不再符合適當人選準則出任保險代理；或

(iii) 負責人或業務代表不符合或不再符合適當人選準則出任負責人或業務代表。

指引

8. 委員會可以不時發出「指引」，說明其意欲如何行使《守則》賦予委員會的權力，以及履行《守則》授予委員會之職責，但該等「指引」並不納入《守則》之內。

《守則》內兩種法定語文的釋疑

9. 《香港法例》第 1 章《釋義及通則條例》第 10B 及第 10C 條適用於《守則》英文本及中文本的釋疑及釋義，並應視《守則》猶如該等條款所指的「條例」。

10. 保聯有權決定《守則》英文及中文版本的意思；假如《守則》兩個版本的意思分歧，則保聯有權消釋有關分歧，保聯的決定乃最終決定，並具約束力。

刑事檢控

11. 沒有遵守《守則》或《條例》第 X 部規定之保險公司或保險代理，可遭當局引用《條例》第 77 條提出刑事檢控。

丙部：規則

保險代理

確認保險代理的委任

12. 保險公司必須依照《守則》的規定，在取得委員會的確認後，方能確認委任有關人士為其保險代理。

為保險代理進行登記

13. 委員會於收到保險公司為保險代理呈交之登記申請表後，必須代表有關保險公司在切實可行的範圍內盡快為該保險代理進行登記。
14. 保險代理的登記有效期由委員會指定，最長不超過三年。有關保險公司可以在保險代理登記有效期屆滿前三個月內，為該保險代理申請續期登記。
15. 當保險代理獲登記後，委員會必須向保險代理發出登記號碼。保險代理必須按照要求披露其登記號碼。保險代理如果使用商務名片，必須在名片上顯示其登記號碼。
16. 當保險代理正被調查他是否符合適當人選準則出任或繼續出任保險代理，而其登記將會在委員會全面終止調查前屆滿，委員會可以於有充分理據展示的情況下，行使絕對酌情決定權，在登記屆滿前或後，給予該名保險代理為期不超過三年的臨時登記。

取消保險代理的登記

17. 當保險代理停止出任有關保險公司的保險代理時，有關登記必須予以取消。保險公司必須在該保險代理停止職務後七天內通知委員會，並必須按照委員會要求提供所需詳情。當委員會接到保險公司的通知後，必須即時代表該保險公司從登記冊刪除有關該保險代理代表該保險公司的登記。

通知保險業監督

18. 委員會為保險代理進行登記或取消登記後七天內，必須代表有關保險公司向保險業監督提交詳情；並必須為保險業監督提供保險代理登記冊作查核之用。

保險代理代表的保險公司

19. 保險代理代表的保險公司總數不得超過四家，其中從事長期保險的保險公司不得超過兩家。

20. 就第 19 條而言：—

- (a) 除非保險代理的業務範圍只限於一般保險或長期保險其中一類，否則任何代表一家綜合保險人的人士，必須被視為代表兩家保險公司，即一家一般保險公司和一家長期保險公司；及
- (b) 如果某保險公司集團的業務範圍只限於一般保險或長期保險，則任何代表該公司集團的人士，必須被視為只代表一家保險公司。又除非保險代理的業務範圍只限一般保險或長期保險其中一類，否則任何代表業務範圍包括一般保險及長期保險的公司集團的人士，會被視為代表兩家保險公司。

此款之：—

「保險公司集團」指公司之間的關係是「附屬公司」與「控股公司」之間的關係，或者是兩者均為另一家公司的附屬公司；又

「附屬公司」及「控股公司」的釋義必須以《公司條例》第 2 條（4）至（7）款之定義為準。

- 21. 任何代表某一家保險公司的保險代理，於接受其他保險公司委任之前，必須取得其原先代表之保險公司的同意。
- 22. 在第 19 及第 20 條的前提下，任何人士如果登記成為另一保險代理的代理，則必須登記代表委任保險代理代表的所有保險公司，以及必須登記從事委任保險代理的所有獲委任保險業務範圍。

保險公司對其保險代理應負的責任

23. 保險公司必須確保其每名保險代理：—

- (a) 據保險公司所知，不會同時代表超過最高規定總數的保險公司；
- (b) 具備資格從事該保險公司獲授權經營及其委任該保險代理從事的保險業務範圍；
- (c) 符合《守則》戊部詳列的適當人選準則；
- (d) 經委員會按照《守則》的規定確認及進行登記；
- (e) 經保險公司以書面代理合約委任為該保險公司之保險代理，而有關代理合約必須要求保險代理遵守《守則》己部之規定；

- (f) 於遇到查詢時，披露他的登記號碼；
- (g) 如果使用商務名片，在名片上顯示他的登記號碼；
- (h) 遵守《守則》之規定；及
- (i) 已經向積金局登記成為強積金中介人，如果有關保險代理從事銷售強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金，或者就強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金向客戶提供意見。

中止保險代理的委任

24. 保險公司如察覺保險代理有下列情況，必須中止該名保險代理的委任：—

- (a) 同時代表超過最高規定總數的保險公司；
- (b) 被委員會裁定不符合適當人選準則出任保險代理；或
- (c) 沒有遵守《守則》之規定。

保險代理的培訓

25. 保險公司必須為其每名保險代理提供足夠培訓，一般人接受培訓後必須：—

- (a) 熟悉《條例》及《守則》的規定；及
- (b) 能夠根據《條例》及《守則》的規定勝任地履行保險代理的職責。

負責人及業務代表

確認負責人及業務代表的委任

26. 保險代理必須依照《守則》的規定，在取得委員會的確認後，方能確認委任有關人士為其負責人或業務代表。

為負責人及業務代表進行登記

27. 委員會於收到保險代理為負責人或業務代表呈交之登記申請表後，必須在切實可行的範圍內盡快為該負責人或業務代表進行登記。

28. 負責人或業務代表的登記有效期由委員會指定，最長不超過三年。有關保險代理可以在負責人或業務代表登記有效期屆滿前三個月內，為該負責人或業務代表申請續期登記。
29. 當負責人或業務代表獲登記後，委員會必須向負責人或業務代表發出登記號碼。負責人或業務代表必須按照要求披露其登記號碼。負責人或業務代表如果使用商務名片，必須在名片上顯示其登記號碼。
30. 當負責人或業務代表正被調查他是否符合適當人選準則出任或繼續出任負責人或業務代表，而其登記將會在委員會全面終止調查前屆滿，委員會可以於有充分理據展示的情況下，行使絕對酌情決定權，在登記屆滿前或後，給予該名負責人或業務代表為期不超過三年的臨時登記。

取消負責人及業務代表的登記

31. 當負責人或業務代表停止出任個別保險代理的負責人或業務代表時，有關登記必須予以取消。保險代理必須在該負責人或業務代表停止職務後七天內通知委員會，並必須按照委員會要求提供所需詳情。當委員會接到保險代理的通知後，必須即時從附屬登記冊刪除有關該負責人或業務代表代表該保險代理的登記。

通知保險業監督

32. 委員會為負責人或業務代表進行登記或取消登記後七天內，必須向保險業監督提交詳情，並必須為保險業監督提供負責人及業務代表附屬登記冊作查核之用。

負責人及業務代表所代表的保險代理

33. 負責人或業務代表所代表的保險代理數目不得超過一個。

保險代理對其負責人及業務代表應負的責任

34. 保險代理必須確保任何人士出任其負責人或業務代表時：—
- (a) 據保險代理所知，不會同時代表超過一個保險代理；
 - (b) 具備資格從事該保險代理有資格從事的保險業務範圍；
 - (c) 符合《守則》戊部詳列負責人及業務代表的適當人選準則；
 - (d) 經委員會按照《守則》規定確認及進行登記；
 - (e) 於遇到查詢時，披露他的登記號碼；

(f) 如果使用商務名片，在名片上顯示他的登記號碼；及

(g) 遵守《守則》之規定。

中止負責人或業務代表的委任

35. 保險代理如察覺負責人或業務代表有下列情況，必須中止該名負責人或業務代表的委任：—

(a) 同時代表超過一個保險代理；

(b) 被委員會裁定不符合適當人選準則出任負責人或業務代表；或

(c) 沒有遵守《守則》之規定。

負責人及業務代表的培訓

36. 保險代理必須為其負責人及每名業務代表提供足夠培訓，一般人接受培訓後必須：—

(a) 熟悉《條例》及《守則》的規定；及

(b) 能夠根據《守則》的規定勝任地履行負責人或業務代表的職責。

丁部：程序

登記冊

37. 委員會必須代表保險公司為所有已獲委員會確認委任的：—

- (a) 保險代理備存和保存登記冊；及
- (b) 負責人及業務代表備存和保存附屬登記冊；

該登記冊，包括附屬登記冊，必須按照保險業監督規定的方式及形式保存，並於辦公時間內在保聯的註冊辦事處供市民查閱。

申請確認保險代理之委任及登記

38. 所有向委員會提交之確認委任及登記保險代理之申請，必須遵照下列條款提出：—

- (a) 有關保險公司必須負責提交申請；
- (b) 申請必須按照委員會不時訂定的方式及形式提出；
- (c) 委任保險公司及有關保險代理或準保險代理，必須按照委員會要求，向委員會提交與申請有關的附加資料；
- (d) 除非申請以指定的方式及形式提交，申請表格業已填妥，又所需提交的資料齊備，否則委員會毋須受理有關申請；
- (e) 如果委任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狀況有重大轉變，則委任保險公司必須立刻知會委員會有關轉變；及
- (f) 除非申請登記的保險代理或準保險代理能夠令委員會信納他符合適當人選準則出任保險代理，否則委員會不得確認委任保險公司委任該名人士為保險代理，亦不得登記該名人士為委任保險公司的保險代理。

保險代理適當人選準則的有關事宜及投訴保險代理

39. 委員會在得悉任何事宜可能導致保險代理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，或者收到投訴保險代理的個案時，必須按照下列程序處理：—

- (a) 委員會可以轉介有關事宜或投訴予保險公司或保險代理調查；

- (b) 保險公司必須詳細及盡速調查有關事宜或投訴的背景原委，並按照委員會的要求，在轉介投訴日起計的 14 天內或委員會另行指定的時限內，報告調查的進度及結果（如有者）。委員會可以根據有關報告，要求保險公司作進一步查詢；
- (c) 如果委員會認為假如有關事宜或投訴成立便可能會採取紀律行動，則委員會必須為涉及有關事宜的保險代理或被投訴的保險代理，以及任何可能因有關紀律行動而受損的保險公司提供申辯機會，只要有關申辯是以委員會認為合適的方式及形式作出，並在 14 天內或委員會另行指定的時限內提出，則委員會必須考慮該等申辯；
- (d) 當委員會認為涉及有關事宜或投訴的所有事宜已經得到全面及令人滿意的調查及報告，又就有關事宜或投訴而提出的所有申辯已經獲得考慮，並確定有關事宜導致保險代理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，或者投訴成立，委員會可以要求保險公司採取紀律行動；
- (e) 紀律行動包括要求保險公司：—
- (i) 向其任何保險代理作出譴責；
 - (ii) 暫停或中止委任其任何保險代理；或
 - (iii) 視乎委員會認為合適與否，採取或不採取其他行動；
- 在上述情況下被中止委任的保險代理，於指定時限內不會獲登記為保險代理、負責人或業務代表；
- (f) 當紀律行動要求影響到某保險公司或保險代理時，委員會必須通知該保險公司及保險代理有關要求，隨函附上聲明說明理據；及
- (g) 假如保險公司沒有遵照要求採取紀律行動，委員會可以再次提出要求，並向保險業監督報告該保險公司沒有遵照要求採取紀律行動。

申請確認負責人及業務代表之委任及登記

40. 所有向委員會提交之確認委任及登記負責人或業務代表之申請，必須遵照下列條款提出：—

- (a) 保險代理必須負責提交申請；

- (b) 申請必須按照委員會不時訂定的方式及形式提出；
- (c) 委任保險代理及有關負責人或業務代表或準負責人或準業務代表，必須按照委員會要求，向委員會提交與申請有關的附加資料；
- (d) 除非申請以指定的方式及形式提交，申請表格業已填妥，又所需提交的資料齊備，否則委員會毋須受理有關申請；
- (e) 如果委任保險代理於負責人或業務代表或準負責人或準業務代表的申請受理期間，得悉該負責人或業務代表或準負責人或準業務代表的狀況有重大轉變，則委任保險代理必須立刻知會委員會有關轉變；及
- (f) 除非申請登記的負責人或業務代表或準負責人或準業務代表能夠令委員會信納他符合適當人選準則出任負責人或業務代表，否則委員會不得確認委任保險代理委任該名人士為負責人或業務代表，亦不得登記該名人士為委任保險代理的負責人或業務代表。

保險代理的負責人及業務代表適當人選準則的有關事宜及投訴保險代理的負責人及業務代表

41. 委員會在得悉任何事宜可能導致保險代理的負責人或業務代表因不符合適當人選準則而不適合出任或繼續出任負責人或業務代表，或者收到投訴保險代理的負責人或業務代表的個案時，必須按照下列程序處理：—

- (a) 委員會可以轉介有關事宜或投訴予保險代理或保險公司（視乎何者適用而定）調查；
- (b) 保險代理或保險公司必須詳細及盡速調查有關事宜或投訴的背景原委，並按照委員會的要求，在轉介投訴日起計的 14 天內或委員會另行指定的時限內，報告調查的進度及結果（如有者）。委員會可以根據有關報告，要求保險代理或保險公司作進一步查詢；
- (c) 如果委員會認為假如有關事宜或投訴成立便可能會採取紀律行動，則委員會必須為涉及有關事宜的負責人或業務代表，或者被投訴的負責人或業務代表，以及可能因有關紀律行動而受損的保險代理及／或任何保險公司提供申辯機會，只要有關申辯是以委員會認為合適的方式及形式作出，並在 14 天內或委員會另行指定的時限內提出，則委員會必須考慮該等申辯；
- (d) 當委員會認為涉及有關事宜或投訴的所有事宜已經得到全面及令人滿意的調查及報告，又就有關事宜或投訴而提出的所有申辯已經獲得考慮，並確定有關事宜導致負責人或業務代表因不符合適當人選準則而不適合出任或繼續出任負責人或業務代

表，或者投訴成立，委員會可以要求保險代理及／或保險公司採取紀律行動；

(e) 紀律行動包括要求保險代理及／或保險公司：－

- (i) 向負責人或業務代表作出譴責；
- (ii) 暫停或中止委任負責人或業務代表；或
- (iii) 視乎委員會認為合適與否，採取或不採取其他行動；

在上述情況下被中止委任的負責人或業務代表，於指定時限內不會獲登記為保險代理、負責人或業務代表；

- (f) 當紀律行動要求影響到某保險代理、負責人或業務代表時，委員會必須通知該保險代理、負責人及業務代表有關要求，隨函附上聲明說明理據；及
- (g) 假如保險代理及／或保險公司沒有遵照要求採取紀律行動，委員會可以再次提出要求，並向有關保險公司（如適用者）及保險業監督報告該保險代理及／或保險公司沒有遵照要求採取紀律行動。

上訴

- 42. 上訴裁判處負責處理就委員會根據《守則》所作之決定提出的上訴，其決定乃最終的決定。
- 43. 上訴裁判處的委員（不能兼任委員會委員）必須由保聯提名及經保險業監督確認的人士擔任。
- 44. 任何因委員會根據《守則》所作的決定而受損的人士，可以向上訴裁判處上訴。但是無論有關人士是否已經提出上訴、或者可能提出上訴，委員會所作的決定必須即時生效。
- 45. 上訴裁判處可以自行決定上訴程序，否則上訴的進行和裁定程序必須以不時修訂的《上訴裁判處訴訟程序規則》為準。
- 46. 上訴裁判處於裁定上訴時，可以維持、改變或推翻原來決定；又如果上訴裁判處認為合適，可以根據委員會既有的權力，以其他決定取替原來的決定。

向保險業監督提交報告

- 47. 委員會可以向保險業監督報告投訴的任何事宜、調查、有關保險公司或保險代理的報告

或所需的紀律行動，委員會或委員會的個別委員均毋須因本著誠信披露有關投訴而需要對任何人士負上任何責任。

OUTDATED
VERSION
(Sixth Edition)

戊部：適當人選準則

保險代理、負責人及業務代表的適當人選準則

48. (a) 委員會根據第 24 條 (b) 款及第 38 條 (f) 款，或第 35 條 (b) 款及第 40 條 (f) 款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、負責人或業務代表前，必須以其認為適合的方式及形式提供該名人士申辯的機會，委員會必須考慮有關申辯；及
- (b) 假如委員會考慮有關申辯後，仍然信納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、負責人或業務代表，則委員會可以撤銷該名人士的登記，而委員會必須向保險業監督遞交書面報告詳述判詞的理據，並必須將報告的副本交予該名人士。

保險代理適當人選準則的有關事宜

49. 委員會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，必須考慮下列各點：—
- (a) 該名人士是否曾經宣布破產或曾經出任無力償還債務公司的控權人、董事、高級行政人員或高級經理；
- (b) 該名人士是否具備擬從事職務或保險代理職務所需的教育水平或其他資格；
- (c) 該名人士是否曾經被判犯刑事罪行，以致可能並不適合出任保險代理；又或他曾否被所屬或曾經所屬的專業團體裁定行為失當；
- (d) 該名人士是否於從事保險代理業務時，曾經沒有遵守《守則》第 71 至第 79 條（己部：標準代理合約的最低要求）的規定及／或保聯的規例；
- (e) 該名人士是否被裁定曾經沒有遵守或違反《守則》及／或保聯的規例；
- (f) 該名人士是否具備第 52 至第 65 條（保險代理的最低資格要求）所列之資格；
- (g) 就個別情況委員會認為屬有關的其他事宜；
- (h) 如果該名人士從事銷售強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金，或者就強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金向客戶提供意見，他是否已經向積金局登記成為強積金中介人；

- (i) 如果該名人士兼任強積金中介人，他是否被裁定曾經沒有遵守或違反《強積金守則》；及
- (j) 如果該名人士乃公司、合夥或獨資經營，而其董事或僱員（視乎何者適用而定）從事銷售強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金，或者就強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金向客戶提供意見，他是否已經採取足夠措施確保其每名董事及僱員（視乎何者適用而定）都：—
 - (i) 已經向積金局登記為強積金中介人；及
 - (ii) 遵守《強積金守則》指定的要求。

50. 委員會可以基於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：—

- (a) 該保險代理的委任被某保險公司依據委員會或保險業監督的要求中止；或
- (b) 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。

51. 委員會可以基於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：—

- (a) 其獲委任負責人或任何業務代表如果以個人身分申請登記為保險代理，會被視為不符合適當人選準則而遭拒絕；或
- (b) 其任何控權人或董事如果以個人身分申請登記為保險代理，會被視為不符合適當人選準則而遭拒絕。就本款而言，第 52 條 (b) 至 (d) 款及第 65 條指定的要求不適用於任何並非保險代理、負責人或業務代表的控權人或董事。

保險代理的最低資格要求

52. 任何人士必須先具備下列最低資格要求，委員會方會考慮他是否符合適當人選準則出任保險代理：—

- (a) 年滿 18 歲或以上；及
- (b) 香港永久居民，或者香港居民而其工作簽證條款（如有者）沒有限制他出任保險代

理；及

- (c) 除非該名人士於緊接 2000 年 1 月 1 日之前，已經在香港從事保險中介人業務，而期間沒有連續兩年停止在香港保險業界從事與保險有關的工作，否則他必須完成中五課程或具備同等學歷；及
- (d) 除非該名人士根據第 55 條和第 56 條（視乎何者適用而定）指定的準則獲得豁免，否則他必須在保險業監督認可的保險中介人資格考試（「資格考試」）有關試卷取得及格成績。

53. 資格考試包括以下試卷：—

- (a) 必考試卷 — 保險原理及實務；
- (b) 資格試卷 — 一般保險；
- (c) 資格試卷 — 長期保險；及
- (d) 資格試卷 — 投資相連長期保險。

54. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，除非根據第 55 條和第 56 條（視乎何者適用而定）獲得豁免，否則保險代理只有資格從事他在資格考試取得及格成績科目的保險業務範圍。從事一般保險業務的保險代理，除了必須通過必考的「保險原理及實務試卷」外，也必須通過「一般保險試卷」；從事長期保險（不包括相連長期保險）業務的保險代理，除了必須通過必考的「保險原理及實務試卷」外，也必須通過「長期保險試卷」；從事長期保險（包括相連長期保險）業務的保險代理，除了必須通過必考試卷外，也必須通過「長期保險試卷」和「投資相連長期保險試卷」。

55. 下列人士獲豁免參加資格考試的試卷（a）、（b）及（c）（視乎何者適用而定）：—

- (a) 於緊接 2000 年 1 月 1 日之前已經在香港從事保險中介人業務，並持有以下其中一項資格：—
 - (i) 於緊接 2000 年 1 月 1 日之前的六年內，具有不少於五年可以供驗證的本地保險業務的有關經驗；或
 - (ii) 由保聯發出的一般保險業務研習證書；

或

(b) 持有以下其中一項認可的保險或精算師專業資格：—

- (i) 英國特許保險學院院士或資深院士 (ACII 或 FCII)；
- (ii) 澳大利亞及新西蘭保險與金融學會資深準會員或高級會員 [ANZIIF (Snr Assoc) 或 ANZIIF (Fellow)]；
- (iii) 美國壽險管理學會會士 (FLMI)；
- (iv) 特許壽險承保人 (CLU)；
- (v) 美國特許財產保險學會會士 (CPCU)；
- (vi) 香港保險學會之保險學—香港文憑；
- (vii) 英國精算師學會會員 (FIA)；
- (viii) 蘇格蘭精算師學院會員 (FFA)；
- (ix) 澳洲精算師學會會員 (FIAA)；或
- (x) 美國精算師公會會員 (FSA)；

或其他保險業監督認可的資格。

56. 下列人士獲豁免參加資格考試試卷 (d)：—

- (a) 於緊接 2002 年 1 月 1 日之前已經在香港從事長期保險中介人業務，並已經符合以下所有要求：—
 - (i) 於緊接 2002 年 1 月 1 日之前的八年內，具有不少於七年可以供驗證的本地長期保險經驗；及
 - (ii) 於緊接 2002 年 1 月 1 日之前的五年內，具有每年銷售不少於四份相連長期保險保單及共銷售不少於 50 份相連長期保險保單的可以供驗證的經驗；

或

(b) 持有以下其中一項認可的保險、投資或精算師專業資格：—

- (i) 特許壽險承保人 (CLU)，並必須通過 CLU 資格考試中可供選擇的「HS 328 投資」試卷；
- (ii) 美國特許財務顧問 (ChFC)；
- (iii) 認可財務策劃師 (CFP)；
- (iv) 英國精算師學會會員 (FIA)；
- (v) 蘇格蘭精算師學院會員 (FFA)；
- (vi) 澳洲精算師學會會員 (FIAA)；
- (vii) 美國精算師公會會員 (FSA)；
- (viii) 通過香港證券專業學會的基本課程考試 (FPE) 的人士；
- (ix) 通過香港證券專業學會的文憑課程考試 (DPE) 的人士；
- (x) 持有香港證券專業學會從業員資格證書的人士；或
- (xi) 持有香港證券專業學會高級從業員資格證書的人士；

或其他保險業監督認可的資格。

57. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，根據第 55 條 (a) (i) 款獲得豁免的保險代理，只有資格從事他於緊接 2000 年 1 月 1 日之前的六年內具有五年經驗的保險業務範圍，或於該五年內具有相當經驗的保險業務範圍〔只限於一般保險業務和長期保險（不包括相連長期保險）業務〕。
58. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，根據第 55 條 (a) (ii) 款獲得豁免的保險代理，只有資格從事一般保險代理業務。

59. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，根據第 55 條 (b) (i) 至 (vi) 款獲得豁免的保險代理，有資格從事一般保險及長期保險（不包括相連長期保險）代理業務；根據第 55 條 (b) (vii) 至 (x) 款及第 56 條 (b) (iv) 至 (vii) 款獲得豁免的保險代理，有資格從事一般保險及長期保險（包括相連長期保險）代理業務。
60. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，有資格從事長期保險（不包括相連長期保險）代理業務，並根據第 56 條獲得豁免的保險代理，也有資格從事長期保險（包括相連長期保險）代理業務。
61. 除非根據第 55 條獲得豁免，否則於緊接 2000 年 1 月 1 日之前在香港從事保險中介人業務的保險代理必須於 2001 年 12 月 31 日或之前，或他於 1999 年開始生效的登記有效期屆滿前，以較後者為準，在資格考試試卷 (a)、(b) 和 (c)（視乎何者適用而定）取得及格成績。
62. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，除非根據第 56 條獲得豁免，否則於緊接 2002 年 1 月 1 日之前已經在香港從事長期保險中介人業務，並繼續／打算在其後從事相連長期保險中介人業務的保險代理，必須於 2003 年 12 月 31 日或之前通過資格考試試卷 (d)。
63. 除非根據第 55 條 (b) 款及第 56 條 (b) 款（視乎何者適用而定）獲得豁免，否則已經連續兩年停止在香港保險業界從事與保險有關工作的保險代理，再被委任為保險代理之前，必須在資格考試的有關試卷取得及格成績。
64. 除非根據第 55 條 (b) 款和第 56 條 (b) 款（視乎何者適用而定）獲得豁免，否則於通過資格考試後連續兩年沒有在香港保險業界從事與保險有關工作的人士，必須在資格考試的有關試卷再次取得及格成績，方可獲委任為保險代理。
65. 保險代理必須遵守由保險業監督指定的方式及形式的持續專業培訓計劃的要求。

屬保險代理商的保險代理

66. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，屬保險代理商的保險代理只有資格從事其負責人有資格從事的保險業務範圍。

負責人及業務代表適當人選準則的有關事宜

67. 委員會決定某人是否符合適當人選準則出任或繼續出任負責人或業務代表時，必須考慮該名人士如果以個人身分申請登記為保險代理時，是否符合適當人選準則出任一般保險代理（如果有關負責人或業務代表或準負責人或準業務代表打算從事一般保險代理業

務)、長期保險(不包括相連長期保險)代理〔如果有關負責人或業務代表或準負責人或準業務代表打算從事長期保險(不包括相連長期保險)代理業務〕或者長期保險(包括相連長期保險)代理〔如果有關負責人或業務代表或準負責人或準業務代表打算從事長期保險(包括相連長期保險)代理業務〕。據此,第 49 條、第 52 至第 65 條會視乎情況適用於有關負責人或業務代表或準負責人或準業務代表,猶如他是保險代理一樣。

68. 委員會可以基於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負責人或業務代表:—

- (a) 該負責人或業務代表的委任被某保險代理依據委員會或保險業監督的要求中止;或
- (b) 委員會根據該名人士的言行表現,認定他對負責人或業務代表的職責與道德操守嚴重缺乏認識。

出任負責人及業務代表資格的其他事宜

69. 業務代表只有資格從事委任他的保險代理有資格經營的保險業務範圍。

己部：標準代理合約的最低要求

70. 保險公司必須以書面代理合約委任保險代理，有關代理合約必須符合保聯採納的標準代理合約之最低要求；保聯會不時印行標準代理合約。標準代理合約的最低要求應該包括下列「從事一般保險業務之保險代理的操守」及「從事長期保險業務之保險代理的操守」。

從事一般保險業務之保險代理的操守

71. 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。
72. 遇有投訴保險代理的操守時，保險代理必須與委員會及保險公司合作，查明實情。有關保險代理必須通知投訴人應該先把投訴交予有關保險公司處理，假如投訴人仍然不滿，則可以將投訴轉介委員會處理。
73. 保險代理：—
- (a) 與任何人士洽談保單前，必須表明自己是以保險代理身分代表某保險公司；
 - (b) 於遇到查詢時，必須披露他的登記號碼，以及如果使用商務名片，必須在名片上顯示他的登記號碼；
 - (c) 必須只在個人能力可以勝任的範圍內就保險事務提供意見，否則有需要時應該徵詢他代表之保險公司的意見；
 - (d) 必須解釋推薦的每份保單的承保範圍，確保準保單持有人明白所購保單的內容；
 - (e) 必須清楚解釋自己推介的保單與其他類型保單的具體分別；
 - (f) 必須對準保單持有人提供的所有資料絕對保密，除了安排有關業務之保險公司外，不得對任何人士披露準保單持有人的資料；
 - (g) 不得就任何保險公司或其保單，或者其他中介人，作出不正確或有誤導成分的言論；
 - (h) 除非在簽署保單之前已經向保單持有人披露保費以外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；及
 - (i) 除非事先取得被保人書面同意及批准，否則不得向被保人的董事、合夥人或僱員提

供任何代理應得的部分佣金或折扣，誘使被保人向保險公司投保。

74. 保險代理協助準保單持有人填寫投保建議書或申請書時：—

- (a) 不得影響準保單持有人，並必須向準保單持有人清楚說明他本人要對答覆或聲明負全責；及
- (b) 必須向準保單持有人解釋欺詐、隱瞞事實、提供不正確資料的後果，以及指出投保書內有關條文。

從事長期保險業務之保險代理的操守

75. 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。

76. 遇有投訴保險代理的操守時，保險代理必須與委員會及保險公司合作，查明實情。有關保險代理必須通知投訴人應該先把投訴交予有關保險公司處理，假如投訴人仍然不滿，則可以將投訴轉介委員會處理。

77. 保險代理：—

- (a) 與任何人士洽談保單前，必須表明自己是以保險代理身分代表某保險公司；
- (b) 於遇到查詢時，必須披露他的登記號碼，以及如果使用商務名片，必須在名片上顯示他的登記號碼；
- (c) 必須作出所有合理的努力，確保建議的保單適合準保單持有人向保險代理披露的需要及負擔能力；
- (d) 必須只在個人能力可以勝任的範圍內就保險事務提供意見，否則有需要時應該徵詢他代表之保險公司的意見；
- (e) 必須解釋推薦的每份保單的承保範圍，確保準保單持有人明白所購保單的內容；
- (f) 必須清楚解釋自己推介的保單與其他類型保單或其他投資形式的具體分別；
- (g) 必須對準保單持有人提供的所有資料絕對保密，除了安排有關業務之保險公司外，不得對任何人士披露準保單持有人的資料；
- (h) 不得就任何保險公司或其保單，或者其他中介人，作出不正確或有誤導成分的言論；

- (i) 除非在簽署保單之前已經向保單持有人披露保費之外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；
- (j) 不得作出不正確或有誤導成分的言論或比較，誘使被保人以其他長期保險取代現有的長期保險，引致被保人蒙受損失；
- (k) 不得提供或答應提供任何保費回佣、佣金或其他在保單內沒有指定的優惠，誘使準保單持有人購買長期保險；及
- (l) 必須遵守《強積金守則》指定的要求，從事銷售強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金，或者就強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金向客戶提供意見。

78. 保險代理協助準保單持有人填寫長期保險投保建議書或申請書時：—

- (a) 不得影響準保單持有人，並必須向準保單持有人清楚說明他本人要對答覆或聲明負全責；及
- (b) 必須向準保單持有人解釋欺詐、隱瞞事實、提供不正確資料的後果，以及指出投保書內有關條文。

79. 保險代理銷售與長期保險業務有關的保單時：—

- (a) 必須解釋保單的長遠性質，以及提前中止合約及／或退保的後果；
- (b) 如果保單提供參與利潤分配或屬投資相連，必須解釋保證收益及預計收益的具體分別；
- (c) 舉例說明預計收益時，必須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非必然享有該等預計收益；
- (d) 如果保險計劃屬參與（有利潤）業務性質者，必須向準保單持有人清楚指出將來派發的紅利或股息可能會低於或高於現時列出的數據。過往的表現不一定對將來的表現起指導作用；
- (e) 如果保險計劃屬相連長期保險業務，必須解釋單位值與保單持有人的收益可能有波動；

- (f) 除非獲得保險公司特別授權，否則洽談保險計劃時，只可以使用保險公司提供的銷售計劃和數據例子，以及必須使用有關保險計劃的整體說明，不得另用他例，也不得另加資料或只選擇最有利的部分作洽談之用；及
- (g) 如果獲得保險公司授權自行準備某些數據，則只能用獲得保險公司授權認可的假設來準備有關說明。

OUTDATED
VERSION
(Sixth Edition)

違規行為指引

《保險代理管理守則》（《守則》）訂明保險代理登記委員會（委員會）可以不時發出「指引」，說明意欲如何行使《守則》賦予委員會的權力及履行《守則》授予委員會的職責。《違規行為指引》旨在協助保險公司及保險代理遵守《守則》，特別是《守則》的己部。雖然無可能就己部所載的「保險代理必須本著誠信及以正直的態度進行業務」作出全面定義，惟為了保障顧客、保險代理及保險公司的最佳權益，委員會會不時發出「指引」，供業界遵守，務使各方人士明瞭，業界已經盡其所能確保保險代理本著誠信及以正直的態度進行業務。

觸犯《違規行為指引》者可能導致違反《守則》，《守則》的丙部適用於保險公司／保險代理，己部則適用於保險代理。

1. 在任何情況下，保險代理均不能要求顧客在空白或未填妥的表格上簽署，表格上任何改動，必須經由顧客簡簽

不少準顧客及／或客戶投訴因為順應保險代理的要求，在空白表格上簽署而導致權益受損。為了保障投保人不會因保險代理誤導或偽造文件而蒙受損失，保險代理不得要求準顧客及／或客戶在空白表格上簽署，或在未完全填妥而與保單有關的文件上簽署。表格上任何改動，必須經由顧客簡簽。

2. 保險代理銷售壽險保單時必須確保已經填妥《客戶保障聲明書》

保險代理銷售保單時，有責任以至誠及客觀的態度向準投保人解釋每份保單的內容。如果客戶已經擁有其他壽險保單，則保險代理必須全面及公正地披露所有新舊保單的事實，以便保單持有人全面了解轉換保單帶來的預計損失。保險代理在銷售壽險保單時，必須填妥由香港保險業聯會不時修訂的《客戶保障聲明書》，並必須提醒顧客留意聲明書內容。

3. 保險公司必須制定管制程序監察保險代理遵守《守則》

保險公司必須按照《守則》丙部採取必要措施，確保其保險代理遵守《守則》及所有「指引」。委員會明白在個別情況下，嚴格執行《守則》或「指引」可能會有實際困難或引起顧客不便，但是委員會期望保險公司展示已經有足夠檢查和管制措施，確保盡量減少出現例外情況，並將有關例外情況詳盡記錄。

委員會處理投訴時，可以要求保險公司提供監察和管制系統的詳情，以便確保保險公司沒有違反「指引」。保險公司必須注意：如果委員會相信保險公司沒有有效管制措施，委員會會按照《守則》乙部的規定，向保險業監督報告。

代理人應如何處理客戶保費指引

《保險代理管理守則》（《守則》）訂明保險代理登記委員會（委員會）可以不時發出「指引」，說明意欲如何行使《守則》賦予委員會的權力及履行《守則》授予委員會的職責。《代理人應如何處理客戶保費指引》旨在協助保險公司及保險代理遵守《守則》，特別是《守則》內已部有關保險代理必須時刻本著誠信及以正直的態度進行業務之規定。

觸犯《代理人應如何處理客戶保費指引》者可能導致違反《守則》，《守則》的丙部適用於保險公司／保險代理，已部則適用於保險代理。

代理人應如何處理客戶保費

委員會收到的投訴中，超過三分之一涉及保險代理挪用保費或處理保費失當。查顧客可能會選擇以不同方式支付保費，包括：現金、信用咭、支票或銀行轉賬等，惟保險公司可以自行決定接納哪類付款方式，以下是一些建議：

以支票付款，抬頭為保險公司或

用信用咭／直接存款／由顧客銀行戶口直接轉賬至保險公司戶口付款

任何其他支付予代理人之付款或信貸方式，必須符合保險公司的明文規定，以防代理把顧客的保費與個人款項混集在一起。

保險代理、負責人及業務代表的登記生效日期指引

《保險代理管理守則》（《守則》）訂明保險代理登記委員會（委員會）可以不時發出「指引」，說明意欲如何行使《守則》賦予委員會的權力及履行《守則》授予委員會的職責。《保險代理、負責人及業務代表的登記生效日期指引》旨在協助保險公司及保險代理遵守《守則》，尤其是《守則》內內部訂明必須按照《守則》的規定確認保險代理、負責人及業務代表的委任。

任何準保險代理、其負責人／業務代表或現任保險代理、其負責人／業務代表不得於委員會以《登記確認通知書》書面確認其登記前，顯示自己為某家保險公司從事保險代理業務。

準保險代理或現任保險代理必須注意：在未獲委員會登記前顯示自己為某家保險公司的保險代理，可能會構成《保險公司條例》第 77 條所述的罪行。因此，任何人士於委員會發出的《登記確認通知書》訂明的日期前，不得出任或顯示自己為任何正在替其向委員會辦理登記的保險公司的保險代理。違者或會因為觸犯《保險公司條例》第 77 條所述的罪行而遭刑事檢控。

保險代理的準負責人／準業務代表或現任負責人／現任業務代表也必須注意：在未獲委員會登記前顯示自己為某保險代理的負責人／業務代表，可能會違反《守則》的規定。因此，任何人士於委員會發出的《登記確認通知書》訂明的日期前，不得出任任何正替其向委員會辦理登記的保險代理的負責人／業務代表。違反此規定可能會導致該負責人、業務代表或有關保險代理不能符合適當人選準則。

本指引於 2004 年 11 月 30 日發出

符合持續專業培訓計劃要求指引

1. 背景

《保險代理管理守則》(《守則》)訂明保險代理登記委員會(委員會)可以不時發出「指引」,說明其意欲如何行使《守則》賦予委員會的權力及履行《守則》授予委員會的職責。此持續專業培訓(培訓)計劃「指引」旨在協助保險代理符合每年的培訓計劃要求。就此「指引」而言,凡提及「保險代理」均包括負責人及業務代表。

《守則》戊部「適當人選準則」訂明:

- (a) 任何人士必須先具備的最低資格要求,委員會方會考慮他是否符合適當人選準則出任為保險代理。
- (b) 保險代理必須遵守由保險業監督(保監)指定的方式及形式的培訓計劃要求。

2. 培訓計劃要求

保監訂明:

- (a) 自培訓計劃於 2002 年 1 月 1 日實施之後至 2005 年 7 月 31 日止,所有保險代理必須每年取得 5 個核心學分和 10 個非核心學分;及
- (b) 自 2005 年 8 月 1 日開始,所有保險代理每年必須取得 10 個培訓時數,超越規定數目之培訓時數不可轉入任何其他年度。

如果:

- (i) 保險代理於整個過渡期內,在為期 12 個月並以 2005 年 7 月 31 日為止的每個評估年度內,取得 5 個核心學分和 10 個非核心學分;及
 - (ii) 自 2005 年 8 月 1 日開始,保險代理於為期 12 個月並每年以 7 月 31 日為止的評估年度內,取得 10 個培訓時數,
- 委員會將視該保險代理為已符合「適當人選準則」內訂明的培訓計劃要求,有資格在未來 12 個月內維持其登記身份。

至於在 2004 年 7 月 31 日之後被確認登記的新登記保險代理(即指在登記之前兩年或以上並沒有登記為保險代理或經紀之人士),而其登記期未滿 12 個月者,請參看以下第(4)款。

3. 培訓計劃的評估方法

基於鼓勵符合培訓計劃要求,特此制訂以下條款:

- (a) 為方便委員會管理,計算培訓計劃要求時,將以曆月作為基準,而不論保險代理在某月任何一日登記,其所取得的培訓學分或時數均由該月起計(即無

委員會指引 7 (於 2005 年 6 月 13 日修訂)

論保險代理在 1 月 1 日或 1 月 31 日登記，其培訓學分或時數均由 1 月起計算）。

- (b) 假如保險代理之登記被取消少於連續 6 個曆月，該保險代理必須符合整段為期 12 個月的評估期所需之培訓計劃要求，其中包括被取消登記之時段。有關申報方法如下：
- (i) 在接連之下一個評估日申報(適用於取消登記日期及重新登記日期均於同一個為期 12 個月之評估期內的保險代理)(請參看附件 1 之例 1)；或
 - (ii) 在重新登記時申報(適用於重新登記日期於下一個為期 12 個月之評估期內的保險代理)(請參看附件 1 之例 2)。
- (c) 假如保險代理之登記被取消連續 6 個曆月或以上，只要該保險代理在被取消登記期間並沒有登記為保險經紀，在重新登記時，便毋須取得任何培訓時數。在此情況下，保險代理必須在接連下一個評估日按比例計算申報其由重新登記日起所取得的培訓時數。有關按比例計算所需之培訓時數，請參看附件 2。

(為方便計算，所有培訓時數將調低為整數。)

4. 新登記保險代理的評估方法

- (a) 在 2004 年 7 月 31 日以後至 2005 年 7 月 31 日止被確認登記之新登記保險代理，可選擇以下其中一種申報方法：
- (i) 按比例計算在 2005 年 7 月 31 日申報(例如：某保險代理於 2004 年 9 月首次登記，他可在 2005 年 7 月 31 日申報 4 個核心學分及 9 個非核心學分)。有關按比例計算所需之學分，請參看附件 3；或
 - (ii) 按比例計算在 2006 年 7 月 31 日申報(例如：沿用上述例子，該保險代理應該申報以 2005 年 7 月 31 日之前的 11 個月計算 4 個核心學分及 9 個非核心學分，以及由 2005 年 8 月 1 日至 2006 年 7 月 31 日的 12 個月計算 10 個培訓時數)。

為了讓保險代理可彈性地選擇符合培訓要求的活動，他們可選擇以 23 個月的整個登記期為基準計算，申報 19 個培訓時數。

請參看附件 3 有關按比例計算至 2005 年 7 月 31 日所需申報之學分，或請參看附件 4 有關整個登記期所需申報之培訓時數。

- (b) 在 2005 年 7 月 31 日以後被確認登記之新登記保險代理，可選擇以下其中一種申報方法：
- (i) 在被確認登記隨後的 7 月 31 日，按比例計算申報所取得的培訓時數(例如：某保險代理於 2005 年 9 月首次登記，他可在 2006 年 7 月 31 日申報 9 個培訓時數)。有關按比例計算所需之培訓時數，請參看附件 2；或

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- (ii) 在被確認登記隨後的下個評估年度，按比例計算申報所得的培訓時數(例如：沿用上述例子，該保險代理可於 2007 年 7 月 31 日申報其培訓時數，即在該 23 個月的登記期內，申報 19 個培訓時數)。有關按比例計算所需之培訓時數，請參看附件 4。

5. 具認可保險專業資格的保險代理的評估方法

根據保監刊行之《持續專業培訓計劃 - 資料摘要》內的「指定資格」規定而取得資格的保險代理，如能符合該等發予其資格之機構所訂明的持續專業培訓計劃要求，便可被視為已符合非核心學分要求。然而，他們仍需符合每年取得 5 個核心學分的要求，至 2005 年 7 月 31 日止。(評估詳情請參看上述(3)至(4)款。)

自 2005 年 8 月 1 日開始，持有上述指定資格的人士，如果(a)頒發該些資格的機構有為該些資格持有人訂定一個持續專業培訓計劃；及(b)他們同時必須符合頒發該些資格的機構所訂明的持續專業培訓計劃的要求，便可因此而符合 10 個培訓時數的規定。他們必須能夠按委員會的要求，提交持有該資格／頭銜的證明文件，並能夠提供文件資料，證明他們必須符合該專業資格頒發機構之持續專業培訓計劃的要求才能持有該資格／頭銜。

6. 保存培訓紀錄及監察符合培訓計劃要求

(a) 保險代理的責任：

- (i) 決定由哪一間委任保險公司負責申報其培訓學分／時數，並通知有關委任保險公司（如適用）；
- (ii) 假如更改負責申報其培訓學分／時數的委任保險公司，必須通知所有委任保險公司（如適用）；
- (iii) 由評估日起計兩星期內（即 8 月 14 日或之前）填妥及按下列方式提交由委員會發出的聲明書：
 - 由個人代理提交：
 - 予負責申報其培訓學分／時數的委任保險公司；及
 - 已簽名的聲明書副本予其他所有委任保險公司；
 - 由負責人提交：
 - 予負責申報其培訓學分／時數的委任保險公司；及
 - 已簽名的聲明書副本予其他所有委任保險公司；
 - 由業務代表提交予其委任保險代理。
- (iv) 由評估日起計，保存符合培訓計劃要求的憑證正本(包括聲明書及出席證明／紀錄)最少 3 年；當被委員會要求時，必須出示有關憑證的正本。

(b) 有委任業務代表的保險代理的責任：

- (i) 向其所有業務代表發送聲明書；
- (ii) 如有需要，為其業務代表安排足夠的培訓課程；
- (iii) 為已經完成由保險代理提供的培訓課程的業務代表發出出席證明／紀錄，並

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- 於出席證明／紀錄上註明其已取得的培訓學分／時數及學分類別；
- (iv) 監察其業務代表是否符合培訓計劃要求；
 - (v) 於 8 月 14 日或之前向其業務代表收取聲明書；
 - (vi) 於 9 月 15 日或之前向委員會提交年度報告，並申報未能符合培訓計劃要求的業務代表；及
 - (vii) 協助其業務代表保存符合培訓計劃要求的憑證。
- (c) 所有保險公司的責任：
- (i) 向其所有保險代理及保險代理商之負責人發送聲明書；
 - (ii) 於 8 月 14 日或之前獲得其保險代理及保險代理商之負責人確認，將會由哪一間委任保險公司負責申報該等人士的培訓學分／時數；
 - (iii) 如有需要，為其保險代理及保險代理商之負責人安排足夠的培訓課程；
 - (iv) 為已經完成由保險公司提供的培訓課程的保險代理及保險代理商之負責人發出出席證明／紀錄，並於出席證明／紀錄上註明其已取得的培訓學分／時數及學分類別；
 - (v) 監察其保險代理及保險代理商之負責人是否符合培訓計劃要求；
 - (vi) 於 8 月 14 日或之前向其保險代理及保險代理商之負責人收取聲明書如下：
 - 負責申報培訓學分／時數的保險公司須收取已簽名的聲明書正本；
 - 非負責申報培訓學分／時數的保險公司須收取已簽名的聲明書副本；
 - (vii) 於 9 月 15 日或之前向委員會提交年度報告（負責申報培訓學分／時數的保險公司，須申報未能符合培訓計劃要求的保險代理及保險代理商之負責人）；及
 - (viii) 協助其保險代理及保險代理商之負責人保存符合培訓計劃要求的憑證。

7. 未能符合培訓計劃要求的後果

如保險代理未能符合培訓計劃要求，委員會將會撤銷確認其登記，以 3 個月為紀律行動起點。該保險代理必須在重新登記時取得所有尚欠的培訓時數。

如保險代理在申報其培訓時數時作虛假聲明，委員會將會撤銷確認其登記，以 12 個月為紀律行動起點。該保險代理必須在重新登記時取得所有尚欠的培訓時數。

8. 過渡期

適用於過渡期之詳細安排，請參看修訂《指引 8》。

計算培訓時數之例子

例 1

登記日期：2004 年 1 月 1 日

（假設保險代理在 2005 年 7 月 31 日已符合培訓計劃要求）

被取消登記日期：2006 年 4 月 1 日

重新登記日期：2006 年 6 月 1 日（由被取消登記日期起計少於 6 個月）

申報培訓時數日期：2006 年 7 月 31 日

申報培訓時數的總月數：12 個月（由 2005 年 8 月 1 日至 2006 年 7 月 31 日）

所需申報的培訓時數：10 個

例 2

登記日期：2004 年 1 月 1 日

（假設保險代理在 2005 年 7 月 31 日已符合培訓計劃要求）

被取消登記日期：2006 年 6 月 1 日

重新登記日期：2006 年 10 月 1 日（由被取消登記日期起計少於 6 個月）

申報培訓時數日期：2006 年 10 月 1 日

申報培訓時數的總月數：12 個月（由 2005 年 8 月 1 日至 2006 年 7 月 31 日）

重新登記時所需申報之培訓時數：10 個

附件 2

自 2005 年 8 月 1 日開始，被取消登記連續 6 個曆月及以上的保險代理，在重新登記隨後的評估日（即 7 月 31 日）所需申報之培訓時數

<u>新登記月份</u>	<u>所需申報之總月數</u>	<u>培訓時數</u>
2005 年 8 月	12	10
2005 年 9 月	11	9
2005 年 10 月	10	8
2005 年 11 月	9	7
2006 年 12 月	8	6
2006 年 1 月	7	5
2006 年 2 月	6	5
2006 年 3 月	5	4
2006 年 4 月	4	3
2006 年 5 月	3	2
2006 年 6 月	2	1
2006 年 7 月	1	0

* 自 2005 年 8 月 1 日開始，以上列表亦適用於選擇申報少於 12 個月的培訓時數之新登記保險代理。

附件 3

由 2004 年 8 月至 2005 年 7 月的新登記保險代理，在評估日（即 2005 年 7 月 31 日）所需申報之培訓學分

<u>新登記月份</u>	<u>所需申報之總月數</u>	<u>核心學分</u>	<u>非核心學分</u>
2004 年 8 月	12	5	10
2004 年 9 月	11	4	9
2004 年 10 月	10	4	8
2004 年 11 月	9	3	7
2004 年 12 月	8	3	6
2005 年 1 月	7	2	5
2005 年 2 月	6	2	5
2005 年 3 月	5	2	4
2005 年 4 月	4	1	3
2005 年 5 月	3	1	2
2005 年 6 月	2	0	1
2005 年 7 月	1	0	0

附件 4

自 2005 年 8 月新登記的保險代理，在被確認登記隨後的第二個 7 月 31 日所需申報之培訓時數

<u>登記月份</u>	<u>所需申報之總月數</u>	<u>培訓時數</u>
8 月	24	20
9 月	23	19
10 月	22	18
11 月	21	17
12 月	20	16
1 月	19	15
2 月	18	15
3 月	17	14
4 月	16	13
5 月	15	12
6 月	14	11
7 月	13	10

* 以上列表亦適用於在 2004 年 7 月 31 日之後被確認登記，而選擇在 2006 年 7 月 31 日申報培訓時數的新登記保險代理。

本指引於 2004 年 11 月 30 日發出

適用於過渡期之符合持續專業培訓計劃要求指引

背景

《保險代理管理守則》(《守則》)訂明保險代理登記委員會(委員會)可以不時發出「指引」,說明其意欲如何行使《守則》賦予委員會的權力及履行《守則》授予委員會的職責。此持續專業培訓(培訓)計劃「指引」旨在協助保險代理符合每年的培訓計劃要求。就此「指引」而言,凡提及「保險代理」均包括負責人及業務代表。

《守則》戊部「適當人選準則」訂明:

- (i) 任何人士必須先具備的最低資格要求,委員會方會考慮他是否符合適當人選準則出任為保險代理。
- (ii) 保險代理必須遵守由保險業監督(保監)指定的方式及形式的培訓計劃要求。

培訓計劃要求

保監訂明自培訓計劃於 2002 年 1 月 1 日實施之後至 2005 年 7 月 31 日止,所有保險代理必須每年取得 5 個核心學分和 10 個非核心學分。保監亦於其刊行的《持續專業培訓計劃—資料摘要》訂明,以下條款將適用於過渡期:

- (i) 在任何一個年度尚欠之學分必須於過渡期內補足;
- (ii) 在個別年度累積而超越規定數目之學分可轉入過渡期內的其他年度;及
- (iii) 在 2002 年或之前,及在 2003 年或 2004 年才入職的保險中介人,其累積學分會在 2005 年進行評估。

如保險代理於過渡期內完成所有培訓計劃要求,委員會將視該保險代理已符合「適當人選準則」內訂明的培訓計劃要求,有資格在未來 12 個月內維持其登記身份。(有關詳細之培訓計劃要求,請參看以下培訓計劃的評估方法。)

培訓計劃的評估方法

- (a) 為方便委員會管理,計算培訓計劃要求時,將以曆月作為基準,而不論保險代理在某月任何一日登記,其所取得的培訓學分均由該月起計(即無論保險代理在 1 月 1 日或 1 月 31 日登記,其培訓學分均由 1 月起計算)。
- (b) 2005 年 7 月 31 日將會是所有保險代理的首次評估日。
- (c) 以下適用於在 2002 年 1 月 1 日前已登記的保險代理
 - (i) 上述保險代理必須在 2005 年 7 月 31 日前取得 15 個核心學分及 30 個非核心學分。
 - (ii) 如保險代理曾在過渡期內被取消登記 1 個曆月或以上,在其申請重新登記時,便須按比例計算申報其取得的培訓學分。但無論如何,所需申報的學分將不會超越 15 個核心學分及 30 個非核心學分。

- (d) 以下適用於由2002年1月1日至2005年7月31日止新登記的保險代理
上述保險代理在首次評估日所需申報的培訓學分數目已在附表1列出。
- (e) 如保險代理曾在過渡期內被取消登記1個曆月或以上，在其申請重新登記時，便須如下述按比例計算申報其取得的培訓學分：
- (i) 在2005年7月31日申報(如重新登記日期在2005年7月31日或以前)；或
- (ii) 在申請重新登記時申報(如重新登記日期在2005年7月31日以後)。
- (f) 如保險代理之登記被取消連續24個曆月或以上，在重新登記時便毋須取得任何培訓學分。取而代之，在委員會考慮他是否符合適當人選準則出任為保險代理之前，他必須根據《守則》之規定，成功通過保監認可的保險中介人資格考試，除非他根據《守則》內第55及56條因專業資格而獲豁免。

具認可保險專業資格的保險代理的評估方法

- (g) 根據保監刊行之《持續專業培訓計劃-資料摘要》內的「指定資格」規定而取得資格的保險代理，如能符合該等發予其資格之機構所訂明的持續專業培訓計劃要求，便可被視為已符合非核心學分要求。然而，他們仍需符合每年取得5個核心學分的要求。評估詳情請參看上述(a)至(f)款。

保存培訓紀錄及監察符合培訓計劃要求

- (h) 保險代理的責任：
- (i) 決定由哪一間委任保險公司負責申報其培訓學分，並通知有關委任保險公司(如適用)；
- (ii) 假如更改負責申報其培訓學分的委任保險公司，必須通知所有委任保險公司(如適用)；
- (iii) 由評估日起計兩星期內(即8月14日或之前)填妥及按下列方式提交由委員會發出的聲明書：
- 由個人代理提交：
 - 予負責申報其培訓學分的委任保險公司；及
 - 已簽名的聲明書副本予其他所有委任保險公司；
 - 由負責人提交：
 - 予負責申報其培訓學分的委任保險公司；及
 - 已簽名的聲明書副本予其他所有委任保險公司；
 - 由業務代表提交予其委任保險代理。
- (iv) 由評估日起計，保存符合培訓計劃要求的憑證正本(包括聲明書及出席證明／紀錄)最少3年；當被委員會要求時，必須出示有關憑證的正本。
- (i) 有委任業務代表的保險代理的責任：
- (i) 向其所有業務代表發送聲明書；
- (ii) 如有需要，為其業務代表安排足夠的培訓課程；
- (iii) 為已經完成由保險代理提供的培訓課程的業務代表發出出席證明／紀錄，並於出席證明／紀錄上註明其已取得的培訓學分及類別；
- (iv) 監察其業務代表是否符合培訓計劃要求；

- (v) 於 8 月 14 日或之前向其業務代表收取聲明書；
 - (vi) 於 9 月 15 日或之前向委員會提交年度報告，並申報未能完成培訓學分的業務代表；及
 - (vii) 協助其業務代表保存符合培訓計劃要求的憑證。
- (j) 所有保險公司的責任：
- (i) 向其所有保險代理及保險代理商之負責人發送聲明書；
 - (ii) 於 8 月 14 日或之前獲得其保險代理及保險代理商之負責人確認，將會由哪一間委任保險公司負責申報該等人士的培訓學分；
 - (iii) 如有需要，為其保險代理及保險代理商之負責人安排足夠的培訓課程；
 - (iv) 為已經完成由保險公司提供的培訓課程的保險代理及保險代理商之負責人發出出席證明／紀錄，並於出席證明／紀錄上註明其已取得的培訓學分及學分類別；
 - (v) 監察其保險代理及保險代理商之負責人是否符合培訓計劃要求；
 - (vi) 於 8 月 14 日或之前向其保險代理及保險代理商之負責人收取聲明書如下：
 - 負責申報培訓學分的保險公司須收取已簽名的聲明書正本；
 - 非負責申報培訓學分的保險公司須收取已簽名的聲明書副本；
 - (vii) 於 9 月 15 日或之前向委員會提交年度報告(負責申報培訓學分的保險公司，須申報未能完成培訓學分的保險代理及保險代理商之負責人)；及
 - (viii) 協助其保險代理及保險代理商之負責人保存符合培訓計劃要求的憑證。

未能符合培訓計劃要求的後果

- (k) 如保險代理未能符合培訓計劃要求，委員會將會撤銷確認其登記，以 3 個月為紀律行動起點。該保險代理必須在重新登記時取得所有尚欠的培訓學分。
- (l) 如保險代理在申報其培訓學分時作虛假聲明，委員會將會撤銷確認其登記，以 12 個月為紀律行動起點。該保險代理必須在重新登記時取得所有尚欠的培訓學分。

附表 1

過渡安排

於 2002 年 1 月 1 日至 2004 年 7 月 31 日新登記的保險代理在首個評估日(即 2005 年 7 月 31 日)所需申報之培訓學分：

首次登記日在下列期間內	登記月份	所需申報之 總日數	核心學分	非核心學分
1/1/2002 – 31/1/2002	2002 年 1	43	15	30
1/2/2002 – 28/2/2002	2002 年 2	42	15	30
1/3/2002 – 31/3/2002	2002 年 3	41	15	30
1/4/2002 – 30/4/2002	2002 年 4	40	15	30
1/5/2002 – 31/5/2002	2002 年 5	39	15	30
1/6/2002 – 30/6/2002	2002 年 6	38	15	30
1/7/2002 – 31/7/2002	2002 年 7	37	15	30
1/8/2002 – 31/8/2002	2002 年 8	36	15	30
1/9/2002 – 30/9/2002	2002 年 9	35	14	29
1/10/2002 – 31/10/2002	2002 年 10	34	14	28
1/11/2002 – 30/11/2002	2002 年 11	33	13	27
1/12/2002 – 31/12/2002	2002 年 12	32	13	26
1/1/2003 – 31/1/2003	2003 年 1	31	12	25
1/2/2003 – 28/2/2003	2003 年 2	30	12	24
1/3/2003 – 31/3/2003	2003 年 3	29	12	24
1/4/2003 – 30/4/2003	2003 年 4	28	11	23
1/5/2003 – 31/5/2003	2003 年 5	27	11	22
1/6/2003 – 30/6/2003	2003 年 6	26	10	21
1/7/2003 – 31/7/2003	2003 年 7	25	10	20
1/8/2003 – 31/8/2003	2003 年 8	24	10	20
1/9/2003 – 30/9/2003	2003 年 9	23	9	19
1/10/2003 – 31/10/2003	2003 年 10	22	9	18
1/11/2003 – 30/11/2003	2003 年 11	21	8	17
1/12/2003 – 31/12/2003	2003 年 12	20	8	16
1/1/2004 – 31/1/2004	2004 年 1	19	7	15
1/2/2004 – 29/2/2004	2004 年 2	18	7	15
1/3/2004 – 31/3/2004	2004 年 3	17	7	14
1/4/2004 – 30/4/2004	2004 年 4	16	6	13
1/5/2004 – 31/5/2004	2004 年 5	15	6	12
1/6/2004 – 30/6/2004	2004 年 6	14	5	11
1/7/2004 – 31/7/2004	2004 年 7	13	5	10
1/8/2004 – 31/7/2005 *	不適用			

* 委員會將會按照修訂指引 7 之第 4(a)款按比例計算評估在此期間新登記的保險代理。

2006 年 1 月 20 日

保險代理管理守則

新增條款	增補 (粗體字句)
於第 24 頁緊隨第 56 條(b)款(xi)點後加入第 56 條(b)款(xii)點	56. 下列人士獲豁免參加資格考試試卷(d)：- (b) 持有以下其中一項認可的保險、投資或精算師專業資格：- (xii) 香港證券專業學會金融市場專業文憑

OUTDATED
VERSION
(Sixth Edition)

保險代理管理守則

新增/現有條款	增 補 (粗體字句)
於目錄之「己部：標準代理合約的最低要求」，緊隨「從事一般保險業務」後加入「和受限制的旅遊保險業務」	<p>己部：標準代理合約的最低要求</p> <p>從事一般保險業務和受限制的旅遊保險業務之保險代理的操守</p>
<p>於第 2 條：</p> <p>i. 按右欄所示修訂「保險業務範圍」的定義；及</p> <p>ii. 緊隨「負責人」的定義加入「受限制的旅遊保險業務」之定義</p>	<p>2. 《守則》內下列詞彙的定義如下：—</p> <p>「保險業務範圍」指《保險公司條例》內界定的：—</p> <p>(a) (《保險公司條例》內界定的)一般保險業務；</p> <p>(b) (《保險公司條例》內界定的)長期保險（不包括相連長期保險）業務；及／或</p> <p>(c) (《保險公司條例》內界定的)長期保險（包括相連長期保險）業務；及／或</p> <p>(d) 受限制的旅遊保險業務；</p> <p>「受限制的旅遊保險業務」指訂立和執行與由同一旅行代理商為其客戶安排的旅行團、包辦旅遊、旅程或其他旅行服務有關的旅遊保險合約，但不包括：任何一年期旅遊保險保單，或任何並非由該旅行代理商為其客戶安排的旅行團、包辦旅遊、旅程或其他旅行服務的旅遊保險保單；</p>
緊隨第 15 條後加入第 15A 條	<p>15A. 如果保險代理已登記從事受限制的旅遊保險業務，並在服務枱或櫃位為客戶提供面對面的保險服務，則必須在服務枱或櫃位前擺放顯示其姓名及登記號碼的名牌。</p>
按右欄所示修訂第 20 條	<p>20. 就第 19 條而言：—</p> <p>(a) 除非保險代理的業務範圍只限於(i)一般保險或受限制的旅遊保險或(ii)長期保險其中一類，否則任何代表一家綜合保險人的人士，必須被視為代表兩家保險公司，即一家一般保險公司和一家長期保險公司；及</p>

新增/現有條款	增 補 (粗體字句)
按右欄所示修訂 第 20 條	20. (b) 如果某保險公司集團的業務範圍只限於(i)一般保險 或受限制的旅遊保險 或(ii)長期保險，則任何代表該公司集團的人士，必須被視為只代表一家保險公司。又除非保險代理的業務範圍只限(i)一般保險 或受限制的旅遊保險 或(ii)長期保險其中一類，否則任何代表業務範圍包括(i)一般保險 或受限制的旅遊保險 及(ii)長期保險的公司集團的人士，會被視為代表兩家保險公司。
於第 23 條： i. 緊隨(g)款後加入(ga)款 ii. (h)款刪除最後「及」一字 iii. (i)款最後加入「及」一字； 及 iv. 緊隨(i)款後加入(j)款	23. 保險公司必須確保其每名保險代理： (ga) 如果已登記從事受限制的旅遊保險業務，並在服務枱或櫃位為客戶提供面對面的保險服務，則必須在服務枱或櫃位前擺放顯示其姓名及登記號碼的名牌； (h) 遵守《守則》之規定； 及 (i) 已經向積金局登記成為強積金中介人，如果有關保險代理從事銷售強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金，或者就強積金計劃，或強積金計劃的成分基金或基礎核准匯集投資基金向客戶提供意見； 及 (j) 如果已登記從事受限制的旅遊保險業務，則必須持有按《旅行代理商條例》(即《香港法例》第 218 章)發出的旅行代理商牌照。
緊隨 29 條後加入 29A 條款	29A. 如果負責人或業務代表已登記從事受限制的旅遊保險業務，並在服務枱或櫃位為客戶提供面對面的保險服務，則必須在服務枱或櫃位前擺放顯示其姓名及登記號碼的名牌。
於第 34 條： i. (f)款刪除最後「及」一字； 及	34. 保險代理必須確保任何人士出任其負責人或業務代表時：— (f) 如果使用商務名片，在名片上顯示他的登記號碼； 及

新增/現有條款	增 補 (粗體字句)
ii. 緊隨(f)款後加入(fa)款	(fa) 如果已登記從事受限制的旅遊保險業務，並在服務枱或櫃位為客戶提供面對面的保險服務，則必須在服務枱或櫃位前擺放顯示其姓名及登記號碼的名牌；及
<p>於第 53 條：</p> <p>i. 刪除所有「必考試卷」及「資格試卷」的字句；</p> <p>ii. (c)款刪除最後「及」一字；</p> <p>iii. (d)款最後加入「及」一字；及</p> <p>iv. 緊隨(d)款後加入(e)款。</p>	<p>53. 資格考試包括以下試卷：—</p> <p>(a) 必考試卷——保險原理及實務；</p> <p>(b) 資格試卷——一般保險；</p> <p>(c) 資格試卷——長期保險；及—</p> <p>(d) 資格試卷——投資相連長期保險；及</p> <p>(e) 旅遊保險代理人考試。</p>
按右欄所示修訂第 54 條	<p>54. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之前提下，除非根據第 55 條和第 56 條（視乎何者適用而定）獲得豁免，否則保險代理只有資格從事他在有關資格考試取得及格成績科目試卷的保險業務範圍。從事一般保險業務的保險代理，除了必須通過必考的「保險原理及實務試卷」外，也必須通過「一般保險試卷」；從事長期保險（不包括相連長期保險）業務的保險代理，除了必須通過必考的「保險原理及實務試卷」外，也必須通過「長期保險試卷」；從事長期保險（包括相連長期保險）業務的保險代理，除了必須通過必考試卷外，也必須通過「長期保險試卷」和「投資相連長期保險試卷」。任何人士必須通過：</p> <p>(a) (i)「保險原理及實務試卷」及(ii)「一般保險試卷」，方可登記從事一般保險業務；</p> <p>(b) (i)「保險原理及實務試卷」及(ii)「長期保險試卷」，方可登記從事長期保險（不包括相連長期保險）業務；</p> <p>(c) (i)「保險原理及實務試卷」、(ii)「長期保險試卷」及(iii)「投資相連長期保險試卷」，方可登記從事長期保險（包括相連長期保險）業務；及/或</p> <p>(d) 「旅遊保險代理人考試試卷」，方可登記從事受限制的旅遊保險業務。</p>

新增/現有條款	增 補 (粗體字句)
按右欄所示修訂 第 55 條	55. 下列人士獲豁免參加資格考試的試卷 (a)、(b)、 及 (c) 及 (e) (視乎何者適用而定)：—
緊隨第 55 條後加入 55A 條	55A. 除根據第 55 條獲得豁免外，任何人士如果已通過資格考試試卷：(i)「保險原理及實務」及(ii)「一般保險」，則可獲豁免參加資格考試試卷 (e)。
按右欄所示修訂 第 57 條	57. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，根據第 55 條 (a) (i) 款獲得豁免的保險代理，只有資格從事他於緊接 2000 年 1 月 1 日之前的六年內具有五年經驗的保險業務範圍，或於該五年內具有相當經驗的保險業務範圍[只限於 (i) 一般保險業務 或受限制的旅遊保險業務 ，和(ii)長期保險（不包括相連長期保險）業務]。
按右欄所示修訂 第 58 條	58. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，根據第 55 條 (a) (ii) 款獲得豁免的保險代理，只有資格從事一般保險代理業務 或受限制的旅遊保險代理業務 。
按右欄所示修訂 第 59 條	59. 在保險代理不得從事其代表的保險公司獲授權經營以外的保險業務範圍之大前提下，根據第 55 條 (b) (i) 至 (vi) 款獲得豁免的保險代理，有資格從事一般保險、 及長期保險（不包括相連長期保險）代理業務及受限制的旅遊保險代理業務 ；根據第 55 條 (b) (vii) 至 (x) 款及第 56 條 (b) (iv) 至 (vii) 款獲得豁免的保險代理，有資格從事一般保險、 及長期保險（包括相連長期保險）代理業務及受限制的旅遊保險代理業務 。
於「己部：標準代理合約的最低要求」之次標題：「從事一般保險業務之保險代理的操守」，緊隨「從事一般保險業務」加入「 及受限制的旅遊保險業務 」	從事一般保險業務 及受限制的旅遊保險業務 之保險代理的操守

新增/現有條款	增 補 (粗體字句)
按右欄所示修訂第 67 條	<p>67. 委員會決定某人是否符合適當人選準則出任或繼續出任負責人或業務代表時，必須考慮該名人士如果以個人身分申請登記為保險代理時，是否符合適當人選準則出任一般他打算申請登記從事的特定保險業務範圍，考慮因素與申請登記為個人保險代理的考慮因素相同（如果有關負責人或業務代表或準負責人或準業務代表打算從事一般保險代理業務）長期保險（不包括相連長期保險）代理 [如果有關負責人或業務代表或準負責人或準業務代表打算從事長期保險（不包括相連長期保險）代理業務] 或者長期保險（包括相連長期保險）代理 [如果有關負責人或業務代表或準負責人或準業務代表打算從事長期保險（包括相連長期保險）代理業務]。據此，第 49 條、第 52 至第 65 條會視乎情況適用於有關負責人或業務代表或準負責人或準業務代表，猶如他是保險代理一樣。</p>
按右欄所示修訂第 70 條	<p>70. 保險公司必須以書面代理合約委任保險代理，有關代理合約必須符合保聯採納的標準代理合約之最低要求；保聯會不時印行標準代理合約。標準代理合約的最低要求應該包括下列「從事一般保險業務及受限制的旅遊保險業務之保險代理的操守」及「從事長期保險業務之保險代理的操守」。</p>
於第 73 條緊隨 (b) 款加入 (ba) 款	<p>73. 保險代理：—</p> <p>(ba) 如果已登記從事受限制的旅遊保險業務，並在服務枱或櫃位為客戶提供面對面的保險服務，則必須在服務枱或櫃位前擺放顯示其姓名及登記號碼的名牌；</p>

~ 完 ~

未有準委任保險代理的
申請人適用

本指引9於2008年1月25日發出

擬登記為從事受限制的旅遊保險業務的保險代理(本身為旅行代理商)
的負責人／業務代表之意向通知書

(請於2008年4月30日前傳真(傳真號碼: 2838 7125)或郵遞擲回)

日期: 2008年__月__日

致: 保險代理登記委員會(「委員會」)

按「受限制的旅遊保險業務指引」之要求, 請查收本人的香港居民身分證副本乙份。

申請人簽署

姓名

聯絡電話

地址

存根

(以下部分由委員會填寫)

委員會在2008年__月__日收到「擬登記為從事受限制的旅遊保險業務的保險代理(本身為旅行代理商)的負責人／業務代表之意向通知書」

識別編號: _____

(請保留此存根, 並於日後遞交登記申請時一併交回保險代理登記委員會)

受限制的旅遊保險業務指引

本指引旨在:

- A. 為未完成中五課程或未具備同等學歷, 但有意向保險代理登記委員會(「委員會」)申請登記從事受限制的旅遊保險業務者(「申請人」)提供豁免; 以及
- B. 方便識辨從事受限制的旅遊保險業務之保險代理、負責人及業務代表的登記身分。

A. 豁免必須完成中五課程或具備同等學歷的要求

《保險代理管理守則》(《守則》)第52條(c)款: 「除非該名人士於緊接2000年1月1日之前, 已經在香港從事保險中介人業務, 而期間沒有連續兩年停止在香港保險業界從事與保險有關的工作, 否則他必須完成中五課程或具備同等學歷」將不適用於申請人。但申請人必須符合以下只適用於該等申請人的條件:

- i. 申請人於緊接2006年5月15日之前已經在香港從事旅遊代理業務, 而期間沒有連續兩年停止在香港從事與旅遊有關的工作;
- ii. 申請人於緊接2006年5月15日之前的六年內, 具不少於五年可供驗證的在香港從事旅遊代理業務的經驗;
- iii. 如果申請人未在保險業監督認可的保險中介人資格考試之「旅遊保險代理人考試試卷」(「考試試卷」)取得及格成績, 則
- a. 申請人必須於2008年4月30日或之前, 經由其準委任保險代理或親自(如果未有準委任保險代理)向委員會遞交此指引附帶之適用通知書, 以及其香港居民身分證副本; 及
- b. 他必須於2009年4月30日或之前通過考試試卷。
- iv. 如果申請人已取得考試試卷及格成績, 他必須於2008年4月30日或之前:
- a. 向委員會申請登記; 或
- b. 如果他決定暫時不向委員會申請登記, 則仍須如上文A.iii.a.所述, 向委員會遞交通知書。

除非在2008年4月30日或之前, 委員會已收到申請人填報的適用通知書; 否則, 在2008年4月30日之後, 委員會不會接受申請人任何有關此豁免的登記申請。

除第52條(c)款以外，申請人必須符合《守則》訂明的「保險代理的最低資格要求」。

在委員會確認其登記之前，申請人不可以從事受限制的旅遊保險業務。

如果申請人有意從事受限制的旅遊保險業務以外的保險業務，則他必須符合《守則》訂明的所有要求，包括第52條(c)款。

B. 識辨從事受限制的旅遊保險業務之保險代理、負責人及業務代表的登記身分

如果某人在服務枱或櫃位提供面對面的保險服務時，沒有把他的姓名及登記號碼編印或親繕於由他直接為客戶安排的旅遊保險收據上，則委員會可以認定他不合適當人選準則，而不適合出任或繼續出任從事受限制的旅遊保險業務之保險代理、負責人或業務代表。

已有準委任保險代理的
申請人適用

擬登記為從事受限制的旅遊保險業務的保險代理(本身為旅行代理商)
的負責人／業務代表之意向通知書

(請於2008年4月30日前傳真(傳真號碼：2838 7125)或郵遞擲回)

日期： 2008年__月__日

致： 保險代理登記委員會(「委員會」)

按「受限制的旅遊保險業務指引」之要求，請查收以下申請人的香港居民身分證副本，共__份：

1. _____
2. _____
3. _____

經由以下旅行社遞交：

公司印章

遞交者姓名及聯絡電話

旅行社的保險代理登記號碼(如適用者)

存根

(以下部分由委員會填寫)

委員會在2008年__月__日收到「擬登記為從事受限制的旅遊保險業務的保險代理(本身為旅行代理商)的負責人／業務代表之意向通知書」

識別編號：_____

(請保留此存根，並於日後遞交登記申請時一併交回保險代理登記委員會)

《保險代理管理守則》

新條款編號	增補
7A	<p>整體上在不損害委員會的轉授權力之原則下，委員會可以隨時成立一個或多個小組，負責考慮及處理委員會轉介的事宜和事情。每個小組應包括至少一名委員會委員。在以下第7B條的前提下，委員會可以授予這(些)小組任何委員會認為適合的權力或職責，而據此成立的任何小組在行使其獲授予的權力時，須遵從委員會可能對其施加的任何規例。</p>
7B	<p>遇有小組將投訴轉介予保險公司而保險公司沒有：</p> <ul style="list-style-type: none">(a) 調查該投訴；(b) 向小組報告調查的結果及已採取的行動（如有者） <p>或</p> <ul style="list-style-type: none">(c) 按小組規定採取紀律行動； <p>保險公司會被視為違反《守則》，而小組將會把事件交回委員會考慮。</p>

符合持續專業培訓計劃要求指引 — 適用於只登記從事受限制的旅遊保險業務的登記人士

1. 背景

《保險代理管理守則》（《守則》）訂明保險代理登記委員會（委員會）可以不時發出「指引」，說明其意欲如何行使《守則》賦予委員會的權力及履行《守則》授予委員會的職責。此持續專業培訓（培訓）計劃「指引」旨在協助只登記從事受限制的旅遊保險業務（旅遊保險）之登記人士符合每年的培訓計劃要求。有關從事其他保險業務範圍之登記人士，請參閱「指引 7」。

就此「指引」而言，凡提及「登記人士」均包括保險代理、負責人及業務代表。

《守則》戊部「適當人選準則」訂明：

- (a) 任何人士必須先具備的最低資格要求，委員會方會考慮他是否符合適當人選準則出任為登記人士；及
- (b) 登記人士必須遵守由保險業監督（保監）指定的方式及形式的培訓計劃要求。

2. 培訓計劃要求

保監訂明：「自二零零八年八月一日開始，旅遊保險代理人、其負責人及業務代表每年必須累積 3 個持續專業培訓時數。首個評估日期為二零零九年七月三十一日。超越規定數目之持續專業培訓時數不可轉入任何其他年度」。

在符合遵守其他適當人選準則的規定下，如只登記從事旅遊保險之登記人士於為期 12 個月、並由每年 8 月至翌年 7 月 31 日為止的評估年度（「評估年度」）內，取得 3 個培訓時數；委員會將視該名只登記從事旅遊保險之登記人士為已符合《守則》內之「適當人選準則」所訂明的培訓計劃要求，有資格在未來 12 個月內維持其登記身份。

3. 培訓計劃的評估方法

為求符合培訓計劃要求，特此制訂以下條款：

- (a) 委員會只接受由 2008 年 8 月 1 日起取得的培訓時數。
- (b) 為清晰及方便查考起見：

- (i) 在計算培訓計劃要求時，將以曆月作為基準，而不論登記人士在某月任何一日登記，其所需要取得的培訓時數均由該月起計（即無論登記人士在 1 月 1 日或 1 月 31 日登記，其培訓時數均由 1 月起計算）；及
- (ii) 有關所需申報的培訓時數，請參看附件 2 及附件 4。
- (c) 如登記人士之登記被取消少於連續 6 個曆月，該登記人士必須符合整個評估年度所需之培訓計劃要求，其中包括被取消登記之時段。有關申報方法如下：
- (i) 在緊接重新登記後之評估日期申報（適用於取消登記日期及重新登記日期均於同一個評估年度內的登記人士）（請參看附件 1 之例 1）；或
- (ii) 在重新登記時申報（適用於重新登記日期於下一個評估年度內的登記人士）（請參看附件 1 之例 2）。
- (d) 如登記人士被取消登記連續 6 個曆月或以上，只要該登記人士在被取消登記期間並沒有於委員會登記從事其他保險業務範圍，或登記為保險經紀，或保險經紀的行政總裁／業務代表，在重新登記時，便毋須取得任何培訓時數。取而代之，該登記人士只需在緊接重新登記後的評估日期申報按比例計算其由重新登記日起所需取得的培訓時數。有關按比例計算所需之培訓時數，請參看附件 2。
- 為免生疑問，此條不適用於任何因未能符合培訓計劃要求而被委員會取消登記之登記人士。這些人士必須在重新登記時取得所有尚欠的培訓時數。
- (e) 如登記從事旅遊保險的登記人士的登記被取消，並於同一個月內於委員會成功登記從事旅遊保險以外的保險業務，他於這個評估年度內需要申報的培訓時數如下：
- (i) 根據此「指引 10」申報他於登記從事旅遊保險期間所需的培訓時數，但不包括上文（e）所指的該月份；及
- (ii) 根據「指引 7」申報他於登記從事旅遊保險以外的保險業務期間所需的培訓時數，包括上文（e）所指的該月份。

請參看附件 3 之例 1.

- (f) 如登記從事旅遊保險以外的保險業務的登記人士的登記被取消，並於同一個月內於委員會成功只登記從事旅遊保險，他於這評估年度內需要取得的培訓時數如下：
- (i) 根據「指引 7」申報他於登記從事旅遊保險以外的保險業務期間所需的培訓時數，但不包括上文 (f) 所指的該月份；及
 - (ii) 根據此「指引 10」申報他於登記從事旅遊保險期間所需的培訓時數，包括上文 (f) 所指的該月份。

請參看附件 3 之例 2.

- (g) 如登記從事旅遊保險的登記人士被取消登記連續少於 6 個曆月，繼又成功重新登記從事旅遊保險以外的保險業務，則他需要根據他重新登記之保險業務，計算及申報於被取消登記期間所需之培訓時數，反之亦然，申報方法如上文 (c) 所述。

請參看附件 3 之例 3 及 4。

4. 新登記的登記人士的評估方法

新登記的登記人士(即指從未登記為(i)保險代理或(ii)保險代理之負責人／業務代表或(iii)保險經紀或(iv)保險經紀之行政總裁／業務代表之人士)，可選擇以下其中一種申報方法：

- (a) 在緊接被確認登記後的 7 月 31 日，申報按比例計算所需取得的培訓時數(例如：某登記人士於 2008 年 11 月首次登記，他可在 2009 年 7 月 31 日申報 2 個培訓時數)。有關按比例計算所需之培訓時數，請參看附件 2；或
- (b) 在被確認登記後的第二個評估日期，申報按比例計算所需取得的培訓時數(例如：沿用上述例子，該登記人士可於 2010 年 7 月 31 日申報其培訓時數，即就該 21 個月的登記期，申報 5 個培訓時數)。有關按比例計算所需之培訓時數，請參看附件 4。

以上申報方法亦適用於已經連續兩年停止在香港保險業界從事與保險有關工作，而再被委任之登記人士。

5. 具備認可保險專業資格的登記人士的評估方法

具備保監刊行之《持續專業培訓計劃 - 資料摘要》內的「指定資格」的委員會指引 10

登記人士，如果（a）頒發該些資格的機構有為該些資格持有人訂定一個持續專業培訓計劃；及（b）他們同時必須符合頒發該些資格的機構所訂明的持續專業培訓計劃的要求，便可因此而符合 3 個培訓時數的規定。他們必須能夠按委員會的要求，提交持有該資格／頭銜的證明文件，並能夠提供文件資料，證明他們必須符合該專業資格頒發機構之持續專業培訓計劃的要求才能持有該資格／頭銜。

6. 保存培訓紀錄及監察符合培訓計劃要求

（a）負責人的責任：

- （i）決定由哪一間委任保險公司負責申報其培訓時數，並通知所有委任保險公司（如適用）；
- （ii）假如更改負責申報其培訓時數的委任保險公司，必須通知所有委任保險公司（如適用）；
- （iii）由評估日期起計兩星期內（即 8 月 14 日或之前）填妥及按下列方式提交內容及格式由委員會制訂的聲明書：
 - 提交予負責申報其培訓時數的委任保險公司；及
 - 提交已簽名的聲明書副本予其他所有委任保險公司；及
- （iv）由評估日期起計，保存符合培訓計劃要求的憑證（包括聲明書副本及出席證明／紀錄正本）最少 3 年。當委員會提出要求時，必須出示有關憑證。

（b）業務代表的責任：

- （i）由評估日期起計兩星期內（即 8 月 14 日或之前）填妥及提交內容及格式由委員會制訂的聲明書予其委任保險代理商；
- （ii）由評估日期起計，保存符合培訓計劃要求的憑證（包括聲明書副本及出席證明／紀錄正本）最少 3 年。當委員會提出要求時，必須出示有關憑證。

（c）有委任業務代表的保險代理商的責任：

- （i）向其所有業務代表發送他們所需填報的聲明書；
- （ii）如有需要，為其業務代表安排足夠的培訓課程；
- （iii）為已經完成由保險代理商提供的培訓課程的業務代表發出出席證明／紀錄，並於出席證明／紀錄上註明其已取得的培訓時數；
- （iv）監察其業務代表是否符合培訓計劃要求；
- （v）於 8 月 14 日或之前向其業務代表收集聲明書；
- （vi）於 9 月 15 日或之前向委員會提交年度報告，並申報未能符合培訓計劃要求的業務代表名單；及
- （vii）協助其業務代表保存符合培訓計劃要求的憑證。

(d) 所有保險公司的責任：

- (i) 向其所有保險代理商之負責人發送他們所需填報的聲明書；
- (ii) 於 8 月 14 日或之前獲得其保險代理商之負責人確認，將會由哪一間委任保險公司負責申報其培訓時數；
- (iii) 如有需要，為其保險代理商之負責人安排足夠的培訓課程；
- (iv) 為已經完成由保險公司提供的培訓課程的保險代理商之負責人發出出席證明／紀錄，並於出席證明／紀錄上註明其已取得的培訓時數；
- (v) 監察其保險代理商之負責人是否符合培訓計劃要求；
- (vi) 於 8 月 14 日或之前向其保險代理商之負責人收集聲明書如下：
 - 負責申報培訓時數的保險公司須收集已簽名的聲明書正本；
 - 非負責申報培訓時數的保險公司須收集已簽名的聲明書副本；
- (vii) 負責申報培訓時數的保險公司，須於 9 月 15 日或之前向委員會提交年度報告，及申報未能符合培訓計劃要求的保險代理商之負責人的名單；及
- (viii) 協助其保險代理商之負責人保存符合培訓計劃要求的憑證。

7. 未能符合培訓計劃要求的後果

如登記人士未能符合培訓計劃要求，委員會將會撤銷其登記，以 3 個月為量刑起點。該登記人士必須在重新登記時取得所有尚欠的培訓時數。

如登記人士在申報其培訓時數時作虛假聲明，委員會將會撤銷其登記，以 12 個月為量刑起點。該登記人士必須在重新登記時取得所有尚欠的培訓時數。

如登記人士未能按委員會要求，出示符合培訓計劃要求的憑證，委員會將會撤銷其登記，而所指明撤銷登記期的長度由委員會決定。該登記人士將來重新登記時，必須能夠出示符合培訓計劃要求的憑證，否則，委員會將不予受理。

計算培訓時數之例子

例 1

登記日期：2008 年 1 月 1 日

*被取消登記日期：2009 年 4 月 1 日

**重新登記日期：2009 年 6 月 1 日（由被取消登記日期起計少於連續 6 個曆月）

*被取消登記日期及**重新登記日期均屬於同一個評估年度

於緊接重新登記後的評估日期申報培訓時數：2009 年 7 月 31 日

申報培訓時數的總月數：12 個月（由 2008 年 8 月 1 日至 2009 年 7 月 31 日）

所需申報的培訓時數：3 個

例 2

登記日期：2009 年 1 月 1 日

（假設登記人士在 2009 年 7 月 31 日已符合培訓計劃要求）

被取消登記日期：2010 年 6 月 1 日

重新登記日期：2010 年 10 月 1 日（由被取消登記日期起計少於連續 6 個曆月）

於重新登記時申報培訓時數：2010 年 10 月 1 日（屬於下一個評估年度）

申報培訓時數的總月數：12 個月（由 2009 年 8 月 1 日至 2010 年 7 月 31 日）

所需申報之培訓時數：3 個

被取消登記連續 6 個曆月或以上的登記人士，在緊接重新登記後的評估日期（即 7 月 31 日）所需申報之培訓時數

重新登記月份／登記月份	所需申報之總月數	培訓時數
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8 月	12	3
9 月	11	3
10 月	10	3
11 月	9	2
12 月	8	2
1 月	7	2
2 月	6	1
3 月	5	1
4 月	4	1
5 月	3	0
6 月	2	0
7 月	1	0

此列表亦適用於選擇在緊接首次登記後的評估日期申報培訓時數之新登記的登記人士。

計算培訓時數的其他例子

適用於同一個月內取消登記及重新登記的登記人士

例 1

如登記人士於 8 月登記只從事旅遊保險，於 11 月被取消登記，並於同月登記從事旅遊保險以外的保險業務如下：

登記時段	登記月數		需要申報培訓時數
	從事旅遊保險	從事旅遊保險以外的保險業務	
8 月至 10 月	3		0 (根據附件 2)
11 月 (重新登記之月份) 至翌年 7 月		9	7 (根據附件 5)

就此評估年度，他共需要申報 7 個培訓時數。

例 2

如登記人士於 8 月登記從事旅遊保險以外的保險業務，於 11 月被取消登記，並於同月登記只從事旅遊保險如下：

登記時段	登記月數		需要申報培訓時數
	從事旅遊保險以外的保險業務	從事旅遊保險	
8 月至 10 月	3		2 (根據附件 5)
11 月 (重新登記之月份) 至翌年 7 月		9	2 (根據附件 2)

就此評估年度，他共需要申報 4 個培訓時數。

適用於非同一個月內取消登記及重新登記的登記人士

例 3

如登記人士於 8 月登記只從事旅遊保險，於 12 月被取消登記，並於翌年 3 月重新登記從事旅遊保險以外的保險業務如下：

登記時段	登記月數		需要申報培訓時數
	從事旅遊保險	從事旅遊保險以外的保險業務	
8 月至 12 月	5		1 (根據附件 2)
1 月至 2 月 (被取消登記期)		2	5 (根據附件 5)
3 月至 7 月		5	

就此評估年度，他共需要申報 **6 個培訓時數**。

例 4

如登記人士於 8 月登記從事旅遊保險以外的保險業務，於 12 月被取消登記，並於翌年 3 月重新登記只從事旅遊保險如下：

登記時段	登記月數		需要申報培訓時數
	從事旅遊保險以外的保險業務	從事旅遊保險	
8 月至 12 月	5		4 (根據附件 5)
1 月至 2 月 (被取消登記期)		2	2 (根據附件 2)
3 月至 7 月		5	

就此評估年度，他共需要申報 **6 個培訓時數**。

新登記（由 2008 年 8 月起計）的登記人士在被確認登記隨後的第二個評估日期所需申報之培訓時數

<u>登記月份</u>	<u>所需申報之總月數</u>	<u>培訓時數</u>
8 月	24	6
9 月	23	6
10 月	22	6
11 月	21	5
12 月	20	5
1 月	19	5
2 月	18	4
3 月	17	4
4 月	16	4
5 月	15	3
6 月	14	3
7 月	13	3

附件 5

以下列表摘自「指引 7」，用以計算在評估年度內，曾經登記從事旅遊保險業務以外的登記人士所需申報的有關培訓時數

<u>登記月份</u>	<u>所需申報之月數</u>	<u>培訓時數</u>
8 月	12	10
9 月	11	9
10 月	10	8
11 月	9	7
12 月	8	6
1 月	7	5
2 月	6	5
3 月	5	4
4 月	4	3
5 月	3	2
6 月	2	1
7 月	1	0

[DL61/持續專培訓 10 (29May09)]

20 January 2006

The Code of Practice for the Administration of Insurance Agents

New Clause	Addendum (Bold Words)
In Page 28, add Clause 56(b)(xii) Immediately following Clause 56(b)(xi)	56. An individual shall be exempted from paper (d) of the Qualifying Examination if he:- (b) is in possession of any of the following recognized professional qualifications in insurance, investment or actuarial science:- (xii) HKSI Professional Diploma in Financial Markets of the Hong Kong Securities Institute;

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