

Code of Practice
for Administration of
Insurance Agents

Handbook for Agents

Outdated Version (Handbook for Agents)



THE HONG KONG FEDERATION OF INSURERS

Outdated Version (Handbook for Agents)

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HANDBOOK FOR AGENTS

Code of Practice for Administration of Insurance Agents

I. INTRODUCTION

In January 1986, the Law Reform Commission recommended more legislative control on insurance for the protection of consumers.

The industry is of the view that self-regulation is more effective than legislation. The process of the law is both time consuming and expensive and as such is, more often than not, out of the reach of the man in the street. Self-regulation permits an effective way of resolving consumer complaints. Much work was done within the industry on self-regulation and discussions were held with relevant authorities, culminating in an agreement to implement self-regulation by two stages.

Stage One saw the adoption of the Statements of Practice for both general and life insurance in February 1990 and the establishment in the same year of the Insurance Claims Complaints Bureau to deal with disputes arising from claims of personal insurance policies.

Stage Two of this implementation will start in January 1993 with the adoption of the Code of Practice for Administration of Insurance Agents. Members of the two constituent councils of the Hong Kong Federation of Insurers (HKFI), namely, the General Insurance Council of Hong Kong (GIC) and the Life Insurance Council of Hong Kong (LIC) can participate in the self-regulation scheme by registering and administering their agents in accordance with the Code of Practice for Administration of Insurance Agents.

(Insurers referred to in this Handbook are member companies of the two councils who have joined the self-regulation scheme).

Everyone in the insurance industry is called upon to take heed of this self-regulation system, the importance of which cannot be over-emphasized. Legislative control would likely be the alternative should the system be unsuccessful.

II. OBJECTIVES

The objectives of this Code are:-

1. To define the role and responsibilities of insurance agents;
2. To reduce the number of insurers represented by each agent;
3. To ensure an acceptable level of competence among agents;
4. To foster sound commercial practices by agents;
5. To minimize the proliferation of incompetent agents.

III. THE AGENT'S ROLE

The insurance agent has a very important role to play in the insurance market. He/she is frequently the person the insuring public first comes into contact with and relies on for advice. It is therefore essential that agents are well equipped to give sound professional advice and conduct their business with good faith and integrity.

IV. THE SYSTEM

A) Insurers

Insurers are the prime movers with this system. They should deal only with agents appointed in accordance with the Code of Practice for Administration of Insurance Agents. They should regulate their agents by:-

- * ensuring that only those who meet at least the minimum qualifications will be appointed agents;
- * appointing agents using an Agency Agreement incorporating the Code of Practice for Agents;
- * registering their agents with the Central Register;
- * handling complaints lodged against their agents and reporting such complaints to the Insurance Agents Registration Board; and
- * taking disciplinary action against agents if and when required.

B) Insurance Agents Registration Board

This is a body to be formed within the structure of the Hong Kong Federation of Insurers to oversee the Central Register of Agents. In addition to receiving applications for registration from members of their agents, it will also receive complaints against agents, reports on complaints from members, as well as appeals from agents in regard to complaints.

C) Central Register of Agents

Essentially a data bank on agents, this Register will also serve to:-

- * keep track of the number of insurers represented by each agent and alert insurers as and when required;
- * identify insurers represented;
- * record disciplinary actions;
- * identify those subject to disciplinary action so that they can be banned from registration;
- * compile reports for insurers required;
- * compile reports for the Insurance Commissioner if required;
- * answer public enquiries.

D) Complaints Handling

Complaints lodged against agents are received by the Insurance Agents Registration Board, and referred to the insurers concerned for handling. These insurers will be required to report on these complaints and when appropriate, take disciplinary actions ranging from warning, suspension of agreement to termination. The Board may make recommendation, if necessary, on disciplinary action to the appointing insurer.

An agent whose agreement has been terminated in these circumstances will be barred from the system for three years.

E) Training for Agents

To ensure a high level of competence will be maintained among agents, training courses will be organized and training material packages will be developed by GIC and LIC.

V. MINIMUM QUALIFICATIONS

Any individual, partnership or corporation can apply to register as an agent to represent one or more Members, provided that the following minimum qualifications are met:-

A) To Represent One Member Only

Persons seeking registration as Agents for one Member only are required to:-

- (a) have minimum education standard of Form 5 and be aged 21;
or
- (b) have two years relevant business experience; and

- (c) in addition to either (a) or (b), have successfully completed that Member's introductory training programme covering detailed product knowledge, the Code of Practice and the principles of self-regulation.

B) To Represent More Than One Member

Persons seeking registration as agents representing more than one Member are required to:-

- (a) have at least three years relevant experience in handling insurance business immediately preceding their application; or
- (b) have successfully completed and accredited course covering product knowledge, the Code of Practice and the principles of self-regulation; or

(Note: The course for Agents representing Members licensed to transact general insurance business as defined in Part 3 of the First Schedule of the Insurance Companies Ordinance is to be accredited by GIC.

The course for Agents representing Members licensed to transact long term insurance business defined in Part 2 of the same Schedule is to be accredited by LIC.)

- (c) have ACII/AAII, FLMI diplomas or equivalent qualifications approved by GIC or LIC.

- C) Existing agents have two years grace period from the launching of the system to meet with the minimum requirements. New agents are to comply with them when they join the trade.

D) Disqualifications for Agents

An applicant will be considered not qualified to be an agent if this applicant:-

- (a) is found to be of unsound mind;
- (b) has been convicted of any criminal offence other than a minor motor offence or offence that is no longer admissible as evidence in any proceeding under the Rehabilitation of Offenders Ordinance (Chapter 297);
- (c) is or becomes insolvent, or unable to pay debts due, stops, suspends, or without good reason threatens to stop or suspend payment of all or a material part of the debts or currently in bankruptcy proceeding;
- (d) has had his agency agreement terminated by reason of a breach of agreement within the preceding three-year period;

- (e) is found not to have complied with or is in breach of the Code of Practice for Agents and/or rules of GIC or LIC; or
- (f) has taken any other action which the Registration Board deems unfit.

VI. RESTRICTIONS/LIMITATIONS ON REPRESENTATION

On the basis that insurers are to be responsible for the conduct of their agents, the insurers represented by the agents have to be identified. It would also be desirable to restrict or limit the number of insurers represented by each agent who gives technical advice on insurance matters or arranges insurance contracts in Hong Kong.

The number of insurers represented is counted on an individual basis as follows:-

- A) The number of insurers an agent can represent is restricted to a maximum of four, subject to a maximum of two for life insurance, provided that:-
 - (a) the existing insurers are advised by the agent of the additional insurers he/she intends to represent prior to appointment; and
 - (b) full disclosure of all principals made on application and renewal of registration.
- B) Representation of a composite insurer is the equivalent of two insurers: one life and one general, unless the agent's activities are restricted to either life or general.
- C) A group of companies shall be taken to be one insurer provided that their activities are limited to either life or general business and they are all the holding company or subsidiaries of the same group.
- D) An employee of a company agent can only work on behalf of the company.

- E) In the case of an individual working on behalf of a company agent but not as an employee, all the insurers represented by the company agent will also be counted as insurers represented by this person. If the number of representation of the company agent is less than the maximum number permitted, this person, on an individual basis, may take on representation of other insurers up to the maximum limit.
- F) An employee or person acting on behalf of a managing general agent will be required to be registered through the managing general agent. The number of insurers permitted is also subject to the same restriction as any other agent. In other words, he can represent no more than four insurers among all those represented by the managing general agent. A managing general agent is an agent given general power of attorney or deed of substitution or equivalent authorization by the appointing insurers.

VII. REGISTRATION

A) Who to Register?

Agents, individuals or companies of members of the Insurance Councils participating in the system, or any agent seeking appointment with an insurer participating in this scheme to transact insurance business must apply for registration with the Central Register of Agents through the appointing insurer.

For company agents, their nominees, employees and/or persons acting on their behalf who provide technical advice on insurance matters or arrange insurance contracts in Hong Kong are also required to be registered through the appointing insurer.

B) When to Register?

Agents are to be registered before their agency agreements are signed or confirmed. Existing agents should register within the first six months of 1993.

C) How to Register?

An application for registration must be made in the prescribed application form for registration which is obtainable from the appointing insurer and must be accompanied by such documents, particulars and fees as may be prescribed by the Hong Kong Federation of Insurers from time to time.

(a) Individual Agents

- * If the applicant is seeking to represent more than one insurer, the application form should be presented to existing insurer(s) for endorsement.
- * First application of each agent is to be accompanied by a cheque or money order of HK\$250 for the payment of registration fee which is non-refundable. Subsequent applications and changes to the particulars registered are free of charge.
- * The application with documents, if required, are to be checked and countersigned by the appointed insurer to confirm that the stipulated requirements are complied with.
- * The application and registration fee, if applicable, are to be sent by the appointing insurer to the Registration Board.
- * Written notification on the outcome of the application and the receipt of fee, if any, are to be sent to the appointing insurer.
- * Registration is to be renewed every three years from the date of the first registration.

(b) Company Agents

The nominee of company agent is to complete and submit the application form for company agent to the appointing insurer. The nominee is required to meet the qualifications and be registered as an agent.

Partners, directors, employees and /or persons acting on behalf of a company agent who provide technical advice on insurance matters or arrange insurance contracts in Hong Kong are required to apply for registration. The procedure is similar to that of an individual agent but the application needs to be presented to the insurer through the company agent.

THE GENERAL INSURANCE COUNCIL OF HONG KONG GENERAL INSURANCE BUSINESS – CODE OF PRACTICE FOR AGENTS

This Code applies to general business as defined in the Insurance Companies Ordinance 1983, but does not apply to reinsurance business. As a condition of membership of the General Insurance Council of Hong Kong members undertake to use their best endeavours as follows:

To ensure that all agents

- (i) being other than employees of insurance companies/managing general agents adhere to the terms and conditions of an approved agency agreement, or
 - (ii) being employees of an insurance company/managing general agent act in accordance with a written procedure manual
- and that all those involved in selling insurance policies observe both in spirit and in practice the general provisions as set out below.

In order to ensure the fulfilment of the above undertaking, it shall be the duty of the insurance company in appointing an agent to be satisfied that such agent be suitably qualified to act on its behalf.

To this end, the insurance company will provide adequate training for agents.

It shall be an over-riding obligation of an agent at all times to conduct business with the utmost good faith and integrity.

In the case of complaints from policyholders the insurer concerned shall require an agent to co-operate so that the facts can be established. An agent shall inform the policyholder complaining that he can take his problem direct to the insurer concerned or, if he should wish, make representation to the Insurance Agents Registration Board of the Hong Kong Federation of Insurers who will act in good faith to resolve problems referred.

A. GENERAL SALES PRINCIPLES

- 1. The agent shall:
 - (i) where appropriate make a prior appointment to call. Unsolicited or unarranged calls shall be made at an hour likely to be suitable to the prospective policyholder;

- (ii) when he makes contact with the prospective policyholder, identify himself and explain as soon as possible that the business he wishes to discuss will include insurance. He shall make it known that he is the agent/representative of one or a number of insurance companies (as the case may be), one or more of whose policies he may wish to discuss;
 - (iii) ensure as far as possible that the policy proposed is suitable to the needs and resources of the prospective policyholder;
 - (iv) give advice only on those insurance matters in which he is knowledgeable and seek or recommend other specialist advice when necessary;
 - (v) treat all information supplied by the prospective policyholder as completely confidential to himself and to the company or companies to which the business is being offered.
2. The agent shall not:
- (i) inform the prospective policyholder that his name has been given by another person unless he is prepared to disclose that person's name if requested to do so by the prospective policyholder and has that person's consent to make that disclosure;
 - (ii) make inaccurate or unfair statement of any insurer;
 - (iii) make comparisons with other types of policies unless he makes clear the specific differences to which he is referring.

B. EXPLANATION OF THE CONTRACT

The agent shall:

- (i) identify the insurer;
- (ii) explain all the essential provisions of the cover afforded by the policy, or policies, which he is recommending so as to ensure as far as possible that the prospective policyholder understands what he is buying;
- (iii) draw attention to any restrictions and exclusions applying to the policy;
- (iv) if necessary, obtain from the insurer specialist advice in relation to items (ii) and (iii) above;
- (v) not impose any charge in addition to the premium required by the insurer without disclosing the amount and purpose of such charge.

C. DISCLOSURE OF UNDERWRITING INFORMATION

The agent shall, in obtaining the completion of the proposal form or any other material:

- (i) avoid influencing the prospective policyholder and make it clear that all the answers or statements are the latter's own responsibility;

- (ii) ensure that the consequences of non-disclosure and inaccuracies are pointed out to the prospective policyholder by drawing his attention to the relevant statement in the proposal form and by explaining them himself to the prospective policyholder.

D. ACCOUNTS AND FINANCIAL ASPECTS

The agent shall, if authorised to collect monies in accordance with the terms of his agency appointment:

- (i) keep a proper account of all financial transactions with a prospective policyholder which involve the transmission of money in respect of insurance;
- (ii) acknowledge receipt (which unless the agent has been otherwise authorised by the insurer shall be on his own behalf) of all money received in connection with an insurance policy and shall distinguish the premium from any other payment included in the money;
- (iii) remit any such monies so collected in strict conformity with his agency appointment.

E. DOCUMENTATION

The agent shall not withhold from the policyholder any written evidence or documentation relating to the contract of insurance.

F. EXISTING POLICYHOLDERS

The agent shall abide by the principles set out in this Code to the extent that they are relevant to his dealings with existing policyholders.

APPENDIX II

LIFE INSURANCE COUNCIL OF HONG KONG LIFE ASSURANCE SELLING — CODE OF PRACTICE FOR AGENTS

INTRODUCTION

1. The term “life assurance” used in this Code of Practice (hereinafter called “Code”) covers all types of long-term insurance authorised by the Hong Kong Government as defined in the Insurance Companies Ordinance (Cap. 41) First Schedule Part 2, and in particular includes retirement/provident fund contracts, and long term disability.
2.
 - a. The Code applies to “agents”, i.e. all those persons (including employees of an insurer), selling and/or advising on life assurance, other than insurance brokers who are subject to a code of conduct consistent with this Code.
 - b. Persons includes individuals and corporations.
 - c. “Insurer” means insurance companies authorised under the Insurance Companies Ordinance (Cap. 41) and who are members of Life Insurance Council.
3. Members of the Life Insurance Council have undertaken, as a condition of membership, to enforce the Code and to use their best endeavours to ensure that all agents observe its provisions.
4. In the case of complaints from policyholders received either directly or indirectly that an agent has acted in breach of the Code, the agent shall be required to co-operate with the insurer concerned in establishing the facts. The complainant shall be informed that he should in the first instance refer the complaint to the relevant controller of the insurer in Hong Kong. If the complainant is still dissatisfied he may refer the matter to the Insurance Agents Registration Board of the Hong Kong Federation of Insurers.

It shall be an obligation of an agent at all times to conduct business with the utmost good faith and integrity.

A. GENERAL SALES PRINCIPLES

1. The intermediary shall-
 - a) where appropriate make a prior appointment to call. Unsolicited or unarranged calls shall be made at an hour likely to be suitable to the prospective policyholders;
 - b) when he makes contact with a prospective policyholder, identify himself. He shall make it known that he is the agent of one or a number of insurers (as the case may be), prior to discussing insurance policies;
 - c) ensure as far as possible that the policy proposed is reasonable for the needs and not beyond the resources of the prospective policyholders;
 - d) give advice only on those matters in which he is competent to deal and seek or recommend other specialist advice when necessary;
 - e) treat all information supplied by the prospective policyholder as completely confidential to himself and to the insurer or insurers to which the business is being offered;
 - f) in making comparisons with other types of policies or forms of investment, to the best of his knowledge and ability, make clear the different characteristics of each policy/investment.
 - g) use only such sales proposals and in particular illustrative figures as are supplied by, or previously approved by the insurer.
2. The agent shall not-
 - a) inform the prospective policyholder that his name has been given by another person unless he is prepared to disclose that person's name if requested to do so by the prospective policyholder and has that person's consent to make that disclosure;
 - b) make inaccurate misleading or unfair statements about any insurers, their policies or any other intermediary;
 - c) attempt to persuade a prospective policyholder to cancel any existing policies unless these are clearly unsuited to his needs and he has accurately, completely represented, and compared the policyholder's existing policy to the prospective policy.
 - d) pay or allow or offer to pay or allow as an inducement to any person to insure any rebate of premium or commission or inducement whatsoever not specified in the policy.

B. EXPLANATION OF THE CONTRACT

1. The agent shall-
 - a) explain all the essential provisions of the contract, or contracts, which he is recommending so as to ensure as far as possible that the prospective policyholder understands what he is committing himself to and the circumstances under which the policyholder is entitled to benefit.
 - b) draw attention to the long-term nature of the policy and to the consequent effects of early discontinuance and surrender.
2. Where a policy offers participation in profits, or otherwise depends on variable factors such as investment performance, description of the benefits shall distinguish between guaranteed and projected benefits.
3. Where projected benefits are illustrated, it should be made clear, where applicable, that they are based on certain assumptions, e.g. future bonus or dividend declarations and hence are not guaranteed, and these assumptions should be stated.

In the case of participating (with-profit) business, it should be made clear that bonuses/dividends declared in the future may be lower or higher than those currently quoted. Thus past performance may not necessarily be a guide to future performance.

In the case of unit-linked business, it should be made clear that unit values, and hence the value of the policyholder's benefits, may fluctuate.

4. Where an agent has been supplied with an illustration by the insurer, he shall use the whole illustration in respect of the contract which he is discussing with the prospective policyholder, and no other, and shall not add to it or select only the most favourable aspects of it. If the agent is authorised by the insurer to prepare illustrations himself, he shall prepare them in accordance with the recommendations in the appendix attached to this Code.

C. DISCLOSURE OF UNDERWRITING INFORMATION

The agent shall in obtaining the completion of the proposal form or application or any other material:-

- a) avoid influencing the prospective policyholder and make it clear that all the answers or statements are the latter's own responsibility;
- b) ensure that the consequences of fraud, non-disclosure and inaccuracies are pointed out to the prospective policyholder by drawing his attention to the relevant statements in the proposal form and by explaining them himself to the prospective policyholder.

LIFE ASSURANCE QUOTATIONS RECOMMENDATIONS FOR BONUS AND YIELD ILLUSTRATIONS

In preparing bonus and yield illustrations for use in life assurance policy quotations, the following guidelines should be observed.

Non-Linked Business (excluding Universal Life Business)

1. The prospective policyholder should be as aware of the nature and purpose of the illustration as well as its content. He should be given a clear opportunity to read the illustrations.

The illustration shall not be based on unrealistic assumptions and should either be preceded by a suitable (and suitably prominent) cautionary statement, or alongside the bonus projection there should be clear reference to that part of the illustration which contains the cautionary statement. This statement should:-

- a) make clear the assumptions on which the rates have been projected for instance that the continuance of present rates in the future has been assumed; and
 - b) warn that future bonuses/dividends depend on future profits and cannot be guaranteed.
2. To emphasise that there is no guarantee attaching to the benefits quoted, some expressions such as "assumed bonus/dividend rates" or "projected bonus/maturity proceeds" or "maturity proceeds based on...", etc. should be used.
 3. The illustration of bonuses based on similar policies maturity at the date of illustration without suitable qualification must be questionable, bearing in mind continuing uncertainties in the economics and social outlook. Where terminal bonuses are illustrated, they should be shown as a separate item and the assumptions underlying the calculation must be stated. Illustrations of total emerging benefits, however constituted, should not be unrealistic or create a misleading impression.
 4. The spirit underlying the above provisions applies equally to retirement policies, for example in the use of the relationship assumed between salary growth and investment returns.

Linked/Universal Life Business

1. Here again the prospective policyholder should be made aware of the nature and purpose of the illustration while he is reading it, and so there should be clear references, within the body of the illustration, to the possibility of decrease (where appropriate) as well as growth in the investments and to what the assumed rate(s) of growth include or exclude. To avoid over-elaboration, reference may also be made to a brochure describing the contract more fully.
2. Illustrations should, if possible, be provided on the assumptions of more than one rate of growth and should show clearly the rates assumed. It is recognised, however, that in the case of some complex quotations it may be impractical to do this.
3. Where several rates are used, it should be made clear that these do not represent the lower and upper limits of possibilities that may occur.
4. The illustrations of growth based on similar policies maturity at the date of illustration without suitable qualification must be questionable, but the rates of growth illustrated in any event should not exceed the average rate attained over the immediately preceding consecutive years.
5. As regards the actual levels of growth assumed, illustrations of emerging benefits shall not be unrealistic, whether they are based on rates of growth of unit values, bonus rates or interest rates. Where the value of a policy depends on the value of the underlying units, it should be stated whether the value of the units includes the reinvestment of income and whether any deduction is made from the policy proceeds for e.g. any tax liability.
6. For the same reason as for non-linked policies, there should be used some expression such as "assumed additions", "assumed growth", "projected result", etc.

投資相關保險計劃/環球人壽保險計劃

1. 同樣地，應讓銷售對象細讀所舉例子時，瞭解例子的性質和目的，因此應在適當處清楚指出投資收益有可能增加，也有可能減少，並應說明對投資增長率所作的假設。為免所舉例子流於冗長，可請對方參考詳盡解釋保險合約的小冊子。
2. 所舉例子應盡可能列舉多個增長速率，並清楚顯示所假設的增長速度為何。但在某些較複雜的報價單裏，這種做法的實際意義不大。
3. 列舉多個增長速率時，應說明所舉例子並不代表最高和最低的增長速度。
4. 若以舉例當日到期的相類保險計劃作為例子，而又不調整若干條件，其可靠性頗成疑問。無論如何，所列舉的增長速率，不應高於前數年的平均增長速度。
5. 至於實際增長數字方面，不論以投資單位價值增長速率、紅利增長速率或利率計算，均應切合實際。若保單價值以每一單位的價值為基礎，應說明單位價值是否包括以收益再投資的部分，並說明是否有從收益中扣除款項，例如稅項等。
6. 應使用「假設增加項目」、「假設增長」、「預計收益」等字眼，理由與非投資相關保險計劃的情況相同。

人壽保險報價單 紅利及收益舉例注意事項

在準備人壽保險報價單，舉例說明紅利及收益時，應遵守以下指引。

非投資相關保險計劃（不包括環球人壽保險計劃）

1. 應讓銷售對象了解所舉例子的性質、目的和具體內容。並讓對方有詳閱例子的機會。

例子不應以不切實際的假設為基礎。應先明確寫出恰當的提醒語句，或在紅利預測數字旁邊標明提醒語句的所在。提醒語句應：—

- (i) 清楚說明預計增長所根據的假設，例如假設將來的增長速度與目前一樣；
 - (ii) 指出現在不能保證將來的紅利收入或股息，而需視乎將來的利潤而定。
2. 為了強調所舉收益並非保證可得，應使用「估計紅利/股息數字」、「預計紅利/到期收益」、「到期收益的計算以……為基礎」等字句。
 3. 由於將來的經濟和社會情況難以確定，因此若以舉例當日到期的相類保險計劃作為例子，而又不調整若干條件，其可靠性頗成疑問。在說明末期紅利時，應與其他項目分開，並清楚指出計算時所根據的假設。列舉總收益時，無論其組成為何，都應切合實際，不得含有誤導成分。
 4. 以上指引的精神同樣適用於退休金計劃，例如就薪金增長與投資收益的關係所作的假設，便應符合以上宗旨。

乙. 解釋保險合約

1. 代理應該：

- (i) 解釋所推薦合約的所有重要條款，盡可能確保銷售對象明白他所承擔的一切及了解他可以取得收益的情況。
 - (ii) 讓銷售對象注意保險計劃的長遠性質，使他知道提前退保及中止合約的後果。
2. 保險計劃若有利潤分配，或受投資表現等可變因素影響，則在說明收益時，應清楚區分保證收益和預計收益。
3. 舉例說明預計收益時，應指出該等收益是根據若干假設推測所得，例如派發紅利或股息等，因此不可保證必然享有該等利益。並應向銷售對象清楚說明各項假設。若保險計劃有利潤分配，應向銷售對象清楚指出將來派發的紅利/股息或會低於或高於保單所列；過往的表現，不一定能顯示將來的表現。

若保險計劃以投資單位為基礎，應讓銷售對象明白單位價值變動不定，保單持有人的收益也隨之而變動。

4. 若保險計劃例子由保險公司提供，代理與銷售對象討論保險計劃時，應採用保險公司提供的整個例子，不得另用他例，也不應加添其他細節，或只選擇最有利的部分加以解釋。若保險公司授權代理自行舉例說明，代理應根據本守則附錄所載的指引準備其例子。

丙. 提供投保資料

代理在向銷售對象收回填妥的要保書或任何其他文件時，應該：

- (i) 避免影響銷售對象的填報，並清楚說明其填報的一切答案或陳述須由其自己負責；
- (ii) 促請銷售對象注意要保書所載有關漏報事實及提供不正確資料的條文，並親向銷售對象解釋，確保他知道隱瞞事實和提供不正確資料的後果。

甲. 一般銷售原則

1. 代理須遵守以下原則：

- (i) 在進行業務拜訪之前，如情況合適，應先作預約。未經邀請或未經安排的業務拜訪，也應選擇相信銷售對象可能合適的時間進行；
- (ii) 在與銷售對象接洽時，須表明身份。代理須在介紹保單前，說明其本人是一間或多間保險公司（視所代表的保險公司數目而定）的代理；
- (iii) 盡量確保其建議的保單，是適合銷售對象的需要和負擔能力；
- (iv) 在提供保險事務意見時，應只限於其所能應付的範圍，如有需要，應尋求或推薦其他專家的意見；
- (v) 對銷售對象所提供的一切資料絕對保密。除其本人及有關的保險公司外，不向他人宣洩；
- (vi) 在比較其他保單或投資辦法時，應盡其知識及能力，解釋各種保單/投資辦法的不同特點；
- (vii) 應採用保險公司提供或預先同意的銷售建議書和例子。

2. 代理不得有下列行為：

- (i) 告知銷售對象提供其姓名的人士。除非他已預備在銷售對象要求時透露提供者的姓名，並在事前已獲得提供者的同意；
- (ii) 作出對任何保險公司或其保單或其他代表不正確或不公正的言論；
- (iii) 游說銷售對象取消其現有的保單，除非有關保單確實不適合其需要，同時，代理已就其銷售的保單，作出準確及詳盡的解釋，並與銷售對象現有的保單作出比較。
- (iv) 支付或給予（包括提議支付或給予）任何人士，保費回扣或佣金或任何利益，（在保單上註明者除外），以誘使其投保。

人壽保險業務——代理守則

引言：

1. 「壽險」一詞在本守則中泛指香港政府在〈保險公司條例（第四十一章）〉表一第二部份界定的長期保險，並包括退休金，或公積金合約和長期傷殘保障。
2. (i) 本守則適用於「代理」，即任何從事銷售壽險業務或就壽險提供意見，（包括保險公司的僱員），但保險經紀則因受另一套類同的守則約束而不包括在內。
(ii) 代理包括個人和公司法團。
(iii) 保險公司指〈保險公司條例〉認可的保險公司，並為香港壽險總會的會員。
3. 香港壽險總會會員，作為其會籍的條件之一，就是承諾執行本守則，並盡其最大努力，確保所有代理均遵守其條款。
4. 倘保單持有人直接或間接投訴代理違反本守則時，代理須與有關保險公司合作，以查明實情。投訴人應獲知他可以首先將其投訴提交保險公司在香港之負責人。如投訴人仍未感滿意，可交香港保險業聯會保險代理登記委員會處理。

代理無論在任何時候，其責任是要本着最大誠信及正直的態度進行工作。

- (ii) 促請銷售對象注意要保書所載有關漏報事實及提供不正確資料的條文，並親向銷售對象解釋，確保銷售對象知道隱瞞事實和提供不正確資料的後果。

丁. 會計帳目及財務

代理如獲授權依照其代理合約的規定收取保費，則應該：

- (i) 開立一個與銷售對象財務往來的正式帳戶，記錄與保險有關的一切款項往來；
- (ii) 在收到與保單有關的一切款項後，出立收據（除非代理已獲保險公司授權另以其他方式出立，否則收據須由其自己出立），並須將包括在該筆款項內的保費及任何其他繳費加以分開；
- (iii) 嚴格按照代理合約的規定，將所收取的款項悉數交付保險公司。

戊. 文件

代理不得扣留有關保險合約的任何書面證明或文件不交給保單持有人。

己. 現有保單持有人

本守則所列各項原則，適用於代理與現有保單持有人的業務往來，凡有關者，代理均須遵守。

- (ii) 在與銷售對象接洽時，須表明身份，並盡快說明將會談及的事情包括保險。代理須說明其本人是一間或多間保險公司（視所代表的保險公司數目而定）的代理/代表，並且表明希望與對方洽談有關該等保險公司的一種或多種保單；
- (iii) 盡量確保其建議的保單，是適合於銷售對象的需要及負擔的；
- (iv) 在提供保險事務意見時，應只限於其所知道的範圍，如有需要，應尋求或推薦其他專家的意見；
- (v) 對銷售對象所提供的一切資料絕對保密，除其本人及有關的保險公司外，不向他人宣洩。

2. 代理不得有下列行為：

- (i) 告知銷售對象其姓名是由何人提供，除非他已預備在銷售對象要求時透露提供者的姓名，並在事前已獲得提供者的同意；
- (ii) 作出對任何保險公司不正確或不公正的言論；
- (iii) 對其他種類的保單加以評比，除非清楚說明其所提及的保單與其他種類的保單的具體分別。

乙. 合約的解釋

代理應該：

- (i) 說明是那一家保險公司；
- (ii) 解釋所推薦的保單中各項重要承保內容，確保銷售對象明白其購買的保障；
- (iii) 提請銷售對象注意保單的限制性條款及除外責任；
- (iv) 必要時，就以上第(ii)及(iii)項請保險公司提供專業意見；
- (v) 不在保險公司規定的保費以外，加收任何費用，除非已預先說明該等收費數額及用途，則不在此限。

丙. 提供投保資料

代理在向銷售對象收回填妥的要保書或任何其他文件時，應該：

- (i) 避免影響銷售對象的填報，並清楚說明其填報的一切答案或陳述概由其自己負責；

一般保險業務——代理守則 (包括保險公司/全權代理的僱員)

本守則適用於《1983年保險公司條例》界定的一般保險業務，但不適用於再保險業務。作為香港保險總會會員的一項條件，就是承諾盡力實行以下各項：

確保所有代理——

- (i) 如不屬於保險公司/全權代理的僱員，要遵守已認可的代理合約的條款；或
- (ii) 如屬於保險公司/全權代理的僱員，則須按照公司訂定的書面保險程序手冊辦事，

並確保所有從事銷售保單的人，不論在精神或實務方面，均遵守以下一般規定。

為確保履行上述承諾，保險公司有責任委任具有適當資格作其代表的人為代理。

為此，保險公司應向代理提供足夠的訓練。

代理在任何時候，其首要責任是要本着最大誠信及正直的態度進行工作。

遇有保單持有人投訴時，有關的保險公司應要求代理協助，以查明實情。代理應告知提出投訴的保單持有人，可以直接向有關的保險公司投訴，如其願意，也可向香港保險業聯會保險代理登記委員會申訴，該會當會本着誠信的態度解決問題。

甲. 一般銷售原則

1. 代理須遵守以下原則：

- (i) 在進行業務拜訪之前，如情況合適，應先作預約。未經邀請或未經安排的業務拜訪，也應選擇相信銷售對象可能合適的時間進行；

丙) 如何申請登記？

申請登記者必須使用登記委員會所規定的申請表格，這些表格可向委任的保險公司索取，所遞交的表格須附上有關文件、詳細資料、及費用。而登記收費由香港保險業聯會決定。

1) 個人代理

- * 欲申請代表超過一間保險公司者，其申請表應先由已代表的保險公司簽署
- * 每一代理的首次登記申請，須連同港幣二百五十元支票或本票登記費用；而此項費用是不會退還的。隨後的申請或更改有關已登記的資料則免收費用
- * 保險公司必須查核及副署有關之申請及文件，以確定該申請已符合所規定的要求
- * 有關申請及所需費用，須經委任公司送交登記委員會辦理
- * 申請結果通知書，及登記費用收條將以郵遞方式送交有關保險公司
- * 由第一次登記日期起，以後每三年續期一次

2) 代理公司

代理公司的代表人必須代表該公司，填妥及遞交有關申請予委任的保險公司。代表人須符合所規定的要求及登記為代理。

代理公司的合夥人、董事、僱員、或代表，若負責提供有關保險意見或在本港安排保單者，均須以上述個人登記辦法，透過代理公司，將申請交有關保險公司辦理登記。

- 5) 若非代理公司之僱員而代表該公司者，該代理公司所代表的保險公司亦為該等人士所代表的保險公司。倘該代理公司所代表的保險公司少於所規定的最高數目限制，該等人士可以個人基礎計算，擔當其他保險公司的代理，惟總數不得超過最高限額。
- 6) 全權代理屬下的代理或工作人員，亦須按守則的規定，透過全權代理，進行登記，而他可代表的公司亦不可超過四家。換句話來說，他只可代表全權代理所代表的全部保險公司中的四家。全權代理即獲保險公司以授權書、或代替契約或類同法律文件授與全權代表的代理。

七、登記

甲) 誰可申請登記？

任何代理，無論是個人或公司，若要代表參與本自律辦法的總會會員公司，必須經委任的保險公司，向代理中央登記委員會申請登記。

對於代理公司，其代表人、僱員或其他代表，負責提供有關保險意見或在本港安排保險合約者，均須經委任的保險公司申請登記。

乙) 何時需要登記？

由一九九三年一月一日起，新入職的代理須在其代理合約確定或簽訂前登記。已在職的代理則須在一九九三年六月三十日前申請登記。

- 5) 未能遵守或違反代理守則，或香港保險總會或香港壽險總會的規則者；
- 6) 曾進行任何登記委員會認為不適當的行動者。

六、代理在代表保險公司上的限制

由於保險公司需負責其代理的操守，故必須認明代理所代表的保險公司；因而需要對所有提供技術性意見及安排保險合約的代理，限制其所代表的保險公司數目。

所代表的保險公司數目則以個人單位來計算，細則如下：

- 1) 代理可代表不超過四間保險公司，當中壽險公司不多於兩間，並須符合以下的要求：—
 - 代理在接受新委任前，必須通知其已代表的保險公司，及
 - 代理在申請及延續登記時，須透過其代表的保險公司，向保險代理登記委員會闡明其代表的所有保險公司。
- 2) 若代理代表一家綜合保險公司，即相等於代表兩間保險公司，壽險及一般保險各一家。除非其委任合約訂明只可代表一類保險，則作代表一家公司論。
- 3) 假若是保險公司集團，而只從事壽險或一般保險的業務，且互為控股及附屬公司者，即視作一間保險公司論。
- 4) 代理公司的僱員只能在該公司之下工作。

- 3) 除(1)或(2)外，並須成功完成會員公司的初步訓練課程，其中包括詳盡的保險常識、代理守則及自律原則。

乙) 代表超過一家保險公司者：

代表超過一家保險公司的代理，必須具備以下的資格：

- 1) 在申請登記為代理前，最少具備三年有關的保險業務經驗；
或
- 2) 成功完成包括保險常識、代理守則及自律原則的認可課程；
(如代理的業務為保險公司條列表一第三部份的一般保險，其認可課程須得香港保險總會承認。倘其業務為保險公司條列表一第二部份的長期保險事務，其認可課程則由香港壽險總會承認。)
或
- 3) 具有ACII/AAIL,FLMI文憑或香港保險總會或香港壽險總會承認的同等資格。

丙) 由本守則生效日期起，已在職的代理有兩年寬限時間以達至所規定的要求；而新入職者，必須即時遵從守則所定的入職要求。

丁) 不能從事代理者：

下列者不能從事代理：

- 1) 精神不健全者；
- 2) 除輕微駕駛違例，及根據罪犯自新條例（第297章）中撤銷紀錄的罪案外；有任何犯罪紀錄者；
- 3) 財政週轉不靈者，或未能依期還款，終止擱置還款或無故終止及擱置全部或部份償還債務，或正在辦理破產事宜者；
- 4) 在前三年內因違反合約而遭終止代理合約者；

丙) 中央代理登記處

該處裝置代理的資料儲存系統，並負責以下的工作：

- * 監察代理所代表的保險公司數目，及有需要時，提醒保險公司注意其代理所代表的公司數目
- * 認明代理所代表的保險公司
- * 記錄紀律行動
- * 認明受紀律處分的代理，並禁止其登記申請
- * 在有需要時向保險公司提供報告
- * 在有需要時向保險監理專員提供報告
- * 答覆市民查詢

丁) 處理投訴

保險代理登記委員會接受對代理的投訴，然後交有關的保險公司處理。而保險公司須對有關投訴作出報告，及在必要情況下，採取紀律行動。此等行動可分為警告、暫停代理職務或甚至終止代理合約。委員會在認為有需要時，亦會向保險公司提供有關紀律行動的建議。

若代理的合約在這種情況下被終止，該代理會被中央代理登記處除名三年。

戊) 代理的訓練

香港保險業聯會的兩屬會將提供訓練課程及教材，以確保代理可達到本守則要求的專業水準。

五、最低入職條件

任何個人、合夥公司或有限公司，只需符合以下的最低要求，便可申請登記為代理，代表一間或以上的保險公司：

甲) 代表一家保險公司者：

申請代表一間保險公司的代理，須具備以下條件：

- 1) 中五程度或以上及年滿二十一歲；或
- 2) 具備兩年有關工作經驗；及

二、目的：

本守則的目的是

1. 界定保險代理的角色及責任。
2. 減少每個代理所代表的保險公司數目。
3. 確保代理具有一定程度的專業水準。
4. 鼓勵代理培養正確的業務操守。
5. 盡量減少不合專業標準的代理。

三、代理的角色

保險代理在保險市場中扮演十分重要的角色。因為通常他是投保人第一個接觸及諮詢意見的對象；故此，代理必須具備一定的能力，以提供專業意見，及以最高誠信經營其業務。

四、自律辦法

甲）保險公司

保險公司是這自律辦法中的推動者，它們所委任的代理，應符合本守則所規定要求，並以下列辦法管理其代理：

- * 確定所委任的代理最少須符合最低的入職條件
- * 以代理合約委任代理，合約中須包括代理守則
- * 為其代理向保險代理中央登記處申請登記
- * 處理有關其代理的投訴，並向保險代理登記委員會報告
- * 在有需要時向其代理採取紀律行動

乙）保險代理登記委員會

這是一個由香港保險業聯會成立的組織，除管理保險代理中央登記處，及接受保險公司為其代理所提交的登記申請，並接受有關代理的投訴、保險公司的投訴報告，以及處理代理對投訴的上訴。

保險代理管理守則

“保險代理手冊”

一、引言：

一九八六年一月，法律改革委員會建議加強對保險業的立法監管，以保障消費者。

保險業卻認為行業自律比立法更為有效。以法例管制不單耗費時間及金錢，亦非一般市民所能負擔。自律辦法則可有效地解決消費者的投訴。保險業已就該辦法進行一連串的工作，並與有關當局商討；從而達成協議將自律辦法分為兩個階段實行。

第一階段於一九九〇年二月起推行，由保險公司遵守一般保險及壽險的業務慣例聲明，進行自律，並於同年成立保險索償投訴局，處理個人保單因索償而引起的糾紛。

第二階段於一九九三年一月開始，以『保險代理管理守則』推行。香港保險業聯會的兩屬會，即香港保險總會及香港壽險總會的會員公司，均可參加這自律辦法，根據『保險代理管理守則』管理及登記其代理。（註：本手冊內文所提及的保險公司即已參加這自律辦法的會員公司。）

保險業的從業人士必須對這自律辦法，加以注意，其重要性是不容忽視的。假若推行不成功，便可能受法律管制。

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Outdated Version (Handbook for Agents)

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