

GUIDELINES ON MISCONDUCT

The Code of Practice for the Administration of Insurance Agents (the Code) specifies on clause 7 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 clauses 56 and 60 of the Code. The phrase "in good faith and with integrity" used in those clauses 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 under Part C clause 19 or an insurance agent under Part F clauses 56 and 60.

- 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 and 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 an alteration should be initialled by the customers.

- 2. An insurance agent selling a life assurance policy will 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 itself that insurance agents are complying with the Code and with any Guidance Notes issued (as required by Part C clause 19). The IARB recognises 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 the 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 clause 6(f)(i) if it believes that adequate controls are not in place.

違規行為指引

《保險代理管理守則》(《守則》)第7條訂明保險代理登記委員會(委員會)可不時發出指引,說明意欲如何行使《守則》賦予委員會的權力及履行《守則》授予委員會之職責。《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》內已部第56及60條的規定。雖然無可能就該兩章節所指的保險代理必須「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,供業界遵行,務使各方人士明瞭,業界已盡其所能確保保險代理必須「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》,丙部第19條的規定適用於保險公司,又已部第56及60條的規定則適用於保險代理。

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,表格上的所有更正,必須經由顧客加簽

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,導致權益受損。為了保障投保人不會因保險代理誤導顧客及偽造文件而蒙受損失,保險代理不可要求準顧客及/或客戶在空白表格上或在未完全填妥的表格上簽署;表格上的所有更正,必須經由顧客加簽。

2. 保險代理在售賣壽險保單時必須確保已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保單內容,假如客戶已擁有其他壽險保單,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讓保單可能帶來的預計損失。保險代理在售賣壽險保單時,必須填妥由香港保險業協會不時修訂的客戶保障聲明書並提醒顧客留意聲明書內容。

3. 保險公司必須制定監控程序監管保險代理遵行《守則》的情況

保險公司必須(根據《守則》丙部第19條)採取措施,確保其保險代理遵照《守則》及所有指引。委員會明白在個別情況下,嚴格執行《守則》或指引或有實際困難及引起顧客不便,但委員會期望保險公司有足夠監察及管制措施,確保盡量減少出現例外情況,並將有關例外情況全面記錄。

委員會處理投訴時可要求保險公司提供監察及管制系統的詳情,以便確保保險公司並無違反指引。保險公司必須注意,假如委員會相信保險公司並無有效的管制措施,委員會將根據《守則》乙部第6條(f) (i) 款的規定,向保險業監督報告。