

## **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.

## 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。