

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 in 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 C clauses 11, 19(d), 22 and 27(c), which stipulate 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.

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》)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。《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》,尤其是丙部第11、19(d)、22及27(c)條,有關條文訂明必須按照《守則》的規定委任保險代理、負責人及業務代表。

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,顯示自己替某間保險公司從事保險代理業務。

任何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而顯示自己為某保險公司的保險代理,有可能構成《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,不應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。如有違者,有關人士可因觸犯《保險公司條例》第77條所述的罪行而遭刑事檢控。

任何保險代理的準負責人/準業務代表或現任負責人/現任業務代表亦須注意,在未獲委員會登記前而顯示自己為某保險代理的負責人/業務代表,有可能違反《守則》內的規定。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,不應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。如有違者,可能會令該負責人、業務代表或有關保險代理不能符合適當人選的準則。