

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

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:

- (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.

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 the insurance agent completes all 5 core and 10 non-core credits for the assessment year within the 12-month period ending on 31 July every year. (Newly registered insurance agent, whose registration has been confirmed after 31 July 2004 and for less than 12 consecutive calendar months, shall refer to clause (d) below.)

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

- (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 credits 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 credits on a pro-rata basis by the next succeeding assessment date. Please see the attached Annex 2 for the pro-rata credits required.

Assessment for Newly Registered Insurance Agents

- (d) A newly registered insurance agent, whose registration has been confirmed after 31 July 2004, may choose either to report:
- (i) On a pro rata basis on 31 July of the following year immediately after his registration (e.g. if an insurance agent was first registered on 30 September 2005, he would report 4 core and 9 non-core credits on 31 July 2006). Please see the attached Annex 2 for the pro-rata credits 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 credits on 31 July 2007 and in this case 9 core and 19 non-core credits for this 23-month registration period). Please see the attached Annex 3 for the pro-rata credits required.

Assessment for Professionally Qualified Insurance Agents

- (e) 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 (d) above for assessment details.)

Reporting Requirements

- (f) Insurance agents must complete a Declaration Form to be promulgated by the IARB and to be filed as follows:
- (i) By individual agents to **all** of their appointing insurers;
 - (ii) By Responsible Officers to **all** of their appointing insurers; and
 - (iii) By Technical Representatives to their appointing insurance agent.
- (g) Insurance agents must retain their proof of compliance of CPD requirements (including Declaration Forms and evidence/record of attendance) for at least a period of 3 years after the assessment date. Such records should be produced as and when required by the IARB.
- (h) The IARB will conduct random checks on those insurance agents who have declared fulfillment of CPD requirements.

Consequence of Non-Compliance

- (i) 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.
- (j) 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.

Transitional Period

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

EXAMPLES OF CALCULATION OF CPD CREDITS

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 credits: 31 July 2006

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

Credits to be reported: 5 core and 10 non-core

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 credits: 1 October 2006

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

Credits to be reported at the time of re-registration: 5 core and 10 non-core

Annex 2

CPD credits for insurance agents, whose registration 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>Core Credits</u>	<u>Non-Core Credits</u>
August	12	5	10
September	11	4	9
October	10	4	8
November	9	3	7
December	8	3	6
January	7	2	5
February	6	2	5
March	5	2	4
April	4	1	3
May	3	1	2
June	2	0	1
July	1	0	0

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

Annex 3**CPD credits for newly registered insurance agents by the second 31 July immediately following his registration**

<u>Registration Month</u>	<u>Total No. of Months for reporting</u>	<u>Core Credits</u>	<u>Non-Core Credits</u>
August	24	10	20
September	23	9	19
October	22	9	18
November	21	8	17
December	20	8	16
January	19	7	15
February	18	7	15
March	17	7	14
April	16	6	13
May	15	6	12
June	14	5	11
July	13	5	10

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)「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,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。

如保險代理於為期 12 個月並每年以 7 月 31 日為止的評估年度內取得 5 個核心學分和 10 個非核心學分,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。(至於在 2004 年 7 月 31 日之後被確認登記,而登記期未滿 12 個月的新登記保險代理,請參看以下第(d)款。)

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均由該月起計(例如無論保險代理在 1 月 1 日或 1 月 31 日登記,其培訓學分均由 1 月起計算)。
- (b) 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）。
（為方便計算，所有學分將調低為整數。）
- (c) 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學分。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取得的培訓學分。有關按比例計算所需之培訓學分，請參看附件 2。

新登記保險代理的評估方法

- (d) 在 2004 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學分（例如：某保險代理於 2005 年 9 月 30 日首次登記，他可在 2006 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 2；或
 - (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學分（例如：沿用上述例子，該保險代理可於 2007 年 7 月 31 日申報其培訓學分，即在該 23 個月的登記期內，申報 9 個核心學分及 19 個非核心學分）。有關按比例計算所需之學分，請參看附件 3。

具認可保險專業資格的保險代理的評估方法

- (e) 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(d)款。）

申報機制

- (f) 保險代理必須填寫由委員會頒布的聲明書，並按下列方式提交：
 - (i) 由個人代理提交予其所有委任保險公司；
 - (ii) 由負責人提交予其所有委任保險公司；及
 - (iii) 由業務代表提交予其委任保險代理。
- (g) 由評估日起計，保險代理必須保存其符合培訓計劃要求的憑證（包括聲明書及出席證明 / 紀錄）至少 3 年，並須於委員會要求時提交有關紀錄。
- (h) 委員會將會透過隨機抽查聲明已符合培訓計劃要求的保險代理。

未能符合培訓計劃要求的後果

- (i) 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 個月為量刑起點。該保險代理必須在重新登記時取得所有尚欠的培訓學分。
- (j) 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 個月為量刑起點。該保險代理必須在重新登記時取得所有尚欠的培訓學分。

過渡期

適用於過渡期之詳細安排，請參看《指引 8》。

計算培訓學分之例子

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）

申報培訓學分日期：2006 年 7 月 31 日

申報培訓學分的總月數：12 個月（由 2005 年 8 月 1 日至 2006 年 7 月 31 日）

所需申報的培訓學分：5 個核心及 10 個非核心

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）

申報培訓學分日期：2006 年 10 月 1 日

申報培訓學分的總月數：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學分：5 個核心及 10 個非核心

附件 2

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)所需申報之培訓學分

<u>重新登記</u> <u>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>
8 月	12	5	10
9 月	11	4	9
10 月	10	4	8
11 月	9	3	7
12 月	8	3	6
1 月	7	2	5
2 月	6	2	5
3 月	5	2	4
4 月	4	1	3
5 月	3	1	2
6 月	2	0	1
7 月	1	0	0

* 以上列表亦適用於選擇申報少於 12 個月的培訓學分之新登記保險代理

附件 3

新登記保險代理在被確認登記隨後的第二個 7 月 31 日所需申報之培訓學分

<u>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>
8 月	24	10	20
9 月	23	9	19
10 月	22	9	18
11 月	21	8	17
12 月	20	8	16
1 月	19	7	15
2 月	18	7	15
3 月	17	7	14
4 月	16	6	13
5 月	15	6	12
6 月	14	5	11
7 月	13	5	10