

Guidance Note on Compliance with the Requirements of the Continuing Professional Development (CPD) Programme

1. Background

The Code of Practice for the Administration of Insurance Agents (the *Code*) specifies that the Hong Kong Federation of Insurers/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 Registered Person(s) (RP) to comply with the annual CPD requirements. For RPs who are registered as engaging in Restricted Scope Travel Business only, please refer to Guidance Note 10.

For the purpose of this Guidance Note, any reference to "RP(s)" shall include insurance agent(s), responsible officer(s) and technical representative(s).

Part E of the *Code* under "Minimum Qualifications for Persons to be Registered as Registered Persons" stipulates:

- (a) the minimum qualifications an individual must fulfill before he may be considered by the IARB to be fit and proper to be registered as an RP; and
- (b) that an RP shall comply with the CPD requirements in such manner and form as specified by the Insurance Authority (IA).

2. CPD Requirements

The IA has specified that except for travel insurance agents, their responsible officers (ROs) and technical representatives, all RPs are required to earn 10 CPD hours every year. Any excess CPD hours accumulated within a particular year cannot be carried forward to any other years.

Subject to compliance with other fitness and properness criteria, the IARB shall deem an RP having complied with the CPD requirements under the "Minimum Qualifications for Persons to be Registered as Registered Persons" of the *Code* as qualified for maintaining his registration status for another 12 months if he completes all 10 CPD hours for the assessment year within a 12-month period (i.e. from August of a particular year to 31 July of the following year) (**Assessment Year**).

3. CPD Assessment

In order to comply with the CPD requirements, the following shall apply:

- (a) For the sake of clarity and easy reference:
 - (i) calendar month shall be used as the basis for calculating CPD requirements irrespective of the day of the month on which registration of a RP takes place (i.e. regardless of whether an RP is registered on, say, 1 January or 31 January, January shall be used for calculation of the required CPD hours); and
 - (ii) please refer to Annexes 2 and 3 as appropriate for the CPD hours to be reported.

- (b) If the registration of an RP has been cancelled for less than six consecutive calendar months, such RP shall be required to fulfill the CPD requirements for the entire Assessment Year, including the period of cancellation, which shall be reported as follows:
- (i) on the assessment date immediately following re-registration (if both the cancellation date and the re-registration date fall within the same Assessment Year) (see Example 1 in Annex 1 attached); or
 - (ii) at the time of re-registration (if the re-registration date falls within the next Assessment Year) (see Example 2 in Annex 1 attached).
- (c) If the registration of an RP has been cancelled for six consecutive calendar months or more, such RP shall **not** be required to earn any CPD hours before re-registration, provided that such RP shall not be registered with the IARB as an RP engaging in Restricted Scope Travel Business only; or otherwise registered as an insurance broker or a chief executive/technical representative of an insurance broker during such period. Instead, he is required to only report his CPD hours from the date of re-registration on a pro rata basis by the assessment date immediately following re-registration. Please see Annex 2 for the pro rata CPD hours required.

For the avoidance of doubt, this clause does not apply to an RP whose registration is revoked by the IARB due to non-compliance with the CPD requirements. Such person shall be required to complete all outstanding CPD hours at the time of registration.

4. Assessment for Newly Registered RPs

An RP who is newly registered (meaning a person who has never been registered as (i) an insurance agent or (ii) the responsible officer or technical representative of an insurance agent or (iii) an insurance broker or (iv) the chief executive or technical representative of an insurance broker) may choose **either** to report:

- (a) On a pro rata basis on 31 July immediately following his registration (e.g. if an RP was first registered in September 2008, he would report 9 CPD hours on 31 July 2009). Please see Annex 2 for the pro rata CPD hours required; or
- (b) On the next assessment date also on a pro rata basis (by using the same example above, he may report his CPD hours on 31 July 2010, i.e. 19 CPD hours for this 23-month registration period). Please see Annex 3 for the pro rata CPD hours required.

The above is also applicable to an RP who has been re-appointed after ceasing to be engaged in insurance-related work in the insurance industry in Hong Kong for two consecutive years.

5. Assessment for Professionally Qualified RPs

For RPs who are qualified pursuant to "List of specified qualifications" of the CPD Information Sheet published by the IA, they are considered to have satisfied the 10 CPD hours requirement if (a) the institutes granting such qualifications have a specific CPD programme for holders of such qualifications; and (b) they have satisfied the CPD requirements specified by the institutes granting such qualifications. Evidence of holding such qualifications/titles should be submitted by the RPs to the IARB upon request. They should also be able to produce documentary proof that compliance with the respective institute's CPD programmes is essential for the holding of such qualifications/titles.

6. Maintaining CPD records and Monitoring of CPD Compliance

(a) Responsibilities of RPs:

- (i) decide on the appointing insurer responsible for reporting their CPD hours and notify all appointing insurers accordingly (if applicable);
- (ii) inform all appointing insurers if they should change the appointing insurer responsible for reporting their CPD hours (if applicable);
- (iii) complete and file a Declaration Form specified by the IARB within 2 weeks from the assessment date (i.e. by 14 August) as follows:
 - By individual insurance agents to:
 - the appointing insurer responsible for reporting their CPD hours; and
 - all other appointing insurer(s) by providing each of them with a signed copy of the Declaration Form;
 - By ROs to:
 - the appointing insurer responsible for reporting their CPD hours; and
 - all other appointing insurer(s) by providing each of them with a signed copy of the Declaration Form;
 - By technical representatives (TRs) to their appointing insurance agent; and
- (iv) retain their proof of compliance with CPD requirements (including a copy of the Declaration Forms and originals of the evidence/record of attendance) for at least a period of 3 years after the assessment date. The proof of compliance with CPD requirements should be produced as and when required by the IARB.

(b) Responsibilities of insurance agents who have appointed TRs:

- (i) dispatch copies of Declaration Form to all of their TRs for their completion;
- (ii) arrange sufficient CPD training for their TRs, if necessary;
- (iii) issue evidence/record of attendance to a TR who has completed a course organized by the insurance agent with the number of CPD hours printed on evidence/record of attendance;
- (iv) monitor the compliance of their TRs with the CPD requirements;
- (v) collect Declaration Forms from their TRs by 14 August;
- (vi) file the Annual Return to the IARB and report on those who fail to achieve the CPD hours by 15 September; and
- (vii) offer help to their TRs in maintaining proof of compliance with CPD requirements.

(c) Responsibilities of all insurers:

- (i) dispatch copies of Declaration Form to all of their insurance agents and ROs of their insurance agencies for their completion;
- (ii) obtain confirmation from all their insurance agents and ROs of their insurance agencies as to which appointing insurer would be responsible for reporting their CPD hours by 14 August;
- (iii) arrange sufficient CPD training for their insurance agents and ROs of insurance agencies, if necessary;
- (iv) issue evidence/record of attendance to an insurance agent or RO of their insurance agencies who has completed a course organized by the insurer with the number of CPD hours printed on the evidence/record of attendance;

- (v) monitor the compliance of their insurance agents and ROs of their insurance agencies with the CPD requirements;
- (vi) collect Declaration Forms from their insurance agents and ROs of their insurance agencies by 14 August as follows:
 - originally signed Declaration Forms for those insurers responsible for reporting CPD hours; or
 - signed copy of Declaration Forms for those insurers NOT responsible for reporting CPD hours;
- (vii) for those insurers responsible for reporting CPD hours, file the Annual Return to the IARB and report on those who fail to achieve the CPD hours by 15 September; and
- (viii) offer help to their insurance agents and ROs of their insurance agencies in maintaining proof of compliance with CPD requirements.

7. Consequence of Non-Compliance

In the circumstances that an RP fails to meet the CPD requirements, his registration shall be revoked for 3 months as a starting point by the IARB. Such RP shall be required to complete all outstanding CPD hours at the time of re-registration.

In the circumstances that an RP makes a false declaration in reporting his CPD hours, his registration shall be revoked for 12 months as a starting point by the IARB. Such RP shall be required to complete all outstanding CPD hours at the time of re-registration.

In the circumstances that an RP fails to respond to the request of the IARB to produce proof of compliance with the CPD programme, his registration shall be revoked for a specified period of time as determined by the IARB. The future application for registration of such RP will not be processed unless he can produce proof of compliance.

Examples of Calculation of CPD Hours

Example 1

Registration date: 1 January 2008

(assuming the RP has complied with the CPD requirements on 31 July 2009)

*De-registration date: 1 April 2010

**Re-registration date: 1 June 2010 (less than 6 consecutive calendar months from the de-registration date)

Both the de-registration date* and the re-registration date** fall within the same Assessment Year.

Report CPD hours on the assessment date immediately following re-registration: 31 July 2010

Total number of months for report of CPD hours: 12 (from 1 August 2009 to 31 July 2010)

CPD hours to be reported: 10

Example 2

Registration date: 1 January 2008

(assuming the RP has complied with the CPD requirements on 31 July 2009)

De-registration date: 1 June 2010

Re-registration date: 1 October 2010 (less than 6 consecutive calendar months from the de-registration date)

Report CPD hours at time of re-registration: 1 October 2010 (date falls on the next Assessment Year)

Total number of months for report of CPD hours: 12 (from 1 August 2009 to 31 July 2010)

CPD hours to be reported: 10

Number of CPD hours to be reported by RPs whose registrations 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/Registration Month</u>	<u>Total Number of Months for Reporting</u>	<u>CPD Hours</u>
August	12	10
September	11	9
October	10	8
November	9	7
December	8	6
January	7	5
February	6	5
March	5	4
April	4	3
May	3	2
June	2	1
July	1	0

This table also applies to newly registered RPs who choose to report their CPD hours on the assessment date immediately following registration.

Number of CPD hours to be reported by newly registered RPs by the next Assessment Year immediately following registration

<u>Registration Month</u>	<u>Total Number of Months for Reporting</u>	<u>CPD Hours</u>
August	24	20
September	23	19
October	22	18
November	21	17
December	20	16
January	19	15
February	18	15
March	17	14
April	16	13
May	15	12
June	14	11
July	13	10

符合持續專業培訓計劃要求指引

1. 背景

《保險代理管理守則》（《守則》）訂明香港保險業聯會／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）計劃「指引」旨在協助登記人士符合每年的培訓計劃要求。有關只登記從事受限制的旅遊保險業務的登記人士，請參閱《指引10》。

就此「指引」而言，凡提及「登記人士」均包括保險代理、負責人及業務代表。

《守則》戊部「登記人士的最低資格要求」訂明：

- (a) 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登記人士；及
- (b) 登記人士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。

2. 培訓計劃要求

保監訂明除旅遊保險代理人、其負責人及業務代表外，所有登記人士每年必須累積10個培訓時數，超越規定數目之培訓時數不可轉入任何其他年度。

在符合遵守其他適當人選準則的規定下，如果登記人士於為期12個月，並由每年8月至翌年7月31日為止的評估年度（「評估年度」）內，取得10個培訓時數；委員會將視該名登記人士為已符合《守則》內之「登記人士的最低資格要求」所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。

3. 培訓計劃的評估方法

為求符合培訓計劃要求，特此制訂以下條款：

- (a) 為清晰及方便查考起見：
 - (i) 在計算培訓計劃要求時，將以曆月作為基準，而不論登記人士在某月任何一日登記，其所需要取得的培訓時數均由該月起計（即無論登記人士在1月1日或1月31日登記，其培訓時數均由1月起計算）；及
 - (ii) 有關所需申報的培訓時數，請參看附件2及附件3。
- (b) 如登記人士之登記被取消少於連續6個曆月，該登記人士必須符合整個評估年度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) 在緊接重新登記後之評估日期申報（適用於取消登記日期及重新登記日期均於同一個評估年度內的登記人士）（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評估年度內的登記人士）（請參看附件1之例2）。
- (c) 如登記人士被取消登記連續6個曆月或以上，只要該登記人士在被取消登記期間並沒有於委員會登記只從事受限制的旅遊保險業務，或登記為保險經紀，或保險經紀的行政總裁／業務代表，在重

新登記時，毋須取得任何培訓時數。取而代之，該登記人士只需在緊接重新登記後的評估日期申報按比例計算其由重新登記日起所需取得的培訓時數。有關按比例計算所需之培訓時數，請參看附件2。

為免生疑問，此條不適用於任何因未能符合培訓計劃要求而被委員會取消登記之登記人士。這些人士必須在重新登記時取得所有尚欠的培訓時數。

4. 新登記的登記人士的評估方法

新登記的登記人士（即指從未登記為（i）保險代理或（ii）保險代理之負責人／業務代表或（iii）保險經紀或（iv）保險經紀之行政總裁／業務代表之人士），可選擇以下其中一種申報方法：

- （a）在緊接被確認登記後的7月31日，申報按比例計算所需取得的培訓時數（例如：某登記人士於2008年9月首次登記，他可在2009年7月31日申報9個培訓時數）。有關按比例計算所需之培訓時數，請參看附件2；或
- （b）在被確認登記後的第二個評估日期，申報按比例計算所需取得的培訓時數（例如：沿用上述例子，該登記人士可於2010年7月31日申報其培訓時數，即就該23個月的登記期，申報19個培訓時數）。有關按比例計算所需之培訓時數，請參看附件3。

以上申報方法亦適用於已經連續兩年停止在香港保險業界從事與保險有關工作，而再被委任之登記人士。

5. 具備認可保險專業資格的登記人士的評估方法

具備保監刊行之《持續專業培訓計劃 – 資料摘要》內的「指定資格」的登記人士，如果（a）頒發該些資格的機構有為該些資格持有人訂定一個持續專業培訓計劃；及（b）他們同時必須符合頒發該些資格的機構所訂明的持續專業培訓計劃的要求，便可因此而符合10個培訓時數的規定。他們必須能夠按委員會的要求，提交持有該資格／頭銜的證明文件，並能夠提供文件資料，證明他們必須符合該專業資格頒發機構之持續專業培訓計劃的要求才能持有該資格／頭銜。

6. 保存培訓紀錄及監察符合培訓計劃要求

（a）登記人士的責任：

- （i）決定由哪一間委任保險公司負責申報其培訓時數，並通知所有委任保險公司（如適用）；
- （ii）假如更改負責申報其培訓時數的委任保險公司，必須通知所有委任保險公司（如適用）；
- （iii）由評估日起計兩星期內（即8月14日或之前）填妥及按下列方式提交內容及格式由委員會制訂的聲明書：
 - 由個人代理提交：
 - 予負責申報其培訓時數的委任保險公司；及
 - 已簽名的聲明書副本予其他所有委任保險公司；
 - 由負責人提交：
 - 予負責申報其培訓時數的委任保險公司；及
 - 已簽名的聲明書副本予其他所有委任保險公司；
 - 由業務代表提交予其委任保險代理。
- （iv）由評估日起計，保存符合培訓計劃要求的憑證（包括聲明書副本及出席證明／紀錄正本）最少3年；當委員會提出要求時，必須出示有關憑證。

(b) 有委任業務代表的保險代理的責任：

- (i) 向其所有業務代表發送他們所需填報的聲明書；
- (ii) 如有需要，為其業務代表安排足夠的培訓課程；
- (iii) 為已經完成由保險代理提供的培訓課程的業務代表發出出席證明／紀錄，並於出席證明／紀錄上註明其已取得的培訓時數；
- (iv) 監察其業務代表是否符合培訓計劃要求；
- (v) 於8月14日或之前向其業務代表收集聲明書；
- (vi) 於9月15日或之前向委員會提交年度報告，並申報未能符合培訓計劃要求的業務代表名單；及
- (vii) 協助其業務代表保存符合培訓計劃要求的憑證。

(c) 所有保險公司的責任：

- (i) 向其所有保險代理及保險代理商之負責人發送他們所需填報的聲明書；
- (ii) 於8月14日或之前獲得其保險代理及保險代理商之負責人確認，將會由哪一間委任保險公司負責申報其培訓時數；
- (iii) 如有需要，為其保險代理及保險代理商之負責人安排足夠的培訓課程；
- (iv) 為已經完成由保險公司提供的培訓課程的保險代理及保險代理商之負責人發出出席證明／紀錄，並於出席證明／紀錄上註明其已取得的培訓時數；
- (v) 監察其保險代理及保險代理商之負責人是否符合培訓計劃要求；
- (vi) 於8月14日或之前向其保險代理及保險代理商之負責人收集聲明書如下：
 - 負責申報培訓時數的保險公司須收集已簽名的聲明書正本；
 - 非負責申報培訓時數的保險公司須收集已簽名的聲明書副本；
- (vii) 負責申報培訓時數的保險公司，須於9月15日或之前向委員會提交年度報告，及申報未能符合培訓計劃要求的保險代理及保險代理商之負責人的名單；及
- (viii) 協助其保險代理及保險代理商之負責人保存符合培訓計劃要求的憑證。

7. 未能符合培訓計劃要求的後果

如登記人士未能符合培訓計劃要求，委員會將會撤銷其登記，以3個月為量刑起點。該登記人士必須在重新登記時取得所有尚欠的培訓時數。

如登記人士在申報其培訓時數時作虛假聲明，委員會將會撤銷其登記，以12個月為量刑起點。該登記人士必須在重新登記時取得所有尚欠的培訓時數。

如登記人士未能按委員會要求，出示符合培訓計劃要求的憑證，委員會將會撤銷其登記，而所指明撤銷登記期的長度由委員會決定。該登記人士將來重新登記時，必須能夠出示符合培訓計劃要求的憑證，否則，委員會將不予受理。

計算培訓時數之例子

例 1

登記日期：2008年1月1日

（假設登記人士在2009年7月31日已符合培訓計劃要求）

*被取消登記日期：2010年4月1日

**重新登記日期：2010年6月1日（由被取消登記日期起計少於連續6個曆月）

*被取消登記日期及**重新登記日期均屬於同一個評估年度

於緊接重新登記後的評估日期申報培訓時數：2010年7月31日

申報培訓時數的總月數：12個月（由2009年8月1日至2010年7月31日）

所需申報的培訓時數：10個

例 2

登記日期：2008年1月1日

（假設登記人士在2009年7月31日已符合培訓計劃要求）

被取消登記日期：2010年6月1日

重新登記日期：2010年10月1日（由被取消登記日期起計少於連續6個曆月）

於重新登記時申報培訓時數：2010年10月1日（屬於下一個評估年度）

申報培訓時數的總月數：12個月（由2009年8月1日至2010年7月31日）

所需申報之培訓時數：10個

被取消登記連續6個曆月或以上的登記人士，
在緊接重新登記後的評估日期（即7月31日）所需申報之培訓時數

重新登記月份／登記月份	所需申報之總月數	培訓時數
8月	12	10
9月	11	9
10月	10	8
11月	9	7
12月	8	6
1月	7	5
2月	6	5
3月	5	4
4月	4	3
5月	3	2
6月	2	1
7月	1	0

此列表亦適用於選擇在緊接首次登記後的評估日期申報培訓時數之新登記的登記人士。

新登記的登記人士，在被確認登記隨後的第二個評估日期所需申報之培訓時數

<u>登記月份</u>	<u>所需申報之總月數</u>	<u>培訓時數</u>
8月	24	20
9月	23	19
10月	22	18
11月	21	17
12月	20	16
1月	19	15
2月	18	15
3月	17	14
4月	16	13
5月	15	12
6月	14	11
7月	13	10

