

Guidance Note issued on 30 November 2004

**GUIDANCE NOTE ON COMPLIANCE WITH THE REQUIREMENTS OF
THE CONTINUING PROFESSIONAL DEVELOPMENT (CPD) PROGRAMME
FOR THE TRANSITIONAL PERIOD**

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 CPD requirements for the Transitional Period. 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 up to 31 July 2005. The IA has stipulated in the CPD Information Sheet that the following would apply only to the Transitional Period:

- (i) Deficiency of credits gained in a year should be made up during the Transitional Period;
- (ii) Excess credits accumulated in a particular year can be carried forward to another year; and
- (iii) Insurance intermediaries joining the insurance intermediary profession on or before 2002, 2003 or 2004 will have their accumulated credits assessed during 2005.

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 he completes all CPD requirements under the transitional arrangement (please see the section "CPD Assessment" below for the detailed CPD requirements).

CPD Assessment

- (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) The first assessment date of all insurance agents shall be 31 July 2005.
- (c) *Insurance agents registered before 1 January 2002*
 - (i) An insurance agent has to earn 15 core and 30 non-core credits only by 31 July 2005.
 - (ii) If the registration of an insurance agent has been cancelled for **one calendar**

month or more during the Transitional Period and he applies for re-registration thereafter, he shall be required to report his CPD credits on a pro rata basis, but in any event would not exceed 15 core and 30 non-core credits.

- (d) *Insurance agents newly registered on or after 1 January 2002 up to 31 July 2005*
The number of CPD credits required to be reported by the newly registered insurance agents on the first assessment date are shown in the attached Table I.
- (e) If the registration of an insurance agent has been cancelled for **one calendar month or more** during the Transitional Period and the insurance agent applies for re-registration thereafter, he shall be required to report his CPD credits on a pro rata basis as follows:
- (i) on 31 July 2005 (if the re-registration date is on/before 31 July 2005); or
 - (ii) at the time of re-registration (if the re-registration date is after 31 July 2005).
- (f) If the registration of an insurance agent has been cancelled for a period more than 24 consecutive calendar months, he shall **not** be required to earn any CPD credits for re-registration. Instead, as stipulated in the *Code*, he shall, unless exempted by the professional qualifications specified under clauses 55 and 56 of the *Code* as appropriate, successfully pass the relevant paper(s) of the Insurance Intermediaries Qualifying Examination (IIQE) recognized by the IA again before he may be considered by the IARB to be fit and proper to act as an insurance agent.

Assessment for Professionally Qualified Insurance Agents

- (g) 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 (f) above for assessment details.)

Maintaining CPD records and Monitoring of CPD Compliance

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

- (ii) arrange sufficient CPD training for their TRs, if necessary;
 - (iii) issue evidence/record of attendance to prove a TR who has attained a course sponsored by the insurance agent with the number and type of CPD credits printed on evidence/record of attendance;
 - (iv) monitor the compliance of their TRs with the CPD requirements;
 - (v) collect Declarations 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 credits by 15 September; and
 - (vii) offer help to their TRs in maintaining proof of compliance with CPD requirements.
- (j) Responsibilities of all insurers:
- (i) dispatch copies of Declaration Form to all of their insurance agents and responsible officers of insurance agencies;
 - (ii) obtain confirmation from all their insurance agents and responsible officers of insurance agencies as to who would be responsible for reporting their CPD credits by 14 August;
 - (iii) arrange sufficient CPD training for their insurance agents and responsible officers of insurance agencies, if necessary;
 - (iv) issue evidence/record of attendance to prove an insurance agent or a responsible officer of insurance agency who has attained a course sponsored by the insurer with the number of CPD credits and type of credits printed on the evidence/record of attendance;
 - (v) monitor the compliance of their insurance agents and responsible officers of insurance agencies with the CPD requirements;
 - (vi) collect Declarations Forms from their insurance agents and responsible officers of insurance agencies by 14 August as follows:
 - originally signed Declaration Form for those insurers responsible for reporting CPD credits; or
 - signed copy of Declaration Form for those insurers NOT responsible for reporting CPD credits;
 - (vii) file the Annual Return to the IARB by 15 September (for those insurers responsible for reporting CPD credits, report on those who fail to achieve the CPD credits as well); and
 - (viii) offer help to their insurance agents and responsible officers of insurance agencies in maintaining proof of compliance with CPD requirements.

Consequence of Non-Compliance

- (k) 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.
- (l) 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 ARRANGEMENT

Table I

CPD credits to be reported on the first assessment date (i.e. 31 July 2005) for insurance agents newly registered between 1 January 2002 and 31 July 2004:

<u>First registration date falling On any date between</u>	<u>Registration Month</u>	<u>Total No. of Months for reporting</u>	<u>Core Credits</u>	<u>Non-Core Credits</u>
1/1/2002 – 31/1/2002	January 2002	43	15	30
1/2/2002 – 28/2/2002	February 2002	42	15	30
1/3/2002 – 31/3/2002	March 2002	41	15	30
1/4/2002 – 30/4/2002	April 2002	40	15	30
1/5/2002 – 31/5/2002	May 2002	39	15	30
1/6/2002 – 30/6/2002	June 2002	38	15	30
1/7/2002 – 31/7/2002	July 2002	37	15	30
1/8/2002 – 31/8/2002	August 2002	36	15	30
1/9/2002 – 30/9/2002	September 2002	35	14	29
1/10/2002 – 31/10/2002	October 2002	34	14	28
1/11/2002 – 30/11/2002	November 2002	33	13	27
1/12/2002 – 31/12/2002	December 2002	32	13	26
1/1/2003 – 31/1/2003	January 2003	31	12	25
1/2/2003 – 28/2/2003	February 2003	30	12	24
1/3/2003 – 31/3/2003	March 2003	29	12	24
1/4/2003 – 30/4/2003	April 2003	28	11	23
1/5/2003 – 31/5/2003	May 2003	27	11	22
1/6/2003 – 30/6/2003	June 2003	26	10	21
1/7/2003 – 31/7/2003	July 2003	25	10	20
1/8/2003 – 31/8/2003	August 2003	24	10	20
1/9/2003 – 30/9/2003	September 2003	23	9	19
1/10/2003 – 31/10/2003	October 2003	22	9	18
1/11/2003 – 30/11/2003	November 2003	21	8	17
1/12/2003 – 31/12/2003	December 2003	20	8	16
1/1/2004 – 31/1/2004	January 2004	19	7	15
1/2/2004 – 29/2/2004	February 2004	18	7	15
1/3/2004 – 31/3/2004	March 2004	17	7	14
1/4/2004 – 30/4/2004	April 2004	16	6	13
1/5/2004 – 31/5/2004	May 2004	15	6	12
1/6/2004 – 30/6/2004	June 2004	14	5	11
1/7/2004 – 31/7/2004	July 2004	13	5	10
1/8/2004 – 31/7/2005*		N/A		

*The insurance agents shall be assessed on a pro-rata basis in accordance with paragraph 4(a) of Revised Guidance Note 7.

於 2005 年 6 月 13 日修訂

本指引於 2004 年 11 月 30 日發出

適用於過渡期之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)計劃「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 日實施之後至 2005 年 7 月 31 日止,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。保監亦於其刊行的《持續專業培訓計劃—資料摘要》訂明,以下條款將適用於過渡期:

- (i) 在任何一個年度尚欠之學分必須於過渡期內補足;
- (ii) 在個別年度累積而超越規定數目之學分可轉入過渡期內的其他年度;及
- (iii) 在 2002 年或之前,及在 2003 年或 2004 年才入職的保險中介人,其累積學分會在 2005 年進行評估。

如保險代理於過渡期內完成所有培訓計劃要求,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。(有關詳細之培訓計劃要求,請參看以下培訓計劃的評估方法。)

培訓計劃的評估方法

- (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(即無論保險代理在 1 月 1 日或 1 月 31 日登記,其培訓學分均由 1 月起計算)。
- (b) 2005 年 7 月 31 日將會是所有保險代理的首次評估日。
- (c) 以下適用於在 2002 年 1 月 1 日前已登記的保險代理
 - (i) 上述保險代理必須在 2005 年 7 月 31 日前取得 15 個核心學分及 30 個非核心學分。
 - (ii) 如保險代理曾在過渡期內被取消登記 1 個曆月或以上,在其申請重新登記時,便須按比例計算申報其取得的培訓學分。但無論如何,所需申報的學分將不會超越 15 個核心學分及 30 個非核心學分。

- (d) 以下適用於由2002年1月1日至2005年7月31日止新登記的保險代理
上述保險代理在首次評估日所需申報的培訓學分數目已在附表1列出。
- (e) 如保險代理曾在過渡期內被取消登記1個曆月或以上，在其申請重新登記時，便須如下述按比例計算申報其取得的培訓學分：
- (i) 在2005年7月31日申報(如重新登記日期在2005年7月31日或以前)；或
- (ii) 在申請重新登記時申報(如重新登記日期在2005年7月31日以後)。
- (f) 如保險代理之登記被取消連續24個曆月或以上，在重新登記時便須取得任何培訓學分。取而代之，在委員會考慮他是否符合適當人選準則出任為保險代理之前，他必須根據《守則》之規定，成功通過保監認可的保險中介人資格考試，除非他根據《守則》內第55及56條因專業資格而獲豁免。

具認可保險專業資格的保險代理的評估方法

- (g) 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(f)款。

保存培訓紀錄及監察符合培訓計劃要求

- (h) 保險代理的責任：
- (i) 決定由哪一間委任保險公司負責申報其培訓學分，並通知有關委任保險公司(如適用)；
- (ii) 假如更改負責申報其培訓學分的委任保險公司，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由委員會發出的聲明書：
- 由個人代理提交：
 - 予負責申報其培訓學分的委任保險公司；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：
 - 予負責申報其培訓學分的委任保險公司；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正本(包括聲明書及出席證明／紀錄)最少3年；當被委員會要求時，必須出示有關憑證的正本。
- (i) 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學分及類別；
- (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取聲明書；
 - (vi) 於 9 月 15 日或之前向委員會提交年度報告，並申報未能完成培訓學分的業務代表；及
 - (vii) 協助其業務代表保存符合培訓計劃要求的憑證。
- (j) 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該等人士的培訓學分；
 - (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學分及學分類別；
 - (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取聲明書如下：
 - 負責申報培訓學分的保險公司須收取已簽名的聲明書正本；
 - 非負責申報培訓學分的保險公司須收取已簽名的聲明書副本；
 - (vii) 於 9 月 15 日或之前向委員會提交年度報告(負責申報培訓學分的保險公司，須申報未能完成培訓學分的保險代理及保險代理商之負責人)；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。

未能符合培訓計劃要求的後果

- (k) 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 個月為紀律行動起點。該保險代理必須在重新登記時取得所有尚欠的培訓學分。
- (l) 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 個月為紀律行動起點。該保險代理必須在重新登記時取得所有尚欠的培訓學分。

附表 1

過渡安排

於 2002 年 1 月 1 日至 2004 年 7 月 31 日新登記的保險代理在首個評估日(即 2005 年 7 月 31 日)所需申報之培訓學分：

首次登記日在下列期間內	登記月份	所需申報之 總日數	核心學分	非核心學分
1/1/2002 – 31/1/2002	2002 年 1	43	15	30
1/2/2002 – 28/2/2002	2002 年 2	42	15	30
1/3/2002 – 31/3/2002	2002 年 3	41	15	30
1/4/2002 – 30/4/2002	2002 年 4	40	15	30
1/5/2002 – 31/5/2002	2002 年 5	39	15	30
1/6/2002 – 30/6/2002	2002 年 6	38	15	30
1/7/2002 – 31/7/2002	2002 年 7	37	15	30
1/8/2002 – 31/8/2002	2002 年 8	36	15	30
1/9/2002 – 30/9/2002	2002 年 9	35	14	29
1/10/2002 – 31/10/2002	2002 年 10	34	14	28
1/11/2002 – 30/11/2002	2002 年 11	33	13	27
1/12/2002 – 31/12/2002	2002 年 12	32	13	26
1/1/2003 – 31/1/2003	2003 年 1	31	12	25
1/2/2003 – 28/2/2003	2003 年 2	30	12	24
1/3/2003 – 31/3/2003	2003 年 3	29	12	24
1/4/2003 – 30/4/2003	2003 年 4	28	11	23
1/5/2003 – 31/5/2003	2003 年 5	27	11	22
1/6/2003 – 30/6/2003	2003 年 6	26	10	21
1/7/2003 – 31/7/2003	2003 年 7	25	10	20
1/8/2003 – 31/8/2003	2003 年 8	24	10	20
1/9/2003 – 30/9/2003	2003 年 9	23	9	19
1/10/2003 – 31/10/2003	2003 年 10	22	9	18
1/11/2003 – 30/11/2003	2003 年 11	21	8	17
1/12/2003 – 31/12/2003	2003 年 12	20	8	16
1/1/2004 – 31/1/2004	2004 年 1	19	7	15
1/2/2004 – 29/2/2004	2004 年 2	18	7	15
1/3/2004 – 31/3/2004	2004 年 3	17	7	14
1/4/2004 – 30/4/2004	2004 年 4	16	6	13
1/5/2004 – 31/5/2004	2004 年 5	15	6	12
1/6/2004 – 30/6/2004	2004 年 6	14	5	11
1/7/2004 – 31/7/2004	2004 年 7	13	5	10
1/8/2004 – 31/7/2005 *	不適用			

* 委員會將會按照修訂指引 7 之第 4(a)款按比例計算評估在此期間新登記的保險代理。