

香港保險業聯會 壽險總會

壽險轉保守則

下述程序旨在防止代理向客戶錯誤陳述或錯誤引導，使客戶更改現有壽險安排，以致客戶遭受實在或潛在的不利影響。在評估這些不利影響時，可能會流於主觀，因此，這項程序能否完全達致其目的，有賴各方面本着真實誠信，以照顧客戶的最佳利益為大前提。

1. 方法

為了減少不適當的轉保活動（以下簡稱「誘導轉保」），香港保險業聯會壽險總會提議採用下述方法：

- 1.1 對「誘導轉保」訂立明確的定義，
- 1.2 在營銷過程中加強監管，防止在營銷時發生「誘導轉保」的情況，
- 1.3 建立健全的自我監管制度，確定「誘導轉保」的情況有否發生，
- 1.4 如証實「誘導轉保」的情況發生，須執行適當的懲罰。

2. 「誘導轉保」的定義

「誘導轉保」是指代理利用誤導性陳述、不披露某些資料、錯誤陳述及對保單作出不詳實的比較，誘使投保人更改現有壽險安排，轉而投購其他壽險保單，使投保人的利益遭受不利影響。

如客戶的現有壽險保單發生下述情況，該客戶購買壽險的任何交易，即作轉保論。

- 2.1 失效，
- 2.2 退保，或
- 2.3 轉為已繳清保單。

以上項目並未概括所有可能構成轉保的情況。如代理建議客戶透過其他方式修改現有壽險保單，轉購新壽險的行為，該等情況一經確認，即會納入轉保活動的範疇。

3. 營銷時的監管

在客戶同意或決定購買新壽險保單前，必須填妥「客戶保障聲明書」（「聲明書」）（見附件一）。「聲明書」的作用是：

- 3.1 確定是否有轉保的情況出現；如有者，
- 3.2 確保代理已對客戶詳釋所帶來的重要影響。

如代理曾向客戶解釋轉保並沒有不利影響，代理必須在「聲明書」上詳註原因。

這樣，代理向客戶說明轉保的實在或潛在不利影響，或解釋沒有不利影響的原因等事項，都可記錄在案。此外，若代理在營銷過程中，遵從守則，但事後被指責處理失當，按此守則，代理亦可根據該份記錄，證明他已向保單持有人詳釋轉保的利弊。營銷保險公司將保留「聲明書」正本，副本則隨保單發給客戶。

4. 確定「誘導轉保」的發生

4.1 客戶的投訴

若客戶懷疑遇上「誘導轉保」的情況，可提出投訴。香港保險業聯會或有關保險公司接獲投訴後，將會把個案轉交營銷保險公司。該保險公司必須調查該宗投訴，並按第4.2條的程序，加以處理。保險公司必須以書面向客戶確認接獲投訴，並須在接獲投訴的六十天內，進行調查及通知客戶其調查結果和建議解決辦法。

4.2 營銷保險公司的監察

營銷保險公司有責任監管其代理的營銷活動，並必須審核所有「聲明書」，確保其代理遵守該項程序。

如保險公司在審核過程中，發現其代理不遵守程序，或誘導現有保單持有人轉保，而令客戶蒙受損失，該保險公司必須作出調查及採取相應行動。若「誘導轉保」的情況已出現，保險公司應執行以下第4.4項所列的懲罰措施。若「誘導轉保」情況尚未發生，該代理應接受轉保程序的再培訓，以確保他日後能恰當處理「聲明書」。

保險公司必須明瞭「聲明書」的重要性，及其日後可成為進行調查的基本証據。保險公司同時須為代理提供培訓，協助他們就聲稱轉保安排沒有為客戶帶來不利影響時，能向客戶作充份的解釋，並記錄在「聲明書」上。

4.3 其他保險公司的調查

如果一間保險公司相信其現有保單持有人或前保單持有人，因其他保險公司的代理「誘導轉保」而蒙受損失，必須作出調查，並有權向營銷保險公司要求提供「轉保查詢表格」所列的資料（「查詢表格」）（見附件二）。保險公司必須在接獲要求後十個工作天內提供資料。如「誘導轉保」的情況已出現，保險公司應執行以下第4.4項所列的懲罰措施。

4.4 一旦證實「誘導轉保」的情況已出現，各有關保險公司應協商並達成共識。如同意「誘導轉保」的情況已發生，營銷保險公司必須立即

- 4.4.1 向保險代理登記委員會（「該委員會」）舉報該名代理，並建議採取適當的紀律處分，
- 4.4.2 暫停該名代理銷售壽險的職務，
- 4.4.3 收回就該（等）壽險已支付的佣金，及
- 4.4.4 如客戶同意，恢復已更改的保單所訂定的條件。這些條件必須盡可能使客戶恢復原來的利益狀況，如同未轉保一樣。在這方面，保險公司有責任維護客戶的最佳利益。因此有關保險公司必須盡快在三十天內協商達成共識。

營銷保險公司必須以書面通知該名客戶：

- 指出該名代理在營銷時可能違反專業守則；

- 應客戶要求，保險公司可替客戶安排終止其新簽的壽險保單，和聯絡有關保險公司，恢復其原有壽險安排；
- 客戶應在三十天內作出決定；
- 該代理已被暫停職務，再無權代表該保險公司接觸客戶。

4.5 如有關保險公司未能就「誘導轉保」的情況有否發生，或對已轉保的保單的恢復條件，達成共識，客戶或保險公司可將個案提交該委員會裁決。如裁定「誘導轉保」的情況已發生，該委員會將會決定作出第4.4.2－4.4.4項的懲罰。按此守則，該委員會在調查個案時，擁有最終決定權。

4.6 任何投訴，必須在涉及轉保的新壽險保單簽發日期後兩年內提出。

5. 專業標準委員會的職能

壽險總會專業標準委員會將監察本程序的運作，並確保業內人仕均遵守程序的規定。

如委員會發現保險公司不遵守程序，委員會有權要求保險公司合作。若發現該保險公司未有顯著的改善跡象，委員會最終可建議壽險總會撤銷該保險公司的會籍。

CODE OF PRACTICE FOR LIFE INSURANCE REPLACEMENT
壽險轉保守則

CUSTOMER PROTECTION DECLARATION
客戶保障聲明書

**Life Insurance Council of the
Hong Kong Federation of Insurers**

**香港保險業聯會
壽險總會**

CUSTOMER PROTECTION DECLARATION

客戶保障聲明書

Selling Office 營銷保險公司 : _____

Name of the Customer 客戶姓名 : _____

Name of the Agent 代理姓名 : _____

Proposal/Application No.in relation to this Declaration
本聲明涉及的建議書/申請書編號 : _____

Dear Customer 客戶們 :

Since you are considering the purchase of new life insurance, it is important that this form is properly completed as it demonstrates that your financial interests have been protected. The agent will retain the original and a copy will be attached to your policy when it is issued. This form is designed and introduced by the Life Insurance Council of the Hong Kong Federation of Insurers. It is an important part of the Code of Practice for Life Insurance Replacement but does not form a part of any policy or contract between you and the insurer.

閣下現正考慮購買新人壽保單，故務請將本聲明書填妥，以為保障閣下財務利益的證明。代理將保留本聲明書的正本，副本將在保單簽發時隨保單奉上。本聲明書由香港保險業聯會壽險總會擬定。此聲明書乃「壽險轉保守則」的重要部份，但並非其所附保單的組成部份。

SECTION 1 第一部份

If you do not have any existing policies or if you have any existing policies but do not intend to stop paying premiums on them or significantly alter them, please tick the applicable box below and sign at the end of this section.

如閣下現時並無持有保單，或持有保單但不打算停止繳付其保費或作出重大更改，請在以下適當方格內加「✓」號，並在本部份末簽署作實。

1.1 I declare that I do not have any existing life insurance policies.
本人聲明現並無持有任何以本人名義所簽的壽險保單。

1.2 I declare that I have one or more existing life insurance policies. I do not, however, intend to stop paying premiums or significantly alter them as a result of the purchase of any new life insurance under the aforesaid proposal/application.
本人聲明現持有一份或以上壽險保單，但本人不打算因購買前述的建議書/申請書的壽險保單而停止繳付現有保單的保費或作出重大更改。

Otherwise, please tick the following box, sign at the end of this section and complete Section 2.

如上述不適用，請在以下方格內加「✓」號，同時在本部份末簽署，然後繼續填妥第二部份。

1.3 I declare that I have one or more existing life insurance policies and in relation to my decision to buy new life insurance under the aforesaid proposal/application, I intend to stop premiums or significantly alter my existing policies.
本人聲明現持有一份或以上壽險保單。本人因決定購買前述的建議書/申請書的壽險保單，而打算對現有保單停止繳付保費或作出重大更改。

Date 日期 (D日/M月/Y年)

Signature by the Customer 客戶簽署

Declaration by the agent 代理聲明 :

This Customer Protection Declaration is presented and explained to the abovenamed customer by me at _____

(Location) on _____ (Date).
(D/M/Y)

本「客戶保障聲明書」於 _____ (日期) 在 _____ (地點) 由本人遞交予上述客戶，並向其解釋內容。

Date 日期 (D日/M月/Y年)

Signature by the Agent 代理簽署

SECTION 2 第二部份

If you have ticked 1.3 of Section 1, it is important that you understand the implications of any decision affecting your existing policies. The agent will help you with this and before you make such an important decision you should ask the agent to fully explain the following points:

請注意：如閣下在第一部份第1.3項加「✓」號，閣下必須明白有關決定對閣下現有保單的影響。在閣下作出這一重要決定前，代理將會協助閣下了解有關影響。閣下應要求代理詳細解釋以下各點：

2.1 Benefit Illustrations 利益說明

Illustrations of the benefits you will receive from your existing policies or from any replacements will help you assess the relative merits of the existing and suggested arrangements. However, such illustrations are not normally guaranteed and the actual outcome will depend on the future performance of the policies in question.

代理若能說明閣下現有保單或任何建議的轉保安排所獲得的利益，將有助閣下評估及比較兩者的優劣。但所說明的利益通常並非保證，實際利益視乎有關保單的投資回報而定。

Please tick the box which most accurately describes your understanding of the financial merits of the new arrangements.

請在以下適當方格內加「✓」號，以表明閣下了解新壽險保單的財務利益安排。

- | | |
|--|---|
| <input type="checkbox"/> real or potential disadvantage
有實在或潛在的不利影響 | <input type="checkbox"/> no disadvantage (the agent must comment below)
沒有不利影響 (代理必須在下面空欄註釋) |
|--|---|

2.2 Insurability 可保性

If you effect new policies your state of health, occupation, recreational activities may be reviewed by the insurance company. You should be aware that if any significant change has occurred you may be denied some cover or be charged a premium higher than standard.

如閣下訂立新保單，保險公司將會審查閣下的健康狀況、職業和消遣。閣下應知道，若上述各項有重大改變，閣下可能得不到某些保障，或要付出較高的保費。

Please tick the box which most accurately describes your understanding of the insurability merits of the new arrangements.

請在以下適當方格內加「✓」號，以表明閣下了解新壽險保單的可保性利益安排。

- | | |
|--|---|
| <input type="checkbox"/> real or potential disadvantage
有實在或潛在的不利影響 | <input type="checkbox"/> no disadvantage (the agent must comment below)
沒有不利影響 (代理必須在下面空欄註釋) |
|--|---|

2.3 Claims 索償

A new policy may have different policy provisions and also may result in a new start for incontestability and suicide clause time periods. This could result in a claim being denied that would have been paid under an existing policy.

新保單可能訂明不同的條款，而且亦可能導致「不得異議條款」及「自殺條款」的時限，須重新計算。因此，在現有保單下本可獲得的賠償，轉保後可能會被拒絕。

Please tick the box which most accurately describes your understanding of the claims eligibility merits of the new arrangements.

請在以下適當方格內加「✓」，以表明閣下了解新壽險保單的索償利益安排。

- | | |
|--|---|
| <input type="checkbox"/> real or potential disadvantage
有實在或潛在的不利影響 | <input type="checkbox"/> no disadvantage (the agent must comment below)
沒有不利影響 (代理必須在下面空欄註釋) |
|--|---|

Comments by the Agent (If there is insufficient space, comments are to be made on a separate piece of paper which should be signed by the customer and the agent and attached to this Declaration.)

代理註釋 (如有需要，可另附頁書寫，客戶和代理均須在附頁上簽署。)

Other Information 其他資料

Please state here any other information that you have been given by the agent which has affected your decision in regard to your existing policies. 如代理提供其他資料影響閣下就現有保單所作的決定，請在下面列出。

When you have completed Section 2, please sign the following declaration. 閣下填妥第二部份後，請簽署下述聲明。

I declare that I have read the contents of this section of the form and discussed them with the agent. I understand and accept the financial and other implications of changing my existing insurance arrangements.

本人聲明：本人已詳閱並與代理討論本部份的內容。本人了解及接受因轉保後所帶來的財務及其他影響。

I hereby authorize the selling office to give either the Hong Kong Federation of Insurers or other parties as required for proper administration of this Code of Practice a copy of this Customer Protection Declaration and any records or information in regard to the life insurance policy I have taken out by means of the proposal/application mentioned in this Declaration.

本人現授權營銷保險公司，就本人按本聲明書所述建議書/申請書而訂定的壽險保單，向香港保險業聯會或其他需執行本守則的保險公司提供本「客戶保障聲明書」副本及其他有關記錄或資料。

Date 日期 (D日/M月/Y年)

Signature by the Customer 客戶簽署

Declaration by the agent 代理聲明：

I declare that I have explained fully the above listed points and related implications of the decision of the customer in regard to the existing policies.

本人聲明：本人已向客戶詳釋上述所列各點，於轉保後所帶來的影響。

Date 日期 (D日/M月/Y年)

Signature by the Agent 代理簽署

INSTRUCTION TO AGENT

代理指引

1. This Customer Protection Declaration forms an important part of the Code of Practice for Life Insurance Replacement which is a key component of the Code of Practice for Administration of Insurance Agents.
本「客戶保障聲明書」是「壽險轉保守則」的重要部份，而後者則是「保險代理管理守則」的主要組成部份。
2. The whole process is to ensure those involved in selling life insurance act in good faith and at all times in the best interests of the client. It also serves to help protect the agent from subsequent allegation of mis-representation.
此項程序是要確保壽險銷售人員必須真實誠信，經常照顧客戶的最佳利益，並有助於保障代理，避免事後被指責錯誤陳述。
3. This Declaration shall be completed for each new individual life policy proposed/applied by a customer.
本聲明書須連同在客戶建議／申請每份新個人壽險保單時填妥。
4. It is comprised of three parts. The first part is for use of identification. Please fill in the full names of the customer and the agent as well as the proposal/application number which relates to this Declaration.
本聲明書有三部份。第一部份記錄個人資料，客戶及代理均須填寫姓名和保單的建議書／申請書編號。
5. Please ask the customer to complete Section 1 so as to identify whether a replacement of life insurance is to occur. The proposal will not be accepted unless one, and only one, of the boxes is ticked.
本聲明書第一部份由客戶填寫，以確定壽險轉保的情況有否出現。客戶須在適當方格內註「✓」號，建議書才生效。
6. The customer shall sign Section 1 and the agent shall countersign it and mark down the location and time the meeting is held.
客戶須在第一部份簽署，並由代理副署，及註明會面的地點及時間。
7. Section 2 shall be completed only if the customer has ticked 1.3 of Section 1.
如客戶在第一部份第1.3項註「✓」號，才須填寫第二部份。
8. The agent must fully explain and discuss with the customer any real or potential disadvantage of changing his/her existing insurance arrangements in relation to benefit, insurability and claims eligibility.
代理須向客戶詳釋及說明，轉保後對其利益、可保性和索償資格等安排可帶來的實在或潛在的不利影響。
9. The agent must provide comment whenever “no disadvantage” is ticked against any of the points listed.
如客戶在第二部份所列各點，選擇「沒有不利影響」，代理必須逐一註釋。
10. The agent shall advise the customer to record other information he is given which has affected the decision in regard to his existing policies.
代理須提示客戶記錄由代理提供的其他資料，該些資料可影響客戶對其轉保的決定。
11. The agent shall read and explain the declaration in Section 2 to the customer before the customer signs it.
在客戶簽署第二部份的聲明前，代理須向客戶讀出及解釋聲明的內容。
12. The agent shall also declare on the form that he has explained fully the implications of the decision of the customer in regard to his existing policies.
代理亦須在聲明書內聲明已向客戶詳釋轉保後所帶來的影響。
13. The Agent shall inform the customer that a copy of the Customer Protection Declaration will be attached to the policy when it is issued.
代理須通知客戶「客戶保障聲明書」副本將在保單簽發時隨保單奉上。
14. The Agent shall return the completed Customer Protection Declaration to the selling office together with the related proposal/application form.
代理須將填妥的「客戶保障聲明書」連同有關建議書／申請書交回營銷保險公司。