

By Fax/By E-mail

Ref : A2-001/02 – J59057

To : Authorized Representatives, Member Companies, The Hong Kong Federation of Insurers ("HKFI")
Non-HKFI Insurers using HKFI's agent registration service
Insurance Agents who have appointed Responsible Officers/ Technical Representatives
All Insurance Agents, Responsible Officer and Technical Representatives (Registered Persons) via their appointing Insurer/ Insurance Agent

c.c. : Ms. Annie Choi, JP, Commissioner of Insurance, Insurance Authority
Mr. Bhabani S. Rath, Chairman, The HK Confederation of Insurance Brokers
Mr. Duncan Lee, President, General Agents & Managers Association of HK
Mr. Perry Lee, President, HK Chamber of Insurance Intermediaries
Mr. Andy Ma, Chairman, The HK General Insurance Agents Association Ltd
Mr. Kinson Lau, President, The Life Underwriters Association of HK Ltd
Mr. Johnson Chow, Chairman, Professional Insurance Brokers Association

From : Ambrose Cheung, MH, JP, Chairman, Insurance Agents Registration Board

Date : 2 June 2015

Subject : **Revised Guidelines on Disciplinary Action (July 2015)**

The Insurance Agents Registration Board has reviewed and revised the Guidelines on Disciplinary Actions as attached. Please note that the new Guidelines will take effect on 1 July 2015.



AC/AK/jh

Guidelines on Disciplinary Actions (Effective on 1 July 2015) 紀律行動指引（於 2015 年 7 月 1 日起生效）

	Common types of misconduct 常見違規行為類別	Max. disciplinary action (period of term. of Reg.) 最高紀律行動（撤銷登記時間）	In breach of 違反	
			Code of Practice for the Administration of Insurance Agents 《保險代理管理守則》	Other Codes/Guidelines 其他守則/指引
1.	Effecting policy without authority 未經授權為客戶投購保險	5 years 五年	(6 th) 71/75 & 49(d)	
			(7 th) 74/78 & 58(g)	
2.	Mishandling of clients' premium or monies 不當處理客戶保費或款項	5 years 五年	(6 th) 71/75 & 49(d)	Guidance Note 指引 (5)
			(7 th) 74/78 & 58(g)	
3.	Allowing and agreeing others to make inaccurate or misleading declaration / representation 容許及同意他人作出不正確或誤導聲明／陳述	3 years 三年	(6 th) 71/75 & 49(d)	
			(7 th) 74/78 & 58(g)	
4.	Breach of the Code of Practice for Life Insurance Replacement 違反《壽險轉保守則》	3 years 三年	(6 th) 75, 77(h), 77(j) & 49(d)	Guidance Note 指引 (4) & Code of Practice for Life Insurance Replacement 《壽險轉保守則》
			(7 th) 78, 80(i), 80(k) & 58(g)	
5.	Failure to make reasonable effort to ensure the policy meets the needs of the policyholder 沒有盡力確保保單符合保單持有人的需要	3 years 三年	(6 th) 73(d)/77(c)/77(e) & 49(d)	
			(7 th) 76(f)/80(d)/80(f) & 58(g)	
6.	Making inaccurate or misleading declaration / representation 作出不正確或誤導聲明／陳述	3 years 三年	(6 th) 71/75 & 49(d)	
			(7 th) 74/78 & 58(g)	
7.	Making inaccurate or misleading representation on policy sold outside Hong Kong 於香港境外銷售保單而作出不正確或誤導陳述	3 years 三年	(6 th) 71/75 & 49(d)	
			(7 th) 74/78 & 58(g)	
8.	Obtaining benefit by improper / unauthorized means 不正確地／未經允許取得利益	3 years 三年	(6 th) 71/75 & 49(d)	
			(7 th) 74/78 & 58(g)	
9.	Requesting clients to sign blank or incomplete forms 要求客戶簽署空白或尚未填妥的表格	3 years 三年	(6 th) 75, 49(d)	Guidance Note 指引 (4)
			(7 th) 78, 58(g)	
10.	Twisting of policies 誤導轉保	3 years 三年	(6 th) 75, 77(h), 77(j) & 49(d)	Guidance Note 指引 (4) & Code of Practice for Life Insurance Replacement 《壽險轉保守則》
			(7 th) 78, 80(i), 80(k) & 58(g)	
11.	Use of document containing inaccurate information 行使載有不正確資料的文件	3 years 三年	(6 th) 71/75 & 49(d)	
			(7 th) 74/78 & 58(g)	
12.	Understating disadvantages on Customer Protection Declaration Form 於《客戶保障聲明書》少報弊端	2 years 兩年	(6 th) 75, 49(d)	Guidance Note 指引 (4) & Code of Practice for Life Insurance Replacement 《壽險轉保守則》
			(7 th) 78, 58(g)	

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			Code of Practice for the Administration of Insurance Agents 《保險代理管理守則》	Other Codes/Guidelines 其他守則/指引
13.	Failure to disclose previous records of bankruptcy, criminal offence or disciplinary action taken by other professional bodies 沒有披露曾經破產、被判犯刑事罪行或遭專業團體紀律處分的紀錄	depending on circumstances 視乎情況	(6 th) 49(g)	
			(7 th) 58(m)	
14.	Failure to take reasonable effort to deliver policy within the cooling-off period 沒有盡力於冷靜期內送交保單	depending on circumstances 視乎情況	(6 th) 49(d)	Cooling-off initiative 《「冷靜期」權益》
			(7 th) 58(g)	
15.	In breach of the Requirements Relating to the Sale of ILAS Products issued by the Hong Kong Federation of Insurers 違反保險業聯會頒佈的有關銷售投資相連壽險產品的指引	depending on circumstances 視乎情況	(6 th) 49(d)	
			(7 th) 58(g)	
16.	Lack of understanding of duties and responsibilities of an insurance agent 對保險代理的職責與操守缺乏認識	depending on circumstances 視乎情況	(6 th) 49(g), 50(b)	
			(7 th) 58(m), 59(b)	
17.	Having been convicted of a criminal offence or disciplined by a professional body 曾被判刑事罪名成立或曾遭專業團體紀律處分	depending on seriousness of offence / severity of penalty 視乎罪行／紀律處分的嚴重程度	(6 th) 49(c)	
			(7 th) 58(d)/58(e)	
18.	Having been declared bankrupt 曾宣布破產	until bankruptcy order is discharged / debts are repaid unless there are exceptional circumstances 直至破產令撤銷／債務清還 （除非情況特殊）	(6 th) 49(a)	
			(7 th) 58(a)	

* Disciplinary action imposed will be decided on the merits of the case, depending on the nature and severity of the misconduct.
有關紀律行動將視乎違規行為的性質及嚴重性，並考慮每個個案的情況而決定。

* The above list is not exhaustive but includes only some of the most common allegations.
上表所載僅為常見的違規行為，尚有他違規行為並未盡列。