

AN INTERMEDIARY OWES
RESPONSIBILITY
OF DUE DILIGENCE TO HIS CLIENTS'

維護投保人利益 中介人有責



2012年刊與2013展望

YEARBOOK 2012 & PROSPECT 2013

Hong Kong Chamber of Insurance Intermediaries

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同心展關懷

caring **organisation** 2009-12

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HARMONY

To promote and maintain the spirit of fair deal and harmony between and among insurance buyers, intermediaries and insurers.

在公平及和睦的原則下，促進及維護投保人、中介人及承保人進行相互協商。

KNOW-HOW

To prepare, promote and conduct educational seminars, forums, lectures and workshops for the benefit of its members.

提供保險學術講座，讓會員通過研討及交流，提升其專業知識。

CONCERN

To communicate and to coordinate with government, associations, insurance companies or any other persons in regard to all matters relating to insurance or insurance intermediaries which may be considered to be for the benefit of members and the general public .

緊密聯繫有關政府部門、社團組織、企業機構、保險商及從業員，反映會員及社會各階層對保險業及中介人的權益及認受。

INTEGRITY

To enhance self-dignity of the insurance intermediaries through deeds of integrity.

強化中介人的自重、自尊、正直、誠信及莊敬自強。

INFORMATION

To collect and disseminate amongst the members, information in regard to all matters relating to insurance or to the practice, duties and obligations of insurance intermediaries by means of periodical newsletter and alike.

通過定期刊物，收集及發放保險業資訊，保險中介人運作、責任及義務等事項。

**關億信****Harley Kwan**

香港保險中介人商會會長

President of the Hong Kong Chamber of Insurance Intermediaries

2013年度本人連任香港保險中介人商會會長。

很感謝上屆理事們對本人的支持，上下一心地處理會務，整體成績總算令人滿意，願此能為商會奠下良好基石，為未來保險中介業艱辛年代抗爭奮鬥作好準備。

我們去年的活動花絮，大部分都已轉載於後頁。希望業界好友們閱覽，並給以賜教、鼓勵。謝謝。

2013 is the second term of my Presidency of the Hong Kong Chamber of Insurance Intermediaries.

I must express my gratitude to the support of the Executive Committees of last year, working together so united and sympathetic. The overall results were finally accepted with satisfactory, and is willing to lay a good foundation for the Chamber in coming years, as well to prepare for the future struggle of the insurance intermediary industry.

Highlights of activities of year 2012 were mostly demonstrated in the next page of this booklet. Dear insurance fraternities, I am pleased if you can feedback with enlighten and encourage after reading.

Thank you very much.



香港保險中介人商會二零一二至一三年年刊

同濟策進
會務長興

保險業監理專員蔡淑嫻



近年間，消費者權益高漲，市民越來越懂得保護自己權益，前線銷售人員面對的困難亦越來越大。保險業亦復如此，儘管前線人員正努力走上專業化的道路，但業界仍收到不少投訴，甚至批評。希望大家遇到類似問題時，千萬不要氣餒，反而應用更專業的態度去面對，只要盡力維護投保人利益，最終大家都會贏得客戶的信賴！希望大家能夠謹記，我們進行銷售時，即使保單保費極低，亦要盡力解釋保單內容，小小的疏忽都可能醞釀大風波，我們辛苦建立的專業形象，亦可能毀於一旦。各位朋友，共勉之！

祝香港保險中介人商會會務蒸蒸日上！

陳健波 立法會議員, BBS, JP



香港保險中介人商會年刊誌慶

共濟群力
卓績弘彰

香港特別行政區
立法會議員

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香港保險中介人商會年刊

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An Intermediary Owes Responsibility of Due Diligence to His Clients'

The Hong Kong government is proposing to replace its Office of the Commissioner of Insurance with a new, independent insurance authority (IIA). A consultation period ended in January, and the necessary legislation is expected to go through the Legislative Council later this year, with the new authority starting work in 2015.

Intermediaries' duty of diligence to clients will be highlighted under this new system. We can't be sure yet exactly what the new regulator's exact disciplinary and other powers will be. But we can be certain that the government will seek primarily to protect the public interest, and that essentially means the interests of policyholders. Obviously, some intermediaries are concerned that this may damage their own interests.

In practice, insurers will probably see a greater emphasis on compliance. All authorized insurers, agencies or brokerages will need to appoint a dedicated responsible officer to make sure the business complies with relevant regulations. These will include rules on conduct of insurance intermediaries.

Among the requirements we can expect are that insurance intermediaries act honestly and fairly. They will also have to exercise reasonable levels of care and diligence. And they will need to make necessary disclosures of information. Needless to say, these requirements will be enforced by the IIA. According to government proposals, intermediaries breaking these regulations will be subject to "proportionate disciplinary sanctions... including reprimand, pecuniary penalty, suspension or revocation of licence."

Should intermediaries be concerned?

It is important for us to look at the background to the idea of an IIA. This proposal actually goes back to the 1990s. It is in line with international practice. In many jurisdictions around the world, certain professions and industries that were totally self-regulating in the past have been coming under more independent regulation. This is in line with public demand. I believe this is part of a bigger pattern in developed economies: the business sector has to become more accountable as the communities they serve become more sophisticated and public expectations rise. Hong Kong is very much affected by this global trend.

Then there are specific instances of inadequate regulation. In Hong Kong, the main example was in 2008, with the mis-selling scandal involving Lehman Brothers minibonds. That affected over 29,000 Hong Kong investors, and raised demands that government do more to protect the public.

You might feel that the minibonds scandal was about banks rather than insurers, and you would be right. You might have heard that the costs and inconvenience of tighter compliance following that affair have been serious, and possibly go too far. Many professionals in the investment industry would agree. However, as far as officials, the media and politicians are concerned, the public interest must come first.

For insurance intermediaries, the main concerns must be that new regulations will increase workload, and penalties for infringements of the rules may be too harsh or unfair. Obviously, all prudent insurance intermediaries will want to examine the new proposed regulatory structure carefully. If you feel there are problems, I am sure the HKCII will pass on concerns to lawmakers and officials.

The truth is that we will only find out for sure after the new system is in operation. If, after 2015, the new system fails in some way in practice, you can be assured that the industry will speak out. We have seen elsewhere in the world examples of new regulatory regimes going too far and having to be relaxed at a later date. In the worst case, that could happen here.

For myself, however, I am reasonably positive. I know from experience in Legco that lawmakers and officials debate the wording of bills and amendments in great detail. I am hopeful that the IIA will be an authority that gets the balance right. In conclusion, I am confident that intermediaries who are dedicated to the highest professional standards — who understand the duty of diligence they owe their clients — will find the new regulatory regime acceptable.

Bernard Chan

Executive Council Member

Deputy to the National People's Congress of the People's Republic of China

Honorary Advisor of HKCII

維護投保人利益 中介人有責

香港政府建議成立獨立保險業監管局(IIA)以取代現有的保險業監理處。公眾諮詢期已在2013年1月結束，預計會在2013年後期將法案提交立法會審議通過，而新監管機構將於2015年正式運行。

新的監管系統將會更着重中介人對客戶的盡職審查。對於新機構的具體職能以及其權力範圍，我們尚不清晰，但可以確定的是，政府會致力於維護公眾的利益，也就是保單持有人的利益。顯然，一些中介人擔心這些新規例可能會損害他們的利益。

實際操作中，保險公司將會進一步以守規為工作重點。所有已授權的保險公司，保險代理及保險經紀將需要任命一個專門的負責人來確保公司業務符合相關規例。這些規例將包括針對保險中介人操守。

誠實公平固然是對保險中介人應有的要求，他們還得給予客戶一定的關懷和盡到一定的責任。同時，他們亦應該作出必要的信息披露。毫無疑問，這些規定都必定會獨立保險業監管局執行監管。根據政府建議，違規的中介將受到相應的紀律處分，包括批評，罰款，停職或者吊銷牌照。

中介人應該給予關注嗎？

首先，研究成立新的獨立保監局的背景是至關重要。這一建議最早於20世紀90年代提出，它與國際慣例相符合。在全球很多司法管轄區，以往完全自我監管的某些行業和產業，現今正接受更加獨立的監管。這一做法符合公眾的需求。這都是在現今已發展經濟體的大格局：社會越催成熟，公眾期望越高，商業範疇的可靠性就必須要提升。

我們有一些因監管不足而出現的例子。在香港，主要事例就是2008年的不當銷售醜聞，其中涉及到雷曼兄弟迷你債券。這一事件影響到29,000多個香港投資者，要求政府加強保護公眾的呼聲也越來越高。

也許你會覺得迷你債券醜聞說的是銀行而不是保險公司，你可能沒想錯。也許你會聽說過，在這一事件過後，管制更為嚴格，造成諸多花費與不便，甚至可能過了頭。許多投資行業的專業人士都認同。然而，對官員、媒體與政治家而言，公眾利益必須放在第一位。

至於保險中介人，他們一定會擔心新規例會加大工作量，還有對違規的懲罰也許會覺得過於嚴苛與不公。明顯地，所有謹慎的保險中介人都想仔細研究新提出的監管結構。如果你認為有問題，香港保險中介人商會(HKICII)一定會把種種擔憂傳達給立法者與官員。

事實上，要等新體系運行後我們才能確定有什麼問題。如果2015年以後，新體系在某些方面實踐得不是很好，放心，問題會自動顯現。在世界其他地方，我們也見到過監管制度過為嚴格，後來又不得不放寬的事例。最糟糕的情況就是這樣的事情會在這裡重演。

然而，對我個人而言，我是相當樂觀的。根據在立法會的經歷，我知道立法者與官員會仔細討論法案與修正案的措辭。我有信心保監局(IIA)會是一個公正的權威機構。總而言之，如果中介人們致力於維持最高的專業標準，如果他們明白對客戶是要做到勤勉盡責，我相信他們會發現新的監管制度是可以接受的。

陳智思

行政會議成員

全國人民代表大會 香港代表

香港保險中介人商會名譽顧問

(本中文譯本是由香港中文大學電腦輔助翻譯文學碩士研究生 段芳芳 周怡然 翻譯)



維護投保人利益 中介人有責

現今社會經濟發達，人民生活不斷地改善；亦由於經濟發展的效應，衍生了資產增值及在經貿過程中的風險，所以人們除了關心切身的健康問題之外，在生活各方面裏亦注意到保障的重要性。而能夠為大眾托負這個任務的，正是保險業。

無論是個人的人壽保險、家居保險、汽車保險，以至旅遊及商貿性質的保險，我們也可經由保險代理、經紀人、保險公司及銀行購買保險；而由於現時資訊發達，更可以在網上購買，可說十分方便。個人而言，我較喜歡經由保險經紀或保險業務員購買保險，原因很簡單，在每次購買不同類別的保險時，他們都能夠向我解釋保單細節，而我只需要仔細聆聽，便可明確知道該計劃是否適合自己。當然我認為保險從業員在銷售保單時，必須主動地向客戶講解保單內每一項細則，包括保障範圍及不承保項目。保險從業員的說明分析，加上雙方可以直接溝通了解，這樣比客戶自己閱讀投保書內容或保單條文更清楚。

據我的了解，保險中介人分為「保險經紀」和「保險代理」兩類。經紀和代理最大分別是在銷售過程中扮演不同身份去安排中介服務。「保險代理」只售賣自己公司的產品，例如有些公司只做人壽保險，即使我想向他們投保其他保險產品，他們也沒法提供。由於代理的身份是代表保險公司，他們在銷售保險產品時，如因解釋錯誤或失實陳述引致投保人損失，保險公司亦須負責。「保險經紀」則代表客戶到各大保險公司尋找合適產品。例如我打算為住所購買家居保險，亦希望為自己買一份人壽保障，我可以請經紀代為安排，同時間分別在甲保險公司和乙保險公司購買兩種不同的保險。和代理一樣，如經紀因解釋錯誤或失實陳述引致投保人損失，經紀公司亦須負責，而法例有規定經紀公司必須購買「專業責任保險」以保障客戶。

在生活急速的香港社會，或許有時候為了應付一些突發事情而需要揀選另類購買保險的渠道。例如，我接到一個緊急通知，要馬上乘搭飛機到外地公幹，這刻我希望得到外遊的保障，我可以透過手機或電腦，利用互聯網到保險公司網站購買保險。雖然使用這種購買方法很方便，但保險市場產品眾多，每份旅遊保險的保障內容可能有所不同，保費亦各有差異，站在消費立場當然想價廉物美，獲得殷勤服務，但是商業市場一分錢一分貨，公平交易，消費者宜小心揀選。

現時保險業佔本港GDP超過12%，比重相當之高，而從業員約有10萬人，對香港的民生及經濟發展舉足輕重。作為立法者，我希望保險從業員能時刻遵守業界擬定的守則，以客為尊，銷售保險產品時，清楚表明自己的身份，就其專業立場，誠實、認真推介產品，這是責無旁貸的；遇有自己知識範圍以外問題時，切勿胡亂解釋，須謙虛為客戶尋找答案，可同時增進自己業務知識。倘若是業務轉介者，則應該交由經紀或保險公司之合資格代理去解釋保單內容，讓投保人清楚了解。當然投保人也應注意投保內容或保單條款，買賣雙方只要在銷售過程中有適當的溝通，便能減少在申請索償時產生不必要的爭議。

黃定光

立法會議員



An Intermediary Owes Responsibility of Due Diligence to His Clients'

Sheila Bair, Chairman of the US Federal Deposit Insurance Corporation, has noted in her statement on Modernizing Bank Supervision and Regulation before the US Senate Committee on Banking, Housing and Urban Affairs in 2009 that " There can no longer be any doubt about the link between protecting consumers from abusive products and practices, and the safety and soundness of the financial system. "I am sure that there is little doubt that this is the case, after the bitter experience of the financial saga in 2008.

According to the statistics released by the Office of the Commissioner of Insurance, the total gross premiums of the Hong Kong insurance industry continues to grow. In 2011 the total gross premium amounted to HK\$234 billions, representing an increase of nearly 15% as compared with 205 billions in 2010. Over the years, the insurance sector accounts for a significant portion of Hong Kong's GDP, making it an important pillar of our economy.

Amid the success and prosperity of insurance industry, insurance intermediaries have a crucial role to play. They provide advice to the insuring public, help them analyze their insurance needs, choose the suitable insurance products, and assist them in the settlement of claims in times of need. The insurance agent/broker is often the usual contact point for the insured as in most cases, the insurance company may not appear in the scene.

Insurance industry relies heavily on the mutual trust and long term relationship between the consumers and the insurance intermediaries. Unlike the purchase of goods, consumers do not have a tangible product that they can examine before contracting to buy the insurance products.

Consumers often finds insurance policies difficult to understand and have to rely on the advice of insurance intermediaries to get a clear understanding of the terms and conditions in the policy to make an informed decision. While the insurance intermediaries would strive to highlight the merits of the insurance policy, they must not loose sight of the limitations posed onto their clients in the policy and should strive their best to enhance information transparency to consumers.

For instance, aside from the payment obligations and limitation of claims, consumers should be fully and accurately informed of anything that may lead to rejection of claims, such as in the medical insurance, the pre-existing illnesses, waiting period etc. The recent tourists accident in Egypt also tells us how important it is for the insuring public to understand clearly the cove, the insurance, for example whether the hazardous sports and activities are covered by the policy.

In an Address to the G20 on recommendations for the enhancement of financial consumer products, Consumer International, the only independent federation of consumer bodies around the globe, stressed it was important that consumer should not be considered as merely "another link in the chain". Consumers should be regarded as essential factors in the market, and as such, a lack of protection safeguarding their interests is at the heart of the problems that have hit the financial service sector in the financial turmoil which took place few years ago.

In my current role as Chairman of the International Advisory Group of Experts on Consumer Protection, I will focus on an upcoming revision of the UN's Guidelines on Consumer Protection which was adopted in 1985 by the UN assembly. Several emerging issues of consumer protection which include, inter alia, financial services will be of critical importance to ensure that the guidelines' scope of application corresponds with the usual power of modern consumer protection authorities.

Nowadays insurance is no longer the product that only provides peace of mind against unforeseeable incidents but also an important financial planning tool. With the rapid development and diversification of complex insurance products in a highly competitive market, consumers look upon the professional and unbiased advice provided by insurance intermediaries to help them seek appropriate and affordable insurance coverage.

To equip themselves to effectively meet the rising expectations and to gain consumer trust, insurance intermediaries have to constantly update their professional knowledge. The quality of insurance professionals has made progress in recent years since the introduction of the Insurance Intermediaries Quality Assurance Scheme. The Scheme, comprising a system of qualifying examinations, controls the quality of new entrants admitted to the industry. Its continuing professional development programme also enhances the professional knowledge and more importantly, the ethics of the practicing professionals.

In marketing insurance Products, insurance intermediaries should take note of the difference between "helping a consumer buy something" and just "selling him something". Insurance intermediaries need to truly understand consumers' needs and figure out what insurance products will provide them with the most appropriate coverage. Consumers' trust is gained through provision of choices and unbiased recommendations. On the other hand, misrepresenting a product or pushing aggressively a consumer to take up a policy that does not really suit him will only damage the relationship and eventually lose the client.

Since its inception, the Hong Kong Chamber of Insurance Intermediaries has played an active role in promoting professionalism among its members. With the impending healthcare reform where the government plans to introduce a voluntary and government-regulated health protection scheme, I am confident that the Chamber will continue its efforts to assume an even more important role in upholding the professional standards of the insurance intermediaries as well as the business ethics and corporate social responsibility in the industry.

Connie Lau Yin Hing, JP

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維護投保人利益 中介人有責

2009年，美國聯邦存款保險公司（US Federal Deposit Insurance Corporation）主席，希拉·貝爾在美國參議院銀行房屋及城市事務委員會發表了關於現代化銀行監管聲明。她說：「無容置疑，保護消費者免於濫售產品及不當行為的侵害與金融體系的安全穩健是有不可分割的關係。」我確信經歷了2008年慘痛的金融危機後，沒有人會質疑她的說法。

根據保險業監理處發布的統計數據顯示，香港保險業的總保險費持續增長。2011年總保險費高達2340億港幣，比2010年（2050億港幣）增長近15%。多年以來，保險業佔據香港GDP很大一部分，進而成為香港經濟的重要支柱。

保險業之成功與繁榮，中介人起了決定性的作用。他們為保戶提供建議，幫助其分析保險需要，選擇合適的保險產品並在有需要時解決理賠問題。對被保人而言，保險代理人/經紀人通常是他們的接觸點，因為在多數情況下，保險公司是不會出面的。

保險業很大程度上是依賴客戶與中介人之間的互相信任與長期關係。與購物不同，客戶是沒有實物產品的，無法在購買前檢驗保險的效力。

客戶們常覺得保單條款很難理解，因而只能靠中介人的解說來弄清其中意思，從而做出明智的決定。保險中介人一方面要努力強調保單條款的有利之處，另一方面亦不能忽視該保單對客戶的限制，要盡力提高資訊透明度。

例如，除了付款義務與索賠限制外，客戶還應全面準確地獲知任何可能導致拒賠的因素，如醫療保險中的已存在疾病、等待期等等。埃及近期的遊客事故還告訴我們，投保人應清楚地了解不保事項，例如他們要知道那些危險運動及活動是否在承保範圍內。

在G20國就建議優化金融消費產品的演講中，全球唯一的獨立消費者機構——國際消費者聯會強調，消費者是不應該僅僅被當作“購買鏈中的一個環節”。消費者應當被視為市場中不可缺少的因素。正因為如此，缺少對其權益的保護是問題的核心。在幾年前的金融危機中，正是這個問題帶給金融服務業沉重打擊。

作為消費者保護國際專家顧問小組主席，我將關注即將進行的聯合國消費者權益保護準則的修訂，這一準則於1985年通過聯合國大會決議。一些近期出現的消費者保護議題特別是金融服務方面，須確保在現代消費者保護當局的權力範圍內得以實施以上準則，這是至關重要的。

現今，保險不再只是人們為防止天災人禍而求心安的一種產品，更是金融理財的一個重要工具。現今市場競爭激烈，湧現大量不同品種的保險產品，消費者認為保險中介人能為他們提供專業和中肯的建議，幫助他們尋求適合又負擔得起的險種。

因此，為了能夠更有效地應對不斷提升的期望，獲消費者的信任，保險中介人要不斷提高自己的專業知識。自保險中介人素質保證計劃（IIQAS）引進以來，近幾年保險業界人士的專業水平已有所提高。該計劃包含了保險中介人資格考試及對新入行者的資格監管。持續專業培訓計劃同樣提高了從業者的專業水平，更重要的是，保險中介人的專業操守也大大提升。

在保險產品的營銷中，保險中介人應該區分“幫助消費者挑選產品”和“推銷產品”兩者之間的不同。保險中介人應該真正去了解消費者的需要，去釐定什麼保險產品能夠提供適當的保障範圍。消費者的信任也是在一系列中肯的建議和推薦當中建立起來的。反過來說，如果歪曲事實或者過於咄咄逼人地向消費者推銷並不適合他們的產品，就會適得其反，最後失去了客戶。

自成立至今，香港保險中介人商會積極提升整體會員的專業水平。隨著醫療改革實施在即，政府計劃引進一個在其管制下的自願醫療保險計劃。我相信商會將再接再厲，維持保險中介人的專業水平，堅定業務操守，承擔共同的社會責任。

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前消費者委員會總幹事

（本中文譯本是由香港中文大學電腦輔助翻譯文學碩士生 段芳芳 周怡然 翻譯）



維護投保人利益 中介人有責

保險中介是一門專業的服務性行業。如同醫生講求醫德一樣，必須從病人最好的利益出發，如醫生只將收多少診金為首要，就如將馬車的車放在馬之前——車不能行並會出事。保險中介人與投保人的關係就如醫生與病人的關係一樣，我們必須將保戶的利益放在前頭。縱然現在資訊科技發達，但大部分的投保人對自己在保險的需要，都十分依賴中介人的建議；所以我們對投保人的建議，必須先以他們的利益為依歸，不要只顧我們自己的利益。我知道要去實行這個知易行難的理念是一個考驗，因為人性就是很自然將自己的利益放在首位；但只要我們認清自己的專業責任，謹守專業操守，定必可在各方利益上取得平衡。

現在保險公司不斷改良推出新產品，投保人亦要求更好、更專業的服務，中介人角色就更重要了。中介人在銷售保單時，除了應充分了解保單內容外，對不保事項、自負額、法例修定等亦應審視對投保人的利益有否影響，並不時對投保人的年紀、家庭、行業等角色的改變，對保障有不同需求而提出恰當的建議。

過往，曾有少數業界不良份子，做了害群之馬，用不正當的方法誤導投保人，致令社會各界將保險中介這行業貶低及誤解。因此，中介人不但需要加強學習，裝備自己專業知識，以備能對客戶提供最佳服務，同時要在專業操守方面痛下苦功，好好照顧投保人。期望各同業可以同心協力，提升專業形象，將中介人維護投保人利益的使命做到最好，這樣，對業界以至社會都有莫大裨益。

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先機保險顧問有限公司——行政總裁

香港人壽保險從業員協會前會長

縱橫保險業超過50年，徒子徒孫多為現今香港保險業棟樑，故被尊稱為「保險教父」

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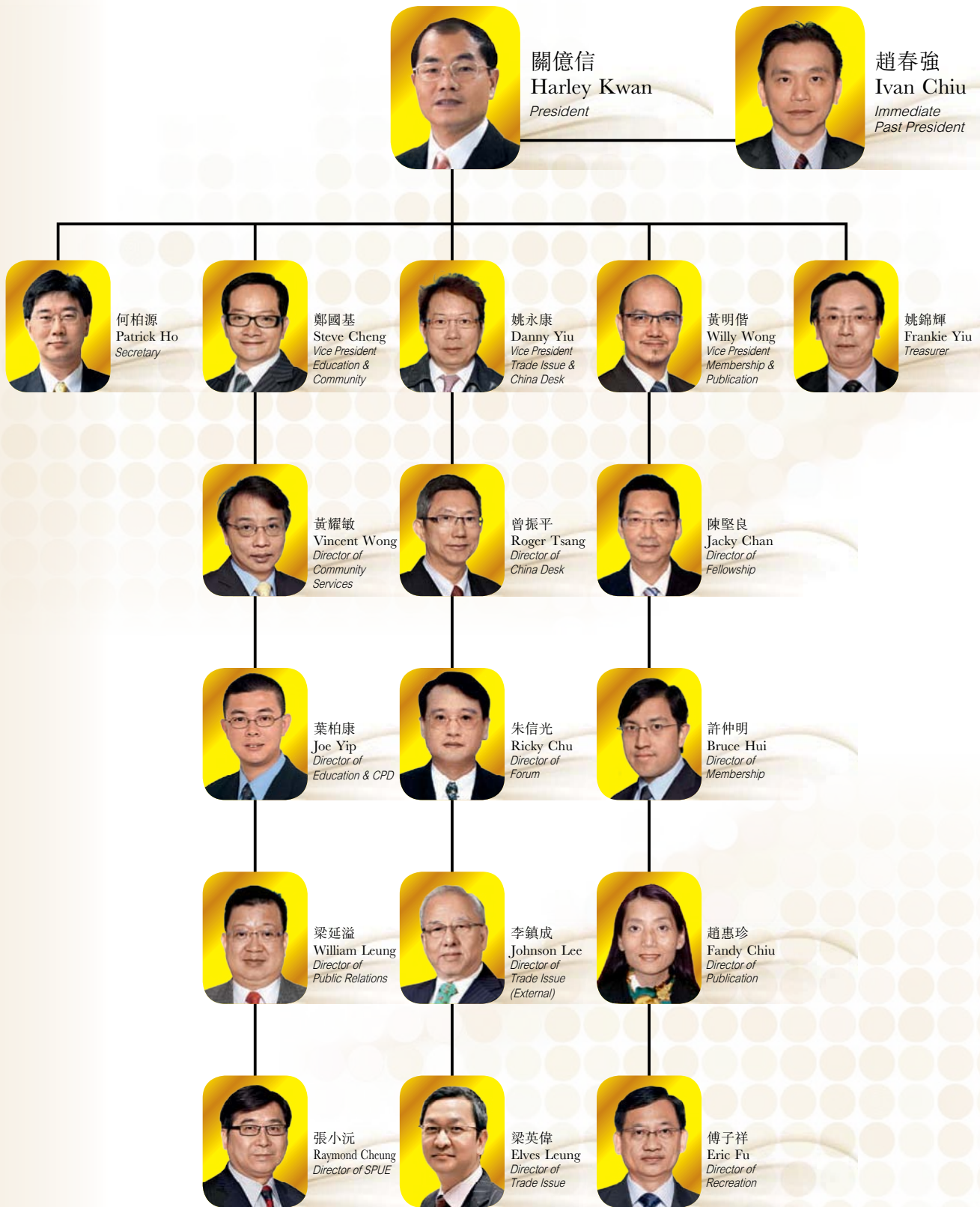


上述提供保險單重點保障範圍以作參考，如需要進一步了解 CyberEdge® 及 PrivateEdge 保障詳情，歡迎致電查詢。

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