

C002E

Amend the Insurance Companies Ordinance.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Insurance Companies (Amendment) Ordinance 2000.

2. Appointment of auditor and actuary

Section 15(1)(b) of the Insurance Companies Ordinance (Cap. 41) is amended by adding after "insurer,"---

"and such appointed actuary shall comply with the prescribed standards or other standards as the Insurance Authority accepts as being comparable to the prescribed standards, "

3. Secrecy

Section 53A is amended---

(a) in subsection (3)---

(i) in paragraph (g), by repealing "or" at the end;

(ii) in paragraph (h), by repealing the full stop and substituting "; or";

(iii) by adding---

"(i) by the Insurance Authority if---

(i) the information is in the form of---

(A) such accounts, statements and information relating to the business of an insurer as have been submitted to the Insurance Authority under section 17(1);

(B) such accounts, statements, reports and information relating to the business of Lloyd's as have been submitted to the Insurance Authority under section 50C(1)(a), (b), (c) and (d); or

(C) such accounts, statements and other statistical and financial information relating to the long term business carried on in Hong Kong by an insurer or Lloyd's (as the case may be), as have been provided by the insurer or Lloyd's to the Insurance Authority on a voluntary basis; and

(ii) in the opinion of the Insurance Authority, it is desirable that the information should be so disclosed in the interests of existing or potential policy holders or in the public interest. ";

(b) by adding---

"(3E) The Insurance Authority shall not disclose any information under this section relating to the affairs of any individual policy holder of an insurer.".

4. Accounts and Statements

Paragraph 5(1)(e) of Part 1 to the Third Schedule is amended by repealing "standards, if any, prescribed under section 59(2)(aa)" and substituting "prescribed standards or other standards as the Insurance Authority accepts as being comparable to the prescribed standards under section 15(1)(b)".

Explanatory Memorandum

The purpose of this Bill is to amend the Insurance Companies Ordinance (Cap. 41)---

- (a) to require the appointed actuary to comply with the prescribed standards or other standards as the Insurance Authority accepts as being comparable to the prescribed standards (clause 2);
- (b) to enable the Insurance Authority to disclose information as to financial and statistical matters submitted to him by individual insurers and by Lloyd's, the society of underwriters known in the United Kingdom as Lloyd's, the disclosure of which to any person might otherwise be prohibited by virtue of section 53A (secrecy) of the Ordinance (clause 3);
- (c) to make consequential amendment to the Third Schedule so as to achieve consistency with the requirement under section 15(1)(b) of the Ordinance (clause 4).