## 《2015年保险公司 (修訂) 條例》

### 目錄

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>第 1 部</strong></td>
<td></td>
</tr>
<tr>
<td>導言</td>
<td></td>
</tr>
<tr>
<td>1. 簡稱及生效日期</td>
<td>A956</td>
</tr>
<tr>
<td>2. 修訂成文法則</td>
<td>A958</td>
</tr>
<tr>
<td><strong>第 2 部</strong></td>
<td></td>
</tr>
<tr>
<td>修訂《保險公司條例》 (第 41 章)</td>
<td></td>
</tr>
<tr>
<td>3. 取代詳情</td>
<td>A960</td>
</tr>
<tr>
<td>4. 修訂第1條 (簡稱)</td>
<td>A960</td>
</tr>
<tr>
<td>5. 修訂第2條 (釋義)</td>
<td>A960</td>
</tr>
<tr>
<td>6. 修訂第3條 (保險業務的類別)</td>
<td>A974</td>
</tr>
<tr>
<td>7. 加入第3A條</td>
<td>A976</td>
</tr>
<tr>
<td>3A. 受規管活動、關鍵決定及受規管意見</td>
<td>A976</td>
</tr>
<tr>
<td>8. 加入第IA部標題及第1分部標題</td>
<td>A976</td>
</tr>
<tr>
<td><strong>第 IA 部</strong></td>
<td></td>
</tr>
<tr>
<td>保险業監管局</td>
<td></td>
</tr>
<tr>
<td>第 1 分部 —— 設立及職能等</td>
<td></td>
</tr>
<tr>
<td>9. 加入第4AAA條</td>
<td>A976</td>
</tr>
<tr>
<td>4AAA. 設立保監局</td>
<td>A978</td>
</tr>
</tbody>
</table>

---

## Insurance Companies (Amendment) Ordinance 2015

### Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1</strong></td>
<td></td>
</tr>
<tr>
<td>Preliminary</td>
<td></td>
</tr>
<tr>
<td>1. Short title and commencement</td>
<td>A957</td>
</tr>
<tr>
<td>2. Enactments amended</td>
<td>A959</td>
</tr>
<tr>
<td><strong>Part 2</strong></td>
<td></td>
</tr>
<tr>
<td>Amendments to Insurance Companies Ordinance (Cap. 41)</td>
<td></td>
</tr>
<tr>
<td>3. Long title substituted</td>
<td>A961</td>
</tr>
<tr>
<td>4. Section 1 amended (short title)</td>
<td>A961</td>
</tr>
<tr>
<td>5. Section 2 amended (interpretation)</td>
<td>A961</td>
</tr>
<tr>
<td>6. Section 3 amended (classes of insurance business)</td>
<td>A975</td>
</tr>
<tr>
<td>7. Section 3A added</td>
<td>A977</td>
</tr>
<tr>
<td>3A. Regulated activity, material decision and regulated advice</td>
<td>A977</td>
</tr>
<tr>
<td>8. Part IA heading and Division 1 heading added</td>
<td>A977</td>
</tr>
<tr>
<td><strong>Part IA</strong></td>
<td></td>
</tr>
<tr>
<td>Insurance Authority</td>
<td></td>
</tr>
<tr>
<td>Division 1—Establishment and Functions, etc.</td>
<td></td>
</tr>
<tr>
<td>9. Section 4AAA added</td>
<td>A977</td>
</tr>
<tr>
<td>4AAA. Establishment of Authority</td>
<td>A979</td>
</tr>
</tbody>
</table>
### Insurance Companies (Amendment) Ordinance 2015

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Section 4 amended (Insurance Authority)</td>
<td>A981</td>
</tr>
<tr>
<td>11. Section 4AA added</td>
<td>A981</td>
</tr>
<tr>
<td>4AA. Composition of Authority</td>
<td>A981</td>
</tr>
<tr>
<td>12. Section 4A amended (functions of Insurance Authority)</td>
<td>A983</td>
</tr>
<tr>
<td>13. Sections 4B to 4H added</td>
<td>A987</td>
</tr>
<tr>
<td>4B. Powers of Authority</td>
<td>A987</td>
</tr>
<tr>
<td>4C. Industry advisory committees</td>
<td>A989</td>
</tr>
<tr>
<td>4D. Authority may establish other committees</td>
<td>A989</td>
</tr>
<tr>
<td>4E. Staff and consultants of Authority</td>
<td>A991</td>
</tr>
<tr>
<td>4F. Delegation of Authority’s functions to its members, committees and employees</td>
<td>A993</td>
</tr>
<tr>
<td>4G. Delegation of certain powers of Authority to Monetary Authority</td>
<td>A995</td>
</tr>
<tr>
<td>4H. Authority to furnish information</td>
<td>A999</td>
</tr>
<tr>
<td>14. Section 5 repealed (register of insurers)</td>
<td>A1001</td>
</tr>
<tr>
<td>15. Part IA, Division 2 added</td>
<td>A1001</td>
</tr>
</tbody>
</table>

### Division 2—Accounting and Financial Arrangements

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5A. Interpretation of Part IA, Division 2</td>
<td>A1001</td>
</tr>
<tr>
<td>5B. Corporate plan and annual estimates</td>
<td>A1001</td>
</tr>
<tr>
<td>5C. Appropriation</td>
<td>A1003</td>
</tr>
<tr>
<td>5D. Accounts and annual report</td>
<td>A1003</td>
</tr>
<tr>
<td>5E. Auditors</td>
<td>A1005</td>
</tr>
</tbody>
</table>
Insurance Companies (Amendment) Ordinance 2015

Section 5F. Financial statements to be audited ........................................... A1006

Section 5G. Tax exemption .......................................................................... A1006

Section 5H. Register of authorized insurers ............................................... A1008

Section 7 amended (application for authorization to carry on insurance business) ........................................... A1010

Section 8 amended (authorization) ........................................................... A1012

Section 9 amended (meaning of controller in section 8(2)) ......................... A1014

Section 10 amended (meaning of relevant account in section 8(3)) .............. A1016

Section 11 amended (appeal against refusal of authorization under section 8(2)) ........................................... A1018

Section 12 amended (conditions imposed under section 8 may be revoked) ......................................................... A1020

Section 13 amended (fee payable upon authorization and annually thereafter) .......................................................... A1022

Section 13A substituted ............................................................................. A1024

Section 13A. Approval of certain controllers of authorized insurers .......... A1026

Section 13AB added .................................................................................. A1028

Section 13AB. Restrictions on acting as controllers of authorized insurers in contravention of section 13A .................. A1030
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>26. Sections 13AC to 13AH added</td>
<td>A1031</td>
</tr>
<tr>
<td>13AC. Approval of directors of certain authorized insurers</td>
<td>A1033</td>
</tr>
<tr>
<td>13AD. Restrictions on acting as directors of authorized insurers in contravention of section 13AC</td>
<td>A1037</td>
</tr>
<tr>
<td>13AE. Approval of key persons in control functions of certain authorized insurers</td>
<td>A1037</td>
</tr>
<tr>
<td>13AF. Authority may impose conditions on granting approval under sections 13A, 13AC and 13AE</td>
<td>A1047</td>
</tr>
<tr>
<td>13AG. Procedural requirements for rejecting application, or imposing or amending conditions</td>
<td>A1049</td>
</tr>
<tr>
<td>13AH. Offence to provide false information in connection with application for approval</td>
<td>A1051</td>
</tr>
<tr>
<td>27. Section 13B amended (approval of persons proposing to become certain controllers of authorized insurer)</td>
<td>A1053</td>
</tr>
<tr>
<td>28. Section 13C amended (restrictions on and sale of shares where there has been a contravention of section 13B(2))</td>
<td>A1055</td>
</tr>
<tr>
<td>29. Section 13D amended (punishment for attempted evasion of restrictions)</td>
<td>A1059</td>
</tr>
<tr>
<td>30. Section 14 amended (notification of change in particulars, and objection to appointment of new director or controller)</td>
<td>A1059</td>
</tr>
<tr>
<td>31. Section 14A added</td>
<td>A1065</td>
</tr>
<tr>
<td>14A. Determination of fit and proper</td>
<td>A1065</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>32. Section 15 amended (appointment of auditor and actuary)</td>
<td>A1067</td>
</tr>
<tr>
<td>33. Sections 15AA, 15AAB and 15AAC added</td>
<td>A1073</td>
</tr>
<tr>
<td>15AA. Authority may impose conditions on granting approval under section 15</td>
<td>A1073</td>
</tr>
<tr>
<td>15AAB. Procedural requirements for rejecting application under section 15, or imposing or amending conditions under section 15AA</td>
<td>A1074</td>
</tr>
<tr>
<td>15AAC. Offence to provide false information in connection with application for approval under section 15</td>
<td>A1075</td>
</tr>
<tr>
<td>34. Section 15A amended (notification in respect of auditors appointed under section 15)</td>
<td>A1077</td>
</tr>
<tr>
<td>35. Section 15B amended (notification in respect of actuaries appointed under section 15)</td>
<td>A1079</td>
</tr>
<tr>
<td>36. Section 16 amended (keeping and preserving of proper books of account)</td>
<td>A1083</td>
</tr>
<tr>
<td>37. Section 17 amended (submission of financial information)</td>
<td>A1085</td>
</tr>
<tr>
<td>38. Section 18 amended (periodic actuarial investigation of insurer with long term business)</td>
<td>A1087</td>
</tr>
<tr>
<td>39. Section 20 amended (deposit of accounts etc. with Insurance Authority)</td>
<td>A1091</td>
</tr>
<tr>
<td>40. Section 21 amended (documents to be deposited with Registrar of Companies)</td>
<td>A1093</td>
</tr>
<tr>
<td>41. Section 22 amended (separation of assets and liabilities attributable to long term business)</td>
<td>A1095</td>
</tr>
<tr>
<td>Section</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>42.</td>
<td>Section 22A amended (foreign insurers may be authorized to maintain accounts in relation to their Hong Kong business)</td>
</tr>
<tr>
<td>43.</td>
<td>Section 23 amended (application of assets of insurer with long term business)</td>
</tr>
<tr>
<td>44.</td>
<td>Section 25A amended (maintenance of assets in Hong Kong—general business)</td>
</tr>
<tr>
<td>45.</td>
<td>Section 25B amended (direction by Insurance Authority to re-determine liabilities)</td>
</tr>
<tr>
<td>46.</td>
<td>Section 26 amended (grounds on which powers are exercisable)</td>
</tr>
<tr>
<td>47.</td>
<td>Section 34 amended (power to obtain information and require production of documents)</td>
</tr>
<tr>
<td>48.</td>
<td>Section 35AA amended (maintenance of excess of assets over liabilities etc.)</td>
</tr>
<tr>
<td>49.</td>
<td>Section 35B amended (accounts)</td>
</tr>
<tr>
<td>50.</td>
<td>Section 36 amended (notice of proposed exercise of power under section 27)</td>
</tr>
<tr>
<td>51.</td>
<td>Section 37 amended (notice of proposed exercise of powers on ground of unfitness)</td>
</tr>
<tr>
<td>52.</td>
<td>Section 38A amended (effect of direction given under section 35(2)(b))</td>
</tr>
<tr>
<td>53.</td>
<td>Section 38B amended (powers of Manager)</td>
</tr>
<tr>
<td>54.</td>
<td>Section 38D amended (duration of direction given under section 35(2))</td>
</tr>
</tbody>
</table>
### Section 38E amended (Advisors and Managers)

55. Section 38E amended (Advisors and Managers) .............................................. A1130

### Section 40 amended (withdrawal of authorization)

56. Section 40 amended (withdrawal of authorization) ........................................ A1131

### Section 41 amended (offences under Part V)

57. Section 41 amended (offences under Part V) ................................................. A1132

### Part VA added

58. Part VA added ................................................................................................. A1132

---

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>55.</td>
<td>A1130</td>
</tr>
<tr>
<td>56.</td>
<td>A1131</td>
</tr>
<tr>
<td>57.</td>
<td>A1132</td>
</tr>
<tr>
<td>58.</td>
<td>A1132</td>
</tr>
</tbody>
</table>

---

**Part VA**

**Further Regulatory Powers on Insurers**

**Division 1—Preliminary**

41A. Interpretation .............................................................. A1134

**Division 2—Inspection and Investigation without Warrant**

41B. Power to conduct inspection ................................................. A1135

41C. Inspector may require answer, etc. to be verified by statutory declaration ................................ A1139

41D. Power to conduct investigation ............................................. A1141

41E. Investigator may require explanation, etc. to be verified by statutory declaration ................. A1145

41F. Application to Court of First Instance for inquiry into failure ........................................ A1145

41G. Offences in relation to inspections and investigations ........................................... A1147

41H. Use of incriminating evidence in proceedings ...... A1153

41I. Offences in relation to destruction of records and documents ....................................... A1153

41J. Order to pay costs of investigation ........................................... A1155
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>41K. Magistrate’s warrants to enter premises, etc.</td>
<td>A1157</td>
</tr>
<tr>
<td>41L. Removal of records and documents under section 41K</td>
<td>A1161</td>
</tr>
<tr>
<td>41M. Lien claimed on records or documents</td>
<td>A1163</td>
</tr>
<tr>
<td>41N. Production of information in information systems, etc.</td>
<td>A1163</td>
</tr>
<tr>
<td>41O. Inspection of records or documents seized, etc.</td>
<td>A1165</td>
</tr>
<tr>
<td>41P. Disciplinary actions in respect of authorized insurers</td>
<td>A1165</td>
</tr>
<tr>
<td>41Q. Procedural requirements in respect of exercise of powers under section 41P</td>
<td>A1169</td>
</tr>
<tr>
<td>41R. Guidelines for exercise of power to impose pecuniary penalty under section 41P</td>
<td>A1171</td>
</tr>
<tr>
<td>41S. General provisions relating to exercise of disciplinary powers</td>
<td>A1173</td>
</tr>
<tr>
<td>41T. Order for payment of pecuniary penalty</td>
<td>A1173</td>
</tr>
<tr>
<td>41U. Effect of suspension under section 41P</td>
<td>A1175</td>
</tr>
<tr>
<td>41V. Revocation or suspension does not avoid or affect agreement, etc.</td>
<td>A1175</td>
</tr>
<tr>
<td>41W. Requirement to transfer records on revocation or suspension</td>
<td>A1177</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>59. Section 49B amended (notice of commencement of liquidation, etc. and of appointment of liquidator, etc.)</td>
<td>A1176</td>
</tr>
<tr>
<td>60. Section 50A amended (requirement on solvency margin)</td>
<td>A1178</td>
</tr>
<tr>
<td>61. Section 50B amended (fit and proper management)</td>
<td>A1179</td>
</tr>
<tr>
<td>62. Section 50C amended (reporting requirements)</td>
<td>A1181</td>
</tr>
<tr>
<td>63. Section 50D amended (local assets)</td>
<td>A1183</td>
</tr>
<tr>
<td>64. Section 50E substituted</td>
<td>A1183</td>
</tr>
<tr>
<td>50E. Part X applies to Lloyd's</td>
<td>A1183</td>
</tr>
<tr>
<td>65. Sections 50G and 50H added</td>
<td>A1183</td>
</tr>
<tr>
<td>50G. Further regulatory powers</td>
<td>A1185</td>
</tr>
<tr>
<td>50H. Part XIII applies to Lloyd's etc.</td>
<td>A1185</td>
</tr>
<tr>
<td>66. Section 51 amended (exempted persons)</td>
<td>A1187</td>
</tr>
<tr>
<td>67. Section 53A amended (secrecy)</td>
<td>A1187</td>
</tr>
<tr>
<td>68. Section 53B amended (disclosure of information)</td>
<td>A1203</td>
</tr>
<tr>
<td>69. Section 53C amended (examination by external authorities)</td>
<td>A1203</td>
</tr>
<tr>
<td>70. Section 53D amended (communication by prescribed person with Insurance Authority)</td>
<td>A1207</td>
</tr>
<tr>
<td>71. Section 53E amended (prescribed person to send report directly to Insurance Authority in certain cases)</td>
<td>A1207</td>
</tr>
<tr>
<td>72. Section 53F added</td>
<td>A1211</td>
</tr>
</tbody>
</table>

53F. Prescribed person to send report directly to Authority in certain cases relating to licensed insurance broker companies, etc. A1211
73. Part IX repealed (supplementary and transitional) ............ A1215
74. Part X, Divisions 1 to 4, and Division 5 heading added ...... A1215

Division 1—Preliminary

64F. Interpretation of Part X ........................................ A1215

Division 2—Restrictions

64G. Restrictions on carrying on regulated activities .... A1219
64H. Application of section 64G in relation to marketing insurance services outside Hong Kong.. A1224
64I. Restrictions in relation to number of authorized insurers of each licensed insurance agency, etc. .... A1224
64J. Restrictions in relation to personnel of licensed insurance agencies ........................................ A1224
64K. Restrictions in relation to personnel of licensed insurance broker companies ............................. A1224
64L. Restrictions in relation to licensed technical representatives (agent) ....................................... A1224
64M. Restrictions in relation to licensed technical representatives (broker) ..................................... A1224
64N. Contracts of insurance made through persons other than licensed intermediaries, etc. .... A1224

Division 3—Licensing

Subdivision 1—Register and Maintenance of Register

64O. Register of licensed insurance intermediaries .... A1232
### Section Page

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>64P.</td>
<td>向保監局具報詳情改変責任</td>
</tr>
<tr>
<td>64Q.</td>
<td>向保監局具報委任責任</td>
</tr>
<tr>
<td>64R.</td>
<td>向保監局具報终止委任責任</td>
</tr>
<tr>
<td>64S.</td>
<td>更改業務系列的申請</td>
</tr>
<tr>
<td>64T.</td>
<td>持牌保險經紀公司有責任向保監局具報停止受規管活動</td>
</tr>
</tbody>
</table>

### 第2次分部——首次申請

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>64U.</td>
<td>發牌——保障代理機構</td>
</tr>
<tr>
<td>64V.</td>
<td>保障代理機構牌照的有效期</td>
</tr>
<tr>
<td>64W.</td>
<td>發牌——個人保障代理</td>
</tr>
<tr>
<td>64X.</td>
<td>個人保障代理牌照的有效期</td>
</tr>
<tr>
<td>64Y.</td>
<td>發牌——業務代表（代理人）</td>
</tr>
<tr>
<td>64Z.</td>
<td>業務代表（代理人）牌照的有效期</td>
</tr>
<tr>
<td>64ZA.</td>
<td>發牌——保險經紀公司</td>
</tr>
<tr>
<td>64ZB.</td>
<td>保障經紀公司牌照的有效期</td>
</tr>
<tr>
<td>64ZC.</td>
<td>發牌——業務代表（經紀）</td>
</tr>
<tr>
<td>64ZD.</td>
<td>業務代表（經紀）牌照的有效期</td>
</tr>
</tbody>
</table>

### Subdivision 2—First Application

<table>
<thead>
<tr>
<th>條次</th>
<th>頁次</th>
</tr>
</thead>
<tbody>
<tr>
<td>64U.</td>
<td>Grant of licence—insurance agency</td>
</tr>
<tr>
<td>64V.</td>
<td>Validity of insurance agency licence</td>
</tr>
<tr>
<td>64W.</td>
<td>Grant of licence—individual insurance agent</td>
</tr>
<tr>
<td>64X.</td>
<td>Validity of individual insurance agent licence</td>
</tr>
<tr>
<td>64Y.</td>
<td>Grant of licence—technical representative (agent)</td>
</tr>
<tr>
<td>64Z.</td>
<td>Validity of technical representative (agent) licence</td>
</tr>
<tr>
<td>64ZA.</td>
<td>Grant of licence—insurance broker company</td>
</tr>
<tr>
<td>64ZB.</td>
<td>Validity of insurance broker company licence</td>
</tr>
<tr>
<td>64ZC.</td>
<td>Grant of licence—technical representative (broker)</td>
</tr>
<tr>
<td>64ZD.</td>
<td>Validity of technical representative (broker) licence</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>64ZE.</td>
<td>Approval of responsible officers of licensed insurance agencies</td>
</tr>
<tr>
<td>64ZF.</td>
<td>Approval of responsible officers of licensed insurance broker companies</td>
</tr>
<tr>
<td>64ZG.</td>
<td>Authority may impose conditions on granting licence or approval</td>
</tr>
<tr>
<td>64ZH.</td>
<td>Licensed insurance agency no longer appointed by authorized insurer</td>
</tr>
<tr>
<td>64ZI.</td>
<td>Licensed individual insurance agent no longer appointed by authorized insurer</td>
</tr>
<tr>
<td>64ZJ.</td>
<td>Revocation and suspension of technical representative (agent) licence</td>
</tr>
<tr>
<td>64ZK.</td>
<td>Revocation and suspension of technical representative (broker) licence</td>
</tr>
<tr>
<td>64ZL.</td>
<td>Revocation of approval of responsible officer of licensed insurance agency</td>
</tr>
<tr>
<td>64ZM.</td>
<td>Revocation of approval of responsible officer of licensed insurance broker company</td>
</tr>
<tr>
<td>64ZN.</td>
<td>Licensed insurance agencies without responsible officers</td>
</tr>
<tr>
<td>64ZO.</td>
<td>Licensed insurance broker companies without responsible officers</td>
</tr>
</tbody>
</table>
Insurance Companies (Amendment) Ordinance 2015

Section Page
64ZP. Licence revoked on death, dissolution, etc. of licensee ................................. A1291
64ZQ. Licence revoked or suspended on licensed insurance intermediary's request ........ A1293
64ZR. Effect of suspension under this Subdivision .............................. A1293
64ZS. Revocation or suspension of licence does not avoid or affect agreement, etc. A1293
64ZT. Requirement to transfer records on revocation or suspension of licence ........ A1295
64ZU. Permission to carry on business operations on revocation or suspension of licence A1295

Subdivision 4—Renewal

64ZV. Renewal of licences .................................................... A1297
64ZW. Amendment, revocation and imposition of conditions on renewal of licences .......... A1305
64ZX. Validity of licences for which applications have been made under section 64ZV A1307
64ZY. Validity of licences renewed under section 64ZV ........................ A1307

Subdivision 5—Supplementary Provisions

64ZZ. Applicants to provide information ............................. A1307
64ZZA. Determination of fit and proper ............................ A1309
64ZZB. Procedural requirements for rejecting application, or imposing or amending conditions A1311
64ZZC. Form of licence ........................................... A1317
Insurance Companies (Amendment) Ordinance 2015

Section 64ZZD. Duty to notify Authority of change in partners, directors or controllers ........................................ A1320

Section 64ZZE. Offence to provide false information in connection with application for licence or approval .......................................................... A1322

Division 4—Inspection and Investigation

Subdivision 1—Inspection and Investigation without Warrant

64ZZF. Power to conduct inspection ........................................ A1324

64ZZG. Inspector may require answer, etc. to be verified by statutory declaration ........................................... A1328

64ZZH. Power to conduct investigation ........................................ A1328

64ZZI. Investigator may require explanation, etc. to be verified by statutory declaration ........................................ A1333

64ZZJ. Inspection and investigation powers in relation to authorized institutions ........................................ A1336

64ZZK. Application to Court of First Instance for inquiry into failure .......................................................... A1338

64ZZL. Offences in relation to inspections and investigations .......................................................... A1340

64ZZM. Use of incriminating evidence in proceedings .... A1344

64ZZN. Offences in relation to destruction of records and documents .......................................................... A1346

64ZZO. Order to pay costs of investigation ................................ A1348
Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

Subdivision 2—Magistrate's Warrants

64ZZP. Magistrate's warrants to enter premises, etc. .......... A1349
64ZZQ. Removal of records and documents under section 64ZZP .................................................... A1355

Subdivision 3—Miscellaneous

64ZZR. Lien claimed on records or documents .......... A1355
64ZZS. Production of information in information systems, etc. .......................................................... A1357
64ZZT. Inspection of records or documents seized, etc. .... A1357

Division 5—Miscellaneous

75. Sections 65, 66 and 67 repealed ........................................... A1359
76. Section 68 amended (insurance agent’s relationship with insurer) ................................................ A1359
77. Section 68A added ................................................................. A1365
68A. Validity of agency agreements ........................................ A1365
78. Sections 69 and 70 repealed ................................................. A1365
79. Section 71 substituted .......................................................... A1365
71. Licensed insurance broker company’s client monies ................................................................. A1367
80. Section 72 amended (appointment of auditor) ................ A1369
81. Section 73 substituted .......................................................... A1371
73. Audit of licensed insurance broker company .......... A1371
<table>
<thead>
<tr>
<th>項目</th>
<th>章節</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>82.</td>
<td>修訂第 74 條 ( 保險業監督有權規定交出文件等 )</td>
<td>A1374</td>
</tr>
<tr>
<td>83.</td>
<td>廢除第 75 條 ( 授權或認可的撤回 )</td>
<td>A1376</td>
</tr>
<tr>
<td>84.</td>
<td>取代第 76 條</td>
<td>A1376</td>
</tr>
<tr>
<td>76.</td>
<td>保監局可提出將持牌保險中介人清盤或破產的呈請</td>
<td>A1378</td>
</tr>
<tr>
<td>85.</td>
<td>廢除第 77 條 ( 罪行 )</td>
<td>A1378</td>
</tr>
<tr>
<td>86.</td>
<td>修訂第 78 條 ( 豁免 )</td>
<td>A1380</td>
</tr>
<tr>
<td>87.</td>
<td>加入第 79 條</td>
<td>A1382</td>
</tr>
<tr>
<td>79.</td>
<td>保監局批予豁免的權力</td>
<td>A1382</td>
</tr>
<tr>
<td>88.</td>
<td>加入第 XI 至 XIV 部</td>
<td>A1384</td>
</tr>
</tbody>
</table>

第 XI 部
關於持牌保險中介人及某些人員的紀律行動及操守規定

第 1 分部——導言

<table>
<thead>
<tr>
<th>項目</th>
<th>章節</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>80.</td>
<td>釋義</td>
<td>A1386</td>
</tr>
</tbody>
</table>

第 2 分部——保監局的權力

<table>
<thead>
<tr>
<th>項目</th>
<th>章節</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>81.</td>
<td>就受規管人士採取紀律行動</td>
<td>A1390</td>
</tr>
<tr>
<td>82.</td>
<td>根據第 81 條行使權力的程序規定</td>
<td>A1398</td>
</tr>
<tr>
<td>83.</td>
<td>關於根據第 81 條行使處罰款的權力的指引</td>
<td>A1402</td>
</tr>
</tbody>
</table>

Part XI
Disciplinary Actions and Conduct Requirements for Licensed Insurance Intermediaries and Certain Officers

Division 1—Preliminary

<table>
<thead>
<tr>
<th>項目</th>
<th>章節</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>80.</td>
<td>Interpretation</td>
<td>A1387</td>
</tr>
</tbody>
</table>

Division 2—Powers of Authority

<table>
<thead>
<tr>
<th>項目</th>
<th>章節</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>81.</td>
<td>Disciplinary action in respect of regulated persons</td>
<td>A1391</td>
</tr>
<tr>
<td>82.</td>
<td>Procedural requirements in respect of exercise of powers under section 81</td>
<td>A1399</td>
</tr>
<tr>
<td>83.</td>
<td>Guidelines for exercise of power to impose pecuniary penalty under section 81</td>
<td>A1403</td>
</tr>
</tbody>
</table>
### Section 84. General provisions relating to exercise of disciplinary powers

Ord. No. 12 of 2015

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>84.</td>
<td>A1402</td>
</tr>
<tr>
<td>85.</td>
<td>A1404</td>
</tr>
</tbody>
</table>

#### Division 3—Consequences of Revocation or Suspension under Division 2

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>86.</td>
<td>A1406</td>
</tr>
<tr>
<td>87.</td>
<td>A1408</td>
</tr>
<tr>
<td>88.</td>
<td>A1408</td>
</tr>
<tr>
<td>89.</td>
<td>A1408</td>
</tr>
</tbody>
</table>

#### Division 4—Conduct Requirements, etc.

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>90.</td>
<td>A1410</td>
</tr>
<tr>
<td>91.</td>
<td>A1412</td>
</tr>
<tr>
<td>92.</td>
<td>A1414</td>
</tr>
<tr>
<td>93.</td>
<td>A1416</td>
</tr>
<tr>
<td>94.</td>
<td>A1418</td>
</tr>
<tr>
<td>95.</td>
<td>A1420</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>96.</td>
<td>A1411</td>
</tr>
<tr>
<td>97.</td>
<td>A1413</td>
</tr>
<tr>
<td>98.</td>
<td>A1415</td>
</tr>
<tr>
<td>99.</td>
<td>A1417</td>
</tr>
<tr>
<td>100.</td>
<td>A1419</td>
</tr>
<tr>
<td>101.</td>
<td>A1421</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>96. Interpretation</td>
<td>A1425</td>
</tr>
<tr>
<td>97. Establishment of Tribunal</td>
<td>A1427</td>
</tr>
<tr>
<td>98. Composition of Tribunal</td>
<td>A1427</td>
</tr>
<tr>
<td>99. Schedule 10 has effect in relation to Tribunal</td>
<td>A1429</td>
</tr>
<tr>
<td>100. Applications for review of specified decisions</td>
<td>A1429</td>
</tr>
<tr>
<td>101. Determination of review by Tribunal</td>
<td>A1431</td>
</tr>
<tr>
<td>102. Powers of Tribunal</td>
<td>A1433</td>
</tr>
<tr>
<td>103. Use of incriminating evidence given for the purpose of review</td>
<td>A1437</td>
</tr>
<tr>
<td>104. Contempt dealt with by Tribunal</td>
<td>A1439</td>
</tr>
<tr>
<td>105. Privileged information</td>
<td>A1441</td>
</tr>
<tr>
<td>106. Costs</td>
<td>A1441</td>
</tr>
<tr>
<td>107. Notification of Tribunal determinations</td>
<td>A1443</td>
</tr>
<tr>
<td>108. Form and proof of orders of Tribunal</td>
<td>A1445</td>
</tr>
<tr>
<td>109. Orders of Tribunal may be registered in Court of First Instance</td>
<td>A1445</td>
</tr>
<tr>
<td>110. Application for stay of execution of specified decisions</td>
<td>A1445</td>
</tr>
<tr>
<td>111. Applications for stay of execution of determinations of Tribunal</td>
<td>A1447</td>
</tr>
<tr>
<td>112. Appeal to Court of Appeal</td>
<td>A1447</td>
</tr>
</tbody>
</table>
Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

113. Powers of Court of Appeal ............................................. A1449
114. No stay of execution of Tribunal’s determination on appeal ......................................................... A1451
115. No other right of appeal ............................................. A1451
116. Time when specified decisions take effect .......... A1451
117. Power of Chief Justice to make rules ................. A1453

Part XIII
Miscellaneous

Division 1—Immunity

118. Immunity ................................................................. A1455

Division 2—Other Offences and Supplementary Provisions on Offences

Subdivision 1—Other Offences

119. Misleading statements, etc. and false information .......................................................... A1457
120. Restriction on use of certain terms and representations associated with insurance business .................................. A1459
121. Person not to disclose information obtained in the course of inspection, investigation or disciplinary action .................................. A1461
122. Notification of cessation of place of business in Hong Kong .................................................... A1465
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>123. Exceptions to sections 64G and 120</td>
<td>A1466</td>
</tr>
<tr>
<td>124. Offences by bodies corporate and partners</td>
<td>A1472</td>
</tr>
<tr>
<td>125. Time limit for proceedings for offences</td>
<td>A1476</td>
</tr>
<tr>
<td>126. Prosecution of offences by Authority</td>
<td>A1477</td>
</tr>
<tr>
<td>127. Service of notices, etc.</td>
<td>A1479</td>
</tr>
<tr>
<td>128. Chief Executive in Council may make regulations</td>
<td>A1482</td>
</tr>
<tr>
<td>129. Authority may make rules</td>
<td>A1487</td>
</tr>
<tr>
<td>130. Relaxation of rules under section 129(1)(a)</td>
<td>A1492</td>
</tr>
<tr>
<td>131. Rules may limit effect of Ordinance</td>
<td>A1493</td>
</tr>
<tr>
<td>132. Authority must publish draft rules</td>
<td>A1495</td>
</tr>
<tr>
<td>133. Codes or guidelines on functions of Authority, etc.</td>
<td>A1496</td>
</tr>
<tr>
<td>134. Orders and regulations for levies</td>
<td>A1499</td>
</tr>
<tr>
<td>135. Reduction of levies</td>
<td>A1503</td>
</tr>
<tr>
<td>136. Procedural requirements for publishing notices under sections 13AE(14) and 123(7)</td>
<td>A1504</td>
</tr>
<tr>
<td>137. Authority may specify forms</td>
<td>A1505</td>
</tr>
<tr>
<td>138. Amendment of Schedules</td>
<td>A1508</td>
</tr>
</tbody>
</table>
### Part XIV

**Savings and Transitional Arrangements**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>139.</td>
<td>A1508</td>
</tr>
<tr>
<td>89.</td>
<td>A1510</td>
</tr>
<tr>
<td>90.</td>
<td>A1510</td>
</tr>
<tr>
<td>91.</td>
<td>A1538</td>
</tr>
<tr>
<td>92.</td>
<td>A1544</td>
</tr>
<tr>
<td>93.</td>
<td>A1552</td>
</tr>
<tr>
<td>94.</td>
<td>A1558</td>
</tr>
<tr>
<td>95.</td>
<td>A1560</td>
</tr>
<tr>
<td>96.</td>
<td>A1562</td>
</tr>
</tbody>
</table>

---

139. Savings and transitional arrangements for Insurance Companies (Amendment) Ordinance 2015

---

89. First Schedule amended (classes of insurance business) .......................... A1511

90. Schedules 1A to 1D added ........................................................................ A1511

Schedule 1A  Regulated Activity, Material Decision and Regulated Advice

Schedule 1B  Constitution and Proceedings of Authority, etc. .......................... A1515

Schedule 1C  Constitution and Proceedings of Industry Advisory Committees .......................... A1533

Schedule 1D  Non-delegable Functions of Authority .......................... A1537

91. Second Schedule amended (directors and controllers) .......................... A1539

92. Third Schedule amended (accounts and statements) .......................... A1545

93. Fourth Schedule amended (proposed appointment of controller within the meaning of section 13A(1) or authorized representative under section 50B) .......................... A1553

94. Fifth Schedule amended (person proposing to become controller within the meaning of section 13B(1)) .......................... A1559

95. Sixth Schedule amended (person who has become controller of insurer in contravention of section 13B(2)) .......................... A1561

96. Seventh Schedule amended (powers of Manager of insurer) .......................... A1563
Insurance Companies (Amendment) Ordinance 2015

Section Page

97. Eighth Schedule amended (assets which qualify as assets in Hong Kong) ........................................... A1565

98. Schedules 9, 10 and 11 added .................................................. A1565

Schedule 9 Specified Decisions ............................................ A1567

Schedule 10 Appointment of Members and Proceedings of Tribunal, etc. ............................................. A1581

Schedule 11 Savings and Transitional Arrangements for Insurance Companies (Amendment) Ordinance 2015 ............................................. A1599

Part 3

Related and Consequential Amendments

Division 1—Amendment to Specification of Public Offices Notice (Cap. 1 sub. leg. C)

99. Schedule amended ................................................................. A1747

Division 2—Amendment to Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32)

100. Section 265 amended (preferential payments) ..................... A1747

Division 3—Amendment to Legal Aid Ordinance (Cap. 91)

101. Schedule 3 amended (proceedings for which legal aid may be given under section 5A) ............................................. A1747

Division 4—Amendment to Telecommunications Ordinance (Cap. 106)

102. Section 13J amended (temporary restriction on disposal or acquisition) ............................................. A1749
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division 5—Amendments to Inland Revenue Ordinance (Cap. 112)</td>
<td></td>
</tr>
<tr>
<td>103. Section 23 amended (ascertainment of assessable profits of life insurance corporations)</td>
<td>A1749</td>
</tr>
<tr>
<td>104. Section 23A amended (ascertainment of assessable profits of insurance corporations other than life insurance corporations)</td>
<td>A1751</td>
</tr>
<tr>
<td>Division 6—Amendment to Banking Ordinance (Cap. 155)</td>
<td></td>
</tr>
<tr>
<td>105. Section 120 amended (official secrecy)</td>
<td>A1751</td>
</tr>
<tr>
<td>Division 7—Amendment to Banking (Capital) Rules (Cap. 155 sub. leg. L)</td>
<td></td>
</tr>
<tr>
<td>106. Section 2 amended (interpretation)</td>
<td>A1753</td>
</tr>
<tr>
<td>Division 8—Amendments to Money Lenders Ordinance (Cap. 163)</td>
<td></td>
</tr>
<tr>
<td>107. Schedule 1 amended</td>
<td>A1753</td>
</tr>
<tr>
<td>Division 9—Amendment to Prevention of Bribery Ordinance (Cap. 201)</td>
<td></td>
</tr>
<tr>
<td>108. Schedule 1 amended (public bodies)</td>
<td>A1755</td>
</tr>
<tr>
<td>Division 10—Amendments to Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272)</td>
<td></td>
</tr>
<tr>
<td>109. Section 2 amended (interpretation)</td>
<td>A1755</td>
</tr>
<tr>
<td>Division 11—Amendment to Motor Vehicles Insurance (Third Party Risks) Ordinance (Nomination of Authority) Notice (Cap. 272 sub. leg. B)</td>
<td></td>
</tr>
<tr>
<td>110. Paragraph 2 amended (nomination of Authority)</td>
<td>A1757</td>
</tr>
<tr>
<td>Division 12—Amendments to Employees’ Compensation Ordinance (Cap. 282)</td>
<td></td>
</tr>
<tr>
<td>111. Section 3 amended (interpretation)</td>
<td>A1757</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>112.</td>
<td>Section 4 amended (further exceptions) A1759</td>
</tr>
<tr>
<td>113.</td>
<td>Schedule amended (prescribed offices) A1761</td>
</tr>
<tr>
<td>114.</td>
<td>Section 28 amended (matters regarding insurance) A1761</td>
</tr>
<tr>
<td>115.</td>
<td>Schedule 4 amended (excluded products) A1763</td>
</tr>
<tr>
<td>116.</td>
<td>Section 2 amended (interpretation) A1763</td>
</tr>
<tr>
<td>117.</td>
<td>Schedule 1 amended (organizations to which this Ordinance applies) A1765</td>
</tr>
<tr>
<td>118.</td>
<td>Section 2 amended (interpretation) A1765</td>
</tr>
<tr>
<td>119.</td>
<td>Section 3 amended (insurance arrangement) A1767</td>
</tr>
<tr>
<td>120.</td>
<td>Section 6H amended (Authority may issue guidelines) A1767</td>
</tr>
<tr>
<td>121.</td>
<td>Section 34E amended (interpretation) A1767</td>
</tr>
</tbody>
</table>
**Insurance Companies (Amendment) Ordinance 2015**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>122.</td>
<td>Section 34J amended (revocation or suspension of qualification as Type A regulatee)</td>
</tr>
<tr>
<td>123.</td>
<td>Section 34K amended (revocation or suspension of qualification as Type B regulatee)</td>
</tr>
<tr>
<td>124.</td>
<td>Section 34Z amended (assignment of frontline regulator for principal intermediary)</td>
</tr>
<tr>
<td>125.</td>
<td>Section 34ZZB amended (inspection and investigation powers in relation to certain entity)</td>
</tr>
<tr>
<td>126.</td>
<td>Section 42 amended (Authority may disclose certain information despite section 41)</td>
</tr>
<tr>
<td>127.</td>
<td>Section 42AA amended (specified entity may disclose information obtained under Part 4A despite section 41)</td>
</tr>
<tr>
<td>128.</td>
<td>Section 42B amended (immunity)</td>
</tr>
</tbody>
</table>

**Division 21—Amendments to Mandatory Provident Fund Schemes (General) Regulation (Cap. 485 sub. leg. A)**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>129.</td>
<td>Section 2 amended (interpretation)</td>
</tr>
<tr>
<td>130.</td>
<td>Section 7 amended (what is a substantial financial institution for the purposes of this Regulation?)</td>
</tr>
<tr>
<td>131.</td>
<td>Section 8 amended (what is adequate insurance for the purposes of registered schemes?)</td>
</tr>
<tr>
<td>132.</td>
<td>Schedule 1 amended (investment of scheme funds)</td>
</tr>
</tbody>
</table>

**Division 22—Amendment to Personal Data (Privacy) Ordinance (Cap. 486)**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>133.</td>
<td>Section 2 amended (interpretation)</td>
</tr>
</tbody>
</table>
### Section 23—Amendment to Legislative Council Ordinance (Cap. 542)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>134.</td>
<td>1784</td>
</tr>
</tbody>
</table>

#### Division 23—Amendment to Legislative Council Ordinance (Cap. 542)

134. Section 20C amended (composition of the insurance functional constituency) ........................................ A1784

### Section 24—Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>135.</td>
<td>1785</td>
</tr>
</tbody>
</table>

#### Division 24—Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

135. Section 2 amended (interpretation) ........................................ A1785

### Section 25—Amendments to Merchant Shipping (Local Vessels) (Compulsory Third Party Risks Insurance) Regulation (Cap. 548 sub. leg. H)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>136.</td>
<td>1787</td>
</tr>
</tbody>
</table>

#### Division 25—Amendments to Merchant Shipping (Local Vessels) (Compulsory Third Party Risks Insurance) Regulation (Cap. 548 sub. leg. H)

136. Section 5 amended (approval) ........................................ A1787

137. Section 8 amended (suspension or revocation of approval) ... A1789

### Section 26—Amendments to Securities and Futures Ordinance (Cap. 571)

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>138.</td>
<td>1789</td>
</tr>
</tbody>
</table>

#### Division 26—Amendments to Securities and Futures Ordinance (Cap. 571)

138. Section 129 amended (determination of fit and proper) .......... A1789

139. Section 179 amended (power to require production of records and documents concerning listed corporations, etc.) ........................................ A1789

140. Section 180 amended (supervision of intermediaries and their associated entities) ........................................ A1791

141. Section 308 amended (interpretation of Part XV) ............... A1791

142. Section 378 amended (preservation of secrecy, etc.) .......... A1793

143. Section 381 amended (immunity in respect of communication with Commission by auditors of listed corporations, etc.) ........................................ A1793

144. Schedule 1 amended (interpretation and general provisions) A1793

145. Schedule 5 amended (regulated activities) ............................ A1797
Section 2 amended (interpretation)

Division 27—Amendment to Securities and Futures (Investor Compensation—Claims) Rules (Cap. 571 sub. leg. T)

Section 2 amended (interpretation)

Division 28—Amendment to Securities and Futures (Insurance) Rules (Cap. 571 sub. leg. AI)

Section 2 amended (interpretation)

Division 29—Amendments to Financial Reporting Council Ordinance (Cap. 588)

Section 2 amended (interpretation)

Division 30—Amendments to Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (Cap. 615)

Section 5 amended (Schedule 2 has effect with respect to financial institutions)
156. Section 9 amended (power to enter business premises etc. for routine inspection) ............................................................ A1804
157. Section 11 amended (relevant authorities may appoint investigators) ................................................................. A1806
158. Section 25 amended (persons to whom this Part does not apply) ............................................................................ A1806
159. Section 49 amended (preservation of secrecy) ........................................................................................................... A1808
160. Section 54 amended (interpretation of Part 6) ............................................................................................................. A1808
161. Section 80 amended (giving of notices by relevant authorities) ................................................................................... A1810
162. Schedule 1 amended (interpretation) ............................................................................................................................. A1811
163. Schedule 2 amended (requirements relating to customer due diligence and record-keeping) ........................................ A1815
164. Schedule 4 amended (provisions relating to Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Review Tribunal) ......................................................... A1815
165. Section 5 amended (dormant company) ........................................................................................................................ A1816
166. Section 293 amended (certain amount relating to insurance company with long term business to be regarded as realized profit or loss) ................................................................. A1816
167. Section 749 amended (interpretation) ........................................................................................................................ A1818
168. Section 881 amended (permitted disclosure and restrictions) ....................................................................................... A1818
### Section 32—Amendments to Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115)

169. *Section 10 amended (Advisory Board establishment)* ............................................ A1819

### Section 33—Amendments to Limited Liability Partnerships (Top-up Insurance) Rules (L.N. 103 of 2015)

170. *Rule 3 amended (from whom top-up insurance should be obtained—requirements under section 7AD(2)(b) and (4)(b) of Ordinance)* ................................................................. A1821

### Schedule 1 Minor Amendments to Insurance Ordinance Relating to Replacement of “Insurance Authority” by “Authority”

1824

### Schedule 2 Minor Amendments to Insurance Ordinance Relating to Replacement of “insurer” by “authorized insurer”

1852
An Ordinance to amend the Insurance Companies Ordinance to establish the Insurance Authority (as a body corporate) and the Insurance Appeals Tribunal; provide for the enforcement powers of, and fees and levies payable to, the Insurance Authority; provide for better corporate governance of authorized insurers; provide for a licensing system and conduct requirements for insurance intermediaries; and provide for transitional and other related matters.

Enacted by the Legislative Council.

Part 1
Preliminary

1. Short title and commencement
(1) This Ordinance may be cited as the Insurance Companies (Amendment) Ordinance 2015.
(2) This Ordinance comes into operation on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.
2. **Enactments amended**

(1) The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

(2) The provisions set out in column 1 of an item of Schedules 1 and 2 are amended by repealing the words and characters set out in column 2 of that item and substituting the words and characters set out in column 3 of that item.
Part 2

Amendments to Insurance Companies Ordinance (Cap. 41)

3. Long title substituted
The long title—
Repeal the long title
Substitute
“To regulate the carrying on of insurance business; to establish the Insurance Authority (as a body corporate) to regulate the insurance industry for protecting policy holders and potential policy holders and for promoting the stable development of the insurance industry; and to provide for related matters.”.

4. Section 1 amended (short title)
Section 1—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

5. Section 2 amended (interpretation)
(1) Section 2(1), definition of Advisor—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

3. 取代詳題
詳題——
廢除詳題
代以
“本條例旨在規管保險業務的經營；設立保險業監管局（屬
法人團體），以規管保險業，從而保障保單持有人及潛
在的保單持有人，及促進保險業的穩定發展；以及就相
關事宜，訂定條文。”。

4. 修訂第1條（簡稱）
第1條——
廢除
“公司”
代以
“業”。

5. 修訂第2條（釋義）
(1) 第2(1)條，顧問的定義——
廢除
“保險人而言，指依據第35(2)(a)條獲委任為”
代以
“獲授權保險人而言，指依據第35(2)(a)條獲委任為該”。
2(2) Section 2(1), definition of **authorized**—

Repeal

“or deemed under section 61(1) or (2) to be so authorized”

Substitute

“or deemed to be so authorized under section 61(1) or (2) of the pre-amended Ordinance having continuing effect by the operation of section 2(7) of Schedule 11”.

(3) Section 2(1)—

Repeal the definition of **client monies**

Substitute

“**client monies** (客户款項), in relation to a licensed insurance broker company, means the monies of the company specified in section 71(2);”.

(4) Section 2(1)—

Repeal the definition of **controller**

Substitute

“**controller** (控權人)—see section 9;”.

(5) Section 2(1), definition of **former accountant**—

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(6) Section 2(1), definition of **former actuary**—

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(2) 第2(1)條，**獲授權**的定義，在“，或根據”之後——

加入

“因附表11第2(7)條的施行而具有持續效力的《原有條例》”。

(3) 第2(1)條——

廢除客戶款項的定義

代以

“客戶款項 (client monies) 就持牌保險經紀公司而言，指第71(2)條指明的該公司的款項；”。

(4) 第2(1)條——

廢除控權人的定義

代以

“控權人 (controller)—見第9條；”。

(5) 第2(1)條，前任會計師的定義——

廢除

“某保險人”

代以

“某獲授權保險人”。

(6) 第2(1)條，前任精算師的定義——

廢除

“某保險人”

代以

“某獲授權保險人”。
Part 2
Section 5

(7) Section 2(1)—
Repeal the definition of former auditor
Substitute
“former auditor (前任核數師)—
(a) in relation to an authorized insurer;
(b) in relation to a former insurer;
(c) in relation to a licensed insurance broker company;
(d) in relation to a former licensed insurance broker company; or
(e) in relation to a person who was formerly an authorized insurance broker within the meaning of the pre-amended Ordinance, means a person who was formerly the auditor of that insurer, company or person.”.

(8) Section 2(1), definition of former insurer—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(9) Section 2(1), English text, definition of long term business—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

(10) Section 2(1), definition of Manager—
Repeal
Part 2
Section 5

Section 2(1), definition of ‘prescribed person’

Substitute

“prescribed person (訂明人士) means—

(a) an auditor, former auditor, actuary or former actuary—
   (i) of an authorized insurer or a former insurer; and
   (ii) appointed under section 15 or paragraph 4(1A) of Part 1 of Schedule 3;

(b) an accountant, former accountant, actuary or former actuary—
   (i) of an authorized insurer or a former insurer; and
   (ii) appointed by the insurer or former insurer in compliance with a requirement under section 35(1); or

(c) an auditor or former auditor of—
   (i) a licensed insurance broker company;
   (ii) a former licensed insurance broker company; or
(iii) a person who was formerly an authorized insurance broker within the meaning of the pre-amended Ordinance;”.

(13) Section 2(1), Chinese text, definition of 財政年度—
Repeal
“損益表” (wherever appearing)
Substitute
“損益帳”.

(14) Section 2(1)—
(a) definition of appointed insurance agent;
(b) definition of authorized insurance broker;
(c) definition of code of practice;
(d) definition of insurance agent;
(e) definition of Insurance Authority;
(f) definition of insurance broker;
(g) definition of insurance intermediary;
(h) definition of working day—
Repeal the definitions.

(15) Section 2(1)—
Add in alphabetical order
“Amendment Ordinance (《修訂條例》) means the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015);
Authority (保監局) means the body corporate established under section 4AAA(1);
authorized institution (認可機構) has the meaning given by section 2(1) of the Banking Ordinance (Cap. 155);
client account (客户帐户), in relation to a licensed insurance broker company, means the account maintained by the company as referred to in section 71(1)(b) for holding client monies;

former authority (前監督) means the Insurance Authority appointed under section 4 of the pre-amended Ordinance;

key person in control functions (管控要員)—see section 13AE(12);

licensed individual insurance agent (持牌個人保險代理) means an individual who is granted a licence under section 64W;

licensed insurance agency (持牌保險代理機構) means a person who is granted a licence under section 64U;

licensed insurance agent (持牌保險代理人) means—
(a) a licensed insurance agency;
(b) a licensed individual insurance agent; or
(c) a licensed technical representative (agent);

licensed insurance broker (持牌保險經紀) means—
(a) a licensed insurance broker company; or
(b) a licensed technical representative (broker);

licensed insurance broker company (持牌保險經紀公司) means a company which is granted a licence under section 64ZA;

licensed insurance intermediary (持牌保險中介人) means—
(a) a licensed insurance agent; or
(b) a licensed insurance broker;

licensed technical representative (agent) (持牌業務代表 (代理人)) means an individual who is granted a licence under section 64Y;
licensed technical representative (broker) (持牌業務代表 (經紀)) means an individual who is granted a licence under section 64ZC;

Mandatory Provident Fund Schemes Authority (積金局) means the Mandatory Provident Fund Schemes Authority established under section 6 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485);

material decision (關鍵決定)—see section 3A(b);

Monetary Authority (金融管理專員) means the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66);

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the commencement date of section 10 of the Amendment Ordinance;

prescribed fee (訂明費用), in relation to any matter, means the fee payable under this Ordinance in relation to the matter and prescribed by a regulation made under section 128;

public (公眾) means the public of Hong Kong, and includes any class of that public;

regulated activity (受規管活動)—see section 3A(a);

regulated advice (受規管意見)—see section 3A(c);

responsible officer (負責人)—

(a) in relation to a licensed insurance agency, means an individual who is approved by the Authority as a responsible officer of the agency under section 64ZE; or

(b) in relation to a licensed insurance broker company, means an individual who is approved by the Authority as a responsible officer of the company under section 64ZF;
Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 6

Securities and Futures Commission (證監會) means the Securities and Futures Commission referred to in section 3(1) of the Securities and Futures Ordinance (Cap. 571);

Tribunal (審裁處) means the tribunal established under section 97.”.

(16) After section 2(2)—

Add

“(2A) In this Ordinance—

(a) a reference to a function includes a power and a duty; and

(b) a reference to the performance of a function includes the exercise of a power and the discharge of a duty.”.

(17) Section 2(3)(a), Chinese text, after “處;” —

Add

“或”.

(18) Section 2(7)(a) —

Repeal

“carries on”

Substitute

“is authorized to carry on”.

6. Section 3 amended (classes of insurance business)

Section 3(1) and (2), English text—

Repeal

“the First Schedule”

Substitute

“Schedule 1”.

6. 修訂第3條（保險業務的類別）
第3(1)及(2)條，英文文本——

廢除

“the First Schedule”

代以

“Schedule 1”。”
7. **Section 3A added**

After section 3—

Add

“3A. **Regulated activity, material decision and regulated advice**

For the purposes of this Ordinance—

(a) a person carries on a regulated activity if the person does an act specified in Part 1 of Schedule 1A;

(b) a person makes a material decision if the person makes a decision in relation to a matter specified in Part 2 of Schedule 1A; and

(c) a person gives regulated advice if the person gives an opinion in relation to a matter specified in Part 3 of Schedule 1A.”.

8. **Part IA heading and Division 1 heading added**

Before section 4—

Add

“**Part IA**

**Insurance Authority**

**Division 1—Establishment and Functions, etc.”**.

9. **Section 4AAA added**

Before section 4—

Add
4AAA. Establishment of Authority

(1) A body corporate is established with the corporate name of “Insurance Authority” in English and “保險業監管局” in Chinese.

(2) The Authority is renamed as “Provisional Insurance Authority” in English and “臨時保險業監管局” in Chinese during the period—
   (a) beginning immediately after the establishment of the body corporate under subsection (1); and
   (b) ending immediately before the date on which section 10 of the Amendment Ordinance comes into operation.

(3) The Authority—
   (a) has perpetual succession under its corporate name;
   (b) is required to have a common seal; and
   (c) is capable of suing and being sued in its corporate name.

(4) To avoid doubt, the renaming of the Authority under this section does not—
   (a) affect any rights or obligations of the Authority; or
   (b) render defective any legal proceedings by or against the Authority.

(5) On and after the expiry of the period specified in subsection (2), any legal proceedings that could have been commenced or continued against the Authority by its corporate name of “Provisional Insurance Authority” may be commenced or continued against the Authority by its corporate name of “Insurance Authority”.

(6) During the period specified in subsection (2), section 53A(1) applies to the Authority and a person who is or has been a member, employee, agent, consultant or advisor of the Authority as if after section 53A(1AA)(b), the following were added—

“(baa) the Authority;
(baab) a person who is or has been a member, employee, agent, consultant or advisor of the Authority;”."

10. **Section 4 amended (Insurance Authority)**

Section 4—

Repeal subsection (1).

11. **Section 4AA added**

After section 4—

Add

“4AA. **Composition of Authority**

(1) The Authority consists of the following members who are to be appointed by the Chief Executive—

(a) a chairperson, who is a non-executive director of the Authority;
(b) a chief executive officer, who is an executive director of the Authority; and
(c) not less than 6 other executive or non-executive directors of the Authority.

(2) The number of non-executive directors must exceed the number of executive directors.

(3) Of the non-executive directors—
(a) at least 2 are to be appointed from among persons who, because of their knowledge of and experience in the insurance industry, appear to the Chief Executive to be suitable for appointment; and

(b) the others are to be appointed from among persons who, either because of their knowledge in actuarial science, accountancy, law or consumer affairs, or because of their professional or occupational experience, appear to the Chief Executive to be suitable for appointment.

(4) The Authority may perform its functions despite a vacancy in its membership.

(5) If this section ceases to be complied with, the Chief Executive must as soon as practicable make the necessary appointment to ensure that the requirements of this section are complied with.

(6) Schedule 1B contains provisions on the constitution and proceedings of, and other matters relating to, the Authority.”.

12. Section 4A amended (functions of Insurance Authority)

(1) Section 4A(2)—
Repeal paragraph (a)
Substitute
“(a) be responsible for supervising an authorized insurer’s and a licensed insurance intermediary’s compliance with the provisions of this Ordinance;”.

(2) Section 4A(2)—
Repeal paragraphs (c) and (d)
Substitute
“(c) promote and encourage the adoption of proper standards of conduct and sound and prudent business practices by authorized insurers;
(d) promote and encourage the adoption of proper standards of conduct by licensed insurance intermediaries;
(da) review and, if necessary, propose reforms of the systems for regulating authorized insurers and licensed insurance intermediaries;”.

(3) Section 4A(2)—
Repeal paragraph (e).

(4) Before section 4A(2)(f)—
Add
“(ea) regulate the conduct of insurance intermediaries through a licensing regime;
(eb) promote the understanding by policy holders and potential policy holders of insurance products and the insurance industry;
(ec) formulate effective regulatory strategies and facilitate the sustainable market development of the insurance industry, and promote the competitiveness of the insurance industry in the global insurance market;
(ed) conduct studies into matters affecting the insurance industry;
(ee) assist the Financial Secretary in maintaining the financial stability of Hong Kong by taking appropriate measures in relation to the insurance industry;”.

(5) Section 4A(2)(g)—
Repeal
“exercise”
Substitute
“perform”.
13. Sections 4B to 4H added

After section 4A—

Add "4B. Powers of Authority"

(1) The Authority may do anything that is necessary for, or incidental or conducive to, performing any of its functions.

(2) Without limiting subsection (1), the Authority may—

(a) hold, acquire, lease, sell, charge, dispose of or otherwise deal with all kinds of property, whether movable or immovable;

(b) enter into, carry out, assign, accept the assignment of, vary or rescind any contract, agreement, memorandum of understanding or other obligation;

(c) with the approval of the Financial Secretary, borrow money on security or other conditions;

(d) receive and expend monies;

(e) accept gifts;

(f) publish or otherwise make available materials on any matter relating to the performance by the Authority of any of its functions;

(g) establish wholly-owned subsidiaries;

(h) invest, in the manner approved by the Financial Secretary, its funds that are not required for immediate use;
4C. Industry advisory committees

(1) The Authority must appoint an industry advisory committee to advise it on any matters it refers to the committee in relation to long term business.

(2) The Authority must also appoint another industry advisory committee to advise it on any matters it refers to the committee in relation to general business.

(3) The Authority may, after consulting the Financial Secretary, establish additional industry advisory committees to advise it on any matters regarding the performance of any of its functions (other than matters in relation to long term business and general business).

(4) Each industry advisory committee is constituted in accordance with Schedule 1C and must conduct its business in accordance with that Schedule.

4D. Authority may establish other committees

(1) The Authority may establish one or more committees to assist it in a matter with which the Authority is concerned.

(2) The Authority may refer a matter to a committee established under this section (committee) for consideration, inquiry or management.

(3) The Authority—
Part 2
Section 13

(a) may appoint a person to be a member of a committee, whether or not the person is a member of the Authority; and
(b) may appoint a member of the committee to be the chairperson of the committee.

(4) A reference of a matter to a committee does not prevent the Authority from performing any of its functions.

(5) The Authority—
(a) may withdraw a reference under subsection (2) from a committee; and
(b) may revoke an appointment under subsection (3).

(6) The Authority may give directions to a committee, whether generally or in a particular case, and whether regarding the manner in which the committee is to act or otherwise.

(7) The committee must act in accordance with those directions.

4E. Staff and consultants of Authority

(1) The Authority may employ persons for the remuneration and allowances, and on the terms and conditions, that the Authority determines.

(2) The Authority may provide and maintain schemes (whether contributory or not) for the payment of retirement benefits, gratuities or other allowances to its employees and their dependants.

(3) The Authority may engage consultants, agents and advisors to assist it in performing its functions.
4F. 保監局職能轉授予其成員、委員會及僱員

(1) 除第(2)款另有規定外，保監局可将其任何職能轉授予——
   (a) 保監局成員；
   (b) 根據第4D條設立的委員會；或
   (c) 指名的或擔任指明職位的保監局僱員。

(2) 以下權力及職能不得轉授——
   (a) 保監局根據本條作出轉授的權力；或
   (b) 附表1D指明的職能。

(3) 保監局如轉授職能，可同時授權獲轉授職能者，再轉授該職能。

(4) 保監局可——
   (a) 撤銷任何轉授，或撤銷任何對再轉授的授權；
   (b) 對任何轉授，附加限制或條件；或
   (c) 對就任何再轉授的授權，附加限制或條件，包括關於行使再轉授的權力的限制或條件。

(5) 轉授任何職能，並不妨礙保監局同時執行該職能；轉授及再轉授任何職能，並不妨礙保監局或獲轉授職能者（或保監局及獲轉授職能者）同時執行該職能。

4F. Delegation of Authority’s functions to its members, committees and employees

(1) Subject to subsection (2), the Authority may delegate any of its functions to—
   (a) a member of the Authority;
   (b) a committee established under section 4D; or
   (c) an employee of the Authority, whether by reference to the name of the employee or to the office held by the employee.

(2) A delegation must not be made—
   (a) in relation to the power of the Authority to delegate under this section; or
   (b) in relation to a function specified in Schedule 1D.

(3) If the Authority delegates a function, it may at the same time authorize the delegate to sub-delegate the function.

(4) The Authority may—
   (a) revoke a delegation, or an authorization for a sub-delegation;
   (b) attach restrictions or conditions to a delegation; or
   (c) attach restrictions or conditions to an authorization for a sub-delegation, including those on the exercise of the power to sub-delegate.

(5) A delegation does not prevent the Authority from concurrently performing the function delegated. A delegation and sub-delegation does not prevent the Authority or a delegate, or both, from concurrently performing the function delegated or sub-delegated.
Insurance Companies (Amendment) Ordinance 2015

Part 2

Section 13

4G. Delegation of certain powers of Authority to Monetary Authority

(1) The Authority may, subject to the approval of the Chief Executive in Council, delegate its powers under sections 64ZZF(6) and 64ZZH(1) to the Monetary Authority in relation to a business of a regulated activity carried on by an authorized institution.

(2) The Chief Executive in Council may, after consultation with the Authority and the Monetary Authority—

(a) impose conditions on the approval of a delegation;

(b) vary any of the conditions of the approval of a delegation; or

(c) withdraw the approval of a delegation.

(3) Without affecting subsection (2)(c), the Authority may, after consultation with the Monetary Authority, revoke a delegation under subsection (1).

(4) A revocation of a delegation under subsection (3) takes effect when the Chief Executive in Council notifies the Authority and the Monetary Authority that the approval of the delegation has been withdrawn under subsection (2)(c).
(5) 轉授任何職能，並不妨礙保監局同時執行該職能。轉授任何職能，並不妨礙保監局或獲轉授職能者（或保監局及獲轉授職能者）同時執行該職能。

(6) 如金融管理專員看來是根據某項轉授而行事，則除非相反證明成立，否則須推定金融管理專員是按照該項轉授的條文而行事。

(7) 如保監局的權力被轉授，則該項轉授包括——
(a) 轉授該項轉授所附帶的權力，或與該項轉授相關的權力；及
(b) 轉授該項轉授所附帶的職責，或與該項轉授相關的職責。

(8) 在不影響第 (5) 款的原則下，如第 64ZZF(6) 及 64ZZH(1) 條所指的權力根據第 (1) 條轉授予金融管理專員，則本條例條文的實施，須猶如——
(a) 在第 64F 條調查員的定義中，“保監局”已由“金融管理專員”取代一樣；
(b) 在第 64ZZF(7) 條中，“保監局”已由“金融管理專員”取代一樣；
(c) 在第 64ZZH(1)(a)、(b) 及 (c) 條中，“保監局”已由“金融管理專員”取代一樣；
(d) 在第 64ZZH(1)(d) 條中，“保監局為考慮是否”已由“金融管理專員為考慮是否建議保監局”取代一樣；

(5) A delegation does not prevent the Authority from concurrently performing the function delegated. A delegation does not prevent the Authority or a delegate, or both, from concurrently performing the function delegated.

(6) If the Monetary Authority purports to act under a delegation, the Monetary Authority is presumed, unless the contrary is proved, to be acting in accordance with the terms of the delegation.

(7) If there is a delegation in relation to a power of the Authority, the delegation includes—
(a) the delegation of a power incidental to, or connected with, the delegation; and
(b) the delegation of a duty incidental to, or connected with, the delegation.

(8) Without affecting subsection (5), if the powers under sections 64ZZF(6) and 64ZZH(1) are delegated to the Monetary Authority under subsection (1), the provisions of this Ordinance are to operate as if—
(a) in the definition of Investigator in section 64F, the words “Monetary Authority” were substituted for the word “Authority”;
(b) in section 64ZZF(7), the words “Monetary Authority” were substituted for the word “Authority”;
(c) in section 64ZZH(1)(a), (b) and (c), the words “Monetary Authority” were substituted for the words “the Authority, for considering whether”;
(d) in section 64ZZH(1)(d), the words “the Monetary Authority, for considering whether to recommend to the Authority” were substituted for the words “the Authority, for considering whether”;
4H. Authority to furnish information

When required by the Financial Secretary, the Authority must furnish to the Financial Secretary—

(a) the information that the Financial Secretary specifies on the principles, practices and policies the Authority is pursuing or adopting, or proposes to pursue or adopt, in performing any of its functions; and
14. **Section 5 repealed (register of insurers)**

Section 5—

Repeal the section.

15. **Part IA, Division 2 added**

Part IA, after Division 1—

Add

“Division 2—Accounting and Financial Arrangements

5A. **Interpretation of Part IA, Division 2**

In this Division—

*auditor* (核數師) means an auditor appointed under section 5E;

*financial year* (財政年度) means the financial year of the Authority specified in section 5B.

5B. **Corporate plan and annual estimates**

(1) The financial year of the Authority begins on 1 April in each year.

(2) However, the first financial year of the Authority is to—

(a) begin on the commencement date of section 15 of the Amendment Ordinance; and

(b) end on the following 31 March.
(3) The Authority must, no later than 31 December in each financial year, submit to the Financial Secretary for approval a corporate plan for the next financial year.

(4) A corporate plan for a financial year must specify—
(a) the objectives of the Authority’s activities for that year;
(b) the nature and scope of the activities to be undertaken in order to achieve those objectives; and
(c) the estimates of the Authority’s income and expenditure for that year.

(5) The Financial Secretary must lay a copy of the estimates specified in the corporate plan as approved under subsection (3) on the table of the Legislative Council.

5C. Appropriation
For each financial year, the Government must pay to the Authority out of the general revenue the monies appropriated by the Legislative Council for that purpose.

5D. Accounts and annual report
(1) The Authority must keep proper accounts and records of its transactions.

(2) The Authority must, as soon as practicable after the end of each financial year, prepare financial statements—
(a) that give a true and fair view of—
(i) the state of affairs of the Authority as at the end of that year; and
(ii) the results of the operations and cash flows of the Authority in that year; and

(3) 保監局須在每個財政年度的 12 月 31 日或之前，將下個財政年度的事務計劃，呈交財政司司長批准。

(4) 任何財政年度的事務計劃，須指明——
(a) 保監局在該年度的活動的目標；
(b) 為達致該等目標而需進行的活動的性質及範圍；及
(c) 保監局在該年度的收支的預算。

(5) 財政司司長須將已根據第 (3) 款批准的事務計劃所指明的預算的文本，提交立法會會議席上省覽。

5C. 撥款
政府須將立法會就每個財政年度撥予保監局的款項，從政府一般收入中支付該局。

5D. 帳目及年報
(1) 保監局須備存其財務往來的妥善帳目及紀錄。
(2) 保監局須在每個財政年度終結後，在切實可行範圍內，盡快擬備財務報表，該報表須——
(a) 真實而中肯地反映——
(i) 在該年度終結時，該局的事務狀況；及
(ii) 該局在該年度的運作績效及現金流；及
Part 2
Section 15
Insurance Companies (Amendment) Ordinance 2015

(b) that are signed by the chairperson, and the chief executive officer, of the Authority.

(3) The Authority must, as soon as practicable after the end of each financial year—
(a) prepare a report about its activities during that year; and
(b) send a copy of the report to the Financial Secretary.

(4) The Financial Secretary must lay a copy of the report on the table of the Legislative Council.

5E. Auditors

(1) The Authority must, with the approval of the Financial Secretary, appoint one or more auditors.

(2) An auditor—
(a) has a right of access at all reasonable times to the books, accounts, vouchers, records and documents kept by the Authority; and
(b) is entitled to require from the officers of the Authority the information and explanations that the auditor considers necessary for the discharge of the auditor’s duties.

(3) The Director of Audit or another public officer authorized by the Director for the purpose may, at any reasonable time—
(a) examine any books, accounts, vouchers, records or documents kept by the Authority; and
(b) if the Director or the public officer considers it appropriate, make a copy of the whole of, or any entry in, those books, accounts, vouchers, records or documents.
5F. Financial statements to be audited

(1) The Authority must, as soon as practicable after the end of each financial year, provide an auditor for audit with the financial statements prepared for the year under section 5D.

(2) The auditor must—
(a) prepare a report on those financial statements; and
(b) send the report to the Authority.

(3) The report must include a statement as to whether, in the opinion of the auditor, the financial statements give a true and fair view of—
(a) the state of affairs of the Authority as at the end of the financial year; and
(b) the results of the operations and cash flows of the Authority in that year.

(4) The Authority must, as soon as practicable after receiving the report, provide the Financial Secretary with a copy of the report and of the related financial statements.

(5) The Financial Secretary must lay a copy of the report and of the related financial statements on the table of the Legislative Council.

5G. Tax exemption

The Authority is exempt from taxation under the Inland Revenue Ordinance (Cap. 112).”.

16. Section 5H added
Part II, before section 6—
Add
5H. Register of authorized insurers

(1) The Authority must keep a register of authorized insurers, in a form it thinks fit, containing—

(a) the name, place of incorporation and year of first authorization (whether under this Ordinance or an Ordinance repealed or amended by this Ordinance) of every authorized insurer;

(b) for each authorized insurer, the class or classes of insurance business authorized to be carried on by that insurer and the conditions imposed under section 8(1)(a) which restrict class or classes of insurance business authorized to be carried on by that insurer;

(c) if an authorized insurer ceases to effect contracts of insurance of any description, or a requirement is imposed under section 27 for the cessation of effecting contracts of insurance of a description by that insurer, a note to that effect;

(d) if a requirement is imposed on an authorized insurer under section 30, or a Manager, provisional liquidator, liquidator or receiver is appointed, a note to that effect;

(e) if an authorized insurer ceases because of a direction under section 40 to be authorized to carry on insurance business which is part of a class of insurance business, a note to that effect; and

(f) if the authorization of an authorized insurer is suspended under section 41P(2)(b), a note to that effect.

(2) A person may, at all reasonable times—

(a) if the register is kept in a documentary form—inspect the register free of charge; or
Insurance Companies (Amendment) Ordinance 2015

Part 2

Section 17

(b) if the register is kept otherwise than in a documentary form—inspect a reproduction in a legible form of any information recorded in the register free of charge.

(3) A person may, at all reasonable times and on payment of a prescribed fee, obtain—

(a) a copy of an entry in, or extract of, the register; or

(b) a copy of the entry or extract, certified by an authorized officer of the Authority as a true copy of the entry or extract.

(4) In any legal proceedings—

(a) a document purporting to be a copy of an entry in, or extract of, the register, and purporting to be certified by an authorized officer of the Authority as a true copy of the entry or extract, is admissible in evidence on its production without further proof; and

(b) unless there is evidence to the contrary, on being admitted in evidence under paragraph (a), the document—

(i) is presumed to be certified by an authorized officer of the Authority;

(ii) is presumed to be a true copy of the entry or extract; and

(iii) is proof of its contents.

(5) The Authority must, as far as practicable, make the register available to any person for inspection free of charge on the Internet.”.

17. Section 7 amended (application for authorization to carry on insurance business)

Section 7(2), English text—
18. **Section 8 amended (authorization)**

(1) Section 8(3)(a)(ii)(B)—

- **Repeal**
  “regulations made under section 59(1)(aa)”

- **Substitute**
  “rules made under section 129(1)(b)”.

(2) Section 8(3)(a)(iii)(A)(II), English text—

- **Repeal**
  “the First Schedule”

- **Substitute**
  “Schedule 1”.

(3) Section 8(3)(a)(iii)(B)—

- **Repeal**
  “regulations made under section 59(1)(aa)”

- **Substitute**
  “rules made under section 129(1)(b)”.

(4) Section 8(4)(b)—

- **Repeal**
  “regulations made under section 59(1)(a)”

- **Substitute**
  “rules made under section 129(1)(a)”.

(5) Section 8(4)(b)—
Part 2
Section 19

19. 修訂第9條（第8(2)條內控制器（controller）的涵義）

(1) 第9條，標題——
廢除
“第8(2)條內”。

(2) 第9條——
廢除第(1)款
代以
“(1) 除第13A(12)，13B(1)，64F或80(1)條另作界定外：控制器（controller）就某適用公司而言——

(a) 指——

(i) 該適用公司的常務董事，或（如該適用公司是某法人團體的附屬公司）該法人團體的常務董事；

(ii) 該適用公司的行政總裁，或（如該適用公司是某法人團體的附屬公司，而該法人團體是保險人）該法人團體的行政總裁；或

(6) 第8(4)(c)條——

廢除
“規例”
代以
“規則”。

19. Section 9 amended (meaning of controller (controller) in section 8(2))

(1) Section 9, heading—

Repeal
“in section 8(2)”.

(2) Section 9—

Repeal subsection (1)
Substitute

“(1) Except as otherwise defined by section 13A(12)，13B(1)，64F or 80(1)，controller (controller) in relation to an applicable company—

(a) means—

(i) a managing director of the applicable company or of a body corporate of which the applicable company is a subsidiary;

(ii) a chief executive of the applicable company or of a body corporate, being an insurer, of which the applicable company is a subsidiary; or
(iii) a person—

(A) in accordance with whose directions or instructions the directors of the applicable company or of a body corporate of which the applicable company is a subsidiary (or any of them) are accustomed to act; or

(B) who, alone or with an associate or through a nominee, is entitled to exercise, or control the exercise of, 15% or more of the voting power at a general meeting of the applicable company or of a body corporate of which the applicable company is a subsidiary; but

(b) does not include a Manager.”.

(3) Section 9(2), English text—

Repeal
“applicant or a body corporate of which it”

Substitute
“applicable company or a body corporate of which the applicable company”.

(4) Section 9(2)—

Repeal
“applicant or that” (wherever appearing)

Substitute
“applicable company or that”.

(5) Section 9(3)—

Repeal
“applicant” (wherever appearing)

Substitute
“applicable company”.

(6) After section 9(4)—

Add

“(5) In this section—

applicable company (適用公司) means—

(a) a company making an application under section 7; or

(b) an authorized insurer.”.

20. Section 10 amended (meaning of relevant amount (有關數額) in section 8(3))

(1) Section 10(2), English text—

Repeal

“the First Schedule”

Substitute

“Schedule 1”.

(2) Section 10(3)(b), English text—
Part 2

Section 21

Repeal
“the First Schedule”

Substitute
“Schedule 1”.

(3) Section 10(4)(e), English text—
Repeal
“the Third Schedule”

Substitute
“Schedule 3”.

(4) Section 10(5)—
Repeal
“an insurer”

Substitute
“an authorized insurer”.

21. Section 11 amended (appeal against refusal of authorization under section 8(2))

(1) Section 11, heading—
Repeal
“Appeal against”

Substitute
“Notification of”.

(2) Section 11(2)—
Repeal
everything after “in question”

Substitute a full stop.

(3) Section 11—
22. Section 12 amended (conditions imposed under section 8 may be revoked)

(1) Section 12, heading—
Repeal
“Conditions imposed under section 8 may be revoked”
Substitute
“Conditions for authorization under section 8”.

(2) Section 12(1)—
Repeal
everything after “section 8(1)(a),”
Substitute
the Authority may, by serving a notice in writing on the authorized insurer concerned, amend or revoke a condition or impose a new condition that is reasonable in the circumstances.”.

(3) Section 12—
Repeal subsection (3)
Substitute
“(3) If a condition referred to in subsection (1) is amended or revoked or a new condition is imposed, the Authority may direct that the register kept under section 5H be amended accordingly.”.

23. Section 13 amended (fee payable upon authorization and annually thereafter)

Section 13(2)—
Repeal
24. Section 13A substituted

Section 13A—

Repeal the section

Substitute

“13A. Approval of certain controllers of authorized insurers

(1) An authorized insurer must not appoint an individual as a controller of the insurer unless the Authority has approved the appointment under subsection (2).

(2) The Authority may approve the appointment of the individual as a controller of the authorized insurer—

(a) on an application made by the insurer in the manner specified by the Authority; and

(b) on payment of a prescribed fee.

(3) An authorized insurer which applies under subsection (2) must provide the Authority with—

(a) the information specified in Schedule 4;

(b) a statement signed by the individual proposed to be appointed as a controller of the insurer that the application is made with the individual's knowledge and consent; and

(c) any other information that the Authority reasonably requires to enable it to consider the application.
Part 2
Section 24

(4) The Authority must not approve the appointment of an individual as a controller of the authorized insurer unless it is satisfied that the individual is a fit and proper person to be so appointed.

(5) The Authority must give the authorized insurer and the individual a notice in writing of the result of the application made under subsection (2).

(6) If the application is rejected, the notice must include a statement of the reasons for the rejection.

(7) Subject to subsection (9), the Authority may, by serving a notice in writing on an authorized insurer and an individual, revoke the approval of the appointment of the individual as a controller of the insurer if it appears to the Authority that the individual is not, or is no longer, a fit and proper person to be so appointed.

(8) The authorized insurer must, by the date specified in the notice under subsection (7), terminate the appointment of the individual as a controller of the insurer.

(9) Before serving the notice under subsection (7), the Authority must serve on the authorized insurer and the individual a preliminary written notice stating—

(a) that the Authority is considering the service on the insurer of a notice under that subsection because it appears to the Authority that the individual is not, or is no longer, a fit and proper person to be appointed as a controller of the insurer; and

(b) that the insurer or the individual may, within 1 month after the date of service of the preliminary notice—

(i) make written representations to the Authority; and
(ii) if the insurer or the individual so requests, make oral representations to a person appointed for the purpose by the Authority.

(10) If representations are made under subsection (9), the Authority must take them into consideration before serving a notice under subsection (7).

(11) An authorized insurer which contravenes subsection (1) or (8) commits an offence and is liable—

(a) to a fine of $200,000; and

(b) in the case of a continuing offence, to a further fine of $2,000 for each day during which the offence continues.

(12) In this section—

controller (控權人)—

(a) means—

(i) in relation to an authorized insurer which is incorporated in Hong Kong—an individual who is a managing director or chief executive of the insurer; or

(ii) in relation to an authorized insurer which is incorporated outside Hong Kong—an individual who is—

(A) a managing director of the insurer in respect of so much of its insurance business as is carried on within Hong Kong; or

(B) a chief executive of the insurer who, alone or jointly with others, is responsible (whether or not under the immediate authority of the directors) for the conduct of the whole of the insurance business carried on by the insurer within Hong Kong, not being an individual who—
25. **Section 13AB added**

After section 13A—

Add

“13AB. Restrictions on acting as controllers of authorized insurers in contravention of section 13A

(1) An individual appointed as a controller of an authorized insurer in contravention of section 13A(1) must not act or continue to act as such a controller.

(2) An individual appointed as a controller of an authorized insurer must not continue to act as such a controller after the date specified in the notice served on the individual under section 13A(7).

(3) An individual who contravenes subsection (1) or (2) commits an offence and is liable—

(a) to a fine of $200,000 and to imprisonment for 2 years; and

(b) in the case of a continuing offence, to a further fine of $2,000 for each day during which the offence continues.”.

26. **Sections 13AC to 13AH added**

Before section 13B—
Add

“13AC. Approval of directors of certain authorized insurers

(1) An authorized insurer which is incorporated in Hong Kong must not appoint a person as a director of the insurer unless the Authority has approved the appointment under subsection (2).

(2) The Authority may approve the appointment of the person as a director of the authorized insurer—

(a) on an application made by the insurer in the manner specified by the Authority; and

(b) on payment of a prescribed fee.

(3) An authorized insurer which applies under subsection (2) must provide the Authority with—

(a) the information specified in Schedule 4;

(b) a statement signed by the person proposed to be appointed as a director of the insurer that the application is made with the person’s knowledge and consent; and

(c) any other information that the Authority reasonably requires to enable it to consider the application.

(4) The Authority must not approve the appointment of a person as a director of the authorized insurer unless it is satisfied that the person is a fit and proper person to be so appointed.

(5) The Authority must give the authorized insurer and the person a notice in writing of the result of the application made under subsection (2).

(6) If the application is rejected, the notice must include a statement of the reasons for the rejection.
Subject to subsection (9), the Authority may, by serving a notice in writing on an authorized insurer and a person, revoke the approval of the appointment of the person as a director of the insurer if it appears to the Authority that the person is not, or is no longer, a fit and proper person to be so appointed.

(8) The authorized insurer must, by the date specified in the notice under subsection (7), terminate the appointment of the person as a director of the insurer.

(9) Before serving the notice under subsection (7), the Authority must serve on the authorized insurer and the person a preliminary written notice stating—

(a) that the Authority is considering the service on the insurer of a notice under that subsection because it appears to the Authority that the person is not, or is no longer, a fit and proper person to be appointed as a director of the insurer; and

(b) that the insurer or the person may, within 1 month after the date of service of the preliminary notice—

(i) make written representations to the Authority; and

(ii) if the insurer or the person so requests, make oral representations to a person appointed for the purpose by the Authority.

(10) If representations are made under subsection (9), the Authority must take them into consideration before serving a notice under subsection (7).

(11) An authorized insurer which contravenes subsection (1) or (8) commits an offence and is liable—

(a) to a fine of $200,000; and
2015年第12号条例

Part 2

Insurance Companies (Amendment) Ordinance 2015

A1036

(b) 如有關罪行屬持續罪行，則可就該罪行持續期間的
e每一日，另處罰款$2,000。

13AD. 在違反第13AC條款下出任獲授權保險人的董事所受的限制
(1) 在違反第13AC (1) 條下獲委任為獲授權保險人的董事的人，不得擔任或繼續擔任該保險人的董事。
(2) 獲委任為獲授權保險人的董事的人，不得在根據第
13AC(7)條送達該人的通知指明的日期後，繼續擔任該
保險人的董事。
(3) 任何人違反第(1)或(2)款，即屬犯罪——
(a) 可處罰款$200,000；如屬個人，則可另處監禁2年；
而
(b) 如有關罪行屬持續罪行，則可就該罪行持續期間的
e每一日，另處罰款$2,000。

13AE. 對某些獲授權保險人的管控要員的認可
(1) 並非專屬自保保險人的獲授權保險人，如欲委任某名個人
為該保險人的管控要員，須獲得保監局根據第(2)款
對該項委任給予的認可，否則不得作出該項委任。
(2) 凡——
(a) 有關獲授權保險人按保監局指明的方式提出申請；
及
(b) 訂明費用獲繳付，
保監局可對委任有關的個人為該保險人的管控要員，給
予認可。

(b) in the case of a continuing offence, to a further
fine of $2,000 for each day during which the
offence continues.

13AD. Restrictions on acting as directors of authorized insurers in
contravention of section 13AC
(1) A person appointed as a director of an authorized
insurer in contravention of section 13AC(1) must not
act or continue to act as such a director.
(2) A person appointed as a director of an authorized
insurer must not continue to act as such a director
after the date specified in the notice served on the
person under section 13AC(7).
(3) A person who contravenes subsection (1) or (2)
commits an offence and is liable—
(a) to a fine of $200,000 and, in the case of an
individual, also to imprisonment for 2 years; and
(b) in the case of a continuing offence, to a further
fine of $2,000 for each day during which the
offence continues.

13AE. Approval of key persons in control functions of certain
authorized insurers
(1) An authorized insurer which is not a captive insurer
must not appoint an individual as a key person in
control functions of the insurer unless the Authority
has approved the appointment under subsection (2).
(2) The Authority may approve the appointment of the
individual as a key person in control functions of the
authorized insurer—
(a) on an application made by the insurer in the
manner specified by the Authority; and
(b) on payment of a prescribed fee.
Part 2
Section 26

Ord. No. 12 of 2015

(3) An authorized insurer which applies under subsection (2) must provide the Authority with—
(a) the information specified in Schedule 4;
(b) a statement signed by the individual proposed to be appointed as a key person in control functions of the insurer that the application is made with the individual’s knowledge and consent; and
(c) any other information that the Authority reasonably requires to enable it to consider the application.

(4) The Authority must not approve the appointment of an individual as a key person in control functions of the authorized insurer unless it is satisfied that the individual is a fit and proper person to be so appointed.

(5) The Authority must give the authorized insurer and the individual a notice in writing of the result of the application made under subsection (2).

(6) If the application is rejected, the notice must include a statement of the reasons for the rejection.

(7) Subject to subsection (9), the Authority may, by serving a notice in writing on an authorized insurer and an individual, revoke the approval of the appointment of the individual as a key person in control functions of the insurer if it appears to the Authority that the individual is not, or is no longer, a fit and proper person to be so appointed.

(8) The authorized insurer must, by the date specified in the notice under subsection (7), terminate the appointment of the individual as a key person in control functions of the insurer.

(9) Before serving the notice under subsection (7), the Authority must serve on the authorized insurer and the individual a preliminary written notice stating—
Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 26

(a) that the Authority is considering the service on the insurer of a notice under that subsection because it appears to the Authority that the individual is not, or is no longer, a fit and proper person to be appointed as a key person in control functions of the insurer; and

(b) that the insurer or the individual may, within 1 month after the date of service of the preliminary notice—

(i) make written representations to the Authority; and

(ii) if the insurer or the individual so requests, make oral representations to a person appointed for the purpose by the Authority.

(10) If representations are made under subsection (9), the Authority must take them into consideration before serving a notice under subsection (7).

(11) An authorized insurer which contravenes subsection (1) or (8) commits an offence and is liable—

(a) to a fine of $200,000; and

(b) in the case of a continuing offence, to a further fine of $2,000 for each day during which the offence continues.

(12) In this section—

control function (管控職能), in relation to an authorized insurer, means any of the following functions that is likely to enable the individual responsible for the performance of the function to exercise a significant influence on the business carried on by the insurer—

(a) risk management function, which is a function to establish the strategies, policies and procedures to manage different types of key risks of the insurer;
Part 2

Section 26

(b) financial control function, which is a function to oversee all financial matters (including investments, accounting and financial reporting) of the insurer;

(c) compliance function, which is a function to establish and formulate the standards, policies and procedures to ensure the compliance with legal and regulatory requirements that are applicable to the insurer;

(d) internal audit function, which is a function to establish and implement an audit plan to examine and evaluate the adequacy and effectiveness of the controls to manage risks of the insurer;

(e) actuarial function, which is a function to evaluate and monitor—

(i) the technical provisions, premium and pricing strategies of the insurer;

(ii) the reserving and investment policies and reinsurance arrangements of the insurer; and

(iii) the policies and controls in respect of the insurer’s vulnerability to fluctuations in risk exposures and distribution policies;

(f) intermediary management function, which, for an authorized insurer that enters into contracts of insurance through licensed insurance intermediaries or accepts referral of insurance business from licensed insurance intermediaries, is a function to establish and maintain internal control measures for—

(i) administering the licensed insurance agencies and licensed individual insurance agents appointed by the insurer in relation to the regulated activities carried on by them;
(ii) monitoring the compliance with this Ordinance by the licensed insurance agencies and licensed individual insurance agents appointed by the insurer; and

(iii) ensuring that the arrangements by the licensed insurance intermediaries for the insurance business referred to the insurer comply with—

(A) the requirements of this Ordinance; and

(B) the requirements imposed by the Authority in any code or guideline published under section 95 or 133;

(g) any other function specified in a notice under subsection (14);

key person in control functions (管控要員)—

(a) in relation to an authorized insurer which is incorporated in Hong Kong—means an individual responsible for the performance of one or more of the control functions for the insurer; or

(b) in relation to an authorized insurer which is incorporated outside Hong Kong—means an individual responsible for the performance of one or more of the control functions for the insurer in respect of so much of its insurance business as is carried on within Hong Kong.

(13) For the purposes of the definition of key person in control functions in subsection (12), it does not matter whether the individual is solely responsible, or is jointly responsible with other key persons in control functions of the authorized insurer, for the performance of the relevant functions.

(14) Subject to subsection (15), the Financial Secretary may, by notice published in the Gazette, specify a function to be a control function under subsection (12).
13AF. **Authority may impose conditions on granting approval under sections 13A, 13AC and 13AE**

(1) This section applies if the Authority approves the appointment of—

(a) an individual as a controller of an authorized insurer under section 13A;

(b) a person as a director of an authorized insurer under section 13AC; or

(c) an individual as a key person in control functions of an authorized insurer under section 13AE.

(2) The Authority may impose any conditions that it considers appropriate on the approval when granting the approval.

(3) The Authority may also impose any conditions that it considers appropriate on the approval after the Authority has granted the approval.

(4) The Authority may amend or revoke any conditions imposed under subsection (2) or (3).

(5) The power under subsection (2), (3) or (4) is only exercisable by notice in writing served on the authorized insurer and the individual or person.

(6) A notice under subsection (5) must, in the case of any conditions being imposed or amended, include a statement of reasons for imposing or amending the conditions.
13AG. 拒絕申請或施加或修訂條件：程序要求

(1) 凡保監局擬作出以下作為--

(a) 拒絕根據第 13A(2) 條提出的、要求對委任某名個人為獲授權保險人的控制人予以認可的申請；

(b) 根據第 13AF(2) 或 (3) 條，對該等認可施加條件；或

(c) 根據第 13AF(4) 條，修訂該等條件，
保監局須給予該保險人及該名個人作出申述的機會；述明為何不應作出該作為，否則保監局不得作出該作為。

(2) 凡保監局擬作出以下作為--

(a) 拒絕根據第 13AC(2) 條提出的、要求對委任某人為獲授權保險人的董事給予認可的申請；

(b) 根據第 13AF(2) 或 (3) 條，對該等認可施加條件；或

(c) 根據第 13AF(4) 條，修訂該等條件，
保監局須給予該保險人及該人作出申述的機會；述明為何不應作出該作為，否則保監局不得作出該作為。

(3) 凡保監局擬作出以下作為--

(a) 拒絕根據第 13A(2) 條提出的、要求對委任某個人為獲授權保險人的控制人予以認可的申請；

(b) 根據第 13AF(2) 或 (3) 條，對該等認可施加條件；或

(c) 根據第 13AF(4) 條，修訂該等條件，
保監局須給予該保險人及該人作出申述的機會；述明為何不應作出該作為，否則保監局不得作出該作為。

(7) 如保監局根據第 (2)、(3) 或 (4) 款施加、修訂或撤銷條件，該項施加、修訂或撤銷，在第 (5) 款所指的通知送達有關獲授權保險人及有關的個人或有關的人時生效，或在該通知所指明的時間生效，兩者以較後者為準。

(7) An imposition, amendment or revocation of any conditions under subsection (2), (3) or (4) takes effect at the time the notice under subsection (5) is served on the authorized insurer and the individual or person or at the time specified in the notice, whichever is the later.

13AG. Procedural requirements for rejecting application, or imposing or amending conditions

(1) The Authority must not—

(a) reject an application made under section 13A(2) for the approval of the appointment of an individual as a controller of an authorized insurer;

(b) impose a condition under section 13AF(2) or (3) on such an approval; or

(c) amend such a condition under section 13AF(4), without giving the insurer and the individual an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(2) The Authority must not—

(a) reject an application made under section 13AC(2) for the approval of the appointment of a person as a director of an authorized insurer;

(b) impose a condition under section 13AF(2) or (3) on such an approval; or

(c) amend such a condition under section 13AF(4), without giving the insurer and the person an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(3) The Authority must not—
13AH. Offence to provide false information in connection with application for approval

(1) A person commits an offence if the person, in connection with an application for the approval under section 13A, 13AC or 13AE—

(a) makes a statement that is false or misleading in a material particular; and

(b) knows that, or is reckless as to whether, the statement is false or misleading in the material particular.

(2) A person commits an offence if the person, in connection with an application for the approval under section 13A, 13AC or 13AE—

(a) omits a material particular from a statement with the result that the statement is rendered false or misleading; and

(b) knows that, or is reckless as to whether, the material particular is omitted from the statement.
(3) A person who commits an offence under subsection (1) or (2) is liable to a fine at level 5 and to imprisonment for 6 months.”.

27. **Section 13B amended (approval of persons proposing to become certain controllers of authorized insurer)**

(1) **Section 13B(1), definition of controller** —

Add

“, but does not include a Manager”.

(2) **Section 13B(2)(a), English text** —

Repeal

“the Fifth Schedule”

Substitute

“Schedule 5”.

(3) **Section 13B(2)(a)** —

Repeal

“; and”

Substitute a semicolon.

(4) After section 13B(2)(a) —

Add

“(ab) a prescribed fee has been paid; and”.

(5) **Section 13B(3)(a)** —

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(6) **Section 13B(3), English text** —
Section 28 amended (restrictions on and sale of shares where there has been a contravention of section 13B(2))

(1) Section 13C(1) —
Repeal
"an insurer"

Substitute
"an authorized insurer".

(7) Section 13B(4) —
Repeal
"insurer"

Substitute
"authorized insurer".

(8) Section 13B(4)(b) —
Repeal
"public officer"

Substitute
"person".

(9) Section 13B —
Repeal subsections (5) and (7).

(10) Section 13B(8) —
Repeal
"an insurer"

Substitute
"an authorized insurer".
Substitute
“an authorized insurer”.

(2) Section 13C(1)(a), Chinese text, before “保險人”—
Add
“該”.

(3) Section 13C(1)(c)—
Repeal
everything after “，and”
Substitute
“the Authority’s objection under section 13B(4) has taken effect under section 116; or”.

(4) Section 13C(6)(b)(iv)—
Repeal
everything after “subparagraph (iii)(A)”
Substitute
“but on an application made by that person for a review of the decision of the Authority to so serve the notice of objection, the Tribunal has set aside the decision under section 101,”.

(5) Section 13C(10)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(6) Section 13C(10), Chinese text, after “，在”—
Add
“該”.
29. **Section 13D amended (punishment for attempted evasion of restrictions)**

Section 13D(2)—

Repeal

“57”

Substitute

“124”.

30. **Section 14 amended (notification of change in particulars, and objection to appointment of new director or controller)**

(1) Section 14, heading—

Repeal

“objection to appointment of new director or controller”

Substitute

“Authority’s objection to appointment”.

(2) Section 14(2)—

Repeal

“directors or controllers”

Substitute

“directors, controllers or key persons in control functions”.

(3) Section 14(2)—

Repeal

“shall forthwith”

Substitute

“must, within 1 month after the date on which the change takes place;”.

(4) Section 14(2), English text—

Repeal
Part 2
Section 30

“the Second Schedule”
代以
“Schedule 2”。
(5) 第 14(2A) 條，英文文本——
廢除
“the Second Schedule”
代以
“Schedule 2”。
(6) 第 14(2A) 條——
廢除
“保險人的控權人的任何改變是由於有人在下述情況下成為或為該類控權人所致，則獲授權”
代以
“獲授權保險人的控權人或董事的任何改變，是由於有人在以下情況下成為或為該保險人的控權人或董事所致，則該”。
(7) 第 14(2A)(a), (b) 及 (c) 條——
廢除
“類控權人”
代以
“保險人的控權人或董事”。
(8) 第 14(2A) 條——
廢除
所有“13A”
代以
“13A、13AC”。
(9) 第 14(3) 條——
廢除

“the Second Schedule”
Substitute
“Schedule 2”.
(5) Section 14(2A), English text——
Repeal
“the Second Schedule”
Substitute
“Schedule 2”.
(6) Section 14(2A), after “controllers”——
Add
“or directors”.
(7) Section 14(2A)—
Repeal
“a controller” (wherever appearing)
Substitute
“a controller or director”.
(8) Section 14(2A)—
Repeal
“13A or 13B” (wherever appearing)
Substitute
“13A, 13AC or 13B”.
(9) Section 14(3)—
Repeal
“director or controller”
Substitute
“director, controller or key person in control functions”.

(10) Section 14(3)—
Repeal
“he shall forthwith”
Substitute
“the person must, within 1 month after the date on which the person becomes, or ceases to be, a director, controller or key person in control functions of the insurer,”.

(11) Section 14(4)—
Repeal
“director or controller (other than a controller to whom section 13A or 13B applies)”
Substitute
“controller or director (other than a controller or director to whom section 13A, 13AC or 13B applies)”. 

(12) Section 14(5)(a)(ii)—
Repeal
“public officer”
Substitute
“person”.

(13) Section 14(5)—
Repeal paragraph (b).

(14) Section 14—
Repeal subsection (6).
31. Section 14A added
Part II, after section 14—
Add

“14A. Determination of fit and proper

(1) In determining whether a person is a fit and proper person for the purposes of sections 8, 13A, 13AC, 13AE, 13B, 14 and 15, the Authority must have regard to the following matters—

(a) the education or other qualifications or experience of the person;
(b) the person's ability to act competently, honestly and fairly;
(c) the reputation, character, reliability and integrity of the person;
(d) the person's financial status or solvency;
(e) whether any disciplinary action has been taken against the person by—
   (i) the Monetary Authority;
   (ii) the Securities and Futures Commission;
   (iii) the Mandatory Provident Fund Schemes Authority; or
   (iv) any other authority or regulatory organization, whether in Hong Kong or elsewhere, which, in the Authority's opinion, performs a function similar to those of the Authority;
(f) if the person is a company in a group of companies, any information in the possession of the Authority, whether provided by the person or not, relating to—
   (i) any other company in the group of companies; or
2. 修訂第 15 條 (核數師及精算師的委任)

(1) 第 15(1) 條——

廢除
“每名保險人”
代以
“每名獲授權保險人”。

(2) 第 15(1)(a)(ii) 條——

廢除
“保險人”
代以
“獲授權保險人”。

(3) 第 15(1)(b) 條——

廢除
在“( 如”之後的所有字句
代以
“該保險人經營長期業務)一名具有訂明資格或保監局可接受的精算師，作為其精算師，但該項委任須受第 (3A) 款規限，”。

(4) 第 15(3) 條——

(ii) 該人或第 (i) 節所述的任何公司的任何大股東
或高級人員；
(g) 該人正經營或擬經營的任何其他業務的狀況。

(2) 第 (1) 款委予保監局的責任，是附加於保監局的下述責任的另一項責任：該局於斷定某人是否適當人選時，有責任考慮該局認為攸關的任何其他事宜。”。

32. Section 15 amended (appointment of auditor and actuary)

(1) Section 15(1)——

Repeal
“Every insurer”
Substitute
“Every authorized insurer”.

(2) Section 15(1)(a)(ii)——

Repeal
“an insurer”
Substitute
“an authorized insurer”.

(3) Section 15(1)(b)——

Repeal
everything after “if”
Substitute
“the insurer carries on long term business, subject to subsection (3A), an actuary possessing the prescribed qualifications or who is acceptable to the Authority, as actuary to the insurer,”.

(4) Section 15(3)——
Insurance Companies (Amendment) Ordinance 2015

Repeal

“An insurer”

Substitute

“An authorized insurer”.

(5) After section 15(3)—

Add

“(3A) An authorized insurer which is incorporated in Hong Kong and carries on long term business must not appoint a person as an actuary of the insurer unless the Authority has approved the appointment under subsection (3B).

(3B) The Authority may approve the appointment of the person as an actuary of the authorized insurer—

(a) on an application made by the insurer in the manner specified by the Authority; and

(b) on payment of a prescribed fee.

(3C) The Authority must not approve the appointment of a person as an actuary of the authorized insurer unless it is satisfied that the person is a fit and proper person to be so appointed.

(3D) The Authority must give the authorized insurer and the person a notice in writing of the result of the application made under subsection (3B).

(3E) If the application is rejected, the notice must include a statement of the reasons for the rejection.

(3F) Subject to subsection (3H), the Authority may, by serving a notice in writing on an authorized insurer and a person, revoke the approval of the appointment of the person as an actuary of the insurer if it appears to the Authority that the person is not, or is no longer, a fit and proper person to be so appointed.
(3G) The authorized insurer must, by the date specified in the notice under subsection (3F), terminate the appointment of the person as an actuary of the insurer.

(3H) Before serving the notice under subsection (3F), the Authority must serve on the authorized insurer and the person a preliminary written notice stating—

(a) that the Authority is considering the service on the insurer of a notice under that subsection because it appears to the Authority that the person is not, or is no longer, a fit and proper person to be appointed as an actuary of the insurer; and

(b) that the insurer or the person may, within 1 month after the date of service of the preliminary notice, make written representations to the Authority and, if the insurer or the person so requests, oral representations to a person appointed for the purpose by the Authority.

(3I) If representations are made under subsection (3H), the Authority must take them into consideration before serving a notice under subsection (3F).”.

(6) Section 15(5)—

Repeal

“Any insurer which fails to comply with any of the provisions of this section”

Substitute

“An authorized insurer which contravenes subsection (1), (2) or (3)”.

(7) After section 15(5)—

Add
“(6) An authorized insurer which contravenes subsection (3A) or (3G) commits an offence and is liable—
(a) to a fine of $200,000; and
(b) in the case of a continuing offence, to a further fine of $2,000 for each day during which the offence continues.”.

33. Sections 15AA, 15AAB and 15AAC added
After section 15—
Add
“15AA. Authority may impose conditions on granting approval under section 15
(1) This section applies if the Authority approves the appointment of a person as an actuary of an authorized insurer under section 15.
(2) The Authority may impose any conditions that it considers appropriate on the approval when granting the approval.
(3) The Authority may also impose any conditions that it considers appropriate on the approval after the Authority has granted the approval.
(4) The Authority may amend or revoke any conditions imposed under subsection (2) or (3).
(5) The power under subsection (2), (3) or (4) is only exercisable by notice in writing served on the authorized insurer and the person.
(6) A notice under subsection (5) must, in the case of any conditions being imposed or amended, include a statement of reasons for imposing or amending the conditions.
Part 2
Section 33

Insurance Companies (Amendment) Ordinance 2015

(7) An imposition, amendment or revocation of any conditions under subsection (2), (3) or (4) takes effect at the time the notice under subsection (5) is served on the authorized insurer and the person or at the time specified in the notice, whichever is the later.

15AAB. Procedural requirements for rejecting application under section 15, or imposing or amending conditions under section 15AA

(1) The Authority must not—
   (a) reject an application made under section 15(3B) for the approval of the appointment of a person as an actuary of an authorized insurer;
   (b) impose a condition under section 15AA(2) or (3) on such an approval; or
   (c) amend such a condition under section 15AA(4), without giving the insurer and the person an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(2) In this section, a reference to an opportunity to make representations is a reference to an opportunity to make written representations or oral representations.

15AAC. Offence to provide false information in connection with application for approval under section 15

(1) A person commits an offence if the person, in connection with an application for the approval under section 15—
   (a) makes a statement that is false or misleading in a material particular; and
(b) knows that, or is reckless as to whether, the statement is false or misleading in the material particular.

(2) A person commits an offence if the person, in connection with an application for the approval under section 15—

(a) omits a material particular from a statement with the result that the statement is rendered false or misleading; and

(b) knows that, or is reckless as to whether, the material particular is omitted from the statement.

(3) A person who commits an offence under subsection (1) or (2) is liable to a fine at level 5 and to imprisonment for 6 months.”.

34. Section 15A amended (notification in respect of auditors appointed under section 15)

(1) Section 15A(1)—

Repeal

“An insurer”

Substitute

“An authorized insurer”.

(2) Section 15A(1)(a), (b) and (c)(i) and (ii), Chinese text, before “保險人”—

Add

“該”.

(3) Section 15A(1)(c)—

Repeal

“an insurer”

Substitute
35. Section 15B amended (notification in respect of actuaries appointed under section 15)
(1) Section 15B, heading, after “notification”—
Add
Part 2
Section 35

Insurance Companies (Amendment) Ordinance 2015

 Ord. No. 12 of 2015

“，and Authority’s objection to appointment,.”

(2) Section 15B(1)—

Repeal

“An insurer”

Substitute

“An authorized insurer”.

(3) Section 15B(1)(a) and (b), Chinese text, before “保險人”—

Add

“該”.

(4) Section 15B(2)—

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(5) Section 15B(2)(c), Chinese text, before “保險人” (wherever appearing)—

Add

“該”.

(6) Section 15B(2)(c)(i), English text—

Repeal

“the Third Schedule”

Substitute

“Schedule 3”.

(7) After section 15B(2)—

Add

“(2A) Subject to subsection (2B), the Authority may, by

serving a notice in writing on an authorized insurer
Part 2
Section 36

Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

36. Section 16 amended (keeping and preserving of proper books of account)

(1) Section 16(1)—

Repeal

“Any insurer”

Substitute

“An authorized insurer”.

Part 2
Section 37

“every insurer”

Substitute
“every authorized insurer”.

(2) Section 16(2), Chinese text, before “保險人”—
Add
“有關獲授權”.

(3) Section 16(3)—
Repeal
“an insurer”

Substitute
“an authorized insurer”.

(4) After section 16(4)—
Add
“(5) The Authority may, by serving a notice in writing on
an authorized insurer, require the insurer to provide to
the Authority, within the period specified in the notice,
any books of account that—
(a) are required to be kept by this section; and
(b) are required by the Authority for performing its
functions.

(6) An authorized insurer served with the notice which,
without reasonable excuse, fails to comply with it
commits an offence and is liable to a fine at level 5.”.

37. Section 17 amended (submission of financial information)

(1) Section 17(1)—
Repeal
“Every insurer”

Substitute
38. Section 18 amended (periodic actuarial investigation of insurer with long term business)

(1) Section 18, heading, before “insurer” —

Add

“Every authorized insurer”.

(2) Section 17(2) —

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(3) Section 17(2), Chinese text, after “監督及” —

Add

“該”.

(4) Section 17(3) —

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(5) Section 17(3), Chinese text, after “說明” —

Add

“該”.

(6) Section 17(1), (2) and (3), English text —

Repeal

“the Third Schedule” (wherever appearing)

Substitute

“Schedule 3”.

38. 修訂第 18 條 (對經營長期業務的保險人的定期精算調查)
Part 2
Section 38

Insurance Companies (Amendment) Ordinance 2015

(2) Section 18(1)—

Repeal

“Any insurer”

Substitute

“An authorized insurer”.

(3) Section 18(1)(b), Chinese text, after “而就”—

Add

“該”.

(4) Section 18(2)—

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(5) Section 18(2), Chinese text—

Repeal

“結算保險人”

Substitute

“結算其”.

(6) Section 18(2), Chinese text, after “資料，”—

Add

“該”.

(7) Section 18(1) and (2), English text—

Repeal

“the Third Schedule”

Substitute

“Schedule 3”.

“authorized”.

(2) 第18(1) 條——

廢除

“的保險人”

代以

“的獲授權保險人”。

(3) 第18(1)(b) 條，中文文本，在“而就”之後——

加入

“該”。

(4) 第18(2) 條——

廢除

“保險人根據第(1) 款”

代以

“獲授權保險人根據第(1) 款，”。

(5) 第18(2) 條，中文文本——

廢除

“結算保險人”

代以

“結算其”。

(6) 第18(2) 條，中文文本，在“資料，”之後——

加入

“該”。

(7) 第18(1) 及(2) 條，英文文本——

廢除

“the Third Schedule”

代以

“Schedule 3”。
39. **Section 20 amended (deposit of accounts etc. with Insurance Authority)**

(1) **Section 20(1)—**

   Repeal
   “an insurer”
   Substitute
   “an authorized insurer”.

(2) **Section 20(1)—**

   Repeal
   “6 months” (wherever appearing)
   Substitute
   “4 months”.

(3) **Section 20(1A), English text—**

   Repeal
   “the Third Schedule”
   Substitute
   “Schedule 3”.

(4) **Section 20(1A)—**

   Repeal
   “，但該款所提述的 6 個月則須理解為 4 個月”。

(5) **Section 20(2)(a)(i) and (ii) and (4), Chinese text, before “保險人”—**

   Add
   “有關”.

(6) **Section 20(5)—**

   Repeal
40. Section 21 amended (documents to be deposited with Registrar of Companies)

(1) Section 21(1)—

Repeal
“an insurer”
Substitute
“an authorized insurer”.

(2) Section 21(1), English text—

Repeal
“the Third Schedule”
Substitute
“Schedule 3”.

(3) Section 21(2)—

Repeal
“Any insurer”
Substitute
“An authorized insurer”.

(7) Section 20(7)—

Repeal
“Any insurer”
Substitute
“An authorized insurer”.

(5) 每份獲授權保險人的資產負債表，均須連同向該保險人的股東或保單持有人呈交的該”。

(7) 第 20(7) 條——

廢除
“保險人”
代以
“獲授權保險人”。

40. 修訂第 21 條 (須存交公司註冊處處長的文件)

(1) 第 21(1) 條——

廢除
“的保險人”
代以
“的獲授權保險人”。

(2) 第 21(1) 條，英文文本——

廢除
“the Third Schedule”
代以
“Schedule 3”。

(3) 第 21(2) 條——

廢除
“保險人”
代以
“獲授權保險人”。“an insurer”
Substitute
“an authorized insurer”.

(7) Section 20(7)—

Repeal
“Any insurer”
Substitute
“An authorized insurer”.

(5) 每份獲授權保險人的資產負債表，均須連同向該保險人的股東或保單持有人呈交的該”。“an insurer”
Substitute
“an authorized insurer”.

(7) Section 20(7)—

Repeal
“the Third Schedule”
Substitute
“Schedule 3”.

(3) Section 21(2)—

Repeal
“Any insurer”
Substitute
“An authorized insurer”.

(5) 每份獲授權保險人的資產負債表，均須連同向該保險人的股東或保單持有人呈交的該”

(7) 第 20(7) 條——

廢除
“保險人”
代以
“獲授權保險人”。

40. 修訂第 21 條 (須存交公司註冊處處長的文件)

(1) 第 21(1) 條——

廢除
“的保險人”
代以
“的獲授權保險人”。

(2) 第 21(1) 條，英文文本——

廢除
“the Third Schedule”
代以
“Schedule 3”。

(3) 第 21(2) 條——

廢除
“保險人”
代以
“獲授權保險人”。“an insurer”
Substitute
“an authorized insurer”.

(7) Section 20(7)—

Repeal
“Any insurer”
Substitute
“An authorized insurer”.

(5) 每份獲授權保險人的資產負債表，均須連同向該保險人的股東或保單持有人呈交的該”

(7) 第 20(7) 條——

廢除
“保險人”
代以
“獲授權保險人”。

40. 修訂第 21 條 (須存交公司註冊處處長的文件)

(1) 第 21(1) 條——

廢除
“的保險人”
代以
“的獲授權保險人”。

(2) 第 21(1) 條，英文文本——

廢除
“the Third Schedule”
代以
“Schedule 3”。

(3) 第 21(2) 條——

廢除
“保險人”
代以
“獲授權保險人”。“an insurer”
Substitute
“an authorized insurer”.

(7) Section 20(7)—

Repeal
“Any insurer”
Substitute
“An authorized insurer”.

(5) 每份獲授權保險人的資產負債表，均須連同向該保險人的股東或保單持有人呈交的該”

(7) 第 20(7) 條——

廢除
“保險人”
代以
“獲授權保險人”。
41. **Section 22 amended (separation of assets and liabilities attributable to long term business)**

1. **Section 22(1)—**
   
   **Repeal**
   
   “an insurer”
   
   **Substitute**
   
   “an authorized insurer”.

2. **Section 22(1)—**
   
   **Repeal paragraph (a)**
   
   **Substitute**
   
   “(a) for that part of that business which is of the nature specified in Part 2 of Schedule 1—
   
   (i) maintain an account for each class of insurance business specified in that Part; and
   
   (ii) maintain a separate fund for each class of insurance business specified in that Part; and”.

3. **Section 22(1A)—**
   
   **Repeal**
   
   “an insurer”
   
   **Substitute**
   
   “an authorized insurer”.

4. **Section 22(2)—**
   
   **Repeal**
   
   “pursuant to subsection (1)(a)(i)”
   
   **Substitute**
   
   “under subsection (1)(a)”.
Part 2

Section 41

Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

A1097

“An insurer”

Substitute

“An authorized insurer”.

(6) Section 22(2)(a), Chinese text, before “保險人” —

Add

“該”.

(7) Section 22(3) —

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(8) Section 22(3) —

Repeal paragraphs (a) and (b)

Substitute

“(a) the aggregate value of the assets representing each separate fund (as determined in accordance with section 8(4)) is not less than the aggregate of—

(i) the amount of the liabilities attributable to that part of that business to which the fund relates (as so determined); and

(ii) the amount that is required to be held in that fund in accordance with the rules made under section 129(1)(c); and

(b) the aggregate value of the assets representing all the funds (as determined in accordance with section 8(4)) is not less than the greater of the following—

(i) the aggregate of—

(A) the amount of the liabilities attributable to those parts of that business to which the funds relate (as so determined); and
Part 2
Section 42

42. Section 22A amended (foreign insurers may be authorized to maintain accounts in relation to their Hong Kong business)

(1) Section 22A(1)—

Repeal

“an insurer”

Substitute

“an authorized insurer”.

(2) Section 22A(2), English text—

(B) $2,000,000 or its equivalent;

(ii) the aggregate of—

(A) the amount of the liabilities attributable to those parts of that business to which the funds relate (as so determined); and

(B) the amount that is required to be held in those funds in accordance with the rules made under section 129(1)(c).”.

(9) Section 22(5)—

Repeal

“Any insurer”

Substitute

“An authorized insurer”.

(10) Section 22(5)—

Repeal

everything after “to a fine of”

Substitute

“$1,000,000 and, in the case of a continuing offence, to a further fine of $20,000 for each day during which the offence continues.”.

42. 修訂第 22A 條 (外地保險人可獲授權就其香港的業務備存帳目)

(1) 第 22A(1) 條—

廢除

“的保險人如”

代以

“的獲授權保險人如屬”。

(2) 第 22A(2) 條，英文文本—

(B) $2,000,000 or its equivalent;

(ii) the aggregate of—

(A) the amount of the liabilities attributable to those parts of that business to which the funds relate (as so determined); and

(B) the amount that is required to be held in those funds in accordance with the rules made under section 129(1)(c).”.

(9) 第 22(5) 條—

廢除

“保險人”

代以

“獲授權保險人”。

(10) 第 22(5) 條—

廢除

在“可處”之後的所有字句

代以

“罰款 $1,000,000，如屬持續罪行，則可就該罪行持續期間的每一日，另處罰款 $20,000。”。
Part 2
Section 43

Repeal
“the Third Schedule” (wherever appearing)
Substitute
“Schedule 3”.

(3) Section 22A(3)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(4) Section 22A(4)—
Repeal
“any insurer”
Substitute
“an authorized insurer”.

(5) Section 22A(5), Chinese text, before “保險人”—
Add
“有關”.

43. Section 23 amended (application of assets of insurer with long term business)

(1) Section 23, heading, before “insurer”—
Add
“authorized”.

(2) Section 23(1)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(3) Section 23(2)—

Repeal

“an insurer’s”

Substitute

“an authorized insurer’s”.

(4) Section 23(2)—

Repeal paragraphs (a) and (b)

Substitute

“(a) for a fund maintained for that part of that business which is of the nature specified in Part 2 of Schedule 1, that the value of the assets representing the fund exceeds the aggregate of—

(i) the amount of the liabilities attributable to that part of that business to which the fund relates; and

(ii) the amount that is required to be held in that fund in accordance with the rules made under section 129(1)(c); and

(b) for all funds, that the value of the assets representing the funds exceeds the greater of the following—

(i) the aggregate of—

(A) the amount of the liabilities attributable to those parts of that business to which the funds relate; and

(B) $2,000,000 or its equivalent;

(ii) the aggregate of—

(A) the amount of the liabilities attributable to those parts of that business to which the funds relate; and

(B) $2,000,000 or its equivalent;
Part 2
Section 43

(B) the amount that is required to be held in those funds in accordance with the rules made under section 129(1)(c),”.

(5) Section 23(3)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(6) Section 23(5)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(7) Section 23(6)—
Repeal
“No insurer”
Substitute
“No authorized insurer”.

(8) Section 23(6)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(9) Section 23(7)—
Repeal
“Any insurer”
Part 2
Section 44

Substitute
“An authorized insurer”.

(10) Section 23(7)—
Repeal
everything after “to a fine of”
Substitute
“$1,000,000 and, in the case of a continuing offence, to a
further fine of $20,000 for each day during which the
offence continues.”.

44. Section 25A amended (maintenance of assets in Hong Kong—general business)

(1) Section 25A(1), English text, definition of additional amount for unexpired risks的定義——
Repeal
“the Third Schedule”
Substitute
“Schedule 3”.

(2) Section 25A(1), English text, definition of assets in Hong Kong, paragraph (a)—
Repeal
“the Eighth Schedule”
Substitute
“Schedule 8”.

(3) Section 25A(1), English text, definition of claims outstanding的定義——
Repeal
“the Third Schedule”
Substitute
Part 2

Section 44

Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

(4) Section 25A(1), English text, definition of *fund*—

Repeal

“the Third Schedule”

Substitute

“Schedule 3”.

(5) Section 25A(1), English text, definition of *Hong Kong insurance business*—

Repeal

“the Third Schedule”

Substitute

“Schedule 3”.

(6) Section 25A(1), definition of *relevant amount*, paragraph (a)—

Repeal

“the insurer’s”

Substitute

“the authorized insurer’s”.

(7) Section 25A(1), Chinese text, definition of *有關數額*, paragraph (b), before “保險人”—

Add

“該”.

(8) Section 25A(1), English text, definition of *unearned premiums*—

Repeal

“the Third Schedule”

Substitute

“Schedule 3”.
(9) Section 25A(3)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(10) Section 25A(3)(b), Chinese text, before “保險人”—
Add
“該”.

(11) Section 25A(4)—
Repeal
“any insurer”
Substitute
“an authorized insurer”.

(12) Section 25A(6)—
Repeal
“any insurer”
Substitute
“an authorized insurer”.

(13) Section 25A(7)(b)—
Repeal
“any insurer’s”
Substitute
“an authorized insurer’s”.

(14) Section 25A(8)—
Repeal
“an insurer”
Substitute
“根據在香港以外地方的法律，獲授權保險人”。

(15) 第 25A(8) 條，中文文本——

廢除
“保險人清盤時”
代以
“該保險人清盤時，”。

(16) 第 25A(9) 條——

廢除
“保險人”
代以
“獲授權保險人”。

(17) 第 25A(9) 條，英文文本——

廢除
“the Third Schedule”
代以
“Schedule 3”。

(18) 第 25A(10) 條——

廢除
“任何保險人”
代以
“任何獲授權保險人”。

(19) 第 25A(10)(ii) 條，中文文本，在“保險人”之前——

加入
“該”。

(20) 第 25A(11) 條——

廢除
“任何保險人”

“an authorized insurer”.

(15) Section 25A(8), Chinese text—

Repeal
“保險人清盤時”
Substitute
“該保險人清盤時，”。

(16) Section 25A(9)—

Repeal
“An insurer”
Substitute
“An authorized insurer”.

(17) Section 25A(9), English text—

Repeal
“the Third Schedule”
Substitute
“Schedule 3”.

(18) Section 25A(10)—

Repeal
“An insurer”
Substitute
“An authorized insurer”.

(19) Section 25A(10)(ii), Chinese text, before “保險人”—

Add
“該”。

(20) Section 25A(11)—

Repeal
“An insurer”
45. Section 25B amended (direction by Insurance Authority to re-determine liabilities)

(1) Section 25B(1)—
Repeal
“an insurer’s”
Substitute
“an authorized insurer’s”.

(2) Section 25B(1)—
Repeal
“an insurer”
Substitute
“the insurer”.

(3) Section 25B(2)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(4) Section 25B(3)—
Repeal
Part 2
Section 46

Ord. No. 12 of 2015

Insurance Companies (Amendment) Ordinance 2015

46. Section 26 amended (grounds on which powers are exercisable)

(1) Section 26(1)—

Repeal

“any insurer”

Substitute

“An insurer”

(5) Section 25B(3)(b), English text—

Repeal

“the Third Schedule”

Substitute

“Schedule 3”.

(6) Section 25B(4)—

Repeal

“An insurer”

Substitute

“An authorized insurer”.

(7) Section 25B(4)(ii), Chinese text, before “保險人” —

Add

“該”.

(8) Section 25B(5)—

Repeal

“An insurer”

Substitute

“An authorized insurer”.

46. 修訂第 26 條 (可行使權力的理由)

(1) 第 26(1) 條 ——

廢除

“就任何”

代以
“，就任何獲授權”。

(2) 第 26(1)(a), (b)(i) 及 (ii), (c), (d) 及 (e) 條，中文文本，在所有 “保險人” 之前——
加入
“該”。

(3) 第 26(1A) 條——
廢除
“保險人”
代以
“獲授權保險人”。

(4) 第 26(2) 條——
廢除
“而就任何”
代以
“，而就任何獲授權”。

(5) 第 26(3) 條——
廢除
“保險人的保單持有人或可能成為”
代以
“某獲授權保險人的保單持有人或可能成為某獲授權保險人的”。

(6) 第 26(3A) 條——
廢除
“任何保險人”
代以
“任何獲授權保險人”。

(7) 第 26(3A) 條——

“an authorized insurer”.

(2) Section 26(1)(a), (b)(i) and (ii), (c), (d) and (e), Chinese text, before “保險人” (wherever appearing)—
Add
“該”.

(3) Section 26(1A)—
Repeal
“any insurer”
Substitute
“an authorized insurer”.

(4) Section 26(2)—
Repeal
“any insurer”
Substitute
“an authorized insurer”.

(5) Section 26(3)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(6) Section 26(3A)—
Repeal
“any insurer”
Substitute
“an authorized insurer”.

(7) Section 26(3A)—
47. Section 34 amended (power to obtain information and require production of documents)
Section 34—
Repeal subsection (5).

48. Section 35AA amended (maintenance of excess of assets over liabilities etc.)
(1) Section 35AA(1)—
Repeal “an insurer”
Substitute “an authorized insurer”.
(2) Section 35AA(1)—
Repeal
“regulations made under section 59(1)(aa)”
Substitute
“rules made under section 129(1)(b)”.

(3) Section 35AA(1)(a), (b) and (c), Chinese text, before “保險人” (wherever appearing)—
Add
“該”.

(4) Section 35AA(2)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(5) Section 35AA(2)(a), (b) and (c), Chinese text, before “保險人” (wherever appearing)—
Add
“該”.

(6) Section 35AA(3)—
Repeal
“regulations made under section 59(1)(aa)”
Substitute
“rules made under section 129(1)(b)”.

(7) Section 35AA(3)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

Part 2
Section 48
49. 修訂第 35B 條（帳目）
第 35B 條——
廢除第 (2) 及 (3) 款。

50. 修訂第 36 條（擬根據第 27 條行使權力的通知）
第 36(1)(b) 條——
廢除
“公職人員”
代以
“人”。

51. 修訂第 37 條（以不適宜為理由而擬行使權力的通知）
(1) 第 37(1)(b) 條——
廢除
“公職人員”
代以
“人”。
(2) 第 37(6) 條——
廢除
“任何保險人”
代以
“任何獲授權保險人”。
(3) 第 37(6) 條——
廢除 (a)、(b) 及 (c) 段
代以

49. Section 35B amended (accounts)
Section 35B—
Repeal subsections (2) and (3).

50. Section 36 amended (notice of proposed exercise of power under section 27)
Section 36(1)(b)—
Repeal
“public officer”
Substitute
“person”.

51. Section 37 amended (notice of proposed exercise of powers on ground of unfitness)
(1) Section 37(1)(b)—
Repeal
“public officer”
Substitute
“person”.
(2) Section 37(6)—
Repeal
“any insurer”
Substitute
“an authorized insurer”.
(3) Section 37(6)—
Repeal paragraphs (a), (b) and (c)
Substitute
Part 2
Section 51

“(a) after serving a notice under section 13A(5) on the insurer rejecting the application for the approval of the appointment of an individual as a controller of the insurer, and despite the notice, the individual is appointed as a controller of the insurer;

(b) after serving a notice under section 13A(7) on the insurer revoking the approval of the appointment of an individual as a controller of the insurer, and despite the notice, the individual continues to act as a controller of the insurer;

(c) after serving a notice under section 13AC(5) on the insurer rejecting the application for the approval of the appointment of a person as a director of the insurer, and despite the notice, the person is appointed as a director of the insurer;

(d) after serving a notice under section 13AC(7) on the insurer revoking the approval of the appointment of a person as a director of the insurer, and despite the notice, the person continues to act as a director of the insurer; or

(e) after serving a notice under section 14(4) on the insurer, and despite the notice, the person continues to act as a controller or director.”.

(4) After section 37(6)—

Add

“(7) For the purposes of subsection (6), this section does not apply even if—

(a) the insurer or the individual or person concerned has applied to the Tribunal under section 100 for a review of the decision of the Authority to serve the notice; and

(b) the Tribunal has not determined the review of the decision.”.
Part 2

Section 52

52. **Section 38A amended (effect of direction given under section 35(2)(b))**

Section 38A(1)(b)—

**Repeal**

“paragraph (b) of the definition of “controller” in section 13A(1)”

**Substitute**

“paragraph (a)(ii) of the definition of controller in section 13A(12)”.

53. **Section 38B amended (powers of Manager)**

(1) **Section 38B(1)(b), English text—**

**Repeal**

“the Seventh Schedule”

**Substitute**

“Schedule 7”.

(2) **Section 38B(2)(a)—**

**Repeal**

“paragraph (b) of the definition of “controller” in section 13A(1)”

**Substitute**

“paragraph (a)(ii) of the definition of controller in section 13A(12)”.

(3) **Section 38B(3)(a)(ii)—**

**Repeal**

“paragraph (b) of the definition of “controller” in section 13A(1)”

**Substitute**
Part 2
Section 54

“paragraph (a)(ii) of the definition of controller in section 13A(12)”.  
(4) Section 38B(4)—
    Repeal
    “13A(2)”
    Substitute
    “13A(1)”.

54. Section 38D amended (duration of direction given under section 35(2))
(1) Section 38D(1)(b)—
    Repeal
    “a decision of the Financial Secretary under subsection (2)”
    Substitute
    “a determination of the Tribunal in a review of the Authority’s direction”.
(2) Section 38D—
    Repeal subsection (2).

55. Section 38E amended (Advisors and Managers)
Section 38E—
    Repeal subsection (8).

56. Section 40 amended (withdrawal of authorization)
(1) Section 40(4)—
    Repeal
    “section 5”
    Substitute
    “section 5H”.  

“13A(12) 條中 控權人 的定義的 (a)(ii)”。
(4) 第 38B(4) 條——
    廢除
    “13A(2)”
    代以
    “13A(1)”。

54. 修訂第 38D 條 ( 根據第 35(2) 條發出的指示的期限 )
(1) 第 38D(1)(b) 條——
    廢除
    “使財政司司長根據第 (2) 款作出的決定得以生效”
    代以
    “實行審裁處在覆核保監局的指示時作出的裁定”。
(2) 第 38D 條——
    廢除第 (2) 款。

55. 修訂第 38E 條 ( 顧問及經理 )
第 38E 條——
    廢除第 (8) 款。

56. 修訂第 40 條 ( 授權的撤回 )
(1) 第 40(4) 條——
    廢除
    “將根據第 5”
    代以
    “，將根據第 5H”。
57. Section 41 amended (offences under Part V)

(1) Section 41(1)—
Repeal paragraph (b).

(2) Section 41(1)(c) and (e)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(3) After section 41(1)—
Add
“(1A) A person who, in purported compliance with a requirement imposed under section 34, furnishes information which the person knows to be false in a material particular, or recklessly furnishes information which is false in a material particular, commits an offence and is liable—
(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years; or
(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.”.

58. Part VA added

After section 41—
Add
Part VA

Further Regulatory Powers on Insurers

Division 1—Preliminary

41A. Interpretation

In this Part—

business record (業務紀錄), in relation to an insurer, means a record or document relating to—

(a) the business conducted by the insurer; or

(b) a transaction or activity that was undertaken in the course of, or may affect, the business conducted by the insurer;

inspector (查察員) means a person appointed as an inspector under section 41B(6);

investigator (調查員) means a person directed or appointed by the Authority under section 41D(1) to investigate any matter.

Division 2—Inspection and Investigation without Warrant

41B. Power to conduct inspection

(1) An inspector may exercise the powers under subsections (2) and (3) for ascertaining whether an authorized insurer is complying with, has complied with, or is likely to be able to comply with—

(a) a provision of this Ordinance;

(b) a notice or requirement given or imposed under a provision of this Ordinance;
Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 58

(c) a term or condition of an authorization granted under section 8; or
(d) any other condition imposed under a provision of this Ordinance.

(2) At any reasonable time, an inspector—
(a) may enter any premises used by the authorized insurer in connection with its business;
(b) may inspect, and may make copies or otherwise record details of, a business record of the insurer; and
(c) may make inquiries of the insurer or a person specified in subsection (5)—
(i) concerning a business record of the insurer;
or
(ii) concerning a transaction or activity that was undertaken in the course of, or may affect, the business conducted by the insurer.

(3) In exercising a power under subsection (2)(b) or (c), the inspector may require the authorized insurer, or a person specified in subsection (5)—
(a) to give the inspector access to a business record of the insurer;
(b) to produce to the inspector, within the time and at the place specified in the requirement, a business record of the insurer; and
(c) to answer a question concerning—
(i) a business record of the insurer; or
(ii) a transaction or activity that was undertaken in the course of, or may affect, the business conducted by the insurer.
(4) The power under subsection (2)(c) or (3) is not exercisable in relation to a person specified in subsection (5) unless the inspector has reasonable cause to believe that the information or record being sought cannot be obtained by exercising the power in relation to the authorized insurer.

(5) The person specified for subsections (2)(c) and (3) is a person whom the inspector has reasonable cause to believe has information relating to, or is in possession of, a business record of the authorized insurer.

(6) The Authority may in writing appoint a person, or a person belonging to a class of persons, as an inspector for the purposes of this section.

(7) The Authority must provide an inspector with a copy of its appointment.

(8) When imposing a requirement on a person under subsection (3), an inspector must, if so requested, produce a copy of the appointment to that person for inspection as soon as practicable.

41C. Inspector may require answer, etc. to be verified by statutory declaration

(1) If a person gives an answer in compliance with a requirement imposed under section 41B(2)(c) or (3), the inspector may, in writing, require the person to verify, within the time specified in the requirement, the answer by a statutory declaration.

(2) If a person does not give an answer in compliance with a requirement imposed under section 41B(2)(c) or (3) for the reason that the information concerned was not within the person's knowledge or possession, the inspector may, in writing, require the person to verify, within the time specified in the requirement, by a statutory declaration, that the person did not comply with the requirement for that reason.
A statutory declaration under subsection (1) or (2) may be made before the inspector and, for that purpose, the inspector is to have full power to administer the statutory declaration.

41D. Power to conduct investigation

(1) If—
(a) the Authority has reasonable cause to believe that a provision of this Ordinance may have been contravened;
(b) the Authority has reasonable cause to believe that a person may have been involved in defalcation, fraud, misfeasance or other misconduct in relation to the carrying on of insurance business;
(c) the Authority has reasonable cause to believe that a person has carried on, or is carrying on, insurance business in a manner that is not in the interests of policy holders or potential policy holders or the public interest; or
(d) the Authority, for considering whether to exercise any power under section 41P, has reason to enquire if—
(i) a person is, or was, guilty of misconduct as defined by section 41P; or
(ii) a person is, or was, not a fit and proper person as described in section 41P(1)(c),
the Authority may in writing direct one or more of its employees, or, with the consent of the Financial Secretary, appoint one or more other persons, to investigate the matter.

(2) The costs and expenses incurred by an investigator, other than an employee of the Authority, may be paid out of moneys provided by the Legislative Council.
(3) The Authority must provide an investigator with a copy of its direction or appointment.

(4) Before first imposing a requirement on a person under subsection (5), an investigator must produce a copy of the direction or appointment to that person for inspection.

(5) An investigator may require a person specified in subsection (6)—
   (a) to produce, within the time and at the place the investigator requires in writing, a record or document specified by the investigator that—
      (i) is or may be relevant to the investigation; and
      (ii) is in the person’s possession;
   (b) to give an explanation or further particulars in respect of a record or document produced;
   (c) to attend before the investigator at the time and place the investigator requires in writing, and answer a question relating to any matter under investigation that may be raised by the investigator;
   (d) to answer in writing, within the time the investigator requires in writing, a written question relating to any matter under investigation that may be raised by the investigator; and
   (e) to give the investigator all other assistance in connection with the investigation that the person is able to give.

(6) The person specified for subsection (5) is—
   (a) a person who is relevant to the matter that an investigator is directed or appointed to investigate; or
   (b) a person whom an investigator has reasonable cause to believe—
41E. Investigator may require explanation, etc. to be verified by statutory declaration

(1) If a person gives any explanation, particulars or answer in compliance with a requirement imposed under section 41D(5), the investigator may, in writing, require the person to verify, within the time specified in the requirement, the explanation, particulars or answer by a statutory declaration.

(2) If a person does not give any explanation, particulars or answer in compliance with a requirement imposed under section 41D(5) for the reason that the information concerned was not within the person's knowledge or possession, the investigator may, in writing, require the person to verify, within the time specified in the requirement, by a statutory declaration, that the person did not comply with the requirement for that reason.

(3) A statutory declaration under subsection (1) or (2) may be made before the investigator and, for that purpose, the investigator is to have full power to administer the statutory declaration.

41F. Application to Court of First Instance for inquiry into failure

(1) If a person fails to comply with a requirement imposed by an inspector under section 41B or 41C or an investigator under section 41D or 41E, the inspector or investigator may apply by originating summons to the Court of First Instance for an inquiry into the failure.
Part 2
Section 58

41G. Offences in relation to inspections and investigations

(1) A person commits an offence if the person, without reasonable excuse, fails to comply with a specified requirement imposed on the person.
(2) A person commits an offence if the person, with intent to defraud, fails to comply with a specified requirement imposed on the person.

(3) A person commits an offence if—
   (a) in purported compliance with a specified requirement imposed on the person, the person produces a record or document, gives an answer, or gives any explanation or particulars, that are false or misleading in a material particular; and
   (b) the person knows that, or is reckless as to whether, the record or document, the answer, or the explanation or particulars, are false or misleading in the material particular.

(4) A person commits an offence if, in purported compliance with a specified requirement imposed on the person, the person, with intent to defraud, produces a record or document, gives an answer, or gives any explanation or particulars, that are false or misleading in a material particular.

(5) A person commits an offence if the person, with intent to defraud—
   (a) causes or allows another person to fail to comply with a specified requirement imposed on that other person; or
   (b) causes or allows that other person, in purported compliance with a specified requirement imposed on that other person, to produce a record or document, to give an answer, or to give any explanation or particulars, that are false or misleading in a material particular.

(6) A person is not excused from complying with a requirement imposed on the person under section 41D(5) or 41E(1) only on the ground that to do so might tend to incriminate the person.
(7) Despite anything in this Ordinance, no criminal proceedings may be instituted against a person under subsection (1), (2), (3), (4) or (5) in respect of a conduct if—
   (a) proceedings have previously been instituted against the person under section 41F(2)(b) in respect of the same conduct; and
   (b) those proceedings remain pending, or because of the previous institution of those proceedings, no proceedings may again be lawfully instituted against that person under section 41F(2)(b) in respect of the same conduct.

(8) A person who commits an offence under subsection (1) is liable—
   (a) on conviction on indictment to a fine of $200,000 and to imprisonment for 1 year; or
   (b) on summary conviction to a fine at level 5 and to imprisonment for 6 months.

(9) A person who commits an offence under subsection (3) is liable—
   (a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years; or
   (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(10) A person who commits an offence under subsection (2), (4) or (5) is liable—
   (a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 7 years; or
   (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(11) In this section—
Part 2
Section 58

Insurance Companies (Amendment) Ordinance 2015

specified requirement (指明要求) means a requirement imposed under section 41B(3), 41C(1) or (2), 41D(5) or 41E(1) or (2).

41H. In the legal proceedings, the use of evidence that is incriminating against a person

(1) If an investigator requires a person to give an answer to a question or to give an explanation or further particulars under this Part, the investigator must ensure that the person has first been notified of the effect of subsection (2).

(2) Despite anything in this Ordinance and subject to subsection (3)—

(a) if an investigator requires a person to give an answer to a question or to give an explanation or further particulars under this Part; and

(b) the answer, or the explanation or further particulars, might tend to incriminate the person and the person so claims before giving the answer or giving the explanation or further particulars, the requirement and the question and answer, or the explanation or further particulars, are not admissible in evidence against the person in criminal proceedings in a court of law.

(3) Subsection (2) does not apply to criminal proceedings in which the person is, in relation to the answer, or the explanation or further particulars, charged with—

(a) an offence under section 41G(1), (2), (3), (4) or (5), or under Part V of the Crimes Ordinance (Cap. 200); or

(b) perjury.

41I. Offences in relation to destruction of records and documents

(1) A person commits an offence if—
Part 2
Section 58

41J. Order to pay costs of investigation

(1) If a person is convicted by a court on a prosecution instituted as a result of the findings of an investigation under section 41D—

(a) the court may order the person to pay to the Authority the whole or a part of the costs and expenses of the investigation; and

(b) the Authority may recover the whole or that part of the costs and expenses as a civil debt due to it.

(2) Subsection (3) applies if—

(a) the Authority receives an amount under an order made under subsection (1) in respect of any of the costs and expenses of an investigation; and

(b) all or any of the costs and expenses have already been paid out of moneys provided by the Legislative Council.

41J. 支付調查費用的命令

(1) 如有調查根據第 41D 條進行，而調查所得導致任何人遭檢控並被法院定罪，則——

(a) 該法院可命令該人，向保監局支付該項調查的全部或部分費用及開支；而

(b) 保監局可將該等費用及開支的全部或部分，作為欠該局的民事債項予以追討。

(2) 在以下情況下，第(3)款適用——

(a) 保監局根據第(1)款所指的命令，就調查的費用及開支收取任何款額；而

(b) 該等費用及開支的全數或任何部分，已由立法會所撥款項支付。
第3分部—裁判官手令

41K. 進入處所的裁判官手令

(1) 裁判官如根據第(3)款指明的人經宣誓而作的告訴，信納有合理因由懷疑，在該項告訴所指明的處所內，有或相當可能有某紀錄或文件，是可根據第41B或41D條被要求交出的，則本條適用。

(2) 如本條適用，裁判官可發出手令，授權該手令所述的人，以及為協助執行該手令而需要的任何其他人——

(a) 在自該手令日期起計的7日內，隨時進入該處所，在必要時，可強行進入；及

(b) 在該手令所述的人有合理因由相信某紀錄或文件是可根據第41B或41D條被要求交出的情況下，尋獲、檢取和取走該紀錄或文件。

(3) 為第(1)款而指明的人是——

(a) 就可根據第41B條被要求交出的紀錄或文件而言——查察員；或

(b) 就可根據第41D條被要求交出的紀錄或文件而言——調查員。

第3分部—裁判官手令

3. The Authority must pay to the Financial Secretary the amount received under the order to the extent to which it has already been paid out of moneys provided by the Legislative Council.

Division 3—Magistrate’s Warrants

41K. Magistrate’s warrants to enter premises, etc.

(1) This section applies if a magistrate is satisfied on information on oath laid by a person specified in subsection (3) that there are reasonable grounds to suspect that there is, or is likely to be, on premises specified in the information a record or document that may be required to be produced under section 41B or 41D.

(2) If this section applies, the magistrate may issue a warrant authorizing a person mentioned in the warrant, and other persons who may be necessary to assist in the execution of the warrant—

(a) to enter the premises, if necessary by force, at any time within the period of 7 days beginning on the date of the warrant; and

(b) to search for, seize and remove a record or document that the person mentioned in the warrant has reasonable cause to believe may be required to be produced under section 41B or 41D.

(3) The person specified for subsection (1) is—

(a) in relation to a record or document that may be required to be produced under section 41B—an inspector; or

(b) in relation to a record or document that may be required to be produced under section 41D—an investigator.
(4) If an authorized person has reasonable cause to believe that a person found on the premises is employed, or engaged to provide a service, in connection with a business that is or has been conducted on the premises, the authorized person may require that person to produce for examination a record or document that—

(a) is in the possession of that person; and

(b) the authorized person has reasonable cause to believe may be required to be produced under section 41B or 41D.

(5) An authorized person may, in relation to a record or document required to be produced under subsection (4)—

(a) prohibit a person found on the premises from—

(i) removing the record or document from the premises;
(ii) erasing anything from, adding anything to, or otherwise altering anything in, the record or document; or
(iii) otherwise interfering in any way with, or causing or permitting any other person to interfere with, the record or document; or

(b) take any other step that appears to the authorized person to be necessary for—

(i) preserving the record or document; or
(ii) preventing interference with the record or document.

(6) An authorized person who enters any premises under this section must, if required, produce the warrant for inspection.
41L. Removal of records and documents under section 41K

(1) A record or document removed under section 41K(2) may be retained—
(a) for a period not exceeding 6 months beginning on the day of its removal; or
(b) for a longer period that may be required because of any criminal proceedings, or any proceedings under this Ordinance.

authorized person (獲授權人) means a person mentioned in, and authorized by, a warrant issued under subsection (2) to carry out the acts set out in paragraphs (a) and (b) of that subsection.
(2) If an authorized person removes a record or document under section 41K(2), the authorized person must, as soon as practicable after the removal, give a receipt for the record or document.

**Division 4—Miscellaneous**

### 41M. Lien claimed on records or documents

If the person in possession of a record or document required to be produced under section 41B or 41D claims a lien on the record or document—

(a) the requirement to produce the record or document is not affected by the lien;

(b) no fee is payable for the production; and

(c) the production is without prejudice to the lien.

### 41N. Production of information in information systems, etc.

If any information or matter contained in a record or document required to be produced under section 41B or 41D is recorded otherwise than in a legible form, a power to require the production of the record or document includes the power to require the production of a reproduction of the recording of the information or matter or of the relevant part of it—

(a) if the recording enables the information or matter to be reproduced in a legible form—in a legible form; and

(b) if the information or matter is recorded in an information system—in a form which enables the information or matter to be reproduced in a legible form.
41O. Inspection of records or documents seized, etc.

(1) If a specified person has taken possession of a record or document under this Part, the specified person must permit a person who would be entitled to inspect the record or document had the specified person not taken possession of it, to inspect it and to make copies or otherwise record details of it at all reasonable times.

(2) The permission is subject to any reasonable conditions the specified person imposes.

(3) In this section—

specified person (指明人士) means—

(a) an authorized person within the meaning of section 41K; or

(b) an investigator.

Division 5—Disciplinary Actions

41P. Disciplinary actions in respect of authorized insurers

(1) The Authority may exercise any of the powers specified in subsection (2) in respect of an authorized insurer if—

(a) the insurer is guilty of misconduct;

(b) the insurer was guilty of misconduct; or

(c) the Authority is of the opinion that—

(i) a person who holds the position of a director or controller of the insurer is not a fit and proper person to hold that position; or

(ii) a person who held the position of a director or controller of the insurer was not a fit and proper person to hold that position.

(2) The following powers are specified for subsection (1)—
(a) to revoke the authorization of the authorized insurer, whether in relation to all or any, or a part of all or any, of the class or classes of insurance business for which the insurer is authorized to carry on;

(b) to suspend the authorization of the authorized insurer, whether in relation to all or any, or a part of all or any, of the class or classes of insurance business for which the insurer is authorized to carry on, for a period or until the occurrence of an event, that the Authority specifies;

(c) to prohibit the authorized insurer from applying to be authorized to carry on a class of insurance business, for a period or until the occurrence of an event, that the Authority specifies;

(d) to reprimand the authorized insurer publicly or privately;

(e) to order the authorized insurer to pay a pecuniary penalty not exceeding the amount which is the greater of—

(i) $10,000,000; or

(ii) 3 times the amount of the profit gained or loss avoided by the insurer as a result of the misconduct, or of the conduct of the director or controller of the insurer which leads the Authority to form the opinion referred to in subsection (1)(c) in relation to that director or controller.

(3) If the Authority has exercised its power under subsection (1), it may disclose to the public details of its decision, the reasons for which the decision was made, and any material facts relating to the case.
41Q. The Authority, in forming an opinion for subsection (1)(c), may, among other matters (including those specified in section 14A), take into account the present or past conduct of the person.

(5) Subject to subsection (6), in this section—

misconduct (不當行為) means—

(a) a contravention of a provision of this Ordinance;
(b) a contravention of a term or condition of an authorization granted under section 8;
(c) a contravention of any other condition imposed on an authorized insurer under a provision of this Ordinance; or
(d) an act or omission relating to the carrying on of a class of insurance business by an authorized insurer which, in the Authority’s opinion, is or is likely to be prejudicial to the interests of policy holders or potential policy holders or the public interest,

and guilty of misconduct (犯不當行為) is to be construed accordingly.

(6) This section does not apply to any contravention, act or omission specified in paragraph (a), (b), (c) or (d) of the definition of misconduct in subsection (5) that occurred before the commencement date of this Part.

41Q. Procedural requirements in respect of exercise of powers under section 41P

(1) The Authority must not exercise a power under section 41P without first giving the authorized insurer in respect of whom the power is to be exercised a reasonable opportunity of being heard.
41R. **Guidelines for exercise of power to impose pecuniary penalty under section 41P**

(1) The Authority must not exercise a power under section 41P to impose a pecuniary penalty unless—

(a) it has published, in the Gazette and in any other manner it considers appropriate, guidelines to indicate the way in which it proposes to exercise that power; and

(b) in exercising that power, it has had regard to the guidelines so published.

(2) The guidelines are not subsidiary legislation.
41S. General provisions relating to exercise of disciplinary powers

(1) At any time when the Authority is contemplating exercising a power under section 41P, it may, if it considers it appropriate to do so in the interests of policy holders or potential policy holders or the public interest, by agreement with the authorized insurer concerned—

(a) exercise a power that the Authority may exercise in respect of the insurer under section 41P; and

(b) take an additional action that the Authority considers appropriate in the circumstances of the case.

(2) If the Authority exercises a power or takes an additional action under subsection (1), it must comply with section 41Q as if that section applied to the power or action, unless the insurer agrees otherwise.

(3) In reaching a decision under this Division, the Authority may have regard to any information or material in its possession which is relevant to the decision, regardless of how the information or material has come into its possession.

41T. Order for payment of pecuniary penalty

(1) An authorized insurer ordered to pay a pecuniary penalty under section 41P must pay the penalty to the Authority within 30 days, or a longer period that the Authority specifies by notice under section 41Q(3)(e), after the order has taken effect.

(2) The Court of First Instance may, on an application of the Authority, register an order to pay a pecuniary penalty made under section 41P in the Court.

(3) On registration, the order is to be regarded as an order of the Court of First Instance made within the civil jurisdiction of the Court for the payment of money.
(4) For making an application under subsection (2), the Authority must produce to the Registrar of the High Court a notice in writing requesting that the order be registered, together with the original and a copy of the order.

(5) A pecuniary penalty paid to or recovered by the Authority under an order made under section 41P must be paid by the Authority into the general revenue.

41U. Effect of suspension under section 41P

(1) If the authorization of an authorized insurer is suspended under section 41P, the insurer must, during the suspension period—

(a) continue to be regarded for the purposes of this Ordinance to be authorized, whether in relation to all or any, or a part of all or any, of the class or classes of insurance business for which the authorization of the insurer is suspended; and

(b) without limiting paragraph (a), continue to be required to comply with the provisions of this Ordinance relating to an authorized insurer as would apply to the insurer were the authorization not so suspended.

(2) Without limiting the powers that can be exercised by the Authority under section 41P, the Authority may revoke the authorization even though the authorization is suspended under section 41P.

41V. Revocation or suspension does not avoid or affect agreement, etc.

A revocation or suspension of the authorization of a person under this Division does not—
(a) avoid or affect an agreement, transaction or arrangement entered into by the person, regardless of whether the agreement, transaction or arrangement was entered into before or after the revocation or suspension; or

(b) affect a right, obligation or liability arising under the agreement, transaction or arrangement.

41W. Requirement to transfer records on revocation or suspension

(1) If the authorization of an authorized insurer is revoked or suspended under this Division, the Authority may, by notice in writing, require the insurer to transfer to a policy holder of the insurer a copy of the records relating to the policy holder’s assets or affairs, held at any time for the policy holder as specified in the notice.

(2) A person who, without reasonable excuse, fails to comply with a requirement imposed on the person under subsection (1) commits an offence and is liable to a fine of $200,000 and to imprisonment for 2 years.”.

59. Section 49B amended (notice of commencement of liquidation, etc. and of appointment of liquidator, etc.)

After section 49B(4)—

Add

“(5) In this section—

working day (工作日) means a day other than—

(a) a public holiday;

(b) a Saturday; or

(c) a gale warning day or black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).”.

(a) 廢止或影響由該人訂立的協議、交易或安排，不論該協議、交易或安排是在該項撤銷或暫時撤銷之前或之後訂立的亦然；或

(b) 影響根據該協議、交易或安排而產生的權利、義務或法律責任。

41W. 在授權被撤銷或暫時撤銷後，須移交紀錄

(1) 如任何獲授權保險人的授權根據本分部被撤銷或暫時撤銷，保監局可藉書面通知，要求該保險人將有關紀錄的文本，移交該保險人的保單持有人；上述有關紀錄，指該通知指明的、在任何時間為有關保單持有人持有並關係供保單持有人的資產或事務的紀錄。

(2) 任何人無合理辯解而沒有遵從根據第 (1) 款向該人施加的要求，即屬犯罪，可處罰款 $200,000 及監禁 2 年。”。
60. **Section 50A amended (requirement on solvency margin)**

(1) **Section 50A(1)(a)(ii), English text—**

   Repeal
   “the First Schedule”
   Substitute
   “Schedule 1”.

(2) **Section 50A(1)(b)—**

   Repeal
   “regulations made under section 59(1)(aa)”
   Substitute
   “rules made under section 129(1)(b)”.

(3) **Section 50A(2)—**

   Repeal
   “an insurer”
   Substitute
   “an authorized insurer”.

(4) **Section 50A(2)—**

   Repeal
   “regulations made under section 59(1)(aa)”
   Substitute
   “rules made under section 129(1)(b)”.

61. **Section 50B amended (fit and proper management)**

**Section 50B—**

Repeal subsections (3), (4), (5) and (6)
Substitute
“(3) Sections 13A (except section 13A(12)) and 13AB apply to Lloyd’s.
(4) A reference in those sections to an authorized insurer is a reference to Lloyd’s.
(5) A reference in those sections to a controller is a reference to the authorized representative.”.

62. Section 50C amended (reporting requirements)

(1) Section 50C(1), English text—

Repeal
“the Third Schedule” (wherever appearing)
Substitute
“Schedule 3”.

(2) Section 50C(2)—

Repeal
“regulations made under section 59(1)(a)”
Substitute
“rules made under section 129(1)(a)”.

(3) Section 50C(3)—

Repeal
“60”
Substitute
“130”.

(4) Section 50C(3)—

Repeal
“an insurer”
Substitute
“an authorized insurer”.

62. 修訂第 50C 條 (關於呈報的規定)

(1) 第 50C(1) 條，英文文本——

廢除
所有“the Third Schedule”
代以
“Schedule 3”。

(2) 第 50C(2) 條——

廢除
“59(1)(a) 條訂立的規例中”
代以
“129(1)(a) 條訂立的規例中”。

(3) 第 50C(3) 條——

廢除
“60”
代以
“130”。

(4) 第 50C(3) 條——

廢除
“保險人”
代以
“獲授權保險人”。
### 63. 修訂第 50D 條 (本地資產)

第 50D 條——

廢除

“第 59(1)(a) 條”

代以

“第 129(1)(a) 條”。

### 64. 取代第 50E 條

第 50E 條——

廢除該條

代以

“50E. 第 X 部適用於勞合社

(1) 第 X 部適用於勞合社。

(2) 在第 X 部中，凡提述保險人或獲授權保險人，即提述勞
合社的任何成員。”。

### 65. 加入第 50G 及 50H 條

第 VII 部，在第 50F 條之後——

加入

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<tr>
<th>(5) Section 50C(4)(a) ——</th>
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<tbody>
<tr>
<td>Repeal</td>
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<tr>
<td>“6 months”</td>
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<tr>
<td>Substitute</td>
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<tr>
<td>“4 months”</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>63. Section 50D amended (local assets)</th>
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<tbody>
<tr>
<td>Repeal</td>
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<tr>
<td>“section 59(1)(a)”</td>
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<tr>
<td>Substitute</td>
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<tr>
<td>“section 129(1)(a)”</td>
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<tr>
<th>64. Section 50E substituted</th>
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<tbody>
<tr>
<td>Repeal the section</td>
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<tr>
<td>Substitute</td>
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</table>

“50E. Part X applies to Lloyd’s

(1) Part X applies to Lloyd’s.

(2) A reference in Part X to an insurer or authorized
insurer is a reference to a member of Lloyd’s.”.

<table>
<thead>
<tr>
<th>65. Sections 50G and 50H added</th>
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<tbody>
<tr>
<td>Add</td>
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</table>

Part VII, after section 50F—

A1182

A1183
50G. 进一步监管权力
(1) 第 VA 部的条文 (除第 41P(2)(a)、(b) 及 (c)、41U、41V 及 41W 梱外) 視文意所需，適用於以下的一段或多於一段所提述者——
(a) 劳合社；
(b) 在香港经营保险業務的任何劳合社成员；
(c) 作为一個整体在香港经营保险業務的劳合社各成员。
(2) 在上述条文中，凡提述保险人或获授權保险人，即提述第 (1) 款各段當中一段或多於一段所提述者。
(3) 在上述条文中，凡提述控權人，即提述根據第 50B 梱委任的獲授權代表。

50H. 第 XIII 部適用於劳合社等
(1) 第 XIII 部的条文 (除第 122 梱外) 視文意所需，適用於以下的一段或多於一段所提述者——
(a) 劳合社；
(b) 在香港经营保险業務的任何劳合社成员；
(c) 作为一個整体在香港经营保险業務的劳合社各成员。
(2) 在上述条文中，凡提述保险人或获授權保险人，即提述第 (1) 款各段當中一段或多於一段所提述者。
(3) 在上述条文中，凡提述控權人，即提述根據第 50B 梱委任的獲授權代表。

50G. Further regulatory powers
(1) The provisions of Part VA, except sections 41P(2)(a), (b) and (c), 41U, 41V and 41W, apply to one or more of the following, as the context requires—
(a) Lloyd’s;
(b) a member of Lloyd’s who carries on insurance business in Hong Kong;
(c) the members of Lloyd’s taken together who carry on insurance business in Hong Kong.
(2) A reference in those provisions to an insurer or authorized insurer is a reference to one or more of Lloyd’s, the member and the group of members.
(3) A reference in those provisions to a controller is a reference to the authorized representative appointed under section 50B.

50H. Part XIII applies to Lloyd’s etc.
(1) The provisions of Part XIII, except section 122, apply to one or more of the following, as the context requires—
(a) Lloyd’s;
(b) a member of Lloyd’s who carries on insurance business in Hong Kong;
(c) the members of Lloyd’s taken together who carry on insurance business in Hong Kong.
(2) A reference in those provisions to an insurer or authorized insurer is a reference to one or more of Lloyd’s, the member and the group of members.
(3) A reference in those provisions to a controller is a reference to the authorized representative appointed under section 50B.
66. **Section 51 amended (exempted persons)**

(1) Section 51(f)—

**Repeal**

“within the meaning of section 2 of the Banking Ordinance (Cap. 155)”.

(2) Section 51(f), English text—

**Repeal**

“the First Schedule”

**Substitute**

“Schedule 1”.

67. **Section 53A amended (secrecy)**

(1) Section 53A(1)—

**Repeal**

“Except in the exercise”

**Substitute**

“Except in the performance”.

(2) Section 53A(1)(a)—

**Repeal**

everything after “with regard to”

**Substitute**

“a matter coming to that person’s knowledge either—

(i) by reason of that person’s appointment under this Ordinance; or

(ii) in the course of—
Part 2
Section 67

(A) performing a function under this Ordinance, or carrying into effect any provision of this Ordinance; or

(B) assisting another person in performing a function under this Ordinance, or carrying into effect any provision of this Ordinance;”.

(3) Section 53A(1AA)—
Repeal
“shall apply to any person who is or has been”
Substitute
“applies to the following persons”.

(4) Section 53A(1AA)—
Repeal paragraphs (a) and (b)
Substitute
“(a) the Authority;
(b) a person who is or has been a member, employee, agent, consultant or advisor of the Authority;
(ba) a person who has been the former authority;
(bb) a person who has been a member, employee, agent, consultant or advisor of the former authority;”.

(5) Section 53A(1AA)(c), before “an Advisor”—
Add
“a person who is or has been”.

(6) Section 53A(1AA)(d), before “a Manager”—
Add
“a person who is or has been”.

(7) Section 53A(1AA)—
Repeal paragraph (e)
Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 67

Substitute
“(e) a person who is or has been employed by, or who is or has assisted a person mentioned in paragraph (c) or (d),”.

(8) Section 53A(1AA)—
Repeal
“exercises or has exercised”
Substitute
“performs or has performed”.

(9) After section 53A(1AA)—
Add
“(1AAB) Subsection (1) also applies to the following persons—
(a) a person who is or has been appointed under any provision of this Ordinance;
(b) a person who is or has been performing a function under this Ordinance, or carrying into effect any provision of this Ordinance;
(c) a person who is or has assisted another person in performing a function under this Ordinance, or carrying into effect any provision of this Ordinance.”.

(10) Section 53A(1A)—
Repeal
“an insurer”
Substitute
“an authorized insurer”.

(11) Section 53A(2)—
Repeal
“13B, 14”
代以
“13AC，13AE，13B，14，15”。

(12) 第53A(2)條——
廢除
“、53E或61(1)(a)”
代以
“或53E”。

(13) 第53A(2)條——
廢除
“行使”
代以
“執行”。

(14) 第53A(3)條——
廢除(a)段
代以
“(a) 以從獲授權保險人或持牌保險中介人提供的類似或有關的資料編製成要約的形式披露，而該要約的編製，是足以防止任何人從該要約中確定關乎個別該等保險人或中介人業務的詳情；

(ab) 揭露資料的目的，是向大律師、律師或以專業身分或擬以專業身分行事的任何其他專業顧問(統稱為顧問)，在與根據本條例引起的任何事宜相關的情況下，徵詢意見，或是由顧問在該情況下提供意見；

(ac) 揭露資料的目的，是為進行第5F條規定的審計工作，或是為與該審計工作相關的其他目的而披露資料；”。

(15) 在第53A(3)(c)條之後——
加入

 Substitute
“13AC，13AE，13B，14，15”。

(12) Section 53A(2)—
Repeal
“, 53E or 61(1)(a)”
Substitute
“or 53E”。

(13) Section 53A(2)—
Repeal
“exercise”
Substitute
“performance”。

(14) Section 53A(3)—
Repeal paragraph (a)
Substitute
“(a) in the form of a summary compiled from similar or related information provided by authorized insurers or licensed insurance intermediaries if the summary is so compiled as to prevent particulars relating to the business of those insurers or intermediaries from being ascertained from the summary;

(ab) for seeking advice from, or giving advice by, a counsel or a solicitor, or any other professional advisor acting or proposing to act in a professional capacity, in connection with a matter arising under this Ordinance;

(ac) for, or otherwise in connection with, an audit required by section 5F;”.

(15) After section 53A(3)(c)—
Add
(16) Section 53A(3)(e)—
Repeal
everything before “, in the opinion”
Substitute
“(e) to any of the persons specified in subsection (3AA) if”.

(17) Section 53A(3)(e)(ii)—
Repeal
“exercise”
Substitute
“perform”.

(18) After section 53A(3)(e)—
Add
“(ea) to the Financial Secretary, the Secretary for Justice, the Commissioner of Police, the Commissioner of the Independent Commission Against Corruption and the Tribunal, if the information is obtained by an investigator under sections 41D and 64ZZH;”.

(19) Section 53A(3)(f)—
Repeal
“, an authorized insurance broker or a body of insurance brokers approved under section 70”
Substitute
“or a licensed insurance broker company”.

(20) Section 53A(3)(f) —

Repeal
“perform”

Substitute
“discharge”.

(21) Section 53A(3)(i)(i)(A) and (C) —

Repeal
“an insurer”

Substitute
“an authorized insurer”.

(22) After section 53A(3) —

Add
“(3AA) The following persons are specified for the purposes of subsection (3)(e)—

(a) the Chief Executive;
(b) the Financial Secretary;
(c) the Secretary for Justice;
(d) an inspector appointed by the Financial Secretary under section 840 or 841 of the Companies Ordinance (Cap. 622) to investigate the affairs of a company;
(e) a person holding an authorized statutory office;
(f) a public officer authorized by the Financial Secretary for the purposes of subsection (3)(e).”.

(23) Section 53A(3B)—

Repeal
“(3)(e)”

Substitute
“(3AA)”.

(24) Section 53A(3B)(a)—

Repeal
“exercise”

Substitute
“performance”.

(25) Section 53A(3D), after “(3)(a),”—

Add
“(g),”.

(26) After section 53A(3D)—

Add
“(3DA) Subsection (3D) does not apply if—

(a) the information, or any part of it, has already been made available to the public;

(b) the disclosure is for seeking advice from, or giving advice by, a counsel or a solicitor, or any other professional advisor acting or proposing to act in a professional capacity, in connection with a matter arising under this Ordinance;

(c) the disclosure is in connection with any judicial or other proceedings to which the person or the other person referred to in subsection (3D)(a) or (b) is a party; or
(d) the disclosure is in compliance with an order of a court, or in compliance with a law or a requirement made under a law.”.

(27) After section 53A(3E)—

Add

“(3F) In disclosing information in any of the circumstances described in subsection (3) or in granting a consent under subsection (3D), the Authority may impose the conditions that it considers appropriate.

(3G) The Monetary Authority may attach a condition to a disclosure of information made by the Monetary Authority under this section that neither—

(a) the person to whom the information is disclosed; nor
(b) a person obtaining or receiving the information, whether directly or indirectly, from the person referred to in paragraph (a),

may disclose the information, or any part of it, to any other person without the consent of the Monetary Authority.

(3H) Subsection (3G) does not apply to the disclosure of information made by the Monetary Authority to the Authority.

(3I) Subsection (1) does not affect the operation of section 13(3) of The Ombudsman Ordinance (Cap. 397) or section 44(8) of the Personal Data (Privacy) Ordinance (Cap. 486).”.

(28) Section 53A—

Repeal subsection (5).

(29) Section 53A—

Repeal subsection (6).

(30) At the end of section 53A—
68. Section 53B amended (disclosure of information)

(1) Section 53B(1)(a)—

Repeal

“exercises”

Substitute

“performs”.

(2) Section 53B(1)(b)(iii)—

Repeal

“exercise”

Substitute

“perform”.

(3) After section 53B(1A)—

Add

“(1B) Without limiting subsection (1), the information so disclosed to an authority in a place outside Hong Kong by the Authority may include information on matters relating to the affairs of a licensed insurance intermediary.”.

69. Section 53C amended (examination by external authorities)

(1) After section 53C(1)—

Add

“(1A) A licensed insurance agency must permit an insurance supervisory authority of a place outside Hong Kong to examine its books, accounts and transactions in Hong Kong if—
Insurance Companies (Amendment) Ordinance 2015

(1A) 該代理機構——
(i) 是在香港或香港以外成立為法團，或其主要業務地點是在該地方；或
(ii) 是在香港或香港以外成立為法團，並且是在該地方成立為法團或主要業務地點是在該地方的保險代理機構的附屬或相聯公司；及
(b) 在符合第 (2) 款的規定下，該監管機構已獲保監局批准進行該等審查。

(1B) 在以下情況下，持牌保險代理公司須准許在香港以外地方的保險監管機構審查其在香港的簿冊、帳目及交易——
(a) 該公司——
(i) 是在香港或香港以外成立為法團，或其主要業務地點是在該地方；或
(ii) 是在香港或香港以外成立為法團，並且是在該地方成立為法團或主要業務地點是在該地方的保險經紀公司的附屬或相聯公司；及
(b) 在符合第 (2) 款的規定下，該監管機構已獲保監局批准進行該等審查。

(2) 第 53C(2) 條——
廢除
“(1)(b)”
代以
“(1)(b), (1A)(b) 及 (1B)(b)”

(2) Section 53C(2)—
Repeal
“subsection (1)(b)”
Substitute
“subsections (1)(b), (1A)(b) and (1B)(b)”.
70. 修訂第53D 條 (訂明人士向保險業監督作出的傳達)

第53D(2) 條——

廢除

在“可以是”之後的所有字句

代以

“關乎並非以下人士的人的事宜——

(a) 獲授權保險人；
(b) 前任保險人；
(c) 持牌保險經紀公司；
(d) 前任持牌保險經紀公司；或
(e) 以前是《原有條例》所指出的獲授權保險經紀的人。”。

71. 修訂第53E 條 (在某些個案中訂明人士直接向保險業監督提交報告)

(1) 第53E 條，標題，在“某些”之後——

加入

“關乎獲授權保險人的”。

(2) 第53E(1) 條，英文文本——

廢除

“performance”

代以

“discharge”。

(3) 第53E(1) 條——

廢除

“的保險人”

70. Section 53D amended (communication by prescribed person with Insurance Authority)

Section 53D(2)—

Repeal

“other than an insurer or a former insurer.”

Substitute

“other than—

(a) an authorized insurer;
(b) a former insurer;
(c) a licensed insurance broker company;
(d) a former licensed insurance broker company; or
(e) a person who was formerly an authorized insurance broker within the meaning of the pre-amended Ordinance.”.

71. Section 53E amended (prescribed person to send report directly to Insurance Authority in certain cases)

(1) Section 53E, heading, after “certain cases”—

Add

“relating to authorized insurers”.

(2) Section 53E(1), English text—

Repeal

“performance”

Substitute

“discharge”.

(3) Section 53E(1)—

Repeal

“insurer concerned”
(4) Section 53E(2), English text—
Repeal
“performance”
Substitute
“discharge”.

(5) Section 53E(2)—
Repeal
“insurer concerned”
Substitute
“authorized insurer concerned”.

(6) Section 53E(2)(a) and (b), Chinese text, before “保險人”—
Add
“該”.

(7) Section 53E(3), English text—
Repeal
“performance”
Substitute
“discharge”.

(8) Section 53E(3)—
Repeal
“insurer concerned”
Substitute
“authorized insurer concerned”.

(9) Section 53E(3)(b) and (d), Chinese text, before “保險人”—
Add
72. **Section 53F added**

Part VIIIA, after section 53E—

Add

“53F. Prescribed person to send report directly to Authority in certain cases relating to licensed insurance broker companies, etc.

(1) This section applies if—

(a) a prescribed person who is an auditor of a specified broker becomes aware of evidence of a failure by the specified broker to comply with the specified rules when the person discharges duties in the capacity as an auditor of the specified broker; or

(b) a prescribed person who is a former auditor of a specified broker becomes aware of evidence of a failure by the specified broker to comply with the specified rules when the person discharged duties in the capacity as a former auditor of the specified broker.

(2) The prescribed person must, as soon as practicable after becoming aware of the evidence, send to the Authority a report in writing of the failure.

(3) In subsection (1)(b), a reference to evidence includes evidence of which the prescribed person became aware when the person was an auditor of the specified broker.

(4) In this section—

**specified broker** (指明經紀) means—

(a) a licensed insurance broker company;

(b) a former licensed insurance broker company; or
2015年第12号条例
Part 2
第72条

(c) a person who was formerly an authorized insurance broker within the meaning of the pre-amended Ordinance;

specified rules (指明規則)—

(a) in relation to a licensed insurance broker company or a former licensed insurance broker company, means rules made under section 129 that set out the requirements—

(i) in relation to the capital and net assets of a licensed insurance broker company;

(ii) in relation to the professional indemnity insurance taken out by a licensed insurance broker company;

(iii) in relation to the keeping of separate client accounts by a licensed insurance broker company; and

(iv) in relation to the keeping of proper books and accounts by a licensed insurance broker company;

(b) in relation to a person who was formerly an authorized insurance broker within the meaning of the pre-amended Ordinance, means the minimum requirements specified by the former authority under the pre-amended Ordinance—

(i) in relation to the capital and net assets of an authorized insurance broker;

(ii) in relation to the professional indemnity insurance taken out by an authorized insurance broker;

(iii) in relation to the keeping of separate client accounts by an authorized insurance broker; and

指定經紀 (specified broker) 指——

(a) 持牌保險經紀公司；

(b) 就以前是《原有條例》所指的獲授權保險經紀的人而言，指前監督根據《原有條例》指明的、關乎以下事宜的最低限度規定——

(i) 獲授權保險經紀的資本及淨資產；

(ii) 獲授權保險經紀投購的專業彌償保險；

(iii) 獲授權保險經紀備存獨立客戶帳目；及

(iv) 獲授權保險經紀備存妥善簿冊及帳目；
73. **Part IX repealed (supplementary and transitional)**

(1) **Section 55A**—

Repeal the section.

(2) **Part IX**—

Repeal the Part.

74. **Part X, Divisions 1 to 4, and Division 5 heading added**

Part X, before section 65—

Add

“Division 1—Preliminary

64F. **Interpretation of Part X**

In this Part—

*agency agreement* (代理協議) means an agreement entered into between an authorized insurer and a licensed insurance agency or licensed individual insurance agent under which the licensed insurance agency or licensed individual insurance agent is appointed to carry on regulated activities as an agent of the insurer;

*business record* (業務紀錄), in relation to a licensed insurance intermediary, means a record or document relating to a regulated activity carried on by the intermediary;

*controller* (控權人)—

(a) in relation to a sole proprietorship—
Part 2
Section 74

(i) means an individual who ultimately owns or controls the carrying on of regulated activities by the sole proprietorship; or
(ii) if the sole proprietor is acting on behalf of another person, means the other person;

(b) in relation to a partnership, means an individual who—

(i) is entitled to or controls, directly or indirectly, not less than a 15% share of the capital or profits of the partnership;
(ii) is, directly or indirectly, entitled to exercise or control the exercise of not less than 15% of the voting rights in the partnership; or
(iii) exercises ultimate control over the management of the partnership;

c) in relation to a company, means a person who—

(i) owns or controls, directly or indirectly, including through a trust or bearer share holding, not less than 15% of the issued share capital of the company;
(ii) is, directly or indirectly, entitled to exercise or control the exercise of not less than 15% of the voting rights at general meetings of the company; or
(iii) exercises ultimate control over the management of the company;

*inspector*(查察員) means a person appointed as an inspector under section 64ZZF(6);

*investigator* (調查員) means a person directed or appointed by the Authority under section 64ZZH(1) to investigate any matter;

*licence* (牌照)—
(a) 就持牌保險代理機構而言，指根據第 64U 條發出或
根據第 64ZV 條續期的保險代理機構牌照；
(b) 就持牌個人保險代理而言，指根據第 64W 條發出
或根據第 64ZV 條續期的個人保險代理牌照；
(c) 就持牌業務代表(代理人)而言，指根據第 64Y 條
發出或根據第 64ZV 條續期的業務代表(代理人)
牌照；
(d) 就持牌保險經紀公司而言，指根據第 64ZA 條發出
或根據第 64ZV 條續期的保險經紀公司牌照；或
(e) 就持牌業務代表(經紀)而言，指根據第 64ZC 條發出
或根據第 64ZV 條續期的業務代表(經紀)牌照；
業務紀錄 (business record) 就持牌保險中介人而言，指有關
該中介人進行的受規管活動的紀錄或文件；
調查員 (investigator) 指獲保監局根據第 64ZZH(1) 條指示或
委任，調查任何事宜的人。

第 2 分部——限制

64G. 進行受規管活動所受的限制
(1) 任何人不得——
   (a) 在其業務或受僱工作的過程中，進行受規管活動；
或
   (b) 為報酬而進行受規管活動。
(2) 任何人不得顯示自己——
   (a) 在其業務或受僱工作的過程中，進行受規管活動；
或

Insurance Companies (Amendment) Ordinance 2015

64G. Restrictions on carrying on regulated activities
(1) A person must not carry on a regulated activity—
   (a) in the course of the person's business or employment; or
   (b) for reward.
(2) A person must not hold out that the person—
   (a) is carrying on a regulated activity in the course of
the person's business or employment; or
(b) is carrying on a regulated activity for reward.

(3) This section does not—

(a) prohibit a licensed insurance agency from—

(i) carrying on regulated activities as an agent of an authorized insurer by which the licensed insurance agency is appointed; or

(ii) holding out that the licensed insurance agency carries on regulated activities as such an agent;

(b) prohibit a licensed individual insurance agent from—

(i) carrying on regulated activities as an agent of an authorized insurer by which the licensed individual insurance agent is appointed; or

(ii) holding out that the licensed individual insurance agent carries on regulated activities as such an agent;

(c) prohibit a licensed technical representative (agent) from—

(i) carrying on regulated activities as an agent of a licensed insurance agency by which the licensed technical representative (agent) is appointed; or

(ii) holding out that the licensed technical representative (agent) carries on regulated activities as such an agent;

(d) prohibit a licensed insurance broker company from—

(i) carrying on regulated activities specified in section 1(a) of Part 1 of Schedule 1A as an agent of a policy holder or potential policy holder;
(ii) holding out that the licensed insurance broker company carries on regulated activities specified in section 1(a) of Part 1 of Schedule 1A as such an agent;

(iii) carrying on regulated activities specified in section 1(b), (c) and (d) of Part 1 of Schedule 1A; or

(iv) holding out that the licensed insurance broker company carries on regulated activities specified in section 1(b), (c) and (d) of Part 1 of Schedule 1A; or

(e) prohibit a licensed technical representative (broker) from—

(i) carrying on regulated activities as an agent of a licensed insurance broker company by which the licensed technical representative (broker) is appointed; or

(ii) holding out that the licensed technical representative (broker) carries on regulated activities as such an agent.

(4) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable—

(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years and, in the case of a continuing offence, to a further fine of $20,000 for each day during which the offence continues; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months and, in the case of a continuing offence, to a further fine of $2,000 for each day during which the offence continues.

(5) This section is subject to section 123.
64H. Application of section 64G in relation to marketing insurance services outside Hong Kong

(1) If a person actively markets to the public, from a place outside Hong Kong, insurance services that the person provides, the person is to be regarded as holding out that the person is carrying on a regulated activity for the purposes of section 64G(2).

(2) Subsection (1) applies regardless of whether the insurance services are marketed by the person or someone on behalf of the person.

(3) In this section—

insurance services (保険業務) means services that would constitute a regulated activity if the services were provided in Hong Kong.

64I. Restrictions in relation to number of authorized insurers of each licensed insurance agency, etc.

(1) A person must not, at any time, be appointed as a licensed insurance agency or licensed individual insurance agent in carrying on a regulated activity for more than the maximum number of authorized insurers that are prescribed by rules made under section 129.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine at level 6.

(3) If an authorized insurer knows that a person is appointed as a licensed insurance agency or licensed individual insurance agent in carrying on regulated activities for the prescribed maximum number or more of authorized insurers, that insurer must not appoint that person to carry on a regulated activity as an agent of the insurer.

(4) An authorized insurer which contravenes subsection (3) commits an offence and is liable——
64J. Restrictions in relation to personnel of licensed insurance agencies

(1) This section applies to a person who is—
(a) a proprietor or a partner of a licensed insurance agency; or
(b) a director or an employee of a licensed insurance agency who manages or controls any matter relating to a regulated activity of the agency.

(2) The person must not also be—
(a) a proprietor or a partner of another licensed insurance agency;
(b) a licensed individual insurance agent;
(c) a licensed technical representative (agent) of another licensed insurance agency;
(d) a licensed technical representative (broker);
(e) a director or an employee of another licensed insurance agency who manages or controls any matter relating to a regulated activity of that other agency; or
(f) a director or an employee of a licensed insurance broker company who manages or controls any matter relating to a regulated activity of that company.

(3) A person who contravenes subsection (2) commits an offence and is liable to a fine at level 6 and to imprisonment for 6 months.
64K. Restrictions in relation to personnel of licensed insurance broker companies

(1) This section applies to a person who—
(a) is a director or an employee of a licensed insurance broker company; and
(b) manages or controls any matter relating to a regulated activity of the company.

(2) The person must not also be—
(a) a proprietor or a partner of a licensed insurance agency;
(b) a licensed individual insurance agent;
(c) a licensed technical representative (agent); or
(d) a director or an employee of a licensed insurance agency who manages or controls any matter relating to a regulated activity of the agency.

(3) A person who contravenes subsection (2) commits an offence and is liable to a fine at level 6 and to imprisonment for 6 months.

64L. Restrictions in relation to licensed technical representatives (agent)

(1) A person who is a licensed technical representative (agent) of a licensed insurance agency must not also be a licensed technical representative (agent) of another licensed insurance agency.

(2) A person who is a licensed technical representative (agent) must not carry on regulated activities in a line of business unless the licensed insurance agency by which the person is appointed is also licensed to carry on regulated activities in that line of business.
64M. Restrictions in relation to licensed technical representatives (broker)

A person who is a licensed technical representative (broker) must not carry on regulated activities in a line of business unless the licensed insurance broker company by which the person is appointed is also licensed to carry on regulated activities in that line of business.

64N. Contracts of insurance made through persons other than licensed insurance intermediaries, etc.

(1) An authorized insurer must not enter into a contract of insurance through another person in Hong Kong unless—

(a) that person is—

(i) a licensed insurance agency or a licensed individual insurance agent appointed by the insurer; or

(ii) a licensed insurance broker company; or

(b) that person’s duties only involve clerical or administrative duties.

(2) An authorized insurer must not accept a referral of insurance business from another person in Hong Kong unless—

(a) that person is—

(i) a licensed insurance agency or a licensed individual insurance agent appointed by the insurer; or

(ii) a licensed insurance broker company; or

(b) that person’s duties only involve clerical or administrative duties.
(3) If an authorized insurer enters into a contract of insurance in contravention of subsection (1), the contract, at the option of the policy holder—
(a) is enforceable against the insurer by the policy holder despite the contravention; or
(b) is void because of the contravention.

(4) A policy holder who under subsection (3)(b) opts to void a contract of insurance before the expiry of the contract is entitled to recover any consideration paid by the policy holder under the contract.

(5) An authorized insurer which contravenes subsection (1) or (2) commits an offence and is liable—
(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years; or
(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

Division 3—Licensing

Subdivision 1—Register and Maintenance of Register

64O. Register of licensed insurance intermediaries

(1) The Authority must keep a register of licensed insurance intermediaries, in a form it thinks fit, containing—
(a) the name or names, and the reference number assigned by the Authority, of each licensed insurance intermediary, and if applicable, the name of each of its responsible officers;
(b) the business address of each licensed insurance intermediary;
(c) the conditions of the licence of each licensed insurance intermediary;
(d) the conditions of approval of each responsible officer;
(e) the period for which the licence of each licensed insurance intermediary is valid;
(f) in relation to each licensed insurance agency—
(i) the name of each of the authorized insurers by which the licensed insurance agency is appointed;
(ii) the date of appointment; and
(iii) the date on which the appointment is terminated (if applicable);
(g) in relation to each licensed individual insurance agent—
(i) the name of each of the authorized insurers by which the licensed individual insurance agent is appointed;
(ii) the date of appointment; and
(iii) the date on which the appointment is terminated (if applicable);
(h) in relation to each licensed technical representative (agent)—
(i) the name of the licensed insurance agency by which the licensed technical representative (agent) is appointed;
(ii) the date of appointment;
(iii) the date on which the appointment is terminated (if applicable); and
(iv) information on whether the licensed technical representative (agent) is a responsible officer of the licensed insurance agency;
(2) A person may, at all reasonable times—

(a) if the register is kept in a documentary form—
inspect the register free of charge; or

(i) in relation to each licensed technical representative (broker)—

(i) the name of each of the licensed insurance broker company by which the licensed technical representative (broker) is appointed;

(ii) the date of appointment;

(iii) the date on which the appointment is terminated (if applicable); and

(iv) information on whether the licensed technical representative (broker) is a responsible officer of the licensed insurance broker company;

(j) the line or lines of business which each licensed insurance intermediary may carry on;

(k) a record of every disciplinary action (except a private reprimand) taken by a specified authority against any licensed insurance intermediary or responsible officer in the last 5 years, and if a suspension is involved, the period of the suspension;

(l) if a licence is suspended under this Part, a note to that effect;

(m) if a licensed insurance broker company notifies the Authority of cessation of carrying on regulated activities under section 64T, a note to that effect; and

(n) any other particulars that are prescribed by rules made under section 129.

(2) A person may, at all reasonable times—

(a) if the register is kept in a documentary form—
inspect the register free of charge; or
Insurance Companies (Amendment) Ordinance 2015

(b) if the register is kept otherwise than in a documentary form—inspect a reproduction in a legible form of any information recorded in the register free of charge.

(3) A person may, at all reasonable times and on payment of a prescribed fee, obtain—

(a) a copy of an entry in, or extract of, the register; or

(b) a copy of the entry or extract, certified by an authorized officer of the Authority as a true copy of the entry or extract.

(4) A right under subsection (2) or (3) is only exercisable for enabling a person—

(a) to ascertain whether the person is dealing with a licensed insurance intermediary or a responsible officer in matters of or connected with any regulated activity; or

(b) to ascertain the particulars of—

(i) the licensing of a person as a licensed insurance intermediary; or

(ii) the approval of an individual as a responsible officer.

(5) In any legal proceedings—

(a) a document purporting to be a copy of an entry in, or extract of, the register, and purporting to be certified by an authorized officer of the Authority as a true copy of the entry or extract, is admissible in evidence on its production without further proof; and

(b) unless there is evidence to the contrary, on being admitted in evidence under paragraph (a), the document—
64P. Duty to notify Authority of change in particulars

(1) This section applies if there is a change in any of the particulars specified in subsection (2) of a licensed insurance intermediary or a responsible officer of a licensed insurance intermediary after the particulars are provided by the licensed insurance intermediary for a licence application.

(2) The particulars are—

(a) name;
Insurance Companies (Amendment) Ordinance 2015

(b) business or residential address;
(c) telephone number;
(d) electronic mail address; and
(e) any other particulars that are prescribed by rules made under section 129.

(3) The licensed insurance intermediary must notify the Authority in writing of any change of particulars within 14 days after the date on which the change takes place.

(4) A notification under subsection (3) must be accompanied by a prescribed fee.

(5) The Authority must, as soon as practicable after receiving a notification under subsection (3), amend any relevant particulars in the register kept under section 64O.

(6) A licensed insurance intermediary who, without reasonable excuse, contravenes subsection (3) commits an offence and is liable to a fine at level 5.

64Q. Duty to notify Authority of appointment

(1) At least 14 days before an authorized insurer appoints a licensed insurance agency to carry on regulated activities in one or more lines of business as an agent of the insurer, the insurer must notify the Authority in writing of the intended appointment.

(2) At least 14 days before an authorized insurer appoints a licensed individual insurance agent to carry on regulated activities in one or more lines of business as an agent of the insurer, the insurer must notify the Authority in writing of the intended appointment.

(3) At least 14 days before a licensed insurance agency appoints a licensed technical representative (agent) to carry on regulated activities in one or more lines of business as an agent of the agency, the agency must notify the Authority in writing of the intended appointment.
Part 2
Section 74

(4) At least 14 days before a licensed insurance broker company appoints a licensed technical representative (broker) to carry on regulated activities in one or more lines of business as an agent of the company, the company must notify the Authority in writing of the intended appointment.

(5) The notification must be accompanied by—

(a) a prescribed fee; and

(b) the particulars that are prescribed by rules made under section 129.

(6) The Authority must, after receiving a notification under subsection (1), (2), (3) or (4), update the register kept under section 64O accordingly unless the Authority is of the view that—

(a) in relation to subsection (1), the licensed insurance agency has not complied with, or will be unable to comply with, the provisions of this Ordinance relating to a licensed insurance agency;

(b) in relation to subsection (2), the licensed individual insurance agent has not complied with, or will be unable to comply with, the provisions of this Ordinance relating to a licensed individual insurance agent;

(c) in relation to subsection (3), the licensed technical representative (agent) has not complied with, or will be unable to comply with, the provisions of this Ordinance relating to a licensed technical representative (agent); or

(d) in relation to subsection (4), the licensed technical representative (broker) has not complied with, or will be unable to comply with, the provisions of this Ordinance relating to a licensed technical representative (broker).
(7) A person who contravenes subsection (1), (2), (3) or (4) commits an offence and is liable to a fine at level 5.

64R. Duty to notify Authority of termination of appointment

(1) Within 14 days after the date on which an authorized insurer terminates the appointment of a licensed insurance agency or licensed individual insurance agent, the insurer must notify the Authority in writing of the termination.

(2) Within 14 days after the date on which a licensed insurance agency terminates the appointment of a licensed technical representative (agent), the agency must notify the Authority in writing of the termination.

(3) Within 14 days after the date on which a licensed insurance broker company terminates the appointment of a licensed technical representative (broker), the company must notify the Authority in writing of the termination.

(4) Within 14 days after the date on which the appointment of a responsible officer of a licensed insurance agency or licensed insurance broker company is terminated, the agency or company must notify the Authority in writing of the termination.

(5) The Authority must, as soon as practicable after receiving a notification under subsection (1), (2), (3) or (4), amend any relevant particulars in the register kept under section 64O.

(6) A person who contravenes subsection (1), (2), (3) or (4) commits an offence and is liable to a fine at level 5.
64S. Application for varying lines of business

(1) A licensed insurance intermediary may apply to the Authority for the approval of the variation of a line of business specified in the licence of the intermediary.

(2) The Authority may approve the variation of a line of business of the applicant—

(a) on an application made in the manner specified by the Authority; and

(b) on payment of a prescribed fee.

(3) The application under subsection (1) must be accompanied by the particulars that are prescribed by rules made under section 129.

(4) The Authority must not approve the variation unless it is satisfied that the applicant is a fit and proper person to carry on regulated activities in the line or lines of business after the variation.

(5) The Authority must give the applicant a notice in writing of the result of the application made under subsection (1).

(6) If the application is rejected, the notice must include a statement of the reasons for the rejection.

(7) The Authority must, as soon as practicable after granting the approval under subsection (2), amend any relevant particulars in the register kept under section 64O.

64T. Duty to notify Authority of cessation of carrying on of regulated activities by licensed insurance broker companies

(1) At least 3 months before a licensed insurance broker company ceases to carry on regulated activities, the company must notify the Authority in writing of the intention to do so and the intended date of cessation.
(2) A licensed insurance broker company which ceases to carry on regulated activities must prepare—
   (a) an auditor's report on the financial statements which are to be made up to (and including) the date of cessation;
   (b) an auditor's report stating whether the auditor is of the opinion that the company has, until the date of cessation, continued to comply with rules made under section 129 that set out the requirements—
      (i) in relation to the capital and net assets of a licensed insurance broker company;
      (ii) in relation to the professional indemnity insurance taken out by a licensed insurance broker company;
      (iii) in relation to the keeping of separate client accounts by a licensed insurance broker company; and
      (iv) in relation to the keeping of proper books and accounts by a licensed insurance broker company; and
   (c) any other documents that are prescribed by rules made under section 129.

(3) A licensed insurance broker company must submit to the Authority the documents specified in subsection (2) not later than 6 months after the date of cessation.

(4) The Authority must, as soon as practicable after receiving a notification under subsection (1), amend any relevant particulars in the register kept under section 64O.

(5) A licensed insurance broker company which, without reasonable excuse, contravenes subsection (1), (2) or (3) commits an offence and is liable to a fine at level 5.
Subdivision 2—First Application

64U. Grant of licence—insurance agency

(1) A sole proprietor, partnership or company may apply to the Authority for an insurance agency licence to carry on regulated activities in one or more lines of business, as an agent of any authorized insurer.

(2) For a partnership, the application for an insurance agency licence may only be made by a partner authorized by the partnership on behalf of the partnership, and, if the licence is granted, it is to be expressed to be granted to that partner on behalf of the partnership.

(3) An application made under subsection (1) must be accompanied by either—

(a) both of the following—

(i) an application made by an individual under section 64Y for a technical representative (agent) licence;

(ii) an application made by the applicant under section 64ZE for the approval of the individual as a responsible officer of the applicant;

(b) an application made by the applicant under section 64ZE for the approval of a licensed technical representative (agent) as a responsible officer of the applicant.

(4) On an application made in the manner specified by the Authority and on payment of a prescribed fee, the Authority may grant to the applicant an insurance agency licence to carry on regulated activities in one or more lines of business specified in the licence, as an agent of any authorized insurer.
Part 2  
Section 74  

(5) The Authority must not grant the licence unless—

(a) it is satisfied that—

(i) if the applicant is a sole proprietor—

(A) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned; and

(B) where there is a controller in relation to the applicant, the controller is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business;

(ii) if the applicant is a partnership—

(A) each partner of the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned; and

(B) where there is a controller in relation to the applicant, the controller is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business; or

(iii) if the applicant is a company—

(A) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned;

(B) each director of the applicant is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business; and
(C) where there is a controller in relation to the applicant, the controller is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business;

(b) it is satisfied that the applicant is appointed as an agent by at least one authorized insurer;

(c) it is satisfied that the applicant is neither the holder of a licence granted under section 64W, 64Y, 64ZA or 64ZC nor applying for such a licence; and

(d) it is satisfied that either—

(i) both of the following—

(A) an accompanying application is made for subsection (3)(a)(i) and the criteria for the grant of licence under section 64Y(3) are satisfied;

(B) an accompanying application is made for subsection (3)(a)(ii) and the criteria for the approval under section 64ZE(4) are satisfied; or

(ii) an accompanying application is made for subsection (3)(b) and the criteria for the approval under section 64ZE(4) are satisfied.

(6) If the Authority grants an application made under subsection (1), the Authority must also grant the accompanying applications made for subsection (3).

(7) If the Authority rejects an application made under subsection (1), the Authority must also reject the accompanying applications made for subsection (3).

(8) The Authority must give the applicant a notice in writing of the result of the application made under subsection (1).
(9) 如申請遭拒，有關通知須載有說明拒絕理由的陳述。

64V. 保險代理機構牌照的有效期

根據第 64U 條發出的牌照的有效期為 3 年，如保監局在某特定個案中，認為另一期間屬適當，則有效期為保監局決定的另一期間。有效期自發出牌照當日起計。

64W. 發牌——個人保險代理

(1) 任何個人可向保監局提出申請，要求發出個人保險代理牌照，以任何獲授權保險人的代理人身分，進行一個或多於一個業務系列的受規管活動。

(2) 保監局可應以該局指明的方式提出的申請，在訂明費用獲繳付後，向申請人發出個人保險代理牌照，供該人以任何獲授權保險人的代理人身分，進行該牌照指明的一個或多於一個業務系列的受規管活動。

(3) 保監局除非信納以下事項，否則不得發出有關牌照——

(a) 有關申請人屬進行有關業務系列的受規管活動的適當人選；

(b) 有關申請人獲至少一名獲授權保險人委任為代理；及

(c) 有關申請人不是根據第 64U、64Y 或 64ZC 條發出的牌照的持有人，亦非正在申請該等牌照。

(4) 保監局須向申請人發出書面通知，以將根據第 (1) 款提出的申請的結果，告知申請人。

(9) If the application is rejected, the notice must include a statement of the reasons for the rejection.

64V. Validity of insurance agency licence

A licence granted under section 64U is valid for 3 years or, if the Authority considers it appropriate in a particular case, another period determined by the Authority, beginning on the date on which it is granted.

64W. Grant of licence—individual insurance agent

(1) An individual may apply to the Authority for an individual insurance agent licence to carry on regulated activities in one or more lines of business, as an agent of any authorized insurer.

(2) On an application made in the manner specified by the Authority and on payment of a prescribed fee, the Authority may grant to the applicant an individual insurance agent licence to carry on regulated activities in one or more lines of business specified in the licence, as an agent of any authorized insurer.

(3) The Authority must not grant the licence unless it is satisfied that—

(a) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned;

(b) the applicant is appointed as an agent by at least one authorized insurer; and

(c) the applicant is neither the holder of a licence granted under section 64U, 64Y or 64ZC nor applying for such a licence.

(4) The Authority must give the applicant a notice in writing of the result of the application made under subsection (1).
(5) If the application is rejected, the notice must include a statement of the reasons for the rejection.

64X. **Validity of individual insurance agent licence**

A licence granted under section 64W is valid for 3 years or, if the Authority considers it appropriate in a particular case, another period determined by the Authority, beginning on the date on which it is granted.

64Y. **Grant of licence—technical representative (agent)**

(1) An individual may apply to the Authority for a technical representative (agent) licence to carry on regulated activities in one or more lines of business, as an agent of any licensed insurance agency.

(2) On an application made in the manner specified by the Authority and on payment of a prescribed fee, the Authority may grant to the applicant a technical representative (agent) licence to carry on regulated activities in one or more lines of business specified in the licence, as an agent of any licensed insurance agency.

(3) The Authority must not grant the licence unless it is satisfied that—

(a) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned;

(b) the applicant is appointed as an agent by—

(i) a licensed insurance agency; or

(ii) a person who applies under section 64U for an insurance agency licence; and

(c) the applicant is neither the holder of a licence granted under section 64U, 64W or 64ZC nor applying for such a licence.
(4) The Authority must give the applicant a notice in writing of the result of the application made under subsection (1).

(5) If the application is rejected, the notice must include a statement of the reasons for the rejection.

64Z. Validity of technical representative (agent) licence

A licence granted under section 64Y is valid for 3 years or, if the Authority considers it appropriate in a particular case, another period determined by the Authority, beginning on the date on which it is granted.

64ZA. Grant of licence—insurance broker company

(1) A company may apply to the Authority for an insurance broker company licence to carry on—

(a) regulated activities specified in section 1(a) of Part 1 of Schedule 1A in one or more lines of business, as an agent of any policy holder or potential policy holder; and

(b) regulated activities specified in section 1(b), (c) and (d) of Part 1 of Schedule 1A in one or more lines of business.

(2) An application made under subsection (1) must be accompanied by either—

(a) both of the following—

(i) an application made by an individual under section 64ZC for a technical representative (broker) licence;

(ii) an application made by the applicant under section 64ZF for the approval of the individual as a responsible officer of the applicant; or
(b) 由申請人根據第 64ZF 條提出的申請，要求認可持
牌業務代表 (經紀) 為申請人的負責人；

3) 保監局可應以該局指明的方式提出的申請，在訂明費用
獲繳付後，向申請人發出保險經紀公司牌照，供該人——

(a) 以任何保單持有人或潛在的保單持有人的代理人身
分，進行一個或多於一個業務系列的、附表 1A 第
1 部第 1(a) 條指明的受規管活動；及

(b) 進行一個或多於一個業務系列的、附表 1A 第 1 部
第 1(b)、(c) 及 (d) 條指明的受規管活動。

4) 保監局除非信納以下事項，否則不得發出有關牌照——

(a) 有關申請人屬進行有關業務系列的受規管活動的適
當人選；

(b) 該申請人的每名董事，均屬與進行該等業務系列的
受規管活動有聯繫的適當人選；

(c) (凡就該申請人有控權人) 該控權人屬與進行該等
業務系列的受規管活動有聯繫的適當人選；

(d) 該申請人能夠顯示如獲發牌，該申請人將能夠遵守
列出關乎以下事宜的規定的，根據第 129 條訂立的
規則——

(i) 持牌保險經紀公司的資本及淨資產；

(b) an application made by the applicant under
section 64ZF for the approval of a licensed
technical representative (broker) as a responsible
officer of the applicant.

3) On an application made in the manner specified by the
Authority and on payment of a prescribed fee, the
Authority may grant to the applicant an insurance
broker company licence to carry on—

(a) regulated activities specified in section 1(a) of
Part 1 of Schedule 1A in one or more lines of
business specified in the licence, as an agent of
any policy holder or potential policy holder; and

(b) regulated activities specified in section 1(b), (c)
and (d) of Part 1 of Schedule 1A in one or more
lines of business.

4) The Authority must not grant the licence unless it is
satisfied that—

(a) the applicant is a fit and proper person to carry
on regulated activities in the lines of business
concerned;

(b) each director of the applicant is a fit and proper
person to be associated with the carrying on of
regulated activities in those lines of business;

(c) if there is a controller in relation to the applicant,
the controller is a fit and proper person to be
associated with the carrying on of regulated
activities in those lines of business;

(d) the applicant is able to demonstrate that, if
licensed, the applicant will be able to comply with
rules made under section 129 that set out the
requirements—

(i) in relation to the capital and net assets of a
licensed insurance broker company;
Part 2
Section 74
Insurance Companies (Amendment) Ordinance 2015

(ii) in relation to the professional indemnity insurance taken out by a licensed insurance broker company;

(iii) in relation to the keeping of separate client accounts by a licensed insurance broker company; and

(iv) in relation to the keeping of proper books and accounts by a licensed insurance broker company;

(e) the applicant is neither the holder of a licence granted under section 64U nor applying for such a licence; and

(f) either—

(i) both of the following—

(A) an accompanying application is made for subsection (2)(a)(i) and the criteria for the grant of licence under section 64ZC(3) are satisfied;

(B) an accompanying application is made for subsection (2)(a)(ii) and the criteria for the approval under section 64ZF(4) are satisfied; or

(ii) an accompanying application is made for subsection (2)(b) and the criteria for the approval under section 64ZF(4) are satisfied.

(5) If the Authority grants an application made under subsection (1), the Authority must also grant the accompanying applications made for subsection (2).

(6) If the Authority rejects an application made under subsection (1), the Authority must also reject the accompanying applications made for subsection (2).
64ZB. **Validity of insurance broker company licence**

A licence granted under section 64ZA is valid for 3 years or, if the Authority considers it appropriate in a particular case, another period determined by the Authority, beginning on the date on which it is granted.

64ZC. **Grant of licence—technical representative (broker)**

(1) An individual may apply to the Authority for a technical representative (broker) licence to carry on regulated activities in one or more lines of business, as an agent of any licensed insurance broker company.

(2) On an application made in the manner specified by the Authority and on payment of a prescribed fee, the Authority may grant to the applicant a technical representative (broker) licence to carry on regulated activities in one or more lines of business specified in the licence, as an agent of any licensed insurance broker company.

(3) The Authority must not grant the licence unless it is satisfied that—

(a) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned;

(b) the applicant is appointed as an agent by—

(i) at least one licensed insurance broker company; or
64ZD. Validity of technical representative (broker) licence

A licence granted under section 64ZC is valid for 3 years or, if the Authority considers it appropriate in a particular case, another period determined by the Authority, beginning on the date on which it is granted.

64ZE. Approval of responsible officers of licensed insurance agencies

(1) A person specified in subsection (2) (principal applicant) may apply to the Authority for the approval of an individual as a responsible officer of the principal applicant.

(2) The principal applicant is—
(a) a licensed insurance agency; or
(b) a person who applies under section 64U for an insurance agency licence.

(3) On an application made in the manner specified by the Authority and on payment of a prescribed fee, the Authority may approve the individual as a responsible officer of the principal applicant.

(ii) a person who applies under section 64ZA for an insurance broker company licence; and
(c) the applicant is neither the holder of a licence granted under section 64U, 64W or 64Y nor applying for such a licence.

(4) The Authority must give the applicant a notice in writing of the result of the application made under subsection (1).

(5) If the application is rejected, the notice must include a statement of the reasons for the rejection.
(4) 保監局除非信納以下事項，否則不得認可某名個人為上述主要申請人的負責人——
   (a) 該名個人是——
      (i) 持牌業務代表 (代理人)；或
      (ii) 根據第 64Y 條申請業務代表 (代理人)牌照的人；
   (b) 該名個人 (不論是單獨或聯同主要申請人的其他負責人) 將會履行其作為主要申請人的負責人的責任的適當人選；及
   (c) 該名個人獲主要申請人授予充分權限，並將獲得充足資源及支援，以履行該等責任。
(5) 保監局須向主要申請人及有關個人，發出書面通知，以將根據第 (1) 款提出的申請的結果，告知他們。
(6) 如申請遭拒，有關通知須載有說明拒絕理由的陳述。

64ZF. 就持牌保險經紀公司的負責人給予的認可
(1) 第 (2) 款指明的公司（主要申請人）可向保監局提出申請，要求認可某名個人為其負責人。
(2) 主要申請人是——
   (a) 持牌保險代理經紀公司；或
   (b) 根據第 64ZA 條申請保險經紀公司牌照的公司。

(4) The Authority must not approve an individual as a responsible officer of the principal applicant unless it is satisfied that—
   (a) the individual is—
      (i) a licensed technical representative (agent); or
      (ii) a person who applies under section 64Y for a technical representative (agent) licence;
   (b) the individual will be fit and proper, whether solely or jointly with other responsible officers of the principal applicant, to discharge his or her responsibilities as a responsible officer of the principal applicant; and
   (c) the individual has sufficient authority from the principal applicant, and will be provided with sufficient resources and support, for discharging those responsibilities.
(5) The Authority must give the principal applicant and the individual a notice in writing of the result of the application made under subsection (1). 
(6) If the application is rejected, the notice must include a statement of the reasons for the rejection.

64ZF. Approval of responsible officers of licensed insurance broker companies
(1) A company specified in subsection (2) (principal applicant) may apply to the Authority for the approval of an individual as a responsible officer of the principal applicant.
(2) The principal applicant is—
   (a) a licensed insurance broker company; or
   (b) a company which applies under section 64ZA for an insurance broker company licence.
(3) 保監局可應以該局指明的方式提出的申請，在訂明費用獲繳付後，認可有關個人為上述主要申請人的負責人。

(4) 保監局除非信納以下事項，否則不得認可某名個人為上述主要申請人的負責人——

(a) 該名個人是——

(i) 持牌業務代表（經紀）；或

(ii) 根據第 64ZC 條申請業務代表（經紀）牌照的人；

(b) 該名個人(不論是單獨或聯同主要申請人的其他負責人)將會屬履行其作為主要申請人的負責人的責任的適當人選；及

(c) 該名個人獲主要申請人授予充分權限，並將獲得充足資源及支援，以履行該等責任。

(5) 保監局須向主要申請人及有關個人，發出書面通知，以將根據第 (1) 款提出的申請的結果，告知他們。

(6) 如申請遭拒，有關通知須載有說明拒絕理由的陳述。

64ZG．保監局可在發出牌照或給予認可時施加條件

(1) 在以下情況下，本條適用——

(a) 保監局根據第 64U 條，發出保險代理機構牌照；

(3) On an application made in the manner specified by the Authority and on payment of a prescribed fee, the Authority may approve the individual as a responsible officer of the principal applicant.

(4) The Authority must not approve an individual as a responsible officer of the principal applicant unless it is satisfied that—

(a) the individual is—

(i) a licensed technical representative (broker); or

(ii) a person who applies under section 64ZC for a technical representative (broker) licence;

(b) the individual will be fit and proper, whether solely or jointly with other responsible officers of the principal applicant, to discharge his or her responsibilities as a responsible officer of the principal applicant; and

(c) the individual has sufficient authority from the principal applicant, and will be provided with sufficient resources and support, for discharging those responsibilities.

(5) The Authority must give the principal applicant and the individual a notice in writing of the result of the application made under subsection (1).

(6) If the application is rejected, the notice must include a statement of the reasons for the rejection.

64ZG. Authority may impose conditions on granting licence or approval

(1) This section applies if the Authority—

(a) grants an insurance agency licence under section 64U;
(b) grants an individual insurance agent licence under section 64W;
(c) grants a technical representative (agent) licence under section 64Y;
(d) grants an insurance broker company licence under section 64ZA;
(e) grants a technical representative (broker) licence under section 64ZC;
(f) approves an individual as a responsible officer of a licensed insurance agency under section 64ZE;
(g) approves an individual as a responsible officer of a licensed insurance broker company under section 64ZF.

(2) The Authority may impose any conditions that it considers appropriate on the licence or approval when granting the licence or approval.

(3) The Authority may also impose any conditions that it considers appropriate on the licence or approval after the Authority has granted the licence or approval.

(4) The Authority may amend or revoke any conditions imposed under subsection (2) or (3).

(5) The power under subsection (2), (3) or (4) is only exercisable by notice in writing served on—
(a) in relation to subsection (1)(a), (b), (c), (d) or (e)—the licensee; or
(b) in relation to subsection (1)(f) or (g)—the licensee and the individual.

(6) A notice under subsection (5) must, in the case of a conditions being imposed or amended, include a statement of reasons for imposing or amending the conditions.
An imposition, amendment or revocation of any conditions under subsection (2), (3) or (4) takes effect at the time the notice under subsection (5) is served or at the time specified in the notice, whichever is the later.

Subdivision 3—Revocation and Suspension on Non-disciplinary Grounds

64ZH. Licensed insurance agency no longer appointed by authorized insurer

If a licensed insurance agency ceases to be appointed as an agent by at least one authorized insurer—

(a) the licence of the licensed insurance agency is suspended on and from the date on which the cessation takes effect; and

(b) where the cessation continues for 180 days after that date—the licence of the licensed insurance agency is revoked on the expiry of those days.

64ZI. Licensed individual insurance agent no longer appointed by authorized insurer

If a licensed individual insurance agent ceases to be appointed as an agent by at least one authorized insurer—

(a) the licence of the licensed individual insurance agent is suspended on and from the date on which the cessation takes effect; and

(b) where the cessation continues for 180 days after that date—the licence of the licensed individual insurance agent is revoked on the expiry of those days.
64ZJ. Revocation and suspension of technical representative (agent) licence

(1) If a licensed technical representative (agent) ceases to be appointed as an agent by a licensed insurance agency, the licence of the licensed technical representative (agent) is suspended on and from the date on which the cessation takes effect.

(2) If the licence of the licensed insurance agency by which a licensed technical representative (agent) is appointed is suspended under section 64ZH(a) or 64ZN(1), the licence of the licensed technical representative (agent) is suspended on and from the date on which the licence of the licensed insurance agency is suspended.

(3) If the licence of a licensed technical representative (agent) is suspended continuously for 180 days under this section, the licence is revoked on the expiry of those days.

64ZK. Revocation and suspension of technical representative (broker) licence

(1) If a licensed technical representative (broker) ceases to be appointed as an agent by at least one licensed insurance broker company, the licence of the licensed technical representative (broker) is suspended on and from the date on which the cessation takes effect.

(2) If—

(a) a licensed technical representative (broker) is appointed by 1 licensed insurance broker company only; and

(b) the licence of the licensed insurance broker company by which the licensed technical representative (broker) is appointed is suspended under section 64ZO(1),
64ZL. Revocation of approval of responsible officer of licensed insurance agency

(1) The approval of a person as a responsible officer of a licensed insurance agency is revoked if the person ceases to be a licensed technical representative (agent).

(2) The Authority may revoke the approval of a person as a responsible officer of a licensed insurance agency if it is satisfied that—

(a) the person ceases to be responsible for the conduct in relation to the licensed insurance agency’s carrying on of regulated activities; or
Insurance Companies (Amendment) Ordinance 2015

64ZM. Revocation of approval of responsible officer of licensed insurance broker company

(1) The approval of a person as a responsible officer of a licensed insurance broker company is revoked if the person ceases to be a licensed technical representative (broker).

(2) The Authority may revoke the approval of a person as a responsible officer of a licensed insurance broker company if it is satisfied that—

(a) the person ceases to be responsible for the conduct in relation to the licensed insurance broker company’s carrying on of regulated activities; or
64ZN. Licensed insurance agencies without responsible officers

(1) If the Authority is satisfied that a licensed insurance agency ceases to have a responsible officer, the Authority may suspend the licence of the licensed insurance agency for a period, or until the occurrence of an event, specified by the Authority.

(2) The Authority may revoke the licence of the licensed insurance agency if—

(a) the licensed insurance agency has not made an application under section 64ZE for the approval of an individual as a responsible officer of the licensed insurance agency within 90 days after the date on which the suspension takes effect; or

(b) the person ceases to have sufficient authority from the licensed insurance broker company, or to be provided with sufficient resources and support, for discharging his or her responsibilities as a responsible officer of the licensed insurance broker company.

(3) The power under subsection (2) is not exercisable unless, before exercising the power, the Authority has given the individual and the licensed insurance broker company—

(a) a notice in writing of its intention to do so and the reasons for doing so; and

(b) an opportunity to make written representations or oral representations in relation to those reasons.

(4) A notice under subsection (3)(a) must also include a statement describing—

(a) the right of the individual and the licensed insurance broker company to make representations; and

(b) how and when the individual and the licensed insurance broker company may make representations.
(b) the licensed insurance agency has made such an application within 90 days after the date on which the suspension takes effect and the Authority rejects the application.

(3) The power under subsection (1) is not exercisable unless, before exercising the power, the Authority has given the licensed insurance agency—

(a) a notice in writing of its intention to do so and the reasons for doing so; and

(b) an opportunity to make written representations or oral representations in relation to those reasons.

(4) A notice under subsection (3)(a) must also include a statement describing—

(a) the right of the licensed insurance agency to make representations; and

(b) how and when the licensed insurance agency may make representations.

64Z.O. Licensed insurance broker companies without responsible officers

(1) If the Authority is satisfied that a licensed insurance broker company ceases to have a responsible officer, the Authority may suspend the licence of the licensed insurance broker company for a period, or until the occurrence of an event, specified by the Authority.

(2) The Authority may revoke the licence of the licensed insurance broker company if—

(a) the licensed insurance broker company has not made an application under section 64ZF for the approval of an individual as a responsible officer of the licensed insurance broker company within 90 days after the date on which the suspension takes effect; or
64ZP. Licence revoked on death, dissolution, etc. of licensee

A licence is revoked—

(a) if the licensed insurance intermediary is an individual—on the death of the individual;

(b) if the licensed insurance intermediary is a partnership—on the dissolution of the partnership; or

(c) if the licensed insurance intermediary is a company—on the winding up of the company or on the date on which the company is struck off the Companies Register under the Companies Ordinance (Cap. 622).

(b) the licensed insurance broker company has made such an application within 90 days after the date on which the suspension takes effect and the Authority rejects the application.

(3) The power under subsection (1) is not exercisable unless, before exercising the power, the Authority has given the licensed insurance broker company—

(a) a notice in writing of its intention to do so and the reasons for doing so; and

(b) an opportunity to make written representations or oral representations in relation to those reasons.

(4) A notice under subsection (3)(a) must also include a statement describing—

(a) the right of the licensed insurance broker company to make representations; and

(b) how and when the licensed insurance broker company may make representations.

64ZP. 牌照在持牌人去世、解散等時撤銷

持牌保險中介人的牌照——

(a) 如該中介人屬個人——在該名個人去世時撤銷；

(b) 如該中介人屬合夥——在該合夥解散時撤銷；或

(c) 如該中介人屬公司——在該公司清盤時撤銷，或在該公司根據《公司條例》（第 622 章）從公司登記冊中剔除的日期撤銷。

(b) 該公司有在該 90 日內，提出上述申請，但保監局拒絕該申請。

(3) 保監局在根據第 (1) 款行使權力前，須作出以下事情，否則不得行使該權力——

(a) 向有牌照保險經紀公司，發出書面通知，說明該局擬如此行事，以及如此行事的理由；及

(b) 向有關牌照保險經紀公司給予機會，就該等理由作書面陳述或口頭陳述。

(4) 第 (3)(a) 款所指的通知，亦須載有一項陳述，描述以下事宜——

(a) 有關牌照保險經紀公司作出陳述的權利；及

(b) 該公司可如何及於何時作出陳述。
64ZQ. Licence revoked or suspended on licensed insurance intermediary’s request

(1) The Authority may revoke the licence of a licensed insurance intermediary if the intermediary requests the Authority to do so.

(2) The Authority may suspend the licence of a licensed insurance intermediary if the intermediary requests the Authority to do so.

64ZR. Effect of suspension under this Subdivision

If the licence of a person is suspended under this Subdivision, the person must, during the suspension period—

(a) continue to be regarded for the purposes of this Ordinance, but not sections 64G, 64ZE, 64ZF, 64ZN and 64ZO, to be licensed; and

(b) without limiting paragraph (a), continue to be required to comply with the provisions of this Ordinance relating to a licensed insurance intermediary as would apply to the person were the licence not so suspended.

64ZS. Revocation or suspension of licence does not avoid or affect agreement, etc.

Subject to section 64N, a revocation or suspension of the licence of a person under this Subdivision does not—

(a) avoid or affect an agreement, transaction or arrangement entered into or arranged by the person, regardless of whether the agreement, transaction or arrangement was entered into or arranged before or after the revocation or suspension; or

(b) affect a right, obligation or liability arising under the agreement, transaction or arrangement.
64ZT. Requirement to transfer records on revocation or suspension of licence

(1) If the licence of a person is revoked or suspended under this Subdivision, the Authority may, by notice in writing, require the person to transfer to a client a copy of the records relating to the client’s assets or affairs, held at any time for the client as specified in the notice.

(2) A person who, without reasonable excuse, fails to comply with a requirement imposed on the person under subsection (1) commits an offence and is liable to a fine of $200,000 and to imprisonment for 2 years.

64ZU. Permission to carry on business operations on revocation or suspension of licence

(1) If the licence of a person is revoked under section 64ZH, 64ZI, 64ZJ, 64ZK, 64ZN or 64ZO, the Authority may, by notice in writing, permit the person, subject to the conditions specified in the notice, to carry on business operations for closing down the business connected with the revocation.

(2) If the licence of a person is suspended under section 64ZH, 64ZI, 64ZJ, 64ZK, 64ZN or 64ZO, the Authority may, by notice in writing, permit the person, subject to the conditions specified in the notice, to carry on only essential business operations for the protection of the interests of the policy holders concerned during the period of suspension.

(3) If the Authority has granted a permission to a person under subsection (1) or (2), the person must not, because of its carrying on business operations in compliance with the permission, be regarded as having contravened section 64G or 120.
A permission under subsection (1) or (2), and the imposition of conditions under any of those subsections, take effect at the time of the service of the notice or at the time specified in the notice, whichever is the later.

64ZV. Renewal of licences

(1) A person licensed under section 64U, 64W, 64Y, 64ZA or 64ZC may apply to the Authority for a renewal of the licence.

(2) For a partnership, the application for a renewal of the licence may only be made by a partner authorized by the partnership on behalf of the partnership and, if the licence is renewed, it is to be expressed to be renewed to that partner on behalf of the partnership.

(3) An application under subsection (1) may only be made no later than 45 days before the licence is due to expire.

(4) On an application made in the manner specified by the Authority and on payment of a prescribed fee, the Authority may renew the licence.

(5) The Authority must not renew an insurance agency licence granted under section 64U unless—

(a) it is satisfied that—

(i) if the applicant was a sole proprietor at the time when the licence was first applied for, the applicant is a sole proprietor;

(ii) if the applicant was a partnership at the time when the licence was first applied for, the applicant is a partnership; or
(iii) if the applicant was a company at the time when the licence was first applied for, the applicant is a company;

(b) it is satisfied that—

(i) if the applicant is a sole proprietor—

(A) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned; and

(B) where there is a controller in relation to the applicant, the controller is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business;

(ii) if the applicant is a partnership—

(A) each partner of the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned; and

(B) where there is a controller in relation to the applicant, the controller is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business; or

(iii) if the applicant is a company—

(A) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned;

(B) each director of the applicant is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business; and
(C) where there is a controller in relation to the applicant, the controller is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business;

(c) it is satisfied that the applicant is appointed as an agent by at least one authorized insurer; and

(d) it is satisfied that either—

(i) the applicant has a responsible officer; or

(ii) the applicant has made an application for the approval of an individual as a responsible officer of the applicant under section 64ZE, and the criteria for the approval under section 64ZE(4) are satisfied.

(6) The Authority must not renew an individual insurance agent licence granted under section 64W unless it is satisfied that—

(a) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned; and

(b) the applicant is appointed as an agent by at least one authorized insurer.

(7) The Authority must not renew a technical representative (agent) licence granted under section 64Y unless it is satisfied that—

(a) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned; and

(b) the applicant is appointed as an agent by a licensed insurance agency.

(8) The Authority must not renew an insurance broker company licence granted under section 64ZA unless it is satisfied that—
(a) the applicant is a company;
(b) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned;
(c) each director of the applicant is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business;
(d) if there is a controller in relation to the applicant, the controller is a fit and proper person to be associated with the carrying on of regulated activities in those lines of business;
(e) the applicant is able to demonstrate that, if the licence is renewed, the applicant will be able to continue to comply with rules made under section 129 that set out the requirements—
   (i) in relation to the capital and net assets of a licensed insurance broker company;
   (ii) in relation to the professional indemnity insurance taken out by a licensed insurance broker company;
   (iii) in relation to the keeping of separate client accounts by a licensed insurance broker company; and
   (iv) in relation to the keeping of proper books and accounts by a licensed insurance broker company; and
(f) either—
   (i) the applicant has a responsible officer; or
   (ii) the applicant has made an application for the approval of an individual as a responsible officer of the applicant under section 64ZF, and the criteria for the approval under section 64ZF(4) are satisfied.
(9) The Authority must not renew a technical representative (broker) licence granted under section 64ZC unless it is satisfied that—
(a) the applicant is a fit and proper person to carry on regulated activities in the lines of business concerned; and
(b) the applicant is appointed as an agent by at least one licensed insurance broker company.

(10) The Authority must give the applicant a notice in writing of the result of the application for a renewal made under subsection (1).

(11) If the application is rejected, the notice must include a statement of the reasons for the rejection.

64ZW. Amendment, revocation and imposition of conditions on renewal of licences

(1) On renewing a licence under section 64ZV, the Authority may amend or revoke a condition of the licence previously imposed on the licensee, or impose a new condition on the licensee, that the Authority thinks fit.

(2) If the Authority amends or revokes a condition or imposes a new condition, the Authority must, at the time the licence is renewed, inform the licensee by notice in writing.

(3) The notice must include a statement of reasons for imposing or amending the conditions.

(4) An amendment, revocation or imposition of any condition under subsection (1) takes effect at the time the notice under subsection (2) is served on the licensee or at the time specified in the notice, whichever is the later.
64ZX.  **Validity of licences for which applications have been made under section 64ZV**

(1) A licence for which an application for a renewal is made under section 64ZV and which expires before the determination of the application by the Authority remains in force—

(a) until the licence is renewed; or

(b) if the renewal is refused—until the Authority's decision to refuse to renew the licence takes effect.

(2) Subsection (1) does not apply if the application for the renewal is withdrawn or the licence is revoked.

64ZY.  **Validity of licences renewed under section 64ZV**

(1) A renewal granted under section 64ZV takes effect on the day following the expiry of the licence.

(2) A licence renewed under section 64ZV is valid for 3 years or, if the Authority considers it appropriate in a particular case, another period determined by the Authority.

Subdivision 5—Supplementary Provisions

64ZZ.  **Applicants to provide information**

(1) A person who applies—

(a) for the approval of the variation of a line of business specified in a licence under section 64S;

(b) for a licence under section 64U, 64W, 64Y, 64ZA or 64ZC;

(c) for the approval of an individual as a responsible officer under section 64ZE or 64ZF; or

(d) for a renewal of a licence under section 64ZV,
must provide the Authority with information that it reasonably requires to enable it to consider the application.

(2) In considering the application, the Authority may have regard to any information in its possession (whether provided by the applicant or not).

64ZZA. Determination of fit and proper

(1) In determining whether a person is a fit and proper person for the purposes of this Division, the Authority must have regard to the following matters—

(a) the education or other qualifications or experience of the person;
(b) the person’s ability to carry on a regulated activity competently, honestly and fairly;
(c) the reputation, character, reliability and integrity of the person;
(d) the person’s financial status or solvency;
(e) whether any disciplinary action has been taken against the person by—

(i) the Monetary Authority;
(ii) the Securities and Futures Commission;
(iii) the Mandatory Provident Fund Schemes Authority; or
(iv) any other authority or regulatory organization, whether in Hong Kong or elsewhere, which, in the Authority’s opinion, performs a function similar to those of the Authority;
(f) if the person is a company in a group of companies, any information in the possession of the Authority, whether provided by the person or not, relating to—

(2) In determining whether a person is a fit and proper person for the purposes of this Division, the Authority must have regard to the following matters—

(a) the education or other qualifications or experience of the person;
(b) the person’s ability to carry on a regulated activity competently, honestly and fairly;
(c) the reputation, character, reliability and integrity of the person;
(d) the person’s financial status or solvency;
(e) whether any disciplinary action has been taken against the person by—

(i) the Monetary Authority;
(ii) the Securities and Futures Commission;
(iii) the Mandatory Provident Fund Schemes Authority; or
(iv) any other authority or regulatory organization, whether in Hong Kong or elsewhere, which, in the Authority’s opinion, performs a function similar to those of the Authority;
(f) if the person is a company in a group of companies, any information in the possession of the Authority, whether provided by the person or not, relating to—
64ZZB. Procedural requirements for rejecting application, or imposing or amending conditions

(1) The Authority must not—

(a) reject an application made under section 64U(1) or 64ZV(1) for an insurance agency licence or a renewal of such a licence;
(2) 凡保監局擬作出以下作為——

(a) 拒絕根據第 64Z(2) 或 (3) 或 64ZW(1) 條提出之個人保險代理牌照申請，或將該等牌照續期申請之申請；
(b) 拒絕根據第 64ZG(2) 或 (3) 或 64ZW(1) 條，對發出該等牌照或將該等牌照續期施加條件；或
(c) 根據第 64ZG(4) 或 64ZW(1) 條，修訂該等條件，

保監局須給予申請人作出申述的機會，述明為何不應作出該作為，否則保監局不得作出該作為。

(3) 凡保監局擬作出以下作為——

(a) 拒絕根據第 64Y(1) 或 64ZV(1) 條提出之業務代表（代理人）牌照申請，或將該等牌照續期申請之申請；
(b) 根據第 64ZG(2) 或 (3) 或 64ZW(1) 條，對發出該等牌照或將該等牌照續期施加條件；或
(c) 根據第 64ZG(4) 或 64ZW(1) 條，修訂該等條件，

(b) impose a condition under section 64ZG(2) or (3) or 64ZW(1) on granting or renewing such a licence; or
(c) amend such a condition under section 64ZG(4) or 64ZW(1),

without giving the applicant an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(2) The Authority must not—

(a) reject an application made under section 64W(1) or 64ZV(1) for an individual insurance agent licence or a renewal of such a licence;
(b) impose a condition under section 64ZG(2) or (3) or 64ZW(1) on granting or renewing such a licence; or
(c) amend such a condition under section 64ZG(4) or 64ZW(1),

without giving the applicant an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(3) The Authority must not—

(a) reject an application made under section 64Y(1) or 64ZV(1) for a technical representative (agent) licence or a renewal of such a licence;
(b) impose a condition under section 64ZG(2) or (3) or 64ZW(1) on granting or renewing such a licence; or
(c) amend such a condition under section 64ZG(4) or 64ZW(1),
without giving the applicant an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(4) The Authority must not—

(a) reject an application made under section 64ZA(1) or 64ZV(1) for an insurance broker company licence or a renewal of such a licence;
(b) impose a condition under section 64ZG(2) or (3) or 64ZW(1) on granting or renewing such a licence; or
(c) amend such a condition under section 64ZG(4) or 64ZW(1),

without giving the applicant an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(5) The Authority must not—

(a) reject an application made under section 64ZC(1) or 64ZV(1) for a technical representative (broker) licence or a renewal of such a licence;
(b) impose a condition under section 64ZG(2) or (3) or 64ZW(1) on granting or renewing such a licence; or
(c) amend such a condition under section 64ZG(4) or 64ZW(1),

without giving the applicant an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(6) The Authority must not—
(a) reject an application made under section 64ZE(1) for the approval of an individual as a responsible officer of a licensed insurance agency;
(b) impose a condition under section 64ZG(2) or (3) on such an approval; or
(c) amend such a condition under section 64ZG(4), without giving the individual and the licensed insurance agency or an applicant for an insurance agency licence an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(7) The Authority must not—
(a) reject an application made under section 64ZF(1) for the approval of an individual as a responsible officer of a licensed insurance broker company;
(b) impose a condition under section 64ZG(2) or (3) on such an approval; or
(c) amend such a condition under section 64ZG(4), without giving the individual and the licensed insurance agency or an applicant for an insurance agency licence an opportunity to make representations as to why the application should not be rejected or why the condition should not be imposed or amended.

(8) In this section, a reference to an opportunity to make representations is a reference to an opportunity to make written representations or oral representations.

64ZZC. Form of licence

(1) A licence granted under section 64U, 64W, 64Y, 64ZA, or 64ZC or renewed under section 64ZV must be in a form specified by the Authority and must specify—
Insurance Companies (Amendment) Ordinance 2015

2015年第12號條例

Part 2
Section 74

(a) the name or names of the licensee and the reference number assigned by the Authority;
(b) the conditions imposed or amended;
(c) the period for which the licence is valid;
(d) one or more of the following lines of business which the licensee may carry on—
   (i) general business;
   (ii) long term business (excluding linked long term business as referred to in Part 2 of Schedule 1);
   (iii) long term business (including linked long term business as referred to in Part 2 of Schedule 1);
   (iv) restricted scope travel business; and
(e) any other particulars that are prescribed by rules made under section 129.

(2) A licence granted under section 64U or 64ZA, or the licence renewed under section 64ZV, must also specify the business address of the licensee.

(3) A licence granted under section 64U or 64W, or the licence renewed under section 64ZV, must also specify the name of the authorized insurer by which the licensee is appointed.

(4) A licence granted under section 64Y, or the licence renewed under section 64ZV, must also specify the name of—
   (a) the licensed insurance agency by which the licensee is appointed; and
   (b) the authorized insurer by which the licensed insurance agency is appointed.
(5) 根据第 64ZC 条发出的牌照及根据第 64ZV 条续期的牌照，亦须指明委任有关持牌人的持牌保险经纪公司的名称。

(6) 在本条中——

有限制旅保業務 (restricted scope travel business) 就屬持牌保险代理機構的旅行代理商而言——

(a) 指訂立旅遊保單，而該保單是與該代理商為其顧客安排的遊覽、包價旅遊行程或其他旅遊服務相關的；及

(b) 不包括訂立全年旅遊保單。

64ZZD. 向保監局具報合夥人、董事或控權人改變的責任

(1) 如某人在某日期成為或不再是某持牌保險代理機構的合夥人、董事或控權人，在該日期後 1 個月內，該機構須以書面向保監局具報該事。

(2) 如某人在某日期成為或不再是某持牌保險經紀公司的董事或控權人，在該日期後 1 個月內，該公司須以書面向保監局具報該事。

(3) 第 (1) 或 (2) 款所指的具報，須附有訂明費用。

(4) 任何持牌保險代理機構無合理辯解而違反第 (1) 款，即屬犯罪，可處第 5 級罰款。

64ZZD. Duty to notify Authority of change in partners, directors or controllers

(1) Within 1 month after the date on which a person becomes, or ceases to be, a partner, director or controller of a licensed insurance agency, the agency must notify the Authority in writing of that fact.

(2) Within 1 month after the date on which a person becomes, or ceases to be, a director or controller of a licensed insurance broker company, the company must notify the Authority in writing of that fact.

(3) A notification under subsection (1) or (2) must be accompanied by a prescribed fee.

(4) A licensed insurance agency who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable to a fine at level 5.
Part 2  
Section 74  

(5) A licensed insurance broker company which, without reasonable excuse, contravenes subsection (2) commits an offence and is liable to a fine at level 5.

64ZZE. Offence to provide false information in connection with application for licence or approval

(1) A person commits an offence if the person, in connection with an application for the grant or renewal of a licence, or with an application for the approval, under this Division—

(a) makes a statement that is false or misleading in a material particular; and

(b) knows that, or is reckless as to whether, the statement is false or misleading in the material particular.

(2) A person commits an offence if the person, in connection with an application for the grant or renewal of a licence, or with an application for the approval, under this Division—

(a) omits a material particular from a statement with the result that the statement is rendered false or misleading; and

(b) knows that, or is reckless as to whether, the material particular is omitted from the statement.

(3) A person who commits an offence under subsection (1) or (2) is liable to a fine at level 5 and to imprisonment for 6 months.
Division 4—Inspection and Investigation

Subdivision 1—Inspection and Investigation without Warrant

64ZZF. Power to conduct inspection

(1) An inspector may exercise the powers under subsections (2) and (3) for ascertaining whether a licensed insurance intermediary is complying with, has complied with, or is likely to be able to comply with—
   (a) a provision of this Ordinance;
   (b) a notice or requirement given or imposed under a provision of this Ordinance;
   (c) a term or condition of a licence granted under this Ordinance; or
   (d) any other condition imposed under a provision of this Ordinance.

(2) At any reasonable time, an inspector—
   (a) may enter any business premises of the licensed insurance intermediary;
   (b) may inspect, and may make copies or otherwise record details of, a business record of the intermediary; and
   (c) may make inquiries of the intermediary or a person specified in subsection (5)—
      (i) concerning a business record of the intermediary; or
      (ii) concerning a transaction or activity that was undertaken in the course of, or may affect, the regulated activity carried on by the intermediary.
(3) In exercising a power under subsection (2)(b) or (c), the inspector may require the licensed insurance intermediary, or a person specified in subsection (5)—
(a) to give the inspector access to a business record of the intermediary;
(b) to produce to the inspector, within the time and at the place specified in the requirement, a business record of the intermediary; and
(c) to answer a question concerning—
(i) a business record of the intermediary; or
(ii) a transaction or activity that was undertaken in the course of, or may affect, the regulated activity carried on by the intermediary.

(4) The power under subsection (2)(c) or (3) is not exercisable in relation to a person specified in subsection (5) unless the inspector has reasonable cause to believe that the information or record being sought cannot be obtained by exercising the power in relation to the licensed insurance intermediary.

(5) The person specified for subsections (2)(c) and (3) is a person whom the inspector has reasonable cause to believe has information relating to, or is in possession of, a business record of the licensed insurance intermediary.

(6) The Authority may in writing appoint a person, or a person belonging to a class of persons, as an inspector for the purposes of this section.

(7) The Authority must provide an inspector with a copy of its appointment.

(8) When imposing a requirement on a person under subsection (3), an inspector must, if so requested, produce a copy of the appointment to that person for inspection as soon as practicable.
Insurance Companies (Amendment) Ordinance 2015

Part 2

Section 74

A1328

(9) This section is subject to section 64ZZJ.

(10) In this section—

business premises (業務處所), in relation to a licensed insurance intermediary, means any non-domestic premises at which—

(a) the intermediary carries on business; or

(b) the person by whom the intermediary is appointed as an agent carries on business.

64ZZG. Inspector may require answer, etc. to be verified by statutory declaration

(1) If a person gives an answer in compliance with a requirement imposed under section 64ZZF(2)(c) or (3), the inspector may, in writing, require the person to verify, within the time specified in the requirement, the answer by a statutory declaration.

(2) If a person does not give an answer in compliance with a requirement imposed under section 64ZZF(2)(c) or (3) for the reason that the information concerned was not within the person's knowledge or possession, the inspector may, in writing, require the person to verify, within the time specified in the requirement, by a statutory declaration, that the person did not comply with the requirement for that reason.

(3) A statutory declaration under subsection (1) or (2) may be made before the inspector and, for that purpose, the inspector is to have full power to administer the statutory declaration.

64ZZH. Power to conduct investigation

(1) If—

(a) the Authority has reasonable cause to believe that a provision of this Ordinance may have been contravened;
(b) the Authority has reasonable cause to believe that a person may have been involved in defalcation, fraud, misfeasance or other misconduct in relation to the carrying on of a regulated activity;

(c) the Authority has reasonable cause to believe that a person has carried on, or is carrying on, a regulated activity in a manner that is not in the interests of policy holders or potential policy holders or the public interest; or

(d) the Authority, for considering whether to exercise any power under section 81, has reason to enquire if—

(i) a person is, or was, guilty of misconduct as defined by section 80; or

(ii) a person is, or was, not a fit and proper person as described in section 81(1)(c),

the Authority may in writing direct one or more of its employees, or, with the consent of the Financial Secretary, appoint one or more other persons, to investigate the matter.

(2) The Authority must consult the Monetary Authority before the Authority directs any of its employees, or appoints a person to investigate a matter in respect of—

(a) an authorized institution;

(b) a person who is, or was, employed by an authorized institution; or

(c) a person who is, or was, appointed as an agent by an authorized institution,

in relation to any regulated activity carried on by the institution.
(3) The costs and expenses incurred by an investigator, other than an employee of the Authority, may be paid out of moneys provided by the Legislative Council.

(4) The Authority must provide an investigator with a copy of its direction or appointment.

(5) Before first imposing a requirement on a person under subsection (6), an investigator must produce a copy of the direction or appointment to that person for inspection.

(6) An investigator may require a person specified in subsection (7)—

(a) to produce, within the time and at the place the investigator requires in writing, a record or document specified by the investigator that—

(i) is or may be relevant to the investigation; and

(ii) is in the person's possession;

(b) to give an explanation or further particulars in respect of a record or document produced;

(c) to attend before the investigator at the time and place the investigator requires in writing, and answer a question relating to any matter under investigation that may be raised by the investigator;

(d) to answer in writing, within the time the investigator requires in writing, a written question relating to any matter under investigation that may be raised by the investigator; and

(e) to give the investigator all other assistance in connection with the investigation that the person is able to give.

(7) The person specified for subsection (6) is—
(a) a person who is relevant to the matter that an investigator is directed or appointed to investigate; or

(b) a person whom an investigator has reasonable cause to believe—

(i) to be in possession of a record or document that contains, or is likely to contain, information relevant to the investigation; or

(ii) to be otherwise in possession of such information.

(8) This section is subject to section 64ZZJ.
Part 2

Section 74

64ZZJ. Inspection and investigation powers in relation to authorized institutions

(1) An inspector has no power under section 64ZZF or 64ZZG to require an authorized institution to disclose any information, or to produce a record or document, relating to the affairs of a customer of the institution—

(a) unless the inspector is a specified authority; or

(b) unless the inspector is satisfied that the disclosure or production is necessary for ascertaining a matter specified in section 64ZZF(1) and so certifies in writing to the institution.

(2) An investigator has no power under section 64ZZH or 64ZZI to require an authorized institution to disclose any information, or to produce a record or document, relating to the affairs of a customer of the institution—

(a) unless the investigator is a specified authority; or

(b) unless—

(i) the customer is a person whom the investigator has reasonable cause to believe may be able to give information relevant to the matter under investigation; and

(ii) the investigator is satisfied that the disclosure or production is necessary for the investigation and so certifies in writing to the institution.

(3) In this section—

specified authority (指明當局)—

(a) in relation to subsection (1), means—

(i) the Monetary Authority; or
64ZZK. Application to Court of First Instance for inquiry into failure

(1) If a person fails to comply with a requirement imposed by an inspector under section 64ZZF or 64ZZG or an investigator under section 64ZZH or 64ZZI, the inspector or investigator may apply by originating summons to the Court of First Instance for an inquiry into the failure.

(2) On an application under subsection (1), the Court of First Instance—

(a) on being satisfied that there is no reasonable excuse for the person not to comply with the requirement, may order the person to comply with the requirement within the time specified by the Court; and

(b) on being satisfied that the failure was without reasonable excuse, may punish the person, and any other person knowingly involved in the failure, in the same manner as if the person and that other person had been guilty of contempt of court.

(3) An originating summons under subsection (1) is to be in Form No. 10 in Appendix A to the Rules of the High Court (Cap. 4 sub. leg. A).

(4) Despite anything in this Ordinance, no proceedings may be instituted against a person for subsection (2)(b) in respect of a conduct if—
(a) criminal proceedings have previously been instituted against the person under section 64ZZL(1), (2), (3), (4) or (5) in respect of the same conduct; and

(b) those proceedings remain pending, or because of the previous institution of those proceedings, no criminal proceedings may again be lawfully instituted against that person under section 64ZZL(1), (2), (3), (4) or (5) in respect of the same conduct.

64ZZL. Offences in relation to inspections and investigations

(1) A person commits an offence if the person, without reasonable excuse, fails to comply with a specified requirement imposed on the person.

(2) A person commits an offence if the person, with intent to defraud, fails to comply with a specified requirement imposed on the person.

(3) A person commits an offence if—

(a) in purported compliance with a specified requirement imposed on the person, the person produces a record or document, gives an answer, or gives any explanation or particulars, that are false or misleading in a material particular; and

(b) the person knows that, or is reckless as to whether, the record or document, the answer, or the explanation or particulars, are false or misleading in the material particular.

(4) A person commits an offence if, in purported compliance with a specified requirement imposed on the person, the person, with intent to defraud, produces a record or document, gives an answer, or gives any explanation or particulars, that are false or misleading in the material particular.
(5) A person commits an offence if the person, with intent to defraud—
(a) causes or allows another person to fail to comply with a specified requirement imposed on that other person; or
(b) causes or allows that other person, in purported compliance with a specified requirement imposed on that other person, to produce a record or document, to give an answer, or to give any explanation or particulars, that are false or misleading in a material particular.

(6) A person is not excused from complying with a requirement imposed on the person under section 64ZZH(6) or 64ZZI(1) only on the ground that to do so might tend to incriminate the person.

(7) Despite anything in this Ordinance, no criminal proceedings may be instituted against a person under subsection (1), (2), (3), (4) or (5) in respect of a conduct if—
(a) proceedings have previously been instituted against the person under section 64ZZK(2)(b) in respect of the same conduct; and
(b) those proceedings remain pending, or because of the previous institution of those proceedings, no proceedings may again be lawfully instituted against that person under section 64ZZK(2)(b) in respect of the same conduct.

(8) A person who commits an offence under subsection (1) is liable—
(a) on conviction on indictment to a fine of $200,000 and to imprisonment for 1 year; or
(b) on summary conviction to a fine at level 5 and to imprisonment for 6 months.
A1344

Part 2
Section 74

Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

A1345

(9) A person who commits an offence under subsection (3) is liable—
(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years; or
(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(10) A person who commits an offence under subsection (2), (4) or (5) is liable—
(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 7 years; or
(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(11) In this section—

specified requirement (指明要求) means a requirement imposed under section 64ZZF(3), 64ZZG(1) or (2), 64ZZH(6) or 64ZZI(1) or (2).

64ZZM. Use of incriminating evidence in proceedings

(1) If an investigator requires a person to give an answer to a question or to give an explanation or further particulars under this Division, the investigator must ensure that the person has first been informed of the effect of subsection (2).

(2) Despite anything in this Ordinance and subject to subsection (3)—
(a) if an investigator requires a person to give an answer to a question or to give an explanation or further particulars under this Division; and
(b) the answer, or the explanation or further particulars, might tend to incriminate the person and the person so claims before giving the answer or giving the explanation or further particulars,
the requirement and the question and answer, or the explanation or further particulars, are not admissible in evidence against the person in criminal proceedings in a court of law.

(3) Subsection (2) does not apply to criminal proceedings in which the person is, in relation to the answer, or the explanation or further particulars, charged with—

(a) an offence under section 64ZZL(1), (2), (3), (4) or (5), or under Part V of the Crimes Ordinance (Cap. 200); or

(b) perjury.

64ZZN. Offences in relation to destruction of records and documents

(1) A person commits an offence if—

(a) the person destroys, falsifies, conceals or otherwise disposes of, or causes or permits the destruction, falsification, concealment or disposal of, a record or document that the person is required by an inspector or investigator to produce under section 64ZZF or 64ZZH; and

(b) the person does so with intent to conceal, from the inspect or investigator, facts or matters capable of being disclosed by the record or document.

(2) A person who commits an offence under subsection (1) is liable—

(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 74

64ZZO. Order to pay costs of investigation

(1) If a person is convicted by a court on a prosecution instituted as a result of the findings of an investigation under section 64ZZH—

(a) the court may order the person to pay to the Authority the whole or a part of the costs and expenses of the investigation; and

(b) the Authority may recover the whole or that part of the costs and expenses as a civil debt due to it.

(2) Subsection (3) applies if—

(a) the Authority receives an amount under an order made under subsection (1) in respect of any of the costs and expenses of an investigation; and

(b) all or any of the costs and expenses have already been paid out of moneys provided by the Legislative Council.

(3) The Authority must pay to the Financial Secretary the amount received under the order to the extent to which it has already been paid out of moneys provided by the Legislative Council.

Subdivision 2—Magistrate’s Warrants

64ZZP. Magistrate’s warrants to enter premises, etc.

(1) This section applies if a magistrate is satisfied on information on oath laid by a person specified in subsection (3) that there are reasonable grounds to suspect that there is, or is likely to be, on premises specified in the information a record or document that may be required to be produced under section 64ZZF or 64ZZH.
Insurance Companies (Amendment) Ordinance 2015

Part 2

Section 74

Ord. No. 12 of 2015

(2) If this section applies, the magistrate may issue a warrant authorizing a person mentioned in the warrant, and other persons who may be necessary to assist in the execution of the warrant—

(a) to enter the premises, if necessary by force, at any time within the period of 7 days beginning on the date of the warrant; and

(b) to search for, seize and remove a record or document that the person mentioned in the warrant has reasonable cause to believe may be required to be produced under section 64ZZF or 64ZZH.

(3) The person specified for subsection (1) is—

(a) in relation to a record or document that may be required to be produced under section 64ZZF—

an inspector; or

(b) in relation to a record or document that may be required to be produced under section 64ZZH—

an investigator.

(4) If an authorized person has reasonable cause to believe that a person found on the premises is employed, or engaged to provide a service, in connection with a business that is or has been conducted on the premises, the authorized person may require that person to produce for examination a record or document that—

(a) is in the possession of that person; and

(b) the authorized person has reasonable cause to believe may be required to be produced under section 64ZZF or 64ZZH.

(5) An authorized person may, in relation to a record or document required to be produced under subsection (4)—
Part 2  
Section 74  

(a) prohibit a person found on the premises from—  
(i) removing the record or document from the premises;  
(ii) erasing anything from, adding anything to, or otherwise altering anything in, the record or document; or  
(iii) otherwise interfering in any way with, or causing or permitting any other person to interfere with, the record or document; or  

(b) take any other step that appears to the authorized person to be necessary for—  
(i) preserving the record or document; or  
(ii) preventing interference with the record or document.  

(6) An authorized person who enters any premises under this section must, if required, produce the warrant for inspection.  

(7) Section 102 of the Criminal Procedure Ordinance (Cap. 221) applies to any property that has, because of this section, come into the possession of the Authority, as it applies to property that has come into the possession of the police.  

(8) A person commits an offence if the person—  
(a) without reasonable excuse, fails to comply with a requirement or prohibition imposed on the person under subsection (4) or (5); or  
(b) obstructs an authorized person exercising a power conferred by subsection (4) or (5).  

(9) A person who commits an offence under subsection (8) is liable—  
(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years; or
(b) 一經循簡易程序定罪，可處第6級罰款及監禁6個月。

(10) 在本條中——
職權持有人 (authorized person) 指根據第(2)款發出的手令所述並獲該手令職權採取該款(a)及(b)段所列的行動的人。

64ZZQ. 根據第64ZZP 條取走紀錄及文件
(1) 根據第64ZZP(2) 條取走的紀錄或文件——
(a) 可在不超過自取走當日起計的6個月內，予以保留；或
(b) 因任何刑事法律程序或根據本條例進行的任何程序所需的較長期間內，予以保留。
(2) 職權持有人如根據第64ZZP(2) 條取走任何紀錄或文件，須在切實可行範圍內，盡快在其後為此發出收據。

第3次分部——雜項

64ZZR. 對紀錄或文件的聲稱留置權
如管有根據第64ZZF 或64ZZH 條被要求交出的紀錄或文件的人，聲稱對該紀錄或文件有留置權——
(a) 交出該紀錄或文件的要求，並不受該留置權影響；
(b) 無需為交出該紀錄或文件而支付任何費用；及
(c) 交出該紀錄或文件，並不損害該留置權。

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(10) In this section——
authorized person (獲授權人) means a person mentioned in, and authorized by, a warrant issued under subsection (2) to carry out the acts set out in paragraphs (a) and (b) of that subsection.

64ZZQ. Removal of records and documents under section 64ZZP
(1) A record or document removed under section 64ZZP(2) may be retained——
(a) for a period not exceeding 6 months beginning on the day of its removal; or
(b) for a longer period that may be required because of any criminal proceedings, or any proceedings under this Ordinance.
(2) If an authorized person removes a record or document under section 64ZZP(2), the authorized person must, as soon as practicable after the removal, give a receipt for the record or document.

Subdivision 3—Miscellaneous

64ZZR. Lien claimed on records or documents
If the person in possession of a record or document required to be produced under section 64ZZF or 64ZZH claims a lien on the record or document——
(a) the requirement to produce the record or document is not affected by the lien;
(b) no fee is payable for the production; and
(c) the production is without prejudice to the lien.
64ZZS. Production of information in information systems, etc.

If any information or matter contained in a record or document required to be produced under section 64ZZF or 64ZZH is recorded otherwise than in a legible form, a power to require the production of the record or document includes the power to require the production of a reproduction of the recording of the information or matter or of the relevant part of it—

(a) if the recording enables the information or matter to be reproduced in a legible form—in a legible form; and

(b) if the information or matter is recorded in an information system—in a form which enables the information or matter to be reproduced in a legible form.

64ZZT. Inspection of records or documents seized, etc.

(1) If a specified person has taken possession of a record or document under this Division, the specified person must permit a person who would be entitled to inspect the record or document had the specified person not taken possession of it, to inspect it and to make copies or otherwise record details of it at all reasonable times.

(2) The permission is subject to any reasonable conditions the specified person imposes.

(3) In this section—

specified person (指明人士) means—

(a) an authorized person within the meaning of section 64ZZP; or

(b) an investigator.
75. Sections 65, 66 and 67 repealed
Sections 65, 66 and 67—
Repeal the sections.

76. Section 68 amended (insurance agent’s relationship with insurer)
(1) Section 68, heading—
Repeal
“Insurance agent’s relationship with insurer”
Substitute
“Authorized insurer’s relationship with its agent”.
(2) Section 68—
Repeal subsections (1), (2), (3) and (4)
Substitute
“(1) This section applies if—
(a) an authorized insurer has appointed a person as
an agent of the insurer; and
(b) the person has dealings with another person
(client) for—
(i) the issue of a contract of insurance for the
client; or
(ii) insurance business relating to the contract.
(2) If the person is appointed by 1 authorized insurer as
an agent, the insurer is liable for any act of the person
in relation to those dealings, whether or not the act is
within the scope of the person’s authority.
(3) If—
(a) the person is appointed by more than one authorized insurer as an agent;
(b) those dealings relate to a particular line of business; and
(c) the person is appointed by only one of those insurers (empowering insurer) to engage in that line of business,

the empowering insurer is liable for any act of the person in relation to those dealings, whether or not the act is within the scope of the person’s authority.

(4) If—

(a) the person is appointed by more than one authorized insurer as an agent to engage in a particular line of business;
(b) those dealings relate to that line of business; and
(c) an act of the person in relation to those dealings is within the scope of the person’s authority in relation to only one of those insurers (empowering insurer),

the empowering insurer is liable for the act of the person in relation to those dealings.

(4A) If—

(a) the person is appointed by more than one authorized insurer as an agent to engage in a particular line of business;
(b) those dealings relate to that line of business; and
(c) an act of the person in relation to those dealings is within the scope of the person’s authority in relation to 2 or more of those insurers (empowering insurers),

the empowering insurers are jointly and severally liable for the act of the person in relation to those dealings.
Part 2
Section 76

Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

(4B) If—
(a) the person is appointed by more than one authorized insurer as an agent to engage in a particular line of business;
(b) those dealings relate to that line of business; and
(c) an act of the person in relation to those dealings is not within the scope of the person’s authority in relation to any of those insurers,

all of those insurers are jointly and severally liable for the act of the person in relation to those dealings.

(4C) Despite subsections (2), (3), (4), (4A) and (4B) and subject to subsection (4D), an authorized insurer is not liable for the act of the person if—
(a) the act is not within the scope of the person’s authority in relation to that insurer;
(b) the person disclosed that fact to the client before the client relied on the act; and
(c) the clarity and prominence of the disclosure was what a person would reasonably require for deciding whether to enter into any dealing referred to in subsection (1)(b).

(4D) In considering a claim under this section, despite subsection (4C), the court may take into account any other factors relevant in the circumstances in determining whether an authorized insurer is liable for the act of the person.

(4E) If a contract of insurance or an agency agreement contains a provision that is inconsistent with this section, that provision is void.”.

(3) Section 68(5)—

Repeal

“an insurer”
2015年第12号条例  第2部  第77条

Substitute
“an authorized insurer”.
(4) Section 68(5)—
Repeal
“appointed insurance agent”
Substitute
“person”.
(5) Section 68—
Repeal subsection (6).

77. Section 68A added
Add
“68A. Validity of agency agreements
If an agency agreement contains a provision purporting to affect, or having the effect of affecting the obligation of a licensed insurance intermediary under section 90(a), that provision is void.”.

78. Sections 69 and 70 repealed
Repeal the sections.

79. Section 71 substituted
Substitute
“71. Licensed insurance broker company’s client monies

(1) A licensed insurance broker company must—
(a) hold any of the monies specified in subsection (2) separate from the company’s monies; and
(b) pay them, as soon as practicable after receiving the monies, into an account maintained by the company with an authorized institution for holding the specified monies.

(2) The monies specified for subsection (1) are—
(a) monies received by the company from or on behalf of a policy holder or potential policy holder in connection with a contract of insurance; and
(b) monies received by the company from or on behalf of an insurer for or on account of a policy holder or potential policy holder.

(3) A licensed insurance broker company must pay to an insurer, within the time as agreed with the insurer, insurance premiums received from a policy holder or potential policy holder that are due to the insurer in relation to a contract of insurance.

(4) A licensed insurance broker company may use client monies relating to a client only for the purposes of that client.

(5) A licensed insurance broker company is entitled to retain the interest that is earned on client monies relating to a client held in the company’s client account unless the client and the company agree otherwise.

(6) A lien or claim on client monies made by or through a licensed insurance broker company is void unless the monies in the client account of the company are for fees then due and owing to the company.
80. **Section 72 amended (appointment of auditor)**

(1) **Section 72, heading—**

Repeal

“Appointment of auditor”

Substitute

“Licensed insurance broker company must appoint auditor”.

(2) **Section 72(1)—**

Repeal

“An insurance broker shall”

Substitute

“A licensed insurance broker company must, within 1 month after being granted a licence under section 64ZA,”.

(3) **Section 72(1)(b)—**

Repeal

“an insurance broker”

Substitute

“a licensed insurance broker company”.

(7) A licensed insurance broker company must not create a charge or mortgage on client monies.

(8) A charge or mortgage on client monies created by a licensed insurance broker company is void.

(9) A licensed insurance broker company which contravenes subsection (1), (4) or (7) commits an offence and is liable—

(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 5 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.”.
81. 取代第 73 條
第 73 條——
廢除該條
代以

“73. 持牌保險經紀公司的審計
(1) 持牌保險經紀公司須在每一個財政年度終結後的 6 個月內，向保監局提供以下所有項目——

81. Section 73 substituted
Section 73—
Repeal the section
Substitute

“73. Audit of licensed insurance broker company
(1) A licensed insurance broker company must, within 6 months after the end of each financial year, provide the Authority with all of the following——
Part 2
Section 81

Insurance Companies (Amendment) Ordinance 2015

(a) a copy of the audited profit and loss account for that year;
(b) a copy of the audited income and expenditure account for that year;
(c) a copy of the audited balance sheet as at the end of that year;
(d) an auditor’s report on the financial statements;
(e) an auditor’s report stating whether the auditor is of the opinion that the company has continued to comply with rules made under section 129 that set out the requirements—
   (i) in relation to the capital and net assets of a licensed insurance broker company;
   (ii) in relation to the professional indemnity insurance taken out by a licensed insurance broker company;
   (iii) in relation to the keeping of separate client accounts by a licensed insurance broker company; and
   (iv) in relation to the keeping of proper books and accounts by a licensed insurance broker company;

(f) any other information that is prescribed by rules made under section 129.

(2) A licensed insurance broker company which contravenes this section commits an offence and is liable to a fine at level 6, and in the case of a continuing offence, to a further fine of $500 for each day during which the offence continues.”.
82. Section 74 amended (powers of Insurance Authority to require production, etc.)

(1) Section 74—
Repeal subsection (1)
Substitute
“(1) The Authority—
(a) may require an authorized insurer or a licensed insurance intermediary to produce, at the time and place that the Authority specifies, the books or papers that it specifies for obtaining information in relation to a regulated activity carried on by a licensed insurance intermediary; and
(b) may authorize a person, on producing (if required to do so) evidence of the person's authority, to require an authorized insurer or a licensed insurance intermediary to produce to the person, at the time and place that the person specifies, the books or papers that the person specifies for obtaining information in relation to a regulated activity carried on by a licensed insurance intermediary.”.

(2) Section 74(2)—
Repeal
“an insurer, insurance agent, insurance broker or approved body of insurance brokers”
Substitute
“an authorized insurer or a licensed insurance intermediary”.

(3) Section 74(3)—
Repeal
“an insurer, insurance agent, insurance broker or approved body of insurance brokers”

Substitute
“an authorized insurer or a licensed insurance intermediary”.

(4) Section 74(3)(a)(ii)—

Repeal
“the insurer, insurance agent, insurance broker or approved body of insurance brokers”

Substitute
“the authorized insurer or the licensed insurance intermediary”.

(5) Section 74—

Repeal subsection (4).

(6) At the end of section 74—

Add
“(6) A person who fails to produce books or papers required under this section commits an offence and is liable to a fine at level 6, and in the case of a continuing offence, to a further fine of $500 for each day during which the offence continues.”.

83. Section 75 repealed (withdrawal of authorization or approval)

Section 75—

Repeal the section.

84. Section 76 substituted

Section 76—

Repeal the section

Substitute
76. Authority may petition for winding up or bankruptcy of licensed insurance intermediary

(1) The Authority may present a petition for a licensed insurance intermediary, other than a licensed insurance intermediary which is an authorized institution, to be wound up in accordance with the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) if—

(a) the intermediary is a company which may be wound up by the Court of First Instance under that Ordinance; and

(b) the Authority considers that it is in the public interest that the intermediary should be wound up.

(2) However, the Authority may not present a petition under subsection (1) for a licensed insurance intermediary to be wound up if the intermediary is already being wound up by the Court of First Instance.

(3) The Authority may present a petition for any of the following persons to be declared bankrupt if the Authority considers that it is in the public interest that the person should be made bankrupt—

(a) an individual who is a licensed insurance intermediary;

(b) any of the partners of a partnership which is a licensed insurance intermediary.”.

85. Section 77 repealed (offences)

Section 77—

Repeal the section.
86. 修訂第 78 條 (豁免)

(1) 第 78 條，標題，在“豁免”之前——
加入
“對獲授權保險人等的”。

(2) 第 78 條——
廢除第 (1) 款
代以
“(1) 儘管有第 64G 條的規定，獲授權保險人無須是持牌保險
中介人，仍可——
(a) 進行任何受規管活動；或
(b) 顯示自己正進行任何受規管活動。”。

(3) 第 78(2) 條——
廢除
在“保險人”之後的所有字句
代以
“，而並不擴及其代理人。”。

(4) 第 78 條——
廢除第 (3) 款
代以
“(3) 如某人在香港顯示自己——
(a) 只就再保險合約作為某保單持有人或潛在的保單持
有人的代理人，而進行附表 1A 第 1 部第 1(a) 條指
明的受規管活動；或
(b) 只就再保險合約進行附表 1A 第 1 部第 1(b)、(c) 及 (d)
條指明的受規管活動，

86. Section 78 amended (exemptions)

(1) Section 78, heading, after “Exemptions”—
Add
“for authorized insurers, etc.”.

(2) Section 78—
Repeal subsection (1)
Substitute
“(1) Despite section 64G, an authorized insurer is not
required to be a licensed insurance intermediary in
order to—
(a) carry on any regulated activity; or
(b) hold out that it is carrying on any regulated
activity.”.

(3) Section 78(2)—
Repeal
everything after “insurer”
Substitute
“and does not extend to its agent.”.

(4) Section 78—
Repeal subsection (3)
Substitute
“(3) If a person holds out in Hong Kong—
(a) to carry on regulated activities specified in section
1(a) of Part 1 of Schedule 1A as an agent of a
policy holder or potential policy holder for
contracts of reinsurance only; or
(b) to carry on regulated activities specified in section
1(b), (c) and (d) of Part 1 of Schedule 1A for
contracts of reinsurance only,
the person is not required to be a licensed insurance broker.

(3A) Subsection (3) does not apply to any of the following—
(a) a body corporate incorporated in Hong Kong;
(b) a body corporate incorporated elsewhere which has a place of business in Hong Kong or is represented in Hong Kong by an agent;
(c) any other person or a partnership having a place of business in Hong Kong.”.

(5) Section 78——
Repeal subsections (4) and (5).

87. Section 79 added
After section 78——
Add——
“79. Power of Authority to grant exemptions
(1) A person may apply to the Authority for an exemption from any provision of this Part.
(2) An application for exemption must be accompanied by—
(a) a prescribed fee; and
(b) any information and documents that the Authority reasonably requires to enable it to consider the application.
(3) The Authority may, on receipt of an application for exemption—
(a) approve the application and grant the exemption; or
(b) reject the application.
88. **Parts XI to XIV added**

Before First Schedule—

Add

(4) The Authority must give the person a notice in writing of the result of the application.

(5) In approving an application for exemption, the Authority—

(a) may limit the validity of the exemption to a specified period; and

(b) may impose any conditions that the Authority considers appropriate.

(6) The Authority may at any time by notice in writing—

(a) revoke an exemption; or

(b) revoke, vary, or add to, any condition subject to which an exemption is granted.

(7) If a condition imposed under this section in relation to an exemption is contravened—

(a) the exemption ceases to have effect; and

(b) this Part applies to the person to whom the exemption was granted as if the exemption had not been granted.”.

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88. **Parts XI to XIV added**

Before First Schedule—

Add
Disciplinary Actions and Conduct Requirements for Licensed Insurance Intermediaries and Certain Officers

Division 1—Preliminary

80. Interpretation

1. In this Part—

controller (控權人) has the meaning given by section 64F;

misconduct (不當行為) means—

(a) a contravention of a provision of this Ordinance;

(b) a contravention of a term or condition of a licence granted under this Ordinance;

(c) a contravention of any other condition imposed under a provision of this Ordinance; or

(d) an act or omission relating to the carrying on of any regulated activity which, in the Authority’s opinion, is or is likely to be prejudicial to the interests of policy holders or potential policy holders or the public interest,

and guilty of misconduct (犯不當行為) is to be construed accordingly;

regulated person (受規管人士) means—

(a) a licensed insurance intermediary;

(b) a responsible officer of a licensed insurance agency;

(c) a responsible officer of a licensed insurance broker company;
(d) a person concerned in the management of the regulated activities carried on by a licensed insurance agency; or
(e) a person concerned in the management of the regulated activities carried on by a licensed insurance broker company.

(2) For the purposes of paragraph (d) of the definition of misconduct in subsection (1), the Authority must not form an opinion that an act or omission is or is likely to be prejudicial to the interests of policy holders or potential policy holders or the public interest, unless it has had regard to those provisions set out in any code of conduct published under section 95 or any code or guideline published under section 133, that are in force at the time of the occurrence of, and applicable in relation to, the act or omission.

(3) If—
(a) a licensed insurance agency is, or was at any time, guilty of misconduct; or
(b) a former licensed insurance agency was at any time guilty of misconduct,
as a result of a conduct occurring with the consent or connivance of, or attributable to neglect on the part of, a person specified in subsection (4), the conduct is also to be regarded as misconduct on the part of the person, and guilty of misconduct (犯不當行為) is to be construed accordingly.

(4) The person specified for subsection (3) is—
(a) a responsible officer or former responsible officer of the agency; or
(b) a person concerned in the management of the regulated activities carried on by the agency.
Insurance Companies (Amendment) Ordinance 2015

Part 2

Section 88

(5) If—
(a) a licensed insurance broker company is, or was at any time, guilty of misconduct; or
(b) a former licensed insurance broker company was at any time guilty of misconduct,
as a result of a conduct occurring with the consent or connivance of, or attributable to neglect on the part
of, a person specified in subsection (6), the conduct is also to be regarded as misconduct on the part of the
person, and guilty of misconduct is to be construed accordingly.

(6) The person specified for subsection (5) is—
(a) a responsible officer or former responsible officer of the company; or
(b) a person concerned in the management of the regulated activities carried on by the company.

Division 2—Powers of Authority

81. Disciplinary action in respect of regulated persons

(1) The Authority may exercise any of the powers specified in subsection (4) in respect of a person if—
(a) the person is, or was at any time, guilty of misconduct when the person is a regulated person;
(b) the person was at any time guilty of misconduct when the person was a regulated person; or
(c) the Authority is of the opinion that—
(i) at the time when the person is a regulated person, the person is not a fit and proper person; or
(ii) at a time when the person was a regulated person, the person was not a fit and proper person.

(2) The Authority may also exercise any of the powers specified in subsection (4)(a) in respect of a person who is a licensed insurance intermediary if—

(a) for a person who is an individual—

(i) the person enters into a voluntary arrangement with creditors, or has a bankruptcy order made against the individual, under the Bankruptcy Ordinance (Cap. 6);

(ii) the person is convicted of an offence in Hong Kong or elsewhere, which in the opinion of the Authority impugns the fitness and properness of the person to remain licensed; or

(iii) the person has been found by a court to be mentally incapacitated, or is detained in a mental hospital, under the Mental Health Ordinance (Cap. 136), which in the opinion of the Authority impugns the fitness and properness of the person to remain licensed;

(b) for a person that is a partnership—

(i) any of the partners of the person enters into a voluntary arrangement with creditors, or has a bankruptcy order made against the partner, under the Bankruptcy Ordinance (Cap. 6);

(ii) any of the partners of the person is convicted of an offence in Hong Kong or elsewhere, which in the opinion of the Authority impugns the fitness and properness of the person to remain licensed; or
(iii) any of the partners of the person has been found by a court to be mentally incapacitated, or is detained in a mental hospital, under the Mental Health Ordinance (Cap. 136), which in the opinion of the Authority impugns the fitness and properness of the person to remain licensed;

(c) for a person that is a company—

(i) a receiver or manager of the property or business of the person is appointed;

(ii) the person enters into a scheme of arrangement with its creditors;

(iii) the person goes into liquidation;

(iv) the person is convicted of an offence in Hong Kong or elsewhere, which in the opinion of the Authority impugns the fitness and properness of the person to remain licensed;

(v) any of the directors of the person is convicted of an offence in Hong Kong or elsewhere, which in the opinion of the Authority impugns the fitness and properness of the person to remain licensed; or

(vi) any of the directors of the person has been found by a court to be mentally incapacitated, or is detained in a mental hospital, under the Mental Health Ordinance (Cap. 136), which in the opinion of the Authority impugns the fitness and properness of the person to remain licensed; or

(d) for a person that is a sole proprietorship, partnership or company—any of the controllers of the person is convicted of an offence in Hong Kong or elsewhere, which in the opinion of the Authority impugns the fitness and properness of the person to remain licensed; or
Authority impugns the fitness and properness of the person to remain licensed.

(3) The Authority may also exercise any of the powers specified in subsection (4)(b) in respect of a person who is a responsible officer of a licensed insurance agency or a licensed insurance broker company if—

(a) the person is convicted of an offence in Hong Kong or elsewhere; and

(b) in the opinion of the Authority, the conviction impugns the fitness and properness of the person to remain as a responsible officer.

(4) The following powers are specified for subsections (1), (2) and (3)—

(a) for a person who is a licensed insurance intermediary—

(i) to revoke the licence of the person;

(ii) to suspend the licence of the person, for a period or until the occurrence of an event that the Authority specifies;

(b) for a person who is a responsible officer—

(i) to revoke the approval of the person as a responsible officer;

(ii) to suspend the approval of the person as a responsible officer for a period or until the occurrence of an event that the Authority specifies;

(c) for a person who is or was a regulated person—

(i) to prohibit the person from applying to be licensed for a period or until the occurrence of an event that the Authority specifies;
82. Procedural requirements in respect of exercise of powers under section 81

(1) The Authority must not exercise a power under section 81 without first giving the person in respect of whom the power is to be exercised a reasonable opportunity of being heard.

(ii) to prohibit the person from being appointed as a responsible officer for a period or until the occurrence of an event that the Authority specifies;

(d) for a person who is or was a regulated person—to reprimand the person publicly or privately;

(e) for a person who is or was a regulated person—to order the person to pay a pecuniary penalty not exceeding the amount which is the greater of—

(i) $10,000,000; or

(ii) 3 times the amount of the profit gained or loss avoided by the person as a result of the misconduct, or of the other conduct of the person which leads the Authority to form the opinion referred to in subsection (1)(c).
(2) If the Authority decides to exercise a power under section 81 in respect of a person, the Authority must inform the person of its decision to do so by notice in writing.

(3) The notice must include—

(a) a statement of the reasons for the decision;
(b) the time when the decision is to take effect;
(c) in so far as applicable, the duration and terms of the revocation, suspension or prohibition to be imposed under the decision;
(d) in so far as applicable, the terms in which the person is to be reprimanded under the decision; and
(e) in so far as applicable, the amount of the pecuniary penalty to be imposed under the decision and the period within which it is required to be paid.

(4) The Authority must consult the Monetary Authority before exercising a power under section 81 in respect of—

(a) an authorized institution;
(b) a person who—
   (i) is, or was, a regulated person; and
   (ii) is, or was, employed by an authorized institution; or
(c) a person who—
   (i) is, or was, a regulated person; and
   (ii) is, or was, appointed as an agent by an authorized institution,
in relation to any regulated activity carried on by the institution.
83. Guidelines for exercise of power to impose pecuniary penalty under section 81

(1) The Authority must not exercise a power under section 81 to impose a pecuniary penalty unless—
(a) it has published, in the Gazette and in any other manner it considers appropriate, guidelines to indicate the way in which it proposes to exercise that power; and
(b) in exercising that power, it has had regard to the guidelines so published.

(2) The guidelines are not subsidiary legislation.

(3) The Authority must consult the Monetary Authority before publishing any guideline under subsection (1).

84. General provisions relating to exercise of disciplinary powers

(1) At any time when the Authority is contemplating exercising a power under section 81, it may, if it considers it appropriate to do so in the interests of policy holders or potential policy holders or the public interest, by agreement with the person concerned—
(a) exercise a power that the Authority may exercise in respect of the person under section 81; and
(b) take an additional action that the Authority considers appropriate in the circumstances of the case.

(2) If the Authority exercises a power or takes an additional action in respect of a person under subsection (1), it must comply with section 82 as if that section applied to the power or action, unless the person agrees otherwise.
85. Order for payment of pecuniary penalty

(1) A person ordered to pay a pecuniary penalty under section 81 must pay the penalty to the Authority within 30 days, or a longer period that the Authority specifies by notice under section 82(3)(e), after the order has taken effect.

(2) The Court of First Instance may, on an application of the Authority, register an order to pay a pecuniary penalty made under section 81 in the Court.

(3) On registration, the order is to be regarded as an order of the Court of First Instance made within the civil jurisdiction of the Court for the payment of money.

85. 繳付罰款命令

(1) 根據第 81 條被命令繳付罰款的人，須在該命令生效後的 30 日之內，或在保監局根據第 82(3)(e) 條藉通知指明的較長期間之內，向保監局繳付該罰款。

(2) 原訟法庭可應保監局的申請，將根據第 81 條作出的繳付罰款命令，在原訟法庭登記。

(3) 上述命令一经登記，即須視為原訟法庭在其民事司法管轄權範圍內作出的，指令繳付款項的命令。
(4) For making an application under subsection (2), the Authority must produce to the Registrar of the High Court a notice in writing requesting that the order be registered, together with the original and a copy of the order.

(5) A pecuniary penalty paid to or recovered by the Authority under an order made under section 81 must be paid by the Authority into the general revenue.

Division 3—Consequences of Revocation or Suspension under Division 2

86. Effect of suspension under section 81

(1) If a licence or approval of a person is suspended under section 81, the person must, during the suspension period—

(a) continue to be regarded for the purposes of this Ordinance, but not sections 64G, 64ZE, 64ZF, 64ZN and 64ZO, to be licensed; and

(b) without limiting paragraph (a), continue to be required to comply with the provisions of this Ordinance relating to a licensed insurance intermediary or responsible officer as would apply to the person were the licence or approval not so suspended.

(2) Without limiting the powers that can be exercised by the Authority under section 81, the Authority may—

(a) revoke the licence of a person under this Part even though the licence is suspended under section 81; or

(b) revoke the approval of a person under this Part even though the approval is suspended under section 81.
87. Revocation or suspension of licence does not avoid or affect agreement, etc.

Subject to section 64N, a revocation or suspension of the licence of a person under section 81 does not—

(a) avoid or affect an agreement, transaction or arrangement entered into or arranged by the person, regardless of whether the agreement, transaction or arrangement was entered into or arranged before or after the revocation or suspension; or

(b) affect a right, obligation or liability arising under the agreement, transaction or arrangement.

88. Requirement to transfer records on revocation or suspension of licence

(1) If the licence of a person is revoked or suspended under section 81, the Authority may, by notice in writing, require the person to transfer to a client a copy of the records relating to the client’s assets or affairs, held at any time for the client as specified in the notice.

(2) A person who, without reasonable excuse, fails to comply with a requirement imposed on the person under subsection (1) commits an offence and is liable to a fine of $200,000 and to imprisonment for 2 years.

89. Permission to carry on business operations on revocation or suspension of licence

(1) If the licence of a person is revoked under section 81, the Authority may, by notice in writing, permit the person, subject to the conditions specified in the notice, to carry on business operations for closing down the business connected with the revocation.
(2) If the licence of a person is suspended under section 81, the Authority may, by notice in writing, permit the person, subject to the conditions specified in the notice, to carry on only essential business operations for the protection of the interests of the policy holders concerned during the period of suspension.

(3) If the Authority has granted a permission to a person under subsection (1) or (2), the person must not, because of its carrying on business operations in compliance with the permission, be regarded as having contravened section 64G or 120.

(4) A permission under subsection (1) or (2), and the imposition of conditions under any of those subsections, take effect at the time of the service of the notice or at the time specified in the notice, whichever is the later.

Division 4—Conduct Requirements, etc.

90. Conduct requirements for licensed insurance intermediaries

When carrying on a regulated activity, a licensed insurance intermediary—

(a) must act honestly, fairly, in the best interests of the policy holder concerned or the potential policy holder concerned, and with integrity;

(b) must exercise a level of care, skill and diligence that may reasonably be expected of a prudent person who is carrying on the regulated activity;

(c) may advise only on matters for which the intermediary is competent to advise;

(d) must have regard to the particular circumstances of the policy holder or the potential policy holder that are necessary for ensuring that the regulated activity is appropriate to the policy holder or the potential policy holder;
91. Conduct requirements for licensed insurance agencies and their responsible officers

(1) A licensed insurance agency—
(a) must establish and maintain proper controls and procedures for securing compliance with the conduct requirements set out in section 90 by the agency and the licensed technical representatives (agent) appointed by the agency;
(b) must use its best endeavours to secure observance with the controls and procedures established under paragraph (a) by the licensed technical representatives (agent) appointed by the agency;
(c) must ensure that its responsible officer has sufficient authority within the agency for carrying out the responsibilities set out in subsection (2); and
(d) must provide its responsible officer with sufficient resources and support for carrying out the responsibilities set out in subsection (2).

(2) A responsible officer of a licensed insurance agency must use the officer’s best endeavours to ensure that the agency—

(a) has established and maintains proper controls and procedures for securing compliance with the conduct requirements set out in section 90 by the agency and the licensed technical representatives (agent) appointed by the agency; and

(b) uses its best endeavours to secure observance with the controls and procedures established under paragraph (a) by the licensed technical representatives (agent) appointed by the agency.

92. Conduct requirements for licensed insurance broker companies and their responsible officers

(1) A licensed insurance broker company—

(a) must establish and maintain proper controls and procedures for securing compliance with the conduct requirements set out in section 90 by the company and the licensed technical representatives (broker) appointed by the company;

(b) must use its best endeavours to secure observance with the controls and procedures established under paragraph (a) by the licensed technical representatives (broker) appointed by the company;

(c) must ensure that its responsible officer has sufficient authority within the company for carrying out the responsibilities set out in subsection (2); and
Part 2
Section 88

(d) must provide its responsible officer with sufficient resources and support for carrying out the responsibilities set out in subsection (2).

(2) A responsible officer of a licensed insurance broker company must use the officer's best endeavours to ensure that the company—

(a) has established and maintains proper controls and procedures for securing compliance with the conduct requirements set out in section 90 by the company and the licensed technical representative (broker) appointed by the company; and

(b) uses its best endeavours to secure observance with the controls and procedures established under paragraph (a) by the licensed technical representatives (broker) appointed by the company.

93. Breach of conduct requirements

(1) A failure to comply with a requirement specified in section 90, 91 or 92 does not by itself render any person liable to any judicial proceedings.

(2) To avoid doubt, this section does not affect—

(a) the extent (if any) to which a failure to comply with any other provision of this Ordinance is actionable; or

(b) any liability of a person under the common law or any other enactment, regardless of whether the circumstances giving rise to the liability would also constitute a failure mentioned in subsection (1).
94. **Rules on conduct requirements for licensed insurance intermediaries**

1. The Authority may make rules requiring licensed insurance intermediaries to comply with the practices and standards, relating to the conduct of the intermediaries in carrying on regulated activities, that are specified in the rules.

2. Without limiting subsection (1) and without affecting section 131, the Authority may in the rules—

   a. prohibit the use of any misleading or deceptive advertisement by a licensed insurance intermediary and impose conditions on the use of advertisements;

   b. require a licensed insurance intermediary to provide specified information to its client on entering into a policy or on the request of the client;

   c. require a licensed insurance intermediary to take specified steps to ascertain, in relation to its client, specified matters relating to the identity, financial situation and financial and insurance needs of the client that are relevant to the services to be provided by the intermediary;

   d. require a licensed insurance intermediary to take specified steps before providing information or advice to its client;

   e. require a licensed insurance intermediary to take specified steps to ensure that disclosure is made to its client of the coverage, terms and conditions, and risks in relation to the policy recommended to the client;
95. Codes of conduct for licensed insurance intermediaries

(1) The Authority may publish, in the Gazette and in any other manner it considers appropriate, codes of conduct for giving guidance relating to the practices and standards with which licensed insurance
Part 2

Section 88

Insurance Companies (Amendment) Ordinance 2015

intermediaries are ordinarily expected to comply in carrying on regulated activities.

(2) Subsection (1) applies without limiting the powers of the Authority to make rules under section 94.

(3) A code of conduct may refer to obligations to observe—

(a) any other codes or requirements issued or imposed otherwise than by the Authority;
(b) continuing obligations, including an obligation to provide or undergo continuous training; and
(c) practices and standards concerning any of the matters described in section 94(2).

(4) The Authority may from time to time amend the whole or any part of any code of conduct published.

(5) A failure on the part of a licensed insurance intermediary to comply with a code of conduct does not by itself render the intermediary liable to any judicial or other proceedings.

(6) However, the failure may be taken into account in considering, for a provision of this Ordinance, whether the intermediary is a fit and proper person to remain licensed.

(7) In any proceedings under this Ordinance before a court—

(a) a code of conduct is admissible in evidence; and
(b) if a provision in the code appears to the court to be relevant to a question arising in the proceedings, the court must, in determining the question, take into account any compliance or non-compliance of the provision.

(8) A code of conduct published under this section—
(a) may be of general or special application and may be made so as to apply only in specified circumstances; and
(b) may make different provisions for different circumstances and provide for different cases or classes of cases.

9) A code of conduct published under this section is not subsidiary legislation.

Part XII

Insurance Appeals Tribunal

96. Interpretation

In this Part—

affected person (當事人)—

(a) for a specified decision set out in Part 1 of Schedule 9—means—

(i) a person who is aggrieved by the decision; or
(ii) a person in respect of whom the decision is made; or

(b) for a specified decision set out in Part 2 of Schedule 9—means a person in respect of whom the decision is made;

parties (各方), in relation to a review, means—

(a) the Authority; and
(b) the person making the application for the review;

review (覆核) means a review of a specified decision by the Tribunal under section 101;
specified decision (指明決定) means a decision specified in column 2 of Part 1 or 2 of Schedule 9 that is made under, or referred to in, the provision of this Ordinance specified in column 3 of that Schedule opposite that decision.

97. Establishment of Tribunal

(1) A tribunal is established with the name of "Insurance Appeals Tribunal" in English and "審裁處" in Chinese.

(2) The Tribunal has jurisdiction to, in accordance with this Part and Schedule 10—
   (a) review specified decisions; and
   (b) hear and determine a question or issue arising out of or in connection with a review.

(3) If the Chief Executive considers it appropriate to do so, the Chief Executive may establish additional tribunals for any reviews.

(4) The provisions of this Ordinance apply, with necessary modifications, to the additional tribunals as they apply to the Tribunal.

98. Composition of Tribunal

(1) Except as otherwise provided in Schedule 10, the Tribunal—
   (a) consists of a chairperson and 2 other members; and
   (b) is to be presided over by the chairperson who is to sit with the 2 other members.

(2) A member of the Tribunal (including the chairperson) may be paid, as a fee for his or her service, the amount that the Financial Secretary considers appropriate.
(3) The amount payable under this section is a charge on the general revenue.

99. Schedule 10 has effect in relation to Tribunal
Schedule 10 has effect—
(a) in relation to the appointment of members of the Tribunal;
(b) in relation to the proceedings and sittings of the Tribunal; and
(c) in relation to the procedural and other matters concerning the Tribunal.

100. Applications for review of specified decisions
(1) An affected person may, by notice in writing to the Tribunal, apply to the Tribunal for a review of a specified decision within the period ending 21 days after the notice informing the person of the decision has been served.
(2) An application for review—
(a) must be in writing; and
(b) must state the grounds for the application.
(3) The Tribunal must, as soon as practicable after receiving an application for review, send a copy of the application to the Authority.
(4) On an application by an affected person, the Tribunal may by order extend the time within which the application for review may be made under subsection (1).
(5) The Tribunal may only grant an extension—
(a) if it is satisfied that there is a good cause for granting the extension; and
Insurance Companies (Amendment) Ordinance 2015

(b) after the affected person and the Authority have been given a reasonable opportunity to be heard.

6) On making the order, the time within which the application for review may be made is extended accordingly.

101. Determination of review by Tribunal

(1) The Tribunal may determine a review of a specified decision by—
   (a) confirming, varying or setting aside the decision; or
   (b) remitting the matter to the Authority with directions it considers appropriate.

(2) If a specified decision is set aside, the Tribunal may substitute for the decision another decision it considers appropriate.

(3) If the Tribunal varies, or substitutes another decision for, a specified decision, the decision as varied or the other decision substituting for the specified decision—
   (a) must be a decision that the Authority had power to make in respect of the review in question;
   (b) may be more or less onerous than the specified decision; and
   (c) may be made under the same provision as that under which the specified decision has been made or any other provision of this Ordinance.

(4) In reviewing a specified decision, the Tribunal must give the parties to the review a reasonable opportunity to be heard.

(5) Subject to section 104(3), the standard of proof required to determine any question or issue before the Tribunal is to be the standard of proof applicable to civil proceedings in a court of law.
102. **Powers of Tribunal**

(1) Subject to Schedule 10, the Tribunal may, for the purpose of a review, on its own initiative or on the application of a party to the review—

(a) receive and consider any material by way of oral evidence, written statements or documents, whether or not the material would be admissible in a court of law;

(b) determine the manner in which any material mentioned in paragraph (a) is received;

(c) by notice in writing signed by the chairperson of the Tribunal, require a person—

(i) to attend before it at any sitting and to give evidence; and

(ii) to produce any article, record or document in the person's possession or control relating to the subject matter of the review;

(d) administer oaths;

(e) examine or cause to be examined on oath or otherwise a person attending before it and require the person to answer truthfully any question which the Tribunal considers appropriate for the purpose of the review;

(f) order a witness to provide evidence for the purpose of the review by affidavit;

(g) order a person not to publish or otherwise disclose any material the Tribunal receives;

(h) prohibit the publication or disclosure of any material the Tribunal receives at any sitting, or any part of a sitting, that is held in private;
(i) stay any of the proceedings in the review on any grounds and on any terms and conditions that it considers appropriate having regard to the interests of justice;
(j) determine the procedure to be followed in the review; and
(k) exercise other powers or make other orders that may be necessary for or ancillary to the conduct of the review or the carrying out of its functions.

(2) The Tribunal may, with the consent of the parties to a review, determine the review on the basis of written submissions only.

(3) A person commits an offence if the person, without reasonable excuse—
(a) fails to comply with an order, notice, prohibition or requirement of the Tribunal made, given or imposed under subsection (1);
(b) disrupts any sitting of the Tribunal or otherwise misbehaves during any sitting of the Tribunal;
(c) having been required by the Tribunal under subsection (1) to attend before the Tribunal, leaves the place where the person’s attendance is so required without the permission of the Tribunal;
(d) hinders or deters any person from attending before the Tribunal, giving evidence or producing any article, record or document, for the purpose of a review;
(e) threatens, insults or causes any loss to be suffered by any person who has attended before the Tribunal, on account of that attendance; or
(f) 因審裁處主席或任何其他成員執行其主席或成員的職能，而在任何時刻威脅或侮辱主席或該成員，或令主席或該成員蒙受損失。

(4) 任何人犯第 (3) 款所訂罪行——
(a) 一經循公訴程序定罪，可處罰款 $1,000,000 及監禁 2 年；或
(b) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。
(5) 任何人不得因遵從審裁處根據第 (1) 款作出、發出或施加的命令、通知、禁令或要求，可能會導致該人入罪為理由，而獲免遵從該命令、通知、禁令或要求。

103. 會導致入罪的證據：為覆核的目的而提供的該等證據的使用
(1) 凡任何人按照第 102(1)(c)、(e)、(f) 或 (k) 條所指的審裁處要求或命令，給予或提供任何證據、答案或資料，本條適用於該等證據、答案或資料。
(2) 即使本條例有任何規定，在第 (3) 款的規限下，有關人士給予或提供的證據、答案或資料，以及審裁處的有關要求或命令，均不得在法院的刑事法律程序中，獲接納為針對該人的證據。
(3) 如有關人士就有關證據、答案或資料而被控犯第 102(3)(a) 條或《刑事罪行條例》(第 200 章) 第 V 部所訂罪行，或被控犯作假證供罪，則第 (2) 款不適用於該等檢控的刑事法律程序。

103. Use of incriminating evidence given for the purpose of review
(1) This section applies to any evidence, answer or information given or provided by a person in accordance with a requirement or order of the Tribunal under section 102(1)(c), (e), (f) or (k).
(2) Despite anything in this Ordinance and subject to subsection (3), neither the evidence, answer or information given or provided by the person nor the requirement or order of the Tribunal is admissible in evidence against the person in criminal proceedings in a court of law.
(3) Subsection (2) does not apply to criminal proceedings in which the person is charged with an offence under section 102(3)(a), or under Part V of the Crimes Ordinance (Cap. 200), or with perjury, in respect of the evidence, answer or information.
104. Contempt dealt with by Tribunal

(1) The Tribunal has the same powers as the Court of First Instance to punish for contempt.

(2) Without limiting subsection (1), the Tribunal has the same powers as the Court of First Instance to punish for contempt, as if it were contempt of court, a person who, without reasonable excuse, engages in a conduct falling within section 102(3)(a), (b), (c), (d), (e) or (f).

(3) The Tribunal must, in exercising its powers to punish for contempt, adopt the same standard of proof as the Court of First Instance in the exercise of the same powers to punish for contempt.

(4) Despite anything in this Ordinance—

(a) no power may be exercised under this section to determine whether to punish a person for contempt in respect of any conduct if—

(i) criminal proceedings have previously been instituted against the person under section 102(3) in respect of the same conduct; and

(ii) those criminal proceedings remain pending or because of the previous institution of those criminal proceedings, no criminal proceedings may again be lawfully instituted against the person under that section in respect of the same conduct; and

(b) no criminal proceedings may be instituted against a person under section 102(3) in respect of any conduct if—

(i) any power has previously been exercised under this section to determine whether to punish the person for contempt in respect of the same conduct; and
(ii) proceedings arising from the exercise of that power remain pending or because of the previous exercise of that power, no power may again be lawfully exercised under this section to determine whether to punish the person for contempt in respect of the same conduct.

105. Privileged information

This Part and Schedule 10 do not require an authorized institution, acting as the banker or financial advisor of the applicant for a review, to disclose information in relation to the affairs of any of its customers other than that applicant.

106. Costs

(1) The Tribunal may, in relation to a review, by order award to—

(a) a person whose attendance, whether or not as a witness, has been necessary or required for the purpose of the review; or

(b) a party to the review, a sum that it considers appropriate in respect of the costs reasonably incurred by the person or party in relation to the review and the application for the review.

(2) The costs awarded must be paid by, and are recoverable as a civil debt from—

(a) if they are awarded to a person under subsection (1)(a)—a party to the review that the Tribunal considers appropriate; or

(b) if they are awarded to a party to the review under subsection (1)(b)—the other party to the review.
107.  Notification of Tribunal determinations

(1) The Tribunal must, as soon as practicable after completing a review, notify the parties to the review—
   (a) its determination and the reasons for the determination; and
   (b) any order made under section 106 in relation to the review and the reasons for the order.

(2) If a sitting of the Tribunal, or a part of it, is held in private, the Tribunal may by order prohibit the publication or disclosure of—
   (a) its determination, or the reasons for the determination, referred to in subsection (1)(a), or a part of the determination or reasons; or
   (b) an order, or the reasons for an order, referred to in subsection (1)(b), or a part of the order or any part of the reasons for the order.

(3) A person commits an offence if the person, without reasonable excuse, fails to comply with an order of the Tribunal made under subsection (2).

(4) A person who commits an offence under subsection (3) is liable—
   (a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years; or
   (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
108. Form and proof of orders of Tribunal

(1) An order made by the Tribunal must be recorded in writing and be signed by the chairperson of the Tribunal.

(2) A document purporting to be an order of the Tribunal so signed is, in the absence of evidence to the contrary, presumed to be an order of the Tribunal duly made and signed—

(a) without proof of its making;
(b) without proof of signature; or
(c) without proof that the person signing the order was in fact the chairperson of the Tribunal.

109. Orders of Tribunal may be registered in Court of First Instance

(1) After receiving a notice in writing given by the Tribunal in the manner prescribed by rules made under section 117, the Court of First Instance may register an order of the Tribunal in that Court.

(2) An order so registered is to be regarded for all purposes as an order of the Court of First Instance made within its jurisdiction.

110. Application for stay of execution of specified decisions

(1) Subject to subsections (2) and (4), an application for review does not by itself operate as a stay of execution of the specified decision to which the application relates.

(2) A person who applies for a review or an application referred to in section 100(4) may, at any time before the review or the application is determined by the Tribunal, apply to the Tribunal for a stay of execution of the specified decision to which the application relates.
111. Applications for stay of execution of determinations of Tribunal

(1) A party to a review may, at any time after the determination of the review by the Tribunal, apply to the Tribunal for a stay of execution of the determination.

(2) On an application under subsection (1), the Tribunal may by order grant the stay subject to a condition as to costs, payment of money into the Tribunal or other matters that the Tribunal considers appropriate.

112. Appeal to Court of Appeal

(1) Subject to subsection (2), if a party to a review is dissatisfied with the determination of the review, the party may appeal to the Court of Appeal against the determination on—

(a) a question of law;

(b) a question of fact; or

(c) a question of mixed law and fact.

(2) No appeal may be made under subsection (1) unless leave to appeal has been granted by the Court of Appeal.

(3) The leave may be granted—

(a) in respect of a particular issue arising out of the determination; and
113. **Powers of Court of Appeal**

(1) The Court of Appeal may, in relation to an appeal against a determination of the Tribunal—

(a) allow the appeal;
(b) dismiss the appeal;
(c) vary or set aside the determination and, if the determination is set aside, substitute for the determination another determination that it considers appropriate; or
(d) remit the matter to the Tribunal or to the Authority with any directions it considers appropriate.

(2) If the Court of Appeal varies, or substitutes another determination for, a determination under subsection (1)(c), the determination as varied or the other determination substituting for the determination—

(a) must be a determination that the Tribunal had power to make in respect of the review in question;
(b) may be more or less onerous than the determination varied or substituted; and
(c) must be a determination that the Tribunal had power to make in respect of the review in question;
Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 88

(c) may be made under the same provision as that under which the determination varied or substituted has been made or any other provision of this Ordinance.

(3) In an appeal under this section, the Court of Appeal may make any order for payment of costs it considers appropriate.

114. No stay of execution of Tribunal’s determination on appeal

(1) Without prejudice to section 111, the lodging of an appeal under section 112 does not by itself operate as a stay of execution of the determination of the Tribunal appealed against.

(2) If an appeal is lodged under section 112, the Court of Appeal may, on an application made to it by a party to the review, order a stay of execution of the determination of the Tribunal appealed against.

(3) The Court of Appeal may, when making an order under subsection (2), impose a condition that the Court of Appeal considers appropriate, including conditions as to costs and payment of money into the Tribunal.

115. No other right of appeal

Subject to section 50 of the High Court Ordinance (Cap. 4) and section 112, the determination of the Tribunal is final and is not subject to appeal.

116. Time when specified decisions take effect

(1) Except as otherwise provided in this Ordinance, a specified decision takes effect—
Part 2  
Section 88

(a) if, before the expiry of the period of 21 days specified in section 100, an affected person notifies the Authority in writing that the person will not apply for a review of the decision—at the time the person so notifies the Authority;

(b) if, within the period of 21 days specified in section 100, the person does not apply for a review of the decision—at the time the period expires; or

(c) if the person applies for a review of the decision within the period of 21 days specified in section 100—

(i) if the decision is confirmed by the Tribunal—at the time the decision is confirmed;

(ii) if the decision is varied, or substituted by another decision, by the Tribunal—at the time the decision is varied or substituted, subject to the terms of the variation or substitution; or

(iii) if the application is withdrawn—at the time the application is withdrawn.

(2) Despite subsection (1), the Authority may, if it considers it appropriate in the public interest to do so in relation to a specified decision, specify in the notice in respect of the decision any time, other than that at which the decision is apart from this section to take effect, as the time at which the decision is to take effect.

117. Power of Chief Justice to make rules
The Chief Justice may make rules—

(a) providing for the award of costs under section 106;

117. 終審法院首席法官訂立規則的權力
終審法院首席法官可訂立規則—

(a) 就根據第 106 條判罪訟費，作出規定；
Part XIII

Miscellaneous

Division 1—Immunity

118. Immunity

(1) A person is not civilly liable for an act done or omitted to be done by the person in good faith in performing or purportedly performing a function under this Ordinance.

(2) Subsection (1) does not apply to—
Part 2

Section 88

(a) an auditor appointed under section 5E or 72; and
(b) an auditor or actuary appointed under section 15.

Division 2—Other Offences and Supplementary Provisions on Offences

Subdivision 1—Other Offences

119. Misleading statements, etc. and false information

(1) A person commits an offence if the person induces or attempts to induce another person to enter into, or offer to enter into, a contract of insurance—

(a) by a statement, promise or representation which the person knows to be false, misleading or deceptive;

(b) by a dishonest concealment of material facts; or

(c) by the reckless making (dishonest or otherwise) of a statement, promise or representation which is false, misleading or deceptive.

(2) A person commits an offence if the person—

(a) causes or permits to be included in a document specified in subsection (3) a statement which the person knows to be false in a material particular; or

(b) recklessly causes or permits to be included in a document specified in subsection (3) a statement which is false in a material particular.

(3) The document specified for subsection (2) is—

(a) a notice or statement or certificate served or furnished or sent out under a provision of this Ordinance; or

(b) a notice or statement or certificate served or furnished under a provision of this Ordinance.
Part 2
Section 88

Insurance Companies (Amendment) Ordinance 2015

A person who commits an offence under subsection (1) or (2) is liable—
(a) on conviction on indictment to a fine of $1,000,000 and to imprisonment for 2 years; or
(b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

120. Restriction on use of certain terms and representations associated with insurance business

(1) Except as provided for in section 123, a person must not, without the written consent of the Authority given generally or in a particular case or class of cases, use any of the following in the description or name under which the person is carrying on business in or from Hong Kong—
(a) the word “insurance” or “assurance”, or a derivative of the word in English, or a translation of the word or derivative in any language;
(b) the Chinese expression "保", or the character "保" followed immediately by the character "险";
(c) the letters “i”, “n”, “s”, “u”, “r”, “a”, “n”, “c” and “e” in that order;
(d) the letters “a”, “s”, “s”, “u”, “r”, “a”, “n”, “c” and “e” in that order.

(2) Subsection (1) does not apply to any of the following—
(a) an authorized insurer;
(b) an approved association of underwriters;
(c) a licensed insurance intermediary;
(d) a person to whom section 78(3) applies;
Part 2  
Section 88  

(e) an association that comprises mainly licensed insurance intermediaries or their employees, and that is formed for the protection or promotion of their mutual interests;  
(f) an association of insurers or their employees that is formed for the protection or promotion of their mutual interests.

(3) A person who is not an authorized insurer must not, without the written consent of the Authority given generally or in a particular case or class of cases, make a representation in a bill head, letter paper, notice or advertisement, or in any other manner, that the person—  
(a) is an authorized insurer; or  
(b) is carrying on insurance business in or from Hong Kong.

(4) A person who contravenes subsection (1) or (3) commits an offence and is liable to a fine of $200,000 and, in the case of an individual, also to imprisonment for 2 years.

(5) In subsection (1)—  

description (描述) includes a statement that may be construed to mean that a person (however described) is a subsidiary, the holding company, or a subsidiary of the holding company, of an authorized insurer, a licensed insurance agency or a licensed insurance broker company.

121. Person not to disclose information obtained in the course of inspection, investigation or disciplinary action

(1) This section applies to—  
(a) a person on whom a requirement under section 41B, 41C, 41D or 41E has been imposed by an inspector or investigator;
Part 2
Section 88

Insurance Companies (Amendment) Ordinance 2015

(b) a person on whom a requirement under section 64ZZF, 64ZZG, 64ZZH or 64ZZI has been imposed by an inspector or investigator; or

c) a person who has been given a notice under section 41Q(2) or 82(2).

(2) The person specified in subsection (1)(a) or (b) must not disclose any information obtained in the course of the requirement being imposed, or in the course of a compliance or purported compliance with the requirement, to any other person unless—

(a) the Authority consents to the disclosure; or

(b) any of the conditions specified in subsection (4) is satisfied.

(3) The person specified in subsection (1)(c) must not disclose any information obtained from the notice, or from any communication with the Authority in relation to the subject matter of the notice, unless—

(a) the Authority consents to the disclosure; or

(b) any of the conditions specified in subsection (4) is satisfied.

(4) The conditions specified for subsections (2)(b) and (3)(b) are—

(a) the information has already been made available to the public because of being disclosed in any circumstances in which, or for any purpose for which, disclosure is not precluded by section 53A;

(b) the disclosure is for seeking advice from, or giving advice by, a counsel or a solicitor, or any other professional advisor acting or proposing to act in a professional capacity, in connection with a matter arising under this Ordinance;
122. 結束香港營業地點的通知

(1) 如任何在香港以外地方成立或組成的獲授權保險人，停止在香港設有營業地點，該保險人須在事前3個月（或保監局所容許的較短期間）之前，將此事以書面通知保監局。

(2) 任何獲授權保險人沒有遵守第(1)款，即屬犯罪——

(c) the disclosure is in connection with any judicial or other proceedings to which the person is a party; and

(d) the disclosure is in compliance with an order of a court, or in compliance with a law or a requirement made under a law.

(5) The Authority may impose any conditions that it considers appropriate on a consent given by it for the purposes of subsection (2)(a) or (3)(a).

(6) A person who contravenes subsection (2) or (3) commits an offence and is liable to a fine at level 4.

(7) In this section—

**inspector** (查察員)—

(a) in relation to subsection (1)(a), has the meaning given by section 41A;

(b) in relation to subsection (1)(b), has the meaning given by section 64F;

**investigator** (調查員)—

(a) in relation to subsection (1)(a), has the meaning given by section 41A;

(b) in relation to subsection (1)(b), has the meaning given by section 64F.

122. Notification of cessation of place of business in Hong Kong

(1) If an authorized insurer incorporated or formed outside Hong Kong ceases to have a place of business in Hong Kong, the insurer must give not less than 3 months' prior written notice, or a shorter prior notice that the Authority allows, to the Authority of the cessation.

(2) An authorized insurer which fails to comply with subsection (1) commits an offence and is liable—
Part 2
Section 88

(a) to a fine of $200,000 and, in the case of an individual, also to imprisonment for 2 years; and

(b) in the case of a continuing offence, to a further fine of $2,000 for each day during which the failure to give the notice continues after the expiry of the period prescribed or the shorter period allowed (as the case may be) under that subsection.

Subdivision 2—Supplementary Provisions of Offences

123. Exceptions to sections 64G and 120

(1) Section 64G or 120 does not—

(a) prohibit a counsel from—

(i) giving regulated advice wholly incidental to his or her practice as a counsel; or

(ii) holding himself or herself out as so giving regulated advice;

(b) prohibit a solicitor from—

(i) giving regulated advice wholly incidental to his or her practice as a solicitor in a Hong Kong firm or foreign firm within the meaning of the Legal Practitioners Ordinance (Cap. 159); or

(ii) holding himself or herself out as so giving regulated advice;

(c) prohibit a certified public accountant from—

(i) giving regulated advice wholly incidental to his or her practice as a certified public accountant in a practice unit within the meaning of the Professional Accountants Ordinance (Cap. 50); or
Part 2
Section 88

(ii) holding himself or herself out as so giving regulated advice;

(d) prohibit a trust company registered under Part VIII of the Trustee Ordinance (Cap. 29) from—

(i) giving regulated advice wholly incidental to the discharge of its duty as such a trust company; or

(ii) holding itself out as so giving regulated advice;

(e) prohibit an actuary from—

(i) giving regulated advice wholly incidental to his or her practice as an actuary; or

(ii) holding himself or herself out as so giving regulated advice;

(f) prohibit a person from giving regulated advice through—

(i) a newspaper, magazine, book or other publication that is made generally available to the public (excluding one that is made available on subscription only);

(ii) a television broadcast or radio broadcast for reception by the public, whether on subscription or otherwise; or

(iii) electronic communication to the public;

(g) prohibit a person from—

(i) giving regulated advice in the course of—

(A) carrying on the business of loss assessment on behalf of an authorized insurer, policy holder or insurance claimant; or
(B) 代獲授權保險人作結案；或
(ii) 顯示自己如此提供受規管意見；或

(h) 任何公司——
(i) 向指明公司提供受規管意見；或
(ii) 顯示自己如此提供受規管意見。

(2) 凡任何代獲授權保險人或持牌保險中介人行事的人，進
行受規管活動，而進行該活動只涉及為該保險人或中介
人履行文書或行政職責，則第 64G 或 120 條禁止該人
進行該活動。

(3) 第 64G 或 120 條不禁止以下任何獲授權保險人的僱員在
其受僱工作的過程中，進行受規管活動——
(a) 只獲授權在香港或從香港經營再保險業務的獲授權
保險人；
(b) 屬專屬自保保險人的獲授權保險人。

(4) 在不限第 (3) 款的原則下，第 64G 或 120 條不禁止任
何獲授權保險人的僱員在下述前提下進行受規管活動，
進行該活動，只涉及在其受僱工作的過程中，為該保險
人履行以下任何職責——
(a) 評估該保險人根據保險合約所接受的風險；
(b) 決定該保險人所發出的保險合約的條款及條件；

(B) carrying on the business of settling claims on behalf of an authorized insurer; or
(ii) holding himself or herself out as so giving regulated advice; or

(h) prohibit a company from—
(i) giving regulated advice to a specified company; or
(ii) holding itself out as so giving regulated advice.

(2) Section 64G or 120 does not prohibit a person acting on behalf of an authorized insurer or a licensed insurance intermediary from carrying on a regulated activity if carrying on that activity only involves the discharge of clerical or administrative duties for the insurer or the intermediary.

(3) Section 64G or 120 does not prohibit an employee of any of the following authorized insurers from carrying on a regulated activity in the course of employment—
(a) an authorized insurer which is authorized to carry on in or from Hong Kong reinsurance business only;
(b) an authorized insurer which is a captive insurer.

(4) Without limiting subsection (3), section 64G or 120 does not prohibit an employee of an authorized insurer from carrying on a regulated activity if carrying on that activity only involves the discharge of any of the following duties for the insurer in the course of employment—
(a) to make an assessment of the risks to be accepted by the insurer under a contract of insurance;
(b) to determine the terms and conditions of a contract of insurance to be issued by the insurer;
Insurance Companies (Amendment) Ordinance 2015

(c) to process any claim lodged under a contract of insurance issued by the insurer.

(5) In subsection (1)—

actuary (精算師) means a person who holds a qualification specified in the Schedule to the Insurance Companies (Actuaries’ Qualifications) Regulations (Cap. 41 sub. leg. A) or specified in a guideline published under section 133;

specified company (指明公司), in relation to a company, means—

(a) a wholly owned subsidiary of the company;
(b) another company which holds all the issued shares of the company; or
(c) a wholly owned subsidiary of that other company mentioned in paragraph (b).

(6) For the purposes of this section, a company is a wholly owned subsidiary of another company if it has only the following as members—

(a) that other company;
(b) a nominee of that other company;
(c) a wholly owned subsidiary of that other company;
(d) a nominee of such a wholly owned subsidiary.

(7) The Financial Secretary may, by notice published in the Gazette, amend subsection (1).

124. Offences by bodies corporate and partners

(1) If an offence under this Ordinance is committed by a body corporate, and it is proved that the offence—

(a) was committed with the consent or connivance of an individual specified in subsection (3); or
(b) was attributable to any neglect or omission on the part of an individual specified in subsection (3), the individual also commits the offence.

(2) If a person who commits an offence under this Ordinance is a partner of a partnership, and it is proved that the offence—

(a) was committed with the consent or connivance of any other partner of the partnership; or

(b) was attributable to any neglect or omission on the part of any other partner of the partnership,

the other partner of the partnership also commits the offence.

(3) The individual specified for subsection (1) is—

(a) a controller (within the meaning of the relevant provisions) of the body corporate;

(b) a director, key person in control functions or responsible officer of the body corporate; or

(c) if the body corporate is managed by its members, one of the members of the body corporate.

(4) An offence under this Ordinance committed by a body corporate is presumed to have been committed with the consent or connivance of, or to be attributable to neglect or omission on the part of, a controller (within the meaning of the relevant provisions), director, key person in control functions, responsible officer or member of the body corporate if it is proved that, at the time the offence was committed, the controller, director, key person in control functions, responsible officer or member was concerned in the management of the body corporate.
(5) An offence under this Ordinance committed by a partner of a partnership is presumed to have been committed with the consent or connivance of, or to be attributable to neglect or omission on the part of, any other partner in the partnership if it is proved that, at the time the offence was committed, the other partner was concerned in the management of the partnership.

(6) The presumption under subsection (4) or (5) is rebutted by a person charged with an offence under this Ordinance by virtue of that subsection if—

(a) there is sufficient evidence to raise an issue that the offence was committed without the person's consent or connivance and was not attributable to the person's neglect or omission; and

(b) the contrary is not proved by the prosecution beyond reasonable doubt.

125. Time limit for proceedings for offences

Criminal proceedings for an offence under this Ordinance must be commenced within whichever of the following period expires first—

(a) the period of 3 years beginning on the date immediately after the date on which the offence is discovered by, or comes to the notice of, the Authority;

(b) the period of 6 years beginning on the date immediately after the offence is committed.

126. Prosecution of offences by Authority

(1) The Authority may prosecute an offence under this Ordinance, or an offence of conspiracy to commit such an offence, in its own name.
(2) However, if the Authority so prosecutes, the offence must be tried before a magistrate as an offence that is triable summarily.

(3) This section does not derogate from the powers of the Secretary for Justice in respect of the prosecution of criminal offences.

Division 3—Services

127. Service of notices, etc.

A written notice or direction or other document (however described) permitted or required to be issued or served (however described) to or on a person, other than the Authority or the Monetary Authority, for this Ordinance is to be regarded as duly issued or served if—

(a) for an individual, it is—

(i) delivered to the individual by hand;

(ii) left at, or sent by post to, the last known business or residential address of the individual;

(iii) sent by fax transmission to the last known fax number of the individual; or

(iv) sent by electronic mail transmission to the last known electronic mail address of the individual;

(b) for a company, it is—

(i) delivered to any officer of the company by hand;

(ii) left at, or sent by post to, the registered office of the company within the meaning of the Companies Ordinance (Cap. 622);
(iii) sent by fax transmission to the last known fax number of the company; or
(iv) sent by electronic mail transmission to the last known electronic mail address of the company;

c) for a non-Hong Kong company, it is—

(i) delivered by hand to, or sent by post to, the person resident in Hong Kong who is authorized to accept service of process and notices on its behalf for the purposes of Part 16 of the Companies Ordinance (Cap. 622) at the person’s address delivered to the Registrar of Companies under that Ordinance;

(ii) sent by fax transmission to the last known fax number of the person; or

(iii) sent by electronic mail transmission to the last known electronic mail address of the person;

d) for a partnership, it is—

(i) delivered to any partner of the partnership by hand;

(ii) left at, or sent by post to, the last known principal place of business of the partnership;

(iii) sent by fax transmission to the last known fax number of the partnership; or

(iv) sent by electronic mail transmission to the last known electronic mail address of the partnership;

e) for Lloyd’s or a member of Lloyd’s, it is—
Insurance Companies (Amendment) Ordinance 2015

Part 2

Section 88

(i) delivered to the authorized representative of Lloyd’s appointed under section 50B by hand;
(ii) left at, or sent by post to, the address in Hong Kong of the authorized representative;
(iii) sent by fax transmission to the last known fax number of the authorized representative; or
(iv) sent by electronic mail transmission to the last known electronic mail address of the authorized representative.

Division 4—Regulations and Rules, etc.

128. Chief Executive in Council may make regulations

(1) The Chief Executive in Council may, after consulting the Authority, by regulations—

(a) provide for the payment to the Authority of, and prescribe, fees—

(i) for an application to the Authority under this Ordinance;

(ii) for anything done by the Authority or a committee established under section 4C or 4D in performing a function under this Ordinance; and

(iii) for any other matter with regard to which provision is made by or under this Ordinance;

(b) prescribe fees (however described) that are required or permitted to be prescribed by regulations made under this section;

(c) provide for the payment of charges or penalties for late payment of any fees; and

(i) by专人交付根据第50B条委任的勞合社獲授權代表；
(ii) 留在或郵寄往該代表在香港的地址；
(iii) 藉圖文傳真傳送往該代表最後為人所知的圖文傳真號碼；或
(iv) 藉電子郵遞傳送往該代表最後為人所知的電子郵件地址。

第4分部——規例及規則等

128. 行政長官會同行政會議可訂立規例

(1) 行政長官會同行政會議可在諮詢保監局後訂立規例，以——

(a) 訂定就以下事宜向保監局繳付費用；並訂明該等費用——

(i) 根據本條例向保監局提出申請；

(ii) 保監局或根據第4C或4D條設立的委員會在執行本條例下的職能時作任何事情；及

(iii) 本條例所作規定所關乎或與根據本條例作出的規定所關乎的任何其他事宜；

(b) 訂明須藉或可藉根據本條訂立的規例而訂明的費用（不論如何稱述）；

(c) 訂定就逾期繳付任何費用，繳付附加費或罰款；及
(d) prescribe any matter that, by this Ordinance, is required or permitted to be prescribed by regulations made under this section.

(2) Fees prescribed by regulations made under this section is not to be limited by reference to the amount of the administrative or other costs incurred, or likely to be incurred, by the Authority or a committee established under section 4C or 4D in providing the services or performing the functions to which the fees relate.

(3) Regulations made under this section—
(a) may provide that the amount of any fee is to be fixed by reference to a scale set out in the regulations;
(b) may provide for the payment of different fees by or in relation to persons or cases of different classes or descriptions;
(c) may provide that the payment of any fee is waived, either generally or in a particular case; and
(d) may provide for the payment of fees annually or at other intervals.

(4) The Authority may recover the amount of any fees payable under the regulations made under this section as a civil debt due to it.

(5) Subsections (6) and (7) apply if—
(a) rules are made by the Authority under a provision in this Ordinance; and
(b) the provision does not specify that the rules may provide that a contravention of any specified provision of the rules constitutes an offence.

(6) The Chief Executive in Council may make regulations to prescribe offences for contravention of the rules, punishable by a fine, imprisonment or both.
(7) 可根據第(6) 款訂明的最高罰則如下——
(a) 就經循公訴程序定罪的罪行而言，罰款 $500,000 及監禁 2 年；
(b) 就經循簡易程序定罪的罪行而言，第 6 級罰款及監禁 6 個月。

129. 保監局可訂立規則
(a) 訂定如何按不同條文所需，以不同方式，為施行本
條例而釐定任何獲授權保險人的資產值和負債額；
(b) 訂明或訂定如何為施行本條例而釐定須予或准予訂
明或釐定的任何數額；
(c) 訂定由獲授權保險人就其長期業務而維持的一項
或多於一項基金內，須持有的部分數額，即該保險
人的資產值所超出其負債額的數額的某部分；
(d) 訂明根據第 15(1) 條委任的精算師須遵從的標準；
(e) 就申請牌照、發出牌照以及附帶事宜，訂定條文；
(f) 規定持牌保險中介人須就指明類別的產品或業務類
型，以指明方式，在指明情況下經營業務；

(7) The maximum penalty that may be prescribed under
subsection (6)—
(a) for an offence of which a person is convicted on
indictment—a fine of $500,000 and imprisonment
for 2 years; and
(b) for an offence of which a person is summarily
convicted—a fine at level 6 and imprisonment for
6 months.

129. Authority may make rules
(1) The Authority may by rules—
(a) provide for the determination, in such different
ways as may be necessary for different provisions,
of the value of the assets and the amount of the
liabilities of an authorized insurer for the
purposes of this Ordinance;
(b) prescribe, or provide for the determination of, any
amount required or permitted to be prescribed or
determined for the purposes of this Ordinance;
(c) provide for the holding in any fund or funds
maintained by an authorized insurer in respect of
its long term business of part of any excess of the
value of the assets of the insurer over the amount
of its liabilities;
(d) prescribe standards to be complied with by an
actuary appointed under section 15(1);
(e) provide for applications for licence, the issue of
licences and incidental matters;
(f) require licensed insurance intermediaries to carry
on business in relation to a specified class of
products or line of business, and in the specified
manner and circumstances;
Part 2
Section 88

(g) prescribe the qualifications and experience of, and training for, licensed insurance intermediaries, and provide for the obligations to be imposed in relation to the requirements, the examinations required for those purposes, and the circumstances under which exemptions may be granted;

(h) provide for the maintenance of registers and the correction of errors in the registers maintained by the Authority;

(i) provide for the admissibility in evidence in judicial or other proceedings of specified records, and extracts from specified records, kept by the Authority;

(j) require documents and information required to be lodged, filed, submitted or retained for a provision of this Ordinance to be so lodged, filed, submitted or retained in the specified manner, whether by electronic or other means;

(k) require documents and information lodged, filed, submitted or retained for a provision of this Ordinance to be completed, signed, executed or authenticated in the specified form and manner;

(l) specify whether, when and the circumstances in which records compiled in a specified form or manner, or documents or information completed, signed, executed or authenticated in a specified form or manner, are acceptable or required for a provision of this Ordinance;

(m) require authorized insurers and licensed insurance intermediaries to make returns at specified times to the Authority, and provide for the particulars, or the nature of particulars, to be contained in those returns, the person by whom, and the manner and circumstances in which they are to be made, and other matters related to those returns;
(n) require a form or a return required to be submitted under a provision of this Ordinance to be received by the Authority by or within the specified time; and

(o) prescribe any matter that, by this Ordinance, is required or permitted to be prescribed by rules made under this section.

(2) In addition to the power to make rules under subsection (1), the Authority may, after consulting the Financial Secretary, make other rules that are necessary for the performance of any of its functions.

(3) Except as otherwise provided in this Ordinance, rules made by the Authority—

(a) may be of general or special application or may be made so as to apply only in specified circumstances;

(b) may make different provisions for different circumstances and provide for different cases or classes of cases;

(c) may authorize a matter or thing to be determined, applied or regulated by a specified person;

(d) may provide for the exercise of a discretion in specified cases; and

(e) may, for the better and more effectual carrying into effect of any provision of this Ordinance or the rules, include any savings, transitional, incidental, supplemental, evidential and consequential provisions (whether involving the provisions of a principal legislation or a subsidiary legislation).
130. **Relaxation of rules under section 129(1)(a)**

(1) The Authority may, relax wholly or partly any of the rules made under section 129(1)(a) in their application to an authorized insurer for the period, and subject to the conditions, that the Authority considers appropriate, at the request in writing of that insurer, on being satisfied that—

(a) it would not be contrary to the interests of policy holders or potential policy holders to do so; and

(b) it would not adversely affect the Authority's ability to carry out its supervisory functions under this Ordinance.

(2) During any period when the relaxation is in force, the reference in section 8(4) to rules made for this purpose is, as respects that insurer, to be construed as a reference to those rules as so relaxed.

(3) If under subsection (1) the Authority relaxes any of the rules made under section 129(1)(a) for an authorized insurer, the Authority must, as soon as practicable, publish a notice in the Gazette stating—

(a) the name of the insurer; and

(b) the fact that the rule has been relaxed under subsection (1) for that insurer.

131. **Rules may limit effect of Ordinance**

(1) Except as otherwise provided in this Ordinance, rules made by the Authority may, subject to the terms and conditions specified in them, provide for the matters referred to in subsections (2) and (3).

(2) The rules may provide that the provisions of this Ordinance specified in the rules have no effect, or only have effect to a specified extent, in relation to a specified person or to members in a specified class of persons—
132. Authority must publish draft rules

(1) If the Authority proposes to make rules under a provision of this Ordinance, it must publish a draft of the proposed rules, in the manner it considers appropriate, for inviting representations on the proposed rules by the public.

(2) If the Authority makes rules after a draft has been published under subsection (1) in relation to the rules, it must comply with subsections (3) and (4).

(3) The Authority must publish, in the manner that it considers appropriate, an account setting out in general terms—

(a) the representations made on the draft; and

(b) the response of the Authority to the representations.
(4) If the Authority considers the rules made are significantly different from the draft, the Authority must publish, in the manner it considers appropriate, details of the difference.

(5) Subsections (1) and (2) do not apply if the Authority considers, in the circumstances of the case, that—
   (a) it is inappropriate or unnecessary that those subsections should apply; or
   (b) the delay involved in complying with those subsections would not be—
      (i) in the interests of policy holders or potential policy holders; or
      (ii) in the public interest.

133. Codes or guidelines on functions of Authority, etc.

(1) The Authority may publish, in the Gazette and in any other manner it considers appropriate, codes or guidelines that it considers appropriate for giving guidance—
   (a) in relation to a matter relating to any of the functions of the Authority under this Ordinance; or
   (b) in relation to the operation of a provision of this Ordinance.

(2) To avoid doubt, the power of the Authority to publish codes or guidelines under this section is in addition to and not in derogation of any other power of the Authority to publish codes or guidelines under any provision of this or any other Ordinance.

(3) The Authority may from time to time amend the whole or any part of a code or guideline published.
(4) A failure on the part of a person to comply with the provisions set out in a code or guideline does not by itself render the person liable to any judicial or other proceedings.

(5) However, in any proceedings under this Ordinance before a court—

(a) the code or guideline is admissible in evidence; and

(b) if a provision in the code or guideline appears to the court to be relevant to a question arising in the proceedings, the court must, in determining the question, take into account any compliance or non-compliance of the provision.

(6) A code or guideline published under this section—

(a) may be of general or special application or may be made so as to apply only in specified circumstances; and

(b) may make different provisions for different circumstances and provide for different cases or classes of cases.

(7) A code or guideline published under this section is not subsidiary legislation.

134. Orders and regulations for levies

(1) If a contract of insurance relates to—

(a) a prescribed class of insurance business; or

(b) a prescribed type of contract of insurance,

a prescribed levy is payable to the Authority for the contract by its policy holder.

(2) For the purposes of subsection (1), the Chief Executive in Council, by order published in the Gazette—
Part 2
Section 88

(a) may specify any rate or amount as a prescribed levy under subsection (1);
(b) may specify any class of insurance business as a prescribed class of insurance business under subsection (1)(a);
(c) may specify any type of contract of insurance as a prescribed type of contract of insurance under subsection (1)(b);
(d) may specify the rate or amount of the prescribed levy payable for a contract of insurance—
   (i) as a percentage of the premium payable for the contract of insurance;
   (ii) as a fixed amount;
   (iii) as a nil rate, nil amount or nil percentage; or
   (iv) as to be calculated in any other manner specified in the order; and
(e) may specify different rates for different classes of insurance business or different types of contract of insurance.

(3) The Authority may recover the amount of a levy payable under this section as a civil debt due to it.

(4) The Chief Executive in Council may make regulations for—

(a) the payment of levies;
(b) the payment of charges or penalties for late payment of levies; and
(c) the keeping, examination and audit of the accounts of authorized insurers and licensed insurance intermediaries relating to the collection and payment of levies.
135. Reduction of levies

(1) If during a financial year of the Authority the requirements set out in subsection (2) are met, the Authority must consult the Financial Secretary with a view to recommending to the Chief Executive in Council that the rate or amount of a levy be reduced.

(2) The requirements are—

(a) that the reserves of the Authority, after deducting depreciations and all provisions, are more than twice its estimated operating expenses for the financial year; and

(b) that the Authority has no outstanding debt.

(3) The Authority may, after consulting the Financial Secretary under subsection (1), recommend to the Chief Executive in Council that the rate or amount of a levy be reduced.

136. Procedural requirements for publishing notices under sections 13AE(14) and 123(7)

(1) If the Financial Secretary proposes to publish a notice under section 13AE(14) or 123(7), the Financial Secretary must publish a draft of the proposed notice, in the manner the Financial Secretary considers appropriate, for inviting representations on the proposed notice by the public.

(2) If the Financial Secretary publishes a notice after a draft has been published under subsection (1), the Financial Secretary must comply with subsections (3) and (4).

(3) The Financial Secretary must publish, in the manner that it considers appropriate, an account setting out in general terms—

(a) the representations made on the draft; and
Part 2
Section 88

137. Authority may specify forms

(1) Subject to subsection (2), the Authority may specify—

(a) the form of any document required under this Ordinance to be in the specified form; and

(b) the form of such other documents required for the purposes of this Ordinance as the Authority thinks fit.

(a) it is inappropriate or unnecessary that those subsections should apply; or

(b) the delay involved in complying with those subsections would not be—

(i) in the interests of policy holders or potential policy holders; or

(ii) in the public interest.

(a) 第 (1) 及 (2) 款適用，是不適當或無需要的；或

(b) 為遵守第 (1) 及 (2) 款而涉及的任何延攔，並不符合——

(i) 保單持有人或潛在的保單持有人的利益；或

(ii) 公眾利益，

則第 (1) 及 (2) 款不適用。

(6) The Financial Secretary may direct the Authority to publish on behalf of the Financial Secretary—

(a) the draft of the proposed notice under subsection (1);

(b) the account under subsection (3); or

(c) the details of the difference under subsection (4).
(2) The Authority’s power under subsection (1) is subject to any express requirement under this Ordinance for a form, whether specified or otherwise, to comply with that requirement, but that requirement is not to restrict the exercise of that power in respect of that form to the extent that, in the opinion of the Authority, its exercise of that power in respect of that form does not contravene that requirement.

(3) To avoid doubt, it is declared that the Authority’s power under subsection (1) may be exercised in such a way as to—

(a) include in the specified form of a document referred to in that subsection a statutory declaration—

(i) to be made by the person completing the form; and

(ii) as to whether the particulars contained in the form are true and correct to the best of that person’s knowledge and belief;

(b) specify 2 or more forms of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the Authority thinks fit.

(4) A form specified under this section must be—

(a) completed in accordance with the directions and instructions that are specified in the form;

(b) accompanied by the documents that are specified in the form; and

(c) if the completed form is required to be provided to the Authority or any other person, so provided in the manner, if any, specified in the form.

(5) In this section—
138. Amendment of Schedules


(2) The Authority may, with the approval of the Financial Secretary, by notice published in the Gazette, amend any of the following—

(a) Schedule 1;
(b) Schedule 2;
(c) Schedule 3;
(d) Schedule 4;
(e) Schedule 5;
(f) Schedule 6;
(g) Schedule 7;
(h) Schedule 8.

(3) The Legislative Council may by resolution amend Schedule 1D.

139. Savings and Transitional Arrangements

Schedule 11 provides for the savings, transitional and supplemental arrangements that relate to the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015).
89. First Schedule amended (classes of insurance business)

(1) First Schedule, English text, heading—

Repeal
“FIRST SCHEDULE”

Substitute
“Schedule 1”.

(2) Schedule 1—

Repeal
“[ss. 3, 51 & 61]”

Substitute
“[ss. 2, 3, 8, 10, 22, 23, 50A, 51, 64ZZC & 138 & Sch. 3]”.

90. Schedules 1A to 1D added

After Schedule 1—

Add

“Schedule 1A”

[ss. 3A, 64G, 64ZA & 78]
Part 2

Material Decision

1. Any of the following is a matter specified for the purposes of section 3A(b)—
   (a) the making of an application or proposal for a contract of insurance;
   (b) the issuance, continuance or renewal of a contract of insurance;
   (c) the cancellation, termination, surrender or assignment of a contract of insurance;
   (d) the exercise of a right under a contract of insurance;
   (e) the change in any term or condition of a contract of insurance;
   (f) the making or settlement of an insurance claim.
Part 2
Section 90

Insurance Companies (Amendment) Ordinance 2015

Part 3
Regulated Advice

1. Any of the following is a matter specified for the purposes of section 3A(c)—
   (a) the making of an application or proposal for a contract of insurance;
   (b) the issuance, continuance or renewal of a contract of insurance;
   (c) the cancellation, termination, surrender or assignment of a contract of insurance;
   (d) the exercise of a right under a contract of insurance;
   (e) the change in any term or condition of a contract of insurance;
   (f) the making or settlement of an insurance claim.

Schedule 1B

Constitution and Proceedings of Authority, etc.

1. Deputy chairperson and vacancies in office of chairperson or deputy chairperson
   (1) The Chief Executive may appoint an executive director or non-executive director of the Authority (other than the chairperson or the Chief Executive Officer of the Authority) to be the deputy chairperson of the Authority.
(2) If the office of chairperson of the Authority is vacant or the chairperson of the Authority is unable to act as chairperson due to illness, absence from Hong Kong or any other reason, the deputy chairperson appointed under subsection (1) must act as chairperson in his or her place.

(3) Whether or not a deputy chairperson has been appointed under subsection (1), the chairperson of the Authority may—

(a) designate an executive director or non-executive director of the Authority to act as chairperson of the Authority for any period during which both the chairperson and the deputy chairperson are unable to act as chairperson due to illness, absence from Hong Kong or any other reason; and

(b) at any time revoke the designation.

(4) Subsection (5) applies if—

(a) no deputy chairperson has been appointed under subsection (1) or the office of deputy chairperson of the Authority is vacant; or

(b) the deputy chairperson appointed under subsection (1) is unable to act as chairperson due to illness, absence from Hong Kong or any other reason, and there is no designation under subsection (3).

(5) The Financial Secretary may designate an executive director or non-executive director of the Authority to act as chairperson of the Authority for any period during which the chairperson of the Authority is unable to act as chairperson due to illness, absence from Hong Kong or any other reason.
Part 2

Section 90

(6) A designation under subsection (5) ceases to have effect when the earliest of the following events occurs—

(a) the designation is revoked by the Financial Secretary;

(b) if the designation is made in the circumstances mentioned in subsection (4)(a)—an appointment is made under subsection (1);

(c) if the designation is made in the circumstances mentioned in subsection (4)(b)—the deputy chairperson appointed under subsection (1) is able to act as chairperson.

(7) A deputy chairperson, executive director or non-executive director of the Authority acting as the chairperson of the Authority under this section, is to be regarded for all purposes to be the chairperson of the Authority.

(8) Despite subsection (7)—

(a) an executive director of the Authority does not cease to be regarded as such only because that director is acting as chairperson of the Authority; and

(b) a non-executive director of the Authority does not cease to be regarded as such only because that director is acting as chairperson of the Authority.

2. Vacancy in office of chief executive officer

(1) The Chief Executive—

(a) may designate an executive director of the Authority to act as chief executive officer of the Authority for a period during which the chief executive officer of the Authority is unable to act as chief executive officer due to illness, absence from Hong Kong or any other reason; and
Part 2
Section 90

(b) may at any time revoke the designation.
(2) An executive director of the Authority who acts as chief executive officer of the Authority is to be regarded for all purposes to be the chief executive officer of the Authority.

3. Functions and office of members, etc.
(1) The chairperson, deputy chairperson and chief executive officer of the Authority have the functions assigned to them by the Authority.
(2) The Chief Executive is to determine the terms and conditions of the office of a member of the Authority.
(3) A member of the Authority may at any time resign from office by notice in writing to the Chief Executive.
(4) Unless it is otherwise provided in the terms and conditions of the appointment under subsection (2), a notice of resignation takes effect—
   (a) on the date specified in the notice; or
   (b) if no date is so specified, on the date of receipt by the Chief Executive of the notice.
(5) The Authority must pay a member of the Authority the remuneration, allowances or expenses determined by the Chief Executive.

4. Removal of members of Authority
(1) If the Chief Executive is satisfied that a member of the Authority—
   (a) has become a public officer;
   (b) has become bankrupt;
   (c) is incapacitated by physical or mental illness;
5. Disclosure of interests by members of Authority

(1) If—

(a) a member of the Authority has, in a matter that is considered or is to be considered at a meeting of the Authority, an interest which is of a class or description determined by the Authority under subsection (2); and

(b) the interest appears to raise a conflict with the proper performance of the member’s duties in relation to the consideration of the matter,

the member must, as soon as practicable after becoming aware of the relevant facts, disclose the interest at a meeting of the Authority.

(2) The Authority may—
(a) determine the class or description of the interest required to be disclosed;
(b) determine the details of the interest required to be disclosed and the manner in which the interest is to be disclosed; and
(c) from time to time change any matter determined under paragraph (a) or (b).

(3) Particulars of a disclosure made under this section must be recorded by the Authority in a book kept for the purpose and that book must be open at all reasonable hours to inspection by the public.

(4) After a member of the Authority has disclosed an interest in a matter, the member must not, unless the Authority otherwise determines—
(a) be present during a deliberation of the Authority with respect to the matter; or
(b) take part in a decision of the Authority with respect to the matter.

(5) For making a determination by the Authority under subsection (4), a member of the Authority who has an interest in a matter to which the disclosure relates—
(a) must not be present during the Authority's deliberation for making the determination; and
(b) must not take part in the Authority's making of the determination.

(6) A contravention of this section does not invalidate a decision of the Authority.

6. Meetings

(1) Meetings of the Authority—
(a) must be held as often as necessary for performing its functions; and
(b) may be convened by the chairperson, deputy chairperson, chief executive officer, or any 2 other members, of the Authority.

(2) At a meeting of the Authority—

(a) if the chairperson of the Authority is present—he or she is to be the chairperson of the meeting;

(b) if the chairperson of the Authority is not present but the deputy chairperson of the Authority is present—the deputy chairperson is to be the chairperson of the meeting; or

(c) if neither the chairperson nor the deputy chairperson of the Authority is present—the members of the Authority present must choose one of their number to be the chairperson of the meeting.

(3) The quorum for a meeting of the Authority is the number that is not less than one-third of the number of the executive directors of the Authority and not less than one-third of the number of the non-executive directors of the Authority.

(4) Despite section 1(6) and (7) of this Schedule, for forming a quorum under subsection (3)—

(a) an executive director of the Authority who acts as chairperson of the Authority is only counted as an executive director of the Authority; and

(b) a non-executive director of the Authority who acts as chairperson of the Authority is only counted as a non-executive director of the Authority.

(5) A member of the Authority who participates in a meeting of the Authority by telephone, video conferencing or other electronic means is to be regarded as being present at the meeting if—
7. 開局決議

(1) 凡決議符合第 (2) 款所列規定，則該決議的有效性與效
果，猶如是在按照本條例召開和進行的局局會議上通
過的一樣。

(2) 有關規定是——

(a) 決議以書面作出；
(b) 決議由所有符合下述說明的局局成員簽署；在該
決議可供簽署之時身在香港，而且有能力簽署該決
議；及
(c) 決議由局局不少于三分之一的執行董事，及局局
局不少于三分之一的非執行董事簽署。

(6) 每名出席局局會議的局局成員，在投票時均有 1 票。
(7) 在局局會議中，每項待決的問題，須以出席會議
的成員所投的過半數票取決。
(8) 如票數相等，則會議主席有權在符合第 (9) 款的規定下，
投決定票。
(9) 會計局局會議主席在行使投決定票的權力前，須就待決
定的問題諮詢財政司司長，否則不得行使該權力。

7. Written resolution

(1) A resolution that meets the requirements set out in
subsection (2) is as valid and effectual as if it had been
passed at a meeting of the Authority convened and
conducted in accordance with this Ordinance.

(2) The requirements are—

(a) the resolution is in writing;
(b) the resolution is signed by all the members of the
Authority who are, when the resolution is made
available for signature, present in Hong Kong and
capable of signing the resolution; and
(c) the resolution is signed by not less than one-third
of the executive directors of the Authority and
not less than one-third of the non-executive
directors of the Authority.
Part 2
Section 90

(3) For subsection (2), a resolution may be—
(a) in the form of one document; or
(b) in the form of more than one document, each of
which is in the same form.

(4) If the resolution is in the form of more than one
document, the requirements under subsection (2)(b)
and (c) are to be regarded as having been satisfied if
the documents together bear the signatures of the
numbers of members of the Authority as specified in
that subsection.

(5) For this section—
(a) a document is regarded as having been signed by
a member of the Authority if a telex, cable, fax or
electronic transmission of the document bears the
signature of the member; and
(b) a resolution is regarded as made on the date on
which the resolution is signed by the last person
signing as a member of the Authority.

8. Seal and regulation of administration, etc.

(1) The Authority must have a seal, the affixing of which
must be authenticated by—
(a) the signature of the chairperson or the deputy
chairperson of the Authority; or
(b) the signature of another member of the Authority
authorized by it to act in that behalf.

(2) A document purporting to be a document duly
executed under the seal of the Authority is to be
received in evidence without further proof and is,
unless the contrary is proved, to be regarded as a
document so executed on being received in evidence.
(3) The Authority must organize and regulate its administration, procedure and business in a manner that it considers will, subject to the requirements of this Ordinance, best ensure the performance of its functions.

Schedule 1C

Constitution and Proceedings of Industry Advisory Committees

1. An industry advisory committee consists of the following members—
   (a) the chairperson of the Authority;
   (b) the chief executive officer of the Authority;
   (c) not more than 2 other executive directors of the Authority who must be appointed by the Authority; and
   (d) not less than 8 but not more than 12 other members who must be appointed by the Financial Secretary after consultation with the Authority.

2. In appointing a person as a member under section 1(d) of this Schedule, the Financial Secretary must have been satisfied that in the opinion of the Authority, the person has knowledge of, or experience in, the insurance industry, and the conduct of regulated activities and consumer affairs.

3. An industry advisory committee must meet at least once every 3 months to advise the Authority.
4. A meeting of an industry advisory committee may be convened by—
   (a) the chairperson of the Authority;
   (b) the chief executive officer of the Authority; or
   (c) any 3 other members of the industry advisory committee.

5. At a meeting of an industry advisory committee—
   (a) if the chairperson of the Authority is present—he or she is to be the chairperson of the meeting; or
   (b) if the chairperson of the Authority is not present—the members of the industry advisory committee present must choose one of their number to be the chairperson of the meeting.

6. The quorum for a meeting of an industry advisory committee is a majority of its members.

7. If a member of an industry advisory committee appointed under section 1(c) of this Schedule ceases to be an executive director of the Authority, he or she ceases to be a member of the industry advisory committee.

8. A member of an industry advisory committee appointed under section 1(c) or (d) of this Schedule may at any time resign from office by notice in writing to the following persons—
   (a) if the member has been appointed under section 1(c)—the Authority;
   (b) if the member has been appointed under section 1(d)—the Financial Secretary.
9. The Financial Secretary may by notice in writing remove from office a member of an industry advisory committee appointed under section 1(d) of this Schedule.

Schedule 1D  
[ss. 4F & 138]

Non-delegable Functions of Authority

1. The following functions of the Authority are specified for the purposes of section 4F(2) —

(a) to make subsidiary legislation under this Ordinance or any other Ordinance;

(b) to borrow money under section 4B(2)(c);

(c) to publish or otherwise make available, under section 4B(2)(f), materials on a matter relating to the performance by the Authority of any of its functions;

(d) to establish a wholly-owned subsidiary under section 4B(2)(g);

(e) to establish a committee under section 4D(1);

(f) to refer a matter to a committee under section 4D(2);

(g) to appoint a person to be a member or chairperson of a committee under section 4D(3);

(h) to withdraw a reference from a committee, or to revoke an appointment of a member or chairperson of a committee under section 4D(5);

(i) to delegate the powers under sections 64ZZF(6) and 64ZZH(1) to the Monetary Authority under section 4G(1), or to revoke the delegation under section 4G(3);
91. **Second Schedule amended (directors and controllers)**

(1) Second Schedule, English text, heading—

Repeal

“SECOND SCHEDULE”

Substitute

“Schedule 2”.

(2) Schedule 2—

Repeal

(j) to submit to the Financial Secretary corporate plans under section 5B(3);

(k) to prepare financial statements and reports under section 5D(2) and (3);

(l) to appoint auditors under section 5E(1);

(m) to authorize a company to carry on a class or classes of insurance business under section 8;

(n) to appoint a person, other than an employee of the Authority, to investigate any matter referred to in sections 41D(1) and 64ZZH(1);

(o) to publish codes or guidelines under section 41R, 83, 95 or 133;

(p) to specify the time at which a specified decision as defined by section 96 is to take effect;

(q) to consult the Financial Secretary with a view to recommending to the Chief Executive in Council that a levy be reduced, and to recommend to the Chief Executive in Council that the levy be reduced, under section 135.”.
Part 2
Section 91

Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015
A1541

“[ss. 7, 14 & 61]”
Replace
“[ss. 7, 14 & 138]”.

(3) Schedule 2, English text, paragraph 1, heading—
Repeal
“Second Schedule”
Replace
“Schedule 2”.

(4) Schedule 2, paragraph 3—
Replace
“an insurer”
Replace
“an authorized insurer”.

(5) Schedule 2, paragraph 3—
Replace
“13A(1)”
Replace
“13A(12)”.

(6) Schedule 2, English text, Form A—
Replace
“[para. 2, 2nd Sch.]”
Replace
“[para. 2, Sch. 2]”.

(7) Schedule 2, Form A, paragraph 15—
Replace
“Insurance Companies Ordinance”
Replace
“Insurance Companies (Amendment) Ordinance 2015”
Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 91

“Insurance Ordinance”.

(8) Schedule 2, English text, Form B—

Repeal
“[para. 2, 2nd Sch.]”

Substitute
“[para. 2, Sch. 2]”.

(9) Schedule 2, Form B, paragraph 11—

Repeal
“Insurance Companies Ordinance”

Substitute
“Insurance Ordinance”.

(10) Schedule 2, English text, Form C—

Repeal
“[para. 3, 2nd Sch.]”

Substitute
“[para. 3, Sch. 2]”.

(11) Schedule 2, Form C, heading—

Repeal
“13A(1)”

Substitute
“13A(12)”.

(12) Schedule 2, Form C—

Repeal
“Name of insurer”

Substitute
“Name of authorized insurer”.

Part 2
Section 91

“Insurance Ordinance”.

(8) Schedule 2, English text, Form B—

Repeal
“[para. 2, 2nd Sch.]”

Substitute
“[para. 2, Sch. 2]”.

(9) Schedule 2, Form B, paragraph 11—

Repeal
“Insurance Companies Ordinance”

Substitute
“Insurance Ordinance”.

(10) Schedule 2, English text, Form C—

Repeal
“[para. 3, 2nd Sch.]”

Substitute
“[para. 3, Sch. 2]”.

(11) Schedule 2, Form C, heading—

Repeal
“13A(1)”

Substitute
“13A(12)”.

(12) Schedule 2, Form C—

Repeal
“Name of insurer”

Substitute
“Name of authorized insurer”.
(13) Schedule 2, Form C, paragraphs 1, 3 and 4—
Repeal
“13A(1)”
Substitute
“13A(12)”.

92. Third Schedule amended (accounts and statements)
(1) Third Schedule, English text, heading—
Repeal
“THIRD SCHEDULE”
Substitute
“Schedule 3”.

(2) Schedule 3—
Repeal
“[ss. 17, 18, 22 & 50]”
Substitute

(3) Schedule 3, English text, Part 1, paragraph 1(1), definition of accounting class of general business and accounting class—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

(4) Schedule 3, Part 1, paragraph 4(1)(a)(ii)—
Repeal
“regulations made under section 59(1)(aa)”
Substitute “rules made under section 129(1)(b)”.

(5) Schedule 3, Part 1, paragraph 4(1AC)(c)(ii)—
Repeal “regulations made under section 59(1)(aa)”
Substitute “rules made under section 129(1)(b)”.

(6) Schedule 3, English text, Part 1, paragraph 5(1)(b)(i)(B)—
Repeal “the First Schedule”
Substitute “Schedule 1”.

(7) Schedule 3, Part 1, paragraph 5(1)(b)(ii)—
Repeal “regulations made under section 59(1)(ab)”
Substitute “rules made under section 129(1)(c)”.

(8) Schedule 3, Part 1, paragraph 5(1)(d)(i)—
Repeal “regulations made under section 59(1)(aa)”
Substitute “rules made under section 129(1)(b)”.

(9) Schedule 3, Part 1, paragraph 5(1)(d)(ii)(C)—
Repeal “regulations made under section 59(1)(aa)”
Substitute “rules made under section 129(1)(b)”.
(10) Schedule 3, Part 2, after paragraph 9(a)—
Add
“(ab) state any other form of business in addition to the insurance business carried on by the insurer or its subsidiaries in the course of the financial year;”.

(11) Schedule 3, English text, Part 5, paragraph 24(2)(b)—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

(12) Schedule 3, English text, Part 5, paragraph 25—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

(13) Schedule 3, Part 5, after paragraph 26—
Add
“26A. The amounts respectively of any of the following items relating to any other form of business (non-insurance business) in addition to the insurance business carried on by the authorized insurer must also be shown—
(a) income from listed investments, income from unlisted investments and any other income that are generated from the insurer’s non-insurance business;
(b) expenses incurred in the administration of the insurer’s non-insurance business, and any other expenses incurred in that business.”.

(14) Schedule 3, English text, Part 7, paragraph 38(1)—
Repeal
“the First Schedule”
代替
“Schedule 1”。

(15) Schedule 3, English text, Part 7, Form L1, Note—
废除
“the First Schedule”
代替
“Schedule 1”。

(16) Schedule 3, English text, Part 7, Form L2, Note 1—
废除
“the First Schedule”
代替
“Schedule 1”。

(17) Schedule 3, English text, Part 8, paragraph 41(2)—
废除
“the First Schedule”
代替
“Schedule 1”。

(18) Schedule 3, English text, Part 8, Form HKL1, Note—
废除
“the First Schedule”
代替
“Schedule 1”。

(19) Schedule 3, Part 8, Form HKL1, Note—
废除
“Insurance Companies Ordinance”
代替
“the First Schedule”
Substitute
“Schedule 1”.

Ord. No. 12 of 2015
A1551
“Insurance Ordinance”.

(20) Schedule 3, English text, Part 8, Form HKL2, Note 1—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

(21) Schedule 3, Part 8, Form HKL2, Note 1—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

93. Fourth Schedule amended (proposed appointment of controller within the meaning of section 13A(1) or authorized representative under section 50B)

(1) Fourth Schedule, English text, heading—
Repeal
“FOURTH SCHEDULE”
Substitute
“Schedule 4”.

(2) Fourth Schedule, heading—
Repeal
“13A(1)”
Substitute
“13A(12)”.

(3) Fourth Schedule—
Repeal
“[ss. 13A(2)(a) & 50B]”
Part 2
Section 93
Ord. No. 12 of 2015
2015年第12號條例
A1554
第2部
第93條
2015
A1555
Insurance Companies (Amendment) Ordinance 2015
Substitute
“[ss. 13A, 13AC, 13AE, 50B & 138]”.
(4) Schedule 4, English text, paragraph 1, heading—
Repeal
“Fourth Schedule”
Substitute
“Schedule 4”.
(5) Schedule 4, paragraph 1(a)—
Repeal
“13A(2)(a)”
Substitute
“13A(3)(a)”.
(6) Schedule 4, paragraph 1(a)—
Repeal
“13A(1)”
Substitute
“13A(12)”.
(7) Schedule 4, paragraph 2(a)—
Repeal
“13A(2)(a)”
Substitute
“13A(3)(a)”.
(8) Schedule 4, paragraph 2(a)—
Repeal
“13A(1)”
Substitute
“13A(12)”.
(4) 附表4，英文文本，第1段，標題——
廢除
“Fourth Schedule”
代以
“Schedule 4”。
(5) 附表4，第1(a)段——
廢除
“13A(2)(a)”
代以
“13A(3)(a)”。
(6) 附表4，第1(a)段——
廢除
“13A(1)”
代以
“13A(12)”。
(7) 附表4，第2(a)段——
廢除
“13A(2)(a)”
代以
“13A(3)(a)”。
(8) 附表4，第2(a)段——
廢除
“13A(1)”
代以
“13A(12)”。
代以
“[第13A，13AC，13AE，50B及138條]”。
(9) 附表 4，英文文本，表格 A——
废除
“[para. 2, 4th Sch.]”
代以
“[para. 2, Sch. 4]”。
(10) 附表 4，表格 A，标题——
废除
“13A(1)”
代以
“13A(12)”。
(11) 附表 4，表格 A——
废除
所有“本条例第 13A(1)”
代以
“本条例第 13A(12)”。
(12) 附表 4，英文文本，表格 B——
废除
“[para. 2, 4th Sch.]”
代以
“[para. 2, Sch. 4]”。
(13) 附表 4，表格 B，标题——
废除
“13A(1)”
代以
“13A(12)”。
(14) 附表 4，表格 B——
废除
“[para. 2, 4th Sch.]”
代以
“[para. 2, Sch. 4]”。
(9) Schedule 4, English text, Form A—
Repeal
“[para. 2, 4th Sch.]”
Substitute
“[para. 2, Sch. 4]”.
(10) Schedule 4, Form A, heading—
Repeal
“13A(1)”
Substitute
“13A(12)”.
(11) Schedule 4, Form A—
Repeal
“13A(1) of” (wherever appearing)
Substitute
“13A(12) of”.
(12) Schedule 4, English text, Form B—
Repeal
“[para. 2, 4th Sch.]”
Substitute
“[para. 2, Sch. 4]”.
(13) Schedule 4, Form B, heading—
Repeal
“13A(1)”
Substitute
“13A(12)”.
(14) Schedule 4, Form B—
94. Fifth Schedule amended (person proposing to become controller within the meaning of section 13B(1))

(1) Fifth Schedule, English text, heading—

Repeal
“FIFTH SCHEDULE”
Substitute
“Schedule 5”.

(2) Schedule 5—

Repeal
“[s. 13B(2)(a)]”
Substitute
“[ss. 13B & 138]”.

(3) Schedule 5, English text, paragraph 1, heading—

Repeal
“Fifth Schedule”
Substitute
“Schedule 5”.

(4) Schedule 5, English text, Form A—

Repeal
“[para. 2, Sch. 5]”
Substitute
“[para. 2, Sch. 5]”.

94. 附表 5 (建議成為第 13B(1) 條所指的控權的人)

(1) 附表 5，英文文本，標題——

廢除
“FIFTH SCHEDULE”
代以
“Schedule 5”。

(2) 附表 5——

廢除
“[第 13B(2)(a) 條]”
代以
“[第 13B 及 138 條]”。

(3) 附表 5，英文文本，第 1 條，標題——

廢除
“Fifth Schedule”
代以
“Schedule 5”。

(4) 附表 5，英文文本，表格 A——

廢除
“[para. 2, 5th Sch.]”
代以
“[para. 2, Sch. 5]”。

發”
所有“本條例第 13A(1)”
代以
“本條例第 13A(12)”。

Part 2
Section 94
95. Sixth Schedule amended (person who has become controller of insurer in contravention of section 13B(2))

(1) Sixth Schedule, English text, heading—
   Repeal
   “SIXTH SCHEDULE”
   Substitute
   “Schedule 6”.

(2) Schedule 6—
   Repeal
   “[s. 13B(3)]”
   Substitute
   “[ss. 13B & 138]”.

(3) Sixth Schedule, English text, paragraph 1, heading—
   Repeal
   “Sixth Schedule”
   Substitute
   “Schedule 6”.

(4) Schedule 6, English text, Form A—
   Repeal
   “[para. 2, 6th Sch.]”
   Substitute
96. Seventh Schedule amended (powers of Manager of insurer)

(1) Seventh Schedule, English text, heading—

\[\text{Repeal}\]

“SEVENTH SCHEDULE”

\[\text{Substitute}\]

“Schedule 7”.

(2) Schedule 7—

\[\text{Repeal}\]

“[第 38B(1)(b) 及 59(1)(c) 條]”

\[\text{Substitute}\]

“[第 38B 及 138 條]”.

(5) Schedule 6, English text, Form B—

\[\text{Repeal}\]

“[para. 2, 6th Sch.]”

\[\text{Substitute}\]

“[para. 2, Sch. 6]”.

(6) Schedule 6, English text, Form B, paragraph 11—

\[\text{Repeal}\]

“the Insurance Companies Ordinance”

\[\text{Substitute}\]

“this Ordinance”.

(5) 附表 6，英文文本，表格 B——

廢除

“[para. 2, 6th Sch.]”

代以

“[para. 2, Sch. 6]”。

(6) 附表 6，英文文本，表格 B，第 11 段——

廢除

“the Insurance Companies Ordinance”

代以

“this Ordinance”。

96. 修訂附表 7 (保險人經理的權力)

(1) 附表 7，英文文本，標題——

廢除

“SEVENTH SCHEDULE”

代以

“Schedule 7”。

(2) 附表 7——

廢除

“[第 38B(1)(b) 及 59(1)(c) 條]”

代以

“[第 38B 及 138 條]”。
97. 修訂附表 8 (可歸入在香港的資產的資產)

(1) 附表 8，英文文本，標題——
     廢除
     “EIGHTH SCHEDULE”
     代以
     “Schedule 8”。

(2) 附表 8——
     廢除
     “[第 25A 條]”
     代以
     “[第 25A 及 138 條]”。

(3) 附表 8，第 1(c) 條——
     廢除
     “《銀行業條例》(第 155 章) 界定的”。

98. 加入附表 9、10 及 11

在附表 8 之後——
     加入

97. Eighth Schedule amended (assets which qualify as assets in Hong Kong)

(1) Eighth Schedule, English text, heading—
     Repeal
     “EIGHTH SCHEDULE”
     Substitute
     “Schedule 8”.

(2) Schedule 8——
     Repeal—
     “[s. 25A]”
     Substitute
     “[ss. 25A & 138]”.

(3) Schedule 8, paragraph 1(c)—
     Repeal—
     “，as defined in the Banking Ordinance (Cap. 155)”.

98. Schedules 9, 10 and 11 added

After Schedule 8—
     Add
### Specified Decisions Made in relation to Insurers

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Description of decision</td>
<td>Provision</td>
</tr>
<tr>
<td>1.</td>
<td>Refusal to grant an authorization to carry on insurance business on the</td>
<td>Section 8(1)(b)(i)</td>
</tr>
<tr>
<td></td>
<td>grounds that section 8(2) or (3) applies</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Refusal to grant an authorization to carry on insurance business</td>
<td>Section 8(1)(b)(ii)</td>
</tr>
<tr>
<td>3.</td>
<td>Imposition, amendment or revocation of a condition in relation to an</td>
<td>Section 8(1)(a) or 12(1)</td>
</tr>
<tr>
<td></td>
<td>authorization to carry on insurance business</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Refusal to approve the appointment of an individual as a controller of</td>
<td>Section 13A(5)</td>
</tr>
<tr>
<td></td>
<td>an authorized insurer</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Revocation of approval of appointment of an individual as a controller</td>
<td>Section 13A(7)</td>
</tr>
<tr>
<td></td>
<td>of an authorized insurer</td>
<td></td>
</tr>
</tbody>
</table>

### Schedule 9

[ss. 96 & 138]
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Description of decision</td>
<td>Provision</td>
</tr>
<tr>
<td>6.</td>
<td>Refusal to approve the appointment of a person as a director of an authorized insurer</td>
<td>Section 13AC(5)</td>
</tr>
<tr>
<td>7.</td>
<td>Revocation of approval of appointment of a person as a director of an authorized insurer</td>
<td>Section 13AC(7)</td>
</tr>
<tr>
<td>8.</td>
<td>Refusal to approve the appointment of an individual as a key person in control functions of an authorized insurer</td>
<td>Section 13AE(5)</td>
</tr>
<tr>
<td>9.</td>
<td>Revocation of approval of appointment of an individual as a key person in control functions of an authorized insurer</td>
<td>Section 13AE(7)</td>
</tr>
<tr>
<td>10.</td>
<td>Imposition, amendment or revocation of a condition in relation to the approval of appointment of a controller, director or key person in control functions of an authorized insurer</td>
<td>Section 13AF</td>
</tr>
<tr>
<td>11.</td>
<td>Objection to a person being proposed to become a controller of an authorized insurer</td>
<td>Section 13B(4)</td>
</tr>
<tr>
<td>Item</td>
<td>Description of decision</td>
<td>Provision</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>12.</td>
<td>Objection to the appointment of a controller or director of an authorized insurer</td>
<td>Section 14(4)</td>
</tr>
<tr>
<td>13.</td>
<td>Refusal to approve the appointment of a person as an actuary of an authorized insurer</td>
<td>Section 15(3D)</td>
</tr>
<tr>
<td>14.</td>
<td>Revocation of approval of the appointment of a person as an actuary of an authorized insurer</td>
<td>Section 15(3F)</td>
</tr>
<tr>
<td>15.</td>
<td>Imposition, amendment or revocation of a condition in relation to the approval of appointment of an actuary of an authorized insurer</td>
<td>Section 15AA</td>
</tr>
<tr>
<td>16.</td>
<td>Objection to the appointment of an actuary of an authorized insurer</td>
<td>Section 15B(2A)</td>
</tr>
<tr>
<td>17.</td>
<td>Imposition of a restriction on effecting or varying contracts of insurance by an authorized insurer</td>
<td>Section 27</td>
</tr>
<tr>
<td>18.</td>
<td>Imposition of a requirement on an authorized insurer about investments</td>
<td>Section 28</td>
</tr>
</tbody>
</table>
### Column 1 | Column 2 | Column 3
---|---|---
19. | Imposition of a requirement on an authorized insurer about maintenance of assets in Hong Kong | Section 29
20. | Imposition of an additional requirement on an authorized insurer about custody of assets | Section 30
21. | Imposition of a limitation of the premium income to be received by an authorized insurer | Section 31
22. | Imposition of a requirement on an authorized insurer | Section 35(1)
23. | Direction in respect of the affairs, business and property of an authorized insurer | Section 35(2)
24. | Rescission or variation of a requirement imposed under sections 27 to 35(1) | Section 38(1)
25. | Determination of remuneration and expenses to be paid by an authorized insurer to an Advisor or Manager | Section 38E(5)
### Part 2

#### Specified Decisions Made in respect of Insurance Intermediaries

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Description of decision</td>
<td>Provision</td>
</tr>
<tr>
<td>1.</td>
<td>Refusal to grant an insurance agency licence</td>
<td>Section 64U(4)</td>
</tr>
<tr>
<td>2.</td>
<td>Refusal to grant an individual insurance agent licence</td>
<td>Section 64W(2)</td>
</tr>
<tr>
<td>Item</td>
<td>Description of decision</td>
<td>Provision</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>3.</td>
<td>Refusal to grant a technical representative (agent) licence</td>
<td>Section 64Y(2)</td>
</tr>
<tr>
<td>4.</td>
<td>Refusal to grant an insurance broker company licence</td>
<td>Section 64ZA(3)</td>
</tr>
<tr>
<td>5.</td>
<td>Refusal to grant a technical representative (broker) licence</td>
<td>Section 64ZC(2)</td>
</tr>
<tr>
<td>6.</td>
<td>Refusal to approve an individual as a responsible officer of a licensed insurance agency</td>
<td>Section 64ZE(3)</td>
</tr>
<tr>
<td>7.</td>
<td>Refusal to approve an individual as a responsible officer of a licensed insurance broker company</td>
<td>Section 64ZF(3)</td>
</tr>
<tr>
<td>8.</td>
<td>Imposition, amendment or revocation of a condition in relation to a licence granted under section 64U, 64W, 64Y, 64ZA or 64ZC or approval granted under section 64ZE or 64ZF</td>
<td>Section 64ZG</td>
</tr>
<tr>
<td>9.</td>
<td>Revocation of the approval granted under section 64ZE</td>
<td>Section 64ZL(2)</td>
</tr>
<tr>
<td>10.</td>
<td>Revocation of the approval granted under section 64ZF</td>
<td>Section 64ZM(2)</td>
</tr>
<tr>
<td>Item</td>
<td>Description of decision</td>
<td>Provision</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>11.</td>
<td>Refusal to renew a licence granted under section 64U, 64W, 64Y, 64ZA or 64ZC</td>
<td>Section 64ZV(4)</td>
</tr>
<tr>
<td>12.</td>
<td>Imposition, amendment or revocation of a condition in relation to a renewal of a licence granted under section 64U, 64W, 64Y, 64ZA or 64ZC</td>
<td>Section 64ZW</td>
</tr>
<tr>
<td>13.</td>
<td>Exercise of power to take disciplinary action</td>
<td>Section 81(1), (2) and (3)</td>
</tr>
<tr>
<td>14.</td>
<td>Revocation or suspension of a licence or approval that is regarded as having been granted under Part 5 of Schedule 11</td>
<td>Section 110 of Schedule 11</td>
</tr>
<tr>
<td>15.</td>
<td>Imposition, amendment or revocation of a condition in relation to a licence or approval that is regarded as having been granted under Part 5 of Schedule 11</td>
<td>Section 111 of Schedule 11</td>
</tr>
<tr>
<td>16.</td>
<td>Imposition of a disciplinary sanction on a specified person as defined by section 112 of Schedule 11</td>
<td>Section 113(4) of Schedule 11</td>
</tr>
</tbody>
</table>
Schedule 10  [ss. 97, 98, 99, 102, 105 & 117]

Appointment of Members and Proceedings of Tribunal, etc.

1. Interpretation

(1) In this Schedule—

application for review  (覆核申請) means an application made under section 100;

chairperson (主席) means the chairperson of the Tribunal;

ordinary member  (普通成員) means a member of the Tribunal other than the chairperson;

panel member (上訴委員) means a member of the panel appointed under section 2 of this Schedule;

Secretary (局長) means the Secretary for Financial Services and the Treasury.

(2) In this Schedule—

parties (各方) , review (覆核) and specified decision (指明決定) have the same meaning as in Part XII.

2. Appointment of panel

(1) Subject to section 98, the Chief Executive must appoint persons to a panel comprising the number of members that the Chief Executive considers appropriate.

(a) must not be a public officer (except a public officer by virtue only of being the chairperson of a board or tribunal established under an Ordinance); and

(b) must not be a member of the Authority.
3. Appointment of chairperson

(1) The chairperson must be appointed by the Chief Executive.

(2) The chairperson—
   (a) must be a former Justice of Appeal of the Court of Appeal;
   (b) must be a former judge or a former deputy judge of the Court of First Instance; or
   (c) must be eligible for appointment as a judge of the High Court under section 9 of the High Court Ordinance (Cap. 4).

(3) The chairperson—
   (a) must not be a public officer (except a public officer by virtue only of being the chairperson of a board or tribunal established under an Ordinance); and
   (b) must not be a member of the Authority.
Part 2  
Section 98  
Insurance Companies (Amendment) Ordinance 2015  

(4) Subject to subsections (5) and (7), the chairperson is appointed for a term of 3 years or appointed to act in relation to any specified review, and may, subject to the other provisions of this Ordinance, from time to time be reappointed.

(5) The chairperson may at any time resign from office by notice in writing to the Chief Executive.

(6) A notice of resignation takes effect—
(a) on the date the Chief Executive receives the notice; or
(b) if a later date is specified in the notice, on that later date.

(7) The Chief Executive may by notice in writing remove the chairperson from office—
(a) if the chairperson is no longer qualified for appointment as chairperson under subsection (2); or
(b) on the grounds of incapacity, bankruptcy, neglect of duty, conflict of interest or misconduct.

(8) If a review has been commenced by the Tribunal but not completed before the expiry of the chairperson’s term of office, the Chief Executive may authorize the chairperson to continue to act as the chairperson for the purpose of completing the review.

4. Appointment of ordinary members

(1) For determining a review, the Secretary on the recommendation of the chairperson must appoint 2 panel members as ordinary members in relation to the review.

(2) Subject to subsections (3) and (5), an ordinary member is appointed to act in relation to any specified review, and may, subject to the other provisions of this Ordinance, from time to time be reappointed.

4. 普通成員的委任

(1) 為裁定某覆核，局長須按主席的建議，就該覆核委任兩名上訴委員為普通成員。

(2) 除第 (3) 及 (5) 款另有規定外，普通成員的委任限於就指明覆核行事，而普通成員亦可在本條例其他條文的規限下，不時獲再度委任。
5. Further provisions relating to chairperson and ordinary members

(1) If, during the sittings of a review, there is a change in any of the persons specified in subsection (2), then—
   (a) if the parties to the review so consent, the sittings may continue despite the change; or
   (b) in the absence of the consent of the parties to the review, the sittings must not continue but may begin anew.

(2) The following persons are specified—
   (a) the chairperson or a person acting as the chairperson in relation to the review;
   (b) a panel member acting as an ordinary member in relation to the review.

6. Sittings

(1) The chairperson must convene the sittings of the Tribunal that are necessary to determine a review.

(2) Before convening a sitting in respect of a review, the Tribunal may give directions to the parties to the review concerning—
   (a) procedural matters to be complied with by the parties; and
Insurance Companies (Amendment) Ordinance 2015

(b) the time within which the parties are required to comply with those matters.

(3) Subject to subsection (4), at any sitting of the Tribunal—

(a) the chairperson and 2 ordinary members must be present;
(b) the chairperson must preside; and
(c) every question before the Tribunal must be determined by the majority of votes cast by the chairperson and the ordinary members, except that a question of law is to be determined by the chairperson alone.

(4) At any sitting of the Tribunal held in respect of any matter which is determined by the chairperson alone as the sole member of the Tribunal under section 9(1) of this Schedule—

(a) the chairperson only must be present; and
(b) every question before the Tribunal must be determined by the chairperson.

(5) Every sitting of the Tribunal must be held in public.

(6) However, subsection (5) does not apply if the Tribunal, on its own initiative or on the application of any of the parties to the review, determines that in the interests of justice a sitting, or a part of the sitting, must be held in private.

(7) If an application is made under subsection (6) for a determination that a sitting or any part of the sitting must be held in private, a hearing of the application must be held in private.

(8) The parties to a review must, at any sitting of the Tribunal relating to the review, be entitled to be heard—
7. Preliminary conferences

(1) If the conditions set out in subsection (2) are satisfied, the chairperson may, on his or her own initiative or on the application of any of the parties to the review, direct that a conference be held for any one or more of the purposes set out in subsection (3).

(2) The conditions are—

(a) the chairperson, after considering any material that has been submitted to the Tribunal in relation to the application for review by the parties to the review, considers it appropriate to hold the conference; and

(b) the parties agree or, for an application made by a party under subsection (1), the other party agrees.
Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 98

The purposes are—
(a) to enable the parties to prepare for the conduct of the review;
(b) to assist the Tribunal to determine issues for the purposes of the review;
(c) to generally secure the just, expeditious and economical conduct of the review.

A conference is to be attended by the parties or their representatives and presided over by the chairperson.

At a conference held in accordance with a direction of the chairperson under subsection (1), the chairperson may—
(a) give any direction the chairperson considers necessary or desirable for securing the just, expeditious and economical conduct of the review; and
(b) endeavour to secure that the parties to the review make all agreements as they ought reasonably to have made in relation to the review.

After a conference has been held in accordance with a direction of the chairperson under subsection (1), the chairperson must report to the Tribunal on the matters relating to the conference that the chairperson considers appropriate.

Consent orders

At any time after an application for review has been made, the Tribunal or chairperson may make any order which it or the chairperson is entitled to make under any provision of this Ordinance, whether or not the requirements otherwise applicable to the making of the order have been complied with, if the conditions set out in subsection (2) are met.
The conditions are—

(a) the parties to the review request, and agree to, the making of the order by the Tribunal or the chairperson (as the case may be); and

(b) the parties consent to all of the terms of the order.

(3) Despite Part XII or any other provisions of this Schedule, an order made under subsection (1) by the Tribunal or chairperson must, for all purposes, be regarded as an order made under the provision in question in compliance with the requirements otherwise applicable to the making of the order.

(4) In this section—

*order* (命令) includes any finding, determination and any other decision.

9. **Chairperson as sole member of Tribunal**

(1) The chairperson may determine a review or an application as the sole member of the Tribunal if—

(a) at any time after an application for the review has been made but before any sitting of the Tribunal is held to determine the review, the parties to the review have, by notice in writing given to the Tribunal, informed the Tribunal that they have agreed that the review may be determined by the chairperson as the sole member;

(b) the application is an application to the Tribunal under section 100 for an extension of the time within which an application for review may be made; or

(c) the application is an application to the Tribunal under section 110 for a stay of execution of a specified decision.
20. Privileges and immunities

Except as otherwise provided in this Ordinance, the Tribunal, the chairperson and ordinary members, and any party, witness, counsel, solicitor, or any other person involved, in a review, have the same privileges and immunities in respect of the review as they would have if
Part 2
Section 98

Insurance Companies (Amendment) Ordinance 2015

the review were civil proceedings before the Court of First Instance.

Schedule 11

Savings and Transitional Arrangements for Insurance Companies (Amendment) Ordinance 2015

Part 1

Preliminary

1. **Interpretation of Schedule 11**

In this Schedule—

*applicable rule* (適用規則) means a rule that is—

(a) within the meaning of section 123 or 124 of this Schedule; and

(b) published under section 125(1) of this Schedule;

*approved broker body* (認可經紀團體) means a body of insurance brokers approved under section 70 of the pre-amended Ordinance;

*commencement date* (實施日期)—

(a) except in relation to Parts 5, 6, 7 and 8 of this Schedule, means the date on which section 10 of the Amendment Ordinance comes into operation;
第 2 部
保留條文

2. 關乎前監督的保留條文

(1) 在緊接實施日期前正由前監督進行的或正就前監督進行的作為，可由保監局繼續進行，或就保監局而繼續進行。

(2) 在緊接實施日期前，如有法律程序待決，而前監督是該法律程序的一方，或該法律程序是由他人代前監督提起的，則——

(a) 保監局取代前監督，成為該法律程序的一方；而
(b) 該法律程序須在猶如保監局一直是該方的情況下，繼續進行。

(b) in relation to Parts 5, 6, 6, 7 and 8 of this Schedule, means the date on which section 74 of the Amendment Ordinance comes into operation;

HKFI (保聯) means the Hong Kong Federation of Insurers;

IARB (委員會) means the Insurance Agents Registration Board set up by HKFI;

information (資訊) includes data, text, images, sound codes, computer programmes, software and databases;

personal data (個人資料) has the meaning given by section 2(1) of the Personal Data (Privacy) Ordinance (Cap. 486);

record (紀錄) means information that is inscribed on, stored in or otherwise fixed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form.

Part 2

Savings Provisions

2. Savings relating to former authority

(1) If, immediately before the commencement date, an act was in the process of being done by or in relation to the former authority, the act may be continued by or in relation to the Authority.

(2) If, immediately before the commencement date, any legal proceedings to which the former authority was a party, or that are instituted on behalf of the former authority, were pending—

(a) the Authority is substituted as a party to the proceedings in lieu of the former authority; and
(b) the proceedings are to continue as if the Authority had always been that party.
(3) A right of appeal subsisting immediately before the commencement date against the former authority may be exercised against the Authority in accordance with this Ordinance.

(4) If a form, document, instrument or act—
   (a) has been issued, made or done by or on behalf of the former authority; and
   (b) was in force immediately before the commencement date, or is to take effect on or after that date,
   it has effect as if it was issued, made or done by or on behalf of the Authority in so far as that is required for continuing its effect after the commencement date.

(5) If an act of performing a function by or on behalf of the former authority under the pre-amended Ordinance was in force immediately before the commencement date, or is to take effect on or after that date, the act has effect as if the function was performed by the Authority under this Ordinance in so far as that is required for continuing the effect of the act after that date.

(6) If, immediately before the commencement date—
   (a) an application for anything referred to in subsection (4);
   (b) a request for the performance of a function referred to in subsection (5); or
   (c) an application or request of a similar nature made to the former authority,
   has not been disposed of, it is to be regarded as an application or request to the Authority, and is to be disposed of accordingly.

(7) An—
(8) If a form, document or instrument (including a form, document or instrument referred to in subsection (4) issued or made by or on behalf of the former authority for the performance of its function under the pre-amended Ordinance)—

(a) was specified, prescribed, printed or duplicated for use in connection with the pre-amended Ordinance; and

(b) was in force immediately before the commencement date,

it may be so used despite the fact that it contains a reference to the former authority, and that reference is to be construed as a reference to the Authority.
Part 3

Transfer of Records from Former Authority to Authority

3. Former authority to transfer records to Authority

(1) All records in the former authority’s custody and are, in the opinion of the Authority, required for it to perform its functions under this Ordinance must be transferred from the former authority to the Authority on or before the commencement date.

(2) In relation to a record transferred under this section, all the rights and obligations of the former authority subsisting immediately before the transfer are to be transferred to the Authority on the transfer of the record.

(3) The Authority must ensure that there are in place proper procedures and systems to safeguard against unauthorized access to, or unauthorized use of, the records transferred under this section.

(4) In relation to personal data transferred under this section, the Personal Data (Privacy) Ordinance (Cap. 486) applies as if the data had been received by the Authority rather than the former authority.

(5) In relation to personal data transferred under this section—

(a) the Authority must ensure that the data is used, disclosed and retained for the purpose for which the data was to be used at the time of the collection; and
Part 2

(b) 如前監督違反或被指稱違反《個人資料 (私隱) 條例》(第 486 章) 所指的任何規定，而在緊接移交該等資料的日期前，個人資料私隱專員本可為此事而對前監督行使該條例下的任何權力，則在該日期當日及之後，個人資料私隱專員可對保監局行使該項權力。

(6) 前監督根據本條將紀錄移交保監局，並不構成——

(a) 違反前監督在緊接該項移交前所負有的保密責任；或

(b) 保監局或前監督違反《個人資料 (私隱) 條例》(第 486 章)。

Part 4

Appeals to Financial Secretary that have been Made or could have been Made before Commencement Date

4. Interpretation of Part 4 of this Schedule

In this Part—

specified decision (指明決定) means—

(a) a decision made by the former authority to refuse to authorize a company under section 8 of the pre-amended Ordinance on the ground (or on grounds including the ground) that a person as mentioned in section 8(2) of the pre-amended Ordinance is not a fit and proper person to hold the position held by the person;
(b) a decision of the former authority to refuse to authorize a company under section 8(1)(b)(ii) of the pre-amended Ordinance;

(c) a decision of the former authority to serve a notice of objection under section 13A(5) of the pre-amended Ordinance;

(d) a decision of the former authority to serve a notice of objection under section 13B(4) of the pre-amended Ordinance;

(e) a decision of the former authority to serve a notice of objection under section 14(4) of the pre-amended Ordinance;

(f) a direction given by the former authority under section 35(2) of the pre-amended Ordinance;

(g) a determination made by the former authority under section 38E(5) of the pre-amended Ordinance;

(h) a decision of the former authority to serve a notice of objection under section 50B(3) of the pre-amended Ordinance;

(i) a decision of the former authority to serve a notice of removal under section 50B(4) of the pre-amended Ordinance;

(j) a determination made by the former authority under section 75(1) of the pre-amended Ordinance;

(k) a decision of de-registration of a person as an appointed insurance agent as defined by section 2(1) of the pre-amended Ordinance to withdraw—

(i) the authorization of an insurance broker as defined by section 2(1) of the pre-amended Ordinance; or
5. 財政司司長仍未裁定的上訴
(1) 如有以下情況，則本條適用——
   (a) 有人已針對某指明決定，向財政司司長提出上訴；
       但
   (b) 在實施日期前，該上訴未獲終局了結。
(2) 在實施日期當日或之後——
   (a) 審裁處須處理上訴，猶如該上訴是根據本附表
       第 6 條向審裁處提出者；及
   (b) 財政司司長即不再有權力處理該上訴。

6. 未有在實施日期前向財政司司長提出的上訴
(1) 如符合以下所有情況，則本條適用——
   (a) 在實施日期前，有指明決定作出；
   (b) 如非有《修訂條例》規定，某人本可根據《原有條例》，針對該決定，向財政司司長提出上訴；
   (c) 根據《原有條例》，針對該決定提出上訴的期限仍未屆滿，或《原有條例》並無就該等上訴訂明期限；
   (d) 在實施日期前，沒有人針對該決定，向財政司司長提出上訴。

(ii) the approval of a body of insurance brokers
approved under section 70 of the pre-amended Ordinance.

5. Appeals not yet determined by Financial Secretary
(1) This section applies if an appeal against a specified decision—
   (a) has been made to the Financial Secretary; but
   (b) has not been finally disposed of before the commencement date.
(2) On or after the commencement date—
   (a) the Tribunal is to handle the appeal as if it was
       an appeal made to the Tribunal under section 6
       of this Schedule; and
   (b) the Financial Secretary is to cease to have power
       to handle the appeal.

6. Appeals not made to Financial Secretary before commencement date
(1) This section applies if—
   (a) a specified decision was made before the commencement date;
   (b) an appeal against the decision could have been made
       to the Financial Secretary under the pre-amended Ordinance but
       for the Amendment Ordinance;
   (c) the period within which an appeal against the decision
       could be made has not expired, or there is no time limit
       prescribed for such an appeal, under the pre-amended Ordinance; and
   (d) no appeal has been made to the Financial Secretary
       before the commencement date against
       the decision.
7. Determination of appeals under sections 5 and 6 of this Schedule

(1) An appeal mentioned in section 5 or 6 of this Schedule must be determined by the Tribunal by reference to the provisions of the pre-amended Ordinance that would have applied to the specified decision had the Financial Secretary continued to have the power to handle the appeal, or had the appeal been made to the Financial Secretary.

(2) Part XII applies to an appeal mentioned in section 5 or 6 of this Schedule as if—
(a) a reference to a review in that Part was a reference to such an appeal; and
(b) a reference to a party to a review included the Authority.

(3) However, the Tribunal must not determine the appeal by remitting the matter in question to the Financial Secretary.

Part 5

Savings and Transitional Arrangements Relating to Licensing and Approval

Division 1—Preliminary

8. Interpretation of Part 5 of this Schedule

In this Part—
specified date (指明日期), in relation to an application made under section 64U(1), 64W(1), 64Y(1), 64ZA(1), 64ZC(1), 64ZE(1) or 64ZF(1)—

(a) if the application is granted, means the date on which the application is granted by the Authority to the applicant; or

(b) if the application is rejected, means—

(i) the expiry of 21 days after the notice informing the applicant of the results of the application has been sent; or

(ii) (if an appeal is made against the results of the application within the period ending 21 days after the notice has been sent) the date on which the appeal is disposed of or withdrawn;

transitional period (過渡期) means the period of 3 years beginning on the commencement date.

Division 2—Savings and Transitional Arrangements for Insurance Agencies

Subdivision 1—General Provision

9. Insurance agencies registered with IARB

If a person was, immediately before the commencement date, registered with IARB as an insurance agency, the person is to be regarded as—

(a) having been granted a licence under section 64U; and

(b) being so licensed from the commencement date until the expiry of the transitional period.
Subdivision 2—Decision of Revocation not yet Taken Effect on Commencement Date

10. Application of section 11 of this Schedule
Section 11 of this Schedule applies if—
(a) a person was registered with IARB as an insurance agency before the commencement date;
(b) IARB has, before the commencement date, made a decision that the registration of the person be revoked;
(c) the decision has not taken effect on the commencement date; and
(d) the person does not appeal against the decision.

11. No appeal against decision been made
Despite section 9 of this Schedule, the person is to be regarded as—
(a) having been granted a licence under section 64U; and
(b) being so licensed from the commencement date until the time the decision takes effect.

12. Application of sections 13, 14 and 15 of this Schedule
Sections 13, 14 and 15 of this Schedule apply if—
(a) a person was registered with IARB as an insurance agency before the commencement date;
(b) IARB has, before the commencement date, made a decision that the registration of the person be revoked;
(c) the decision has not taken effect on the commencement date; and
13. No application for stay of execution or application for stay of execution rejected

If the person does not apply for a stay of execution of the decision or if the person makes such an application but the application is rejected, then despite section 9 of this Schedule, the person is to be regarded as having been granted a licence under section 64U and as being so licensed—

(a) from the commencement date until the time the decision takes effect; and

(b) on appeal—

(i) if the decision is reversed by the Tribunal, subject to section 23(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(ii) if the decision is confirmed by the Tribunal, but the person appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

14. Stay of execution granted after decision takes effect

If the person applies for a stay of execution of the decision after the decision takes effect and the application is granted, then despite section 9 of this Schedule, the person is to be regarded as having been granted a licence under section 64U and as being so licensed—
15. Stay of execution granted before decision takes effect

If the person applies for a stay of execution of the decision before the decision takes effect and the application is granted, then despite section 9 of this Schedule, the person is to be regarded as having been granted a licence under section 64U and as being so licensed—

(a) from the commencement date until the time the decision takes effect; and

(b) on appeal—

(i) if the decision is reversed by the Tribunal, subject to section 23(1) of this Schedule— from the time the application for the stay of execution of the decision is granted until the expiry of the transitional period;

(ii) if the decision is confirmed by the Tribunal—from the commencement date until the time the determination of the Tribunal takes effect; or

(iii) if the appeal is withdrawn—from the time the application for the stay of execution of the decision is granted until the time the appeal is withdrawn.

15. 在決定生效前批准暫緩執行

如有關的人在有關決定生效前提出申請，要求暫緩執行該決定，而該申請獲准，則儘管有本附表第 9 條的規定，該人視為已根據第 64U 條獲發牌照，並—

(a) 在審裁處應上訴而推翻該決定的情況下，在不抵觸本附表第 23(1) 條的條文下——自實施日期起至過渡期屆滿時為止，屬如此持有牌照；

(b) 在審裁處應上訴而維持該決定的情況下——自實施日期起至審裁處的有關裁定生效之時為止，屬如此持有牌照；或
Part 2
Section 98

(c) if the appeal is withdrawn—from the commencement date until the time the appeal is withdrawn.

Subdivision 3—Stay of Execution Granted before Commencement Date

16. Application of section 17 of this Schedule

Section 17 of this Schedule applies if—

(a) a person was registered with IARB as an insurance agency before the commencement date;

(b) IARB has, before the commencement date, made a decision that the registration of the person be revoked;

(c) the person has appealed against the decision and applied for a stay of execution of the decision and the application was granted before the commencement date; and

(d) the appeal is not finally disposed of before the commencement date.

17. Stay of execution granted and appeal not disposed of before commencement date

Despite section 9 of this Schedule, the person is to be regarded as having been granted a licence under section 64U and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 23(1) of this Schedule—from the commencement date until the expiry of the transitional period;

(b) if the decision is confirmed by the Tribunal on appeal—from the commencement date until the time the determination of the Tribunal takes effect; or
Subdivision 4—Decision of Revocation Taken Effect on or before Commencement Date

18. Application of sections 19 and 20 of this Schedule

Sections 19 and 20 of this Schedule apply if—

(a) a person was registered with IARB as an insurance agency before the commencement date;
(b) IARB has, before the commencement date, made a decision that the registration of the person be revoked;
(c) the decision has taken effect on or before the commencement date;
(d) the person appeals against the decision before, on or after the commencement date; and
(e) (if the person has appealed against the decision before the commencement date) the appeal is not finally disposed of before the commencement date.

19. No application for stay of execution or application for stay of execution rejected

If the person does not apply for a stay of execution of the decision or the person makes such an application but the application is rejected, then despite section 9 of this Schedule, the person is to be regarded as having been granted a licence under section 64U and as being so licensed—
20. Stay of execution granted after commencement date

If the person applies for a stay of execution of the decision and the application is granted after the commencement date, then despite section 9 of this Schedule, the person is to be regarded as having been granted a licence under section 64U and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 23(1) of this Schedule—from the time the application for the stay of execution of the decision is granted until the expiry of the transitional period; or

(b) if the decision is confirmed by the Tribunal on appeal—from the time the application for the stay of execution of the decision is granted until the time the determination of the Tribunal takes effect; or

(c) if the appeal is withdrawn—from the time the application for the stay of execution of the decision is granted until the time the appeal is withdrawn.
Subdivision 5—Application for Registration Rejected before Commencement Date

21. Applications for registration rejected

If a person applied to IARB for registration as an insurance agency but IARB has, before the commencement date, made a decision that the application be rejected and the person appeals against the decision, the person is to be regarded as having been granted a licence under section 64U and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 23(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(b) if the decision is confirmed by the Tribunal on appeal, but the person appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

Subdivision 6—Supplementary Provisions

22. Appeals not disposed of on expiry of transitional period

In relation to sections 14, 15, 17 and 20 of this Schedule, if the appeal is not finally disposed of on the date on which the transitional period expires, the person is to be regarded as having been granted a licence under section 64U and as being so licensed until the expiry of that date.

23. Appeals to Court of Appeal

(1) In relation to sections 13(b)(i), 14(b)(i), 15(a), 17(a), 19(a), 20(a) and 21(a) of this Schedule, if—
24. Effect of application for insurance agency licence

If a person who is regarded as having been granted a licence under section 64U makes an application for an insurance agency licence under that section in the manner, and within the time, specified by the Authority, the licence regarded as having been granted under that section is to remain in force until the specified date.

25. Conditions imposed by IARB

A condition imposed by IARB in relation to the registration of a person as an insurance agency that was in force immediately before the commencement date (except a condition relating to the payment of fees or charges to IARB) is, on the commencement date, taken to be a condition imposed by the Authority in relation to the licence that is regarded as having been granted under section 64U to the person.
26. Requirements to comply with conditions
   A person who is regarded as having been granted a licence under section 64U must, during the period when the licence is in force, comply with any condition under sections 25 and 111 of this Schedule.

27. Application of provisions relating to licensed insurance agencies
   A provision in this Ordinance relating to a licensed insurance agency applies to a person who is regarded under this Division as having been granted a licence under section 64U.

Division 3—Savings and Transitional Arrangements for Individual Agents

Subdivision 1—General Provision

28. Individual agents registered with IARB
   If an individual was, immediately before the commencement date, registered with IARB as an individual agent, the individual is to be regarded as—
   (a) having been granted a licence under section 64W; and
   (b) being so licensed from the commencement date until the expiry of the transitional period.

Subdivision 2—Decision of Revocation not yet Taken Effect on Commencement Date

29. Application of section 30 of this Schedule
   Section 30 of this Schedule applies if—
30. No appeal against decision been made

Despite section 28 of this Schedule, the individual is to be regarded as—

(a) an individual was registered with IARB as an individual agent before the commencement date;
(b) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;
(c) the decision has not taken effect on the commencement date; and
(d) the individual does not appeal against the decision.

31. Application of sections 32, 33 and 34 of this Schedule

Sections 32, 33 and 34 of this Schedule apply if—

(a) an individual was registered with IARB as an individual agent before the commencement date;
(b) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;
(c) the decision has not taken effect on the commencement date; and
(d) the individual has appealed against the decision but the appeal is not finally disposed of before the commencement date or the individual appeals against the decision on or after the commencement date.
32. No application for stay of execution or application for stay of execution rejected

If the individual does not apply for a stay of execution of the decision or if the individual makes such an application but the application is rejected, then despite section 28 of this Schedule, the individual is to be regarded as having been granted a licence under section 64W and as being so licensed—

(a) from the commencement date until the time the decision takes effect; and

(b) on appeal—

(i) if the decision is reversed by the Tribunal, subject to section 42(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(ii) if the decision is confirmed by the Tribunal, but the individual appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

33. Stay of execution granted after decision takes effect

If the individual applies for a stay of execution of the decision after the decision takes effect and the application is granted, then despite section 28 of this Schedule, the individual is to be regarded as having been granted a licence under section 64W and as being so licensed—

(a) from the commencement date until the time the decision takes effect; and

(b) on appeal—
Part 2
Section 98

(i) if the decision is reversed by the Tribunal, subject to section 42(1) of this Schedule—
from the time the application for the stay of execution of the decision is granted until the expiry of the transitional period;

(ii) if the decision is confirmed by the Tribunal—
from the time the application for the stay of execution of the decision is granted until the time the determination of the Tribunal takes effect; or

(iii) if the appeal is withdrawn—from the time the appeal is withdrawn.

34. Stay of execution granted before decision takes effect

If the individual applies for a stay of execution of the decision before the decision takes effect and the application
is granted, then despite section 28 of this Schedule, the individual is to be regarded as having been granted a licence under section 64W and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 42(1) of this Schedule—
from the commencement date until the expiry of the transitional period;

(b) if the decision is confirmed by the Tribunal on appeal—from the commencement date until the time the determination of the Tribunal takes effect; or

(c) if the appeal is withdrawn—from the time the appeal is withdrawn.
第 3 次分部——在實施日期前批准暫緩執行

35. 本附表第 36 條何時適用
如符合以下所有情況，則本附表第 36 條適用——
(a) 某名個人在實施日期前，是獲委員會登記的個人代理；
(b) 委員會在實施日期前作出決定，撤銷該名個人的上述登記；
(c) 該名個人提出上訴反對該決定，並申請暫緩執行該決定，而其實施日期前，該申請獲准；
(d) 在實施日期前，該上訴未獲終局了結。

36. 在實施日期前批准暫緩執行而上訴未了結
儘管有本附表第 28 條的規定，有關的個人視為根據第 64W 條獲發牌照，並——
(a) 在審裁處應上訴而推翻有關決定的情況下，在不抵觸本附表第 42(1) 條的條文下——自實施日期起至過渡期滿時為止，屬如此持有牌照；
(b) 在審裁處應上訴而維持有關決定的情況下——自實施日期起至審裁處的有關裁定生效之時為止，屬如此持有牌照；或
(c) 在上訴撤回的情況下——自實施日期起至上訴撤回之時為止，屬如此持有牌照。

36. Stay of execution granted and appeal not disposed of before commencement date
Despite section 28 of this Schedule, the individual is to be regarded as having been granted a licence under section 64W and as being so licensed——
(a) if the decision is reversed by the Tribunal on appeal, subject to section 42(1) of this Schedule—from the commencement date until the expiry of the transitional period;
(b) if the decision is confirmed by the Tribunal on appeal—from the commencement date until the time the determination of the Tribunal takes effect; or
(c) if the appeal is withdrawn—from the commencement date until the time the appeal is withdrawn.
Subdivision 4—Decision of Revocation Taken Effect on or before Commencement Date

37. Application of sections 38 and 39 of this Schedule

Sections 38 and 39 of this Schedule apply if—

(a) an individual was registered with IARB as an individual agent before the commencement date;

(b) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;

(c) the decision has taken effect on or before the commencement date;

(d) the individual appeals against the decision before, on or after the commencement date; and

(e) (if the individual has appealed against the decision before the commencement date) the appeal is not finally disposed of before the commencement date.

38. No application for stay of execution or application for stay of execution rejected

If the individual does not apply for a stay of execution of the decision or the individual makes such an application but the application is rejected, then despite section 28 of this Schedule, the individual is to be regarded as having been granted a licence under section 64W and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 42(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or
39. Stay of execution granted after commencement date

If the individual applies for a stay of execution of the decision and the application is granted after the commencement date, then despite section 28 of this Schedule, the individual is to be regarded as having been granted a licence under section 64W and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 42(1) of this Schedule—from the time the application for the stay of execution of the decision is granted until the expiry of the transitional period;

(b) if the decision is confirmed by the Tribunal on appeal—from the time the application for the stay of execution of the decision is granted until the time the determination of the Tribunal takes effect; or

(c) if the appeal is withdrawn—from the time the application for the stay of execution of the decision is granted until the time the appeal is withdrawn.

Subdivision 5—Application for Registration Rejected before Commencement Date

40. Applications for registration rejected

If an individual applied to IARB for registration as an individual agent but IARB has, before the commencement
date, made a decision that the application be rejected and the individual appeals against the decision, the individual is to be regarded as having been granted a licence under section 64W and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 42(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(b) if the decision is confirmed by the Tribunal on appeal, but the individual appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

Subdivision 6—Supplementary Provisions

41. Appeals not disposed of on expiry of transitional period

In relation to sections 33, 34, 36 and 39 of this Schedule, if the appeal is not finally disposed of on the date on which the transitional period expires, the individual is to be regarded as having been granted a licence under section 64W until the expiry of that date.

42. Appeals to Court of Appeal

(1) In relation to sections 32(b)(i), 33(b)(i), 34(a), 36(a), 38(a), 39(a) and 40(a) of this Schedule, if—

(a) the Authority appeals to the Court of Appeal against the determination of the Tribunal; and

(b) the Court of Appeal reverses the determination, the licence regarded as having been granted under section 64W is to remain in force until the time the decision of the Court of Appeal takes effect.
43. Effect of application for individual insurance agent licence

If an individual who is regarded as having been granted a licence under section 64W makes an application for an individual insurance agent licence under that section in the manner, and within the time, specified by the Authority, the licence regarded as having been granted under that section is to remain in force until the specified date.

44. Conditions imposed by IARB

A condition imposed by IARB in relation to the registration of an individual as an individual agent that was in force immediately before the commencement date (except a condition relating to the payment of fees or charges to IARB) is, on the commencement date, taken to be a condition imposed by the Authority in relation to the licence that is regarded as having been granted under section 64W to the individual.

45. Requirements to comply with conditions

An individual who is regarded as having been granted a licence under section 64W must, during the period when the licence is in force, comply with any condition under sections 44 and 111 of this Schedule.
第 2 部
第 98 條

46. 關於持牌個人保險代理的條文適用
凡某名個人根據本分部，視為已根據第 64W 條獲發牌照，本條例中關於持牌個人保險代理的條文，適用於該名個人。

第 4 分部——關於獲委員會登記的業務代表及負責人
的保留及過渡性安排

第 1 次分部——一般條文

47. 獲委員會登記的業務代表及負責人
如某名個人在緊接實施日期前，是獲委員會登記的業務代表或負責人，該名個人即視為——
(a) 已根據第 64Y 條獲發牌照；及
(b) 自實施日期起至過渡期屆滿時為止，屬如此持有牌照。

第 2 次分部——在實施日期，撤銷決定未生效

48. 本附表第 49 條何時適用
如符合以下所有情況，則本附表第 49 條適用——
(a) 某名個人在實施日期前，是獲委員會登記的業務代表或負責人；

Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 98

46. Application of provisions relating to licensed individual insurance agents
A provision in this Ordinance relating to a licensed individual insurance agent applies to an individual who is regarded under this Division as having been granted a licence under section 64W.

Division 4—Savings and Transitional Arrangements for Technical Representatives and Responsible Officers Registered with IARB

Subdivision 1—General Provision

47. Technical representatives and responsible officers registered with IARB
If an individual was, immediately before the commencement date, registered with IARB as a technical representative or a responsible officer, the individual is to be regarded as—
(a) having been granted a licence under section 64Y; and
(b) being so licensed from the commencement date until the expiry of the transitional period.

Subdivision 2—Decision of Revocation not yet Taken Effect on Commencement Date

48. Application of section 49 of this Schedule
Section 49 of this Schedule applies if—
(a) an individual was registered with IARB as a technical representative or a responsible officer before the commencement date;
49. No appeal against decision been made

Despite section 47 of this Schedule, the individual is to be regarded as—

(a) having been granted a licence under section 64Y; and
(b) being so licensed from the commencement date until the time the decision takes effect.

50. Application of sections 51, 52 and 53 of this Schedule

Sections 51, 52 and 53 of this Schedule apply if—

(a) an individual was registered with IARB as a technical representative or a responsible officer before the commencement date;
(b) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;
(c) the decision has not taken effect on the commencement date; and
(d) the individual has appealed against the decision but the appeal is not finally disposed of before the commencement date or the individual appeals against the decision on or after the commencement date.
51. No application for stay of execution or application for stay of execution rejected

If the individual does not apply for a stay of execution of the decision or if the individual makes such an application but the application is rejected, then despite section 47 of this Schedule, the individual is to be regarded as having been granted a licence under section 64Y and as being so licensed—

(a) from the commencement date until the time the decision takes effect; and

(b) on appeal—

(i) if the decision is reversed by the Tribunal, subject to section 61(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(ii) if the decision is confirmed by the Tribunal, but the individual appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

52. Stay of execution granted after decision takes effect

If the individual applies for a stay of execution of the decision after the decision takes effect and the application is granted, then despite section 47 of this Schedule, the individual is to be regarded as having been granted a licence under section 64Y and as being so licensed—

(a) from the commencement date until the time the decision takes effect; and

(b) on appeal—
53. Stay of execution granted before decision takes effect

If the individual applies for a stay of execution of the decision before the decision takes effect and the application is granted, then despite section 47 of this Schedule, the individual is to be regarded as having been granted a licence under section 64Y and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 61(1) of this Schedule—from the commencement date until the expiry of the transitional period;

(b) if the decision is confirmed by the Tribunal—from the commencement date until the time the determination of the Tribunal takes effect; or

(c) if the appeal is withdrawn—from the commencement date until the time the appeal is withdrawn.
Subdivision 3—Stay of Execution Granted before Commencement Date

54. Application of section 55 of this Schedule
Section 55 of this Schedule applies if—
(a) an individual was registered with IARB as a technical representative or a responsible officer before the commencement date;
(b) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;
(c) the individual has appealed against the decision and applied for a stay of execution of the decision and the application was granted before the commencement date; and
(d) the appeal is not finally disposed of before the commencement date.

55. Stay of execution granted and appeal not disposed of before commencement date
Despite section 47 of this Schedule, the individual is to be regarded as having been granted a licence under section 64Y and as being so licensed—
(a) if the decision is reversed by the Tribunal on appeal, subject to section 61(1) of this Schedule—from the commencement date until the expiry of the transitional period;
(b) if the decision is confirmed by the Tribunal on appeal—from the commencement date until the time the determination of the Tribunal takes effect; or
56. Application of sections 57 and 58 of this Schedule

Sections 57 and 58 of this Schedule apply if—

(a) an individual was registered with IARB as a technical representative or a responsible officer before the commencement date;

(b) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;

(c) the decision has taken effect on or before the commencement date;

(d) the individual appeals against the decision before, on or after the commencement date; and

(e) (if the individual has appealed against the decision before the commencement date) the appeal is not finally disposed of before the commencement date.

57. No application for stay of execution or application for stay of execution rejected

If the individual does not apply for a stay of execution of the decision or the individual makes such an application but the application is rejected, then despite section 47 of this Schedule, the individual is to be regarded as having been granted a licence under section 64Y and as being so licensed—
58. Stay of execution granted after commencement date

If the individual applies for a stay of execution of the decision and the application is granted after the commencement date, then despite section 47 of this Schedule, the individual is to be regarded as having been granted a licence under section 64Y and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 61(1) of this Schedule— from the time the application for the stay of execution of the decision is granted until the expiry of the transitional period; or

(b) if the decision is confirmed by the Tribunal on appeal—from the time the application for the stay of execution of the decision is granted until the time the determination of the Tribunal takes effect; or

(c) if the appeal is withdrawn—from the time the application for the stay of execution of the decision is granted until the time the appeal is withdrawn.
Part 2
Section 98

Subdivision 5—Application for Registration Rejected before Commencement Date

59. Applications for registration rejected

If an individual applied to IARB for registration as a technical representative or a responsible officer but IARB has, before the commencement date, made a decision that the application be rejected and the individual appeals against the decision, the individual is to be regarded as having been granted a licence under section 64Y and as being so licensed—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 61(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(b) if the decision is confirmed by the Tribunal on appeal, but the individual appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

Subdivision 6—Supplementary Provisions

60. Appeals not disposed of on expiry of transitional period

In relation to sections 52, 53, 55 and 58 of this Schedule, if the appeal is not finally disposed of on the date on which the transitional period expires, the individual is to be regarded as having been granted a licence under section 64Y until the expiry of that date.
61. Appeals to Court of Appeal

(1) In relation to sections 51(b)(i), 52(b)(i), 53(a), 55(a), 57(a), 58(a) and 59(a) of this Schedule, if—
   (a) the Authority appeals to the Court of Appeal against the determination of the Tribunal; and
   (b) the Court of Appeal reverses the determination,
       the licence regarded as having been granted under section 64Y is to remain in force until the time the
decision of the Court of Appeal takes effect.

(2) In relation to sections 52(b)(ii), 53(b), 55(b) and 58(b)
of this Schedule, if—
   (a) the individual appeals to the Court of Appeal against the determination of the Tribunal; and
   (b) the Court of Appeal reverses the determination,
       the individual is also to be regarded as having been
       granted a licence under section 64Y from the time the
decision of the Court of Appeal takes effect until the
expiry of the transitional period.

62. Effect of application for technical representative (agent)
    licence

If an individual who is regarded as having been granted a
licence under section 64Y makes an application for a
technical representative (agent) licence under that section in
the manner, and within the time, specified by the Authority,
the licence regarded as having been granted under that
section is to remain in force until the specified date.

63. Conditions imposed by IARB

A condition imposed by IARB in relation to the
registration of an individual as a technical representative or
a responsible officer (as the case may be) that was in force
immediately before the commencement date (except a
condition relating to the payment of fees or charges to IARB) is, on the commencement date, taken to be a condition imposed by the Authority in relation to the licence that is regarded as having been granted under section 64Y to the individual.

64. Requirements to comply with conditions

An individual who is regarded as having been granted a licence under section 64Y must, during the period when the licence is in force, comply with any condition under sections 63 and 111 of this Schedule.

65. Application of provisions relating to licensed technical representative (agent)

A provision in this Ordinance relating to a licensed technical representative (agent) applies to an individual who is regarded under this Division as having been granted a licence under section 64Y.

Division 5—Savings and Transitional Arrangements for Authorized Insurance Brokers

Subdivision 1—General Provision

66. Authorized insurance brokers registered with approved broker bodies

If a company was, immediately before the commencement date, registered with an approved broker body as a member, the company is to be regarded as—

(a) having been granted a licence under section 64ZA; and

(b) being so licensed from the commencement date until the expiry of the transitional period.
Subdivision 2—Decision of Expulsion not yet Taken Effect on Commencement Date

67. Company being expelled from membership of approved broker body

(1) Despite section 66 of this Schedule, if—

(a) a company was registered with an approved broker body as a member before the commencement date;

(b) the approved broker body with which the company was registered has, before the commencement date, made a decision that the company be expelled from the membership of the body; and

(c) the decision has not taken effect on the commencement date,

subject to section 69(1) of this Schedule, the company is to be regarded as having been granted a licence under section 64ZA and as being so licensed from the commencement date until the time specified in subsection (2).

(2) The time specified for subsection (1) is—

(a) if the company does not appeal against the decision, the time the decision takes effect; or

(b) if the company appeals against the decision and—

(i) if the decision is reversed by the Tribunal on appeal, subject to section 69(1) of this Schedule, the expiry of the transitional period;

(ii) if the decision is confirmed by the Tribunal on appeal, the time the determination of the Tribunal takes effect; or
Part 2

Section 98

68. Appeals not disposed of on expiry of transitional period

In relation to section 67(1) and (2)(b) of this Schedule, if the appeal is not finally disposed of on the date on which the transitional period expires, the company is to be regarded as having been granted a licence under section 64ZA until the expiry of that date.

69. Appeals to Court of Appeal

(1) In relation to section 67(1) and (2)(b)(i) of this Schedule, if—
(a) the Authority appeals to the Court of Appeal against the determination of the Tribunal; and
(b) the Court of Appeal reverses the determination, the licence regarded as having been granted under section 64ZA is to remain in force until the time the decision of the Court of Appeal takes effect.

(2) In relation to section 67(1) and (2)(b)(ii) of this Schedule, if—
(a) the company appeals to the Court of Appeal against the determination of the Tribunal; and
(b) the Court of Appeal reverses the determination, the company is also to be regarded as having been granted a licence under section 64ZA from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.
70. Effect of application for insurance broker company licence
If a company which is regarded as having been granted a licence under section 64ZA makes an application for an insurance broker company licence under that section in the manner, and within the time, specified by the Authority, the licence regarded as having been granted under that section is to remain in force until the specified date.

71. Conditions imposed by approved broker body
A condition imposed by an approved broker body in relation to the registration of a company as a member that was in force immediately before the commencement date (except a condition relating to the payment of fees or charges to the approved broker body) is, on the commencement date, taken to be a condition imposed by the Authority in relation to the licence that is regarded as having been granted under section 64ZA to the company.

72. Requirements to comply with conditions
A company which is regarded as having been granted a licence under section 64ZA must, during the period when the licence is in force, comply with any condition under sections 71 and 111 of this Schedule.

73. Application of provisions relating to licensed insurance broker companies
Subject to section 74 of this Schedule, a provision in this Ordinance relating to a licensed insurance broker company applies to a company which is regarded under this Division as having been granted a licence under section 64ZA.

74. Application of section 64T to companies applying for de-registration
(1) This section applies to a company which—
(a) is regarded under this Division as having been granted a licence under section 64ZA; and
(b) has, before the commencement date, applied to an approved broker body for de-registration as a member of the body on the ground of cessation of business.

(2) Except as otherwise provided in this section, section 64T applies to the company.

(3) The company is to be regarded as having complied with section 64T(1).

(4) Despite section 64T(2) and (3), the company is only required to submit to the Authority, if so required by the Authority, any document specified in section 64T(2) not later than 6 months after the commencement date.

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Division 6—Savings and Transitional Arrangements for Technical Representatives and Chief Executives Registered with Approved Broker Bodies

Subdivision 1—General Provision

75. Technical representatives and chief executives registered with approved broker bodies

If an individual was, immediately before the commencement date, registered with an approved broker body as a technical representative or a chief executive, the individual is to be regarded as—

(a) having been granted a licence under section 64ZC; and
(b) being so licensed from the commencement date until the expiry of the transitional period.
Subdivision 2—Decision of Removal from Register not yet Taken Effect on Commencement Date

76. Individual whose name being removed from register of approved broker body

(1) Despite section 75 of this Schedule, if—

(a) an individual was registered with an approved broker body as a technical representative or a chief executive before the commencement date;

(b) the approved broker body with which the individual was registered has, before the commencement date, made a decision that the individual's name be removed from the relevant register maintained by the body; and

(c) the decision has not taken effect on the commencement date,

subject to section 78(1) of this Schedule, the individual is to be regarded as having been granted a licence under section 64ZC and as being so licensed from the commencement date until the time specified in subsection (2).

(2) The time specified for subsection (1) is—

(a) if the individual does not appeal against the decision, the time the decision takes effect; or

(b) if the individual appeals against the decision and—

(i) if the decision is reversed by the Tribunal on appeal, subject to section 78(1) of this Schedule, the expiry of the transitional period;

(ii) if the decision is confirmed by the Tribunal on appeal, the time the determination of the Tribunal takes effect; or
77. 在過渡期屆滿時上訴未了結
就本附表第76(1)及(2)(b)條而言，如在過渡期屆滿之日，有關上訴未獲終局了結，則有關的個人須視為已根據第64ZC條獲發牌照至該日屆滿時為止。

78. 上訴至上訴法庭
(1) 就本附表第76(1)及(2)(b)(i)條而言，如——
   (a) 保監局向上訴法庭提出上訴，反對審裁處的裁定；而
   (b) 上訴法庭推翻該裁定，
       則視為已根據第64ZC條發出的有關牌照，維持有效，直至上訴法庭的有關決定生效之時為止。
(2) 就本附表第76(1)及(2)(b)(ii)條而言，如——
   (a) 有關的個人向上訴法庭提出上訴，反對審裁處的裁定；而
   (b) 上訴法庭推翻該裁定，
       則自上訴法庭的有關決定生效之時起至過渡期屆滿時為止，該名個人亦視為已根據第64ZC條獲發牌照。

(iii) 上訴撤回的情況下，為第(1)款而指明的時間，是上訴撤回之時。

Subdivision 3—Supplementary Provisions

77. Appeals not disposed of on expiry of transitional period
In relation to section 76(1) and (2)(b) of this Schedule, if the appeal is not finally disposed of on the date on which the transitional period expires, the individual is to be regarded as having been granted a licence under section 64ZC until the expiry of that date.

78. Appeals to Court of Appeal
(1) In relation to section 76(1) and (2)(b)(i) of this Schedule, if—
   (a) the Authority appeals to the Court of Appeal against the determination of the Tribunal; and
   (b) the Court of Appeal reverses the determination, the licence regarded as having been granted under section 64ZC is to remain in force until the time the decision of the Court of Appeal takes effect.
(2) In relation to section 76(1) and (2)(b)(ii) of this Schedule, if—
   (a) the individual appeals to the Court of Appeal against the determination of the Tribunal; and
   (b) the Court of Appeal reverses the determination, the individual is also to be regarded as having been granted a licence under section 64ZC from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.
79. Effect of application for technical representative (broker) licence

If an individual who is regarded as having been granted a licence under section 64ZC makes an application for a technical representative (broker) licence under that section in the manner, and within the time, specified by the Authority, the licence regarded as having been granted under that section is to remain in force until the specified date.

80. Conditions imposed by approval broker body

A condition imposed by an approved broker body in relation to the registration of an individual as a technical representative or a chief executive that was in force immediately before the commencement date (except a condition relating to the payment of fees or charges to the approved broker body) is, on the commencement date, taken to be a condition imposed by the Authority in relation to the licence that is regarded as having been granted under section 64ZC to the individual.

81. Requirements to comply with conditions

An individual who is regarded as having been granted a licence under section 64ZC must, during the period when the licence is in force, comply with any condition under sections 80 and 111 of this Schedule.

82. Application of provisions relating to licensed technical representative (broker)

A provision in this Ordinance relating to a licensed technical representative (broker) applies to an individual who is regarded under this Division as having been granted a licence under section 64ZC.
Division 7—Savings and Transitional Arrangements for Responsible Officers of Insurance Agencies

Subdivision 1—General Provision

83. Responsible officers of insurance agencies registered with IARB

If—

(a) an individual was, immediately before the commencement date, registered with IARB as a responsible officer of an insurance agency registered with IARB; and

(b) the insurance agency is regarded under section 9 of this Schedule as having been granted a licence under section 64U,

the individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency and as being so approved from the commencement date until the expiry of the transitional period.

Subdivision 2—Decision of Revocation not yet Taken Effect on Commencement Date

84. Application of section 85 of this Schedule

Section 85 of this Schedule applies if—

(a) an individual was registered with IARB as a responsible officer of an insurance agency registered with IARB before the commencement date;

(b) the insurance agency is regarded under section 9 of this Schedule as having been granted a licence under section 64U;
85. No appeal against decision been made

Despite section 83 of this Schedule, the individual is to be regarded as—

(a) having been granted an approval under section 64ZE as a responsible officer of the insurance agency; and

(b) being so approved from the commencement date until the time the decision takes effect.

86. Application of sections 87, 88 and 89 of this Schedule

Sections 87, 88 and 89 of this Schedule apply if—

(a) an individual was registered with IARB as a responsible officer of an insurance agency registered with IARB before the commencement date;

(b) the insurance agency is regarded under section 9 of this Schedule as having been granted a licence under section 64U;

(c) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;

(d) the decision has not taken effect on the commencement date; and
87. No application for stay of execution or application for stay of execution rejected

If the individual does not apply for a stay of execution of the decision or if the individual makes such an application but the application is rejected, then despite section 83 of this Schedule, the individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency and as being so approved—

(a) from the commencement date until the time the decision takes effect; and

(b) on appeal—

(i) if the decision is reversed by the Tribunal, subject to section 97(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(ii) if the decision is confirmed by the Tribunal, but the individual appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.
88. Stay of execution granted after decision takes effect

If the individual applies for a stay of execution of the decision after the decision takes effect and the application is granted, then despite section 83 of this Schedule, the individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency and as being so approved—

(a) from the commencement date until the time the decision takes effect; and

(b) on appeal—

(i) if the decision is reversed by the Tribunal, subject to section 97(1) of this Schedule— from the time the application for the stay of execution of the decision is granted until the expiry of the transitional period;

(ii) if the decision is confirmed by the Tribunal—from the time the application for the stay of execution of the decision is granted until the time the determination of the Tribunal takes effect; or

(iii) if the appeal is withdrawn—from the time the application for the stay of execution of the decision is granted until the time the appeal is withdrawn.

89. Stay of execution granted before decision takes effect

If the individual applies for a stay of execution of the decision before the decision takes effect and the application is granted, then despite section 83 of this Schedule, the individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency and as being so approved—
(a) if the decision is reversed by the Tribunal on appeal, subject to section 97(1) of this Schedule—from the commencement date until the expiry of the transitional period;

(b) if the decision is confirmed by the Tribunal on appeal—from the commencement date until the time the determination of the Tribunal takes effect; or

(c) if the appeal is withdrawn—from the commencement date until the time the appeal is withdrawn.

Subdivision 3—Stay of Execution Granted before Commencement Date

90. Application of section 91 of this Schedule

Section 91 of this Schedule applies if—

(a) an individual was registered with IARB as a responsible officer of an insurance agency registered with IARB before the commencement date;

(b) the insurance agency is regarded under section 9 of this Schedule as having been granted a licence under section 64U;

(c) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;

(d) the individual has appealed against the decision and applied for stay of execution of the decision and the application was granted before the commencement date; and

(e) the appeal is not finally disposed of before the commencement date.
91. Stay of execution granted and appeal not disposed of before commencement date

Despite section 83 of this Schedule, the individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency and as being so approved—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 97(1) of this Schedule—
from the commencement date until the expiry of the transitional period;

(b) if the decision is confirmed by the Tribunal on appeal—from the commencement date until the time the determination of the Tribunal takes effect; or

(c) if the appeal is withdrawn—from the commencement date until the time the appeal is withdrawn.

Subdivision 4—Decision of Revocation Taken Effect on or before Commencement Date

92. Application of sections 93 and 94 of this Schedule

Sections 93 and 94 of this Schedule apply if—

(a) an individual was registered with IARB as a responsible officer of an insurance agency registered with IARB before the commencement date;

(b) the insurance agency is regarded under section 9 of this Schedule as having been granted a licence under section 64U;

(c) IARB has, before the commencement date, made a decision that the registration of the individual be revoked;
93. No application for stay of execution or application for stay of execution rejected

If the individual does not apply for a stay of execution of the decision or the individual makes such an application but the application is rejected, then despite section 83 of this Schedule, the individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency and as being so approved—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 97(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(b) if the decision is confirmed by the Tribunal on appeal, but the individual appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

94. Stay of execution granted after commencement date

If the individual applies for a stay of execution of the decision and the application is granted after the commencement date, then despite section 83 of this Schedule—

(d) the decision has taken effect on or before the commencement date;

(e) the individual appeals against the decision before, on or after the commencement date; and

(f) (if the individual has appealed against the decision before the commencement date) the appeal is not finally disposed of before the commencement date.

(d) 該決定在實施日期當日或之前生效；

(e) 該名個人在實施日期當日、之前或之後提出上訴，反對該決定；

(f) (如該名個人在實施日期前，提出上訴反對該決定)在實施日期前，該上訴未獲終局了結。

93. 沒有申請暫緩執行或申請暫緩執行遭拒

如有關的個人沒有申請暫緩執行有關決定，或如有關的個人有提出該申請但申請遭拒絕，則儘管有本附表第 83 條的規定，該名個人須視為已根據第 64ZE 條獲認可為有關保險代理商的負責人，並——

(a) 在審裁處應上訴而推翻該決定的情況下，在不抵觸本附表第 97(1) 條的條文下——自審裁處的有關裁決定生效之時起至過渡期屆滿時為止，屬如此獲認可；或

(b) 在審裁處應上訴而維持該決定，但該名個人針對審裁處的該裁定，向上訴法庭提出上訴，而上訴法庭推翻該裁定的情況下——自上訴法庭的有關決定生效之時起至過渡期屆滿時為止，屬如此獲認可。

94. 在實施日期後批准暫緩執行

如有關的個人申請暫緩執行有關決定，而在實施日期之後，該申請獲准，則儘管有本附表第 83 條的規定，該名個人須
Schedule, the individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency and as being so approved—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 97(1) of this Schedule—from the time the application for the stay of execution of the decision is granted until the expiry of the transitional period;

(b) if the decision is confirmed by the Tribunal on appeal—from the time the application for the stay of execution of the decision is granted until the time the determination of the Tribunal takes effect; or

(c) if the appeal is withdrawn—from the time the application for the stay of execution of the decision is granted until the time the appeal is withdrawn.

**Subdivision 5—Application for Registration Rejected before Commencement Date**

95. **Applications for registration rejected**

(1) Subsection (2) applies if—

(a) an individual applied to IARB for registration as a responsible officer of an insurance agency registered with IARB but IARB has, before the commencement date, made a decision that the application be rejected;

(b) the individual appeals against the decision; and

(c) the insurance agency is regarded under section 9 of this Schedule as having been granted a licence under section 64U.
(2) The individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency and as being so approved—

(a) if the decision is reversed by the Tribunal on appeal, subject to section 97(1) of this Schedule—from the time the determination of the Tribunal takes effect until the expiry of the transitional period; or

(b) if the decision is confirmed by the Tribunal on appeal, but the individual appeals to the Court of Appeal against the determination of the Tribunal, and the Court of Appeal reverses the determination—from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

Subdivision 6—Supplementary Provisions

96. Appeals not disposed of on expiry of transitional period

In relation to sections 88, 89, 91 and 94 of this Schedule, if the appeal is not finally disposed of on the date on which the transitional period expires, the individual is to be regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency until the expiry of that date.

97. Appeals to Court of Appeal

(1) In relation to sections 87(b)(i), 88(b)(i), 89(a), 91(a), 93(a), 94(a) and 95(2)(a) of this Schedule, if—

(a) the Authority appeals to the Court of Appeal against the determination of the Tribunal; and

(b) the Court of Appeal reverses the determination,
98. Effect of application for approval under section 64ZE

(1) This section applies to an individual who is regarded as having been granted an approval under section 64ZE as a responsible officer of an insurance agency that is regarded as having been granted a licence under section 64U.

(2) If the agency makes an application for the approval of the individual as a responsible officer of the agency under section 64ZE in the manner, and within the time, specified by the Authority, the approval regarded as having been granted under that section is to remain in force until the specified date.

99. Conditions imposed by IARB

A condition imposed by IARB in relation to the registration of an individual as a responsible officer of an insurance agency that was in force immediately before the commencement date (except a condition relating to the payment of fees or charges to IARB) is, on the commencement date, taken to be a condition imposed by
100. Requirements to comply with conditions

An individual who is regarded as having been granted an approval under section 64ZE as a responsible officer of the insurance agency must, during the period when the approval is in force, comply with any condition under sections 99 and 111 of this Schedule.

101. Application of provisions relating to responsible officers of licensed insurance agencies

A provision in this Ordinance relating to a responsible officer of a licensed insurance agency applies to an individual who is regarded under this Division as having been granted an approval under section 64ZE.

Division 8—Savings and Transitional Arrangements for Chief Executives Registered with Approved Broker Bodies

Subdivision 1—General Provision

102. Chief executives registered with approved broker bodies

If—

(a) an individual was, immediately before the commencement date, registered with an approved broker body as a chief executive of a company that is a member of the body; and

(b) the company is regarded under section 66 of this Schedule as having been granted a licence under section 64ZA,
103. Individual whose registration as chief executive being revoked

(1) Despite section 102 of this Schedule, if—

(a) an individual was registered with an approved broker body as a chief executive of a company that is a member of the body before the commencement date;

(b) the company is regarded under section 66 of this Schedule as having been granted a licence under section 64ZA;

(c) the approved broker body with which the individual was registered has, before the commencement date, made a decision that the individual’s registration with the body as a chief executive be revoked; and

(d) the decision has not taken effect on the commencement date,

subject to section 105(1) of this Schedule, the individual is to be regarded as having been granted an approval under section 64ZF as a responsible officer of the company and as being so approved from the commencement date until the expiry of the transitional period.

Subdivision 2—Decision of Revocation not yet Taken Effect on Commencement Date

103. 作為行政總裁的註冊遭撤銷的個人

(1) 儘管有本附表第 102 條的規定，如——

(a) 某名個人在實施日期前，是獲某認可經紀團體註冊為某公司（屬該團體的會員者）行政總裁；

(b) 根據本附表第 66 條，該公司視為已根據第 64ZA 條獲發牌照；

(c) 在實施日期前，該團體作出決定，撤銷該名個人作為該團體註冊為行政總裁的註冊；及

(d) 在實施日期，該決定尚未生效，

則在不抵觸本附表第 105(1) 條的條文下，該名個人須視為已根據第 64ZF 條獲認可為該公司的負責人，並自實施日起至第 (2) 款指明的時間為止，屬如此獲認可。

(2) 在——

(a) 有關的個人沒有提出上訴反對有關決定的情況下，為第 (1) 款而指明的時間，是該決定生效之時；或
(b) if the individual appeals against the decision and—

(i) if the decision is reversed by the Tribunal on appeal, subject to section 105(1) of this Schedule, the expiry of the transitional period;

(ii) if the decision is confirmed by the Tribunal on appeal, the time the determination of the Tribunal takes effect; or

(iii) if the appeal is withdrawn, the time the appeal is withdrawn.

Subdivision 3—Supplementary Provisions

104. Appeals not disposed of on expiry of transitional period

In relation to section 103(1) and (2)(b) of this Schedule, if the appeal is not finally disposed of on the date on which the transitional period expires, the individual is to be regarded as having been granted an approval under section 64ZF as a responsible officer of the company until the expiry of that date.

105. Appeals to Court of Appeal

(1) In relation to section 103(1) and (2)(b)(i) of this Schedule, if—

(a) the Authority appeals to the Court of Appeal against the determination of the Tribunal; and

(b) the Court of Appeal reverses the determination, the approval regarded as having been granted under section 64ZF is to remain in force until the time the decision of the Court of Appeal takes effect.

(2) In relation to section 103(1) and (2)(b)(ii) of this Schedule, if—

(i) if the decision is reversed by the Tribunal on appeal, subject to section 105(1) of this Schedule, the expiry of the transitional period;

(ii) if the decision is confirmed by the Tribunal on appeal, the time the determination of the Tribunal takes effect; or

(iii) if the appeal is withdrawn, the time the appeal is withdrawn.
106. Effect of application for approval under section 64ZF

(a) the individual appeals to the Court of Appeal against the determination of the Tribunal; and
(b) the Court of Appeal reverses the determination, the individual is also to be regarded as having been granted an approval under section 64ZF as a responsible officer of the company from the time the decision of the Court of Appeal takes effect until the expiry of the transitional period.

107. Conditions imposed by approved broker body

A condition imposed by an approved broker body in relation to the registration of an individual as a chief executive that was in force immediately before the commencement date (except a condition relating to the payment of fees or charges to the approved broker body) is, on the commencement date, taken to be a condition imposed by the Authority in relation to the approval that is regarded as having been granted under section 64ZF to the individual.
108. Requirements to comply with conditions

An individual who is regarded as having been granted an approval under section 64ZF as a responsible officer of the company must, during the period when the approval is in force, comply with any condition under sections 107 and 111 of this Schedule.

109. Application of provisions relating to responsible officers of licensed insurance broker companies

A provision in this Ordinance relating to a responsible officer of a licensed insurance broker company applies to an individual who is regarded under this Division as having been granted an approval under section 64ZF.

Division 9—Miscellaneous

110. Authority may revoke or suspend licences and approval regarded as granted

(1) If the Authority has reasonable ground to believe that any application information was, at the time when it was provided by the person, wrong, incomplete, false or misleading in a material respect, the Authority may, at any time during the transitional period, by notice in writing, revoke or suspend a licence or an approval that is regarded as having been granted to a person under Division 2, 3, 4, 5, 6, 7 or 8 of this Part.

(2) The Authority may, at any time during the transitional period, by notice in writing, revoke or suspend a licence or an approval that is regarded as having been granted to a person under Division 2, 3, 4, 5, 6, 7 or 8 of this Part if the Authority has reasonable ground to believe that—

第 9 分部——雜項條文

110. 保監局可撤銷、暫時吊銷或暫時撤銷視為已批予的牌照及認可

(1) 如有某牌照或認可根據本分部第 2、3、4、5、6、7 或 8 分部，被視為已發予或給予某人，而保監局有合理理由相信，在該人提供任何申請資料時，該資料在要項上屬錯誤、不完整、虛假或具誤導性，則保監局可在過渡期內的任何時間，藉書面通知，撤銷或暫時吊銷該牌照，或撤銷或暫時撤銷該認可。

(2) 如——
(a) for a person who is regarded under Division 2 of this Part as having been granted a licence under section 64U—the person fails to comply with section 26 of this Schedule;
(b) for a person who is regarded under Division 3 of this Part as having been granted a licence under section 64W—the person fails to comply with section 45 of this Schedule;
(c) for a person who is regarded under Division 4 of this Part as having been granted a licence under section 64Y—the person fails to comply with section 64 of this Schedule;
(d) for a person who is regarded under Division 5 of this Part as having been granted a licence under section 64ZA—the person fails to comply with section 72 of this Schedule;
(e) for a person who is regarded under Division 6 of this Part as having been granted a licence under section 64ZC—the person fails to comply with section 81 of this Schedule;
(f) for a person who is regarded under Division 7 of this Part as having been granted an approval under section 64ZE—the person fails to comply with section 100 of this Schedule;
(g) for a person who is regarded under Division 8 of this Part as having been granted an approval under section 64ZF—the person fails to comply with section 108 of this Schedule.

(3) The power under subsection (1) or (2) is not exercisable unless, before exercising the power, the Authority—
(a) has given the person a notice in writing of its intention to do so and the reasons for doing so; and
(b) has given the person an opportunity to make written representations or oral representations on those reasons.

(4) A notice under subsection (3)(a) must also include a statement describing—

(a) the right of the person to make representations; and

(b) how and when the person may make representations.

(5) In this section—

application information (申請資料) means information provided by a person to an entity specified in column 2 of the Table in relation to an application for the registration or approval of the person as the type of person specified in column 3 of the Table opposite the entity.

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Insurance Companies (Amendment) Ordinance 2015

Part 2
Section 98

Column 1 | Column 2 | Column 3
---|---|---
Application for registration or approval as the following types of person

7. Approved broker body

A1721

111. Licences and approval regarded as granted are subject to conditions imposed by Authority

(1) A licence or an approval that is regarded as having been granted to a person under Division 2, 3, 4, 5, 6, 7 or 8 of this Part is subject to any condition that the Authority imposes.

(2) The Authority may, at any time during the transitional period, by notice in writing, amend or revoke any condition imposed, or impose new conditions.

(3) If the Authority by notice in writing amends or revokes a condition or imposes a new condition under subsection (2), the amendment, revocation or imposition takes effect at the time the notice is served on the person or at the time specified in the notice, whichever is the later.

(4) The Authority must not impose a condition under subsection (1), or amend such a condition under subsection (2), without giving the person an opportunity to make representations as to why the condition should not be imposed or amended.

(5) In this section, a reference to an opportunity to make representations is a reference to an opportunity to make written representations or oral representations.
第 6 部
在實施日期前違反適用規則

112. 本附表第 6 部的釋義
在本部中——

自我規管團體 (self-regulatory body) ——
(a) 就指稱違反本附表第 123 條所指的規則的規定的個案而言——指委員會；或
(b) 就指稱違反本附表第 124 條所指的規則的規定的個案而言——指認可經紀團體；

指明人士 (specified person) 指——
(a) 獲委員會登記的保險代理商；
(b) 獲委員會登記的個人代理；
(c) 獲委員會登記的業務代表；
(d) 獲委員會登記的負責人；
(e) 獲認可經紀團體註冊的保險經紀；
(f) 獲認可經紀團體註冊的業務代表；或
(g) 獲認可經紀團體註冊的行政總裁。

113. 指稱在實施日期前的違反個案
(1) 如有以下情況，則本條適用——

Part 6
Contraventions of Applicable Rules before Commencement Date

112. Interpretation of Part 6 of this Schedule
In this Part—

self-regulatory body (自我規管團體) ——
(a) in relation to an alleged contravention of a requirement under a rule within the meaning of section 123 of this Schedule—means IARB; or
(b) in relation to an alleged contravention of a requirement under a rule within the meaning of section 124 of this Schedule—means an approved broker body;

specified person (指明人士) means—
(a) an insurance agency registered with IARB;
(b) an individual agent registered with IARB;
(c) a technical representative registered with IARB;
(d) a responsible officer registered with IARB;
(e) an insurance broker registered with an approved broker body;
(f) a technical representative registered with an approved broker body; or
(g) a chief executive registered with an approved broker body.

113. Alleged contraventions before commencement date
(1) This section applies if—
Insurance Companies (Amendment) Ordinance 2015

Part 2

Section 98

(a) there is a case of alleged contravention by a specified person of any requirement under an applicable rule that occurred before the commencement date; but

(b) the case has not been disposed of before the commencement date.

(2) On or after the commencement date, the case may only be handled by the Authority.

(3) The case must be handled by the Authority by reference to the applicable rule that would have applied to the specified person and the matter in question had the case been handled by the self-regulatory body concerned.

(4) The Authority may take one or more of the following actions—

(a) direct that an investigation under section 64ZZH be conducted;

(b) dismiss the case;

(c) commence disciplinary proceedings;

(d) if appropriate, impose a disciplinary sanction on the specified person that could have been imposed by the self-regulatory body concerned had the case been handled by the body.

Part 7

Appeals that have been Made or could have been Made before Commencement Date

114. Interpretation of Part 7 of this Schedule

In this Part—

self-regulatory body (自我規管團體)—
115. Appeals not yet determined by self-regulatory bodies

(1) This section applies if an appeal in relation to a specified person (including application for leave to appeal)—
(a) has been made to a self-regulatory body; but
(b) has not been finally disposed of before the commencement date.

(2) On or after the commencement date—
(a) the Tribunal is to handle the appeal as if it was an appeal made to the Tribunal under section 116 of this Schedule; and
116. Appeals not made to self-regulatory bodies before commencement date

(1) This section applies if—
(a) a decision was made by a self-regulatory body before the commencement date in relation to a specified person;
(b) an appeal against the decision could have been made to a self-regulatory body under the applicable rule that would have applied to the specified person and the matter in question but for this section;
(c) the period within which an appeal against the decision could be made has not expired under the applicable rule; and
(d) no appeal has been made to a self-regulatory body before the commencement date in relation to the matter in question.

(2) On or after the commencement date, an appeal against the decision may only be made to the Tribunal.

117. Determination of appeals under sections 115 and 116 of this Schedule

(1) An appeal mentioned in section 115 or 116 of this Schedule must be determined by the Tribunal by reference to the applicable rule that would have applied to the specified person and the matter in question had the application for the appeal been made to the self-regulatory body concerned.

(2) Part XII applies to an appeal mentioned in section 115 or 116 of this Schedule as if—
Part 2

Section 98

Insurance Companies (Amendment) Ordinance 2015

(a) a reference to a review in that Part was a reference to such an appeal; and
(b) a reference to a party to a review included the Authority.

(3) However, the Tribunal must not determine the appeal by remitting the matter in question to the self-regulatory body.

Part 8

Effect of Disciplinary Sanctions Imposed before Commencement Date

118. Interpretation of Part 8 of this Schedule

In this Part—

self-regulatory body (自我規管團體)——

(a) in relation to a sanction imposed on a person before the commencement date by IARB—means IARB; or
(b) in relation to a sanction imposed on a person before the commencement date by an approved broker body—means the body.

119. Effect of disciplinary sanctions imposed by self-regulatory bodies

(1) If a self-regulatory body imposed a disciplinary sanction on a person before the commencement date—

(a) on the commencement date, the sanction is to be regarded as a disciplinary action taken by the Authority under section 81; and
Part 2

Section 98

Insurance Companies (Amendment) Ordinance 2015

(b) subject to sections 115 and 116 of this Schedule, the sanction continues to take effect until the expiry of the period, or the occurrence of the event, specified by the self-regulatory body.

(2) If a self-regulatory body imposed a fine on a person before the commencement date and the fine or part of the fine was not paid, that fine or that part of it may be recovered by the self-regulatory body as a civil debt on or after the commencement date.

Part 9

Records and Assistance Required from Certain Bodies

120. IARB and approved broker bodies to provide records and assistance to Authority in relation to licence and approval

(1) IARB and every approved broker body must provide the Authority with records and assistance that the Authority requires for—

(a) considering whether a person may be regarded as having been granted a licence or approval under Division 2, 3, 4, 5, 6, 7 or 8 of Part 5 of this Schedule;

(b) considering whether a person may be granted a licence or approval under section 64U, 64W, 64Y, 64ZA, 64ZC, 64ZE or 64ZF; and

(c) compiling a complete and accurate register of every such persons.

(2) The records referred to in subsection (1) do not include a notification of change of particulars, or of the appointment, of any of the following persons that has not been processed or validly registered with IARB.
121. **Self-regulatory bodies to provide records and assistance to Authority in relation to cases of alleged contravention, appeals and disciplinary sanctions**

(1) A self-regulatory body must provide the Authority with records and assistance that the Authority requires for compiling a complete and accurate record of—

(a) the cases of alleged contravention of the requirements under the applicable rules that have been handled by the body;

(b) the appeals (including applications for leave to appeal) that have been made to the body; and

(c) the disciplinary sanctions that have been imposed by the body.

(2) The records and assistance must be provided to the Authority in the manner, and within the time, specified by the Authority.
(3) In this section—

**self-regulatory body** (自我規管團體)—

(a) in relation to a case handled by IARB or a sanction imposed by IARB—means IARB;

(b) in relation to an appeal made to the Appeals Tribunal established by HKFI—means the Appeals Tribunal; or

(c) in relation to a case handled by an approved broker body, an appeal made to an approved broker body or a sanction imposed by an approved broker body—means the body.

122. Records to be provided under sections 120 and 121 of this Schedule

(1) In relation to a record provided by a person to the Authority under section 120 or 121 of this Schedule, all the rights and obligations of the person subsisting immediately before the provision are taken to be transferred to the Authority on the provision of the record.

(2) The Authority must ensure that there are in place proper procedures and systems to safeguard against unauthorized access to, or unauthorized use of, the records provided under sections 120 and 121 of this Schedule.

(3) In relation to personal data provided under sections 120 and 121 of this Schedule, the Personal Data (Privacy) Ordinance (Cap. 486) applies as if the data had been received by the Authority rather than the person concerned.

(4) In relation to personal data provided under sections 120 and 121 of this Schedule, the Authority must ensure that the personal data is used, disclosed and retained for the purposes set out in those sections and the performance of its functions under this Ordinance.
123. **HKFI to provide rules to Authority**

(1) HKFI must provide the Authority with a complete set of rules that have been from time to time issued or approved by HKFI, or issued by IARB under the authority of HKFI, in relation to a person specified in subsection (2).

(2) The person specified for subsection (1) is—

(a) an insurance agency registered with IARB;

(b) an individual agent registered with IARB;

(c) a technical representative registered with IARB; or

(d) a responsible officer registered with IARB.

(3) The rules must be provided to the Authority in the manner, and within the time, specified by the Authority.

(4) In this section—

rule (規則) includes—

(a) the code of practice for the administration of insurance agents issued by HKFI under section 67 of the pre-amended Ordinance;

(b) the guidance notes issued by IARB for the code of practice; and
(c) the guidance notes issued by HKFI in relation to the conduct requirements for a person specified in subsection (2).

(5) In this section, a reference to a rule is a reference to the rule and any other rule replacing, amending or supplementing the rule from time to time.

124. Approved broker bodies to provide rules to Authority

(1) An approved broker body must provide the Authority with a complete set of rules that have been from time to time issued by the body in relation to a person specified in subsection (2).

(2) The person specified for subsection (1) is—

(a) an insurance broker registered with the body;
(b) a technical representative registered with the body; or
(c) a chief executive registered with the body.

(3) The rules must be provided to the Authority in the manner, and within the time, specified by the Authority.

(4) In this section—

rule (規則), in relation to an approved broker body, includes—

(a) its Memorandum and Articles of Association;
(b) a rule, regulation, guideline, by-law or code of conduct made by the body in accordance with its Memorandum and Articles of Association; and
(c) a circular issued by the body in relation to the conduct requirements for a person registered with the body.
125. Authority to publish rules under sections 123 and 124 of this Schedule

(1) The Authority must, as soon as practicable after receiving a rule under section 123 or 124 of this Schedule—
   (a) publish the rule in the Gazette; and
   (b) make the content of the rule available to any person for inspection free of charge on the Internet.

(2) A rule published under subsection (1) is not subsidiary legislation.

126. Failure to comply with requirement under section 120, 121, 123 or 124 of this Schedule

(1) If a person fails to comply with a requirement under section 120, 121, 123 or 124 of this Schedule, the Authority may apply by originating summons to the Court of First Instance for an inquiry into the failure.

(2) On an application under subsection (1), the Court of First Instance—
   (a) on being satisfied that there is no reasonable excuse for the person not to comply with the requirement, may order the person to comply with the requirement within the time specified by the Court; and
   (b) on being satisfied that the failure was without reasonable excuse, may punish the person, and any other person knowingly involved in the failure, in the same manner as if the person and that other person had been guilty of contempt of court.
(3) An originating summons under subsection (1) is to be in Form No. 10 in Appendix A to the Rules of the High Court (Cap. 4 sub. leg. A).”.
Part 3—Division 1
Related and Consequential Amendments

Division 1—Amendment to Specification of Public Offices Notice (Cap. 1 sub. leg. C)

99. Schedule amended
The Schedule—
Repeal the entry relating to the Insurance Authority.

Division 2—Amendment to Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32)

100. Section 265 amended (preferential payments)
Section 265(6), definition of general business—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

Division 3—Amendment to Legal Aid Ordinance (Cap. 91)

101. Schedule 3 amended (proceedings for which legal aid may be given under section 5A)
Schedule 3, Part 1, paragraph 6(a)—
Repeal
“an insurer, appointed insurance agent or authorized insurance broker, as defined by section 2 of the Insurance Companies Ordinance (Cap. 41)”
Substitute
“an insurer which is authorized within the meaning of the Insurance Ordinance (Cap. 41) or a licensed insurance intermediary as defined by section 2(1) of that Ordinance”.

**Division 4—Amendment to Telecommunications Ordinance (Cap. 106)**

102. Section 13J amended (temporary restriction on disposal or acquisition)

Section 13J(4)(b)(ii)—

Repeal

“Insurance Companies Ordinance”

Substitute

“Insurance Ordinance”.

**Division 5—Amendments to Inland Revenue Ordinance (Cap. 112)**

103. Section 23 amended (ascertainment of assessable profits of life insurance corporations)

(1) Section 23(2)—

Repeal

“submitted to the Insurance Authority under section 18 of the Insurance Companies Ordinance”

Substitute

“submitted to the Insurance Authority under section 18 of the Insurance Ordinance”.

(2) Section 23(9), definition of life insurance business—

Repeal

“Insurance Companies Ordinance”
104. Section 23A amended (ascertainment of assessable profits of insurance corporations other than life insurance corporations)

(1) Section 23A(3), definition of additional amount for unexpired risks, claims outstanding, fund and unearned premiums—

Repeal
“the Third Schedule to the Insurance Companies Ordinance”

Substitute
“Schedule 3 to the Insurance Ordinance”.

(2) Section 23A(3), definition of authorized captive insurer, paragraph (a)—

Repeal
“Insurance Companies Ordinance”

Substitute
“Insurance Ordinance”.

(3) Section 23A(3), definition of professional reinsurer—

Repeal
“Insurance Companies Ordinance”

Substitute
“Insurance Ordinance”.

Division 6—Amendment to Banking Ordinance (Cap. 155)

105. Section 120 amended (official secrecy)

Section 120(5A)—
Repeal paragraph (a)
Substitute
“(a) the Insurance Authority established under section 4AAA of the Insurance Ordinance (Cap. 41);”.

Division 7—Amendment to Banking (Capital) Rules (Cap. 155 sub. leg. L)

106. Section 2 amended (interpretation)
Section 2(1), definition of insurance firm, paragraph (b)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

Division 8—Amendments to Money Lenders Ordinance (Cap. 163)

107. Schedule 1 amended
(1) Schedule 1, Part 1, paragraph 5—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.
(2) Schedule 1, English text, Part 1, paragraph 5—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

第 7 分部——修訂《銀行業 (資本) 規則》(第 155 章，附屬法例 L)

第 8 分部——修訂《放債人條例》(第 163 章)
第 9 分部——修訂《防止賄賂條例》(第 201 章)

108. 修訂附表 1 (公共機構)
在附表 1 的末處——
加入
“126. 保險業監管局。
127. 保險業監管局的任何全資附屬公司 (根據《保險業條例》(第 41 章) 第 4B(2)(g) 條成立者)。”。

第 10 分部——修訂《汽車保險 (第三者風險) 條例》(第 272 章)

109. 修訂第 2 條 (釋義)
(1) 第 2 條, 獲授權保險人的定義, (a)(i) 條——
廢除
“保險公司條例”
代以
“保險業條例”。
(2) 第 2 條, 獲授權保險人的定義, (a)(ii) 條——
廢除
“或經保險業監管在 1994 年 7 月 1 日或之後”
代以
“的承保人組織，或經保險業監管局”。
(3) 第 2 條, 汽車保險業務的定義——
廢除

Division 9—Amendment to Prevention of Bribery Ordinance (Cap. 201)

108. Schedule 1 amended (public bodies)
At the end of Schedule 1—
Add
“126. Insurance Authority.
127. Any wholly-owned subsidiary of the Insurance Authority established under section 4B(2)(g) of the Insurance Ordinance (Cap. 41).”.

Division 10—Amendments to Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272)

109. Section 2 amended (interpretation)
(1) Section 2, definition of authorized insurer, paragraph (a)(i)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.
(2) Section 2, definition of authorized insurer, paragraph (a)(ii)—
Repeal
“by the Insurance Authority on or after 1 July 1994”
Substitute
“by the Insurance Authority”.
(3) Section 2, definition of motor vehicle insurance business—
Repeal
《2015年保險公司(修訂)條例》

第11分部——修訂《汽車保險（第三者風險）條例（指定主管當局）公告》(第272章，附屬法例B)

110. 修訂第2條（指定主管當局）

第2條——
廢除
“保險業監理專員”
代以
“保險業監管局”。

第12分部——修訂《僱員補償條例》(第282章)

111. 修訂第3條(釋義)

(1) 第3(1)條，保險公司及保險人的定義，(a)段——
廢除
“保險公司條例”
代以
“保險業條例”。

(2) 第3(1)條，英文文本，insurance company及insurer的定義，
(a)段——
廢除
“the First Schedule”

Part 3—Division 11

Section 110

“the First Schedule to the Insurance Companies Ordinance”

Substitute
“Schedule 1 to the Insurance Ordinance”.

Division 11—Amendment to Motor Vehicles Insurance (Third Party Risks) Ordinance (Nomination of Authority) Notice (Cap. 272 sub. leg. B)

110. Paragraph 2 amended (nomination of Authority)

Paragraph 2—
Repeal
“Commissioner of Insurance”
Substitute
“Insurance Authority”.

Division 12—Amendments to Employees’ Compensation Ordinance (Cap. 282)

111. Section 3 amended (interpretation)

(1) Section 3(1), definition of insurance company and insurer, paragraph (a)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

(2) Section 3(1), English text, definition of insurance company and insurer, paragraph (a)—
Repeal
“the First Schedule”
Substitute “Schedule 1”.

(3) Section 3(1), definition of insurance company and insurer, paragraph (b)—

Repeal “by the Insurance Authority on or after 1 July 1994”

Substitute “by the Insurance Authority”.

Division 13—Amendments to Rehabilitation of Offenders Ordinance (Cap. 297)

112. Section 4 amended (further exceptions)

(1) Section 4(1)—

Repeal paragraph (e)

Substitute “(e) proceedings under the Insurance Ordinance (Cap. 41)—

(i) relating to a person’s suitability to be authorized as an authorized insurer;

(ii) by the Insurance Authority in the exercise of the powers conferred on the Authority by sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 41P and 81 and Part X of that Ordinance; or

(iii) relating to a person’s suitability to become or continue to be a director or controller of an authorized insurer;”.

(2) Section 4(2)—

Repeal paragraph (d)
Part 3—Division 14
Section 114
Insurance Companies (Amendment) Ordinance 2015

Substitute
“(d) to be authorized as an authorized insurer under the Insurance Ordinance (Cap. 41), to be granted a licence as a licensed insurance broker or a licensed insurance agent within the meaning of that Ordinance, or to be approved as a responsible officer of a licensed insurance broker company or a licensed insurance agency within the meaning of that Ordinance; or”.

(3) Section 4(2)(h)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

113. Schedule amended (prescribed offices)
(1) The Schedule, Part 1—
Repeal item 12.
(2) The Schedule, Part 2, after item 1—
Add
“2. Any office occupied by the executive, professional, managerial, technical, inspectorate or secretarial staff of the Insurance Authority.”.

Division 14—Amendments to Building Management Ordinance (Cap. 344)

114. Section 28 amended (matters regarding insurance)
(1) Section 28(7)—
Repeal paragraph (a)
Substitute
“(a) means an insurer authorized under section 8 of the Insurance Ordinance (Cap. 41) (Cap. 41), or deemed to be so authorized under section 61(1) or (2) of Cap. 41 as in force immediately before the commencement date of section 10 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) having continuing effect by the operation of section 2(7) of Schedule 11 to Cap. 41, to carry on insurance business;”.

(2) Section 28(7)(c), Chinese text—
Repeal
“保險業監督”
Substitute
“保險業監管局”.

**Division 15—Amendment to Trade Descriptions Ordinance (Cap. 362)**

115. **Schedule 4 amended (excluded products)**

Schedule 4, item 1—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

**Division 16—Amendment to Employees Compensation Assistance Ordinance (Cap. 365)**

116. **Section 2 amended (interpretation)**

Section 2(1)—
Repeal the definition of Insurance Authority.
117. Schedule 1 amended (organizations to which this Ordinance applies)

Schedule 1, Part 1—
Add in alphabetical order
“Insurance Authority.”.

118. Section 2 amended (interpretation)

(1) Section 2(1), definition of authorized insurer—

Repeal
“Insurance Companies Ordinance”

Substitute
“Insurance Ordinance”.

(2) Section 2(1), definition of authorized insurer—

Repeal
“and who is authorized under section 8 of that Ordinance, or is deemed under section 61(1) or (2) of that Ordinance to be so authorized”

Substitute
“(Cap. 41) and who is authorized under section 8 of Cap. 41, or deemed to be so authorized under section 61(1) or (2) of Cap. 41 as in force immediately before the commencement date of section 10 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) having continuing effect by the operation of section 2(7) of Schedule 11 to Cap. 41”).
Part 3—Division 19

Section 119

Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

Division 19—Amendment to Occupational Retirement Schemes (Insurance Arrangement) Rules (Cap. 426 sub. leg. E)

119. Section 3 amended (insurance arrangement)

Section 3(c)—

Repeal

“the First Schedule to the Insurance Companies Ordinance”

Substitute

“Schedule 1 to the Insurance Ordinance”.

Division 20—Amendments to Mandatory Provident Fund Schemes Ordinance (Cap. 485)

120. Section 6H amended (Authority may issue guidelines)

Section 6H(8), Chinese text—

Repeal

“保險業監督”

Substitute

“保險業監管局”.

121. Section 34E amended (interpretation)

(1) Section 34E, definition of prescribed person—

Repeal paragraph (a)

Substitute

“(a) in relation to the Insurance Authority, means an employee of the Insurance Authority;”.

(2) Section 34E, definition of Type A regulatee—
Repeal paragraph (a)
Substitute
“(a) in relation to the Insurance Authority, means—
   (i) a company that is authorized under section 8 of the Insurance Ordinance (Cap. 41) to carry on long term business within the meaning of that Ordinance; or
   (ii) a licensed long term insurance broker company;”.

(3) Section 34E, definition of Type B regulatee—
Repeal paragraph (a)
Substitute
“(a) in relation to the Insurance Authority, means—
   (i) a licensed long term individual insurance agent;
   (ii) a licensed long term insurance agency; or
   (iii) a licensed long term technical representative;”.

(4) Section 34E, Chinese text, definition of 行業監督, paragraph (a)—
Repeal
“保險業監督”
Substitute
“保險業監管局”.

(5) Section 34E, Chinese text, definition of 調查員, paragraph (b)(ii)—
Repeal the semicolon
Substitute a full stop.

(6) Section 34E—
(a) definition of appointed long term insurance agent;
(b) definition of authorized long term insurance broker;
(c) 有關保險經紀團體的定義——
廢除該等定義。

(7) 第 34E 條——
按筆劃數目順序加入

“持牌長期業務代表 (licensed long term technical representative) 指——

(a) 《保險業條例》(第 41 章) 第 2(1) 條所界定的持牌業務代表 (代理人)，而該人是獲持牌長期業務保險代理機構委任作代理人的；或

(b) 《保險業條例》(第 41 章) 第 2(1) 條所界定的持牌業務代表 (經紀)，而該人是獲持牌長期業務保險經紀公司委任作代理人的；

持牌長期業務保險代理機構 (licensed long term insurance agency) 指《保險業條例》(第 41 章) 第 2(1) 條所界定的持牌保險代理機構，而該機構是有資格從事該條例所指的長期業務的；

持牌長期業務保險經紀公司 (licensed long term insurance broker company) 指《保險業條例》(第 41 章) 第 2(1) 條所界定的持牌保險經紀公司，而該公司是有資格從事該條例所指的長期業務的；

持牌長期業務個人保險代理 (licensed long term individual insurance agent) 指《保險業條例》(第 41 章) 第 2(1) 條所界定的持牌個人保險代理，而該代理是有資格從事該條例所指的長期業務的；”。

(c) 定義 of relevant insurance broker body——
Repeal the definitions.

(7) Section 34E—
Add in alphabetical order

“licensed long term individual insurance agent (持牌長期業務個人保險代理) means a licensed individual insurance agent as defined by section 2(1) of the Insurance Ordinance (Cap. 41) who is eligible to engage in long term business within the meaning of that Ordinance;

licensed long term insurance agency (持牌長期業務保險代理機構) means a licensed insurance agency as defined by section 2(1) of the Insurance Ordinance (Cap. 41) who is eligible to engage in long term business within the meaning of that Ordinance;

licensed long term insurance broker company (持牌長期業務保險經紀公司) means a licensed insurance broker company as defined by section 2(1) of the Insurance Ordinance (Cap. 41) who is eligible to engage in long term business within the meaning of that Ordinance;

licensed long term technical representative (持牌長期業務代表) means——

(a) a licensed technical representative (agent) as defined by section 2(1) of the Insurance Ordinance (Cap. 41) who is appointed as an agent by a licensed long term insurance agency; or

(b) a licensed technical representative (broker) as defined by section 2(1) of the Insurance Ordinance (Cap. 41) who is appointed as an agent by a licensed long term insurance broker company;”.
122. 修訂第 34J 條（撤銷或暫時撤銷作為甲類受規管者的資格）

(1) 第 34J(1) 條——

廢除 (a) 及 (b) 段
代以

“(a) 該項資格是第 34E 條中甲類受規管者 的定義的 (a)(i) 段
所述的作為根據《保險業條例》(第 41 章) 獲授權經營長期業務的公司的資格，而根據該條例第 8 條作出的授權，
根據該條例第 41P(2)(a) 條就長期業務被撤銷；

(b) 該項資格是該定義的 (a)(ii) 段所述的作為持牌長期業務
保險經紀公司的資格，而根據《保險業條例》(第 41 章)
第 64ZA 條發出的牌照，根據該條例第 81(4)(a)(i) 條就
長期業務被撤銷；”。

(2) 第 34J(2) 條——

廢除 (a) 段
代以

“(a) 該項資格是第 34E 條中甲類受規管者 的定義的 (a)(i) 段
所述的作為根據《保險業條例》(第 41 章) 獲授權經營長期業務的公司的資格，而根據該條例第 8 條作出的授權，
根據該條例第 41P(2)(b) 條就長期業務被暫時撤銷；

(ab) 該項資格是該定義的 (a)(ii) 段所述的作為持牌長期業務
保險經紀公司的資格，而根據《保險業條例》(第 41 章)
123. 修訂第 34K 條（撤銷或暫時撤銷作為乙類受規管者的資格）

(1) 第 34K(1) 條——

廢除 (a)、(b)、(c) 及 (d) 段
代以

“(a) 該項資格是第 34E 條中乙類受規管者的定義的 (a)(i) 段所述的作為持牌長期業務個人保險代理的資格，而根據《保險業條例》(第 41 章) 第 64W 條發出的牌照，根據該條例第 81(4)(a)(i) 條就長期業務被撤銷；

(b) 該項資格是該定義的 (a)(ii) 段所述的作為持牌長期業務保險代理機構的資格，而根據《保險業條例》(第 41 章) 第 64U 條發出的牌照，根據該條例第 81(4)(a)(i) 條就長期業務被撤銷；

(c) 該項資格是該定義的 (a)(iii) 段所述的作為持牌長期業務代表的資格，而根據《保險業條例》(第 41 章) 第 64Y 或 64ZC 條發出的牌照，根據該條例第 81(4)(a)(i) 條就長期業務被撤銷；”。

(2) 第 34K(2) 條——

廢除 (a)、(b) 及 (c) 段
代以

“(a) 該項資格是第 34E 條中乙類受規管者的定義的 (a)(i) 段所述的作為持牌長期業務個人保險代理的資格，而根據

第 64ZA 條發出的牌照，根據該條例第 81(4)(a)(ii) 條就長期業務被暫時吊銷；”。

123. Section 34K amended (revocation or suspension of qualification as Type B regulatee)

(1) Section 34K(1)—

Repeal paragraphs (a), (b), (c) and (d)
Substitute

“(a) in the case of the qualification mentioned in paragraph (a)(i) of the definition of Type B regulatee in section 34E as a licensed long term individual insurance agent, the licence granted under section 64W of the Insurance Ordinance (Cap. 41) is revoked under section 81(4)(a)(i) of that Ordinance in relation to long term business;

(b) in the case of the qualification mentioned in paragraph (a)(ii) of that definition as a licensed long term insurance agency, the licence granted under section 64U of the Insurance Ordinance (Cap. 41) is revoked under section 81(4)(a)(i) of that Ordinance in relation to long term business;

(c) in the case of the qualification mentioned in paragraph (a)(iii) of that definition as a licensed long term technical representative, the licence granted under section 64Y or 64ZC of the Insurance Ordinance (Cap. 41) is revoked under section 81(4)(a)(i) of that Ordinance in relation to long term business;”.

(2) Section 34K(2)—

Repeal paragraphs (a), (b) and (c)
Substitute

“(a) in the case of the qualification mentioned in paragraph (a)(i) of the definition of Type B regulatee in section 34E as a licensed long term individual insurance agent, the licence granted under section 64W of the Insurance
124. Section 34Z amended (assignment of frontline regulator for principal intermediary)

Section 34Z(6), Chinese text—

Repeal
“保險業監督” (wherever appearing)

Substitute
“保險業監管局”.

125. Section 34ZZB amended (inspection and investigation powers in relation to certain entity)

(1) Section 34ZZB(3)(c)—

Repeal
“Insurance Companies Ordinance”

Substitute
“Insurance Ordinance”.

(2) Section 34ZZB(3)—
Part 3—Division 20
Section 126

Repeal paragraphs (d) and (e)
Substitute
“(d) a licensed insurance agency as defined by section 2(1) of the Insurance Ordinance (Cap. 41); or
(e) a licensed insurance broker company as defined by section 2(1) of the Insurance Ordinance (Cap. 41).”.

(3) Section 34ZZB(4), Chinese text, definition of 有關主管當局, paragraph (c)—
Repeal
“保險業監督” (wherever appearing)
Substitute
“保險業監管局”.

126. Section 42 amended (Authority may disclose certain information despite section 41)
Section 42(1)(d), Chinese text—
Repeal
“保險業監督”
Substitute
“保險業監管局”.

127. Section 42AA amended (specified entity may disclose information obtained under Part 4A despite section 41)
Section 42AA(5)(a), Chinese text—
Repeal
“保險業監督”
Substitute
“保險業監管局”.

Repeal paragraphs (d) and (e)
Substitute
“(d) a licensed insurance agency as defined by section 2(1) of the Insurance Ordinance (Cap. 41); or
(e) a licensed insurance broker company as defined by section 2(1) of the Insurance Ordinance (Cap. 41).”.

(3) Section 34ZZB(4), Chinese text, definition of 有關主管當局, paragraph (c)—
Repeal
“保險業監督” (wherever appearing)
Substitute
“保險業監管局”.

126. Section 42 amended (Authority may disclose certain information despite section 41)
Section 42(1)(d), Chinese text—
Repeal
“保險業監督”
Substitute
“保險業監管局”.

127. Section 42AA amended (specified entity may disclose information obtained under Part 4A despite section 41)
Section 42AA(5)(a), Chinese text—
Repeal
“保險業監督”
Substitute
“保險業監管局”.

Part 3—Division 20
Section 126

Repeal paragraphs (d) and (e)
Substitute
“(d) a licensed insurance agency as defined by section 2(1) of the Insurance Ordinance (Cap. 41); or
(e) a licensed insurance broker company as defined by section 2(1) of the Insurance Ordinance (Cap. 41).”.

(3) Section 34ZZB(4), Chinese text, definition of 有關主管當局, paragraph (c)—
Repeal
“保險業監督” (wherever appearing)
Substitute
“保險業監管局”.

126. Section 42 amended (Authority may disclose certain information despite section 41)
Section 42(1)(d), Chinese text—
Repeal
“保險業監督”
Substitute
“保險業監管局”.

127. Section 42AA amended (specified entity may disclose information obtained under Part 4A despite section 41)
Section 42AA(5)(a), Chinese text—
Repeal
“保險業監督”
Substitute
“保險業監管局”.
128. 修訂第 42B 條 (無須承擔法律責任)
第 42B(3)(a) 條，中文文本——
廢除
“保險業監督”
代以
“保險業監管局”。

第 21 分部——修訂《強制性公積金計劃 (一般) 規例》(第
485 章，附屬法例 A)

129. 修訂第 2 條 (釋義)
(1) 第 2 條，獲授權保險人的定義——
廢除
“保險公司條例”
代以
“保險業條例”。
(2) 第 2 條——
(a) 廢除保險業監督的定義；
(b) 按筆劃數目順序加入
“保監局 (Insurance Authority) 指根據《保險業條例》(第
41 章) 第 4AAA 條設立的保險業監管局;”。

130. 修訂第 7 條 (就本規例而言何謂具規模財務機構)
第 7(3)(b) 條，中文文本——
廢除
“保險業監督”
代以

Part 3—Division 21
Section 129

128. Section 42B amended (immunity)
Section 42B(3)(a), Chinese text—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

Division 21—Amendments to Mandatory Provident Fund
Schemes (General) Regulation (Cap. 485 sub. leg. A)

129. Section 2 amended (interpretation)
(1) Section 2, definition of authorized insurer—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.
(2) Section 2—
Repeal the definition of Insurance Authority
Substitute
“Insurance Authority (保監局) means the Insurance
Authority established under section 4AAA of the
Insurance Ordinance (Cap. 41);”.

130. Section 7 amended (what is a substantial financial institution for
the purposes of this Regulation?)
Section 7(3)(b), Chinese text—
Repeal
“Insurance Companies Ordinance”
Substitute
131. **Section 8 amended (what is adequate insurance for the purposes of registered schemes?)**

(1) Section 8(2)(a)—

*Repeal*

"Insurance Companies Ordinance"

*Substitute*

"Insurance Ordinance".

(2) Section 8(3)(b), Chinese text—

*Repeal*

"保險業監督"

*Substitute*

"保監局".

132. **Schedule 1 amended (investment of scheme funds)**

Schedule 1, section 19(1)(a)—

*Repeal*

"Insurance Companies Ordinance"

*Substitute*

"Insurance Ordinance".

**Division 22—Amendment to Personal Data (Privacy) Ordinance (Cap. 486)**

133. **Section 2 amended (interpretation)**

Section 2(1), definition of *financial regulator*—

*Repeal paragraph (f)*

*Substitute*
Part 3—Division 23
Section 134

“(f) the Insurance Authority established under section 4AAA of the Insurance Ordinance (Cap. 41);”.

Division 23—Amendment to Legislative Council Ordinance (Cap. 542)

134. Section 20C amended (composition of the insurance functional constituency)
Section 20C—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

Division 24—Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

135. Section 2 amended (interpretation)
(1) Section 2, definition of authorized insurer, paragraph (a)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.
(2) Section 2, English text, definition of authorized insurer, paragraph (a)—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

(f) 根據《保險業條例》(第 41 章) 第 4AAA 條設立的保險業監管局;”。

第 23 分部——修訂《立法會條例》(第 542 章)

134. 修訂第 20C 條 (保險界功能界別的組成)
第 20C 條——
廢除
“保險公司條例”
代以
“保險業條例”。

第 24 分部——修訂《商船 (本地船隻) 條例》(第 548 章)

135. 修訂第 2 條 (釋義)
(1) 第 2 條，獲授權保險人的定義，(a) 段——
廢除
“保險公司條例”
代以
“保險業條例”。
(2) 第 2 條，英文文本，authorized insurer 的定義，(a) 段——
廢除
“the First Schedule”
代以
“Schedule 1”。

(f) the Insurance Authority established under section 4AAA of the Insurance Ordinance (Cap. 41);”.

Division 23—Amendment to Legislative Council Ordinance (Cap. 542)

134. Section 20C amended (composition of the insurance functional constituency)
Section 20C—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

Division 24—Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

135. Section 2 amended (interpretation)
(1) Section 2, definition of authorized insurer, paragraph (a)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.
(2) Section 2, English text, definition of authorized insurer, paragraph (a)—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

(f) 根據《保險業條例》(第 41 章) 第 4AAA 條設立的保險業監管局;”。

第 23 分部——修訂《立法會條例》(第 542 章)

134. 修訂第 20C 條 (保險界功能界別的組成)
第 20C 條——
廢除
“保險公司條例”
代以
“保險業條例”。

第 24 分部——修訂《商船 (本地船隻) 條例》(第 548 章)

135. 修訂第 2 條 (釋義)
(1) 第 2 條，獲授權保險人的定義，(a) 段——
廢除
“保險公司條例”
代以
“保險業條例”。
(2) 第 2 條，英文文本，authorized insurer 的定義，(a) 段——
廢除
“the First Schedule”
代以
“Schedule 1”。

(f) the Insurance Authority established under section 4AAA of the Insurance Ordinance (Cap. 41);”.

Division 23—Amendment to Legislative Council Ordinance (Cap. 542)

134. Section 20C amended (composition of the insurance functional constituency)
Section 20C—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

Division 24—Amendments to Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

135. Section 2 amended (interpretation)
(1) Section 2, definition of authorized insurer, paragraph (a)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.
(2) Section 2, English text, definition of authorized insurer, paragraph (a)—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.
(3) Section 2, English text, definition of **authorized insurer**, paragraph (b)—
Repeal
“the First Schedule”
Substitute
“Schedule 1”.

(4) Section 2, Chinese text, definition of **獲授權保險人**, paragraph (b)—
Repeal
“保險業監督”
Substitute
“保監局”.

(5) Section 2—
Repeal the definition of **Insurance Authority**
Substitute
“**Insurance Authority** (保監局) means the Insurance Authority established under section 4AAA of the Insurance Ordinance (Cap. 41);”.

**Division 25—Amendments to Merchant Shipping (Local Vessels) (Compulsory Third Party Risks Insurance) Regulation (Cap. 548 sub. leg. H)**

Section 5 amended (approval)

(1) Section 5(3), Chinese text—
Repeal
“保險業監督”
Substitute
“保監局”.
3. Section 5(5)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

137. Section 8 amended (suspension or revocation of approval)
Section 8(4), Chinese text—
Repeal
“給予保險業監督”
Substitute
“，給予保監局”.

138. Section 129 amended (determination of fit and proper)
Section 129(2)(a)(ii), Chinese text—
Repeal
“保險業監督”
Substitute
“保監局”.

139. Section 179 amended (power to require production of records and documents concerning listed corporations, etc.)
(1) Section 179(10)(b)—
Repeal
“Insurance Companies Ordinance”
Substitute
140. Section 180 amended (supervision of intermediaries and their associated entities)

(1) Section 180(10)(b)—

Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

(2) Section 180(10)(b), Chinese text—

Repeal
“保險業監督”
Substitute
“保監局”.

141. Section 308 amended (interpretation of Part XV)

Section 308(1), definition of qualified lender, paragraph (b)—

Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

“Insurance Ordinance”.

(2) Section 179(10)(b), Chinese text—

Repeal
“保險業監督”
Substitute
“保監局”.

140. 修訂第 180 條 ( 對中介人及其有聯繫實體的監管 )

(1) 第 180(10)(b) 條——

廢除
“保險公司條例”
代以
“保險業條例”。

(2) 第 180(10)(b) 條，中文文本——

廢除
“保險業監督”
代以
“保監局”。

141. 修訂第 308 條 ( 第 XV 部的釋義 )

第 308(1) 條，合資格借出人的定義，(b) 段——

廢除
“保險公司條例”
代以
“保險業條例”。“
142. Section 378 amended (preservation of secrecy, etc.)

(1) Section 378(2)(f)(ii), Chinese text—

Repeal

“向保險業監督”

Substitute

“，向保監局”.

(2) Section 378(3)(f)(v), Chinese text—

Repeal

“保險業監督”

Substitute

“保監局”.

143. Section 381 amended (immunity in respect of communication with Commission by auditors of listed corporations, etc.)

(1) Section 381(4)(a)—

Repeal

“Insurance Companies Ordinance”

Substitute

“Insurance Ordinance”.

(2) Section 381(4)(a), Chinese text—

Repeal

“保險業監督”

Substitute

“保監局”.

144. Schedule 1 amended (interpretation and general provisions)

(1) Schedule 1, Part 1, section 1—

Repeal the definition of Insurance Authority
(b) 按筆劃數目順序加入

“保監局 (Insurance Authority) 指根據《保險業條例》(第
41 章) 第 4AAA 條設立的保險業監管局;”。

(2) 附表 1，第 1 部，第 1 條，保 险 人 的 定 義——
廢除
“保險公司條例”
代以
“保險業條例”。

(3) 附表 1，第 1 部，第 1 條， 專 業 投 資 者 的 定 義，(d) 段——
廢除
“保險公司條例”
代以
“保險業條例”。

(4) 附表 1，第 1 部，第 1 條，證 券 的 定 義，第 (ii)(C) 段——
廢除
“保險公司條例”
代以
“保險業條例”。

(5) 附表 1，第 1 部，第 1A(2)(i) 條——
廢除
“保險公司條例”
代以
“保險業條例”。

Substitute
“Insurance Authority (保監局) 指根據《保險業條例》(第
41 章) 第 4AAA 條設立的保險業監管局;”。

(2) Schedule 1, Part 1, section 1, definition of insurer—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

(3) Schedule 1, Part 1, section 1, definition of professional
investor, paragraph (d)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

(4) Schedule 1, Part 1, section 1, definition of securities,
paragraph (ii)(C)—
Repeal
“the First Schedule to the Insurance Companies
Ordinance”
Substitute
“Schedule 1 to the Insurance Ordinance”.

(5) Schedule 1, Part 1, section 1A(2)(i)—
Repeal
“the First Schedule to the Insurance Companies
Ordinance”
Substitute
“Schedule 1 to the Insurance Ordinance”.
145. Schedule 5 amended (regulated activities)

Schedule 5, Part 2, definition of *leveraged foreign exchange trading*, paragraph (v)—

Repeal

“Insurance Companies Ordinance (Cap. 41) to carry on insurance business or deemed to be so authorized under section 61(1) or (2) of that Ordinance”

Substitute

“Insurance Ordinance (Cap. 41) (Cap. 41) to carry on insurance business, or deemed to be so authorized under section 61(1) or (2) of Cap. 41 as in force immediately before the commencement date of section 10 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) having continuing effect by the operation of section 2(7) of Schedule 11 to Cap. 41”.

146. Section 2 amended (interpretation)

Section 2, definition of *qualifying client*, paragraph (e)—

Repeal

“Insurance Companies Ordinance”

Substitute

“Insurance Ordinance”.

147. Section 2 amended (interpretation)

Section 2(1), definition of *insurer*, paragraph (a)—
418. Section 2 amended (interpretation)

(1) Section 2(1)—

Repeal the definition of Insurance Authority

Substitute

“Insurance Authority (保監局) means the Insurance Authority established under section 4AAA of the Insurance Ordinance (Cap. 41);”.

(2) Section 2(1), Chinese text, definition of 指明執行機構, paragraph (h)—

Repeal

“保險業監督”

Substitute

“保監局”.

149. Section 24 amended (Council to notify certain bodies of powers under Divisions 2 and 3 being exercisable)

(1) Section 24(2)(b)—

Repeal

“Insurance Companies Ordinance”

Substitute

“Insurance Ordinance”.

Division 29—Amendments to Financial Reporting Council Ordinance (Cap. 588)
150. Section 29 amended (investigator to consult before imposing certain requirements under Division 2)

Section 29(b)—

Repeal
“Insurance Companies Ordinance (Cap. 41), the Insurance Authority”

Substitute
“Insurance Ordinance (Cap. 41), the Insurance Authority”.

151. Section 42 amended (Council to notify certain bodies of powers under Division 2 being exercisable)

(1) Section 42(2)(b)—

Repeal
“Insurance Companies Ordinance”

Substitute
“Insurance Ordinance”.

(2) Section 42(3)(b), Chinese text—

Repeal
“保險業監督”

Substitute
“保監局”.

(2) Section 24(3)(b), Chinese text—

Repeal
“保險業監督”

Substitute
“保監局”.

(2) 第 24(3)(b) 條，中文文本——

廢除
“保險業監督”

代以
“保監局”。

150. 修訂第 29 條 (調查機構在根據第 2 分部施加某些要求之前須作諮詢)

第 29(b) 條——

廢除
“《保險公司條例》(第 41 章) 獲授權的保險人，已諮詢保險業監督”

代以
“《保險業條例》(第 41 章) 獲授權的保險人，已諮詢保監局”。

151. 修訂第 42 條 (財務匯報局通知某些團體第 2 分部所指的權力可予行使)

(1) 第 42(2)(b) 條——

廢除
“保險公司條例”

代以
“保險業條例”。

(2) 第 42(3)(b) 條，中文文本——

廢除
“保險業監督”

代以
“保監局”。
152. Section 43 amended (powers to require production of records and documents and provision of information and explanation)

Section 43(2)(b)—

Repeal
“Insurance Companies Ordinance (Cap. 41), the Insurance Authority”

Substitute
“Insurance Ordinance (Cap. 41), the Insurance Authority”.

153. Section 51 amended (preservation of secrecy)

Section 51(3)(b)(xiii), Chinese text—

Repeal
“保險業監督”

Substitute
“保監局”.

154. Section 5 amended (Schedule 2 has effect with respect to financial institutions)

(1) Section 5—

Repeal subsection (3)

Substitute
“(3) Schedule 2 has effect with respect to a licensed individual insurance agent, licensed insurance agency or licensed insurance broker company only in relation to any transaction carried out by that agent, agency or company involving a contract of insurance described
Part 3—Division 30

Section 155

Insurance Companies (Amendment) Ordinance 2015

(2) Section 5(11), definition of long term business—
   Repeal
   “Insurance Companies Ordinance”
   Substitute
   “Insurance Ordinance”.

155. Section 7 amended (relevant authority may publish guidelines)

   (1) Section 7(2), Chinese text—
       Repeal
       “保險公司條例” (wherever appearing)
       Substitute
       “保險業條例”.

   (2) Section 7(7), definition of relevant Ordinance, paragraph (a)—
       Repeal
       “Insurance Authority, means the Insurance Companies Ordinance”
       Substitute
       “Insurance Authority, means the Insurance Ordinance”.

156. Section 9 amended (power to enter business premises etc. for routine inspection)

   Section 9(15), definition of business premises—
   Repeal paragraphs (c), (d) and (e)
   Substitute
Part 3—Division 30

Section 157

Ord. No. 12 of 2015

“(c) in relation to an authorized insurer, means any premises used by the insurer in connection with its business;
(d) in relation to a licensed individual insurance agent, means any premises at which the person by whom the agent is appointed as an agent carries on business;
(e) in relation to a licensed insurance agency, means any premises at which—
(i) the agency carries on business; or
(ii) the person by whom the agency is appointed as an agent carries on business;
(ea) in relation to a licensed insurance broker company, means any premises at which the company carries on business;”.

157. Section 11 amended (relevant authorities may appoint investigators)

Section 11(2)—

Repeal paragraph (c)

Substitute

“(c) in relation to the Insurance Authority, its employees; and”.

158. Section 25 amended (persons to whom this Part does not apply)

(1) Section 25(d)—

Repeal

“an authorized insurance broker”

Substitute

“a licensed insurance broker company”.

(2) Section 25(d)—
Part 3—Division 30
Section 159

159. **Section 49 amended (preservation of secrecy)**

Section 49(3)(c)(iii), Chinese text—

Repeal
“保險業監督”

Substitute
“保監局”.

160. **Section 54 amended (interpretation of Part 6)**

(1) Section 54, Chinese text, definition of 指明決定, paragraph (c)—

Repeal
“保險業監督”

Substitute
161. 受修第80條（有關當局發出通知）

(1) 第80(2)條——

廢除
“《保險公司條例》第41章第55條”
代以
“《保險業條例》第41章第127條”。

(2) 第80(2)條，中文文本——

廢除
“保險業監督”
代以
“保監局”。

162. 修訂附表1（釋義）

(1) 附表1，第2部，第1條，獲授權保險人的定義——

廢除
“保險公司條例”
代以
“保險業條例”。

(2) Section 54, Chinese text, definition of 指示當局, paragraph (c)—

Repeal
“保險業監督”
Substitute
“保監局”.

161. Section 80 amended (giving of notices by relevant authorities)

(1) Section 80(2)—

Repeal
“Section 55 of the Insurance Companies Ordinance”
Substitute
“Section 127 of the Insurance Ordinance”.

(2) Section 80(2), Chinese text—

Repeal
“保險業監督”
Substitute
“保監局”.

162. Schedule 1 amended (interpretation)

(1) Schedule 1, Part 2, section 1, definition of authorized insurer—

Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

“保監局”。

“保險業監督”
Substitute
“保監局”.

“保險業監督”
Substitute
“保監局”.

“Insurance Ordinance”.
(2) Schedule 1, Part 2, section 1, definition of financial institution—
Repeal paragraphs (d) and (e)
Substitute
“(d) a licensed individual insurance agent;
(e) a licensed insurance agency;
(ea) a licensed insurance broker company;”.

(3) Schedule 1, Part 2, section 1—
Repeal the definition of Insurance Authority
Substitute
“Insurance Authority (保監局) means the Insurance Authority established under section 4AAA of the Insurance Ordinance (Cap. 41);”.

(4) Schedule 1, Part 2, section 1, definition of relevant authority—
Repeal paragraph (c)
Substitute
“(c) in relation to an authorized insurer, licensed individual insurance agent, licensed insurance agency or licensed insurance broker company, means the Insurance Authority; and”.

(5) Schedule 1, Part 2, section 1—
(a) definition of appointed insurance agent;
(b) definition of authorized insurance broker—
Repeal the definitions.

(6) Schedule 1, Part 2, section 1—
Add in alphabetical order
163. 修訂附表 2 (關於就客戶作盡職審查及備存紀錄的規定) 附表 2，第 18(3)(b) 條——
廢除
“獲委任保險代理人或獲授權保險經紀”
代以
“持牌個人保險代理、持牌保險代理機構或持牌保險經紀公司”。

164. 修訂附表 4 (關於打擊洗錢及恐怖分子資金籌集 (金融機構) 覆核審裁處的條文) 附表 4，第 6(11) 條，代表的定義——
廢除 (c) 段
代以
“(c) 就監管局而言，指其僱員；及”。

163. Schedule 2 amended (requirements relating to customer due diligence and record-keeping) Schedule 2, section 18(3)(b)—
Repeal
“an appointed insurance agent or an authorized insurance broker”
Substitute
“a licensed individual insurance agent, licensed insurance agency or licensed insurance broker company”.

164. Schedule 4 amended (provisions relating to Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Review Tribunal) Schedule 4, section 6(11), definition of representative—
Repeal paragraph (c)
Substitute
“(c) in relation to the Insurance Authority, means an employee of the Authority; and”.

“licensed individual insurance agent (持牌個人保險代理) has the meaning given by section 2(1) of the Insurance Ordinance (Cap. 41);
licensed insurance agency (持牌保險代理機構) has the meaning given by section 2(1) of the Insurance Ordinance (Cap. 41);
licensed insurance broker company (持牌保險經紀公司) has the meaning given by section 2(1) of the Insurance Ordinance (Cap. 41);”.

“持牌保險代理機構 (licensed insurance agency) 具有《保險業條例》(第 41 章) 第 2(1) 條給予該詞的涵義；
持牌保險經紀公司 (licensed insurance broker company) 具有《保險業條例》(第 41 章) 第 2(1) 條給予該詞的涵義；
持牌個人保險代理 (licensed individual insurance agent) 具有《保險業條例》(第 41 章) 第 2(1) 條給予該詞的涵義；”。

Schedule 2, section 18(3)(b)—
Repeal
“an appointed insurance agent or an authorized insurance broker”
Substitute
“a licensed individual insurance agent, licensed insurance agency or licensed insurance broker company”.

Schedule 4, section 6(11), definition of representative—
Repeal paragraph (c)
Substitute
“(c) in relation to the Insurance Authority, means an employee of the Authority; and”.
165. **Section 5 amended (dormant company)**

Section 5(7)(b)—

**Repeal**

“Insurance Companies Ordinance”

**Substitute**

“Insurance Ordinance”.

166. **Section 293 amended (certain amount relating to insurance company with long term business to be regarded as realized profit or loss)**

(1) Section 293(5), definition of *actuarial investigation*, paragraph (a)—

**Repeal**

“Insurance Companies Ordinance”

**Substitute**

“Insurance Ordinance”.

(2) Section 293(5), definition of *insurer*—

**Repeal**

“Insurance Companies Ordinance”

**Substitute**

“Insurance Ordinance”.

(3) Section 293(5), definition of *long term business*—

**Repeal**

“Insurance Companies Ordinance”

**Substitute**
第 32 分部——修訂《香港出口信用保險局條例》(第 1115 章)

169. 修訂第 10 條 (諮詢委員會的設立)
(1) 第 10(2) 條——
廢除 (a) 段。
(2) 第 10(3) 條——
廢除
“保險業監理專員及”。

“保險業條例”。

167. 修訂第 749 條 (釋義)
第 749(2)(b) 條——
廢除
“保險公司條例”
代以
“保險業條例”。

168. 修訂第 881 條 (獲准許的披露及限制)
第 881(2)(a)(xiii) 條，中文文本——
廢除
“保險業監督”
代以
“保險業監管局”。

“Insurance Ordinance”。

167. Section 749 amended (interpretation)
Section 749(2)(b)—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

168. Section 881 amended (permitted disclosure and restrictions)
Section 881(2)(a)(xiii), Chinese text—
Repeal
“保險業監督”
Substitute
“保險業監管局”。

Division 32—Amendments to Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115)

169. Section 10 amended (Advisory Board establishment)
(1) Section 10(2)—
Repeal paragraph (a).
(2) Section 10(3)—
Repeal
“the Commissioner of Insurance and”.
170. Rule 3 amended (from whom top-up insurance should be obtained—requirements under section 7AD(2)(b) and (4)(b) of Ordinance)

(1) Rule 3(1)(a)—
Repeal
“Insurance Companies Ordinance (Cap. 41)”
Substitute
“Insurance Ordinance (Cap. 41) (Cap. 41), or deemed to be so authorized under section 61(1) or (2) of Cap. 41 as in force immediately before the commencement date of section 10 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) having continuing effect by the operation of section 2(7) of Schedule 11 to Cap. 41,”.

(2) Rule 3(1)(a), English text—
Repeal
“the First Schedule to that Ordinance”
Substitute
“Schedule 1 to Cap. 41”.

(3) Rule 3(1)(c), Chinese text—
Repeal
“保險業監督”
Substitute
“保監局”.

(4) Rule 3(2), definition of company—
Repeal
“Insurance Companies Ordinance”
Part 3—Division 33

Section 170

Insurance Companies (Amendment) Ordinance 2015

Ord. No. 12 of 2015

Substitute
“Insurance Ordinance”.

(5) Rule 3(2)—
Repeal the definition of Insurance Authority
Substitute
“Insurance Authority (保監局) means the Insurance Authority established under section 4AAA of the Insurance Ordinance (Cap. 41);”.

(6) Rule 3(2), definition of Lloyd's—
Repeal
“Insurance Companies Ordinance”
Substitute
“Insurance Ordinance”.

**Schedule 1**

### Minor Amendments to Insurance Ordinance Relating to Replacement of “Insurance Authority” by “Authority”

<table>
<thead>
<tr>
<th>Provision</th>
<th>Repeal</th>
<th>Substitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Section 4, heading</td>
<td><strong>Insurance Authority</strong></td>
<td>Authority</td>
</tr>
<tr>
<td>2. Section 4(2)(a)</td>
<td>Insurance Authority of any of its functions</td>
<td>Authority of any of its functions and the Authority</td>
</tr>
<tr>
<td>3. Section 4A, heading</td>
<td><strong>Insurance Authority</strong></td>
<td>Authority</td>
</tr>
<tr>
<td>4. Section 4A(1) and (2)</td>
<td>Insurance Authority (wherever appearing)</td>
<td>Authority (wherever appearing)</td>
</tr>
<tr>
<td>5. Section 6(1) and (2)</td>
<td>Insurance Authority</td>
<td>Authority</td>
</tr>
<tr>
<td>6. Section 7(1) and (2)</td>
<td>Insurance Authority</td>
<td>Authority</td>
</tr>
<tr>
<td>7. Section 8(1), (2) and (3)</td>
<td>Insurance Authority (wherever appearing)</td>
<td>Authority (wherever appearing)</td>
</tr>
</tbody>
</table>
### Schedule 1

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision</td>
<td>Repeal</td>
<td>Substitution</td>
</tr>
<tr>
<td>Section 8(1), English text</td>
<td>he</td>
<td>the Authority</td>
</tr>
<tr>
<td>Section 11(1) and (3)</td>
<td>Insurance Authority (wherever appearing)</td>
<td>Authority</td>
</tr>
<tr>
<td>Section 13(1) and (3)</td>
<td>Insurance Authority (wherever appearing)</td>
<td>Authority</td>
</tr>
<tr>
<td>Section 13B(2), (3), (4) and (6)</td>
<td>Insurance Authority (wherever appearing)</td>
<td>Authority</td>
</tr>
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<td>Section 13B(4), English text</td>
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<td>第 20 條，標題</td>
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<td>第 20(1) 及 (4) 條</td>
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<td>第 22A(5) 條，英文文本</td>
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</tr>
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<td>第 24(3) 及 (5) 條</td>
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### Schedule 1

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| 48. | Section 25D(2), (5), (7), (8) and (9), English text | he (wherever appearing) | the Authority |
| 49. | Section 25D(3), English text | Insurance Authority’s | Authority’s |
| 50. | Section 25D(10), Chinese text | 他 | 保監局 |
| 51. | Section 25E(1) and (2) | Insurance Authority | Authority |
| 52. | Section 25F(1) | Insurance Authority | Authority |
| 53. | Section 26(1), (1A), (2), (3), (4), (5) and (6) | Insurance Authority (wherever appearing) | Authority |
| 54. | Section 26(1) and (5), English text | him (wherever appearing) | the Authority |
| 55. | Section 26(1), (5) and (6) | he (wherever appearing) | the Authority |</p>
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### Schedule 1

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<td>and (2), English</td>
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</table>
### Schedule 1

<table>
<thead>
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<th>Repeal</th>
<th>Substitution</th>
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<td>Column 2</td>
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| 106. | Section 53A(3), (3A), (3D) and (3E) | Insurance Authority | Authority (wherever appearing) |
| 107. | Section 53A(3)(da), English text | his | its |
| 108. | Section 53A(3)(g), Chinese text | 他獲得 | 保監局獲得 |
| 109. | Section 53A(3A), English text | he | the Authority |
| 110. | Section 53A(3E), Chinese text | 他 (wherever appearing) | 保監局 |
| 111. | Section 53B(1), (1A) and (2) | Insurance Authority | Authority (wherever appearing) |
| 112. | Section 53C(1) and (2) | Insurance Authority | Authority |
| 113. | Section 53C(2), English text | his | its |
| 114. | Section 53D, heading | Insurance Authority | Authority |
### Schedule 1

<table>
<thead>
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</tr>
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<td>(b)</td>
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<td>------</td>
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<td>保監局</td>
<td>保監局</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provision</th>
<th>Repeal</th>
<th>Substitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>123. Schedule 2, paragraphs 1, 2 and 3</td>
<td>Insurance Authority</td>
<td>Authority</td>
</tr>
<tr>
<td>124. Schedule 3, Part 1, paragraph 5(1)(e)</td>
<td>Insurance Authority</td>
<td>Authority</td>
</tr>
<tr>
<td>125. Schedule 3, Part 6, paragraph 36(1)</td>
<td>Insurance Authority</td>
<td>Authority</td>
</tr>
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<td>126. Schedule 3, English text, Part 6, paragraph 36(1)</td>
<td>he (wherever appearing)</td>
<td>the Authority</td>
</tr>
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<td>127. Schedule 3, Part 8, paragraph 40(1)</td>
<td>Insurance Authority</td>
<td>Authority</td>
</tr>
<tr>
<td>128. Schedule 3, Part 8, paragraph 41(1)</td>
<td>Insurance Authority</td>
<td>Authority</td>
</tr>
<tr>
<td>129. Schedule 4, paragraphs 1 and 2</td>
<td>Insurance Authority</td>
<td>Authority</td>
</tr>
<tr>
<td>130. Schedule 5, paragraphs 1 and 2</td>
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<td>Authority</td>
</tr>
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<td>131. Schedule 6, paragraph 1</td>
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<td>Authority</td>
</tr>
</tbody>
</table>
### Schedule 2

Minor Amendments to Insurance Ordinance Relating to Replacement of “insurer” by “authorized insurer”

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision</td>
<td>Repeal</td>
<td>Substitution</td>
</tr>
<tr>
<td>1. Section 13D(2)</td>
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<td>an authorized insurer</td>
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<tr>
<td>2. Section 19(1)</td>
<td>every insurer</td>
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</tr>
<tr>
<td>3. Section 19(2)</td>
<td>insurers</td>
<td>authorized insurers</td>
</tr>
<tr>
<td>4. Section 24(1)</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>5. Section 25C(1)</td>
<td>An insurer</td>
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</tr>
<tr>
<td>6. Section 25C(3)</td>
<td>an insurer</td>
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</tr>
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</tr>
<tr>
<td>8. Section 25F(2)(a)</td>
<td>an insurer</td>
<td>an insurer or authorized insurer</td>
</tr>
<tr>
<td>條文</td>
<td>廢除</td>
<td>代以</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>------</td>
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<tr>
<td>第 27(1) 條</td>
<td>保險人</td>
<td>獲授權保險人</td>
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<tr>
<td>第 27(2) 條</td>
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</tr>
<tr>
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</tr>
<tr>
<td>第 28(2) 條</td>
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</tr>
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</tr>
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<td>第 29(3) 及 (5) 條</td>
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<td>獲授權保險人的</td>
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<td>第 29(5) 條，中文文本</td>
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<td>的獲授權保險人</td>
</tr>
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</tr>
<tr>
<td>第 30(3) 及 (4) 條</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
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<tr>
<td>Schedule 2</td>
<td>Ord. No. 12 of 2015</td>
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<td>Column 1</td>
<td>Column 2</td>
<td>Column 3</td>
</tr>
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</tr>
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</tr>
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</tr>
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</tr>
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<td>第 2 欄</td>
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<td>代以</td>
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<tr>
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<td>獲授權保險人在</td>
</tr>
<tr>
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<td>保險人的事務</td>
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</tr>
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<td>某獲授權保險人</td>
</tr>
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</table>

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<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
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<td>Repeal</td>
<td>Substitution</td>
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</tbody>
</table>
### Schedule 2

<table>
<thead>
<tr>
<th>Provision</th>
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<th>Substitution</th>
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<td>Section 37(1)</td>
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</tr>
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</tr>
<tr>
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<td>該保險人</td>
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</tr>
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</tbody>
</table>
### Schedule 2

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
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</thead>
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<td>Repeal</td>
<td>Substitution</td>
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</tbody>
</table>

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| 49. | Section 38B(1), (2), (3), (7) and (8) | an insurer | an authorized insurer |
| 50. | Section 38B(2), Chinese text | 保險人 | 就該保險人 |
| 51. | Section 38B(3)(a) and (b), Chinese text | 保險人 (wherever appearing) | 該保險人 |
| 52. | Section 38B(5) | (a) An insurer | An authorized insurer |
| 53. | Section 38B(6) | an insurer | an authorized insurer |
| 54. | Section 38B(7), Chinese text | 以保險人 | 以該保險人 |
| 55. | Section 38C(1) | an insurer | an authorized insurer |
| 56. | Section 38C(3) | an insurer | an authorized insurer |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Provision</th>
<th>Repeal</th>
<th>Substitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>57.</td>
<td>Section 38C(3), Chinese text</td>
<td>指保險人</td>
<td>指該保險人</td>
</tr>
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<td>58.</td>
<td>Section 38D(3)(b)(i) the insurer</td>
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</tr>
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<td>59.</td>
<td>Section 38E(3)(b) the insurer</td>
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<td>60.</td>
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</tr>
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<td>61.</td>
<td>Section 38E(7), Chinese text</td>
<td>保險人清盤</td>
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</tr>
<tr>
<td>62.</td>
<td>Section 42, heading insurer</td>
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<td>authorized insurer</td>
</tr>
<tr>
<td>63.</td>
<td>Section 42(1) an insurer</td>
<td></td>
<td>an authorized insurer</td>
</tr>
<tr>
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<td>Section 43, heading insurer</td>
<td>an insurer</td>
<td>authorized insurer</td>
</tr>
<tr>
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<td></td>
<td>an authorized insurer</td>
</tr>
<tr>
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<td>Section 43, Chinese text</td>
<td>保險人即</td>
<td>該保險人即</td>
</tr>
<tr>
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<td>Section 44(1), (2), (3) and (4) an insurer</td>
<td></td>
<td>an authorized insurer</td>
</tr>
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<td>具體法規</td>
<td>附表 2</td>
<td>柱 1</td>
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</tr>
<tr>
<td>---</td>
<td>---</td>
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<td>---</td>
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<td>68.</td>
<td>第 45, heading</td>
<td>insurer</td>
</tr>
<tr>
<td>第 45(1) 條</td>
<td>69.</td>
<td>Section 45(1)</td>
<td>an insurer</td>
</tr>
<tr>
<td>第 45(2) 條</td>
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</tr>
<tr>
<td>第 45(2)(a) 及 (b) 條，中文文本</td>
<td>71.</td>
<td>Section 45(2)(a) and (b), Chinese text</td>
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</tr>
<tr>
<td>第 45(4A) 條</td>
<td>72.</td>
<td>Section 45(4A)</td>
<td>an insurer</td>
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<tr>
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</tr>
<tr>
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</tr>
<tr>
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<td>75.</td>
<td>Section 46, heading</td>
<td>insurer</td>
</tr>
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</tr>
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</tr>
</tbody>
</table>
### Schedule 2

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
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<td>Substitution</td>
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</tr>
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<td>(b) 保險人作出</td>
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</tr>
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</tr>
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</tr>
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<td>Repeal</td>
<td>Substitution</td>
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</table>

<p>| 90. | Section 49A(2) | an insurer | an authorized insurer |
| 91. | Section 49A(3) | an insurer | an authorized insurer |
| 92. | Section 49B(1) and (2) | an insurer (wherever appearing) | an authorized insurer |
| 93. | Section 49B(3) | an insurer | an authorized insurer |
| 94. | Section 49B(4) | Any insurer | An authorized insurer |
| 95. | Section 50D | an insurer | an authorized insurer |
| 96. | Section 50F(1) | an insurer | an authorized insurer |
| 97. | Schedule 3, Part 1, paragraph 1(1), definition of <em>additional amount for unexpired risks</em> | an insurer | an authorized insurer |
| 98. | Schedule 3, Part 1, paragraph 1(1), definition of <em>appointed actuary</em> | an insurer | an authorized insurer |</p>
<table>
<thead>
<tr>
<th>第 1 欄</th>
<th>第 2 欄</th>
<th>第 3 欄</th>
</tr>
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<tbody>
<tr>
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<td>廢除</td>
<td>代以</td>
</tr>
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</table>

| 99. | 附表 3，第 1 部，第 1(1) 段，委任核數師的定義 | 附表 3，第 1 部，第 1(1) 段，委任核數師的定義 |

| 100. | 附表 3，第 1 部，第 1(1) 段，申索的定義 | 附表 3，第 1 部，第 1(1) 段，申索的定義 |

| 101. | 附表 3，第 1 部，第 1(1) 段，申索平衡基金的定義 | 附表 3，第 1 部，第 1(1) 段，申索平衡基金的定義 |

| 102. | 附表 3，第 1 部，第 1(1) 段，未決申索的定義 | 附表 3，第 1 部，第 1(1) 段，未決申索的定義 |

| 103. | 附表 3，第 1 部，第 1(1) 段，已付申索的定義 | 附表 3，第 1 部，第 1(1) 段，已付申索的定義 |

| 104. | 附表 3，第 1 部，第 1(1) 段，佣金的定義 | 附表 3，第 1 部，第 1(1) 段，佣金的定義 |

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision</td>
<td>Repeal</td>
<td>Substitution</td>
</tr>
</tbody>
</table>

| 99. | Schedule 3, Part 1, paragraph 1(1), definition of appointed auditor | an insurer | an authorized insurer |

| 100. | Schedule 3, Part 1, paragraph 1(1), definition of claim | an insurer | an authorized insurer |

| 101. | Schedule 3, Part 1, paragraph 1(1), definition of claims equalization | an insurer | an authorized insurer |

| 102. | Schedule 3, Part 1, paragraph 1(1), definition of claims outstanding | an insurer | an authorized insurer |

| 103. | Schedule 3, Part 1, paragraph 1(1), definition of claims paid | an insurer | an authorized insurer |

| 104. | Schedule 3, Part 1, paragraph 1(1), definition of commission payable | an insurer | an authorized insurer |
### Schedule 2

<table>
<thead>
<tr>
<th>公眾 1</th>
<th>公眾 2</th>
<th>公眾 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>條文</td>
<td>廢除</td>
<td>代以</td>
</tr>
<tr>
<td>105. 附表 3，第 1 部，第 1(1) 段，直接業務的定義</td>
<td>保险人</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>106. 附表 3，第 1 部，第 1(1) 段，了結未決申索的開支的定義</td>
<td>保险人</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>107. 附表 3，第 1 部，第 1(1) 段，了結申索的開支的定義</td>
<td>保险人</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>108. 附表 3，第 1 部，第 1(1) 段，基金的定義，(a) 段</td>
<td>保险人</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>109. 附表 3，第 1 部，第 1(1) 段，毛保費的定義</td>
<td>(a) 保險人分出</td>
<td>獲授權保險人分出</td>
</tr>
<tr>
<td>110. 附表 3，第 1 部，第 1(1) 段，中介人的定義</td>
<td>保险人</td>
<td>獲授權保險人</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>公眾 4</th>
<th>公眾 5</th>
<th>公眾 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>條文</td>
<td>廢除</td>
<td>代以</td>
</tr>
<tr>
<td>105. Schedule 3, Part 1, paragraph 1(1), definition of <em>direct business</em></td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>106. Schedule 3, Part 1, paragraph 1(1), definition of <em>expenses for settling claims outstanding</em></td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>107. Schedule 3, Part 1, paragraph 1(1), definition of <em>expenses of settling claims</em></td>
<td>an insurer’s</td>
<td>an authorized insurer’s</td>
</tr>
<tr>
<td>108. Schedule 3, Part 1, paragraph 1(1), definition of <em>fund</em>，paragraph (a)</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>109. Schedule 3, Part 1, paragraph 1(1)，definition of <em>gross premiums</em></td>
<td>payable by the insurer</td>
<td>payable by the authorized insurer</td>
</tr>
<tr>
<td>110. Schedule 3, Part 1, paragraph 1(1)</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>Provision</td>
<td>Repeal</td>
<td>Substitution</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>111. Schedule 3, Part 1, paragraph 1(1), definition of management expenses</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>112. Schedule 3, Part 1, paragraph 1(1), definition of profit and loss account</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>113. Schedule 3, Part 1, paragraph 1(1), definition of receivable due to the insurer</td>
<td>due to the insurer</td>
<td>due to the authorized insurer</td>
</tr>
<tr>
<td>114. Schedule 3, Part 1, paragraph 1(1), definition of reinsurance premiums payable</td>
<td>an insurer’s</td>
<td>an authorized insurer’s</td>
</tr>
<tr>
<td>115. Schedule 3, Part 1, paragraph 1(1), definition of unearned premiums</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>116. Schedule 3, Part 1, paragraph 3</td>
<td>the insurer</td>
<td>the authorized insurer</td>
</tr>
<tr>
<td>No.</td>
<td>Provision</td>
<td>Repeal</td>
</tr>
<tr>
<td>-----</td>
<td>-----------</td>
<td>--------</td>
</tr>
<tr>
<td>117</td>
<td>Schedule 3, Part 1, paragraph 4(1)</td>
<td>an insurer (wherever appearing)</td>
</tr>
<tr>
<td>118</td>
<td>Schedule 3, Part 1, paragraph 4(1AA)</td>
<td>the insurer</td>
</tr>
<tr>
<td>119</td>
<td>Schedule 3, Part 1, paragraph 4(1AB)</td>
<td>an insurer</td>
</tr>
<tr>
<td>120</td>
<td>Schedule 3, Part 1, paragraph 4(1AC)</td>
<td>an insurer</td>
</tr>
<tr>
<td>121</td>
<td>Schedule 3, Part 1, paragraph 4(1A)(a)(i)</td>
<td>the insurer</td>
</tr>
<tr>
<td>122</td>
<td>Schedule 3, Chinese text, Part 1, paragraph 4(1A)(aa) and (b)</td>
<td>insurance (wherever appearing)</td>
</tr>
<tr>
<td>123</td>
<td>Schedule 3, Part 1, paragraph 5(1)(a)</td>
<td>the insurer</td>
</tr>
<tr>
<td>124</td>
<td>Schedule 3, Chinese text, Part 1, paragraph 5(1)(b)</td>
<td>insurance</td>
</tr>
<tr>
<td>125</td>
<td>Schedule 3, Chinese text, Part 1, paragraph 5(1)(d)</td>
<td>insurance property</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
<td>Column 3</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Provision</td>
<td>Repeal</td>
<td>Substitution</td>
</tr>
<tr>
<td>126. Schedule 3, Part 1, paragraph 5(1)(d)(i)</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>127. Schedule 3, Part 1, paragraph 5(1)(d)(ii)</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>128. Schedule 3, Part 2, paragraph 7</td>
<td>the insurer</td>
<td>the authorized insurer</td>
</tr>
<tr>
<td>129. Schedule 3, Part 2, paragraph 8</td>
<td>the insurer and</td>
<td>the authorized insurer and</td>
</tr>
<tr>
<td>130. Schedule 3, Part 2, paragraph 9(a)</td>
<td>the insurer</td>
<td>the authorized insurer</td>
</tr>
<tr>
<td>131. Schedule 3, Chinese text, Part 2, paragraph 9(d), (e), (f), (g), (h), (i), (j), (k), (l), (n), (o) and (p)</td>
<td>保險人 (wherever appearing)</td>
<td>該保險人</td>
</tr>
<tr>
<td>132. Schedule 3, Chinese text, Part 2, paragraph 9(m)</td>
<td>(a) 保險人或保險人</td>
<td>(a) 保險人或該保險人</td>
</tr>
<tr>
<td></td>
<td>(b) 保險人欠</td>
<td>(b) 保險人欠</td>
</tr>
<tr>
<td>第 1 欄</td>
<td>第 2 欄</td>
<td>第 3 欄</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>條文</td>
<td>廢除</td>
<td>代以</td>
</tr>
<tr>
<td>133. 附表 3，第 3 部，標題</td>
<td>保險人</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>134. 附表 3，第 3 部，第 10(a) 段</td>
<td>保險人</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>135. 附表 3，第 3 部，第 12 段</td>
<td>保險人</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>136. 附表 3，第 3 部，第 13 段</td>
<td>保險人</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>137. 附表 3，第 4 部，第 14(a) 段</td>
<td>保險人 (不論於何處出現)</td>
<td>獲授權保險人</td>
</tr>
<tr>
<td>138. 附表 3，第 4 部，第 16 段</td>
<td>保險人的資產</td>
<td>獲授權保險人的資產</td>
</tr>
<tr>
<td>139. 附表 3，中文文本，第 4 部，第 16(f) 段</td>
<td>保險人</td>
<td>該保險人</td>
</tr>
<tr>
<td>140. 附表 3，中文文本，第 4 部，第 16(g)(i) 段</td>
<td>保險人</td>
<td>該保險人</td>
</tr>
<tr>
<td>141. 附表 3，第 4 部，第 20 段</td>
<td>凡保險人</td>
<td>凡獲授權保險人</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision</td>
<td>Repeal</td>
<td>Substitution</td>
</tr>
<tr>
<td>133. Schedule 3, Part 3, heading</td>
<td>INSURER</td>
<td>AUTHORIZED INSURER</td>
</tr>
<tr>
<td>134. Schedule 3, Part 3, paragraph 10(a)</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>135. Schedule 3, Part 3, paragraph 12</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>136. Schedule 3, Part 3, paragraph 13</td>
<td>an insurer</td>
<td>an authorized insurer</td>
</tr>
<tr>
<td>137. Schedule 3, Part 4, paragraph 14(a)</td>
<td>the insurer (wherever appearing)</td>
<td>the authorized insurer</td>
</tr>
<tr>
<td>138. Schedule 3, Part 4, paragraph 16</td>
<td>the insurer shall</td>
<td>the authorized insurer must</td>
</tr>
<tr>
<td>139. Schedule 3, Chinese text, Part 4, paragraph 16(f)</td>
<td>保險人</td>
<td>該保險人</td>
</tr>
<tr>
<td>140. Schedule 3, Chinese text, Part 4, paragraph 16(g)(i)</td>
<td>保險人</td>
<td>該保險人</td>
</tr>
<tr>
<td>141. Schedule 3, Part 4, paragraph 20</td>
<td>the insurer is</td>
<td>the authorized insurer is</td>
</tr>
<tr>
<td>條文</td>
<td>廢除</td>
<td>代以</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>142.</td>
<td>附表 3，第 4 部，第 21 段</td>
<td>凡保險人</td>
</tr>
<tr>
<td>143.</td>
<td>附表 3，中文文本，第 4 部，第 21 段</td>
<td>(a) 由保險人</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) 在保險人</td>
</tr>
<tr>
<td>144.</td>
<td>附表 3，第 4 部，第 22(a) 段</td>
<td>保險人</td>
</tr>
<tr>
<td>145.</td>
<td>附表 3，中文文本，第 4 部，第 22(b) 段</td>
<td>保險人</td>
</tr>
<tr>
<td>146.</td>
<td>附表 3，中文文本，第 4 部，第 22(c) 段</td>
<td>保險人</td>
</tr>
<tr>
<td>147.</td>
<td>附表 3，第 5 部，第 24(1)(a)段</td>
<td>(a) 保障人所有</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) 根據保險人</td>
</tr>
<tr>
<td>148.</td>
<td>附表 3，中文文本，第 5 部，第 24(1)(b)、(c) 及 (e) 段</td>
<td>保險人 (不論於何處出現)</td>
</tr>
<tr>
<td>149.</td>
<td>附表 3，中文文本，第 5 部，第 24(1)(d) 段</td>
<td>保險人從</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provison</th>
<th>Repeal</th>
<th>Substitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>142.</td>
<td>Schedule 3, Part 4, paragraph 21</td>
<td>the insurer’s</td>
</tr>
<tr>
<td>143.</td>
<td>Schedule 3, Chinese text, Part 4, paragraph 21</td>
<td>(a) 由保險人</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) 在保險人</td>
</tr>
<tr>
<td>144.</td>
<td>Schedule 3, Part 4, paragraph 22(a)</td>
<td>the insurer</td>
</tr>
<tr>
<td>145.</td>
<td>Schedule 3, Chinese text, Part 4, paragraph 22(b)</td>
<td>保險人</td>
</tr>
<tr>
<td>146.</td>
<td>Schedule 3, Chinese text, Part 4, paragraph 22(c)</td>
<td>保險人</td>
</tr>
<tr>
<td>147.</td>
<td>Schedule 3, Part 5, paragraph 24(1)(a)</td>
<td>the insurer,</td>
</tr>
<tr>
<td>148.</td>
<td>Schedule 3, Chinese text, Part 5, paragraph 24(1)(b), (c) and (e)</td>
<td>保險人 (wherever appearing)</td>
</tr>
<tr>
<td>149.</td>
<td>Schedule 3, Chinese text, Part 5, paragraph 24(1)(d)</td>
<td>保險人從</td>
</tr>
<tr>
<td>Column 1</td>
<td>Column 2</td>
<td>Column 3</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Provision</td>
<td>Repeal</td>
<td>Substitution</td>
</tr>
<tr>
<td>150. Schedule 3, Part 5, paragraph 24(2)</td>
<td>An insurer</td>
<td>An authorized insurer</td>
</tr>
<tr>
<td>151. Schedule 3, Chinese text, Part 5, paragraph 24(3)</td>
<td>保險人</td>
<td>有關保險人</td>
</tr>
<tr>
<td>152. Schedule 3, Part 5, paragraph 26(b)</td>
<td>the insurer's</td>
<td>the authorized insurer's</td>
</tr>
<tr>
<td>153. Schedule 3, Chinese text, Part 5, paragraph 26(h) and (o)</td>
<td>保險人</td>
<td>該保險人</td>
</tr>
<tr>
<td>154. Schedule 3, Part 5, paragraph 27(e)(i)</td>
<td>the insurer</td>
<td>the authorized insurer</td>
</tr>
<tr>
<td>155. Schedule 3, Part 6, heading</td>
<td>INSURERS</td>
<td>AUTHORIZED INSURERS</td>
</tr>
<tr>
<td>156. Schedule 3, Part 6, paragraph 29</td>
<td>the insurer</td>
<td>the authorized insurer</td>
</tr>
<tr>
<td>157. Schedule 3, Part 6, paragraph 30(a)</td>
<td>the insurer's</td>
<td>the authorized insurer's</td>
</tr>
<tr>
<td>158. Schedule 3, Chinese text, Part 6, paragraph 30(b) and (c)</td>
<td>保險人 (wherever appearing)</td>
<td>該保險人</td>
</tr>
<tr>
<td>第 1 欄</td>
<td>第 2 欄</td>
<td>第 3 欄</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>條文</td>
<td>廢除</td>
<td>代以</td>
</tr>
</tbody>
</table>

| 159. | 附表 3，第 6 部，第 31 段 | 須為保險人 | 須為獲授權保險人 |
| 160. | 附表 3，中文文本，第 6 部，第 31 段 | (a) 保險人已 | 該保險人已 |
| | | (b) 與保險人 | 與該保險人 |
| | | (c) 數。保險人 | 數。該保險人 |
| | | (d) 而保險人 | 而該保險人 |
| | | (e) 入保險人 | 入該保險人 |
| 161. | 附表 3，第 6 部，第 32 段 | 歸入保險人 | 歸入獲授權保險人 |
| 162. | 附表 3，第 6 部，第 33 段 | 從保險人 | 從獲授權保險人 |
| 163. | 附表 3，第 6 部，第 34 段 | 歸入保險人 | 歸入獲授權保險人 |
| 164. | 附表 3，第 6 部，第 35 段 | 從保險人 | 從獲授權保險人 |
| 165. | 附表 3，第 6 部，第 36(1) 段 | (a) 每個保險人 | 每個獲授權保險人 |
| | | (b) 保險人已 | 該保險人已 |
| | | (c) 由保險人 ( 不論於何處出現 ) | 由該保險人 |
| | | (d) 如保險人 | 如該保險人 |

<table>
<thead>
<tr>
<th>Schedule 2</th>
<th>Ord. No. 12 of 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>Provision</td>
<td>Repeal</td>
</tr>
</tbody>
</table>

<p>| 159. | Schedule 3, Part 6, paragraph 31 | proportion of the insurer’s | proportion of the authorized insurer’s |
| 160. | Schedule 3, Chinese text, Part 6, paragraph 31 | (a) 保險人已 | 該保險人已 |
| | | (b) 與保險人 | 與該保險人 |
| | | (c) 數。保險人 | 數。該保險人 |
| | | (d) 而保險人 | 而該保險人 |
| | | (e) 入保險人 | 入該保險人 |
| 161. | Schedule 3, Part 6, paragraph 32 | the insurer’s | the authorized insurer’s |
| 162. | Schedule 3, Part 6, paragraph 33 | insurer in | authorized insurer in |
| 163. | Schedule 3, Part 6, paragraph 34 | insurer’s long term business in | authorized insurer’s long term business in |
| 164. | Schedule 3, Part 6, paragraph 35 | of the insurer | of the authorized insurer |
| 165. | Schedule 3, Part 6, paragraph 36(1) | Every insurer | Every authorized insurer |</p>
<table>
<thead>
<tr>
<th>Provision</th>
<th>Repeal</th>
<th>Substitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule 3, Chinese text, Part 6, paragraph 36(1)(a) and (b) and (2)</td>
<td>保護人 (wherever appearing)</td>
<td>保護人</td>
</tr>
<tr>
<td>Schedule 3, Part 7, paragraph 38(1)</td>
<td>an insurer</td>
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</tr>
<tr>
<td>Schedule 3, Part 7, Form L1</td>
<td>name of insurer</td>
<td>name of authorized insurer</td>
</tr>
<tr>
<td>Schedule 3, Chinese text, Part 7, paragraph 38(2)</td>
<td>保護人 (wherever appearing)</td>
<td>保護人</td>
</tr>
<tr>
<td>Schedule 3, Part 7, paragraph 39(1)</td>
<td>insurer under</td>
<td>authorized insurer under</td>
</tr>
<tr>
<td>Schedule 3, Part 7, Form L2</td>
<td>name of insurer</td>
<td>name of authorized insurer</td>
</tr>
<tr>
<td>Schedule 3, Part 7, paragraph 39(2)</td>
<td>the insurer</td>
<td>the authorized insurer</td>
</tr>
<tr>
<td>Schedule 3, Part 8, heading</td>
<td>INSURER</td>
<td>AUTHORIZED INSURER</td>
</tr>
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