

《保險業條例》

(第 41 章)

Insurance Ordinance

(Cap. 41)

版本日期
Version date
20.4.2018

經核證文本

Verified Copy

(《法例發布條例》(第 614 章)第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

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| 條文 Provision | 頁數 Page number | 最後更新日期 Last updated date |
|------------------|----------------|--------------------------|
| 第 I 部 Part I | 1-1—1-22 | 7.7.2017 |
| 第 IA 部 Part IA | 1A-1—1A-26 | 26.6.2017 |
| 第 II 部 Part II | 2-1—2-90 | 16.11.2017 |
| 第 III 部 Part III | 3-1—3-32 | 16.11.2017 |
| 第 IV 部 Part IV | 4-1—4-22 | 16.11.2017 |
| 第 IVA 部 Part IVA | 4A-1—4A-16 | 16.11.2017 |
| 第 IVB 部 Part IVB | 4B-1—4B-12 | 16.11.2017 |

| 條文 Provision | 頁數 Page number | 最後更新日期 Last updated date |
|----------------------|----------------|--------------------------|
| 第 V 部 Part V | 5-1—5-60 | 16.11.2017 |
| 第 VA 部 Part VA | 5A-1—5A-44 | 26.6.2017 |
| 第 VI 部 Part VI | 6-1—6-26 | 16.11.2017 |
| 第 VII 部 Part VII | 7-1—7-14 | 16.11.2017 |
| 第 VIII 部 Part VIII | 8-1—8-6 | 16.11.2017 |
| 第 VIIIA 部 Part VIIIA | 8A-1—8A-32 | 20.4.2018 |
| 第 IX 部 Part IX | 9-1—9-6 | 16.11.2017 |
| 第 IXA 部 Part IXA | 9A-1—9A-4 | 16.11.2017 |
| 第 X 部 Part X | 10-1—10-38 | 16.11.2017 |
| 第 XII 部 Part XII | 12-1—12-30 | 26.6.2017 |
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| 第 XIV 部 Part XIV | 14-1—14-2 | 26.6.2017 |
| 附表 1 Schedule 1 | S1-1—S1-32 | 16.11.2017 |
| 附表 1B Schedule 1B | S1B-1—S1B-18 | 7.12.2015 |
| 附表 1C Schedule 1C | S1C-1—S1C-6 | 26.6.2017 |
| 附表 1D Schedule 1D | S1D-1—S1D-6 | 7.7.2017 |
| 附表 2 Schedule 2 | S2-1—S2-52 | 16.11.2017 |
| 附表 3 Schedule 3 | S3-1—S3-222 | 16.11.2017 |
| 附表 4 Schedule 4 | S4-1—S4-44 | 26.6.2017 |
| 附表 5 Schedule 5 | S5-1—S5-20 | 16.11.2017 |
| 附表 6 Schedule 6 | S6-1—S6-18 | 16.11.2017 |
| 附表 7 Schedule 7 | S7-1—S7-6 | 26.6.2017 |
| 附表 8 Schedule 8 | S8-1—S8-4 | 16.11.2017 |
| 附表 9 Schedule 9 | S9-1—S9-10 | 26.6.2017 |
| 附表 10 Schedule 10 | S10-1—S10-20 | 26.6.2017 |
| 附表 11 Schedule 11 | S11-1—S11-28 | 20.4.2018 |

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<http://www.elegislation.gov.hk>) 閱覽。

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制定史

本為 1983 年第 6 號——1985 年第 8 號，1985 年第 91 號法律公告，1985 年第 74 號，1986 年第 27 號，1987 年第 4 號，1987 年第 41 號，1987 年編正版，1988 年第 34 號，1988 年編正版，1989 年第 8 號，1989 年第 185 號法律公告，1990 年第 44 號，1990 年第 391 號法律公告，1992 年第 50 號，1992 年第 51 號，1992 年第 68 號，1993 年第 96 號法律公告，1993 年第 59 號，1994 年第 25 號，1994 年第 26 號，1994 年第 398 號法律公告，1994 年第 76 號，1995 年第 49 號，1995 年第 62 號，1995 年第 75 號，1995 年第 (C)97 號法律公告 (中文真確本)，1995 年第 599 號法律公告，1996 年第 35 號，1997 年第 29 號，1997 年第 362 號法律公告，1998 年第 4 號，1998 年第 25 號，1999 年第 31 號，1999 年第 51 號，2000 年第 31 號，2000 年第 32 號，2002 年第 5 號，2002 年第 106 號法律公告，2003 年第 2 號法律公告，2003 年第 3 號法律公告，2003 年第 14 號，2005 年第 12 號，2005 年第 24 號，2006 年第 18 號，2011 年第 15 號，2012 年第 16 號，2012 年第 2 號編輯修訂紀錄，2012 年第 28 號，2013 年第 1 號編輯修訂紀錄，2014 年第 2 號編輯修訂紀錄，2015 年第 1 號編輯修訂紀錄，2015 年第 12 號，2015 年第 3 號編輯修訂紀錄，2015 年第 18 號，2016 年第 14 號，2016 年第 23 號，2017 年第 2 號編輯修訂紀錄，2017 年第 72 號法律公告，2017 年第 4 號編輯修訂紀錄，2018 年第 4 號，2018 年第 17 號

Enactment History

Originally 6 of 1983 — 8 of 1985, L.N. 91 of 1985, 74 of 1985, 27 of 1986, 4 of 1987, 41 of 1987, R. Ed. 1987, 34 of 1988, R. Ed. 1988, 8 of 1989, L.N. 185 of 1989, 44 of 1990, L.N. 391 of 1990, 50 of 1992, 51 of 1992, 68 of 1992, L.N. 96 of 1993, 59 of 1993, 25 of 1994, 26 of 1994, L.N. 398 of 1994, 76 of 1994, 49 of 1995, 62 of 1995, 75 of 1995, L.N. (C) 97 of 1995 (Chinese authentic version), L.N. 599 of 1995, 35 of 1996, 29 of 1997, L.N. 362 of 1997, 4 of 1998, 25 of 1998, 31 of 1999, 51 of 1999, 31 of 2000, 32 of 2000, 5 of 2002, L.N. 106 of 2002, L.N. 2 of 2003, L.N. 3 of 2003, 14 of 2003, 12 of 2005, 24 of 2005, 18 of 2006, 15 of 2011, 16 of 2012, E.R. 2 of 2012, 28 of 2012, E.R. 1 of 2013, E.R. 2 of 2014, E.R. 1 of 2015, 12 of 2015, E.R. 3 of 2015, 18 of 2015, 14 of 2016, 23 of 2016, E.R. 2 of 2017, L.N. 72 of 2017, E.R. 4 of 2017, 4 of 2018, 17 of 2018

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Part I
Section 1

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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。
(由 2015 年第 12 號第 3 條代替)

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.

(Replaced 12 of 2015 s. 3)

[1983 年 6 月 30 日] 1983 年第 203 號法律公告

[30 June 1983] L.N. 203 of 1983
(Format changes—E.R. 1 of 2013)

第 I 部

導言

(格式變更——2013 年第 1 號編輯修訂紀錄)

Part I

Preliminary

(Format changes—E.R. 1 of 2013)

1. 簡稱

本條例可引稱為《保險業條例》。

(由 2015 年第 12 號第 4 條修訂)

1. Short title

This Ordinance may be cited as the Insurance Ordinance.

(Amended 12 of 2015 s. 4)

2. 釋義

(1) 在本條例中，除文意另有所指外——

一般業務 (general business) 指不屬長期業務的保險業務；

人壽年金 (annuities on human life) 並不包括從純粹為救濟與贍養從事或曾從事某一專業、行業或職業的人或其受養人而設的基金中支付的離職津貼及年金；

公司 (company) 具有《公司條例》(第 622 章) 第 2(1) 條給予該詞的涵義，並包括該條所界定的非香港公司；(由 2012 年第 28 號第 912 及 920 條修訂)

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

Advisor (顧問), in relation to an authorized insurer, means the person appointed, pursuant to section 35(2)(a), to be the Advisor of the insurer; (Added 51 of 1992 s. 2. Amended 12 of 2015 s. 5)

Amendment Ordinance (《修訂條例》) means the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015); (Added 12 of 2015 s. 5)

公眾 (public) 指香港的公眾，並包括任何一類的該等公眾人士；
(由 2015 年第 12 號第 5 條增補)

毛保費收入 (gross premium income) 具有第 10(4)(c) 條給予該詞的涵義；

可收取保費 (premiums receivable) 具有第 10(5) 條給予該詞的涵義；

行政總裁 (chief executive) 具有第 9(2) 條給予該詞的涵義；

法人團體 (body corporate) 包括在香港以外地方成立為法團的團體；

金融管理專員 (Monetary Authority) 指根據《外匯基金條例》(第 66 章) 第 5A 條委任的金融管理專員；(由 2015 年第 12 號第 5 條增補)

長期業務 (long term business) 指附表 1 第 2 部所指明的任何保險業類別；

附屬公司 (subsidiary) 具有《公司條例》(第 622 章) 第 15 條為施行該條例而給予該詞的涵義；(由 2012 年第 28 號第 912 及 920 條修訂)

保單 (policy) ——

- (a) 就長期業務而言，包括證明支付人壽年金的合約的任何文書；
- (b) 就任何其他類別的保險業務而言，包括可能會產生一項法律責任或在當其時已產生了一項法律責任的任何保單；

保單持有人 (policy holder) 指在當其時是一份確立與保險人所訂合約的保單的法定持有人，而 ——

- (a) 就發放人壽年金的長期業務而言，包括年金受益人；及
- (b) 就任何其他類別的保險業務而言，包括根據保單應獲付利益或應獲定期付款的人；

annuities on human life (人壽年金) does not include superannuation allowances and annuities payable out of any fund applicable solely to the relief and maintenance of persons engaged or who have been engaged in any particular profession, trade or employment, or of the dependants of such persons;

appointed insurance agent (獲委任保險代理人) means an insurance agent appointed by and registered with an insurer as an agent; (Added 76 of 1994 s. 3)

Authority (保監局) means the body corporate established under section 4AAA(1); (Added 12 of 2015 s. 5)

authorized (獲授權), in relation to an insurer, means authorized under section 8, 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, to carry on insurance business, and **authorization** (授權) has the corresponding meaning; (Amended 12 of 2015 s. 5)

authorized institution (認可機構) has the meaning given by section 2(1) of the Banking Ordinance (Cap. 155); (Added 12 of 2015 s. 5)

authorized insurance broker (獲授權保險經紀) means an insurance broker who is—

- (a) authorized by the Insurance Authority under section 69; or
- (b) a member of a body of insurance brokers which is approved by the Insurance Authority under section 70; (Added 76 of 1994 s. 3)

body corporate (法人團體) includes a body incorporated outside Hong Kong;

保監局 (Authority) 指根據第 4AAA(1) 條設立的法人團體；(由 2015 年第 12 號第 5 條增補)

保險人 (insurer) 指經營保險業務的人士，但不包括勞合社；

保險中介人 (insurance intermediary) 指保險代理人或保險經紀；(由 1994 年第 76 號第 3 條增補)

保險代理人 (insurance agent) 指顯示自己是一名或多於一名保險人的代理人或分代理人而在香港或從香港就保險合約提供意見或安排該等合約的人；(由 1994 年第 76 號第 3 條增補)

保險經紀 (insurance broker) 指作為保單持有人或潛在的保單持有人的代理人，經營在香港或從香港洽談或安排保險合約的業務的人，或經營就有關保險的事宜提供意見的業務的人；(由 1994 年第 76 號第 3 條增補)

前任保險人 (former insurer) 指以前是獲授權保險人的人士；(由 1993 年第 59 號第 2 條增補。由 2015 年第 12 號第 5 條修訂)

前任核數師 (former auditor) ——

- (a) 就獲授權保險人而言，指以前是該保險人的核數師的人；
- (b) 就前任保險人而言，指以前是該保險人的核數師的人；
- (c) (增補尚未實施 —— 見 2015 年第 12 號第 5 條)
- (d) (增補尚未實施 —— 見 2015 年第 12 號第 5 條)
- (e) (增補尚未實施 —— 見 2015 年第 12 號第 5 條) (由 2015 年第 12 號第 5 條代替)

前任會計師 (former accountant) 指以前是某獲授權保險人或某前任保險人的會計師的人士；(由 1993 年第 59 號第 2 條增補。由 2015 年第 12 號第 5 條修訂)

前任精算師 (former actuary) 指以前是某獲授權保險人或某前任保險人的精算師的人士；(由 1993 年第 59 號第 2 條增補。由 2015 年第 12 號第 5 條修訂)

bridge institution (過渡機構)—see section 43 of the Financial Institutions (Resolution) Ordinance (Cap. 628); (Added 23 of 2016 ss. 206A & 238. Amended E.R. 2 of 2017)

chief executive (行政總裁) has the meaning assigned to it by section 9(2);

class (類別), in relation to insurance business, means a class of insurance business which under section 3 is relevant for the purposes of this Ordinance;

client monies (客戶款項) means monies an insurance broker has received from or held on behalf of a policy holder or potential policy holder and to which he is not entitled; (Added 76 of 1994 s. 3)

code of practice (實務守則) means a code of practice approved by the Insurance Authority under section 67; (Added 76 of 1994 s. 3)

company (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622) and includes a non-Hong Kong company as defined by that section; (Amended 28 of 2012 ss. 912 & 920)

controller (控權人)—see section 9; (Replaced 12 of 2015 s. 5)

director (董事) includes any person occupying the position of director by whatever name called;

financial year (財政年度), in relation to a body corporate, means the period in respect of which either of the following profit and loss accounts of the body corporate is made up, whether that period is a year or not— (Amended 28 of 2012 ss. 912 & 920)

- (a) if the body corporate is not required to hold a general meeting to lay the profit and loss account, the profit and loss account provided to every member, as required by the law under which the body corporate is incorporated

前監督 (former authority) 指根據《原有條例》第 4 條委任的保險業監督；(由 2015 年第 12 號第 5 條增補)

客戶款項 (client monies) 指保險經紀從任何保單持有人或潛在的保單持有人收取或代其持有，但卻無權享用的款項；(由 1994 年第 76 號第 3 條增補)

後償債權股額 (subordinated loan stock) 就公司而言，指如公司清盤，須待公司全數清還所有負債（與股本有關者除外）後才獲償還的貸款；

訂明 (prescribed) 指根據第 128 條訂立的規例所訂明，或根據第 129 條訂立的規則所訂明；(由 1996 年第 35 號第 2 條修訂；由 2015 年第 12 號第 5 條修訂)

訂明人士 (prescribed person) 指 ——

- (a) 符合以下說明的核數師、前任核數師、精算師或前任精算師 ——
 - (i) 屬某獲授權保險人或某前任保險人的核數師、前任核數師、精算師或前任精算師；並且
 - (ii) 是根據第 15 條或根據附表 3 第 1 部第 4(1A) 段獲委任的；
- (b) 符合以下說明的會計師、前任會計師、精算師或前任精算師 ——
 - (i) 屬某獲授權保險人或某前任保險人的會計師、前任會計師、精算師或前任精算師；並且
 - (ii) 是由該保險人或前任保險人為遵從第 35(1) 條所指的規定而委任的；或
- (c) (增補尚未實施 —— 見 2015 年第 12 號第 5 條) (由 2015 年第 12 號第 5 條代替)

訂明費用 (prescribed fee) 就任何事宜而言，指根據本條例須就該事宜繳付的、根據第 128 條訂立的規例所訂明的費用；(由 2015 年第 12 號第 5 條增補)

or (in the absence of such requirement by such law) by its constitution;

- (b) in any other case, the profit and loss account laid before the body corporate in a general meeting, as required by the law under which the body corporate is incorporated or (in the absence of such requirement by such law) by its constitution; (*Amended 28 of 2012 ss. 912 & 920*)

former accountant (前任會計師) means a person who was formerly the accountant of an authorized insurer or a former insurer; (*Added 59 of 1993 s. 2. Amended 12 of 2015 s. 5*)

former actuary (前任精算師) means a person who was formerly the actuary of an authorized insurer or a former insurer; (*Added 59 of 1993 s. 2. Amended 12 of 2015 s. 5*)

former auditor (前任核數師) ——

- (a) in relation to an authorized insurer;
- (b) in relation to a former insurer;
- (c) (*Addition not yet in operation—see 12 of 2015 s. 5*)
- (d) (*Addition not yet in operation—see 12 of 2015 s. 5*)
- (e) (*Addition not yet in operation—see 12 of 2015 s. 5*)

means a person who was formerly the auditor of that insurer, company or person; (*Replaced 12 of 2015 s. 5*)

former authority (前監督) means the Insurance Authority appointed under section 4 of the pre-amended Ordinance; (*Added 12 of 2015 s. 5*)

former insurer (前任保險人) means a person who was formerly an authorized insurer; (*Added 59 of 1993 s. 2. Amended 12 of 2015 s. 5*)

general business (一般業務) means insurance business not being long term business;

《修訂條例》 (Amendment Ordinance) 指《2015 年保險公司 (修訂) 條例》(2015 年第 12 號)；(由 2015 年第 12 號第 5 條增補)

《原有條例》 (pre-amended Ordinance) 指在緊接《修訂條例》第 10 條的生效日期前有效的本條例；

財政年度 (financial year) 就法人團體而言，在該法人團體就某期間擬備了以下其中一種損益帳的情況下，指該期間（不論該期間是否一年）——（由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 5 條修訂）

- (a) （如該法人團體無須舉行成員大會以提交損益帳）按它據以成立為法人團體的法律的規定或（如該法律並無該規定）其章程，向每名成員提供的損益帳；
- (b) （如屬任何其他情況）按它據以成立為法人團體的法律的規定或（如該法律並無該規定）其章程，在成員大會上提交該法人團體省覽的損益帳；（由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 5 條修訂）

控權人 (controller)——見第 9 條；（由 2015 年第 12 號第 5 條代替）

控權公司 (holding company) 具有《公司條例》(第 622 章) 第 13 條為施行該條例而給予該詞的涵義；（由 2012 年第 28 號第 912 及 920 條增補）

處置可行性覆檢審裁處 (Resolvability Review Tribunal) 指 ——

- (a) 《金融機構 (處置機制) 條例》(第 628 章) 第 110(1) 條所設立的審裁處；或（編輯修訂——2017 年第 2 號編輯修訂紀錄）
- (b) 根據該條例第 111(1) 條增設的審裁處；（由 2016 年第 23 號第 206 條增補）

處置補償審裁處 (Resolution Compensation Tribunal) 指 ——

- (a) 《金融機構 (處置機制) 條例》(第 628 章) 第 127(1) 條所設立的審裁處；或（編輯修訂——2017 年第 2 號編輯修訂紀錄）

gross premium income (毛保費收入) has the meaning assigned to it by section 10(4)(c);

holding company (控權公司) has the meaning given by section 13 of the Companies Ordinance (Cap. 622) for the purposes of that Ordinance; (Replaced 28 of 2012 ss. 912 & 920)

insurance agent (保險代理人) means a person who holds himself out to advise on or arrange contracts of insurance in or from Hong Kong as an agent or subagent of one or more insurers; (Added 76 of 1994 s. 3)

insurance broker (保險經紀) means a person who carries on the business of negotiating or arranging contracts of insurance in or from Hong Kong as the agent of the policy holder or potential policy holder or advising on matters related to insurance; (Added 76 of 1994 s. 3)

insurance intermediary (保險中介人) means an insurance agent or an insurance broker; (Added 76 of 1994 s. 3)

insurer (保險人) means a person carrying on insurance business but does not include Lloyd's;

key person in control functions (管控要員)—see section 13AE(12); (Added 12 of 2015 s. 5)

Lloyd's (勞合社) means the society of underwriters known in the United Kingdom as Lloyd's;

long term business (長期業務) means any of the classes of insurance business specified in Part 2 of Schedule 1; (Amended 12 of 2015 s. 5)

Manager (經理), in relation to an authorized insurer, means the person appointed, pursuant to section 35(2)(b), to be the Manager of the insurer; (Added 51 of 1992 s. 2. Amended 12 of 2015 s. 5)

Mandatory Provident Fund Schemes Authority (積金局) means the Mandatory Provident Fund Schemes Authority established

(b) 根據該條例第 128(1) 條增設的審裁處；(由 2016 年第 23 號第 206 條增補)

處置機制當局 (resolution authority) 具有《金融機構 (處置機制) 條例》(第 628 章) 第 2(1) 條所給予的涵義；(由 2016 年第 23 號第 206 條增補。編輯修訂——2017 年第 2 號編輯修訂紀錄)

勞合社 (Lloyd's) 指在聯合王國稱為 Lloyd's 的承保人組織；

經理 (Manager) 就獲授權保險人而言，指依據第 35(2)(b) 條獲委任為該保險人的經理的人士；(由 1992 年第 51 號第 2 條增補。由 2015 年第 12 號第 5 條修訂)

董事 (director) 包括任何擔任董事職位的人，不論該職位的名稱為何；

過渡機構 (bridge institution)——參閱《金融機構 (處置機制) 條例》(第 628 章) 第 43 條；(由 2016 年第 23 號第 206A 及 238 條增補。編輯修訂——2017 年第 2 號編輯修訂紀錄)

實務守則 (code of practice) 指保險業監督根據第 67 條認可的實務守則；(由 1994 年第 76 號第 3 條增補)

管控要員 (key person in control functions)——見第 13AE(12) 條；(由 2015 年第 12 號第 5 條增補)

認可機構 (authorized institution) 具有《銀行業條例》(第 155 章) 第 2(1) 條給予該詞的涵義；(由 2015 年第 12 號第 5 條增補)

審裁處 (Tribunal) 指根據第 97 條設立的審裁處；(由 2015 年第 12 號第 5 條增補)

積金局 (Mandatory Provident Fund Schemes Authority) 指根據《強制性公積金計劃條例》(第 485 章) 第 6 條設立的強制性公積金計劃管理局；(由 2015 年第 12 號第 5 條增補)

獲委任保險代理人 (appointed insurance agent) 指由某保險人委任及獲該保險人登記為代理人的保險代理人；(由 1994 年第 76 號第 3 條增補)

under section 6 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485); (Added 12 of 2015 s. 5)

Monetary Authority (金融管理專員) means the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66); (Added 12 of 2015 s. 5)

policy (保單)——

- (a) in relation to long term business, includes an instrument evidencing a contract to pay an annuity upon human life;
- (b) in relation to insurance business of any other class, includes any policy under which there is for the time being an existing liability already accrued or under which a liability may accrue;

policy holder (保單持有人) means the person who for the time being is the legal holder of a policy for securing a contract with an insurer, and—

- (a) in relation to such long term business as consists in the granting of annuities upon human life, includes an annuitant; and
- (b) in relation to insurance business of any other kind, includes a person to whom, under a policy, a benefit is due or a periodic payment is payable;

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; (Added 12 of 2015 s. 5)

premiums receivable (可收取保費) has the meaning assigned to it by section 10(5);

prescribed (訂明) means prescribed by regulations made under section 128 or rules made under section 129; (Amended 35 of 1996 s. 2; 12 of 2015 s. 5)

獲授權 (authorized) 就保險人而言，指根據第 8 條獲授權，或根據因附表 11 第 2(7) 條的施行而具有持續效力的《原有條例》第 61(1) 或 (2) 條被當作獲如此授權，以經營保險業，而**授權** (authorization) 則具有相應的涵義；(由 2015 年第 12 號第 5 條修訂)

獲授權保險經紀 (authorized insurance broker) 指 ——

- (a) 根據第 69 條獲保險業監督授權的保險經紀；或
- (b) 屬保險業監督根據第 70 條認可的保險經紀團體的成員的保險經紀；(由 1994 年第 76 號第 3 條增補)

證監會 (Securities and Futures Commission) 指《證券及期貨條例》(第 571 章) 第 3(1) 條所提述的證券及期貨事務監察委員會；(由 2015 年第 12 號第 5 條增補)

類別 (class) 就保險業務而言，指根據第 3 條與施行本條例有關的某一類別保險業務；

顧問 (Advisor) 就獲授權保險人而言，指依據第 35(2)(a) 條獲委任為該保險人的顧問的人。(由 1992 年第 51 號第 2 條增補。由 2015 年第 12 號第 5 條修訂)

(由 1994 年第 25 號第 2 條修訂；由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 5 條修訂)

- (2) 本條例中凡提述保險人，即包括提述在香港成立或設立並在香港以外地方經營保險業務的保險人，不論該保險人是否亦有在香港經營保險業務。
- (2A) 在本條例中 ——
 - (a) 提述職能，即包括權力及責任；及
 - (b) 提述執行職能，即包括行使權力及履行責任。(由 2015 年第 12 號第 5 條增補)
- (3) 就本條例而言，任何人如屬下列情況，即當作在香港或從香港經營某類別保險業務 ——

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; (Added 12 of 2015 s. 5)

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) (Addition not yet in operation—see 12 of 2015 s. 5) (Replaced 12 of 2015 s. 5)

public (公眾) means the public of Hong Kong, and includes any class of that public; (Added 12 of 2015 s. 5)

resolution authority (處置機制當局) has the meaning given by section 2(1) of the Financial Institutions (Resolution) Ordinance (Cap. 628); (Added 23 of 2016 s. 206. Amended E.R. 2 of 2017)

Resolution Compensation Tribunal (處置補償審裁處) means—

- (a) the Tribunal established by section 127(1) of the Financial Institutions (Resolution) Ordinance (Cap. 628); or (Amended E.R. 2 of 2017)
- (b) an additional tribunal established under section 128(1) of that Ordinance; (Added 23 of 2016 s. 206)

Resolvability Review Tribunal (處置可行性覆檢審裁處) means—

- (a) 為在香港或從香港經營該類別保險業務而在香港開設或維持辦事處或代理處；或 (由 2015 年第 12 號第 5 條修訂)
- (b) 他顯示自己是在香港或從香港經營該類別保險業務。
- (4) 任何人如由其代理人負責結清根據貨運保險合約而提出的申索，而該合約乃全部在香港以外地方就運往香港的貨物而訂立者，則該人不得僅因此而被當作在香港或從香港經營保險業務。
- (5) 如一間公司或法人團體的董事按照某人以專業身分給予的意見行事，則該人不得僅因此而被當作為本條例任何條文所指的一間公司或其他法人團體的董事或其中任何董事慣常按照其指示或指令行事的人。
- (6) 如保險人是一間公司，則須同時受《公司條例》(第 622 章)、《公司(清盤及雜項條文)條例》(第 32 章)及本條例的規限；如本條例與《公司條例》(第 622 章)或《公司(清盤及雜項條文)條例》(第 32 章)之間出現衝突之處，則以本條例為準。(由 1992 年第 51 號第 2 條增補。由 2012 年第 28 號第 912 及 920 條修訂)
- (7) 就本條例而言——
- (a) **專屬自保保險人** (captive insurer) 指只獲授權經營一般業務的公司 (**有關公司**)，而該等業務——(由 2015 年第 12 號第 5 條修訂)
- (i) 是與某些法律責任或風險 (而任何條例規定某些人須就該等法律責任或風險受保) 無關的；及
- (ii) 只局限於與有關公司屬於同一公司群組的公司的風險的保險及再保險；
- (b) 以下公司須被視為與有關公司屬於同一公司群組——
- (i) 一間屬於有關公司的公司集團的公司 (**第一公司**)；

- (a) the Tribunal established by section 110(1) of the Financial Institutions (Resolution) Ordinance (Cap. 628); or (*Amended E.R. 2 of 2017*)
- (b) an additional tribunal established under section 111(1) of that Ordinance; (*Added 23 of 2016 s. 206*)

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); (*Added 12 of 2015 s. 5*)

subordinated loan stock (後償債權股額), in relation to a company, means a loan which in the event of the winding up of the company is repayable by the company only after all of the liabilities of the company, other than those in respect of share capital, have been paid in full;

subsidiary (附屬公司) has the meaning given by section 15 of the Companies Ordinance (Cap. 622) for the purposes of that Ordinance; (*Amended 28 of 2012 ss. 912 & 920*)

Tribunal (審裁處) means the tribunal established under section 97. (*Added 12 of 2015 s. 5*)

(*Amended 25 of 1994 s. 2; 12 of 2015 s. 5*)

- (2) References in this Ordinance to an insurer include references to an insurer formed or established in Hong Kong and carrying on insurance business outside Hong Kong, whether or not the insurer is also carrying on insurance business in Hong Kong.
- (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. (*Added 12 of 2015 s. 5*)

- (ii) 一間公司 (**第二公司**)，而有關公司或第一公司持有不少於 20% 但不多於 50% 的在該第二公司的股東大會上的投票權，或有權控制該數目的在該股東大會上的投票權的行使；
- (iii) 一間屬第二公司的附屬公司的公司 (**第三公司**)；
- (c) **公司集團** (group of companies) 具有《公司條例》(第 622 章) 第 2 條給予該詞的涵義。(由 1997 年第 29 號第 2 條增補。由 2012 年第 28 號第 912 及 920 條修訂)
- (由 1994 年第 25 號第 2 條修訂；編輯修訂——2013 年第 1 號編輯修訂紀錄；編輯修訂——2015 年第 1 號編輯修訂紀錄)

- (3) For the purposes of this Ordinance, a person shall be deemed to carry on a class of insurance business in or from Hong Kong if—
- (a) he opens or maintains an office or agency in Hong Kong for the purpose of carrying on that class of insurance business in or from Hong Kong; or
- (b) he holds himself out as carrying on that class of insurance business in or from Hong Kong.
- (4) A person shall not be deemed to carry on insurance business in or from Hong Kong by reason only that any person acts as his agent for the purpose of settling claims under contracts of goods in transit insurance entered into wholly outside Hong Kong in respect of goods consigned to Hong Kong.
- (5) A person shall not be deemed to be within the meaning of any provision of this Ordinance a person in accordance with whose directions or instructions the directors of a company or other body corporate or any of them are accustomed to act by reason only that the directors of the company or body act on advice given by him in a professional capacity.
- (6) An insurer which is a company is subject to the Companies Ordinance (Cap. 622) and the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), as well as to this Ordinance, except that, where there is any conflict between this Ordinance on the one hand and the Companies Ordinance (Cap. 622) or the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) on the other, this Ordinance prevails. (*Added 51 of 1992 s. 2. Amended 28 of 2012 ss. 912 & 920*)
- (7) For the purpose of this Ordinance—
- (a) ***captive insurer*** (專屬自保保險人) means a company (***relevant company***) which is authorized to carry on

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general business only and such business— (*Amended 12 of 2015 s. 5*)

- (i) does not relate to any liabilities or risks in respect of which persons are required by any Ordinance to be insured; and
- (ii) is restricted to the insurance and reinsurance of risks of the companies within the same grouping of companies to which the relevant company belongs;
- (b) the following companies shall be regarded as within the same grouping of companies to which the relevant company belongs—
 - (i) a company (*first company*) which belongs to the relevant company's group of companies;
 - (ii) a company (*second company*) in respect of which the relevant company or the first company holds, or is entitled to control the exercise of, not less than 20% but not more than 50% of the voting power at any general meeting of the second company;
 - (iii) a company (*third company*) where the third company is a subsidiary of the second company;
- (c) *group of companies* (公司集團) has the meaning assigned to it under section 2 of the Companies Ordinance (Cap. 622). (*Added 29 of 1997 s. 2. Amended 28 of 2012 ss. 912 & 920*)

(*Amended E.R. 1 of 2015*)

3. 保險業務的類別

- (1) 與施行本條例有關的保險業務類別即附表 1 所指明的類別，而該附表的條文須據此具有效力。(由 1993 年第 59 號第 3 條修訂)

3. Classes of insurance business

- (1) The classes of insurance business relevant for the purposes of this Ordinance shall be those specified in Schedule 1 and the provisions of that Schedule shall have effect accordingly. (*Amended 59 of 1993 s. 3*)

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- (2) 如非本款便不屬保險合約的附表 1 第 2 或 3 部提述的合約 (包括聯合養老保險)，就本條例而言，須當作為保險合約，而本條例的條文亦須據此具有效力。(由 1993 年第 59 號 3 條增補)
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- (2) A contract (including a tontine) referred to in Part 2 or 3 of Schedule 1 which is not, but for this subsection, a contract of insurance shall, for the purposes of this Ordinance, be deemed to be a contract of insurance, and the provisions of this Ordinance shall have effect accordingly. (*Added 59 of 1993 s. 3*)

(Amended 12 of 2015 s. 6)

第 1A 部
保險業監管局

(由 2015 年第 12 號第 8 條增補)

第 1 分部 —— 設立及職能等

(由 2015 年第 12 號第 8 條增補)

4AAA. 設立保監局

- (1) 現設立一個法人團體，其中文法團名稱為“保險業監管局”，而其英文法團名稱為“Insurance Authority”。
- (2) 在符合以下說明的期間，保監局的中文名稱更改為“臨時保險業監管局”，而其英文名稱更改為“Provisional Insurance Authority”——
 - (a) 於緊接該法人團體根據第 (1) 款設立之後開始；並
 - (b) 於在緊接《修訂條例》第 10 條開始實施的日期之前終結。
- (3) 保監局 ——
 - (a) 以其法團名稱永久延續；
 - (b) 須有一個法團印章；及
 - (c) 能夠以其法團名稱起訴和被起訴。
- (4) 為免生疑問，保監局根據本條更改名稱 ——
 - (a) 不影響保監局的權利或義務；亦
 - (b) 不會使由保監局所提起或針對保監局而提起的法律程序欠妥。
- (5) 自在第 (2) 款指明的期間終結時起，本來可用“臨時保險業監管局”法團名稱針對保監局展開或繼續的法律程序，均可用“保險業監管局”法團名稱針對保監局展開或繼續。

Part 1A**Insurance Authority**

(Added 12 of 2015 s. 8)

Division 1—Establishment and Functions, etc.

(Added 12 of 2015 s. 8)

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.

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- (6) 在第 (2) 款指明的期間內，第 53A(1) 條適用於保監局及屬或曾是保監局的成員、僱員、代理人或顧問的人，猶如在第 53A(1AA)(b) 條之後加入 ——

“(baa) 保監局；

(baab) 屬或曾是保監局的成員、僱員、代理人或顧問的人；”。

(由 2015 年第 12 號第 9 條增補)

4. 保監局

(由 2015 年第 12 號第 2 條代替)

- (1) (由 2015 年第 12 號第 10 條廢除)
- (2) 行政長官可概括地或在某個個案就保監局根據本條例行使其任何職能發出指示，而保監局須遵從該等指示。(由 2015 年第 12 號第 2 條修訂)

(由 1999 年第 31 號第 3 條修訂)

(格式變更 —— 2013 年第 1 號編輯修訂紀錄)

4AA. 保監局的組成

- (1) 保監局由以下成員組成，所有成員均須由行政長官委任 ——
- (a) 主席 (屬保監局的非執行董事)；

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- (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;”.

(Added 12 of 2015 s. 9)

4. Authority

(Replaced 12 of 2015 s. 2)

- (1) (Repealed 12 of 2015 s. 10)
- (2) The Chief Executive may give directions generally or in a particular case with respect to the exercise by the Authority of any of its functions under this Ordinance, and the Authority shall comply with any such direction. (Amended 12 of 2015 s. 2)

(Amended 31 of 1999 s. 3)

(Format changes—E.R. 1 of 2013)

4AA. Composition of Authority

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

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- (b) 行政總監 (屬保監局的執行董事)；及
- (c) 保監局的其他執行或非執行董事不少於 6 名。
- (2) 非執行董事須多於執行董事。
- (3) 在非執行董事中 ——
 - (a) 須至少有 2 名董事，是從符合下述說明的人士中委任：具備保險業的知識及經驗，因而令行政長官覺得適合委任；及
 - (b) 其他董事須從符合下述說明的人士中委任：具備精算學、會計、法律或消費者事務方面的知識，或具備專業或職業方面的經驗，因而令行政長官覺得適合委任。
- (4) 即使有保監局的成員職位出缺，保監局仍可執行該局的職能。
- (5) 如有不符合本條的情況出現，行政長官須在切實可行範圍內，盡快作出所需的委任，以確保本條的規定獲得符合。
- (6) 附表 1B 載有關於保監局的組成及處事程序以及其他關乎保監局的事宜的條文。

(由 2015 年第 12 號第 11 條增補)

4A. 保監局的職能

(由 2015 年第 12 號第 2 條修訂)

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- (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.

(Added 12 of 2015 s. 11)

4A. Functions of Authority

(Amended 12 of 2015 s. 2)

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- (1) 保監局的主要職能是規管與監管保險業，以促進保險業的整體穩定並保護現有及潛在的保單持有人。(由 2015 年第 12 號第 2 條修訂)
- (2) 在不局限第 (1) 款的概括性的原則下，保監局須 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 負責監管保險人及保險中介人遵從本條例的條文；
 - (b) 考慮與建議對與保險業有關的法律的改革；
 - (c) 促進與鼓勵保險人維持正當操守標準及良好和穩妥的業務常規；
 - (d) 促進與鼓勵保險中介人維持正當操守標準，並在有需要時檢討與修訂在此方面的規管制度；
 - (e) 促進與推動保險業的市場及專業團體的自律；
 - (eb) 提高保單持有人及潛在的保單持有人對保險產品及保險業的了解；(由 2015 年第 12 號第 12 條增補)
 - (ec) 制訂規管保險業的有效策略、促進保險業市場的可持續發展，並提升保險業界在環球保險業市場的競爭力；(由 2015 年第 12 號第 12 條增補)
 - (ed) 對影響保險業的事宜，進行研究；(由 2015 年第 12 號第 12 條增補)
 - (ee) 就保險業採取適當措施，以協助財政司司長維持香港金融穩定；(由 2015 年第 12 號第 12 條增補)
 - (f) 在適當時，在本條例准許的範圍內，與香港或香港以外任何地方的金融服務監管機構合作並對其給予協助；及
 - (g) 執行本條例或任何其他條例向其施加或授予的職能。(由 2012 年第 16 號第 23 條增補。由 2015 年第 12 號第 12 條修訂)
- (3) (由 2015 年第 12 號第 12 條廢除)
- (由 1995 年第 75 號第 2 條增補。由 2012 年第 16 號第 23 條修訂。格式變更 —— 2013 年第 1 號編輯修訂紀錄)

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- (1) The principal function of the Authority shall be to regulate and supervise the insurance industry for the promotion of the general stability of the insurance industry and for the protection of existing and potential policy holders.
(Amended 12 of 2015 s. 2)
- (2) Without limiting the generality of subsection (1), the Authority shall— (Amended 12 of 2015 s. 2)
- (a) be responsible for supervising an insurer's and an insurance intermediary's compliance with the provisions of this Ordinance;
 - (b) consider and propose reforms of the law relating to insurance business;
 - (c) promote and encourage proper standards of conduct and sound and prudent business practices amongst insurers;
 - (d) promote and encourage proper standards of conduct of insurance intermediaries and, where necessary, review and revise the regulatory system for the same;
 - (e) promote and develop self-regulation by market and professional bodies of the insurance industry;
 - (eb) promote the understanding by policy holders and potential policy holders of insurance products and the insurance industry; (Added 12 of 2015 s. 12)
 - (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; (Added 12 of 2015 s. 12)
 - (ed) conduct studies into matters affecting the insurance industry; (Added 12 of 2015 s. 12)
 - (ee) assist the Financial Secretary in maintaining the financial stability of Hong Kong by taking appropriate measures

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in relation to the insurance industry; (*Added 12 of 2015 s. 12*)

- (f) co-operate with and assist financial services supervisory authorities of Hong Kong or of any place outside Hong Kong, whenever appropriate, to the extent permitted by this Ordinance; and
- (g) perform functions imposed or conferred on the Authority by this or any other Ordinance. (*Added 16 of 2012 s. 23. Amended 12 of 2015 s. 2 & 12*)
- (3) (*Repealed 12 of 2015 s. 12*)
(*Added 75 of 1995 s. 2. Amended 16 of 2012 s. 23. Format changes—E.R. 1 of 2013*)

4B. 保監局的權力

- (1) 保監局可作出為執行其任何職能而需要作出的任何事情，亦可作出附帶於或有助於執行其任何職能的任何事情。
- (2) 在不局限第 (1) 款的原則下，保監局可 ——
 - (a) 持有、取得、租賃、出售、處置或以其他方式處理所有類別的財產（不論是動產或不動產），或對之作出押記；
 - (b) 訂立、履行、轉讓、接受他人轉讓、更改或撤銷任何合約、協議、諒解備忘錄或其他義務；
 - (c) 在財政司司長的批准下，以提供保證的方式或按其他條件，借入款項；
 - (d) 收取及支用款項；
 - (e) 接受饋贈；
 - (f) 刊登或公布任何關乎保監局執行其任何職能的事宜的材料，或以其他方式提供該等材料；
 - (g) 成立全資附屬公司；

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;

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- (h) 將其並非即時需用的資金，按財政司司長批准的方式，進行投資；
- (i) 為其行政和管理，作出該局認為合適的一切事情；及
- (j) 行使根據本條例或任何其他條例賦予保監局的其他權力。

*(由 2015 年第 12 號第 13 條增補)***4C. 業界諮詢委員會**

- (1) 保監局須委出一個業界諮詢委員會，就任何由該局交予該委員會的、關乎長期業務的事宜，向該局提供意見。
- (2) 保監局亦須委出另一個業界諮詢委員會，就任何由該局交予該委員會的、關乎一般業務的事宜，向該局提供意見。
- (3) 保監局可在諮詢財政司司長後，增設額外的業界諮詢委員會，就關於執行該局任何職能的事宜（關乎長期業務及一般業務的事宜除外），向該局提供意見。
- (4) 每個業界諮詢委員會，均須按照附表 1C 組成，並須按照該附表處理其業務。

*(由 2015 年第 12 號第 13 條增補)*Part 1A—Division 1
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- (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;
- (i) do all things that the Authority thinks fit for its administration and management; and
- (j) exercise other powers that are conferred on the Authority under this Ordinance or any other Ordinance.

*(Added 12 of 2015 s. 13)***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.

(Added 12 of 2015 s. 13)

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第 4D 條

4D. 保監局可設立其他委員會

- (1) 保監局可設立一個或多於一個委員會，就牽涉保監局的事宜，協助該局。
- (2) 保監局可將某項事宜，交予根據本條設立的委員會（**委員會**）考慮、查訊或管理。
- (3) 保監局 ——
 - (a) 可委任任何人為委員會的委員，不論該人是否保監局的成員亦然；及
 - (b) 可委任該委員會的任何委員，擔任該委員會的主席。
- (4) 將某項事宜交予委員會，並不妨礙保監局執行其任何職能。
- (5) 保監局 ——
 - (a) 可從委員會撤回根據第 (2) 款交予委員會的事宜；及
 - (b) 可撤銷根據第 (3) 款作出的委任。
- (6) 保監局可就一般情況或個別情況，向委員會發出指示，不論該等指示是否關於該委員會行事的方式亦然。
- (7) 有關委員會須遵照上述指示行事。

(由 2015 年第 12 號第 13 條增補)

4E. 保監局的職員及顧問

- (1) 保監局可按該局決定的報酬、津貼、條款及條件，僱用任何人。
- (2) 保監局可設立和維持需供款或不需供款的計劃，向其僱員及僱員的受養人支付退休福利、酬金或其他津貼。

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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—
 - (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.

(Added 12 of 2015 s. 13)

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.

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第 4F 條

- (3) 保監局可聘用顧問及代理人，協助該局執行其職能。
(由 2015 年第 12 號第 13 條增補)

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，保監局可將其任何職能轉授予——
- (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。

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- (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.

*(Added 12 of 2015 s. 13)***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.

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- (6) 如任何人或委員會看來是根據某項轉授或再轉授而行事，則除非相反證明成立，否則須推定該人或該委員會是按照該項轉授或再轉授的條款而行事。
- (7) 在不影響第 (5) 款的原則下，如保監局的職能被轉授或再轉授，則在本條例或任何其他條例中，凡在與執行該職能相關的情況下提述保監局，除文意另有所指外，均須據此解釋。

*(由 2015 年第 12 號第 13 條增補)***4H. 保監局須提交資料**

保監局須在財政司司長提出要求時，向財政司司長提交 ——

- (a) 財政司司長指明的、關於下述事宜的資料：保監局執行其任何職能時，該局依循、採取、擬依循或擬採取的原則、實務或政策；及
- (b) 依循、採取、擬依循或擬採取該等原則、實務及政策的理由。

*(由 2015 年第 12 號第 13 條增補)*5. *(由 2015 年第 12 號第 14 條廢除)***第 2 分部 —— 會計及財務安排***(第 2 分部由 2015 年第 12 號第 15 條增補)*

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- (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.
- (6) If a person or a committee purports to act under a delegation or sub-delegation, the person or the committee is presumed, unless the contrary is proved, to be acting in accordance with the terms of the delegation or sub-delegation.
- (7) Without affecting subsection (5), if there is a delegation or sub-delegation in relation to a function of the Authority, a reference in this Ordinance or any other Ordinance to the Authority in connection with the performance of the function is, unless the context otherwise requires, to be construed accordingly.

*(Added 12 of 2015 s. 13)***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
- (b) the reasons for pursuing or adopting, or proposing to pursue or adopt, those principles, practices and policies.

*(Added 12 of 2015 s. 13)*5. *(Repealed 12 of 2015 s. 14)***Division 2—Accounting and Financial Arrangements***(Division 2 added 12 of 2015 s. 15)*

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5A. 第 1A 部第 2 分部的釋義

在本分部中 ——

核數師 (auditor) 指根據第 5E 條委任的核數師；

財政年度 (financial year) 指第 5B 條指明的保監局財政年度。

5B. 事務計劃及周年預算

- (1) 保監局的財政年度，由每年的 4 月 1 日開始。
- (2) 然而，保監局的首個財政年度為符合以下說明的期間 ——
 - (a) 於《修訂條例》第 15 條的生效日期 * 開始；並
 - (b) 於隨後的 3 月 31 日終結。
- (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。

編輯附註：

* 生效日期：2015 年 12 月 7 日。

5A. Interpretation of Part 1A, 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.

Editorial Note:

*Commencement date: 7 December 2015.

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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
 - (b) 由該局的主席及行政總監簽署。
- (3) 保監局須在每個財政年度終結後，在切實可行範圍內，盡快——
 - (a) 擬備該局在該年度內的活動的報告；及
 - (b) 將該報告的文本，送交財政司司長。
- (4) 財政司司長須將上述報告的文本，提交立法會會議席上省覽。

5E. 核數師

- (1) 保監局須在財政司司長批准下，委任一名或多於一名核數師。
- (2) 核數師——

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
 - (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—

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- (a) 有權於任何合理時間，取覽保監局備存的簿冊、帳目、憑單、紀錄及文件；及
 - (b) 有權要求保監局的人員，提供核數師認為就履行其責任而需要的資料及解釋。
- (3) 審計署署長或其為有關目的授權的另一名公職人員，可於任何合理時間 ——
- (a) 審查保監局備存的簿冊、帳目、憑單、紀錄或文件；及
 - (b) 將該等簿冊、帳目、憑單、紀錄或文件的整份或其中任何記項，複製副本，前提是審計署署長或該人員認為，如此行事屬適當。

5F. 審計財務報表

- (1) 保監局須在每個財政年度終結後，在切實可行範圍內，盡快將根據第 5D 條就該年度擬備的財務報表提供予核數師，供進行審計。
- (2) 核數師須 ——
 - (a) 就上述財務報表，擬備報告；及
 - (b) 將該報告送交保監局。
- (3) 報告須包括一項陳述，說明核數師是否認為，有關財務報表真實而中肯地反映 ——
 - (a) 在有關財政年度終結時，保監局的事務狀況；及
 - (b) 保監局在該年度的運作績效及現金流。
- (4) 保監局在收到報告後，須在切實可行範圍內，盡快將報告及相關財務報表的文本，提供予財政司司長。

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- (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.

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- (5) 財政司司長須將報告及相關財務報表的文本，提交立法會會議席上省覽。

5G. 豁免稅款

保監局獲豁免而無須根據《稅務條例》(第 112 章)繳稅。

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- (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).

第 II 部**授權***(格式變更——2017 年第 4 號編輯修訂紀錄)***5H. 獲授權保險人登記冊**

- (1) 保監局須以其認為適合的形式，備存一份獲授權保險人的登記冊，登記冊須載有以下資料——
 - (a) 每名獲授權保險人的名稱、成立為法團的地點及首次獲授權的年份（不論是根據本條例或根據本條例所廢除或修訂的條例而獲授權）；
 - (b) 每名獲授權保險人獲授權經營的保險業務的類別，及根據第 8(1)(a) 條施加的、限制該保險人獲授權經營的某個或某些類別的保險業務的條件；
 - (c) 如某獲授權保險人停止訂立某種類的保險合約，或保監局根據第 27 條施加規定，規定該保險人停止訂立某種類的保險合約——說明此事的備註；
 - (d) 如保監局根據第 30 條，對某獲授權人施加規定，或有經理、臨時清盤人、清盤人或接管人獲委任——說明此事的備註；
 - (e) 如獲授權保險人因為一項根據第 40 條發出的指示，而不再獲授權經營屬某保險業務類別一部分的保險業務——說明此事的備註；及
 - (f) 如獲授權保險人的授權已根據第 41P(2)(b) 條被暫時撤銷——說明此事的備註。
- (2) 如——
 - (a) 登記冊以文件形式備存，任何人可於任何合理時間，免費查閱該登記冊；或

Part II**Authorization***(Format changes—E.R. 4 of 2017)***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

- (b) 登記冊並非以文件形式備存，任何人可於任何合理時間，免費查閱以可閱形式重現的、記錄在該登記冊內的資料。
- (3) 任何人可於任何合理時間，在繳付訂明費用後，獲取——
- (a) 登記冊內的某記項或摘錄的複本；或
- (b) 該記項或摘要的複本（經保監局的獲授權人員核證為該記項或摘錄的真實複本者）。
- (4) 在任何法律程序中——
- (a) 如任何文件看來是登記冊的記項或摘錄的複本，並看來是經保監局的獲授權人員核證為該記項或摘錄的真實複本，該文件一經交出，即可獲接納為證據，而無須再作證明；及
- (b) 除非有相反證據，否則該文件一經根據 (a) 段獲接納為證據——
- (i) 即須推定為經保監局的獲授權人員核證；
- (ii) 即須推定為該記項或摘錄的真實複本；及
- (iii) 即屬其內容的證明。
- (5) 保監局須在切實可行範圍內，提供登記冊讓人免費透過互聯網查閱。

(由 2015 年第 12 號第 16 條增補)

- (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
- (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.

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6. 經營保險業務的限制

- (1) 除下述者外，任何人不得在香港或從香港經營任何類別的保險業務——
 - (a) 根據第 8 條獲授權經營該類別保險業務的公司；
 - (b) 勞合社；
 - (c) 保監局認可的承保人組織。 (由 1994 年第 25 號第 3 條修訂)
- (2) 凡根據第 (1)(c) 款提出認可申請，申請人須提交保監局就該項申請所規定的資料。 (由 1994 年第 25 號第 3 條修訂)
- (3) 任何人違反第 (1) 款，即屬犯罪——
 - (a) 一經循公訴程序定罪，可處罰款 \$2,000,000；如屬個人，則可另處監禁 2 年；及
 - (b) 一經循簡易程序定罪，可處罰款 \$200,000；如屬個人，則可另處監禁 6 個月，

此外，無論在 (a) 或 (b) 段的情況下，均可在該項罪行持續期間，另加每日罰款 \$2,000。 (由 1996 年第 35 號第 3 條修訂)

(由 2015 年第 12 號第 2 條修訂)

6A. 在違反第 6(1) 條下所訂立的保險合約

- (1) 凡保險人在違反第 6(1) 條下訂立與任何類別的保險業務

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

(Added 12 of 2015 s. 16)

6. Restriction on carrying on of insurance business

- (1) No person shall carry on any class of insurance business in or from Hong Kong except—
 - (a) a company authorized under section 8 to carry on that class of insurance business;
 - (b) Lloyd's;
 - (c) an association of underwriters approved by the Authority. (Amended 25 of 1994 s. 3)
- (2) Where an application for approval under subsection (1)(c) is made, the applicant shall furnish such information in respect thereof as the Authority may require. (Amended 25 of 1994 s. 3)
- (3) A person who contravenes subsection (1) commits an offence and is liable—
 - (a) on conviction upon indictment to a fine of \$2,000,000 and, in the case of an individual, to imprisonment for 2 years; and
 - (b) on summary conviction to a fine of \$200,000 and, in the case of an individual, to imprisonment for 6 months,

together with, in either case, a fine of \$2,000 for each day on which the offence continues. (Amended 35 of 1996 s. 3)

(Amended 12 of 2015 s. 2)

6A. Contracts of insurance entered into in contravention of section 6(1)

- (但並非屬再保險業務)有關的保險合約，該合約可由保單持有人選擇是否——
- (a) 即使在違反上述規定下，仍可由保單持有人強制保險人履行；或
 - (b) 基於違反上述規定而屬無效。
- (2) 保單持有人如依據第 (1)(b) 款選擇使保險合約在合約期滿前無效，則有權取回其根據該合約支付的代價。
 - (3) 凡保險人在違反第 6(1) 條下訂立與任何類別的保險業務(屬再保險業務)有關的保險合約，該合約並不會僅因此項違反而屬無效或可使無效。
 - (4) 本條不適用於《1990 年保險公司(修訂)條例》*(1990 年第 44 號)生效日期前訂立的保險合約。

(由 1990 年第 44 號第 2 條增補)

編輯附註：

* “《1990 年保險公司(修訂)條例》”乃“Insurance Companies (Amendment) Ordinance 1990”之譯名。

7. 申請授權經營保險業務

- (1) 任何公司均可用書面向保監局申請授權經營任何類別的保險業務。
- (2) 申請人須按保監局所規定的表格，提交保監局為決定該項申請而需要的資料，並須連同附表 2 所指明與申請人的每位董事或控權人有關的詳情。

(由 2015 年第 12 號第 2 條修訂)

- (1) Where a contract of insurance in relation to any class of insurance business (not being reinsurance business) is entered into by an insurer in contravention of section 6(1), the contract shall, at the option of the policy holder, be either—
 - (a) enforceable against the insurer by the policy holder, and notwithstanding that contravention; or
 - (b) void by reason of that contravention.
- (2) A policy holder who in pursuance of subsection (1)(b) opts to void a contract of insurance before the expiration of the contract shall be entitled to recover any consideration paid by him under the contract.
- (3) Where a contract of insurance in relation to any class of insurance business (being reinsurance business) is entered into by an insurer in contravention of section 6(1), the contract shall not be void or voidable by reason only of that contravention.
- (4) This section shall not apply to a contract of insurance entered into before the commencement of the Insurance Companies (Amendment) Ordinance 1990 (44 of 1990).

(Added 44 of 1990 s. 2)

7. Application for authorization to carry on insurance business

- (1) Any company may make application in writing to the Authority for authorization to carry on any class of insurance business.
- (2) The applicant shall furnish such information in such form as the Authority may require for the purpose of determining the application together with the particulars specified in Schedule 2 relating to every director or controller of the applicant.

(Amended 12 of 2015 s. 2)

8. 授權

- (1) 任何公司根據第 7 條提出申請後，保監局 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 除 (b) 段另有規定外，可用書面授權該公司在保監局所施加的條件規限下，經營某類別或某等類別保險業務；或 (由 2015 年第 12 號第 2 條修訂)
 - (b) (i) (如第 (2) 或 (3) 款適用) 須拒絕該項申請；或
 - (ii) 可基於任何其他理由而拒絕該項申請，不論該項申請是否曾因第 (i) 節所訂的理由而遭拒絕。(由 1987 年第 41 號第 2 條代替)
- (2) 保監局如覺得任何身為公司董事或控權人的人並非擔任其所任職位的適當人選，則保監局不得根據本條向該公司授權。(由 2015 年第 12 號第 2 條修訂)
- (3) 除非符合下列條件，否則保監局不得根據本條向任何公司授權 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 在申請日期當日，公司的資產值 ——
 - (i) 如屬只經營或擬只經營一般業務的公司，不少於公司負債額及第 10 條所指的有關數額的總和；
 - (ii) 如屬只經營或擬只經營長期業務的公司，不少於以下兩項總和中數額較大者 ——
 - (A) 公司負債額及第 10 條所指的有關數額的總和；或
 - (B) 公司負債額及按照根據第 129(1)(b) 條訂立的規則而訂明或釐定的數額的總和；(由 1997 年第 29 號第 3 條修訂；由 2015 年第 12 號第 18 條修訂)
 - (iii) 如屬經營或擬經營一般業務及長期業務的公司，不少於以下兩個數額的總和，即假若第

8. Authorization

- (1) Upon application made by a company under section 7, the Authority— (Amended 12 of 2015 s. 2)
 - (a) subject to paragraph (b), may authorize the company in writing to carry on, subject to such conditions as the Authority may impose, any class or classes of insurance business; or (Amended 12 of 2015 s. 2)
 - (b) (i) shall refuse the application if subsection (2) or (3) applies; or
 - (ii) may refuse the application on any other ground whether or not the application has been refused on a ground under subparagraph (i). (Replaced 41 of 1987 s. 2)
- (2) The Authority shall not authorize a company under this section if it appears to the Authority that any person who is a director or controller of the company is not a fit and proper person to hold the position held by him. (Amended 12 of 2015 s. 2)
- (3) The Authority shall not authorize a company under this section unless the following conditions are satisfied— (Amended 12 of 2015 s. 2)
 - (a) that, at the date of the application, the value of the assets of the company is not less than—
 - (i) in the case of a company carrying on or intending to carry on general business only, the aggregate of the amount of its liabilities and the relevant amount within the meaning of section 10;
 - (ii) in the case of a company carrying on or intending to carry on long term business only, the greater of the following—

10(1) 條適用及只顧及公司的一般業務時，是屬於公司的有關數額，以及以下兩項總和中數額較大者 ——

(A) 以下數額的總和 ——

(I) 公司負債額；及

(II) \$2,000,000 或其同等數值 (如所經營或擬經營的長期業務的任何部分並不屬於附表 1 第 2 部類別 G 或 H 內所指明的性質)；或

(B) 公司負債額及按照根據第 129(1)(b) 條訂立的規則而訂明或釐定的數額的總和；及 (由 1994 年第 25 號第 4 條代替。由 1997 年第 29 號第 3 條修訂；由 2015 年第 12 號第 18 條修訂)

(b) 如屬有股本公司，則其已繳足股本的數額、該公司的後償債權股額數額，以及該公司已繳足股款的可贖回優先股的總和不少於以下數額 ——

(i) \$10,000,000 或其同等數值，除非第 (ii)、(iii) 或 (iv) 節適用於該公司；(由 1997 年第 29 號第 3 條修訂)

(ii) 如該公司擬同時經營一般業務及長期業務，或在香港以外地方同時經營一般業務及長期業務，則為 \$20,000,000 或其同等數值；

(iii) 如該公司擬經營任何涉及法律責任或風險的保險業務類別 (但並非再保險業務)，而該類法律責任或風險的投保人是因任何條例的規定而須投保的，則為 \$20,000,000 或其同等數值；(由 1996 年第 35 號第 4 條修訂；由 1997 年第 29 號第 3 條修訂)

(A) the aggregate of the amount of its liabilities and the relevant amount within the meaning of section 10; or

(B) the aggregate of the amount of its liabilities and such amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b); (*Amended 29 of 1997 s. 3; 12 of 2015 s. 18*)

(iii) in the case of a company carrying on or intending to carry on both general business and long term business, the aggregate of the amount which, if section 10(1) applied, would be the relevant amount in the case of the company having regard only to its general business and the greater of the following—

(A) the aggregate of—

(I) the amount of its liabilities; and

(II) if any part of the long term business carried on or intended to be carried on is of a nature other than that specified in class G or H in Part 2 of Schedule 1, \$2,000,000 or its equivalent; or

(B) the aggregate of the amount of its liabilities and such amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b); and (*Replaced 25 of 1994 s. 4. Amended 29 of 1997 s. 3; 12 of 2015 s. 18*)

(b) that in the case of a company having a share capital, the aggregate of the amount paid up thereof and the amount of any subordinated loan stock of the company and the

- (iv) 如該公司擬作為專屬自保保險人而經營業務，則為 \$2,000,000 或其同等數值；及 (由 1997 年第 29 號第 3 條增補)
- (c) 就公司在經營業務的過程中擬向人提供的每一類別風險保險而言 ——
- (i) 已有足夠安排，或將會作出足夠安排，將公司在經營業務的過程中向人或行將向人提供的該類別風險保險作出再保險；或
- (ii) 有充分理由無須為上述目的作出安排；及
- (d) 公司有能力和將會繼續有能力履行其義務，包括與其申請經營的保險業務類別以外的業務有關的義務；及
- (e) (如該公司屬《公司條例》(第 622 章)第 2(1) 條所界定的非香港公司)該公司已遵從該條例第 16 部；及 (由 2012 年第 28 號第 912 及 920 條代替)
- (f) 該公司將會有能力遵從本條例中任何對其適用的條文；及
- (g) 如該公司除經營保險業務外另行經營或擬另行經營其他形式的業務，則該項除保險業務外另行經營的其他形式的業務，與現有及潛在的保單持有人的利益並無抵觸；及
- (h) 公司的名稱相當不可能騙人。
- (4) 就本條例而言 ——
- (a) 在計算任何公司或保險人 (視屬何情況而定) 的負債額時，除與該公司的或該保險人的股本有關的負債外，一切或有負債及預期負債均須計算在內；
- (b) 除第 (5) 款另有規定外，任何資產的價值及任何負債的數額，須按照根據第 129(1)(a) 條訂立的任何適用規則而釐定，而 (a) 段的效用則須受該等規則規限；(由 1997 年第 29 號第 3 條修訂；由 2015 年第 12 號第 18 條修訂)

amount paid up in respect of any redeemable preference shares of the company is not less than—

- (i) except if subparagraph (ii), (iii) or (iv) applies to the company, \$10,000,000 or its equivalent; (Amended 29 of 1997 s. 3)
- (ii) if the company intends to carry on both general business and long term business, or carries on both general business and long term business outside Hong Kong, \$20,000,000 or its equivalent;
- (iii) if the company intends to carry on any class of insurance business (not being reinsurance business) relating to liabilities or risks in respect of which persons are required by any Ordinance to be insured, \$20,000,000 or its equivalent; (Amended 35 of 1996 s. 4; 29 of 1997 s. 3)
- (iv) if the company intends to carry on business as a captive insurer, \$2,000,000 or its equivalent; and (Added 29 of 1997 s. 3)
- (c) that as regards each class of risks against which, in the course of carrying on business, the company proposes to insure persons—
- (i) adequate arrangements are in force, or will be made, for the reinsurance of risks of that class against which persons are, or are to be, insured by the company in the course of carrying on business; or
- (ii) it is justifiable not to make arrangements for that purpose; and
- (d) that the company is, and will continue to be, able to meet its obligations including obligations in respect of business other than the class of insurance business in respect of which the application is made; and

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- (c) 如並無該等規則適用於任何公司或保險人(視屬何情況而定),則——(由 2015 年第 12 號第 18 條修訂)
- (i) 在釐定其資產值時,須顧及該等資產的市值,以及將該等資產變現所需的費用;及
- (ii) 在釐定其負債額時,須顧及了結該等債務所需的費用,而在評定或評估任何該等負債額時,則須顧及該公司或保險人在經營任何有關的保險業務方面的經驗,或其他人在經營相同或類似的保險業務方面的經驗。(由 1994 年第 25 號第 4 條代替)
- (5) 第 (4)(b) 款並不適用於作為專屬自保保險人而經營或擬作為專屬自保保險人而經營業務的公司。(由 1997 年第 29 號第 3 條增補)

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- (e) in the case of a non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622), that it has complied with Part 16 of that Ordinance; and (Amended 28 of 2012 ss. 912 & 920)
- (f) that the company will be able to comply with such of the provisions of this Ordinance as would be applicable to it; and
- (g) that in the case of a company which carries on, or proposes to carry on, some other form of business in addition to insurance business, the carrying on of that other form of business in addition to insurance business is not contrary to the interest of existing and potential policy holders; and
- (h) that the name of the company is not likely to deceive.
- (4) For the purposes of this Ordinance—
- (a) in computing the amount of the liabilities of a company or an insurer, as the case may be, all contingent and prospective liabilities shall be taken into account but not liabilities in respect of the company's or insurer's share capital;
- (b) subject to subsection (5), the value of any assets and the amount of any liabilities shall be determined in accordance with any applicable rules made under section 129(1)(a), and paragraph (a) shall have effect subject to any such rules; (Amended 29 of 1997 s. 3; 12 of 2015 s. 18)
- (c) if no such rules are applicable in the case of a company or an insurer, as the case may be, regard shall be had— (Amended 12 of 2015 s. 18)
- (i) in determining the value of its assets, to their market value and the cost of realizing such assets; and

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9. 控權人 (controller) 的涵義

(由 2015 年第 12 號第 19 條修訂)

* (1) 除第 13A(12)、13B(1)、64F 或 80(1) 條另作界定外，**控權人** (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
- (iii) 符合以下說明的人——
 - (A) 下述人士慣常按照該人指示或指令行事：該適用公司的董事 (或其中任何董事)，或 (如該適用公司是某法人團體的附屬公司) 該法人團體的董事 (或其中任何董事)；或
 - (B) 有權單獨或連同任何相聯者或透過代名人，在該適用公司或 (如該適用公司是某法人團體的附屬公司) 該法人團體的大會

- (ii) in determining the amount of its liabilities, to the cost of the settlement of such liabilities and, where the amount of any such abilities is assessed or estimated, to the experience of the company or insurer in carrying on any relevant insurance business or of other persons carrying on the same or similar insurance business. *(Replaced 25 of 1994 s. 4)*

(5) Subsection (4)(b) shall not apply in the case of a company carrying on or intending to carry on business as a captive insurer. *(Added 29 of 1997 s. 3)*

9. Meaning of *controller* (控權人)

(Amended 12 of 2015 s. 19)

* (1) Except as otherwise defined by section 13A(12), 13B(1), 64F or 80(1), **controller** (控權人), 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

上行使或控制行使 15% 或以上的投票權；
但

- (b) 不包括經理。(由 2015 年第 12 號第 19 條代替)
- (2) 除第 (3) 款另有規定外，在本條內，**行政總裁** (chief executive) 就任何適用公司或法人團體 (該適用公司是其附屬公司者) 而言，指該適用公司或該法人團體的任何僱員，而該僱員在董事的直接權限下，單獨負責或與其他共同負責處理該適用公司或該法人團體的整項保險業務。(由 2015 年第 12 號第 19 條修訂)
- (3) 就香港以外地方成立為法團的適用公司而言 —— (由 2015 年第 12 號第 19 條修訂)
- (a) 第 (1)(a) 款提述該適用公司的常務董事之處，包括提述擔任該適用公司的常務董事的人，但僅限於就該適用公司在香港經營的保險業務而擔任該職者；及
- (b) 第 (1)(b) 款提述該適用公司的行政總裁之處，包括提述受該適用公司僱用，以單獨負責或與其他共同負責 (不論是否在董事的直接權限下) 處理該適用公司在香港經營的整項保險業務的人，而該人不屬符合以下說明的人 ——
- (i) 同時負責處理該適用公司在其他地方經營的保險業務；及
- (ii) 有下屬負責該適用公司在香港經營的整項保險業務。(由 2015 年第 12 號第 19 條修訂)
- (4) 在本條內，**相聯者** (associate) 就任何人而言，指以下的人士 ——
- (a) 該人的妻子、丈夫或未成年子女；
- (b) 該人身為董事的法人團體；
- (c) 該人的僱員或合夥人；
- (d) 如該人是法人團體，則指 ——
- (i) 該法人團體的任何董事；

(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. (Replaced 12 of 2015 s. 19)
- (2) Subject to subsection (3), in this section **chief executive** (行政總裁), in relation to the applicable company or a body corporate of which the applicable company is a subsidiary, means an employee of the applicable company or that body corporate, who, alone or jointly with others, is responsible under the immediate authority of the directors for the conduct of the whole of the insurance business of the applicable company or that body corporate. (Amended 12 of 2015 s. 19)
- (3) In relation to an applicable company incorporated outside Hong Kong —— (Amended 12 of 2015 s. 19)
- (a) the reference in subsection (1)(a) to a managing director of the applicable company includes a reference to a person who is a managing director of the applicable company in respect of so much of its insurance business as is carried on within Hong Kong; and
- (b) the reference in subsection (1)(b) to a chief executive of the applicable company includes a reference to a person employed by the applicable company 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 applicable company within Hong Kong, not being a person who —— (Amended 12 of 2015 s. 19)

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- (ii) 該法人團體的任何附屬公司；
 - (iii) 該附屬公司的任何董事或僱員，
- 就本款而言，“子女”包括繼子女。

(5) 在本條中——

適用公司 (applicable company) 指——

- (a) 根據第 7 條提出申請的公司；或
- (b) 獲授權保險人。(由 2015 年第 12 號第 19 條增補)

編輯附註：

* 《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 第 19(2) 條對本條例第 9(1) 條的修訂已於 2017 年 6 月 26 日開始實施，但在第 19(2) 條關乎新訂第 64F 及 80(1) 條的範圍內除外——請參閱《2017 年〈2015 年保險公司 (修訂) 條例〉(生效日期) 公告》(2017 年第 71 號法律公告)(m) 段。

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- (i) is also responsible for the conduct of insurance business carried on by the applicable company elsewhere; and
 - (ii) has a subordinate who is responsible for the whole of the insurance business carried on by the applicable company within Hong Kong. (*Amended 12 of 2015 s. 19*)
- (4) In this section **associate** (相聯者), in relation to any person, means—
- (a) the wife or husband or minor child of that person;
 - (b) any body corporate of which that person is a director;
 - (c) any person who is an employee or partner of that person;
 - (d) if that person is a body corporate—
 - (i) any director of that body corporate;
 - (ii) any subsidiary of that body corporate;
 - (iii) any director or employee of any such subsidiary,
 and for the purposes of this subsection “child” includes a step-child.
- (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. (*Added 12 of 2015 s. 19*)

Editorial Note:

* The amendment to section 9(1) of this Ordinance by section 19(2) of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as section 19(2) relates to the new sections 64F and 80(1)—see paragraph (m) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

10. 在第 8(3) 條內有關數額 (relevant amount) 的涵義

- (1) 除第 (1A) 款另有規定外，如屬只經營或擬只經營一般業務的公司，有關數額指按照下表適用於該公司的數額——（由 1994 年第 25 號第 5 條修訂；由 1997 年第 29 號第 4 條修訂）

表

| 公司情況 | 適用數額 |
|---|---|
| 1. 該公司在對上一個財政年度內有關保費收入或在對上一個財政年度終結時有關未決申索（以數額中較大者為準）不超過 \$50,000,000 或其同等數值。 | \$10,000,000 或其同等數值。 |
| 2. 在該年度內上述收入或在該年度終結時上述未決申索（以數額中較大者為準）超過 \$50,000,000，但不超過 \$200,000,000 或其同等數值。 | 該年度內上述收入的五分之一或該年度終結時上述未決申索的五分之一（視屬何情況而定）。 |

10. Meaning of *relevant amount* (有關數額) in section 8(3)

- (1) Subject to subsection (1A), the relevant amount in the case of a company carrying on or intending to carry on general business only shall be the amount applicable to that company according to the following Table— (*Amended 25 of 1994 s. 5; 29 of 1997 s. 4*)

TABLE

| Case | Amount Applicable |
|--|---------------------------------|
| 1. The relevant premium income of the company in its last preceding financial year, or the relevant claims outstanding of the company as at the end of its last preceding financial year, whichever is the greater, did not exceed \$50 million or its equivalent. | \$10 million or its equivalent. |

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3. 在該年度內上述收入或在該年度終結時上述未決申索 (以數額中較大者為準) 超過 \$200,000,000 或其同等數值。
- \$40,000,000 及 ——
- (a) 在該年度內上述收入超出 \$200,000,000 之數的十分之一；或
- (b) 在該年度終結時上述未決申索超出 \$200,000,000 之數的十分之一，
- (視屬何情況而定) 的總和，或其同等數值。

如屬第 8(3)(b)(iii) 條提述的公司，適用數額不得少於 \$20,000,000 或其同等數值。(由 1996 年第 35 號第 5 條代替)

- (1A) 如屬作為專屬自保保險人而經營或擬作為專屬自保保險人而經營業務的公司，有關數額指按照下表適用於該公司的數額 ——

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2. The said income in that year, or the said claims outstanding as at the end of that year, whichever is the greater, exceeded \$50 million but did not exceed \$200 million or its equivalent. One-fifth of the said income in that year, or one-fifth of the said claims outstanding as at the end of that year, as the case may be.
3. The said income in that year, or the said claims outstanding as at the end of that year, whichever is the greater, exceeded \$200 million; or its equivalent. The aggregate of \$40 million and—
- (a) one-tenth of the amount by which the said income in that year exceeded \$200 million; or
- (b) one-tenth of the amount by which the said claims outstanding as at the end of that year exceeded \$200 million,
- as the case may be, or its equivalent.

In the case of a company referred to in section 8(3)(b)(iii), the amount applicable shall be not less than \$20,000,000 or its equivalent. (Replaced 35 of 1996 s. 5)

- (1A) The relevant amount in the case of a company carrying on or intending to carry on business as a captive insurer shall be the amount applicable to that company according to the following Table—

表

TABLE

| 公司情況 | 適用數額 |
|---|---|
| 1. 該公司在對上一個財政年度內淨保費收入或在對上一個財政年度終結時淨未決申索 (以數額中較大者為準) 不超過 \$40,000,000 或其同等數值。 | \$2,000,000 或其同等數值。 |
| 2. 在該年度內上述收入或在該年度終結時上述未決申索 (以數額中較大者為準) 超過 \$40,000,000 或其同等數值。 | 該年度內上述收入的 5% 或該年度終結時上述未決申索的 5% (視屬何情況而定)。 |
| (由 1997 年第 29 號第 4 條增補) | |
| (2) 如屬只經營或擬只經營長期業務的公司，而所經營或擬經營的長期業務的任何部分，並不屬於附表 1 第 2 部內類別 G 或 H 所指明的性質，有關數額則為 \$2,000,000 或其同等數值。(由 1994 年第 25 號第 5 條修訂) | |
| (3) 如屬經營或擬經營一般業務及長期業務的公司，有關數額為以下數額的總和 —— (由 1994 年第 25 號第 5 條修訂) | |
| (a) 在第 (1) 款適用的情況下，只顧及該公司的一般業務時適用於該公司的有關數額；及 | |
| (b) 如所經營或擬經營的長期業務的任何部分，並不屬於附表 1 第 2 部內類別 G 或 H 所指明的性質，\$2,000,000 或其同等數值。(由 1993 年第 59 號第 4 條修訂) | |
| (4) 就本條而言 —— | |
| (a) 如公司的對上一個財政年度並非為期 12 個月，在該財政年度內的保費收入，須當作為用以下方法計算 | |

| Case | Amount Applicable |
|--|--|
| 1. The net premium income of the company in its last preceding financial year, or the net claims outstanding of the company as at the end of its last preceding financial year, whichever is the greater, did not exceed \$40 million or its equivalent. | \$2 million or its equivalent. |
| 2. The said income in that year, or the said claims outstanding as at the end of that year, whichever is the greater, exceeded \$40 million or its equivalent. | 5% of the said income in that year, or 5% of the said claims outstanding as at the end of that year, as the case may be. |
| (Added 29 of 1997 s. 4) | |
| (2) The relevant amount in the case of a company carrying on or intending to carry on long term business only, if any part of the long term business carried on or intended to be carried on is of a nature other than that specified in class G or H in Part 2 of Schedule 1, is \$2,000,000 or its equivalent. (Amended 25 of 1994 s. 5) | |
| (3) The relevant amount in the case of a company carrying on or intending to carry on both general business and long term business is the aggregate of the following amounts— (Amended 25 of 1994 s. 5) | |

所得的款額：即將該財政年度內的可收取保費除以該財政年度內的日數，再將結果乘以 365；

- (b) 公司在任何財政年度內的有關保費收入，須以下列數額中較大者為準——
- (i) 相等於公司在該財政年度內毛保費收入 50% 的數額；
 - (ii) 從毛保費收入中扣除公司就再保險而須支付的保費後得出的數額；
- (ba) 如屬作為專屬自保保險人而經營或擬作為專屬自保保險人而經營業務的公司，該公司在任何財政年度內的淨保費收入，須為從毛保費收入中扣除該公司就再保險而須支付的保費後得出的數額；(由 1997 年第 29 號第 4 條增補)
- (bb) 如屬作為專屬自保保險人而經營或擬作為專屬自保保險人而經營業務的公司——
- (i) 在該公司的任何類別的一般業務均非按基金會計基準計算的情況下，該公司在財政年度終結時的淨未決申索為以下數額的總和——
 - (A) 減去任何可向再保人追討的數額之後的未決申索的數額；及
 - (B) 未過期風險的額外款額；
 - (ii) 在該公司所有類別的一般業務均按基金會計基準計算的情況下，該公司在財政年度終結時的淨未決申索為該基金；或
 - (iii) 在該公司的一般業務的某部分按基金會計基準計算的情況下，該公司在財政年度終結時的淨未決申索為以下數額的總和——
 - (A) 就該部分而言，則為該基金；及
 - (B) 就該業務的其他部分而言，則為——

- (a) the amount which, if subsection (1) applied, would be the relevant amount in the case of that company having regard only to its general business; and
 - (b) if any part of the long term business carried on or intended to be carried on is of a nature other than that specified in class G or H in Part 2 of Schedule 1, \$2,000,000 or its equivalent. (*Amended 59 of 1993 s. 4*)
- (4) For the purposes of this section—
- (a) in the case of a company whose last preceding financial year was not a period of 12 months, the premium income in that financial year shall be deemed to be the sum obtained by dividing the amount of premiums receivable in that financial year by the number of days in that financial year and multiplying the result by 365;
 - (b) the relevant premium income of a company in any financial year shall be whichever is the greater of the following amounts—
 - (i) an amount equal to 50% of the gross premium income of the company in that financial year;
 - (ii) the amount obtained by deducting from its gross premium income the amount of any premiums payable by the company in respect of reinsurance;
 - (ba) in the case of a company carrying on or intending to carry on business as a captive insurer, the net premium income of such company in any financial year shall be the amount obtained by deducting from its gross premium income the amount of any premiums payable by the company in respect of reinsurance; (*Added 29 of 1997 s. 4*)
 - (bb) in the case of a company carrying on or intending to carry on business as a captive insurer, the net claims

- (I) 減去任何可向再保人追討的數額之後的未決申索的數額；及
- (II) 未過期風險的額外款額；(由 1997 年第 29 號第 4 條增補)
- (c) 公司在任何財政年度內的毛保費收入，即為在該財政年度內與所有保險業務有關（長期業務除外）的可收取保費的數額；
- (d) 如 ——
 - (i) 公司任何類別的一般業務均非按基金會計基準計算，則公司在財政年度終結時的有關未決申索為以下數額的總和 ——
 - (A) 減去任何可向再保人追討的數額之前的未決申索的 50% 的數額或減去任何可向再保人追討的數額之後的未決申索的數額（以數額中較大者為準）；及
 - (B) 未過期風險的額外款額；
 - (ii) 公司所有類別的一般業務均按基金會計基準計算，則公司在財政年度終結時的有關未決申索為該基金；
 - (iii) 公司一般業務的某部分按基金會計基準計算，則公司在財政年度終結時的有關未決申索為以下數額的總和 ——
 - (A) 就該部分而言，則為該基金；
 - (B) 就該業務的其他部分而言，則為 ——
 - (I) 減去任何可向再保人追討的數額之前的未決申索的 50% 的數額或減去任何可向再保人追討的數額之後的未決申索的數額（以數額中較大者為準）；及

outstanding of such company as at the end of a financial year shall be—

- (i) where no class of the general business of the company is accounted for on a fund accounting basis, the aggregate of the following—
 - (A) the amount of claims outstanding after deducting any amount recoverable from reinsurers thereon; and
 - (B) the additional amount for unexpired risks;
- (ii) where all classes of the general business of the company are accounted for on a fund accounting basis, the fund; or
- (iii) where part of the general business of the company is accounted for on a fund accounting basis, the aggregate of the following—
 - (A) in respect of that part, the fund; and
 - (B) in respect of the other part of that business—
 - (I) the amount of claims outstanding after deducting any amount recoverable from reinsurers thereon; and
 - (II) the additional amount for unexpired risks; (Added 29 of 1997 s. 4)
- (c) the gross premium income of a company in any financial year shall be the amount of premiums receivable in that financial year in respect of all insurance business other than long term business;
- (d) the relevant claims outstanding of a company as at the end of a financial year shall be—

- (II) 未過期風險的額外款額；(由 1996 年第 35 號第 5 條增補)
- (e) **未決申索** (claims outstanding)、**未過期風險的額外款額** (additional amount for unexpired risks) 及 **基金** (fund) 分別具有附表 3 第 1 部第 1(1) 段給予該等詞的涵義。(由 1996 年第 35 號第 5 條增補)
- (5) 在第 (4)(a) 及 (c) 款內，**可收取保費** (premiums receivable) 就某個財政年度而言，指就該財政年度內簽訂或續訂的合約而向獲授權保險人支付或須支付的保費，而此項保費並未扣除代理人或經紀佣金，但已扣除在保單內指明的折讓，或因風險的終止或減少而退回的保費。(由 2015 年第 12 號第 20 條修訂)

- (i) where no class of the general business of the company is accounted for on a fund accounting basis, the aggregate of the following—
- (A) an amount equal to 50% of the claims outstanding before deducting any amount recoverable from reinsurers thereon, or the amount of claims outstanding after deducting any amount recoverable from reinsurers thereon, whichever is the greater; and
- (B) the additional amount for unexpired risks;
- (ii) where all classes of the general business of the company are accounted for on a fund accounting basis, the fund;
- (iii) where part of the general business of the company is accounted for on a fund accounting basis, the aggregate of the following—
- (A) in respect of that part, the fund;
- (B) in respect of the other part of that business—
- (I) an amount equal to 50% of the claims outstanding before deducting any amount recoverable from reinsurers thereon, or the amount of claims outstanding after deducting any amount recoverable from reinsurers thereon, whichever is the greater; and
- (II) the additional amount for unexpired risks; (*Added 35 of 1996 s. 5*)
- (e) **additional amount for unexpired risks** (未過期風險的額外款額), **claims outstanding** (未決申索) and **fund** (基金) have the meanings respectively assigned to them

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in paragraph 1(1) of Part 1 of Schedule 3. *(Added 35 of 1996 s. 5)*

- (5) In subsection (4)(a) and (c) **premiums receivable** (可收取保費), in relation to a financial year, means the premiums paid or payable to an authorized insurer in respect of contracts written or renewed in that financial year before deducting commissions of agents or brokers but after deducting any discounts specified in policies or refunds of premiums made in respect of any termination or reduction of risks.

(Amended 12 of 2015 s. 20)

11. 就根據第 8(2) 條拒絕授權而發出的通知

(由 2015 年第 12 號第 21 條修訂)

- (1) 凡保監局根據第 8 條拒絕向任何公司授權，理由是 (如超過一個理由，則其中一個理由是) 該條第 (2) 款所提述的任何人並非其所出任職位的適當人選，則保監局須將該事實及受質疑是否屬適當人選的人的姓名或名稱，以書面通知該公司。 *(由 2015 年第 12 號第 2 條修訂)*
- (2) 凡根據第 (1) 款向任何公司發出拒絕授權通知書，須同時以掛號郵遞方式，將該通知書的副本，寄給受質疑是否適當人選的人。 *(由 1987 年第 41 號第 3 條修訂；由 1997 年第 362 號法律公告修訂；由 2015 年第 12 號第 21 條修訂)*
- (3) 凡保監局根據第 8(1)(b)(ii) 條拒絕向任何公司授權，則保監局須以書面將該項拒絕通知該公司。 *(由 1987 年第 41 號第 3 條增補。由 2015 年第 12 號第 2 條修訂)*
- (4) *(由 2015 年第 12 號第 21 條廢除)*

12. 第 8 條所指的授權的條件

(由 2015 年第 12 號第 22 條代替)

11. Notification of refusal of authorization under section 8(2)

(Amended 12 of 2015 s. 21)

- (1) Where the Authority refuses to authorize a company under section 8 on the ground (or, if more than one, on grounds which include the ground) that any person as mentioned in subsection (2) of that section is not a fit and proper person to hold the position held by him, the Authority shall notify the company in writing of that fact and the name of the person whose fitness is in question. *(Amended 12 of 2015 s. 2)*
- (2) Where notice of a refusal is given to a company under subsection (1), a copy thereof shall at the same time be sent by registered post to the person whose fitness is in question. *(Amended 41 of 1987 s. 3; 12 of 2015 s. 21)*
- (3) Where the Authority refuses to authorize a company under section 8(1)(b)(ii), the Authority shall notify the company in writing of that refusal. *(Added 41 of 1987 s. 3. Amended 12 of 2015 s. 2)*
- (4) *(Repealed 12 of 2015 s. 21)*

12. Conditions for authorization under section 8

(Replaced 12 of 2015 s. 22)

- (1) 凡任何授權是在根據第 8(1)(a) 條而施加的條件規限下作出的，則保監局可藉向有關獲授權保險人送達書面通知，修訂或撤銷該條件，或施加在有關情況下屬合理的新條件。(由 2015 年第 12 號第 22 條修訂)
 - (2) 第 (1) 款所提述的任何條件，如在緊接《1988 年保險公司 (修訂) 條例》*(1988 年第 34 號) 生效日期前具有效力，則繼續具有效力，直至根據該款被撤銷為止。
 - (3) 保監局如修訂或撤銷第 (1) 款提述的條件，或施加新條件，則可發出指示，據此修訂根據第 5H 條備存的登記冊。(由 2015 年第 12 號第 22 條代替)
- (由 1988 年第 34 號第 3 條代替)

編輯附註：

* “《1988 年保險公司 (修訂) 條例》”乃 “Insurance Companies (Amendment) Ordinance 1988” 之譯名。

13. 授權時及其後每年須繳付的費用

- (1) 每名獲授權保險人須於下述時間向保監局繳付訂明的費用——(由 2015 年第 12 號第 2 條修訂)
 - (a) 不遲於獲授權的日期；及
 - (b) 每年不遲於該日期的週年日。(由 1992 年第 50 號第 2 條代替)
- (2) 第 (1) 款適用於根據因附表 11 第 2(7) 條的施行而具有持續效力的《原有條例》第 61(1) 條當作為根據第 8 條獲授權經營保險業務的保險人，猶如——(由 2015 年第 12 號第 23 條修訂)
 - (a) (a) 段已被略去；及
 - (b) 在 (b) 段內，“該日期”三個字已由“根據由本條例所廢除或修訂的條例首次獲授權經營保險業務的日期”代替。

- (1) Where any authorization is granted subject to conditions imposed under section 8(1)(a), 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. (Amended 12 of 2015 s. 22)
 - (2) Any condition referred to in subsection (1) which was in effect immediately before the commencement of the Insurance Companies (Amendment) Ordinance 1988 (34 of 1988) shall continue to have effect until it is revoked under that subsection.
 - (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. (Replaced 12 of 2015 s. 22)
- (Replaced 34 of 1988 s. 3)

13. Fee payable upon authorization and annually thereafter

- (1) Every authorized insurer shall pay the prescribed fees to the Authority—(Amended 12 of 2015 s. 2)
 - (a) not later than the date on which it is authorized; and
 - (b) annually upon the anniversary of such date. (Replaced 50 of 1992 s. 2)
- (2) Subsection (1) shall apply to an insurer deemed under section 61(1) of the pre-amended Ordinance having continuing effect by the operation of section 2(7) of Schedule 11 to be authorized under section 8 to carry on insurance business as if—(Amended 12 of 2015 s. 23)
 - (a) paragraph (a) were omitted; and
 - (b) in paragraph (b), for “such date” there were substituted “the date on which it was first authorized to carry on

- (3) 凡保監局覺得任何獲授權保險人在任何第 (1) 款提述的週年日後不擬再訂立任何保險合約，則保監局可免除保險人根據該款就該週年及其後任何週年須繳付的費用；但保監局可隨時藉書面通知該保險人而撤銷該項免除，自通知書的日期起生效。(由 2015 年第 12 號第 2 條修訂)

13A. 對獲授權保險人的某些控權人的認可

- (1) 獲授權保險人如欲委任某名個人為該保險人的控權人，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控權人，給予認可。
- (3) 獲授權保險人如根據第 (2) 款提出申請，須向保監局提供 ——
 - (a) 附表 4 指明的資料；
 - (b) 建議委任為該保險人的控權人的個人所簽署的一項陳述，說明該申請是在其知情及同意下提出的；及
 - (c) 保監局為使該局能夠考慮該申請而合理地要求的任何其他資料。
- (4) 保監局除非信納，有關的個人是獲委任為有關獲授權保險人的控權人的適當人選，否則不得對該項委任給予認可。

insurance business under any Ordinance repealed or amended by this Ordinance”.

- (3) Where it appears to the Authority that an authorized insurer does not intend to effect any contracts of insurance after any anniversary referred to in subsection (1), the Authority may waive the payment of the fee payable by the insurer under that subsection in respect of that and any subsequent anniversary; but any such waiver may be revoked at any time by the Authority by notice in writing to the insurer, with effect from the date of such notice. (Amended 12 of 2015 s. 2)

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.
- (4) The Authority must not approve the appointment of an individual as a controller of the authorized insurer unless it is

- (5) 保監局須向有關獲授權保險人及有關的個人，發出書面通知，將根據第 (2) 款提出的申請的結果，告知他們。
- (6) 如有關申請遭拒，則有關通知須載有說明拒絕理由的陳述。
- (7) 在符合第 (9) 款的規定下，保監局如覺得，獲委任為某獲授權保險人的控權人的個人，並非或不再屬獲委任為該保險人的控權人的適當人選，則可向該保險人及該名個人送達書面通知，撤銷對該項委任的認可。
- (8) 委任有關的個人為控權人的獲授權保險人，須在第 (7) 款所指的通知指明的日期或之前，終止該項委任。
- (9) 保監局在根據第 (7) 款送達通知前，須向有關獲授權保險人及有關的個人送達初步書面通知，說明——
- (a) 保監局因為覺得該名個人並非或不再屬獲委任為該保險人的控權人的適當人選，而正在考慮基於該項理由，根據該款向該保險人送達通知；及
- (b) 在該初步通知的送達日期後 1 個月內，該保險人或該名個人可——
- (i) 向保監局作出書面申述；及
- (ii) (如該保險人或該名個人要求作出口頭申述) 向保監局為此目的而委任的人，作出口頭申述。
- (10) 如有人根據第 (9) 款作出申述，則保監局須在根據第 (7) 款送達通知之前，考慮該等申述。
- (11) 獲授權保險人違反第 (1) 或 (8) 款，即屬犯罪——
- (a) 可處罰款 \$200,000；而
- (b) 如有關罪行屬持續罪行，則可就該罪行持續期間的每一日，另處罰款 \$2,000。
- (12) 在本條中——
- 控權人** (controller) ——
- (a) 指——

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.

- (i) 就於香港成立為法團的獲授權保險人而言——屬該保險人的常務董事或行政總裁的個人；或
- (ii) 就於香港以外地方成立為法團的獲授權保險人而言——符合以下說明的個人——
 - (A) 擔任該保險人的常務董事，但僅限於就該保險人在香港經營的保險業務而擔任該職者；或
 - (B) 擔任該保險人的行政總裁，以單獨負責或與其他人共同負責（不論是否在董事的直接權限下）處理該保險人在香港經營的整項保險業務，而不屬符合以下說明的個人——
 - (I) 同時負責處理該保險人在其他地方經營的保險業務；及
 - (II) 有下屬負責該保險人在香港經營的整項保險業務；但
- (b) 不包括經理。

(由 2015 年第 12 號第 24 條代替)

- (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—
 - (I) is also responsible for the conduct of insurance business carried on by the insurer elsewhere; and

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13AB. 在違反第 13A 條下出任獲授權保險人的控權人所受的限制

- (1) 在違反第 13A(1) 條下獲委任為獲授權保險人的控權人的個人，不得擔任或繼續擔任該保險人的控權人。
- (2) 獲委任為獲授權保險人的控權人的個人，不得在根據第 13A(7) 條送達該名個人的通知指明的日期後，繼續擔任該保險人的控權人。
- (3) 任何個人違反第 (1) 或 (2) 款，即屬犯罪——
 - (a) 可處罰款 \$200,000 及監禁 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每一日，另處罰款 \$2,000。

(由 2015 年第 12 號第 25 條增補)

13AC. 對某些獲授權保險人的董事的認可

- (1) 在香港成立為法團的獲授權保險人，如欲委任某人為該保險人的董事，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

- (II) has a subordinate who is responsible for the whole of the insurance business carried on by the insurer within Hong Kong; but

- (b) does not include a Manager.

(Replaced 12 of 2015 s. 24)

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.

(Added 12 of 2015 s. 25)

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—

- (b) 訂明費用獲繳付，
保監局可對委任有關的人為該保險人的董事，給予認可。
- (3) 獲授權保險人如根據第 (2) 款提出申請，須向保監局提供——
- (a) 附表 4 指明的資料；
- (b) 建議委任為該保險人的董事的人所簽署的一項陳述，說明該申請是在其知情及同意下提出的；及
- (c) 保監局為使該局能夠考慮該申請而合理地要求的任何其他資料。
- (4) 保監局除非信納，有關的人是獲委任為有關獲授權保險人的董事的適當人選，否則不得對該項委任給予認可。
- (5) 保監局須向有關獲授權保險人及有關的人，發出書面通知，將根據第 (2) 款提出的申請的結果，告知他們。
- (6) 如有關申請遭拒，則有關通知須載有說明拒絕理由的陳述。
- (7) 在符合第 (9) 款的規定下，保監局如覺得，獲委任為某獲授權保險人的董事的人，並非或不再屬獲委任為該保險人的董事的適當人選，則可向該保險人及該人送達書面通知，撤銷對該項委任的認可。
- (8) 委任有關的人為董事的獲授權保險人，須在第 (7) 款所指的通知指明的日期或之前，終止該項委任。
- (9) 保監局在根據第 (7) 款送達通知前，須向有關獲授權保險人及有關的人(該人)送達初步書面通知，說明——
- (a) 保監局因為覺得該人並非或不再屬獲委任為該保險人的董事的適當人選，而正在考慮基於該項理由，根據該款向該保險人送達通知；及
- (b) 在該初步通知的送達日期後 1 個月內，該保險人或該人可——
- (i) 向保監局作出書面申述；及

- (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.
- (7) 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—

- (ii) (如該保險人或該人要求作出口頭申述)向保監局為此目的而委任的人，作出口頭申述。
- (10) 如有人根據第(9)款作出申述，則保監局須在根據第(7)款送達通知之前，考慮該等申述。
- (11) 獲授權保險人違反第(1)或(8)款，即屬犯罪——
- (a) 可處罰款 \$200,000；而
- (b) 如有關罪行屬持續罪行，則可就該罪行持續期間的每一日，另處罰款 \$2,000。

(由 2015 年第 12 號第 26 條增補)

13AD. 在違反第 13AC 條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

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

(Added 12 of 2015 s. 26)

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—

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

(由 2015 年第 12 號第 26 條增補)

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。
- (3) 獲授權保險人如根據第 (2) 款提出申請，須向保監局提供 ——
 - (a) 附表 4 指明的資料；
 - (b) 建議委任為該保險人的管控要員的個人所簽署的一項陳述，說明該申請是在其知情及同意下提出的；及
 - (c) 保監局為使該局能夠考慮該申請而合理地要求的任何其他資料。
- (4) 保監局除非信納，有關的個人是獲委任為有關獲授權保險人的管控要員的適當人選，否則不得對該項委任給予認可。
- (5) 保監局須向有關獲授權保險人及有關的個人，發出書面通知，將根據第 (2) 款提出的申請的結果，告知他們。

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- (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.

(Added 12 of 2015 s. 26)

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.
- (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.

- (6) 如有關申請遭拒，則有關通知須載有說明拒絕理由的陳述。
- (7) 在符合第 (9) 款的規定下，保監局如覺得，獲委任為某獲授權保險人的管控要員的個人，並非或不再屬獲委任為該保險人的管控要員的適當人選，則可向該保險人及該名個人送達書面通知，撤銷對該項委任的認可。
- (8) 委任有關的個人為管控要員的獲授權保險人，須在第 (7) 款所指的通知指明的日期或之前，終止該項委任。
- (9) 保監局在根據第 (7) 款送達通知前，須向有關獲授權保險人及有關的個人送達初步書面通知，說明——
- (a) 保監局因為覺得該名個人並非或不再屬獲委任為該保險人的管控要員的適當人選，而正在考慮基於該項理由，根據該款向該保險人送達通知；及
- (b) 在該初步通知的送達日期後 1 個月內，該保險人或該名個人可——
- (i) 向保監局作出書面申述；及
- (ii) (如該保險人或該名個人要求作出口頭申述) 向保監局為此目的而委任的人，作出口頭申述。
- (10) 如有人根據第 (9) 款作出申述，則保監局須在根據第 (7) 款送達通知之前，考慮該等申述。
- (11) 獲授權保險人違反第 (1) 或 (8) 款，即屬犯罪——
- (a) 可處罰款 \$200,000；而
- (b) 如有關罪行屬持續罪行，則可就該罪行持續期間的每一日，另處罰款 \$2,000。
- (12) 在本條中——
- 管控要員** (key person in control functions) ——
- (a) 就於香港成立為法團的獲授權保險人而言，指負責為該保險人執行一項或多於一項管控職能的個人；或

- (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—
- (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).

- (b) 就於香港以外地方成立為法團的獲授權保險人而言，指負責為該保險人就其在香港經營的保險業務執行一項或多於一項管控職能的個人；

管控職能 (control function) 就獲授權保險人而言，指以下任何職能，而該職能是相當可能使負責執行該職能的個人，能夠對該保險人經營的業務發揮重大影響力的 ——

- (a) 風險管理的職能，即下述職能：訂立策略、政策及程序，以管理該保險人的不同類型的主要風險；
 - (b) 財務管控的職能，即下述職能：監督該保險人的所有財務事宜（包括投資、會計及財務報告）；
 - (c) 合規職能，即下述職能：訂立和制訂標準、政策及程序，以確保符合適用於該保險人的法律規定及規管性規定；
 - (d) 內部審核的職能，即下述職能：訂立和實施審核計劃，以審查和評核用以管理該保險人的風險的管控的完善及有效程度；
 - (e) 精算職能，即評核和監察以下項目的職能 ——
 - (i) 該保險人的準備金、保費及定價策略；
 - (ii) 該保險人的儲備及投資政策，以及再保險安排；及
 - (iii) 關於該保險人承受風險波動的能力及盈利分配的政策及管控；
 - (f) （增補尚未實施 —— 見 2015 年第 12 號第 26 條）
 - (g) 第 (14) 款所指的公告指明的任何其他職能。
- (13) 就第 (12) 款**管控要員**的定義而言，有關的個人不論是單獨負責執行有關職能，抑或是與有關獲授權保險人的其他管控要員共同負責執行有關職能，該名個人均屬管控要員。
- (14) 在符合第 (15) 款的規定下，財政司司長可藉於憲報刊登的公告，指明某項職能為第 (12) 款所指的管控職能。

- (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;
- (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

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- (15) 除非財政司司長信納，某項職能相當可能使負責執行該職能的個人，能夠對某獲授權保險人經營的業務發揮重大影響力，否則財政司司長不可指明該職能為管控職能。

(由 2015 年第 12 號第 26 條增補)

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

(f) *(Addition not yet in operation—see 12 of 2015 s. 26)*

- (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).
- (15) The Financial Secretary must not specify a function to be a control function unless the Financial Secretary is satisfied that the function is likely to enable the individual responsible for the performance of the function to exercise a significant influence on the business carried on by an authorized insurer.

(Added 12 of 2015 s. 26)

13AF. 保監局可對根據第 13A、13AC 及 13AE 條給予的認可施加條件

- (1) 在以下情況下，本條適用——
 - (a) 保監局根據第 13A 條，對委任某名個人為獲授權保險人的控權人，給予認可；
 - (b) 保監局根據第 13AC 條，對委任某人為獲授權保險人的董事，給予認可；或
 - (c) 保監局根據第 13AE 條，對委任某名個人為獲授權保險人的管控要員，給予認可。
- (2) 保監局在給予有關認可時，可對該認可施加該局認為適當的條件。
- (3) 保監局亦可在給予有關認可後，對該認可施加該局認為適當的條件。
- (4) 保監局可修訂或撤銷根據第 (2) 或 (3) 款施加的條件。
- (5) 第 (2)、(3) 或 (4) 款所指的權力的唯一行使方式，是向有關獲授權保險人及有關的個人或有關的人送達書面通知。
- (6) 如保監局施加或修訂條件，第 (5) 款所指的通知，須載有說明施加或修訂該條件的理由的陳述。
- (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。

(由 2015 年第 12 號第 26 條增補)

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.
- (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.

(Added 12 of 2015 s. 26)

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權人給予認可的申請；
 - (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 13AE(2) 條提出的、要求對委任某名個人為獲授權保險人的管控要員給予認可的申請；
 - (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。
- (4) 在本條中，提述作出申述的機會，即提述作出書面申述或口頭申述的機會。

(由 2015 年第 12 號第 26 條增補)

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—
 - (a) reject an application made under section 13AE(2) for the approval of the appointment of an individual as a key person in control functions of an authorized insurer;

13AH. 就認可申請提供虛假資料屬罪行

- (1) 任何人在與根據第 13A、13AC 或 13AE 條申請認可相關的情況下——
 - (a) 作出在要項上屬虛假或具誤導性的陳述；並
 - (b) 知道該項陳述在該要項上屬虛假或具誤導性，或罔顧該項陳述是否在該要項上屬虛假或具誤導性，即屬犯罪。
- (2) 任何人在與根據第 13A、13AC 或 13AE 條申請認可相關的情況下——
 - (a) 在某項陳述中遺漏任何要項，致使該項陳述屬虛假或具誤導性；並
 - (b) 知道該項陳述遺漏了該要項，或罔顧該項陳述是否遺漏了該要項，即屬犯罪。
- (3) 任何人犯第 (1) 或 (2) 款所訂罪行，可處第 5 級罰款及監禁 6 個月。

(由 2015 年第 12 號第 26 條增補)

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

(Added 12 of 2015 s. 26)

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.

(Added 12 of 2015 s. 26)

13B. 對建議成為獲授權保險人的某些控權人的人選的認可

(1) 在本條內——

反對通知書 (notice of objection) 指反對通知書內指明的人成為或身為 (視屬何情況而定) 通知書內指明的獲授權保險人的控權人的通知書；

控權人 (controller) 就獲授權保險人而言，指有權單獨或連同第 9(4) 條所指的相聯者或透過代名人，在保險人的大會上行使或控制行使 15% 或以上的投票權的人，但不包括經理。(由 2015 年第 12 號第 27 條修訂)

(2) 任何人不得成為在香港成立為法團的獲授權保險人的控權人，除非——

(a) 該人已向保監局送達通知書，說明他建議成為該保險人的控權人，並載錄附表 5 所指明的資料；(由 2015 年第 12 號第 27 條修訂)

(ab) 訂明費用已獲繳付；及 (由 2015 年第 12 號第 27 條增補)

(b) 以下其中一種情況出現——

(i) 自該通知書的送達日期起計 3 個月屆滿前，保監局經已以書面通知該人，表示沒有反對他成為該保險人的控權人；

(ii) 第 (i) 節提述的期限屆滿，而保監局並沒有向該人送達第 (4) 款提述的初步通知書；或 (由 1996 年第 35 號第 7 條修訂)

(iii) 在第 (4) 款提述的初步通知書已送達該人的情況下——

(A) 自初步通知書的送達日期起計 2 個月屆滿前，保監局已以書面通知該人，表示沒有反對該人成為該保險人的控權人；或

13B. Approval of persons proposing to become certain controllers of authorized insurer

(1) In this section—

controller (控權人), in relation to an authorized insurer, means a person who, alone or with any associate within the meaning of section 9(4) or through a nominee, is entitled to exercise, or control the exercise of, 15% or more of the voting power at any general meeting of the insurer, but does not include a Manager; (Amended 12 of 2015 s. 27)

notice of objection (反對通知書) means a notice in writing objecting to the person specified in that notice becoming a controller, or being a controller, as the case may be, of the authorized insurer specified in that notice.

(2) No person shall become a controller of an authorized insurer incorporated in Hong Kong unless—

(a) he has served on the Authority a notice in writing stating that he proposes to become a controller of that insurer and containing the information specified in Schedule 5; (Amended 12 of 2015 s. 27)

(ab) a prescribed fee has been paid; and (Added 12 of 2015 s. 27)

(b) one of the following occurs—

(i) the Authority has, before the expiration of 3 months from the date of service of that notice, notified him in writing that there is no objection to his becoming a controller of the insurer;

(ii) the period referred to in subparagraph (i) has expired without the Authority having served on

- (B) (A) 分節提述的期限屆滿，而保監局沒有向該人送達反對通知書。(由 1996 年第 35 號第 7 條增補。由 2015 年第 12 號第 2 條修訂)
- (3) 任何人如 ——
- (a) 在違反第 (2) 款下成為獲授權保險人的控權人；(由 2015 年第 12 號第 27 條修訂)
- (b) 並不知道自己成為控權人所憑藉的作為或情況會有上述的效果；及
- (c) 其後才察覺自己已成為控權人此項事實，須在察覺該事實後 14 日內，向保監局送達通知書，說明他已成為控權人，並載錄附表 6 所指明的資料。(由 2015 年第 12 號第 2 條修訂)
- (4) 保監局如覺得某人並非是成為或身為 (視屬何情況而定) 有關獲授權保險人的控權人的適當人選，可基於此理由向該人送達反對通知書，但在送達該通知書前，保監局須向該人送達初步通知書，說明 —— (由 2015 年第 12 號第 2 及 27 條修訂)
- (a) 保監局正考慮基於該理由向他送達反對通知書；及
- (b) 他可在自初步通知書的送達日期起計 1 個月內，向保監局提出書面申述；此外，如他要求作口頭申述，則可向保監局為此目的而委任的人作出。(由 2015 年第 12 號第 2 及 27 條修訂)
- (5) (由 2015 年第 12 號第 27 條廢除)
- (6) 凡有人按照第 (4)(b) 款作出申述，保監局須在送達有關的反對通知書前，考慮該等申述。(由 2015 年第 12 號第 2 條修訂)
- (7) (由 2015 年第 12 號第 27 條廢除)

- him a preliminary notice referred to in subsection (4); or (*Amended 35 of 1996 s. 7*)
- (iii) where a preliminary notice referred to in subsection (4) is served on the person—
- (A) the Authority has, before the expiration of 2 months from the date of service of the preliminary notice, notified the person in writing that there is no objection to his becoming a controller of the insurer; or
- (B) the period referred to in sub-subparagraph (A) has expired without the Authority having served on him a notice of objection. (*Added 35 of 1996 s. 7. Amended 12 of 2015 s. 2*)

- (3) Where a person—
- (a) becomes a controller of an authorized insurer in contravention of subsection (2); (*Amended 12 of 2015 s. 27*)
- (b) did not know that the acts or circumstances by virtue of which he became such a controller were such as to have that effect; and
- (c) subsequently becomes aware of the fact that he has become such a controller,
- he shall serve on the Authority, not later than 14 days after becoming aware of that fact, a notice in writing stating that he has become such a controller and containing the information specified in Schedule 6. (*Amended 12 of 2015 ss. 2 & 27*)
- (4) The Authority may serve a notice of objection on a person on the ground that it appears to the Authority that the person is not a fit and proper person to become a controller, or to be a controller, as the case may be, of the authorized insurer concerned, but before serving such a notice the Authority

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- (8) 任何有關取得獲授權保險人內部投票權的交易，不得純粹因違反第 (2) 款而屬無效或可使無效。*(由 2015 年第 12 號第 27 條修訂)*
- (9) 除第 (10) 款另有規定外，任何人不遵從第 (2) 款，即屬犯罪，可處罰款 \$200,000，如屬個人，則可另處監禁 2 年。*(由 1996 年第 35 號第 7 條修訂)*
- (10) 凡任何人被控犯有第 (9) 款所訂的罪行，如該人證明他並不知道自己成為有關的保險人的控權人所憑藉的作為或情況會有該效果，即可以此作為免責辯護。
- (11) 任何人不遵從第 (3) 款，即屬犯罪，可處罰款 \$200,000，如屬個人，則可另處監禁 2 年，而在該項罪行持續期間，另加每日罰款 \$2,000。*(由 1996 年第 35 號第 7 條修訂)*
(由 1990 年第 44 號第 3 條增補)

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- shall serve on that person a preliminary notice in writing stating— *(Amended 12 of 2015 ss. 2 & 27)*
- (a) that the Authority is considering the service on him of a notice of objection on that ground; and
 - (b) that he may, within 1 month from the date of service of the preliminary notice, make written representations to the Authority and, if he so requests, oral representations to a person appointed for the purpose by the Authority. *(Amended 12 of 2015 ss. 2 & 27)*
 - (5) *(Repealed 12 of 2015 s. 27)*
 - (6) Where representations are made in accordance with subsection (4)(b), the Authority shall take them into consideration before serving the notice of objection concerned. *(Amended 12 of 2015 s. 2)*
 - (7) *(Repealed 12 of 2015 s. 27)*
 - (8) No transaction relating to the acquisition of voting power in an authorized insurer shall be void or voidable by reason only of a contravention of subsection (2). *(Amended 12 of 2015 s. 27)*
 - (9) Subject to subsection (10), any person who fails to comply with subsection (2) commits an offence and is liable to a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years. *(Amended 35 of 1996 s. 7)*
 - (10) Where a person is charged with an offence under subsection (9), it shall be a defence to prove that he did not know that the acts or circumstances by virtue of which he became a controller of the insurer concerned were such as to have that effect.
 - (11) Any person who fails to comply with subsection (3) commits an offence and is liable to a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years, together with a

fine of \$2,000 for each day on which the offence continues.
(Amended 35 of 1996 s. 7)

(Added 44 of 1990 s. 3)

13C. 在如有違反第 13B(2) 條的情況下對股份的限制及售賣股份

- (1) 凡任何人在以下情況下，違反第 13B(2) 條而成為獲授權保險人的控權人，則本條所授予的權力即可行使 —— (由 2015 年第 12 號第 28 條修訂)
 - (a) 該人已根據第 13B(2)(a) 條就該保險人向保監局送達通知書，但第 13B(2)(b) 條所指明的情況均沒有出現；(由 1996 年第 35 號第 8 條修訂；由 2015 年第 12 號第 28 條修訂)
 - (b) 該人並沒有根據第 13B(3) 條就該項違反向保監局送達通知書；
 - (c) 該人已根據第 13B(3) 條就該項違反向保監局送達通知書，而保監局亦已根據第 13B(4) 條就該項違反向該人送達反對通知書，而保監局根據第 13B(4) 條提出的反對，已根據第 116 條生效；或
 - (d) 該人已就該項違反根據第 13B(9) 條被定罪。(由 2015 年第 12 號第 2 及 28 條修訂)
- (2) 除第 (6) 款另有規定外，保監局可藉向有關的人送達通知書，指示本條適用的任何指明股份須受以下一項或多項限制所規限，直至另行通知為止 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 轉讓該等股份或 (如股份屬未發行股份) 轉讓獲發該等未發行股份的權利，以及發行該等未發行股份，均屬無效；
 - (b) 不得行使該等股份的投票權；
 - (c) 不得依憑該等股份，或依據向該等股份的持有人提出的要約而再發行股份；

13C. Restrictions on and sale of shares where there has been a contravention of section 13B(2)

- (1) The powers conferred by this section shall be exercisable where a person has become a controller of an authorized insurer in contravention of section 13B(2) in that— (Amended 12 of 2015 s. 28)
 - (a) a notice in writing has been served under section 13B(2)(a) on the Authority by that person in respect of that insurer but none of the events specified in section 13B(2)(b) has occurred; (Amended 35 of 1996 s. 8)
 - (b) no notice in writing has been served under section 13B(3) on the Authority by that person in respect of that contravention;
 - (c) a notice in writing has been served under section 13B(3) on the Authority by that person in respect of that contravention, the Authority has served a notice of objection under section 13B(4) on that person in respect of that contravention, and the Authority's objection under section 13B(4) has taken effect under section 116; or (Amended 12 of 2015 s. 28)
 - (d) that person has been convicted of an offence under section 13B(9) in respect of that contravention. (Amended 12 of 2015 s. 2)
- (2) Subject to subsection (6), the Authority may by notice in writing served on the person concerned direct that any specified shares to which this section applies shall, until further notice, be subject to one or more of the following restrictions— (Amended 12 of 2015 s. 2)

- (d) 除非在清盤的情況下，否則不得支付保險人在股份方面欠付的任何款項，不論該等款項是否就股本而支付。
- (3) 凡任何股份正受第 (2)(a) 款所訂的限制所規限，則任何轉讓該等股份的協議，或 (如股份屬未發行股份) 轉讓獲發該等未發行股份的權利的協議，均屬無效。
- (4) 凡任何股份正受第 (2)(c) 或 (d) 款所訂的限制所規限，則任何轉讓依憑該等股份而獲發其他股份的權利的協議，或任何轉讓在非清盤情況下就該等股份收取款項的權利的協議，均屬無效。
- (5) 在不抵觸第 (7) 款的條文下，原訟法庭可應保監局的申請，命令售賣本條適用的任何指明股份，如該等股份當其時正受第 (2) 款所訂的限制所規限，則可命令該等股份不再受該等限制所規限。(由 1998 年第 25 號第 2 條修訂；由 2015 年第 12 號第 2 條修訂)
- (6) 凡保監局已憑藉第 (1)(b) 款向有關的人送達根據第 (2) 款而發出的通知書，而 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 該人在通知書送達後 14 日內，就上述的通知書所指違反第 13B(2) 條一事，根據第 13B(3) 條向保監局送達通知書；及
- (b) 以下其中一種情況出現 ——
- (i) 自根據第 13B(3) 條向保監局送達該通知書的送達日期起計 3 個月屆滿前，保監局已以書面通知該人，表示沒有反對他成為 (該項違反是與此有關的) 第 13B 條所指的控權人；
- (ii) 保監局沒有在自根據第 13B(3) 條向他送達通知書的日期起計 3 個月內，根據第 13B(4) 條就該項違反向該人送達初步反對通知書；
- (iii) 如已根據第 13B(4) 條就該項違反向該人送達初步反對通知書 ——

- (a) any transfer of those shares or, in the case of unissued shares, any transfer of the right to be issued with them, and any issue of such shares, shall be void;
- (b) no voting rights shall be exercisable in respect of the shares;
- (c) no further shares shall be issued in right of them or in pursuance of any offer made to their holder;
- (d) except in a liquidation, no payment shall be made of any sums due from the insurer on the shares, whether in respect of capital or otherwise.
- (3) Where shares are subject to the restrictions under subsection (2)(a), any agreement to transfer the shares or, in the case of unissued shares, the right to be issued with them, shall be void.
- (4) Where shares are subject to the restrictions under subsection (2)(c) or (d), an agreement to transfer any right to be issued with other shares in right of those shares, or to receive any payment on them (otherwise than in a liquidation) shall be void.
- (5) Subject to subsection (7), the Court of First Instance may, on the application of the Authority, order the sale of any specified shares to which this section applies and, if they are for the time being subject to any restrictions under subsection (2), that they shall cease to be subject to those restrictions. (Amended 25 of 1998 s. 2; 12 of 2015 s. 2)
- (6) Where the Authority has, by virtue of subsection (1)(b), served a notice in writing under subsection (2) on the person concerned and— (Amended 12 of 2015 s. 2)
- (a) that person has, not later than 14 days after the service of that notice, served a notice in writing under section 13B(3) on the Authority in respect of the contravention

- (A) 自初步通知書送達日期起計 2 個月屆滿前，保監局已以書面通知該人，表示沒有反對該人成為（該項違反是與此有關的）第 13B 條所指的控權人；或
- (B) (A) 分節提述的期限屆滿，而保監局沒有根據第 13B(4) 條就該項違反向該人送達反對通知書；或
- (iv) 反對通知書已在第 (iii)(A) 節提述的期間內送達，但該人提出申請，要求覆核保監局如此送達反對通知書的決定，而審裁處應有關申請根據第 101 條推翻該決定，（由 1996 年第 35 號第 8 條代替。由 2015 年第 12 號第 28 條修訂）
- 則保監局須立即向該人送達通知書，說明撤銷該首述的通知書。（由 2015 年第 12 號第 2 條修訂）
- (7) 除非符合下述情況，否則保監局不得憑藉第 (1)(b) 款而提出第 (5) 款所提述的申請——（由 2015 年第 12 號第 2 條修訂）
- (a) 該項申請與根據第 (2) 款發出的通知書內所指的股份有關；及
- (b) 獲送達通知書的人並沒有在通知書送達後 14 日內，根據第 13B(3) 條就首述的通知書所指違反第 13B(2) 條一事，送達通知書：
- 但本款並不損害保監局隨後憑藉第 (1)(c) 款就該等股份提出該申請的權力。（由 2015 年第 12 號第 2 條修訂）
- (8) 凡已根據第 (5) 款作出命令，則原訟法庭可應保監局的申請，作出原訟法庭認為合適並與出售或轉讓股份有關的進一步命令。（由 1998 年第 25 號第 2 條修訂；由 2015 年第 12 號第 2 條修訂）
- (9) 凡任何股份依據本條下的命令售出，則所得收益減去該項售賣所招致的費用後，須為了對該等所得收益有實益權益的人的利益而付予法院，而任何該等人士可向原訟

of section 13B(2) to which that first-mentioned notice relates; and

- (b) one of the following occurs—
- (i) the Authority has, before the expiration of 3 months from the date on which that notice under section 13B(3) has been served on the Authority, notified that person in writing that there is no objection to his having become the controller, within the meaning of section 13B, to which that contravention relates;
- (ii) no preliminary notice of objection under section 13B(4) has been served by the Authority on that person in respect of that contravention within 3 months from the date on which the notice under section 13B(3) has been served on the Authority;
- (iii) where a preliminary notice of objection under section 13B(4) has been served on the person in respect of that contravention—
- (A) the Authority has, before the expiration of 2 months from the date of service of the preliminary notice, notified that person in writing that there is no objection to his having become the controller, within the meaning of section 13B, to which that contravention relates; or
- (B) the period referred to in sub-subparagraph (A) has expired without the Authority having served on that person a notice of objection under section 13B(4) in respect of that contravention; or
- (iv) a notice of objection has been so served within the period referred to in subparagraph (iii)(A) but on

法庭申請作出命令，將該等所得收益全部或部分向他支付。(由 1998 年第 25 號第 2 條修訂)

- (10) 在違反第 13B(2) 條的情況下成為獲授權保險人的控權人的人，可憑藉該等股份而有權單獨或連同第 9(4) 條所指的相聯者或透過代名人，在該保險人的大會上行使或控制行使投票權者，本條即適用於所有該等股份，但不包括該人或任何該等相聯者或代名人在該人成為控權人之前所持有的股份。(由 2015 年第 12 號第 28 條修訂)
- (11) 根據第 (2) 或 (6) 款向有關的人送達的通知書的副本，須送達予持有通知書所關乎的股份的保險人，如通知書關乎上述有關的人的相聯者(第 9(4) 條所指者)或代名人所持有的股份，則須送達該相聯者或代名人(視屬何情況而定)。

(由 1990 年第 44 號第 3 條增補)

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, (*Replaced 35 of 1996 s. 8. Amended 12 of 2015 s. 28*)

the Authority shall forthwith serve a notice in writing on that person to the effect that the first-mentioned notice is revoked. (*Amended 12 of 2015 s. 2*)

- (7) The Authority shall not, by virtue of subsection (1)(b), make an application referred to in subsection (5) unless— (*Amended 12 of 2015 s. 2*)
- (a) the application relates to shares which are the subject of a notice in writing under subsection (2); and
- (b) the person upon whom that notice has been served has not, within 14 days after the service of that notice, served a notice in writing under section 13B(3) in respect of the contravention of section 13B(2) to which that first-mentioned notice relates:

Provided that this subsection shall be without prejudice to the Authority's power, by virtue of subsection (1)(c), to subsequently make such an application in respect of those shares. (*Amended 12 of 2015 s. 2*)

- (8) Where an order has been made under subsection (5) the Court of First Instance may, on the application of the Authority, make such further order relating to the sale or transfer of the shares as it thinks fit. (*Amended 25 of 1998 s. 2; 12 of 2015 s. 2*)
- (9) Where shares are sold in pursuance of an order under this section the proceeds of the sale, less the costs of the sale, shall be paid into court for the benefit of the persons beneficially interested in them, and any such person may apply to the Court of First Instance for an order that the

whole or part of the proceeds to be paid to him. (*Amended 25 of 1998 s. 2*)

- (10) This section applies to all the shares by virtue of which a person who has become a controller of an authorized insurer in contravention of section 13B(2) is, whether alone or with any associate within the meaning of section 9(4) or through a nominee, entitled to exercise, or control the exercise of, the voting power at any general meeting of the insurer, but does not include any such shares held by that person, or any such associate or nominee, before that person became such a controller. (*Amended 12 of 2015 s. 28*)
- (11) A copy of a notice in writing served under subsection (2) or (6) on the person concerned shall be served on the insurer to whose shares it relates and, if it relates to shares held by an associate within the meaning of section 9(4), or a nominee, of that person, on that associate or nominee, as the case may be.

(*Added 44 of 1990 s. 3*)

13D. 對企圖逃避限制的懲罰

- (1) 任何人有以下情況，即屬犯罪，可處第 4 級罰款及監禁 6 個月 ——
- (a) 行使或其意是行使任何權利，以處置任何據其所知在當其時正受第 13C(2) 條所訂的限制所規限的股份，或行使或其意是行使處置獲發行該等股份的權利；
 - (b) 不論以持有人或代表的身分，就任何該等股份投票，或委任任何代表就該等股份投票；
 - (c) 身為任何該等股份的持有人，但卻沒有將該等股份受到上述限制所規限一事，通知任何他不知道已察覺該事，但他知道是有權（假若沒有該等限制）以持有人或代表身分就該等股份投票的人；或

13D. Punishment for attempted evasion of restrictions

- (1) A person commits an offence and is liable to a fine at level 4 and to imprisonment for 6 months if he—
- (a) exercises or purports to exercise any right to dispose of any shares which, to his knowledge, are for the time being subject to any restrictions under section 13C(2) or of any right to be issued with any such shares;
 - (b) votes in respect of any such shares (whether as holder or proxy), or appoints a proxy to vote in respect of them;
 - (c) being the holder of any such shares, fails to notify of their being subject to those restrictions any person whom he does not know to be aware of that fact but does know to be entitled (apart from the restrictions) to

- (d) 身為該等股份的持有人，或身為有權依憑該等股份而獲發其他股份的人，或身為有權在非清盤情況下就該等股份收取任何款項的人，但卻訂立根據第 13C(3) 或 (4) 條屬無效的協議。
- (2) 凡在違反第 13C(2) 條所訂的限制下發行獲授權保險人的股份，或獲授權保險人在違反該等限制下支付任何款項，該保險人即屬犯罪，可處第 4 級罰款，而根據第 124 條屬犯同類罪行的個人，則可另處監禁 6 個月。(由 2015 年第 12 號第 2 及 29 條修訂)
- (由 1990 年第 44 號第 3 條增補。由 1996 年第 35 號第 9 條修訂)

14. 詳情改變的通知，以及保監局對委任提出反對*(由 2015 年第 12 號第 30 條修訂)*

- (1) 在不損害第 (2) 款的原則下，除第 38A(2) 及 38B(5) 條另有規定外，保險人根據第 7 條作出的申請中所指明有關獲授權保險人的詳情，或保險人根據該條提交的任何資料如有改變，則保險人須自改變日期起計 1 個月內，以書面將有關改變通知保監局，並須按保監局的規定，向保監局提交有關該等改變的資料。(由 1992 年第 51 號第 5 條修訂)
- (2) 除第 (2A) 款及第 38A(2) 及 38B(5) 條另有規定外，凡獲授權保險人的董事、控權人或管控要員有任何改變，則該保險人須在該項改變發生的日期後 1 個月內，以書面將該事實通知保監局，該通知書並須載錄附表 2 所指明的資料。(由 1990 年第 44 號第 4 條修訂；由 1992 年第 51 號第 5 條修訂；由 2015 年第 12 號第 30 條修訂)

- vote in respect of those shares whether as holder or as proxy; or
- (d) being the holder of any such shares, or being entitled to any right to be issued with other shares in right of them, or to receive any payment on them (otherwise than in a liquidation), enters into any agreement which is void under section 13C(3) or (4).
- (2) Where shares in an authorized insurer are issued in contravention of restrictions under section 13C(2), or payments are made by an authorized insurer in contravention of such restrictions, the insurer commits an offence and is liable to a fine at level 4 and, in the case of an individual who commits the like offence by virtue of section 124, to imprisonment for 6 months. *(Amended 12 of 2015 ss. 2 & 29)*
- (Added 44 of 1990 s. 3. Amended 35 of 1996 s. 9)*

14. Notification of change in particulars, and Authority's objection to appointment*(Amended 12 of 2015 s. 30)*

- (1) Without prejudice to subsection (2), but subject to sections 38A(2) and 38B(5), where any change takes place in the particulars specified in respect of an authorized insurer in the application made by that insurer under section 7 or any information furnished under that section, the insurer shall, within 1 month from the date on which the change takes place, notify the Authority thereof in writing and shall furnish the Authority with such information in respect thereof as the Authority may require. *(Amended 51 of 1992 s. 5)*
- (2) Subject to subsection (2A) and sections 38A(2) and 38B(5), where any change takes place in the directors, controllers or key persons in control functions of an authorized insurer, the insurer must, within 1 month after the date on which the

- (2A) 在不局限第 (3) 款的概括性的原則下，凡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身為該保險人的控權人或董事所致，則該保險人無須就此改變向保監局提交附表 2 表格 A 或 B 所提述的資料——(由 2015 年第 12 號第 2 及 30 條修訂)
- (a) 就該人成為或身為該保險人的控權人或董事而言，第 13A、13AC 或 13B 條屬適用的；
 - (b) 該人是按照第 13A、13AC 或 13B 條而成為或身為該保險人的控權人或董事的；及
 - (c) 就該人成為或身為該保險人的控權人或董事而言，根據第 13A、13AC 或 13B 條向保監局提交的資料，並無任何改變。(由 1990 年第 44 號第 4 條增補。由 2015 年第 12 號第 30 條修訂)
- (3) 除第 38A(2) 及 38B(5) 條另有規定外，凡任何人成為或停任獲授權保險人的董事、控權人或管控要員，則該人須在成為或停任該保險人的董事、控權人或管控要員的日期後 1 個月內，將有關此事實的通知書，連同有關其本人的資料(為使該保險人能就該事實遵從第 (2) 款辦理，該等資料乃屬必需者)，一併送交該保險人。(由 1992 年第 51 號第 5 條修訂；由 2015 年第 12 號第 30 條修訂)
- (4) 在符合第 (5) 款及第 38B(4) 條的規定下，保監局如覺得任何獲委任為獲授權保險人的控權人或董事(但並非第 13A、13AC 或 13B 條適用的控權人或董事)的人，並非獲委任該職的適當人選，可向有關保險人送達通知書，說明——(由 1990 年第 44 號第 4 條修訂；由 1992 年第 51 號第 5 條修訂；由 2015 年第 12 號第 2 及 30 條修訂)
- (a) 保監局反對該項委任；及
 - (b) 保監局反對該項委任，理由是保監局覺得獲如此委任的人，並非獲委任該職的適當人選。
- (5) 以下條文適用於第 (4) 款所提述的反對通知書——

- change takes place, deliver written notice of that fact to the Authority containing the information specified in Schedule 2. (Amended 44 of 1990 s. 4; 51 of 1992 s. 5)
- (2A) Without limiting the generality of subsection (3), an authorized insurer is not required to furnish to the Authority information referred to in Form A or B of Schedule 2 in respect of any change in the controllers or directors of the insurer which is the result of a person becoming, or being, such a controller or director where— (Amended 12 of 2015 ss. 2 & 30)
- (a) section 13A, 13AC or 13B applied in relation to that person becoming, or being, such a controller or director;
 - (b) that person has become, or is, such a controller or director in accordance with section 13A, 13AC or 13B; and
 - (c) there has been no change in any information furnished to the Authority under section 13A, 13AC or 13B in relation to that person becoming, or being, such a controller or director. (Added 44 of 1990 s. 4)
- (3) Subject to sections 38A(2) and 38B(5), where any person becomes or ceases to be a director, controller or key person in control functions of any authorized insurer, 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, deliver written notice of that fact to the insurer together with such information relating to himself as may be necessary to enable the insurer to comply with subsection (2) as respects that fact. (Amended 51 of 1992 s. 5)
- (4) Subject to subsection (5) and section 38B(4), the Authority may, if it appears to the Authority that any person appointed as controller or director (other than a controller or director to whom section 13A, 13AC or 13B applies) of an authorized

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- (a) 保監局須向保險人及有關的人送達初步通知書，說明——(由 2015 年第 12 號第 2 條修訂)
- (i) 保監局正考慮基於該款 (b) 段所提述的理由，根據該款向保險人送達反對通知書；
- (ii) 保險人及該人可在自初步通知書的送達日期起計 1 個月內，向保監局提出書面申述；此外，如保險人或該人要求作口頭申述，則可向保監局為此目的而委任的人作出；(由 1990 年第 44 號第 4 條修訂；由 2015 年第 12 號第 30 條修訂)
- (b) (由 2015 年第 12 號第 30 條廢除)
- (c) 凡有人根據 (a)(ii) 段作出申述，保監局須在送達反對通知書前，考慮該等申述。
- (6) (由 2015 年第 12 號第 30 條廢除)
- (7) (由 1992 年第 50 號第 3 條廢除)
- (8) 任何人不遵從第 (1)、(2) 或 (3) 款，即屬犯罪，可處罰款 \$200,000，如屬個人，則可另處監禁 2 年，而在該項罪行持續期間，另加每日罰款 \$2,000。(由 1996 年第 35 號第 10 條修訂)
- (由 2015 年第 12 號第 2 條修訂)

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- insurer is not a fit and proper person to be appointed to that position, serve a notice in writing on the insurer stating— (*Amended 44 of 1990 s. 4; 51 of 1992 s. 5; 12 of 2015 ss. 2 & 30*)
- (a) that the Authority objects to the appointment; and
- (b) that the Authority objects thereto on the ground that it appears to the Authority that the person so appointed is not a fit and proper person to be appointed to the position in question.
- (5) The following provisions shall apply in relation to a notice of objection referred to in subsection (4)—
- (a) the Authority shall serve on the insurer and the person concerned a preliminary written notice stating— (*Amended 12 of 2015 s. 2*)
- (i) that the Authority is considering the service on the insurer of a notice of objection under that subsection on the ground referred to in paragraph (b) thereof;
- (ii) that the insurer and that person may, within 1 month from the date of service of the preliminary notice, make written representations to the Authority and, if the insurer or that person so requests, oral representations to a person appointed for the purpose by the Authority; (*Amended 44 of 1990 s. 4*)
- (b) (*Repealed 12 of 2015 s. 30*)
- (c) where representations are made under paragraph (a)(ii), the Authority shall take them into consideration before serving the notice of objection.
- (6) (*Repealed 12 of 2015 s. 30*)
- (7) (*Repealed 50 of 1992 s. 3*)

14A. 適當人選的斷定

- (1) 保監局在為施行第 8、13A、13AC、13AE、13B、14 及 15 條而斷定某人是否適當人選時，須考慮以下事宜 ——
- (a) 該人的學歷或其他資歷或經驗；
 - (b) 該人是否有能力稱職地、誠實地並公正地行事；
 - (c) 該人的信譽、品格、可靠程度及誠信；
 - (d) 該人的財政狀況或償付能力；
 - (e) 以下人士有否針對該人採取任何紀律行動 ——
 - (i) 金融管理專員；
 - (ii) 證監會；
 - (iii) 積金局；或
 - (iv) 任何其他主管當局或規管機構（不論該當局或機構是在香港或其他地方），而保監局認為該當局或機構所執行的職能，是近似保監局的職能的；
 - (f) 如該人是某公司集團中的一間公司 —— 保監局所管有的關乎以下方面的任何資料，不論該等資料是否由該人提供亦然 ——
 - (i) 該集團中的任何其他公司；或
 - (ii) 該人或第 (i) 節提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。

- (8) Any person who fails to comply with subsection (1), (2) or (3) commits an offence and is liable to a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years, together with a fine of \$2,000 for each day on which the offence continues. (*Amended 35 of 1996 s. 10*)

(*Amended 12 of 2015 ss. 2 & 30*)

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;

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- (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。

(由 2015 年第 12 號第 31 條增補)

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- (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
 - (ii) any substantial shareholder or officer of the person or of any company referred to in subparagraph (i);
- (g) the state of affairs of any other business which the person carries on or proposes to carry on.
- (2) The obligations imposed on the Authority under subsection (1) are in addition to those of the Authority to have regard to any other matter that the Authority considers relevant in making the determination.

(Added 12 of 2015 s. 31)

第 III 部**帳目及報表***(格式變更——2017 年第 4 號編輯修訂紀錄)***15. 核數師及精算師的委任**

- (1) 每名獲授權保險人須委任——(由 2015 年第 12 號第 32 條修訂)
- (a) 一名下列人士為其核數師——
- (i) 根據《專業會計師條例》(第 50 章)符合獲委任為公司核數師資格而根據《公司條例》(第 622 章)第 393 條並非屬喪失資格的人；或(由 2012 年第 28 號第 912 及 920 條修訂)
 - (ii) 如屬在香港以外地方成立為法團的獲授權保險人——(由 2015 年第 12 號第 32 條修訂)
 - (A) 可在其成立為法團的地方合法執業的核數師；及
 - (B) 在不損害(A)分節的條文的原則下，持有保監局接受為可與第(i)節所提述的人士所持資格相比的資格的人；及(由 1993 年第 59 號第 6 條代替。由 2015 年第 12 號第 2 條修訂)
 - (iii) (由 1993 年第 59 號第 6 條廢除)
- (b) (如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，

而當任何上述的委任終結，保險人須在切實可行範圍內盡快作出新的委任。

- (2) 根據——

Part III**Accounts and Statements***(Format changes—E.R. 4 of 2017)***15. Appointment of auditor and actuary**

- (1) Every authorized insurer shall appoint— *(Amended 12 of 2015 s. 32)*
- (a) as auditor of the insurer—
- (i) a person who is qualified for appointment as auditor of a company under the Professional Accountants Ordinance (Cap. 50) and is not disqualified under section 393 of the Companies Ordinance (Cap. 622); or *(Amended 28 of 2012 ss. 912 & 920)*
 - (ii) in the case of an authorized insurer incorporated outside Hong Kong, a person— *(Amended 12 of 2015 s. 32)*
 - (A) who may lawfully practise as an auditor in the place of its incorporation; and
 - (B) without prejudice to sub-subparagraph (A), who holds such qualification as the Authority accepts as being of a standard comparable to that of a person referred to in subparagraph (i); and *(Replaced 59 of 1993 s. 6. Amended 12 of 2015 s. 2)*
 - (iii) *(Repealed 59 of 1993 s. 6)*
- (b) if the insurer carries on long term business, subject to subsection (3A), an actuary possessing the prescribed

- (a) 第 (1)(a) 款作出首次的委任 ——
- (i) 如保險人在本條例的生效日期時已經營保險業務，須在自該生效日期起計 1 個月內作出；或
 - (ii) 如保險人在該生效日期後才開始經營保險業務，則須在自開始如此經營起計 1 個月內作出；及
- (b) 第 (1)(b) 款作出首次的委任 ——
- (i) 如保險人在本條例的生效日期時已經營長期業務，須在自該生效日期起計 1 個月內作出；
 - (ii) 如保險人在該生效日期後才開始經營長期業務，則須在自開始如此經營起計 1 個月內作出。
- (3) 獲授權保險人根據第 (1) 款作出委任，須在自作出委任起計 1 個月內，向保監局送達一份通知書，說明該項事實以及獲委任者的姓名及資格。(由 2015 年第 12 號第 2 條修訂)
- (3A) 在香港成立為法團的、經營長期業務的獲授權保險人，如欲委任某人為該保險人的精算師，須獲得保監局根據第 (3B) 款對該項委任給予的認可，否則不得作出該項委任。(由 2015 年第 12 號第 32 條增補)
- (3B) 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人為該保險人的精算師，給予認可。(由 2015 年第 12 號第 32 條增補)
- (3C) 保監局除非信納，有關的人是獲委任為有關獲授權保險人的精算師的適當人選，否則不得對該項委任給予認可。(由 2015 年第 12 號第 32 條增補)

- qualifications or who is acceptable to the Authority, as actuary to the insurer,
- and whenever any such appointment comes to an end the insurer shall as soon as practicable make a fresh appointment.
- (2) A first appointment made—
- (a) under subsection (1)(a) shall be made—
 - (i) if the insurer is carrying on insurance business at the commencement of this Ordinance, within 1 month from such commencement; or
 - (ii) if the insurer begins to carry on insurance business after such commencement, within 1 month from beginning to do so; and
 - (b) under subsection (1)(b) shall be made—
 - (i) if the insurer is carrying on long term business at the commencement of this Ordinance, within 1 month from such commencement;
 - (ii) if the insurer begins to carry on long term business after such commencement, within 1 month from beginning to do so.
- (3) An authorized insurer making an appointment under subsection (1) shall within 1 month from making the appointment serve on the Authority a notice in writing stating that fact and the name and qualifications of the person appointed. (Amended 12 of 2015 s. 2)
- (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). (Added 12 of 2015 s. 32)
- (3B) The Authority may approve the appointment of the person as an actuary of the authorized insurer—

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- (3D) 保監局須向有關獲授權保險人及有關的人，發出書面通知，將根據第 (3B) 款提出的申請的結果，告知他們。(由 2015 年第 12 號第 32 條增補)
- (3E) 如有關申請遭拒，則有關通知須載有說明拒絕理由的陳述。(由 2015 年第 12 號第 32 條增補)
- (3F) 在符合第 (3H) 款的規定下，保監局如覺得，獲委任為某獲授權保險人的精算師的人，並非或不再屬獲委任為該保險人的精算師的適當人選，則可向該保險人及該人送達書面通知，撤銷對該項委任的認可。(由 2015 年第 12 號第 32 條增補)
- (3G) 委任有關的人為精算師的獲授權保險人，須在第 (3F) 款所指的通知指明的日期或之前，終止該項委任。(由 2015 年第 12 號第 32 條增補)
- (3H) 保監局在根據第 (3F) 款送達通知前，須向有關獲授權保險人及有關的人(該人)送達初步書面通知，說明——
- (a) 保監局因為覺得該人並非或不再屬獲委任為該保險人的精算師的適當人選，而正在考慮基於該項理由，根據該款向該保險人送達通知；及
 - (b) 在該初步通知的送達日期後 1 個月內，該保險人或該人可向保監局作出書面申述，及(如該保險人或該人要求作出口頭申述)向保監局為此目的而委任的人，作出口頭申述。(由 2015 年第 12 號第 32 條增補)
- (3I) 如有人根據第 (3H) 款作出申述，則保監局須在根據第 (3F) 款送達通知之前，考慮該等申述。(由 2015 年第 12 號第 32 條增補)
- (4) (由 1993 年第 59 號第 6 條廢除)
- (5) 獲授權保險人違反第 (1)、(2) 或 (3) 款，即屬犯罪，可處第 4 級罰款，而在該項罪行持續期間，另加每日罰款 \$1,000。(由 1993 年第 59 號第 6 條修訂；由 1996 年第 35 號第 11 條修訂)

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- (a) on an application made by the insurer in the manner specified by the Authority; and
 - (b) on payment of a prescribed fee. (Added 12 of 2015 s. 32)
- (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. (Added 12 of 2015 s. 32)
- (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). (Added 12 of 2015 s. 32)
- (3E) If the application is rejected, the notice must include a statement of the reasons for the rejection. (Added 12 of 2015 s. 32)
- (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. (Added 12 of 2015 s. 32)
- (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. (Added 12 of 2015 s. 32)
- (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

- (6) 獲授權保險人違反第 (3A) 或 (3G) 款，即屬犯罪 ——
- (a) 可處罰款 \$200,000；而
- (b) 如有關罪行屬持續罪行，則可就該罪行持續期間的每一日，另處罰款 \$2,000。(由 2015 年第 12 號第 32 條增補)
- (由 2015 年第 12 號第 32 條修訂)

15AA. 保監局可對根據第 15 條給予的認可施加條件

- (1) 如保監局根據第 15 條，對委任某人為獲授權保險人的精算師給予認可，則本條適用。
- (2) 保監局在給予有關認可時，可對該認可施加該局認為適當的條件。
- (3) 保監局亦可在給予有關認可後，對該認可施加該局認為適當的條件。
- (4) 保監局可修訂或撤銷根據第 (2) 或 (3) 款施加的條件。

- (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. *(Added 12 of 2015 s. 32)*
- (3I) If representations are made under subsection (3H), the Authority must take them into consideration before serving a notice under subsection (3F). *(Added 12 of 2015 s. 32)*
- (4) *(Repealed 59 of 1993 s. 6)*
- (5) An authorized insurer which contravenes subsection (1), (2) or (3) commits an offence and is liable to a fine at level 4, together with a further fine of \$1,000 for each day on which the offence continues. *(Amended 59 of 1993 s. 6; 35 of 1996 s. 11)*
- (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. *(Added 12 of 2015 s. 32)*
- (Amended 12 of 2015 s. 32)*

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.

- (5) 第 (2)、(3) 或 (4) 款所指的權力的唯一行使方式，是向有關獲授權保險人及有關的人送達書面通知。
- (6) 如保監局施加或修訂條件，第 (5) 款所指的通知，須載有說明施加或修訂該條件的理由的陳述。
- (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。

(由 2015 年第 12 號第 33 條增補)

15AAB. 拒絕根據第 15 條提出的申請或根據第 15AA 條施加或修訂條件：程序要求

- (1) 凡保監局擬作出以下作為——
 - (a) 拒絕根據第 15(3B) 條提出的、要求對委任某人為獲授權保險人的精算師給予認可的申請；
 - (b) 根據第 15AA(2) 或 (3) 條，對該等認可施加條件；或
 - (c) 根據第 15AA(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。
- (2) 在本條中，提述作出申述的機會，即提述作出書面申述或口頭申述的機會。

(由 2015 年第 12 號第 33 條增補)

- (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.
- (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.

(Added 12 of 2015 s. 33)

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

15AAC. 就根據第 15 條提出的認可申請提供虛假資料屬罪行

- (1) 任何人在與根據第 15 條申請認可相關的情況下 ——
 - (a) 作出在要項上屬虛假或具誤導性的陳述；並
 - (b) 知道該項陳述在該要項上屬虛假或具誤導性，或罔顧該項陳述是否在該要項上屬虛假或具誤導性，即屬犯罪。
- (2) 任何人在與根據第 15 條申請認可相關的情況下 ——
 - (a) 在某項陳述中遺漏任何要項，致使該項陳述屬虛假或具誤導性；並
 - (b) 知道該項陳述遺漏了該要項，或罔顧該項陳述是否遺漏了該要項，即屬犯罪。
- (3) 任何人犯第 (1) 或 (2) 款所訂罪行，可處第 5 級罰款及監禁 6 個月。

(由 2015 年第 12 號第 33 條增補)

15A. 就根據第 15 條委任的核數師而作出的通知

- (1) 如有以下情況，獲授權保險人須立即以書面通知保監局 —— (由 2015 年第 12 號第 2 及 34 條修訂)
 - (a) 該保險人決定辭退或更換根據第 15 條委任的核數師；

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.

(Added 12 of 2015 s. 33)

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.

(Added 12 of 2015 s. 33)

15A. Notification in respect of auditors appointed under section 15

- (1) An authorized insurer shall immediately give written notice to the Authority if— (Amended 12 of 2015 ss. 2 & 34)

- (b) 根據第 15 條獲委任為該保險人核數師的人停任該職，但並非由於 (a) 段提述的決定所致；或
- (c) 就在香港成立為法團的獲授權保險人而言 —— (由 2015 年第 12 號第 34 條修訂)
- (i) 該保險人 —— (由 2015 年第 12 號第 34 條修訂)
- (A) 擬就在根據《公司條例》(第 622 章) 第 395、396、397 或 398 條委任或根據該條例第 403 條當作再度獲委任的核數師的任期屆滿前將其辭退的決議，向股東發出特別通知；或
- (B) 就在如此獲委任或當作再度獲委任的核數師的任期屆滿時將其更換的決議，向股東發出通知；及
- (ii) 如此獲委任或當作再度獲委任的核數師，亦已根據第 15 條被委任為該保險人的核數師。(由 2012 年第 28 號第 912 及 920 條修訂)
- (2) 獲授權保險人根據第 15 條委任的核數師，及 (如屬 (c) 段所指的情況) 獲授權保險人根據附表 3 第 1 部第 4(1A) 段委任的核數師，如有以下作為，須立即以書面通知保監局 —— (由 1994 年第 26 號第 3 條修訂；由 2015 年第 12 號第 2 及 34 條修訂)
- (a) 辭職；
- (b) 獲委任在一段固定期間出任該職，而他決定不謀求再度委任；或
- (c) 決定在他的報告上 (該報告附於根據附表 3 必須呈交的該保險人的帳目及報表上) 加上保留或不利的聲明。(由 1994 年第 26 號第 3 條修訂)
- (3) 任何獲授權保險人不遵從第 (1) 款，即屬犯罪，可處第 4 級罰款，而在該項罪行持續期間，另加每日罰款 \$1,000。(由 1996 年第 35 號第 12 條修訂)

- (a) the insurer decides to remove or replace an auditor appointed under section 15;
- (b) a person appointed under section 15 to be the auditor of the insurer ceases to be such auditor otherwise than in consequence of a decision referred to in paragraph (a); or
- (c) in relation to an authorized insurer incorporated in Hong Kong— (*Amended 12 of 2015 s. 34*)
- (i) the insurer either—
- (A) proposes to give special notice to its shareholders of a resolution removing an auditor appointed under section 395, 396, 397 or 398 of the Companies Ordinance (Cap. 622) or deemed to be reappointed under section 403 of that Ordinance before the expiration of his term of office; or
- (B) gives notice to its shareholders of a resolution replacing an auditor so appointed or deemed to be reappointed at the expiration of his term of office; and
- (ii) the auditor so appointed or deemed to be reappointed has also been appointed under section 15 to be the auditor of the insurer. (*Amended 28 of 2012 ss. 912 & 920*)
- (2) An auditor appointed under section 15 and, in the case of paragraph (c), an auditor appointed under paragraph 4(1A) of Part 1 of Schedule 3, by an authorized insurer shall immediately give written notice to the Authority if he— (*Amended 26 of 1994 s. 3; 12 of 2015 ss. 2 & 34*)
- (a) resigns;

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- (4) 凡某人被控犯有第 (3) 款所訂罪行，如該被控告的人證明已採取一切合理預防措施，並已盡一切應盡的努力避免犯有該罪行，即可以此作為免責辯護。

(由 1993 年第 59 號第 7 條增補。由 2015 年第 12 號第 34 條修訂)

15B. 就根據第 15 條委任的精算師而作出的通知，以及保監局對委任提出反對

(由 2015 年第 12 號第 35 條修訂)

- (1) 如有以下情況，經營長期業務的獲授權保險人須立即以書面通知保監局——(由 2015 年第 12 號第 2 及 35 條修訂)
- (a) 該保險人決定辭退或更換根據第 15 條委任的精算師；或
 - (b) 根據第 15 條獲委任為該保險人精算師的人停任該職，但並非由於 (a) 段提述的決定所致。
- (2) 獲授權保險人根據第 15 條委任的精算師，如有以下情況，須立即以書面通知保監局——(由 2015 年第 12 號第 2 及 35 條修訂)
- (a) 辭職；

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- (b) where he has been so appointed for a fixed term, decides not to seek reappointment; or
 - (c) decides to add a qualification or adverse statement to his report annexed to the accounts and statements of the insurer required to be submitted under Schedule 3. (Amended 26 of 1994 s. 3; 12 of 2015 s. 34)
- (3) An authorized insurer which fails to comply with subsection (1) commits an offence and is liable to a fine at level 4, together with a further fine of \$1,000 for each day on which the offence continues. (Amended 35 of 1996 s. 12; 12 of 2015 s. 34)
- (4) Where a person is charged with an offence under subsection (3), it shall be a defence if the person charged proves that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(Added 59 of 1993 s. 7)

15B. Notification, and Authority's objection to appointment, in respect of actuaries appointed under section 15

(Amended 12 of 2015 s. 35)

- (1) An authorized insurer which carries on long term business shall immediately give written notice to the Authority if—(Amended 12 of 2015 ss. 2 & 35)
- (a) the insurer decides to remove or replace an actuary appointed under section 15; or
 - (b) a person appointed under section 15 to be the actuary of the insurer ceases to be such actuary otherwise than in consequence of a decision referred to in paragraph (a).
- (2) An actuary appointed under section 15 by an authorized insurer shall immediately give written notice to the Authority—(Amended 12 of 2015 ss. 2 & 35)

- (b) 獲委任在一段固定期間出任該職，而他決定不謀求再度委任；或
 - (c) (i) 他已向該保險人提出忠告，謂他認為該保險人正作出，或擬作出的某項行動，相當可能導致他在他的證明書上（該證明書附於根據附表 3 就該保險人長期業務必須呈交的資料上）加上保留、不利的補充或不利的解釋；而
 - (ii) 根據他的意見，該保險人已有合理時間按照他的忠告行事，但該項行動仍由該保險人作出或擬作出。
- (2A) 在符合第 (2B) 款的規定下，保監局如覺得，獲委任為某獲授權保險人的精算師（但並非第 15(3A) 條適用的精算師）的人，並非獲委任為該保險人的精算師的適當人選，則可向該保險人及該人送達書面通知，反對該項委任。（由 2015 年第 12 號第 35 條增補）
- (2B) 保監局在根據第 (2A) 款送達通知前，須向有關獲授權保險人及有關的人（該人）送達初步書面通知，說明——
- (a) 保監局因為覺得該人並非獲委任為該保險人的精算師的適當人選，而正在考慮基於該項理由，根據該款向該保險人送達通知；及
 - (b) 在該初步通知的送達日期後 1 個月內，該保險人或該人可向保監局作出書面申述，及（如該保險人或該人要求作出口頭申述）向保監局為此目的而委任的人，作出口頭申述。（由 2015 年第 12 號第 35 條增補）
- (2C) 如有人根據第 (2B) 款作出申述，則保監局須在根據第 (2A) 款送達通知之前，考慮該等申述。（由 2015 年第 12 號第 35 條增補）
- (3) 任何獲授權保險人不遵從第 (1) 款，即屬犯罪，可處第 4 級罰款，而在該項罪行持續期間，另加每日罰款 \$1,000。（由 1996 年第 35 號第 13 條修訂）

- (a) if he resigns;
 - (b) where he has been so appointed for a fixed term, decides not to seek reappointment; or
 - (c) if—
 - (i) he has advised the insurer that, in his view, a course of action is being, or is proposed to be, followed by the insurer which is likely to cause him to add a qualification or adverse amplification or adverse explanation to his certificate accompanying the information required to be submitted under Schedule 3 in respect of the long term business of the insurer; and (*Amended 12 of 2015 s. 35*)
 - (ii) after the insurer has had, in the opinion of the actuary, a reasonable time within which to act on that advice, that course of action is still being, or is still proposed to be, followed by the insurer.
- (2A) Subject to subsection (2B), the Authority may, by serving a notice in writing on an authorized insurer and a person, object to the appointment of the person as an actuary (other than an actuary to whom section 15(3A) applies) of the insurer if it appears to the Authority that the person is not a fit and proper person to be so appointed. (*Added 12 of 2015 s. 35*)
- (2B) Before serving the notice under subsection (2A), 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 a fit and proper person to be appointed as an actuary of the insurer; and

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- (4) 凡某人被控犯有第 (3) 款所訂罪行，如該被控告的人證明已採取一切合理預防措施，並已盡一切應盡的努力避免犯有該罪行，即可以此作為免責辯護。

(由 1993 年第 59 號第 7 條增補。由 2015 年第 12 號第 35 條修訂)

15C. 精算師須遵從的標準

根據第 15(1)(b) 條獲委任的精算師，須遵從訂明的標準或保監局接受為可與該標準相比的其他標準。

(由 2000 年第 31 號第 2 條增補。由 2015 年第 12 號第 2 條修訂)

16. 備存及保存妥善帳簿

- (1) 在不損害《公司條例》(第 622 章)及《公司(清盤及雜項條文)條例》(第 32 章)的原則下，每名獲授權保險人須安排備存妥善帳簿，該等帳簿可藉可閱形式，或藉能以可閱形式重現的非可閱形式備存；但如該等帳簿並非以在釘裝本上作出記項的形式備存，則須採取足夠的預防

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- (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.
(Added 12 of 2015 s. 35)

- (2C) If representations are made under subsection (2B), the Authority must take them into consideration before serving a notice under subsection (2A). (Added 12 of 2015 s. 35)

- (3) An authorized insurer which fails to comply with subsection (1) commits an offence and is liable to a fine at level 4, together with a fine of \$1,000 for each day on which the offence continues. (Amended 35 of 1996 s. 13; 12 of 2015 s. 35)

- (4) Where a person is charged with an offence under subsection (3), it shall be a defence if the person charged proves that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(Added 59 of 1993 s. 7)

15C. Standards to be complied with by an actuary

An actuary appointed under section 15(1)(b) shall comply with the prescribed standards or other standards as the Authority accepts as being comparable to the prescribed standards.

(Added 31 of 2000 s. 2. Amended 12 of 2015 s. 2)

16. Keeping and preserving of proper books of account

- (1) Without prejudice to the Companies Ordinance (Cap. 622) and the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), every authorized insurer shall cause to be kept proper books of account which may be kept either in a legible form or in a non-legible form capable

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措施，以免出現捏改的情況，及方便發現此情況。(由 2012 年第 28 號第 912 及 920 條修訂)

- (2) 就本條而言，妥善帳簿指帳簿本身，或如根據第 (1) 款藉非可閱形式備存時，指以可閱形式重現時之帳簿，能充分展示及解釋有關獲授權保險人在其經營的任何業務過程中所進行的一切交易。
- (3) 如獲授權保險人並非藉以可閱形式記載有關事宜的方式備存任何本條規定須備存的帳簿，則本條例授予規定出示帳簿或複製帳簿或摘錄帳簿部分內容的權力，須解釋為包括規定出示或取去以可閱形式重現的記載事項或其有關部分的權力。
- (4) 任何本條規定須備存的帳簿，須由保險人保存 7 年，自該帳簿內記入的最後記項或記錄的最後事宜所關乎的財政年度結束起計。
- (5) 保監局可藉向獲授權保險人送達書面通知，要求該保險人在該通知指明的限期內，向該局提供符合以下說明的帳簿——
 - (a) 本條規定須備存的；及
 - (b) 該局為執行其職能而要求的。(由 2015 年第 12 號第 36 條增補)
- (6) 獲送達上述通知的獲授權保險人，如無合理辯解而沒有遵從該通知，即屬犯罪，可處第 5 級罰款。(由 2015 年第 12 號第 36 條增補)

(由 2015 年第 12 號第 36 條修訂)

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of being reproduced in a legible form; but where any such books are kept otherwise than by making entries in a bound book, adequate precautions shall be taken for guarding against falsification and facilitating its discovery. (Amended 28 of 2012 ss. 912 & 920; 12 of 2015 s. 36)

- (2) Proper books of account, for the purposes of this section, are books of account which (in themselves or, if kept under subsection (1) otherwise than in a legible form, as reproduced in a legible form) sufficiently exhibit and explain all transactions entered into by the insurer in the course of any business carried on by the insurer.
- (3) If any books of account required to be kept by this section are kept by an authorized insurer by recording the matters in question otherwise than in a legible form, any power conferred by this Ordinance to require production of such books or to take copies thereof or extracts therefrom shall be construed as including power to require production of, and to take away, a reproduction of the recording or of the relevant part of it in a legible form. (Amended 12 of 2015 s. 36)
- (4) Any books of account required to be kept by this section shall be preserved by the insurer for 7 years from the end of the financial year to which the last entry made or matter recorded therein relates.
- (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. (Added 12 of 2015 s. 36)

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17. 財政資料的呈交

- (1) 每名獲授權保險人須按照第 20 條，向保監局呈交附表 3 規定的帳目、報表及其他資料，而如此呈交的資料，須符合第 8(4) 條。*(由 1994 年第 25 號第 6 條修訂)*
- (2) 保監局可在任何獲授權保險人的書面要求下，就該保險人修改或更改附表 3 內的任何規定，修改或更改的內容及有效期限由保監局及該保險人共同協議，而在該等修改或更改的有效期內，第 (1) 款內所提述的附表 3，就該保險人而言，須解釋為提述經如此修改或更改的附表 3。
- (3) 凡保監局根據第 (2) 款，就某獲授權保險人修改或更改附表 3 的任何規定，須在切實可行的範圍內盡快在憲報刊登公告，說明該保險人的名稱，及已根據第 (2) 款就該保險人修改或更改該附表的事實。

(由 2015 年第 12 號第 2 及 37 條修訂)

18. 對經營長期業務的獲授權保險人的定期精算調查

(由 2015 年第 12 號第 38 條修訂)

- (1) 經營長期業務的獲授權保險人——*(由 2015 年第 12 號第 38 條修訂)*
 - (a) 須每隔 12 個月或保監局規定的較短時間，安排在當其時是根據第 15(1) 條成為其精算師的人，就其業務

- (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. *(Added 12 of 2015 s. 36)*

17. Submission of financial information

- (1) Every authorized insurer shall, in accordance with section 20, submit to the Authority accounts, statements and other information as required by Schedule 3, and the information so submitted shall be in accordance with section 8(4). *(Amended 25 of 1994 s. 6)*
- (2) The Authority may, at the request in writing of an authorized insurer, modify or vary any of the requirements of Schedule 3 in relation to that insurer in such respects and for such period as the Authority and the insurer may agree; and during any period when any such modification or variation is in force, the reference in subsection (1) to Schedule 3 shall, as respects that insurer, be construed as a reference to that Schedule as so modified or varied.
- (3) Where under subsection (2) the Authority modifies or varies any of the requirements of Schedule 3 in relation to an authorized insurer, the Authority shall, as soon as practicable, publish a notice in the Gazette stating the name of the insurer and the fact that that Schedule has been modified or varied under subsection (2) in relation to that insurer.

(Amended 12 of 2015 ss. 2 & 37)

18. Periodic actuarial investigation of authorized insurer with long term business

(Amended 12 of 2015 s. 38)

- (1) An authorized insurer which carries on long term business—*(Amended 12 of 2015 s. 38)*

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的財政狀況進行調查，包括就該業務的負債作出估值；及（由 1989 年第 8 號第 4 條修訂）

- (b) 在進行上述調查後，或在任何其他時間為分配利潤而就該保險人的長期業務的財政狀況進行調查後，或在公布調查結果時，須安排按附表 3 指明的格式，製備一份精算師調查報告摘要，並按照第 20 條向保監局呈交該份摘要。
- (2) 凡任何獲授權保險人根據第 (1) 款，安排製備精算師就該保險人的長期業務的財政狀況進行調查的報告摘要，該保險人須擬備一份報表，載錄在為了該項調查而結算其帳目當日，有關該保險人長期業務的附表 3 所指明資料，該保險人並須按照第 20 條向保監局呈交該份報表。
- (3) 為進行本條所適用的任何調查，任何資產的價值及任何負債的數額均須按照第 8(4) 條釐定。（由 1994 年第 25 號第 7 條修訂）

（由 2015 年第 12 號第 2 及 38 條修訂）

19. 訂明類別或種類的交易的報表

- (1) 保監局如覺得某等類別或種類的協議或安排，就保單持

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- (a) shall, once in every 12 months or at such shorter intervals as the Authority may require, cause an investigation to be made into its financial condition in respect of that business including a valuation of its liabilities in respect thereof, by the person who for the time being is its actuary under section 15(1); and (Amended 8 of 1989 s. 4)
- (b) when such an investigation has been made, or when at any other time an investigation into the financial condition of the insurer in respect of its long term business has been made with a view to the distribution of profits, or the results of which are made public, shall cause an abstract of the actuary's report of the investigation to be made in the form specified in Schedule 3 and shall submit such abstract to the Authority in accordance with section 20.

- (2) Where under subsection (1) an authorized insurer causes an abstract to be made of the report of an actuary on his investigation into the financial condition of the insurer in respect of its long term business, the insurer shall prepare a statement containing the information specified in Schedule 3 in respect of its long term business at the date to which the accounts of the insurer are made up for the purposes of the investigation and shall submit such statement to the Authority in accordance with section 20.
- (3) For the purposes of any investigation to which this section applies the value of any assets and the amount of any liabilities shall be determined in accordance with section 8(4). (Amended 25 of 1994 s. 7)

(Amended 12 of 2015 ss. 2 & 38)

19. Statements of transactions of prescribed class or description

- (1) Classes or descriptions of agreements or arrangements

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有人的利益而言相當可能是不宜的，即可為施行本條而予以訂明，而獲授權保險人如訂立某類別或某種類經如此訂明的協議或安排，則須在訂明的期間內，向保監局提交一份報表，載錄該協議或安排的訂明詳情。*(由 1994 年第 25 號第 8 條修訂)*

- (2) 為施行本條，對不同類別或種類的獲授權保險人，可訂明不同類別或種類的協議或安排。
- (3) 根據本條向保監局提交的報表的全部或任何部分，可由保監局存交公司註冊處處長作登記，並可由保監局以其認為合適的方式予以公布。*(由 2012 年第 28 號第 912 及 920 條修訂)*

(由 2015 年第 12 號第 2 條修訂)

20. 將帳目等存交保監局

(由 2015 年第 12 號第 2 條修訂)

- (1) 除第 (1A) 款另有規定外，根據第 17 或 18 條須向保監局呈交的任何獲授權保險人的帳目、資產負債表、摘要、證明書或報表，及其核數師的任何報告，均須以可閱形式編製，並須在該等帳目、資產負債表、摘要、證明書、報表或報告所關乎的期間終結後 4 個月內，將 2 份文本存交保監局：*(由 1999 年第 51 號第 2 條修訂。由 2015 年第 12 號第 2 條修訂)*

但如在任何情況下保監局覺得鑑於當時情況，應准予超過 4 個月的時限，則保監局可將該時限延長一段其認為

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appearing to the Authority as likely to be undesirable in the interests of policy holders may be prescribed for the purposes of this section, and every authorized insurer which enters into an agreement or arrangement of a class or description so prescribed shall, within such period as may be prescribed, furnish the Authority with a statement containing such particulars of that agreement or arrangement as may be prescribed. *(Amended 25 of 1994 s. 8)*

- (2) Different classes or descriptions of agreements or arrangements may be prescribed for the purposes of this section in relation to authorized insurers of different classes or descriptions.
- (3) The whole or any part of any statement furnished to the Authority under this section may be deposited by the Authority with the Registrar of Companies for registration and may be published by the Authority in such ways as the Authority thinks appropriate. *(Amended 28 of 2012 ss. 912 & 920)*

(Amended 12 of 2015 s. 2)

20. Deposit of accounts etc. with Authority

(Amended 12 of 2015 s. 2)

- (1) Subject to subsection (1A), any account, balance sheet, abstract, certificate or statement of an authorized insurer and any report of the auditor thereof required to be submitted to the Authority under section 17 or 18 shall be in legible form, and 2 copies shall be deposited with the Authority within 4 months after the close of the period to which the account, balance sheet, abstract, certificate, statement or report relates: *(Amended 51 of 1999 s. 2; 12 of 2015 s. 2)*

Provided that if in any case it is made to appear to the Authority that the circumstances are such that a longer period

適合，但不超過 3 個月的期間。(由 2015 年第 12 號第 2 條修訂)

- (1A) 根據第 17 條須予呈交的在附表 3 第 8 及 9 部指明的資料，須按照第 (1) 款呈交。(由 1999 年第 51 號第 2 條增補)
- (2) 根據第 (1) 款存交的任何文件的文本其中一份(核數師報告除外)，須由以下人士簽署——
 - (a) 在任何情況下——
 - (i) 有關保險人如有 2 位以上的董事，最少須由 2 位董事簽署，如董事人數不超過 2 位，則由全部董事簽署；
 - (ii) 由有關保險人的行政總裁(如有的話)簽署，或(如無行政總裁)由秘書簽署；及
 - (b) 如屬第 18 條所提述的摘要或報表，須由進行該摘要所關乎的調查的精算師簽署，或由進行在擬備該報表時參照的調查的精算師簽署。
- (3) 根據第 (1) 款存交的核數師報告的文本其中一份，須由核數師簽署。
- (4) 保監局須考慮根據第 (1) 款存交的文件，如保監局覺得任何該等文件在任何方面不準確或不完備，則可與有關保險人聯絡，以便作出修正及補缺。(由 2015 年第 12 號第 2 條修訂)
- (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保險人事務報告一併存交，該報告乃關乎該資產負債表所涉及的財政年度內的事務。
- (6) 在本條內，凡提述帳目或資產負債表之處，即包括提述附於帳目或資產負債表，並提供憑藉第 17 條須提供的資料的任何報表或報告，此外，亦包括提述憑藉該條須附於帳目或資產負債表的任何證明書。
- (7) 任何獲授權保險人不遵從本條任何條文，即屬犯罪，可處罰款 \$200,000，而在該項罪行持續期間，另加每日罰款 \$1,000。(由 1996 年第 35 號第 14 條修訂)

than 4 months should be allowed, the Authority may extend that period by such period not exceeding 3 months as the Authority thinks fit. (Amended 12 of 2015 s. 2)

- (1A) Information required to be submitted under section 17 that is specified in Parts 8 and 9 of Schedule 3 shall be submitted in accordance with subsection (1). (Added 51 of 1999 s. 2.)
- (2) One of the copies of any document deposited under subsection (1) except an auditor's report shall be a copy signed—
 - (a) in any case—
 - (i) where there are more than 2 directors of the insurer, by at least 2 of those directors and, where there are not more than 2 directors, by all the directors;
 - (ii) by a chief executive, if any, of the insurer or (if there is no chief executive) by the secretary; and
 - (b) in the case of an abstract or statement referred to in section 18, by the actuary who made the investigation to which the abstract relates or by reference to which the statement was prepared.
- (3) One of the copies of any auditor's report deposited under subsection (1) shall be a copy signed by the auditor.
- (4) The Authority shall consider the documents deposited under subsection (1), and if any such document appears to the Authority to be inaccurate or incomplete in any respect the Authority may communicate with the insurer with a view to the correction of any such inaccuracies and the supply of deficiencies. (Amended 12 of 2015 s. 2)
- (5) There shall be deposited with every balance sheet of an authorized insurer any report on the affairs of the insurer submitted to the shareholders or policy holders of the insurer

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(由 2015 年第 12 號第 39 條修訂)

21. 須存交公司註冊處處長的文件

- (1) 在不損害《公司條例》(第 622 章)的原則下，如任何是一間公司的獲授權保險人，根據第 17 或 18 條向保監局呈交任何有關該保險人的帳目、資產負債表、摘要、證明書或報表，或其核數師的任何報告，則該保險人須同時將該等文件(附表 3 第 8 或 9 部規定須呈交的文件除外)的一份文本，存交公司註冊處處長作登記。(由 1992 年第 50 號第 4 條修訂；由 1994 年第 26 號第 4 條修訂；由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)
 - (2) 任何獲授權保險人不遵從第 (1) 款，即屬犯罪，可處罰款 \$200,000。(由 1996 年第 35 號第 15 條修訂)
- (由 2015 年第 12 號第 40 條修訂)

in respect of the financial year to which the balance sheet relates.

- (6) In this section any reference to an account or balance sheet includes a reference to any statement or report annexed thereto giving information required by virtue of section 17 to be so given and any certificate so annexed by virtue of that section.
- (7) An authorized insurer which fails to comply with any of the provisions of this section commits an offence and is liable to a fine of \$200,000 together with a fine of \$1,000 for each day on which the offence continues. (Amended 35 of 1996 s. 14)

(Amended 12 of 2015 s. 39)

21. Documents to be deposited with Registrar of Companies

- (1) Without prejudice to the Companies Ordinance (Cap. 622), where an authorized insurer which is a company submits to the Authority any account, balance sheet, abstract, certificate or statement of the insurer or any report of the auditor thereof required to be submitted under section 17 or 18, the insurer shall at the same time deposit a copy of such document, except any such document required to be submitted by Part 8 or 9 of Schedule 3, with the Registrar of Companies for registration. (Amended 50 of 1992 s. 4; 26 of 1994 s. 4; 28 of 2012 ss. 912 & 920; 12 of 2015 s. 2)
- (2) An authorized insurer which fails to comply with subsection (1) commits an offence and is liable to a fine of \$200,000. (Amended 35 of 1996 s. 15)

(Amended 12 of 2015 s. 40)

第 IV 部**長期業務***(格式變更——2017 年第 4 號編輯修訂紀錄)***22. 分開可歸入長期業務的資產及負債**

- (1) 凡任何獲授權保險人經營長期業務，該保險人即須 ——
(由 2015 年第 12 號第 41 條修訂)
- (a) 就業務中性質屬於附表 1 第 2 部指明者的部分而言 ——
- (i) 就該部指明的每項保險業務類別，備存帳目；及
- (ii) 就該部指明的每項保險業務類別，維持獨立基金；及 (由 2015 年第 12 號第 41 條代替)
- (b) 確保依據 (a) 段就其備存帳目的業務部分，其所得收入均 ——
- (i) 記入帳目內；及
- (ii) 轉入並成為獨立的保險基金，並冠以適當的名稱。(由 1993 年第 59 號第 8 條代替)
- (1A) 經營長期業務的獲授權保險人如在香港以外地方組成或成立為法團，保監局可在該人提出書面要求時，授權該保險人就與長期業務或其中部分密切有關的其他保險業務，備存帳目，作為根據第 (1)(a) 款而備存的帳目中的一部分。(由 1995 年第 75 號第 4 條增補。由 2015 年第 12 號第 2 條修訂)
- (2) 經營長期業務的獲授權保險人須備存為識別下述兩項所需的帳簿及其他紀錄 —— (由 2015 年第 12 號第 41 條修訂)
- (a) 該保險人就該業務所維持相當於每項基金的資產；及

Part IV**Long Term Business***(Format changes—E.R. 4 of 2017)***22. Separation of assets and liabilities attributable to long term business**

- (1) Where an authorized insurer carries on long term business, the insurer shall— *(Amended 12 of 2015 s. 41)*
- (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 *(Replaced 12 of 2015 s. 41)*
- (b) ensure that the receipts of that part of that business for which an account is maintained in pursuance of paragraph (a) are—
- (i) entered in that account; and
- (ii) carried to and form a separate insurance fund with an appropriate name. *(Replaced 59 of 1993 s. 8)*
- (1A) Where an authorized insurer which carries on long term business is incorporated or formed outside Hong Kong, the Authority may, at the request in writing of the insurer, authorize the insurer to maintain accounts of other insurance business closely related to long term business or part thereof as part of the account maintained under subsection (1)(a). *(Added 75 of 1995 s. 4. Amended 12 of 2015 ss. 2 & 41)*

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- (b) 可歸入 (a) 段所提述的每項基金所涉及的有關業務部分的負債。(由 1993 年第 59 號第 8 條代替)
- (3) 獲授權保險人就其長期業務而維持的任何基金，須維持於下列狀況 —— (由 2015 年第 12 號第 41 條修訂)
- (a) 相當於每項獨立基金的資產 (按照第 8(4) 條釐定) 的數值總和，不得少於以下數額的總和 ——
- (i) 可歸入該基金所關乎的該項業務的有關部分的負債額 (按照第 8(4) 條釐定)；及
- (ii) 按照根據第 129(1)(c) 條訂立的規則，須在該基金內持有的數額；及
- (b) 相當於所有基金的資產 (按照第 8(4) 條釐定) 的數值總和，不得少於以下兩個數額中的較大者 ——
- (i) 以下數額的總和 ——
- (A) 可歸入該等基金所關乎的該項業務的有關部分的負債額 (按照第 8(4) 條釐定)；及
- (B) \$2,000,000 或其同等數值；
- (ii) 以下數額的總和 ——
- (A) 可歸入該等基金所關乎的該項業務的有關部分的負債額 (按照第 8(4) 條釐定)；及
- (B) 按照根據第 129(1)(c) 條訂立的規則，須在該等基金內持有的數額。(由 2015 年第 12 號第 41 條代替)
- (4) (由 1993 年第 59 號第 8 條廢除)
- (5) 任何獲授權保險人不遵從本條任何條文，即屬犯罪，可處罰款 \$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。(由 1996 年第 35 號第 16 條修訂)

(由 2015 年第 12 號第 41 條修訂)

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- (2) An authorized insurer which carries on long term business shall maintain such books of account and other records as are necessary for identifying— (*Amended 12 of 2015 s. 41*)
- (a) the assets representing each fund maintained by the insurer in respect of that business; and
- (b) the liabilities attributable to that part of that business to which each fund referred to in paragraph (a) relates. (*Replaced 59 of 1993 s. 8*)
- (3) Any funds maintained by an authorized insurer in respect of its long term business shall be so maintained that— (*Amended 12 of 2015 s. 41*)
- (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 (*Replaced 12 of 2015 s. 41*)
- (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
- (B) \$2,000,000 or its equivalent;
- (ii) the aggregate of—

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- (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). *(Replaced 12 of 2015 s. 41)*

- (4) *(Repealed 59 of 1993 s. 8)*
- (5) An authorized insurer which fails to comply with any of the provisions of this section commits an offence and is liable to a fine of \$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. *(Amended 35 of 1996 s. 16; 12 of 2015 s. 41)*

22A. 外地保險人可獲授權就其香港的業務備存帳目

- (1) 經營長期業務的獲授權保險人如屬在香港以外地方組成或成立為法團，保監局可在該保險人提出書面要求時，授權該保險人就其在或從香港經營的長期業務備存帳目，以取代第 22(1) 條所提述的帳目，而如獲授予此權力，則該保險人須按照該項授權就其在香港或從香港經營的長期業務備存帳目。 *(由 2015 年第 12 號第 2 及 42 條修訂)*
- (2) 保監局根據第 (1) 款授權時，可 —— *(由 2015 年第 12 號第 2 條修訂)*
 - (a) 在適用於該保險人的範圍內，適當修改或更改附表 3 任何規定；及
 - (b) 指明一段期間，在該期間內，該保險人須按照根據 (a) 段修改或更改的附表 3 作出安排，以識別在指明的某日可歸入他在香港或從香港經營的長期業務的資產及負債。 *(由 1995 年第 75 號第 5 條修訂)*

22A. Foreign insurers may be authorized to maintain accounts in relation to their Hong Kong business

- (1) Where an authorized insurer which carries on long term business is incorporated or formed outside Hong Kong, the Authority may, at the request in writing of the insurer, authorize the insurer to maintain accounts of long term business carried on in or from Hong Kong in place of the accounts referred to in section 22(1) and, if such an authorization is given, the insurer shall maintain accounts of long term business carried on in or from Hong Kong in accordance with that authorization.
- (2) The Authority may, in giving its authorization under subsection (1)— *(Amended 12 of 2015 s. 2)*
 - (a) modify or vary any of the requirements of Schedule 3 in its application to the insurer as may be appropriate; and
 - (b) specify the period within which the insurer shall, in accordance with Schedule 3 as modified or varied under

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- (3) 在符合根據第 (1) 款作出並就某獲授權保險人有效的授權的條款及第 (4) 款的規定下，本條例繼續適用於該保險人。
(由 2015 年第 12 號第 42 條修訂)
- (4) 凡根據第 (1) 款作出的授權對任何獲授權保險人有效 ——
(由 2015 年第 12 號第 42 條修訂)
- (a) 在第 22(1)(a) 及 (b)、(2)(a) 及 (b) 及 (3) 條、第 23 條及第 45(2)、(4A)、(4B) 及 (5) 條內，凡提述該保險人的長期業務，或提述該保險人的業務之處 (如應解釋為對其長期業務的提述者)，均須解釋為提述該保險人在香港或從香港經營的長期業務；
(由 1995 年第 75 號第 5 條修訂)
- (b) 在第 22、23 及 45 條內，凡提述該保險人就其長期業務而維持的基金之處，均須解釋為提述該保險人就其在香港或從香港經營的長期業務而維持的基金。
(由 1995 年第 75 號第 5 條修訂)
- (5) 凡保監局根據第 (1) 款作出任何授權，須在切實可行範圍內盡快在憲報刊登公告，說明有關保險人的名稱及已作出該項授權的事實。
(由 2015 年第 12 號第 2 及 42 條修訂)
(由 1987 年第 4 號第 2 條增補。由 1993 年第 59 號第 9 條修訂)

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- paragraph (a), make arrangements for identifying the assets and liabilities of the insurer which are attributable to its long term business carried on in or from Hong Kong as on such day as may be so specified. *(Amended 75 of 1995 s. 5)*
- (3) Subject to the terms of any authorization under subsection (1) and to subsection (4), this Ordinance shall continue to apply to an authorized insurer in respect of whom such authorization is in force.
- (4) Where an authorization under subsection (1) is in force in relation to an authorized insurer, any references in—
(Amended 12 of 2015 s. 42)
- (a) sections 22(1)(a) and (b), (2)(a) and (b) and (3), 23 and 45(2), (4A), (4B) and (5) to the long term business of the insurer, or to the business of the insurer where this is to be construed as a reference to its long term business, shall be construed as a reference to the long term business of the insurer carried on in or from Hong Kong; *(Amended 75 of 1995 s. 5)*
- (b) sections 22, 23 and 45 to a fund maintained by the insurer in respect of its long term business, shall be construed as a reference to a fund maintained by the insurer in respect of its long term business carried on in or from Hong Kong. *(Amended 75 of 1995 s. 5)*
- (5) Where the Authority gives any authorization under subsection (1) the Authority shall, as soon as practicable, publish a notice in the Gazette stating the name of the insurer and the fact that such authorization has been given.
(Added 4 of 1987 s. 2. Amended 59 of 1993 s. 9; 12 of 2015 ss. 2 & 42)

23. 經營長期業務的獲授權保險人的資產運用*(由 2015 年第 12 號第 43 條修訂)*

- (1) 除第 (2) 及 (3) 款及第 45(2) 條另有規定外，獲授權保險人就其長期業務所維持相當於某基金的資產，只可為該基金所涉及的業務部分而運用。*(由 1993 年第 59 號第 10 條修訂)*
- (2) 就某獲授權保險人的長期業務而言，如第 18 條適用的調查顯示，或依據第 32 條所訂規定而作的調查顯示——*(由 2015 年第 12 號第 43 條修訂)*
 - (a) 凡就該項業務中性質屬附表 1 第 2 部所指明者的部分而維持某項基金，相當於該基金的資產的數值，超過以下數額的總和——
 - (i) 可歸入該基金所關乎的該項業務的該部分的負債額；及
 - (ii) 按照根據第 129(1)(c) 條訂立的規則，須在該基金內持有的數額；及
 - (b) 相當於所有基金的資產的數值，超過以下兩個數額中的較大者——
 - (i) 以下數額的總和——
 - (A) 可歸入該等基金所關乎的該項業務的有關部分的負債額；及
 - (B) \$2,000,000 或其同等數值；
 - (ii) 以下數額的總和——
 - (A) 可歸入該等基金所關乎的該項業務的有關部分的負債額；及
 - (B) 按照根據第 129(1)(c) 條訂立的規則，須在該等基金內持有的數額，*(由 2015 年第 12 號第 43 條代替)*

23. Application of assets of authorized insurer with long term business*(Amended 12 of 2015 s. 43)*

- (1) Subject to subsections (2) and (3) and section 45(2), the assets representing a fund maintained by an authorized insurer in respect of its long term business shall be applicable only for the purposes of that part of that business to which the fund relates. *(Amended 59 of 1993 s. 10)*
- (2) Where in respect of an authorized insurer's long term business it is shown, by an investigation to which section 18 applies or which is made in pursuance of a requirement under section 32— *(Amended 12 of 2015 s. 43)*
 - (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 *(Replaced 12 of 2015 s. 43)*
 - (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—

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- 則第 (1) 款所施加的限制，不適用於相等於超額的資產。
(由 1993 年第 59 號第 10 條代替)
- (3) 第 (1) 款並不阻止任何獲授權保險人將他就其長期業務所維持相等於基金的資產，以公平市值與他的其他資產交換。
- (4) 任何按揭或押記如與第 (1) 款有抵觸，則相抵觸的部分屬無效。
- (5) 為免生疑問，現聲明任何獲授權保險人就其長期業務而維持的基金的款項，不得用於該保險人的任何其他業務上 (包括並非該基金所涉及的任何長期業務)，即使已作出日後從該項其他業務的收入中撥款償還的安排亦然。(由 1993 年第 59 號第 10 條修訂)
- (6) 如在任何時間，有不符合第 22(3) 條中關乎獲授權保險人就其長期業務而維持任何基金的規定的情況出現，則在該段時間，屬某法人團體的附屬公司的該保險人及該法人團體，均不得向股東宣布股息。
- (7) 任何獲授權保險人或法人團體不遵從第 (1) 或 (6) 款，即屬犯罪，可處罰款 \$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。(由 1996 年第 35 號第 17 條修訂)

(由 2015 年第 12 號第 43 條修訂)

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- (A) the amount of the liabilities attributable to those parts of that business to which the funds relate; and
- (B) the amount that is required to be held in those funds in accordance with the rules made under section 129(1)(c), *(Replaced 12 of 2015 s. 43)*
- the restriction imposed by subsection (1) shall not apply to so much of those assets as represents the excess. *(Replaced 59 of 1993 s. 10)*
- (3) Nothing in subsection (1) shall preclude an authorized insurer from exchanging, at fair market value, assets representing a fund maintained by the insurer in respect of its long term business for other assets of the insurer.
- (4) Any mortgage or charge shall be void to the extent to which it contravenes subsection (1).
- (5) For the avoidance of doubt it is hereby declared that money from a fund maintained by an authorized insurer in respect of its long term business may not be used for the purposes of any other business of the insurer (including any long term business to which that fund does not relate) notwithstanding any arrangement for its subsequent repayment out of the receipts of that other business. *(Amended 59 of 1993 s. 10)*
- (6) No authorized insurer, and no body corporate of which an authorized insurer is a subsidiary, shall declare a dividend to shareholders at any time when the requirements of section 22(3) relating to any fund or funds maintained by the insurer in respect of its long term business have ceased to be satisfied.
- (7) An authorized insurer or body corporate which fails to comply with subsection (1) or (6) commits an offence and is liable to a fine of \$1,000,000 and, in the case of a continuing

24. 原訟法庭對轉讓長期業務的認許

- (1) 凡擬進行某項計劃，將某獲授權保險人（**出讓人公司**）在香港經營的長期業務的全部或部分轉讓給另一保險人（**受讓人公司**），則出讓人公司或受讓人公司均可用呈請書的形式向原訟法庭申請認許該項計劃的命令。（由 2015 年第 12 號第 2 條修訂）
- (2) 除非呈請書附有獨立精算師就該項計劃的條款而作出的報告，且原訟法庭亦信納第 (3) 款的規定已獲遵從，否則原訟法庭不得就該項申請作出裁定。
- (3) 第 (2) 款所提述的規定如下——
 - (a) 已在憲報刊登公告，此外，除原訟法庭另有指示外，亦已在一份英文報章及一份中文報章（均為政務司司長為施行本條而認可的報章名單上所指定的報章）刊登公告，說明已提出該項申請，並列明可以索閱 (d) 段所述以及 (d) 段所規定的文件副本的辦事處地址及索閱期限；（由 1988 年第 34 號第 4 條修訂；由 1990 年第 44 號第 5 條修訂；由 1997 年第 362 號法律公告修訂）
 - (b) 除原訟法庭另有指示外，載有以下資料的陳述書——
 - (i) 該計劃的條款；及
 - (ii) 第 (2) 款所述的報告的撮要，該撮要足以顯示精算師就該計劃對有關保險人的長期保單持有人相當可能造成的影響的意見，
 經已送交上述每名保單持有人及該等保險人的每名成員；

offence, to a further fine of \$20,000 for each day during which the offence continues. (*Amended 35 of 1996 s. 17*)
(*Amended 12 of 2015 s. 43*)

24. Sanction of Court of First Instance for transfer of long term business

- (1) Where it is proposed to carry out a scheme under which the whole or part of the long term business carried on in Hong Kong by an authorized insurer (***the transferor company***) is to be transferred to another insurer (***the transferee company***) the transferor company or transferee company may apply to the Court of First Instance, by petition, for an order sanctioning the scheme. (*Amended 12 of 2015 s. 2*)
- (2) The Court of First Instance shall not determine an application under this section unless the petition is accompanied by a report on the terms of the scheme by an independent actuary and the Court of First Instance is satisfied that the requirements of subsection (3) have been complied with.
- (3) The requirements referred to in subsection (2) are—
 - (a) that a notice has been published in the Gazette and, except where the Court of First Instance has otherwise directed, in an English language newspaper and a Chinese language newspaper (being in each case a newspaper specified in a list of newspapers approved by the Chief Secretary for Administration for the purposes of this section) stating that the application has been made and giving the address of the offices at which, and the period for which, copies of the documents mentioned in paragraph (d) will be available as required by that paragraph; (*Amended 34 of 1988 s. 4; 44 of 1990 s. 5; L.N. 362 of 1997*)

- (c) 呈請書副本及第 (2) 款所述報告的副本，以及根據 (b) 段送交的任何陳述書副本，均已送達保監局，而自送達日期起計已過了不少於 21 日；(由 2015 年第 12 號第 2 條修訂)
- (d) 呈請書副本及第 (2) 款所述報告的副本已在有關保險人或其代表在香港的辦事處公開讓人查閱，為時不少於 21 日，自按照 (a) 段首次刊登公告之日起計。
- (4) 在應呈請書而作出認許該計劃的命令前，如有任何人在任何時間索取呈請書及第 (2) 款所述報告的副本，則各有關保險人須向該人提供該等副本。
- (5) 凡有根據本條提出呈請 ——
- (a) 保監局；及 (由 2015 年第 12 號第 2 條修訂)
- (b) 任何聲稱會因實行該計劃而受到不利影響的人 (包括出讓人公司及受讓人公司的任何僱員)，均有權陳詞。
- (6) 除非原訟法庭信納受讓人公司獲授權，或在命令作出後將立即獲授權經營根據該計劃而向其轉讓的長期業務，否則原訟法庭不得作出認許該計劃的命令。
- (7) 除非有關轉讓的計劃已獲原訟法庭按照本條認許，否則不得實行第 (1) 款所述的轉讓；此外，不得根據《公司條例》(第 622 章) 第 673 或 675 條就有關涉及任何該等轉讓的任何債務妥協或債務償還安排作出命令。(由 2012 年第 28 號第 912 及 920 條修訂)
- (8) 任何保險人不遵從第 (4) 款，即屬犯罪，可處第 4 級罰款。(由 1996 年第 35 號第 18 條修訂)
- (由 1998 年第 25 號第 2 條修訂)

- (b) except where the Court of First Instance has otherwise directed, that a statement—
- (i) setting out the terms of the scheme; and
- (ii) containing a summary of the report mentioned in subsection (2) sufficient to indicate the opinion of the actuary on the likely effects of the scheme on the long term policy holders of the insurers concerned,
- has been sent to each of those policy holders and to every member of those insurers;
- (c) that a copy of the petition, of the report mentioned in subsection (2) and of any statement sent out under paragraph (b) has been served on the Authority and that a period of not less than 21 days has elapsed since the date of service; (Amended 12 of 2015 s. 2)
- (d) that copies of the petition and of the report mentioned in subsection (2) have been open to inspection at offices in Hong Kong of the insurers concerned or their representatives for a period of not less than 21 days beginning with the date of the first publication of a notice in accordance with paragraph (a).
- (4) Each of the insurers concerned shall furnish a copy of the petition and of the report mentioned in subsection (2) to any person who asks for one at any time before an order sanctioning the scheme is made on the petition.
- (5) On any petition under this section—
- (a) the Authority; and (Amended 12 of 2015 s. 2)
- (b) any person (including any employee of the transferor company or the transferee company) who alleges that he would be adversely affected by the carrying out of the scheme,

shall be entitled to be heard.

- (6) The Court of First Instance shall not make an order sanctioning the scheme unless it is satisfied that the transferee company is, or immediately after the making of the order will be, authorized to carry on any long term business to be transferred under the scheme.
- (7) No such transfer as is mentioned in subsection (1) shall be carried out unless the scheme relating to the transfer has been sanctioned by the Court of First Instance in accordance with this section; and no order shall be made under section 673 or 675 of the Companies Ordinance (Cap. 622) in respect of so much of any compromise or arrangement as involves any such transfer. *(Amended 28 of 2012 ss. 912 & 920)*
- (8) Any insurer which fails to comply with subsection (4) commits an offence and is liable to a fine at level 4. *(Amended 35 of 1996 s. 18)*

(Amended 25 of 1998 s. 2)

25. 補充第 24 條的條文

- (1) 凡原訟法庭根據第 24 條作出認許某項計劃的命令，原訟法庭可藉該命令或藉其後的任何命令，就以下全部或任何事宜作出規定——
 - (a) 將出讓人公司的業務、財產或負債的全部或部分轉讓予受讓人公司；
 - (b) 由受讓人公司分派或分配根據該計劃行將由受讓人公司分派或分配予任何人（或為任何人分派或分配）的任何股份、債權證、保單或受讓人公司的其他類似權益；
 - (c) 出讓人公司進行或針對出讓人公司的未完結法律程序，由受讓人公司繼續進行或轉為針對受讓人公司；
 - (d) 將出讓人公司未經清盤而解散；

25. Provisions supplementary to section 24

- (1) Where the Court of First Instance makes an order under section 24 sanctioning a scheme the Court of First Instance may, either by that order or by any subsequent order, make provision for all or any of the following matters—
 - (a) the transfer to the transferee company of the whole or any part of the undertaking and of the property or liabilities of the transferor company;
 - (b) the allotting or appropriation by the transferee company of any shares, debentures, policies or other like interests in the transferee company which under the scheme are to be allotted or appropriated by the transferee company to or for any person;

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- (e) 為確保該計劃得以全面及有效實行而屬必需的附帶、相應及補充事宜。
- (2) 凡任何該等命令規定將任何財產或負債轉讓，則該項財產須憑藉該命令轉讓予及歸屬於受讓人公司，而該等負債亦須憑藉該命令轉讓予受讓人公司，並成為受讓人公司的負債；而就財產而言，如該命令作此指示，則有關財產即免受任何憑藉該計劃而終止生效的按揭或押記所規限。
- (3) 為施行任何規定送交轉讓文書作為條件以登記任何財產轉讓的條文（尤其包括《公司條例》（第 622 章）第 150 及 320 條），任何憑藉本條而令任何財產轉讓的命令須被視為轉讓文書。（由 2012 年第 28 號第 912 及 920 條修訂）
- (4) 凡任何計劃經原訟法庭根據第 24 條作出的命令所認許，則受讓人公司須在該命令的作出日期起計 10 日內，或保監局所容許的較長期限內，將該命令的正式文本 2 份存交保監局。（由 1998 年第 25 號第 2 條修訂；由 2015 年第 12 號第 2 條修訂）
- (5) 任何人不遵從第 (4) 款，即屬犯罪，可處第 4 級罰款。（由 1996 年第 35 號第 19 條修訂）

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- (c) the continuation by or against the transferee company of any legal proceedings pending by or against the transferor company;
- (d) the dissolution, without winding up, of the transferor company;
- (e) such incidental, consequential and supplementary matters as are necessary to secure that the scheme shall be fully and effectively carried out.
- (2) Where any such order provides for the transfer of property or liabilities, that property shall, by virtue of the order, be transferred to and vest in, and those liabilities shall, by virtue of the order, be transferred to and become the liabilities of, the transferee company, and in the case of any property, if the order so directs, freed from any mortgage or charge which is by virtue of the scheme to cease to have effect.
- (3) For the purposes of any provision requiring the delivery of an instrument of transfer as a condition for the registration of a transfer of any property (including in particular sections 150 and 320 of the Companies Ordinance (Cap. 622)) an order which by virtue of this section operates to transfer any property shall be treated as an instrument of transfer. (Amended 28 of 2012 ss. 912 & 920)
- (4) Where a scheme is sanctioned by an order of the Court of First Instance under section 24 the transferee company shall, within 10 days from the date on which the order is made or such longer period as the Authority may allow, deposit 2 office copies of the order with the Authority. (Amended 12 of 2015 s. 2)
- (5) Any person who fails to comply with subsection (4) commits an offence and is liable to a fine at level 4. (Amended 35 of 1996 s. 19)

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- (6) 在本條內，**財產** (property) 包括各種財產、權利及權力；**負債** (liabilities) 包括責任，而**股份** (shares) 及**債權證** (debentures) 的涵義則與《公司條例》(第 622 章) 中該兩詞的涵義相同。(由 2012 年第 28 號第 912 及 920 條修訂)
(由 1998 年第 25 號第 2 條修訂)
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- (6) In this section **property** (財產) includes property, rights and powers of every description; **liabilities** (負債) includes duties, and **shares** (股份) and **debentures** (債權證) have the same meaning as in the Companies Ordinance (Cap. 622). (*Amended 28 of 2012 ss. 912 & 920*)

(*Amended 25 of 1998 s. 2*)

第 IVA 部**有關在香港的資產的規定**

(第 IVA 部由 1994 年第 26 號第 5 條增補)
(格式變更——2017 年第 4 號編輯修訂紀錄)

25A. 維持在香港的資產——一般業務

(1) 在本部中——

未決申索 (claims outstanding) 的涵義與附表 3 第 1(1) 段中該詞的涵義相同；

未過期風險的額外款額 (additional amount for unexpired risks) 的涵義與附表 3 第 1(1) 段中該詞的涵義相同；

未滿期保費 (unearned premiums) 的涵義與附表 3 第 1(1) 段中該詞的涵義相同；

在香港的資產 (assets in Hong Kong) 指——

- (a) 在附表 8 列明類型的資產；及
- (b) 保監局在任何個別個案中以書面認可的其他資產或保證或代替資產的其他安排，(由 2015 年第 12 號第 2 條修訂)

但如任何資產的所有權是受任何不屬浮動押記的產權負擔或押記所規限的，則不包括該等資產；

有關數額 (relevant amount) 指按照第 10 條釐定的有關數額，但——

- (a) 為根據本條釐定有關數額，該條所提述的毛保費收入須當作為只從獲授權保險人的香港保險業務產生的毛保費收入；
- (b) 為根據本條釐定有關數額，該條所提述的未決申索、未過期風險的額外款額及基金須分別當作為只從該保險人的香港保險業務產生的未決申索、未過期風

Part IVA**Requirement for Assets in Hong Kong**

(Part IVA added 26 of 1994 s. 5)
(Format changes—E.R. 4 of 2017)

25A. Maintenance of assets in Hong Kong-general business

(1) In this Part—

additional amount for unexpired risks (未過期風險的額外款額) has the same meaning as in paragraph 1(1) of Schedule 3; (Amended 12 of 2015 s. 44)

assets in Hong Kong (在香港的資產) means—

- (a) assets of the type set forth in Schedule 8; and (Amended 12 of 2015 s. 44)
- (b) such other assets or guarantees or other arrangements in lieu of assets, as the Authority may, in writing, approve in a particular case, (Amended 12 of 2015 s. 2)

but does not include assets the titles to which are subject to any encumbrance or charge, other than a floating charge;

claims outstanding (未決申索) has the same meaning as in paragraph 1(1) of Schedule 3; (Amended 12 of 2015 s. 44)

fund (基金) has the same meaning as in paragraph 1(1) of Schedule 3; (Amended 12 of 2015 s. 44)

Hong Kong insurance business (香港保險業務) has the same meaning as in paragraph 1(1) of Schedule 3; (Amended 12 of 2015 s. 44)

liabilities (負債) means liabilities relating to—

- (a) additional amounts for unexpired risks;
- (b) claims outstanding; and

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險的額外款額及基金；(由 1996 年第 35 號第 20 條修訂；由 2015 年第 12 號第 44 條修訂)

負債 (liabilities) 指與以下各項有關的負債 ——

- (a) 未過期風險的額外款額；
- (b) 未決申索；及
- (c) 未滿期保費，

但如某類別香港保險業務是以基金會計基準計算的，則就該類別而言，負債指有關基金；

香港保險業務 (Hong Kong insurance business) 的涵義與附表 3 第 1(1) 段中該詞的涵義相同；

基金 (fund) 的涵義與附表 3 第 1(1) 段中該詞的涵義相同。

(編輯修訂 —— 2017 年第 4 號編輯修訂紀錄)

- (2) 本部只適用於一般業務，但不適用於 ——
 - (a) 只獲授權在香港或從香港經營再保險業務的人；或
 - (b) 專屬自保保險人。(由 1997 年第 29 號第 7 條代替)
- (3) 除第 (4)、(6) 及 (8) 款另有規定外，獲授權保險人須時刻就其上一個財政年度終結時從香港保險業務產生的負債而維持在香港的資產，該等須維持的資產數額為 —— (由 2015 年第 12 號第 44 條修訂)
 - (a) 不少於以下數額的總和 ——
 - (i) 在扣除已訂立再保險合約的數額後的負債的 80%；及
 - (ii) 有關數額；或
 - (b) 該保險人如已就該等負債訂立再保險合約，而所須繳付的保費超過所收取的毛保費的一半，則不少於以下數額的總和 —— (由 2015 年第 12 號第 44 條修訂)
 - (i) 在扣除已訂立再保險合約的數額前的負債的 40%；及

- (c) unearned premiums,

but, where a class of Hong Kong insurance business is accounted for on a fund accounting basis, liabilities means, with respect to such a class, the fund;

relevant amount (有關數額) means the relevant amount determined in accordance with section 10 except that—

- (a) the reference to gross premium income in that section shall, for the purposes of determining the relevant amount under this section, be deemed to be the gross premium income arising from the authorized insurer's Hong Kong insurance business only; (Amended 12 of 2015 s. 44)
- (b) the references to claims outstanding, additional amount for unexpired risks and fund in that section shall, for the purposes of determining the relevant amount under this section, be deemed to be the claims outstanding, additional amount for unexpired risks and fund respectively arising from the insurer's Hong Kong insurance business only; (Amended 35 of 1996 s. 20)

unearned premiums (未滿期保費) has the same meaning as in paragraph 1(1) of Schedule 3. (Amended 12 of 2015 s. 44)

- (2) This Part applies to general business only but does not apply to—
 - (a) a person authorized to carry on in or from Hong Kong reinsurance business only; or
 - (b) a captive insurer. (Replaced 29 of 1997 s. 7)
- (3) Subject to subsections (4), (6) and (8), an authorized insurer shall, at all times, maintain assets in Hong Kong in respect of its liabilities, as of the end of the last preceding financial year, arising from Hong Kong insurance business, and such

(ii) 有關數額，

凡屬 (b) 段適用的情況，有關保險人須按照 (a) 或 (b) 段維持資產，以數額較大者為準。

- (4) 如任何獲授權保險人提出要求，而保監局又信納不會違反保單持有人的利益，則保監局可以書面豁免該保險人遵從第 (3)(b) 款的規定，並可就該項豁免附加其認為合適的條件或限制，包括 (但不局限前述條文) 對豁免期作出規限。(由 2015 年第 12 號第 2 條修訂)
- (5) 為釐定資產值及負債額，第 8(4)(b) 及 (c) 條適用於本條。
- (6) 凡保監局信納因有特殊或不尋常情況，使某獲授權保險人遵從本條的規定並不切實可行，並且對該保險人的財政狀況感到滿意，則保監局可全部或部分豁免該保險人遵從本條的規定，並可就該項豁免附加其認為合適的條件或限制，包括 (但不局限前述條文) 對豁免期作出規限。(由 2015 年第 12 號第 2 條修訂)
- (7) 為免生疑問，第 (6) 款所訂的**特殊或不尋常情況** (special or unusual circumstances) 並不包括 ——
 - (a) 與遵從本條有關連的行政開支或其他不便；或
 - (b) 以下事實：遵從本條與有關獲授權保險人的投資策略並不協調。
- (8) 如根據在香港以外地方的法律，獲授權保險人須在該地方維持資產，並且確實在該地方維持資產，而該等資產在該保險人清盤時，會列入《公司 (清盤及雜項條文) 條例》(第 32 章) 第 265(1)(e)(i) 條所載的資產種類，則第 (3) 款所訂在香港維持資產的規定須予寬免遵從，無須計算上述該等資產。(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)
- (9) 為施行本條，獲授權保險人須在每個財政年度終結後 4 個月內，將一份以附表 3 第 9 部的表格列明其資產及負債的報表，提交保監局。(由 1999 年第 51 號第 3 條修訂；由 2015 年第 12 號第 2 條修訂)

assets shall be maintained in an amount that is not less than—
(Amended 12 of 2015 s. 44)

(a) the aggregate of—

- (i) 80% of its liabilities after deducting the amount in respect of which contracts of reinsurance have been entered into; and

(ii) the relevant amount; or

(b) where, in respect of such liabilities, it has entered into contracts of reinsurance for which the premiums payable exceeded one half of the gross premiums received, the aggregate of—

- (i) 40% of its liabilities before deducting the amount in respect of which contracts of reinsurance have been entered into; and

(ii) the relevant amount,

and, where paragraph (b) applies, the insurer shall maintain assets in accordance with paragraph (a) or (b), whichever is greater.

- (4) The Authority may, at the request of an authorized insurer and provided that the Authority is satisfied that it would not be contrary to the interests of policy holders to do so, exempt, in writing, the insurer from the requirements of subsection (3)(b) and the Authority may attach such conditions to, or limitations in respect of, the exemption as the Authority considers appropriate including, without limiting the foregoing, a limitation on the duration of the exemption. (Amended 12 of 2015 s. 2)
- (5) Section 8(4)(b) and (c) applies to this section for the purpose of determining the value of assets and the amount of liabilities.

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- (10) 任何獲授權保險人如 —— (由 2015 年第 12 號第 44 條修訂)
- (a) 採取或沒有採取任何行動，而他知道是會導致違反第 (3) 款的；或
 - (b) 沒有遵從根據第 (6) 款附加於某項豁免的條件 (除非該保險人證明在其沒有如此遵從時，他正遵從第 (3) 款的規定)，
- 即屬犯罪，可處 ——
- (i) 罰款 \$200,000，如屬個人，則可另處監禁 2 年；及 (由 1996 年第 35 號第 20 條修訂)
 - (ii) 如該保險人持續違反第 (3) 款的規定或根據第 (6) 款附加於某項豁免的條件 (視屬何情況而定)，則另加每日罰款 \$1,000。 (由 1996 年第 35 號第 20 條修訂)
- (11) 任何獲授權保險人違反第 (9) 款，即屬犯罪，可處第 4 級罰款；如該保險人在該款所提述的 4 個月期間屆滿後持續不提交報表，則另加每日罰款 \$1,000。 (由 1996 年第 35 號第 20 條修訂；由 1999 年第 51 號第 3 條修訂)
- (由 2015 年第 12 號第 44 條修訂)

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- (6) Where the Authority is satisfied that there are special or unusual circumstances that make it impracticable for an authorized insurer to comply with the requirements of this section, the Authority may, provided the Authority is satisfied with the financial status of the insurer, exempt the insurer in whole or in part from the requirements of this section and the Authority may attach such conditions to, or limitations in respect of, the exemption as the Authority considers appropriate including, without limiting the foregoing, a limitation on the duration of the exemption. (Amended 12 of 2015 s. 2)
- (7) For the avoidance of doubt, **special or unusual circumstances** (特殊或不尋常情況) under subsection (6) does not include—
- (a) administrative expenses or other inconvenience associated with compliance with this section; or
 - (b) the fact that compliance with this section does not accord with an authorized insurer's investment policies.
- (8) The requirements under subsection (3) to maintain assets in Hong Kong shall be relieved to the extent, if any, of any assets which an authorized insurer is, by the laws of any place outside Hong Kong, required to and does maintain in that place and which would, upon the liquidation of the insurer, fall within the description of assets that is contained in section 265(1)(e)(i) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32). (Amended 28 of 2012 ss. 912 & 920)
- (9) An authorized insurer shall, within 4 months after the end of each financial year, file with the Authority a statement in the form in Part 9 of Schedule 3 setting forth its assets and liabilities for the purposes of this section. (Amended 51 of 1999 s. 3; 12 of 2015 s. 2)
- (10) An authorized insurer that— (Amended 12 of 2015 s. 44)

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- (a) takes any action or fails to take any action, which it knows will result in a contravention of subsection (3); or
 - (b) fails to comply with conditions attached to an exemption under subsection (6), unless it establishes that, at the time it failed to so comply, it was complying with the requirements of subsection (3),
- commits an offence and is liable to—
- (i) a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years; and (*Amended 35 of 1996 s. 20*)
 - (ii) a further fine of \$1,000 for each day on which the insurer continues to contravene the requirements of subsection (3) or the conditions attached to an exemption under subsection (6), as the case may be. (*Amended 35 of 1996 s. 20*)
- (11) An authorized insurer that contravenes subsection (9) commits an offence and is liable to a fine at level 4 and a further fine of \$1,000 for each day on which the insurer continues to fail to file the statement after the expiry of the 4 month period referred to in that subsection. (*Amended 35 of 1996 s. 20; 51 of 1999 s. 3*)

(*Amended 12 of 2015 s. 44*)

25B. 保監局所作出重新釐定負債的指示

(由 2015 年第 12 號第 2 條修訂)

- (1) 凡保監局認為，某獲授權保險人的負債如在其對上一個財政年度終結後的某一天釐定，將會明顯增大，則保監局可藉送交該保險人的通知，指示該保險人重新釐定其在通知所指明的日期的負債；保監局並可指明重新釐定的方式，在此情況下，即使**未過期風險的額外款額、未決申索及未滿期保費**的定義訂定它們是該保險人在財政

25B. Direction by Authority to re-determine liabilities

(*Amended 12 of 2015 s. 2*)

- (1) Where the Authority is of the opinion that an authorized insurer's liabilities would be significantly greater if determined as of a day later than the end of its last preceding financial year, the Authority may, by notice sent to the insurer, direct the insurer to re-determine its liabilities as of a date specified in the notice, and the Authority may specify the

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年度終結時撥出的款額，該保險人仍須以通知所指明的方式（如有的話）重新釐定其在通知所指明日期的負債，猶如該日期是其財政年度的終結一樣。

- (2) 凡獲授權保險人接獲本條所訂的通知，須立即以指明的方式（如有的話），重新釐定其在指明日期的負債，如該等負債大於根據第 25A 條釐定的負債，則該保險人須在其接獲通知後不遲於 3 個月，開始按照經本條修改的第 25A 條維持在香港的資產，該保險人並須持續如此維持其在香港的資產，直至下一次根據第 25A 條釐定其負債為止。
- (3) 獲授權保險人須在第 (2) 款所提述的 3 個月期間終結前——（由 2015 年第 12 號第 45 條修訂）
 - (a) 將其已遵從該款規定一事通知保監局；及
 - (b) 提交一份以附表 3 第 9 部的表格列明根據本條重新釐定的資產及負債的報表。
- (4) 任何獲授權保險人如——（由 2015 年第 12 號第 45 條修訂）
 - (a) 在第 (2) 款所提述的 3 個月期內沒有遵從該款的規定；或
 - (b) 採取或沒有採取任何行動，而他知道是會導致其未能按本條規定維持在香港的資產，
即屬犯罪，可處——
 - (i) 罰款 \$200,000，如屬個人，則可另處監禁 2 年；及（由 1996 年第 35 號第 21 條修訂）
 - (ii) 如該保險人——（由 2015 年第 12 號第 45 條修訂）
 - (A) 在第 (2) 款所提述的 3 個月期間屆滿後持續不遵從該款的規定；或（視屬何情況而定）
 - (B) 持續沒有按本條規定維持在香港的資產，
則另加每日罰款 \$1,000。（由 1996 年第 35 號第 21 條修訂）

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manner of re-determination, and, in that case, notwithstanding that the definitions of ***additional amount for unexpired risks***, ***claims outstanding*** and ***unearned premiums*** provide that they are amounts set aside by the insurer at the end of its financial year, the insurer shall re-determine its liabilities as of the date and in the manner, if any, specified in the notice as if such date were the end of its financial year.

- (2) Where an authorized insurer receives a notice under this section, it shall forthwith in the manner specified, if any, re-determine its liabilities as of the specified date and, if the liabilities are greater than those determined under section 25A, it shall, not later than 3 months after the date it received the notice, commence maintaining assets in Hong Kong in accordance with section 25A, as modified by this section, and the insurer shall continue to so maintain assets in Hong Kong until the next determination of its liabilities under section 25A.
- (3) An authorized insurer shall, not later than the end of the 3 month period referred to in subsection (2)— (*Amended 12 of 2015 s. 45*)
 - (a) notify the Authority that it has complied with the requirements of that subsection; and
 - (b) file a statement in the form in Part 9 of Schedule 3 setting forth its assets and liabilities as re-determined under this section.
- (4) An authorized insurer that— (*Amended 12 of 2015 s. 45*)
 - (a) fails to comply with the requirements of subsection (2) within the 3 month period referred to in that subsection; or
 - (b) takes any action or fails to take any action which it knows will result in it failing to maintain assets in Hong Kong as required by this section,

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- (5) 任何獲授權保險人沒有遵從第 (3) 款，即屬犯罪，可處第 4 級罰款；如該保險人在該款所提述的 3 個月期間屆滿後持續沒有通知保監局或提交報表，則可另加每日罰款 \$1,000。 (由 1996 年第 35 號第 21 條修訂)

(由 2015 年第 12 號第 2 及 45 條修訂)

25C. 信用狀或其他銀行承諾

- (1) 獲授權保險人可藉以保監局為受惠人的信用狀或其他銀行(《銀行業條例》(第 155 章)所界定者)承諾，全部或部分代替按本部規定維持在香港的資產，但附於該信用狀或其他承諾的條款及條件須經保監局認可。
- (2) 保監局如認為會適當保障保單持有人或潛在的保單持有人的權益，可依據第 (1) 款所提述的信用狀或其他承諾行使其獲得付款的權利。
- (3) 依據信用狀或其他承諾向保監局作出的付款，須以信託方式為有關保險人持有，猶如該項付款是獲授權保險人根據第 35A(1) 條作出的存款一樣。

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commits an offence and is liable to—

- (i) a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years; and (*Amended 35 of 1996 s. 21*)
 - (ii) a further fine of \$1,000 for each day on which the insurer— (*Amended 35 of 1996 s. 21*)
 - (A) continues to fail to comply with the requirements of subsection (2) after the expiry of the 3 month period referred to in that subsection; or
 - (B) continues to fail to maintain assets as required by this section,
 as the case may be.
 - (5) An authorized insurer that fails to comply with subsection (3) commits an offence and is liable to a fine at level 4 and a further fine of \$1,000 for each day on which the insurer continues to fail to notify the Authority or file the statement after the expiry of the 3 month period referred to in that subsection. (*Amended 35 of 1996 s. 21*)
- (*Amended 12 of 2015 ss. 2 & 45*)

25C. Letter of credit or other commitment from a bank

- (1) An authorized insurer may, instead of maintaining assets in Hong Kong as required by this Part, substitute, in whole or in part, a letter of credit or other commitment from a bank, as defined in the Banking Ordinance (Cap. 155), in favour of the Authority, but the terms and conditions attached to such a letter of credit or other commitment are subject to the approval of the Authority.
- (2) The Authority may, if in its opinion it would appropriately safeguard the interests of policy holders or potential policy

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- (4) 本條並不局限保監局根據第 35A(1) 條規定存款的權力。
(由 2015 年第 12 號第 2 條修訂)
-

holders, exercise its right to payment pursuant to a letter of credit or other commitment referred to in subsection (1).

- (3) Any payment made to the Authority pursuant to a letter of credit or other commitment shall be held in trust for the insurer as if it were a deposit made by an authorized insurer under section 35A(1).
- (4) Nothing in this section shall limit the powers of the Authority to require a deposit under section 35A(1).

(Amended 12 of 2015 s. 2)

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Cap. 41**第 IVB 部****一般業務的轉讓**

(第 IV B 部由 1995 年第 75 號第 6 條增補)
(格式變更——2017 年第 4 號編輯修訂紀錄)

25D. 對轉讓一般業務的認可

- (1) 凡擬簽立一份文書，而藉該文書，獲授權保險人 (**出讓人**) 將其在該文書所指明的一般保單或任何種類的一般保單下的所有權利及義務轉讓給另一保險人 (**受讓人**)，出讓人可向保監局申請認可該項轉讓。
- (2) 除非 ——
 - (a) 第 (3) 款所指明的文件及詳情已向保監局交出並令其滿意；及
 - (b) 保監局信納第 (4) 款的規定已獲遵從，否則保監局不得就根據第 (1) 款提出的申請作出決定。
- (3) 第 (2)(a) 款所提述的文件及詳情如下 ——
 - (a) 一份擬由出讓人及受讓人簽立的建議轉讓文書副本；
 - (b) 一份載有該項轉讓的詳情，並載有與該項轉讓所包括的任何保單有關且已開始或預期會提起的所有法律程序的詳情的報告；
 - (c) 一份第 (4)(a) 款所提述並在憲報或報章刊登的公告的副本；及
 - (d) 在不局限保監局要求任何有關資料的權力的原則下，保監局規定受讓人提供有關其事務 (包括其成員) 的資料詳情。
- (4) 第 (2)(b) 款所提述的規定如下 ——

Part IVB**Transfer of General Business**

(Part IVB added 75 of 1995 s. 6)
(Format changes—E.R. 4 of 2017)

25D. Approval of transfer of general business

- (1) Where it is proposed to execute an instrument by which an authorized insurer (**the transferor**) is to transfer to another insurer (**the transferee**) all its rights and obligations under such general policies, or general policies of such descriptions, as may be specified in the instrument, the transferor may apply to the Authority for its approval of the transfer.
- (2) The Authority shall not determine an application made under subsection (1) unless— (*Amended 12 of 2015 s. 2*)
 - (a) the documents and particulars specified in subsection (3) have been produced to the Authority to its satisfaction; and
 - (b) the Authority is satisfied that the requirements of subsection (4) have been complied with.
- (3) The documents and particulars referred to in subsection (2)(a) are—
 - (a) a copy of the proposed instrument of transfer intended to be executed by the transferor and the transferee;
 - (b) a report setting out the particulars of the transfer and of all legal proceedings, begun or in contemplation, relating to any of the policies included in the transfer;
 - (c) a copy of the notice referred to in subsection (4)(a) as published in the Gazette or newspapers; and

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- (a) 出讓人已在憲報及分別在一份英文報章及一份中文報章(均為政務司司長為施行本條而認可的報章)刊登公告,說明已提出該項申請,並列明可索閱(b)(iii)段所述以及(b)(iii)段所規定的文件副本的辦事處地址及索閱期限;(由 1997 年第 362 號法律公告修訂)
- (b) 除保監局另有指示外,出讓人已立即——(由 2015 年第 12 號第 2 條修訂)
- (i) 將一份根據(a)段刊登的公告副本送交每名受影響的保單持有人;
 - (ii) 將該公告的一份副本送交每名聲稱在該項轉讓所包括的保單上有某項權益,並已將其聲稱以書面通知出讓人的其他人;及
 - (iii) 在香港的一個或多於一個的地點,在辦公時間內,向在該項轉讓中擁有權益的人提供列出該項轉讓詳情並獲保監局就此目的而認可的報告的副本,為時不少於 30 日,自按照(a)段首次刊登公告的日期起計。
- (5) 第(4)款所提述的公告,須包括一項陳述,說明有關該項轉讓的書面申述可在該公告指明的日期前送交保監局,但該日期不得早於按照第(4)(a)款首次刊登公告的日期起計 60 日;而保監局在考慮該指明日期之前向其作出的任何申述前,不得就該項申請作出決定。
- (6) 任何人如在該項轉讓中擁有權益,並在該項轉讓獲保監局認可或被保監局拒絕之前的任何時間,要求一份第(4)(b)(iii)款所述的報告副本,則出讓人須向該人提交一份該報告的副本。
- (7) 保監局可藉書面通知,規定出讓人或受讓人向其提供其認為為使其能就任何申請作出決定所需的資料。
- (8) 除非保監局信納——(由 2015 年第 12 號第 2 條修訂)
- (a) 該項轉讓所包括的每份保單均足以證明有合約——

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- (d) without limiting the Authority's power to require any relevant information, particulars of such information as the Authority may require from the transferee concerning its affairs including its membership.
- (4) The requirements referred to in subsection (2)(b) are—
- (a) that the transferor has published a notice in the Gazette and respectively in an English language newspaper and a Chinese language newspaper (being in each case a newspaper specified in a list of newspapers approved by the Chief Secretary for Administration for the purposes of this section) stating that the application has been made and giving the address of the offices at which, and the period for which, copies of the documents mentioned in paragraph (b)(iii) will be available as required by that paragraph; (*Amended L.N. 362 of 1997*)
 - (b) except insofar as the Authority has otherwise directed, that the transferor has forthwith— (*Amended 12 of 2015 s. 2*)
 - (i) sent a copy of the notice published under paragraph (a) to every affected policy holder;
 - (ii) sent a copy of the said notice to every other person who claims an interest in a policy included in the transfer and has given written notice of his claim to the transferor; and
 - (iii) made available for inspection by persons having an interest in the transfer copies of a report setting out particulars of the transfer and approved by the Authority for the purpose at one or more places in Hong Kong during office hours for a period of not less than 30 days beginning from the date of the first publication of the notice in accordance with paragraph (a).

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- (i) 是在申請日期之前訂立的；及
 - (ii) 將某等義務施加於有關保險人，而履行該等義務即構成在香港或從香港經營保險業務；及
 - (b) 受讓人，或在獲認可後將立即是，一名第 6(1)(a) 至 (c) 條所提述的在香港或從香港經營適當類別的一般業務的人，
- 而保監局亦認為受讓人的財政資源及有關個案的其他情況使其給予認可是有充分理由的，否則不得就根據第 (1) 款提出的申請而認可任何轉讓。
- (9) 保監局就根據第 (1) 款提出的申請作出決定時，須 ——
(由 2015 年第 12 號第 2 條修訂)
- (a) 將其決定在憲報上刊登，並以其認為合適的其他方式刊登；及
 - (b) 向出讓人、受讓人及按照第 (4) 款所提述的公告而作出申述的每名人士送交一份該公告的副本，
- 此外，如保監局拒絕該項申請，保監局即須將其拒絕的理由以書面通知出讓人及受讓人。
- (10) 在本條中，**一般保單** (general policy) 指足以證明下述合約的保單，該合約是指其訂立即構成經營一般業務的合約；而就本條而言，**受影響的保單持有人** (affected policy holder) 指下述保單持有人 ——
- (a) 其保單是包括在有關轉讓內的保單持有人；或
 - (b) 其保單是與出讓人訂立的保單持有人，而保監局在諮詢出讓人後，已通知出讓人，說明保監局認為保單持有人的權益將會或可能會因該項轉讓而受重大影響。

(由 2015 年第 12 號第 2 條修訂)

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- (5) The notice referred to in subsection (4) shall include a statement that written representations concerning the transfer may be sent to the Authority before a day specified in the notice, which shall not be earlier than 60 days after the day of the first publication of the notice in accordance with subsection (4)(a); and the Authority shall not determine the application until the Authority has considered any representations made to the Authority before the specified day.
- (6) The transferor shall furnish a copy of the report mentioned in subsection (4)(b)(iii) to any person having an interest in the transfer who asks for one at any time before the transfer is approved or refused by the Authority.
- (7) The Authority may, by notice in writing, require the transferor or the transferee to supply the Authority with such information as the Authority considers necessary to enable the Authority to determine an application.
- (8) The Authority shall not approve a transfer on application under subsection (1) unless the Authority is satisfied that—
(Amended 12 of 2015 s. 2)
- (a) every policy included in the transfer evidences a contract which—
 - (i) was entered into before the date of the application; and
 - (ii) imposes on the insurer obligations the performance of which will constitute the carrying on of insurance business in or from Hong Kong; and
- (b) the transferee is, or immediately after the approval will be, a person referred to in section 6(1)(a) to (c) carrying on in or from Hong Kong general business of the appropriate class or classes,

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and unless in its opinion the transferee's financial resources and the other circumstances of the case justify the giving of its approval.

- (9) On determining an application made under subsection (1), the Authority shall— (*Amended 12 of 2015 s. 2*)
- (a) publish a notice of its decision in the Gazette and in such other manner as the Authority may think fit; and
 - (b) send a copy of the notice to the transferor, the transferee and every person who has made representations in accordance with the notice referred to in subsection (4),
- and if the Authority refuses the application, the Authority shall inform the transferor and the transferee in writing of the reasons for its refusal.
- (10) In this section **general policy** (一般保單) means a policy evidencing a contract the effecting of which constituted the carrying on of general business; and for the purposes of this section **affected policy holder** (受影響的保單持有人) means a policy holder—
- (a) whose policy is included in the transfer; or
 - (b) whose policy is with the transferor and the Authority has notified the transferor, after consulting the transferor, that in its opinion the policy holder's interest will or may be materially affected by the transfer.

(*Amended 12 of 2015 s. 2*)

25E. 第 25D 條所指的認可的效力

- (1) 除第 (2) 款另有規定外，任何使保監局根據第 25D 條認可的轉讓生效的文書，均有下述的法律效力—— (*由 2015 年第 12 號第 2 條修訂*)
- (a) 將該文書所包括的保單下的出讓人的所有權利及義務轉讓予受讓人；及

25E. Effect of approval under section 25D

- (1) Subject to subsection (2), an instrument giving effect to a transfer approved by the Authority under section 25D shall be effectual in law— (*Amended 12 of 2015 s. 2*)

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- (b) 如該文書如此訂定，則確保由出讓人或針對出讓人提出並涉及該等權利及義務的法律程序，由受讓人或針對受讓人繼續進行，
- 即使沒有任何協議或同意，而該等協議或同意在其他情況下就該等目的而言，是為使上述文書在法律上有效所必需的。
- (2) 其保單包括在上述文書內的任何保單持有人並不受該文書約束，除非出讓人或受讓人已將該文書的簽立以書面通知該保單持有人，但如保監局另有指示，則屬例外。(由 2015 年第 12 號第 2 條修訂)

25F. 勞合社承保人

- (1) 如果並僅如果符合下述條件，則第 25D 及 25E 條適用於由勞合社成員作出或向勞合社成員作出的轉讓——
- (a) 有關轉讓並非出讓人及受讓人均屬勞合社成員的轉讓；
- (b) 勞合社委員會已藉決議，授權一名人士作為出讓人或受讓人，在與轉讓有關方面代有關成員行事；及
- (c) 該決議的副本已給予保監局。
- (2) 凡第 25D 及 25E 條適用於由勞合社成員或向勞合社成員作出的轉讓，則該兩條須——
- (a) 猶如第 25D 條內提述保險人或獲授權保險人之處包括提述勞合社成員一樣適用；及

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- (a) to transfer to the transferee all the transferor's rights and obligations under the policies included in the instrument; and
- (b) if the instrument so provides, to secure the continuation by or against the transferee of any legal proceedings by or against the transferor which relate to those rights and obligations,
- notwithstanding the absence of any agreements or consents which would otherwise be necessary for it to be effectual in law for those purposes.
- (2) Except insofar as the Authority may otherwise direct, a policy holder whose policy is included in such an instrument shall not be bound by it unless he has been given written notice of its execution by the transferor or the transferee. (Amended 12 of 2015 s. 2)

25F. Lloyd's underwriters

- (1) Sections 25D and 25E shall apply in relation to a transfer to and from members of Lloyd's if, and only if, the following conditions are satisfied—
- (a) the transfer is not one where both the transferor and the transferee are members of Lloyd's;
- (b) the Committee of Lloyd's have by resolution authorized one person to act in connection with the transfer for the members concerned as transferor or transferee; and
- (c) a copy of the resolution has been given to the Authority.
- (2) Where sections 25D and 25E apply in relation to a transfer to or from members of Lloyd's, they shall apply as if—
- (a) reference to an insurer or authorized insurer in section 25D included reference to members of Lloyd's; and

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- (b) 猶如按照第 (1)(b) 款獲授權的人所作出與該項轉讓相關的任何事已由其代為行事的成員作出一樣而適用。

(由 2015 年第 12 號第 2 條修訂)
[比照 1982 c. 50 ss. 51 及 52 U.K.]

- (b) anything done in connection with the transfer by the person authorized in accordance with subsection (1)(b) had been done by members for whom he acted.

(Amended 12 of 2015 s. 2)
[cf. 1982 c. 50 ss. 51 & 52 U.K.]

第 V 部**干預權力***(格式變更——2017 年第 4 號編輯修訂紀錄)***26. 可行使權力的理由**

- (1) 除第 (1A) 款另有規定外，第 27 至 35 條授予保監局的任何權力，可基於下述任何理由，就任何獲授權保險人而行使——(由 1992 年第 51 號第 6 條修訂；由 2015 年第 12 號第 2 及 46 條修訂)
- (a) 保監局認為適宜行使該項權力，以保障該保險人的保單持有人或潛在的保單持有人，使其免受該保險人可能不能償還負債，或不能滿足保單持有人或潛在的保單持有人的合理期望的風險；
- (b) 保監局覺得——(由 2015 年第 12 號第 2 條修訂)
- (i) 該保險人沒有履行憑藉本條例或任何由本條例廢除的條例所施加或曾施加於該保險人的責任；
- (ii) 該保險人為其附屬公司的法人團體沒有履行憑藉第 23(6) 條或任何由本條例廢除的條例所施加或曾施加於法人團體的責任；
- (c) 保監局覺得該保險人曾向保監局提交誤導或不準確的資料，有關資料為根據或為施行本條例任何條文或由本條例廢除的任何條例條文而需提交保監局者；
- (d) 保監局不信納已有或將會作出充分的安排，將該保險人在經營業務的過程中所承保的受保人風險作再保險，而有關的風險是屬於保監局認為需要作出如此安排的類別者；
- (e) 有一個理由存在，而根據第 8(2) 或 (3)(b) 條，如該保險人就此提出申請，保監局會因該理由而被禁止向該保險人授權；

Part V**Powers of Intervention***(Format changes—E.R. 4 of 2017)***26. Grounds on which powers are exercisable**

- (1) Subject to subsection (1A), any power conferred on the Authority by sections 27 to 35 shall be exercisable in relation to an authorized insurer on any of the following grounds—(Amended 51 of 1992 s. 6; 12 of 2015 ss. 2 & 46)
- (a) that the Authority considers the exercise of the power to be desirable for protecting policy holders or potential policy holders of the insurer against the risk that the insurer may be unable to meet its liabilities or to fulfil the reasonable expectations of policy holders or potential policy holders;
- (b) that it appears to the Authority—(Amended 12 of 2015 s. 2)
- (i) that the insurer has failed to satisfy an obligation to which it is or was subject by virtue of this Ordinance or any Ordinance repealed thereby;
- (ii) that a body corporate of which it is a subsidiary has failed to satisfy an obligation to which it is or was subject by virtue of section 23(6) or any Ordinance repealed by this Ordinance;
- (c) that it appears to the Authority that the insurer has furnished misleading or inaccurate information to the Authority under or for the purposes of any provision of this Ordinance or any Ordinance repealed thereby;

- (f) 保監局覺得有第 35AA(1) 或 (2) 條所描述的情況存在。
(由 1994 年第 25 號第 11 條增補)
- (1A) 第 35(2) 條授予保監局的權力，除基於第 (1)(a) 款所指明的理由外，不得就任何獲授權保險人而行使。(由 1992 年第 51 號第 6 條增補)
- (2) 第 (1) 款所提述的任何權力，亦可基於以下理由，而就任何獲授權保險人行使：保監局不信納就《公司 (清盤及雜項條文) 條例》(第 32 章) 第 177 及 327 條而言，該保險人不會根據第 42(1) 條被當作無能力償付其債項。(由 2012 年第 28 號第 912 及 920 條修訂)
- (3) 除第 (3A) 款另有規定外，第 32、33、34 及 35(1) 條授予保監局的任何權力，亦可基於以下理由行使：保監局認為行使該項權力，就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保單持有人的人的一般權益而言，乃屬適宜的。(由 1989 年第 8 號第 5 條修訂；由 1992 年第 50 號第 5 條修訂；由 1992 年第 51 號第 6 條修訂)
- (3A) 第 (3) 款所提述的權力，不得基於該款所指明的理由而就任何獲授權保險人行使，以規定該保險人修訂——(由 2015 年第 12 號第 46 條修訂)
- (a) 任何保單或任何類別的保單的字眼；或
- (b) 任何保單或任何類別的保單的保費。(由 1992 年第 50 號第 5 條增補)
- (4) 第 27 至 32、34(1) 或 35(1) 條授予保監局的任何權力，不論第 (1)、(2) 及 (3) 款所指明的理由是否存在，亦可就以下的保險人行使——(由 1989 年第 8 號第 5 條修訂；由 1992 年第 51 號第 6 條修訂；由 2015 年第 12 號第 2 條修訂)
- (a) 任何獲授權經營任何類別保險業務的保險人；
- (b) 任何符合下述情況的獲授權保險人：就該保險人而言，在本條例生效日期後，有人成為第 9(1)(c) 條所指的控權人，

- (d) that the Authority is not satisfied that adequate arrangements are in force or will be made for the reinsurance of risks against which persons are insured by the insurer in the course of carrying on business, being risks of a class in the case of which the Authority considers that such arrangements are required;
- (e) that there exists a ground on which the Authority would be prohibited by section 8(2) or (3)(b) from authorizing the insurer if it were to make application in that behalf;
- (f) that it appears to the Authority that the circumstance described in section 35AA(1) or (2) exists. (Added 25 of 1994 s. 11)
- (1A) The power conferred on the Authority by section 35(2) shall not be exercisable in relation to an authorized insurer except on the ground specified in subsection (1)(a). (Added 51 of 1992 s. 6)
- (2) Any power mentioned in subsection (1) shall also be exercisable in relation to an authorized insurer on the ground that the Authority is not satisfied that the insurer is not to be deemed under section 42(1), for the purposes of section 177 or 327 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), to be unable to pay its debts. (Amended 28 of 2012 ss. 912 & 920)
- (3) Subject to subsection (3A), any power conferred on the Authority by sections 32, 33, 34 and 35(1) shall also be exercisable on the ground that the Authority considers the exercise of that power to be desirable in the general interests of persons who are or may become policy holders of an authorized insurer. (Amended 8 of 1989 s. 5; 50 of 1992 s. 5; 51 of 1992 s. 6)
- (3A) No power referred to in subsection (3) shall be exercisable in relation to an authorized insurer on the ground specified

惟該權力須在 5 年期間 (**有關期間**) 屆滿前行使，該 5 年期間由保險人最後獲如此授權之日起計，或由該人成為控權人之日起計 (視屬何情況而定)；但憑藉本款而施加的規定，在自有關期間開始時起計 10 年期限屆滿後，則不再繼續有效。

- (5) 除非保監局認為，就任何獲授權保險人而行使第 27 至 34 條所授予保監局的權力，或單行使該等權力 (不論保監局是否如此行使任何該等權力)，不足以適當地保障該保險人的保單持有人或潛在的保單持有人的權益，否則保監局不得就該保險人行使第 35 條授予保監局的權力。(由 1992 年第 51 號第 6 條代替)
- (6) 保監局行使第 27 至 35 條授予保監局的任何權力時，須說明保監局行使該權力的理由，如保監局是憑藉第 (4) 款而行使的，則須說明保監局是如此行使該權力；但如保監局已根據第 36 或 37 條就擬行使該權力一事發出通知，則本款不適用。
- (7) 第 (1)(b) 至 (e) 款、第 (2) 及 (3) 款所指明的理由，並不損害第 (1)(a) 款所指明的理由。

(由 2015 年第 12 號第 2 及 46 條修訂)

in that subsection in such a way as to require the insurer to amend either— (*Amended 12 of 2015 s. 46*)

- (a) the wording of any policy or class of policies; or
- (b) the premiums payable in respect of any policy or class of policies. (*Added 50 of 1992 s. 5*)
- (4) Any power conferred on the Authority by sections 27 to 32, 34(1) or 35(1) shall also be exercisable, whether or not any of the grounds specified in subsections (1), (2) and (3) exists, in relation to— (*Amended 8 of 1989 s. 5; 51 of 1992 s. 6; 12 of 2015 s. 2*)
- (a) any insurer authorized to carry on any class of insurance business;
- (b) an authorized insurer in the case of which a person has, after the commencement of this Ordinance, become a controller within the meaning of section 9(1)(c),
- if that power is exercised before the expiration of the period of 5 years (**the relevant period**) beginning on the latest date on which the insurer was so authorized or the date on which that person became such a controller, as the case may be; but no requirement imposed by virtue of this subsection shall continue in force after the expiration of the period of 10 years from the beginning of the relevant period.
- (5) The Authority shall not exercise any power conferred on the Authority by section 35 in respect of an authorized insurer unless, in its opinion, the exercise of the powers conferred on the Authority by sections 27 to 34, or the exercise of those powers alone, in respect of the insurer (and whether or not the Authority so exercises any of those powers) would not appropriately safeguard the interests of policy holders or potential policy holders of the insurer. (*Replaced 51 of 1992 s. 6*)

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27. 對新業務的限制

- (1) 保監局可規定任何獲授權保險人 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 不得訂立任何保險合約或任何指明種類的保險合約；
 - (b) 不得更改任何指明種類的保險合約，而該等合約是在經營保險業務的過程中訂立，並在該項規定施加時是有效的。
- (2) 不論所訂立的保險合約是否屬於有關保險人當其時獲授權經營的保險業務類別，根據本條而施加的規定均可適用於該等保險合約。(由 2015 年第 12 號第 2 條修訂)

28. 有關投資的規定

- (1) 保監局可規定任何獲授權保險人 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 不得作出任何指明類別或種類的投資；

- (6) The Authority shall, when exercising any power conferred by sections 27 to 35, state the ground on which the Authority is exercising it or, if the Authority is exercising it by virtue of subsection (4), that the Authority is so exercising it; but this subsection shall not apply where the Authority has given notice under section 36 or 37 of the proposed exercise of the power.
- (7) The grounds specified in subsections (1)(b) to (e), (2) and (3) are without prejudice to the ground specified in subsection (1)(a).

(Amended 12 of 2015 ss. 2 & 46)

27. Restrictions on new business

- (1) The Authority may require an authorized insurer— *(Amended 12 of 2015 s. 2)*
- (a) not to effect any contracts of insurance or contracts of insurance of a specified description;
 - (b) not to vary any contracts of insurance of a specified description, being contracts effected in the course of carrying on insurance business and in force when the requirement is imposed.
- (2) A requirement under this section may apply to contracts of insurance whether or not the effecting of them falls within a class of insurance business which the insurer is for the time being authorized to carry on.

28. Requirements about investments

- (1) The Authority may require an authorized insurer— *(Amended 12 of 2015 s. 2)*
- (a) not to make investments of a specified class or description;

- (b) 在指明期限 (或保監局所容許的較長期限) 屆滿前, 將該保險人在規定施加當日所持有屬於任何指明類別或種類的投資的全部或指明部分變現。
- (2) 根據本條而施加的規定, 可擬成只適用於屬於有關保險人就其長期業務所維持相當於基金的資產的投資 (或如作出投資的話, 將會成為該等資產的投資), 或擬成只適用於其他投資。 (由 1993 年第 59 號第 11 條修訂)
- (由 2015 年第 12 號第 2 條修訂)

29. 維持在香港的資產

- (1) 保監局可規定任何獲授權保險人在任何時間均有相等於其本地負債的全部或指明比例的價值的資產維持在香港, 而在施加此規定時, 保監局須顧及該保險人在經營業務的過程中就所承保的受保人風險而作的再保險安排。
- (2) 保監局可指示, 就根據本條而施加的任何規定而言, 某指明類別或種類的資產須視為或不得視為維持在香港的資產。
- (3) 保監局可指示, 就根據本條而施加的任何規定而言, 獲授權保險人的本地負債或任何類別或種類的該等負債, 須在扣除其中已作再保險的部分後視為負債淨額。
- (4) 根據本條而施加的規定, 可擬成在施加規定當日之後立即生效, 或擬成在某指明期限 (或保監局所容許的較長期限) 屆滿後生效。
- (5) 在本條中, 凡提述獲授權保險人的本地負債之處, 亦即提述該保險人在香港經營的業務的負債。
- (6) 在符合第 (7) 款的規定下, 就本條而言, 在計算任何負債的數額時, 一切或有及預期的負債均須計算在內, 但與股本有關的負債則不須計入。

- (b) to realize, before the expiration of a specified period (or such longer period as the Authority may allow), the whole or a specified proportion of investments of a specified class or description held by the insurer when the requirement is imposed. (*Amended 12 of 2015 s. 2*)
- (2) A requirement under this section may be framed so as to apply only to investments which are (or, if made, would be) assets representing a fund maintained by the insurer in respect of its long term business or so as to apply only to other investments. (*Amended 59 of 1993 s. 11*)

29. Maintenance of assets in Hong Kong

- (1) The Authority may require that assets of an authorized insurer of a value which at any time is equal to the whole or a specified proportion of the amount of its domestic liabilities shall be maintained in Hong Kong, and, in imposing any such requirement, the Authority shall have regard to the insurer's arrangements for the reinsurance of risks against which persons are insured by the insurer in the course of carrying on business.
- (2) The Authority may direct that for the purposes of any requirement under this section assets of a specified class or description shall or shall not be treated as assets maintained in Hong Kong.
- (3) The Authority may direct that for the purposes of any requirement under this section the domestic liabilities of an authorized insurer, or such liabilities of any class or description, shall be taken to be the net liabilities after deducting any part of them which is reinsured.
- (4) A requirement imposed under this section may be framed so as to come into effect immediately after the day on which it is imposed or so as to come into effect after the expiration of

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- (7) 為施行本條的規定，任何資產的價值及任何負債的數額均須按照第 8(4) 條釐定；而第 (6) 款須在符合該條的情況下方有效力。(由 1994 年第 25 號第 12 條修訂)
(由 2015 年第 12 號第 2 條修訂)

30. 資產的保管

- (1) 保監局可對已根據第 29 條被施加規定的獲授權保險人，施加一項附加規定，規定根據該條而施加的規定所適用的資產的全部或指明部分，須為施行根據本條而施加的規定，由保監局所認可的人以該保險人的受託人身分持有。
- (2) 第 29(4) 條亦適用於本條所訂的規定。
- (3) 由某人以獲授權保險人的受託人身分持有的獲授權保險人資產，如果是並僅如果是在下述情況下方被視為是在遵從根據本條施加的規定下而由該人持有，該等情況是該保險人已就該等資產向該人發出書面通知，說明將由該人在遵從該項規定下而持有者，或該等資產是該保險人指示將某些資產(該保險人已就該某些資產向該人發出上述書面通知)，透過任何交易或連串交易而調換得來的。

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- a specified period (or such longer period as the Authority may allow).
- (5) In this section any reference to a domestic liability of an authorized insurer is reference to a liability of the business carried on by the insurer in Hong Kong.
 - (6) Subject to subsection (7), in computing the amount of any liabilities for the purposes of this section all contingent and prospective liabilities shall be taken into account but not liabilities in respect of share capital.
 - (7) For the purposes of this section the value of any assets and the amount of any liabilities shall be determined in accordance with section 8(4); and subsection (6) shall have effect subject to that section. *(Amended 25 of 1994 s. 12)*
(Amended 12 of 2015 s. 2)

30. Custody of assets

- (1) The Authority may, in the case of an authorized insurer on which requirement has been imposed under section 29, impose an additional requirement that the whole or a specified proportion of the assets to which the requirement under that section applies shall be held by a person approved by the Authority for the purposes of the requirement under this section as trustee for the insurer.
- (2) Section 29(4) shall apply also to a requirement under this section.
- (3) Assets of an authorized insurer held by a person as trustee for an authorized insurer shall be taken to be held by such person in compliance with a requirement imposed under this section if, but only if, they are assets in whose case the insurer has given such person written notice that they are to be held by him in compliance with such a requirement or they are assets into which assets in whose case the insurer has given such

- (4) 在遵從根據本條施加的規定下由某人以獲授權保險人的受託人身分持有的資產，在該項規定有效期內，除非得保監局同意，否則不得發放。
- (5) 在憑藉本條而對獲授權保險人施加的規定的有效期內，如該保險人設定任何按揭或押記，而該按揭或押記是在某人在遵從該項規定下以該保險人的受託人身分持有的資產上提供抵押的，則就該按揭或押記所提供的抵押而言，該按揭或押記對保險人的清盤人及任何債權人均屬無效。

(由 2015 年第 12 號第 2 條修訂)

31. 保費收入的限制

- (1) 保監局可規定任何獲授權保險人採取一切必需的步驟，以達致以下保費總和不超逾某個指明的數額——(由 2015 年第 12 號第 2 條修訂)
- (a) 該保險人在經營一般業務或其中任何指明部分業務的過程中，以在指明期間承擔法律責任為代價而收到的保費總和；或
- (b) 該保險人在經營長期業務或其中任何指明部分業務的過程中，以在指明期間承擔法律責任為代價而在該期間收到的保費總和。
- (2) 根據本條施加的規定可適用於第 (1) 款所述收到的保費總和，或適用於減除以下保費後的保費總和：將以收取本條首述的保費為代價而須承擔的法律責任作再保險而須由該保險人支付的保費。

person such written notice have, by any transaction or series of transactions, been transposed by him on the instructions of the insurer.

- (4) No assets held by a person as trustee for an authorized insurer in compliance with a requirement imposed under this section shall, so long as the requirement is in force, be released except with the consent of the Authority.
- (5) If a mortgage or charge is created by an authorized insurer at a time when there is in force a requirement imposed on the insurer by virtue of this section, being a mortgage or charge conferring a security on any assets which are held by a person as trustee for the insurer in compliance with the requirement, the mortgage or charge shall, to the extent that it confers such a security, be void against the liquidator and any creditor of the insurer.

(Amended 12 of 2015 s. 2)

31. Limitation of premium income

- (1) The Authority may require an authorized insurer to take all such steps as are requisite to secure that the aggregate of the premiums—(Amended 12 of 2015 s. 2)
- (a) to be received by the insurer in consideration of the undertaking by it during a specified period of liabilities in the course of carrying on general business or any specified part of such business; or
- (b) to be received by it in a specified period in consideration of the undertaking by the insurer during that period of liabilities in the course of carrying on long term business or any specified part of such business,
- shall not exceed a specified amount.
- (2) A requirement under this section may apply either to the aggregate premiums to be received as mentioned in subsection

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(1) or to the aggregate of those premiums after deducting any premiums payable by the insurer for reinsuring the liabilities in consideration of which the first-mentioned premiums are receivable.

32. 精算調查

- (1) 保監局可規定任何經營長期業務的獲授權保險人 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 安排根據第 15 條在當其時是其精算師的人調查其業務或其中任何指明部分，在某個指明日期的財政狀況 (包括對其負債作出估值)；
 - (b) 安排製備該人所作調查的報告摘要；及
 - (c) 製備有關其長期業務或其中該部分在該日期的報表。
- (2) 為依據本條所訂的規定而進行的任何調查，任何資產的價值及任何負債的數額均須按照第 8(4) 條釐定。 (由 1994 年第 25 號第 13 條修訂)
- (3) 依據本條所訂的規定而製備的摘要或報表的格式及內容，均須與根據第 18 條而製備的摘要或報表相同。
- (4) 有關保險人須在保監局指明的日期或該日期之前，把 2 份依據本條所訂的規定而製備的摘要或報表的文本存交保監局，而其中一份須由負責簽署根據第 18 條而製備及根據第 20 條而存交的摘要或報表的人簽署。 (由 2015 年第 12 號第 2 條修訂)

32. Actuarial investigations

- (1) The Authority may require an authorized insurer which carries on long term business— (*Amended 12 of 2015 s. 2*)
 - (a) to cause the person who for the time being is its actuary under section 15 to make an investigation into its financial condition (including a valuation of its liabilities) in respect of that business, or any specified part of that business, as at a specified date;
 - (b) to cause an abstract of that person's report of the investigation to be made; and
 - (c) to prepare a statement of its long term business or of that part thereof as at that date.
- (2) For the purposes of any investigation made in pursuance of a requirement under this section the value of any assets and the amount of any liabilities shall be determined in accordance with section 8(4). (*Amended 25 of 1994 s. 13*)
- (3) The form and contents of any abstract or statement made in pursuance of a requirement under this section shall be the same as for an abstract or statement made under section 18.
- (4) Two copies of any abstract or statement made in pursuance of a requirement under this section shall be deposited by the insurer with the Authority on or before such date as the Authority may specify, and 1 of those copies shall be a copy signed by the persons required to sign copies of abstracts or statements made under section 18 which are deposited under section 20. (*Amended 12 of 2015 s. 2*)

33. 提早提交會計條文所規定的資料

- (1) 保監局可規定根據第 20 條須由獲授權保險人在該條指明的期限內存交保監局的任何文件，在該期限屆滿前的一個指明日期或該日期之前存交，但該日期不得早於該期限屆滿之前 3 個月，亦不得早於施加該規定之日後的 1 個月。
- (2) 保監局可規定根據第 19 條獲授權保險人在該條訂明的期限內向保監局提交的任何報表，在該期限屆滿前的一個指明日期或該日期之前提交。

(由 2015 年第 12 號第 2 條修訂)

34. 取得資料及規定交出文件的權力

- (1) 保監局可規定獲授權保險人在指明的時間或每隔一段指明的時期，就指明的事宜向保監局提交資料，如保監局作出規定，該等資料須依指明的方式加以核實。
- (2) 保監局可——(由 2015 年第 12 號第 2 條修訂)
 - (a) 規定獲授權保險人在保監局指明的時間及地點，交出保監局指明的簿冊或文件；或
 - (b) 授權任何人在出示其權限的證據(如被要求如此做的話)後，規定獲授權保險人立即向保監局交出保監局指明的任何簿冊或文件。
- (3) 凡保監局或獲其授權的人憑藉第(2)款有權規定任何獲授權保險人交出任何簿冊或文件，保監局或該人亦有相同的權力，規定任何保監局或該人覺得管有該等簿冊或文件的人交出該等簿冊或文件；但如被規定交出該等簿冊

33. Acceleration of information required by accounting provisions

- (1) The Authority may require any documents which under section 20 are required to be deposited with the Authority by an authorized insurer within the period specified in that section to be deposited with the Authority on or before a specified date before the end of that period, being a date not earlier than 3 months before the end of that period and not earlier than 1 month after the date on which the requirement is imposed.
- (2) The Authority may require any statement which under section 19 is required to be furnished to the Authority by an authorized insurer within a period prescribed under that section to be furnished to the Authority on or before a specified date before the end of that period.

(Amended 12 of 2015 s. 2)

34. Power to obtain information and require production of documents

- (1) The Authority may require an authorized insurer to furnish it, at specified times or intervals, with information about specified matters being, if the Authority so requires, information verified in a specified manner.
- (2) The Authority may—(Amended 12 of 2015 s. 2)
 - (a) require an authorized insurer to produce, at such time and place as the Authority may specify, such books or papers as the Authority may specify; or
 - (b) authorize any person, on producing (if required so to do) evidence of his authority, to require an authorized insurer to produce to him forthwith any books or papers which that person may specify.

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- 或文件的人聲稱對該等簿冊或文件有留置權，則交出該等簿冊或文件並不損害該留置權。
- (4) 由第 (2) 及 (3) 款或憑藉第 (2) 及 (3) 款授予規定獲授權保險人或其他人交出簿冊或文件的任何權力，包括以下權力——(由 2015 年第 12 號第 2 條修訂)
- (a) 如簿冊或文件已交出——
- (i) 將其複製副本或作出摘錄；及
- (ii) 規定該人，或現時或過去屬有關保險人的董事、控權人、核數師或精算師的人，或在現時或過去任何時間受該保險人僱用的任何其他人士，就任何該等簿冊或文件作出解釋；
- (b) 如簿冊或文件未有交出，規定被要求交出該等簿冊或文件的人盡他所知所信，述明該等簿冊或文件在何處。
- (5) (由 2015 年第 12 號第 47 條廢除)
- (6) (由 2012 年第 28 號第 912 及 920 條廢除)
- (由 2015 年第 12 號第 2 條修訂)

35. 在施加規定等方面的剩餘權力

- (1) 在符合第 26(5) 條的規定下，保監局可規定任何獲授權保險人就其事務、業務或財產採取保監局認為適當的行動。

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- (3) Where by virtue of subsection (2) the Authority or a person authorized by the Authority has power to require the production of any books or papers from an authorized insurer, the Authority or that person shall have the like power to require production of those books or papers from any person who appears to the Authority or the person authorized by the Authority to be in possession of them; but where any person from whom such production is required claims a lien on books or papers produced by him, the production shall be without prejudice to the lien.
- (4) Any power conferred by or by virtue of subsections (2) and (3) to require an authorized insurer or other person to produce books or papers shall include power—(Amended 12 of 2015 s. 2)
- (a) if the books or papers are produced—
- (i) to take copies of them or extracts from them; and
- (ii) to require that person, or any other person who is a present or past director, controller, auditor or actuary of, or is or was at any time employed by, the insurer in question, to provide an explanation of any of them;
- (b) if the books or papers are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.
- (5) (Repealed 12 of 2015 s. 47)
- (6) (Repealed 28 of 2012 ss. 912 & 920)
- (Amended 12 of 2015 s. 2)

35. Residual power to impose requirements, etc.

- (1) Subject to section 26(5), the Authority may require an authorized insurer to take such action in respect of its affairs,

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- (2) 在不損害第 (1) 款的原則下，但在符合第 26(1A) 和 (5) 條及第 (3) 和 (4) 款的規定下，保監局 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 可發出指示，規定指示內指明的獲授權保險人在指示的有效期內，就其事務、業務及財產的管理尋求顧問的意見，而保監局須為此目的委任某人為該保險人的顧問；或
- (b) 可發出指示，規定在指示的有效期內，指示內指明的獲授權保險人的事務、業務及財產須由一名經理管理，而保監局須為此目的委任某人為該保險人的經理。
- (3) 如原訟法庭已就某獲授權保險人 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 作出命令，由原訟法庭將該保險人清盤；
- (b) 根據第 45(1) 條作出命令，
- 則保監局不得根據第 (2) 款就該保險人發出指示。(由 1998 年第 25 號第 2 條修訂)
- (4) 根據第 (2) 款就屬《公司條例》(第 622 章) 第 2(1) 條所界定的非香港公司的任何獲授權保險人發出的指示，憑藉本款只適用於 —— (由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)
- (a) 該保險人的事務及業務中在香港或從香港經營或管理的部分；及
- (b) 該保險人的財產中處於香港或從香港管理的部分。
- (5) 根據第 (2) 款發出的指示須 ——
- (a) 以書面發出；
- (b) 送達指示內指明的有關保險人；
- (c) 在如此送達後立即生效；及
- (d) 述明為該保險人委任的顧問或經理(視屬何情況而定)的姓名或名稱及地址。

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- business or property as the Authority considers appropriate.
- (2) Without prejudice to subsection (1), but subject to section 26(1A) and (5) and subsections (3) and (4), the Authority— (Amended 12 of 2015 s. 2)
- (a) may give a direction that, during the period for which the direction is in force, the authorized insurer specified in that direction shall seek advice on the management of its affairs, business and property from an Advisor, for which purpose the Authority shall appoint a person to be the Advisor of that insurer; or
- (b) may give a direction that, during the period for which the direction is in force, the affairs, business and property of the authorized insurer specified in that direction shall be managed by a Manager, for which purpose the Authority shall appoint a person to be the Manager of that insurer.
- (3) The Authority shall not give a direction under subsection (2) in respect of an authorized insurer in relation to which the Court of First Instance has— (Amended 12 of 2015 s. 2)
- (a) made an order for the winding up of the insurer by the Court of First Instance;
- (b) made an order under section 45(1). (Amended 25 of 1998 s. 2)
- (4) A direction given under subsection (2) in respect of an authorized insurer which is a non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622) shall, by virtue of this subsection, apply only to— (Amended 28 of 2012 ss. 912 & 920. Amended 12 of 2015 s. 2)
- (a) so much of the affairs and business of the insurer as are carried on, or managed, in or from Hong Kong; and

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- (6) 根據第 (2)(b) 款發出指示的公告，須由保監局在憲報刊登，並以保監局認為合宜的其他方法告知公眾。
- (7) 為免生疑問，現宣布行使本條授予保監局的任何權力，並不損害保監局行使第 27 至 34 條授予保監局的任何權力。
- (由 1992 年第 51 號第 7 條代替。由 2015 年第 12 號第 2 條修訂)

35A. 根據第 35(1) 條規定存款

- (1) 在不局限第 35(1) 條的概括性的原則下，根據該條對任何獲授權保險人施加的規定，可包括規定 —— (由 1992 年第 51 號第 8 條修訂；由 2015 年第 12 號第 2 條修訂)
- (a) 該保險人 ——
- (i) 作出該規定內指明款額的存款；
 - (ii) 在該規定內指明的一家銀行或屬於某類別銀行的一家銀行存款；
 - (iii) 以保監局作為該保險人的受託人的名義存款；及
 - (iv) 在不遲於該規定內指明的日期存款；

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- (b) so much of the property of the insurer as is located in, or managed from, Hong Kong.
- (5) A direction given under subsection (2) shall—
- (a) be in writing;
 - (b) be served on the insurer specified in the direction;
 - (c) take effect immediately it is so served; and
 - (d) state the name and address of the Advisor or Manager, as the case may be, appointed in respect of that insurer.
- (6) Notice of a direction given under subsection (2)(b) shall be published by the Authority in the Gazette and in such other ways as appear to the Authority expedient for notifying the public.
- (7) For the avoidance of doubt, it is hereby declared that the exercise of any power conferred on the Authority by this section shall be without prejudice to the exercise of any of the powers conferred on the Authority by sections 27 to 34.

(Replaced 51 of 1992 s. 7. Amended 12 of 2015 s. 2)

35A. Requirement under section 35(1) to make deposit

- (1) Without limiting the generality of section 35(1), a requirement imposed under that section on an authorized insurer may include a requirement that the insurer— *(Amended 51 of 1992 s. 8; 12 of 2015 s. 2)*
- (a) shall make a deposit—
- (i) of an amount of money specified in that requirement;
 - (ii) with a bank, or a bank belonging to a class of banks, specified in that requirement;
 - (iii) in the name of the Authority as trustee for the insurer; and

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- (b) 該保險人在不遲於該規定內指明的日期，將一份保監局信納為足以證明已經作出 (a) 段所提述的存款的收據或其他文件，交予保監局保管；
- (c) 該保險人須保持 (a) 段所提述的存款在存款當日及自該日起，不受任何押記規限；及
- (d) 該保險人不得 ——
- (i) 採取任何行動；或
 - (ii) 向不時存有 (a) 段所提述的存款的任何銀行發出指示，
- 致令該筆存款或該筆存款的任何部分，發放予該保險人或任何其他人。
- (2) 第 (1) 款並不阻止任何獲授權保險人以其認為適當的方式，使用其根據該款所作存款賺取的任何利息。
- (3) 如在根據第 (1) 款作出的任何規定有效期內，獲授權保險人設定或看來是由獲授權保險人設定押記，而該押記是或看來是該項規定所涉第 (1)(a) 款所提述的存款上的押記，則就此情況而言，該項押記對所有人均屬無效。
- (4) 就本條而言 ——
- 存款** (deposit) 包括存款的續期；
- 押記** (charge) 包括留置權、產權負擔、衡平法權益及第三者權利。
- (由 1985 年第 74 號第 2 條增補。由 2015 年第 12 號第 2 條修訂)

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- (iv) on a date not later than the date specified in that requirement;
- (b) shall place in the custody of the Authority, on a date not later than the date specified in that requirement, a receipt, or other document, that evidences, to the satisfaction of the Authority, that the deposit referred to in paragraph (a) has been made;
- (c) shall keep the deposit referred to in paragraph (a) free from any charge both on, and from, the day upon which that deposit is made; and
- (d) shall not—
- (i) take any action; or
 - (ii) issue any instruction to any bank at which the deposit referred to in paragraph (a) is held from time to time,
- which would result in the release of that deposit, or any part of that deposit, to the insurer or to any other person.
- (2) Nothing in subsection (1) shall prevent an authorized insurer from using, in such manner as it thinks fit, any interest earned on a deposit made under that subsection by the insurer.
- (3) If a charge is created or purported to be created by an authorized insurer at a time when there is in force a requirement under subsection (1), the charge shall, to the extent that it is a charge or purports to be a charge on the deposit referred to in subsection (1)(a) to which the requirement relates, be void against all persons.
- (4) For the purposes of this section—
- charge** (押記) includes lien, encumbrance, equitable interest and third party rights;
- deposit** (存款) includes a renewal of a deposit.

*(Added 74 of 1985 s. 2. Amended 12 of 2015 s. 2)***35AA. 維持資產超過負債等**

- (1) 如任何獲授權保險人沒有將其資產值所超出其負債額的數額，維持於按照根據第 129(1)(b) 條訂立的規則所訂明或釐定的數額，則 —— (由 1997 年第 29 號第 8 條修訂；由 2015 年第 12 號第 48 條修訂)
 - (a) 保監局可要求該保險人向保監局呈交一項恢復良好財政狀況的計劃；
 - (b) 如該保險人已根據 (a) 段呈交計劃，而保監局又認為該計劃不週全，則保監局可要求該保險人對該計劃提出修改，直至保監局滿意為止；及
 - (c) 保監局可要求該保險人實行保監局已接納為週全的任何該等計劃。
 - (2) 如任何獲授權保險人所維持其資產值超過其負債額的數額，下降至低於按照根據第 129(1)(b) 條訂立的規則所訂明或釐定的數額，則 —— (由 1997 年第 29 號第 8 條修訂；由 2015 年第 12 號第 48 條修訂)
 - (a) 保監局可要求該保險人向保監局呈交短期財政方案；
 - (b) 如該保險人已根據 (a) 段呈交方案，而保監局又認為該方案不週全，則保監局可要求該保險人對該方案提出修改，直至保監局滿意為止；及
 - (c) 保監局可要求該保險人實行保監局已接納為週全的任何該等方案。
 - (3) 為施行第 (1) 及 (2) 款而釐定任何獲授權保險人的資產值及負債額時，保監局可將該保險人的任何未繳股款股本、將來的利潤及隱藏儲備計算在內。
- (由 1994 年第 25 號第 14 條增補。由 2015 年第 12 號第 2 及 48 條修訂)

35AA. Maintenance of excess of assets over liabilities etc.

- (1) If an authorized insurer fails to maintain an excess of the value of its assets over the amount of its liabilities of such amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b), the Authority may require the insurer— *(Amended 29 of 1997 s. 8; 12 of 2015 ss. 2 & 48)*
 - (a) to submit to the Authority a plan for the restoration of a sound financial position;
 - (b) where the insurer has submitted a plan under paragraph (a), to propose modifications to the plan to the satisfaction of the Authority if the Authority considers it inadequate; and
 - (c) to give effect to any such plan accepted by the Authority as adequate.
- (2) If any excess of the value of its assets over the amount of its liabilities maintained by an authorized insurer falls below such amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b), the Authority may require the insurer— *(Amended 29 of 1997 s. 8; 12 of 2015 ss. 2 & 48)*
 - (a) to submit to the Authority a short term financial scheme;
 - (b) where the insurer has submitted a scheme under paragraph (a), to propose modifications to the scheme to the satisfaction of the Authority if the Authority considers it inadequate; and
 - (c) to give effect to any such scheme accepted by the Authority as adequate.

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35B. 帳目

- (1) 保監局須就第 35A(1) 條所提述的存款所涉及的一切交易，安排備存妥善帳目，並安排製備每個財政年度該等帳目的報表，該報表並須由保監局簽署。(由 2015 年第 12 號第 2 條修訂)
- (2)-(3) (由 2015 年第 12 號第 49 條廢除)
(由 1985 年第 74 號第 2 條增補)

36. 擬根據第 27 條行使權力的通知

- (1) 保監局在向獲授權保險人行使根據第 27 條授予的權力前，須向該保險人送達書面通知，說明——(由 2015 年第 12 號第 2 條修訂)
- (a) 保監局正考慮行使該權力，及保監局正考慮行使該權力所基於的理由；及
- (b) 該保險人可在自該通知書的送達日期起計 1 個月內，向保監局提出書面申述，如該保險人要求作口頭申述，則可向保監局為此目的而委任的人作出。(由 2015 年第 12 號第 50 條修訂)
- (2) 如保監局擬行使該權力的理由是關於(一如第 26(1)(e) 條所訂定)某人是否適宜出任該保險人的董事或控權人，則本條並不適用。

- (3) In determining the value of the assets and the amount of the liabilities of an authorized insurer for the purposes of subsections (1) and (2), the Authority may take into account any unpaid share capital, future profits and hidden reserves of the insurer. (Amended 12 of 2015 s. 48)

(Added 25 of 1994 s. 14. Amended 12 of 2015 s. 2)

35B. Accounts

- (1) The Authority shall cause proper accounts to be kept of all transactions concerning deposits referred to in section 35A(1) and shall cause to be prepared for every financial year a statement of such accounts, which statement shall be signed by the Authority. (Amended 12 of 2015 s. 2)
- (2)-(3) (Repealed 12 of 2015 s. 49)

(Added 74 of 1985 s. 2)

36. Notice of proposed exercise of power under section 27

- (1) Before exercising with respect to an authorized insurer the power conferred by section 27 the Authority shall serve on the insurer a written notice stating— (Amended 12 of 2015 s. 2)
- (a) that the Authority is considering exercising that power and the ground on which the Authority is considering the exercise of the power; and
- (b) that the insurer may, within the period of 1 month from the date of service of the notice, make written representations to the Authority and, if the insurer so requests, oral representations to a person appointed for the purpose by the Authority. (Amended 12 of 2015 s. 50)
- (2) This section shall not apply if the ground on which the Authority proposes to exercise the power relates (as provided

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- (3) 根據本條發出的通知書，須列明保監局正考慮行使該權力的理由的詳情，但如該項理由是第 26(2) 條所述者，則不用列出詳情。
- (4) 凡有人按照本條作出申述，保監局須在行使該權力前，考慮該等申述。

(由 2015 年第 12 號第 2 條修訂)

37. 以不適宜為理由而擬行使權力的通知

- (1) 保監局如向任何獲授權保險人行使第 27 至 35 條授予的權力，而行使該權力或該等權力的理由（一如第 26(1)(e) 條所訂定者）是任何身為該保險人的董事或控權人的人並非該職位的適當人選，則須事前向該人送達書面通知，說明——（由 2015 年第 12 號第 2 條修訂）
 - (a) 保監局正考慮行使第 27 至 35 條授予的一項或多於一項權力，及保監局正考慮行使該權力或該等權力的理由；及
 - (b) 獲送達該通知書的人可在自該通知書的送達日期起計 1 個月內，向保監局提出書面申述，如該人要求作口頭申述，則可向保監局為此目的而委任的人作出。（由 2015 年第 12 號第 51 條修訂）
- (2) 除非保監局在考慮根據第 (1) 款獲送達通知書的人按照該款作出的申述後，決定不行使與送達該通知書有關的一項或多於一項權力，否則保監局須在行使該權力或該等權力前，向該保險人送達書面通知——（由 2015 年第 12 號第 2 條修訂）
 - (a) 載述第 (1)(a) 及 (b) 款所述的事宜（其中有關該人的提述視為對該保險人的提述）；及

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in section 26(1)(e)) to the fitness of any person to hold the position of director or controller of the insurer.

- (3) A notice under this section shall give particulars of the ground on which the Authority is considering the exercise of the power except that no particulars need be given if the ground is that mentioned in section 26(2).
- (4) Where representations are made in accordance with this section the Authority shall take them into consideration before exercising the power.

(Amended 12 of 2015 s. 2)

37. Notice of proposed exercise of powers on ground of unfitness

- (1) Before exercising with respect to an authorized insurer any power or powers conferred by sections 27 to 35 on the ground (as provided in section 26(1)(e)) that any person who is a director or controller of the insurer is not a fit and proper person to hold the position held by him, the Authority shall serve on that person a written notice stating— (Amended 12 of 2015 s. 2)
 - (a) that the Authority is considering exercising a power or powers conferred by those sections and the ground on which the Authority is considering the exercise of the power or powers; and
 - (b) that the person on whom the notice is served may, within the period of 1 month from the date of service of the notice, make written representations to the Authority and, if that person so requests, oral representations to a person appointed for the purpose by the Authority. (Amended 12 of 2015 s. 51)
- (2) Unless the Authority, after considering any representations made in accordance with subsection (1) by the person served with a notice under that subsection, decides not to exercise

- (b) 指明保監局擬行使的一項或多於一項權力，如該項或其中一項權力是第 35 條授予的，則指明擬行使的方式。
- (3) 本條所訂的通知，須列明保監局正考慮行使有關的某項或多於一項權力的理由的詳情。
- (4) 凡有人按照本條作出申述，保監局須在行使有關的某項或多於一項權力前，考慮該等申述。
- (5) 在行使本條適用的任何一項或多於一項權力而對獲授權保險人施加的規定，可擬定在指明的期間（或保監局容許的較長期間）屆滿後生效，除非在該期間屆滿前，受質疑是否屬適當人選的人已停止擔任有關職位。
- (6) 有關對任何獲授權保險人行使第 27 至 35 條所授予的任何權力，如保監局是在下述情況下行使的，本條即不適用——（由 2015 年第 12 號第 2 及 51 條修訂）
- (a) 保監局根據第 13A(5) 條向該保險人送達通知，拒絕要求對委任某名個人為該保險人的控權人給予認可的申請，並於送達該通知後行使該權力，而該名個人在儘管有該通知的情況下，獲委任為該保險人的控權人；（由 2015 年第 12 號第 51 條代替）
- (b) 保監局根據第 13A(7) 條向該保險人送達通知，撤銷對委任某名個人為該保險人的控權人的認可，並於送達該通知後行使該權力，而該名個人在儘管有該通知的情況下，繼續出任該保險人的控權人；（由 2015 年第 12 號第 51 條代替）
- (c) 保監局根據第 13AC(5) 條向該保險人送達通知，拒絕要求對委任某人為該保險人的董事給予認可的申請，並於送達該通知後行使該權力，而該人在儘管有該通知的情況下，獲委任為該保險人的董事；（由 2015 年第 12 號第 51 條代替）
- (d) 保監局根據第 13AC(7) 條向該保險人送達通知，撤銷對委任某人為該保險人的董事的認可，並於送達該通知後行使該權力，而該人在儘管有該通知的情

the power or powers in relation to which the notice was served, the Authority shall before exercising the power or powers serve on the insurer a written notice— (*Amended 12 of 2015 s. 2*)

- (a) containing the matters mentioned in subsection (1)(a) and (b), taking references to the person there mentioned as references to the insurer; and
- (b) specifying the power or powers which the Authority proposes to exercise and, if the power or one of them is that conferred by section 35, specifying the manner of its proposed exercise.
- (3) A notice under this section shall give particulars of the ground on which the Authority is considering the exercise of the power or powers in question.
- (4) Where representations are made in accordance with this section the Authority shall take them into consideration before exercising the power or powers in question.
- (5) A requirement imposed on an authorized insurer in the exercise of any power or powers to which this section applies may be framed so as to come into effect after the expiration of a specified period (or such longer period as the Authority may allow) unless before the expiration of that period the person whose fitness is in question has ceased to hold the position concerned.
- (6) This section shall not apply, as respects an authorized insurer, in relation to the exercise of any power conferred by sections 27 to 35 where it is exercised by the Authority— (*Amended 12 of 2015 ss. 2 & 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

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況下，繼續出任該保險人的董事；或 (由 2015 年第 12 號第 51 條增補)

- (e) 保監局根據第 14(4) 條向該保險人送達通知，並於送達該通知後行使該權力，而有關的人在儘管有該通知的情況下，繼續出任該保險人的控權人或董事。(由 2015 年第 12 號第 51 條增補)
 - (7) 就第 (6) 款而言，即使有以下情況，本條仍不適用——
 - (a) 有關的保險人、有關的個人或有關的人，已根據第 100 條，向審裁處提出申請，要求覆核保監局送達有關通知的決定；及
 - (b) 審裁處仍未就該決定的覆核作出裁定。(由 2015 年第 12 號第 51 條增補)
- (由 2015 年第 12 號第 2 條修訂)

38. 撤銷、更改及公布規定

- (1) 保監局如覺得根據第 27 至 35(1) 條施加的規定無須繼續

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appointed as a controller of the insurer; (Replaced 12 of 2015 s. 51)

- (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; (Replaced 12 of 2015 s. 51)
 - (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; (Replaced 12 of 2015 s. 51)
 - (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 (Added 12 of 2015 s. 51)
 - (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. (Added 12 of 2015 s. 51)
 - (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. (Added 12 of 2015 s. 51)
- (Amended 12 of 2015 s. 2)

38. Rescission, variation and publication of requirements

- (1) The Authority may rescind a requirement imposed under

生效，可撤銷有關規定，保監局亦可不時更改任何該等規定。(由 1992 年第 51 號第 9 條修訂；由 2015 年第 12 號第 2 條修訂)

- (2) 憑藉第 26(4) 條施加的規定，在該條內所述的有關期間屆滿後不得更改，但如將規定放寬，則屬例外。
- (3) 根據第 (1) 款撤銷根據第 27 條施加的規定，可局限於只適用於指明種類的合約。
- (4) 根據第 27 條施加規定及撤銷或更改任何該等規定的公告，須由保監局刊登於憲報，並以保監局覺得合宜的其他方法告知公眾。(由 2015 年第 12 號第 2 條修訂)

38A. 根據第 35(2)(b) 條發出的指示的效力

- (1) 除第 38B(3)(a) 條另有規定外，一俟根據第 35(2)(b) 條發出的指示生效——
 - (a) 如該項指示是就在香港成立為法團的獲授權保險人而發出的，則在緊接該項指示生效前出任該保險人的行政總裁或董事的有效委任；
 - (b) 如該項指示是就在香港以外地方成立為法團的獲授權保險人而發出的，則在緊接該項指示生效前出任該保險人的控權人(第 13A(12) 條中~~控權人~~的定義的(a)(ii) 段所指者)的有效委任，(由 2015 年第 12 號第 52 條修訂)

均須當作已取消，據此，該人在該項指示生效期間，不得出任或繼續出任上述行政總裁、董事或控權人(視屬何情況而定)。

sections 27 to 35(1) if it appears to the Authority that it is no longer necessary for the requirement to continue in force, and may from time to time vary any such requirement. (*Amended 51 of 1992 s. 9; 12 of 2015 s. 2*)

- (2) No requirement imposed by virtue of section 26(4) shall be varied after the expiration of the relevant period mentioned therein except in a manner which relaxes that requirement.
- (3) A rescission under subsection (1) of a requirement imposed under section 27 may be limited so as to apply only to contracts of a specified description.
- (4) Notice of the imposition of a requirement under the said section 27 and of the rescission or variation of any such requirement shall be published by the Authority in the Gazette and in such other ways as appear to the Authority expedient for notifying the public. (*Amended 12 of 2015 s. 2*)

38A. Effect of direction given under section 35(2)(b)

- (1) Subject to section 38B(3)(a), immediately upon a direction given under section 35(2)(b) coming into force—
 - (a) in respect of an authorized insurer incorporated in Hong Kong, any appointment of a person as a chief executive or director of the insurer which was in force immediately before that direction came into force;
 - (b) in respect of an authorized insurer incorporated outside Hong Kong, any appointment of a person as a controller (within the meaning of paragraph (a)(ii) of the definition of *controller* in section 13A(12)) of the insurer which was in force immediately before that direction came into force, (*Amended 12 of 2015 ss. 2 & 52*)

shall be deemed to be revoked and, accordingly, that person shall not act or continue to act as such chief executive,

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- (2) 如果是因第 (1) 款的施行而引起者，獲授權保險人無須依據第 14(1) 或 (2) 條向保監局作出通知，而任何人亦無須依據第 14(3) 條向獲授權保險人作出通知。
- (3) 在根據第 35(2)(b) 條而發出的指示對獲授權保險人有效的期間內 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 除獲該保險人的經理同意，且有該經理在場外，不得舉行該保險人會議；
- (b) 除獲該保險人的經理同意外，在該保險人的任何會議上不得通過任何決議。
- (4) 現聲明 ——
- (a) 任何在違反第 (3)(b) 款下通過或看來是已通過的決議；
- (b) 基於任何該等決議而作出的任何事情，均由於該項違反而屬無效。
- (5) 凡獲授權保險人的任何成員或董事要求該保險人的經理給予第 (3)(a) 款所提述的同意時，該經理不得無理拒絕給予同意。
- (6) 在本條內，**會議** (meeting) 就獲授權保險人而言，指 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 該保險人的任何成員大會；或
- (b) 該保險人的任何董事會議。
- (由 1992 年第 51 號第 10 條增補；由 2015 年第 12 號第 2 條修訂)

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- director or controller, as the case may be, during the period for which that direction is in force.
- (2) An authorized insurer is not required to give any notice to the Authority pursuant to section 14(1) or (2), and a person is not required to give any notice to an authorized insurer pursuant to section 14(3), as a consequence of the operation of subsection (1). (*Amended 12 of 2015 s. 2*)
- (3) During the period for which a direction given under section 35(2)(b) is in force in respect of an authorized insurer— (*Amended 12 of 2015 s. 2*)
- (a) no meeting of the insurer may be held except with the consent, and in the presence, of the Manager of the insurer;
- (b) no resolution may be passed at a meeting of the insurer except with the consent of the Manager of the insurer.
- (4) It is hereby declared that—
- (a) any resolution passed, or purporting to have been passed, in contravention of subsection (3)(b);
- (b) any thing done in reliance on any such resolution, shall be invalid by reason of that contravention.
- (5) Where any member or director of an authorized insurer requests the Manager of the insurer to give a consent referred to in subsection (3)(a), the Manager shall not unreasonably refuse to give that consent. (*Amended 12 of 2015 s. 2*)
- (6) In this section, **meeting** (會議), in relation to an authorized insurer, means— (*Amended 12 of 2015 s. 2*)
- (a) any general meeting of the members of the insurer; or
- (b) any meeting of the directors of the insurer.

(*Added 51 of 1992 s. 10*)

38B. 經理的權力

- (1) 獲授權保險人的經理 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 可作出一切為管理該保險人的事務、業務及財產所必需的事情；及
 - (b) 在不損害(a)段的概括性的原則下，擁有及可行使(就該保險人而言)附表 7 所指明的一切權力。
- (2) 獲授權保險人的經理可規定 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 任何因第 38A(1) 條的施行而不再是該保險人的行政總裁、董事或控權人(第 13A(12) 條中**控權人**的定義的(a)(ii)段所指者)的人；或(由 2015 年第 12 號第 53 條修訂)
 - (b) 任何身為該保險人的控權人的人，
呈交有關該保險人的事務、業務及財產的資料，而該等資料是經理就該保險人而履行其職能或行使其權力所合理需要的，並須於該經理規定的期間內按其規定的方式呈交。
- (3) 獲授權保險人的經理 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 在獲得保監局認可下 —— (由 2015 年第 12 號第 2 條修訂)
 - (i) 如該保險人是在香港成立為法團的，可委任任何人(包括第 38A(1)(a) 條所提述的人)出任該保險人的行政總裁或董事，不論是否為填補因第 38A(1)(a) 條的施行而出現的空缺；
 - (ii) 如該保險人是在香港以外地方成立為法團的，可委任任何人(包括第 38A(1)(b) 條所提述的人)出任該保險人的控權人(第 13A(12) 條中**控權人**的定義的(a)(ii)段所指者)，不論是否為填補因第 38A(1)(b) 條的施行而出現的空缺；(由 2015 年第 12 號第 53 條修訂)

38B. Powers of Manager

- (1) The Manager of an authorized insurer— (*Amended 12 of 2015 s. 2*)
 - (a) may do all such things as may be necessary for the management of the affairs, business and property of the insurer; and
 - (b) without prejudice to the generality of paragraph (a), shall have, and may exercise, in respect of that insurer, all the powers specified in Schedule 7. (*Amended 12 of 2015 s. 53*)
- (2) The Manager of an authorized insurer may require any person who— (*Amended 12 of 2015 s. 2*)
 - (a) has ceased to be a chief executive, director or **controller** (within the meaning of paragraph (a)(ii) of the definition of controller in section 13A(12)) of the insurer as a consequence of the operation of section 38A(1); or (*Amended 12 of 2015 s. 53*)
 - (b) is a controller of the insurer,
to submit such information in relation to the affairs, business and property of the insurer as the Manager may reasonably require for the performance of his functions or the exercise of his powers in respect of the insurer, and such information shall be submitted within such period and in such manner as the Manager may require.
- (3) The Manager of an authorized insurer may— (*Amended 12 of 2015 s. 2*)
 - (a) with the approval of the Authority— (*Amended 12 of 2015 s. 2*)
 - (i) if the insurer is incorporated in Hong Kong, appoint any person (including a person referred

- (iii) 可取消依據第 (i) 或 (ii) 節而作出的任何委任；
- (b) 可召開該保險人的任何成員、董事或債權人會議。
- (4) 第 13A(1) 或 14(4) 條均不適用於依據第 (3)(a)(i) 或 (ii) 款而作出的委任。(由 2015 年第 12 號第 53 條修訂)
- (5) 如果是因依據第 (3)(a) 款作出任何委任或取消任何委任者，獲授權保險人無須依據第 14(1) 或 (2) 條向保監局作出通知，而任何人亦無須依據第 14(3) 條向獲授權保險人作出通知。
- (6) 在根據第 35(2)(b) 條發出的指示對某獲授權保險人有效的期間內，不論是由本條例、《公司條例》(第 622 章)、《公司(清盤及雜項條文)條例》(第 32 章)或組織章程大綱或章程細則授予該保險人、其高級人員或成員的任何權力，如行使的方式可干擾該保險人的經理行使其權力，則除獲該經理同意外，不得行使，而經理可就一般情況或個別情況而給予同意。(由 2012 年第 28 號第 912 及 920 條修訂)
- (7) 獲授權保險人的經理在行使其權力時，須當作為以該保險人的代理人身分行事，而就此而言，《防止賄賂條例》(第 201 章)第 9 條適用於——(由 2015 年第 12 號第 2 條修訂)
- (a) 以上述代理人身分行事的經理；及
- (b) 任何向以上述代理人身分行事的經理提供該條例所指利益的人，
- 猶如該條第 (4) 及 (5) 款被略去一樣。
- (8) 真誠地並付出價值而與獲授權保險人的經理往還的人，無須查詢該經理是否在其權力範圍內行事。
- (由 1992 年第 51 號第 10 條增補。由 2015 年第 12 號第 2 條修訂)

- to in section 38A(1)(a)) to be a chief executive or director of the insurer, whether to fill a vacancy arising from the operation of section 38A(1)(a) or otherwise;
- (ii) if the insurer is incorporated outside Hong Kong, appoint any person (including a person referred to in section 38A(1)(b)) to be a controller (within the meaning of paragraph (a)(ii) of the definition of **controller** in section 13A(12)) of the insurer, whether to fill a vacancy arising from the operation of section 38A(1)(b) or otherwise; (Amended 12 of 2015 s. 53)
- (iii) revoke any appointment made pursuant to subparagraph (i) or (ii);
- (b) call any meeting of the members, directors or creditors of the insurer.
- (4) Neither section 13A(1) nor section 14(4) shall apply to any appointment made pursuant to subsection (3)(a)(i) or (ii). (Amended 12 of 2015 s. 53)
- (5) An authorized insurer is not required to give any notice to the Authority pursuant to section 14(1) or (2), and a person is not required to give any notice to an authorized insurer pursuant to section 14(3), as a consequence of any appointment, or the revocation of any appointment, made pursuant to subsection (3)(a). (Amended 12 of 2015 s. 2)
- (6) During the period for which a direction given under section 35(2)(b) is in force in respect of an authorized insurer, any power conferred on the insurer or its officers or members, whether by this Ordinance, the Companies Ordinance (Cap. 622) or the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), or by the memorandum or articles of association, which could be exercised in such

a way as to interfere with the exercise by the Manager of the insurer of his powers is not exercisable except with the consent of the Manager, which consent may be given either generally or in any particular case. *(Amended 28 of 2012 ss. 912 & 920; 12 of 2015 s. 2)*

- (7) In exercising his powers the Manager of an authorized insurer shall be deemed to act as the insurer's agent and, in relation thereto, section 9 of the Prevention of Bribery Ordinance (Cap. 201) shall apply to— *(Amended 12 of 2015 s. 2)*
- (a) the Manager acting as such agent; and
 - (b) any person who offers an advantage, within the meaning of that Ordinance, to the Manager acting as such agent, as if subsections (4) and (5) of that section were omitted.
- (8) A person dealing with the Manager of an authorized insurer in good faith and for value is not concerned to inquire whether the Manager is acting within his powers. *(Amended 12 of 2015 s. 2)*

(Added 51 of 1992 s. 10)

38C. 原訟法庭可認可某些決議

- (1) 在根據第 35(2)(b) 條而發出的指示對某獲授權保險人有效的期間內，原訟法庭可應該保險人的經理或任何成員提出的申請，認可或拒絕認可第 38A(3)(b) 條所提述，在該保險人的某次會議上經適當動議，但不論因任何理由而未獲通過的任何決議。 *(由 1998 年第 25 號第 2 條修訂)*
- (2) 在聆訊根據第 (1) 款提出的申請時——
 - (a) 保監局；及
 - (b) 有關保險人的經理或任何成員（不論該經理或任何該等成員是否申請人），

38C. Court of First Instance may approve certain resolutions

- (1) During the period for which a direction given under section 35(2)(b) is in force in respect of an authorized insurer, the Court of First Instance may, on the application of the Manager or any member of the insurer, approve or refuse to approve any resolution referred to in section 38A(3)(b) which has been properly moved at a meeting of the insurer but which has not, for whatever reason, been passed. *(Amended 25 of 1998 s. 2)*
- (2) On the hearing of an application under subsection (1)—
 - (a) the Authority; and

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均有權就有關的申請陳詞，以及傳召、訊問與盤問任何證人，此外，如保監局、該經理或該成員認為合適，亦可支持或反對該項申請的提出。

- (3) 在本條內，**會議** (meeting) 就獲授權保險人而言，指該保險人的任何成員大會。

(由 1992 年第 51 號第 10 條增補。由 2015 年第 12 號第 2 條修訂)

38D. 根據第 35(2) 條發出的指示的期限

- (1) 如有以下情況，保監局須取消根據第 35(2) 條發出的指示——(由 2015 年第 12 號第 2 條修訂)
 - (a) 保監局覺得該指示不再需要生效；或 (由 2015 年第 12 號第 2 條修訂)
 - (b) 為實行審裁處在覆核保監局的指示時作出的裁定，必須取消指示。(由 1997 年第 362 號法律公告修訂；由 2015 年第 12 號第 54 條修訂)
- (2) (由 2015 年第 12 號第 54 條廢除)
- (3) 根據第 (1) 款取消根據第 35(2) 條發出的指示，須——
 - (a) 以書面作出；
 - (b) 送達——
 - (i) 該指示所指明的獲授權保險人；及 (由 2015 年第 12 號第 2 條修訂)
 - (ii) 該保險人的顧問或經理 (視屬何情況而定)；及
 - (c) 在如此送達後立刻生效。

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- (b) the Manager and any member of the insurer concerned (and whether or not the Manager or any such member is the applicant),

shall be entitled to be heard on the application and to call, examine and cross-examine any witness and, if the Authority, the Manager or the member of the insurer so thinks fit, support or oppose the making of the application. (Amended 12 of 2015 s. 2)

- (3) In this section, **meeting** (會議), in relation to an authorized insurer, means any general meeting of the members of the insurer.

(Added 51 of 1992 s. 10. Amended 12 of 2015 s. 2)

38D. Duration of direction given under section 35(2)

- (1) The Authority shall revoke a direction given under section 35(2) if— (Amended 12 of 2015 s. 2)
 - (a) it appears to the Authority that it is no longer necessary for the direction to remain in force; or (Amended 12 of 2015 s. 2)
 - (b) it is necessary to do so to give effect to a determination of the Tribunal in a review of the Authority's direction. (Amended 12 of 2015 s. 54)
- (2) (Repealed 12 of 2015 s. 54)
- (3) The revocation under subsection (1) of a direction given under section 35(2) shall—
 - (a) be in writing;
 - (b) be served on—
 - (i) the authorized insurer specified in the direction; and (Amended 12 of 2015 s. 2)

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- (4) 根據本條而將根據第 35(2)(b) 條發出的指示取消的公告，須由保監局刊登於憲報，並以保監局覺得合宜的其他方法告知公眾。(由 2015 年第 12 號第 2 條修訂)
- (5) 根據第 (1) 款取消根據第 35(2) 條發出的指示的取消書，包括該取消書的副本。
- (6) 為免生疑問，現宣布根據第 (1) 款將根據第 35(2)(b) 條發出的指示取消，並不會將因第 38A(1) 條的施行而當作已取消的任何委任恢復為有效。

(由 1992 年第 51 號第 10 條增補)

38E. 顧問及經理

- (1) 顧問或經理可隨時以書面通知保監局而辭職，但除非及直至獲保監局接納，該項辭職並不生效。(由 2015 年第 12 號第 2 條修訂)
- (2) 保監局可隨時取消對任何顧問或經理的委任。(由 2015 年第 12 號第 2 條修訂)
- (3) 如依據第 (1) 或 (2) 款或由於在職者死亡而導致顧問或經理的職位出現空缺，保監局須立即——(由 2015 年第 12 號第 2 條修訂)
 - (a) 委任一人填補該空缺；及
 - (b) 以書面向有關的獲授權保險人送達通知，指明如此獲委任的人的姓名或名稱及地址。(由 2015 年第 12 號第 2 條修訂)

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- (ii) the Advisor or Manager, as the case may be, of that insurer; and
 - (c) take effect immediately it is so served.
- (4) Notice of a revocation under this section of a direction given under section 35(2)(b) shall be published by the Authority in the Gazette and in such other ways as appear to the Authority expedient for notifying the public. (Amended 12 of 2015 s. 2)
- (5) A revocation in writing under subsection (1) of a direction given under section 35(2) includes a copy of the revocation.
- (6) For the avoidance of doubt, it is hereby declared that the revocation under subsection (1) of a direction given under section 35(2)(b) shall not revive any appointment deemed to be revoked as a consequence of the operation of section 38A(1).

(Added 51 of 1992 s. 10)

38E. Advisors and Managers

- (1) An Advisor or Manager may at any time by notice in writing to the Authority resign his office, but any such resignation shall not take effect unless and until it is accepted by the Authority. (Amended 12 of 2015 s. 2)
- (2) The Authority may at any time revoke the appointment of an Advisor or Manager. (Amended 12 of 2015 s. 2)
- (3) Where the office of an Advisor or Manager becomes vacant pursuant to subsection (1) or (2) or due to the death of the holder of that office, the Authority shall forthwith—(Amended 12 of 2015 s. 2)
 - (a) appoint a person to fill the vacancy; and
 - (b) serve on the authorized insurer concerned a notice in writing specifying the name and address of the person so appointed. (Amended 12 of 2015 s. 2)

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- (4) 根據第 38D(1) 條將根據第 35(2) 條發出的指示取消時，憑藉該指示而任職顧問或經理的人的委任，須當作立刻取消。
- (5) 保監局可隨時釐定由某獲授權保險人支付給獲委任為該保險人的顧問或經理的酬金及開支。(由 2015 年第 12 號第 2 條修訂)
- (6) 凡保監局根據第 (5) 款作出釐定，須 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 在憲報刊登公告，說明 ——
 - (i) 已作出該項釐定；及
 - (ii) 與該項釐定有關的保險人的名稱；及
 - (b) 在該保險人的任何成員提出要求下，向他提供一份該項釐定的副本。
- (7) 根據第 (5) 款作出的釐定而規定須由獲授權保險人支付給顧問或經理的任何酬金及開支 —— (由 2015 年第 12 號第 2 條修訂)
 - (a) 可作為民事債項由顧問或經理 (視屬何情況而定) 追討；
 - (b) 在根據《公司 (清盤及雜項條文) 條例》(第 32 章) 將該保險人清盤時 —— (由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)
 - (i) 如屬自動清盤，其優先權與根據該條例第 256 條給予清盤人酬金的優先權相同；
 - (ii) 如屬由原訟法庭清盤，其優先權與根據《公司 (清盤) 規則》(第 32 章，附屬法例 H) 第 179(1) 條給予破產管理署署長所招致的任何費用、收費及開支的優先權相同。(由 1998 年第 25 號第 2 條修訂)
- (8) (由 2015 年第 12 號第 55 條廢除)
- (9) 在第 (5) 及 (7) 款中 ——

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- (4) The appointment of an Advisor or Manager shall be deemed to be revoked immediately upon the revocation under section 38D(1) of the direction given under section 35(2) by virtue of which he holds his office.
- (5) The Authority may at any time determine the remuneration and expenses to be paid by an authorized insurer to an Advisor or Manager appointed in respect of the insurer. (Amended 12 of 2015 s. 2)
- (6) Where the Authority has made a determination under subsection (5), the Authority shall— (Amended 12 of 2015 s. 2)
 - (a) publish a notice in the Gazette stating—
 - (i) that the determination has been made; and
 - (ii) the name of the insurer to which the determination relates; and
 - (b) provide a copy of the determination to any member of that insurer who so requests.
- (7) Any remuneration and expenses required by a determination under subsection (5) to be paid by an authorized insurer to an Advisor or Manager— (Amended 12 of 2015 s. 2)
 - (a) is recoverable by the Advisor or Manager, as the case may be, as a civil debt;
 - (b) shall, in any winding up of the insurer under the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32)— (Amended 28 of 2012 ss. 912 & 920 ; Amended 12 of 2015 s. 2)
 - (i) in the case of a voluntary winding up, have the same priority as is given under section 256 of that Ordinance to the remuneration of a liquidator;
 - (ii) in the case of a winding up by the Court of First Instance, have the same priority as is given under

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經理 (Manager) 包括前任經理；

顧問 (Advisor) 包括前任顧問。

(由 1992 年第 51 號第 10 條增補)

39. (由 2012 年第 28 號第 912 及 920 條廢除)

40. 授權的撤回

(1) 任何獲授權保險人如停止經營——

- (a) 任何保險業務；
- (b) 任何類別的保險業務；或
- (c) 屬於任何類別一部分的保險業務，

保監局即可指示，該保險人停止獲授權經營——(由 2015 年第 12 號第 2 條修訂)

- (i) 保險業務；
- (ii) 該類別的保險業務；或
- (iii) 屬於該類別一部分的保險業務，

視屬何情況而定。(由 1988 年第 34 號第 5 條代替)

(2) 任何獲授權經營任何類別保險業務的保險人，如在任何時間內沒有在香港或從香港經營——

- (a) 該類別的保險業務；或
- (b) 屬於該類別一部分的保險業務，

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rule 179(1) of the Companies (Winding-up) Rules (Cap. 32 sub. leg. H) to any costs, charges and expenses incurred by the Official Receiver. (Amended 25 of 1998 s. 2)

(8) (Repealed 12 of 2015 s. 55)

(9) In subsections (5) and (7)—

Advisor (顧問) includes a former Advisor;

Manager (經理) includes a former Manager.

(Added 51 of 1992 s. 10)

39. (Repealed 28 of 2012 ss. 912 & 920)

40. Withdrawal of authorization

(1) Where an authorized insurer ceases to carry on—

- (a) any insurance business;
- (b) insurance business of any class; or
- (c) insurance business which is part of any class,

the Authority may direct that it shall cease to be authorized to carry on— (Amended 12 of 2015 s. 2)

- (i) insurance business;
- (ii) insurance business of that class; or
- (iii) insurance business which is that part of that class, as the case may be. (Replaced 34 of 1988 s. 5)

(2) Where an insurer authorized to carry on insurance business of any class has not at any time carried on insurance business—

- (a) of that class; or
- (b) which is part of that class,

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且自獲授權的日期起計已過了至少 12 個月，保監局可指示該保險人停止獲授權經營——(由 2015 年第 12 號第 2 條修訂)

- (i) 該類別的保險業務；或
- (ii) 屬於該類別一部分的保險業務，視屬何情況而定。(由 1988 年第 34 號第 5 條代替)
- (3) 根據本條發出的指示，並不損害其後授權經營該指示所涉及的類別的保險業務。
- (4) 凡任何獲授權保險人不再獲授權經營保險業務，保監局可指示，將根據第 5H 條備存的登記冊內就該保險人而記錄的任何事宜刪除。(由 2015 年第 12 號第 2 及 56 條修訂)
- (5) 凡任何獲授權保險人不再獲授權經營任何類別的保險業務，保監局可指示，將根據第 5H 條備存的登記冊內就該保險人而記錄關乎該類別的事宜刪除。(由 1988 年第 34 號第 5 條增補。由 2015 年第 12 號第 2 及 56 條修訂)

41. 第 V 部所訂的罪行

- (1) 任何人——
 - (a) 沒有遵從根據第 27、28、29、30、31、32、33、34、35(1) 或 35AA 條施加的規定；(由 1992 年第 51 號第 11 條修訂；由 1994 年第 25 號第 15 條修訂)
 - (b) (由 2015 年第 12 號第 57 條廢除)
 - (c) 在違反第 38A(1) 條下出任或繼續出任獲授權保險人的行政總裁、董事或控權人；(由 1992 年第 51 號第 11 條增補。由 2015 年第 12 號第 57 條修訂)

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in or from Hong Kong, and at least 12 months have elapsed since the date of authorization, the Authority may direct that it shall cease to be authorized to carry on insurance business—

- (i) of that class; or
 - (ii) which is that part of that class, as the case may be. (Replaced 34 of 1988 s. 5)
 - (3) A direction under this section is without prejudice to a subsequent authorization to carry on insurance business of a class to which the direction relates.
 - (4) Where an authorized insurer ceases to be authorized to carry on insurance business, the Authority may direct that any matters recorded in respect of that insurer in the register kept under section 5H shall be erased. (Amended 12 of 2015 s. 56)
 - (5) Where an authorized insurer ceases to be authorized to carry on insurance business of any class, the Authority may direct that any matters recorded in respect of that insurer in relation to that class in the register kept under section 5H shall be erased. (Added 34 of 1988 s. 5. Amended 12 of 2015 s. 56)
- (Amended 12 of 2015 s. 2)

41. Offences under Part V

- (1) Any person who—
 - (a) makes default in complying with any requirement imposed under section 27, 28, 29, 30, 31, 32, 33, 34, 35(1) or 35AA; (Amended 51 of 1992 s. 11; 25 of 1994 s. 15)
 - (b) (Repealed 12 of 2015 s. 57)
 - (c) acts or continues to act as a chief executive, director or controller of an authorized insurer in contravention of section 38A(1); (Added 51 of 1992 s. 11. Amended 12 of 2015 s. 57)

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- (d) 沒有合理辯解而不遵從根據第 38B(2) 條作出的任何規定；或 (由 1992 年第 51 號第 11 條增補)
- (e) 故意妨礙、抗拒或延滯 ——
- (i) 任何獲授權保險人的經理合法地就該保險人履行其職能或行使其權力；或 (由 2015 年第 12 號第 57 條修訂)
- (ii) 任何合法協助該經理履行該等職能或行使該等權力的其他人，(由 1992 年第 51 號第 11 條增補)
- 即屬犯罪，可處 ——
- (i) 罰款 \$200,000 及，如屬個人，則可另處監禁 2 年；及 (由 1996 年第 35 號第 23 條修訂)
- (ii) 如屬 (a) 段所訂的罪行，在犯罪持續期間，另加每日罰款 \$1,000。 (由 1996 年第 35 號第 23 條修訂)
- (1A) 任何人提供該人知道在要項上屬虛假的資料，或罔顧實情地提供在要項上屬虛假的資料，充作遵從根據第 34 條施加的要求，即屬犯罪 ——
- (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。 (由 2015 年第 12 號第 57 條增補)

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- (d) fails without reasonable excuse to comply with any requirement under section 38B(2); or (Added 51 of 1992 s. 11)
- (e) wilfully obstructs, resists or delays—
- (i) the Manager of an authorized insurer in the lawful performance of his functions, or the lawful exercise of his powers, in respect of the insurer; or (Amended 12 of 2015 s. 57)
- (ii) any other person lawfully assisting the Manager in such performance of such functions or such exercise of such powers, (Added 51 of 1992 s. 11)
- commits an offence and is liable to—
- (i) a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years; and (Amended 35 of 1996 s. 23)
- (ii) in the case of an offence under paragraph (a), a fine of \$1,000 for each day on which the offence continues. (Amended 35 of 1996 s. 23)
- (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. (Added 12 of 2015 s. 57)

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- (2) 凡任何人不遵從根據第 34(2) 或 (3) 條施加的規定，未有交出任何簿冊或文件而被控犯有第 (1)(a) 款所訂罪行，如他證明他沒有管有或控制該等簿冊及文件，並證明要他遵從該項規定，在合理情況下並非切實可行，即可以此作為該項控罪的免責辯護。
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- (2) Where a person is charged with an offence under subsection (1)(a) in respect of his default in complying with a requirement imposed under section 34(2) or (3) to produce any books or papers, it shall be a defence to prove that they were not in his possession or control and that it was not reasonably practicable for him to comply with the requirement.
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第 VA 部

就保險人行使的進一步規管權力

(第 VA 部由 2015 年第 12 號第 58 條增補)

第 1 分部 —— 導言

41A. 釋義

在本部中 ——

查察員 (inspector) 指根據第 41B(6) 條委任為查察員的人；

業務紀錄 (business record) 就保險人而言，指關乎以下事宜的紀錄或文件 ——

- (a) 該保險人經營的業務；或
- (b) 在該保險人經營業務的過程中進行的交易或活動，或可能會影響該業務的交易或活動；

調查員 (investigator) 指獲保監局根據第 41D(1) 條指示或委任，調查任何事宜的人。

第 2 分部 —— 在沒有手令的情況下查察及調查

41B. 有權進行查察

- (1) 查察員可為查明獲授權保險人是否正在遵守或遵從、已經遵守或遵從，或相當可能有能力遵守或遵從以下各項，行使第 (2) 及 (3) 款所指的權力 ——
 - (a) 本條例的條文；
 - (b) 根據本條例的條文發出的通知或施加的規定；
 - (c) 根據第 8 條給予的授權的條款或條件；或

Part VA

Further Regulatory Powers on Insurers

(Part VA added 12 of 2015 s. 58)

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;

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第 41B 條

- (d) 根據本條例的條文而施加的任何其他條件。
- (2) 在任何合理時間，查察員 ——
- (a) 可進入有關獲授權保險人在與其業務相關的情況下使用的任何處所；
 - (b) 可查閱、複製或複印該保險人的業務紀錄，或以其他方式，記錄該等紀錄的細節；及
 - (c) 可向該保險人或第 (5) 款指明的人作出 ——
 - (i) 關於該保險人的業務紀錄的查訊；或
 - (ii) 關於該保險人在經營業務的過程中進行的交易或活動的查訊，或關於可能會影響該業務的交易或活動的查訊。
- (3) 在行使第 (2)(b) 或 (c) 款所指的權力時，有關查察員可要求有關獲授權保險人或第 (5) 款指明的人 ——
- (a) 讓該查察員取覽該保險人的業務紀錄；
 - (b) 在該項要求中指明的限期內及指明的地點，向該查察員交出該保險人的業務紀錄；及
 - (c) 回答 ——
 - (i) 關於該保險人的業務紀錄的問題；或
 - (ii) 關於該保險人在經營業務的過程中進行的交易或活動的問題，或關於可能會影響該業務的交易或活動的問題。
- (4) 有關查察員除非有合理理由相信，不能夠藉就有關獲授權保險人行使第 (2)(c) 或 (3) 款所指的權力，而取得所尋求的資料或紀錄，否則不得就第 (5) 款指明的人行使該權力。
- (5) 為施行第 (2)(c) 及 (3) 款而指明的人，是有關查察員有合理理由相信，是管有有關獲授權保險人的業務紀錄的人，或掌握與該紀錄有關的資料的人。

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- (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

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第 41C 條

- (6) 保監局可為施行本條，以書面委任任何人或屬任何類別人士的人為查察員。
- (7) 保監局須將該局作出的委任的文本，提供予查察員。
- (8) 查察員在根據第 (3) 款向某人施加要求時，如被要求出示有關委任的文本，須在切實可行的範圍內，盡快向該人出示該委任的文本，以供查閱。

41C. 查察員可要求藉法定聲明核實回答等

- (1) 如任何人遵從根據第 41B(2)(c) 或 (3) 條施加的要求，給予回答，有關查察員可藉書面要求該人在該要求指明的限期內，藉法定聲明核實該項回答。
- (2) 如任何人以不知悉有關資料為理由，或以不管有該等資料為理由，沒有遵從根據第 41B(2)(c) 或 (3) 條施加的要求，給予回答，有關查察員可藉書面要求該人在該要求指明的限期內，藉法定聲明核實該人是因該理由而沒有遵從該要求。
- (3) 第 (1) 或 (2) 款所指的法定聲明，可在有關查察員面前作出，而就該目的而言，查察員具有全面的權力，監理該法定聲明。

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Section 41C

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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.

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第 41D 條

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Section 41D

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41D. 有權進行調查

- (1) 如 ——
 - (a) 保監局有合理理由相信，本條例的條文可能已遭違反；
 - (b) 保監局有合理理由相信，某人可能已在與經營保險業務有關的情況下，牽涉入虧空、欺詐、失當行為或其他不當行為；
 - (c) 保監局有合理理由相信，某人之前或現在以並不符合保單持有人或潛在的保單持有人的利益或公眾利益的方式，經營保險業務；或
 - (d) 保監局為考慮是否根據第 41P 條行使任何權力，有理由查訊 ——
 - (i) 某人是否犯或曾犯第 41P 條所界定的不當行為；或
 - (ii) 某人是否如第 41P(1)(c) 條所描述，並非或在過去有關時間並非適當人選，

則保監局可藉書面指示一名或多於一名該局僱員，或（在財政司司長同意下）委任一名或多於一名其他人士，調查有關事宜。
- (2) 由調查員（屬保監局僱員者除外）招致的費用及開支，可由立法會所撥款項支付。
- (3) 保監局須將該局作出的指示或委任的文本，提供予調查員。
- (4) 調查員在根據第 (5) 款首次向某人施加要求前，須向該人出示有關指示或委任的文本，以供查閱。
- (5) 調查員可要求第 (6) 款指明的人 ——

- (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.

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.

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第 41D 條

- (a) 在該調查員藉書面要求的限期內及地點，交出該調查員指明的、符合以下說明的紀錄或文件 ——
 - (i) 攸關或可能攸關有關調查的；及
 - (ii) 由該人管有的；
- (b) 就交出的紀錄或文件，給予解釋或進一步詳情；
- (c) 在該調查員藉書面要求的時間及地點，會晤該調查員，並回答該調查員提出的、關乎受調查的任何事宜的問題；
- (d) 在該調查員藉書面要求的限期內，以書面回答該調查員提出的、關乎受調查的任何事宜的書面問題；及
- (e) 向該調查員提供該人能夠提供的與調查相關的一切其他協助。
- (6) 為第 (5) 款而指明的人是 ——
 - (a) 攸關調查員獲指示或委任所調查的事宜的人；或
 - (b) 調查員有合理理由相信是 ——
 - (i) 管有載有或相當可能載有攸關調查的資料的紀錄或文件的人；或
 - (ii) 以其他方式管有該等資料的人。

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- (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—
 - (i) to be in possession of a record or document that contains, or is likely to contain, information relevant to the investigation; or

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(ii) to be otherwise in possession of such information.

41E. 調查員可要求藉法定聲明核實解釋等

- (1) 如任何人遵從根據第 41D(5) 條施加的要求，給予解釋、詳情或回答，有關調查員可藉書面要求該人在該要求指明的限期內，藉法定聲明核實該項解釋、詳情或回答。
- (2) 如任何人以不知悉有關資料為理由，或以不管有該等資料為理由，沒有遵從根據第 41D(5) 條施加的要求，給予解釋、詳情或回答，有關調查員可藉書面要求該人在該要求指明的限期內，藉法定聲明核實該人是因該理由而沒有遵從該要求。
- (3) 第 (1) 或 (2) 款所指的法定聲明，可在有關調查員面前作出，而就該目的而言，調查員具有全面的權力，監理該法定聲明。

41F. 向原訟法庭申請對不遵從進行查訊

- (1) 如任何人沒有遵從查察員根據第 41B 或 41C 條施加的要求，或沒有遵從調查員根據第 41D 或 41E 條施加的要求，則該查察員或調查員可藉原訴傳票，向原訟法庭提出申請，要求對該項不遵從進行查訊。
- (2) 原訟法庭在接獲第 (1) 款所指的申請後 ——
 - (a) 如信納有關人士不遵從有關要求，是無合理辯解的，則可命令該人在原訟法庭指明的限期內，遵從該要求；及

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.
- (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

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- (b) 如信納該人無合理辯解而沒有遵從該要求，則可懲罰該人，以及明知而牽涉入該項不遵從的任何其他人，懲罰方式猶如該人及該其他人犯藐視法庭罪一樣。
- (3) 第 (1) 款所指的原訴傳票，須採用《高等法院規則》(第 4 章，附屬法例 A) 附錄 A 表格 10。
- (4) 即使本條例有任何規定，如有以下情況，則不得為施行第 (2)(b) 款，而就某行為對某人提起法律程序——
 - (a) 過往已根據第 41G(1)、(2)、(3)、(4) 或 (5) 條，就同一行為對該人提起刑事法律程序；及
 - (b) 該等法律程序仍待決，或由於過往提起該等法律程序，因此不得根據第 41G(1)、(2)、(3)、(4) 或 (5) 條，合法地再次就同一行為，對該人提起刑事法律程序。

41G. 關於查察及調查的罪行

- (1) 任何人無合理辯解而沒有遵從對該人施加的指明要求，即屬犯罪。
- (2) 任何人出於詐騙意圖而沒有遵從對該人施加的指明要求，即屬犯罪。
- (3) 任何人——
 - (a) 交出在要項上屬虛假或具誤導性的紀錄或文件，或給予在要項上屬虛假或具誤導性的回答、解釋或詳情，充作遵從對該人施加的指明要求；並

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- 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 41G(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 41G(1), (2), (3), (4) or (5) in respect of the same conduct.

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—

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- (b) 知道該項紀錄、文件、回答、解釋或詳情在該要項上屬虛假或具誤導性，或罔顧該項紀錄、文件、回答、解釋或詳情是否在該要項上屬虛假或具誤導性的，
即屬犯罪。
- (4) 任何人出於詐騙意圖而交出在要項上屬虛假或具誤導性的紀錄或文件，或給予在要項上屬虛假或具誤導性的回答、解釋或詳情，充作遵從對該人施加的指明要求，即屬犯罪。
- (5) 如任何人出於詐騙意圖而 ——
- (a) 致使或容許另一人沒有遵從對該另一人施加的指明要求；或
- (b) 致使或容許另一人交出在要項上屬虛假或具誤導性的紀錄或文件，或給予在要項上屬虛假或具誤導性的回答、解釋或詳情，充作遵從對該另一人施加的指明要求，
即屬犯罪。
- (6) 任何人不得僅以遵從第 41D(5) 或 41E(1) 條對其施加的要求可能會導致自己入罪為理由，而獲免遵從該要求。
- (7) 即使本條例有任何規定，如有以下情況，則不得根據第 (1)、(2)、(3)、(4) 或 (5) 款，而就某行為對某人提起刑事法律程序 ——
- (a) 過往已根據第 41F(2)(b) 條，就同一行為對該人提起法律程序；及
- (b) 該等法律程序仍待決，或由於過往提起該等法律程序，因此不得根據第 41F(2)(b) 條，合法地再次就同一行為，對該人提起法律程序。
- (8) 任何人犯第 (1) 款所訂罪行 ——
- (a) 一經循公訴程序定罪，可處罰款 \$200,000 及監禁 1 年；或

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- (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—

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- (b) 一經循簡易程序定罪，可處第 5 級罰款及監禁 6 個月。
- (9) 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。
- (10) 任何人犯第 (2)、(4) 或 (5) 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 7 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。
- (11) 在本條中 ——
- 指明要求** (specified requirement) 指根據第 41B(3)、41C(1) 或 (2)、41D(5) 或 41E(1) 或 (2) 條施加的要求。

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- (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—
- 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. Use of incriminating evidence in proceedings

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- (1) 如任何調查員根據本部，要求某人回答問題，或給予解釋或進一步詳情，則該調查員須確保該人已事先獲告知第 (2) 款的效力。
- (2) 儘管本條例有任何規定，在第 (3) 款的規限下，如 ——
 - (a) 任何調查員根據本部，要求某人回答問題，或給予解釋或進一步詳情；及
 - (b) 該項回答、解釋或詳情可能會導致該人入罪，而該人在給予該項回答、解釋或詳情之前，聲稱有此情況，
 則該要求及有關問題及回答，或該項解釋或詳情，不得在法院刑事法律程序中接納為針對該人的證據。
- (3) 如上述的人就上述回答、解釋或進一步詳情，而被控犯 ——
 - (a) 第 41G(1)、(2)、(3)、(4) 或 (5) 條或《刑事罪行條例》(第 200 章) 第 V 部所訂罪行；或
 - (b) 作假證供罪，
 則第 (2) 款不適用於該項檢控的刑事法律程序。

41I. 關於銷毀紀錄及文件的罪行

- (1) 任何人 ——
 - (a) 銷毀、捏改、隱藏或以其他方式處置根據第 41B 或 41D 條被查察員或調查員要求交出的紀錄或文件，或致使或准許他人作出該等作為；而
 - (b) 作出上述作為的意圖，是向該查察員或調查員隱瞞可藉該紀錄或文件而披露的事實或事宜，

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- (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 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 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—
 - (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 41B or 41D; and

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即屬犯罪。

(2) 任何人犯第 (1) 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。

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。
- (3) 保監局須將根據有關命令收取的款額，支付予財政司司長，但以已由立法會所撥款項的款額為限。

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- (b) the person does so with intent to conceal, from the inspector 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.

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.
- (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. 進入處所等的裁判官手令

- (1) 裁判官如根據第 (3) 款指明的人經宣誓而作的告發，信納有合理理由懷疑，在該項告發所指明的處所內，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士——
 - (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理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，搜尋、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。
- (4) 獲授權人如有合理理由相信，在有關處所內發現的人，是在與正於或曾於該處所經營的業務相關的情況下，受僱用或聘用以提供某服務，則可要求該人交出任何符合以下說明的紀錄或文件，以供查驗——
 - (a) 由該人管有的；及
 - (b) 該獲授權人有合理理由相信是可根據第 41B 或 41D 條被要求交出的。
- (5) 獲授權人可就根據第 (4) 款要求交出的紀錄或文件——
 - (a) 禁止在上述處所內發現的人——
 - (i) 將該紀錄或文件，移離該處所；
 - (ii) 刪除、增添或以其他方式更改該紀錄或文件所載的任何事情；或

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

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- (iii) 以任何其他方式，干擾該紀錄或文件，或致使或准許其他人干擾該紀錄或文件；或
- (b) 採取該獲授權人覺得屬必需的任何其他步驟，以——
 - (i) 保存該紀錄或文件；或
 - (ii) 防止該紀錄或文件受干擾。
- (6) 任何根據本條進入任何處所的獲授權人，在有人提出要求時，須出示有關手令供查閱。
- (7) 《刑事訴訟程序條例》(第 221 章) 第 102 條適用於已憑藉本條歸保監局管有的任何財產，一如該條適用於已歸警方管有的財產。
- (8) 任何人——
 - (a) 無合理辯解而沒有遵從根據第 (4) 或 (5) 款向該人施加的要求或禁止；或
 - (b) 妨礙獲授權人行使第 (4) 或 (5) 款賦予的權力，即屬犯罪。
- (9) 任何人犯第 (8) 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。
- (10) 在本條中——
獲授權人 (authorized person) 指根據第 (2) 款發出的手令所述並獲該手令授權採取該款 (a) 及 (b) 段列明的行動的人。

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- (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.
- (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

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41L. 根據第 41K 條取走紀錄及文件

- (1) 根據第 41K(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) 獲授權人如根據第 41K(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。

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41M. 對紀錄或文件的聲稱留置權

如管有根據第 41B 或 41D 條被要求交出的紀錄或文件的人，

- (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) 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.

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.
- (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

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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。

41N. 交出在資訊系統內的資料等

如任何資料或材料載於根據第 41B 或 41D 條要求交出的紀錄或文件，但並非以可閱讀形式記錄，則要求交出該紀錄或文件的權力，包括要求交出用以下形式將該等資料或材料或其有關部分重現而製成的版本的權力 ——

- (a) 如記錄該等資料或材料的方式能使該等資料或材料以可閱讀形式重現 —— 可閱讀形式；及
- (b) 如該等資料或材料記錄於資訊系統 —— 能使該等資料或材料以可閱讀形式重現的形式。

41O. 查閱被檢取的紀錄或文件等

- (1) 如某指明人士根據本部管有任何紀錄或文件，該指明人士須准許如該紀錄或文件沒有被該指明人士管有便會有權查閱該紀錄或文件的人，在任何合理時間查閱該紀錄或文件，及將該紀錄或文件複製或複印，或以其他方式，記錄其中的細節。
- (2) 上述准許，受有關指明人士施加的合理條件規限。
- (3) 在本條中 ——

指明人士 (specified person) 指 ——

- (a) 第 41K 條所指的獲授權人；或

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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—

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(b) 調查員。

第 5 分部 —— 紀律行動

41P. 就獲授權保險人採取紀律行動

- (1) 在以下情況下，保監局可就某獲授權保險人行使第 (2) 款指明的任何權力 ——
 - (a) 該保險人犯不當行為；
 - (b) 該保險人曾犯不當行為；或
 - (c) 按保監局的意見 ——
 - (i) 擔任該保險人的董事或控權人的人，並非擔任該職位的適當人選；或
 - (ii) 曾擔任該保險人的董事或控權人的人，在過去有關時間並非擔任該職位的適當人選。
- (2) 為第 (1) 款而指明的權力如下 ——
 - (a) 就有關獲授權保險人獲授權經營的保險業務的所有或任何類別，或所有或任何類別的其中一部分，撤銷該保險人的授權；
 - (b) 就該獲授權保險人獲授權經營的保險業務的所有或任何類別，或所有或任何類別的其中一部分，將該保險人的授權暫時撤銷，為一段保監局指明的期間，或直至保監局指明的事件發生為止；
 - (c) 禁止該獲授權保險人在保監局指明的期間內，或在該局指明的事件發生之前，申請獲授權經營保險業務的某類別；
 - (d) 公開地或非公開地譴責該獲授權保險人；
 - (e) 命令該獲授權保險人繳付最高數額如下的罰款（以數額較大者為準）——

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- (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

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- (i) \$10,000,000；或
- (ii) 因有關不當行為，或因該保險人的董事或控權人的行為（導致保監局就該董事或控權人得出第(1)(c)款所提述的意見者），而令該保險人獲取的利潤或避免的損失的數額的3倍。
- (3) 保監局如已根據第(1)款行使權力，可向公眾披露其決定的細節、作出該決定的理由，及關乎有關個案的任何重要事實。
- (4) 保監局在為施行第(1)(c)款而得出意見的過程中，除可考慮其他事宜（包括第14A條指明的事宜）外，亦可考慮有關人士現在或過往的行為。
- (5) 在第(6)款的規限下，在本條中——
不當行為 (misconduct) 指——
 - (a) 違反本條例的條文；
 - (b) 違反根據第8條給予的授權的條款或條件；
 - (c) 違反根據本條例的條文而向獲授權保險人施加的任何其他條件；或
 - (d) 關乎獲授權保險人經營某類別的保險業務的作為或不作為，而按保監局的意見，該作為或不作為是有損或相當可能有損保單持有人或潛在的保單持有人的利益或公眾利益的，
 而**犯不當行為** (guilty of misconduct) 須據此解釋。
- (6) 本條不適用於在本部的生效日期前發生的、在第(5)款中**不當行為**的定義的(a)、(b)、(c)或(d)段所指明的任何違反、作為或不作為。

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- 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.
- (4) 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

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41Q. 根據第 41P 條行使權力的程序規定

- (1) 保監局在根據第 41P 條就獲授權保險人行使權力之前，須先給予該保險人合理的陳詞機會，否則不得行使該權力。
- (2) 保監局如決定根據第 41P 條就獲授權保險人行使權力，須藉書面通知，將該決定告知該保險人。
- (3) 上述通知須載有 ——
 - (a) 說明有關決定的理由的陳述；
 - (b) 該決定的生效時間；
 - (c) (在適用範圍內) 將會根據該決定施加的撤銷、暫時撤銷或禁止的持續期及條款；
 - (d) (在適用範圍內) 將會根據該決定對有關獲授權保險人作出的譴責的內容；及
 - (e) (在適用範圍內) 將會根據該決定施加的罰款數額，以及繳付該罰款的限期。
- (4) 在第 (1) 款中，提述陳詞機會，即提述作出書面申述或口頭申述的機會。

- (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.
- (2) If the Authority decides to exercise a power under section 41P in respect of an authorized insurer, the Authority must inform the insurer 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 authorized insurer is to be reprimanded under the decision; and

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41R. 關於根據第 41P 條行使施加罰款的權力的指引

- (1) 除非符合以下規定，否則保監局不得根據第 41P 條行使施加罰款的權力 ——
 - (a) 保監局已在憲報刊登，並以該局認為適當的任何其他方式公布指引，示明該局擬採用何種方式，行使該權力；及
 - (b) 保監局在行使該權力時，已顧及如此刊登和公布的指引。
- (2) 上述指引並非附屬法例。

41S. 行使紀律處分權力：一般條文

- (1) 如在保監局考慮根據第 41P 條行使權力的期間，該局認為就維護保單持有人或潛在的保單持有人的利益或公眾利益而言，藉著與獲授權保險人達成協議而作出以下作為，屬適當之舉，該局可隨時與該保險人達成協議，作出以下作為 ——
 - (a) 行使保監局根據第 41P 條可就該保險人行使的權力；及
 - (b) 採取保監局認為就有關個案的情況而言屬適當的額外行動。
- (2) 保監局如根據第 (1) 款行使權力或採取額外行動，則須遵守第 41Q 條，猶如該條適用於該權力或行動一樣，但該保險人同意該局無須遵守該條則除外。

- (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) In subsection (1), a reference to an opportunity of being heard is a reference to an opportunity to make written representations or oral representations.

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

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- (3) 保監局在根據本分部作出決定時，可顧及該局管有的任何攸關該決定的資料或材料，不論該資料或材料如何歸該局管有亦然。

41T. 繳付罰款命令

- (1) 根據第 41P 條被命令繳付罰款的獲授權保險人，須在該命令生效後的 30 日之內，或在保監局根據第 41Q(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 41P 條作出的繳付罰款命令，在原訟法庭登記。
- (3) 上述命令一經登記，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) 為根據第 (2) 款提出申請，保監局須將要求登記有關命令的書面通知，連同該命令的正本及複本，送交高等法院司法常務官。
- (5) 根據一項根據第 41P 條作出的命令而向保監局繳付或由保監局追討所得的罰款，須由保監局撥入政府一般收入。

41U. 根據第 41P 條暫時撤銷的效力

- (1) 如某獲授權保險人的授權根據第 41P 條被暫時撤銷，在該項暫時撤銷期間——
 - (a) 就本條例而言，該保險人須繼續視為獲授權，不論是就該保險人被暫時撤銷授權的保險業務的所有或

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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—

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任何類別，或所有或任何類別的其中一部分亦然；及

- (b) 在不局限 (a) 段的原則下，凡本條例中有任何關乎獲授權保險人的條文，是假使該授權沒有被如此暫時撤銷，便會適用於該保險人的，則該保險人須繼續遵守該等條文。
- (2) 在不局限保監局可根據第 41P 條行使的權力的原則下，即使有關授權根據第 41P 條被暫時撤銷，保監局仍可撤銷該授權。

41V. 授權被撤銷或暫時撤銷，不廢止或影響協議等

根據本分部撤銷或暫時撤銷任何人的授權，並不 ——

- (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乎該保單持有人的資產或事務的紀錄。

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- (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.

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- (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。
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- (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.
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第 VI 部**無力償債及清盤***(格式變更——2017 年第 4 號編輯修訂紀錄)***42. 獲授權保險人被當作無力償債的情況***(由 2015 年第 12 號第 2 條修訂)*

- (1) 除第 (1A) 款另有規定外，如獲授權保險人的資產值相對於他的負債額在任何時間不超過第 10 條所指的有關數額，則就《公司 (清盤及雜項條文) 條例》(第 32 章) 第 177 及 327 條而言，該保險人須被當作無能力償付其債項。*(由 1989 年第 8 號第 6 條修訂；由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)*
- (1A) 直至 1991 年 4 月 1 日為止，第 (1) 款適用於在緊接《1989 年保險公司 (修訂) 條例》*(1989 年第 8 號) 的生效日期之前身為獲授權保險人的保險人，猶如第 10(1) 條並未經該條例修訂一樣。*(由 1989 年第 8 號第 6 條增補)*
- (2) 本條任何規定均不得視作對在清盤時憑藉第 45 條所規定處理任何資產或負債的方式有所影響。

編輯附註：

*《1989 年保險公司 (修訂) 條例》乃 “Insurance Companies (Amendment) Ordinance 1989” 之譯名。

43. 根據《公司 (清盤及雜項條文) 條例》將獲授權保險人清盤*(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)*

原訟法庭 (在本部中提述為**法庭**) 可按照《公司 (清盤及雜項條文) 條例》(第 32 章) 將獲授權保險人清盤，而該條例的條文亦據此適用，惟須作出一項變通，即如有 10 名或以上保單

Part VI**Insolvency and Winding Up***(Format changes—E.R. 4 of 2017)***42. Circumstances in which authorized insurer deemed to be insolvent***(Amended 12 of 2015 s. 2)*

- (1) Subject to subsection (1A), an authorized insurer shall be deemed for the purposes of sections 177 and 327 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) to be unable to pay its debts if at any time the value of the assets of the insurer does not exceed the amount of its liabilities by the relevant amount within the meaning of section 10. *(Amended 8 of 1989 s. 6; 28 of 2012 ss. 912 & 920; 12 of 2015 s. 2)*
- (1A) Subsection (1) shall, until 1 April 1991, apply to an insurer which was an authorized insurer immediately before the commencement of the Insurance Companies (Amendment) Ordinance 1989 (8 of 1989) as if section 10(1) had not been amended by that Ordinance. *(Added 8 of 1989 s. 6)*
- (2) Nothing in this section shall be taken as affecting the manner in which, on a winding up, any assets or liabilities are required to be dealt with by virtue of section 45.

43. Winding up of authorized insurer under Companies (Winding Up and Miscellaneous Provisions) Ordinance*(Amended 28 of 2012 ss. 912 & 920; 12 of 2015 s. 2)*

The Court of First Instance (in this Part referred to as **the Court**) may order the winding up, in accordance with the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32),

持有人提出呈請，該保險人即可被着令清盤：(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)

但此項呈請非經法庭許可不得提出，而法庭除非信納表面證據經已確立，且法庭認為屬合理數額的訟費保證金經已付出，否則不得給予許可。

(由 1998 年第 25 號第 2 條修訂)

44. 在保監局的呈請下清盤

(由 2015 年第 12 號第 2 條修訂)

- (1) 保監局如有以下理由，即可按照《公司(清盤及雜項條文)條例》(第 32 章)提出呈請，將任何屬根據該條例可由法庭清盤的公司的獲授權保險人清盤——(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)
 - (a) 該公司屬該條例第 177 及 178 或 327 條所指，無能力償付其債項；
 - (b) 該公司沒有履行其現時或過去憑藉本條例或本條例所廢除的任何條例須履行的責任；或
 - (c) 該公司受第 16 條所訂關於備存或保存妥善帳簿的責任所規限，但卻沒有履行該責任或交出為履行該責任而備存的簿冊。
- (2) 在保監局根據第 (1) 款提出呈請將獲授權保險人清盤的法律程序中，有關——(由 2015 年第 12 號第 2 條修訂)
 - (a) 在最近一次根據第 20 條存交的公司帳目及資產負債表所關乎的期間終結時；或
 - (b) 在根據第 32 或 34 條作出的規定中所指明的任何日期或時間，

of an authorized insurer and the provisions of that Ordinance shall apply accordingly subject to the modification that the insurer may be ordered to be wound up on the petition of 10 or more policy holders: (Amended 28 of 2012 ss. 912 & 920; 12 of 2015 s. 2)

Provided that such a petition shall not be presented except by leave of the Court, and leave shall not be granted until a prima facie case has been established to the satisfaction of the Court and until security for costs for such amount as the Court may think reasonable has been given.

(Amended 25 of 1998 s. 2)

44. Winding up on petition of Authority

(Amended 12 of 2015 s. 2)

- (1) The Authority may present a petition for the winding up, in accordance with the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), of an authorized insurer, being a company which may be wound up by the Court under that Ordinance, on the ground— (Amended 28 of 2012 ss. 912 & 920 ; 12 of 2015 s. 2)
 - (a) that the company is unable to pay its debts within the meaning of sections 177 and 178 or section 327 of that Ordinance;
 - (b) that the company has failed to satisfy an obligation to which it is or was subject by virtue of this Ordinance or any Ordinance repealed thereby; or
 - (c) that the company, being under the obligation imposed by section 16 with respect to the keeping or preserving of proper books of account, has failed to satisfy that obligation or to produce books kept in satisfaction of that obligation.

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該公司無力償債的證據，除非相反證明成立，否則即為該公司持續無能力償付其債項的證據。

- (3) 如獲授權保險人是根據《公司(清盤及雜項條文)條例》(第 32 章)可由法庭清盤的公司，而保監局覺得將該公司清盤有利於公眾利益，則除非該公司正由法庭清盤，否則保監局可在法庭認為將該公司清盤是公正公平的情況下，提出呈請將該公司清盤。(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)
- (4) 凡提出呈請將獲授權保險人清盤的人並非保監局，則須將一份呈請書副本送達保監局，而保監局有權在法庭就該呈請陳詞，並有權傳召、訊問與盤問任何證人，此外，如保監局認為適當，保監局亦可支持或反對作出清盤令。(由 1999 年第 31 號第 3 條修訂；由 2015 年第 12 號第 2 條修訂)

(由 1998 年第 25 號第 2 條修訂)

45. 將獲授權保險人清盤

(由 2015 年第 12 號第 2 條修訂)

- (1) 除非法庭另有命令，否則獲授權保險人不得自動清盤，而除非申請通知書已送達保監局，否則不得根據本款作

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- (2) In any proceedings on a petition to wind up an authorized insurer presented by the Authority under subsection (1), evidence that the company was insolvent— (*Amended 12 of 2015 s. 2*)
- (a) at the close of the period to which the accounts and balance sheet of the company last deposited under section 20 relate; or
- (b) at any date or time specified in a requirement under section 32 or 34,
- shall be evidence that the company continues to be unable to pay its debts, unless the contrary is proved.
- (3) If, in the case of an authorized insurer, being a company which may be wound up by the Court under the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), it appears to the Authority that it is expedient in the public interest that the company should be wound up, the Authority may, unless the company is already being wound up by the Court, present a petition for it to be so wound up if the Court thinks it just and equitable for it to be so wound up. (*Amended 28 of 2012 ss. 912 & 920; 12 of 2015 s. 2*)
- (4) Where a petition for the winding up of an authorized insurer is presented by a person other than the Authority, a copy of the petition shall be served on the Authority and the Authority shall be entitled to be heard on the petition and to call, examine and cross-examine any witness and, if the Authority so thinks fit, support or oppose the making of a winding-up order. (*Amended 12 of 2015 s. 2*)

45. Winding up of authorized insurer

(*Amended 12 of 2015 s. 2*)

- (1) Unless the Court otherwise orders, an authorized insurer shall not be wound up voluntarily; but no order shall be made

出命令，而保監局有權在法庭就該申請陳詞，並有權傳召、訊問與盤問任何證人，此外，如保監局認為適當，亦可支持或反對作出該命令。(由 1992 年第 51 號第 12 條修訂；由 1998 年第 25 號第 2 條修訂)

- (2) 就第 22(1) 條適用的獲授權保險人的清盤而言，第 23(1) 條並無效力，但除第 (4) 款及憑藉第 49(2) 條而訂立的規則另有規定外，在任何該類清盤中——(由 2015 年第 12 號第 2 條修訂)
 - (a) 該保險人就其長期業務所維持相當於某項基金的資產，只可用作償付可歸入該基金所關乎的部分業務的該保險人負債；(由 1993 年第 59 號第 12 條修訂)
 - (b) 該保險人的其他資產只可用作償付可歸入該保險人其他業務的負債。
- (3) 除第 (4A) 款另有規定外，如第 (2) 款任何一段中所述的資產值超出該段所述的負債額，該款所施加的限制，即不適用於相當於超額的資產。(由 1993 年第 59 號第 12 條修訂)
- (4) 就屬於第 (2) 款任何一段中所指的資產而言，《公司(清盤及雜項條文)條例》(第 32 章)第 200(1) 及 (2) 條所述的債權人，只是該段所指的負債的債權人；而為施行該條而召開的債權人大會亦相應是各段分別所指的負債的債權人的各別債權人大會。(由 2012 年第 28 號第 912 及 920 條修訂)
- (4A) 凡任何獲授權保險人就其長期業務而維持一項特定基金，而在該基金中第 (2) 款 (a) 段所述的資產值超出該段所述的負債額，則——(由 2015 年第 12 號第 2 條修訂)
 - (a) 如該保險人就其長期業務而維持其他基金，而在該基金中該段所述的負債額超出該段所述的資產值——
 - (i) 如其他基金只有一個，則上述資產值超出負債額的資產，須供償付該個其他基金的負債所超出該個其他基金的資產的部分；

under this subsection unless notice of the application has been served on the Authority who shall be entitled to be heard on the application and to call, examine and cross-examine any witness and, if the Authority so thinks fit, support or oppose the making of the order. (Amended 51 of 1992 s. 12; 12 of 2015 s. 2)

- (2) Section 23(1) shall not have effect in relation to the winding up of an authorized insurer to which section 22(1) applies but, subject to subsection (4) and to rules made by virtue of section 49(2), in any such winding up— (Amended 12 of 2015 s. 2)
 - (a) the assets representing a fund maintained by the insurer in respect of its long term business shall be available only for meeting the liabilities of the insurer attributable to that part of that business to which the fund relates; (Amended 59 of 1993 s. 12)
 - (b) the other assets of the insurer shall be available only for meeting the liabilities of the insurer attributable to its other business.
- (3) Subject to subsection (4A), where the value of the assets mentioned in either paragraph of subsection (2) exceeds the amount of the liabilities mentioned in that paragraph the restriction imposed by that subsection shall not apply to so much of those assets as represents the excess. (Amended 59 of 1993 s. 12)
- (4) In relation to the assets falling within either paragraph of subsection (2) the creditors mentioned in section 200(1) and (2) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) shall be only those who are creditors in respect of liabilities falling within that paragraph; and any general meetings of creditors summoned for the purposes of that section shall accordingly be separate general

- (ii) 如其他基金有 2 個或以上，則上述資產值超出負債額的資產，須按比例償付各個該等其他基金的負債所分別超出該等其他基金的資產的部分；
- (b) 如 (a) 段不適用，或施行該段後，上述資產值超出負債額的資產仍有部分剩餘，則上述資產值超出負債額的資產須供償付可歸入該保險人其他業務的負債。
(由 1993 年第 59 號第 12 條增補)
- (4B) 為免生疑問，現宣布為就第 (2) 款 (a) 段而施行第 (4) 款，獲授權保險人就其長期業務而維持的基金，不得與該保險人就該業務而維持的任何其他基金合併。(由 1993 年第 59 號第 12 條增補)
- (5) 凡法庭根據《公司 (清盤及雜項條文) 條例》(第 32 章) 第 276(1) 條，命令把任何金錢或財產償還或歸還獲授權保險人或將款項注入其資產內，而成為作出該項命令的理由的錯誤作為，只要是關乎該保險人就其長期業務所維持相當於一項或多於一項基金的資產，則法庭須在該命令中加入一項指示，謂就本條例而言，該等金錢、財產或注入的款項須被視為該項基金或該等基金的資產；而本條例須據此而生效。(由 1998 年第 25 號第 2 條修訂；由 2012 年第 28 號第 912 及 920 條修訂)
(由 2015 年第 12 號第 2 條修訂)

- meetings of the creditors in respect of the liabilities falling within each paragraph. (*Amended 28 of 2012 ss. 912 & 920*)
- (4A) Where in respect of a particular fund maintained by an authorized insurer in respect of its long term business the value of the assets mentioned in paragraph (a) of subsection (2) exceeds the amount of the liabilities mentioned in that paragraph, then so much of those assets as represents the excess shall be available for meeting— (*Amended 12 of 2015 s. 2*)
- (a) if in respect of any other fund maintained by the insurer in respect of its long term business the amount of the liabilities mentioned in that paragraph exceeds the value of the assets mentioned in that paragraph—
- (i) if there is only one such other fund, the liabilities of that other fund to the extent to which they exceed the assets of that other fund;
- (ii) if there are 2 or more such other funds, the respective liabilities of those other funds pro rata to the extent to which they exceed the respective assets of those other funds;
- (b) if paragraph (a) is not applicable or part of that excess remains after the operation of that paragraph, the liabilities of the insurer attributable to its other business. (*Added 59 of 1993 s. 12*)
- (4B) For the avoidance of doubt, it is hereby declared that, for the purposes of the operation of subsection (4) in relation to paragraph (a) of subsection (2), no fund maintained by an authorized insurer in respect of its long term business shall be aggregated with any other fund maintained by the insurer in respect of that business. (*Added 59 of 1993 s. 12. Amended 12 of 2015 s. 2*)

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46. 清盤中獲授權保險人的長期業務的繼續經營

(由 2015 年第 12 號第 2 條修訂)

- (1) 本條對屬經營長期業務公司的獲授權保險人的清盤有效。
- (2) 除非法庭另有命令，否則清盤人須繼續經營有關保險人的長期業務，目的是將該業務作為正營運中的事業而轉讓給另一保險人，不論此保險人是已存在的獲授權保險人或為此目的而成立的保險人；此外，清盤人在如上述般經營該業務時，可同意更改在清盤令作出時已存在的任何保險合約，但不得訂立任何新的保險合約。
- (3) 如清盤人信納為了可歸入該保險人長期業務的負債所關乎的債權人的利益起見，須就該保險人的長期業務委任一名特別經理人，他可向法庭提出申請，而法庭則可應該項申請就該業務委任一名特別經理人，在法庭指示的期間內，根據法庭附託予他的權力（包括接管人或經理人的任何權力）行事。
- (4) 《公司（清盤及雜項條文）條例》（第 32 章）第 216(2) 及 (3) 條適用於根據第 (3) 款獲委任的特別經理人，如同適用於根據該條獲委任的特別經理人。（由 2012 年第 28 號第 912 及 920 條修訂）

- (5) Where under section 276(1) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) the Court orders any money or property to be repaid or restored to an authorized insurer or any sum to be contributed to its assets then, if and so far as the wrongful act which is the reason for the making of the order related to assets representing a fund or funds maintained by the insurer in respect of its long term business, the Court shall include in the order a direction that the money, property or contribution shall be treated for the purposes of this Ordinance as assets of that fund or those funds and this Ordinance shall have effect accordingly. (Amended 28 of 2012 ss. 912 & 920; 12 of 2015 s. 2)

46. Continuation of long term business of authorized insurer in liquidation

(Amended 12 of 2015 s. 2)

- (1) This section has effect in relation to the winding up of an authorized insurer being a company carrying on long term business. (Amended 12 of 2015 s. 2)
- (2) The liquidator shall, unless the Court otherwise orders, carry on the long term business of the insurer with a view to its being transferred as a going concern to another insurer, whether an existing authorized insurer or an insurer formed for that purpose; and, in carrying on that business as aforesaid, the liquidator may agree to the variation of any contracts of insurance in existence when the winding-up order is made but shall not effect any new contracts of insurance. (Amended 12 of 2015 s. 2)
- (3) If the liquidator is satisfied that the interests of the creditors in respect of liabilities of the insurer attributable to its long term business require the appointment of a special manager of the insurer's long term business, he may apply to the Court, and the Court may on such application appoint a special

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- (5) 法庭如認為適合，並在符合其決定的條件(如有的話)下，可減少有關保險人在經營長期業務的過程中所訂立的合約的數額。
- (6) 法庭可應清盤人、根據第(3)款獲委任的特別經理人或保監局的申請，委任一名獨立的精算師調查有關保險人的長期業務，並就是否適宜繼續經營該業務，及為要成功地繼續經營該業務而需要減少在經營該業務的過程中所訂立的合約的數額，向清盤人、特別經理人或保監局(視屬何情況而定)作出報告。
- (7) 儘管《公司(清盤及雜項條文)條例》(第32章)第199(2)、199A(1)(b)及199B(1)及(2)條規定，清盤人須在認許下，方可行使權力，以公司名義提起任何訴訟或其他法律程序，或在任何訴訟或法律程序中答辯，清盤人仍可在未獲該等條文提述的任何認許下，根據第24條以有關保險人的名義及代該保險人作出申請。(由2012年第28號第912及920條修訂；由2016年第14號第181條修訂)

(由1998年第25號第2條修訂；由2015年第12號第2條修訂)

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- manager of that business to act during such time as the Court may direct, with such powers, including any of the powers of a receiver or manager, as may be entrusted to him by the Court.
- (4) Section 216(2) and (3) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) shall apply to a special manager appointed under subsection (3) as they apply to a special manager appointed under that section. *(Amended 28 of 2012 ss. 912 & 920)*
- (5) The Court may, if it thinks fit and subject to such conditions (if any) as it may determine, reduce the amount of the contracts made by the insurer in the course of carrying on its long term business.
- (6) The Court may, on the application of the liquidator, a special manager appointed under subsection (3) or the Authority, appoint an independent actuary to investigate the long term business of the insurer and to report to the liquidator, the special manager or the Authority, as the case may be, on the desirability or otherwise of that business being continued and on any reduction in the contracts made in the course of carrying on that business that may be necessary for its successful continuation. *(Amended 12 of 2015 s. 2)*
- (7) Notwithstanding that sanction is required under sections 199(2), 199A(1)(b) and 199B(1) and (2) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) for a liquidator to exercise a power to bring or defend any action or other legal proceedings in the name of the company, the liquidator may without any of the sanctions referred to in those provisions make an application in the name of and on behalf of the insurer under section 24. *(Amended 28 of 2012 ss. 912 & 920 ; 14 of 2016 s. 181)*

47. 涉及轉讓業務的獲授權保險人的清盤*(由 2015 年第 12 號第 2 條修訂)*

- (1) 凡某獲授權保險人的保險業務或保險業務的任何部分，根據一項安排已轉讓給另一獲授權保險人，而依據該項安排，以上首次述及的保險人 (**出讓人公司**) 或其債權人對接受轉讓的保險人 (**受讓人公司**) 提出申索，則如受讓人公司正由法庭清盤，法庭須在符合本條的規定下命令出讓人公司連同受讓人公司一起清盤，法庭並可藉同一命令或任何其後作出的命令，委任同一人士為該兩間公司的清盤人，以及就法庭認為需要的其他事宜作出規定，目的是使該等公司能猶如一間公司般被清盤。 *(由 2015 年第 12 號第 2 條修訂)*
- (2) 除法庭另有命令外，受讓人公司清盤的開始，即為出讓人公司清盤的開始。
- (3) 法庭在調整數間公司的成員彼此之間的權利和法律責任時，須顧及該等公司的組織以及各公司之間所訂定的安排，如同將單一間公司清盤時法庭顧及各類別分擔人的權利和法律責任的方式，或在環境許可下盡量效法。
- (4) 被指稱是一間出讓人公司的獲授權保險人，如並非與受讓人公司在同一時間清盤，則法庭不得命令該出讓人公司清盤，除非法庭在聽畢所有就該公司被清盤而由該公司提出或由他人代為提出的反對後 (如有的話)，認為該公司是附屬於該受讓人公司，而將該公司連同受讓人公司一起清盤是公正公平的。 *(由 2015 年第 12 號第 2 條修訂)*
- (5) 出讓人公司或受讓人公司的任何債權人或與出讓人公司或受讓人公司有利害關係的人，均可就出讓人公司連同受讓人公司一起清盤事作出申請。
- (6) 凡獲授權保險人相對於一間公司是受讓人公司，而相對於其他公司是出讓人公司，或數間公司相對於一間受讓人公司是出讓人公司，法庭可以其認為最合宜的做法，

47. Winding up of authorized insurers involved in transfer of business*(Amended 12 of 2015 s. 2)*

- (1) Where the insurance business or any part of the insurance business of an authorized insurer has been transferred to an authorized insurer under an arrangement in pursuance of which the first-mentioned insurer (**the transferor company**) or the creditors thereof has or have claims against the insurer to which the transfer was made (**the transferee company**), then, if the transferee company is being wound up by the Court, the Court shall, subject to this section, order the transferor company to be wound up in conjunction with the transferee company, and may by the same or any subsequent order appoint the same person to be liquidator for the 2 companies, and make provision for such other matters as may seem to the Court necessary, with a view to the companies being wound up as if they were one company. *(Amended 12 of 2015 s. 2)*
- (2) The commencement of the winding up of the transferee company shall, save as otherwise ordered by the Court, be the commencement of the winding up of the transferor company.
- (3) In adjusting the rights and liabilities of the members of the several companies between themselves, the Court shall have regard to the constitution of the companies, and to the arrangements entered into between the companies, in the same manner as the Court has regard to the rights and liabilities of different classes of contributories in the case of the winding up of a single company, or as near thereto as circumstances admit.
- (4) Where an authorized insurer alleged to be a transferor company is not in process of being wound up at the same time as the transferee company, the Court shall not direct the transferor company to be wound up unless, after hearing all

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根據本條所定下的原則，將任何數目的該類公司一起或分組處理。(由 2015 年第 12 號第 2 條修訂)

(由 1998 年第 25 號第 2 條修訂)

48. 以減少合約代替清盤

如某獲授權保險人已被證明無能力償付其債項，則法庭如認為適當，可按其認為公正的條款及在符合其認為公正的條件下，減少該保險人的合約的數額，以代替作出清盤令。

(由 1998 年第 25 號第 2 條修訂；由 2015 年第 12 號第 2 條修訂)

49. 清盤規則

- (1) 為了釐定獲授權保險人對任何類別或種類的保單持有人的負債額以便於清盤時作證明，以及概括而言，為了實施本條例關於將獲授權保險人清盤的條文，可根據《公司(清盤及雜項條文)條例》(第 32 章)第 296 條訂立規則。

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objections (if any) that may be urged by or on behalf of the company against its being wound up, the Court is of opinion that the company is subsidiary to the transferee company, and that the winding up of the company in conjunction with the transferee company is just and equitable. *(Amended 12 of 2015 s. 2)*

- (5) An application may be made in relation to the winding up of any transferor company in conjunction with a transferee company by any creditor of or person interested in, the transferee or transferor company.
- (6) Where an authorized insurer stands in the relation of a transferee company to one company, and in the relation of a transferor company to some other company, or where there are several companies standing in the relation of transferor companies to one transferee company, the Court may deal with any number of such companies together or in separate groups, as it thinks most expedient, upon the principles laid down in this section. *(Amended 12 of 2015 s. 2)*

48. Reduction of contracts as alternative to winding up

In the case of an authorized insurer which has been proved to be unable to pay its debts, the Court may, if it thinks fit, reduce the amount of the contracts of the insurer on such terms and subject to such conditions as the Court thinks just, in place of making a winding-up order.

(Amended 12 of 2015 s. 2)

49. Winding up rules

- (1) Rules may be made under section 296 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) for determining the amount of the liabilities of an authorized insurer to policy holders of any class or description for the purpose of proof in a winding up and generally for

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- (2) 在不損害第 (1) 款的概括性的原則下，根據上述第 296 條訂立的規則，可就以下所有或任何事宜訂定條文——
- (a) 識別屬於第 45(2)(a) 或 (b) 條所指的資產和負債；
 - (b) 將清盤的費用、收費和開支及根據《公司 (清盤及雜項條文) 條例》(第 32 章) 第 265 條享有優先權的獲授權保險人債項，分攤於屬於第 45(2) 條所指的資產；
 - (c) 釐定屬於第 45(2) 條 (a) 或 (b) 段所指的任何種類的負債額，以便確定就該段而言是否有第 45(3) 條所述的超額；
 - (d) 運用屬於第 45(2) 條 (a) 段所指的資產，以償付屬於該段所指的負債；
 - (e) 運用相當於第 45(3) 條所述的任何超額的資產。
- (由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)

49A. 在符合根據第 35(2)(b) 條所作指示下將獲授權保險人清盤

(由 2015 年第 12 號第 2 條修訂)

- (1) 凡在法庭將任何獲授權保險人清盤的呈請提出以前 (不論呈請是否由保監局提出)，已有根據第 35(2)(b) 條就該保險人發出的指示，而該項指示直至呈請提出時一直持續生效，此外清盤令又就該項呈請而作出，則儘管《公司 (清

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- carrying into effect the provisions of this Ordinance with respect to the winding up of authorized insurers. (*Amended 28 of 2012 ss. 912 & 920*)
- (2) Without prejudice to the generality of subsection (1), rules under the said section 296 may make provision for all or any of the following matters—
- (a) the identification of the assets and liabilities falling within section 45(2)(a) or (b);
 - (b) the apportionment between the assets falling within section 45(2) of the costs, charges and expenses of the winding up and of any debts of the authorized insurer having priority under section 265 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32); (*Amended 28 of 2012 ss. 912 & 920*)
 - (c) the determination of the amount of liabilities of any description falling within paragraph (a) or (b) of section 45(2) for the purpose of establishing whether or not there is any such excess in respect of that paragraph as is mentioned in section 45(3);
 - (d) the application of assets within paragraph (a) of section 45(2) for meeting the liabilities within that paragraph;
 - (e) the application of assets representing any such excess as is mentioned in section 45(3).

(*Amended 12 of 2015 s. 2*)

49A. Winding up of authorized insurer subject to direction under section 35(2)(b)

(*Amended 12 of 2015 s. 2*)

- (1) Where before the presentation of a petition for the winding up of an authorized insurer by the Court, and whether or not the petition is presented by the Authority, there has in respect

盤及雜項條文) 條例》第 184(2) 條有所規定，就該條例第 170、179、182、183、266B、267A、269 及 274 條以及第 271(1) 條 (d)、(e)、(h)、(i)、(j)、(k)、(l) 及 (o) 段而言，法庭將該保險人清盤須被當作在如此發出該項指示時開始。(由 2015 年第 12 號第 2 條修訂)

- (2) 凡在向原訟法庭申請根據第 45(1) 條作出獲授權保險人自動清盤令前，已有根據第 35(2)(b) 條就有關保險人發出的指示，而該項指示直至作出申請時一直生效，此外自動清盤令又就該項申請而作出，則儘管《公司(清盤及雜項條文) 條例》第 230 條有所規定，就該條例第 170、232、266B、267A、269 及 274 條以及第 271(1) 條 (d)、(e)、(h)、(i)、(j)、(k)、(l) 及 (o) 段而言，該保險人的自動清盤須被當作在如此發出該項指示時開始。(由 2015 年第 12 號第 2 條修訂)
- (2A) 就第 (1) 或 (2) 款所述的保險人在《2016 年公司(清盤及雜項條文)(修訂) 條例》(2016 年第 14 號) 的生效日期前作出(或容受作出) 的任何事情而言，該款適用，猶如在該款中提述《公司(清盤及雜項條文) 條例》第 266B 條是提述《修訂前的公司(清盤及雜項條文) 條例》第 266 條一樣。(由 2016 年第 14 號第 182 條增補)
- (2B) 就在《2016 年公司(清盤及雜項條文)(修訂) 條例》(2016 年第 14 號) 的生效日期前就第 (1) 或 (2) 款所述的保險人的業務或財產設立的押記而言，該款適用，猶如在該款中提述《公司(清盤及雜項條文) 條例》第 267A 條是提述《修訂前的公司(清盤及雜項條文) 條例》第 267 條一樣。(由 2016 年第 14 號第 182 條增補)
- (3) 如任何獲授權保險人的經理在真誠管理該保險人的事務、業務及財產的過程中，指示該保險人對該保險人的財產作出處置，則《公司(清盤及雜項條文) 條例》第 182 或 232 條並不導致該項處置失效。(由 2015 年第 12 號第 2 條修訂)
- (4) 在本條中 ——

of the insurer been a direction given under section 35(2)(b) which has continued in force at all times until the presentation of the petition, and a winding up order is made thereon, then, notwithstanding the provisions of section 184(2) of CWUMPO, for the purposes of sections 170, 179, 182, 183, 266B, 267A, 269 and 274, and paragraphs (d), (e), (h), (i), (j), (k), (l) and (o) of section 271(1), of CWUMPO, the winding up of the insurer by the Court is deemed to have commenced at the time the direction was so given. (Amended 12 of 2015 s. 2)

- (2) Where before an application has been made to the Court of First Instance for an order under section 45(1) for a voluntary winding up of an authorized insurer, there has in respect of the insurer been a direction given under section 35(2)(b) which has continued in force at all times until the making of the application, and such order is made thereon, then, notwithstanding the provisions of section 230 of CWUMPO, for the purposes of sections 170, 232, 266B, 267A, 269 and 274, and paragraphs (d), (e), (h), (i), (j), (k), (l) and (o) of section 271(1), of CWUMPO, the voluntary winding up of the insurer is deemed to have commenced at the time the direction was so given. (Amended 25 of 1998 s. 2; 12 of 2015 s. 2)
- (2A) For the purposes of anything done or suffered to be done by the insurer mentioned in subsection (1) or (2) before the commencement date of the Companies (Winding Up and Miscellaneous Provisions) (Amendment) Ordinance 2016 (14 of 2016), that subsection applies as if the reference to section 266B of CWUMPO in that subsection were a reference to section 266 of the pre-amended CWUMPO. (Added 14 of 2016 s. 182)
- (2B) For the purposes of a charge created on the undertaking or property of the insurer mentioned in subsection (1) or (2)

《公司(清盤及雜項條文)條例》(CWUMPO)指《公司(清盤及雜項條文)條例》(第 32 章)；

《修訂前的公司(清盤及雜項條文)條例》 (pre-amended CWUMPO)指在緊接《2016 年公司(清盤及雜項條文)(修訂)條例》(2016 年第 14 號)的生效日期前有效的《公司(清盤及雜項條文)條例》。(由 2016 年第 14 號第 182 條增補)(由 1992 年第 51 號第 13 條增補。由 1998 年第 25 號第 2 條修訂；由 2012 年第 28 號第 912 及 920 條修訂；由 2016 年第 14 號第 182 條修訂)

49B. 展開清盤等的通知及委任清盤人等的通知

- (1) 凡有將任何獲授權保險人清盤或為將任何獲授權保險人置於任何其他形式的無力償債管理下的法律程序在香港以外地方展開，該保險人須將該等法律程序的展開以書面通知保監局，而凡有臨時清盤人、清盤人或負責該等其他形式無力償債管理的人獲委任，該保險人亦須將委任一事以書面通知保監局，通知日期不得遲於書面通知所涉及的事發生後 3 個工作日。

before the commencement date of the Companies (Winding Up and Miscellaneous Provisions) (Amendment) Ordinance 2016 (14 of 2016), that subsection applies as if the reference to section 267A of CWUMPO in that subsection were a reference to section 267 of the pre-amended CWUMPO. (Added 14 of 2016 s. 182)

- (3) Nothing in section 182 or 232 of CWUMPO shall invalidate any disposition of the property of an authorized insurer made by it under the direction of the Manager of the insurer acting bona fide in the course of managing the affairs, business and property of the insurer. (Amended 12 of 2015 s. 2)

- (4) In this section—

CWUMPO (《公司(清盤及雜項條文)條例》) means the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32);

pre-amended CWUMPO (《修訂前的公司(清盤及雜項條文)條例》) means CWUMPO as in force immediately before the commencement date of the Companies (Winding Up and Miscellaneous Provisions) (Amendment) Ordinance 2016 (14 of 2016). (Added 14 of 2016 s. 182)

(Added 51 of 1992 s. 13. Amended 28 of 2012 ss. 912 & 920; 14 of 2016 s. 182)

49B. Notice of commencement of liquidation, etc. and of appointment of liquidator, etc.

- (1) Where any proceedings are commenced outside Hong Kong for the liquidation of an authorized insurer or for the purpose of placing an authorized insurer under any other form of insolvency administration, the insurer shall give to the Authority written notice of the commencement of such proceedings, and, where a provisional liquidator or liquidator or a person charged with such other form of insolvency

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- (2) 凡任何獲授權保險人在香港或其他地方的財產的接管人或管理人獲委任，該保險人須在不遲於該項委任後 3 個工作日，將該項委任以書面通知保監局。
- (3) 凡有法律程序在香港或其他地方展開以強制執行判令獲授權保險人繳款的判決或命令，有關的保險人須在不遲於該等法律程序展開後 3 個工作日，將該等法律程序的展開以書面通知保監局。
- (4) 任何獲授權保險人如沒有遵從本條的任何條文，即屬犯罪，可處罰款 \$200,000，如屬個人，則可另處監禁 2 年，以及就根據該條文所訂明的期限屆滿後仍未有發出有關通知的期間，另加每日罰款 \$2,000。 (由 1996 年第 35 號第 24 條修訂)
- (5) 在本條中 ——
工作日 (working day) 指並非以下日子的日子 ——
- (a) 公眾假期；
 - (b) 星期六；或
 - (c) 《釋義及通則條例》(第 1 章) 第 71(2) 條所界定的烈風警告日或黑色暴雨警告日。 (由 2015 年第 12 號第 59 條增補)
- (由 1994 年第 25 號第 16 條增補。由 2015 年第 12 號第 2 條修訂)

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- administration is appointed, of such appointment, not later than 3 working days after the event to which the notice relates.
- (2) Where a receiver or manager of the property in Hong Kong or elsewhere of an authorized insurer is appointed, the insurer shall give to the Authority written notice of such appointment not later than 3 working days after the appointment.
- (3) Where any proceedings are commenced in Hong Kong or elsewhere to enforce a judgment given or order made against an authorized insurer for the payment of money, the insurer shall give to the Authority written notice of the commencement of such proceedings not later than 3 working days after such commencement.
- (4) An authorized insurer which fails to comply with any of the provisions of this section commits an offence and is liable to a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years, together with a fine of \$2,000 for each day on which the failure to give the relevant notice continues after the expiry of the period prescribed under that provision. (Amended 35 of 1996 s. 24)
- (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). (Added 12 of 2015 s. 59)
- (Added 25 of 1994 s. 16. Amended 12 of 2015 s. 2)

第 VII 部**有關勞合社的特別條文***(格式變更——2017 年第 4 號編輯修訂紀錄)***50. 勞合社須遵從的規定**

在勞合社的任何成員在香港經營保險業務的任何期間，勞合社、勞合社的任何成員及作為一個整體的勞合社各成員均須遵從本部所載的有關規定。

*(由 1999 年第 51 號第 4 條代替)***50A. 關於償付準備金的規定**

- (1) 勞合社各成員作為一個整體所須維持的資產值，在任何時間不得少於第 10(1) 條所指的有關數額 (只就一般業務而言) 與以下 (a) 或 (b) 段所述數額的較大者的總和——
 - (a) 以下數額的總和——
 - (i) 他們的負債額；及
 - (ii) \$2,000,000 或同等數值 (如所經營的長期業務的任何部分並不屬於附表 1 第 2 部類別 G 或 H 內所指明的性質)；或
 - (b) 他們的負債額與按照根據第 129(1)(b) 條訂立的規則所訂明或釐定的數額的總和。
- (2) 就第 (1) 款而言，於第 10 條或根據第 129(1)(b) 條訂立的規則中，凡提述公司或獲授權保險人，須理解為提述作為一個整體的勞合社各成員。

*(由 1999 年第 51 號第 4 條增補。由 2015 年第 12 號第 60 條修訂)***Part VII****Special Provisions Relating to Lloyd's***(Format changes—E.R. 4 of 2017)***50. Requirements to be complied with by Lloyd's**

During any period when a member of Lloyd's is carrying on insurance business in Hong Kong, Lloyd's, a member of Lloyd's and the members of Lloyd's taken together shall comply with the relevant requirements contained in this Part.

*(Replaced 51 of 1999 s. 4)***50A. Requirement on solvency margin**

- (1) The members of Lloyd's taken together shall, at all times, maintain assets of a value not less than the aggregate of the relevant amount, within the meaning of section 10(1), having regard only to the general business, and the greater of the following—
 - (a) the aggregate of—
 - (i) the amount of their liabilities; and
 - (ii) if any part of the long term business carried on is of a nature other than that specified in class G or H in Part 2 of Schedule 1, \$2,000,000 or its equivalent; or
 - (b) the aggregate of the amount of their liabilities and such amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b).
- (2) For the purposes of subsection (1), references to a company or an authorized insurer in section 10 or in rules made under

section 129(1)(b) shall be read as references to the members of Lloyd's taken together.

(Added 51 of 1999 s. 4; 12 of 2015 s. 60)

50B. 適當和妥善的管理

- (1) 勞合社須委任一名個人為其獲授權代表，該人須於香港居住，並負責勞合社在香港的整體運作。
- (2) 在不局限第 (1) 款的一般性的原則下，獲授權代表須負責——
 - (a) 代勞合社及其成員接受通知的送達；
 - (b) 以保護在香港的勞合社保單持有人的利益為出發點，為他們提供服務；及
 - (c) 確保勞合社及其成員遵守本條例的條文。
- (3) 第 13A(第 13A(12) 條除外) 及 13AB 條適用於勞合社。(由 2015 年第 12 號第 61 條代替)
- (4) 在上述條文中，凡提述獲授權保險人，即提述勞合社。(由 2015 年第 12 號第 61 條代替)
- (5) 在上述條文中，凡提述控權人，即提述獲授權代表。(由 2015 年第 12 號第 61 條代替)
- (6) (由 2015 年第 12 號第 61 條廢除)
- (7) 凡在委任一名獲授權代表後，根據本條向保監局呈交的該代表的詳情有任何改變，勞合社須在該項改變發生後一個月內，以書面通知保監局。(由 2015 年第 12 號第 2 條修訂)
- (8) 勞合社如違反第 (7) 款，即屬犯罪，一經定罪，可處罰款 \$200,000，並可就該項罪行持續期間的每一日另處罰款 \$2,000。

(由 1999 年第 51 號第 4 條增補)

50B. Fit and proper management

- (1) Lloyd's shall appoint a person (not being a body corporate) as its authorized representative who shall reside in Hong Kong and be responsible for its overall operation in Hong Kong.
- (2) Without limiting the generality of subsection (1), the authorized representative shall be responsible for—
 - (a) accepting service of notices on behalf of Lloyd's and its members;
 - (b) servicing Lloyd's policy holders in Hong Kong with a view to protecting their interests; and
 - (c) ensuring compliance by Lloyd's and its members with the provisions of this Ordinance.
- (3) Sections 13A (except section 13A(12)) and 13AB apply to Lloyd's. *(Replaced 12 of 2015 s. 61)*
- (4) A reference in those sections to an authorized insurer is a reference to Lloyd's. *(Replaced 12 of 2015 s. 61)*
- (5) A reference in those sections to a controller is a reference to the authorized representative. *(Replaced 12 of 2015 s. 61)*
- (6) *(Repealed 12 of 2015 s. 61)*
- (7) Where, subsequent to the appointment of an authorized representative, there is any change in the representative's particulars as submitted to the Authority under this section, Lloyd's shall, within one month of such change occurring, notify in writing the Authority. *(Amended 12 of 2015 s. 2)*
- (8) Where Lloyd's contravenes subsection (7), it commits an offence and is liable, on conviction, to a fine of \$200,000

together with a fine of \$2,000 for each day on which the offence continues.

(Added 51 of 1999 s. 4)

50C. 關於呈報的規定

- (1) 勞合社須每年向保監局呈交下述帳目、報表及資料 ——
(由 2015 年第 12 號第 2 條修訂)
 - (a) 概述勞合社成員所經營的保險業務範圍及性質的所有帳目及報表 (按在英國適用於勞合社的法律的規定而擬備者)；
 - (b) 由勞合社就其全球業績而發表的所有報告；
 - (c) 附表 3 第 8 部規定的關於勞合社的香港保險業務的帳目及資料；
 - (d) 附表 3 第 9 部規定的資產負債表；及
 - (e) 列明在有關財政年度內在香經營保險業務的勞合社成員組合的名稱以及保監局指明的該等組合詳情的一覽表。(由 2015 年第 12 號第 2 條修訂)
- (2) 根據第 (1) 款呈交的帳目、報表及資料，須符合第 8(4) 條，而在第 8(4) 條或根據第 129(1)(a) 條訂立的規則中凡提述保險人，須為此目的而當作提述勞合社。(由 2015 年第 12 號第 62 條修訂)
- (3) 儘管有第 (2) 款的規定，第 130 條仍適用於勞合社，而在該條中凡提述獲授權保險人，須為此目的而當作提述勞合社。(由 2015 年第 12 號第 62 條修訂)
- (4) 勞合社須 ——
 - (a) 在財政年度終結後 4 個月內，呈交關乎該財政年度的第 (1)(a) 及 (b) 款所提述的文件各一份；及 (由 2015 年第 12 號第 62 條修訂)
 - (b) 在財政年度終結後 4 個月內，呈交關乎該財政年度的第 (1)(c)、(d) 及 (e) 款所提述的文件各一份，

50C. Reporting requirements

- (1) Lloyd's shall submit annually to the Authority the following accounts, statements and information— *(Amended 12 of 2015 s. 2)*
 - (a) a copy of any accounts and statements (as required by the law applicable to Lloyd's in the United Kingdom) summarizing the extent and character of the insurance business done by the members of Lloyd's;
 - (b) a copy of any report published by Lloyd's on its global results;
 - (c) accounts and information in respect of the Hong Kong insurance business of Lloyd's as required by Part 8 of Schedule 3; *(Amended 12 of 2015 s. 62)*
 - (d) the Statement of Assets and Liabilities as required by Part 9 of Schedule 3; and *(Amended 12 of 2015 s. 62)*
 - (e) a list showing the identities of Lloyd's syndicates who carried on insurance business in Hong Kong in the relevant financial year and their particulars as specified by the Authority. *(Amended 12 of 2015 s. 2)*
- (2) The accounts, statements and information submitted under subsection (1) shall comply with section 8(4) and a reference to an insurer in section 8(4) or in rules made under section 129(1)(a) shall be deemed for this purpose to be a reference to Lloyd's. *(Amended 12 of 2015 s. 62)*
- (3) Notwithstanding subsection (2), section 130 applies to Lloyd's and a reference to an authorized insurer in that section shall

但保監局可應申請將呈交文件的期限延長最多 3 個月。(由 2015 年第 12 號第 2 條修訂)

- (5) 勞合社須就每一季度向保監局呈交一份一覽表，該表須列明在香港的所有獲勞合社成員授以能約束該等成員的權力以代表他們承保保險的人的名稱，以及每名該等人士所經營的業務類別，並須在該表所關乎的季度終結後 1 個月內呈交。(由 2015 年第 12 號第 2 條修訂)
- (6) 勞合社須確保——
 - (a) 第 (1) 款規定呈交的文件，由勞合社的主席以及勞合社在香港的獲授權代表簽署；及
 - (b) 第 (5) 款規定呈交的文件，由勞合社在香港的獲授權代表簽署。
- (7) 保監局收到第 (1) 或 (5) 款規定呈交的文件時，如認為該文件在任何方面不準確或不完備，可要求勞合社提供額外資料以就不準確或不足之處作出補救，而勞合社須立刻遵從該要求。(由 2015 年第 12 號第 2 條修訂)
- (8) 勞合社在呈交第 (1)(a) 及 (b) 款規定呈交的文件時，須將就同一財政年度向其保單持有人呈交的勞合社事務報告(如有的話)一併呈交。
- (9) 勞合社在呈交第 (1)(a) 及 (b) 款規定呈交的文件時，須向保監局支付一筆費用，該筆費用須相等於第 13(1) 條規定獲授權保險人每年須支付的費用。(由 2015 年第 12 號第 2 條修訂)
- (10) 勞合社如不遵守第 (1)、(4)、(5)、(6)、(7) 或 (8) 款，即屬犯罪，可處罰款 \$200,000，並可就該項罪行持續期間的每一日另處罰款 \$1,000。

(由 1999 年第 51 號第 4 條增補)

be deemed for this purpose to be a reference to Lloyd's.
(Amended 12 of 2015 s. 62)

- (4) Lloyd's shall submit—
 - (a) one copy each of the documents referred to in subsection (1)(a) and (b) within 4 months after the close of the financial year to which the documents relate; and
(Amended 12 of 2015 s. 62)
 - (b) one copy each of the documents referred to in subsection (1)(c), (d) and (e) within 4 months after the close of the financial year to which the documents relate,
 but the Authority may, on application, extend the period for submission of a document by not more than 3 months.
(Amended 12 of 2015 s. 2)
- (5) Lloyd's shall submit to the Authority, on a quarterly basis, a list showing the names of all persons in Hong Kong who have been given binding authority by Lloyd's members to underwrite insurance business on their behalf, and the types of business carried on by each of them, and such list shall be submitted within 1 month after the close of the quarter to which it relates. (Amended 12 of 2015 s. 2)
- (6) Lloyd's shall ensure that the documents required to be submitted—
 - (a) under subsection (1) are signed by the Chairman of Lloyd's and the authorized representative of Lloyd's in Hong Kong; and
 - (b) under subsection (5) are signed by the authorized representative of Lloyd's in Hong Kong.
- (7) Where, on receiving a document under subsection (1) or (5), the Authority considers such document to be inaccurate or incomplete in any respect, the Authority may require Lloyd's to supply additional information to remedy such inaccuracy

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50D. 本地資產

第 IVA 部及第 129(1)(a) 條適用於勞合社，而在該等條文或根據該等條文某條訂立的附屬法例中凡提述獲授權保險人，須當作提述勞合社。

(由 1999 年第 51 號第 4 條增補。由 2015 年第 12 號第 2 及 63 條修訂)

50E. 保險中介人

第 X 部適用於勞合社，而在該部中——

- (a) 凡提述保險人，須為此目的而當作提述勞合社的任何成員；
- (b) 凡提述保險代理人，須為此目的而當作提述勞合社的任何成員的保險代理人；及
- (c) 凡提述獲委任保險代理人，須為此目的而當作提述勞合社的任何成員所委任的保險代理人。

or deficiency and Lloyd's shall forthwith comply with such requirement. (*Amended 12 of 2015 s. 2*)

- (8) On submitting the documents required under subsection (1)(a) and (b), Lloyd's shall submit copies of reports on its affairs submitted to its policy holders, if any, in respect of the same financial year.
- (9) On submitting the documents required under subsection (1)(a) and (b), Lloyd's shall pay to the Authority a fee equal to the fee paid annually by an authorized insurer under section 13(1). (*Amended 12 of 2015 s. 2*)
- (10) If Lloyd's fails to comply with subsection (1), (4), (5), (6), (7) or (8), it commits an offence and is liable to a fine of \$200,000 together with a fine of \$1,000 for each day on which the offence continues.

(*Added 51 of 1999 s. 4*)

50D. Local assets

Part IVA and section 129(1)(a) apply to Lloyd's and a reference to an authorized insurer in those provisions or in subsidiary legislation made under one of those provisions shall be deemed to be a reference to Lloyd's.

(*Added 51 of 1999 s. 4. Amended 12 of 2015 ss. 2 & 63*)

50E. Insurance intermediaries

Part X applies to Lloyd's and a reference in that Part—

- (a) to an insurer shall be deemed for this purpose to be a reference to a member of Lloyd's;
- (b) to an insurance agent shall be deemed for this purpose to be a reference to an insurance agent of a member of Lloyd's; and

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(由 1999 年第 51 號第 4 條增補)

50F. 干預權力

- (1) 第 V 部的條文 (除第 40 條外) 視文意所需而適用於以下的一段或多於一段所提述者——
 - (a) 勞合社；
 - (b) 在香港經營保險業務的任何勞合社成員；
 - (c) 作為一個整體在香港經營保險業務的勞合社各成員，而在該等條文中凡提述獲授權保險人，須為此目的而當作提述以上的一段或多於一段所提述者。(由 2015 年第 12 號第 2 條修訂)
- (2) 就第 (1) 款而言，在第 33(1) 條中凡提述第 20 條，須理解為提述第 50C 條。

(由 1999 年第 51 號第 4 條增補)

50G. 進一步規管權力

- (1) 第 VA 部的條文 (除第 41P(2)(a)、(b) 及 (c)、41U、41V 及 41W 條外) 視文意所需，適用於以下的一段或多於一段所提述者——
 - (a) 勞合社；
 - (b) 在香港經營保險業務的任何勞合社成員；
 - (c) 作為一個整體在香港經營保險業務的勞合社各成員。

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- (c) to an appointed insurance agent shall be deemed for this purpose to be a reference to an insurance agent appointed by a member of Lloyd's.

(Added 51 of 1999 s. 4)

50F. Powers of intervention

- (1) The provisions of Part V, except section 40, apply to one or more of the following, as the context may require—
 - (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,
 and a reference in those provisions to an authorized insurer shall be deemed for this purpose to be a reference to one or more of Lloyd's, such member and such group of members. (Amended 12 of 2015 s. 2)
- (2) For the purposes of subsection (1), the reference in section 33(1) to section 20 shall be read as a reference to section 50C.

(Added 51 of 1999 s. 4)

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;

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- (2) 在上述條文中，凡提述保險人或獲授權保險人，即提述第 (1) 款各段當中一段或多於一段所提述者。
- (3) 在上述條文中，凡提述控權人，即提述根據第 50B 條委任的獲授權代表。

(由 2015 年第 12 號第 65 條增補)

50H. 第 XIII 部適用於勞合社等

- (1) 第 XIII 部的條文 (除第 122 條外) 視文意所需，適用於以下的一段或多於一段所提述者——
 - (a) 勞合社；
 - (b) 在香港經營保險業務的任何勞合社成員；
 - (c) 作為一個整體在香港經營保險業務的勞合社各成員。
- (2) 在上述條文中，凡提述保險人或獲授權保險人，即提述第 (1) 款各段當中一段或多於一段所提述者。
- (3) 在上述條文中，凡提述控權人，即提述根據第 50B 條委任的獲授權代表。
- (4) 第 122 條適用於勞合社，而在該條中，凡提述獲授權保險人，即提述勞合社。

(由 2015 年第 12 號第 65 條增補)

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- (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.

(Added 12 of 2015 s. 65)

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.
- (4) Section 122 applies to Lloyd's and a reference in that section to an authorized insurer is a reference to Lloyd's.

(Added 12 of 2015 s. 65)

第 VIII 部**豁免***(格式變更——2017 年第 4 號編輯修訂紀錄)***51. 獲豁免人士**

以下人士獲豁免遵從本條例的條文——

- (a) 只在香港經營保險業務，並符合下述條件的團體（不論是否屬法團組織）——
 - (i) 在任何一個財政年度該團體的毛保費收入不超過 \$500,000：

但如任何該等團體的財政年度並非是一個 12 個月的期間，則就本段而言，團體在該財政年度的毛保費收入須當作為以下數額：將其毛保費收入（第 10(4)(c) 條所指者）除以該財政年度的日數，再將所得之數乘以 365 所得的數額；及
 - (ii) 因風俗、宗教、親屬關係、國籍或地區或本地利益聯繫起來，但卻並非是為牟利而聯繫或組織起來的人所組成；
- (b) 任何只在香港經營再保險業務的人，但以下人士除外——
 - (i) 在香港成立的法人團體；
 - (ii) 在其他地方成立而在香港有營業地點或在香港有代理人代表的法人團體；
 - (iii) 任何在香港有營業地點的其他人或合夥；
- (c) 《職工會條例》（第 332 章）所指的已登記職工會，而其所經營的保險業務只限於為其會員提供公積金福利或罷工福利；
- (d) 《合作社條例》（第 33 章）所指的任何註冊合作社；

Part VIII**Exemptions***(Format changes—E.R. 4 of 2017)***51. Exempted persons**

The following persons are exempted from the provisions of this Ordinance—

- (a) any body of persons, corporate or unincorporate, carrying on insurance business in Hong Kong only—
 - (i) whose gross premium income does not exceed \$500,000 in any financial year:

Provided that if the financial year of any such body is not a period of 12 months, the gross premium income of that body in that financial year shall, for the purposes of this paragraph, be deemed to be the sum obtained by dividing the amount of its gross premium income (within the meaning of section 10(4)(c)) by the number of days in that financial year and multiplying the result by 365; and
 - (ii) which consists of persons who are bound together by custom, religion, kinship, nationality or regional or local interest but who are not so bound together or associated for the purpose of the acquisition by them of gain;
- (b) a person carrying on in Hong Kong reinsurance business only, other than—
 - (i) a body corporate incorporated in Hong Kong;

- (e) 香港出口信用保險局；
- (f) 認可機構，但僅限於此等機構所經營的保險業務性質是附表 1 所指明的類別 G 或 H，或類別 16 及 17，或包括在附表 1 中的組別 1、7 及 11 內，目的純粹是為其銀行業務或接受存款業務者（視屬何情況而定）；（由 1986 年第 27 號第 137 條修訂；由 1993 年第 59 號第 13 條修訂；由 1995 年第 49 號第 53 條修訂；由 2015 年第 12 號第 66 條修訂）
- (g) 根據《儲蓄互助社條例》（第 119 章）第 XI 部成立為法團的香港儲蓄互助社協會；（由 1992 年第 68 號第 20 條修訂）
- (h) 《證券及期貨條例》（第 571 章）附表 1 第 1 部第 1 條所指的認可結算所，但僅限於在該結算所保證該條所界定的證券或期貨合約的交易的交收的範圍內；（由 2002 年第 5 號第 407 條代替）
- (i) 根據《證券及期貨條例》（第 571 章）第 III 部獲認可提供該條例附表 5 所指的自動化交易服務的人，但僅限於在該人保證該條例附表 1 第 1 部第 1 條所界定的證券或期貨合約的交易的交收的範圍內。（由 2002 年第 5 號第 407 條增補）

- (ii) a body corporate incorporated elsewhere which has a place of business in Hong Kong or is represented in Hong Kong by an agent;
- (iii) any other person or any partnership having a place of business in Hong Kong;
- (c) any registered trade union within the meaning of the Trade Unions Ordinance (Cap. 332) which carries on insurance business limited to the provision for its members of provident benefits or strike benefits;
- (d) any registered co-operative society within the meaning of the Co-operative Societies Ordinance (Cap. 33);
- (e) the Hong Kong Export Credit Insurance Corporation;
- (f) any authorized institution to the extent only that such institution carries on insurance business of the nature specified in class G or H, or classes 16 and 17, or comprised in groups 1, 7 and 11 in Schedule 1 solely for the purposes of its banking business or deposit-taking business, as the case may be; (*Amended 27 of 1986 s. 137; 59 of 1993 s. 13; 49 of 1995 s. 53; 12 of 2015 s. 66*)
- (g) the Credit Union League of Hong Kong incorporated under Part XI of the Credit Unions Ordinance (Cap. 119); (*Amended 68 of 1992 s. 20*)
- (h) a recognized clearing house within the meaning of section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571) only to the extent that it guarantees the settlement of transactions in securities or futures contracts as defined in that section; (*Replaced 5 of 2002 s. 407*)
- (i) a person who is authorized under Part III of the Securities and Futures Ordinance (Cap. 571) to provide automated trading services within the meaning of

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Schedule 5 to that Ordinance only to the extent that it guarantees the settlement of transactions in securities or futures contracts as defined in section 1 of Part 1 of Schedule 1 to that Ordinance. (*Added 5 of 2002 s. 407*)

52. (由 1992 年第 50 號第 6 條廢除)

52. (*Repealed 50 of 1992 s. 6*)

53. 行政長官會同行政會議豁免保險人的權力

53. **Power of Chief Executive in Council to exempt insurer**

- (1) 行政長官會同行政會議可藉作出命令，指示在該命令中所指明的本條例某些條文，不適用於該命令中所指明的保險人，或指示在作出該命令中所指明的變更或更改後，適用於該保險人。
- (2) 根據本條而作出的命令可受某些條件規限，並可由行政長官會同行政會議隨時修訂或取消。
- (3) 在本條中，**保險人**包括勞合社。

- (1) The Chief Executive in Council may by order direct that, as respects any insurer specified in the order, such provisions of this Ordinance as may be so specified shall not apply to the insurer or shall apply to the insurer with such modifications or variations as may be so specified.
- (2) An order made under this section may be subject to conditions and may be amended or revoked at any time by the Chief Executive in Council.
- (3) In this section ***insurer*** includes Lloyd's.

(由 1999 年第 31 號第 3 條修訂)

(*Amended 31 of 1999 s. 3*)

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Cap. 41**第 VIII A 部****保密，披露資料及由外地機構審查***(第 VIII A 部由 1988 年第 34 號第 6 條增補)*
*(格式變更——2012 年第 2 號編輯修訂紀錄)***53A. 保密**

- (1) 每名本款適用的人士，除非是在根據本條例或為實施本條例條文而執行任何職能，否則——*(由 1995 年第 75 號第 7 條修訂；由 2015 年第 12 號第 67 條修訂)*
- (a) 該人須將以下事宜保密，並協助將以下事宜保密——*(由 2018 年第 17 號第 40 條修訂)*
- (i) 該人因根據本條例獲委任而獲悉的事宜；及
- (ii) 該人——
- (A) 在執行本條例任何條文下的職能的過程中，或在施行本條例任何條文的過程中獲悉的事宜；或
- (B) 在協助另一人執行本條例任何條文下的職能的過程中，或在協助另一人施行本條例任何條文的過程中獲悉的事宜；*(由 2015 年第 12 號第 67 條代替)*
- (b) 不得將該等事宜傳達他人，但與該等事宜有關的人除外；及
- (c) 不得容受或准許任何人取用其所管有、保管或控制的任何紀錄，或取用由任何其他獲如此委任或僱用的人所管有、保管或控制的任何紀錄。
- (1AA) 第 (1) 款適用於以下人士——*(由 2015 年第 12 號第 67 條修訂)*

Part VIII A**Secrecy, Disclosure of Information and Examinations
by Outside Authorities***(Part VIII A added 34 of 1988 s. 6)*
*(Format changes—E.R. 2 of 2012)***53A. Secrecy**

- (1) Except in the performance of any function under this Ordinance or for the carrying into effect of the provisions of this Ordinance, every person to whom this subsection applies—*(Amended 75 of 1995 s. 7; 12 of 2015 s. 67)*
- (a) shall preserve and aid in preserving secrecy with regard to a matter coming to that person's knowledge either—*(Amended 12 of 2015 s. 67)*
- (i) by reason of that person's appointment under this Ordinance; or
- (ii) in the course of—
- (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;
(Added 12 of 2015 s. 67)
- (b) shall not communicate any such matter to any person other than the person to whom such matter relates; and
- (c) shall not suffer or permit any person to have access to any records in his possession, custody or control or in

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- (a) 保監局；(由 2015 年第 12 號第 67 條代替)
- (b) 屬或曾是保監局的成員、僱員、代理人或顧問的人；(由 2015 年第 12 號第 67 條代替)
- (ba) 曾是前監督的人；(由 2015 年第 12 號第 67 條增補)
- (bb) 曾是前監督的成員、僱員、代理人或顧問的人；(由 2015 年第 12 號第 67 條增補)
- (c) 屬或曾是根據第 35(2)(a) 條獲委任的顧問的人；(由 2015 年第 12 號第 67 條代替)
- (d) 屬或曾是根據第 35(2)(b) 條獲委任的經理的人；及(由 2015 年第 12 號第 67 條代替)
- (e) 屬或曾是 (c) 或 (d) 段所述的人僱用的人，或屬或曾是協助 (c) 或 (d) 段所述的人的人，(由 2015 年第 12 號第 67 條代替)

且根據本條例執行或曾執行任何職能者。(由 1995 年第 75 號第 7 條增補。由 2015 年第 12 號第 67 條修訂)

(1AAB) 第 (1) 款亦適用於以下人士 ——

- (a) 屬或曾是根據本條例任何條文獲委任的人；
- (b) 屬或曾是根據本條例任何條文執行職能的人，或屬或曾是實施本條例任何條文的人；及
- (c) 屬或曾是協助另一人根據本條例任何條文執行職能的人，或屬或曾是協助另一人實施本條例任何條文的人。(由 2015 年第 12 號第 67 條增補)

the possession, custody or control of any other person so appointed or employed.

(1AA) Subsection (1) applies to the following person— *(Amended 12 of 2015 s. 67)*

- (a) the Authority; *(Replaced 12 of 2015 s. 67)*
- (b) a person who is or has been a member, employee, agent, consultant or advisor of the Authority; *(Replaced 12 of 2015 s. 67)*
- (ba) a person who has been the former authority; *(Added 12 of 2015 s. 67)*
- (bb) a person who has been a member, employee, agent, consultant or advisor of the former authority; *(Added 12 of 2015 s. 67)*
- (c) a person who is or has been an Advisor appointed under section 35(2)(a); *(Amended 12 of 2015 s. 67)*
- (d) a person who is or has been a Manager appointed under section 35(2)(b); and *(Amended 12 of 2015 s. 67)*
- (e) a person who is or has been employed by, or who is or has assisted a person mentioned in paragraph (c) or (d), *(Replaced 12 of 2015 s. 67)*

and who performs or has performed any function under this Ordinance. *(Added 75 of 1995 s. 7. Amended 12 of 2015 s. 67)*

(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;

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- (1A) 如獲授權保險人的經理根據《稅務條例》(第 112 章) 第 51 條須遵從提交報稅表及資料的通知, 第 (1) 款不適用。(由 1992 年第 51 號第 14 條增補。由 2015 年第 12 號第 67 條修訂)
- (2) 接獲根據第 6、7、13A、13AC、13AE、13B、14、15、17、18、19、20、32、33、34、50、53D 或 53E 條呈交的資料(不論屬何種形式)的任何人, 無須向任何法院交出載有該等資料的文件, 或向任何法院洩露或傳達其在根據本條例執行其職能時所獲悉的任何事宜或事情, 但在以下事宜的過程中則屬例外——(由 1990 年第 44 號第 7 條修訂; 由 1992 年第 50 號第 7 條修訂; 由 1993 年第 59 號第 14 條修訂; 由 2015 年第 12 號第 67 條修訂)
- (a) 就任何罪行提出的檢控;
- (b) 原訟法庭對根據第 24 條提出的申請作出的裁定; 或 (由 1998 年第 25 號第 2 條修訂)
- (c) 根據第 VI 部由原訟法庭作出的清盤。(由 1998 年第 25 號第 2 條修訂)
- (3) 第 (1) 款不適用於在下列情況下披露資料——
- * (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撮要的形式披露, 而該撮要的編製, 是足以防止任何人從該撮要中確定關乎個別該等保險人或中介人業務的詳情; (由 2015 年第 12 號第 67 條代替)

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- (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. (Added 12 of 2015 s. 67)
- (1A) Subsection (1) shall not apply if the Manager of an authorized insurer is required to comply with a notice to furnish returns and information under section 51 of the Inland Revenue Ordinance (Cap. 112). (Added 51 of 1992 s. 14. Amended 12 of 2015 s. 67)
- (2) No person who receives information, in whatever form, submitted under section 6, 7, 13A, 13AC, 13AE, 13B, 14, 15, 17, 18, 19, 20, 32, 33, 34, 50, 53D or 53E shall be required to produce to any court any document containing such information or to divulge or communicate to any court any matter or thing coming under his notice in the performance of his functions under this Ordinance, except in the course of— (Amended 44 of 1990 s. 7; 50 of 1992 s. 7; 59 of 1993 s. 14; 12 of 2015 s. 67)
- (a) a prosecution for any offence;
- (b) the determination by the Court of First Instance of an application under section 24; or
- (c) a winding-up by the Court of First Instance under Part VI. (Amended 25 of 1998 s. 2)
- (3) Subsection (1) shall not apply to the disclosure of information—
- * (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; (Replaced 12 of 2015 s. 67)

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- (ab) 披露資料的目的，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；*（由 2015 年第 12 號第 67 條增補）*
- (ac) 披露資料的目的，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；*（由 2015 年第 12 號第 67 條增補）*
- (b) 披露資料的目的是在香港提起或為了在香港進行（不論是否根據本條例）刑事法律程序或調查；
- (c) 披露資料是與由本條例引起的任何民事法律程序有關；
- (ca) 在與審裁處的任何程序相關的情況下，向審裁處披露；*（由 2015 年第 12 號第 67 條增補）*
- (cb) 由下述的人披露：該人是司法或其他法律程序的一方，而有關資料是在與該程序相關的情況下披露的；*（由 2015 年第 12 號第 67 條增補）*
- (cc) 為遵從法院命令、法律或根據法律作出的要求而披露；*（由 2015 年第 12 號第 67 條增補）*
- (d) 由保監局披露，目的是提起或為了進行與訂明人士履行其專業職責有關的任何紀律程序；*（由 1993 年第 59 號第 14 條代替）*
- (da) 由保監局向某個訂明人士披露，為使或為協助保監局根據本條例履行其職能；*（由 1993 年第 59 號第 14 條增補）*
- (db) 由某個訂明人士披露——
 - (i) 根據 (da) 段已向該人披露的資料；而
 - (ii) 該人已獲保監局同意他作出披露；*（由 1993 年第 59 號第 14 條增補）*

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- (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; *(Added 12 of 2015 s. 67)*
- (ac) for, or otherwise in connection with, an audit required by section 5F; *(Added 12 of 2015 s. 67)*
- (b) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings or investigation, whether under this Ordinance or otherwise, in Hong Kong;
- (c) in connection with any civil proceedings arising out of this Ordinance;
- (ca) to the Tribunal in connection with any proceedings in the Tribunal; *(Added 12 of 2015 s. 67)*
- (cb) by a person in connection with any judicial or other proceedings to which the person is a party; *(Added 12 of 2015 s. 67)*
- (cc) in compliance with an order of a court, or in compliance with a law or a requirement made under a law; *(Added 12 of 2015 s. 67)*
- (d) by the Authority with a view to the institution of, or otherwise for the purposes of, any disciplinary proceedings relating to the performance of his professional duties by a prescribed person; *(Replaced 59 of 1993 s. 14)*
- (da) by the Authority to a prescribed person for the purpose of enabling or assisting the Authority to discharge its functions under this Ordinance; *(Added 59 of 1993 s. 14)*
- (db) by a prescribed person where—

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- (e) 向第(3AA)款指明的任何人士披露，而保監局認為——(由1997年第362號法律公告修訂；由2002年第106號法律公告修訂；由2015年第12號第2及67條修訂)
- (i) 就現有或潛在的保單持有人或公眾利益而言，如此披露資料是適宜或合宜的；或
- (ii) 披露該等資料會使接獲資料者執行職能或會協助其執行職能，而又不會有違現有或潛在的保單持有人的利益或公眾利益；(由1995年第75號第7條代替。由2015年第12號第67條修訂)
- [#](ea) 向財政司司長、律政司司長、警務處處長、廉政專員及審裁處披露，前提是該等資料是由調查員根據第41D及64ZZH條取得；(由2015年第12號第67條增補)
- (f) 由保監局向任何獲授權保險人、獲授權保險經紀或根據第70條認可的保險經紀團體的核數師或精算師披露，但保監局須認為該等資料是該核數師或精算師(視屬何情況而定)根據本條例履行其職責所需要的；(由1995年第75號第7條增補。由2015年第12號第67條修訂)
- (fa) 由保監局向根據《打擊洗錢及恐怖分子資金籌集條例》(第615章)第55條設立的打擊洗錢及恐怖分子資金籌集覆核審裁處披露；(由2011年第15號第84條增補。由2018年第4號第40條修訂)

- (i) the information has been disclosed to that person under paragraph (da); and
- (ii) that person has the consent of the Authority to do so; (Added 59 of 1993 s. 14)
- (e) to any of the persons specified in subsection (3AA) if in the opinion of the Authority— (Amended L.N. 106 of 2002; 12 of 2015 ss. 2 & 67)
- (i) it is desirable or expedient that the information should be so disclosed in the interests of existing or potential policy holders or the public interest; or
- (ii) such disclosure will enable or assist the recipient of the information to perform his functions and it is not contrary to the interests of existing or potential policy holders or the public interest that the information should be so disclosed; (Replaced 75 of 1995 s. 7. Amended 12 of 2015 s. 67)
- [#](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; (Added 12 of 2015 s. 67)
- (f) by the Authority to an auditor or actuary of an authorized insurer, an authorized insurance broker or a body of insurance brokers approved under section 70 if, in the opinion of the Authority, such information is necessary for the auditor or actuary, as the case may be, to discharge his duties under this Ordinance; (Added 75 of 1995 s. 7. Amended 12 of 2015 s. 67)
- (fa) by the Authority to the Anti-Money Laundering and Counter-Terrorist Financing Review Tribunal established under section 55 of the Anti-Money Laundering and

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- (fb) 由保監局向處置補償審裁處披露；(由 2016 年第 23 號第 207 條增補。由 2016 年第 23 號第 239 條修訂)
- (fc) 由保監局向處置可行性覆檢審裁處披露；(由 2016 年第 23 號第 207 條增補。由 2016 年第 23 號第 239 條修訂)
- (fd) 由保監局向處置機制當局披露，以使該當局能夠執行該當局在《金融機構(處置機制)條例》(第 628 章)下的職能，或協助該當局執行該等職能；(由 2016 年第 23 號第 207 條增補。由 2016 年第 23 號第 239 條修訂；編輯修訂——2017 年第 2 號編輯修訂紀錄)
- (g) 除第 (3A) 款另有規定外，由保監局在保監局獲得或得到資料的人的同意下披露，如資料乃與他人有關，並在資料與其有關的人同意下披露；(由 1995 年第 75 號第 7 條增補。由 2000 年第 31 號第 3 條修訂)
- (h) 由保監局披露，但有關資料須已在本條或第 53B 條不禁止的情況下披露，或因本條或第 53B 條不禁止的目的而披露，以致公眾可以得到該等資料；或(由 1995 年第 75 號第 7 條增補。由 2000 年第 31 號第 3 條修訂)
- (i) (i) 由保監局披露屬以下形式的資料——(由 2015 年第 12 號第 2 條修訂)
- (A) 根據第 17(1) 條向保監局呈交的、關乎獲授權保險人業務的帳目、報表及資料；

- Counter-Terrorist Financing Ordinance (Cap. 615); (Added 15 of 2011 s. 84. Amended 4 of 2018 s. 40)
- (fb) by the Authority to the Resolution Compensation Tribunal; (Added 23 of 2016 s. 207. Amended 23 of 2016 s. 239)
- (fc) by the Authority to the Resolvability Review Tribunal; (Added 23 of 2016 s. 207. Amended 23 of 2016 s. 239)
- (fd) by the Authority to a resolution authority for the purpose of enabling or assisting the resolution authority to perform its functions under the Financial Institutions (Resolution) Ordinance (Cap. 628); (Added 23 of 2016 s. 207. Amended 23 of 2016 s. 239; E.R. 2 of 2017)
- (g) subject to subsection (3A), by the Authority with the consent of the person from whom the information was obtained or received and if the information relates to a different person, also with the consent of the person to whom the information relates; (Added 75 of 1995 s. 7. Amended 31 of 2000 s. 3)
- (h) by the Authority if it has been made available to the public by virtue of its being disclosed in any circumstances in which, or for any purpose for which, disclosure is not precluded by this section or section 53B; or (Added 75 of 1995 s. 7. Amended 31 of 2000 s. 3)
- (i) by the Authority if— (Amended 12 of 2015 s. 2)
- (i) the information is in the form of—
- (A) such accounts, statements and information relating to the business of an authorized insurer as have been submitted to the Authority under section 17(1);
- (B) such accounts, statements, reports and information relating to the business of Lloyd's

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- (B) 根據第 50C(1)(a)、(b)、(c) 及 (d) 條向保監局呈交的與勞合社業務有關的帳目、報表、報告及資料；或
- (C) 由獲授權保險人或勞合社自願向保監局提供的與該保險人或勞合社（視屬何情況而定）在香港經營的長期業務有關的帳目、報表及其他統計及財務資料；而（由 2015 年第 12 號第 67 條修訂）
- (ii) 保監局認為就現有或潛在的保單持有人的利益或公眾利益而言，披露該等資料是適宜的。（由 2000 年第 31 號第 3 條增補。由 2015 年第 12 號第 2 條修訂）
- (3AA) 為第 (3)(e) 款而指明的人士如下——
- 行政長官；
 - 財政司司長；
 - 律政司司長；
 - 財政司司長為調查公司事務而根據《公司條例》（第 622 章）第 840 或 841 條委任的審查員；
 - 出任認可法定職位的人；
 - 獲財政司司長為施行第 (3)(e) 款而授權的公職人員。（由 2015 年第 12 號第 67 條增補）
- (3A) 第 (3)(g) 款的實施，並不規定保監局在任何民事法律程序中，或就任何民事法律程序，披露任何其依據該款而可披露或已披露的資料。（由 1995 年第 75 號第 7 條增補。由 2015 年第 12 號第 2 條修訂）

- as have been submitted to the Authority under section 50C(1)(a), (b), (c) and (d); or
- (C) such accounts, statements and other statistical and financial information relating to the long term business carried on in Hong Kong by an authorized insurer or Lloyd's (as the case may be), as have been provided by the insurer or Lloyd's to the Authority on a voluntary basis; and (*Amended 12 of 2015 s. 67*)
- (ii) in the opinion of the Authority, it is desirable that the information should be so disclosed in the interests of existing or potential policy holders or in the public interest. (*Added 31 of 2000 s. 3. Amended 12 of 2015 s. 2*)

- (3AA) The following persons are specified for the purposes of subsection (3)(e)—
- the Chief Executive;
 - the Financial Secretary;
 - the Secretary for Justice;
 - 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;
 - a person holding an authorized statutory office;
 - a public officer authorized by the Financial Secretary for the purposes of subsection (3)(e). (*Added 12 of 2015 s. 67*)
- (3A) Subsection (3)(g) shall not operate to require the Authority to disclose in or in relation to any civil proceedings any information which the Authority may disclose, or has disclosed, pursuant to that subsection. (*Added 75 of 1995 s. 7. Amended 12 of 2015 s. 2*)

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- (3B) 就第(3AA)款而言，**認可法定職位** (authorized statutory office) 指 —— (由 2015 年第 12 號第 67 條修訂)
- (a) 根據《外匯基金條例》(第 66 章) 第 5A 條獲委任並根據《銀行業條例》(第 155 章) 或《支付系統及儲值支付工具條例》(第 584 章) 執行其職能的金融管理專員；(由 2015 年第 18 號第 55 條修訂；由 2015 年第 12 號第 67 條修訂)
 - (b) 《證券及期貨條例》(第 571 章) 第 3(1) 條提述的證券及期貨事務監察委員會；(由 1995 年第 75 號第 7 條增補。由 1998 年第 4 號第 3 條修訂；由 2002 年第 5 號第 407 條修訂；由 2006 年第 18 號第 67 條修訂)
 - (c) 《強制性公積金計劃條例》(第 485 章) 第 6 條所設立的強制性公積金計劃管理局；或 (由 1998 年第 4 號第 3 條增補。由 2006 年第 18 號第 67 條修訂)
 - (d) 由《財務匯報局條例》(第 588 章) 第 6(1) 條設立的財務匯報局。(由 2006 年第 18 號第 67 條增補)
- (3C) 立法會可藉決議而修訂第(3B)款，以增補或刪去該款所界定的認可法定職位。(由 1995 年第 75 號第 7 條增補。由 1999 年第 31 號第 3 條修訂)
- (3D) 凡在第(3)款(第(3)(a)、(g)、(h)及(i)款除外)描述的任何情況下披露任何資料，以下的人未經保監局同意之前，不得將該等資料或其部分向其他人披露 —— (由 2000 年第 31 號第 3 條修訂；由 2015 年第 12 號第 2 及 67 條修訂)
- (a) 獲披露資料的人；或
 - (b) 直接或間接從(a)段所提述的人獲得或得到資料的人。(由 1995 年第 75 號第 7 條增補)

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- (3B) For the purposes of subsection (3AA), **authorized statutory office** (認可法定職位) means— (Amended 12 of 2015 s. 67)
- (a) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) in the performance of his functions under the Banking Ordinance (Cap. 155) or the Payment Systems and Stored Value Facilities Ordinance (Cap. 584); (Amended 18 of 2015 s. 55; 12 of 2015 s. 67)
 - (b) the Securities and Futures Commission referred to in section 3(1) of the Securities and Futures Ordinance (Cap. 571); (Added 75 of 1995 s. 7. Amended 4 of 1998 s. 3; 5 of 2002 s. 407; 18 of 2006 s. 67)
 - (c) the Mandatory Provident Fund Schemes Authority established by section 6 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485); or (Added 4 of 1998 s. 3. Amended 18 of 2006 s. 67)
 - (d) the Financial Reporting Council established by section 6(1) of the Financial Reporting Council Ordinance (Cap. 588). (Added 18 of 2006 s. 67)
- (3C) The Legislative Council may, by resolution, amend subsection (3B) by adding or deleting the authorized statutory offices defined therein. (Added 75 of 1995 s. 7)
- (3D) Where information is disclosed in any of the circumstances described in subsection (3), other than subsection (3)(a), (g), (h) and (i), neither— (Amended 31 of 2000 s. 3; 12 of 2015 s. 67)
- (a) the person to whom that information is disclosed; nor
 - (b) any person obtaining or receiving the information, whether directly or indirectly, from the person referred to in paragraph (a),

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(3DA) 在以下情況下，第 (3D) 款不適用 ——

- (a) 有關資料，或其中任何部分，已可供公眾取得；
- (b) 披露有關資料的目的，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；
- (c) 第 (3D)(a) 或 (b) 款所提述的人或其他人，是某司法或其他法律程序的一方，而有關資料是在與該程序相關的情況下披露的；或
- (d) 有關資料是為遵從法院命令、法律或根據法律作出的要求而披露的。（由 2015 年第 12 號第 67 條增補）

(3E) 除第 (2) 及 (3)(b) 及 (c) 款另有規定外，保監局及獲保監局僱用或授權或協助保監局的人，均不得根據本條披露任何與保險人的個別保單持有人的事務有關的資料。（由 2000 年第 31 號第 3 條增補。由 2015 年第 12 號第 2 條修訂）

(3F) 保監局在第 (3) 款描述的任何情況下披露資料時，或在根據第 (3D) 款給予同意時，可施加該局認為適當的條件。（由 2015 年第 12 號第 67 條增補）

(3G) （增補尚未實施 —— 見 2015 年第 12 號第 67 條）

(3H) （增補尚未實施 —— 見 2015 年第 12 號第 67 條）

(3I) 第 (1) 款不影響《申訴專員條例》（第 397 章）第 13(3) 條或《個人資料（私隱）條例》（第 486 章）第 44(8) 條的施行。（由 2015 年第 12 號第 67 條增補）

(4) 任何人違反第 (1) 款，即屬犯罪 ——

- (a) 一經循公訴程序定罪，可處罰款 \$200,000；如屬個人，則可另處監禁 2 年；或（由 1996 年第 35 號第 26 條修訂）

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shall disclose the information, or any part thereof, to any other person without the consent of the Authority. (*Added 75 of 1995 s. 7. Amended 12 of 2015 s. 2*)

(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. (*Added 12 of 2015 s. 67*)

(3E) Subject to subsections (2) and (3)(b) and (c), a person who is the Authority, and a person employed or authorized by or assisting the Authority, shall not disclose any information under this section relating to the affairs of any individual policy holder of an insurer. (*Added 31 of 2000 s. 3. Amended 12 of 2015 s. 2*)

(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. (*Added 12 of 2015 s. 67*)

(3G) (*Addition not yet in operation—see 12 of 2015 s. 67*)

(3H) (*Addition not yet in operation—see 12 of 2015 s. 67*)

(3I) Subsection (1) does not affect the operation of section 13(3) of The Ombudsman Ordinance (Cap. 397) or section 44(8) of

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- (b) 一經循簡易程序定罪，可處第 6 級罰款；如屬個人，則可另處監禁 6 個月。(由 1996 年第 35 號第 26 條修訂)
- (4A) 任何人違反第 (3D) 款，即屬犯罪——
- (a) 一經循公訴程序定罪，可處罰款 \$200,000；如屬個人，則可另處監禁 2 年；或
- (b) 一經循簡易程序定罪，可處第 6 級罰款；如屬個人，則可另處監禁 6 個月。(由 1995 年第 75 號第 7 條增補)
- (5)-(6) (由 2015 年第 12 號第 67 條廢除)
- (7) 在本條中，凡提述本條例，指經不時修訂的本條例。(由 2015 年第 12 號第 67 條增補)
- (編輯修訂——2012 年第 2 號編輯修訂紀錄)

編輯附註：

- * 《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 第 67(14) 條對本條例第 53A(3)(a) 條的修訂已於 2017 年 6 月 26 日開始實施，但在第 53A(3)(a) 條關乎持牌保險中介人的範圍內除外——請參閱《2017 年〈2015 年保險公司 (修訂) 條例〉(生效日期) 公告》(2017 年第 71 號法律公告)(q)(i) 段。
- # 《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 第 67(18) 條在本條例中加入第 53A(3)(ea) 條，修訂已於 2017 年 6 月 26 日開始實施，但在第 67(18) 條關乎新訂第 64ZZH 條的範圍內除外——請參閱《2017 年〈2015 年保險公司 (修訂) 條例〉(生效日期) 公告》(2017 年第 71 號法律公告)(s) 段。

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- the Personal Data (Privacy) Ordinance (Cap. 486). (*Added 12 of 2015 s. 67*)
- (4) Any person who contravenes subsection (1) commits an offence and is liable—
- (a) on conviction upon indictment to a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and, in the case of an individual, to imprisonment for 6 months. (*Amended 35 of 1996 s. 26*)
- (4A) Any person who contravenes subsection (3D) commits an offence and is liable—
- (a) on conviction upon indictment to a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years; or
- (b) on summary conviction to a fine at level 6 and, in the case of an individual, to imprisonment for 6 months. (*Added 75 of 1995 s. 7*)
- (5)-(6) (*Repealed 12 of 2015 s. 67*)
- (7) In this section, a reference to this Ordinance means this Ordinance as amended from time to time. (*Added 12 of 2015 s. 67*)

(Amended E.R. 2 of 2012)

Editorial Note:

- * The amendment to section 53A(3)(a) of this Ordinance by section 67(14) of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as section 53A(3)(a) relates to licensed insurance intermediaries—see paragraph (q)(i) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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The addition of section 53A(3)(ea) to this Ordinance by section 67(18) of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as section 67(18) relates to the new section 64ZZH—see paragraph (s) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

53B. 資料的披露

- (1) 除第 (2) 款另有規定外，以及儘管第 53A 條已有規定，如符合以下情況，保監局可向在香港以外任何地方的主管當局披露資料——(由 2015 年第 12 號第 2 條修訂)
 - (a) 該主管當局在該地方執行的職能相當於——(由 2015 年第 12 號第 68 條修訂)
 - (i) 保監局的職能；或 (由 2015 年第 12 號第 2 條修訂)
 - (ii) 第 53A(3B) 條所指的任何認可法定職位的職能；及
 - (b) 保監局認為——(由 2015 年第 12 號第 2 條修訂)
 - (i) 該主管當局受該地方足夠的保密條文所規限；及
 - (ii) 就現有或潛在的保單持有人或公眾利益而言，如此披露資料是適宜或合宜的；或
 - (iii) 披露該等資料會使接獲資料者執行職能或會協助接獲資料者執行職能，而又不會有違現有或潛在的保單持有人的利益或公眾利益。(由 1995 年第 75 號第 8 條代替。由 2015 年第 12 號第 68 條修訂)
- (1A) 在不局限第 (1) 款的概括性的原則下，保監局向在香港以外任何地方的主管當局如此披露的資料，可包括與下述

53B. Disclosure of information

- (1) Subject to subsection (2), and notwithstanding section 53A, the Authority may disclose information to an authority in a place outside Hong Kong where—
 - (a) that authority performs functions in that place corresponding to the functions of— (*Amended 12 of 2015 s. 68*)
 - (i) the Authority; or
 - (ii) an authorized statutory office within the meaning of section 53A(3B); and
 - (b) in the opinion of the Authority—
 - (i) that authority is subject to adequate secrecy provisions in that place; and
 - (ii) it is desirable or expedient that the information should be so disclosed in the interests of existing or potential policy holders or the public interest; or
 - (iii) such disclosure will enable or assist the recipient of the information to perform his functions and it is not contrary to the interests of existing or potential policy holders or the public interest that the information should be so disclosed. (*Replaced 75 of 1995 s. 8. Amended 12 of 2015 s. 68*)

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保險人事務有關的事宜的資料 —— (由 2015 年第 12 號第 2 條修訂)

- (a) 在該地方成立為法團的保險人，或其主要營業地點是在該地方的保險人；
- (b) 在香港或香港以外成立為法團的保險人，並且是在該地方成立為法團或主要營業地點是在該地方的保險人的附屬或相聯公司；或
- (c) 在香港成立為法團的保險人，並且已設有或正擬在該地方設立 ——
 - (i) 一個辦事處或代理處，以便在該地方或從該地方經營任何類別的保險業務；或
 - (ii) 一間受或將會受該主管當局監管的附屬或相聯公司。(由 1995 年第 75 號第 8 條增補)

(1B) (增補尚未實施 —— 見 2015 年第 12 號第 68(3) 條)

(1C) 除第 (2) 款另有規定外，以及儘管第 53A 條已有規定，如符合以下情況，保監局可向香港以外任何地方的任何主管當局，披露資料 —— (由 2016 年第 23 號第 240 條修訂)

- (a) 該當局在該地方執行的職能，與處置機制當局在香港的職能，大致相當；及
- (b) 保監局認為 —— (由 2016 年第 23 號第 240 條修訂)
 - (i) 該當局受該地方足夠的保密條文所規限；及
 - (ii) 為使該當局能夠在該地方執行與處置機制當局在香港的職能大致相當的職能，或為協助該當局如此執行職能，該資料屬必要。(由 2016 年第 23 號第 208 條增補)

(2) 保監局不得根據本條提供任何有關任何保險人的個別保單持有人的事務的資料。(由 2015 年第 12 號第 2 條修訂)

(3) 本條適用於勞合社，如同適用於保險人。

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(1A) Without limiting the generality of 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 an insurer—

- (a) which is incorporated, or which has its principal place of business, in that place;
- (b) which is incorporated in or outside Hong Kong and which is a subsidiary or associate of an insurer which is incorporated, or which has its principal place of business, in that place; or
- (c) which is incorporated in Hong Kong and which has, or is proposing to establish, in that place—
 - (i) an office or agency for the purpose of carrying on any class of insurance business in or from that place; or
 - (ii) a subsidiary or associate which is or would be subject to supervision by that authority. (Added 75 of 1995 s. 8)

(1B) (Addition not yet in operation—see 12 of 2015 s.68(3))

(1C) Subject to subsection (2) and despite section 53A, the Authority may disclose information to an authority in a place outside Hong Kong if— (Amended 23 of 2016 s. 240)

- (a) that authority performs functions in that place broadly comparable to those of a resolution authority in Hong Kong; and
- (b) in the opinion of the Authority— (Amended 23 of 2016 s. 240)
 - (i) that authority is subject to adequate secrecy provisions in that place; and
 - (ii) the information is necessary to enable or assist that authority to perform functions in that place broadly

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53C. 外地機構的審查

- (1) 如屬以下情況，在香港或從香港經營任何類別保險業務的任何保險人的辦事處或代理處，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) 該保險人——
 - (i) 是在該地方成立為法團，或其主要營業地點是在該地方；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營業地點是在該地方的保險人的附屬或相聯公司；及
 - (b) 在符合第 (2) 款的規定下，該保險監管機構已獲保監局批准進行該等審查。
- (2) 除非保監局認為為了現有或潛在的保單持有人的利益或公眾利益，進行有關的審查是應當或合宜的，否則不得給予第 (1)(b) 款提述的批准。
- (3) 本條適用於勞合社，如同適用於保險人。

(由 2015 年第 12 號第 2 條修訂)

comparable to those of a resolution authority in Hong Kong. (*Added 23 of 2016 s. 208*)

- (2) The Authority shall not provide any information under this section relating to the affairs of any individual policy holder of an insurer.
- (3) This section shall apply to Lloyd's as it applies to insurers.

(*Amended 12 of 2015 s. 2*)

53C. Examination by external authorities

- (1) Any office or agency of an insurer, carrying on any class of insurance business in or from Hong Kong, shall permit the insurance supervisory authority of a place outside Hong Kong to examine its books, accounts and transactions in Hong Kong if—
 - (a) that insurer—
 - (i) is incorporated, or has its principal place of business, in that place; or
 - (ii) is incorporated in or outside Hong Kong and is a subsidiary or associate of an insurer incorporated, or which has its principal place of business, in that place; and
 - (b) that insurance supervisory authority has, subject to subsection (2), the approval of the Authority to carry out such an examination.
- (2) The Authority shall not give an approval referred to in subsection (1)(b) except where in its opinion it is desirable or expedient that the examination concerned should be carried out in the interests of existing or potential policy holders or in the public interest.
- (3) This section shall apply to Lloyd's as it applies to insurers.

(*Amended 12 of 2015 s. 2*)

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第 53D 條Part VIII A
Section 53D8A-28
Cap. 41**53D. 訂明人士向保監局作出的傳達***(由 2015 年第 12 號第 2 條修訂)*

- (1) 任何訂明人士，不論是否應保監局提出的要求，均不會因其向保監局真誠傳達關於以下事宜的任何資料或意見，而被視為違反其須負的責任——*(由 2015 年第 12 號第 2 條修訂)*
 - (a) 他以訂明人士的身分察覺的事宜 (就訂明人士定義所提述的前任核數師、前任精算師或前任會計師而言，包括他們以前擔任該定義所提述的核數師、精算師或會計師時 (視屬何情況而定) 所察覺的事宜)；有關事宜並須是
 - (b) 與保監局在本條例下的職能有關者。*(由 2015 年第 12 號第 2 條修訂)*
- (2) 為免生疑問，現宣布第 (1) 款所提述的事宜，可以是關乎並非以下人士的人的事宜——*(由 2015 年第 12 號第 70 條修訂)*
 - (a) 獲授權保險人；*(由 2015 年第 12 號第 70 條增補)*
 - (b) 前任保險人；*(由 2015 年第 12 號第 70 條增補)*
 - (c) *(增補尚未實施——見 2015 年第 12 號第 70 條)*
 - (d) *(增補尚未實施——見 2015 年第 12 號第 70 條)*
 - (e) *(增補尚未實施——見 2015 年第 12 號第 70 條)*

*(由 1993 年第 59 號第 15 條增補)***53E. 在某些關乎獲授權保險人的個案中訂明人士直接向保監局提交報告****53D. Communication by prescribed person with Authority***(Amended 12 of 2015 s. 2)*

- (1) No duty which a prescribed person may be subject to shall be regarded as contravened by reason of his communicating in good faith to the Authority, whether or not in response to a request made by the Authority, any information or opinion on a matter—*(Amended 12 of 2015 s. 2)*
 - (a) of which he becomes aware in his capacity as a prescribed person (including, in the case of a former auditor, former actuary or former accountant referred to in the definition of **prescribed person**, a matter of which he became aware when he was an auditor, actuary or accountant, as the case may be, referred to in that definition); and
 - (b) which is relevant to any function of the Authority under this Ordinance. *(Amended 12 of 2015 s. 2)*
- (2) For the avoidance of doubt, it is hereby declared that a matter referred to in subsection (1) may be a matter which relates to a person other than—*(Amended 12 of 2015 s. 70)*
 - (a) an authorized insurer;
 - (b) a former insurer;
 - (c) *(Addition not yet in operation—see 12 of 2015 s. 70)*
 - (d) *(Addition not yet in operation—see 12 of 2015 s. 70)*
 - (e) *(Addition not yet in operation—see 12 of 2015 s. 70)*
(Added 12 of 2015 s. 70)

*(Added 59 of 1993 s. 15)***53E. Prescribed person to send report directly to Authority in certain cases relating to authorized insurers**

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第 53E 條Part VIII A
Section 53E8A-30
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(由 2015 年第 12 號第 2 及 71 條修訂)

- (1) 凡任何訂明人士(精算師或前任精算師除外)在以該身分就有關獲授權保險人(包括前任保險人)履行其職責期間,察覺任何事宜(就**訂明人士**定義所提述的前任核數師或前任會計師而言,包括他以前擔任該定義所提述的核數師或會計師時(視屬何情況而定)所察覺的事宜),而他認為該事宜對該保險人的財政狀況有重大的不良影響,則該訂明人士須其後在切實可行範圍內盡快就該事宜向保監局提交書面報告。
- (2) 凡任何訂明人士(核數師、前任核數師、會計師或前任會計師除外)在以該身分就有關獲授權保險人(包括前任保險人)履行其職責期間,察覺任何情況(就**訂明人士**定義所提述的前任精算師而言,包括他以前擔任該定義所提述的精算師時所察覺的情況),而他認為該情況——(由 2015 年第 12 號第 71 條修訂)
- 造成重大風險,即該保險人就其長期業務而維持的基金可能不夠償付可歸入該基金的負債;或
 - 已經或可能造成該保險人不能履行其根據本條例在過去或現在須就其長期業務履行的責任,
- 則該訂明人士須其後在切實可行範圍內盡快就該情況向保監局提交書面報告。
- (3) 凡任何訂明人士在以該身分就有關獲授權保險人(包括前任保險人)履行其職責期間,察覺以下證據(就**訂明人士**定義所提述的前任核數師、前任精算師或前任會計師而言,包括他以前擔任該定義所提述的核數師、精算師或會計師時(視屬何情況而定)所察覺的以下證據)——(由 2015 年第 12 號第 71 條修訂)
- 該保險人沒有符合根據第 8(1)(a) 條所施加的條件的證據;
 - 如該保險人提出授權申請,保監局可因而被第 8(3)(a)、(b)、(d) 或 (f) 條禁止向該保險人授權的理由的證據;

(Amended 12 of 2015 ss. 2 & 70)

- (1) Where a prescribed person (other than an actuary or former actuary), during the discharge of his duties in that capacity in respect of the authorized insurer concerned (including a former insurer), becomes aware of any matter (including, in the case of a former auditor or former accountant referred to in the definition of **prescribed person**, a matter of which he became aware when he was an auditor or accountant, as the case may be, referred to in that definition) which in his opinion adversely affects the financial condition of the insurer to a material extent, the prescribed person shall, as soon as practicable thereafter, send to the Authority a report in writing of the matter. (Amended 12 of 2015 s. 71)
- (2) Where a prescribed person (other than an auditor, former auditor, accountant or former accountant), during the discharge of his duties in that capacity in respect of the authorized insurer concerned (including a former insurer), becomes aware of any situation (including, in the case of a former actuary referred to in the definition of **prescribed person**, a situation of which he became aware when he was an actuary referred to in that definition) which in his opinion— (Amended 12 of 2015 s. 71)
- creates a material risk that a fund maintained by the insurer in respect of its long term business may be insufficient to meet the liabilities attributable to that fund; or
 - has resulted or may result in the insurer failing to satisfy an obligation in respect of its long term business to which it is or was subject by virtue of this Ordinance,
- the prescribed person shall, as soon as practicable thereafter, send to the Authority a report in writing of the situation.

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- (c) 該保險人沒有遵從第 22、22A 或 23 條條文的證據；或
- (d) 該保險人沒有遵從第 27、28、29、30、31、32、33、34 或 35(1) 條所訂任何規定的證據，
- 則該訂明人士須其後在切實可行範圍內盡快就上述理由、沒有符合或遵從的情況向保監局提交書面報告。
- (由 1993 年第 59 號第 15 條增補。由 2015 年第 12 號第 2 及 71 條修訂)
-

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- (3) Where a prescribed person, during the discharge of his duties in that capacity in respect of the authorized insurer concerned (including a former insurer), becomes aware of evidence (including, in the case of a former auditor, former actuary or former accountant referred to in the definition of ***prescribed person***, evidence of which he became aware when he was an auditor, actuary or accountant, as the case may be, referred to in that definition)— (*Amended 12 of 2015 s. 71*)
- (a) of a failure by the insurer to comply with any conditions imposed under section 8(1)(a);
- (b) that there exists a ground on which the Authority would be prohibited by section 8(3)(a), (b), (d) or (f) from authorizing the insurer if the insurer were to make application in that behalf;
- (c) of a failure by the insurer to comply with any of the provisions of section 22, 22A or 23; or
- (d) of any default of the insurer in complying with any requirement under section 27, 28, 29, 30, 31, 32, 33, 34 or 35(1),
- the prescribed person shall, as soon as practicable thereafter, send to the Authority a report in writing of the failure, ground or default.

(*Added 59 of 1993 s. 15. Amended 12 of 2015 s. 2*)

第 IX 部**補充及過渡性條文***(格式變更——2017 年第 4 號編輯修訂紀錄)***54-55.** (由 2015 年第 12 號第 73 條廢除)**55A.** (由 2015 年第 12 號第 73 條廢除)**55B.** (由 2015 年第 12 號第 73 條廢除)**56.** (由 2015 年第 12 號第 73 條廢除)**56A. 使用“保險”等詞的限制**

- (1) 除第(2)款另有規定外，獲授權保險人、認可承保人組織、勞合社、獲委任保險代理人或獲授權保險經紀以外的任何人如沒有保險業監督就一般情況或任何個或類別情況而作出的書面同意——
 - (a) 在該人於香港或從香港進行業務的描述或名稱中使用“保險”一詞或“保”字及緊接其後的“險”字，或使用英文“insurance”或“assurance”一詞或該詞的英文衍生詞，或使用該詞在任何語文方面的翻譯，或使用字母“i”、“n”、“s”、“u”、“r”、“a”、“n”、“c”、“e”或“a”、“s”、“s”、“u”、“r”、“a”、“n”、“c”、“e”並以該次序排列；或
 - (b) 在任何單據上款、信紙、通告或廣告中或以任何其他方式作出陳述，表示該人——
 - (i) 乃獲授權保險人，或在香港或從香港經營保險業務；
 - (ii) 乃獲委任保險代理人，或在香港或從香港經營保險代理業務；或

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- (1) Subject to subsection (2), any person, other than an authorized insurer, an approved association of underwriters, Lloyd’s, an appointed insurance agent or an authorized insurance broker, who, without the written consent of the Insurance Authority given generally or in any particular case or class of cases—
 - (a) uses the word “insurance” or “assurance” or any of its derivatives in English, or any translation thereof in any language or uses the Chinese expression “保險” or the character “保” followed immediately by the character “險”, or uses the letters “i”, “n”, “s”, “u”, “r”, “a”, “n”, “c”, “e” or “a”, “s”, “s”, “u”, “r”, “a”, “n”, “c”, “e” in that order, in the description or name under which such person is carrying on business in or from Hong Kong; or
 - (b) makes any representation in any bill head, letter paper, notice, advertisement or in any other manner whatsoever that such person—

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(iii) 乃獲授權保險經紀，或在香港或從香港經營保險經紀業務，

即屬犯罪，可處罰款 \$200,000，如屬個人，則可另處監禁 2 年。

(2) 本條並不適用於任何為保障或促進相互利益而組成的保險人組織、保險代理人組織或保險經紀組織或任何為保障或促進其僱員的相互利益而組成的僱員組織。

(3) 為免生疑問，在第 (1)(a) 款所提述的**描述** (description) 包括使用第 (1)(a) 款適用的任何用字或用詞的任何陳述 (不論是否以書面形式)，而該陳述可解釋為該人 (不論怎樣描述) 是保險人、保險代理人或保險經紀的——

(a) 附屬公司；

(b) 控權公司；或

(c) 控權公司的附屬公司。(由 2012 年第 28 號第 912 及 920 條修訂)

(由 1996 年第 35 號第 29 條增補)

57-58. (由 2015 年第 12 號第 73 條廢除)

58A. (由 1997 年第 29 號第 9 條廢除)

59-61. (由 2015 年第 12 號第 73 條廢除)

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(i) is an authorized insurer or is carrying on insurance business in or from Hong Kong;

(ii) is an appointed insurance agent or is carrying on insurance agency business in or from Hong Kong; or

(iii) is an authorized insurance broker or is carrying on insurance brokerage business in or from Hong Kong,

commits an offence and is liable to a fine of \$200,000 and, in the case of an individual, to imprisonment for 2 years.

(2) Nothing in this section shall apply to any association of insurers, insurance agents or insurance brokers formed for the protection or promotion of their mutual interests or to any association of their employees formed for the protection or promotion of the mutual interests of such employees.

(3) For the avoidance of doubt, **description** (描述) referred to in subsection (1)(a) includes any statement (whether or not in writing) which uses any of the terms to which subsection (1)(a) applies where that statement may be construed to mean that a person (however described) is—

(a) a subsidiary;

(b) the holding company; or

(c) a subsidiary of the holding company,

of an insurer, an insurance agent or an insurance broker.

(Added 35 of 1996 s. 29)

57-58. (Repealed 12 of 2015 s. 73)

58A. (Repealed 29 of 1997 s. 9)

59-61. (Repealed 12 of 2015 s. 73)

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62. (已失時效而略去——2014 年第 2 號編輯修訂紀錄)

63. (由 2015 年第 12 號第 73 條廢除)

64. (由 1996 年第 35 號第 31 條廢除)

62. (*Omitted as spent—E.R. 2 of 2014*)

63. (*Repealed 12 of 2015 s. 73*)

64. (*Repealed 35 of 1996 s. 31*)

第 IXA 部**若干保險合約屬無效**

(第 IXA 部由 1997 年第 29 號第 12 條增補)
(格式變更——2017 年第 4 號編輯修訂紀錄)

64A. 釋義 (第 IXA 部)

(1) 在本部中——

父母 (parent) 就未成年人而言，指父親或母親；

監護人 (guardian) 指根據《未成年人監護條例》(第 13 章) 委任或憑藉該條例而行使的監護人。

(2) 就本部而言，未成年人的父母，或未滿 18 歲的受監護人的監護人，須當作享有該未成年人或受監護人 (視屬何情況而定) 的人壽的權益。

64B. 不得在無權益的情況下訂立保險合約

- (1) (a) 如將要訂立的保險合約是為某人的使用或利益，或為某人而訂立的，而該某人並無權益，則不得就任何人的壽或就其他事故訂立保險合約；或
- (b) 不得以打賭或博彩形式而就任何人的壽或就其他事故訂立保險合約。
- (2) 在違反第 (1) 款的情況下訂立的保險合約由於該違反而屬無效。

64C. 不得訂立沒有寫上任何人姓名等的保險合約

(1) 除第 (3) 及 (4) 款另有規定外，不得——

Part IXA**Certain Contracts of Insurance to be Void**

(Part IXA added 29 of 1997 s. 12)
(Format changes—E.R. 4 of 2017)

64A. Interpretation (Part IXA)

(1) In this Part—

guardian (監護人) means a guardian appointed under or acting by virtue of the Guardianship of Minors Ordinance (Cap. 13);

parent (父母), in relation to a minor, means father or mother.

(2) For the purpose of this Part, a parent of a minor, or a guardian of a ward under 18 years of age, shall be deemed to have an interest in the life of the minor or the ward, as the case may be.

64B. No contract of insurance to be made without interest

- (1) No contract of insurance shall be entered into on the life of any person or on any other event—
 - (a) if the person for whose use or benefit or on whose account the contract is to be entered into has no interest; or
 - (b) by way of gaming or wagering.
- (2) A contract of insurance entered into in contravention of subsection (1) is void by reason of that contravention.

64C. No contract of insurance on lives without inserting the persons' names, etc.

(1) Subject to subsections (3) and (4), no contract of insurance shall be entered into on the life of any person or other event

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第 64D 條

- (a) 就任何人的壽或其他事故，訂立沒有寫上享有該人的人壽或該事故的權益的人的姓名的保險合約；或
 - (b) 在保險合約是為某人的使用或利益，或為某人而訂立的情況下，就任何人的壽或其他事故訂立沒有寫上該某人的姓名的保險合約。
- (2) 在違反第 (1) 款的情況下訂立的保險合約由於該違反而屬無效。
- (3) 如保險合約充分詳盡地說明某指明類別或種類，以致可以確定在任何特定時間有權根據該保險合約受益的全部人士的身分，則第 (1) 及 (2) 款並不使為不時屬於該類別或種類的無記名人士的利益而訂立的該保險合約失效。
- (4) 第 (3) 款適用於《1985 年保險公司 (修訂) 條例》(1985 年第 8 號) 生效之前及之後生效的保險合約。

64D. 可追討的數額

凡保險合約的受保人享有人的人壽或事故的權益，可根據該合約向保險人追討的數額，不得超逾受保人對該人的人壽或事故的權益的價值數額。

64E. 不得延伸而適用於船舶等

現聲明：本部的條文不得延伸而適用於或被解釋為延伸而適用於由任何人就船舶、貨物或商品而真誠地訂立的保險合約。

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- without inserting in the contract the name of the person—
- (a) interested in the life or event; or
 - (b) for whose use or benefit or on whose account the contract is entered into.
- (2) A contract of insurance entered into in contravention of subsection (1) is void by reason of that contravention.
- (3) Subsections (1) and (2) shall not invalidate a contract of insurance for the benefit of unnamed persons from time to time falling within a specified class or description if the class or description is stated in the contract with sufficient particularity to make it possible to establish the identity of all persons who at any given time are entitled to benefit under the contract.
- (4) Subsection (3) applies to contracts of insurance effected before the commencement of the Insurance Companies (Amendment) Ordinance 1985 (8 of 1985) as well as to contracts of insurance effected thereafter.

64D. Recoverable amount

Where the insured under a contract of insurance has an interest in a life or event, no greater sum shall be recovered from the insurer under the contract than the amount of value of the interest of the insured in that life or event.

64E. Not to extend to ships, etc.

It is hereby declared that the provisions of this Part shall not extend, or be construed to extend, to contracts of insurance bona fide made by any person on ships, goods or merchandise.

第 X 部**保險中介人**

(第 X 部由 1994 年第 76 號第 4 條增補)
(格式變更——2017 年第 4 號編輯修訂紀錄)

65. 保險代理人及保險經紀

- (1) 任何人不得顯示自己是——
 - (a) 保險代理人，除非他是獲委任保險代理人；或
 - (b) 保險經紀，除非他是獲授權保險經紀。
- (2) 保險業監督有權藉規例釐定獲委任保險代理人在同一時間最多可以代表多少個保險人。
- (3) 不論就同一客戶或不同客戶而言，任何人不得同時作為獲委任保險代理人及獲授權保險經紀。
- (4) 任何保險代理人的東主或合夥人，不得作為另一保險代理人或任何保險經紀的東主、僱員或合夥人。
- (5) 任何保險代理人的僱員如就保險事宜向任何保單持有人或潛在的保單持有人提供意見，即不得作為另一保險代理人或任何保險經紀的東主、僱員或合夥人。
- (6) 任何保險代理人的東主、僱員或合夥人，只有在以下情況下方可作為另一保險代理人或任何保險經紀的董事：該東主、僱員或合夥人並不會為該公司就保險事宜向保單持有人或潛在的保單持有人提供意見。
- (7) 任何經營保險代理人業務的公司的董事，如就保險事宜向保單持有人或潛在的保單持有人提供意見，則該董事只有在以下情況下方可作為另一保險代理人或任何保險經紀的董事：該董事並不會為該另一公司就保險事宜向保單持有人或潛在的保單持有人提供意見。

Part X**Insurance Intermediaries**

(Part X added 76 of 1994 s. 4)
(Format changes—E.R. 4 of 2017)

65. Insurance agents and insurance brokers

- (1) A person shall not hold himself out as—
 - (a) an insurance agent unless he is an appointed insurance agent; or
 - (b) an insurance broker unless he is an authorized insurance broker.
- (2) The Insurance Authority has the power by regulation to set the maximum number of insurers for which an appointed insurance agent may act at any one time.
- (3) A person shall not be an appointed insurance agent and an authorized insurance broker at the same time whether in relation to the same or different clients.
- (4) A proprietor of, or partner in, an insurance agent shall not be a proprietor or employee of, or partner in, another insurance agent or an insurance broker.
- (5) An employee of an insurance agent who provides advice to a policy holder or potential policy holder on insurance matters shall not be a proprietor or employee of, or partner in, another insurance agent or an insurance broker.
- (6) A proprietor or employee of, or partner in, an insurance agent may be a director of another insurance agent or of an insurance broker only if he does not provide advice to policy holders or potential policy holders on insurance matters for the company.

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- (8) 任何保險經紀的東主或合夥人，不得作為任何保險代理人的東主、僱員或合夥人。
- (9) 任何保險經紀的僱員如就保險事宜向保單持有人或潛在的保單持有人提供意見，即不得作為任何保險代理人的東主、僱員或合夥人。
- (10) 任何保險經紀的東主、僱員或合夥人只有在以下的情況下方可作為任何保險代理人的董事：該東主、僱員或合夥人並不會為該保險代理人就保險事宜向保單持有人或潛在的保單持有人提供意見。
- (11) 任何經營保險經紀業務的公司的董事，如就保險事宜向保單持有人或潛在的保單持有人提供意見，則該董事只有在以下情況下方可作為任何保險代理人的董事：該董事並不會為該保險代理人就保險事宜向保單持有人或潛在的保單持有人提供意見。
- (12) 本條並不阻止任何人作為多於一個保險人的代理人。
- (13) 任何保險人不得 ——
 - (a) 透過在香港的任何保險中介人而訂立保險合約；或
 - (b) 接受在香港的任何保險中介人向其轉介的任何保險業務，
 除非該中介人是其獲委任保險代理人或是獲授權保險經紀。
- (14) 凡保險人在違反第 (13) 款下訂立任何保險合約，該合約可由保單持有人選擇是否 ——
 - (a) 在違反上述規定下，仍由保單持有人強制保險人履行；或
 - (b) 基於違反上述規定而屬無效。
- (15) 保單持有人如根據第 (14)(b) 款選擇使保險人合約在合約期滿前無效，即有權取回其根據該合約而支付的代價。

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- (7) A director of a company which carries on business as an insurance agent and which director provides advice to a policy holder or potential policy holder on insurance matters, may be a director of another insurance agent or of an insurance broker only if he does not provide advice to policy holders or potential policy holders on insurance matters for the other company.
- (8) A proprietor of, or partner in, an insurance broker shall not be a proprietor or employee of, or partner in, an insurance agent.
- (9) An employee of an insurance broker who provides advice to a policy holder or potential policy holder on insurance matters shall not be a proprietor or employee of, or partner in, an insurance agent.
- (10) A proprietor or employee of, or partner in, an insurance broker may be a director of an insurance agent only if he does not provide advice to policy holders or potential policy holders on insurance matters for the insurance agent.
- (11) A director of a company which carries on business as an insurance broker and which director provides advice to a policy holder or potential policy holder on insurance matters, may be a director of an insurance agent only if he does not provide advice to policy holders or potential policy holders on insurance matters for the insurance agent.
- (12) Nothing in this section prevents a person from being the agent of more than one insurer.
- (13) An insurer shall not—
 - (a) effect a contract of insurance through an insurance intermediary in Hong Kong; or
 - (b) accept any insurance business referred to it by an insurance intermediary in Hong Kong,

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66. 獲委任保險代理人的登記

- (1) 保險人須備存一份獲委任保險代理人的登記冊，並在冊內記錄其所委任的保險代理人的細節。
- (2) 保險人須以保險業監督指明的格式，備存一份獲委任保險代理人登記冊。
- (3) 保險人須確保其獲委任保險代理人登記冊的細節在正常辦公時間可供公眾在以下地點查閱——
 - (a) 其在香港的註冊辦事處、在香港的主要營業地點或其在香港的獲授權代表的辦事處；或
 - (b) 保險業監督認可的地方。
- (4) 保險人須將獲委任保險代理人的登記或註銷的細節，在登記或註銷起計 7 日內，以保險業監督指明的方式核實後交予保險業監督。
- (5) 保險業監督有權向任何獲委任保險代理人發出通知，謂保險業監督認為該獲委任保險代理人已違反實務守則。
- (6) 獲委任保險代理人有 14 日時間令保險業監督信納——
 - (a) 他並沒有如所指稱般違反實務守則；或

unless the intermediary is its appointed insurance agent or an authorized insurance broker.

- (14) Where an insurer enters into a contract of insurance contrary to subsection (13), the contract shall, at the option of the policy holder, be either—
 - (a) enforceable against the insurer by the policy holder, even though there is a contravention; or
 - (b) void by reason of the contravention.
- (15) A policy holder who under subsection (14)(b) opts to void a contract of insurance before the expiration of the contract is entitled to recover any consideration paid by him under the contract.

66. Registration of appointed insurance agents

- (1) An insurer is required to keep a register of appointed insurance agents and to record in the register details of insurance agents it has appointed.
- (2) An insurer is required to keep a register of appointed insurance agents in the form the Insurance Authority specifies.
- (3) An insurer is required to ensure that details of its register of appointed insurance agents are available to the public during normal office hours either—
 - (a) at its registered office in Hong Kong, principal place of business in Hong Kong or the office of its authorized representative in Hong Kong; or
 - (b) at a place the Insurance Authority approves.
- (4) An insurer is required to give the Insurance Authority details of the registration and removal of appointed insurance agents, within 7 days of the registration or removal of appointed insurance agents, verified in the manner the Insurance Authority specifies.

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- (b) 實務守則的違反並不足以成為取消登記的理由。
- (7) 如任何獲委任保險代理人未能令保險業監督信納——
- (a) 他並沒有違反實務守則；或
- (b) 有關違反並不足以成為取消登記的理由，
- 則保險業監督有權指示為該獲委任保險代理人登記的保險人取消該獲委任保險代理人的登記，並將其姓名或名稱從登記冊中註銷，而該人則須停止作為保險代理人。
- (8) 根據第 (7) 款被取消登記為獲委任保險代理人的人，如認為取消登記在當時的情況下乃屬不公正，即有權向財政司司長上訴。(由 1997 年第 362 號法律公告修訂)
- (9) 如根據第 (7) 款將獲委任保險代理人的登記取消，則即使該人向財政司司長上訴，該項取消登記仍會有效。(由 1997 年第 362 號法律公告修訂)

67. 實務守則

- (1) 香港保險業聯會在保險業監督認可下，須發出管理保險代理人的實務守則。
- (2) 香港保險業聯會須按保險業監督的指示，修訂管理保險代理人的實務守則。

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- (5) The Insurance Authority has the power to give an appointed insurance agent notice that the appointed insurance agent has, in the opinion of the Insurance Authority, breached the code of practice.
- (6) An appointed insurance agent has 14 days in which to satisfy the Insurance Authority that—
- (a) he has not breached the code of practice as alleged; or
- (b) the breach of the code of practice was not sufficient to warrant de-registration as an appointed insurance agent.
- (7) If the Insurance Authority is not satisfied by an appointed insurance agent that—
- (a) he has not breached the code of practice; or
- (b) the breach does not warrant de-registration,
- the Insurance Authority has the power to direct the insurer with which the appointed insurance agent is registered to de-register the appointed insurance agent and remove his name from the register and the person is required to cease acting as an insurance agent.
- (8) A person who is de-registered as an appointed insurance agent under subsection (7) and who considers that the de-registration is unjust in the circumstances, has the right to appeal to the Financial Secretary.
- (9) The de-registration of an appointed insurance agent under subsection (7) takes effect even though the person appeals to the Financial Secretary.

67. Code of practice

- (1) The Hong Kong Federation of Insurers is required, with the approval of the Insurance Authority, to issue a code of practice for the administration of insurance agents.

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- (3) 香港保險業聯會如沒有事先取得保險業監督的書面認可，不得修訂或撤回實務守則。
- (4) 任何保險人在其管理保險代理人方面，須遵從根據本條獲認可的實務守則。
- (5) 保險業監督有權要求任何保險人及任何保險代理人，提供足以核實該保險人或該保險代理人遵從實務守則的資料。

68. 保險代理人與保險人的關係

- (1) 獲委任保險代理人在與所代表的保險人以外的其他人的往還中，得作為該保險人的代理人，而該等往還乃為發出保險合約及為關乎保險合約的保險業務而作出者。
- (2) 任何保險人的獲委任保險代理人在為發出保險合約及為關乎保險合約的保險業務而作出的往還中的任何行動，該保險人不能卸除或局限其就此等行動的法律責任。
- (3) 在任何保險合約或任何代理合約中，任何違反第 (1) 或 (2) 款的條文，均屬無效。
- (4) 在任何獲委任保險代理人所作的保險交易中，凡不能識別個別保險人，則任何保險人，如曾委任該保險代理人為獲委任保險代理人，以進行關乎於作出投保的受保人的申索的業務類別者，均須共同及各別為該獲委任保險代理人的行動所引致的損害賠償負上法律責任。
- (5) 不論獲委任保險代理人看來是作為主事人或作為任何未披露或已披露的主事人的代理人，本條所訂的保險人法律責任仍會產生。

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- (2) The Hong Kong Federation of Insurers is required to amend the code of practice for the administration of insurance agents as the Insurance Authority directs.
- (3) The Hong Kong Federation of Insurers is not, without the prior written approval of the Insurance Authority, to amend or withdraw the code of practice.
- (4) An insurer is required to comply with a code of practice approved under this section in its administration of insurance agents.
- (5) The Insurance Authority has the power to require an insurer and an insurance agent to supply information that verifies the insurer's, or the insurance agent's, compliance with the code of practice.

68. Insurance agent's relationship with insurer

- (1) An appointed insurance agent is the agent of the insurer in the agent's dealings with a person other than the insurer for the issue of a contract of insurance and insurance business relating to the contract.
- (2) An insurer is not able to exclude or limit its liability for the actions of its appointed insurance agent in the dealings for the issue of a contract of insurance and insurance business relating to the contract.
- (3) A provision in a contract of insurance or an agency contract that contravenes subsection (1) or (2) is void.
- (4) Where, in an insurance transaction undertaken by an appointed insurance agent, a particular insurer is not able to be identified, the insurers which have appointed the insurance agent as an appointed insurance agent to conduct the class of business that relates to the claim by the proposed insured are jointly and severally liable for the damages arising as a result of the actions of the appointed insurance agent.

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- (6) 在根據第 (4) 款評定對申索負上的法律責任時，法院須信納作出投保的有關受保人已絕對真誠地行事，並且沒有促致保險代理人未能訂立有關的投保保險合約。（由 2000 年第 32 號第 48 條修訂）

69. 保險經紀可獲授權

- (1) 保險業監督有權授權任何符合本條規定並繳付訂明授權費用或訂明授權續期費用的保險經紀。
- (2) 保險業監督在授權任何保險經紀前，須信納該人是作為保險經紀的適當人選，並至少符合保險業監督在以下方面所指明的最低限度規定——
 - (a) 資格及經驗；
 - (b) 資本及淨資產；
 - (c) 專業彌償保險；
 - (d) 備存獨立客戶帳目；
 - (e) 備存妥善的簿冊及帳目。
- (3) 保險業監督須保存一份其根據第 (1) 款授權的獲授權保險經紀登記冊，並須將登記冊在正常辦公時間內公開讓公眾於繳付訂明費用後查閱。
- (4) 保險業監督有權藉規例——
 - (a) 訂明根據本條須繳付的費用；及
 - (b) 就任何人或任何獲授權保險經紀稱職地履行其作為保險經紀的職能的能力，訂明進一步的規定。
- (5) 保險業監督有權規定根據本條獲授權的任何保險經紀提供足以核實該保險經紀符合本條的資料。

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- (5) The liability of an insurer under this section arises whether the appointed insurance agent purports to act as a principal or as an agent for an undisclosed or disclosed principal.
- (6) In assessing liability for a claim under subsection (4), the court is required to be satisfied that the proposed insured has acted in the utmost good faith and without contributing to the failure on the part of the insurance agent to effect the proposed insurance contract.

69. Insurance brokers to be authorized

- (1) The Insurance Authority has the power to authorize an insurance broker who complies with this section and pays the prescribed fee for authorization or renewal of authorization.
- (2) Before the Insurance Authority authorizes an insurance broker, he is required to satisfy himself that the person complies at least with the minimum requirements specified by the Insurance Authority for—
 - (a) qualifications and experience;
 - (b) capital and net assets;
 - (c) professional indemnity insurance;
 - (d) keeping of separate client accounts;
 - (e) keeping proper books and accounts,
 and that the person is a fit and proper person to be an insurance broker.
- (3) The Insurance Authority is required to maintain a register of authorized insurance brokers authorized by him under subsection (1), and to keep the register open to the public during normal office hours on payment of the prescribed fee.
- (4) The Insurance Authority has the power by regulation—
 - (a) to prescribe the fees payable under this section; and

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- (6) 保險業監督有權就授權任何保險經紀而施加條件，以確保該保險經紀能恰當地履行職能，以及保單持有人及潛在的保單持有人能獲得保障。

70. 對保險經紀團體的認可

- (1) 保險業監督有權認可符合本條規定並繳付訂明認可費用或訂明認可續期費用的保險經紀團體。
- (2) 保險業監督在認可任何保險經紀團體前，須信納該團體在其規例中有足夠的條文以使其成員符合保險業監督在以下方面所指明的最低限度規定——
 - (a) 資格及經驗；
 - (b) 資本及淨資產；
 - (c) 專業彌償保險；
 - (d) 備存獨立客戶帳目；
 - (e) 備存妥善的簿冊及帳目，
 並須確保該團體的組成成員是作為保險經紀的適當人選。
- (3) 保險業監督須信納謀求獲得認可的保險經紀團體——
 - (a) 是由管理或監管保險經紀團體的適當人選管理或監管的；及
 - (b) 已有適當的紀律程序制度，以處理團體的成員違反適當操守事宜。

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- (b) to prescribe further requirements relating to the ability of a person or an authorized insurance broker to competently carry out his functions as an insurance broker.
- (5) The Insurance Authority has the power to require an insurance broker authorized under this section to supply information that verifies the insurance broker's compliance with this section.
- (6) The Insurance Authority has the power to impose conditions on the authorization of an insurance broker to ensure that the insurance broker functions properly and that policy holders and potential policy holders are protected.

70. Approval of bodies of insurance brokers

- (1) The Insurance Authority has the power to approve a body of insurance brokers that complies with this section and pays the prescribed fee for approval or renewal of approval.
- (2) Before the Insurance Authority approves a body of insurance brokers, he is required to satisfy himself that the body has adequate provision in its regulations for members to comply with the minimum requirements specified by the Insurance Authority for—
 - (a) qualifications and experience;
 - (b) capital and net assets;
 - (c) professional indemnity insurance;
 - (d) keeping of separate client accounts;
 - (e) keeping proper books and accounts,
 and to ensure that its constituent members are fit and proper persons to be insurance brokers.
- (3) The Insurance Authority is required to be satisfied that the body of insurance brokers seeking approval—

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- (4) 任何認可保險經紀團體須在其設在香港的註冊辦事處或主要營業地點保存一份其成員的登記冊，其內須記錄保險業監督就該認可團體的各成員而規定的資料，並須將登記冊在正常辦公時間內公開讓公眾查閱。
- (5) 保險業監督須保存一份其根據第 (1) 款認可的認可保險經紀團體的登記冊，並須將登記冊在正常辦公時間內公開讓公眾於繳付訂明費用後查閱。
- (6) 保險業監督有權藉規例 ——
 - (a) 訂明根據本條須繳付的費用；及
 - (b) 就任何申請人或任何獲授權保險經紀稱職地履行其作為保險經紀的職能的能力，訂明進一步的規定。
- (7) 保險業監督有權規定根據本條獲認可的任何保險經紀團體及身為該等團體成員的任何保險經紀，提供足以核實該團體或該保險經紀符合本條的資料。
- (8) 保險業監督有權就認可任何保險經紀團體而施加條件，以確保其成員能恰當地履行職能，以及保單持有人及潛在的保單持有人能獲得保障。

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- (a) is managed or supervised by persons who are fit and proper persons to manage or supervise a body of insurance brokers; and
- (b) has an appropriate system of disciplinary procedures in place to deal with breaches of proper conduct by members of the body.
- (4) An approved body of insurance brokers is required to maintain at its registered office or principal place of business in Hong Kong a register of its members in which it will record the information required by the Insurance Authority for each member of the approved body and to keep the register open to the public during normal office hours.
- (5) The Insurance Authority is required to maintain a register of approved bodies of insurance brokers approved by him under subsection (1), and to keep the register open to the public during normal office hours on payment of the prescribed fee.
- (6) The Insurance Authority has the power by regulation—
 - (a) to prescribe the fees payable under this section; and
 - (b) to prescribe further requirements relating to the ability of an applicant or an authorized insurance broker to competently carry out his functions as an insurance broker.
- (7) The Insurance Authority has the power to require a body of insurance brokers and an insurance broker who is a member of a body of insurance brokers approved under this section to supply information that verifies the body's, or the insurance broker's, compliance with this section.
- (8) The Insurance Authority has the power to impose conditions on the approval of a body of insurance brokers to ensure that its members function properly and that policy holders and potential policy holders are protected.

71. 保險經紀的客戶款項

- (1) 獲授權保險經紀或認可保險經紀團體的任何成員均須將客戶款項存入一個銀行帳戶內，與其自己的款項分開。
- (2) 保險經紀不得將客戶款項用於有關客戶用途以外的任何其他用途。
- (3) 除非保險經紀與客戶之間另有協議，否則保險經紀有權保留其持有的客戶款項所賺取的利息。
- (4) 除非在客戶帳內的款項是供繳付當時須償還及欠下保險經紀的費用，否則保險經紀或透過保險經紀就客款項作出的留置權或申索，均屬無效。
- (5) 保險經紀就客戶款項而作出的任何押記或按揭均屬無效。

72. 核數師的委任

- (1) 任何保險經紀均須委任下列人士為其核數師——
 - (a) 根據《專業會計師條例》(第 50 章)符合獲委任為公司核數師的資格而根據《公司條例》(第 622 章)第 393 條並非屬喪失資格的人；或 (由 2012 年第 28 號第 912 及 920 條修訂)
 - (b) 如屬在香港以外地方成立為法團的保險經紀，則——
 - (i) 可在其成立為法團的地方合法執業的核數師；及
 - (ii) 持有保險業監督接受為可與 (a) 段所述的人士所持資格相比的資格的人。
- (2) 任何——

71. Insurance broker's client monies

- (1) An insurance broker who is authorized or a member of an approved body of insurance brokers is required to keep client monies in a bank account separate from his own monies.
- (2) An insurance broker is not allowed to use client monies for any purpose other than for the purposes of the client.
- (3) An insurance broker is entitled to retain the interest that is earned on client monies that he holds unless the insurance broker and the client agree otherwise.
- (4) A lien or claim on client monies made by or through the insurance broker is void unless the monies in the client account are for fees then due and owing to the insurance broker.
- (5) A charge or mortgage on client monies made by the insurance broker is void.

72. Appointment of auditor

- (1) An insurance broker shall appoint as its auditor—
 - (a) a person who is qualified for appointment as auditor of a company under the Professional Accountants Ordinance (Cap. 50) and is not disqualified under section 393 of the Companies Ordinance (Cap. 622); or (*Amended 28 of 2012 ss. 912 & 920*)
 - (b) for an insurance broker incorporated outside Hong Kong, a person—
 - (i) who may lawfully practise as an auditor in the place of its incorporation; and
 - (ii) who holds a qualification that the Insurance Authority accepts as being of a standard

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- (a) 在本條的生效日期時已經營保險經紀業務的保險經紀，須在自該生效日期起計 1 個月內委任一名核數師；或
- (b) 在本條的生效日期後才開始經營保險經紀業務的保險經紀，須在自開始如此經營起計 1 個月內，委任一名核數師。
- (3) 保險經紀須在自根據第 (1) 款委任一名核數師起計 1 個月內，向保險業監督送達一份通知書，說明該項委任及獲委任的核數師姓名或名稱及資格。
- (4) 如核數師的委任終結，則保險經紀須在自該項委任終結起計 1 個月內 ——
 - (a) 委任一名新核數師；及
 - (b) 將該項終結及新委任的通知書送達保險業監督。

73. 審計等

- (1) 獲保險業監督根據第 69 條授權的獲授權保險經紀，須每年在保險業監督指明的時間，給予保險業監督一份對上一個財政年度經審計的損益帳，一份對上一個財政年度經審計的收支帳目，一份對上一個財政年度終結時經審計的資產負債表，一份核數師就財務報表作出的報告，一份核數師就其是否認為該人在資本及淨資產、專業彌償保險、備存獨立客戶帳目及備存妥善簿冊及帳目方面持續符合最低限度規定的報告，以及保險業監督所規定顯示獲授權保險經紀持續符合第 69 條所訂規定的進一步證據。

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- comparable to that of a person referred to in paragraph (a).
- (2) An insurance broker shall appoint an auditor—
 - (a) if the insurance broker is carrying on business as an insurance broker at the commencement of this section, within 1 month from such commencement; or
 - (b) if the insurance broker begins to carry on business as an insurance broker after the commencement of this section, within 1 month from beginning to do so.
 - (3) An insurance broker shall within 1 month from appointing an auditor under subsection (1) serve on the Insurance Authority a notice in writing of the appointment and the name and qualifications of the auditor appointed.
 - (4) If the appointment of an auditor ends, the insurance broker shall within 1 month from the ending of the appointment—
 - (a) appoint a new auditor; and
 - (b) serve notice on the Insurance Authority of the ending and new appointment.

73. Audit, etc.

- (1) An authorized insurance broker, authorized by the Insurance Authority under section 69, is required to give the Insurance Authority each year, at a time specified by the Insurance Authority, a copy of the audited profit and loss account for the last preceding financial year, a copy of the audited income and expenditure account for the last preceding financial year, a copy of the audited balance sheet as at the end of the last preceding financial year, an auditor's report on the financial statements, an auditor's report as to whether the auditor is of the opinion that the person has continued to satisfy the minimum requirements for capital and net assets, professional indemnity insurance, keeping of separate client accounts

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- (2) 認可保險經紀團體須每年在保險業監督指明的時間，按保險業監督列明的範圍及方式，給予保險業監督一份就其成員在資本及淨資產、專業彌償保險、備存獨立客戶帳目及備存妥善簿冊及帳目方面是否持續符合最低限度規定而作出的報告，以及保險業監督所規定顯示認可保險經紀團體及其成員持續符合第 70 條所訂規定的進一步證據。
- (3) 保險業監督有權規定任何本身是法團或屬合夥性質的獲授權保險經紀按保險業監督的規定，提供以指明方式核實的其成員詳情。
- (4) 保險業監督有權規定任何認可保險經紀團體提供以指明方式核實的以下詳情——
 - (a) 載於根據第 70(4) 條保存的登記冊內的詳情；及
 - (b) 保險業監督所規定有關該團體成員的任何其他詳情。

74. 保險業監督有權規定交出文件等

- (1) 在根據本部而規定提供資料時，保險業監督有權規定任何保險人、保險代理人、保險經紀或認可保險經紀團體在他指明的時間及地點，交出他指明的簿冊或文件；保

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- and keeping of proper books and accounts and such further evidence as the Insurance Authority requires to show that the authorized insurance broker has continued to comply with the requirements under section 69.
- (2) An approved body of insurance brokers is required to give the Insurance Authority each year, at a time specified by the Insurance Authority, an auditor's report to the extent and in the manner set out by the Insurance Authority on the continued compliance by the members of the approved body with the minimum requirements for capital and net assets, professional indemnity insurance, keeping of separate client accounts and keeping of proper books and accounts and such further evidence as the Insurance Authority requires to show that the approved body of insurance brokers and its members have continued to comply with the requirements under section 70.
- (3) The Insurance Authority has the power to require an authorized insurance broker which is a body corporate or a partnership to supply particulars of its membership as the Insurance Authority requires, verified in a specified manner.
- (4) The Insurance Authority has the power to require an approved body of insurance brokers to supply—
 - (a) particulars contained in the register maintained under section 70(4); and
 - (b) any other particulars of its members that the Insurance Authority requires, verified in a specified manner.

74. Powers of Insurance Authority to require production, etc.

- (1) The Insurance Authority has the power in requiring information under this Part to require an insurer, insurance agent, insurance broker or approved body of insurance

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險業監督並有權授權任何人於出示(如被要求如此做的話)其權限的證據後,規定任何保險人、保險代理人、保險經紀或認可保險經紀團體立即向該人交出該人指明的任何簿冊或文件。

- (2) 凡保險業監督或獲其授權的人有權規定任何保險人、保險代理人、保險經紀或認可保險經紀團體交出任何簿冊或文件,保險業監督或該獲授權的人士亦有相同的權力,規定任何其覺得管有該等簿冊或文件的人交出該等簿冊或文件。
- (3) 規定任何保險人、保險代理人、保險經紀或認可保險經紀團體或其他人交出簿冊或文件的權力,包括以下權力——
 - (a) 如簿冊或文件已交出——
 - (i) 將其複製副本或作出摘錄;及
 - (ii) 規定該人,或現時或過去屬有關保險人、保險代理人、保險經紀或認可保險經紀團體的董事、控權人、核數師或精算師的人,或現時或過去任何時間受其僱用的任何其他人士,就任何該等簿冊或文件作出解釋;
 - (b) 如簿冊或文件未有交出,規定被要求交出該等簿冊或文件的人盡他所知所信,述明該等簿冊或文件在何處。
- (4) (由 2015 年第 12 號第 82 條廢除)
- (5) (由 2012 年第 28 號第 912 及 920 條廢除)

75. 授權或認可的撤回

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brokers to produce, at the time and place as he specifies, the books or papers he specifies and has the power to authorize a person, on producing (if required so to do) evidence of his authority, to require an insurer, insurance agent, insurance broker or approved body of insurance brokers to produce to him forthwith any books or papers which that person specifies.

- (2) Where the Insurance Authority or a person authorized by him has power to require the production of any books or papers from an insurer, insurance agent, insurance broker or approved body of insurance brokers, the Insurance Authority or the authorized person shall have the same power to require production of those books or papers from any person who appears to him to be in possession of them.
- (3) A power to require an insurer, insurance agent, insurance broker or approved body of insurance brokers or other person to produce books or papers shall include power—
 - (a) if the books or papers are produced—
 - (i) to take copies of them or extracts from them; and
 - (ii) to require the person, or any other person who is a present or past director, controller, auditor or actuary of, or is or was at any time employed by, the insurer, insurance agent, insurance broker or approved body of insurance brokers in question, to provide an explanation of any of them;
 - (b) if the books or papers are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.
- (4) (Repealed 12 of 2015 s. 82)
- (5) (Repealed 28 of 2012 ss. 912 & 920)

75. Withdrawal of authorization or approval

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- (1) 保險業監督如信納 ——
- (a) 任何獲授權保險經紀並不符合第 69 條所訂的任何規定；
 - (b) 任何認可保險經紀團體並不符合第 70 條所訂的任何規定；或
 - (c) 就以下人士的利益而言，撤回授權或認可是有充分的理由的 ——
 - (i) 保單持有人或潛在的保單持有人；或
 - (ii) 公眾，
 即有權撤回對該保險經紀的授權或對該保險經紀團體的認可。
- (2) 任何因保險業監督根據第 (1) 款作出的決定而感到受屈的人，均有權在獲通知該項決定起計 1 個月內向財政司司長提出上訴。 (由 1997 年第 362 號法律公告修訂)

76. 呈請將中介人清盤的權力

- (1) 如任何保險中介人是 ——
- (a) 一間可由原訟法庭根據《公司 (清盤及雜項條文) 條例》(第 32 章) 清盤的公司；或 (由 2012 年第 28 號第 912 及 920 條修訂)
 - (b) 一名個人，
- 而保險業監督認為該公司清盤或該名個人破產符合公眾利益，則保險業監督有權 ——
- (i) 在原訟法庭認為將該公司清盤是公正及公平的情況下，提出呈請將該公司清盤；及
 - (ii) 提出呈請將該名個人宣布破產。
- (2) 如該公司正由原訟法庭清盤，則保險業監督無權根據第 (1) 款提出將該公司清盤的呈請。

(由 1998 年第 25 號第 2 條修訂)

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- (1) The Insurance Authority has the power to withdraw the authorization of an insurance broker or the approval of a body of insurance brokers if he is satisfied that—
- (a) the authorized insurance broker has failed to comply with a requirement under section 69;
 - (b) the approved body has failed to comply with a requirement under section 70; or
 - (c) the withdrawal is justified in the interests of—
 - (i) policy holders or potential policy holders; or
 - (ii) the public.
- (2) A person aggrieved by a decision of the Insurance Authority under subsection (1) has the right, within 1 month of the decision being notified to him, to appeal to the Financial Secretary.

76. Power to petition to wind up an intermediary

- (1) If an insurance intermediary is—
- (a) a company which may be wound up by the Court of First Instance under the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32); or (Amended 28 of 2012 ss. 912 & 920)
 - (b) an individual,
- and the Insurance Authority considers that it is in the public interest that the company should be wound up, or the individual made bankrupt, the Insurance Authority has the power to present a petition for—
- (i) the company to be wound up if the Court of First Instance thinks it just and equitable for it to be wound up; or
 - (ii) the individual to be declared bankrupt.

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77. 罪行

- (1) 任何人顯示自己是任何保險人的保險代理人，但卻並非該保險人的獲委任保險代理人，即屬犯罪——
 - (a) 一經循公訴程序定罪，可處罰款 \$1,000,000 及監禁 2 年；及
 - (b) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。
- (2) 任何人顯示自己是保險經紀，但卻並非獲授權保險經紀，即屬犯罪——
 - (a) 一經循公訴程序定罪，可處罰款 \$1,000,000 及監禁 2 年；及
 - (b) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。
- (3) 任何人同時顯示自己是獲委任保險代理人及獲授權保險經紀，即屬犯罪，一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。
- (4) 任何保險代理人獲任何保險人委任為保險代理人，而他當時是規例所定最高數目保險人的獲委任代理人，即屬犯罪，一經循簡易程序定罪，可處第 6 級罰款。（由 2003 年第 14 號第 24 條修訂）
- (5) 任何人違反第 65(4)、(5)、(6)、(7)、(8)、(9)、(10) 或 (11) 條，即屬犯罪，一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。
- (6) 任何獲委任保險代理人沒有——
 - (a) 提供根據第 67(5) 條須提供足以核實遵從實務守則的資料；
 - (b) 交出根據第 74 條須交出的簿冊或文件，

77. Offences

- (2) If the company is already being wound up by the Court of First Instance, the Insurance Authority is not entitled to present a petition under subsection (1) for it to be wound up.

(Amended 25 of 1998 s. 2)

- (1) A person who holds himself out to be an insurance agent of an insurer who is not an appointed insurance agent of the insurer commits an offence and is liable—
 - (a) on conviction upon indictment to a fine of \$1,000,000 and to imprisonment for 2 years; and
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (2) A person who holds himself out to be an insurance broker who is not an authorized insurance broker commits an offence and is liable—
 - (a) on conviction upon indictment to a fine of \$1,000,000 and to imprisonment for 2 years; and
 - (b) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (3) A person who holds himself out to be an appointed insurance agent and an authorized insurance broker at the same time commits an offence and is liable on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (4) An insurance agent who is appointed as an insurance agent by an insurer when he is the appointed agent of the maximum number of insurers set by regulations commits an offence and is liable on summary conviction to a fine at level 6.
- (5) A person who contravenes section 65(4), (5), (6), (7), (8), (9), (10) or (11) commits an offence and is liable on summary conviction to a fine at level 6 and imprisonment for 6 months.

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即屬犯罪，一經循簡易程序定罪，可處第 6 級罰款，此外，在裁判官信納該項罪行持續期間，另加每日罰款 \$500。

(7) 任何保險人 ——

- (a) 透過任何保險中介人訂立任何保險合約；或
- (b) 接受任何保險中介人向其轉介的保險業務，而該保險中介人並非 ——

- (i) 其獲委任保險代理人；或
 - (ii) 獲授權保險經紀，
- 即屬犯罪 ——

- (A) 一經循公訴程序定罪，可處罰款 \$1,000,000 及監禁 2 年；及
- (B) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。

(8) 任何保險人 ——

- (a) 沒有根據第 66(1) 條備存登記冊；
- (b) 沒有根據第 66(1) 條以保險業監督根據第 66(2) 條指明的格式備存登記冊；
- (c) 沒有確保須根據第 66(1) 條備存的登記冊的細節按照第 66(3) 條供公眾查閱；
- (d) 沒有根據第 66(4) 條向保險業監督提交以指明的方式核實的獲委任保險代理人的登記或註銷的細節；
- (e) 沒有提供根據第 67(5) 條須提供足以核實遵從實務守則的資料；
- (f) 沒有交出根據第 74 條須交出的簿冊或文件，

即屬犯罪，一經循簡易程序定罪，可處第 6 級罰款，此外，在裁判官信納該項罪行持續期間，另加每日罰款 \$500。

(9) 任何保險人 ——

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(6) An appointed insurance agent who fails—

- (a) to supply information that is required under section 67(5) that verifies compliance with the code of practice;
- (b) to produce books or papers required under section 74, commits an offence and is liable on summary conviction to a fine at level 6 and to an additional fine of \$500 for each day on which the magistrate is satisfied that the failure continued.

(7) An insurer who—

- (a) effects a contract of insurance through an insurance intermediary; or
- (b) accepts any insurance business referred to it by an insurance intermediary,

who is not—

- (i) its appointed insurance agent; or
 - (ii) an authorized insurance broker,
- commits an offence and is liable—

- (A) on conviction upon indictment to a fine of \$1,000,000 and to imprisonment for 2 years; and
- (B) on summary conviction to a fine at level 6 and to imprisonment for 6 months.

(8) An insurer who fails—

- (a) to keep a register under section 66(1);
- (b) to keep the register under section 66(1) in the form specified by the Insurance Authority under section 66(2);
- (c) to ensure that details of the register required to be kept under section 66(1) are available to the public in accordance with section 66(3);

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- (a) 委任一名代理人，而他知道該項委任促致該代理人獲多於訂明數目的主事人委任；
- (b) 委任一名低於認可實務守則所定最低資格的代理人；
- (c) 根據一項書面代理協議委任一名代理人，而該協議在某要項上不符合香港保險業聯會根據認可實務守則採納的標準代理協議的最低限度規定；
- (d) 在無香港保險業聯會所成立的保險代理登記委員會的確認下，確認任何保險代理人的委任；或
- (e) 在香港保險業聯會所成立的保險代理登記委員會向其轉介任何投訴時——
 - (i) 沒有調查該投訴；
 - (ii) 沒有將調查結果及所採取的行動（如有的話）向保險代理登記委員會報告；或
 - (iii) 沒有按保險代理登記委員會的規定採取紀律行動，
 即屬犯罪——
 - (i) 一經循公訴程序定罪，可處罰款 \$1,000,000 及監禁 2 年；
 - (ii) 一經循簡易程序定罪，可處第 6 級罰款。
- (10) 任何保險人沒有遵從根據第 67 條認可的實務守則（第 (9) 款所列者除外），即屬犯罪，可處第 6 級罰款。
- (11) 任何獲授權保險經紀——
 - (a) 沒有提供保險業監督根據第 70 條規定的資料；
 - (b) 沒有向保險業監督提供根據第 73 條須提供的詳情；
 - (c) 沒有交出根據第 74 條須交出的簿冊或文件，
 即屬犯罪，一經循簡易程序定罪，可處第 6 級罰款，此外，在裁判官信納該項罪行持續期間，另加每日罰款 \$500。
- (12) 任何獲授權保險經紀——

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- (d) to furnish the Insurance Authority with details of the registration or removal of appointed insurance agents under section 66(4) verified in the specified manner;
- (e) to supply information that is required under section 67(5) that verifies compliance with the code of practice;
- (f) to produce books or papers required under section 74, commits an offence and is liable on summary conviction to a fine at level 6 and to an additional fine of \$500 for each day on which the magistrate is satisfied that the failure continued.
- (9) An insurer who—
 - (a) appoints an agent knowing that the appointment causes the agent to be appointed by more than the prescribed number of principals;
 - (b) appoints an agent with less than the minimum qualifications set under an approved code of practice;
 - (c) appoints an agent under a written agency agreement that fails to meet, in a material respect, the minimum requirements of a model agency agreement adopted by the Hong Kong Federation of Insurers under an approved code of practice;
 - (d) confirms the appointment of an insurance agent without the confirmation of the Insurance Agents Registration Board set up by the Hong Kong Federation of Insurers; or
 - (e) fails, where the Insurance Agents Registration Board set up by the Hong Kong Federation of Insurers refers a complaint to the insurer—
 - (i) to investigate the complaint;
 - (ii) to report to the Insurance Agents Registration Board the findings of the investigation and the action taken, if any; or

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- (a) 沒有將客戶款項存入獨立帳戶內；或
- (b) 在客戶款項上作出按揭或押記，
即屬犯罪——
- (i) 一經循公訴程序定罪，可處罰款 \$1,000,000 及監禁 5 年；及
- (ii) 一經循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。
- (13) 任何認可保險經紀團體——
- (a) 沒有根據第 70 條備存登記冊；
- (b) 沒有根據第 70 條將保險業監督指明的資料備存於登記冊內；
- (c) 沒有提供保險業監督根據第 70 條規定提供的資料；
- (d) 沒有向保險業監督提供根據第 73 條須提供的詳情；
- (e) 沒有交出根據第 74 條須交出的簿冊或文件，
即屬犯罪，一經循簡易程序定罪，可處第 6 級罰款，此外，在裁判官信納該項罪行持續期間，另加每日罰款 \$500。
- (14) 任何保險經紀沒有遵從第 72 條，即屬犯罪，可處第 3 級罰款，此外，在裁判官信納該項罪行持續期間，另加每日罰款 \$500。

(編輯修訂——2014 年第 2 號編輯修訂紀錄)

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- (iii) to take disciplinary action as required by the Insurance Agents Registration Board,
commits an offence and is liable—
- (i) on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 2 years;
- (ii) on summary conviction to a fine at level 6.
- (10) An insurer who fails, other than as set out in subsection (9), to comply with a code of practice approved under section 67 commits an offence and is liable to a fine at level 6.
- (11) An authorized insurance broker who fails—
- (a) to supply information required by the Insurance Authority under section 70;
- (b) to supply particulars required under section 73 to the Insurance Authority;
- (c) to produce books or papers required under section 74, commits an offence and is liable on summary conviction to a fine at level 6 and to an additional fine of \$500 for each day on which the magistrate is satisfied that the failure continued.
- (12) An authorized insurance broker who—
- (a) fails to keep client monies in separate accounts; or
- (b) gives a mortgage or charge over client monies,
commits an offence and is liable—
- (i) on conviction upon indictment to a fine of \$1,000,000 and to imprisonment for 5 years; and
- (ii) on summary conviction to a fine at level 6 and to imprisonment for 6 months.
- (13) An approved body of insurance brokers which fails—
- (a) to keep a register under section 70;

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- (b) to keep information in the register under section 70 specified by the Insurance Authority;
- (c) to supply information required by the Insurance Authority under section 70;
- (d) to supply particulars required under section 73 to the Insurance Authority;
- (e) to produce books or papers required under section 74, commits an offence and is liable on summary conviction to a fine at level 6 and to an additional fine of \$500 for each day on which the magistrate is satisfied that the failure continued.
- (14) An insurance broker who fails to comply with section 72 commits an offence and is liable to a fine at level 3, together with a further fine of \$500 for each day on which the magistrate is satisfied that the offence continued.

(Amended E.R. 2 of 2014)

78. 豁免

- (1) 獲授權保險人及勞合社無須獲委任為保險代理人或獲授權保險經紀。
- (2) 根據第 (1) 款給予的豁免，只擴及獲授權保險人及勞合社，而並不擴及獲豁免人士的代理人。
- (3) 任何在香港顯示自己只是再保險合約的保險經紀的人無須獲授權為保險經紀，但以下人士除外——
 - (a) 在香港成立為法團的法人團體；
 - (b) 在其他地方成立為法團，但在香港有營業地點或在香港有代理人代表的法人團體；
 - (c) 任何其他在香港有營業地點的人或合夥。
- (4) 凡任何保險經紀已安排一份保險合約，而該合約是在《1994 年保險公司 (修訂) (第 3 號) 條例》*(1994 年第 76

78. Exemptions

- (1) An authorized insurer and Lloyd's are not required to be appointed as an insurance agent or authorized as an insurance broker.
- (2) The exemption given under subsection (1) extends only to an authorized insurer and to Lloyd's and does not extend to an agent of the exempted person.
- (3) A person who holds himself out in Hong Kong as an insurance broker for contracts of reinsurance only, other than—
 - (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;

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號) 生效日期前訂立的，則保險人無須根據本條例謀求授權或認可以履行保險合約的規定。

- (5) 第(4)款給予的豁免並不延展至自《1994年保險公司(修訂)(第3號)條例》*(1994年第76號)生效日期起計4年後。

編輯附註：

* “《1994年保險公司(修訂)(第3號)條例》”乃“Insurance Companies (Amendment)(No.3) Ordinance 1994”之譯名。

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(c) any other person or any partnership having a place of business in Hong Kong,

is not required to be authorized as an insurance broker.

- (4) Where an insurance broker has arranged a contract of insurance that is entered into prior to the commencement of the Insurance Companies (Amendment) (No. 3) Ordinance 1994 (76 of 1994), the insurance broker is not required to seek authorization or approval under this Ordinance to service the requirements of the contract of insurance.
- (5) The exemption given by subsection (4) does not extend past 4 years from the date of commencement of the Insurance Companies (Amendment) (No. 3) Ordinance 1994 (76 of 1994).
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第 XII 部

保險事務上訴審裁處

(第 XII 部由 2015 年第 12 號第 88 條增補)

96. 釋義

在本部中——

各方 (parties) 就某覆核而言，指——

- (a) 保監局；及
- (b) 申請該覆核的人；

* **指明決定** (specified decision) 指附表 9 第 1 或 2 部第 2 欄指明的決定，而該決定屬根據在該附表第 3 欄與該決定相對之處指明的本條例條文作出，或有在該附表第 3 欄與該決定相對之處指明的本條例條文中提述；

當事人 (affected person) ——

- (a) 就附表 9 第 1 部所列的指明決定而言，指——
 - (i) 因該決定而感到受屈的人；或
 - (ii) 該決定所針對的人；或
- (b) (增補尚未實施——見 2015 年第 12 號第 88 條)

覆核 (review) 指審裁處根據第 101 條對指明決定的覆核。

編輯附註：

* 由《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 第 88 條加入的**指明決定**的定義已於 2017 年 6 月 26 日開始實施，但在該定義關乎附表 9 第 2 部的範圍內除外——請參閱《2017 年〈2015 年保險公司 (修訂) 條例〉(生效日期) 公告》(2017 年第 71 號法律公告)(za)(i)(B) 段。

Part XII

Insurance Appeals Tribunal

(Part XII added 12 of 2015 s. 88)

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) (Addition not yet in operation—see 12 of 2015 s. 88)

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.

Editorial Note:

* The definition of **specified decision** as added by section 88 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as that definition relates to Part 2 of Schedule 9—see paragraph (za)(i)(B) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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97. 設立審裁處

- (1) 現設立一個審裁處，其中文名稱為“保險事務上訴審裁處”，而其英文名稱為“Insurance Appeals Tribunal”。
- (2) 審裁處具有司法管轄權，按照本部及附表 10 ——
 - (a) 覆核指明決定；及
 - (b) 聆聽和裁定在覆核中產生的問題或爭議點，或在與覆核相關的情況下產生的問題或爭議點。
- (3) 行政長官如認為適當，可為任何覆核增設審裁處。
- (4) 本條例的條文在經必要的變通後，適用於增設的審裁處，一如該等條文適用於審裁處。

98. 審裁處的組成

- (1) 除附表 10 另有規定外，審裁處 ——
 - (a) 由一名主席及兩名其他成員組成；及
 - (b) 由主席主持，而主席須與該兩名其他成員一起聆訊。
- (2) 審裁處的成員（包括主席），可獲付財政司司長認為適當的款額，作為其服務酬金。
- (3) 須根據本條支付的款額，由政府一般收入支付。

99. 附表 10 就審裁處有效

- 附表 10 就以下事宜有效 ——
- (a) 審裁處成員的委任；

97. Establishment of Tribunal

- (1) A tribunal is established with the name of “Insurance Appeals Tribunal” in English and “保險事務上訴審裁處” 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—

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- (b) 審裁處的研訊程序及聆訊；及
- (c) 關於審裁處在程序及其他方面的事宜。

100. 要求覆核指明決定的申請

- (1) 當事人可在將指明決定告知該人的通知送達後的 21 日期間內，以書面通知審裁處，向審裁處申請覆核該決定。
- (2) 覆核申請須——
 - (a) 以書面提出；及
 - (b) 說明該申請所據的理由。
- (3) 在接獲覆核申請後，審裁處須在切實可行範圍內，盡快將一份該申請的複本送交保監局。
- (4) 凡有當事人提出申請，審裁處可藉命令，延長根據第 (1) 款提出覆核申請的時限。
- (5) 審裁處須——
 - (a) 信納有良好因由批准延長申請時限；及
 - (b) 在當事人及保監局均已獲得合理機會陳詞之後，方可批准延長該時限。
- (6) 上述命令一經作出，提出有關覆核申請的時限，即據此延長。

101. 審裁處作出的覆核裁定

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- (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
 - (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

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- (1) 審裁處可藉以下方式，裁定某指明決定的覆核 ——
 - (a) 確認、更改或推翻該決定；或
 - (b) 將有關事宜連同審裁處認為適當的指示，發還保監局處理。
- (2) 審裁處如推翻某指明決定，則有權以審裁處認為適當的另一決定，取代該指明決定。
- (3) 如審裁處更改或取代某指明決定 (**原有決定**)，經更改的原有決定或取代原有決定的另一決定 ——
 - (a) 須屬保監局本有權就有關覆核而作出的決定；
 - (b) 可較原有決定嚴苛或寬鬆；及
 - (c) 可根據保監局據以作出原有決定的同一條文作出，亦可根據本條例任何其他條文作出。
- (4) 在覆核某指明決定時，審裁處須給予合理機會，讓覆核各方陳詞。
- (5) 除第 104(3) 條另有規定外，在裁定任何有待審裁處裁定的問題或爭議點時所要求的舉證準則，是適用於在法院進行的民事法律程序的舉證準則。

102. 審裁處的權力

- (1) 在符合附表 10 的規定下，審裁處可為某覆核的目的，主動或應覆核一方的申請 ——
 - (a) 收取和考慮任何以口述證供、書面陳述或文件提供的材料，不論該材料在法院中是否可獲接納為證據亦然；

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- (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;

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- (b) 決定收取 (a) 段所述的任何材料的方式；
 - (c) 藉審裁處主席簽署的書面通知，要求某人 ——
 - (i) 到審裁處出席任何聆訊，以及提供證據；及
 - (ii) 交出由該人管有或控制的、與該覆核之標的有關的任何物品、紀錄或文件；
 - (d) 監誓；
 - (e) 訊問或安排訊問任何出席聆訊的人（不論訊問是否在經宣誓的情況下進行），並要求該人據實回答審裁處認為就該覆核而言屬適當的問題；
 - (f) 命令證人為該覆核的目的，以誓章提供證據；
 - (g) 命令任何人不得發表或以其他方式披露審裁處所收取的任何材料；
 - (h) 禁止發表或披露審裁處在閉門進行的聆訊（或聆訊中閉門進行的任何部分）中收取的材料；
 - (i) 在顧及公正原則下，基於審裁處認為適當的理由，以及按審裁處認為適當的條款及條件，擱置該覆核的任何程序；
 - (j) 決定在該覆核中須依循的程序；及
 - (k) 為進行該覆核或執行其職能，而行使所需或所附帶的其他權力，或作出所需或所附帶的其他命令。
- (2) 審裁處可在覆核的各方同意下，只基於書面陳詞而裁定該覆核。
- (3) 任何人無合理辯解而作出以下行為，即屬犯罪 ——
- (a) 沒有遵從審裁處根據第 (1) 款作出、發出或施加的命令、通知、禁令或要求；
 - (b) 擾亂審裁處聆訊使其難以進行，或在審裁處聆訊過程中，有其他不檢行為；
 - (c) 按審裁處根據第 (1) 款作出的要求，於某地方出席審裁處聆訊，但未經審裁處准許而離開該地方；

- (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.

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- (d) 阻礙或阻嚇任何人為覆核的目的出席審裁處聆訊、提供證據或交出任何物品、紀錄或文件；
- (e) 因任何人曾出席審裁處聆訊而威脅或侮辱該人，或令該人蒙受損失；或
- (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，而在任何時間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) 任何人不得僅以遵從審裁處根據第 (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。

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- (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) threatens, insults or causes any loss to be suffered by the chairperson, or any other member, of the Tribunal at any time on account of the performance of the chairperson's or member's functions.
- (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.

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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。

104. 審裁處處理的藐視罪

- (1) 審裁處在懲罰犯藐視罪者方面所具有的權力，與原訟法庭所具有的相同。
- (2) 在不局限第 (1) 款的原則下，如任何人無合理辯解而作出第 102(3)(a)、(b)、(c)、(d)、(e) 或 (f) 條所指的行為，則審裁處有權以該人犯藐視罪而懲罰該人，猶如該人犯藐視法庭罪一樣，而審裁處在這方面所具有的權力，與原訟法庭所具有的相同。
- (3) 審裁處在行使懲罰犯藐視罪者的權力時須採用的舉證準則，是原訟法庭在行使相同權力，懲罰犯藐視罪者時採用。

- (5) A person is not excused from complying with an order, notice, prohibition or requirement of the Tribunal made, given or imposed under subsection (1) only on the ground that to do so might tend to incriminate the person.

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

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(4) 即使本條例有任何規定 ——

- (a) 在以下情況下，審裁處不得根據本條行使權力，以決定是否就某行為，以某人犯藐視罪而懲罰該人 ——
 - (i) 過往已根據第 102(3) 條，就同一行為對該人提起刑事法律程序；及
 - (ii) 該刑事法律程序仍待決，或由於過往已提起該刑事法律程序，因此不得根據該條合法地再次就同一行為，對該人提起刑事法律程序；及
- (b) 在以下情況下，不得根據第 102(3) 條就某行為而針對某人提起刑事法律程序 ——
 - (i) 審裁處過往已根據本條行使權力，以決定是否就同一行為，以該人犯藐視罪而懲罰該人；及
 - (ii) 因行使該權力而產生的法律程序仍待決，或由於過往已行使該權力，因此不得根據本條合法地再次行使權力，以決定是否就同一行為，以該人犯藐視罪而懲罰該人。

105. 受保密權涵蓋的資料

凡某認可機構擔任覆核申請人的銀行或財務顧問，本部及附表 10，並不規定該機構披露除該申請人以外的該機構客戶的事務的資料。

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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

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106. 訟費

- (1) 審裁處可就 ——
 - (a) 為覆核的目的而需要或被要求(無論是否以證人身分)出席的人;或
 - (b) 該覆核的任何一方，
 就該覆核及該覆核的申請而合理地招致的訟費，藉命令向該等人士判給一筆審裁處認為數額適當的款項。
- (2) 如審裁處將訟費 ——
 - (a) 根據第(1)(a)款判給某人，該等訟費須由審裁處認為適當的有關覆核的一方支付，並可作為民事債項予以追討;或
 - (b) 根據第(1)(b)款判給覆核的某一方，該等訟費須由該覆核的另一方支付，並可作為民事債項予以追討。
- (3) 除根據第 117 條訂立的規則另有規定外，《高等法院規則》(第 4 章，附屬法例 A)第 62 號命令適用於審裁處根據第(1)款判給訟費，亦適用於該等訟費的評定。

107. 審裁處的裁定的通知

- (1) 在完成覆核後，審裁處須在切實可行範圍內，盡快通知覆核各方 ——
 - (a) 其裁定及作出該裁定的理由;及
 - (b) 根據第 106 條就該覆核作出的任何命令，以及作出該命令的理由。

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.
- (3) Subject to a rule made under section 117, Order 62 of the Rules of the High Court (Cap. 4 sub. leg. A) applies to the award of costs, and to the taxation of any costs awarded, by the Tribunal under subsection (1).

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

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- (2) 審裁處如閉門進行聆訊或其部分，則可作出命令，禁止發表或披露——
- (a) 第 (1)(a) 款提述的裁定，或作出該裁定的理由，或該等裁定或理由的任何部分；或
- (b) 第 (1)(b) 款提述的命令，或作出該命令的理由，或該等命令或理由的任何部分。
- (3) 任何人無合理辯解而沒有遵從審裁處根據第 (2) 款作出的命令，即屬犯罪。
- (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。

108. 審裁處命令的格式及證明

- (1) 審裁處命令須以書面記錄，並由審裁處主席簽署。
- (2) 在沒有相反證據的情況下，任何文件如看來是如上述般簽署的審裁處命令，須推定為妥為作出並簽署的審裁處命令，而——
- (a) 無需提出關於作出該命令的證明；
- (b) 無需提出關於簽署的證明；亦
- (c) 無需證明簽署該命令的人確是審裁處主席。

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- (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

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109. 審裁處命令可在原訟法庭登記

- (1) 凡審裁處以根據第 117 條訂立的規則所訂明的方式，發出書面通知，原訟法庭可在接獲該通知後，在原訟法庭登記審裁處的命令。
- (2) 如上述般登記的命令，就所有目的而言，須視為原訟法庭在其司法管轄權範圍內作出的命令。

110. 申請暫緩執行指明決定

- (1) 除第 (2) 及 (4) 款另有規定外，就某指明決定提出的覆核申請，本身並不具有暫緩執行該決定的效力。
- (2) 就某指明決定提出覆核申請或提出第 100(4) 條所述的申請的人，可在審裁處就該覆核或申請作出裁定前，隨時向審裁處提出申請，要求暫緩執行該決定。
- (3) 在接獲根據第 (2) 款提出的申請後，審裁處須在切實可行範圍內，盡快進行聆訊，以裁定該申請。
- (4) 審裁處可藉命令暫緩執行有關決定，並可在訟費、繳存款項於審裁處或其他事宜方面，定出審裁處認為適當的條件，而該暫緩執行須受該等條件規限。

111. 申請暫緩執行審裁處的裁定

- (1) 在審裁處就覆核作出裁定後，該覆核的任何一方，可隨時向審裁處提出申請，要求暫緩執行該裁定。

- (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.
- (3) The Tribunal must, as soon as practicable after receiving an application under subsection (2), conduct a hearing to determine the application.
- (4) 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.

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.

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- (2) 審裁處可應根據第 (1) 款提出的申請，藉命令暫緩執行有關裁定，並可在訟費、繳存款項於審裁處或其他事宜方面，定出審裁處認為適當的條件，而該暫緩執行須受該等條件規限。

112. 向上訴法庭提出上訴

- (1) 在第 (2) 款的規限下，如覆核的任何一方對就覆核作出的裁定感到不滿，該方可針對該裁定，就以下問題，向上訴法庭提出上訴——
- (a) 法律問題；
 - (b) 事實問題；或
 - (c) 法律兼事實問題。
- (2) 除非上訴法庭已批予上訴許可，否則任何人不得根據第 (1) 款提出上訴。
- (3) 有關許可——
- (a) 可就於有關裁定中出現的某特定爭議點而批予；及
 - (b) 如上訴法庭認為，為確使上訴得到公正、迅速及合乎經濟原則的處置，而需要定出某條件——可在該條件的規限下批予。
- (4) 上訴法庭須信納有以下情況，方可批予有關許可——
- (a) 有關上訴有合理機會得直；或
 - (b) 有其他有利於秉行公正的理由，該上訴因而應予審理。

113. 上訴法庭的權力

- (1) 上訴法庭可就針對審裁處的裁定的上訴——
- (a) 判上訴得直；
 - (b) 駁回上訴；

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- (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
 - (b) subject to a condition that the Court of Appeal considers necessary in order to secure the just, expeditious and economical disposal of the appeal.
- (4) The leave may only be granted if the Court of Appeal is satisfied that—
- (a) the appeal has a reasonable prospect of success; or
 - (b) there is some other reason in the interests of justice why the appeal should be heard.

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;

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- (c) 更改或推翻該裁定，及（如推翻該裁定）以上訴法庭認為適當的另一裁定，取代該裁定；或
- (d) 將有關事宜連同上訴法庭認為適當的任何指示，發還審裁處或保監局處理。
- (2) 如上訴法庭根據第 (1)(c) 款更改或取代某裁定（**原有裁定**），經更改的原有裁定或取代原有裁定的另一裁定——
 - (a) 須屬審裁處本有權就有關覆核而作出的裁定；
 - (b) 可較原有裁定嚴苛或寬鬆；及
 - (c) 可根據審裁處據以作出原有裁定的同一條文作出，亦可根據本條例的任何其他條文作出。
- (3) 在本條所指的上訴中，上訴法庭可作出它認為適當的關於支付訟費的命令。

114. 上訴不令審裁處的裁定暫緩執行

- (1) 在不損害第 111 條的原則下，根據第 112 條針對審裁處的裁定提出上訴，本身並不具有暫緩執行該裁定的效力。
- (2) 如有上訴根據第 112 條針對審裁處的裁定提出，上訴法庭可應有關覆核的任何一方向它提出的申請，命令暫緩執行該裁定。
- (3) 在根據第 (2) 款作出命令時，上訴法庭可施加其認為適當的條件，包括關於訟費及繳存款項於審裁處的條件。

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- (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) 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.

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115. 無其他上訴權

除第 112 條及《高等法院條例》(第 4 章)第 50 條另有規定外，審裁處所作的裁定屬終局決定，不可上訴。

116. 指明決定的生效時間

- (1) 除本條例另有規定外，凡有指明決定作出——
 - (a) 如當事人在第 100 條指明的 21 日限期屆滿前，以書面通知保監局該人不會就該決定提出覆核申請，則該決定在該人如此通知保監局時生效；
 - (b) 如該人在第 100 條指明的 21 日限期內，沒有就該決定提出覆核申請，則該決定在該限期屆滿時生效；或
 - (c) 如該人在第 100 條指明的 21 日限期內，就該決定提出覆核申請，而——
 - (i) 審裁處確認該決定，則該決定在獲確認時生效；
 - (ii) 審裁處更改該決定，或以另一決定取代之，則該決定在被更改或取代時，按該項更改或取代的條款而生效；或
 - (iii) 該人撤回該申請，則該決定在該申請撤回時生效。
- (2) 即使有第 (1) 款的規定，保監局如認為為維護公眾利益，就某指明決定如此行事屬適當的話，可在關乎該決定的通知中，指明如非因本條則該決定本會生效的時間以外的另一時間，作為該決定生效的時間。

- (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—
 - (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.

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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 條判給訟費，作出規定；
- (b) 就關於根據第 109 條在原訟法庭登記審裁處命令的事宜，作出規定；
- (c) 規管根據第 112 條提出的上訴的聆訊程序；
- (d) 規定繳付在規則中就關乎覆核申請的事宜而指明的費用；
- (e) 就本部或附表 10 沒有作出規定的、關乎覆核申請的程序事宜或其他事宜，作出規定；
- (f) 就為本部或附表 10 的目的而發出或送達任何文件（不論如何稱述），作出規定；及
- (g) 訂明本部規定須由或可由終審法院首席法官訂立規則而訂明的事宜。

117. Power of Chief Justice to make rules

The Chief Justice may make rules—

- (a) providing for the award of costs under section 106;
- (b) providing for matters relating to the registration of an order of the Tribunal in the Court of First Instance under section 109;
- (c) regulating the procedure for the hearing of appeals under section 112;
- (d) requiring the payment of the fees specified in the rules for a matter relating to applications for review;
- (e) providing for matters of procedure or other matters relating to applications for review, which are not provided for in this Part or in Schedule 10;
- (f) providing for the issue or service of any document (however described) for the purposes of this Part or Schedule 10; and
- (g) prescribing a matter which this Part provides is, or may be, prescribed by rules made by the Chief Justice.

第 XIII 部**雜項條文***(第 XIII 部由 2015 年第 12 號第 88 條增補)***第 1 分部 —— 豁免承擔法律責任****118. 豁免承擔法律責任**

- (1) 凡某人在執行或其本意是執行本條例之下的職能時，真誠作出或沒有作出任何作為，該人無須為此承擔民事法律責任。
- (2) 第 (1) 款不適用於 ——
 - (a) 根據第 5E 或 72 條委任的核數師；及
 - (b) 根據第 15 條委任的核數師或精算師。

第 2 分部 —— 其他罪行及關於罪行的補充條文**第 1 次分部 —— 其他罪行****119. 誤導陳述等及虛假資料**

- (1) 任何人藉或企圖藉 ——
 - (a) 該人明知是虛假、誤導或有欺騙性的陳述、承諾或申述；
 - (b) 不誠實地隱瞞重要事實；或
 - (c) 罔顧後果而作出（不論是否不誠實）任何虛假、誤導或有欺騙性的陳述、承諾或申述，誘使另一人訂立或要約訂立任何保險合約，即屬犯罪。
- (2) 任何人 ——

Part XIII**Miscellaneous***(Part XIII added 12 of 2015 s. 88)***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—
 - (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.

- (a) 促使或准許在第 (3) 款指明的文件內，加入該人明知在某要項上屬虛假的陳述；或
- (b) 罔顧後果而促使或准許在第 (3) 款指明的文件內，加入在某要項上屬虛假的陳述，
即屬犯罪。
- (3) 為第 (2) 款而指明的文件是 ——
 - (a) 根據本條例任何條文而送達、提交或寄出的任何通知、報表、陳述或證明書；或
 - (b) 根據本條例任何條文而存交或提交的任何文件或文件副本、複本或文本。
- (4) 任何人犯第 (1) 或 (2) 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。

***121. 若干人士不得披露在查察、調查或紀律行動的過程中取得的資料**

- (1) 本條適用於 ——
 - (a) 被查察員或調查員根據第 41B、41C、41D 或 41E 條施加要求的人；
 - (b) (增補尚未實施 —— 見 2015 年第 12 號第 88 條)
 - (c) 獲發第 41Q(2) 或 82(2) 條所指的通知的人。
- (2) 凡第 (1)(a) 或 (b) 款指明的人在被施加要求的過程中，或在遵從或看來是遵從該要求的過程中，取得任何資料，該人不得向任何其他人士披露該等資料，但在以下情況下除外 ——

- (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 document or copy of a document deposited or submitted under a provision of this Ordinance.
- (4) 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.

***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;
 - (b) (Addition not yet in operation—see 12 of 2015 s. 88)
 - (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

- (a) 保監局同意披露該等資料；或
- (b) 第 (4) 款指明的任何條件獲符合。
- (3) 第 (1)(c) 款指明的人不得披露取自有關通知的資料，亦不得披露取自與保監局就該通知的標的事宜作出的通訊的資料，但在以下情況下除外 ——
 - (a) 保監局同意披露該等資料；或
 - (b) 第 (4) 款指明的任何條件獲符合。
- (4) 為第 (2)(b) 及 (3)(b) 款而指明的條件如下 ——
 - (a) 有關資料已在第 53A 條不禁止的情況下披露，或已為第 53A 條不禁止的目的而披露，並因此而可供公眾取得；
 - (b) 披露有關資料的目的，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；
 - (c) 有關人士屬某司法或其他法律程序的一方當事人，而有關資料是在與該程序相關的情況下披露的；
 - (d) 有關資料是為遵從法院命令、法律或根據法律作出的要求而披露的。
- (5) 保監局如為施行第 (2)(a) 或 (3)(a) 款而給予同意，可就該同意施加該局認為適當的條件。
- (6) 任何人違反第 (2) 或 (3) 款，即屬犯罪，可處第 4 級罰款。
- (7) 在本條中 ——

查察員 (inspector) ——

 - (a) 就第 (1)(a) 款而言，具有第 41A 條給予該詞的涵義；
 - (b) 就第 (1)(b) 款而言，具有第 64F 條給予該詞的涵義；

調查員 (investigator) ——

 - (a) 就第 (1)(a) 款而言，具有第 41A 條給予該詞的涵義；

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;
 - (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.

(b) 就第 (1)(b) 款而言，具有第 64F 條給予該詞的涵義。

編輯附註：

* 由《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 第 88 條加入的第 121 條已於 2017 年 6 月 26 日開始實施，但第 (1)(b) 款除外，及其他各款在關乎第 (1)(b) 款及第 64F 及 82(2) 條的範圍內除外——請參閱《2017 年〈2015 年保險公司 (修訂) 條例〉(生效日期) 公告》(2017 年第 71 號法律公告)(za)(iii) 段。

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——
 - (a) 可處罰款 \$200,000；如個人干犯此罪行，則可另處監禁 2 年；而

- (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.

Editorial Note:

* Section 121 as added by section 88 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except subsection (1)(b), and except other subsections in so far as they relate to subsection (1)(b) and sections 64F and 82(2)—see paragraph (za)(iii) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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.

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- (b) 如有關罪行屬持續罪行，就該款所訂明的期間或根據該款而容許的較短期間（視屬何情況而定）屆滿後仍未有發出通知的期間的每一日，可加處罰款 \$2,000。

第 2 次分部 —— 關於罪行的補充條文

*124. 法人團體及合夥人犯罪

- (1) 如犯本條例所訂罪行的人是法人團體，而干犯該罪行經證明是 ——
- (a) 得到第 (3) 款指明的個人的同意或縱容；或
 - (b) 可歸因於第 (3) 款指明的個人的疏忽或不作為，則該名個人亦屬犯該罪行。
- (2) 如犯本條例所訂罪行的人是某合夥中的合夥人，而干犯該罪行經證明是 ——
- (a) 得到該合夥中的任何其他合夥人的同意或縱容；或
 - (b) 可歸因於該合夥中的任何其他合夥人的疏忽或不作為，則該其他合夥人亦屬犯該罪行。
- (3) 為第 (1) 款而指明的個人是 ——
- (a) 有關法人團體的控權人（屬有關的條文所指者）；
 - (b) 該法人團體的董事、管控要員或負責人；或
 - (c) （如該法人團體是由其成員所管理）該法人團體的成員之一。

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- (2) An authorized insurer which fails to comply with subsection (1) 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 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

*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;

- (4) 凡任何法人團體犯本條例所訂罪行，如證明在犯該罪行之時，該法人團體的任何控權人（屬有關的條文所指者）、董事、管控要員、負責人或成員（**涉事人**）是關涉該法人團體的管理的，則須推定該罪行是得到該涉事人的同意或縱容，或可歸因於該涉事人的疏忽或不作為。
- (5) 凡任何合夥的合夥人犯本條例所訂罪行，如證明在犯該罪行之時，該合夥的任何其他合夥人（**涉事人**）是關涉該合夥的管理的，則須推定該罪行是得到該涉事人的同意或縱容，或可歸因於該涉事人的疏忽或不作為。
- (6) 因第 (4) 或 (5) 款而被控犯本條例所訂罪行的人，在以下情況下，即屬推翻該款所訂的推定——
- (a) 有足夠證據帶出下述爭論點：該罪行並非得到該人的同意或縱容，且並非可歸因於該人的疏忽或不作為；而
- (b) 控方沒有提出足以排除合理疑點的相反證明。

編輯附註：

* 由《2015 年保險公司（修訂）條例》（2015 年第 12 號）第 88 條加入的第 124 條已於 2017 年 6 月 26 日開始實施，但在第 124 條關乎負責人的範圍內除外——請參閱《2017 年〈2015 年保險公司（修訂）條例〉（生效日期）公告》（2017 年第 71 號法律公告）(za)(v) 段。

- (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.

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125. 就罪行而進行法律程序的時限

就本條例所訂罪行而進行的刑事法律程序，須於以下期間（以較早屆滿者為準）之內展開——

- (a) 自保監局發現或得悉該罪行當日的翌日起計的 3 年期間；
- (b) 自犯該罪行的翌日起計的 6 年期間。

126. 保監局進行檢控

- (1) 保監局可用本身的名義，檢控本條例所訂罪行或檢控串謀犯該罪的罪行。
- (2) 然而，若保監局如上述般提出檢控，則該罪行須作為可循簡易程序審訊的罪行，由裁判官審訊。
- (3) 本條並不減損律政司司長在檢控刑事罪行方面的權力。

第 3 分部 —— 文件送達

127. 送達通知等

為施行本條例而准許向或規定須向任何人（保監局及金融管理專員除外）發出或送達（不論如何稱述）的任何書面通知、書

* Section 124 of this Ordinance as added by section 88 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as it relates to a responsible officer—see paragraph (za)(v) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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

面指示或其他文件(不論如何稱述)(**文件**)，在以下情況，須視為已妥為發出或送達——

- (a) 就個人而言，該文件——
 - (i) 由專人交付該人；
 - (ii) 留在或郵寄往該人最後為人所知的營業或居住地址；
 - (iii) 藉圖文傳真傳送往該人最後為人所知的圖文傳真號碼；或
 - (iv) 藉電子郵遞傳送往該人最後為人所知的電子郵件地址；
- (b) 就公司而言，該文件——
 - (i) 由專人交付該公司的任何高級人員；
 - (ii) 留在或郵寄往《公司條例》(第 622 章)所指的該公司的註冊辦事處；
 - (iii) 藉圖文傳真傳送往該公司最後為人所知的圖文傳真號碼；或
 - (iv) 藉電子郵遞傳送往該公司最後為人所知的電子郵件地址；
- (c) 就非香港公司而言，該文件——
 - (i) 由專人在指明地址交付居住在香港且為《公司條例》(第 622 章)第 16 部的目的而獲授權代該公司接受送達程序文件及通知的人，或郵寄往指明地址給該人；上述指明地址，指根據《公司條例》(第 622 章)交付公司註冊處處長的該人的地址；
 - (ii) 藉圖文傳真傳送往該人最後為人所知的圖文傳真號碼；或
 - (iii) 藉電子郵遞傳送往該人最後為人所知的電子郵件地址；

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;

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- (d) 就合夥而言，該文件 ——
- (i) 由專人交付該合夥的任何合夥人；
 - (ii) 留在或郵寄往該合夥最後為人所知的主要營業地點；
 - (iii) 藉圖文傳真傳送往該合夥最後為人所知的圖文傳真號碼；或
 - (iv) 藉電子郵件遞傳送往該合夥最後為人所知的電子郵件地址；
- (e) 就勞合社或勞合社的成員而言，該文件 ——
- (i) 由專人交付根據第 50B 條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) 藉電子郵件遞傳送往該代表最後為人所知的電子郵件地址。

- (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—
- (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.

第 4 分部 —— 規例及規則等

Division 4—Regulations and Rules, etc.

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出任何事情；及

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;

- (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) 訂明根據本條例須藉或可藉根據本條訂立的規例而訂明的任何事宜。
- (2) 根據本條訂立的規例所訂明的費用，不受下述款額所局限：保監局或根據第 4C 或 4D 條設立的委員會，因提供該等費用所關乎的服務，或執行該等費用所關乎的職能，而招致或相當可能招致的行政或其他費用的款額。
- (3) 根據本條訂立的規例，可訂定 ——
- (a) 某項費用的款額，須參照規例列明的收費率而釐定；
 - (b) 不同類別或描述的人繳付不同的費用，或就不同類別或描述的人或個案繳付不同的費用；
 - (c) 在一般情況或特定個案下豁免繳付某項費用；及
 - (d) 每年或每隔一段其他期間，繳付費用。
- (4) 因根據本條訂立的規例而須繳付的任何費用款額，可作為欠保監局的民事債項而由保監局追討。
- (5) 在以下情況下，第 (6) 及 (7) 款適用 ——
- (a) 保監局根據本條例的條文，訂立規則；而
 - (b) 該條文無指明該等規則可訂定，違反該等規則的任何指明條文即構成罪行。
- (6) 行政長官會同行政會議可訂立規例，訂明違反上述規則屬可判處罰款或監禁（或罰款兼監禁）的罪行。
- (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；

- (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
 - (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.

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- (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**

(1) 保監局可藉規則 ——

- (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) 訂定在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；

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- (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) 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;

- (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；
- (g) 訂明持牌保險中介人在資歷、經驗及培訓方面須符合的規定；並就與該等規定有關而施加的責任、為該等目的而規定的考試及可獲豁免的情況，訂定條文；
- (h) 就保監局備存登記冊，以及更正該等登記冊內的錯誤，訂定條文；
- (i) 就保監局備存的指明紀錄及該等紀錄的摘錄，在司法或其他法律程序中作為證據的可接納性，訂定條文；
- (j) 規定為本條例某條文而須提交、送交存檔、呈交或保留的文件及資料，須以指明方式（不論以電子或其他方法）提交、送交存檔、呈交或保留；
- (k) 規定為本條例某條文而提交、送交存檔、呈交或保留的文件及資料，須以指明格式、表格及方式填妥、簽署、簽立或認證；
- (l) 指明以某指明表格或方式編纂的紀錄，或以某指明格式、表格或方式填妥、簽署、簽立或認證的文件或資料，是否、何時和在何等情況下，是就本條例某條文而言屬可接受或規定的；
- (m) 規定獲授權保險人及持牌保險中介人須在指明時間，向保監局呈交申報表；以及就下述事宜訂定條文：該等申報表須載有的詳情或詳情性質、該等申報表須由何人、在何種情況下、以何種方式呈交，及與該等申報表相關的其他事宜；
- (n) 規定根據本條例某條文而須呈交的表格或申報表，不得遲於指明時間或須在指明時間內，交到保監局；及

- (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;
- (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

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- (o) 訂明根據本條例須藉或可藉根據本條訂立的規則而訂明的任何事宜。
- (2) 保監局除有權根據第 (1) 款訂立規則外，亦可在諮詢財政司司長後，訂立對執行其任何職能屬必要的其他規則。
- (3) 除本條例其他條文另有規定外，保監局訂立的規則 ——
 - (a) 可一般地適用或適用於特別情況，亦可訂立為只於指明的情況下適用；
 - (b) 可就不同情況訂定不同條文，並可就不同個案或不同類別的個案訂定條文；

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- 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;

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- (c) 可授權將任何事宜或事情交由指明人士決定、裁定、釐定、施行、應用或規管；
- (d) 可就於指明個案中行使酌情決定權，訂定條文；及
- (e) 可為更佳和更有效地施行本條例或該等規則的任何條文，而納入保留條文、過渡性條文、附帶條文、補充條文、證據條文及相應條文（不論是否涉及任何主體條例的條文或任何附屬法例的條文）。

編輯附註：

* 由《2015 年保險公司（修訂）條例》（2015 年第 12 號）第 88 條加入的第 129 條已於 2017 年 6 月 26 日開始實施，但在第 129 條關乎持牌保險中介人的範圍內除外——請參閱《2017 年〈2015 年保險公司（修訂）條例〉（生效日期）公告》（2017 年第 71 號法律公告）(za)(vii) 段。

130. 放寬根據第 129(1)(a) 條訂立的規則

- (1) 保監局可在獲授權保險人的書面要求下，以及在該局認為合適的期間內及條件下，就根據第 129(1)(a) 條訂立的任何規則對該保險人的適用而言，全部或部分放寬該等規則，但保監局如此行事的前提，是該局信納如此行事——
 - (a) 不會有違保單持有人或潛在的保單持有人的利益；且
 - (b) 不會對保監局根據本條例執行其監管職能的能力，造成不良影響。
- (2) 在任何上述放寬的有效期間，第 8(4) 條中提述為此目的而訂立的規則之處，就有關保險人而言，須解釋為提述該等經如此放寬的規則。

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- (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).

Editorial Note:

* Section 129 as added by section 88 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as it relates to licensed insurance intermediaries—see paragraph (za)(vii) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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.

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- (3) 保監局如根據第 (1) 款，就某獲授權保險人而放寬根據第 129(1)(a) 條訂立的任何規則，即須在切實可行範圍內，盡快在憲報刊登公告，述明——
- (a) 該保險人的名稱；及
- (b) 已根據第 (1) 款就該保險人放寬該規則一事。

131. 規則可局限條例的效力

- * (1) 除本條例另有規定外，保監局訂立的規則，可在該等規則指明的條款及條件的規限下，就第 (2) 及 (3) 款提述事宜，訂定條文。
- (2) *(增補尚未實施——見 2015 年第 12 號第 88 條)*
- (3) 凡有關規則指明的本條例條文規定，某申請、陳述、通知或其他文件（不論如何稱述）須提交或呈交保監局或送交保監局存檔，則該等規則可訂定，如該申請、陳述、通知或文件已提交或呈交任何其他指明人士或送交任何其他指明人士存檔，該等條文即視為已獲遵守。

編輯附註：

* 由《2015 年保險公司（修訂）條例》(2015 年第 12 號) 第 88 條加入的第 131(1) 條已於 2017 年 6 月 26 日開始實施，但在第 131(1) 條關乎第 131(2) 條的範圍內除外——請參閱《2017 年〈2015 年保險公司（修訂）條例〉(生效日期) 公告》(2017 年第 71 號法律公告)(za)(ix) 段。

132. 保監局須發表規則草擬本

- (1) 保監局如擬根據本條例任何條文訂立規則，須以該局認為適當的方式，發表擬訂立的規則的草擬本，以邀請公眾就該等擬訂立規則作出申述。

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- (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) *(Addition not yet in operation—see 12 of 2015 s. 88)*
- (3) If the provisions of this Ordinance specified in the rules require an application, statement, notice or other document (however described) to be lodged or filed with or submitted to the Authority, the rules may provide that those provisions are to be regarded as having been complied with if the application, statement, notice or other document is lodged or filed with or submitted to any other specified person.

Editorial Note:

* Section 131(1) as added by section 88 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as it relates to section 131(2)—see paragraph (za)(ix) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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

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- (2) 保監局如在根據第 (1) 款就某規則發表草擬本後，訂立該等規則，須遵守第 (3) 及 (4) 款的規定。
- (3) 保監局須以該局認為適當的方式，發表報告，以概括字句列出 ——
 - (a) 就草擬本作出的申述；及
 - (b) 保監局對該等申述的回應。
- (4) 保監局如認為，所訂立的規則與草擬本有顯著差異，則須以該局認為適當的方式，發表該等差異的細節。
- (5) 如保監局在有關個案的情況下認為 ——
 - (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) 款而涉及的任何延擱，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。

133. 關於保監局職能等的守則或指引

- (1) 保監局可在憲報刊登該局認為適當的守則或指引，並以該局認為適當的任何其他方式，公布該等守則或指引，就以下事宜給予指引 ——
 - (a) 關乎保監局在本條例下的任何職能的任何事宜；或
 - (b) 本條例任何條文的施行。

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- 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.

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- (2) 為免生疑問，保監局根據本條刊登和公布守則或指引的權力，是增補而非減損保監局根據本條例或任何其他條例的條文刊登和公布守則或指引的任何其他權力。
- (3) 保監局可不時修訂已刊登和公布的守則或指引的全部或部分。
- (4) 凡任何人沒有遵從守則或指引所列的條文，此事本身不會令該人可在任何司法或其他法律程序中被起訴。
- (5) 然而，在根據本條例於法院進行的任何法律程序中 ——
 - (a) 有關守則或指引，可獲接納為證據；而
 - (b) 如法院覺得，該守則或指引的任何條文，攸關該法律程序中產生的任何問題，則法院在裁斷該問題時，須考慮任何遵從或不遵從該條文的情況。
- (6) 根據本條刊登和公布的守則或指引 ——
 - (a) 可一般地適用或適用於特別情況，並可只於指明情況下適用；及
 - (b) 可就不同情況訂定不同條文，亦可就不同個案或不同類別的個案訂定條文。
- (7) 根據本條刊登和公布的守則或指引，並非附屬法例。

134. 關於徵費的命令及規例

- (1) 如保險合約關乎 ——
 - (a) 某訂明類別保險業務；或

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- (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

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- (b) 某訂明類型保險合約，
該合約的保單持有人，須就該合約向保監局繳付訂明徵費。
- (2) 為施行第 (1) 款，行政長官會同行政會議藉在憲報刊登的命令 ——
- (a) 可指明任何徵費率或款額，作為第 (1) 款所指的訂明徵費；
- (b) 可指明任何類別的保險業務，作為第 (1)(a) 款所指的訂明類別保險業務；
- (c) 可指明任何類型的保險合約，作為第 (1)(b) 款所指的訂明類型保險合約；
- (d) 可指明須就保險合約繳付的訂明徵費的徵費率或款額，是 ——
- (i) 就該保險合約須繳付的保費的某個百分率；
- (ii) 某固定款額；
- (iii) 零比率、零款額或零百分率；或
- (iv) 以有關命令指明的其他方式計算；及
- (e) 可就不同類別的保險業務，或不同類型的保險合約，指明不同的徵費率。
- (3) 根據本條須繳付的徵費款額，可作為欠保監局的民事債項而由保監局追討。
- * (4) 行政長官會同行政會議可就以下事宜訂立規例 ——
- (a) 繳付徵費；
- (b) 就逾期繳付徵費，繳付附加費或罰款；及
- (c) 備存、審查和審計獲授權保險人及持牌保險中介人關乎收取和繳付徵費的帳目。

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- (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—
- (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;

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* 由《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 第 88 條加入的第 134(4) 條已於 2017 年 6 月 26 日開始實施，但在第 134(4) 條關乎持牌保險中介人的範圍內除外——請參閱《2017 年〈2015 年保險公司 (修訂) 條例〉(生效日期) 公告》(2017 年第 71 號法律公告)(za)(xi) 段。

135. 減低徵費

- (1) 如在保監局某財政年度中，第 (2) 款所列的規定獲符合，則保監局須以向行政長官會同行政會議建議減低徵費率或款額為出發點，諮詢財政司司長。
- (2) 有關規定是——
 - (a) 保監局的儲備金在扣除折舊及所有準備金後，為數超逾有關財政年度預算營運開支的兩倍；及
 - (b) 保監局無未清償債項。
- (3) 保監局可在根據第 (1) 款諮詢財政司司長後，向行政長官會同行政會議作出建議，減低徵費率或款額。

*136. 根據第 13AE(14) 及 123(7) 條刊登公告的程序規定

- (1) 財政司司長如擬根據第 13AE(14) 或 123(7) 條刊登公告，須以其認為適當的方式，發表擬刊登的公告的草擬本，以邀請公眾就該擬刊登的公告作出申述。

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- (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.

Editorial Note:

* Section 134(4) of this Ordinance as added by section 88 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as it relates to licensed insurance intermediaries—see paragraph (za)(xi) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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

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- (2) 財政司司長如在根據第 (1) 款就某公告發表草擬本後，刊登該公告，須遵守第 (3) 及 (4) 款的規定。
- (3) 財政司司長須以其認為適當的方式，發表報告，以概括字句列出 ——
 - (a) 就草擬本作出的申述；及
 - (b) 財政司司長對該等申述的回應。
- (4) 財政司司長如認為，所刊登的公告與草擬本有顯著差異，則須以其認為適當的方式，發表該等差異的細節。
- (5) 如財政司司長在有關個案的情況下認為 ——
 - (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) 款而涉及的任何延擱，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) 財政司司長可指示保監局代財政司司長發表 ——
 - (a) 第 (1) 款所指的擬刊登的公告草擬本；
 - (b) 第 (3) 款所指的報告；或
 - (c) 第 (4) 款所指的差異的細節。

編輯附註：

* 由《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 第 88 條加入的第 136 條已於 2017 年 6 月 26 日開始實施，但在第 136 條關乎新訂的第 123(7) 條的範圍內除外 —— 請參閱《2017 年 (2015 年保險公司 (修訂) 條例) (生效日期) 公告》(2017 年第 71 號法律公告) (za)(xiii) 段。

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- 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
 - (b) the response of the Financial Secretary to the representations.
 - (4) If the Financial Secretary considers the notice published is significantly different from the draft, the Financial Secretary must publish, in the manner the Financial Secretary considers appropriate, details of the difference.
 - (5) Subsections (1) and (2) do not apply if the Financial Secretary 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.
 - (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).

137. 保監局可指明表格

- (1) 在符合第 (2) 款的規定下，保監局可指明 ——
 - (a) 根據本條例規定須採用指明表格的任何文件的表格；並
 - (b) 保監局認為合適的、為施行本條例而需有的其他文件的表格。
- (2) 第 (1) 款所指的保監局權力，須受限於本條例內任何表格（不論是指明表格或其他表格）須符合的明訂規定；但如按保監局的意見，保監局在某範圍內就該表格而行使該權力，並不違反該規定，則在該範圍內，該規定不得限制保監局就該表格而行使該權力。
- (3) 為免生疑問，現宣布第 (1) 款所指的保監局權力，可藉以下方式行使 ——
 - (a) 使該款所提述的任何文件的指明表格內，包括符合以下說明的法定聲明 ——
 - (i) 由填寫該表格的人作出；且
 - (ii) 是關於盡該人所知及所信，該表格所載的詳細資料，是否真實正確的；
 - (b) 按保監局認為合適的方式，指明在該款中提述的文件的兩種或多於兩種表格，不論該等表格是作為互相替代之用，抑或是用於特別情況或特別個案的。
- (4) 根據本條指明的表格 ——
 - (a) 須按照該表格指明的指示及指令填寫；
 - (b) 須附有該表格指明的文件；及

Editorial Note:

* Section 136 of this Ordinance as added by section 88 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as it relates to the new section 123(7)—see paragraph (za)(xiii) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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.
- (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.

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- (c) 如在填寫後，須向保監局或任何其他人提交，則須按該表格指明的方式（如有的話）提交。
- (5) 在本條中 ——
文件 (document) 包括任何申請、通知、申報表及帳目。

138. 修訂附表

- (1) 行政長官會同行政會議可藉在憲報刊登的公告，修訂附表 9。
- (2) 保監局可在財政司司長批准下，藉在憲報刊登的公告，修訂 ——
- (a) 附表 1；
 - (b) 附表 2；
 - (c) 附表 3；
 - (d) 附表 4；
 - (e) 附表 5；
 - (f) 附表 6；
 - (g) 附表 7；或
 - (h) 附表 8。
- (3) 立法會可藉決議修訂附表 1D。

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- (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—
document (文件) includes any application, notice, return and accounts.

138. Amendment of Schedules

- (1) The Chief Executive in Council may, by notice published in the Gazette, amend Schedule 9.
- (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.

第 XIV 部

保留條文及過渡性安排

(第 XIV 部由 2015 年第 12 號第 88 條增補)

139. 關乎《2015 年保險公司 (修訂) 條例》的保留條文及過渡性安排

附表 11 訂定關乎《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 的保留條文及過渡性及補充安排。

Part XIV

Savings and Transitional Arrangements

(Part XIV added 12 of 2015 s. 88)

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

Schedule 11 provides for the savings, transitional and supplemental arrangements that relate to the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015).

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第 1 條Schedule 1—Part I
Section 1S1-2
Cap. 41**附表 1**[第 2、3、8、10、22、23、
50A、51 及 138 條及附表 3]
(由 2015 年第 12 號第 89 條代替)**保險業務的類別**

(格式變更——2017 年第 4 號編輯修訂紀錄)

第 1 部**導言**

1. 本附表第 2 及 3 部所指明的保險業務類別，即為與施行本條例有關的保險業務類別。
2. 根據第 8 條所作的授權，在描述所關乎的類別或部分類別時，可藉提述本附表第 4 部所指明的適當組別以作描述。
3. 如任何獲授權經營長期業務的保險人訂立與執行任何保險合約，而該合約併合長期業務及性質屬本附表第 3 部就類別 1 或 2 所指明的額外業務，則就該合約而言，該額外業務須視為長期業務而非一般業務。
- 3A. 在同一合約中，不得將本附表第 2 部類別 G 或 H 所指明性質的長期業務，與本附表所指明的任何其他性質的業務併合一起，除非該合約是由保監局根據第 3B 段藉在憲報刊登公告指明為本段不適用的合約，或屬於公告內指明為本段不適用的類別或種類的合約，則不在此限。(由 1993 年第 59 號第 17 條增補。由 2015 年第 12 號第 2 條修訂)

Schedule 1(Replaced 12 of 2015 s. 89)
[ss. 2, 3, 8, 10, 22, 23, 50A, 51 & 138 & Sch. 3]
(Replaced 12 of 2015 s. 89)**Classes of Insurance Business**

(Format changes—E.R. 4 of 2017)

Part I**Preliminary**

1. The classes of insurance business specified in Parts 2 and 3 of this Schedule shall constitute the classes of insurance business that are relevant for the purposes of this Ordinance.
2. An authorization under section 8, in describing the classes or parts of classes to which it relates, may do so by reference to the appropriate groups specified in Part 4 of this Schedule.
3. If an insurer authorized to carry on long term business effects and carries out a contract of insurance which combines long term business and additional business of the nature specified in Part 3 of this Schedule in relation to class 1 or 2, the additional business shall as respects that contract be regarded as long term business and not as general business.
- 3A. There shall not be combined in the one contract long term business of the nature specified in class G or H in Part 2 of this Schedule and business of any other nature specified in this Schedule unless

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第 3AA 條

- 3AA. (a) 第 3A 段不適用於任何有關人壽的年金合約，而根據該合約，一筆整付保費須予繳付，以換取一筆自該合約的簽立日期起立即須定期支付的年金。
- (b) (a) 節須當作已自《1993 年保險公司 (修訂) 條例》*(1993 年第 59 號) 的生效日期起實施。(由 1995 年第 75 號第 11 條增補)

編輯附註：

* “《1993 年保險公司 (修訂) 條例》” 乃 “Insurance Companies (Amendment) Ordinance 1993” 之譯名。

- 3B. 保監局可藉在憲報刊登公告指明第 3A 段所不適用的合約 (包括任何類別或種類的合約)。(由 1993 年第 59 號第 17 條增補。由 2015 年第 12 號第 2 條修訂)

- 3C. 在符合第 3D 段的規定下，凡在《1993 年保險公司 (修訂) 條例》*(1993 年第 59 號) 的生效日期或之後訂立與執行的任何合約可以既是本附表第 2 部類別 I 所指明性質的合約，亦是另一類別 (或另外多個類別) 的長期業務所指明性質的合約，則就本條例而言，該合約須視為只屬類別 I 所指明性質的合約，而本條例條文亦據此而對其有效。(由 1993 年第 59 號第 17 條增補)

編輯附註：

* “《1993 年保險公司 (修訂) 條例》” 乃 “Insurance Companies (Amendment) Ordinance 1993” 之譯名。

- 3D. 當《1993 年保險公司 (修訂) 條例》*(1993 年第 59 號) 第 19 條的有效期限屆滿，第 3C 段立即對該段所提述的日期前訂立與執行的合約有效，一如其對在該日期或之後訂立與執行的合約有效一樣。(由 1993 年第 59 號第 17 條增補)

編輯附註：

* “《1993 年保險公司 (修訂) 條例》” 乃 “Insurance Companies (Amendment) Ordinance 1993” 之譯名。

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that contract is a contract (or belongs to a class or description of contract) specified by the Authority by notice in the Gazette under paragraph 3B as being a contract to which this paragraph shall not apply. (*Added 59 of 1993 s. 17. Amended 12 of 2015 s. 2*)

- 3AA. (a) Paragraph 3A shall not apply to any annuity contract on a human life under which a single premium is paid in return for an annuity which becomes payable periodically immediately upon the date of the execution of the contract.
- (b) Subparagraph (a) shall be deemed to have come into operation on the commencement of the Insurance Companies (Amendment) Ordinance 1993 (59 of 1993). (*Added 75 of 1995 s. 11*)

- 3B. The Authority may specify, by notice in the Gazette, any contract (including any class or description of contract) to which paragraph 3A shall not apply. (*Added 59 of 1993 s. 17. Amended 12 of 2015 s. 2*)

- 3C. Subject to paragraph 3D, where a contract effected and carried out on or after the date of commencement of the Insurance Companies (Amendment) Ordinance 1993 (59 of 1993) can be both a contract of the nature specified in class I in Part 2 of this Schedule and a contract of the nature specified in another class (or classes) of long term business, the contract shall, for the purposes of this Ordinance, be treated as being only a contract of the nature specified in class I, and the provisions of this Ordinance shall have effect accordingly. (*Added 59 of 1993 s. 17*)

- 3D. Immediately upon the expiration of section 19 of the Insurance Companies (Amendment) Ordinance 1993 (59 of 1993), paragraph 3C shall operate in relation to a contract effected and carried out before the date referred to in that paragraph as it operates in

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第 3E 條

3E. 在本附表第 1 及 2 部內，**退休計劃** (retirement scheme) 指書面或口頭、明訂或隱含的計劃，而根據該計劃，以退休金、津貼、酬金或其他付款形式作出的利益是會在下述情況下向計劃的成員 (或就該等成員) 提供的 ——

- (a) 計劃的成員因被終止服務 (包括因無行為能力而被終止)、死亡或退休而停止被僱用 (包括自我僱用)；
- (b) 計劃的成員根據服務合約停止服務；或
- (c) 計劃的成員停止為某一組織或合夥的成員，

但不包括任何由保監局根據第 3F 或 3FB 段藉在憲報刊登公告指明就本條例而言並非屬退休計劃的任何計劃 (包括任何類別或種類的計劃)。(由 1993 年第 59 號第 17 條增補。由 1994 年第 398 號法律公告修訂；由 2015 年第 12 號第 2 條修訂)

3F. 在符合第 3FB 段的規定下，除《職業退休計劃條例》(第 426 章)所指的職業退休計劃外，保監局可藉在憲報刊登公告，指明任何計劃 (包括任何類別或種類的計劃) 就本條例而言，並非屬退休計劃。(由 1993 年第 59 號第 17 條增補。由 1994 年第 398 號法律公告修訂；由 2015 年第 12 號第 2 條修訂)

3FA. 本附表第 2 部類別 G 或 H 所指明性質的長期業務中，就該長期業務類別所提述的合約而言，**一方** (party) ——

- (a) 指 ——
 - (i) 根據第 8 條獲授權或當作獲授權經營該類別長期業務的公司；
 - (ii) 勞合社；或
 - (iii) 根據第 6 條認可的承保人組織；及
- (b) 在《職業退休計劃條例》(第 426 章) 第 3 條實施當日或之後，包括除以下人士以外的任何其他人士 ——
 - (i) 以信託形式託管供款 (或保費)，而根據該合約，該等供款 (或保費) 會成為其財產者；及

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relation to a contract effected and carried out on or after that date.
(Added 59 of 1993 s. 17)

3E. In Parts 1 and 2 of this Schedule, **retirement scheme** (退休計劃) means any scheme, whether in writing or oral, express or implied, under which benefits, in the form of pensions, allowances, gratuities or other payments, are payable to or in respect of a member of the scheme on the cessation of his—

- (a) employment (including any self-employment) by termination of service (including termination for disability), death or retirement;
- (b) service under a contract for services; or
- (c) membership of an association or partnership,

but does not include any scheme (including any class or description of scheme) specified by the Authority by notice in the Gazette under paragraph 3F or 3FB as not being a retirement scheme for the purposes of this Ordinance. (Added 59 of 1993 s. 17. Amended L.N. 398 of 1994; 12 of 2015 s. 2)

3F. Subject to paragraph 3FB, the Authority may, except in relation to a scheme which is an occupational retirement scheme within the meaning of the Occupational Retirement Schemes Ordinance (Cap. 426), specify, by notice in the Gazette, any scheme (including any class or description of scheme) as not being a retirement scheme for the purposes of this Ordinance. (Added 59 of 1993 s. 17. Amended L.N. 398 of 1994; 12 of 2015 s. 2)

3FA. In long term business of the nature specified in class G or H in Part 2 of this Schedule, **party** (一方), in relation to a contract referred to in that class of long term business—

- (a) means—

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- (ii) 並非 (a) 節所提述的人。(由 1994 年第 398 號法律公告增補)

3FB. 凡 ——

- (a) 《職業退休計劃條例》(第 426 章) 所指的職業退休計劃 ——
- (i) 並非由信託所管限；亦
 - (ii) 並非該條例所指保險安排的主題或由該條例所指保險安排所規管；而
- (b) 該計劃的管理人 (該條例所指者) 並非第 3FA(a) 段所提述的人，

則保監局可藉在憲報刊登公告，指明該計劃 (包括該計劃任何類別或種類的計劃) 就本條例而言，並非屬退休計劃。(由 1994 年第 398 號法律公告增補。由 2015 年第 12 號第 2 條修訂)

- (i) a company authorized, or deemed to be authorized, under section 8 to carry on that class of long term business;
 - (ii) Lloyd's; or
 - (iii) an association of underwriters approved under section 6; and
- (b) includes, on and after the day on which section 3 of the Occupational Retirement Schemes Ordinance (Cap. 426) comes into operation, any other person except a person who—
- (i) holds on trust the contributions (or premiums) which become his property under that contract; and
 - (ii) is not a person referred to in subparagraph (a).
(Added L.N. 398 of 1994)

3FB. Where—

- (a) an occupational retirement scheme within the meaning of the Occupational Retirement Schemes Ordinance (Cap. 426) is neither—
 - (i) governed by a trust; nor
 - (ii) the subject of or regulated by an insurance arrangement within the meaning of that Ordinance; and
- (b) the administrator, within the meaning of that Ordinance, of such scheme is not a person referred to in paragraph 3FA(a),

then the Authority may specify, by notice in the Gazette, such scheme (including any class or description of such scheme) as not being a retirement scheme for the purposes of this Ordinance.
(Added L.N. 398 of 1994. Amended 12 of 2015 s. 2)

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第 3G 條

- 3G. 現聲明根據第 3B、3F 或 3FB 段發出的公告為附屬法例。(由 1993 年第 59 號第 17 條增補。由 1994 年第 398 號法律公告修訂)
4. 在符合第 5 段的規定下，獲授權經營任何類別的一般業務的任何保險人，在訂立與執行任何保險合約承保該類別內的某種風險時 (**主要風險**)，可在該合約內包括一項條文，根據該項條文，該保險人附帶承擔一項不在該類別中的風險 (**附屬風險**) 的法律責任。
5. 第 4 段只在以下情況適用 ——
- (a) 承擔附屬風險的法律責任，包括在規定承擔主要風險的法律責任的同一合約內；及
 - (b) 附屬風險是與主要風險有關，並與承保主要風險的對象、狀況、狀態或人有關；及
 - (c) 附屬風險不屬於類別 14 或 15 所指的種類，而承保該類風險會構成一般業務。
6. 在類別 6 及 12 中，**船隻** (vessels) 包括氣墊船。
7. 《1994 年保險公司條例 (修訂附表 1) 規例》*(1994 年第 398 號法律公告) 須當作已自《1993 年保險公司 (修訂) 條例》@(1993 年第 59 號) 的生效日期起實施。(由 1995 年第 75 號第 11 條增補)

編輯附註：

* “《1994 年保險公司條例 (修訂附表 1) 規例》” 乃 “Insurance Companies Ordinance (Amendment of First Schedule) Regulation 1994” 之譯名。

@ “《1993 年保險公司 (修訂) 條例》” 乃 “Insurance Companies (Amendment) Ordinance 1993” 之譯名。

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- 3G. It is hereby declared that a notice under paragraph 3B, 3F or 3FB is subsidiary legislation. (*Added 59 of 1993 s. 17. Amended L.N. 398 of 1994*)
4. Subject to paragraph 5, an insurer authorized to carry on a class of general business may, in effecting and carrying out a contract of insurance against a risk (**the principal risk**) within that class, include in the contract provision whereby the insurer incidentally assumes liability against a risk (**the ancillary risk**) that is not within that class.
5. Paragraph 4 shall apply only if—
- (a) the assumption of liability against the ancillary risk is included in the same contract as that providing for the assumption of liability against the principal risk; and
 - (b) the ancillary risk is related to the principal risk and to the object, state, condition or person that is insured against the principal risk; and
 - (c) the ancillary risk is not of the kind to which class 14 or 15 relates and is otherwise such that insurance against it constitutes general business.
6. In classes 6 and 12 **vessels** (船隻) includes hovercraft.
7. The Insurance Companies Ordinance (Amendment of First Schedule) Regulation 1994 (L.N. 398 of 1994) shall be deemed to have come into operation on the commencement of the Insurance Companies (Amendment) Ordinance 1993 (59 of 1993). (*Added 75 of 1995 s. 11*)

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附表 1 —— 第 2 部

Schedule 1—Part 2

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Cap. 41**第 2 部****長期業務的類別**

| 類別 | 種類 | 業務性質 |
|----|-------|---|
| A | 人壽及年金 | 訂立與執行人壽保險合約，或支付人壽年金的合約，但兩者均不包括以下類別 C 的合約。 |
| B | 婚姻及出生 | 訂立與執行在結婚或嬰兒出生時提供一筆款項，並且有效期超過 1 年的保險合約。 |
| C | 相連長期 | 訂立與執行人壽保險合約，或支付人壽年金的合約，而合約所提供的利益是全部或部分參照任何種類的財產（不論是否在合約內指明）的價值或從其而得到的收入而釐定，或參照任何種類財產價值的波動情況或其指數的波動情況而釐定的（不論該等財產是否在合約內指明）。 |

Part 2**Classes of Long Term Business**

| Class | Description | Nature of Business |
|-------|--------------------|---|
| A | Life and annuity | Effecting and carrying out contracts of insurance on human life or contracts to pay annuities on human life, but excluding (in each case) contracts within class C below. |
| B | Marriage and birth | Effecting and carrying out contracts of insurance to provide a sum on marriage or on the birth of a child, being contracts expressed to be in effect for a period of more than 1 year. |
| C | Linked long term | Effecting and carrying out contracts of insurance on human life or contracts to pay annuities on human life where the benefits are wholly or partly to be determined by reference to the value of, or the income from, property of any description (whether or not specified in the contracts) or by reference to fluctuations in, or in an index of, the value of property of any description (whether or not so specified). |

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附表 1 —— 第 2 部

| 類別 | 種類 | 業務性質 |
|----|--------|--|
| D | 永久健康 | 訂立與執行以下合約：提供指明利益以承保某些人因意外或某指明類別的意外或疾病或殘疾而變為無行為能力的風險，並符合下述條件的合約—— (a) 合約述明有效期不少於 5 年，或有效期直至有關人士到達正常退休年齡，或述明無時間限制；及 (b) 合約並無述明可由保險人終止，或合約述明只可在合約內所述的特別情況下才可如此終止。 |
| E | 聯合養老保險 | 訂立與執行聯合養老保險。 |
| F | 資本贖回 | 訂立與執行資本贖回合約。 |

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| Class | Description | Nature of Business |
|-------|--------------------|--|
| D | Permanent health | Effecting and carrying out contracts of insurance providing specified benefits against risks of persons becoming incapacitated in consequence of sustaining injury as a result of an accident or of an accident of a specified class or of sickness or infirmity, being contracts that— (a) are expressed to be in effect for a period of not less than 5 years, or until the normal retirement age for the persons concerned, or without limit of time, and (b) either are not expressed to be terminable by the insurer, or are expressed to be so terminable only in special circumstances mentioned in the contract. |
| E | Tontines | Effecting and carrying out tontines. |
| F | Capital redemption | Effecting and carrying out capital redemption contracts. |

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附表 1 —— 第 2 部

| 類別 | 種類 | 業務性質 |
|----|--------------|--|
| G | 退休計劃管理第 I 類 | 訂立與執行符合以下情況的合約—— (a) 根據合約，供款（或保費）須支付予合約的一方，並成為該方的財產，以換取由該方提供直接或間接用於在一項退休計劃下提供利益的資產；及 (b) 該合約訂有保證資本或收益。（由 1993 年第 59 號第 17 條增補） |
| H | 退休計劃管理第 II 類 | 訂立與執行符合以下情況的合約—— (a) 根據合約，供款（或保費）須支付予合約的一方，並成為該方的財產，以換取由該方提供直接或間接用於在一項退休計劃下提供利益的資產；及 (b) 該合約並無訂有保證資本或收益。（由 1993 年第 59 號第 17 條增補） |

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| Class | Description | Nature of Business |
|-------|--|---|
| G | Retirement scheme management category I | Effecting and carrying out contracts— (a) under which contributions (or premiums) are paid to, and become the property of, one party to the contract in return for the provision by that party of assets to be applied, whether directly or indirectly, towards the provision of benefits under a retirement scheme; and (b) which provide for a guaranteed capital or return. <i>(Added 59 of 1993 s. 17)</i> |
| H | Retirement scheme management category II | Effecting and carrying out contracts— (a) under which contributions (or premiums) are paid to, and become the property of, one party to the contract in return for the provision by that party of assets to be applied, whether directly or indirectly, towards the provision of benefits under a retirement scheme; and (b) which do not provide for a guaranteed capital or return. <i>(Added 59 of 1993 s. 17)</i> |

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附表 1 —— 第 2 部

| 類別 | 種類 | 業務性質 |
|----|---------------|--|
| I | 退休計劃管理第 III 類 | 訂立與執行保險合約以直接或間接在退休計劃下提供利益，但不包括 —— (a) 根據第 3(2) 條被當作為保險合約的上述類別 G 或 H 的合約； (b) 以下類別 1 或 2 的合約。(由 1993 年第 59 號第 17 條增補。由 1994 年第 398 號法律公告修訂) |

Schedule 1—Part 2

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| Class | Description | Nature of Business |
|-------|---|---|
| I | Retirement scheme management category III | Effecting and carrying out contracts of insurance to provide, whether directly or indirectly, benefits under retirement schemes but excluding— (a) contracts within class G or H above deemed under section 3(2) to be contracts of insurance; (b) contracts within class 1 or 2 below. (Added 59 of 1993 s. 17. Amended L.N. 398 of 1994) |

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附表 1 —— 第 3 部

Schedule 1—Part 3

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Cap. 41**第 3 部****一般業務的類別**

| 類別 | 種類 | 業務性質 |
|----|----|---|
| 1 | 意外 | <p>訂立與執行以下保險合約：提供固定的金錢利益或彌償性質的利益（或兩者兼備），以承保受保人以下風險的合約</p> <p>(a) 因意外或某指明類別的意外而受傷，或</p> <p>(b) 因意外或某指明類別的意外而死亡，或</p> <p>(c) 因疾病或某指明類別的疾病而變為無行為能力，</p> <p>包括有關工傷及職業病的合約，但不包括屬於下述類別 2 或上述類別 D 的合約。</p> |

Part 3**Classes of General Business**

| Class | Description | Nature of Business |
|-------|-------------|--|
| 1 | Accident | <p>Effecting and carrying out contracts of insurance providing fixed pecuniary benefits or benefits in the nature of indemnity (or a combination of both) against risks of the persons insured—</p> <p>(a) sustaining injury as the result of an accident or of an accident of a specified class, or</p> <p>(b) dying as the result of an accident or of an accident of a specified class, or</p> <p>(c) becoming incapacitated in consequence of disease or of disease of a specified class,</p> <p>inclusive of contracts relating to industrial injury and occupational disease but exclusive of contracts falling within class 2 below or class D above.</p> |

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附表 1 —— 第 3 部

| 類別 | 種類 | 業務性質 |
|----|------|--|
| 2 | 疾病 | 訂立與執行以下保險合約：提供固定的金錢利益或彌償性質的利益（或兩者兼備），以承保受保人因疾病或殘疾而引致損失的風險的合約，但不包括屬於上述類別 D 的合約。 |
| 3 | 陸上車輛 | 訂立與執行保險合約，以承保在陸上使用的車輛（包括汽車但不包括鐵路車輛）的損失或損壞。 |
| 4 | 鐵路車輛 | 訂立與執行保險合約，以承保鐵路車輛的損失或損壞。 |
| 5 | 飛機 | 訂立與執行保險合約，以承保飛機，或飛機的機械、用具、家具或設備。 |
| 6 | 船舶 | 訂立與執行保險合約，以承保航行於海上或內水的船隻或該等船隻的機械、用具、家具或設備。 |

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| Class | Description | Nature of Business |
|-------|-----------------------|--|
| 2 | Sickness | Effecting and carrying out contracts of insurance providing fixed pecuniary benefits or benefits in the nature of indemnity (or a combination of the two) against risks of loss to the persons insured attributable to sickness or infirmity, but exclusive of contracts falling within class D above. |
| 3 | Land vehicles | Effecting and carrying out contracts of insurance against loss of or damage to vehicles used on land, including motor vehicles but excluding railway rolling stock. |
| 4 | Railway rolling stock | Effecting and carrying out contracts of insurance against loss of or damage to railway rolling stock. |
| 5 | Aircraft | Effecting and carrying out contracts of insurance upon aircraft or upon the machinery, tackle, furniture or equipment of aircraft. |
| 6 | Ships | Effecting and carrying out contracts of insurance upon vessels used on the sea or on inland water, or upon the machinery, tackle, furniture or equipment of such vessels. |

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附表 1 —— 第 3 部

| 類別 | 種類 | 業務性質 |
|----|-----------|--|
| 7 | 貨運 | 訂立與執行保險合約，以承保在運送途中（不論何種運輸方式）的商品、行李及所有其他貨品的損失或損壞。 |
| 8 | 火災及自然力量 | 訂立與執行保險合約，以承保因火災、爆炸、風暴、除風暴以外的其他自然力量、核能、或地陷而造成的財產（上述類別 3 至 7 所指的財產除外）損失或損壞。 |
| 9 | 財產損壞 | 訂立與執行保險合約，以承保因雹、霜或不屬上述類別 8 所述的事項的任何事項（例如盜竊）造成的財產（上述類別 3 至 7 所指的財產除外）損失或損壞。 |
| 10 | 汽車方面的法律責任 | 訂立與執行保險合約，以承保因在陸上使用汽車而出現的或與在陸上使用汽車有關的損壞，包括第三者風險及承運人的法律責任在內。 |
| 11 | 飛機方面的法律責任 | 訂立與執行保險合約，以承保因使用飛機而出現的或與使用飛機有關的損壞，包括第三者風險及承運人的法律責任在內。 |

Schedule 1—Part 3

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| Class | Description | Nature of Business |
|-------|-------------------------|---|
| 7 | Goods in transit | Effecting and carrying out contracts of insurance against loss of or damage to merchandise, baggage and all other goods in transit, irrespective of the form of transport. |
| 8 | Fire and natural forces | Effecting and carrying out contracts of insurance against loss of or damage to property (other than property to which classes 3 to 7 above relate) due to fire, explosion, storm, natural forces other than storm, nuclear energy or land subsidence. |
| 9 | Damage to property | Effecting and carrying out contracts of insurance against loss of or damage to property (other than property to which classes 3 to 7 above relate) due to hail or frost or to any event (such as theft) other than those mentioned in class 8 above. |
| 10 | Motor vehicle liability | Effecting and carrying out contracts of insurance against damage arising out of or in connection with the use of motor vehicles on land, including third-party risks and carrier's liability. |
| 11 | Aircraft liability | Effecting and carrying out contracts of insurance against damage arising out of or in connection with the use of aircraft, including third-party risks and carrier's liability. |

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第 41 章

附表 1 —— 第 3 部

| 類別 | 種類 | 業務性質 |
|----|-----------|---|
| 12 | 船舶方面的法律責任 | 訂立與執行保險合約，以承保因在海上或內水使用船隻而出現的或與在海上或內水使用船隻有關的損壞，包括第三者風險及承運人的法律責任在內。 |
| 13 | 一般法律責任 | 訂立與執行保險合約，以承保受保人須對第三者負上法律責任的風險，但有關風險不屬上述類別 10、11 或 12 所指的風險。 |
| 14 | 信貸 | 訂立與執行保險合約，以承保受保人因其債務人無力償債，或債務到期時債務人沒有償還（由於無力償債而導致沒有償還除外）而造成損失的風險。 |
| 15 | 擔保 | 訂立與執行 —— (a) 保險合約，以承保受保人因須履行其所訂立的保證合約而造成損失的風險； (b) 誠實保證、履約保證、遺產承辦保證、保釋保證或海關保證的合約或類似的保證合約。 |

Schedule 1—Part 3

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Cap. 41

| Class | Description | Nature of Business |
|-------|---------------------|---|
| 12 | Liability for ships | Effecting and carrying out contracts of insurance against damage arising out of or in connection with the use of vessels on the sea or on inland water, including third-party risks and carrier's liability. |
| 13 | General liability | Effecting and carrying out contracts of insurance against risks of the persons insured incurring liabilities to third parties, the risks in question not being risks to which class 10, 11 or 12 above relates. |
| 14 | Credit | Effecting and carrying out contracts of insurance against risks of loss to the persons insured arising from the insolvency of debtors of theirs or from the failure (otherwise than through insolvency) of debtors of theirs to pay their debts when due. |
| 15 | Suretyship | Effecting and carrying out— (a) contracts of insurance against risks of loss to the persons insured arising from their having to perform contracts of guarantee entered into by them; (b) contracts for fidelity bonds, performance bonds, administration bonds, bail bonds or customs bonds or similar contracts of guarantee. |

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附表 1 —— 第 3 部

| 類別 | 種類 | 業務性質 |
|----|--------|---|
| 16 | 雜項財務損失 | 訂立與執行保險合約，以承保以下任何風險，即—— (a) 受保人因所經營的業務受阻，或所經營的業務規模縮減而造成損失的風險； (b) 受保人因招致不可預見的開支而造成損失的風險； (c) 不屬於上述 (a) 或 (b) 段所指的風險，亦不屬於一種符合以下情況的風險：經營訂立與執行保險合約以承保該種風險的業務會構成經營其他類別的保險業務。 |
| 17 | 法律開支 | 訂立與執行保險合約，以承保受保人因招致法律開支（包括訴訟費用）而造成損失的風險。 |

Schedule 1—Part 3

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Cap. 41

| Class | Description | Nature of Business |
|-------|------------------------------|---|
| 16 | Miscellaneous financial loss | Effecting and carrying out contracts of insurance against any of the following risks, namely— (a) risks of loss to the persons insured attributable to interruptions of the carrying on of business carried on by them or to reduction of the scope of business so carried on; (b) risks of loss to the persons insured attributable to their incurring unforeseen expense; (c) risks neither falling within paragraph (a) or (b) above nor being of a kind such that the carrying on of the business of effecting and carrying out contracts of insurance against them constitutes the carrying on of insurance business of some other class. |
| 17 | Legal expenses | Effecting and carrying out contracts of insurance against risks of loss to the persons insured attributable to their incurring legal expenses (including costs of litigation). |

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附表 1 —— 第 4 部

Schedule 1—Part 4

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Cap. 41**第 4 部****組別**

| 編號 | 名稱 | 組成 |
|----|-----------|---|
| 1 | 意外及健康 | 類別 1 及 2。 |
| 2 | 汽車 | 類別 1 (範圍限於有關的風險是受保人因作為乘客而受傷或死亡的風險) 以及類別 3、7 及 10。 |
| 3 | 海運及運輸 | 類別 1 (限於上述範圍) 以及類別 4、6、7 及 12。 |
| 4 | 航空 | 類別 1 (限於上述範圍) 以及類別 5、7 及 11。 |
| 5 | 火險及其他財產損壞 | 類別 8 及 9。 |
| 6 | 法律責任 | 類別 10、11、12 及 13。 |
| 7 | 信貸及擔保 | 類別 14 及 15。 |
| 8 | 一般 | 類別 1 至 17 (包括類別 1 及 17)。 |

Part 4**Groups**

| Number | Designation | Composition |
|--------|-----------------------------------|--|
| 1 | Accident and health | Classes 1 and 2. |
| 2 | Motor | Class 1 (to the extent that the relevant risks are risks of the person insured sustaining injury, or dying, as the result of travelling as a passenger) and classes 3, 7 and 10. |
| 3 | Marine and transport | Class 1 (to the said extent) and classes 4, 6, 7 and 12. |
| 4 | Aviation | Class 1 (to the said extent) and classes 5, 7 and 11. |
| 5 | Fire and other damage to property | Classes 8 and 9. |
| 6 | Liability | Classes 10, 11, 12 and 13. |
| 7 | Credit and suretyship | Classes 14 and 15. |
| 8 | General | Classes 1 to 17 inclusive. |

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附表 1 —— 第 5 部

| 編號 | 名稱 | 組成 |
|----|------|--|
| 9 | 長期 | 類別 A 至 I (包括類別 A 及 I)。 (由 1993 年第 59 號第 17 條代替) |
| 10 | 長期風險 | 類別 A 至 F (包括 A 及 F 類別) 及類別 I。(由 1993 年第 59 號 第 17 條增補) |
| 11 | 退休計劃 | 類別 G 及 H。(由 1993 年第 59 號第 17 條增補) |

第 5 部**過渡性條文**

凡在緊接本條例生效日期之前，任何保險人根據由本條例廢除或修訂的條例獲授權經營以下列表第 1 欄所示的任何先前類別的業務，就本條例而言，關乎該保險人的適當相應業務，即為列表第 2 欄所示的相應業務。

列表

| 先前類別 | 相應業務 |
|--------|------|
| 火險業務 | 組別 5 |
| 人壽保險業務 | 組別 9 |
| 海上保險業務 | 組別 3 |
| 汽車保險業務 | 組別 2 |

Schedule 1—Part 5

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| Number | Designation | Composition |
|--------|--------------------|---|
| 9 | Long term | Classes A to I inclusive. <i>(Replaced 59 of 1993 s. 17)</i> |
| 10 | Long term risks | Classes A to F inclusive and class I. <i>(Added 59 of 1993 s. 17)</i> |
| 11 | Retirement schemes | Classes G and H. <i>(Added 59 of 1993 s. 17)</i> |

Part 5**Transitional Provisions**

Where immediately before the commencement of this Ordinance an insurer was authorized under an Ordinance repealed or amended by this Ordinance to carry on any of the former classes shown in column 1 of the table below, the appropriate corresponding business as respects that insurer shall, for the purposes of this Ordinance, be the corresponding business shown in column 2 of the table.

TABLE

| Former Classes | Corresponding Business |
|----------------------------------|------------------------|
| Fire insurance business | Group 5 |
| Life insurance business | Group 9 |
| Marine insurance business | Group 3 |
| Motor vehicle insurance business | Group 2 |

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第 41 章附表 1B
第 1 條Schedule 1B
Section 1S1B-2
Cap. 41**附表 1B**

[第 4AA 條]

保監局的組成及處事程序等

(附表 1B 由 2015 年第 12 號第 90 條增補)

1. 副主席以及主席或副主席職位出缺

- (1) 行政長官可委任一名保監局執行董事或非執行董事(保監局的主席或行政總監除外),擔任保監局副主席。
- (2) 如保監局主席的職位出缺,或保監局主席因傷病、不在香港或其他原因,以致不能擔任主席,則根據第(1)款獲委任的副主席須署任主席。
- (3) 不論是否已根據第(1)款委任副主席,保監局主席亦可——
 - (a) 指定一名保監局執行董事或非執行董事,在主席及副主席均因傷病、不在香港或其他原因而不能擔任主席的期間,署任保監局主席;及
 - (b) 隨時撤銷該項指定。
- (4) 在以下情況下,第(5)款適用——
 - (a) 沒有根據第(1)款委任保監局副主席,或保監局副主席的職位出缺;或
 - (b) 根據第(1)款獲委任的副主席因傷病、不在香港或其他原因,以致不能署任主席,而保監局主席沒有根據第(3)款作出指定。
- (5) 財政司司長可指定一名保監局執行董事或非執行董事,在保監局主席因傷病、不在香港或其他原因而不能擔任主席的期間,署任保監局主席。
- (6) 第(5)款所指的指定,在以下情況當中最早出現者出現時,停止有效——

Schedule 1B

[s. 4AA]

Constitution and Proceedings of Authority, etc.

(Schedule 1B added 12 of 2015 s. 90)

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

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第 1 條Schedule 1B
Section 1S1B-4
Cap. 41

- (a) 財政司司長撤銷該項指定；
- (b) 如該項指定在第 (4)(a) 款所述的情況下作出 —— 行政長官根據第 (1) 款作出委任；
- (c) 如該項指定在第 (4)(b) 款所述的情況下作出 —— 根據第 (1) 款獲委任的副主席能夠署任主席。
- (7) 根據本條署任保監局主席的保監局副主席、執行董事或非執行董事，須就所有目的而言，視為保監局主席。
- (8) 儘管有第 (7) 款的規定 ——
 - (a) 不得僅因某保監局執行董事署任保監局主席，而不再視該人為保監局執行董事；及
 - (b) 不得僅因某保監局非執行董事署任保監局主席，而不再視該人為保監局非執行董事。

- (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.
- (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.

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第 41 章附表 1B
第 2 條Schedule 1B
Section 2S1B-6
Cap. 41**2. 行政總監職位出缺**

- (1) 行政長官 ——
- (a) 可因應保監局行政總監在任何期間因傷病、不在香港或其他原因，以致不能擔任行政總監，指定一名保監局執行董事，在該段期間署任保監局行政總監；並
- (b) 可隨時撤銷該項指定。
- (2) 署任保監局行政總監的保監局執行董事，須就所有目的而言，視為保監局行政總監。

3. 成員的職能及任職等

- (1) 保監局主席、副主席及行政總監具有保監局指派予他們的職能。
- (2) 保監局成員的任職條款及條件，由行政長官決定。
- (3) 保監局成員可隨時藉向行政長官發出書面通知而辭職。
- (4) 除非第 (2) 款所指的委任條款及條件另有訂明，否則辭職通知 ——
- (a) 在該通知所指明的日期生效；或
- (b) (如該通知沒有指明日期) 在行政長官收到該通知的日期生效。
- (5) 保監局須向其成員支付行政長官所釐定的報酬、津貼或開支。

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
- (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.

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第 41 章附表 1B
第 4 條Schedule 1B
Section 4S1B-8
Cap. 41**4. 罷免保監局成員**

- (1) 行政長官如信納保監局某成員——
- (a) 已成為公職人員；
 - (b) 已破產；
 - (c) 因身體或精神上的疾病，以致無履行職務能力；
 - (d) 在香港被裁定犯了可判處 12 個月或更長期的監禁的罪行，或在香港以外地方被裁定犯了某罪行，而該罪行如在香港干犯即可如此處罰；或
 - (e) 因其他原因，以致不能夠或不適宜執行保監局成員的職能，
- 則可宣布該成員的職位出缺。
- (2) 行政長官須以其認為合適的方式，就有關宣布給予通知。
- (3) 如就有關宣布而給予的通知，是藉刊登憲報公告以外的方式給予的，則第 (4) 款適用。
- (4) 在根據第 (2) 款給予通知後，行政長官須在切實可行範圍內，盡快藉在憲報刊登公告，另行就有關宣布給予通知。

5. 保監局成員披露利害關係

- (1) 如——
- (a) 某事項正於或將於保監局會議上考慮，而保監局任何成員在該事項中，有屬於保監局根據第 (2) 款決定的類別或種類的利害關係；及

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;
 - (d) is convicted in Hong Kong of an offence that is punishable by imprisonment for 12 months or more, or is convicted elsewhere than in Hong Kong of an offence that, if committed in Hong Kong, would be an offence so punishable; or
 - (e) is otherwise unable or unfit to perform the functions of a member of the Authority,
- the Chief Executive may declare the member's office to be vacant.
- (2) The Chief Executive must give notice of the declaration in the manner that the Chief Executive thinks fit.
- (3) Subsection (4) applies if the notice of the declaration is given otherwise than by notice published in the Gazette.
- (4) The Chief Executive must, as soon as practicable after giving notice under subsection (2), give another notice of the declaration by notice published in the Gazette.

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

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Section 5S1B-10
Cap. 41

- (b) 該項利害關係，看似與該成員正當執行關於考慮該事項方面的職責產生衝突，
- 則該成員在知悉相關的事實後，須在切實可行範圍內，盡快在保監局會議上，披露該項利害關係。
- (2) 保監局可 ——
- (a) 決定需要披露的利害關係的類別或種類；
- (b) 決定需要披露的利害關係的細節，及該利害關係須以何種方式披露；及
- (c) 不時更改任何根據 (a) 或 (b) 段決定的事宜。
- (3) 根據本條作出的任何披露的詳情，須由保監局記錄在為此目的而備存的簿冊內，而該簿冊須在所有合理時間，公開讓公眾查閱。
- (4) 在保監局任何成員披露在任何事項中的利害關係後，除非保監局另有裁定，否則該成員不得 ——
- (a) 在保監局就該事項進行商議的期間在場；或
- (b) 參與保監局就該事項作出的任何決定。
- (5) 就保監局根據第 (4) 款作出任何裁定而言，任何在上述披露所關乎的事項中有利害關係的保監局成員，均 ——
- (a) 不得在保監局為作出該裁定而進行商議的期間在場；及
- (b) 不得在保監局作出該裁定時，參與作出裁定。
- (6) 違反本條規定，並不使保監局的決定失效。

- (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

S1B-11
第 41 章附表 1B
第 6 條Schedule 1B
Section 6S1B-12
Cap. 41**6. 會議**

- (1) 保監局會議 ——
 - (a) 須按執行保監局的職能所需的頻密程度召開；及
 - (b) 可由保監局主席、副主席、行政總監或任何兩名其他成員召開。
- (2) 在保監局會議中 ——
 - (a) 保監局主席如有出席，則須擔任會議主席；
 - (b) 如保監局主席缺席，但保監局副主席有出席，則副主席須擔任會議主席；或
 - (c) 如保監局主席及副主席均缺席，則須由出席會議的保監局成員互選一人，擔任會議主席。
- (3) 保監局會議的法定人數，是該局不少於三分之一的執行董事，及該局不少於三分之一的非執行董事。
- (4) 儘管有本附表第 1(6) 及 (7) 條的規定，就根據第 (3) 款組成法定人數而言 ——
 - (a) 署任保監局主席的保監局執行董事，僅作為一名保監局執行董事計算；及
 - (b) 署任保監局主席的保監局非執行董事，僅作為一名保監局非執行董事計算。
- (5) 保監局成員如透過電話、視像會議或其他電子方式，參與該局會議，即須視為出席該會議，但前提是 ——
 - (a) 該成員能聽到其他在場出席會議的成員的發言；而
 - (b) 其他在場出席會議的成員，亦能聽到該成員的發言。
- (6) 每名出席保監局會議的保監局成員，在投票時均有 1 票。

(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)—

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附表 1B

第 7 條

- (7) 在保監局會議中，每項有待決定的問題，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) 保監局會議主席在行使投決定票的權力前，須就有待決定的問題諮詢財政司司長，否則不得行使該權力。

7. 書面決議

- (1) 凡決議符合第 (2) 款所列規定，則該決議的有效性和效果，猶如是在按照本條例召開和進行的保監局會議上通過的一樣。
- (2) 有關規定是 ——

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Section 7

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Cap. 41

- (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—
 - (a) that member is able to hear the other members who are physically present at the meeting; and
 - (b) the members who are physically present at the meeting are able to hear that member.
 - (6) Each member of the Authority present at a meeting of the Authority has 1 vote.
 - (7) Every question for decision at a meeting of the Authority must be determined by a majority of the votes of its members present.
 - (8) If voting is equally divided, the chairperson of the meeting has, subject to subsection (9), a casting vote.
 - (9) The chairperson of a meeting of the Authority must not exercise a casting vote on a question for decision at the meeting until after the chairperson has consulted the Financial Secretary on the question.

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.

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第 41 章附表 1B
第 8 條

- (a) 決議以書面作出；
 - (b) 決議由所有符合下述說明的保監局成員簽署：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) 決議由保監局不少於三分之一的執行董事，及保監局不少於三分之一的非執行董事簽署。
- (3) 就第 (2) 款而言，決議可 ——
- (a) 以一份文件的形式作出；或
 - (b) 以多於一份文件的形式作出，而每份文件採用相同的格式。
- (4) 凡決議是以多於一份文件的形式作出，如該等文件合共由第 (2)(b) 及 (c) 款指明的數目的保監局成員簽署，則須視為已符合該款的規定。
- (5) 就本條而言 ——
- (a) 任何藉專線電報、電報、圖文傳真或電子方式傳送的文件，如其上有保監局任何成員的簽署，即視為已由該成員簽署；及
 - (b) 最後一名以保監局成員身分簽署該決議的保監局成員簽署的日期，即視為作出該決議的日期。

8. 印章、行政規管等

- (1) 保監局須備有印章，使用該印章蓋印須 ——
- (a) 由保監局主席或副主席簽署認證；或

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Section 8S1B-16
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- (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.
- (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—

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第 8 條

- (b) 由保監局為此授權的另一成員簽署認證。
- (2) 任何看來是以保監局印章妥為簽立的文書，均須收取為證據而無需再作證明，而除非相反證明成立，否則該文書一經收取為證據，須視為已如此簽立。
- (3) 保監局須以該局認為在符合本條例的規定下，最能確保其職能得以執行的方式，組織和規管其本身的行政管理、處事程序和事務。
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- (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.
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第 41 章附表 1C
第 1 條Schedule 1C
Section 1S1C-2
Cap. 41**附表 1C**

[第 4C 條]

業界諮詢委員會的組成及處事程序*(附表 1C 由 2015 年第 12 號第 90 條增補)*

1. 業界諮詢委員會由以下成員組成 ——
 - (a) 保監局主席；
 - (b) 保監局行政總監；
 - (c) 不超過兩名保監局執行董事，由保監局委任；及
 - (d) 8 至 12 名其他成員，由財政司司長在諮詢保監局後委任。
2. 財政司司長在根據本附表第 1(d) 條委任某人為成員時，須已信納該人屬保監局認為對保險業、進行受規管活動及處理消費者事務方面，具有知識或經驗者。
3. 業界諮詢委員會須最少每 3 個月舉行一次會議，以向保監局提供意見。
4. 業界諮詢委員會的會議，可由以下人士召開 ——
 - (a) 保監局主席；
 - (b) 保監局行政總監；或
 - (c) 任何 3 名業界諮詢委員會其他成員。
5. 在業界諮詢委員會的會議中 ——
 - (a) 保監局主席如有出席，則須擔任會議主席；或

Schedule 1C

[s. 4C]

Constitution and Proceedings of Industry Advisory Committees*(Schedule 1C added 12 of 2015 s. 90)*

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;

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第 41 章附表 1C
第 3 條Schedule 1C
Section 5S1C-4
Cap. 41

- (b) 如保監局主席缺席，則須由出席會議的該委員會成員互選一人，擔任會議主席。
6. 業界諮詢委員會的會議的法定人數，是委員會成員人數的過半數。
7. 根據本附表第 1(c) 條委任的業界諮詢委員會成員，在停任保監局執行董事時，即停任業界諮詢委員會成員。
8. 業界諮詢委員會成員 ——
- (a) 如根據本附表第 1(c) 條委任，可隨時藉向保監局發出書面通知而辭職；或
- (b) 如根據本附表第 1(d) 條委任，可隨時藉向財政司司長發出書面通知而辭職。

- (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.

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第 41 章

附表 1C
第 9 條

-
9. 財政司司長可藉書面通知，將任何根據本附表第 1(d) 條委任的業界諮詢委員會成員免任。
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Schedule 1C
Section 9

S1C-6
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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.
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第 41 章附表 1D
第 1 條Schedule 1D
Section 1S1D-2
Cap. 41**附表 1D**

[第 4F 及 138 條]

不得轉授的保監局職能

(附表 1D 由 2015 年第 12 號第 90 條增補)

1. 為施行第 4F(2) 條而指明的保監局職能如下 ——
- (a) 根據本條例或任何其他條例，訂立附屬法例；
 - (b) 根據第 4B(2)(c) 條，借入款項；
 - (c) 根據第 4B(2)(f) 條，發表或以其他方式提供關乎保監局執行其任何職能的事宜的材料；
 - (d) 根據第 4B(2)(g) 條，成立全資附屬公司；
 - (e) 根據第 4D(1) 條，設立委員會；
 - (f) 根據第 4D(2) 條，將事宜轉介委員會；
 - (g) 根據第 4D(3) 條，委任某人為委員會成員或主席；
 - (h) 根據第 4D(5) 條，撤回向委員會作出的轉介，或撤銷委員會成員或主席的委任；
 - (i) (增補尚未實施 —— 見 2015 年第 12 號第 90 條)
 - (j) 根據第 5B(3) 條，向財政司司長呈交事務計劃；
 - (k) 根據第 5D(2) 及 (3) 條，擬備財務報表及報告；
 - (l) 根據第 5E(1) 條，委任核數師；
 - (m) 根據第 8 條，授權某公司經營任何類別的保險業務；
 - * (n) 委任並非保監局僱員的人，調查第 41D(1) 及 64ZZH(1) 條提述的任何事宜；
 - ** (o) 根據第 41R、83、95 或 133 條，刊登和公布守則或指引；
 - (p) 指明第 96 條所界定的指明決定的生效時間；

Schedule 1D

[ss. 4F & 138]

Non-delegable Functions of Authority

(Schedule 1D added 12 of 2015 s. 90)

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) (Addition not yet in operation—see 12 of 2015 s. 90)
 - (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);

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第 41 章附表 1D
第 1 條

- (q) 根據第 135 條，以向行政長官會同行政會議建議減低徵費為出發點而諮詢財政司司長，及根據該條向行政長官會同行政會議建議減低徵費；(由 2016 年第 23 號第 208A 及 241 條修訂)
- (r) 根據《金融機構(處置機制)條例》(第 628 章)第 78(2) 條，將本條例任何條文，延遲適用於過渡機構根據本條例提出的申請；(由 2016 年第 23 號第 208A 及 241 條增補。編輯修訂——2017 年第 2 號編輯修訂紀錄)
- (s) 根據《金融機構(處置機制)條例》(第 628 章)第 145(1) 條，提出申請；(由 2016 年第 23 號第 208A 及 241 條增補。編輯修訂——2017 年第 2 號編輯修訂紀錄)

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- (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; (*Amended 23 of 2016 ss. 208A & 241*)
- (r) to defer, under section 78(2) of the Financial Institutions (Resolution) Ordinance (Cap. 628), the application of any provision of this Ordinance to an application made under this Ordinance by a bridge institution; (*Added 23 of 2016 ss. 208A & 241. Amended E.R. 2 of 2017*)
- (s) to make an application under section 145(1) of the Financial Institutions (Resolution) Ordinance (Cap. 628); (*Added 23 of 2016 ss. 208A & 241. Amended E.R. 2 of 2017*)

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第 41 章附表 1D
第 1 條

- (t) 根據《金融機構(處置機制)條例》(第 628 章)第 196 條,發出《實務守則》。(由 2016 年第 23 號第 208A 及 241 條增補。編輯修訂——2017 年第 2 號編輯修訂紀錄)

編輯附註:

* 由《2015 年保險公司(修訂)條例》(2015 年第 12 號)第 90 條加入的附表 1D 第 1(n) 條已於 2017 年 6 月 26 日開始實施,但在附表 1D 第 1(n) 條關乎新訂第 64ZZH(1) 條的範圍內除外——請參閱《2017 年〈2015 年保險公司(修訂)條例〉(生效日期)公告》(2017 年第 71 號法律公告)(zd)(iii) 段。

**由《2015 年保險公司(修訂)條例》(2015 年第 12 號)第 90 條加入的附表 1D 第 1(o) 條已於 2017 年 6 月 26 日開始實施,但在附表 1D 第 1(o) 條關乎新訂第 83 及 95 條的範圍內除外——請參閱《2017 年〈2015 年保險公司(修訂)條例〉(生效日期)公告》(2017 年第 71 號法律公告)(zd)(iv) 段。

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- (t) to issue a code of practice under section 196 of the Financial Institutions (Resolution) Ordinance (Cap. 628). *(Added 23 of 2016 ss. 208A & 241. Amended E.R. 2 of 2017)*

Editorial Note:

* Section 1(n) of Schedule 1D of this Ordinance as added by section 90 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as it relates to the new section 64ZZH(1)—see paragraph (zd)(iii) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

** Section 1(o) of Schedule 1D of this Ordinance as added by section 90 of the Insurance Companies (Amendment) Ordinance 2015 (12 of 2015) came into operation on 26 June 2017, except in so far as it relates to the new sections 83 and 95—see paragraph (zd)(iv) of the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (L.N. 71 of 2017).

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第 41 章附表 2
第 1 條Schedule 2
Section 1S2-2
Cap. 41**附表 2**

[第 7、14 及 138 條]

控權人、董事、管控要員、精算師及勞合社的獲授權代表*(由 2017 年第 72 號法律公告代替)*
*(格式變更——2017 年第 4 號編輯修訂紀錄)***1. 附表 2 的應用**

本附表列出保險人或勞合社須在以下情況下，根據本條例向保監局提交或送交的資料——*(由 2015 年第 12 號第 2 條修訂；由 2017 年第 72 號法律公告修訂)*

- (a) 根據第 7 條須就該保險人的每名控權人及董事而提交或送交，以支持根據本條例申請授權的資料；*(由 2017 年第 72 號法律公告修訂)*
- (b) 關於每名第 14 條下的該保險人的控權人、董事及管控要員，在任何該等控權人、董事或管控要員有任何改變時，須提交或送交的資料；*(由 2017 年第 72 號法律公告代替)*
- (ba) 關於每名根據第 15(3) 條委任的精算師(並非第 15(3A) 條適用的精算師)的資料；*(由 2017 年第 72 號法律公告增補)*
- (bb) 關於每名依據第 15(3A) 條委任的精算師的資料；*(由 2017 年第 72 號法律公告增補)*
- (bc) 關於每名依據第 50B 條委任的獲授權代表的資料。*(由 2017 年第 72 號法律公告增補)*
- (c) *(由 1996 年第 35 號第 32 條廢除)*
- (d) *(由 2017 年第 72 號法律公告廢除)*

Schedule 2

[ss. 7, 14 & 138]

Controllers, Directors, Key Persons in Control Functions, Actuaries and Authorized Representatives of Lloyd's*(Replaced L.N. 72 of 2017)*
*(Format changes—E.R. 4 of 2017)***1. Application of Schedule 2***(Amended 12 of 2015 s. 91)*

This Schedule sets out the information to be furnished or delivered by an insurer or Lloyd's to the Authority under this Ordinance in the following cases—*(Amended 12 of 2015 s. 2; L.N. 72 of 2017)*

- (a) in respect of every controller and director of the insurer under section 7, in support of an application for authorization under this Ordinance; *(Amended L.N. 72 of 2017)*
- (b) in respect of every controller, director and key persons in control functions of the insurer under section 14, on any change in any such controller, director or key person in control functions; *(Replaced L.N. 72 of 2017)*
- (ba) in respect of every actuary appointed under section 15(3) (not being an actuary to whom section 15(3A) applies); *(Added L.N. 72 of 2017)*
- (bb) in respect of every actuary appointed pursuant to section 15(3A); *(Added L.N. 72 of 2017)*
- (bc) in respect of every authorized representative appointed pursuant to section 50B. *(Added L.N. 72 of 2017)*

S2-3
第 41 章附表 2
第 2 條Schedule 2
Section 2S2-4
Cap. 41**2. 在非停任情況下須提交控權人、董事、管控要員或精算師的詳情***(由 2017 年第 72 號法律公告修訂)*

獲授權保險人或保險人依據本條例第 7、14(2) 或 15(3) 條，就控權人、董事、管控要員或精算師（並非本附表第 3 段適用的控權人、董事或管控要員者）向保監局提交的詳情或送達的通知，均須載有以下詳情——*(由 1996 年第 35 號第 32 條修訂；由 2015 年第 12 號第 2 條修訂；由 2017 年第 72 號法律公告修訂)*

- (a) 如董事或控權人屬個人——本附表表格 A、A1 或 A2 內的詳情；
- (b) 如董事或控權人屬法人團——本附表表格 B 內的詳情；及
- (c) 如董事或控權人屬合夥——
 - (i) 本附表表格 A、A1 或 A2 內每名屬個人的合夥人的詳情；
 - (ii) 本附表表格 B 內每名屬法人團體的合夥人的詳情。

*(由 2017 年第 72 號法律公告修訂)***3. 成為或停任控權人、董事、管控要員、精算師或獲授權代表的人的詳情***(由 2017 年第 72 號法律公告修訂)*

獲授權保險人或勞合社依據本條例第 14(2)、15(3) 或 (3A) 或 50B 條就符合以下說明的人士向保監局送達的通知，須載有本

2. Particulars of controller, director, key person in control functions or actuary except on cessation*(Amended L.N. 72 of 2017)*

Any particulars furnished or notice served by an authorized insurer or insurer on the Authority pursuant to section 7, 14(2) or 15(3) of this Ordinance in respect of a controller, director, key person in control functions or actuary (not being a controller, director or key person in control functions to whom paragraph 3 of this Schedule applies) must contain—*(Amended 35 of 1996 s. 32; 12 of 2015 s. 2; L.N. 72 of 2017)*

- (a) in the case of an individual, the particulars in Form A, A1 or A2 in this Schedule;
- (b) in the case of a body corporate, the particulars in Form B in this Schedule; and
- (c) in the case of a partnership—
 - (i) the particulars in Form A, A1 or A2 in this Schedule in respect of each partner who is an individual;
 - (ii) the particulars in Form B in this Schedule in respect of each partner which is a body corporate.

*(Amended L.N. 72 of 2017)***3. Particulars of person becoming or ceasing to be controller, director, key person in control functions, actuary or authorized representative***(Amended L.N. 72 of 2017)*

A notice served by an authorized insurer or Lloyd's on the Authority pursuant to section 14(2), 15(3) or (3A) or 50B of this

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第 41 章附表 2
第 3 條

附表表格 C 或 C1 內的有關詳情 —— (由 2015 年第 12 號第 2 及 91 條修訂；由 2017 年第 72 號法律公告修訂)

- (a) 成為該保險人的控權人 (本條例第 13A(12) 或 13B(1) 條所指者)；(由 2017 年第 72 號法律公告代替)
- (b) 依據本條例第 13AC(1) 條，成為該保險人的董事；(由 2017 年第 72 號法律公告代替)
- (c) 依據本條例第 13AE(1) 條，成為該保險人的管控要員 (本條例第 13AE(12) 條所指者)；(由 2017 年第 72 號法律公告增補)
- (d) 依據本條例第 15(3A) 條，成為該保險人的精算師；(由 2017 年第 72 號法律公告增補)
- (e) 依據本條例第 50B 條，成為勞合社的獲授權代表；或 (由 2017 年第 72 號法律公告增補)
- (f) 停任該保險人的控權人、董事、管控要員或精算師或勞合社的獲授權代表。(由 2017 年第 72 號法律公告增補)

表格 A

[附表 2 第 2 段]

須就屬控權人或董事的個人提交的詳情

Schedule 2
Section 3S2-6
Cap. 41

Ordinance in respect of a person who— (*Amended 12 of 2015 ss. 2 & 91; L.N. 72 of 2017*)

- (a) becomes a controller of the insurer within the meaning of section 13A(12) or 13B(1) of this Ordinance; (*Replaced L.N. 72 of 2017*)
- (b) becomes a director of the insurer pursuant to section 13AC(1) of this Ordinance; (*Replaced L.N. 72 of 2017*)
- (c) becomes a key person in control functions (within the meaning of section 13AE(12) of this Ordinance) of the insurer pursuant to section 13AE(1) of this Ordinance; (*Added L.N. 72 of 2017*)
- (d) becomes an actuary of the insurer pursuant to section 15(3A) of this Ordinance; (*Added L.N. 72 of 2017*)
- (e) becomes an authorized representative of Lloyd's pursuant to section 50B of this Ordinance; or (*Added L.N. 72 of 2017*)
- (f) ceases to be a controller, director, key person in control functions or actuary of the insurer or an authorized representative of Lloyd's, (*Added L.N. 72 of 2017*)

shall contain the relevant particulars in Form C or C1 in this Schedule. (*Replaced 44 of 1990 s. 9. Amended L.N. 72 of 2017*)

Form A

[para. 2, Sch. 2]

Particulars Required in Respect of Individuals who are Controllers or Directors

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第 41 章

附表 2

§獲授權保險人／保險人名稱 *

以下為下述者的詳情——

§(a) †.....

§(b) ‡....., 當中 †.....

..... 是一名合夥人，而他在

(日期) 成為 § 董事／控權人／行政總裁／常務董事。

1. 姓 _____ 名 _____

你為人所知或曾為人所知的任何其他姓名

2. 私人地址。

3. 出生日期。

出生地點（包括市鎮或城市）。

4. 國籍，包括說明是因出生或入籍而取得有關國籍。

5. 資歷及經驗，包括關乎保險及有關保險事宜方面的資歷及經驗。

6. 現時職業或受僱情況，以及過去 10 年的職業及受僱情況，包括僱主姓名或名稱、業務性質、所擔任的職位及有關日期。

6A. 你從屬於誰？就該保險人內部的人、於該保險人的總辦事處的人及於該保險人的母公司的人（視屬何情況而定），描述你的層級架構或從屬關係。

Schedule 2

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Cap. 41

Name of §Authorized Insurer/Insurer*

The following are particulars of—

§(a) †.....

§(b) ‡....., of which †.....
..... is a partner who became
§Director/Controller/Chief Executive/Managing Director on ...
..... (date).

1. Family name _____ Other names _____

Any other name(s) by which you have been known or are known

2. Private address.

3. Date of birth.

Place of birth (including town or city).

4. Nationality, including a statement as to whether it was acquired by birth or naturalization.

5. Qualifications and experience, including those relating to insurance and allied matters.

6. Present occupation or employment and occupations and employment during the last 10 years, including the name of the employer, the nature of the business, the position held and relevant dates.

6A. To whom are you reporting? Describe the reporting structure or reporting lines that you have in relation to people within the insurer, people at the head office of the insurer and people at the parent company of the insurer, as may be appropriate.

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附表 2

第 41 章

Schedule 2

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Cap. 41

7. 你曾否在香港或其他地方，被任何法院（包括軍事法庭）裁定犯任何刑事罪行？如有的話，詳述定罪的法院、所犯罪行、判處的罰則及定罪日期。但如罪行是你在 16 歲或未滿 16 歲時所犯，而犯罪日期距今已超過 10 年，則無需填報。
- 7A. 如在過去 10 年內，你曾在香港或其他地方 ——
- (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，
- 則提供詳情。
8. 你曾否在過去 10 年內，在香港或其他地方，被你現在所屬或曾屬的專業團體譴責、紀律處分或公開批評，或從任何職位或受僱職位被撤職，或曾被拒絕加入任何專業或職業？如有的話，則提供詳情。
9. 你曾否被香港法院或外地法院判決破產？如有的話，則提供詳情。
10. 你曾否在過去 10 年內，沒有償還根據香港法院或外地法院的命令判決你作為判定債務人所欠及須繳付的任何債務？如有的話，則提供詳情。

7. Have you been convicted of any criminal offence (other than an offence committed more than 10 years ago when you were of or under the age of 16 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which you were convicted, the offence and the penalty imposed and the date of the conviction.
- 7A. If, in the last 10 years, you have been—
- (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
- give full particulars.
8. Have you, in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by a professional body to which you belong or belonged, or been dismissed from any office or employment, or been refused entry to any profession or occupation? If so, give full particulars.
9. Have you been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.
10. Have you, in the last 10 years, failed to satisfy any debt adjudged due and payable by you as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.

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第 41 章

附表 2

11. 你曾否就某法人團體或保險人的成立或管理，被香港法院或外地法院判須就你對該法人團體或保險人或其任何成員作出的欺詐、失當行為或其他不當行為，負上民事法律責任？如有的話，則提供詳情。
12. 如在過去 10 年內，你透過擔任某法人團體或保險人的董事或控權人，而與該法人團體或保險人有聯繫，則在你有此聯繫的期間，或在你停止此聯繫後的一年內，該法人團體或保險人是否有在香港或其他地方被強制清盤、與其債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。
(註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章) 第 13 條成為該法人團體的控權公司的人)。
13. 你——
(a) 現在是哪些法人團體或保險人的董事或控權人？
(b) 在過去 10 年內，曾是哪些法人團體或保險人的董事或控權人？
14. 除上述第 6 及 13 段披露的職業外，你曾否有任何其他職業？如有的話，則提供詳情。
15. 提供你成為控權人所憑藉的情況 (參照《保險業條例》(第 41 章) 第 9(1) 條) 的詳情，如適用的話，另附上一份該保險人的股權表。

Schedule 2

S2-12
Cap. 41

11. Have you, in connection with the formation or management of a body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by you towards the body or insurer or towards any members of the body or insurer? If so, give full particulars.
12. Has any body corporate or insurer with which you were associated as director or controller in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while you were associated with it or within one year after you ceased to be associated with it? If so, give full particulars.
(Note: In relation to a body corporate which is not an insurer, **controller** (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).
13. Of what bodies corporate or insurers—
(a) are you now a director or controller?
(b) have you been a director or controller during the last 10 years?
14. Have you had any other occupation other than that disclosed at paragraphs 6 and 13 above? If so, give full particulars.
15. Give particulars of the circumstances (by reference to section 9(1) of the Insurance Ordinance (Cap. 41)) by virtue of which you became controller, and attach a shareholding chart of the insurer where applicable.

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第 41 章

附表 2

16. 你在履行職責時，是否會按照任何其他人的指示或指令而行事？如會的話，則提供詳情。

本人核證：盡本人所知及所信，上述資料是詳盡及正確的。

日期：

簽署：
(在上述第 1 段內列名的個人)

本人核證 †
已提供上述資料，而就 *..... 而言，
該名個人是 ——

- (a) § 董事 / 控權人 / 行政總裁 / 常務董事；
(b) ‡..... 的合夥人，此合夥
為 § 董事 / 控權人 / 行政總裁 / 常務董事。

日期：

簽署：
(§ 獲授權保險人 / 保險人的
§ 董事 / 秘書)

Schedule 2

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Cap. 41

16. In carrying out your duties, will you be acting on the directions or instructions of any other person? If so, give full particulars.

I certify that the above information is complete and correct to the best of my knowledge and belief.

Date

Signed
(Individual named in
paragraph 1 above.)

I certify that †
has supplied the above information and that in respect of *.....
..... the individual is—

- (a) §Director/Controller/Chief Executive/Managing Director;
(b) a partner in ‡..... which
is §Director/Controller/Chief Executive/Managing Director.

Date

Signed
(§Director/Secretary of the
§Authorized Insurer/Insurer.)

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附表 2

第 41 章

* 填寫獲授權保險人 / 保險人的名稱。

† 填寫詳情所關乎的個人的姓名。

‡ 填寫合夥的名稱。

§ 視乎需要而刪去。

(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 91 條修訂；由 2017 年第 72 號法律公告修訂)

表格 A1

[附表 2 第 2 段]

須就屬根據《保險業條例》(第 41 章)第 15(3) 條委任的
精算師 (並非該條例第 15(3A) 條適用的精算師) 的
個人提交的詳情

獲授權保險人名稱 *

以下為下述者的詳情 ——

§(a) †

§(b) ‡, 當中 †

..... 是一名合夥人，而他在
(日期) 成為精算師。

1. 姓 名

你為人所知或曾為人所知的任何其他姓名

.....

Schedule 2

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* Insert name of Authorized Insurer/Insurer.

† Insert name of individual to whom particulars relate.

‡ Insert name of partnership.

§ Delete as necessary.

(Amended 28 of 2012 ss. 912 & 920; 12 of 2015 s. 91; L.N. 72 of 2017)

Form A1

[para. 2, Sch. 2]

**Particulars Required in Respect of Individuals who are
Actuaries Appointed under Section 15(3) of Insurance
Ordinance (Cap. 41) (Not being Actuaries to whom
Section 15(3A) of the Ordinance Applies)**

Name of Authorized Insurer*

The following are particulars of—

§(a) †

§(b) ‡, of which †

..... is a partner who became
Actuary on

..... (date).

1. Family name Other names

Any other name(s) by which you have been known or are known

.....

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第 41 章

附表 2

Schedule 2

S2-18
Cap. 41

2. 私人地址。
3. 出生日期。

出生地點 (包括市鎮或城市)。
4. 國籍，包括說明是因出生或入籍而取得有關國籍。
5. 教育及專業資格，包括具有精算教育及專業資格的詳情、有關教育機構及專業團體的全名及有關日期。
6. 你是否具有《保險業條例》(第 41 章) 第 15(1)(b) 條所指的任何訂明精算專業資格？如沒有的話，則提供為使保監局能考慮是否接受你的精算專業資格的任何其他資料。
7. 你會否遵從《保險業條例》(第 41 章) 第 15C 條所指的訂明標準？如不會的話，則提供你會遵從並可與該等訂明標準相比的其他標準的詳情，以及為使保監局能考慮是否接受該等其他標準的任何其他資料。
8. 現時職業或受僱情況，以及過去 10 年的職業及受僱情況，包括僱主姓名或名稱、業務性質、所擔任的職位、與精算工作相關的經驗的詳情及有關日期。

2. Private address.
3. Date of birth.

Place of birth (including town or city).
4. Nationality, including a statement as to whether it was acquired by birth or naturalization.
5. Educational and professional qualifications, including details of actuarial educational and professional qualifications possessed, full name of the relevant educational organizations and professional bodies and relevant dates.
6. Do you possess any one of the prescribed actuarial professional qualifications for the purposes of section 15(1)(b) of the Insurance Ordinance (Cap. 41)? If not, give any other information that enables the Authority to consider whether your actuarial professional qualifications possessed are acceptable.
7. Will you comply with the prescribed standards under section 15C of the Insurance Ordinance (Cap. 41)? If not, give details of other standards being comparable to the prescribed standards with which you will comply, and any other information that enables the Authority to consider whether those other standards are acceptable.
8. Present occupation or employment and occupations and employment during the last 10 years, including the name of the employer, the nature of the business, the position held, details of experience relating to actuarial work and relevant dates.

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附表 2

第 41 章

9. 你從屬於誰？就該保險人內部的人、於該保險人的總辦事處的人及於該保險人的母公司的人（視屬何情況而定），描述你的層級架構或從屬關係。
10. 你曾否在香港或其他地方，被任何法院（包括軍事法庭）裁定犯任何刑事罪行？如有的話，詳述定罪的法院、所犯罪行、判處的罰則及定罪日期。但如罪行是你在 16 歲或未滿 16 歲時所犯，而犯罪日期距今已超過 10 年，則無需填報。
11. 如在過去 10 年內，你曾在香港或其他地方 ——
 (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 (b) 被任何監管當局譴責、紀律處分或公開批評；或
 (c) 成為任何監管當局的調查對象，
 則提供詳情。
12. 你曾否在過去 10 年內，在香港或其他地方，被你現在所屬或曾屬的專業團體譴責、紀律處分或公開批評，或從任何職位或受僱職位被撤職，或曾被拒絕加入任何專業或職業？如有的話，則提供詳情。
13. 你曾否被香港法院或外地法院判決破產？如有的話，則提供詳情。
14. 你曾否在過去 10 年內，沒有償還根據香港法院或外地法院的命令判決你作為判定債務人所欠及須繳付的任何債務？如有的話，則提供詳情。

Schedule 2

S2-20

Cap. 41

9. To whom are you reporting? Describe the reporting structure or reporting lines that you have in relation to people within the insurer, people at the head office of the insurer and people at the parent company of the insurer, as may be appropriate.
10. Have you been convicted of any criminal offence (other than an offence committed more than 10 years ago when you were of or under the age of 16 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which you were convicted, the offence and the penalty imposed and the date of the conviction.
11. If, in the last 10 years, you have been—
 (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
 give full particulars.
12. Have you, in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by a professional body to which you belong or belonged, or been dismissed from any office or employment, or been refused entry to any profession or occupation? If so, give full particulars.
13. Have you been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.
14. Have you, in the last 10 years, failed to satisfy any debt adjudged due and payable by you as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.

S2-21

附表 2

第 41 章

Schedule 2

S2-22

Cap. 41

15. 你曾否就某法人團體或保險人的成立或管理，被香港法院或外地法院判須就你對該法人團體或保險人或其任何成員作出的欺詐、失當行為或其他不當行為，負上民事法律責任？如有的話，則提供詳情。
16. 如在過去 10 年內，你透過擔任某法人團體或保險人根據《保險業條例》(第 41 章)第 15 條委任的精算師，而與該法人團體或保險人有聯繫，則在你有此聯繫的期間，或在你停止此聯繫後的一年內，該法人團體或保險人是否有在香港或其他地方被強制清盤、與其債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。
17. 你——
(a) 現在是哪些法人團體或保險人的精算師 (根據《保險業條例》(第 41 章)第 15 條委任者)？
(b) 在過去 10 年內，曾是哪些法人團體或保險人的精算師 (根據《保險業條例》(第 41 章)第 15 條委任者)？
18. 除上述第 8 及 17 段披露的職業外，你曾否有任何其他職業，包括你接受的任何額外聘任，而所履行的任何職責或職能是等同於根據《保險業條例》(第 41 章)第 15 條委任的精算師的職責或職能？如有的話，則提供詳情。
19. 你在履行職責時，是否會按照任何其他人的指示或指令而行事？如會的話，則提供詳情。

15. Have you, in connection with the formation or management of a body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by you towards the body or insurer or towards any members of the body or insurer? If so, give full particulars.
16. Has any body corporate or insurer with which you were associated as actuary appointed under section 15 of the Insurance Ordinance (Cap. 41) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while you were associated with it or within one year after you ceased to be associated with it? If so, give full particulars.
17. Of what bodies corporate or insurers—
(a) are you now an actuary appointed under section 15 of the Insurance Ordinance (Cap. 41)?
(b) have you been an actuary appointed under section 15 of the Insurance Ordinance (Cap. 41) during the last 10 years?
18. Have you had any other occupation other than that disclosed at paragraphs 8 and 17 above, including any additional engagements accepted by you to carry out any duty or function that is equivalent to any duty or function of actuaries appointed under section 15 of the Insurance Ordinance (Cap. 41)? If so, give full particulars.
19. In carrying out your duties, will you be acting on the directions or instructions of any other person? If so, give full particulars.

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附表 2

第 41 章

本人核證：盡本人所知及所信，上述資料是詳盡及正確的。

日期：

簽署：
(在上述第 1 段內列名的個人)

本人核證 †
已提供上述資料，而就 * 而言，
該名個人是 ——

§(a) 精算師；

§(b) ‡ 的合夥人，此合夥
為根據《保險業條例》(第 41 章) 第 15(3) 條委任的精算師。

日期：

簽署：
(獲授權保險人的
§ 董事 / 秘書)

* 填寫獲授權保險人的名稱。

† 填寫詳情所關乎的個人的姓名。

‡ 填寫合夥的名稱。

§ 視乎需要而刪去。

(表格 A1 由 2017 年第 72 號法律公告增補)

Schedule 2

S2-24

Cap. 41

I certify that the above information is complete and correct to the best of my knowledge and belief.

Date

Signed
(Individual named in
paragraph 1 above.)

I certify that †
has supplied the above information and that in respect of *
..... the individual is—

§(a) an actuary;

§(b) a partner in ‡ which
is an actuary appointed under section 15(3) of the Insurance
Ordinance (Cap. 41).

Date

Signed
 (§Director/Secretary of
the Authorized Insurer.)

* Insert name of Authorized Insurer.

† Insert name of individual to whom particulars relate.

‡ Insert name of partnership.

§ Delete as necessary.

(Form A1 added L.N. 72 of 2017)

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第 41 章

附表 2

Schedule 2

S2-26
Cap. 41

表格 A2

[附表 2 第 2 段]

須就屬《保險業條例》(第 41 章)第 13AE(12)條所指的
專屬自保保險人的管控要員的個人提交的詳情

專屬自保保險人名稱 *
以下為下述者的詳情 ——

§(a) †.....

§(b) ‡....., 當中 †.....

..... 是一名合夥人, 而他在
(日期) 成為《保險業條例》(第 41 章)第 13AE(12)條所指的
的管控要員, 負責執行 § 風險管理的職能 / 財務管控的職
能 / 合規職能 / 內部審核的職能 / 精算職能 / 管理中介人的
職能。

1. 姓 名

你為人所知或曾為人所知的任何其他姓名
.....

2. 私人地址。

Form A2

[para. 2, Sch. 2]

**Particulars Required in Respect of Individuals who are
Key Persons in Control Functions of Captive Insurers
within Meaning of Section 13AE(12) of Insurance
Ordinance (Cap. 41)**

Name of Captive Insurer*

The following are particulars of—

§(a) †.....

§(b) ‡....., of which †.....

..... is a partner who became
a key person in control functions within the meaning of
section 13AE(12) of the Insurance Ordinance (Cap. 41) and
is responsible for the performance of the §risk management
function/financial control function/compliance function/internal
audit function/actuarial function/intermediary management
function on
..... (date).

1. Family name Other names

Any other name(s) by which you have been known or are known
.....

2. Private address.

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第 41 章

附表 2

Schedule 2

S2-28
Cap. 41

3. 出生日期。

出生地點 (包括市鎮或城市)。
4. 國籍，包括說明是因出生或入籍而取得有關國籍。
5. 資歷及經驗，包括關乎保險及有關保險事宜方面的資歷及經驗。
6. 現時職業或受僱情況，以及過去 10 年有關(《保險業條例》(第 41 章)第 13AE(12)條所指的)管控職能的職業及受僱情況，包括僱主姓名或名稱、業務性質、所擔任的職位及有關日期。
7. 你是否將獨自負責或與該專屬自保保險人的其他人士共同負責該等管控職能？如是後者，則提供該名或該等其他要員的詳情(包括姓名、角色及職位)，並詳述你們如何共同負責該等管控職能。(註：每名共同管控要員須分別填寫表格。)
8. 你從屬於誰？就該專屬自保保險人內部的人、於該專屬自保保險人的總辦事處的人及於該專屬自保保險人的母公司的人(視屬何情況而定)，描述你的層級架構或從屬關係，另提供一份架構表，以顯示你在該專屬自保保險人的管治架構、業務及營運單位內的位置，以及你分別在該等架構及單位內的從屬關係。

3. Date of birth.

Place of birth (including town or city).
4. Nationality, including a statement as to whether it was acquired by birth or naturalization.
5. Qualifications and experience, including those relating to insurance and allied matters.
6. Present occupation or employment and occupations and employment during the last 10 years relating to the control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)), including the name of the employer, the nature of the business, the position held and relevant dates.
7. Will you be solely responsible or jointly responsible for the control functions with any other person or persons of the captive insurer? For the latter case, give particulars (including name, role and position) of the other key person or persons and describe in detail how you are jointly responsible for the control functions. (Note: Separate form is required for each joint key person in control functions.)
8. To whom are you reporting? Describe the reporting structure or reporting lines that you have in relation to people within the captive insurer, people at the head office of the captive insurer and people at the parent company of the captive insurer, as may be appropriate. Provide an organizational chart showing where you are in the management and governance structure, business and operational units of the captive insurer and your respective reporting lines.

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附表 2

第 41 章

9. 你曾否在香港或其他地方，被任何法院（包括軍事法庭）裁定犯任何刑事罪行？如有的話，詳述定罪的法院、所犯罪行、判處的罰則及定罪日期。但如罪行是你在 16 歲或未滿 16 歲時所犯，而犯罪日期距今已超過 10 年，則無需填報。
10. 如在過去 10 年內，你曾在香港或其他地方——
- (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，
- 則提供詳情。
11. 你曾否在過去 10 年內，在香港或其他地方，被你現在所屬或曾屬的專業團體譴責、紀律處分或公開批評，或從任何職位或受僱職位被撤職，或曾被拒絕加入任何專業或職業？如有的話，則提供詳情。
12. 你曾否被香港法院或外地法院判決破產？如有的話，則提供詳情。
13. 你曾否在過去 10 年內，沒有償還根據香港法院或外地法院的命令判決你作為判定債務人所欠及須繳付的任何債務？如有的話，則提供詳情。

Schedule 2

S2-30

Cap. 41

9. Have you been convicted of any criminal offence (other than an offence committed more than 10 years ago when you were of or under the age of 16 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which you were convicted, the offence and the penalty imposed and the date of the conviction.
10. If, in the last 10 years, you have been—
- (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
- give full particulars.
11. Have you, in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by a professional body to which you belong or belonged, or been dismissed from any office or employment, or been refused entry to any profession or occupation? If so, give full particulars.
12. Have you been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.
13. Have you, in the last 10 years, failed to satisfy any debt adjudged due and payable by you as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.

S2-31

附表 2

第 41 章

14. 你曾否就某法人團體或保險人的成立或管理，被香港法院或外地法院判須就你對該法人團體或保險人或其任何成員作出的欺詐、失當行為或其他不當行為，負上民事法律責任？如有的話，則提供詳情。
15. 如在過去 10 年內，你透過擔任某法人團體或保險人的（《保險業條例》（第 41 章）第 13AE(12) 條所指的）管控要員，而與該法人團體或保險人有聯繫，則在你有此聯繫的期間，或在你停止此聯繫後的一年內，該法人團體或保險人有否在香港或其他地方被強制清盤、與其債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。
16. 你——
 (a) 現在是哪些法人團體或保險人的（《保險業條例》（第 41 章）第 13AE(12) 條所指的）管控要員？
 (b) 在過去 10 年內，曾是哪些法人團體或保險人的（《保險業條例》（第 41 章）第 13AE(12) 條所指的）管控要員？
17. 除上述第 6 及 16 段披露的職業外，你曾否有任何其他職業？如有的話，則提供詳情。
18. 你在履行職責時，是否會按照任何其他人的指示或指令而行事？如會的話，則提供詳情。

Schedule 2

S2-32

Cap. 41

14. Have you, in connection with the formation or management of a body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by you towards the body or insurer or towards any members of the body or insurer? If so, give full particulars.
15. Has any body corporate or insurer with which you were associated as key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while you were associated with it or within one year after you ceased to be associated with it? If so, give full particulars.
16. Of what bodies corporate or insurers—
 (a) are you now a key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41))?
 (b) have you been a key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)) during the last 10 years?
17. Have you had any other occupation other than that disclosed at paragraphs 6 and 16 above? If so, give full particulars.
18. In carrying out your duties, will you be acting on the directions or instructions of any other person? If so, give full particulars.

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第 41 章

附表 2

本人核證：盡本人所知及所信，上述資料是詳盡及正確的。

日期：

簽署：
(在上述第 1 段內列名的個人)

本人核證 †
已提供上述資料，而就 * 而言，
該名個人是 ——

§(a) 《保險業條例》(第 41 章)第 13AE(12) 條所指的管控要員，
負責執行 § 風險管理的職能 / 財務管控的職能 / 合規職能 /
內部審核的職能 / 精算職能 / 管理中介人的職能；

§(b) ‡ 的合夥人，此合夥
為《保險業條例》(第 41 章)第 13AE(12) 條所指的管控要員，
負責執行 § 風險管理的職能 / 財務管控的職能 / 合規職能 /
內部審核的職能 / 精算職能 / 管理中介人的職能。

日期：

簽署：
(專屬自保保險人的
§ 董事 / 秘書)

Schedule 2

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I certify that the above information is complete and correct to the
best of my knowledge and belief.

Date

Signed
(Individual named in
paragraph 1 above.)

I certify that †
has supplied the above information and that in respect of *
..... the individual is—

§(a) a key person in control functions within the meaning of
section 13AE(12) of the Insurance Ordinance (Cap. 41) and
is responsible for the performance of the §risk management
function/financial control function/compliance function/internal
audit function/actuarial function/intermediary management
function;

§(b) a partner in ‡
which is a key person in control function within the meaning
of section 13AE(12) of the Insurance Ordinance (Cap. 41) and
is responsible for the performance of the §risk management
function/financial control function/compliance function/internal
audit function/actuarial function/intermediary management
function.

Date

Signed
(§Director/Secretary
of the Captive Insurer.)

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第 41 章

附表 2

- * 填寫專屬自保保險人的名稱。
- † 填寫詳情所關乎的個人的姓名。
- ‡ 填寫合夥的名稱。
- § 視乎需要而刪去。

(表格 A2 由 2017 年第 72 號法律公告增補)

表格 B

[附表 2 第 2 段]

須就屬控權人或董事的法人團體提交的詳情

† 獲授權保險人 / 保險人名稱 *

以下為於 (日期) 成為上述保險人的董事、控權人、行政總裁或常務董事的法人團體的詳情，或為一家於該日期成為該保險人的董事、控權人、行政總裁或常務董事的合夥的合夥人的詳情。

1. 法人團體的名稱及地址及註冊辦事處的地址 (如與法人團體的地址不同)。
2. 主要業務活動。
3. 在香港設立的主要營業地點的地址。

Schedule 2

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Cap. 41

- * Insert name of Captive Insurer.
- † Insert name of individual to whom particulars relate.
- ‡ Insert name of partnership.
- § Delete as necessary.

(Form A2 added L.N. 72 of 2017)

Form B

[para. 2, Sch. 2]

Particulars Required in Respect of Bodies Corporate which are Controllers or Directors

Name of †Authorized Insurer/Insurer*

The following are particulars of a body corporate which became director, controller, chief executive or managing director, or which is a partner in a partnership which became director, controller, chief executive or managing director of the above-named Insurer on (date).

1. Name and address of body corporate and address of registered office (where different).
2. Principal business activity.
3. Address of principal place of business established in Hong Kong.

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第 41 章

附表 2

Schedule 2

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Cap. 41

4. 成立為法團的日期及地點。
5. 註冊號碼 (如有的話)。
6. 每名董事及控權人的全名及住址。
(註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章) 第 13 條成為法人團體的控權公司的人)。
7. 主要銀行的名稱及地址。
8. 最近 3 個完整財政年度的帳目，及最近 4 年發給股東的任何報告、決議及其他通告的詳情。
9. 所有附屬公司及任何控權公司或最終控權公司的名稱，成立為法團的地點及主要業務活動。
(註：由代名人持有的股份須視為其主事人持有的股份)。
- †10. 如屬《公司條例》(第 622 章) 第 2(1) 條所界定的非香港公司——
 - (a) 其《公司條例》(第 622 章) 第 774 條所界定的獲授權代表的姓名或名稱及地址；
 - (b) 根據在《公司條例》(第 622 章) 附表 9 第 2 條的生效日期[#]之前不時有效的《公司條例》(第 32 章) 第 XI 部或根據《公司條例》(第 622 章) 第 777 條發出的註冊證明書的日期。

4. Date and place of incorporation.
5. Registered number (if any).
6. Full name and residential address of every director and every controller.
(Note: In relation to a body corporate which is not an insurer, **controller** (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).
7. Name and address of main bank.
8. Accounts for the last 3 completed financial years and particulars of any reports, resolutions and other circulars issued to shareholders during the last 4 years.
9. Name, place of incorporation and principal business activities of all subsidiary companies and of any holding company or ultimate holding company.
(Note: Shares held by a nominee are to be treated as shares held by the nominee's principal).
- †10. In the case of a non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622)—
 - (a) name(s) and address(es) of its authorized representative(s) as defined by section 774 of the Companies Ordinance (Cap. 622);
 - (b) date of the certificate of registration issued under Part XI of the Companies Ordinance (Cap. 32) as in force from time to time before the commencement date[#] of section 2 of Schedule 9 to the Companies Ordinance (Cap. 622) or under section 777 of the Companies Ordinance (Cap. 622).

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附表 2

第 41 章

- 10A. 如在過去 10 年內，上述法人團體曾在香港或其他地方 ——
- (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，則提供詳情。

†11. 提供上述法人團體成為控權人所憑藉的情況（參照《保險業條例》（第 41 章）第 9(1) 條）的詳情，如適用的話，另附上一份該保險人的股權表。

12. 如在過去 10 年內，上述法人團體透過擔任某法人團體或保險人的董事或控權人，而與該法人團體或保險人有聯繫，則在上述法人團體有此聯繫的期間，或在上述法人團體停止此聯繫後的一年內，該法人團體或保險人有否在香港或其他地方被強制清盤、與其債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。

（註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》（第 622 章）第 13 條成為該法人團體的控權公司的人）。

本人核證：盡本人所知及所信，上述資料是詳盡及正確的，本人並核證本通知是在上述法人團體知悉和同意的情況下送達的。

Schedule 2

S2-40

Cap. 41

- 10A. If, in the last 10 years, the above-named body corporate has been—
- (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere, give full particulars.

†11. Give particulars of circumstances (by reference to section 9(1) of the Insurance Ordinance (Cap. 41)) by virtue of which the above-named body corporate became a controller, and attach a shareholding chart of the insurer where applicable.

12. Has any body corporate or insurer with which the above-named body corporate was associated as director or controller in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while the above-named body corporate was associated with it or within one year after the above-named body corporate ceased to be associated with it? If so, give full particulars.

(Note: In relation to a body corporate which is not an insurer, **controller** (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).

I certify that the above information is complete and correct to the best of my knowledge and belief and I certify that this notice is served with the knowledge and consent of the above-named body corporate.

S2-41
第 41 章

附表 2

日期：

簽署：
(法人團體的 † 董事 / 秘書)

† 本人核證上述資料是上述法人團體提供，而就 *

..... 而言 ——

†(a) 上述法人團體是 † 董事 / 控權人 / 行政總裁 / 常務董事；

†(b) 上述法人團體是 ‡ (此合夥為控權人)
的合夥人。

日期：

簽署：
(† 獲授權保險人 / 保險人的
† 董事 / 秘書)

* 填寫獲授權保險人 / 保險人的名稱。

† 視乎需要而刪去。

‡ 填寫合夥的名稱。

(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 91 條
修訂；由 2017 年第 72 號法律公告修訂)

編輯附註：

生效日期：2014 年 3 月 3 日。

Schedule 2

S2-42
Cap. 41

Date

Signed
(† Director/Secretary
of body corporate.)† I certify that the above particulars have been supplied by the above-
named body corporate and that in respect of * —
†(a) the above-named body corporate is † Director/Controller/Chief
Executive/Managing Director;†(b) ‡ of which the above-
named body corporate is a partner is Controller.

Date

Signed
(† Director/Secretary of the
† Authorized Insurer/ Insurer.)

* Insert name of Authorized Insurer/Insurer.

† Delete as necessary.

‡ Insert name of partnership.

(Amended 28 of 2012 ss. 912 & 920; 12 of 2015 s. 91; L.N. 72 of 2017)

Editorial Note:

Commencement date: 3 March 2014.

表格 C

[附表 2 第 3 段]

根據《保險業條例》(第 41 章)第 14(2) 條須就以下人士提交的詳情：成為該條例第 13A(12) 或 13B(1) 條所指的控權人、依據該條例第 13AC(1) 條成為董事、依據該條例第 13AE(1) 條成為 (該條例第 13AE(12) 條所指的) 管控要員、依據該條例第 50B 條成為勞合社的獲授權代表、或停任控權人、董事、管控要員或獲授權代表的人

1. † 獲授權保險人 / 勞合社的名稱，而有人 ——

- †(a) 成為《保險業條例》(第 41 章)第 †13A(12)/13B(1) 條所指的控權人；
- †(b) 依據《保險業條例》(第 41 章)第 13AC(1) 條，成為董事；
- †(c) 依據《保險業條例》(第 41 章)第 13AE(1) 條，成為 (《保險業條例》(第 41 章)第 13AE(12) 條所指的) 管控要員；
- †(d) 依據《保險業條例》(第 41 章)第 50B 條，成為勞合社的獲授權代表；
- †(e) 停任 † 控權人 / 董事 / 管控要員 / 獲授權代表。

2. 該人的姓名或名稱*。

Form C

[para. 3, Sch. 2]

Particulars Required under Section 14(2) of Insurance Ordinance (Cap. 41) in Respect of Person Becoming Controller within Meaning of Section 13A(12) or 13B(1) of the Ordinance, Director Pursuant to Section 13AC(1) of the Ordinance, Key Person in Control Functions within Meaning of Section 13AE(12) of the Ordinance Pursuant to Section 13AE(1) of the Ordinance or Authorized Representative of Lloyd's Pursuant to Section 50B of the Ordinance, or Ceasing to be Controller, Director, Key Person in Control Functions or Authorized Representative

1. Name of †authorized insurer/Lloyd's of which person has—

- †(a) become a controller within the meaning of section †13A(12)/13B(1) of the Insurance Ordinance (Cap. 41);
- †(b) become a director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41);
- †(c) become a key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)) pursuant to section 13AE(1) of the Insurance Ordinance (Cap. 41);
- †(d) become an authorized representative of Lloyd's pursuant to section 50B of the Insurance Ordinance (Cap. 41);
- †(e) ceased to be a †controller/director/key person in control functions/authorized representative.

2. Name of person.*

S2-45
第 41 章

附表 2

Schedule 2

S2-46
Cap. 41

3. 該人 ——

- †(a) 成為《保險業條例》(第 41 章)第 †13A(12)/13B(1) 條所指的控權人的日期；
- †(b) 依據《保險業條例》(第 41 章)第 13AC(1) 條，成為董事的日期；
- †(c) 依據《保險業條例》(第 41 章)第 13AE(1) 條，成為(《保險業條例》(第 41 章)第 13AE(12) 條所指的)管控要員的日期；
- †(d) 依據《保險業條例》(第 41 章)第 50B 條，成為勞合社的獲授權代表的日期；
- †(e) 停任 †控權人 / 董事 / 管控要員 / 獲授權代表的日期。

†4. 證實該人 ——

- †(a) 已成為《保險業條例》(第 41 章)第 †13A(12)/13B(1) 條所指的控權人，或在成為控權人後，現正身為該條所指的控權人；
- †(b) 已依據《保險業條例》(第 41 章)第 13AC(1) 條，成為董事，或在成為董事後，現正依據該條身為董事；
- †(c) 已依據《保險業條例》(第 41 章)第 13AE(1) 條，成為(《保險業條例》(第 41 章)第 13AE(12) 條所指的)管控要員，或在成為管控要員後，現正依據該條身為管控要員；
- †(d) 已依據《保險業條例》(第 41 章)第 50B 條，成為勞合社的獲授權代表，或在成為獲授權代表後，現正依據該條身為獲授權代表，

而根據該條就該人提供的任何資料，並無更改。

†5. 停任 †控權人 / 董事 / 管控要員 / 獲授權代表的理由。

3. Date on which person—

- †(a) became a controller within the meaning of section †13A(12)/13B(1) of the Insurance Ordinance (Cap. 41);
- †(b) became a director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41);
- †(c) became a key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)) pursuant to section 13AE(1) of the Insurance Ordinance (Cap. 41);
- †(d) became an authorized representative of Lloyd's pursuant to section 50B of the Insurance Ordinance (Cap. 41);
- †(e) ceased to be a †controller/director/key person in control functions/authorized representative.

†4. Confirmation that person has become, or, after becoming, is—

- †(a) a controller within the meaning of section †13A(12)/13B(1) of the Insurance Ordinance (Cap. 41);
- †(b) a director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41);
- †(c) a key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)) pursuant to section 13AE(1) of the Insurance Ordinance (Cap. 41);
- †(d) an authorized representative of Lloyd's pursuant to section 50B of the Insurance Ordinance (Cap. 41),

and that there has been no change in any information provided under that section in respect of that person.

†5. Reason for ceasing to be †controller/director/key person in control functions/authorized representative.

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第 41 章

附表 2

Schedule 2

S2-48
Cap. 41

日期：

Date

簽署：

†(獲授權保險人的
† 董事 / 秘書)/
(勞合社的主席)

Signed

†(†Director/Secretary
of the Authorized
Insurer)/(Chairman
of Lloyd's)

† 視乎需要而刪去。

* 填寫個人、法人團體或合夥的姓名或名稱。

(表格 C 由 1990 年第 44 號第 9 條代替。由 2015 年第 12 號第 91 條修訂；
由 2017 年第 72 號法律公告修訂)

† Delete as necessary.

* Insert name of individual, body corporate or partnership.

(Form C replaced 44 of 1990 s. 9. Amended 12 of 2015 s. 91; L.N. 72 of
2017)

表格 C1

Form C1

[附表 2 第 3 段]

[para. 3, Sch. 2]

須就依據《保險業條例》(第 41 章) 第 15(3A) 條成為獲
授權保險人的精算師或停任該職的人提交的詳情

**Particulars Required in Respect of Person Becoming
Actuary of Authorized Insurer Pursuant to Section
15(3A) of Insurance Ordinance (Cap. 41) or Ceasing to
be Actuary**

S2-49
第 41 章

附表 2

1. 獲授權保險人的名稱 *，而有人 ——
 - †(a) 依據《保險業條例》(第 41 章) 第 15(3A) 條，成為該保險人的精算師；
 - †(b) 停任該保險人的精算師。
2. 該人的姓名或名稱。‡
3. 該人 ——
 - †(a) 成為上述獲授權保險人的精算師的日期；
 - †(b) 停任上述獲授權保險人的精算師的日期。
- †4. 證實該人已依據《保險業條例》(第 41 章) 第 15(3A) 條成為精算師，或在成為精算師後，現正依據該條身為精算師，而根據該條就該人提供的任何資料，並無更改。
- †5. 停任精算師的原因 ——
 - †(a) 辭職 (†附上 / 另行呈交依據《保險業條例》(第 41 章) 第 15B(2)(a) 條由該精算師簽署的書面通知)；
 - †(b) 該精算師獲委任在一段固定期間擔任該職，並決定不謀求再度獲委任 (†附上 / 另行呈交依據《保險業條例》(第 41 章) 第 15B(2)(b) 條由該精算師簽署的書面通知)；
 - †(c) 其他指明原因。

日期：.....

簽署：.....
(獲授權保險人的
† 董事 / 秘書)

Schedule 2

S2-50
Cap. 41

1. Name of Authorized Insurer* of which a person has—
 - †(a) become an actuary pursuant to section 15(3A) of the Insurance Ordinance (Cap. 41);
 - †(b) ceased to be an actuary.
2. Name of the person.‡
3. Date on which person—
 - †(a) became an actuary of the authorized insurer;
 - †(b) ceased to be an actuary of the authorized insurer.
- †4. Confirmation that the person has become, or, after becoming, is an actuary pursuant to section 15(3A) of the Insurance Ordinance (Cap. 41) and that there has been no change in any information provided under that section in respect of that person.
- †5. Reasons for ceasing to be an actuary—
 - †(a) resignation (a written notice signed by the actuary pursuant to section 15B(2)(a) of the Insurance Ordinance (Cap. 41) is †attached/submitted separately);
 - †(b) the actuary has been so appointed for a fixed term and decides not to seek reappointment (a written notice signed by the actuary pursuant to section 15B(2)(b) of the Insurance Ordinance (Cap. 41) is †attached/submitted separately);
 - †(c) other reasons to be specified.

Date

Signed
(†Director/Secretary of
the Authorized Insurer.)

S2-51
第 41 章

附表 2

-
- * 填寫獲授權保險人的名稱。
- † 視乎需要而刪去。
- ‡ 填寫個人、法人團體或合夥的姓名或名稱。

(表格 C1 由 2017 年第 72 號法律公告增補)

Schedule 2

S2-52
Cap. 41

-
- * Insert name of Authorized Insurer.
- † Delete as necessary.
- ‡ Insert name of individual, body corporate or partnership.

(Form C1 added L.N. 72 of 2017)

S3-1
第 41 章附表 3 —— 第 1 部
第 1 條Schedule 3—Part 1
Section 1S3-2
Cap. 41

附表 3

[第 2、10、15A、15B、
17、18、20、21、22A、
25A、25B、50C 及 138 條]
(由 2015 年第 12 號第 92 條代替)

帳目及報表

(格式變更——2017 年第 4 號編輯修訂紀錄)

第 1 部

釋義及導言

1. (1) 在本附表中，除文意另有所指外——(由 1990 年第 391 號法律公告修訂)
- 一般業務會計類別** (accounting class of general business) 及 **會計類別** (accounting class) 分別指屬以下任何項目下的保險業務，與該等項目相應之處顯示有附表 1 第 3 部內界定的相應保險業務類別——

| 會計類別 | 相應的保險業務類別 |
|------------------------------|-----------|
| 1. 意外及健康 | 1、2 |
| 2. 汽車 (包括其他陸上車輛的損壞)——損壞及法律責任 | 3、10 |
| 3. 飛機——損壞及法律責任 | 5、11 |

Schedule 3

(Replaced 12 of 2015 s. 92)

[ss. 2, 10, 15A, 15B,
17, 18, 20, 21, 22A,
25A, 25B, 50C & 138]

(Replaced 12 of 2015 s. 92)

Accounts and Statements

(Format changes—E.R. 4 of 2017)

Part 1

Interpretation and Preliminary

1. (1) In this Schedule, unless the context otherwise requires—(Amended L.N. 391 of 1990)
- accounting class of general business** (一般業務會計類別) and **accounting class** (會計類別) mean respectively insurance business falling under any of the headings given below, against which are shown the corresponding classes of insurance business as defined in Part 3 of Schedule 1,—

(Amended 12 of 2015 s. 92)

| Accounting class | Corresponding classes of insurance business |
|------------------------|---|
| 1. Accident and health | 1, 2 |

S3-3
第 41 章附表 3 —— 第 1 部
第 1 條

- | | |
|------------------|-----------------|
| 4. 船舶 —— 損壞及法律責任 | 6、12 |
| 5. 貨運 | 7 |
| 6. 財產損壞 | 4、8、9 |
| 7. 一般法律責任 | 13 |
| 8. 金錢損失 | 14、15、 16、17 |
| 9. 非比例協約再保險 | — |
| 10. 比例協約再保險 | —； |

了結未決申索的開支 (expenses for settling claims outstanding) 指獲授權保險人在其財政年度終結時撥出的一筆相當可能足以應付其以下開支的款額：就一般業務而了結關乎在該年度終結前發生的事故的申索所相當可能招致的開支，但列入未決申索項下的開支則除外；(由 2015 年第 12 號第 2 條修訂)

了結申索的開支 (expenses of settling claims) 指獲授權保險人的開支中就一般業務在了結申索方面所招致的該部分開支；(由 2015 年第 12 號第 2 條修訂)

已償付及未決申索 (claims paid and outstanding) 指將在一個財政年度內的已償付申索，加上在該財政年度終結時的未決申索，再從中減去在該財政年度開始時的未決申索後所得的款額；

Schedule 3—Part 1
Section 1S3-4
Cap. 41

- | | |
|--|----------------|
| 2. Motor vehicle (including damage to other land vehicles), damage and liability | 3, 10 |
| 3. Aircraft, damage and liability | 5, 11 |
| 4. Ships, damage and liability | 6, 12 |
| 5. Goods in transit | 7 |
| 6. Property damage | 4, 8, 9 |
| 7. General liability | 13 |
| 8. Pecuniary loss | 14, 15, 16, 17 |
| 9. Non-proportional treaty reinsurance | — |
| 10. Proportional treaty reinsurance | —； |

additional amount for unexpired risks (未過期風險的額外款額) means the amount set aside by an authorized insurer at the end of its financial year, in addition to any unearned premiums, which is considered necessary to meet the cost of claims and expenses of settlement arising from risks to be borne by the insurer after the end of the financial year under contracts of insurance entered into before the end of that year; (Amended 12 of 2015 s. 2)

appointed actuary (委任精算師) means the person appointed as actuary to an authorized insurer under section 15 of this Ordinance; (Amended 12 of 2015 s. 2)

appointed auditor (委任核數師) means the person appointed as auditor to an authorized insurer under section 15 of this Ordinance; (Amended 12 of 2015 s. 2)

claim (申索) means a claim against an authorized insurer under a contract of insurance; (Amended 12 of 2015 s. 2)

claims equalization (申索平衡基金) means the amount set aside by an authorized insurer as at the end of its financial year for the purpose of being used to prevent exceptional fluctuations

S3-5
第 41 章附表 3 —— 第 1 部
第 1 條

已償付申索 (claims paid), 就一般業務而言, 除非另有指明, 否則指由獲授權保險人支付以供全部或部分了結以下項目的款額 —— (由 2015 年第 12 號第 2 條修訂)

- (a) 申索, 包括計入超過一個財政年度的業務所涉及的申索; 及
- (b) 該保險人招致 (不論是透過其職員的僱用或由於其他原因) 的開支 (例如法律、醫療、測量或工程方面的費用), 並直接是為了結個別申索所引致, 不論該等個別申索是否為上述所提及者; (由 2015 年第 12 號第 2 條修訂)

中介人 (intermediary) 指在任何業務或專業的過程中, 邀請其他人作出要約或建議或採取其他步驟, 旨在與獲授權保險人訂立保險合約的人, 但不包括只是代表任何其他人士或接受任何其他人士的命令而發出該等邀請的人; (由 2015 年第 12 號第 2 條修訂)

毛保費 (gross premiums) 就任何財政年度而言 ——

- (a) 指已扣除保單中指明的折扣, 或已扣除因風險的終止或減少風險而作出的退款, 但尚未扣除獲授權保險人分出的再保險保費及其須付的佣金的保費; 及
- (b) 包括該保險人根據所接受的再保險合約而可收取的保費; (由 2015 年第 12 號第 2 條修訂)

可收取 (receivable) 就任何財政年度的收入而言, 除非另有指明, 否則指須付予獲授權保險人的款額, 不論該等款額是否已在該年度內為該保險人所收取, 該等款額並包括 (如適用的話) 已累算的收入; (由 2015 年第 12 號第 2 條修訂)

未決申索 (claims outstanding) 除非另有指明, 否則指獲授權保險人在其財政年度開始或終結時撥出一筆相當可能足以應付下述項目的款額 —— (由 2015 年第 12 號第 2 條修訂)

- (a) 就在下述時間發生的事故而提出的申索 ——

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in the amounts charged to revenue in subsequent financial years in respect of claims arising due to the occurrence of events of an exceptional nature, that is to say, events not normally occurring every year; (Amended 12 of 2015 s. 2)

claims outstanding (未決申索) means, unless otherwise specified, the amount set aside by an authorized insurer as at the beginning or end of its financial year as being an amount likely to be sufficient to meet— (Amended 12 of 2015 s. 2)

- (a) claims in respect of incidents occurring—
 - (i) in the case of an amount set aside as at the beginning of the financial year, before the beginning of that year; and
 - (ii) in the case of an amount set aside as at the end of the financial year, before the end of that year,
 being claims which have not been treated as claims paid and including claims relating to business accounted for over a longer period than a financial year, claims the amounts of which have not been determined and claims arising out of incidents that have not been notified to the insurer; and
- (b) expenses (such as, for example, legal, medical, surveying or engineering costs) which have been incurred but not yet recorded as paid or which are likely to be incurred by the insurer, whether through the employment of its own staff or otherwise, and are directly attributable to the settlement of individual claims which relate to incidents occurring before the beginning or the end of the financial year (as the case may be), whether or not the individual claims in question are those mentioned above;

claims paid (已償付申索), in relation to general business, means unless otherwise specified the amount that is paid by an

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- (i) 如屬在財政年度開始時撥出的款額，在該年度開始之前；及
- (ii) 如屬在財政年度終結時撥出的款額，在該年度終結之前，

該等申索是屬於尚未被視為已償付申索的申索，並包括計入一段超過一個財政年度的期間的業務所涉及的申索、款額尚未釐定的申索及由尚未通知該保險人的事故所引起的申索；及

- (b) 已招致但尚未記錄為已支付的開支（例如法律、醫療、測量或工程方面的費用），或相當可能會由該保險人（不論是透過其職員的僱用或由於其他原因）招致，並直接是為了結關乎在該財政年度開始或終結（視屬何情況而定）前發生的事故的個別申索所引致的開支，不論該等個別申索是否為上述所提及者；
(由 2015 年第 12 號第 2 條修訂)

未過期風險的額外款額 (additional amount for unexpired risks) 指獲授權保險人在其財政年度終結時，除未滿期保費外，另外撥出被認為是必需的款額，以支付該保險人根據在該財政年度終結前訂立的保險合約而須在該財政年度終結之後承擔的風險所引起的申索費用及了結申索的開支；
(由 2015 年第 12 號第 2 條修訂)

未滿期保費 (unearned premiums) 指任何獲授權保險人在其財政年度終結時從以下保費中撥出的款額：根據在該年度終結前訂立的合約，該保險人在該財政年度終結後所須承擔的風險所涉及的保費；
(由 2015 年第 12 號第 2 條修訂)

authorized insurer in full or partial settlement of— (*Amended 12 of 2015 s. 2*)

- (a) claims, including claims relating to business accounted for over a longer period than a financial year; and
- (b) expenses (such as, for example, legal, medical, surveying or engineering costs) which are incurred by the insurer, whether through the employment of its own staff or otherwise, and are directly attributable to the settlement of individual claims, whether or not the individual claims in question are those mentioned above;

claims paid and outstanding (已償付及未決申索) means the amount obtained by taking the sum of the claims paid during a financial year and the claims outstanding as at the end of that year and deducting therefrom the claims outstanding as at the beginning of the year;

commission payable (須付的佣金), in relation to a financial year of an authorized insurer, means the amounts, whether or not paid during that year, which are recorded during that year as due to intermediaries and cedants in respect of the inception, amendment or renewal of contracts of insurance; (*Amended 12 of 2015 s. 2*)

contract of insurance (保險合約) includes a contract of reinsurance;

direct business (直接業務) means contracts of insurance, other than contracts of reinsurance, entered into by an authorized insurer; (*Added L.N. 391 of 1990. Amended 12 of 2015 s. 2*)

expenses for settling claims outstanding (了結未決申索的開支) means the amount set aside by an authorized insurer at the end of its financial year as being an amount likely to be sufficient to meet that part of the insurer's expenses which is likely to be incurred in respect of general business in the settlement of claims in respect of incidents occurring before

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第 1 條

申索 (claim) 指根據保險合約向獲授權保險人提出的申索；(由 2015 年第 12 號第 2 條修訂)

申索平衡基金 (claims equalization) 指獲授權保險人在其財政年度終結時撥出的款額，目的是用以防止在以後的各個財政年度中，由於發生不尋常性質的事件，換言之，不是每年通常發生的事件，而導致須從收入內支付的款額出現不尋常的波動；(由 2015 年第 12 號第 2 條修訂)

再保險 (reinsurance) 及**再保險人** (reinsurer) 分別包括轉分保及轉分保人；

委任核數師 (appointed auditor) 指根據本條例第 15 條獲委任為獲授權保險人的核數師的人；(由 2015 年第 12 號第 2 條修訂)

委任精算師 (appointed actuary) 指根據本條例第 15 條獲委任為獲授權保險人的精算師的人；(由 2015 年第 12 號第 2 條修訂)

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the end of that year other than expenses which fall to be included under claims outstanding; (*Amended 12 of 2015 s. 2*)

expenses of settling claims (了結申索的開支) means that part of an authorized insurer's expenses which has been incurred in respect of general business in the settlement of claims; (*Amended 12 of 2015 s. 2*)

fund (基金), in relation to—

- (a) general business recorded as commencing in any financial year of an authorized insurer but accounted for over a period longer than that financial year, means, during such period, an amount not less than the aggregate amount of the premiums receivable during that period (net of reinsurance premiums payable) reduced by the aggregate amount of the claims paid (net of reinsurance recoveries), expenses for settling claims, commission (net of reinsurance commission receivable) and premium taxes in respect of that business and any management expenses attributable to the management of the fund and, after the end of such period, means such amount as is considered necessary to discharge the remaining obligations (net of reinsurance) in respect of that business; (*Amended 12 of 2015 s. 2*)
- (b) long term business, means the amount standing to the credit of an account maintained in respect of that business in accordance with section 22 of this Ordinance;

gross premiums (毛保費), in relation to a financial year—

- (a) means premiums after deduction of discounts specified in policies or refunds of premiums made in respect of any termination or reduction of risks but before deduction of premiums for reinsurance ceded and of

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第 41 章附表 3 —— 第 1 部
第 1 條**法定業務** (statutory business) 指 ——

- (a) 承保《汽車保險 (第三者風險) 條例》(第 272 章) 第 6 條描述的法律責任的保險業務；
- (b) 承保《商船 (本地船隻) 條例》(第 548 章) 第 23D 條及根據該條例第 89 條訂立的任何規例描述的法律責任的保險業務；(由 2005 年第 24 號第 55 條代替。由 2017 年第 72 號法律公告修訂)
- (c) 承保《僱員補償條例》(第 282 章) 第 40 條描述的法律責任的保險業務；或 (由 1990 年第 391 號法律公告增補。由 2017 年第 72 號法律公告修訂)
- (d) 承保《建築物管理條例》(第 344 章) 第 28 條及根據該條例第 41 條訂立的任何規例描述的法律責任的保險業務；(由 2017 年第 72 號法律公告增補)

直接業務 (direct business) 指獲授權保險人訂立，但並非是再保險合約的保險合約；(由 1990 年第 391 號法律公告增補。由 2015 年第 12 號第 2 條修訂)Schedule 3—Part 1
Section 1S3-12
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(Amended 12 of 2015 s. 2)

- (b) includes premiums receivable by the insurer under reinsurance contracts accepted by the insurer;

Hong Kong insurance business (香港保險業務) means—

- ※(a) any direct business or facultative reinsurance business, being general business, in relation to which the risk is underwritten in Hong Kong, that is to say—
 - (i) the policy is issued in Hong Kong;
 - (ii) the proposal form, application form or any other form of a similar nature is prepared or signed in Hong Kong;
 - (iii) the proposal form, application form or any other form of a similar nature is submitted or received in Hong Kong;
 - (iv) the proposal form, application form or any other form of a similar nature is accepted in Hong Kong; or
 - (v) the risk is accepted in Hong Kong; or (Replaced L.N. 2 of 2003)
- (b) any treaty reinsurance business, being general business, in relation to which the risk is underwritten in Hong Kong, that is to say—
 - (i) the treaty is signed;
 - (ii) the treaty is accepted; or
 - (iii) the treaty negotiation is concluded,
 in Hong Kong, other than treaty reinsurance business in respect of which less than 25% of the total risk (calculated in terms of the gross premiums receivable

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第 41 章附表 3 —— 第 1 部
第 1 條

保費 (premiums) 包括批出年金的代價；

保險合約 (contract of insurance) 包括再保險合約；

※ **香港長期保險業務** (Hong Kong long term insurance business) 指 ——

- (a) 任何屬長期業務的直接業務或臨時再保險業務，而所涉及的風險是在香港承保的，換言之 ——
 - (i) 保單是在香港發出的；
 - (ii) 投保表格、投保申請表格或任何其他同類性質的表格是在香港簽署的；
 - (iii) 投保表格、投保申請表格或任何其他同類性質的表格是在香港呈交或收取的；
 - (iv) 投保表格、投保申請表格或任何其他同類性質的表格是在香港獲接受的；或
 - (v) 風險是在香港獲接受的；或
- (b) 任何屬長期業務的協約再保險業務，而所涉及的風險是在香港承保的，換言之 ——
 - (i) 協約是在香港簽署的；
 - (ii) 協約是在香港獲接受的；或
 - (iii) 協約談判是在香港完成的，

但不包括符合以下說明的協約再保險業務：業務承保的全部風險中，不足 25% 的風險（根據有關協約的可收取毛保費計算）是如第 (3) 節所指在香港產生的；（由 2003 年第 2 號法律公告增補）

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under the treaty) arises in Hong Kong within the meaning of subparagraph (2); (*Added L.N. 391 of 1990*)

※ **Hong Kong long term insurance business** (香港長期保險業務) means—

- (a) any direct business or facultative reinsurance business, being long term business, in relation to which the risk is underwritten in Hong Kong, that is to say—
 - (i) the policy is issued in Hong Kong;
 - (ii) the proposal form, application form or any other form of a similar nature is signed in Hong Kong;
 - (iii) the proposal form, application form or any other form of a similar nature is submitted or received in Hong Kong;
 - (iv) the proposal form, application form or any other form of a similar nature is accepted in Hong Kong; or
 - (v) the risk is accepted in Hong Kong; or
- (b) any treaty reinsurance business, being long term business, in relation to which the risk is underwritten in Hong Kong, that is to say—
 - (i) the treaty is signed in Hong Kong;
 - (ii) the treaty is accepted in Hong Kong; or
 - (iii) the treaty negotiation is concluded in Hong Kong, but does not include any treaty reinsurance business in respect of which less than 25% of the total risk (calculated in terms of the gross premiums receivable under the treaty) arises in Hong Kong within the meaning of subparagraph (3); (*Added L.N. 2 of 2003*)

intermediary (中介人) means a person who in the course of any business or profession invites other persons to make offers or

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第 1 條**香港保險業務 (Hong Kong insurance business) 指 ——**

- ※(a) 任何屬一般業務的直接業務或臨時再保險業務，而所涉及的風險是在香港承保的，換言之 ——
- (i) 保單是在香港發出的；
 - (ii) 投保表格、投保申請表格或任何其他同類性質的表格是在香港擬備或簽署的；
 - (iii) 投保表格、投保申請表格或任何其他同類性質的表格是在香港呈交或收取的；
 - (iv) 投保表格、投保申請表格或任何其他同類性質的表格是在香港獲接受的；或
 - (v) 風險是在香港獲接受的；或 (由 2003 年第 2 號法律公告代替)
- (b) 任何屬一般業務的協約再保險業務，而所涉及的風險是在香港承保的，換言之 ——
- (i) 協約是在香港簽署的；
 - (ii) 協約是在香港獲接受的；或
 - (iii) 協約談判是在香港完成的，
- 但不包括以下協約再保險業務：該業務承保的全部風險中，不足 25% 的風險 (根據該協約的可收取毛保費計算) 是如第 (2) 節所指在香港產生的；(由 1990 年第 391 號法律公告增補)

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proposals or to take other steps with a view to entering into contracts of insurance with an authorized insurer, other than a person who only publishes such invitations on behalf of, or to the order of, some other person; (*Amended 12 of 2015 s. 2*)

management expenses (管理開支) means expenses incurred in the administration of an authorized insurer or its business which are not commission payable and, in the case of general business, are not included in claims paid, claims outstanding, expenses for settling claims and expenses for settling claims outstanding; (*Amended 12 of 2015 s. 2*)

premiums (保費) includes the consideration for the granting of an annuity;

profit and loss account (損益帳), in relation to an authorized insurer not trading for profit, means an income and expenditure account; (*Amended 12 of 2015 s. 2*)

provision (準備金) means any amount written off or retained by way of providing for depreciation, amortization, renewals or diminution in value of assets or retained by way of providing for any known liability, including liabilities in respect of expenditure contracted for and all disputed or contingent liabilities, the amount of which cannot be determined with substantial accuracy;

receivable (可收取), in relation to income during a financial year, means, unless otherwise specified, such amounts as become due to the authorized insurer, whether or not received by the insurer during that year, including (where appropriate) income which has accrued; (*Amended 12 of 2015 s. 2*)

reinsurance (再保險) and **reinsurer** (再保險人) include retrocession and retrocessionaire, respectively;

reinsurance premiums payable (須付的再保險保費)——

- (a) means the premiums recorded in an authorized insurer's books during a financial year as due by it to reinsurers

基金 (fund) ——

- (a) 就記錄為在獲授權保險人的任何財政年度開始，但計入一段超過該個財政年度的期間的一般業務而言，在該段期間內指一筆不少於在該段期間內可收取的保費總額（不計須付的再保險保費），減去已償付申索的總額（不計從再保險所追討的款額）、了結申索的開支、佣金（不計可收取的再保險佣金）及該業務的保費稅項，以及管理基金所引致的任何管理開支後所得出的數額；而在該期間終結後，則指被認為就該業務而解除餘下的義務（不計再保險）所需的款額；（由 2015 年第 12 號第 2 條修訂）
- (b) 就長期業務而言，指按照本條例第 22 條就該業務而備存的帳目中貨項的款額；

須付的再保險保費 (reinsurance premiums payable) ——

- (a) 指在任何財政年度內在何獲授權保險人的簿冊內記錄為該保險人就在該年度開始或在該年度以前的財政年度開始，但卻沒有計入該財政年度前該保險人的收入帳內的再保險合約而到期須付予再保險人的保費（已減去在同一期間所記錄的保費折扣、退款及回扣者），不論該等保費是否在該財政年度內由該獲授權保險人支付，此外，為釐定一筆保費是否為到期須付，不得考慮任何就此而作出的信貸安排；及
- (b) 如屬一般業務，除非另有指明，否則包括減去再保險人退回該獲授權保險人的任何保費組合或損失組合後，須由該獲授權保險人根據其分出的再保險合約而支付的未滿期保費組合及未決申索組合；（由 2015 年第 12 號第 2 條修訂）

須付的佣金 (commission payable) 就獲授權保險人的任何財政年度而言，指在該年度內已記錄為就保險合約的取得、修訂或續保而須付予中介人或分出者的款額，不論是否已在該年度內支付；（由 2015 年第 12 號第 2 條修訂）

in respect of reinsurance contracts commencing in that year or reinsurance contracts commencing in earlier financial years but not accounted for in the insurer's revenue account prior to that financial year, whether or not paid by the insurer during that financial year, after deducting discounts, refunds and rebates of premiums as recorded in the same period, and for the purpose of determining whether a premium is due no account shall be taken of any credit arrangements made in respect thereof; and (*Amended 12 of 2015 s. 2*)

- (b) in the case of general business, includes, unless otherwise specified, unearned premium portfolios and outstanding claims portfolios payable by the insurer under reinsurance contracts ceded by the insurer, after deduction of any premium portfolios or loss portfolios refunded to the insurer by reinsurers;

reserve (儲備金) includes any amount written off or retained other than by way of provision;

statutory business (法定業務) means—

- (a) the business of insurance against liability described in section 6 of the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272);
- (b) the business of insurance against liability described in section 23D of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and any regulation made under section 89 of the Ordinance; (*Replaced 24 of 2005 s. 55. Amended L.N. 72 of 2017*)
- (c) the business of insurance against liability described in section 40 of the Employees' Compensation Ordinance (Cap. 282); or (*Added L.N. 391 of 1990. Amended L.N. 72 of 2017*)

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損益帳 (profit and loss account) 就非牟利的獲授權保險人而言，指收支帳；(由 2015 年第 12 號第 2 條修訂)

準備金 (provision) 指為準備應付資產的折舊、攤銷、更新或減值而沖銷或保留的任何款額，或為準備應付任何已知負債而保留的款額，該已知負債包括合約訂明的開支方面的負債及所有數額並不能相當準確地釐定的有爭議或有負債；

管理開支 (management expenses) 指獲授權保險人在行政或其業務所招致的開支，但不包括屬須付的佣金的開支，如屬一般業務亦不包括列入已償付申索、未決申索、了結申索的開支及了結未決申索的開支內的開支；(由 2015 年第 12 號第 2 條修訂)

儲備金 (reserve) 包括並非以準備金形式沖銷或保留的款額。
(編輯修訂——2017 年第 4 號編輯修訂紀錄)

※(2) 就**香港保險業務**的定義的 (b) 段而言，在以下情況下，有關風險須當作在香港產生——(由 2003 年第 2 號法律公告修訂)

(a) 如屬“意外及健康”或“金錢損失”的保險業務——

(i) 屬個人的保單持有人是在香港居住的；或

(ii) 保單持有人是《公司條例》(第 622 章) 第 2(1) 條所界定的公司；(由 2012 年第 28 號第 912 及 920 條修訂)

(b) 如屬“飛機，損壞及法律責任”、“船舶，損壞及法律責任”及“貨運”的保險業務，風險是一如在“香港保險業務”定義內所描述般於香港承保的；

(c) 如屬所有其他保險業務，風險是位於香港的。(由 1990 年第 391 號法律公告增補)

※(3) 就**香港長期保險業務**的定義的 (b) 段而言，在以下情況下，有關風險須當作在香港產生——

(d) the business of insurance against liability described in section 28 of the Building Management Ordinance (Cap. 344) and any regulation made under section 41 of the Ordinance; (*Added L.N. 72 of 2017*)

unearned premiums (未滿期保費) means the amount set aside by an authorized insurer at the end of its financial year out of premiums in respect of risks to be borne by the insurer after the end of the financial year under contracts of insurance entered into before the end of that year. (*Amended 12 of 2015 s. 2*)

※(2) For the purposes of paragraph (b) of the definition of **Hong Kong insurance business**, a risk is deemed to arise in Hong Kong— (*Amended L.N. 2 of 2003*)

(a) in the case of insurance business of “accident and health” or “pecuniary loss”, if—

(i) the policy holder being an individual is resident in Hong Kong; or

(ii) the policy holder is a company as defined by section 2(1) of the Companies Ordinance (Cap. 622); (*Amended 28 of 2012 ss. 912 & 920*)

(b) in the case of insurance business of “aircraft, damage and liability”, “ships, damage and liability” and “goods in transit”, if the risk is underwritten in Hong Kong as described in the definition of Hong Kong insurance business;

(c) in all other cases of insurance business, if the risk is located in Hong Kong. (*Added L.N. 391 of 1990*)

※(3) For the purposes of paragraph (b) of the definition of **Hong Kong long term insurance business**, a risk is deemed to arise in Hong Kong, if—

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第 1 條

- (a) 屬個人的保單持有人是在香港居住的；或
- (b) 保單持有人是《公司條例》(第 622 章)第 2(1) 條所界定的公司。(由 2003 年第 2 號法律公告增補。由 2012 年第 28 號第 912 及 920 條修訂)

編輯附註：

※ 與 2003 年第 2 號法律公告所作的修訂相關的適用範圍條文，見《2003 年保險公司條例 (修訂附表 3 第 1 部) 規例》(2003 年第 2 號法律公告) 第 2 條。

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- (a) the policy holder being an individual is resident in Hong Kong; or
- (b) the policy holder is a company as defined by section 2(1) of the Companies Ordinance (Cap. 622). (*Added L.N. 2 of 2003. Amended 28 of 2012 ss. 912 & 920*)

Editorial Note:

※ For application provision relating to the amendments made by L.N. 2 of 2003, see section 2 of the Insurance Companies Ordinance (Amendment of Part 1 of Third Schedule) Regulation 2003 (L.N. 2 of 2003).

- 1A. (1) A reference in Part 1, 2, 3 or 4 of this Schedule to parent undertaking or subsidiary undertaking is construed in accordance with Schedule 1 to the Companies Ordinance (Cap. 622). (*Amended 28 of 2012 ss. 912 & 920*)
- (2) A reference in a provision specified under subparagraph (3) for the purposes of this subparagraph—
- (a) to a holding company shall be deemed to include a parent undertaking that is a company; and (*Amended 28 of 2012 ss. 912 & 920*)
 - (b) to a subsidiary or subsidiary company shall be deemed to include a subsidiary undertaking.
- (3) The provisions specified for the purposes of subparagraph (2) are—
- (a) paragraph 4(1)(d) and (e)(iii) and (1AD)(f) and (g)(iii) of Part 1 of this Schedule;
 - (b) paragraph 9(a), (d), (e), (f), (j) and (l) of Part 2 of this Schedule;
 - (c) the heading, and paragraphs 10, 11 and 12, of Part 3 of this Schedule;

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第 1A 條

- 1A. (1) 在本附表第 1、2、3 或 4 部中凡提述母企業或附屬企業之處，均須按照《公司條例》(第 622 章)附表 1 解釋。(由 2012 年第 28 號第 912 及 920 條修訂)
- (2) 在根據第 (3) 節為施行本節而指明的條文中，凡提述 ——
- (a) 控權公司之處，須當作包括本身是一間公司的母企業；及 (由 2012 年第 28 號第 912 及 920 條修訂)
- (b) 附屬公司之處，須當作包括附屬企業。
- (3) 為施行第 (2) 節而指明的條文為 ——
- (a) 本附表第 1 部第 4(1)(d) 及 (e)(iii) 及 (1AD)(f) 及 (g)(iii) 段；
- (b) 本附表第 2 部第 9(a)、(d)、(e)、(f)、(j) 及 (l) 段；
- (c) 本附表第 3 部的標題及第 10、11 及 12 段；
- (d) 本附表第 4 部第 16(b)(ii)、(d)(i)、(e) 及 (g) 段。
- (由 2005 年第 12 號第 21 條增補)
2. 所有帳目及報表均須以中文或英文編製；如非如此編製，則須附上完整的中文或英文譯本。(由 1995 年第 599 號法律公告代替)
3. 除第 8 部的條文另有規定外，根據本附表呈交的資料須就獲授權保險人的全部業務而呈交。(由 1990 年第 391 號法律公告修訂；由 2015 年第 12 號第 2 條修訂)
4. (1) 根據本附表第 3、4 及 5 部呈交的只經營長期業務的獲授權保險人的帳目及報表，須由委任核數師審計，該核數師須在帳目及報表上附上一份報告，述明 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 以下數額中的較大者 ——

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- (d) paragraph 16(b)(ii), (d)(i), (e) and (g) of Part 4 of this Schedule.
- (Added 12 of 2005 s. 21)
2. All accounts and statements shall be produced in the Chinese or the English language or, if not so produced, be accompanied by a complete Chinese or English translation. (Replaced L.N. 599 of 1995)
3. Subject to the provisions of Part 8, the information to be submitted under this Schedule shall be submitted in respect of the total business of the authorized insurer. (Amended L.N. 391 of 1990; 12 of 2015 s. 2)
4. (1) The accounts and statements of an authorized insurer carrying on long term business only to be submitted under Parts 3, 4 and 5 of this Schedule shall be audited by the appointed auditor who shall annex to the accounts and statements a report stating— (Amended 12 of 2015 s. 2)
- (a) the greater of the following—
- (i) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the insurer; or
- (ii) the amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b) of this Ordinance for the purpose of section 8(3)(a)(ii)(B) and (iii)(B) of this Ordinance in the case of the insurer; (Amended 29 of 1997 s. 13; 12 of 2015 s. 92)

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第 4 條

- (i) 關乎該保險人的有關數額 (本條例第 10 條所指者) ; 或
 - (ii) 為施行本條例第 8(3)(a)(ii)(B) 及 (iii)(B) 條而按照根據本條例第 129(1)(b) 條訂立的規則訂明或釐定的關乎該保險人的數額 ; (由 1997 年第 29 號第 13 條修訂 ; 由 2015 年第 12 號第 92 條修訂)
 - (b) 按該核數師的意見，該保險人的資產值超出其負債的數額是否超出 (a) 分節所述的數額 ;
 - (c) 按該核數師的意見，妥善紀錄是否已按照本條例第 16 條備存 ;
 - (d) 按該核數師的意見，該保險人的資產負債表、收入帳及損益帳以及 (如該保險人是呈交集團帳目的控權公司) 集團帳目是否已按照本條例條文妥善擬備 ; 及 (由 2012 年第 28 號第 912 及 920 條修訂)
 - (e) 按該核數師的意見 ——
 - (i) 如屬資產負債表，該保險人在其財政年度終結時的事務狀況是否已獲真實和公正地反映 ;
 - (ii) 如屬收入帳及損益帳 (如並非編製為綜合收入帳及損益帳)，該保險人在其財政年度的利潤及虧損是否已獲真實和公正地反映 ; 及
 - (iii) 如屬是控權公司的獲授權保險人所呈交的集團帳目，該保險人所佔的權益是否已獲真實和公正地反映。 (由 1995 年第 599 號法律公告第 2(1)(b) 條代替。由 2012 年第 28 號第 912 及 920 條修訂 ; 由 2015 年第 12 號第 2 條修訂)
- (1AA) 儘管有第 (1)(e) 節的規定，如對獲授權保險人的任何資產或負債的估值或對獲授權保險人的任何收入或支出的處理是按照任何法定條文作出的，而就該保險人而言，該等條文適用於擬備如此呈交的帳目及報表，則委任核數師根據該節就該節所述事項是否已獲真實和公正地反映的意見可在其指明的方面加以註明，指出受該項估值

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- (b) whether in the auditor's opinion the value of the assets of the insurer exceeds the amount of its liabilities by the amount stated under sub-subparagraph (a);
 - (c) whether in the auditor's opinion proper records have been maintained in accordance with section 16 of this Ordinance;
 - (d) whether in the auditor's opinion the insurer's balance sheet, revenue account and profit and loss account and (if it is a holding company submitting group accounts) the group accounts have been properly prepared in accordance with the provisions of this Ordinance; and
 - (e) whether in the auditor's opinion a true and fair view is given—
 - (i) in the case of the balance sheet, of the state of the insurer's affairs as at the end of its financial year;
 - (ii) in the case of the revenue account and profit and loss account (if it is not framed as a consolidated revenue account and profit and loss account), of the insurer's profit and loss for its financial year; and
 - (iii) in the case of group accounts submitted by an authorized insurer which is a holding company, of the insurer's interest therein. (*Replaced L.N. 599 of 1995 s. 2(1)(b). Amended 12 of 2015 s. 2*)
- (1AA) Notwithstanding subparagraph (1)(e), the appointed auditor's opinion given under that subparagraph as to whether a true and fair view is so given may, where the valuation of any asset or liability or the treatment of any income or expenditure of the authorized insurer is in accordance with any statutory provision which, in the case of that insurer, applied to the preparation of the accounts and statements so submitted, be qualified in such respects as he may specify,

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或處理所影響的項目及有關的法定條文。(由 1995 年第 599 號法律公告第 2(1)(c) 條增補。由 2015 年第 12 號第 2 條修訂)

(1AB) 根據本附表第 4 及 5 部呈交的只經營一般業務的獲授權保險人(專屬自保保險人除外)的帳目及報表,須由委任核數師審計,該核數師須在帳目及報表上附上一份報告,述明——(由 1997 年第 29 號第 13 條修訂;由 2015 年第 12 號第 2 條修訂)

(a) 該保險人的有關保費收入;

(aa) 該保險人的有關未決申索;(由 1996 年第 35 號第 33 條增補)

(b) 關乎該保險人的有關數額(本條例第 10 條所指者);

(c) 按該核數師的意見,該保險人的資產值超出其負債的數額是否超出該有關數額;

(d) 按該核數師的意見,妥善紀錄是否已按照本條例第 16 條備存;及

(e) 按該核數師的意見,該保險人的資產負債表、收入帳及損益帳是否已按照本條例條文妥善擬備。(由 1995 年第 599 號法律公告第 2(1)(c) 條增補)

(1AC) 根據本附表第 4 及 5 部呈交的經營一般業務及長期業務的獲授權保險人的帳目及報表,須由委任核數師審計,該名核數師須在帳目及報表上附上一份報告,述明——(由 2015 年第 12 號第 2 條修訂)

(a) 該保險人的可歸因於其一般業務的有關保費收入;

(aa) 該保險人的可歸因於其一般業務的有關未決申索;(由 1996 年第 35 號第 33 條增補)

(b) 在顧及該保險人的一般業務後關乎該保險人的有關數額(本條例第 10 條所指者);

(c) 以下數額中的較大者——

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indicating the items affected by such valuation or treatment and the statutory provisions in question. (Added L.N. 599 of 1995 s. 2(1)(c). Amended 12 of 2015 s. 2)

(1AB) The accounts and statements of an authorized insurer carrying on general business only, other than a captive insurer, to be submitted under Parts 4 and 5 of this Schedule shall be audited by the appointed auditor who shall annex to the accounts and statements a report stating— (Amended 29 of 1997 s. 13; 12 of 2015 s. 2)

(a) the relevant premium income of the insurer;

(aa) the relevant claims outstanding of the insurer; (Added 35 of 1996 s. 33)

(b) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the insurer;

(c) whether in the auditor's opinion the value of the assets of the insurer exceeds its liabilities by that relevant amount;

(d) whether in the auditor's opinion proper records have been maintained in accordance with section 16 of this Ordinance; and

(e) whether in the auditor's opinion the insurer's balance sheet, revenue account and profit and loss account have been properly prepared in accordance with the provisions of this Ordinance. (Added L.N. 599 of 1995 s. 2(1)(c))

(1AC) The accounts and statements of an authorized insurer carrying on both general business and long term business to be submitted under Parts 4 and 5 of this Schedule shall be audited by the appointed auditor who shall annex to the accounts and statements a report stating— (Amended 12 of 2015 s. 2)

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- (i) 在顧及該保險人的長期業務後關乎該保險人的有關數額 (本條例第 10 條所指者) ; 或
- (ii) 在顧及該保險人的長期業務後，為施行本條例第 8(3)(a)(ii)(B) 及 (iii)(B) 條而按照根據本條例第 129(1)(b) 條訂立的規則訂明或釐定的關乎該保險人的數額；(由 1997 年第 29 號第 13 條修訂；由 2015 年第 12 號第 92 條修訂)
- (d) 按該核數師的意見，該保險人的資產值超出其負債的數額是否超出 (b) 及 (c) 分節所訂的數額的總和；
- (e) 按該核數師的意見；妥善紀錄是否已按照本條例第 16 條備存；
- (f) 按該核數師的意見；該保險人的資產負債表、收入帳及損益帳是否已按照本條例條文妥善擬備；及
- (g) 按該核數師的意見，該保險人的資產負債表是否真實和公正地反映該保險人的業務 (依據本條例第 22 或 22A 條為其備存帳目者) 於其財政年度終結時的財政狀況，但如對該保險人的任何資產或負債的估價是按照任何法定條文作出的，而就該保險人而言，該等條文適用於擬備如此呈交的資產負債表，則委任核數師就上述財政狀況是否已獲真實和公正地反映的意見可在其指明的方面加以註明，指出受該項估價所影響的項目及有關的法定條文。(由 1995 年第 599 號法律公告第 2(1)(c) 條增補)

- (a) the relevant premium income of the insurer attributable to its general business;
- (aa) the relevant claims outstanding of the insurer attributable to its general business; (*Added 35 of 1996 s. 33*)
- (b) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the insurer having regard to its general business;
- (c) the greater of the following—
 - (i) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the insurer having regard to its long term business; or
 - (ii) the amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b) of this Ordinance for the purpose of section 8(3)(a)(ii)(B) and (iii)(B) of this Ordinance in the case of the insurer having regard to its long term business; (*Amended 29 of 1997 s. 13; 12 of 2015 s. 92*)
- (d) whether in the auditor's opinion the value of the assets of the insurer exceeds its liabilities by the aggregate of the amounts stated under sub-subparagraphs (b) and (c);
- (e) whether in the auditor's opinion proper records have been maintained in accordance with section 16 of this Ordinance;
- (f) whether in the auditor's opinion the insurer's balance sheet, revenue account and profit and loss account have been properly prepared in accordance with the provisions of this Ordinance; and
- (g) whether in the auditor's opinion the balance sheet gives a true and fair view of the financial position, as at the end of its financial year, of the business of the

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第 4 條

- (1AD) 根據本附表第 3、4 及 5 部呈交的專屬自保保險人的帳目及報表，須由委任核數師審計，該核數師須在帳目及報表上附上一份報告，述明——
- (a) 該專屬自保保險人的淨保費收入；
 - (b) 該專屬自保保險人的淨未決申索；
 - (c) 關乎該專屬自保保險人的有關數額（本條例第 10 條所指者）；
 - (d) 按該核數師的意見，該專屬自保保險人的資產值超出其負債的數額是否超出該有關數額；
 - (e) 按該核數師的意見，妥善紀錄是否已按照本條例第 16 條備存；
 - (f) 按該核數師的意見，該專屬自保保險人的資產負債表、收入帳及損益帳以及（如該專屬自保保險人是呈交集團帳目的控權公司）集團帳目是否已按照本條例條文妥善擬備；及（由 2012 年第 28 號第 912 及 920 條修訂）
 - (g) 按該核數師的意見——
 - (i) 如屬資產負債表，該專屬自保保險人在其財政年度終結時的事務狀況是否已獲真實和公正地反映；
 - (ii) 如屬收入帳及損益帳（如並非編製為綜合收入帳及損益帳），該專屬自保保險人在其財政年度的利潤及虧損是否已獲真實和公正地反映；及
 - (iii) 如屬是控權公司的專屬自保保險人所呈交的集團帳目，該專屬自保保險人所佔的權益是否已獲真實和公正地反映。（由 1997 年第 29 號第 13 條增補。由 2012 年第 28 號第 912 及 920 條修訂）

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insurer for which an account is maintained pursuant to section 22 or 22A of this Ordinance, but his opinion as to whether a true and fair view is so given may, where the valuation of any asset or liability of the insurer is in accordance with any statutory provision which, in the case of that insurer, applied to the preparation of the balance sheet so submitted, be qualified in such respects as he may specify, indicating the items affected by such valuation and the statutory provisions in question. (*Added L.N. 599 of 1995 s. 2(1)(c)*)

- (1AD) The accounts and statements of a captive insurer to be submitted under Parts 3, 4 and 5 of this Schedule shall be audited by the appointed auditor who shall annex to the accounts and statements a report stating—
- (a) the net premium income of the captive insurer;
 - (b) the net claims outstanding of the captive insurer;
 - (c) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the captive insurer;
 - (d) whether in the auditor's opinion the value of the assets of the captive insurer exceeds its liabilities by that relevant amount;
 - (e) whether in the auditor's opinion proper records have been maintained in accordance with section 16 of this Ordinance;
 - (f) whether in the auditor's opinion the captive insurer's balance sheet, revenue account and profit and loss account and (if it is a holding company submitting group accounts) the group accounts have been properly prepared in accordance with the provisions of this Ordinance; and
 - (g) whether in the auditor's opinion a true and fair view is given—

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(1AE) 儘管有第 (1AD)(g) 節的規定，如對專屬自保保險人的任何資產或負債的估值或對專屬自保保險人的任何收入或支出的處理是按照任何法定條文作出的，而就該專屬自保保險人而言，該等條文適用於擬備如此呈交的帳目及報表，則委任核數師根據該節就該節所述事項是否已獲真實和公正地反映的意見可在其指明的方面加以註明，指出受該項估值或處理所影響的項目及有關的法定條文。
(由 1997 年第 29 號第 13 條增補)

※(1A) 根據本附表第 8 及 9 部呈交的表格及報表 (根據第 8 部採用表格 HKL2 及表格 HKL3 呈交的表格除外)，須由一名根據《專業會計師條例》(第 50 章) 有資格獲委任為核數師而根據《公司條例》(第 622 章) 第 393 條並非屬喪失資格的人士審計，該核數師並須 —— (由 2003 年第 2 號法律公告修訂；由 2012 年第 28 號第 912 及 920 條修訂)

(a) 就第 8 部所訂的表格 (表格 HKL1 除外)，附上一份報告，說明按他的意見 —— (由 2003 年第 2 號法律公告修訂)

- (i) 獲授權保險人是否按照本條例第 16 條為擬備該等表格而備存妥善紀錄；(由 2015 年第 12 號第 2 條修訂)
- (ii) 該等表格是否已按照該等紀錄妥善擬備；及
- (iii) 該等表格內所提供的資料在一切要項上是否均已公正反映關乎香港保險業務的承保業績；(由 2003 年第 2 號法律公告修訂)

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- (i) in the case of the balance sheet, of the state of the captive insurer's affairs as at the end of its financial year;
- (ii) in the case of the revenue account and profit and loss account (if it is not framed as a consolidated revenue account and profit and loss account), of the captive insurer's profit and loss for its financial year; and
- (iii) in the case of group accounts submitted by a captive insurer which is a holding company, of the captive insurer's interest therein. *(Added 29 of 1997 s. 13)*

(1AE) Notwithstanding subparagraph (1AD)(g), the appointed auditor's opinion given under that subparagraph as to whether a true and fair view is so given may, where the valuation of any asset or liability or the treatment of any income or expenditure of the captive insurer is in accordance with any statutory provision which, in the case of that captive insurer, applied to the preparation of the accounts and statements so submitted, be qualified in such respects as he may specify, indicating the items affected by such valuation or treatment and the statutory provisions in question. *(Added 29 of 1997 s. 13)*

※(1A) The forms and statements to be submitted under Parts 8 and 9 of this Schedule (except the forms to be submitted in Form HKL2 and Form HKL3 under Part 8) shall be audited by a person who is qualified for appointment as auditor of a company under the Professional Accountants Ordinance (Cap. 50) and is not disqualified under section 393 of the Companies Ordinance (Cap. 622), and the auditor shall— *(Amended L.N. 2 of 2003; 28 of 2012 ss. 912 & 920)*

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第 4 條

- (aa) 就第 8 部所訂的表格 HKL1，附上一份報告，說明按他的意見 ——
- (i) 該保險人是否按照本條例第 16 條為擬備該表格而備存妥善紀錄；及 (由 2015 年第 12 號第 2 條修訂)
 - (ii) 該表格是否已按照該等紀錄妥善擬備；及 (由 2003 年第 2 號法律公告增補)
- (b) 就第 9 部所訂的報表，附上一份報告，說明按他的意見 ——
- (i) 該保險人是否按照本條例第 16 條為擬備該報表而備存妥善紀錄；
 - (ii) 該報表是否已按照該等紀錄妥善擬備；
 - (iii) 資產值及負債額是否已按照任何適用的估值規例釐定；
 - (iv) 有關數額是否已按照本條例第 25A(1) 條釐定；及
 - (v) 凡報表 ——
 - (A) 是依據本條例第 25A(9) 條呈交的，則在報表內所示由該保險人所持有的資產，在有關財政年度的最後一天及擬備報告的核數師所選擇在該財政年度內的其他兩個日期 (但該兩個日期之間相隔不得短於 3 個月)，是否能使該保險人遵從本條例第 25A 條訂明的規定；或
 - (B) 是依據本條例第 25B(3)(b) 條呈交的，則在報表內所示由該保險人持有的資產，在根據該條發出的通知所指明的日期，是否能使該保險人遵從本條例第 25B 條訂明的規定。(由 1994 年第 26 號第 7 條增補。由 2015 年第 12 號第 2 條修訂)

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- (a) with respect to the forms (except Form HKL1) under Part 8, annex a report thereto stating whether or not in his opinion— (*Amended L.N. 2 of 2003*)
- (i) the authorized insurer maintains proper records in accordance with section 16 of this Ordinance for the purposes of preparing the forms; (*Amended 12 of 2015 s. 2*)
 - (ii) the forms have been properly prepared in accordance with those records; and
 - (iii) the information supplied in the forms presents fairly in all material respects the underwriting results pertaining to the Hong Kong insurance business; (*Amended L.N. 2 of 2003*)
- (aa) with respect to Form HKL1 under Part 8, annex a report to the form stating whether or not in his opinion—
- (i) the insurer maintains proper records in accordance with section 16 of this Ordinance for the purposes of preparing the form; and
 - (ii) the form has been properly prepared in accordance with those records; and (*Added L.N. 2 of 2003*)
- (b) with respect to the statement under Part 9, annex a report thereto stating whether or not in his opinion—
- (i) the insurer maintains proper records in accordance with section 16 of this Ordinance for the purposes of preparing the statement;
 - (ii) the statement has been properly prepared in accordance with those records;
 - (iii) the values of the assets and liabilities have been determined in accordance with any applicable valuation regulations;

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- (2) 委任核數師如認為需要，須在報告加上適當的註明、補充或解釋。(由 1994 年第 26 號第 7 條修訂)
- (3) 在符合第 8 部條文的規定下，根據本附表須呈交的任何資料，可用摘記的形式呈交，但呈交的資料必須是容易作整體解釋的，並附有委任核數師的報告。(由 1990 年第 391 號法律公告修訂；由 1994 年第 26 號第 7 條修訂)

編輯附註：

※ 與 2003 年第 2 號法律公告所作的修訂相關的適用範圍條文，見《2003 年保險公司條例(修訂附表 3 第 1 部)規例》(2003 年第 2 號法律公告)第 2 條。

5. (1) 根據本附表第 7 部呈交關於長期業務的資料，須附有委任精算師的證明書，—— (由 1993 年第 59 號第 18 條修訂；由 1998 年第 4 號第 3 條修訂)
- (a) 述明按他的意見，獲授權保險人是否已備存妥善紀錄，足以供對該長期業務負債估值之用；(由 2015 年第 12 號第 2 條修訂)
- (b) 述明他是否信納在估值所指的日期，識別為該保險人就其長期業務而維持的一項或多於一項基金的資產值，並不少於以下兩項總和中數額較大者 —— (由 2015 年第 12 號第 2 條修訂)
- (i) 以下數額的總和 ——
- (A) 可歸入該業務的負債額；及
- (B) \$2,000,000 或其同等數值 (如長期業務的任何部份並不屬於附表 1 第 2 部類別 G 或 H 內所指明的性質)；或 (由 1998 年第 4 號第 3 條代替)
- (ii) 可歸入該業務的負債額及按照根據本條例第 129(1)(c) 條訂立的規則須在該項或該等基金內持有的數額的總和；(由 1994 年第 25 號第 19 條代替。由 2015 年第 12 號第 92 條修訂)

- (iv) the relevant amount has been determined in accordance with section 25A(1) of this Ordinance; and
- (v) where the statement is submitted pursuant to—
- (A) section 25A(9) of this Ordinance, the assets held by the insurer, as shown in the statement, enable it to comply with the requirement stipulated in section 25A of this Ordinance as at the last day of the financial year and 2 such other dates in the financial year as the auditor preparing the report may elect, provided that the intervening period between those 2 dates shall not be shorter than 3 months; or
- (B) section 25B(3)(b) of this Ordinance, the assets held by the insurer, as shown in the statement, enable it to comply with the requirement stipulated in section 25B of this Ordinance as at the date specified in the notice issued under that section. (Added 26 of 1994 s. 7)
- (2) If he considers it necessary the appointed auditor shall add to the report such qualification, amplification or explanation as is appropriate. (Amended 26 of 1994 s. 7)
- (3) Subject to the provisions of Part 8, any information required to be submitted under this Schedule may be submitted in the form of notes if, but only if, the information submitted can readily be interpreted as a whole and the appointed auditor's report is attached. (Amended L.N. 391 of 1990; 26 of 1994 s. 7)

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- (c) 述明按他的意見，該等資產的性質及年期以及該等負債的性質及年期之間的關係是否穩健及令人滿意；
(由 1994 年第 25 號第 19 條修訂)
- (d) 述明他是否信納在估值所指的日期，該保險人的資產值 —— (由 2015 年第 12 號第 2 條修訂)
- (i) 如屬只經營長期業務的獲授權保險人，不少於其負債額及按照根據本條例第 129(1)(b) 條訂立的規則訂明或釐定的數額的總和；
- (ii) 如屬經營一般業務及長期業務的獲授權保險人，則不少於以下數額的總和 —— (由 2015 年第 12 號第 2 條修訂)
- (A) 如第 10(1) 條適用及只顧及該保險人的一般業務時，是屬於該保險人的有關數額；
- (B) 該保險人的負債額；及
- (C) 按照根據本條例第 129(1)(b) 條訂立的規則訂明或釐定的數額；(由 1994 年第 25 號第 19 條增補。由 1997 年第 29 號第 13 條修訂；由 2015 年第 12 號第 2 及 92 條修訂)
- (e) 確認他已遵從適用於他的訂明的標準或保監局根據本條例第 15C 條接受為可與訂明的標準相比的其他標準；及 (由 1997 年第 29 號第 13 條增補。由 2000 年第 31 號第 4 條修訂；由 2015 年第 12 號第 2 條修訂)
- (f) 指明他已遵從的該等適用於他的標準。(由 1997 年第 29 號第 13 條增補)
- (1A) (由 1998 年第 4 號第 3 條廢除)
- (2) 委任精算師如認為需要，須在證明書加上適當的註明、補充或解釋。

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※ For application provision relating to the amendments made by L.N. 2 of 2003, see section 2 of the Insurance Companies Ordinance (Amendment of Part 1 of Third Schedule) Regulation 2003 (L.N. 2 of 2003).

5. (1) The information to be submitted in respect of long term business under Part 7 of this Schedule shall be accompanied by a certificate by the appointed actuary— (*Amended 59 of 1993 s. 18; 4 of 1998 s. 3*)
- (a) stating whether in his opinion, proper records have been kept by the authorized insurer adequate for the purpose of the valuation of the liabilities of the long term business; (*Amended 12 of 2015 s. 2*)
- (b) stating whether he is satisfied that, as at the date to which the valuation relates, the value of the assets identified as representing the fund or funds maintained by the insurer in respect of its long term business was not less than the greater of the following—
- (i) the aggregate of—
- (A) the amount of the liabilities attributable to that business; and
- (B) if any part of the long term business is of a nature other than that specified in class G or H in Part 2 of Schedule 1, \$2,000,000 or its equivalent; or (*Replaced 4 of 1998 s. 3*)
- (ii) the aggregate of the amount of the liabilities attributable to that business and such amount as may be required to be held in such fund or funds in accordance with rules made under section 129(1)(c) of this Ordinance; (*Replaced 25 of 1994 s. 19. Amended 12 of 2015 s. 92*)
- (c) stating whether in his opinion there is a prudent and satisfactory relationship between the nature and term

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第 6 條

6. 除在擬備帳目及報表時已遵從法定條文外，帳目及報表內須附上一份或多於一份補充報表，全面及充分描述計算出每一項資產及負債的價值及作出任何估計、分攤、儲備金或準備金所採用的會計政策。

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- of the assets and the nature and term of the liabilities;
(*Amended 25 of 1994 s. 19*)
- (d) stating whether he is satisfied that, as at the date to which the valuation relates, the value of the assets of the insurer was not less than—
- (i) in the case of an authorized insurer carrying on long term business only, the aggregate of the amount of its liabilities and such amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b) of this Ordinance;
- (ii) in the case of an authorized insurer carrying on both general business and long term business, the aggregate of— (*Amended 12 of 2015 s. 2*)
- (A) the amount which, if section 10(1) of this Ordinance applied, would be the relevant amount in the case of the insurer having regard only to its general business;
- (B) the amount of its liabilities; and
- (C) such amount as may be prescribed by or determined in accordance with rules made under section 129(1)(b) of this Ordinance;
(*Added 25 of 1994 s. 19. Amended 29 of 1997 s. 13; 12 of 2015 ss. 2 & 92*)
- (e) confirming that he has complied with the prescribed standards or other standards as the Authority accepts as being comparable to the prescribed standards under section 15C of this Ordinance, which are applicable to him; and (*Added 29 of 1997 s. 13. Amended 31 of 2000 s. 4; 12 of 2015 s. 2*)
- (f) specifying such of those standards applicable to him with which he has complied. (*Added 29 of 1997 s. 13*)

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第 7 條Schedule 3—Part 2
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第 2 部

董事報告

7. 每份根據本附表而呈交的資產負債表，均須附有董事所作的關於獲授權保險人在有關財政年度的利潤及虧損，及在該年度終結時該保險人的事務狀況的報告。(由 2015 年第 12 號第 2 條修訂)
8. 每份如此附有的董事報告均須經獲授權保險人的董事局通過，並須由通過該報告的會議的主席，或由該保險人的秘書代董事局簽署。(由 2015 年第 12 號第 2 條修訂)
9. 報告須述明以下資料 ——

- (1A) *(Repealed 4 of 1998 s. 3)*
- (2) If he considers it necessary, the appointed actuary shall add to the certificate such qualification, amplification or explanation as is appropriate.
6. Except to the extent that any statutory provisions have been followed in the preparation thereof, there shall be annexed to the accounts and statements a supplementary statement or statements describing in full and sufficient detail the accounting policies used in arriving at the values of each and every asset and liability and in making any estimate, apportionment, reserve or provision.

Part 2

Directors' Report

7. There shall be attached to every balance sheet submitted under this Schedule a report by the directors with respect to the profit or loss of the authorized insurer for the financial year and the state of the insurer's affairs as at the end thereof. *(Amended 12 of 2015 s. 2)*
8. Every directors' report so attached shall be approved by the board of directors of the authorized insurer and signed on behalf of the board either by the chairman of the meeting at which it was approved or by the secretary of the insurer. *(Amended 12 of 2015 s. 2)*

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第 9 條

- (a) 述明獲授權保險人及其附屬公司在有關財政年度中的主要業務活動，及該等活動在該年內的任何重要變動；
- (ab) 述明保險人或其附屬公司在有關財政年度中，除保險業務外另行經營的任何其他形式的業務；(由 2015 年第 12 號第 92 條增補)
- (b) 述明董事建議以股息方式支付的數額 (如有的話)；
- (c) 述明董事擬結轉至儲備金的數額 (如有的話)；
- (d) 如該保險人沒有附屬公司，並在有關財政年度已為慈善或其他目的捐款為數不少於 \$1,000 或其同等數值，述明該等捐款的總數；
- (e) 如該保險人有附屬公司，而該保險人及其附屬公司合起來已為慈善或其他目的捐款為數不少於 \$1,000 或其同等數值，述明該等捐款的總數；
- (f) 如該保險人或其任何附屬公司的資產在有關財政年度內發生重要變動，載有該等變動的詳情；
- (g) 如公司在有關財政年度內有發行任何股份，述明發行的理由、所發行股份的類別、就每類股份發行的數目以及該保險人因該發行而收取的代價；
- (h) 如該保險人在有關財政年度內有發行或贖回任何債權證，述明發行或贖回的理由、所發行或贖回的債權證類別、就每類債權證發行或贖回的數量以及該保險人收取的代價；
- (i) 述明在有關財政年度內任何時間擔任該保險人的董事或控權人的人士的名稱或姓名；
- (j) 如在有關財政年度終結時，有該保險人，或該保險人的附屬公司或控權公司，或該保險人的附屬公司的附屬公司為其中一方的合約存在，而在合約中，該保險人的董事或控權人在任何方面直接或間接有，或在該年度的任何時間在任何方面直接或間接有權益，或在該年度的任何時間，有該保險人為其中

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9. The report shall—
- (a) state the principal activities of the authorized insurer and of its subsidiaries in the course of the financial year and any significant change in those activities in that year; (*Amended 12 of 2015 s. 2*)
 - (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; (*Added 12 of 2015 s. 92*)
 - (b) state the amount, if any, which the directors recommend should be paid by way of dividend;
 - (c) state the amount, if any, which the directors propose to carry to reserves;
 - (d) if the insurer has no subsidiaries and has in the financial year made donations for charitable or other purposes to a total amount of not less than \$1,000 or its equivalent, state the total amount of such donations;
 - (e) if the insurer has subsidiaries and the insurer and its subsidiaries have between them made donations for charitable or other purposes to a total amount of not less than \$1,000 or its equivalent, state the total amount of such donations;
 - (f) if significant changes in the assets of the insurer or of any of its subsidiaries have occurred in the financial year, contain particulars of the changes;
 - (g) if, in the financial year, the company has issued any shares, state the reason for making the issue, the classes of shares issued and, as respects each class of shares, the number issued and the consideration received by the insurer for the issue;

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第 9 條

一方的合約存在，而在合約中該保險人的董事或控權人在該年度的任何時間，在任何方面直接或間接有權益（在上述兩種情況，合約指董事認為就該保險人的業務而言是重要的合約，而在該合約中董事或控權人有或曾經有重大的權益），載有——（由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂）

- (i) 一項說明該合約存在或曾經存在（視屬何情況而定）的陳述；
 - (ii) 該合約各方（該保險人除外）的名稱或姓名；
 - (iii) 董事或控權人（如不是合約的一方）的名稱或姓名；
 - (iv) 有關該合約的性質及價值的說明；及
 - (v) 有關董事或控權人在該合約內的權益的性質及價值的說明；
- (k) 述明在該財政年度內，任何向該保險人的董事或控權人、該董事或控權人的代名人或本條例第 9 條所指的相聯者所轉讓財產的數額、付款的數額（不論是否為服務或其他而付款）、給予貸款的數額或經由或為上述人士所承擔的義務；
- (l) 如有有關財政年度終結時，有該保險人，或該保險人的附屬公司或控權公司，或該保險人的控權公司的附屬公司為其中一方的安排存在，而該等安排的目的或其中一個目的是使該保險人的董事或控權人能透過取得該保險人或任何其他法人團體的股份或債權證而獲得利益，或如在該年度的任何時間，有該保險人為其中一方的上述安排存在，載有一項陳述，解釋該等安排的效力，及列出在該年度任何時間是該保險人的董事或控權人，並持有，或其代名人持有依據該等安排而取得的股份或債權證的人士的名稱或姓名；（由 2012 年第 28 號第 912 及 920 條修訂）

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- (h) if, in the financial year, the insurer has issued or redeemed any debentures, state the reason for making the issue or redemption, the classes of debentures issued or redeemed and, as respects each class of debentures, the amount issued or redeemed and the consideration received by the insurer;
- (i) state the names of the persons who, at any time during the financial year, were directors or controllers of the insurer;
- (j) if, at the end of the financial year, there subsists a contract with the insurer or with the insurer's subsidiary or holding company or any subsidiary of the insurer's holding company in which a director or controller of the insurer has, or at any time in that year had, in any way, whether directly or indirectly, an interest, or there has, at any time in that year, subsisted a contract with the insurer in which a director or controller of the insurer had, at any time in that year, in any way, whether directly or indirectly, an interest (being, in either case, in the opinion of the directors, a contract of significance in relation to the insurer's business and in which the director's or controller's interest is or was material), contain—
 - (i) a statement of the fact of the contract's subsisting or, as the case may be, having subsisted;
 - (ii) the names of the parties to the contract (other than the insurer);
 - (iii) the name of the director or controller (if not a party to the contract);
 - (iv) an indication of the nature and value of the contract; and

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- (m) 如在有關財政年度終結時，該保險人或該保險人連同任何本條例第 9 條所指的相聯者或透過代名人，有權行使，或控制行使任何法人團體三分之一或以上的投票權，述明該法人團體的名稱，在那個國家成立為法團，主要的業務活動，如此持有的股份數量及發行的數量，在財政年度終結時該保險人欠該法人團體的數額，及該法人團體欠該保險人的數額；
- (n) 述明在有關財政年度內，該保險人曾否經營關於任何人士根據任何條例規定須投保的法律責任或風險的保險業務（再保險業務除外）；
- (o) 載有該保險人所訂立的重要再保險安排的撮要；及
- (p) 如有任何其他事宜對了解該保險人的事務狀況是重要的，載有該等其他事宜（包括資產負債表日期後的事件）的詳情。（由 2015 年第 12 號第 2 條修訂）

- (v) an indication of the nature and value of the director's or controller's interest in the contract;
- (k) state the amounts of any property transferred, payments made (whether for services or otherwise), loans advanced to or obligations assumed during the financial year by or for a director or controller of the insurer or his nominees or associates (within the meaning of section 9 of this Ordinance);
- (l) if, at the end of the financial year, there subsist arrangements to which the insurer or the insurer's subsidiary or holding company or a subsidiary of the insurer's holding company is a party, being arrangements whose objects are, or one of whose objects is, to enable directors or controllers of the insurer to acquire benefits by means of the acquisition of shares in, or debentures of, the insurer or any other body corporate, or there have, at any time in that year, subsisted such arrangements as aforesaid to which the insurer was a party, contain a statement explaining the effect of the arrangements and giving the names of the persons who at any time in that year were directors or controllers of the insurer and held, or whose nominees held, shares or debentures acquired in pursuance of the arrangements;
- (m) if, at the end of the financial year, the insurer, or the insurer together with any associate (within the meaning of section 9 of this Ordinance) or through a nominee is entitled to exercise or control the exercise of one third or more of the voting power of any body corporate, state the name of the body corporate, the country of its incorporation, its principal business activity, the number of shares so held and the number issued, the amounts owing to the body corporate by the insurer and owing

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第 41 章附表 3 —— 第 3 部
第 10 條Schedule 3—Part 3
Section 10S3-52
Cap. 41**第 3 部****有關獲授權保險人是控權公司時的補充條文***(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)*

10. 本部適用於本身是控權公司的 —— *(由 2012 年第 28 號第 912 及 920 條修訂)*
- (a) 只經營長期業務的獲授權保險人；*(由 2015 年第 12 號第 2 條修訂)*
 - (b) 專屬自保保險人，
- 而不論其本身是否為另一法人團體的附屬公司。*(由 1997 年第 29 號第 13 條代替)*

Part 3**Additional Provisions relating to an Authorized Insurer which is a Holding Company***(Amended 12 of 2015 s. 2)*

10. This Part shall apply to—
- (a) an authorized insurer carrying on long term business only; *(Amended 12 of 2015 s. 2)*
 - (b) a captive insurer,
- which is a holding company, whether or not it is itself a subsidiary of another body corporate. *(Replaced 29 of 1997 s. 13)*

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第 41 章附表 3 —— 第 3 部
第 12 條

11. 綜合資產負債表及損益帳須結合併合帳目所處理的控權公司及附屬公司的各別資產負債表及損益帳內載有的資料，但可按照情況所需加以調整。(由 2012 年第 28 號第 912 及 920 條修訂)
12. 凡任何附屬公司是獲授權保險人，則綜合收入帳須併合控權公司及附屬公司的各別的收入帳內的資料，但可按照情況所需加以調整。(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂)
13. 除上文另有規定外，綜合帳目在提供上述資料時，須在切實可行範圍內盡量遵從本附表的規定，猶如該等綜合帳目是獲授權保險人的帳目一樣。(由 2015 年第 12 號第 2 條修訂)

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11. The consolidated balance sheet and profit and loss account shall combine the information contained in the separate balance sheets and profit and loss accounts of the holding company and of the subsidiaries dealt with by the consolidated accounts, but with such adjustments as the circumstances justify.
12. Where any of the subsidiaries is an authorized insurer, the consolidated revenue account shall combine the information in the separate revenue accounts of the holding company and of the subsidiary, with such adjustments as the circumstances justify. (Amended 12 of 2015 s. 2)
13. Subject as aforesaid, the consolidated accounts shall, in giving the said information, comply so far as practicable with the requirements of this Schedule as if they were the accounts of an authorized insurer. (Amended 12 of 2015 s. 2)

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第 41 章附表 3 —— 第 4 部
第 14 條Schedule 3—Part 4
Section 14S3-56
Cap. 41**第 4 部****有關資產負債表的一般條文**

14. 資產負債表須撮述有關的法定股本 (或根據章程細則可發行的股票的最高數額)、已發行股本、資產及負債, 並連同足以披露該等資產及負債的一般性質所需的詳情, 且須指明 —— (由 2012 年第 28 號第 912 及 920 條修訂)
- (a) 在已發行股本中任何由可贖回優先股構成的部分, 獲授權保險人有權贖回該等股份的最早及最遲日期, 該等股份是否不論在任何情況下均須贖回, 或只是視乎獲授權保險人的選擇而贖回, 以及在贖回時是否須付任何溢價 (如須付的話, 溢價為何); (由 2015 年第 12 號第 2 條修訂)
 - (b) 在有關財政年度內任何已支付利息的股本及利率 (如資料並沒有在根據本附表第 5 部擬備的損益帳內透露);
 - (c) 股份溢價帳目 (如有的話) 的數額; 及 (由 2012 年第 28 號第 912 及 920 條修訂)
 - (d) 公司有權再發行的已贖回債權證的詳情。
15. 以下各項如沒有被沖銷, 即須分述於各別的項目之下 ——
- (a) 初步開支;
 - (b) 與任何發行股本或債權證相關而招致的任何開支;
 - (c) 就任何股份或債權證而以佣金方式支付的任何款項;
 - (d) 就任何債權證而獲容許折讓的任何款項; 及

Part 4**General Provisions relating to Balance Sheet**

14. The authorized share capital (or maximum number of shares issuable under the articles), issued share capital, assets and liabilities shall be summarized in the balance sheet, with such particulars as are necessary to disclose the general nature of the assets and liabilities, and there shall be specified— (*Amended 28 of 2012 ss. 912 & 920*)
- (a) any part of the issued share capital that consists of redeemable preference shares, the earliest and latest dates on which the authorized insurer has power to redeem those shares, whether those shares must be redeemed in any event or are liable to be redeemed at the option of the authorized insurer and whether any (and, if so, what) premium is payable on redemption; (*Amended 12 of 2015 s. 2*)
 - (b) so far as the information is not given in the profit and loss account under Part 5 of this Schedule, any share capital on which interest has been paid during the financial year, and the rate of interest;
 - (c) the amount of the share premium accounts (if any); and (*Amended 28 of 2012 ss. 912 & 920*)
 - (d) particulars of any redeemed debentures which the company has power to reissue.

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第 41 章附表 3 —— 第 4 部
第 16 條Schedule 3—Part 4
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(e) 任何折讓發行的股份所容許的折讓款額。

16. 獲授權保險人的資產及負債須列於以下項目之下，並須反映本附表第 6 部所規定對長期資產及負債的識別。(由 2015 年第 12 號第 2 條修訂)

15. There shall be stated under separate headings, so far as they are not written off—

- (a) the preliminary expenses;
- (b) any expenses incurred in connection with any issue of share capital or debentures;
- (c) any sums paid by way of commission in respect of any shares or debentures;
- (d) any sums allowed by way of discount in respect of any debentures; and
- (e) the amount of the discount allowed on any issue of shares at a discount.

16. The assets and liabilities of the authorized insurer must be set out under the following headings and shall reflect the identification of long term assets and liabilities as required by Part 6 of this Schedule. (Amended 12 of 2015 s. 2)

資產

(a) 土地及建築物 ——

根據租契而持有的土地，如其未滿租期少於 10 年，須分別予以識別。土地及建築物如已在有關年度內估值，則須披露估價師的姓名或名稱或資歷，以及估值的基準。對於以前曾估值的資產，則須顯示每次估值的年份及款額。

(b) 定息證券 ——

(i) 由任何政府或公共機構發行或保證的定息證券；

Assets

(a) Land and buildings—

Land held on a lease with an unexpired period of less than 10 years shall be separately identified. Where land and buildings have been valued in the year, the name or qualifications of the valuer, and the basis of valuation must be disclosed. For assets valued previously, the year and amount of each valuation must be shown.

(b) Fixed interest securities—

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第 16 條

- (ii) 區分為上市及非上市的其他定息證券 (相聯公司或附屬公司的定息證券除外)。
- (c) 浮息證券 ——
 - (i) 由任何政府或公共機構發行或保證的浮息證券；
 - (ii) 其他的浮息證券。
- (d) 其他浮息投資 ——
 - (i) 區分為上市及非上市的權益股 (相聯公司或附屬公司的權益股除外)；
 - (ii) 持有的單位信託。
- (e) 在相聯公司或附屬公司的投資 ——
 - (i) 保險人 ——
 - (A) 持有的任何股份的價值；
 - (B) 債務 (下面 (g) 項提述的債務除外)；
 - (ii) 非保險人 ——
 - (A) 持有的任何股份的價值；
 - (B) 債務。

股份須分析為上市及非上市，債務須分析為有抵押、部分有抵押及沒有抵押。
- (f) 用該保險人發出的保險合約作抵押的貸款。(由 2015 年第 12 號第 2 條修訂)
- (g) 保險債務 (區分為由相聯公司或附屬公司欠付的，及由其他人欠付的) ——
 - (i) 關乎直接保險但尚未支付給該保險人的保費收入，減去就此須付的佣金後所得；(由 2015 年第 12 號第 2 條修訂)
 - (ii) 根據再保險合約而應得的保費，區分為獲接受的再保險合約及分出的再保險合約；

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- (i) issued by, or guaranteed by, any Government or public authority;
- (ii) other fixed interest securities (except those in associated or subsidiary companies) distinguishing between listed and unlisted securities.
- (c) Variable interest securities—
 - (i) issued by, or guaranteed by, any Government or public authority;
 - (ii) others.
- (d) Other variable interest investments—
 - (i) equity shares (except those in associated or subsidiary companies) distinguishing between listed and unlisted shares;
 - (ii) holdings in unit trusts.
- (e) Investments in associated or subsidiary companies—
 - (i) insurers—
 - (A) value of any shares held;
 - (B) debts (other than debts referred to in (g) below);
 - (ii) non-insurers—
 - (A) value of any shares held;
 - (B) debts.

The shares shall be analysed as listed and as unlisted, and the debts shall be analysed as secured, as partly secured and as unsecured.
- (f) Loans secured by contracts of insurance issued by the insurer.

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第 16 條

- (iii) (如屬重要) 透過殘料而應得的追償, 或其他保險人就已償付申索所欠的追償, 但不包括根據分出的再保險合約而作出的追償。
 - (h) 先前沒有包括的債務 ——
 - (i) 全部有抵押;
 - (ii) 部分有抵押;
 - (iii) 沒有抵押。
 - (i) 銀行存款及銀行往來戶口 ——
 - (i) 定期存款;
 - (ii) 往來戶口。
 - (j) 在任何政府機構註冊或獲授權的接受存款公司的存款及往來戶口 ——
 - (i) 定期存款;
 - (ii) 通知存款。
 - (k) 現金。
 - (l) 電腦設備、辦公室機器、家具、汽車及其他設備。
 - (m) 商譽、專利權及商標。
 - (n) 其他資產, 如屬重要, 須分開指明。
- 關於已為折舊、攤銷、更新或減值而留有準備金的資產而言, 須記錄就每項資產而留有的準備金的數額。

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- (g) Insurance debts (distinguishing between those due from associated or subsidiary companies and those due from others)—
 - (i) premium income in respect of direct insurance but not yet paid to the insurer less commission payable thereon;
 - (ii) amounts due under reinsurance contracts, distinguishing as between reinsurance contracts accepted and reinsurance contracts ceded;
 - (iii) if material, recoveries due by way of salvage or from other insurers in respect of claims paid other than recoveries under reinsurance contracts ceded.
- (h) Debts not previously covered—
 - (i) fully secured;
 - (ii) partly secured;
 - (iii) unsecured.
- (i) Deposit and current accounts with banks—
 - (i) fixed term deposits;
 - (ii) current accounts.
- (j) Deposit and current accounts with deposit-taking companies registered or authorized by any governmental agency—
 - (i) fixed term;
 - (ii) at call.
- (k) Cash.
- (l) Computer equipment, office machinery, furniture, motor vehicles and other equipment.
- (m) Goodwill, patents, and trademarks.
- (n) Other assets, to be separately specified if material.

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第 41 章附表 3 —— 第 4 部
第 16 條Schedule 3—Part 4
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Cap. 41**負債**

- (o) 長期業務負債 ——
第 25 段指明的每種業務的 ——
 - (i) 長期業務基金；
 - (ii) 已承認但未償付的申索。
- (p) 長期業務以外的其他負債 ——
 - (i) 未滿期保費；
 - (ii) 任何未過期風險的額外款額；
 - (iii) 減去可向再保險人追討的款額之前及之後的未決申索 ——
 - (A) 已報賠的申索；
 - (B) 已招致但未報賠的申索；
 - (iv) 了結未決申索的開支 (如沒有列入上述第 (iii) 項之下)；
 - (v) 基金；
 - (vi) 其他。
- (q) 其他保險負債 ——
 - (i) 就直接保險方面須付的款額，但必須列入上述 (o) 或 (p) 項內的款額除外；
 - (ii) 根據已獲接受的再保險協約而須付予保險人及中介人的款額，但必須列入上述 (o) 或 (p) 項內的款額除外；
 - (iii) 根據分出的再保險合約而須付予保險人及中介人的款額。

With regard to assets where a provision is made for depreciation, amortization, renewal or diminution in value, the amount so provided shall be recorded in respect of each asset.

Liabilities

- (o) Long term business liabilities—
 - (i) long term business funds;
 - (ii) claims admitted but not paid;
 for each type of business specified in paragraph 25.
- (p) Liabilities other than long term business—
 - (i) unearned premiums;
 - (ii) any additional amount for unexpired risks;
 - (iii) claims outstanding before and after deducting amounts recoverable from reinsurers—
 - (A) reported claims;
 - (B) claims incurred but not reported;
 - (iv) expenses of settling claims outstanding, if not included under (iii) above;
 - (v) funds;
 - (vi) others.
- (q) Other insurance liabilities—
 - (i) amounts due in respect of direct insurance except amounts which must be included in (o) or (p) above;
 - (ii) amounts due to insurers and intermediaries under reinsurance treaties accepted, except amounts which must be included in (o) or (p) above;

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- (r) 其他負債 ——
 - (i) 有抵押貸款；
 - (ii) 無抵押貸款；
 - (iii) 後償債權股額；
 - (iv) 稅項；
 - (v) 建議的股息；
 - (vi) 應累算的累積優先股股息；
 - (vii) 其他債權人。

17. 儲備金及準備金 (為資產的折舊、攤銷、更新或減值而撥出的準備金除外) 的總額，須分別列於不同的項目之下。

18. 以下資料亦須予以顯示 (除非該等資料已在損益帳，或附於該帳的報表或報告中顯示，或涉及的數額不大) ——

- (a) 凡儲備金或準備金的數額 (為資產的折舊、攤銷、更新或減值而撥出的準備金除外) 與對上一個財政年度終結時的數額比較，顯示有所增加，則須顯示所增加的數額的來源；及
- (b) 凡 ——
 - (i) 儲備金的數額與對上一個財政年度終結時的數額比較，顯示有所減少；或
 - (ii) 在對上一個財政年度終結時，準備金的數額 (為資產的折舊、攤銷、更新或減值而撥出的準備金除外) 超出在該年度終結後運用的款項與仍留作準備金用途的數額的總和，
 則須顯示相差的數額的運用。

- (iii) amounts due to reinsurers and intermediaries under reinsurance contracts ceded.

- (r) Other liabilities—
 - (i) secured loans;
 - (ii) unsecured loans;
 - (iii) subordinated loan stock;
 - (iv) taxation;
 - (v) recommended dividend;
 - (vi) accrued cumulative preference share dividend;
 - (vii) other creditors.

17. The aggregate amounts respectively of reserves and provisions (other than provisions for depreciation, amortization, renewal or diminution in value of assets) shall be stated under separate headings.

18. There shall also be shown (unless it is shown in the profit and loss account or a statement or report annexed thereto, or the amount involved is not material)—

- (a) where the amount of the reserves or of the provisions (other than provisions for depreciation, amortization, renewal or diminution in value of assets) shows an increase as compared with the amount at the end of the immediately preceding financial year, the source from which the amount of the increase has been derived; and
- (b) where—

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第 19 條

19. 如有為申索平衡基金或為應付稅務的波動或為任何其他目的而提供準備金，則須予以述明。任何如此撥出的款項在有關財政年度內如用於其他用途，則須述明其數額及用途。
20. 凡獲授權保險人的任何負債並非藉法律的實施而以該保險人的資產作為抵押，則須述明該等負債是如此抵押。(由 2015 年第 12 號第 2 條修訂)
21. 凡獲授權保險人的債權證是由該保險人的代名人或受託人所持有，則須述明該等債權證的面額及記錄在該保險人的簿冊中該等債權證的款額。(由 2015 年第 12 號第 2 條修訂)
22. 以下各項亦須予以述明 ——
- (a) 凡任何人士或任何類別的人士有認購獲授權保險人股份的選擇權 —— (由 2015 年第 12 號第 2 條修訂)
 - (i) 所涉及的人士或該類別人士的名稱或姓名；
 - (ii) 可行使該權利的期間；
 - (iii) 根據該選擇權須付的價格或所認購的股份；
 - (b) 該保險人股份固定累積股息拖欠的數額及拖欠的期間，如該等股息超過一類，則述明拖欠每類股息的期間；(由 2015 年第 12 號第 2 條修訂)
 - (c) 為擔保別人的負債而在該保險人資產上作出的押記的詳情，包括所擔保的數額；(由 2015 年第 12 號第 2 條修訂)
 - (d) 沒有獲提供準備的任何其他或有負債(如屬重要的話)的一般性質，及該等負債的總額或估計的數額；及
 - (e) 尚未獲提供準備的法定資本開支總額或估計數額(如屬重要的話)。

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- (i) the amount of the reserves shows a decrease as compared with the amount at the end of the immediately preceding financial year; or
 - (ii) at the end of the immediately preceding financial year the amount of the provisions (other than provisions for depreciation, amortization, renewal or diminution in value of assets) exceeded the aggregate of the sum since applied and amounts still retained for the purposes thereof,
- the application of the amounts derived from the difference.
19. If provision is made for claims equalization or to accommodate fluctuations in taxation, or for any other purpose, it shall be stated. If any of the sum so set aside has been used during the financial year for another purpose, the amount thereof and the purpose for which it has been so used shall be stated.
20. Where any liability of the authorized insurer is secured otherwise than by operation of law on any assets of the insurer, the fact that the liability is so secured shall be stated. (Amended 12 of 2015 s. 2)
21. Where any of the authorized insurer's debentures are held by a nominee of or trustee for the insurer, the nominal amount of the debentures and the amount at which they are stated in the books of the insurer shall be stated. (Amended 12 of 2015 s. 2)
22. The following shall also be stated—

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23. 除非是第一份資產負債表，否則均須顯示所有項目在對上一個財政年度終結時的相應數額。

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- (a) where any person or class of persons has an option to subscribe for shares in the authorized insurer—
(Amended 12 of 2015 s. 2)
- (i) the name of that person or the class of persons involved;
- (ii) the period during which it is exercisable;
- (iii) the price to be paid or shares subscribed for under it;
- (b) the amount of any arrears of fixed cumulative dividends on the insurer's shares and the period for which the dividends or, if there is more than one class, each class of them are in arrear;
- (c) particulars of any charge on the assets of the insurer to secure the liabilities of another, including the amount secured;
- (d) if it is material, the general nature of any other contingent liabilities not provided for and the aggregate amount or estimated amount of those liabilities; and
- (e) if it is material, the aggregate amount or estimated amount of authorized capital expenditure so far as not provided for.
23. Except in the case of the first balance sheet, the corresponding amounts at the end of the immediately preceding financial year shall be shown for all items.

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第 41 章附表 3 —— 第 5 部
第 24 條Schedule 3—Part 5
Section 24S3-72
Cap. 41**第 5 部****有關收入帳及損益帳的一般條文****收入帳**

24. (1) 須就每個一般業務會計類別顯示以下各項 ——
- (a) 獲授權保險人所有可收取的毛保費，區分為 —— (由 2015 年第 12 號第 2 條修訂)
 - (i) 直接承保的保費；及
 - (ii) 根據該保險人已接受的再保險合約而得的保費；
 - (b) 該保險人所有須付的再保險保費，區分為關乎直接承保的分保以及關乎該保險人已接受的再保險合約下的轉分保；
 - (c) 該保險人須付予代理人、經紀及分出公司的所有佣金，區分為關乎從直接承保所得保費的佣金以及關乎該保險人已接受的再保險合約所訂保費的佣金；
 - (d) 該保險人從再保險人可收取的所有佣金；
 - (e) 所有已償付及未決申索，區分為關乎直接承保的申索以及關乎該保險人已接受的再保險合約的申索，並顯示 —— (由 2015 年第 12 號第 2 條修訂)
 - (i) 毛額；
 - (ii) 可向再保險人追討的數額；及
 - (iii) 淨額；
 - (f) 了結申索的開支；
 - (g) 管理開支；

Part 5**General Provisions relating to Revenue Account and Profit and Loss Account****Revenue Account**

24. (1) There shall be shown for each accounting class of general business—
- (a) all gross premiums receivable by the authorized insurer, distinguishing between— (*Amended 12 of 2015 s. 2*)
 - (i) premiums from direct underwriting; and
 - (ii) premiums under reinsurance contracts accepted by the insurer;
 - (b) all reinsurance premiums payable by the insurer, distinguishing between cessions relating to direct underwriting and retrocessions relating to reinsurance contracts accepted by the insurer;
 - (c) all commissions payable by the insurer to agents, brokers or ceding companies, distinguishing between those relating to premiums from direct underwriting and those relating to premiums under reinsurance contracts accepted by the insurer;
 - (d) all commissions receivable by the insurer from reinsurers;
 - (e) all claims paid and outstanding, distinguishing between those relating to direct underwriting and those relating

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第 25 條Schedule 3—Part 5
Section 25S3-74
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- (h) 在有關財政年度開始時承前的及在該年度終結時結轉的未滿期保費及未過期風險。
- (2) 任何 ——
- (a) 只經營會計類別 4 中涉及氣墊船風險業務的獲授權保險人，如同時經營會計類別 3 業務的話，均可將該業務計算入會計類別 3 內；
- (b) 獲授權保險人可將承保貨運的損失或損壞方面的法律責任的業務包括在會計類別 5 內（若非如此便會包括在會計類別 2 內），但有關保單必須沒有承保對車輛的損壞（除非只是將其作為附表 1 所界定的附屬風險來承保）。
- (3) 會計類別 3、4 及 5，在按基金會計基準計算時，須同時包括相應類別中的協約再保險業務。在不抵觸此條文下，有關保險人可將所有再保險業務計算入會計類別 9 及 10 內，或將所有該類業務與屬於會計類別 1 至 8 的類似業務併合。（由 1990 年第 391 號法律公告修訂；由 2003 年第 14 號第 24 條修訂；由 2015 年第 12 號第 2 條修訂）
25. 就長期業務而言，在以下第 (i) 至 (ix) 每類業務方面（與附表 1 第 2 部內的長期業務類別相應）均須顯示以下 (a) 至 (i) 各項 ——（由 1993 年第 59 號第 18 條修訂）
- (i) 人壽及年金業務；
- (ii) 婚姻及出生業務；
- (iii) 相連長期業務；
- (iv) 永久健康業務；
- (v) 聯合養老保險；
- (vi) 資本贖回業務；（由 1993 年第 59 號第 18 條修訂）
- (vii) 退休計劃管理第 I 類業務；（由 1993 年第 59 號第 18 條增補）

- to reinsurance contracts accepted by the insurer, and showing—
- (i) the gross amounts;
- (ii) the amounts recoverable from reinsurers; and
- (iii) the net amounts;
- (f) expenses of settling claims;
- (g) management expenses;
- (h) unearned premiums and unexpired risks brought forward at the beginning of the financial year and carried forward at the end of the year.
- (2) An authorized insurer— (*Amended 12 of 2015 s. 2*)
- (a) which undertakes business in accounting class 4 only in respect of risks relating to hovercraft may account for such business in accounting class 3 if it also undertakes business in that class;
- (b) may include in accounting class 5 business covering liability for loss or damage to or of goods in transit which would otherwise be included in accounting class 2 provided that the policy does not cover damage to vehicles except as an ancillary risk as defined in Schedule 1. (*Amended 12 of 2015 s. 92*)
- (3) Accounting classes 3, 4 and 5 when accounted for on a fund accounting basis shall also include treaty reinsurance business in the corresponding classes. Subject thereto, the insurer may account for all reinsurance business in accounting classes 9 and 10, or alternatively may combine all such business with similar business falling within accounting classes 1 to 8 inclusive. (*Amended L.N. 391 of 1990*)

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- (viii) 退休計劃管理第 II 類業務；(由 1993 年第 59 號第 18 條增補)
- (ix) 退休計劃管理第 III 類業務；(由 1993 年第 59 號第 18 條增補)

但如委任核數師核證上述第 (ii) 至 (v) 類業務的影響並不重要，則該類業務可列入上述第 (i) 類計算；

- (a) 從下列所可收取的毛保費 ——
 - (i) 直接承保業務；
 - (ii) 已接受的再保險合約；
 區分為新保單的保費及續保保單的保費，以及整付保費的保單及定期繳付保費的保單；
- (b) 須付再保險保費 (如上述 (a) 項區分開列明)；
- (c) 就下列須付予代理人、經紀或分出保險人的佣金 ——
 - (i) 直接承保業務；
 - (ii) 已接受的再保險合約，
 並須如上述 (a) 項區分開列明；
- (d) 可向再保險人收取的佣金 (如上述 (a) 項區分開列明)；
- (e) 就下列而須支付的申索毛額 ——
 - (i) 直接承保業務；
 - (ii) 已接受的再保險合約；
 區分為根據保險合約在死亡時支付、退保時支付、在滿期時以整筆付款方式支付或以分期付款方式支付的申索毛額；
- (f) 可向再保險人追討的申索款項 (如上述 (e) 項區分開列明)；
- (g) 來自長期業務資產的利息或其他收入；
- (h) 付給保單持有人的紅利；

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25. The following items (a) to (i) shall be shown, for long term business, for each of the following types of business (i) to (ix) (which correspond to the classes of long term business in Part 2 of Schedule 1)— (*Amended 59 of 1993 s. 18; 12 of 2015 s. 92*)
- (i) life and annuity business;
 - (ii) marriage and birth business;
 - (iii) linked long term business;
 - (iv) permanent health business;
 - (v) tontines;
 - (vi) capital redemption business; (*Amended 59 of 1993 s. 18*)
 - (vii) retirement scheme management category I business; (*Added 59 of 1993 s. 18*)
 - (viii) retirement scheme management category II business; (*Added 59 of 1993 s. 18*)
 - (ix) retirement scheme management category III business; (*Added 59 of 1993 s. 18*)

Provided that if the appointed auditor certifies that the effect of business under any of the types business (ii) to (v) above is not material, such business may be accounted for under (i) above;

- (a) gross premiums receivable from—
 - (i) direct underwriting business;
 - (ii) reinsurance contracts accepted,
 distinguishing between premiums on new policies and premiums on renewal policies and single premium policies and regular premium policies;
- (b) reinsurance premiums payable, distinguishing as in (a) above;
- (c) commissions payable to agents, brokers or ceding insurers in respect of—

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第 41 章附表 3 —— 第 5 部
第 26 條

- (i) 管理及其他開支。

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- (i) direct underwriting business;
(ii) reinsurance contracts accepted, distinguishing as in (a) above;
(d) commissions receivable from reinsurers, distinguishing as in (a) above;
(e) gross claims payable in respect of—
(i) direct underwriting business;
(ii) reinsurance contracts accepted, distinguishing between those payable on death, on surrender, by way of lump sum on maturity or by way of periodic payments under the contracts of insurance;
(f) claims recoverable from reinsurers, distinguishing as in (e) above;
(g) interest or other income from long term business assets;
(h) dividends to policy holders;
(i) management and other expenses.

損益帳**Profit and Loss Account**

26. 損益帳須顯示——

- (a) 從上市投資及非上市投資分別得到的收入數額；
(b) 如獲授權保險人在有關的財政年度的收入大部分來自土地及建築物的租金，這些租金的數額（減去地租、差餉及其他開支後）；（由 2015 年第 12 號第 2 條修訂）
(c) 來自非保險業務的任何利潤，上述 (a) 及 (b) 節除外；
(d) 為資產的折舊、攤銷、更新或減值而準備的數額；

26. There shall be shown—

- (a) the amounts respectively of income from listed investments and income from unlisted investments;
(b) if a substantial part of the authorized insurer's revenue for the financial year consists of rents from land and buildings, the amount thereof (after deduction of ground-rents, rates and other out-goings); (*Amended 12 of 2015 s. 2*)

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第 26 條

- (e) 並非為資產的折舊、攤銷、更新或減值而作出的準備金的數額，或（視屬何情況而定）從該等準備金中提取但並非用作該等準備金用途的數額；
- (f) 關於任何已為資產的折舊、攤銷或減值而準備一筆款額的資產，如為更新而已準備一筆款額，則後述的款額須分別予以顯示；
- (g) 如任何固定資產（投資除外）為折舊或減值而準備的數額，並非參照為編製資產負債表而釐定的該等資產的數額而釐定，須陳述此項事實。凡任何土地或建築物已作重新估值，而由於該項估值，該等土地或建築物在有關期間的折舊基準有變更，如該項變更的效果是重要的，變更的效果須予披露；
- (h) 給予該保險人的貸款的利息數額，不論是否以債權證作抵押；（由 2015 年第 12 號第 2 條修訂）
- (i) 課稅的數額；
- (j) 分別撥作贖回股本及贖回貸款的數額；
- (k) 撥入或擬撥入儲備金或從儲備金提取的數額；
- (l) 供租賃工業裝置及機械的數額（如數額是重大的話）；
- (m) 已支付或建議的股息總額；
- (n) 由於對上一個財政年度發生的事件而產生的任何費用的數額，及因該事件而產生的任何貸款額，如並未列於關乎其他事宜的項目下，須在獨立的項目予以述明；
- (o) 核數師報酬的數額須在獨立的項目下予以顯示，而就本段而言，任何由該保險人就核數師的開支而支付的款額須當作包括在**報酬**一詞內；（由 2015 年第 12 號第 2 條修訂）
- (p) (i) 董事酬金總額；
(ii) 如超過 3 名董事，則領取最高酬金的 3 名董事的酬金總額；

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- (c) any contribution to profits other than (a) and (b) above from sources other than insurance business;
- (d) the amount provided for depreciation, amortization, renewals or diminution in value of assets;
- (e) the amount of any provisions made other than provisions for depreciation, amortization, renewals or diminution in value of assets or, as the case may be, the amount withdrawn from such provisions and not applied for the purposes thereof;
- (f) if, as respects any assets in whose case an amount is provided for depreciation, amortization or diminution in value, an amount is provided for renewal thereof, the last-mentioned amount shall be shown separately;
- (g) if the amount provided for depreciation or diminution in value of any fixed assets (other than investments) has been determined otherwise than by reference to the amount of those assets as determined for the purpose of making up the balance sheet, that fact shall be stated. Where land or buildings have been revalued and as a result of the valuation there has been a change in the basis of depreciation in the period with regard to the land or buildings, the effect of this change shall be disclosed, if material;
- (h) the amount of interest on loans made to the insurer, whether on the security of debentures or not;
- (i) the amount of the charge for taxation;
- (j) the amounts respectively provided for redemption of share capital and for redemption of loans;
- (k) the amount set aside or proposed to be set aside to, or withdrawn from, reserves;

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第 26A 條

(iii) 支付給任何董事或前董事因其失去董事職位的補償總額。

26A. 如獲授權保險人除保險業務外，另行經營任何其他形式的業務（**非保險業務**），則損益帳亦須分別顯示以下關乎該非保險業務的項目的數額 ——

- (a) 該保險人的非保險業務所產生的下述收入：從上市投資得到的收入、從非上市投資得到的收入，以及任何其他收入；
- (b) 該保險人的非保險業務在行政方面所招致的開支，及該業務所招致的任何其他開支。（由 2015 年第 12 號第 92 條增補）

27. 下列各項亦須述明 ——

- (a) 如並非以折舊費用或為更新提供準備金的方法為固定資產的折舊或更換作準備，或並沒有作任何準備，則述明為其作準備的方法或沒有作任何準備此項事實（視屬何情況而定）；
- (b) 計算課稅的基準；
- (c) 影響有關財政年度或其後的財政年度稅項方面的法律責任的任何特殊情況；
- (d) 除非是第一份帳目，否則須述明收入帳及損益帳內的所有項目在對上一個財政年度的相應數額；
- (e) 收入帳及損益帳內顯示的任何項目受以下各事項的任何重要影響 ——
 - (i) 並非獲授權保險人通常作出的交易，或不常有或非屬經常性質的情況；或（由 2015 年第 12 號第 2 條修訂）
 - (ii) 會計基準的任何變更；或

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- (l) the amount, if material, charged in respect of the hire of plant and machinery;
- (m) the aggregate amount of the dividends paid and proposed;
- (n) the amount of any charge arising in consequence of the occurrence of an event in a preceding financial year and of any credit so arising shall, if not included in a heading relating to other matters, be stated under a separate heading;
- (o) the amount of the remuneration of the auditors shall be shown under a separate heading, and for the purposes of this paragraph, any sums paid by the insurer in respect of the auditors' expenses shall be deemed to be included in the expression **remuneration**;
- (p)
 - (i) the aggregate amount of directors' emoluments;
 - (ii) if there are more than 3 directors, the aggregate amount of the emoluments of the 3 highest-paid directors;
 - (iii) the aggregate amount of compensation paid to any director or past director for loss of office as director.

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;

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第 27 條Schedule 3—Part 5
Section 27S3-84
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- (iii) 對在任何以往財政年度內出現的基本錯誤所作的任何改正。

- (b) expenses incurred in the administration of the insurer's non-insurance business, and any other expenses incurred in that business.

(Added 12 of 2015 s. 92)

27. The following shall also be stated—

- (a) if depreciation or replacement of fixed assets is provided for by some method other than a depreciation charge or provision for renewals, or is not provided for, the method by which it is provided for or the fact that it is not provided for, as the case may be;
- (b) the basis on which the charge for taxation is computed;
- (c) any special circumstances which affect liability in respect of taxation for the financial year or liability in respect of taxation for succeeding financial years;
- (d) except in the case of the first accounts, the corresponding amounts for the immediately preceding financial year for all items shown in the revenue account and the profit and loss account;
- (e) any material respects in which any items shown in the revenue account or profit and loss account are affected—
 - (i) by transactions of a sort not usually undertaken by the authorized insurer or otherwise by circumstances of an infrequent or non-recurrent nature; or *(Amended 12 of 2015 s. 2)*
 - (ii) by any change in the basis of accounting; or
 - (iii) by any correction of fundamental errors in any of the preceding financial years.

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第 41 章附表 3 —— 第 6 部
第 28 條Schedule 3—Part 6
Section 28S3-86
Cap. 41**第 6 部****有關經營長期業務的獲授權保險人的額外規定***(由 2015 年第 12 號第 2 條修訂)***長期資產及負債的識別**

28. 本部列出本條例第 22 條所規定識別長期資產及負債的方法。
29. 獲授權保險人在本條例的生效日期後的首個財政年度終結時，尚未識別為屬於其長期業務的所有資產及負債，須在該日期 **(基準日期)** 如此識別。 *(由 2015 年第 12 號第 2 條修訂)*
30. 在負債方面，予以識別的數額須為以下數額的總和 ——
- (a) 結轉在獲授權保險人的收入帳內的長期業務基金 (一項或多於一項基金) 的數額；
 - (b) 在該保險人的資產負債表內顯示只可歸入該保險人的長期業務的任何會計負債、儲備金或準備金的數額 (上述 (a) 節所述者除外)；
 - (c) 顯示或包括在該保險人的資產負債表 (有紀錄將以下數額識別為只可歸入該保險人的長期業務者) 內的任何會計負債、儲備金或準備金的數額 (上述 (a) 及 (b) 節所述者除外)。 *(由 2015 年第 12 號第 2 條修訂)*
31. 在資產方面，予以識別的資產須為獲授權保險人的總資產中的一個比數，該比數為該保險人已予識別的負債與該保險人

Part 6**Additional Requirements in Respect of Authorized Insurers Carrying on Long Term Business***(Amended 12 of 2015 s. 2)***Identification of Long Term Assets and Liabilities**

28. This Part sets out the method of identification of long term assets and liabilities required under section 22 of this Ordinance.
29. All assets and liabilities not identified with its long term business at the end of the financial year of the authorized insurer beginning next after the commencement of this Ordinance shall be so identified at that date **(the base date)**. *(Amended 12 of 2015 s. 2)*
30. In the case of liabilities, the amount to be identified shall be the aggregate of the following—
- (a) the amount of the long term business fund or funds carried forward in the authorized insurer's revenue account; *(Amended 12 of 2015 s. 2)*
 - (b) the amounts of any accounting liabilities, reserves or provisions, other than those mentioned in (a) above, shown in the insurer's balance sheet as attributable only to the insurer's long term business;
 - (c) the amounts of any accounting liabilities, reserves or provisions, other than those mentioned in (a) and (b) above, shown or included in the insurer's balance sheet in relation to which there are records which identify

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第 41 章附表 3 —— 第 6 部
第 32 條

的總負債的比數。該保險人的總資產須在基準日期按公平市值予以估值，已予識別的負債數額須如第 30 段所述予以釐定，而該保險人的總負債須視為包括股本及儲備金，但不包括資產的折舊、攤銷、更新或減值（不論是實際的或潛在的）方面的準備金或其他預留金額：（由 2015 年第 12 號第 2 條修訂）

但 ——

- (a) 予以識別的資產值不得少於 \$2,000,000 或其同等數值，加上已予識別的負債額後所得的總和；及
- (b) 凡如此識別的資產值少於在基準日期已識別為可歸入該保險人的長期業務的資產值的總和，則後者須視為已予識別的資產。（由 2015 年第 12 號第 2 條修訂）

- 32. 在基準日期已識別為或行將在基準日期如此識別為可歸入獲授權保險人的長期業務的資產及負債，均須識別為在基準日期可歸入該保險人的長期業務。（由 2015 年第 12 號第 2 條修訂）
- 33. 在基準日期後取得的資產中，凡屬從獲授權保險人的長期業務的收入中取得者，須識別為可歸入該保險人的長期業務。（由 2015 年第 12 號第 2 條修訂）
- 34. 凡按照上述規定識別為可歸入獲授權保險人的長期業務的資產已予以處置，則該項處置的所得收益，須識別為可歸入該保險人的長期業務的資產。（由 2015 年第 12 號第 2 條修訂）
- 35. 從獲授權保險人任何已識別為可歸入該保險人的長期業務的資產中累算而得的收入，亦須如此予以識別。（由 2015 年第 12 號第 2 條修訂）

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them as attributable only to the insurer's long term business.

- 31. In the case of assets, the assets to be identified shall be such proportion of the authorized insurer's total assets as the amount of the identified liabilities bears to the total liabilities of the insurer. The insurer's total assets shall be valued at a fair market value on the base date, the amount of the identified liabilities shall be determined as in paragraph 30, and the total liabilities of the insurer shall be taken as including the share capital and reserves but excluding provisions or other allowances in respect of depreciation, amortization, renewal or diminution in value (whether actual or potential) of assets: (Amended 12 of 2015 s. 2)

Provided that—

- (a) the value of assets to be identified shall be not less than the aggregate of \$2,000,000 or its equivalent and the amount of the identified liabilities; and
- (b) where the value of assets so identified is less than the aggregate of the values of the assets which were already identified as attributable to the insurer's long term business on the base date, the latter shall be taken as the identified assets.

- 32. Assets and liabilities which were already identified as attributable to the authorized insurer's long term business on the base date or which are to be so identified on the base date shall be identified as attributable to its long term business on the base date. (Amended 12 of 2015 s. 2)

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第 36 條

36. (1) 本附表本部適用的每個獲授權保險人，均須在不遲於基準日期後的 6 個月內，向保監局存交一份證明書，核證該保險人已按照本部 —— (由 2015 年第 12 號第 2 條修訂)
- (a) 按照第 30 及 31 段的條文，將任何在基準日期並沒有識別為可歸入該保險人的長期業務的資產及負債予以識別；
 - (b) 將按照第 32 段規定須識別為可歸入該保險人的長期業務的全部資產識別為該類資產；及
 - (c) 設立及備存本條例第 22 條規定設立及備存的帳簿及其他紀錄，
- 而該證明書須至少由該保險人的 2 名董事及行政總裁簽署，或如該保險人沒有行政總裁，則須至少由該保險人的 2 名董事及秘書簽署：
- 但如在任何個案中，保監局覺得鑑於有關情況，應容許超逾 6 個月的期間以便存交證明書，保監局可將該期限延長一段其認為合適的期間，但以不超過 3 個月為限。
- (2) 每份上述的證明書須附有一份由委任核數師簽署的報告，述明 ——
- (a) 該保險人是否已遵從第 1(a) 及 (b) 節；及
 - (b) 按他的意見，該保險人是否已遵從第 (1)(c) 節。 (由 2015 年第 12 號第 2 條修訂)

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33. Assets acquired after the base date, to the extent that they are acquired out of receipts of the authorized insurer in respect of its long term business, shall be identified to that extent as attributable to the insurer's long term business. (*Amended 12 of 2015 s. 2*)
34. Where any assets which were identified as attributable to the authorized insurer's long term business in accordance with the above requirements have been disposed of, the proceeds of that disposal shall be identified as assets attributable to the insurer's long term business. (*Amended 12 of 2015 s. 2*)
35. Any income accruing from any asset of the authorized insurer which falls to be identified as an asset attributable to the insurer's long term business shall also be so identified. (*Amended 12 of 2015 s. 2*)
36. (1) Every authorized insurer to which this Part of this Schedule applies shall, not later than 6 months after the base date, deposit with the Authority a certificate that the insurer has in accordance with this Part— (*Amended 12 of 2015 s. 2*)
- (a) identified in accordance with the provisions of paragraphs 30 and 31 any assets and liabilities which were not already identified on the base date as attributable to the insurer's long term business;
 - (b) identified as assets attributable to the insurer's long term business all those assets which are required to be so identified in accordance with paragraph 32; and
 - (c) established and maintained those books of account and other records which are required to be established and maintained by section 22 of this Ordinance,

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第 37 條Schedule 3—Part 7
Section 37S3-92
Cap. 41**第 7 部****根據本條例第 18 或 32 條作出的精算調查後須提交的資料**

37. 以下表格及補充資料須予提交，以支持根據本條例第 18 或 32 條規定須呈交的精算師估值，而以下規定的資料須就列於本附表第 38(1) 段的每類業務及就每項及全部基金而提交。
38. (1) 下列表格 L1 須予以採用，以提交自上次估值後在有關期間的收入帳，或如獲授權保險人並沒有進行估值，則提交自業務開始以來在有關期間的收入帳，該等收入帳須

Part 7**Information to be Furnished Following Actuarial Investigation under Section 18 or 32 of this Ordinance**

37. The following forms and supplementary information shall be furnished in support of any actuarial valuation required to be produced under section 18 or 32 of this Ordinance, and the information hereinafter required shall be furnished for each type of business set out in paragraph 38(1) of this Schedule for each fund and in total.

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第 38 條

就下列第 (i) 至 (ix) 各類業務 (該等業務與附表 1 第 2 部內的長期業務類別相應) 而提交 —— (由 1993 年第 59 號第 18 條修訂；由 2015 年第 12 號第 2 條修訂)

- (i) 人壽及年金業務；
- (ii) 婚姻及出生業務；
- (iii) 相連長期業務；
- (iv) 永久健康業務；
- (v) 聯合養老保險；
- (vi) 資本贖回業務；(由 1993 年第 59 號第 18 條修訂)
- (vii) 退休計劃管理第 I 類業務；(由 1993 年第 59 號第 18 條增補)
- (viii) 退休計劃管理第 II 類業務；(由 1993 年第 59 號第 18 條增補)
- (ix) 退休計劃管理第 III 類業務；(由 1993 年第 59 號第 18 條增補)

但如委任精算師核證任何上述第 (ii) 至 (v) 類業務的影響並不重要，則該類業務可列入上述第 (i) 類下計算。

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38. (1) There shall be furnished in the Form L1 below a revenue account for the period since the last valuation or, in the case of an authorized insurer which has made no valuation, since the commencement of the business, for each of the following types of business (i) to (ix) (which correspond to the classes of long term business in Part 2 of Schedule 1)— (*Amended 59 of 1993 s. 18; 12 of 2015 ss. 2 & 92*)
- (i) life and annuity business;
 - (ii) marriage and birth business;
 - (iii) linked long term business;
 - (iv) permanent health business;
 - (v) tontines;
 - (vi) capital redemption business; (*Amended 59 of 1993 s. 18*)
 - (vii) retirement scheme management category I business; (*Added 59 of 1993 s. 18*)
 - (viii) retirement scheme management category II business; (*Added 59 of 1993 s. 18*)
 - (ix) retirement scheme management category III business: (*Added 59 of 1993 s. 18*)

Provided that if the appointed actuary certifies that the effect of business under any of the types of business (ii) to (v) above is not material, such business may be accounted for under (i) above.

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附表 3 — 第 7 部

表格 L1

..... (獲授權保險人名稱)

自 開始至 為止關於類別 * 的收入帳

| | | | | | |
|-----------------|----------|-----------|----------------------|-----|-----|
| 於 | 上述期間開始時的 | \$ | 須付的佣金 | \$ | XX |
| 基金數額 | | XX | (i) 直接承保業務 | | ... |
| 可收取的保費 | | XX | (ii) 已接受的再保險合約 | | ... |
| | | | 須付申索 | XX | XX |
| | 分出再保險保費 | 除去再保險保費淨額 | | | |
| | 毛保費 | 保費 | 可向再保險人追討 | 毛額 | 淨額 |
| (i) 直接承保業務： | | | | | |
| 整付保費 | ... | ... | 死亡時 | ... | ... |
| 定期保費 | ... | ... | 退保時 | ... | ... |
| (ii) 已接受的再保險合約： | | | 在滿期時整筆付款方式 | ... | ... |
| 整付保費 | ... | ... | 分期付款方式 | ... | ... |

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Form L1

REVENUE ACCOUNT OF (name of authorized insurer)
in respect of class(es) * for the period commencing and ending

| | | | | | |
|--|-----|-----|---|--------------|------------|
| Amount of Funds on the beginning of the period | \$ | XX | Commissions Payable | \$ | XX |
| Premiums Receivable | XX | XX | (i) Direct Underwriting Business | | ... |
| | XX | XX | (ii) Reinsurance Contracts Accepted | | XX |
| | | | Claims Payable | XX | XX |
| (i) Direct Underwriting Business: | | | | | |
| Single Premiums | ... | ... | Recoverable from Reinsurers | Gross Amount | Net Amount |
| Regular Premiums | ... | ... | On Death | ... | ... |
| | ... | ... | On Surrender | ... | ... |
| | ... | ... | By Way of Lump Sums on Maturity | ... | ... |
| | ... | ... | By Way of Periodic Payments | ... | ... |
| (ii) Reinsurance Contracts Accepted: | | | | | |
| Single Premiums | ... | ... | | | |
| Regular Premiums | ... | ... | | | |

| | |
|-----------------------------|-------------------------------|
| 定期保費 | <u>XX</u> |
| | |
| (ii) 已接受的再保險合約： | |
| 死亡時 | |
| 退保時 | |
| 在滿期時整筆付款方式 | |
| 分期付款方式 | |
| | <u>XX</u> |
| 得自長期業務資產的利息或收入..... | XX |
| 可收取的佣金..... | XX |
| 其他收入（須指明帳目）..... | XX |
| | |
| 由損益帳轉撥..... | XX |
| | <u>XX</u> |
| | |
| 分給保單持有人的紅利..... | XX |
| 其他付款（須指明帳目）..... | XX |
| 於.....上述期間終結時的 基金數額..... | XX |
| 轉撥往損益帳..... | XX |
| | <u>XX</u> |

* 所提述的類別與附表 1 第 2 部列出的長期業務類別相應。

(由2015年第12號第2條修訂)

[illegible]

* The classes referred to correspond to the classes of Long Term Business set out in Part 2 of Schedule 1.

(Amended 12 of 2015 s. 2)

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附表 3 —— 第 7 部

- (2) 以下補充資料須與上述表格 L1 一併提交 ——
- (a) 進行估值的截止日期；
 - (b) 估值及將利潤分配給保單持有人的原則，以及該等原則是否由成立該保險人的文書或其規例或附例或其他所釐定；(由 2015 年第 12 號第 2 條修訂)
 - (c) 估值用的一個或多個死亡率表；
 - (d) 計算時所假定的一個或多於一個的利率；
 - (e) 在全年保費收入中保留作未來開支及利潤的準備金的比率(如沒有就此而提供準備金，則須提交一份說明已提供何種準備金的陳述書)；
 - (f) 為使保單持有人有權分享利潤所需的保單有效時間；
 - (g) 估值結果，顯示 ——
 - (i) 該保險人賺取的利潤總額；(由 2015 年第 12 號第 2 條修訂)
 - (ii) 在保單持有人之間瓜分的利潤數額以及分紅保單的數目及數額；
 - (iii) 從上次估值承前的利潤數額，以及從中分配給保單持有人及股東的數額。

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- (2) The following supplementary information shall be furnished with the Form L1 above—
- (a) the date up to which the valuation is made;
 - (b) the principles upon which the valuation and distribution of profits among the policy holders are made, and whether these principles were determined by the instrument constituting the insurer or by its regulations or bylaws or otherwise;
 - (c) the table or tables of mortality used in the valuation;
 - (d) the rate or rates of interest assumed in the calculations;
 - (e) the proportion of the annual premium income reserved as a provision for future expenses and profit (if no such provision is made in respect thereof, a statement as to what provision is made shall be furnished);
 - (f) the time during which a policy must be in force in order to entitle the policy holders to share in the profits;
 - (g) the results of the valuation, showing—
 - (i) the total amount of profit made by the insurer;
 - (ii) the amount of profit divided among the policy holders, and the number and amount of the policies which participated;
 - (iii) the amount of profit brought forward from the previous valuation, the amount thereof allotted to policy holders and shareholders.

39. (1) There shall be furnished in the Forms L2 and L3 below a statement of the liabilities of the authorized insurer under each of the types of business specified in paragraph 38(1) at the date of the valuation, showing the number of policies, the amount assured and the amount of premiums payable annually under each type of policy, both with and without

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39. (1) 下列表格 L2 和 L3 須予以採用，以提交一份報表，說明獲授權保險人在第 38(1) 段指明的每類業務在估值日期的負債，並顯示每類保單下的保單數目、承保的款額及全年須付的保費，不論該等保單是否為分紅保單，此外亦須顯示該保險人的負債淨額及資產淨額，以及任何盈餘或虧絀的數額。

participation in profits, and the net liabilities and assets of the insurer, and the amount of any surplus or deficiency. (*Amended 12 of 2015 s. 2*)

(由 2015 年第 12 號第 2 條修訂)

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表格 L2

..... (獲授權保險人名稱)
自..... 開始至..... 為止的估值撮要

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----|--|-----------------------------|--------------------|---------|-----------------------------------|-------------|-----------|----------|
| 類別 | 合約 數目 | 承保款額或 全年年金，包括 既得的復歸紅利 | 全年保費數額 保單 保費 | 淨保 費 | 承保款項值或 全年年金值，包 括既得的復歸紅 利 | 全年保費淨額 值 | 淨負債 數額 | 估值 基準 |
| A | (I) 年金除外的其他人壽保險 (a) 可分紅： 終身保險 儲蓄壽險 其他類型（須指明）..... 可分紅壽險總額 (b) 不分紅： | \$ | \$ | \$ | \$ | \$ | \$ | |

Form L2

VALUATION SUMMARY OF (name of authorized insurer)
for the period commencing and ending

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|--|--|--|-----------------|---|------------------------------------|-------------------------------|-----------------------|
| Class | Number of contracts | Amount of sums assured or annuities per annum including vested reversionary bonuses | Amount of yearly premiums Office premiums | Net premiums | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| A | (I) Life assurance other than annuities (a) With participation in profits: Whole life Endowment Other types (to be specified) Total assurances with profits (b) Without participation in profits: | \$ | \$ | \$ | \$ | \$ | \$ | |

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------------------|----------|-----------------------------|--------------------|---------|-------------------------------|-----------------|-----------|----------|
| 類別 | 合約 數目 | 承保款額或 全年年金，包括 既得的復歸紅利 | 全年保費數額 保單 保費 | 淨保 費 | 承保款項值或 全年年金值，包 括既得的復歸紅利 | 全年保 費淨額 值 | 淨負債 數額 | 估值 基準 |
| 終身保險 | | \$ | \$ | \$ | \$ | \$ | | |
| 儲蓄壽險 | | | | | | | | |
| 其他類型 (須指明) | | | | | | | | |
| 不分紅壽險總額 | | | | | | | | |
| 保險總額 | | | | | | | | |
| (II) 年金 | | | | | | | | |
| (a) 可分紅： | | | | | | | | |
| 付款期間人壽年金 | | | | | | | | |
| 延期人壽年金 | | | | | | | | |
| 其他類型 (須指明) | | | | | | | | |
| 可分紅年金總額 | | | | | | | | |

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|---------------------------|--|--|-----------------|---|------------------------------------|-------------------------------|-----------------------|
| Class | Number of contracts | Amount of sums assured or annuities per annum including vested reversionary bonuses | Amount of yearly premiums Office premiums | Net premiums | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| Whole life | | \$ | \$ | \$ | \$ | \$ | \$ | |
| Endowment | | | | | | | | |
| Other types (to be specified) | | | | | | | | |
| Total assurances without profits | | | | | | | | |
| Total assurances | | | | | | | | |
| (II) Annuities | | | | | | | | |
| (a) With participation in profits: | | | | | | | | |
| Life annuities in course of payment | | | | | | | | |
| Deferred life annuities | | | | | | | | |
| Other types (to be specified) | | | | | | | | |
| Total annuities with profits | | | | | | | | |

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| 類別 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------------------|----------|-----------------------------|--------------------|---------|--------------------------------------|-----------------|-----------|----------|
| | 合約 數目 | 承保款額或 全年年金，包括 既得的復歸紅利 | 全年保費數額 保單 保費 | 淨保 費 | 承保款項值或 全年年金值，包 括既得的復歸紅費淨額 利 | 全年保 費淨額 值 | 淨負債 數額 | 估值 基準 |
| | | \$ | \$ | \$ | \$ | \$ | \$ | |
| (b) 不分紅： | | | | | | | | |
| 付款期間人壽年金 | | | | | | | | |
| 延期人壽年金 | | | | | | | | |
| 其他類型 (須指明) | | | | | | | | |
| 不分紅年金總額 | | | | | | | | |
| 年金總額 | | | | | | | | |
| B 婚姻及出生 | | | | | | | | |
| C 相連長期 | | | | | | | | |
| D 永久健康 | | | | | | | | |
| E 聯合養老保險 | | | | | | | | |
| F 資本贖回 | | | | | | | | |
| G 退休計劃管理第 I 類 | | | | | | | | |
| H 退休計劃管理第 II 類 | | | | | | | | |

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|--|---------------------|---------------------------|--------------|--|------------------------------|-------------------------|--------------------|
| Class | Type of insurance | Number of contracts | Amount of yearly premiums | | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| | | | Office premiums | Net premiums | | | | |
| | (b) Without participation in profits: Life annuities in course of payment Deferred life annuities ... Other types (to be specified) Total annuities without profits Total annuities | \$ | \$ | \$ | \$ | \$ | \$ | |
| B | Marriage and birth | | | | | | | |
| C | Linked long term | | | | | | | |
| D | Permanent health | | | | | | | |
| E | Tontines | | | | | | | |
| F | Capital redemption | | | | | | | |
| G | Retirement scheme management category I | | | | | | | |
| H | Retirement scheme management category II | | | | | | | |

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| 類別 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----------------|----------|-----------------------------|--------------------|---------|--------------------------------------|-----------------|-----------|----------|
| 保險類型 | 合約 數目 | 承保款額或 全年年金，包括 既得的復歸紅利 | 全年保費數額 保單 保費 | 淨保 費 | 承保款項值或 全年年金值，包 括既得的復歸紅費淨額 利 | 全年保 費淨額 值 | 淨負債 數額 | 估值 基準 |
| I 退休計劃管理第 III 類 | | \$ | \$ | \$ | \$ | \$ | \$ | |
| 總額 | | | | | | | | |

註：

1. 所提述的類別與附表 1 第 2 部內列出的長期業務類別相應。
2. 在每一類別的保險內須顯示——
(i) 直接業務及已接受的再保險；
(ii) 分出的再保險；及
(iii) 淨保留業務。
3. 第 8 欄的記項應視乎何者適當而提述作為補充資料的細節或証明所採用的死亡率表 / 統計表及利率。

| Class | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--|---------------------------|--|--|-----------------|---|------------------------------------|-------------------------------|-----------------------|
| Type of insurance | Number of contracts | Amount of sums assured or annuities per annum including vested reversionary bonuses | Amount of yearly premiums Office premiums | Net premiums | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| I Retirement scheme management category III | | \$ | \$ | \$ | \$ | \$ | \$ | |
| TOTALS | | | | | | | | |

Notes

1. The classes referred to correspond to the classes of Long Term Business set out in Part 2 of Schedule 1.
2. Within each class of insurance, the following are to be shown—
(i) direct business and reinsurances accepted;
(ii) reinsurances ceded; and
(iii) net retained business.
3. The entry under column 8 should either refer to details given as supplementary information or should state the mortality tables/statistical tables and rates of interest employed, as appropriate.

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4. 關於類別 A 內的業務 ——
- (i) 對於根據不同的死亡率表或以不同的利率作出估值的保單，須提供類似以上格式的獨立撮要；及
 - (ii) 任何合約如其性質或估值方法令致不可能或不適合提供第 4、5 或 6 欄所規定的任何估值撮要的資料，即須分別顯示該等合約，並說明理由。

(由 1993 年第 59 號第 18 條修訂；由 1996 年第 35 號第 33 條修訂；由 2015 年第 12 號第 2 條修訂)

4. With regard to business falling within class A—
- (i) separate summaries similar in form to the above must be furnished in respect of policies valued by different mortality tables, or at different rates of interest, and
 - (ii) contracts the nature of which or the method of valuation of which makes it impossible or inappropriate to give the information required in columns 4, 5 and 6 of any valuation summary are to be shown separately and the reason stated.

(Amended 59 of 1993 s. 18; 35 of 1996 s. 33; 12 of 2015 ss. 2 & 92)

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表格 L3

Form L3

於 19 的估值資產負債表

Valuation Balance Sheet of , as at , 19 .

| | \$ | \$ |
|----------------------------------|----|-------------------------------|
| 長期保險業務的淨負債 (如 表格 L2 所示) | | 長期保險業務基金 (如資 產負債表所示) |
| 盈餘 | | 虧絀 |
| | \$ | \$ |
| | | |

| | \$ | \$ |
|---|----|---|
| Net liability under long term insurance business (as per Form L2) | | Long term insurance business funds (as per Balance Sheet) |
| Surplus | | Deficiency |
| | \$ | \$ |
| | | |

- (2) 構成獲授權保險人長期業務基金的資產 (不論是否已作投資) 所產生, 並根據自上次調查以來期內每年的基金平均數而計算出的平均利率的詳情, 須與上述表格 L2 及 L3 一併提交。 (由 2015 年第 12 號第 2 條修訂)

- (2) There shall be furnished with the Forms L2 and L3 above particulars of the average rate of interest yielded by the assets whether invested or uninvested constituting the long term business fund of the authorized insurer, calculated upon the mean fund of each year during the period since the last investigation. (Amended 12 of 2015 s. 2)

第 8 部

Part 8

關於獲授權保險人的香港保險業務及香港長期保險業務的帳目及資料

Accounts and Information in Respect of the Hong Kong Insurance Business and Hong Kong Long Term Insurance Business of an Authorized Insurer

(由 2003 年第 3 號法律公告修訂; 由 2015 年第 12 號第 2 條修訂)

(Amended L.N. 3 of 2003; 12 of 2015 s. 2)

40. (1) 每個獲授權經營一般業務的保險人 ——

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第 40 條

- (a) 如其財政年度是在 12 月 31 日終結，須向保監局呈交關乎截至 1990 年 12 月 31 日為止的財政年度的以下帳目、資料或陳述；及
- (b) 在任何其他情況下，須向保監局呈交關乎截至 1990 年 12 月 31 日後為止的第一個財政年度的以下帳目、資料或陳述，
- 及關乎其後每一個財政年度的以下帳目、資料或陳述 ——
- (i) 第 (2) 節指明關於由其經營的香港保險業務的帳目或資料，以就每項該等指明帳目或資料而描述的格式呈交；或
- (ii) 凡該保險人並沒有在本節所提述的任何財政年度經營第 (2) 節所指明的任何帳目或資料所涉及的香港保險業務，則須以就該等帳目或資料而描述的格式呈交說明此情況的陳述。
- (2) 第 (1) 節所提述的帳目或資料及格式如下 ——
- (a) 除 (e) 分節另有規定外，採用表格 1 訂定的格式的直接業務收入帳；
- (b) 除 (e) 分節另有規定外，採用表格 1A 訂定的格式的有關直接業務收入帳的補充資料；
- (c) 除 (f) 分節另有規定外，採用表格 2 訂定的格式的再保險業務收入帳；
- (d) 除 (f) 分節另有規定外，採用表格 2A 訂定的格式的有關再保險業務收入帳的補充資料；
- (e) 如獲授權保險人的直接業務是按基金會計基準計算的，則採用表格 3 訂定的格式，並按基金會計基準計算的所經營的直接業務收入帳，以代替 (a) 及 (b) 分節分別提述的帳目及資料；
- (f) 如獲授權保險人的再保險業務是按基金會計基準計算的，則採用表格 4 訂定的格式，並按基金會計基

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40. (1) Every insurer who is authorized to carry on general business shall submit to the Authority— (*Amended 12 of 2015 s. 2*)
- (a) if its financial year ends on 31 December, in respect of the financial year ending on 31 December 1990; and
- (b) in any other case, in respect of the first financial year ending after 31 December 1990,
- and thereafter in respect of every successive financial year—
- (i) the accounts or information specified in subparagraph (2), relating to the Hong Kong insurance business carried on by it, in the form described in relation to each such specified account or information; or
- (ii) where it does not carry on any Hong Kong insurance business to which any account or information specified in subparagraph (2) relates, during any financial year referred to in this subparagraph, a statement to that effect, in the form described in relation to such account or information.
- (2) The accounts or information and the forms referred to in subparagraph (1) are—
- (a) subject to sub-subparagraph (e), a revenue account of direct business, in the form provided in Form 1;
- (b) subject to sub-subparagraph (e), supplementary information relating to the revenue account of the direct business, in the form provided in Form 1A;
- (c) subject to sub-subparagraph (f), a revenue account of the reinsurance business, in the form provided in Form 2;
- (d) subject to sub-subparagraph (f), supplementary information relating to the revenue account of the reinsurance business, in the form provided in Form 2A;
- (e) in the case of an authorized insurer whose direct business is accounted for on a fund accounting basis, in

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第 41 章附表 3 —— 第 8 部
第 40 條

- 準計算的所經營的再保險業務收入帳，以代替 (c) 及 (d) 分節分別提述的帳目及資料；
- (g) 採用表格 5 訂定的格式的法定業務 (屬直接業務者) 的統計表；
 - (h) 採用表格 6 訂定的格式的已償付申索 (毛額) 的統計表；
 - (i) 採用表格 7 訂定的格式的未決申索準備金 (毛額) 的統計表；
 - (j) 採用表格 8 訂定的格式的已償付申索 (淨額) 的統計表；
 - (k) 採用表格 9 訂定的格式的未決申索準備金 (淨額) 的統計表。(由 2015 年第 12 號第 2 條修訂)

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- lieu of the account and information referred to in sub-paragraphs (a) and (b) respectively, revenue accounts of the direct business carried on, on a fund accounting basis, in the form provided in Form 3; (*Amended 12 of 2015 s. 2*)
- (f) in the case of an authorized insurer whose reinsurance business is accounted for on a fund accounting basis, in lieu of the account and information referred to in sub-paragraphs (c) and (d) respectively, revenue accounts of the reinsurance business carried on, on a fund accounting basis, in the form provided in Form 4; (*Amended 12 of 2015 s. 2*)
 - (g) statistics of statutory business, being direct business, in the form provided in Form 5;
 - (h) statistics of claims paid (Gross), in the form provided in Form 6;
 - (i) statistics of outstanding claims provision (Gross), in the form provided in Form 7;
 - (j) statistics of claims paid (Net), in the form provided in Form 8;
 - (k) statistics of outstanding claims provision (Net), in the form provided in Form 9.

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表格 1

香港保險業務—— (獲授權保險人名稱) 的直接業務收入帳

自 開始至 終止的期間

一般業務會計類別

船舶，損壞及法律責任

一般法律責任

法定業務

業主立案

法團法律

責任

其他

金錢損失

總額

毛保費

(1) 可收取的毛保費

(2) 須付的再保險保費

Form 1

HONG KONG INSURANCE BUSINESS—DIRECT BUSINESS REVENUE ACCOUNT OF

..... (Name of authorized insurer)

for the period commencing on and ending on

ACCOUNTING CLASSES OF GENERAL BUSINESS

Ships, damage and liability

General liability

Statutory business

Motor

vehicle, Aircraft,

damage

and

health

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GROSS PREMIUMS

(1) Gross

premiums

receivable

(2) Reinsurance

premiums

payable

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附表 3 — 第 8 部

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| | 船舶，損壞及法律責任 | | | | | | | | | |
|--------------------|------------|------------|------------|------|----|------|------|------|------------|------|
| | 一般法律責任 | | | | | 法定業務 | | | | |
| | 意外及健康 | 汽車，損壞及法律責任 | 飛機，損壞及法律責任 | 法定業務 | 其他 | 貨運 | 財產損壞 | 僱員補償 | 業主立案法團法律責任 | 金錢損失 |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| 留存保費 | | | | | | | | | | |
| (3) 經繳付再保險保費後的保費淨額 | | | | | | | | | | |
| (1)-(2) | | | | | | | | | | |
| (4) 未滿期保費調整 | | | | | | | | | | |
| (5) 滿期保費 | | | | | | | | | | |
| (3)-(4) | | | | | | | | | | |
| 承保開支 | | | | | | | | | | |
| (6) 須付的佣金 | | | | | | | | | | |
| (7) 管理開支 | | | | | | | | | | |
| (8) 未過期風險調整 | | | | | | | | | | |

| | General liability | | | | | | | | | |
|----------------------------------|--|--------------------------------|---------------------------|------------------------------|------------------|------------------------------|----------------------|--------|----------------|-------|
| | Statutory business | | | | | | | | | |
| | Ships, damage and liability | | | | | Owners' corporation | | | | |
| | Motor vehicle, Aircraft, damage and health liability | | | | | Statutory business | | | | |
| | Accident and health liability | Motor vehicle damage liability | Aircraft damage liability | Statutory business liability | Goods in transit | Property damage compensation | Employees' liability | Others | Pecuniary loss | Total |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| RETAINED PREMIUMS | | | | | | | | | | |
| (3) Premiums net of reinsurance | | | | | | | | | | |
| (1)-(2) | | | | | | | | | | |
| (4) Unearned premiums adjustment | | | | | | | | | | |
| (5) Earned premiums | | | | | | | | | | |
| (3)-(4) | | | | | | | | | | |
| UNDERWRITING EXPENSES | | | | | | | | | | |
| (6) Commissions payable | | | | | | | | | | |
| (7) Management expenses | | | | | | | | | | |
| (8) Unexpired risks adjustment | | | | | | | | | | |

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附表 3 — 第 8 部

| | 船舶，損壞及法律責任 | | | | | | | | | |
|-------------------------------|---------------|------------|------------|------|----|--------|------|------|------------|--------|
| | 汽車，飛機，損壞及法律責任 | | | | | 一般法律責任 | | | | |
| | 意外及健康 | 汽車，損壞及法律責任 | 飛機，損壞及法律責任 | 法定業務 | 其他 | 貨運 | 財產損壞 | 僱員補償 | 業主立案法團法律責任 | 金錢損失總額 |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (9) 開支毛額 | | | | | | | | | | |
| (10) (6)+(7)+(8) 從再保險方面可收取的佣金 | | | | | | | | | | |
| (11) 淨開支總額 (9)-(10) | | | | | | | | | | |
| 申索 (包括了結申索的開支) | | | | | | | | | | |
| (12) 已付毛額 | | | | | | | | | | |
| (13) 可向以下各方追討的數額 | | | | | | | | | | |
| (a) 再保險人 | | | | | | | | | | |
| (b) 其他 | | | | | | | | | | |

Schedule 3—Part 8

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| | Ships, damage and liability | | | | | | | | | |
|--|-------------------------------------|------------------------------|------------------|-----------------|-------------------------|-------------------------------|--------|----------------|-------|----|
| | Motor vehicle, Aircraft, and damage | | | | | General liability | | | | |
| | Accident and health liability | Statutory business liability | Goods in transit | Property damage | Employees' compensation | Owners' corporation liability | Others | Pecuniary loss | Total | |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (9) Gross expenses (6)+(7)+(8) | | | | | | | | | | |
| (10) Commissions receivable from reinsurance | | | | | | | | | | |
| (11) Total net expenses (9)-(10) | | | | | | | | | | |
| CLAIMS (incl. claims settling expenses) | | | | | | | | | | |
| (12) Gross amounts paid | | | | | | | | | | |
| (13) Amounts recoverable from | | | | | | | | | | |
| (a) reinsurers | | | | | | | | | | |
| (b) others | | | | | | | | | | |

[illegible]

我們核證以上資料屬真實及正確

We certify that the above information is true and correct.

| | Ships, damage and liability | | General liability | |
|--|--|----------------------|--------------------|---------------------|
| | Motor vehicle, Aircraft, damage and health | | Statutory business | |
| | Accident and health | Damage and liability | Goods in transit | Owners' corporation |
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| | \$ | \$ | \$ | \$ |
| | \$ | \$ | \$ | \$ |
| | \$ | \$ | \$ | |

S3-127
第 41 章

附表 3 —— 第 8 部

Schedule 3—Part 8

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Cap. 41

註：數額須以港元表示。
* 視乎需要而刪去。

(由 2015 年第 12 號第 2 條修訂；由 2017 年第 72 號法律公告修訂)

Note: Amounts must be expressed in Hong Kong dollars.

* Delete as necessary.

(Amended 12 of 2015 s. 2; L.N. 72 of 2017)

表格 1A

香港保險業務——(獲授權保險人名稱)的直接業務收入帳
補充資料

自.....開始至.....終止的期間

一般業務會計類別

[illegible]

Form 1A

HONG KONG INSURANCE BUSINESS—DIRECT BUSINESS REVENUE ACCOUNT OF
..... (Name of authorized insurer)

for the period commencing on and ending on

ACCOUNTING CLASSES OF GENERAL BUSINESS

[illegible]

[illegible]

(C) 増加/(減少)
(A)-(B)

(8)未過期風險調整

(A) 結轉的未過期風險數額

(B) 承前的未過期風險數額

(C) 増加/(減少)
(A)-(B)

(15)未決申索準備金的調整

(A) 未決申索準備金

(a) 毛額

[illegible]

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第 41 章

附表 3 —— 第 8 部

| | 船隻，損壞及法律責任 | | | | 一般法律責任 | | | |
|---------------------------------|------------|---------------|---------------|------|--------|------|------------|--------|
| | 意外及健康 | | 汽車，飛機，損壞及法律責任 | | 法定業務 | | 業主立案法團法律責任 | |
| | 意外及健康 | 汽車，飛機，損壞及法律責任 | 損壞及法律責任 | 法定業務 | 財產損壞 | 僱員補償 | 其他 | 金錢損失總額 |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (b) 可向以下人士追討的數額 | | | | | | | | |
| (i) 再保險人 | | | | | | | | |
| (ii) 其他 | | | | | | | | |
| (c) 淨額 | | | | | | | | |
| (a)-(b) | | | | | | | | |
| (B) 已招致但未報賠申索準備金 | | | | | | | | |
| (C) 未決申索準備金數額 (包括結轉的已招致但未報賠的申索) | | | | | | | | |
| (A)+(B) | | | | | | | | |
| (D) 未決申索準備金數額 (包括承前的已招致但未報賠的申索) | | | | | | | | |

Schedule 3—Part 8

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| | Ships, damage and liability | | | | General liability | | | |
|---|---|--------------------|--------------------|------------------|-------------------------|--------|-------------------------------|-------|
| | Motor vehicle, Aircraft, damage and liability | | Statutory business | | Statutory business | | Owners' corporation liability | |
| | Accident and health | Statutory business | Property damage | Goods in transit | Employees' compensation | Others | Pecuniary loss | Total |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (b) Amount recoverable from | | | | | | | | |
| (i) reinsurers | | | | | | | | |
| (ii) others | | | | | | | | |
| (c) Net amount | | | | | | | | |
| (a)-(b) | | | | | | | | |
| (B) Provision for IBNR | | | | | | | | |
| (C) Amount of provision for outstanding claims incl. IBNR c/f | | | | | | | | |
| (A)+(B) | | | | | | | | |
| (D) Amount of provision for outstanding claims incl. IBNR b/f | | | | | | | | |

註：數額須以港元表示。

* 視乎需要而刪去。

(由 2015 年第 12 號第 2 條修訂；由 2017 年第 72 號法律公告修訂)

註：數額須以港元表示。

* 視乎需要而刪去。

Note: Amounts must be expressed in Hong Kong dollars.

* Delete as necessary.

(Amended 12 of 2015 s. 2; L.N. 72 of 2017)

* Delete as necessary.

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第 41 章

附表 3 — 第 8 部

Schedule 3—Part 8

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Cap. 41

表格 2

香港保險業務—— (獲授權保險人名稱) 的再保險業務收入帳

自 開始至 終止的期間

一般業務會計類別

| | 汽車， 意外 及健康 | 飛機， 損壞及 法律責任 | 船舶， 損壞及 法律責任 | 財產 損壞 | 一般法 律責任 | 金錢 損失 | †非比例 協約 | †比例協約 | 總額 |
|--|------------------|--------------------|--------------------|----------|------------|----------|------------|-------|----|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |

毛保費

(1)可收取的毛保費

(2)須付的轉分保保費

留存保費

(3)繳付轉分保保費後
的保費淨額
(1)-(2)

Form 2

HONG KONG INSURANCE BUSINESS—REINSURANCE BUSINESS REVENUE ACCOUNT
OF (Name of authorized insurer)

for the period commencing on and ending on

ACCOUNTING CLASSES OF GENERAL BUSINESS

| | Motor vehicle, Aircraft, damage and liability | Ships, Goods damage and liability | in transit | Property damage | General liability | Pecuniary loss | †Non- pro- portional treaty | †Pro- portional treaty | Total |
|--|---|---|---------------|--------------------|----------------------|-------------------|--------------------------------------|------------------------------|-------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |

GROSS PREMIUMS

(1)Gross premiums
receivable

(2)Retrocession
premiums payable

RETAINED PREMIUMS

(3)Premiums net of
retrocession (1)-(2)

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第 41 章

附表 3 —— 第 8 部

Schedule 3—Part 8

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| | 意外 及健康 | 汽車， 損壞及 法律責任 | 飛機， 損壞及 法律責任 | 船舶， 損壞及 法律責任 | 貨運 | 財產 損壞 | 一般法 律責任 | 金錢 損失 | † 非比例 協約 | † 比例協約 | 總額 |
|-----------------------|-----------|--------------------|--------------------|--------------------|----|----------|------------|----------|-------------|--------|----|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (4)未滿期保費調整 | | | | | | | | | | | |
| (5)滿期保費 (3)-(4) | | | | | | | | | | | |
| 承保開支 | | | | | | | | | | | |
| (6)須付予分出公司的 佣金 | | | | | | | | | | | |
| (7)管理開支 | | | | | | | | | | | |
| (8)未過期風險調整 | | | | | | | | | | | |
| (9)開支毛額 | | | | | | | | | | | |
| (6)+(7)+(8) | | | | | | | | | | | |
| (10)從轉分保人方面可 收取的佣金 | | | | | | | | | | | |
| (11)淨開支總額 (9)-(10) | | | | | | | | | | | |

| | Accident and health liability | Motor vehicle, Aircraft, damage and liability | Ships, damage and liability | Goods in transit | Property damage liability | General pecuniary loss | †Non- pro- treaty | †Pro- portional treaty | Total |
|---|----------------------------------|--|-----------------------------------|---------------------|------------------------------|---------------------------|-------------------------|------------------------------|-------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (4)Unearned premiums adjustment | | | | | | | | | |
| (5)Earned premiums (3)-(4) | | | | | | | | | |
| UNDERWRITING EXPENSES | | | | | | | | | |
| (6)Commissions payable to ceding companies | | | | | | | | | |
| (7)Management expenses | | | | | | | | | |
| (8)Unexpired risks adjustment | | | | | | | | | |
| (9)Gross expenses (6)+(7)+(8) | | | | | | | | | |
| (10)Commissions receivable from retrocessionaires | | | | | | | | | |
| (11)Total net expenses (9)-(10) | | | | | | | | | |

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第 41 章

附表 3 —— 第 8 部

Schedule 3—Part 8

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Cap. 41

| | 意外 及健康 | 汽車， 損壞及 法律責任 | 飛機， 損壞及 法律責任 | 船舶， 損壞及 法律責任 | 貨運 | 財產 損壞 | 一般法 律責任 | 金錢 損失 | † 非比例 協約 | † 比例協約 | 總額 |
|-------------------------|-----------|--------------------|--------------------|--------------------|----|----------|------------|----------|-------------|--------|----|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| 申索 (包括了結申索的開支) | | | | | | | | | | | |
| (12)已付毛額 | | | | | | | | | | | |
| (13)可向轉分保人追討 的數額 | | | | | | | | | | | |
| (14)已付淨額 (12)-(13) | | | | | | | | | | | |
| (15)未決申索準備金的 調整 | | | | | | | | | | | |
| (16)已招致的淨額 (14)+(15) | | | | | | | | | | | |
| 承保業績 | | | | | | | | | | | |
| (17)利潤 / (虧損) | | | | | | | | | | | |
| (5)-(11)-(16) | | | | | | | | | | | |

| | Accident and health liability | Motor vehicle, damage and liability | Aircraft, damage liability | Ships, damage liability | Goods and in transit | Property damage | General liability | Pecuniary loss | †Non- pro- treaty | †Pro- portional treaty | Total |
|---|-------------------------------------|---|----------------------------------|-------------------------------|----------------------------|--------------------|----------------------|-------------------|-------------------------|------------------------------|-------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| CLAIMS (incl. claims settling expenses) | | | | | | | | | | | |
| (12)Gross amounts paid | | | | | | | | | | | |
| (13)Amounts recoverable from retrocessionaires | | | | | | | | | | | |
| (14)Net amounts paid (12)-(13) | | | | | | | | | | | |
| (15)Provision for outstanding claims adjustment | | | | | | | | | | | |
| (16)Net incurred (14)+(15) | | | | | | | | | | | |
| UNDERWRITING RESULT | | | | | | | | | | | |
| (17)Profit/(Loss) (5)-(11)-(16) | | | | | | | | | | | |

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第 41 章

附表 3 — 第 8 部

Schedule 3—Part 8

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Cap. 41

我們核證以上資料屬真實及正確

| | | | | | |
|----|---|----|---|-------------|---|
| (|) | (|) | (|) |
| 董事 | | 董事 | | * 行政總裁 / 秘書 | |

註：(a) 數額須以港元表示。

(b) 協約及臨時再保險業務均須包括在內。

† 如將協約再保險業務分別分配予首 8 個一般業務會計類別並不切實可行，該等業務可在非比例協約再保險及比例協約再保險兩大類別下顯示。

但在此情況下，有關保險人須提供可歸入每項首 8 個一般業務會計類別的協約再保險業務的可收取的毛保費的預算（即上表第 (1) 項）。

* 視乎需要而刪去。

(由 2015 年第 12 號第 2 條修訂)

We certify that the above information is true and correct.

| | | | | | |
|----------|---|----------|---|----------------------------|---|
| (|) | (|) | (|) |
| Director | | Director | | *Chief Executive/Secretary | |

Notes: (a) Amounts must be expressed in Hong Kong dollars.

(b) Both treaty and facultative reinsurance business must be included.

† In the event that it is impracticable to allocate the treaty reinsurance business to the respective first 8 accounting classes of general business, such business may be shown under 2 broad classes, namely, Non-proportional Treaty Reinsurance and Proportional Treaty Reinsurance. However, in such circumstances the insurer must supply estimates of the gross premiums receivable (i.e. item (1) above) attributable to the treaty reinsurance business of each of the first 8 accounting classes of general business.

* Delete as necessary.

(Amended 12 of 2015 s. 2)

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第 41 章

附表 3 — 第 8 部

表格 2A

香港保險業務—— (獲授權保險人名稱) 的再保險業務收入帳
補充資料

自.....開始至.....終止的期間

一般業務會計類別

| | 汽車， 損壞及飛機，損 意外及法律責任 | | 損壞及法 律責任 | | 財產 損壞 | | 一般法律責 任 | | 金錢 損失 | | † 非比例 協約 | | † 比例 協約 | | 總額 |
|------------------------|---------------------------|----|-------------|----|----------|----|------------|----|----------|----|-------------|----|------------|----|----|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (4)未滿期保費調整 | | | | | | | | | | | | | | | |
| (A) 結轉的未滿期保費數額 | | | | | | | | | | | | | | | |
| (B) 承前的未滿期保費數額 | | | | | | | | | | | | | | | |
| (C) 增加/(減少) (A)-(B) | | | | | | | | | | | | | | | |
| (8)未過期風險調整 | | | | | | | | | | | | | | | |

Form 2A

HONG KONG INSURANCE BUSINESS—REINSURANCE BUSINESS REVENUE ACCOUNT
OF

(Name of authorized insurer)

SUPPLEMENTARY INFORMATION

for the period commencing on and ending on

ACCOUNTING CLASSES OF GENERAL BUSINESS

| | Motor vehicle, damage | | Aircraft, and liability | | Ships, and damage | | Goods in transit | | Property damage | | General liability | | Pecuniary loss | | †Non-pro- portional treaty | | †Pro- portional treaty | | Total |
|--|-----------------------------|----|-------------------------------|----|-------------------------|----|---------------------|----|--------------------|----|----------------------|----|-------------------|----|----------------------------------|----|------------------------------|----|-------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (4)UNEARNED PREMIUMS ADJUSTMENT | | | | | | | | | | | | | | | | | | | |
| (A) Amount of unearned premiums c/f | | | | | | | | | | | | | | | | | | | |
| (B) Amount of unearned premiums b/f | | | | | | | | | | | | | | | | | | | |
| (C) Increase/ (Decrease) (A)-(B) | | | | | | | | | | | | | | | | | | | |
| (8)UNEXPIRED RISKS ADJUSTMENT | | | | | | | | | | | | | | | | | | | |

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第 41 章

附表 3 —— 第 8 部

| | 意外及 健康 | 汽車， 損壞及 法律責任 | 飛機，損 壞及法律 責任 | 船舶， 損壞及法 律責任 | 財產 損壞 | 一般法律責 任 | 金錢 損失 | †非比例 協約 | †比例 協約 | 總額 |
|---|-----------|--------------------|--------------------|--------------------|----------|------------|----------|------------|-----------|----|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (A) 結轉的未過期風險數額 | | | | | | | | | | |
| (B) 承前的未過期風險數額 | | | | | | | | | | |
| (C) 增加 / (減少) (A)-(B) | | | | | | | | | | |
| (15)未決申索準備金的調整 | | | | | | | | | | |
| (A) 未決申索準備金 | | | | | | | | | | |
| (a) 毛額 | | | | | | | | | | |
| (b) 可向轉分保人追討 的數額 | | | | | | | | | | |
| (c) 淨額 | | | | | | | | | | |
| (a)-(b) | | | | | | | | | | |
| (B) 已招致但未報賠申索準 備金 | | | | | | | | | | |
| (C) 未決申索準備金數額 (包 括結轉的已招致但未報 賠的申索) | | | | | | | | | | |
| (A)+(B) | | | | | | | | | | |
| (D) 未決申索準備金數額 (包 括承前的已招致但未報 賠的申索) | | | | | | | | | | |

Schedule 3—Part 8

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| | Accident and health | Motor vehicle, damage and liability | Aircraft, damage and liability | Ships, damage and liability | Goods in transit | Property damage | General liability | Pecuniary loss | †Non-pro- portional treaty | †Pro- portional treaty | Total |
|--|------------------------|---|---|--------------------------------------|---------------------|--------------------|----------------------|-------------------|----------------------------------|------------------------------|-------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (A) Amount of unexpired risks c/f | | | | | | | | | | | |
| (B) Amount of unexpired risks b/f | | | | | | | | | | | |
| (C) Increase/ (Decrease) (A)-(B) | | | | | | | | | | | |
| (15)PROVISION FOR OUTSTANDING CLAIMS ADJUSTMENT | | | | | | | | | | | |
| (A) Provision for outstanding claims | | | | | | | | | | | |
| (a) Gross amount | | | | | | | | | | | |
| (b) Amount recoverable from retrocessionaires | | | | | | | | | | | |
| (c) Net amount (a)-(b) | | | | | | | | | | | |
| (B) Provision for IBNR | | | | | | | | | | | |
| (C) Amount of provision for outstanding claims incl. IBNR c/f (A)+(B) | | | | | | | | | | | |
| (D) Amount of provision for outstanding claims incl. IBNR b/f | | | | | | | | | | | |

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附表 3 — 第 8 部

| (E) 增加 / (減少) (C)-(D) | 汽車， 損壞及飛機，損船， 意外及法律責任 | | | | 財產 損壞及法律責任 | | | | 金錢 損失及一般法律責任 | | | | † 非比例 協約及比例 協約 | | | | 總額 |
|--------------------------|-----------------------------|----|------|---------|---------------|----|------|---------|-----------------|--------|----|--------|----------------------|----------|----|--------|----|
| | 健康 | 責任 | 法律責任 | 損壞及法律責任 | 貨運 | 損壞 | 法律責任 | 損壞及法律責任 | 損失 | 一般法律責任 | 損失 | 一般法律責任 | † 非比例 協約 | 比例 協約 | 損失 | 一般法律責任 | |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |

我們核證以上資料屬真實及正確

- 註：
- (a) 數額須以港元表示。
- (b) 協約及臨時再保險業務均須包括在內。
- † 如將協約再保險業務分配予首 8 個一般業務會計類別並不切實可行，該等業務可在非比例協約再保險及比例協約再保險兩大類別下顯示。
- * 視乎需要而刪去。

(由 2000 年第 32 號第 48 條修訂；由 2015 年第 12 號第 2 條修訂)

Schedule 3—Part 8

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| (E) Increase/ (Decrease) (C)-(D) | Motor vehicle, damage and liability | | | | Aircraft, damage and liability | | | | Ships, damage and liability | | | | †Non-pro- portional treaty | | | | †Pro- portional treaty | Total |
|-------------------------------------|--|------------------------------|------------------------------|------------------------------|--------------------------------------|------------------------------|------------------------------|------------------------------|-----------------------------------|------------------------------|------------------------------|------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|------------------------------|-------|
| | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | Accident and health \$ | †Non-pro- portional treaty | †Non-pro- portional treaty | †Non-pro- portional treaty | †Non-pro- portional treaty | †Pro- portional treaty | Total |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |

We certify that the above information is true and correct.

- Notes:
- (a) Amounts must be expressed in Hong Kong dollars.
- (b) Both treaty and facultative reinsurance business must be included.
- † In the event that it is impracticable to allocate the treaty reinsurance business to the respective first 8 accounting classes of general business, such business may be shown under 2 broad classes, namely, Non-proportional Treaty Reinsurance and Proportional Treaty Reinsurance.
- * Delete as necessary.

(Amended 32 of 2000 s. 48; 12 of 2015 s. 2)

表格 3

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第 41 章

香港保險業務—— (獲授權保險人名稱)
按基金會計基準計算的直接業務收入帳

自 開始至 終止的期間

一般業務會計類別：

《保險業條例》

附表 3 —— 第 8 部

| | 19 | | 19 | | 19 | | 總額 |
|--------------------------|-----------------------|-------------------|-------------------|---------------|---------------|---------------|----|
| | 所有以前 會計年度 本年度發展 | 會計年度 (上述期間前兩年) | 會計年度 (上述期間前一年) | 會計年度 本年度發展 | 會計年度 本年度發展 | 會計年度 本年度發展 | |
| 毛保費 | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (1)可收取的 毛保費 | | | | | | | |
| (2)須付的再 保險保費 | | | | | | | |
| 留存保費 | | | | | | | |
| (3)繳付再保險 保費後的保 費淨額 | | | | | | | |
| (1)-(2) | | | | | | | |

Form 3

Schedule 3—Part 8

HONG KONG INSURANCE BUSINESS—DIRECT BUSINESS REVENUE ACCOUNT ON THE
FUND ACCOUNTING BASIS OF (Name of authorized insurer)

for the period commencing on and ending on

ACCOUNTING CLASS OF GENERAL BUSINESS:

Insurance Ordinance

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Cap. 41

| | 19 | | 19 | | 19 | | Total |
|---|-------------------------------|---|--|---------------------------------|---------------------------------|---------------------------------|-------|
| | All prior Years of Account | Year of Account (Two years preceding the period) | Year of Account (One Year preceding the period) | Year of Account current year | Year of Account current year | Year of Account current year | |
| GROSS PREMIUMS | | | | | | | |
| (1)Gross premiums receivable | | | | | | | |
| (2)Reinsurance premiums payable | | | | | | | |
| RETAINED PREMIUMS | | | | | | | |
| (3)Premiums net of reinsurance (1)-(2) | | | | | | | |

S3-153
第 41 章

附表 3 —— 第 8 部

| | 所有以前 會計年度 | 19 會計年度 (上述期間前兩年) | 19 會計年度 (上述期間前一年) | 19 會計年度 (上述期間) | 總額 |
|--------------------------|--------------|-------------------------|-------------------------|----------------------|-------|
| 承保開支 | | | | | |
| (4)須付的佣金 | 本年度發展 | 本年度發展 | 本年度發展 | 本年度發展 | 本年度發展 |
| (5)管理開支 | \$ | \$ | \$ | \$ | \$ |
| (6)開支毛額 | | | | | |
| (4)+(5) | | | | | |
| (7)從再保險人 方面可收取 的佣金 | | | | | |
| (8)淨開支總額 | | | | | |
| (6)-(7) | | | | | |

申索 (包括了結
申索的開支)

(9)已付毛額

(10)可向以下人
士追討的數
額

(a) 再保險
人

(b) 其他

(11)已付淨額
(9)-(10)

(12)承前的保險
基金

Schedule 3—Part 8

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Cap. 41

| | All prior Years of Account | 19 Year of Account (Two years preceding the period) | 19 Year of Account (One Year preceding the period) | 19 Year of Account (The period) | Total |
|---|---------------------------------|---|--|---------------------------------------|---------------------------------|
| Developments in current year | Developments in current year | Cumulative developments | Developments in current year | Developments in current year | Developments in current year |
| \$ | \$ | \$ | \$ | \$ | \$ |
| UNDERWRITING EXPENSES | | | | | |
| (4)Commissions payable | | | | | |
| (5)Management expenses | | | | | |
| (6)Gross expenses (4)+(5) | | | | | |
| (7)Commissions receivable from reinsurers | | | | | |
| (8)Total net expenses (6)-(7) | | | | | |
| CLAIMS (incl. claims settling expenses) | | | | | |
| (9)Gross amounts paid | | | | | |
| (10)Amounts recoverable from (a) reinsurers | | | | | |
| (b) others | | | | | |
| (11)Net amounts paid (9)-(10) | | | | | |
| (12)Insurance fund b/f | | | | | |

S3-155
第 41 章

附表 3 — 第 8 部

| | 19____ | | 19____ | | 19____ | | 總額 |
|--------------------------------|-----------------------|----------------------------|----------------------------|-------------------------|-------------------------|-------------------------|----|
| | 所有以前 會計年度 本年度發展 | 會計年度 (上述期間前兩年) 本年度發展 | 會計年度 (上述期間前一年) 本年度發展 | 會計年度 (上述期間) 本年度發展 | 會計年度 (上述期間) 本年度發展 | 會計年度 (上述期間) 本年度發展 | |
| (13)結轉的保險 基金 | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| 承保業續 | | | | | | | |
| (14)利潤/(虧 損) | | | | | | | |
| (3)-(8)- (11)+(12)- (13) | | | | | | | |

我們核證以上資料屬真實及正確

註： (a) 數額須以港元表示。
(b) 如有關保險人的直接業務是按基金會計基準計算，須填寫本表格以代替填表格 1 及 1A。
(c) 對於表格 1 及 1A 指明的 8 個一般業務會計類別，須就每個類別分別呈交表格。

* 視乎需要而刪去。

(由 2000 年第 32 號第 48 條修訂；由 2015 年第 12 號第 2 條修訂)

Schedule 3—Part 8

S3-156
Cap. 41

| | 19____ | | 19____ | | 19____ | | Total |
|---------------------------------|---------------------------------|---|--|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| | All prior Years of Account | Year of Account (Two years preceding the period) | Year of Account (One Year preceding the period) | Year of Account (The period) | Year of Account (The period) | Year of Account (The period) | |
| Developments in current year | Developments in current year | Cumulative developments | Developments in current year | Cumulative developments | Developments in current year | Developments in current year | Developments in current year |
| \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (13)Insurance fund c/f | | | | | | | |
| UNDERWRITING RESULT | | | | | | | |
| (14)Profit/(Loss) | | | | | | | |
| (3)-(8)-(11) +(12)-(13) | | | | | | | |

We certify that the above information is true and correct.

Notes: (a) Amounts must be expressed in Hong Kong dollars.
(b) If the insurer's direct business is accounted for on a fund accounting basis, this form is to be completed in lieu of Forms 1 and 1A.
(c) A separate form must be submitted in respect of each of the 8 accounting classes of general business specified in Forms 1 and 1A.

* Delete as necessary.

(Amended 32 of 2000 s. 48; 12 of 2015 s. 2)

表格 4

S3-157
第 41 章

香港保險業務—— (獲授權保險人名稱)
按基金會計基準計算的再保險業務收入帳

自 開始至 終止的期間

一般業務會計類別：

| 所有以前 會計年度 | 19 會計年度 (上述期間前兩年) | 19 會計年度 (上述期間前一年) | 19 會計年度 (上述期間) | 總額 |
|--------------|-------------------------|-------------------------|----------------------|-------|
| 本年度發展 | 本年度發展 | 本年度發展 | 本年度發展 | 本年度發展 |
| \$ | \$ | \$ | \$ | \$ |
| 累積發展 | 累積發展 | 累積發展 | 累積發展 | 累積發展 |
| \$ | \$ | \$ | \$ | \$ |

毛保費

- (1)可收取的
毛保費
(2)須付轉分
保保費

留存保費

《保險業條例》

附表 3 —— 第 8 部

Form 4

Schedule 3—Part 8

HONG KONG INSURANCE BUSINESS—REINSURANCE BUSINESS REVENUE ACCOUNT
ON THE FUND ACCOUNTING BASIS OF (Name of authorized insurer)

for the period commencing on and ending on

ACCOUNTING CLASS OF GENERAL BUSINESS:

| All prior Years of Account | 19 Year of Account | 19 Year of Account | 19 Year of Account | Total |
|-------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Developments in current year | Developments in current year | Developments in current year | Developments in current year | Developments in current year |
| \$ | \$ | \$ | \$ | \$ |
| Cumulative developments | Cumulative developments | Cumulative developments | Cumulative developments | Cumulative developments |
| \$ | \$ | \$ | \$ | \$ |

GROSS PREMIUMS

- (1)Gross premiums
receivable
(2)Retrocession
premiums payable

RETAINED PREMIUMS

Insurance Ordinance

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Cap. 41

S3-159
第 41 章

附表 3 —— 第 8 部

| | 19____ | | 19____ | | 19____ | | 總額 |
|--|-----------------------|----------------------------|----------------------------|---------------------------|-------------------------|-------------------------|----|
| | 所有以前 會計年度 本年度發展 | 會計年度 (上述期間前兩年) 本年度發展 | 會計年度 (上述期間前一年) 本年度發展 | 會計年度 (上述期間前一年) 累積發展 | 會計年度 (上述期間) 本年度發展 | 會計年度 (上述期間) 本年度發展 | |
| (3)繳付轉分 保費後 的保費淨 額 (1)-(2) | \$ | \$ | \$ | \$ | \$ | \$ | |
| 承保開支 | | | | | | | |
| (4)須付分出 公司的佣 金 | | | | | | | |
| (5)管理開支 | | | | | | | |
| (6)開支毛額 | | | | | | | |
| (4)+(5) | | | | | | | |
| (7)從轉分保 人方面可 收取的佣 金 | | | | | | | |
| (8)淨開支總 額 (6)-(7) | | | | | | | |
| 申索 (包括了結 申索的開支) (9)已付毛額 | | | | | | | |

Schedule 3—Part 8

S3-160
Cap. 41

| | 19____ | | 19____ | | 19____ | | Total |
|---|--|---|--|---|--|---|-------|
| | All prior Years of Account (Two years preceding the period) | Year of Account Developments in current year | Year of Account Cumulative developments | Year of Account Developments in current year | Year of Account Cumulative developments | Year of Account Developments in current year | |
| (3)Premiums net of Retrocession (1)-(2) | \$ | \$ | \$ | \$ | \$ | \$ | |
| UNDERWRITING EXPENSES | | | | | | | |
| (4)Commissions payable to ceding companies | | | | | | | |
| (5)Management expenses | | | | | | | |
| (6)Gross expenses (4)+(5) | | | | | | | |
| (7)Commissions receivable from retrocessionaires | | | | | | | |
| (8)Total net expenses (6)-(7) | | | | | | | |
| CLAIMS (incl. claims settling expenses) (9)Gross amounts paid | | | | | | | |

S3-161
第 41 章

附表 3 — 第 8 部

Schedule 3—Part 8

S3-162
Cap. 41

| | 19____ | | 19____ | | 19____ | | 總額 |
|-------------------------|-----------------------|----------------------------|----------------------------|---------------------------|-------------------------|-------------------------|----|
| | 所有以前 會計年度 本年度發展 | 會計年度 (上述期間前兩年) 本年度發展 | 會計年度 (上述期間前一年) 本年度發展 | 會計年度 (上述期間前一年) 累積發展 | 會計年度 (上述期間) 本年度發展 | 會計年度 (上述期間) 本年度發展 | |
| (10)可向轉分 保人追討 的數額 | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (11)已付淨額 (9)-(10) | | | | | | | |
| (12)承前的保 險基金 | | | | | | | |
| (13)結轉的保 險基金 | | | | | | | |
| 承保業績 | | | | | | | |
| (14)利潤/(虧 損) | | | | | | | |
| (3)-(8) | | | | | | | |
| -(11)+(12)- (13) | | | | | | | |

我們核證以上資料屬真實及正確

| | | | | | | | |
|----|---|----|---|---|---|---|-----------|
| (|) | (|) | (|) | * | 行政總裁 / 秘書 |
| 董事 | | 董事 | | | | | |

| | 19____ | | 19____ | | 19____ | | Total |
|--|--|---------------------------------|--|---------------------------------|---------------------------------|---------------------------------|---------------------------|
| | All prior Years of Account (Two years preceding the period) | Year of Account current year | Years of Account (One Year preceding the period) | Year of Account current year | Year of Account current year | Year of Account current year | |
| Developments in Developments in | current year | current year | Cumulative developments | Cumulative developments | Developments in Developments in | Developments in Developments in | current year current year |
| \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| (10)Amounts recoverable from retrocessionaires | | | | | | | |
| (11)Net amounts paid (9)-(10) | | | | | | | |
| (12)Insurance fund b/f | | | | | | | |
| (13)Insurance fund c/f | | | | | | | |
| UNDERWRITING RESULT | | | | | | | |
| (14)Profit/(Loss) | | | | | | | |
| (3)-(8)-(11)+(12)- (13) | | | | | | | |

We certify that the above information is true and correct.

| | | | | | | | |
|----------|---|----------|---|---|---|---|---------------------------|
| (|) | (|) | (|) | * | Chief Executive/Secretary |
| Director | | Director | | | | | |

S3-163
第 41 章

附表 3 — 第 8 部

Schedule 3—Part 8

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Cap. 41

- 註：
- (a) 數額須以港元表示。
 - (b) 如有關保險人的再保險業務是按基金會計基準計算，須填寫本表格以代替填寫表格 2 及 2A。
 - (c) 協約及臨時再保險業務均須包括在內。
 - (d) 須就每個表格 2 及 2A 指明的首 8 個一般業務會計類別，分別呈交表格。
 - (e) 如將協約再保險業務分別分配予首 8 個一般業務會計類別並不切實可行，該等業務可在非比例協約再保險及比例協約再保險兩大類別下顯示。但在此情況下，有關保險人須提供可歸入每項首 8 個一般業務會計類別的協約再保險業務的可收取的毛保費的預算（即上文第 (1) 項）。

* 視乎需要而刪去。

(由 2003 年第 14 號第 24 條修訂；由 2015 年第 12 號第 2 條修訂)

- Notes:
- (a) Amounts must be expressed in Hong Kong dollars.
 - (b) If the insurer's reinsurance business is accounted for on a fund accounting basis, this form is to be completed in lieu of Forms 2 and 2A.
 - (c) Both treaty and facultative reinsurance business must be included.
 - (d) A separate form must be submitted in respect of each of the first 8 accounting classes of general business specified in Forms 2 and 2A.
 - (e) In the event that it is impracticable to allocate the treaty reinsurance business to the respective first 8 accounting classes of general business, such business may be shown under 2 broad classes, namely, Non-proportional Treaty Reinsurance and Proportional Treaty Reinsurance. However, in such circumstances the insurer must supply estimates of the gross premiums receivable (i.e. item (1) above) attributable to the treaty reinsurance business of each of the first 8 accounting classes of general business.

* Delete as necessary.

(Amended 12 of 2015 s. 2)

S3-165
第 41 章

附表 3 —— 第 8 部

Schedule 3—Part 8

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Cap. 41

表格 5

Form 5

香港保險業務 —— (獲授權保險人名稱)
的法定業務 (屬直接業務) 統計數字

HONG KONG INSURANCE BUSINESS—STATISTICS OF
STATUTORY BUSINESS
(BEING DIRECT BUSINESS) OF (Name of authorized
insurer)

自 開始至 終止的期間

for the period commencing on and ending on

A. 《汽車保險 (第三者風險) 條例》(第 272 章) 第 6 條所訂的汽車保險業務

| 期末時承保車輛數目 | | | | | | | | 期末時未決申索 數目 (所有類型) | |
|-----------|------------|------------|---------|---------|------------|------------|---------|-------------------------|----|
| 第三者風險 | | | | 綜合保險 | | | | | 總數 |
| 私家 車 | 公共出 租車輛 | 其他商業 車輛 | 電單 車 | 私家 車 | 公共出 租車輛 | 其他商業 車輛 | 電單 車 | | |
| | | | | | | | | | |

B. 《僱員補償條例》(第 282 章) 第 40 條所訂的僱員補償保險業務

| 期末時的有效保單數目 | 期末時未決申索數目 |
|------------|-----------|
| | |

A. *Motor Vehicle Insurance Business under section 6 of the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272)*

| No. of vehicles covered at end of period | | | | | | | | No. of outstanding claims at end of period (All types) | |
|--|----------------------------|---------------------------------|-----------------|-----------------|----------------------------|---------------------------------|-----------------|---|-------|
| THIRD PARTY RISKS | | | | COMPREHENSIVE | | | | | TOTAL |
| Private Cars | Public Hire Vehicles | Other Commercial Vehicles | Motor Cycles | Private Cars | Public Hire Vehicles | Other Commercial Vehicles | Motor Cycles | | |
| | | | | | | | | | |

B. *Employees' Compensation Insurance Business under section 40 of the Employees' Compensation Ordinance (Cap. 282)*

| No. of policies in force at end of period | No. of outstanding claims at end of period |
|---|--|
| | |

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第 41 章

附表 3 —— 第 8 部

C. 《商船 (本地船隻) 條例》(第 548 章) 第 23D 條及根據該條例第 89 條訂立的任何規例所訂的本地船隻保險業務

| 期末時的有效保單數目 | | | 該等保單所承保 的本地船隻數目 | 期末時未決申索數目 |
|------------|------|----|--------------------|-----------|
| 第三者風險 | 綜合保險 | 總數 | | |
| | | | | |

我們核證以上資料屬真實及正確

() () ()
董事 董事 * 行政總裁 / 秘書

註： 本表格須由獲授權在香港經營法定業務 (屬直接業務) 的保險人填寫。

* 視乎需要而刪去。

(由 2005 年第 24 號第 55 條修訂；由 2015 年第 12 號第 2 條修訂)

Schedule 3—Part 8

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Cap. 41

C. *Local Vessels Insurance Business under section 23D of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and any regulation made under section 89 of the Ordinance*

| No. of policies in force at end of period | | | No. of local vessels covered by such policies | No. of outstanding claims at end of period |
|---|---------------|-------|---|---|
| THIRD PARTY RISKS | COMPREHENSIVE | TOTAL | | |
| | | | | |

We certify that the above information is true and correct.

() () ()
Director Director *Chief Executive/Secretary

Note: This form is to be completed by an insurer authorized to carry on statutory business (being direct business) in Hong Kong.

* Delete as necessary.

(Amended 24 of 2005 s. 55; 12 of 2015 s. 2)

S3-169
第 41 章

附表 3 — 第 8 部

Schedule 3—Part 8

S3-170
Cap. 41

表格 6

香港保險業務— (獲授權保險人名稱)
已償付申索統計數字 (毛額)

自 開始至 終止的期間

關於一般業務會計類別: (均以 \$'000 顯示)

| 意外/ 承保年 度 * | 每個發展年度的已償付申索 | | | | | | | | | | | |
|-------------------|--------------|------|------|------|------|------|------|------|------|------|------|------|
| | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) |
| 以前各年 度 | | | | | | | | | | | | |
| (年度) | | | | | | | | | | | | |
| (年度) | - | | | | | | | | | | | |
| (年度) | - | - | | | | | | | | | | |
| (年度) | - | - | - | | | | | | | | | |
| (年度) | - | - | - | - | | | | | | | | |
| (年度) | - | - | - | - | - | | | | | | | |
| (年度) | - | - | - | - | - | - | | | | | | |
| (年度) | - | - | - | - | - | - | - | | | | | |
| (年度) | - | - | - | - | - | - | - | - | | | | |
| (年度) | - | - | - | - | - | - | - | - | - | | | |
| (年度) | - | - | - | - | - | - | - | - | - | - | | |
| (年度) | - | - | - | - | - | - | - | - | - | - | - | |

Form 6

HONG KONG INSURANCE BUSINESS—CLAIMS PAID STATISTICS
(GROSS)

OF (Name of authorized insurer)

for the period commencing on and ending on

in respect of Accounting Class of General

Business: (All in \$'000)

| Accident/ Underwriting Year* | Claims Paid in each year of development | | | | | | | | | | | |
|------------------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) |
| Prior years | | | | | | | | | | | | |
| (Year) | | | | | | | | | | | | |
| (Year) | - | | | | | | | | | | | |
| (Year) | - | - | | | | | | | | | | |
| (Year) | - | - | - | | | | | | | | | |
| (Year) | - | - | - | - | | | | | | | | |
| (Year) | - | - | - | - | - | | | | | | | |
| (Year) | - | - | - | - | - | - | | | | | | |
| (Year) | - | - | - | - | - | - | - | | | | | |
| (Year) | - | - | - | - | - | - | - | - | | | | |
| (Year) | - | - | - | - | - | - | - | - | - | | | |
| (Year) | - | - | - | - | - | - | - | - | - | - | | |
| (Year) | - | - | - | - | - | - | - | - | - | - | - | |

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第 41 章

附表 3 —— 第 8 部

| | | | | | | | | | | | | |
|----|--|--|--|--|--|--|--|--|--|--|--|--|
| 總數 | | | | | | | | | | | | |
|----|--|--|--|--|--|--|--|--|--|--|--|--|

我們核證以上資料屬真實及正確。

() () ()
董事 董事 * 行政總裁 / 秘書

- 註： (a) 數額須以港元顯示。
(b) 須就以下業務類別分別呈交表格：每個在表格 1 開列的直接業務類別（對僱員補償保險業務須另外呈交表格）及每個在表格 2 開列的再保險業務類別。
(c) 本表格須按照毛額基準（即未減除任何再保險）填寫。
(d) 在編製申索統計數字時 ——
(i) 直接保險人須為直接及臨時業務採用意外年度基準，而為協約業務採用承保年度基準；
(ii) 只經營再保險業務的保險人須為臨時及協約業務採用承保年度基準。

* 視乎需要而刪去。

(由 1999 年第 51 號第 6(a) 條代替。由 2015 年第 12 號第 2 條修訂)

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| | | | | | | | | | | | | |
|-------|--|--|--|--|--|--|--|--|--|--|--|--|
| TOTAL | | | | | | | | | | | | |
|-------|--|--|--|--|--|--|--|--|--|--|--|--|

We certify that the above information is true and correct.

() () ()
Director Director *Chief Executive/Secretary

- Notes: (a) Amounts must be expressed in Hong Kong dollars.
(b) A separate form must be submitted in respect of each of the classes of direct business set out in Form 1 (with a separate form for employees' compensation insurance business) and each of the classes of reinsurance business set out in Form 2.
(c) This form must be completed on a gross basis (i.e. before deduction of any reinsurance).
(d) In compiling claims statistics—
(i) direct insurers must use accident year basis for direct and facultative business and the underwriting year basis for treaty business;
(ii) insurers transacting only reinsurance business must use the underwriting year basis for both facultative and treaty business.

* Delete as necessary.

(Replaced 51 of 1999 s. 6(a). Amended 12 of 2015 s. 2)

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附表 3 —— 第 8 部

Schedule 3—Part 8

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表格 7

Form 7

香港保險業務— (獲授權保險人名稱)

於 的

未決申索準備金統計數字 (毛額)

一般業務會計類別: (均以 \$'000 顯示)

HONG KONG INSURANCE BUSINESS—OUTSTANDING CLAIMS
PROVISION

STATISTICS (GROSS) OF (Name of authorized insurer)

AS AT

Accounting Class of General Business: (All in \$'000)

| 意外/ 承保年 度 * | 在每個發展年度末時的未決申索準備金 | | | | | | | | | | | |
|-------------------|-------------------|------|------|------|------|------|------|------|------|------|------|------|
| | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) |
| 以前各 年度 | | | | | | | | | | | | |
| (年度) | | | | | | | | | | | | |
| (年度) | - | | | | | | | | | | | |
| (年度) | - | - | | | | | | | | | | |
| (年度) | - | - | - | | | | | | | | | |
| (年度) | - | - | - | - | | | | | | | | |
| (年度) | - | - | - | - | - | | | | | | | |
| (年度) | - | - | - | - | - | - | | | | | | |
| (年度) | - | - | - | - | - | - | - | | | | | |
| (年度) | - | - | - | - | - | - | - | - | | | | |
| (年度) | - | - | - | - | - | - | - | - | - | | | |
| (年度) | - | - | - | - | - | - | - | - | - | - | | |
| (年度) | - | - | - | - | - | - | - | - | - | - | - | |
| 總數 | | | | | | | | | | | | |

| Accident/ Underwriting Year* | Outstanding Claims Provision at the end of each year of development | | | | | | | | | | | |
|------------------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) |
| Prior years | | | | | | | | | | | | |
| (Year) | | | | | | | | | | | | |
| (Year) | - | | | | | | | | | | | |
| (Year) | - | - | | | | | | | | | | |
| (Year) | - | - | - | | | | | | | | | |
| (Year) | - | - | - | - | | | | | | | | |
| (Year) | - | - | - | - | - | | | | | | | |
| (Year) | - | - | - | - | - | - | | | | | | |
| (Year) | - | - | - | - | - | - | - | | | | | |
| (Year) | - | - | - | - | - | - | - | - | | | | |
| (Year) | - | - | - | - | - | - | - | - | - | | | |
| (Year) | - | - | - | - | - | - | - | - | - | - | | |
| (Year) | - | - | - | - | - | - | - | - | - | - | - | |
| TOTAL | | | | | | | | | | | | |

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我們核證以上資料屬真實及正確。

We certify that the above information is true and correct.

| | | |
|-------|-------|-------------|
| _____ | _____ | _____ |
| () | () | () |
| 董事 | 董事 | * 行政總裁 / 秘書 |

| | | |
|----------|----------|----------------------------|
| _____ | _____ | _____ |
| () | () | () |
| Director | Director | *Chief Executive/Secretary |

- 註：
- (a) 數額須以港元顯示。
 - (b) 須就以下業務類別分別呈交表格：每個在表格 1 開列的直接業務類別（對僱員補償保險業務須另外呈交表格）及每個在表格 2 開列的再保險業務類別。
 - (c) 本表格須按照毛額基準（即未減除任何再保險）填寫。
 - (d) 在編製申索統計數字時——
 - (i) 直接保險人須為直接及臨時業務採用意外年度基準，而為協約業務採用承保年度基準；
 - (ii) 只經營再保險業務的保險人須為臨時及協約業務採用承保年度基準。
 - (e) 凡提述未決申索準備金之處，須包括未決申索及已招致但未呈報的申索。

- Notes:
- (a) Amounts must be expressed in Hong Kong dollars.
 - (b) A separate form must be submitted in respect of each of the classes of direct business set out in Form 1 (with a separate form for employees' compensation insurance business) and each of the classes of reinsurance business set out in Form 2.
 - (c) This form must be completed on a gross basis (i.e. before deduction of any reinsurance).
 - (d) In compiling claims statistics—
 - (i) direct insurers must use accident year basis for direct and facultative business and the underwriting year basis for treaty business;
 - (ii) insurers transacting only reinsurance business must use the underwriting year basis for both facultative and treaty business.
 - (e) References to outstanding claims provision shall include outstanding claims and claims incurred but not reported.

* 視乎需要而刪去。

* Delete as necessary.

(由 1999 年第 51 號第 6(a) 條代替。由 2015 年第 12 號第 2 條修訂)

(Replaced 51 of 1999 s. 6(a). Amended 12 of 2015 s. 2)

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附表 3 —— 第 8 部

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表格 8

Form 8

香港保險業務— (獲授權保險人名稱)
已償付申索統計數字 (淨額)

HONG KONG INSURANCE BUSINESS—CLAIMS PAID STATISTICS
(NET)

自 開始至 終止的期間

OF (Name of authorized insurer)

關於一般業務會計類別： (均以 \$'000 顯示)

for the period commencing on and ending on

in respect of Accounting Class of General

Business: (All in \$'000)

| 意外/ 承保年 度 * | 每個發展年度的已償付申索 | | | | | | | | | | | |
|-------------------|--------------|------|------|------|------|------|------|------|------|------|------|------|
| | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) |
| 以前各 年度 | | | | | | | | | | | | |
| (年度) | | | | | | | | | | | | |
| (年度) | - | | | | | | | | | | | |
| (年度) | - | - | | | | | | | | | | |
| (年度) | - | - | - | | | | | | | | | |
| (年度) | - | - | - | - | | | | | | | | |
| (年度) | - | - | - | - | - | | | | | | | |
| (年度) | - | - | - | - | - | - | | | | | | |
| (年度) | - | - | - | - | - | - | - | | | | | |
| (年度) | - | - | - | - | - | - | - | - | | | | |
| (年度) | - | - | - | - | - | - | - | - | - | | | |
| (年度) | - | - | - | - | - | - | - | - | - | - | | |
| (年度) | - | - | - | - | - | - | - | - | - | - | - | |
| 總數 | | | | | | | | | | | | |

| Accident/ Underwriting Year* | Claims Paid in each year of development | | | | | | | | | | | |
|------------------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) |
| Prior years | | | | | | | | | | | | |
| (Year) | | | | | | | | | | | | |
| (Year) | - | | | | | | | | | | | |
| (Year) | - | - | | | | | | | | | | |
| (Year) | - | - | - | | | | | | | | | |
| (Year) | - | - | - | - | | | | | | | | |
| (Year) | - | - | - | - | - | | | | | | | |
| (Year) | - | - | - | - | - | - | | | | | | |
| (Year) | - | - | - | - | - | - | - | | | | | |
| (Year) | - | - | - | - | - | - | - | - | | | | |
| (Year) | - | - | - | - | - | - | - | - | - | | | |
| (Year) | - | - | - | - | - | - | - | - | - | - | | |
| (Year) | - | - | - | - | - | - | - | - | - | - | - | |
| TOTAL | | | | | | | | | | | | |

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我們核證以上資料屬真實及正確。

We certify that the above information is true and correct.

| | | |
|--------------------------|--------------------------|--------------------------|
| () | () | () |
| 董事 | 董事 | * 行政總裁 / 秘書 |

| | | |
|--------------------------|--------------------------|----------------------------|
| () | () | () |
| Director | Director | *Chief Executive/Secretary |

- 註：
- (a) 數額須以港元顯示。
 - (b) 須就以下業務類別分別呈交表格：每個在表格 1 開列的直接業務類別（對僱員補償保險業務須另外呈交表格）及每個在表格 2 開列的再保險業務類別。
 - (c) 本表格須按照淨額基準（即已減除任何再保險）填寫。
 - (d) 在編製申索統計數字時——
 - (i) 直接保險人須為直接及臨時業務採用意外年度基準，而為協約業務採用承保年度基準；
 - (ii) 只經營再保險業務的保險人須為臨時及協約業務採用承保年度基準。

Notes:

- (a) Amounts must be expressed in Hong Kong dollars.
- (b) A separate form must be submitted in respect of each of the classes of direct business set out in Form 1 (with a separate form for employees' compensation insurance business) and each of the classes of reinsurance business set out in Form 2.
- (c) This form must be completed on a net basis (i.e. net of reinsurances).
- (d) In compiling claims statistics—
 - (i) direct insurers must use accident year basis for direct and facultative business and the underwriting year basis for treaty business;
 - (ii) insurers transacting only reinsurance business must use the underwriting year basis for both facultative and treaty business.

* 視乎需要而刪去。

* Delete as necessary.

(由 1999 年第 51 號第 6(a) 條代替。由 2015 年第 12 號第 2 條修訂)

(Replaced 51 of 1999 s. 6(a). Amended 12 of 2015 s. 2)

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表格 9

Form 9

香港保險業務— (獲授權保險人名稱)

於 的

未決申索準備金統計數字 (淨額)

一般業務會計類別: (均以 \$'000 顯示)

HONG KONG INSURANCE BUSINESS—OUTSTANDING CLAIMS
PROVISIONSTATISTICS (NET) OF (Name of authorized
insurer)

AS AT

Accounting Class of General Business: (All in \$'000)

| 意外/ 承保年 度 * | 在每個發展年度末時的未決申索準備金 | | | | | | | | | | | |
|-------------------|-------------------|------|------|------|------|------|------|------|------|------|------|------|
| | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) | (年度) |
| 以前各 年度 | | | | | | | | | | | | |
| (年度) | | | | | | | | | | | | |
| (年度) | - | | | | | | | | | | | |
| (年度) | - | - | | | | | | | | | | |
| (年度) | - | - | - | | | | | | | | | |
| (年度) | - | - | - | - | | | | | | | | |
| (年度) | - | - | - | - | - | | | | | | | |
| (年度) | - | - | - | - | - | - | | | | | | |
| (年度) | - | - | - | - | - | - | - | | | | | |
| (年度) | - | - | - | - | - | - | - | - | | | | |
| (年度) | - | - | - | - | - | - | - | - | - | | | |
| (年度) | - | - | - | - | - | - | - | - | - | - | | |
| (年度) | - | - | - | - | - | - | - | - | - | - | - | |
| 總數 | | | | | | | | | | | | |

| Accident/ Underwriting Year* | Outstanding Claims Provision at the end of each year of development | | | | | | | | | | | |
|------------------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) | (Year) |
| Prior years | | | | | | | | | | | | |
| (Year) | | | | | | | | | | | | |
| (Year) | - | | | | | | | | | | | |
| (Year) | - | - | | | | | | | | | | |
| (Year) | - | - | - | | | | | | | | | |
| (Year) | - | - | - | - | | | | | | | | |
| (Year) | - | - | - | - | - | | | | | | | |
| (Year) | - | - | - | - | - | - | | | | | | |
| (Year) | - | - | - | - | - | - | - | | | | | |
| (Year) | - | - | - | - | - | - | - | - | | | | |
| (Year) | - | - | - | - | - | - | - | - | - | | | |
| (Year) | - | - | - | - | - | - | - | - | - | - | | |
| (Year) | - | - | - | - | - | - | - | - | - | - | - | |
| TOTAL | | | | | | | | | | | | |

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我們核證以上資料屬真實及正確。

We certify that the above information is true and correct.

| | | |
|-----|-----|-------------|
| () | () | () |
| 董事 | 董事 | * 行政總裁 / 秘書 |

| | | |
|----------|----------|----------------------------|
| () | () | () |
| Director | Director | *Chief Executive/Secretary |

- 註：
- (a) 數額須以港元顯示。
 - (b) 須就以下業務類別分別呈交表格：每個在表格 1 開列的直接業務類別（對僱員補償保險業務須另外呈交表格）及每個在表格 2 開列的再保險業務類別。
 - (c) 本表格須按照淨額基準（即已減除任何再保險）填寫。
 - (d) 在編製申索統計數字時——
 - (i) 直接保險人須為直接及臨時業務採用意外年度基準，而為協約業務採用承保年度基準；
 - (ii) 只經營再保險業務的保險人須為臨時及協約業務採用承保年度基準。
 - (e) 凡提述未決申索準備金之處，須包括未決申索及已招致但未呈報的申索。

- Notes:
- (a) Amounts must be expressed in Hong Kong dollars.
 - (b) A separate form must be submitted in respect of each of the classes of direct business set out in Form 1 (with a separate form for employees' compensation insurance business) and each of the classes of reinsurance business set out in Form 2.
 - (c) This form must be completed on a net basis (i.e. net of reinsurances).
 - (d) In compiling claims statistics—
 - (i) direct insurers must use accident year basis for direct and facultative business and the underwriting year basis for treaty business;
 - (ii) insurers transacting only reinsurance business must use the underwriting year basis for both facultative and treaty business.
 - (e) References to outstanding claims provision shall include outstanding claims and claims incurred but not reported.

* 視乎需要而刪去。

* Delete as necessary.

*(由 1999 年第 51 號第 6(a) 條代替。由 2015 年第 12 號第 2 條修訂)**(Replaced 51 of 1999 s. 6(a). Amended 12 of 2015 s. 2)*

41. (1) 除第 (5) 及 (6) 節另有規定外，獲授權經營長期業務的保險人須就它經營的香港長期保險業務，向保監局呈交——*(由 2015 年第 12 號第 2 條修訂)*
- (a) (如其財政年度是在 12 月 31 日終結的) 關乎截至 2003 年 12 月 31 日為止的財政年度的以下資料；或
 - (b) (如屬其他情況) 關乎截至 2003 年 12 月 31 日之後為止的第一個財政年度的以下資料，
- 以及關乎其後的每一個財政年度的以下資料——

41. (1) Subject to subparagraphs (5) and (6), an insurer who is authorized to carry on long term business shall, in relation to the Hong Kong long term insurance business carried on by it, submit to the Authority—*(Amended 12 of 2015 s. 2)*
- (a) if its financial year ends on 31 December, in respect of the financial year ending on 31 December 2003; or
 - (b) in any other case, in respect of the first financial year ending after 31 December 2003,
- and in respect of every successive financial year—

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第 41 條

- (c) 第 (2) 節指明的收入帳 (連同該節指明的補充資料) ;
 - (d) 第 (3) 節指明的估值撮要 ; 及
 - (e) 第 (4) 節指明的估值資產負債表 (連同該節指明的補充資料) 。
- (2) 第 (1)(c) 節提述的收入帳指採用表格 HKL1 擬備的關於附表 1 第 2 部指明的每一個業務類別的收入帳 ; 而該節提述的補充資料指以下資料 ——
- (a) 本條例第 18(1)(a) 或 32(1)(a) 條提述的有關的估值 (**有關估值**) 的截止計算日期 ;
 - (b) 作出有關估值及將利潤分配給保單持有人所依據的原則 , 以及該等原則是否由成立獲授權保險人的文書或其規例或附例所釐定或以其他方式釐定 ; (*由 2015 年第 12 號第 2 條修訂*)
 - (c) 有關估值用的一個或多於一個死亡率表 ;
 - (d) 計算時所假定的一個或多於一個利率 ;
 - (e) 在全年保費收入中保留作未來開支及利潤的準備金的比率或 (如沒有提供該等準備金) 一份說明已提供何種準備金的陳述書 ;
 - (f) 為使保單持有人有權分享利潤所需的保單有效期間 ; 及

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- (c) the revenue account, together with the supplementary information, specified in subparagraph (2);
 - (d) the valuation summary specified in subparagraph (3); and
 - (e) the valuation balance sheet, together with the supplementary information, specified in subparagraph (4).
- (2) The revenue account referred to in subparagraph (1)(c) is, in respect of each class of business specified in Part 2 of Schedule 1, a revenue account, in Form HKL1, and the supplementary information referred to in that subparagraph is— (*Amended 12 of 2015 s. 92*)
- (a) the date up to which the valuation referred to in section 18(1)(a) or 32(1)(a) of this Ordinance (**the valuation**) is made;
 - (b) the principles on which the valuation and distribution of profits among the policy holders are made, and whether those principles were determined by the instrument constituting the authorized insurer or by the insurer's regulations or bylaws or otherwise; (*Amended 12 of 2015 s. 2*)
 - (c) the table or tables of mortality used in the valuation;
 - (d) the rate or rates of interest assumed in the calculations;
 - (e) the proportion of the annual premium income reserved as a provision for future expenses and profit or, if no such provision is made, a statement as to what provision is made;
 - (f) the period during which a policy must be in force in order to entitle the policy holders to share in the profits; and

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- (g) 關於該保險人經營的香港長期保險業務的有關估值的結果，該結果須顯示 —— (由 2015 年第 12 號第 2 條修訂)
- (i) 該保險人賺取的利潤總額；(由 2015 年第 12 號第 2 條修訂)
 - (ii) 在保單持有人之間瓜分的利潤數額以及分紅保單的數目及數額；及
 - (iii) 從上次估值承前的利潤數額，以及分配給保單持有人及股東的利潤數額。
- (3) 第 (1)(d) 節提述的估值撮要指採用表格 HKL2 擬備的在有關估值的截止計算日期的估值撮要。
- (4) 第 (1)(e) 節提述的估值資產負債表指採用表格 HKL3 擬備的在有關估值的截止計算日期的估值資產負債表；而該節提述的補充資料指構成有關獲授權保險人的可歸因於它經營的香港長期保險業務的長期業務基金或構成該保險人的長期業務基金中可歸因於它經營的該等業務的部分 (**香港基金**) 的資產 (不論是否已作投資) 所產生的收益的平均利率的詳情，而該平均利率是根據所涉的財政年度的香港基金平均數計算得出的。(由 2015 年第 12 號第 2 條修訂)
- (5) 如在某一個財政年度，獲授權經營長期業務的保險人沒有經營香港長期保險業務，而假若它有經營則須根據第 (1) 節就該業務呈交資料，則該保險人須呈交說明此情況的陳述。

- (g) the results of the valuation, in respect of the Hong Kong long term insurance business carried on by the insurer, showing—
- (i) the total amount of profit made by the insurer;
 - (ii) the amount of profit divided among the policy holders, and the number and amount of the policies which participated; and
 - (iii) the amount of profit brought forward from the previous valuation, the amount of profit allotted to policy holders and shareholders.
- (3) The valuation summary referred to in subparagraph (1)(d) is a valuation summary, as at the date up to which the valuation is made, in Form HKL2.
- (4) The valuation balance sheet referred to in subparagraph (1)(e) is a valuation balance sheet, as at the date up to which the valuation is made, in Form HKL3, and the supplementary information referred to in that subparagraph is particulars of the average rate of interest yielded by the assets (whether invested or uninvested) constituting the long term business fund of the authorized insurer, or that part of the fund, which is attributable to the Hong Kong long term insurance business carried on by it (**Hong Kong fund**), calculated on the mean Hong Kong fund of the financial year. (*Amended 12 of 2015 s. 2*)
- (5) If, during a financial year, an insurer authorized to carry on long term business does not carry on Hong Kong long term insurance business in respect of which information would have had to be submitted under subparagraph (1) had the insurer carried on such business, the insurer shall submit a statement to that effect.

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第 41 章

附表 3 —— 第 8 部
第 41 條

- (6) 根據第 (5) 節須呈交的陳述，須載於 ——
- (a) 表格 HKL1；
 - (b) 表格 HKL2；及
 - (c) 表格 HKL3。

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Section 41

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- (6) A statement required to be submitted under subparagraph (5) shall be contained—
- (a) in Form HKL1;
 - (b) in Form HKL2; and
 - (c) in Form HKL3.

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第 41 章

附表 3 — 第 8 部

Schedule 3—Part 8

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表格 HKL1

香港長期保險業務 —— (獲授權保險人名稱)
自 開始至 為止關於類別 * 的收入帳

| | | 港元 | 港元 |
|-----------------------|------------|---------------|--------------|
| 上述期間開始時的基金 # 數額 | | XX | 須付的申索毛額 : |
| 可收取的毛保費 : | | | |
| | 已接受再 保險 | 分出再 保險 | 可向再 保險人追討 |
| 定期保費 | ... | (...) | 死亡時 |
| 整付保費 | ... | (...) | 退保時 |
| 轉讓保費 | ... | (...) | 滿期時 |
| | ... | (...) | 其他情況 |
| 可收取的淨保費 | XX | 須付的申索淨額 | XX |

Form HKL1
HONG KONG LONG TERM INSURANCE BUSINESS - REVENUE ACCOUNT OF
..... (Name of authorized insurer)
in respect of class(es) * for the period commencing on and ending on
.....

| | | HK\$ | HK\$ |
|--|-------------------------|--------------------------|--|
| Amount of Fund(s)* as at the Beginning of the Period ... | | XX | Gross Claims Payable: |
| Gross Premiums Receivable: | | | |
| | Reinsurance Accepted | Reinsurance Ceded | Reinsurance Accepted from Reinsurers |
| Regular Premiums | ... | (...) | On Death |
| Single Premiums | ... | (...) | On Surrender |
| Transferred Premiums | ... | (...) | On Maturity |
| | ... | (...) | On Other Events |
| Net Premiums Receivable | XX | Net Claims Payable | XX |

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第 41 章

附表 3 — 第 8 部

| | | | |
|----------------------------------|-------|----------------------|-------|
| 來自可歸因於香港長期保險業務的長期業務資產的利息或收入..... | XX | 分給保單持有人的紅利..... | XX |
| 可收取的佣金..... | XX | 須付的佣金..... | XX |
| 其他收入（須指明帳目）..... | XX | 其他付款（須指明帳目）..... | XX |
| | | 轉撥往其他長期保險類別 * | XX |
| 由其他長期保險類別 * 轉撥..... | XX | 轉撥往損益帳..... | XX |
| 由損益帳轉撥..... | XX | 上述期間終結時的基金 # 數額..... | XX |
| | XX | | XX |
| | ===== | | ===== |

我們核證以上資料屬真實及正確。

| | | |
|-----------|-----------|-------------|
| _____ | _____ | _____ |
| (_____) | (_____) | (_____) |
| 董事 | 董事 | § 行政總裁 / 秘書 |

Schedule 3—Part 8

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| | | | |
|---|-------|--|-------|
| Interest or Income from Long Term Business Assets | | Dividends to Policy Holders | XX |
| Attributable to Hong Kong Long Term Insurance Business..... | XX | Commissions Payable..... | XX |
| Commissions Receivable..... | XX | Other Payments (accounts to be specified) | XX |
| Other Receipts (accounts to be specified)..... | XX | | |
| | | Transfer to Other Long Term Insurance Class(es)*..... | XX |
| Transfer from Other Long Term Insurance Class(es)* | XX | Transfer to Profit and Loss Account | XX |
| Transfer from Profit and Loss Account..... | XX | Amount of Fund(s) [#] as at the End of the Period | XX |
| | XX | | XX |
| | ===== | | ===== |

We certify that the above information is true and correct.

| | | |
|-----------|-----------|-----------------------------|
| _____ | _____ | _____ |
| (_____) | (_____) | (_____) |
| Director | Director | § Chief Executive/Secretary |

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第 41 章

附表 3 —— 第 8 部

Schedule 3—Part 8

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Cap. 41

* 所提述的類別與《保險業條例》(第 41 章)附表 1 第 2 部列出的長期業務類別相應。
 # **基金**指可歸因於獲授權保險人經營的香港長期保險業務的長期業務基金或該保險人的長期業務基金中可歸因於該保險人經營的該等業務的部分。
 § 視乎需要而刪去。

(由 2015 年第 12 號第 2 及 92 條修訂)

* The classes referred to correspond to the classes of Long Term Business set out in Part 2 of Schedule 1 to the Insurance Ordinance (Cap. 41).
 # **Fund** means the long term business fund, or that part of the fund, which is attributable to the Hong Kong long term insurance business carried on by the authorized insurer.
 § Delete as necessary.

(Amended 12 of 2015 ss. 2 & 92)

表格 HKL2

香港長期保險業務 —— (獲授權保險人名稱) 開始至 為止的估值摘要
自

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----|---|------|---------------------------------|-----------------------|----------------------------------|-------------|-----------|------|
| 類別 | 業務類型 | 合約數目 | 承保款額或全 年年金，包括 既得的復歸紅 利 | 全年保費數額 保單保費 淨保費 | 承保款項值或 全年年金， 包括既得的復 歸紅利 | 全年保費 淨額值 | 淨負債 數額 | 估值基準 |
| A | (I) 年金除外的其他人 壽保險 (a) 可分紅： 終身保險 儲蓄壽險 定期壽險 | | 港元 | 港元 | 港元 | 港元 | 港元 | |

Form HKL2
HONG KONG LONG TERM INSURANCE BUSINESS - VALUATION SUMMARY OF
..... (Name of authorized insurer)
for the period commencing on and ending on

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|--|---|---------------------------|--------------|--|------------------------------|-------------------------|--------------------|
| Class | Type of business | Amount of sums assured or annuities per annum including vested reversionary bonuses | Amount of yearly premiums | | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| | | Number of contracts | Office premiums | Net premiums | | | | |
| A | (I) Life assurance other than annuities (a) With participation in profits: Whole life Endowment Term | | HK\$ | HK\$ | HK\$ | HK\$ | HK\$ | |

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第 41 章

附表 3 — 第 8 部

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|----------------------|---------------------------------|----------------|-----|-----------------------------------|-------------|-----------|------|
| 類別 | 合約數目 | 承保款額或全 年年金，包括 既得的復歸紅 利 | 全年保費數額 保單保費 | 淨保費 | 承保款項值或 全年年金值， 包括既得的復 歸紅利 | 全年保費 淨額值 | 淨負債 數額 | 估值基準 |
| | | 港元 | 港元 | 港元 | 港元 | 港元 | 港元 | |
| 業務類型 | | | | | | | | |
| | 其他類型 (須 指明) | | | | | | | |
| | 可分紅壽險總 額 | | | | | | | |
| (b) | 不分紅： | | | | | | | |
| | 終身保險 | | | | | | | |
| | 儲蓄壽險 | | | | | | | |
| | 定期壽險 | | | | | | | |
| | 其他類型 (須 指明) | | | | | | | |
| | 不分紅壽險總 額 | | | | | | | |
| | 保險總額 | | | | | | | |

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|---|---|--|-----------------|--|------------------------------------|-------------------------------|-----------------------|
| Class | Number of contracts | Amount of sums assured or annuities per annum including vested reversionary bonuses | Amount of yearly premiums Office premiums | Net premiums | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| | | HK\$ | HK\$ | HK\$ | HK\$ | HK\$ | HK\$ | |
| 業務類型 | | | | | | | | |
| | Other types (to be specified) | | | | | | | |
| | Total assurances with profits | | | | | | | |
| (b) | Without participation in profits: | | | | | | | |
| | Whole life | | | | | | | |
| | Endowment | | | | | | | |
| | Term | | | | | | | |
| | Other types (to be specified) | | | | | | | |
| | Total assurances without profits | | | | | | | |
| | Total assurances | | | | | | | |

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第 41 章

附表 3 — 第 8 部

Schedule 3—Part 8

S3-202
Cap. 41

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------------------|------|---------------------------------|----------------|-----|-----------------------------------|-------------|-----------|------|
| 類別 | 合約數目 | 承保款額或全 年年金，包括 既得的復歸紅 利 | 全年保費數額 保單保費 | 淨保費 | 承保款項值或 全年年金值， 包括既得的復 歸紅利 | 全年保費 淨額值 | 淨負債 數額 | 估值基準 |
| | | 港元 | 港元 | 港元 | 港元 | 港元 | 港元 | |
| (II) 年金 (a) 可分紅 | | | | | | | | |
| (b) 不分紅 | | | | | | | | |
| 年金總額 | | | | | | | | |
| 類別 A 總額 | | | | | | | | |
| B 婚姻及出生 | | | | | | | | |
| C 相連長期： | | | | | | | | |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|------------------------|---|--|-----------------|--|------------------------------------|-------------------------------|-----------------------|
| Class | Number of contracts | Amount of sums assured or annuities per annum including vested reversionary bonuses | Amount of yearly premiums Office premiums | Net premiums | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| | | HK\$ | HK\$ | HK\$ | HK\$ | HK\$ | HK\$ | |
| (II) Annuities (a) With participation in profits | | | | | | | | |
| (b) Without participation in profits | | | | | | | | |
| Total annuities | | | | | | | | |
| Total of Class A | | | | | | | | |
| B Marriage and birth | | | | | | | | |
| C Linked long term: | | | | | | | | |

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第 41 章

附表 3 — 第 8 部

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----|-----------------------------------|------|---------------------------------|--------|-----------------------------------|-------------|-----------|------|
| 類別 | 業務類型 | 合約數目 | 承保款額或全 年年金，包括 既得的復歸紅 利 | 全年保費數額 | 承保款項值或 全年年金值， 包括既得的復 歸紅利 | 全年保費 淨額值 | 淨負債 數額 | 估值基準 |
| | | | 保單保費 | 淨保費 | 港元 | 港元 | 港元 | |
| | 終身保險 | | | | | | | |
| | 儲蓄壽險 | | | | | | | |
| | 年金 | | | | | | | |
| | 其他 | | | | | | | |
| | 類別 C 總額 | | | | | | | |
| D | 永久健康 | | | | | | | |
| E | 聯合養老保險 | | | | | | | |
| F | 資本贖回 | | | | | | | |
| G | 退休計劃管理第 I 類： (i)強制性公積金分類 基金 | | | | | | | |

Schedule 3—Part 8

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| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|--|---------------------|---|---------------------------|--|------------------------------|-------------------------|--------------------|
| Class | Type of business | Number of contracts | Amount of sums assured or annuities per annum including vested reversionary bonuses | Amount of yearly premiums | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| | | | | Office premiums | | | | |
| | Whole life | | HK\$ | HK\$ | HK\$ | HK\$ | HK\$ | |
| | Endowment | | | | | | | |
| | Annuity | | | | | | | |
| | Others | | | | | | | |
| | Total of Class C | | | | | | | X |
| D | Permanent health | | | | | | | |
| E | Tontines | | | | | | | |
| F | Capital redemption | | | | | | | |
| G | Retirement scheme management category I: (i)MPF subfunds | | | | | | | |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----|--|---|--------------|-----|-----------------------------------|-------------|-----------|------|
| 類別 | 業務類型 | 合約數目 承保款額或全 年年金，包括 既得的復歸紅 利 | 全年保費 保單保費 | 淨保費 | 承保款項值或 全年年金值， 包括既得的復 歸紅利 | 全年保費 淨額值 | 淨負債 數額 | 估值基準 |
| | (ii)其他分類基金 | 港元 | 港元 | 港元 | 港元 | 港元 | 港元 | |
| | 類別 G 總額 * | | | | | | | X |
| H | 退休計劃管理第 II 類： (i)強制性公積金分類 基金 (ii)其他分類基金 | | | | | | | X |
| | 類別 H 總額 * | | | | | | | X |
| | 類別 G 及 H 總額 * | | | | | | | X |
| I | 退休計劃管理第 III 類 | | | | | | | X |
| | 其他儲備金（須指明） | | | | | | | X |
| | 總額 | | | | | | | X |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | |
|-------|---|---------------------|---|---------------------------|--------------|--|------------------------------|-------------------------|--------------------|
| Class | Type of business | Number of contracts | Amount of sums assured or annuities per annum including vested reversionary bonuses | Amount of yearly premiums | | Value of sums assured or annuities per annum including vested reversionary bonuses | Value of yearly net premiums | Amount of net liability | Bases of valuation |
| | | | | Office premiums | Net premiums | | | | |
| H | (ii)other subfunds | | HK\$ | HK\$ | HK\$ | HK\$ | HK\$ | | |
| | Total of Class G* | | | | | | | | |
| | Retirement scheme management category II: | | | | | | | | |
| | (i)MPF subfunds | | | | | | | | |
| | (ii)other subfunds | | | | | | | | |
| | Total of Class H* | | | | | | | | |
| | Total of Classes G & H* | | | | | | | | |
| I | Retirement scheme management category III | | | | | | | | |
| | Other reserves (to be specified) | | | | | | | | |
| | TOTALS | | | | | | | | |

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第 41 章

附表 3 — 第 8 部

我們核證以上資料屬真實及正確。

| | | | | | |
|----|---|----|---|-------------|---|
| (|) | (|) | (|) |
| 董事 | | 董事 | | # 行政總裁 / 秘書 | |

註：

1. 所提述的類別與《保險業條例》(第 41 章)附表 1 第 2 部列出的長期業務類別相應。
2. 在每一類別的長期保險業務內須顯示——
(i) 直接業務及已接受的再保險；
(ii) 分出的再保險；及
(iii) 淨保留業務。
3. 第 8 欄的記項應視乎何者適當而提述作為補充資料的細節或述明所採用的死亡率表、統計表及利率。
4. 關於類別 A 內的業務——
(i) 對於根據不同的死亡率表或以不同的利率作出估值的保單，須提供類似以上格式的獨立摘要；及
(ii) 任何合約如其性質或其估值方法令致不可能或不適合提供第 4、5 或 6 欄所規定的任何估值摘要的資料，即須分別顯示該等合約，並說明理由。

* 剔除列項中重複的數額。

視乎需要而刪去。

(由 2015 年第 12 號第 2 及 92 條修訂)

Schedule 3—Part 8

We certify that the above information is true and correct.

| | | | | | |
|----------|---|----------|---|-----------------------------|---|
| (|) | (|) | (|) |
| Director | | Director | | # Chief Executive/Secretary | |

Notes:

1. The classes referred to correspond to the classes of Long Term Business set out in Part 2 of Schedule 1 to the Insurance Ordinance (Cap. 41).
2. Within each class of long term insurance business, the following are to be shown—
(i) direct business and reinsurances accepted;
(ii) reinsurances ceded; and
(iii) net retained business.
3. The entry under column 8 should either refer to details given as supplementary information or should state the mortality tables/statistical tables and rates of interest employed, as appropriate.
4. With regard to business within class A—
(i) separate summaries similar in form to the above must be furnished in respect of policies valued by different mortality tables, or at different rates of interest; and
(ii) contracts the nature of which or the method of valuation of which makes it impossible or inappropriate to give the information required in columns 4, 5 and 6 of any valuation summary are to be shown separately and the reason stated.

* Eliminate duplicate in total line.

Delete as necessary.

(Amended 12 of 2015 ss. 2 & 92)

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第 41 章

附表 3 — 第 8 部

表格 HKL3

香港長期保險業務 —— (獲授權保險人名稱)
於 的估值資產負債表

| | | | |
|--------------------|----|-----------------------|----|
| 香港長期保險業務的淨負債 | 港元 | 基金 * (如資產負債表所示) | 港元 |
| 盈餘 | \$ | 虧絀 | \$ |
| | | | |

我們核證以上資料屬真實及正確。

| | | | | | |
|----|---|----|---|-------------|---|
| (|) | (|) | (|) |
| 董事 | | 董事 | | # 行政總裁 / 秘書 | |

Form HKL3
HONG KONG LONG TERM INSURANCE BUSINESS - VALUATION BALANCE SHEET
OF (Name of authorized insurer)
as at

| | | | |
|--|------|---------------------------------------|------|
| Net liability under Hong Kong Long Term Insurance Business | HK\$ | Fund(s)* (as per Balance Sheet) | HK\$ |
| Surplus | \$ | Deficiency | \$ |
| | | | |

We certify that the above information is true and correct.

| | | | | | |
|----------|---|----------|---|-----------------------------|---|
| (|) | (|) | (|) |
| Director | | Director | | # Chief Executive/Secretary | |

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第 41 章

附表 3 —— 第 8 部

Schedule 3—Part 8

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Cap. 41

* **基金**指可歸因於獲授權保險人經營的香港長期保險業務的長期業務基金或該保險人的長期業務基金中可歸因於該保險人經營的該等業務的部分。
視乎需要而刪去。

(由 2003 年第 3 號法律公告增補。由 2015 年第 12 號第 2 條修訂)

(第 8 部由 1990 年第 391 號法律公告增補)

* **Fund** means the long term business fund, or that part of the fund, which is attributable to the Hong Kong long term insurance business carried on by the authorized insurer.
Delete as necessary.

(Added L.N. 3 of 2003. Amended 12 of 2015 s. 2)
(Part 8 added L.N. 391 of 1990)

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第 41 章

附表 3 —— 第 9 部

Schedule 3—Part 9

S3-214
Cap. 41**第 9 部**[第 20(1A)、25A、25B 及 50C 條]
(由 1999 年第 51 號第 6(b) 條修訂)**Part 9**[ss. 20(1A), 25A, 25B & 50C]
(Amended 51 of 1999 s. 6(b))

依據第 25A 條呈交在 (財政年度終結日期) 的資產負債表

依據第 25B 條呈交在 (根據第 25B 條發出的通知所指明的日期)
的資產負債表

獲授權保險人名稱

A. 在香港維持的資產

| 項目 | | | \$ |
|----------|-----------------------------|-----|----|
| 土地及建築物 * | | | 01 |
| 定息證券 * | 由任何政府或公共機構發行或保證 | | 02 |
| | 其他定息證券 (相聯公司或附屬公司的定息證券除外) | 上市 | 03 |
| | | 非上市 | 04 |
| | 由任何政府或公共機構發行或保證 | | 05 |
| 浮息證券 * | 其他 | | 06 |
| 其他浮息投資 * | 權益股 (相聯公司或附屬公司的股份除外) | 上市 | 07 |
| | | 非上市 | 08 |
| | 持有的單位信託 | | 09 |

STATEMENT OF ASSETS AND LIABILITIES PURSUANT TO

#SECTION 25A AS AT (financial year end date)

#SECTION 25B AS AT (date specified in notice issued under section 25B)

Name of Authorized Insurer

A. Assets maintained in Hong Kong

| Items | | | \$ |
|--------------------------------------|--|----------|----|
| Land and building * | | | 01 |
| Fixed interest securities* | Issued by, or guaranteed by, any government or public authority | | 02 |
| | Other fixed interest securities except those in associated or subsidiary companies | listed | 03 |
| | | unlisted | 04 |
| Variable interest securities* | Issued by, or guaranteed by, any government or public authority | | 05 |
| | Others | | 06 |
| Other variable interest investments* | Equity shares except those in associated or subsidiary companies | listed | 07 |
| | | unlisted | 08 |
| | Holdings in unit trusts | | 09 |

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附表 3 —— 第 9 部

第 41 章

| 項目 | | | | | \$ | |
|-------------------|------|--------------------------------------|-------|----|----|--|
| 在相聯公司或附屬公司的投資 * | 保險人 | 持有的任何股份價值 | 上市 | 10 | | |
| | | | 非上市 | 11 | | |
| | | 債務 (必須列入在第 20 或 21 至 28 行項目內的債務除外) | 有抵押 | 12 | | |
| | | | 部分有抵押 | 13 | | |
| | | | 沒有抵押 | 14 | | |
| | 非保險人 | 持有的任何股份價值 | 上市 | 15 | | |
| | | | 非上市 | 16 | | |
| | | 債務 (必須列入在第 20 或 21 至 28 行項目內的債務除外) | 有抵押 | 17 | | |
| | | | 部分有抵押 | 18 | | |
| | | | 沒有抵押 | 19 | | |
| 以保險人發出的保險合約作抵押的貸款 | | | | | 20 | |

Schedule 3—Part 9

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| Items | | | | | \$ |
|---|--------------|--|----------------|----|----|
| Investment in associated or subsidiary companies* | Insurers | Value of any shares held | listed | 10 | |
| | | | unlisted | 11 | |
| | | Debts (other than debts which must be included in line 20 or 21 to 28) | secured | 12 | |
| | | | partly secured | 13 | |
| | | | unsecured | 14 | |
| | Non-insurers | Value of any shares held | listed | 15 | |
| | | | unlisted | 16 | |
| | | Debts (other than debts which must be included in line 20 or 21 to 28) | secured | 17 | |
| | | | partly secured | 18 | |
| | | | unsecured | 19 | |
| Loans secured by contracts of insurance issued by the insurer | | | | 20 | |

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第 41 章

附表 3 —— 第 9 部

| 項目 | | | \$ |
|-----------------------|---------------------|---|----|
| 保險債務 | 相聯公司或 附屬公司欠付的數額 | 關乎直接保險而尚未支付給保險人的保費收入，減去就此須付的佣金後所得之數 | 21 |
| | | 分出保險人及中介人根據已接受的再保險合約而欠付的款額 | 22 |
| | | 再保險人及中介人根據分出的再保險合約而欠付的款額（不包括關乎未決申索的追償） | 23 |
| | | 透過殘料而應得的追償，或其他保險人就已償付申索所欠的追償，但不包括根據分出的再保險合約而作出的追償 | 24 |
| | 其他人應付的款額 | 關乎直接保險而尚未支付給保險人的保費收入，減去就此須付的佣金後所得之數 | 25 |
| | | 分出保險人或中介人根據已接受的再保險合約而欠付的款額 | 26 |
| | | 再保險人及中介人根據分出的再保險合約而欠付的款額（不包括關乎未決申索的追償） | 27 |
| | | 透過殘料而應得的追償，或其他保險人就已償付申索所欠的追償，但不包括根據分出的再保險合約而作出的追償 | 28 |
| 先前沒有包括的債務 * | 全部有抵押 | | 29 |
| | 部分有抵押 | | 30 |
| | 沒有抵押 | | 31 |
| 存款及往來戶口 * | 存於銀行 | 定期存款 | 32 |
| | | 往來戶口 | 33 |
| | 存於有限牌照銀行及 接受存款公司 | 定期存款 | 34 |
| | | 通知存款 | 35 |
| 現金 | | | 36 |
| 電腦設備、辦公室機器、家具、汽車及其他設備 | | | 37 |
| 其他資產，如屬重要，須分開指明 | | | 38 |
| 總額 | | | 39 |

Schedule 3—Part 9

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Cap. 41

| Items | | | | \$ |
|--------------------------------|--|---|----|----|
| Insurance debts | Due from associated or subsidiary companies | Premium income in respect of direct insurance but not yet paid to the insurer less commission payable thereon | 21 | |
| | | Amounts due from ceding insurers and intermediaries under reinsurance contracts accepted | 22 | |
| | | Amounts due from reinsurers and intermediaries under reinsurance contracts ceded (excluding recoveries in respect of outstanding claims) | 23 | |
| | | Recoveries due by way of salvage or from other insurers in respect of claims paid other than recoveries under reinsurance contracts ceded | 24 | |
| | Due from others | Premium income in respect of direct insurance but not yet paid to the insurer less commission payable thereon | 25 | |
| | | Amounts due from ceding insurers and intermediaries under reinsurance contracts accepted | 26 | |
| | | Amounts due from reinsurers and intermediaries under reinsurance contracts ceded (excluding recoveries in respect of outstanding claims) | 27 | |
| | | Recoveries due by way of salvage or from other insurers in respect of claims paid other than recoveries under reinsurance contracts ceded | 28 | |
| Debts not previously covered * | Fully secured | | 29 | |
| | Partly secured | | 30 | |
| | Unsecured | | 31 | |
| Deposits and current account * | With banks | Fixed term deposits | 32 | |
| | | Current accounts | 33 | |
| | With restricted licence banks and deposit-taking companies | Fixed term | 34 | |
| | | At call | 35 | |
| Cash | | | | 36 |

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第 41 章

附表 3 —— 第 9 部

| 項目 | \$ |
|-----------------|----|
| 香港持牌銀行的信用狀或其他承諾 | 40 |

B. 關乎香港保險業務的負債及有關數額

| 項目 | \$ |
|-----------------------------|----|
| † 毛保險負債 (扣除再保險數額前) | |
| 未滿期保費 | 41 |
| 未過期風險的額外款額 | 42 |
| 未決申索 | 43 |
| 已報賠的申索 | 44 |
| 已招致但未報賠的申索 | 45 |
| 基金 | 46 |
| 總負債 (第 41+42+43+44+45 行的項目) | 47 |
| 扣除：根據第 25A(8) 條獲准的寬免 | 48 |
| 扣除第 47 行的項目後的總負債 | 49 |
| 第 48 行的項目的 40% | |

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| Items | \$ |
|---|----|
| Computer equipment, office machinery, furniture, motor vehicles and other equipment | 37 |
| Other assets, to be separately specified if material | 38 |
| Total | 39 |
| Letter of credit or other commitment from banks licensed in Hong Kong | 40 |

B. Liabilities and relevant amount pertaining to Hong Kong insurance business

| Items | \$ |
|--|----|
| † Gross insurance liabilities (before deduction of amount reinsured) | |
| Unearned premiums | 41 |
| Additional amount for unexpired risks | 42 |
| Claims outstanding | 43 |
| Reported claims | 44 |
| Claims incurred but not reported | 45 |
| Fund | 46 |
| Total liabilities (line 41 + 42 + 43 + 44 + 45) | 47 |
| Deduct: Relief permitted under section 25A(8) | 48 |
| Total liabilities after deduction of line 47 | 49 |
| 40% of line 48 | |

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第 41 章

附表 3 —— 第 9 部

| 項目 | | | \$ |
|----------------------|-----------------------------|------------|----|
| 保險負債淨額 (扣除再保險數額後) | 未滿期保費 | 50 | |
| | 未過期風險的額外款額 | 51 | |
| | 未決申索 | 已報賠的申索 | 52 |
| | | 已招致但未報賠的申索 | 53 |
| | 基金 | 54 | |
| | 總負債 (第 50+51+52+53+54 行的項目) | 55 | |
| | 扣除：根據第 25A(8) 條獲准的寬免 | 56 | |
| | 扣除第 56 行的項目後的總負債 | 57 | |
| | 第 57 行的項目的 80% | 58 | |
| | 第 49 行或第 58 行的項目中數額較大者 | 59 | |
| 有關數額 | | 60 | |
| 總負債 (第 59+60 行的項目) | | 61 | |

我們核證上述資料屬真實及正確。

() () ()
董事 董事 # 行政總裁 / 秘書

註： 數額須以港元表示。
* 另紙提供資產的詳情。
視乎需要而刪去。
† 如第 25A(3)(b) 條不適用，則在第 41 至 49 行填上不適用。

(第 9 部由 1994 年第 26 號第 7 條增補。由 2015 年第 12 號第 2 條修訂)

Schedule 3—Part 9

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| Items | | | \$ |
|---|---|----------------------------------|----|
| Net insurance liabilities (after deduction of amount reinsured) | Unearned premiums | 50 | |
| | Additional amount for unexpired risks | 51 | |
| | Claims outstanding | Reported claims | 52 |
| | | Claims incurred but not reported | 53 |
| | Fund | 54 | |
| | Total liabilities (line 50 + 51 + 52 + 53 + 54) | 55 | |
| | Deduct: Relief permitted under section 25A(8) | 56 | |
| | Total liabilities after deduction of line 56 | 57 | |
| | 80% of line 57 | 58 | |
| | The greater of line 49 or line 58 | 59 | |
| Relevant amount | | 60 | |
| Total liabilities (line 59 + 60) | | 61 | |

We certify that the above information is true and correct.

() () ()
Director Director Chief Executive/Secretary #

Note: Amounts must be expressed in Hong Kong dollars.
* Supply particulars of assets in a separate sheet.
Delete as necessary.
† Enter N/A in line 41 to line 49 if section 25A(3)(b) is not applicable.

(Part 9 added 26 of 1994 s. 7. Amended 12 of 2015 s. 2)

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附表 4

Schedule 4

S4-2
Cap. 41**附表 4**[第 13A、13AC、13AE 及
138 條]**Schedule 4**

[ss. 13A, 13AC, 13AE & 138]

建議委任：第 13A(12) 條所指的控權人、依據第 13AC(1) 條委任的董事、第 13AE(12) 條所指的管控要員、依據第 15(3A) 條委任的精算師或根據第 50B 條委任的獲授權代表

(由 2017 年第 72 號法律公告代替)
(附表 4 由 1990 年第 44 號第 10 條增補)

Proposed Appointment of Controller within Meaning of Section 13A(12), Director Pursuant to Section 13AC(1), Key Person in Control Functions within Meaning of Section 13AE(12), Actuary Pursuant to Section 15(3A) or Authorized Representative under Section 50B

(Replaced L.N. 72 of 2017)
(Schedule 4 added 44 of 1990 s. 10)

1. 附表 4 的應用

本附表列出——

- (a) 獲授權保險人須向保監局提供的資料，該資料是——(由 2017 年第 72 號法律公告代替)
 - (i) 根據本條例第 13A(3)(a) 條，須就建議委任某名個人為該保險人的控權人(本條例第 13A(12) 條所指者)而提供的；
 - (ii) 根據本條例第 13AC(3)(a) 條，須就建議依據本條例第 13AC(1) 條委任某人為該保險人的董事而提供的；
 - (iii) 根據本條例第 13AE(3)(a) 條，須就建議委任某名個人為該保險人的管控要員(本條例第 13AE(12) 條所指者)而提供的；或
 - (iv) 根據本條例第 15(3B)(a) 條，須就建議依據本條例第 15(3A) 條委任某人為該保險人的精算師而提供的；及

1. Application of Schedule 4

(Amended 12 of 2015 s. 93)

This Schedule sets out—

- (a) the information to be provided by an authorized insurer to the Authority—(Amended 12 of 2015 ss. 2 & 93; L.N. 72 of 2017)
 - (i) under section 13A(3)(a) of this Ordinance in respect of the proposed appointment of an individual as a controller (within the meaning of section 13A(12) of this Ordinance) of the insurer;
 - (ii) under section 13AC(3)(a) of this Ordinance in respect of the proposed appointment of a person as a director of the insurer pursuant to section 13AC(1) of this Ordinance;
 - (iii) under section 13AE(3)(a) of this Ordinance in respect of the proposed appointment of an individual as a key person in control functions

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第 41 章

附表 4

Schedule 4

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Cap. 41

(b) 勞合社根據本條例第 50B(3) 條須就建議委任某人為其獲授權代表而向保監局提供的資料。(由 2015 年第 12 號第 2 條修訂)

(由 1999 年第 51 號第 7 條代替。由 2017 年第 72 號法律公告修訂)

2. 建議委任的控權人、董事、管控要員、精算師或獲授權代表的詳情

(由 2017 年第 72 號法律公告修訂)

(a) 獲授權保險人依據 (ab) 節提述的條文而須向保監局提供的資料——(由 2015 年第 12 號第 2 及 93 條修訂；由 2017 年第 72 號法律公告修訂)

(i) 在該人是個人的情況下，須載有本附表表格 A、A1 或 A2 內指明的詳情；(由 2017 年第 72 號法律公告修訂)

(ii) 在該人是法人團體的情況下，須載有本附表表格 B 內指明的詳情；及

(iii) 在該人是合夥的情況下，須載有——

(A) 每名屬個人的合夥人的在本附表表格 A 內指明的詳情；

(B) 每名屬法人團體的合夥人的在本附表表格 B 內指明的詳情。

(ab) 有關條文為——

(within the meaning of section 13AE(12) of this Ordinance) of the insurer; or

(iv) under section 15(3B)(a) of this Ordinance in respect of the proposed appointment of a person as an actuary of the insurer pursuant to section 15(3A) of this Ordinance; and

(b) the information to be provided by Lloyd's to the Authority under section 50B(3) of this Ordinance in respect of the proposed appointment of a person as an authorized representative of Lloyd's. (*Amended 12 of 2015 s. 2*)

(*Replaced 51 of 1999 s. 7. Amended L.N. 72 of 2017*)

2. Particulars of proposed controller, proposed director, proposed key person in control functions, proposed actuary or proposed authorized representative

(*Amended L.N. 72 of 2017*)

(a) Any particulars provided by an authorized insurer to the Authority pursuant to provisions referred to in subparagraph (ab) must contain— (*Amended 12 of 2015 ss. 2 & 93; L.N. 72 of 2017*)

(i) in the case of an individual, the particulars specified in Form A, A1 or A2 in this Schedule; (*Amended L.N. 72 of 2017*)

(ii) in the case of a body corporate, the particulars specified in Form B in this Schedule; and

(iii) in the case of a partnership—

(A) the particulars specified in Form A in this Schedule in respect of each partner who is an individual;

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附表 4

Schedule 4

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- (i) 就建議委任某名個人為本條例第 13A(12) 條所指的控權人——本條例第 13A(3)(a) 條；
 - (ii) 就建議委任某人為董事——本條例第 13AC(3)(a) 條；
 - (iii) 就建議委任某名個人為本條例第 13AE(12) 條所指的管控要員——本條例第 13AE(3)(a) 條；或
 - (iv) 就建議委任某人為精算師——本條例第 15(3B)(a) 條。(由 2017 年第 72 號法律公告增補)
- (b) 勞合社依據本條例第 50B(3) 條就建議委任為其獲授權代表的人而向保監局提供的資料，須載有本附表表格 A 內指明的詳情。(由 2015 年第 12 號第 2 條修訂；由 2017 年第 72 號法律公告修訂)
- (由 1999 年第 51 號第 7 條代替)

- (B) the particulars specified in Form B in this Schedule in respect of each partner which is a body corporate.
- (ab) The provisions are—
- (i) for an individual proposed to be appointed as a controller (within the meaning of section 13A(12) of this Ordinance), section 13A(3)(a) of this Ordinance;
 - (ii) for a person proposed to be appointed as a director, section 13AC(3)(a) of this Ordinance;
 - (iii) for an individual proposed to be appointed as a key person in control functions (within the meaning of section 13AE(12) of this Ordinance), section 13AE(3)(a) of this Ordinance; or
 - (iv) for a person proposed to be appointed as an actuary, section 15(3B)(a) of this Ordinance. (Added L.N. 72 of 2017)
- (b) Any particulars provided by Lloyd's to the Authority pursuant to section 50B(3) of this Ordinance in respect of a person proposed to be appointed as an authorized representative of Lloyd's shall contain the particulars specified in Form A in this Schedule. (Amended 12 of 2015 s. 2; L.N. 72 of 2017)

(Replaced 51 of 1999 s. 7)

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附表 4

表格 A

[附表 4 第 2 段]

須就以下人士提供的詳情：屬建議委任為《保險業條例》(第 41 章) 第 13A(12) 條所指的控權人的個人、屬建議依據該條例第 13AC(1) 條委任為董事的個人，或屬建議根據該條例第 50B 條委任為獲授權代表的個人

提名人名稱 *

以下為下述者的詳情 ——

#(a) +

#(b) ++ 當中 +

..... 是一名合夥人。

1. 姓 名
你為人所知或曾為人所知的任何其他姓名
.....。
2. 私人地址。
3. 出生日期。
出生地點 (包括市鎮或城市)。
4. 國籍，包括說明是因出生或入籍而取得有關國籍。
5. 資歷及經驗，包括關乎保險及有關保險事宜方面的資歷及經驗。

Schedule 4

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Form A

[para. 2, Sch. 4]

Particulars Required in Respect of Individuals who are Proposed to be Appointed as Controller within Meaning of Section 13A(12) of Insurance Ordinance (Cap. 41), Director Pursuant to Section 13AC(1) of the Ordinance or Authorized Representative under Section 50B of the Ordinance

Name of Proposer*

The following are particulars of—

#(a) +

#(b) ++, of which

+

..... is a partner.

1. Family name Other names
Any other name(s) by which you have been known or are known
2. Private address.
3. Date of birth.
Place of birth (including town or city).
4. Nationality, including a statement as to whether it was acquired by birth or naturalization.
5. Qualifications and experience, including those relating to insurance and allied matters.

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第 41 章

附表 4

6. 現時職業或受僱情況，以及過去 10 年內的職業及受僱情況，包括僱主姓名或名稱、業務性質、所擔任的職位及有關日期。
- 6A. 你從屬於誰？就該保險人內部的人、於該保險人的總辦事處的人及於該保險人的母公司的人（視屬何情況而定），描述你的層級架構或從屬關係。
7. 你曾否在香港或其他地方，被任何法院（包括軍事法庭）裁定犯任何刑事罪行？如有的話，詳述定罪的法院、所犯罪行、判處的罰則及定罪日期。但如罪行是你在 16 歲或未滿 16 歲時所犯，而犯罪日期距今已超過 10 年，則無需填報。
- 7A. 如在過去 10 年內，你曾在香港或其他地方——
- (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，
- 則提供詳情。
8. 你曾否在過去 10 年內，在香港或其他地方，被你現在所屬或曾屬的專業團體譴責、紀律處分或公開批評，或從任何職位或受僱職位被撤職，或曾被拒絕加入任何專業或職業？如有的話，則提供詳情。
9. 你曾否被香港法院或外地法院判決破產？如有的話，則提供詳情。

Schedule 4

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6. Present occupation or employment and occupations and employment during the last 10 years, including the name of the employer, the nature of the business, the position held and relevant dates.
- 6A. To whom are you reporting? Describe the reporting structure or reporting lines that you have in relation to people within the insurer, people at the head office of the insurer and people at the parent company of the insurer, as may be appropriate.
7. Have you been convicted of any criminal offence (other than an offence committed more than 10 years ago when you were of or under the age of 16 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which you were convicted, the offence and the penalty imposed and the date of the conviction.
- 7A. If, in the last 10 years, you have been—
- (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
- give full particulars.
8. Have you, in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by a professional body to which you belong or belonged, or been dismissed from any office or employment, or been refused entry to any profession or occupation? If so, give full particulars.
9. Have you been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.

S4-11
第 41 章

附表 4

10. 你曾否在過去 10 年內，沒有償還根據香港法院或外地法院的命令判決你作為判定債務人所欠及須支付的任何債務？如有的話，則提供詳情。
11. 你曾否就某法人團體或保險人的成立或管理，被香港法院或外地法院判須就你對該法人團體或保險人或其任何成員作出的欺詐、失當行為或其他不當行為，負上民事法律責任？如有的話，則提供詳情。
12. 如在過去 10 年內，你透過擔任某法人團體或保險人的董事或控權人（《保險業條例》（第 41 章）第 9 條所指者），而與該法人團體或保險人有聯繫，則在你有此聯繫的期間，或在你停止此聯繫後的一年內，該法人團體或保險人有否在香港或其他地方被強制清盤、與其債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。
- （註：就並非保險人的法人團體而言，“控權人”（controller）須解釋為提述一名假若屬公司便會按照《公司條例》（第 622 章）第 13 條成為該法人團體的控權公司的人。）
13. 你——
- (a) 現在是哪些法人團體或保險人的董事或控權人（《保險業條例》（第 41 章）第 9 條所指者）？
- (b) 在過去 10 年內，曾是哪些法人團體或保險人的董事或控權人（《保險業條例》（第 41 章）第 9 條所指者）？
14. 除上述第 6 及 13 段披露的職業外，你曾否有任何其他職業？如有的話，則提供詳情。

Schedule 4

S4-12
Cap. 41

10. Have you, in the last 10 years, failed to satisfy any debt adjudged due and payable by you as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.
11. Have you, in connection with the formation or management of a body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by you towards the body or insurer or towards any members of the body or insurer? If so, give full particulars.
12. Has any body corporate or insurer with which you were associated as director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41)) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while you were associated with it or within one year after you ceased to be associated with it? If so, give full particulars.
- (Note: In relation to a body corporate which is not an insurer, “controller” (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).
13. Of what bodies corporate or insurers—
- (a) are you now a director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41))?
- (b) have you been a director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41)) during the last 10 years?
14. Have you had any other occupation other than that disclosed at paragraphs 6 and 13 above? If so, give full particulars.

S4-13

附表 4

第 41 章

15. 你在履行職責時，是否會按照任何其他人的指示或指令而行事？如會的話，則提供詳情。
16. 你認為與本申請相關或對本申請事關重要的任何額外資料。

本人核證：盡本人所知所信，上述資料是詳盡及正確的。

日期：

簽署：
(在上述第 1 段內列名的個人。)

本人核證 +
已提供上述資料，而就 * 而言，該名個人 ——

- #(a) # 獲建議委任為《保險業條例》(第 41 章)第 13A(12)條所指的控權人／獲建議依據《保險業條例》(第 41 章)第 13AC(1)條委任為董事；
- #(b) 是 ++
的合夥人，此合夥 # 獲建議委任為《保險業條例》(第 41 章)第 13A(12)條所指的控權人／獲建議依據《保險業條例》(第 41 章)第 13AC(1)條委任為董事；
- #(c) 獲建議委任為《保險業條例》(第 41 章)第 50B 條所指的勞合社獲授權代表。

Schedule 4

S4-14

Cap. 41

15. In carrying out your duties, will you be acting on the directions or instructions of any other person? If so, give full particulars.
16. Any additional information that you consider to be relevant or material to this application.

I certify that the above information is complete and correct to the best of my knowledge and belief.

Date

Signed
(individual named in paragraph 1 above.)

I certify that+
has supplied the above information and that in respect of*
the individual is—

- #(a) proposed to be appointed as a #controller within the meaning of section 13A(12) of the Insurance Ordinance (Cap. 41)/director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41);
- #(b) a partner in ++
which is proposed to be appointed as a #controller within the meaning of section 13A(12) of the Insurance Ordinance (Cap. 41)/director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41);

S4-15
第 41 章

附表 4

Schedule 4

S4-16
Cap. 41

#(c) proposed to be appointed as an authorized representative of Lloyd's under section 50B of the Insurance Ordinance (Cap. 41).

日期：

Date

簽署：
#(獲授權保險人的 # 董事／秘書)/
(勞合社的主席)

Signed.....
#(#Director/Secretary of the
Authorized Insurer)/
(Chairman of Lloyd's)

- * 填寫獲授權保險人的名稱或勞合社。
- + 填寫建議委任的個人的姓名。
- ++ 填寫合夥的名稱。
- # 視乎需要而刪去。

(由 1999 年第 51 號第 7 條代替。由 2000 年第 32 號第 48 條修訂；由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 及 93 條修訂；由 2017 年第 72 號法律公告修訂)

- * Insert name of Authorized Insurer or Lloyd's.
- + Insert name of individual to whom particulars relate.
- ++ Insert name of partnership.
- # Delete as necessary.

(Replaced 51 of 1999 s. 7. Amended 32 of 2000 s. 48; 28 of 2012 ss. 912 & 920; 12 of 2015 s. 93; L.N. 72 of 2017)

S4-17
第 41 章

附表 4

表格 A1

[附表 4 第 2 段]

須就建議委任為《保險業條例》(第 41 章)
第 13AE(12) 條所指的管控要員的個人而提交的詳情

提名人名稱 *

以下為下述者的詳情 ——

#(a) †.....
#(b) ‡..... ,
當中 †..... 是一名合
夥人。

1. 姓 名
.....
你為人所知或曾為人所知的任何其他姓名
.....。
2. 私人地址。
3. 出生日期。
出生地點 (包括市鎮或城市)。
4. 國籍，包括說明是因出生或入籍而取得有關國籍。
5. 資歷及經驗，包括關乎保險及有關保險事宜方面的資歷及經驗。
6. 現時職業或受僱情況，以及過去 10 年有關 (《保險業條例》(第 41 章) 第 13AE(12) 條所指的) 管控職能的職業及受僱情況，包括僱主姓名或名稱、業務性質、所擔任的職位及有關日期。

Schedule 4

S4-18
Cap. 41

Form A1

[para. 2, Sch. 4]

Particulars Required in Respect of Individuals who are
Proposed to be Appointed as Key Persons in Control
Functions within Meaning of Section 13AE(12) of
Insurance Ordinance (Cap. 41)

Name of Proposer*

The following are particulars of—

#(a) †.....
#(b) ‡..... ,
of which †..... is a partner.

1. Family name Other names
.....
Any other name(s) by which you have been known or are known
.....
2. Private address.
3. Date of birth.
Place of birth (including town or city).
4. Nationality, including a statement as to whether it was acquired by birth or naturalization.
5. Qualifications and experience, including those relating to insurance and allied matters.
6. Present occupation or employment and occupations and employment during the last 10 years relating to the control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)), including the name of the employer, the nature of the business, the position held and relevant dates.

S4-19

附表 4

第 41 章

7. 指明你將負責的(《保險業條例》(第 41 章)第 13AE(12)條所指的)管控職能的類別。你是否將獨自負責或與該保險人的其他人士共同負責該等管控職能？如是後者，則提供該名或該等其他要員的詳情(包括姓名、角色及職位)，並詳述你們如何共同負責該等管控職能。(註：每名共同管控要員須分別填寫表格。)
8. 你從屬於誰？就該保險人內部的人、於該保險人的總辦事處的人及於該保險人的母公司的人(視屬何情況而定)，描述你的層級架構或從屬關係，另提供一份架構表，以顯示你在該保險人的管治架構、業務及營運單位內的位置，以及你分別在該等架構及單位內的從屬關係。
9. 你曾否在香港或其他地方，被任何法院(包括軍事法庭)裁定犯任何刑事罪行？如有的話，詳述定罪的法院、所犯罪行、判處的罰則及定罪日期。但如罪行是你在 16 歲或未滿 16 歲時所犯，而犯罪日期距今已超過 10 年，則無需填報。
10. 如在過去 10 年內，你曾在香港或其他地方——
 - (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，
 則提供詳情。

Schedule 4

S4-20

Cap. 41

7. Specify the kind of control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)) that you will be responsible for. Will you be solely responsible or jointly responsible for the control functions with any other person or persons of the insurer? For the latter case, give particulars (including name, role and position) of the other key person or persons and describe in detail how you are jointly responsible for the control functions. (Note: Separate form is required for each joint key person in control functions.)
8. To whom are you reporting? Describe the reporting structure or reporting lines that you have in relation to people within the insurer, people at the head office of the insurer and people at the parent company of the insurer, as may be appropriate. Provide an organizational chart showing where you are in the management and governance structure, business and operational units of the insurer and your respective reporting lines.
9. Have you been convicted of any criminal offence (other than an offence committed more than 10 years ago when you were of or under the age of 16 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which you were convicted, the offence and the penalty imposed and the date of the conviction.
10. If, in the last 10 years, you have been—
 - (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
 give full particulars.

S4-21

附表 4

第 41 章

11. 你曾否在過去 10 年內，在香港或其他地方，被你現在所屬或曾屬的專業團體譴責、紀律處分或公開批評，或從任何職位或受僱職位被撤職，或曾被拒絕加入任何專業或職業？如有的話，則提供詳情。
12. 你曾否被香港法院或外地法院判決破產？如有的話，則提供詳情。
13. 你曾否在過去 10 年內，沒有償還根據香港法院或外地法院的命令判決你作為判定債務人所欠及須繳付的任何債務？如有的話，則提供詳情。
14. 你曾否就某法人團體或保險人的成立或管理，被香港法院或外地法院判須就你對該法人團體或保險人或其任何成員作出的欺詐、失當行為或其他不當行為，負上民事法律責任？如有的話，則提供詳情。
15. 如在過去 10 年內，你透過擔任某法人團體或保險人的(《保險業條例》(第 41 章)第 13AE(12)條所指的)管控要員，而與該法人團體或保險人有聯繫，則在你有此聯繫的期間，或在你停止此聯繫後的一年內，該法人團體或保險人有否在香港或其他地方被強制清盤、與其債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。
16. 你——
 - (a) 現在是哪些法人團體或保險人的(《保險業條例》(第 41 章)第 13AE(12)條所指的)管控要員？
 - (b) 在過去 10 年內，曾是哪些法人團體或保險人的(《保險業條例》(第 41 章)第 13AE(12)條所指的)管控要員？

Schedule 4

S4-22

Cap. 41

11. Have you, in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by a professional body to which you belong or belonged, or been dismissed from any office or employment, or been refused entry to any profession or occupation? If so, give full particulars.
12. Have you been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.
13. Have you, in the last 10 years, failed to satisfy any debt adjudged due and payable by you as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.
14. Have you, in connection with the formation or management of a body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by you towards the body or insurer or towards any members of the body or insurer? If so, give full particulars.
15. Has any body corporate or insurer with which you were associated as key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while you were associated with it or within one year after you ceased to be associated with it? If so, give full particulars.
16. Of what bodies corporate or insurers—
 - (a) are you now a key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41))?
 - (b) have you been a key person in control functions (within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41)) during the last 10 years?

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附表 4

第 41 章

17. 除上述第 6 及 16 段披露的職業外，你曾否有任何其他職業？如有的話，則提供詳情。
18. 你在履行職責時，是否會按照任何其他人的指示或指令而行事？如會的話，則提供詳情。
19. 你認為與本申請相關或對本申請事關重要的任何額外資料。

本人核證：盡本人所知及所信，上述資料是詳盡及正確的。

日期：

簽署：
(在上述第 1 段內
列名的個人)

本人核證†
已提供上述資料，而就 * 而言，該名
個人 ——

- #(a) 獲建議委任為《保險業條例》(第 41 章) 第 13AE(12) 條所指的管控要員，負責執行 # 風險管理的職能 / 財務管控的職能 / 合規職能 / 內部審核的職能 / 精算職能 / 管理中介人的職能；

Schedule 4

S4-24

Cap. 41

17. Have you had any other occupation other than that disclosed at paragraphs 6 and 16 above? If so, give full particulars.
18. In carrying out your duties, will you be acting on the directions or instructions of any other person? If so, give full particulars.
19. Any additional information that you consider to be relevant or material to this application.

I certify that the above information is complete and correct to the best of my knowledge and belief.

Date

Signed
(Individual named in
paragraph 1 above.)

I certify that†
has supplied the above information and that in respect
of* the individual is—

- #(a) proposed to be appointed as a key person in control functions within the meaning of section 13AE(12) of the Insurance Ordinance (Cap. 41) and is responsible for the performance of the #risk management function/financial control function/compliance function/internal audit function/actuarial function/intermediary management function;

S4-25
第 41 章

附表 4

#(b) 是 ‡
 的合夥人，此合夥獲建議委任為《保險業條例》(第 41 章)
 第 13AE(12) 條所指的管控要員，負責執行 # 風險管理的
 職能 / 財務管控的職能 / 合規職能 / 內部審核的職能 / 精算
 職能 / 管理中介人的職能。

日期：

簽署：
 (獲授權保險人的
 # 董事 / 秘書)

- * 填寫獲授權保險人的名稱。
- † 填寫詳情所關乎的個人的姓名。
- ‡ 填寫合夥的名稱。
- # 視乎需要而刪去。

(表格 A1 由 2017 年第 72 號法律公告增補)

Schedule 4

S4-26
Cap. 41

#(b) a partner in ‡ which is proposed to
 be appointed as a key person in control functions within the
 meaning of section 13AE(12) of the Insurance Ordinance
 (Cap. 41) and is responsible for the performance of the #risk
 management function/financial control function/compliance
 function/internal audit function/actuarial function/intermediary
 management function.

Date

Signed
 (#Director/Secretary of the
 Authorized Insurer.)

- * Insert name of Authorized Insurer.
- † Insert name of individual to whom particulars relate.
- ‡ Insert name of partnership.
- # Delete as necessary.

(Form A1 added L.N. 72 of 2017)

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第 41 章

附表 4

表格 A2

[附表 4 第 2 段]

須就建議根據《保險業條例》(第 41 章) 第 15 條委任為
精算師的個人(該條例第 15(3A) 條適用者) 而提交的
詳情

提名人名稱 *

以下為下述者的詳情 ——

#(a) †.....
#(b) ‡..... ,
當中 † 是一名合
夥人。

1. 姓 名
你為人所知或曾為人所知的任何其他姓名
.....。
2. 私人地址。
3. 出生日期。
出生地點 (包括市鎮或城市)。
4. 國籍，包括說明是因出生或入籍而取得有關國籍。
5. 教育及專業資格，包括具有精算教育及專業資格的詳情、有關教育機構及專業團體的全名及有關日期。

Schedule 4

S4-28
Cap. 41

Form A2

[para. 2, Sch. 4]

**Particulars Required in Respect of Individuals who are
Proposed to be Appointed as Actuaries under Section
15 of Insurance Ordinance (Cap. 41) where Section
15(3A) of the Ordinance Applies**

Name of Proposer*

The following are particulars of—

#(a) †.....
#(b) ‡..... ,
of which † is a
partner.

1. Family name Other names
Any other name(s) by which you have been known or are known
.....
2. Private address.
3. Date of birth.
Place of birth (including town or city).
4. Nationality, including a statement as to whether it was acquired by birth or naturalization.
5. Educational and professional qualifications, including details of actuarial educational and professional qualifications possessed, full name of the relevant educational organizations and professional bodies and relevant dates.

S4-29

附表 4

第 41 章

6. 你是否具有《保險業條例》(第 41 章)第 15(1)(b) 條所指的任何訂明精算專業資格？如沒有的話，則提供為使保監局能考慮是否接受你的精算專業資格的任何其他資料。
7. 你會否遵從《保險業條例》(第 41 章)第 15C 條所指的訂明標準？如不會的話，則提供你會遵從並可與該等訂明標準相比的其他標準的詳情，以及為使保監局能考慮是否接受該等其他標準的任何其他資料。
8. 現時職業或受僱情況，以及過去 10 年的職業及受僱情況，包括僱主姓名或名稱、業務性質、所擔任的職位、與精算工作相關的經驗的詳情及有關日期。
9. 你從屬於誰？就該保險人內部的人、於該保險人的總辦事處的人及於該保險人的母公司的人（視屬何情況而定），描述你的層級架構或從屬關係。
10. 你曾否在香港或其他地方，被任何法院（包括軍事法庭）裁定犯任何刑事罪行？如有的話，詳述定罪的法院、所犯罪行、判處的罰則及定罪日期。但如罪行是你在 16 歲或未滿 16 歲時所犯，而犯罪日期距今已超過 10 年，則無需填報。
11. 如在過去 10 年內，你曾在香港或其他地方——
 - (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，
 則提供詳情。

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6. Do you possess any one of the prescribed actuarial professional qualifications for the purposes of section 15(1)(b) of the Insurance Ordinance (Cap. 41)? If not, give any other information that enables the Authority to consider whether your actuarial professional qualifications possessed are acceptable.
7. Will you comply with the prescribed standards under section 15C of the Insurance Ordinance (Cap. 41)? If not, give details of other standards being comparable to the prescribed standards with which you will comply, and any other information that enables the Authority to consider whether those other standards are acceptable.
8. Present occupation or employment and occupations and employment during the last 10 years, including the name of the employer, the nature of the business, the position held, details of experience relating to actuarial work and relevant dates.
9. To whom are you reporting? Describe the reporting structure or reporting lines that you have in relation to people within the insurer, people at the head office of the insurer and people at the parent company of the insurer, as may be appropriate.
10. Have you been convicted of any criminal offence (other than an offence committed more than 10 years ago when you were of or under the age of 16 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which you were convicted, the offence and the penalty imposed and the date of the conviction.
11. If, in the last 10 years, you have been—
 - (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or

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12. 你曾否在過去 10 年內，在香港或其他地方，被你現在所屬或曾屬的專業團體譴責、紀律處分或公開批評，或從任何職位或受僱職位被撤職，或曾被拒絕加入任何專業或職業？如有的話，則提供詳情。
13. 你曾否被香港法院或外地法院判決破產？如有的話，則提供詳情。
14. 你曾否在過去 10 年內，沒有償還根據香港法院或外地法院的命令判決你作為判定債務人所欠及須繳付的任何債務？如有的話，則提供詳情。
15. 你曾否就某法人團體或保險人的成立或管理，被香港法院或外地法院判須就你對該法人團體或保險人或其任何成員作出的欺詐、失當行為或其他不當行為，負上民事法律責任？如有的話，則提供詳情。
16. 如在過去 10 年內，你透過擔任某法人團體或保險人根據《保險業條例》(第 41 章)第 15 條委任的精算師，而與該法人團體或保險人有聯繫，則在你有此聯繫的期間，或在你停止此聯繫後的一年內，該法人團體或保險人有否在香港或其他地方被強制清盤、與其債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。
17. 你——
 - (a) 現在是哪些法人團體或保險人的、根據《保險業條例》(第 41 章)第 15 條委任的精算師？
 - (b) 在過去 10 年內，曾是哪些法人團體或保險人的、根據《保險業條例》(第 41 章)第 15 條委任的精算師？

Schedule 4

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- (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
give full particulars.
12. Have you, in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by a professional body to which you belong or belonged, or been dismissed from any office or employment, or been refused entry to any profession or occupation? If so, give full particulars.
13. Have you been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.
14. Have you, in the last 10 years, failed to satisfy any debt adjudged due and payable by you as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.
15. Have you, in connection with the formation or management of a body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by you towards the body or insurer or towards any members of the body or insurer? If so, give full particulars.
16. Has any body corporate or insurer with which you were associated as actuary appointed under section 15 of the Insurance Ordinance (Cap. 41) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while you were associated with it or within one year after you ceased to be associated with it? If so, give full particulars.
17. Of what bodies corporate or insurers—
 - (a) are you now an actuary appointed under section 15 of the Insurance Ordinance (Cap. 41)?

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18. 除上述第 8 及 17 段披露的職業外，你曾否有任何其他職業，包括你接受的任何額外聘任，而所履行的任何職責或職能是等同於根據《保險業條例》(第 41 章)第 15 條委任的精算師的職責或職能？如有的話，則提供詳情。
19. 你在履行職責時，是否會按照任何其他人的指示或指令而行事？如會的話，則提供詳情。
20. 你認為與本申請相關或對本申請事關重要的任何額外資料。

本人核證：盡本人所知及所信，上述資料是詳盡及正確的。

日期：

簽署：

(在上述第 1 段內
列名的個人)

本人核證†

已提供上述資料，而就 * 而言，該名個人 ——

#(a) 獲建議根據《保險業條例》(第 41 章)第 15 條委任為精算師(《保險業條例》(第 41 章)第 15(3A)條適用者)；

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- (b) have you been an actuary appointed under section 15 of the Insurance Ordinance (Cap. 41) during the last 10 years?
18. Have you had any other occupation other than that disclosed at paragraphs 8 and 17 above, including any additional engagements accepted by you to carry out any duty or function that is equivalent to any duty or function of actuaries appointed under section 15 of the Insurance Ordinance (Cap. 41)? If so, give full particulars.
19. In carrying out your duties, will you be acting on the directions or instructions of any other person? If so, give full particulars.
20. Any additional information that you consider to be relevant or material to this application.

I certify that the above information is complete and correct to the best of my knowledge and belief.

Date

Signed

(Individual named in
paragraph 1 above.)

I certify that†
has supplied the above information and that in respect
of* the individual is—

#(a) proposed to be appointed as an actuary under section 15 of the Insurance Ordinance (Cap. 41) where section 15(3A) of the Insurance Ordinance (Cap. 41) applies;

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附表 4

#(b) 是 ‡
的合夥人，而該合夥獲建議根據《保險業條例》(第 41 章)
第 15 條委任為精算師(《保險業條例》(第 41 章)第 15(3A)
條適用者)。

日期：

簽署：

(獲授權保險人的
董事 / 秘書)

- * 填寫獲授權保險人的名稱。
- † 填寫詳情所關乎的個人的姓名。
- ‡ 填寫合夥的名稱。
- # 視乎需要而刪去。

(表格 A2 由 2017 年第 72 號法律公告增補)

表格 B

[附表 4 第 2 段]

**須就建議依據《保險業條例》(第 41 章)第 13AC(1) 條
委任為董事的法人團體而提交的詳情**

獲授權保險人名稱 *

Schedule 4

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#(b) a partner in ‡ which is proposed to be
appointed as an actuary under section 15 of the Insurance
Ordinance (Cap. 41) where section 15(3A) of the Insurance
Ordinance (Cap. 41) applies.

Date

Signed

(#Director/Secretary of the
Authorized Insurer.)

- * Insert name of Authorized Insurer.
- † Insert name of individual to whom particulars relate.
- ‡ Insert name of partnership.
- # Delete as necessary.

(Form A2 added L.N. 72 of 2017)

Form B

[para. 2, Sch. 4]

**Particulars Required in Respect of Bodies Corporate
which are Proposed to be Appointed as Directors
Pursuant to Section 13AC(1) of Insurance Ordinance
(Cap. 41)**

Name of Authorized Insurer*

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第 41 章

附表 4

以下為符合下述說明的法人團體的詳情：現時有建議，依據《保險業條例》(第 41 章)第 13AC(1) 條，委任該法人團體為上述獲授權保險人的董事，或該法人團體屬某合夥的合夥人，而現時有建議，委任該合夥為上述獲授權保險人的董事。

1. 法人團體的名稱及地址及註冊辦事處的地址 (如與法人團體地址不同)。
2. 主要業務活動。
3. 在香港設立的主要營業地點的地址。
4. 成立為法團的日期及地點。
5. 註冊號碼 (如有的話)。
6. 每名董事及《保險業條例》(第 41 章)第 9 條所指的控權人的全名及住址。
(註：就並非保險人的法人團體而言，“控權人”(controller)須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章)第 13 條成為該法人團體的控權公司的人)。
7. 主要銀行的名稱及地址。
8. 最近 3 個完整財政年度的帳目，及最近 4 年發給股東的任何報告、決議及其他通告的詳情。如適用的話，另附上一份上述保險人的股權表。
9. 所有附屬公司及任何控權公司或最終控權公司的名稱、成立為法團的地點及主要活動。
(註：由代名人持有的股份須視為其主事人持有的股份)。

Schedule 4

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Cap. 41

The following are particulars of a body corporate which is proposed to be appointed as a director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41), or which is a partner in a partnership which is proposed to be appointed as a director, of the above-named Authorized Insurer.

1. Name and address of body corporate and address of registered office (where different).
2. Principal business activity.
3. Address of principal place of business established in Hong Kong.
4. Date and place of incorporation.
5. Registered number (if any).
6. Full name and residential address of every director and every controller within the meaning of section 9 of the Insurance Ordinance (Cap. 41).
(Note: In relation to a body corporate which is not an insurer, “controller” (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).
7. Name and address of main bank.
8. Accounts for the last 3 completed financial years and particulars of any reports, resolutions and other circulars issued to shareholders during the last 4 years. Attach a shareholding chart of the insurer where applicable.
9. Name, place of incorporation and principal activities of all subsidiary companies and of any holding company or ultimate holding company.
(Note: Shares held by a nominee are to be treated as shares held by the nominee’s principal).

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附表 4

†10. 如屬《公司條例》(第 622 章)第 2(1) 條所界定的非香港公司——

(a) 其《公司條例》(第 622 章)第 774 條所界定的獲授權代表的姓名或名稱及地址；

(b) 根據在《公司條例》(第 622 章)附表 9 第 2 條的生效日期^{##}之前不時有效的《公司條例》(第 32 章)第 XI 部或根據《公司條例》(第 622 章)第 777 條發出的註冊證明書的日期。

10A. 如在過去 10 年內，上述法人團體曾在香港或其他地方——

(a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；

(b) 被任何監管當局譴責、紀律處分或公開批評；或

(c) 成為任何監管當局的調查對象，

則提供詳情。

11. 如在過去 10 年內，上述法人團體透過擔任某法人團體或保險人的董事或控權人，而與該法人團體或保險人有聯繫，則在上述法人團體有此聯繫的期間，或在上述法人團體停止此聯繫後的一年內，該法人團體或保險人有否在香港或其他地方被強制清盤、與其債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。

Schedule 4

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Cap. 41

†10. In the case of a non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622)—

(a) name(s) and address(es) of its authorized representative(s) as defined by section 774 of the Companies Ordinance (Cap. 622);

(b) date of the certificate of registration issued under Part XI of the Companies Ordinance (Cap. 32) as in force from time to time before the commencement date^{##} of section 2 of Schedule 9 to the Companies Ordinance (Cap. 622) or under section 777 of the Companies Ordinance (Cap. 622).

10A. If, in the last 10 years, the above-named body corporate has been—

(a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;

(b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or

(c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,

give full particulars.

11. Has any body corporate or insurer with which the above-named body corporate was associated as director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41)) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while the above-named body corporate was associated with it or within one year after the above-named body corporate ceased to be associated with it? If so, give full particulars.

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附表 4

(註：就並非保險人的法人團體而言，“控權人”(controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章) 第 13 條成為該法人團體的控權公司的人)。

本人核證：盡本人所知所信，上述資料是詳盡及正確的，本人並核證本通知是在上述法人團體知悉和同意的情況下送達的。

日期：

簽署：
(法人團體的 † 董事 / 秘書)

† 本人核證上述資料是上述法團提供，而就 *

而言 ——

†(a) 上述法人團體獲建議依據《保險業條例》(第 41 章) 第 13AC(1) 條委任為董事；

†(b) # 獲建議依據《保險業條例》(第 41 章) 第 13AC(1) 條委任為董事，而上述法人團體為該合夥的合夥人。

日期：

Schedule 4

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(Note: In relation to a body corporate which is not an insurer, “controller” (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).

I certify that the above information is complete and correct to the best of my knowledge and belief and I certify that this notice is served with the knowledge and consent of the above-named body corporate.

Date

Signed
(†Director/Secretary of body corporate.)

†I certify that the above particulars have been supplied by the above-named body corporate and that in respect of*

†(a) the above-named body corporate is proposed to be appointed as a director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41);

†(b) # of which the above-named body corporate is a partner is proposed to be appointed as a director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41).

Date

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附表 4

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簽署：.....
(獲授權保險人的 † 董事 / 秘書)

Signed.....
(†Director/Secretary of the Authorized Insurer.)

* 填寫獲授權保險人的名稱。

† 視乎需要而刪去。

填寫合夥的名稱。

(由 2000 年第 32 號第 48 條修訂；由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 及 93 條修訂；由 2017 年第 72 號法律公告修訂)

* Insert name of Authorized Insurer.

† Delete as necessary.

Insert name of partnership.

(Amended 32 of 2000 s. 48; 28 of 2012 ss. 912 & 920; 12 of 2015 s. 93; L.N. 72 of 2017)

編輯附註：

生效日期：2014 年 3 月 3 日。

Editorial Note:

Commencement date: 3 March 2014.

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附表 5

Schedule 5

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Cap. 41**附表 5**[第 13B 及 138 條]
(由 2015 年第 12 號第 94 條代替)**建議成為第 13B(1) 條所指的控權人的人**(附表 5 由 1990 年第 44 號第 10 條增補)
(格式變更 — 2017 年第 4 號編輯修訂紀錄)**1. 附表 5 的應用**

本附表開列建議成為獲授權保險人的控權人 (本條例第 13B(1) 條所指者) 的人須向保監局提交的資料。

(由 2015 年第 12 號第 2 條修訂)

2. 建議成為控權人的人的詳情

任何人依據本條例第 13B(2)(a) 條向保監局提交的資料，須載有以下詳情 —— (由 2015 年第 12 號第 2 條修訂)

- (a) 如該人屬個人，本附表表格 A 內的詳情；
- (b) 如該人屬法人團體，本附表表格 B 內的詳情；及
- (c) 如該人屬合夥性質 ——
 - (i) 關於每名屬個人的合夥人在本附表表格 A 內的詳情；
 - (ii) 關於每名屬法人團體的合夥人在本附表表格 B 內的詳情。

Schedule 5(Replaced 12 of 2015 s. 94)
[ss. 13B & 138]
(Replaced 12 of 2015 s. 94)**Person Proposing to Become Controller Within the
Meaning of Section 13B(1)**(Schedule 5 added 44 of 1990 s. 10)
(Format changes—E.R. 4 of 2017)**1. Application of Schedule 5**

(Amended 12 of 2015 s. 94)

This Schedule sets out the information to be furnished to the Authority by a person proposing to become a controller (within the meaning of section 13B(1) of this Ordinance) of an authorized insurer.

(Amended 12 of 2015 s. 2)

2. Particulars of proposed controller

Any particulars furnished by a person to the Authority pursuant to section 13B(2)(a) of this Ordinance shall contain— (Amended 12 of 2015 s. 2)

- (a) in the case of an individual, the particulars in Form A in this Schedule;
- (b) in the case of a body corporate, the particulars in Form B in this Schedule; and
- (c) in the case of a partnership—
 - (i) the particulars in Form A in this Schedule in respect of each partner who is an individual;

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附表 5

Schedule 5

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Cap. 41

- (ii) the particulars in Form B in this Schedule in respect of each partner which is a body corporate.

表格 A

[附表 5 第 2 段]

須就建議成為《保險業條例》(第 41 章) 第 13B(1) 條所
指的控權人的個人而提交的詳情

獲授權保險人名稱 *

以下為下述者的詳情 ——

#(a) †.....

#(b) ‡..... 當中 †.....

..... 是一名合夥人。

1. 姓 名
.....

你為人所知或曾為人所知的任何其他姓名
.....。

2. 私人地址。

3. 出生日期。

出生地點 (包括市鎮或城市) 。

Form A

[para. 2, Sch. 5]

**Particulars Required in Respect of Individuals who are
Proposing to Become Controllers within Meaning of
Section 13B(1) of Insurance Ordinance (Cap. 41)**

Name of Authorized Insurer*

The following are particulars of—

#(a) †.....

#(b) ‡....., of which †.....

..... is a partner.

1. Family name Other names
.....

Any other name(s) by which you have been known or are known
.....

2. Private address.

3. Date of birth.

Place of birth (including town or city).

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第 41 章

附表 5

4. 國籍，包括說明是因出生或入籍而取得有關國籍。
5. 資歷及經驗，包括關乎保險及有關保險事宜方面的資歷及經驗。
6. 現時職業或受僱情況，以及過去 10 年內的職業及受僱情況，包括僱主姓名或名稱、業務性質、所擔任的職位及有關日期。
- 6A. 你從屬於誰？就該保險人內部的人、於該保險人的總辦事處的人及於該保險人的母公司的人（視屬何情況而定），描述你的層級架構或從屬關係，如適用的話，另附上一份該保險人的建議股權表。
7. 你曾否在香港或其他地方，被任何法院（包括軍事法庭）裁定犯任何刑事罪行？如有的話，詳述定罪的法院、所犯罪行、判處的罰則及定罪日期。但如罪行是你在 16 歲或未滿 16 歲時所犯，而犯罪日期距今已超過 10 年，則無需填報。
- 7A. 如在過去 10 年內，你曾在香港或其他地方——
 - (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，則提供詳情。

Schedule 5

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Cap. 41

4. Nationality, including a statement as to whether it was acquired by birth or naturalization.
5. Qualifications and experience, including those relating to insurance and allied matters.
6. Present occupation or employment and occupations and employment during the last 10 years, including the name of the employer, the nature of the business, the position held and relevant dates.
- 6A. To whom are you reporting? Describe the reporting structure or reporting lines that you have in relation to people within the insurer, people at the head office of the insurer and people at the parent company of the insurer, as may be appropriate. Attach a proposed shareholding chart of the insurer where applicable.
7. Have you been convicted of any criminal offence (other than an offence committed more than 10 years ago when you were of or under the age of 16 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which you were convicted, the offence and the penalty imposed and the date of the conviction.
- 7A. If, in the last 10 years, you have been—
 - (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
 give full particulars.

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第 41 章

8. 你曾否在過去 10 年內，在香港或其他地方，被你現在所屬或曾屬的專業團體譴責、紀律處分或公開批評，或從任何職位或受僱職位被撤職，或曾被拒絕加入任何專業或職業？如有的話，則提供詳情。
9. 你曾否被香港法院或外地法院判決破產？如有的話，則提供詳情。
10. 你曾否在過去 10 年內，沒有償還根據香港法院或外地法院的命令判決你作為判定債務人所欠及須繳付的任何債務？如有的話，則提供詳情。
11. 你曾否就某法人團體或保險人的成立及管理，被香港法院或外地法院判須就你對該法人團體或保險人或其任何成員作出的欺詐、失當行為或其他不當行為，負上民事法律責任？如有的話，則提供詳情。
12. 你在過去 10 年內，透過擔任董事或控權人(《保險業條例》(第 41 章)第 9 條所指者)而與其有聯繫的任何法人團體或保險人，在你與該法人團體或保險人有聯繫時，或在你停止與該法人團體或保險人有聯繫的一年內，有否在香港或其他地方被強制清盤、與債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。

(註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章) 第 13 條成為該法人團體的控權公司的人)。

Schedule 5

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Cap. 41

8. Have you, in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by a professional body to which you belong or belonged, or been dismissed from any office or employment, or been refused entry to any profession or occupation? If so, give full particulars.
9. Have you been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.
10. Have you, in the last 10 years, failed to satisfy any debt adjudged due and payable by you as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.
11. Have you, in connection with the formation or management of a body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by you towards the body or insurer or towards any members of the body or insurer? If so, give full particulars.
12. Has any body corporate or insurer with which you were associated as director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41)) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while you were associated with it or within one year after you ceased to be associated with it? If so, give full particulars.

(Note: In relation to a body corporate which is not an insurer, **controller** (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).

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附表 5

Schedule 5

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13. 你 ——
- (a) 現在是哪些法人團體或保險人的董事或《保險業條例》(第 41 章) 第 9 條所指的控權人？
- (b) 在過去 10 年內，曾是哪些法人團體或保險人的董事或《保險業條例》(第 41 章) 第 9 條所指的控權人？
14. 除上述第 6 及 13 段披露的職業外，你曾否有任何其他職業？如有的話，則提供詳情。
15. 你在履行職責時，是否會按照任何其他人的指示或指導而行事？如會的話，則提供詳情。
16. 你認為與本申請相關或對本申請事關重要的任何額外資料。

本人核證 ——

- (a) 盡本人所知及所信，上述資料是詳盡及正確的；及
- (b) 就 * 而言，本人 ——
- # (i) 正建議成為《保險業條例》(第 41 章) 第 13B(1) 條所指的控權人；
- # (ii) 是 ‡ 的合夥人，此合夥正建議成為《保險業條例》(第 41 章) 第 13B(1) 條所指的控權人。

日期：

13. Of what bodies corporate or insurers—
- (a) are you now a director or controller within the meaning of section 9 of the Insurance Ordinance (Cap. 41)?
- (b) have you been a director or controller within the meaning of section 9 of the Insurance Ordinance (Cap. 41) during the last 10 years?
14. Have you had any other occupation other than that disclosed at paragraphs 6 and 13 above? If so, give full particulars.
15. In carrying out your duties, will you be acting on the directions or instructions of any other person? If so, give full particulars.
16. Any additional information that you consider to be relevant or material to this application.

I certify that—

- (a) the above information is complete and correct to the best of my knowledge and belief; and
- (b) in respect of* I am—
- # (i) proposing to become a controller within the meaning of section 13B(1) of the Insurance Ordinance (Cap. 41);
- # (ii) a partner in ‡ which is proposing to become a controller within the meaning of section 13B(1) of the Insurance Ordinance (Cap. 41).

Date

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附表 5

Schedule 5

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簽署：
(名列上述第 1 段內的個人)

Signed
(individual named in
paragraph 1 above.)

* 填寫獲授權保險人的名稱。

† 填寫詳情所關乎的個人的姓名。

‡ 填寫合夥的名稱。

視乎需要而刪去。

(由 2003 年第 14 號第 24 條修訂；由 2012 年第 28 號第 912 及 920 條
修訂；由 2015 年第 12 號第 2 條修訂；由 2017 年第 72 號法律公告修訂)

* Insert name of Authorized Insurer.

† Insert name of individual to whom particulars relate.

‡ Insert name of partnership.

Delete as necessary.

(Amended 28 of 2012 ss. 912 & 920; 12 of 2015 ss. 2 & 94; L.N. 72 of
2017)

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第 41 章

附表 5

Schedule 5

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Cap. 41**表格 B**

[附表 5 第 2 段]

**須就建議成為《保險業條例》(第 41 章) 第 13B(1) 條所
指的控權人的法人團體而提交的詳情**

獲授權保險人名稱 *

以下為建議成為上述保險人的控權人 (《保險業條例》(第 41 章)
第 13B(1) 條所指者) 的法人團體或合夥的合夥人的詳情。

1. 法人團體的名稱及地址及註冊辦事處的地址 (如與法人團體地址不同) 。
2. 主要業務活動。
3. 在香港設立的主要營業地點的地址。
4. 成立為法團的日期及地點。
5. 註冊號碼 (如有的話) 。

Form B

[para. 2, Sch. 5]

**Particulars Required in Respect of Bodies Corporate
which are Proposing to Become Controllers within
Meaning of Section 13B(1) of Insurance Ordinance
(Cap. 41)**

Name of Authorized Insurer*

The following are particulars of a body corporate which is proposing to become a controller within the meaning of section 13B(1) of the Insurance Ordinance (Cap. 41), or which is a partner in a partnership which is proposing to become such a controller, of the above-named Insurer.

1. Name and address of body corporate and address of registered office (where different).
2. Principal business activity.
3. Address of principal place of business established in Hong Kong.
4. Date and place of incorporation.
5. Registered number (if any).

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附表 5

第 41 章

6. 每名董事及《保險業條例》(第 41 章)第 9 條所指的控權人的全名及住址。

(註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章)第 13 條成為該法人團體的控權公司的人)。

7. 主要銀行的名稱及地址。

8. 最近 3 個完整財政年度的帳目，及最近 4 年發給股東的任何報告、決議及其他通告的詳情。如適用的話，另附上一份上述保險人的建議股權表。

9. 所有附屬公司及任何控權公司或最終控權公司的名稱、成立為法團的地點及主要活動。

(註：由代名人持有的股份須視為其主事人持有的股份)。

- †10. 如屬《公司條例》(第 622 章)第 2(1) 條所界定的非香港公司——

- (a) 其《公司條例》(第 622 章)第 774 條所界定的獲授權代表的姓名或名稱及地址；
- (b) 根據在《公司條例》(第 622 章)附表 9 第 2 條的生效日期^{##}之前不時有效的《公司條例》(第 32 章)第 XI 部或根據《公司條例》(第 622 章)第 777 條發出的註冊證明書的日期。

Schedule 5

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Cap. 41

6. Full name and residential address of every director and every controller within the meaning of section 9 of the Insurance Ordinance (Cap. 41).

(Note: In relation to a body corporate which is not an insurer, **controller** (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).

7. Name and address of main bank.

8. Accounts for the last 3 completed financial years and particulars of any reports, resolutions and other circulars issued to shareholders during the last 4 years. Attach a proposed shareholding chart of the insurer where applicable.

9. Name, place of incorporation and principal activities of all subsidiary companies and of any holding company or ultimate holding company.

(Note: Shares held by a nominee are to be treated as shares held by the nominee's principal).

- †10. In the case of a non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622)—

- (a) name(s) and address(es) of its authorized representative(s) as defined by section 774 of the Companies Ordinance (Cap. 622);
- (b) date of the certificate of registration issued under Part XI of the Companies Ordinance (Cap. 32) as in force from time to time before the commencement date^{##} of section 2 of Schedule 9 to the Companies Ordinance (Cap. 622) or under section 777 of the Companies Ordinance (Cap. 622).

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附表 5

第 41 章

- 10A. 如在過去 10 年內，上述法人團體曾在香港或其他地方 ——
- (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，則提供詳情。
11. 上述法人團體在過去 10 年內，透過擔任董事或控權人(《保險業條例》(第 41 章)第 9 條所指者)而與其有聯繫的任何法人團體或保險人，在其與該法人團體或保險人有聯繫時，或在其停止與該法人團體或保險人有聯繫的一年內，有否在香港或其他地方被強制清盤、與債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。

(註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章)第 13 條成為該法人團體的控權公司的人)。

本人核證 ——

- (a) 盡本人所知及所信，上述資料是詳盡及正確的；
- (b) 就 * 而言 ——

Schedule 5

S5-18

Cap. 41

- 10A. If, in the last 10 years, the above-named body corporate has been—
- (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere, give full particulars.
11. Has any body corporate or insurer with which the above-named body corporate was associated as director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41)) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while the above-named body corporate was associated with it or within one year after the above-named body corporate ceased to be associated with it? If so, give full particulars.

(Note: In relation to a body corporate which is not an insurer, **controller** (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).

I certify that—

- (a) the above information is complete and correct to the best of my knowledge and belief;
- (b) in respect of * —

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附表 5

Schedule 5

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- †(i) 上述法人團體正建議成為《保險業條例》(第 41 章)第 13B(1) 條所指的控權人；
- †(ii) ‡.....
(上述法人團體為其合夥人)正建議成為《保險業條例》(第 41 章)第 13B(1) 條所指的控權人；及
- (c) 本通知是在上述法人團體知悉和同意的情況下送達的。

- †(i) the above-named body corporate is proposing to become a controller within the meaning of section 13B(1) of the Insurance Ordinance (Cap. 41);
- †(ii) ‡.....
of which the above-named body corporate is a partner is proposing to become a controller within the meaning of section 13B(1) of the Insurance Ordinance (Cap. 41); and
- (c) this notice is served with the knowledge and consent of the above-named body corporate.

日期：.....

Date

簽署：.....
(法人團體的 † 董事 / 秘書)

Signed
(† Director/Secretary
of body corporate.)

* 填寫獲授權保險人的名稱。

† 視乎需要而刪去。

‡ 填寫合夥的名稱。

(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂；
由 2017 年第 72 號法律公告修訂)

* Insert name of Authorized Insurer.

† Delete as necessary.

‡ Insert name of partnership.

(Amended 28 of 2012 ss. 912 & 920; 12 of 2015 ss. 2 & 94; L.N. 72 of
2017)

編輯附註：

生效日期：2014 年 3 月 3 日。

Editorial Note:

Commencement date: 3 March 2014.

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第 41 章

附表 6

Schedule 6

S6-2
Cap. 41**附表 6**[第 13B 及 138 條]
(由 2015 年第 12 號第 95 條代替)**在違反第 13B(2) 條的情況下成為獲授權保險人控權人的人**(由 2015 年第 12 號第 2 條修訂)
(附表 6 由 1990 年第 44 號第 10 條增補)
(格式變更 —— 2017 年第 4 號編輯修訂紀錄)**1. 附表 6 的應用**

本附表開列本條例第 13B(1) 條適用的獲授權保險人的控權人 (本條例第 13B(1) 條所指者) 須向保監局提交的資料。

(由 2015 年第 12 號第 2 條修訂)

2. 控權人的詳情

獲授權保險人的控權人 (本條例第 13B(1) 條所指者) 依據本條例第 13B(3) 條提交的資料，須載有以下詳情 —— (由 2015 年第 12 號第 2 條修訂)

- (a) 如該控權人屬個人，本附表表格 A 內的詳情；
- (b) 如該控權人屬法人團體，本附表表格 B 內的詳情；及
- (c) 如該控權人屬合夥性質 ——

Schedule 6(Replaced 12 of 2015 s. 95)
[ss. 13B & 138]
(Replaced 12 of 2015 s. 95)**Person who has Become Controller of Authorized Insurer in Contravention of Section 13B(2)**(Amended 12 of 2015 s. 2)
(Schedule 6 added 44 of 1990 s. 10)
(Format changes—E.R. 4 of 2017)**1. Application of Schedule 6**

(Amended 12 of 2015 s. 95)

This Schedule sets out the information to be furnished to the Authority by a controller (within the meaning of section 13B(1) of this Ordinance) of an authorized insurer to whom section 13B(3) of this Ordinance applies.

(Amended 12 of 2015 s. 2)

2. Particulars of controller

Any particulars furnished by a controller within the meaning of section 13B(1) of this Ordinance of an authorized insurer pursuant to section 13B(3) of this Ordinance shall contain— (Amended 12 of 2015 s. 2)

- (a) in the case of an individual, the particulars in Form A in this Schedule;
- (b) in the case of a body corporate, the particulars in Form B in this Schedule; and
- (c) in the case of a partnership—

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第 41 章

附表 6

- (i) 關於每名屬個人的合夥人在本附表表格 A 內的詳情；
- (ii) 關於每名屬法人團體的合夥人在本附表表格 B 內的詳情。

表格 A

[附表 6 第 2 段]

須就在違反《保險業條例》(第 41 章) 第 13B(2) 條的情況下成為控權人的個人提交的詳情

獲授權保險人名稱 *

以下為下述者的詳情 ——

#(a) †.....

#(b) ‡....., 當中 †.....

..... 是一名合夥人, 而此合夥已
於 (日期) 成為《保險業條例》(第 41 章) 第
13B(1) 條所指的控權人。

1. 姓 名

你為人所知或曾為人所知的任何其他姓名

2. 私人地址。

3. 出生日期。

出生地點 (包括市鎮或城市) 。

4. 國籍, 包括說明是否因出生或入籍而取得有關國籍。

5. 資歷及經驗, 包括關乎保險及有關保險事宜方面的資歷及經驗。

Schedule 6

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Cap. 41

- (i) the particulars in Form A in this Schedule in respect of each partner who is an individual;
- (ii) the particulars in Form B in this Schedule in respect of each partner which is a body corporate.

Form A

[para. 2, Sch. 6]

**Particulars Required in Respect of Individuals who
have Become Controllers in Contravention of Section
13B(2) of Insurance Ordinance (Cap. 41)**

Name of Authorized Insurer*

The following are particulars of—

#(a) †.....

#(b) ‡....., of which †.....

..... is a partner, which became a
controller within the meaning of section 13B(1) of the
Insurance Ordinance (Cap. 41) on
(date).

1. Family name Other names

Any other name(s) by which you have been known or are known

2. Private address.

3. Date of birth.

Place of birth (including town or city).

4. Nationality, including a statement as to whether it was acquired by birth or naturalization.

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附表 6

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6. 現時職業或受僱情況，以及過去 10 年內的職業及受僱情況，包括僱主姓名或名稱、業務性質、所擔任的職位及有關日期。
- 6A. 你從屬於誰？就該保險人內部的人、於該保險人的總辦事處的人及於該保險人的母公司的人（視屬何情況而定），描述你的層級架構或從屬關係。
7. 你曾否在香港或其他地方，被任何法院（包括軍事法庭）裁定犯任何刑事罪行？如有的話，詳述定罪的法院、所犯罪行、判處的罰則及定罪日期。但如罪行是你在 16 歲或未滿 16 歲時所犯，而犯罪日期距今已超過 10 年，則無需填報。
- 7A. 如在過去 10 年內，你曾在香港或其他地方——
 - (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，則提供詳情。
8. 你曾否在過去 10 年內，在香港或其他地方，被你現在所屬或曾屬的專業團體譴責、紀律處分或公開批評，或從任何職位或受僱職位被撤職，或曾被拒絕加入任何專業或職業？如有的話，則提供詳情。
9. 你曾否被香港法院或外地法院判決破產？如有的話，則提供詳情。
10. 你曾否在過去 10 年內，沒有償還根據香港法院或外地法院的命令判決你作為判定債務人所欠及須繳付的任何債務？如有的話，則提供詳情。
11. 你曾否就某法人團體或保險人的成立及管理，被香港法院或外地法院判須就你對該法人團體或保險人或其任何成員作出的欺詐、失當行為或其他不當行為，負上民事法律責任？如有的話，則提供詳情。

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5. Qualifications and experience, including those relating to insurance and allied matters.
6. Present occupation or employment and occupations and employment during the last 10 years, including the name of the employer, the nature of the business, the position held and relevant dates.
- 6A. To whom are you reporting? Describe the reporting structure or reporting lines that you have in relation to people within the insurer, people at the head office of the insurer and people at the parent company of the insurer, as may be appropriate.
7. Have you been convicted of any criminal offence (other than an offence committed more than 10 years ago when you were of or under the age of 16 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which you were convicted, the offence and the penalty imposed and the date of the conviction.
- 7A. If, in the last 10 years, you have been—
 - (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
 give full particulars.
8. Have you, in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by a professional body to which you belong or belonged, or been dismissed from any office or employment, or been refused entry to any profession or occupation? If so, give full particulars.
9. Have you been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.
10. Have you, in the last 10 years, failed to satisfy any debt adjudged due and payable by you as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.

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附表 6

第 41 章

12. 你在過去 10 年內，透過擔任董事或控權人(《保險業條例》(第 41 章)第 9 條所指者)而與其有聯繫的任何法人團體或保險人，在你與該法人團體或保險人有聯繫時，或在你停止與該法人團體或保險人有聯繫的一年內，有否在香港或其他地方被強制清盤、與債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。
(註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章)第 13 條成為該法人團體的控權公司的人)。
13. 你——
(a) 現在是哪些法人團體或保險人的董事或《保險業條例》(第 41 章)第 9 條所指的控權人？
(b) 在過去 10 年內，曾是哪些法人團體或保險人的董事或《保險業條例》(第 41 章)第 9 條所指的控權人？
14. 除上述第 6 及 13 段披露的職業外，你曾否有任何其他職業？如有的話，則提供詳情。
15. 提供你成為《保險業條例》(第 41 章)第 13B(1) 條所指的控權人所憑藉的情況(參照《保險業條例》(第 41 章)第 13B(1) 條)的詳情，如適用的話，另附上一份該保險人的股權表。
16. 你在履行職責時，是否會按照任何其他人的指示或指導而行事？如會的話，則提供詳情。

Schedule 6

S6-8

Cap. 41

11. Have you, in connection with the formation or management of a body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by you towards the body or insurer or towards any members of the body or insurer? If so, give full particulars.
12. Has any body corporate or insurer with which you were associated as director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41)) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while you were associated with it or within one year after you ceased to be associated with it? If so, give full particulars.
(Note: In relation to a body corporate which is not an insurer, **controller** (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).
13. Of what bodies corporate or insurers—
(a) are you now a director or controller within the meaning of section 9 of the Insurance Ordinance (Cap. 41)?
(b) have you been a director or controller within the meaning of section 9 of the Insurance Ordinance (Cap. 41) during the last 10 years?
14. Have you had any other occupation other than that disclosed at paragraphs 6 and 13 above? If so, give full particulars.
15. Give particulars of the circumstances (by reference to section 13B(1) of the Insurance Ordinance (Cap. 41)) by virtue of which you became a controller within the meaning of section 13B(1) of the Insurance Ordinance (Cap. 41), and attach a shareholding chart of the insurer where applicable.
16. In carrying out your duties, will you be acting on the directions or instructions of any other person? If so, give full particulars.

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附表 6

Schedule 6

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本人核證：盡本人所知及所信，上述資料是詳盡及正確的。

日期：

簽署：
(名列上述第 1 段內的個人)

- * 填寫獲授權保險人的名稱。
- † 填寫詳情所關乎的個人的姓名。
- ‡ 填寫合夥的名稱。
- # 視乎需要而刪去。

(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂；
由 2017 年第 72 號法律公告修訂)

I certify that the above information is complete and correct to the best of my knowledge and belief.

Date

Signed.....
(individual named in paragraph 1
above.)

- * Insert name of Authorized Insurer.
- † Insert name of individual to whom particulars relate.
- ‡ Insert name of partnership.
- # Delete as necessary.

(Amended 28 of 2012 ss. 912 & 920; 12 of 2015 ss. 2 & 95; L.N. 72 of
2017)

S6-11
第 41 章

附表 6

表格 B

[附表 6 第 2 段]

須就在違反《保險業條例》(第 41 章)第 13B(2) 條的情況下成為控權人的法人團體提交的詳情

獲授權保險人名稱 *

以下為於..... (日期) 成為上述保險人的控權人(《保險業條例》(第 41 章)第 13B(1) 條所指者)的法人團體或†..... 的法人團體合夥人的詳情。

1. 法人團體的名稱及地址及註冊辦事處的地址(如與法人團體地址不同)。
2. 主要業務活動。
3. 在香港設立的主要營業地點的地址。
4. 成立為法團的日期及地點。
5. 註冊號碼(如有的話)。
6. 每名董事及《保險業條例》(第 41 章)第 9 條所指的控權人的全名及住址。
(註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章)第 13 條成為該法人團體的控權公司的人)。
7. 主要銀行的名稱及地址。
8. 最近 3 個完整財政年度的帳目，及最近 4 年發給股東的任何報告、決議及其他通告的詳情。

Schedule 6

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Cap. 41

Form B

[para. 2, Sch. 6]

Particulars Required in Respect of Bodies Corporate which have Become Controllers in Contravention of Section 13B(2) of Insurance Ordinance (Cap. 41)

Name of Authorized Insurer*

The following are particulars of a body corporate which became a controller within the meaning of section 13B(1) of the Insurance Ordinance (Cap. 41), or which is a partner in † which became such a controller, of the above-named Insurer on (date).

1. Name and address of body corporate and address of registered office (where different).
2. Principal business activity.
3. Address of principal place of business established in Hong Kong.
4. Date and place of incorporation.
5. Registered number (if any).
6. Full name and residential address of every director and every controller within the meaning of section 9 of the Insurance Ordinance (Cap. 41).
(Note: In relation to a body corporate which is not an insurer, “**controller**” (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).
7. Name and address of main bank.
8. Accounts for the last 3 completed financial years and particulars of any reports, resolutions and other circulars issued to shareholders during the last 4 years.

S6-13

附表 6

第 41 章

9. 所有附屬公司及任何控權公司或最終控權公司的名稱、成立為法團的地點及主要活動。
(註：由代名人持有的股份須視為其主事人持有的股份)。
- ‡10. 如屬《公司條例》(第 622 章)第 2(1) 條所界定的非香港公司——
- (a) 其《公司條例》(第 622 章)第 774 條所界定的獲授權代表的姓名或名稱及地址；
 - (b) 根據在《公司條例》(第 622 章)附表 9 第 2 條的生效日期^{###}之前不時有效的《公司條例》(第 32 章)第 XI 部或根據《公司條例》(第 622 章)第 777 條發出的註冊證明書的日期。
- 10A. 如在過去 10 年內，上述法人團體曾在香港或其他地方——
- (a) 被任何監管當局拒絕或限制行使從事任何行業、業務或專業的權利；
 - (b) 被任何監管當局譴責、紀律處分或公開批評；或
 - (c) 成為任何監管當局的調查對象，則提供詳情。
- ‡11. 提供上述法人團體成為《保險業條例》(第 41 章)第 13B(1) 條所指的控權人所憑藉的情況(參照《保險業條例》(第 41 章)第 13B(1) 條)的詳情，如適用的話，另附上一份該保險人的股權表。

Schedule 6

S6-14

Cap. 41

9. Name, place of incorporation and principal activities of all subsidiary companies and of any holding company or ultimate holding company.
(Note: Shares held by a nominee are to be treated as shares held by the nominee's principal).
- ‡10. In the case of a non-Hong Kong company as defined by section 2(1) of the Companies Ordinance (Cap. 622)—
- (a) name(s) and address(es) of its authorized representative(s) as defined by section 774 of the Companies Ordinance (Cap. 622);
 - (b) date of the certificate of registration issued under Part XI of the Companies Ordinance (Cap. 32) as in force from time to time before the commencement date^{###} of section 2 of Schedule 9 to the Companies Ordinance (Cap. 622) or under section 777 of the Companies Ordinance (Cap. 622).
- 10A. If, in the last 10 years, the above-named body corporate has been—
- (a) refused or restricted from the right to carry on any trade, business or profession by any regulatory authority in Hong Kong or elsewhere;
 - (b) censured, disciplined or publicly criticized by any regulatory authority in Hong Kong or elsewhere; or
 - (c) the subject of an investigation conducted by any regulatory authority in Hong Kong or elsewhere,
- give full particulars.
- ‡11. Give particulars of circumstances (by reference to section 13B(1) of the Insurance Ordinance (Cap. 41)) by virtue of which the above-named body corporate became a controller within the meaning of section 13B(1) of the Insurance Ordinance (Cap. 41), and attach a shareholding chart of the insurer where applicable.

S6-15

附表 6

第 41 章

12. 上述法人團體在過去 10 年內，透過擔任董事或控權人(《保險業條例》(第 41 章)第 9 條所指者)而與其有聯繫的任何法人團體或保險人，在其與該法人團體或保險人有聯繫時，或在其停止與該法人團體或保險人有聯繫的一年內，有否在香港或其他地方被強制清盤、與債權人達成債務妥協或債務償還安排，或在其債權人沒有或尚未獲全數清償他們的申索的情況下停業？如有的話，則提供詳情。

(註：就並非保險人的法人團體而言，**控權人** (controller) 須解釋為提述一名假若屬公司便會按照《公司條例》(第 622 章)第 13 條成為該法人團體的控權公司的人)。

本人核證：盡本人所知及所信，上述資料是詳盡及正確的，本人並核證本通知是在上述法人團體知悉和同意的情況下送達的。

日期：

簽署：
(法人團體的 ‡ 董事 / 秘書)

- * 填寫獲授權保險人的名稱。
- † 填寫合夥的名稱。
- ‡ 視乎需要而刪去。

Schedule 6

S6-16

Cap. 41

12. Has any body corporate or insurer with which the above-named body corporate was associated as director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41)) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either while the above-named body corporate was associated with it or within one year after the above-named body corporate ceased to be associated with it? If so, give full particulars.

(Note: In relation to a body corporate which is not an insurer, **controller** (控權人) is to be construed as a reference to a person who would, if the person were a company, be a holding company of that body in accordance with section 13 of the Companies Ordinance (Cap. 622)).

I certify that the above information is complete and correct to the best of my knowledge and belief and I certify that this notice is served with the knowledge and consent of the above-named body corporate.

Date

Signed.....
(‡Director/Secretary of body corporate.)

- * Insert name of Authorized Insurer.
- † Insert name of partnership.
- ‡ Delete as necessary.

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第 41 章

附表 6

(由 2012 年第 28 號第 912 及 920 條修訂；由 2015 年第 12 號第 2 條修訂；
由 2017 年第 72 號法律公告修訂)

編輯附註：

生效日期：2014 年 3 月 3 日。

Schedule 6

S6-18
Cap. 41

(Amended 28 of 2012 ss. 912 & 920; 12 of 2015 ss. 2 & 95; L.N. 72 of
2017)

Editorial Note:

Commencement date: 3 March 2014.

S7-1
第 41 章

附表 7

Schedule 7

S7-2
Cap. 41**附表 7**[第 38B 及 138 條]
(由 2015 年第 12 號第 96 條代替)**Schedule 7**(Replaced 12 of 2015 s. 96)
[ss. 38B & 138]
(Replaced 12 of 2015 s. 96)**獲授權保險人經理的權力**(由 2015 年第 12 號第 2 條修訂)
(附表 7 由 1992 年第 51 號第 17 條增補)**Powers of Manager of Authorized Insurer**(Amended 12 of 2015 s. 2)
(Schedule 7 added 51 of 1992 s. 17)

1. 進行管有、收集及收取獲授權保險人的財產，並為該目的而採取他認為合宜的法律程序的權力。
2. 以公開拍賣或私人合約方式出售或處置獲授權保險人的財產的權力。
3. 籌集或借入款項，並為此以獲授權保險人的財產作為抵押的權力。
4. 委任律師或會計師或其他具備專業資格的人士協助他執行其職能的權力。
5. 以獲授權保險人的名義及代其提起任何訴訟或其他法律程序或進行辯護的權力。
6. 將影響獲授權保險人的任何問題提交仲裁的權力。
7. 就獲授權保險人的業務及財產投保及維持保險的權力。

1. Power to take possession of, collect and get in the property of the authorized insurer and, for that purpose, to take such proceedings as may seem to him expedient.
2. Power to sell or otherwise dispose of the property of the authorized insurer by public auction or private contract.
3. Power to raise or borrow money and grant security therefor over the property of the authorized insurer.
4. Power to appoint a solicitor or accountant or other professionally qualified person to assist him in the performance of his functions.
5. Power to bring or defend any action or other legal proceedings in the name and on behalf of the authorized insurer.
6. Power to refer to arbitration any question affecting the authorized insurer.
7. Power to effect and maintain insurances in respect of the business and property of the authorized insurer.

S7-3
第 41 章

附表 7

Schedule 7

S7-4
Cap. 41

- | | |
|---|--|
| <p>8. 使用獲授權保險人的印章的權力。</p> <p>9. 以獲授權保險人的名義及代其作出所有作為及簽立任何契據、收據或其他文件的權力。</p> <p>10. 以獲授權保險人的名義及代其開立、承兌、開出及背書任何匯票或承付書的權力。</p> <p>11. 委任任何代理人進行任何業務的權力，該等業務是他自己不能進行或由代理人進行更為方便者，以及僱用及解僱僱員的權力。</p> <p>12. 作出為變現獲授權保險人的財產所需作出的任何事情（包括進行工程）的權力。</p> <p>13. 作出執行其職能所需或所附帶的付款的權力。</p> <p>14. 經營獲授權保險人業務的權力。</p> <p>15. 批出獲授權保險人財產的租契或租賃或接受其退回的權力，以及獲取任何獲授權保險人業務所需或任何利便獲授權保險人業務的財產租契或租賃的權力。</p> <p>16. 代獲授權保險人作任何債務償還安排或債務妥協的權力。</p> <p>17. 催繳獲授權保險人未催繳股本的權力。</p> | <p>8. Power to use the authorized insurer's seal.</p> <p>9. Power to do all acts and to execute in the name and on behalf of the authorized insurer any deed, receipt or other document.</p> <p>10. Power to draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the authorized insurer.</p> <p>11. Power to appoint any agent to do any business which he is unable to do himself or which can more conveniently be done by an agent and power to employ and dismiss employees.</p> <p>12. Power to do all such things (including the carrying out of works) as may be necessary for the realisation of the property of the authorized insurer.</p> <p>13. Power to make any payment which is necessary or incidental to the performance of his functions.</p> <p>14. Power to carry on the business of the authorized insurer.</p> <p>15. Power to grant or accept a surrender of a lease or tenancy of any of the property of the authorized insurer, and to take a lease or tenancy of any property required or convenient for the business of the authorized insurer.</p> <p>16. Power to make any arrangement or compromise on behalf of the authorized insurer.</p> <p>17. Power to call up any uncalled capital of the authorized insurer.</p> |
|---|--|

S7-5
第 41 章

附表 7

-
18. 在獲授權保險人的債務人破產、無力償債、財物遭扣押或清盤時有要求順序攤還或作出申索及接受攤還債款的權力，以及對為任何該類人士的債權人作出的信託契據給予同意的權力。
19. 為獲授權保險人提出清盤呈請或就該呈請作辯護的權力。
20. 提出或反對第 45(1) 條提述的申請的權力。
21. 更改獲授權保險人註冊辦事處地點的權力。
22. 作出行使本附表指明權力的一切其他附帶事情的權力。
(由 2015 年第 12 號第 2 條修訂)
-

Schedule 7

S7-6
Cap. 41

-
18. Power to rank and claim in the bankruptcy, insolvency, sequestration or liquidation of any person indebted to the authorized insurer and to receive dividends, and to accede to trust deeds for the creditors of any such person.
19. Power to present or defend a petition for the winding up of the authorized insurer.
20. Power to make or oppose an application referred to in section 45(1).
21. Power to change the situation of the authorized insurer's registered office.
22. Power to do all other things incidental to the exercise of the powers specified in this Schedule.

(Amended 12 of 2015 s. 2)

S8-1
第 41 章

附表 8

Schedule 8

S8-2
Cap. 41**附表 8**[第 25A 及 138 條]
(由 2015 年第 12 號第 97 條代替)**可歸入在香港的資產的資產**(附表 8 由 1994 年第 26 號第 8 條增補)
(格式變更 —— 2017 年第 4 號編輯修訂紀錄)

1. 以下各項可歸入在香港的資產 ——
 - (a) 位於香港的土地財產，包括其批租權益；
 - (b) 位於香港的電腦設備、辦公室機器、家具、汽車及其他設備；
 - (c) 在香港儲存在認可機構的金錢，不論屬何種貨幣或貨幣單位；(由 1999 年第 51 號第 8 條修訂；由 2015 年第 12 號第 97 條修訂)
 - (d) 在香港發行的債券或其他證券，而該等債券或證券在香港的有關登記冊是可轉讓及可登記的；如屬由證書證明的債券或其他證券，該等證書在當其時是保存在香港的；
 - (e) 在香港以外地方發行的債券或其他證券，而該等債券或其他證券的證書在當其時是保存在香港，並可藉交付而轉讓的 (不論是否有背書)；
 - (f) 在當其時是保存在香港的可轉讓匯票 (《匯票條例》(第 19 章) 所指者) 或其他可轉讓票據；
 - (g) 任何公司的股份，不論該公司在何地成立為法團或是否屬本條例第 2(1) 條內公司 (company) 定義的公司，而該等股份 ——
 - (i) 只可在香港的有關登記冊轉讓及登記；或

Schedule 8(Replaced 12 of 2015 s. 97)
[ss. 25A & 138]
(Replaced 12 of 2015 s. 97)**Assets which Qualify as Assets in Hong Kong**(Schedule 8 added 26 of 1994 s. 8)
(Amended E.R. 4 of 2017)

1. The following qualify as assets in Hong Kong—
 - (a) real property, including a leasehold interest therein, located in Hong Kong;
 - (b) computer equipment, office machinery, furniture, motor vehicles and other equipment located in Hong Kong;
 - (c) money, in any currency or monetary unit, deposited and kept in Hong Kong at an authorized institution; (Amended 51 of 1999 s. 8; 12 of 2015 s. 97)
 - (d) bonds or other securities issued in Hong Kong provided that they are transferable and registrable at a register in Hong Kong and, in the case of bonds or other securities which are evidenced by certificates, the certificates for them are for the time being kept in Hong Kong;
 - (e) bonds or other securities issued outside Hong Kong, the certificates for which are for the time being kept in Hong Kong and which are transferable by delivery, with or without endorsement;
 - (f) negotiable bills of exchange, within the meaning of the Bills of Exchange Ordinance (Cap. 19), or other

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- (ii) 在通常業務運作中，是在香港的有關登記冊轉讓及登記，且其證書（如有的話）在當其時是保存在香港的；
- (h) 只可藉在香港法院進行的法律程序而強制執行的債務，但不包括就分出的再保險合約下的未決申索而可予追償的款額；
- (i) 單位信託中的任何權益，而該權益在香港是可予變現，且其管限法律已明文述為香港的管限法律，而非任何其他管限法律。（由 2002 年第 5 號第 407 條修訂）

2. 就第 1(i) 段而言，**單位信託** (unit trust) 指任何安排，而其目的或效果是提供設施，使人能以信託受益人的身分分享由取得、持有、管理或處置證券或任何其他財產而產生的利潤或收入。（由 2002 年第 5 號第 407 條增補）

- negotiable instruments which are for the time being kept in Hong Kong;
- (g) shares in respect of a company, wherever incorporated and whether or not it comes within the definition of **company** (公司) in section 2(1) of this Ordinance, which shares are—
 - (i) transferable and registrable only at a register in Hong Kong; or
 - (ii) in the ordinary course of business, transferred and registered at a register in Hong Kong and the certificates for which (if any) are for the time being kept in Hong Kong;
- (h) debts that may be enforced only by legal proceedings in a Hong Kong court, other than amounts recoverable in respect of claims outstanding under reinsurance contracts ceded;
- (i) an interest in a unit trust which is realizable in Hong Kong and in respect of which the governing law of the trust is expressly stated to be that of Hong Kong to the exclusion of all others. (Amended 5 of 2002 s. 407)

2. For the purpose of paragraph 1(i), **unit trust** (單位信託) means any arrangement made for the purpose, or having the effect, of providing facilities for the participation by persons, as beneficiaries under a trust, in profits or income arising from the acquisition, holding, management or disposal of securities or any other property whatsoever. (Added 5 of 2002 s. 407)

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附表 9 —— 第 1 部

Schedule 9—Part 1

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Cap. 41**附表 9**

[第 96 及 138 條]

指明決定

(附表 9 由 2015 年第 12 號第 98 條增補)

第 1 部**就保險人作出的指明決定**

| 第 1 欄 | 第 2 欄 | 第 3 欄 |
|-------|-----------------------------------|---------------------|
| 項 | 決定的描述 | 條文 |
| 1. | 以第 8(2) 或 (3) 條適用為由，拒絕給予經營保險業務的授權 | 第 8(1)(b)(i) 條 |
| 2. | 拒絕給予經營保險業務的授權 | 第 8(1)(b)(ii) 條 |
| 3. | 施加、修訂或撤銷關乎經營保險業務的授權的條件 | 第 8(1)(a) 或 12(1) 條 |
| 4. | 拒絕認可委任個人為獲授權保險人的控權人 | 第 13A(5) 條 |

Schedule 9

[ss. 96 & 138]

Specified Decisions

(Schedule 9 added 12 of 2015 s. 98)

Part 1**Specified Decisions Made in relation to Insurers**

| Column 1 | Column 2 | Column 3 |
|----------|---|--------------------------|
| Item | Description of decision | Provision |
| 1. | Refusal to grant an authorization to carry on insurance business on the grounds that section 8(2) or (3) applies | Section 8(1)(b)(i) |
| 2. | Refusal to grant an authorization to carry on insurance business | Section 8(1)(b)(ii) |
| 3. | Imposition, amendment or revocation of a condition in relation to an authorization to carry on insurance business | Section 8(1)(a) or 12(1) |
| 4. | Refusal to approve the appointment of an individual as a controller of an authorized insurer | Section 13A(5) |

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附表 9 —— 第 1 部

| 第 1 欄 | 第 2 欄 | 第 3 欄 |
|-------|--------------------------------------|-------------|
| 項 | 決定的描述 | 條文 |
| 5. | 撤銷對委任個人為獲授權保險人的控權人的認可 | 第 13A(7) 條 |
| 6. | 拒絕認可委任某人為獲授權保險人的董事 | 第 13AC(5) 條 |
| 7. | 撤銷對委任某人為獲授權保險人的董事的認可 | 第 13AC(7) 條 |
| 8. | 拒絕認可委任個人為獲授權保險人的管控要員 | 第 13AE(5) 條 |
| 9. | 撤銷對委任個人為獲授權保險人的管控要員的認可 | 第 13AE(7) 條 |
| 10. | 施加、修訂或撤銷關乎認可獲授權保險人的控權人、董事或管控要員的委任的條件 | 第 13AF 條 |
| 11. | 反對建議某人為獲授權保險人的控權人 | 第 13B(4) 條 |

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| Column 1 | Column 2 | Column 3 |
|----------|---|-----------------|
| Item | Description of decision | Provision |
| 5. | Revocation of approval of appointment of an individual as a controller of an authorized insurer | Section 13A(7) |
| 6. | Refusal to approve the appointment of a person as a director of an authorized insurer | Section 13AC(5) |
| 7. | Revocation of approval of appointment of a person as a director of an authorized insurer | Section 13AC(7) |
| 8. | Refusal to approve the appointment of an individual as a key person in control functions of an authorized insurer | Section 13AE(5) |
| 9. | Revocation of approval of appointment of an individual as a key person in control functions of an authorized insurer | Section 13AE(7) |
| 10. | 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 | Section 13AF |
| 11. | Objection to a person being proposed to become a controller of an authorized insurer | Section 13B(4) |

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附表 9 —— 第 1 部

| 第 1 欄 | 第 2 欄 | 第 3 欄 |
|-------|------------------------------|-------------|
| 項 | 決定的描述 | 條文 |
| 12. | 反對獲授權保險人的控權人或董事的委任 | 第 14(4) 條 |
| 13. | 拒絕認可委任某人為獲授權保險人的精算師 | 第 15(3D) 條 |
| 14. | 撤銷對委任某人為獲授權保險人的精算師的認可 | 第 15(3F) 條 |
| 15. | 施加、修訂或撤銷關乎認可獲授權保險人的精算師的委任的條件 | 第 15AA 條 |
| 16. | 反對獲授權保險人的精算師的委任 | 第 15B(2A) 條 |
| 17. | 對獲授權保險人訂立或更改保險合約施加限制 | 第 27 條 |
| 18. | 對獲授權保險人施加有關投資的規定 | 第 28 條 |
| 19. | 對獲授權保險人施加有關維持在香港的資產的規定 | 第 29 條 |

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| Column 1 | Column 2 | Column 3 |
|----------|--|-----------------|
| Item | Description of decision | Provision |
| 12. | Objection to the appointment of a controller or director of an authorized insurer | Section 14(4) |
| 13. | Refusal to approve the appointment of a person as an actuary of an authorized insurer | Section 15(3D) |
| 14. | Revocation of approval of the appointment of a person as an actuary of an authorized insurer | Section 15(3F) |
| 15. | Imposition, amendment or revocation of a condition in relation to the approval of appointment of an actuary of an authorized insurer | Section 15AA |
| 16. | Objection to the appointment of an actuary of an authorized insurer | Section 15B(2A) |
| 17. | Imposition of a restriction on effecting or varying contracts of insurance by an authorized insurer | Section 27 |
| 18. | Imposition of a requirement on an authorized insurer about investments | Section 28 |
| 19. | Imposition of a requirement on an authorized insurer about maintenance of assets in Hong Kong | Section 29 |

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附表 9 —— 第 1 部

| 第 1 欄 | 第 2 欄 | 第 3 欄 |
|-------|----------------------------|------------|
| 項 | 決定的描述 | 條文 |
| 20. | 對獲授權保險人施加關於資產保管的附加規定 | 第 30 條 |
| 21. | 對獲授權保險人收到的保費收入施加限制 | 第 31 條 |
| 22. | 對獲授權保險人施加規定 | 第 35(1) 條 |
| 23 | 就獲授權保險人的事務、業務及財產發出指示 | 第 35(2) 條 |
| 24. | 撤銷或更改根據第 27 至 35(1) 條施加的規定 | 第 38(1) 條 |
| 25. | 釐定由獲授權保險人向顧問或經理支付的酬金及開支 | 第 38E(5) 條 |
| 26. | 行使針對獲授權保險人採取紀律行動的權力 | 第 41P(1) 條 |
| 27. | 拒絕認可委任某人為勞合社的獲授權代表 | 第 50B 條 |

Schedule 9—Part 1

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| Column 1 | Column 2 | Column 3 |
|----------|---|----------------|
| Item | Description of decision | Provision |
| 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) |
| 26. | Exercise of power to take disciplinary action against an authorized insurer | Section 41P(1) |
| 27. | Refusal to approve the appointment of a person as the authorized representative of Lloyd's | Section 50B |

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附表 9 —— 第 2 部

| 第 1 欄 | 第 2 欄 | 第 3 欄 |
|-------|----------------------|---------|
| 項 | 決定的描述 | 條文 |
| 28. | 撤銷對委任某人為勞合社的獲授權代表的認可 | 第 50B 條 |
| 29. | 行使針對勞合社等採取紀律行動的權力 | 第 50G 條 |

第 2 部

(增補尚未實施——見 2015 年第 12 號第 98 條)

Schedule 9—Part 2

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| Column 1 | Column 2 | Column 3 |
|----------|---|-------------|
| Item | Description of decision | Provision |
| 28. | Revocation of approval of the appointment of a person as the authorized representative of Lloyd's | Section 50B |
| 29. | Exercise of power to take disciplinary action against Lloyd's, etc. | Section 50G |

Part 2

(Addition not yet in operation—see 12 of 2015 s. 98)

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附表 10

Schedule 10

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Cap. 41**附表 10**

[第 97、98、99、102、105 及 117 條]

審裁處的成員委任及研訊程序等

(附表 10 由 2015 年第 12 號第 98 條增補)

1. 釋義

(1) 在本附表中 ——

上訴委員 (panel member) 指根據本附表第 2 條委出的委員團的委員；**主席** (chairperson) 指審裁處主席；**局長** (Secretary) 指財經事務及庫務局局長；**普通成員** (ordinary member) 指並非主席的審裁處成員；**覆核申請** (application for review) 指根據第 100 條提出的申請。

(2) 在本附表中 ——

各方 (parties)、**指明決定** (specified decision) 及 **覆核** (review) 的涵義，與第 XII 部中該等詞語的涵義相同。**2. 委出委員團**

(1) 在符合第 98 條的規定下，行政長官須委任委員團的成員，委員團的成員人數，視行政長官認為適當而定。

(2) 上訴委員 ——

(a) 不得是公職人員 (僅憑藉根據任何條例設立的委員會或審裁處的主席的身分而屬公職人員者除外)；亦

Schedule 10

[ss. 97, 98, 99, 102, 105 & 117]

Appointment of Members and Proceedings of Tribunal, etc.

(Schedule 10 added 12 of 2015 s. 98)

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.

(2) A panel member—

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- (b) 不得是保監局成員。
- (3) 除第 (4) 及 (5) 款另有規定外，上訴委員的任期為行政長官認為適當的期間，並可在本條例其他條文的規限下，不時獲再度委任。
- (4) 上訴委員可隨時藉向行政長官發出書面通知而辭職。
- (5) 行政長官可基於某上訴委員喪失履行職務能力、破產、疏於職守、有利益衝突或行為不當的理由，藉書面通知將該委員免任。
- (6) 為免生疑問，第 97(3) 條並不規定須根據本條委出多於一個委員會。

3. 主席的委任

- (1) 主席須由行政長官委任。
- (2) 主席須 ——
- (a) 由上訴法庭的前任上訴法庭法官出任；
- (b) 由原訟法庭的前任法官或前任暫委法官出任；或
- (c) 由根據《高等法院條例》(第 4 章) 第 9 條有資格獲委任為高等法院法官的人出任。
- (3) 主席 ——
- (a) 不得是公職人員 (僅憑藉根據任何條例設立的委員會或審裁處的主席的身分而屬公職人員者除外)；亦
- (b) 不得是保監局成員。

- (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) Subject to subsections (4) and (5), a panel member is appointed for a period that the Chief Executive considers appropriate, and may, subject to the other provisions of this Ordinance, from time to time be reappointed.
- (4) A panel member may at any time resign from office by notice in writing to the Chief Executive.
- (5) The Chief Executive may by notice in writing remove a panel member from office on the grounds of incapacity, bankruptcy, neglect of duty, conflict of interest or misconduct.
- (6) To avoid doubt, section 97(3) does not require the appointment of persons to more than one panel under this section.

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—

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- (4) 除第 (5) 及 (7) 款另有規定外，主席的委任為期 3 年，或限於就任何指明覆核行事，而主席亦可在本條例其他條文的規限下，不時獲再度委任。
- (5) 主席可隨時藉向行政長官發出書面通知而辭職。
- (6) 辭職通知在以下日期生效——
 - (a) 行政長官接獲該通知的日期；或
 - (b) (如該通知有指明較後的日期) 該較後的日期。
- (7) 行政長官可基於以下理由，藉書面通知將主席免任——
 - (a) 主席不再具有第 (2) 款所指獲委任為主席的資格；或
 - (b) 主席喪失履行職務能力、破產、疏於職守、有利益衝突或行為不當。
- (8) 如覆核已由審裁處展開，但在主席任期屆滿之前仍未完成，則行政長官可授權該主席繼續擔任主席，以完成該覆核。

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。

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- (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.
- (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.

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- (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。
- (3) 普通成員可隨時藉向局長發出書面通知而辭職。
- (4) 辭職通知在以下日期生效——
 - (a) 局長接獲該通知的日期；或
 - (b) (如該通知有指明較後的日期) 該較後的日期。
- (5) 普通成員如停任上訴委員，即停任普通成員。

5. 關於主席及普通成員的進一步條文

- (1) 如在覆核聆訊進行期間，第 (2) 款所指明的任何人士有所變動，則——
 - (a) 即使有該項變動，有關聆訊仍可在覆核的各方同意下，繼續進行；或
 - (b) 如沒有覆核的各方同意，有關聆訊即不得繼續進行，但可重新開始。
- (2) 現指明以下人士——
 - (a) 主席，或就有關覆核擔任主席的人；
 - (b) 就有關覆核擔任普通成員的上訴委員。

6. 聆訊

- (1) 主席須為裁定覆核而召開所需的審裁處聆訊。

- (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.
- (3) An ordinary member may at any time resign from office by notice in writing to the Secretary.
- (4) A notice of resignation takes effect—
 - (a) on the date the Secretary receives the notice; or
 - (b) if a later date is specified in the notice, on that later date.
- (5) If an ordinary member ceases to be a panel member, he or she ceases to be an ordinary member.

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.

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- (2) 就覆核召開聆訊前，審裁處可向該覆核的各方，給予關於以下事項的指示——
- (a) 他們須遵從的程序事宜；及
 - (b) 他們須在甚麼時間內遵從該等事宜。
- (3) 除第 (4) 款另有規定外——
- (a) 主席及兩名普通成員須出席審裁處任何聆訊；
 - (b) 審裁處任何聆訊，均須由主席主持；及
 - (c) 在審裁處任何聆訊中，每項有待審裁處裁定的問題，均須以主席及普通成員所投的過半數票取決，但法律問題則由主席單獨裁定。
- (4) 凡主席根據本附表第 9(1) 條，以審裁處單一成員身分，單獨裁定任何事宜，在就該事宜而進行的聆訊中——
- (a) 只有主席須出席該聆訊；而
 - (b) 每項有待審裁處裁定的問題，均須由主席裁定。
- (5) 審裁處所有聆訊，均須公開進行。
- (6) 然而，如審裁處主動或應有關覆核的任何一方的申請而裁定，為秉行公正，某次聆訊或其中部分須閉門進行，則第 (5) 款不適用。
- (7) 如有人根據第 (6) 款提出申請，要求裁定某次聆訊或其中任何部分須閉門進行，則該申請的聆訊須閉門進行。
- (8) 覆核的各方，均有權在任何關乎該覆核的審裁處聆訊中——
- (a) 親自陳詞，或——
 - (i) 如屬保監局或公司——透過其高級人員或僱員陳詞（視屬何情況而定）；
 - (ii) 如屬合夥——透過一名合夥人陳詞；或
 - (iii) 如屬獨資經營人——由該獨資經營人陳詞；或

- (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
 - (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.

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- (b) 透過大律師或律師陳詞，或在審裁處許可下，透過任何其他人陳詞。
- (9) 主席須在審裁處聆訊中，擬備或安排擬備研訊程序的紀錄，該紀錄須載有主席認為適當的、關乎該等程序的詳情。
- (10) 審裁處的聆訊中的研訊程序，須由審裁處以對有關案件的情況屬最適當的方式決定。

7. 初步會議

- (1) 如符合第 (2) 款所列的條件，主席可主動或應有關覆核的任何一方的申請，指示為第 (3) 款所列的其中一個或多於一個目的，舉行會議。
- (2) 有關條件是 ——
 - (a) 主席經考慮有關覆核的各方就該覆核申請呈交審裁處的任何材料後，認為舉行有關會議屬適當；及
 - (b) 各方均同意，或 (如任何一方根據第 (1) 款提出申請) 另一方同意。
- (3) 有關目的是 ——
 - (a) 使各方能夠準備進行有關覆核；

- (8) The parties to a review must, at any sitting of the Tribunal relating to the review, be entitled to be heard—
 - (a) in person, or—
 - (i) for the Authority or a company—through an officer or employee of the Authority or the company (as the case may be);
 - (ii) for a partnership—through a partner; or
 - (iii) for a sole proprietorship—through the sole proprietor; or
 - (b) through a counsel or solicitor or, with the leave of the Tribunal, through any other person.
- (9) The chairperson must prepare or cause to be prepared a record of the proceedings at any sitting of the Tribunal, which must contain the particulars relating to the proceedings that the chairperson considers appropriate.
- (10) The order of proceedings at any sitting of the Tribunal must be determined by the Tribunal in the manner most appropriate to the circumstances of the case.

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

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- (b) 協助審裁處為該覆核的目的，就爭議點作出裁定；
- (c) 一般而言，確使該覆核得以在公正、迅速和合乎經濟原則的情況下進行。
- (4) 會議須有各方或其代表出席，並由主席主持。
- (5) 在按照第 (1) 款所指的主席指示而舉行的會議中——
 - (a) 主席如認為，為確使有關覆核得以在公正、迅速和合乎經濟原則的情況下進行，某指示屬有需要或可取，則可給予該指示；及
 - (b) 主席可設法確使該覆核的各方，就該覆核作出所有他們理應作出的協議。
- (6) 在按照第 (1) 款所指的主席指示而舉行會議後，主席須將關乎該會議而主席認為適當的事宜，向審裁處匯報。

8. 同意令

- (1) 在覆核申請提出後，如第 (2) 款所列的條件獲符合，則不論在其他方面適用於作出有關命令的規定是否已獲符合，審裁處或主席亦可隨時作出其根據本條例任何條文有權作出的命令。
- (2) 有關條件是——

- (b) the parties agree or, for an application made by a party under subsection (1), the other party agrees.
- (3) 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.
- (4) A conference is to be attended by the parties or their representatives and presided over by the chairperson.
- (5) 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.
- (6) 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.

8. Consent orders

- (1) 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.

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- (a) 該覆核的各方請求並同意審裁處或主席(視屬何情況而定)作出有關命令；及
- (b) 該覆核的各方同意該命令的所有條款。
- (3) 即使第 XII 部或本附表任何其他條文有任何規定，凡審裁處或主席根據第(1)款作出命令，該命令就所有目的而言，須視為符合在其他方面適用於作出該命令的規定的情況下，根據有關條文作出的。
- (4) 在本條中——
命令 (order) 包括任何裁斷、裁定及其他決定。

9. 主席作為審裁處單一成員

- (1) 如符合以下條件，主席可用審裁處單一成員身分，裁定覆核或申請——
 - (a) 在覆核申請提出後但在審裁處舉行聆訊以裁定該覆核前的任何時間，該覆核的各方藉給予審裁處書面通知，告知審裁處他們同意該覆核可由主席以審裁處單一成員身分裁定；
 - (b) 該申請是由任何人根據第 100 條向審裁處提出的、要求延長提出覆核申請的時限的申請；或
 - (c) 該申請是由任何人根據第 110 條向審裁處提出的、要求暫緩執行某指明決定的申請。
- (2) 如第(1)款適用，則由主席以審裁處單一成員身分構成的審裁處，就所有目的而言，須視為連同兩名普通成員構成的審裁處。
- (3) 主席在根據第(1)(c)款作出任何裁定後，須向審裁處匯報該裁定、作出該裁定的理由，以及關乎該裁定而主席認為適當的事宜。

- (2) 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.
- (2) If subsection (1) applies, the Tribunal constituted by the chairperson as the sole member of the Tribunal is to be

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- (4) 如有第 (5) 款指明的情況，根據本附表第 3 條有資格獲委任為主席的人，在獲行政長官為有關目的而委任後，須裁定有關申請，猶如該人是根據本條例妥為委任的主席一樣，而本條例的條文據此適用於該人。
- (5) 有關情況是——
- (a) 有第 (1)(c) 款描述的申請；及
 - (b) 主席——
 - (i) 因傷病、不在香港或其他原因，以致不能執行其職能；或
 - (ii) 認為自己就該申請執行其職能，是不恰當或不可取的。

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- regarded for all purposes as the Tribunal constituted also by 2 ordinary members.
- (3) After making a determination under subsection (1)(c), the chairperson must report to the Tribunal the determination and the reasons for the determination, and other matters relating to the determination that the chairperson considers appropriate.
- (4) In the circumstances specified in subsection (5), a person who is eligible to be appointed as a chairperson under section 3 of this Schedule must, on appointment by the Chief Executive for the purpose, determine the application in question as if he or she were the chairperson duly appointed under this Ordinance, and the provisions of this Ordinance are to apply to him or her accordingly.
- (5) The circumstances are—
- (a) there is an application described in subsection (1)(c); and
 - (b) the chairperson—
 - (i) cannot perform his or her functions because of illness, absence from Hong Kong or any other reason; or
 - (ii) considers it improper or undesirable that he or she should perform his or her functions in relation to the application.

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Cap. 41**10. 特權和豁免權**

除本條例另有規定外，審裁處、主席及普通成員，以及在任何覆核中的任何一方、證人、大律師、律師、或所涉及的其他人，就該覆核享有的特權和豁免權，等同於假使該覆核是在原訟法庭進行的民事法律程序他們便會享有者。

10. 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 the review were civil proceedings before the Court of First Instance.

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附表 11 —— 第 1 部

Schedule 11—Part 1
Section 1S11-2
Cap. 41**附表 11**

[第 2、13 及 139 條及附表 9]

關乎《2015 年保險公司 (修訂) 條例》的保留條文及過渡性安排

(附表 11 由 2015 年第 12 號第 98 條增補)

第 1 部**導言****1. 附表 11 的釋義**

在本附表中——

委員會 (IARB) 指由保聯成立的保險代理登記委員會；**保聯** (HKFI) 指香港保險業聯會；**紀錄** (record) 指在有形媒介上註記、儲存或以其他方式固定的資訊，亦指儲存在電子或其他媒介的能夠藉可理解形式還原的資訊；**個人資料** (personal data) 具有《個人資料 (私隱) 條例》(第 486 章) 第 2(1) 條給予該詞的涵義；**資訊** (information) 包括資料、文字、影像、聲音編碼、電腦程式、軟件及資料庫；**實施日期** (commencement date) ——

- (a) 除就本附表第 5、6、7 及 8 部而言外，指《修訂條例》第 10 條開始實施的日期；
- (b) 就本附表第 5、6、7 及 8 部而言，指《修訂條例》第 74 條開始實施的日期；(編輯修訂——2015 年第 3 號編輯修訂紀錄)

Schedule 11

[ss. 2, 13 & 139 & Sch. 9]

Savings and Transitional Arrangements for Insurance Companies (Amendment) Ordinance 2015

(Schedule 11 added 12 of 2015 s. 98)

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;
- (b) in relation to Parts 5, 6, 7 and 8 of this Schedule, means the date on which section 74 of the Amendment Ordinance comes into operation;(Amended E.R. 3 of 2015)

HKFI (保聯) means the Hong Kong Federation of Insurers;

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附表 11 —— 第 2 部

認可經紀團體 (approved broker body) 指根據《原有條例》第 70 條認可的保險經紀團體；

適用規則 (applicable rule) 指符合以下說明的規則 ——

- (a) 本附表第 123 或 124 條所指的；及
- (b) 根據本附表第 125(1) 條公布的。

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而進行的作為，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。
- (3) 如在緊接實施日期前，有針對前監督的上訴權利仍然存續，該權利可按照本條例針對保監局行使。
- (4) 凡表格、格式、文件、文書或作為符合以下說明 ——
 - (a) 已由前監督發出、給予、訂立或作出；或已由他人代前監督發出、給予、訂立或作出；及

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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

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附表 11 —— 第 2 部

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(b) 在緊接實施日期前是有效的，或是在該日期當日或之後生效的，

則該表格、格式、文件、文書或作為，在猶如它是由保監局或由他人代保監局發出、給予、訂立或作出的情況下，具有效力，但此項規定，僅於在實施日期後延續該表格、格式、文件、文書或作為的效力所需的範圍內適用。

(5) 由前監督根據《原有條例》執行職能的作為，或由他人代前監督根據《原有條例》執行職能的作為，如在緊接實施日期前是有效的，或是在該日期當日或之後生效，該作為在猶如該職能是由保監局根據本條例執行的情況下，具有效力，但此項規定，僅於在該日期後延續該作為的效力所需的範圍內適用。

(6) 如在緊接實施日期前 ——

(a) 要求給予第 (4) 款提述的任何事情的某申請；

(b) 執行第 (5) 款提述的職能的某要求；或

(c) 向前監督提出的性質相近的某申請或要求，尚未獲了結，則該申請或要求，須視為是向保監局提出的，並須據此了結。

(7) 如 ——

(a) 某項授權、同意、批准、認可或任何類別的其他許可，已根據《原有條例》就某獲授權保險人授予或給予，或當作已根據《原有條例》就某獲授權保險人授予或給予，並在緊接實施日期前是有效的，則該項授權、同意、批准、認可或許可；或

(b) 根據《原有條例》就某獲授權保險人授予的豁免，或根據《原有條例》就某獲授權保險人施加的、關於豁免的條件或對豁免的限制，在緊接實施日期前是有效的，則該項豁免、條件或限制，

在其餘下的有效期內，繼續有效，猶如《修訂條例》不曾制定一樣。

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—

(a) authorization, consent, approval or other permission of any description that has been given, or is deemed to

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附表 11 —— 第 3 部

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- (8) 凡表格、格式、文件或文書 (包括第 (4) 款提述的由前監督為執行其在《原有條例》之下的職能而發出、給予或訂立者，或由他人代前監督為執行該等職能而發出、給予或訂立者) 符合以下說明——
- (a) 經指明、訂明、印製或複製以供在與《原有條例》相關的情況下使用的；及
- (b) 在緊接實施日期前是有效的，
- 則該表格、格式、文件或文書儘管載有對前監督的提述，仍可如此使用，而該提述須解釋為提述保監局。

- have been given, in relation to an authorized insurer under the pre-amended Ordinance; or
- (b) exemption or condition to, or limitation for, an exemption that has been given or imposed in relation to an authorized insurer under the pre-amended Ordinance, and was in force immediately before the commencement date is to continue in force for the remainder of its validity period as if the Amendment Ordinance had not been enacted.
- (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.

第 3 部

前監督向保監局移交紀錄

3. 前監督須將紀錄移交保監局

- (1) 凡有紀錄由前監督保管，而保監局認為需要該等紀錄，以根據本條例執行該局的職能，則前監督須在實施日期當日或之前，將該等紀錄移交保監局。

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

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- (2) 就根據本條移交的紀錄而言，在緊接該項移交前仍然存續的前監督的所有權利及義務，在該等紀錄移交時，即轉移予保監局。
- (3) 保監局須確保設有妥善的程序及制度，防止任何人在未獲授權的情況下，取覽或使用根據本條移交的紀錄。
- (4) 《個人資料(私隱)條例》(第 486 章)就根據本條移交的任何個人資料而適用，猶如該等資料是由保監局接收，而非由前監督接收。
- (5) 就根據本條移交的個人資料而言——
 - (a) 凡該等資料在收集時是為用於某目的，保監局須確保該等資料是為該目的而使用、披露和保留；及
 - (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)。

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- 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
 - (b) the Privacy Commissioner for Personal Data may, on and after the date on which the data is transferred, exercise in relation to the Authority any power under the Personal Data (Privacy) Ordinance (Cap. 486) that the Commissioner could have, immediately before that date, exercised in relation to the former authority for a breach or alleged breach by the former authority of a requirement under that Ordinance.
 - (6) The transfer of a record by the former authority to the Authority under this section does not amount to—
 - (a) a breach of duty of confidentiality to which the former authority is subject immediately before the transfer; or

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附表 11 — 第 4 部

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Section 4S11-12
Cap. 41**第 4 部****在或本可在實施日期前向財政司司長提出的上訴****4. 本附表第 4 部的釋義**

在本部中 ——

指明決定 (specified decision) 指 ——

- (a) 前監督的下述決定：根據《原有條例》第 8 條，基於《原有條例》第 8(2) 條所述的人並非擔任其所任職位的適當人選此理由 (或基於超過一個理由，而此理由是其中之一)，拒絕向公司授權；
- (b) 前監督的下述決定：根據《原有條例》第 8(1)(b)(ii) 條，拒絕向公司授權；
- (c) 前監督的下述決定：根據《原有條例》第 13A(5) 條，送達反對通知書；
- (d) 前監督的下述決定：根據《原有條例》第 13B(4) 條，送達反對通知書；
- (e) 前監督的下述決定：根據《原有條例》第 14(4) 條，送達反對通知書；
- (f) 前監督根據《原有條例》第 35(2) 條發出的指示；
- (g) 前監督根據《原有條例》第 38E(5) 條作出的釐定；
- (h) 前監督的下述決定：根據《原有條例》第 50B(3) 條，送達反對通知書；
- (i) 前監督的下述決定：根據《原有條例》第 50B(4) 條，送達撤職通知書；
- (j) (增補尚未實施 —— 見 2015 年第 12 號第 98 條)

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;

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(k) (增補尚未實施——見 2015 年第 12 號第 98 條)

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) 審裁處須處理上述上訴，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；

- (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) *(Addition not yet in operation—see 12 of 2015 s. 98)*
- (k) *(Addition not yet in operation—see 12 of 2015 s. 98)*

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;

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- (c) 根據《原有條例》，針對該決定提出上訴的限期仍未屆滿，或《原有條例》並無就該等上訴訂明限期；
 - (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。
- (2) 在實施日期當日或之後，針對上述決定的上訴，只可向審裁處提出。

7. 裁定本附表第 5 及 6 條所指的上訴

- (1) 凡有本附表第 5 或 6 條所述的上訴，是針對某指明決定提出的，則審裁處須參照符合下述說明的《原有條例》的條文，裁定該上訴：假使財政司司長繼續有權力處理該上訴，或假使該上訴是向財政司司長提出的，該等條文便會適用於該決定。
- (2) 第 XII 部適用於本附表第 5 或 6 條所述的上訴，其適用情況猶如 ——
 - (a) 在該部中提述覆核，是提述該上訴；及
 - (b) 提述覆核的一方，包括保監局。
- (3) 然而，審裁處不得以將有關事宜發還財政司司長的方式，裁定該上訴。

第 5 部

(增補尚未實施 —— 見 2015 年第 12 號第 98 條)

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- (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.
- (2) On or after the commencement date, an appeal against the decision may only be made to the Tribunal.

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

(Addition not yet in operation—see 12 of 2015 s. 98)

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附表 11 — 第 6 部

Schedule 11—Part 6
Section 120S11-18
Cap. 41**第 6 部**

(增補尚未實施——見 2015 年第 12 號第 98 條)

第 7 部

(增補尚未實施——見 2015 年第 12 號第 98 條)

第 8 部

(增補尚未實施——見 2015 年第 12 號第 98 條)

第 9 部**某些團體須提供的紀錄及協助****120. 委員會及認可經紀團體須向保監局提供關乎牌照及認可的紀錄及協助**

- (1) 委員會及每個認可經紀團體，均須向保監局提供保監局為以下目的而要求的資料及協助——
 - (a) 考慮某人可否根據本附表第 5 部第 2、3、4、5、6、7 或 8 分部視為已獲發牌照或給予認可；
 - (b) 考慮某人可否根據第 64U、64W、64Y、64ZA、64ZC、64ZE 或 64ZF 條獲發牌照或給予認可；及
 - (c) 編訂一份所有該等人士的完整及準確紀錄。
- (2) 凡關於任何以下人士的詳情更改或委任，在保監局指明的日期結束時，尚未獲委員會或有關認可經紀團體處理，或尚未獲委員會有效登記，或尚未獲有關認可經紀團體有效註冊，則第 (1) 款所提述的紀錄，不包括該通知——

Part 6

(Addition not yet in operation—see 12 of 2015 s. 98)

Part 7

(Addition not yet in operation—see 12 of 2015 s. 98)

Part 8

(Addition not yet in operation—see 12 of 2015 s. 98)

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.

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附表 11 — 第 9 部

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- (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；
 - (g) 獲認可經紀團體註冊的行政總裁。
- (3) 有關紀錄及協助，須以保監局指明的方式，在保監局指明的限期內，向保監局提供。

121. 自我規管團體須向保監局提供關乎指稱違反個案、上訴及紀律制裁的紀錄及協助

- (1) 凡保監局為編製一份關於以下事宜的完備而準確的紀錄——
- (a) 由某自我規管團體處理的指稱違反適用規則的規定的個案；
 - (b) 向該團體提出的上訴（包括申請上訴的許可）；及
 - (c) 該團體施加的紀律制裁，
- 而需要任何紀錄及協助，該團體須向保監局提供該等紀錄及協助。
- (2) 有關紀錄及協助，須以保監局指明的方式，在保監局指明的限期內，向保監局提供。

- (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 or the approved broker body by a date specified by the Authority—
- (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;
 - (g) a chief executive registered with an approved broker body.
- (3) The records and assistance must be provided to the Authority in the manner, and within the time, specified by the Authority.

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

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(3) 在本條中 ——

自我規管團體 (self-regulatory body) ——

- (a) 就由委員會處理的個案，或委員會施加的制裁而言 —— 指委員會；
- (b) 就向保聯所設立的上訴裁判處提出的上訴而言 —— 指該上訴裁判處；或
- (c) 就由某認可經紀團體處理的個案、向某認可經紀團體提出的上訴，或某認可經紀團體施加的制裁而言 —— 指該團體。

122. 須根據本附表第 120 及 121 條提供的紀錄

- (1) 就某人根據本附表第 120 或 121 條提供予保監局的紀錄而言，該紀錄一經提供，在緊接提供前存續的該人的所有權利及義務，即視為移轉予保監局。
- (2) 保監局須確保設有妥善的程序及制度，防止任何人在未獲授權的情況下，取覽或使用根據本附表第 120 及 121 條提供的紀錄。
- (3) 《個人資料 (私隱) 條例》(第 486 章) 就根據本附表第 120 及 121 條提供的個人資料而適用，猶如該等資料是由保監局接收，而非由有關的人接收。
- (4) 凡個人資料根據本附表第 120 及 121 條提供，保監局須確保該等資料是為該兩條所列的目的而使用、披露和保留，以及為執行保監局在本條例之下的職能而使用、披露和保留。
- (5) 任何人根據本附表第 120 或 121 條向保監局提供紀錄，並不構成 ——

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(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.

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- (a) 違反該人在緊接提供該紀錄前所負有的保密責任；或
- (b) 該人或保監局違反《個人資料(私隱)條例》(第 486 章)。

123. 保聯須向保監局提供規則

- (1) 凡保聯曾不時就第(2)款指明的人發出或批准規則，或委員會曾不時在保聯授權下就該等人發出規則，保聯須向保監局提供一套完整的該等規則。
- (2) 為第(1)款指明的人如下——
 - (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；或
 - (d) 獲委員會登記的負責人。
- (3) 上述規則須以保監局指明的方式，在保監局指明的限期內，向保監局提供。
- (4) 在本條中——
規則 (rule) 包括——
 - (a) 保聯根據《原有條例》第 67 條為管理保險代理人而發出的實務守則；
 - (b) 委員會為實務守則發出的指引；及

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- (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.
- (5) The provision of a record by a person to the Authority under section 120 or 121 of this Schedule does not amount to—
 - (a) a breach of duty of confidentiality to which the person is subject immediately before the provision; or
 - (b) a contravention by the person or the Authority of the Personal Data (Privacy) Ordinance (Cap. 486).

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;

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- (c) 保聯就對第 (2) 款指明的人士的操守規定而發出的指引。
- (5) 在本條中，提述某規則，即提述該規則及不時取代、修訂或補充該規則的任何其他規則。

124. 認可經紀團體須向保監局提供規則

- (1) 凡認可經紀團體曾不時就第 (2) 款指明的人發出規則，該團體須向保監局提供一套完整的該等規則。
- (2) 為第 (1) 款指明的人如下 ——
- (a) 獲有關認可經紀團體註冊的保險經紀；
- (b) 獲有關認可經紀團體註冊的業務代表；或
- (c) 獲有關認可經紀團體註冊的行政總裁。
- (3) 上述規則須以保監局指明的方式，在保監局指明的限期內，向保監局提供。
- (4) 在本條中 ——
- 規則** (rule) 就認可經紀團體而言，包括 ——
- (a) 其章程大綱或章程細則；
- (b) 該團體按照其章程大綱或章程細則訂立的規則、規例、指引、附例或行為守則；及
- (c) 該團體就對獲它註冊的人士的操守規定而發出的通告。
- (5) 在本條中，提述某規則，即提述該規則及不時取代、修訂或補充該規則的任何其他規則。

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- (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.
- (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.

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Schedule 11—Part 9
Section 125S11-28
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- (1) 保監局須在收到本附表第 123 或 124 條所指的規則後，在切實可行範圍內，盡快——(由 2018 年第 17 號第 41 條修訂)
 - (a) 在憲報刊登該規則；及
 - (b) 在互聯網上提供該規則的內容，讓任何人免費查閱。
- (2) 根據第 (1) 款刊登的規則，並非附屬法例。

126. 沒有遵守本附表第 120、121、123 或 124 條

- (1) 如任何人沒有遵守本附表第 120、121、123 或 124 條的規定，保監局可藉原訴傳票，向原訟法庭提出申請，要求對該項不遵守進行查訊。
- (2) 凡有第 (1) 款所指的申請，原訟法庭——
 - (a) 如信納有關人士不遵守有關規定是無合理辯解的，則可命令該人在原訟法庭指明的限期內，遵守該規定；及
 - (b) 如信納該人無合理辯解而沒有遵守該規定，則可懲罰該人及明知而牽涉入該項不遵守的任何其他人，懲罰方式猶如該人及該其他人犯藐視法庭罪一樣。
- (3) 第 (1) 款所指的原訴傳票，須採用《高等法院規則》(第 4 章，附屬法例 A) 附錄 A 表格 10。

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).