

L.N. 72 of 2017

**Insurance Ordinance (Amendment of Schedules)
Notice 2017**

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Insurance Ordinance (Amendment of Schedules) Notice 2017

(Made by the Provisional Insurance Authority under section 138(2) of the Insurance Ordinance (Cap. 41) with the approval of the Financial Secretary)

1. Commencement

This Notice comes into operation on 26 June 2017.

2. Insurance Ordinance amended

The Insurance Ordinance (Cap. 41) is amended as set out in sections 3 to 7.

3. Schedule 2 amended (directors and controllers)

(1) Schedule 2—

Repeal everything before paragraph 1

Substitute

“Schedule 2

[ss. 7, 14 & 138]

**Controllers, Directors, Key Persons in Control
Functions, Actuaries and Authorized
Representatives of Lloyd’s”.**

(2) Schedule 2, paragraph 1—

Repeal

“to the Authority under this Ordinance in respect of every director and controller of the insurer”

Substitute

“or Lloyd’s to the Authority under this Ordinance”.

- (3) Schedule 2, paragraph 1(a), before “under section 7”—

Add

“in respect of every controller and director of the insurer”.

- (4) Schedule 2, paragraph 1—

Repeal subparagraph (b)

Substitute

“(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;”.

- (5) Schedule 2, after paragraph 1(b)—

Add

“(ba) in respect of every actuary appointed under section 15(3) (not being an actuary to whom section 15(3A) applies);

(bb) in respect of every actuary appointed pursuant to section 15(3A);

(bc) in respect of every authorized representative appointed pursuant to section 50B.”.

- (6) Schedule 2, paragraph 1—

Repeal subparagraph (d).

- (7) Schedule 2, paragraph 2, heading—

Repeal

“**director or controller**”

Substitute

“controller, director, key person in control functions or actuary”.

- (8) Schedule 2, paragraph 2—

Repeal

everything after “served by” and before “contain—”

Substitute

“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”.

- (9) Schedule 2, paragraph 2(a), after “Form A”—

Add

“, A1 or A2”.

- (10) Schedule 2, Chinese text, paragraph 2(b)—

Repeal

“, 本”

Substitute

“——本”.

- (11) Schedule 2, paragraph 2(c)(i), after “Form A”—

Add

“, A1 or A2”.

- (12) Schedule 2, paragraph 3, heading—

Repeal

“ceasing to be director or controller”

Substitute

“becoming or ceasing to be controller, director, key person in control functions, actuary or authorized representative”.

- (13) Schedule 2, paragraph 3—

Repeal

“on the Authority pursuant to section 14(2)”

Substitute

“or Lloyd’s on the Authority pursuant to section 14(2), 15(3) or (3A) or 50B”.

- (14) Schedule 2, paragraph 3—

Repeal subparagraphs (a) and (b)

Substitute

- “(a) becomes a controller of the insurer within the meaning of section 13A(12) or 13B(1) of this Ordinance;
- (b) becomes a director of the insurer pursuant to section 13AC(1) of this Ordinance;
- (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;
- (d) becomes an actuary of the insurer pursuant to section 15(3A) of this Ordinance;
- (e) becomes an authorized representative of Lloyd’s pursuant to section 50B of this Ordinance; or
- (f) ceases to be a controller, director, key person in control functions or actuary of the insurer or an authorized representative of Lloyd’s.”.

- (15) Schedule 2, paragraph 3, after “Form C”—

Add

“or C1”.

- (16) Schedule 2, Form A—

Repeal

everything before “Name of Insurer”

Substitute

“Form A

[para. 2, Sch. 2]

**Particulars Required in Respect of Individuals
who are Controllers or Directors”.**

- (17) Schedule 2, Form A—

Repeal

“Name of Insurer*”

Substitute

“Name of §Authorized Insurer/Insurer*”.

- (18) Schedule 2, Form A, paragraph 1—

Repeal

“he has been known or is”

Substitute

“you have been known or are”.

- (19) Schedule 2, Chinese text, Form A—

Repeal paragraph 6

Substitute

“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。”

- (20) Schedule 2, Form A, after paragraph 6—

Add

“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.”.

- (21) Schedule 2, Form A, paragraph 7—

Repeal

“Has he at any time been convicted of any criminal offence (other than an offence committed when he was of or under the age of 16 years unless the same was committed within the last 10 years”

Substitute

“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”.

- (22) Schedule 2, Form A, paragraph 7—

Repeal

“he was convicted”

Substitute

“you were convicted”.

- (23) Schedule 2, Form A, after paragraph 7—

Add

“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;

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(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.”.

(24) Schedule 2, Form A, paragraph 8—

Repeal

“Has he in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by any professional body to which he belongs or belonged”

Substitute

“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,”.

(25) Schedule 2, English text, Form A, paragraph 8—

Repeal

“employment or refused”

Substitute

“employment, or been refused”.

(26) Schedule 2, Form A, paragraph 9—

Repeal

“Has he at any time”

Substitute

“Have you”.

(27) Schedule 2, Form A, paragraph 10—

Repeal

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“Has he at any time in the last 10 years”

Substitute

“Have you, in the last 10 years,”.

(28) Schedule 2, Form A, paragraph 10—

Repeal

“him”

Substitute

“you”.

(29) Schedule 2, Form A, paragraph 11—

Repeal

“Has he, in connection with the formation or management of any”

Substitute

“Have you, in connection with the formation or management of a”.

(30) Schedule 2, Form A, paragraph 11—

Repeal

“him towards such a body or insurer or towards any members thereof”

Substitute

“you towards the body or insurer or towards any members of the body or insurer”.

(31) Schedule 2, Form A, paragraph 12—

Repeal

“he was associated as”

Substitute

“you were associated as”.

- (32) Schedule 2, English text, Form A, paragraph 12—

Repeal

“whilst he was associated with it or within one year after he ceased”

Substitute

“while you were associated with it or within one year after you ceased”.

- (33) Schedule 2, Form A, paragraph 12, Note—

Repeal

“he were”

Substitute

“the person were”.

- (34) Schedule 2, Chinese text, Form A, paragraph 13—

Repeal

“他”

Substitute

“你”.

- (35) Schedule 2, Form A, paragraph 13(a)—

Repeal

“is he”

Substitute

“are you”.

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- (36) Schedule 2, Form A, paragraph 13(b)—

Repeal

“has he been a director or controller at any time”

Substitute

“have you been a director or controller”.

- (37) Schedule 2, Form A, paragraph 14—

Repeal

“Has he”

Substitute

“Have you had”.

- (38) Schedule 2, Form A, paragraph 14—

Repeal

everything after “at”

Substitute

“paragraphs 6 and 13 above? If so, give full particulars.”.

- (39) Schedule 2, Form A, paragraph 15—

Repeal

“Ordinance) by virtue of which he became controller”

Substitute

“Ordinance (Cap. 41)) by virtue of which you became controller, and attach a shareholding chart of the insurer where applicable”.

- (40) Schedule 2, Form A, paragraph 16—

Repeal

“his duties will he”

Substitute

“your duties, will you”.

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- (41) Schedule 2, Form A—

Repeal

“he is—”

Substitute

“the individual is—”.

- (42) Schedule 2, Form A—

Repeal

“(a) §Director/Controller/Chief Executive/Managing Director”

Substitute

“(a) §Director/Controller/Chief Executive/Managing Director;”.

- (43) Schedule 2, English text, Form A—

Repeal

“(b) A partner”

Substitute

“(b) a partner”.

- (44) Schedule 2, Form A—

Repeal

“is §Director/Controller/Chief Executive/Managing Director”

Substitute

“is §Director/Controller/Chief Executive/Managing Director.”.

- (45) Schedule 2, Form A—

Repeal

“(Director/Secretary§ of the Insurer.)”

Substitute

“(§Director/Secretary of the §Authorized Insurer/
Insurer.)”.

(46) Schedule 2, Form A—

Repeal

“* Insert name of Insurer.”

Substitute

“* Insert name of Authorized Insurer/Insurer.”.

(47) Schedule 2, after Form A—

Add

“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).

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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.
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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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.

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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.

I certify that the above information is complete and correct to the best of my knowledge and belief.

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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 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.
- 3. Date of birth.
Place of birth (including town or city).

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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.
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—

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- (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.
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

Section 3

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.

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.)

- * Insert name of Captive Insurer.
- † Insert name of individual to whom particulars relate.
- ‡ Insert name of partnership.
- § Delete as necessary.”.

(48) Schedule 2, Form B—

Repeal

everything before “Name of Insurer”

Substitute

“Form B

[para. 2, Sch. 2]

Particulars Required in Respect of Bodies Corporate which are Controllers or Directors”.

(49) Schedule 2, Form B—

Repeal

“Name of Insurer*”

Substitute

“Name of †Authorized Insurer/Insurer*”.

- (50) Schedule 2, Form B, paragraph 6, Note—

Repeal

“he were”

Substitute

“the person were”.

- (51) Schedule 2, English text, Form B, paragraph 9, Note—

Repeal

“his”

Substitute

“the nominee’s”.

- (52) Schedule 2, Form B, after paragraph 10—

Add

“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.”.

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- (53) Schedule 2, Form B, paragraph 11—

Repeal

“Particulars of circumstances (by reference to section 9(1) of the Insurance Ordinance)”

Substitute

“Give particulars of circumstances (by reference to section 9(1) of the Insurance Ordinance (Cap. 41))”.

- (54) Schedule 2, Form B, paragraph 11—

Repeal

“controller.”

Substitute

“controller, and attach a shareholding chart of the insurer where applicable.”.

- (55) Schedule 2, Chinese text, Form B, paragraph 12—

Repeal

everything before “債權人達成”

Substitute

- “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”。

- (56) Schedule 2, English text, Form B, paragraph 12—

Repeal

“whilst”

Substitute

“while”.

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- (57) Schedule 2, Form B, paragraph 12, Note—

Repeal

“he were”

Substitute

“the person were”.

- (58) Schedule 2, Form B—

Repeal

“(Director/Secretary† of body corporate.)”

Substitute

“(†Director/Secretary of body corporate.)”.

- (59) Schedule 2, Form B—

Repeal

“Director/Controller/Chief Executive/Managing Director”

Substitute

“†Director/Controller/Chief Executive/Managing Director;”.

- (60) Schedule 2, Form B—

Repeal

“partner is Controller”

Substitute

“partner is Controller.”.

- (61) Schedule 2, Form B—

Repeal

“(Director/Secretary† of the Insurer.)”

Substitute

“(†Director/Secretary of the †Authorized Insurer/Insurer.)”.

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- (62) Schedule 2, Form B—

Repeal

“Insert name of Insurer”

Substitute

“Insert name of Authorized Insurer/Insurer”.

- (63) Schedule 2, Form C—

Repeal everything before paragraph 1

Substitute

“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”.

- (64) Schedule 2, Form C, paragraph 1—

Repeal

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“Name of authorized insurer”

Substitute

“Name of †authorized insurer/Lloyd’s”.

(65) Schedule 2, Form C, paragraph 1—

Repeal subparagraphs (a) and (b)

Substitute

- “†(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.”.

(66) Schedule 2, Form C, paragraph 3—

Repeal subparagraphs (a) and (b)

Substitute

- “†(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.”.

(67) Schedule 2, Form C, paragraph 4—

Repeal

everything after “becoming,”

Substitute

“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.”.

(68) Schedule 2, Form C, paragraph 5—

Repeal

“director/controller”

Substitute

“controller/director/key person in control functions/ authorized representative”.

(69) Schedule 2, Form C—

Repeal

“(Director/Secretary† of the Insurer)”

Substitute

“†(†Director/Secretary of the Authorized Insurer)/ (Chairman of Lloyd’s)”.

(70) Schedule 2, after Form C—

Add

“Form C1

[para. 3, Sch. 2]

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

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.‡

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- 3. Date on which the 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.)

- * Insert name of Authorized Insurer.
- † Delete as necessary.
- ‡ Insert name of individual, body corporate or partnership.”.

4. Schedule 3 amended (accounts and statements)

- (1) Schedule 3, Part 1, paragraph 1(1), definition of *statutory business*, paragraph (b)—

Section 4

Repeal

“or”.

- (2) Schedule 3, Part 1, paragraph 1(1), definition of *statutory business*, paragraph (c)—

Repeal the semicolon

Substitute

“; or”.

- (3) Schedule 3, Part 1, paragraph 1(1), definition of *statutory business*, after paragraph (c)—

Add

“(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;”.

- (4) Schedule 3, Part 8, Form 1—

Repeal

“Property damage	Statutory business
\$	\$”

Substitute

	“Statutory business	
Property damage	Employees’ compensation	Owners’ corporation liability
\$	\$	\$”.

- (5) Schedule 3, Part 8, Form 1A—

Repeal

“Property damage	Statutory business
\$	\$”

Substitute

	“Statutory business	
Property damage	Employees’	Owners’ corporation
	compensation	liability
\$	\$	\$”.

5. Schedule 4 amended (proposed appointment of controller within the meaning of section 13A(12) or authorized representative under section 50B)

(1) Schedule 4—

Repeal everything before paragraph 1

Substitute

“Schedule 4

[ss. 13A, 13AC, 13AE & 138]

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”.

(2) Schedule 4, paragraph 1(a)—

Repeal

everything after “to be”

Substitute

“provided by an authorized insurer to the Authority—

- (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 (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”.
- (3) Schedule 4, paragraph 1(b)—
- Repeal**
“furnished”
- Substitute**
“provided”.
- (4) Schedule 4, paragraph 2, heading, after “**proposed controller**”—
- Add**
“, **proposed director, proposed key person in control functions, proposed actuary**”.

Section 5

- (5) Schedule 4, paragraph 2(a)—

Repeal

“furnished by an insurer”

Substitute

“provided by an authorized insurer”.

- (6) Schedule 4, paragraph 2(a)—

Repeal

everything after “pursuant to” and before “contain”

Substitute

“provisions referred to in subparagraph (ab) must”.

- (7) Schedule 4, paragraph 2(a)(i), after “Form A”—

Add

“, A1 or A2”.

- (8) Schedule 4, after paragraph 2(a)—

Add

“(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.”.

(9) Schedule 4, paragraph 2(b)—

Repeal

“furnished”

Substitute

“provided”.

(10) Schedule 4, Form A—

Repeal

everything before “Name of Proposer”

Substitute

“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”.

(11) Schedule 4, Form A, paragraph 1—

Repeal

“he has been known or is”

Substitute

“you have been known or are”.

Section 5

- (12) Schedule 4, Chinese text, Form A, paragraph 5—

Repeal

“與保險有關連事宜”

Substitute

“有關保險事宜方面”.

- (13) Schedule 4, Chinese text, Form A, paragraph 6—

Repeal

“目前的”

Substitute

“現時”.

- (14) Schedule 4, Form A, after paragraph 6—

Add

“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.”.

- (15) Schedule 4, Form A, paragraph 7—

Repeal

“Has he at any time been convicted of any criminal offence (other than an offence committed when he was of or under the age of 16 years unless the same was committed within the last 10 years”

Substitute

“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”.

- (16) Schedule 4, Form A, paragraph 7—

Repeal

“he was convicted”

Substitute

“you were convicted”.

- (17) Schedule 4, Form A, after paragraph 7—

Add

“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.”.

- (18) Schedule 4, Form A, paragraph 8—

Repeal

“Has he in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by any professional body to which he belongs or belonged”

Substitute

“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,”.

- (19) Schedule 4, Form A, paragraph 8—

Repeal

“employment or refused”

Substitute

“employment, or been refused”.

- (20) Schedule 4, Chinese text, Form A—

Repeal

“十足” (wherever appearing).

- (21) Schedule 4, Form A, paragraph 9—

Repeal

“Has he at any time”

Substitute

“Have you”.

- (22) Schedule 4, Form A, paragraph 10—

Repeal

“Has he at any time in the last 10 years”

Substitute

“Have you, in the last 10 years,”.

- (23) Schedule 4, Form A, paragraph 10—

Repeal

“him”

Substitute

“you”.

- (24) Schedule 4, Form A, paragraph 11—

Repeal

“Has he, in connection with the formation or management of any”

Substitute

“Have you, in connection with the formation or management of a”.

- (25) Schedule 4, Form A, paragraph 11—

Repeal

“him towards such a body or insurer or towards any members thereof”

Substitute

“you towards the body or insurer or towards any members of the body or insurer”.

- (26) Schedule 4, Form A, paragraph 12—

Repeal

“he was associated as”

Substitute

“you were associated as”.

- (27) Schedule 4, English text, Form A, paragraph 12—

Repeal

“this Ordinance”

Substitute

“the Insurance Ordinance (Cap. 41)”.

- (28) Schedule 4, English text, Form A, paragraph 12—

Repeal

“whilst he was associated with it or within one year after he ceased”

Substitute

“while you were associated with it or within one year after you ceased”.

- (29) Schedule 4, Form A, paragraph 12, Note—

Repeal

“he were”

Substitute

“the person were”.

- (30) Schedule 4, Chinese text, Form A, paragraph 13—

Repeal

“他”

Substitute

“你”.

- (31) Schedule 4, Form A, paragraph 13(a)—

Repeal

“is he now a director or controller (within the meaning of section 9 of this Ordinance)”

Substitute

“are you now a director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41))”.

- (32) Schedule 4, Form A, paragraph 13(b)—

Repeal

“has he been a director or controller (within the meaning of section 9 of this Ordinance)”

Substitute

“have you been a director or controller (within the meaning of section 9 of the Insurance Ordinance (Cap. 41)) during the last 10 years”.

Section 5

- (33) Schedule 4, Form A, paragraph 14—

Repeal

“Has he”

Substitute

“Have you had”.

- (34) Schedule 4, Form A, paragraph 14—

Repeal

everything after “at”

Substitute

“paragraphs 6 and 13 above? If so, give full particulars.”.

- (35) Schedule 4, Form A, paragraph 15—

Repeal

“his duties, will he”

Substitute

“your duties, will you”.

- (36) Schedule 4, Form A, after paragraph 15—

Add

“16. Any additional information that you consider to be relevant or material to this application.”.

- (37) Schedule 4, Chinese text, Form A—

Repeal

“上述資料是由 + 提供的”

Substitute

“+ 已提供上述資料”.

- (38) Schedule 4, Form A—

Repeal

“he is—”

Substitute

“the individual is—”.

- (39) Schedule 4, Form A—

Repeal

“controller within the meaning of section 13A(12) of this Ordinance” (wherever appearing)

Substitute

“#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)”.

- (40) Schedule 4, Form A—

Repeal

“section 50B of this Ordinance”

Substitute

“section 50B of the Insurance Ordinance (Cap. 41)”.

- (41) Schedule 4, Form A—

Repeal

“(Director/Secretary# of the Insurer)”

Substitute

“#(#Director/Secretary of the Authorized Insurer)”.

- (42) Schedule 4, Form A—

Repeal

“Lloyd’s)#”

Substitute

“Lloyd’s”.

Section 5

- (43) Schedule 4, Form A—
Repeal
 “Insurer or Lloyd’s”
Substitute
 “Authorized Insurer or Lloyd’s”.
- (44) Schedule 4, after Form A—
Add

“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.
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.
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?
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;

#(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 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.

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

- (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)?

Section 5

(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;

#(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.

Section 5

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.”.

(45) Schedule 4, Form B—

Repeal

everything before “Name of Insurer”

Substitute

“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)”.**

(46) Schedule 4, Form B—

Repeal

“Name of Insurer”

Substitute

“Name of Authorized Insurer”.

(47) Schedule 4, Form B—

Repeal

“controller within the meaning of section 13A(12) of this Ordinance,”

Substitute

“director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41),”.

(48) Schedule 4, English text, Form B—

Repeal

“such a controller”

Substitute

“a director”.

(49) Schedule 4, English text, Form B—

Repeal

“above-named Insurer”

Substitute

“above-named Authorized Insurer”.

(50) Schedule 4, Form B, paragraph 6—

Repeal

“this Ordinance”

Substitute

“the Insurance Ordinance (Cap. 41)”.

(51) Schedule 4, Form B, paragraph 6, Note—

Repeal

“he were”

Substitute

“the person were”.

- (52) Schedule 4, Form B, paragraph 8, after “years.”—

Add

“Attach a shareholding chart of the insurer where applicable.”.

- (53) Schedule 4, English text, Form B, paragraph 9, Note—

Repeal

“his”

Substitute

“the nominee’s”.

- (54) Schedule 4, Form B, after paragraph 10—

Add

“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.”.

- (55) Schedule 4, Form B, paragraph 11—

Repeal

“this Ordinance”

Substitute

“the Insurance Ordinance (Cap. 41)”.

- (56) Schedule 4, Chinese text, Form B, paragraph 11—

Repeal

everything before “債權人達成”

Substitute

- “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是否有在香港或其他地方被強制清盤、與其”。

- (57) Schedule 4, English text, Form B, paragraph 11—

Repeal

“whilst”

Substitute

“while”.

- (58) Schedule 4, Form B, paragraph 11, Note—

Repeal

“he were”

Substitute

“the person were”.

- (59) Schedule 4, Form B—

Repeal

“(Director/Secretary† of body corporate.)”

Substitute

“(†Director/Secretary of body corporate.)”.

(60) Schedule 4, Form B—

Repeal

“corporate is proposed to be appointed as a controller within the meaning of section 13A(12) of this Ordinance.”

Substitute

“corporate is proposed to be appointed as a director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41);”.

(61) Schedule 4, Form B—

Repeal

“partner is proposed to be appointed as a controller within the meaning of section 13A(12) of this Ordinance.”

Substitute

“partner is proposed to be appointed as a director pursuant to section 13AC(1) of the Insurance Ordinance (Cap. 41).”.

(62) Schedule 4, Form B—

Repeal

“(Director/Secretary† of the insurer.)”

Substitute

“(†Director/Secretary of the Authorized Insurer.)”.

(63) Schedule 4, Form B—

Repeal

“Insert name of Insurer”

Substitute

“Insert name of Authorized Insurer”.

6. Schedule 5 amended (person proposing to become controller within the meaning of section 13B(1))

- (1) Schedule 5, Form A—

Repeal

everything before “Name of Authorized Insurer”

Substitute

“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)”.

- (2) Schedule 5, Form A, after paragraph 6—

Add

“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.”.

- (3) Schedule 5, Form A, paragraph 7—

Repeal

“Have you at any time been convicted of any criminal offence (other than an offence committed when you were of or under the age of 16 years unless the same was committed within the last 10 years”

Substitute

“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”.

- (4) Schedule 5, Form A, after paragraph 7—

Add

“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.”.

- (5) Schedule 5, Form A, paragraph 8—

Repeal

“you in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by any professional body to which you belong or belonged”

Substitute

“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,”.

- (6) Schedule 5, English text, Form A, paragraph 8—

Repeal

“employment or refused”

Substitute

“employment, or been refused”.

- (7) Schedule 5, Form A, paragraph 9—

Repeal

“at any time”.

- (8) Schedule 5, Form A, paragraph 10—

Repeal

“you at any time in the last 10 years”

Substitute

“you, in the last 10 years.”.

- (9) Schedule 5, Form A, paragraph 11—

Repeal

“management of any”

Substitute

“management of a”.

- (10) Schedule 5, Form A, paragraph 11—

Repeal

“such a body or insurer or towards any members thereof”

Substitute

“the body or insurer or towards any members of the body or insurer”.

- (11) Schedule 5, Form A—

Repeal

“this Ordinance” (wherever appearing)

Substitute

“the Insurance Ordinance (Cap. 41)”.

- (12) Schedule 5, English text, Form A, paragraph 12—

Repeal

“whilst”

Substitute

“while”.

- (13) Schedule 5, Form A, paragraph 12, Note—

Repeal

“he were”

Substitute

“the person were”.

- (14) Schedule 5, Chinese text, Form A, paragraph 13(a)—

Repeal

“那些”

Substitute

“哪些”.

- (15) Schedule 5, Form A, paragraph 13(b), after “(Cap. 41)”—

Add

“during the last 10 years”.

- (16) Schedule 5, English text, Form A, paragraph 14, after “you”—

Add

“had”.

Section 6

- (17) Schedule 5, Form A, paragraph 14—

Repeal

everything after “at”

Substitute

“paragraphs 6 and 13 above? If so, give full particulars.”.

- (18) Schedule 5, English text, Form A, paragraph 15—

Repeal

“duties”

Substitute

“duties,”.

- (19) Schedule 5, Form A, after paragraph 15—

Add

“16. Any additional information that you consider to be relevant or material to this application.”.

- (20) Schedule 5, Form B—

Repeal

everything before “Name of Authorized Insurer”

Substitute

“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)”.

- (21) Schedule 5, Form B—

Repeal

“of this Ordinance” (wherever appearing)

Substitute

“of the Insurance Ordinance (Cap. 41)”.

- (22) Schedule 5, Form B, paragraph 6, Note—

Repeal

“he were”

Substitute

“the person were”.

- (23) Schedule 5, Form B, paragraph 8, after “years.”—

Add

“Attach a proposed shareholding chart of the insurer where applicable.”.

- (24) Schedule 5, English text, Form B, paragraph 9, Note—

Repeal

“his”

Substitute

“the nominee’s”.

- (25) Schedule 5, Form B, after paragraph 10—

Add

“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.”.

(26) Schedule 5, English text, Form B, paragraph 11—

Repeal

“whilst”

Substitute

“while”.

(27) Schedule 5, Form B, paragraph 11, Note—

Repeal

“he were”

Substitute

“the person were”.

(28) Schedule 5, Form B—

Repeal

“(Director/Secretary[†] of body corporate.)”

Substitute

“(†Director/Secretary of body corporate.)”.

7. Schedule 6 amended (person who has become controller of authorized insurer in contravention of section 13B(2))

(1) Schedule 6, Form A—

Repeal

everything before “Name of Authorized Insurer”

Substitute

“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)”.**

- (2) Schedule 6, Form A—

Repeal

“this Ordinance” (wherever appearing)

Substitute

“the Insurance Ordinance (Cap. 41)”.

- (3) Schedule 6, Chinese text, Form A, paragraph 1—

Repeal

“他”

Substitute

“你”.

- (4) Schedule 6, Form A, after paragraph 6—

Add

“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.”.

- (5) Schedule 6, Form A, paragraph 7—

Repeal

“Have you at any time been convicted of any criminal offence (other than an offence committed when you were of or under the age of 16 years unless the same was committed within the last 10 years”

Substitute

“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”.

- (6) Schedule 6, Form A, after paragraph 7—

Add

“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.”.

- (7) Schedule 6, Form A, paragraph 8—

Repeal

“you in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by any professional body to which you belong or belonged”

Substitute

“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,”.

- (8) Schedule 6, English text, Form A, paragraph 8—

Repeal

“employment or refused”

Substitute

“employment, or been refused”.

- (9) Schedule 6, Form A, paragraph 9—

Repeal

“at any time”.

- (10) Schedule 6, Form A, paragraph 10—

Repeal

“you at any time in the last 10 years”

Substitute

“you, in the last 10 years,”.

- (11) Schedule 6, Form A, paragraph 11—

Repeal

“management of any”

Substitute

“management of a”.

- (12) Schedule 6, Form A, paragraph 11—

Repeal

“such a body or insurer or towards any members thereof”

Substitute

“the body or insurer or towards any members of the body or insurer”.

- (13) Schedule 6, English text, Form A, paragraph 12—

Repeal

“whilst”

Substitute

“while”.

- (14) Schedule 6, Form A, paragraph 12, Note—

Repeal

“he were”

Substitute

“the person were”.

- (15) Schedule 6, Chinese text, Form A, paragraph 13(a)—

Repeal

“那些”

Substitute

“哪些”.

- (16) Schedule 6, Form A, paragraph 13(b), after “(Cap. 41)”—

Add

“during the last 10 years”.

- (17) Schedule 6, English text, Form A, paragraph 14, after “you”—

Add

“had”.

- (18) Schedule 6, Form A, paragraph 14—

Repeal

everything after “at”

Substitute

“paragraphs 6 and 13 above? If so, give full particulars.”.

- (19) Schedule 6, Form A, paragraph 15, after “of section 13B(1) of the Insurance Ordinance (Cap. 41)”—

Add

“, and attach a shareholding chart of the insurer where applicable”.

- (20) Schedule 6, English text, Form A, paragraph 16—

Repeal

“duties”

Substitute

“duties.”.

- (21) Schedule 6, Form B—

Repeal

everything before “Name of Authorized Insurer”

Substitute

“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)”.

- (22) Schedule 6, Form B—

Repeal

“this Ordinance” (wherever appearing)

Substitute

“the Insurance Ordinance (Cap. 41)”.

- (23) Schedule 6, Form B, paragraph 6, Note—

Repeal

“he were”

Substitute

“the person were”.

- (24) Schedule 6, English text, Form B, paragraph 9, Note—

Repeal

“his”

Substitute

“the nominee’s”.

- (25) Schedule 6, Form B, after paragraph 10—

Add

“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.”.

- (26) Schedule 6, Form B, paragraph 11—

Repeal

“Particulars”

Substitute

“Give particulars”.

- (27) Schedule 6, Form B, paragraph 11, after “of section 13B(1) of the Insurance Ordinance (Cap. 41)”—

Add

“, and attach a shareholding chart of the insurer where applicable”.

- (28) Schedule 6, English text, Form B, paragraph 12—

Repeal

“whilst”

Substitute

“while”.

- (29) Schedule 6, Form B, paragraph 12, Note—

Repeal

“he were”

Substitute

“the person were”.

- (30) Schedule 6, Form B—

Repeal

“(Director/Secretary‡ of body corporate.)”

Substitute

“(‡Director/Secretary of body corporate.)”.

Dr. Moses CHENG Mo-chi
Chairperson,
Provisional Insurance Authority

11 April 2017

Explanatory Note

This Notice amends Schedules 2 to 6 to the Insurance Ordinance (Cap. 41) to specify new forms, and to make textual amendments to the Schedules.