

**Supplemental Form**  
Information on Director/Controller (Individual)

This Form is to be completed for each director/controller<sup>1</sup> of a licensed insurance agency, a licensed insurance broker company or an applicant for an insurance agency or insurance broker company licence.

Name of Licensed Insurance Agency or Licensed Insurance Broker Company (“Licensee”) or Applicant for Insurance Agency Licence or an Insurance Broker Company licence (“Applicant”)	
Insurance Intermediary Licence Number (for Licensee only)	

**I. Particulars of Director/Controller (“the Individual”)**

<b>Name in English</b>	<i>Surname</i>	<i>First/Other Names</i>		<b>Name in Chinese (if any)</b>	
<b>Former/Other Name in English (if any)</b>	<i>Surname</i>	<i>First/Other Names</i>		<b>Former/Other Name in Chinese (if any)</b>	
† <b>Relationship with Licensee/ Applicant</b>	<input type="checkbox"/> Director <input type="checkbox"/> Controller <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partner	<b>HKID Card/ Travel Document No.</b>		† <b>Nationality</b>	<input type="checkbox"/> Chinese <input type="checkbox"/> Others (please specify) <hr/>
		<b>Date of Birth (DD/MM/YY)</b>			
<b>Residential Address</b>					

<sup>1</sup> According to section 64F of the Insurance Ordinance (Cap. 41), a controller is a person who meets the following:

- (a) *in relation to a sole proprietorship –*
  - (i) *means an individual who ultimately owns or controls the carrying on of regulated activities by the sole proprietorship; or*
  - (ii) *if the sole proprietor is acting on behalf of another person, means the other person;*
- (b) *in relation to a partnership, means an individual who –*
  - (i) *is entitled to or controls, directly or indirectly, not less than a 15% share of the capital or profits of the partnership;*
  - (ii) *is, directly or indirectly, entitled to exercise or control the exercise of not less than 15% of the voting rights in the partnership; or*
  - (iii) *exercises ultimate control over the management of the partnership; or*
- (c) *in relation to a company, means a person who—*
  - (i) *owns or controls, directly or indirectly, including through a trust or bearer share holding, not less than 15% of the issued share capital of the company;*
  - (ii) *is, directly or indirectly, entitled to exercise or control the exercise of not less than 15% of the voting rights at general meetings of the company; or*
  - (iii) *exercises ultimate control over the management of the company.*

† Please tick the appropriate box.

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**II. Other Licence(s) Granted by Financial Regulators**

Please provide the following information supporting document(s) if the Individual has been registered with the following financial regulators.

<p>1. † Has the Individual ever been registered with the Mandatory Provident Fund Schemes Authority (“MPFA”)?</p> <p><input type="checkbox"/> Yes (If Yes, please provide your MPF registration no.: _____) <input type="checkbox"/> No</p> <p>2. † Has the Individual ever been licensed by the Securities and Futures Commission (“SFC”)?</p> <p><input type="checkbox"/> Yes (If Yes, please provide your SFC licence no.: _____) <input type="checkbox"/> No</p> <p>3. † Has the Individual ever been registered with the Hong Kong Monetary Authority (“HKMA”)?</p> <p><input type="checkbox"/> Yes (If Yes, please provide your HKMA registration no.: _____) <input type="checkbox"/> No</p> <p>4. † Has the Individual ever been licensed by or registered with other financial regulators, or self-regulatory organizations for insurance intermediaries in or outside Hong Kong (including Insurance Agents Registration Board, The Hong Kong Confederation of Insurance Brokers and Professional Insurance Brokers Association)?</p> <p><input type="checkbox"/> Yes (If Yes, please provide the name of the regulator/organization and registration no.)</p> <p style="padding-left: 40px;">Name: _____ (Registration No.: _____)</p> <p><input type="checkbox"/> No</p>
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**III. Character, Financial Status, Disciplinary Action & Investigation**

† If the Individual answered “Yes” to any of the questions below, please provide details of the case or matter in a separate document including date of event, name of regulatory, criminal investigatory or professional body (if applicable), description of the case/matter, the Individual’s role or involvement in the case/matter, outcome or current status of the case/ matter.

1. Has the Individual ever failed to comply with any requirements while carrying on any regulated activities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Has the Individual ever been found by a court or other competent authority in Hong Kong or elsewhere to be liable for fraud, dishonesty or misfeasance?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Has the Individual ever been disqualified by a court in Hong Kong or elsewhere from being a director of a company?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Has the Individual ever been convicted of a criminal offence <sup>2</sup> (except for a minor offence) by any court in Hong Kong or elsewhere or is the Individual the subject of unresolved criminal charges <sup>2</sup> (except for a criminal charge in relation to a minor offence) in Hong Kong or elsewhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Has the Individual ever been refused or restricted from carrying on any trade, business or profession any professional, trade or regulatory body in Hong Kong or elsewhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Has the Individual ever been censured, disciplined or publicly criticized by any professional, trade or regulatory body in Hong Kong or elsewhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Is the Individual the subject of an investigation and/or disciplinary action or proceeding conducted by any professional body established under any laws, regulatory authority or law enforcement agency in Hong Kong or elsewhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Has the Individual been dismissed or requested to resign from any position or office in Hong Kong or elsewhere for misconduct, negligence, incompetence or mismanagement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Has the Individual ever been: (a) a controller, director or partner of a business entity <sup>#</sup> in Hong Kong or elsewhere; and if so (b) whilst he/she was (or within 1 year after he/she ceased to be) such a controller, director or partner, was the business entity compulsorily wound up, or did the business entity make any compromise or arrangement with its creditors, or cease trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Has the Individual ever been adjudged by a court or other competent authority in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct towards a business entity or any of its members in connection with the formation or management of the business entity <sup>#</sup> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Has the Individual ever been a controller, director or partner of a business entity <sup>#</sup> in Hong Kong or elsewhere which:- (a) with the consent or connivance of, or because of his/her negligence or omission, has failed to comply with any requirements under any laws, or any rules, regulations, code or guidelines made or issued under any laws, or any other regulatory requirements? or (b) has been convicted of a criminal offence <sup>2</sup> (except for a minor offence) by any court in Hong Kong or elsewhere or is the subject of unresolved criminal charges <sup>2</sup> (except for a criminal charge in relation to a minor offence) in Hong Kong or elsewhere? or (c) has been adjudicated by any court or other competent authority in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or misconduct?	<input type="checkbox"/> Yes <input type="checkbox"/> No
12. Has the Individual ever entered into a voluntary arrangement with creditors, or been adjudicated bankrupt by a court, or is the Individual currently subject to bankruptcy proceedings in Hong Kong or elsewhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Has the Individual ever failed to satisfy any judgment debt under an order of a court in Hong Kong or elsewhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Has the Individual ever been found by a court to be mentally incapacitated, or is the Individual detained in a mental hospital, under the Mental Health Ordinance (Cap. 136)?	<input type="checkbox"/> Yes <input type="checkbox"/> No

<sup>#</sup> Business entity means a sole proprietorship, a partnership or a company

<sup>2</sup> Section 2(1) and (1A) of the Rehabilitation of Offenders Ordinance (Cap. 297) (“ROO”) provides the legal basis for a person not to have to disclose certain convictions when asked for past conviction records. However, there are exceptions to this. One of the exceptions concerns applications to the Insurance Authority to be licensed as a licensed insurance broker or a licensed insurance agent, or to be approved as a responsible officer of a licensed insurance broker company or a licensed insurance agency within the meaning of that Ordinance.

This means applicants must disclose to the Insurance Authority any records of conviction of a criminal offence including any conviction that falls under the ambit of section 2(1) and (1A) of the ROO, when applying for an intermediary licence or approval with the Insurance Authority.

The only exception to this is that a “minor offence” need not be disclosed. A “minor offence” is an offence punishable by a fixed penalty under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237), the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240), the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570), the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) or the Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611), an offence under regulation 33(6) of Road Traffic (Traffic Control) Regulations (Cap. 374G), any offence under the now expired Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I), or an offence of similar nature committed in a place outside Hong Kong.

† Please tick the appropriate box.

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**IV. † Capacities in a Licensed Insurance Intermediary**

1. Does the Individual manage or control any matter relating to a regulated activity of the Licensee/ Applicant?

Yes

No

2. Is the Individual related to any licensed insurance intermediary **OTHER THAN** the Licensee or Applicant?

Yes

The Individual is a Licensed Individual Agent (Licence No.: \_\_\_\_\_)

The Individual is a *\*Sole proprietor/ Partner/ Licensed Technical Representative (Agent)* of another Licensed Insurance Agency (Licence No: \_\_\_\_\_);

The Individual is a *\*Director/ Controller/ Employee* of another Licensed Insurance Agency (Licence No: \_\_\_\_\_); and

manages or controls any matter relating to a regulated activity of that other agency; **OR**

does not manage or control any matter relating to a regulated activity of that other agency.

The Individual is a *\*Director/ Controller/ Licensed Technical Representative (broker)/ Employee* of another Licensed Insurance Broker Company (Licence No.: : \_\_\_\_\_); and

manages or controls any matter relating to a regulated activity of that other company; **OR**

does not manage or control any matter relating to a regulated activity of that other company.

Others. Please specify: \_\_\_\_\_

No

*\*please delete as appropriate*

**V. Declaration**

I, \_\_\_\_\_, hereby declare and confirm that:

*Name of the Individual*

- All the information provided in this form and any documents in connection with this form are **COMPLETE, TRUE and CORRECT**.
- I have read, understood and I agree to the attached Personal Information Collection Statement.
- I consent to the Insurance Authority ("IA") using any personal data I have provided to the IA in (or in support of) this form for the purposes described in the attached Personal Information Collection Statement.
- I understand that the IA may make enquiries and seek further information or documents from me as it thinks appropriate. I also understand that the IA may ask me/us to give written consent to enable it to assess my fitness and properness.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date



## **Personal Information Collection Statement (“PICS”)**

This PICS is made by the Insurance Authority (the “IA”) to comply with the notification requirements of the Personal Data (Privacy) Ordinance (Cap. 486) (the “PDPO”). You are advised to read it carefully as it sets out your rights in relation to your personal data (as defined in the PDPO), the purposes for which the IA may collect and use your personal data and the persons to whom your personal data may be transferred.

### **Purpose of Collection**

The personal data provided in (and in support of) this application by you or by any other persons (on your behalf) may be used and held by the IA for one or more of the following purposes:

- (a) to administer and/or enforce the provisions of any relevant ordinances (including the Insurance Ordinance (Cap. 41) (the “**Ordinance**”)) and any regulations, rules, codes and guidelines made or promulgated pursuant to the powers vested in the IA as in force at the relevant time and to carry out its functions as a regulator of the insurance industry, including:
  - (i) to process any application(s) you may make to (and received by) the IA under the Ordinance;
  - (ii) to assess your fitness and properness in relation to any of your application(s) for licensing or approval (as the case may be) under the Ordinance;
  - (iii) to monitor your fitness and properness and your status to remain licensed or approved (as the case may be) under the Ordinance;
  - (iv) to consider any application(s) under the Ordinance where you may otherwise (directly or indirectly) have a connection with;
  - (v) to display your personal data on the public registers established by the IA and/or the website of the IA (where applicable);
  - (vi) to investigate complaints and handle enquiries;
  - (vii) to conduct legal proceedings, inspection, investigation, enforcement or disciplinary actions;
- (b) to co-operate with and assist any other regulatory body and/or law enforcement body of Hong Kong, or of any place outside Hong Kong, whenever appropriate, and to the extent permitted by the laws of Hong Kong;
- (c) for any statistical purposes; and/or
- (d) any other purposes as permitted by the laws of Hong Kong.

You are obliged to supply the requested personal data in response to any request from the IA in exercising its powers or carrying out its functions. Failure to provide the requested personal data may result in the IA being unable to exercise its powers or carrying out its functions and may affect your fitness and properness under the Ordinance and/or bring serious consequences.

### **Transfer/Matching of Personal information**

In performing the IA's functions under the relevant laws and regulations, your personal data held by the IA may, for such purposes, be disclosed or transferred to any third parties, including financial regulators in Hong Kong (including but not limited to the Mandatory Provident Fund Schemes Authority, the Securities and Futures Commission and the Hong Kong Monetary Authority), educational institution/examination bodies in or outside of Hong Kong (for the purpose of conducting qualifying examinations or verifying academic/professional qualifications), relevant appointing principals (authorized insurer, licensed insurance agency and/or licensed insurance broker company (as the case may be)), the Travel Agents Registry, the Travel Industry Council of Hong Kong, law enforcement agencies, law courts, tribunals and committees and/or other local and/or regulatory/government/judicial bodies outside Hong Kong as permitted and/or required under the laws of Hong Kong, pursuant to any regulatory/supervisory/investigatory assistance arrangements between the IA and other regulators/authorities (within or outside of Hong Kong) or persons engaged by the IA to assist it in the performance of its functions.

Personal data may be used by the IA and/or disclosed or transferred by the IA to the bodies listed above for the purposes of comparing, verifying and/or carrying out a matching procedure<sup>3</sup> of those data.

### **Public Registers**

The IA is required to maintain public registers with specified data related to licensed insurance intermediaries under the Ordinance or any related subsidiary legislation. Any member of the public can inspect the public registers free of charge for the purposes of ascertaining whether he/she is dealing with a licensed insurance intermediary or an approved responsible officer of a licensed insurance agency/insurance broker company in respect of any regulated activity, and the particulars of the licensing of a person as a licensed insurance intermediary and/or the approval of such person as a responsible officer.

### **Access to Data**

Under the PDPO, you have the right to request access to and/or for correction of your personal data held by the IA. Please complete a “Data Access Request Form” (which is available at the IA's website) and send it by post to the Data Privacy Officer of the IA at 19/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong for processing of your request. The IA has the right to charge a reasonable fee for processing any such request.

### **Enquiries**

Any enquiries regarding the personal data provided to the IA, or requests for access to and/or correction of, your personal data held by the IA should be made in writing to:

The Data Privacy Officer  
Insurance Authority  
19/F, 41 Heung Yip Road  
Wong Chuk Hang  
Hong Kong

A copy of the IA's Privacy Policy is made available at the IA's website.

<sup>3</sup> “matching procedure” is defined in section 2 of the PDPO.