

**LEGISLATIVE COUNCIL BRIEF**

Insurance Ordinance  
(Chapter 41)

**REGISTRATION OF ORDERS OF  
INSURANCE APPEALS TRIBUNAL RULES**

**INTRODUCTION**

Pursuant to section 117(b) of the Insurance Ordinance (Cap. 41) (“IO”), the Chief Justice (“CJ”) has made the **Registration of Orders of Insurance Appeals Tribunal Rules** (“the Rules”), at Annex, to provide for matters relating to the registration of an order of the Insurance Appeals Tribunal (“IAT”) in the Court of First Instance (“CFI”) pursuant to section 109 of the IO.

**BACKGROUND**

2. Enacted in July 2015, the Insurance Companies (Amendment) Ordinance 2015 (“Amendment Ordinance”) provides for, among other things, the establishment of the Insurance Authority (“IA”); a statutory regime to regulate insurance intermediaries in replacement of the previous self-regulatory system; and the establishment of the IAT to handle appeals from insurers and insurance intermediaries against relevant regulatory decisions made by the IA.

***The Insurance Authority***

3. The IA was set up on 7 December 2015 pursuant to the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2015. By the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2017 (“the 2017 Commencement Notice”), the IA took over the statutory functions of the then Office of the Commissioner of Insurance and became the regulator of insurance companies on 26 June 2017. Subsequently, by the Insurance Companies (Amendment)

Ordinance 2015 (Commencement) Notice 2019 (“the 2019 Commencement Notice”), the remaining provisions of the Amendment Ordinance commenced operation on 23 September 2019 to enable the IA to take over the role as the regulator of insurance intermediaries from the then three Self-Regulatory Organisations (“SROs”)<sup>1</sup>.

### ***The Insurance Appeals Tribunal***

4. With the 2017 Commencement Notice, the IAT was established pursuant to section 97 of the IO. In accordance with Part XII of and Schedule 10 to the IO, it has jurisdiction to review the specified decisions made by the IA as well as hear and determine a question or issue arising out of or in connection with a review. Specified decisions that are subject to the review by the IAT are set out in Schedule 9 to the IO.

5. During the period between 26 June 2017 and 22 September 2019, the IAT had powers to deal with appeals relating to insurance companies, but no such appeal was received by the IAT in the said period.

6. Pursuant to the 2019 Commencement Notice, the IAT has powers to deal with appeals relating to insurance intermediaries, in addition to insurance companies, with effect from 23 September 2019. Since then, the IAT has received 19 appeals, all being outstanding cases transferred from the appeal tribunals of the then SROs. As at 15 September 2020, the IAT had completed the processing of 15 cases, and was processing the remaining four cases.

## **JUSTIFICATIONS**

7. Section 109 of the IO reads –

“(1) After receiving a notice in writing given by the [Insurance Appeals] Tribunal in the manner prescribed by rules made under section 117, the Court of First Instance may register an order of the [Insurance Appeals] Tribunal in that Court.

(2) An order so registered is to be regarded for all purposes as orders of the Court of First Instance made within its jurisdiction.”

---

<sup>1</sup> The then SROs were the Insurance Agents Registration Board established under The Hong Kong Federation of Insurers, The Hong Kong Confederation of Insurance Brokers and The Professional Insurance Brokers Association.

8. Section 117(b) of the IO provides that the CJ may make rules to provide for matters relating to the registration of the IAT's orders in the CFI under section 109.

9. Given the requirement set out in section 109(1) of the IO above, it is necessary for the CJ to make the Rules under section 117(b) of the IO before IAT's orders may be registered in the CFI. To provide certainty and facilitate the Court in registering an IAT Order, the Rules have provided for a prescribed form.

## **THE RULES**

10. The Rules at Annex prescribe the form and way in which the notice is to be given. The main provisions are explained below –

- (a) Section 1 provides for the commencement date.
- (b) Section 2 provides that for the purpose of registering an order, the IAT must (i) submit a notice in the form prescribed in the Schedule, and (ii) produce the original of the order (together with a copy of the order), to the Registrar of the High Court.
- (c) The Schedule prescribes the form of the notice.

## **LEGISLATIVE TIMETABLE**

11. The legislative timetable is as follows –

Publication in the Gazette	16 October 2020
Tabling before LegCo	21 October 2020

## **IMPLICATIONS OF THE RULES**

12. The Rules are in conformity with the Basic Law, including the provisions concerning human rights. They do not affect the current binding effect of the IO. There are no economic, environment, productivity, family, gender and sustainability implications. The financial and civil service implications for the Judiciary will be ascertained in the light of operational experience and additional resources, if required,

will be sought in accordance with the established mechanism.

## **PUBLIC CONSULTATION**

13. We issued an information paper to the LegCo Panel on Financial Affairs in April 2020. Panel Members did not raise any objections.

## **PUBLICITY**

14. A press release will be issued. A government spokesperson will be available to answer enquiries.

## **ENQUIRIES**

15. Enquiries relating to this brief can be addressed to Ms Noel Tsang, Principal Assistant Secretary for Financial Services and the Treasury (Financial Services), at 2810 2201.

**Financial Services and the Treasury Bureau**  
**14 October 2020**

**Registration of Orders of Insurance Appeals Tribunal Rules**

**Schedule**

(Made by the Chief Justice under section 117(b) of the Insurance Ordinance (Cap. 41))

[r. 2(a)]

**Form of Notice**

**1. Commencement**

HCMP ..... / 20.....

These Rules come into operation on 14 December 2020.

IN THE HIGH COURT OF THE

**2. Registration of orders**

For the purpose of registering an order of the Tribunal in the Court of First Instance under section 109 of the Ordinance, the Tribunal must—

HONG KONG SPECIAL ADMINISTRATIVE REGION

COURT OF FIRST INSTANCE

MISCELLANEOUS PROCEEDINGS NO. .... OF 20.....

- (a) submit a notice in the form prescribed in the Schedule; and
- (b) produce the original of the order (together with a copy of the order),

to the Registrar of the High Court.

IN THE MATTER of the Insurance Ordinance (Cap. 41) (*IO*)

and

IN THE MATTER of the registration of an order of the Insurance Appeals Tribunal (*Tribunal*) under section 109 of the IO and rule 2 of the Registration of Orders of Insurance Appeals Tribunal Rules

**Notice**

TAKE NOTICE that the Secretary of the Tribunal of..... (address of

the Tribunal), now applies for registration of an order made by the Tribunal on the ..... day of ..... 20..... against ..... in the Court of First Instance for all purposes as an order of the Court made within its jurisdiction.

Dated the ..... day of ..... 20.....

.....  
Secretary of the Insurance Appeals Tribunal

(Back)

HCMP ..... / 20.....

IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE  
MISCELLANEOUS PROCEEDINGS NO. .... OF 20.....

IN THE MATTER of the Insurance Ordinance (Cap. 41) (IO)

and

IN THE MATTER of the registration of an order of the Insurance Appeals Tribunal under section 109 of the IO and rule 2 of

the Registration of Orders of Insurance Appeals Tribunal Rules

Notice

Dated the ..... day of ..... 20.....

Filed the ..... day of ..... 20.....

Secretary of the Insurance Appeals Tribunal

Address .....

Tel. No. ....

Fax No. ....

Ref. No. ....

Chief Justice

2020

**Explanatory Note**

The Court of First Instance may register an order of the Insurance Appeals Tribunal under section 109 of the Insurance Ordinance (Cap. 41) after receiving a written notice given by the Tribunal.

2. These Rules prescribe the form and way in which the notice is to be given.