

Law, Practice and Practical Tips in Disciplinary Proceedings of Insurance Agents

by
Mr. Dicky Cheung,
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Mr. Dicky Cheung read law at the University of Hong Kong and was called to the bar in 2017. He joined Garden Chambers in the following year.

His practice is focused on commercial, company and contractual litigation. He has represented listed companies, state-owned banks (overseas and PRC), and high net worth individuals in handling complex commercial, corporate and civil litigation with securities, trusts and probate at issues, involving overseas parties and complicated transactions.

Dicky also frequently represents professionals, including insurance agents, estate agents, optometrists etc., in disciplinary proceedings, and their appeal and judicial review proceedings.

Dicky is fluent in Putonghua and regularly handles PRC-related cases and parties.

“[I]t may be still possible to say that, although the local authority have kept within the four corners of the matters which they ought to consider, they have nevertheless come to a conclusion so unreasonable that no reasonable authority could ever have come to it. In such a case, again, I think the court can interfere”, *Associated Provincial Picture Houses Ltd. v Wednesbury Corporation* [1948] 1 KB 223, 233

Professional life in Hong Kong is heavily regulated. Rightly so, the increased awareness of clients on their rights against professionals presents new challenge to doctors, accountants, engineers, insurance agents alike.

Disciplinary proceedings against professionals are often extremely distressing with one’s livelihood and reputation at stake. They deserve rigorous and principled advocacy and defence to ensure one’s fundamental human right to a fair hearing is protected.

For the first time in recent 14 years, an insurance agent, represented by the Speaker of this CPD Course as counsel, has successfully applied to quash the decisions of the relevant disciplinary boards below in a judicial review case of *Wei Linghui v Hong Kong Federation of Insurers Insurance Agents Registration Board* [2019] 4 HKLRD 387, on both:

1. the substantive ground that decisions below were unreasonable in the public law sense; and
2. the procedural ground that there was procedural impropriety of failing to give adequate reasons.

This case sheds new light on disciplinary proceedings in the insurance industry in which over 70,000 insurance agents are subject to the regulation of relevant disciplinary boards and over 1,000 complaint cases are processed annually.

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The Speaker will offer his analysis of the judgment and experience in handling the above case and similar cases.

The course will cover the following topics:

- What are public law principles in disciplinary proceedings with the human right to fair hearing engaged?
- What is the procedure of disciplinary boards and appeal and how lawyers can protect their clients' right to fair hearing?
- What are the notarisation requirements of official/academic documents in the PRC and the practical tips to note?
- What does a client in disciplinary proceedings need and want? How does a lawyer take the best of instructions and prepare the disciplinary proceedings accordingly?
- How does a lawyer apply for an interim suspension/stay of disciplinary actions? What are the practical tips on settlement negotiation with disciplinary boards?
- How does a lawyer lay down the necessary grounds in preparation of potential appeal and judicial review?
- How does the new transition to the regulatory regime under the Insurance Authority change the landscape?

Scan to Calendar



Code:	EVT000000300	Level:	Intermediate
Date:	16 December 2019 (Monday) (Amended)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points SFC 3.0 CPT Hours
Venue:	Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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