

中国保险监管制度研究

孟昭亿 著



中国财政经济出版社

中国保险监管制度研究

孟昭亿 著

中国财政经济出版社

图书在版编目 (CIP) 数据

中国保险监管制度研究/孟昭亿著. —北京: 中国财政经济出版社, 2002.9

ISBN 7-5005-5938-0

I. 中… II. 孟… III. 保险业-监督管理-制度-研究-中国 IV. F842.0

中国版本图书馆 CIP 数据核字 (2002) 第 052839 号

中国财政经济出版社出版

URL: <http://www.cfeph.com>

E-mail: cfeph@dre.gov.cn

(版权所有 翻印必究)

社址: 北京海淀区阜成路甲 28 号 邮政编码: 100036

发行处电话: 88190406 财经书店电话: 64033436

天津新华印刷一厂印刷 各地新华书店经销

850×1168 毫米 32 开 7 印张 165 000 字

2002 年 9 月第 1 版 2002 年 9 月天津第 1 次印刷

印数: 1-3 000 定价: 16.00 元

ISBN 7-5005-5938-0/F·5213

(图书出现印装问题, 本社负责调换)

前 言

保险监管是金融监管中的一个重要组成部分。当今世界各国在发展本国保险业的同时，都十分关注保险监管问题。因为，保险本身就是与风险打交道的行业，它的经营管理是否稳妥，直接关系到投资于保险行业的股东们，最主要的是牵涉到广大投保人的利益，关系到人们生产和生活的稳定。虽然保险监管的形成与发展只有一百多年的历史，大大短于世界保险业发展的历程，但是由于当今世界经济发展异常迅猛，全球化进程不断加快，各国经济增长中面临和积累的风险日趋加大，因而，运用保险支持本国经济发展，同时通过保险监管降低风险，保证保险公司的偿付能力，已经成为各国保险监管机构的主要职责。然而，对于我国这种保险发展历史短，经济体制又处于变革之中的发展中国家而言，如何研究经济增长与保险产业进步的关系，借鉴有关国家保险监管的成功经验，吸取他们失败的教训，发现并解决保险经营和保险监管中存在的问题，以建立符合国际惯例和我国国情的保险监管制度，便显得尤为重要。截止目前，不少专家学者撰写了一些涉及保险监管问题的文章并从事了一些相关课题的研究，但专门进行保险监管制度研究的论文尚不多见。为此，笔者尝试着在这方面做点研究，希望能够得到诸多前辈、专家、学者、同行的指点。但愿这点研究成果能对我国保险监管制度的建设有些帮助。

本书在结构上分为四章，第一章题为经济增长与保险产业进

6/11/18/1-1

步相关分析，第二章是保险监管制度国际比较研究及启示，第三章为中国保险监管制度现状与问题，第四章是中国保险监管制度改革的政策思路。

第一章着重从经济增长和保险产业发展的相关性上进行了分析，在内容上又分为四节。其中，第一节是保险产业的兴起及其进程，主要介绍了世界和中国保险业的兴起过程，分别历经的主要发展阶段，以及当前的发展现状。第二节从经济规模、经济结构和经济政策角度分析了一国经济对保险产业发展的主要影响。第三节分析了一国保险产业的绝对规模、相对规模、技术运用反过来对国家经济的影响，以及金融保险行业的地位对国家经济增长的影响作用；并以此为基础，分析了当前经济和保险产业发展的趋势和特点，指出了保险发展所面临的机遇和挑战。第四节通过我国与世界平均保险深度和保险密度对比状况，研究了近些年来我国经济、保险行业的变化情况，并运用图表进行了相关的分析。

第二章主要对一些世界上比较有特色国家和地区的保险监管制度进行了介绍，并对这些国家和地区在保险监管方面的经验教训进行了总结，提出了对我国保险监管的启示。第二章又分为三节，第一节对美国 and 英国这两个具有典型代表性国家的保险监管制度进行了介绍，内容包括他们的保险市场总体情况、保险监管机构体系、保险监管法规体系、保险监管的主要内容和方式，以及保险市场对外开放情况和对外资保险机构的管理。第二节对韩国、新加坡、台湾等新兴市场国家和地区的保险监管制度，包括他们的保险市场总体情况、保险监管机构体系、保险监管法规体系、保险监管的主要内容和方式，以及保险市场对外开放情况和对外资保险机构的管理进行了介绍。第三节在分析前两节介绍的国家和地区保险监管制度变化情况后，对其经验教训进行了概

括，并提出了对我有借鉴意义的启示。

第三章从法规、监管机构、经营机构和保险业务几个方面描述了我 国保险监管制度现状，挖掘出了现行制度的主要问题，并分析了形成这些问题的原因。本章分为四节，第一节简要介绍了我国保险监管法规制度的基本框架，指出了存在的问题和原因。第二节描述了我 国保险监管机构的发展变化过程，以及由于历史原因形成的问题及其根源。第三节陈述了我 国保险经营机构发展壮大的情况，并且结合体制变化，指出了保险机构存在的弊端和成因。第四节从业务角度介绍了现行监管状况，提出了现存问题，并对原因进行了分析。

第四章从我 国保险监管原则和目标的确定、保险机构、保险经营和对外开放等方面对我们的保险监管制度进行了研究。第四章又分为四节，第一节论述了保险监管的一般原则与具体原则，保险监管的一般目标与具体目标，以我国保险监管原则和目标的选择。第二节从我 国保险监管机构制度、经营机构制度和服务机构制度等不同侧面进行了研究。第三节就保险公司财务、业务、投资等监管问题进行了制度研究。第四节在介绍了我国改革开放政策实施以来保险对外开放的历史进程后，对我们现行的保险开放政策进行了分析，并结合我国加入世界贸易组织的承诺情况，研究了今后在开放保险市场过程中应解决的问题和采取的政策。

我之所以选择“中国保险监管制度”这一课题进行研究，是因为我国的保险监管制度刚刚建立，尚待完善，许多方面的内容仍然处于探讨之中；而国外成熟的保险市场虽然有现成的监管制度，但并不适合我国的国情，因而不能简单地生搬硬套。选择这个题目的另外一个原因是我国已经加入世界贸易组织，保险对外开放的步伐将会加快，而我 国现行的保险监管制度还存在不少问题，在此情况下分析发达国家和地区的保险监管制度，通过对比

发现我们的不足，针对我国实际，改革和完善有中国特色的保险监管制度具有极大的现实意义。

至于如何建立和完善我国的保险监管制度，必须首先了解我国目前保险行业在国民经济中所处的地位及其发挥的作用，分析在国际国内保险业迅速发展的背景下对保险监管理论和政策的新挑战，以建立既符合中国国情又能与国际接轨的保险监管制度。当然，我国的保险监管制度不是凭空设计出来的，而是充分参考各国实践，结合我国经济和保险发展的实际，才提出今后相当长的一段时间内坚持“偿付能力和市场行为监管并重的原则”，并最终过渡到偿付能力监管上来。这里还必须消除一个误解，就是即便在最发达的国家，强调偿付能力监管并不是完全忽略保险机构的市场行为监管，两者并不矛盾。我们所说的以什么为主，只不过是不同国家和地区的不同发展时期强调的重点不同而已。

与平铺直叙论述保险监管制度不同，本书尝试在几个方面有所创新：第一，在论述经济增长对保险业发展的影响时，分析了保险业发展对经济增长的支持作用，以发现经济增长与保险产业进步的内在联系；第二，在世界保险行业发展异常迅速的今天，分析了保险业发展变化对传统保险监管理论与政策的新挑战；第三，十年间我国从银行、证券、保险合业监管走向分业监管，然而不少发达国家的监管机构却走向联合，为此笔者论述了金融业经营与合业监管的发展趋势，以及对我们的影响，试图探索有中国特色的保险监管模式；第四，面对中国已经加入世界贸易组织的现实，对如何强化保险监管做了尝试性论述，以迎接对保险行业尤其是保险监管制度提出的新挑战。

Preface

Insurance supervision is an important component of financial supervision. Currently all the countries in the world concern themselves very much with the insurance supervision in the course of developing their own insurance industry. Since insurance deals with various risks by its nature, it is determined that appropriate and stable operation and management in the industry not only directly involve those shareholders investing in the industry, but also have great influence over the interest of a large number of policy holders and thus concern the stability of production and social life. The insurance supervision has a history of only more than a century since its emergence that is much shorter than that of the industry itself, but with the dramatically rapid development of world economy and the ever – deepening globalization, the risks present and accumulating in the economic growth of all countries have been increasing throughout the years. Consequently, supporting national economic development by means of insurance and reducing risks through insurance supervision to guarantee the insurance companies' ability in payment of claims have become the primary function of supervisory bodies of insurance sector in all countries. Logically, in the case of a developing country like China, whose history of insurance industry is comparatively short and whose economic system is undergoing reforms, some is-

sues have turned out to be of great significance such as how to study the relationship between economic growth and insurance industry, and to learn from other countries their experience and lessons in insurance supervision, and to disclose and solve the problems arising in the operation and supervision of insurance business, and eventually set up its own insurance supervision system according to international practice and China's circumstances. Up to date, quite a number of experts and scholars have been elaborating on the issues relating to insurance supervision and conducting research on several relevant subjects; however, special study and treatises on insurance supervision system are not commonly available, yet. The author of this paper attempts to focus on this subject in a hope to draw more advice and solicit exchange of ideas from other researchers of such subjects. This paper is expected to be of help to the set-up of a mature insurance supervision system in China.

Structurally, this paper consists of four chapters, of which the first chapter gives an analysis of the relationship between economic growth and insurance industry development, the second chapter compares the insurance supervision systems of various countries and draws relevant conclusions, the third chapter gives an account of the current condition of China's insurance supervision system, and the last chapter is an elaboration on China's insurance supervision system in existence.

Chapter I is devoted to the correlation study of economic growth and insurance industry development, and divided into four sections. The first section concerns the emergence and the history of insurance in-

dustry, which mainly relates to the rise of world and China's insurance industries and the phases in their development and the current condition. The second section analyzes the impact of a country's economy on its insurance industry in terms of economic scale, structure and policies. The third section then analyzes in turn the impact of the absolute scale, relative scale and technological application in a country's insurance industry on its economy, and the influence that the position of financial and insurance business imposes on a country's economic growth. In addition, this section points out the trend and characteristics of the development of economy and insurance industry, as well as the challenges and opportunities facing insurance sector. The final section includes a comparative analysis of China's and the world average depth and density of insurance business, upon the basis of which the changes in China's economy and insurance industry over the past years are illustrated with charts and diagrams to disclose their correlation.

Chapter II mainly introduces the insurance supervision systems of a few characteristic countries and regions in the world. In this chapter the author summarizes the experience and lessons these countries and regions have gained in the development of their insurance supervision systems and further figures out the enlightenment from these experience and lessons. This chapter is divided into three sections. The first section is mainly an introduction to the insurance supervision systems of UK and USA that are typical of countries with advanced supervision systems. The introduction concerns the overall situation of their insurance markets, insurance supervision systems, legal sys-

tems of insurance supervision, and the content and means of insurance supervision, in addition to their opening to foreign insurance businesses and management of foreign insurance businesses. The following section introduces the insurance supervision systems of those emerging countries and regions such as South Korea, Singapore and Taiwan, also including the overall situation of their insurance markets, insurance supervision systems, legal systems of insurance supervision, and the content and means of insurance supervision, in addition to their opening to foreign insurance businesses and management of foreign insurance businesses. The final section is based on the analyses of the prior sections of the supervision systems in those countries and regions, and summarizes the lessons from them and significance to China's effort to build up its own insurance supervision system.

Chapter III describes the current situation of China's insurance supervision in terms of legal system, supervision bodies, management agencies and insurance business. In this chapter the major problems or drawbacks in the existing system are dug out for the analysis of the cause. There are four sections in this chapter. The first section gives a brief account of the basic framework of China's insurance supervision legal system and points out the existing problems and causes. The second section depicts the development history of China's insurance supervisory bodies and the problems coming into being in the history and their origination. The following section relates to the ever-increasing growth of China's insurance supervisory bodies, and points out the drawbacks in the bodies and their causes in con-

nection to the transformational reforms in the industry. The final section introduces the current situation of insurance supervision from the perspective of business operation, and also discloses the existing problems and analyzes the causes as well.

Chapter IV is focused on the topics such as the determination of principles and objectives of China's insurance supervision system, insurance agencies, insurance business operation and opening up of the industry. This chapter comprises four sections. The first section elaborates on the general principles and specific principles of insurance supervision, the general objectives and specific objectives of insurance supervision, the principles and objective selection of China's insurance supervision system. The next section analyzes the supervision system, business system and service system of China's insurance industry. The third section is dedicated to the institutional study of the issue relating to financial accounting, business and investment of insurance companies. The final section, however, first gives an account of the history of the opening up of China's insurance industry in its economic reforms and opening up drive, and then analyzes the existing policies on opening up of insurance industry. In addition, in this section, the author touches on the problems and issues and the advisable policies to be implemented in the opening up of insurance market to foreign businesses in consideration of the commitments of China after its entry into WTO.

The reason I have chosen China Insurance Regulatory System as the subject of my study is because the insurance regulatory system is

new to our country and is still in need of improvement. Many areas are still up for discussion. Meanwhile, though ready-made regulatory systems for foreign countries with mature insurance market are available, they are not applicable to our country's actual situation and may not be simply copied. Another reason for my selection of this subject is that our country is a member of WTO now, which means the opening-up process for the insurance sector will be accelerated. However, there are still a lot of problems with our existing insurance regulatory system. Under such circumstances, analyzing the insurance regulatory systems of the developed countries, finding out where we lag behind by comparison and reforming and perfecting an insurance regulatory system with Chinese characteristics based on the actual situation of our country is of great significance.

To set up and perfect an insurance regulatory system for our country, we must first have a thorough understanding of the role and function of our current insurance sector in our national economy and analyze the new challenges posed in front of the theories and policies on insurance regulatory systems with domestic and international insurance sector seeing rapid growth. Only this way can an insurance regulatory system that both suits China's actual situation and is in line with international practices be established. Of course, the insurance regulatory system for our country was not drummed up without foundation. It was only after taking the actual situation of our country's economic and insurance development into consideration while referring to the practices of different countries was the principle brought up, stating that the same importance should be placed on

paying capability and regulation of market behaviors for a considerable period of time in the future before transiting to the regulation of solvency eventually. It is necessary to clarify a misunderstanding here that even in the most developed countries stress on regulation of solvency does not mean total neglect of the regulation of market behaviors of insurance institutions. These two aspects are not in conflict. When we say placing importance on a certain area, we are only saying that for different countries and regions and at different stages of the development, the focus should be different.

Different from discussing insurance regulatory systems in plain words, I try to make breakthroughs in several areas. First, when discussing economic growth, I should point out its impact on the development of the insurance sector and analyze, meanwhile, the supporting effect that the development of the insurance sector has on economic growth to find out the interrelation between economic growth and the progress of the insurance sector. Secondly, the paper analyzes the new challenges brought about by the development of the insurance sector to conventional insurance regulatory theories and policies under the circumstance of rapid development of insurance sector in the world. Thirdly, during the past ten years, regulation of the banking, securities and insurance sectors has evolved from cross - industry regulation to separate regulation by industry, whereas regulatory institutions of many developed countries are turning to alliance. With respect to this phenomenon, the paper discusses the development trend of cross - industry operations and cross - industry regulation in the financial sector as well as its impact on

China's insurance sector in a bid to explore an insurance regulation pattern with Chinese characteristics. Finally, with China's access to the WTO, the book makes a tentative discussion on how to strengthen insurance regulation to meet the new challenges presented to the insurance industry, particularly the insurance regulatory system.

目 录

| | |
|-------------------------------|--------|
| 导论 | (1) |
| 一、研究主题与思路 | (1) |
| 二、研究方法 | (4) |
| 三、研究保险监管制度的意义 | (6) |
| 第一章 经济增长与保险产业进步相关分析 | (7) |
| 第一节 保险产业的兴起及其进程 | (7) |
| 一、世界保险产业的兴起及其进程 | (7) |
| 二、我国保险产业的兴起及其进程 | (11) |
| 第二节 经济增长对保险产业发展的基础作用 | (18) |
| 一、经济规模对保险产业发展的影响 | (19) |
| 二、经济结构对保险产业发展的影响 | (22) |
| 三、经济政策对保险产业发展的影响 | (24) |
| 第三节 保险产业对经济增长的支持作用 | (26) |
| 一、保险产业发达程度对经济的影响 | (26) |
| 二、保险和金融服务结构对经济增长的影响 | (29) |
| 三、保险产业发展的机遇与挑战 | (35) |
| 第四节 经济增长与保险产业进步的相关分析 | (40) |
| 一、GDP 与保险深度和保险密度国际比较 | (40) |
| 二、经济增长与保险产业进步状况分析 | (45) |
| 第五节 保险业快速发展对保险监管理论与政策 | |

| | |
|---------------------------------|-------------|
| 新的挑战····· | (51) |
| 一、保险监管理论及其变迁····· | (51) |
| 二、保险业发展对保险监管理论与政策的新挑战····· | (52) |
| 第二章 保险监管制度国际比较研究及启示····· | (56) |
| 第一节 西方发达国家的保险监管制度····· | (56) |
| 一、美国的保险监管制度····· | (56) |
| 二、英国的保险监管制度····· | (63) |
| 第二节 新兴市场国家和地区的保险监管制度····· | (69) |
| 一、韩国的保险监管制度····· | (69) |
| 二、新加坡的保险监管制度····· | (75) |
| 三、中国台湾地区的保险监管制度····· | (80) |
| 第三节 保险监管制度演进中的经验教训及启示····· | (87) |
| 一、有关国家和地区保险监管的经验教训····· | (87) |
| 二、国际保险监管经验教训对我国的启示····· | (92) |
| 第三章 中国保险监管制度现状与问题····· | (95) |
| 第一节 我国保险监管法规制度····· | (95) |
| 一、保险监管法规制度框架····· | (95) |
| 二、保险监管法规制度问题及根源剖析····· | (97) |
| 第二节 我国保险监管机构制度····· | (101) |
| 一、保险监管机构制度沿革····· | (101) |
| 二、保险监管机构制度建设问题及根源剖析····· | (105) |
| 第三节 我国保险机构管理制度····· | (109) |
| 一、保险机构管理制度状况····· | (109) |
| 二、保险机构管理制度问题及根源剖析····· | (112) |