



The TIC Appeal Board and Appeal Procedures

I. Composition of the Appeal Panel

1. Every Association Member's Chairman or representative serving on the TIC Board;
2. All Elected Directors; and
3. 10 persons, none of whom is a Member of the TIC or has any financial interest in or is connected with a Member and each of whom is nominated by the TIC Board and appointed by the Secretary for Commerce and Economic Development. Such persons are referred to as "The Appointees".

II. Composition of an Appeal Board

4. Every Appeal Board will consist of 3 of The Appointees (one of whom will be the Chairman of that Appeal Board) and 2 persons drawn from amongst the Association Members' Chairmen or their appointed representatives and the Elected Directors.
5. No member of an Appeal Board should have been a member of the TIC's committee against whose decision the appeal is lodged nor will he have any personal interest in or connection with (i) results of such appeal, or (ii) any party thereto.

III. Appeals to the Appeal Board

6. The Appeal Board may hear appeals lodged against decisions of the TIC's disciplinary bodies, Consumer Relations Committee and Membership Committee.
7. The TIC's disciplinary bodies mean the TIC Board and those committees delegated and empowered by the Board to take disciplinary or regulatory actions against TIC Members, shops registered under the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers, Tourist Guide Pass holders, Tour Escort Pass holders and examination candidates and other relevant parties that may be regulated by the TIC. They include, without limitation, the Compliance Committee, Committee on Shopping-related Practices, Mainland China Inbound Tour Compliance Committee, Tourist Guide and Tour Escort Deliberation Committee, Examinations Committee and such other committees that may be formed or appointed by the Board to take disciplinary or regulatory actions.



IV. Procedures for Lodging Appeals

8. Any person desirous of appealing against any decision of the TIC's committees as provided for under Section III herein shall within 14 days from the day following that on which the notification issued by the TIC Executive Office informing him of the decision was posted, give notice of appeal stating the grounds and support, or within such 14-day period apply for extending the period for lodging an appeal for an additional period of not more than 14 days in writing to the Secretary (the Executive Director of the TIC). The notice of appeal shall be given with an appeal fee of HK\$1,000.
9. The notice of appeal or application for extension of the appeal period shall be addressed to "TIC Executive Director". Notwithstanding such notice of appeal being given, the appellant shall pay his fine (if any) within 14 days as from the date of giving of the appeal notice.

V. Procedures for Handling Appeals

10. On receipt of the notice of appeal, the appeal fee of HK\$1,000 and the full amount of fine (if any), the Secretary will send a letter of acknowledgement to the appellant within 1 week.
11. 11.1 The Secretary shall give the appellant and the respondent (normally the Chairman of the TIC Board or the convenor of the committees whose decision is appealed against) not less than 14 days' notice of the time and place of meeting of the Appeal Board, and will in such notice inform them that they may attend and make representations to the Appeal Board.

11.2 The appellant and the respondent may attend the appeal hearing in person or if the Appeal Board so permits appoint such representatives to attend the hearing or make representations on their behalf. In the normal circumstances, to save costs and time, no legal or other expert, professional representation would be allowed by the Appeal Board to be made or be present. The application for intended legal or other expert, professional representatives or representation, if any, and any documents/evidence intended to be used shall reach the Secretary not less than 7 days before the hearing for onward submission to the Appeal Board and the other party.

11.3 If the appellant is not available to attend and no adjournment is granted, or decides not to attend the appeal hearing but intends to continue the appeal, he shall notify the Secretary at least 7 days before the hearing and the Appeal Board may consider the case in his



absence. The appellant (if he wishes) may request with grounds the Appeal Board to schedule another date for hearing his case. However, if re-scheduled time of the appeal hearing is granted and he is still not available, the Appeal Board may consider the case in his absence.

- 11.4 If the appellant decides to withdraw his appeal, he shall inform the Secretary not less than 7 days before the appeal hearing. Otherwise, for late withdrawals, the appeal fee of \$1,000 paid by the appellant will be forfeited.
12. 12.1 A folder containing all documents related to the case under appeal will be delivered to the Appeal Board members not less than two days before the appeal hearing. The appellant and the respondent will receive the same set of documents prior to the hearing.
- 12.2 The Guidelines for Declaration of Interests and the names of the appellants will be sent to the Appeal Board members together with the folder. Appeal Board members shall declare their interests (if any) as soon as possible before the appeal hearing.
13. 13.1 In the hearing, the appellant normally may make representation, including calling witnesses and presenting evidence, if any, to the Appeal Board first. The respondent then may put questions to the appellant. It will then be the respondent's turn to make representation, including calling witnesses and presenting evidence, if any. The appellant may put questions to the respondent. Members of the Appeal Board may also put questions to the appellant and the respondent. The parties may then make final submissions with the appellant always having the last say. While the format or procedure of the hearing need not be strict or formal with the Appeal Board having full discretion to direct and manage the proceedings as it shall deem appropriate and fair, rules of natural justice should always be observed and upheld.
- 13.2 The appellant and the respondent shall give the other party notice of calling witnesses through the Secretary not less than 7 days before the hearing.
- 13.3 The Appeal Board shall then consider all the evidence, arguments and relevant provisions to reach a decision which shall be recorded in writing.
14. The Appeal Board may make a decision at the end of the hearing or on a later date but as soon as possible if the issues involved are complicated or for other reasons.



15. The Appeal Board may confirm, vary or quash the decision appealed against and may make appropriate decisions or directions relating thereto including without limitation imposing fines, suspending or revoking membership, etc as per provisions under the Articles of Association of the TIC. It will also decide whether the appeal fee paid by the appellant is to be forfeited, or repaid to the appellant wholly or in part as may be just. The decision of the Appeal Board is binding on the appellant and the respondent.
16. The decision of the Appeal Board will normally be communicated to the appellant and the respondent (and the travel agent concerned in case the appellant is a Tourist Guide Pass holder or a Tour Escort Pass holder) in writing, together with refund of the fine and/or appeal fee, if appropriate, within 1 week after the appeal hearing.

VI. Conduct at Hearings

17. At any hearing of the Appeal Board, if a person misbehaves or behaves in an insulting or threatening manner, or wilfully interrupt the hearing, the chairman of the Appeal Board may make appropriate decisions including ordering the person to leave the hearing room. The hearing may continue and the Appeal Board may decide in his absence.

VII. Abandoning Appeal

18. Subject to paragraphs 11.2 and 11.4 herein, if the appellant or his permitted representative is not present to pursue within 15 minutes after the time appointed for the hearing or abandon the appeal at any stage, the Appeal Board may dismiss the appeal and forfeit the appeal fee.

VIII. Rules and Directions

19. The Appeal Board may make from time to time such appropriate rules, directions, amendments or additions thereto, etc concerning or relating to any appeal as it may deem fair and expedient.

Adopted in December 2007