



Procedures for handling tour escorts suspected of violating the Code of Conduct for Outbound Tour Escorts by the Compliance Committee

I. Procedures for handling tour escorts suspected of violating the Code of Conduct for Outbound Tour Escorts

1. If the Executive Office of the Travel Industry Council of Hong Kong (TIC) has received a complaint about the service quality of a tour escort from outbound tour participants or has learnt from other channels about the misconduct of a tour escort, it will send a letter, together with the complaint letter and the relevant materials, to him/her and the member concerned by fax (if a fax number has been supplied) and registered post, and request them to submit written representations within 21 days from the day following the date of the letter from the TIC Executive Office.
2. If there is evidence that the tour escort is suspected of misconduct or violating the Code of Conduct for Outbound Tour Escorts, the case will be referred to the Compliance Committee for consideration (if the member concerned is suspected of violating any rule of the TIC, the case will also be referred to the Compliance Committee for consideration). The TIC Executive Office will notify him/her as such by fax (if a fax number has been supplied) and registered post, who shall give a written reply within 14 days from the day following the date of notification of suspected violation from the TIC Executive Office, in order to either admit violating the Code of Conduct for Outbound Tour Escorts or dispute the violation alleged. A copy of the notification of suspected violation will be sent to the member concerned.
3. On receipt of the representations submitted by the member in response to the complaint and the written reply from the tour escort who intends to dispute the violation alleged, the TIC Executive Office will request the tour escort to respond to the discrepancies (if any) between his/her version and the member's version of the complaint, and to the evidence which becomes available to the TIC Executive Office in the process of following up the case and which is unfavourable to him/her, within five working days from the day following the date of notification from the TIC Executive Office requesting him/her to respond to the discrepancies or the unfavourable evidence. The TIC Executive Office may also request him/her to provide evidence to support his/her representations, and take such steps as it may deem fit to verify the truth or otherwise of the representations provided by him/her.
4. Relevant information on the case collected by the TIC Executive Office will be organised and submitted to the Compliance Committee for consideration. All information regarding the identity of the tour escort and the member is concealed in the documents submitted to the Committee in order to ensure



fairness. The Committee will consider all the information and representations submitted by the tour escort, the member and the complainant(s) when making a decision.

II. Compliance Committee

1. The majority of the members of the Compliance Committee shall be from outside the trade. Its convenor shall be an independent director and its deputy convenor a trade director.
2. The quorum for meetings of the disciplinary panel set up under the Compliance Committee for handling cases of suspected violations by tour escorts is, including the convenor or the deputy convenor of the Committee, five directors present, of whom independent directors shall constitute the majority. Eight members will be invited to each panel meeting on a rotation basis, including four independent directors, three trade directors and one member who is not a director and who comes from outside the trade. Among those present at a panel meeting, non-trade members shall constitute the majority.
3. Disciplinary panel meetings shall be chaired by the convenor of the Committee or, in his/her absence, the deputy convenor.

III. Penalties imposed on tour escorts found to have violated the Code of Conduct for Outbound Tour Escorts

1. Definitions: "Revocation of a Tour Escort Pass" means cancellation of a Tour Escort Pass before the expiry of the validity period originally granted. "Suspension of a Tour Escort Pass" means temporary cancellation of a Tour Escort Pass for a specific period of time before the expiry of the validity period originally granted. "Non-renewal of a Tour Escort Pass" means (1) refusal to extend the validity period of an expired Tour Escort Pass; or (2) refusal to extend the validity period of a valid Tour Escort Pass in the situation where the Pass is due to expire in not more than 14 days and an immediate revocation is considered not necessary.
2. In deciding the penalty for a Tour Escort Pass holder guilty of misconduct, the Compliance Committee should first and foremost consider whether, in its opinion, the Pass holder is a fit and proper person to be a tour escort.
3. The Compliance Committee may revoke, suspend or refuse to renew any Tour Escort Pass. If the Committee considers revocation, suspension or non-renewal of the Tour Escort Pass to be an excessive penalty, it may issue a written warning to the tour escort concerned. Repeated warnings will lead to a more severe disciplinary action such as suspension of the Pass.
4. In situations where a holder of the Tour Escort Pass is found to have violated the Code of Conduct for Outbound Tour Escorts but disciplinary actions are



not warranted, the Compliance Committee may issue a letter of advice to the tour escort concerned with a view to promoting good conduct and practice.

5. Where a Tour Escort Pass has been revoked or suspended, the person concerned shall surrender the Pass to the TIC. If he/she fails to return the Pass to the TIC within seven days of its becoming invalid due to revocation, his/her future applications for the Pass may be rejected by the Tourist Guide and Tour Escort Deliberation Committee. If he/she fails to return the Pass to the TIC within seven days of its becoming invalid due to suspension, further penalties may be imposed on him/her by the Compliance Committee such as extension of the suspension period.
6. A suspended Tour Escort Pass will resume its validity upon the expiry of the suspension period if it is still within its original validity period.
7. A person whose Tour Escort Pass has been revoked or refused renewal by the Compliance Committee may apply for a new Pass six months after revocation or non-renewal of the old Pass.
8. The Compliance Committee may suspend, revoke or refuse to renew any Tour Escort Pass having regard to whether the holder of the Pass:
 - (1) has in any application for a Tour Escort Pass made any false statement;
 - (2) has been convicted of a criminal offence and sentenced to imprisonment or imposed a fine;
 - (3) has been convicted of a criminal offence and sentenced to imprisonment or imposed a fine but has failed to report to the TIC of the conviction and the sentence;
 - (4) has in the opinion of the Compliance Committee been guilty of any misconduct which renders him/her unfit to continue to be a tour escort;
 - (5) is by other reasons unfit to be a tour escort.
9. In cases where a criminal act is involved, they will be referred to the law enforcement authorities such as the police or the Independent Commission Against Corruption for action.

IV. Notification of decisions and retention of violation records

1. If the Compliance Committee decides to penalise the tour escort who is found to have violated the Code of Conduct for Outbound Tour Escorts, the TIC Executive Office will notify him/her in writing by fax (if a fax number has been supplied) and registered post of the Committee's decision and grounds, his/her right to appeal against the decision and the appeal procedures. A copy of the notification will be sent to the member concerned.
2. All violation records will be kept in the personal file of the tour escort concerned.



3. If the Compliance Committee decides that the tour escort has not violated any rule of the TIC, the TIC Executive Office will also notify him/her and the member concerned in writing of the decision.

V. Appeals against decisions of the Compliance Committee

1. Any tour escort desirous of appealing against the Compliance Committee's decision shall within 14 days (from the day following the date of notification of the decision from the TIC Executive Office) give notice of appeal or apply for extending the period for lodging an appeal for an additional period of not more than 14 days in writing to the TIC. The notice of appeal shall be given with an appeal fee of HK\$1,000. The notice of appeal or application for extension of the appeal period shall be addressed to "TIC Executive Director". The Appeal Board will decide whether the appeal fee paid by the appellant is to be forfeited, or repaid to the appellant wholly or in part.
2. Details of the appeal procedures are available from the TIC website (www.tichk.org) or the TIC Executive Office.

VI. Announcement of disciplinary actions taken against tour escorts

1. Any tour escort penalised by the Compliance Committee will have his/her name and the rule(s) violated posted on the TIC website and published in *The Voice of TIC*, the details of which are stipulated in paragraphs 2 to 5 below.
2. If the Compliance Committee decides that a Tour Escort Pass is to be revoked or suspended **immediately** (namely that it will remain invalid pending an appeal), then the disciplinary action taken against the tour escort concerned will be posted on the TIC website immediately. If the tour escort files an appeal, the fact that an appeal has been filed will also be posted on the TIC website. If the Pass is revoked, the disciplinary action will be posted on the TIC website for one month; if it is suspended, the disciplinary action will be posted on the TIC website until the suspension period ends.
3. If the Compliance Committee decides that a Tour Escort Pass is to be revoked or suspended (namely that it will still be valid pending an appeal), and the tour escort concerned does not within 14 days (from the day following the date of notification of the decision from the TIC Executive Office) give notice of appeal or apply for extending the period for lodging an appeal for an additional period of not more than 14 days in writing to the TIC, then the disciplinary action taken against him/her will be posted on the TIC website after the appeal period ends. If the tour escort files an appeal, the disciplinary action taken against him/her will be posted on the TIC website after a decision is made by the Appeal Board. If the Pass is revoked, the disciplinary action will be posted on the TIC website for one month; if it is suspended, the disciplinary action will be posted on the TIC website until the suspension period ends.



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4. If the Compliance Committee decides that a written warning is to be issued to the tour escort concerned, and he/she does not within 14 days (from the day following the date of notification of the decision from the TIC Executive Office) give notice of appeal or apply for extending the period for lodging an appeal for an additional period of not more than 14 days in writing to the TIC, then the disciplinary action taken against him/her will be posted on the TIC website for one month after the appeal period ends. If the tour escort files an appeal, the disciplinary action taken against him/her will be posted on the TIC website for one month after a decision is made by the Appeal Board.
5. If the Compliance Committee decides that a Tour Escort Pass is to be revoked or suspended (irrespective of whether it is revoked or suspended immediately) or that a written warning is to be issued to the tour escort concerned, and he/she does not within 14 days (from the day following the date of notification of the decision from the TIC Executive Office) give notice of appeal or apply for extending the period for lodging an appeal for an additional period of not more than 14 days in writing to the TIC, then the disciplinary action taken against him/her will be published in *The Voice of TIC*. If the tour escort files an appeal, the fact that an appeal has been filed will also be published in *The Voice of TIC*. The appeal result will be published in the next issue of *The Voice of TIC*.

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