



Guidelines on the handling of cases involving tour escorts suspected of violating TIC rules by the Compliance Committee

I. Procedures for handling tour escorts suspected of violating TIC rules

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 the tour escort and the member concerned by fax or email (if a fax number or email address has been supplied) and by 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 TIC rules, 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 the tour escort as such by fax or email (if a fax number or email address has been supplied) and by 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 TIC rules 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 the tour escort, within five working days from the day following the date of notification from the TIC Executive Office requesting the tour escort to respond to the discrepancies or the unfavourable evidence. The TIC Executive Office may also request the tour escort 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.

5. If the Tour Escort Pass (Pass) of the tour escort was invalid at the time of the incident or becomes invalid while the TIC Executive Office is handling the case, the case will be handled in accordance with the above procedures as though the Pass were still valid. If the Compliance Committee decides to penalise the tour escort, the penalty will be recorded for subsequent treatment when he/she applies for Pass renewal. The Tourist Guide and Tour Escort Deliberation Committee will then decide whether to approve the renewal application or not; and if approval is granted, the penalty previously recorded but not yet enforced will be enforced immediately after the Pass is renewed.

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 one of its two deputy convenors shall be a trade director and the other deputy convenor shall be an independent director.
2. A panel, which consists of all members of the Compliance Committee and tourist guide representatives and tour escorts, is set up under the Committee to handle cases of suspected violations.
3. The quorum for panel meetings to handle 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, plus at least one tour escort. Eight members and one tour escort will be invited to each panel meeting on a rotation basis. Among those present at a panel meeting, non-trade members shall constitute the majority.
4. Panel meetings shall be chaired by the convenor of the Committee or, in his/her absence, the deputy convenor who is an independent director.

III. Penalties imposable on tour escorts found to have violated TIC rules

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 letter of advice or 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. 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.
5. 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.
6. 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.
7. Even though a holder of the Tour Escort Pass is found to have not violated TIC rules, the Compliance Committee may issue a reminder letter to the tour escort concerned with a view to promoting good conduct and practice.

IV. Penalties imposable on tour escorts not found to have violated TIC rules

1. The Compliance Committee may impose appropriate penalties, including suspension, revocation or non-renewal of the Tour Escort Pass, on any Tour Escort Pass holder depending on the severity of the case having regard to whether the Pass holder:
 - (1) has provided factually untrue information or is suspected of making any false statement, in any application for a Tour Escort Pass;
 - (2) has been convicted of a criminal offence or has been convicted of a criminal offence but has failed to report to the TIC of the conviction and the sentence, except for those cases where a declaration of such information is not necessary as mentioned in the declaration form for the Pass;
 - (3) 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;
 - (4) is by other reasons unfit to be a tour escort.



2. In cases where the holder of the Tour Escort Pass is suspected of making any false statement or a criminal act is involved, the Compliance Committee may refer the cases to the law enforcement authorities such as the police or the Independent Commission Against Corruption for action.

V. 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 TIC rules, the TIC Executive Office will notify him/her in writing by fax or email (if a fax number or email address has been supplied) and by 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 TIC rules, the TIC Executive Office will also notify him/her and the member concerned in writing of the decision.

VI. 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.

VII. Announcement of information about revoked or suspended Tour Escort Passes

1. Any tour escort who holds a valid Tour Escort Pass and whose Pass is revoked or suspended by the Compliance Committee will have his/her name and the information about his/her Pass posted on the TIC website, the details of which are stipulated in paragraphs 2 to 4 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 information about the Pass 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 information about the Pass will be posted on the TIC website for one month; if it is suspended, the information 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 information about the Pass will be posted on the TIC website after the appeal period ends. If the tour escort files an appeal, the information about the Pass will be posted on the TIC website after a decision is made by the Appeal Board. If the Pass is revoked, the information will be posted on the TIC website for one month; if it is suspended, the information will be posted on the TIC website until the suspension period ends.
4. Any tour escort who holds an invalid Tour Escort Pass and whose Pass is revoked or suspended by the Compliance Committee will not have his/her name and the information about his/her Pass posted on the TIC website. If the tour escort later applies for Pass renewal and the application is approved by the Tourist Guide and Tour Escort Deliberation Committee, his/her name and the information about the revocation or suspension of his/her Pass will be posted on the TIC website immediately after the revocation or suspension penalty previously recorded but not yet enforced is enforced.

January 2010