

Guidelines on the handling of consumer complaints by the Consumer Relations Committee

I. Procedures for handling complaints filed by consumers

1. If, after mediation by staff of the TIC Executive Office, complainants and members are still unable to settle their disputes, then the complainants may request that their complaints should be referred to the Consumer Relations Committee for consideration.
2. Complaints shall be related to requests for compensation and shall not be under legal proceedings or arbitration.
3. The TIC Executive Office will notify the member concerned in writing that the complaint case will be referred to the Consumer Relations Committee for consideration. The notification will be sent to the member together with the complaint letter (including the receipts, relevant documents, etc), written explanations and evidence previously provided by the member, and any other information related to the case.
4. The member may give a written reply to the TIC Executive Office within 14 days from the day following the date of notification, in order to make its final representations.
5. The TIC Executive Office will take such steps as it may deem fit to verify the truth or otherwise of the representations provided by the member. If there are any new arguments in the representations, the TIC Executive Office will notify the complainant of the representations in order that he/she can respond to them for the last time.
6. Relevant information submitted by both parties and collected by the TIC Executive Office will be organised and submitted to the Consumer Relations Committee for consideration. All information regarding the identity of the member and the complainant is concealed in the documents submitted to the Consumer Relations Committee in order to ensure fairness.
7. Both the member and the complainant will not be invited to attend meetings of the Consumer Relations Committee.
8. For the sake of fairness, the member shall not attempt to contact or influence members of the Consumer Relations Committee before or after the meeting at which its case is considered; otherwise, it will be deemed to have violated rules of the TIC.

II. Decisions of the Consumer Relations Committee and related matters

1. The Consumer Relations Committee will make a decision on the complaint case

by making reference to the information provided by both parties, industry practices and rules of the TIC. Discretion may also be exercised, based on convention, in order to reach a fair decision. Decisions of the Committee are not bound by precedents.

2. The Consumer Relations Committee will decide whether the member should compensate or refund the complainant, and will refer the case to other committees of the TIC for consideration if necessary.
3. The TIC Executive Office will post a letter to the member, informing it of the decision of the Consumer Relations Committee and its right to lodge an appeal with the Appeal Board. If the member does not lodge an appeal before the deadline or its appeal is unsuccessful, it shall comply with the Committee's decision; otherwise, it will be penalised.
4. The TIC Executive Office will notify the complainant of the outcome of his/her complaint after the appeal period ends or a decision is made by the Appeal Board.
5. If the Consumer Relations Committee or the Appeal Board decides that the complainant will be awarded compensation or a refund, and he/she accepts the decision as the final settlement of the case, then he/she shall contact staff of the TIC Executive Office for follow-up arrangements within 90 days from the date of notification of the decision. The member may request the complainant to sign a document to forfeit his/her right to further pursue the case when making the compensation or refund payment, in order to protect the interests of both parties.
6. If the complainant is dissatisfied with the final decision of the Consumer Relations Committee, he/she may take any other action against the member. The Consumer Relations Committee's decision does not affect his/her legal rights.

III. Consumer Relations Committee

1. The majority of the members of the Consumer Relations 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 panel set up under the Consumer Relations Committee for handling consumer complaints is, including the convenor or the deputy convenor of the Committee, five members present. Seven members 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.
3. Panel meetings shall be chaired by the convenor of the Committee or, in his/her absence, the deputy convenor.
4. The panel meets about once every two months.

IV. Appeals against decisions of the Consumer Relations Committee

1. Any member desirous of appealing against the Consumer Relations 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.

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