



**Guidelines on the handling of Tourist Guide Pass/Tour Escort Pass applications or renewal applications which require special deliberation, and of cases where tourist guides/tour escorts are suspected to be involved in specified situations by the Tourist Guide and Tour Escort Deliberation Committee**

**I. Procedures for handling Tourist Guide Pass/Tour Escort Pass applications or renewal applications which require special deliberation**

1. In handling Tourist Guide Pass/Tour Escort Pass applications or renewal applications, the Travel Industry Council of Hong Kong (TIC) will deem the following situations to be in need of special deliberation and refer such applications to the Tourist Guide and Tour Escort Deliberation Committee for deliberation:
  - (1) the applicant provides factually untrue information, or is suspected of submitting any forged document or making any false statement;
  - (2) the applicant declares that he/she has been convicted in Hong Kong or elsewhere of an offence which involved narcotics or drugs, sex or violence, or seriously improper conduct or dishonesty (including but not in any way limited to: unlawfully undertaking any business without proper authorisation or permission; smuggling; theft; forgery; fraud; deceit; burglary; handling stolen goods, bribery or corruption);
  - (3) the applicant fails to declare that he/she has been convicted in Hong Kong or elsewhere of an offence listed in sub-paragraph I.1(2);
  - (4) the applicant's Tourist Guide Pass/Tour Escort Pass has been revoked, or the applicant's application for Pass renewal has been rejected;
  - (5) the applicant's Tourist Guide Pass/Tour Escort Pass has been revoked and he/she has failed to return the Pass to the TIC within the required time limit of seven days;
  - (6) the applicant has worked as a tourist guide without a Tourist Guide Pass or with an invalid Tourist Guide Pass; or the applicant has worked as a tour escort without a Tour Escort Pass or with an invalid Tour Escort Pass; and
  - (7) the applicant has violated the Code of Conduct for Tourist Guides or other TIC rules while holding an invalid Tourist Guide Pass and the Tourist Guide and Tour Escort Deliberation Committee/Compliance Committee has imposed a penalty; or the applicant has violated the Code of Conduct for Outbound Tour Escorts or other TIC rules while holding an invalid Tour Escort Pass and the Compliance Committee has imposed a penalty.
2. In situations specified in sub-paragraphs I.1(1) to 1(6), the TIC will notify the applicant as such in writing, and request him/her to submit supporting documents for the application within 14 days from the day following the date of notification from the TIC. The supporting documents shall include a detailed curriculum vitae of the applicant, a reference from his/her current or former employer and a designated reference form completed by his/her relative or friend.



3. All information regarding the identity of the applicant will be concealed in the documents submitted to the Tourist Guide and Tour Escort Deliberation Committee in order to ensure fairness.
4. In cases where the applicant is suspected of submitting any forged document or making any false statement or any criminal act is involved, the cases will be referred to the law enforcement authorities such as the police or the Independent Commission Against Corruption for action.

## **II. Procedures for handling tourist guides/tour escorts suspected to be involved in specified situations when Tourist Guide Pass/Tour Escort Pass renewal applications are not made**

1. If the TIC has learnt from any channels that a holder of a valid Tourist Guide Pass/Tour Escort Pass is suspected to be involved in any of the following situations, it will send a letter to the tourist guide/tour escort concerned by fax or email (if a fax number or email address has been supplied) and by post, and request him/her to submit written representations within 21 days from the day following the date of the letter:
  - (1) the tourist guide/tour escort has provided factually untrue information, or is suspected of having submitted any forged document or having made any false statement, in any application for a Tourist Guide Pass/Tour Escort Pass;
  - (2) the tourist guide/tour escort has been convicted in Hong Kong or elsewhere of an offence which involved narcotics or drugs, sex or violence, or seriously improper conduct or dishonesty (including but not in any way limited to: unlawfully undertaking any business without proper authorisation or permission; smuggling; theft; forgery; fraud; deceit; burglary; handling stolen goods, bribery or corruption);
  - (3) the tourist guide/tour escort has been convicted in Hong Kong or elsewhere of an offence listed in sub-paragraph II.1(2) but has failed to report to the TIC of the conviction; or
  - (4) the tourist guide/tour escort is for any reasons unfit to continue to be a tourist guide/tour escort.
2. If there is prima facie evidence that the tourist guide/tour escort is involved in any situation(s) specified in paragraph II.1, the case will be referred to the Tourist Guide and Tour Escort Deliberation Committee for deliberation. The TIC will send another letter to him/her 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 the letter, in order to either admit or dispute the situation(s) alleged.
3. On receipt of the written reply from the tourist guide/tour escort who intends to dispute the situation(s) alleged, the TIC will request the tourist guide/tour escort to respond to the evidence which becomes available to the TIC 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 requesting him/her to respond to the unfavourable evidence. The TIC 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 will be organised and submitted to the Tourist Guide and Tour Escort Deliberation Committee for deliberation. All information regarding the identity of the tourist guide/tour escort will be 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 tourist guide/tour escort when making a decision.
5. In cases where the tourist guide/tour escort is suspected of submitting any forged document or making any false statement, or any criminal act is involved, the cases will be referred to the law enforcement authorities such as the police or the Independent Commission Against Corruption for action.

### **III. Tourist Guide and Tour Escort Deliberation Committee**

1. The majority of the members of the Tourist Guide and Tour Escort Deliberation 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. The quorum for meetings of the panel set up under the Tourist Guide and Tour Escort Deliberation Committee for handling Tourist Guide Pass/Tour Escort Pass applications or renewal applications which require special deliberation, and cases where tourist guides/tour escorts are suspected to be involved in specified situations 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, there shall be:
  - (1) a majority of non-trade members; and
  - (2) at least one tourist guide representative when the panel is handling Tourist Guide Pass applications or renewal applications which require special deliberation, and cases where tourist guides are suspected to be involved in specified situations; and/or
  - (3) at least one tour escort representative when the panel is handling Tour Escort Pass applications or renewal applications which require special deliberation, and cases where tour escorts are suspected to be involved in specified situations.
3. Panel meetings shall be chaired by the convenor of the Committee or, in his/her absence, the deputy convenor who is an independent director.

### **IV. Consideration of Tourist Guide Pass/Tour Escort Pass applications or renewal applications found to be in situations specified in paragraph I.1**

1. In situations specified in sub-paragraphs I.1(1) to 1(6), the Tourist Guide and Tour Escort Deliberation Committee shall first and foremost consider whether the



applicant is fit to be or fit to continue to be a tourist guide/tour escort. If the application involves situations specified in sub-paragraphs I.1(2) and (3), the Committee shall also consider the following factors:

- (1) the time, place, nature and seriousness of the conviction;
  - (2) the sentence passed by the court;
  - (3) the age of the applicant at the time of the conviction;
  - (4) whether the offence committed will pose a threat to the personal or property safety of visitors;
  - (5) whether the offence was committed during the performance of tourist guiding/tour escorting duties;
  - (6) whether there was any repetition of commission of any offence listed in sub-paragraph I.1(2); and
  - (7) any other circumstances (whether favourable or unfavourable to the applicant) relating to the conviction which the Committee regards as relevant having regard to the duties to be undertaken by him/her.
2. In situations specified in sub-paragraphs I.1(1) to 1(6), the Tourist Guide and Tour Escort Deliberation Committee will decide whether the applicant is fit to be or fit to continue to be a tourist guide/tour escort, and approve or reject his/her application. If approval is granted, the Committee may attach such conditions as specifying a date for the applicant to collect the Tourist Guide Pass/Tour Escort Pass, or issuing a letter of advice or a written warning to him/her.
  3. In situations specified in sub-paragraph I.1(7), the Tourist Guide and Tour Escort Deliberation Committee will decide whether to approve the 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.

#### **V. Consideration of penalties to be imposed on tourist guides/tour escorts found to be in situations specified in paragraph II.1**

1. Definitions: "Revocation of a Tourist Guide Pass/Tour Escort Pass" means cancellation of a Tourist Guide Pass/Tour Escort Pass before the expiry of the validity period originally granted. "Suspension of a Tourist Guide Pass/Tour Escort Pass" means temporary cancellation of a Tourist Guide Pass/Tour Escort Pass for a specific period of time before the expiry of the validity period originally granted. "Non-renewal of a Tourist Guide Pass/Tour Escort Pass" means (1) refusal to extend the validity period of an expired Tourist Guide Pass/Tour Escort Pass; or (2) refusal to extend the validity period of a valid Tourist Guide Pass/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 Tourist Guide Pass/Tour Escort Pass holder found to be involved in any situation(s) specified in paragraph II.1, the Tourist Guide and Tour Escort Deliberation Committee shall first and foremost consider whether the Pass holder is fit to continue to be a tourist guide/tour escort. If the case involves situations specified in sub-paragraphs II.1(2) and (3), the Committee shall also consider the following factors:



- (1) the time, place, nature and seriousness of the conviction;
  - (2) the sentence passed by the court;
  - (3) the age of the tourist guide/tour escort at the time of the conviction;
  - (4) whether the offence committed will pose a threat to the personal or property safety of visitors;
  - (5) whether the offence was committed during the performance of tourist guiding/tour escorting duties;
  - (6) whether there was any repetition of commission of any offence listed in sub-paragraph II.1(2); and
  - (7) any other circumstances (whether favourable or unfavourable to the tourist guide/tour escort) relating to the conviction which the Committee regards as relevant having regard to the duties undertaken by him/her.
3. The Tourist Guide and Tour Escort Deliberation Committee may revoke, suspend or refuse to renew any Tourist Guide Pass/Tour Escort Pass. If the Committee considers revocation, suspension or non-renewal of the Tourist Guide Pass/Tour Escort Pass to be an excessive penalty, it may issue a letter of advice or a written warning to the tourist guide/tour escort concerned.
  4. Where a Tourist Guide Pass/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 Tourist Guide and Tour Escort Deliberation Committee such as extension of the suspension period.
  5. A suspended Tourist Guide Pass/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 Tourist Guide Pass/Tour Escort Pass has been revoked or refused renewal by the Tourist Guide and Tour Escort Deliberation Committee may apply for a new Pass six months after revocation or non-renewal of the old Pass.

## **VI. Notification of decisions of the Tourist Guide and Tour Escort Deliberation Committee and retention of penalty records**

1. If the Tourist Guide and Tour Escort Deliberation Committee decides to reject the application or penalise the tourist guide/tour escort who is found to be involved in any situation(s) specified in paragraph II.1, the TIC will notify the applicant or the tourist guide/tour escort 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.
2. All penalty records will be kept in the personal file of the tourist guide/tour escort concerned.



3. If the Tourist Guide and Tour Escort Deliberation Committee decides that the tourist guide/tour escort does not need to be penalised for being involved in any situation(s) specified in paragraph II.1, the TIC will also notify him/her in writing of the decision.

## VII. Appeals against decisions of the Tourist Guide and Tour Escort Deliberation Committee

1. Any applicant or tourist guide/tour escort desirous of appealing against the Tourist Guide and Tour Escort Deliberation Committee's decision shall within 14 days (from the day following the date of notification of the decision from the TIC) 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](http://www.tichk.org)) → "The Council" → "Composition" → "Appeal Board") or the TIC.

## VIII. Announcement of information about revoked or suspended Tourist Guide Passes/Tour Escort Passes

1. Any tourist guide/tour escort who holds a valid Tourist Guide Pass/Tour Escort Pass and whose Pass is revoked or suspended by the Tourist Guide and Tour Escort Deliberation 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 and 3 below.
2. If the Tourist Guide and Tour Escort Deliberation Committee decides that a Tourist Guide Pass/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 tourist guide/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 Tourist Guide and Tour Escort Deliberation Committee decides that a Tourist Guide Pass/Tour Escort Pass is to be revoked or suspended (namely that it will still be valid pending an appeal), and the tourist guide/tour escort concerned does not within 14 days (from the day following the date of notification of the decision from the TIC) 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 tourist guide/tour escort files an appeal, the information about the Pass will be posted on the TIC website after the Appeal Board also



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decides to revoke or suspend the Pass. 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.

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