

Handling of complaints from outbound travellers and complaints about local travel services

I. Preamble

In order that a fair deal can be made between member agents and consumers who book outbound or local travel services (such as day trips in Hong Kong, hotel rooms, transport services or admission tickets), the Travel Industry Council of Hong Kong (TIC) has set up a dedicated department and the Consumer Relations Committee to handle disputes between the two parties.

II. Scope of complaints to be handled

1. The travel agent being complained about shall be a member of the TIC.
2. The complaint shall be related to the travel services provided by the member agent.
3. The complaint shall be lodged with the TIC within 30 days after the completion of the trip or the transaction (whichever is later), unless it has already been lodged directly or through other organisations (such as the Consumer Council) with the member agent before the 30-day deadline. If the complaint concerns air ticket refunds, it shall be lodged with the TIC within one year after the refund request was made for the first time.
4. The complaint shall not be under legal proceedings, arbitration or mediation, including cases which have been terminated after initiation.
5. The complainant shall be directly involved in the case; or in the case of the travel service having been booked through another organisation (such as a society or school), the complaint shall be lodged with that organisation.

III. Points to note when lodging a complaint

1. Consumers shall provide the following information when lodging a complaint with the TIC:
 - (i) the name, the correspondence / email address and the daytime contact number of the complainant;
 - (ii) the name of the member agent concerned;
 - (iii) information about the travel services being complained about (e.g. the tour name, the tour code, the date of departure, the tour fare, etc);
 - (iv) details of the complaint (including reasons and evidence); and
 - (v) the request for settlement.
2. The complainant may write a complaint letter or complete the “Complaint Form for Outbound Travellers” or “Complaint Form about Local Travel Services” provided by the TIC, which should be submitted with a copy of the receipts and other relevant documents (e.g. the application form, the booking

record, the itinerary, etc) to the TIC by post, by fax (3475-0650), by email (office@tichk.org) or in person. The complainant may request that the two complaint forms be sent to him/her by fax or by post, or download it from the TIC website (www.tichk.org → “Forms”); the “Complaint Form for Outbound Travellers” may also be completed online.

3. If assistance is needed for completion of the complaint form, the complainant may call the outbound traveller service hotline on 2969-8188, with the information and documents specified in paragraph 1 ready, to make an appointment to file the complaint within seven working days in person or by phone. The details of the complaint mentioned then by him/her may be recorded for completion of the complaint form by staff of the TIC Executive Office. The completed complaint form will be sent within seven working days by fax, by email or by post to the complainant, who needs to sign it to confirm the details of the complaint before the TIC begins to handle the complaint.
4. If the complainant authorises others to lodge a complaint, an authorisation letter is required.
5. For the sake of fairness, if a complaint is referred to the Consumer Relations Committee for consideration, the complainant shall not attempt to contact or influence members of the Committee before or after the meeting at which his/her case is considered; otherwise, the TIC will stop handling the case.

IV. Procedures for handling consumer complaints by the TIC Executive Office

1. On receiving a complaint lodged by a consumer, the TIC Executive Office will verify the written materials provided in order to decide whether the complaint will be accepted.
2. If, after the preliminary verification, there is no prima facie evidence that the member agent has violated any rules of the TIC or any provisions of the contract, or the evidence provided by the complainant fails to validate his/her complaint, then the TIC Executive Office will inform him/her of the result of the preliminary verification that the complaint is not accepted. The complainant may provide new evidence within seven days in order for the TIC Executive Office to make a final decision on whether the complaint will be accepted.
3. If the complainant fails to provide new evidence before the deadline specified in paragraph 2, or the new evidence provided still fails to validate his/her complaint, then the TIC Executive Office will neither accept the complaint nor submit it to the Consumer Relations Committee for consideration. The TIC Executive Office will inform him/her of the final decision of not accepting the complaint, within three working days after such a decision was made.

4. If, after the preliminary verification, the TIC Executive Office decides to accept the complaint, it will inform the complainant within three working days after such a decision was made and request the member agent concerned in writing to give a written reply within 21 days.
5. The TIC Executive Office will handle the complaint by conciliation, encouraging, rather than compelling, the member agent and the complainant to negotiate a settlement.
6. A settlement refers to any method of resolving the complaint agreed by both the member agent and the complainant, including additional conditions, etc.
7. The TIC Executive will confirm the details of the settlement with both the member agent and the complainant. Settlements confirmed by both parties are deemed to have been filed with the TIC.
8. In the process of following up the complaint, if the member agent is able to prove that it has followed rules of the TIC or provisions of the contract, or provide evidence to refute the complaint, then the TIC Executive Office will terminate the complaint and not submit it to the Consumer Relations Committee for consideration. The TIC Executive Office will inform the complainant of the decision of terminating the complaint, within three working days after such a decision was made.
9. If, after conciliation by the TIC Executive Office, the complainant and the member agent are still unable to reach a settlement, the case may be referred to the Consumer Relations Committee for consideration, in which case the complainant shall provide a written account detailing the grounds for not accepting the member agent's explanations.

V. Procedures for handling consumer complaints by the Consumers Relations Committee

1. The TIC Executive Office will notify the member agent 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 agent together with the complaint letter (including the receipts, relevant documents, etc), written explanations and evidence previously provided by the member agent, and any other information related to the case.
2. The member agent 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.
3. The TIC Executive Office will take such steps as it may deem fit and practicable to verify the truth or otherwise of the representations provided by the member agent. 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 within 14 days for the last time.

4. 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 agent and the complainant will be concealed in the documents submitted to the Consumer Relations Committee in order to ensure fairness.
5. Both the member agent and the complainant will not be invited to attend meetings of the Consumer Relations Committee.

VI. 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, rules of the TIC and industry practices. Discretion may also be exercised, based on convention, in order to reach a fair decision. While the Committee will make reference to precedents, its decisions are not bound by them.
2. If the Consumer Relations Committee finds the case substantiated, it will decide whether the member agent should compensate or refund the complainant, subject to the actual loss sustained by him/her in relation to the itinerary. Requests for apologies from the member agent or punishment of its employees will not be entertained.
3. The TIC Executive Office will post a letter to the member agent, informing it of the decision of the Consumer Relations Committee and its right to lodge an appeal with the Appeal Board. If the member agent 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, a refund, etc, 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 60 days from the date of notification of the decision. Collection of the compensation, refund, etc by the complainant is tantamount to his/her consent to taking that as the final settlement of the case and to not further pursuing the case. When making the compensation, refund, etc, the member may request the complainant to sign a document, to which no additional conditions (including but not limited to a confidentiality requirement) shall be appended, in order to consent to not further pursuing the case.
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.

7. When considering the case, the Consumer Relations Committee will decide, subject to the circumstances, whether it should be referred to other committees of the TIC for internal handling. For the sake of confidentiality, the complainant will not be informed of the outcome of the internal handling.

VII. 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 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 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. Panel meetings shall be chaired by the convenor of the Committee or, in his/her absence, the deputy convenor who is an independent director.
3. The panel meets about once every two months.

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Complaint Form about Local Travel Services

(Note: For inbound travellers, please use the "Complaint Form for Inbound Travellers (General Complaints)" or the "Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers: Complaint Form for Refunds".)

Case No: _____ (To be completed by TIC Executive Office)

1. Information of Complainant

Name: (*Mr/ Mrs/Miss) _____

Address/email/fax: _____

Daytime Contact No.: _____ (*Home/Office/Mobile)

2. Information of Travel Agent

Name of Travel Agent: _____ Licence No: _____

3. Particulars of service/product under complaint

Package Tour Tour Name: _____ Tour Code: _____

Transportation Name: _____

Ticket Name: _____

Hotel Booking Hotel Name: _____

Others (Please specify) _____

Date of order: _____ Date of Departure: _____

Price: _____ Amount paid: _____ (*Deposit/Full Payment)

4. Details of complaint: _____

_____ (If space is inadequate, please attach supplementary sheets)

5. Request for settlement: _____

Date: _____ Signature of Complainant: _____

**Delete as appropriate*

Please note that all personal data supplied by you will only be used for purposes which are directly related to the case concerned. The personal data submitted may be transferred to parties who will be contacted by us during the handling of this case including the travel agent being complained against or other parties concerned. The information provided may also be disclosed to agencies which are authorised to receive information relating to law enforcement, prosecution or review of decisions. You may request access to or correction of your personal data held by us. Requests for access or correction should be made in writing to the TIC.