



Handling of outbound traveller complaints

I. Preamble

In order that a fair deal can be made between member agents and outbound travellers, 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 is lodged with the member agent or the TIC within one month after the tour has finished or the deal has been made (except for complaints regarding air ticket refunds).
4. The complaint shall not be under legal proceedings or arbitration.
5. The complainant shall be directly involved in the case.

III. Points to note when lodging a complaint

1. Outbound travellers may lodge a complaint with the TIC in writing or in person.
2. If a complaint is made in writing, the following information should be provided:
 - (i) the name, the correspondence address, and the home and office telephone numbers of the complainant;
 - (ii) the name, the address and the telephone number 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; and
 - (v) the compensation requested, and the reasons and evidence supporting the request.

The complaint letter, together with a copy of the receipts and other relevant documents (e.g. the application form, the booking record, the itinerary, etc), should be sent to the TIC by post or by fax.

3. If a complaint is made in person, the complainant should bring along the



relevant documents and complete the complaint form provided by the TIC.

4. The complainant may download the complaint form from the TIC website at www.tichk.org or complete the online form there.
5. If the complainant authorises others to lodge a complaint, an authorisation letter is required.
6. For the sake of fairness, if the complainant requests that his/her complaint should be referred to the Consumer Relations Committee for consideration, then he/she 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 outbound traveller complaints by the TIC Executive Office

1. On receiving a complaint lodged by an outbound traveller, the TIC Executive Office will verify the written materials provided and inform him/her within three working days whether the complaint is accepted. If accepted, the member agent concerned will be requested to give a written reply within 21 days.
2. The TIC Executive Office will handle the complaint by mediation in order for the member agent and the complainant to negotiate a settlement.
3. In the process of mediation, the TIC Executive Office will neither require the member agent and the complainant to reach a settlement nor impose any settlement on them; rather, it will encourage them to negotiate a settlement acceptable to both parties. If the complainant is dissatisfied with the explanations and solution offered by the member agent, the TIC Executive Office may continue to mediate, but it will not pass judgement on the complaint or make any decision about it. If the dispute is still unable to be settled, the complainant may request that the case should be referred to the Consumer Relations Committee for consideration, in which case he/she should provide a written account of the reasons for finding the member agent's explanations unsatisfactory.

V. Procedures for handling outbound traveller 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 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 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 is 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, 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 agent 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 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. The complainant shall collect the compensation or refund awarded to him/her by the Consumer Relations Committee or the Appeal Board within 90 days from the date of notification of the decision. Otherwise, he/she will be deemed to have forfeited the compensation or refund.
6. If the complainant is dissatisfied with the decision of the Consumer Relations Committee, he/she may take any other action against the member



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agent. The Consumer Relations Committee's decision does not affect his/her legal rights.

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 its deputy convenor a trade director.
2. The quorum for meetings of the panel set up under the Consumer Relations Committee for handling traveller 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.

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COMPLAINT FORM FOR OUTBOUND TRAVELLERS

File No: _____ (To Be Completed by TIC Office)

1. Information of Complainant

Name: (*Mr/ Mrs/Miss) _____

Address: _____

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

2. Information of Travel Agent

Name of Travel Agent: _____

Address: _____
_____ Telephone No: _____

3. Nature of Complaint: _____

4. Particulars of service/product under complaint

Package Tour Tour Name: _____ Tour Code: _____

Ticket Airlines: _____

Hotel Booking Hotel Name: _____

Others (Please specify) _____

Date of order: _____ Date of Departure: _____

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

Details: _____

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

5. Claim: _____

Date: _____ Signature of Complainant: _____

**Delete as appropriate*

Please be advised 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 who are authorized to receive information relating to law enforcement, prosecution or review of decisions. You may have the right to request access to and correction of your personal data held by us. Request for access or correction should be made in writing to our Council.