

入境業改革還能推遲嗎？ How can reform of inbound industry be delayed?

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假如要為入境業選出二零一零年的十件大事，以下兩件醜聞大抵會在頭三名之內：一是五月下旬有一名內地旅客隨團來港，與一名導遊爭執後去世；二是七月中傳媒紛紛報導，有一個內地團因購物金額少而被一名導遊責罵(詳情見二零一零年第三期「特稿」)。

香港向來有購物天堂的美譽，現在竟然發生強迫購物的醜聞，使人痛心疾首之餘，難免懷疑內地的外遊市場是否發展過急，以致監管規例追不上新形勢。以香港為例，內地旅客過去十年劇增百分之三百一十七，而同期其他旅客只是稍增百分之十八而已，由此可見內地外遊市場發展的速度。

「零接待費」問題

內地的外遊市場近年發展過速，產生不少弊端，其中之一正是所謂的「零團費」問題。「零團費」雖是習用的名稱，究其實卻是誤稱。團費是內地旅客付給當地組團社的費用，即使是購物團也不會有零團費的。所謂「零團費」問題，應該叫「零接待費」問題才對，指內地組團社要香港接待社提供服務，但卻不付接待費。

香港的接待社因為收不到分毫接待費，而住宿、膳食、交通等安排又沒錢不行，於是唯有靠旅客的購物回佣賺取利潤。而為求鼓勵導遊促使旅客購物，接待社於是不付分毫給導遊，甚至要導遊付錢才可接團。導遊為求賺取購物佣金，唯有用盡方法促使旅客購物，有些導遊更會只負責行程中購物的部分，以便由一團跳往另一團，一來爭取時間賺取最多的佣金，二來免卻旅客不滿所購物品而向他們投訴的麻煩。

「零接待費」問題不僅困擾香港多年，近年更擴散到多個國家，像泰國、新加坡、澳洲、

If the top 10 events in the inbound industry were to be selected for 2010, the following two scandals would probably take the top three rankings: one was the death of a mainland group visitor in late May after he quarrelled with his guide, and the other was the wide media coverage in mid-July of a guide who gave her tour group a dressing-down for spending too little on shopping (for details, see "Feature", No. 3/2010).

Whereas it is painful to have seen forced shopping happen in Hong Kong, an acclaimed shoppers' paradise for decades, it is not unreasonable to suspect that the mainland's outbound market has developed at too fast a pace that regulatory measures have lagged behind new situations. To understand the pace of expansion of the mainland's outbound market, one needs only to look at Hong Kong, which has recorded a stupendous increase of 317% in visitor arrivals from the mainland during the past 10 years when visitors from other markets have risen by a mere 18% in the same period.

Problem of "zero-reception fees"

Rapid expansion of the mainland's outbound market in recent years has given rise to plenty of problems, one of which is the so-called "zero-tour fee" problem. **Despite its common usage, "zero-tour fee" is actually an inaccurate term. As tour fees are what mainland travellers pay their local tour operators, there is no such thing as zero fees even for shopping tours. What is called the "zero-tour fee" problem should be renamed the "zero-reception fee" problem, referring to situations where the mainland's tour operators request Hong Kong's receiving agents to provide services without paying reception fees.**

Unable to get a penny as reception fees, Hong Kong's receiving agents are forced to rely on shopping commission to turn a profit since such arrangements as hotel rooms, meals and transport all need to be paid for. And to prod their guides into making visitors shop, the receiving agents do not pay them a penny, or even ask them to pay out fees for taking tours, with the result that guides go out of their way to make visitors shop in order to get commission. Some guides even show up only when their tour groups go to the shops and jump from one tour to another in order to maximise their commission and get rid of the trouble of having to handle complaints about the visitors' purchases.

Not only has the scourge of "zero-reception fees" haunted

法國等等，當地的旅遊監管部門全都束手無策。這是因為問題的關鍵在於三種費用，而這三種費用都是旅遊監管機構難以插手的：內地團的團費、接待社的接待費、導遊的出團費。

已實行的監管措施

儘管如此，議會由二零零二年開始監管入境業起，已力圖根治「零接待費」問題。既然問題的關鍵在於購物和導遊，議會於是在二零零二年推行登記店舖制度，規定接待入境團的店舖必須經旅行社向議會登記，並且承諾在指定期限內向旅客全數退款。退款期最初是十四天，到二零零七年中，內地旅客的退款期更大幅延長至六個月。此外，議會還於二零零四年推行「導遊核證制度」，向合資格的導遊發出導遊證。違諾和違規的登記店舖和持證導遊，最嚴重的處分為撤銷登記資格和導遊證。

六個月全數退款保障措施曾經非常有效，使購物投訴大減八成以上。可是，大概是任何措施都有不足之處吧，今年終於發生了上文提及的兩大醜聞。事情發生後，由五月至十一月間，議會理事會及多個委員會已為此召開了大約二十次會議，一方面商討短期以至長遠的解決方法，另一方面則處分有關導遊和旅行社。

在短期措施方面，議會立刻增加旅遊景點和登記店舖的巡查次數，以及派人在內地參加來港團，藉以暗中察看導遊和接待社的服務水平。此外，還在六月和七月發出八個指引，修訂《導遊作業守則》，以即時收緊對接待社、導遊和登記店舖的監管。

Hong Kong for years, it has also spread to many countries in recent years such as Thailand, Singapore, Australia and France, making local tourism authorities at their wits' end. This is because the crux of the problem involves three kinds of fee, all of which can hardly be tackled by tourism authorities: the tour fees of mainland tours, the reception fees of receiving agents and the tour-guiding fees of guides.

Regulatory measures already in place

Despite all this, the TIC has strived to tackle the "zero-reception fee" problem since it began to regulate the inbound industry in 2002. As the root cause of the problem lies in shopping and guides, the TIC introduced a registration regime for shops in 2002, under which shops intending to serve inbound tour groups were required to register with the TIC through travel agents and promise to offer full refunds for visitors who made refund requests within specified periods. The refund period was initially set at 14 days and later substantially extended to six months for mainland visitors in mid-2007. Besides, the TIC also set up the Tourist Guide Accreditation System and began to issue Tourist Guide Passes to qualified guides in 2004. Registered shops or accredited guides found to have breached their promises or TIC rules may face the maximum penalty of revocation of their registration or Tourist Guide Passes.

The six-month full refund measure was once so effective that complaint figures about shopping dropped by more than 80%. Nevertheless, all measures may have loopholes, hence this year's two scandals mentioned above. After the scandals, the TIC's Board and various committees met about 20 times between May and November in an effort to work out short- to long-term measures and to penalise the guide and travel agents concerned.

Short-term measures included an immediate increase in the number of spot checks at tourist attractions and registered shops, and undercover operations to assess the service standard of guides and receiving agents. In June and July, eight directives were issued and the Code of Conduct for Tourist Guides was revised to instantly tighten regulations on receiving agents, tourist guides and registered shops.

檢討內地來港團經營模式與規管措施專責小組 Task Force on Business Models of and Regulatory Measures for Mainland China's Inbound Tours

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長遠的監管措施

至於長遠的措施，議會成立了以獨立理事為骨幹的「檢討內地來港團經營模式與規管措施專責小組」（專責小組的組成見方格），並在七月至九月間多次召開會議以制訂措施，以及聽取接待社、登記店舖、導遊代表的意見。理事會其後採納了專責小組的建議，於十二月底發出十個指引，由明年二月一日起生效(有關指引可在議會網站(www.tichk.org)查閱，「議會簡報」也有簡介)。

這些指引大致可分為三類，一是加強對導遊的監管，二是加強對旅行社的監管，三是保障導遊的收入。第一類措施主要是實施所謂「一團一導遊」的規定，即一個內地團只能由一名導遊接待，但在入境口岸接團的導遊則可另派(第一百九十三號指引)；以及推行導遊記分制，導遊如在兩年內因違規而被記滿三十分，就會被暫停或撤銷導遊證(第二百零號指引)。

第二類措施主要是訂明旅行社必須申報與登記店舖的關連(第一百九十七號指引)；旅行社不得強迫旅客購物，即使導遊強迫購物旅行社也須負責(第一百九十八號指引)；以及推行旅行社記分制，旅行社如在兩年內因違規而被記滿三十分，會被暫停或終止會籍(第一百九十九號指引)。

第三類措施主要是規定旅行社必須支付服務報酬給導遊(第一百九十四號指引)；旅行社不得要求導遊承擔接團款項(第一百九十五號指引)；以及旅行社必須與導遊簽訂服務協議，其中必須訂明付給導遊的服務報酬(第二百零一號指引)。

由上面的簡略分析已可知道，「零接待費」問題盤根錯節，必須各方攜手才可望根除。議會的各種措施不僅旨在遏止業者的不良手法，也力求打破內地團過於依靠購物回佣的不良經營模式。可是，任何整頓措施都難免會觸動既得利益者，都難免會碰到阻力，但上述兩大醜聞已嚴重打擊香港旅遊業的聲譽，難道還不大力革新嗎？

Regulatory measures in long run

As for long-term regulatory measures, the TIC set up the Task Force on Business Models of and Regulatory Measures for Mainland China's Inbound Tours (see Box for its composition), with most of its members being independent directors, to do the job. From July to September, it met several times to formulate measures and also held several engagement sessions to listen to the views of receiving agents, registered shops and guide representatives. The Board later adopted its recommendations and issued 10 directives in late December, all of which will take effect from 1 February next year (visit the TIC website at www.tichk.org for these directives, or read "Council Bulletin" for their summaries).

These directives can be roughly divided into three categories: tightened control over guides, tightened control over agents and protection for the earnings of guides. The first category of measure concerns mainly the so-called "one tour, one guide" rule, which means each mainland tour can only be received by one guide though it can be greeted at immigration by another (Directive No. 193); and the demerit system for tourist guides, under which guides having accumulated 30 demerits for breaching rules within two years will have their Passes suspended or revoked (Directive No. 200).

The second category of measure is mostly about declaration of association between agents and registered shops (Directive No. 197); prohibition of forced shopping by agents, which will also be held responsible if their guides have done so (Directive No. 198); and implementation of the demerit system for travel agents, whose membership will be suspended or terminated if they are given 30 demerits within two years (Directive No. 199).

The third category of measure is aimed at requiring agents to pay service remunerations to their guides (Directive No. 194); banning agents from asking their guides to bear the costs of receiving tours (Directive No. 195); and demanding that agents should sign service agreements with their guides, in which the service remunerations for guides must be specified (Directive No. 201).

It is evident even from the above simplified analysis that the problem of "zero-reception fees" is highly complicated, and can only be eradicated with the concerted efforts of all those involved. **The various measures put in place by the TIC are targeted at cracking down on the malpractices of traders and breaking the business model of mainland tours which is exceedingly reliant on shopping commission. Although any rectifying measures are bound to meet with resistance from vested interests, given the huge impact on the reputation of Hong Kong tourism brought about by the two scandals, how can reform not be pushed ahead?** 