

監管機制：今日與未來(一)

Regulatory regimes: now and future (1)

由這期開始，本刊將分三期概述現行的雙軌監管機制與新監管機制的種種異同。

Starting from this issue, *The Voice* will outline in three issues the differences and similarities between the existing two-tier and new regulatory regimes.

本刊記者 Staff reporter

去年十二月，《旅遊業條例》在憲報刊登，這標誌著以旅遊業監管局為核心的新監管機制，在不久將來就會全面運作，正式取代實行了三十年以上的雙軌監管機制。

現行監管機制稱為「雙軌」，是因為架構上分為議會這個行業組織，以及旅行代理商註冊處這個政府部門。由於《旅行代理商條例》規定，旅行代理商要領取牌照就必須先加入議會，成為會員，所以議會的規例雖然不是法律，但會員也必須遵守。現行的監管機制有兩個監管單位，將來則只有一個，即旅監局。因此，旅行代理商將來無須加入議會，即可直接領取牌照。

以一管四

議會本來只負責監管外遊及入境旅行代理商，但後來通過旅行代理商去監管外遊領隊及導遊，再後來通過入境旅行代理商去監管接待內地及海外入境旅行團的店舖，即登記店舖。簡言之，議會實際上監管旅行代理商、領隊、導遊、登記店舖，而當中只有旅行代理商需要領取牌照。剛才所述四者將來都會由旅監局監管，但旅行代理商、領隊、導遊都需要領取牌照。

The Travel Industry Ordinance was gazetted last December, which signifies that the new regulatory regime, centred around the Travel Industry Authority (TIA), will be fully operational in the near future, thus replacing the two-tier regulatory regime, which has been in place for more than 30 years.

The current regulatory regime is called “two-tier” because it is composed of the TIC, a trade organisation, and the Travel Agents Registry (TAR), a government department. Since the Travel Agents Ordinance stipulates that travel agents intending to obtain a licence must first join the TIC and become its members, the regulations of the TIC, though not legal requirements, must also be observed by its members. **Contrary to there being two units charged with the duty of regulation under the existing regime, there will only be one in the future – the TIA.** That means travel agents may obtain a licence without having to join the TIC in the future.

One regulating four

At first, the TIC only regulated outbound and inbound travel agents, then it sought to regulate outbound tour escorts and tourist guides via travel agents, and then again it began to regulate shops catering for mainland and overseas inbound tour groups via inbound travel agents, namely registered shops. Simply put, **the TIC has actually been responsible for regulating travel agents, tour escorts, tourist guides and registered shops, but only travel agents need to be licensed.** These four parties will also be regulated by the TIA, but travel agents, tour escorts and tourist guides will have to obtain a licence.


The Board of Directors of the TIC has 17 trade members (59%) and 12 non-trade members (41%), whereas the TIA will have 13 trade members (43%) and 17 non-trade members (57%); see the figure for the TIA's composition. To ensure that all kinds of non-compliance case

議會的理事會有十七名業界成員(百分之五十九)，十二名非業界成員(百分之四十一)。**旅監局將來則有十三名業界成員(百分之四十三)，十七名非業界成員(百分之五十七)；**關於旅監局的組成，見附圖。為求公平處理各種違反規例的個案，議會的紀律委員會及其小組會議與上訴委員會都以非業界成員為主，這和旅監局的紀律委員會、研訊委員會及上訴委員會都一樣。

賠償基金

現行雙軌監管機制的目標之一，是保障外遊旅客，因此旅行代理商收取外遊費時，必須繳付議會徵費及賠償基金徵費；前者成為議會的部份收入，後者則存入旅遊業賠償基金，用來支付特惠賠償給外遊旅客。**旅遊業賠償基金由旅遊業賠償基金管理委員會負責管理，其秘書處是旅行代理商註冊處。旅遊業賠償基金將來會交由旅監局管理，而印花徵費也分兩種，即旅監局徵費及賠償基金徵費。賠償基金現在只可用來保障外遊旅客，但將來卻新增了一個用途，即「支援旅遊業的持續發展」。**

最後不妨談談議會與旅監局的收入。以議會的二零一七至一八財政年度為例，主要收入當然是議會徵費(百分之六十九)，其次是會員收費與領隊證、導遊證的收入(百分之十點六)，以及內地入境團登記費的收入(百分之六)。至於旅監局方面，根據政府向立法會提交的文件，估計旅監局第一年的主要收入是旅監局徵費(百分之五十四點四)，其次是牌照費用的收入(百分之二十四點六)，以及內地入境旅行團登記費的收入(百分之十七點九)。


讀者如果想瞭解旅行代理商牌照將來有甚麼新規定，切勿錯過下期的介紹。 

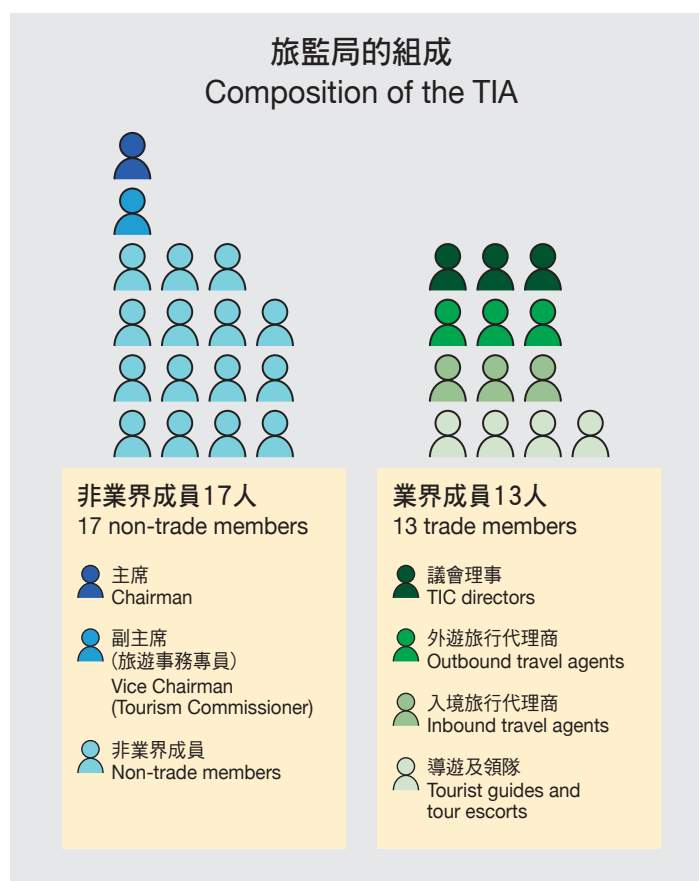
are handled impartially, the TIC's disciplinary committees and their panel meetings and appeal board are all composed of a majority of non-trade members, the same as the TIA's disciplinary committee, inquiry committee and appeal board.

Compensation Fund

One of the objectives of the current two-tier regulatory regime is to protect outbound travellers, which is achieved through the contributions by travel agents when outbound fares are received in the form of the Council levy, as part of the TIC's income, and the Fund levy, deposited in the Travel Industry Compensation Fund (TICF) for ex gratia payments to outbound travellers. The TICF is now managed by the Travel Industry Compensation Fund Management Board, its secretariat being the TAR, and will be managed by the TIA, with also two kinds of levy, namely the Authority levy and the Fund levy. Whereas the TICF is only for the protection of outbound travellers at present, it will have one more purpose in the future – “supporting the continuous development of the travel industry”.

Finally let's have a look at the income of the TIC and the TIA. Take the financial year 2017/2018 for the TIC. Its major source of income was of course the Council levy (69%), followed by the income of membership fees and Tour Escort Passes and Tourist Guide Passes (10.6%) and the income of mainland inbound tour registration fees (6%). As for the TIA, according to the document submitted by the Government to the Legislative Council, it is estimated that the major source of income of the TIA, in its first year of operation, will be the Authority levy (54.4%), to be followed by the income of licence fees (24.6%) and that of registration fees for mainland inbound tour groups (17.9%).

Readers who wish to know the new requirements for the future travel agent licence should not miss out on the next issue. 



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