

# 監管機制：今日與未來（三）

## Regulatory regimes: now and future (3)

這是介紹新監管機制的最後一期，焦點放在導遊、領隊，以及相關各方的過渡安排。

This is the last issue to introduce the new regulatory regime, focusing on tourist guides and tour escorts, and transitional arrangements for related parties.

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### 持牌導遊、持牌領隊

**按**照現行的監管機制，導遊或領隊只需要取得議會發出的導遊證或領隊證，就可以擔任旅行代理商所指派的導遊或領隊工作。不過，將來《旅遊業條例》全面實施後，任何人如果沒有導遊牌照，就不得擔任導遊；沒有領隊牌照，則不得擔任領隊，否則即屬犯罪。至於持牌旅行代理商，它們不得僱用或聘用沒有導遊牌照或領隊牌照的人擔任導遊或領隊，否則即屬犯罪。

那麼將來怎樣才算擔任導遊或領隊呢？根據《旅遊業條例》的規定，所謂擔任導遊，指任何人按照旅行代理商的指示，為了向到港旅客提供任何導遊服務而陪同該旅客；而導遊服務的涵義，則指就在香港的行程或令人感興趣的地方，提供資料、描述或解說的服務。至於所謂擔任領隊，指任何人按照旅行代理商的指示，為了向外遊旅行團的參與者在旅程期間提供照顧而陪同該旅行團。

### 導遊牌照、領隊牌照

在導遊、領隊的發牌與發證條件方面，將來和現在的規定基本相同，主要差別在於一點：將來法例規定，申請人需要修畢指明的試前訓練課程，並且在指明的導遊或領隊領牌考

### Licensed tourist guides and tour escorts

**U**nder the current regulatory regime, tourist guides or tour escorts only need to obtain a Tourist Guide or Tour Escort Pass issued by the TIC in order to qualify to work for travel agents as tourist guides or tour escorts. **They, however, will commit an offence if they work as tourist guides or tour escorts without a tourist guide or tour escort licence after the Travel Industry Ordinance comes into full effect.** As for licensed travel agents, they will also commit an offence if they employ or engage a person as a tourist guide or tour escort who does not have a tourist guide or tour escort licence.

What, then, does working as a tourist guide or tour escort mean in the future? According to the Travel Industry Ordinance, a person works as a tourist guide if he or she accompanies a visitor to Hong Kong for the purpose of providing any guiding service to the visitor in accordance with the directions of a travel agent; and guiding service means the service of providing information, description or explanation in relation to an itinerary or a place of interest in Hong Kong. And a person works as a tour escort if he or she accompanies an outbound tour group on a journey for the purpose of taking care of the participants of the tour group during the journey in accordance with the directions of a travel agent.

### Tourist guide and tour escort licences

As far as the conditions for issuing tourist guide and tour escort licences and Tourist Guide and Tour Escort Passes are concerned, the future and the present requirements are basically the same except one crucial point: whereas an applicant will be required under the Ordinance to have completed the specified pre-examination training courses and passed the specified licensing examination of tourist

試中，考取合格；而現在向議會申請導遊證或領隊證時，在大多數情況下，需要持有獲認可證書以及通過資格考試，但有少數獲認可證書可豁免考試。

目前導遊證和領隊證的有效期為三年，將來的導遊牌照和領隊牌照也是三年。現時持證導遊續證前，必須達到導遊持續專業進修計劃的要求，但持證領隊卻沒有類似的規定。不過，將來持牌導遊及持牌領隊申請牌照續期時，都必須修畢指明的導遊或領隊持續專業進修計劃。

至於旅遊業監管局指明的試前訓練課程、領牌考試，以及持續專業進修計劃的詳情究竟如何，目前並沒有公佈。

## 相關各方的過渡安排

過渡安排主要涉及四者：旅行代理商、導遊、領隊，以及議會。旅行代理商如持有由旅行代理商註冊主任批出的牌照，在新監管制度全面生效後會被視為持有由旅監局發出的旅行代理商牌照兼業務許可證，直至原有牌照屆滿，或新監管制度生效後的三個月為止(以日期較後者為準)。

導遊或領隊如持有由議會發出的導遊證或領隊證，在新監管制度全面生效後會被視為持有由旅監局發出的導遊牌照或領隊牌照，直至原有導遊證或領隊證屆滿，或新監管制度生效後的三個月為止(以日期較後者為準)。

至於議會，則會一直執行監管職能，直至新監管制度全面生效為止，而議會所施以的紀律處分，在新監管制度生效後會仍然繼續有效。屆時議會未處理完成的各種個案，將由旅監局接手，但會按議會的規例處理。

本刊在最近三期，介紹了旅監局日後監管的一些情況，依據主要是去年十二月刊憲的《旅遊業條例》。可是，《旅遊業條例》的附屬法例仍未面世，而旅監局更未制訂任何行政指令，因此這三篇文章難以全面涵蓋所有情況。日後當局公佈更多細節時，本刊將繼續為讀者報導。✎

guides or tour escorts, an applicant, when applying to the TIC for a Tourist Guide or Tour Escort Pass now, must in most cases possess recognised certificates and pass the qualifying examination, but a few recognised certificates give exemption from the examination.

Currently, the Tourist Guide and Tour Escort Passes are valid for three years, as are the future tourist guide and tour escort licences. A holder of the Tourist Guide Pass now needs to fulfil the requirements under the Continuing Professional Development Scheme for Tourist Guides before renewing his or her Pass, but there are no similar requirements for a holder of the Tour Escort Pass to renew it. Nevertheless, a licensed tourist guide and tour escort must both complete the specified Continuing Professional Development Scheme for Tourist Guides or Tour Escorts first in order to renew his or her licence.

When it comes to, however, what actually are the pre-examination training courses, the licensing examinations and the Continuing Professional Development Schemes to be specified by the Travel Industry Authority (TIA), no detail is revealed at the moment.

## Transitional arrangements for various parties

Transitional arrangements mainly concern four parties: travel agents, tourist guides, tour escorts and the TIC. A travel agent who holds the licence granted by the Registrar of Travel Agents will be considered to hold a travel agent licence combined with business permit issued by the TIA until the original licence expires or three months after the new regulatory regime becomes fully effective (whichever is the later).

A tourist guide or tour escort who holds the Tourist Guide or Tour Escort Pass issued by the TIC will be considered to hold a tourist guide or tour escort licence issued by the TIA until the original Pass expires or three months after the new regulatory regime becomes fully effective (whichever is the later).

As for the TIC, it will continue to perform regulatory duties until the new regulatory regime comes into full force, and disciplinary action taken by the TIC will continue to be in force even after the new regime is in place, by which time the various kinds of cases not yet handled by the TIC will be taken over by the TIA, but the rules of the TIC will continue to be followed.

How the TIA will carry out its regulatory duties in the future is covered in the last three issues, based largely on the Travel Industry Ordinance gazetted in December last year. Since its subsidiary legislation is yet to be announced and no administrative rules have been laid down by the TIA, these three articles can hardly be comprehensive. When more details are announced by the authorities, *The Voice* will continue to cover them for readers. ✎