

For discussion
On 28 January 2002

Legislative Council Panel on Economic Services

Protection of Hong Kong tourists visiting the Mainland

Introduction

This paper sets out the general assistance that is available to Hong Kong residents who are involved in accidents in the Mainland.

Background

2. At the meeting of the LegCo Panel on Economic Services (ES Panel) held on 18 June 2001, Members asked for information on the general assistance that is available to Hong Kong residents who are involved in accidents in the Mainland. The Tourism Commission issued a letter providing relevant information to the Clerk to the ES Panel in July 2001.

General assistance to Hong Kong residents

3. Hong Kong residents who are involved in accidents or are in distress when travelling in the Mainland may request assistance from the Immigration Department or the Office of the Government of the Hong Kong Special Administrative Region in Beijing as appropriate. The scope of assistance/services provided covers the following:

- To issue of Entry Permits to Hong Kong residents, who have lost their identity documents in the Mainland, to facilitate their return to Hong Kong;
- Upon receipt of information that serious accidents or casualties have happened to Hong Kong residents, to notify relatives of the parties concerned in Hong Kong and to seek advice from the Mainland authorities on the related procedural matters;
- On request from the parties concerned, to liaise with their relatives and friends in Hong Kong on matters such as financial assistance;

- On request from the parties concerned or their relatives and friends, to provide information on lawyers in the Mainland; and
- To provide any other relevant advisory services.

Annex A

Details are outlined in a leaflet published by the Immigration Department (Annex A). The Department has set up the “Assistance to Hong Kong Residents Unit” and a hot-line 2829 3010 (2543 1958 outside office hours) to handle enquiries and requests for assistance. The leaflet is distributed to the public free of charge at the Information Office and branch offices of the Immigration Department, the Beijing Office and through Home Affairs Department’s District Offices. The relevant information is also made available on the HKSAR Government web site.

4. In case of a special or serious incident happening outside Hong Kong involving deaths or injury of Hong Kong residents, the Immigration Department will immediately publicise a hotline number through the media so that the public can make enquiries or seek assistance where necessary.

5. The Government monitors the existing mechanism from time to time and makes improvements where appropriate to enhance the protection available to Hong Kong travellers in the mainland.

Assistance provided by the responsible travel agents

6. When an accident occurs involving members of a package tour, the travel agent concerned is usually first to get details through its staff or local agent at the place of the accident. These personnel will provide immediate first-line assistance to the injured, such as reporting the accident to the local authority and transferring the injured travellers to nearby medical facilities for treatment.

7. Upon receipt of a package tour accident report, the Travel Industry Council of Hong Kong (TIC) and the Travel Agents Registry of Economic Services Bureau will immediately liaise with each other and be prepared to provide all necessary assistance. This may include liaising with the Immigration Department, Security Bureau and Hospital Authority, informing family members of the injured travellers, arranging comfort visits, setting up hotline for public enquiries, arranging for uninjured tour members to return directly to Hong Kong and assisting victims to apply for assistance under the Package Tour Accident Contingency Fund Scheme.

Financial assistance under the Travel Industry Compensation Fund (TICF)

8. The “Package Tour Accident Contingency Fund Scheme” is funded by the Travel Industry Compensation Fund (TICF). It provides emergency financial assistance to package tour participants in the event of travel accidents. The payment covers expenses for medical treatment, funeral or return to Hong Kong of the remains of those killed, and compassionate visits by relatives up to a stipulated ceiling (the maximum assistance in total is \$180,000 per person). The details of the compensation scheme are at Annex B.

Annex B

Conclusion

9. The mechanism described above is intended to provide practical assistance to Hong Kong travellers in the mainland in case of accidents. It is, of course, important that all those traveling outside Hong Kong take necessary precautions to protect themselves, including taking out travel insurance to cover the duration of their trip.

**Economic Services Bureau
January 2002**



Guide to Assistance Services to Hong Kong Residents in the Mainland

Hong Kong residents, who have met with accidents or are arrested or detained for being involved in criminal cases in the Mainland, may request assistance from the Immigration Department or the Office of the Government of the Hong Kong Special Administrative Region in Beijing whenever necessary. This guide aims at outlining the scope of assistance that can be provided by the Government of the Hong Kong Special Administrative Region.

Assistance that can be provided by the Government of the Hong Kong Special Administrative Region

to issue Entry Permits to Hong Kong residents, who have lost their identity documents in the Mainland, for their returning to Hong Kong.

upon receipt of information that serious accidents or casualties have happened to Hong Kong residents, to notify relatives of the parties concerned in Hong Kong and to give advice on the related procedural matters.

to liaise, on request from the parties concerned, with their relatives and friends in Hong Kong for rendering financial assistance to the parties concerned.

upon receipt of notification from the law enforcement agencies of the Mainland regarding the arrest or detention of Hong Kong residents, to pass information to relatives of the parties concerned in Hong Kong.

to inquire, on request from the relatives and friends of the parties concerned, about the situation of the case involving Hong Kong residents being arrested or detained by the law enforcement agencies of the Mainland.

to provide, on request from the parties concerned or their relatives and friends, information on lawyers in the Mainland.

to provide any other relevant advisory services.

Assistance that cannot be provided by the Government of Hong Kong Special Administrative Region

to intervene in the judicial system and administrative operations of the Mainland when providing assistance to Hong Kong residents under the Principle of 'One Country, Two Systems'.

- ◆ to shield the unlawful act of the parties concerned or absolve them from criminal liability.
- ◆ to get better treatment for the parties concerned in hospitals, under detention or in prison than that provided for Mainland residents.
- ◆ to pay the hotel, legal, medical and travelling expenses or any other bills for the parties concerned.

Property stolen

In the event of loss of money, identity documents or any other belongings in the Mainland, report it first to the Public Security authorities and obtain a documentary proof of the report of loss. If assistance for returning to Hong Kong is needed, the parties concerned may contact the Immigration Department or the Office of the Government of the Hong Kong Special Administrative Region in Beijing.

Serious accidents or casualties

In case of serious accidents or casualties for whatever cause happening to the relatives and friends or companions of Hong Kong residents in the Mainland, report should be made to the Public Security authorities immediately. If further assistance is needed, the parties concerned may contact the Immigration Department or the Office of the Government of the Hong Kong Special Administrative Region in Beijing.

Detention or arrest

Hong Kong residents should abide by the laws and regulations of the Mainland while they are staying in the Mainland.

Should such persons contravene the laws in the Mainland, the parties concerned have to bear the legal consequences. If the parties concerned are arrested or detained for any charge of criminal offence, they may request the Public Security authorities to notify their relatives in accordance with the laws.

Contact telephone numbers and addresses

☎ Assistance to Hong Kong Residents Unit of the Immigration Department of the Government of the Hong Kong Special Administrative Region
Telephone No.: (852) 2829 3010
Fax No.: (852) 2519 3536
Address: 9/F, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong

☎ The Office of the Government of the Hong Kong Special Administrative Region in Beijing
Telephone No.: (8610) 6518 6318 Ext. 034
Fax No.: (8610) 6518 6323
Address: 21/F, Office Tower 1, Henderson Centre, 18 Jianguomen Nei Avenue, Beijing 100005

☎ To seek assistance outside office hours, please contact:
Duty Officer of the Harbour Control Section,
Immigration Department of the Government of the Hong Kong Special Administrative Region
Telephone No.: (852) 2543 1958

Other information

Hong Kong residents may refer to the relevant booklets for details about the criminal procedures in the Mainland which are obtainable at the District Offices of the Home Affairs Department or the Immigration Department of the Government of the Hong Kong Special Administrative Region, and may also visit the following home page:
<http://www.info.gov.hk/sb/chinese/ctopic.htm>

Immigration Department
The Government of the Hong Kong
Special Administrative Region

(This guide is also available at the following home page:
http://www.info.gov.hk/immd/english/topical/asstst/e_asstst.htm)

Guidance Notes for Licensed Travel Agents

Package Tour Accident Contingency Fund Scheme



What is the Package Tour Accident Contingency Fund Scheme (the Scheme)?

- The Scheme is provided for under the Travel Industry Compensation Fund (TICF). It offers financial relief to outbound travellers on package tours who are injured or killed in accident whilst touring abroad.
- An outbound traveller means a person who has paid to a travel agent at an inclusive price for an outbound travel service comprising any two or all of the following:
 - (i) carriage (by land, sea or air transport) from Hong Kong to places outside Hong Kong;
 - (ii) accommodation outside Hong Kong;
 - (iii) arrangements for an activity outside Hong Kong.
- Under this Scheme, outbound traveller or his personal representative (as appropriate) may receive, on successful application, the following ex gratia payment subject to the maximum amounts:

→ Medical expenses incurred in the place of accident outside Hong Kong	up to HK\$100,000
→ Expenses incurred in the place of accident outside Hong Kong for funeral or return of dead body/ashes to Hong Kong	up to HK\$40,000
→ Expenses for compassionate visit or handling of residual matters relating to the death by two relatives	up to HK\$20,000 per relative

What does the Scheme not cover?

The Scheme does not cover:

- hospitalization arising from illness;
- death or injury sustained whilst engaged in an activity which is not provided or organized by the travel agent concerned; and
- individual stay-behind activities.

How to handle in the event of a tour accident

When there is a tour accident, you or your tour escort should

- take emergency measures as necessary to protect safety of travellers;
- seek advice from the Travel Industry Council of Hong Kong as necessary in matters such as passage and accommodation arrangement, crisis management, etc.;

- inform the following:

Travel Industry Council of Hong Kong on	2807 1199
Travel Agents Registry on	3151 7945 (during office hours) or 9022 0966 (outside office hours)

- make advance assistance in respect of the relevant expenses to the outbound travellers where circumstances warrant and make necessary arrangement for reimbursement by travellers after they have received ex gratia payment from the TICF;
- state clearly to outbound travellers that they may only claim three types of relevant expenses from the TICF subject to the maximum amounts;
- ascertain whether outbound travellers would seek compensation from their insurers or apply for ex gratia payment under the TICF;
- coordinate applications of the outbound travellers for ex gratia payment under the TICF; and
- collect and submit supplementary documents from the outbound travellers when necessary.

Points to note when confirming booking with outbound travellers

- make sure that your tour members' receipts for the outbound travel service are clearly franked to indicate levy payment equal to 0.3% of the outbound fare paid;
- advise your tour members to deposit the original receipt at home or with a relative and carry the photocopy on the tour;
- advise your tour members to take out their own insurance policy to better cover their own travel needs;
- maintain the name list of tour members for each tour group with information on their insurers and other particulars especially their contacts for emergency use; and
- instruct your tour escort to notify you of the details of the tour accident immediately.

Enquiries

TICF Management Board Secretariat
c/o Travel Agents Registry,
Rooms 5604-05, 56/F., Hopewell Centre,
183 Queen's Road East, Wanchai, Hong Kong.
(Tel: 3151 7945)

Travel Industry Council of Hong Kong
Rooms 1706-1709, Fortress Tower, 250 King's Road,
North Point, Hong Kong
(Tel: 2807 1199)