

政府總部
香港下亞厘畢道
中區政府合署



Government Secretariat
Central Government Offices
Lower Albert Road
Hong Kong

本函檔號 Our Ref. : TC CR 5/2091/2009 Pt.3
來函檔號 Your Ref. : CB1/PL/EDEV

電話號碼 Tel. No.: 2810 3728
傳真號碼 Fax No.: 2801 4458

14 January 2011

Ms Debbie YAU
Clerk to Panel on Economic Development
Legislative Council Secretariat
3rd Floor, Citibank Tower
3 Garden Road
Hong Kong

Dear Ms Yau,

**Panel on Economic Development
Follow-up to meeting on 22 November 2010**

I refer to your letter to the Secretary for Commerce and Economic Development dated 3 January 2011. At the meeting held on 22 November 2010, a member requested the Administration to provide the details of the measures proposed by the “Task Force on the Review of the Operation and Regulation of Mainland Inbound Group Tours” (Task Force) before implementation.

Please find attached the 10 directives issued by the Travel Industry Council of Hong Kong, in relation to the measures proposed by the Task Force. The directives will take effect from 1 February 2011.

Yours sincerely,

(Kennon TAM)

for Commissioner for Tourism

c.c. (w/o encl.)

Mr Joseph TUNG

Executive Director, Travel Industry Council of Hong Kong (Fax: 2510 9945)



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD192/24122010/IN/FY

Tourist Guide Accreditation System (revised)
Resolution No. 192
(Directive category: Inbound)

Since the Tourist Guide Accreditation System has been in place for six years and the original directive concerning the System needs to be updated, the Board of Directors resolved at its meeting held on 19 November 2010 that:

All tourist guides* assigned by members to receive visitors to Hong Kong shall have a valid Tourist Guide Pass issued by the TIC.

* A tourist guide is the person assigned by a member to receive and take care of visitors to Hong Kong, and to duly carry out services in the itinerary. His/her main responsibilities include assisting with arrivals and departures, transportation, meals and accommodation, conducting sightseeing and shopping activities, providing commentary and handling emergency situations during the tour.

Latest information about the Tourist Guide Accreditation System is available at the TIC website (www.tichk.org).

This Directive supersedes Directive No. 111 and takes effect from 1 February 2011. Violation of this directive will be subject to penalties laid down in Article 11 of the TIC's Articles of Association.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG

Joseph Tung
Executive Director

IMPORTANT



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD193/24122010/IN/FY

**Assigning the same tourist guide throughout the journey of mainland tours
Resolution No. 193
(Directive category: Inbound)**

To enhance the quality of services provided by members for inbound tours organised in mainland China (mainland tours), the Board of Directors resolved at its meeting held on 19 November 2010 that:

- 1. Members shall assign the same tourist guide who holds a valid Tourist Guide Pass issued by the TIC to receive the same inbound tour organised in mainland China throughout its journey in Hong Kong except for the time when the tour group is met at the immigration control points and when tour members are on their own for “free activity”.**
- 2. If members assign another tourist guide to meet the tour group at the immigration control points, that tourist guide shall also hold a valid Tourist Guide Pass issued by the TIC.**
- 3. Members shall not make any change to the tourist guides originally assigned to receive and meet the tour group without valid grounds.**
- 4. All the tourist guides shall be assigned by members, which shall provide the names of all the tourist guides when registering with the TIC the tour confirmation agreements of mainland tours, and which shall not increase the number of the tourist guides once the confirmation agreements are registered.**

Any service provided by members for mainland China’s inbound visitors is considered an inbound tour organised in mainland China if it contains either of the following items: (1) the sightseeing at, or visiting, touring or roaming of any tourist attractions or any other locations in Hong Kong; or (2) shopping at shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

According to Attachment 1 to Directive No. 185 (which concerns registration of tour confirmation agreements of mainland tours), if there is any change to the tourist guide assigned to receive the mainland tour after its arrival in Hong Kong, members shall

immediately notify the TIC in writing and file the original copy of the amended tour confirmation agreement with the TIC within seven days after the arrival of the tour in Hong Kong. And according to Directive No. 158 (which concerns exemption from assigning Tourist Guide Pass holders to provide “point-to-point” transfer services), members may apply for exemption from assigning Tourist Guide Pass holders to provide transfer services under specific conditions.

This Directive takes effect from 1 February 2011. Violation of this directive will be subject to penalties laid down in Article 11 of the TIC’s Articles of Association.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG



Joseph Tung
Executive Director



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD194/24122010/IN/FY

Service remunerations for tourist guides receiving mainland tours (revised)
Resolution No. 194
(Directive category: Inbound)

To protect tourist guides who receive inbound tours organised in mainland China (mainland tours) and to raise the standard of their service, the Board decided at its meeting held on 19 November 2010 that:

Members which assign tourist guides to receive inbound tours organised in mainland China shall make payment of service remunerations (including a basic remuneration/salary, a tour-guiding fee, etc) to the tourist guides concerned to prevent them from relying on shopping commission as their major source of income.

Any service provided by members for mainland China's inbound visitors is considered an inbound tour organised in mainland China if it contains either of the following items: (1) the sightseeing at, or visiting, touring or roaming of any tourist attractions or any other locations in Hong Kong; or (2) shopping at shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

This Directive supersedes Directive No. 162 and takes effect from 1 February 2011. Violation of this directive will be subject to penalties laid down in Articles 11 of the TIC's Articles of Association.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG

Joseph Tung
Executive Director

IMPORTANT



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD195/24122010/IN/FY

Prohibition of requests for tourist guides to bear or unreasonably advance mainland tours' payments (revised)
Resolution No. 195
(Directive category: Inbound)

To protect tourist guides who receive inbound tours organised in mainland China (mainland tours) and to raise the standard of their service, the Board of Directors decided at its meeting held on 19 November 2010 that:

Members shall not require tourist guides to bear or unreasonably advance any payments for inbound tours organised in mainland China.

Any service provided by members for mainland China's inbound visitors is considered an inbound tour organised in mainland China if it contains either of the following items: (1) the sightseeing at, or visiting, touring or roaming of any tourist attractions or any other locations in Hong Kong; or (2) shopping at shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

The TIC will in future refer to the Compliance Committee and the Travel Agents Registry for follow-up action complaints from tourist guides that they are required to bear or unreasonably advance payments for mainland tours.

This Directive supersedes Directive No. 163 and takes effect from 1 February 2011. Violation of this directive will be subject to penalties laid down in Articles 11 of the TIC's Articles of Association.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG

Joseph Tung
Executive Director

IMPORTANT



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD196/24122010/IN/FY

Distribution of itineraries to participants of mainland tours (revised)
Resolution No. 196
(Directive category: Inbound)

To help participants of inbound tours organised in mainland China (mainland tours) clearly know their itinerary arrangements in Hong Kong, reduce possible conflicts between Hong Kong's receiving agents and these visitors because of itinerary arrangements, and further raise the service standard and image of receiving agents, the Board of Directors resolved at its 19 November 2010 meeting that:

Members shall immediately distribute itineraries through tourist guides to each of the participants of inbound tours organised in mainland China on their arrival in Hong Kong. The itinerary shall be printed on A4 paper and shall contain the following items:

1. General information:

- a. the name, address and telephone number of the receiving agent, and the name and contact number of the receiving agent's contact person
- b. the name and tour code of the mainland tour
- c. the arrival and departure date of the mainland tour
- d. the name, Tourist Guide Pass No. and contact number of the tourist guide assigned to receive the mainland tour
- e. the name and telephone number of mainland China's tour operator

2. Itinerary arrangements:

- a. details of meals, accommodation, transport, sightseeing, entertainment, etc, and the name of each of the registered shops which the tour group visits and the duration of each of the visits to the shops, as specified in the itinerary
- b. details of any items in the itinerary not arranged by the receiving agent (if any)

3. Fees and charges:

- a. details of the fees of all self-pay activities, service charges and any other charges

4. Notes for visitors:

- a. information about the rights and duties of, and protection for, visitors, including the following sentence put inside the quotation marks:

“根據香港旅遊業議會規定：

- (1) 凡經旅行社安排到登記店舖購物的旅客，導遊不得強迫旅客購物，也不得強留旅客在登記店舖之內。旅客如對所購貨品不滿，並於購買日起計六個月內提出退款，均可獲「入境旅行團（登記店舖）購物退款保障計劃」的保障（旅客必須憑單據正本辦理退款手續，有關貨品並且必須沒有損壞，亦沒有因使用而導致的損耗，方可獲百分百退回貨款）；
- (2) 旅客可自由選擇是否參加自費活動，對於不參加自費活動的旅客，接待社將提供適當安排；
- (3) 導遊不得以香港特區政府或任何機構的名義，向旅客銷售紀念品等品物；
- (4) 導遊如要拿走或影印旅客的旅遊證件，必須得到旅客同意。”， which means that the Travel Industry Council of Hong Kong stipulates that (1) tourist guides shall not compel visitors to make purchases or remain inside the registered shops. If the visitors are dissatisfied with their purchases and make a refund request within six months after purchase, they are entitled to the protection under the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers (they shall return the original receipt and the purchased items, which shall be undamaged and on which there shall be no wear and tear because of use, in order to be entitled to a full refund); (2) visitors may choose freely whether to join self-pay activities or not. The receiving agent will make appropriate arrangements for those who choose not to join; (3) tourist guides shall not peddle such items as souvenirs to visitors in the name of the Hong Kong SAR Government or any organisations; and (4) tourist guides shall have the consent of visitors if they wish to take away or photocopy the travel documents of the visitors.

5. Relevant hotlines:

- a. the TIC's inbound tourist service hotline: (852)2807-0707
- b. the Consumer Council's hotline: (852)2929-2222
- c. the Hong Kong Tourism Board's hotline: (852)2508-1234

Members shall use “行程表” (itinerary) as the title of any document which contains the above information, shall print “旅客請保留此行程表以保障權益” (visitors are advised to keep this itinerary to protect their interests) under the words “行程表”, under which the sentence in point 4a and the hotlines in point 5a-c shall be printed with a legible font whose size is not smaller than 12 points.

Members shall not distribute to visitors the tour confirmation agreement which they have signed with mainland China’s tour operator as if it were the itinerary.

Apart from the above requirements, when distributing the itinerary to visitors, tourist guides shall read out the phrase “旅客請保留此行程表以保障權益”, the name of the receiving agent in point 1a, the name of the tourist guide assigned to receive the mainland tour in point 1d, the itinerary arrangements in point 2a-b, the fees and charges in point 3a, the sentence in point 4a, and the hotlines in point 5a-c.

Any service provided by members for mainland China’s inbound visitors is considered an inbound tour organised in mainland China if it contains either of the following items: (1) the sightseeing at, or visiting, touring or roaming of any tourist attractions or any other locations in Hong Kong; or (2) shopping at shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

This Directive supersedes Directive No. 186 and takes effect from 1 February 2011. Violation of this directive will be subject to penalties laid down in Article 11 of the TIC’s Articles of Association.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG



Joseph Tung
Executive Director

Encl. Sample of the itinerary (in Chinese only)

__ __ 旅行社有限公司
Travel Company Limited香港 XX 道 XX 大廈 XX 室
電話：(852) XXXX-XXXX

行程表

(旅客請保留此行程表以保障權益)

旅客請留意以下安排，以確保旅程愉快：

根據香港旅遊業議會規定：

- 凡經旅行社安排到登記店舖購物的旅客，導遊不得強迫旅客購物，也不得強留旅客在登記店舖之內。旅客如對所購貨品不滿，並於購買日起計六個月內提出退款，均可獲「入境旅行團（登記店舖）購物退款保障計劃」的保障（旅客必須憑單據正本辦理退款手續，有關貨品並且必須沒有損壞，亦沒有因使用而導致的損耗，方可獲百分百退回貨款）；
- 旅客可自由選擇是否參加自費活動，對於不參加自費活動的旅客，接待社將提供適當安排；
- 導遊不得以香港特區政府或任何機構的名義，向旅客兜售紀念品等物品；
- 導遊如要拿走或影印旅客的旅遊證件，必須得到旅客同意。

以下機構樂於為旅客提供資訊和服務：

- 香港旅遊業議會入境旅客服務熱線：(852)2807-0707
- 消費者委員會熱線：(852)2929-2222
- 香港旅遊發展局熱線：(852)2508-1234

團隊名稱：__ __ 港澳遊 團號：XX15072010 (XX 團 01)
抵港日期：XX 年 XX 月 XX 日 離港日期：XX 年 XX 月 XX 日
內地組團社：深圳 __ __ 旅行社（電話：XXXX-XXXX）
接待社聯絡人：XXX（電話：XXXX-XXXX）
導遊：XXX（導遊證編號：TG0XXXX；電話：XXXX-XXXX）

在港交通安排：全程由旅遊巴士接送

日期	行程	膳食	住宿
15/7	太平山、淺水灣、夜遊船（自費活動*）	晚餐	__ __ 酒店
16/7	黃大仙廟、__ __ 珠寶店（__ 分鐘）、__ __ 鐘錶店（__ 分鐘）、星光大道、金紫荊廣場	早餐、午餐、晚餐	__ __ 酒店
17/7	海洋公園（包門票）	早餐	__ __ 酒店
18/7	往澳門（包船票）	早餐	

* 自費活動詳情：HK\$ __（乘搭 __ __ 夜遊船，夜遊維多利亞港 __ 小時）



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD197/24122010/IN/FY

**Declaration of association with registered shops
Resolution No. 197
(Directive category: General)**

To enhance the confidence of inbound visitors in registered shops, protect the interests of all the parties concerned and raise transparency, the Board of Directors decided at its meeting held on 19 November 2010 that:

Members whose shareholders/partners/sole proprietors or directors belong to any one of the following situations shall use the “Form for Declaration of Association between Member and Registered Shop(s)” (see the attached) designated by the TIC to make declarations to the TIC and shall inform the TIC of any changes on their own initiative:

- 1. the shareholders/partners/sole proprietors or directors themselves partly or wholly own any registered shops, or are directors of any registered shops;**
- 2. the firms or companies of the shareholders/partners/sole proprietors or directors partly or wholly own any registered shops, or are directors of any registered shops;**
- 3. the relatives* of the shareholders/partners/sole proprietors or directors partly or wholly own any registered shops, or are directors of any registered shops; or**
- 4. the firms or companies of the relatives* of the shareholders/partners/sole proprietors or directors partly or wholly own any registered shops, or are directors of any registered shops.**

* Relatives mean parents, spouse, offspring and siblings.

After receiving the declaration forms from members, the TIC will announce on its website that the members and the registered shops declared by them have association.

Registered shops mean shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

This Directive takes effect from 1 February 2011; in other words, members shall declare their association by that date. Violation of this directive will be subject to penalties laid down in Articles 11 of the TIC's Articles of Association.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG



Joseph Tung
Executive Director

Encl. Form for Declaration of Association between Member and Registered Shop(s)

會員與登記店舖關連申報表
Form for Declaration of Association
between Member and Registered Shop(s)

致：議會入境旅遊部 To: Inbound Department of the TIC

本人 (姓名) _____, 是 (公司名稱)
_____ (旅行代理商
牌照：_____)的負責人，現申報本公司的下列股東 / 合夥人 / 獨
資經營者或董事*部份或全資擁有以下登記店舖，或為以下登記店舖的董事：

I, (name) _____, the authorised person of (company
name) _____ (Travel Agents
Licence No.: _____), now declare that the following
shareholders/partners/sole proprietors or directors* of our company partly or wholly
own the following registered shop(s), or are the directors of the following registered
shop(s):

* 股東 / 合夥人 / 獨資經營者或董事包括：(1)股東 / 合夥人 / 獨資經營者或董事本人；(2)股東 /
合夥人 / 獨資經營者或董事的公司；(3)股東 / 合夥人 / 獨資經營者或董事的親屬(指父母、配
偶、子女、兄弟姊妹)；(4)股東 / 合夥人 / 獨資經營者或董事親屬的公司。

Shareholders/partners/sole proprietors or directors include: (1) the shareholders/partners/sole
proprietors or directors themselves; (2) the firms or companies of the shareholders/partners/sole
proprietors or directors; (3) the relatives (i.e. parents, spouse, offspring and siblings) of the
shareholders/partners/sole proprietors or directors; (4) the firms or companies of the relatives of the
shareholders/partners/sole proprietors or directors.

股東 / 合夥人 / 獨資經營者姓名 Name of shareholder/partner/ sole proprietor	董事姓名 Name of director	店舖名稱 Name of registered shop

本人明白並同意，議會收到本申報表後，會在議會網站公開本公司與所申報的登
記店舖有關連；如所申報的資料今後有所變更，本公司會主動通知議會。

I understand and agree that after receiving this declaration form, the TIC will announce
on its website that our company and the registered shop(s) declared have association,
and that if there is any future change to the information declared, our company will
inform the TIC on its own initiative.

簽署 Signature : _____

公司印章 Company stamp : _____

日期 Date : _____



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD198/24122010/IN/FY

**Prohibition of compelling participants of mainland tours to make purchases
Resolution No. 198
(Directive category: Inbound)**

To protect participants of inbound tours organised in mainland China (mainland tours), the Board decided at its meeting held on 19 November 2010 that:

- 1. Members shall not make use of any methods to directly or indirectly compel or attempt to compel participants of inbound tours organised in mainland China to make purchases.**
- 2. If the tourist guides assigned by members to receive participants of mainland tours make use of any methods to directly or indirectly compel or attempt to compel the participants to make purchases, the members shall bear liability as an employer for that.**

Any service provided by members for mainland China's inbound visitors is considered an inbound tour organised in mainland China if it contains either of the following items: (1) the sightseeing at, or visiting, touring or roaming of any tourist attractions or any other locations in Hong Kong; or (2) shopping at shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

This Directive takes effect from 1 February 2011. Violation of this directive will be subject to penalties laid down in Articles 11 of the TIC's Articles of Association.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG

Joseph Tung
Executive Director

IMPORTANT



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD199/24122010/IN/FY

**Demerit System for Mainland Tour Reception Services: Members
Resolution No. 199
(Directive category: Inbound)**

To protect participants of inbound tours organised in mainland China (mainland tours), the Board resolved at its meeting held on 19 November 2010 that:

The “Demerit System for Mainland Tour Reception Services: Members” shall be established for the regulation of members which provide reception services for mainland tours.

According to the above-mentioned Demerit System, members which have violated rules of the TIC subsumed under it will be given demerits in accordance with the seriousness of the violations, and the membership of the members concerned will be suspended or terminated once the total number of demerits reaches 30. Please refer to the Appendix for details.

Any service provided by members for mainland China’s inbound visitors is considered an inbound tour organised in mainland China if it contains either of the following items: (1) the sightseeing at, or visiting, touring or roaming of any tourist attractions or any other locations in Hong Kong; or (2) shopping at shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

This Directive takes effect from 1 February 2011.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG

Joseph Tung
Executive Director

Appendix: “Demerit System for Mainland Tour Reception Services: Members”

IMPORTANT

Demerit System for Mainland Tour Reception Services: Members

I. Introduction

1. The establishment of the Demerit System is aimed at improving the standard of reception services for inbound tours organised in mainland China (mainland tours) and having a deterrent against repeated violations by members, thus upholding the good reputation of Hong Kong's tourism industry.
2. The Demerit System does not cover all the rules of the TIC, but targets the kinds of violations on which the TIC has focused and which are related to the reception of mainland tours.
3. Members suspected of violating those rules of the TIC subsumed under the Demerit System will be handled by the Compliance Committee, which will decide the number of demerits to be given after considering the situations of the cases. If the number of accumulated demerits reaches 30 within two years, the membership of the member concerned will be suspended or terminated.
4. The Demerit System will not affect the power of the Board or the Compliance Committee to impose penalties, including the power to suspend or terminate the membership of members.

II. Scope

1. Those rules of the TIC subsumed under the Demerit System are listed in "Applicable rules under the Demerit System" in Section IV.
2. The Board may amend the contents of "Applicable rules under the Demerit System" and will notify members before the amendments take effect.
3. "Applicable rules under the Demerit System" will be posted on the TIC website. Members are advised to check the latest version of "Applicable rules under the Demerit System" from time to time.
4. The Demerit System will not be enforced retrospectively.

III. Guidelines for giving demerits (see Annex 1 for examples)

1. If, after the implementation of the Demerit System, members are suspected of violating such rules as listed in "Applicable rules under the Demerit System" and are later found by the Compliance Committee to have violated the rules, then demerits will be given on top of the penalties* currently imposable, both according to the grades of violation:

<u>Violation grade</u>	<u>No. of demerits</u>
Minor	0
Not serious	5
Serious	10
Very serious	15
Extremely serious	20

* The penalties imposable include: issuance of a warning, imposition of a fine, issuance of a reprimand, imposition of the requirement for compliance with TIC rules, suspension of membership, and termination of membership.

2. If members have accumulated 30 demerits within two years, their membership will be suspended or terminated according to established procedures as follows:

30 demerits for the first time:	Suspension of membership for <u>three months</u> ;
30 demerits for the second time:	Suspension of membership for <u>one year</u> ;
30 demerits for the third time:	<u>Termination</u> of membership.

3. If the penalty imposed by the Compliance Committee is different from the penalty arising from paragraph 2 because of an accumulation of 30 demerits, then the actual penalty will be the heavier of the two penalties. If the two penalties are the same, then the actual penalty will be the latter penalty.
4. All the accumulated demerits will be erased once the membership of members is suspended or terminated.
5. If more than one violation is involved in a case, the number of demerits given in the case will equal the highest number of demerits given for any one of all the violations rather than the total number of demerits given for all the violations.
6. Demerits are valid for two years, counting from the date when the Compliance Committee finds the case substantiated or any other specified date. In other words, the demerits given for each violation will be erased after two years. Demerits erased on expiry will be deducted from the total number of demerits.
7. If there are other cases pending deliberation by the Compliance Committee while the membership of members is suspended, then any demerits to be given in such other cases will be counted from the date when the membership is resumed and will also be valid for two years.
8. Demerits given to members will continue to be valid pending appeals filed by the members to be considered by the Appeal Board.

9. If the Appeal Board decides that the case is substantiated, the demerits will be counted from the date when the Compliance Committee finds the case substantiated or any other specified date and be valid for two years. If the Appeal Board decides that the case is not substantiated, the demerits will be erased.

IV. Applicable rules under the Demerit System (the latest version is on the TIC website) (see Annex 2 for examples)

If the Compliance Committee decides that a member has violated the rules in this Section, it will impose a penalty and give demerits according to the grades of violation. The penalties imposable include: issuance of a warning, imposition of a fine, issuance of a reprimand, imposition of the requirement for compliance with TIC rules, suspension of membership, and termination of membership; and the number of demerits which can be given includes: 0, 5, 10, 15 and 20.

(I) General Code of Conduct for TIC Members	
1.	A member shall faithfully carry out the duties which he undertakes, and shall have proper regard for the interests of those who engage him or seek his services.
2.	A member shall avoid actions and situations inconsistent with his legal or contractual obligations or likely to raise doubts about his integrity.

(II) Code of Business Practice on Inbound Travel Service	
1.	Members shall receive inbound visitors only after accommodation has been confirmed by its providers.
2.	Members shall ensure that their tourist guides observe the Code of Conduct for Tourist Guides issued by the TIC.
3.	Members shall conduct shopping activities in accordance with the contracts signed with their business partners.

(III) Directives	
1.	Directive No. 159: Reception of inbound tours organised by mainland's authorised travel agencies Members shall receive only inbound tours from mainland China which are organised by Authorised Travel Agencies for Outbound Travel by Chinese Citizens approved by the China National Tourism Administration.
2.	Directive No. 181: Prohibition of collection of additional charges from mainland inbound visitors Members shall not in any way collect or collect for others, or attempt to

	<p>collect or collect for others, even if acting on the instructions of the mainland tour operator, any additional charges from mainland inbound visitors on the grounds of their leaving the tour group in the middle of the trip, their age or occupation, etc, except for the fees necessitated by the participation in self-pay activities by the visitors.</p>
3.	<p>Directive No. 184: Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers</p>
4.	<p>Directive No. 188: Prohibition of subcontracting of inbound tour reception services to unlicensed travel agents</p> <p>Members shall not subcontract the reception services of inbound tours to companies without a valid Travel Agents Licence or any persons (including tourist guides).</p>
5.	<p>Directive No. 192: Tourist Guide Accreditation System</p> <p>All tourist guides assigned by members to receive visitors to Hong Kong shall have a valid Tourist Guide Pass issued by the TIC.</p>
6.	<p>Directive No. 193: Assigning the same tourist guide throughout the journey of mainland tours</p> <ol style="list-style-type: none"> i. Members shall assign the same tourist guide who holds a valid Tourist Guide Pass issued by the TIC to receive the same inbound tour organised in mainland China throughout its journey in Hong Kong except for the time when the tour group is met at the immigration control points and when tour members are on their own for “free activity”. ii. If members assign another tourist guide to meet the tour group at the immigration control points, that tourist guide shall also hold a valid Tourist Guide Pass issued by the TIC. iii. Members shall not make any change to the tourist guides originally assigned to receive and meet the tour group without valid grounds. iv. All the tourist guides shall be assigned by members, which shall provide the names of all the tourist guides when registering with the TIC the tour confirmation agreements of mainland tours, and which shall not increase the number of the tourist guides once the confirmation agreements are registered.
7.	<p>Directive No. 194: Service remunerations for tourist guides receiving mainland tours</p> <p>Members which assign tourist guides to receive inbound tours organised in mainland China shall make payment of service remunerations (including a basic remuneration/salary, a tour-guiding fee, etc) to the tourist guides concerned to prevent them from relying on shopping commission as their major source of income.</p>

8.	<p>Directive No. 195: Prohibition of requests for tourist guides to bear or unreasonably advance mainland tours' payments</p> <p>Members shall not require tourist guides to bear or unreasonably advance any payments for inbound tours organised in mainland China.</p>
9.	<p>Directive No. 196: Distribution of itineraries to participants of mainland tours</p> <p>i. Members shall immediately distribute itineraries through tourist guides to each of the participants of inbound tours organised in mainland China on their arrival in Hong Kong.</p> <p>ii. The itinerary shall be printed on A4 paper, contain the items designated by the TIC and be in the format specified.</p> <p>iii. Members shall not distribute to visitors the tour confirmation agreement which they have signed with mainland China's tour operator as if it were the itinerary.</p> <p>iv. When distributing the itinerary to visitors, tourist guides shall read out the parts designated by the TIC.</p>
10.	<p>Directive No. 198: Prohibition of compelling participants of mainland tours to make purchases</p> <p>i. Members shall not make use of any methods to directly or indirectly compel or attempt to compel participants of inbound tours organised in mainland China to make purchases.</p> <p>ii. If the tourist guides assigned by members to receive participants of mainland tours make use of any methods to directly or indirectly compel or attempt to compel the participants to make purchases, the members shall bear liability as an employer for that.</p>
11.	<p>Directive No. 201: Signing service agreements with tourist guides receiving mainland tours</p> <p>i. Before assigning tourist guides to receive inbound tours organised in mainland China, members shall sign with them the "Service Agreement between Hong Kong Receiving Agent and Tourist Guide for Mainland Tours" designated by the TIC.</p> <p>ii. Members and tourist guides shall comply with all the clauses of the above-mentioned Service Agreement.</p>

V. Notification of demerits

1. When a decision is made by the Compliance Committee, the Executive Office will notify the member concerned of the decision in writing, including the number of demerits given for the latest violation and the total number of demerits accumulated within the past two years (if any).

2. When members have accumulated 10 and 20 demerits, the Executive Office will write to them, detailing the demerits given to them during the past two years, reminding them of the consequences of accumulating more demerits, and urging them to improve their business practice.
3. Once members have accumulated 30 demerits, the Executive Office will notify the Travel Agents Registry. Should there be a need, the tourism authorities in other places will also be notified.

VI. Announcement of demerits

1. For those members which have been given demerits for having violated such rules as listed in “Applicable rules under the Demerit System”, their names, the number of demerits given, the rules violated and the reasons of violations will be announced in *The Voice of TIC* and on the TIC website.
2. If the violations are considered minor or not serious, such information will be posted on the TIC website for one month; and if the violations are considered serious, very serious or extremely serious, such information will be posted for one year.

Illustrative examples of how demerits are counted

Example 1:

Suppose a member has already accumulated 20 demerits and in a case, the penalty imposed by the Compliance Committee is a fine and the member is also given 10 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of membership for three months, and the actual penalty is the heavier of the two penalties, the member will have its membership suspended for three months without being fined and will have a record of having its membership suspended because of an accumulation of 30 demerits once.

Example 2:

Suppose a member has already accumulated 10 demerits and in a case, the penalty imposed by the Compliance Committee is termination of membership and the member is also given 20 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of membership for three months, and the actual penalty is the heavier of the two penalties, the member will have its membership terminated and will have a record of having accumulated 30 demerits once.

Example 3:

Suppose a member has already accumulated 10 demerits and in a case, the penalty imposed by the Compliance Committee is suspension of membership for three months and the member is also given 20 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of membership for three months, and the actual penalty is the latter penalty if the two penalties are the same, the member will have its membership suspended for three months and will have a record of having its membership suspended because of an accumulation of 30 demerits once.

Example 4:

No. of demerits given:	5	10	15
	↑	↑	↑
Date of demerits given:	1 January 2011	2 February 2012	3 March 2013

The 5 demerits given on 1 January 2011 will be erased on 1 January 2013 because demerits are valid for 2 years. Therefore, on 3 March 2013, the number of demerits accumulated during the past 2 years is 25 (10 + 15), and the membership will not be suspended or terminated.

Example 5:

No. of demerits given:	5	10	15
	↑	↑	↑
Date of demerits given:	1 January 2011	2 February 2012	30 December 2012
		↓	↓
		15 demerits accumulated	30 demerits accumulated

On 30 December 2012, the number of demerits accumulated during the past 2 years is 30 (5 + 10 + 15), and therefore the membership will be suspended or terminated. All the demerits which lead to the suspension or termination will be erased thereafter.

Examples of violations which may be punished

The following examples are for reference only and are not exhaustive. When deliberating cases, the Compliance Committee does not need to follow these examples.

Example 1:

If a member assigns a tourist guide to receive inbound visitors without verifying the identity of the tourist guide, then it is suspected of violating the provision “A member shall faithfully carry out the duties which he undertakes, and shall have proper regard for the interests of those who engage him or seek his services” stipulated in the General Code of Conduct for TIC Members.

Example 2:

If a member, when giving explanations to the TIC about a case which involves a non-Tourist Guide Pass holder, deliberately claims that another Pass holder is the non-Pass holder involved in the case, then it is suspected of violating the provision “A member shall avoid actions and situations inconsistent with his legal or contractual obligations or likely to raise doubts about his integrity” stipulated in the General Code of Conduct for TIC Members.

Example 3:

If a member fails to put in place sufficient measures to monitor its tourist guides, with the result that its tourist guides are penalised by the Compliance Committee for having abandoned tour groups after unsuccessful attempts to compel the visitors to make purchases, then it is suspected of violating the provision “Members shall ensure that their tourist guides observe the Code of Conduct for Tourist Guides issued by the TIC” stipulated in the Code of Business Practice on Inbound Travel Service.

Example 4:

If a member has signed a contract with a tour operator on the mainland, which states that there is only one hour of shopping during the journey, but it arranges two more hours of shopping without the consent of the tour group, then it is suspected of violating the provision “Members shall conduct shopping activities in accordance with the contracts signed with their business partners” stipulated in the Code of Business Practice on Inbound Travel Service.

Example 5:

If a member takes the tour group to a shop not registered with the TIC, then it is suspected of violating the provision Directive No. 184, which concerns the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD200/24122010/IN/FY

**Demerit System for Mainland Tour Reception Services: Tourist Guides
Resolution No. 200
(Directive category: Inbound)**

To protect participants of inbound tours organised in mainland China (mainland tours), the Board resolved at its meeting held on 19 November 2010 that:

The “Demerit System for Mainland Tour Reception Services: Tourist Guides” shall be established for the regulation of tourist guides who provide reception services for mainland tours.

According to the above-mentioned Demerit System, tourist guides who have violated rules of the TIC subsumed under it will be given demerits in accordance with the seriousness of the violations, and the Tourist Guide Pass of the tourist guides concerned will be suspended or revoked once the total number of demerits reaches 30. Please refer to the Appendix for details.

Any service provided by members for mainland China’s inbound visitors is considered an inbound tour organised in mainland China if it contains either of the following items: (1) the sightseeing at, or visiting, touring or roaming of any tourist attractions or any other locations in Hong Kong; or (2) shopping at shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

Members are requested to inform their tourist guides of the details of the Demerit System.

This Directive takes effect from 1 February 2011.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG

Joseph Tung
Executive Director

Appendix: “Demerit System for Mainland Tour Reception Services: Tourist Guides”

IMPORTANT

Demerit System for Mainland Tour Reception Services: Tourist guides

I. Introduction

1. The establishment of the Demerit System is aimed at improving the standard of reception services for inbound tours organised in mainland China (mainland tours) and having a deterrent against repeated violations by tourist guides, thus upholding the good reputation of Hong Kong's tourism industry.
2. The Demerit System does not cover all the rules of the TIC, but targets the kinds of violations on which the TIC has focused and which are related to the reception of mainland tours.
3. Tourist guides suspected of violating those rules of the TIC subsumed under the Demerit System will be handled by the Compliance Committee, which will decide the number of demerits to be given after considering the situations of the cases. If the number of accumulated demerits reaches 30 within two years, the Tourist Guide Pass of the tourist guide concerned will be suspended or revoked.
4. The Demerit System will not affect the power of the Board or the Compliance Committee to impose penalties, including the power to suspend or revoke the Tourist Guide Pass of tourist guides.

II. Scope

1. Those rules of the TIC subsumed under the Demerit System are listed in “Applicable rules under the Demerit System” in Section IV.
2. The Board may amend the contents of “Applicable rules under the Demerit System” and will notify tourist guides before the amendments take effect.
3. “Applicable rules under the Demerit System” will be posted on the TIC website. Tourist guides are advised to check the latest version of “Applicable rules under the Demerit System” from time to time.
4. The Demerit System will not be enforced retrospectively.

III. Guidelines for giving demerits (see Annex 1 for examples)

1. If, after the implementation of the Demerit System, tourist guides are suspected of violating such rules as listed in “Applicable rules under the Demerit System” and are later found by the Compliance Committee to have violated the rules, then demerits will be given on top of the penalties* currently imposable, both according to the grades of violation:

<u>Violation grade</u>	<u>No. of demerits</u>
Minor	0
Not serious	5
Serious	10
Very serious	15
Extremely serious	20

* The penalties imposable include: issuance of an advice letter, issuance of a warning letter, suspension of the Tourist Guide Pass, and revocation of the Tourist Guide Pass.

2. If tourist guides have accumulated 30 demerits within two years, their Tourist Guide Pass will be suspended or revoked according to established procedures as follows:

30 demerits for the first time:	Suspension of the Tourist Guide Pass for <u>three months</u> ;
30 demerits for the second time:	Suspension of the Tourist Guide Pass for <u>six months</u> ;
30 demerits for the third time:	<u>Revocation</u> of the Tourist Guide Pass.

3. If the penalty imposed by the Compliance Committee is different from the penalty arising from paragraph 2 because of an accumulation of 30 demerits, then the actual penalty will be the heavier of the two penalties. If the two penalties are the same, then the actual penalty will be the latter penalty.
4. All the accumulated demerits will be erased once the Tourist Guide Pass of tourist guides is suspended or revoked.
5. If more than one violation is involved in a case, the number of demerits given in the case will equal the highest number of demerits given for any one of all the violations rather than the total number of demerits given for all the violations.
6. Demerits are valid for two years, counting from the date when the Compliance Committee finds the case substantiated or any other specified date. In other words, the demerits given for each violation will be erased after two years. Demerits erased on expiry will be deducted from the total number of demerits.
7. If there are other cases pending deliberation by the Compliance Committee while the Tourist Guide Pass of tourist guides is suspended, then any demerits to be given in such other cases will be counted from the date when the Tourist Guide Pass is resumed and will also be valid for two years.
8. If the Tourist Guide Pass expires while it is suspended, the penalty concerned will be recorded and immediately enforced after renewal of the Pass until the suspension period ends.

9. Demerits given to tourist guides will continue to be valid pending appeals filed by the tourist guides to be considered by the Appeal Board.
10. If the Appeal Board decides that the case is substantiated, the demerits will be counted from the date when the Compliance Committee finds the case substantiated or any other specified date and be valid for two years. If the Appeal Board decides that the case is not substantiated, the demerits will be erased.

IV. Applicable rules under the Demerit System (the latest version is on the TIC website) (see Annex 2 for examples)

If the Compliance Committee decides that a tourist guide has violated the rules in this Section, it will impose a penalty and give demerits according to the grades of violation. The penalties imposable include: issuance of an advice letter, issuance of a warning letter, suspension of the Tourist Guide Pass, and revocation of the Tourist Guide Pass; and the number of demerits which can be given includes: 0, 5, 10, 15 and 20.

(I) Code of Conduct for Tourist Guides	
1.	Tourist guides shall adhere to professional ethics. When receiving visitors they shall:
a.	<ul style="list-style-type: none"> speak and act cautiously, discreetly, and be objective in their attitude;
b.	<ul style="list-style-type: none"> provide visitors with accurate information;
c.	<ul style="list-style-type: none"> not seize or take away or attempt to seize or take away the travel documents of visitors unless such an act is made on proper grounds and lasts for a reasonable time.
2.	Principles governing shopping activities:
a.	<p>Tourist guides shall ensure that visitors understand their consumer rights, which include</p> <ul style="list-style-type: none"> - the right to make or not to make purchases, - the right to obtain information on products and services, - the freedom to choose products and services, and - the right to complain, request their purchases to be exchanged or refunded.
b.	<p>Tourist guides shall only arrange visits to those registered shops which are designated by their travel agent. These shops must be registered with the TIC through the travel agent concerned and undertake to provide full refunds to any dissatisfied visitors who return their purchases within six months.</p>
c.	<p>Tourist guides shall provide visitors with the information on six-month full refund protection before arranging for them to</p>

		patronise such shops.
	d.	Tourist guides shall not in any way compel or attempt to compel visitors to make purchases, or mislead or attempt to mislead them into doing so.
	e.	Tourist guides shall allow visitors to freely leave or enter registered shops, and shall not force them to remain inside the shops.
	f.	If visitors are feeling unwell, tourist guides shall immediately arrange for the visitors in accordance with their wishes to leave the shops or take a rest at other suitable places. If there is a need, tourist guides shall arrange for the visitors to see a doctor or call the ambulance service as soon as possible.
	g.	Tourist guides shall not allow their service attitude to be affected nor shall they refuse to perform their duties because of visitors' unwillingness to purchase or the value of their purchases.
3.	Tour-departure and other additional charges:	
	a.	Tourist guides shall not in any way collect or collect for others, or attempt to collect or collect for others, even if acting on the instructions of the mainland tour operator, any additional charges from mainland visitors on the grounds of their leaving the tour group in the middle of the trip, their age or occupation, etc, except for the fees necessitated by the participation in self-pay activities by the visitors.

(II) Directive No. 201: Signing service agreements with tourist guides receiving mainland tours		
	a.	Tourist guides shall distribute the itineraries given them by the travel agents to each of the participants of mainland tours.
	b.	When distributing the itinerary to visitors, tourist guides shall read out the following information printed on the itinerary: the phrase “旅客請保留此行程表以保障權益” (visitors are advised to keep this itinerary to protect their interests), the names of the travel agents, their own name, the itinerary arrangements, information about self-pay activities, notes for visitors and the relevant hotlines.

(III) Conditions for issuance of the Tourist Guide Pass		
1.	The Tourist Guide Pass is not transferable and shall not be used for purposes other than those specified.	

V. Notification of demerits

1. When a decision is made by the Compliance Committee, the Executive Office will notify the tourist guide concerned of the decision in writing,

including the number of demerits given for the latest violation and the total number of demerits accumulated within the past two years (if any).

2. Once tourist guides are given demerits, the Executive Office will notify the travel agents to which they belong, and remind the travel agents to ensure that their tourist guides observe the Code of Conduct for Tourist Guides.
3. When tourist guides have accumulated 10 and 20 demerits, the Executive Office will write to them, detailing the demerits given to them during the past two years, reminding them of the consequences of accumulating more demerits, and urging them to improve their behaviour.

VI. Announcement of demerits

1. For those tourist guides whose Tourist Guide Pass has been suspended or revoked for having violating such rules as listed in “Applicable rules under the Demerit System”, their names and the information about their Pass will be posted on the TIC website for one year.
2. During the period mentioned in paragraph 1, if those tourist guides whose Tourist Guide Pass has been revoked are issued with a new Pass after reapplication, the TIC website will specify that they are issued with a new Pass and the date of issue.

Illustrative examples of how demerits are counted

Example 1:

Suppose a tourist guide has already accumulated 20 demerits and in a case, the penalty imposed by the Compliance Committee is issuance of a warning letter and he/she is also given 10 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of the Tourist Guide Pass for three months, and the actual penalty is the heavier of the two penalties, the tourist guide will have his/her Tourist Guide Pass suspended for three months without being issued with a warning letter and will have a record of having his/her Tourist Guide Pass suspended because of an accumulation of 30 demerits once.

Example 2:

Suppose a tourist guide has already accumulated 10 demerits and in a case, the penalty imposed by the Compliance Committee is revocation of the Tourist Guide Pass and he/she is also given 20 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of the Tourist Guide Pass for three months, and the actual penalty is the heavier of the two penalties, the tourist guide will have his/her Tourist Guide Pass revoked and will have a record of having accumulated 30 demerits once.

Example 3:

Suppose a tourist guide has already accumulated 10 demerits and in a case, the penalty imposed by the Compliance Committee is suspension of the Tourist Guide Pass for three months and he/she is also given 20 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of the Tourist Guide Pass for three months, and the actual penalty is the latter penalty if the two penalties are the same, the tourist guide will have his/her Tourist Guide Pass suspended for three months and will have a record of having his/her Tourist Guide Pass suspended because of an accumulation of 30 demerits once.

Example 4:

No. of demerits given:	5	10	15
	↑	↑	↑
Date of demerits given:	1 January 2011	2 February 2012	3 March 2013

The 5 demerits given on 1 January 2011 will be erased on 1 January 2013 because demerits are valid for 2 years. Therefore, on 3 March 2013, the number of demerits accumulated during the past 2 years is 25 (10 + 15), and the Tourist Guide Pass will not be suspended or revoked.

Example 5:

No. of demerits given:	5	10	15
	↑	↑	↑
Date of demerits given:	1 January 2011	2 February 2012	30 December 2012
		↓	↓
		15 demerits accumulated	30 demerits accumulated

On 30 December 2012, the number of demerits accumulated during the past 2 years is 30 (5 + 10 + 15), and therefore the Tourist Guide Pass will be suspended or revoked. All the demerits which lead to the suspension or revocation will be erased thereafter.

Examples of violations which may be punished

The following examples are for reference only and are not exhaustive. When deliberating cases, the Compliance Committee does not need to follow these examples.

Example 1:

If a tourist guide tells a visitor who is wearing a gold bracelet that only bumpkins wear gold accessories, then the tourist guide is suspected of violating the provision that tourist guides shall “speak and act cautiously, discreetly, and be objective in their attitude” stipulated in the Code of Conduct for Tourist Guides.

Example 2:

If a tourist guide claims that the expenses on meals and accommodation are sponsored by a property developer and as such the tour group has to shop at jewellery shops owned by the developer, then the tourist guide is suspected of violating the provision that tourist guides shall “provide visitors with accurate information” stipulated in the Code of Conduct for Tourist Guides.

Example 3:

If a tourist guide peddles key chains to the visitors and states that each of them has to buy one and no one can ask for a lower price, then the tourist guide is suspected of violating the provision “Tourist guides shall ensure that visitors understand their consumer rights” stipulated in the Code of Conduct for Tourist Guides.

Example 4:

If a tourist guide abandons the visitors in the street because they have refused to buy souvenirs, then the tourist guide is suspected of violating the provision “Tourist guides shall not in any way compel or attempt to compel visitors to make purchases, or mislead or attempt to mislead them into doing so” stipulated in the Code of Conduct for Tourist Guides.

Example 5:

If a tourist guide forces the visitors to stay at a registered shop for three hours because they fail to spend a specified amount each on shopping as requested, then the tourist guide is suspected of violating the provision “Tourist guides shall allow visitors to freely leave or enter registered shops, and shall not force them to remain inside the shops” stipulated in the Code of Conduct for Tourist Guides.



香港旅遊業議會
TRAVEL INDUSTRY COUNCIL
OF HONG KONG
Incorporated with limited liability

IMPORTANT

DIRECTIVE

Issue Date: 24 December 2010

Ref: BOD201/24122010/IN/FY

**Signing service agreements with tourist guides receiving mainland tours
Resolution No. 201
(Directive category: Inbound)**

To protect tourist guides who receive inbound tours organised in mainland China (mainland tours) and to raise the standard of their service, the Board decided at its meeting held on 19 November 2010 that:

- 1. Before assigning tourist guides to receive inbound tours organised in mainland China, members shall sign with them the “Service Agreement between Hong Kong Receiving Agent and Tourist Guide for Mainland Tours” (see the attachment) designated by the TIC.**
- 2. Members and tourist guides shall comply with all the clauses of the above service agreement.**

Any service provided by members for mainland China’s inbound visitors is considered an inbound tour organised in mainland China if it contains either of the following items: (1) the sightseeing at, or visiting, touring or roaming of any tourist attractions or any other locations in Hong Kong; or (2) shopping at shops regulated by the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers.

When completing the above service agreement, members shall observe the requirements of Directive No. 194, which concerns the service remunerations of tourist guides, and other relevant directives and rules.

This Directive takes effect from 1 February 2011. Violation of this directive will be subject to penalties laid down in Articles 11 of the TIC’s Articles of Association.

BY ORDER OF THE BOARD OF DIRECTORS
TRAVEL INDUSTRY COUNCIL OF HONG KONG

Joseph Tung
Executive Director

Encl. Service Agreement between Hong Kong Receiving Agent and Tourist Guide for Mainland Tours (in Chinese only)

9. 乙方必須把甲方交其派發給內地旅行團的行程表向每一名團員派發。
10. 乙方必須於派發行程表時，向旅客讀出行程表上列出的「旅客請保留此行程表以保障權益」字句、甲方名稱、本人姓名、行程內容、自費項目資料、旅客須知，以及相關熱線號碼。
11. 乙方必須遵守由香港旅遊業議會頒佈的《導遊作業守則》，其中包括：
 - 必須按照行程表提供最高水平的服務，未經內地入境旅客及甲方同意，不得擅自更改行程；
 - 不得扣起或拿走，或企圖扣起或拿走旅客的旅遊證件，除非上述行為出於正當原因而且所持續的時間合理；
 - 不得以任何方式強收小費，亦不得因旅客少付或不付小費而顯示不滿，不盡力提供、甚或不提供服務；
 - 不得以任何形式，強迫或誤導旅客購物，或企圖強迫或誤導旅客購物；
 - 必須讓旅客自由出入登記店舖，不得強留旅客於店內；
 - 不得因旅客拒絕購物或購物的多寡而影響其服務態度，或不履行其職責。
12. 乙方不得容許其他人協助或代替乙方接待內地旅行團，除非該人由甲方指派。
13. 乙方承諾會按甲方安排為內地旅行團全程在港時間提供接待服務，但甲方安排另一持證導遊於入境口岸迎接團隊及團隊自由活動的時間除外。
14. 乙方承諾會於旅客在香港期間幫助甲方履行其協助旅客辦理退款的責任。
15. 乙方同意將香港身份證交給香港旅遊業議會所授權的人士查核。
16. 甲方及乙方均同意將本協議交給香港旅遊業議會查核。
17. 甲方及乙方均清楚並同意，即使乙方為自僱人士，但香港旅遊業議會在處理甲方及 / 或乙方的涉嫌違規個案時，將視雙方為僱主與僱員關係。
18. 甲方及乙方均清楚並同意，如任何一方違反本協議的條款，將被香港旅遊業議會處分。

甲方及乙方均清楚明白上述各項內容，並同意簽名作實。雙方均須保存一份協議文本，以備日後參考。

甲方代表簽名

乙方簽名

姓名：_____

姓名：_____

職位：_____

香港身份證號碼：_____

日期：_____

日期：_____

公司印鑑：_____

(* 請刪去不適用者)