

# 解構《風險解決準則》

## Deconstructing Risk Solutions Guideline

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自從議會於二零零七年三月底把怡安保險顧問有限公司所撰寫的《香港旅遊業風險解決準則》寄給了會員，接着又舉行了兩次簡介會之後，不少會員似乎都認為《準則》的部份建議不切合在香港經營旅遊業務的實際情況。本文篇幅有限，難以深究《準則》是否不切實際的問題，這裏只打算為會員提供一些背景資料，並把《準則》的一些要點勾勒出來，希望能使會員以較全面的眼光看待其中的建議。但在這樣做之前，有一點需要先弄清楚的，那就是《準則》雖然主要和經營外遊團業務的建議有關，但當中其實也不乏關於入境業的提議。不過，以下會把焦點放在外遊旅行團之上。

### 一百零四項風險

顧名思義，《風險解決準則》當然是關於風險的。風險絕不可能徹底消除，但要加以控制，減輕惡果，卻還是可能的。不過，首先要做的，就是找出風險的所在。怡安保險為此舉行了多次工作坊，與議會成立的项目隊伍和各行業專家小組的成員交流，藉以徵詢業者的見解和看法。最後找出了一百零四項風險，並按五種出現頻率和五級嚴重程度排列次序。

在這樣編成的「風險清單」中，有六項風險的評級屬於「非常高」，十四項屬於「高」，其餘則屬於「中等」、「低」和「非常低」(見附錄B，《準則》)。這裏無須複述那些風險，只要指出按照怡安保險的風險評級，「旅遊巴士意外」和「食物中毒」是六項評級屬於「最高」的風險中的兩項，那就夠了。

找出了一百零四項風險後，怡安保險再向全體會員發出問卷，以定出會員在供應商管理、市場推廣及銷售、旅

Ever since the *Risk Solutions Guideline for Travel Industry in Hong Kong* prepared by Aon Hong Kong Limited was sent to members in late March 2007, and two briefings on it were subsequently held, members appear to have considered some of its recommendations to be too detached from the realities of operating travel business in Hong Kong. Whether it is unrealistic or not is beyond the scope of this article, which merely intends to give some background information and recapitulate a few main points so that members will be able to view its suggestions in a more comprehensive way. But one thing must be made clear first, namely that although it is mainly about recommendations for the operation of outbound package tours, there is no lack of advice for the inbound industry. Nevertheless, the following will focus on outbound tour operation.

### 104 risks

As its title suggests, the *Risk Solutions Guideline* is about risk, which can never be totally eliminated but which can be managed and attenuated. But first, it needs to be identified. To do that, Aon held a number of workshops for the TIC's Project Team and Panels of Trade Specialists in order to solicit views and opinions from industry members. A total of 104 risks were identified, which were then ranked according to five levels of frequency and five degrees of severity.

In the Risk Register thus compiled, six risks were considered "very high" in the Aon rankings, 14 risks "high", with the remaining ones being "moderate", "low" and "very low" (see Appendix B, *Risk Solutions Guideline*). There is no need to go into detail here; suffice to say that "[tour] bus accidents" and "food poisoning" are two of the six risks deemed "very high" in the rankings.

After identifying the 104 risks, Aon conducted an industry-wide survey to determine the key risks in four main business areas of members: supplier management, marketing and sales, tour trip and post-tour follow-up (see Chapters B to E). The risk solutions recommended by Aon to the key risks in each business area were provided under two principles: risk

程期間、回程後的跟進工作這四大業務範圍之中，每一個範圍的主要風險(見第 B 至 E 章)。對於每一個範圍的主要風險來說，怡安保險都按照減低風險 / 損失控制、風險轉移這兩大原則來給出解決方案。至於危機管理的各種技巧和策略，則在第 F 章中一一列出，全部都適用於各個業務範圍。

## 難下的決定

過去多年來，頗有一些涉及外遊旅行團的嚴重事故，死傷者加起來的人數也相當多。會員不可能在目的地提供所有服務，必須把接待服務交由當地的供應商去提供，這個道理盡人皆知。可是，當發生了意外而會員遭團員控告時，法庭就要決定，究竟會員只是團員的代理商，為團員安排由其他人提供的接待服務，還是會員本身自行提供那些服務。

參考以往這類案件的判決書，法庭似乎傾向於要會員為意外事故負上責任，理由是會員被視為自行提供目的地的接待服務。以會員現時的經營模式來說，法庭的相關判決應該不會令人感到意外，因為團員甚至連目的地接待社的名稱是甚麼都不知道呢。有鑒於此，怡安保險在《準則》中提出的風險轉移方案，就是會員應強調自己只是目的地接待社的代理商，並且所有宣傳資料都把接待社的名稱披露出來(見第 C2 章)。

## 結語

上述提到的風險轉移方案，或許是《準則》所提出的眾多方案中爭議最大的一個，但卻未必就是最難執行的一個。不過，倘若會員只是把《準則》當作一份理想版的準則，只有在理想的世界中才需要遵守，那麼會員就應該試試找出當中他們推許而又認為可行的建議，而不要只顧駁斥當中爭議較大而又偏離現實的提議，然後再制訂另一份現實版的準則才對。而這，正是議會現在的工作。TIC

mitigation/loss control, and risk transfer. As for the techniques and strategies about crisis management given in Chapter F, they apply to all business areas.

## Hard decisions to make

There have been quite a number of serious accidents where many outbound tour participants were killed and injured over the years. Although it is common knowledge that members cannot provide all services at the destinations, which means they have to contract out reception services to local suppliers, the court will have to decide, if accidents occur and the tour participants take legal action against them, whether they are simply the agents of the tour participants to arrange reception services to be supplied by others or whether they themselves undertake to supply the services.

Given the judgements handed down in previous cases, it seems that the courts were inclined to find that members should be held responsible for the accidents since they themselves undertook to supply the reception services at the destinations. This should come as no surprise because, given the current business model of members, the tour participants do not even know the names of the ground operators at the destinations. In view of that, the risk-transfer method suggested in the *Risk Solutions Guideline* is that members should emphasise that they are simply acting as intermediaries of the ground operators at the destinations, and disclose the names of the ground operators in all marketing materials (see Chapter C2).

## Conclusion

While the risk-transfer method mentioned above may be the most controversial one given in the *Risk Solutions Guideline*, it is not necessarily the most difficult one to implement. If, however, members take the *Risk Solutions Guideline* as an idealistic version of a set of guidelines which members should follow in an ideal world, they should try to identify those recommendations which they appreciate and find workable, instead of condemning the whole *Risk Solutions Guideline* and merely focusing on its more contentious and idealistic suggestions, and then work out a realistic version of another set of guidelines, which is exactly what the TIC is doing. TIC