

責任保險影響廣泛 業者不應輕忽視之

Liability insurance concerns all

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即使是今天，到外地旅遊仍然難免有種種意想不到的風險。在旅途上不僅會碰到航班延誤等小麻煩，有時甚至是汽車失事之類的嚴重事故也無法躲開。因此，很多旅客出門旅行時都會購買旅遊保險，為的正是要把風險轉移給他人——保險公司。

另一方面，旅行社為旅客安排旅程，自然也難免與旅客分擔出門旅行的風險。因此，旅行社也會購買責任保險，為的也是要把風險再轉移給他人——保險公司(關於責任保險的詳細分析，見本刊二零零零年第一期)。上述的風險分擔和風險轉移模式本來是行之有效的，但自從去年非典型肺炎爆發後，事情就好像生變了。

正當去年第二季非典型肺炎肆虐的時候，有些旅行社剛好要為責任保險續保。可是，保險公司好像忽然察覺到要為旅行社承擔風險是十分冒險似的，不是把個人傷亡保障剔出承保範圍，就是大幅增加保險費，令旅行社頓感意外，進退維谷。假如責任保險不包括個人傷亡，那麼買了等於沒買，因為旅行社最需要保障的正是個人傷亡的索償；但假如甚麼責任保險都不買，旅行社要面對的風險會十分巨大，因為要是有個萬一，隨時可能落得倒閉的下場。

那些旅行社於是向議會求助。議會深知旅行社一旦不受保障，後果十分嚴重，於是成立研究小組，由主席領導，並有多名理事、保險界和法律界人士參與，共同研究解決辦法。小組的初步結論是，旅行社需要加強風險管理，這不僅有助於購買責任保險，更為要緊的是，這關乎旅行社本身的存亡。小組建議議會進行深入研究，分析風險管理、索償監控等問題，並為所有旅行社制訂一份最佳作業守則。雖然目前還未展開研究，但事情非同小可，要解決問題，相信為時甚久，現在或許只是剛剛起步而已。TC

International travel always involves unexpected risks, from minor troubles such as flight delay to serious accidents such as car crash, even for today. That is why most travellers take out travel insurance in order to have the risks transferred to others – insurers.

When travel agents arrange trips for travellers, they will also share the risks with the travellers. That is why travel agents take out liability insurance in order to transfer the risks to others – insurers again (see Vol. 1 / 2000 for more about liability insurance). This pattern of risk-sharing and risk-transferring has worked well until, apparently, the outbreak of SARS last year.

Amidst the SARS crisis in the second quarter of last year, some travel agents happened to have to renew their liability insurance policy. To their surprise, insurance companies appeared to have suddenly realised that taking the risks from travel agents was too risky, with the result that either the cover for personal death and injury was excluded from the policy or the premiums were hiked up by huge amounts. Travel agents were caught on the horns of a dilemma instantly: to take out liability insurance that does not cover personal death and injury would be useless because it is this particular area that needs to be covered most, and to not take out any liability insurance would mean exposure to enormous risks and might lead to an eventuality, if things turned out badly, that would bring down the company.

Those travel agents turned to the TIC for help, not unexpectedly. Recognising the serious implications that travel agents might not be covered any more, the TIC has set up a study group, led by its Chairman and joined by several directors and representatives from the insurance and legal sectors, to delve into the matter. Preliminary findings of the group are that travel agents need to set greater store by risk management not only for the sheer purpose of helping themselves take out liability insurance but for the fundamental objective of protecting their very business. The group also suggested that the TIC should commission a detailed study of such issues as risk management, claims monitoring and the development of a code of best practice for all travel agents. Although the study has not begun as yet, given the seriousness of the matter, now is perhaps no more than the beginning of a long process to the final resolution of the problem. TC