

港澳對旅遊業的監管

Tourism regulation in Hong Kong and Macau

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記得上個世紀八九十年代時，亞洲經濟如日中天，亞洲四小龍之中，香港和新加坡都曾是英國殖民地，兼且人口又都以華人為主，於是香港人就經常拿新加坡的方方面面來比較，結果是互有長短，真可謂一時瑜亮。到了一九九七年，香港回歸祖國，香港人難免把目光北轉，要看看香港和上海哪裡才是中國境內的國際金融中心。這三四年來，博彩業在澳門

Back in the 1980s and 1990s when Asian economies were in their prime days, Hong Kong people used to compare various aspects of Hong Kong and Singapore, for both cities were among the Four Asian Tigers, both had once been British colonies and both populations were mostly composed of Chinese. The outcome of the comparisons? One outshone the other in one aspect and was outshone in another – almost always ending in a tie on the whole. Then came 1997 for Hong Kong's handover, Hong Kong people naturally turned their attention northwards and wondered whether Hong



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哪個城市的旅遊業，能像澳門旅遊塔般聳立一方？

Which city can have a tourism industry like the lofty Macau Tower?

飛速發展，當地旅遊業乘勢大展拳腳，頓時成了香港旅遊業的強勁對手，於是香港人又找到新的比較對象了。

這裡且不管香港人為何總要和人比較，無可否認的是，澳門旅遊業這幾年間的增長速度確實非常驚人：澳門一九九九年回歸時，旅客只有七百四十萬人，但去年竟有二千七百萬人之多，八年間增加了二點六倍！同期香港的旅客由一千零七十萬人增至二千八百二十萬人，「只是」增加了一點六倍而已。去年兩地都有

Kong or Shanghai was the international financial centre within Chinese borders. **And during the past three to four years, the rapid expansion of Macau's tourism industry, spurred by the meteoric rise of the gaming industry there, has allowed Hong Kong people to locate a new target of comparison, for Hong Kong tourism has come face to face with a formidable rival this time.**

Why Hong Kong people love to search for targets of comparison is not our concern here. What concerns us is the undeniably stunning growth of Macau tourism during the past few years: in 1999 when Macau was returned to China, its visitor numbers were a mere 7.4 million, which jumped to 27 million last year – an increase of 260% in eight years! In Hong Kong's case, the increase in visitors, from 10.7 million to 28.2 million, was "only"

百分之五十五的旅客來自內地，換言之，今後港澳哪一方可以吸引更多內地旅客，哪一方大概就能在旅客總數上超過對方了。

旅客人數固然重要，但長遠來看，一地的旅遊業能否持續發展，要看的不仅是當下有多風光，還要看監管制度是否妥善周全。因此，從監管機制上把港澳稍作比較，也許不無啟發思維之處。

對旅行社的監管

香港對旅行社的監管，是通過一種結合行業自律與政府監管的雙層制度來施行的。具體來說，旅行社必須先成為議會(業界自律監管組織)的會員，然後才可向旅行代理商註冊處(政府部門)申請牌照。澳門與香港的最大差異，是那裡的監管機制只有一層。據澳門特區政府旅遊局的介紹，「向旅行社發出准照的權限屬於旅遊局，旅遊局負責監察旅行社對相關法令的遵守情況，審理旅客索賠的要求，就旅行社的違法行為展開處罰程序」。

澳門旅遊局是政府機關，不涉任何利益，因此協調業界與消費者的利益時，能較公正地處理問題。可是，澳門旅遊局也承認，「由於政府獲得市場資訊的速度相對較慢，加上法規固有的穩定性，所以往往難以全面解決各種新出現的問題」。另一方面，議會由業者組成，在監管時不僅能及時接收市場的最新資訊，也較清楚市場的毛病，因此應變能力較高。不過，議會既有監管權力的業界組織，表面上或許會如澳門旅遊局所指出的，「難免對業界會有利益傾斜的情況」，但由於事實上香港實施的是雙層監管機制，議會之外有負責監管的政府部門，議會之內還有獨立理事，所以這個問題微不足道。

對導遊的監管

除了對旅行社的監管外，對導遊的監管也不可忽視，因為他們才是直接與旅客打交道的旅遊從業員。香港的導遊都要向議會申請「導遊證」，然後才可從事導遊工作。由於議會本身就是發證機構，所以這是一層的監管機制。澳門對導遊的

160% during the same period. **Last year, 55% of both cities' visitors came from mainland China, which means whichever city attracts more mainland visitors will most likely be able to outperform the other in the future.**

Whereas visitor figures are no doubt most important, **in the long run sustainable tourism relies more on first-rate regulation than on present popularity**, and therefore it may be stimulating to make a comparison between the regulatory systems in Hong Kong and Macau.

Regulation of travel agents

Regulation of travel agents in Hong Kong is achieved through a two-tier system combining self-regulation and state supervision. To be more specific, travel agents must first become members of the TIC, a self-regulatory trade organisation, and then apply for a licence from the Travel Agents Registry, a government department. The biggest difference between the two regulatory systems is that Macau's is one-tiered. According to the Macau Government Tourist Office (MGTO), "the authority to issue licences to travel agents rests with the MGTO, which is responsible for seeing to it that travel agents comply with the relevant laws, considering claims from travellers and visitors and initiating disciplinary procedures against travel agents having committed illegal acts".

A branch of the Government and with no conflict of interests, the MGTO is in a relatively sound position to look after the interests of both traders and consumers. Nevertheless, the MGTO also admitted that "the Government is often unable to fully resolve different kinds of new problems given that the speed at which it obtains market information is rather slow and laws tend to resist change". On the other hand, **the TIC is quite swift in responding to market failures as it is composed of traders and can quickly get the latest information from the market.** The weakness, however, may appear to lie in the fact that the TIC, being a trade organisation with regulatory powers, "may incline towards trade interests", as pointed out by the MGTO. This issue, in fact, is negligible because with a two-tier system in place, there is a government department involved in regulation outside the TIC, as well as independent directors inside it.

Regulation of tourist guides

Apart from regulation of travel agents, tourist guides also need to be properly regulated since it is they that have to deal with tourists directly. Tourist guides in Hong Kong must obtain a Tourist Guide Pass from the TIC before they can work in the profession. Since the TIC itself issues the Pass, the regulatory regime is one-tiered. In Macau, regulation of tourist guides is also achieved through legislation. According to the relevant laws, Macau's tourist guides must register with the MGTO and obtain a Tour Guide Card. And the MGTO will take action against any tourist guides that have violated the laws.

監管也是通過法規施行的。按照相關規定，澳門導遊都必須向旅遊局登記並取得「導遊工作證」。旅遊局對於導遊的違法行為，也會展開處罰程序，依法追究違法責任。

議會對導遊的監管，主要靠《導遊作業守則》：導遊違規的話，就會受到議會處分。可能有人會擔心議會是業界組織，並沒有法律做後盾，因此監管上雖能迅速針對當前弊病，但難免力有未逮。這其實只是過慮，因為導遊證一旦被議會撤銷，就誰都不能再做導遊。相反，澳門對導遊的監管，其優劣與對旅行社的監管一樣：力度強是強，但卻失之於有欠靈活。

合力保障內地旅客

正如上文所述，內地旅客對港澳兩地的旅遊業都極其重要。可是過去幾年來，所謂零團費或負團費的問題，嚴重困擾著港澳兩地。澳門旅遊局認為，要解決這個問題，有賴於澳門與鄰近地區的合作。

港澳近在咫尺，相信同遊兩地的內地旅客不在少數；如此一來，兩地的關係就應是競爭不忘合作，或合作不忘競爭了。在這方面，澳門旅遊局表示，「要解決涉及港澳兩地業者的違規行為，必須進一步強化與優化兩地的聯絡機制，定期舉行會議及互訪交流，務求合力打造出兩地的『優質誠信遊』。」所謂合則兩利，香港對此應當並無異議。

結語

最後要約略談談的，是港澳兩地的旅遊組織和機構。澳門的旅遊架構十分簡單，規劃、監管、推廣全部由澳門旅遊局包辦，但香港則複雜得多了。規劃，由政府的旅遊事務署負責；監管，由旅行代理商註冊處和議會共同承擔；推廣，則靠半官方的香港旅遊發展局處理。港澳兩地的旅遊架構毫不相同，很難強辨何者為優，何者為劣。不過說到底，取人之所長，以補己之所短，卻始終是放諸四海皆準的道理。✎

The Code of Conduct for Tourist Guides is what the TIC relies on when regulating tourist guides: any tourist guide who has breached it will be penalised by the TIC. **As the TIC is a trade organisation without the backing of the law, some may worry that it lacks teeth even though it can tackle trade malaise at the moment with alacrity. This worry is unnecessary because any tourist guide whose Pass has been revoked by the TIC can no longer work as a tourist guide.** Conversely, Macau's regulatory mechanism for tourist guides, similar to its travel agent counterpart, is strong in deterrence but weak in flexibility.

Protecting mainland visitors together

As mentioned in the above, mainland visitors are critically important to Hong Kong's and Macau's tourism industries. In spite of that, both destinations have been seriously plagued by the so-called zero- or negative-fare problem during the past few years. To solve this problem, Macau needs to cooperate with its neighbouring regions, remarked the MGTO.

As Hong Kong and Macau are nearby cities, it is most likely that quite a number of mainlanders will visit both destinations on the same trip. If this is the case, then the relationship between them should be cooperation amid competition, or competition amid cooperation. In this regard, the MGTO stated, "To tackle trade irregularities in Hong Kong and Macau, we need to further enhance and optimise liaison between the two places by having regular meetings and exchanges, and to work out 'Quality and Honest Hong Kong and Macau Tours' together." Cooperation spawns win-win situations, to which Hong Kong should have little opposition.

Concluding remarks

Finally, a brief description of the tourism organisations and institutions in Hong Kong and Macau. Whereas the tourism structure is remarkably simple in Macau – the MGTO takes care of everything including planning, regulation and promotion, Hong Kong has gone to the other extreme. For planning, the Tourism Commission, an arm of the Government, is in charge; for regulation, the Travel Agents Registry and the TIC share the duties together; and for promotion, the quasi-government body Hong Kong Tourism Board is responsible. **As these two kinds of tourism structures are poles apart, it is difficult to tell which is better and which is worse.** One universal principle, however, can be told instead: draw on your rival's strengths to overcome your own weaknesses. ✎