

不良手法必須不斷打擊

A constant need to fight malpractices

本刊記者 Staff reporter

有人說，既然所有規例都會有漏洞，倒不如不訂立規例算了；也有人說，正因為規例難免會有漏洞，所以才需要不斷努力去堵塞漏洞。對所有監管機構來說，假如抱有前一種看法的話注定會失敗，因此只能堅持後一種看法，而這正是議會二十多年來一貫的堅持。

大約在二零零六年底至二零零七年中之間，議會曾經制訂過一系列措施，包括內地旅客六個月購物全數退款保障等，藉以遏抑所謂「零接待費」旅行團所引起的種種問題。在那之後的兩三年間，內地旅客的購物投訴銳減八九成之多，足證那些措施的成效。可是，正如上文所述，規例總會有漏洞，因此，由「零接待費」旅行團所引起的種種問題，最近又再爆發了。

一名內地旅客過世

今年五月二十二日，有一名來自湖南的旅客，在登記店舖內與導遊爭執後感到不適，送往醫院後證實不治。議會兩天後接到死者家人的投訴，於是立刻調查曾與死者爭執的導遊，事發的那家登記店舖，以及本地的接待社。

議會詳細調查後，發現那名導遊假冒另一名持證導遊，她本身並沒有導遊證，事發後更不知所終，議會已向警方報案。那家登記店舖沒有違反任何承諾，因此沒有受到處分。至於那家接待社，規條委員會已於六月二十一日終止了它的議會會籍；截至九月二十四日為止，上訴委員會仍在處理它的上訴。

這個危機爆發後，議會立刻實施一些即時措施，包括加派人手在景點和登記店舖巡查等。議會的危機處理小組及多個相關委員會也各自召開了多次會議，並且向理事會提出多項建議。理事會除了在七月二日發出六個指引，以立時收

Some say since all rules have loopholes, it's better not to lay down any rules; some others say just because all rules have loopholes, there's a need to keep plugging the loopholes. Given the defeatist nature of the former view, all regulatory bodies cannot help but embrace the latter view, which is exactly what the TIC has been doing for more than 20 years.

Roughly between the end of 2006 and the middle of 2007, the TIC had introduced a series of measures to tackle the various problems caused by the so-called "zero-reception-fee" tours, which included six-month full refund protection for mainland visitors. In the two to three years after that, complaints about shopping filed by mainland visitors plunged by as much as 80 to 90%, which testified to the effectiveness of those measures. Nevertheless, like what is said above, rules have loopholes, and thus problems caused by "zero-reception-fee" tours have recently erupted once again.

Death of a mainland visitor

On 22 May this year, a visitor from Hunan province felt unwell after quarrelling with his tourist guide at a registered shop and was taken to a hospital, where he was certified dead. The TIC received a complaint from his family two days later, and immediately launched an investigation into the tourist guide who had had a quarrel with him, the registered shop and the local receiving agent.

After thorough investigations, the TIC discovered that the tourist guide, who had posed as another Tourist Guide Pass holder, did not have a Tourist Guide Pass herself and vanished after the incident, which the TIC reported to the police. As none of its pledges was breached, the registered shop was not penalised. As for the receiving agent, the Compliance Committee terminated its TIC membership on 21 June; and as at 24 September, the Appeal Board was still handling its appeal.

After the crisis, the TIC rolled out some immediate measures right away such as sending more people to carry out spot checks at tourist attractions and registered shops. And its Crisis Management Group and several relevant committees each met several times, and put forth a number of proposals to the Board for consideration. **Apart from issuing six directives on 2 July in an effort to immediately tighten the existing rules governing travel agents and tourist guides, the Board also set up the Task Force on Business Models of and Regulatory Measures for Main-**

緊現行監管旅行社和導遊的措施外，還成立了「檢討內地來港團經營模式與規管措施專責小組」，由議會主席出任召集人，務求儘快推出一連串短期措施，並且找出根治那些長期問題的長遠方法。

一名導遊責罵旅客的片段

就在議會全力研究怎樣整頓入境業之際，另一個危機突然爆發。今年七月中，內地多家電視台播放了一名女導遊在旅遊車上責罵旅客購物金額太少的片段。議會立即展開調查，並且證實那個旅行團三月底來港，那條片段由一名團員上載到一個內地網站。經過調查後，規條委員會於九月四日即時撤銷那名女導遊的導遊證，而負責接待的旅行社也受到處分。截至九月二十四日為止，那名女導遊已提出上訴，議會正安排上訴委員會處理她的個案。

上述專責小組在七月至九月間召開了五次會議，商議種種短期和長期措施，包括為接待內地旅客的旅行社和導遊設立記分制等。有人可能會擔心專責小組偏袒業界，又或者由外行人監管內行人。這些擔心是不必要的：專責小組有六名獨立理事，以及五名業界理事(包括召集人)，而且旅遊事務署也有代表出席所有會議。專責小組不止一次諮詢過旅行社、導遊、登記店舖的意見，然後才向理事會提交建議，因此理事會應可兼顧業界和旅客雙方的利益。

鬥爭永不止息

理事會已定於十月八日召開緊急會議，審議專責小組所提交的多項建議的梗概，然後會向商務及經濟發展局長提交報告，交代議會已推出、或將推出的種種加強監管入監業的措施。在這之後，理事會將審議約十個指引的具體條文，以期那些指引都能收到立竿見影之效。不過，正如上文所說，凡是規例都難免會有漏洞，最重要的，是在漏洞被發現後儘速堵塞。和其他行業、其他地方的情況一樣，對不良手法的鬥爭永遠不會止息。✎

land China's Inbound Tours, with TIC Chairman as its convenor, in order to quickly launch a series of short-term measures and to work out some long-term solutions to those chronic problems.

Video of a tourist guide scolding visitors

Just when the TIC was pressing ahead with restoring order in the inbound industry, another crisis erupted out of the blue. In mid-July this year, many television stations on the mainland broadcast a video clip showing a female tourist guide scolding a tour group for spending too little on shopping on the tour coach. The TIC immediately investigated the matter and confirmed that the tour group arrived in Hong Kong in late March, and the video clip was uploaded to a mainland website by one of its tour participants. After investigations, the Compliance Committee summarily revoked the Tourist Guide Pass of the tourist guide and penalised the receiving agent on 4 September. As at 24 September, the tourist guide filed an appeal, which would be handled by the Appeal Board once a meeting was arranged.

The Task Force mentioned above met five times between July and September in order to work out various short- and long-term measures, including the introduction of a demerit system for travel agents and tourist guides that provide reception services for mainland visitors. **Some people may worry that the Task Force would either side with the traders or lack the know-how to monitor them. There is no need to worry: it is composed of six independent directors and five trade directors (including the convenor), with representatives from the Tourism Commission attending all of its meetings. It also consulted travel agents, tourist guides and registered shops more than once before submitting its recommendations to the Board, which will strive for the interests of both the traders and visitors.**

The fight never ends

The Board will hold an emergency meeting on 8 October to deliberate an outline of the recommendations from the Task Force, and will then submit a report to the Secretary for Commerce and Economic Development describing the various measures aimed at tightening regulation of the inbound industry which either have been or will be introduced. After that, the Board will work on the specific provisions of about 10 directives, which are hoped to have instant effects. Nevertheless, **all rules have loopholes as said earlier, and what is most important is to close the loopholes as soon as they are exposed. The fight against malpractices never ends, as in other industries and other places.** ✎