

規則可不能使人人都喜歡

Rules just can't please everyone

本刊記者 Staff reporter

議會所執行的規例，全都是為了業界的整體利益著想。

Rules enforced by the TIC are all for the overall interests of the industry.

專家認為，人的判斷經常出錯，是因為人都愛信自己的直覺，而把事實和統計放在次位，並且往往以個別的例子來證明自己想相信的事情。雖然這或許難以置信，但事實上基於直覺而相信的例子多不勝數。

入境旅行社面對的真正困難

二零一零年，入境旅行社及導遊的不良手法問題又一次接連發生，議會趕緊推出十個指引(第一百九十三至二百零二號指引)，藉以解決問題。自從那些指引由二零一一年二月起生效後，業者就批評不斷，矛頭更集中於第一百九十三號指引。這個指引規定，接待內地入境團的旅行社，只可以委派同一名導遊全程接待內地團隊；批評者指它不切實際，因為據他們所說，目前導遊不足，難以遵行。

為了找出接待內地團的入境旅行社所面對的真正困難，內地來港旅行團事務委員會決定做一次調查，並在今年四月把問卷發給一百二十三家這類旅行社。收回的有效問卷合共三十四份(百分之二十七點六)，這三十四家入境旅行社合起來的市場佔有率為四十九點六。

在問卷中，入境旅行社要從一個差不多有二十項的清單中，選出它們所面對的困難，數目不限。最多旅行社投訴的困難是「房租高昂」(百分之八十五點三)，其次是「旅遊車租金高昂」(百分之六十七點六)，接著是「房間不足」(百分之六十四點七)及「旅遊車不足」(百分之五十五點九)。在困難清單上排名最低的有三項，全部都是百分之一點八，都和導遊有關：「導遊不足」、「導遊素質欠佳」、「導遊欠缺經驗」。旅行社還可以寫下沒

According to experts, people tend to make bad judgements because they prefer to trust their instincts rather than facts and statistics, and often employ individual case examples to validate what they want to believe. Incredible though it may seem, instances of this kind of instinctive belief are in fact legion.

Real difficulties faced by inbound agents

In 2010 when yet another bout of misconduct by inbound agents and tourist guides for tour groups from the mainland erupted, the TIC quickly put in place 10 directives (Directive Nos. 193-202) to address the problems. **Ever since taking effect in February 2011, they have often been criticised by traders, especially Directive No. 193, which requires inbound agents receiving mainland tours to assign the same tourist guide throughout the journey. The critics have accused the directive of being impractical because, according to them, there is a shortage of tourist guides.**

To find out the real difficulties confronting inbound agents which were operating mainland tours, the Mainland China Inbound Tour Affairs Committee decided to conduct a survey by sending questionnaires to 123 such agents in April this year. A total of 34 valid questionnaires (27.6%) were received, and the combined market share of these 34 inbound agents was 49.6%.

In the questionnaire, the respondents were asked to choose any number of difficulties they often faced from a list of close to 20 items. **The difficulty that drew the most complaints was "high room rates" (85.3%), followed by "high coach hire prices" (67.6%), "shortage of rooms" (64.7%) and "shortage of coaches" (55.9%). At the bottom of the difficulty rankings were three items, all scoring 11.8% and relating to tourist guides: "shortage of tourist guides", "tourist guides below standard" and "tourist guides lacking experience".** The respondents were also asked to specify any other difficulties not included in the list, and only one respondent (2.9%) mentioned Directive No. 193.

From these findings, it is evident that the vast majority of inbound agents engaged in the business of receiving mainland tours were most concerned about the high prices for hiring hotel rooms and tour coaches, and their inadequate supplies. Contrary to what many critics had

有列出的其他困難，結果只有一家旅行社(百分之二點九)提到第一百九十三號指引。

這些調查結果清楚表明，絕大多數接待內地團的入境旅行社，最擔心的是房間和旅遊車租金高昂、供應不足。與不少批評者所聲稱的截然相反，只有寥寥幾家旅行社，提出導遊不足使它們擔心。那些依靠直覺而針對第一百九十三號指引的批評，現在應該可以平息下來了。

六個月退款期是最佳宣傳

二零零七年，內地團體旅客在登記店舖購物後出現另一次大量投訴，議會不得不修訂保障他們可獲全數退款的指引，把提出退款要求的期限由十四天大幅延長至六個月(第一百六十四號指引)。

一如所料，入境旅行社怨聲載道；不過也一如所料，在規定實施後的十八個月內，內地團體旅客關於購物的投訴急劇下跌了百分之九十，而其後投訴數字也一直比退款期為十四天時要低得多。自從六個月保障計劃推行後，購物事宜委員會一直經常審視，認為確實能減少內地旅客的購物投訴。

今年四月，有些旅行社再次要求大幅縮短六個月的退款期，理由是大多數退款要求都在購物後三個月內提出，退款期過長令入境旅行社承受不必要的困難，而且市場秩序已經恢復。

購物事宜委員會於是在五月再次審視有關規定，並向理事會建議維持六個月退款期不變，理據如下：(一)在二零零八至二零一一年期間，購物後三個月內要求退款的旅客平均佔百分之六十五點八，也就是說，雖然三個月後才要求退款的旅客佔少數，但那是可觀的少數；(二)既然入境旅行社和登記店舖的數目都在穩步增長，那表明內地入境市場受六個月退款規定打擊的證據並不存在；(三)市場秩序並沒有顯著改善；(四)這項規定廣為內地旅客所知悉，可以使他們放心在香港購物，而且也確實大大減少了與登記店舖有關的投訴。理事會在六月的會議上接納了委員會的建議。

諾貝爾文學獎得主阿爾貝·卡繆(Albert Camus)有一句名言：「有操守就不需要有規則。」或許他是對的。✎

claimed, only a handful of travel agents cited a lack of tourist guides as their concern. Hopefully, the instinctive criticism against Directive No. 193 should now be laid to rest.

Six-month refund period the best promotion

During another upsurge in 2007 of complaints about purchases made by mainland group visitors at registered shops, the TIC was compelled to amend the directive offering full-refund protection for them in such a way that the period for making a refund request was drastically extended from 14 days to six months (Directive No. 164).

Not unexpectedly, there was an outcry from inbound agents, and also not unexpectedly, there was a sharp plunge of 90% in the number of shopping-related complaints from mainland group visitors during the 18-month period since the rule was put in place, with the complaint figures thereafter having remained significantly lower than when the refund period had been 14 days. The Committee on Shopping-related Practices have constantly reviewed the six-month protection scheme since its inception, and recognised its value of successfully reducing complaints about shopping filed by mainland group visitors.

Then in April this year, some travel agents requested, once again, that the six-month refund period should be greatly shortened on the grounds that most refund requests were made within three months after purchase, unnecessary hardship has been brought on inbound agents by the overly long refund period, and the market order has been restored.

The Committee on Shopping-related Practices therefore reviewed the scheme again in May, and recommended to the Board that the six-month period should be kept intact for several reasons: (1) an average of 65.8% of refund requests were made within three months after purchase between 2008 and 2011, which meant a significant minority of visitors requested a refund after three months; (2) given a steady increase in the numbers of inbound agents and registered shops, there was no evidence that the mainland inbound tour market had been adversely affected by the six-month refund rule; (3) the order of the market had not shown remarkable improvement; and (4) the scheme was widely known among mainland visitors, thus boosting their confidence in shopping in Hong Kong, and it had a proven record of greatly reducing complaints against registered shops. The Board accepted the recommendation at its June meeting.

Nobel laureate in literature Albert Camus famously wrote: "Integrity has no need of rules." Perhaps he is right. ✎