

# 處理重複違規的新方法

## A new approach to handling repeat violations

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只有違規級別相同的違規才會被視為重複違規，因而被施以較重處分。

**A violation is deemed a repeat violation, thus subject to a heavier penalty, only if there are previous violations with the same severity.**

**要** 遏止不當行為一犯再犯，最佳方法莫若施以較重懲罰，這是舉世公認的方法。正因如此，《議會會章》中訂明，會員如重複違規，議會可處以較高的罰款金額(第11(3)(b)條)。可是，怎樣才算重複違規？由於《會章》沒有再加闡述，所以就有些棘手了。

規條委員會早已採納的違規處理原則是：違規性質越嚴重，處分就會越重；而過去違規的次數越多，處分也會越重。至於甚麼才算過去違規，以往的做法是不理會過去和現在的違規在級別上的差異。例如某會員過去有一次A級違規(最不嚴重級別)，而現在的第二次違規屬於E級(最嚴重級別)，那麼這個第二次違規就會被視為重複違規，因為過去已有一次違規了。

### 新處理方法

這個處理方法雖然簡便，但有些經營內地入境團的會員卻認為過於嚴厲。規條委員會於是在去年九月成立了專責小組加以審察，並且邀請了出外旅遊、來港旅遊、內地來港旅行團事務、票務等四個委員會提出方案。

專責小組今年二月開會商議有關方案，並建議只有在過去違規的級別和現在相同時，才施以較重處分。以上文所舉例子而言，第一次違規是A級，第二次是E級，因兩次級別不同，所以第二次E級違規不會被視為重複違規，不會被施以較重處分。

規條委員會今年三月十七日接納了專責小組的建議，在那天後違規的個案都會以新方法處理。☞

It is universally accepted that the best deterrent to repetitive misconduct is heavier punishment. That is why the TIC's M&A stipulates that a bigger fine may be imposed on members if they commit a repeat violation (Article 11(3)(b)). The tricky point, however, is what counts as repeat violations since the M&A does not elaborate any further.

**The principles long adopted by the Compliance Committee in handling violations are: the more severe a violation, the heavier the penalty; and the more previous violations there are, the heavier the penalty.** When it came to previous violations, it used to disregard the difference in severity between them and the current violation. For example, if a member had previously committed a Grade A violation (the least severe one) and its second and current violation belonged to Grade E (the most severe one), then this second violation would be considered a repeat violation since a previous one already existed.

### A new approach

**Simple as this approach was, some members operating inbound tours from the mainland deemed it too harsh.** The Compliance Committee therefore set up a task force in September 2011 to review it and invited the Outbound, Inbound, Mainland China Inbound Tour Affairs and Ticketing Committees to put forward their recommendations.

**The task force met in February 2012 to deliberate the recommendations, and suggested that a heavier penalty should only be imposed on a violation if there are previous violations with the same severity.** Take the example cited above where a Grade E violation comes after a previous Grade A violation: the second Grade E violation will not be considered a repeat violation since the previous one belongs to a different grade, hence no heavier penalty.

**The Compliance Committee adopted the suggestion on 17 March 2012, and violations committed thereafter will be handled accordingly.** ☞