

邁向新天地的重大一步

A major step towards a new world

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今後的方向既已清晰起來，就要多做實質工作，籌劃未來。

With a clear view of the direction ahead, more concrete work is needed to pave the way forward.

旅遊業監管局成立後，議會應否承擔非監管性質的公共職能呢，會員既已在剛召開的特別會員大會上對此表明心意，那政府徹底改革現行監管制度的計劃，可算終於踏進另一階段。因此，在這裡稍為回顧迄今為止的重大事件，對於相關各方透徹瞭解須為未來所做的實質工作，或不無小助。

一個觸發巨大轉變的決定

二零一一年四月，政府向公眾諮詢，旅行社行業的雙層監管架構應如何變革，才能應付日趨複雜的環境，以及人數日增而要求日高的出入境旅客。政府收到一百多份意見書，經過幾個月考慮後，於十二月宣佈決定成立獨立法定機構旅監局，藉以負起監管旅行社、導遊、領隊的全責。換言之，議會將不再是旅行社的自律監管組織，也不再是導遊和領隊的資格核准機構。

政府的這一決定將對議會衝擊不少，理事會於是在二零一二年二月成立「議會持續發展專責小組」。專責小組的職責，顧名思義，是要找出議會將來繼續發展的方法。專責小組的成員約有二十名理事，既有八個屬會在理事會的代表，又有選舉產生的業界理事。經反覆商議後，專責小組草就一份建議書，當中闡述了議會在旅監局成立後的角色、架構及功能。

概括言之，建議書提出議會應在新架構下緊守一貫宗旨，繼續致力於促進並保障旅行社行業的權益，竭力維持業界的高專業水平。縱然議會的會籍將來不再是旅行社領取牌照的先決條件，但議會仍應繼續設有屬會及旅行社兩種會員，旅行社則可按本身意

Now that members of the TIC have spoken their minds at the Extraordinary General Meeting (EGM) just held as to whether the TIC should take up non-regulatory public functions when the Travel Industry Authority (TIA) is set up, the Government's plan to overhaul the existing regulatory regime has finally progressed to another stage. A brief account of major events that have led up to the current stage may, therefore, be beneficial to a clear understanding of what concrete work is needed in order for all stakeholders to prepare for the future.

A decision setting off drastic change

In April 2011, the Government launched a consultation exercise to ask members of the public what they would like the existing two-tier regulatory regime of the travel agent industry to be changed in order to cope with a more complex environment and increasing numbers of outbound travellers and inbound visitors who were getting more demanding. Over 100 submissions were received by the Government, which, after several months' consideration, announced in December that it decided to set up the TIA, an independent statutory body to have overall responsibility for the regulation of travel agents, tourist guides and tour escorts. In other words, the TIC would no longer be the self-regulatory body of travel agents, and the accrediting organisation for tourist guides and tour escorts.

Given the potential impact of the Government's decision on the TIC, its Board of Directors set up in February 2012 the Task Force on the Sustainable Development of the TIC, which, as its name suggested, was tasked with working out how the TIC could continue to develop in the future. The Task Force was made up of about 20 directors, including all eight Association Member representatives on the Board and elected trade directors. After lengthy discussions, the Task Force drafted a proposal, which set out the roles, structure and functions of the TIC when the TIA was established.

In summary, the proposal suggested that the TIC should adhere to its long-held objectives by continuing to promote and protect the interests of the travel agent industry and striving to maintain a high professional standard within the industry under the new regime. Even though TIC membership would not be a pre-requisite for a travel agent's licence

願決定加入議會與否。至於議會未來的功能，除了提供行業服務如舉行講座及論壇外，還應執行非監管性質的公共職能，如調停出入境旅客與旅行社之間與紀律無涉的糾紛(詳情見通告C1481)。

一份擬為未來奠定基礎的建議書

二零一三年三月，理事會一致通過上述建議書，然後將之交予政府，並決定繼續收集會員的意見。主席及總幹事因此會晤各屬會的執委會，細述建議書內容並收集意見；主席還出席了議會各委員會的會議，簡介建議書內容。

二零一三年七月，政府向立法會經濟發展事務委員會提交討論文件，概述新監管機制的多項建議安排。例如旅監局將有二十二名成員，其中十四人來自業外，八人則為業界成員；旅行社在某些情況下須繳付保證金；每家旅行社都必須委任一名「授權代表」，該代表須履行若干法定職責；導遊和領隊都必須領取牌照。討論文件並且建議將某些非監管性質的公共職能委託議會負責，如調停不涉紀律事宜的糾紛，評審導遊和領隊的訓練課程，處理涉及出入境旅行團的緊急事故等(見二零一三年第三期「主題故事」)。

二零一四年一月，理事會決定召開特別會員大會，藉以探詢會員對建議書的意見，並爭取會員支持。旅遊事務專員在得悉議會將召開大會後，致函議會，表示大會上如有不少於百分之七十五的會員投票支持建議書(議會需要同樣比率的支持，才能修訂《組織章程大綱及細則》以實行建議書)，則政府將於草擬相關法例時，建議在新監管制度下，委託議會執行那些非監管性質的公共職能。

理事會於是在二月的會議上決定，以特別決議案的形式將建議書提交三月二十六日舉行的特別會員大會；換言之，要有不少於百分之七十五的會員投票贊成，特別決議案才可通過。大會有五百五十一家會員出席，贊成票有四百九十四張(百分之五十二)，反對票有四百五十八張(百分之四十八)，特別決議案未能通過。理事會將重新制訂計劃，為未來好好籌謀。✎

in the future, the TIC should continue to have association members and travel agent members, with travel agents having the option to join the TIC on a voluntary basis. As for its future functions, the TIC should carry out not only industry functions such as holding seminars and forums, but also non-regulatory public functions, to be funded by the Government, such as conciliating non-disciplinary disputes relating to outbound travellers, inbound visitors and travel agents (see Circular C1481 for details).

A proposal meant to lay foundation for future

Then in March 2013, the Board unanimously adopted the proposal, which was submitted to the Government afterwards, and decided to continue to collect members' views on it. The Chairman and the Executive Director therefore met with the Executive Committees of the Association Members in order to fully explain the proposal to them and collect their views; and the Chairman also attended meetings of various committees of the TIC to brief them on the proposal.

In July 2013, the Government submitted a discussion paper to the Legislative Council's Panel on Economic Development, in which various proposed arrangements of the new regulatory regime were outlined. For example, the TIA would have 22 members, of whom 14 were non-trade members and eight were trade members; travel agents would be required to put down a deposit in certain circumstances; each travel agent would need to appoint an "authorised representative", who had to fulfil certain statutory duties; and tourist guides and tour escorts ought to be licensed. It was also proposed in the discussion paper that the TIC should be entrusted with such non-regulatory public functions as conciliating non-disciplinary disputes, accrediting training courses for tourist guides and tour escorts, and handling emergencies involving outbound and inbound tour groups (see "Cover Story", No. 3/2013).

In January 2014, the Board decided to hold an EGM in a bid to let members express their views on the proposal and seek their support. On learning that an EGM would be held, the Commissioner for Tourism wrote to the TIC, indicating that should the proposal be adopted by not less than 75% of the members that voted at the EGM (the same proportion of support the TIC would need to amend its Memorandum and Articles of Association and implement the proposal), the Government would propose to entrust the TIC with those non-regulatory public functions under the new regulatory regime when drafting the relevant legislation.

The Board therefore decided at its February meeting to present the proposal to the EGM scheduled for 26 March 2014 as a special resolution, which required at least 75% of the members casting their votes for it. **The EGM was attended by 551 members, and the special resolution was not adopted, with 494 votes (52%) in favour and 458 votes (48%) against. The Board will try to work out new plans in order to be well prepared for the future.** ✎