



Guidelines on the handling of cases involving tourist guides suspected of violating TIC rules by the Compliance Committee

I. Procedures for handling tourist guides suspected of violating TIC rules

1. If the Travel Industry Council of Hong Kong (TIC) has received a complaint about the service quality of a tourist guide from inbound group visitors or has learnt from other channels about the misconduct of a tourist guide, it will send a letter, together with the complaint letter or the relevant materials, to the member which assigns the tourist guide concerned by post, fax or email (if a fax number or email address has been supplied), and request the member to provide information on the tourist guide and the member and/or the tourist guide to submit information and/or written representations on the case within 21 days from the day following the date of the letter from the TIC.
2. If there is evidence that the tourist guide is suspected of misconduct or violating TIC rules, the case will be referred to the Compliance Committee for consideration (if the member concerned is suspected of violating any rule of the TIC, the case will also be referred to the Compliance Committee for concurrent consideration with the case involving the tourist guide). The TIC will issue a notification of suspected violation to the tourist guide by post, fax or email (if a fax number or email address has been supplied), who shall give a written reply within 14 days from the day following the date of the notification of suspected violation from the TIC, in order to either admit violating TIC rules or dispute the violation alleged. A copy of the notification of suspected violation will be sent to the member concerned.
3. On receipt of the information concerning the case submitted by the member in response to the complaint and the written reply from the tourist guide who intends to dispute the violation alleged, the TIC will allow the tourist guide to respond once to the discrepancies (if any) between his/her version and the member's version of the complaint, and to the evidence which becomes available to the TIC in the process of following up the case and which is unfavourable to him/her, within five working days from the day following the date of the notification from the TIC requesting him/her to respond to the discrepancies or the unfavourable evidence. The TIC may also request him/her to provide evidence to support his/her representations, and take such steps as it may deem fit to verify the truth or otherwise of the representations provided by him/her.
4. Information on the case collected by the TIC will be organised and submitted to the Compliance Committee for deliberation. All information regarding the identity of the tourist guide and the member will be concealed in the documents submitted to the Committee in order to ensure fairness. The Committee will consider all the information and representations submitted by the tourist guide, the member and the complainant(s) when making a decision.



5. If the Tourist Guide Pass of the tourist guide was invalid at the time of the incident or becomes invalid while the TIC is handling the case, the case will be handled in accordance with the above procedures as though the Pass were still valid. If the Compliance Committee decides to penalise the tourist guide, the penalty will be recorded for subsequent treatment when he/she applies for Pass renewal. The Tourist Guide and Tour Escort Deliberation Committee will then decide whether to approve the renewal application or not; and if approval is granted, the penalty previously recorded but not yet enforced will be enforced immediately after the Pass is renewed.

II. Compliance Committee

1. The majority of the members of the Compliance Committee shall be from outside the trade. Its convenor shall be an independent director and one of its two deputy convenors shall be a trade director and the other deputy convenor shall be an independent director.
2. A panel, which consists of all members of the Compliance Committee, tourist guide representatives and tour escort representatives, is set up under the Committee to handle cases of suspected violations.
3. The quorum for panel meetings to handle cases of suspected violations by tourist guides is, including the convenor or the deputy convenor of the Committee, five directors present, of whom independent directors shall constitute the majority, plus at least one tourist guide representative. Eight members and one tourist guide representative will be invited to each panel meeting on a rotation basis. Among those present at a panel meeting, non-trade members shall constitute the majority.
4. Panel meetings shall be chaired by the convenor of the Committee or, in his/her absence, the deputy convenor who is an independent director.

III. Penalties imposable on tourist guides found to have violated TIC rules

1. Definitions: "Revocation of a Tourist Guide Pass" means cancellation of a Tourist Guide Pass before the expiry of the validity period originally granted. "Suspension of a Tourist Guide Pass" means temporary cancellation of a Tourist Guide Pass for a specific period of time before the expiry of the validity period originally granted. "Non-renewal of a Tourist Guide Pass" means (1) refusal to extend the validity period of an expired Tourist Guide Pass; or (2) refusal to extend the validity period of a valid Tourist Guide Pass in the situation where the Pass is due to expire in not more than 14 days and an immediate revocation is considered not necessary.
2. In deciding the penalty for a Tourist Guide Pass holder guilty of misconduct, the Compliance Committee should first and foremost consider whether, in its opinion, the Pass holder is a fit and proper person to be a tourist guide.
3. The Compliance Committee may revoke, suspend or refuse to renew any Tourist



Guide Pass. If the Committee considers revocation, suspension or non-renewal of the Tourist Guide Pass to be an excessive penalty, it may issue a letter of advice or a written warning to the tourist guide concerned. Repeated warnings will lead to a more severe disciplinary action such as suspension of the Pass.

4. Where a Tourist Guide Pass has been revoked or suspended, the person concerned shall surrender the Pass to the TIC. If he/she fails to return the Pass to the TIC within seven days of its becoming invalid due to revocation, his/her future applications for the Pass may be rejected by the Tourist Guide and Tour Escort Deliberation Committee. If he/she fails to return the Pass to the TIC within seven days of its becoming invalid due to suspension, further penalties may be imposed on him/her by the Compliance Committee such as extension of the suspension period.
5. A suspended Tourist Guide Pass will resume its validity upon the expiry of the suspension period if it is still within its original validity period.
6. A person whose Tourist Guide Pass has been revoked or refused renewal by the Compliance Committee may apply for a new Pass six months after revocation or non-renewal of the old Pass.
7. Even though a holder of the Tourist Guide Pass is found to have not violated TIC rules, the Compliance Committee may issue a reminder letter to the tourist guide concerned with a view to promoting good conduct and practice.

IV. Giving of demerits for having violated “Applicable rules under the Demerit System”

1. The Demerit System for Mainland Tour Reception Services: Tourist Guides has been established in accordance with Directive No. 200 to regulate tourist guides who provide reception services for inbound tours organised in mainland China. If a tourist guide is found by the Compliance Committee to have violated those rules of the TIC subsumed under the Demerit System, then demerits will be given to, and penalties imposed on, the tourist guide according to the grade of the violation (the number of demerits which can be given includes: 0, 5, 10, 15 and 20). If the number of accumulated demerits reaches 30 within two years, the Tourist Guide Pass of the tourist guide concerned will be suspended or revoked.
2. Those rules of the TIC subsumed under the Demerit System are listed in “Applicable rules under the Demerit System”, the latest version of which is available at the TIC website (www.tichk.org → “Tourist Guides” → “Other Rules for Tourist Guides”).

V. Notification of decisions of the Compliance Committee and retention of violation records

1. If the Compliance Committee decides to penalise the tourist guide who is found to have violated TIC rules, the TIC will notify him/her in writing by post, fax or



email (if a fax number or email address has been supplied) of the Committee's decision and grounds, his/her right to appeal against the decision and the appeal procedures. If, apart from penalising the tourist guide, the Committee decides to give him/her demerits for the violation, he/she will also be notified of the number of demerits given for the violation in the case and the total number of demerits accumulated within the past two years (if any). A copy of the notification will be sent to the member concerned.

2. All violation records will be kept in the personal file of the tourist guide concerned.
3. If the Compliance Committee decides that the tourist guide has not violated TIC rules, the TIC will also notify him/her in writing of the decision, with the notification copied to the member concerned.

VI. Appeals against decisions of the Compliance Committee

1. Any tourist guide desirous of appealing against the Compliance Committee's decision shall within 14 days (from the day following the date of the notification of the decision from the TIC) give notice of appeal or apply for extending the period for lodging an appeal for an additional period of not more than 14 days in writing to the TIC. The notice of appeal shall be given with an appeal fee of HK\$1,000. The notice of appeal or application for extension of the appeal period shall be addressed to "TIC Executive Director". The Appeal Board will decide whether the appeal fee paid by the appellant is to be forfeited, or repaid to the appellant wholly or in part.
2. Details of the appeal procedures are available from the TIC website (www.tichk.org → "The Council" → "Composition" → "Appeal Board") or the TIC.

VII. Announcement of information about revoked or suspended Tourist Guide Passes and demerits given to tourist guides

1. Any tourist guide who holds a valid Tourist Guide Pass and whose Pass is revoked or suspended by the Compliance Committee will have his/her name and the information about his/her Pass posted on the TIC website, the details of which are stipulated in paragraphs 2 to 4 below. For those tourist guides whose Tourist Guide Pass has been suspended or revoked for having violated rules listed in "Applicable rules under the Demerit System", the details of announcing the relevant information are stipulated in paragraphs 5 and 6 below.
2. If the Compliance Committee decides that a Tourist Guide Pass is to be revoked or suspended **immediately** (namely that it will remain invalid pending an appeal), then the information about the Pass will be posted on the TIC website immediately. If the tourist guide files an appeal, the fact that an appeal has been filed will also be posted on the TIC website. If the Pass is revoked, the information about the Pass will be posted on the TIC website for one month; if it is suspended, the



information will be posted on the TIC website until the suspension period ends.

3. If the Compliance Committee decides that a Tourist Guide Pass is to be revoked or suspended (namely that it will still be valid pending an appeal), and the tourist guide concerned does not within 14 days (from the day following the date of the notification of the decision from the TIC) give notice of appeal or apply for extending the period for lodging an appeal for an additional period of not more than 14 days in writing to the TIC, then the information about the Pass will be posted on the TIC website after the appeal period ends. If the tourist guide files an appeal, the information about the Pass will be posted on the TIC website after the Appeal Board also decides to revoke or suspend the Pass. If the Pass is revoked, the information will be posted on the TIC website for one month; if it is suspended, the information will be posted on the TIC website until the suspension period ends.
4. Any tourist guide who holds an invalid Tourist Guide Pass and whose Pass is revoked or suspended by the Compliance Committee will not have his/her name and the information about his/her Pass posted on the TIC website. If he/she later applies for Pass renewal and the application is approved by the Tourist Guide and Tour Escort Deliberation Committee, his/her name and the information about the revocation or suspension of his/her Pass will be posted on the TIC website immediately after the revocation or suspension penalty previously recorded but not yet enforced is enforced.
5. For those tourist guides whose Tourist Guide Pass has been suspended or revoked for having violated such rules as listed in “Applicable rules under the Demerit System”, their names and the information about their Pass will be posted on the TIC website for one year.
6. During the period mentioned in paragraph 5, if those tourist guides whose Tourist Guide Pass has been revoked are issued with a new Pass after reapplication, the TIC website will specify that they are issued with a new Pass and the date of issue.

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