

Guidelines on the handling of consumer complaints by the Consumer Relations Committee

I. Procedures for handling complaints filed by consumers

1. If, after conciliation by staff of the TIC Executive Office, a complainant and a member are still unable to settle their disputes, the complaint may be referred to the Consumer Relations Committee for consideration.
2. Complaints shall be related to requests for compensation and shall not be under legal proceedings, arbitration or mediation, including cases which have been terminated after initiation.
3. The TIC Executive Office will notify the member concerned in writing that the complaint case will be referred to the Consumer Relations Committee for consideration. The notification will be sent to the member together with the complaint letter (including the receipts, relevant documents, etc), written explanations and evidence previously provided by the member, and any other information related to the case.
4. The member may give a written reply to the TIC Executive Office within 14 days from the day following the date of notification, in order to make its final representations.
5. The TIC Executive Office will take such steps as it may deem fit and practicable to verify the truth or otherwise of the representations provided by the member. If there are any new arguments in the representations, the TIC Executive Office will notify the complainant of the representations in order that he/she can respond to them within 14 days for the last time.
6. Relevant information submitted by both parties and collected by the TIC Executive Office will be organised and submitted to the Consumer Relations Committee for consideration. All information regarding the identity of the member and the complainant will be concealed in the documents submitted to the Consumer Relations Committee in order to ensure fairness.
7. Both the member and the complainant will not be invited to attend meetings of the Consumer Relations Committee.
8. For the sake of fairness, the member shall not attempt to contact or influence members of the Consumer Relations Committee before or after the meeting at which its case is considered; otherwise, it will be deemed to have violated rules of the TIC.

II. Decisions of the Consumer Relations Committee and related matters

1. The Consumer Relations Committee will make a decision on the complaint case

by making reference to the information provided by both parties, rules of the TIC and industry practices. Discretion may also be exercised, based on convention, in order to reach a fair decision. While the Committee will make reference to precedents, its decisions are not bound by them.

2. If the Consumer Relations Committee finds the case substantiated, it will decide whether the member should compensate or refund the complainant, subject to the actual loss sustained by him/her in relation to the itinerary. Requests for apologies from the member agent or punishment of its employees will not be entertained.
3. The TIC Executive Office will post a letter to the member, informing it of the decision of the Consumer Relations Committee and its right to lodge an appeal with the Appeal Board. If the member does not lodge an appeal before the deadline or its appeal is unsuccessful, it shall comply with the Committee's decision; otherwise, it will be penalised.
4. The TIC Executive Office will notify the complainant of the outcome of his/her complaint after the appeal period ends or a decision is made by the Appeal Board.
5. If the Consumer Relations Committee or the Appeal Board decides that the complainant will be awarded compensation, a refund, etc., and he/she accepts the decision as the final settlement of the case, then he/she shall contact staff of the TIC Executive Office for follow-up arrangements within 60 days from the date of notification of the decision. Collection of the compensation, refund, etc by the complainant is tantamount to his/her consent to taking that as the final settlement of the case and to not further pursuing the case. When making the compensation, refund, etc, the member may request the complainant to sign a document, to which no additional conditions (including but not limited to a confidentiality requirement) shall be appended, in order to consent to not further pursuing the case.
6. If the complainant is dissatisfied with the final decision of the Consumer Relations Committee, he/she may take any other action against the member. The Consumer Relations Committee's decision does not affect his/her legal rights.
7. When considering the case, the Consumer Relations Committee will decide, subject to the circumstances, whether it should be referred to other committees of the TIC for internal handling. For the sake of confidentiality, the complainant will not be informed of the outcome of the internal handling.

III. Consumer Relations Committee

1. The majority of the members of the Consumer Relations 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. The quorum for meetings of the panel set up under the Consumer Relations Committee for handling consumer complaints is, including the convenor or the

deputy convenor of the Committee, five members present. Seven members 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. Panel meetings shall be chaired by the convenor of the Committee or, in his/her absence, the deputy convenor who is an independent director.

3. The panel meets about once every two months.

IV. Appeals against decisions of the Consumer Relations Committee

1. Any member desirous of appealing against the Consumer Relations Committee's decision shall within 14 days (from the day following the date of notification of the decision from the TIC Executive Office) 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 Executive Office.

January 2018