

賠償基金今後的工作

Future work of Compensation Fund

本刊記者 Staff reporter

(編按：旅遊業賠償基金於一九九三年根據《旅行代理商條例》成立，為外遊旅客提供保障。賠償基金由法定機構旅遊業賠償基金管理委員會負責持有、管理和運用。管理委員會由一名主席和九名委員組成，全部由政府委任。本刊最近就賠償基金的用途、電子印花及印花機等事宜，以書面訪問了管理委員會主席陳子政先生。以下是訪問的撮要；英文版為翻譯。)

(Editor's note: The Travel Industry Compensation Fund (TICF) was established in 1993 to provide protection for outbound travellers in accordance with the Travel Agents Ordinance. Responsible for holding, managing and applying the TICF, the Travel Industry Compensation Fund Management Board is a statutory body consisting of one chairman and nine members appointed by the Government. We have recently interviewed Mr Ignatius Chan, Chairman of the Management Board, in writing about various matters such as the scope of the TICF, e-levy and franking machines. The following is an excerpt of the interview, with the English version being its translation.)

賠償基金的公眾諮詢

去年三至四月間，賠償基金管理委員會就以下四項建議諮詢了公眾的看法：(1)為暫停或恢復收取賠償基金徵費設立有觸發點的調整機制；(2)把賠償基金徵費率下調至零；(3)提高在旅行團意外緊急援助基金計劃下對外遊旅客的緊急財政援助金額上限；(4)在緊急援助基金計劃下設立外遊旅客預先授權的安排。管理委員會在完成諮詢後有甚麼跟進工作？

管理委員會在完成公眾諮詢後，已即時向商務及經濟發展局局長建議把賠償基金徵費率下調至零(註：議會徵費維持在百分之零點一五)，以協助業界應付全球經濟下滑帶來的衝擊。暫停收取基金徵費的建議已得到商務及經濟發展局局長及立法會同意，並於去年七月三日正式實施。

此外，管理委員會也設立了有觸發點的基金徵費調整機制。委員會日後會根據有關機制所訂的上下水平(即基金結餘達港幣五億元時會暫停收取基金徵費，少於港幣四億元時則會恢復徵費)、賠償基金結餘、外遊旅行團的營業額、旅行社的經營環境、精算顧問的研究結果等因素，

Public consultation about TICF

In March and April last year, the Travel Industry Compensation Fund Management Board consulted the public on the following four proposals: (1) putting in place a mechanism with triggering thresholds to suspend or resume collection of the Fund levy; (2) reducing the Fund levy rate to zero; (3) increasing the maximum amounts of financial relief provided for outbound travellers under the Package Tour Accident Contingency Fund Scheme; and (4) introducing an arrangement to enable outbound travellers to give advance authorisation under the Scheme. What is the progress of follow-ups by the Management Board after the consultation exercise ended?

After the public consultation, the Management Board immediately proposed to the Secretary for Commerce and Economic Development that the Fund levy rate should be reduced to zero (note: the Council levy rate remains at 0.15%), in order to help the industry to weather the impact of the global economic slump. The proposal to suspend the Fund levy was approved by the Secretary for Commerce and Economic Development and the Legislative Council, and was officially put in place on 3 July last year.

Apart from that, the Management Board has set up a mechanism with triggering thresholds for adjustment of collection of the Fund levy. In the future, the Board will consider a number of factors in deciding whether there is a need to resume collection of the Fund levy and at what rate, such as the upper and lower limits of the mechanism (that is to say, the collection of the Fund levy will be suspended when the balance of the TICF is more than HK\$500 million and will be resumed when less than HK\$400 million), the balance of the TICF, the turnover of outbound package



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Mr Ignatius Chan BBS, JP.

考慮是否需要恢復徵收賠償基金徵費和釐定徵費率。

此外，落實第三及第四項建議的工作目前仍在進行。由於實行這兩項建議需要修訂相關法例的條文，律政司在過去一年仔細研究了有關建議所涉及的修例工作。為了簡化並改善現行的授權及相關安排，管理委員會正考慮不同的方案，以確保新修訂的措施能令合資格的外遊人士受惠，同時減低旅行社為外遊人士墊支時所承擔的風險。委員會希望儘快完成修訂有關法例的工作，使建議得以落實。

賠償基金的用途

賠償基金目前的累積儲備已達港幣五億五千萬，但由一九九三年至今所支付的特惠賠償不過港幣二千萬元而已。多年來，不時有人提出擴大基金的用途，例如由基金撥款為旅行社購買集體責任保險。管理委員會有沒有考慮過上述建議？

賠償基金的法定用途，是為因持牌旅行社倒閉而蒙受團費損失的外遊旅客提供特惠賠償，以及為參加由持牌旅行社

所安排的外遊旅行團活動時意外傷亡的旅客提供緊急財政援助。由賠償基金資助旅行社購買集體責任保險的話，顯然是超出了基金的法定用途。

管理委員會認為，旅行社一如其他行業的業者，有責任採取有效的風險管理措施，這樣一方面可確保所提供服務的素質，另一方面也可減低因專業失當而遭旅客索償的風險。由業界自行訂定減低營運風險的措施，並與保險業商討責任保險的各種問題，相信可更有效地運用資源，以配合旅行社的不同需要。

tours, the business environment of travel agents and the findings of actuarial analysis.

As for the third and fourth proposals, work is still in progress as to how to implement them. Since their implementation requires amendments to the relevant ordinance, the Department of Justice has carefully studied how to amend the ordinance during the past year. And to simplify and improve the current authorisation and other arrangements, the Management Board is considering different options in order that the newly revised arrangement can be beneficial to eligible outbound travellers and reduce the risk borne by travel agents in advancing payments for travellers. It is hoped that the ordinance can be amended as quickly as possible in order for the proposals to be put in place.

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Scope of TICF

The TICF has so far accumulated HK\$550 million, and yet it has only paid out a mere HK\$20 million as ex gratia payments from 1993 until now. Over the years, there have often been suggestions that the TICF should expand its scope of use, such as providing travel agents with funding for the purchase of collective liability insurance. Has the Management Board considered this suggestion?

The scope of the TICF as set out in the law is to provide ex gratia payments for outbound travellers who have suffered losses in tour

fares because of closure of their licensed travel agents, and to offer financial relief to travellers who have injured or died when taking part in outbound tour activities arranged by their licensed travel agents. To provide travel agents with funding for the purchase of collective liability insurance is clearly outside the legal scope of the TICF.

The Management Board is of the view that the travel industry, just like any other industries, should adopt effective risk management measures in order to ensure the quality of service delivered on the one hand and reduce the risk of claims filed by travellers on grounds of professional misconduct on the other. It is believed that resources can be more effectively employed to meet the different needs of travel agents if the industry itself devises risk control measures and discusses with insurers various matters concerning liability insurance.

我知道議會在過去幾年積極研究集體保險計劃，並致力提高會員旅行社的風險管理意識。我們十分支持議會在這方面的工作，並希望議會能向業界提供有效的方案，使旅行社在風險管理上更趨完善。

近年發生甘泉香港航空倒閉、澳門非凡航空停飛等事件，令不少旅客蒙受損失。管理委員會會否考慮擴大基金的保障範圍，使透過旅行社購買機票的旅客，在航空公司倒閉時也可以得到賠償？

上述建議也超出了賠償基金目前的法定保障範圍。不過，管理委員會明白這反映了社會上確實存在這個訴求，因此成立了工作小組加以跟進。檢討的範疇包括：假如增加對機票的保障，是否需要大幅提高徵費，以應付可能支付的龐大賠償金額；而大幅提高徵費會不會對誠實經營的旅行社不公平。旅客又會否因為有了保障，而忽略機票代理商的服務操守、誠信及素質；而有關賠償安排會否讓不良旅行社有機可乘，以低價促銷機票然後隨即結業，欺騙消費者。工作小組會仔細考慮各方面的因素，再向委員會提交建議。

根據《旅行代理商條例》，賠償基金徵費是由旅行社支付的。由於旅遊業易受外圍因素衝擊(例如沙士疫症、人類豬流感、金融海嘯等)，管理委員會會否考慮設立緊急應變基金，以幫助業界應付突發危機？

管理委員會原則上會因應業界的情況，向旅行社提供適當的協助。賠償基金去年暫停徵費，以及代旅行社支付印花機墨盒的費用就是一些例子。至於設立緊急應變基金，在法規和執行上比較困難，委員會暫時未有這個打算。

電子印花與印花機

管理委員會幾年前已著手研究推行電子印花以取代印花機，現在是否已有定案？

管理委員會經過反覆研究後，認為應當推動電子印花，以逐步取代印花機。委員會將委託顧問進行業務和系統分析，期望在今年年底定案，並就系統發展及落實工作招標。

I know that the TIC has actively worked on collective liability insurance over the past few years and tried its best to alert travel agents of the importance of risk management. We are very supportive of the TIC in this respect, and hope that the TIC can provide a viable solution for the industry so that travel agents will be able to manage their risk even better.

In recent years, many travellers have suffered losses because of such incidents as the collapse of Oasis Hong Kong Airlines and the grounding of Viva Macau Airlines. Will the Management Board consider expanding the scope of protection of the TICF so that travellers who have bought air tickets through travel agents will also be compensated if the airlines cease business?

This suggestion is also outside the current scope of the TICF as set out in the law. Nevertheless, the Management Board understands that it is a reflection of the genuine demand of society, and has therefore set up a working group to follow it up. The matters under review include: whether there is a need to substantially raise the levy rate to cope with possible huge compensation claims if air tickets are covered, and whether a substantial levy rise is unfair to travel agents which run their business honestly; whether travellers will pay scant attention to the integrity and service quality of ticketing agents if they are covered; and whether such cover will be exploited by unscrupulous travel agents to swindle travellers by trying to sell them cheap tickets and then closing down business. The working group will look into all the aspects carefully and submit recommendations to the Management Board.

According to the Travel Agents Ordinance, the Fund levy is paid by travel agents. As the industry is vulnerable to external factors such as the SARS epidemic, human swine flu and the global financial meltdown, will the Management Board consider setting up a contingency fund to help traders tide over unexpected crises?

In principle, the Management Board will offer appropriate assistance to travel agents after taking account of the situation of the industry. Examples of that include suspending the Fund levy last year and bearing the costs of the ink cartridges of franking machines for travel agents. As for setting up a contingency fund, the Board does not have any plan for it at the moment given the difficulties entailed in its legal framework and implementation.

E-levy and franking machines

The Management Board has been studying replacing franking machines with e-levy for several years. Has it come to any conclusions now?

After much deliberation, the Management Board considers it necessary to promote e-levy and substitute it for franking machines in a gradual manner. A consultant will be commissioned to conduct business and system analysis. It is hoped that a final decision will be made by the end of this year, which

電子印花在開發、營運、維修、保養等方面都成本不菲，旅行社和議會都無力負擔。假如真的推行電子印花，賠償基金會否承擔所有費用？

電子印花對旅遊界來說是新嘗試，所有開發費用會由賠償基金承擔，日後的營運、系統維修等開支也會由賠償基金支付，與現在印花機的安排無異。業界如在推行電子印花時遇到困難，我相信管理委員會和議會都會盡力協助。

如果實行電子印花，印花機是否會被即時取代？

我相信印花機不會被即時取代。管理委員會明白，從傳統印花機轉換至電子印花，旅行社需要在運作上加以適應。因此，我們會容許一段合理的時間，讓旅行社逐步過渡到電子印花。

很多旅行社投訴印花機經常故障，令業務受到影響。目前仍有不少旅行社使用舊印花機，管理委員會有沒有更換舊印花機的計劃？

管理委員會得悉有部份印花機的零件已經老化，無法修理。鑒於電子印花仍需一段時間才可以全面推行，委員會已決定購買一定數量的印花機以應付過渡期的需要。✎

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will be followed by a tender exercise for the development and implementation of e-levy.

The costs of e-levy in terms of development, operation, maintenance, etc are huge and beyond the means of the TIC and travel agents. If e-levy is really to be implemented, will the TICF bear all the costs?

As e-levy is a new concept to the industry, all of its development costs as well as future costs of operation, maintenance, etc will be borne by the TICF, just like the current arrangements for franking machines. If the industry runs into any problem when imple-

menting e-levy, I believe the Management Board and the TIC will make every effort to provide assistance.

If e-levy is really implemented, will the franking machines be replaced right away?

I think the franking machines will not be replaced right away. The Management Board understands that it takes time for travel agents to adapt their operation to the use of e-levy from the conventional franking machine. As such, we will allow a reasonable period for travel agents to gradually adopt e-levy.

Many travel agents have complained that their business is affected by frequent breakdowns of their franking machines. Currently quite a lot of travel agents are still using the old machines. Does the Management Board have any plan to replace the old machines?

The Management Board is aware that the parts of some existing franking machines are old and beyond repair. As e-levy will not be fully implemented until a considerable time later, it has been decided that a certain number of franking machines will be bought to cope with the need during the transition period. ✎