

甚麼不是內地市場弊病的底因

What are not causes of China market's malaise

本刊記者 Staff reporter

大家一向認為，旅遊業可以使人輕鬆地離家在外休息幾天，看看外地的文化和習俗，嚐嚐目的地的美食，還有就是為自己和家人朋友買些紀念品。這解釋了為甚麼根據香港旅遊發展局的統計，歐洲和美國的旅客，旅遊開銷中平均有百分之四十至四十五用在酒店住宿，百分之二十五至三十用在購物，百分之十五用在膳食。

可是，大約在十年前左右，國際旅遊市場出現了一種新類型旅客，他們的消費模式迥然不同。同樣根據旅遊發局的統計，他們把旅遊開

銷的約百分之七十用在購物(這真是驚人的數字)，百分之十用在酒店住宿，百分之十用在膳食。他們來自哪裡？他們就是中國大陸的旅客。

中國的經濟在過去十年增長驚人，論規模，今年已超過日本，成為僅次於美國的第二大經濟體系。在這期間，中國旅客開始到越來越多的境外地方旅遊，香港旅遊業因而可能是全球第一個受惠於這些新類型旅客的市場。他們這麼喜歡購物，旅遊業只能投其所好，才能賺取利潤，有時甚至是巨大的利潤。也因為他們這種喜好，內地入境市場於是發生了強迫購物之類的種種問題，在過去幾個月裡，這些問題再次出現，引起香港和內地的廣泛關注。

要解決這個市場的不良手法和不當行為，必須客觀分析這些問題的各種底因，然後才能設



Tourism has long been considered a simple way for travellers to spend a few days relaxing in places away from home, to have a glimpse of the culture and customs of foreign destinations, to sample foreign cuisines, and to buy souvenirs for themselves and for their family and friends. That is why, according to statistics of the Hong Kong Tourism Board (HKTB), **European or American tourists spend, on average, 40-45% of their travel expenses on hotels, 25-30% on shopping and 15% on meals.**

A new breed of tourist, however, began to appear on the international tourism scene some 10 years or so ago, with a spending pattern drastically different. Also from HKTB statistics, they spend about a stunning 70% of their travel expenses on shopping, 10% on hotels and 10% on meals. Where do they come from? From mainland China they come.

The Hong Kong tourism industry may possibly be the first market in the world to have benefited from this new breed of tourist as the Chinese economy has been growing at a rate so startling during the past decade that its size overtook Japan and became the second largest economy after

計出可行的解法方案。而要瞭解這些底因，首先要做的，是清除對這些底因的錯誤看法。下面要處理的，是三個常見的錯誤看法。

零團費

內地入境市場弄至現今的景況，批評的人差不多全都歸咎於所謂「零團費」，而且把它標籤為所有弊病的最大底因。因此，這個「底因」務須首先徹底分析。

不過，在分析前，需要先澄清一個並不正確，但傳媒卻經常使用的名稱——「零團費」。按照定義，旅客付給組團社，用來參加旅行團的費用就是「團費」。因此，組團社只要一向內地旅客推銷「零團費」的旅行團，他們自然認為不會有這種好得難以置信的東西。**簡單點說，旅行團的團費雖然可能很低，但也不可能是零的，否則就會嚇怕旅客了。**

所謂「零團費」，真正的意義是「零接待費」；組團社付費給接待社，要求接待社提供接待服務，這種費用就是「接待費」。內地外遊市場的膨脹速度驚人，內地來港的旅客人數因而急增，使得內地組團社的議價本錢極其優越，香港接待社根本無法抗衡。此外，內地旅客來港旅遊時，對購物的興奮掩蓋了其他所有活動，這使情況變得更為複雜。

這些因素結合起來的後果是甚麼？第一，內地組團社既要香港接待社提供接待服務，但又不願意付出一分一文接待費，或者只願意付出一丁點而已，因為它們相信，來自內地的旅行團所有接待社都會競相爭奪——結果證明組團社猜對了。第二，香港接待社往往樂於接受這些「不公平」的交易，因為它們相信會大賺特賺；利潤當然不是來自根本沒有或者微不足道的接待費，而是來自店舖付出的巨額佣金，只要把一車接一車旅客載往店舖，讓他們購買珠寶、手錶、電子玩意等東西就行了——結果證明接待社也猜對了。第三，一如所料，旅客往往投訴他們所買的東西品質差劣，價錢拾得太高，以及本地導遊態度惡劣，強迫他們購物。

讀者讀到這裡，很可能會信心十足地下結

the United States this year, and Chinese travellers have begun to visit ever-increasing numbers of overseas destinations during the same period. **Given their liking for shopping, the tourism industry could not but cater to it in order to turn a profit, sometimes a huge one. And also given such a liking, many a problem has arisen in the China inbound market, such as forced shopping, which has reared its ugly head, once again, during the past few months and which has caused widespread concern both in Hong Kong and on the mainland.**

To tackle the malpractices and misconduct in this market, an objective analysis of the causes of these problems is necessary before viable solutions could be worked out. But to understand these causes, some misconceptions of what they are should be eliminated first. Three such common misconceptions will be tackled in the following.

Zero-tour fees

As almost all critics of the current state of affairs of the China inbound market have pointed accusing fingers at the so-called “zero-tour fee” and labelled it as the biggest cause of all malaise, this “cause” needs to be analysed in detail first.

But before that, the inaccurate term “zero-tour fee”, which has been widely used in the media, needs to be clarified. A “tour fee”, by definition, means the money paid by a traveller to a tour operator for joining a package tour organised by the tour operator. As such, whenever a tour operator tries to sell a “zero-tour fee” tour to Chinese travellers, they will naturally consider the offer too good to be true. **In short, whereas the tour fee of a package tour may be very low, it will never be zero, or it will simply scare away the travellers.**

What the “zero-tour fee” actually refers to is the “zero-reception fee”. A “reception fee” is the money paid by a tour operator to a receiving agent for reception services provided by the receiving agent. Given the staggering expansion of the mainland’s outbound market and the resultant surge in inbound visitors from this market, tour operators on the mainland have wielded supreme bargaining power over receiving agents in Hong Kong. Making the situation more complex is an exuberance for shopping on the part of mainland tourists over all other activities on their trips to Hong Kong.

The combined results of these factors? First, the mainland tour operators are unwilling to pay any reception fees, or willing to pay just a pittance, to the Hong Kong receiving agents for various ground services in Hong Kong, in the belief that their tours are much sought after by all local receiving agents. And they turn out to be right. Second, the Hong Kong receiving agents often happily fall for such “unfair” deals, in the belief that they will still be able to make a huge profit, not from the non-existent or negligible reception fees but from the astronomical commission to be collected from shops where they take coachloads of tourists to buy jewellery, watches, electronic gadgets, you name it. And they

論，說內地入境市場的弊病正是出於零接待費旅行團。因此，這種旅行團不僅要禁絕，而且還要為香港接待社定下有利潤的最低接待費才行。事實上，大多數批評導遊和接待社手法不良的人，他們建議的方法也正是這個藥方。他們的診斷或許不能說完全不對，但所開的藥方卻未免思慮不周，兼且不切實際。

組團社付出接待費給接待社，要求接待社為組團社的旅行團提供接待服務。換言之，接待費是內地公司為取得香港公司的服務而付出的費用。假如這種服務不涉及任何刑事罪行，試問香港有誰(包括政府官員在內)可以干涉？要規定這種費用的金額，更可能超出香港司法體系的管轄範圍。這個藥方並不可行，說穿了，就是因為它不僅違反市場原則，而且在香港的普通法體系下難以執行。

此外，這個藥方還假設了在交易中只要利潤率極低甚至沒有利潤的話，就可以提供極其差劣的服務，以及做出種種不當的行為。過去十多年來，每逢經濟不景，很多食肆就會推出「一蚊雞」菜式(只要一元就可以吃到一隻雞)，藉以吸引食客。不用說，一隻雞的成本當然遠遠超出一元，而且這道菜每賣出一碟，就都要賠本好幾十元。可是，從來沒有食肆以不能下嚥的雞招呼食客。同樣道理，大家難免會問，為甚麼接待社為求推高利潤率，就可以向旅客提供不能接受的服務？

購物佣金

最近幾宗涉及導遊劣行的醜聞爆發之後，有些導遊提出以新的報酬架構，取代目前以佣金為主的架構；新架構會有底薪，再加上金額比現在少得多的佣金，以及像出團費等的其他收入。他們要求改變的原因很簡單：他們聲稱他們之所以那樣對待內地旅客，罪魁禍首是購物佣金。

僱主向僱員支付佣金，這種報酬方式並不是甚麼新鮮的概念，在很多不同行業已沿用很多很多年了。售貨員、地產經紀、保險經紀、侍應等等，通常都會有一部份甚至是全部報酬來自佣金。一般來說，僱主如果認為監察僱員的工作表

also turn out to be right. Third, tourists often complain about, not surprisingly, the quality of their purchases, the overblown prices and poor attitudes of local tourist guides who force them to shop.

Readers who have read this article up to this point will most likely confidently conclude that the root cause of the malaise in the China inbound market is zero-reception fee tours. Therefore, not only must such tours be prohibited, minimum reception fees at profitable levels must also be set for Hong Kong's receiving agents. In fact, this is also the prescription suggested by most critics of the undesirable behaviour of tourist guides and receiving agents. Whereas their diagnosis may not be totally wrong, their prescription is ill-judged and unrealistic.

A reception fee is the money paid by a tour operator to a receiving agent for the reception services provided by the receiving agent for the package tour organised by the tour operator. In other words, it is the fee paid by a company on the mainland to another in Hong Kong for a service. If the service does not involve any criminal offence, how can anyone in Hong Kong, government officials included, intervene in it? And to dictate the amount of such a fee might even be outside the jurisdiction of Hong Kong's legal system. Such a prescription does not work because, simply, it runs counter to market principles and is hardly enforceable under the common law system in Hong Kong.

This prescription also assumes that a very thin, or even non-existent, profit margin in a transaction gives those involved a licence to provide appalling service and commit all kinds of misconduct. During the past decade or so, many restaurants offered the dish "a chicken for a dollar" whenever the economy suffered a downturn in order to lure diners. Needless to say, the cost of a chicken was much higher than a dollar, and every such dish sold would mean a loss in the range of dozens of dollars. But no restaurants had ever served their customers with uneatable chickens. Similarly, why, one might ask, should receiving agents be allowed to provide visitors with unacceptable services in order to boost their profit margins?

Shopping commission

In the wake of several recent scandals involving awfully bad behaviour by tourist guides, some guides have argued for a new remuneration structure, whereby the current commission-based structure should be replaced by one with a basic salary plus a much smaller amount of commission and other kinds of earnings such as a tour-departure fee. Their reason for the change is simple: they claim that it is the shopping commission that is to blame for what they have done to tourists from the mainland.

Commission is not a new concept of remuneration paid by employers to employees. It has been used in many different industries for many many years. Workers who commonly receive part or all of their remuneration as commission include sales people, real estate agents, insurance brokers, wait-

現並不輕易或者費用高昂，又或者僱員要全心全意才會提供良好服務，這時候僱主就往往會在報酬中把佣金包括在內，使僱傭雙方的利益能夠一致。僱員的總收入中佣金所佔的比例有多大，不同行業會大不相同，甚至同一行業的不同公司也會大有差異。佣金收入相對於底薪等其他收入，究竟佔甚麼比例才最恰當，並沒有普遍公認的計算程式。

當然，把佣金當作誘因，務求有效推動僱員提供更佳服務，這難免會有陷阱或者缺點。比如說，地產經紀向有意的買家推銷時，可能想方設法把樓房的毛病隱瞞；又或者食客的小費按所坐桌子編配給侍應時，侍應就可能不願意為小費劃歸其他侍應的食客提供服務。儘管如此，佣金始終能大力推動員工做得更多、更好，這個顯著的好處使很多行業一直沿用它。

環球金融危機在二零零八年九月爆發之後，曾經賺取極高報酬的投資銀行家被大眾嚴厲斥責為貪婪成性。約瑟夫·斯蒂格利茨 (Joseph Stiglitz) 是二零零一年諾貝爾經濟學獎得主之一，他在新著《暴跌：自由市場與世界經濟的沉沒》(Freefall: Free Markets and the Sinking of the Global Economy) 中力言：「銀行家……不是生來就比其他貪婪，只是他們或許有……更強的誘因去罔顧他人而造成傷害罷了。」在金融市場，「誘因被扭曲了，而且往往扭曲得非常厲害」。

斯蒂格利茨指出，以認股權支付行政人員的報酬，正是誘因被扭曲的例子，它使行政人員「為求推高公司的股價而無所不用其極，甚至用上創意十足的會計手法」，因為股價越高，他們的報酬就越豐厚。這樣一來，公司最終可能大難臨頭，但那些行政人員只要在船沉之前及時跳船，就仍可以取得豐厚的回報。

把斯蒂格利茨的話改寫一下，或許可以說導遊不是生來就比其他貪婪，只是現行扭曲了的誘因促使他們強迫旅客購物罷了。現在的情況是，導遊帶內地旅客往登記店舖購物，店舖會按旅客購物總額的某個百分比支付佣金給導遊。和金融業的行政人員相似，導遊為求旅

ers and many others. Normally, when the employer finds it difficult or costly to monitor the performance of employees or when the employees need to be highly motivated to provide good service, commission will enter the equation of remuneration to align the benefits of the employer and the employees. Whereas the proportion of commission in the total income of the employees differs hugely in different industries, or even in different companies of the same industry, there is no universally accepted formula as to the best proportion of commission to other kinds of income such as a basic salary.

There are, of course, pitfalls or shortcomings in relation to commission as an effective incentive to motivate the employees to provide better service. For example, estate agents may try hard to hide the problems of a flat so as to sell it to potential buyers, or waiters may be reluctant to serve those customers whose tips belong to other waiters. But the obvious merit of commission to forcefully motivate workers to do more and do it better makes it stick with many industries.

After the global financial crisis that erupted in September 2008, investment bankers, who were once earning sky-high remuneration, were severely chastised by the populace for their greed. **Joseph Stiglitz, a winner of the 2001 Nobel Prize for Economics, asserts in his new book, *Freefall: Free Markets and the Sinking of the Global Economy*, that "Bankers are ... not born any greedier than other people. It is just that they may have ... stronger incentives to do mischief at others' expense." And in the financial markets, "incentives are distorted, and often grossly so".**

As an example of incentive distortion, he points out that stock options, as a way of paying executives, have become an incentive for them "to do everything they could to get their firms' stock price up – including creative accounting" because the higher the share price the better they are paid. In such a way, the outcome may turn out to be disastrous for the company while the executives can still reap ample rewards if they jump ship before it sinks.

Rephrasing Stiglitz's assertion, it may be said that tourist guides are not born any greedier than other people; it is just that the distorted incentive currently at work has driven them to force visitors to shop. Guides are now paid commission by the registered shops at a certain percentage of the total amount of money spent by the Chinese tourists at the shops. Similar to those executives in the financial markets, guides have an incentive to do everything they could to get the tourists spend as much as possible because the more money is spent the better they are paid. As such, what is problematic may not be commission per se, but rather the incentive for guides, which links commission to the amount of purchases made by the visitors.

Self-regulation

Some travel agents have operated mainland package tours through unscrupulous

客大花金錢購物而無所不用其極的誘因也存在，因為購物額越高，他們的報酬就越豐厚。由此可見，這個誘因把佣金和旅客的購物額連繫起來；佣金本身或許沒有毛病，出了毛病的是導遊的誘因而已。

自律監管

有些旅行社以不良手法經營內地入境團，損害了全行和全港的聲譽，旅行社行業的自律監管機制於是變成了很多批評的靶子。

自律監管並不是現代的概念或者做法，歐洲中古時期的行會，其中一個顯著特徵就是自律監管。那時的行會為求會員能擺脫國家監管，以及為免相互間劇烈競爭，於是訂出技術和手藝標準，規定會員必須遵循。雖然其後的幾百年間行會數目銳減，但現代的專業團體就是由行會演化而成的，而且沿襲了行會好些獨特的特點，例如給有意加入的人設置入會障礙，規定會員要達到一定的技術水平，重視同行的評定和自律監管，以及獲得國家或者政府的認可。

專業人士所提供的專業服務有一個核心概念，那就是自律監管，而自律監管是由這麼一種想法發展出來的：只有同行才有能力判斷自己的技術水平。專業人士認為自律監管可取的原因很簡單，因為這讓他們對自己的服務有更大的自主權，免卻缺乏彈性而且對行業認識不足由政府干預。

自律監管在很多行業實施經年，而且行之有效，在香港如是，在英國、法國、德國、美國等很多發達國家也如是。這種監管方式能否成功，雖說有賴很多因素，但下述兩個因素或許比較重要：一是接受自律監管的人要對自己的專業有自豪感，二是懲處不當行為時要大公無私。

對自己的專業有自豪感之所以重要，是因為缺少了這份自豪感的話，屬於這個專業的人就難免會為求一己的利益而做出不當行為，漠視整個專業的名譽。懲處時要大公無私同樣重要，因為自律監管要有公信力，專業要有聲望，官方的認可和公眾的信賴同樣必不可少。

對大多數人來說，一提起自律監管，腦海裡



pulous practices, thus damaging the reputation of the whole of the industry and of Hong Kong, with the result that the self-regulatory regime of the travel agent industry has become the target of plenty of criticisms.

Self-regulation is not a modern concept or practice. It was a salient feature of guilds in the Middle Ages, which sought to protect their members from state regulation and fierce competition by setting and enforcing standards of skills and craftsmanship required of their members. Although guilds have fallen in numbers sharply over the centuries, modern-day professional bodies are considered to have evolved from them and inherited some of their characteristic properties such as entry barriers for prospective members, the requirement for their members to attain a certain level of skills, the importance attached to peer review and self-regulation, and official sanction by the state or government.


At the heart of professional services delivered by professionals is the concept of self-regulation, which derives from the line of thinking that only one's peers are competent enough to judge one's skill levels. The reason why professionals prefer self-regulation is evident: it allows them to have a greater say in how to deliver their services without government intervention, which lacks flexibility and thorough understanding of the profession.

Self-regulation has worked well for many professions for many years in Hong Kong and in many developed countries such as Britain, France, Germany and the United States. **Whereas many factors are said to be contributing to the success of this mode of regulation, professional pride on the part of those self-regulating themselves and impartiality in meting out disciplinary action against misconduct may be among two of the more important factors.**

就會想起律師、會計師、醫生、工程師等專業人士，因為這個概念本身顯示出實行自律監管的专业已發展成熟。可是，在過去幾十年來，有大量新專業湧現，因此，今天實施自律監管的行業，與比如說三十年前相比，數目已經大得多了。

在這些獲得政府認可而實行自律監管的新專業之中，旅行社行業是其中之一：外遊旅行社由一九八八年起實施自律監管，而入境旅行社則由二零零二年開始。這些年來，由議會負責對旅行社行業實施自律監管，而自律監管的執行機制也已有重大演變，一方面是為了應付行業本身和營商大環境的變化，另一方面是為了符合公眾及外遊和入境旅客不斷提高的期望。

議會的所有紀律委員會及上訴委員會，目前都由業外人士佔大多數，而且召集人全都來自業外，這就保證了處理涉嫌行為不當的個案時可以大公無私，這種安排也和大多數實行自律監管的专业團體沒有分別。至於議會的理事會，有百分之四十以上的成員是政府委任的獨立理事；這個比例在香港所有同類型團體的理事會之中，大抵可以算是最高的了。因此，上文提及自律監管的兩個關鍵成功要素之中，處理紀律事務時大公無私這一因素應該可以視為行之有效了。那麼，大家會問，另一個因素是不是也應該多加關注呢？

過去幾個月來，關於一些入境旅行社及導遊的不良手法的報導已充斥傳媒，這裡無須重複了。任誰只要細看那些報導中的一小部份，都必然會認定內地入境市場必須大加改革，而這正是議會、相關政府部門及內地旅遊局致力要做的工作。這個市場的弊病既然這麼複雜，加上又有各式各樣底因，任何解決方案如果要效果持久，以及重新贏得內地旅客對香港的信心，所有相關人士都必須在一段長時間內努力不懈，那樣才有成功的希望。而要找到那樣的方案，首先要確切瞭解所有底因；底因的數目既然那麼多，先把那些不確的底因清除，就會較易看到真正的底因了。 

Professional pride is essential for a lack of it means that members of a profession may have a propensity to commit misconduct for the benefits of themselves with little regard for the reputation of the whole profession. Impartiality in disciplinary issues is no less important because official sanction and public trust are what give credibility to self-regulation and prestige to the profession.

For most people, lawyers, accountants, doctors and engineers come to mind whenever self-regulation is mentioned as the concept itself is an indication of maturity of the profession that exercises it. However, as a large number of new professions have cropped up during the past few decades, self-regulation is applied to a much wider scope of industries nowadays than, say, 30 years ago.

The travel agent industry is one of these new professions that have obtained government sanction to have self-regulation for itself: outbound travel agents began to be self-regulated in 1988 and inbound travel agents in 2002. Over the years, the TIC has been responsible for the implementation of self-regulation of the travel agent industry, whose enforcement regime has evolved significantly to adapt to changes both in the industry itself and in the larger business environment, and to live up to the rising expectations of the public and the outbound travellers and inbound visitors.

At present, all the disciplinary committees and the Appeal Board of the TIC are made up of a majority of members from outside the trade, with non-trade members as convenors, which guarantees impartiality when suspected misconduct cases are handled and which is no different from most other self-regulatory professional bodies.

As for the Board of the TIC, over 40% of its members are independent directors appointed by the Government; such a ratio may well be the highest among all the boards of directors of similar bodies in Hong Kong. As such, **impartiality in disciplinary issues, one of the two important factors contributing to success in self-regulation as mentioned above, may be regarded as well and functioning. One might ask, then, should the second factor be given more consideration?**

The misconduct of some inbound agents and tourist guides need not be recapped here as there have already been piles of media reports in the past few months. Anyone who bothers to go through even a small number of them will no doubt believe that the China inbound market needs major reform, which is what the TIC, the relevant government departments and tourism authorities on the mainland have striven to do. Given the complexity of the malaise and its multiple causes, any solutions that stand a good chance of sustained results and of winning back the confidence of mainland visitors in Hong Kong may require long and hard efforts on the part of all those concerned over an extended period. And to find out such solutions, one needs precise understanding of all the causes, which, given their large numbers, will be easier to discern after some of the false ones are eliminated first. 