



## **Demerit System for Mainland Tour Reception Services: Tourist guides**

### **I. Introduction**

1. The establishment of the Demerit System is aimed at improving the standard of reception services for inbound tours organised in mainland China (mainland tours) and having a deterrent against repeated violations by tourist guides, thus upholding the good reputation of Hong Kong's tourism industry.
2. The Demerit System does not cover all the rules of the TIC, but targets the kinds of violations on which the TIC has focused and which are related to the reception of mainland tours.
3. Tourist guides suspected of violating those rules of the TIC subsumed under the Demerit System will be handled by the Compliance Committee, which will decide the number of demerits to be given after considering the situations of the cases. 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.
4. The Demerit System will not affect the power of the Board or the Compliance Committee to impose penalties, including the power to suspend or revoke the Tourist Guide Pass of tourist guides.

### **II. Scope**

1. Those rules of the TIC subsumed under the Demerit System are listed in "Applicable rules under the Demerit System" in Section IV.
2. The Board may amend the contents of "Applicable rules under the Demerit System" and will notify tourist guides before the amendments take effect.
3. "Applicable rules under the Demerit System" will be posted on the TIC website. Tourist guides are advised to check the latest version of "Applicable rules under the Demerit System" from time to time.
4. The Demerit System will not be enforced retrospectively.

### **III. Guidelines for giving demerits (see Annex 1 for examples)**

1. If, after the implementation of the Demerit System, tourist guides are suspected of violating such rules as listed in "Applicable rules under the Demerit System" and are later found by the Compliance Committee to have



violated the rules, then demerits will be given on top of the penalties\* currently imposable, both according to the grades of violation:

<u>Violation grade</u>	<u>No. of demerits</u>
Minor	0
Not serious	5
Serious	10
Very serious	15
Extremely serious	20

\* The penalties imposable include: issuance of an advice letter, issuance of a warning letter, suspension of the Tourist Guide Pass, and revocation of the Tourist Guide Pass.

2. If tourist guides have accumulated 30 demerits within two years, their Tourist Guide Pass will be suspended or revoked according to established procedures as follows:

30 demerits for the first time:	Suspension of the Tourist Guide Pass for <u>three months</u> ;
30 demerits for the second time:	Suspension of the Tourist Guide Pass for <u>six months</u> ;
30 demerits for the third time:	<u>Revocation</u> of the Tourist Guide Pass.

3. If the penalty imposed by the Compliance Committee is different from the penalty arising from paragraph 2 because of an accumulation of 30 demerits, then the actual penalty will be the heavier of the two penalties. If the two penalties are the same, then the actual penalty will be the latter penalty.
4. All the accumulated demerits will be erased once the Tourist Guide Pass of tourist guides is suspended or revoked.
5. If more than one violation is involved in a case, the number of demerits given in the case will equal the highest number of demerits given for any one of all the violations rather than the total number of demerits given for all the violations.
6. Demerits are valid for two years, counting from the date when the Compliance Committee finds the case substantiated or any other specified date. In other words, the demerits given for each violation will be erased after two years. Demerits erased on expiry will be deducted from the total number of demerits.
7. If there are other cases pending deliberation by the Compliance Committee while the Tourist Guide Pass of tourist guides is suspended, then any



demerits to be given in such other cases will be counted from the date when the Tourist Guide Pass is resumed and will also be valid for two years.

8. If the Tourist Guide Pass expires while it is suspended, the penalty concerned will be recorded and immediately enforced after renewal of the Pass until the suspension period ends.
9. Demerits given to tourist guides will continue to be valid pending appeals filed by the tourist guides to be considered by the Appeal Board.
10. If the Appeal Board decides that the case is substantiated, the demerits will be counted from the date when the Compliance Committee finds the case substantiated or any other specified date and be valid for two years. If the Appeal Board decides that the case is not substantiated, the demerits will be erased.

#### IV. Applicable rules under the Demerit System (see Annex 2 for examples)

If the Compliance Committee decides that a tourist guide has violated the rules in this Section, it will impose a penalty and give demerits according to the grades of violation. The penalties imposable include: issuance of an advice letter, issuance of a warning letter, suspension of the Tourist Guide Pass, and revocation of the Tourist Guide Pass; and the number of demerits which can be given includes: 0, 5, 10, 15 and 20.

(I) Code of Conduct for Tourist Guides	
1.	Tourist guides shall adhere to professional ethics. When receiving visitors they shall:
a.	speak and act cautiously, discreetly, and be objective in their attitude;
b.	provide visitors with accurate information;
c.	not seize or take away or attempt to seize or take away the travel documents of visitors unless such an act is made on proper grounds and lasts for a reasonable time.
2.	Principles governing shopping activities:
a.	Tourist guides shall ensure that visitors understand their consumer rights, which include <ul style="list-style-type: none"> <li>- the right to make or not to make purchases,</li> <li>- the right to obtain information on products and services,</li> <li>- the freedom to choose products and services, and</li> <li>- the right to complain, request their purchases to be exchanged or refunded.</li> </ul>



	b.	Tourist guides shall only arrange visits to those registered shops which are designated by their travel agent. These shops must be registered with the TIC through the travel agent concerned and undertake to provide full refunds to any dissatisfied visitors who return their purchases within six months.
	c.	Tourist guides shall provide visitors with the information on six-month full refund protection before arranging for them to patronise such shops.
	d.	Tourist guides shall not in any way compel or attempt to compel visitors to make purchases, or mislead or attempt to mislead them into doing so.
	e.	Tourist guides shall allow visitors to freely leave or enter registered shops, and shall not force them to remain inside the shops.
	f.	If visitors are feeling unwell, tourist guides shall immediately arrange for the visitors in accordance with their wishes to leave the shops or take a rest at other suitable places. If there is a need, tourist guides shall arrange for the visitors to see a doctor or call the ambulance service as soon as possible.
	g.	Tourist guides shall not allow their service attitude to be affected nor shall they refuse to perform their duties because of visitors' unwillingness to purchase or the value of their purchases.
3.	Tour-departure and other additional charges:	
	a.	Tourist guides shall not in any way collect or collect for others, or attempt to collect or collect for others, even if acting on the instructions of the mainland tour operator, any additional charges from mainland visitors on the grounds of their leaving the tour group in the middle of the trip, their age or occupation, etc, except for the fees necessitated by the participation in self-pay activities by the visitors.

(II) Directive No. 201: Signing service agreements with tourist guides receiving mainland tours

	a.	Tourist guides shall distribute the itineraries given them by the travel agents to each of the participants of mainland tours.
	b.	When distributing the itinerary to visitors, tourist guides shall read out the following information printed on the itinerary: the phrase “旅客請保留此行程表以保障權益” (visitors are advised to keep this itinerary to protect their interests), the names of the travel agents, their own name, the itinerary arrangements, information about self-pay activities, notes for visitors and the relevant hotlines.



(III) Conditions for issuance of the Tourist Guide Pass	
1.	The Tourist Guide Pass is not transferable and shall not be used for purposes other than those specified.

#### V. Notification of demerits

1. When a decision is made by the Compliance Committee, the Executive Office will notify the tourist guide concerned of the decision in writing, including the number of demerits given for the latest violation and the total number of demerits accumulated within the past two years (if any).
2. Once tourist guides are given demerits, the Executive Office will notify the travel agents to which they belong, and remind the travel agents to ensure that their tourist guides observe the Code of Conduct for Tourist Guides.
3. When tourist guides have accumulated 10 and 20 demerits, the Executive Office will write to them, detailing the demerits given to them during the past two years, reminding them of the consequences of accumulating more demerits, and urging them to improve their behaviour.

#### VI. Announcement of demerits

1. 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.
2. During the period mentioned in paragraph 1, 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.



## Annex 1

### **Illustrative examples of how demerits are counted**

#### Example 1:

Suppose a tourist guide has already accumulated 20 demerits and in a case, the penalty imposed by the Compliance Committee is issuance of a warning letter and he/she is also given 10 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of the Tourist Guide Pass for three months, and the actual penalty is the heavier of the two penalties, the tourist guide will have his/her Tourist Guide Pass suspended for three months without being issued with a warning letter and will have a record of having his/her Tourist Guide Pass suspended because of an accumulation of 30 demerits once.

#### Example 2:

Suppose a tourist guide has already accumulated 10 demerits and in a case, the penalty imposed by the Compliance Committee is revocation of the Tourist Guide Pass and he/she is also given 20 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of the Tourist Guide Pass for three months, and the actual penalty is the heavier of the two penalties, the tourist guide will have his/her Tourist Guide Pass revoked and will have a record of having accumulated 30 demerits once.

#### Example 3:

Suppose a tourist guide has already accumulated 10 demerits and in a case, the penalty imposed by the Compliance Committee is suspension of the Tourist Guide Pass for three months and he/she is also given 20 demerits. Since the total number of accumulated demerits reaches 30, arising from which the penalty is suspension of the Tourist Guide Pass for three months, and the actual penalty is the latter penalty if the two penalties are the same, the tourist guide will have his/her Tourist Guide Pass suspended for three months and will have a record of having his/her Tourist Guide Pass suspended because of an accumulation of 30 demerits once.

#### Example 4:

No. of demerits given:	5	10	15
	↑	↑	↑
Date of demerits given:	1 January 2011	2 February 2012	3 March 2013

The 5 demerits given on 1 January 2011 will be erased on 1 January 2013 because demerits are valid for 2 years. Therefore, on 3 March 2013, the number of demerits accumulated during the past 2 years is 25 (10 + 15), and the Tourist Guide Pass will not be suspended or revoked.



Example 5:

No. of demerits given:	5	10	15
	↑	↑	↑
Date of demerits given:	1 January 2011	2 February 2012	30 December 2012
		↓	↓
		15 demerits accumulated	30 demerits accumulated

On 30 December 2012, the number of demerits accumulated during the past 2 years is 30 (5 + 10 + 15), and therefore the Tourist Guide Pass will be suspended or revoked. All the demerits which lead to the suspension or revocation will be erased thereafter.



## Annex 2

### **Examples of violations which may be punished**

The following examples are for reference only and are not exhaustive. When deliberating cases, the Compliance Committee does not need to follow these examples.

#### Example 1:

If a tourist guide tells a visitor who is wearing a gold bracelet that only bumpkins wear gold accessories, then the tourist guide is suspected of violating the provision that tourist guides shall “speak and act cautiously, discreetly, and be objective in their attitude” stipulated in the Code of Conduct for Tourist Guides.

#### Example 2:

If a tourist guide claims that the expenses on meals and accommodation are sponsored by a property developer and as such the tour group has to shop at jewellery shops owned by the developer, then the tourist guide is suspected of violating the provision that tourist guides shall “provide visitors with accurate information” stipulated in the Code of Conduct for Tourist Guides.

#### Example 3:

If a tourist guide peddles key chains to the visitors and states that each of them has to buy one and no one can ask for a lower price, then the tourist guide is suspected of violating the provision “Tourist guides shall ensure that visitors understand their consumer rights” stipulated in the Code of Conduct for Tourist Guides.

#### Example 4:

If a tourist guide abandons the visitors in the street because they have refused to buy souvenirs, then the tourist guide is suspected of violating the provision “Tourist guides shall not in any way compel or attempt to compel visitors to make purchases, or mislead or attempt to mislead them into doing so” stipulated in the Code of Conduct for Tourist Guides.

#### Example 5:

If a tourist guide forces the visitors to stay at a registered shop for three hours because they fail to spend a specified amount each on shopping as requested, then the tourist guide is suspected of violating the provision “Tourist guides shall allow visitors to freely leave or enter registered shops, and shall not force them to remain inside the shops” stipulated in the Code of Conduct for Tourist Guides.

*(January 2011)*