



The TIC Appeal Board and Appeal Procedures

I. Composition of the Appeal Panel

1. Every Association Member's Chairman or representative serving on the TIC Board;
2. All Elected Directors; and
3. 10 persons, none of whom is a Member of the TIC or has any financial interest in or is connected with a Member and each of whom is nominated by the TIC Board and appointed by the Secretary for Commerce and Economic Development. Such persons are referred to as "The Appointees".

II. Composition of an Appeal Board

4. Every Appeal Board shall consist of 3 of The Appointees (one of whom shall be the Chairman of that Appeal Board) and 2 persons drawn from amongst the Association Members' Chairmen or their appointed representatives and the Elected Directors.
5. No member of an Appeal Board shall have been a member of the TIC's committee against whose decision the appeal is lodged nor shall he have any personal interest in or connection with (i) results of such appeal, or (ii) any party thereto.

III. Appeals to the Appeal Board

6. The Appeal Board may hear appeals lodged against decisions of the TIC's disciplinary bodies, Tourist Guide and Tour Escort Deliberation Committee and Membership Committee.
7. The TIC's disciplinary bodies mean the TIC Board and those committees delegated and empowered by the Board to take disciplinary or regulatory actions against TIC Members, shops registered under the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers, Tourist Guide Pass holders, Tour Escort Pass holders and examination candidates and other relevant parties that may be regulated by the TIC. They include, without limitation, the Compliance Committee, Committee on Shopping-related Practices, Consumer Relations Committee and such other committees that may be formed or appointed by the Board to take disciplinary or regulatory actions.



IV. Procedures for Lodging Appeals

8. Any person desirous of appealing against any decision of the TIC's committees as provided for under Section III herein shall within 14 days from the day following that on which the notification issued by the TIC Executive Office informing him of the decision was posted, give notice of appeal stating the grounds and support, or within such 14-day period apply for extending the period for lodging an appeal for an additional period of not more than 14 days in writing to the Secretary (the Executive Director of the TIC). The notice of appeal shall be given with an appeal fee of HK\$1,000.
9. The notice of appeal or application for extension of the appeal period shall be addressed to "TIC Executive Director". Notwithstanding such notice of appeal being given, the appellant shall pay his fine (if any) within 14 days as from the date of giving of the appeal notice.

V. Procedures for Handling Appeals

10. 10.1 On receipt of the notice of appeal, the appeal fee of HK\$1,000 and the full amount of the fine (if any), the Secretary will send a letter of acknowledgement to the appellant within 7 days.
 - 10.2 If the appellant intends to have legal or expert representation present at an Appeal Board hearing, he shall submit an application in writing to the Secretary within 7 days from the date of acknowledgement of appeal. Failure to make such application within the prescribed period but later having such representation arranged on the appellant's part shall entitle the respondent to the right to make a request at any time for postponement or adjournment of the appeal hearing in order for legal or expert representation to be arranged.
11. 11.1 The Secretary shall give the appellant and the respondent (normally the Chairman of the TIC Board or the convenor of the committees whose decision is appealed against) not less than 14 days' notice of the time and place of the appeal hearing, and will in such notice inform them that they may attend and make representations to the Appeal Board.
 - 11.2 The appellant and the respondent may attend the appeal hearing in person or if the Appeal Board so permits appoint such representatives to attend the hearing or make representations on their behalf.



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- 11.3 Any submissions/documents (including evidence) intended to be used by the appellant shall reach the Secretary not less than 10 days before the hearing for onward submission to the respondent, and any submissions/documents (including evidence) intended to be used by the respondent shall reach the Secretary not less than 7 days before the hearing for onward submission to the other party.
- 11.4 The appellant and the respondent, if they so wish, shall give the other party notice of calling witnesses in writing, in which the identity of such witnesses shall be disclosed, through the Secretary not less than 7 days before the hearing. Failure to give such notice shall lead to forfeiture of the right to call witnesses unless approval is granted by the Appeal Board having regard to the necessity of such witnesses.
- 11.5 If either the appellant or the respondent is not available to attend the hearing and wishes to have the hearing re-scheduled, it may request with grounds in writing the Appeal Board to schedule another date for hearing the case and such request shall reach the Secretary at least 7 days before the hearing. However, if re-scheduled time of the appeal hearing is granted and the appellant or the respondent is still not available, the Appeal Board may consider the case in his absence.
- 11.6 If the appellant is not available to attend and no postponement is granted, or decides not to attend the appeal hearing but intends to continue the appeal, he shall notify the Secretary in writing at least 7 days before the hearing and the Appeal Board may consider the case in his absence.
- 11.7 If the appellant decides to withdraw his appeal, he shall inform the Secretary in writing not less than 7 days before the appeal hearing. Otherwise, for late withdrawals, the appeal fee of HK\$1,000 paid by the appellant will be forfeited.
12. 12.1 A folder containing all submissions/documents (including evidence) related to the case under appeal will be delivered to the Appeal Board members not less than 2 days before the appeal hearing. The appellant and the respondent will receive the same set of submissions/documents (including evidence) prior to the hearing.
- 12.2 The Guidelines for Declaration of Interests and the names of the appellants will be sent to the Appeal Board members together with the folder. Appeal Board members shall declare their interests (if any) as soon as possible before the appeal hearing.



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13. 13.1 In the hearing, the appellant normally may make representations, including calling witnesses (provided that such notice pursuant to paragraph 11.4 is given, or else approval shall be granted by the Appeal Board there and then having regard to the necessity of such witnesses) and presenting evidence already submitted to the respondent and the Appeal Board pursuant to paragraphs 11.3 and 12.1 (if any other evidence is presented, approval shall be granted by the Appeal Board there and then having regard to the necessity of such evidence) to the Appeal Board first. The respondent then may put questions to the appellant.
- 13.2 It will then be the respondent's turn to make representations, including calling witnesses (provided that such notice pursuant to paragraph 11.4 is given, or else approval shall be granted by the Appeal Board there and then having regard to the necessity of such witnesses) and presenting evidence already submitted to the appellant and the Appeal Board pursuant to paragraphs 11.3 and 12.1 (if any other evidence is presented, approval shall be granted by the Appeal Board there and then having regard to the necessity of such evidence). The appellant may put questions to the respondent.
- 13.3 Members of the Appeal Board may also put questions to the appellant and the respondent. The parties may then make final representations with the appellant always having the last say.
- 13.4 The Appeal Board shall then consider all the submissions/documents (including evidence), representations, arguments and relevant provisions to reach a decision, which shall be recorded in writing.
- 13.5 While the format or procedure of the hearing need not be strict or formal with the Appeal Board having full discretion to direct and manage the proceedings as it deems appropriate and fair, rules of natural justice shall always be observed and upheld.
14. The Appeal Board may make a decision at the end of the hearing or on a later date but as soon as possible if the issues involved are complicated or for other reasons.



15. The Appeal Board may confirm, vary or quash the decision appealed against and may make appropriate decisions or directions relating thereto including without limitation imposing fines, suspending or revoking membership, etc as per provisions under the Articles of Association of the TIC. It will also decide whether the appeal fee paid by the appellant is to be forfeited, or repaid to the appellant wholly or in part as may be just. The decision of the Appeal Board is binding on the appellant and the respondent.
16. The decision of the Appeal Board will normally be communicated to the appellant and the respondent (and the travel agent concerned in case the appellant is a Tourist Guide Pass holder or a Tour Escort Pass holder) in writing, together with refund of the fine and/or appeal fee, if appropriate, within 7 days after the appeal hearing.

VI. Conduct at Hearings

17. At any hearing of the Appeal Board, if a person misbehaves or behaves in an insulting or threatening manner, or wilfully interrupts the hearing, the chairman of the Appeal Board may make appropriate decisions including ordering the person to leave the hearing room. The hearing may continue and the Appeal Board may decide in his absence.

VII. Abandoning Appeal

18. Subject to paragraphs 11.2 and 11.7 herein, if the appellant or his permitted representative is not present to pursue within 15 minutes after the time appointed for the hearing or abandon the appeal at any stage, the Appeal Board may dismiss the appeal and forfeit the appeal fee.

VIII. Rules and Directions

19. The Appeal Board may make from time to time such appropriate rules, directions, amendments or additions thereto, etc concerning or relating to any appeal as it may deem fair and expedient.

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