



**The Travel Industry Authority's
Trade Consultation Document on
the Implementation Details of the New Regulatory Regime
of the Travel Industry**

**Travel Industry Authority
February 2022**

Introduction

1. This consultation document is published by the Travel Industry Authority (“the Authority”) for the purpose of consulting stakeholders of the travel industry on the Authority’s proposed implementation details of the new regulatory regime of the travel industry, including the subsidiary legislation to be made under the Travel Industry Ordinance (Cap. 634) (“the Ordinance”), directives applicable to licensees and other matters relevant to the implementation of the new regulatory regime.

2. If stakeholders of the travel industry wish to raise any view on the matters covered in this consultation document, please submit through the following channels on or before **5 April 2022**:

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3. The electronic copy of this consultation document has been uploaded to the website of the Authority (<https://tia.org.hk/en/consultation2022>). All relevant Hong Kong legislation can be browsed through or downloaded from the website of the Hong Kong e-Legislation (www.elegislation.gov.hk).

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5. Personal data collected through the response form of this consultation document may be transferred to other relevant organizations for the purposes directly related to this consultation exercise. Individuals or organizations who have submitted views may contact the Authority by the channels specified in paragraph 2 above for access to or correction of such personal data.

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Chapter 1 Foreword

1.1 The travel industry is a pillar industry of Hong Kong. In 2019, it contributed to 4% of Hong Kong’s gross domestic product and employed around 230 000 persons. As of 31 December 2021, there were about 1 650 licensed travel agents, 5 400 Tourist Guide Pass holders and 13,700 Tour Escort Pass holders in Hong Kong.

1.2 As key industry participants, travel agents, tourist guides and tour escorts play important roles in the promotion of the long-term healthy development of the travel industry. To ensure sustainable development of the travel industry and maintain its image and reputation, the Government conducted a public consultation on the “Review of the Operation and Regulatory Framework of the Tourism Sector in Hong Kong” in 2011. In March 2017, the Government submitted the Travel Industry Bill to the Legislative Council, which proposed the establishment of the Authority to regulate travel agents, tourist guides and tour escorts in a holistic and impartial manner in order to protect the interests and safety of inbound and outbound travellers. The Ordinance was passed by the Legislative Council in November 2018 and certain provisions¹ took effect in December 2019.

1.3 The Ordinance provides a legal framework for the new regulatory regime of the travel industry. In January 2020, the Authority was established

¹ The provisions for establishing the Authority under the Ordinance, namely, sections 1 and 2, Division 2 of Part 7, Part 10, sections 169 and 171, Schedule 9, section 2(2) and Part 5 of Schedule 11, took effect on 2 December 2019. Other provisions, including those relating to issuing licences to travel agents, tourist guides and travel escorts, regulating activities of licensees, managing the Travel Industry Compensation Fund, imposing levies on travel agents and providing for arrangements for other matters related to the new regulatory regime of the travel industry (namely, section 3, Parts 2 to 6, Divisions 1, 3 to 5 of Part 7, Parts 8 and 9, sections 163 to 168 and 170, Schedules 1 to 8 and 10, Schedule 11: Part 1, section 2(1), Parts 3, 4, and 6 to 8) are expected to come into full operation within 2022 after the Authority has completed the relevant preparatory work for taking up the regulatory functions from the Travel Industry Council of Hong Kong and the Travel Agents Registry, and after the Legislative Council’s passing of the subsidiary legislation proposed by the Authority.

pursuant to the Ordinance as the regulatory body under the new regulatory regime of the travel industry. The statutory functions of the Authority are:

- (a) to promote the integrity, competence and professionalism of travel agents, tourist guides and tour escorts;
- (b) to regulate shops that inbound tour groups are arranged to patronize in relation to that patronage;
- (c) to advise the Government on matters relating to the regulation of travel agents, tourist guides and tour escorts;
- (d) to receive and process applications for licences;
- (e) to issue, renew, amend, revoke and suspend licences;
- (f) to impose licence conditions that the Authority considers appropriate;
- (g) to hold, manage and apply the Compensation Fund; and
- (h) to perform any function conferred on the Authority by or under the Ordinance or another Ordinance.

1.4 As an independent statutory regulatory body that regulates the travel industry, the Authority will, after the Ordinance fully takes effect, take up the functions of the Travel Agents Registry (“the Registry”) under the Tourism Commission and the Travel Industry Council of Hong Kong (“the TIC”) to issue licences to travel agents, issue passes to tourist guides and tour escorts, and self-regulate the industry pursuant to the Travel Agents Ordinance (Cap. 218), and will also manage the Travel Industry Compensation Fund and collect levies from travel agents, as well as handle other relevant matters.

1.5 Under the new regulatory regime of the travel industry, the Authority can regulate travel agents, tourist guides and tour escorts in a holistic and impartial manner, combating unscrupulous behaviour in the industry on the one hand and balancing the impact on regulating law-abiding members of the travel industry on the other, in order to protect the interests of the travel industry and tourists, enhance the professionalism of the travel industry and foster the long-term healthy development of the industry.

1.6 Since its establishment, the Authority has been actively taking forward various kinds of preparatory work, including drafting subsidiary legislation, formulating the licensing framework and *Directives for Licensees*, etc., with a view to completing the relevant preparatory work for the full implementation of the new regulatory regime of the travel industry within 2022.

1.7 The Authority must, in accordance with the requirements under the Ordinance, formulate subsidiary legislation for the implementation details of the new regulatory regime. After considering the nature, substance and circumstances of the travel industry, the Authority proposes making the following four pieces of subsidiary legislation under the Ordinance:

- Travel Industry (Collection, Payment and Recording of Levies) Regulation;
- Travel Industry Compensation Fund (Amount of Ex gratia Payments) Regulation;
- Travel Industry Compensation Fund (Procedure for Ex gratia Payments) Regulation; and
- Travel Industry (General) Regulation.

The proposed arrangements in relation to the four pieces of subsidiary legislation above are set out in Chapters 3 to 6. The relevant draft provisions are in **Appendices II to V**.

1.8 Under the new regulatory regime, the Authority will be responsible for the issuance and renewal of licences to travel agents, tourist guides and tour escorts. The relevant persons must comply with the requirements set out under the Ordinance, including completing courses, examinations and the Continuing

Professional Development Scheme, etc². The relevant requirements are set out in Chapter 7 of this consultation document in detail.

1.9 In accordance with the requirements under the Ordinance, licensees must comply with the directives issued by the Authority. For this purpose, the Authority draws up the *Directives for Licensees* applicable to travel agents, tourist guides and tour escorts under the new regulatory regime. The *Directives for Licensees* largely adopts the requirements formulated by the TIC under the existing regulatory regime. The major differences in comparison with the existing regulatory regime are set out in Chapter 8 of this consultation document. The full text of the *Directives for Licensees* is in **Appendix VI**.

1.10 According to the Ordinance, the Authority may regulate shops that inbound tour groups are arranged to patronize. The Authority, after making reference to the existing regulatory arrangements of the TIC, has drafted the “Administrative Scheme for Registered Shops for Inbound Tour Groups” (“the Administrative Scheme”), which is proposed for implementation under the new regulatory regime. The Administrative Scheme has largely adopted many existing measures enforced by the TIC and further incorporated various enhanced arrangements. The major differences between the existing regulatory arrangements of the TIC and the Administrative Scheme are set out in Chapter 9 of this consultation document.

1.11 We welcome views on various chapters of this consultation document from stakeholders of the travel industry. After collection and collation of the views from stakeholders, the Authority will amend the draft subsidiary legislation as necessary and submit the subsidiary legislation to the Legislative Council for negative vetting. Upon the completion of scrutinizing the subsidiary legislation by the Legislative Council and other follow-up measures by the Authority (such

² The Ordinance requires that relevant applicants must comply with the relevant requirements, including holding a valid certificate of competency in first aid or another similar certificate issued by an institution specified by the Authority, completing the pre-examination training course and passing the licensing examination to obtain a tourist guide licence and tour escort licence issued by the Authority. Applicants who apply for renewal of licences, apart from holding a valid certificate of competency in first aid or another similar certificate issued by an institution specified by the Authority, must complete the Continuing Professional Development Scheme specified by the Authority so as to further enhance the service quality and professionalism of the front-line practitioners of the industry.

as the formulation of the *Directives for Licensees*, courses/activities for continuing professional development and licence application procedures, etc.), the Authority will be able to fully implement the new regulatory regime of the travel industry.

PART 1 SUBSIDIARY LEGISLATION

Chapter 2 Summary

2.1 The Authority must, in accordance with the requirements under the Ordinance, formulate subsidiary legislation for the implementation details of the new regulatory regime. Having considered the nature, substance and circumstances of the travel industry, the Authority proposes making the following four pieces of subsidiary legislation under the Ordinance:

- (1) Travel Industry (Collection, Payment and Recording of Levies) Regulation;
- (2) Travel Industry Compensation Fund (Amount of Ex gratia Payments) Regulation;
- (3) Travel Industry Compensation Fund (Procedure for Ex gratia Payments) Regulation; and
- (4) Travel Industry (General) Regulation.

2.2 The proposal in relation to the first piece of subsidiary legislation above (namely, the Travel Industry (Collection, Payment and Recording of Levies) Regulation) is to reflect in the framework of the Ordinance the actual arrangements of the collection, payment and recording of levies of the travel industry being implemented according to the Travel Agents Ordinance (Cap. 218), in order to ensure the smooth transition of the existing levy system to the new regulatory regime.

2.3 One of the functions of the Authority is to hold, manage and apply the Travel Industry Compensation Fund established under the Travel Agents Ordinance (Cap. 218). The Travel Industry Compensation Fund aims at providing ex gratia payments to outbound travellers to compensate their loss of outbound fares, and expenses arising from personal injuries or death caused by accidents (which arise out of and in the course of the activities provided or organized by travel agents), including the medical expenses incurred in the place of accident, the expenses incurred in the place of accident in relation to the funeral or the delivery of the dead body/ashes of the outbound traveller back to Hong Kong and

the expenses incurred by the relatives of the outbound traveller for visiting the place of accident for a purpose connected with the outbound traveller's death or injury. The proposals in relation to the second and third pieces of subsidiary legislation above (namely, the Travel Industry Compensation Fund (Amount of Ex gratia Payments) Regulation and the Travel Industry Compensation Fund (Procedure for Ex gratia Payments) Regulation) are to reflect the existing arrangements of ex gratia payments to outbound travellers under the Travel Industry Compensation Fund (Amount of Ex gratia Payments and Financial Penalty) Rules (Cap. 218 sub. leg. E) and the Travel Industry Compensation Fund (Procedure for Ex gratia Payments) Rules (Cap. 218 sub. leg. F) and the enhanced arrangements proposed by the Authority in the framework of the Ordinance through the formulation of subsidiary legislation.

2.4 To implement the regulatory regime under the Ordinance, the Authority must draw up details of the following requirements by formulating the fourth piece of subsidiary legislation above (namely, the Travel Industry (General) Regulation):

- (a) licence conditions relating to a travel agent ceasing to carry on business;
- (b) licence conditions relating to the statements of accounts of a travel agent;
- (c) licence conditions relating to remedial steps to be taken by a travel agent;
- (d) licence conditions relating to an inbound tour group for which a travel agent obtains services;
- (e) licence conditions relating to an inbound tour group for which a tourist guide provides guiding services;
- (f) general requirements imposed on licensed travel agents;
- (g) informing the Authority of changes in prescribed particulars in prescribed ways;

- (h) a licensed travel agent must display, in the prescribed ways, the prescribed information on the vehicle that transports a tour group;
- (i) no application for licences within the prescribed periods after the occurrence of specified matters;
- (j) fees payable to the Authority; and
- (k) expedited way for dealing with minor contraventions by licensees.

Chapter 3 Travel Industry (Collection, Payment and Recording of Levies) Regulation

Existing arrangements

3.1 Under the existing regime, in accordance with sections 32H and 32I of the Travel Agents Ordinance (Cap. 218), travel agents must pay, in respect of every outbound fare received by travel agents, an amount equivalent to certain percentages³ of such outbound fares as levies, namely the Travel Industry Compensation Fund (“the Compensation Fund”) levy (“Fund levy”) and the Council levy. Taking into account the robustness of the financial position of the Compensation Fund, the interests of outbound travellers and the operation of the travel industry, the Government agreed to suspend the collection of the Fund levy by the Travel Industry Compensation Fund Management Board⁴ (“the Management Board”) since 3 July 2009. At present, the Fund levy and the Council levy account for 0% and 0.15% of each outbound fare received respectively. As at 31 December 2021, the balance of the Compensation Fund was around HK\$744 million.

3.2 The Management Board has introduced an electronic levy system (“the E-levy System”) since 1 March 2018 as another means to issue levy stamps apart from franking machines. The E-levy System has fully replaced franking machines and become the only means to issue levy stamps since 1 July 2019. The functions of the E-levy System include making payments of levies, reloading accounts and applying for refund of levies paid.

Proposed arrangements to be implemented under new regulatory regime

3.3 Upon the full implementation of the Ordinance, the Authority **proposes** adopting the current E-levy System for the collection, payment and recording of levies. Besides, for the Authority levy and the Fund levy payable for every

³ The applicable percentages are to be specified in the notice(s) to be published by the Secretary for Commerce and Economic Development in the Gazette.

⁴ The Management Board was established under section 32B of the Travel Agents Ordinance. Its functions are to hold, manage and apply the Compensation Fund pursuant to the Ordinance.

outbound fare received by a licensed travel agent, the Authority **proposes** that the levies be paid at the same time as a single sum through the E-levy System. The draft text of the subsidiary legislation of the relevant proposal is in **Appendix II**.

Question 1

What are your views on adopting the existing E-levy System for the collection, payment and recording of levies?

Chapter 4 Travel Industry Compensation Fund (Amount of Ex gratia Payments) Regulation

(i) Maximum amount or percentage of ex gratia payments payable to outbound travellers (or paid in respect of outbound travellers)

Existing arrangements

4.1 The Compensation Fund was established in 1993 with an aim to provide protection to outbound travellers and the Management Board is responsible for holding, managing and applying the Compensation Fund. Currently, an outbound traveller or his/her representative may apply for an ex gratia payment under the Travel Industry Compensation Fund (Amount of Ex Gratia Payments and Financial Penalty) Rules (Cap. 218 sub. leg. E) (“the Rules”) if he/she suffers a loss in respect of an outbound fare⁵, or incurs expenses⁶ in respect of an accident which occurred during an activity provided or organized by a licensed travel agent arising out of and in the course of an outbound travel service and resulting in his/her death or personal injury. The relevant protection is as follows:

- (a) in case of a loss of an outbound fare (mostly seen in closures of licensed travel agents), an ex gratia payment equivalent to 90% of the loss of the outbound fare may be claimed; and
- (b) in case of an injury or death caused by an accident during an outbound activity which is provided or organized by a licensed travel agent, a reimbursement of the actual expenses, up to a

⁵ An outbound fare eligible for an ex gratia payment under the Compensation Fund must concern a licensed travel agent providing or obtaining at least two of the following services for the public: (a) carriage from Hong Kong to places outside Hong Kong; (b) accommodation outside Hong Kong; and (c) an activity outside Hong Kong provided or organized by a licensed travel agent.

⁶ Such expenses only cover medical expenses incurred in the place of accident, expenses for funeral or delivery of dead bodies or ashes from the place of accident back to Hong Kong, and expenses for relatives of the outbound traveller to visit the place of accident for a purpose connected with the outbound traveller’s death or injury.

total amount of HK\$300,000 as an ex gratia payment may be claimed. The maximum amount for each item is as follows:

Item	Maximum Amount
Medical expenses incurred in the place of accident (outside Hong Kong)	HK\$100,000
Expenses incurred in the place of accident (outside Hong Kong) in relation to the funeral or the delivery of the dead body or ashes back to Hong Kong	HK\$100,000
Expenses incurred by relatives of the outbound traveller in visiting the place of accident for a purpose connected with the traveller's death or injury	HK\$100,000 (up to HK\$25,000 per relative)

Proposed arrangements to be implemented under new regulatory regime

Ex gratia payments in respect of outbound fare

4.2 In the case that the Fund levy remains at 0% in respect of every outbound fare⁷, the Authority **proposes**:

- (a) maintaining the existing amount of an ex gratia payment in relation to an outbound fare to be 90% of the loss of outbound fare in respect of which the application for the payment is made; and

⁷ Having considered that the current balance of the Compensation Fund is around HK\$744 million, and that the Government expressed during meetings of the Bills Committee on Travel Industry Bill of the Legislative Council that it would recommend that the Authority maintain the levies and licence fees at the prevailing level in the first five years upon full implementation of the Ordinance, the Authority agreed to maintain the Fund levy payable by a licensed travel agent at 0% of each outbound fare, and that the Fund levy is deemed to be paid on payment of the Authority levy. The percentage of the levies payable is to be specified by the Secretary for Commerce and Economic Development by notice published in the Gazette.

- (b) increasing the maximum amount of an ex gratia payment in relation to the loss of an outbound fare in respect of which an application is made in accordance with the simplified procedure from HK\$10,000 to \$15,000 as proposed by the Management Board⁸.

Ex gratia payments in respect of accident

4.3 The Authority **proposes** maintaining the amount of an ex gratia payment payable in respect of an accident (namely, the level as set out in paragraph 4.1(b) above).

Question 2

What are your views on the proposed maximum amount or percentage of an ex gratia payment payable to an outbound traveller (or paid in respect of an outbound traveller)?

(ii) Circumstances under which ex gratia payments are payable to outbound travellers (or paid in respect of outbound travellers)

Ex gratia payments in respect of loss of outbound fare

4.4 With reference to the current arrangements under section 5(1) and (1A) of Part I of the Rules, the Authority **proposes** that an ex gratia payment in respect of an outbound fare may be made in accordance with the regular procedure or simplified procedure.

⁸ The Management Board, when discussing the proposal in 2017, took into account the increase (+57%) of the Consumer Price Index (C) related to the travel industry from July 1996 to 2016. Since 2019, the coverage rate of the number of applications for an ex gratia payment under the simplified procedure has been 89%. With reference to the pricing of outbound package tours and packages in the past, the relevant coverage rate may be increased to 98% if the maximum amount is increased to HK\$15,000.

4.5 Under the regular procedure, an ex gratia payment of an amount not exceeding the specified amount may be made by the Authority to an outbound traveller or his/her representative if an application for ex gratia payment is submitted together with a judgment for payment made by a court in Hong Kong, such judgment is unsatisfied and it appears to the Authority that reasonable efforts have been made to enforce the judgment; or if an application for ex gratia payment is submitted together with the evidence of a proof of debt lodged (for which any right to a dividend under the proof of debt has been assigned in writing to the Authority, and the Authority is indemnified to the extent of the amount of the ex gratia payment (in the event of the proof of debt being rejected), or to the extent of the difference between the ex gratia payment and 90% of the amount of the proof of debt admitted (in the event of the amount of the proof of debt admitted being less than the ex gratia payment)).

4.6 Under the simplified procedure, an ex gratia payment of an amount not exceeding the specified amount may be made by the Authority to an outbound traveller or his/her representative if the applicant gives an undertaking that no claim or application will be made for any amount in excess of the specified amount, any right to a dividend under the proof of debt has been assigned in writing to the Authority, and the Authority is indemnified to the extent of the amount of the ex gratia payment (in the event of the proof of debt being rejected) or to the extent of the difference between the ex gratia payment and 90% of the amount of the proof of debt admitted (in the event of the amount of the proof of debt admitted being less than the ex gratia payment).

4.7 Where the amount of the dividend received as a result of the assignment in writing as referred to in paragraphs 4.5 and 4.6 above exceeds the amount of the ex gratia payment concerned, the Authority must pay the amount of such excess to the applicant.

Ex gratia payments in respect of accident

4.8 With reference to section 5D of Part II of the Rules (see paragraph 4.9 below), the Authority **proposes** that an ex gratia payment be made to or in respect of an outbound traveller in relation to a loss suffered in respect of an accident.

4.9 An application must be enclosed with the following documents set out in (a) and (b): (a) a declaration in writing by the applicant or the person on whose behalf an application is made, stating that (i) whether he or any other person has received any damages or compensation in respect of the relevant expenses incurred in relation to the accident; and (ii) whether he or any other person has made any claim or instituted any legal proceedings in respect of those relevant expenses; and (b) an undertaking in writing by the applicant or the person on whose behalf the application is made, stating that he will (i) notify the Authority, within such period as may be specified in the undertaking, of the making by him or any other person of any claim or the institution of any legal proceedings by him or any other person in respect of those relevant expenses; (ii) in the event that damages or compensation in respect of those relevant expenses are or is paid to him or any other person, pay to the Authority the amount of the ex gratia payment or the amount of the damages or compensation so paid, whichever is the less; and (iii) in the event that the amount of the ex gratia payment is in excess of the relevant expenses reasonably incurred, indemnify the Authority to the extent of the excess.

Question 3

What are your views on the circumstances under which an ex gratia payment to an outbound travellers may be made (or paid in respect of an outbound traveller)?

Chapter 5 Travel Industry Compensation Fund (Procedure for Ex gratia Payments) Regulation

(i) Means of applying for ex gratia payments

Existing arrangements

5.1 Under the existing regime, an application for an ex gratia payment may be made by:

- (a) the outbound traveller who has suffered a loss;
- (b) a personal representative of the outbound traveller;
- (c) any person authorized by the outbound traveller in writing⁹; or
- (d) the parent or guardian of an outbound traveller who is a minor.

5.2 In the case where the loss suffered is in respect of an outbound fare, an applicant must fill in the prescribed form under Cap. 218F, and submit the necessary documents of proof, including a receipt stamped or franked with a levy stamp for the relevant outbound fare, a sealed copy of a judgment in respect of the loss of the outbound fare concerned, documents showing that a proof of debt has been lodged or is to be lodged, etc. When an application is made in accordance with the simplified procedure, a judgment and a proof of debt are not required to be submitted.

5.3 In the case where the loss suffered is in respect of an accident, an applicant must fill in the prescribed form under Cap. 218F, and submit the necessary documents of proof, including a receipt stamped or franked with a levy stamp for the relevant outbound fare, the original receipts for the relevant expenses, the original document (if any) showing that the accident has been

⁹ An authorization in writing must be made by filling in the prescribed form in accordance with Cap. 218F. When an applicant gives an authorization in writing to a person concerned to apply for ex gratia payment on behalf of the applicant, the applicant must fill in the form with the information on the relevant loss. Therefore, in practice, the authorization concerned is made only after the loss has been suffered or an accident has happened.

reported to the relevant authority of the country where the accident occurred, and the original receipts for any damages or compensation received (if any) in respect of the relevant expenses.

Proposed arrangements to be implemented under new regulatory regime

5.4 The Authority **proposes** keeping the existing means of application and documents required to be submitted for an application for an ex gratia payment. As for the person authorized in writing by an outbound traveller to apply for an ex gratia payment, the Authority **proposes** adding an arrangement for an outbound traveller to make an authorization in advance under the new regulatory regime so that the outbound traveller can authorize another person in advance to apply for an ex gratia payment on his/her behalf and reserve his/her rights to vary and cancel the authorization. It can better suit the practical needs of the operation of the Compensation Fund. For example, if a travel agent is authorized in advance, after the occurrence of an accident, the travel agent can make advance payment for the expenses of handling the accident for the outbound traveller and claim an ex gratia payment for and on behalf of the outbound traveller thereafter. If a relative of the outbound traveller is authorized in advance, the difficulties to be encountered in granting an authorization after the occurrence of an accident can be avoided.

(ii) Application for ex gratia payment and time limits for making payment

Existing arrangements

5.5 Currently, an application for an ex gratia payment must be made not later than 24 months beginning on the date the loss concerned occurred. An ex gratia payment must be made, so far as it is practicable, within 90 days of the relevant application being made. Where appropriate, such payment may be made in instalments.

Proposed arrangements to be implemented under new regulatory regime

5.6 The Authority **proposes** maintaining the existing time limits for making an application for, and the payment of, an ex gratia payment.

Question 4

What are your views on the proposed means of making an application for an ex gratia payment, and the time limits for making an application for, and the payment of, an ex gratia payment?

Chapter 6 Overview of Travel Industry (General) Regulation

6. The Travel Industry (General) Regulation proposed by the Authority comprises the following parts (set out in **Appendix V**):

- 6.1 licence conditions;
- 6.2 prescribed requirements for licensed travel agents;
- 6.3 duty to inform the Authority of any changes in prescribed particulars;
- 6.4 display of tour group information on vehicles;
- 6.5 prescribed periods during which licence applications may not be made;
- 6.6 fees payable to the Authority; and
- 6.7 expedited procedures for dealing with minor contraventions by licensees.

6.1 Licence conditions

6.1.1 The proposed Travel Industry (General) Regulation prescribes the licence conditions imposed on travel agent licences and tourist guide licences. Some of the proposed licence conditions under the Travel Industry (General) Regulation aim especially at combating the unscrupulous behaviour of coerced shopping in order to protect the safety and interests of inbound tour group participants.

(a) Proposed licence conditions on travel agent licences

6.1.2 Under the existing regulatory regime, a licensed travel agent must notify the Registrar of Travel Agents (“the Registrar”) in writing prior to ceasing to carry on travel agent business at any address specified in its licence, but it is not stipulated under the existing regime the relevant notice period. The Authority **proposes** that a licensed travel agent must notify the Authority in writing of the

intention of ceasing to carry on travel agent business not less than 14 days before the business ceases.

6.1.3 On the other hand, the Registrar generally requires a licensed travel agent to submit an audited statement of accounts within seven months after the end of each financial year. A licensed travel agent is also required to submit the latest statement of accounts (which may not be an audited statement of accounts) when applying for the renewal of the licence. A licensed travel agent is also required to submit the latest statement of accounts (which may also not be an audited statement of accounts) within the specified time limit at the written request of the Registrar. With reference to the existing regime and the actual implementation, the Authority **proposes** that, in respect of the statement of accounts, the issue of a travel agent licence by the Authority be subject to the following licence conditions, including:

- (a) a licensed travel agent must submit to the Authority, not later than seven months after the end of each financial year, a copy of the statement of accounts in respect of the relevant financial year together with a copy of an auditor's report for that relevant financial year;
- (b) when applying for the renewal of its licence, a licensed travel agent must submit to the Authority a copy of its latest statement of accounts; and
- (c) on the written request by the Authority and within the period specified by the Authority in the request, a licensed travel agent must, in accordance with the written request of the Authority and within the period specified by the Authority, submit a copy of its latest statement of accounts together with such other related documents or information as the Authority may specify in the request.

6.1.4 Under the existing regulatory regime, if, in the opinion of the Registrar, a licensed travel agent may not be able to continue to carry on its business or may experience cash flow problems, the travel agent is required to take remedial steps

within a time limit. With reference to the current practice, the Authority **proposes** that if, in the opinion of the Authority, a licensed travel agent is likely to be unable to continue its business as a going concern or is likely to experience a cash flow problem, the travel agent must, upon a written request by the Authority and within the period specified by the Authority in the request, take the remedial steps specified by the Authority.

6.1.5 The TIC currently regulates unscrupulous behaviour (especially coerced shopping) related to the operation of inbound tour groups by issuing directives and codes of conduct. With reference to the existing regulatory arrangements and the framework of licence conditions proposed by the Government to the Bills Committee on Travel Industry Bill of the Legislative Council for regulating unscrupulous behaviour (especially coerced shopping) related to the operation of inbound tour groups, the Authority **proposes** prescribing in the conditions of the travel agent licence that a licensed travel agent, when obtaining services on behalf of an inbound tour group:

- (a) must take all reasonable steps to safeguard the safety and interests of any participant of the tour group; whether all reasonable steps are to be regarded to have been taken in respect of a case is to be decided on a case-by-case basis. As far as travel agents are concerned, the relevant steps may include (but are not limited to): providing clear guidelines or arranging appropriate training for employees and agents (such as front-line personnel and tourist guides), conducting regular reviews and making appropriate amendments as necessary; before employing or engaging personnel and arranging for service providers (such as shops on the itinerary) to receive inbound tour groups, checking whether the persons concerned have committed acts of coerced shopping, etc.;
- (b) in connection with any shopping trip provided to the tour group, all reasonable steps must be taken to ensure that no participant of the tour group:

- (i) is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
- (ii) is subject to coerced shopping, whether during the shopping trip or otherwise; and
- (c) must not abandon or threaten to abandon any participant of the tour group.

6.1.6 As far as coerced shopping is concerned, the Authority **proposes** the following definition:

“A participant of an inbound tour group is taken to have been subject to coerced shopping if harassment, coercion or undue influence is used in the promotion, sale or supply of services and products to the participant of the tour group.”

6.1.7 In order to implement the prescribed conditions mentioned in paragraph 6.1.5 above, the Authority **proposes** that when considering whether a licensed travel agent has taken all reasonable steps to avoid the contravention of the relevant prescribed conditions, whether the travel agent has acted in accordance with the directives (i.e., the Directives for Licensees) issued by the Authority may be relied on as tending to establish or negate any liability which is in question.

(b) Proposed licence conditions on tourist guides licences

6.1.8 The Authority **proposes** prescribing in the conditions of the tourist guide licence that a licensed tourist guide, when providing guiding services to an inbound tour group:

- (a) must take all reasonable steps to safeguard the safety and interests of any participant of the tour group; whether all reasonable steps are to be regarded to have been taken in respect of a case is to be decided on a case-by-case basis. As far as tourist guides are concerned, the relevant steps may include (but are not limited to): providing services to the tour group which the tourist guide is receiving according to the trips as scheduled

in the itinerary; when it is found that a participant of the tour group is subject to coerced shopping, the tourist guide must inform the relevant law enforcement department and the Authority as soon as possible, etc.

- (b) in connection with any shopping trip provided to the tour group, all reasonable steps must be taken to ensure that no participant of the tour group:
 - (i) is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
 - (ii) is subject to coerced shopping, whether during the shopping trip or otherwise; and
- (c) must not abandon or threaten to abandon any participant of the tour group.

6.1.9 In order to implement the prescribed conditions mentioned in paragraph 6.1.8 above, the Authority **proposes** that when considering whether a licensed tourist guide has taken all reasonable steps to avoid the contravention of the relevant prescribed conditions, whether the tourist guide has acted in accordance with the directives issued by the Authority may be relied on as tending to establish or negate any liability which is in question.

Question 5

What are your views on the proposed licence conditions to be imposed on the travel agent licences and tourist guide licences set out in paragraph 6.1?

6.2 Prescribed requirements for licensed travel agents

6.2.1 According to section 53(1) of the Ordinance, licensees must comply with prescribed requirements. Similar to the existing general requirements imposed on licensed travel agents, the Authority **proposes** prescribing the following general requirements, namely, a licensed travel agent must:

- (a) keep proper books of account in a legible form or in a non-legible form capable of being reproduced in a legible form;
- (b) notify the Authority of the premises where the books of account are kept, and if there is any change in such premises, the travel agent must notify the Authority within 7 days after the change takes place;
- (c) state clearly and conspicuously in any letter, account, receipt, pamphlet, brochures or other documents issued by the travel agent the name and the business name (if applicable) of the licensee and the number of the travel agent's licence;
- (d) state clearly and conspicuously in any advertisement published by the travel agent the name and the business name (if applicable) of the licensee and the number of the travel agent's licence; and
- (e) prior to requesting any payment from a customer for any service to be provided, whether by way of deposit or otherwise, give the customer full particulars of the service.

6.2.2 For the purposes of paragraph 6.2.1 (a) and (b) above:

- (a) proper books of account are books of account which (in themselves or, if kept otherwise than in a legible form, as reproduced in a legible form) sufficiently exhibit and explain all transactions entered into by the licensed travel agent in the course of the travel agent business carried on by the travel agent and give a true and fair view of the state of the business; and
- (b) where any books of account are kept otherwise than by making entries in a bound book, adequate precautions must be taken for guarding against falsification and for facilitating their discovery.

Question 6

What are your views on the prescribed requirements for licensed travel agents

set out in paragraph 6.2?

6.3 Duty to inform Authority of any changes in prescribed particulars

6.3.1 Under sections 27(c) and 56 of the Ordinance, the “authorized representative” of a licensed travel agent¹⁰, a licensed tourist guide and a licensed tour escort are required to inform the Authority of any changes in the prescribed particulars in the prescribed way. Currently, the Travel Agents Ordinance (Cap. 218) only states that a licensed travel agent is required to notify the Registrar of any change of ownership or control, but does not specify a time limit for giving such notice. Similarly, a Tourist Guide Pass holder and a Tour Escort Pass holder are required to notify the TIC of any change of name and contact information, but the notice period is also not specified. Under section 163(i) of the Ordinance, the Authority may prescribe the particulars and the way mentioned in sections 27(c) and 56. The Authority **proposes** the following:

(a) *Licensed travel agents*

6.3.2 The Authority **proposes** that for a licensed travel agent that is a company / a partnership / an individual, if any of the following changes take place, the “authorized representative” of the travel agent must notify the Authority in writing of the change within 14 days from the change taking place. The proposed 14-day notice period is in line with the length of other notice periods under the Ordinance:

- (a) the company / any partner in the partnership / the individual has entered into a composition or scheme of arrangement with its / his / her creditors, or has made an assignment of its / his / her estate for the benefit of its / his / her creditors;

¹⁰ The Ordinance incorporates a new requirement for an “authorized representative”, which stipulates under the new regulatory regime that a travel agent must appoint an “authorized representative” among its owners or senior management to ensure adequate supervision of the operation, management and control of the travel agent for protecting the interest and safety of its customers, and to ensure that the operation of the travel agent is in compliance with all the requirements of the Ordinance. The “authorized representative” must also inform the Authority in the prescribed way of any changes in the prescribed particulars of the travel agent (e.g. the matters which concern the suitability of a licensee to hold a licence).

- (b) the company / any partner in the partnership is in liquidation or is the subject of a winding up order;
- (c) a receiver or manager of the property of the company / any partner in the partnership has been appointed;
- (d) the company / any partner in the partnership / the individual has been convicted, whether in Hong Kong or elsewhere, of a criminal offence involving a finding that it / he / she has acted fraudulently, corruptly or dishonestly;
- (e) the company / any partner in the partnership / the individual has been convicted of a criminal offence under the Ordinance;
- (f) the company / any partner in the partnership / the individual has been convicted of a criminal offence under the Trade Descriptions Ordinance (Cap. 362);
- (g) the company / partnership / individual has ceased to carry on travel agent business at the local place of business specified in its / his / her business permit;
- (h) any partner in the partnership / the individual is an undischarged bankrupt;
- (i) any partner in the partnership / the individual is a mentally disordered person, or a patient, within the meaning of section 2(1) of the Mental Health Ordinance (Cap. 136); and
- (j) any partner in the partnership / the individual has been convicted, whether in Hong Kong or elsewhere, of a criminal offence involving violence.

(b) *Licensed tourist guides and licensed tour escorts*

6.3.3 The Authority **proposes** that a licensed tourist guide or licensed tour escort must inform the Authority in writing of any of the following changes within 14 days from the change taking place. The proposed 14-day notice period is in line with the length of other notice periods under the Ordinance:

- (a) being a mentally disordered person, or a patient, within the meaning of section 2(1) of the Mental Health Ordinance (Cap. 136);
- (b) having been convicted, whether in Hong Kong or elsewhere, of a criminal offence involving a finding that the individual acted fraudulently, corruptly or dishonestly;
- (c) having been convicted of a criminal offence under the Ordinance;
- (d) having been convicted of a criminal offence under the Trade Descriptions Ordinance (Cap. 362);
- (e) having been convicted, whether in Hong Kong or elsewhere, of a criminal offence involving violence; and
- (f) having been convicted, whether in Hong Kong or elsewhere, of a criminal offence involving sex or drugs.

Question 7

What are your views if the “authorized representative” of a licensed travel agent, a licensed tourist guide and a licensed tour escort must inform the Authority of the changes in the prescribed particulars in the prescribed way and within the prescribed period set out in paragraph 6.3?

6.4 Display of tour group information on vehicles

6.4.1 Pursuant to section 163(c) of the Ordinance, the Authority may make regulations to prescribe the information about a tour group to be displayed by a licensed travel agent on the vehicle arranged for transporting the tour group and the way in which the travel agent is to display the information. With reference to the existing directives issued by the TIC, the Authority **proposes** that the travel agent must display the number of the travel agent’s licence and the tour group number in the following manner:

- (a) the information must be displayed clearly and prominently, must not be displayed at any position that is likely to obstruct the view of the driver of the vehicle, and must not be displayed in such a way that is likely to pose any risk of injury to passengers;
- (b) the height of the characters showing the number of the licence must not be less than 2.5 cm;
- (c) the height of the characters showing the tour group number must not be less than 2 cm; and
- (e) the information must not be displayed together with any other information (e.g. promotional materials).

Question 8

What are your views on the display of tour group information on vehicles arranged for transporting tour groups and the way to display set out in paragraph 6.4?

6.5 Prescribed periods within which licence application may not be made

6.5.1 Under the existing regime of the TIC, if an application for a Tourist Guide Pass or Tour Escort Pass is refused or revoked, the applicant is prohibited from reapplying for the Pass within a period of 6 months. The Travel Agents Ordinance (Cap. 218), however, does not provide for a prescribed period within which a reapplication for a travel agent licence may not be made if the application is refused or revoked. In relation to the relevant prescribed periods for a licence (including the business permit issued to a travel agent) and an “authorized representative”, the Authority **proposes** the following:

(a) Applications for travel agent licence or business permit¹¹ after refusal or revocation

(i) If a person whose application for, or application for the renewal of, a travel agent licence or business permit has been refused, that person may not reapply for a travel agent licence or business permit, or may not reapply for the renewal of a travel agent licence or business permit, within a period of 6 months (from the date on which the notice of refusal of the application to the applicant is given)¹²;

(ii) If a person whose travel agent licence or business permit has been revoked, that person may not reapply for a travel agent licence or business permit within a period of 6 months (from the date on which the revocation takes effect)¹³.

(b) Applications for tour guide and tour escort licenses after refusal or revocation

(i) If a person whose application for, or application for the renewal of, a tourist guide licence or tour escort licence is refused, that person may not reapply for a tourist guide licence or tour escort licence, or may not reapply for the renewal of a tourist guide licence or tour escort licence, within a period of 6 months (from the date on which the notice of refusal of the application to the applicant is given)

¹¹ To reasonably accommodate the different modes of operation of travel agents, under the new regulatory regime, an applicant for a travel agent licence may choose to carry on travel agent business at a local place of business open to the public or at a local place of business not open to the public (e.g., through the website the location of which is not open to the public). If the applicant chooses to carry on travel agent business at a local place of business, the licensed travel agent must obtain a business permit from the Authority before carrying on travel agent business at the local place of business specified in the permit and must display the permit in a conspicuous place at the local place of business for inspection by inspectors and investigators of the Authority. If a licensed travel agent uses a website or any other communication network to carry on travel agent business, the number of the travel agent's licence must be stated clearly on the website or communication network.

¹² The Authority may permit the person to reapply for a travel agent licence or business permit, or the renewal of a travel agent licence or business permit within the prescribed period if the Authority is satisfied that the ground for the refusal no longer exists.

¹³ The Authority may permit the person to reapply for a travel agent licence or business permit within the prescribed period if the Authority is satisfied that exceptional circumstances exist that justify the permission.

¹⁴(ii) If a person whose application for a tourist guide licence or tour escort licence has been revoked, that person may not reapply for a tourist guide licence or tour escort licence within a period of 6 months (from the date on which the revocation takes effect)¹⁵.

(c) Not satisfied as being suitable to be “authorized representative” of travel agent

(i) If the Authority is not satisfied that an individual is suitable to be an “authorized representative” of a travel agent, the individual is also not suitable to be an “authorized representative” of any other travel agent for a period of 6 months (from the date on which the notice of refusal to the individual is given)¹⁶.

Question 9

What are your views on the requirement that no relevant application should be made within the prescribed periods after the occurrence of the specified events set out in paragraph 6.5?

6.6 Fees payable to Authority

6.6.1 Under the Ordinance, the relevant persons must pay the prescribed fees in the following circumstances relating to licences as specified in the Ordinance:

- (a) fees in connection with licences (including business permits);

¹⁴ The Authority may permit the person to reapply for a tourist guide licence or tour escort licence, or the renewal of a tourist guide licence, within the prescribed period if the Authority is satisfied that the ground for the refusal no longer exists.

¹⁵ The Authority may permit the person to reapply for a tourist guide licence or tour escort licence within the prescribed period if the Authority is satisfied that exceptional circumstances exist that justify the permission.

¹⁶ The Authority may permit the individual to be an “authorized representative” of a travel agent within the prescribed period if the Authority is satisfied that the ground for determining that the individual is not suitable no longer exists.

- (b) fees for inspecting and taking copies of the register and obtaining certified copies; and
- (c) a registration fee for each Mainland inbound tour group.

(a) and (b) Fees in connection with licences and fees for inspecting and taking copies of register and obtaining certified copies

6.6.2 The Government indicated to the Bills Committee on Travel Industry Bill of the Legislative Council that in order to minimize the impact of the new regulatory regime on the industry, the Government would propose to the Authority that the licence fees of the Authority be maintained at the prevailing level at the time of the commencement of the Ordinance for the first five years after the full implementation of the Ordinance. Based on the Government's proposal at that time, the Authority **proposes** prescribing the following fee levels:

Items	Categories	Fees
Application	Travel agent licence	HK\$630
	Business permit	HK\$0
	Tourist guide licence or tour escort licence	HK\$300
Renewal application	Travel agent licence	HK\$0
	Business permit	HK\$0
	Tourist guide licence or tour escort licence	HK\$150
Duplicate application	Travel agent licence	HK\$160
	Business permit	HK\$160
	Tourist guide licence or tour escort licence	HK\$200
Amendment application	Travel agent licence	HK\$160
	Business permit	HK\$160
	Tourist guide licence or tour escort licence	HK\$40

Items	Categories	Fees
Issuance or renewal	Travel agent licence	HK\$485 (per month)
	Issuance of second business permit (HK\$0 for issue of first business permit)	HK\$665
	Renewal of second business permit (HK\$0 for renewal of first business permit)	HK\$925
	Tourist guide licence or tour escort licence	HK\$0
Inspection	Register of licences	HK\$35
Obtaining	Certified true copy of any particulars contained in register	Basic fee of HK\$100, and HK\$3 per A4 page or HK\$6 per A3 page

(c) Registration fee for Mainland inbound tour group

6.6.3 In accordance with section 32 of the Ordinance, if a licensed travel agent carries on the business of Mainland inbound tour groups, the travel agent must pay a registration fee for each Mainland inbound tour group for which the travel agent obtains any of the services set out in section 5 of the Ordinance. The registration fee must be paid before the travel agent starts to obtain services for the Mainland inbound tour group. Taking into account the statistics on Mainland inbound tour groups registered with the TIC in recent years¹⁷, and in anticipation of the possible changes in the mode of operation of Mainland inbound tour groups after the pandemic (e.g., package tours of a smaller size may become more

¹⁷ Statistics on Mainland inbound tour groups registered with the TIC from 2017 to 2019:

Year	Number of persons	Number of tour groups	Average number of persons per tour group
2017	2,061,896	75,701	27.2
2018	2,109,833	73,272	28.8
2019	1,477,636	51,637	28.6

popular), the Authority **proposes** prescribing the registration fee at HK\$4 per participant. A licensed travel agent must pay the registration fee before it starts to provide services for the relevant tour group¹⁸.

Question 10

What are your views on the proposed prescribed fees set out in paragraph 6.6?

6.7 Expedited procedures for dealing with minor contraventions by licensees

6.7.1 Pursuant to section 70 of the Ordinance, any person may lodge a complaint with the Authority alleging that:

- (a) a person has contravened a requirement in the Ordinance;
- (b) a licensee is not suitable to hold the licensee's licence; or
- (c) the act or conduct of a licensee is contrary to the public interest, or brings the travel industry of Hong Kong into disrepute.

6.7.2 Pursuant to section 71 of the Ordinance, the Authority may conduct an investigation under the following circumstances:

- (a) the Authority has received a complaint under section 70; or
- (b) the Authority reasonably suspects the circumstances described in paragraphs 6.7.1(a), (b) and (c) above.

¹⁸ To facilitate enforcement, the Authority's *Directives for Licensees* stipulates that a travel agent must register each Mainland inbound tour group on a specified form and to state the number of persons in the tour group on the specified form. The amount of registration fee for a Mainland inbound tour group is based on the number of persons stated by the travel agent on the relevant form. No refund will be made if the number of persons stated exceeds the actual number of persons; if the number of persons stated is found to be less than the actual number of persons during an inspection by the Authority, the relevant travel agent may be deemed to have breached the relevant directives.

6.7.3 Pursuant to section 98(2)(b) of the Ordinance, if the chairperson of the disciplinary committee¹⁹ is satisfied that there is evidence that tends to establish a case of contravention, and the licensee's contravention of a requirement in the Ordinance is minor in nature, the chairperson of the disciplinary committee may **deal with the case in an expedited way** in accordance with the regulations made under section 163 of the Ordinance and make any of the orders described in section 107(1)(a), (b), (c), (d) and (e) of the Ordinance²⁰ against the relevant licensee. The Authority **proposes** formulating procedures to deal with cases in which the contraventions are minor in nature in an expedited way as follows:

- (a) the chairperson of the disciplinary committee gives a notice in writing to the relevant licensee, stating that the chairperson is satisfied that the licensee's contravention is minor in nature, and the orders the chairperson intends to make against the licensee under section 107(1)(a), (b), (c), (d) or (e) of the Ordinance; and
- (b) the licensee may, within 7 days after the date of the notice or such longer period as the chairperson of the disciplinary committee may permit²¹, make representations in writing to the chairperson of the disciplinary committee as to why the chairperson of the disciplinary committee should not make any of the orders set out in the notice.

¹⁹ The disciplinary committee is one of the committees of the Authority which assists the Authority in dealing with disciplinary matters.

²⁰ Pursuant to section 107 of the Ordinance, such orders are: (a) an order giving a warning or reprimand; (b) an order imposing demerit points; (c) (if the licensee is a licensed travel agent) an order imposing a financial penalty not exceeding \$300,000; (d) an order imposing a condition on the licensee's licence; and (e) an order amending a condition of the licensee's licence.

²¹ For reference, the person concerned may make representations in writing on the relevant matter within 7 days after the date of issuance of the relevant notice by the Authority, or such longer period as the Authority may allow, under the following circumstances specified in the Ordinance: the Authority giving notice of its intention to refuse to renew a travel agent licence or a business permit (section 15(2)); the Authority giving notice of its intention to require an individual to cease to be the "authorized representative" of a licensed travel agent (section 28(3)); the Authority giving notice of its intention to refuse a licensed travel agent's application for approval for an individual to be its "authorized representative" (sections 31(6) and 110(6)); the Authority giving notice of its intention to refuse to approve a licensed travel agent's proposed change of ownership of its business (section 34(6)); the Authority giving notice of its intention to refuse to issue (section 44(2)) or renew (section 47(2)) a tourist guide licence or tour escort licence; the Authority giving notice of intention to revoke or suspend a licensee's licence in a summary way in the circumstances described in section 112(1) (section 112(3)).

Question 11

What are your views on the proposed procedures for dealing with cases in which the contraventions are minor in nature in an expedited way set out in paragraph 6.7.3?

PART 2 OTHER RELEVANT MATTERS

Chapter 7 Courses, Examinations and Professional Development Schemes

7.1 Under the Ordinance, the Authority may only issue and renew a travel agent licence (and a business permit), tourist guide licence and tour escort licence under the specified circumstances. Under the new regulatory regime, the Authority's proposed arrangements for the courses, examinations and professional development schemes relating to the issuance and renewal of licences are set out in paragraphs 7.2 to 7.33 below.

Issuance and renewal of travel agent licences

“Authorized representative” of travel agent completing courses specified by Authority

7.2 Under a new requirement of “authorized representative” incorporated in the Ordinance, a travel agent must appoint an “authorized representative” among the owners or senior management of the travel agent under the new regulatory regime to ensure adequate supervision of the operation, management and control of the travel agent for protecting the interest and safety of the customers of the travel agent and to ensure that the operation of the travel agent is in compliance with all the requirements in the Ordinance.

7.3 Pursuant to section 8(2) of the Ordinance, the Authority must not issue a travel agent licence unless an applicant for a travel agent licence satisfies the “authorized representative” requirement set out in sections 24 to 31 of the Ordinance. Pursuant to section 14(2) of the Ordinance, the renewal of a travel agent licence is also subject to the “authorized representative” requirement. In addition, the “authorized representative” requirement applies to an application for the renewal of a licence made by a holder of the “pre-existing licence”²².

²² Pre-existing licence” means a previous travel agent licence that is valid immediately before the commencement date of Part 2 of Schedule 10 to the Ordinance.

7.4 Pursuant to section 25(1), in determining whether an individual is suitable to be an “authorized representative” of a travel agent, the Authority must have regard to all relevant matters, including whether the individual has completed the courses specified by the Authority.

7.5 Regarding the courses specified for an “authorized representative”, the Authority **proposes** the following arrangements:

- (a) starting from the second quarter of 2022, the Authority will organize every month physical or online seminars, each lasting for about two to four hours, to explain the key requirements of the Ordinance, the relevant directives issued by the Authority to licensees, and the legal obligations of an “authorized representative”, etc. to the participants;
- (b) those who enrol in the seminar must meet the qualification requirement²³ set out in section 1 of Schedule 7 to the Ordinance; and
- (c) after attendance of the seminar, the participants will be issued with an electronic proof of attendance valid for 12 months by the Authority in order to meet the requirement under the Ordinance that an “authorized representative” must have completed the course specified by the Authority.

Issue of tourist guide licence and tour escort licence

7.6 The Ordinance stipulates that before the issue of a tourist guide licence and tour escort licence, an applicant must meet the relevant requirements, including holding a valid certificate of competency in first aid, or another similar certificate, issued by an institution specified by the Authority, having completed the relevant pre-examination training courses and passed the relevant examination.

²³ In short, that is: (a) completion of Form 5 education under the 5-year secondary academic structure, or Senior Secondary 3 education under the New Senior Secondary academic structure (or equivalent) (or equivalent for education completed outside Hong Kong) and possession of at least 5 years of management experience in the travel industry; or (b) possession of at least 10 years of management experience in the travel industry.

When making an application for the renewal of a licence, in addition to holding a valid certificate of competency in first aid, or another similar certificate, issued by an institution specified by the Authority, an applicant must also have completed the relevant continuing professional development schemes to further enhance the service quality and professionalism of the front-line trade practitioners.

Certificate of competency in first aid or another similar certificate issued by institution specified by the Authority

7.7 Pursuant to section 42(2)(a)(iv) of the Ordinance, the Authority must not issue a tourist guide licence or tour escort licence unless an applicant for a tourist guide licence or tour escort licence holds a valid certificate of competency in first aid, or another similar certificate, issued by an institution specified by the Authority.

7.8 Regarding the requirement referred to in paragraph 7.7, the Authority **proposes** the following arrangements:

- (a) those who have completed a first aid course or seminar recognized by the TIC within two years before the implementation of the new regulatory regime will be regarded as holding a valid certificate of competency in first aid, or another similar certificate, issued by an institution specified by the Authority;
- (b) the Authority will set up a working group, inviting representatives from institutions with experience in conducting first aid courses in order to develop a first aid training course which suits the actual needs of tourist guides and tour escorts based on the specified first aid training courses organized by institutions recognized by the Commissioner for Labour, and to work out the details of the first aid training course for tourist guides and tour escorts; and

- (c) those who have completed the specified first aid training course will be issued with a certificate valid for three years; and within the period specified in the certificate, the relevant persons may enrol in a refresher course to obtain another certificate valid for a further three years.

Specified pre-examination training courses

7.9 Pursuant to section 42(2)(a)(vi) of the Ordinance, the Authority must not issue a tourist guide licence or tour escort licence unless an applicant for a tourist guide licence or tour escort licence has completed the pre-examination training courses specified by the Authority.

7.10 Regarding the requirements set out in paragraph 7.9, the Authority **proposes** the following arrangements:

- (a) specifying all existing tourist guide training courses and tour escort training courses recognized by the TIC as the pre-examination training courses specified by the Authority for the issue of tourist guide licences and tour escort licences; and
- (b) with reference to the Specification of Competency Standards for the Travel Industry under the Qualifications Framework, revising the content and syllabus of the courses specified by the Authority, thereby serving as the basis for considering an addition to or a deletion from the list of the specified pre-examination training courses.

Specified licensing examinations of tourist guide and tour escort

7.11 Pursuant to sections 42(2)(a)(vii) and 42(2)(a)(viii) of the Ordinance, the Authority must not issue a tourist guide licence or tour escort licence unless an applicant for a tourist guide licence or tour escort licence has passed the licensing examinations of tourist guides or tour escorts specified by the Authority respectively.

7.12 Regarding the requirements mentioned in paragraph 7.11, the Authority **proposes** the following arrangements:

- (a) those who have passed the Tourist Guide Accreditation Examination and the Outbound Tour Escort Certificate Examination of the TIC within two years prior to the implementation of the new regulatory regime will be recognized by the Authority as having passed the licensing examinations of tourist guide and tour escort specified by the Authority respectively; and
- (b) developing examination syllabuses and inviting training institutions interested in offering the relevant licensing examinations to submit proposals for the Authority's consideration.

Renewal of tourist guide licence and tour escort licence

Certificate of competency in first aid or another similar certificate

7.13 Pursuant to section 46(2)(a)(iii) of the Ordinance, the Authority must not renew a tourist guide licence or tour escort licence unless an applicant holds a valid certificate of competency in first aid, or another similar certificate, issued by an institution specified by the Authority.

7.14 In addition, pursuant to sections 25(2) to (4) and 26(2) to (4) of Schedule 10 to the Ordinance, the Authority must not renew a tourist guide licence or tour escort licence unless a holder of a “pre-existing tourist guide pass” or “pre-existing tour escort pass” respectively taken to be the holder of a tourist guide licence or tour escort licence holds a valid certificate of competency in first aid, or another similar certificate, issued by an institution specified by the Authority at the time of the first and subsequent applications for the renewal of the licence.

7.15 Regarding the requirements mentioned in paragraphs 7.13 and 7.14, the Authority **proposes** the same arrangements set out in paragraph 7.8.

Specified licensing examinations or specified training courses

7.16 Pursuant to sections 25(3)(d) and 26(3)(d) of Schedule 10 to the Ordinance, the Authority must not renew a tourist guide licence or tour escort licence unless a holder of a “pre-existing tourist guide pass” or “pre-existing tour escort pass” respectively taken to be the holder of a tourist guide licence or tour escort licence has passed the licensing examinations of tourist guides or tour escorts respectively, or completed the training courses, specified by the Authority, at the time of the first application for the renewal of the licence.

7.17 Regarding the requirements mentioned in paragraph 7.16, the Authority **proposes** the same arrangements set out in paragraphs 7.10(a) and 7.12(a). In other words, the persons concerned only need to comply with the arrangements set out in paragraph 7.10(a) or 7.12(a) for compliance with the requirements set out in paragraph 7.16.

Continuing professional development scheme for tourist guides

7.18 Pursuant to section 46(2)(a)(iv) of the Ordinance, the Authority must not renew a tourist guide licence unless an applicant has completed the continuing professional development scheme for tourist guides specified by the Authority.

7.19 Pursuant to section 25(2) to (4) of Schedule 10 to the Ordinance, the Authority must not renew a tourist guide licence unless a holder of a “pre-existing tourist guide pass” taken to be the holder of a tourist guide licence has completed the continuing professional development scheme for tourist guides specified by the Authority at the time of the first and subsequent applications for the renewal of the licence.

7.20 Regarding the continuing professional development scheme for tourist guides, the Authority **proposes** the following arrangements:

- (a) the framework of the existing Continuing Professional Development Scheme for Tourist Guides of the TIC will be

adopted during the initial period of the full implementation of the new regulatory regime, namely the continuing professional development scheme for tourist guides will be comprised of Section A “Consolidation and Updating of Knowledge”; Section B “Professional Ethics”; and Section C “Self-selected Courses”.

- (b) prior to the full implementation of the new regulatory regime, if a holder of the “pre-existing tourist guide pass” has completed some or all of Section A, Section B or Section C in respect of the relevant continuing professional development periods under the existing Continuing Professional Development Scheme for Tourist Guides of the TIC, the relevant courses that have been completed by the persons concerned will be regarded as having completed the relevant courses under the continuing professional development scheme for tourist guides specified by the Authority; and
- (c) with reference to the Specification of Competency Standards for the Travel Industry under the Qualifications Framework, in respect of the courses that may be specified by the Authority as the courses under the continuing professional development scheme for tourist guides after the implementation of the new regulatory regime, developing a framework and details of the relevant courses, with a view to inviting institutions interested in organizing the relevant courses to submit proposals.

Continuing professional development scheme for tour escorts

7.21 Pursuant to section 46(2)(a)(v) of the Ordinance, the Authority must not renew a tour escort licence unless an applicant for the renewal of a tour escort licence has completed the continuing professional development scheme for tour escorts specified by the Authority.

7.22 Pursuant to section 26(2) to (4) of Schedule 10 to the Ordinance, the Authority must not renew a tour escort licence unless a holder of a “pre-existing

tour escort pass” taken to be the holder of a tour escort licence has completed the continuing professional development scheme for tour escorts specified by the Authority at the time of the second and all subsequent renewal applications of the licence.

7.23 Under the new regulatory regime, since a person who is issued with a tour escort licence can complete the continuing professional development scheme within three years, a holder of a “pre-existing tour escort pass” taken to be the holder of a tour escort licence is not required to have completed the continuing professional development scheme for tour escorts specified by the Authority when he/she first applies for the renewal of the licence, the Authority **proposes** having discussion with the industry and training institutions about the continuing professional development scheme for tour escorts to meet the actual needs of tour escorts, with reference to the Specification of Competency Standards for the Travel Industry under the Qualifications Framework.

Issuance and renewal of tourist guide licence (for non-English-and-Chinese-speaking tourist guides)

7.24 Under the existing regulatory regime, the TIC has developed the “Accreditation Examination for Non-English-and-Chinese-Speaking Tourist Guides” for around 200 non-English-and-Chinese-speaking tourist guides who are unable to attend the local tourist guide training courses and the relevant examinations due to their inability to understand Chinese and English. If the persons concerned pass the Accreditation Examination and meet other requirements, they may be issued with a Tourist Guide Pass (for Non-English-and-Chinese-Speaking Tourist Guides) by the TIC without having to attend the relevant tourist guide training courses. The Tourist Guide Pass (for Non-English-and-Chinese-Speaking Tourist Guides) is valid for one year, and the holders of that Pass are prohibited from conducting tours in Cantonese, Putonghua or English and are exempted by the TIC from having to complete the Continuing Professional Development Scheme for Tourist Guides when applying for the renewal of the Tourist Guide Pass (for Non-English-and-Chinese-Speaking Tourist Guides).

7.25 As there are not many persons in Hong Kong’s labour market who are proficient in foreign languages (including Japanese, Korean, Thai, Vietnamese, Spanish, etc.) and capable of working as tourist guides, the Authority **proposes** special arrangements in respect of the required courses and examinations (see paragraphs 7.27, 7.31 and 7.33 below) for these persons to complete and pass the relevant courses and examinations before they may be issued with a tourist guide licence (for non-English-and-Chinese-speaking tourist guides) by the Authority. The licence is valid for 12 months, and the holders of that licence are not allowed to use Putonghua (including all the Chinese dialects) and English to receive inbound tour groups.

Certificate of competency in first aid or another similar certificate

7.26 As mentioned in paragraphs 7.7, 7.13 and 7.14 above, for an applicant for a tourist guide licence under the new regulatory regime or a holder of a “pre-existing tourist guide pass (for non-English-and-Chinese-speaking tourist guides)” taken to be the holder of a tourist guide licence, the Authority must not issue or renew a tourist guide licence unless the applicant or the holder holds a valid certificate of competency in first aid, or another similar certificate, issued by an institution specified by the Authority.

7.27 As currently there is no relevant first aid course for non-English-and-Chinese-speaking tourist guides in the market, the Authority **proposes** organizing the courses for a certificate of competency in first aid or another similar certificate mentioned in paragraph 7.8(b) in collaboration with first aid training institutions, and engaging interpreters of different languages to provide simultaneous interpretation to these licensed tourist guides.

Specified (pre-examination) training courses and specified licensing examination for tourist guides (non-English-and-Chinese-speaking)

7.28 As mentioned in paragraphs 7.9 and 7.11 above, under the new regulatory regime, the Authority must not issue or renew a tourist guide licence unless an applicant for a tourist guide licence or the renewal of a tourist guide

licence has completed the pre-examination training courses specified by the Authority and passed the licensing examination for tourist guides specified by the Authority.

7.29 As mentioned in paragraph 7.16 above, the Authority must not renew a tourist guide licence unless a holder of a “pre-existing tourist guide pass” taken to be the holder of a tourist guide licence has passed the licensing examination for tourist guides, or has completed the training courses specified by the Authority at the time of the first application for a renewal of the licence.

7.30 As currently there is no suitable pre-examination training course for non-English-and-Chinese-speaking tourist guides in the market, the Authority will set up a working group to invite representatives from the organizations of non-English-and-Chinese-speaking tourist guides and training institutions, etc., to formulate the framework and details of a simplified version of the pre-examination training course for non-English-and-Chinese-speaking tourist guides, and thereafter will consider how to provide the course in multi-languages.

7.31 To help non-English-and-Chinese-speaking tourist guides to adapt to the new regulatory regime, the Authority **proposes** specifying the existing “Accreditation Examination for Non-English-and-Chinese-Speaking Tourist Guides” organized by the TIC as one of the licensing examinations for non-English-and-Chinese-speaking tourist guides to be specified by the Authority under the Ordinance.

7.32 In other words, any holder of a “pre-existing tourist guide pass (for non-English-and-Chinese-speaking guides)” who has passed the “Accreditation Examination for Non-English-and-Chinese-Speaking Tourist Guides” organized by the TIC before the full implementation of the new regulatory regime will be regarded by the Authority as having passed the licensing examination for tourist guides specified by the Authority and in compliance with the requirements for the renewal of the licence under the Ordinance.

Continuing professional development scheme (for non-English-and-Chinese-speaking tourist guides)

7.33 As currently there is no relevant course under the continuing professional development scheme for non-English-and-Chinese-speaking tourist guides in the market, the Authority **proposes** organizing a course under the continuing professional development scheme (for non-English-and-Chinese-speaking tourist guides) lasting for about three hours in collaboration with the organizations of non-English-and-Chinese-speaking tourist guides, and engaging interpreters of different languages to provide simultaneous interpretation in the relevant languages for the licensed tourist guides of the course.

Question 12

What are your views on the Authority's proposed arrangements for the issue and renewal of licences in relation to courses, examinations and professional development schemes under the new regulatory regime?

Chapter 8 Directives for Licensees

8.1 The Authority seeks to deter and combat the malpractices of the travel industry through the Ordinance (including the primary and subsidiary legislation) and the directives issued by the Authority as empowered by section 152(2)(k) of the Ordinance. The primary and subsidiary legislation set out certain criminal offences in respect of the major malpractices of the travel industry. A person convicted of some of the offences is liable to the maximum penalty of a fine and imprisonment, and must also be subject to disciplinary proceedings of the Authority if that person is a licensee. If a licensee is found to be in contravention of the directives issued by the Authority only, the licensee must be subject to disciplinary proceedings of the Authority.

8.2 With reference to the requirements currently enforced by the TIC, and taking account of the Government's recommendations put forward to the Bills Committee on Travel Industry Bill of the Legislative Council and the actual situation of the industry, the Authority **proposes** issuing the *Directives for Licensees*.

8.3 Paragraphs 8.4 to 8.28 below will briefly describe the major differences between the *Directives for Licensees* and the existing requirements of the TIC in three parts. The full text of the *Directives for Licensees* is in **Appendix VI**.

Part 1: Existing requirements no longer applicable under new regulatory regime

8.4 Abolition of registration of outbound package tour brochures

Existing requirement(s):

According to the requirements of the TIC, a travel agent must submit the brochures of outbound package tours (i.e. leaflets or itineraries for conventional outbound package tours, study tours and air-plus-hotel packages) to the TIC for registration at least two working days before their dissemination, or the promotion

or sale of the tours. The main purpose of the registration is that in case of an emergency outside Hong Kong, the TIC can preliminarily grasp whether or not individual travel agents have arranged package tours to visit the relevant destinations so that the TIC can contact the travel agents as soon as possible to obtain information within a short period of time on the numbers of package tours and persons affected and whether assistance is required so as to expedite coordination and continue the support afterwards.

Problem(s) with applying existing requirement(s) under new regulatory regime:

Under the existing arrangement for registration of brochures, the regulatory authority may not be able to grasp the actual situation of the outbound package tours accurately. For example, some registered outbound package tours may eventually fail to form a group or fail to depart for other reasons. Such situations will not be reflected in time under the existing registration system. In view of this, the Authority considers that the registration system is not of much use in handling emergency situations that happen during the journey of the outbound package tours. In addition, the registration of the brochures of outbound package tours will involve a lot of administrative resources of travel agents and the regulatory authority, and it is doubtful whether or not this approach is applicable to the online operations of travel agents.

Recommendation:

The Authority **proposes** abolishing the requirement for the registration of the brochures of outbound package tours, and establishing a mechanism of notification of emergency situations (outbound). Please refer to paragraph 8.17 of “Part 3: Newly added requirements” for details.

8.5 *Cancellation of temporary storage of goods on behalf of visitors for refund*

Existing requirement(s):

When the TIC handles cases which involve refund requests made by inbound visitors after shopping, some visitors may directly send the goods to the TIC for its help to proceed with a refund. The TIC requires that a travel agent must arrange for the collection of the goods at the TIC within seven days on receipt of a letter notifying the collection sent by the TIC by registered mail. The travel agent must then process a refund within seven days from the collection of the goods.

Problem(s) with applying existing requirement(s) under new regulatory regime:

As a regulatory authority, it is not appropriate for the Authority to store goods on behalf of visitors for a refund. It is understood that the TIC has encountered a number of problems in the execution of the requirement since it was introduced in 2004. For example, the travel agents ceased business while the visitors had stored the goods at the TIC; a substantial quantity of goods was stockpiled at the TIC, causing security and other issues.

Recommendation:

The Authority **proposes** not storing goods for a refund temporarily on behalf of visitors, and abolishing the relevant arrangements for return of goods under the existing regime. If inbound visitors are dissatisfied after shopping in the shops designated or arranged by a travel agent, the travel agent must assist the visitors in applying for a refund. If the visitors are dissatisfied with the souvenirs bought on tour coaches during the journey and request for a refund, the travel agent must be responsible for handling the requests. Please refer to paragraph 4.22 of Part 4 of the *Directives for Licensees* in **Appendix VI** for details.

8.6 Abolition of exemption from assigning Tourist Guide Pass holders (licensed tourist guides) to provide transfer services

Existing requirement(s):

Currently, all tourist guides who receive inbound visitors must hold a Tourist Guide Pass issued by the TIC. However, a travel agent can apply for an exemption from assigning a Tourist Guide Pass holder to provide transfer services if the transfer services are provided by the travel agent under the following three conditions:

- (a) the transfer services are provided only for tour groups coming to Hong Kong to participate in large-scale conventions or exhibitions, rather than ordinary sightseeing tours;
- (b) the transfer services are for a tour group with not less than 30 people; and
- (c) the transfer services are confined to “point-to-point” transfer arrangements, e.g. from land immigration control points / airports / piers to hotels / venues of conventions or exhibitions, etc.

Problem(s) with applying existing requirement(s) under new regulatory regime:

Pursuant to section 37(1) of the Ordinance, “guiding service” means the service of providing information, description or explanation in relation to an itinerary or a place of interest in Hong Kong. Given that the Ordinance has clearly defined the meaning of “guiding service”, if the “transfer service” under the above requirement does not involve any guiding service, the service is not required to be provided by a licensed tourist guide and thus the exemption mechanism need not be maintained.

Recommendation:

The Authority **proposes** abolishing the mechanism which exempts the assignment of Tourist Guide Pass holders (licensed tourist guides) to provide transfer services.

Part 2: Amendment of existing requirements

8.7 Specified information in invoices or receipts

Existing requirement(s):

According to the relevant requirement of the TIC, a travel agent must state clearly the content of each transaction, specify whether or not the transaction concerns an outbound package tour, air tickets, a hotel booking or a visa and set out the specified particulars in the invoices or receipts issued to customers.

Problem(s) with applying existing requirement(s) under new regulatory regime:

The Authority is of the view that the specified information under the existing requirement is unable to provide customers with all the necessary information, and that a travel agent must provide information in further details in invoices or receipts to give more protection to consumers.

Recommendation:

Apart from the information mentioned in Directive No. 24 of the TIC under the existing requirement, the Authority **proposes** that a receipt or an invoice issued by a licensed travel agent must contain the following information (please refer to paragraph 2.19 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details):

- (a) the telephone number, email address and address of the travel agent; the number of the invoice/receipt; the name of the person who will use the travel service or product booked; the price of the travel service or product; payment details; the booking date and payment date, etc.; and
- (b) the description of the product, including the destination, flight number, etc. of an air ticket; the destination, name of the airline, flight number, etc., and the hotel name, room type, etc. of an air-plus-hotel package; the name of carrier, number of days of the

trip and room type, etc. of a cruise product; the room type of and dates of stay in the hotel(s), etc. of a booking of hotel rooms; the visa fee and handling fee for an application for a visa; the validity period of the relevant services and products, etc.

8.8 Requirement for notifying customers of cancellation of package tour

Existing requirement(s):

According to the relevant requirement of the TIC, a travel agent must notify customers at least one day before departure of the cancellation of any outbound package tour to Guangdong Province or Macau; at least seven days before departure of the cancellation of any outbound package tour to the “short-haul area”; at least 14 days before departure of the cancellation of any outbound package tour to the “long-haul area”. Besides, a travel agent must notify customers of the cancellation of an outbound package tour by a recordable means, such as recordable phone calls, text messages, instant messaging applications, emails, fax, post, etc.

Problem(s) with applying existing requirement(s) under new regulatory regime:

To the Authority’s knowledge, after a travel agent cancels an outbound package tour, the problem normally encountered by the customers is that they do not have enough time to look for a suitable substitute. Generally speaking, the longer the trip of an outbound package tour, the more difficult it is for the customers to find a substitute after being notified of the cancellation of the package tour; and the shorter the trip, the easier it is for the customers to find a substitute. Apart from that, it is also difficult to find a substitute for an outbound package tour to the “short-haul area” with a long trip. In addition, the TIC only advises a travel agent to keep record of the notification of cancellation to customers concerning the outbound package tours but does not specify a time limit for record-keeping.

Recommendation:

In order to deal with the problems above, the Authority **proposes** linking the number of days of the notice period for the cancellation of an outbound package tour with the number of days of the tour, instead of with the destination of the outbound package tour in such a way that a travel agent must notify customers at least one day before departure of the cancellation of any outbound package tour lasting for three days or less; at least seven days before departure of the cancellation of any outbound package tour lasting for four days to nine days; at least 14 days before departure of the cancellation of any outbound package tour lasting for 10 days or more. Besides, in order to ensure that the record of notification of cancellation of an outbound package tour to customers still exists when the Authority deals with the relevant cases, the Authority **proposes** that a licensed travel agent must keep the relevant record for a minimum period of one year. Please refer to paragraphs 2.30 and 2.34 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

8.9 *Time limit for arranging refund*

Existing requirement(s):

According to the relevant requirement of the TIC, subject to whether or not an outbound package tour is cancelled for a reason beyond control, a travel agent must refund the fees paid to customers or make refund applications to the bank within three or seven working days from the cancellation.

Problem(s) with applying existing requirement(s) under new regulatory regime:

The Authority is of the view that three working days is too short for travel agents to handle a refund, and the differences in the time limits for refund under different circumstances may be confusing to travel agents and customers.

Recommendation:

The Authority **proposes** a single refund period of seven working days for the cancellation of outbound package tours. Please refer to paragraphs 2.31, 2.32, 2.36, 2.38, 2.39 and 2.59 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

8.10 *Setting maximum amount of compensation for alteration of accommodation arrangement for study tour or exchange tour*

Existing requirement(s):

After the departure of a study tour or exchange tour, if there is an alteration of any arrangement for accommodation, a travel agent must immediately notify the participants or the participants' representatives of the tour and the TIC of the alteration. The travel agent must also pay a sum equivalent to 15% of the tour fare as compensation to each participant of the tour, unless the alteration is made for a reason beyond control or at the request of the participants or the participants' representatives of the tour.

Problem(s) with applying existing requirement(s) under new regulatory regime:

To the Authority's knowledge, the TIC does not set a limit on the amount of compensation in the existing provisions, which is not consistent with other provisions which specify a maximum amount of compensation.

Recommendation:

The Authority **proposes**, after referring to the requirement of the cancellation of an outbound package tour which is guaranteed to depart, setting the maximum amount of compensation at HK\$1,500. Please refer to paragraph 2.79 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

8.11 *Cancellation of air-tickets*

Existing requirement(s):

If a travel agent has issued an air ticket (including an electronic air ticket) to a customer who has fully paid for the air ticket, the travel agent must not cancel the air ticket unilaterally.

Problem(s) with applying existing requirement(s) under new regulatory regime:

The original intent of the TIC to issue the relevant requirement is to address the circumstances in which a travel agent (who has directly dealt with a customer and issued an air ticket to the customer who has fully paid for the air ticket) is in conflict with the supplier (who is also a licensed travel agent) of the air ticket and the air ticket is cancelled by the supplier, thus damaging the interest of the customer. The Authority considers the current wordings of the existing requirement unclear, which may lead to different interpretations by travel agents, and that the requirement also fails to cover different circumstances, offering insufficient protection to customers.

Recommendation:

The Authority **proposes** stipulating clearly and specifically in the relevant directive that the above conduct is prohibited, but the prohibition is not applicable to the cancellation of air tickets by airlines. Please refer to paragraph 2.91 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

8.12 Travel agents not receiving reception fee must still provide reception services

Existing requirement(s):

According to the relevant requirement of the TIC, if a Hong Kong travel agent has agreed to let a Mainland or non-Mainland travel agent pay any fees after the entry of the visitors to Hong Kong, the Hong Kong travel agent may refuse to provide reception services in the circumstance that the travel agent has not received the fees after the visitors' entry into Hong Kong.

Problem(s) with applying existing requirement(s) under new regulatory regime:

In order to prevent damage to the interest of visitors and the reputation of the Hong Kong travel industry due to a commercial dispute between a Hong Kong and a Mainland or non-Mainland travel agent, the Authority is of the view that as a Hong Kong travel agent has entered into a contract with a Mainland or non-Mainland travel agent in respect of the reception of inbound visitors, and the contract contains provisions of payment term in such a manner, the Hong Kong travel agent must bear the risk of not receiving the fees and must not refuse to offer reception services on that ground.

Recommendation:

The Authority **proposes** that a licensed travel agent, despite the relevant fee not having been received, must provide all items and activities included in the itinerary as specified in the contract until the completion of the relevant items and activities. Please refer to paragraph 4.6 of Part 4 of the *Directives for Licensees* in **Appendix VI** for details.

8.13 Arrangement for recovering increased operation cost from visitors under circumstances of cancellation or alteration of itinerary causing increase in operation cost

Existing requirement(s):

If a travel agent cancels or alters any item in the itinerary for any reasons beyond control, resulting in an increase in the operation cost, the travel agent must not impose an additional charge on the participants of an inbound tour group. If the alteration or cancellation has resulted in a decrease in the operation cost, a travel agent must refund the tour price difference to its business partners.

Problem(s) with applying existing requirement(s) under new regulatory regime:

The requirement of the TIC about refunding the tour price difference to business partners if the alteration or cancellation has resulted in a decrease in the operating

cost concerns the contractual obligations between a travel agent and its business partners. As a regulatory body, the Authority considers it inappropriate to interfere with the contracts between a travel agent and its business partners, and the matters related to operation. Besides, to the Authority's knowledge, the TIC does not regulate how to handle situations where a travel agent cancels or alters any item in the itinerary for reasons beyond control, resulting in an increase in the operation cost.

Recommendation:

The Authority **proposes** abolishing the requirement about refunding the tour price difference to business partners if the alteration or cancellation has resulted in a decrease in the operating cost. Besides, the Authority **proposes** adding a new directive to allow a travel agent to recover a sum equal to the actual increase in the cost from the participants of an inbound tour group without contravening any provision of the contract, on the understanding that the cancellation or alteration of any item in the itinerary is based on reason(s) beyond control (inbound) and has resulted in an increase in the operation cost. Please refer to paragraphs 4.18 and 4.19 of Part 4 of the *Directives for Licensees* in **Appendix VI** for details.

8.14 *Tourist guides receiving Mainland inbound tour groups*

Existing requirement(s):

A travel agent must assign the same tourist guide who holds a Tourist Guide Pass to provide reception services for the same Mainland inbound tour group organized in the Mainland during the whole period when the tour group is in Hong Kong, except when greeting the tour group at an immigration control point and during the time for “free activity” of the tour group.

Problem(s) with applying existing requirement(s) under new regulatory regime:

The current requirement of the TIC does not stipulate where a tourist guide who greets a Mainland inbound tour group at an immigration control point (“greeting tourist guide”) must hand over the tour group to the tourist guide who receives the

tour group (“receiving tourist guide”). As there is no specific requirement, the Authority is of the view that it is difficult to prevent a travel agent or a greeting tourist guide from deciding the handover arrangements casually on their own. Besides, given that the number of participants of some Mainland inbound tour groups may exceed 100, a travel agent may, if strictly following the requirement, only assign one receiving tourist guide in those circumstances, which is considered by the Authority unsatisfactory for the actual operation of those tour groups.

Recommendation:

As regards where a greeting tourist guide should hand over a tour group to a receiving tourist guide, the Authority **proposes** stipulating clearly that a licensed travel agent may assign a greeting tourist guide to meet and greet a Mainland inbound tour group at an immigration control point and take the tour group to the first attraction on the itinerary, at which the tour group must be handed over to the receiving tourist guide before the tour group visits the first attraction. Besides, if a licensed travel agent needs to receive a Mainland inbound tour group of more than 100 persons, the travel agent will, in practice, divide the tour group into several tour groups according to the number of vehicles that transport them, and each vehicle will be assigned with one receiving tourist guide to prevent a violation of the relevant requirement. The Authority **proposes** standardizing the actual practice of the industry by requiring a licensed travel agent to treat the passengers on each vehicle as a Mainland inbound tour group and assign a receiving tourist guide to each vehicle. Please refer to paragraphs 4.41 to 4.46 of Part 4 of the *Directives for Licensees* in **Appendix VI** for details.

8.15 *Registration of Mainland inbound tour groups*

Existing requirement(s):

The TIC currently requires travel agents to register three types of Mainland inbound tour groups, including:

- (a) Mainland inbound tour groups organized by Mainland (excluding Shenzhen) travel agents;
- (b) Mainland inbound tour groups organized by travel agents in Shenzhen; and
- (c) Mainland one-day shopping tour groups entering Hong Kong via the Hong Kong-Zhuhai-Macao Bridge organized by Mainland travel agents.

Problem(s) with applying existing requirement(s) under new regulatory regime:

The Authority considers that the current requirement for registration of Mainland inbound tour groups is not comprehensive enough to cover all Mainland inbound tour groups and thus the regulation is insufficient. For example, Mainland inbound tour groups organized by units other than Mainland travel agents or Mainland one-day tour groups which do not enter Hong Kong via the Hong Kong-Zhuhai-Macao Bridge are not required to be registered under the existing regime. In addition, the Authority considers the requirement of the TIC unclear as to whether Mainland inbound tour groups organized by Mainland travel agents and departing from the Mainland but arriving in Hong Kong after travelling to multiple countries or regions, are required to be registered.

Recommendation:

The Authority **proposes** that all Mainland inbound tour groups departing from the Mainland and arriving in Hong Kong (regardless of the number of countries or regions the tour groups pass through, whether they are organized by Mainland travel agents, or whether accommodation is included) must be registered with the Authority and be subject to regulation. Please refer to paragraphs 4.50 to 4.67 of Part 4 of the *Directives for Licensees* in **Appendix VI** for details.

Part 3: New requirements

8.16 Licensed travel agents must take initiative to contact customers to discuss how to handle monies retained by travel agents which customers are unable to spend before original deadline

Situation(s) to be addressed:

If a travel agent cancels an outbound package tour for reasons beyond control (outbound), the travel agent may allow the customers to retain the tour fee and other related charges paid for future purchases of products or services provided by the travel agent. However, the customers may be unable to spend the retained monies before the original deadline for reasons beyond control (outbound).

Recommendation:

The Authority **proposes** adding a new directive, requiring a licensed travel agent to take the initiative to contact the participants of the relevant package tour to discuss how to handle the retained monies in the above situation. Please refer to paragraph 2.53 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

8.17 Licensed travel agents must set up mechanism for emergency (outbound) notification

Situation(s) to be addressed:

As mentioned in paragraph 8.4 above, since the TIC's existing registration system of outbound package tour brochures is not of much use in handling emergency situations which occur during the journey of the relevant tour groups, the Authority **proposes** abolishing the registration system. However, after the abolition of the registration system, if an outbound package tour encounters an emergency situation, the Authority and/or the relevant departments of the Government of the Hong Kong Special Administrative Region still need to obtain

accurate information as soon as possible, so that appropriate assistance can be provided to the travellers.

Recommendation:

The Authority **proposes** requiring a licensed travel agent to designate a person to be responsible for handling any emergency situation (outbound). If an emergency situation (outbound) occurs in any destination of outbound travel, the designated person must, immediately or not more than 12 hours in any event, endeavour to submit to the Authority the specified information, including the number of customers of the outbound package provided or arranged by the travel agent, etc. Please refer to paragraph 2.68 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

8.18 Licensed travel agents must explain clearly to customers scope of protection and relevant details of Compensation Fund

Situation(s) to be addressed:

The Government proposed to the Bills Committee on Travel Industry Bill of the Legislative Council that the Authority should urge licensed travel agents, when selling outbound packages, to explain clearly to customers the scope of protection and the relevant details of the Compensation Fund.

Recommendation:

The Authority **proposes** adding a new directive requiring a licensed travel agent to explain clearly to customers the scope of protection and the relevant details of the Compensation Fund when the travel agent sells an outbound package. If the outbound fare of a travel product is to be received only after the completion of the journey, a licensed travel agent must inform a customer that, if the customer does not pay the outbound fare before departure, a receipt with a levy stamp will not be issued to the customer, who therefore will be ineligible for the protection by the Compensation Fund. Please refer to paragraphs 2.110 and 2.111 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

8.19 *If licensed travel agents sell outbound services or arrangements in respect of which no levy is payable to customers, travel agents must inform customers of specified message*

Situation(s) to be addressed:

The Government proposed to the Bills Committee on Travel Industry Bill of the Legislative Council that the Authority should introduce standardized wordings to help licensed travel agents inform their customers before selling outbound services or arrangements that separate purchases of services or arrangements relating to the same tour may also be covered by the Compensation Fund, as long as the services or arrangements are combined as an outbound package and the levy is paid.

Recommendation:

The Authority **proposes** adding a new directive requiring a licensed travel agent to inform the customers of the specified wordings in a specified manner under the relevant circumstances and to keep the relevant records for one year. Please refer to paragraphs 2.112 to 2.114 of Part 2 of the *Directives for Licensees* as set out in **Appendix VI** for details.

8.20 *Licensed travel agents must remind customers to take out travel insurance*

Situation(s) to be addressed:

The Government proposed to the Bills Committee on Travel Industry Bill of the Legislative Council that the Authority should urge the licensed travel agents to remind customers to take out travel insurance.

Recommendation:

The Authority **proposes** adding a new directive requiring a licensed travel agent to remind customers at the time when they are booking outbound services or

arrangements, of the importance of taking out travel insurance on their own; and if the tour fare of an outbound package tour includes travel insurance, a licensed travel agent must provide customers with the information about the relevant travel insurance. Please refer to paragraphs 2.117 and 2.118 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

8.21 Licensed travel agents must enter into service agreement with licensed tour escorts and licensed tourist guides before assigning them to perform duties of tour escort and tourist guide

Situation(s) to be addressed:

The Government proposed to the Bills Committee on Travel Industry Bill of the Legislative Council that the protection of the rights of tourist guides and tour escorts would be enhanced.

Recommendation:

To enhance the protection for licensed tour escorts, the Authority **proposes** adding a new directive requiring a licensed travel agent to enter into a service agreement, which must include the specified terms, with a licensed tour escort before assigning the tour escort to perform the duties of tour escort. Please refer to paragraph 2.22 of Part 2 of the *Directives for Licensees* in **Appendix VI** for details.

The TIC currently requires travel agents to enter into service agreements in the specified forms with tourist guides before assigning the tourist guides to receive Mainland inbound tour groups. The Authority **proposes** retaining the relevant requirement (see paragraphs 4.47 to 4.49 of Part 4 of, and Annex VI to, the *Directives for Licensees* in **Appendix VI**). As for tourist guides receiving other inbound tour groups, the Authority **proposes** adding a new directive requiring a licensed travel agent to enter into a service agreement, which must include the specified terms, with a licensed tourist guide before assigning the tourist guide to perform the duties of tourist guide. Please refer to paragraph 4.30 of Part 4 of the *Directives for Licensees* in **Appendix VI** for details.

8.22 *Licensed travel agents must provide licensed tour escorts and licensed tourist guides with duty lists*

Situation(s) to be addressed:

The Government proposed to the Bills Committee on Travel Industry Bill of the Legislative Council that the Authority should require licensed travel agents to provide a duty list to licensed tour escorts and licensed tourist guides in order to clarify the responsibilities of both parties.

Recommendation:

The Authority **proposes** adding new directives requiring a licensed travel agent to provide each licensed tour escort and licensed tourist guide with a duty list to set out the duties and responsibilities of tour escort and tourist guide respectively. Please refer to paragraph 2.21 of Part 2 and paragraph 4.29 of Part 4 of the *Directives for Licensees* in **Appendix VI** for details.

8.23 *Licensed travel agents and licensed tour escorts must safeguard safety and interest of participants of outbound package tours*

Situation(s) to be addressed:

Over the years, quite a number of outbound package tours had accidents during the journeys which resulted in casualties, thus making it necessary to raise the awareness of safety of licensed travel agents in organizing outbound package tours, and make licensed tour escorts more prudent when accompanying outbound package tours.

Recommendation:

The Authority **proposes** adding new directives requiring a licensed travel agent and a licensed tour escort to take all reasonable steps to safeguard the safety and interest of the participants of an outbound package tour. Please refer to paragraph

2.2 of Part 2 and paragraph 5.2 of Part 5 of the *Directives for Licensees* in **Appendix VI** for details.

8.24 Licensed travel agents and licensed tour escorts must not engage in unscrupulous practices (in particular coerced shopping) against outbound package tours

Situation(s) to be addressed:

The Authority needs to consider how to regulate unscrupulous practices (in particular coerced shopping) concerning outbound package tours.

Recommendation:

Considering that the unscrupulous practices concerning outbound package tours are not serious, the Authority **proposes** regulating them through a new directive instead of subsidiary legislation to ensure that no participant of an outbound package tour is subject to coercive shopping (outbound), and that a licensed travel agent and a licensed tour escort must not abandon any participant of an outbound package tour. Please refer to paragraphs 2.119 and 2.120 of Part 2 and paragraphs 5.21 and 5.22 of Part 5 of the *Directives for Licensees* in **Appendix VI** for details.

8.25 Licensed tour escorts must ensure that participants of outbound package tours who do not understand language used are informed of safety-related information

Situation(s) to be addressed:

As the participants of an outbound package tour may not know the language used by a local staff member, the participants of the outbound package tour do not fully understand their explanation on safety-related information.

Recommendation:

The Authority **proposes** adding a new directive requiring that if a local staff member explains safety-related information to the participants of an outbound package tour, a licensed tour escort must ensure that the participants who do not understand the language used to explain the said information are informed about the safety-related information. Please refer to paragraph 5.10 of Part 5 of the *Directives for Licensees* in **Appendix VI** for details.

8.26 *Licensed tourist guides must report coerced shopping*

Situation(s) to be addressed:

If there are situations where coerced shopping happens to inbound tour groups, it is necessary to hold the licensed tourist guides accountable for stopping and reporting the situations.

Recommendation:

The Authority **proposes** adding a new directive requiring that if there is a situation where coerced shopping happens to an inbound tour group, a licensed tourist guide must report the situation to the Authority and stop the situation under reasonable and practicable circumstances. Please refer to paragraph 6.24 of Part 6 of the *Directives for Licensees* in **Appendix VI** for details.

8.27 *Licensed tourist guides must not peddle items to participants of inbound tour group in name of Government or any organization*

Situation(s) to be addressed:

There were cases where tourist guides used the name of the Government of the Hong Kong Special Administrative Region or other organizations without permission to peddle items to the participants of an inbound tour group.

Recommendation:

The Authority **proposes** adding a new directive prohibiting a licensed tourist guide from peddling items to the participants of an inbound tour group or promoting for publicity or promotional purposes in the name of the Government of the Hong Kong Special Administrative Region or other organizations, unless a prior written permission has been obtained from the Government, etc. Please refer to paragraph 6.27 of Part 6 of the *Directives for Licensees* in **Appendix VI** for details.

8.28 *Licensed tourist guides must declare their association with registered shops*

Situation(s) to be addressed:

The existing Directive No. 197 of the TIC requires travel agents to declare their association with registered shops, but the same requirement is not imposed on tourist guides.

Recommendation:

With reference to the requirements for licensed travel agents, the Authority **proposes** that a licensed tourist guide must similarly declare his/her association with registered shops under the specified circumstances and notify the Authority of any change in the declared status within 14 days after the change. Please refer to paragraphs 6.31 to 6.33 of Part 6 of the *Directives for Licensees* in **Appendix VI** for details.

Question 13

What are your views on the content of the *Directives for Licensees* proposed by the Authority?

Chapter 9 Administration Scheme for Registered Shops for Inbound Tour Groups

9.1 At present, the TIC regulates shops patronized by inbound tour groups arranged by travel agents under the “Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers” (“the Refund Protection Scheme”).

9.2 Section 152(2)(j) of the Ordinance empowers the Authority to establish and implement an administrative scheme for regulating shops that inbound tour groups are arranged to patronize. The Authority **proposes** broadly following the existing practices of the TIC in such a manner that a shop planning to receive inbound tour groups for designated shopping activities must, before receiving inbound tour groups arranged by travel agents to visit the shop, first complete the registration procedures under the “Administrative Scheme for Registered Shops for Inbound Tour Groups” (“the Administrative Scheme”) through the relevant travel agents; and that a registered shop must execute an undertaking with the Authority on matters such as offering refunds for goods and implementing crowd management. If a registered shop breaches its undertakings, the Authority will impose penalties on it, including but not limited to issuing advisory letters, giving demerits, suspending or revoking the registration of the shop.

9.3 The Authority **proposes** including new clauses in the undertaking to be executed by registered shops under the Administrative Scheme so as to improve crowd management and enhance the protection for tourists.

Clauses of existing undertaking

9.4 The main clauses of the undertaking currently required by the TIC from a registered shop are as follows:

- (a) no contravention of the relevant laws, such as the Trade Descriptions Ordinance (Cap. 362);
- (b) no coerced shopping;

- (c) offering a 100% refund within a specified period in a specified manner upon receipt of the returned goods;
- (d) verifying the identity of the tourist guides and keeping proper records of the time when the relevant tourist guides and inbound tour groups enter and leave the shop;
- (e) stating the specified information on invoices or receipts, such as the TIC tourist service hotline number, the specified wordings in respect of the Refund Protection Scheme, the specified information on goods, etc.;
- (f) allowing members of the public to freely enter and leave the shop and allow the personnel of the TIC to conduct inspections;
- (g) displaying the specified posters distributed by the TIC in a conspicuous place in the shop;
- (h) not advertising or promoting in the name of the TIC, the Government or the Hong Kong Tourism Board, etc., unless a prior written approval has been obtained; and
- (i) responding to enquiries or complaints, etc. from the TIC in respect of the visitors of inbound tour groups within the specified period.

Proposed new / enhanced clauses in undertakings

9.5 The Authority **proposes** adding new clauses to, or enhancing existing clauses in, the undertaking to be executed by a registered shop, including mainly the following (applicable to Mainland inbound tour groups only):

- (a) implementing a practicable crowd management plan for tour groups;
- (b) facilitating and arranging for tour groups to board and alight tour coaches at safe and lawful locations;
- (c) staff of the shop and persons authorized by the shop wearing name tags when working in the shop;

- (d) taking reasonable and appropriate measures to ensure that no non-staff or non-authorized person advertises or promotes products in the shop;
- (e) installing a closed-circuit television system in the shop and keeping the video recordings for not less than 30 days;
- (f) keeping records of the tourist guides who lead tour groups to the shop for not less than 12 months (from the date of arrival of the relevant inbound tour groups at the shop); and
- (g) keeping records of the time of entry and exit of Mainland inbound tour groups into and from the shop for not less than 12 months (from the date of arrival of the relevant inbound tour groups at the shop).

Registration and transitional arrangements

9.6 To improve crowd management, the Authority **proposes** that in addition to the documents required under the existing scheme, an application for the registration of a shop intending to receive Mainland inbound tour groups submitted by a travel agent must be accompanied by a practicable crowd management plan for the consideration of the Authority. If there is any branch for the shop, each branch must be registered separately.

9.7 The Authority **proposes** that a travel agent who wishes to register with the Authority a shop which has been validly registered under the Refund Protection Scheme of the TIC must complete the relevant registration procedures (including submission of a practicable crowd management plan for Mainland inbound tour groups and execution of an undertaking, etc.), with the registration fee to be paid to the Authority exempted.

9.8 To allow the industry to adapt to the new clauses of the undertaking, the Authority **proposes** a grace period of 12 months when the Administrative Scheme is initially launched. If a registered shop breaches the new clauses in the undertaking under paragraph 9.5 within the grace period (except for the measure

mentioned in paragraph 9.5(d), it being necessary to protect visitors), the Authority will issue an advisory letter to the shop without giving demerits.

Question 14

What are your views on the content of the “Administrative Scheme for Registered Shops for Inbound Tour Groups” proposed by the Authority?

Appendix I Response Form

Part I - Contact details

Please complete this form and return it to the Authority on or before 5 April 2022 by:

Mail: 8/F, South Island Place, 8 Wong Chuk Hang Road, Wong Chuk Hang, Hong Kong

Email: consultation2022@tia.org.hk

Fax: (852) 3905 6600

Name: _____ Title (if applicable): _____

Organization name (if applicable): _____

Telephone number: _____ Email: _____

(Please put a “✓” in the appropriate boxes below)

I am submitting comments in the following capacity:

travel agent tourist guide tour escort other: _____

If you do not wish the Authority to disclose your name/your organization’s name and/or the content of your submission, please tick the following box(es):

I/My organization do/does not wish the Authority to disclose my name/my organization’s name.

I/My organization do/does not wish the Authority to disclose the content of my/my organization’s submission.

Personal Information Collection Statement

The personal data collected in the Response Form will be used for the purpose of this consultation and for any directly related purposes. Unless otherwise specified, the names and background of the respondents may be uploaded to the website of the Authority or referred to in other publications for the purpose of this consultation and any directly related purposes. The personal data collected may also be passed to other relevant organizations for the above-mentioned purposes. If you wish to have access to or correct the personal data contained in the Response Form, please contact the Authority.

Appendix II Travel Industry (Collection, Payment and Recording of Levies) Regulation

1. Commencement

This Regulation comes into operation on [the day on which section 149 of the Travel Industry Ordinance (Cap. 634) comes into operation].

2. Interpretation

In this Regulation—

Authority levy (旅監局徵費) means the Authority levy payable under section 146 of the Ordinance;

E-levy System (電子印花徵費系統) means the electronic system prescribed under section 3;

Fund levy (賠償基金徵費) means the Fund levy payable under section 147 of the Ordinance;

outbound fare (外遊費) has the same meaning as in section 138 of the Ordinance.

3. E-levy System

For the purpose of section 148 of the Ordinance, the prescribed electronic system, through which payments of Authority levy and Fund levy, and the recording and proof of the payments, may be made, is the “E-levy System”.

4. Payment of Authority levy and Fund levy

For the purposes of sections 146(1) and 147(1) of the Ordinance, the Authority levy and the Fund levy payable in respect of every outbound fare received by a licensed travel agent must be paid at the same time as a

single sum, that is equal to the total amount of both the Authority levy and the Fund levy, through the E-levy System.

5. Deemed payment of Fund levy

For the avoidance of doubt, even if the Fund levy to be paid by a licensed travel agent is specified to be 0% of every outbound fare by virtue of section 147(2) of the Ordinance, a licensed travel agent is deemed to have paid the Fund levy upon paying the single sum under section 4.

Appendix III Travel Industry Compensation Fund (Amount of Ex gratia Payments) Regulation

Part 1 Preliminary

1. Commencement

This Regulation comes into operation on [the day on which section 149 of the Travel Industry Ordinance (Cap. 634) comes into operation].

2. Interpretation

In this Regulation—

accident (意外) means an accident described in section 7;

application (申請、申請書) has the meaning given by section 2 of the Procedure Regulation;

judgment (判決、判決書) has the meaning given by section 2 of the Procedure Regulation;

outbound traveller (外遊旅客) has the meaning given by section 138 of the Ordinance;

Procedure Regulation (程序規例) means the Travel Industry Compensation Fund (Procedure for Ex gratia Payments) Regulation (Cap. 634 sub. leg. D);

proof of debt (債權證明表) has the meaning given by section 2 of the Procedure Regulation;

relative (親屬), in relation to an outbound traveller, means—

- (a) a spouse;
- (b) a parent, stepparent or guardian;

- (c) a spouse's parent, step-parent or guardian;
- (d) a grandparent or great-grandparent;
- (e) a child or a ward of court under the care and control of the outbound traveller;
- (f) a stepchild or a ward of court under the care and control of the outbound traveller's spouse;
- (g) a grandchild;
- (h) a son-in-law or daughter-in-law;
- (i) a brother or sister;
- (j) a spouse's brother or sister;
- (k) a brother's or sister's spouse;
- (l) a half-brother or half-sister;
- (m) a step-brother or step-sister;
- (n) a brother's or sister's child;
- (o) a parent's brother or sister;
- (p) a parent's brother's spouse or parent's sister's spouse; or
- (q) a parent's brother's child or parent's sister's child;

relevant country (有關國家), in relation to an accident, means the country or the place outside Hong Kong where the accident occurred;

relevant expenses (有關開支) means the expenses described in section 9; **simplified procedure** (簡化程序) means the procedure for making an application for an ex gratia payment described in section 4 of the Procedure Regulation;

specified amount (指明款額) means the amount set out under section 5(2);

spouse (配偶), in relation to a person, includes—

- (a) a concubine of the person; and
- (b) a person with whom the person is cohabiting as husband or wife.

Part 2
Ex Gratia Payments in respect of Loss of Outbound Fare

3. Application of Part 2

This Part applies to an ex gratia payment for the purposes of section 142 of the Ordinance in relation to a loss suffered in respect of an outbound fare.

4. By whom an application may be made

An application under this Part may be made by an outbound traveller or on his behalf for the purposes of section 142 of the Ordinance in relation to a loss suffered in respect of an outbound fare.

5. Amount of ex gratia payment

- (1) Any ex gratia payment under this Part is 90% of the loss of outbound fare in respect of which the application for the payment is made.
- (2) Subject to subsection (1), the maximum amount in respect of which an application under this Part may be made in accordance with the simplified procedure is \$15,000.

6. Circumstances of payment

- (1) Subject to subsection (2), an ex gratia payment under this Part may be made to or in respect of an outbound traveller if—
 - (a) in the case where an application is submitted with a judgment, such judgment is unsatisfied and it appears to the Authority that reasonable efforts have been made to enforce it; or
 - (b) in the case where an application is submitted with a proof of debt—
 - (i) any right to a dividend under the proof of debt has been assigned in writing to the Authority; and
 - (ii) the Authority is indemnified—

- (A) in the event of the proof of debt being rejected, to the extent of the amount of the ex gratia payment; or
 - (B) in the event of the amount of the proof of debt admitted being less than the ex gratia payment, to the extent of the difference between the ex gratia payment and 90% of the amount of the proof of debt admitted.

- (2) Where an application under this Part is made in accordance with the simplified procedure, an ex gratia payment of an amount not exceeding the specified amount may be made to or in respect of an outbound traveller if—
 - (a) in the case where section 4(6) of the Procedure Regulation applies to the application, the applicant gives an undertaking that no claim or application will be made for any amount in excess of the specified amount;
 - (b) any right to a dividend under the proof of debt has been assigned in writing to the Authority; and
 - (c) the Authority is indemnified—
 - (i) in the event of the proof of debt being rejected, to the extent of the amount of the ex gratia payment; or
 - (ii) in the event of the amount of the proof of debt admitted being less than the ex gratia payment, to the extent of the difference between the ex gratia payment and 90% of the amount of the proof of debt admitted.

- (3) If—
 - (a) any right to a dividend has been assigned to the Authority under subsection (1)(b)(i) or (2)(b); and
 - (b) the amount of a dividend received by the Authority is in excess of the amount of the ex gratia payment concerned, the Authority must pay to the relevant applicant the amount of such excess.

Part 3
Ex Gratia Payments in respect of Accident

7. Application of Part 3

- (1) This Part applies to an ex gratia payment for the purposes of section 142 of the Ordinance in relation to a loss suffered in respect of an accident which arises out of and in the course of an outbound travel service and which results in the death of, or personal injury sustained by, an outbound traveller.
- (2) For the purposes of subsection (1), an accident which arises out of and in the course of an activity which is not provided or organized by the licensed travel agent concerned is disregarded.

8. By whom an application may be made

- (1) An application under this Part may be made by an outbound traveller or on his behalf for the purposes of section 142 of the Ordinance in relation to a loss described in section 7.
- (2) A loss in relation to which an application under subsection (1) may be made is limited to the relevant expenses actually incurred.

9. Amount of ex gratia payment

In respect of each type of relevant expenses set out in column 1 of the Table below, an ex gratia payment under this Part is subject to the maximum sum equivalent to the amount set out opposite to it in column 2 of the Table—

TABLE

Item	Column 1 (relevant expenses)	Column 2 (maximum amount)
(a)	medical expenses reasonably incurred in the relevant country in respect of an accident;	\$100,000

Item	Column 1 (relevant expenses)	Column 2 (maximum amount)
(b)	expenses reasonably incurred in the relevant country in relation to the funeral of an outbound traveller or incurred in relation to the delivery back to Hong Kong of the dead body of the outbound traveller (including ashes resulting from cremation), in a case where the accident results in the death of the traveller;	\$100,000
(c)	subject to item (g), expenses reasonably incurred by one or more than one relative of an outbound traveller in visiting the relevant country for a purpose connected with the traveller's death or injury;	\$25,000 per relative
(d)	subject to item (g), if a deceased or injured outbound traveller does not have any relatives, expenses reasonably incurred by one or more than one former spouse of the traveller in visiting the relevant country for a purpose connected with the traveller's death or injury;	\$25,000 per former spouse
(e)	subject to item (g), expenses reasonably incurred by one or more than one relative of a deceased outbound traveller in visiting Hong Kong for a purpose connected with the traveller's death, but only if there is no relative or former spouse of the traveller residing in Hong Kong;	\$25,000 per relative
(f)	subject to item (g), if a deceased outbound traveller does not have any relatives, expenses reasonably incurred by one or more than one former spouse of the traveller in visiting Hong Kong for a purpose connected with the traveller's death;	\$25,000 per former spouse
(g)	the total amount of all ex gratia payments made under items (c) to (f).	\$100,000

10. Circumstances of payment

An ex gratia payment under this Part may be made to or in respect of an outbound traveller if, and only if the application is accompanied by—

- (a) a declaration in writing by the applicant or, as the case may be, the person on whose behalf the application is made, as to—
 - (i) whether he or any other person has received any damages or compensation in respect of the relevant expenses incurred in relation to the accident; and
 - (ii) whether he or any other person has made any claim or instituted any legal proceedings in respect of those relevant expenses; and
- (b) an undertaking in writing by the applicant or, as the case may be, the person on whose behalf the application is made that he will—
 - (i) notify the Authority, within such period as may be specified in the undertaking, of the making by him or any other person of any claim or the institution of any legal proceedings by him or any other person in respect of those relevant expenses;
 - (ii) in the event that damages or compensation in respect of those relevant expenses are or is paid to him or any other person, pay to the Authority the amount of the ex gratia payment or the amount of the damages or compensation so paid, whichever is the less; and
 - (iii) in the event that the amount of the ex gratia payment is in excess of the relevant expenses reasonably incurred, indemnify the Authority to the extent of the excess.

Appendix IV Travel Industry Compensation Fund (Procedure for Ex gratia Payments) Regulation

1. Commencement

This Regulation comes into operation on [the day on which section 149 of the Travel Industry Ordinance (Cap. 634) comes into operation].

2. Interpretation

In this Regulation—

accident (意外) means an accident described in section 7 of the Amount Regulation;

Amount Regulation (金額規例) means the Travel Industry Compensation Fund (Amount of Ex gratia Payments) Regulation (Cap. 634 sub. leg. C);

application (申請、申請書) means an application for an ex gratia payment;

E-levy System (電子印花徵費系統) means the E-levy System mentioned in section 3 of the Travel Industry (Collection, Payment and Recording of Levies) Regulation (Cap. 634 sub. leg. B);

Fund levy (賠償基金徵費) means the Fund levy mentioned in section 147 of the Ordinance;

judgment (判決、判決書) means a judgment of a court in Hong Kong for the payment of a sum of money and includes an award made under the Small Claims Tribunal Ordinance (Cap. 338);

levy stamp (徵費印花) means a mark or indication denoting the payment of the Fund levy;

loss (損失) means a loss described in section 3 or 7 of the Amount Regulation;

proof of debt (債權證明表) means a proof of debt delivered or sent to—

- (a) in relation to the winding up of a licensed travel agent that is a company under the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), a liquidator; or
- (b) in relation to the bankruptcy of a licensed travel agent that is a partnership or an individual, the Official Receiver or a trustee under the Proof of Debts Rules (Cap. 6 sub. leg. E);

relevant expenses (有關開支) has the meaning given by section 9 of the Amount Regulation;

simplified procedure (簡化程序) means the procedure for making an application for an ex gratia payment described in section 4;

specified amount (指明款額) has the meaning given by section 5(2) of the Amount Regulation.

3. Application for payment

- (1) An application may be made in respect of a loss by—
 - (a) the outbound traveller who has suffered the loss;
 - (b) a personal representative of the outbound traveller;
 - (c) any person authorized by the outbound traveller in writing;
or
 - (d) the parent or guardian of an outbound traveller who is a minor.

- (2) Subject to section 4, an application must be accompanied by—
 - (a) sufficient evidence showing payment of the Fund levy in respect of the relevant outbound fare; and
 - (b) either of the following—
 - (i) in the case where the loss suffered is in respect of an outbound fare, a sealed copy of a judgment in respect of the loss concerned or documents

- showing that a proof of debt has been lodged or is to be lodged; or
- (ii) in the case where the loss suffered is in respect of an accident—
 - (A) the original document, if any, showing that the accident has been reported to the relevant authority of the country where the accident occurred;
 - (B) the original receipts for the relevant expenses; and
 - (C) the original receipts for any damages or compensation received, if any, in respect of the relevant expenses.
- (3) For the purposes of subsection (2), either of the following is taken as sufficient evidence showing payment of the Fund levy—
- (a) the original receipt for the relevant outbound fare bearing a levy stamp, which is issued by the E-levy System; or
 - (b) a copy of the receipt for the relevant outbound fare that is—
 - (i) certified to be a true copy to the satisfaction of the Authority; or
 - (ii) verified in such manner as the Authority may require.

4. Application in accordance with the simplified procedure

- (1) An application not exceeding the specified amount may be made in accordance with the simplified procedure provided under this section.
- (2) An application under this section in respect of a loss may be made by—
 - (a) the outbound traveller who has suffered the loss;
 - (b) a personal representative of the outbound traveller;
 - (c) any person authorized by the outbound traveller in writing;or

- (d) the parent or guardian of an outbound traveller who is a minor.
- (3) Subject to subsections (4) and (5), an application under this section must be accompanied by—
- (a) a statutory declaration stating that payment of the outbound fare has been made; and
 - (b)
 - (i) the original or copy (which shall be certified to be a true copy to the satisfaction of the Authority) of the receipt for the relevant outbound fare bearing a levy stamp, which is issued by the E-levy System; and
 - (ii) any of the following—
 - (A) the original receipt for the relevant outbound fare showing the payment of the outbound fare;
 - (B) verification of the payment of the outbound fare by an auditor appointed by the Authority; or
 - (C) such other documentary evidence of payment of the outbound fare as the Authority considers acceptable.
- (4) If an application is made in respect of an outbound traveller who is a minor at the time of making the application, subsection (3)(a) does not apply.
- (5) Notwithstanding that any requirement in subsection (3) is not complied with, the Authority may make an ex gratia payment on an application under this section if it is satisfied that the Fund levy has been paid in respect of the outbound fare in relation to which the application is made.
- (6) Where the amount of the ex gratia payment payable under section 5(1) of the Amount Regulation exceeds the specified amount, an application may only be made under this section if the claim for the ex gratia payment under the application is limited to the specified amount. For the avoidance of doubt, the Authority may,

notwithstanding section 5(1) of the Amount Regulation, make an ex gratia payment of a lesser sum equivalent to the amount so limited.

- (7) Subject to subsection (8), if an application has been made under this section in relation to a loss, no application under section 3 may subsequently be made in relation to the same loss and, accordingly, any application under section 3 in contravention of this subsection is of no effect.
- (8) Notwithstanding anything in this Regulation or the Amount Regulation, if an application is made under this section for the payment of an ex gratia payment not exceeding the specified amount, the Authority may, in its absolute discretion, determine that the application should be made in accordance with section 3 and not in accordance with this section.

5. Procedure for application

- (1) An application under this Regulation must—
 - (a) subject to subsection (2), be made not later than 24 months beginning on the date the loss concerned occurred;
 - (b) be addressed to and lodged with the Authority;
 - (c) be in the specified form; and
 - (d) be accompanied by the originals or copies of such records as the Authority may reasonably require for the purpose of assisting the Authority in the exercise of the rights of subrogation under section 143 of the Ordinance.
- (2) The Authority may, in any case where it considers it appropriate to do so, extend the period specified in subsection (1)(a).

6. Procedure for application on behalf of another

- (1) An application under section 3(1)(c) or 4(2)(c) must be accompanied by—
 - (a) the authorization referred to in section 3(1)(c) or 4(2)(c) (as the case may be); and

- (b) a statutory declaration to the effect that the application is made on behalf of the outbound traveller who has suffered the relevant loss and that the outbound traveller has agreed to the application being so made on his behalf.
- (2) An application under section 3(1)(d) or 4(2)(d) must be accompanied by—
- (a) a copy of—
 - (i) the identity card (within the meaning of the Registration of Persons Ordinance (Cap. 177)) of the parent or guardian; or
 - (ii) a travel document (within the meaning of the Immigration Ordinance (Cap. 115)) of the parent or guardian;
 - (b) a copy of the birth certificate of the minor or any other documentary evidence proving to the satisfaction of the Authority the relationship between the minor and the applicant; and
 - (c) a statutory declaration to the effect that the application is made on behalf of the outbound traveller who has suffered the relevant loss.
- (3) For the purposes of subsection (1)(a), the authorization—
- (a) may be made by an outbound traveller in advance;
 - (b) will survive the traveller's subsequent death or mental incapacity within the meaning of section 2(1) of the Mental Health Ordinance (Cap. 136); and
 - (c) may be varied or cancelled by the outbound traveller in writing.
- (4) If—
- (a) an application for an ex gratia payment in the case of a loss suffered in respect of an accident is made in respect of an outbound traveller pursuant to an authorization; and
 - (b) the application is accepted,
- the ex gratia payment may be made to any person who has incurred relevant expenses in respect of the traveller, even though the

traveller has died or is mentally incapacitated within the meaning of section 2(1) of the Mental Health Ordinance (Cap. 136).

7. Period for making payment

If the Authority decides to make an ex gratia payment, it—

- (a) must take all practicable steps to make the payment within 90 days after the relevant application is lodged with the Authority; and
- (b) may, where it considers it appropriate, make such payment in instalments.

Appendix V Travel Industry (General) Regulation

Part 1 Preliminary

1. Commencement

This Regulation comes into operation on [the day on which section 163 of the Travel Industry Ordinance (Cap. 634) comes into operation].

2. Interpretation

In this Regulation—

coerced shopping (威迫購物) is to be construed in accordance with section 3;

coercion (威迫) includes the use of physical force;

commencement date (生效日期) means the commencement date of this Regulation;

undue influence (不當影響) means exploiting a position of power in relation to a person so as to apply pressure, even without using or threatening to use physical force, in a way which significantly impairs the person's ability to make an informed decision.

3. Coerced shopping

For the purpose of this Regulation, a participant of an inbound tour group is taken to have been subject to coerced shopping if harassment, coercion or undue influence is used in the promotion, sale or supply of services and products to the participant of the group.

Part 2
Prescribed Licence Conditions

Division 1—Travel Agent Licences

4. Prescribed conditions imposed on travel agent licences

For the purposes of sections 8(5) and 14(7) of the Ordinance, the conditions are prescribed under this Division.

5. Conditions relating to statements of accounts

A licensed travel agent must—

- (a) submit to the Authority, not later than 7 months after the end of each financial year, a copy of the statement of accounts in respect of the relevant financial year together with a copy of an auditor's report for that relevant financial year;
- (b) when applying for the renewal of its licence, submit to the Authority a copy of its latest statement of accounts; and
- (c) on the written request by the Authority and within the period specified by the Authority in the request, submit to the Authority a copy of its latest statement of accounts together with such other related documents or information as the Authority may reasonably specify in the request.

6. Condition relating to remedial steps

If, in the opinion of the Authority, a licensed travel agent is likely to be unable to continue its business as a going concern or is likely to experience a cash flow problem, the travel agent must, upon written request by the Authority and within the period specified by the Authority in the request, take such remedial steps as the Authority may reasonably specify in the request.

7. Conditions relating to inbound tour groups

- (1) In relation to an inbound tour group for which a licensed travel agent obtains services, the travel agent—
 - (a) must take all reasonable steps to safeguard the safety and interest of any participant of the group;
 - (b) in connection with any shopping trip provided to the group, must take all reasonable steps to ensure that—
 - (i) no participant of the group is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
 - (ii) no participant of the group is subject to coerced shopping, whether during the shopping trip or otherwise; and
 - (c) must not abandon or threaten to abandon any participant of the group when any such service is being provided to the participants of the group.

- (2) For the purposes of subsection (1)(a) and (b) and section 6(3)(b) of the Ordinance, in considering whether a licensed travel agent has taken all reasonable steps to avoid the contravention of the relevant prescribed conditions, the acting or failure to act by the licensed travel agent in accordance with any guidelines, directives or codes of conduct issued by the Authority under section 152(2)(k) of the Ordinance may be relied on as tending to establish or negate any liability which is in question.

8. Condition relating to cease of business

If a licensed travel agent intends to cease to carry on travel agent business, the travel agent must notify the Authority in writing of the intention not less than 14 days before the business ceases.

Division 2—Tourist Guide Licences

9. Prescribed conditions imposed on tourist guide licences

For the purposes of sections 42(5) and 46(5) of the Ordinance, the conditions are prescribed under this Division.

10. Conditions relating to inbound tour groups

- (1) In relation to an inbound tour group for which a licensed tourist guide provides guiding services, the tourist guide—
 - (a) must take all reasonable steps to safeguard the safety and interest of any participant of the group;
 - (b) in connection with any shopping trip provided to the group, must take all reasonable steps to ensure that—
 - (i) no participant of the group is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
 - (ii) no participant of the group is subject to coerced shopping, whether during the shopping trip or otherwise; and
 - (c) must not abandon or threaten to abandon any participant of the group when any such service is being provided to the participants of the group.
- (2) For the purposes of subsection (1)(a) and (b) and section 39(3) of the Ordinance, in considering whether a licensed tourist guide has taken all reasonable steps to avoid the contravention of the relevant prescribed conditions, the acting or failure to act by the licensed tourist guide in accordance with any guidelines, directives or codes of conduct issued by the Authority under section 152(2)(k) of the Ordinance may be relied on as tending to establish or negate any liability which is in question.

Part 3
Prescribed Requirements for Licensed Travel Agents

11. General requirements imposed on licensed travel agents

A licensed travel agent must—

- (a) keep proper books of account in a legible form or in a non-legible form capable of being reproduced in a legible form;
- (b) notify the Authority of the premises where the books of account are kept and, if there is any change in such premises, notify the Authority of the new premises within 7 days beginning on the date on which the change takes place;
- (c) in any letter, account, receipt, pamphlet, brochure or other documents issued in whatever form by or on behalf of the travel agent in the capacity of a travel agent, state clearly and conspicuously—
 - (i) the name and, if applicable, the business name, of the licensee; and
 - (ii) the number of the travel agent's licence;
- (d) in any advertisement published in whatever form by or on behalf of the travel agent in the capacity of a travel agent, state clearly and conspicuously—
 - (i) the name and, if applicable, the business name, of the licensee; and
 - (ii) the number of the travel agent's licence; and
- (e) prior to requesting any payment from a customer for any service to be provided, whether by way of deposit or otherwise, give the customer full particulars of the service.

12. Books of account

For the purposes of section 11(a) and (b)—

- (a) proper books of account are books of account which (in themselves or, if kept otherwise than in a legible form, as reproduced in a legible form) sufficiently exhibit and explain all transactions entered into by the licensed travel agent in the course of the travel agent business carried on

- by the travel agent and give a true and fair view of the state of the business; and
- (b) where any books of account are kept otherwise than by making entries in a bound book, adequate precautions must be taken for guarding against falsification and for facilitating their discovery.

Part 4
Informing Authority of Changes in Certain Particulars

Division 1—Licensed Travel Agents

13. Licensed travel agent that is company

For the purposes of section 27(c) of the Ordinance, in relation to a licensed travel agent that is a company—

- (a) the prescribed particulars of the travel agent are—
- (i) in connection with an application for the issue or renewal of a travel agent licence, any information provided by the travel agent to the Authority concerning the matters set out in section 1(a), (b), (c), (d), (e) and (f) of Schedule 2 to the Ordinance;
- (ii) if applicable, in connection with an application for the issue or renewal of a business permit, any information provided by the travel agent to the Authority concerning the intention to carry on travel agent business at the local place of business as stated in the application; and
- (iii) any information given to the Authority under paragraph (b); and
- (b) the prescribed way to inform the Authority of any change of the prescribed particulars under paragraph (a) is by giving a notice in writing to the Authority within 14 days beginning on the date on which the change takes place.

14. Licensed travel agent that is partnership

For the purposes of section 27(c) of the Ordinance, in relation to a licensed travel agent that is a partnership—

- (a) the prescribed particulars of the travel agent are—
 - (i) in connection with an application for the issue or renewal of a travel agent licence, any information provided by the travel agent to the Authority concerning the matters set out in section 1(a), (b), (c), (d), (e), (f), (g), (h) and (i) of Schedule 3 to the Ordinance;
 - (ii) if applicable, in connection with an application for the issue or renewal of a business permit, any information provided by the travel agent to the Authority concerning the intention to carry on travel agent business at the local place of business as stated in the application; and
 - (iii) any information given to the Authority under paragraph (b); and
- (b) the prescribed way to inform the Authority of any change of the prescribed particulars under paragraph (a) is by giving a notice in writing to the Authority within 14 days beginning on the date on which the change takes place.

15. Licensed travel agent that is individual

For the purposes of section 27(c) of the Ordinance, in relation to a licensed travel agent that is an individual carrying on business as a sole proprietor—

- (a) the prescribed particulars of the travel agent are—
 - (i) in connection with an application for the issue or renewal of a travel agent licence, any information provided by the travel agent to the Authority concerning the matters set out in section 1(1)(a), (b), (c), (d), (e), (f) and (g) of Schedule 4 to the Ordinance;
 - (ii) (ii) if applicable, in connection with an application for the issue or renewal of a business permit, any

- information provided by the travel agent to the Authority concerning the intention to carry on travel agent business at the local place of business as stated in the application; and
- (iii) any information given to the Authority under paragraph (b); and
- (b) the prescribed way to inform the Authority of any change of the prescribed particulars under paragraph (a) is by giving a notice in writing to the Authority within 14 days beginning on the date on which the change takes place.

Division 2—Licensed Tourist Guides and Licensed Tour Escorts

16. Licensed tourist guides and licensed tour escorts

For the purposes of section 56 of the Ordinance, in relation to a licensed tourist guide or licensed tour escort—

- (a) the prescribed particulars of the tourist guide or tour escort are—
 - (i) in connection with an application for the issue or renewal of a tourist guide licence or tour escort licence, any information provided by the tourist guide or tour escort to the Authority concerning the matters set out in section 1(1)(c), (d), (e), (f) and (g) and (2)(b) of Schedule 4 to the Ordinance; and
 - (ii) any information given to the Authority under paragraph (b); and
- (b) the prescribed way to inform the Authority of any change of the prescribed particulars under paragraph (a) is by giving a notice in writing to the Authority within 14 days beginning on the date on which the change takes place.

Part 5
Display of Tour Group Information on Vehicles

17. Prescribed information and way of display

For the purposes of section 36(1) of the Ordinance—

- (a) the prescribed information that a licensed travel agent must display on the vehicle that it arranges for transporting a tour group is—
 - (i) the number of the travel agent’s licence; and
 - (ii) the tour group number assigned to the tour group by the travel agent; and
- (b) the prescribed way to display such prescribed information is that—
 - (i) the information must be displayed clearly and prominently on the vehicle;
 - (ii) the information must not be displayed at any position that is likely to obstruct the view of the driver of the vehicle;
 - (iii) the information must not be displayed in such a way that is likely to pose any risk of injury to passengers;
 - (iv) the height of each of the characters showing the number of the travel agent’s licence must not be less than 2.5 cm;
 - (v) the height of each of the characters showing the tour group number must not be less than 2 cm; and
 - (vi) the information must not be displayed together with any other information.

Part 6

Periods within which Fresh Application may not be Made

18. No fresh application for travel agent licence, etc. within prescribed period after refusal

For the purposes of section 16(2) of the Ordinance—

- (a) in respect of a person whose application for a travel agent licence or business permit has been refused, the period during which the person may not reapply for a travel agent licence or business permit is the period of 6 months beginning on the date on which the notice of refusal under section 12(3) of the Ordinance is given;
- (b) in respect of a person whose application for the renewal of a travel agent licence or business permit has been refused, the period during which the person may not reapply for the renewal of a travel agent licence or business permit is the period of 6 months beginning on the date on which the notice of refusal under section 15(3) of the Ordinance is given.

19. No fresh application for travel agent licence, etc. within prescribed period after revocation

For the purposes of section 17(2) of the Ordinance—

- (a) in respect of a person whose travel agent licence has been revoked, the period during which the person may not reapply for a travel agent licence is the period of 6 months beginning on the date on which the revocation takes effect;
- (b) in respect of a person whose business permit has been revoked, the period during which the person may not reapply for a business permit is the period of 6 months beginning on the date on which the revocation takes effect.

20. No fresh application for tourist guide licence within prescribed period after refusal

For the purposes of section 48(2) of the Ordinance—

- (a) in respect of a person whose application for a tourist guide licence has been refused, the period during which the person may not reapply for a tourist guide licence is the period of 6 months beginning on the date on which the notice of refusal under section 44(3) of the Ordinance is given;
- (b) in respect of a person whose application for the renewal of a tourist guide licence has been refused, the period during which the person may not reapply for the renewal of a tourist guide licence is the period of 6 months beginning on the date on which the notice of refusal under section 47(3) of the Ordinance is given.

21. No fresh application for tour escort licence within prescribed period after refusal

For the purposes of section 49(2) of the Ordinance—

- (a) in respect of a person whose application for a tour escort licence has been refused, the period during which the person may not reapply for a tour escort licence is the period of 6 months beginning on the date on which the notice of refusal under section 44(3) of the Ordinance is given;
- (b) in respect of a person whose application for the renewal of a tour escort licence has been refused, the period during which the person may not reapply for the renewal of a tour escort licence is the period of 6 months beginning on the date on which the notice of refusal under section 47(3) of the Ordinance is given.

22. No fresh application for tourist guide licence within prescribed period after revocation

For the purposes of section 50(2) of the Ordinance, in respect of a person whose tourist guide licence has been revoked, the period during which the person may not reapply for a tourist guide licence is the period of 6 months beginning on the date on which the revocation takes effect.

23. No fresh application for tour escort licence within prescribed period after revocation

For the purposes of section 51(2) of the Ordinance, in respect of a person whose tour escort licence has been revoked, the period during which the person may not reapply for a tour escort licence is the period of 6 months beginning on the date on which the revocation takes effect.

24. Individual not suitable to be authorized representative within prescribed period

For the purposes of section 25(2) of the Ordinance—

- (a) in respect of an application for a travel agent licence where the Authority is not satisfied that an individual is suitable to be an authorized representative of the travel agent, the period during which the individual is also not suitable to be an authorized representative of any other travel agent is the period of 6 months beginning on the date on which the notice of refusal under section 12(3) of the Ordinance is given;
- (b) in respect of an application for the renewal of a travel agent licence where the Authority is not satisfied that an individual is suitable to be an authorized representative of the travel agent, the period during which the individual is also not suitable to be an authorized representative of any other travel agent is the period of 6 months beginning on the date on which the notice of refusal under section 15(3) of the Ordinance is given.

Part 7
Fees Payable to Authority

Division 1—Fees Payable

25. Registration fee for Mainland inbound tour group

For the purposes of section 32 of the Ordinance, in respect of a licensed travel agent who carries on Mainland inbound tour group business—

- (a) the registration fee payable for each Mainland inbound tour group for which the travel agent obtains services is \$4 per participant of the group; and
- (b) the registration fee must be paid to the Authority before the travel agent starts to obtain services for the group.

26. Fee for application for travel agent licence

For the purposes of section 7(2)(c)(i) of the Ordinance and subject to section 43, the prescribed fee for an application for a travel agent licence is \$630.

27. Fee for application for renewal of travel agent licence

For the purposes of section 13(2)(b)(i) of the Ordinance, the prescribed fee for an application for the renewal of a travel agent licence is \$0.

28. Fee for application for business permit

For the purposes of section 9(2)(c)(i) of the Ordinance, the prescribed fee for an application for a business permit is \$0.

29. Fee for application for renewal of business permit

For the purposes of section 13(2)(b)(i) of the Ordinance, the prescribed fee for an application for the renewal of a business permit is \$0.

30. Fee for application for tourist guide licence or tour escort licence

For the purposes of section 41(3)(c)(i) of the Ordinance, the prescribed fee for an application for—

- (a) a tourist guide licence is \$300; or
- (b) a tour escort licence is \$300.

31. Fee for application for renewal of tourist guide licence or tour escort licence

For the purposes of section 45(2) (b)(i) of the Ordinance, the prescribed fee for an application for the renewal of—

- (a) a tourist guide licence is \$150; or
- (b) a tour escort licence is \$150.

32. Fee for issue or renewal of travel agent licence

(1) For the purposes of section 8(2)(b) of the Ordinance and subject to section 44, the prescribed fee for the issue of a travel agent licence, which is payable for each month of the validity period of the licence to be issued, is \$485.

(2) For the purposes of section 14(2)(b) of the Ordinance and subject to section 44, the prescribed fee for the renewal of a travel agent licence, which is payable for each month of the validity period of the licence to be renewed, is \$485.

33. Fee for issue of business permit

For the purposes of section 10(2)(c) of the Ordinance, the prescribed fee for the issue of a business permit to a licensed travel agent in respect of a local place of business is—

- (a) in the case of the first business permit of the licensee which is obtained within the period of 5 years beginning on the commencement date, \$0; or
- (b) in any other case and subject to section 45(1), \$665.

34. Fee for renewal of business permit

For the purposes of section 14(3)(c) of the Ordinance, the prescribed fee for the renewal of a business permit of a licensed travel agent in respect of a local place of business is—

- (a) in the case of the first business permit of the travel agent which is obtained within the period of 5 years beginning on the commencement date, \$0; or
- (b) in any other case and subject to section 45(2), \$925.

35. Fee for issue of tourist guide licence or tour escort licence

For the purposes of section 42(2)(b) of the Ordinance, the prescribed fee for the issue of—

- (a) a tourist guide licence is \$0; or
- (b) a tour escort licence is \$0.

36. Fee for renewal of tourist guide licence or tour escort licence

For the purposes of section 46(2)(b) of the Ordinance, the prescribed fee for the renewal of—

- (a) a tourist guide licence is \$0; or
- (b) a tour escort licence is \$0.

37. Fee for application for amendment of particulars in licence or business permit

For the purposes of section 57(2)(b)(i) of the Ordinance, the prescribed fee for an application to amend any particulars contained in—

- (a) a travel agent licence is \$160;
- (b) a business permit is \$160;
- (c) a tourist guide licence is \$40; or
- (d) a tour escort licence is \$40.

38. Fee for application for duplicate of licence or business permit

For the purposes of section 58(2)(b)(i) of the Ordinance, the prescribed fee for an application for a duplicate of—

- (a) a travel agent licence is, subject to section 46(1), \$160;
- (b) a business permit is, subject to section 46(2), \$160;
- (c) a tourist guide licence is \$200; or
- (d) a tour escort licence is \$200.

39. Fee for inspection of register

For the purposes of section 64(2)(a) of the Ordinance, the prescribed fee for inspecting the register is \$35.

40. Fee for copying of register

For the purposes of section 64(2)(b) of the Ordinance, the prescribed fee for obtaining a certified copy of any particulars contained in the register is the total of—

- (a) a basic fee of \$100; and
- (b) an additional fee depending on the total number of pages obtained calculated at \$3 per A4 page or \$6 per A3 page.

Division 2—Special Arrangements for Initial Period

41. Application of Division 2

This Division applies if this Regulation comes into operation on or before 30 September 2022.

42. Interpretation of Division 2

In this Division—

aggregated validity period (總有效期) means, in relation to a travel agent licence, the aggregated length of the following—

- (a) if the licence is a pre-existing licence in respect of which any fee for the issue or the renewal of the licence has been

waived pursuant to section 12A of the former Travel Agents Regulations as amended by the Travel Agents (Amendment) Regulation 2021 (L.N. 199 of 2021), the total number of months in respect of which such fee has been waived; and

- (b) the total number of months comprising all validity periods of the travel agent licence (whether as issued or renewed) that begin within the initial period;

former Travel Agents Regulations (前《旅行代理商規例》) means the Travel Agents Regulations (Cap. 218 sub. leg. A), which has been repealed by section 3 of Schedule 11 to the Ordinance;

initial period (首段期間) means the period beginning on the commencement date and ending on 30 September 2022;

pre-existing licence (原有牌照) has the meaning given by section 1 of Schedule 10 to the Ordinance.

43. Application for travel agent licence made during initial period

Despite section 26, if an application for a travel agent licence is made during the initial period, the prescribed fee for the application is \$0.

44. Validity period of travel agent licence begins within initial period

- (1) Despite section 32(1) and subject to subsection (3), if the validity period of the travel agent licence to be issued begins within the initial period, the prescribed fee for each month of the validity period of the licence is \$0.
- (2) Despite section 32(2) and subject to subsection (3), if the validity period of the travel agent licence to be renewed begins within the initial period, the prescribed fee for each month of the validity period of the licence is \$0.
- (3) If the aggregated validity period of the travel agent licence exceeds 12 months, subsections (1) and (2) do not apply to such part of the

travel agent licence that falls after the expiry of the initial 12 months of the aggregated validity period.

45. Validity period of business permit begins within initial period

- (1) Despite section 33(b), if the validity period of the business permit to be issued begins within the initial period, the prescribed fee for the issue of the business permit is \$0.
- (2) Despite section 34(b), if the validity period of the business permit to be renewed begins within the initial period, the prescribed fee for the renewal of the business permit is \$0.

46. Application for duplicate of travel agent licence or business permit made during initial period

- (1) Despite section 38(a), if an application for a duplicate of a travel agent licence is made during the initial period, the prescribed fee for the application is \$0.
- (2) Despite section 38(b), if an application for a duplicate of a business permit is made during the initial period, the prescribed fee for the application is \$0.

Part 8

Procedures for Dealing with Minor Contraventions by Licensees

47. Application of Part 8

For the purposes of section 98(2)(b) of the Ordinance, this Part applies where the chairperson of the disciplinary committee is satisfied that a licensee's contravention of a requirement in the Ordinance is minor in nature and hence the chairperson may deal with the case in an expedited way.

48. Notice to licensee of orders intended to be made

The chairperson of the disciplinary committee must give a notice in writing to the licensee, stating—

- (a) that the chairperson is satisfied that the licensee's contravention is minor in nature; and
- (b) the orders the chairperson intends to make against the licensee under section 107(1)(a), (b), (c), (d) and (e) of the Ordinance.

49. Licensee to make representations

Within 7 days after the date of the notice referred to in section 48 (or such longer period as the chairperson of the disciplinary committee may permit), the licensee may make representations in writing to the chairperson as to why the chairperson should not make any of the orders set out in the notice.

Travel Industry Authority

Directives for Licensees

(Draft)

February 2022

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Foreward

The Travel Industry Authority (the “Authority”), established under the Travel Industry Ordinance (Cap. 634) (the “Ordinance”), performs a wide range of functions, one of which is to promote the integrity, competence and professionalism of licensees (namely travel agents, tourist guides and tour escorts).

The Authority seeks to deter and combat the malpractices of the travel industry through the Ordinance (including the primary legislation and subsidiary legislation) and the administrative measures adopted under section 152(2)(k) of the Ordinance (namely this *Directives for Licensees* (the “*Directives*”) formulated and promulgated by the Authority through administrative means). The primary legislation and subsidiary legislation set out certain criminal offences in respect of the major malpractices of the travel industry. A person who is convicted of some of the offences is liable to the maximum penalty of a fine and imprisonment, and must also be subject to disciplinary proceedings of the Authority if that person is a licensee. If a licensee is found to be in contravention of the directives issued by the Authority only, the licensee must be subject to disciplinary proceedings of the Authority.

The *Directives* regulates the activities of licensed travel agents, tourist guides and tour escorts. Licensees must comply with the relevant directives, the purpose of which is to regulate the activities of licensees in relation to the licensees’ business and/or work. The Authority may duly make necessary changes to the *Directives* depending on the situation at the time.

Note: The Authority establishes and implements an administrative scheme for regulating shops that inbound tour groups are arranged to patronize under section 152(2)(j) of the Ordinance. Since the regulatory targets of the administrative scheme are not licensees, it will not be included in the Directives. Details of the administrative scheme are available on the website of the Authority under the “Administrative Scheme for Registered Shops for Inbound Tour Groups”.

Interpretation

Unless otherwise defined in the *Directives*, the terms defined in the Travel Industry Ordinance and the Travel Industry (General) Regulation have the same meanings in the *Directives*.

In the *Directives* –

“Administrative Scheme for Registered Shops for Inbound Tour Groups” (“Administrative Scheme”) (入境旅行團註冊商店行政計劃) (“行政計劃”) means the administrative scheme established and implemented by the Authority in accordance with section 152(2)(j) of the Ordinance to regulate shops that Mainland and non-Mainland inbound tour groups are arranged to patronize, which is consisted of two parts, namely the Administrative Scheme for Registered Shops for Mainland Inbound Tour Groups (“Administrative Scheme for Mainland Groups”) (內地入境旅行團註冊商店行政計劃) (“內地團行政計劃”) and the Administrative Scheme for Registered Shops for Non-Mainland Inbound Tour Groups (“Administrative Scheme for Non-Mainland Groups”) (非內地入境旅行團註冊商店行政計劃) (“非內地團行政計劃”);

“advertisement” (宣傳品) means any information, including information accessed via electronic means by the public or a section of the public (including the Internet users), whether on payment or otherwise, addressed to the public or a section of the public, the purpose of which is to promote the product(s), service(s), brand(s), etc. of any licensed travel agent;

“activity without transport and accommodation” (不包交通及住宿的活動) means an activity at a place outside Hong Kong without transport departing from Hong Kong and accommodation outside Hong Kong, such as a one-day trip which begins and ends in Shenzhen, a half-day trip which begins and ends in Japan, etc.;

“air-plus-hotel package” (機票連酒店套票) means a combination of services and arrangements provided or obtained by a licensed travel agent for customers, which includes, without limitation, the following –

- (a) air ticket(s) departing from Hong Kong; and
- (b) accommodation outside Hong Kong;

“booking terms and conditions” (預訂條款及細則) means the document(s) prepared by a licensed travel agent concerning the relevant combination of services and arrangements booked by customers and with contents such as the respective terms and conditions, the important points and the scope of liability, etc.;

“cancellation charge” (退票費) means a charge imposed by a major transport service provider as a result of cancellation of booking by a licensed travel agent;

“coerced shopping (outbound)” (威迫購物 (外遊)) means the following situation –

a participant of an outbound package tour is taken to have been subject to coerced shopping (outbound) if harassment, coercion or undue influence is used in the promotion, sale or supply of services and products to the participant of the tour;

“emergency situation (outbound)” (緊急情況 (外遊)) means a situation where any war, political unrest, terror attack, natural disaster, pandemic, adverse weather, serious traffic accident, etc. occurs;

“free outbound package tour” (免費外遊旅行團) means an outbound package tour provided or arranged by a licensed travel agent without imposing any tour fare and other related charges on customers;

“greeting tourist guide” (接關導遊) means a tourist guide assigned by a licensed travel agent to meet and greet a Mainland inbound tour group at an immigration control point in Hong Kong;

“guaranteed to depart” (保證出發) means a situation where an outbound package tour will depart as scheduled in the absence of any reasons beyond control (outbound);

“inbound tour group organized in Mainland (outside Shenzhen)” (“Mainland (outside Shenzhen) inbound tour group”) (在內地（深圳以外）組織的入境旅行團) (“內地（深圳以外）入境旅行團”) means the Mainland inbound tour group business carried on by a licensed travel agent for the purpose of obtaining any of the services mentioned in section 5 of the Ordinance or arrangement for accommodation for a Mainland inbound tour group organized by a Mainland travel agent outside Shenzhen;

“inbound tour group organized in Mainland by non-travel agent unit” (“Mainland inbound tour group (non-travel agent unit)”) (由非旅行代理商單位在內地組織的入境旅行團) (“內地入境旅行團（非旅行代理商單位）”) means the inbound tour group business carried on by a licensed travel agent for the purpose of obtaining any of the following services for a Mainland inbound tour group organized by a unit that is a non-travel agent –

- (a) a service providing sightseeing or visits to local places of interest;
- (b) a service providing restaurant meals or other catered meals;
- (c) a service providing shopping trips;
- (d) a service providing local transport in connection with any of the services described in the above items (a), (b) and (c);
- (e) an arrangement for accommodation;

“inbound tour group organized in Shenzhen” (“Shenzhen inbound tour group”) (在深圳組織的入境旅行團) (“深圳入境旅行團”) means the Mainland inbound tour group business carried on by a licensed travel agent for the purpose of obtaining any of the services mentioned in section 5 of the Ordinance or arrangement for accommodation for a Mainland inbound tour group organized by a Mainland travel agent in Shenzhen;

“levy” (徵費) means the levy which a licensed travel agent must pay in respect of every outbound fare received by the travel agent pursuant to section 146 or 147 of the Ordinance, including the Fund levy and the Authority levy;

“local place of business” (本地營業地點) has the same meaning given to the term in section 2 of the Ordinance, which means a place of business in Hong Kong to which the public ordinarily have physical access;

“Mainland inbound tour group” (內地入境旅行團) has the same meaning given to the term in section 2(1) of the Ordinance, which means a tour group to Hong Kong from the Mainland¹;

“major transport service provider” (主要交通工具服務供應商) means an airline company, a cruise liner company, a high-speed rail company or a train company;

“media” (媒體) means any physical or electronic carrier which carries or conveys information, including but not limited to television, radio, newspapers, magazines, the Internet, mobile phones, mail (including electronic mail), leaflets, posters, billboards located outdoors or on any means of transport, etc.;

¹ A tour group visiting Hong Kong from the Mainland, regardless of whether the group has passed through one or more countries and/or places before arriving at Hong Kong, is also regarded as a Mainland inbound tour group.

“one-day inbound tour group organized in Mainland” (“Mainland one-day inbound tour group”) (在內地組織的入境一日旅行團) (“內地入境一日旅行團”) means the Mainland inbound tour group business carried on by a licensed travel agent for the purpose of obtaining any of the services mentioned in section 5 of the Ordinance for a Mainland inbound tour group organized by a Mainland travel agent, with the duration of the service(s) being one day (arrival at and departure from Hong Kong on the same day without arrangement for accommodation);

“outbound charter tour” (外遊包團) means a combination of services and arrangements which satisfies, without limitation, all of the following conditions (a) to (c) –

- (a) a licensed travel agent provides or obtains, on the requests of a customer(s), for any two or all three of the following services and arrangements for the customer(s):
 - (i) transport departing from Hong Kong and/or at any place outside Hong Kong;
 - (ii) accommodation outside Hong Kong;
 - (iii) activities outside Hong Kong;
- (b) the travel agent and the customer(s) enter into a written agreement regarding the services and arrangements²; and
- (c) the travel agent does not, or does not attempt to, solicit the customer(s) directly and openly through an advertisement in the media. For the avoidance of doubt, a licensed travel agent is not considered to be soliciting or attempting to solicit a customer(s) directly and openly through an advertisement in the media where –
 - (i) the name and licence number of the travel agent appear in the advertisement(s) published by the travel agent’s

² See the requirements set out in paragraph 2.70.

customer as the organizer of an outbound charter tour for the purpose of promoting the outbound charter tour with a specified departure date; or

- (ii) the travel agent displays or shows in places such as the travel agent's physical store(s), website(s) or electronic platform(s), etc. sample itineraries of outbound charter tours with no specified departure date and tour fare for easy reference by those who intend to arrange outbound charter tours;

“outbound fare” (外遊費) has the same meaning given to the term in section 138(1) of the Ordinance, which means the amount of any payment paid in relation to an outbound package (whether the payment amounts to the whole or a part of the price of the package);

“outbound package tour” (外遊旅行團) means a combination of services and arrangements provided or obtained by a licensed travel agent for customers, which includes, without limitation, all services and arrangements described in the following items (a) to (c) –

- (a) transport departing from Hong Kong and/or at any place outside Hong Kong;
- (b) accommodation outside Hong Kong; and
- (c) activities outside Hong Kong. For the avoidance of doubt, the mere act of a licensed travel agent booking meals, admission tickets or services outside Hong Kong for customers does not by itself constitute an act of organizing an activity outside Hong Kong;

“outbound package tour information” (外遊旅行團資料) means information on an outbound package tour displayed in whatever form and on whatever information carrier, including but not limited to any message displayed in an advertisement, itinerary, price list, departure date list, website, email, instant messaging application, other electronic means,

service booking form, enrolment form, booking terms and conditions, invoice, receipt, etc. in physical or electronic form;

“phrase with a meaning equivalent to guaranteed to depart” (與保證出發含義相同的字眼) includes “tour formed” (成團), “tour to depart” (成行), “tour already formed” (已成團), “tour ready to depart” (已成行) or any other phrase which may make customers consider the tour to be guaranteed to depart;

“reasons beyond control (inbound)” (迫不得已理由 (入境)) means the occurrence of any of the following: war, political unrest, terror attack, natural disaster, pandemic, adverse weather, technical issue in means of transport, sudden change to the frequency or cancellation of the service of any means of transport by its operator, strike, industrial action, force majeure event and any other situation of which the industry has no control and which is unfavourable to the participants of an inbound tour group to travel to Hong Kong;

“reasons beyond control (outbound)” (迫不得已理由 (外遊)) means the occurrence of any of the following: war, political unrest, terror attack, natural disaster, pandemic, adverse weather, technical issue in means of transport, sudden change to the frequency or cancellation of the service of any means of transport by its operator, strike, industrial action, travel advisory (warning) issued by the government of the place of the destination or the World Health Organization, red or black outbound travel alerts issued by the Government of the Hong Kong Special Administrative Region, force majeure event and any other situation of which the industry has no control and which is unfavourable to travel from or outside Hong Kong;

“receipt with a levy stamp” (徵費印花收據) means a receipt bearing a levy stamp which is issued by the E-levy System;

“receiving tourist guide” (接待導遊) means a tourist guide assigned by a licensed travel agent to provide reception services for a Mainland inbound tour group during the period when the tour group is in Hong Kong;

“registered shop” (註冊商店) means a shop registered with the Authority under the Administrative Scheme established and implemented under section 152(2)(j) of the Ordinance;

“self-paid activity (outbound)” (自費活動 (外遊)) means an activity which is arranged by a licensed travel agent for the participants of an outbound package tour during the journey and which satisfies the following conditions –

- (a) the participants need to pay an extra fee in addition to the tour fare of the package tour to join the activity; and
- (b) the participants may decide of their own accord whether or not to join the activity;

“study tour” (遊學團) or “exchange tour” (交流團) means an outbound package tour which satisfies the following conditions –

- (a) more than half of the tour participants of the tour are students under the age of 18; and
- (b) the main activities of the tour are language learning; educational activities; cultural, academic or knowledge exchanges; skills training; enhancement of life experience; or outdoor classroom or sightseeing activities for the purposes of broadening the participants’ horizons; etc.;

“tour escort card” (領隊卡) means the document issued with a tour escort licence or a renewed tour escort licence by the Authority to a licensed tour escort for the purposes of wearing and identification;

“tourist guide card” (導遊卡) means the document issued with a tourist guide licence or a renewed tourist guide licence by the Authority to a licensed tourist guide for the purposes of wearing and identification;

“Travel Industry (General) Regulation” (the “Regulation”) (旅遊業(一般)規例) means the subsidiary legislation made under section 163 of the Ordinance;

“Travel Industry Ordinance” (the “Ordinance”) (旅遊業條例) means Chapter 634 of the laws of Hong Kong, as amended or re-enacted from time to time;

“visa fee” (簽證費) means the fee charged by a visa-issuing authority (such as a consulate) for issuing a visa;

“work insurance for freelance tour escorts” (“FTE insurance”) (自由作業領隊工作保險) means any insurance satisfying each of the basic requirements set out in Annex 2 to the *Directives*;

“work insurance for freelance tourist guides” (“FTG insurance”) (自由作業導遊工作保險) means any insurance satisfying each of the basic requirements set out in Annex 4 to the *Directives*;

“working day” (工作日) means a day which is not a Saturday, Sunday, public holiday in Hong Kong, gale warning day (namely the day when tropical cyclone warning signal number 8 or above is issued by the Hong Kong Observatory) or black rainstorm warning day³.

³ If tropical cyclone warning signal number 8 or above, or a black rainstorm signal issued by the Hong Kong Observatory comes into effect at any time on a certain day, then that day is not a working day.

Part 1: Licensed Travel Agents

Professional ethics

- 1.1 A licensed travel agent must –
- (a) faithfully carry out the duties which the travel agent undertakes, and safeguard the interest of customers;
 - (b) not knowingly undertake any commitment beyond the resources or ability of the travel agent;
 - (c) avoid contravening the legal or contractual obligations of the travel agent;
 - (d) avoid actions and situations likely to cause doubt about the integrity of the travel agent;
 - (e) provide accurate information to customers;
 - (f) take all practicable steps to determine that all the suppliers providing products, services or arrangements, or all the products, services or arrangements provided by the suppliers, are in accordance with the law or the requirements of other regulatory bodies in Hong Kong, the destination(s) or any other applicable places;
 - (g) be conversant with and ensure that the travel agents' staff are conversant with all relevant laws and the directives issued by the Authority;
 - (h) when having a dispute with a customer, endeavour to handle the dispute in a proper and speedy manner; and
 - (i) when handling a complaint filed by a customer which involves the supplier(s) or other organizer(s), endeavour to act as an intermediary to conciliate.

Local place of business where travel agent business is carried on⁴

Exclusive use of local place of business

1.2 If a licensed travel agent exclusively uses a local place of business, the travel agent must –

- (a) ensure that the place is located in a separate and independent unit in a commercial building, or if the place is not located in a commercial building, the internal design of the place indicates that it is for commercial use only;
- (b) ensure that the place is easily and directly accessible by members of the public, such as directly accessible through the entrance to the place from a street or the lobby of the building;
- (c) set up a permanently affixed signboard or other display within the place to enable members of the public to easily identify travel agent business is being carried on at the place, except for the tour desks located in licensed hotels; and
- (d) prove that the travel agent has the right to use the place to carry on travel agent business such as by submitting a tenancy agreement, or an assignment or written confirmation to prove ownership.

⁴ According to sections 10(2)(b) and 14(3)(b) of the Ordinance, the Authority must be satisfied that the local place of business and the location of the place are suitable for travel agent business before the Authority issues a business permit, or renews a business permit.

Sharing of local place of business

1.3 If a licensed travel agent shares the same local place of business with other licensed travel agent(s), the following conditions in respect of the place must be satisfied –

- (a) the place must be located in a separate and independent unit in a commercial building, or if the place is not located in a commercial building, the internal design of the place indicates that it is for commercial use only, and must be easily identified as being used for carrying on travel agent business;
- (b) the number of licensed travel agents which occupy the place to carry on travel agent business must not exceed eight, and each travel agent must have an exclusive business area of not smaller than 30 square feet;
- (c) the exclusive business area each occupied by each travel agent must be partitioned firmly and clearly, and each area must be designated by a different number for identification;
- (d) each travel agent must prove that it has the right to use the place, such as by submitting a tenancy agreement, a written agreement or any other document(s), with the floor plan of the place enclosed, on which the name or business name of each travel agent and the location of the partitioned area of the travel agent must be marked clearly;
- (e) the name or business name of each travel agent must be displayed clearly at the entrance or a prominent place near the entrance to the place and in the relevant business area for easy identification by members of the public; and
- (f) computers and storage space for important documents must not be shared among the travel agents.

1.4 A licensed travel agent must apply for and obtain a business permit **before** changing the local place of business exclusively used by the travel agent as mentioned in paragraph 1.2, a failure of which will constitute a contravention

of section 6(3)(a) of the Ordinance. In addition, a licensed travel agent must apply to the Authority in writing 14 days before for a change to the business area of the shared local place of business as mentioned in paragraph 1.3, and the change can only be made after the application is approved by the Authority in writing.

Name and business name

1.5 A licensed travel agent must apply to the Authority in writing 14 days before for a change to the name or business name of the travel agent, or an addition of a business name, and the change or addition can only be made after the application is approved by the Authority in writing.

1.6 The name or business name to be changed or the business name to be added under the application by the travel agent must not be identical or similar to the name or business name of any other licensed travel agent⁵, and must not contain any word⁶ unrelated to tourism or the travel industry.

⁵ When considering whether the names are identical or similar, the Authority will have regard to all relevant matters, including but not limited to –

- (a) whether the significant parts of the names are visually identical or similar (if the names are only phonetically identical or similar, they will not be regarded as identical or similar);
- (b) the significant part of the name mentioned in subparagraph (a) above generally does not include the words describing the nature of the business, such as “旅遊”, “假期”, “旅運”, “Travel”, “Tour”, “Holiday”, “Vacation”, etc., and does not include the words describing geographical regions, such as “香港”, “中國”, “Hong Kong”, “HK”, “China”, etc.;
- (c) if an applicant can prove that the applicant’s controlling shareholder (that is, a shareholder holding more than 50% of the shares) is the same as that of another licensed travel agent, the application may still be considered for approval despite the name of the applicant and the name of that travel agent being similar.

⁶ For example, “Trade”.

Declaration of association with registered shops

1.7 In paragraphs 1.8 to 1.9 –

- (a) “specified person” means a shareholder, partner, sole proprietor, director(s) and/or the authorized representative of a licensed travel agent;
- (b) “specified relative” means a parent, spouse, offspring or sibling.

1.8 If a specified person as referred to in paragraph 1.7(a) belongs to either of the following situations, the licensed travel agent must file a declaration with the Authority in the form in Annex 1 to the *Directives* –

- (a) a specified person or any company of a specified person partly or wholly owns any registered shop, or is a director of any registered shop;
- (b) the specified relative of a specified person or any company of the specified relative of a specified person partly or wholly owns any registered shop, or is a director of any registered shop.

1.9 After filing a declaration with the Authority pursuant to paragraph 1.8, if there is any change in the declared status, the travel agent must notify the Authority in writing within 14 days (exclusive of the date of change) of the change.

Display of tour group information on vehicles

1.10 Pursuant to section 36(1) of the Ordinance and section 17 of the Regulation –

- (a) the prescribed information that a licensed travel agent must display on the vehicle that it arranges for transporting a tour group is –
 - (i) the number of the travel agent’s licence; and

- (ii) the tour group number assigned to the tour group by the travel agent; and
- (b) the prescribed way to display such prescribed information is that
 -
 - (i) the information must be displayed clearly and prominently on the vehicle;
 - (ii) the information must not be displayed at any position that is likely to obstruct the view of the driver of the vehicle;
 - (iii) the information must not be displayed in such a way that is likely to pose any risk of injury to passengers;
 - (iv) the height of each of the characters showing the number of the travel agent's licence must not be less than 2.5 cm;
 - (v) the height of each of the characters showing the tour group number must not be less than 2 cm; and
 - (vi) the information must not be displayed together with any other information.

1.11 Pursuant to section 36(2) of the Ordinance, a licensed travel agent who contravenes section 36(1) commits an offence and is liable on conviction to a fine at level 1.

Part 2: Outbound Services and Arrangements by Licensed Travel Agents

General directives

2.1 To promote the development of the travel industry, a licensed travel agent must –

- (a) endeavour to provide quality services to customers;
- (b) maintain and enhance the reputation, standing and goodwill of the travel industry and licensed travel agents; and
- (c) contribute to the public interest and the travel industry through benign competition and improvement of business standard.

2.2 A licensed travel agent must take all reasonable steps to safeguard the safety and interest of any participant of an outbound package tour.

Counting number of days of outbound package tour

2.3 A licensed travel agent must use the following method for counting the number of days of an outbound package tour (any day less than one day is taken as one day): the day when the transport carrying the participants of a tour is scheduled to depart from where they assemble is regarded as the first day, and the day when the transport carrying the participants is scheduled to arrive at where they are dismissed as the last day.

Related charges of outbound package tour

Additional charges

2.4 Except for reasons beyond control (outbound) or where the Authority considers appropriate (including the situations as described in paragraph 2.6), a licensed travel agent must, not less than 28 days (exclusive of the day of notice and the day of departure) before the departure of an outbound package tour, confirm the tour fare and other related charges⁷, the handling fee which may be imposed by the travel agent for cancellation of an outbound package tour for reasons beyond control (outbound), other handling charges, etc.

2.5 Unless otherwise stated in paragraph 2.6, once the tour fare and other related charges are confirmed, the travel agent must not impose any other additional charges.

2.6 In the situations set out in this paragraph, a licensed travel agent may impose an additional charge on a customer who has signed up for an outbound package tour but has not yet made a full payment of the tour fare and other related charges, if –

- (a) there is an increase in the cost of the package tour resulting from a more than 3% variation in the exchange rate;
- (b) there is an increase in the cost of the package tour due to unforeseeable circumstances, provided that there is a reasonable ground justifying the increase in the cost and the additional charge is proportionate to the increase; or

⁷ Other related charges include, without limitation, taxes, airport security charges, the outbound package tour service charges, gratuities on cruises, travel insurance premiums, visa charges and other relevant charges (including, without limitation, visa fees and the service / handling charges for processing visa).

- (c) there is an increase in the cost of air ticket(s) due to a fluctuation in fuel surcharges.

2.7 If a licensed travel agent imposes an additional charge pursuant to the situations set out in paragraph 2.6, an affected customer may, without prejudice to the customer's legal rights and obligations, elect to pay the additional charge to continue to participate in the package tour or withdraw from the package tour before its departure. In the latter case, the travel agent must –

- (a) (where a customer elects to withdraw from the package tour within seven working days (exclusive of the date of notice given by the travel agent) from the date of notice for the imposition of the additional charge given by the travel agent) within seven working days from the date of the said notice; or
- (b) (where a customer elects to withdraw from the package tour after seven working days (exclusive of the date of notice given by the travel agent) from the date of notice for the imposition of the additional charge given by the travel agent) within seven working days (exclusive of the date of withdrawal by the customer) from the date of the customer's election to withdraw from the package tour,

return, or (in the event the customer pays for the package tour by credit card⁸) arrange to refund, all monies paid by the customer.

2.8 If a licensed travel agent decides to impose an additional charge in accordance with paragraph 2.6, the travel agent must inform the customers of the decision as soon as possible.

⁸ In the *Directives*, “credit card” includes any means of electronic payment other than credit card.

Prohibition on imposing surcharges for leaving outbound package tour during journey

2.9 A licensed travel agent must not at any time and in any manner demand surcharges from, or impose surcharges on, a participant of an outbound package tour for the reason of the participant leaving the tour during the journey.

Outbound package tour service charge

2.10 If, in addition to the tour fare, a licensed travel agent imposes a service charge in respect of an outbound package tour on a customer, the travel agent must state clearly the same in the advertisement, itinerary, booking terms and conditions or any other document of the package tour, and provide the customer with the following information before the customer signs up for the package tour –

- (a) the method of calculation of the service charge (such as for each day or the whole journey) and its amount;
- (b) any or all of the following charges included in the service charge (the charge(s) included must match the person(s) who will actually provide the services) –
 - (i) the service charge for the licensed tour escort;
 - (ii) the service charge for the local guide;
 - (iii) the service charge for the tour coach driver;
 - (iv) the service charge for the related personnel of the travel agent;
- (c) the name(s) and amount(s) of any other service charge (if any) which the customer needs to pay, such as the service fee charged by a cruise liner company;
- (d) the currency (except for the Hong Kong dollar) in which the service charge is denominated; and

- (e) the terms in relation to the service charge.

2.11 If the total amount of the service charge is higher than the amount of the tour fare of an outbound package tour, a licensed travel agent must specify the total amount of the service charge in the specified manner set out in paragraph 3.15.

Booking services or arrangements

2.12 Paragraphs 2.13 to 2.18 are applicable to outbound package tours and air-plus-hotel packages.

2.13 In respect of the booking terms and conditions of an outbound package tour and an air-plus-hotel package, a licensed travel agent must –

- (a) define clearly the scope of liability owed by the travel agent towards customers, the wording of which should be in a manner easy to read and understand;
- (b) state clearly whether, in addition to the fare of the relevant combination of services and arrangements, any additional charge is imposed on a customer and the circumstances and conditions where the charge is imposed;
- (c) state clearly the travel agent's general policy in respect of the cancellation of, or alteration to any part of, the relevant combination of services and arrangements by the travel agent; and
- (d) state clearly whether, in the event of alteration to, or cancellation of, the relevant combination of services and arrangements or any part of it by a customer, the customer will be required to pay any fee for change or cancellation, and (where applicable) state clearly the amount and the basis of calculating the fees and the circumstances and conditions where the fees are payable.

2.14 A licensed travel agent must, prior to a customer making a booking of any combination of services and arrangements, explain to the customer the applicable booking terms and conditions.

2.15 A licensed travel agent must ensure that the information stated in a booking form for travel arrangements is correct and the other booking requirements by a customer are also stated clearly in the booking form.

2.16 If a customer requests a licensed travel agent to check the travel document of the customer, the travel agent must duly check the document. If any problem is identified, the travel agent must communicate and clarify the same with the customer.

2.17 When accepting a booking, a licensed travel agent must, on request of a customer –

- (a) provide information on the health requirements necessary for the journey;
- (b) provide information on the visa requirements necessary for the journey; and
- (c) so far as is practicable, arrange for the other services requested by the customer.

2.18 Pursuant to the general requirements prescribed under section 11 of the Regulation, a licensed travel agent must –

- (a) in any letter, account, receipt, pamphlet, brochure or other documents issued in whatever form by or on behalf of the travel agent in the capacity of a travel agent, state clearly and conspicuously –
 - (i) the name and, if applicable, the business name, of the licensee; and
 - (ii) the number of the travel agent's licence; and

- (b) prior to requesting any payment from a customer for any service to be provided, whether by way of deposit or otherwise, give the customer full particulars of the service.

2.19 Except for the information stated in paragraph 2.18, a receipt or invoice issued by a licensed travel agent or the travel agent's representative to a customer must contain details on the travel service or product booked and must also contain the following information (if applicable) –

- (a) the telephone number, email address and (if applicable) address of the travel agent;
- (b) the number of the invoice and/or receipt;
- (c) the name of the payer and/or the person who will use the travel service or product booked;
- (d) the price of the travel service or product;
- (e) the amount of deposit or outstanding balance paid, or the amount of payment in full;
- (f) payment details, including the name and amount of each payment item;
- (g) the booking date and payment date;
- (h) description of product –
 - (i) (for an air ticket) one way or return, the destination, name of the airline, flight number and class;
 - (ii) (for an air-plus-hotel package) one way or return, the destination, name of the airline, flight number and class, and the name, location and room type of, and dates of stay in, the hotel(s);
 - (iii) (for a cruise product) the destination, the name of the cruise ship, the number of days of the trip and the room type;

- (iv) (for an outbound package tour) the destination and the duration of the tour;
- (v) (for a booking of hotel rooms) the name, location and room type of, and dates of stay in, the hotel(s);
- (vi) (for an application for a visa) the visa fee and handling fee; and
- (vii) the departure and return dates, or the validity period of the relevant service and product.

Arrangements of licensed tour escort

Arrangements of licensed tour escort accompanying outbound package tour

2.20 A licensed travel agent must make available to a customer the itinerary of an outbound package tour before the customer signs up for the package tour, and the following must be stated in the itinerary –

- (a) whether there will be any licensed tour escort accompanying the package tour;
- (b) whether the licensed tour escort will accompany the package tour throughout the whole journey; and
- (c) the period during which the licensed tour escort will accompany the package tour.

Relationship between licensed travel agent and licensed tour escort

2.21 A licensed travel agent must provide each licensed tour escort with a duty list to set out the duties and responsibilities of tour escort.

2.22 A licensed travel agent must enter into a service agreement with a licensed tour escort before assigning the tour escort to perform the duties of tour escort, which states that the travel agent –

- (a) must make payment of service remunerations to the tour escort;
- (b) must not require the tour escort to bear or unreasonably advance any payment for an outbound package tour; and
- (c) must not delay the reimbursement for any advance payment made by the tour escort.

Work insurance for freelance tour escorts

2.23 In paragraphs 2.24 and 2.25, “freelance tour escort” means a licensed tour escort not covered by the Employees’ Compensation Ordinance (Cap. 282).

2.24 If a licensed travel agent assigns a freelance tour escort to perform the duties of tour escort, the travel agent must –

- (a) take practicable steps to ensure that the tour escort is covered by FTE insurance at any time during the entire duration when the tour escort performs the duties of tour escort outside Hong Kong as assigned by the travel agent; and
- (b) provide a premium subsidy in accordance with the provisions set out in Annex 2 to the *Directives*, or provide the tour escort with FTE insurance.

2.25 For the avoidance of doubt –

- (a) the method of calculating the number of days of an outbound package tour as stated in paragraphs 4 and 5 in Annex 2 to the *Directives* is different from that stipulated in paragraph 2.3;
- (b) a licensed travel agent must not assign a freelance tour escort who for any reason (including but not limited to the age of tour

escort has exceeded the coverage under FTE insurance) is not covered by FTE insurance; and

- (c) if a freelance tour escort who is not covered by FTE insurance performs the duties of tour escort assigned by a licensed travel agent, it does not constitute a breach on the tour escort's part of the requirements under paragraph 2.24.

Self-paid activities (outbound)

2.26 A licensed travel agent must include the fee of any activity not being a self-paid activity (outbound) in the tour fare of an outbound package tour, and must not impose on the participants of the package tour any fee in addition to the tour fare in respect of that activity.

2.27 A licensed travel agent must reserve time and arrange for any self-paid activities (outbound) included in the itinerary of an outbound package tour. Unless otherwise in the circumstances specified in the itinerary or the list of self-paid activities (outbound), the self-paid activities (outbound) must be arranged according to the itinerary.

2.28 A licensed travel agent must ensure that all self-paid activities (outbound) comply with all of the following requirements, irrespective of whether the self-paid activities (outbound) are included in the itinerary of an outbound package tour –

- (a) the travel agent must, before a customer signs up for the package tour, provide an itinerary or a list of the self-paid activities (outbound), which must specify –
 - (i) detailed information on each self-paid activity (outbound) recommended by the travel agent;
 - (ii) information on the arrangements for those participants who do not join a self-paid activity (outbound); and

- (iii) the participants may decide of their own accord whether or not to join a self-paid activity (outbound);
- (b) the detailed information on the self-paid activities (outbound) as referred to in subparagraph (a)(i) above must include all of the following items –
 - (i) the names and contents of the self-paid activities (outbound) (including the time the self-paid activities (outbound) begin, the duration of and the travelling time for the self-paid activities (outbound));
 - (ii) the amount and details of the fees of the self-paid activities (outbound) (including whether the fees for adults and children are the same, whether the fees are fixed, whether the fees are subject to the number of participants of the self-paid activities (outbound), the refund arrangements in the event of cancellation, etc.);
 - (iii) the conditions for arranging the self-paid activities (outbound) (including the limit on the number of participants, etc.) and the consequences for non-fulfilment of the foregoing conditions (including cancellation or postponement of the self-paid activities (outbound) or shortening of the duration of the self-paid activities (outbound), etc.); and
 - (iv) safety and other issues which the customers need to pay attention to.

2.29 A licensed travel agent may re-arrange the order of self-paid activities (outbound) subject to the actual situations.

Cancellation of outbound package tour not for reasons beyond control (outbound)

2.30 If a licensed travel agent, for any reason other than reasons beyond control (outbound), cancels an outbound package tour before its departure, the travel agent must notify customers of the cancellation in the manner set out below, failing which the travel agent must handle the cancellation in accordance with paragraph 2.32 –

- (a) (for cancellation of an outbound package tour the duration of which is three days or less) notifying the customers at least one day before departure (exclusive of the day of notice to the customers and the day of departure);
- (b) (for cancellation of an outbound package tour the duration of which is four days to nine days) notifying the customers at least seven days before departure (exclusive of the day of notice to the customers and the day of departure);
- (c) (for cancellation of an outbound package tour the duration of which is 10 days or more) notifying the customers at least 14 days before departure (exclusive of the day of notice to the customers and the day of departure).

2.31 If a licensed travel agent cancels an outbound package tour pursuant to the requirements set out in paragraph 2.30, the travel agent must –

- (a) (in the event a customer pays for the package tour by any means other than credit card) refund the monies paid by the customer within seven working days (exclusive of the date of notice given by the travel agent) from the date of cancellation notice given by the travel agent; or
- (b) (in the event a customer pays for the package tour by credit card) arrange to refund the monies paid by the customer in the manner specified in paragraph 2.36.

2.32 If the travel agent fails to notify a customer of the cancellation of an outbound package tour within the period set out in paragraph 2.30, the travel agent must –

- (a) (in the event a customer pays for the package tour by any means other than credit card) refund the monies paid by the customer and pay a sum equivalent to 15% of the outbound tour fare (subject to a maximum amount of HK\$1,000) as compensation to the customer within seven working days (exclusive of the date of notice given by the travel agent) from the date of cancellation notice given by the travel agent; or
- (b) (in the event a customer pays for the package tour by credit card) arrange to refund the monies paid by the customer and pay a sum equivalent to 15% of the outbound tour fare (subject to a maximum amount of HK\$1,000) as compensation to the customer in the manner specified in paragraph 2.36.

2.33 A licensed travel agent must, before a customer signs up for an outbound package tour, make available to the customer the information on notices and refund arrangements set out in paragraphs 2.30 to 2.32 and applicable to the package tour.

2.34 In respect of the notice issued to customers in accordance with paragraph 2.30, a licensed travel agent must adopt a reasonable means⁹ to issue the notice to customers. The travel agent must keep the relevant notice records for a minimum period of one year.

⁹ A reasonable means includes, without limitation, recordable telephone messages or voicemails, SMS, instant messaging application, emails, other electronic means, fax, post, etc.

Refund arrangements for payment of tour fare and other related charges of outbound package tour by credit card

2.35 Paragraph 2.36 is applicable to outbound package tours which are not outbound charter tours.

2.36 A licensed travel agent must make refund applications to card-issuing institutions¹⁰ for payment by credit card of the tour fare and other related charges of an outbound package tour within seven working days (exclusive of the date of notice given by the travel agent) from the date of cancellation notice given by the travel agent, and so far as is practicable ensure that the customers are refunded with all the monies paid if the package tour is cancelled prior to departure for any reason other than reasons beyond control (outbound).

Refund arrangements for visa-related charges

2.37 Paragraphs 2.38 to 2.40 are applicable to the situation below –

- (a) a licensed travel agent cancels an outbound package tour for any reason other than reasons beyond control (outbound);
- (b) the tour is not an outbound charter tour; and
- (c) the customers of the tour have paid the travel agent the service or handling charge(s) for visa applications.

2.38 In the situation set out in paragraph 2.37, the travel agent must –

- (a) (in the event a customer pays for the package tour by any means other than credit card) refund the visa application service charge or handling charge paid by the customer within seven working days (exclusive of the date of notice given by the travel agent) from the date of cancellation notice given by the travel agent; or

¹⁰ In the *Directives*, “card-issuing institution” includes an institution which operates any means of electronic payment other than credit card.

- (b) (in the event a customer pays for the package tour by credit card) arrange to refund the visa application service charge or handling charge paid by the customer in the manner specified in paragraph 2.36.

2.39 In the situation set out in paragraph 2.37, if the travel agent has already applied on the customers' behalf for a group visa, which is invalid for use by each customer individually, the travel agent must –

- (a) (in the event a customer pays for the package tour by any means other than credit card) refund the group visa fee paid by the customer within seven working days (exclusive of the date of notice given by the travel agent) from the date of cancellation notice given by the travel agent; or
- (b) (in the event a customer pays for the package tour by credit card) arrange to refund the group visa fee paid by the customer in the manner specified in paragraph 2.36.

2.40 In the situation set out in paragraph 2.37, if the travel agent has applied on a customer's behalf for a visa which is not a group visa, the travel agent may deduct from the refund to the customer an amount equivalent to the visa fee paid by the travel agent.

Cancellation of outbound package tour for reasons beyond control (outbound)

2.41 Paragraphs 2.42 to 2.54 are applicable to outbound package tours which are not outbound charter tours.

2.42 A licensed travel agent must state clearly in information such as the booking terms and conditions of an outbound package tour the fee arrangements (namely the cancellation charges and the handling fees (if any) stated in paragraph

2.44(b)) if the package tour is cancelled because of reasons beyond control (outbound)2.44.¹¹

2.43 A licensed travel agent must ensure that the information on the fee arrangements as referred to in paragraph 2.42 is available to customers before they sign up for an outbound package tour.

2.44 If a licensed travel agent cancels an outbound package tour before departure for reasons beyond control (outbound), the travel agent must –

- (a) notify the customers of the package tour as quickly as possible;
- (b) when notifying the customers of the cancellation of the package tour, inform clearly the customers that cancellation charges may be imposed and the amount of handling fees (if any) for cancelling the package tour;
- (c) use reasonable endeavours to seek a waiver of all cancellation charges from the major transport service providers; and
- (d) use reasonable endeavours to assist the customers in making claims to insurance companies.

2.45 If the major transport service providers allow the travel agent which has cancelled the bookings to have the paid monies retained by the major transport service providers for future use, the travel agent must not impose any cancellation charge on the customers.

2.46 If the major transport service providers impose cancellation charges, the travel agent must submit to the Authority the specified information set out in

¹¹ A licensed travel agent may refer to the following template: “According to the Directives issued by the Travel Industry Authority (the Authority), if a licensed travel agent cancels an outbound package tour for any reason beyond control (outbound), the travel agent may charge cancellation charges when handling the relevant refund and handling fees as stated in the relevant information on the outbound package tour. For the Directives issued by the Authority, please visit the Authority’s website at www.tia.org.hk.”

Annex 3 to the *Directives* and the supporting documents issued by the major transport service providers (if any) before the travel agent may proceed to impose any cancellation charges.¹²

2.47 The travel agent must notify the customers of the amounts of the cancellation charges within seven working days (exclusive of the date of submission) from the date of submission of the written proof to the Authority by the travel agent as referred to in paragraph 2.46. The travel agent may, when making refunds to the customers, impose the cancellation charges, provided that the total amount so charged does not exceed the aggregate of the tour fare and other related charges paid by the customers.

2.48 If the travel agent does not impose the cancellation charges, unless the customers agree that the tour fare and other related charges paid by the customers are to be retained by the travel agent for payment of other products or services provided by the travel agent, the travel agent must –

- (a) (in the event a customer pays for the package tour by any means other than credit card) refund the monies paid by the customer (after deducting the handling fees (if any)) within seven working days (exclusive of the date of notice given by the travel agent) from the date of cancellation notice given by the travel agent; or
- (b) (in the event a customer pays for the package tour by credit card) arrange to refund the monies paid by the customer (after deducting the handling fees (if any)) in the manner specified in paragraph 2.56.

2.49 If the travel agent imposes the cancellation charges, unless the customers agree that the tour fare and other related charges paid by the customers

¹² All written proof and supporting documents submitted by a licensed travel agent will be uploaded to the Authority's website (www.tia.org.hk) and published in any other means as the Authority considers appropriate.

are to be retained by the travel agent for payment of other products or services provided by the travel agent, the travel agent must –

- (a) (in the event a customer pays for the package tour by any means other than credit card) refund the monies paid (after deducting the handling fees (if any) and the cancellation charges) within seven working days (exclusive of the date of submission) from the date of submission of the written proof to the Authority by the travel agent as referred to in paragraph 2.46; or
- (b) (in the event a customer pays for the package tour by credit card) arrange to refund the monies paid by the customer (after deducting the handling fees (if any) and cancellation charges) in the manner specified in paragraph 2.56.

2.50 The monies which must be refunded or arranged to be refunded as mentioned in paragraphs 2.48 and 2.49 include but not limited to the tour fare, air passenger departure tax, fuel surcharges imposed by airlines, service charges imposed by the travel agent, etc. But the visa-related charges must be handled pursuant to the provisions under paragraph 2.58.

2.51 If the travel agent allows the tour fare and other related charges paid by the customers to be retained for payment of other products or services provided by the travel agent, the travel agent must not take back the relevant receipts with levy stamps, so that the customers may apply to the Authority for ex gratia payments from the Travel Industry Compensation Fund if necessary.

2.52 If the customers spend the retained monies of the tour fare and other related charges paid to purchase other products or services provided by the travel agent, the travel agent must handle the transactions in accordance with the applicable requirements then in force.

2.53 If the customers are unable to spend the retained monies before the original deadline for reasons beyond control (outbound), the travel agent must take the initiative to contact the customers to discuss how to handle the retained monies.

2.54 If, after the departure of an outbound package tour, a licensed travel agent ends the journey of the package tour for reasons beyond control (outbound), the travel agent must, within one month after the customers return to Hong Kong, refund, or (in the event a customer pays for the package tour by credit card) arrange to refund in accordance with paragraph 2.56, 2.56the monies paid in proportion to the reduction in costs, and submit the relevant supporting documents or information as required by the Authority.

Refund arrangements for payment of tour fare and other related charges of outbound package tour by credit card

2.55 Paragraph 2.56 is applicable to outbound package tours which are not outbound charter tours.

2.56 If a licensed travel agent cancels an outbound package tour prior to departure for reasons beyond control (outbound), the travel agent must –

- (a) (in the event the travel agent does not impose cancellation charges) within seven working days (exclusive of the date of notice given by the travel agent) from the date of cancellation notice given by the travel agent; or
- (b) (in the event the travel agent imposes cancellation charges) within seven working days (exclusive of the date of submission) from the date of submission of the written proof to the Authority by the travel agent as referred to in paragraph 2.46,

make refund applications to card-issuing institutions for payment of the tour fare and other related charges made by credit card by the customers, and use reasonable endeavours to ensure that the customers are refunded with all the monies paid.

Refund arrangements for visa-related charges

2.57 Paragraph 2.58 is applicable to outbound package tours which are not outbound charter tours.

2.58 If a licensed travel agent cancels an outbound package tour for reasons beyond control (outbound), the travel agent may deduct from the refund to a customer an amount equivalent to the service charge or handling charge for applying for a visa on the customer's behalf and the visa fee paid by the travel agent.

Cancellation of outbound package tour which is guaranteed to depart

2.59 Without limiting and in addition to paragraph 2.32, if a licensed travel agent makes any representation, warranty or undertaking to customers that an outbound package tour is guaranteed to depart and then cancels the package tour for any reason other than reasons beyond control (outbound), the travel agent must refund, or arrange to refund, all the monies paid by the customers in accordance with the applicable requirements under paragraphs 2.30 to 2.40, and pay a sum equivalent to 15% of the tour fare (subject to a maximum amount of HK\$1,500) as compensation to the customers within seven working days (exclusive of the date of notice given by the travel agent) from the date of cancellation notice given by the travel agent.

2.60 For the avoidance of doubt, (a) if a licensed travel agent cancels an outbound package tour for reasons beyond control (outbound), the travel agent need not pay compensation to the customers pursuant to paragraphs 2.32 and 2.59; and (b) if a licensed travel agent cancels an outbound package tour which is guaranteed to depart for any reason other than reasons beyond control (outbound) and fails to notify the customers in accordance with paragraph 2.30, the travel agent must pay compensation to the customers pursuant to paragraphs 2.32 and 2.59.

2.61 If a licensed travel agent makes a representation, warranty or undertaking that an outbound package tour is guaranteed to depart and then collects part or all of the tour fare and other related charges of the package tour from a customer, the travel agent will be deemed to have made a representation, warranty or undertaking to the customer that the package tour is guaranteed to depart, in which case the travel agent must specify that the package tour is guaranteed to depart on the receipt or any other document proving payment of the tour fare and other related charges by the customer.

2.62 If a licensed travel agent mentions in outbound package tour information that an outbound package tour is guaranteed to depart or any phrase with a meaning equivalent to guaranteed to depart, no terms and conditions in contradiction to the meaning of guaranteed to depart may be included in the outbound package tour information.

Alteration to component of outbound package tour

Alteration to component of outbound package tour for reasons beyond control (outbound)

2.63 Without limiting and in addition to paragraphs 2.4 to 2.11, if a licensed travel agent alters a component of an outbound package tour prior to departure for reasons beyond control (outbound) which results in an increase in the cost of the package tour, the travel agent must notify customers without delay and allow the customers to, without prejudice to their legal rights and obligations, elect to pay an additional charge to continue to participate in the package tour or withdraw from the package tour before its departure. In the latter case, the travel agent must

—

- (a) (where a customer elects to withdraw from the package tour within seven working days (exclusive of the date of notice given by the travel agent) from the date of alteration notice given by the travel agent) within seven working days (exclusive of the

date of notice given by the travel agent) from the date of the notification of alteration; or

- (b) (where a customer elects to withdraw from the package tour after seven working days (exclusive of the date of notice given by the travel agent) from the date of alteration notice given by the travel agent) within seven working days (exclusive of the date of withdrawal notice given by the customer) from the date of notice to withdraw from the package tour given by the customer,

refund, or (in the event the customer pays for the package tour by credit card) arrange to refund, all monies paid by the customer.

2.64 If the alteration as referred to in paragraph 2.63 results in a reduction in the cost of the package tour, the travel agent must refund, or (in the event a customer pays for the outbound package tour by credit card) arrange to refund, a sum in proportion to the reduction in the cost of the package tour to the customers within seven working days (exclusive of the date of notice given by the travel agent) from the date of alteration notice given by the travel agent.

2.65 If a licensed travel agent alters a component of an outbound package tour after departure for reasons beyond control (outbound) which results in an increase in the cost of the package tour, the travel agent may impose an additional charge on customers. If the alteration results in a reduction in the cost of the package tour, the travel agent must refund, or (in the event a customer pays for the outbound package tour by credit card) arrange to refund, a sum in proportion to the reduction in the of the package tour to the customers within one month after the package tour returns to Hong Kong.

Alteration to component of outbound package tour not for reasons beyond control (outbound)

2.66 If a licensed travel agent alters a component of an outbound package tour after departure for any reason other than reasons beyond control (outbound) which results in an increase in the cost of the package tour, the travel agent must

not impose an additional charge on customers. If the alteration results in a reduction in the cost of the package tour, the travel agent must refund, or (in the event a customer pays for the package tour by credit card) arrange to refund, a sum in proportion to the reduction in the cost of the package tour to the customers within one month after the package tour returns to Hong Kong.

Alteration to component of outbound package tour in any situation

2.67 If there is an alteration to a travel service, product or arrangement for which a booking has been accepted by a licensed travel agent, the travel agent must inform the customers immediately after being aware of the alteration. If the organizer or supplier of the travel service, product or arrangement is engaged in any negotiation on the alteration with the customers, the travel agent must seek to conciliate with reasonable endeavours.

Notification of emergency situation (outbound)

2.68 A licensed travel agent must designate a person responsible for handling any emergency situation (outbound). If an emergency situation (outbound) occurs in any destination of outbound travel, the designated person must, immediately or not more than 12 hours in any event counting from the occurrence of the emergency situation (outbound), use reasonable endeavours and to the best knowledge and belief of the travel agent submit the following information to the Authority –

- (a) where there is any customer of any outbound package provided or arranged by the travel agent in the destination, the number of the customers; and
- (b) details as the Authority and/or any department of the Government of the Hong Kong Special Administrative Region or relevant authority may request in respect of the emergency situation (outbound).

Outbound charter tour

Requirements not applicable to outbound charter tour

- 2.69 The following requirements do not apply to outbound charter tours –
- (a) paragraphs 2.4 to 2.8 (concerning additional charges);
 - (b) paragraphs 2.36 and 2.56 (concerning refund arrangements for payment of the tour fare and other related charges of an outbound package tour by credit card);
 - (c) paragraphs 2.38 to 2.40 and paragraph 2.58 (concerning refund arrangements for visa-related charges);
 - (d) paragraphs 2.42 to 2.54 (concerning the cancellation of an outbound package tour for reasons beyond control (outbound)); and
 - (e) paragraphs 2.63 to 2.65 (concerning an alteration to a component of an outbound package tour for reasons beyond control (outbound)).

Written agreement for outbound charter tour

- 2.70 In the written agreement as referred to in the interpretation of “outbound charter tour”, a licensed travel agent must –
- (a) specify all directives issued by the Authority that are not applicable to an outbound charter tour and state that customers will not be protected by these directives; and
 - (b) stipulate provisions for the cancellation of an outbound charter tour.

Chartered study tour or exchange tour

2.71 If a licensed travel agent arranges or organizes a chartered study tour or exchange tour, the travel agent must comply with the requirements set out in paragraphs 2.76 to 2.89.

Free outbound package tour

2.72 If a licensed travel agent provides or arranges a free outbound package tour, the travel agent must not impose any fare in any form on customers, including but not limited to transport fares and fuel surcharges, fees for accommodation outside Hong Kong, fees for activities including self-paid activities (outbound), meal charges, visa fees, government taxes, airport security charges, service fees for collecting taxes or other charges on behalf of airlines or governments, service and/or handling charges for handling visa applications, outbound package tour service charges, etc.

2.73 Since the travel agent does not receive any tour fare and other related charges in the situation as referred to in paragraph 2.72, the travel agent need not pay a levy and therefore, the receipts issued to the participants of the package tour need not bear a levy stamp. For the avoidance of doubt, the travel agent must notify clearly the participants of the package tour that they are not protected by the Travel Industry Compensation Fund.

2.74 The travel agent as referred to in paragraph 2.72 must –

- (a) state the following sentence: “Participants of free outbound package tours are not protected by the Travel Industry Compensation Fund.” in the specified manner set out in paragraph 3.17; and
- (b) take out comprehensive travel insurance (the scope of which must include medical coverage, personal accident coverage and emergency assistance and the insured activities must cover all the activities of the free outbound package tour) for the participants of the package tour without imposing any fee.

2.75 For the avoidance of doubt, unless otherwise specified, all directives governing outbound package tours are applicable to free outbound package tours.

Study tour and exchange tour

Interpretation of “tour participant”, “tour participant’s representative” and “tour-accompanying helper”

2.76 In paragraphs 2.77 to 2.89 –

- (a) “tour participant” means any following person who participates in a study tour or exchange tour (excluding a tour-accompanying helper defined in subparagraph (c)) –
 - (i) a student;
 - (ii) the parent, guardian or carer of a student;
 - (iii) a delegate of the tour organizer;
- (b) “tour participant’s representative” means the parent or guardian or carer of a tour participant who is a student, or a delegate of the tour organizer;
- (c) “tour-accompanying helper” means a person who is assigned by the licensed travel agent and/or the tour organizer and who departs with the study tour or exchange tour and takes care of the tour participants during the journey.

Information on study tour or exchange tour

2.77 A licensed travel agent must provide the itinerary, booking terms and conditions and other information of a study tour or exchange tour to the tour participants or the tour participants’ representatives before they sign up for the tour.

Alteration of arrangements

2.78 Before the departure of a study tour or exchange tour, if any of its arrangements is altered, a licensed travel agent must immediately notify the tour participants or the tour participants' representatives of the alteration. If the tour participants or the tour participants' representatives –

- (a) accept the alteration, the travel agent must request them to sign a confirmation form;
- (b) do not accept the alteration, the travel agent must cancel the tour and handle the cancellation in accordance with the applicable requirements.

2.79 After the departure of a study tour or exchange tour –

- (a) if any of the arrangements for accommodation is altered, a licensed travel agent must immediately notify the tour participants or the tour participants' representatives of the alteration, and, without limiting and in addition to any applicable directives issued by the Authority, pay a sum equivalent to 15% of the tour fare (subject to a maximum amount of HK\$1,500) as compensation to each of the tour participants, unless the alteration is made for reasons beyond control (outbound) or at the request of the tour participants or the tour participants' representatives; and
- (b) if any of the arrangements other than those for accommodation is altered, the travel agent must handle the alteration in accordance with the applicable requirements.

Insurance

2.80 A licensed travel agent must, in respect of a study tour or exchange tour provided or arranged by the travel agent, ensure that –

- (a) all the tour-accompanying helpers are covered by the relevant work insurance;
- (b) all the tour participants are covered by comprehensive travel insurance; and
- (c) those who are not covered by the relevant insurance must not join the tour.

2.81 The scope of the comprehensive travel insurance as referred to in paragraph 2.80(b) must include medical coverage, personal accident coverage, emergency assistance, etc. and the insured activities must cover all the activities (including self-paid activities (outbound)) of the tour.

2.82 If the tour fare includes the comprehensive travel insurance as referred to in paragraph 2.80(b), the travel agent must provide the tour participants or the tour participants' representatives with the information on the scope of coverage of the insurance before the departure of the tour.

Confirmation form

2.83 A licensed travel agent must request the tour participants or the tour participants' representatives to sign a confirmation form for acceptance of all arrangements stated in the itinerary, booking terms and conditions and other information of a study tour or exchange tour, and for undertaking to observe all booking terms and conditions of the tour.

2.84 On the confirmation form as referred to in paragraph 2.83, the travel agent may request the tour participants or the tour participants' representatives to authorize the travel agent to decide how to handle an emergency during the journey for and on behalf of the tour participants.

Tour-accompanying helper

2.85 A licensed travel agent must ensure that there is at least one licensed tour escort¹³ as a tour-accompanying helper on each study tour or exchange tour.

2.86 If a study tour or exchange tour is travelling on two or more tour coaches, a licensed travel agent must ensure that there is at least one licensed tour escort as a tour-accompanying helper on each tour coach, except where the tour participants of the tour are arranged to travel on different coaches for the purposes of communication between the tour participants and international students, etc.

Others

2.87 If a licensed travel agent arranges self-paid activities (outbound) for a study tour or exchange tour, the travel agent must ensure that the tour participants or the tour participants' representatives have determined before departure which self-paid activities (outbound) to join, signed a confirmation form and paid the relevant fees for the activities. The travel agent must not arrange any additional self-paid activity or charge any fee for self-paid activities (outbound) after departure.

2.88 A licensed travel agent must include the service charges of a study tour or exchange tour in the tour fare and must not impose any extra charge on tour participants or the tour participants' representatives.

2.89 For the avoidance of doubt, the requirements which do not apply to outbound charter tours as mentioned in paragraph 2.69 apply to chartered study tours and exchange tours, and paragraph 2.70 does not apply to chartered study tours and exchange tours¹⁴.

¹³ The tour escort may not necessarily be assigned by the travel agent.

¹⁴ A licensed travel agent must, when entering into an agreement with the tour participants of a chartered study tour or exchange tour with special needs, advise on the terms in the agreement according

Ticketing

2.90 If a licensed travel agent fails to provide an air ticket requested by a customer at the originally agreed price, the travel agent must fully refund all monies paid to the customer immediately without imposing any handling charge.

2.91 If a licensed travel agent who has dealt directly with a customer has issued an air ticket or a document serving as an air ticket to the customer who has fully paid for the air ticket, the travel agent and the supplier(s) providing the air ticket for the travel agent must not unilaterally cancel the booking of the seat, cause the air ticket to be void, apply for a ticket refund, etc., unless the air ticket is cancelled by the airline.

Air-plus-hotel package

2.92 A licensed travel agent must specify on the receipt of an air-plus-hotel package booked by a customer that the package is “subject to confirmation” (尚待確定) or “confirmed” (已經確定), or any other phrases which can also convey clearly and accurately the same meaning.

2.93 For a booked air-plus-hotel package which is subject to confirmation –

- (a) a licensed travel agent must work out a confirmation date agreed by a customer and specify the date on the receipt;
- (b) if the travel agent fails to provide the package at the originally agreed price on the confirmation date, the travel agent must refund all the monies paid by the customer in accordance with the applicable requirements within three working days counting from the first working day after the confirmation date, or make a refund application to the card-issuing institution for payment by credit card within that period and use reasonable endeavours to ensure that the customer is refunded with all the monies paid,

to the circumstances of the tour participants in order to give due protection to the tour participants.

but need not pay compensation in accordance with paragraph 2.94(b) and (c); and

- (c) the travel agent must handle the package in accordance with subparagraphs (a) and (b) above irrespective of whether the date on which the customer makes a booking or the confirmation date worked out by the travel agent and agreed by the customer falls within seven days before departure (see paragraph 2.94(a)(i)).

2.94 For a booked air-plus-hotel package which is confirmed –

- (a) if a licensed travel agent fails to provide a customer with the package but has collected **full payment or a deposit**, the travel agent must –
 - (i) notify the customer at least seven days before the departure date (exclusive of the dates of notice given by the travel agent to the customer and departure), failing which the travel agent must handle the booking in accordance with subparagraph (b) below; and
 - (ii) within three working days counting from the first working day after the date of notice given by the travel agent to the customer, refund the monies paid by the customer in accordance with the applicable requirements, or make a refund application to the card-issuing institution for payment by credit card within that period and use reasonable endeavours to ensure that the customer is refunded with all the monies paid;
- (b) without limiting and in addition to subparagraph (a)(ii) above, if the travel agent does not comply with the requirements in subparagraph (a)(i) above, the travel agent must pay a sum equivalent to 15% of the price of the package (and subject to a maximum amount of HK\$1,000) as compensation to the customer within three working days counting from the first working date after the date of notice given by the travel agent to

the customer. Even if a customer makes a booking within seven days before departure, the travel agent must also pay compensation pursuant to this subparagraph;

- (c) without limiting and in addition to subparagraphs (a) and (b) above, if the travel agent fails to provide the package but **has collected full payment**, the travel agent must pay a sum equivalent to 15% of the price of the package (subject to a maximum amount of HK\$1,000) as compensation to the customer within three working days counting from the first working day after the date of notice given by the travel agent to the customer;¹⁵
- (d) if a licensed travel agent fails to provide the customer with the booked air-plus-hotel package for reasons beyond control (outbound), the travel agent need not make any compensation in accordance with subparagraphs (b) and (c) above.

2.95 For the avoidance of doubt, the following requirements do not apply to air-plus-hotel packages –

- (a) paragraphs 2.30 to 2.40 (concerning the cancellation of an outbound package tour not for reasons beyond control (outbound));
- (b) paragraphs 2.41 to 2.58 (concerning the cancellation of an outbound package tour for reasons beyond control (outbound)); and
- (c) paragraphs 2.59 to 2.62 (concerning the cancellation of an outbound package tour which is guaranteed to depart).

¹⁵ In other words, if a licensed travel agent fails to comply with the requirement of notice period as specified in paragraph 2.94(a)(i) and fails to provide a package that has been full paid, the travel agent must pay a total sum equivalent to 30% of the price of the package (subject to a maximum amount of HK\$2,000) as compensation.

Levy

Interpretation

2.96 In paragraphs 2.97 to 2.114 –

- (a) without limiting the interpretation of “outbound fare” given in section 138(1) of the Ordinance, outbound fares include but are not limited to the following payments related to the journey: air passenger departure tax, security charges, visa-related charges, travel insurance premiums, fuel surcharges, supplements for single rooms, fees for additional beds and breakfast, etc.; and
- (b) “receipt” means any document proving payment of an outbound fare to a licensed travel agent by a customer.

Obligations to pay levy

2.97 Pursuant to sections 146(1) and 147(1) of the Ordinance, a licensed travel agent is liable to, in respect of every outbound fare received by the travel agent –

- (a) pay to the Authority a levy (“Authority levy”); and
- (b) contribute to the Compensation Fund by way of levy (“Fund levy”).

2.98 Pursuant to sections 146(2) and (3) and 147(2) and (3) of the Ordinance, the amount of the levy is equal to a designated percentage of the outbound fare received, and the percentage will be specified by the Secretary for Commerce and Economic Development by notice published in the Gazette. Currently, the percentage is –

- (a) in respect of the Authority levy, 0.15%; and
- (b) in respect of the Fund levy, 0%.

Payment of levy and issue of receipts

2.99 When a licensed travel agent pays a levy through the E-levy System, the travel agent must enter the correct amount of the outbound fare and other information as required into the E-levy System.

2.100 When a licensed travel agent receives an outbound fare from a customer, the travel agent must issue a receipt bearing a levy stamp in respect of the paid levy.

2.101 A licensed travel agent must ensure that the levy stamp on a receipt is legible, the ratio of length to width of which must be 3.5 to 1, with its size not smaller than 7 cm x 2 cm.

2.102 After preparing the receipt with a levy stamp, a licensed travel agent must provide the customer who has paid an outbound fare with the original or copy of the receipt by means of fax, email, instant messaging application or other electronic means, etc. on or before the next working day after the payment of the outbound fare by the customer.

2.103 The receipt with a levy stamp must be issued to a customer by the licensed travel agent who sells an outbound package directly to and receives an outbound fare directly from the customer.

2.104 A licensed travel agent must ensure that the following sentence in English and Chinese, with a size not smaller than the smallest print as shown on the same page of the receipts, must be stated on all receipts: “*Travellers must obtain a receipt with a levy stamp to be protected by the Travel Industry Compensation Fund.* 旅客必須取得徵費印花收據，方可獲得旅遊業賠償基金的保障。”.

2.105 A licensed travel agent must specify clearly on the receipt with a levy stamp or its appendix the full name of each customer who has purchased an outbound package to ensure that the customer is eligible for the protection by the Travel Industry Compensation Fund.

Refund of levy

2.106 A licensed travel agent may, after paying a levy, apply to the Authority for a refund of the levy according to the procedures and in a manner specified by the Authority if a situation such as where an outbound package tour is cancelled, a customer of an outbound package tour joins another package tour, etc. occurs.

2.107 A licensed travel agent must enclose the relevant documentary proof with each application for a refund of the levy. Any application without sufficient documentary proof will not be processed.

2.108 If a licensed travel agent applies for a refund of the levy, the application must be made within one year (counting from the date on the levy stamp) after the levy is paid. In case of special circumstances, a licensed travel agent may apply to the Authority for an extension of time limit from one year to two years for an application for a refund of certain levy paid. The Authority may determine whether to accept or reject the application for time extension by the travel agent.

Collection of cost of levy from customer

2.109 If a licensed travel agent collects partially or wholly the cost of levy from a customer –

- (a) the amount collected must not exceed the amount of the relevant levy;
- (b) the travel agent must specify the cost and its amount collected on the receipt, and must not specify it as “徵費”, “印花徵費”, “levy” or other phrases with a similar meaning, but may specify it as “印花徵費的成本”, “印花成本”, “徵費成本”, “cost of levy” or other similar phrases; and
- (c) the travel agent must inform the customer before an outbound fare is paid that the cost of levy will be collected partially or wholly by the travel agent.

Explaining protection by Travel Industry Compensation Fund

2.110 When a licensed travel agent sells an outbound package, the travel agent must explain clearly to customers the scope of protection and the relevant details by the Travel Industry Compensation Fund (including but not limited to the fact that a licensed travel agent is liable to pay the levy only after an outbound fare is received, and only upon payment of the levy is a customer protected by the Fund).

2.111 If the outbound fare of a travel product is to be received by a licensed travel agent only after the completion of the journey, the travel agent must inform a customer that –

- (a) if the customer does not pay the outbound fare before departure, a receipt with a levy stamp will not be issued to the customer, who therefore will be ineligible for the protection by the Fund. But the customer may choose to pay the outbound fare before departure in order to be eligible for the protection by the Fund; or
- (b) the customer may pay part of the outbound fare in order to obtain a receipt with a levy stamp in order to be eligible for the protection by the Fund.

Protection for customer making separate purchases of services or arrangements relating to same tour

2.112 If a licensed travel agent sells outbound services or arrangements in respect of which no levy is payable, the travel agent must inform customers of the following message –

“If you buy later or have bought earlier an outbound service or arrangement from our company, and that service or arrangement and the outbound service or arrangement you plan to buy now relate to the same tour, please tell us by then or now accordingly so that we shall combine those services and/or arrangements into an outbound package

and pay the levy, thus enabling you to be protected by the Travel Industry Compensation Fund.”

2.113 A licensed travel agent must inform customers of the message set out in paragraph 2.112 by the following means –

- (a) if the travel agent conducts transactions with a customer in a physical store, displaying that message in a conspicuous place (e.g. in the contract to be signed with the customer or on the receipt) and requesting the customer to sign an acknowledgement and confirmation of that message;
- (b) if the travel agent conducts transactions with a customer by using a website or any other communication network platform, displaying that message on the relevant webpage or platform and requesting the customer to acknowledge and confirm that message on that website or platform; and
- (c) if the travel agent conducts transactions with a customer through a telephone system, adding a voice message containing that message (e.g. a pre-set voice message) and requesting the customer to acknowledge and confirm that message through the telephone system.

2.114 A licensed travel agent must properly keep the records properly as required in paragraph 2.113 for a minimum period of one year for inspection by the Authority.

Activity at place outside Hong Kong with no transportation and accommodation included

2.115 Since an activity without transport and accommodation is not an outbound package, the fee paid by a customer in relation to that activity is not an outbound fare, and a licensed travel agent need not pay the levy in respect of the fee, with the result that the customer is not protected by the Travel Industry Compensation Fund.

2.116 To ensure that a customer understands clearly the details, nature and scope of protection in relation to an activity without transport and accommodation, a licensed travel agent must, when selling the activity, state clearly in the relevant advertisement(s), itinerary, any other document or receipt, and notify the customer before the transaction that the activity –

- (a) is not protected by the Travel Industry Compensation Fund; and
- (b) whether the activity will be accompanied by a licensed tour escort.

Reminding customers to take out travel insurance

2.117 A licensed travel agent must remind customers at the time of booking outbound services or arrangements of the importance of taking out travel insurance on their own, and advise that the scope of the travel insurance taken out by the customers should cover all the activities of the journey.

2.118 If a tour fare includes travel insurance, a licensed travel agent must provide customers with information on the travel insurance to enable the customers to understand clearly the insurance coverage.

Coerced shopping (outbound)

2.119 If a licensed travel agent arranges an outbound package tour, the travel agent must, in connection with any shopping trip provided to the package tour, take all reasonable steps to ensure that –

- (a) no participant of the package tour is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
- (b) no participant of the package tour is subject to coerced shopping (outbound), whether during the shopping trip or otherwise.

Participants of outbound package tour must not be abandoned

2.120 A licensed travel agent must not abandon or threaten to abandon any participant of an outbound package tour arranged by the travel agent.

Part 3: Advertisements Published by Licensed Travel Agents

General directives

3.1 An advertisement published by a licensed travel agent, whether in Hong Kong or at any place outside Hong Kong, must be legal and not contain any false or misleading statement or information, and a licensed travel agent must not be reckless as to whether the statement or information contained in the advertisement published by the travel agent is false or misleading.

3.2 A licensed travel agent making a claim (including but not limited to “the number one”, “the best in Hong Kong” or “exclusive”) in an advertisement must ensure that the claim complies with the applicable laws, rules and regulations, including but not limited to the relevant requirements under the Trade Descriptions Ordinance (Cap. 362).

3.3 If a licensed travel agent advertises any award the travel agent has received, the travel agent must state clearly in the space adjacent to the description of the award the name of the awarding institution and the adjudication period, using a font size not smaller than half of that used for the title of the award.

3.4 Pursuant to the general requirements prescribed under section 11 of the Regulation, a licensed travel agent must in any advertisement published in whatever form by or on behalf of the travel agent in the capacity of a travel agent, state clearly and conspicuously –

- (a) the name and, if applicable, the business name, of the licensee;
and
- (b) the number of the travel agent’s licence.

3.5 A licensed travel agent must not include the name of any other licensed travel agent in any advertisement unless a prior written consent from that other travel agent has been obtained.

3.6 A licensed travel agent must not publish an advertisement which attacks or discredits the goodwill of any other competitor, competitive product or advertisement, whether directly or by implication.

3.7 A licensed travel agent must not mention the validity period of the travel agent's licence or the validity period of the licence of any other licensed travel agent in any advertisement.

3.8 A licensed travel agent must not publish any advertisement that contains the Authority's name or logo without obtaining a prior written permission from the Authority.

Advertisement for outbound package and air ticket

3.9 If a product in an advertisement is a combination of outbound services and/or arrangements, a licensed travel agent must state clearly in the advertisement the components of the combination of outbound services and/or arrangements; otherwise, the travel agent must not use "package" or any other phrase with a similar meaning in the advertisement.

3.10 A licensed travel agent must ensure that the airfares (if any) contained in an advertisement are true and based on adult fares.

3.11 A licensed travel agent must indicate clearly in an advertisement whether the airfares are for one-way or round-trip, together with the full names, abbreviations or logos of the relevant airlines.

3.12 If the airfares contained in an advertisement include fares other than adult fares (including but not limited to student, foreign domestic helper, child and infant fares), the other fares and information must be indicated clearly in the

advertisement in the manner specified in paragraph 3.11 and (where the adult fares are contained in the same advertisement) placed alongside the corresponding adult fares with the font size for all kinds of fares being identical.

3.13 All the expressions and terms and conditions, with the exception of the full names and abbreviations of the destinations and the airlines, contained in an advertisement relating to airfares must be in the same language.

Advertisement for outbound package tour

3.14 A licensed travel agent must indicate clearly in an advertisement for outbound package tours the prices and duration of the package tours, together with the full names, abbreviations or logos of the relevant airlines. The prices must be based on the standard of half of a twin room for adults and an economy-class seat on an aircraft; any prices different from the said standard must be stated clearly. If the advertisement contains discounted prices with conditions attached, those prices must be placed alongside their corresponding non-discounted prices (with the font size for both kinds of prices being identical) and the conditions for the discounts must be stated clearly.

3.15 If the total amount of the outbound package tour service charge is higher than the amount of the tour fare of an outbound package tour, a licensed travel agent must specify, in the advertisement, itinerary, booking terms and conditions or other information of the package tour, the total amount of that service charge, which must be alongside the amount of that tour fare in a font (including but not limited to its size and colour) identical with the font of that tour fare.

3.16 If an outbound package tour does not take flights from and to Hong Kong, the advertisement for the package tour must state clearly the place(s) from which the flight first departs and/or to which the flight returns. If an outbound package tour does not use air transport, the advertisement for the package tour must state clearly the means of transport used. If an outbound package tour does

not depart from Hong Kong, the advertisement for the package tour must state clearly the point of departure.

3.17 In the advertisement, itinerary, booking terms and conditions or other information of a free outbound package tour, a licensed travel agent must state clearly in the space near the name of the package tour in an easily readable font the following sentence: *“Participants of free outbound package tours are not protected by the Travel Industry Compensation Fund”*.

Part 4: Inbound Travel Services by Licensed Travel Agents

Directives applicable to all inbound travel services

Inbound tour group business must not be subcontracted

4.1 A licensed travel agent must not subcontract any inbound tour group business to any company or person (tourist guide included) who does not hold a travel agent licence.

Contract

4.2 A licensed travel agent must enter into a written service contract with any Mainland and non-Mainland travel agent¹⁶.

4.3 In respect of any moral obligations generally regarded by the inbound travel industry as necessary (such as assisting visitors in admitting to hospitals and seeking medical treatment in case of illness or an accident), albeit the same may not be stated in the contract, the travel agent must as far as practicable meet the moral obligations.

Arrangements concerning imposition of reception fee and provision of reception services

4.4 The contract mentioned in paragraph 4.2 must state clearly the terms of and deadline(s) for payment.

¹⁶ Unless otherwise specified, a Mainland / non-Mainland travel agent as referred to in paragraphs 4.1 to 4.34 includes a Mainland / non-Mainland non-travel agent unit.

4.5 Unless otherwise specified in paragraph 4.6, if the Mainland or non-Mainland travel agent fails to pay any fee by the stipulated deadline(s) pursuant to the terms of the contract, a licensed travel agent may without breach of any terms under the contract terminate the transaction, in which case, the licensed travel agent must notify in writing the Mainland or non-Mainland travel agent of the decision of terminating the transaction 24 hours before the scheduled arrival of the tour group in Hong Kong and file a copy of the notice with the Authority for keeping on record.

4.6 If a licensed travel agent has agreed that the Mainland or non-Mainland travel agent only pays the reception fee or any monies due and payable after the entry of the tour group into Hong Kong, the licensed travel agent must, despite the fee or monies not having been paid to the travel agent after the entry of the tour group into Hong Kong, provide all items and activities included in the itinerary as stated in the contract until the completion of the items and activities.

Accommodation

4.7 A licensed travel agent must ensure that the contract mentioned in paragraph 4.2 states clearly the name(s) and type(s) of accommodation of an inbound tour group.

4.8 If a licensed travel agent needs to alter the accommodation because of any reasons beyond control (inbound), it must ensure that the standard of the new accommodation must not be lower than that of the original accommodation.

4.9 A licensed travel agent must receive an inbound tour group only after accommodation has been confirmed by the service provider(s) or other suppliers of the accommodation.

4.10 A licensed travel agent must send proof of confirmation of reservations of the accommodation to the Mainland or non-Mainland travel agent.

Transport

4.11 A licensed travel agent must ensure that the contract mentioned in paragraph 4.2 states clearly the means of transport to be used by an inbound tour group.

4.12 A licensed travel agent must ensure that any vehicle used to transport inbound visitors, whether rented or owned by the travel agent, must be approved by the Transport Department for the service of transporting the visitors.

Restaurant and meals

4.13 A licensed travel agent must ensure that the contract mentioned in paragraph 4.2 states clearly the number and types of meals to be served.

4.14 When selecting a restaurant, a licensed travel agent must pay attention to the hygienic conditions of the restaurant.

Itinerary and self-paid activity

4.15 The contract mentioned in paragraph 4.2 must state clearly the attractions included in the itinerary and must state whether the fee(s) charged includes all the admission fees and whether there is any self-paid activity.

4.16 If a licensed travel agent permits directly or indirectly a licensed tourist guide to sell a self-paid activity to the participants of an inbound tour group, the travel agent must provide the participants with a written information on the contents and fees of the self-paid activity. The travel agent must allow the participants of the tour group to choose freely whether or not to join the self-paid activity and must make appropriate arrangements for those visitors who choose not to join.

4.17 Unless otherwise stipulated in paragraphs 4.18 and 4.19, a licensed travel agent must arrange for all attractions included in the itinerary to be visited

and must explain to the Mainland or non-Mainland travel agent and the participants of an inbound tour group in detail if any item in the itinerary is cancelled or altered for any reasons beyond control (inbound).

4.18 If a licensed travel agent has cancelled or altered any item in the itinerary not for any reasons beyond control (inbound), resulting in an increase in the operation cost, the travel agent must not recover from the participants of an inbound tour group the increased cost.

4.19 If a licensed travel agent has cancelled or altered any item in the itinerary for any reasons beyond control (inbound), resulting in an increase in the operation cost, the travel agent may, without contravening any provision of the contract, recover from the participants of an inbound tour group a sum equal to the actual increase in the cost.

Shopping trip

4.20 A licensed travel agent must ensure that the contract mentioned in paragraph 4.2 states clearly the details of all shopping trips.

4.21 A licensed travel agent must arrange shopping trips according to the contract and must only arrange for the participants of an inbound tour group to patronize those shops already validly registered by the travel agent with the Authority under the Administrative Scheme¹⁷.

4.22 If the participants of an inbound tour group are dissatisfied with what they have bought at any registered shop designated or arranged by a licensed travel agent, the travel agent must assist the participants in applying for a refund. If the participants are dissatisfied with the souvenir(s) or product(s) they have

¹⁷ For the avoidance of doubt, if the Authority has suspended or revoked the registration of a registered shop, the shop is not considered to be validly registered under the Administrative Scheme.

bought on the tour coach and request a refund, the travel agent must be responsible for handling the refund request.

4.23 Pursuant to the licence conditions prescribed under section 7 of the Regulation, in relation to an inbound tour group for which a licensed travel agent obtains services, the travel agent must –

- (a) take all reasonable steps to safeguard the safety and interest of any participant of the group;
- (b) in connection with any shopping trip provided to the group, take all reasonable steps to ensure that –
 - (i) no participant of the group is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
 - (ii) no participant of the group is subject to coerced shopping, whether during the shopping trip or otherwise; and
- (c) not abandon or threaten to abandon any participant of the group when any such service is being provided to the participants of the group.

4.24 Pursuant to section 6(3)(b) and (5) of the Ordinance, a licensed travel agent who does not carry on travel agent business in accordance with the conditions imposed on the travel agent licence concerned commits an offence and is liable –

- (a) on conviction on indictment to a fine at level 6 and to imprisonment for two years; or
- (b) on summary conviction to a fine at level 3 and to imprisonment for 6 months.

Prohibition on imposition of additional charge

4.25 Unless otherwise stipulated in paragraph 4.26, in respect of a Mainland or non-Mainland inbound tour group, a licensed travel agent must not in any way impose or impose on behalf of others, or attempt to impose or attempt to impose on behalf of others, any additional charge on a participant of the tour group, except for the fee which the participant needs to pay for participating in a self-paid activity.

4.26 In respect of a non-Mainland inbound tour group, a licensed travel agent may impose an additional charge on a participant of the tour group according to the instruction of the non-Mainland travel agent who organizes the tour group.

Matters related to licensed tourist guides

4.27 A licensed travel agent must take all practicable measures to ensure that the licensed tourist guides assigned by the travel agent comply with the relevant directives issued by the Authority.

4.28 If any designated service charge for a licensed tourist guide is to be paid by the participants of an inbound tour group, a licensed travel agent must ensure that the Mainland or non-Mainland travel agent stipulates the designated service charge in the contract entered into between the Mainland or non-Mainland travel agent and the participants or the promotional leaflet distributed to the participants.

4.29 A licensed travel agent must provide each licensed tourist guide with a duty list to set out the duties and responsibilities of tourist guide.

4.30 A licensed travel agent must enter into a service agreement with a licensed tourist guide before assigning the tourist guide to perform the duties of tourist guide, which states that the travel agent –

- (a) must make payment of service remunerations to the tourist guide;

- (b) must not require the tourist guide to bear or unreasonably advance any payment for receiving an inbound tour group; and
- (c) must not delay the reimbursement for any advance payment made by the tourist guide.

Work insurance for freelance tourist guides

4.31 In paragraphs 4.32 to 4.34, “freelance tourist guide” means a tourist guide who satisfies the following conditions –

- (a) a licensed tourist guide assigned by a licensed travel agent to work as a tourist guide for an inbound tour group; and
- (b) the tourist guide is not covered by the Employees’ Compensation Ordinance (Cap. 282).

4.32 Unless otherwise stipulated in paragraph 4.33, if a licensed travel agent assigns a freelance tourist guide to perform the duties of tourist guide, the travel agent must –

- (a) take practicable steps to ensure that the tourist guide is covered by FTG insurance at any time during the entire duration when the tourist guide performs the duties of tourist guide in Hong Kong as assigned by the travel agent; and
- (b) provide the tourist guide with a premium subsidy or the protection under FTG insurance in accordance with the provisions set out in Annex 4 to the *Directives*.

4.33 Paragraph 4.32 is not applicable to the following situations –

- (a) the tourist guide is not covered by FTG insurance for the sole reason of age; or
- (b) the majority of the participants of the tour group are local residents.

4.34 For the avoidance of doubt, if a freelance tourist guide who is not covered by FTG insurance performs the duties of tourist guide assigned by a licensed travel agent, it does not constitute a breach on the tourist guide's part of the requirements under paragraph 4.32.

Directives only applicable to Mainland inbound tour groups

Entering into contract which contains specified key points with unit which organizes Mainland inbound tour groups

4.35 Before receiving a Mainland inbound tour group, a licensed travel agents must enter into a contract which contains all the applicable key points stated in Annex 5 to the *Directives* with the unit which organizes the tour group.

4.36 If the Authority issues a written notice to the travel agent requesting the travel agent to submit the contract as referred to in paragraph 4.35, the travel agent must submit to the Authority the contract within two working days (exclusive of the date of notice given by the Authority) counting from the date of the notice.

Distribution of itineraries to participants of Mainland inbound tour group

4.37 If a licensed travel agent receives a Mainland inbound tour group, the travel agent must immediately distribute an itinerary through a licensed tourist guide to each participant aged 12 or above of the tour group on its arrival in Hong Kong.

4.38 The travel agent must ensure that the itinerary mentioned in paragraph 4.37 is printed on A4 paper and contains all the contents set out in subparagraphs (a) to (e) below –

- (a) General information

- (i) the name, address and telephone number of the travel agent, and the name and contact number of the travel agent's contact person;
 - (ii) the name and tour code of the tour group;
 - (iii) the arrival date and the departure date of the tour group;
 - (iv) the name, number of the tourist guide licence and contact number of the licensed tourist guide assigned to receive the tour group;
 - (v) the name and telephone number of the Mainland travel agent;
- (b) Itinerary arrangements
- (i) details on the meals, accommodation, transport, sightseeing, entertainment, etc., and the name of each of the registered shops which the tour group visits and the duration of each of the visits to the registered shops, as specified in the itinerary;
 - (ii) details on any items in the itinerary not arranged by the travel agent (if any);
- (c) Fees and charges
- (i) details on the fees of all self-paid activities, service charges and any other charges;
- (d) Notes to participants of the tour group
- (i) information about the rights and duties of, and protection for, the participants of the tour group, which must include the following sentences inside the quotation marks:

“根據香港的旅遊業監管局規定 ——

1. 凡經香港的持牌旅行代理商安排到註冊商店購物的入境旅行團的參與者，持牌導遊不得強迫有關參與者購物，也不得強留有關參與者在註冊商店內。有關參與者如對所購貨品不滿，並於購買日起計六個月內提出退款要求，可獲『內地入境旅行團註冊商店行政計劃』的保障（須憑單據正本辦理退款手續，有關貨品須沒有損壞，亦沒有因使用而導致的損耗，方可獲全數退回貨款）；
2. 入境旅行團的參與者可自由選擇是否參加自費活動，對於不參加自費活動的參與者，香港的持牌旅行代理商須提供適當安排；
3. 持牌導遊不得以香港特別行政區政府或任何機構的名義，向入境旅行團的參與者兜售紀念品等物品或作宣傳或推廣用途，除非事先取得香港特別行政區政府或有關機構的書面許可；
4. 持牌導遊不得扣起或取去入境旅行團的參與者的旅遊證件，除非有關行為出於正當原因而且所持持續的時間合理。”

which means the following –

According to the requirements of the Travel Industry Authority in Hong Kong –

1. *A licensed tourist guide must not force the participants of an inbound tour group who are arranged by a licensed travel agent in Hong Kong to patronize a registered shop to make purchases or remain inside the registered shop. If the participants are dissatisfied with their purchases and make a refund request within six months from the date of purchase, they are entitled to*

the protection under the Administrative Scheme for Registered Shops for Mainland Inbound Tour Groups (they must return the original receipt and the purchased item(s), which must be undamaged and on which there must be no wear and tear because of use, in order to be entitled to a full refund);

2. Participants of an inbound tour group may choose freely whether or not to join self-paid activities. The licensed travel agent in Hong Kong must make appropriate arrangements for those who choose not to join the self-paid activities;

3. A licensed tourist guide must not peddle souvenirs and other items to participants of an inbound tour group or promote for publicity or promotional purposes in the name of the Government of the Hong Kong Special Administrative Region or any organization, unless prior written permission has been obtained from the Government of the Hong Kong Special Administrative Region or the organization;

4. A licensed tourist guide must not seize or take away the travel documents of participants of an inbound tour group unless that act is made on a proper ground and lasts for a reasonable period of time.

(e) Relevant hotlines

- (i) the Travel Industry Authority's hotline: (852) [XXXX XXXX]
- (ii) the Consumer Council's hotline: (852) [XXXX XXXX]
- (iii) the Hong Kong Tourism Board's hotline: (852) [XXXX XXXX]

4.39 The travel agent must mark clearly “行程表” (itinerary) as the title of the itinerary mentioned in paragraph 4.37 and must print the sentence “請保留此行程表以保障權益” (please keep this itinerary to protect your interests) underneath “行程表”. The sentences inside the quotation marks in paragraph 4.38(d) and the hotlines mentioned in paragraph 4.38(e) must be printed underneath “請保留此行程表以保障權益” with a legible font, the size of which must not be smaller than 12 points.

4.40 The travel agent must instruct the tourist guide, while distributing the itinerary to participants of the tour group, to read out –

- (a) the sentence “請保留此行程表以保障權益”;
- (b) the name of the travel agent mentioned in paragraph 4.38(a)(i);
- (c) the name of the tourist guide mentioned in paragraph 4.38(a)(iv);
- (d) the itinerary arrangements mentioned in paragraph 4.38(b);
- (e) the fees and charges mentioned in paragraph 4.38(c)(i);
- (f) the sentences inside the quotation marks mentioned in paragraph 4.38(d)(i); and
- (g) the relevant hotlines mentioned in paragraph 4.38(e).

Assigning the same licensed tourist guide to receive Mainland inbound tour group throughout whole journey

4.41 Unless otherwise stated in paragraphs 4.42 and 4.43, a licensed travel agent must assign the same receiving tourist guide to provide reception services for the same Mainland inbound tour group during the whole period when the tour group is in Hong Kong, except when the participants of the tour group are on their own for an unarranged activity.

4.42 A licensed travel agent may assign a greeting tourist guide to meet and greet a Mainland inbound tour group at an immigration control point, take the tour group to the first attraction on the itinerary¹⁸ and then hand over the tour group to the receiving tourist guide.

4.43 If a licensed travel agent intends to transport the same Mainland inbound tour group with more than one vehicle, the travel agent must treat the passengers on each vehicle as a Mainland inbound tour group, and assign a receiving tourist guide to each vehicle in accordance with paragraph 4.41, and comply with all relevant directives.

4.44 For the avoidance of doubt, a receiving tourist guide and a greeting tourist guide (if any) assigned by a licensed travel agent must be licensed tourist guides.

4.45 A receiving tourist guide and a greeting tourist guide (if any) must be assigned directly by a licensed travel agent.

4.46 A licensed travel agent must not change the originally assigned receiving tourist guide or greeting tourist guide (if any) without any valid ground.

Entering into service agreement with licensed tourist guide receiving Mainland inbound tour group

4.47 Before assigning a licensed tourist guide to receive a Mainland inbound tour group, a licensed travel agent and the tourist guide must enter into the service agreement in Annex 6 to the *Directives*.

4.48 In addition to entering into the service agreement mentioned in paragraph 4.47, the travel agent and the tourist guide may enter into a side

¹⁸ The greeting tourist guide must hand over the tour group to the receiving tourist guide before the tour group visits the first attraction.

agreement, but the terms of the side agreement must not contravene with the Ordinance, the Regulation or the directives issued by the Authority.

4.49 A licensed travel agent who violates the following terms in the service agreement as mentioned in paragraph 4.47 will be deemed to be in breach of the *Directives*:

- (a) paragraph 3 (relating to remuneration for services provided by the travel agent to the tourist guide); and
- (b) paragraph 13 (relating to the submission of the service agreement entered into by the travel agent and the tourist guide to the Authority).

Registration of Mainland inbound tour group

Rules generally applicable to registration of Mainland inbound tour group

4.50 A licensed travel agent must register with the Authority each Mainland inbound tour group which the travel agent receives in the manner specified in paragraphs 4.51 to 4.67.

4.51 A licensed travel agent must, depending on the situation, make use of the registration forms in Annex 7 to Annex 10 and Annex 12 to Annex 14 to the *Directives* to register Mainland inbound tour groups. A registration form can only register one Mainland inbound tour group.

4.52 Pursuant to section 32 of the Ordinance and section 25 of the Regulation, in respect of a licensed travel agent who carries on Mainland inbound tour group business –

- (a) the registration fee payable for each Mainland inbound tour group for which the travel agent obtains services is HK\$4 per participant of the group; and

- (b) the registration fee must be paid to the Authority before the travel agent starts to obtain services for the group.

4.53 A licensed travel agent must not make any change to any registered arrangement after registering a Mainland inbound tour group with the Authority, except for any reasons beyond control (inbound) or having a reasonable excuse. If the travel agent, for any reasons beyond control (inbound) or having a reasonable excuse, needs to make a change to –

- (a) the registered receiving tourist guide or greeting tourist guide (if any), the travel agent must immediately notify the Authority in writing after making the change;
- (b) the registered accommodation, the travel agent must immediately notify the Authority in writing after making the change and ensure that the standard of the new accommodation must not be lower than that of the original accommodation.

4.54 The travel agent must enter the names of two persons in charge¹⁹ in the registration form, both of whom must not be the receiving tourist guide or the greeting tourist guide (if any) entered in the registration form. If an incident happens to the tour group entered in the registration form, the travel agent must ensure that at least one of the two persons in charge must be at the scene to handle the incident.

4.55 If the travel agent submits a registration form by facsimile or electronic mail to the Authority, the travel agent must deliver the original of the registration form to the Authority for filing within seven days from the date of arrival of the tour group in Hong Kong.

¹⁹ If the travel agent is a company / partnership / individual carrying on business as a sole proprietor, one of the two persons in charge must be a director / partner / the individual respectively, and the other must be an employee, or a director / partner / the individual respectively.

Applicable requirements for registration of Mainland (outside Shenzhen) inbound tour group

4.56 For each Mainland (outside Shenzhen) inbound tour group received by a licensed travel agent, the travel agent must –

- (a) make use of the form in Annex 7 to the *Directives* to register the tour group at least two days (exclusive of the date of arrival in Hong Kong) before it arrives in Hong Kong if the itinerary of the tour group includes any shopping trip; and
- (b) make use of the form in Annex 8 to the *Directives* to register the tour group at least one day (exclusive of the date of arrival in Hong Kong) before it arrives in Hong Kong if the itinerary of the tour group does not include any shopping trip.

4.57 When submitting a registration form to the Authority, the travel agent must pay the registration fee in the manner specified by the Authority and file the registration form, together with (if applicable) proof of accommodation related to and only for the Mainland (outside Shenzhen) inbound tour group, with the Authority for registration by fax ([XXXX-XXXX]), by email ([XXX]@tia.org.hk) or by hand.

Applicable requirements for registration of Shenzhen inbound tour group

4.58 For each Shenzhen inbound tour group received by a licensed travel agent, the travel agent must –

- (a) make use of the form in Annex 9 to the *Directives* to register the tour group at least two days (exclusive of the date of arrival in Hong Kong) before it arrives in Hong Kong if the itinerary of the tour group includes any shopping trip; and
- (b) make use of the form in Annex 10Annex 10 to the *Directives* to register the tour group at least one day (exclusive of the date of arrival in Hong Kong) before it arrives in Hong Kong if the itinerary of the tour group does not include any shopping trip.

4.59 A licensed travel agent who receives Shenzhen inbound tour groups must apply to the Authority to register a designated email address by using the form in Annex 11 to the *Directives*. The designated email address is valid only after it is confirmed by the Authority. All valid designated email addresses will be published on the Authority's website. If a licensed travel agent needs to change the registered designated email address, the travel agent must re-apply to the Authority.

4.60 A licensed travel agent must make use of the valid designated email address to receive and send information on Shenzhen inbound tour groups sent by travel agents in Shenzhen through their designated email addresses, and to submit the relevant registration forms to the Authority.

4.61 Without contravening paragraph 4.62, when a licensed travel agent submits a registration form to the Authority, the licensed travel agent must pay the registration fee in the manner specified by the Authority and attach the registration form, together with (if applicable) proof of accommodation related to and only for the Shenzhen inbound tour group, to the email sent by a travel agent in Shenzhen through its designated email address to the licensed travel agent's designated email address, and then forward that email to the Authority's email address (XXX@tia.org.hk) for registration through the licensed travel agent's registered designated email address.

4.62 The same email from the same travel agent in Shenzhen, when forwarded to the Authority for registration, must only be used in respect of registration forms for Shenzhen inbound tour groups which are organized by that travel agent in Shenzhen and which arrive in Hong Kong on the same day.

4.63 A licensed travel agent must retain the email correspondence with travel agents in Shenzhen and information on the relevant Shenzhen inbound tour groups (including the registration forms) for at least one year for inspection by the Authority.

Applicable requirements for registration of Mainland one-day inbound tour group

4.64 For each Mainland one-day inbound tour group received by a licensed travel agent, the travel agent must make use of the form in Annex 12Annex 12 to the *Directives* to register the tour group at least one day (exclusive of the date of arrival in Hong Kong) before the tour group arrives in Hong Kong.

4.65 When submitting a registration form to the Authority, the travel agent must pay the registration fee in the manner specified by the Authority and file the registration form with the Authority for registration by fax ([XXXX-XXXX]), by email (XXX@tia.org.hk) or by hand.

Applicable requirements for registration of Mainland inbound tour group (non-travel agent unit)

4.66 For each Mainland inbound tour group (non-travel agent unit) received by a licensed travel agent, the travel agent must –

- (a) make use of the form in Annex 13 to the *Directives* to register the tour group at least two days (exclusive of the date of arrival in Hong Kong) before it arrives in Hong Kong if the itinerary of the tour group includes any shopping trip; and
- (b) make use of the form in Annex 14 to the *Directives* to register the tour group at least one day (exclusive of the date of arrival in Hong Kong) before it arrives in Hong Kong if the itinerary of the tour group does not include any shopping trip.

4.67 When submitting a registration form to the Authority, the travel agent does not need to pay the registration fee, but must file the registration form, together with (if applicable) proof of accommodation related to and only for the Mainland inbound tour group (non-travel agent unit), with the Authority for registration by fax (XXXX-XXXX), by email (XXX@tia.org.hk) or by hand.

Part 5: Licensed Tour Escorts

General directives

5.1 A licensed tour escort must always pay attention to professional ethics and strictly follow the principles set out below in the spirit of serving with enthusiasm –

- (a) possessing good professional qualities and ethics in order to uphold the overall image and reputation of licensed travel agents for whom the tour escorts work and the outbound travel industry;
- (b) familiarizing themselves with and acting in accordance with the directives contained in this Part and all laws, rules and regulations in relation to the work of licensed tour escorts; and
- (c) understanding the duties of licensed tourist escorts and providing a high standard of service in an honest and fair manner.

5.2 A licensed tour escort must take all reasonable steps to safeguard the safety and interest of any participant of an outbound package tour.

Professional ethics of licensed tour escort

Quality service

5.3 A licensed tour escort must strive to serve the participants of an outbound package tour during the journey.

Professional ethics

5.4 A licensed tour escort must adhere to professional ethics.

5.5 When performing duties, a licensed tour escort must –

- (a) be well-behaved, dutiful, discreet, sincere and courteous, punctual, attentive and patient, and strive to uphold the overall interests of an outbound package tour;
- (b) take care of all participants of an outbound package tour in a fair and patient manner irrespective of their age, sex, physical condition, religion, race, nationality, etc;
- (c) provide the participants of an outbound package tour with accurate and fact-based information, and contact relevant organizations (such as government departments, insurance companies, tourism boards, etc.) for verification if necessary;
- (d) respect the customs and habits of the destinations;
- (e) not smoke in front of the participants of an outbound package tour in order to protect the health of the participants and maintain the freshness of the air during the journey;
- (f) not drink alcohol or gamble before and while at work in order not to affect judgement and concentration when performing duties;
- (g) not recommend or promote drugs or any illicit item to the participants of an outbound package tour; and
- (h) not confiscate or seize, or threaten to confiscate or seize, the travel documents of the participants of an outbound package tour.

Professional image

5.6 A licensed tour escort must dress appropriately, carry the tour escort card while at work, and wear the card on the chest when an outbound package tour assembles for departure in order to present a professional image.

Safety of participants of outbound package tour

5.7 A licensed tour escort must always give priority to the safety of an outbound package tour, appropriately remind the participants of an outbound package tour to be watchful about personal belongings, and pay attention to the safety of food, transport, accommodation, sightseeing and activities in which the participants take part.

5.8 If an accident occurs, a licensed tour escort must arrange treatment for an injured participant of an outbound package tour without delay, contact the insurance company (if the participant has bought travel insurance), arrange emergency rescue service (if necessary), and report the accident to the licensed travel agent for whom the tour escort works. The tour escort must report the accident to the local police if any third parties' liability is involved.

5.9 A licensed tour escort must help to arrange medical treatment for a participant of an outbound package tour who has fallen ill and contact the insurance company (if the participant has bought travel insurance) without delay, and decide, depending on the situation, whether or not to report the accident to the licensed travel agent for whom the tour escort works. The tour escort must report the situation to the travel agent for whom the tour escort works and/or the local police if a large number of participants of the package tour have fallen ill or any third parties' liability may be involved.

5.10 If a local staff member of a service provider explains safety-related information to the participants of an outbound package tour, a licensed tour escort must take reasonable steps to ensure that any participant who does not understand the language used to explain the said information is informed about the safety information.

Service pledges

5.11 A licensed tour escort must provide the participants of an outbound package tour with a high standard of service according to the itinerary

arrangements and the contents of the travel service contract made by the licensed travel agent for whom the tour escort works. A licensed tour escort must not alter the itinerary arrangements (including adding or cancelling any component of the itinerary) without the consent of the participants of an outbound package tour and the licensed travel agent for whom the tour escort works. If alteration to the itinerary arrangements is necessary because of an emergency or special circumstance, a licensed tour escort must explain clearly the reason(s) for the alteration to the participants of an outbound package tour and report the alteration to the licensed travel agent for whom the tour escort works without delay.

Spirit of cooperation

5.12 A licensed tour escort must maintain a good and clean working relationship with working partners such as local tourist guides, tour coach drivers, etc. and the staff of other service providers such as attractions, theme parks, hotels, restaurants, tour coach companies, etc.

Respect for other industry members

5.13 A licensed tour escort must not defame other industry members.

Service charges

5.14 A licensed tour escort must comply with the directives and/or requirements governing service charges issued by the Authority and the licensed travel agent for whom the tour escort works.

5.15 A licensed tour escort must not force the participants of an outbound package tour to pay service charges, and must not allow the quality of service of the tour escort to be affected because of the underpayment or non-payment of service charges by the participants.

Self-paid activities (outbound)

5.16 A licensed tour escort must comply with the directives and/or requirements governing self-paid activities (outbound) issued by the Authority and the licensed travel agent for whom the tour escort works.

5.17 A licensed tour escort must not force the participants of an outbound package tour to join a self-paid activity (outbound).

5.18 Prior to arranging a self-paid activity (outbound), a licensed tour escort must ensure that the participants of an outbound package tour understand the content, duration, fee(s), safety and responsibility issues of the activity.

5.19 A licensed tour escort must make arrangements according to the instructions of the licensed travel agent for whom the tour escort works for those participants of an outbound package tour who do not join a self-paid activity (outbound) when the activity is held.

Shopping trips

5.20 A licensed tour escort must not provide inaccurate information to mislead the participants of an outbound package tour to make any purchase, and must not allow the attitude of service of the tour escort to be affected because the participants are unwilling to make any purchase.

5.21 If a licensed tour escort provides services to an outbound package tour, the tour escort must, in connection with any shopping trip provided to the tour, take all reasonable steps to ensure that –

- (a) no participant of the package tour is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and

- (b) no participant of the package tour is subject to coerced shopping (outbound), whether during the shopping trip or otherwise.

Participants of outbound package tour must not be abandoned

5.22 A licensed tour escort must not abandon or threaten to abandon any participant of an outbound package tour arranged by the licensed travel agent for whom the tour escort works.

Prohibition on imposing surcharges for leaving outbound package tour during journey

5.23 A licensed tour escort must not at any time and in any manner demand surcharges from, or impose surcharges on, a participant of an outbound package tour for the reason of the participant leaving the tour during the journey.

Abiding by law

5.24 A licensed tour escort must abide by, and help the participants of an outbound package tour understand and abide by, the laws of Hong Kong and of the destinations.

No illegal solicitation and acceptance of advantages

5.25 A licensed tour escort must abide by the Prevention of Bribery Ordinance (Cap. 201), under which the tour escort must not solicit or accept any advantage without lawful authority or reasonable excuse. “Advantage” means anything of value, including a gift (money and in-kind), loan, fee, reward, commission, office, employment, contract, service and favour, etc., other than entertainment.

Conflict of interest

5.26 A licensed tour escort must avoid the occurrence of an actual or perceived conflict of interest situation and report any unavoidable conflict of interest situation to the licensed travel agent for whom the tour escort works.

Confidential and personal information

5.27 A licensed tour escort must abide by the Personal Data (Privacy) Ordinance (Cap. 486) and must not disclose the personal data of the participants of an outbound package tour without their authorization.

5.28 A licensed tour escort must not disclose to any person any information considered confidential by the licensed travel agent for whom the tour escort works without the travel agent's authorization.

5.29 A licensed tour escort who has access to, is in possession of or is responsible for the management of the information specified in paragraph 5.27 or paragraph 5.28 must at all times ensure the security of the information and prevent any misuse or misappropriation of the information.

Part 6: Licensed Tourist Guides

General directives

6.1 A licensed tourist guide must always pay attention to professional ethics and strictly follow the principles below –

- (a) striving to provide a high standard of service in an honest and fair manner;
- (b) familiarizing themselves with and acting according to the directives contained in this Part and all laws, rules and regulations in relation to the work of licensed tourist guides; and
- (c) understanding the duties of licensed tourist guides and having a sense of mission to contribute to the development of Hong Kong's tourism industry.

Professional ethics of licensed tourist guide

Quality service

6.2 A licensed tourist guide must strive to provide the participants of an inbound tour group with a high standard of service according to the contents of the itinerary.

6.3 A licensed tourist guide must not alter the itinerary without the consent of the participants of an inbound tour group and the licensed travel agent for whom the tourist guide works.

6.4 If alteration to the itinerary is necessary because of an emergency or special circumstance, a licensed tourist guide must obtain prior confirmation from the licensed travel agent for whom the tourist guide works and explain clearly the reason(s) for the alteration to the participants of an inbound tour group.

Professional ethics

- 6.5 A licensed tourist guide must adhere to professional ethics.
- 6.6 When receiving an inbound tour group, a licensed tourist guide must –
- (a) be dutiful, sincere, courteous and attentive;
 - (b) be discreet and objective in attitude;
 - (c) be knowledgeable about Hong Kong;
 - (d) provide the participants of the tour group with accurate information;
 - (e) respect the religious belief, customs and habits of the participants of the tour group;
 - (f) be punctual when performing every duty;
 - (g) not smoke in front of the participants of the tour group and drink alcohol while at work;
 - (h) not gamble while at work;
 - (i) not sell illicit items to the participants of the tour group or recommend them to buy these items; and
 - (j) not seize or take away or attempt to seize or take away the travel documents of the participants of the tour group unless that act is made on a proper ground and lasts for a reasonable period of time.

Professional image

- 6.7 A licensed tourist guide must dress appropriately, and must wear the tourist guide card on the chest while at work to present a professional image.

Safety of participants of inbound tour group

6.8 A licensed tourist guide must appropriately remind the participants of an inbound tour group to be aware of their safety.

6.9 If an accident occurs or a participant of an inbound tour group is feeling unwell, a licensed tourist guide must strive to help arrange immediate medical treatment for the participant, report the case to the licensed travel agent for whom the tourist guide works without delay and ask for assistance, and if necessary, report the case to the police.

Spirit of cooperation

6.10 A licensed tourist guide must maintain a good and clean working relationship with working partners such as tour escorts accompanying inbound tour groups, tour coach drivers, etc. and the staff of other service providers such as attractions, hotels, restaurants, tour coach companies, etc.

Promotion of development of travel industry

6.11 A licensed tourist guide must ensure the sustainable and prosperous development of the travel industry in Hong Kong by –

- (a) protecting the reputation of the travel industry in Hong Kong;
- (b) encouraging the participants of an inbound tour group to assist in protecting the tourism resources in Hong Kong such as cultural and heritage sites, the natural environment and facilities at tourist attractions, and maintaining public hygiene and order in public places, etc.; and
- (c) acting as an ambassador of tourism and actively promoting the travel industry in Hong Kong and Hong Kong while at work for the benefits of the Hong Kong economy.

Itinerary

6.12 A licensed tourist guide must, based on the instruction of the licensed travel agent for whom the tourist guide works –

- (a) distribute an itinerary as mentioned in paragraph 4.37 to each participant aged 12 or above of a Mainland inbound tour group on its arrival in Hong Kong; and
- (b) while distributing the itinerary to the participants, read out the contents as mentioned in paragraph 4.40 to the participants.

Service charges

6.13 A licensed tourist guide must not impose service charges on the participants of an inbound tour group by any forceful means, and must not show dissatisfaction, provide service half-heartedly or even refuse to provide service because of the underpayment or non-payment of service charges by the participants.

6.14 A licensed tourist guide must comply with the requirements governing service charges stipulated by the licensed travel agent for whom the tourist guide works and must not make use of any fraudulent means to impose service charges.

Self-paid activities

6.15 A licensed tourist guide must only arrange self-paid activities recognized by the licensed travel agent for whom the tourist guide works.

6.16 A licensed tourist guide must not force the participants of an inbound tour group to join a self-paid activity (including by means of exerting group pressure or leaving the participants with no other choice), and must allow the participants to choose freely whether or not to join the activity.

6.17 Prior to arranging a self-paid activity, a licensed tourist guide must explain clearly to the participants of an inbound tour group the content, fee(s), safety and responsibility issues of the activity.

6.18 A licensed tourist guide must make appropriate arrangements according to the instruction of the licensed travel agent for whom the tourist guide works for those participants of an inbound tour group who do not join a self-paid activity.

6.19 While at work, a licensed tourist guide must not engage in any activity not agreed by the licensed travel agent for whom the tourist guide works.

Shopping trips

6.20 A licensed tourist guide must ensure that the participants of an inbound tour group understand their consumer rights, which include –

- (a) the right to make or not to make a purchase;
- (b) the right to obtain information on products and services;
- (c) the freedom to choose products and services; and
- (d) the right to complain and request for replacement or refund of their purchase(s).

6.21 A licensed tourist guide must only arrange the participants of an inbound tour group to a registered shop designated by the licensed travel agent for whom the tourist guide works. The shop must be validly registered by the travel agent with the Authority under the Administrative Scheme in advance and undertake to handle the request for a full refund made by any dissatisfied participant who returns the purchased item within six months under the Administrative Scheme for Mainland Groups or within 14 days under the Administrative Scheme for non-Mainland Groups. A licensed tourist guide must provide the participants of an inbound tour group with information on the full refund protection within six months under the Administrative Scheme for Mainland Groups or within 14 days under the Administrative Scheme for Non-

Mainland Groups before arranging for the participants of the tour group to the shop.

6.22 Pursuant to the licence conditions prescribed under section 10 of the Regulation, in relation to an inbound tour group for which a licensed tourist guide provides guiding services, the tourist guide must –

- (a) take all reasonable steps to safeguard the safety and interest of any participant of the group;
- (b) in connection with any shopping trip provided to the group, take all reasonable steps to ensure that –
 - (i) no participant of the group is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
 - (ii) no participant of the group is subject to coerced shopping, whether during the shopping trip or otherwise; and
- (c) not abandon or threaten to abandon any participant of the group when any such service is being provided to the participants of the group.

6.23 Pursuant to section 39(3) and (5) of the Ordinance, a licensed tourist guide who work as a tourist guide otherwise than in accordance with the conditions imposed on the licence commits an offence and is liable –

- (a) on conviction on indictment to a fine at level 5 and to imprisonment for one year; or
- (b) on summary conviction to a fine at level 2 and to imprisonment for three months.

6.24 If a situation where coerced shopping happens to an inbound tour group, a licensed tourist guide must report the situation to the Authority and stop the situation where it is reasonably practicable.

6.25 A licensed tourist guide must not allow the attitude of service of the tourist guide to be affected, or refuse to perform the duties of tourist guide because the participants of an inbound tour group refuse to make any purchase or because of the value of their purchases.

6.26 If a participant of an inbound tour group is feeling unwell, a licensed tourist guide must, according to the participant's wishes, immediately arrange for the participant to leave the shop or rest at other suitable places. If there is a need, the tourist guide must arrange for the participant to see a doctor or call the ambulance service as soon as possible.

6.27 A licensed tourist guide must not peddle souvenirs and other items to participants of an inbound tour group or promote for publicity or promotional purposes in the name of the Government of the Hong Kong Special Administrative Region or any organization, unless prior written permission has been obtained from the Government of the Hong Kong Special Administrative Region or the organization.

Additional charges

6.28 Unless otherwise stipulated in paragraph 6.29, in respect of a Mainland or non-Mainland inbound tour group, a licensed tourist guide must not in any way impose or impose on behalf of others, or attempt to impose or attempt to impose on behalf of others, any additional charge on a participant of the tour group, except for the fee which the participant needs to pay for participating in a self-paid activity.

6.29 In respect of a non-Mainland inbound tour group, a licensed tourist guide may impose an additional charge on a participant of the tour group according to the instruction of the non-Mainland travel agent who organizes the tour group as relayed by the licensed travel agent for whom the tourist guide works.

Service agreement entered into with licensed travel agent

6.30 For the purpose of the service agreement in Annex 6 to the *Directives* entered into between a licensed tourist guide and a licensed travel agent, if the tourist guide violates paragraph 13 (relating to the submission of the service agreement entered into by the travel agent and the tourist guide to the Authority) of the service agreement, the tourist guide will be deemed to be in breach of the *Directives*.

Declaration of association with registered shops

6.31 In paragraphs 6.32 to 6.33, “specified relative” means a parent, spouse, offspring or sibling.

6.32 If a licensed tourist guide belongs to either of the following situations, the tourist guide must file a declaration with the Authority in the form in Annex 15 to the *Directives* –

- (a) the tourist guide partly or wholly owns any registered shop, or is a director of any registered shop; or
- (b) the specified relative of the tourist guide partly or wholly owns any registered shop, or is a director of any registered shop.

6.33 After filing a declaration with the Authority pursuant to paragraph 6.32, if there is any change in the declared status, the tourist guide must notify the Authority in writing within 14 days (exclusive of the date of change) of the change.

Abiding by law

6.34 A licensed tourist guide must abide by, and help the participants of an inbound tour group to understand and abide by, the laws of Hong Kong.

No illegal solicitation and acceptance of advantages

6.35 A licensed tourist guide must abide by the Prevention of Bribery Ordinance (Cap. 201), under which the tourist guide must not solicit or accept any advantage without lawful authority or reasonable excuse. “Advantage” means anything of value, including a gift (money and in-kind), loan, fee, reward, commission, office, employment, contract, other service and favour, etc., other than entertainment.

Conflict of interest

6.36 A licensed tourist guide must avoid the occurrence of an actual or perceived conflict of interest situation and report any unavoidable conflict of interest situation to the licensed travel agent for whom the tourist guide works.

Confidential and personal information

6.37 A licensed tourist guide must abide by the Personal Data (Privacy) Ordinance (Cap. 486) and must not disclose the personal data of the participants of an inbound tour group without their authorization.

6.38 A licensed tourist guide must not disclose to any person any information considered confidential by the licensed travel agent for whom the tourist guide works without the travel agent’s authorization.

6.39 A licensed tourist guide who has access to, is in possession of or is responsible for the management of the information specified in paragraphs 6.37 or 6.38 must at all times ensure the security of the information and prevent any misuse or misappropriation of the information.

Annexes

- Annex 1: Declaration form for association between licensed travel agent and registered shop(s)
- Annex 2: Basic requirements, method of calculating premium subsidy and annual premium benchmark for work insurance for freelance tour escorts
- Annex 3: Documents necessary for imposing cancellation charges for cancellation of outbound package tour for reasons beyond control (outbound)
- Annex 4: Basic requirements, method of calculating premium subsidy and annual premium benchmark of work insurance for freelance tourist guides
- Annex 5: Key points in contract entered into between licensed travel agent and unit which organizes Mainland inbound tour groups
- Annex 6: Service agreement entered into between licensed travel agent and licensed tourist guide receiving Mainland inbound tour groups
- Annex 7: Registration form for Mainland (outside Shenzhen) inbound tour group (with shopping trips)
- Annex 8: Registration form for Mainland (outside Shenzhen) inbound tour group (without shopping trips)
- Annex 9: Registration form for Shenzhen inbound tour group (with shopping trips)
- Annex 10: Registration form for Shenzhen inbound tour group (without shopping trips)
- Annex 11: Registration form for designated email address for Shenzhen inbound tour groups
- Annex 12: Registration form for Mainland one-day inbound tour group

- Annex 13: Registration form for Mainland inbound tour group (non-travel agent unit) (with shopping trips)
- Annex 14: Registration form for Mainland inbound tour group (non-travel agent unit) (without shopping trips)
- Annex 15: Declaration form for association between licensed tourist guide and registered shop(s)

Annex 1: Declaration form for association between licensed travel agent and registered shop(s)

To: Travel Industry Authority (the “Authority”)

Name of licensed travel agent:	
Number of travel agent licence:	
Name of authorized representative:	
Position:	
Contact telephone number:	
Contact email address:	

I, the authorized representative of the above-mentioned licensed travel agent, now declare that the specified person(s)¹ of our company or the company of the specified person(s), and/or the specified relative(s)² of the specified person(s) or the company of the specified relative(s) of the specified person(s), partly or wholly own(s) the following registered shop(s), or is/are the director(s) of the following registered shop(s):

Name(s) of registered shop(s)	The following specified person(s) of our company or the company of the specified person(s), and/or the specified relative(s) of the specified person(s) or the company of the specified	The following specified person(s) of our company or the company of the specified person(s), and/or the specified relative(s) of the specified person(s) or the company of the specified relative(s) of the
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¹ “Specified person” means a shareholder, partner, sole proprietor, director and/or the authorized representative.

² “Specified relative” means a parent, spouse, offspring or sibling.

	relative(s) of the specified person(s), partly or wholly own(s) the registered shop(s) in the left column	specified person(s), is/are the director(s) of the registered shop(s) in the leftmost column

Our company and I understand and agree that the Authority may disclose any information declared by our company and me in any way it deems appropriate (including on its website).

Signature:	
Company Stamp:	
Date:	

Annex 2: Basic requirements, method of calculating premium subsidy and annual premium benchmark for work insurance for freelance tour escorts

1. Work insurance for freelance tour escorts (“FTE insurance”) must cover the entire duration when a licensed tour escort is performing the duties of tour escort at any time outside Hong Kong as assigned by a licensed travel agent, including the tour escort’s personal time and rest time during the trip and the situations where the tour escort, as required by the duties of tour escort, stands, works and walks on tour coaches without wearing a seat belt, or assists the participants of an outbound package tour in getting on and off the coaches on the road or carrying the participants’ luggage.
2. During the insured period, the number of trips covered must not be limited by the terms of FTE insurance (except for FTE insurance which is single-trip insurance), and the insured area of FTE insurance is anywhere outside Hong Kong.
3. The coverage of FTE insurance must cover each of the following basic scope of coverage –

	Insured items (unless otherwise specified, applicable to accident and illness)	Maximum amount of compensation not less than the amount below (unless otherwise specified, per insured trip and per insured person)
(1)	Medical cover	
	Medical expenses	HK\$500,000
	Cash allowance for hospitalization (outside Hong Kong)	HK\$5,000 (per insured period)
(2)	Emergency assistance	

	Emergency medical evacuation	Actual expenses
	Repatriation of remains back to Hong Kong	Actual expenses
	Deposit guarantee for hospital admission	HK\$39,000
	Close relative visit	At least 1 round-trip economy class air ticket, ferry ticket, etc., and actual accommodation expenses in the amount of HK\$700 per day (maximum days of visit not less than 5 days)
(3)	Personal accident (applicable to death or permanent disability)	
	Accident occurred when taking public transport or being robbed	HK\$600,000*
	Other accidents	HK\$400,000*
	Burns coverage	HK\$200,000
(4)	Income protection (accident only, only applicable to the temporary inability to perform the duties of tour escort after returning to Hong Kong)	HK\$2,000 (per insured period)
(5)	Compassionate payment on death	HK\$10,000
(6)	Funeral expenses (accident only)	HK\$5,000

* Not less than one claim in total per insurance policy.

4. The premium subsidy for FTE insurance is calculated on the basis of the same outbound package tour. If the number of days of an outbound package tour is –

- (a) 3 or less, the amount of subsidy = premium for 1 day × 7;

- (b) 4 to 14, the amount of subsidy = premium for 1 day \times 14; and
- (c) 15 or more, the amount of subsidy = premium for 1 day \times the actual number of days of the package tour.

5. The number of days of an outbound package tour is calculated on the basis of the time when a licensed tour escort actually leaves Hong Kong and actually arrives in Hong Kong for performing the duties of tour escort; any day less than one day is taken as one day.

6. Premium for 1 day = the annual premium benchmark set out in paragraph 7 \div 365.

7. The annual premium benchmark for FTE insurance is HK\$690.

8. The Authority will carry out research every two years on the premiums of FTE insurance in the market which offers global coverage (except Hong Kong). If the market research reveals any difference between the premiums and the annual premium benchmark for FTE insurance set out in paragraph 7, the annual premium benchmark will be revised by the Authority to the level of the lowest of the relevant premiums. The annual premium benchmark will remain valid unless paragraph 7 is otherwise amended by the Authority or the Authority otherwise notified licensed travel agents.

Annex 3: Documents necessary for imposing cancellation charges for cancellation of outbound package tour for reasons beyond control (outbound)

For the purpose of paragraph 2.46 of the *Directives*, the following specified information must be printed on the licensed travel agent's letterhead –

- (a) the name of the service provider (and the name of the booking agent if the booking is made through the booking agent);
- (b) the name of the travel agent;
- (c) the date of the service;
- (d) the code of the transport service;
- (e) the destination;
- (f) the tour group number;
- (g) the class/category of the booked service (e.g. group ticket);
- (h) the number of cancelled bookings and the number of affected participants of the package tour;
- (i) the actual amount of the cancellation charge for the cancellation of each booking;
- (j) the name, title and signature of the person who issues the supporting document; and
- (k) the date and time of issue of the supporting document.

The supporting document issued by the service provider should be printed on the service provider's letterhead, with the following information stated clearly therein –

- (a) the name of the service provider;
- (b) the name of the licensed travel agent and/or the name of the booking agent;
- (c) the date of the service;
- (d) the code of the transport service;

- (e) the destination;
- (f) the class/category of the booked service (e.g. group ticket);
- (g) the number of cancelled bookings and the number of affected participants of the package tour;
- (h) the actual amount of the cancellation charge for the cancellation of each booking;
- (i) the name, title and signature of the person who issues the supporting document; and
- (j) the date and time of issue of the supporting document.

Annex 4: Basic requirements, method of calculating premium subsidy and annual premium benchmark of work insurance for freelance tourist guides

1. Work insurance for freelance tourist guides (“FTG insurance”) must cover the entire duration when a licensed tourist guide is performing the duties of tourist guide at any time in Hong Kong as assigned by a licensed travel agent, including during the journeys to and from the meeting point and the dismissal point of an inbound tour group in Hong Kong on the means of transport arranged by the travel agent for the tour group, and the situations where the tourist guide, as required by the duties of tourist guide, stands, works and walks on tour coaches without wearing a seat belt, or assists the participants of an inbound tour group in getting on and off the coaches on the road or carrying the participants’ luggage.
2. During the insured period, the number of inbound tour groups received must not be limited by the terms of FTG insurance, and the insured area is Hong Kong.
3. The coverage of FTG insurance must cover each of the following basic scope of coverage -

	Insured items (only applicable to accident)	Maximum amount of compensation not less than the amount below (unless otherwise specified, per insured person)
(1)	Medical cover	
	Medical expenses	HK\$50,000 (per accident)
	Cash allowance for hospitalization	HK\$3,000 (per insured period)
(2)	Personal accident (applicable to death or permanent disability)	

	Accident occurred when taking public transport or being robbed	HK\$300,000*
	Other accidents	HK\$200,000*
	Burns coverage	HK\$100,000
(3)	Income protection (applicable to temporary inability to perform the duties of tourist guide)	HK\$2,000 (per insured period)
(4)	Compassionate payment on death	HK\$10,000

* Not less than one claim in total per insurance policy.

4. The premium subsidy for FTG insurance is calculated on the basis of the same inbound tour group. If the number of days of a licensed tourist guide has actually worked is –

- (a) 7 days or less, the amount of subsidy = premium for 1 day × 7;
- (b) 8 to 14 days, the amount of subsidy = premium for 1 day × 14; and
- (c) 15 days or more, the amount of subsidy = premium for 1 day × the number of days the tourist guide has actually worked.

5. The number of days a tourist guide has actually worked is calculated on the basis that any day less than one day is taken as one day.

6. Premium for 1 day = the annual premium benchmark set out in paragraph 7 ÷ 365.

7. The annual premium benchmark for FTG insurance is \$550.

8. The Authority will carry out research every two years on the premiums of FTG insurance in the market which covers Hong Kong. If the market research reveals any difference between the premiums and the annual premium benchmark for FTG insurance set out in paragraph 7, the annual premium benchmark will be revised by the Authority to the level of the lowest of the relevant premiums. The annual premium benchmark will remain valid unless paragraph 7 is otherwise

amended by the Authority or the Authority otherwise notified licensed travel agents.

Annex 5: Key points in contract entered into between licensed travel agent and unit which organizes Mainland inbound tour groups

1. State expressly the names, business license(s) (if applicable) and contact information of both parties.
2. State expressly the relevant information of the Mainland travel agent's tour escort(s) (if applicable) and the licensed tourist guide assigned by the licensed travel agent.
3. Both parties confirm the specific arrangements for food, accommodation, transport, sightseeing, shopping and entertainment for the tour group, and specify the locations, the number and the duration of shopping trips in Hong Kong.
4. The tour fare must be stated expressly with the included items, the amount payable, the time of payment and the method(s) of payment, and if there is any self-paid item(s), the content and price of the item(s) must be stated expressly.
5. State expressly the responsibilities and obligations of the Mainland travel agent(s) (if applicable) and the tour escort(s) (if applicable) –
 - (a) Mainland travel agent(s) must obtain permission to operate outbound travel business and comply with the Travel Agency Ordinance applicable in the Mainland;
 - (b) the tour escort(s) must be qualified to be an outbound tour escort(s);
 - (c) Mainland travel agent(s) must not solicit tourists at a price lower than the cost of reception services;
 - (d) Mainland travel agent(s) must not transfer tourists to other travel agent(s) for organization and reception without the consent of the tourists;

- (e) uphold firmly the legitimate rights and interests of tourists and object to coercing tourists into shopping. If any incident of the same nature mentioned in the foregoing paragraphs occurs, the tour escort has the obligation to timely report the incident.

6. State expressly the responsibilities and obligations of the licensed travel agent and the licensed tourist guide(s) –

- (a) the travel agent responsible for reception must hold a licence issued by the Authority in the Hong Kong SAR;
- (b) a licensed travel agent must not provide a quotation to any Mainland travel agent and receive any Mainland inbound tour group at a price lower than the cost of reception services;
- (c) a licensed travel agent must not require any licensed tourist guide to lead any tour group that is unpaid or paid with fares less than the cost of reception services, and must not require any licensed tourist guide to bear the cost of reception services;
- (d) the tourist guide assigned to receive the tour groups must hold a tourist guide licence issued by the Authority;
- (e) a licensed travel agent and the licensed tourist guides assigned by the travel agent must fully comply with all relevant requirements including the directives, etc. issued by the Authority in the course of receiving inbound tour groups;
- (f) a licensed tourist guide must promptly distribute an itinerary in compliance with the requirements of the Authority when the participants of an inbound tour group arrive in Hong Kong;
- (g) a licensed travel agent and the licensed tourist guide assigned by the travel agent must not deceive or coerce the participants of an inbound tour group into shopping or force the participants to participate in any self-paid item.

Annex 6: Service agreement entered into between licensed travel agent and licensed tourist guide receiving Mainland inbound tour groups

This Service Agreement is entered into on the following date:

	Year		Month		Day
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Party A :

Name of licensed travel agent:	
Number of travel agent licence:	

Party B :

Name of licensed tourist guide:	*Mr. / Ms.	
Number of tourist guide licence:		
Period of validity of tourist guide licence :		

This Service Agreement is entered into between Party A and Party B, and both parties agree to observe the following terms:

1. This Service Agreement will become effective from the date it is entered into until the following date :

	Year		Month		Day
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2. Party B must provide reception services to the Mainland inbound tour group(s) in accordance with the arrangements of Party A.

3. The service remuneration is calculated and paid in the following manner (if there is insufficient space, additional pages can be added; the additional pages are also part of this Service Agreement, which must be signed by both parties):

(a) Basic remuneration/basic salary (if any):

The basic remuneration/basic salary per *day/month/tour group is at the following amount (the amount must be entered):

*HKD/RMB:		*Dollar/Yuan
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(b) Tour fee (if any):

The tour fee for each tour group is the following amount (the amount must be entered):

*HKD/RMB:		*Dollar/Yuan
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(c) Amount (if any) and calculation method of the service charge of participants of a Mainland inbound tour group (must be specified in detail):

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(d) Other remuneration (if any) (must be specified in detail):

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(e) The time and method(s) of payment of the above remuneration (must be specified in detail):

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4. Party A, pursuant to the requirements in paragraph 4.30(b) and (c) of the *Directives for Licensees* (the “*Directives*”) issued by the Travel Industry Authority (the “Authority”), must not require Party B to bear or unreasonably advance any payment for receiving Mainland inbound tour groups, and must not delay the reimbursement for any advance payment made by Party B.
5. Party A must not require Party B to receive any Mainland inbound tour group organised by any Mainland travel agent for which a reception fee is not paid or is lower than the cost of reception services.
6. Party A, pursuant to the requirements in paragraph 4.1 of the *Directives*, must not subcontract the reception services of any Mainland inbound tour group to any company or person (Party B included) who does not hold a travel agent licence.
7. Party A, pursuant to the requirements in paragraph 4.37 of the *Directives*, must immediately distribute an itinerary through Party B to each participant aged 12 or above of any Mainland inbound tour group on its arrival in Hong Kong.
8. Party B, pursuant to the requirements in paragraph 6.12(a) of the *Directives*, must follow the instructions of Party A and distribute the itinerary provided by Party A to each participant aged 12 or above of any Mainland inbound tour group on its arrival in Hong Kong.
9. Party B, pursuant to the requirements in paragraph 6.12(b) of the *Directives*, while distributing the itinerary to each participant aged 12 or above of any Mainland inbound tour group, must read out the contents mentioned in paragraph 4.40 of the *Directives*, namely, the sentence “請保留此行程表以保障權益”, Party A’s name, Party B’s name, itinerary arrangements, fees and charges, notes to participants of Mainland inbound tour groups, and relevant telephone hotlines.
10. Party B must comply with Part 6 of the *Directives*: all requirements for licensed tourist guides, and all laws, rules and regulations related to the work of licensed tourist guides, including but not limited to :

- (a) Paragraph 6.2: Party B must strive to provide the participants of any Mainland inbound tour group with a high standard of service according to the contents of the itinerary;
- (b) Paragraph 6.3: Party B must not alter the itinerary without the consent of the participants of any Mainland inbound tour group and Party A;
- (c) Paragraph 6.6(j): Party B must not seize or take away or attempt to seize or take away the travel documents of the participants of any Mainland inbound tour group unless that act is made on a proper ground and lasts only for a reasonable period of time;
- (d) Paragraph 6.13: Party B must not impose service charges on the participants of any Mainland inbound tour group by any coercive means, and must not show dissatisfaction, provide sub-standard service or even refuse to provide service because of the underpayment or non-payment of service charges by the participants.
- (e) Paragraphs 6.20 and 6.21: Party B must ensure that the participants of any Mainland inbound tour group understand their consumer rights, and must only arrange the participants of any Mainland inbound tour group to a registered shop designated by Party A;
- (f) Paragraph 6.24: If a situation where coerced shopping happens to any Mainland inbound tour group, Party B must report the situation to the Authority and stop the situation where it is reasonably practicable ;
- (g) Paragraph 6.25: Party B must not allow his/her attitude of service to be affected or refuse to perform his/her duties because the participants of any inbound tour group are unwilling to make any purchase or because of the value of their purchases.

11. Party B must not allow any other person to assist in, or receive in his/her's stead, any Mainland inbound tour group, unless that other person is designated by Party A.

12. Party B undertakes to help Party A to fulfil Party A’s responsibility of assisting the participants of any Mainland inbound tour group in handling refunds at the time when the participants are in Hong Kong.

13. Both Party A and Party B agree to submit this Service Agreement to the Authority for inspection.

14. Regarding the requirements of the *Directives* quoted or summarised in this Service Agreement, the latest version of the requirements published by the Authority will prevail.

(* Please delete as appropriate.)

Both Party A and Party B understand clearly the content of the foregoing and agree to sign below for confirmation. This Service Agreement is in duplicate, and each of the signing parties will keep a copy for future reference.

Signature of Party A’s representative:	
Name:	
Position:	
Company stamp:	
Date:	

Party B’s signature:	
Name:	
Hong Kong Identity Card Number:	
Date:	

Annex 7: Registration form for Mainland (outside Shenzhen) inbound tour group (with shopping trips)

(Each form can only be used for one Mainland (outside Shenzhen) inbound tour group, and must be registered at least two days (exclusive of the date of arrival in Hong Kong) before the group arrives in Hong Kong. Unless specified as optional, all fields in this form must be completed.)

Part I: Information on Hong Kong licensed travel agent, Mainland (outside Shenzhen) travel agent, receiving tourist guide, etc.

Name of Hong Kong licensed travel agent:	
Number of travel agent licence:	
Email of licensed travel agent:	
Phone number of licensed travel agent:	
Name of first person in charge ¹ :	
Mobile phone number of first person in charge:	
Name of second person in charge ¹ :	

¹ If the travel agent is a company / partnership / individual carrying on business as a sole proprietor, one of the two persons in charge must be a director / partner / the individual respectively, and the other must be an employee, or a director / partner / the individual respectively. The two persons in charge must not be the receiving tourist guide or the greeting tourist guide (if any) entered in the registration form. If an incident happens to the above-mentioned Mainland (outside Shenzhen) inbound tour group, at least one of the persons in charge entered in this registration form must be present at the scene to handle the incident.

Mobile phone number of second person in charge:	
Name of receiving tourist guide:	
Number of receiving tourist guide's tourist guide licence:	
Mobile phone number of receiving tourist guide:	
Name of greeting tourist guide ² :	
Number of greeting tourist guide's tourist guide licence:	
Mobile phone number of greeting tourist guide:	

Name of Mainland (outside Shenzhen) travel agent:	
Phone number of Mainland (outside Shenzhen) travel agent:	
Name(s) of tour-accompanying helper(s) ³ :	
Mobile phone number(s) of tour-accompanying helper(s):	

Part II: Information on Mainland (outside Shenzhen) inbound tour group

(This part must be signed by and affixed with the respective company stamps of the Hong Kong licensed travel agent and the Mainland (outside Shenzhen) travel agent.)

² Optional if there is no greeting tourist guide.

³ Optional if there is no tour-accompanying helper.

Tour group number ⁴ :	
Group size (number of persons):	

Date	Itinerary⁵ and transport arrangements	Meals⁶	Accommodation (reserved by *Mainland (outside Shenzhen) travel agent / Hong Kong licensed travel agent) ⁷

* Please delete as appropriate.

⁴ Mainland (outside Shenzhen) inbound tour groups arriving in Hong Kong on the same day must not use the same tour group number.

⁵ Each tourist attraction, as well as the name of, and the duration of stay at, each registered shop must be stated; if there are self-paid activities, etc., they must also be stated.

⁶ The meals provided every day must be stated; if no meal is provided, it must also be stated.

⁷ If the itinerary includes accommodation, irrespective of whether the rooms are reserved by the Hong Kong licensed travel agent, the correct name(s) of the licensed hotel(s) or any accommodation legally operated must be stated and the words such as “or of a similar grade” must not be stated. Optional if the itinerary does not include accommodation.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Signature of person in charge of Mainland (outside Shenzhen) travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Part III: Room provider(s) and room information

(This part must be signed by and affixed with the company stamp of the Hong Kong licensed travel agent; optional if the Hong Kong licensed travel agent is not required to arrange accommodation.)

We (the Hong Kong licensed travel agent) hereby declare that we have reserved or confirmed the following number of rooms with the following room provider(s) for the Mainland (outside Shenzhen) inbound tour group as specified in Part II on behalf of the Mainland (outside Shenzhen) travel agent as specified in Part I, and that the rooms are sufficient for accommodation of all participants of the tour group:

Name(s) of room provider(s):	
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Name(s) of contact person(s) of room provider(s):	
Phone number(s) of contact person(s):	
Number of rooms:	
Tour group number:	

The proof of accommodation related to and only for the above-mentioned Mainland (outside Shenzhen) inbound tour group is attached for inspection by the Authority.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Annex 8: Registration form for Mainland (outside Shenzhen) inbound tour group (without shopping trips)

(Each form can only be used for one Mainland (outside Shenzhen) inbound tour group, and must be registered one day (exclusive of the date of arrival in Hong Kong) before the group arrives in Hong Kong. Unless specified as optional, all fields in this form must be completed.)

Part I: Information on Hong Kong licensed travel agent, Mainland (outside Shenzhen) travel agent, receiving tourist guide, etc.

Name of Hong Kong licensed travel agent:	
Number of travel agent licence:	
Email of licensed travel agent:	
Phone number of licensed travel agent:	
Name of first person in charge ¹ :	
Mobile phone number of first person in charge:	
Name of second person in charge ¹ :	

¹ If the travel agent is a company / partnership / individual carrying on business as a sole proprietor, one of the two persons in charge must be a director / partner / the individual respectively, and the other must be an employee, or a director / partner / the individual respectively. The two persons in charge must not be the receiving tourist guide or the greeting tourist guide (if any) entered in the registration form. If an incident happens to the above-mentioned Mainland (outside Shenzhen) inbound tour group, at least one of the persons in charge entered in this registration form must be present at the scene to handle the incident.

Mobile phone number of second person in charge:	
Name of receiving tourist guide:	
Number of receiving tourist guide's tourist guide licence:	
Mobile phone number of receiving tourist guide:	
Name of greeting tourist guide ² :	
Number of greeting tourist guide's tourist guide licence:	
Mobile phone number of greeting tourist guide:	

Name of Mainland (outside Shenzhen) travel agent:	
Phone number of Mainland (outside Shenzhen) travel agent:	
Name(s) of tour-accompanying helper(s) ³ :	
Mobile phone number(s) of tour-accompanying helper(s):	

Part II: Information on Mainland (outside Shenzhen) inbound tour group

² Optional if there is no greeting tourist guide.

³ Optional if there is no tour-accompanying helper.

(This part must be signed by and affixed with the respective company stamps of the Hong Kong licensed travel agent and the Mainland (outside Shenzhen) travel agent.)

Tour group number ⁴ :	
Group size (number of persons):	

Date	Itinerary⁵ and transport arrangements	Meals⁶	Accommodation (reserved by *Mainland (outside Shenzhen) travel agent / Hong Kong licensed travel agent) ⁷

* Please delete as appropriate.

⁴ Mainland (outside Shenzhen) inbound tour groups arriving in Hong Kong on the same day must not use the same tour group number.

⁵ Each tourist attraction must be stated; if there are self-paid activities, etc., they must also be stated.

⁶ The meals provided every day must be stated; if no meal is provided, it must also be stated.

⁷ If the itinerary includes accommodation, irrespective of whether the rooms are reserved by the Hong Kong licensed travel agent, the correct name(s) of the licensed hotel(s) or any accommodation legally operated must be stated and the words such as “or of a similar grade” must not be stated. Optional if the itinerary does not include accommodation.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Signature of person in charge of Mainland (outside Shenzhen) travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Part III: Room provider(s) and room information

(This part must be signed by and affixed with the company stamp of the Hong Kong licensed travel agent; optional if the Hong Kong licensed travel agent is not required to arrange accommodation.)

We (the Hong Kong licensed travel agent) hereby declare that we have reserved or confirmed the following number of rooms with the following room provider(s) for the Mainland (outside Shenzhen) inbound tour group as specified in Part II on behalf of the Mainland (outside Shenzhen) travel agent as specified in Part I, and that the rooms are sufficient for accommodation of all participants of the tour group:

Name(s) of room provider(s):	
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Name(s) of contact person(s) of room provider(s):	
Phone number of contact person(s):	
Number of rooms:	
Tour group number:	

The proof of accommodation related to and only for the above-mentioned Mainland (outside Shenzhen) inbound tour group is attached for inspection by the Authority.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Annex 9: Registration form for Shenzhen inbound tour group (with shopping trips)

(Each form can only be used for one Shenzhen inbound tour group, and must be registered at least two days (exclusive of the date of arrival in Hong Kong) before the group arrives in Hong Kong. Unless specified as optional, all fields in this form must be completed.)

Part I: Information on Hong Kong licensed travel agent, Shenzhen travel agent, receiving tourist guide, etc.

Name of Hong Kong licensed travel agent:	
Number of travel agent licence:	
Email of licensed travel agent:	
Phone number of licensed travel agent:	
Name of first person in charge ¹ :	
Mobile phone number of first person in charge:	
Name of second person in charge ¹ :	
Mobile phone number of second person in charge:	

¹ If the travel agent is a company / partnership / individual carrying on business as a sole proprietor, one of the two persons in charge must be a director / partner / the individual respectively, and the other must be an employee, or a director / partner / the individual respectively. The two persons in charge must not be the receiving tourist guide or the greeting tourist guide (if any) entered in the registration form. If an incident happens to the above-mentioned Shenzhen inbound tour group, at least one of the persons in charge entered in this registration form must be present at the scene to handle the incident.

Name of receiving tourist guide:	
Number of the receiving tourist guide's tourist guide licence:	
Mobile phone number of receiving tourist guide:	
Name of greeting tourist guide ² :	
Number of greeting tourist guide's tourist guide licence:	
Mobile phone number of greeting tourist guide:	

Name of Shenzhen travel agent:	
Phone number of Shenzhen travel agent:	
Name(s) of tour-accompanying helper(s) ³ :	
Mobile phone number(s) of tour-accompanying helper(s):	

Part II: Information on Shenzhen inbound tour group

(This part must be signed by and affixed with the respective company stamps of the Hong Kong licensed travel agent and the Shenzhen travel agent.)

Tour group number ⁴ :	
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² Optional if there is no greeting tourist guide.

³ Optional if there is no tour-accompanying helper.

⁴ Shenzhen inbound tour groups arriving in Hong Kong on the same day must not use the same tour group number.

Group size (number of persons):	
---------------------------------	--

Date	Itinerary⁵ and transport arrangements	Meal⁶	Accommodation (reserved by *Shenzhen travel agent / Hong Kong licensed travel agent) ⁷

* Please delete as appropriate.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	

⁵ Each tourist attraction, as well as the name of, and the duration of stay at, each registered shop must be stated; if there are self-paid activities, etc., they must also be stated.

⁶ The meals provided every day must be stated; if no meal is provided, it must also be stated.

⁷ If the itinerary includes accommodation, irrespective of whether the rooms are reserved by the Hong Kong licensed travel agent, the correct name(s) of the licensed hotel(s) or any accommodation legally operated must be stated and the words such as “or of a similar grade” must not be stated. Optional if the itinerary does not include accommodation.

Date:	
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Signature of person in charge of Shenzhen travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Part III: Room provider(s) and room information

(This part must be signed by and affixed with the company stamp of the Hong Kong licensed travel agent; optional if the Hong Kong licensed travel agent is not required to arrange accommodation.)

We (the Hong Kong licensed travel agent) hereby declare that we have reserved or confirmed the following number of rooms with the following room provider(s) for the Shenzhen inbound tour group as specified in Part II on behalf of the Shenzhen travel agent as specified in Part I, and that the rooms are sufficient for accommodation of all participants of the tour group:

Name(s) of room provider(s):	
Name(s) of contact person(s) of room provider(s):	
Phone number(s) of contact person(s):	
Number of rooms:	
Tour group number:	

The proof of accommodation related to and only for the above-mentioned Shenzhen inbound tour group is attached for inspection by the Authority.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Annex 10: Registration form for Shenzhen inbound tour group (without shopping trips)

(Each form can only be used for one Shenzhen inbound tour group, and must be registered one day (exclusive of the date of arrival in Hong Kong)) before the group arrives in Hong Kong. Unless stated as optional, all fields in this form must be completed.)

Part I: Information on Hong Kong licensed travel agent, Shenzhen travel agent, receiving tourist guide, etc.

Name of Hong Kong licensed travel agent:	
Number of travel agent licence:	
Email of licensed travel agent:	
Phone number of licensed travel agent:	
Name of first person in charge ¹ :	
Mobile phone number of first person in charge:	
Name of second person in charge ¹ :	
Mobile phone number of second person in charge:	

¹ If the travel agent is a company / partnership / individual carrying on business as a sole proprietor, one of the two persons in charge must be a director / partner / the individual respectively, and the other must be an employee, or a director / partner / the individual respectively. The two persons in charge must not be the receiving tourist guide or the greeting tourist guide (if any) entered in the registration form. If an incident happens to the above-mentioned Shenzhen inbound tour group, at least one of the persons in charge entered in this registration form must be present at the scene to handle the incident.

Name of receiving tourist guide:	
Number of receiving tourist guide's tourist guide licence:	
Mobile phone number of receiving tourist guide:	
Name of greeting tourist guide ² :	
Number of greeting tourist guide's tourist guide licence:	
Mobile phone number of greeting tourist guide:	

Name of Shenzhen travel agent:	
Phone number of Shenzhen travel agent:	
Name(s) of tour-accompanying helper(s) ³ :	
Mobile phone number(s) of tour-accompanying helper(s):	

Part II: Information on Shenzhen inbound tour group

(This part must be signed by and affixed with the respective company stamps of the Hong Kong licensed travel agent and the Shenzhen travel agent.)

Tour group number ⁴ :	
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² Optional if there is no greeting tourist guide.

³ Optional if there is no tour-accompanying helper.

⁴ Shenzhen inbound tour groups arriving in Hong Kong on the same day must not use the same tour group number.

Group size (number of persons):	
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Date	Itinerary⁵ and transport arrangements	Meals⁶	Accommodation (reserved by *Shenzhen travel agent / Hong Kong licensed travel agent) ⁷

* Please delete as appropriate.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

⁵ Each tourist attraction must be stated; if there are self-paid activities, etc., they must also be stated.

⁶ The meals provided every day must be stated; if no meal is provided, it must also be stated.

⁷ If the itinerary includes accommodation, irrespective of whether the rooms are reserved by the Hong Kong licensed travel agent, the correct name(s) of the licensed hotel(s) or any accommodation legally operated must be stated and the words such as “or of a similar grade” must not be stated. Optional if the itinerary does not include accommodation.

Signature of person in charge of Shenzhen travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Part III: Room provider(s) and room information

(This part must be signed by and affixed with the company stamp of the Hong Kong licensed travel agent; optional if the Hong Kong licensed travel agent is not required to arrange accommodation.)

We (the Hong Kong licensed travel agent) hereby declare that we have reserved or confirmed the following number of rooms with the following room providers for the Shenzhen inbound tour group as specified in Part II on behalf of the Shenzhen travel agent as specified in Part I, and that the rooms are sufficient for accommodation of all participants of the tour group.

Name(s) of room provider(s):	
Name of contact person(s) of room provider(s):	
Phone number(s) of contact person(s):	
Number of rooms:	
Tour group number:	

The proof of accommodation related to and only for the above-mentioned Shenzhen inbound tour group is attached for inspection by the Authority.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Annex 11: Registration form for designated email address for Shenzhen inbound tour groups

To: Travel Industry Authority (the “Authority”)

Name of licensed travel agent:	
Number of travel agent licence:	

In accordance with the requirements set out in paragraph 4.59 of Part 4 of the Authority’s *Directives for Licensees*, we hereby register the following designated email address with the Authority:

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We understand clearly each of the following requirements –

1. The designated email address registered with the Authority is valid only after it is confirmed by the Authority.
2. The Authority will publish all valid designated email addresses on the Authority’s website.
3. We must make use of the valid designated email address to receive and send information on Shenzhen inbound tour groups sent by travel agents in Shenzhen through their designated email addresses, and to submit the relevant registration forms to the Authority.
4. We must retain the email correspondence between us and travel agents in Shenzhen and information on the relevant Shenzhen inbound tour groups (including the registration forms) for at least one year for inspection by the Authority.
5. If we need to change the registered designated email address, we must re-apply to the Authority.

Name of authorized representative of licensed travel agent:	
Position:	
Contact phone number:	
Contact email address:	
Signature of authorised representative of licensed travel agent:	
Company stamp:	
Date:	

Annex 12: Registration form for Mainland one-day inbound tour group

(Each form can only be used for one Mainland one-day inbound tour group, and must be registered one day (exclusive of the date of arrival) before the group arrives in Hong Kong.

Unless stated as optional, all fields in this form must be completed.)

Part I: Information on Hong Kong licensed travel agent, Mainland travel agent, receiving tourist guide, etc.

Name of Hong Kong licensed travel agent:	
Number of travel agent licence:	
Email of licensed travel agent:	
Phone number of licensed travel agent:	
Name of first person in charge ¹ :	
Mobile phone number of first person in charge:	
Name of second person in charge ¹ :	
Mobile phone number of second person in charge:	

¹ If the travel agent is a company / partnership / individual carrying on business as a sole proprietor, one of the two persons in charge must be a director / partner / the individual respectively, and the other must be an employee, or a director / partner / the individual respectively. The two persons in charge must not be the receiving tourist guide or the greeting tourist guide (if any) entered in the registration form. If an incident happens to the above-mentioned Mainland one-day inbound tour group, at least one of the persons in charge entered in this registration form must be present at the scene to handle the incident.

Name of receiving tourist guide:	
Number of receiving tourist guide's tourist guide licence:	
Mobile phone number of receiving tourist guide:	
Name of greeting tourist guide ² :	
Number of greeting tourist guide's tourist guide licence:	
Mobile phone number of greeting tourist guide:	

Name of Mainland travel agent:	
Phone number of Mainland travel agent:	
Name(s) of tour-accompanying helper(s) ³ :	
Phone number(s) of tour-accompanying helper(s):	

Part II: Information on Mainland one-day inbound tour group

(This part must be signed by and affixed with the respective company stamp of the Hong Kong licensed travel agent and the Mainland travel agent.)

Tour group number ⁴ :	
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² Optional if there is no greeting tourist guide.

³ Optional if there is no tour-accompanying helper.

⁴ Mainland one-day inbound tour groups arriving in Hong Kong on the same day must not use the same tour group number.

Group size (number of persons):	
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Date	Itinerary ⁵ and transport arrangements	Meals ⁶

* Please delete as appropriate.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Signature of person in charge of Mainland travel agent:	
Name:	
Position:	

⁵ Each tourist attraction, as well as the name of, and the duration of stay at, each registered shop must be stated; if there are self-paid activities, etc. they must also be stated.

⁶ The meals provided every day must be stated; if no meal is provided, it must also be stated.

Company stamp:	
Date:	

Annex 13: Registration form for Mainland inbound tour group (non-travel agent unit) (with shopping trips)

(Each form can only be used for one Mainland inbound tour group (non-travel agent unit), and must be registered at least two days (exclusive of the date of arrival) before the group arrives in Hong Kong. Unless stated as optional, all fields in this form must be completed.)

Part I: Information on Hong Kong licensed travel agent, unit which organizes Mainland inbound tour group (non-travel agent), receiving tourist guide, etc.

Name of Hong Kong licensed travel agent:	
Number of travel agent licence:	
Email of licensed travel agent:	
Phone number of licensed travel agent:	
Name of first person in charge ¹ :	
Mobile phone number of first person in charge:	
Name of second person in charge ¹ :	

¹ If the travel agent is a company / partnership / individual carrying on business as a sole proprietor, one of the two persons in charge must be a director / partner / the individual respectively, and the other must be an employee, or a director / partner / the individual respectively. The two persons in charge must not be the receiving tourist guide or the greeting tourist guide (if any) entered in the registration form. If an incident happens to the above-mentioned Mainland inbound tour group (non-travel agent), at least one of the persons in charge entered in this registration form must be present at the scene to handle the incident.

Mobile phone number of second person in charge:	
Name of receiving tourist guide:	
Number of receiving tourist guide's tourist guide licence:	
Mobile phone number of receiving tourist guide:	
Name of greeting tourist guide ² :	
Number of greeting tourist guide's tourist guide licence:	
Mobile phone number of greeting tourist guide:	

Name of unit which organizes Mainland inbound tour group (non-travel agent unit):	
Phone number of unit which organizes Mainland inbound tour group (non-travel agent unit):	
Name(s) of tour-accompanying helper(s) ³ :	
Mobile phone number(s) of tour-accompanying helper(s):	

² Optional if there is no greeting tourist guide.

³ Optional if there is no tour-accompanying helper.

Part II: Information on Mainland inbound tour group (non-travel agent unit)

(This part must be signed by and affixed with the respective company stamps of the Hong Kong licensed travel agent and the unit which organizes the Mainland inbound tour group (non-travel agent unit).)

Tour group number ⁴ :	
Group size (number of persons):	

Date	Itinerary⁵ and transport arrangements	Meals⁶	Accommodation (reserved by *unit which organizes Mainland inbound tour group (non-travel agent unit) / Hong Kong licensed travel agent) ⁷

⁴ Mainland inbound tour groups (non-travel agent) arriving in Hong Kong on the same day must not use the same tour group number.

⁵ Each tourist attraction, as well as the name of, and the duration of stay at, each registered shop must be stated; if there are self-paid activities, etc., they must also be stated.

⁶ The meals provided every day must be stated; if no meal is provided, it must also be stated.

⁷ If the itinerary includes accommodation, irrespective of whether the rooms are reserved by the Hong Kong licensed travel agent, the correct name(s) of the licensed hotel(s) or any accommodation legally operated must be stated and the words such as “or of a similar grade” must not be stated. Optional if the itinerary does not include accommodation.

Date	Itinerary⁵ and transport arrangements	Meals⁶	Accommodation (reserved by *unit which organizes Mainland inbound tour group (non-travel agent unit) / Hong Kong licensed travel agent) ⁷

* Please delete as appropriate.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Signature of person in charge of unit which organizes Mainland inbound tour group (non-travel agent unit):	
Name:	
Position:	
Company stamp:	
Date:	

Part III: Room provider(s) and room information

(This part must be signed by and affixed with the company stamp of the Hong Kong licensed travel agent; optional if the Hong Kong licensed travel agent is not required to arrange accommodation.)

We (the Hong Kong licensed travel agent) hereby declare that we have reserved or confirmed the following number of rooms with the following room providers for the Mainland inbound tour group (non-travel agent unit) as specified in Part II on behalf of the unit which organizes the Mainland inbound tour group (non-travel agent unit) as specified in Part I, and that the rooms are sufficient for accommodation of all participants of the tour group.

Name(s) of room provider(s):	
Name(s) of contact person(s) of room provider(s):	
Phone number of contact person(s):	
Number of rooms:	
Tour group number:	

The proof of accommodation related to and only for the above-mentioned Mainland inbound tour group (non-travel agent unit) is attached for inspection by the Authority.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	

Position:	
Company stamp:	
Date:	

Annex 14: Registration form for Mainland inbound tour group (non-travel agent unit) (without shopping trips)

(Each form can only be used for one Mainland inbound tour group (non-travel agent unit), and must be registered at least one day (exclusive of the date of arrival) before the group arrives in Hong Kong. Unless stated as optional, all fields in this form must be completed.)

Part I: Information on Hong Kong licensed travel agent, unit which organizes Mainland inbound tour group (non-travel agent), receiving tourist guide, etc.

Name of Hong Kong licensed travel agent:	
Number of travel agent licence:	
Email of licensed travel agent:	
Phone number of licensed travel agent:	
Name of first person in charge ¹ :	
Mobile phone number of first person in charge:	
Name of second person in charge ¹ :	

¹ If the travel agent is a company / partnership / individual carrying on business as a sole proprietor, one of the two persons in charge must be a director / partner / the individual respectively, and the other must be an employee, or a director / partner / the individual respectively. The two persons in charge must not be the receiving tourist guide or the greeting tourist guide (if any) entered in the registration form. If an incident happens to the above-mentioned Mainland inbound tour group (non-travel agent), at least one of the persons in charge entered in this registration form must be present at the scene to handle the incident.

Mobile phone number of second person in charge:	
Name of receiving tourist guide:	
Number of receiving tourist guide's tourist guide licence:	
Mobile phone number of receiving tourist guide:	
Name of greeting tourist guide ² :	
Number of greeting tourist guide's tourist guide licence:	
Mobile phone number of greeting tourist guide:	

Name of unit which organizes Mainland inbound tour group (non-travel agent unit):	
Phone number of unit which organizes Mainland inbound tour group (non-travel agent unit):	
Name(s) of tour-accompanying helper(s) ³ :	
Mobile phone number(s) of tour-accompanying helper(s):	

² Optional if there is no greeting tourist guide.

³ Optional if there is no tour-accompanying helper.

Part II: Information on Mainland inbound tour group (non-travel agent unit)

(This part must be signed by and affixed with the respective company stamps of the Hong Kong licensed travel agent and the unit which organizes the Mainland inbound tour group (non-travel agent unit).)

Tour group number ⁴ :	
Group size (number of persons):	

Date	Itinerary⁵ and transport arrangements	Meals⁶	Accommodation (reserved by *unit which organizes Mainland inbound tour group (non-travel agent unit) / Hong Kong licensed travel agent) ⁷

⁴ Mainland inbound tour groups (non-travel agent) arriving in Hong Kong on the same day must not use the same tour group number.

⁵ Each tourist attraction must be stated; if there are self-paid activities, etc., they must also be stated.

⁶ The meals provided every day must be stated; if no meal is provided, it must also be stated.

⁷ If the itinerary includes accommodation, irrespective of whether the rooms are reserved by the Hong Kong licensed travel agent, the correct name(s) of the licensed hotel(s) or any accommodation legally operated must be stated and the words such as “or of a similar grade” must not be stated. Optional if the itinerary does not include accommodation.

Date	Itinerary⁵ and transport arrangements	Meals⁶	Accommodation (reserved by *unit which organizes Mainland inbound tour group (non-travel agent unit) / Hong Kong licensed travel agent) ⁷

* Please delete as appropriate.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	
Position:	
Company stamp:	
Date:	

Signature of person in charge of unit which organizes Mainland inbound tour group (non-travel agent unit):	
Name:	
Position:	
Company stamp:	
Date:	

Part III: Room provider(s) and room information

(This part must be signed by and affixed with the company stamp of the Hong Kong licensed travel agent; optional if the Hong Kong licensed travel agent is not required to arrange accommodation.)

We (the Hong Kong licensed travel agent) hereby declare that we have reserved or confirmed the following number of rooms with the following room providers for the Mainland inbound tour group (non-travel agent unit) as specified in Part II on behalf of the unit which organizes the Mainland inbound tour group (non-travel agent) as specified in Part I, and that the rooms are sufficient for accommodation of all participants of the tour group.

Name(s) of room provider(s):	
Name(s) of contact person(s) of room provider(s):	
Phone number(s) of contact person(s):	
Number of rooms:	
Tour group number:	

The proof of accommodation related to and only for the above-mentioned Mainland inbound tour group (non-travel agent unit) is attached for inspection by the Authority.

Signature of authorized representative of Hong Kong licensed travel agent:	
Name:	

Position:	
Company stamp:	
Date:	

Annex 15: Declaration form for association between licensed tourist guide and registered shop(s)

To: Travel Industry Authority (the “Authority”)

Name of licensed tourist guide:	
Number of tourist guide licence:	
Contact telephone number:	
Contact email address:	

I, the above-mentioned licensed tourist guide, now declare that I and/or the specified relative(s)¹ of myself partly or wholly own(s) the following registered shop(s), or is/are the director(s) of the following registered shop(s):

Name(s) of registered shop(s)	I and/or the following specified relative(s) of myself partly or wholly own(s) the registered shop(s) in the left column	I and/or the following specified relative(s) of myself is/are director(s) of the registered shop(s) in the leftmost column

I understand and agree that the Authority may disclose any information declared by me in any way it deems appropriate (including on its website).

¹ “Specified relative” means a parent, spouse, offspring or sibling.

Signature of licensed tourist guide:	
Date:	