

LCQ20: Protecting persons joining outbound tour groups of their consumers' rights and interests

Following is a question by the Hon Ho Kai-ming and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (January 10):

Question:

It has been reported that recently, an elderly couple claimed that only after their having signed up and made payment for joining a tour group to South America were they told by the travel agent that they needed to receive yellow fever vaccinations. Having learnt from the Department of Health that elderly persons who received such vaccinations for the first time would be at high risk of death, they decided to withdraw from the tour group but were not given a full refund by the travel agent. On protecting persons joining outbound tour groups of their consumers' rights and interests, will the Government inform this Council:

(1) whether it will request the Travel Industry Council of Hong Kong to formulate directives requiring travel agents to provide customers with comprehensive travel health advice, including the vaccination requirements for entry to the countries or regions concerned, and the health risks faced by elderly persons in receiving such vaccinations, before having customers joining their tour groups; if so, of the details; if not, the reasons for that;

(2) whether the authorities will consider afresh amending the Trade Descriptions Ordinance (Cap. 362) to stipulate that contracts involving pre-payment for services (including outbound tour group services) the transaction amounts of which have reached a certain level must contain provisions on mandatory cooling-off periods; and

(3) how the authorities ensure that the Travel Industry Authority to be set up in future will fully protect persons joining outbound tour groups of their consumers' rights and interests, and will thoroughly investigate the complaints about suspected irregularities of travel agents?

Reply:

President,

Having consulted the Food and Health Bureau, I hereby give a consolidated reply to the question raised by the Hon Ho Kai-ming below.

(1) The Travel Industry Council of Hong Kong (TIC) has been disseminating travel health information to the travel trade and public of Hong Kong through different channels. TIC provides, through its website, hyperlinks to the Travel Health Service website set up by the Department of Health, the website of the Centre for Health Protection, etc. to enable the travel trade and travellers to learn about disease outbreak alerts at various destinations, information on travel-related diseases and vaccinations, as well as general health advice on travel. The Government has also requested TIC to remind travel agents that, when selling outbound tours, they should provide consumers with travel health information, and advise consumers to consult a doctor before joining tours for professional advice on the assessment of their own health conditions.

(2) The consideration of whether mandatory cooling-off periods should be imposed on services involving pre-payment involves controversial issues, for example, under what circumstances consumers should be allowed to cancel prepaid service contracts unconditionally, whether mandatory cooling-off periods could effectively combat unfair trade practices, etc. The Consumer Council is conducting a study on this topic. The Government will continue to listen to the community's views and take into account the results of the Consumer Council's study.

(3) The Government introduced the Travel Industry Bill into the Legislative Council in March 2017 for the establishment of the Travel Industry Authority (TIA) to regulate travel agents, tourist guides and tour escorts in a holistic manner. Under the new regulatory regime, consumer complaints against licensees (including licensed travel agents), whether involving disciplinary matters or not, can be lodged with TIA for handling.

Upon establishment, TIA will formulate administrative measures to regulate the professional conduct of the trade, and will conduct investigations and disciplinary proceedings into cases (including complaint cases) of suspected contravention of administrative measures by licensees. On the other hand, TIA will refer disputes between consumers and licensees that do not involve disciplinary matters to its independent panel for conducting conciliation and, subject to the mutual agreement

between both parties, making a binding decision on the disputes.

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