

Tel No: 2810 3468
Fax No: 2523 1973

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26 July 2001

Mr Andy LAU
Clerk to LegCo Panel on Economic Services
c/o Council Business Division 1
Legislative Council
3/F Citibank Tower
Central,
Hong Kong

Dear Mr LAU,

**Assistance to travellers in case of
travel accidents in the Mainland**

At the meeting of the LegCo Panel on Economic Services held on 18 June 2001, Members asked for information on the general assistance that is available to Hong Kong travellers who are involved in accidents in the Mainland and the monitoring of the quality of services provided by travel agents. I am pleased to provide information on these matters.

General assistance to Hong Kong residents

Hong Kong residents who are involved in accidents or are in distress in the Mainland may request assistance from the Immigration Department or the Office of the Government of the Hong Kong Special Administrative Region in Beijing as appropriate. The scope of assistance/services provided covers the following:

- to issue Entry Permits to Hong Kong residents, who have lost their identity documents in the Mainland, for their return to Hong Kong;
- upon receipt of information that serious accidents or casualties have happened to Hong Kong residents, to notify relatives of the parties concerned in Hong Kong and to give advice on the related procedural matters;

- to liaise, on request from the parties concerned, with their relatives and friends in Hong Kong on issues such as financial assistance for the parties concerned;
- upon receipt of notification from the law enforcement agencies of the Mainland regarding the arrest or detention of Hong Kong residents, to pass information to relatives of the parties concerned in Hong Kong;
- to inquire, on request from the relatives and friends of the parties concerned, about the situation of the case involving Hong Kong residents being arrested or detained by the law enforcement agencies of the Mainland;
- to provide, on request from the parties concerned or their relatives and friends, information on lawyers in the Mainland; and
- to provide any other relevant advisory services.

Annex A

Details are outlined in a leaflet published by the Immigration Department (Annex A). The Department has set up the “Assistance to Hong Kong Residents Unit” and a hot-line 2829 3010 (2543 1958 outside office hours) to handle enquiries and requests for assistance. The leaflet is distributed to the public free of charge at the Information Office and branch offices of the Immigration Department, the Beijing Office and District Offices. The relevant information is also made available on the web site of the HKSAR Government.

In case of a special or serious incident happened outside Hong Kong involving deaths or injury of Hong Kong residents, the Immigration Department will activate emergency contingency measure immediately and will publicise the Unit’s hotline numbers to the public through the media so that they can make enquiries or seek assistance where necessary.

The HKSAR Government will review the existing mechanism from time to time so that appropriate improvements could be made. The notification mechanism which became operative on 1 January 2001 is an improvement measure. Besides, the Beijing Office has operated an advanced account since mid-March this year to provide repayable emergency financial aid to Hong Kong residents who are in urgent needs of such assistance in the Mainland.

Assistance provided by the responsible travel agents

When an accident occurs involving members of a package tour, the travel agent concerned is often the first one to know the details through its staff or local agent at the place of the accident. These personnel will provide immediate first-line assistance to the injured, such as reporting the accident to the local authority and transferring the injured travellers to nearby medical facilities for treatment. Indeed, this is their responsibility and tour escorts receive training in handling crisis of this nature.

Upon receipt of a package tour accident report, the Travel Industry Council of Hong Kong (TIC) and the Travel Agents Registry of Economic Services Bureau will immediately liaise with each other and be prepared to provide all necessary assistance. This may include liaising with the Immigration Department, Security Bureau and Hospital Authority, informing family members of the injured travellers, arranging comfort visits, setting up hotline for public enquiries, arranging for uninjured tour members to return directly to Hong Kong and assisting victims to apply for assistance under the Package Tour Accident Contingency Fund Scheme which is funded by the Travel Industry Compensation Fund (TICF).

Financial assistance under the Travel Industry Compensation Fund (TICF)

The “Package Tour Accident Contingency Fund Scheme” funded by the TICF provides emergency financial assistance to package tour participants in the event of travel accidents. The payment covers expenses for medical treatment, funeral or return to Hong Kong of the remains of those killed, and compassionate visits by relatives up to a stipulated ceiling (the maximum assistance in total is \$180,000 per person). The details of the compensation scheme are at [Annex B](#).

[Annex B](#)

Monitoring of the quality of services provided by travel agents

The TIC monitors the service quality of travel agents through the issue of directives and Codes of Practice. Non-compliance may result in disciplinary action such as reprimand, fines, suspension or termination of TIC membership. On the other hand, when the Registrar of Travel Agents suspects that the operation of a licensed travel agent is contrary to the public interest, for example, likelihood of default resulting in loss to consumers, habitual unscrupulous and objectionable practice etc, he may conduct an investigation and revoke the licence, if warranted. Travellers dissatisfied with the quality of service of travel

agents can lodge their complaints to the Consumer Relations Committee of the TIC which is responsible for handling complaints and determining compensation claims if the grievances are substantiated. If improper practices are uncovered as a result of the investigation of such complaints, the case would be referred to TIC's Compliance Committee to consider disciplinary action.

Please let me know if Members have any further questions regarding the above information.

Yours sincerely,

(Original Signed)

(Mrs Rebecca LAI)
Commissioner for Tourism

協助在內地的香港居民服務指南

香港居民在內地遭遇意外或因涉及刑事案件而被拘留或逮捕等事需要尋求協助時，可向香港特別行政區政府入境事務處或駐北京辦事處提出。本指南旨在說明香港特別行政區政府可提供協助的範圍。

香港特別行政區政府可以提供的協助

- ※ 為丟失了身份證明文件的香港居民簽發入境許可證，以便他們返回香港。
- ※ 收到港人遭遇嚴重意外或傷亡的消息，將情況通知當事人在港的親屬，並就有關的程序事宜提供諮詢意見。
- ※ 應當事人的要求，聯絡其在港親友，請他們給予當事人金錢上的援助。
- ※ 收到內地執法機關有關香港居民被拘留或逮捕的通知後，把情況轉告其在港的親屬。
- ※ 應當事人親友的要求，就被拘留或逮捕的香港居民個案，向內地執法機關了解情況。
- ※ 應當事人或其親友的要求，提供有關內地律師的資料。
- ※ 提供其他有關的諮詢服務。

香港特別行政區政府不能夠提供的協助

- ◆ 按照「一國兩制」原則，香港特別行政區政府為香港居民提供協助時，不能干涉內地的司法制度及行政運作。

- ◆ 不能袒護當事人的違法行為、不能為當事人開脫罪責。
- ◆ 不能協助當事人在住院治療、羈押或服刑期間獲得比內地居民較佳的待遇。
- ◆ 不能代當事人支付酒店、律師、醫療及交通等的費用或其他款項。

財物被竊

倘若在內地遺失金錢、身份證明文件或其他物品，應先向公安機關報告，並索取報失證明。如需協助返回香港，可聯絡香港特別行政區政府入境事務處或駐北京辦事處。

嚴重意外或傷亡

香港居民如有親友或同行者在內地遭遇嚴重意外，或因任何原因引致傷亡，應立刻向公安機關報告。如需進一步協助，可聯絡香港特別行政區政府入境事務處或駐北京辦事處。

拘留或逮捕

香港居民在內地時，應當遵守內地的法律和法規。

倘若在內地抵觸法律，當事人須要承擔法律責任。若被指控觸犯刑事法律而被拘留或逮捕，當事人依法可要求公安機關通知其親屬。

聯絡電話及地址

香港特別行政區政府入境事務處
協助在外香港居民小組
電話：(852)2829 3010
傳真：(852)2519 3536
地址：香港灣仔告士打道 7 號入境事務大樓 9 樓

香港特別行政區政府駐北京辦事處
電話：(8610)6518 6318 內線 034
傳真：(8610)6518 6323
地址：北京建國門內大街 18 號恒基中心辦公樓 1 座 21 層 郵編 100005

在辦公時間外需要尋求協助可致電：
香港特別行政區政府入境事務處
港口管制組值日主任
電話：(852)2543 1958

其他資料

關於內地的刑事訴訟程序，香港居民可向香港特別行政區政府民政事務處或入境事務處索閱有關的簡介，亦可瀏覽以下網頁：

<http://www.info.gov.hk/sb/chinese/ctopic.htm>

香港特別行政區政府 入境事務處

(在以下網頁亦可瀏覽本指南：
http://www.info.gov.hk/immd/chinese/topical/assist/c_assist.htm)

Guide to Assistance Services to Hong Kong Residents in the Mainland

Hong Kong residents, who have met with accidents or are arrested or detained for being involved in criminal cases in the Mainland, may request assistance from the Immigration Department or the Office of the Government of the Hong Kong Special Administrative Region in Beijing whenever necessary. This guide aims at outlining the scope of assistance that can be provided by the Government of the Hong Kong Special Administrative Region.

Assistance that can be provided by the Government of the Hong Kong Special Administrative Region

- ✂ to issue Entry Permits to Hong Kong residents, who have lost their identity documents in the Mainland, for their returning to Hong Kong.
- ✂ upon receipt of information that serious accidents or casualties have happened to Hong Kong residents, to notify relatives of the parties concerned in Hong Kong and to give advice on the related procedural matters.
- ✂ to liaise, on request from the parties concerned, with their relatives and friends in Hong Kong for rendering financial assistance to the parties concerned.
- ✂ upon receipt of notification from the law enforcement agencies of the Mainland regarding the arrest or detention of Hong Kong residents, to pass information to relatives of the parties concerned in Hong Kong.
- ✂ to inquire, on request from the relatives and friends of the parties concerned, about the situation of the case involving Hong Kong residents being arrested or detained by the law enforcement agencies of the Mainland.
- ✂ to provide, on request from the parties concerned or their relatives and friends, information on lawyers in the Mainland.
- ✂ to provide any other relevant advisory services.

Assistance that cannot be provided by the Government of the Hong Kong Special Administrative Region

- ◆ to intervene in the judicial system and administrative operations of the Mainland when providing assistance to Hong Kong residents under the Principle of 'One Country, Two Systems'.

- ◆ to shield the unlawful act of the parties concerned or absolve them from criminal liability.
- ◆ to get better treatment for the parties concerned in hospitals, under detention or in prison than that provided for Mainland residents.
- ◆ to pay the hotel, legal, medical and travelling expenses or any other bills for the parties concerned.

Property stolen

In the event of loss of money, identity documents or any other belongings in the Mainland, report it first to the Public Security authorities and obtain a documentary proof of the report of loss. If assistance for returning to Hong Kong is needed, the parties concerned may contact the Immigration Department or the Office of the Government of the Hong Kong Special Administrative Region in Beijing.

Serious accidents or casualties

In case of serious accidents or casualties for whatever cause happening to the relatives and friends or companions of Hong Kong residents in the Mainland, report should be made to the Public Security authorities immediately. If further assistance is needed, the parties concerned may contact the Immigration Department or the Office of the Government of the Hong Kong Special Administrative Region in Beijing.

Detention or arrest

Hong Kong residents should abide by the laws and regulations of the Mainland while they are staying in the Mainland.

Should such persons contravene the laws in the Mainland, the parties concerned have to bear the legal consequences. If the parties concerned are arrested or detained for any charge of criminal offence, they may request the Public Security authorities to notify their relatives in accordance with the laws.

Contact telephone numbers and addresses

Assistance to Hong Kong Residents Unit of the Immigration Department of the Government of the Hong Kong Special Administrative Region
Telephone No.: (852)2829 3010
Fax No.: (852)2519 3536
Address: 9/F, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong

The Office of the Government of the Hong Kong Special Administrative Region in Beijing
Telephone No.: (8610)6518 6318 Ext. 034
Fax No.: (8610)6518 6323
Address: 21/F, Office Tower 1, Henderson Centre, 18 Jianguomen Nei Avenue, Beijing 100005

To seek assistance outside office hours, please contact:
Duty Officer of the Harbour Control Section, Immigration Department of the Government of the Hong Kong Special Administrative Region
Telephone No.: (852)2543 1958

Other information

Hong Kong residents may refer to the relevant booklets for details about the criminal procedures in the Mainland which are obtainable at the District Offices of the Home Affairs Department or the Immigration Department of the Government of the Hong Kong Special Administrative Region, and may also visit the following home page:
<http://www.info.gov.hk/sb/chinese/ctopic.htm>

Immigration Department
The Government of the Hong Kong
Special Administrative Region

*(This guide is also available at the following home page:
http://www.info.gov.hk/immd/english/topical/assist/e_assist.htm)*

附件

旅行團意外 緊急援助 基金計劃

旅遊業賠償基金

甚麼是旅行團意外緊急援助基金計劃(計劃)

- 此計劃由旅遊業賠償基金(賠償基金)提供,為參加包辦式旅行團外遊時意外傷亡的外遊旅客提供經濟援助。
- 外遊旅客指已按全包價格向旅行代理商繳付費用,以獲取外遊旅行服務的人,而有關服務可由下列任何2項或全部構成:
 - (i) 由香港前往外地的載運(陸運、海運或空運交通工具)服務安排;
 - (ii) 在香港以外任何地方的住宿;
 - (iii) 在香港以外任何地方的活動安排。
- 根據此計劃,外遊旅客或其遺產代理人(如適用者)的申請如獲得批准,可領取下列特惠賠償,最高限額為:

→ 在發生意外地方(香港以外)所須支付的醫療開支	最高100,000港元
→ 在發生意外地方(香港以外)的殮葬事宜或運送遺體/骨灰返回香港的開支	最高40,000港元
→ 兩名親屬前往意外當地探問或處理身後事的開支	每名親屬最高20,000港元

計劃的保障範圍不包括甚麼?

- 計劃的保障範圍不包括:
- 因病住院費用;
 - 因參加並非由有關旅行代理商提供或安排的活動而引致的傷亡;
 - 個別團員在旅行團行程結束後自行逗留期間發生的意外。

旅行團發生意外,應怎樣處理?

- 當旅行團發生意外時,你或你的旅行團領隊應:
- 採取所須的緊急措施,保障旅客安全;
 - 視乎需要,就旅費及住宿安排、危機處理等事宜,徵詢香港旅遊業協會的意見;

- 通知以下機構:

香港旅遊業議會	2807 1199
旅行代理商註冊處	2810 3188 (辦公時間) 9022 0966 (辦公時間以外)

- 視乎情況需要,就有關開支預先向外遊旅客提供援助,並安排他們在向賠償基金取得特惠賠償後,付還有關款項;
- 向外遊旅客清楚說明,根據計劃支付的特惠賠償只限於3類有關開支,而各項開支亦設有最高限額;
- 向已投保的外遊旅客查詢他會否向其保險公司索償,或向賠償基金申請特惠賠償;
- 統籌外遊旅客的特惠賠償申請;及
- 在有需要時,收集並提交外遊旅客的補充文件。

與外遊旅客覆實成團時,你應注意的事項

- 確保團員的外遊旅行服務付款收據清楚蓋上印花,顯示已繳交相當於已付外遊費的0.3%的徵費;
- 建議團員把付款收據正本交由在港的親屬保管,自己只攜帶收據副本外遊;
- 建議團員自行購買適合自己的旅遊保險,以獲得更全面的旅遊保障;
- 為每個旅行團編訂一份團員名單,並註明團員投保的保險及其他資料,尤其是作緊急聯絡用之資料;及
- 指示旅行團的領隊於意外一旦發生後,應立刻向公司報告意外的詳情。

查詢

旅遊業賠償基金管理委員會秘書處
(即旅行代理商註冊處)
香港中環下亞厘畢道20號中區政府合署東座2樓248室
(電話:2810 2807)

香港旅遊業議會
香港北角英皇道250號北角城中心1706-1709室
(電話:2807 1199)



Guidance Notes for Licensed Travel Agents

Package Tour Accident Contingency Fund Scheme



What is the Package Tour Accident Contingency Fund Scheme (the Scheme)?

- The Scheme is provided for under the Travel Industry Compensation Fund (TICF). It offers financial relief to outbound travellers on package tours who are injured or killed in accident whilst touring abroad.
- An outbound traveller means a person who has paid to a travel agent at an inclusive price for an outbound travel service comprising any two or all of the following:
 - (i) carriage (by land, sea or air transport) from Hong Kong to places outside Hong Kong;
 - (ii) accommodation outside Hong Kong;
 - (iii) arrangements for an activity outside Hong Kong.
- Under this Scheme, outbound traveller or his personal representative (as appropriate) may receive, on successful application, the following ex gratia payment subject to the maximum amounts:

→ Medical expenses incurred in the place of accident outside Hong Kong	up to HK\$100,000
→ Expenses incurred in the place of accident outside Hong Kong for funeral or return of dead body/ashes to Hong Kong	up to HK\$40,000
→ Expenses for compassionate visit or handling of residual matters relating to the death by two relatives	up to HK\$20,000 per relative

What does the Scheme not cover?

The Scheme does not cover:

- hospitalization arising from illness;
- death or injury sustained whilst engaged in an activity which is not provided or organized by the travel agent concerned; and
- individual stay-behind activities.

How to handle in the event of a tour accident

When there is a tour accident, you or your tour escort should

- take emergency measures as necessary to protect safety of travellers;
- seek advice from the Travel Industry Council of Hong Kong as necessary in matters such as passage and accommodation arrangement, crisis management, etc.;

- inform the following:

Travel Industry Council of Hong Kong on 2807 1199
 Travel Agents Registry on 2810 3188
 (during office hours) or
 9022 0966
 (outside office hours)

- make advance assistance in respect of the relevant expenses to the outbound travellers where circumstances warrant and make necessary arrangement for reimbursement by travellers after they have received ex gratia payment from the TICF;
- state clearly to outbound travellers that they may only claim three types of relevant expenses from the TICF subject to the maximum amounts;
- ascertain whether outbound travellers would seek compensation from their insurers or apply for ex gratia payment under the TICF;
- coordinate applications of the outbound travellers for ex gratia payment under the TICF; and
- collect and submit supplementary documents from the outbound travellers when necessary.

Points to note when confirming booking with outbound travellers

- make sure that your tour members' receipts for the outbound travel service are clearly franked to indicate levy payment equal to 0.3% of the outbound fare paid;
- advise your tour members to deposit the original receipt at home or with a relative and carry the photocopy on the tour;
- advise your tour members to take out their own insurance policy to better cover their own travel needs;
- maintain the name list of tour members for each tour group with information on their insurers and other particulars especially their contacts for emergency use; and
- instruct your tour escort to notify you of the details of the tour accident immediately.

Enquiries

TICF Management Board Secretariat
 c/o Travel Agents Registry,
 Room 248, 2/F., East Wing, Central Government Offices,
 20 Lower Albert Road, Central, Hong Kong.
 (Tel: 2810 2807)

Travel Industry Council of Hong Kong
 Rooms 1706-1709, Fortress Tower, 250 King's Road,
 North Point, Hong Kong
 (Tel: 2807 1199)