

LEGISLATIVE COUNCIL BRIEF

Travel Agents Ordinance
(Chapter 218)

TRAVEL AGENTS (AMENDMENT) BILL 2001

INTRODUCTION

At the meeting of the Executive Council on 19 June 2001, the Council ADVISED and the Chief Executive ORDERED that the Travel Agents (Amendment) Bill 2001, at Annex A, should be introduced into the Legislative Council, to put in place a licensing scheme to regulate inbound travel agents.

 A

BACKGROUND AND ARGUMENT

General Background

2. At present, the Travel Agents Ordinance only provides for the control and regulation of outbound travel agents. It does not regulate services provided by inbound travel agents. The Travel Agents Ordinance requires all outbound travel agents to apply for a licence. Operation of an outbound travel agent without a licence is unlawful. The Registrar of Travel Agents (RTA) is responsible for the licensing of outbound travel agents. He conducts financial surveillance on licensed travel agents, and imposes licence conditions. In addition to his licensing function, the RTA can initiate investigation if he suspects that a particular travel agent is operating against the public interest including defaults and serious malpractices. He can suspend or revoke a licence, subject to a proper hearing, if he considers that the agent is operating against the public interest.

3. The statutory regulatory framework is supported by a self-regulatory regime. Membership of an approved organisation is one of the licence conditions for outbound travel agents. The Travel Industry Council of Hong Kong (TIC) is at present the only approved organisation under section 11 of the Travel Agents Ordinance. The TIC is a self-regulatory body of the travel industry. It sets and enforces codes of conduct and rules to regulate business operations in areas such as advertising and business practices. Violation of codes of conduct will result in penalties including warning, fine, suspension and revocation of TIC membership. To enhance the service quality of outbound tour escorts, the TIC and the Vocational Training Council jointly organise a certificate course for outbound tour escorts. The TIC requires its members to employ only certified tour escorts for tour-escorting duties.

4. The TIC has set up a Consumer Relations Committee to hear and resolve disputes between travellers and travel agents. Where a complaint against travel agent malpractice is substantiated, the TIC may impose penalties on the travel agent. In cases of complaints about service quality, the TIC may arbitrate or, if not successful, decide on settlement. The decision of the TIC is binding on the travel agent but not on the complainant, who may seek other forms of redress if dissatisfied with the decision.

5. The RTA and the TIC have maintained close liaison and cooperation in respect of the surveillance of outbound travel agents and case investigations. The RTA also hears appeals against the refusal of TIC membership. Any persons aggrieved by the Registrar's decision of refusing to grant, suspending or revoking a licence may appeal to the Administrative Appeal Board.

Present Position

6. Although there is general consumer protection legislation in place to protect consumers including tourists, there is a lack of an appropriate and direct channel for dealing with malpractices in the treatment of inbound tourists such as leaving them unattended or taking them to shops which charge exorbitant prices not commensurate with the quality of the goods sold.

7. The TIC estimates that there are about 500 travel agents involved in the provision of inbound travel service. Of these, about 300 are licensed travel agents and members of the TIC. The remainder, around 200, only deal with inbound tourists and are not members of the TIC. They are not subject to the regulation of the Travel Agents Ordinance and the TIC's codes of conduct drawn up for compliance by its members.

The Proposals

8. We are well aware of public concern and have been working closely with the trade to uphold the standard of inbound travel agents and protect Hong Kong's reputation as a tourist-friendly city. After careful consideration of the views and recommendations made by the trade and related bodies, we propose to amend the Travel Agents Ordinance to put in place a licensing scheme to regulate inbound travel agents. This will be complemented by self-regulation in the industry through the TIC. In addition, the TIC is liaising with the relevant parties on the introduction of a certification scheme for tour co-ordinators modelling after that for outbound tour escorts.

9. We propose to require all inbound travel agents to apply for a licence as in the case of outbound agents. Any person carrying on a business as an inbound travel agent without a licence would commit a criminal offence. The RTA will serve as the licensing authority of both inbound and outbound travel agents. We also propose to adopt the licensing requirements currently applicable to outbound travel agents for inbound agents, which include membership of TIC. It follows that inbound agents will be required to observe TIC's codes of conduct and be regulated by the

industry itself.

10. In order to avoid creating unnecessary disruption or incurring additional costs to existing licence holders, we intend to grant one single licence to eligible travel agents providing outbound and/or inbound travel service. This means that only those travel agents (around 200) currently providing inbound travel service alone will need to apply for a new licence.

11. Under the Travel Agents Ordinance, outbound agents are required to contribute to the Travel Industry Compensation Fund (TICF) through a levy charged on outbound package tours. The levy provides the TICF with a steady source of income to protect travellers from Hong Kong in the event of defaults by outbound agents or travel accidents outside Hong Kong through ex gratia payment. We consider that it will not be appropriate for ex gratia payments to be made from the TICF to inbound travellers. Inbound travel agents therefore will not be required to contribute to the Fund levy. Nonetheless, the TIC has agreed to handle complaints against inbound agents as well as disputes between travellers and travel agents and undertakes to take care of visitors found unattended.

THE BILL

12. The main provisions of the Bill 2001 are –

- (a) **Clause 1(2)**
Provides for bringing into effect the legislation on a date to be appointed by the Secretary for Economic Services by notice in the Gazette. This is intended to allow time for eligible inbound travel agents to apply and for the RTA to process and issue the licences.
- (b) **Clause 3**
Adds new definitions of “inbound travel agent” and “inbound travel service”, “outbound travel agent” and “outbound travel service”.
- (c) **Clause 5**
Adds a new section describing what constitutes carrying on business as an inbound travel agent.
- (d) **Clauses 9 and 10**
Makes consequential amendments to the Travel Agents Regulations.

The existing provisions in the Travel Agents Ordinance and its subsidiary legislation to which consequential amendments are to be made are at Annex B.

B

PUBLIC CONSULTATION

13. We have consulted the Legislative Council Panel on Economic Services and the Advisory Committee on Travel Agents on the proposed amendments. Both of them supported the proposals.

14. We have also consulted key industry bodies including the TIC, the Hong Kong Tourism Board, the Consumer Council, the Hong Kong Hotels Association, the Federation of Hong Kong Hotels Owners Ltd., the Hong Kong Association of Registered Tour Co-ordinators and the Hong Kong Inbound Tour Operator Association Ltd. on the proposed amendments. They generally welcomed the proposals.

BASIC LAW IMPLICATIONS

15. The Department of Justice advises that the Bill does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

16. The Department of Justice advises that the Bill is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT OF THE BILL

17. The Bill will not affect the current binding effect of the Travel Agents Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

18. The RTA will take up responsibility of licensing inbound travel agents using his existing resources. The TIC may require additional resources to handle complaints against inbound agents and disputes between travellers and travel agents, and to take care of visitors found unattended. However, the TIC is a self-financing body and will bear fully its operating costs from its own source of income including membership fees. The proposal therefore will not give rise to additional financial and staffing implications for the Government.

ECONOMIC IMPLICATIONS

19. The proposed amendments should have some cost impact on travel agents currently providing inbound travel service only. The overall impact on the economy is positive as the proposed amendments should help to uphold the standard of inbound travel agents and protect Hong Kong's reputation as a tourist-friendly city.

ENVIRONMENTAL IMPLICATIONS

20. The proposed amendments do not have any impact on the environment.

LEGISLATIVE TIMETABLE

21. The legislative timetable will be as follows –

Publication in the Gazette	29 June 2001
First Reading and commencement of Second Reading debate	11 July 2001
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

PUBLICITY

22. We will issue a press release on the day when the Bill is published in the Gazette on 29 June 2001. A spokesman will be available to handle enquiries.

ENQUIRY

23. Enquiries may be directed to Mr Wu Kam Yin, Assistant Commissioner for Tourism, Economic Services Bureau at tel. no. 2810 3525.

Economic Services Bureau
22 June 2001

ESB CR 21/2091/2000



TOURISM
COMMISSION
旅遊事務署

Key Policy Objectives

- Develop and improve tourism infrastructure, facilities and products
- Improve the quality of service of the industry
- Promote HK as an attractive tourist destination

Distribution of responsibilities between Tourism Commission and Hong Kong Tourism Board (previous HKTA)



Tourism Commission is responsible for:

- Setting the policy and strategy for tourism development in order to enhance the attractiveness of HK as a tourist destination
- participating in territory-wide and regional planning to maximize opportunities for tourism development; steer focussed study on selected tourism nodes
- consider and examine feasibility of new attractions and infrastructure facilities and see to the implementation of suitable projects
- regulate travel agents
- facilitate staging of large scale events in HK
- support work of HK Tourism Board and monitor its use of resources

Hong Kong Tourism Board is responsible for:

- promoting Hong Kong globally as tourist destination
- recommending to government and industry ways to improve tourist attractions and facilities
- supporting work of service providers
- promoting quality service
- supporting government in promoting to the community the importance of tourism

Tourism Commission

- Established in May 1999
- Three directorate posts created in addition to an existing AOSGC post:
 - 1 Commissioner for Tourism (D5)
 - 1 AOSGC (D2)
 - 1 Principal Executive Officer (D1)
- Another supernumerary post of AOSGC (D2), expiring in March 2003 was created to support the Hong Kong Disneyland project

Experience and Challenges since establishment

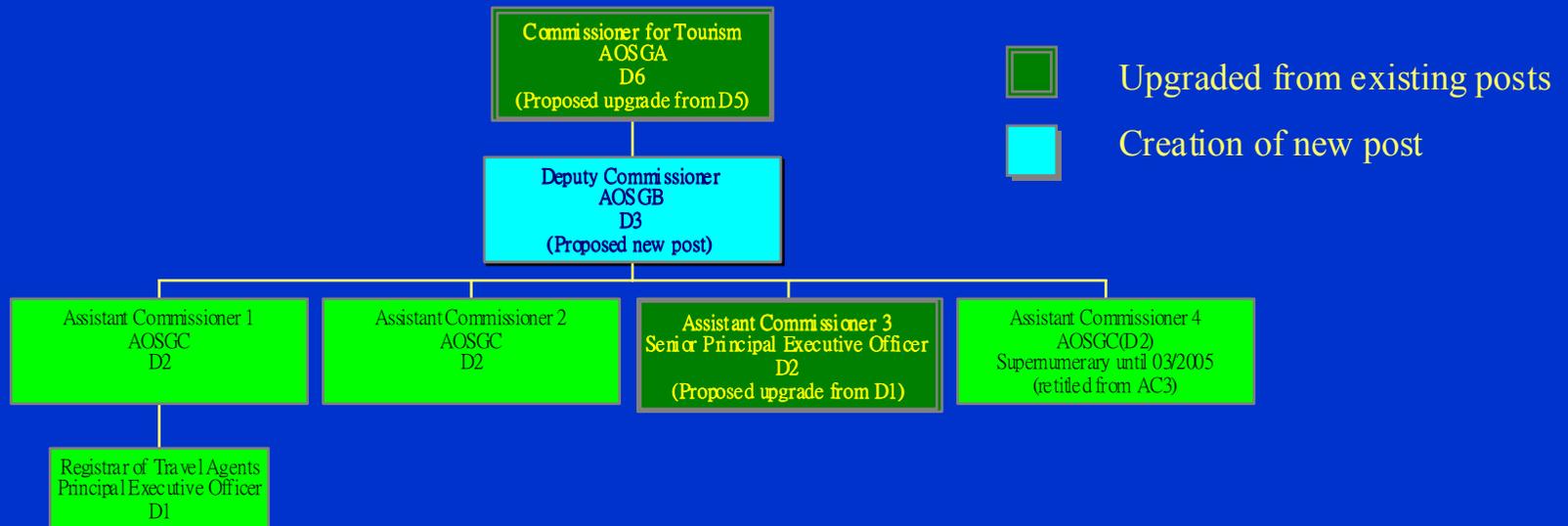
- Confirm the need for a dedicated office in government to be responsible to set tourism development strategy and co-ordinate relevant planning and projects, and to implement such plans together with industry and investors
- Mindful of the equal importance of setting clear vision and strategy and being able to pick up new ideas, grasp opportunities and promptly follow up/ implement
- See a clear need to reinforce the resources of the Commission and to enhance the organisational setup

Tourism Commission

(1) Existing Directorate Structure



(2) Proposed Directorate Structure



Commissioner for Tourism

- Pitched at D5 level (Ref: typical deputy secretary posts are at AOSGB/D3 or AOSGB1/D4 levels)
- Originally intended for open recruitment, but no suitable candidates were identified in two recruitment exercises
- Experience shows that the post should be filled by a senior and experienced Administrative Officer in order to perform the functions of inter-departmental co-ordination, policy setting and resource management
- Now proposed to re-grade and re-rank the post as an AOSGA (D6) post

Proposed creation of Deputy Commissioner post

- To deputise the Commissioner
- To assist in formulation of tourism development strategy, in particular that related to the development of new tourism facilities and attractions
- To be responsible for the co-ordination and steering of tourism planning and projects

Division 1: Regulation and Liaison

(no change proposed)

- Housekeeping of HK Tourism Board
- Regulation of travel agents (responsibility transferred from CIB in July 2000), expanding to include inbound travel
- Liaison with industry, manpower planning
- liaison with Mainland and international bodies e.g. APEC Tourism Working Group, World Tourism Organisation
- Bureau Administration

Existing Division 2: Planning and Projects

- Tourism policy input into territory-wide and regional planning; steering of focussed study of tourism nodes
 - Consider, steer and implement territory wide tourism infrastructure projects
 - Implement tourism enhancement projects in districts
-
- Involve interface with wide range of stakeholders, require intensive consultation and co-ordination with parties with different demands, views and vested interest
 - Workload far exceeds existing manpower resources

Proposed Division 2 : Planning & Development

(To be headed by existing AC1)

- **Tourism policy input into planning and steering of focussed studies**

For example:

- *HK 2030 - Planning Vision and Strategy*
- *SE Kowloon Study ~ Cruise Terminal Study*
- *NE NT Study*
- *Harbour Study*

- **Consider, steer and implement territory-wide tourism infrastructure projects**

For example:

- *Large scale projects - Cable Car, Int'l Wetland Park*
- *Other projects - former Marine HQs, heritage trail, eco-tour attractions*

Proposed Division 3: Events & District projects (To be headed by ACT3 - Upgraded SPEO)

- Implement tourism enhancement projects in districts

For example

- *Stanley (beautification of waterfront and promenade)*
- *Central & Western (repaving, signage improvement)*
- *Peak (highlighting several trails, signage improvement)*
- *TST promenade (beautification, outdoor café)*

- Facilitation of major events and campaigns
 - *Mega Events, e.g. “Hong Kong Is It” and other private sector initiatives*
- Campaign
 - *Hospitality culture*

Division 4: Hong Kong Disneyland

(No change proposed except for retitling from division 3)

- AOSGC Supernumerary post until March 2005
- Co-ordinate, monitor and oversee government's works and obligations in implementing the project
- Co-ordinate and monitor HKITP works in bringing about timely completion of HKD

Proposal

- Directorate posts
 - **Creation**
 - 1 AOSGB(D3)
 - **Upgrading**
 - 1 D5 ~ AOSGA(D6)
 - 1 PEO(D1) ~ SPEO(D2)

**Travel Agents Ordinance
(Chapter 218)**

Travel Agents (Amendment) Bill 2001

Annexes

- Annex A - Travel Agents (Amendment) Bill 2001
- Annex B - Relevant sections in the Travel Agents Ordinance and its subsidiary legislation proposed to be amended

TRAVEL AGENTS (AMENDMENT) BILL 2001

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A BILL

To

Amend the Travel Agents Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Travel Agents (Amendment) Ordinance 2001.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Economic Services by notice published in the Gazette.

2. Long title amended

The long title to the Travel Agents Ordinance (Cap. 218) is amended by repealing "providing travel services in respect of travel outside or outward from Hong Kong".

3. Interpretation and application

Section 2 is amended -

- (a) by repealing the definitions of "travel agent" and "travel service" and substituting -

"travel agent" (旅行代理商), except in Part IIIA, includes an inbound travel agent and an outbound travel agent;

"travel service" (旅行服務) includes an inbound

travel service and an outbound travel service.";

(b) by adding -

"inbound travel agent" (到港旅行代理商) means a person who carries on business as an inbound travel agent within the meaning of section 4A;

"inbound travel service" (到港旅行服務) means a service provided through the carrying on of an activity described in section 4A(1) (a), (b) or (c) in respect of the provision of which a person is required to be licensed under this Ordinance;

"outbound travel agent" (外遊旅行代理商) means a person who carries on business as an outbound travel agent within the meaning of section 4;

"outbound travel service" (外遊旅行服務), except in Part IIIA, means a service provided through the carrying on of an activity described in section 4(1) (a) or (b) in respect of the provision of which a person is required to be licensed under this Ordinance;"

4. Outbound travel agents

Section 4 is amended -

- (a) in subsection (1), by repealing "a travel agent if" and substituting "an outbound travel agent if, in Hong Kong,";
- (b) in subsection (2) -
 - (i) by repealing "a travel agent" and substituting "an outbound travel agent";
 - (ii) in paragraph (b), by repealing "在該處佔用" and substituting "佔用該處".

5. Section added

The following is added -

"4A. Inbound travel agents

(1) Subject to subsection (2), a person carries on business as an inbound travel agent if, in Hong Kong, he holds himself out as carrying on the business of, and carries on the business of, obtaining for another person -

- (a) carriage, by any means of conveyance, on a journey the outbound portion of which is to commence outside Hong Kong and which either -
 - (i) terminates in Hong Kong; or
 - (ii) involves that other person passing through immigration controls before departing from Hong Kong;
- (b) accommodation in Hong Kong for which payment

is, or is to be, made to that person by or on behalf of that other person of an amount on account of the cost of that accommodation; or

- (c) who is a visitor to Hong Kong, prescribed services.
- (2) A person does not carry on business as an inbound travel agent -
- (a) under subsection (1) (a) in respect of carriage by means of conveyance if the means of conveyance is one of which he is an operator;
 - (b) under subsection (1) (b) in respect of accommodation if the accommodation is intended to be occupied by the same person for a period exceeding 14 days;
 - (c) under subsection (1) (c) if he is the owner or operator of the service being provided to the visitor.

(3) In this section "operator" (營運人), in relation to a means of conveyance, means the person who alone or with others has for the time being the management of that means of conveyance."

6. Notice of intention to revoke

Section 20(1) is amended by repealing "19(b)" and substituting "19(1) (b)".

7. Interpretation

Section 32A(1) is amended by repealing the definition of "travel agent" and substituting -

"travel agent" (旅行代理商) means an outbound travel agent who is the holder of a licence granted under section 11;"

8. Regulations

Section 50(1) is amended by adding -

"(fa) prescribe services obtained for persons who are visitors for the purpose of section 4A(1) (c), including the circumstances in which such services are obtained;"

Consequential Amendments

Travel Agents Regulations

9. Regulation added

The Travel Agents Regulations (Cap. 218 sub. leg.) is amended by adding -

"18. Prescribed services

For the purposes of section 4A(1) (c) of the Ordinance, the following services are prescribed -

- (a) sightseeing or visits to local places of interest;
- (b) restaurant meals or other catered meals;
- (c) shopping trips;
- (d) local transport in connection with an activity

referred to in paragraph (a), (b) or (c)."

10. Second Schedule amended

The Second Schedule is amended -

(a) in Form 4, by adding -

"2A. Is it proposed that your business includes obtaining for another person -

(a) carriage, by any means of conveyance, on a journey the outbound portion of which is to commence outside Hong Kong and which either -

(i) terminates in Hong Kong; or

(ii) involves that other person passing through immigration controls before departing from Hong Kong?

Yes

No

(b) accommodation in Hong Kong for which payment is, or is to be, made to that person by or on behalf of that other person of an amount on account of the cost of that accommodation?

Yes

No

(c) who is a visitor services that are prescribed by regulations made under

section 50(1) (fa) of the Travel Agents Ordinance?

Yes No "

(b) in Form 5, by adding -

"1A. Is it proposed that your business includes obtaining for another person -

(a) carriage, by any means of conveyance, on a journey the outbound portion of which is to commence outside Hong Kong and which either -

(i) terminates in Hong Kong; or

(ii) involves that other person passing through immigration controls before departing from Hong Kong?

Yes No

(b) accommodation in Hong Kong for which payment is, or is to be, made to that person by or on behalf of that other person of an amount on account of the cost of that accommodation?

Yes No

(c) who is a visitor services that are prescribed by regulations made under section 50(1) (fa) of the Travel

Agents Ordinance?

Yes

No "

Explanatory Memorandum

The purpose of this Bill is to make the regulatory provisions of the Travel Agents Ordinance (Cap. 218) applicable to persons who carry on business as inbound travel agents in Hong Kong.

2. The Bill -

- (a) amends the long title (clause 2);
- (b) adds new definitions of "inbound travel agent", "inbound travel service", "outbound travel agent" and "outbound travel service" (clause 3);
- (c) makes consequential amendments to section 4 (clause 4);
- (d) adds a new section describing what constitutes carrying on business as an inbound travel agent (clause 5);
- (e) corrects a section cross reference in section 20 (clause 6);
- (f) makes a consequential amendment to section 32A (clause 7);
- (g) makes a consequential amendment to the regulation-making section (clause 8); and
- (h) makes consequential amendments to the Travel Agents Regulations (Cap. 218 sub. leg.) (clauses 9 and 10).

Chapter: 218	Title: TRAVEL AGENTS ORDINANCE	Gazette Number:
	Heading: Long title	Version Date: 30/06/1997

To provide for the control and regulation of travel agents providing travel services in respect of travel outside or outward from Hong Kong, the appointment of a Registrar of Travel Agents, the establishment of an Advisory Committee on Travel Agents, the licensing of travel agents, the establishment of a reserve fund and a Board to administer the fund, the imposition of levies on travel agents and for matters connected therewith or incidental thereto.

(Amended 51 of 1993 s. 2)

[Part I (sections 1 to 8)	}	13 December 1985	<i>L.N. 346 of 1985</i>
Section 9 in Part II	}	1 February 1986	<i>L.N. 31 of 1986</i>
Sections 10 to 13 in Part II	}	13 December 1985	<i>L.N. 346 of 1985</i>
Sections 14 to 16 in Part II	}	1 February 1986	<i>L.N. 31 of 1986</i>
Sections 17 to 31 in Part III	}	13 December 1985	<i>L.N. 346 of 1985</i>
Section 32 in Part III	}	13 December 1985	<i>L.N. 346 of 1985</i>
Section 33 in Part IV	}	1 February 1986	<i>L.N. 31 of 1986</i>
Section 34 in Part IV	}	1 February 1986	<i>L.N. 31 of 1986</i>
Part V (sections 35 to 41)	}	13 December 1985	<i>L.N. 346 of 1985</i>
Part VI (sections 42 to 44)	}	1 February 1986	<i>L.N. 31 of 1986</i>
Sections 45 and 46 in Part VII	}	1 June 1986	<i>L.N. 110 of 1986</i>
Section 47 in Part VII	}	1 June 1986	<i>L.N. 110 of 1986</i>
Section 48(1)(a) and (b) in Part VII	}	1 February 1986	<i>L.N. 31 of 1986</i>
Section 48(1)(c) in Part VII	}	13 December 1985	<i>L.N. 346 of 1985</i>
Section 48(2) and (3) in Part VII	}	1 February 1986	<i>L.N. 31 of 1986</i>
Sections 49 to 52 in Part VII	}	13 December 1985	<i>L.N. 346 of 1985]</i>

(Originally 60 of 1985)

Chapter: 218	Title: TRAVEL AGENTS ORDINANCE	Gazette Number:
Section: 2	Heading: Interpretation and application	Version Date: 30/06/1997

In this Ordinance, unless the context otherwise requires-
"Advisory Committee" (諮詢委員會) means the Advisory Committee on Travel Agents established

under section 7;

"applicant" (申請人), in relation to an application for a licence whether by way of renewal or otherwise, includes a licensee; (Added 70 of 1988 s. 2)

"approved organization" (認可機構) means any body specified in Part I of Schedule 1; (Added 70 of 1988 s. 2. Amended 51 of 1993 s. 3)

"association member" (商會會員) means any body specified in Part II of Schedule 1; (Added 70 of 1988 s. 2. Amended 51 of 1993 s. 3)

"controller" (控權人), in relation to a body corporate, means the person who controls the body corporate and includes any person in accordance with whose directions or instructions the directors thereof are accustomed to act;

"exempt person" (獲豁免人士) means a person or class of persons granted an exemption under section 3;

"licence" (牌照) means a travel agent's licence granted under section 11 and "licensed" (領有牌照) and "licensee" (持牌人) shall have corresponding meanings; (Amended 70 of 1988 s.2)

"qualified" (合資格) means qualified in accordance with the constitution, rules or articles of association of an approved organization or of an association member, as the case may be; (Added 70 of 1988 s. 2)

"register" (登記冊) means the register kept by the Registrar under section 6;

"Registrar" (註冊主任) means the Registrar of Travel Agents appointed under section 5;

"travel agent" (旅行代理商) means a person who carries on business as a travel agent within the meaning of section 4;

"travel service" (旅行服務) means a service provided through the carrying on of an activity described in section 4(1)(a) or (b) in respect of the provision of which a person is required to be licensed under this Ordinance.

(Amended 70 of 1988 s. 2)

Chapter: 218	Title: TRAVEL AGENTS ORDINANCE	Gazette Number:
Section: 4	Heading: Travel agents	Version Date: 30/06/1997

- (1) Subject to subsection (2), a person carries on business as a travel agent if he holds himself out as carrying on the business of, and carries on the business of, obtaining for another person-
- (a) carriage, by any means of conveyance, on a journey which is to commence in Hong Kong and which thereafter is to take place mainly outside Hong Kong; or
 - (b) accommodation at a place outside Hong Kong for which payment is, or is to be, made to that person by or on behalf of that other person of an amount on account of the cost of that accommodation.
- (2) A person does not carry on business as a travel agent-
- (a) under subsection (1)(a) in respect of carriage by means of conveyance if the means of conveyance is one of which he is an operator; or
 - (b) under subsection (1)(b) in respect of accommodation at any one place if the accommodation is intended to be occupied by the same person for a period exceeding 14 days at that place.
- (3) In this section "operator" (營運人), in relation to a means of conveyance, means the person

who alone or with others has for the time being the management of that means of conveyance.

Chapter: 218	Title: TRAVEL AGENTS ORDINANCE	Gazette Number:
Section: 20	Heading: Notice of intention to revoke	Version Date: 30/06/1997

(1) The Registrar shall not suspend or revoke a licence under section 19(b) or refuse consent under section 18(c) unless he first-

- (a) gives notice in writing to the licensee of his intention and the ground upon which he proposes to suspend or revoke the licence or refuse consent; and
- (b) permits the licensee to make representations to him.

(2) Representations under subsection (1)(b) shall be made in writing and within 7 clear days from the date of notification under subsection (1) or such greater period as is specified in the notice.

Chapter: 218	Title: TRAVEL AGENTS ORDINANCE	Gazette Number:
Section: 32A	Heading: Interpretation	Version Date: 30/06/1997

PART IIIA

TRAVEL INDUSTRY COMPENSATION FUND

(1) In this Part-

"authorized collector" (獲授權收款人) means-

- (a) the Travel Industry Council; or
- (b) such other person,

as the case may be, authorized for the time being under section 32F(2)(b);

"Board" (委員會) means the Travel Industry Compensation Fund Management Board established by section 32B;

"Council levy" (議會徵費) means the levy payable under section 32I;

"ex gratia payment" (特惠賠償) means, except in section 32S, an ex gratia payment payable under section 32E(1);

"Fund" (賠償基金) means the Travel Industry Compensation Fund established by section 32C;

"Fund levy" (賠償基金徵費) means the levy referred to in section 32H(1);

"outbound fare" (外遊費) in relation to a package means an amount paid on account of the relevant inclusive price referred to in subsection (2)(c) (whether such payment amounts to the whole or a part of such price);

"outbound travel service" (外遊旅行服務) means an outbound travel service within the meaning of subsection (2);

"outbound traveller" (外遊旅客) means a person who has paid, in a single payment or separate payments, an outbound fare to a travel agent, in connection with or in anticipation of the travel agent obtaining for him an outbound travel service or a person on whose behalf such a payment is made;

"package" (包辦旅遊) means a combination of any 2 or all (as the case may be) of the services or arrangements specified in subsection (2)(b);

"travel agent" (旅行代理商) means a holder of a licence granted under section 11;

"Travel Industry Council" (旅遊業議會) means the limited company registered in the name of Travel Industry Council of Hong Kong under the Companies Ordinance (Cap 32) and referred to in Part I of Schedule 1.

(2) A service is an outbound travel service if-

(a) it is provided or obtained by a travel agent for the public;

(b) it is comprised of any 2 or all of the following-

(i) carriage, by means of a conveyance, on a journey which is to commence in Hong Kong and which thereafter is to take place mainly outside Hong Kong;

(ii) accommodation at a place outside Hong Kong;

(iii) arrangements for an activity (not ancillary to a service referred to in subparagraph (i) or (ii) and which is to take place outside Hong Kong and which, where included in the package, constitutes a substantial part of it;

(c) it is a package which is available only at an inclusive price; and

(d) the services or arrangements constituting the package have been determined in advance of being made available to the public.

(3) For the avoidance of doubt the following is declared-

(a) for the purposes of this Part a person is not a travel agent if his licence is for the time being suspended;

(b) where an outbound fare is paid to a person who at the time the payment is made, is a travel agent, the payment shall not be regarded as not having been made only by reason of a subsequent revocation or suspension of the licence of that travel agent.

(Part IIIA added 51 of 1993 s. 5)

Chapter: 218	Title: TRAVEL AGENTS ORDINANCE	Gazette Number: L.N. 218 of 2000
Section: 50	Heading: Regulations	Version Date: 01/07/2000

Remarks:

Adaptation amendments retroactively made - see 66 of 2000 s. 3

(1) The Secretary for Economic Services may by regulation- (Amended 80 of 1997 s. 9; L.N. 218 of 2000)

(a) regulate applications for licences and the renewal of licences;

(b) prescribe forms for the purposes of this Ordinance;

(c) prescribe the form of any certificate, notice, application or order for the purpose of section 29;

(d) prescribe particulars to be supplied in connection with an application for a licence;

(e) provide for the keeping and maintenance of the register;

(f) provide for the proof of matters relating to licensing and suspension and revocation of

- licences;
- (g) (Repealed 80 of 1997 s. 9)
 - (h) provide for the membership, powers, functions and procedure of meetings of the Advisory Committee;
 - (i) provide for the duties of any person licensed under this Ordinance;
 - (j) prescribe anything required or permitted to be prescribed under this Ordinance; and
 - (k) provide for the better carrying into effect of this Ordinance.

(2) The Chief Executive in Council may by regulation prescribe fees for the licensing of persons as travel agents and relating to the register. (Added 80 of 1997 s. 9. Amended 66 of 2000 s. 3)

Chapter: 218A	Title: TRAVEL AGENTS REGULATIONS	Gazette Number: L.N. 78 of 2001
Schedule: 2	Heading:	Version Date: 01/04/2001

[regulations 9, 11, 13, 16 & 17]

FORM 1

[regulation 11]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

TRAVEL AGENTS LICENCE

Licence No. _____

LICENCE IS GRANTED this _____ day of _____ 19 _____
to _____

(name)

to carry on business as a travel agent at _____
(address(es) of premises)

This licence shall, unless earlier suspended or revoked, cease to have effect on the _____ day of _____ 19 _____.

This licence is subject to the conditions set out herein.

CONDITIONS

(1) The licensee shall notify the Registrar of Travel Agents in writing prior to the licensee ceasing to carry on the business of a travel agent at any address specified in this licence.

(2) The licensee shall, prior to the expiry of this licence, submit to the Registrar of Travel Agents the latest statement of accounts in respect of the licensee's business as a travel agent.

(3) The licensee shall, during the period that this licence is in force, be and remain a member of an approved organization specified in Part I of Schedule 1 to the Travel Agents Ordinance (Cap 218).

Signed _____
Registrar of Travel Agents

ENDORSEMENTS

(Enacted 1985. L.N. 240 of 1988; L.N. 136 of 1996; 80 of 1997 s. 102)

FORM 2

[regulation 9(1)(a)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

APPLICATION FOR A LICENCE BY AN INDIVIDUAL OR BY AN UNINCORPORATED BODY

Application is hereby made to the Registrar of Travel Agents for a licence under Part II of the Travel Agents Ordinance.

1. Application by an Individual

(a) Full name in English

(b) Full name in Chinese characters (if applicable) and code

(c) Aliases (if any)

(d) Residential address

_____ Telephone No. _____

(e) Hong Kong Identity Card number

(f) Place and date of birth

2. Application by an Unincorporated Body

To be completed for each partner	1	2	3	4
Full name in English				
Full name in Chinese characters (if applicable) and code				
Aliases (if any)				
Residential address and telephone number				
Hong Kong Identity Card number				
Place and date of birth				

3. (a) Name of the business of a travel agent to be licensed-

- (i) in English _____
(ii) in Chinese _____

(b) Business Registration number _____

(c) Address of the proposed head office and of all offices in Hong Kong at which it is intended to carry on the business of a travel agent, including the number of the street, flat, floor(s), whether the area occupied is part of a floor, the number of the room(s) and whether the applicant is the owner, the principal tenant or the sub-tenant of the premises.

Address	State whether the premises are owned or rented by the applicant	Telephone number

(d) State which, if any, of the premises listed under (c) are not in a commercial building

(e) Will the proposed office(s) be used exclusively by the business of the travel agent?

Yes

No

A DUPLICATE LICENCE WILL BE REQUIRED FOR EACH BRANCH OFFICE UNDER REGULATION 12 OF THE TRAVEL AGENTS REGULATIONS.

4. Particulars of person(s) in Hong Kong proposed to be responsible for the management of the business, including the management of branch office(s).

	1	2	3	4
Full name in English				
Full name in Chinese characters (if applicable) and code				
Aliases (if any)				
Residential address and telephone number				
Hong Kong Identity Card number				
Place and date of birth				
Position held				
Date of appointment				

I/We* declare that all the information given by me/us* in this application is true and correct to the best of my/our* knowledge and belief.

Signed _____
(Individual Applicant)

Signed _____
(Applicant as a partner)

*Delete as appropriate.

NOTES

1. You are advised to read the Travel Agents Ordinance and the Travel Agents Regulations before submitting this application.

2. A statement of particulars in support of this application (Form 4) must also be completed and submitted.
3. Documentary evidence may be required in support of the information given in this application.
4. The prescribed fee payable upon submitting this application is #FEE \$300.
5. The original and one copy of-
 - (a) this application; and
 - (b) the statement of particulars in support, together with the application fee should be posted or delivered to the Registrar at the following address-
 TRAVEL AGENTS REGISTRY,
 6th Floor, East Wing,
 Hennessy Centre,
 500 Hennessy Road,
 Hong Kong.

(If payment is made by post, only cheques will be accepted. Cheques should be made payable to 'Hong Kong Government' and crossed. They must not be made payable to any individual officer. Postdated cheques will not be accepted.)
6. Upon approval of this application, you will be notified of the amount of the licence fee payable, in accordance with the rates set out in the First Schedule of the Travel Agents Regulations.
7. A licence, if granted, shall not enter in force except on payment of the appropriate fee.

WARNING- Section 48(1)(c) of the Travel Agents Ordinance makes it an offence punishable by a fine of #FINE \$100000 and to imprisonment for #IMPRIYR 2 years on conviction upon indictment or by a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months on summary conviction for a person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the issue of a licence.

(Enacted 1985. L.N. 240 of 1988; L.N. 136 of 1996)

FORM 3

[regulation 9(1)(b)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

APPLICATION FOR A LICENCE BY A BODY CORPORATE

Application is hereby made to the Registrar of Travel Agents for a licence under Part II of the Travel Agents Ordinance.

1. (a) The name and any former names of the company or other body corporate-
 - (i) in English_____
 - (ii) in Chinese_____
- (b) The place of incorporation_____

- (c) The date of incorporation_____
- (d) Company Registration number_____
- (e) The name of the proposed business of a travel agent if different from (a) above-
- (i) in English_____
- (ii) in Chinese_____
- (f) Address of the corporation's registered office and of all offices in Hong Kong at which it is intended to carry on the business of a travel agent, including the number of the street, flat, floor(s), whether the area occupied is part of a floor, the number of the room(s) and whether the corporation is the owner, the principal tenant or the sub-tenant of the premises.

Address	State whether the premises are owned or rented by the corporation	Telephone number

- (g) State which, if any, of the premises listed above are not in a commercial building
- _____
- (h) Will the proposed office(s) be used exclusively by the business of a travel agent?

Yes

No

A DUPLICATE LICENCE WILL BE REQUIRED FOR EACH BRANCH OFFICE UNDER REGULATION 12 OF THE TRAVEL AGENTS REGULATIONS.

2. Particulars of the Controller (see note 3), the Secretary and all Directors and officers of the corporation.

	1	2	3	4
Full name in English				
Full name in Chinese characters (if applicable) and code				
Aliases (if any)				
Residential address and telephone number				

Hong Kong Identity Card number				
Position held (e.g. Controller/Managing Director/Director/Secretary/ Manager/ Accountant etc.)				
Date of appointment				

I declare that all information given by me in this application is true and correct to the best of my knowledge and belief.

Signature_____

Name of Signatory_____

Capacity_____

(Evidence of authorization by the company or other body corporate for a person in this behalf should be produced)

NOTES

1. You are advised to read the Travel Agents Ordinance and the Travel Agents Regulations before submitting this application.
2. A statement of particulars in support of this application (Form 5) must also be completed and submitted.
3. A controller of a travel agency is a person who controls the applicant company and includes a person in accordance with whose directions or instructions the directors thereof are accustomed to act.
4. Documentary evidence may be required in support of the information given in this application.
5. The prescribed fee payable upon submitting this application is #FEE \$300.
6. The original and one copy of-
 - (a) this application; and
 - (b) the statement of particulars in support,
 together with the application fee should be posted or delivered to the Registrar at the following

address-

TRAVEL AGENTS REGISTRY,
6th Floor, East Wing,
Hennessy Centre,
500 Hennessy Road,
Hong Kong.

(If payment is made by post, only cheques will be accepted. Cheques should be made payable to 'Hong Kong Government' and crossed. They must not be made payable to any individual officer. Postdated cheques will not be accepted.)

7. Upon approval of this application, you will be notified of the amount of the licence fee payable, in accordance with the rates set out in the First Schedule of the Travel Agents Regulations.
8. A licence, if granted, shall not enter in force except on payment of the appropriate fee.

WARNING- Section 48(1)(c) of the Travel Agents Ordinance makes it an offence punishable by a fine of #FINE \$100000 and to imprisonment for #IMPRIYR 2 years on conviction upon indictment or by a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months on summary conviction for a person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the issue of a licence.

(Enacted 1985. L.N. 240 of 1988; L.N. 136 of 1996)

FORM 4

[regulation 9(2)(a)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

STATEMENT OF PARTICULARS IN SUPPORT OF AN APPLICATION FOR
A LICENCE BY AN INDIVIDUAL OR BY AN UNINCORPORATED BODY

Please answer the following questions-

(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)

1. (a) Have you or any members of your management or staff any previous experience in the business of a travel agent?

Yes

No

- (b) If the answer to (a) is 'Yes', state the type and period of such experience

2. Is it proposed that your business includes obtaining for another person-

- (a) carriage, by any means of conveyance, on a journey which is to commence in Hong Kong and

which thereafter is to take place mainly outside Hong Kong?

Yes No

- (b) accommodation at a place outside Hong Kong for which payment is, or is to be, made by that other person on account of the cost of that accommodation?

Yes No

- (c) If the answer to (a) is 'Yes', state whether the travel agency for which application is made for a licence is-

(i) approved by IATA _____

(ii) an OAA appointed agent _____

(iii) appointed as sales agent for an international scheduled air carrier (give name of the air carrier) _____

3. (a) Is the business of a travel agency for which application is being made for a licence, a member of any established travel business association(s) in Hong Kong?

Yes No

- (b) If the answer to (a) is 'Yes', give the name(s) of the travel business association(s)-

(i) _____

(ii) _____

(iii) _____

4. (a) Do you propose to keep a bank account in connection with your business as a travel agent?

Yes No

- (b) If the answer to (a) is 'Yes', give the following details in respect of each bank at which you propose to keep an account in connection with the business-

	1	2	3	4
Name of bank				
Address of bank				
Account number				
Date on which the account was opened				

5. (a) Do you propose to appoint a certified public accountant to audit the accounts of the business?

Yes No

- (b) If the answer to (a) is 'Yes', state the name and address of the accountant-

6. (a) Have you, or any member of your management named in paragraph 4 of the Application for a Licence, ever been convicted, whether in Hong Kong or elsewhere, of an offence other than a traffic offence?

Yes No

- (b) If the answer to (a) is 'Yes', give the following details-

	1	2	3	4
Full name of the defendant in English				
Full name of the defendant in Chinese characters (if applicable) and code				
Aliases (if any)				
Hong Kong Identity Card number				
The offence				
Penalty (if any) imposed				
Date of conviction				
Place of conviction				
Name of the court which tried the offence				

7. (a) Have you any unsatisfied judgment debt outstanding against you in connection with any business conducted by you in Hong Kong or elsewhere?

Yes No

- (b) If the answer to (a) is 'Yes', please state-

- (i) the date of the judgment _____
(ii) the name of the court giving judgment _____

8. (a) Have you any unsatisfied judgment or court order requiring the payment of damages or a sum of money in relation to any trade or business carried on by you or in which you have been concerned?

Yes

No

- (b) If the answer to (a) is 'Yes', please state-
- (i) the date of the judgment _____
 - (ii) the name of the court giving judgment or making the order _____

9. (a) Have you ever been adjudicated bankrupt in Hong Kong or elsewhere?

Yes

No

- (b) If the answer to (a) is 'Yes', give details of-
- (i) the date of the adjudication _____
 - (ii) the name of the court which made the adjudication of bankruptcy _____

- (c) If you have been discharged as a bankrupt, state-
- (i) the date of discharge _____
 - (ii) the conditions of discharge _____

10. (a) Has a bankruptcy petition ever, in Hong Kong or elsewhere, been served on you which did not result in your being adjudicated bankrupt?

Yes

No

- (b) If the answer to (a) is 'Yes', specify details of the petition, including the date, place and the court in which the petition was presented _____

11. (a) Have you ever, in Hong Kong or elsewhere, been a party to a scheme of arrangement or entered into any form of composition with your creditors?

Yes

No

- (b) If the answer to (a) is 'Yes', give details of the arrangement or composition _____

12. (a) To the best of your knowledge, has any company or other body corporate of which you have been a director, in Hong Kong or elsewhere, been wound up, otherwise than by means of a members' voluntary winding up, during the 5 years preceding this application?

Yes

No

- (b) If the answer to (a) is 'Yes', state-
- (i) the name of the company or body corporate _____
 - (ii) the mode of winding up _____
 - (iii) the reasons for winding up _____

13. (a) To the best of your knowledge, has any firm of which you have been a partner, in Hong Kong or elsewhere, been dissolved, otherwise than voluntarily with the consent of all the partners, during the 5 years preceding this application?

Yes No

- (b) If the answer to (a) is 'Yes', state-
- (i) the name of the firm _____
 - (ii) the mode of dissolution _____
 - (iii) the reasons for dissolution _____
-

I/We* declare that all the information given by me/us* in this application is true and correct to the best of my/our* knowledge and belief.

Signed _____
*(Applicant as an individual)
*(Applicant for and on behalf of all partners whose signatures are given in the application form)

* Delete as appropriate.

- Please note:
- (i) The original and one copy of this statement, duly completed and signed, should be submitted, together with the Application for a Licence, to the Registrar.
 - (ii) Documentary evidence may be required in support of any information given in this statement.

<p>WARNING- Section 48(1)(c) of the Travel Agents Ordinance makes it an offence punishable by a fine of #FINE \$100000 and to imprisonment for #IMPRIYR 2 years on conviction upon indictment or by a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months on summary conviction for a person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the issue of a licence.</p>
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(Enacted 1985. L.N. 136 of 1996; 3 of 2001 s. 46)

FORM 5

[regulation 9(2)(b)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

STATEMENT OF PARTICULARS IN SUPPORT OF AN APPLICATION FOR
A LICENCE BY A BODY CORPORATE

Please answer the following questions-

(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)

1. Is it proposed that the business of the corporation include obtaining for another person-

(a) carriage, by any means of conveyance, on a journey which is to commence in Hong Kong and which thereafter is to take place mainly outside Hong Kong?

Yes No

(b) accommodation at a place outside Hong Kong for which payment is, or is to be, made by that other person on account of the cost of that accommodation?

Yes No

(c) If the answer to (a) is 'Yes', state whether the business of a travel agency for which application is made for a licence is-

(i) approved by IATA _____

(ii) an OAA appointed agent _____

(iii) appointed as sales agent for an international scheduled air carrier (give name of the air carrier) _____

2. (a) Is the business of a travel agency for which application is being made for a licence, a member of any established travel business association(s) in Hong Kong?

Yes No

(b) If the answer to (a) is 'Yes', give the name(s) of the travel business association(s)-

(i) _____

(ii) _____

(iii) _____

3. (a) Does the corporation propose to keep a bank account in connection with its business as a travel agent?

Yes No

(b) If the answer to (a) is 'Yes', give the following details in respect of each bank at which the corporation proposes to keep an account in connection with the business-

	1	2	3	4
Name of bank				
Address of bank				
Account number				
Date on which the account was opened				

4. (a) Does the corporation propose to appoint a certified public accountant to audit the corporation's accounts of the business?

Yes No

- (b) If the answer to (a) is 'Yes', state the name and address of the accountant-

5. (a) Has the corporation or any controller, director, secretary or officer thereof ever been convicted, whether in Hong Kong or elsewhere, of an offence other than a traffic offence?

Yes No

- (b) If the answer to (a) is 'Yes', give the following details-

	1	2	3	4
Full name of the defendant in English				
Full name of the defendant in Chinese characters (if applicable) and code				
Aliases (if any)				
Hong Kong Identity Card number				
The offence				
Penalty (if any) imposed				
Date of conviction				
Place of conviction				
Name of the court which tried the offence				

6. (a) Are there any unsatisfied judgment debts, or judgments or court orders for the payment of damages or sum of money, outstanding against the corporation?

Yes No

- (b) If the answer to (a) is 'Yes', state the amount and give full details-

7. (a) Has any controller, director, secretary or officer of the corporation ever in Hong Kong or elsewhere been declared a bankrupt?

Yes No

- (b) If the answer to (a) is 'Yes', give the following particulars-

	1	2	3	4
Full name of the controller/ director/secretary/ officer in English				
Full name of the controller/ director/secretary/ officer in Chinese characters (if applicable) and code				
Aliases (if any)				
Hong Kong Identity Card number				
Date of adjudication				
Place of bankruptcy				
Name of the court which made the adjudication				
If the controller/ director/secretar y/officer has	the date of discharge			
been discharged as a bankrupt state	the conditions of discharge			

8. (a) Has any controller, director, secretary or officer of the corporation ever, in Hong Kong or elsewhere, been served with a bankruptcy petition which did not result in his being declared bankrupt?

Yes No

- (b) If the answer to (a) is 'Yes', give the following details of the petition-

	1	2	3	4
Full name of the controller/director/ secretary/officer in English				

Full name of the controller/director/ secretary/officer in Chinese characters (if applicable) and code (L.N. 307 of 1998)				
Aliases (if any)				
Hong Kong Identity Card number				
Date of service of the petition				
Place where the petition was presented				
Name of the court in which the petition was presented				

9. (a) Has the corporation or any controller, director, secretary or officer thereof ever, in Hong Kong or elsewhere, been a party to a scheme of arrangement or entered into any form of composition with his creditors?

Yes No

- (b) If the answer to (a) is 'Yes', give the following details-

	1	2	3	4
Full name of the controller/director/ secretary/officer in English				
Full name of the controller/director/ secretary/officer in Chinese characters (if applicable) and code (L.N. 307 of 1998)				
Aliases (if any)				
Hong Kong Identity Card number				
Details of arrangement or composition				

10. (a) Has a petition ever been presented for winding up the corporation?

Yes No

(b) If the answer to (a) is 'Yes', is the petition now pending?

(c) If the answer to (b) is 'No', how was the petition disposed of?

I declare that all information given by me in this application is true and correct to the best of my knowledge and belief.

Signature_____

Name of
Signatory_____

Capacity_____

(Evidence of authorization by the company or other body corporate for a person in this behalf should be produced)

- Please note:
- (i) The original and one copy of this statement, duly completed and signed, should be submitted, together with the Application for a Licence, to the Registrar.
 - (ii) Documentary evidence may be required in support of any information given in this statement.

WARNING- Section 48(1)(c) of the Travel Agents Ordinance makes it an offence punishable by a fine of #FINE \$100000 and to imprisonment for #IMPRIYR 2 years on conviction upon indictment or by a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months on summary conviction for a person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the issue of a licence.

(Enacted 1985. L.N. 136 of 1996; L.N. 307 of 1998; 3 of 2001 s. 46)

FORM 6

[regulation 13(2)(a)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

APPLICATION FOR RENEWAL OF A LICENCE BY AN INDIVIDUAL
OR BY AN UNINCORPORATED BODY

Application is hereby made to the Registrar of Travel Agents for the renewal of a licence under section 15 of the Travel Agents Ordinance.

1. Application by an Individual

(a) Full name in English (including any aliases)

(b) Full name in Chinese characters (if applicable) and code

(c) Aliases (if any)

(d) Residential address

_____Telephone No._____

(e) Hong Kong Identity Card number

(f) Place and date of birth

2. Application by an Unincorporated Body

To be completed for each partner	1	2	3	4
Full name in English				
Full name in Chinese characters (if applicable) and code				
Aliases (if any)				
Residential address and telephone number				
Hong Kong Identity Card number				
Place and date of birth				

3. (a) The name of the business of a travel agent in respect of which renewal of a licence is sought-

(i) in English_____

(ii) in Chinese_____

(b) Business Registration number

(c) Address of existing office(s) of business, including any branch office(s).

Address	State whether the premises are owned or rented by the applicant	Telephone number

(d) Address of any proposed additional office(s) including any proposed additional branch office(s).

Address	State whether the premises are owned or rented by the applicant	Telephone number

A DUPLICATE LICENCE WILL BE REQUIRED FOR EACH BRANCH OFFICE UNDER REGULATION 12 OF THE TRAVEL AGENTS REGULATIONS.

4. Particulars of person(s) in Hong Kong responsible for the management of the business, including the management of any branch office(s).

	1	2	3	4
Full name in English				
Full name in Chinese characters (if applicable) and code				
Aliases (if any)				
Residential address and telephone number				

Hong Kong Identity Card number				
Place and date of birth				
Position held				
Date of appointment				

I/We* declare that all the information given by me/us* in this application is true and correct to the best of my/our* knowledge and belief.

Signed _____
(Individual Applicant)

Signed _____
(Applicant as a partner)

* Delete as appropriate.

NOTES

1. You are advised to read the Travel Agents Ordinance and the Travel Agents Regulations before submitting this application.
2. A statement of particulars in support of this application (Form 8) must also be completed and submitted.
3. Documentary evidence may be required in support of the information given in this application.
4. The original and one copy of-
 - (a) this application; and
 - (b) the statement of particulars in support,
 should be posted or delivered to the Registrar at the following address-
 TRAVEL AGENTS REGISTRY,
 6TH FLOOR, EAST WING,
 HENNESSY CENTRE,
 500 HENNESSY ROAD,
 HONG KONG.
5. A licence, if renewed, shall not enter in force except on payment of the appropriate fee.

WARNING- Section 48(1)(c) of the Travel Agents Ordinance makes it an offence punishable by a fine of #FINE \$100000 and to imprisonment for #IMPRIYR 2 years on conviction upon indictment of by a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months on summary conviction for a person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the issue of a licence.

(Enacted 1985. L.N. 136 of 1996)

FORM 7

[regulation 13(2)(b)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

APPLICATION FOR RENEWAL OF A LICENCE BY A BODY CORPORATE

Application is hereby made to the Registrar of Travel Agents for the renewal of a licence under section 15 of the Travel Agents Ordinance.

1. (a) The name and any former names of the company or other body corporate-
 - (i) in English _____
 - (ii) in Chinese _____
- (b) The place of incorporation _____
- (c) The date of incorporation _____
- (d) Company Registration number _____
- (e) The name of the business of a travel agent in respect of which renewal of a licence is sought, if different from (a) above-
 - (i) in English _____
 - (ii) in Chinese _____
- (f) Address of the registered office and all other office(s) of the business, including any branch office(s).

Address	State whether the premises are owned or rented by the corporation	Telephone number

- (g) Address of any proposed additional office(s) including any proposed additional branch office(s).

Address	State whether the premises are owned or rented by the corporation	Telephone number

A DUPLICATE LICENCE WILL BE REQUIRED FOR EACH BRANCH OFFICE UNDER REGULATION 12 OF THE TRAVEL AGENTS REGULATIONS.

2. Particulars of the controller, the director(s), the secretary and the officers of the corporation.

	1	2	3	4
Full name in English				
Full name in Chinese characters (if applicable) and code				
Aliases (if any)				
Residential address and telephone number				
Hong Kong Identity Card number				
Position held (e.g. Controller/Managing Director/Director/Secretary/Manager/Accountant etc.)				
Date of appointment				

I declare that all the information given by me in this application is true and correct to the best of my knowledge and belief.

Signature_____

Name of
Signatory_____

Capacity_____
(Evidence of authorization by the
company or other body corporate
for a person in this behalf
should be produced)

NOTES

- 1. You are advised to read the Travel Agents Ordinance and the Travel Agents Regulations before submitting this application.
2. A statement of particulars in support of this application (Form 9) must also be completed.
3. Documentary evidence may be required in support of the information given in this application.
4. The original and one copy of-
(a) this application; and
(b) the statement of particulars in support,
should be posted or delivered to the Registrar at the following address-
TRAVEL AGENTS REGISTRY,
6TH FLOOR, EAST WING,
HENNESSY CENTRE,
500 HENNESSY ROAD,
HONG KONG.
5. A licence, if renewed, shall not enter in force except on payment of the appropriate fee.

WARNING-Section 48(1)(c) of the Travel Agents Ordinance makes it an offence punishable by a fine of #FINE \$100000 and to imprisonment for #IMPRIYR 2 years on conviction upon indictment or by a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months on summary conviction for a person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the issue of a licence.

(Enacted 1985. L.N. 136 of 1996)

FORM 8

[regulation 13(3)(a)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

STATEMENT OF PARTICULARS IN SUPPORT OF AN APPLICATION FOR
RENEWAL OF A LICENCE BY AN INDIVIDUAL OR
BY AN UNINCORPORATED BODY

Please answer the following questions-

(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)

Since the date of your application for a licence or last application for renewal (whichever is the later)-

- (a) have you, or any member of your management named in paragraph 4 of the Application for a Licence or, if applicable, paragraph 4 of the last Application for Renewal of a Licence, been convicted of any offence, other than a traffic offence, in Hong Kong or elsewhere?

Yes No

If the answer to (a) is 'Yes', give the following details-

Table with 5 columns (1-4) and 11 rows: Full name of the defendant in English, Full name of the defendant in Chinese characters (if applicable) and code, Aliases (if any), Hong Kong Identity Card number, The offence, Penalty (if any) imposed, Date of conviction, Place of conviction, Name of the court which tried the offence.

- (b) has a bankruptcy petition been served on you in Hong Kong or elsewhere?

Yes No

If the answer to (b) is 'Yes', specify details of the petition, including the date, place and the court in which the petition was presented_____

- (c) have you ever, in Hong Kong or elsewhere, been a party to a scheme of arrangement or entered into any form of composition with your creditors?

Yes No

If the answer to (c) is 'Yes', give details of the arrangement or composition_____

- (d) to the best of your knowledge has any company or other body corporate of which you have been a director, in Hong Kong or elsewhere, been wound up, otherwise than by means of a members' voluntary winding up?

Yes

No

If the answer to (d) is 'Yes', state-

- (i) the name of the company or body corporate _____
 (ii) the mode of winding up _____
 (iii) the reasons for winding up _____

- (e) to the best of your knowledge has any firm of which you have been a partner, in Hong Kong or elsewhere, been dissolved, otherwise than voluntarily with the consent of all the partners?

Yes

No

If the answer to (e) is 'Yes', state-

- (i) the name of the firm _____
 (ii) the mode of dissolution _____
 (iii) the reasons for dissolution _____

- (f) has there been any change in the bank accounts kept in connection with the applicant's business as a travel agent?

Yes

No

If the answer to (f) is 'Yes', give the following details of each bank at which you are keeping an account in connection with your business as a travel agent-

	1	2	3	4
Name of bank				
Address of bank				
Account number				
Date on which the account was opened				

I/We* declare that all the information given by me/us* in this application is true and correct to the best of my/our* knowledge and belief.

Signed _____

*(Applicant as an individual)

*(Applicant for and on behalf of all partners whose signatures are given in the application form)

* Delete as appropriate.

- Please note:
- (i) The original and one copy of this statement duly completed and signed, should be submitted, together with the Application for Renewal of a Licence, to the Registrar.
 - (ii) Documentary evidence may be required in support of any information given in this statement.

WARNING- Section 48(1)(c) of the Travel Agents Ordinance makes it an offence punishable by a fine of #FINE \$100000 and to imprisonment for #IMPRIYR 2 years on conviction upon indictment or by a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months on summary conviction for a person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the issue or renewal of a licence.

(Enacted 1985. L.N. 136 of 1996)

FORM 9

[regulation 13(3)(b)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

STATEMENT OF PARTICULARS IN SUPPORT OF AN APPLICATION
FOR RENEWAL OF A LICENCE BY A BODY CORPORATE

Please answer the following questions-

(If there is insufficient space provided for your answer, please continue on a separate sheet of paper, specifying the question number to which your answer relates, and add your signature.)

Since the date of the corporation's application for a licence or last application for renewal (whichever is the later)-

- (a) has the corporation or any controller, director, secretary or officer thereof been convicted of an offence, other than a traffic offence, in Hong Kong or elsewhere?

Yes

No

If the answer to (a) is 'Yes', give the following details-

	1	2	3	4
Full name of the defendant in English				
Full name of the defendant in Chinese characters (if applicable) and code				
Aliases (if any)				

Hong Kong Identity Card number				
The offence				
Penalty (if any) imposed				
Date of conviction				
Place of conviction				
Name of the court which tried the offence				

- (b) has any controller, director, secretary or officer of the corporation, in Hong Kong or elsewhere, been served with a bankruptcy petition?

Yes

No

If the answer to (b) is 'Yes', give the following details-

	1	2	3	4
Full name of the controller/director/secretary/officer in English				
Full name of the controller/director/secretary/officer in Chinese characters (if applicable) and code				
Aliases (if any)				
Hong Kong Identity Card number				
Date of service of petition				
Number of bankruptcy petition				
Name of the court issuing petition				

- (c) has the corporation or any controller, director, secretary or officer thereof, in Hong Kong or elsewhere, been a party to a scheme of arrangement or entered into any form of composition with his creditors?

Yes

No

If the answer to (c) is 'Yes', give the following details-

	1	2	3	4
Full name of the controller/director/secretary/officer in English				
Full name of the controller/director/secretary/officer in Chinese characters (if applicable) and code				
Aliases (if any)				
Hong Kong Identity Card number				
Details of arrangement or composition				

(d) has a petition been presented for winding up the corporation?

Yes No

(i) If the answer to (d) is 'Yes', is the petition now pending?

(ii) If the answer to (i) is 'No' how was the petition disposed of?

(e) has there been any change in the bank accounts kept in connection with the corporation's business as a travel agent?

Yes No

If the answer to (e) is 'Yes', give the following details in respect of each bank at which the corporation is keeping an account in connection with the corporation's business as a travel agent-

	1	2	3	4
Name of bank				
Address of bank				
Account number				
Date on which the account was opened				

I declare that all information giving by me in this application is true and correct to the best of my

knowledge and belief.

Signature_____

Name of

Signatory_____

Capacity_____

(Evidence of authorization by the company or other body corporate for a person in this behalf should be produced)

- Please note:
- (i) The original and one copy of this statement, duly completed and signed, should be submitted, together with the Application for Renewal of a Licence, to the Registrar.
 - (ii) Documentary evidence may be required in support of any information given in this statement.

WARNING- Section 48(1)(c) of the Travel Agents Ordinance makes it an offence punishable by a fine of #FINE \$100000 and to imprisonment for #IMPRIYR 2 years on conviction upon indictment or by a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months on summary conviction for a person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application for the issue or renewal of a licence.

(Enacted 1985. L.N. 136 of 1996)

FORM 10

[regulation 16(a)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

CERTIFICATE OF THE REGISTRAR OF TRAVEL AGENTS ISSUED
TO A MAGISTRATE
FOR MAKING A PROHIBITION ORDER

TAR FILE REF. _____

To: The Magistrate,
_____Magistracy,
Hong Kong.

I hereby certify that in connection with an investigation of _____, a licensed travel agent (hereinafter called "the travel agent") being conducted by me under section 21 of the Travel Agents Ordinance, I am of the opinion that *Mr./Madam/Miss _____ (hereinafter called "the associated person"), whose last known place of *abode/business/

employment is _____ and whose Hong Kong Identity Card number is _____, is:-

- (a) able to assist me in connection with that investigation;
- (b) associated with the business of the travel agent; and
- (c) about to, or is likely to, leave Hong Kong.

By virtue of section 29(1) of the Travel Agents Ordinance, I hereby request you to make a prohibition order to prevent the associated person from leaving Hong Kong.

I propose to serve the order on the Commissioner of Police, the Director of Immigration, and the associated person *Mr./Madam/Miss _____, if *he/she can be found.

Dated this _____ day of _____ 19 _____

Registrar of Travel Agents

* Delete as appropriate.

(Enacted 1985. L.N. 136 of 1996)

FORM 11

[regulation 16(b)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

MAGISTRACY REF. _____

TAR FILE REF. _____

PROHIBITION ORDER

Upon the receipt of a certificate issued under the hand of the Registrar under section 29(1) of the Travel Agents Ordinance, it is ordered that *Mr./Madam/Miss _____ whose last known place of *abode/business/employment is _____ and whose Hong Kong Identity Card number is _____, is prohibited from leaving Hong Kong.

This order shall lapse after the expiry of 1 month from the date of this order, unless extended or renewed on the application of the Registrar under section 29(4) of the Ordinance.

Dated this _____ day of _____ 19 _____

Magistrate

* Delete as appropriate.

- NOTES: (1) Section 29(3) of the Ordinance provides that any person who leaves or attempts to leave Hong Kong in wilful contravention of a prohibition order commits an offence and is liable to a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months and any person who commits an offence under section 29(3) may be arrested without warrant by any immigration officer or police officer.
- (2) Subject to section 29(6) of the Ordinance (which requires an applicant to give 3 clear days written notice to the Registrar of Travel Agents of his intention to make an application and of the time and place at which such application will be made), a person named in a prohibition order may apply to a magistrate for an order to discharge the prohibition order.
- (3) 4 copies of this prohibition order should be signed and sealed by the magistrate.

(Enacted 1985. L.N. 136 of 1996)

FORM 12

[regulation 16(c)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

APPLICATION FOR *EXTENSION/RENEWAL OF PROHIBITION ORDER

TAR FILE REF. _____

To: The Magistrate,
_____ Magistracy,
Hong Kong.

IN THE MATTER OF an application under section 29(4) of the Travel Agents Ordinance by the Registrar of Travel Agents for an *extension/renewal of the order no. (Magistracy Ref.) _____ dated _____ prohibiting (name) _____ of (place of *abode/business/employment) _____

and Hong Kong Identity Card number _____ from leaving Hong Kong.

I, _____ Registrar of Travel Agents of (office address of Registrar) _____ apply for the *extension / renewal of a prohibition order in respect of (name) _____ made by (name of Magistrate) _____ on (date of order) _____ The application is for an *extension/renewal for a period of _____ *day/days/month/months from _____ to _____ (both dates inclusive) in accordance with section 29(4) of the Travel Agents

Ordinance.

2. The grounds of this application are-

Dated this _____ day of _____ 19 _____

Registrar of Travel Agents

* Delete as appropriate.

(Enacted 1985. L.N. 136 of 1996)

FORM 13

[regulation 16(d)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

MAGISTRACY REF. _____

TAR FILE REF. _____

*EXTENDED/RENEWED PROHIBITION ORDER

WHEREAS on hearing the application made on the _____ day of _____ 19 _____ by the Registrar of Travel Agents for *extension/renewal of the order no. (Magistracy Ref.) _____ dated _____ prohibiting (name) _____ of (place of *abode/business/employment) _____ from leaving _____ Hong Kong I am satisfied that such order should be *extended/renewed.

By virtue of section 29(4) of the Travel Agents Ordinance, it is ordered that the said (name) _____ whose last known place of *abode/business/employment is _____ and whose Hong Kong Identity Card number is _____, is prohibited from leaving Hong Kong for a further period of _____ *day/days/month/months until _____ (inclusive).

Dated this _____ day of _____ 19 _____

Magistrate

Magistracy

* Delete as appropriate.

- NOTES: (1) Section 29(3) of the Ordinance provides that any person who leaves or attempts to leave Hong Kong in wilful contravention of a prohibition order commits an offence and is liable to a fine of #FINE \$10000 and to imprisonment for #IMPRIMON 6 months and any person who commits an offence under section 29(3) may be arrested without warrant by any immigration officer or police officer.
- (2) Subject to section 29(6) of the Ordinance (which requires an applicant to give 3 clear days written notice to the Registrar of Travel Agents of his intention to make an application and of the time and place at which such application will be made), a person named in a prohibition order may apply to a magistrate for an order to discharge the prohibition order.
- (3) 4 copies of this prohibition order should be signed and sealed by the magistrate.

(Enacted 1985. L.N. 136 of 1996)

FORM 14

[regulation 16(e)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

APPLICATION FOR DISCHARGE OF PROHIBITION ORDER

IN THE MATTER of a prohibition order number _____ issued under the Travel Agents Ordinance by (name of Magistracy) _____ on (date) _____.

AND

IN THE MATTER of an application under section 29(5) of the Travel Agents Ordinance for the discharge of a prohibition order.

AND

IN THE MATTER of (name of applicant) _____ the person affected by the prohibition order.

I (name of applicant) _____ of (address of applicant) _____ apply for discharge of the order prohibiting me from leaving Hong Kong issued by (name of Magistrate) _____ on (date) _____.

The grounds for this application are-

A notice of intention to apply for discharge of prohibition Order was served by me on the Registrar of Travel Agents on _____ (date).

Dated this _____ day of _____ 19 _____

Applicant

NOTE: Under section 29(6) of the Travel Agents Ordinance an applicant is required to give 3 clear days written notice (which is in prescribed Form 15) to the Registrar of Travel Agents of his intention to make an application to discharge a prohibition order and of the time and place at which such application will be made.

(Enacted 1985. L.N. 136 of 1996)

FORM 15

[regulation 16(f)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

NOTICE OF INTENTION TO APPLY FOR DISCHARGE OF PROHIBITION ORDER

To: The Registrar of Travel Agents

In accordance with section 29(6) of the Travel Agents Ordinance, I (name) _____ of (address) _____

_____ hereby notify you that I intend to make an application to (name of Magistracy) _____ on (date) _____ for the discharge of a prohibition order issued by (name of Magistrate) _____ on (date) _____.

Signature _____

Date _____

NOTE: This notice must be delivered to the Registrar not later than 3 clear days before an application is made to a magistrate to discharge the prohibition order.

(Enacted 1985. L.N. 136 of 1996)

FORM 16

[regulation 16(g)]

TRAVEL AGENTS ORDINANCE

(Chapter 218)

DISCHARGE OF PROHIBITION ORDER

To: The Registrar of Travel Agents

WHEREAS on hearing the application made under section 29(5) of the Travel Agents Ordinance on the _____ day of _____ 19____ by (name of applicant) _____ of (address of applicant) _____ to discharge the said applicant from an order prohibiting *him/her from leaving Hong Kong I am satisfied that the order should be discharged.

By virtue of section 29(7) of the Travel Agents Ordinance, I hereby discharge the order issued by (name of Magistrate) _____ at the _____ Magistrate on (date) _____ prohibiting the said applicant from leaving Hong Kong *subject to the following conditions-

Dated this _____ day of _____ 19 _____

Magistrate

Magistracy

* Delete as appropriate.

NOTES: (1) 4 copies of this order should be signed and sealed by the magistrate.

(2) This order should be served by the applicant on the Registrar of Travel Agents, the Director of Immigration and the Commissioner of Police.

(Enacted 1985. L.N. 136 of 1996)

FORM 17

(Repealed L.N. 240 of 1988)

(For transitional provision, see reg. 4 of L.N. 240 of 1988.)
