

**立法會**  
**Legislative Council**

LC Paper No. CB(2)768/01-02  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/26/00

**Bills Committee on Travel Agents (Amendment) Bill 2001**

**Minutes of the 1st meeting**  
**held on Thursday, 6 December 2001 at 4:30 pm**  
**in the Chamber of the Legislative Council Building**

**Members Present** : Hon SIN Chung-kai (Chairman)  
Hon Cyd HO Sau-lan  
Hon Mrs Selina CHOW LIANG Shuk-ye, JP  
Hon CHAN Kam-lam  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon CHOY So-yuk  
Hon LI Fung-ying, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon LEUNG Fu-wah, MH, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members Absent** : Hon Fred LI Wah-ming, JP  
Hon Howard YOUNG, JP

**Public Officers Attending** : Mr Duncan PESCOD  
Deputy Commissioner for Tourism

Mr WU Kam-yin  
Assistant Commissioner for Tourism

Miss Bella MUI  
Assistant Secretary (Tourism) for Economic Services

Mr Sammy LI  
Ag Registrar of Travel Agents

Mr W B MADDAFORD  
Senior Assistant Law Draftsman

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**Clerk in Attendance** : Ms Doris CHAN  
Chief Assistant Secretary (2) 4

**Staff in Attendance** : Miss Connie FUNG  
Assistant Legal Adviser 3

Ms Dora WAI  
Senior Assistant Secretary (2) 4

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**I. Election of Chairman and membership of the Bills Committee**

Mr SIN Chung-kai was elected Chairman of the Bills Committee.

2. In accordance with House Rule 23(b), the Bills Committee noted and accepted Mr Fred LI's request for late membership.

**II. Meeting with the Administration**  
(LC Paper No. CB(2)572/01-02(01))

3. The Bills Committee deliberated (index of proceedings attached at **Annex**).

4. As requested by the Bills Committee, the Administration undertook to provide information on the following to facilitate the work of the Bills Committee -

- (a) details of the mechanism for handling complaints against inbound travel agents with the Travel Industry Council of Hong Kong (TIC) membership which violated the codes of conduct issued by TIC and the penalties to be imposed on inbound travel agents for defaults and malpractices; and
- (b) details of the requirements stipulated by TIC for ensuring the service standard of inbound travel agents.

5. The Bills Committee also requested the Administration to consider the following issues which would be discussed in more detail during the clause by clause examination of the Bill -

- (a) Clause 5 – proposed new section 4A
  - (i) whether the drafting of the section should be reviewed to clarify the provisions relating to hotel accommodation;

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- (ii) whether the drafting of section 4A(1)(b) should be reviewed to avoid catching inadvertently those who made accommodation arrangements for people who were not visitors to Hong Kong;
  - (b) Clause 9 – proposed regulation 18 of the Travel Agents Regulations (Cap. 218 sub. leg.)
    - (i) whether a definition of "sightseeing" should be introduced;
    - (ii) whether the scope of the Bill should be extended to cover other services which might be obtained for a visitor by an inbound travel agent;
    - (iii) whether the Bill would unintentionally apply to prescribed services provided by local community organisations for non-profit making purpose; and
  - (c) whether the Bill should provide protection for visitors joining local package tours in Hong Kong.
6. The Bills Committee agreed to hold the next meeting on 7 January 2002 at 4:30 pm to meet with deputations. To facilitate the process, the Chairman requested the Administration to provide the Legislative Council (LegCo) Secretariat with a list of related industry organisations. The Bills Committee also agreed that an invitation for views should be placed in a local newspaper and also on the LegCo website.
7. There being no other business, the meeting ended at 5:50 pm.

Council Business Division 2  
Legislative Council Secretariat  
24 December 2001

**Proceedings of the 1st meeting of the  
Bills Committee on Travel Agents (Amendment) Bill 2001  
on Thursday, 6 December 2001 at 4:30 pm  
in the Chamber of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
0000-0013	Ms Cyd HO	Election of Chairman	
0014-0015	Miss CHOY So-yuk	Ditto	
0016-0020	Ms Cyd HO	Ditto	
0021-0022	Mrs Selina CHOW	Ditto	
0023-0345	Ms Cyd HO	Ditto	
0346-0506	Chairman	(a) Acceptance of Mr Fred LI's request for late membership; and (b) Welcoming remarks	
0507-0828	Admin	Brief presentation on the Bill	
0829-0839	Chairman	Inviting questions from members	
0840-0930	Ms LI Fung-ying	(a) Licence compliance capability of the existing 200 inbound travel agents without TIC membership; and (b) Details of training for inbound tour guides	
0931-0934	Chairman	Cost of training for inbound tour guides	
0935-1122	Admin	(a) Licensing requirements for inbound travel agents; and (b) Cost of training for inbound tour guides	
1123-1124	Chairman	Details of training for inbound tour guides	
1125-1142	Ms LI Fung-ying	Ditto	
1143-1214	Admin	Ditto	
1215-1229	Chairman	Ditto	
1230-1257	Admin	Ditto	
1258-1311	Chairman	Ditto	
1312-1326	Admin	Ditto	
1327-1416	Mr LEUNG Fu-wah	(a) Clause 5 - Reason for setting the period at 14 days in the proposed section 4A(2)(b); and (b) Clause 9 - Scope of the proposed regulation 18 of the Travel Agents Regulations	
1417-1447	Admin	Ditto	
1448-1524	Mr LEUNG Fu-wah	Clause 9 - Scope of the proposed regulation 18 of the Travel Agents Regulations	

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<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
1525-1642	Admin	Clause 9 - Scope of the proposed regulation 18 of the Travel Agents Regulations	
1643-1650	Chairman	Ditto	
1651-1709	Mr LEUNG Fu-wah	Ditto	
1710-1716	Chairman	Ditto	
1717-1756	Admin	Ditto	
1757-1806	Chairman	Ditto	
1807-2023	Miss CHOY So-yuk	(a) Clause 5 - Impact of the proposed section 4A(1)(b) on making hotel accommodation arrangements for visitors on a personal/company basis; (b) Contents of training for inbound tour guides; and (c) Regulations to deter travel agents from taking visitors to shops which charged exorbitant prices	
2024-2258	Admin	Ditto	
2259-2346	Miss CHOY So-yuk	Basic language requirements for inbound tour guides	
2347-2409	Admin	Ditto	
2410-2418	Chairman	Ditto	
2419-2558	Mrs Selina CHOW	(a) Eligibility criteria for TIC membership; (b) Licensing requirements for inbound travel agents; (c) Appeal mechanism for refusal of TIC membership; and (d) Mechanism for handling complaints against violation of TIC's codes of conduct by inbound travel agents with TIC membership	
2559-2817	Admin	Ditto	
2818-2844	Mrs Selina CHOW	Licensing requirements for inbound travel agents	
2845-2853	Chairman	Ditto	
2854-2857	Mrs Selina CHOW	Ditto	
2858-3003	Admin	Ditto	
3004-3028	Mrs Selina CHOW	Mechanism for handling complaints against violation of TIC's codes of conduct by inbound travel agents with TIC membership and penalties to be imposed on inbound travel agents for defaults and malpractices	
3029-3141	Admin	Ditto	
3142-3217	Chairman	Admin to provide details of the above mechanism and penalties	✓
<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>

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3218-3234	Mrs Selina CHOW	Mechanism for handling complaints against violation of TIC's codes of conduct by inbound travel agents with TIC membership and penalties to be imposed on inbound travel agents for defaults and malpractices	
3235-3239	Admin	Ditto	
3240-3339	Ms Cyd HO	Clause 9 - Admin to consider whether the scope of the Bill should be extended to cover other services which might be obtained for a visitor by an inbound travel agent	✓
3340-3411	Chairman	Clause 9 - Admin to consider introducing a definition of "sightseeing"	✓
3412-3528	Admin	Clause 9 - Scope of the proposed regulation 18 of the Travel Agents Regulations	
3529-3607	Chairman	Clause 9 - Drafting of the proposed regulation 18 of the Travel Agents Regulations	
3608-3645	Ms Cyd HO	Ditto	
3646-3650	Chairman	Ditto	
3651-3732	Admin	Ditto	
3733-3853	Mr CHAN Kam-lam	Clause 9 - Admin to consider whether the Bill would unintentionally apply to prescribed services provided by local community organisations for non-profit making purpose	✓
3854-3857	Chairman	Applicability of the new licensing requirements to local tours organised by community organisations for local people	
3858-3950	Admin	Ditto	
3951-4010	Chairman	Ditto	
4011-4017	Admin	Ditto	
4018-4023	Chairman	Ditto	
4024-4032	Mr CHAN Kam-lam	Ditto	
4033-4037	Chairman	Ditto	
4038-4051	Admin	Ditto	
4052-4220	Mr CHAN Kam-lam	Ditto	
4221-4252	Chairman	Ditto	
4253-4329	Admin	Ditto	
4330-4403	Chairman	Applicability of the new licensing requirements to services offered by inbound travel agents for visitors who were Hong Kong citizens living abroad	
4404-4420	Admin	Ditto	
<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>

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4421-4427	Chairman	Applicability of the new licensing requirements to services offered by inbound travel agents for visitors who were Hong Kong citizens living abroad	
4428-4528	Admin	Ditto	
4529-4610	Mr CHAN Kam-lam	Applicability of the new licensing requirements to local tours/activities organised by chambers of commerce for their overseas business clients visiting Hong Kong	
4611-4646	Admin	Ditto	
4647-4743	Mr Ambrose LAU	Clause 5 - Admin to consider reviewing the drafting of the proposed section 4A to clarify the provisions relating to hotel accommodation	✓
4744-4818	Admin	Need to review the drafting of the proposed section 4A in regard to hotel accommodation	
4819-4826	Mr Ambrose LAU	Ditto	
4827-4834	Chairman	Ditto	
4835-4908	Mr LEUNG Fu-wah	Compensation for inbound tourists	
4909-4933	Admin	Ditto	
4934-5123	Ms LI Fung-ying	(a) Reason for not requiring inbound travel agents to contribute to the Travel Industry Compensation Fund; and (b) Requirements stipulated by TIC for ensuring the service standard of inbound travel agents	
5124-5130	Chairman	Admin to provide details of the requirements stipulated by TIC for ensuring the service standard of inbound travel agents	✓
5131-5136	Admin	Requirements stipulated by TIC for ensuring the service standard of inbound travel agents	
5137-5139	Chairman	Reason for not requiring inbound travel agents to contribute to the Travel Industry Compensation Fund	
5140-5317	Admin	Ditto	
5318-5338	Chairman	Cost of taking care of tourists found unattended	
5339-5507	Admin	Compensation mechanism for tourists	

Action

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
5508-5850	Mrs Selina CHOW	(a) Admin to consider reviewing the drafting of the proposed section 4A(1)(b) to avoid catching inadvertently those who made accommodation arrangements for people who were not visitors to Hong Kong; and (b) Fairness and effectiveness of the licensing scheme operated under a self-regulatory regime	✓
5851-5855	Chairman	Drafting of the proposed section 4A(1)(b)	
5856-5924	Admin	Ditto	
5925-010022	Mrs Selina CHOW	Ditto	
010023-010038	Admin	Ditto	
010039-010132	Chairman	Admin to consider whether the Bill should provide protection for visitors joining local package tours	✓
010133-010246	Admin	(a) Lay members serving on the Board of Directors of TIC; and (b) Drafting of the proposed section 4A(1)(b)	
010247-010326	Mrs Selina CHOW	Drafting of the proposed section 4A(1)(b)	
010327-010351	Chairman	Invitation for public views on the Bill	
010352-010427	Mr CHAN Kam-lam	Ditto	
010428-010458	Chairman	Ditto	
010459-010525	Mrs Selina CHOW	Ditto	
010526-010556	Chairman	Date of next meeting	
010557-010613	Mrs Selina CHOW	Ditto	
010614-010618	Chairman	Ditto	
010619-010621	Mrs Selina CHOW	Ditto	
010622-010641	Chairman	Ditto	
010642-010643	Mrs Selina CHOW	Ditto	
010644-010649	Chairman	Ditto	
010650-010654	Mrs Selina CHOW	Ditto	
010655-010845	Chairman	(a) Invitation for public views on the Bill (Admin to provide a list of related industry organisations to be invited); and (b) Date of next meeting	✓

**Note : The audio records of the above proceedings are kept at the LegCo Library**