

立法會
Legislative Council

LC Paper No. LS 48/00-01

**Paper for the House Committee Meeting
of the Legislative Council
on 19 January 2001**

**Legal Service Division Report on
Hong Kong Tourist Association (Amendment) Bill 2001**

Object of the Bill

To amend the Hong Kong Tourist Association Ordinance (Cap. 302) (the Ordinance) so as to replace the Hong Kong Tourist Association (the Association) and its Board of Management by a new body corporate known as the Hong Kong Tourism Board (the Board) and to make related amendments.

LegCo Brief Reference

2. ESB CR 20/2091/00 issued by the Economic Services Bureau dated 4 January 2001.

Date of First Reading

3. 17 January 2001.

Comments

4. The Hong Kong Tourist Association is set up by the Ordinance in 1957 as a membership organization. It consists of travel industry and ordinary members. A Board of Management is responsible for the management and control of the Association. It receives an annual subvention of about \$500 million from the Government.

5. In mid-1997, the Association commissioned a consultancy to undertake a Strategic Organization Review. In May 1999, the Government set up a Tourism Commission under the Economic Services Bureau. The roles of the respective Tourism Commission and the Association have to be re-defined. Members may refer to an Information Paper on the Delineation of Roles between Tourism Commission and Hong Kong Tourist Association (CB(1)347/00-01) issued by the Tourism Commission dated 12 December 2000 to the Panel on Economic Services for details.

6. This Bill amends the Ordinance to reflect the changing role of the Association and to implement some of the recommendations of the Strategic Organization Review consultancy which completed its Review in late 1999.

7. A new body known as the Hong Kong Tourism Board is to replace the Association (Clauses 2 and 5). Currently, the Association has a Board of Management consisting of 11 persons, 6 are directly appointed by the Chief Executive. For the other 5 members, 1 is nominated by the ordinary members of the Association and 4 are nominated by the travel industry members of the Association; 1 by each of the following classes of members -

- (i) international passenger carriers;
- (ii) hotel proprietors;
- (iii) recognized travel agents; and
- (iv) tour operators.

These 5 members are appointed by the Chief Executive after being nominated by the members.

8. It is now proposed that the new Hong Kong Tourism Board shall consist of 20 members to be appointed by the Chief Executive. In clause 11 which sets out the new section 9(2), it is provided that-

"Of the 20 members-

- (a) 2 shall be passenger carriers,
- (b) 2 shall be hotel operators,
- (c) 2 shall fall within any of the following combinations-
 - (i) 1 licensed travel agent and 1 tour operator;
 - (ii) 2 licensed travel agents or 2 tour operators; and
- (d) 2 shall fall within any of the following combinations-
 - (i) 1 retailer and 1 restaurant operator;
 - (ii) 2 retailers or 2 restaurant operators."

9. From among the members of the Board as specified in new section 9(2), the new Board shall have a Chairman and a Deputy Chairman to be appointed by the Chief Executive (new section 9(5)). An Executive Director who is the chief administrative officer is to be appointed by the Board (Clause 10).

10. The ordinary membership system of the Association is to be abolished. Clauses 7, 8 and 9 repeal the existing sections 5, 6 and 7 which are provisions on the criteria of, application for and termination of membership of the Association.

11. The objects of the Board are set out in Clause 6. Its main objective is to be responsible for tourism promotion activities both in Hong Kong and overseas. It has to make recommendations to and advise the Chief Executive in relation to its objectives. Clause 9 lists out the general powers of the Board. Other matters concerning the Board including the seal of Board, financial matters, reports and meetings of the Board are set out in Clauses 7, 8, 17 and 21 to 29 of the Bill.

12. Clause 31 amends the existing section 25. It prohibits any person from any unauthorized use of the title of the Board. Any person who contravenes this amended section shall be liable on conviction to a fine at level 5 (\$50,000). Clauses 32 and 33 prohibit any unauthorized use of the existing badges or emblems or titles of the Association until midnight of 31 December 2010. The Legislative Council may by resolution determine a later date.

13. Part III of the Bill (Clauses 35 to 41) provides for transitional and savings matters. Properties, rights and liabilities of the Association are to be transferred to the new Board.

14. As for Part IV of the Bill (Clauses 42 to 48), it contains consequential amendments to other Ordinances. This Ordinance is to come into operation on a day to be appointed by the Secretary for Economic Services by notice published in the Gazette.

Public Consultation

15. According to paragraph 9 of the Brief, the Association has been consulted and it supported the proposals.

Consultation with the LegCo Panel

16. The Bill was discussed by members of the Panel on Economic Services on 27 November 2000. Members may refer to an Information Paper on the Hong Kong Tourist Association (Amendment) Bill 2000 (LC Paper No. CB(1)206/00-01(03)) and Minutes of that meeting (LC Paper No. CB(1) 322/00-01). During the meeting, members expressed diverse concerns on the composition of the Hong Kong Tourism Board, the respective roles and division of responsibilities between the Tourism Commission and the Board, the functions of the Association's

overseas office and some other related issues. The Chairman of the Panel concluded that members were in support of the overall direction of the Bill but the details of the Bill need to be scrutinized.

Conclusion

17. We are seeking clarifications from the Administration on certain legal and drafting aspects of the Bill. As members of the Panel had already indicated diverse concerns, it is recommended that a Bills Committee be set up to scrutinize the Bill in detail.

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