

**立法會**  
**Legislative Council**

LC Paper No. CB(4)1216/17-18  
(These minutes have been seen  
by the Administration)

Ref: CB4/BC/5/16

**Bills Committee on Travel Industry Bill**

**Minutes of the tenth meeting held on  
Friday, 2 March 2018, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon YIU Si-wing, BBS (Chairman)  
Hon LUK Chung-hung (Deputy Chairman)  
Hon WONG Ting-kwong, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Hon Alvin YEUNG  
Dr Hon Junius HO Kwan-yiu, JP  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai

**Members absent** : Hon Starry LEE Wai-king, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon WU Chi-wai, MH  
Hon MA Fung-kwok, SBS, JP  
Hon HO Kai-ming  
Hon LAU Kwok-fan, MH

**Public Officers attending** : Agenda item I  
Commerce and Economic Development Bureau

Mr Aaron LIU  
Deputy Commissioner for Tourism

Mr LEE Sheung-yuen  
Assistant Commissioner for Tourism (1)

Mr Nicky NG  
Senior Administrative Officer (Tourism) 1

Mr Brendan AU  
Registrar of Travel Agents

Department of Justice

Mr Michael LAM  
Senior Assistant Law Draftsman

Mr Jonathan LUK  
Senior Government Counsel (Acting)

**Clerk in attendance :** Ms Shirley CHAN  
Chief Council Secretary (4)5

**Staff in attendance :** Ms Clara TAM  
Assistant Legal Adviser 9

Ms Shirley TAM  
Senior Council Secretary (4)5

Ms Lauren LI  
Council Secretary (4)5

Ms Zoe TONG  
Legislative Assistant (4)5

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Action

**I. Meeting with the Administration**

[LC Paper Nos. CB(3)393/16-17, CB(4)792/16-17(01),  
CB(4)1101/16-17(02), CB(4)1578/16-17(01), CB(4)74/17-18(01),  
CB(4)246/17-18(01), CB(4)346/17-18(03) and CB(4)491/17-18(01),  
CB(4)551/17-18(01) and CB(4)638/17-18(01) to (02)]

Action

Declaration of interests

The Chairman declared that he was holding a remunerated post in a travel agent. He was also the unremunerated honorary chairmen/advisers of nine tourism related associations. Details were set out in the LC Paper No. CB(4)849/16-17(01).

Discussion

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

(At 10:30 am, the Chairman directed that the meeting be extended for five minutes.)

Follow-up actions to be taken by the Administration

3. The Administration was requested to provide a written response in respect of the following issues –

- (a) the justification for requiring a licensed travel agent who carried on Mainland inbound tour group business to pay a registration fee for each Mainland inbound tour group under clause 33 and whether such requirement would constitute a case of discrimination against inbound tour groups from the Mainland;
- (b) to facilitate subsequent changes to the scope of applicability of clause 33, whether consideration would be given to setting out the type of business of a licensed travel agent which would fall within the ambit of the provision in a separate schedule amendable by way of subsidiary legislation instead of in the primary legislation;
- (c) to review the drafting of clauses 34 and 35 to the effect that the provisions i) would only catch the licensed travel agent who had intentionally changed the ownership or control of its business without seeking the Travel Industry Authority's prior approval; and ii) would not apply to the circumstances where a licensed travel agent might have a genuine need for a temporary or short-term change of ownership or control of its business;
- (d) whether a licensed travel agent who carried on travel agent business at a local business premises which only occasionally used for receiving customers would be required to display its travel agent licence at the premises under clause 36 ;

Action

- (e) clause 37 requires a licensed travel agent to display prescribed information on a vehicle arranged by the travel agent for transporting a tour group. The Administration was requested to address members' concern that without specifying the size of a tour group, it would be difficult for licensed travel agents to comply with the requirement ; and
- (f) to review the drafting of the Chinese text of clause 43(2)(a)(iv) to enhance clarity and achieve consistency with the English text.

*(Post-meeting note: The Administration's written response for the above items was issued to members vide LC Paper No. CB(4)735/17-18(02) on 14 March 2018.)*

**II. Any other business**

Date of next meeting

- 4. The Chairman advised that the next meeting of the Bills Committee would be held on Monday, 19 March 2018 at 10:45 am.
- 5. There being no other business, the meeting ended at 10:33 am.

Council Business Division 4  
Legislative Council Secretariat  
7 June 2018

**Proceedings of the tenth meeting of  
the Bills Committee on Travel Industry Bill  
on Firday, 2 March 2018, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Meeting with the Administration</b>			
000718 – 000727	Chairman	Opening remarks	
000728 – 000828	Chairman	Declaration of interests [LC Paper No. CB(4)849/16-17(01)]	
000829 – 001445	Chairman Administration	Briefing by the Administration on its response to issues raised at the previous meeting [LC Paper No. CB(4)638/17-18(02)]	
<b>Clause-by-clause examination</b>			
001446 – 003754	Chairman Administration Mr Paul TSE Deputy Chairman Mr Charles Peter MOK	<u>Clause 33 - Registration fee for Mainland inbound tour group</u>  Discussion on the justification for requiring a licensed travel agent who carried on Mainland inbound tour group business to pay a registration fee for each Mainland inbound tour group under clause 33.  To facilitate subsequent changes to the scope of applicability of clause 33, Mr Paul TSE suggested that the Administration should consider setting out the types of business of a licensed travel agent which would fall within the ambit of the provision in a separate schedule amendable by way of subsidiary legislation instead of in the primary legislation.	The Administration to follow up as per paragraphs 3(a) and 3(b) of the minutes
003755 – 004621	Chairman Mr Paul TSE Administration	<u>Clauses 34 and 35 - Change of ownership or control – offence and process</u>  Mr Paul TSE suggested reviewing the drafting of clauses 34 and 35 to the effect that the provisions i) would only catch the licensed travel agent who had intentionally changed the ownership or control of its business without seeking the Travel Industry Authority ("TIA")'s prior approval; and ii) would not apply to the circumstances where a licensed travel agent might have a genuine need for a temporary or short-term change of ownership or control of its business.	The Administration to follow up as per paragraph 3(c) of the minutes
004622 – 005013	Chairman Administration	<u>Clause 36 - Display of travel agent licence</u>  The Chairman enquired whether a licensed travel agent who carried on travel agent business at a local business premises which only occasionally used for	The Administration to follow up as per paragraph 3(d) of the minutes

Time marker	Speaker	Subject(s)	Action required
		receiving customers would be required to display its licence at the premises. The Administration agreed to provide a written response after the meeting.	
005014 – 012540	Chairman Deputy Chairman Administration Assistant Legal Adviser 9 ("ALA9") Dr Junius HO	<p><u>Clause 37 - Display of information about tour group</u></p> <p>In response to ALA9's enquiry, the Administration clarified that clause 37, which required a licensed travel agent to display prescribed information on the vehicle arranged by the travel agent for transporting a tour group, applied to both inbound and outbound tour groups.</p> <p>Members raised concern that without specifying the size of a tour group, it would be difficult for licensed travel agents to comply with the requirement. The Chairman suggested that the Administration should consider spelling out the scope of clause 37 more clearly.</p>	The Administration to follow up as per paragraph 3(e) of the minutes
012541 – 014357	Chairman Administration ALA9	<p><u>Clause 43 – Issue of tourist guide licence or tour escort licence</u></p> <p>ALA9 suggested the Administration review the drafting of the Chinese text of clause 43(2)(a)(iv) to enhance clarity and achieve consistency with the English text.</p>	The Administration to follow up as per paragraph 3(f) of the minutes
014358 – 020731	Chairman Dr CHIANG Lai-wan Administration	<p><u>Clause 54 – Duty to comply with prescribed requirements</u></p> <p>The Chairman was concerned that a licensee contravening a licence condition might face double penalties imposed by the court and TIA.</p> <p>The Administration explained that if a licensee committed an offence under the Bill, he would be subject to penalties imposed by the court and disciplinary orders made by the inquiry committee under TIA. Generally speaking, the inquiry committee would conduct an inquiry into the relevant case upon completion of legal proceedings. In deciding whether to make a disciplinary order against the licensee, the inquiry committee would take into account various factors, including the court ruling. To ensure TIA's efficiency and responsiveness, the Bill also empowered TIA to suspend or revoke a licensee's licence in a summary way if TIA was satisfied that the licensee was not suitable to hold the licence.</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<b>Agenda item II – Any other business</b>			
020732 – 020812	Chairman	Date of next meeting  Closing remarks	

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7 June 2018