

立法會
Legislative Council

LC Paper No. CB(4)1396/17-18

(These minutes have been seen
by the Administration)

Ref: CB4/BC/5/16

Bills Committee on Travel Industry Bill

**Minutes of the eleventh meeting held on
Monday, 19 March 2018, at 10:45 am
in Conference Room 2 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 Starry LEE Wai-king, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon WU Chi-wai, MH
Hon CHAN Chi-chuen
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Hon Alvin YEUNG
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon LAU Kwok-fan, MH

Members absent : Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon Martin LIAO Cheung-kong, SBS, JP

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

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), CB(4)491/17-18(01),
CB(4)551/17-18(01) and CB(4)735/17-18(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 12:44 pm, the Chairman directed that the meeting be extended for fifteen 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) review the drafting of clause 64 to include in the content of the register the relevant licence number and correspondence address of a licensee;
- (b) review the post title of the "Executive Director" of the Travel Industry Authority appointed under section 7(1)(a) of Schedule 9, having regard to titles of similar positions in the Insurance Authority and the Securities and Futures Commission;
- (c) the short-, medium- and long-term measures to minimize the impact of the activities of inbound tour groups on the local neighborhood. In this connection, the Administration was requested to consider the feasibility of expanding the scope of the current Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers implemented by the Travel Industry Council of Hong Kong to address the problem caused by the shops arranged to be patronized by inbound tour groups, and incorporating a similar demerit point system on such shops in the Bill;
- (d) whether clause 85, which provided for privileges and immunities relating to an inspection or investigation, could be adduced as a defence under certain circumstances such as disclosing information and documents under clause 74 and prohibition from leaving Hong Kong under clause 79;

Action

- (e) review the drafting of clause 77 to reflect the legislative intent that the retention of valuable property for investigation purpose could only be done in strict compliance with a court warrant; and
- (f) the enforcement and operation of clause 79 to prevent a person under investigation, in particular visitors to Hong Kong, from leaving Hong Kong.

(Post-meeting note: The Administration's written response for the above items was issued to members vide LC Paper No. CB(4)852/17-18(02) on 9 April 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 Wednesday, 11 April 2018 at 8:45 am.
- 5. There being no other business, the meeting ended at 12:59 pm.

Council Business Division 4
Legislative Council Secretariat
19 July 2018

**Proceedings of the eleventh meeting of
the Bills Committee on Travel Industry Bill
on Monday, 19 March 2018, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
000622 – 000641	Chairman	Opening remarks	
000642 – 000736	Chairman	Declaration of interests [LC Paper No. CB(4)849/16-17(01)]	
000737 – 002624	Chairman Administration Deputy Chairman	Discussion on the Administration's response to issues raised at the previous meeting (LC Paper No. CB(4)735/17-18(02)), the submission tabled at the meeting (LC Paper No. CB(4)767/17-18(01)), and matters relating to protection for tourist guides and tour escorts	
Continuation of clause-by-clause examination			
002625 – 003425	Chairman Administration	<u>Clause 56 – Correspondence address</u> The Administration advised that it would propose amendments to clause 56 so that correspondence addresses would also cover addresses outside Hong Kong.	
003426 – 003746	Chairman Administration Assistant Legal Adviser 9 ("ALA9")	<u>Clause 64 – Content of register</u> ALA9 noted that clause 64 does not require the licence numbers and correspondence address of a licensee to be included in the register. ALA9 suggested that the Administration review the drafting of clause 64 with reference to section 13 of the Property Management Services Ordinance (Cap. 626) and clause 56 of the Bill.	The Administration to follow up as per paragraph 3(a) of the minutes
003747 – 004929	Chairman Administration	<u>Clause 66 – Certified copies to be admissible as evidence</u> The Chairman suggested that the Administration review the Chinese post title of the "Executive Director" of the Travel Industry Authority appointed under section 7(1)(a) of Schedule 9, having regard to the titles of similar positions in the Insurance Authority and the Securities and Futures Commission.	The Administration to follow up as per paragraph 3(b) of the minutes
004930 – 013730	Chairman Ms Starry LEE Administration Deputy Chairman Mr Paul TSE	<u>Clause 72 – Authority's power to conduct investigation</u> Ms Starry LEE enquired whether the Bill would provide for a mechanism to regulate shops arranged	The Administration to follow up as per paragraph 3(c) of the minutes

Time marker	Speaker	Subject(s)	Action required
	Mr CHAN Chi-chuen	<p>to be patronized by Mainland inbound tour groups. She considered it necessary to deal with the nuisances brought by the activities of inbound tour groups under the new regulatory regime.</p> <p>Mr CHAN Chi-chuen also considered it essential to deal with the nuisances brought by the activities of inbound tour groups under the new regulatory regime as the deterrent effect of existing legislation was inadequate.</p> <p>In response to members' enquiries, the Administration explained that, at present, the Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers ("the Scheme") under the Travel Industry Council of Hong Kong ("TIC") required travel agents to register with TIC shops that inbound tour groups were arranged to patronize, so as to protect visitors from coerced shopping, but that TIC lacked statutory enforcement powers. Under the new regulatory regime, TIA would be equipped with necessary statutory enforcement powers and empowered to formulate administrative measures, with reference made to the Scheme, in relation to the impact of the activities of inbound tour groups on the community.</p> <p>The Chairman considered that a more effective regulatory mechanism should be put in place on these shops under the new regulatory regime so as to protect the reputation of the travel industry in Hong Kong. The Deputy Chairman shared a similar view.</p> <p>Mr Paul TSE opined that the new regulatory regime should focus on regulating the activities of travel industry and it would be inappropriate for TIA to regulate the activities of other business sectors patronized by inbound visitors. When formulating measures, TIA should strike a balance between reducing the nuisance brought about by inbound tour groups to the community and preserving sufficient room for business operation in Hong Kong.</p> <p>Ms Starry LEE requested the Administration to provide short-, medium- and long-term measures to minimize the impact in relation to the activities of inbound tour groups on the local neighborhood. In formulating such measures, the Administration should consider the feasibility of expanding the scope of the Scheme before the new regulatory regime came into effect to prevent the situation from worsening, and implementing a demerit point system to increase the deterrent effect.</p>	

Time marker	Speaker	Subject(s)	Action required
013731 – 014525	Chairman Mr Paul TSE Administration ALA9	<p><u>Clause 74 – Power to obtain information and documents</u></p> <p>Mr Paul TSE enquired whether clause 85, which provided for privileges and immunities relating to an inspection or investigation, could be adduced as a defence under certain circumstances such as disclosing information and documents under clause 74 and prohibition from leaving Hong Kong under clause 79. The Administration agreed to provide a written response after the meeting.</p>	The Administration to follow up as per paragraph 3(d) of the minutes
014526 – 015434	Chairman Mr WONG Ting-kwong Mr Paul TSE Administration	<p><u>Clauses 77 and 78 – Retention and disposal of property</u></p> <p>Noting that the retention of valuable property for investigation purpose could only be done in strict compliance with a court warrant, Mr Paul TSE suggested the Administration to review the drafting of clause 77.</p>	The Administration to follow up as per paragraph 3(e) of the minutes
015435 – 021748	Chairman Mr Paul TSE Mr WONG Ting-kwong Dr Junius HO Administration	<p><u>Clause 79 – Prohibition on leaving Hong Kong</u></p> <p>Mr Paul TSE noted that, different from the Travel Agents Ordinance (Cap. 218), persons other than those associated with the business of a travel agent might be prohibited from leaving Hong Kong under clause 79. He enquired about the justification for expanding the scope of such power under the Bill.</p> <p>Dr Junius HO raised concern about the enforcement and operation of clause 79 to prevent a person under investigation, in particular visitors to Hong Kong, from leaving Hong Kong. Mr WONG Ting-kwong shared a similar concern.</p> <p>The Administration agreed to provide a written response after the meeting.</p>	The Administration to follow up as per paragraph 3(f) of the minutes
Agenda item II – Any other business			
021749 – 021841	Chairman	Date of next meeting Closing remarks	