

立法會

Legislative Council

LC Paper No. CB(4)551/18-19
(These minutes have been seen
by the Administration)

Ref: CB4/BC/5/16

Bills Committee on Travel Industry Bill

**Minutes of the sixteenth meeting held on
Wednesday, 20 June 2018, at 8:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon YIU Si-wing, BBS (Chairman)
Hon Starry LEE Wai-king, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon WU Chi-wai, MH
Hon MA Fung-kwok, SBS, 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 HO Kai-ming
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon LAU Kwok-fan, MH

Members absent : Hon LUK Chung-hung (Deputy Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Charles Peter MOK, 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)1243/17-18(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**).

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) under clauses 147 and 148, if a licensed travel agent received an outbound fare in relation to an outbound tour from an outbound traveller after the commencement of the tour (including self-paid activity), the travel agent would still be required to pay levies in respect of the outbound fare so received. Against this background, the Administration was requested to elaborate how such levy arrangement would be administered by travel agents, after taking into account the actual circumstances (i.e. there would be no receipt issued for such outbound fare) and views of the travel trade;
- (b) consider announcing the appointment and acting appointment of members of the Travel Industry Authority ("TIA") by notices published in the Gazette, having regard to similar practices adopted by other public bodies such as the Insurance Authority and the Securities and Futures Commission;
- (c) the selection criteria for the appointment of the Executive Director of TIA under section 7(1)(a) in Schedule 9;
- (d) Section 10(5) in Schedule 9 provides that a meeting of TIA may be held by telephone, video conference or other electronic means ("assisted meeting"). In order to establish good practices for the conduct of assisted meetings by TIA, the Administration was requested to provide sample Standing Orders adopted by other statutory bodies governing the conduct of assisted meetings and in particular, the confidentiality arrangements, for adoption by TIA. The Administration was also requested to clarify whether in conducting an assisted meeting:

Action

- (i) a minimum requirement of in-person attendance was required;
 - (ii) in-person attendance by the Chairperson/Vice-chairperson was required;
 - (iii) a quorum was required throughout the whole meeting, and if so, how such requirement could be ascertained; if not, when a quorum was required; and
 - (iv) TIA members participating in the meeting would be prohibited from using voice messages in WhatsApp or other similar applications;
- (e) consider specifying the period required for TIA to give proper notice to all its members about the written resolution under section 14(1)(b) in Schedule 9 so as to dovetail with the requirements under section 14(6) and (7) in Schedule 9; and
- (f) consider amending the term "merit of the case" or providing objective benchmarks for determination under section 16(d) in Schedule 9 so as to avoid unnecessary disputes in future.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)1335/17-18(02) on 4 July 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 Friday, 6 July 2018 at 10:45 am.
5. There being no other business, the meeting ended at 10:33 am.

**Proceedings of the sixteenth meeting of
the Bills Committee on Travel Industry Bill
on Wednesday, 20 June 2018, at 8:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
000927 – 000938	Chairman	Opening remarks	
000939 – 001037	Chairman	Declaration of interests [LC Paper No. CB(4)849/16-17(01)]	
001038 – 001746	Chairman Administration	Briefing by the Administration on its response to issues raised at the previous meeting [LC Paper No. CB(4)1243/17-18(02)] The Chairman requested the Administration to provide further information on the arrangements for a licensed travel agent to pay levies in respect of an outbound fare received after the commencement of an outbound tour.	The Administration to follow up as per paragraph 3(a) of the minutes
Continuation of clause-by-clause examination			
001747 – 002654	Chairman Administration Mr POON Siu-ping Dr Junius HO Mr Paul TSE	Schedule 9 – Part 1 <u>Section 1 – Appointment of members of Authority</u> Discussion on the composition of Travel Industry Authority ("TIA") and definition of non-trade members	
002655 – 003040	Chairman Administration	<u>Section 2 – Terms of appointment</u> The Administration advised that the Government would observe the "six-year rule" when appointing members of TIA, under which a non-official member of a statutory body should not serve for more than six years in any one capacity.	
003041 – 003801	Chairman Administration Dr Junius HO	<u>Section 6 – Acting Chairperson</u> Dr Junius HO suggested announcing the appointment and acting appointment of members of TIA by notice published in the Gazette, having regard to similar practices adopted by other public bodies.	The Administration to follow up as per paragraph 3(b) of the minutes
003802 – 004438	Chairman Administration	Part 2 – Staff and Service Providers <u>Section 7 – Power to employ staff</u> The Chairman enquired about the selection criteria for the Executive Director of TIA under section 7(1)(a).	The Administration to follow up as per paragraph 3(c) of the minutes

Time marker	Speaker	Subject(s)	Action required
004439 – 012520	Chairman Administration Mr HO Kai-ming Mr WU Chi-wai Mr MA Fung-kwok Mr Paul TSE Assistant Legal Adviser 9 ("ALA9")	<p><u>Section 10 – General procedure for meeting of Authority</u></p> <p>Discussion on the procedure for TIA holding meetings by telephone, video conference or other electronic means ("assisted meeting") under section 10(5) in Schedule 9. The Administration was requested to provide sample standing orders adopted by other statutory bodies governing the conduct of assisted meetings and clarify whether in conducting an assisted meeting –</p> <ul style="list-style-type: none"> (i) a minimum requirement of in-person attendance was required; (ii) in-person attendance by the Chairperson/Vice-chairperson was required; (iii) a quorum was required throughout the whole meeting, and if so, how such a requirement could be ascertained; if not, when a quorum was required; and (iv) TIA members participating in the meeting would be prohibited from using voice messages in WhatsApp or other similar applications. 	The Administration to follow up as per paragraph 3(d) of the minutes
012521 – 013725	Chairman Administration Mr WU Chi-wai Mr Paul TSE	<p><u>Section 16 – Proceedings not invalidated by defects in appointment etc.</u></p> <p>Discussion on the validity of proceedings of TIA</p> <p>The Administration advised that defects in appointment of TIA members would rarely occur as the appointment mechanism was stringent. This provision sought to set out the legislative intent just in case a defect of such was found.</p>	
013726 – 014907	Chairman Administration Mr Paul TSE ALA9	Mr Paul TSE suggested amending the term "merit of the case" or providing objective benchmarks for determination under section 16(d) in Schedule 9 so as to avoid unnecessary disputes in future.	The Administration to follow up as per paragraph 3(f) of the minutes
014908 – 015226	Chairman Mr Paul TSE Administration	<p><u>Section 14 – Written resolutions of Authority</u></p> <p>Mr Paul TSE suggested specifying the period required for TIA to give proper notice to all its members about the written resolution under section 14(1)(b) so as to dovetail with the requirements under section 14(6) and (7).</p>	The Administration to follow up as per paragraph 3(e) of the minutes

Time marker	Speaker	Subject(s)	Action required
Agenda item II – Any other business			
015227 – 015303	Chairman	Date of next meeting Closing remarks	

Council Business Division 4
Legislative Council Secretariat
19 February 2019