

立法會
Legislative Council

LC Paper No. CB(4)644/18-19
(These minutes have been seen
by the Administration)

Ref: CB4/BC/5/16

Bills Committee on Travel Industry Bill

**Minutes of the seventeenth meeting held on
Friday, 6 July 2018, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon YIU Si-wing, BBS (Chairman)
Hon LUK Chung-hung, JP (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 MA Fung-kwok, SBS, 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, SBS, JP
Hon Alvin YEUNG
Dr Hon Junius HO Kwan-yiu, JP
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 HO Kai-ming

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 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)1335/17-18(01) to (02)]

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

Action

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 12:43 pm, the Chairman directed that the meeting be extended for 5 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) consider reviewing the drafting of section 12 in Schedule 9 to reflect the legislative intent that members participating in a meeting of the Travel Industry Authority ("TIA") by telephone, video conference or other electronic means will be regarded as being present at the meeting only if they could have real-time communication with other members being physically present at the meeting;
- (b) provide information on the investment strategy and the expected return of the one-off capital grant as seed money to support the initial operation of TIA when the Administration applies to the Finance Committee of the Legislative Council for such funding;
- (c) consider requiring TIA to establish a committee to review TIA's audited accounts before submission to the Secretary for Commerce and Economic Development;
- (d) clarify whether the scope of the "shops" referred in clauses 152(b) and 153(2)(j) can cover the eateries and places of public entertainment that inbound tour groups are arranged to patronize;
- (e) reconfirm the commencement dates of parts 2 to 6 in Schedule 10; and
- (f) consider providing in the Bill the establishment of a standing committee under TIA for holding, managing and applying the Travel Industry Compensation Fund ("TICF") to be transferred from TICF Management Board.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)1567/17-18(02) on 20 September 2018.)

Action

II. Any other business

Date of next meeting

4. The Bills Committee completed clause-by-clause examination of the Bill. Members agreed that the next meeting of the Bills Committee would be scheduled in due course to examine the draft amendments to the Bill proposed by the Administration and members.

(Post-meeting note: The next meeting was held on 9 October 2018.)

5. There being no other business, the meeting ended at 12:46 pm.

Council Business Division 4
Legislative Council Secretariat
15 March 2019

**Proceedings of the seventeenth meeting of
the Bills Committee on Travel Industry Bill
on Friday, 6 July 2018, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
001113 – 001129	Chairman	Opening remarks	
001130 – 001212	Chairman	Declaration of interests [LC Paper No. CB(4)849/16-17(01)]	
001213 – 002649	Chairman Administration Mr WU Chi-wai	Briefing by the Administration on its response to issues raised at the previous meeting [LC Paper No. CB(4)1335/17-18(02)] Discussion on the Travel Industry Authority ("TIA") meetings conducted by telephone, video conference or other electronic means ("assisted meetings") Mr WU Chi-wai suggested the Administration review the drafting of section 12 in Schedule 9 to ensure real-time communication between TIA members with distance participation and TIA members being physically present at assisted meetings.	The Administration to follow up as per paragraph 3(a) of the minutes
Continuation of clause-by-clause examination			
002650 – 003515	Chairman Administration Mr WU Chi-wai	Schedule 9 — Part 5 — Financial Provisions Discussion on the investment arrangement of the seed money to support TIA's initial operation Mr WU Chi-wai requested the Administration to provide information on the investment strategy and the expected return of the seed money when it applied to the Finance Committee of the Legislative Council for such funding.	The Administration to follow up as per paragraph 3(b) of the minutes
003516 – 004618	Chairman Administration Mr WU Chi-wai Mr Paul TSE	Schedule 9 — Part 6 — Accounts, Audit and Annual Report <u>Section 24 — Annual report and audited accounts to be laid on table of Legislative Council</u> The Chairman suggested that TIA should be required to establish a committee to assist it in reviewing its audited accounts before submission to the Secretary for Commerce and Economic Development ("SCED"). In response to Mr Paul TSE's enquiry, the Administration advised that TIA must publish notice	The Administration to follow up as per paragraph 3(c) of the minutes

Time marker	Speaker	Subject(s)	Action required
		of disciplinary orders made against licensees under clause 108(6)(b) and annual reports each containing relevant statistics and an outline of key disciplinary cases dealt with by TIA under section 22(2) in Schedule 9 to ensure transparency.	
004619 – 005351	Chairman Administration Mr Paul TSE	Schedule 9 — Part 7 — Committees and Working Groups Discussion on the establishment and composition of TIA's committees and working groups	
005352 – 011030	Chairman Administration Mr Paul TSE	Part 10 — Travel Industry Authority <u>Clause 152 — Functions of Authority</u> <u>Clause 153 — Powers of Authority</u> Discussion on the justifications for regulating shops arranged to be patronized by inbound tour groups Mr Paul TSE enquired about the scope of shops to be regulated by TIA. The Chairman further enquired whether the eateries and places of public entertainment that inbound tour groups were arranged to patronize would fall under the scope of "shops" in clauses 152(b) and 153(2)(j).	The Administration to follow up as per paragraph 3(d) of the minutes
011031 – 011325	Chairman Administration Mr Martin LIAO	Discussion on the establishment of an independent panel under TIA to deal with disputes between consumers and licensees that did not involve disciplinary matters under clause 153(2)(l) In response to Mr Martin LIAO's enquiry, the Administration advised that TIA would make reference to the relevant experience of the Travel Industry Council of Hong Kong in administering the independent panel. To uphold impartiality, members of the independent panel would be appointed by SCED and would not come from TIA.	
011326 – 011819	Chairman Administration Assistant Legal Adviser 9 ("ALA9")	<u>Clause 155 — Delegation by Authority</u> Discussion on the use of "任何事宜" in the Chinese text of clause 155(2)(k)	
011820 – 012104	Chairman Administration	<u>Clause 157 — Immunity from civil liability</u> Discussion on the protection from civil claims for TIA	

Time marker	Speaker	Subject(s)	Action required
012105 – 013103	Chairman Administration Dr Junius HO	<u>Clauses 159 — Disclosure of interests generally</u> Discussion on the liability for breaching the requirements under clause 159	
013104 – 013529	Chairman Administration ALA9	<u>Clause 165 — Publication of advertisements</u> Discussion on whether a person who provided a hyperlink to the webpages of unlicensed on-line travel agents would commit an offence under clause 165	
013530 – 015536	Chairman Administration	Schedule 10 — Savings and Transitional Provisions The Chairman requested the Administration to reconfirm the commencement dates of parts 2 to 6 in Schedule 10. He also suggested that a standing committee should be established under TIA for holding, managing and applying the Travel Industry Compensation Fund.	The Administration to follow up as per paragraphs 3(e) and 3(f) of the minutes
015537 – 020229	Chairman Administration ALA9	Schedule 11 – Part 7 — Amendment to Legislative Council Ordinance (Cap. 542) In response to ALA9's enquiry, the Administration confirmed that the word "persons" under section 200(b) of the amended Cap. 542 covered both natural persons and bodies corporate.	
Agenda item II – Any other business			
020230 – 020605	Chairman Dr CHIANG Lai-wan Administration	Date of next meeting Closing remarks	