

# 立法會

## *Legislative Council*

LC Paper No. CB(4)645/18-19  
(These minutes have been seen  
by the Administration)

Ref: CB4/BC/5/16

### **Bills Committee on Travel Industry Bill**

**Minutes of the eighteenth meeting held on  
Tuesday, 9 October 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 CHAN Chi-chuen  
Hon POON Siu-ping, BBS, MH  
Dr Hon Junius HO Kwan-yiu, JP  
Hon SHIU Ka-fai  
Hon LAU Kwok-fan, MH

**Members absent** : Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Charles Peter MOK, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, SBS, JP  
Hon Alvin YEUNG  
Hon HO Kai-ming  
Hon Holden CHOW Ho-ding

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

Mr Aaron LIU, JP  
Deputy Commissioner for Tourism

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

Miss Polly TANG  
Senior Administrative Officer (Tourism) 1 (Acting)

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), CB(4)491/17-18(01),  
CB(4)551/17-18(01), CB(4)1335/17-18(01) to (02), CB(4)1567/17-18(01) to  
(02) and CB(4)1568/17-18(01)]

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).

2. Mr Paul TSE declared that he was a director of a travel agent and a member/adviser of some travel-related associations.

Discussion

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

Follow-up actions to be taken by the Administration

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

- (a) specific measures to address and minimize the adverse impact of the activities of inbound tour groups on the local neighborhood before and after the establishment of the Travel Industry Authority ("TIA");
- (b) consider amending clause 167 to set out clearly that a notice or summons required to be served on a licensee will be regarded as duly served if it is sent by post to the licensee's correspondence address (if any) and by electronic means to the licensee's electronic mail address;
- (c) whether the outstanding applications for travel agent licence submitted before the commencement of the new ordinance will be subject to the guarantee money requirement under clause 21; and
- (d) in respect of clause 117, whether the advice given by a legal adviser appointed by an inquiry committee of TIA at the deliberations of the inquiry committee must be made known to every party to the inquiry or person representing each party.

*(Post-meeting note: The Administration's written response and its revised draft amendments to clause 167 were issued to members vide LC Paper Nos. CB(4)16/18-19(02) and CB(4)40/18-19(01) respectively on 15 October 2018.)*

Action

**II. Any other business**

5. The Bills Committee had examined the draft amendments to the Bill proposed by the Administration (LC Paper No. CB(4)1568/17-18(01)). Upon completion of the examination, the Chairman advised that the next meeting of the Bills Committee would be held on Tuesday, 16 October 2018 at 10:30 am to discuss the Administration's follow-up response to matters set out in paragraph 4 and the draft amendments to the Bill proposed by the Deputy Chairman.

6. There being no other business, the meeting ended at 12:06 pm.

Council Business Division 4  
Legislative Council Secretariat  
15 March 2019

**Proceedings of the eighteenth meeting of  
the Bills Committee on Travel Industry Bill  
on Tuesday, 9 October 2018, at 10:45 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>			
000949 – 001001	Chairman	Opening remarks	
001002 – 001031	Chairman	Declaration of interests [LC Paper No. CB(4)849/16-17(01)]	
001032 – 001105	Chairman Mr Paul TSE	Declaration of interests	
001106 – 001913	Chairman Administration	Discussion on the Administration's response to issues raised at the previous meetings [LC Paper No. CB(4)1567/17-18(02)]	
001914 – 002413	Chairman Administration Ms Starry LEE	Discussion on the definition of shops under the Bill  Expressing concern about the adverse impact of the activities of inbound tour groups on the local neighbourhood, Ms Starry LEE requested the Administration to set out specific measures to address the problem before and after the establishment of the Travel Industry Authority ("TIA").	The Administration to follow up as per paragraph 4(a) of the minutes
<b>Draft amendments to the Travel Industry Bill proposed by the Administration (Items 1 to 30 in Annex A to LC Paper No. CB(4)1568/17-18(01))</b>			
002414 – 003505	Chairman Deputy Chairman Administration	Items 1-4 in Annex A to LC Paper No. <u>CB(4)1568/17-18(01)</u>  Members raised no question on the proposed amendments.	
003506 – 004224	Chairman Administration Mr Paul TSE	Item 5 in Annex A to LC Paper No. <u>CB(4)1568/17-18(01)</u>  Discussion on the definition of due service of a notice or summons  Mr Paul TSE suggested setting out clearly in clause 167 that a notice or summons required to be served on a licensee would be regarded as duly served if it was sent by post to the licensee's correspondence address (if any) and by electronic means to the licensee's electronic mail address.	The Administration to follow up as per paragraph 4(b) of the minutes

Time marker	Speaker	Subject(s)	Action required
004225 – 004818	Chairman Administration	<p><u>Items 6-14 in Annex A to LC Paper No. CB(4)1568/17-18(01)</u></p> <p>Members raised no question on the proposed amendments.</p>	
004819 – 005151	Chairman Deputy Chairman Administration	<p><u>Item 15 in Annex A to LC Paper No. CB(4)1568/17-18(01)</u></p> <p>Discussion on the composition of TIA set out in Schedule 9</p>	
005152 – 005234	Chairman Administration	<p><u>Items 16-17 in Annex A to LC Paper No. CB(4)1568/17-18(01)</u></p> <p>Members raised no question on the proposed amendments.</p>	
005235 – 010059	Chairman Administration	<p><u>Item 18 in Annex A to LC Paper No. CB(4)1568/17-18(01)</u></p> <p>Discussion on the transitional arrangements in relation to applications for travel agent licence</p> <p>The Chairman enquired whether the applications for a travel agent licence submitted to the Registrar of Travel Agents but not yet been processed before the commencement of the new ordinance would be subject to the guarantee money requirement under clause 21.</p>	The Administration to follow up as per paragraph 4(c) of the minutes
010100 – 010349	Chairman Administration	<p><u>Items 19-23 in Annex A to LC Paper No. CB(4)1568/17-18(01)</u></p> <p>Members raised no question on the proposed amendments.</p>	
010350 – 012121	Chairman Administration Dr Junius HO Mr Paul TSE	<p><u>Item 24 in Annex A to LC Paper No. CB(4)1568/17-18(01)</u></p> <p>Discussion on matters regarding the advice given by the legal adviser appointed by an inquiry committee of TIA under clause 117</p> <p>Noting that the Administration would make amendments to the Bill to state that the legal adviser appointed by an inquiry committee of TIA might also be present at the deliberations of the committee, Dr Junius HO enquired whether the advice given by the legal adviser at the deliberations of the committee must be made known to every party to the inquiry or person representing each party.</p>	The Administration to follow up as per paragraph 4(d) of the minutes

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
012122 – 012434	Chairman Administration	<u>Items 25-30 in Annex A to LC Paper No. CB(4)1568/17-18(01)</u>  Members raised no question on the proposed amendments.	
<b>Agenda item II – Any other business</b>			
012435 – 012524	Chairman	Date of next meeting  Closing remarks	

Council Business Division 4  
Legislative Council Secretariat  
15 March 2019