

立法會

Legislative Council

LC Paper No. CB(4)646/18-19

(These minutes have been seen
by the Administration)

Ref: CB4/BC/5/16

Bills Committee on Travel Industry Bill

Minutes of the nineteenth meeting held on Tuesday, 16 October 2018, at 10:30 am in Conference Room 2B 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 Paul TSE Wai-chun, JP
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, SBS, JP
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 Charles Peter MOK, JP
Hon Alvin YEUNG
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon Holden CHOW Ho-ding
Hon LAU Kwok-fan, MH

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 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)491/17-18(01), CB(4)551/17-18(01), CB(4)1568/17-18(01),
CB(4)16/18-19(01) to (03) and CB(4)40/18-19(01)]

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).

Action

2. Mr Paul TSE declared that he was a director of a travel agent and an adviser of some tourism 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, in relation to the amendments proposed by the Administration (LC Paper No. CB(4)1568/17-18), –
 - (a) review the drafting of the proposed amendments to clause 64(2) to include in the contents of the register the electronic mail address of a licensee; and
 - (b) amend the English text of new clause 14(9)(a) as "the validity period of a renewed travel agent licence in the licence" to achieve consistency with the Chinese text.
5. The Administration was also requested to explain during the resumption of the Second Reading debate on the Bill the administrative measures proposed to ensure that appropriate work insurance policy would be taken out and the premium of which would be borne by a licensed travel agent for a tourist guide/tour escort who provides service for the travel agent in the capacity of self-employed person.

(Post-meeting note: The Administration's written response and revised amendments to the Bill were issued to members vide LC Paper Nos. CB(4)50/18-19(02) and CB(4)204/18-19(01) on 19 October and 13 November 2018 respectively.)

Draft amendments to the Travel Industry Bill

6. The Bills Committee noted the draft amendments proposed by the Deputy Chairman and the Administration's response to the amendments.
7. The Chairman concluded that the Bills Committee had completed the scrutiny of the Bill and raised no objection to the draft amendments proposed by the Administration. The Bills Committee would not propose any amendments to the Bill in its name.

Action

Legislative timetable

8. Members noted that the Administration would resume the Second Reading debate on the Bill at the Council meeting of 28 November 2018 and the Chairman would report the deliberations of the Bills Committee to the House Committee on 16 November 2018. The deadline for giving notice of moving amendments was 19 November 2018.

II. Any other business

9. There being no other business, the meeting ended at 11:33 am.

Council Business Division 4
Legislative Council Secretariat
15 March 2019

**Proceedings of the nineteenth meeting of
the Bills Committee on Travel Industry Bill
on Tuesday, 16 October 2018, at 10:30 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
000755 – 000821	Chairman	Opening remarks	
000822 – 000852	Chairman	Declaration of interests [LC Paper No. CB(4)849/16-17(01)]	
000853 – 000955	Chairman Mr Paul TSE	Declaration of interests	
000956 – 001832	Chairman Administration	Briefing by the Administration on its response to issues raised at the previous meeting on 9 October 2018 and the revised amendments to clause 167 [LC Paper Nos. CB(4)16/18-19(02) and CB(4)40/18-19(01)]	
001833 – 002300	Chairman Dr CHIANG Lai-wan Administration	Discussion on regulating shops arranged to be patronized by inbound tour groups under the Bill	
002301 – 002642	Chairman Assistant Legal Adviser 9 ("ALA9") Administration	Discussion on the draft amendments proposed by the Administration [LC Paper No. CB(4)1568/17-18(01)] ALA9 suggested reviewing the drafting of the proposed amendments to clause 64(2) to include in the contents of the register the electronic mail address of a licensee, and amending the English text of the new clause 14(9)(a) as "the validity period of a renewed travel agent licence in the licence" to achieve consistency with the Chinese text.	The Administration to follow up as per paragraph 4 of the minutes
002643 – 010025	Chairman Deputy Chairman Administration Mr Martin LIAO Mr SHIU Ka-fai Mr Paul TSE	Discussion on the draft amendments proposed by the Deputy Chairman [LC Paper Nos. CB(4)491/17-18(01) and CB(4)551/17-18(01)], the Administration's response [LC Paper No. CB(4)16/18-19(03)], and arrangement of work insurance for self-employed tourist guides and tour escorts Mr Martin LIAO, Mr SHIU Ka-fai and Mr Paul TSE did not support mandating the collaboration between travel agents and tourist guides/tour escorts to be an employer-employee one across the board under the Bill. At the request of the Deputy Chairman, the Administration undertook to provide further	The Administration to follow up as per paragraph 5 of the minutes

Time marker	Speaker	Subject(s)	Action required
		information on the arrangement of work insurance for self-employed tourist guides and tour escorts during the resumption of the Second Reading debate on the Bill.	
010026 – 010157	Chairman Administration	Completion of scrutiny of the Bill Resumption of Second Reading	
Agenda item II – Any other business			
010158 – 010659	Chairman Dr CHIANG Lai-wan Administration	Discussion on the establishment of the Travel Industry Authority ("TIA") and preparations for the full commencement of the Bill The Administration advised that TIA would need about two years to complete all necessary preparations for taking over the trade regulatory and licensing functions from the Travel Industry Council of Hong Kong and the Travel Agents Registry respectively for the full implementation of the new regulatory regime. Closing remarks	