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本函檔號 Our Ref.: L/M(2) to TC CR T1/22/2/26/5 Pt.3
來函檔號 Your Ref.: LS/B/12/16-17

15 December 2017

Ms Clara Tam
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Tam,

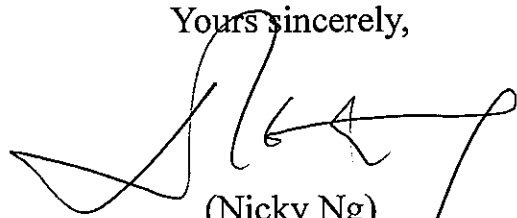
Travel Industry Bill

I refer to your letter dated 20 October 2017. Subsequent to our reply dated 20 November 2017, our reply to paragraph 5 of your letter (i.e. about the proposed offence in relation to publication of advertisements) is set out below.

2. You asked whether a person who provides a hyperlink to the webpages of unlicensed on-line travel agents will constitute a publication of advertisements and thus commit an offence under clause 165 of the Travel Industry Bill (the Bill). Across the board, our policy intent behind the offence provision is to catch **intentional** publication of advertisements (in whatever form) relating to the provision of travel services by persons who are required to be licensed as travel agents but have not obtained any travel agent licence, as well as **intentional** publication of advertisements (in whatever form) relating to the provision of travel services by licensed travel agents whose licence numbers have not been clearly stated. Publishers who have no knowledge of the offending matter at issue should **not** be subject to criminal sanction. We will consider refining clause 165 of the Bill to reflect our policy intent more clearly.

3. Please let us know if you have any further enquiries or comments.

Yours sincerely,



(Nicky Ng)
for Commissioner for Tourism

Encl.

c.c. DoJ (Attn.: Mr Michael Lam & Mr Jonathan Luk) (By E-mail)
Clerk to Bills Committee (By E-mail)