

Bills Committee on Travel Industry Bill

**List of follow-up actions arising from the discussion
at the meeting on 21 December 2017**

At the meeting on 21 December 2017, the Administration was requested to provide the following information –

- (a) whether owners of companies cooperating with travel agents to provide services with tourism elements such as overseas wedding services would be required to apply for a travel agent licence or branch licence under the Bill; if so, how clause 6(2)(a) of the Bill which specified that "a licensed travel agent must not carry on travel agent business at any premises other than the premises specified in the travel agent licence or any branch licence concerned" would apply to this kind of businesses; if not, how customers of these companies could be protected;
- (b) under the new regulatory regime, a travel agent would be required to pay a levy in respect of the outbound travel services and arrangements relating to the same tour that were bought at different times by a customer. Given that many consumers would like to buy different outbound travel services relating to the same tour from different travel agents, travel agents might not have full knowledge of the travel services bought by an individual customer, and hence, might be inadvertently caught by the law. As such, the Administration was requested to explain whether non-payment of levy under such circumstances would constitute a case of misleading omissions under the Trade Descriptions Ordinance (Cap. 362) and whether civil claims could be initiated by customers against the travel agents concerned; if so, what was the defence for travel agents in civil claims initiated by customers;
- (c) whether a travel agent/on-line platform that arranged outbound travel services for travellers but did not require the travellers to pay before using the services would be required to pay a levy in respect of the outbound travel services relating to the same tour that were bought by a customer;
- (d) a list of the subsidiary legislation which could be made by the future Travel Industry Authority and the Secretary for Commerce and Economic Development after the passage of the Bill;

- (e) to review the drafting of the definition of "trade member" in clause 2(1) of the Bill in view of the legislative intent, in particular "an individual who is engaged in the business of a licensed travel agent" and "an individual who is engaged in the business of a holder of a previous licence"; and
- (f) whether the Registrar of Travel Agents had ever exempted any person or class of persons from the operation of the Travel Agents Ordinance (Cap. 218) in the past.

Council Business Division 4
Legislative Council Secretariat
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