

**Bills Committee on Travel Industry Bill**

**List of follow-up actions arising from the discussion  
at the meeting on 16 May 2018**

At the meeting on 16 May 2018, the Administration was requested to provide the following information –

- (a) consider specifying a time limit for establishing an inquiry committee after the receipt of a complaint case by the Travel Industry Authority;
- (b) the enforcement of clause 115, in particular if the licence of a travel agent was revoked or suspended, how could that travel agent honour its obligation or liability in relation to the provision of travel services to the affected customers, and whether other licensed travel agent(s) could take over the obligation or liability of that travel agent if necessary;
- (c) consider reviewing the drafting of the Chinese text of clause 120(1) to enhance its readability;
- (d) consider listing out the factors to be considered by the Secretary for Commerce and Economic Development ("SCED") in removing a member of the appeal panel from office under clause 120(1);
- (e) the justification for providing SCED, instead of the appeal panel or the chairman of the appeal panel, the power to extend the period of time for which a person might lodge a notice of appeal under clause 121(3), having regard to the practices adopted by other similar independent appeal boards including the appeal boards formed under the Amusement Game Centres Ordinance (Cap. 435) and the Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592);
- (f) consider reviewing the membership size of an appeal board under clause 122(2) by increasing the minimum number and prescribing the maximum number of members in an appeal board to ensure consistency in handling appeals;
- (g) consider specifying in clause 122 that the composition of an appeal board should include both members from travel trade and non-travel trade;
- (h) whether the proposed casting vote arrangement under clause 125(3) was in line with the practices and procedures adopted by other similar

independent appeal boards including the appeal boards formed by the Insurance Authority and the Securities and Futures Commission;

- (i) to ensure that all parties to the appeal could attend and well prepare for the appeal hearing, consider (i) formulating guidelines for the chairperson of an appeal board on fixing the date, time and place for a hearing under clause 127(a), and (ii) specifying the minimum period for giving notice to the parties to the appeal by the chairperson of an appeal board under clause 127(b);
- (j) consider setting out the relevant procedure, e.g. quorum and voting requirements, for determining an appeal without a hearing under clause 128(2) and (3);
- (k) consider specifying the factors to be considered by an appeal board in giving consent to a person, who was neither a party to the appeal nor the legal representative of a party to the appeal, to participate in a hearing under clause 128(4)(b)(iii) as well as defining the roles of that person;
- (l) in relation to clause 128(6) which provides that an appeal board may make an order as to the payment of costs and expenses incurred in relation to the hearing, advise (i) the factors to be taken into consideration when such costs orders would be determined, (ii) whether the appeal board would have the expertise to make such orders, (iii) whether the appeal board would have the authority to enforce such orders and (iv) whether such orders would be subject to appeal;
- (m) provide a list of regulations proposed to be made by SCED under clause 138; and
- (n) statistics on the appeal cases handled by the Travel Industry Council of Hong Kong in the past five years, including the number of appeal cases involved legal proceedings, the amount of legal costs incurred and the parties responsible for the payment of such costs.