

**Travel Industry Bill
Debate and voting arrangements**

- Object of the Bill :**
- (a) to establish a Travel Industry Authority (“the Authority”);
 - (b) to provide for the licensing of travel agents, tourist guides and tour escorts;
 - (c) to regulate the activities of the licensees;
 - (d) to provide for the administration of the Travel Industry Compensation Fund, and for the imposition of levies on travel agents; and
 - (e) to provide for related matters.

First debate	: Clauses and schedules with – no amendment	Clauses 1, 3, 18, 20 to 31, 33, 34, 35, 40, 41, 45, 46, 48 to 55, 57, 61, 63, 65 to 69, 71 to 74, 76 to 88, 91 to 107, 109 to 114, 116, 118, 119, 123 to 127, 129 to 136, 138 to 152, 154 to 162, 166, 168 to 172 and Schedules 2, 3, 4, 6, 7 & 8
Voting	: To vote on the above clauses and schedules standing part of the Bill	
Second debate	: Clauses/schedules with – amendments, and new clause proposed by the Secretary for Commerce and Economic Development (“SCED”), and clauses with amendments proposed by Hon LUK Chung-hung	Clauses 2, 4 to 17 and 19, Division 8 of Part 2 (namely clause 32), 36 to 39, 42, 43, 44, 47, 56, 58, 59, 60, 62, 64, 70, 75, 89, 90, 108, 115, 117, 120, 121, 122, 128, 137, 153, 163, 164, 165 and 167, Schedules 1, 5, 9, 10 and 11 and new clause 91A
Joint debate on the original clauses/schedules and the amendments thereto, and the new clause		
Debate theme	: Amendments relating to regulation of the operation of travel agents and other related matters	
<u>SCED’s first group of amendments</u>		
- To amend clauses 2(1), 5 and 6(1A), (3) and (5) to clarify that a person carries on Mainland inbound tour group business if the person obtains any of the services in clause 5 for a Mainland inbound tour group organized by a Mainland travel agent (i.e. a person who carries on the business of organizing Mainland inbound tour groups in the Mainland); and to make technical amendments to the definition of Mainland inbound tour group as the regulatory system of the Mainland does not impose any limitation on the number of persons constituting a tour group from the Mainland to elsewhere (including Hong Kong);		

- To amend clauses 2(1), 6(2)(a) and (b), 8(2)(a), 9 to 17, 19, 32, 36, 58, 59, 60, 62, 64(2), 70(2), 75(1), 108(1)(g) and (h), 121(1) and 164 and Schedules 1 and 5 by removing the suitable premises, staffing and branch capital requirements in the Bill so that regardless of the mode of operation involved (i.e. whether a brick-and-mortar shop is operated), before carrying on travel agent business, a person must first obtain from the Authority a travel agent licence, which authorizes the person named therein to carry on travel agent business; and to make consequential amendments to Schedule 10;
- To amend clause 4(4)(b) and (c) to clarify various situations in which a person does not carry on travel agent business;
- To amend clauses 7(2), 42(3) and 56 to require a licence applicant to provide an electronic mail address, in addition to a correspondence address, for communication purposes in respect of licensees under the Travel Industry Ordinance;
- To amend clause 64(2)(a) and (3)(a) to include in the register the licence numbers of licensed travel agents, tourist guides and tour escorts, correspondence and email addresses of licensed travel agents, and the addresses of the local places of business specified in the permits;
- To delete clause 90 (Functions of disciplinary committee), and to add new clause 91A mentioned below;
- To amend clause 115 to provide that after the revocation or during the period of suspension of a travel agent's licence, for the purpose of complying with its obligations/liabilities under any agreement, transaction or arrangement before the revocation or suspension, the revocation or suspension does not operate to avoid or affect any right, obligation or liability under any agreement, transaction or arrangement relating to the provision of a travel service;
- To amend clauses 121, 122 and 128 to clarify the meaning of the clauses relating to the appeal mechanism or to make technical amendments;
- To amend clause 165 to reflect the Administration's policy intent on publication of advertisements of travel agents;
- To amend clause 167 to provide that serving personally, by post or by electronic means serves communication purposes in respect of persons other than licensees under the new Ordinance; and to clarify the ways of serving notices or summons to a licensee or a person other than a licensee;
- To make technical amendments to Schedule 9 on composition, operation and appointment of the Authority; and
- To make technical, textual and consequential amendments to clauses 2, 4, 6, 8, 9, 14, 19, 43, 44, 47, 64, 89, 117, 120, 121, 122, 137, 153, 163 and Schedules 10 and 11.

SCED's second group of amendment (to add a new clause)

- To add new clause 91A to reflect that the disciplinary committee may give general written directions on matters relating to the performance of functions by the chairperson of the disciplinary committee, persons exercising the functions of the chairperson under clauses 98 or 99 of the Bill, and an inquiry committee, rather than consider particular cases and decide how they should proceed.

Hon LUK Chung-hung's amendments

- To amend clause 37 to require that if a licensed travel agent has not arranged a tour escort to accompany an outbound tour group, it must display, in the prescribed way, the prescribed information to the participants of the tour group, and the licensed travel agent failing to comply with the requirement commits an offence; and
- To amend clauses 38 and 39 to add the wording "is employed by a licensed travel agent" into the meanings of working as tourist guide and working as tour escort.

Mover	Voting	Remarks	Amendment(s)
SCED	SCED's first group of amendments	<p>Irrespective of whether SCED's first group of amendments are passed or not, Hon LUK Chung-hung <u>may move</u> his amendments.</p> <p>If SCED's first group of amendments are <u>negatived</u>, SCED <u>may not move</u> his second group of amendment.</p>	LC Paper No. <u>CB(3) 173/18-19</u>
Hon LUK Chung-hung	Hon LUK's amendment	If SCED's first group of amendment are <u>passed</u> , <u>irrespective</u> of whether Hon LUK's amendments are passed or not, SCED <u>may move</u> his second group of amendment.	LC Paper No. <u>CB(3) 187/18-19</u>
SCED	If SCED's first group of amendments are passed , vote on his second group of amendment	New clause be read the second time and added to the Bill.	LC Paper No. <u>CB(3) 173/18-19</u>

SCED's amendments

(set out in LC Paper No. CB(3) 173/18-19 issued on 21 November 2018)

Hon LUK Chung-hung's amendments

(set out in LC Paper No. CB(3) 187/18-19 issued on 26 November 2018)

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