

Travel Industry (General) Regulation

(Cap. 634 sub. leg. F)

Contents

Section	Page
Part 1	
Preliminary	
1.	1-2
2.	1-2
3.	1-2
Part 2	
Prescribed Licence Conditions	
Division 1—Travel Agent Licences	
4.	2-2
5.	2-2
6.	2-2
7.	2-4
8.	2-4
Division 2—Tourist Guide Licences	
9.	2-6
10.	2-6

Section	Page
Part 3	
Prescribed Requirements for Licensed Travel Agents	
11.	General requirements imposed on licensed travel agents 3-2
12.	Books of account 3-4
Part 4	
Informing Authority of Changes in Certain Particulars	
Division 1—Licensed Travel Agents	
13.	Licensed travel agent that is company 4-2
14.	Licensed travel agent that is partnership 4-4
15.	Licensed travel agent that is individual 4-4
Division 2—Licensed Tourist Guides and Licensed Tour Escorts	
16.	Licensed tourist guides and licensed tour escorts 4-6
Part 5	
Display of Tour Group Information on Vehicles	
17.	Prescribed information and way of display 5-2
Part 6	
Periods within which Fresh Application may not be Made	
18.	No fresh application for travel agent licence etc. within prescribed period after refusal 6-2

Section	Page
19. No fresh application for travel agent licence etc. within prescribed period after revocation	6-2
20. No fresh application for tourist guide licence within prescribed period after refusal	6-4
21. No fresh application for tour escort licence within prescribed period after refusal	6-4
22. No fresh application for tourist guide licence within prescribed period after revocation	6-6
23. No fresh application for tour escort licence within prescribed period after revocation	6-6
24. Individual not suitable to be authorized representative within prescribed period	6-6

Part 7

Fees Payable to Authority

Division 1—Fees Payable

25. Registration fee for Mainland inbound tour group	7-2
26. Fee for application for travel agent licence	7-2
27. Fee for application for renewal of travel agent licence	7-2
28. Fee for application for business permit	7-2
29. Fee for application for renewal of business permit	7-2
30. Fee for application for tourist guide licence or tour escort licence	7-4

Section	Page
31. Fee for application for renewal of tourist guide licence or tour escort licence	7-4
32. Fee for issue or renewal of travel agent licence	7-4
33. Fee for issue of business permit	7-4
34. Fee for renewal of business permit	7-6
35. Fee for issue of tourist guide licence or tour escort licence	7-8
36. Fee for renewal of tourist guide licence or tour escort licence	7-8
37. Fee for application for amendment of particulars in licence or business permit	7-8
38. Fee for application for duplicate of licence or business permit	7-8
39. Fee for inspection of register	7-10
40. Fee for copying of register	7-10
Division 2—Special Arrangements for Initial Period	
41. Interpretation of Division 2	7-10
42. Application for travel agent licence made during initial period	7-12
43. Application for tourist guide licence or tour escort licence made during initial period	7-12

Section		Page
44.	Application for renewal of tourist guide licence or tour escort licence made during initial period	7-14
45.	Travel agent licence issued or renewed within initial period	7-16
46.	Business permit issued or renewed within initial period	7-16

Part 8
Procedures for Dealing with Minor
Contraventions by Licensees

47.	Application of Part 8	8-2
48.	Notice to licensee of orders intended to be made	8-2
49.	Licensee to make representations	8-2

Travel Industry (General) Regulation

(Cap. 634, section 163)

(Enacting provision omitted—E.R. 5 of 2022)

[1 September 2022]

Part 1

Preliminary

1. *(Omitted as spent—E.R. 5 of 2022)*

2. **Interpretation**

In this Regulation—

coerced shopping (威迫購物) is to be construed in accordance with section 3;

coercion (威迫) includes the use of physical force;

commencement date (生效日期) means 1 September 2022;

undue influence (不當影響) means exploiting a position of power in relation to a person so as to apply pressure, even without using or threatening to use physical force, in a way which significantly impairs the person's ability to make an informed decision.

3. **Coerced shopping**

For the purposes of this Regulation, a participant of an inbound tour group is taken to have been subject to coerced shopping if harassment, coercion or undue influence is used in the promotion,

Travel Industry (General) Regulation

Part 1

1-4

Section 3

Cap. 634F

sale or supply of services and products to the participant of the group.

Part 2

Prescribed Licence Conditions

Division 1—Travel Agent Licences

4. Prescribed conditions imposed on travel agent licences

For the purposes of sections 8(5) and 14(7) of the Ordinance, the conditions are prescribed under this Division.

5. Conditions relating to statements of accounts

A licensed travel agent must—

- (a) submit to the Authority, not later than 7 months after the end of each financial year, a copy of the statement of accounts in respect of the relevant financial year together with a copy of an auditor's report for that relevant financial year;
- (b) when applying for the renewal of its licence, submit to the Authority a copy of its latest statement of accounts; and
- (c) on a written request by the Authority and within the period specified by the Authority in the request, submit to the Authority a copy of its latest statement of accounts together with such other related documents or information as the Authority may reasonably specify in the request.

6. Condition relating to remedial steps

If, in the opinion of the Authority, a licensed travel agent is likely to be unable to continue its business as a going concern or is likely to experience a cash flow problem, the travel agent must, upon

written request by the Authority and within the period specified by the Authority in the request, take such remedial steps as the Authority may reasonably specify in the request.

7. Conditions relating to inbound tour groups

- (1) In relation to an inbound tour group for which a licensed travel agent obtains services, the travel agent—
 - (a) must take all reasonable steps to safeguard the safety and interest of any participant of the group;
 - (b) in connection with any shopping trip provided to the group, must take all reasonable steps to ensure that—
 - (i) no participant of the group is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
 - (ii) no participant of the group is subject to coerced shopping, whether during the shopping trip or otherwise; and
 - (c) must not abandon or threaten to abandon any participant of the group when any such service is being provided to the participants of the group.
- (2) For the purposes of subsection (1)(a) and (b) and section 6(3)(b) of the Ordinance, in considering whether a licensed travel agent has taken all reasonable steps to avoid the contravention of the relevant prescribed conditions, the acting or failure to act by the licensed travel agent in accordance with any guidelines, directives or codes of conduct issued by the Authority under section 152(2)(k) of the Ordinance may be relied on as tending to establish or negate any liability which is in question.

8. Condition relating to cease of business

If a licensed travel agent intends to cease to carry on travel agent

business, the travel agent must notify the Authority in writing of the intention not less than 14 days before the business ceases.

Division 2—Tourist Guide Licences

9. Prescribed conditions imposed on tourist guide licences

For the purposes of sections 42(5) and 46(5) of the Ordinance, the conditions are prescribed under this Division.

10. Conditions relating to inbound tour groups

- (1) In relation to an inbound tour group for which a licensed tourist guide provides guiding services, the tourist guide—
 - (a) must take all reasonable steps to safeguard the safety and interest of any participant of the group;
 - (b) in connection with any shopping trip provided to the group, must take all reasonable steps to ensure that—
 - (i) no participant of the group is forced to enter or stay in any shop through the use of harassment, coercion or undue influence; and
 - (ii) no participant of the group is subject to coerced shopping, whether during the shopping trip or otherwise; and
 - (c) must not abandon or threaten to abandon any participant of the group when any such service is being provided to the participants of the group.
- (2) For the purposes of subsection (1)(a) and (b) and section 39(3) of the Ordinance, in considering whether a licensed tourist guide has taken all reasonable steps to avoid the contravention of the relevant prescribed conditions, the acting or failure to act by the licensed tourist guide in accordance with any guidelines, directives or codes of conduct issued by the Authority under section 152(2)(k) of the Ordinance may

Travel Industry (General) Regulation

Part 2—Division 2

2-8

Section 10

Cap. 634F

be relied on as tending to establish or negate any liability which is in question.

Part 3

Prescribed Requirements for Licensed Travel Agents

11. General requirements imposed on licensed travel agents

A licensed travel agent must—

- (a) keep proper books of account in a legible form or in a non-legible form capable of being reproduced in a legible form;
- (b) notify the Authority of the premises where the books of account are kept and, if there is any change in such premises, notify the Authority of the new premises within 7 days beginning on the date on which the change takes place;
- (c) in any letter, account, receipt, pamphlet, brochure or other documents issued in whatever form by or on behalf of the travel agent in the capacity of a travel agent, state clearly and conspicuously—
 - (i) the name and, if applicable, the business name, of the licensee; and
 - (ii) the number of the travel agent's licence;
- (d) in any advertisement published in whatever form by or on behalf of the travel agent in the capacity of a travel agent, state clearly and conspicuously—
 - (i) the name and, if applicable, the business name, of the licensee; and
 - (ii) the number of the travel agent's licence; and
- (e) prior to requesting any payment from a customer for any service to be provided, whether by way of deposit

or otherwise, give the customer full particulars of the service.

12. Books of account

For the purposes of section 11(a) and (b)—

- (a) proper books of account are books of account which (in themselves or, if kept otherwise than in a legible form, as reproduced in a legible form) sufficiently exhibit and explain all transactions entered into by the licensed travel agent in the course of the travel agent business carried on by the travel agent and give a true and fair view of the state of the business; and
 - (b) where any books of account are kept otherwise than by making entries in a bound book, adequate precautions must be taken for guarding against falsification and for facilitating their discovery.
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Part 4

Informing Authority of Changes in Certain Particulars

Division 1—Licensed Travel Agents

13. Licensed travel agent that is company

For the purposes of section 27(c) of the Ordinance, in relation to a licensed travel agent that is a company—

- (a) the prescribed particulars of the travel agent are—
 - (i) in connection with an application for the issue or renewal of a travel agent licence, any information provided by the travel agent to the Authority concerning the matters set out in section 1(a), (b), (c), (d), (e) and (f) of Schedule 2 to the Ordinance;
 - (ii) if applicable, in connection with an application for the issue or renewal of a business permit, any information provided by the travel agent to the Authority concerning the intention to carry on travel agent business at the local place of business as stated in the application; and
 - (iii) any information given to the Authority under paragraph (b); and
- (b) the prescribed way to inform the Authority of any change of the prescribed particulars under paragraph (a) is by giving a notice in writing to the Authority within 14 days beginning on the date on which the change takes place.

14. Licensed travel agent that is partnership

For the purposes of section 27(c) of the Ordinance, in relation to a licensed travel agent that is a partnership—

- (a) the prescribed particulars of the travel agent are—
 - (i) in connection with an application for the issue or renewal of a travel agent licence, any information provided by the travel agent to the Authority concerning the matters set out in section 1(a), (b), (c), (d), (e), (f), (g), (h) and (i) of Schedule 3 to the Ordinance;
 - (ii) if applicable, in connection with an application for the issue or renewal of a business permit, any information provided by the travel agent to the Authority concerning the intention to carry on travel agent business at the local place of business as stated in the application; and
 - (iii) any information given to the Authority under paragraph (b); and
- (b) the prescribed way to inform the Authority of any change of the prescribed particulars under paragraph (a) is by giving a notice in writing to the Authority within 14 days beginning on the date on which the change takes place.

15. Licensed travel agent that is individual

For the purposes of section 27(c) of the Ordinance, in relation to a licensed travel agent that is an individual carrying on business as a sole proprietor—

- (a) the prescribed particulars of the travel agent are—

- (i) in connection with an application for the issue or renewal of a travel agent licence, any information provided by the travel agent to the Authority concerning the matters set out in section 1(1)(a), (b), (c), (d), (e), (f) and (g) of Schedule 4 to the Ordinance;
 - (ii) if applicable, in connection with an application for the issue or renewal of a business permit, any information provided by the travel agent to the Authority concerning the intention to carry on travel agent business at the local place of business as stated in the application; and
 - (iii) any information given to the Authority under paragraph (b); and
- (b) the prescribed way to inform the Authority of any change of the prescribed particulars under paragraph (a) is by giving a notice in writing to the Authority within 14 days beginning on the date on which the change takes place.

Division 2—Licensed Tourist Guides and Licensed Tour Escorts

16. Licensed tourist guides and licensed tour escorts

For the purposes of section 56 of the Ordinance, in relation to a licensed tourist guide or licensed tour escort—

- (a) the prescribed particulars of the tourist guide or tour escort are—
 - (i) in connection with an application for the issue or renewal of a tourist guide licence or tour escort licence, any information provided by the tourist guide or tour escort to the Authority concerning the

- matters set out in section 1(1)(c), (d), (e), (f) and (g) and (2)(b) of Schedule 4 to the Ordinance; and
- (ii) any information given to the Authority under paragraph (b); and
- (b) the prescribed way to inform the Authority of any change of the prescribed particulars under paragraph (a) is by giving a notice in writing to the Authority within 14 days beginning on the date on which the change takes place.
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Part 5

Display of Tour Group Information on Vehicles

17. Prescribed information and way of display

For the purposes of section 36(1) of the Ordinance—

- (a) the prescribed information that a licensed travel agent must display on the vehicle that it arranges for transporting a tour group is—
 - (i) the number of the travel agent's licence; and
 - (ii) the tour group number assigned to the tour group by the travel agent; and
- (b) the prescribed way to display such prescribed information is that—
 - (i) the information must be displayed clearly and prominently on the vehicle;
 - (ii) the information must not be displayed at any position that is likely to obstruct the view of the driver of the vehicle;
 - (iii) the information must not be displayed in such a way that is likely to pose any risk of injury to passengers;
 - (iv) the height of each of the characters showing the number of the travel agent's licence must not be less than 2.5 cm;
 - (v) the height of each of the characters showing the tour group number must not be less than 2 cm; and

Travel Industry (General) Regulation

Part 5

5-4

Section 17

Cap. 634F

- (vi) the information must not be displayed together with any other information.
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Part 6

Periods within which Fresh Application may not be Made

18. No fresh application for travel agent licence etc. within prescribed period after refusal

For the purposes of section 16(2) of the Ordinance—

- (a) in respect of a person whose application for a travel agent licence or business permit has been refused, the period during which the person may not reapply for a travel agent licence or business permit is the period of 6 months beginning on the date on which the notice of refusal under section 12(3) of the Ordinance is given; and
- (b) in respect of a person whose application for the renewal of a travel agent licence or business permit has been refused, the period during which the person may not reapply for the renewal of a travel agent licence or business permit is the period of 6 months beginning on the date on which the notice of refusal under section 15(3) of the Ordinance is given.

19. No fresh application for travel agent licence etc. within prescribed period after revocation

For the purposes of section 17(2) of the Ordinance—

- (a) in respect of a person whose travel agent licence has been revoked, the period during which the person may not reapply for a travel agent licence is the period of 6 months beginning on the date on which the revocation takes effect; and

- (b) in respect of a person whose business permit has been revoked, the period during which the person may not reapply for a business permit is the period of 6 months beginning on the date on which the revocation takes effect.

20. No fresh application for tourist guide licence within prescribed period after refusal

For the purposes of section 48(2) of the Ordinance—

- (a) in respect of a person whose application for a tourist guide licence has been refused, the period during which the person may not reapply for a tourist guide licence is the period of 6 months beginning on the date on which the notice of refusal under section 44(3) of the Ordinance is given; and
- (b) in respect of a person whose application for the renewal of a tourist guide licence has been refused, the period during which the person may not reapply for the renewal of a tourist guide licence is the period of 6 months beginning on the date on which the notice of refusal under section 47(3) of the Ordinance is given.

21. No fresh application for tour escort licence within prescribed period after refusal

For the purposes of section 49(2) of the Ordinance—

- (a) in respect of a person whose application for a tour escort licence has been refused, the period during which the person may not reapply for a tour escort licence is the period of 6 months beginning on the date on which the notice of refusal under section 44(3) of the Ordinance is given; and

- (b) in respect of a person whose application for the renewal of a tour escort licence has been refused, the period during which the person may not reapply for the renewal of a tour escort licence is the period of 6 months beginning on the date on which the notice of refusal under section 47(3) of the Ordinance is given.

22. No fresh application for tourist guide licence within prescribed period after revocation

For the purposes of section 50(2) of the Ordinance, in respect of a person whose tourist guide licence has been revoked, the period during which the person may not reapply for a tourist guide licence is the period of 6 months beginning on the date on which the revocation takes effect.

23. No fresh application for tour escort licence within prescribed period after revocation

For the purposes of section 51(2) of the Ordinance, in respect of a person whose tour escort licence has been revoked, the period during which the person may not reapply for a tour escort licence is the period of 6 months beginning on the date on which the revocation takes effect.

24. Individual not suitable to be authorized representative within prescribed period

For the purposes of section 25(2) of the Ordinance—

- (a) in respect of an application for a travel agent licence where the Authority is not satisfied that an individual is suitable to be an authorized representative of the travel agent, the period during which the individual is also not suitable to be an authorized representative of any other travel agent is the period of 6 months beginning on the

Travel Industry (General) Regulation

Part 6

6-8

Section 24

Cap. 634F

date on which the notice of refusal under section 12(3) of the Ordinance is given; and

- (b) in respect of an application for the renewal of a travel agent licence where the Authority is not satisfied that an individual is suitable to be an authorized representative of the travel agent, the period during which the individual is also not suitable to be an authorized representative of any other travel agent is the period of 6 months beginning on the date on which the notice of refusal under section 15(3) of the Ordinance is given.
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Part 7

Fees Payable to Authority

Division 1—Fees Payable

25. Registration fee for Mainland inbound tour group

For the purposes of section 32 of the Ordinance, in respect of a licensed travel agent who carries on Mainland inbound tour group business—

- (a) the registration fee payable for each Mainland inbound tour group for which the travel agent obtains services is \$4 per participant of the group; and
- (b) the registration fee must be paid to the Authority before the travel agent starts to obtain services for the group.

26. Fee for application for travel agent licence

For the purposes of section 7(2)(c)(i) of the Ordinance and subject to section 42, the prescribed fee for an application for a travel agent licence is \$630.

27. Fee for application for renewal of travel agent licence

For the purposes of section 13(2)(b)(i) of the Ordinance, the prescribed fee for an application for the renewal of a travel agent licence is \$0.

28. Fee for application for business permit

For the purposes of section 9(2)(c)(i) of the Ordinance, the prescribed fee for an application for a business permit is \$0.

29. Fee for application for renewal of business permit

For the purposes of section 13(2)(b)(i) of the Ordinance, the prescribed fee for an application for the renewal of a business permit is \$0.

30. Fee for application for tourist guide licence or tour escort licence

For the purposes of section 41(3)(c)(i) of the Ordinance and subject to section 43, the prescribed fee for an application for—

- (a) a tourist guide licence is \$300; or
- (b) a tour escort licence is \$300.

31. Fee for application for renewal of tourist guide licence or tour escort licence

For the purposes of section 45(2)(b)(i) of the Ordinance and subject to section 44, the prescribed fee for an application for the renewal of—

- (a) a tourist guide licence is \$150; or
- (b) a tour escort licence is \$150.

32. Fee for issue or renewal of travel agent licence

(1) For the purposes of section 8(2)(b) of the Ordinance and subject to section 45, the prescribed fee for the issue of a travel agent licence, which is payable for each month of the validity period of the licence to be issued, is \$485.

(2) For the purposes of section 14(2)(b) of the Ordinance and subject to section 45, the prescribed fee for the renewal of a travel agent licence, which is payable for each month of the validity period of the licence to be renewed, is \$485.

33. Fee for issue of business permit

(1) For the purposes of section 10(2)(c) of the Ordinance, the prescribed fee for the issue of a business permit to a licensed

travel agent in respect of a local place of business is—

- (a) in the case of a business permit which is issued within the period of 5 years beginning on the commencement date, and where the travel agent does not hold any other business permit at the time when the permit is issued, \$0; or
 - (b) in any other case and subject to section 46(1), \$665.
- (2) For the purposes of subsection (1)(a), if more than one business permit is issued on the same day, that subsection applies only to the permit that is considered by the Authority as the first one issued to the travel agent on that day.

34. Fee for renewal of business permit

- (1) For the purposes of section 14(3)(c) of the Ordinance, the prescribed fee for the renewal of a business permit of a licensed travel agent in respect of a local place of business is—
- (a) in the case of a business permit which is renewed within the period of 5 years beginning on the commencement date, and where—
 - (i) the travel agent does not hold any other business permit, \$0; or
 - (ii) the travel agent holds at least one other business permit, and the permit renewed is the first one renewed, \$0; or
 - (b) in any other case and subject to section 46(2), \$925.
- (2) For the purposes of subsection (1)(a)(ii)—
- (a) in deciding whether the travel agent holds at least one other business permit, any pre-existing licence and pre-existing duplicate licence within the meanings given by

section 1 of Schedule 10 to the Ordinance must also be taken into account; and

- (b) if more than one business permit of the travel agent is renewed on the same day, that subsection applies only to the permit that is considered by the Authority as the first one renewed on that day.

35. Fee for issue of tourist guide licence or tour escort licence

For the purposes of section 42(2)(b) of the Ordinance, the prescribed fee for the issue of—

- (a) a tourist guide licence is \$0; or
- (b) a tour escort licence is \$0.

36. Fee for renewal of tourist guide licence or tour escort licence

For the purposes of section 46(2)(b) of the Ordinance, the prescribed fee for the renewal of—

- (a) a tourist guide licence is \$0; or
- (b) a tour escort licence is \$0.

37. Fee for application for amendment of particulars in licence or business permit

For the purposes of section 57(2)(b)(i) of the Ordinance, the prescribed fee for an application to amend any particulars contained in—

- (a) a travel agent licence is \$160;
- (b) a business permit is \$160;
- (c) a tourist guide licence is \$40; or
- (d) a tour escort licence is \$40.

38. Fee for application for duplicate of licence or business permit

For the purposes of section 58(2)(b)(i) of the Ordinance, the prescribed fee for an application for a duplicate of—

- (a) a travel agent licence is \$160;
- (b) a business permit is \$160;
- (c) a tourist guide licence is \$200; or
- (d) a tour escort licence is \$200.

39. Fee for inspection of register

For the purposes of section 64(2)(a) of the Ordinance, the prescribed fee for inspecting the register is \$35.

40. Fee for copying of register

For the purposes of section 64(2)(b) of the Ordinance, the prescribed fee for obtaining a certified copy of any particulars contained in the register is the total of—

- (a) a basic fee of \$100; and
- (b) an additional fee depending on the total number of pages obtained calculated at \$3 per A4 page or \$6 per A3 page.

Division 2—Special Arrangements for Initial Period

41. Interpretation of Division 2

In this Division—

aggregated validity period (總有效期) means, in relation to a travel agent licence, the aggregated length of the following—

- (a) if the licence is a pre-existing licence in respect of which any fee for the issue or the renewal of the licence has been waived pursuant to regulation 12A of the former Travel Agents Regulations as amended by the Travel Agents (Amendment) Regulation 2021 (L.N. 199

of 2021), the total number of months in respect of which such fee has been waived; and

- (b) the total number of months comprising all validity periods of the travel agent licence (whether as issued or renewed or to be issued or renewed) within the initial period;

former Travel Agents Regulations (前《旅行代理商規例》) means the Travel Agents Regulations (Cap. 218 sub. leg. A) which has been repealed by section 3 of Schedule 11 to the Ordinance;

initial period (首段期間) means—

- (a) in so far as it relates to a travel agent licence or business permit, the period beginning on the commencement date and ending on 30 September 2023; or
- (b) in so far as it relates to a tourist guide licence or tour escort licence, the period beginning on the commencement date and ending on 31 August 2025;

pre-existing licence (原有牌照) has the meaning given by section 1 of Schedule 10 to the Ordinance.

42. Application for travel agent licence made during initial period

Despite section 26, if an application for a travel agent licence is made during the initial period, the prescribed fee for the application is \$0.

43. Application for tourist guide licence or tour escort licence made during initial period

- (1) Despite section 30, if an application for a tourist guide licence or a tour escort licence is made during the initial period, the prescribed fee for the application is \$0.

- (2) For the purposes of subsection (1), if during the initial period—
- (a) any tourist guide licence has been issued to the applicant under section 42(1) of the Ordinance or any tourist guide licence of the applicant has been renewed under section 46(1) of the Ordinance, that subsection does not apply to any subsequent application for a tourist guide licence made by the applicant; and
 - (b) any tour escort licence has been issued to the applicant under section 42(1) of the Ordinance or any tour escort licence of the applicant has been renewed under section 46(1) of the Ordinance, that subsection does not apply to any subsequent application for a tour escort licence made by the applicant.

44. Application for renewal of tourist guide licence or tour escort licence made during initial period

- (1) Despite section 31, if an application for the renewal of a tourist guide licence or a tour escort licence is made during the initial period, the prescribed fee for the application is \$0.
- (2) For the purposes of subsection (1), if during the initial period—
- (a) any tourist guide licence has been issued to the applicant under section 42(1) of the Ordinance or any tourist guide licence of the applicant has been renewed under section 46(1) of the Ordinance, that subsection does not apply to any subsequent application for the renewal of a tourist guide licence made by the applicant; and
 - (b) any tour escort licence has been issued to the applicant under section 42(1) of the Ordinance or any tour escort licence of the applicant has been renewed under section 46(1) of the Ordinance, that subsection does not apply

to any subsequent application for the renewal of a tour escort licence made by the applicant.

45. Travel agent licence issued or renewed within initial period

- (1) Despite section 32(1) and subject to subsection (3), if the travel agent licence is to be issued within the initial period, the prescribed fee, which is payable for each month of the validity period of the licence, is \$0.
- (2) Despite section 32(2) and subject to subsection (3), if the travel agent licence is to be renewed within the initial period, the prescribed fee, which is payable for each month of the validity period of the licence, is \$0.
- (3) If the aggregated validity period of the travel agent licence exceeds 24 months, subsections (1) and (2) do not apply to such part of the licence that falls after the expiry of the initial 24 months of the aggregated validity period.

46. Business permit issued or renewed within initial period

- (1) Despite section 33(1)(b), if the business permit is to be issued within the initial period, the prescribed fee for the issue of the permit is \$0.
 - (2) Despite section 34(1)(b), if the business permit is to be renewed within the initial period, the prescribed fee for the renewal of the permit is \$0.
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Part 8

Procedures for Dealing with Minor Contraventions by Licensees

47. Application of Part 8

For the purposes of section 98(2)(b) of the Ordinance, this Part applies where the chairperson of the disciplinary committee is satisfied that a licensee's contravention of a requirement in the Ordinance is minor in nature and hence the chairperson may deal with the case in an expedited way.

48. Notice to licensee of orders intended to be made

The chairperson of the disciplinary committee must give a notice in writing to the licensee, stating—

- (a) that the chairperson is satisfied that the licensee's contravention is minor in nature; and
- (b) the orders the chairperson intends to make against the licensee under section 107(1)(a), (b), (c), (d) and (e) of the Ordinance.

49. Licensee to make representations

Within 7 days after the date of the notice referred to in section 48 (or such longer period as the chairperson of the disciplinary committee may permit), the licensee may make representations in writing to the chairperson as to why the chairperson should not make any of the orders set out in the notice.