

(譯 本)

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戴女士：

**《2000 年賭博(修訂)條例草案》委員會  
二零零二年四月三十日會議**

關於在上述會議上討論而尚待跟進的問題，現謹回覆如下：

**第 16A、23 及 23A 條和第 5 條中“協助”一詞**

助理法律顧問指出，在第 16A、23、23A 條加入“協助營辦處所”的字眼，似乎與刪除第 5(c)條的建議有所牴觸。第 5(c)條旨在把“協助營辦賭場”定為刑事罪行。經仔細考慮這項意見後，我們認為有需要保留第 5(c)條，因為普通法的“協助和教唆”罪行，未必能夠完全涵蓋 **協助營辦、管理或控制處所** 這個概念所包括的行為。因此，我們決定提出新的全體委員會審議階段修正案(全委會修正案)，撤銷有關廢除第 5(c)條的修訂(這條文把協助營辦、管理或以其他方式控制賭場定為罪行)。

## **第 7(1A)條**

我們同意助理法律顧問的建議，認為應在第 7(1A)條加入“一次或多次”，以便與第 7(1)(a)條的字眼相符。我們已相應地修訂建議的全委會修正案。

## **有關第 21 條對第 8 條的提述**

有委員在會議上建議刪除第 21 條內對第 8 條的提述，以便使法庭再無權發出命令，截斷用於犯有第 8 條所訂罪行或用於與犯有第 8 條所訂罪行有關的處所的電話服務；或截斷提供給被裁定犯有第 8 條所訂罪行的被告人的電話服務。我們考慮有關意見後，認為這項提述應予保留，以作為加強阻嚇向未經認可收受賭注者投注的一項措施，就如現時以第 21 條阻嚇未經認可收受賭注活動，以及經營非法賭場活動一樣。當一名收受賭注者只被裁定觸犯第 8 條所訂罪行（例如把收到的賭注轉投到更大的收受賭注集團；收受賭注者基於商業理由，通常每天都會這樣做），但沒有觸犯第 7 條所訂罪行時，有關第 8 條的提述便尤為重要。這種情況是有可能發生的，因為投注和收受賭注這兩種行為，往往無法憑蒐集所得的證據清楚區分。在這情況下，截斷電話服務將令有關收受賭注者更難以繼續經營下去。

## **第 23A 條**

有委員曾就第 23A(1)條提述“任何處所或場所屬第 16A(1)條所述的處所或場所”的問題發表意見。我們研究過有關意見後，已把這項提述改為“任何處所或場所曾用於推廣或便利收受賭注或向收受賭注者投注(但憑藉第 3(8)條屬合法的收受賭注或投注則除外)”。

## **第 19 條和第 23(5)及 23A(5)條**

有關警方進入和搜查懷疑為賭場的地方的推定，其“豁除但書”（推翻這些推定所需符合的條件）在第 19 條的修訂建議內為“除非有相反證據”，而在現行第 23(5)條及建議的第 23A(5)條內則為“直至相反證明成立”。委員要求當局解釋上述“豁除但書”明顯不一致的原因。

推翻上述條文的推定所需符合的不同條件，是當局特意設定的，理由如下：

- a) 關於第 19 條，我們考慮到有關推定的性質，因此建議把“豁除但書”由“直至相反證明成立”改為“除非有相反證據”，使推翻有關推定所需符合的條件較為寬鬆。此舉亦可使這條文**更符合**《香港人權法案條例》和《基本法》內有關人權的條文（雖然第 19(2)條已獲法院裁定<sup>1</sup>與《香港人權法案條例》沒有抵觸）。
- b) 至於現行第 23(5)條和建議的第 23A(5)條，基於有關推定的性質，以及這些推定對於調查懷疑賭博罪行甚為重要，我們認為有需要採用“直至相反證明成立”這項較嚴格的豁除但書。

具體來說，第 23(5)條和 23A(5)條所規定的推定，是指凡任何人拖延任何警務人員進入懷疑用作賭場或用作推廣或便利非法賭博的處所，須推定該人是為阻撓該等警務人員進入該處所而將他們拖延。由於構成這項推定的行為（拖延任何警務人員進入）和推定的罪行（阻撓該等警務人員進入）之間，有相對較為直接和明顯的因果關係（例如與第 19 條相比而言），因此，我們認為有需要規定，被告人如要推翻這項推定，便需符合較嚴格的條件。

我們對這些推定設定較為嚴格的豁除但書，另一個原因是執法經驗在在顯示，警務人員能夠及時進入懷疑用作非法賭博活動的處所蒐集證據，是調查非法賭博活動過程中極為重要的一環。原因是在很多情況下，疑犯會一面拖延警務人員進入處所，一面毀掉證據。我們難以證明證據遭毀掉，因為目擊者都不會擔任控方證人，指證疑犯。

### **不同條例對阻撓警務人員行使權力所定的刑罰**

有委員詢問，不同條例對阻撓警務人員執行職務或行使權力所定立的刑罰。由於有關的條例太多，未能盡錄，現將部分例子表列於**附件**，以供參考。

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<sup>1</sup> R v CHOI Kai-on [1995] 1 HKCLR 79

## **通過修訂條例**

我們已刪除條例草案第 1(2)條，以便使修訂條例在刊憲當日立即實施，而無需待民政事務局局長另行公告實施日期。由於條例草案恢復二讀辯論的日期，預計與二零零二年世界杯決賽周的舉行日期相當接近(在這期間，未經認可足球賭博活動預料會更為猖獗)，我們作出這項修訂，旨在確保打擊未經批准的跨境賭博活動的各項條文，可以在立法會通過本條例草案後盡早實施。

現隨信夾附一份已載有上述各項修訂的全委會修正案，以供參考。

請把上述資料告知各委員。此外，如主席決定開會討論上述事項，亦煩請通知我們。

民政事務局局長  
(梁悅賢代行)

副本送：律政司(經辦人：毛錫強先生  
黃繼兒先生  
李定國先生  
邵家勳先生  
梅基發先生  
張美寶女士)

警務處處長(經辦人：羅夢熊先生)  
立法會助理法律顧問(經辦人：林秉文先生)

二零零二年五月二日

## 不同條例對阻撓警務／公職人員行使權力所定的刑罰

條例／規例	條文	最高罰款 (港元)	最高監禁刑期
《道路交通(車輛登記及領牌)規例》(第 374 章附屬法例)	60	2,000	3 個月
《簡易程序治罪條例》(第 228 章)	23	1,000	6 個月
《更新中心條例》(第 567 章)	9	5,000	3 個月
《火器及彈藥條例》(第 238 章)	43	10,000	6 個月
《貓狗條例》(第 167 章)	7	25,000	3 個月
《航空保安條例》(第 494 章)	13	25,000	兩年
《淫褻及不雅物品管制條例》(第 390 章)	38(1)	50,000	6 個月
《建築物條例》(第 123 章)	40(4A)	50,000	一年
《旅館業條例》(第 349 章)	21	100,000	兩年

**Gilbert Mo #56253 v5**

1st draft: 9.6.2001  
2nd draft: 12.6.2001  
3rd draft: 14.6.2001  
4th draft: 18.6.2001  
5th draft: 19.6.2001  
6th draft: 22.6.2001  
7th draft: 17.7.2001  
8th draft: 8.10.2001  
9th draft: 3.10.2001  
9th(r) draft: 4.10.2001  
10th draft: 2.11.2001  
11th draft: 3.12.2001  
12th draft: 4.12.2001  
13th draft: 5.1.2002  
14th draft: 8.3.2002  
15<sup>th</sup> draft: 20.3.2002  
16<sup>th</sup> draft: 28.3.2002  
17<sup>th</sup> draft: 9.4.2002  
18th draft: 2.5.2002

GAMBLING (AMENDMENT) BILL 2000

**COMMITTEE STAGE**

**Amendments to be moved by the Secretary for Home Affairs**

Clause

Amendment Proposed

1

By deleting the clause and substituting -

**"1. Short Title**

This Ordinance may be cited as the Gambling  
(Amendment) Ordinance 2002."

2

By deleting everything after "(Cap.148) is" and substituting  
"amended in the definition of "bookmaking" by adding "or  
on-line medium (including the service commonly known as the

Internet)" after "telegram".

3 By deleting the clause and substituting -

**"3. Unlawful gambling establishments**

Section 5 is amended by adding "以其他方式" before "控" where it twice appears."

4 In paragraph (b), by deleting the proposed new subsection (1A) and substituting -

"(1A) Any person who engages in bookmaking, whether on one occasion or more than one occasion, by receiving, negotiating or settling outside Hong Kong a bet -

(a) which is placed from Hong Kong; or

(b) placed by a person who is in Hong Kong when the bet is placed,

commits an offence and is liable -

(i) on summary conviction to a fine of \$5,000,000 and to imprisonment for 2 years; or

(ii) on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 7 years."

5 By deleting the clause and substituting -

**"5. Betting with a bookmaker**

Section 8 is amended -

(a) in paragraph (c), by repealing the full stop and substituting a comma;

(b) by adding "whether the bet is received within or outside Hong Kong." after paragraph (c).".

New The following is added -

**"6A. Selling lottery tickets**

Section 10 is amended by adding "以其他方式" after "或" where it twice appears."

8 By deleting the proposed Part IIIA and substituting -

"PART IIIA

OPERATING PREMISES OR PLACES FOR PROMOTING OR FACILITATING BOOKMAKING, ETC., PROMOTING OR FACILITATING BOOKMAKING, ETC. AND RESTRICTION ON BROADCASTING OF TIPS, ETC.

**16A. Operating premises or places for promoting or facilitating bookmaking, etc.**

(1) No person shall knowingly operate, manage or otherwise have control of or assist in the operation, management or other control of any premises or place where, whether on one or more than one occasion, bookmaking or betting with a bookmaker (except bookmaking or betting which is lawful by virtue of section 3(8)) is promoted or facilitated.



(2) Subsection (1) shall not apply if the bet in question -

(a) can only be placed; or

(b) is placed,

by a person outside Hong Kong.

(3) Any person who contravenes subsection (1) commits an offence and is liable -

(a) on summary conviction to a fine of \$5,000,000 and to imprisonment for 2 years; or

(b) a conviction on indictment to a fine of \$5,000,000 and to imprisonment for 7 years.

**16B. Promoting or facilitating bookmaking, etc.**

(1) No person shall knowingly promote or facilitate bookmaking or betting with a bookmaker (except bookmaking or betting which is lawful by virtue of section 3(8)).

(2) Subsection (1) shall not apply if the bet in question -

(a) can only be placed; or

(b) is placed,

by a person outside Hong Kong.

(3) Any person who contravenes subsection (1) commits an offence and is liable -

(a) on summary conviction to a fine of \$5,000,000 and to imprisonment for

2 years; or

- (b) a conviction on indictment to a fine of \$5,000,000 and to imprisonment for 7 years.

**16C. General provisions relating to sections 16A and 16B**

(1) For the purposes of section 16A(1), bookmaking or betting with a bookmaker is promoted or facilitated if -

- (a) advertisements to promote bookmaking or betting with a bookmaker are exhibited, distributed or disseminated; or
- (b) service in any of the following forms is made available -
  - (i) receipt of a bet as an agent whether the bet is ultimately received by the bookmaker within or outside Hong Kong;
  - (ii) transmission of a bet;
  - (iii) receipt of a deposit paid wholly or partly for the purpose of betting;
  - (iv) transmission of a deposit referred to in subparagraph (iii);
  - (v) transmission of winnings

on a bet; or

- (vi) arrangement for opening or maintaining of an account wholly or partly for the purpose of betting,

and in section 16B(1), "promote or facilitate bookmaking or betting with a bookmaker" shall be construed accordingly.

(2) A person may be convicted of an offence under section 16A or 16B in relation to a set of facts notwithstanding that no person is convicted of an offence under section 7 or 8 in relation to the same set of facts.

**16D. Responsibilities of owners, tenants, etc. for act prohibited under section 16A**

(1) No person shall -

- (a) being the owner, tenant, occupier or person in charge of any premises or place, knowingly permit or suffer such premises or place or any part thereof to be used as premises or place mentioned in section 16A(1);
- (b) let or agree to let, whether as principal or agent, any premises or place with the knowledge that such

premises or place or any part thereof is to be used as premises or place mentioned in section 16A(1).

(2) Any person who contravenes subsection (1) commits an offence and is liable -

(a) on summary conviction to a fine \$500,000 and to imprisonment for 2 years; or

(b) on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

**16E. Restriction on broadcasts of forecasts, hints, odds or tips as to results of horse, pony or dog races**

(1) No person shall, for the purposes of dissemination or distribution in Hong Kong to the public or a section of the public, broadcast any forecast, hint, odds or tip relating to guessing or foretelling the result of, or contingency regarding any horse, pony or dog race at any time within 12 hours before the conduct of that race.

(2) Subsection (1) -

(a) shall apply whether the race in question is or is to be conducted within or outside Hong Kong;

(b) shall not apply in relation to any race on which totalizator or

pari-mutuel betting is conducted with a permission given under section 3 of the Betting Duty Ordinance (Cap. 108);

(c) shall not apply in relation to any race which is or is to be conducted as part of any event which is specified by notice published in the Gazette by the Secretary for Home Affairs for the purposes of this paragraph.

(3) Any person who contravenes subsection (1) commits an offence and is liable -

(a) on summary conviction to a fine of \$1,000,000 and to imprisonment for 2 years; or

(b) on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 7 years.

(4) A notice published under subsection (2)(c) is not subsidiary legislation.

(5) In proceedings for an offence under this section, it shall be a defence for the accused to show that he used all due diligence and took all reasonable precautions to avoid the commission of the offence.

(6) In this section, "broadcast" (廣播) means

-

(a) broadcasts by means of a

broadcasting service as defined in section 2(1) of the Broadcasting Ordinance (Cap. 562); or

- (b) broadcasts by transmitting sound for general reception by means of radio waves under and in accordance with a licence granted under section 13C of the Telecommunications Ordinance (Cap. 106),

but does not include broadcasts, by any means, of news or any remarks, observations or comments in relation to such news.

**16F. Consent to prosecution under this Part**

(1) No prosecution for an offence under this Part shall be instituted without the consent in writing of the Secretary for Justice.

(2) Subsection (1) shall not prevent -

- (a) the arrest of a person for;
- (b) the issue of a warrant for the arrest of a person for; or
- (c) remand in custody of a person charged with,

any offence under this Part."

11 By deleting the clause and substituting -

**"11. Disconnexion of telephone service**

Section 21 is amended -

- (a) in subsection (1), by repealing paragraph (c);
- (b) in subsections (1) and (2), by repealing "Hong Kong Telephone Company Limited" wherever it appears and substituting "telecommunications service provider";
- (c) in subsection (2), by repealing "the Company" and substituting "the telecommunications service provider";
- (d) in subsection (3), by repealing "Company" and substituting "telecommunications service provider";
- (e) by adding -

"(4) In this section, "telecommunications service provider" (電訊服務提供者) means a licensee as defined in section 2(1) of the Telecommunications Ordinance (Cap. 106)."

New           The following is added -

**"11A.           Search of suspected gambling establishment**

Section 23(2)(e)(ii) is amended by adding "以其他方式" before "控" where it twice appears.

**11B. Section added**

The following is added -

**"23A. Search of premises or places for**

**promoting or facilitating bookmaking  
or betting with a bookmaker**

(1) A police officer of or above the rank of superintendent may, if he reasonably suspects that bookmaking or betting with a bookmaker (except bookmaking or betting which is lawful by virtue of section 3(8)) is promoted or facilitated in any premises or place, authorize in writing any police officer to enter and search the premises or place.

(2) A police officer to whom an authorization is issued under subsection (1), and any other police officer acting under his direction, may -

- (a) enter, by force if necessary, the premises or place specified in the authorization and search the same;
- (b) arrest any person who is found in such premises or place or who escapes from such premises or place;
- (c) search any person who is found in such premises or place or who escapes from such premises or place;
- (d) seize and detain any thing found in such premises or place or found on any person in such premises or place or found on any person who escapes from such premises or place, which is being or has been used in or for



or in connexion with an act  
prohibited by section 16B;

(e) seize and detain any money -

(i) being -

(A) money paid pursuant  
to a bet with a  
bookmaker;

(B) winnings on such a  
bet; or

(C) a deposit paid  
wholly or partly  
for the purpose of  
such a bet;

(ii) found on any person  
operating or managing or  
otherwise controlling  
such premises or place or  
on any person assisting  
in the operation or in  
the management or other  
control of such premises  
or place; or

(iii) found on any person found  
in such premises or place  
where entry under  
paragraph (a) is  
prevented, obstructed or  
delayed.

(3) No person shall be searched under this

section except by a person of the same sex.

(4) Any person who obstructs any police officer authorized under subsection (1) or any other police officer acting under his direction from entering the premises or place specified in the authorization commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

(5) Where a person delays the entry of any police officer referred to in subsection (4) into any premises or place so referred to, he shall be presumed, until the contrary is proved, to have delayed entry for the purpose of obstructing such police officer from entering such premises or place."."

13 By deleting the clause and substituting -

**"13. Forfeiture**

Section 26 is amended by adding "or is or represents the proceeds of or is derived from" after "with"."

New The following is added -

**"13A. Obstruction of police officers**

Section 27 is amended by repealing "Any" and substituting "Subject to section 23(4) or 23A(4), any"."

# 《2000年賭博(修訂)條例草案》

## 委員會審議階段

### 由民政事務局局長動議的修正案

#### 條次

#### 建議修正案

1 刪去該條而代以 —

#### **“1. 簡稱**

本條例可引稱為《2002年賭博(修訂)條例》。”。

2 廢除“現予”之後的所有字句而代以“修訂，在“收受賭注”的定義中，在“電報”之後加入“、聯機媒介(包括一般稱為電腦互聯網的服務)”。”。

3 刪去該條而代以 —

#### **“3. 非法賭博**

第5條現予修訂，在兩度出現的“控”之前加入“以其他方式”。”。

4 在(b)段中，刪去建議的新訂的第(1A)款而代以 —

“(1A) 任何人如藉在香港境外收取、商議或結清符合以下說明的賭注 —

- (a) 賭注是從香港境內作出的；或
- (b) 由在作出該賭注的時間是在香港境內的人所作出的，

而一次或多次從事收受賭注，即屬犯罪 —

(i) 一經循簡易程序定罪，可處罰款\$5,000,000及監禁2年；或

(ii) 一經循公訴程序定罪，可處罰款\$5,000,000及監禁7年。”。

5 刪去該條而代以 —

### **“5. 向收受賭注者投注**

第8條現予修訂，在“投注”之後加入“(不論有關賭注是在香港境內或境外收取亦然)”。

新條文 加入 —

### **“6A. 獎券活動彩票的出售**

第10條現予修訂，在兩度出現的“或”之後加入“以其他方式”。

8 刪去建議的第III A部而代以 —

### **“第III A部**

營辦處所或場所作推廣或便利收受賭注等  
用途、推廣或便利收受賭注等  
及限制廣播提示等

### **16A. 營辦處所或場所作推廣或便利 收受賭注等用途**

(1) 任何人均不得明知而營辦、管理或以其他方式控制，或協助營辦、管理或以其他方式控制曾一次或多於一次用於推廣或便利收受賭注或向收受賭注者投注(但憑藉第3(8)條屬合法的收受賭注或投注則除外)的處所或場所。

(2) 第(1)款在以下情況即不適用 —

(a) 有關賭注是只能由在香港境外的人作出的；或

(b) 有關賭注是由在香港境外的人作出的。

(3) 任何人違反第(1)款，即屬犯罪 —

(a) 一經循簡易程序定罪，可處罰款\$5,000,000及監禁2年；或

(b) 一經循公訴程序定罪，可處罰款\$5,000,000及監禁7年。

## **16B. 推廣或便利收受賭注等**

(1) 任何人不得明知而推廣或便利收受賭注或向收受賭注者投注(但憑藉第3(8)條屬合法的收受賭注或投注則除外)。

(2) 第(1)款在以下情況即不適用 —

(a) 有關賭注是只能由在香港境外的人作出的；或

(b) 有關賭注是由在香港境外的人作出的。

(3) 任何人違反第(1)款，即屬犯罪 —

(a) 一經循簡易程序定罪，可處罰款\$5,000,000及監禁2年；或

(b) 一經循公訴程序定罪，可處罰款\$5,000,000及監禁7年。

## **16C. 關於第16A及16B條的一般條文**

(1) 就第16A(1)條而言，如有以下情況，即屬推廣或便利收受賭注或向收受賭注者投注 —

- (a) 有推廣收受賭注或向收受投注者投注的廣告被展示、分發或散發；或
- (b) 有以下形式的服務提供 —
  - (i) 以代理人身分收取賭注(不論該賭注最終是由收受賭注者在香港境內或境外收取亦然)；
  - (ii) 傳轉賭注；
  - (iii) 收取全部或部分為投注而支付的按金；
  - (iv) 傳轉第(iii)節提述的按金；
  - (v) 傳轉就賭注而贏取的收益；或
  - (vi) 安排開設或維持全部或部分作投注用途的帳戶，

而在第16B(1)條中，“推廣或便利收受賭注或向收受賭注者投注”須據此解釋。

(2) 即使沒有人被裁定就某一組事實犯第7或8條所訂的罪行，仍可裁定某人就同一組事實犯第16A或16B條所訂的罪行。

#### **16D. 擁有人、租客等就第16A條所禁止的作為須負的責任**

- (1) 任何人 —

- (a) 如身為任何處所或場所的擁有人、租客、佔用人或管理人，則不得明知而准許或容受該處所或場所或其任何部分被用作第16A(1)條所述的處所或場所；
- (b) 不得在知悉有關處所或場所或其任何部分將會被用作第16A(1)條所述的處所或場所的情況下，以主事人或代理人身分出租或同意以該等身分出租該處所或場所。

(2) 任何人違反第(1)款，即屬犯罪 —

- (a) 一經循簡易程序定罪，可處罰款\$500,000及監禁2年；或
- (b) 一經循公訴程序定罪，可處罰款\$500,000及監禁7年。

## **16E. 限制廣播馬匹、小馬或狗隻競賽結果的預測、示意、賠率或提示**

(1) 任何人不得為在香港向公眾人士或某部分公眾人士散布或分發的目的，在任何馬匹、小馬或狗隻競賽舉行前12小時內，廣播任何關於猜測或預計該競賽的結果或該競賽可能發生的事宜的預測、示意、賠率或提示。

- (2) (a) 不論有關的競賽在或將會在香港境內或境外舉行，第(1)款均適用。

(b) 如有電算機投注或彩池投注在根據《博彩稅條例》(第108章)第3條給予的准許下就有關的競賽舉行，則第(1)款並不就該競賽而適用。

(c) 凡民政事務局局長為本段的目的是藉刊登於憲報的公告指明某項活動的名稱，則第(1)款並不就作為或將會作為該項活動一部分而舉行的競賽而適用。

(3) 任何人違反第(1)款，即屬犯罪 —

(a) 一經循簡易程序定罪，可處罰款\$1,000,000及監禁2年；或

(b) 一經循公訴程序定罪，可處罰款\$1,000,000及監禁7年。

(4) 根據第(2)(c)款刊登的公告不是附屬法例。

(5) 在就本條所訂罪行而進行的法律程序中，被控人如證明他已盡一切應盡努力及已採取一切合理措施以避免犯該罪行，即可以此作為免責辯護。

(6) 在本條中，“廣播”(broadcasts)指 —

(a) 透過《廣播條例》(第562章)第2(1)條所界定的廣播服務進行的廣播；或

(b) 根據並按照《電訊條例》(第106章)第13C條批給的牌照，透過無線電波將聲音發送以供公眾接收的廣播，



但不包括透過任何途徑所作的新聞廣播，或透過任何途徑所作的新聞評註、新聞論述或新聞評論廣播。

## **16F. 同意在本部下檢控**

(1) 未得律政司司長書面同意，不得就本部所訂罪行提出檢控。

(2) 第(1)款並不阻止 —

- (a) 就本部所訂罪行逮捕任何人；
- (b) 發出逮捕令以就本部所訂罪行逮捕任何人；
- (c) 將被控以本部所訂罪行的人還押羈留。”。

11 刪去該條而代以 —

## **“11. 電話服務的截斷**

第21條現予修訂 —

- (a) 在第(1)款中，廢除(c)段；
- (b) 在第(1)及(2)款中，廢除所有“香港電話有限公司”而代以“電訊服務提供者”；
- (c) 在第(2)款中，廢除“該公司”而代以“該電訊服務提供者”；
- (d) 在第(3)款中，廢除“電話公司”而代以“電訊服務提供者”；
- (e) 加入 —

“(4) 在本條中，“電訊服務提供者”(telecommunications service provider)指《電訊條例》(第106章)第2(1)條所界定的“持牌人”。”。

新條文 加入 —

### “11A. 搜查懷疑為賭場的地方

第23(2)(e)(ii)條現予修訂，在兩度出現的“控”之前加入“以其他方式”。

### 11B. 加入新條文

現加入 —

#### “23A. 搜查用於推廣或便利收受賭注或向收受賭注者投注的處所或場所

(1) 警司或以上職級的警務人員，如合理地懷疑任何處所或場所曾用於推廣或便利收受賭注或向收受賭注者投注(但憑藉第3(8)條屬合法的收受賭注或投注則除外)，可書面授權任何警務人員進入及搜查該處所或場所。

(2) 任何取得根據第(1)款發出的授權書的警務人員，以及任何受其指揮的其他警務人員，可 —

- (a) 進入或必要時強行進入授權書內指明的處所或場所，並加以搜查；

- (b) 逮捕任何被發現在該處所或場所內的人或逃離該處所或場所的人；
- (c) 搜查任何被發現在該處所或場所內的人或逃離該處所或場所的人；
- (d) 檢取及扣留在該處所或場所內被發現的用於或曾用於第 16B 條所禁制的作為或與該等作為有關的用途的物件或為或曾為該等作為而使用的物件，或在該處所或場所內的人身上發現或在逃離該處所或場所的人身上發現的該等物件；
- (e) 檢取及扣留 —
  - (i) 屬以下性質的金錢 —
    - (A) 依據向收受賭注者作出的賭注而支付者；
    - (B) 就賭注而贏取的收益；或

(C) 全部  
或部  
分爲  
賭注  
而支  
付的  
按  
金；

(ii) 在營辦、管理  
或以其他方式控制該處  
所或場所的  
人身上發現  
的金錢，或在  
協助營辦、管  
理或以其他方式控制該  
處所或場所  
的人身上發  
現的金錢；或

(iii) 在該處所或  
場所內被發  
現的人身上  
的金錢，而警  
務人員根據  
(a)段進入該  
處所或場所  
時曾遭阻  
止、阻撓或拖  
延。

(3) 根據本條對任何人作搜查，  
只可由與該人性別相同的人進行。

(4) 任何人如阻撓根據第(1)款獲授權的任何警務人員或阻撓任何受其指揮的其他警務人員進入授權書內指明的處所或場所，即屬犯罪，經定罪後，可處罰款\$50,000及監禁2年。

(5) 凡任何人拖延第(4)款所提述的任何警務人員進入該款所提述的任何處所或場所，則直至相反證明成立，須推定該人乃為阻撓該等警務人員進入該處所或場所而將他們拖延。”。

13 刪去該條而代以 —

### “13. 沒收

第26條現予修訂，在“途，”之後加入“或為非法賭博或非法獎券活動或代表非法賭博或非法獎券活動的收益，或是得自非法賭博或非法獎券活動，”。

新條文 加入 —

### “13A. 阻撓警務人員

第27條現予修訂，在“任”之前加入“除第23(4)或23A(4)條另有規定外，”。