

立法會
Legislative Council

LC Paper No. CB(2)2010/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/BC/6/00

**Bills Committee on
Gambling (Amendment) Bill 2000**

**Minutes of meeting
held on Friday, 19 April 2002 at 10:45 am
in the Chamber of the Legislative Council Building**

- Members Present** : Hon Andrew CHENG Kar-foo (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon James TO Kun-sun
Hon Timothy FOK Tsun-ting, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
- Members Absent** : Hon Cyd HO Sau-lan
Hon CHAN Yuen-han, JP
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
Hon Audrey EU Yuet-mee, SC, JP
- Public Officers Attending** : Mr Stephen FISHER
Deputy Secretary for Home Affairs (2)
- Mr Gilbert MO
Deputy Law Draftsman (Bilingual Drafting and
Administration)
Department of Justice

Mr Stephen WONG
Deputy Solicitor General (Advisory)
Department of Justice

Mr John READING
Deputy Director of Public Prosecutions
Department of Justice

Ms Esther LEUNG
Principal Assistant Secretary for Home Affairs (5)

Mr LO Mung-hung
Senior Superintendent, Organized Crime and Triad Bureau
Hong Kong Police Force

Mr Llewellyn MUI
Senior Government Counsel
Legal Policy Division, Department of Justice

Mr David LEUNG
Senior Government Counsel, Prosecutions Division
Department of Justice

Ms Mabel CHEUNG
Government Counsel, Bilingual Drafting Unit
Law Drafting Division, Department of Justice

Mr Vic YAU
Assistant Secretary for Home Affairs (5)2

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Mr Stanley MA
Senior Assistant Secretary (2)6

I. Confirmation of minutes
[LC Paper No. CB(2)1637/01-02]

The minutes of the meeting held on 3 April 2002 were confirmed.

II. Meeting with the Administration

2. The Committee deliberated on the Administration's responses to the queries raised by members at the meeting on 10 April 2002 [LC Paper Nos. CB(2)1633/01-02(01) and CB(2)1655/01-02(01)] (index of proceedings attached at **Annex**).

3. Mr James TO asked whether betting with a bookmaker through an overseas intermediary who was either a relative or a friend of the bettor would constitute an offence under proposed amended section 8 in the Bill. The Administration responded that it was considered that a person in Hong Kong asking his friend or relative in an overseas country to place a bet with an overseas bookmaker would not be caught by the provision, unless the friend or relative (i) was a bookmaker or an agent of a bookmaker who conducted the transactions by way of trade or business; or (ii) was his agent, especially an agent who also placed bets on behalf of many other people in Hong Kong. In any circumstances, conviction of betting with a bookmaker through an intermediary would depend on the availability of substantive evidence showing that the bet was, in substance, placed by the person in Hong Kong.

4. Mr James TO expressed grave concern that although the Administration had claimed that it would not monitor online communication on the Internet in enforcement of the proposed provisions against Internet gambling, Legislative Council and the public would not be able to monitor the enforcement since the Administration had all along refused to disclose the number of interception warrants issued. Mr TO also pointed out that he considered that the Bill had substantially expanded the scope of the Gambling Ordinance and did not agree with the Administration's saying that the Bill sought to make it clear that receiving a bet through the Internet fell within the scope of the definition of "bookmaking".

5. The Chairman said that the Administration should seek to strike a right balance between the protection of privacy rights of an individual and the need to combat cross-border gambling. To address members' concerns, the Administration was requested to -

- (a) liaise with the Security Bureau for more details on future issue of interception warrants to enforce the proposed provisions against Internet gambling (including the checks and balances mechanism);
- (b) give an undertaking to disclose the number of interception warrants and details of relevant court orders issued relating to the enforcement of the provisions of the Gambling Ordinance every year; and

- (c) confirm whether interception warrants had been issued for the purpose of combating unauthorised gambling activities.

6. The Committee deliberated on the 17th draft of Committee Stage amendments (CSAs) proposed by the Administration in respect of proposed new sections 16A to 16F [LC Paper No. CB(2)1569/01-02] (index of proceedings attached at **Annex**). The Administration was requested to -

- (a) replace the word "投" with "賭" when it appeared the first time in proposed new section 16C(1); and
- (b) reconsider the wording of the English version of proposed new sections 16A(1) and 16B(1) for the purpose of refining the drafting of proposed new section 16C.

III. Any other business

Date of next meeting

7. The Committee would hold its next meeting on Tuesday, 30 April 2002 at 10:45 am to continue discussion with the Administration.

8. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
21 May 2002

Annex

**Proceedings of the meeting of the Bills Committee on
Gambling (Amendment) Bill 2000
on Friday, 19 April 2002 at 10:45 am
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0121	Chairman	Confirmation of minutes of meeting	
0122 - 1650	Admin	Briefing on the Administration's papers	
1651 - 1706	Chairman	Proposed amendment to section 8	
1707 - 1829	Admin	Ditto	
1830 - 1999	Mr TAM Yiu-chung	The significance of deleting section 8	
2000 - 2124	Admin	Ditto	
2125 - 2211	Mr James TO	Betting with a bookmaker through an intermediary	
2212 - 2336	Admin	Ditto	
2337 - 2437	Mr James TO	Ditto	
2438 - 2530	Chairman	Ditto	
2531 - 2750	Admin	Ditto	
2751 - 3121	Mr James TO	Ditto	
3122 - 3224	Admin	Ditto	
3225 - 3249	Mr James TO	Ditto	
3250 - 3603	Admin	Ditto	
3604 - 3736	Mr James TO	Detection and tracking of Internet Gambling	
3737 - 3846	Admin	Ditto	
3847 - 4107	Mr James TO	Ditto	
4108 - 4131	Admin	Ditto	
4132 - 4244	Mr James TO	Ditto	
4245 - 4435	Admin	Ditto	
4436 - 4719	Mr James TO	Ditto	
4720 - 5009	Admin	Ditto	
5010 - 5206	Chairman	Ditto	
5207 - 5258	Admin	Ditto	
5259 - 5601	Mr James TO	Internet Gambling and Gambling in social occasions	
5602 - 010048	Admin	Ditto	

01 0049 - 01 0450	Mr James TO	Ditto	
01 0451 - 01 0618	Chairman	Ditto	See paragraph 5(a)
01 0619 - 01 0658	Mr James TO	Ditto	See paragraph 5(b)
01 0659 - 01 0710	Chairman	Ditto	
01 0711 - 01 0727	Mr Tommy CHEUNG	Ditto	
01 0728 - 01 0733	Chairman	Ditto	
01 0734 - 01 0735	Admin	Ditto	
01 0736 - 01 0737	Chairman	Ditto	
01 0738 - 01 0833	Mr Tommy CHEUNG	Ditto	
01 0834 - 01 0838	Chairman	Ditto	
01 0839 - 01 0841	Mr Tommy CHEUNG	Ditto	
01 0842 - 01 0853	Chairman	Ditto	
01 0854 - 01 0931	Admin	Ditto	
01 0932 - 01 0946	Mr James TO	Ditto	See paragraph 5(c)
01 0947 - 01 0949	Admin	Ditto	
01 0950 - 01 0952	Mr James TO	Ditto	
01 0953 - 01 0956	Admin	Ditto	
01 0957 - 01 0999	Mr James TO	Ditto	
01 1000 - 01 1117	Chairman	Adding the term "agent" in proposed section 8	
01 1118 - 01 1308	Admin	Ditto	
01 1309 - 01 1430	Chairman	Clause-by-clause examination of the 17 th draft CSAs	
01 1431 - 01 1852	Admin	Clause 8 - Part added	
01 1853 - 01 1936	Chairman	Ditto	
01 1937 - 01 1951	Admin	Ditto	
01 1952 - 01 2039	Chairman	Ditto	
01 2040 - 01 2315	Admin	Ditto	
01 2316 - 01 2402	Chairman	Ditto	
01 2403 - 01 2544	Admin	Ditto	
01 2545 - 01 2728	Chairman	Ditto	
01 2729 - 01 2826	Admin	Ditto	
01 2827 - 01 3004	Chairman	Ditto	
01 3005 - 01 3147	Admin	Ditto	
01 3148 - 01 3203	Chairman	Ditto	
01 3204 - 01 3226	Admin	Ditto	
01 3227 - 01 3230	Chairman	Ditto	

01 3231 - 01 3337	Mr Tommy CHEUNG	Ditto	
01 3338 - 01 3340	Admin	Ditto	
01 3341 - 01 3344	Chairman	Ditto	
01 3345 - 01 3422	Mr TAM Yiu-chung	Ditto	
01 3423 - 01 3537	Admin	Ditto	
01 3538 - 01 3699	Chairman	Ditto	
01 3700 - 01 3706	Admin	Ditto	
01 3707 - 01 3720	Chairman	Ditto	See paragraph 6(a)
01 3721 - 01 3730	Admin	Ditto	
01 3731 - 01 3745	Chairman	Ditto	
01 3746 - 01 3832	Admin	Ditto	
01 3833 - 01 3945	Chairman	Ditto	See paragraph 6(b)
01 3946 - 01 3854	Admin	Ditto	
01 3855 - 01 3918	Chairman	Ditto	
01 3919 - 01 3928	Admin	Ditto	
01 3929 - 01 3948	Chairman	Ditto	
01 3949 - 01 4002	Admin	Ditto	
01 4003 - 01 4400	Chairman	Ditto	
01 4401 - 01 4530	Chairman	Any other business - date of next meeting	Clerk

**Note : The audio records of the above proceedings are kept at the LegCo
Library**

Council Business Division 2
Legislative Council Secretariat
21 May 2002