

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2011/01-02  
(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 Tuesday, 30 April 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon Andrew CHENG Kar-foo (Chairman)  
Dr Hon David CHU Yu-lin, JP  
Hon Andrew WONG Wang-fat, JP  
Hon YEUNG Yiu-chung, BBS  
Hon CHOY So-yuk  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon Cyd HO Sau-lan  
Hon James TO Kun-sun  
Hon CHAN Yuen-han, JP  
Hon SIN Chung-kai  
Hon TAM Yiu-chung, GBS, JP  
Hon Tommy CHEUNG Yu-yan, 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 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 Gavin SHIU  
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** : Mr Stephen LAM  
Assistant Legal Adviser 4

Mr Stanley MA  
Senior Assistant Secretary (2)6

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**I. Confirmation of minutes**  
[LC Paper No. CB(2) 1704/01-02]

The minutes of the meeting held on 10 April 2002 were confirmed.

## II. Meeting with the Administration

[LC Paper Nos. CB(2)1756/01-02(01), CB(2)1542/01-02(01) and CB(3)146/00-01]

### Administration's response to members' queries raised at the last meeting

2. The Committee deliberated on the Administration's responses to the queries raised by members at the meeting on 19 April 2002 [LC Paper Nos. CB(2)1756/01-02(01)] (index of proceedings attached at **Annex**).

3. At the Chairman's request, the Administration undertook to provide statistics on court warrants issued in relation to enforcement against gambling offences to the Panel on Security every year after the Bill had come into effect. In the light of the grave concern expressed by some members about possible monitoring over online communication by the Police in the process of enforcement against Internet gambling, the Chairman further requested the Secretary for Home Affairs to give an undertaking in his speech to resume the Second Reading debate on the Bill that the Administration would endeavour to strike a balance between the protection of the privacy rights of an individual and the policy to combat cross-border gambling and to adhere to the existing established practices and guidelines of the Police for the purpose of tackling offences involving the use of Internet in the process of enforcement actions against Internet gambling. The Administration agreed.

4. Mr Andrew WONG and Ms Audrey EU expressed objection to the enactment of the Bill. Mr WONG pointed out that betting with a bookmaker licensed in an overseas jurisdiction was not an offence under the existing Gambling Ordinance. He considered that the Bill would unnecessarily expand the powers and authority of the Administration in prosecution, such as to prosecute a visitor or a horse owner for having placed a bet with a licensed overseas bookmaker.

### Committee Stage amendments to be proposed by the Administration

5. The Committee continued to examine the draft Committee Stage amendments proposed by the Administration [LC Paper Nos. CB(2)1542/01-02(01) and CB(2)1756/01-02(01)] from proposed amended section 21 onwards (index of proceedings attached at **Annex**).

#### *Section 21 – Disconnexion of telephone service*

6. Ms Audrey EU was of the view that it was unreasonable to empower the Court under section 21(1) to order a telecommunications service provider to disconnect any telephone service provided to a person who was convicted of the offence of betting with a bookmaker. The Administration explained that a bookmaker would often place bet with another bookmaker (e.g. laying off bets)

for trade or business reasons. Depending on the available evidence and circumstances in each case, a bookmaker who had placed bets with another bookmaker might not be convicted of an offence of bookmaking but could be convicted of committing the offence of betting with a bookmaker. It was therefore necessary to include section 8 under section 21 of the Gambling Ordinance. Ms Audrey EU was not convinced with the explanation. She considered that the punishment was out of proportion to the seriousness of the offence given the fact that the bet placed by that person might only be of a nominal amount.

*Section 23A – Search of premises or places for promoting or facilitating bookmaking or betting with a bookmaker*

7. The Administration was requested to -

- (a) consider whether it would be appropriate to only use the words “mentioned in section 16A” to refer to the targetted premises or places in proposed new section 23A(1);
- (b) consider from a policy point of view whether the reference to “assisting” or “assists” in proposed new section 23A(2)(e)(ii), existing section 23(2)(e)(ii), and proposed new section 16A(1) should be retained or deleted (or repealed) for consistency with the proposed amendment to existing section 5(c); and
- (c) re-consider whether the more stringent condition “until the contrary is proved” should be used in proposed new section 23A(5) and retained in existing section 23(5), as compared to the formulation of “unless there is evidence to the contrary” used in the proposed amendment to existing section 19.

8. As regard paragraph 7(c) above, Ms Audrey EU asked whether the presumption “until the contrary is proved” in existing section 19 of the Gambling Ordinance had been challenged as being inconsistent with the Hong Kong Bill of Rights in Court. ALA4 undertook to provide the Committee with relevant court cases after the meeting.

*Section 27 – Obstruction of public officers*

9. The Administration was requested to provide information on relevant penalty provisions for the offence of obstruction of public officers in other ordinances.

*Others*

10. ALA4 asked whether proposed section 7(1A) should include the phrase "whether on one occasion or more than one occasion" as in section 7(1)(a) to facilitate enforcement of the section and enhance consistency in drafting of the two subsections. The Administration undertook to consider ALA4's suggestion.

**III. Any other business**

Way forward

11. The Chairman requested the Administration to provide a written response to the outstanding issues raised by members at the meeting by 12 noon on Thursday, 2 May 2002 for circulation to members. Members agreed that members who wished to hold a further meeting on Monday, 6 May 2002 at 11:00 am to discuss the Administration's response should be requested to notify the Clerk to the Bills Committee by **5:00 pm on Friday, 3 May 2002**. If the Secretariat received no response from members by the deadline, the Bills Committee would report its deliberations to the House Committee on 10 May 2002 and recommend that the Second Reading debate on the Bill be resumed on 22 May 2002.

12. 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 Tuesday, 30 April 2002 at 10:45 am in Conference Room A of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
0000 - 0132	Chairman	Confirmation of minutes of meeting on 10 April 2002 and opening remarks	
0133 - 0641	Admin	Briefing on the Administration's paper	
0642 - 0951	ALA4	Proposed section 16A(1) - the element of "assisting"	
0952 - 1033	Chairman	Ditto	
1034 - 1109	Admin	Ditto	
1110 - 1146	Chairman	Ditto	
1147 - 1209	Admin	Ditto	<b>See paragraph 7(b)</b>
1210 - 1237	Chairman	Ditto	
1238 - 1244	Admin	Ditto	
1245 - 1250	Chairman	Ditto	
1251 - 1308	Ms Audrey EU	Section 2 - the need of "or" before on-line medium	
1309 - 1310	Chairman	Ditto	
1311 - 1312	Ms Audrey EU	Ditto	
1313 - 1314	Chairman	Ditto	
1315 - 1429	Ms Audrey EU	Definition of bookmaking	
1430 - 1438	Chairman	Ditto	
1439 - 1552	Admin	Ditto	
1553 - 1602	Ms Audrey EU	Section 7 - whether "knowingly" should be added in section 7(1A)	
1603 - 1617	Chairman	Ditto	
1618 - 1721	Admin	Ditto	
1722 - 1799	Ms Audrey EU	Ditto	
1800 - 1806	Admin	Ditto	
1807 - 1854	Ms Audrey EU	Ditto	
1855 - 2112	Admin	Ditto	
2113 - 3131	Ms Audrey EU	Ditto	
3132 - 2201	Chairman	Ditto	

2202 - 2426	ALA4	Whether the phrase "whether on one occasion or more than one occasion" should be included in Section 7(1A)	
2427 - 2809	Admin	Ditto	
2810 - 2823	Chairman	Ditto	<b>See paragraph 10</b>
2824 - 2914	Ms Audrey EU	Whether "negotiating" could be removed from proposed section 7(1A)	
2915 - 3000	Admin	Ditto	
3001 - 3807	Chairman	Ditto	
3808 - 3021	Mr Andrew WONG	Odds offered by overseas bookmaker for successful enactment of the Bill	
3022 - 3031	Admin	Ditto	
3032 - 3422	Chairman	Statistics on court warrants and undertaking to strike a balance between protection of individual privacy rights and the policy to combat cross-border gambling	
3423 - 3537	Mr Andrew WONG	Objection to enactment of the Bill	
3538 - 3543	Chairman	Ditto	
3544 - 3554	Ms Audrey EU	Objection to enactment of the Bill	
3555 - 3800	Chairman	Ditto	
3801 - 3921	Mr Andrew WONG	Ditto	
3922 - 4049	Chairman	Ditto	
4050 - 4153	Mr Andrew WONG	Ditto	
4154 - 4316	Chairman	Ditto	
4317 - 4504	Admin	Ditto	
4505 - 4508	Chairman	Ditto	
4509 - 4604	Miss CHOY So-yuk	Ditto	
4605 - 4857	Mr Andrew WONG	Ditto	
4858 - 5052	Chairman	Ditto	
5053 - 5305	Ms Audrey EU	Ditto	
5306 - 5412	Admin	Ditto	
5413 - 5427	Ms Audrey EU	Ditto	
5428 - 5607	Admin	Ditto	
5608 - 5646	Ms Audrey EU	Ditto	
5647 - 5744	Chairman	Ditto	
5745 - 5800	Ms Audrey EU	Ditto	
5801 - 010011	Admin	Ditto	
01 0012 - 01 0201	Mr Andrew WONG	Ditto	
01 0202 - 01 0352	Chairman	Section 7(1A) and Internet betting	

01 0353 - 01 0505	Admin	Ditto	
01 0506 - 01 0637	Chairman	Committee Stage amendments proposed by the Administration	
01 0638 - 01 0742	ALA4	Whether proposed amendment to Section 20(2) was still necessary in view of the changes in proposed new sections 7, 8 and 16A-16C	
01 0743 - 01 0752	Chairman	Ditto	
01 0753 - 01 0857	Admin	Ditto	
01 0858 - 01 0956	ALA4	Ditto	
01 0957 - 01 1119	Admin	Ditto	
01 1120 - 01 1129	Chairman	Ditto	
01 1130 - 01 1210	Mr Andrew WONG	Ditto	
01 1211 - 01 1219	Chairman	Ditto	
01 1220 - 01 1256	Admin	Ditto	
01 1257 - 01 1323	Mr Andrew WONG	Ditto	
01 1324 - 01 1358	Admin	Ditto	
01 1359 - 01 1412	Chairman	Ditto	
01 1413 - 01 1418	Mr Andrew WONG	Ditto	
01 1419 - 01 1441	Chairman	Section 21 - Disconnexion of telephone service	
01 1442 - 01 1502	Admin	Ditto	
01 1503 - 01 1548	Chairman	Ditto	
01 1549 - 01 1647	Ms Audrey EU	Ditto	
01 1648 - 01 1706	Admin	Ditto	
01 1707 - 01 1809	Ms Audrey EU	Ditto	
01 1810 - 01 1925	Admin	Ditto	
01 1926 - 01 1946	Ms Audrey EU	Ditto	
01 1947 - 01 2051	Chairman	Ditto	
01 2052 - 01 2128	Mr Andrew WONG	Ditto	
01 2129 - 01 2207	Admin	Ditto	
01 2208 - 01 2217	Mr Andrew WONG	Ditto	
01 2218 - 01 2242	Admin	Ditto	
01 2243 - 01 2252	Ms Audrey EU	Ditto	
01 2253 - 01 2339	Chairman	Ditto	
01 2340 - 01 2414	Ms Audrey EU	Section 23(A) - whether the word "mentioned" should be replaced by a description of the act	<b>See paragraph 7(a)</b>
01 2415 - 01 2519	Admin	Ditto	
01 2520 - 01 2555	Ms Audrey EU	Ditto	



01 2556 - 01 2617	Admin	Ditto	
01 2618 - 01 2626	Chairman	Ditto	
01 2627 - 01 2723	ALA4	The need of the element of "assisting" in proposed sections 23A(2)(e)(ii) and 23(2)(e)(ii)	<b>See paragraph 7(b)</b>
01 2724 - 01 2740	Chairman	Ditto	
01 2741 - 01 2819	Admin	Ditto	
01 2820 - 01 3003	ALA4	Policy intent of "until the contrary is proved" in proposed section 19 and "unless there is evidence to the contrary" in proposed section 23A(5)	<b>See paragraph 7(c)</b>
01 3004 - 01 3008	Chairman	Ditto	
01 3009 - 01 3039	ALA4	Ditto	
01 3040 - 01 3052	Chairman	Ditto	
01 3053 - 01 3001	Admin	Ditto	
01 3002 - 01 3221	ALA4	Ditto	
01 3222 - 01 3241	Chairman	Ditto	
01 3242 - 01 3345	Admin	Ditto	
01 3346 - 01 3433	Chairman	Ditto	
01 3434 - 01 3551	Admin	Ditto	
01 3552 - 01 3629	Ms Audrey EU	Consistency between section 7(c) and Hong Kong Bill of Rights Ordinance	
01 3630 - 01 3716	Admin	Ditto	
01 3717 - 01 3836	ALA4	Ditto	<b>ALA4 - see paragraph 8</b>
01 3837 - 01 3851	Ms Audrey EU	Ditto	
01 3852 - 01 3853	ALA4	Ditto	
01 3854 - 01 3957	Ms Audrey EU	Ditto	
01 3958 - 01 4114	Chairman	Ditto	
01 4115 - 01 4140	Ms Audrey EU	Section 27 - Obstruction of police officers	
01 4141 - 01 4311	Admin	Ditto	
01 4312 - 01 4343	Ms Audrey EU	Ditto	
01 4344 - 01 4350	Chairman	Ditto	
01 4351 - 01 4437	Admin	Ditto	<b>See paragraph 9</b>
01 4438 - 01 4556	Chairman	Resumption of Second Reading debate and updated Committee Stage amendments proposed by the Administration	
01 4557 - 01 4631	Admin	Ditto	<b>See paragraph 11</b>
01 4632 - 01 4810	Chairman	Ditto	

01 4811 - 01 4821	Miss CHOY So-yuk	Ditto	
01 4822 - 01 4830	Chairman	Ditto	
01 4831 - 01 4836	Miss CHOY So-yuk	Ditto	
01 4837 - 01 4843	Chairman	Ditto	
01 4844 - 01 4924	Mr Andrew WONG	Ditto	
01 4925 - 01 5039	Chairman	Ditto	
01 5040 - 01 5112	Ms Audrey EU	Ditto	
01 5113 - 01 5126	Miss CHOY So-yuk	Ditto	
01 5127 - 01 5238	Chairman	Ditto	
01 5239 - 01 5299	Admin	Ditto	
01 5300 - 01 5307	Chairman	Ditto	
01 5308 - 01 5319	Admin	Ditto	
01 5320 - 01 5323	Chairman	Ditto	
01 5324 - 01 5350	Admin	Ditto	
01 5351 - 01 5402	Miss CHOY So-yuk	Ditto	
01 5403 - 01 5407	Chairman	Ditto	
01 5408 - 01 5416	Ms Audrey EU	Ditto	
01 5417 - 01 5422	Mr Andrew WONG	Ditto	
01 5423 - 01 5427	Chairman	Ditto	
01 5428 - 01 5426	Mr Andrew WONG	Ditto	
01 5427 - 01 5551	Chairman	Ditto	
01 5552 - 01 5603	Miss CHOY So-yuk	Ditto	
01 5604 - 01 5641	Chairman	Ditto	
01 5642 - 01 5651	Miss CHOY So-yuk	Ditto	
01 5652 - 01 5710	Chairman	Any other business	

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

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Legislative Council Secretariat  
21 May 2002