

立法會
Legislative Council

LC Paper No. CB(2)432/01-02
(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, 26 October 2001 at 3:30 pm
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 Cyd HO Sau-lan
Hon James TO Kun-sun
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 Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Timothy FOK Tsun-ting, SBS, JP
Hon TAM Yiu-chung, GBS, JP

Public Officers Attending : Mrs Betty FUNG
Deputy Secretary for Home Affairs (2)

Mr Stephen WONG
Deputy Solicitor General
Department of Justice

Mr J D SCOTT
Senior Assistant Law Draftsman
Department of Justice

Mr Francis LO
Principal Assistant Secretary for Home Affairs (5)

Mr TSANG Wai-hung
Chief Superintendent, Organized Crime and Triad Bureau
Hong Kong Police Force

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

I. Matters arising from the last meeting
[Paper No. CB(2)143/01-02(01)]

The Committee deliberated (Index of proceedings attached at **Annex A**).

2. The Administration was requested to provide the following for the consideration of the Bills Committee -

- (a) paper on the difficulties encountered in tackling offshore bookmaking activities in Hong Kong as undertaken at a previous meeting;
- (b) written response to the submission of the Hong Kong CSL Limited [Paper No. CB(2)143/01-02(02)];
- (c) statistics on court orders issued under section 21 of the Gambling Ordinance; and
- (d) justifications for any proposed Committee Stage amendments to facilitate future discussion.

II. Clause-by-clause examination of the Bill

[Paper Nos. CB(2)165/01-02(01) and CB(2)176/01-02(01)]

3. The Committee deliberated (Index of proceedings attached at **Annex A**).

4. The Bills Committee requested the Administration to consider and respond to the following -

Clause 2 - Interpretation

- (a) whether the element of “by way of trade or business” should be incorporated in the definition of “betting slip”; and
- (b) detailed explanation on further amendments for the purpose of empowering the Police to search premises or places for promoting or facilitating betting on horse races, etc. under proposed section 16A, with provisions similar to the existing section 23 in respect of gambling establishments.

Clause 4 – Bookmaking

Clause 5 – Betting with a bookmaker

- (a) to improve the drafting of amendments to sections 7 and 8 to facilitate interpretation and enforcement;
- (b) to explain why the phrases "took place or is to take place" and "were or will be outside Hong Kong" were used in proposed section 7(1A)(b);

- (c) to consider whether the phrase “where there is evidence” and the term “transaction” in proposed sections 7(1A)(b) and 8(2)(b) should be deleted or revised;
- (d) to clarify the policy intent regarding the scope of “any competition, race, event or contest” under proposed sections 7(1A)(a)(ii) and 8(2)(a)(ii); and
- (e) to explain how to prove that the parties concerned in proposed sections 7(1A)(b)(ii) and 8(2)(b)(ii) would be outside Hong Kong.

III. Any other business

5. The Bills Committee agreed to hold the next meeting on 1 November 2001 at 10:45 am to discuss the Administration's response and continue clause-by-clause examination of the Bill.

6. The meeting ended at 5:30 pm.

Legislative Council Secretariat
19 November 2001

Annex A

**Proceedings of the meeting of the Bills Committee on
Gambling (Amendment) Bill 2000
on Friday, 26 October 2001 at 3:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0232	Chairman	Briefing on the progress of deliberation	
0233 - 0518	Admin	Briefing on the Administration's papers	
0519 - 0540	Miss Margaret NG	Police's power to enter and search premises under proposed section 16A	
0541 - 0699	Admin	ditto	
0700 - 0707	Miss Margaret NG	ditto	
0708 - 0823	Chairman	ditto	
0824 - 0834	Admin	ditto	✓
0835 - 0923	Chairman	Section 23 - Disconnexion of telephone service	
0924 - 0939	Admin	ditto	✓
0940 - 1025	Chairman	ditto	
1026 - 1315	Admin	ditto	
1316 - 1328	Chairman	ditto	
1329 - 1351	Admin	ditto	
1352 - 1517	Mr SIN Chung-kai	ditto	
1518 - 1528	Chairman	ditto	
1529 - 1650	Mr SIN Chung-kai	ditto	
1651 - 1654	Chairman	ditto	
1655 - 1752	Admin	ditto	
1753 - 1826	Mr SIN Chung-kai	ditto	
1827 - 1853	Chairman	ditto	
1854 - 2034	Admin	ditto	
2035 - 2144	Mr SIN Chung-kai	ditto	
2145 - 2153	Chairman	ditto	
2154 - 2310	Admin	ditto	✓
2311 - 2321	Ms Audrey EU	ditto	
2322 - 2355	Admin	ditto	
2356 - 2400	Ms Audrey EU	ditto	
2401 - 2407	Admin	ditto	
2408 - 2410	Ms Audrey EU	ditto	

2411 - 2420	Admin	Section 23 - Disconnexion of telephone service	
2421 - 2449	Miss Margaret NG	ditto	
2450 - 2554	Chairman	ditto	
2555 - 2632	Miss Cyd HO	ditto	
2633 - 2755	Admin	ditto	
2756 - 2799	Chairman	ditto	
2800 - 2814	Miss Cyd HO	ditto	
2815 - 2825	Chairman	ditto	
2826 - 2931	Mr SIN Chung-kai	ditto	
2932 - 2942	Chairman	ditto	
2943 - 3020	Admin	ditto	
3021 - 3022	Chairman	ditto	
3023 - 3121	Miss Margaret NG	ditto	
3122 - 3326	Mr SIN Chung-kai	ditto	
3327 - 3446	Admin	ditto	
3447 - 3546	Miss Margaret NG	ditto	
3547 - 3602	Admin	ditto	
3603 - 3701	Chairman	ditto	✓
3702 - 3743	Admin	ditto	
3744 - 3807	Mr SIN Chung-kai	ditto	
3808 - 3808	Chairman	ditto	
3809 - 3825	Mr Tommy CHEUNG	ditto	
3826 - 4000	Chairman	Clause 2	
4001 - 4304	Admin	Clause 2	
4305 - 4342	Ms Audrey EU	Clause 2	
4343 - 4346	Admin	Clause 2	
4347 - 4403	Ms Audrey EU	Clause 2	
4404 - 4411	Admin	Clauses 2 and 4	
4412 - 4449	Ms Audrey EU	Clauses 2 and 4	
4450 - 4608	Admin	Clauses 2 and 4	
4609 - 4745	Ms Audrey EU	Clauses 2 and 4	
4746 - 4802	Admin	Clauses 2 and 4	
4803 - 4820	Ms Audrey EU	Clauses 2 and 4	
4821 - 4839	Admin	Clauses 2 and 4	
4840 - 4900	Ms Audrey EU	Clauses 2 and 4	
4901 - 4908	Admin	Clauses 2 and 4	
4909 - 4912	Ms Audrey EU	Clauses 2 and 4	
4913 - 4925	Admin	Clauses 2 and 4	
4926 - 4945	Ms Audrey EU	Clauses 2 and 4	

4946 - 5006	Admin	Clauses 2 and 4	
5007 - 5017	Ms Audrey EU	Clauses 2 and 4	
5018 - 5033	Chairman	Clauses 2 and 4	
5034 - 5253	Ms Audrey EU	Clauses 2 and 4	
5254 - 5322	Chairman	Clauses 2 and 4	
5323 - 5514	Miss Margaret NG	Clauses 2 and 4	
5515 - 5639	Admin	Clauses 2 and 4	
5640 - 5643	Chairman	Clauses 2 and 4	
5644 - 5744	ALA4	Clauses 2 and 4	
5745 - 5831	Chairman	Clauses 2 and 4	✓
5832 - 5900	Admin	Clauses 2 and 4	
5901 - 010129	Ms Audrey EU	Clauses 2 and 4	
01 0130 - 01 0139	Chairman	Clauses 2 and 4	
01 0140 - 01 0305	Miss Margaret NG	Clauses 2 and 4	
01 0306 - 01 0318	Chairman	Clauses 2 and 4	
01 0319 - 01 0399	Miss CHAN Yuen-han	Clauses 2 and 4	
01 0400 - 01 0627	Admin	Clauses 2 and 4	
01 0628 - 01 0630	Chairman	Clauses 2 and 4	
01 0631 - 01 0700	ALA4	Clauses 2 and 4	
01 0701 - 01 0733	Chairman	Clauses 2 and 4	
01 0734 - 01 0829	Miss CHAN Yuen-han	Clauses 2 and 4	
01 0830 - 01 1030	Miss Margaret NG	Clauses 2 and 4	
01 1031 - 01 1038	Chairman	Clauses 2 and 4	
01 1039 - 01 1099	Mr Andrew WONG	Clause 4	
01 1100 - 01 1103	Chairman	Clause 4	
01 1104 - 01 1125	Mr Andrew WONG	Clause 4	
01 1126 - 01 1136	Chairman	Clause 4	
01 1137 - 01 1241	Admin	Clause 4	
01 1242 - 01 1244	Chairman	Clause 4	
01 1245 - 01 1320	Mr Andrew WONG	Clause 4	
01 1321 - 01 1323	Chairman	Clause 4	
01 1324 - 01 1424	Mr Andrew WONG	Clause 4	
01 1425 - 01 1427	Chairman	Clause 4	
01 1428 - 01 1526	Miss Margaret NG	Clause 4	
01 1527 - 01 1536	Mr Andrew WONG	Clause 4	
01 1537 - 01 1619	Chairman	Clause 4	
01 1620 - 01 1638	Admin	Clause 4	✓
01 1639 - 01 1733	Mr Andrew WONG	Clause 4	
01 1734 - 01 1742	Chairman	Clause 4	

01 1743 - 01 1827	Mr Andrew WONG	Clause 4	
01 1828 - 01 1904	Admin	Clause 4	
01 1905 - 01 1915	Mr Andrew WONG	Clause 4	
01 1916 - 01 1953	Admin	Clause 4	
01 1954 - 01 1957	Mr Andrew WONG	Clause 4	
01 1958 - 01 2011	Admin	Clause 4	
01 2012 - 01 2014	Chairman	Clause 4	
01 2015 - 01 2023	Mr Andrew WONG	Clause 4	
01 2024 - 01 2026	Admin	Clause 4	
01 2027 - 01 2029	Mr Andrew WONG	Clause 4	
01 2030 - 01 2040	Admin	Clause 4	
01 2041 - 01 2115	Chairman	Clause 4	✓
01 2116 - 01 2144	Ms Audrey EU	Clause 4	✓
01 2145 - 01 2204	Admin	Clause 4	
01 2205 - 01 2319	Ms Audrey EU	Clause 4	
01 2320 - 01 2439	Admin	Clause 4	
01 2440 - 01 2616	Ms Audrey EU	Clause 4	
01 2617 - 01 2722	Miss Margaret NG	Clause 4	
01 2723 - 01 2819	Chairman	Clause 4	
01 2820 - 01 2825	Miss Margaret NG	Clause 4	
01 2826 - 01 2835	Chairman	Clause 4	✓
01 2836 - 01 2848	Miss Margaret NG	Clause 2	
01 2849 - 01 2899	Chairman	Clause 2	
01 2900 - 01 2939	Ms Audrey EU	Section 2 - definition of betting slip	✓
01 2940 - 01 2951	Chairman	Clause 3	
01 2952 - 01 2956	Admin	Clause 3	
01 2957 - 01 3043	Chairman	Clause 3	
01 3044 - 01 3148	Admin	Clause 3	
01 3149 - 01 3206	Chairman	Clause 3	
01 3207 - 01 3252	ALA4	Clause 4	
01 3253 - 01 3404	Admin	Clause 4	
01 3405 - 01 3422	Miss Margaret NG	Clause 4	
01 3423 - 01 3514	Admin	Clause 4	
01 3515 - 01 3547	Miss Cyd HO	Clause 4	
01 3548 - 01 3626	Chairman	Clause 4	
01 3627 - 01 3644	Admin	Clause 4	
01 3645 - 01 3655	Miss Cyd HO	Clause 4	
01 3656 - 01 3733	Chairman	Clause 4	
01 3734 - 01 3753	Mr Andrew WONG	Clause 4	

01 3754 - 01 3822	Admin	Clause 4	
01 3823 - 01 3916	Miss Margaret NG	Clause 4	
01 3917 - 01 4003	Admin	Clause 4	
01 4004 - 01 4017	Miss Margaret NG	Clause 4	
01 4018 - 01 4020	Admin	Clause 4	
01 4021 - 01 4023	Miss Margaret NG	Clause 4	
01 4024 - 01 4040	Admin	Clause 4	
01 4041 - 01 4138	Chairman	Clause 4	
01 4139 - 01 4213	Mr Andrew WONG	Clause 4	
01 4214 - 01 4314	Ms Audrey EU	Clause 4	
01 4315 - 01 4425	Mr Tommy CHEUNG	Clause 4	
01 4426 - 01 4455	Admin	Clause 4	✓
01 4456 - 01 4532	Miss Margaret NG	Clause 4	
01 4533 - 01 4653	Mr Andrew WONG	Clause 4	
01 4654 - 01 4754	Chairman	Clause 4	
01 4755 - 01 4841	Miss CHAN Yuen-han	Clause 4	
01 4842 - 01 4908	Admin	Clause 4	
01 4909 - 01 4950	Chairman	Clause 4	
01 4927 - 01 5050	Admin	Clause 4	
01 4951 - 01 5050	ALA4	Clause 4	
01 5051 - 01 5122	Chairman	Clause 5	
01 5123 - 01 5129	Miss Margaret NG	Clause 5	
01 5130 - 01 5216	Chairman	Any other business - date of next meeting	

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

Legislative Council Secretariat

19 November 2001