

立法會
Legislative Council

LC Paper No. CB(2)433/01-02
(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 Thursday, 1 November 2001 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 Cyd HO Sau-lan
Hon James TO Kun-sun
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 CHAN Yuen-han, JP
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 Llewellyn MUI
Senior Government Counsel
Legal Policy 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 previous meeting
[Paper No. CB(2)224/01-02(01)]

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

2. The Bills Committee requested the Administration to respond to the following -

Clause 4 - Bookmaking

- (a) to re-consider drafting of the proposed new sections 7(1A)(b)(i) and 8(2)(b)(i) in the light of members' concerns, in particular whether separate provisions should be used for past and future acts in respect of soliciting, receiving, negotiating and settling of a bet;
- (b) to examine whether an offshore bookmaker offering casino chips at discounted value through a local office to attract Hong Kong people to travel abroad to bet would commit an offence under amended section 7; and
- (c) to elaborate on the policy intent on the scope of targeted illegal bookmaking activities under amended section 7.

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 respond to the following -

Clause 8 - Part added

New section 16A - Operating places for promoting or facilitating betting on horse races, etc.

- (a) to examine whether opening or holding an overseas bank account through a local branch of the bank or financial institution which was used for settling betting transactions with an offshore bookmaker would commit an offence under the section;
- (b) to improve the drafting of new section 16A to facilitate reading and interpretation;
- (c) to consider adding "and maintaining" after "opening of" in new section 16A(2)(b)(vi); and
- (d) to elaborate on the impact of adding the word "knowingly" to new section 16A(1), on prosecution of similar offences (e.g. operating vice establishments) under other ordinances.

New section 16C - Responsibility of owners, tenants, etc. under this Part

- (a) to consider whether the maximum term of imprisonment for an offence under new section 16C(1) (Responsibility of owners, tenants, etc.) should be adjusted downward given that the same maximum imprisonment was imposed for an offence under new section 16A.

III. Any other business

5. The Bills Committee would hold its next meeting on Monday, 26 November 2001 at 10:45 am to discuss the Administration's response and continue clause-by-clause examination of the Bill. The Bills Committee also agreed to schedule another meeting for Friday, 7 December 2001 at 10:45 am.

6. The meeting ended at 12:45 pm.

Legislative Council Secretariat

19 November 2001

Annex A

Proceedings of the meeting of the Bills Committee on Gambling (Amendment) Bill 2000 on Thursday, 1 November 2001 at 10:45 am in Conference Room A of the Legislative Council Building

| Time | Speaker | Subject(s) | Action required |
|-------------|-----------------|--|----------------------------|
| 0000 - 0110 | Chairman | Chairman's introduction | |
| 0111 - 1403 | Admin | Briefing on the Administration's paper for the meeting | |
| 1404 - 1621 | Chairman | Scope of new section 16D | |
| 1622 - 1825 | Admin | Scope of new section 16D | |
| 1826 - 1948 | Ms Audrey EU | Interpretation and drafting of proposed section 7(1A)(a) and (b) | |
| 1949 - 2020 | Admin | ditto | |
| 2021 - 2128 | Ms Audrey EU | ditto | |
| 2129 - 2206 | Chairman | ditto | |
| 2207 - 2303 | Ms Audrey EU | ditto | |
| 2304 - 2325 | Admin | ditto | |
| 2326 - 2341 | Chairman | ditto | |
| 2342 - 2349 | Ms Audrey EU | ditto | |
| 2350 - 2417 | Chairman | ditto | |
| 2418 - 2615 | Admin | ditto | |
| 2618 - 2746 | Ms Audrey EU | ditto | |
| 2747 - 2935 | Admin | ditto | |
| 2936 - 3022 | Chairman | ditto | |
| 3023 - 3024 | Admin | ditto | |
| 3025 - 3054 | Chairman | ditto | |
| 3055 - 3108 | Admin | ditto | |
| 3109 - 3144 | Chairman | ditto | |
| 3145 - 3308 | Miss Cyd HO | ditto | |
| 3309 - 3315 | Chairman | ditto | |
| 3316 - 3539 | Mr Tommy CHEUNG | ditto | |
| 3540 - 3823 | Mr James TO | ditto | |
| 3824 - 4141 | Admin | ditto | |
| 4142 - 4199 | Chairman | ditto | |
| 4200 - 4518 | Ms Audrey EU | ditto | |

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|-------------------|--------------|--|---|
| 4519 - 4522 | Chairman | Interpretation and drafting of proposed section 7(1A)(a) and (b) | |
| 4523 - 4638 | Miss Cyd HO | ditto | |
| 4639 - 4802 | Mr James TO | ditto | |
| 4803 - 5204 | Admin | ditto | |
| 5205 - 5506 | Chairman | ditto | ✓ |
| 5507 - 5520 | ALA4 | ditto | |
| 5521 - 5712 | Chairman | Section 21 - Disconnexion of telephone service | |
| 5713 - 5720 | Admin | ditto | |
| 5721 - 5725 | Chairman | ditto | |
| 5726 - 5926 | Admin | ditto | |
| 5927 - 5930 | Chairman | ditto | |
| 5931 - 5951 | Miss Cyd HO | ditto | |
| 5952 - 010021 | Chairman | ditto | |
| 01 0022 - 01 0045 | Admin | ditto | |
| 01 0046 - 01 0154 | Chairman | Clause 8 - proposed section 16A | |
| 01 0155 - 01 0726 | Admin | ditto | |
| 01 0727 - 01 1010 | Chairman | ditto | |
| 01 1011 - 01 1214 | Mr James TO | ditto | |
| 01 1215 - 01 1410 | Admin | ditto | |
| 01 1411 - 01 1512 | Mr James TO | ditto | ✓ |
| 01 1513 - 01 1517 | Chairman | ditto | |
| 01 1518 - 01 1647 | Miss Cyd HO | ditto | |
| 01 1648 - 01 1727 | Admin | ditto | |
| 01 1728 - 01 1732 | Miss Cyd HO | ditto | |
| 01 1733 - 01 1737 | Chairman | ditto | |
| 01 1738 - 01 1847 | Admin | ditto | |
| 01 1848 - 01 2018 | Chairman | ditto | |
| 01 2019 - 01 2030 | Admin | ditto | |
| 01 2031 - 01 2038 | Chairman | ditto | |
| 01 2039 - 01 2140 | Admin | ditto | |
| 01 2141 - 01 2144 | Chairman | ditto | |
| 01 2145 - 01 2200 | ALA4 | ditto | |
| 01 2201 - 01 2203 | Chairman | ditto | |
| 01 2204 - 01 2229 | Ms Audrey EU | ditto | |
| 01 2230 - 01 2236 | Admin | ditto | ✓ |
| 01 2237 - 01 2412 | Mr James TO | ditto | |
| 01 2413 - 01 2414 | Chairman | ditto | |
| 01 2415 - 01 2439 | Admin | ditto | ✓ |

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|-------------------|-----------------|--------------------------------------|---|
| 01 2440 - 01 2607 | Ms Audrey EU | Clause 8 - proposed section 16A | |
| 01 2608 - 01 2637 | Chairman | ditto | |
| 01 2638 - 01 2658 | Ms Audrey EU | ditto | |
| 01 2659 - 01 2702 | Chairman | ditto | |
| 01 2703 - 01 2730 | Admin | ditto | ✓ |
| 01 2731 - 01 2754 | Chairman | Clause 8 - proposed section 16C | |
| 01 2755 - 01 2841 | Admin | ditto | |
| 01 2842 - 01 2843 | Chairman | ditto | |
| 01 2844 - 01 2855 | Ms Audrey EU | ditto | |
| 01 2856 - 01 2934 | Admin | ditto | |
| 01 2935 - 01 2957 | Ms Audrey EU | ditto | |
| 01 2958 - 01 3099 | Admin | ditto | |
| 01 3100 - 01 3137 | Chairman | ditto | |
| 01 3138 - 01 3144 | Ms Audrey EU | ditto | |
| 01 3145 - 01 3150 | Chairman | ditto | |
| 01 3151 - 01 3229 | Admin | ditto | |
| 01 3230 - 01 3301 | Ms Audrey EU | ditto | |
| 01 3302 - 01 3350 | Chairman | ditto | |
| 01 3351 - 01 3401 | Admin | ditto | ✓ |
| 01 3402 - 01 3447 | Chairman | Clause 8 - proposed section 16D | |
| 01 3448 - 01 3638 | Admin | ditto | |
| 01 3639 - 01 3916 | Chairman | ditto | |
| 01 3917 - 01 4007 | Ms Audrey EU | ditto | |
| 01 4008 - 01 4213 | Admin | ditto | |
| 01 4214 - 01 4218 | Chairman | ditto | |
| 01 4219 - 01 4255 | Ms Audrey EU | ditto | |
| 01 4256 - 01 4349 | Admin | ditto | |
| 01 4350 - 01 4448 | Mr Tommy CHEUNG | ditto | |
| 01 4449 - 01 4455 | Chairman | ditto | |
| 01 4456 - 01 5338 | Chairman | Any other business - date of meeting | |

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

Legislative Council Secretariat

19 November 2001