

立法會
Legislative Council

LC Paper No. CB(2)1443/01-02
(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, 7 December 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 CHAN Yuen-han, JP
Hon SIN Chung-kai
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
- Member Attending** : Hon Margaret NG
- Members Absent** : Hon Andrew WONG Wang-fat, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Abraham SHEK Lai-him, JP
- Public Officers Attending** : Mrs Betty FUNG
Deputy Secretary for Home Affairs (2)
- Mr Stephen WONG
Deputy Solicitor General (Advisory)
Department of Justice

Mr John READING
Deputy Director of Public Prosecutions
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 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. Confirmation of minutes

[LC Paper Nos. CB(2)600/01-02, CB(2)601/01-02, CB(2)602/01-02].

The minutes of the meetings held on 20 June, 5 July and 26 November 2001 were confirmed.

Closed session

II. Case Study : Detailed examination of the extra-territorial application of the existing Gambling Ordinance

[LC Paper No. CB(2)239/01-02(01)]

2. The Chairman informed members that Ms Audrey EU had written to express objection to holding the discussion on the case study in camera. The Administration had also provided justification for holding the discussion in camera for members' reference. He invited views from members on the meeting arrangements.

3. Most members expressed support for Ms Audrey EU's view that the paper did not contain confidential information which needed to be discussed in camera. However, the Administration maintained its position that the paper must be kept confidential and any discussion on the paper must be held in camera.

4. After discussion, members decided that the Committee would not discuss the paper. Members also agreed that individual members would decide whether to retain the paper or return it to the Administration.

Open session

III. Matters arising from the last meeting

[LC Paper No. CB(2)598/01-02(01)]

5. The Committee deliberated (Index of proceedings attached at **Annex A**).
6. The Committee requested the Administration –
 - (a) to re-consider whether references to "future acts" should be used in proposed sections 7 and 8 concerning the offences of bookmaking and betting with a bookmaker;
 - (b) to clarify whether "soliciting" people in Hong Kong to bet outside Hong Kong, and "settling any bets" in Hong Kong arising from betting transactions conducted outside Hong Kong would be caught under proposed sections 7 and 8; and
 - (c) to recapitulate the reason for taking out the phrase "by way of trade and business" from proposed section 16E.
7. Members requested and Assistant Legal Adviser 4 undertook to prepare a background paper for consultation with the Hong Kong Bar Association, the Hong Kong Society of Law, the Faculty of Law of the University of Hong Kong, and the School of Law of the City University of Hong Kong on whether sections 7 and 8 as presently amended were legally in order and had reflected the policy intention of the Administration.

IV. Any other business

Date of next meeting

8. Members agreed that the Bills Committee would hold its next meeting when the consultation result was available.
9. There being no other business, the meeting ended at 12:30 pm.

Council Business Division 2
Legislative Council Secretariat
26 March 2002

Annex A

Proceedings of the meeting of the Bills Committee on Gambling (Amendment) Bill 2000 on Friday, 7 December 2001 at 10:45 am in Conference Room A of the Legislative Council Building

Time	Speaker	Subject(s)	Action required
0000 - 0156	Chairman	Introduction	
0157 - 0702	Admin	Briefing on the Administration's paper	
0703 - 0707	Chairman	Invite questions from members	
0708 - 1212	Ms Audrey EU	Drafting, interpretation and scope of applications of proposed new sections 7 and 8	
1213 - 1220	Chairman	ditto	
1221 - 1226	Ms Audrey EU	ditto	
1227 - 1247	Chairman	ditto	
1248 - 1753	Admin	ditto	
1754 - 2026	Ms Audrey EU	ditto	
2027 - 2118	Admin	ditto	
2119 - 2215	Ms Audrey EU	ditto	
2216 - 2229	Admin	ditto	
2230 - 2339	Chairman	ditto	
2340 - 2352	Ms Audrey EU	ditto	
2353 - 2358	Chairman	ditto	
2359 - 2754	ALA 4	ditto	
2755 - 2804	Chairman	ditto	
2805 - 2957	Mr Tommy CHEUNG	Soliciting Hong Kong people to bet in an overseas establishment, and settling bets in Hong Kong arising from unsettled betting transaction conducted outside Hong Kong	
2958 - 3105	Admin	ditto	✓ (see para 6(b) of the minutes)
3106 - 3222	Mr Tommy CHEUNG	ditto	
3223 - 3234	Chairman	ditto	
3235 - 3543	Miss Margaret NG	Drafting and interpretation of proposed new sections 7(1A)(b) and 8(2)(b) in respect of the element of future acts for the offences in bookmaking and betting with a bookmaker	✓ (see para 6(a) of the minutes)

3544 - 3638	Chairman	ditto	
3639 - 3843	Miss Margaret NG	ditto	
3844 - 3928	Chairman	ditto	
3929 - 3949	Miss Margaret NG	ditto	
3950 - 4052	Chairman	ditto	
4053 - 4117	Miss Margaret NG	ditto	
4118 - 4222	Chairman	ditto	
4223 - 4251	ALA 4	ditto	
4252 - 4323	Chairman	ditto	
4324 - 4443	Ms Audrey EU	ditto	
4444 - 4541	Miss Cyd HO	ditto	
4542 - 4758	Miss Margaret NG	Consultation with the legal profession and the law faculty of local universities on the drafting of proposed sections 7 and 8	
4759 - 4830	Chairman	ditto	
4831 - 4840	Miss Margaret NG	ditto	
4841 - 4910	Chairman	ditto	
4911 - 5016	Admin	ditto	
5017 - 5041	ALA 4	ditto	✓ (see para 7 of the minutes)
5042 - 5110	Chairman	Proposed sections 21(1)(c) and 26(b) and 26(c)	
5111 - 5149	ALA 4	CSA to delete proposed sections 26(b) and (c)	
5150 - 5319	Admin	ditto	
5320 - 5333	Chairman	CSAs to proposed section 16A and 16E	
5334 - 5401	Admin	ditto	
5402 - 5419	Chairman	ditto	
5420 - 5504	Miss Margaret NG	Proposed section 16E – reason for taking out the phrase “by way of trade or business”	✓ (see para 6(c) of the minutes)
5505 - 5610	Admin	ditto	
5611 - 5721	Miss Margaret NG	ditto	
5722 - 5742	Chairman	ditto	
5743 - 5758	Miss Margaret NG	ditto	
5759 - 5903	Chairman	ditto	
5904 - 5922	Miss Margaret NG	ditto	
5923 - 5950	Chairman	ditto	
5951 - 01 0025	Admin	ditto	

01 0026 - 01 0054	Miss Margaret NG	ditto	
01 0055 - 01 0145	Admin	ditto	
01 0146 - 01 0219	Miss Margaret NG	ditto	
01 0220 - 01 0553	Chairman	Any other business - date of next meeting	✓ (see para 8 of the minutes)

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

Council Business Division 2

Legislative Council Secretariat

26 March 2002