

**Clerks to the Bills Committee on
Gambling (Amendment) Bill 2000
Legislative Council Secretariat
8 Jackson Road
Central
Hong Kong**

Date : 2 January 2000

By Fax : 2509 9055

Dear Sirs

Written Submissions on the Gambling (Amendment) Bill 2000

We hereby write to express our view on the Gambling (Amendment) Bill 2000 (the “**Bill**”). We are given to understand that the main proposals of the Bill are:

1. To insert an extraterritorial element into the offences of “bookmaking” and “betting with a bookmaker” to make it explicit that offshore bookmakers taking bets placed from Hong Kong and betting with such bookmakers in Hong Kong will be illegal;
2. To criminalize the promotion or facilitation in Hong Kong of the abovementioned bookmaking activities;
3. To make it illegal to knowingly permit or suffer the use of premises for the purpose of promotion or facilitating the receipt of bets; and
4. To prohibit the broadcast of any odds or tip in relation to any unauthorized horse or dog racing event via television or radio within the 12-hour period preceding the conduct of that event.

Section 16D(1) of the Bill proposed that it will be an offence if “a person who for the purposes of dissemination or distribution in Hong Kong to the public or, to a section of the public broadcasts any forecast, hint, odds or tip relating to guessing or foretelling the result of, or contingency regarding any horse, pony or dog race at any time within a period of 12 hours before the conduct of that horse, pony or dog race....”. Section 16D(1) will not be applicable if “...the horse, pony or dog race is a horse, pony or dog race on which totalizator or pari-mutuel betting is conducted under and in accordance with the written permission of the chief Secretary for

Administration given under Section 3 of the Betting Duty Ordinance (Cap. 108)....” (Section 16D(2)).

We understood that the Chief Secretary for Administration has given written permission to the Hong Kong Jockey Club under section 3(2) of the Betting Duty Ordinance to “impose, conduct totalizator or pari-mutuel betting on horse or pony races at or from premises other than the race course premises where the races are held.”

As a public media, we endeavour to protect, inter alia, freedom of information. Based on the very nature of the content of the information, we see no difference between the information of “any forecast, hint, odds or tip relating to guessing or foretelling the result of, or contingency” regarding any horse racing organized or to be organized by the Hong Kong Jockey Club or and other jockey club. The only difference is the Hong Kong Jockey Club is authorized by the Government of Hong Kong to organize horse racing activities etc.

If the Government is to discourage gambling by prohibiting the broadcast of “any forecast, hint, odds or tip relating to guessing or foretelling the result of, or contingency regarding any horse, pony or dog race at any time within a period of 12 hours before the conduct of that horse, pony or dog race....” (Section 16D(1)), Section 16D should also be applicable to the horse racing organized or to be organized by the Hong Kong Jockey Club. By prohibiting the broadcast of the abovementioned information of horse, pony or dog racing events organized or to be organized by organizations other than the Hong Kong Jockey Club, we are of the opinion that:

1. the Government is adopting a double standard on the broadcast of horse racing related information; or
2. the Government take the view that the broadcast of horse related information by the Hong Kong Jockey Club will not encourage gambling; or
3. horse racing events organized or to be organized by the Hong Kong Jockey Club will not encourage gambling because it is authorized by the Government; or
4. the Government will not only encourage but support any kind of monopoly in Hong Kong so long as it is “authorized”.

We do not object the public policy to discourage gambling. We are only requesting for a clear public policy of what information amount to encourage gambling from the Government.

Further, we request to appear before the Bills Committee to express our views mentioned herein.

Thank you for your attention.

Yours faithfully
For and on behalf of
Asia Television Limited

Loo Chung Keung, Steve
Senior Vice-President