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URGENT BY FAX

28 March, 2002

Miss Flora Tai
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Miss Tai,

**Bills Committee on
Gambling (Amendment) Bill 2000**

Meeting on 3 April 2002

Thank you for your letter of 21 March 2002 regarding the upcoming meeting of the Bills Committee on 3 April 2002. I write to set out below our responses to the Assistant Legal Adviser's (ALA's) letters dated 6 and 11 December 2001, as well as the outstanding issues arising from the meeting on 7 December 2001. I should also like to briefly explain our latest proposed Committee Stage Amendments (CSAs).

ALA's letter dated 6 December 2001

In this letter, the ALA raised a number of questions/suggestions regarding the drafting of the proposed CSAs presented to Members at the meeting on 26 November 2001. Members may wish to note that subsequent to the meetings on 26 November and 7 December, we have, in

the light of comments raised by Members at the meetings, devised new formulations for sections 7, 8, 16A and 16E. A set of proposed CSAs containing the new formulations is attached. With the new formulations, many of the questions/suggestions raised by ALA have become no longer relevant. Our responses to the other points are as follows:

New section 16A(2)(b)(iii) and (vi) and section 16E(1A)(b)(iii) and (vi) (now section 16A(2A)(b)(iii) and (vi) and section 16E(2)(b)(iii) and (vi))

We have replaced “purposes” with “purpose” as suggested.

New section 16E(1A)(a) (now section 16E(2)(a))

We have added “or” to the end of the subparagraph as suggested.

New section 16E(1A)(b)(vi) (now section 16E(2)(b)(vi))

We have replaced “arrangements” by “arrangement” as suggested. We have also deleted the reference to “otherwise than ... Ordinance (Cap. 108)” previously under this subsection. The exemption in respect of lawful bookmaking and betting under section 16E is now provided for under section 16E(1).

New section 23A(5)

The reference to “unless the contrary is proved” in sections 23(5) and 23A(5) is intentional. It imposes a more stringent condition than “unless there is evidence to the contrary” (as in the proposed new section 19) for the presumptions provided under these two sections to be overturned. The wording is adopted having regard to the nature of the acts being described and the presumptions in question (i.e. a person delaying the entry of any police officer into premises suspected to be a gambling establishment or premises described under section 16A, is presumed to have delayed entry for the purpose of obstructing such police officer from entering such premises).

New section 16A(2)(a) (now section 16A(2A)): Chinese text

We have added “或” to the end of the subsection.

New section 16D: Chinese text

It is appropriate to use the words “該競賽” in the proposed new section 16D(1). There are only two references to “horse, pony or dog race” in the English text. Due to the difference in language structure, it is necessary, however, to make reference to “the race” in four places in the Chinese text. The Chinese text would become unnecessarily long and clumsy if we adopt the long form “馬匹、小馬或狗隻競賽” in each of the four places. Further, it is clear that “該競賽” refers to the “馬匹、小馬或狗隻競賽” that appears in the second line of section 16D(1) and there is no ambiguity in its meaning.

We have amended the proposed new section 16D(2) to streamline the drafting and make the English and Chinese texts more consistent with each other.

Proposed section 19(2) and (3): Chinese text

It is necessary to add “警務人員” to the proposed section 19(2) and (3). Due to the difference in language structure, it is not necessary to add the subject (i.e. by a police officer) after the references to “its being entered” and “entry” in the English text of the section. The omission of the subject (i.e., “警務人員”) from the Chinese text, however, will make the Chinese text ungrammatical.

ALA’s letter dated 11 December 2001

In this letter, the ALA enquired about our policy intention of proposing amendments to sections 7 and 8 to facilitate preparation of a paper for consultation with some outside professional bodies on the wording of the proposed amendments to the two sections. The policy intention of amending sections 7 and 8 is to insert an extraterritorial element into the offences of “bookmaking” and “betting with a bookmaker” to make it clear that it is unlawful to (1) engage in bookmaking outside Hong Kong where the bet is placed from Hong Kong or where the bettor is in Hong Kong; and (2) bet in Hong Kong with a bookmaker outside Hong Kong. The amendments seek to uphold the integrity of our gambling policy, i.e. to restrict gambling opportunities to a limited number of *authorized* outlets only, given that overseas

bookmaking activities, like any other unauthorized local bookmaking activities, are not authorized gambling activities in Hong Kong. Indeed, we have considered Members' comments on these two sections and come up with revised formulations for Members' consideration (see the proposed CSAs attached).

Outstanding issues arising from the meeting on 7 December 2001

We have attempted to address Members' concerns over the drafting of sections 7 and 8 by devising new formulations for the two sections (see the proposed CSAs attached).

The Hon Audrey Eu enquired at the meeting whether it is lawful to settle in Hong Kong bets arising from gambling transactions conducted outside Hong Kong. She mentioned that there had been cases where casino operators in Las Vegas successfully enforced through courts in Hong Kong debts arising from gambling in Las Vegas by Hong Kong people. She has kindly provided to us a court decision of Wong Hon v. Sheraton Desert Inn Corp. via the Chairman. Upon examination of the judgement, we find that the case is about the *recovery* in Hong Kong of a *loan* extended by a Nevada casino operator to a bettor from Hong Kong, rather than the *settlement* in Hong Kong of a *bet*, and is therefore not caught by the offence provisions concerning "bookmaking" either under the existing Gambling Ordinance or the Bill.

A Member asked at the meeting about the reason for taking out the phrase "by way of trade or business" from the proposed new section 16E. We have searched through the records and have not found any such reference in section 16E in the previous CSAs. In any case, section 16E seeks to prohibit promotion or facilitation of bookmaking or betting with a bookmaker and under section 2, "bookmaking" is defined as the soliciting, receiving, negotiating or settling of a bet *by way of trade or business*. In other words, promotion or facilitation of, say, a social gambling activity would not be caught.

New CSAs proposed

We have considered Members' comments expressed at the previous meetings and come up with a revised set of proposed CSAs as attached. The major changes are highlighted in the following paragraphs.

Section 2: Definition of bookmaking

The definition of bookmaking has been further amended to include “online medium (including Internet)” as another medium (in addition to the existing channels mentioned, i.e. letter, telephone, telegram in the existing section 2 of the Ordinance) by which the soliciting, receiving, negotiating or settling of a bet is conducted, in the light of the emergence of Internet gambling in the past years. This is intended to make it clear that bookmaking via the Internet is covered by the definition and the relevant offence provisions in the Gambling Ordinance. This is also in line with our policy intention to tackle cross-border gambling regardless of the medium through which it is conducted. Indeed, it is arguable that the existing wording, with a reference to “by any other means”, already covers bookmaking via the Internet.

As the proposed sections 16A and 16E are adequate to cover the type of activities of offshore bookmakers in Hong Kong which we intend to target, the proposed expansion of the definition of “bookmaking” to cover “organization, management or control of bookmaking” is considered unnecessary. Paragraph (b) under the definition in Clause 2 of the Bill has therefore been deleted.

Section 7: Bookmaking

A new formulation has been adopted in section 7(1A) to make it clear that a person commits an offence if he receives, negotiates or settles *outside* Hong Kong a bet which is placed from Hong Kong or where the bettor is in Hong Kong when the bet is placed. Section 7(1) is retained to deal with bookmaking conducted *within* Hong Kong.

Consequentially, section 3(7) is amended to make it clear that betting is lawful if the bet is made between persons none of whom is thereby committing an offence under section 7(1) or 7(1A).

Section 8: Betting with a bookmaker

A new formulation has been adopted. The proposed amendment seeks to make it clear that it is an offence for a person to bet with an unauthorized bookmaker, whether the bet is received within or outside

Hong Kong.

Section 16A: Operating premises or places for promoting or facilitating bookmaking, etc.

Several amendments have been made, including:

- (1) the list of gambling activities previously under section 16A(1)(a) to (e) has been replaced by a reference to “bookmaking or betting with a bookmaker” which is simpler and clearer in meaning and still reflects our policy intention in respect of this section, i.e. prohibiting operation of premises where *unlawful* gambling is promoted or facilitated;
- (2) a new subsection (2) has been added to make it clear that section 16A(1) shall not apply if the bet in question can only be placed or is placed by a person outside Hong Kong. For instance, operating premises where overseas casino gambling is promoted will not be caught. With this new subsection, section 16A(3) in the last set of CSAs is no longer necessary; and
- (3) section 16A(2A)(b)(i) has been amended to make it clear that providing service in the form of receiving a bet as an agent where the bet will ultimately be passed to a bookmaker (whether the bookmaker is within or outside Hong Kong) is regarded as an act of promotion or facilitation under section 16A, and operating premises where such service is provided is illegal.

Section 16E: Promoting or facilitating bookmaking

Similar amendments as in points (2) and (3) above have been made.

Section 27: Obstruction of police officers

“Subject to section 23(4) or 23A(4),” is added to the beginning of the section, as we consider that section 27 overlaps with the two sections but different levels of penalty are imposed.

I should be grateful if you would kindly convey the above information to Members. The officers attending the meeting of the Bills Committee on 3 April 2002 will be as follows:

Mr. Stephen Fisher	Deputy Secretary for Home Affairs (2),
Mr. John Reading	Deputy Director of Public Prosecutions,
Ms. Fanny Ip	Senior Assistant Law Draftsman,
Ms. Esther Leung	Principal Assistant Secretary for Home Affairs(5),
Mr. Lo Mung-hung	Senior Superintendent of Police (OCTB),
Mr. Llewellyn Mui	Senior Government Counsel, Legal Policy Division,
Ms. Mabel Cheung	Government Counsel, Bilingual Drafting Unit, Law Drafting Division, and
Mr. Vic Yau	Assistant Secretary for Home Affairs (5)1.

Yours sincerely,

(Ms Esther Leung)
for Secretary for Home Affairs

cc D of J (Attn.: Mr. Gilbert Mo
Mr. Stephen Wong
Mr. John Reading
Ms. Fanny Ip
Mr. Gavin Shiu
Mr. Llewellyn Mui
Ms. Mabel Cheung)
C of P (Attn.: Mr. Lo Mung-hung)
ALA/LegCo (Attn.: Mr. Stephen Lam)

《2000年賭博(修訂)條例草案》

委員會審議階段

由民政事務局局長動議的修正案

<u>條次</u>	<u>建議修正案</u>
2	廢除“現予”之後的所有字句而代以“修訂，在“收受賭注”的定義中，在“電報”之後加入“、聯機媒介(包括一般稱為電腦互聯網的服務)”。
新條文	加入 — “2A. 賭博屬非法 第3(7)條現予修訂，廢除“7”而代以“7(1)或(1A)”。
3	刪去(b)段而代以 — “(b) 在(b)段中，廢除“控制賭場；或”而代以“以其他方式控制賭場。”。
4	在(b)段中，刪去建議的新訂的第(1A)款而代以 — “(1A) 任何人如藉在香港境外收取、商議或結清符合以下說明的賭注 — (a) 賭注是從香港境內作出的；或

- (b) 作出賭注的人在作出該賭注的時間是在香港境內的，

即屬犯罪 —

- (i) 一經循簡易程序定罪，可處罰款\$5,000,000 及監禁 2 年；或
- (ii) 一經循公訴程序定罪，可處罰款\$5,000,000 及監禁 7 年。”。

5 刪去該條而代以 —

“5. 向收受賭注者投注

第 8 條現予修訂，在“投注”之後加入“(不論有關賭注是在香港境內或境外收取亦然)”。

新條文 加入 —

“6A. 獎券活動彩票的出售

第 10 條現予修訂，在兩度出現的“或”之後加入“以其他方式”。

- 8 (a) 在建議的新訂的第 IIIA 部的標題中，刪去“維持處所作投注等用途”而代以“作推廣投注等用途的處所”。
- (b) 在建議的新訂的第 16A 條中，刪去第(3)款之前的所有字句而代以 —

“16A. 營辦處所或場所作推廣或便利收受賭注等用途

(1) 任何人均不得明知而營辦、管理或以其他方式控制，或協助營辦、管理或以其他方式控制曾一次或多於一次用於推廣或便利收受賭注或向收受賭注者投注(但憑藉第 3(8)條屬合法的收受賭注或投注則除外)的處所或場所。

(2) 第(1)款在以下情況即不適用 —

- (a) 有關賭注是只能由在香港境外的人作出的；或
- (b) 有關賭注是由在香港境外的人作出的。

(2A) 就第(1)款而言，如有以下情況，即屬推廣或便利某作為 —

- (a) 有推廣該作為的廣告被展示、分發或散發；或
- (b) 有以下形式的服務提供 —
 - (i) 以代理人身分收取賭注(不論該賭注最終是由收受賭注者在香港境內或境外收取亦然)；

- (ii) 傳轉賭注；
- (iii) 收取全部或部分為投注而支付的按金；
- (iv) 傳轉第(iii)節提述的按金；
- (v) 傳轉就賭注而贏取的收益；
或
- (vi) 安排開設或維持全部或部分作投注用途的帳戶。”。

(c) 刪去建議的新訂的第 16B 條。

(d) 在建議的新訂的第 16C 條中 —

- (i) 在第(1)(a)款中，刪去“作”之後的所有字句而代以“第 16A 條所述的處所或場所；”；
- (ii) 在第(1)(b)款中，刪去“籌辦、經營或管理第 16A(1)(a)、(b)、(c)、(d)或(e)或 16B(1)(a)、(b)或(c)條所述種類的活動”而代以“第 16A 條所述的處所或場所”；
- (iii) 在第(2)款中，刪去兩度出現的“\$5,000,000”而代以“\$500,000”。

(e) 在建議的新訂的第 16D 條中 —

- (i) 在第(1)款中，在“condition”之前加入“relevant”；
- (ii) 刪去第(2)款而代以 —

“(2) 有關條件是：有關競賽是有就其舉行電算機投注或彩池投注的競賽，而該項投注是在根據《博彩稅條例》(第 108 章)第 3 條給予的准許下舉行的。”。

- (f) 在建議的新訂的第 16E 條中 —

- (i) 在第(1)款中，刪去“推廣或便利收受賭注”而代以“明知而推廣或便利收受賭注或向收受賭注者投注(但憑藉第 3(8)條屬合法的收受賭注或投注則除外)”；
- (ii) 刪去第(2)款而代以 —

“(1A) 第(1)款在以下情況即不適用 —

- (a) 有關賭注是只能由在香港境外的人作出的；或
- (b) 有關賭注是由在香港境外的人作出的。

(2) 就第(1)款而言，任何人如作出以下作為，即屬推廣或便利收受賭注或向收受賭注者投注 —

(a) 展示、分發或散發推廣收受賭注或向收受賭注者投注的廣告；或

(b) 提供以下形式的服務 —

(i) 以代理人身分收取賭注 (不論該賭注最終是由收受賭注者在香港境內或境外收取亦然)；

- (ii) 傳轉賭注；
- (iii) 收取全部或部分為投注而支付的按金；
- (iv) 傳轉第(iii)節提述的按金；
- (v) 傳轉就賭注而贏取的收益；或
- (vi) 安排開設或維持全部或部分作投

注用
途的
帳
戶。
”。

11 刪去該條而代以 —

“11. 電話服務的截斷

第 21 條現予修訂 —

- (a) 在第(1)款中，廢除(c)段；
- (b) 在第(1)及(2)款中，廢除所有“香港電話有限公司”而代以“電訊服務提供者”；
- (c) 在第(2)款中，廢除“該公司”而代以“該電訊服務提供者”；
- (d) 在第(3)款中，廢除“電話公司”而代以“電訊服務提供者”；
- (e) 加入 —

“(4) 在本條中，“電訊服務提供者”(telecommunications service provider)指《電訊條例》(第 106 章)第 2(1)條所界定的“持牌人”。”。

新條文

加入 —

“11A. 搜查懷疑為賭場的地方

第 23(2)(e)(ii)條現予修訂，在兩度出現的“控”之前加入“以其他方式”。

11B. 加入新條文

現加入 —

“23A. 搜查用於推廣或便利收受賭注或向收受賭注者投注的處所或場所

(1) 警司或以上職級的警務人員，如合理地懷疑任何處所或場所屬第 16A(1)條所述的處所或場所，可書面授權任何警務人員進入及搜查該處所或場所。

(2) 任何取得根據第(1)款發出的授權書的警務人員，以及任何受其指揮的其他警務人員，可 —

- (a) 進入或必要時強行進入授權書內指明的處所或場所，並加以搜查；
- (b) 逮捕任何被發現在該處所或場所內的人或逃離該處所或場所的人；
- (c) 搜查任何被發現在該處所或場所內的人或逃離該處所或場所的人；

(d) 檢取及扣留在該處所或場所內被發現的用於或曾用於第 16E 條所禁制的作為或與該等作為有關的用途的物件或為或曾為該等作為而使用的物件，或在該處所或場所內的人身上發現或在逃離該處所或場所的人身上發現的該等物件；

(e) 檢取及扣留 —

(i) 屬以下性質的金錢 —

(A) 依據向收受賭注者作出的賭注而支付者；

(B) 就賭注而贏取的收益；或

- (C) 為賭注而支付的按金；
- (ii) 在營辦、管理或以其他方式控制該處所或場所的人身上發現的金錢，或在協助營辦、管理或以其他方式控制該處所或場所的人身上發現的金錢；或
- (iii) 在該處所或場所內被發現的人身上的金錢，而警務人員根據(a)段進入該處所或場所時曾遭阻止、阻撓或拖延。

(3) 根據本條對任何人作搜查，只可由與該人性別相同的人進行。

(4) 任何人如阻撓根據第(1)款獲授權的任何警務人員或阻撓任何受其指揮的其他警務人員進入授權書內指明的處所或場所，即屬犯罪，經定罪後，可處罰款\$50,000及監禁2年。

(5) 凡任何人拖延第(4)款所提述的任何警務人員進入該款所提述的任何處所或場所，則直至相反證明成立，須推定該人乃為阻撓該等警務人員進入該處所或場所而將他們拖延。”。

13 刪去該條而代以 —

“13. 沒收

第26條現予修訂，在“途，”之後加入“或為非法賭博或非法獎券活動或代表非法賭博或非法獎券活動的收益，或是得自非法賭博或非法獎券活動，”。

新條文 加入 —

“13A. 阻撓警務人員

第27條現予修訂，在“任”之前加入“除第23(4)或23A(4)條另有規定外，”。

Gilbert Mo #56253 v3
1st draft: 9.6.2001
2nd draft: 12.6.2001
3rd draft: 14.6.2001
4th draft: 18.6.2001
5th draft: 19.6.2001
6th draft: 22.6.2001
7th draft: 17.7.2001
8th draft: 8.10.2001
9th draft: 3.10.2001
9th(r) draft: 4.10.2001
10th draft: 2.11.2001
11th draft: 3.12.2001
12th draft: 4.12.2001
13th draft: 5.1.2002
14th draft: 8.3.2002
15th draft: 20.3.2002
16th draft: 28.3.2002

GAMBLING (AMENDMENT) BILL 2000

COMMITTEE STAGE

Amendments to be moved by the Secretary for Home Affairs

Clause

Amendment Proposed

2 By deleting everything after "(Cap.148) is" and substituting "amended in the definition of "bookmaking" by adding "or on-line medium (including the service commonly known as the Internet)" after "telegram".".

New The following is added -

"2A. Gambling is unlawful

Section 3(7) is amended by repealing "7" and substituting "7(1) or (1A)".".

4 In paragraph (b), by deleting the proposed new subsection (1A) and substituting -

"(1A) Any person who engages in bookmaking by receiving, negotiating or settling outside Hong Kong a bet -

(a) which is placed from Hong Kong; or

(b) the maker of which is in Hong Kong when the bet is placed,

commits an offence and is liable -

(i) on summary conviction to a fine of \$5,000,000 and to imprisonment for 2 years; or

(ii) on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 7 years."

5 By deleting the clause and substituting -

"5. Betting with a bookmaker

Section 8 is amended -

(a) in paragraph (c), by repealing the full stop and substituting a comma;

(b) by adding "whether the bet is received within or outside Hong Kong." after paragraph (c)."

New The following is added -

"6A. Selling lottery tickets

Section 10 is amended by adding "以其他方式" after "或" where it twice appears."

8 (a) In the heading of the proposed new Part IIIA, by deleting "KEEPING PREMISES FOR" and substituting "PREMISES FOR PROMOTING".

(b) In the proposed new section 16A by repealing everything before subsection (3) and substituting -

"16A. Operating premises or places for promoting or facilitating bookmaking, etc.

(1) No person shall knowingly operate, manage or otherwise have control of or assist in the operation, management or other control of any premises or place where, whether on one or more than one occasion, bookmaking or betting with a bookmaker (except bookmaking or betting which is lawful by virtue of section 3(8)) are promoted or facilitated.

(2) Subsection (1) shall not apply if the bet in question -

(a) can only be placed; or

(b) is placed,

by a person outside Hong Kong.

(2A) For the purposes of subsection (1), an

act is promoted or facilitated if -

(a) advertisements to promote the act are exhibited, distributed or disseminated; or

(b) service in any of the following forms is made available -

(i) receipt of a bet as an agent whether the bet is ultimately received by the bookmaker within or outside Hong Kong;

(ii) transmission of a bet;

(iii) receipt of a deposit paid wholly or partly for the purpose of betting;

(iv) transmission of a deposit referred to in subparagraph (iii);

(v) transmission of winnings on a bet;

(vi) arrangement for opening or maintaining of an account wholly or partly for the purpose of betting.".

(c) By deleting proposed new section 16B.

(d) In proposed new section 16C -

- (i) in subsection (1)(a), by deleting everything after "used" and substituting "as premises or place mentioned in section 16A;" ;
- (ii) in subsection (1)(b), by deleting everything after "used" and substituting "as premises or place mentioned in section 16A." ;
- (iii) in subsection (2), by deleting "\$5,000,000" in both places where it occurs and substituting "\$500,000".

(e) In proposed new section 16D -

- (i) in subsection (1), by adding "relevant" before "condition" ;
- (ii) by deleting subsection (2) and substituting -
 "(2) The relevant condition is that the race in question is a race on which totalizator or pari-mutuel betting is conducted with a permission given under section 3 of the Betting Duty Ordinance (Cap. 108)." .

(f) In proposed new section 16E -

- (i) in subsection (1), by deleting "promotes or facilitates bookmaking" and substituting "knowingly promotes or facilitates bookmaking or betting with a bookmaker (except bookmaking or betting which is lawful by virtue of section 3(8))" ;

(ii) by deleting subsection (2) and substituting -

“(1A) Subsection (1) shall not apply if the bet in question -

- (a) can only be placed; or
- (b) is placed,

by a person outside Hong Kong.

(2) For the purposes of subsection (1), a person promotes or facilitates bookmaking or betting with a bookmaker if he -

- (a) exhibits, distributes or disseminates advertisements to promote bookmaking or betting with a bookmaker; or
- (b) provides service in the form of -

- (i) receipt of a bet as an agent whether the bet is ultimately received by the bookmaker within or

outside Hong
Kong;

(ii) transmission
of a bet;

(iii) receipt of a
deposit paid
wholly or
partly for the
purpose of
betting;

(iv) transmission
of a deposit
referred to in
subparagraph
(iii);

(v) transmission
of winnings on
a bet; or

(vi) arrangement
for the
opening or
maintaining
of an account
wholly or
partly for the
purpose of
betting.".

11 By deleting the clause and substituting -

"11. Disconnexion of telephone service

Section 21 is amended -

- (a) in subsection (1), by repealing paragraph (c);
- (b) in subsections (1) and (2), by repealing "Hong Kong Telephone Company Limited" wherever it appears and substituting "telecommunications service provider";
- (c) in subsection (2), by repealing "the Company" and substituting "the telecommunications service provider";
- (d) in subsection (3), by repealing "Company" and substituting "telecommunications service provider";
- (e) by adding -

"(4) In this section, "telecommunications service provider" (電訊服務提供者) means a licensee as defined in section 2(1) of the Telecommunications Ordinance (Cap. 106)."

New The following is added -

**"11A. Search of suspected gambling
 establishment**

Section 23(2)(e)(ii) is amended by adding "以其
他方式" before "控" where it twice appears.

11B. Section added

The following is added -

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

(1) A police officer of or above the rank of
superintendent may, if he reasonably suspects that
any premises or place are or is a premises or place
of the description mentioned in section 16A(1),
authorize in writing any police officer to enter
and search the premises or place.

(2) A police officer to whom an authorization
is issued under subsection (1), and any other police
officer acting under his direction, may -

- (a) enter, by force if necessary, the
 premises or place specified in the
 authorization and search the same;
- (b) arrest any person who is found in
 such premises or place or who
 escapes from such premises or
 place;

- (c) search any person who is found in such premises or place or who escapes from such premises or place;
- (d) seize and detain any thing found in such premises or place or found on any person in such premises or place or found on any person who escapes from such premises or place, which is being or has been used in or for or in connexion with an act prohibited by section 16E;
- (e) seize and detain any money -
 - (i) being -
 - (A) money paid pursuant to a bet with a bookmaker;
 - (B) winnings on such a bet; or
 - (C) deposit paid for the purpose of such a bet;
 - (ii) found on any person operating or managing or otherwise controlling such premises or place or on any person assisting

in the operation or in the management or other control of such premises or place; or

(iii) found on any person found in such premises or place where entry under paragraph (a) is prevented, obstructed or delayed.

(3) No person shall be searched under this section except by a person of the same sex.

(4) Any person who obstructs any police officer authorized under subsection (1) or any other police officer acting under his direction from entering the premises or place specified in the authorization commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

(5) Where a person delays the entry of any police officer referred to in subsection (4) into any premises or place so referred to, he shall be presumed, until the contrary is proved, to have delayed entry for the purpose of obstructing such police officer from entering such premises or place."."

13 By deleting the clause and substituting -

"13. Forfeiture

Section 26 is amended by adding "or is or represents the proceeds of or is derived from" after "with".

New The following is added -

"13A. Obstruction of police officers

Section 27 is amended by repealing "Any" and substituting "Subject to section 23(4) or 23A(4), any".