

**Submission on Betting Duty (Amendment) Bill**  
**by the Social Concern Group of the Lawyers Christian Fellowship<sup>1</sup>**

**Background**

1. On 22 June 2001 Government issued a Consultation Document on Gambling Review. The Social Concern Group of the Lawyers Christian Fellowship responded by making a written submission to Government in August 2001.
2. On 22 March 2002, Government released a report on the results of the consultation exercise. Around 90% of the submissions and signatures received by Government are against the proposition of providing authorized soccer betting outlets. Opinion surveys conducted by the Hong Kong Polytechnic University commissioned by Government around that time indicate that public opinion is split on the proposition, with around 50-60% in support and 35-40% in opposition. Government's report also reveals that there is overwhelming support for taking appropriate educational, preventive and remedial measures to minimize the negative impact of gambling in Hong Kong, as proposed in the consultation paper.<sup>2</sup>
3. At that time, Government responded by postponing its decision on whether to implement its proposal for legalizing and regulating soccer betting through authorized outlets. It also stated that:

"We will adopt a three-pronged approach to follow up on the preventive and remedial measures. First, we will set up an inter-departmental working group to devise an implementation plan for strengthening the services for pathological gamblers and launching the education programmes. Second, we will establish partnership with the universities and non-governmental organizations which

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<sup>1</sup> The Lawyers Christian Fellowship (LCF) is a society registered under the Societies Ordinance and is a charitable organization recognized in the Inland Revenue Ordinance. LCF does not receive any funding nor financial support from any political organization or society in Hong Kong and elsewhere. This Submission reflects the views of LCF's Social Concern Group on soccer betting activities in Hong Kong. It does not represent the views of individual members of the LCF.

<sup>2</sup> See Government's press release on 22 March 2002.

conduct gambling research or offer services to pathological gamblers. Thirdly, we will establish contacts with overseas bodies with considerable experience in these areas, such as gambling regulators and relevant organizations."<sup>3</sup>

4. Now Government seeks to implement its earlier proposal by the Betting Duty (Amendment) Bill 2003. Our views are set out below:

### **Our Views**

5. We wish to clarify at the outset that under the existing Gambling Ordinance, not all soccer-betting activities are illegal. Soccer gambling by private individuals on social occasions is legal<sup>4</sup>. It is commercial gambling on soccer with bookmakers that is being prohibited. Hence the existing law by and large observes the generally accepted jurisprudence in not intruding into matters of private moral conduct except in so far as they directly affect the public good.
6. Hence the primary issue the society needs to decide is whether soccer betting as a trade or business should now be legalised in Hong Kong (and if so whether it should be regulated by granting an exclusive licence to a single entity for operating the authorised betting outlets). In this connection, one should note that gambling is not a right or freedom guaranteed under the Basic Law or the International Covenants on Civil and Political Rights applicable to Hong Kong (or under any international treaties). There is no legal or jurisprudential objection to a society deciding to prohibit gambling by law.
7. In deciding whether soccer betting as a trade or business should now be legalised in Hong Kong, we believe special attention should be paid to the following:

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<sup>3</sup> See Government's press release on 22 March 2002.

<sup>4</sup> S 3(2) of the Gambling Ordinance provides: "Gaming is lawful if the game is played on a social occasion in private premises and is not promoted or conducted by way of trade or business or for the private gain of any person otherwise than to the extent of a person's winnings as a player of or at the game."

- (1) Whether there is sufficient protection of vulnerable groups (such as students and youth as well as actual and potential pathological gamblers).
- (2) Whether there are appropriate educational, preventive and remedial measures in place to minimize the negative impact of soccer gambling.
8. As noted in the Report of a Study of Hong Kong People's Participation in Gambling Activities commissioned by the Home Affairs Bureau ("the Gambling Report")<sup>5</sup>, the "most serious problem of the legalisation of soccer [gambling] is its influence upon the younger generation. We have to share the worry of the NGISC Report that betting in sports among youngsters is really a problem, and early betting behaviour will more easily lead to habitual or even pathological gambling at a later stage."<sup>6</sup>
9. Under the Bill, the measures to prevent underage betting are to stipulate that the licensee shall not accept bets or request for winning payments from persons under 18, and to take reasonable measures to prevent their admission into the betting premises. Those measures have been proved ineffective in preventing underage betting. In the survey commissioned by the Home Affairs Bureau, out of 2,000 students (aged from 13 to 18) surveyed, 19.4% did gamble on Mark Six and 9.2% on horse-racing (mainly through their adult friends or family members, or their telephone accounts)<sup>7</sup>. The survey also reveals that notwithstanding the licence condition, a significant percentage of those underage students still managed to place bets direct at the Off-course Betting Branches (19.8% of those students who gambled on Mark Six and 33.6% of those who gambled on horse-racing)<sup>8</sup>. The survey shows that 14.4% of the underage students would certainly or probably participate in soccer betting if authorised outlets for soccer betting were provided (even only to

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<sup>5</sup> By the Hong Kong Polytechnic University, published in September 2001.

<sup>6</sup> Paragraph 6.24 of the Gambling Report

<sup>7</sup> Table 4.22 of the Gambling Report.

<sup>8</sup> Tables 4.24 and 4.26 of the Gambling Report.

people over 18), while 18.6% remained unsure whether they would participate<sup>9</sup>.

10. As further stated in the Gambling Report, in Hong Kong “education programmes to explain to youngsters the nature of gambling and its natural consequences are unavailable and need to be developed ... from scratch”<sup>10</sup>. Unfortunately, nothing has apparently been done since that Report until now in this connection. The effectiveness of any educational measures to be introduced in future may also be significantly reduced if at the same time Government is to legalise commercial soccer gambling, thereby sending a message to the public (in particular the students) that there is nothing wrong with such gambling activities.

11. We welcome Government’s proposal to adopt measures outlined in Chapter 5 of the Consultation Document to minimize the negative impact of gambling. In particular we applaud the ideas of:

- (i) launching and coordinating preventive and educational measures against the negative impact of gambling;
- (ii) working with the relevant Government and non-Government agencies to strengthen treatment/services provided to those affected by pathological gambling; and
- (iii) conducting and supporting gambling-related researches on a regular basis.

(see paragraph 1.4 (c) of the Consultation Document)

12. However, notwithstanding overwhelming support received by Government during the consultation exercise for taking those educational, preventive and remedial measures and Government’s public statement in March 2002 to adopt a three-pronged approach in response, apparently Government has so far done very little, if any, in this connection. **We believe it is an irresponsible move to legalise commercial soccer gambling at a stage when none of these preventive, educational and treatment measures and research efforts has been successfully put in place.** In particular,

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<sup>9</sup> Paragraph 4.29 of the Gambling Report

<sup>10</sup> Paragraph 6.55 of the Gambling Report.

whilst the evidence may not be conclusive, certain overseas studies<sup>11</sup> do suggest that legalising gambling may lead to an increase in pathological gamblers.

13. We believe it is also highly doubtful whether the suggestion to put soccer betting under control and supervision by providing limited authorised outlets will be effective to tackle the growing problem of illegal soccer betting. In this connection, we accept the analysis set out in paragraph 4.23 of the Consultation Document:

*“ Even with authorized outlets, unauthorized soccer betting would continue to exist with their unique advantages, including the absence of age restriction and tax obligation, the availability of credit betting, discounts and loans, and the wider choice of betting options. The existence of illegal bookmaking on local horse racing alongside HKJC’s operation is a valid proof. Unauthorized operations may also benefit from the wide coverage of soccer betting information (e.g. odds and game results), as well as a large legal pool for laying off bets and hedging after authorized outlets are provided. ”*

## **Conclusion**

14. We believe it is an irresponsible move to legalise commercial soccer gambling at a stage when none of the proposed preventive, educational and treatment measures and research efforts has been successfully put in place.
15. **We therefore oppose any move to legalise soccer gambling at this stage. We recommend that Government should:**
  - (1) without delay adopt the preventive, educational and treatment measures outlined in Chapter 5 of the Consultation Document;**

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<sup>11</sup> See eg. National Research Council, “Pathological Gambling: A Critical Review,” (April 1, 1999), p Exec -2; and Volberg, R, (1994), The Prevalence and Demographics of Pathological Gamblers: Implications for Public Health. *American Journal of Public Health*, V84, No.2

- (2) without delay put in place the proposed measures to step up law enforcement against illegal gambling; and**
- (3) conduct a more comprehensive review two or three years after the above measures have been introduced and decide whether there is a need and justification to make any further changes to the gambling policy.**

**SOCIAL CONCERN GROUP  
LAWYERS CHRISTIAN FELLOWSHIP**

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