

## **A Comment on Betting Duty (Amendment) Bill 2003**

1. My name is John Tai. I'm a Hong Kong citizen who'd like to share my view on the Betting Duty (Amendment) Bill 2003 (the "Bill").
2. As indicated by informed commentators, authorization on football betting will not be an effective way to stamp out illegal betting activities, and will only cause considerable harm to the community in terms of their mental health, productivity and family well-beings.
3. Despite all these sound arguments, the Government maintains "in all its honesty" that legalization only intends to curb if not replace unauthorized operators which according to its thorough research are the true root of gambling-related social problems. So by placing authorized yet competitive operators on the street the demand for illegal bookmakers would somehow be channeled.

4. Be that as it may, its overriding policy of attenuating betting, be it legal or otherwise, never change. The Bill should therefore reflect this in its very provisions and detail, which would too be construed later in any adjudicative bodies to that effect. And one won't find it hard to recognize the oxymoron of it.
  
5. The Bill establishes a two-tier regulatory system, with the Secretary for Home Affairs as the administrative adjudicator and enforcer of license terms (with the advice of a newly established Gaming Commission) and an Appeal Board as the ultimate resort of justice.
  
6. The Administration has already confirmed that the Code of Practice provided in section 6X of the Bill will not be subsidiary legislation, thereby leaving the whole realm of the first tier to administrative arrangements. In response of this, they contended that smooth implementation of authorized football betting would require flexibility and they also need to be given some discretion in regulating football betting.

7. Sound at first glance, that argument would never preclude the possibility of a subsidiary legislation, with the mentioned Code of Practice drafted subsequently upon the bylaw's prescription, detailing every administrative procedures.
  
8. This not only restore the LegCo's power of scrutiny, but also vastly enhance the transparency of the whole mechanism as constructive public debates about the contravention of any license term or bylaws alike can take place at a much earlier phase, if they'd ever be given any chance in the proposed system. And let us be also reminded of our rights as *amicus curiae* (meaning "Friend of the Court").
  
9. Under the proposed system, it is expected that license disputes would rarely go to the Appeal Board, let alone the Court through Judicial Review. The reason for this is crystal clear, as the Bill doesn't provide for anything concrete about the selection of members of the advisory Gaming Commission and the Appeal Board whose decision is final. Handpicked "members of the

public” aren’t going to do any good to where they ultimately belong.

10. One would no doubt find it hard to anticipate an alternative to the Jockey Club if their license is by any chance ever revoked or her subsidiary company bankrupted because of the HK\$ 500,000 fine.

John Tai

A member of the public

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