

BETTING DUTY (AMENDMENT) BILL 2003

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Home Affairs

- | <u>Clause</u> | <u>Amendment Proposed</u>  |
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| 13            | <p>(a) By deleting the heading of the proposed Division 1 and substituting -</p> <p style="text-align: center;"><b>"Division 1 - Preliminary"</b>.</p> <p>(b) By deleting the proposed section 6A and substituting -</p> <p style="text-align: center;"><b>"6A. Interpretation of Part 3</b></p> <p style="text-align: center;">(1) In this Part -</p> <p style="text-align: center;">"associate" (相聯者) means, in relation to a person -</p> <ul style="list-style-type: none"><li>(a) the wife, husband or minor child (including minor step-child) of that person;</li><li>(b) a body corporate of which that person is a director;</li><li>(c) a person who is an employee or partner of that person; or</li><li>(d) if that person is a body corporate -</li></ul> |

- (i) a director of that body corporate;
- (ii) a subsidiary of that body corporate; or
- (iii) a director or employee of any such subsidiary;

"controller" (控制人) means, in relation to a company, a person who, alone or with any associate or through a nominee, is entitled to exercise, or control the exercise of, 15% or more of the voting power at any general meeting of -

- (a) the company; or
- (b) a body corporate of which the company is a subsidiary;

"director" (董事) includes any person occupying the position of director by whatever name called;

"financial penalty" (罰款) means a financial penalty imposed under section 6Z;

"principal officer" (主要人員) means, in relation to a company, a person employed by the company who -

- (a) either alone or jointly with one or more other persons, is responsible under the immediate

authority of the directors of the company for the conduct of the business of the company; or

- (b) under the immediate authority of a director of the company or a person employed by the company, exercises managerial functions in respect of the company;

"Secretary" (局長) means the Secretary for Home Affairs;

"subsidiary" (附屬公司) has the same meaning as in the Companies Ordinance (Cap 32).

(2) A reference in this Part to a condition of a licence shall be a reference to a condition subject to which the licence is issued, or to continue in force."

- (c) By adding the following after the proposed section 6A -

**"6AA. Determining if a person is  
"fit and proper"**

In determining for the purpose of any provision of this Part if a person is a fit and proper person, the Secretary shall, having regard to that purpose, take into account -

- (a) the person's financial status and financial integrity;

- (b) the person's qualifications and experience;
- (c) the person's ability to act competently, honestly and fairly;
- (d) the person's reputation and reliability;
- (e) whether or not the person has been charged with or convicted of any offence, whether in Hong Kong or elsewhere; and
- (f) any other matter that the Secretary considers relevant."

(d) In the proposed section 6G -

- (i) in subsection (1), by deleting "The" and substituting "Subject to subsection (1A), the";
- (ii) by adding -

"(1A) The Secretary shall not issue the licence to a company unless the Secretary is satisfied that the company, and all the directors, principal officers and controllers of the company, are fit and proper persons for the purpose of this section."

(e) In the proposed section 6S -

(i) in subsection (1), by deleting "The" and substituting "Subject to subsection (1A), the";

(ii) by adding -

"(1A) The Secretary shall not issue the licence to a company unless the Secretary is satisfied that the company, and all the directors, principal officers and controllers of the company, are fit and proper persons for the purpose of this section."

(f) In the proposed section 6ZA, by adding -

"(1A) The Secretary may also, by notice in writing given to the holder of a licence, revoke the licence if the Secretary is no longer satisfied that the holder, or any of the directors, principal officers or controllers of the holder, is a fit and proper person for the purpose of section 6G or 6S, as the case may be."