

**Paper for the Bills Committee**

**Betting Duty (Amendment) Bill 2003**

**Administration's response to the views of the Bills Committee**

**Purpose**

This paper sets out the Administration's response to the points raised by Members at the meeting of the Bills Committee on 24 June.

**New section 6Z**

2. We consider that the present drafting of the new proposed section 6Z should not preclude the Appeal Board from varying the financial penalty imposed on licensed operator by the Secretary for Home Affairs after it has ruled that the penalty is not proportionate and reasonable in relation to the failure that gave rise to the penalty. There are provisions in other legislation which are similar to the proposed new section 6Z such as section 36C of the Telecommunication Ordinance (Cap. 106). The appeal mechanism under the Telecommunication Ordinance, similar to that under the Bill, also provides an appeal channel (the Chief Executive in Council in this case) with the power to confirm, vary or reverse the decision by the authority.

**Meeting of the Football Betting and Lotteries Commission**

3. Members requested the Administration to consider setting out in the Bill that all the meetings of the Football Betting and Lotteries Commission (the Commission) shall be open unless the Chairman considers otherwise. Unlike the Appeal Board under the Bill which is a forum to determine the "rights" of the licensed operator (hence preferring open meeting in order to ensure fair hearing for the operator), the Commission is an advisory body to advise SHA on matters relating to the licensing and regulation of the conduct of football betting and lotteries. As each meeting of the Commission is expected to cover a variety of regulatory issues, it is likely that the discussions would involve intermittent exchange of sensitive or confidential information about the operation of the licensee. The

Commission should therefore have the flexibility in determining whether the whole, or part of a particular meeting, should be open to public. Under the proposed new section 6E(2), the Commission may make rules regulating the procedures at its meeting. We consider it more appropriate to leave it to the Commission to determine the rules governing the conduct of the meetings in the future.

### **Penalty for sale of betting tickets**

4. A Member requested the Administration to consider raising the level of penalty for the offence of sale of betting tickets to a juvenile. Under the originally proposed new section 6R, the penalty for the offence is level 3 (i.e. \$10,000). In response to the concern of the Members about the deterrent effect of the penalty, we have proposed to raise the penalty to level 5 (i.e. \$50,000). We consider this should have sufficient deterrent effect against the sale of betting tickets to others (including sale of the same to a juvenile). In determining the level of penalty that should be imposed on the offender, the court could take into account all relevant factors, and the sale of tickets to juveniles should be one of them. Under section 15A of the Smoking (Public Health) Ordinance (Cap. 371), the penalty for the sale of cigarettes to a juvenile is set at level 4 (i.e. \$25,000). We therefore do not consider it necessary to raise the level of penalty for sale of betting tickets to juveniles.

**Home Affairs Bureau  
June 2003**