

工商及科技局
通訊及科技科

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25 October 2005

Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(Attn: Miss Polly Yeung)

Dear Miss Yeung,

**Panel on Information Technology and Broadcasting
Follow-up Actions relating to the Proposed Anti-spam Legislation**

Further to the meeting of the Panel on Information Technology and Broadcasting on 11 July 2005 when the draft framework of the proposed anti-spam legislation was discussed, we have, in response to Members' request, obtained from the Home Affairs Bureau information on actions to curb cross-border gambling activities as reference for tackling the problem of unsolicited electronic messages. Details are set out in paragraphs 2 to 6 below, for Members' reference, please.

Legislation

2. The Gambling (Amendment) Bill 2000 was passed by the Legislative Council in May 2002. The major objective of the Bill was to combat unauthorized cross-border gambling and the related promotional activities in Hong Kong.

3. The Gambling (Amendment) Ordinance contains the following major amendments to the original Gambling Ordinance which are specifically targeted at combating illegal cross-border gambling:

- (a) Section 7 of the Gambling Ordinance has been amended to make it clear that engaging in unauthorized bookmaking outside Hong Kong is illegal, as long as the bet is placed from Hong Kong (see Annex A);
- (b) Section 8 of the Gambling Ordinance has been amended to make it clear that betting in Hong Kong with an unauthorized bookmaker is illegal, even if the bet is received outside Hong Kong (see Annex B); and
- (c) Section 16B has been added to the Gambling Ordinance to make it illegal for any person to knowingly promote or facilitate unlawful gambling (including cross-border illegal gambling) (see Annex C).

Enforcement Action of the Police

4. With the advent in information and communication technologies, one prevailing form of cross-border gambling is through the Internet. The Police will seek assistance from local major Internet Service Providers (ISPs) to cease provision of local Internet connection service to overseas bookmaking websites once they are proved to have received and are receiving bets from Hong Kong contrary to the Gambling Ordinance.

5. The Police also actively seeks, through the Interpol, assistance from overseas law enforcement agencies to close down bookmaking websites which are capable of receiving bets from Hong Kong and are illegal in their hosting countries. Liaison with the Mainland of China, Macau and overseas law enforcement agencies has also been enhanced to address the bookmaking activities based outside Hong Kong.

Public Education

6. Apart from enforcement action, the Police also focuses on prevention and education of the public. A hotline has been established by the Police for the public to report illegal gambling activities, including those involving cross-border elements.

Yours sincerely,



(Li Yeuk-yue, Tony)

for Secretary for Commerce, Industry and Technology

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Chapter: 148 Title: GAMBLING ORDINANCE Gazette Number: 12 of 2002
Section: 7 Heading: **Bookmaking** Version Date: 31/05/2002

(1) Any person who- (Amended 53 of 1981 s. 4)

(a) engages in bookmaking, whether on one occasion or more than one occasion; or (Amended 12 of 2002 s. 4)

(b) holds out in any manner that he solicits, receives, negotiates or settles bets by way of trade or business, (Amended 12 of 2002 s. 4)

(c) (Repealed 12 of 2002 s. 4)

commits an offence and is liable-

(i) on summary conviction to a fine of \$5000000 and to imprisonment for 2 years; or

(ii) on conviction on indictment to a fine of \$5000000 and to imprisonment for 7 years.

(1A) Any person who engages in bookmaking, whether on one occasion or more than one occasion, by receiving, negotiating or settling outside Hong Kong a bet-

(a) which is placed from Hong Kong; or

(b) placed by a person who is in Hong Kong when the bet is placed,

commits an offence and is liable-

(c) on summary conviction to a fine of \$5000000 and to imprisonment for 2 years; or

(d) on conviction on indictment to a fine of \$5000000 and to imprisonment for 7 years. (Added 12 of 2002 s. 4)

(2) (Repealed 12 of 2002 s. 4)

(Amended 42 of 1990 s. 5)

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Chapter:	148	Title:	GAMBLING ORDINANCE	Gazette Number:	12 of 2002
Section:	8	Heading:	Betting with a bookmaker	Version Date:	31/05/2002

Any person who bets with a bookmaker commits an offence and is liable-

- (a) on first conviction to a fine of \$10000 and to imprisonment for 3 months;
- (b) on second conviction to a fine of \$20000 and to imprisonment for 6 months;
- (c) on third or subsequent conviction to a fine of \$30000 and to imprisonment for 9 months,

whether the bet is received within or outside Hong Kong.

(Amended 42 of 1990 s. 6; 12 of 2002 s. 5)

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Chapter:	148	Title:	GAMBLING ORDINANCE	Gazette Number:	12 of 2002
Section:	16B	Heading:	Promoting or facilitating bookmaking, etc.	Version Date:	31/05/2002

(1) No person shall knowingly promote or facilitate bookmaking or betting with a bookmaker (except bookmaking or betting which is lawful by virtue of section 3(8)).

(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.

(3) Any person who contravenes subsection (1) commits an offence and is liable-

- (a) on summary conviction to a fine of \$5000000 and to imprisonment for 2 years; or
- (b) on conviction on indictment to a fine of \$5000000 and to imprisonment for 7 years.

(Part IIIA added 12 of 2002 s. 9)

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