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Secretary for Home Affairs
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Hong Kong

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BY FAX

Fax No. : 2591 6002
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Dear Miss Yip,

Betting Duty (Amendment) Bill 2006

We are scrutinising the legal and drafting aspects of the captioned Bill. We would be grateful if you could clarify the following points:-

Clause 3(6)

In the definition of “first horse race betting conductor”, would you give example to illustrate the meaning of “or another licence” referred to in paragraph (b) of the definition?

In the definition of “guarantee period”, would you give example to illustrate the meaning of a series of successive periods with interruption and a series of successive periods without interruption referred to in paragraph (b) of the definition?

In the definition of “relevant cancelled race meeting”, would it serve the same purpose by using the formulation of “the partially relevant charging period” instead of using the proposed formulation in paragraph (a)(ii)?

In the definition of “relevant day”, when will we next have 29 February? Why is “29 February” excluded?

Clause 3(7)

In new section 1(A)(2)(b), would you give example to illustrate the meaning of an arrangement which is not legally enforceable referred to in paragraph (b)?

The term “director” is currently defined under section 6B(1). Does the term “director” in paragraph (c) carry the same meaning? If so, would it be necessary to move the definition to new section 1A(1)?

Clause 15

There is inconsistency in the rendition for the term “liable” (有法律責任就) in the Chinese text of new section 6GA(2)(b) and the same term (須就) in the Chinese text of section 6K(2)(b).

There is inconsistency in the rendition for the term “liable” (有法律責任就) in the Chinese text of new section 6GA(3)(b)(ii) and the same term (須就) in the Chinese text of section 6K(3)(b)(ii).

In new section 6GA(3)(a), would you illustrate with example as to show a horse race betting conductor’s licence is “otherwise terminated”?

In new section 6GA(3)(b), would you consider adding “revocation or” before “termination” wherever it appears in the provision?

In new section 6GB(1), would you give example to illustrate the fixed odds betting or pari-mutuel betting on “contingencies relating to horse races”?

New section 6GB(6) provides for an exception to advertising the conduct of betting on horse races on television or radio. Why is the same exception not found in section 6I relating to advertising the conduct of betting on football matches on television or radio?

Procedurally, how is a designation made by the Secretary under new section 6GC(1)?

In new section 6GC(3)(b), would you illustrate with example as to the conditions which the Secretary may impose?

In new section 6GD(2)(b)(i), do you have in mind the places outside Hong Kong (other than a specified place) which would accept qualified bets?

In new section 6GD(2)(b)(iii), would you illustrate with example of “non-qualified bets”?

In new section 6GD(3), would you illustrate with figures the operation of the mathematical formulae in subsections (a) to (c)?

Why is it considered to be appropriate to provide for amending procedure under section 35 of Cap. 1 relating to new section 6GD(6) whereas to provide for amending procedure under section 34 of Cap. 1 relating to new section 6GD(7)?

In relation to new section 6GE, would you illustrate with figures as to the operation of collection of further horse race betting duty?

In new section 6GF(1), in Y, is there any formula or rule to determine the dividends or rebates payable? Should there be any empowering provision in the Bill to authorise the horse race betting conductor to give rebates?

In new section 6GF(2), would you consider adding “revocation or” before “termination” wherever it appears in the provision?

In relation to new 6GG(1) and (2), would you illustrate with figures the operation of the two provisions?

In relation to new section 6GI, would you illustrate with figures the operation of making of provisional payments?

To achieve consistency in drafting, would you consider adding provisions similar to new section 6GL(1)(b), (2)(b) and (3) (relating to horse race betting duty) to section 6Q?

In new section 6GN(7), the District Court is not allowed to rescind or vary or make any order relating to the Secretary’s decision under new section 6GC relating to the

designation of bets relevant to the charging period concerned as qualified bets. What is your policy justification for introducing the limit on the Court's power?

Clause 19

Does it mean that a horse race betting conductor can lodge an appeal with the Registrar of the District Court against an assessment under new section 6GN and at the same time apply to the Collector for a correction of an assessment 6ZO(1)? If yes, should the Collector defer his decision pending the outcome of the court's decision? If a parallel decision could be made, how do you resolve a conflict between the court's and the Collector's decision?

In relation to new section 6ZO(5)(b), would you explain with example the meaning and operation of the provision?

Clause 20(2)

In comparing to section 7(1)(a), why is it necessary to introduce a new section 7(1)(aa)?

We would be grateful for your reply in both languages at your earliest convenience.

Yours sincerely,

(Stephen Lam)
Assistant Legal Adviser

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