
INFORMATION NOTE

Regulation of gambling-related advertisements in public areas

1. Background

1.1 This information note aims to provide the Panel on Home Affairs ("the Panel") with information on the regulation of gambling-related advertisements in public areas in the United Kingdom ("the UK"), New South Wales of Australia ("NSW"), Singapore and Hong Kong. It will look at the major features of the relevant laws and regulations in the above three overseas places with reference to Hong Kong.¹

1.2 Among the overseas places studied, both the UK and Singapore enacted new legislation in the mid-2000s to exert greater control over gambling and related matters, including advertising. In the UK, the *Gambling Act 2005* came into full effect on 1 September 2007, creating a new and unified framework for regulating almost all forms of commercial gambling.² In Singapore, with the opening of the integrated resorts and casinos in recent years, the government updated its existing laws on gambling and enacted the *Casino Control Act 2006* to regulate various operational aspects of casinos. In Australia, the regulation of the gambling industry is the responsibility of the states and territories.³ NSW is chosen because it has the largest gambling industry with the highest share of the total gambling expenditure in Australia (37.5%).⁴ The state has introduced special laws governing particular gambling products (e.g. gaming machines), including the area of advertising. In Hong Kong, the government policy is to restrict gambling to a limited number of controlled authorized outlets⁵ with two main pieces of gambling-related legislation being in place, namely the *Gambling Ordinance* (Cap.148) and the *Betting Duty Ordinance* (Cap.108).

¹ The Panel has not discussed the subject before. Previous discussions held by Panel members on gambling mainly focused on the measures to address problems associated with gambling in Hong Kong.

² The exceptions are spread betting (which is regulated by the Financial Services Authority) and the National Lottery (which is regulated by the National Lottery Commission).

³ Department of Families, Housing, Community Services and Indigenous Affairs (2009).

⁴ Productivity Commission (2010).

⁵ The Hong Kong Jockey Club ("HKJC") is the sole authorized operator of horse racing, football betting and the "Mark Six" lottery. The Mark Six is operated by the HKJC Lotteries Limited, a wholly-owned subsidiary of HKJC.

2. Regulation of gambling-related advertisements in public areas

2.1 In the UK, the *Gambling Act 2005* permits gambling operators that are licensed by the Gambling Commission ("the Commission") to advertise their services in the country. The Commission is a non-departmental public body established under the Act for regulating gambling. Further, operators who are licensed by their respective authorities within the European Economic Area ("EEA")⁶ are also allowed to advertise in the UK, as are operators from certain jurisdictions approved by the Commission. While such operators may advertise their services freely to the UK consumers, including in public areas, all their gambling-related advertisements are subject to the provisions of both the advertising codes of practice developed by the UK advertising industry and the gambling industry code introduced by the Commission. These codes generally promote the awareness of responsible gambling and protection of children and young people, and outline the self-regulatory standards to which gambling advertising should adhere. In particular, the gambling industry code requires that all non-broadcast and televised gambling advertisements contain the website address of Gamble Aware⁷, a charitable organization from which any person who has a problem on gambling may get help.

2.2 The NSW gambling legislation prohibits the advertising of gaming machines, with the primary purpose to minimize potential harm associated with problem gambling. Under the *Gaming Machines Act 2001*, a club, hotelier or any other person must not publish any gaming machine advertisement in any way, including the display of outdoor signs (e.g. advertising on buses and billboards). While advertisements for gambling products other than gaming machines (such as wagering and lotteries) are permitted, they are subject to various controls. For instance, lotteries or wagering services that are conducted outside Australia are not allowed to advertise in NSW. Further, advertisements for wagering must contain reference to a problem gambling helpline service. Additionally, the gambling sector in NSW has developed codes of practice providing self-regulatory standards or guidelines complementary to existing legislative measures.

⁶ EEA is an agreement enacted in January 1994, uniting the 27 member states of the European Union and three member states of the European Free Trade Association (Iceland, Norway and Liechtenstein) into a single market. All the 30 participating states of EEA adopt the same basic rules based on "four freedoms", namely the free movement of goods, labour, services and capital.

⁷ The website of Gamble Aware is funded by the Gambling, Research, Education and Treatment ("GREaT") Foundation in the UK to assist problem gamblers and their families. The GREaT Foundation is a charity responsible for raising funds from the gambling industry to conduct research on problem gambling; fund programmes of education to promote responsible gambling; and pay for the treatment of problem gamblers. See *The Responsibility in Gambling Trust* (2009).

2.3 In Singapore, following the legalization of the casino operations in 2006 with the enactment of the *Casino Control Act 2006*, the *Casino Control (Advertising) Regulations* were introduced in 2010 to strengthen social safeguards. Under the *Regulations*, no publication and distribution of any casino advertisement is allowed in Singapore, except for a limited amount of advertising on a billboard or signboard at the Changi Airport or certain approved tourist information centres. This is to ensure that any advertising or promotion activities of the casinos do not target at the domestic market.⁸ In 2007, the National Council on Problem Gambling, established by the Singapore government in August 2005 to address problem gambling, introduced the Responsible Gambling Code of Practice for voluntary adoption by gambling operators and private clubs that run jackpot rooms, with a view to minimizing the potential harm of gambling to the customers and the community. Among others, the Code encourages the operators to ensure that their advertisements do not encourage, entice or induce people to gamble, and target at young persons or vulnerable or disadvantaged groups.

2.4 In Hong Kong, section 16B of the *Gambling Ordinance* stipulates that no person in Hong Kong shall knowingly promote or facilitate bookmaking or betting with a bookmaker. However, the law shall not apply if the bet in question can only be placed, or is placed by a person outside Hong Kong. After the legalization of football betting, the Government issued the Codes of Practices for the Conduct of Football Betting and Lotteries in 2004 to give guidance on how the licensing conditions for football betting and lotteries may be complied with. Under the Codes, licensees should not advertise the conduct of football betting and lotteries in, or in close proximity to, educational and training institutions for juveniles, and place advertisements or promotional materials on billboards or other outdoor displays that are directly adjacent to such institutions. However, the Codes were not binding on the gambling operators.⁹

2.5 In the following **Table**, the major characteristics of the gambling regulations of the four places studied, especially those related to gambling advertising in public areas, are summarized.

⁸ "Domestic market" comprises Singapore citizens, permanent residents and foreigners working and living in Singapore.

⁹ So (2007).

Table – Regulation of gambling-related advertisements in the United Kingdom, New South Wales of Australia, Singapore and Hong Kong

	United Kingdom	New South Wales	Singapore	Hong Kong
Regulation of gambling-related advertising				
Gambling legislation containing relevant provisions	<i>Gambling Act 2005.</i>	(a) <i>Gaming Machines Act 2001;</i> (b) <i>Gaming Machines Regulations 2010;</i> (c) <i>Lotteries and Art Unions Act 1901;</i> and (d) <i>Racing Administration Act 1998.</i>	(a) <i>Casino Control Act 2006;</i> (b) <i>Casino Control (Advertising) Regulations;</i> and (c) <i>Betting Act.</i>	(a) <i>Gambling Ordinance;</i> and (b) <i>Betting Duty Ordinance.</i>

Table – Regulation of gambling-related advertisements in the United Kingdom, New South Wales of Australia, Singapore and Hong Kong (cont'd)

	United Kingdom	New South Wales	Singapore	Hong Kong
Regulation of gambling-related advertising (cont'd)				
Codes of practice dealing with gambling-related advertising	<p>(a) "The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing" ("Non-broadcast Code"), laying down specific rules for non-broadcast marketing communications, covers among others, posters and other promotional media (including moving images) in public places⁽¹⁾. The Code is not voluntary⁽²⁾; and</p> <p>(b) "Gambling Industry Code for Socially Responsible Gambling" ("Industry Code") is a voluntary code⁽³⁾ that complements the Non-broadcast Code by setting minimum industry standards in areas not covered by it.</p>	<p>(a) "ClubsNSW⁽⁴⁾ Code of Practice", setting out self-regulatory standards of conduct for the club industry in NSW, covers the advertising of gambling facilities offered by the clubs; and</p> <p>(b) "Tabcorp Responsible Gambling Code of Conduct" is a voluntary code launched by the Tabcorp Holdings Limited ("Tabcorp")⁽⁵⁾ to complement the legislative measures. It ensures that the advertisements conducted by Tabcorp comply with all applicable legislation and regulations.</p>	<p>"Responsible Gambling Code of Practice", a voluntary code for gambling operators and clubs with jackpot operations, aims to minimize potential harm of gambling.</p>	<p>"Codes of Practice for the Conduct of Football Betting and Lotteries" provides guidelines on the advertising activities relating to football betting and lotteries.</p>

Notes: (1) Advertising Standards Authority (2009).

(2) See Smith (2009). The Non-broadcast Code is enforced by an independent regulator named Advertising Standards Authority (refer to page 6 for details of this Authority).

(3) Technically, the Industry Code is voluntary, but in practice its provisions are followed by licensees as a licence condition.

(4) ClubsNSW refers to the Registered Clubs Association of NSW.

(5) Tabcorp is a gambling company operating a range of wagering, gaming and keno activities across Australia.

Table – Regulation of gambling-related advertisements in the United Kingdom, New South Wales of Australia, Singapore and Hong Kong (cont'd)

	United Kingdom	New South Wales	Singapore	Hong Kong
Regulation of gambling-related advertising (cont'd)				
Regulating authorities	<p>(a) Gambling Commission, being an independent regulator responsible for providing advice to the UK government on all gambling-related matters;</p> <p>(b) Committee of Advertising Practice, being established by the UK advertising industry in 1961 to write, review and amend the Non-broadcast Code⁽⁶⁾;</p> <p>(c) Advertising Standards Authority, being established by the UK advertising industry in 1962 as an independent body to ensure compliance with the Non-broadcast Code and investigate complaints about advertising; and</p> <p>(d) Secretary of State for Culture, Olympics, Media and Sport, having the power under <i>Gambling Act 2005</i> to make regulations with regard to the form, content, timing and location of gambling advertisements.</p>	<p>The Office of Liquor, Gaming and Racing, being responsible for the regulation of advertising of gambling and betting in NSW.</p>	<p>(a) Casino Regulatory Authority, being a statutory agency established under <i>Casino Control Act 2006</i> to maintain and administer systems for the licensing, supervision and control of casinos;</p> <p>(b) Ministry of Community Development, Youth and Sports, with its Gambling Safeguards Division being tasked to develop social safeguards against problem gambling, such as tightening of casino control advertising regulations; and</p> <p>(c) Ministry of Home Affairs, being responsible for administering <i>Betting Act</i>.</p>	<p>The Secretary for Home Affairs issues the Codes of Practice for the Conduct of Football Betting and Lotteries.</p> <p>The Secretary for Home Affairs is advised by the Betting and Lotteries Commission (an advisory body set up under <i>Betting Duty Ordinance</i>) on various aspects relating to the conduct of betting and lottery activities.</p>

Note: (6) There is a separate code for broadcast advertising named the Broadcast Committee of Advertising Practice, which applies to all advertisements on radio and television services.

Table – Regulation of gambling-related advertisements in the United Kingdom, New South Wales of Australia, Singapore and Hong Kong (cont'd)

	United Kingdom	New South Wales	Singapore	Hong Kong
Gambling-related advertising in public areas				
Relevant restrictions or guidelines	Under <i>Gambling Act 2005</i> , permission to advertise in the UK, including in public areas, is only given to the following operators, subject to provisions of the Non-broadcast Code and the Industry Code: (a) those holding a Gambling Commission licence; and (b) those licensed in EEA, Gibraltar ⁽⁷⁾ and jurisdictions contained in the "White List" ⁽⁸⁾ .	Under <i>Gaming Machines Act 2001</i> , the publication of any advertisement of gaming machines to the public in NSW is prohibited, including: (a) display of any outdoor signs such as those found on buses and billboards; (b) any advertising inside a venue that can be seen or heard from outside the venue; ⁽⁹⁾ and (c) advertisements in cinema and other media such as newspapers, radio, television, Internet and brochures.	(a) Under <i>Casino Control (Advertising) Regulations</i> , all casino advertising should not target the domestic market in Singapore, including: (i) publication of any advertisements in any public areas (except for limited billboard advertising at the Changi Airport or certain tourist information centres upon Casino Regulatory Authority's prior approval); (ii) casino shuttle buses and certain promotion activities (e.g. loyalty card promotions) outside the integrated resorts of which the casino is a part; and (b) <i>Betting Act</i> makes it illegal to advertise any common betting houses or publish information relating to any horse race or other sporting events for the purpose of unlawful gambling.	(a) Under <i>Gambling Ordinance</i> , advertisements to promote or facilitate bookmaking and betting-related services are prohibited; and (b) under the Codes of Practice for the Conduct of Football Betting and Lotteries, advertisements on billboard or other outdoor displays should not be placed directly adjacent to educational and training institutions for juveniles.

Notes: (7) Section 331(3) of *Gambling Act 2005* provides that Gibraltar is treated as an EEA state so that the gambling operators licensed there are permitted to advertise in the UK.

(8) Section 331(4) of *Gambling Act 2005* empowers the Secretary of State for Culture, Olympics, Media and Sport to designate certain countries or places to be treated as EEA states, referred to as the White List. Currently, there are four jurisdictions on the White List, namely Antigua and Barbuda, the Isle of Man, the States of Alderney, and Tasmania. The Secretary also has the power to remove a jurisdiction from the White List.

(9) Any advertising of gaming machines that is inside a club or hotel and cannot be seen or heard from outside the venue is allowed.

Table – Regulation of gambling-related advertisements in the United Kingdom, New South Wales of Australia, Singapore and Hong Kong (cont'd)

	United Kingdom	New South Wales	Singapore	Hong Kong
Gambling-related advertising in public areas (cont'd)				
Advertisements from foreign gambling operators	It is illegal for any overseas-based gambling operators, other than those licensed in EEA, Gibraltar and white-listed jurisdictions, to advertise their services in the UK.	(a) The ban on gaming machine advertising applies to operators based in other Australian jurisdictions and overseas countries; and (b) overseas-based lotteries, bookmakers and wagering service providers are prohibited ⁽¹⁰⁾ to advertise in NSW.	It is illegal for any common betting houses to advertise their services in Singapore, regardless of the location of these establishments.	It is illegal for any person to advertise offshore bookmaking in Hong Kong.
Requirement to incorporate warning messages	The Industry Code requires non-broadcast gambling advertisements to display the logo or website address of Gamble Aware (www.gambleaware.co.uk). The Industry Code also recommends that gambling operators consider including the words "For more information and advice visit" preceding the website address.	<i>Racing Administration Act 1998</i> requires that any gambling advertisements in any print forms (including posters) to contain the message: "Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635".	Nil.	Nil. ⁽¹¹⁾

Notes: (10) Such restriction does not apply to lotteries, bookmakers and wagering operators licensed in other Australian jurisdictions, although they are subject to the same regulations as those licensed in NSW.

(11) While including a warning message is not a stipulated requirement, all the marketing materials of the betting and lottery services provided by HKJC contain a notice alerting customers to the danger of excessive gambling and information of a treatment and counselling service hotline.

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