

Gambling Ordinance**(Cap. 148)****Contents**

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To amend the law relating to gambling.

[17 February 1977] *L.N. 44 of 1977*
(*Format changes—E.R. 5 of 2018*)

Part I

Preliminary

1. Short title

This Ordinance may be cited as the Gambling Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

betting slip (投注單) includes the whole or any part of a document or thing, or a copy or other reproduction of the whole or any part of a document or thing, which, either alone or in conjunction or combination with—

- (a) any other document or thing or a copy or other reproduction of any other document or thing; or
- (b) part of any document or thing or a copy or other reproduction of part of any document or thing,

evidences the soliciting, receiving, negotiating or settling of a bet; (*Added 53 of 1981 s. 2. Amended 42 of 1990 s. 2*)

bookmaking (收受賭注) means the soliciting, receiving, negotiating or settling of a bet by way of trade or business whether personally or by letter, telephone, telegram or on-line medium (including the service commonly known as the

Internet) or by any other means; (*Amended 42 of 1990 s. 2; 12 of 2002 s. 2*)

contract for differences (差價合約) means an agreement the purpose or effect of which is to obtain a profit or avoid a loss by reference to fluctuations in the value or price of property of any description or in an index or other factor designated for that purpose in the agreement; (*Added 84 of 1993 s. 2*)

gambling (賭博) includes gaming, betting and bookmaking;

gambling equipment (賭博設備) includes playing cards, dice, balls, counters, dominoes, tiles, betting slips, lottery tickets, and any other thing which is devised or used or maintained in or for the purposes of or in connexion with gambling or the operation of a gambling establishment;

gambling establishment (賭場) includes any premises or place, whether or not the public or a section of the public is entitled or permitted to have access thereto, opened, kept or used, whether on one occasion or more than one occasion, for the purposes of or in connexion with unlawful gambling or an unlawful lottery; (*Amended L.N. 184 of 1992*)

game (博彩遊戲) means a game of chance and a game of chance and skill combined and a pretended game of chance or chance and skill combined, and also means any game whatever in which—

- (a) a bank is kept by one or more of the players exclusively of the others; or
- (b) the chances of the game are not equally favourable to all the players, including among the players, the banker or other person by whom the game is managed or against whom the players stake, play or bet;

gaming (博彩) means the playing of or at any game for winnings in money or other property whether or not any person playing the game is at risk of losing any money or other property;

lottery (獎券活動) includes—

- (a) a raffle;
- (b) a sweepstake;
- (c) tse fa (字花);
- (d) hung piu (紅票);
- (e) po piu (舖票);
- (f) any competition for money or other property success in which—
 - (i) involves guessing or estimating the results of future events, or of past events the results of which are not generally known; or
 - (ii) does not depend to a substantial degree upon the exercise of skill by the competitors; and
- (g) any game, method, device or scheme for distributing or allotting prizes by lot or chance,

whether promoted, conducted or managed in or outside Hong Kong; (*Amended 38 of 1994 s. 2*)

owner (擁有人) in relation to premises means any person holding the premises direct from the Government, whether under lease, licence or otherwise, any mortgagee in possession and any person receiving the rent of the premises, solely or with another and on his behalf or that of any person or who would receive the same if such premises were let to a tenant, and, where such owner as above defined cannot be found or ascertained or is absent from Hong Kong or is under disability, also means the agent of such owner; (*Amended 29 of 1998 s. 105*)

place (場所) includes any ship, aircraft or vehicle, and any spot on land or water;

private gain (私有收益) does not include the private gain of any charitable institution or trust of a public character exempt from tax under section 88 of the Inland Revenue Ordinance (Cap. 112);

private premises (私人處所) means premises to which the public have access (whether on payment or otherwise) only by permission of the owner, tenant or occupier of the premises;

racing club (賽會) means any club, association or other body of persons established for the purpose of promoting and conducting fixed odds betting or pari-mutuel betting and for the purpose of promoting cash-sweeps under the authority of the Betting Duty Ordinance (Cap. 108); (*Amended 17 of 2006 s. 23*)

racing club premises (賽會處所) means any land or premises used by a racing club for or in connexion with the purposes of a racing club;

tape recording (錄音帶) means any tape, disc, sound track or other device in which sounds are embodied so as to be capable with or without the aid of some other equipment of being reproduced therefrom;

tenant (租客) includes sub-tenant and **tenancy** (租賃) includes sub-tenancy;

ticket (彩票), in relation to a lottery or proposed lottery, includes the whole or any part of a document or thing, or a copy or other reproduction of the whole or any part of a document or thing, which, either alone or in conjunction or combination with—

- (a) any other document or thing or a copy or other reproduction of any other document or thing; or
- (b) part of any document or thing or a copy or other reproduction of part of any document or thing,

evidences the claim of any person to participate in the lottery;

trade promotion competition (推廣生意的競賽) means a competition or other scheme promoted, conducted or managed for the purpose of promoting a trade or business or the sale of any product. (*Amended E.R. 5 of 2018*)

(*Amended L.N. 110 of 1980; 5 of 2002 s. 407*)

Part II

Gambling and Lotteries Unlawful

3. Gambling is unlawful

- (1) Save as provided in subsections (2), (3), (4), (5), (6), (7) and (8), gambling is unlawful.
- (2) Gaming is lawful if the game is played on a social occasion in private premises and is not promoted or conducted by way of trade or business or for the private gain of any person otherwise than to the extent of a person's winnings as a player of or at the game.
- (3) Gaming is lawful if the game is one in which dice, dominoes, mahjong or tin kau tiles, or playing cards are used and—
 - (a) the game is played on a social occasion in—
 - (i) premises licensed as a restaurant under the Public Health and Municipal Services Ordinance (Cap. 132); (*Amended 10 of 1986 s. 32(1)*)
 - (ii) premises where intoxicating liquor is sold pursuant to a licence or other authorization granted under any Ordinance; or
 - (iii) a club-house in respect of which either of the conditions indicated in section 4(2) of the Clubs (Safety of Premises) Ordinance (Cap. 376) has been satisfied; (*Replaced 38 of 1994 s. 3*)
 - (b) a fee is not charged for admission to such premises;
 - (ba) the game is not played by any person in charge of, managing or involved in the operation of the premises or the club-house or employed at the premises or the club-house; (*Added 38 of 1994 s. 3*)

- (c) the game does not involve playing against a bank kept by one or more of the players exclusively of the others; and
 - (d) the game is not promoted or conducted by way of trade or business, or for the private gain of any person otherwise than to the extent of a person's winnings as a player of or at the game.
 - (4) Gaming is lawful if the game is one in which mahjong or tin kau tiles are used and—
 - (a) it is played in—
 - (i) premises licensed as a restaurant under the Public Health and Municipal Services Ordinance (Cap. 132); or
 - (ii) a club-house in respect of which either of the conditions indicated in section 4(2) of the Clubs (Safety of Premises) Ordinance (Cap. 376) has been satisfied; (*Replaced 38 of 1994 s. 3*)
 - (b) a fee is not charged for admission to the premises;
 - (ba) the game is not played by any person in charge of, managing or involved in the operation of the premises or the club-house or employed at the premises or the club-house; (*Added 38 of 1994 s. 3*)
 - (c) the game does not involve playing against a bank kept by one or more of the players exclusively of the others; and (*Amended 38 of 1994 s. 3*)
 - (d) the game is not promoted or conducted by way of trade or business in the premises, otherwise than to the extent of the charging of a fee not exceeding the prescribed amount for the hire of any set of tiles, or for the private gain of any person otherwise than to the extent of a person's winnings as a player of or at the game.

- (5) Gaming is lawful if the game is—
 - (a) a game of amusement with prizes;
 - (b) a game of tombola; or
 - (c) a trade promotion competition,
the organization and conduct of which is authorized by
licence under section 22.
- (6) Gaming is lawful if—
 - (a) the game is one in which mahjong or tin kau tiles are
used; and
 - (b) it is played in premises licensed for the purpose under
section 22.
- (7) Betting is lawful if the bet is made between persons none of
whom is thereby committing an offence under section 7.
- (8) Gambling is lawful to the extent that it is authorized by or
under the Broadcasting Ordinance (Cap. 562) or the Betting
Duty Ordinance (Cap. 108). (*Amended 48 of 2000 s. 44*)

4. Lotteries are unlawful

- (1) Save as provided in subsections (2) and (3) lotteries are
unlawful.
- (2) Lotteries are lawful if they are authorized by or under the
Betting Duty Ordinance (Cap. 108), the Government Lotteries
Ordinance (Cap. 334) or a licence granted under section 22.
- (3) It is lawful to participate in the chances of a lawful lottery.

Part III

Offences Relating to Gambling and Lotteries

5. Unlawful gambling establishments

Any person who on any occasion—

- (a) operates a gambling establishment;
- (b) manages or otherwise has control of a gambling establishment; or
- (c) in any capacity assists, either directly or indirectly, in the operation or in the management or other control of a gambling establishment,

commits an offence and is liable—

- (i) on summary conviction to a fine of \$5,000,000 and to imprisonment for 2 years; or
- (ii) on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 7 years.

(Amended 42 of 1990 s. 3)

6. Gambling in a gambling establishment

Any person who gambles in a gambling establishment commits an offence and is liable—

- (a) on first conviction to a fine of \$10,000 and to imprisonment for 3 months;
- (b) on second conviction to a fine of \$20,000 and to imprisonment for 6 months;
- (c) on third or subsequent conviction to a fine of \$30,000 and to imprisonment for 9 months.

(Amended 42 of 1990 s. 4)

7. Bookmaking

- (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 \$5,000,000 and to imprisonment for 2 years; or
 - (ii) on conviction on indictment to a fine of \$5,000,000 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 \$5,000,000 and to imprisonment for 2 years; or
 - (d) on conviction on indictment to a fine of \$5,000,000 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*)

8. Betting with a bookmaker

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

- (a) on first conviction to a fine of \$10,000 and to imprisonment for 3 months;
- (b) on second conviction to a fine of \$20,000 and to imprisonment for 6 months;
- (c) on third or subsequent conviction to a fine of \$30,000 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)

9. Promoters of lotteries

Any person who promotes, organizes, conducts or manages, or otherwise has control of, an unlawful lottery commits an offence and is liable—

- (a) on summary conviction to a fine of \$5,000,000 and to imprisonment for 2 years; or
- (b) on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 7 years.

(Replaced 12 of 2002 s. 6)

10. Selling lottery tickets

Any person who—

- (a) sells or otherwise disposes of a ticket relating to an unlawful lottery;
- (b) has in his possession a lottery ticket relating to an unlawful lottery with a view to its sale or other disposal,

commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

11. Buying lottery tickets

- (1) Any person who has in his possession a ticket relating to an unlawful lottery commits an offence and is liable— (*Amended 38 of 1994 s. 4*)
- (a) on first conviction to a fine of \$10,000 and to imprisonment for 3 months;
 - (b) on second conviction to a fine of \$20,000 and to imprisonment for 6 months;
 - (c) on third or subsequent conviction to a fine of \$30,000 and to imprisonment for 9 months.
- (2) In this section, **lottery** (獎券活動) does not include a lottery promoted, conducted or managed outside Hong Kong. (*Added 38 of 1994 s. 4*)

(*Amended 42 of 1990 s. 8*)

12. Publications as to lotteries

- (1) Any person who in any manner— (*Amended 38 of 1994 s. 5*)
- (a) writes, prints or publishes, or causes to be written, printed or published—
 - (i) any ticket relating to an unlawful lottery; or
 - (ii) a list of prizes in an unlawful lottery; or
 - (b) provides or publishes, or causes to be provided or published, expressly or otherwise—
 - (i) any tip, hint or forecast relating to the result of an unlawful lottery; or
 - (ii) any announcement of the result of an unlawful lottery,
- commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

- (2) In this section, *write, print or publish* (書寫、印刷或發行) and *provide or publish* (提供或發行) does not include the advertising of a lottery promoted, conducted or managed outside Hong Kong in an internationally circulated newspaper, magazine, journal or periodical which is not printed or produced in Hong Kong. (*Added 38 of 1994 s. 5*)

13. Gambling in any place not being a gambling establishment or in a street

- (1) Any person who operates or manages or otherwise controls unlawful gambling in any place whatsoever (not being a gambling establishment) whether or not the public have or are permitted to have access thereto, or in any street, commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years. (*Replaced 12 of 2002 s. 8*)
- (2) Any person who gambles unlawfully in any such place or in any street commits an offence and is liable—
- (a) on first conviction to a fine of \$10,000 and to imprisonment for 3 months;
 - (b) on second conviction to a fine of \$20,000 and to imprisonment for 6 months;
 - (c) on third or subsequent conviction to a fine of \$30,000 and to imprisonment for 9 months. (*Amended 42 of 1990 s. 9*)

14. Providing money for unlawful gambling or for an unlawful lottery

Any person who provides any money or other property to any other person knowing that it is to be used by any person in or for or in connexion with unlawful gambling or an unlawful lottery commits an offence and is liable—

- (a) on summary conviction to a fine of \$500,000 and to imprisonment for 2 years; or
- (b) on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

15. Responsibility of owners, tenants, etc.

- (1) No person shall—
 - (a) being the owner, tenant, occupier or person in charge of any premises or place, knowingly permit or suffer such premises or place or any part thereof to be opened, kept or used as a gambling establishment; or
 - (b) let or agree to let, whether as principal or agent, any premises or place knowing that such premises or place or any part thereof are or is to be opened, kept or used as a gambling establishment.
- (2) Any person who contravenes subsection (1) commits an offence and is liable—
 - (a) on summary conviction to a fine of \$500,000 and to imprisonment for 2 years; or
 - (b) on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

16. Cheating at gambling

- (1) Any person who—
 - (a) by any fraud, misleading device or false practice, before or after or in the course of or in connexion with gambling or a lottery, wins from another person, for himself or for any other person ascertained or unascertained, any money or other property; or
 - (b) fraudulently or by any deception whatsoever by words or conduct, including a deception relating to the past, the

present or the future and a deception as to the intentions or opinions of any person, directly or indirectly persuades, incites or induces another person to take part in gambling or a lottery,

commits an offence and is liable on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 10 years.

- (2) Notwithstanding any rule of law or practice to the contrary, a witness shall not in any proceedings under this section be regarded as an accomplice by reason only of his having taken part in the gambling or the lottery.
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Part IIIA

Operating Premises or Places for Promoting or Facilitating Bookmaking, etc., Promoting or Facilitating Bookmaking, etc. and Restriction on Broadcasting of Tips, etc.

(Part IIIA added 12 of 2002 s. 9)

16A. Operating premises or place for promoting or facilitating bookmaking, etc.

- (1) No person shall knowingly operate, manage or otherwise have control of or assist in the operation, management or other control of any premises or place where, whether on one or more than one occasion, bookmaking or betting with a bookmaker (except bookmaking or betting which is lawful by virtue of section 3(8)) is promoted or facilitated.
- (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 \$5,000,000 and to imprisonment for 2 years; or
 - (b) on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 7 years.

16B. Promoting or facilitating bookmaking, etc.

- (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 \$5,000,000 and to imprisonment for 2 years; or
 - (b) on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 7 years.

16C. General provisions relating to sections 16A and 16B

- (1) For the purposes of section 16A(1), bookmaking or betting with a bookmaker is promoted or facilitated if—
 - (a) advertisements to promote bookmaking or betting with a bookmaker are exhibited, disseminated or distributed; or
 - (b) service in any of the following forms is made available—
 - (i) receipt of a bet as an agent whether the bet is ultimately received by the bookmaker within or outside Hong Kong;
 - (ii) transmission of a bet;
 - (iii) receipt of a deposit paid wholly or partly for the purpose of betting;
 - (iv) transmission of a deposit referred to in subparagraph (iii);
 - (v) transmission of winnings on a bet; or

(vi) arrangement for opening or maintaining of an account wholly or partly for the purpose of betting, and in section 16B(1), *promote or facilitate bookmaking or betting with a bookmaker* (推廣或便利收受賭注或向收受賭注者投注) shall be construed accordingly.

- (2) A person may be convicted of an offence under section 16A or 16B in relation to a set of facts notwithstanding that no person is convicted of an offence under section 7 or 8 in relation to the same set of facts.

16D. Responsibilities of owners, tenants, etc. for act prohibited under section 16A

- (1) No person shall—
- (a) being the owner, tenant, occupier or person in charge of any premises or place, knowingly permit or suffer such premises or place or any part thereof to be used as premises or place mentioned in section 16A(1); or
 - (b) let or agree to let, whether as principal or agent, any premises or place with the knowledge that such premises or place or any part thereof is to be used as premises or place mentioned in section 16A(1).
- (2) Any person who contravenes subsection (1) commits an offence and is liable—
- (a) on summary conviction to a fine of \$500,000 and to imprisonment for 2 years; or
 - (b) on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

16E. Restriction on broadcasts of forecasts, hints, odds or tips as to results of horse, pony or dog races

- (1) No person shall, for the purposes of dissemination or

distribution in Hong Kong to the public or a section of the public, broadcast any forecast, hint, odds or tip relating to guessing or foretelling the result of, or contingency regarding any horse, pony or dog race at any time within 12 hours before the conduct of that race.

- (2) Subsection (1)—
- (a) shall apply whether the race in question is or is to be conducted within or outside Hong Kong;
 - (b) shall not apply in relation to any race on which fixed odds betting or pari-mutuel betting is conducted with the authorization under section 6GB of the Betting Duty Ordinance (Cap. 108); (*Amended 17 of 2006 s. 23*)
 - (c) shall not apply in relation to any race which is or is to be conducted as part of any event which is specified by notice published in the Gazette by the Secretary for Home Affairs for the purposes of this paragraph.
- (3) Any person who contravenes subsection (1) commits an offence and is liable—
- (a) on summary conviction to a fine of \$1,000,000 and to imprisonment for 2 years; or
 - (b) on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 7 years.
- (4) A notice published under subsection (2)(c) is not subsidiary legislation.
- (5) In proceedings for an offence under this section, it shall be a defence for the accused to show that he used all due diligence and took all reasonable precautions to avoid the commission of the offence.
- (6) In this section, **broadcast** (廣播) means—

- (a) broadcasts by means of a broadcasting service as defined in section 2(1) of the Broadcasting Ordinance (Cap. 562); or
- (b) broadcasts by transmitting sound for general reception by means of radio waves under and in accordance with a licence granted under section 13C of the Telecommunications Ordinance (Cap. 106),

but does not include broadcasts, by any means, of news or any remarks, observations or comments in relation to such news.

16F. Consent to prosecution under this Part

- (1) No prosecution for an offence under this Part shall be instituted without the consent in writing of the Secretary for Justice.
- (2) Subsection (1) shall not prevent—
 - (a) the arrest of a person for;
 - (b) the issue of a warrant for the arrest of a person for; or
 - (c) remand in custody of a person charged with, any offence under this Part.

Part IV

Proof of Offences

17. Proof of gaming for money not necessary and credit betting no defence

In any proceedings under this Ordinance—

- (a) it shall not be necessary to prove that the gambling or the lottery involved any money or other property or any wager or stake;
- (b) it shall not be a defence to show that any money or other property, or any wager or stake, was not to be collected or was not payable or to be delivered until after the gambling or the drawing of the lottery to which such money or other property or the wager or stake related.

18. Burden of proof that gambling or lottery lawful

In any proceedings for an offence under section 5, 7, 9 or 10, the burden of proving that any gambling was lawful by virtue of section 3 or that any lottery was lawful by virtue of section 4, shall be on the defendant.

19. Presumptions

- (1) Where in any proceedings under this Ordinance there is evidence that—
 - (a) the entry of a police officer to any premises or place under section 23(2)(a) was prevented, obstructed or delayed;

- (b) any premises or place entered under section 23(2)(a) were or was provided with any means for concealing, removing or destroying gambling equipment;
- (c) gambling equipment was found in any premises or place entered under section 23(2)(a) or on any person found in any such premises or place,

it shall, unless there is evidence to the contrary, be presumed that the premises or place are or is a gambling establishment.

- (2) Where in any proceedings under section 6 there is evidence that a person was found in a gambling establishment or that a person escaped from a gambling establishment on the occasion of its being entered under section 23(2)(a), such person shall, unless there is evidence to the contrary, be presumed to have been gambling therein.
- (3) If in any proceedings under this Ordinance there is evidence that any money was found in any premises or place or was found on any person in such premises or place on the occasion of its being entered under section 23(2)(a) where entry was prevented, obstructed or delayed, it shall, unless there is evidence to the contrary, be presumed that such money has been used in or for or in connexion with unlawful gambling.

(Replaced 12 of 2002 s. 10)

20. Admissibility of evidence

- (1) Where in any proceedings under this Ordinance a court is satisfied that a tape recording machine or a tape recording was used in or in connexion with the commission of an offence under section 7 or 8, then a tape recording produced by that machine or the tape recording, as the case may be, shall be admissible in evidence and shall be prima facie evidence of any matter recorded thereon. *(Amended 12 of 2002 s. 11)*

- (2) In any proceedings under this Ordinance a report in a newspaper circulating in Hong Kong that a particular person, horse, pony, dog, team, contestant, entrant or participant was entered as a participant in or participated in a particular competition, race, event or contest, whether or not the competition, race, event or contest is to be or was held in Hong Kong, shall be admissible in evidence and shall be prima facie evidence that the person, horse, pony, dog, team, contestant, entrant or participant was so entered or did so participate. *(Replaced 12 of 2002 s. 11)*
- (3) If in any proceedings under this Ordinance a court is satisfied that by experience or otherwise a police officer has expert knowledge of any practice or device used in or for the purpose of the commission of any offence under the Ordinance, the court may receive evidence from that police officer as to the nature, effect or purpose of the practice or device.
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Part V

Miscellaneous

21. Disconnexion of telephone service

- (1) Where a person is convicted of an offence under section 5, 7 or 8 the court may in addition to any penalty imposed for the offence make an order, which shall continue in force for such period not exceeding 12 months as the court may specify— (*Amended 42 of 1990 s. 10*)
 - (a) requiring the telecommunications service provider to disconnect any telephone service provided to such premises used in or in connexion with the commission of that offence as may be specified in the order;
 - (b) requiring the telecommunications service provider to disconnect any other telephone service provided to the defendant;
 - (c) (*Repealed 12 of 2002 s. 12*)
- (2) The Registrar of the High Court shall notify the telecommunications service provider of the making of an order under subsection (1) and the telecommunications service provider shall take such steps as may be necessary to give effect to it. (*Amended 25 of 1998 s. 2*)
- (3) An order under subsection (1) shall have effect notwithstanding that the defendant is not the subscriber to the telephone service or a party to the agreement with the telecommunications service provider.
- (4) In this section, **telecommunications service provider** (電訊服務提供者) means a licensee as defined in section 2(1) of the Telecommunications Ordinance (Cap. 106). (*Added 12 of 2002 s. 12*)

(Amended 12 of 2002 s. 12)

22. Licences

(1) The public officer appointed by the Secretary for Home Affairs may— *(Amended 17 of 2011 s. 28)*

(a) by licence authorize—

(i) the promotion and conduct of any lottery for the purposes of a club, association or other body of persons approved by the public officer appointed by the Secretary for Home Affairs; *(Amended 17 of 2011 s. 28)*

(ii) the organization and conduct of a game of tombola by a society which is not an unlawful society within the meaning of the Societies Ordinance (Cap. 151) or is a person to whom that Ordinance does not apply; *(Amended 75 of 1992 s. 37)*

(iii) the organization and conduct of a game of amusement with prizes to be conducted on premises licensed under section 4 of the Places of Public Entertainment Ordinance (Cap. 172);

(iv) the organization and conduct of a trade promotion competition by a person engaged in trade or business; *(Added L.N. 110 of 1980)*

(b) license premises for the playing therein of games in which mahjong or tin kau tiles are used. *(Amended L.N. 164 of 1977)*

(1A) *(Repealed L.N. 110 of 1980)*

(2) A licence under subsection (1) may on payment of the prescribed fee— *(Amended L.N. 164 of 1977; L.N. 110 of 1980)*

- (a) be granted for a particular lottery, game or competition; or
 - (b) be granted or renewed for a period of 12 months.
 - (3) Any such licence shall be subject to the prescribed conditions and to any other conditions which the public officer appointed by the Secretary for Home Affairs may impose. (*Amended L.N. 164 of 1977; L.N. 110 of 1980; 17 of 2011 s. 28*)
 - (4) The public officer appointed by the Secretary for Home Affairs may cancel any such licence at any time— (*Amended L.N. 164 of 1977; L.N. 110 of 1980; 17 of 2011 s. 28*)
 - (a) if a condition of the licence is contravened whether or not any person has been convicted of an offence under subsection (6); or
 - (b) he considers that the public interest so requires.
 - (5) Notice in writing of a decision of the public officer appointed by the Secretary for Home Affairs under this section shall be given by the public officer appointed by the Secretary for Home Affairs to the person in respect of whom it is made. (*Replaced 6 of 1994 s. 44. Amended 17 of 2011 s. 28*)
 - (5A) A notice under subsection (5) shall, except in the case of a decision to grant or to renew a licence or to impose other conditions, be accompanied by a statement of the reasons for the decision. (*Added 6 of 1994 s. 44*)
 - (5B) Any person aggrieved by a decision of the public officer appointed by the Secretary for Home Affairs made in respect of him under this section may, within 28 days after receiving notice of the decision, appeal to the Administrative Appeals Board. (*Added 6 of 1994 s. 44. Amended 17 of 2011 s. 28*)
 - (5C) A decision that is appealed against under subsection (5B) shall be suspended in its operation as from the day on which the appeal is made until such appeal is disposed of,

withdrawn or abandoned unless such suspension would, in the opinion of the public officer appointed by the Secretary for Home Affairs, be contrary to the public interest and the notice of the decision contains a statement to that effect. (*Added 6 of 1994 s. 44. Amended 17 of 2011 s. 28*)

- (6) Where a condition of any such licence is contravened, the person to whom the licence was issued commits an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (7) Any person who commits an offence under subsection (6) is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

23. Search of suspected gambling establishments

- (1) A police officer of or above the rank of superintendent may, if he reasonably suspects that any premises or place are or is a gambling establishment, authorize in writing any police officer to enter and search the premises or place.
- (2) A police officer to whom an authorization is issued under subsection (1), and any other police officer acting under his direction, may—
 - (a) enter, by force if necessary, the premises or place specified in the authorization and search the same;
 - (b) arrest any person who is found in such premises or place or who escapes from such premises or place;
 - (c) search any person who is found in such premises or place or who escapes from such premises or place;
 - (d) seize and detain any gambling equipment found in such premises or place or found on any person in such premises or place or found on any person who escapes from such premises or place;

- (e) seize and detain any money or other property—
 - (i) being used in or for or in connexion with gambling in such premises or place;
 - (ii) found on any person operating, or managing or otherwise controlling, any gambling establishment in such premises or place or on any person assisting in the operation or in the management or other control of any such establishment; or
 - (iii) found on any person found in such premises or place where entry under paragraph (a) is prevented, obstructed or delayed.
- (3) No person shall be searched under this section except by a person of the same sex.
- (4) Any person who obstructs any police officer authorized under subsection (1) or any other police officer acting under his direction from entering the premises or place specified in the authorization commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years. *(Added 42 of 1990 s. 11)*
- (5) Where a person delays the entry of any police officer referred to in subsection (4) into any premises or place so referred to, he shall be presumed, until the contrary is proved, to have delayed entry for the purpose of obstructing such police officer from entering such premises or place. *(Added 42 of 1990 s. 11)*

23A. Search of premises or place for promoting or facilitating bookmaking, etc.

- (1) A police officer of or above the rank of superintendent may, if he reasonably suspects that—
 - (a) an offence under section 16A is being or has been committed in relation to; or

- (b) an offence under section 16B is being or has been committed in,
any premises or place, authorize in writing any police officer to enter and search the premises or place.
- (2) A police officer to whom an authorization is issued under subsection (1), and any other police officer acting under his direction, may—
 - (a) enter, by force if necessary, the premises or place specified in the authorization and search the same;
 - (b) arrest any person who is found in such premises or place or who escapes from such premises or place;
 - (c) search any person who is found in such premises or place or who escapes from such premises or place;
 - (d) seize and detain any thing found in such premises or place or found on any person in such premises or place or found on any person who escapes from such premises or place, which is being or has been used in connexion with an act prohibited by section 16A or 16B;
 - (e) seize and detain any money—
 - (i) being—
 - (A) money paid pursuant to a bet with a bookmaker;
 - (B) winnings on such a bet; or
 - (C) a deposit paid wholly or partly for the purpose of such a bet;
 - (ii) found on any person operating, managing or otherwise controlling such premises or place or on any person assisting in the operation, management or other control of such premises or place; or

- (iii) found on any person found in such premises or place where entry under paragraph (a) is prevented, obstructed or delayed.
- (3) No person shall be searched under this section except by a person of the same sex.
- (4) Any person who obstructs any police officer authorized under subsection (1) or any other police officer acting under his direction from entering the premises or place specified in the authorization commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.
- (5) Where a person delays the entry of any police officer referred to in subsection (4) into any premises or place so referred to, he shall be presumed, until the contrary is proved, to have delayed entry for the purpose of obstructing such police officer from entering such premises or place.

(Added 12 of 2002 s. 14)

24. Seizure of equipment etc. in case of offence under section 13

If a police officer reasonably suspects that an offence under section 13 is being or has been committed in any place referred to in that section or in any street, he may seize and detain—

- (a) any gambling equipment found in such place or street or in the possession of any person whom he reasonably suspects of committing or having committed any such offence; and
- (b) any money or other property so found which appears to him to have been used in or for or in connexion with the commission of any such offence.

25. Bookmaking on racing club premises

- (1) A racing club shall use all reasonable and lawful means (including the removal of persons from racing club premises

under subsection (2)) to prevent the commission of offences under section 7 or 8 on the racing club premises. (*Amended 12 of 2002 s. 15*)

- (2) A person authorized for the purpose of this section by a racing club may, if he has reason to suspect that a person is committing an offence under section 7 or 8 on the racing club premises, require such person to leave the premises and, if he fails to do so, remove him therefrom. (*Amended 12 of 2002 s. 15*)
- (3) Any person who, having left or been removed from racing club premises after being required to leave the same under subsection (2), re-enters the premises on the same day commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.
- (4) Nothing in this section shall affect any other right of a racing club to exclude or remove a person from racing club premises.

26. Forfeiture

If in any proceedings under this Ordinance or otherwise on application by or on behalf of the Commissioner of Police, a court is satisfied that any money, gambling equipment or other property, not being immovable property, has been used in or for or in connexion with or is or represents the proceeds of or is derived from unlawful gambling or an unlawful lottery, the court shall order that it be forfeited to the Government, whether or not any person has been convicted of an offence under this Ordinance.

(Amended L.N. 110 of 1980; 42 of 1990 s. 12; 34 of 1999 s. 3; 12 of 2002 s. 16)

27. Obstruction of police officers

Subject to section 23(4) or 23A(4), any person who obstructs a police officer in the exercise of the powers conferred on him by this Ordinance commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 3 months.

(Amended 12 of 2002 s. 17)

28. Regulations

The Chief Executive in Council may by regulation provide for— *(Amended 34 of 1999 s. 3)*

- (a) the manner in which applications for licences shall be made;
- (b) the form of applications and licences;
- (c) the promotion and conduct of games; and
- (d) anything that is to be or may be prescribed.

29. Exclusion of contracts under the Securities and Futures Ordinance

This Ordinance shall not apply to any contract for differences which is listed on any specified stock exchange, or traded on any specified futures exchange, within the meaning of section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571), save to the extent that this Ordinance applies to the contract by virtue of section 404(2) of that Ordinance.

(Replaced 5 of 2002 s. 407)

Schedule

(Repealed 5 of 2002 s. 407)