

**HOME AFFAIRS DEPARTMENT
OFFICE OF THE LICENSING AUTHORITY**

**GUIDANCE NOTES ON APPLICATION FOR THE GRANT OF
AMUSEMENTS WITH PRIZES LICENCE**

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Note

This is not a legal document. Information contained in this Guidance Notes is for reference only. All matters arising from an application for the grant of an AWPL are dealt with in the manner prescribed in the Gambling Ordinance (Cap. 148).

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HOW TO APPLY FOR AN AMUSEMENTS WITH PRIZES LICENCE

Any person who wants to organize or conduct a game of amusement with prizes has to apply for an AWPL from the public officer appointed by the Secretary for Home and Youth Affairs (the public officer). The premises at which the games of amusements with prizes are conducted must be covered by a valid Places of Public Entertainment Licence (PPEL) granted by the Food and Environmental Hygiene Department (FEHD) under the Places of Public Entertainment Ordinance (Cap. 172).

The law under which an AWPL is issued

AWPL is issued in accordance with the provisions of the Gambling Ordinance (Cap. 148) and the Gambling Regulations (Cap. 148A). You may access the Hong Kong e-Legislation at <https://www.elegislation.gov.hk> for contents of the relevant legislation.

Some examples

The examples set out below are for general reference only and must not be taken as legal advice or implication that certain kinds of games require or do not require a licence. Each case must be determined on its own facts and circumstances. Even if a case is similar to the examples set out below, there may be other circumstances of the case that would lead to a different result. You must refer to the Gambling Ordinance (Cap. 148) and seek independent legal advice, where necessary, on whether a licence is required.

The organization and conduct of a game of amusement with prizes on premises licensed under a PPEL (for example, family amusement centres, places in or on which functions like funfair, bazaar and grand fete are presented or carried out) will usually require an AWPL.

How to apply

Application for an AWPL should be made to the Office of the Licensing Authority of the Home Affairs Department (OLA) at Unit 2503-05, 25th Floor,

AIA Tower, 183 Electric Road, North Point, Hong Kong, with the envelope indicating “Application for the Amusements With Prizes Licence”. You can also submit your application via the electronic submission channel at (<https://eform.cefs.gov.hk/form/had063/en/>). Applicant may also make reference to Enclosure 9 - Sample of Completed Form 3, Enclosure 10 – Sample of Amusements with Prizes Game List and Enclosure 11 – Samples of Amusements with Prizes Game when completing the application form. You may also download the relevant documents and access to the application details from the website of the OLA (<https://www.hadla.gov.hk/el/en/entertainment/forms.php>). For applications submitted via electronic submission channel, applicants have to submit the required supporting documents (*if applicable*) with the transaction reference number quoted to the OLA (by hand or by mail), *within 7 working days* after making the electronic submission. For the information related to the application of PPEL, please refer to the FEHD’s website (<http://www.fehd.gov.hk>).

Where an application is made on behalf of a company within the meaning of the Companies Ordinance (Cap. 622), Forms 3 and 7 should be completed. Where an application is made on behalf of a club or society in respect of which the Societies Ordinance (Cap. 151) applies, Forms 3 and 8 should be completed. Where an application is not made on behalf of a company or such a society or club, Forms 3 and 6 should be completed.

Before completing the forms, please read the conditions carefully and fill in the forms in Chinese or English. If you have any enquiry, you may contact the staff of the OLA (Tel: 2116 5230).

The completed original of the forms should be sent to the OLA together with the supporting documents specified in the checklist (Enclosure 6). It normally takes three to four weeks to process an application for a licence*. Applicants are advised to submit their applications as early as possible. However, actual time for the issue of licence will be subject to availability of all the required documents and the PPEL. If a licence is granted, a licence fee of \$3,200 is payable unless an application for waiver or reduction of the licence fee has been endorsed.

Application for waiver of licence fee will not normally be considered unless the applicant organization (or its ‘parent’ organization) is a charitable institution or trust of a public character being exempted from tax under section 88

of the Inland Revenue Ordinance (Cap. 112). Application for reduction of licence fee will not normally be approved unless the applicant organization is a non-commercial or voluntary services group and does not charge or collect any fee for the participation in the games or admission to the venue. Each application for a waiver or a reduction of the licence fee will be considered on its own facts and circumstances.

When you have been granted a licence

You should read all the licence conditions very carefully and make sure that they are properly complied with when the games take place. If you do not abide by these conditions, you are liable to be prosecuted. It may also result in cancellation of your licence. The AWPL is only valid for the place, time and date or period specified.

Change of particulars of a licence

If you need to change the particulars of an AWPL such as the date or place of the games or the types of games/game machines, you should apply to the public officer and explain in writing the reasons for the changes required. If permission is given, you are required to submit the licence to the OLA for amendment upon payment of an official signature fee. The current fee is \$155.

- * Remarks: Refer to processing time by this office alone. According to our performance pledges, 3 weeks will be required for issue of a short-term licence while 4 weeks will be required for issue of an annual licence. Upon receipt of PPEL from the FEHD, an AWPL will be issued in 8 working days provided that the game list as attached to the PPEL is the same as that attached to the Further Consideration letter issued by the public officer.

Gambling Ordinance (Cap. 148)

22. (1) The public officer appointed by the Secretary for Home and Youth Affairs may-
- (a) by licence authorize -
- (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);
- (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 and Youth Affairs may impose.
- (4) The public officer appointed by the Secretary for Home and Youth Affairs may cancel any such licence at any time -
- (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 and Youth Affairs under this section shall be given by the public officer appointed by the Secretary for Home and Youth Affairs to the person in respect of whom it is made.
- (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.
- (5B) Any person aggrieved by a decision of the public officer appointed by the Secretary for Home and Youth 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.
- (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 and Youth Affairs, be contrary to the public interest and the notice of the decision contains a statement to that effect.
- (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.

Places of Public Entertainment Ordinance (Cap. 172)

4. (1) No person shall keep or use any place of public entertainment without a licence granted under this Ordinance.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine between \$10,001 to \$25,000 and imprisonment for 6 months, and to a further fine of \$2,000 for every day during which the offence has continued.

Amusements With Prizes Licence

Enclosure 3

附件 3

有獎娛樂遊戲牌照

CONDITIONS

條件

1. No prize offered shall be a money prize.
不得提供現金獎。
2. The opportunity to win a prize shall not be the only inducement to persons to attend the premises.
贏取獎品的機會不應是出席該處所的人的唯一動機。
3. The amount paid by any person for any one chance to win a prize shall not exceed \$5.
任何人士就任何一個中獎機會而付出的款項不得超過\$5。
4. The aggregate amount taken by way of the sale of chances in any one determination of winners, if any, of prizes shall not exceed \$100.
在每一局決定得獎者（如有的話）的遊戲中，銷售中獎機會所得的累積款額不得超過\$100。
5. No individual prize in the form of money's worth that is distributed or offered shall exceed the value of \$.....
分發或提供的個別獎品，如以現金計值，其價值不得超過\$.....。
6. The winning of a prize shall not entitle a person to any further opportunity to win.
獎品的贏取，不得令該贏取獎品者有機會再中獎。
7. The sale of chances and the declaration of the result shall take place on the same day and on the premises on which and during the time when the amusement is provided.
銷售中獎機會及宣布結果必須在同一日在提供娛樂的處所內及於提供娛樂的時間內作出。
8. A police officer of or above the rank of Sergeant shall during the time the amusement is provided, be permitted to enter the premises for the purpose of ensuring that the conditions of this licence are complied with.
警長或以上職級的警務人員，均有權在提供娛樂的時間內進入該處所，以確保本牌照的條件獲遵守。

Special Condition

特別發牌條件

The following special condition is imposed by the public officer in accordance with section 22(3) of the Gambling Ordinance (Cap. 148) –

有關公職人員根據《賭博條例》（第 148 章）第 22(3)條，附加下列特別發牌條件：

Except the games of amusement with prizes approved by the public officer for the licensed premises, no other machines/devices and/or games of amusement with prizes, which are gambling in nature, shall be installed or placed for use or operation in the premises.

除有關公職人員就持牌處所批准的有獎娛樂遊戲外，處所內不得安裝或放置其他屬於賭博性質的機器 / 裝置及 / 或有獎娛樂遊戲供使用或操作。

Amusements With Prizes Licence

Waiver, Reduction or Refund of Licence Fee

Pursuant to regulation 6 of the Gambling Regulations (Cap. 148A), the public officer appointed by the Secretary for Home and Youth Affairs (the public officer) may waive, reduce or refund the whole or any part of the fee payable upon the grant of an AWPL (the licence fee). Applicant for or licence holder of an AWPL may apply to the public officer for a waiver, a reduction or a refund of the licence fee.

Application for Waiver of Licence Fee

The public officer will normally consider granting an application for waiver of the licence fee if the applicant organization or the 'parent' organization of the applicant organization is a charitable institution or trust of a public character which is exempted from tax under section 88 of the Inland Revenue Ordinance (Cap. 112).

Application for Reduction of Licence Fee

The public officer will normally consider granting an application for reduction of the licence fee (i.e. to the current level of the official signature fees) if the applicant organization is a non-commercial or voluntary services group and does not charge or collect any fee for the participation in the games of amusements with prizes or admission to the venue.

A request for waiver or reduction of licence fee should be made by the applicant of the licence in writing to the public officer stating the reasons and enclosing all supporting documents for the public officer's consideration. Each request will be determined on its own facts and circumstances.

Application for Refund of Licence Fee

Alternatively, licence holders may apply for a refund of licence fee after the completion of the game of amusement with prizes. The public officer will normally consider granting an application for refund of the licence fee if

the licence holder is able to show that at least 75% of the proceeds received has been donated to charitable institution(s) or trust(s) of a public character which is exempted from tax under section 88 of the Inland Revenue Ordinance (Cap. 112).

The application for refund of the licence fee should be made by the licensee in writing to the public officer stating the reasons and enclosing all relevant documents in support of the application, including a copy of statement of income and expenditure setting out all moneys collected or received from the operation of the game(s) of amusement with prizes as authorized by the licence and every disbursement made from the moneys so collected or received as well as copies of receipt of donation from the beneficiaries, for the public officer's consideration.

Each case will be considered on its own merits.

Amusements With Prizes Licence **Payment of Licence Fee**

The licence fee is as follows—

<i>Licence</i>	<i>Amount of Fee</i>
Amusements With Prizes	HK\$3,200

How to Make Payment?

Please visit the OLA (Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong) in person between 9:30 a.m. and 12:00 noon or between 2:00 p.m. and 4:00 p.m. (except Saturdays, Sundays and public holidays) to obtain a demand note. We will show you how to make the payment. Please note that starting from November 2019, we **do not handle cash/ cheque transactions.** **Do not send cash/ cheque by mail to avoid delay in processing application.**

Refund

Please keep the original official receipt. In case the application is refused or withdrawn by you before the issue of licence, payment will be refunded only upon surrender of the original official receipt.

Amusements With Prizes Licence

Checklist for Making an Application

[Please tick (✓) the appropriate boxes and provide complete information on those items.]

This checklist enumerates the documents/information that should be provided in submission of your application:

- Application Form (Form 3 and Form 6 or 7 or 8)**
 - address of the premises under application is clearly described
 - date/period of the organization/conduct of games is specified
 - amount to be paid for one chance to win a prize does not exceed \$5
 - value of an individual prize does not exceed \$300
 - details of previous applications for AWPL are given
 - dated and signed by the applicant

- Statement to the Commissioner of Police**
 - a copy of the applicant's Hong Kong Identity Card is attached
 - dated and signed by the applicant

- Methods of Payment and Collection of Licence**
 - licence fee of \$3,200 prepared (**do not send cash/ cheque by mail** to avoid delay in processing application.)
 - application letter for a waiver or a reduction of the licence fee with explanation together with the supporting documents are enclosed
 - method to collect the licence is indicated
 - dated and signed by the applicant

- Proposed Games of Amusements With Prizes**
 - a game list showing the name and quantity of each prize-giving game under application is attached
 - colour photographs showing the appearance and playfield of the game machines/stalls are attached (for the licence duration of 2 weeks or longer)
 - descriptions of the playing methods of the game(s) are given
 - nature of prizes or number of redemption tickets to be given away
 - the games are included in the game list attached to the Places of Public Entertainment Licence (PPEL), if applicable

Vetting Criteria for Games of Amusements With Prizes

For any new game of amusements with prizes, the public officer appointed by the Secretary for Home and Youth Affairs will scrutinize its content with regard to the following –

- (a) the presence of gambling element in the game :
 - (i) whether it is a gambling game generally perceived by the public (e.g. roulette, slot machine);
 - (ii) whether it is a game of pure chance; and
 - (iii) whether it involves the use or display of gambling equipment/symbol(s).
- (b) the existence of obscene / indecent content; and
- (c) the safety element of the game for players / the public.

If the game does not meet the above criteria, approval shall not be given.

Note:

Under the current licensing policy, video game shall only be installed in an Amusement Game Centre licensed under the Amusement Game Centres Ordinance (Cap. 435)

**Provision of Personal Data
in Connection with an Application for Amusements With Prizes Licence
under the Gambling Ordinance (Cap. 148)**

Purposes of Collection of Personal Data

The personal data provided by you or the solicitor/agency on your behalf to the OLA in connection with your application for AWPL under the Gambling Ordinance (Cap. 148) will be used for the following purposes :—

- (a) to facilitate assessment of your application for the grant of the licence;
- (b) to facilitate enforcement of the laws, regulations or conditions in respect of the licence; and
- (c) to facilitate communication between the Government and yourself on your application and other relevant licensing matters.

The forms must be completed in full. If you do not provide sufficient information, the OLA may not be able to process your application.

Transfer of Personal Data

2. The personal data you provide may be transferred to other Government departments for the purposes mentioned in paragraph 1 above.

Correction and Access to Personal Data

3. For correction of or access to personal data given by you in the application, please contact the OLA at 2116 5137 or 2116 5230.

Sample of Completed Form 3

SAMPLE

FORM 3

Application No.

GAMBLING REGULATIONS

To the public officer appointed by the Secretary for Home and Youth Affairs ("the public officer")

APPLICATION FOR AMUSEMENTS WITH PRIZES LICENCE

BEFORE completing this application READ the Note below.

Always FULL

I hereby apply for a licence to organize and conduct games of amusement with prizes on premises situation Room 1H, Always Full Building, 998 Gloucester Road, Wan Chai, Hong Kong at

and described as Always Full Amusements Land, being premises licensed as a place of public entertainment under section 4 of the Places of Public Entertainment Ordinance (Cap. 172).

In support of my application I attach Form 8 or 7 or 6 duly completed, together with the following particulars: (see Note 2 below)

1. The games of amusement with prizes will be conducted in support of public attendance at the premises

(a bazaar, public attendance at the premises) the time throughout the year / exact event date to be held

2. The method of operation of the games of amusements with prizes are (shooting gallery, lucky dip, fishing for prizes) Please see the attached list of games of amusements with prizes and games

3. The cost of participation in each game will be \$ 0 -- 5

4. The value of an individual prize will not exceed \$ 300

I certify that the information supplied by me in this application is to the best of my knowledge and belief, both true and correct.

Dated this 1st day of October, 2019

Please submit the application together with the required documents not less than 3 weeks (for short-term licence) or 4 weeks (for annual licence) prior to the commencement of the event.

If the licence period lasts for 2 weeks or more, AWPL will only be issued after the PPEL has been issued by the Food and Environmental Hygiene Department, and any amusements with prizes game list attached to the PPEL are checked to be identical to that attached to the Further Consideration Letter of the AWPL.

A FULL (Signature)

Note: This sample is for reference only. It may not cover all the circumstances. For enquiries, please contact us.

An employee has to apply on behalf of the company. If you are the applicant, fill in your full name which should be identical to that as shown on your Hong Kong Identity Card (HKIC) or passport.

For use by the OLA

State the event name (for short-term licence) or premises name (for annual licence)

When submitting the application, applicant should ensure the premises is licensed with the Places of Public Entertainment Licence or the relevant application is being processed.

State the nature of the premises or the event

8 - if your organization is a registered club/society; 7 - if your organization is a registered company; 6 - neither of the above.

Short-term licence Please fill in the event period from which date to which date Annual licence Please specify as 'the time throughout the year'

The amount paid by any person for any one chance to win a prize shall not exceed \$5.

Please attach an amusements with prizes game list showing the name and quantity of each amusements with prizes game under application. Please describe clearly the playing methods / rules of the games and the nature of prizes to be distributed. If the licence period lasts for 2 weeks or more, colour photographs showing the appearance of the game machines and/or the drawing/ photographs showing the appearance and playfields of the game stalls are also required. Please refer to Enclosures 10 and 11.

No cash prize is allowed. No individual prize in the form of money's worth that is distributed or offered shall exceed the value of \$300.

Sample of Amusements With Prizes

SAMPLE

Amusements With Prizes Game List -

	Name of Game Machines	Quantity
1.	ABC	1
2.	DEF	3

Note: This sample is for reference only. It may not cover all the circumstances. For enquiries, please contact us.

Samples of Amusements With Prizes Game

SAMPLE 1

Name of Game : **ABC**

<u>Colour Photograph of the Amusements with Prizes Game</u>	<u>Playing Method</u>
<p><i>(1. For game machine – Please provide colour photograph to clearly display the machine outlook, machine front view and the playfield with annotation to show the machine features.</i></p> <p><i>2. For game stall – Please provide colour sketch to clearly display the stall/play areas.)</i></p>	<p><i>(The following is a playing mode of one of the games and its content is for reference only. If there is more than one playing mode, please specify the instructions and prize type for each playing mode in detail.)</i></p> <ol style="list-style-type: none"> 1. Insert a token to the ‘Token Slot’ of the machine. 2. Press the ‘Start Button’ to start the game. 3. Aim and hit the targets coming out from the holes with the tool provided (which is made by plastic/ soft foam) by the machine within a prescribed time. 4. Get designated score for hitting one target; Get more scores to win more tickets by hitting more targets. 5. The game will end when reaching the prescribed time. <p>Type of prize: Prize tickets</p>

Note: This sample is for reference only. It may not cover all the circumstances. For enquiries, please contact us.

Samples of Amusements With Prizes Game

SAMPLE 2

Name of Game : **DEF**

<u>Colour Photograph of the Amusements with Prizes Game</u>	<u>Playing Method</u>
<p><i>(1. For game machine – Please provide colour photograph to clearly display the machine outlook, machine front view and the playfield with annotation to show the machine features.</i></p> <p><i>2. For game stall – Please provide colour sketch to clearly display the stall/play areas.)</i></p>	<p><i>(The following is a playing mode of one of the games and its content is for reference only. If there is more than one playing mode, please specify the instructions and prize type for each playing mode in detail.)</i></p> <ol style="list-style-type: none">1. Get four rings from the counter.2. Throw the rings towards the fenced area while the body cannot step beyond the yellow line.3. Win the game if the ring(s) can toss around any of the colour plastic bottles in the fenced area.4. Subject to the colour of the plastic bottles that the ring(s) can toss, a participant will get different prizes:<ul style="list-style-type: none">- Small prize for yellow bottles- Big prize for green bottles- Jumbo prize for red bottles5. The game will end when all rings have been tossed. <p>Type of prize: Stationery and candies</p>

Note: This sample is for reference only. It may not cover all the circumstances. For enquiries, please contact us.