

Mahjong/Tin Kau Licence

Application Forms and Guide

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Consent Form to Release of Criminal Records*

Note (*) These forms together with documents as specified in this Guide have to be submitted to the Office of the Licensing Authority, Home Affairs Department (OLA) for processing of your application.

Office of the Licensing Authority
Home Affairs Department

July 2022

I. Statutory Provisions

Mahjong/Tin Kau Licence Gambling Ordinance, Cap 148

22. (1) The public officer appointed by the Secretary for Home and Youth Affairs may -
(b) license premises for the playing therein of games in which mahjong or tin kau tiles are used.

(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(5B) shall be suspended in its operation as from the day on which the appeal is made until such appeal is disposed of, withdrawn or abandoned unless such suspension would, in the opinion of the public officer appointed by the Secretary for Home and Youth Affairs, be contrary to the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.

II. Conditions of Mahjong/Tin Kau Licence

Prescribed Conditions

1. No games shall be played except between the hours of noon and the following midnight.
2. No person under the age of 18 years shall be permitted to play in the games.
3. Neither the licensee nor any person acting on his behalf or under any arrangement with him shall make any loan or otherwise provide to any person any credit for enabling a player to take part in a game or in respect of any losses incurred by a player in a game.
4. A notice setting out in English and Chinese, all fees, commissions, percentages and hire prices charged shall be prominently displayed at the licensed place.
5. The commission or charge levied against the stakes hazarded in a game shall not exceed the percentage of such stakes as shown in the licence.
6. A police officer of or above the rank of Sergeant shall during the hours of play, be permitted to enter the premises for the purpose of ensuring that the conditions of this licence are complied with.
7. The licensee shall keep a statement of account in the attached form for every calendar month in respect of each day's play including the number of games played, winnings and losses incurred by employees and commission retained. If during the period of 7 years after the last day of the month to which the statement relates, the public officer makes a written request for a copy of the statement, the licensee shall forward such copy to the public officer within 7 days after the date on which the request is made.
8. No person shall be employed by the licensee without the prior written approval of the public officer.
9. No person shall be appointed as agent by the licensee to manage the licensed premises without the prior written approval of the public officer.
10. The licensee shall keep a register of all persons who are employed at the licensed place and who assist in the conduct of the games. The register shall contain their names, identity card numbers, descriptions, addresses, photographs and indicate their respective duties. The licensee shall keep the register up to date and make it available for inspection by the public officer and any police officer of or above the rank of Sergeant.
11. All persons employed by the licensee shall while on duty wear identity badges with photographs and stating the purpose for which they are employed.
12. The licensee shall not transfer, lend or hire this licence to any person.

13. The licensee or his appointed agent shall be present at the premises at all times during the hours of play.
14. There shall be no communicating staircase between residential quarters and the licensed premises.

Special Conditions

The following special conditions are imposed by the public officer in accordance with Section 22 (3) of the Gambling Ordinance, Cap. 148 :

- (a) No alteration of the premises is permitted without the prior written approval of the public officer.
- (b) The number of tables in the premises for games in which mahjong/tin kau tiles are used shall not exceed the number of tables permitted in the licence. The tables for games shall be positioned in strict accordance with the layout plan approved by the public officer.
- (c) The licensee shall display and keep displayed the notice provided by the public officer at a prominent place near the main entrance of the licensed place denoting that the premises have been issued with a mahjong/tin kau licence.

Note: “The public officer” means the public officer appointed by the Secretary for Home and Youth Affairs under the Gambling Ordinance (Cap. 148) and the Gambling Regulations (Cap. 148A).

III. Brief Policy Guidelines on Issue of Mahjong/Tin Kau Licence

1. The Law

Section 22(1)(b) of the Gambling Ordinance (Cap. 148) provides, inter alia, that the public officer appointed by the Secretary for Home and Youth Affairs (“the public officer”) may license premises for the playing therein of games in which mahjong or tin kau tiles are used.

2. Points for consideration before the issue of a Mahjong/Tin Kau Licence

Each application will be considered on its own merits. However, the public officer will consider major factors listed in (i) to (vi) below.

(i) Cogent need for a lawful gambling outlet

Government's policy is that a mahjong/tin kau parlour (MJP) should, as a general rule, be allowed to be set up only if a cogent need for such an outlet is established.

(ii) Suitability of the applicant

The applicant should be found suitable for managing a MJP.

(iii) Suitability of the proposed premises

The proposed premises should be found suitable for use as a MJP from structural and means of escape points of view, as well as in terms of the lease of the land.

(iv) Suitability of the proposed location

The location of the proposed premises should be found suitable. As a general rule, the proposed MJP should not be located within a pure residential neighbourhood or in close proximity to an educational or religious institution or an institution or facility catering to children and youths. Besides, the establishment of the proposed MJP should not result in an undue concentration of MJPs in the locality.

(v) Local reaction

The public officer would assess the local reaction to the establishment of the proposed MJP and the potential objection if the application is approved, with the assistance of the relevant District Officer.

(vi) Sympathetic consideration for a “relocation” case

An application may be considered with some degree of sympathy if a licensee relocates his premises to a site within the immediate neighbourhood, if the application is made when his licence is still in force, and if the new application does not lead to any increase in the number of gaming tables. In such cases, however, the other considerations as stated under these guidelines will continue to apply.

The public officer may include in the Mahjong/Tin Kau Licence any other licensing conditions as he considers appropriate.

Since it is not possible to know whether an application would be supported for further consideration at the stage of application, applicants are strongly advised not to incur any expenditure or enter into any form of financial commitment in relation to the proposed premises.

IV. Application Procedures and Point to Note

A. Application Procedures and Point to Note

1. If you wish to apply for Mahjong/ Tin Kau Licence, please submit, **either by post or in person**, the duly completed application forms in **duplicate**, together with the relevant documents in Part B below to the Office of the Licensing Authority, Home Affairs Department (OLA) at Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong. For application by post, please **affix sufficient stamp** to ensure delivery in order.
2. As OLA requires original application forms which bear the personal signature of the applicant, application by fax is not accepted.
3. You can also submit your application via the electronic submission channel at (<https://eform.one.gov.hk/form/had101/en/>).
4. For an application made by an individual, Forms 5 and 6 should be completed. If an application is made on behalf of a company within the meaning of the Companies Ordinance (Cap. 622), Forms 5 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 5 and 8 should be completed.
5. Please note that in completing Form 5, the described name of the premises should be the same as the company name shown in the Business Registration Certificate submitted.
6. The statutory fee for a mahjong/tin kau licence is HK\$ 1,145 per table per year, and there is no other fee required. No payment should be made now in respect of your application. If your application is approved, OLA will inform you by letter about payment of licence fee.

B. Documents Required to be Submitted

1. Completed Form 5 and 6/ Form 5 and 7/ Form 5 and 8 (in Duplicate)*
2. Contact Details of Applicant*
3. Consent Form for the Release of Criminal Records*
4. Copy of the Applicant's Hong Kong Identity Card (in Duplicate)
5. Copy of "Business Registration Certificate"

6. For an application made by an individual (i.e. submission of Form 6), please also submit a copy of the “Certified Extracts of Information of the Business Register” (showing the records of owners of the company).
7. For an application made on behalf of a company within the meaning of the Companies Ordinance (Cap. 622) (i.e. submission of Form 7), please also submit a copy of the “Certificate of Incorporation”, “Memorandum of Association” (if any) and “Articles of Association”.
8. For an application made on behalf of a club or society in respect of which the Societies Ordinance (Cap. 151) applies (i.e. submission of Form 8), please also submit a copy of the “Certificate of Registration of a Society” and any club rules/constitution if your organization.
9. If the applicant is not the sole proprietor of the respective company, please also submit the minutes of meeting or written consent of all owners/ shareholders of the company agreeing the applicant to apply for the mahjong/tin kau licence under the name of/ on behalf of the company.
10. A layout plan of the proposed premises which should be drawn to scale to indicate the dimension and any partitioning of the proposed premises, and the position of all mahjong/tin kau tables placed therein.
11. A written consent from the landlord/ owner(s) of the proposed premises showing that the landlord/ owner(s)’ agreement on the applicant’s application for a mahjong/tin kau licence at the proposed premises and that Government officers may enter the premises to conduct site inspection.
12. A “Land Register” showing the ownership particulars of the proposed premises issued by the Land Registry.
13. If the applicant wishes to appoint any legal representative or agent to handle the application for mahjong/tin kau licence on his/her behalf, please also submit the respective authorization letter.
14. Any supplementary information (e.g. letter) the applicant wishes to provide.

* The forms/documents are attached at the Annex to this Guide.

V. Notes for Provision of Personal Data

Application for the Grant of 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 Office of the Licensing Authority of Home Affairs Department (OLA) in connection with your application for mahjong/tin kau licence under 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 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, 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 Licensing Officer (Miscellaneous)¹ of the OLA at 2117 2977.

VI. Sample of Completed Form 5

This form should be submitted to Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong. For application by post, please **affix sufficient stamp** to ensure delivery in order.

FORM 5

A representative of an organisation has to apply for a licence on behalf of the organisation. If you are the applicant, enter here your full name which should be identical to that as on your HKID card.

Application No.

GAMBLING REGULATIONS

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

APPLICATION FOR MAHJONG/TIN KAU LICENCE

The described name of the premises should be the same as the company name shown in the Business Registration Certificate submitted.

BEFORE completing this application READ the *Note* below.

I, **Chan Tai Man**, hereby apply for a licence to provide facilities for the playing of games in which mahjong/tin kau tiles are used at the premises situated at **G/F, XX Street, North Point** (address)

and described as **ABC Mahjong Company** (name)

Address of the mahjong parlour

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

1. The games that will be played are **Mahjong** (mahjong, tin kau)

mahjong and/or tin kau

2. The number of tables that will offer games are as follows:

Game	No. of Tables
Mahjong	20

The proposed maximum number of tables to be put in the parlour

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

3. Will an admission fee be charged? **100** Yes/No
If "Yes", how much \$.....

4. Will the house set a limit on the maximum unit the players may gamble in a game? Yes/No
If "Yes", how much \$..... **100**

5. Will employees of the house on some occasions act as players? Yes/No
If "Yes", approximately how many? **10**

6. The commission or charge levied for an individual game will be **5** per cent.

7. Will there be different commissions levied on the players and the winners? Yes/No
If "Yes", give details **For each individual game, 5% of the commission will be charged, 80% of the total amount of commission is levied on the winner and 20% is levied on other players.**

8. Will the commission be collected only from the earnings of the winner? Yes/No
If "No", give details **The winner and other players**

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 **X** day of **Month, 202X**

Chan Tai Man
.....
(Signature)

- Note:*
1. You are advised to refer to section 22 of the Gambling Ordinance and the Gambling Regulations Cap. 148.
 2. If the application is on behalf of a company, complete Form 7. If the application is on behalf of a club or society in respect of which the Societies Ordinance (Cap 151) applies, complete Form 8. If the application is not on behalf of a company or such a society or club, complete Form 6.
 3. You are warned that any material falsification or omission of information may result in the public officer's refusal to grant a licence.
 4. If the public officer decides to grant a licence, a fee of \$1,145 per table will be payable to the public officer.

This form should be submitted to Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong. For application by post, please **affix sufficient stamp** to ensure delivery in

FORM 5

Application No.

order.

GAMBLING REGULATIONS

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

APPLICATION FOR MAHJONG/TIN KAU LICENCE

BEFORE completing this application READ the *Note* below.

I.....hereby apply for a licence to provide facilities for the playing of games in which mahjong/tin kau tiles are used at the premises situated at
(address)

and described as
(name)

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

1. The games that will be played are
(mahjong, tin kau)

2. The number of tables that will offer games are as follows:

<i>Game</i>	<i>No. of tables</i>
.....
.....
.....

3. Will an admission fee be charged? Yes/No
If “Yes”, how much \$.....

4. Will the house set a limit on the maximum unit the players may gamble in a game? Yes/No
If “Yes”, how much \$.....

5. Will employees of the house on some occasions act as players? Yes/No
If “Yes”, approximately how many?

6. The commission or charge levied for an individual game will be per cent.

7. Will there be different commissions levied on the players and the winners? Yes/No
If “Yes”, give details

8. Will the commission be collected only from the earnings of the winner? Yes/No
If “No”, give details

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 day of

.....
(Signature)

- Note:*
1. You are advised to refer to section 22 of the Gambling Ordinance and the Gambling Regulations Cap. 148.
 2. If the application is on behalf of a company, complete Form 7. If the application is on behalf of a club or society in respect of which the Societies Ordinance (Cap 151) applies, complete Form 8. If the application is not on behalf of a company or such a society or club, complete Form 6.
 3. You are warned that any material falsification or omission of information may result in the public officer's refusal to grant a licence.
 4. If the public officer decides to grant a licence, a fee of \$1,145 per table will be payable to the public officer.

This form should be submitted to Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong. For application by post, please **affix sufficient stamp** to ensure delivery in order.

FORM 6

In support of Application No.

GAMBLING REGULATIONS

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

BEFORE completing this form READ the *Note* below.

1. Name of applicant
2. Identity Card Number
3. Business Registration or Commercial Code Number
4. Telephone Number
5. Residential Address
6. Date of Birth
7. Place of Birth
8. Nationality
9. Give details of any other licences under the Gambling Ordinance for which application has previously been made
10. Give details of any current licences under the Gambling Ordinance held by the applicant
11. Give details of any previous experience of applicant in respect of the licence applied for
12. Has the applicant ever been convicted of an offence? Yes/No
If "Yes", give details

(court where convicted, date of conviction, offence and penalty)

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

Dated this day of

.....
(Signature)

- Note:*
1. Complete this form only if you are *not* making application on behalf of a company *or* on behalf of a club or society in respect of which the Societies Ordinance (Cap. 151) applies.
 2. You are warned that any material falsification or omission of information may result in the public officer's refusal to grant a licence.

This form should be submitted to Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong. For application by post, please **affix sufficient stamp** to ensure delivery in order.

FORM 7

In support of Application No.

GAMBLING REGULATIONS

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

BEFORE completing this form READ the *Note* below.

1. Full name of company
2. Type of company (Public, Private, Limited by share or guarantee)
3. Is the company incorporated in Hong Kong? Yes/No
If "No", give details as to where it is incorporated.
4. Date of incorporation (attach a copy of the Memorandum of Association (if any) and Articles of Association)
5. Issued capital
6. Does the company hold an interest in any other company or undertakings? Yes/No
If "Yes", give details
7. Give the names and addresses of any lenders, mortgagees, or others providing finance, with the full term of such loans.

Name	Address	Amount	Terms	Duration

8. Has a director, the secretary or a manager of the company ever been convicted of an offence? Yes/No
If "Yes", give details (court where convicted, date of conviction, offence and penalty)
9. Has the company ever been the subject of a winding-up petition? Yes/No
If "Yes", give details
10. Give the name and address of the auditors to the company
11. Give a list of all bank accounts held by the company

FORM 7

(continue)

In support of Application No.

12. Give details of the directors, managers and the company secretary.

Name	Address	Date of Birth	Nationality

13. Is the company a wholly or partly owned subsidiary of another company? Yes/No
If "Yes", give details together with the same particulars as in questions 1 to 12 on a separate sheet in relation to the ultimate controlling company.

14. Give details of any other licences under the Gambling Ordinance for which application has previously been made

15. Give details of any current licences under the Gambling Ordinance held by the company

16. Give details of any previous experience of the company in respect of the licence applied for

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

Dated this day of.....

.....
(Signature)

Position in Company

-
- Note:* 1. Complete this form only if you are making application on behalf of a company.
2. You are warned that any material falsification or omission of information may result in the public officer's refusal to grant a licence.

This form should be submitted to Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong. For application by post, please **affix sufficient stamp** to ensure delivery in order.

FORM 8

In support of Application No.

GAMBLING REGULATIONS

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

BEFORE completing this form READ the *Note* below.

1. Name of society or club
2. Type of society or club and objects (*sports, social*)
3. Date society or club formed
(attach a copy of the Club Rules or Constitution)
4. Give details of the following persons involved in the administration of the society or club—

	<u>Name</u>	<u>Address</u>
President/Chairman
Secretary
Treasurer
Accountant/Auditor
5. Has an officer of or any person involved in the administration of the club or society ever been convicted of an offence? Yes/No
If "Yes", give details. (Court where convicted, date of conviction, offence and penalty)
.....
6. Give a list of the current assets under the control of the club or society and value thereof.

<u>Asset</u>	<u>Value</u>
.....
.....
7. Give details of any other licences under the Gambling Ordinance for which application has previously been made
8. Give details of any current licences under the Gambling Ordinance held by the club or society.
9. Give details of any previous experience of applicant in respect of the licence applied for

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

Dated this day of

.....
(Signature)

Position in the club or society

- Note:*
1. Complete this form only if you are making application on behalf of a club or society.
 2. You are warned that any material falsification or omission of information may result in the public officer's refusal to grant a licence.

【Please attach this form together with your licence application forms to us for processing.】

Contact Details of Applicant
Application for Mahjong/Tin Kau Licence

Applicant (Please attach 2 copies of HKID Card/Passport)

Name of Applicant : Mr./Mrs./Miss/Ms. * :	_____
Name in Chinese :	_____
Hong Kong Identity Card/Passport No. :	_____
Home Address :	_____ _____
Office Address :	_____ _____
Home Telephone No. :	_____
Office Telephone No. :	_____
Fax No. :	_____
Mobile Phone No. :	_____
Email Address:	_____

Notes :

1. The personal data provided above will be used for facilitating communication between Government and yourself on the above application and other relevant licensing matters. Please complete the form in full. Otherwise, we may not be able to contact you.
 2. The personal data you provide may be transferred to other Government departments for the purposes mentioned above.
 3. For correction of or access to personal data given by you in this form, please contact Licensing Officer (Miscellaneous)1 of the Office of the Licensing Authority, Home Affairs Department at 2117 2977.
- * Please delete whichever is inapplicable.

【Please attach this form together with your licence application forms to us for processing.】

To : Commissioner of Police

(through Office of the Licensing Authority of Home Affairs Department)

Application for Mahjong/Tin Kau Licence

I hereby give my consent and authorize the Commissioner of Police to release full particulars of my criminal convictions (if any) to the public officer appointed by the Secretary for Home and Youth Affairs and Home Affairs Department.

Signature : _____

Name : _____

HKID Card / Passport No.: _____

Date : _____