

Trade Promotion Competition Licence

Application Forms and Guide for Applicants

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- * (5) Additional Information Sheet
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Note(*) These forms together with all supporting documents have to be submitted to the Office of the Licensing Authority, Home Affairs Department (“OLA”). Please refer to Chapter VI for samples of completed forms.

I. Completion of Application Forms

In making an application for a Trade Promotion Competition Licence, it is necessary to forward to the OLA the following forms and supporting documents:

Forms

- Form 4 (**Annex 6**)
- Form 6 (not on behalf of a company nor club/ society) or Form 7 (on behalf of a company) or Form 8 (on behalf of a club or society)
- Form for Collection of Licence (**Annex 3**)
- Contact Details of the Applicant and Contact Person Form (**Annex 4**)
- Additional Information Sheet (**Annex 5**)

Supporting documents

- a copy of the up-to-date and paid Business Registration Certificate of your company
- a copy of the Memorandum of Association (if any) and Articles of Association (for Form 7 applicant) or the Club Rules/Constitution (for Form 8 applicant)
- a copy of the Applicant's Hong Kong Identity Card/passport
- Details of the competition:
 - publicity materials (e.g. advertisement, poster, web page)
 - terms and conditions of the competition
 - sample of lucky draw ticket/scratch card
 - screen captures of the computer game (for instant-win computer programme)
 - design of the roulette wheel and a table explaining the colours (or numbers, words, signs) and the corresponding prizes (for roulette wheel game)
 - a table explaining the colours of the balls and the corresponding prizes and the number of balls of each colour in the box (for drawing balls from a box)

The completed forms, together with the supporting documents and publicity materials, should reach the Office of the Licensing Authority, Home Affairs Department at Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong **at least** 2 calendar weeks before the commencement of the competition. You can also submit your application via the electronic submission channel at (<https://eform.one.gov.hk/form/had069/>). You are advised to apply for a licence well in advance if you plan to place advertisements in the media.

Form 4 (Please also refer to the notes at the bottom of the Form)

Introductory part : Trade Promotion Competition Licences are normally issued to companies. An employee should apply for the licence on behalf of the company. If you are to apply for a licence for your company, please enter your full name after “I” in the first blank. The name should be identical to that as shown on your Hong Kong Identity Card or passport.

Item 1 : Please fill in the type of trade/business and the Business Registration number of your company and enclose a copy of the Business Registration Certificate, if applicable.

Item 2 : Please enter the title of the competition clearly and legibly. This title will appear on the licence which will be issued to you upon completion of our processing.

Items 6, 7 and 8 : Please give detailed descriptions of the competition. If you are unable to explain clearly under these headings, you may append separate sheets.

Item 10 : Please enter when (a date), where and by whom the competition will be judged/drawn.

Form 6/Form 7/Form 8

Depending on the nature of your organisation, complete **one** of these three forms (see the notes at the bottom of the forms). Please enclose with your application a copy of the Memorandum of Association (if any) and Articles of Association (for Form 7 applicants) or the Club Rules/Constitution (for Form 8 applicants) of your organisation. If you have submitted these supporting documents in previous applications and such documents have not been revised/updated, there is no need to re-submit. As regards Form 7, please note the requirement of Item 13. For Form 7 or Form 8, please also note that you need to provide your position in the organisation underneath your signature.

Contact details of applicants and contact persons

Please attach one photocopy of your Hong Kong Identity Card/passport. You may leave the contact details of another person if you are not readily available to answer our enquiries. This will facilitate our processing of your application.

Others

When processing your application, our staff will contact you if additional information is required.

II. Relevant Statutory Provisions

Gambling Ordinance (Cap. 148)

Section 22 Licences

- (1) The public officer appointed by the Secretary for Home and Youth Affairs may—
 - (a) by licence authorize—
 - (iv) the organization and conduct of a trade promotion competition by a person engaged in trade or business;
- (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.

III. Licence Conditions

1. No prize offered shall be a money prize.
2. No fee shall be charged for entering the competition.
3. Advertising in respect of the competition shall refer to this licence by stating its number as follows:
“Trade Promotion Competition Licence No. _____”.
4. Within ten days from the date of the drawing or judging of the competition, details of the results shall be published in one English and one Chinese newspaper circulating in Hong Kong, and a copy of the relevant newspaper cuttings shall be forwarded to the public officer appointed by the Secretary for Home and Youth Affairs.

Special Licence Condition

5. The licensee shall ensure the observance by themselves and each of their employees, agents, sponsors, promoters, contractors and any other person(s) who will be involved in the organisation or operation of the trade promotion competition of the laws of the Hong Kong Special Administrative Region (“HKSAR”), including but without limitation to the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“National Security Law”) and other relevant laws of the HKSAR in relation to the safeguarding of national security (“relevant laws”), and shall ensure that neither of them shall perform or engage in any act or activity which would or is likely to constitute or cause the occurrence of any offence endangering national security or any act or activity which may otherwise be contrary to the interests of national security in the course of preparing, organising or conducting a trade promotion competition or performing any act in relation to a trade promotion competition. Without limitation to the foregoing, the licensee shall not declare/display any messages, audio recordings, pictures, images, notices, exhibits, texts, publications, etc which would or is likely to constitute or cause the occurrence of any offence endangering national security or any act or activity which may otherwise be contrary to the interests of national security.

IV. Licensing Guidelines

The Law

A trade promotion competition, as defined by Section 2 of the Gambling Ordinance (Cap. 148), is a competition or scheme promoted, conducted or managed for the purpose of promoting a trade/business/product sale by way of a game that distributes or allots prizes by lot/chance. Typical examples are lucky draws organized by department stores or restaurants to boost sales and promote business.

2. Trade Promotion Competitions may be caught by the definition of ‘lottery’ and/or ‘gaming’ (see *Note*) under Section 2 of the Gambling Ordinance. In such cases, the competitions have to be licensed by the public officer appointed by the Secretary for Home and Youth Affairs (“the public officer”) under Section 22 of the Gambling Ordinance.

The Government’s Policy

3. The Government’s policy is not to encourage gambling but to allow only authorized and controlled outlets to exist. A Trade Promotion Competition Licence involving a game of chance represents one such controlled outlet. Consequently, the grant of a licence for the purpose is subject to strict rules.

Licensing Rules

4. Each application for conducting a trade promotion competition is considered on its own merits. However, the public officer will normally take into account the following principles in deciding whether or not it would be desirable to license a particular competition :-

- (i) The competition must be in the public interest. For example, an application will be refused if there is a reason to believe that it involves fraudulent or indecent elements or the applicant company has been identified by the Consumer Council as a ‘dishonest’ trader.
- (ii) The competition must be incidental or ad hoc for the promotion of a business. It must not be the core part or main attraction of a business. There will be a presumption that the competition is the core part or main attraction of a business if the competition is out of proportion to the business, is recurrent or lasts for an unreasonably long period of time. No licence will, as a general rule, be granted for a period of more than three months, nor extended.

- (iii) The competition must not carry the undesirable effect of inducing people (especially those under 18 years of age) to participate in real or established forms of gambling.
- (iv) The competition should not offer an alternative form of gambling opportunity (e.g., a game in a casino) to the existing legal outlets, i.e., horse racing, football betting and the Mark Six organized by the Hong Kong Jockey Club.
- (v) The licensee must comply with all laws in the HKSAR, including but without limitation to National Security Law and other relevant laws. In particular, Article 3 of the National Security Law provides that it is the duty of the HKSAR under the Constitution of the People's Republic of China to safeguard national security and the HKSAR shall perform the duty accordingly, and that the executive authorities, legislature and judiciary of the HKSAR shall effectively prevent, suppress and impose punishment for any act or activity endangering national security in accordance with the National Security Law and other relevant laws. Article 6(2) of National Security Law provides that any institution, organisation or individual in the HKSAR shall abide by the National Security Law and the laws of the HKSAR in relation to the safeguarding of national security, and shall not engage in any act or activity which endangers national security. It is therefore the duty of the licensee to ensure that the intended trade promotion competition will not involve any act or activity which would or is likely to constitute or cause the occurrence of any offence endangering national security or any act or activity which would otherwise be contrary to the interests of national security, and that no such act or activity will be undertaken by the licensee and/or its employees, agents, sponsors, promoters and contractors and any other person(s) who will be involved in the intended organisation or operation of the trade promotion competition. In accordance with section 22(4) of the Gambling Ordinance, the public officer may cancel a trade promotion competition licence at any time if a condition of the licence is contravened or if he/she considers that the public interest so requires. National security interest is an important aspect of public interest to be considered by the public officer in such regard. Licensees failing to observe the licence condition(s) and/or their obligations in relation to the safeguarding of national security are liable to have their licence cancelled.

5. The public officer is entitled to reject the application if, amongst others, the public officer has reasonable ground to believe that: -

- (i) the applicant or any of its employees, agents, sponsors, promoters, contractors and any other person(s) who will be involved in the organisation or operation of the intended trade promotion competition

(including but without limitation to the person(s) involved as stated by the applicant in the application form) has engaged in or otherwise been involved in, or will engage in or otherwise be involved in, any act or activity which would or is likely to constitute or cause the occurrence of any offence endangering national security or any act or activity which may otherwise be contrary to the interests of national security.

- (ii) the intended trade promotion competition will involve any act or activity which would or is likely to constitute or cause the occurrence of any offence endangering national security or any act or activity which may otherwise be contrary to the interests of national security.

6. The public officer may, if he/she considers necessary, require the applicant to provide further information in support of the licence application). All information provided in connection with the licence application may be referred to other Government bureaux/departments or organisations for purposes in connection with the processing of the licence application. Please refer to Annex 1 for details of the purposes of collection of personal data and the classes of persons to whom the personal data may be transferred.

7. The above set out the general principles of granting a Trade Promotion Competition Licence. Each licence is granted subject to the licensing conditions, as set out in the licence (Form 4A) under the Gambling Regulations (Cap. 148A), being satisfied. The public officer may also impose on an individual licence any other licensing conditions as he considers appropriate.

Note:

Under Section 2 of the Gambling Ordinance (Cap. 148), “Lottery” 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 skills by 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.

“Gaming” means the playing of or 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.

V. Frequently Asked Questions

Q1: Can I promote two or more different products in one competition and apply for one licence only? How about one licence covering two or more competitions to be conducted at the same time?

A1: The answer to the first part of the question is yes, **if** patrons of the different products are subject to the same game mechanics and the game involves only one determination of winners, e.g., all participants are pooled into a single lucky draw. Otherwise, two or more licences are required.

As to the second part of the question the answer is no. One licence covers only one individual competition. Even if the competitions are conducted at the same time, you have to apply for separate licences.

Q2: How many licences do I need if I plan to hold four weekly lucky draws and a grand draw in the fifth week?

A2: There are two possible scenarios :

- (a) Five licences if the five draws are not connected whatsoever, e.g., there is a different pool of participants for each draw.
- (b) One licence if the fifth draw is a round-up draw which connects the previous four draws, e.g., all participants/non-winners of the previous draws will be pooled together for a final draw in the fifth week.

Q3: How long should the licence cover if I plan the following—

1st - 15th of August - to publish the competition in the media

16th - 30th of August - participants to take part in the competition, e.g., to buy products/services and collect lucky draw coupons

31st of August - to draw winners

A3: The licence should cover the whole period from 1st to 31st of August. You should fill in '1st to 30th of August' for Item 4 and '31st of August' for Item 10 in Form 4

Q4: Are there any restrictions on the types of games, tools and prizes that can be involved in a trade promotion competition?

A4: Any game that carries an explicit gambling connotation or serves as an alternative form of authorized gambling (e.g., a game in a casino, a mahjong, bingo or card game, guessing the results of football matches/horse races, Mark Six-type games, etc.) is forbidden. Likewise, such gambling tools and symbols as slot machines, roulette wheels, cards, chips, mahjong tiles and dice should not be employed, and such prizes as Mark Six tickets and mahjong tiles are not permitted. In addition, games that are not socially sanctioned are discouraged.

Q5: Are there any restrictions on the title of the competition?

A5: Licence condition (1) requires that no prize offered shall be a money prize. Even if the prizes offered are cash coupons, gift coupons or credit card spending credit, the competition should not carry such misleading titles as 'Great Chance to Win Cash' or '\$10,000 Lucky Draw'. Moreover, the name of the prize sponsor cannot be included in the title if it is not a joint promotion event.

Q6: If I plan to conduct a trade promotion competition through an agent, should my company or that of the agent be the licence applicant?

A6: If your company is a registered business in Hong Kong, it should be the applicant. However, you can still appoint an agent company to **conduct** the competition **on your behalf**. If the company wishing to conduct the trade promotion competition in Hong Kong is based overseas and has no branch office in Hong Kong, it should **appoint and authorize** an agent whose business is registered in Hong Kong to be the applicant. Please note that Form 7 must include details of the applicant company, and the licence is issued to that company.

Q7: Do I need to submit the application in person? Can I courier the application or fax it to you? How to pay licence fee?

A7: You need not submit the application in person. You can courier your application to us or send it by mail which may take one to two days to reach us. Please **affix sufficient stamp** to ensure delivery in order. We require original copy of the application forms which bear the signature of the applicant, and application by fax is therefore not accepted. You can also submit your application via the electronic submission channel at

(<https://eform.one.gov.hk/form/had069/>). If your application is approved, you are required to pay licence fee before the issue of licence. Please visit OLA at Unit 2503-05, 25th Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong to obtain a demand note. We will show you how to make the payment. Licence will be issued upon your provision of payment receipt. **Please note that starting from October 2019, we do not handle cash/cheque transactions. Do not send cash/cheque by mail.**

Q8: Can I collect participants' information through different methods at the same time (such as by telephone registration, mail, fax, internet registration, email and SMS message)?

A8: Yes, but the same entry (e.g., the same receipt number) should be counted once only to ensure equal winning chance for all participants. You should therefore remove all duplicate entries before drawing the winner(s).

Q9: Can I conduct the competition through my distribution channels (such as department stores, chain stores, supermarkets, convenience stores, etc.)?

A9: Yes, but you and your distribution channel(s) will each require a licence if it is a joint promotion event. As your distribution channel may conduct a competition of their own or other brands during yours, you are advised to clear with them the terms and conditions. For example, whether the winner of your competition will be allowed to retain the original receipt for joining other competitions.

Q10: What should be noted about collecting personal data from the participants?

A10: All personal data involved during the course of trade promotion competition should be collected, handled and destroyed in accordance with the Personal Data (Privacy) Ordinance (Cap. 486). To protect the privacy of the participants, do not collect the entire Hong Kong Identity Card (HKIC) number or the entire date of birth (including the year, month and day of birth) unless absolutely necessary. For example, if each participant has already been issued with a lucky draw ticket or a receipt which bears a unique number, the organizer can request the winner to produce the lucky draw ticket stub or the original receipt when redeeming the prize. The organizer can also verify the identity of the winner with his/her registered name, address and telephone number or check the name on his/her HKIC. In such cases, there is no need to collect the participants' HKIC numbers. Moreover, according to the

‘Code of Practice on the Identity Card Number and other Personal Identifiers’, do not announce the winner’s name together with his/her HKIC number, even if altered. It may be possible to deduce the original HKID card number from its altered form. To prevent scams, do not publish the winner’s telephone number in full. Without the agreement from the participants, do not use the personal data collected for purposes other than the trade promotion competition or transfer the personal data to a third party unless exempted under Part VIII of the Personal Data (Privacy) Ordinance.

Q11: Do I need to publish the competition results in newspapers if it is an instant-win game where the winners claim their prizes on the spot?

A11: Yes, you still need to publish the competition results in newspapers which is a requirement by the law. Although the participants may not have left their personal particulars with you, you should account for the completion of the event to the effect that all the winners have claimed their prizes. You are also advised to leave a contact telephone number and/or website in case your patrons have enquiries regarding the event.

Q12: Can I publicize the draw results in web-newspapers?

A12: Yes. Under Licence Condition (4), the draw results shall be published in one English and one Chinese registered local newspapers (including web-newspapers) under the Registration of Local Newspapers Ordinance (Cap. 268). However, since some of your patrons may not have ready access to web-newspapers, you are advised to announce the draw results in at least one printed newspaper.

Q13: What information do I need to publish in the announcement after the competition?

A13: You are required to publish the name and the period of the competition, the details of the results and the licence number in the announcement.

Q14: Is it possible for me to make some changes to the competition after a licence has been granted?

A14: If the competition has already commenced, no changes should be made (including cancelling the competition or cutting short the period of competition). However, if it has **not yet** commenced, minor changes may be allowed subject to our prior approval. You should apply in writing and may be required to return the licence to us for amendments. The amendment

charge is HK\$155. You are only allowed to make amendments **once**.

Q15: Do I need to apply for licence if I plan to conduct a trade promotion competition on the Internet?

A15: A trade promotion competition, as defined by section 2 of the Gambling Ordinance (Cap. 148), is a competition or other scheme promoted, conducted or managed for the purpose of promoting a trade or business or the sale of any product. A Trade Promotion Competition Licence is required if the competition or scheme used in the trade promotion competition conducted on the Internet constitutes a “lottery” or “gaming” as defined in section 2 of Cap. 148.

Q16: Will the Gambling Ordinance be contravened by conducting a trade promotion competition on the Internet and which involves distributing or allotting prizes by lot or chance without a Trade Promotion Competition Licence?

A16: Any game, method, device or scheme for distributing or allotting prizes by lot or chance may constitute “lottery” as defined under section 2 of Cap. 148. A Trade Promotion Competition Licence should be obtained before organising a trade promotion competition which involves lottery on the Internet; otherwise the organiser may contravene the Gambling Ordinance. OLA will refer suspected cases to the Hong Kong Police Force for investigation and/or follow-up enforcement action.

VI. Samples of Completed Forms

SAMPLE

Form 4

Application No.

GAMBLING REGULATIONS

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

APPLICATION FOR TRADE PROMOTION COMPETITION LICENCE

BEFORE completing this application READ the *Notes* below.

I Trade Promwell hereby apply for a licence to organize and conduct a trade promotion competition.

In support of my application I attach Form 8 or 7 or 6
(see Note 2 below)

duly completed, together with the following particulars :

1. I am engaged in the trade or business of import/export of goods
and
my Business Registration No. is 98765-432-03

2. The competition is in support of the promotion of XYZ Chocolate Bars
(trade or business or the product to be sold)

3. Will your employees who are engaged in the trade or business be allowed to enter the competition? Yes/~~No~~

If “Yes” give details : they are subject to same game rules and same winning chance as our customers

4. The period of the competition is from 1.5.2018 to 31.5.2018
(date starting) (date finishing)

5. The premises from which the competition will be organized are situated at see addresses of supermarkets as per attached
(address)

and described as DEF and GHI Supermarkets
(name)

6. The nature of the competition will be buying XYZ Chocolate Bars at
(lucky numbers on packaged product, writing of a slogan)
DEF and GHI Supermarkets, collecting wrappers and valid sales receipts (original copy)

7. The method of entry in the competition will be a consumer to send 3 chocolate bar wrappers and sales receipts together with his/her name,
HKIC no. (first 3 digits) and phone no. to our office. 3 wrappers will entitle a customer to one draw chance, 6 wrappers to 2 chances, and so on.
The maximum no. of chances per person is 5. 6 wrappers and

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.

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.

Please make sure that your Business Registration Certificate is up-to-date and attach a copy with your application.

This should be the date when you start advertising the competition.

If the game mechanism is too complicated to explain under Items 6 to 8, you may attach additional pages.

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

State the nature of trade or business of your company.

This phrase will appear on the licence. Please fill in legibly.

Trade promotion competitions should be incidental for the promotion of a business only. They are not expected to last for an unreasonably long period of time. As a general rule, no licence will be granted for more than three months.

No participation/ entry fee from participants is allowed.

one receipt in an envelope will be counted as two draw chances.

Postmark date is 2.6.2018.

(purchase of a product, attendance at the premises)

8. The method of determining the winners in the competition will be by

drawing lot

(draw by lot or ballot, vote or judging of entry)

9. The nature and value of the main prizes will be as follows :-

<u>Nature</u>	<u>Value</u>
(1) Credit Card "Spending Credit"	\$3,000 x 2 winners
(2) DEF or GHI Supermarket shopping coupons (five \$100 coupons)	\$500 x 50 winners
and together with the minor prizes, the total value of all the prizes is \$ 31,000	

No money prizes shall be offered.

Please state all the prizes. If the space is not enough, please append separate sheets.

10. The drawing or judging of the competition will be held on 6.6.2018 at our office headquarters by Managing Director

11. The results of the competition will be advertised in (one English newspaper) and in (one Chinese newspaper) on 15.6.2018 (name 1 English and 1 Chinese newspaper)

Please enter the date on which the advertisement will be published. This date should be within ten days from the date of draw given in Item 10.

Remember to check the box of the "Additional information sheet" regarding the restrictions on giving spending credit as prizes and the prizes are not redeemable for cash, etc.

Please submit your application at least two calendar weeks before the commencement of the competition.

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 10th day of April 2018

T. Pomwell

(Signature of applicant)

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

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

Trade Promotion Competition Licence Additional Information Sheet

Notes to Applicants

When applying for a Trade Promotion Competition (“the Competition”) Licence, apart from completing the required forms, you should submit this additional information sheet which is essential for processing your application. Please complete the following and put a tick (✓) in each of the boxes where applicable.

I, Trade Promwell (name of applicant, as shown on HKID Card), holder of HKID Card no. A123456(7), of HK I/E Company (name of company) would like to certify the following :- (*Note #: No. 2, 3 and 5 are licence conditions.*)

1. My company is the **sole organizer** of the Competition.
- The Competition is a joint promotion event of my company and _____ (name of company). The two companies have each submitted an application and the supporting documents.
- My company is appointed by _____ (name of overseas company with no branch office in Hong Kong to be responsible for organising the Competition.) The **original copy** of authorization letter issued by the said overseas company is attached with this application.
- # 2. All the prizes for the Competition (Item 9 of Form 4) are not redeemable for cash.
- # 3. All participants of the Competition need not pay any entry fee.
4. My company will ensure sufficient lucky draw tickets/cards/forms for giving out to participants throughout the entire period of the Competition.
- # 5. All advertising in respect of the Competition (**including lucky draw tickets, collection boxes, publicity homepage and registration page layout**) will state the licence number as follows: “Trade Promotion Competition Licence No. _____”
6. The competition, publicity and prizes do not contain any gambling, sex and violence elements.
7. My company will / ~~will not~~* use the ~~name~~* / logo* / mascot* / ~~website~~* / poster*, etc. in the Competition, which does/do not belong to my company. If affirmative, my company has obtained agreement from the relevant authorities. (* Please delete whichever is inapplicable.)
8. My company ~~will~~ / will not* collect personal data during the Competition. If affirmative, my company will ensure that all personal data involved during the Competition will be collected, handled and destroyed in accordance with the Personal Data (Privacy) Ordinance (Cap. 486). (* Please delete whichever is inapplicable.) (*Note: Please refer to Q10 in Chapter V.*)
- The Competition will / ~~will not~~* collect the first _____ digits of the participants’ HKID Card number. (* Please delete whichever is inapplicable.)
9. The Competition will be organized through the Internet. The full website address is _____.

10. The method of determining winners in the Competition will be conducted on a fully random basis, and all the entries entitle equal chance of winning.
- Will each participant win one prize only?
 Yes (Please state in the terms and conditions of the Competition) No
- Will only single receipts be accepted?
 Yes (Please state in the terms and conditions of the Competition)
 No, can combine receipts
- Will winners be required to produce original copy of registered receipts when collecting prizes?
 Yes (Please state in the terms and conditions of the Competition) No
- Our employees can participate in the Competition. My company will ensure that they are subject to same winning chance as our customers.
- The Competition will collect participants' information through different methods, but the same entry will be counted once only. My company will ensure equal winning chance for all participants by removing all duplicate entries before drawing the winners. Collection methods include: (*Note: Please refer to Q8 in Chapter V.*)
- Post (Postmark date: _____ . Please state in the terms and conditions of the Competition.)
- Facsimile (Fax. No.: _____)
- Telephone (Tel. No.: _____)
- Mobile Phone Message (Tel. No.: _____)
- Website registration
- Application registration
- Email registration
- The Competition will have more than one round and will be* / will not be* conducted on a cumulative basis. (** Please delete whichever is inapplicable.*) (*Note: Please refer to Q2 in Chapter V.*)
Cumulative method: _____
- There will be a list of reserved winners, to be determined also on the draw date.
11. The Competition is an instant-win game. My company will ensure sufficient prizes throughout the entire period of the Competition. There will be no prize quotas, and all winners will get the prizes they won but not any substitutes throughout the entire period of the Competition.
- (A) Drawing balls from a box
- We have explained as per attached the colours of the balls and the corresponding prizes as well as the number of balls of each colour in the box.
- Number of non-winning balls: _____
- The number of balls of each colour in the box will remain the same throughout the entire Competition, and the ball(s) drawn will be put back into the box before the next draw. (*Note : This is to ensure that the winning probabilities will remain the same for all participants throughout the entire period of the Competition.*)

(B) Roulette wheel

- We have attached a table to explain the colours (or numbers, words, signs) and the corresponding prizes as well as the design of the roulette wheel.
- The number and angle of slots of each colour (or number, word, sign) on the roulette wheel will remain the same throughout the entire Competition.
- There will be pins to ensure that the pointer will not rest in the middle of two slots.

(C) Instant-win game cards/scratch cards

- We will ensure sufficient instant-win game cards/scratch cards for giving out to participants throughout the entire Competition.
(Note: No re-print of extra cards is allowed during the Competition.)
- Number of non-winning game cards/scratch cards: _____

(D) Instant-win computer programme

- We have attached the screen captures of the computer game. The computer game is a simulation of drawing balls from a box* / roulette wheel* / scratch cards*. (* Please select one and **also complete the relevant part of 11(A) to(C) above.**)
- We have explained as per attached the screen captures (or colours, numbers, words, signs) and the corresponding prizes.
- The number and ratio of each screen capture (or colour, number, word, sign) to be drawn will remain the same throughout the entire Competition.

12. A credit card “Spending Credit” arranged with a bank is offered to the winner(s). The “Spending Credit” is subject to the following restrictions :-
- (i) The winner(s) cannot draw cash with the spending credit;
 - (ii) The spending credit cannot be used to settle any monetary obligations except for the purchase of goods and services; and
 - (iii) The spending credit cannot be used to settle any outstanding liability in credit card accounts accrued prior to the winning of the prize.



Signature of Applicant

10-4-2018

Date

**Provision of Personal Data
in Connection with Application for
Trade Promotion Competition Licence
under the Gambling Ordinance (Chapter 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 trade promotion competition licence 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;
- (c) to facilitate communication between Government and yourself on your application and other relevant licensing matters; and
- (d) to conduct customer opinion surveys on licensing service.

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 bureaux/departments or organisations for the purposes mentioned in paragraph 1 above.

Correction of or Access to Personal Data

3. For correction of or access to personal data given by you in the forms, please contact Licensing Officer (Miscellaneous)² of the OLA at 2117 3031.

Payment of Licence Fee

The licence fee is as follows—

<u>Licence</u>	<u>Amount of Fee</u>
Trade Promotion Competition	HK\$ 1,590

The licence fee may be paid by crossed cheque or in cash.

Payment by Crossed Cheque

The cheque should be crossed and made payable to “The Government of the Hong Kong Special Administrative Region”. The cheque should not be made payable to any individual officer. Please write your name on the back of the cheque. Post-dated cheque will not be accepted.

How to Make Payment?

Please visit the Office of the Licensing Authority between 9:30 a.m. and 12:00 noon and 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. **Do not send cash/cheque by mail. Please note that we do not provide Shroff Office service starting from October 2019.**

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.

The address of the Office of the Licensing Authority is listed as below—

Address: Unit 2503-05, 25th Floor, AIA Tower,
183 Electric Road, North Point, Hong Kong

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

☞ Collection of Licence ☞

Please indicate your preferences below.

Collection of Licence

- I wish to collect the licence in person at Office of the Licensing Authority in Unit 2503-05, 25/F, AIA Tower, 183 Electric Road, North Point, Hong Kong.
- I wish to authorize a person to collect the licence on my behalf. (Please ask the authorized person to bring along your letter of authorization bearing the name and HKIC no. of that person for authentication purpose upon collection of licence. A sample authorization is provided on the next page.)
- Please send the licence to me by post** to the following address :

Name: _____
Address: _____

Signature of Applicant

Name of Applicant
Date:

Note

Please tick (✓) as appropriate.

** Licences are sent out by registered mail (normal delivery lead time will be about three to four working days).

樣本

領取推廣生意的競賽牌照的委託書

致：民政事務總署牌照事務處

本人現委託 _____ (受委託人姓名)，持香港身分證
號碼 _____，代表本公司／機構領取推廣生意的競賽牌照。

簽署： _____
申請人姓名： _____
公司／機構名稱： _____
日期： _____

SAMPLE

Authorization for Collection of Trade Promotion Competition Licence

To: Office of the Licensing Authority, Home Affairs Department

I hereby authorise _____ (Name), holder of HKIC
No. _____, to collect the Trade Promotion Competition Licence on behalf
of my Company/Organisation.

Signature : _____
Name of Applicant : _____
Name of Company/Organisation : _____
Date : _____

Annex 4

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

Contact Details of the Applicant / Contact Person
Trade Promotion Competition Licence Application

Please attach a copy of the applicant's HKID Card/Passport

Name of Applicant : <i>Mr./Mrs./Miss/Ms.</i> * : _____	
Name in Chinese : _____	
Office Address : _____ _____	
Office Phone No. : _____	Fax No. : _____
Mobile Phone No. : _____	
Email Address. : _____	

Please provide information of a contact person (if different from the applicant)

Name of Contact Person : <i>Mr./Mrs./Miss/Ms.</i> * : _____	
Name in Chinese : _____	Office Phone No. : _____
Mobile Phone No. : _____	Fax No. : _____
Email Address. : _____	

Notes

1. The personal data provided above will be used to facilitate communication between the Government and the applicant and may be transferred to other Government departments on the above application and other relevant licensing matters. Please complete the form in full.
 2. The personal data provided may also be used for conducting customer opinion surveys on licensing service.
 3. For correction of or access to personal data given in this form, please contact Licensing Officer (Miscellaneous)2 of Office of the Licensing Authority, Home Affairs Department at 2117 3031.
- * Please delete whichever is inapplicable.

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

Trade Promotion Competition Licence

Additional Information Sheet

Notes to Applicants

When applying for a Trade Promotion Competition (“the Competition”) Licence, apart from completing the required forms, you should also submit this additional information sheet which is essential for processing your application. Please complete the following and put a tick (✓) in each of the boxes where applicable.

I, _____ (name of applicant, as shown on HKID Card), holder of HKID Card no. _____ (____), of _____ (name of company) would like to certify the following :- *(Note #: No. 2, 3 and 5 are **licence conditions**.)*

1. My company is the **sole organizer** of the Competition.
- The Competition is a joint promotion event of my company and _____ (name of company). The two companies have each submitted an application and the supporting documents.
- My company is appointed by _____ (name of overseas company with no branch office in Hong Kong to be responsible for organising the Competition.) The **original copy** of authorization letter issued by the said overseas company is attached with this application.
- # 2. All the prizes for the Competition (Item 9 of Form 4) are not redeemable for cash.
- # 3. All participants of the Competition need not pay any entry fee.
4. My company will ensure sufficient lucky draw tickets/cards/forms for giving out to participants throughout the entire period of the Competition.
- # 5. All advertising in respect of the Competition (**including lucky draw tickets, collection boxes, publicity homepage and registration page layout**) will state the licence number as follows:
“Trade Promotion Competition Licence No. _____”
6. The competition, publicity and prizes do not contain any gambling, sex and violence elements.
7. My company will / will not* use the name* / logo* / mascot* / website* / poster*, etc. in the Competition, which does/do not belong to my company. If affirmative, my company has obtained agreement from the relevant authorities. (* Please delete whichever is inapplicable.)
8. My company will / will not* collect personal data during the Competition. If affirmative, my company will ensure that all personal data involved during the Competition will be collected, handled and destroyed in accordance with the Personal Data (Privacy) Ordinance (Cap. 486). (* Please delete whichever is inapplicable.) (Note: Please refer to Q10 in Chapter V.)
- The Competition will / will not* collect the first _____ digits of the participants’ HKID Card number. (* Please delete whichever is inapplicable.)

9. The Competition will be organized through the Internet. The full website address is _____.
10. The method of determining winners in the Competition will be conducted on a fully random basis, and all the entries entitle equal chance of winning.
- Will each participant win one prize only?
 Yes (Please state in the terms and conditions of the Competition) No
- Will only single receipts be accepted?
 Yes (Please state in the terms and conditions of the Competition)
 No, can combine receipts
- Will winners be required to produce original copy of registered receipts when collecting prizes?
 Yes (Please state in the terms and conditions of the Competition) No
- Our employees can participate in the Competition. My company will ensure that they are subject to same winning chance as our customers.
- The Competition will collect participants' information through different methods, but the same entry will be counted once only. My company will ensure equal winning chance for all participants by removing all duplicate entries before drawing the winners. Collection methods include: (*Note: Please refer to Q8 in Chapter V.*)
- Post (Postmark date: _____. Please state in the terms and conditions of the Competition.)
- Facsimile (Fax. No.: _____)
- Telephone (Tel. No.: _____)
- Mobile Phone Message (Tel. No.: _____)
- Website registration
- Application registration
- Email registration
- The Competition will have more than one round and will be* / will not be* conducted on a cumulative basis. (** Please delete whichever is inapplicable.*) (*Note: Please refer to Q2 in Chapter V.*)
Cumulative method: _____
- There will be a list of reserved winners, to be determined also on the draw date.
11. The Competition is an instant-win game. My company will ensure sufficient prizes throughout the entire period of the Competition. There will be no prize quotas, and all winners will get the prizes they won but not any substitutes throughout the entire period of the Competition.
- (A) Drawing balls from a box
- We have explained as per attached the colours of the balls and the corresponding prizes as well as the number of balls of each colour in the box.
- Number of non-winning balls: _____
- The number of balls of each colour in the box will remain the same throughout the entire Competition, and the ball(s) drawn will be put back into the box before the next draw. (*Note : This is to ensure that the winning probabilities will remain the same for all participants throughout the entire period of the Competition.*)

(B) Roulette wheel

- We have attached a table to explain the colours (or numbers, words, signs) and the corresponding prizes as well as the design of the roulette wheel.
- The number and angle of slots of each colour (or number, word, sign) on the roulette wheel will remain the same throughout the entire Competition.
- There will be pins to ensure that the pointer will not rest in the middle of two slots.

(C) Instant-win game cards/scratch cards

- We will ensure sufficient instant-win game cards/scratch cards for giving out to participants throughout the entire Competition.
(*Note: No re-print of extra cards is allowed during the Competition.*)
- Number of non-winning game cards/scratch cards: _____

(D) Instant-win computer programme

- We have attached the screen captures of the computer game. The computer game is a simulation of drawing balls from a box* / roulette wheel* / scratch cards*. (** Please select one and **also complete the relevant part of 11(A) to(C) above.***)
- We have explained as per attached the screen captures (or colours, numbers, words, signs) and the corresponding prizes.
- The number and ratio of each screen capture (or colour, number, word, sign) to be drawn will remain the same throughout the entire Competition.

12. A credit card “Spending Credit” arranged with a bank is offered to the winner(s). The “Spending Credit” is subject to the following restrictions :-
- (i) The winner(s) cannot draw cash with the spending credit;
 - (ii) The spending credit cannot be used to settle any monetary obligations except for the purchase of goods and services; and
 - (iii) The spending credit cannot be used to settle any outstanding liability in credit card accounts accrued prior to the winning of the prize.

Signature of Applicant

Date

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 4

Application No.

GAMBLING REGULATIONS

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

APPLICATION FOR TRADE PROMOTION COMPETITION LICENCE

BEFORE completing this application READ the *Note* below.

I hereby apply for a licence to organize and conduct a trade promotion competition.

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

1. I am engaged in the trade or business of.....
.....and
my Business Registration No. is
2. The competition is in support of the promotion of
.....
(trade or business or the product to be sold)
.....
.....
3. Will your employees who are engaged in the trade or business be allowed to enter the competition? Yes/No.
If “Yes” give details :
4. The period of the competition is from to
(date starting) (date finishing)
5. The premises from which the competition will be organized are situated at
(address)
.....
and described as
(name)
6. The nature of the competition will be
.....
(lucky numbers on packaged product, writing of a slogan)
.....
.....
7. The method of entry in the competition will be
.....
(purchase of a product, attendance at the premises)
8. The method of determining the winners in the competition will be by
.....
(draw by lot or ballot, vote or judging of entry)
.....
.....

FORM 4

(continue)

Application No.

9. The nature and value of the main prizes will be as follows :-

Nature

Value

.....
.....
.....
.....
.....

and together with the minor prizes, the total value of all the prizes is \$.....

10. The drawing or judging of the competition will be held on

at by

11. The results of the competition will be advertised in

..... and in.....

..... **on**

(name 1 English and 1 Chinese newspaper)

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 \$1,590 will be payable to the public officer upon such grant.

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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.

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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.

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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.