

## **HOW TO APPLY TRADE PROMOTION COMPETITION LICENCE**

*This is a summary of how to apply for a Trade Promotion Competition Licence. For details, please refer to the Guide for Applicants (“the Guide”), obtainable from the Office of the Licensing Authority, Home Affairs Department (“OLA”) at Unit 2503-05, 25<sup>th</sup> Floor, AIA Tower, 183 Electric Road, North Point, Hong Kong.*

### **What is a Trade Promotion Competition**

- A Trade Promotion Competition, as defined under the Gambling Ordinance (Cap. 148), is a competition or scheme conducted for the purpose of promoting a business or sale of any product by way of a game which allots prizes by chance. Typical examples are lucky draws organized by department stores and restaurants to promote sales and business.
- Anyone who wishes to conduct a trade promotion competition in Hong Kong has to obtain a licence from the public officer appointed by the Secretary for Home and Youth Affairs in accordance with the provisions of the Gambling Ordinance (Cap. 148) and Gambling Regulations (Cap. 148A) (see Chapter II of the Guide). The issue of such licences is subject to a set of guidelines (see Chapter IV of the Guide).

### **Where and How to Apply**

- You can visit the OLA and obtain application forms and the Guide. You can also download application forms and the Guide from our homepage at <http://www.hadla.gov.hk/el/>.
- Please read Chapter I of the Guide regarding the completion of application forms and refer to the sample of completed forms at Chapter VI of the Guide.
- Completed forms can be submitted to the OLA either by mail or in person. For application by mail, please **affix sufficient stamp** to ensure delivery in order. Completed application form can also be submitted via the electronic submission channel at (<https://eform.one.gov.hk/form/had069/>).

### **Compliance with all laws**

The licensee must comply with all 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”). 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.

### **How long does it take to Issue a Licence**

Upon receipt of the properly completed application forms, relevant enclosures and supporting documents, we will start processing your application. Upon payment of the prescribed fee, we will issue you with a licence. This process normally takes 7 working days (working days exclude Saturdays, Sundays and Public Holidays). **The time taken for you to provide additional information and/or clarifications during the process is not counted towards these 7 working days. In the circumstances, you are advised to apply for a licence at least 2 calendar weeks in advance.** If you plan to place advertisements of your competition in the media, your application should reach us even earlier.

The public officer, if considered necessary, may refer the application to relevant departments/organisations and consult their views. The public officer may also request the applicant to provide supplementary information (the relevant information may also be referred to relevant departments/organisations in the process) to facilitate processing of licence application.

### **When you have a Licence**

- You can start conducting the competition.
- Upon completion of the competition, you should publish the competition results in one English and one Chinese local newspapers. A copy of the relevant cuttings should be forwarded to the public officer appointed by the Secretary for Home and Youth Affairs (see Chapter III of the Guide).

### **Compliance with Licence Conditions**

- You are hereby reminded that as and when a trade promotion competition licence is issued to you, you are required to comply with all the licence conditions (see Chapter III of the Guide). Non-compliance of a licence condition may result in the licence being revoked and in prosecution for an offence, and you are liable on conviction to a fine of \$50,000 and to imprisonment for 2 years. Moreover, non-compliance reflects badly on the licensee's ability to fulfill licence conditions and may be taken into due consideration in processing future applications for trade promotion competition licences.

## **Frequently Asked Questions**

- We have prepared answers to some frequently asked questions at Chapter V of the Guide.

## **Payment of Licence Fees and Collection of Licence**

- You can come to our office from 9:30 a.m. to 12:00 noon and from 2:00 p.m. to 4:00 p.m. (except Saturdays, Sundays and public holidays) to obtain a demand note. We will show you how to make the payment.
- You can choose to pay the licence fee by cheque or in cash and collect the licence by mail or in person.
- Please refer to Annex 2 of the Guide for more details about payment of licence fee.
- The current prescribed licence fee for a Trade Promotion Competition Licence is \$1,590 and the amendment fee (amendments to details on the Licence) is \$155. These fees are subject to revision from time to time.

## **Telephone Enquiries**

- If you have any enquiries regarding the above, you can call us at 2117 3798 or 3521 1496.

Office of the Licensing Authority  
Home Affairs Department  
December 2023