



# ICLG

The International Comparative Legal Guide to:

## **Gambling 2015**

**1st Edition**

A practical cross-border insight into gambling law

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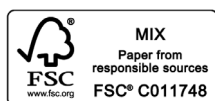
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# Macau

BN Lawyers

Bruno Nunes



## 1 Relevant Authorities and Legislation

### 1.1 Which entities regulate what type of gambling activity in Macau?

The Gaming Inspection and Coordination Bureau (DICJ) guides and assists the Macau SAR Chief Executive on the definition and execution of the economic policies for the operation of casino games of fortune or other ways of gaming, pari-mutuels and gaming activities offered to the public.

### 1.2 Specify all legislation which impacts upon any gambling activity (including skill and social games), and specify in broad terms whether it permits or prohibits gambling.

#### 1.2.1 Administrative Regulation:

- **DICJ Organizational Law** – Administrative Regulation no. 34/2003.

#### 1.2.2 Games of Fortune – allowed.

The following regulations are applicable:

- **Law no. 16/2001** – determines the legal framework of the exploration of games of fortune in casinos – allows games of fortune but not online or interactive gaming;
- **Administrative Regulation no. 26/2001** – regulates the public tender for the grant of concessions for the exploration of games of fortune in casinos;
- **Administrative Regulation no. 26/2012** – regulates the supply of and requirements for machines, equipment and games systems;
- **Law no. 10/2012** – regulates the entry to, and working and gambling in, casinos;
- **Economy and Finance Secretary Order no. 83/2000** – determines the maximum commission and other payments that can be paid by the concessionaires to gaming promoters;
- **Law no. 5/2004** – Legal Act for the concession of gaming credit or bets in casinos; and
- **Administrative Regulation no. 6/2002** – determines the conditions to access and exercise the promotion of games of chance in casinos.

**1.2.3 Horse Racing** – allowed at the Macau Jockey Club, which runs races twice a week for most of the year and which also conducts betting over the telephone and through the Internet. Total Pari-Mutuel wagering revenue accounts for just over one-half of 1% of Macau’s total gaming revenue. The following regulations are applicable:

- **Economy and Finance Secretary Order no. 63/2003** – approves the regulation of horse racing betting through the Internet;

- **Executive Order no. 47/2001** – approves the Pari-Mutuel betting regulation “Triple Trio” on horse racing;
- **Executive Order no. 22/2000** – approves the Pari-Mutuel betting regulation “Qualified Quinella” on horse racing; and
- **Ordinance no. 163/90/M** – approves the Official Regulation of Horse Racing.

#### 1.2.4 Greyhound Racing – allowed.

The following regulations are applicable:

- **Economy and Finance Secretary Order no. 64/2003** – approves the regulation of greyhound racing betting through the Internet;
- **Executive Order no. 53/2000** – approves the Pari-Mutuel betting regulation “Qualified Quinella” on greyhound racing;
- **Ordinance no. 93/97/M** – approves the Official Regulation of Pari-Mutuel betting “Triple Trio”; and
- **Ordinance no. 132/94/M** – approves the Official Regulation of Pari-Mutuel betting “All-Up Quinella” in greyhound racing.

#### 1.2.5 Instant Lottery – allowed on instant games.

The following regulation is applicable:

- **Law no. 12/87/M** – Instant Lottery exploration.

#### 1.2.6 Sports Lottery – allowed on soccer/football and basketball games.

The following regulation is applicable:

- Executive Order no. 20/2005 – approves the Sports Lottery Regulation – Basketball Betting.

#### 1.2.7 Chinese Lottery – allowed on the traditional Chinese Lottery, Pacapio.

## 2 Application for a Licence and Licence Restrictions

### 2.1 Who can apply for a licence to supply gambling facilities?

The Gaming Concessionaires can apply for a licence to supply gambling facilities.

### 2.2 Who or what entity must apply for a licence and which entities or persons, apart from an operator, need to hold a licence? Are personal and premises licences needed? Do key suppliers need authorisation?

Only the three Gaming Concessionaires and the three Gaming Sub Concessionaires can apply for a licence. The suppliers of machines, equipment and games systems for casinos need to hold a licence.

### 2.3 What restrictions are placed upon any licensee?

Besides contractual restrictions, the concessionaires have as major restrictions the prohibition of exploiting their licences outside their duly licensed premises or to implement practices that restrict competition.

### 2.4 What is the process of applying for a gambling licence?

The application for a gambling licence can only be made following a public tender. The Government will not initiate additional public tenders for this purpose. The three Gaming Concessionaires were awarded their licences following the 2001 public tender, and in the following years they were allowed to grant a sublicense to one Sub Concessionaire each.

### 2.5 Please give a summary of applicable time limits and revocation.

There is a time limit of 20 years for the granted gaming concessions.

### 2.6 By product, what are the key limits on providing services to customers?

Only approved games can be made available to customers.

### 2.7 What are the tax and other compulsory levies?

Gaming Concessionaires pay a 35% tax on gross gaming revenue, and a 1.6% contribution to the Macao Foundation, as well as a 1.4% (for the Gaming Concessionaire Sociedade de Jogos de Macau) or 2.4% (for the other two Gaming Concessionaires and three Gaming Sub Concessionaires) contribution to the Infrastructure/Tourism/Social Security Fund.

### 2.8 What are the broad social responsibility requirements?

The broad social responsibility requirements are to promote responsible gambling.

### 2.9 How do any AML financial services regulations or payment restrictions restrict or impact on entities supplying gambling?

AML financial services regulations and payment restrictions place high diligence requirements on the entities supplying gambling, as they are required to report not only suspicious transactions, but also any transactions that are above the determined threshold.

## 3 The Restrictions on Online Supply/Technology Support/Machines

### 3.1 Does the law restrict, permit or prohibit certain online activity and, if so, how?

Yes. Online gaming is not allowed until regulation is approved.

### 3.2 What other restrictions have an impact on online supplies?

This is not applicable to Macau.

### 3.3 What terminal/machine-based gaming is permitted and where?

All manufacturers and their devices, programs or software that operate totally or partially by electronic and/or mechanical means and are conceived, adapted or programmed to run or store games of chance in which the player may receive a payment in cash or in equivalent tokens or values as the result of a bet placed, must be licensed by DICJ. Gaming equipment (casino management software, playing cards, playing card shoes, card shufflers, playing chips and the like) do not fall under this requirement. All terminal/machine-based gaming can only take place in venues previously approved by DICJ.

## 4 Enforcement and Liability

### 4.1 Who is liable for breaches of the relevant gambling legislation?

Gaming Concessionaires, gaming promotion companies, and anyone extending illegal gaming credit or providing gambling facilities not authorised by the Government are liable for breaches of the gambling legislation.

### 4.2 What is the approach of authorities to unregulated supplies?

The authorities will only take the initiative if intellectual property is infringed.

### 4.3 Do other non-national laws impact on enforcement?

No. Macau is a separate and independent jurisdiction.

### 4.4 Are gambling debts enforceable in Macau?

Yes, gambling debts are enforceable in Macau.

## 5 Anticipated Reforms

### 5.1 What (if any) intended changes to the gambling legislation/regulations are being discussed currently?

There are no changes to gambling legislation or regulations that are currently being discussed.



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