

## Table of Contents

<i>Preface</i> .....	v
<i>About the Contributors</i> .....	vii
<i>Index</i> .....	265

### Chapter 1

#### **Gaming and Betting in the 1999 Macau Civil Code and Enforceability of Obligations**

*Manuel Marcelino Escovar Trigo*

A.	Introduction .....	1
B.	Gaming and Betting Contracts in Light of the 1966 Macau Civil Code ...	2
C.	Gaming and Betting Contracts in Light of the 1999 Macau Civil Code ...	5
	1. Nullity, validity and enforceability.....	5
	2. General and special gaming and betting regulations.....	7
	3. Enforceability of obligations resulting from authorised gaming and betting contracts in accordance with special legislation.....	11
D.	Brief Reference to The Law and Special Regulations on Games Carried Out in Macau .....	20

### Chapter 2

#### **The Legal Regime of Gaming and Betting Contracts in Macau**

*Teresa Albuquerque e Sousa*

A.	Contracts in Special .....	23
B.	Gaming and Betting Contracts .....	23
	1. Gaming and betting contracts in the Portuguese legal system .....	23
	2. The legal regime of natural obligations in the Portuguese legal system .....	26
	3. Gaming and betting contracts in the Macau legal system .....	28
	4. The problem of incapacity due to age (or due to another cause) .....	33
C.	Concession of Credit for Gaming and Betting in Casinos.....	36
D.	Conclusion .....	44

### Chapter 3

#### **Gaming Concessions in Macau**

*Luis Pessanha*

A.	Introduction .....	47
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B.	History of Gaming in Macau .....	47
C.	Gaming in the Macau SAR.....	54
	1. Background .....	54
	2. Gaming as a privileged activity.....	56
	3. Constitutional framework.....	58
	4. Aims of Macau's gaming regulation .....	59
	5. Macau's gaming legal framework.....	61
	6. Public authorisations .....	62
	7. Administrative concession contracts.....	65
	8. Gaming concession contracts .....	67
D.	Access to Casino Gaming.....	69
	1. Background .....	69
	2. The 2001/2002 tender process.....	70
	i. Tender requirements .....	72
	ii. Evaluation committee .....	75
	iii. Number of concessions.....	76
	iv. The Galaxy/Venetian split.....	78
	v. Sub-concessions for everybody .....	80
E.	Casino Gaming Sub/Concessions.....	82
	1. Background .....	82
	2. Casino gaming sub/concessions.....	83
	3. Duration of sub/concessions.....	86
	4. Operation of sub/concessions.....	87
	5. Scope of sub/concessions .....	88
	6. Gaming venues.....	89
	7. Access to gaming venues .....	90
	8. Prohibition of assignment.....	94
	9. Suitability of casino sub/concessionaires .....	96
	10. Financial capacity .....	100
	11. Gaming promoters.....	101
	12. Other obligations.....	102
	13. Property law issues.....	103
	14. Liability for breaches of laws and regulations .....	106
	15. Seizure of sub/concessions.....	106
	16. Termination of sub/concessions .....	107
	i. Expiry of time limit .....	108
	ii. Termination by agreement .....	108
	iii. Withdrawal of the concession.....	108
	iv. Rescission for non-performance.....	109
	v. Rescission for reasons of public interest.....	111
F.	Gaming Promoters.....	112
	1. Background .....	112
	2. Gaming promotion licenses.....	113
	3. Public supervision .....	114
	4. Registration with sub/concessionaires .....	115

G.	Miscellaneous .....	116
	1. Competition law issues.....	116
	2. Participation in other gaming ventures.....	117
H.	Other Gaming Concessions .....	117
	1. Background .....	117
	2. Horse racing pari-mutuel .....	119
	i. Background.....	119
	ii. Horse racing concession .....	119
	iii. Betting or wagering.....	120
	iv. Other issues.....	120
	3. Greyhound racing pari-mutuel .....	121
	i. Greyhound racing concession .....	121
	ii. Betting or wagering.....	121
	iii. Other issues.....	121
	4. Sports betting.....	122
	i. Sports betting concession.....	122
	ii. Betting or wagering.....	122
	iii. Other issues.....	123
	5. Chinese lotteries .....	123
	i. Chinese lotteries concession .....	123
	ii. Other issues.....	123
I.	Final Remarks.....	124

## Chapter 4

### Regulation of Gaming Companies in Macau

*Salvatore Mancuso*

A.	Introduction .....	127
B.	Macau Company Law: a Brief Introduction.....	127
	1. Notion and elements of a company .....	127
	2. Types of commercial companies .....	128
	3. Incorporation of companies.....	130
	4. Corporate capital .....	132
	5. Shares .....	133
	6. Bonds.....	134
	7. Rights and obligations of shareholders .....	135
	8. Shareholders' meeting .....	138
	9. Directors .....	142
	10. Supervisory board .....	143
	11. Company secretary .....	145
	12. Corporate books .....	146
	13. Merger, division and transformation of a company .....	147
	i. Merger.....	147
	ii. Division .....	148
	iii. Transformation.....	148

14.	Dissolution of companies .....	148
C.	The Rules Related to Gaming Companies.....	149
<b>Chapter 5</b>		
<b>Employment Contracts in Macau Casinos</b>		
<i>Miguel Quental</i>		
A.	Introduction .....	153
B.	General Principles.....	154
C.	The Employer and Employee .....	154
1.	The employer .....	154
2.	The employer's obligations .....	155
3.	The employee .....	155
4.	The employee's obligations.....	155
D.	The Employment Contract.....	156
1.	Capacity to enter into employment contracts.....	156
2.	Types and form of employment contracts .....	156
3.	Probationary period.....	156
4.	Term employment: admissibility.....	157
5.	Fixed term contracts.....	157
6.	Unfixed term contracts .....	158
7.	Employment relationship: working period.....	158
8.	Exemptions from the working schedule.....	158
9.	Overtime work .....	159
10.	Overtime work pay and compensatory rest periods.....	159
11.	Night work .....	159
12.	Work in shifts .....	160
13.	Remuneration for shift work .....	160
E.	Rest Periods and Holidays.....	160
1.	Weekly rest: period of rest.....	160
2.	Work on rest days .....	160
3.	Voluntary work on rest days.....	161
4.	Statutory holidays.....	161
5.	Work on statutory holidays.....	161
6.	Compensation for work on statutory holidays .....	161
F.	Annual Leave and Absences.....	162
1.	Annual leave.....	162
2.	Absences .....	162
3.	Notice and proof of justified absences .....	163
4.	Absence pay .....	163
G.	Maternity Leave and Female Employees .....	163
1.	Maternity leave.....	163

2.	Remuneration for maternity leave.....	164
3.	Guarantees for female employees .....	164
H.	Remuneration.....	164
1.	Remuneration for work .....	164
2.	Basic remuneration.....	165
3.	Period of payment .....	166
4.	Place and form of payment.....	166
5.	Compensation and deductions.....	166
6.	Guarantees .....	167
I.	Termination of the Employment Relationship.....	167
1.	Revocation.....	167
2.	Termination of contracts.....	167
3.	Rescission for just cause on the initiative of the employer .....	167
4.	Rescission without just cause on the initiative of the employer.....	168
5.	Rescission on the initiative of the employee .....	169
6.	Prior notice .....	170
7.	Expiry .....	170
8.	Compensation for untaken holidays.....	170
9.	Final payment.....	171
10.	Certificate of employment.....	171

**Chapter 6****Casino Crimes in Macau***Paulo Martins Chan*

A.	Introduction .....	173
B.	A Brief Introduction to Macau Criminal Law .....	174
1.	The principle of legality .....	174
2.	The criminal legal framework .....	174
3.	The constitution of crime .....	175
4.	The punishments .....	176
5.	Criminal sentencing.....	177
6.	Parole.....	177
7.	Principles in criminal procedures.....	177
8.	Conclusion.....	177
C.	Usury for Gambling.....	177
1.	The elements of usury for gambling .....	179
i.	The external elements (actus reus).....	179
ii.	The mental element (mens rea).....	181
2.	Usury for gambling by authorised entities .....	181
3.	Punishment and sentencing .....	181
i.	The main punishment.....	181
ii.	Accessory punishment .....	182

4.	Procedural and evidential problems .....	183
i.	The presumption of gambling credit .....	183
ii.	The testimony of the victim and the video recording .....	184
5.	The responsibility of the borrower .....	185
6.	The seizure of money or valuables .....	186
D.	Disobedience .....	186
1.	The elements of the crime of disobedience .....	187
i.	The external elements (actus reus) .....	187
ii.	The mental element (mens rea) .....	189
2.	Punishment and sentencing .....	189
3.	Procedure and evidence .....	189
E.	Breach of a Prohibition Imposed by a Court Sentence .....	190
1.	The elements of breach of prohibition imposed by a court sentence .....	190
i.	The external elements (actus reus) .....	190
ii.	The mental element (mens rea) .....	191
2.	Punishment and sentencing .....	191
3.	Procedure and evidence .....	192
F.	Abuse of Confidence .....	193
1.	The elements of the offence of abuse of confidence .....	193
i.	The external elements (actus reus) .....	193
ii.	The mental element (mens rea) .....	195
iii.	The semi-public nature of the offence of simple abuse of confidence .....	195
2.	Punishment and sentencing .....	196
3.	Procedure and evidence .....	197
4.	Civil liability .....	197
G.	Deception .....	197
1.	The elements of deception .....	197
i.	The external elements (actus reus) .....	198
ii.	The mental element (mens rea) .....	199
2.	Punishment and sentencing .....	199
3.	Procedure and evidence .....	199
4.	Differences between the various offences against property .....	200
H.	Gambling Frauds .....	200
1.	Elements of gambling fraud .....	201
i.	The external elements (actus reus) .....	201
ii.	The mental element (mens rea) .....	202
2.	Punishment and sentencing .....	202
3.	Procedure and evidence .....	202
I.	Punishable Conduct in Public Places .....	203
J.	Illicit Exploitation of Gambling in Authorised Places .....	203
1.	The elements of illicit exploitation of gambling in authorised places .....	203

i.	The external elements (actus reus) .....	204
ii.	The mental element (actus reus) .....	204
2.	Punishment and sentencing .....	204
3.	Procedure and evidence .....	204
4.	The conduct of the bettor .....	204
K.	Money Laundering .....	205
1.	Elements of money laundering .....	205
i.	The external elements – advantage .....	206
ii.	The external elements – convert and transfer .....	207
iii.	The external elements – assist or facilitate .....	207
iv.	The external elements – conceal or disguise .....	208
v.	The external elements – nature, source, location, disposition, movements or ownership .....	209
vi.	The mental element (mens rea) .....	210
2.	Punishment and sentencing .....	212
i.	Responsibility of the legal person (corporation) .....	212
ii.	Accessory punishment .....	213
iii.	Sentencing .....	213
3.	Procedural and evidential problems .....	213
L.	Criminal Organisation: Association or Secret Society .....	214
1.	The elements of association or secret society .....	214
i.	The external elements (actus reus) .....	216
ii.	The offence of criminal association and the offence of association or secret society .....	217
iii.	The mental element (mens rea) .....	218
2.	Punishment and sentencing .....	218
3.	Procedure and evidence .....	219
M.	Conclusions .....	220

## Chapter 7

### Taxation of Gaming in Macau

*Luis Pessanha*

A.	Taxation in Macau .....	223
1.	Introduction .....	223
2.	Background .....	225
3.	Macau's gaming market .....	228
4.	Constitutional framework .....	231
B.	Macau's Taxes .....	235
1.	Direct and indirect taxes .....	235
2.	Types of taxes .....	237
i.	Industrial Contribution .....	237
ii.	Professional Income Tax .....	237
iii.	Complementary Income Tax .....	239

iv.	Housing Contribution.....	241
v.	Road Tax .....	241
vi.	Excise Tax .....	242
vii.	Motor Vehicle Tax.....	242
viii.	Tourism Tax .....	243
ix.	Stamp Duty .....	243
x.	Special Stamp Duty.....	244
3.	Tax benefits .....	244
i.	Permanent tax benefits .....	244
ii.	Temporary tax benefits.....	245
C.	Taxation of Casino Gaming .....	247
1.	Special Gaming Tax .....	247
i.	Contractual tax arrangements .....	249
ii.	Premiums of the gaming concessions .....	251
iii.	Other tax duties .....	252
iv.	Non-local currencies .....	253
v.	Unrecoverable credit .....	254
vi.	Financial supervision .....	255
vii.	Taxation of gaming promoters .....	257
viii.	Special gaming tax summary .....	258
ix.	Applicable taxation .....	258
2.	Taxation of other gaming concessions .....	259
i.	Horse Racing Pari-mutuel.....	260
ii.	Greyhound Racing Pari-mutuel .....	260
iii.	Sports Betting.....	261
iv.	Chinese Lotteries .....	262
D.	Final Remarks.....	263

## CHAPTER 1

## Gaming and Betting in the 1999 Macau Civil Code and Enforceability of Obligations

Manuel Marcelino Escovar Trigo<sup>1</sup>

## A. INTRODUCTION

Gaming and betting are nominate contracts<sup>2</sup> that have been regulated by the 1999 Macau Civil Code<sup>3</sup> along with the other contracts provided for in this

<sup>1</sup> Associate Professor of the Faculty of Law of the University of Macau.

<sup>2</sup> The Portuguese and Chinese versions of this article, with main differences, were published in the Bulletin of the Faculty of Law of the University of Macau (Boletim da Faculdade de Direito da Universidade de Macau) no 25, 2008, p 65 ff, under the corresponding title in Portuguese (and Chinese), 'O jogo e a aposta no Código Civil de Macau de 1999 e a eficácia das obrigações'. The present text essentially corresponds to the second part of a more extensive study on contracts in special and gaming and betting contracts in the 1999 Macau Civil Code, which has already been published in the Portuguese language in the book *Estudos de Homenagem ao Professor Doutor António Ferrer Correia, ao Professor Doutor Vasco Lobo Xavier e ao Professor Doutor Orlando de Carvalho*, of the Faculty of Law of the University of Coimbra, Vol III, 2007. It now follows for publication in English, along with this introductory note and some necessary adjustments; however, it should be noted that this text was written in an attempt to cover the issues raised in both studies.

<sup>3</sup> The Macau Civil Code was approved on 3 August 1999, and came into force on 1 November of the same year, less than two months before the transfer of sovereignty of Macau from the Portuguese Republic to the People's Republic of China, which took place on 20 December 1999, with the establishment of the Macau Special Administrative Region and with the entering into force of the Basic Law of the Macau Special Administrative Region and, among others, the Reunification Law.

In accordance with Arts 3 and 8 respectively of the abovementioned statutes, the laws, decrees, administrative regulations and other normative acts previously in force in Macau shall be maintained and adopted as legislation of the Macau Special Administrative Region, except for any that contravene the Basic Law of the Macau Special Administrative Region, the same happening in relation to the Civil Code.

The 1999 Macau Civil Code replaced the 1966 Macau Civil Code, which, by chance, followed from the 1966 Portuguese Civil Code, approved by Decree-Law no 47377, of November 25, 1966, extended to Macau by Administrative Regulation no 22869, of September 4, 1967, published in the BOM (Official Gazette of Macau) no 46 (second supplement), of November 23, 1967, along with the subsequent modifications that were extended to Macau and with the approved alterations that were only in force in Macau. See Civil Code, text in force in Macau, coordinated by JG Marques, Macau Foundation, 1997, as well as our *Lições Preliminares de Direito das Obrigações*, 3.º Ano do Curso de Direito de 1997-1998, 1.3., and 'O Direito Civil em Macau', *Perspectivas*, 1997, no 2, p 175 ff.