

Incapacity Persons Entering Casinos for Gambling

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Abstract

The rapid expansion of the gaming industry in Macau has necessitated continuous legal adjustments, particularly concerning the participation of minors in gambling activities. This article examines a significant case from 2007, where a minor won a large sum at a casino and the subsequent legal and social repercussions that highlighted regulatory weaknesses. Despite the legal prohibition against minors gambling, the casino initially refused to pay the winnings due to her age, leading to a controversial legal decision that eventually favored the minor, citing the ambiguity in the existing laws. This incident spurred a series of legal reforms aimed at tightening regulations to prevent minors from gambling and enhancing enforcement to uphold the integrity of the gaming industry. The evolution of Macau's gaming laws is explored through six legislative phases, demonstrating the territory's efforts to align its gaming operations with both legal and ethical standards.

Keywords: Gaming Law, Incapacity Persons, Minors

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Introduction

The development of the gaming industry in Macau has a long history. Since the 1960s, the Macau-Portuguese government has enacted relevant laws and regulations. Law No. 16/2001 has been in force for about 20 years⁷²⁶. Looking back to the past, the implementation of the law and the regulation of the gaming industry have both been inadequate. Therefore, the new “Legal System of the Operation of Casino Games of Fortune” (Law No. 7/2022) officially came into effect on June 23, 2022. A major incident that occurred in Macau’s casinos in 2007 led to a series of legal disputes and subsequent legal reforms.

1. The “Sands Refusal to Pay” Incident in 2007

I. Origin of the Incident

In 2007, a 16-year-old minor girl from Hong Kong entered the Sands Casino in Macau and won a substantial prize. When the girl was collecting the prize, the casino staff discovered that she was under 18 years old. According to article 24(1)(1) of the “Legal System of the Operation of Casino Games of Fortune” (Law No. 16/2001) in effect at that time, persons under 18 years old were prohibited from entering casinos. However, this law did not specify any related civil consequences. After negotiation with the girl’s parents, the concession company refused to award the prize, considering the winning result as invalid and requested the minor girl to leave the casino.

According to a news report from “Liberty Times,” “A 16-year-old girl hit the jackpot for HK\$2.7 million, but the prize was not granted to her.” The report elaborated: “A 16-year-old girl played the slot machines in a Macau casino and won HK\$740,000, but the result was considered invalid. This incident of a minor gambler’s win being deemed invalid highlighted the supervisory blind spots in Macau’s casinos and has attracted the attention of the public.”⁷²⁷

⁷²⁶ Law no. 16/2001, article 24(1)(1) stipulates: “The following people are prohibited from entering the gaming area: (1) Persons under the age of 18.”

⁷²⁷ <https://news.ltn.com.tw/news/world/breakingnews/2344790>

Thus, it seems that this case ended in a win-win situation. However, subsequent media reports pointed out another existing problem.

According to the “Sing Tao Daily” report, “During that time the 16-year-old girl won the prize, but the Sands Casino in Macau refused to grant it on the grounds that she was a minor. Her family then filed a complaint with the local Gaming Inspection and Coordination Bureau. After investigation, the Gaming Inspection and Coordination Bureau believed that the girl “did not win the prize through improper means,” so it required the Sands Casino to pay HK\$740,000 to the girl’s mother. This incident led local casinos to strengthen age control measures to avoid being “played by underage people” and losing large sums of prize money. Although this incident occurred 10 years ago, it is still considered a key case by local casinos, who remain cautious in handling such situations to prevent a recurrence.”⁷³⁰

According to the report in “Sina News,” the headline read, “Under 18, Winning 740,000 Dollars Almost Void”: “Although the incident has come to an end, public opinion believes that for a long period of time, casinos had failed to effectively prevent underage people from entering the gaming venues. The management personnel could only determine the age based on appearance, which was unable to ensure effective control. The gaming companies should bear the responsibility.” Furthermore, the report suggests that Macau parents should be made aware of the potential harm that gambling can bring to juveniles.⁷³¹

According to the Hong Kong Wen Wei Po report, “the decision to grant the full prize amount has sparked great controversy in society. Some commentators pointed out that the successful claim of the prize by the un-

⁷³⁰ <https://std.stheadline.com/realtime/article/643518/>即時-港聞-當年今日-少女澳門賭場贏74萬-被揭未成年仍獲派彩

⁷³¹ <https://news.sina.com.cn/c/2007-02-26/043011286182s.shtml>

derage girl could set a precedent for other young people to gamble. They suggested that the casino should have simply refunded the cost and immediately amended its regulations to solve the problem. More concerning is that society has been working to instill the correct values for young people, such as the slogan “Watch the soccer game, do not gamble,” with the underlying motive to prevent young people from developing a gambling mindset. The law stipulates that young people under 18 are not allowed to gamble, considering that they are not yet economically independent, with their main source of income coming from their parents. Once young people develop a gambling habit, they are more likely to commit illegal acts to make money. In this incident, the girl’s parents took her into the casino, which inevitably gives the impression of encouraging her to gamble. Yet, they were eventually supported by the public and left with their winnings, reflecting whether society considers it a normal thing for parents to take their children to gamble?”⁷³²

In fact, the incident exposed the imperfections in Macau’s relevant legal system. These included the lack of penalties for the forbidden on underage entry into entertainment venues, the absence of regulations on the consequences of underage entry into entertainment venues for gambling, and the insufficient supervision by the concession companies on the entering and leaving of underage persons. As a result, the Macau government conducted legislative proposals, consultations, and discussions in 2011. This led to the promulgation of the new law “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues” in 2012.

2. The Evolution of Macau’s Gambling Laws

Macau’s gaming laws have undergone six major legislative and amendment phases from 1961 to the present. Regarding the legislative aspect of the subject incident, the six legislative and amendment phases of Macau’s gambling laws are as follows:

⁷³²<http://paper.wenweipo.com/2007/03/05/ED0703050014.htm>

I. Legislative Regulation no. 1496⁷³³

Enacted in 1961, this regulation primarily governed all forms of gambling in the Macau province and authorized the government to grant concessions for legally permitted gambling operations. To ensure full compliance, it stipulated penalties for illegal acts, targeting not only the concessionaires but also other entities, as a supervisory measure to safeguard the principles guiding the regulation and protect the interests of the government, the concessionaires, and the candidates in gambling. The regulation also prohibited persons who residing in the Macau province under the age of 25, as well as others under the age of 21, from entering casinos.

II. Legislative Regulation no. 13/72⁷³⁴

Enacted in 1972, this regulation mainly governed the gambling operation contracts in the Macau province and stipulated periodic revisions of its terms. The provision forbidding entry into casinos was “Portuguese nationals under the age of 25, or any person under guardianship or curatorship of any age, except for married women accompanied by their husbands who have the right to enter the casino; persons with other nationalities under the age of 21, except for married women accompanied by their husbands who have the right to enter the casino.”

III. Decree-Law no. 2/84/M⁷³⁵

Enacted in 1984, this decree-law stipulates that “Macau residents under the age of 21 are forbidden from entering gaming premises, except when accompanied by their spouse who is authorized to enter; non-Macau

⁷³³ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 13-14.

⁷³⁴ Same as above.

⁷³⁵ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 13-14.

residents under the age of 18 are forbidden from entering gaming premises, except when accompanied by their spouse who is authorized to enter.”

IV. Law no. 16/2001

Enacted in 2001, article 55 of this law changed the regulatory provisions of the three laws. The main purpose is to regulate the legal system for the operation of casino gaming, where article 24(1)(1) stipulates that persons under the age of 18 are forbidden from entering casinos.

V. Law no. 10/2012 and Law no. 17/2018

Enacted in 2012 and 2018 respectively, these laws primarily regulate the conditions for entering, working, and gambling in casinos. Specifically, article 2(1) forbids persons under the age of 21 from entering casinos.

3. Relevant Laws at the time of the Incident

I. Gaming Law

The law in effect and relevant to this incident was the Law no. 16/2001 “ The legal system of lucky gambling operation in the casino”. Article 24(1)(1) of this law stipulates that persons under the age of 18 are prohibited from entering casinos. However, there is no express provision prohibiting them from gambling or the consequences of violating this rule, nor are there any penalties specifically for minors.

II. Civil Code:

i. Gambling Contract

In Macau law, a contract is a bilateral or multilateral legal act. article 399 of the Civil Code establishes the principle of contractual freedom, which is reflected in the freedom of conclusion, content, object, and form. In principle, if a contract does not violate legal provisions and complies with public order and good faith, it can be freely concluded within the scope of the law.

Gambling and betting regulations are included in the various contracts in Volume II, Obligation Law of the Civil Code. Therefore, we can understand that gambling is a contract⁷³⁶. Article 1171(1) of the Civil Code stipulates that legal obligations only arise when expressly provided for by specific law, and the law only creates natural obligations when it allows.

ii. Lack of Capacity

The capacity referred here is legal capacity. Legal capacity is the extent to which a person can become the subject of rights and obligations⁷³⁷. Incapable persons can be divided into without capacity to make juridical acts and without legal disability, which will be briefly introduced below.

● Lack of Legal Capacity

Legal capacity is the ability to become the subject of a certain legal relationship, to possess certain rights, and to bear certain obligations. Article 64 of the Civil Code provides that natural persons have legal capacity⁷³⁸, and they will only lose their legal capacity in cases expressly provided for by law. For example, persons under the age of 16 are not able to marry⁷³⁹, as they have an absolute impediment and do not have the capacity to marry. They cannot be the subject of the marital legal relationship. If a person validates a legal act lacking legal capacity without any supplementary mechanism, the consequence of their legal act shall be void.

● Lack of Capacity to Make Juridical Acts (Legal competence)

⁷³⁶ Article 1171(1) of Civil Code.

⁷³⁷ General Discourses of Civil Law and the General Parts of the Macao Civil Code (Vol. 2), Tong Io Cheng, Sou Kin Fong and Ng Kei Kei, Macao Foundation, page 57.

⁷³⁸ Article 64 of Civil Code: “Unless otherwise provided by law, a natural person can become the subject of any legal relationship: this is the right and capacity of a natural person.”

⁷³⁹ Article 1479 of Civil Code.

Legal competence refers to the ability to perform legal acts, exercise rights, and fulfill obligations independently and freely. In the current legal system of Macau, individuals without legal competence are categorized into three groups: 1. Minors; 2. Interdicts; 3. Quasi-interdicts.

Unlike legal capacity, the regulation of legal incompetence in the law aims to protect individuals who lack competence. It does not mean that a person cannot perform certain legal acts but rather that certain supplementary mechanisms are required. For example, minors need parental authority to supplement their legal acts⁷⁴⁰.

The consequence of lacking legal competence is that the act is considered voidable. For instance, if a minor enters a real estate sales contract with someone, their parents can apply to have the contract rescinded.

- What type of incapacity is involved in this incident?

The central dispute in this incident revolves around determining whether the relationship between the minor girl and the concessionaire is characterized by a lack of legal competence or a lack of legal capacity. It is crucial to differentiate between the two as the consequence of lacking legal competence is voidable, whereas lacking legal capacity renders the act void. This distinction directly resolves the issue of whether the concessionaire is obligated to make payouts to the minor.

III. Minors System

Minors are a category of individuals who lack legal competence. In the past, the legal age of adulthood in Macau was 21 years old⁷⁴¹. However, article 12 of Decree-Law No. 496/77, enacted on 25th November, amended this requirement, setting the current legal age of adulthood in Macau at 18 years old.

⁷⁴⁰ Article 113 of Civil Code.

⁷⁴¹ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 15-16.

The main regulations governing minors in Macau are outlined in articles 111 to 121 of the Civil Code. Under normal circumstances, when minors engage in legal acts with others, such acts need to be supplemented by parental authority. The parents of the minors are typically the individuals exercising parental authority. In cases where parental authority is absent or cannot be utilized for supplementation, guardianship can be employed to supplement the legal acts of minors. Moreover, specific individuals, such as those exercising parental authority or guardians, have the right to request the revocation of the legal acts performed by minors.

Exceptions exist where the legal acts of minors cannot be revoked. For instance, if a minor engages in fraudulent conduct during a transaction, deliberately leading the other party to believe that they possess the capacity to act, and the other party has reasonable grounds to believe so, the legal acts of the minor may be non-revocable⁷⁴².

4. The Dispute

After the incident, several disputes have emerged in the academic community, with three disputes being highly controversial. The first dispute is to revolve around whether the gambling contract should be regulated by public law or private law. The second dispute is questioning the validity of the concession holder's contract with the minor. Lastly, the third dispute concerns whether the consequence is voidable or revocable if the contract is deemed invalid.

I. The first dispute: Should the gambling contract be regulated by public law or private law?

One perspective argues that the gambling contract should be regulated by private law⁷⁴³.

Firstly, the provisions concerning gambling and betting contracts are

⁷⁴² Article 115 of Civil Code.

⁷⁴³ *Menores em Casinos: É necessários Alterar a Lei?*, Jorge Godinho, page 134-138.

outlined in the private law section, specifically the second section of the Civil Code. Secondly, one of the parties involved in the contract is a private individual, namely a minor, who falls under the category of persons without legal capacity and is protected by the regulations on incapacity within the Civil Code. Thus, private law should be applicable.

According to articles 111 to 121 of the Civil Code, a gambling contract involving a minor is considered revocable. The minor themselves, or individuals exercising parental authority, among others, have the right to claim its revocation within a specified timeframe.

The opposing view argues that the gambling contract should be regulated by public law.

According to some academics, Law no. 16/2001 governs the legal framework for the operation of entertainment venues and primarily addresses the relationship between the concession holder and the administrative department⁷⁴⁴. This law encompasses issues such as concessions and explicitly prohibits minors from entering entertainment venues in article 24. Therefore, this incident should be resolved from the perspective of administrative law.

Although Law no. 16/2001 does not specifically address the consequences of a gambling contract between a minor and the concession holder, nor are there separate laws with relevant regulations, from a public law standpoint⁷⁴⁵, the provision in article 24 that prohibits minors from entering entertainment venues implies that it is also prohibited for the concession holder to enter a gambling contract with minors. This provision is intended to apply to both the concession holder and the minors involved.

⁷⁴⁴ Menores em Casinos: É necessários Alterar a Lei?, Jorge Godinho, page 131-134.

⁷⁴⁵ Same book above, page 130-131.

II. The second dispute: The validity of the contract

In terms of the legal validity of a contract, it is generally divided into valid and invalid^{746 747}.

i. The contract is valid.

Since the case mentioned that minors are prohibited from entering casinos to gamble, there is obviously no view that the gambling contract between the girl and the concession holder is valid.

ii. The contract is invalid.

At the time of the incident, the relevant law in force was Law no. 16/2001, which states in article 24, paragraph 1, item 1 that individuals under the age of 18 are forbidden to enter entertainment venues. Consequently, the 16-year-old minor involved in this case was prohibited from entering the entertainment venue. Although the law does not explicitly forbid her from gambling within the entertainment venue, the prevailing academically opinion suggests that the prohibition on her entering the entertainment venue also extends to engaging in gambling or betting contracts. In the opinion of the bill on “The Conditions for Entering, Working and Gambling in Entertainment Venues”, a legislator highlighted that⁷⁴⁸ “Forbidding individuals under the age of 18 from entering entertainment venues implies forbid their entry and stay, as well as forbidding them from gambling, which encompasses forbidding them from entering into gambling or betting contracts.” This viewpoint was subsequently explicitly

⁷⁴⁶ Introdução ao Estudo do direito, João Castro Mendes, page 40.

⁷⁴⁷ General Discourses of Civil Law and the General Parts of the Macao Civil Code (Vol. 2), Tong Io Cheng, Sou Kin Fong and Ng Kei Kei, Macao Foundation, page 443-448.

⁷⁴⁸ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 135.

stated in the new law (Law no. 10/2012) in article 2, paragraph 2⁷⁴⁹.

Since the law prohibits the minor girl from entering the entertainment venue and engaging in a gambling contract with the concession holder, the contract is considered invalid and does not give rise to any legal obligations.

III. The third dispute: Whether the contract is voidable or revocable.

i. The view that the contract is revocable:

Certain academics argue that article 24 of Law no. 16/2001 is not a mandatory provision⁷⁵⁰ and cannot serve as a basis to declare the contract voidance under article 287 of the Civil Code. They contend that the provision does not involve an interest higher than the protection of minors' interests, and the defect in a voidable contract should be more severe than that in a revocable contract.

Furthermore, these academics assert that the purpose of the law is not to safeguard the interests of the entertainment venue but rather to protect minors. If the concession holder wishes to avoid entering contracts with minors, they should implement additional measures to prevent minors from entering the venue, rather than relying on the entertainment venue to declare the contract voidance and deny the prize. The concession holder bears a societal responsibility and obligation to prevent individuals who are prohibited from entering their premises. Hence, the contract between the concession holder and the minor should be considered revocable, and

⁷⁴⁹ Article 2(2) of Law no. 10/2012 stipulates: "The prohibition stipulated in the above paragraph results in the prohibition of any gambling directly or through others in the casino. The prohibition includes all places that can be entered through the entrance of the casino."

⁷⁵⁰ O Regime Jurídico do Jogo e da Aposta em Macau dos Contratos em Especial, Teresa Albuquerque e Sousa, page 848.

the minor or the person with parental authority should have the right to revoke the contract⁷⁵¹.

ii. **The view that the contract is voidable:**

Jorge Godinho maintains that article 24 of Law no. 16/2001 is a mandatory provision⁷⁵², evident from its title “Prohibition of entry into entertainment venues” and therefore, its violation renders the contract void under article 287 of the Civil Code.

Additionally, some academics argue that while minors lack legal capacity, they possess the capacity to act in such contracts, thus rendering the contract voidance⁷⁵³⁷⁵⁴. They base their argument on article 287 of the Civil Code, as the consequences of violating article 24 of Law no. 16/2001 align with the legislative intention of the former regulation. They believe that voiding the contract and forfeiting any gains obtained serves as a preventive measure, discouraging minors from entering entertainment venues for gambling, which is in line with the legislative purpose. Conversely, if the contract were merely revocable, it would create an imbalance in the system in practice. This is because, according to article 114 of the Civil Code, only the minor and their legal representative can claim revocation, while the concession holder cannot. This could result in a situation where the minor claims revocation when they lose but not when they win. Considering the contract as voidance would allow any interested party to claim, which is deemed fairer and more practical under the provisions of article 279 of the Civil Code.

⁷⁵¹ Same as above, page 849.

⁷⁵² The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 133-134.

⁷⁵³ O Regime Jurídico do Jogo e da Aposta em Macau dos Contratos em Especial, Teresa Albuquerque e Sousa, page 847 to 849.

⁷⁵⁴ Menores em cansinos: é necessário alterar a lei?, Jorge Godinho, page 134-138.

The concession holder can also assert the contract's annulment based on the provisions of articles 273 and 274 of the Civil Code. They argue that entering a gambling contract with a person under the age of 18, as prohibited by law, goes against the purpose and subject matter of the contract. Article 24(1) of Law no. 16/2001 explicitly prohibits individuals under the age of 18 from engaging in chance-based gambling in entertainment venues.

5. Legal amendments regarding the incident (Law No. 10/2012)

I. The legislative process of raising the minimum age limit for entering entertainment venues.

i. Opposition to Raising the Minimum Legal Age for Entering Entertainment Venues:

According to the opinion document on the Bill of “Regulating the conditions for entering, working and gambling in entertainment venues “, some legislators oppose raising the minimum legal age for entering entertainment venues due to the following reasons:

Firstly, they argue that raising the minimum age for entering and working in casinos would contradict article 111 of the Civil Code, which defines adulthood as 18 years old. Prohibiting individuals under 21 from accessing casinos would be inconsistent with article 35 of the Macao Basic Law, which guarantees freedom of occupation, as well as article 25 on the principle of equality, and article 6(2) of Law no. 7/2008 on the Labor Relations Law, which upholds the principle of equality. The amendment made in 2001 aimed to address this issue by lowering the minimum age for entering casinos from 21 to 18 years old.⁷⁵⁵

Secondly, they assert that setting a minimum age for working in the gaming industry that differs from the age of adulthood defined in civil law is discriminatory. This discrepancy restricts young people's opportunities

⁷⁵⁵ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 20-26.

and hinders their access to an industry that offers relatively high-quality employment prospects. Moreover, it conflicts with the fundamental principles of the local legal system.⁷⁵⁶

Thirdly, they question the rationale behind considering the 18 to 21 age range as immature in the legislative proposal, as it is difficult for society to comprehend. They point out that in 2008, the age requirement for participating in Legislative Assembly elections was lowered from 21 to 18 years old, indicating that 18-year-olds were regarded as sufficiently mature at that time. Additionally, the government mentioned in another bill in 2009 that its legislative policy aimed to lower the age of criminal liability for certain serious crimes from 16 to 14 years old, recognizing that young people are maturing earlier nowadays. Thus, the argument that 18 to 21-year-olds are not mature enough to enter, gamble, and work in entertainment venues appears contradictory to these previous considerations.⁷⁵⁷

Fourthly, raising the minimum age for working in entertainment venues lacks a valid basis in terms of significant public interest. The rationale provided does not possess the legitimacy of being grounded in major public interest. The provisions of article 35(3) of the Macao Basic Law and article 111 of the Civil Code primarily pertain to the protection of minors and do not extend to young individuals aged 18 to 21. It is crucial to distinguish between the concepts of “youth” and “minors.” Under international law, if special protective measures are to be enacted based on age, they are typically limited to the concept of children, who are defined as individuals under 18 years old. Consequently, the protection of individuals aged 18 to 21 falls outside the scope of Macao’s international obligations, rendering such protection lacking in legitimacy at the international law level. With this distinction in mind, it can be argued that only minors have the legitimate entitlement to be granted protection by public authorities.⁷⁵⁸

⁷⁵⁶ Same as above.

⁷⁵⁷ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 28-29.

⁷⁵⁸ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 33-35.

ii. Supporting opinion of raising minimum legal age for entering entertainment venues

The opinion also presented some supporting views:

Firstly, raising the minimum age for entering entertainment venues is believed to be beneficial in preventing young individuals from abandoning their studies due to the allure of high-paying jobs in the gaming industry. The legislative amendment aims to encourage individuals aged 18 to 21 to continue their education, protecting them from the potential negative impact of early employment in the gaming sector.⁷⁵⁹

Secondly, early exposure to gambling activities can have a detrimental effect on the values and behavior of young individuals. The environment prevalent in casinos may foster unhealthy habits and attitudes among juveniles.⁷⁶⁰

Thirdly, due to the immaturity of individuals within the 18 to 21 age range, they may be more susceptible to engaging in criminal activities related to casino gambling. The allure of the casino environment could tempt them to resort to theft or fraud involving cash or chips.⁷⁶¹

Fourthly, raising the minimum legal age for entering entertainment venues aligns with the principle of maintaining societal and public interest. Various local laws already have exceptions based on different age thresholds to uphold the legal effects of reaching 18 years of age. Examples include the

⁷⁵⁹ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 29.

⁷⁶⁰ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 27.

⁷⁶¹ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 30.

requirement for the Chief Executive of SAR to be at least 40 years old, the minimum age of 21 for obtaining a heavy vehicle driving license, the prohibition of adoption before 28 years of age unless married, and the restriction of adoption to individuals aged 60 and above. While there may not be a specific constitutional provision explicitly allowing for the protection of adults aged 18 to 21, such protection can be justified based on broad social consensus and the preservation of societal interests.⁷⁶²

Lastly, it is important to note that raising the minimum legal age for entering entertainment venues does not entail any unconstitutionality, illegality, or discrimination. The government's rationale behind proposing this legislative policy considers the distinctive nature of the gaming industry in the Macao SAR, characterized by its substantial economic significance and local scale. Consequently, this legislative measure is based on justified differential treatment, which is permitted under Article 25 of the Basic Law.⁷⁶³

Regarding the Outcome of Legislation:

According to article 2(1)(1) of Law no. 10/2012, individuals under 21 years old are prohibited from entering, working, or gambling in casinos.

Regarding the Forfeiture of Winnings:

In the opinion on “Regulating the Conditions for Entering, Working, and Gambling in Casinos,” the legislative in-

⁷⁶² The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 37.

⁷⁶³ The opinion of bill of “Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues”, page 38.

tention was to establish a specific legal framework to ensure that any prohibited individuals or concessionaires cannot profit from irregular gambling activities. It is mandated that regardless of who wins, the winnings must be forfeited to the Macao SAR⁷⁶⁴.

Some academics have suggested that, concerning winnings from minor gambling activities, the government could consider adopting a model like Singapore⁷⁶⁵. This model involves establishing a fund or specific account for these winnings and utilizing the forfeited winnings for gambling-related public welfare purposes. In this way, the prize would not be granted to the minor nor retained by the concessionaires, in accordance with the law.

According to article 11 of Law no. 10/2012, the prize won by an individual who was prohibited from gambling shall be forfeited to the Macao SAR⁷⁶⁶.

Furthermore, article 11 of Law no. 17/2018 specifies that the prize won by an individual who was forbidden to gamble, after deducting any losses to the concessionaires, shall be forfeited to the Macao SAR⁷⁶⁷.

⁷⁶⁴ The opinion of bill of "Regulating the Conditions for Entering, Working and Gambling into Entertainment Venues", page 196, 199-200.

⁷⁶⁵ Menores em casinos: é necessário alterar a lei?, Jorge Godinho, page 138-142.

⁷⁶⁶ Article 11(1) of Law no. 10/2012 stipulates: "The amount of bets made by persons prohibited from gambling and the value of winnings or other lucky gambling proceeds shall belong to the Macao Special Administrative Region."

⁷⁶⁷ Article 11(1) of Law no. 17/2018 stipulates: "1. The following values belong to the Macao Special Administrative Region: (1) Lottery winnings or other lucky gambling income earned by persons who are prohibited from gambling after deducting losses; (2) The amount of money obtained by the granting company from persons

6. Conclusion

After discussing the entire incident and the subsequent legislative arrangements, we believe it is important to reflect on certain legislative measures. For instance, should the age restriction for entering entertainment venues be raised to 21? Should the winnings from illegal gambling contracts be confiscated? And should the forfeiture mechanism be further improved, such as by channeling the confiscated funds into a pathological gambling prevention and control fund?

who are prohibited from gambling Income from gambling after deducting losses.”