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**CASINO CONTROL ACT
(CHAPTER 33A)**

**CASINO CONTROL (EVALUATION PANEL)
REGULATIONS 2014**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Evaluation panel
 4. Applicant to furnish document or information
 5. STB to provide report
 6. Development party to provide report
 7. Use of document or information
 8. Performance indicator and methodology
 9. Preparation of evaluation opinion
 10. Submission and clarification of evaluation opinion
 11. False or misleading document or information
- The Schedule
-

In exercise of the powers conferred by section 45A(7) of the Casino Control Act, Mr S Iswaran, Second Minister for Trade and Industry, charged with the responsibility for the portfolio of the Minister for Trade and Industry relating to tourism development and promotion, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Casino Control (Evaluation Panel) Regulations 2014 and shall come into operation on 11 December 2014.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“applicant” means an applicant for the application or renewal of a casino licence;

“development party”, in relation to a Development Agreement, means a statutory body which is a party to the Development Agreement;

“evaluation opinion” means the evaluation panel’s opinion on the matters in section 45A(1) of the Act in relation to an integrated resort;

“evaluation panel” means the evaluation panel formed under section 45A(1) of the Act;

“STB” means the Singapore Tourism Board established under section 3 of the Singapore Tourism Board Act (Cap. 305B).

(2) Any reference to an applicant’s integrated resort includes, in the case of an application for a casino licence, a reference to the applicant’s proposed integrated resort.

Evaluation panel

3.—(1) The Minister must appoint, from amongst the members of the evaluation panel, a Chairperson who is to hold office for such period and on such terms as the Minister may determine.

(2) The Chairperson must preside at all meetings of the evaluation panel.

(3) In the event of the Chairperson’s temporary absence from Singapore or temporary incapacity to perform the Chairperson’s duties by reason of illness or any other reason, the members of the evaluation panel present at a meeting must elect one of their number to preside at the meeting.

(4) At every meeting of the evaluation panel, the quorum must be not less than one-half of the number of members of the panel, and no business must be transacted at the meeting unless the quorum is present.

(5) A decision of the evaluation panel at a meeting must be adopted by a simple majority of the members present and voting and in the case of an equality of votes, the Chairperson or any other member presiding at the meeting is to have a casting vote.

(6) The evaluation panel may transact any of its business by the circulation of papers among all the members of the panel.

(7) A decision in writing made under paragraph (6) by a simple majority of the evaluation panel's members is a decision of the panel and is valid as if it had been made at a meeting of the panel duly convened and held.

(8) A decision of the evaluation panel is made under paragraph (6) when the last member of the panel required for the simple majority signs and delivers his or her decision in the manner provided in paragraph (10).

(9) For the purpose of a decision of the evaluation panel under paragraph (6) —

- (a) the Chairperson may stipulate a period of time within which the decision may be made;
- (b) the Chairperson and each member have the same voting rights as they have at any meeting of the panel; and
- (c) separate copies of the decision in writing may be distributed for signing by the members if the wording of the decision is identical in each copy.

(10) For the purposes of paragraphs (6) to (9), papers (including decisions) may be circulated among members of the evaluation panel, or delivered to an officer from the Ministry of Trade and Industry as may be designated by the Chairperson, by hand or fax transmission or electronic transmission of the information in the papers.

(11) Subject to this regulation, the evaluation panel may regulate its own procedure.

Applicant to furnish document or information

4. An applicant who is required by the evaluation panel to furnish any document or information under section 45A(4)(a) of the Act must do so within such period as the evaluation panel may specify.

STB to provide report

5.—(1) For the purposes of formulating an evaluation opinion in relation to an applicant's integrated resort, the evaluation panel may by written notice require STB to provide a report (referred to in these Regulations as the tourism report) on one or more of the following matters in relation to the applicant's integrated resort:

- (a) the visitor appeal of the integrated resort;
- (b) the comparability of the integrated resort or any part of the resort to any similar attraction or facility outside Singapore or to the prevailing industry standards in respect of such attraction or facility;
- (c) the degree to which the integrated resort or any attraction or facility in the resort meets the prevailing market demand in respect of the integrated resort, attraction or facility;
- (d) the contribution of the integrated resort to the tourism industry in Singapore.

(2) STB must provide the tourism report to the evaluation panel within such period as the evaluation panel may specify.

(3) For the purposes of paragraph (2), STB may do all or any of the following:

- (a) require the applicant to furnish to STB, at the applicant's own cost, one or more of the following:
 - (i) revenue and other financial information on the applicant's integrated resort and each of the components in the integrated resort;
 - (ii) the reinvestment plans or maintenance plans for any part of the integrated resort;

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- (iii) any survey carried out about a performance indicator set out in the Schedule for any aspect of the integrated resort;
 - (iv) such other document or information relating to the integrated resort as STB may consider necessary;
- (b) require the applicant to allow any person authorised by STB to enter any part of the applicant's integrated resort to —
- (i) inspect that part of the integrated resort; or
 - (ii) conduct any survey about a performance indicator for any aspect of the integrated resort.

Development party to provide report

6.—(1) For the purposes of formulating an evaluation opinion in relation to an applicant's integrated resort, the evaluation panel may by written notice require a development party to provide a report (referred to in these Regulations as the development report) on one or more of the following matters:

- (a) physical change to the integrated resort and each of its components;
- (b) management and maintenance of the integrated resort and each of its components;
- (c) safety and operational aspects of the integrated resort and each of its components;
- (d) such other matter in connection with the Development Agreement as the evaluation panel considers necessary.

(2) The development party must provide the development report to the evaluation panel within such period as the evaluation panel may specify.

Use of document or information

7.—(1) The evaluation panel, STB or development party, as the case may be, may —

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- (a) examine, take possession of, make copies of or take extracts from any document it receives for the purpose of formulating the evaluation panel's evaluation opinion, STB's tourism report or development party's development report, as the case may be;
 - (b) retain the document, or any copy or extract of the document, for such period as the evaluation panel, STB or development party, as the case may be, considers necessary; and
 - (c) subject to any written law or rule of law, disclose to any person any information (including any document or extract of that document) if the evaluation panel, STB or development party, as the case may be, considers that such disclosure is necessary for the purpose of carrying out its functions or duties.
- (2) The evaluation panel, STB or development party, as the case may be, may in disclosing any information under paragraph (1)(c), impose such conditions as it thinks necessary and the person to whom the information is disclosed must comply with the conditions.
- (3) Any person who contravenes any condition imposed under paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Performance indicator and methodology

8. For the purposes of section 45A(4)(d) of the Act, the evaluation panel must assess the quality of an applicant's integrated resort using the performance indicators and methodology set out in the Schedule.

Preparation of evaluation opinion

9. Before the evaluation panel submits to the Authority its evaluation opinion on an applicant's integrated resort, the evaluation panel must send to the applicant —

- (a) a copy of its draft evaluation opinion; and

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- (b) a notice inviting the applicant to provide in writing, within such period (not being less than 7 days) as may be specified in the notice, the applicant's views on the draft evaluation opinion.

Submission and clarification of evaluation opinion

10.—(1) The evaluation panel must submit to the Authority —

- (a) its evaluation opinion on an applicant's integrated resort; and
- (b) its opinion on when the next evaluation on the integrated resort should be carried out,

at least 6 months (or such shorter period as the Authority may specify) before the expiry of the casino licence in respect of the resort.

(2) The evaluation panel must provide a copy of each of the opinions referred to in paragraph (1) to the applicant.

(3) The Authority may seek clarification from the evaluation panel with regard to any of the opinions referred to in paragraph (1) and for that purpose, may require the evaluation panel to provide the Authority with such information or documents as will assist to clarify the opinion.

(4) Upon receipt of the Authority's request for clarification under paragraph (3) of any opinion of the evaluation panel, the evaluation panel may —

- (a) provide the clarification; or
- (b) amend the opinion.

(5) Before amending its opinion under paragraph (4)(b), the evaluation panel must call for and consider the applicant's views on its draft amended opinion in the same manner as set out in regulation 9.

(6) The evaluation panel may disregard the requirements of paragraph (5) if the amendment to be made to the opinion is clerical in nature or if, in the panel's assessment, compliance with paragraph (5) is not necessary or practicable in the circumstances.

(7) The evaluation panel must provide a copy of the amended opinion to the applicant.

False or misleading document or information

11.—(1) Any person who provides any document or information to the evaluation panel, STB or development party, as the case may be, under these Regulations shall be guilty of an offence if —

- (a) the document or information is false or misleading in a material particular; and
- (b) the person knows that the document or information is false or misleading in a material particular or is reckless as to whether it is so.

(2) A person who provides any document or information to another person —

- (a) knowing that, or with reckless disregard as to whether, the document or information is false or misleading in a material particular; and
- (b) knowing that the other person is intending to provide that document or information to the evaluation panel, STB or development party, as the case may be, under these Regulations,

shall be guilty of an offence.

(3) Any person guilty of an offence under paragraph (1) or (2) shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

THE SCHEDULE

Regulations 5(3) and 8

PERFORMANCE INDICATORS AND METHODOLOGY

1. Performance indicators relating to visitor appeal of the integrated resort and its components using the following methodology:

- (a) the number of visitors (paying and non-paying) to the integrated resort and its components;

THE SCHEDULE — *continued*

- (b) the visitor satisfaction level, according to a survey to visitors on the appeal of the integrated resort and its components and the quality of their visitor experience.
2. Performance indicators relating to operational and financial performance using the following methodology:
- (a) the frequency and extent of reinvestment into the integrated resort and its components;
- (b) the availability of facilities for use by visitors to the integrated resort and its components and the period of time when such facilities are unavailable.

Made on 9 December 2014.

CHEE HONG TAT
*Second Permanent Secretary,
Ministry of Trade and Industry,
Singapore.*

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