



益彩基金系列丛书

中国留学人才发展基金会益彩基金管理委员会 编

彩票利益 相关方的社会责任

YICAI
FOUNDATION
马福云◎著



中国财政经济出版社

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《益彩基金系列丛书》

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益彩基金系列丛书总序

21 世纪的中国正以全球瞩目的速度立于世界强国之林。她不但表现在经济方面厚积薄发的稳健崛起，更表现在对科研学术、理论人才的重视和研究成果上。中国留学人才发展基金会益彩基金在成立之初，即专门设立了“益彩科研项目组”，在中国公益领域尤其是中国公益彩票的理论学术研究、人才培养和科学发展方面做了诸多的基础工作。

为了填补中国公益彩票、责任博彩领域的基础学术空白，为了使科研成果能够更广泛地服务于社会、服务于产业、服务于大众，益彩基金确定将每年的科研学术成果中可以公开的部分，系统编纂成“益彩基金系列丛书”，对于彩票博彩领域系列定名为“益彩基金责任博彩丛书”。

本书是基于益彩基金 2011—2012 年度科研课题“彩票利益相关方的社会责任研究”的最终成果。该课题通过全面考察中国彩票及彩票行业的发展现状，对彩票行业发展的宏观政策背景与行业发展概况进行梳理，对彩票发展中各利益相关方所承担的责任与义务进行了深入分析，并在深入理解彩票的双重性特征的基础上，探讨了相关利益各方如何更好地承担起社会责任，以发挥彩票行业的积极作用、限制彩票发展带来的消极作用。原研究报告

由“益彩科研项目组”整理、编纂完成。

我谨代表中国留学人才发展基金会益彩基金管理委员会，感谢为中国公益彩票事业作出贡献的彩票各界人士；感谢参与本部丛书研究编纂工作的益彩基金专家委员会成员和国家行政学院“益彩科研项目组”成员；感谢本书撰稿人“益彩科研项目组”组长马福云教授以及本书出版单位中国财政经济出版社！

《彩票利益相关方的社会责任》一书凝聚了彩票各界众多专家学者的共同智慧，它不仅是中国彩票基础理论成果，也为其他国家彩票的基础理论学术提供了重要的理论科研基础。

是为序。

付欣忱

中国留学人才发展基金会理事

中国留学人才发展基金会益彩基金管理委员会主任

Preface



China in the 21st century is becoming one of the world's biggest powers at a speed arousing worldwide attention. This can be witnessed not only by the steady rise of its economy, but also by its great attention to academic research and theoretical talents cultivation, and the corresponding achievements. Shortly after its establishment, the YICAI Foundation of the China Overseas – Educated Scholars Development Foundation specially set up a “YICAI project research group”, which did considerable basic work in the theoretical research, talents cultivation and scientific development of China's public welfare causes, especially public welfare lottery undertakings.

In order to fill in the gaps in basic academic research of China's public welfare lottery and responsible gambling, and to make the research results more widely serve the society, the lottery industry and the general public as well, the YICAI Foundation Management Committee decided to have the annual research results which can be open to the public compiled into a book series named “YICAI Foundation Series”. Among the series, those about lottery and gambling are named “YICAI Foundation Responsible Gambling Series”.

The compilation of this book is based on the ultimate achievements of the YICAI Foundation annual research project 2011 – 2012—the Research on the Social Responsibilities of Lottery Stakeholders. The research project, through a comprehensive

study on the current development of China lottery and the lottery industry as well, reviewed and summarized the macro – policy background of lottery industry and the general situation of its development, and analyzed thoroughly the responsibilities and obligations of the stakeholders in the development of lottery industry. Based on a deep understanding of the dual characteristics of lottery, the project also discussed how the stakeholders can better assume their social responsibilities by giving full play of lottery industry's positive functions while restraining its negative effect.

On behalf of the YICAI Foundation Management Committee of the China Overseas – Educated Scholars Development Foundation, I would like to extend our sincere gratitude to those insiders who made great contributions to the development of China public welfare lottery undertakings, to the expert committee members of YICAI Foundation Management Committee and the “YICAI Project Research Group” members from Chinese Academy of Governance who participated in the research and compilation of this book series, to Professor Ma Fuyun—head of “YICAI Project Research Group” and the main contributor, and to China Financial & Economic Publishing House, the publisher of the series.

Social Responsibility of Lottery Stakeholders embodies the common wisdom of numerous lottery experts and scholars. Not only is it the basic theoretical achievements of China lottery, but also it provides an important theoretical research basis for other countries in basic theoretical study of lottery!

That is the Preface.

Fu Xinchun

Director of China Overseas – Educated Scholars Development Foundation

Director of YICAI Foundation Management Committee

前言



当前中国十分流行的中国社会福利彩票、中国体育彩票等彩票游戏发端于 20 世纪 80 年代政府部门所发行的各种奖券。早在 1984 年，北京市为筹集国际马拉松比赛的经费而发行了“发展体育奖券”；同年，福建省发行了“振兴福建体育奖券”。这些奖券局限在单个省份，所筹集资金也服务于特定事项。80 年代中期以后，奖券在广东等省作为企业、银行促销增储的手段，一度出现。中央政府部门在全国范围内统一发行的奖券稍后出现。1987 年 7 月 27 日，中国社会福利有奖募捐券（社会福利彩票的前身）在河北省石家庄市试发行，之后拓展到 10 个试点省市。这种常年发行的募捐券初步具备了彩票特征，逐渐发展成为社会福利彩票，揭开了新中国彩票及彩票业发展的序幕。1989 年 8 月，北京为筹措第 11 届亚运会举办资金，在全国发行“第十一届亚运会基金奖券”，这是首次在全国范围内发行的体育奖券。1993 年，国家体育运动委员会（国家体育总局的前身）在全国发行体育彩票的申请得到国务院的批准。体育彩票的加入奠定了中国彩票业发展的基本格局，为中国彩票发行管理的二元化模式奠定了基础。

彩票发行筹资首先推动了中国社会福利、体育事业的发展，而伴随彩票从发行部门管理到财政部门统一监管、彩票公益金从部门化内部使用到半数资金集中中央调剂使用，推动着中国彩票从部门彩票向国家彩票的转型，从而为中国社会保障、社会福利、公益事业的统筹发展作出了巨大贡献。

随着彩票行业的发展，彩票发行销售规模逐步扩大，中国民众参与彩民游戏的人数日益增多。经常购买彩票的彩民数量快速扩展，其在全国总人口所占比例也不断上升。这使得彩票进入人们的日常社会生活中，在发挥筹资与公益作用的同时发挥了娱乐大众、丰富人们社会文化生活的的作用。在彩票业发展过程中，彩票管理的制度化开始推进，尤其是1999年财政部代替中国人民银行成为彩票监管的职能部门后，对彩票进行统一管理的规范逐步建立，对福利彩票、体育彩票运营的统一监管逐步推进。2009年7月，《彩票管理条例》正式实施。这是中国第一部全面系统规范彩票发行管理的专门性行政法规，标志着中国彩票管理开始进入统一管理的法治化阶段。

伴随中国经济社会发展，人民生活越来越富裕，预计中国彩票的市场规模、产品种类、彩民规模等在未来一段时期内依然会以较高速度的持续增长。2011年3月发布的“国民经济和社会发展的第十二个五年规划纲要”提出，要通过扩大彩票发行等渠道来充实全国社会保障基金。从当前彩票公益金使用的实际情况来看，中国彩票业逐渐承载了更加多元、更加重要的社会责任，满足着国家和社会多方面的需要。它不仅已经成为中国经济的重要组成部分，也已经成为人们日常生活及休闲娱乐的一部分，更是引领社会公益造福民众、提升民众福祉的重要手段。促进彩票事业的健康发展、维护彩票市场的规范秩序、保障彩票参与者的合法权益是当前彩票领域的工作重点，也应是彩票管理制度所确立的基本宗旨。

但是，我们应该看到中国彩票业及其发展所带来的负面影响。伴随彩票行业的不断扩展以及彩票发行规模的不断扩大，由彩票而引发的相关问题也日益显现出来。和彩票相关联的违法犯罪案件出现，例如“彩世塔”案、“西安宝马”案、河北邯郸盗窃金库案、深圳彩票系统黑客入侵事件等。另外，非法彩票、地下博彩活动在多地时有出现，不少地方存在“地下”万字票、六合彩，甚至赌球、赌博等非法行为，而境外博彩机构通过电话投注、网络在线等途径向国内渗透，使得非法博彩活动更频繁、更容易地呈现在普通人面前。随着中国彩票行业的发展，这些非法彩票、地下博彩等问题如果得不到合理抑制会变得更为严重。这些问题的存在对彩票发行宗旨、彩票发行销售以及彩票监管等带来了破坏作用，对彩票公益属性、彩票公信力、彩票行业发展等都带来各种各样的负面影响。

为筹集社会福利及公益慈善资金，国家特许发行彩票，从而推动中国彩票行业、彩票市场的出现与发展。从本质上说，彩票是对人们侥幸、投机心理的利用，其首要属性就是其博弈性。它通过利用人们不劳而获、以小博大、碰运气的侥幸心理，吸引大批民众投入小额闲散资金，来筹集社会公益资金。国家发行彩票的目的是为了筹集社会公益资金，促进社会公益事业的发展。但是，由于彩票天然具有博彩的特性，国家发行彩票引导彩票行业发展时，还应该兴利除弊，在筹集彩票公益金发挥其公益使命的同时，研究如何将其不良作用控制在最小限度，探索如何引导彩民参与合法彩票市场活动，分析如何防范甄别非法彩票活动以及如何打击非法博彩活动等。

在此背景下，益彩基金就彩票利益相关方的社会责任展开课题研究。研究的基本思路是在通过文献研究进行彩票发展历史过程分析的基础上，进行实证研究，以对彩票发展的现状进行解剖，对其中存在的问题进行分析，从中探索彩票发展过程中的不同利益相关各方的责任和义务，重点分析其应该承担的社会责任，并找到社会责任承担应然和实然之间的关系，提出不同利益相关方承担其社会责任，共同制约彩票消极影响的政策建议。2013年年初课题研究报告提交后，作者感到还有更多问题需要更深入地探索，就在课题研究报告基础上进一步拓展研究的范围，深化相关研究的框架结构，充实研究的实际内容，最终成为呈现在大家面前的这本著作。

本研究成果主要包括三章，其中第一章聚焦于研究的背景及概念。20世纪80、90年代以来，世界博彩业的快速扩展而导致了博彩合法化的浪潮，世界多个国家和地区的博彩业逐渐开放，即便一直禁赌的新加坡也因其实际谋利动因而开放了博彩业，这对中国形成了“赌场包围”的态势。中国从20世纪80年代开始发行彩票，在发展中尽管其博彩的色彩有所强化，但是对其他形式的博彩则实行严禁政策。基于此背景，本研究成果阐释了博彩（赌博）、彩票的基本概念，梳理了其特征与类型，并叙述了其发展的历史过程。接着，聚焦于中国彩票与彩票业的出现及其成长过程，并对其未来发展趋势进行了预测。

第二章为研究的理论基础，对本研究成果所使用的利益相关方理论、社会责任理论进行了基本梳理和介绍。利益相关方的概念与理论是对传统

股东（资方）至上理念的一场革命性创新，其理论指出影响企业组织运行发展的不仅是出资方，还有与其相关联的更多利益主体，它们不仅影响组织的运行和管理，同时也受到其运行管理的影响。要平衡相关主体的利益，才能促进企业组织的持续发展。社会责任反映组织对社会应承担的责任和义务，即在开展活动时要考虑对整个社会及环境的影响，符合社会道德标准，并满足社会期望及可持续发展的需要。利益相关方与社会责任相结合，可以更好地论述组织的社会责任以及组织对利益相关方的社会责任。

第三章是本研究成果的基本结论。从社会责任的理念出发，基于利益相关方的研究视角，应用利益相关方的分析方法，我们可以将彩票利益相关方划分为六个方面，也就是本研究成果中所界定的彩票规制方、彩票管理方、彩票行销方、彩票购买方、彩票受益方和彩票协作方。它们在彩票行业与市场发展中处于不同地位，扮演不同角色，具有不同职责和权利，也承担着不同的社会责任。在此就其要点概述如下：

作为彩票规制方的立法机构及政府，其社会责任围绕彩票规制建构展开，设定彩票特许权，界定彩票监管框架，制定彩票资金政策，以确保彩票的公益筹资功能，并限定彩票的博彩属性及负面影响。作为彩票管理方的政府部门或独立专责机构，其社会责任围绕彩票发行、销售、开奖的过程展开，在彩票特许经营范畴内，对彩票运营过程的各个环节实施管理，以确保彩票运营的依法展开，保障彩票资金合理筹集及分配。作为彩票行销方的彩票发行、销售机构，其社会责任围绕政府设定的彩票发行、销售及开奖过程展开，需加大彩票游戏技术储备，强化彩票行销、开兑奖等环节管理，保障彩民利益及公益金的筹集。作为彩票购买方的彩民，其社会责任以理性购买、自我管理为核心，彩民需要有节制地购买彩票，防止因为非理性购彩而成为问题彩民。同时，彩民还需依法购彩，防止非法购彩和购买非法彩票。作为彩民受益方的弱势群体和广大民众，需要以感恩之心，回馈社会。可了解彩票及彩票公益金，通过参与力所能及的公益活动来回馈社会，与公众共享彩票发展成果。作为彩票协作方的媒体、教研机构以及社会组织，对彩票行业和市场具有重要影响，要通过宣传、教研以及共享交流来建构多方信息交流沟通平台，促进多方协作，共同推进彩票行业的顺利发展。

从当前中国彩票行业发展现状来看，彩票各利益相关方在承担社会责任方面都或多或少地存在一些欠缺。其中，彩票监督管理制度以及彩票的营销、监管、公益金使用等体制制约在其中的影响不可低估。彩票利益相关方在承担社会责任方面应在各方权利、利益界定的基础上将法定职责放在社会责任的核心。这需要国家提升中国彩票立法的层级，进一步提升彩票相关法规的权威性，界定中国彩票发行、销售和监管框架体系，从而为利益相关各方承担社会责任创设必要的规范，奠定依法管理的基础。在界定相关法定社会责任的基础上，彩票利益相关各方才能更好地协同推进整个行业的顺利发展。

中国彩票行业已经走过了 20 多年的发展历程，彩票行业在不断扩张的同时，也面临诸多社会环境变化所带来的挑战，例如“多网融合”、人们生活富裕化、消费社会的来临等等。彩票行业的积极作用在受到关注的同时，其负面影响也会更加引人注目，例如部分地区存在的私彩以及向赌博蜕变等问题。因此，如何引导彩票行业更好地发展，引导彩票各相关利益方通过真诚合作来更好承担起社会责任，缩小其消极影响就成为十分重要的问题。

本研究成果的开展要感谢中国留学人才发展基金会福彩基金所提供的支持！感谢广大专家学者所给予的意见建议！也感谢相关组织机构及彩民所提供的资料信息！本研究成果中使用了一些网络文献，因各种原因有的作者可能未详尽列出，在此对其表示歉意，同时也表示感谢！本研究成果是彩票社会责任、彩票利益相关方社会责任研究的初步尝试，其中还存在很多不足以及有待改进之处。对此，请诸位业内专家学者、彩票业相关各方及关注彩票业发展的人士等予以批评指正。

马福云

2014 年 12 月于国家行政学院

Foreword



The currently prevalent lottery games in China like China social welfare lottery and China sports lottery originated from the various regional lotteries issued by provincial governments in the 1980s. In 1984, a lottery named Sports Development Lottery was instituted in Beijing for raising funds for the International Marathon, and also in the same year “Revitalizing Sports in Fujian Lottery” was issued by Fujian government. However, these lotteries were only confined to a single province, and the money temporarily collected was just used for certain matters. Then, a lottery issued nationwide by the central government appeared shortly afterwards. On July 27, 1987, China Social Welfare Lottery Coupon (predecessor of China social welfare lottery) was first issued as a pilot in Shijiazhuang, Hebei Province, and later expanded to 10 provinces. This year – round lottery coupon initially shared some features of a lottery, and gradually developed into a social welfare lottery, marking the beginning of lottery and the lottery industry as well in the People’s Republic of China. In August 1989, in order to raise money for hosting the 11th Asian Games, Beijing issued the “Eleventh Asian Games Lottery”, which was the first sports lottery distributed nationwide. In 1993, the State Council approved the application for issuing a national sports lottery submitted by the National Sports Commission (predecessor of the General Administration of Sport). With the addition of the sports lottery, the basic pattern of China’s lottery industry development was

formed and the dual – mode of China lottery management established.

Lottery financing at the beginning promoted the development of China's social welfare and sports. Then, with lottery supervision transferred from issuing organizations to financial sectors and the lottery public welfare funds from organizations' internal use to unified allocation by the central government, the transformation of China's lottery from department lottery to the state lottery is thoroughly promoted, which tremendously facilitated the coordinative development of the country's social security, social welfare and public welfare undertakings. With the development of the lottery industry, lottery sales gradually expanded and more and more Chinese people participated in the games, which can be witnessed by the rapid growth of the population of regular buyers and the rise of its proportion in the country. This enabled lottery to go into people's daily life and play double roles in both fund – raising and public entertainment, enriching people's social and cultural life. Meanwhile, the institutionalization of lottery management was also promoted. Especially after the Ministry of Finance took over the power of lottery supervision from the People's Bank of China in 1999, a unified lottery management system was established, further enhancing the unified operation of welfare lottery and sports lottery. In July 2009, the implementation of Lottery Regulations, which was China's first special administrative regulations comprehensively governing lottery issuance and management, marked the beginning of legalization period of unified lottery management.

As Chinese are getting more and more affluent as a result of the country's economic and social advancement, it is expected that the market size, types, and the buyers of China's lottery will experience a continuous growth at a high rate in the coming period. The "12th Five – Year Plan for National Economic and Social Development" published in March 2011 points out that the channels of issuing lottery should be expanded so as to enrich the funds for national social security. It can be seen from the actual use of lottery social welfare funds that China lottery industry is gradually shouldering more diverse and important social responsibilities, meeting the various needs of the state and the society. It is not only becoming an important part of China's economy as well as people's daily life and enter-

tainment, but also a significant means for leading social welfare undertakings and enhancing the well – being of the people. To strengthen the healthy development of lottery industry, safeguard the order of lottery market and ensure the lawful rights of lottery participants are both the focuses of current China’s lottery industry and the basic purposes of China lottery management system.

However, we should also be cautious to the negative impact brought by China’s lottery industry and its development. With the continuous expansion of the industry and its rising sales, the related social problems have become increasingly evident. Some criminal cases associated with lottery happened, such as “Xi’an BMW”, Yangzhou “Caishi Tower” (also known as Shenzhen “Caishi Tower”), Handan treasury theft in Hebei Province, and Shenzhen lottery system hacking. In addition, illegal lotteries and underground gambling cases occur in various regions every now and then. In many places exist such “underground” illegal lotteries like 4D, Mark Six, football gambling and other games; while the offshore gambling agencies try to make a domestic penetration through telephone and online networking, making illegal gambling much more frequent and easily accessible to ordinary people. With the development of China’s lottery industry, these illegal lotteries and underground gambling will, if not properly suppressed, become more prominent. The existence of the above – mentioned problems is doing harm to the country’s lottery sales, regulation and the original purpose of issuing lottery, bringing negative impacts on lottery’s nature of public welfare, its credibility and the development of the industry as a whole.

It was for the purpose of raising funds for social welfare and charity that the lottery issuance was franchised by the State Council, which promoted the emergence and development of both lottery market and lottery industry in China. The lottery, by its very nature, is to make use of people’s psychology of speculation; therefore, its primary attribute is gambling. By taking advantage of people’s psychology of taking a chance and getting something for nothing, it attracts large numbers of people to put their small idle money into lottery, so as to raise social welfare funds. Although the purpose of lottery is to raise funds so as to promote the development of social welfare undertakings, the government, while exercising

its mission of public welfare, should also avoid its disadvantages, as its fundamental nature is gambling. It is necessary to study how to reduce its negative effects to a minimum, to explore how to guide lottery buyers to participate in lottery market activities under the framework of law, and to analyze how to prevent and combat illegal lottery activities.

The basic train of thought in doing the research is to first conduct a diachronic analysis through literature review, and then analyze the status quo of lottery development by applying empirical studies, trying to find out the existing problems. Then, the research explores the responsibilities and obligations of lottery stakeholders with their social responsibilities highlighted, attempting to discover the relationship between the ideal social responsibilities and actual ones of the stakeholders. By strengthening the social responsibilities of different stakeholders, the policies and advice with negative effects on lottery can be jointly prevented.

This study consists of three chapters. The first chapter focuses on the background of the study and related concepts. Since the 1980s and 1990s, a rapid expansion of gambling all over the world led to a wave of gambling legalization, in which gambling were fully open in various countries and regions, even in Singapore where gambling was prohibited traditionally. As a result, China was “surrounded” by casinos. Thus, China began to issue lottery tickets since 1980s. Although with its development the gambling nature of lottery is strengthened, other forms of gambling are strictly prohibited. Based on such background, this study first introduces the basic concepts of gambling and lottery, illustrating their features and types and describing their history as well. Then, it focuses on the emergence and growth of China’s lottery and lottery industry, and the prediction of its future trends.

The theoretical basis of the study is introduced in Chapter Two, in which the theories of stakeholders and social responsibility are discussed. The concept and theory of stakeholders introduced in this study are innovative ideas derived from the traditional concept of stakeholder (the management) supremacy. It points out that it is not only the investors who decide the development of an organization,