

# LCQ11: Combating smuggling activities

Following is a question by Hon James To Kun-sun and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 24):

Question:

It has been reported that as a result of the closure of a number of land boundary control points since the beginning of the year, smuggling syndicates have switched to smuggling goods to the Mainland by sea. Smuggling syndicates first use trucks to transport goods such as frozen meat to the spots along the seaside (such as the New Yau Ma Tei Public Cargo Working Area, Stonecutters Island Public Cargo Working Area and Cheung Sha Wan's Yuen Fat Wharf & Godown), and then transport the goods by barges to the waters to the north of the Hong Kong International Airport (HKIA) for further transport to the Mainland by speedboats. The quantity of contraband smuggled daily exceeds 600 tonnes and the value of such goods is as high as tens of millions dollars. On the other hand, three officers of the Customs and Excise Department (C&ED) died on the night of January 21 this year after falling to the sea while discharging duties at the waters near Sha Chau. In this connection, will the Government inform this Council:

- (1) of the details of the current law enforcement operations conducted by C&ED to combat smuggling activities at (i) the aforesaid seaside spots and (ii) the waters to the north of HKIA, including the manpower, the type and number of vessels used, as well as the time and frequency of patrols;
- (2) whether C&ED will strengthen its manpower and upgrade its equipment in order to reduce the occurrence of accidents to its officers while discharging duties; if so, of the details; if not, the reasons for that;
- (3) of the details of the law enforcement operations conducted in the past six months by C&ED to combat sea smuggling activities, including the number of vessels intercepted and inspected, the respective numbers of persons arrested and prosecuted, as well as the punishments imposed on those convicted; whether it will consider amending the legislation to increase the penalties so as to enhance the deterrent effect; and
- (4) whether it will discuss with the General Administration of Customs of the People's Republic of China on the strategies for jointly combating sea smuggling activities; if so, of the details?

Reply:

President,

The Customs and Excise Department (C&ED) is the primary enforcement agency responsible for the suppression of smuggling activities in Hong Kong.

Common smuggling activities include bringing undeclared dutiable goods (e.g. cigarettes) into Hong Kong, as well as import and export of prohibited/controlled articles (e.g. dangerous drugs, infringing goods, endangered species, firearms, ammunition and weapons, etc.) without licences/certificates required by the law. The enforcement powers for C&ED's officers are vested in various ordinances, primarily the Customs and Excise Service Ordinance (Cap. 342) and the Import and Export Ordinance (Cap. 60).

C&ED has all along been proactively combating various smuggling activities, including those on the sea. The overall smuggling situation in Hong Kong has been under effective control. My reply to the various parts of the question is as follows:

(1) C&ED adopts an intelligence-driven and risk management approach in preventing and combating smuggling activities of various kinds. At present, C&ED's Marine Enforcement Group has an establishment of more than 320 officers who are dedicated to combating sea smuggling. There are more than 20 vessels of different types in C&ED's fleet for carrying out round-the-clock enforcement duties in Hong Kong's waters. Based on risk assessments, C&ED flexibly deploys its fleet and manpower for the rummaging of vessels, cargo examination, coastal patrol and corresponding surveillance operations in different waters. As the relevant operational details concern enforcement deployment, it is inappropriate to disclose them.

(2) C&ED attaches great importance to the safety of its officers in their execution of duties. C&ED maintains close liaison with the Marine Department in respect of law enforcement on the sea, and reviews from time to time the establishment and equipment of its fleet, command facilities and manpower arrangements, etc., with a view to protecting the safety of officers whilst strengthening the effectiveness of law enforcement. For example, the Command Centre at Customs Marine Base, Stonecutters Island, equipped with a new Customs Radar Monitoring System, came into operation in November 2018. It has strengthened the ability of officers to grasp the situation on the sea and make operational planning and deployment, thereby enhancing marine enforcement effectiveness and safety. In addition, C&ED procured four new High Speed Pursuit Craft in 2019 to replace old vessels of the same type. The new vessels, with improvements to speed and maneuverability, are equipped with night vision systems to enhance the safety of C&ED's officers who take part in surveillance and tracking operations at night.

On the other hand, C&ED arranges suitable training and drills for officers deployed for marine operations on a regular basis in order to enhance the safety factors of sea operations and meet the relevant legal requirements. Such training and drills include personal survival technique courses, drills of personnel overboard, firefighting, etc.

(3) From December 2019 to May this year, C&ED intercepted a total of 1 964 vessels during its marine operations. Among the interceptions, 31 sea smuggling cases were detected, and 147 persons arrested. After investigation, 72 persons had been prosecuted, among whom 48 are pending mention hearing, four are being remanded pending advice from the Department of Justice, and 20

were convicted and sentenced, with imprisonment ranging from two to 14 months. In some of the cases, the goods concerned were confiscated.

Smuggling is a serious offence. Under Section 18 of the Import and Export Ordinance, i.e. offence of importing or exporting unmanifested cargo, which applies to all goods, the maximum penalty for conviction on indictment is a fine of \$2 million and imprisonment for seven years. The maximum penalty for conviction on indictment of the most serious smuggling offence is life imprisonment and an unlimited fine. To enhance the deterrent effect, C&ED will, subject to the circumstances of individual cases, appeal to the court for enhancing the sentence and confiscating crime proceeds of the smuggling offence in accordance with the Organized and Serious Crimes Ordinance (Cap. 455). In handing down the sentence, the court will consider all matters related to the case, including the gravity of the offence, whether the convicted person is a repeated offender, etc.

(4) To effectively combat sea smuggling activities, C&ED has been maintaining close liaison with relevant law enforcement agencies, such as the Hong Kong Marine Police, the Mainland Customs and the China Coast Guard, to enhance intelligence exchange. Joint operations with the Hong Kong Marine Police are carried out as appropriate. C&ED also reviews from time to time, together with the Mainland Customs and relevant agencies, the effectiveness of various enforcement measures to combat smuggling activities between the two places; and will actively explore other viable strategies that can effectively suppress such activities.