

LCQ13: Enforcement actions in relation to Import and Export Ordinance

Following is a question by the Hon Dennis Kwok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (February 20):

Question:

Will the Government inform this Council of the respective numbers of times for which law enforcement actions were taken in the past five years by law enforcement agencies for the purpose of enforcing the requirements under Part III (Prohibited Articles, etc.) and Part IV (Unmanifested cargo and smuggling) of the Import and Export Ordinance (Cap 60); the respective numbers of prosecutions and convictions resulting from such actions, and the classes and quantities of the articles/cargoes involved?

Reply:

President,

The Import and Export Ordinance (Chapter 60) (IEO) provides for the regulation and control of the import of articles into Hong Kong, the export of articles from Hong Kong, the handling and carriage of articles within Hong Kong which have been imported into Hong Kong or which may be exported from Hong Kong, and any matter incidental to or connected with the foregoing. Having consulted relevant policy bureaux and department, the consolidated reply is as follows:

Based on risk-profiling and intelligence-driven strategy, the Customs and Excise Department (C&ED) vigorously conducts checks and monitors on passengers, cargoes, postal packets and conveyances at various control points and sea boundary for combating smuggling activities effectively, including the smuggling of prohibited articles and unmanifested cargo. C&ED maintains close liaison with law enforcement agencies in Hong Kong and other places so as to enhance exchange of intelligence and conduct joint operations, as and when necessary, for anti-smuggling purposes.

In the past five years (2014 to 2018), C&ED has detected 20,666 and 622 cases in relation to Part III (Prohibited Articles, etc.) and Part IV (Unmanifested Cargo and Smuggling) of the IEO (Cap 60) respectively.

Under the IEO, any import or export of prohibited articles must be accompanied by a valid licence or permit issued in advance by the relevant authorities. It is an offence if the prohibited articles are brought into/out of Hong Kong without a valid licence or permit. The prohibited articles will also be seized and confiscated. The prohibited articles under Part III (Prohibited Articles, etc.) of the IEO and the relevant authorities are as

follows:

- Trade and Industry Department: Strategic Commodities and Powdered Formula, etc.
- Food and Environmental Hygiene Department: Frozen or Chilled Meat and Poultry, etc.
- Environmental Protection Department: Hazardous Chemicals, etc.
- Department of Health: Pharmaceutical Products and Medicines, Chinese Herbal Medicines and Proprietary Chinese Medicines, etc.
- Agriculture, Fisheries and Conservation Department: Pesticides, etc.

For cases in relation to Part III (Prohibited Articles, etc.), a total of 21,363 persons and 400 companies were prosecuted in the past five years, of which 20,864 persons and 387 companies were convicted. The estimated value of the seizures was about \$224 million. Major seizures included powdered formula, chemicals, pharmaceutical products and medicines, etc. A detailed breakdown of the above statistics is at Annex I.

Under the IEO, all cargo which is imported or exported shall be recorded in a manifest. Any person who imports or exports any unmanifested cargo shall be guilty of an offence. As for cases in relation to Part IV (Unmanifested Cargo and Smuggling), a total of 868 persons and 23 companies were prosecuted in the past five years, of which 731 persons and 20 companies were convicted. The estimated value of the seizures was about \$1.21 billion. Major seizures included mobile phones and accessories, computers and accessories, precious metal and dutiable cigarettes, etc. A detailed breakdown of the above statistics is at Annex II.

C&ED will continue to strengthen its enforcement, co-operation as well as intelligence exchanges with other law enforcement agencies for maintaining the vigorous enforcement and interdiction of smuggling attempts at all fronts.