

Security Panel Meeting on 3 May
Briefing on Anti-smuggling work of Customs in 2000

1) Inspection of containers on vessels

a) Whether Customs has a responsibility under international practice to inspect containers on vessels that make a stopover in Hong Kong

If a container which is reasonably believed to be stowing illegal immigrants is on board a vessel which makes a stopover in Hong Kong to pick up goods for another destination and, even if the container is placed at the bottom of the vessel with many containers stacked on top, the Department will try all possible means to have the container discharged for inspection. Customs is empowered by law to carry out a search on the container.

b) Whether there is any international definition of what constitutes a transit base for syndicated human smuggling

2. There is no international definition as to what constitutes a transit base for syndicated human smuggling.

3. As far as Hong Kong is concerned, there are two common scenarios of alien smuggling:

(a) ***Scenario One*** – the container stowed with illegal immigrants has been loaded onto the vessel before sailing to the territory, and it remains on board the vessel while en route to its overseas destination; and

(b) ***Scenario Two*** – the illegal immigrants are placed inside cargo containers in Hong Kong which are then loaded on board a vessel heading for another country.

4. Hong Kong would be implicated in either case by overseas enforcement agencies as far as the source of the illegal immigrants and the routing of the conveyances are concerned. Overseas reports would make the point that the conveyances are from Hong Kong and label Hong Kong as a transit centre for human smuggling. We would make appropriate clarification in respect of such allegation. We also take a proactive and positive approach to explain our policy and measures to combat migrant trafficking at every suitable opportunity including meetings with officials overseas and in relevant international fora.

c) ***What is the general mechanism for cooperation and exchange of intelligence between Customs and the shipping companies and the law enforcement agencies of other countries***

5. The Customs & Excise Department has very good working relations with the shipping industry and freight forwarders. They meet regularly to exchange views on customs clearance of sea cargo and other matters of common interest, including alien smuggling. C&ED has requested the shipping industry and freight forwarders to notify Customs immediately of any questionable shipments.

6. Between January and April 2000, local shipping companies and forwarding agents provided the Department with information on six suspicious containers destined for the west coast of North America. These containers were loaded onto five vessels at the Kwai Chung Container Terminal and the vessels had already left Hong Kong. Acting promptly, the Department relayed the information to the relevant authorities in the United States. All six containers were eventually intercepted either in the USA or Canada, resulting in the discovery of a total of 89 illegal immigrants.

7. In the wake of the discoveries of alien smuggling from Hong Kong to the North America by sea-borne containers, the Department specially organized two seminars for its strategic partners in September and December last year. The Department has also organized seven ad hoc briefings for them, jointly with the Police and Immigration. These seminars and briefings aimed to promote their awareness of the latest trend in alien smuggling and the methods employed by smuggling syndicates.

8. Apart from enhancing inspection equipment and stepping up checks on suspicious containers for intercepting alien smuggling, Customs has been participating in the regular Human Smuggling Joint Investigation Team meetings with the Police and Immigration since August last year. At present, all syndicated alien smuggling cases detected locally will be taken over by the Organized Crime and Triad Bureau of the Police for follow-up investigation.

9. On the international front, the Department also maintains close cooperation with its overseas counterparts through regular liaison channels. It will alert its counterparts in the country of destination of a suspicious shipment if it receives the relevant intelligence after that shipment has departed Hong Kong.

II) Statistics about the smuggling of chilled meat and poultry

10. Three government departments are responsible for taking prosecution action against illegal importation of meat, poultry and livestock into Hong Kong. C&ED would prosecute persons found to have imported cargoes (including meat, poultry and livestock) undeclared or without import licences in accordance with the Import and Export Ordinance (Cap. 60). The Food and Environmental Hygiene Department will take appropriate enforcement action against persons importing meat without valid official certificates pursuant to the Public Health and Municipal Services Ordinance (Cap. 132). The Agriculture and Fisheries Department will prosecute persons importing live animals or birds without the requisite licences according to the Public Health (Animals and Birds) Regulations (Cap. 139) and the Rabies Regulations (Cap. 421).

11. The table below shows the number of prosecutions instituted by the three departments and the number of convictions in 2000 –

	No. of Prosecutions	No. of Convictions
C&ED	11	11
FEHD	186	184 (2 pending judgement)
AFCDD	74	74

12. Penalties meted out by the courts in 2000 included fines ranging from \$100 to \$10,000 and imprisonment ranging from 7 days to 7 months. The levels and types of penalty imposed on the offenders depend on various factors: the nature of the offence, quantity of seizure, past conviction records of the offenders, and other mitigating factors. The maximum level of penalty under the Import and Export Ordinance is a fine of \$2,000,000 and an imprisonment term of seven years. Under the Public Health and Municipal Services Ordinance, offenders are subject to a maximum penalty of a \$50,000 fine and six months' imprisonment. The Public Health (Animal and Birds) Regulations carry a maximum fine of \$25,000. As for the Rabies Regulation, the maximum penalty is a \$50,000 fine and one year imprisonment. The existing penalty provisions are considered adequate.

Security Bureau

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