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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the special meeting on 29 June 2009**

Combating illegal immigration

Purpose

This paper provides information on measures adopted by the Administration against illegal immigration and summarizes past discussions of the Panel on Security on the issue.

Enforcement efforts against illegal immigration

2. According to information available on the website of the Security Bureau (SB), all law enforcement agencies (LEAs) in Hong Kong are taking concerted and coordinated efforts to combat human trafficking and illegal immigration. These efforts include the following -

- (a) the Immigration Department (ImmD) and the Customs and Excise Department (C&ED) identify suspect vessels used in sea-borne smuggling or trafficking operations and intercept vessels believed to have been modified or adapted for transporting illegal immigrants;
- (b) to combat the problem of using containers in vessels to smuggle illegal immigrants, C&ED has stepped up enforcement effort against cargo containers. In 2007, 12 870 containers were checked at various container terminals. C&ED has also reinforced terminal patrol inside the container storage yard, paying particular attention to "soft-top", refrigerated and modified containers, as well as "general purpose" containers with new patches. Sophisticated mobile X-ray vehicle scanning systems are deployed to enhance the examination of containers at cargo terminals. Furthermore, Customs officers conduct regular operations on overseas-bound vessels to detect human smuggling activities;

- (c) ImmD exercises full vigilance at all immigration control points, including the immigration counters at the Hong Kong International Airport. Surveillance operations are regularly conducted at the transit lounge, transfer area, docks and departure gates to prevent the Hong Kong Special Administrative Region (HKSAR) from being used as a transit avenue of migrants who enter on legitimate travel documents that are then exchanged at transit locations for forged or unlawfully acquired third country documents;
- (d) the Police maintains close liaison and exchanges intelligence with the Mainland and overseas LEAs to combat illegal immigration. As most illegal immigrants enter Hong Kong via the Mainland, the Police investigates suspect organizers and conducts interception operations with the Mainland authorities, as and when appropriate;
- (e) intelligence on activities of forgery syndicates, trends and related matters are exchanged between LEAs and the relevant authorities of other places; and
- (f) the HKSAR Government adopts a tough prosecution policy against forged travel document users, couriers and suppliers. The maximum penalty for arranging passage of unauthorized entrants to HKSAR is a fine of \$5,000,000 and imprisonment for 14 years.

Statistics on illegal immigration

3. According to information available on the homepage of SB, the number of Mainland illegal immigrants arrested territory-wide from 2001 to the first half of 2008 are as follows -

Year	Total no. of Mainland illegal immigrants arrested	Increase or decrease compared with the previous year (%)
2001	8 322	-1.82
2002	5 362	-35.57
2003	3 809	-28.96
2004	2 899	-23.89
2005	2 191	-24.42
2006	3 173	+44.81
2007	3 007	-5.23
2008 (Jan - Jun)	1 218	-21.06

4. The number of forged travel documents intercepted by ImmD over the years are as follows -

Year	No. of forged travel documents detected territory-wide	No. of forged travel documents detected at Airport
2001	3 148	2 196
2002	3 549	2 913
2003	3 094	2 453
2004	2 521	1 717
2005	2 334	1 509
2006	2 387	1 394
2007	1 598	1 002
2008 (Jan - Jun)	957	537

Discussions by the Panel

5. At its meeting on 29 June 1999, the Panel discussed the preventive measures adopted by the Administration to combat illegal immigration.

6. The Administration informed members that since the Court of Final Appeal (CFA) delivered its judgment on 29 January 1999 on the Certificate of Entitlement Scheme, the Police and the Mainland authorities had taken additional preventive measures against illegal immigration. There were some 1 000 Police officers on duty along the land boundary performing round-the-clock patrol. In addition, a variety of electronic equipment, such as thermal imagers and handheld infra-red under vehicle detectors, was installed. Maritime patrol had also been stepped up. A total of some 60 Police marine launches were on full alert to monitor illegal immigration activities. Furthermore, Police officers on duty in other parts of the territory had been put on full alert to intercept illegal immigrants.

7. The Administration advised that to complement the efforts made by the Hong Kong Police, the Mainland authorities had also strengthened their border defence since the delivery of the CFA's judgment. It had widened the intelligence network by introducing a reward scheme for informants, stepped up educational publicity regarding illegal immigration and installed radar equipment on fast interceptors to combat illegal immigration. According to the statistics provided by the Mainland authorities, about 700 snakeheads were arrested between February and April 1999. With closer cooperation between the Hong Kong Police and the Mainland authorities on the prevention of illegal immigration, it was believed that the number of illegal immigrants would keep dropping.

8. Members were concerned whether the effectiveness of the measures adopted to prevent any possible influx of illegal immigrants was dependent upon the provision of additional manpower to LEAs of Hong Kong and those in the Mainland.

9. The Administration advised that the additional preventive measures were undertaken by redeployment of manpower within the Police and the installation of electronic equipment. To further enhance the anti-illegal immigration capability of LEAs, improvement work was made to the sensor cable systems for the fence along the land boundary. The Administration had no information on whether the Mainland authorities had deployed additional manpower for taking preventive measures.

10. Some members noted with concern that a number of Mainlanders visiting Hong Kong for sight-seeing purposes on Two-way Permits under the Hong Kong Travel Group Tour Scheme (the Scheme) were reported to have overstayed. Some of them might not take up illegal employment, but had simply stayed in Hong Kong for different reasons. These members asked whether the Administration had drawn up any plans and taken measures to plug the loophole.

11. The Administration responded that ImmD had always maintained close liaison with the Mainland authorities to minimize possible abuses of the Scheme, such as entry for illegal employment or overstaying. The Administration was aware that some Mainland residents might wish to visit Hong Kong to explore the possibility of lodging right of abode claims after the delivery of the CFA's judgment. The Administration had drawn the Mainland authorities' attention to such possible abuse. To combat the problem of illegal employment, the Administration had stepped up raids against black spots. In addition, the relevant provisions of the Immigration Ordinance (Cap. 115) had been amended with a view to combating illegal employment in construction sites.

Related information

12. Hon WONG Yung-kan and Hon LAU Kong-wah raised questions on the interception of illegal immigrants from Mainland and illegal entrants committing crimes in Hong Kong in order to receive medical treatment in prison at the Council meetings on 28 March 2001 and 24 October 2007 respectively. The Administration's replies are in **Appendices I** and **II**.

Relevant papers

13. Members may wish to refer to the following minutes of meeting and paper for more details -

- (a) minutes of the special meeting of the Panel on Security on 29 June 1999 [LC Paper No. CB(2) 2783/98-99]; and
- (b) Administration's paper for the meeting of the Panel on Security on 29 June 1999 on preventive measures against illegal immigration [LC Paper No. CB(2) 2412/98-99(02)].

14. The above minutes of meeting and paper are also available on the website of the Legislative Council (<http://www.legco.gov.hk>).

Council Business Division 2
Legislative Council Secretariat
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Interception of Illegal Immigrants from Mainland

8. **MR WONG YUNG-KAN** (in Chinese): *Madam President, regarding the interception of illegal immigrants (IIs) from the Mainland, will the Government inform this Council of:*

- (a) *the respective numbers of IIs from the Mainland intercepted on land and at sea within the territory in each of the past three years, together with a breakdown by the district and the waters in which they were intercepted;*
- (b) *the measures adopted to intercept IIs; and*
- (c) *the measures in place to prevent mainland persons from entering Hong Kong illegally by first landing on outlying islands by boat and then taking public transport for the urban areas?*

SECRETARY FOR SECURITY (in Chinese): Madam President,

- (a) The respective numbers of IIs from the Mainland intercepted by the police in various land and marine formations in the past three years are set out below:

<i>Year</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>
<i>Land formations</i>			
Hong Kong Island	1 057	799	565
Kowloon West	2 256	1 689	1 677
Kowloon East	1 279	821	441
New Territories North	6 009	5 169	3 696
New Territories South	1 866	1 337	862
Sub-total	12 467	9 815	7 241
<i>Marine formations</i>			
Cheung Chau Division	29	19	16
Marine Harbour Division	54	38	41
Marine South Division	194	177	22
Marine North Division	127	77	54
Marine East Division	106	155	108
Marine West Division	324	263	149
Sub-total	834	729	390
Total	13 301	10 544	7 631

- (b) The interception of IIs within the territory is mainly the responsibility of the police. Various measures are taken at different levels and in different districts to combat illegal immigration. The numbers of IIs intercepted within the territory in part (a) above reflect that illegal immigration activities have generally been kept under control. The police will continue to implement the following key measures to intercept IIs:
- (i) Different scales of operations against illegal immigration are being conducted in various police land formations. Apart from instructing patrol officers to stop and search suspicious persons, the police will from time to time carry out joint operations with relevant government departments such as the Immigration Department and the Labour Department to combat such illegal activities.
 - (ii) Through district intelligence networks, intelligence on illegal immigration activities is gathered from various sources such as IIs under arrest and local contacts. Such intelligence is disseminated to all police districts so that divisional police stations can have a better grasp of the trend and black spots of illegal immigration, and hence devise more effective measures to combat such activities.
 - (iii) The application of advanced technological equipment has been stepped up in operations against illegal immigration to enhance the police's capability to detect and combat such activities. For instance, the police have procured thermal detectors to help officers monitor illegal immigration activities in the vicinity of the boundary at night. Under Vehicle Surveillance Systems are installed at various land boundary crossing control points to detect mainlanders hiding under cross-boundary vehicles. Besides, the Police Border District is planning to replace the electronic sensor system installed along the boundary fences for more effective interception of mainlanders who attempt to enter Hong Kong illegally by climbing over the fences.

- (iv) Close liaison with relevant mainland agencies is maintained through established channels to exchange intelligence on illegal immigration. Regular exercises are conducted jointly by the mainland agencies and the police to strengthen their communication and co-operation in the fight against illegal immigration. If necessary, both sides will conduct para-operations to prevent and stop illegal entry of mainlanders into Hong Kong.

- (c) In addition to the above key measures, the police also employ special means to combat illegal entry of mainlanders by sea as follows:
 - (i) Acting on intelligence, the police will mount operations targeting illegal immigration at specific locations, such as stopping and searching suspicious vessels and keeping under close surveillance black spots of illegal immigration. In addition, stop and search operations will be conducted at the Outlying Districts Services Pier and the adjacent mass transit stations;

 - (ii) Advanced radar facilities are installed on the roof of Lau Fau Shan Police Station, enabling Marine Police officers to monitor the waters around Deep Bay and to intercept IIs entering by sea;

 - (iii) Snap checks are conducted at access roads in the proximity of the black spots of IIs' landing to intercept and search suspicious persons; and

 - (iv) Five high-speed motor boats have been procured to enhance the police's capability to intercept IIs at sea.

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Illegal Entrants Committing Crimes in Hong Kong in Order to Receive Medical Treatment in Prison

12. MR LAU KONG-WAH (in Chinese): *President, will the Government inform this Council:*

- (a) *of the respective numbers of illegal entrants (IEs) arrested and convicted in the past two years, together with a breakdown by nationality;*
- (b) *of the total amount of medical expenditure incurred for inmates in the past three years, as well as the portion of that for IEs; and*
- (c) *whether it has assessed the prevalence of IEs coming to Hong Kong to commit crimes in order to receive medical treatment in prison, and whether it has explored measures to curb the trend, including discussing with the countries concerned the signing of agreements on the transfer of sentenced persons?*

SECRETARY FOR SECURITY (in Chinese): President,

- (a) The breakdown by nationality of the respective numbers of IEs arrested, as well as those convicted and sentenced to imprisonment in institutions of the Correctional Services Department (CSD) in 2005, 2006 and the first nine months of 2007 is as follows:

The Number of IEs Arrested

<i>Category of IEs</i>	<i>2005</i>	<i>2006</i>	<i>2007 (January to September)</i>
Mainland China	2 191	3 173	2 199
Vietnam	373	598	448
Other regions ^(Note)		273	937
Total	2 564	4 044	3 584

Note: The Administration started to collect data about arrested IEs from other regions in January 2006.

The Number of IEs Convicted and Sentenced to Imprisonment in the CSD's Institutions

<i>Category of IEs</i>	<i>2005</i>	<i>2006</i>	<i>2007 (January to September)</i>
Mainland China	1 546	1 577	1 016
Vietnam	200	312	229
Other regions ^(Note)	143	154	167
Total	1 889	2 043	1 412

- (b) According to the CSD and the Department of Health (DH), the total amount of medical expenditure incurred for inmates in the past three years is as follows:

<i>Financial Year</i>	<i>Total Amount of Medical Expenditure ^(Note) (\$ million)</i>
2004-2005	155
2005-2006	150
2006-2007	155

Note: Part of the medical expenditure incurred for inmates is met by the Hospital Authority (HA). Since the HA does not have a breakdown of the relevant expenditure, the above figures represent the expenditure of the CSD and DH only.

Of the medical expenditure incurred for inmates, the CSD and DH do not have a breakdown.

- (c) Any person who breaks the law of Hong Kong shall be subject to court action. We have difficulty in ascertaining the authenticity of reports about IEs allegedly coming to Hong Kong to commit crimes in order to receive medical treatment in prison. The CSD has a statutory obligation to detain persons committed to their custody according to courts' ruling and treat every inmate equally irrespective of his/her status, including the provision of medical services.

While we may not be able to assess whether the objective of IEs committing crime in Hong Kong was purely to receive medical treatment in prison, the Immigration Department and the police have put in place various effective measures to combat illegal immigration at source in handling the problem of IEs coming to Hong Kong.

Immigration officers will guard against suspected persons from entering Hong Kong at the various control points, and step up law enforcement at black spots of criminal activities such as those for illegal employment. The police will also take stringent and effective enforcement measures against illegal immigration. In addition to maintaining close contact and exchanging intelligence with the Mainland and overseas law-enforcement agencies in support of interception operations in the Mainland and around Hong Kong, the police will also monitor the situation closely and co-operate with other law-enforcement agencies to combat illegal immigration proactively.

Hong Kong has so far reached agreement on the transfer of sentenced persons (TSP) with 10 overseas jurisdictions and Macao. The Administration will continue to negotiate with other jurisdictions on the conclusion of TSP arrangements. However, the successful conclusion of such arrangements depends on many factors, including whether the jurisdictions concerned have enacted local legislation which allows TSPs to be made. In addition, even in cases where an agreement has already been signed with the jurisdiction concerned, pursuant to the provisions of the Transfer of Sentenced Persons Ordinance (Cap. 513) and the stipulations in such agreements, a request for TSP could only be processed with the consent of the transferring party, the receiving party and the sentenced person concerned.

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