

**For Information
11 December 2012**

Legislative Council Panel on Security

Measures to Combat Parallel Trading Activities

Introduction

At the meeting on 6 November 2012, the Panel on Security of the Legislative Council discussed the LC Paper No. CB(2)138/12-13(03) on measures to combat parallel trading activities issued by the Administration. Members requested the Administration to provide further information. This paper sets out the Administration's reply.

Prosecution for Breach of Conditions of Stay

2. At the aforesaid meeting, the Administration informed that in the Windsand operation from 19 September to 2 November, 380 Mainland residents suspected of contravening conditions of stay were arrested. Among them, 42 were prosecuted, of which 31 were convicted and sentenced to imprisonment of two months.

3. In processing each case, the Immigration Department (ImmD) will conduct thorough investigation. Generally, evidence collection will focus on whether the parallel traders take any employment or establish or join in any business. The evidence includes statements of the parallel traders, statements of law enforcement personnel, closed circuit television images, etc. When considering instigating prosecution, statements of the parallel traders are not the only factor for consideration. The ImmD will instigate prosecution where there is other sufficient evidence of contravention of conditions of stay. In all of the 31 conviction cases, the ImmD has collected sufficient evidence for prosecution. Given that the defendants pleaded guilty, the ImmD did not need to produce the evidence to the court, but this does not mean that the evidence collected by the ImmD is not sufficient for conviction.

Prosecution under the Mass Transit Railway By-laws

4. During the enforcement of the Mass Transit Railway By-laws (By-laws), the MTR Corporation Limited (MTRCL) cannot identify whether a passenger who violates the By-laws is conducting parallel trading activities. Hence, there is no prosecution figure regarding in-train parallel trading activities. However, the MTRCL advises that based on the By-laws prosecution figures

currently available, those which may be related to passengers conducting parallel trading activities mainly involve passengers creating obstructions to other passengers by bringing large or overweight luggage items, handling goods or blocking passageways etc., in train compartments and on platforms along the East Rail Line. The prosecution figures relating to those cases from 2009 to October 2012 are as follows –

Passenger behaviour	2009	2010	2011	2012 (January to October)
Non-compliance with notices and reasonable directions ¹	459	348	356	327
Causing a nuisance to other passengers	9	8	4	3
Bringing prohibited items of luggage	6	26	26	41
Using abusive language	259	218	235	159

**Security Bureau
Transport and Housing Bureau
Immigration Department**

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¹ The cases concerned mainly involve passengers creating obstructions to other passengers by bringing large or overweight luggage items, handling goods or blocking passageways etc., in train compartments and on platforms along the East Rail Line.