

**Presentation by Hong Kong SAR on HKSAR Legal Framework Against  
Illegal Migration and Human Smuggling**

Ladies and gentlemen,

Good morning/afternoon. It is my pleasure to attend this legislative workshop and to give you a brief legal framework of Hong Kong Special Administrative Region (“HKSAR”) against illegal migration and human smuggling activities.

Illegal migration and human smuggling are not a new phenomenon. As long as there is disparity in living standard among developed and less developed countries, people would leave their home countries in pursuit of better life elsewhere. The globalisation of economy and better communication provide further stimulus to encourage people to migrate from one place to another by legal or illegal means.

Before I go on to discuss the human smuggling issues in Hong Kong, it is important, however, to distinguish the substantive difference between smuggling and trafficking. According to the United Nations’ Global Programme against Trafficking in Human Beings (February 1999), “smuggling” can be defined as *the procurement of illegal entry of a person into a State of which the latter is not a national with the objective of making a profit*. Whereas, “trafficking” can be defined as *the recruitment, transportation or receipt of person through deception or coercion for the purpose of prostitution, other sexual exploitation or forced labour*.

Human trafficking does not exist in Hong Kong and Hong Kong is not a point of transit or destination for persons trafficked for sexual exploitation and forced labour. Though we do have a problem of people coming to Hong Kong to practice vice activities and take up illegal employment. However, debriefing from the arrested visitor prostitutes and illegal labours revealed that a great majority of them came here to make quick money on their own volition.

Hong Kong Special Administrative Region Government always stays alert and is determined to combat any illicit activities at all fronts and prevent Hong Kong from being abused as a transit point for illegal migration and human smuggling. We have in place a sound legal framework to enable effective enforcement and prosecution of persons involved in illegal migration and human smuggling. The actions so taken have forced most of the human smuggling syndicates to change their routes and move their forgery workshops out of Hong Kong.

In the following presentation, I will first give you an overview on the legal framework against illegal migration and human smuggling activities; then I will go on to speak on the investigation and cooperation issues in this respect.

## **Legal Framework**

### **Legislation**

Hong Kong has specific legislation dealing with trafficking of women for the purpose of prostitution. Section 129 of the Crimes Ordinance (Cap. 200) stipulates that “a person who takes part in bringing another person into, or taking another person out of, Hong Kong for the purpose of prostitution shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 10 years.” Section 137 of the same Ordinance, it also makes an offence for any person to live on the earnings of prostitution of others.

However, we do not have the specific legislation against trafficking in persons for other purposes, or legislation on “smuggling of migrants” per se because Hong Kong is not a base for trafficking in persons. Instead, we have a number of general provisions that enable our law enforcement agencies taking effective enforcement action and prosecution against offenders relating to human trafficking related crimes.

### **Definition**

The legislations of Hong Kong do not have specific definition for the terms “Trafficking in person” and “Smuggling of Migrants”. However,

“bring another person into, or taking another person out of, Hong Kong” is a stipulated requisition for the offence of trafficking in persons for prostitution.

## **Criminalization**

(a) Trafficking in person for prostitution is a criminal offence in Hong Kong and is liable to imprisonment for 10 years.

(b) In general, the acts of smuggling of migrants into and out of Hong Kong shall breach the laws of Hong Kong.

(c) The following table shows some of the legislations and the respective penalties in the HKSAR, which enables an effective enforcement against and prosecution of crimes relating to human trafficking and smuggling of migrants:

<u>Offence</u>	<u>Ordinance</u>	<u>Maximum Penalty</u>
Crew, ship owner and his agent or any person who participated in making arrangements to enable the voyage on which the unauthorized entrant boarded the ship or was brought to Hong Kong to take place.	Section 37C(1), Immigration Ordinance, Chapter 115, Laws of Hong Kong	Fine of HK\$5,000,000 and imprisonment of 14 years

<p>Any person who arranges, assist, offers to arrange, does or offers to do an act preparatory to or for the purpose of arranging or assisting the passage to, or within, Hong Kong, of a person who is, or of a conveyance which carries, an unauthorized entrant.</p>	<p>Section 37D(1), Immigration Ordinance, Chapter 115, Laws of Hong Kong</p>	<p>Fine of 5,000,000 and imprisonment for 14 years</p>
<p>Any person who assists an unauthorized entrant to remain in Hong Kong.</p>	<p>Section 37DA(1), Immigration Ordinance, Chapter 115, Laws of Hong Kong</p>	<p>Fine of HK\$500,000 and imprisonment of 10 years</p>
<p>Aiding and abetting any person to land in Hong Kong unlawfully.</p>	<p>Section 38(1)(a), Immigration Ordinance, Chapter 115, Laws of Hong Kong  Section 89, Criminal Procedure Ordinance, Chapter 221, Laws of Hong Kong</p>	<p>Fine of level 4 (HK\$25,000) and imprisonment for 3 years</p>
<p>Aiding and abetting any person to remain in Hong Kong without the permission of the Director of Immigration.</p>	<p>Section 38(1)(b), Immigration Ordinance, Chapter 115, Laws of Hong Kong  Section 89, Criminal Procedure Ordinance,</p>	<p>Fine of level 4 (HK\$25,000) and imprisonment for 3 years</p>

	Chapter 221, Laws of Hong Kong	
Liability of captain, owner or agent of ship from which a person lands without permission.	Section 38(4), Immigration Ordinance, Chapter 115, Laws of Hong Kong	Fine of HK\$600,000 and imprisonment for 7 years
Liability of ship captain carrying persons seeking to land unlawfully.	Section 39, Immigration Ordinance, Chapter 115, Laws of Hong Kong	Fine of HK\$600,000 and imprisonment for 7 years
Any person who makes false representation or statement to an immigration officer/uses or in possession of forged/false/unlawfully obtained travel document	Section 42, Immigration Ordinance, Chapter 115, Laws of Hong Kong	Fine of HK\$150,000 and imprisonment for 14 years

(d) The offences listed above are all criminalized in the HKSAR. In addition, other human trafficking and smuggling related crimes including conspiracy, aiding, abetting, being involved in the business of, harbouring, corruption of public officials, etc. are also criminalized in the HKSAR.

(e) In addition to the penalties listed above, the vessels, vehicles or proceeds from these illegal acts are also liable to forfeiture. The penalties are severe in the HKSAR and the Courts of Hong Kong are empowered to impose an enhanced sentence on some specific

crimes relating to trafficking in persons and migrant smuggling (section 27(11), Organized and Serious Crimes Ordinances, Chapter 455, Laws of Hong Kong).

(f) In general, any act in arranging passenger to Hong Kong of an unauthorized entrant shall contravene the Laws of Hong Kong regardless the act takes place outside or within Hong Kong (Section 37J, Immigration Ordinance, Laws of Hong Kong).

(g) Trafficking in persons for prostitution is one of the organized crime in the legislation of Hong Kong (Schedule 1 of Organized and Serious Crimes Ordinance, Chapter 455, Laws of Hong Kong). The following crimes relating to human trafficking and smuggling are also considered as “organized crime” in the legislation of the Hong Kong:

- Arranging passage to Hong Kong of unauthorized entrants,
- Carrying an illegal immigrant, and
- Furnishing false statements, forgery of documents and use and possession of forged documents.

(h) The legislations of the HKSAR do not make a distinction between smuggling of migrants for profit and not for profit.

## **Confiscation**

(a) The legislations of the HKSAR have provided for the confiscation of vessels and other tools used to transport trafficked or smuggled persons (Section 47, Immigration Ordinance, Chapter 115, Laws of Hong Kong). Where a ship is used in the commission of an offence under sections 37C or 37D in the Immigration Ordinance, the ship shall be liable to forfeiture whether or not any person is convicted of any such offence (Section 37E, Immigration Ordinance, Chapter 115, Laws of Hong Kong). The proceeds of crimes including smuggling or trafficking of migrants shall be liable to forfeiture as well under certain circumstances (Section 8(7), Organized and Serious Crimes Ordinance, Chapter 455, Laws of Hong Kong).

(b) In the HKSAR, there is no specific money-laundering legislation that specially applies to proceeds of trafficking or smuggling of migrants. However, the Organized and Serious Crimes Ordinance provides legislation on laundering of proceeds of crimes which is also applicable to the cases of human trafficking/smuggling (Section 25 & 25A, Organized and Serious Crimes Ordinance, Chapter 455, Laws of Hong Kong ).

## **Mutual Legal Assistance**

Hong Kong is committed to cooperating with foreign jurisdictions in combating crime. It is able to provide the following types of international legal co-operation:

- (a) Mutual legal assistance in criminal matters;
- (b) Surrender of fugitive offenders (extradition); and
- (c) Transfer of sentenced persons.

### *Mutual Legal Assistance in Criminal Matters Ordinance (cap. 525)*

The Mutual legal Assistance Ordinance (MLA Ordinance) was enacted to enable assistance to be given by law enforcement authorities in Hong Kong to authorities abroad who are investigating or prosecution criminal offences overseas. The Ordinance does not allow assistance to be given jurisdictions that are unable to undertake that they will reciprocate (by giving similar assistance to Hong Kong in comparable circumstances). The necessary reciprocity can be established by the conclusion of an international agreement for mutual legal assistance in criminal matters.

Concerns about the escalation of transnational crime and the need for greater international co-operation to combat serious crime have resulted in a movement towards the establishment of mutual legal assistance in criminal matter (MLA agreements). Such arrangements embodied in bilateral or multilateral agreements, ensure reciprocity and greatly enhance international co-operation for the control of criminality.

The MLA Ordinance provides the appropriate legal framework to enable Hong Kong to respond to a full range of request for assistance comprehended by the MLA agreements. The purpose is to enhance our co-operation with third countries in the investigation and prosecution of criminal offences including proceedings relating to confiscating the proceeds of crime.

In the HKSAR, dual-criminality is required for providing mutual legal assistance (Section 5(1)g of Mutual Legal Assistance in Criminal Matters Ordinance, Chapter 525, Laws of Hong Kong).

The Mutual Legal Assistance in Criminal Matters Ordinance does not impose any special limitation on human trafficking/smuggling cases.

(Note : we do not have sufficient information on whether ‘treaty-level’ arrangement is needed as the basis for Mutual Legal Assistance and whether there are any barriers to the HKSAR providing mutual legal assistance

in trafficking or smuggling cases).

*Surrender of fugitive offenders (extradition)*

Deportation and removal refer to the expulsion of people from Hong Kong who are, for various reasons, not wanted here. Extradition refers to people:

- (a) in Hong Kong who are wanted for crime by another country;
- (b) in another country who are wanted for crime by Hong Kong.

To enable the HKSAR to continue the extradition arrangements with foreign countries beyond July 1, 1997, a new Fugitive Offenders Ordinance (Cap. 503) was enacted in March 1997 to replace the Extradition Ordinance (Cap. 236).

Surrender of fugitive offenders is an important area of international co-operation in law enforcement. This co-operation is based on the principle that an offender should not be able to avoid trial or serving a sentence by moving from one jurisdiction to another. The need to be able to return and seek the return of fugitive offenders is a key element of the administration of justice in criminal matters. This need has to be balanced by sufficient safeguards to protect the fundamental rights of the individuals involved.

### Transfer of sentenced persons

Transfer of Sentenced Persons (TSP) Ordinance (cap 513) is an ordinance to make provision for the transfer between Hong Kong and places outside Hong Kong of persons detained in institutions by virtue of orders made by courts in the exercise of their criminal jurisdiction; and for matters incidental thereto or connected therewith.

TSP is an important area of international co-operation in law enforcement. The purpose of transferring sentenced persons to their own countries to serve their custodial sentences is to facilitate their rehabilitation, by returning them to an environment free of language and cultural barriers and where their friends and relatives can visit them on a regular basis.

The main purpose of the Ordinance is to provide the appropriate legal framework to enable Hong Kong to implement our new TSP agreements with other jurisdictions after the re-unification. Key features of the Ordinance include:

- (a) Both the receiving and sending jurisdiction as well as the sentenced person must consent to the transfer;
- (b) The conduct in respect of which the sentenced person is imprisoned must be criminal in both jurisdictions; and

(c) Any adjustment to the sentence by the sending jurisdiction (for example, by way of pardon, reduction of sentence) must be given effect to by the receiving jurisdiction.

## **Investigation and Cooperation**

### **Investigation**

(a) The legislation of the HKSAR empowers the Chief Executive of the HKSAR or any public officer authorized on behalf of the Chief Executive, for the interest of the public, to make order to intercept, detain or disclose to the Government or specific public officers any telecommunication messages transmitted, received or being transmitted (Section 33, Telecommunications Ordinance, Chapter 106, Laws of Hong Kong).

(b) In service trainings are provided to officers of the Special Investigation Sections and officers working in other sections of the Investigation Division of the Immigration Department regularly. Officers of Immigration Department are also arranged to attend the CID training courses organized Hong Kong Force and Prosecution courses provided by Department of Justice from time to time.

## Cooperation

### Trans-national

(a) The law enforcement agencies in Hong Kong have maintained close cooperation with their Mainland and overseas counterparts in the areas of :

- (i) Liaison and intelligence exchange;
- (ii) Joint investigation and joint operations;
- (iii) Provision of evidence under Mutual Legal Assistance; and
- (iv) Arrest and extradition, where applicable.

(b) The HKSAR Government also maintains close cooperation and exchanges with other governments on matters relating to human migration both at policy and operational levels. Currently, a number of governments have information sharing arrangement with the Hong Kong law enforcement agencies including Australia, the United Kingdom and the USA, etc. The information shared includes personal particulars of individual traffickers and smugglers, the methods and routes used by them as well details of the syndicate behind.

(c) To enhance co-operation in immigration matters, the Immigration Department had signed Co-operation Protocols with

Portugal, Belgium and Finland since 2000. The signing of the Co-operation Protocols enables Immigration Department to work closely with European partners in strengthening immigration control and enforcement strategies to counter trafficking in persons and smuggling of migrants.

Departmental/Internal

(a) The immigration Department had also devoted resource to the Joint Investigation Team on Human Smuggling established by the Organized Crime and Triad Bureau of the Police Force in May 1998, which mission is ‘to take effective action against the problem of syndicated human smuggling and to prevent Hong Kong from being used as a transit centre’.

(b) The Special Investigation Section which is under the Investigation Division of the Immigration Department and the Organized Crime and Triad Bureau of the Police Force specialize in the investigation of organized human smuggling or trafficking activities, occurring in or involving Hong Kong. They work closely with other law enforcement agencies both in Hong Kong, Mainland and overseas.

(c) As the majority of forged documents were detected at the Airport, a close working relationship is maintained with the airline

operators and other relevant parties at the Airport, including the airline liaison officers from foreign countries.

### **Assistance to Trafficked and Smuggled Persons**

(a) Hong Kong does not have specific legislation to:

- (i) provide protection for trafficked or smuggled persons;
- (ii) provide for assistance to be given to the trafficked or smuggled persons; and
- (iii) provide for special assistance to be given to women or children who have been trafficked.

However, the HKSAR Government has launched the Victim's Charter which has provided protection and assistance to 'victims' including victims of human trafficking. Other provisions of the HKSAR also provide special procedures for vulnerable persons. Not to mention, the Victim's Charter and these provisions will benefit victims of human trafficking regardless whether they are women or children. For an example, the law of Hong Kong provides for anonymity of victims in specified sexual cases during both the investigation stage and trial (Section 156, Crimes Ordinance, Chapter 200, Laws of Hong Kong). In addition, legal aid and medical service will be provided to the victims if necessary.

(b) The legislations of the HKSAR allow foreigners to remain in Hong Kong temporarily as witnesses during criminal investigations and proceedings. This arrangement also applies to victims of human trafficking. Victims of human trafficking cases are always encouraged to assist in the investigation and to give evidence against the traffickers. Specifically, they are encouraged to provide information on syndicated arrangements to facilitate investigations with a view to discovering and apprehending the culprits.

(c) Persons who are suspected to have committed the offences of Hong Kong will be dealt with in accordance with the laws of Hong Kong. However, the Department of Justice of the HKSAR have a discretion not to prosecute if prosecution is not in the public interest. The fact that the offender is a victim of crime is a factor to be taken into consideration. The victims will not be prosecuted if circumstances so justify.

## **Prevention**

(a) No specific legislations of the HKSAR prescribe activities for the prevention of human trafficking and smuggling. Nevertheless, the HKSAR Government recognize that the issue is an international problem and is willing to cooperate with any foreign government to tackle the problem.

(b) The Security Bureau of the HKSAR government has policy responsibility over human trafficking or smuggling in Hong Kong. It provides a clear policy frame work and adequate facilities for all the relevant law enforcement agencies in Hong Kong, i.e. the Immigration Department, the Customs and Excise Department and the Hong Kong Police to act in a well coordinated manner.

## **Case Studies**

### **1. Operation CORALFISH (2001)**

On 22 September and 23 September 2001, the Guangdong Provincial Public Security Bureau (GDPSB), the Hong Kong Police Force (HKPF) and the Hong Kong Immigration Department (ImmD) executed a joint operation codenamed CORALFISH, during which a human smuggling syndicate specializing in forging Hong Kong Special Administrative Region (HKSAR) passports was smashed. 3 forgery workshops in Guangzhou were cracked down. The mastermind, 3 forgers and a total of 12 active members of the syndicate had been arrested.

The operation in Guangzhou unearthed 8 HKSAR passports (6 intact and 2 forged), a finished counterfeit bio data page of HKSAR passport and a large quantity of implements fit for forgery were seized, including a set of computer devices, printers, laminator and simulated laminates of HKSAR

passport, British National (Overseas) passport and other types of passports and others.

Corresponding enforcement actions were taken at the Hong Kong side on 23 September 2001. About 50 officers from each of the Investigation Division of the Hong Kong Immigration Department and the Organized Crime and Triad Bureau (OCTB) of the Hong Kong Police Force were mobilized to raid 13 target addresses. A total of 9 syndicate members active in Hong Kong were arrested, including 8 males and 1 female. During the operation, a total of 62 items were seized at a prime target's address, which included laminator and various types of laminate. On 27 September, a male syndicate member was arrested upon his arrival from the Mainland of China. As a result, one syndicate member was convicted in Hong Kong for "Transfer to another without reasonable excuse a travel document" and sentenced to 12 months imprisonment. Since the mastermind and 3 forgers plead not guilty to their charges and they were currently detained in Guangzhou pending trial.

Furthermore, continual enforcement action was extended to the Hong Kong International Airport. On 24 September and 25 September 2001, the Hong Kong Immigration Department deployed 45 additional investigators to patrol inside the airport departure lounge and conduct spot checks against suspicious passengers. A total of 362 passengers were checked. Among them, a total of 2 males and 3 females who were suspected of using forged PRC passports and Taiwan passports were arrested.

4 bogus holders had been charged of the related offenses. Among them, 3 of them had been sentenced to imprisonment for 4 to 6 months.

## **2. Operation CROSSLINE (2002)**

On 21 November 2002, the Hong Kong Police Force (HKPF) and the Hong Kong Immigration Department (ImmD) jointly conducted an operation codenamed “Crossline”. During the operation, a total of 102 officers were mobilized and 29 premises were raided. As a result, 11 persons comprising 7 men and 4 women were arrested.

The objective of the operation is to neutralize a syndicate actively in recruiting Hong Kong residents, mainly drug addicts, to apply for the HKSAR passports and transferred them to syndicate members for monetary reward. (The reward for selling a HKSAR passport is between HK\$1000 and HK\$1500.) Having conducted a series of covert surveillance operations against these doubtful applicants upon their surfacing to collect the passports, we have identified 4 key syndicate members and their hideouts. We also found that the syndicate had a close link with the forger as well as the human smuggling syndicate in the Mainland of China as part of these doubtful applicant’s HKSAR passports were found to be altered and used by Mainlanders for sneaking to the overseas countries.

Among them, 7 were Hong Kong residents, including 3 suspected syndicate members and 4 rightful holders involved in the illegal transfer of

HKSAR passports. The remaining 4 arrestees were PRC Two-way Permit overstayers. Although they were found to have no connection with the syndicate, 3 of them were charged with the breach of condition of stay and they pleaded guilty of their charge and their sentence ranged from a fine of HK\$350 to 4 weeks' imprisonment. The remaining overstayer was removed to the Mainland of China owing to her old age. Subsequently, another 5 rightful holders were apprehended during our subsequent enforcement actions.

A total of 6 rightful holders were convicted of "transfer to another without reasonable excuse a travel document" and their sentence ranged from 12 to 15 months imprisonment. One of the main culprits had been convicted of one count of "transfer to another without reasonable excuse a travel document", one count of "aiding and abetting the transfer to another without reasonable excuse a travel document" and one count of "making a false statement for the purpose of obtaining a travel document" and was sentenced to a total of 24 months imprisonment.

### **3. Detection of an Organized Forgery & Human Smuggling Case at Airport**

On 24 November 2001, Airport Investigation Group (AIG) conducted a surveillance operation inside the restricted area of the Hong Kong Chek Lap Kok Airport. As a result, 5 persons comprising 2 Taiwanese couriers and 3 Mainland residents were arrested.

AIG officers had mounted surveillance on 2 Mainlanders who arrived from the Mainland of China by flight. They were seen furtively entering into a smoking room instead of presenting for arrival clearance. AIG officers disguised as smoking passengers and observed their activities thereat. Eventually, 2 Taiwanese forgery document courier and another Mainlander were identified to be their accomplices, and one of the Taiwanese courier had passed some documents to the 3 Mainlanders.

When the party of 5 left the smoking room, they were arrested. The 3 Mainlanders and 1 Taiwanese courier each possessed a counterfeit Singaporean passport and a boarding pass for Paris under the name of the forged passports. Their own travel documents were unearthed during a search.

Upon inquiry, the 3 Mainlanders admitted that they were arranged to use the problematic documents to sneak into overseas countries for betterment whereas one of the Taiwanese courier admitted that he took the role of escorting the 3 Mainlanders from Fuzhou to Hong Kong and scheduled to meet the other who arrived from Taiwan, bringing along with the forged Singaporean passports and checked through the onward flight, and took over the escort of the 3 Mainlanders for the onward journey to Paris.

Each of the 3 Mainlanders was convicted of possessing a false

passport in Hong Kong and was sentenced to 12 months' imprisonment. Regarding the 2 Taiwanese forgery syndicate members, the one who pleaded guilty to his charges of possessing 4 false Singaporean passports was convicted and sentenced to 30 months imprisonment; while the other was convicted the offence of aiding and abetting the 3 Mainlanders to possess false Singaporean passports after trial and sentenced to 4 years imprisonment.

#### **4. Human smuggling by container vessel M.V. Hyundai Kingdom**

On 25 July 2003, the Hong Kong Police Force (HKPF) received a report from Hong Kong International Terminal Limited (HIT) control room that 17 unauthorized persons were found hiding in a storeroom on board a US-bound container vessel namely M.V. Hyundai Kingdom. Upon identity inspection, HKPF discovered that the 17 unauthorized persons were holding PRC passports. The Ship Search Unit (SSU) of the Hong Kong Immigration Department was mobilized to conduct an on-site investigation.

The 17 Mainlanders were all found to be of Fujian origin. Their PRC passports were in order with valid limit of stay in Hong Kong. They claimed they intend to sneak into Korea or the USA for job-hunting. After inquiry on all the crewmembers, which indicated their non-involvement in the illicit activities, the vessel was released.

Backroom record checks revealed that M.V. Hyundai Kingdom was

registered in Panama. She arrived in Hong Kong on 25 July 2003 and scheduled to call Yantin, Kaohsiung, Busan, Long Beach, Oakland and Tacoma after her departure from Hong Kong.

The 17 Mainlanders were each charged with one count of “attempted stowaway” and were all sentenced to 4 months’ imprisonment on 25 August 2003. Regarding the 17 Mainlanders, with a view to digging out the syndicate behind, they were handed over to Fujian Provincial Public Security Bureau (FJPSB) for follow up investigation on 15 October 2003 after serving their prison term in Hong Kong.

### **Previous joint operations since 1994**

**(1) Operation “Snakehead”** - In 1994, the Hong Kong Immigration Department conducted a joint operation codenamed “Snakehead” with the then USINS and the German authorities against a US-based forgery syndicate smuggling Mainland Chinese to New York via Hong Kong. A total of 39 persons were arrested and a large number of forged travel documents were seized in Hong Kong, the United States and Germany. 18 main culprits were convicted in Hong Kong, 21 in the United States and Germany, with sentences up to 18 months imprisonment.

**(2) Operation ‘OverRainbow’** - In 1996, an operation codenamed ‘OverRainbow’ joined with the then USINS and RCMP succeeded in quashing a forgery syndicate smuggling Mainland Chinese to Canada via

Hong Kong. A key syndicate member of Canadian nationality and Fujianese origin was arrested in Hong Kong. 16 more racketeers and illegal migrants, including the head of the syndicate, were also apprehended in Canada and the United States during the same operation.

**(3) Operation ‘Ideogram’** - Together with the Guangdong Provincial Public Security Bureau, the Japanese National Police Agency, the Hong Kong Police Force and the Hong Kong Immigration Department conducted a joint operation codenamed ‘Ideogram’ in May 1998, resulting in the neutralization of an organized forgery and alien smuggling syndicate. The syndicate professed in supplying forged travel documents and arrangement of illegal passenger for Mainland residents in Guangdong, Hong Kong and Japan. Subsequently, a forgery workshop packed with forged travel documents, visas, seals and dies in Guangdong was smashed and 33 persons including the mastermind and other syndicate members were arrested in Hong Kong, the Mainland and Japan.

**(4) Jointed operation to combat human smuggling by cargo containers**  
- In response to the incidents of human smuggling by cargo containers, the Hong Kong Police Force, Hong Kong Immigration Department and Customs have identified suspected vessels in sea-borne anti-smuggling operations and intercept vessels believed to be modified for transporting illegal migrants. A special team under the Organized Crime and Triad Bureau (OCTB) of the Hong Kong Police Force would collect intelligence, investigate suspected organizers and conduct joint investigation with local

and overseas law enforcement agencies. The Custom would continue to check out-bound “soft-top” containers and general-purpose containers paying particular attention to those with patches on the sidewalls. Specialized equipment, such as Mobile X-ray Vehicle Scanning system and CO2 detectors were used to detect any presence of human being containers.

Law enforcement agencies have also sought enhanced co-operation from the local shipping industries, which included major shipping companies, containers operators, freight forwarding companies and container truck unions. Meeting with their representatives have been held and seminars for their frontline staff organized.

The Hong Kong law enforcement agencies also enjoy excellent working relationship with their counterparts overseas and in the Mainland. Intelligence exchanges with local consulates and foreign authorities on human smuggling and forgery syndicates, trend and related matters are maintained.

The enhanced efforts by all concerned had yielded the following fruitful results:

- (i) On 18-10-2000, during a check on an exporting container to be shipped to Long Beach, USA, the Hong Kong Customs found 26 illegal migrants hiding inside. All of them were Mainland Chinese of Fujian origin. The group as well as a

syndicate member were prosecuted with sentence ranging from 9 to 18 months imprisonment.

- (ii) On 10-12-2000, a Police operation was mounted, resulting in a quashing of an organized international human smuggling syndicate in Hong Kong. During the operation, OCTB officers intercepted a cargo container which housed 12 Chinese illegal migrants, berthing at the container terminal. Simultaneous raids across the territories had netted 11 syndicate members, including the mastermind, responsible for the containerization of the illegal migrants. Subsequently, the syndicate members were sentenced to 2 to 6.5 years imprisonment whereas for the illegal migrants, 18 to 20 months imprisonment.
- (iii) On 23-11-2002, the Marine Police intercepted an inbound Mainland cargo vessel, namely “Kwong Ming” (光明) off River Trade Terminal at Tuen Mum. A total of 156 illegal Immigrants were found hidden inside 2 empty cargo holds. OCTB of Police took over the case for investigation.
- (iv) Our intelligence revealed that on 12-01-2001, 20 illegal migrants from the Mainland were apprehended by the USINS in the port of Los Angeles. They were shipped to Los Angeles by a container vessel from Pusan, Korea. Before loading of the human cargo in Pusan, the last port call for the vessel was Hong Kong.

(v) In January 2002, information on 3 interceptions of human cargo by ocean-going liners destined for the USA were received. The 3 vessels involved are M/V “Chuan He (川河)”, M/V “ Wan He (皖河)” and M/V ”Lu He (魯河)”. The illegal immigrants conveyed by M/V “Chuan He (川河) and M/V “ Wan He (皖河)” were received at Long Beach, USA whereas those attempted to be conveyed by M/V “LU He (魯河)” were intercepted by the PRC customs officers at Chiwan (赤灣). Shekou, the Mainland before the vessel could start her journey to the USA.

(a) The vessel M/V “Chuan He (川河)” last arrived at Hong Kong from Chiwan (赤灣) on 12-01-2002 for loading and discharging containers. On 13-01-2002, she departed Hong Kong for Yokohama. The vessel arrived in Long Beach, the USA on 27-01-2002 and 15 Mainland illegal immigrants were hidden inside a laded hard top container. However, 4 of them were arrested while the others remained unlocated.

(b) The vessel M/V “Wan He (皖河)” last arrived Hong Kong from Shekou on 20-01-2002 for loading and discharging containers and departed for Yokohama on the same day. The vessel arrived Long Beach, the USA on 24-01-2002 and 16 Mainland illegal immigrants (including 2 juveniles) were hidden inside a loaded container.

(c) On 26-01-2002, the Shekou customs officers acted on a tip-off to board a vessel M/V “Lu He (魯河)” and locate a container inside which 19 illegal immigrants were found. The Shekou customs officers held up the container and allowed the vessel to depart for Hong Kong and Yokohama with Long Beach as the final destination.

As you see from the cases I just mentioned, it is hoped that through international cooperation and further development of legal framework against people smuggling and trafficking, illegal migration and human smuggling activities can be contained if not totally eradicated.

- End -