

LCQ3: Combat sea smuggling and uphold dignity of law enforcement officers

Following is a question by the Hon Tony Tse and a reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (October 20):

Question:

In January last year and last month respectively, three officers of the Customs and Excise Department and an officer of the Hong Kong Police Force unfortunately fell overboard and died while discharging law enforcement duties at sea. It has been reported that after these incidents, some people made cold-blooded remarks on the Internet, gloating at such officers' deaths while on duty. In this connection, will the Government inform this Council:

(1) whether it will review the strategies of the aforesaid two departments for law enforcement at sea, enhance the performance of the relevant vessels, strengthen the training on survival techniques for law enforcement officers, and upgrade their personal protective equipment, so as to enhance the efficiency in law enforcement and protect the life safety of law enforcement officers; and

(2) whether it has requested the relevant website operators to remove the aforesaid cold-blooded remarks, and taken other follow-up actions; whether it will study the enactment of legislation to prohibit the making of such kind of remarks, so as to uphold the dignity of law enforcement officers?

Reply:

President,

The entire government is deeply grieved for unfortunate deaths of civil servants while on duty. The four disciplined services officers specifically mentioned in the question all sacrificed their lives bravely in anti-smuggling operations. The incidents have shown not only the dangerous nature of their work but also their dedication and commitment in carrying out their duties.

My reply to the question is as follows:

(1) The Government puts great emphasis on stemming smuggling, and has been preventing and combating smuggling activities through a robust legal framework, cross-departmental and cross-regional collaboration, as well as manpower and equipment support.

Hong Kong's law enforcement agencies, including the Customs and Excise Department, the Hong Kong Police Force, the Marine Department, the Food and Environmental Hygiene Department, the Agriculture, Fisheries and Conservation

Department, have been combating smuggling of various kinds in different areas through multi-faceted and cross-departmental collaboration. Law enforcement agencies adopt an intelligence-driven strategy to keep abreast of the latest smuggling situation, carry out assessments and make appropriate deployments for enforcement operations to curb smuggling.

Regarding smuggling on the sea, it is now more common for smuggling syndicates to use high-powered speedboats to pick up goods on the seashore or from barges moored near Hong Kong's sea boundary, and then head to Mainland waters at high speed. Law enforcement agencies have stepped up patrols and deployment at sea smuggling black spots and mounted cross-departmental joint operations in relevant waters on all fronts.

Smuggling is by nature illegal cross-boundary activity. As such, apart from cross-departmental operations, local law enforcement agencies have been working closely and exchanging intelligence with their mainland, other regional and international counterparts to jointly combat smuggling syndicates. Late last month, the Commissioner of Police had an in-depth working meeting with officers of the Guangdong Provincial Public Security Department and the Guangdong Coast Guard regarding both sides' anti-smuggling efforts. Both sides agreed that strategically, they would jointly study the enhancement of safety of officers, the efficacy of equipment, exchanges and training, as well as operational efficacy. They also agreed that tactically and operationally, both sides would enhance co-operation and intelligence exchange, further step up enforcement and conduct joint operations to take down criminal syndicates on all fronts. They will also take strong actions against the recruitment of syndicate members, the alteration of vessels and the storage of frozen meat, trace the source of funding and criminal proceeds of criminal syndicates, and speed up the handover of seized smuggling vessels and tools.

The work of disciplined services officers is unique and challenging by nature. They are often exposed to unpredictable risks whilst on duty. As such, the Hong Kong Special Administrative Region Government has always been very concerned about the safety of frontline law enforcement officers in their execution of duties, and has attached great importance to the matter. Apart from providing proper equipment to them, law enforcement agencies also arrange suitable training and drills to their staff on a regular basis.

In discharging their duties, law enforcement agencies will conduct risk assessments and take corresponding safety measures having regard to the uniqueness of each case. In light of the recent unfortunate incident, law enforcement agencies will actively review their arrangements on manpower, training and equipment to ensure the safety of their officers in marine operations and to effectively combat various types of crimes.

(2) According to the International Covenant on Civil and Political Rights as applied to Hong Kong and the Hong Kong Bill of Rights Ordinance, the exercise of the right to freedom of expression by anyone carries with it special duties and responsibilities, and may be subject to restrictions as provided by law and necessary for: (i) respect of the rights or reputations of others,

or (ii) the protection of national security or of public order, or of public health or morals. Every person should respect the rights of others without compromising public order and safety while exercising the right to freedom of expression.

After the unfortunate death of the police officer in the line of duty, some people have made satirical remarks on the Internet and uploaded songs that are suspected to be about hatred towards the Police to social platforms. The Government is deeply regretful and angry about these cold-blooded acts, to which the whole society should strongly condemn. Regardless of political belief or stance, and out of fundamental respect for humanity, no one shall ever be sarcastic over the loss of lives or take pleasure in it.

Even though there is currently no legislation against hate speech, various provisions are in place under the existing legal framework to deal with the dissemination of inappropriate information. For example, under sections 9 and 10 of the Crimes Ordinance, it is a criminal offence to do any act with a seditious intention, utter any seditious words, handle or possess any seditious publication.

Based on the circumstances and complaints, the Police will conduct follow-up investigations into speeches that possibly violate the law, and take such appropriate actions as requesting Internet platforms to remove the relevant posts so as to uphold the rule of law and maintain public order and safety.

While the rapid development of technology has made our daily lives more convenient, it has led to or aggravated the disturbance of social order, an example of which is the making of hate speech or discriminatory remarks on the Internet. Also, the social media is fraught with problems such as doxxing and misinformation. The Government is very concerned about these issues and has been handling them proactively. It has enacted the Personal Data (Privacy) (Amendment) Ordinance 2021 to criminalise the acts of doxxing, and the legislation has been passed by the Legislative Council. In addition, as mentioned by the Chief Executive in the Policy Address delivered two weeks ago, the Home Affairs Bureau will study and examine whether legislation should be amended or enacted to tackle the spreading of fake news and hate speech on social media as well as the acts of insulting public officers.

Meanwhile, in view of the possibility of information technology, computers and the Internet being exploited for carrying out criminal activities, the Law Reform Commission (LRC) has commenced a study on cybercrime, and will make recommendations in respect of law reform. The Government will closely monitor the progress of the LRC's study.