

## 回應有關香港海關在油尖旺區內的私煙執法情況

### Response to C&ED enforcement situation of illicit cigarettes in Yau Tsim Mong District

#### 提問

#### Questions:

1. 請問有關部門自煙草稅增加後，收到舉報私煙販賣的情況如何？

**1. How have the relevant departments received reports on illicit cigarettes activities since the increase in tobacco taxes?**

自今年二月煙草稅增加後，海關收到私煙販賣的舉報數字有所上升。海關在本年三月至五月共接獲1,286宗私煙販賣舉報，較2023年同期的929宗上升357宗，升幅約四成。

針對議員表示油尖旺區內多棟大廈的信箱都被塞滿私煙傳單，由於派發私煙傳單違反《吸煙（公眾健康）條例》（第371章），根據條例，任何人不得展示或安排展示，或為展示用途而刊登或分發任何形式的煙草廣告（包括傳單）。有關法例主要由衛生署控煙酒辦公室執行。

海關若收到與派發私煙傳單相關的投訴，會將個案轉交控煙酒辦公室跟進。同時，海關亦會調查私煙傳單上的資料，如發現有人涉及售賣未完稅香煙，定必果斷採取執法行動，其中包括透過電訊商中止用作訂購私煙電話號碼的服務。

Since the increase in tobacco tax in February this year, the number of reports of illicit cigarettes activities received by Customs has risen. From March to May this year, Customs received a total of 1,286 reports of illicit cigarettes activities, which is an increase of 357 cases compared to the 929 reports received during the same period in 2023, representing a growth of approximately 40%.

In response to the concerns raised by District Councilor about mailboxes in multiple buildings in the Yau Tsim Mong district being filled with illicit cigarettes leaflets, distributing illicit cigarettes leaflets is a violation of the Smoking (Public Health) Ordinance (Chapter 371). According to the Smoking

(Public Health) Ordinance (Cap. 371) (the Ordinance), no person shall display or cause to be displayed, or publish or distribute for the purpose of display, any smoking product advertisement in any form (including flyers or online advertisements). The Tobacco and Alcohol Control Office (TACO) of the Department of Health is the primary enforcement agency under the Ordinance.

If Customs receives complaints related to the distribution of illicit cigarettes leaflets, the cases will be referred to the TACO for follow-up. At the same time, Customs will also investigate the information on the illicit cigarettes leaflets. If any individuals are found to be involved in the sale of duty-not-paid cigarettes, decisive enforcement actions will be taken, including working with telecommunications companies to suspend the services of phone numbers used for ordering illicit cigarettes.

2. 過去兩年，油尖旺區正式被檢控販賣私煙及購買私煙的情況如何？  
**2. In the past two years, what has been the situation of the enforcement works for selling and buying illicit cigarettes in Yau Tsim Mong District?**

		2022	2023	2024 (1-5月)
貯存/分銷案件	案件數目	4	10	5
	檢獲支數 (支)	83,300	6,267,500	1,289,300
私煙買賣案件	案件數目	16	15	2
	檢獲支數 (支)	15,400	27,700	1,600
總數	案件數目	<b>20</b>	<b>25</b>	<b>7</b>
	檢獲支數 (支)	<b>98,700</b>	<b>6,295,200</b>	<b>1,290,900</b>

		2022	2023	2024 (Jan – May)
Storage/ Distribution cases	No. of cases	4	10	5
	Quantity of seizures (sticks)	83,300	6,267,500	1,289,300
Peddling cases	No. of cases	16	15	2
	Quantity of seizures (sticks)	15,400	27,700	1,600
<b>Total</b>	<b>No. of cases</b>	<b>20</b>	<b>25</b>	<b>7</b>
	<b>Quantity of seizures (sticks)</b>	<b>98,700</b>	<b>6,295,200</b>	<b>1,290,900</b>

就過去油尖旺區內的執法情況，海關沒有發現區內私煙案件有明顯的上升趨勢。海關會繼續積極留意該區的情況，全力打擊相關的私煙活動。根據《應課稅品條例》，任何人士處理、管有、售賣或購買私煙均屬違法行為，一經定罪，最高可判罰一百萬元及監禁兩年，並留有案底。

Regarding the past enforcement situation in the Yau Tsim Mong district, Customs have not identified any significant increase in cases related to illicit cigarettes. Customs will continue to closely monitor the situation in the area and make every effort to combat related illicit cigarettes activities. Under the Dutiable Commodities Ordinance, anyone involved in dealing with, possession of, selling or buying illicit cigarettes commits an offence. The maximum penalty upon conviction is a fine of \$1 million and imprisonment for two years.

3. 有關部門有什麼相應措施去加強打擊非法私煙的問題？會否加重刑罰，以遏止該問題變得嚴重？

**3. What corresponding measures have the relevant departments taken to strengthen the crackdown on illegal cigarettes? Will penalties be increased to prevent the problem from becoming serious?**

香港海關一向採取情報主導的執法策略，全方位打擊私煙活動，即上游堵截走私、中游取締倉貯，和下游掃蕩買賣。海關正密切留意各出入境管制站及市面上私煙活動的情況，並已加強與內地及海外執法機關情報交流。同時，海關亦會靈活調配內部資源，以應對私煙活動。

醫務衛生局於六月六日宣布，為更有效打擊私煙和保護非吸煙人士免受煙草禍害，政府建議在短期內推出 10 項控煙措施。針對「管供應、降需求」方面，當中建議措施包括：

- (一) 引入完稅煙標籤制度，區分已完稅和未完稅煙，以提升執法成效。政府正就此進行顧問研究審視執行細節。政府亦會修訂《應課稅品條例》（第 109 章），規定售價低於煙草稅的煙草產品須證明已課稅。
- (二) 提高未完稅相關罰則。處理、管有、售賣或購買未完稅煙的最高罰則，由目前循簡易程序定罪可罰款 100 萬元及監禁兩年，大幅提高至循公訴程序定罪可罰款 200 萬元及監禁七年。政府亦會提高《應課稅品條例》下有代價地就罪行不予檢控（即以罰款代替訴訟）的罰則，以及把《應課稅品條例》罪行列入《有組織及嚴重罪行條例》（第 455 章），令香港海關得以申請凍結與私煙活動相關的非法得益。

香港海關將會繼續嚴厲打擊不同層面的私煙活動，並配合有關當局的建議加重相關罰則，有效提升阻嚇性。

Hong Kong Customs has always adopted an intelligence-led enforcement strategy to combat illicit cigarette activities holistically. This includes intercepting smuggling in the upper stream, smashing storehouses in the middle, and tackling selling activities in the lower end. C&ED is closely monitoring illicit cigarette activities at various control points and in the market, and has strengthened intelligence exchange and co-operation with local,

Mainland and overseas law enforcement agencies. Meanwhile, C&ED will flexibly deploy its internal resources to mount targeted anti-illicit-cigarette operations in a timely manner.

The Health Bureau (HHB) announced on June 6 that the Government planned to introduce 10 tobacco control measures in short term in order to combat illicit cigarettes in a more effective manner and protect non-smokers from tobacco hazards. Regarding “Regulate Supply, Suppress Demand”, the proposed measures including:

(1) To implement a duty stamp system in order to differentiate duty-paid cigarettes from duty-not-paid ones, thus enhancing the effectiveness of law enforcement. The Government is currently conducting a consultancy study to examine the implementation details. Moreover, the Government will amend the Dutiable Commodities Ordinance (DCO) (Cap. 109) to require tobacco products being sold at a price lower than the tobacco duty need to be proved duty-paid.

(2) To increase penalties for duty-not-paid cigarettes. The maximum penalty for dealing with, possession of, selling or buying illicit cigarettes will be substantially raised from the existing \$1 million fine and two-year imprisonment on summary conviction to a \$2 million fine and seven-year imprisonment on indictment. In addition, the Government will increase the penalties for relevant offences compoundable under the DCO (i.e. imposing penalty instead of prosecution) and listing DCO offences in the Organized and Serious Crimes Ordinance (Cap. 455) to enable the Customs and Excise Department to apply for freezing illicit proceeds associated with illicit cigarette activities.

Hong Kong Customs will continue to step up to crack down on illicit cigarette activities at different levels, and will collaborate with relevant authorities to increase penalties, so as to enhance the deterrent effect.