

**Creation of a new rank of Chief Superintendent
of Customs and Excise in the Customs and Excise Department**

4.33. In January 1993, the Administration sought our advice on the proposal to create a new rank of Chief Superintendent of Customs and Excise at GDS(C)1 level in the Customs and Excise Department and two posts in this new rank for the Airport Command and the Control Points Command of the Operations Branch, offset by the deletion of two posts of Senior Superintendent of Customs and Excise (GDS(O) 36-38).

4.34. We were informed that the Operations Branch of the Customs and Excise Department is organized into four commands - the Airport Command, the Control Points Command, the Ship Search and Cargo Command, and the Marine and Land Enforcement Command - each headed by a Senior Superintendent of Customs and Excise. The Operations Branch, which is the largest of all five branches with 2,006 staff or 52% of the total establishment of the Customs and Excise Department, is headed by the Assistant Commissioner (Operations) (AC(O)). The primary function of the Operations Branch is to ensure that all persons, goods, aircraft, vessels and vehicles entering or leaving Hong Kong satisfy all customs requirements, whether imposed locally or by international agreement.

4.35. We were further informed that the AC(O) is responsible for the co-ordination of the activities of his four commands, viz. operational planning and strategy, enforcement techniques, control measures, deployment of manpower and equipment resources, and liaison with foreign customs agencies both locally and overseas. In addition, he is responsible for the overall planning of certain major capital projects which include the Lo Wu Terminal Building Stage III Extension and the customs requirements at the new airport at Chek Lap Kok. He is also heavily committed to high level liaison work which involves the dealing with high ranking visitors and sensitive issues, hence requiring the personal attention of an officer at directorate level. Such liaison work falls broadly into three categories : within the Hong Kong Government on operational co-operation and planning; with local trade organizations concerning customs control policies; and with overseas consular, commercial or law enforcement agencies concerning operational co-operation or exchange of information. The Administration found that the AC(O) was increasingly and overly burdened with the above commitments and day-to-day operational duties which had prevented him from giving due attention to more important policy matters.

4.36. The Administration informed us that it had carried out a review of the department's senior management structure and, in the light of the findings, proposed to upgrade the two Senior Superintendents heading the Airport Command and the Control Points Command from GDS(O) 36-38 to GDS(C)1 level. The Administration advised us that the purpose of the upgrading proposal was twofold : to relieve part of the AC(O)'s responsibilities which would be delegated to the two command heads; and to recognise the responsibilities of these two command heads which have increased considerably partly as a result of the proposed delegation and mainly due to a general increase in activities undertaken by these two commands over the years.



A Custom Officer examining passenger baggage

4.37. The Administration informed us that in order to free the AC(O) for the consideration of longer term policy issues and to have the relevant duties performed by officers who are more directly involved, the following of the AC(O)'s duties should be delegated to Senior Superintendent (Airport) (SS(A)) and Senior Superintendent (Control Points) (SS(CP)) -

- (a) the routine implementation of risk management in Customs processing, which is a relatively new development in Hong Kong's customs control;
- (b) the general supervision of control measures to combat new smuggling trends;
- (c) the initial handling of politically sensitive incidents; and
- (d) regular liaison and briefing at the appropriate level.

4.38. We were informed that the responsibilities of SS(A) and SS(CP) have increased in recent years. SS(A)'s responsibilities have increased in complexity on account of : the imposition of United Nations sanctions which requires extra enforcement efforts and tightening up of airport customs control particularly at times of international crises; the continuing trend to use Hong Kong as a transit centre for illicit drugs which necessitates new strategies and techniques for customs control at the airport; and the increasingly heavy involvement in the planning for customs related facilities, equipment, communications systems, freight and baggage control, as well as staffing and other resources required at the new airport. Similarly, SS(CP)'s span of control and level of responsibilities have also increased as a result of the opening of Lok Ma Chau Control Point, the addition of a fifth division in the Control Points Command, the significant increase in passenger through trains and the inception of passenger coach services to China. The introduction of new measures to protect revenue, e.g. new strategies aiming to

impose restrictions on quantities of hydro-carbon oil imported duty free in the tanks of vehicles and duty free cigarettes carried by local residents absent from Hong Kong for not more than 24 hours, has also increased SS(CP)'s responsibilities. His role has also become more complex with the introduction of the new Land Border Computer System for target identification as he is required to prudently maintain a balance between effective customs control and facilitation of traffic.

4.39. In conclusion, the Administration proposed to create a new directorate rank of Chief Superintendent of Customs and Excise at GDS(C)1 and two posts in this new rank, offset by deletion of two posts of Senior Superintendent of Customs and Excise (GDS(O) 36-38), in order to upgrade the posts heading respectively the Airport Command and the Control Points Command. The Administration advised that with the re-organization of duties accompanied by the upgrading proposal, the AC(O) would be able to devote more time to policy and other important issues and the responsibilities of the heads of the Airport Command and the Control Points Command would be comparable to those of existing GDS(C)1 ranks in the other disciplined services.

4.40. We examined the Administration's proposal and supported the creation of a new rank of Chief Superintendent of Customs and Excise and two posts in this new rank for the Airport Command and the Control Points Command, offset by the deletion of two posts of Senior Superintendent of Customs and Excise.

4.41. We forwarded our advice to the Administration in May 1993. The proposal was approved by Finance Committee in June 1993, and the Commissioner of Customs and Excise was informed accordingly.

Creation of a new rank of Senior Principal Immigration Officer in the Immigration Department

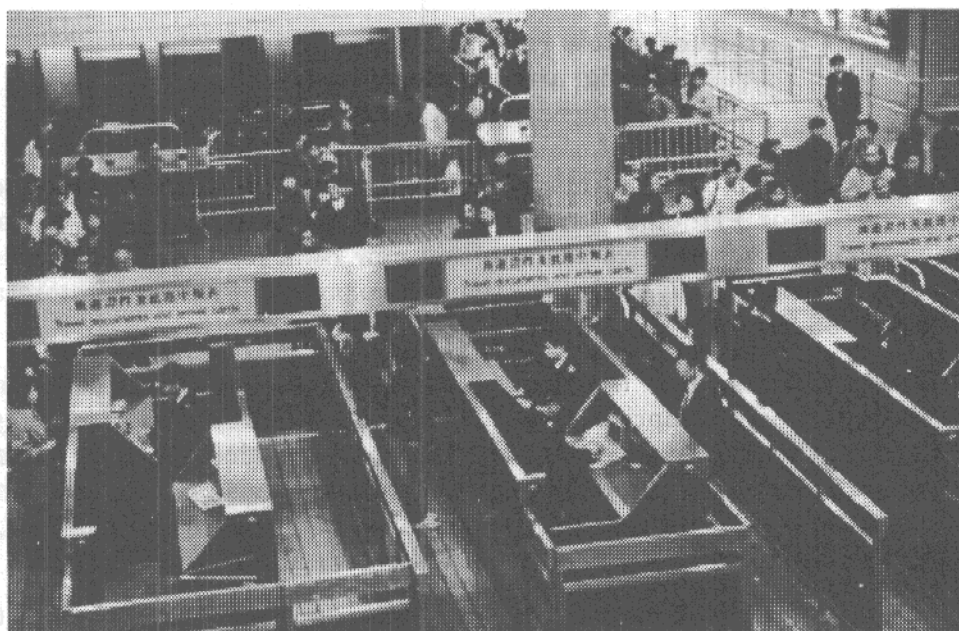
4.42. In January 1993, the Administration sought our advice on the creation of a new rank of Senior Principal Immigration Officer at GDS(C)1 level in the Immigration Department and two posts in this new rank for the Airport Division and the Border Division, offset by the deletion of two posts of Principal Immigration Officer (GDS(O) 36-38).

4.43. We were informed that the Control and Investigation Branch (CIB) of the Immigration Department comprises five divisions and one sub-division, namely the Airport Division, the Border Division, the Harbour Division, the Investigation Division, the Visa Control Division, and the Control Sub-division. The Branch has over 2600 staff, or 48% of the Immigration Department's total establishment, and is headed by the Assistant Director (Control & Investigation) (AD(CI)).

4.44. We were further informed that with the run-up to 1997, AD(CI)'s responsibilities have increased as he is required to carry out various policy reviews, e.g. revamping of the visa system, post-1997 immigration policies in relation to China, and entry of foreigners including diplomatic corps. In addition, he is responsible for reviewing the Immigration Ordinance and related policies/procedures

to bring them in line with the International Covenant on Civil and Political Rights and the Bill of Rights Ordinance. The AD(CI) spends about 20% of his time in handling a large number of individual cases involving detention, removal and deportation; petitions against the decisions of the Director of Immigration; and grant of stay to illegal immigrants. As under the Immigration Ordinance, the authority to deal with such matters cannot be delegated to an officer below the directorate level, the AD(CI)'s commitment to these duties and other administrative work has made it impossible for him to devote sufficient time to policy matters.

4.45. We were informed that the Principal Immigration Officer (Airport), (PIO(A)), head of the Airport Command, handles an annual passenger traffic of over 17 million. Over the past few years, air passenger movements between Hong Kong and China increased from 1.49 million in 1989 to 1.83 million in 1991. This growth is expected to continue. To cope with the economic and political changes in the run-up to 1997, the existing visa regulations and immigration control policies and procedures related to China are being reviewed. PIO(A) is involved heavily in these highly sensitive issues. Moreover, he has to maintain close liaison with consulates of foreign countries and take part in highly confidential joint operations with the Police Force and overseas law enforcement agencies against the secret entry of terrorists, drug traffickers, etc. He is also personally involved in the planning of departmental requirements in connection with the airport project at Chek Lap Kok and, in this respect, he represents the Immigration Department at various meetings and planning sub-groups. The matters concerned often require prompt resolution at a suitably high level, because of the nature and tight schedule of the project. In view of the complexity and sensitivity of the duties involved, the Administration considered that the head of the Airport Command should be ranked at the directorate level.



Immigration officers working at the Lo Wu control point

4.46. Similarly, we were informed that the Principal Immigration Officer (Border) (PIO(BD)), head of the Border Division also has a heavy and complex schedule of responsibilities. These include handling a passenger traffic of over 40 million per year; reviewing regularly the border opening hours; upgrading control point facilities to cope with the rapid increase in cross-border traffic through negotiations with relevant policy branches/government departments and senior officials of the Shenzhen authority; handling all crises at the borders; and making protocol arrangements such as receiving and briefing VIP visitors on cross-border traffic, facilities and activities. As the duties of PIO(BD) require sensitive handling and prompt decision-making especially when dealing with crises at the border, the Administration considered that they should be carried out by an officer at the directorate level.

4.47. We noted that the Administration had carried out a review of the senior management structure of the CIB and concluded that as Commanders of the two major operational divisions, PIO(A) and PIO(BD) carried responsibilities comparable to those of the existing GDS(C)1 ranks in the other disciplined services. The Administration also considered that AD(CI) should be relieved of some of his responsibilities which should be devolved upon PIO(A) and PIO(BD). These included further detention of refused landing passengers pending removal, demanding airlines/shipping companies to produce passengers or crews for immigration examination, and directing airlines/shipping companies to remove subjects of removal/deportation orders. The Administration proposed that these two PIO posts should be upgraded to a new rank of Senior Principal Immigration Officer at GDS(C)1 level to recognise their increased responsibilities. The Administration was of the view that the proposed upgrading would also enable support services at a suitably high level to be provided to AD(CI) in dealing with more complicated and sensitive cases such as asylum seekers, judicial review, habeas corpus and crisis situations.

4.48. We examined the Administration's proposal and were satisfied that the creation of a new rank of Senior Principal Immigration Officer and two posts in this new rank, offset by the deletion of two posts of Principal Immigration Officer, was justified.

4.49. We forwarded our advice to the Administration in May 1993. The proposal was subsequently approved by Finance Committee in June 1993, and the Director of Immigration was informed accordingly.