

CHAPTER

第2章

法律架構：
因時宜
抵禦毒禍

THE LEGAL FRAMEWORK
- FORTIFYING HONG KONG



禁毒法例和執法部門

LAW AND ENFORCEMENT SERVICES

禁毒條例

《危險藥物條例》（第134章）是本港處理與毒品有關罪行的主要條例。香港一直嚴格遵行有關藥物管制的國際公約所訂立的原則。這些公約主要規定各締約方必須把所有危險藥物的跨境付運資料通知有關國家的藥物執法機關。凡有證據顯示某一藥物在其他國家廣被濫用，又或某一藥物在本港的濫用情況看來會構成公眾衛生或社會問題，當局便會考慮根據《危險藥物條例》把該藥物列為危險藥物，從而對該藥物的經營、管有、進口、出口和供應，施加條例所載的各項約束和管制。

至於作為合法醫療用途的危險藥物，凡有關進口、出口、製造、管有和供應，均須向衛生署署長申領牌照。當局定期視察領牌者，確保他們遵守法例，特別是有關貯藏和全部交易的紀錄。

The Anti-narcotics Laws

The Dangerous Drugs Ordinance (Cap. 134), Hong Kong's main ordinance dealing with narcotics offences, adheres strictly to the principles laid down in international drug control conventions. These essentially consist of the requirements for keeping national drug enforcement agencies informed of the movements of all consignments of dangerous drugs across national borders. Where there is evidence of widespread abuse of a substance in other countries or when the abuse of a substance in Hong Kong appears to constitute a public health or social problem, the substance concerned will be considered for scheduling as a dangerous drug under the Dangerous Drugs Ordinance. The full sanctions and controls provided in the ordinance can then be applied with regard to dealing in, possession, import, export and supply of the drug.

As regards dangerous drugs intended for legitimate medical use, a licence is required from the Director of Health for their import, export, manufacture, possession and supply. Licensees are subject to periodic inspections to ensure their compliance with the law, particularly in relation to the storage and record keeping of all transactions.

The ordinance covers a wide range of dangerous and controlled drugs, including opium and its derivatives, barbitone, cocaine, codeine, cannabis and synthetic drugs which are likely to be abused. For major offences involving trafficking in or manufacturing dangerous drugs, the maximum penalty is life imprisonment and a fine of \$5 million. The maximum penalties that can be imposed for other drug-related offences are also severe. For instance, the maximum penalty for possessing a dangerous drug is a fine of \$1 million and seven years' imprisonment, for opening or managing a divan - a fine of \$5 million and 15 years' imprisonment, and for cultivating the cannabis plant or the opium poppy, a fine of \$100,000 and 15 years' imprisonment.

The Pharmacy and Poisons Ordinance (Cap. 138) controls the medical use of drugs by providing for the licensing of manufacturers, wholesalers, retailers and import/export dealers, the registration and testing of pharmaceutical products and the keeping of an up-to-date Poisons List. These facilitate proper control over psychotropic and other substances, making them lawfully obtainable only when prescribed by a medical doctor. The maximum penalty for an offence under this ordinance is a fine of \$100,000 and two years' imprisonment.

The Pharmacy and Poisons Board is responsible for the enforcement of the provisions of the Pharmacy and Poisons Ordinance. In practice, the Board acts through the Department of Health and executive committees established under the ordinance. Dangerous drugs are subject to the additional controls provided under the Pharmacy and Poisons Ordinance by being included in the Poisons List. Psychotropic and other potent medicinal substances are also included. All importers and exporters of pharmaceutical products containing substances included in the Poisons List are required to hold a Wholesale Poisons Licence issued by the Pharmacy and Poisons Board.

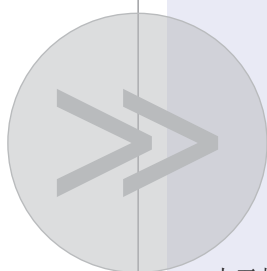
本條例涵蓋多種危險和受管制藥物，包括鴉片及其衍生物、巴比妥、可卡因、可待因、大麻及可能被濫用的合成藥物。任何人士如干犯涉及販運或製造危險藥物的嚴重罪行，最高可被判罰款500萬港元和終身監禁。干犯其他與毒品有關罪行的最高刑罰亦很重，例如管有危險藥物最高可被判罰款100萬港元和監禁七年；開設或經營煙窟，最高可被判罰款500萬港元和監禁15年；種植大麻或鴉片罌粟，最高可被判罰款10萬港元和監禁15年。

《藥劑業及毒藥條例》（第138章）管制藥物的醫療用途，包括就發牌予藥物製造商、批發商、零售商和進出口商；藥劑製品的註冊和試驗；以及備存最新的毒藥列表，訂定條文。這些條文有助妥善管制精神藥物和其他藥物，使市民只有憑醫生處方才可合法取得這些藥物。觸犯此條例的最高刑罰是罰款10萬港元和監禁兩年。

藥劑業及毒藥管理局負責執行《藥劑業及毒藥條例》的規定。該局透過衛生署和屬下各個根據該條例成立的執行委員會，落實有關工作。危險藥物透過被列入毒藥列表內，受《藥劑業及毒藥條例》進一步管制。精神藥物和其他烈性藥物也不例外。任何人如進口或出口含有毒藥列表所列藥物的藥劑製品，必須領有由藥劑業及毒藥管理局發出的毒藥批發牌照。

《進出口（一般）規例》（第60章，附屬法例）規定，進口及出口每批藥劑製品均須申領許可證。工業貿易署署長作為發出許可證的主管當局，在批准進口或出口許可證申請前，通常會徵詢藥劑業及毒藥管理局的意見。為進一步禁止精神藥物的非法交易，規定只有聘用註冊藥劑師的批發商才可進口及出口這些藥物。有關的註冊藥劑師，須負責神藥物的接收、供應、紀錄備存和貯存工作。海關是執行該條例的主要部門，負責打擊非法進出口活動。

在一九九六年六月一日前，《乙酰化物（管制）條例》（第145章）對三種乙酰化物做出管制。這三種乙酰化物中特別包括把嗎啡提煉成海洛英時必需的乙酸酐，而海洛英正是本港主要被濫用的藥物。當局對乙酰化物的管制，促使利用嗎啡提煉海洛英的活動在香港絕跡。



《化學品管制條例》（第145章）在一九九六年六月一日起生效，用以取代《乙酰化物（管制）條例》（第145章）。這項條例把管制範圍擴大至其他逾21種可用以製造毒品或非法藥物的化學品原料。條例根據國際公約的規定，對這些化學品原料實施發牌規定和其他管制措施。未經許可而進口、出口、製造、供應或管有這些

The Import and Export (General) Regulations (Cap. 60, subsidiary legislation) also provide that the import and export of every consignment of a pharmaceutical product is subject to licensing requirements. The licensing authority is the Director-General of Trade and Industry, who normally consults the Pharmacy and Poisons Board before an application for an import or export licence is granted. As an additional safeguard against the illicit trade in psychotropic substances, the import and export of such substances are restricted to wholesale dealers employing a registered pharmacist who is responsible for their receipt, supply, record keeping and storage. The Customs and Excise Department is the major enforcement agency under this ordinance, and is charged with the suppression of illicit imports and exports.


Prior to 1 June 1996, the Acetylating Substances (Control) Ordinance (Cap. 145) imposed controls on three acetylating substances, and in particular acetic anhydride, a chemical essential for the conversion of morphine into heroin — the main drug of abuse in Hong Kong. The controls over acetylating substances have contributed in part to the virtual elimination of heroin refining in Hong Kong.

The Control of Chemicals Ordinance (Cap. 145) came into operation on 1 June 1996, replacing the Acetylating Substances (Control) Ordinance (Cap. 145), and extending controls over 21 additional precursor chemicals that can be used for the manufacture of narcotics or illicit drugs. Licensing requirements and other controls are imposed on these precursor chemicals as set out in international conventions; severe penalties are provided for their unauthorized import, export, manufacture, supply or possession, the maximum penalty for which is a fine of \$1 million and imprisonment for 15 years. In June 1999, amendments to the ordinance were enacted in respect of potassium permanganate, a precursor for the manufacture

of cocaine, bringing Hong Kong's law into full compliance with the requirements of the United Nations. With the legislative amendments put into operation on 2 October 1999, the control of potassium permanganate has been greatly tightened, since the export, import, manufacture, transshipment, removal and storage of this substance all require licence and authorization from the Customs and Excise Department, which is the licensing and enforcement authority under this ordinance.

To fulfil its international obligations under the 1988 United Nations "Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", the Government passed the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and the Organized and Serious Crimes Ordinance (Cap. 455) which provide for the tracing, freezing, confiscation and recovery of the proceeds of drug trafficking and other serious crimes, as well as for action against drug money laundering. To keep pace with the latest trends, Cap. 455 was amended in 2000 to require money changers and remittance agents to identify customers and keep transaction records. Further legislative amendments to strengthen the confiscation and penalty provisions in the two ordinances were also introduced into the Legislative Council in the same year.

Under the law, it is an offence to launder drug money or deal with property knowing or believing it to represent the proceeds of drug trafficking. The maximum penalty for money laundering offences is a fine of \$5 million and imprisonment for 14 years. To allow for investigations into money laundering or to give consideration to the institution of proceedings, certain provisions of the Drug Trafficking (Recovery of Proceeds) Ordinance permit authorized officers to seize and detain specified property imported into or



化學品原料，可被重罰，最高刑罰是罰款100萬港元和監禁15年。於一九九九年六月，政府通過修訂該條例，加強管制高錳酸鉀（製造可卡因的化學品原料），使香港的法例完全符合聯合國的規定。修訂條例於一九九九年十月二日生效，大大收緊了對高錳酸鉀的管制，凡進口、出口、製造、轉運、移走或貯存這種物質，均須得到香港海關的發牌和批准。海關是《化學品管制條例》的發牌和執法當局。

為了履行《1988年聯合國禁止非法販運麻醉藥品和精神藥物公約》所規定的國際責任，香港政府通過《販毒（追討得益）條例》（第405章）和《有組織及嚴重罪行條例》（第455章），就追溯、凍結、沒收和追討販毒及嚴重罪行得益，以及對付清洗有關罪行得益等事宜作出規定。為針對這方面的最新趨勢，第455章已於二零零零年作出修訂，規定貨幣兌換商和匯款代理人必須確定客戶身分並備存交易紀錄。此外，政府也在同年向立法會提交修訂條例草案，務求進一步修訂這兩條法例，以加強有關沒收販毒得益的條文和刑罰。

根據法例，清洗黑錢或處理已知或相信為販毒得益的財產，即屬違法。觸犯清洗黑錢罪行的最高刑罰為罰款500萬港元和監禁14年。為了方便對清洗黑錢進行調查或考慮提出法律程序，《販毒（追討得益）條例》的若干條文准許獲授權人員扣押和扣留進出本港並涉嫌是販毒得益的指明財產。

法例也規定，任何人均有責任舉報涉及清洗黑錢的可疑交易，違者即屬觸犯法例，最高可被判罰款達五級（現為25,001至50,000港元）及監禁三個月。警務處和海關已特別成立警察/海關聯合財富調查組，負責收集、統籌和分析這類舉報所得資料。

exported from Hong Kong which represents the proceeds of drug trafficking.

The law also requires any person to report suspicious transactions which might involve money laundering. A person commits an offence by failing to do so, and is liable on conviction to a fine at level five (currently between \$25,001 and \$50,000) and imprisonment for three months. To facilitate the receipt, coordination and analysis of intelligence derived from such reports, a Joint Financial Intelligence Unit was set up and is jointly operated by the Police and the Customs.

禁毒常務委員會委員於一九八三年十二月前往堅尼地城焚化爐，視察燒毀檢獲毒品的情形。

ACAN members watching the disposal of seized drugs during a visit to the Kennedy Town Incineration Plant in December 1983.



The Enforcement Services

Before the mid-eighties, the drugs consumed locally were smuggled into Hong Kong by air or by the traditional sea route from Thailand. With the opening up of mainland China, the trafficking routes have changed. Now, drugs are smuggled into Hong Kong mainly by land and sea through mainland China or by air and sea routes from source countries. The problems in stopping the illegal entry of drugs are compounded by Hong Kong's free port status, and can be illustrated by the arrival in 1999 of 64.56 million incoming passengers, 128 million tonnes of incoming cargo by air, land and sea, 87 708 arrival flights, 37 580 incoming ocean vessels and 115 330 river cargo vessels. Under such conditions, international cooperation is vital to Hong Kong's continued success in stopping the flow of drugs into the Special Administrative Region (SAR). The realistic objectives are to make drug trafficking difficult and risky through vigorous enforcement action, to impose exemplary sentences on those who are caught and convicted, and to keep street prices high by achieving drug seizures.

Vigorous law enforcement action is taken by the Hong Kong Police Force, the Customs and Excise Department, and the Department of Health to reduce the illegal supply of drugs and suppress trafficking, in accordance with the relevant laws, which are kept under regular review to ensure they are up-to-date and effective.

執法部門

八十年代中期以前，在本港濫用的藥物都是從泰國空運或傳統的海路走私來港。隨著內地向外開放，運毒路線已有所改變。目前，毒品多從海、陸方式經內地偷運入境，或由海路及空運從毒品生產國非法運港。由於香港屬於自由港，要制止毒品流入香港絕非易事，這可從以下數字略知一二：於一九九九年，經由海、陸、空來港的旅客共 6 456 萬人次，貨物共 1.28 億噸，抵港航班共 87 708 班次，抵港的遠洋輪船和內河貨船分別為 37 580 和 115 330 架次。以這樣頻繁的對外交通往來，國際間的合作對香港能否繼續成功堵截毒品來港尤為重要。切實可行的目標，是採取嚴厲的執法行動，以增加運毒的困難和風險，並對成功入罪的不法之徒判以重刑，以儆效尤，以及加緊緝毒，使毒品的零售價保持高企。

香港警務處、香港海關和衛生署負責根據有關法例，採取嚴厲的執法行動，以減少毒品的供應和打擊販毒。當局定期檢討法例，確保有關條文能配合最新情況和繼續行之有效。





海關人員在空置單位內拘捕兩名吸毒者。

The Customs and Excise Officers arrest two drug dependent persons in a vacant flat.



香港警方採取三管齊下的策略，對付非法毒品活動。在總部層面，毒品調查科找出和剷除負責入口和製造危險藥物的毒品集團。在總區層面，特別職務隊專門打擊那些供應毒品給街頭毒販的中層販毒者。至於在地區層面，其他特別職務隊負責對付在街頭零售毒品的人，而軍裝警務人員

則專門對用家和低層毒販採取行動。此

外，警方亦增加了資源處理愈來愈多青少年涉及毒品的問題。警方的整體執法方針強調找出及起訴毒販。

當局並利用有關污點證人的法例，由已定罪的毒販在法庭指證其集團的首腦。此外，毒品調查科與其海外的對口單位一直保持緊密合作，透過交換情報及聯合行動，合力打擊毒品的供應。

The Hong Kong Police Force adopts a three-tier strategy against illegal drug activities. At Force level, the Narcotics Bureau seeks to identify and eliminate syndicates responsible for the importation and manufacture of dangerous drugs. At regional level, Special Duty Squads target mid-level traffickers who supply drugs to street-level dealers. At district level, other Special Duty Squads aim to interdict street-level suppliers whilst uniformed branch officers take action against both users and low-level traffickers; increasing resources have also been dedicated to the escalating problem of juvenile involvement in drugs. The overall emphasis of the Force's enforcement policy is to identify and prosecute drug traffickers. Use is made of the Conspiracy Laws whereby convicted traffickers are used to give evidence against their syndicate's hierarchy. In addition, the Narcotics Bureau

plays an active role in cooperation with their counterparts overseas in suppressing the supply of drugs through information exchange and coordinated action.

The Customs and Excise Department also has a strategy for combating illegal drug activities at all levels. For anti-narcotics measures against illicit drug imports and exports at control points, it maintains a high level of vigilance on travellers and cargoes entering the SAR, with a view to intercepting any attempt at drug smuggling. The use of risk assessment techniques in cargo and passenger clearance has proved to be very successful; drug detector dogs and hi-tech equipment such as ion-scanners and X-ray machines have materially assisted in the interception of some significant seizures of drugs at the control points. There is a dedicated workforce, the Customs Drug Investigation Bureau, to investigate inland syndicate drug trafficking activities. It also coordinates international intelligence exchanges and cooperation with foreign drug enforcement agencies to suppress transnational drug crimes.

Apart from drug interdiction, the Drug Trafficking (Recovery of Proceeds) Ordinance, enacted in 1989, provides enforcement powers for tracing, restraining, confiscating and recovering drug proceeds. The ordinance is jointly enforced by the Customs and Excise Department and the Hong Kong Police Force and, since its enactment, drug proceeds amounting to \$342 million have been confiscated to the Government. As at the end of 1999, some \$133 million of assets were under restraint, pending confiscation proceedings.

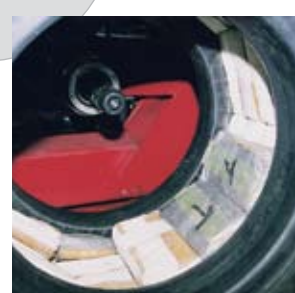
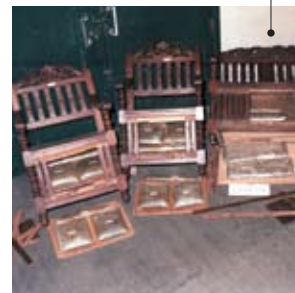
香港海關也備有策略對付各層面的非法毒品活動。在邊境檢查站對付違禁藥物進出口的禁毒措施方面，海關人員對入境旅客和貨物保持高度警覺，以堵截毒品的偷運活動。另外，海關人員在檢查旅客和貨物時使用風險評估技巧，證實十分成功。他們還使用緝毒犬和高科技器材如離子掃描器及X光機，致使多次在邊境檢查站緝獲大批毒品。特設的海關毒品調查局負責調查本港集團的販毒活動，以及協調國際間交換情報和與外國禁毒執法機關合作，打擊跨國的毒品罪案。

一九八九年通過的《販毒（追討得益）條例》除打擊販毒活動外，更授權執法人員追溯、凍結、沒收和追討販毒得益。這條例由海關和警方聯手執行，自實施以來，政府共沒收的販毒得益共3.42億元。截至一九九九年年底，政府凍結了約1.33億元資產，有待進行沒收的法律程序。

自一九九六年六月以來，香港海關已設立了一個發牌制度，以便根據《化學品管制條例》對24種化學品施加管制。這個發牌制度旨在防止毒販利用這些化學品非法製造毒品和精神藥物。同年，海關還成立了化學品管制課，以執行有關工作。

從木椅、皮馬、牛角、紅毛丹、朱古力及飛機輪胎中搜獲的毒品。

Drugs found inside benches, leather horses, bullhorns, rambutan, chocolates and aeroplane tyre.





毒品調查科人員向記者展示一九九九年十一月在元朗檢獲的大批海洛英。
Officers of Narcotics Bureau briefing the media on the record seizure of heroin in Yuen Long in November 1999.

這個管制化學品原料的制度已獲國際公認為典範。過去數年以來，香港海關均派代表參與由聯合國國際麻醉品管制局組織的專家諮詢小組，並就化學品原料的管制提供專家意見。於一九九九年，聯合國一份有關化學品原料的報告書稱許香港海關在這範疇所作的努力及向其他國家提供及時而全面的受管制化學品的出口資料。

離子掃描器可在五至八秒內顯示出可疑物品藏有的毒品種類。
Ion scanner which can detect different kinds of drugs within five to eight seconds.

政府化驗所在打擊藥物濫用問題方面擔當重要角色。化驗所對受《危險藥物條例》、《藥劑及毒藥條例》、《抗生素條例》（第137章）和《化學品管制條例》管制的危險藥物和藥劑進行法醫化驗，以便向政府各執法部門提供詳盡的科學分析。

化驗所人員對藥物進行法醫化驗，並發表分析報告，作為呈堂證據。此外，化驗所又提供藥物的情報資料和每月的藥物統計數字，派員前往涉及非法製毒的罪案現場協助蒐集證據，並為執法人員舉辦講座。



The Government Laboratory plays an important role in fighting drug abuse. It offers a comprehensive scientific and analytical service for various law enforcement agencies in the forensic examination of dangerous drugs and pharmaceutical preparations controlled under the Dangerous Drugs Ordinance, the Pharmacy and Poisons Ordinance, the Antibiotics Ordinance (Cap. 137), and the Control of Chemicals Ordinance.

The staff of the Laboratory conduct forensic drug examinations, issue analytical reports for presentation as evidence in courts, provide drug intelligence information and monthly drug statistics, attend crime scenes involving the illicit manufacture of drugs, and give lectures to law enforcement officers.

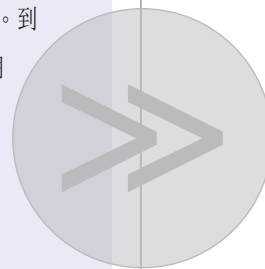
IMPACT OF THE ICAC ON DRUG-RELATED CORRUPTION

Before 1974 corruption was widespread in Government departments, and was concentrated, as far as the law enforcement services were concerned, on drugs, vice establishments and gambling activities. Police corruption in drug trafficking took two basic patterns: one was related to the syndicates organized by the underworld bosses themselves, and the other involved syndicates formed by corrupt members of the Police Force. In the former, corrupt members of the Force tolerated and kept silent about drug trafficking after being offered bribes. The latter involved policemen who organized syndicates and actively solicited bribes from drug dens in certain localities.

As far as the first pattern is concerned, it is widely accepted that approximately five to six rival syndicates were running the narcotics underworld in Hong Kong up to the 1970s, with occasional changes in their relative strength. They were highly organized, with international connections, and mainly controlled import, export, manufacturing, and wholesale operations. These groups were usually organized on the basis of regional bonds, and the kinship ties that might exist among the top leaders. After the Second World War, Shanghai groups dominated the narcotics underworld in Hong Kong, but they were soon replaced by Cantonese and Chiu-Chow syndicates. In the 1970s, it appeared that various Chiu-Chow syndicates had assumed prominence over the heroin market. In the initial stages of development,

一九七四年之前，公營部門貪污風氣頗盛。就執法部隊而言，貪污情況主要集中在與黃、賭、毒有關的活動。警隊中涉及販毒活動的貪污模式有二：一種是由黑社會操控的集團，另一種則涉及警隊內的貪污集團。關於前者，警隊中的貪污分子收受賄賂，因而對販毒活動視而不見。至於後者，則是警務人員組成的貪污集團，經常向某些地區的毒窟索取賄款。

在七十年代之前，香港的地下毒品市場約由五、六個龐大集團操控，它們的勢力此消彼長。這些集團除了組織嚴密外，更有國際聯繫，主要控制毒品的進出口、製造和批發。這些集團通常劃分為堂口，而領導層可能是家族成員。第二次世界大戰之後，上海幫控制了本港的地下毒品市場，但很快便被廣州幫和潮州幫所取代。到了七十年代，毒品市場似乎主要由潮州各幫會操控。在初期，並非所有



生鴉片的入口或轉運都向警方行賄，但後來為了減低風險，賄款制度逐漸成立。賄款大多按貨運的次數支付。生鴉片通常是從東南亞（特別是金三角）經海、空二路偷運入境。當時，海路往往最安全，毒販利用船隻把毒品載到香港附近的公海，然後由本港船隻出海接收毒品。通常毒品走私活動以經營餐廳、貨運公司和康樂中心等正當業務作為掩飾。



廉政公署於一九七四年成立時的第一批職員。

The first batch of officers recruited by ICAC in 1974.

當局檢獲的毒品和拘捕的毒販，大部分不屬於偷運大量毒品的毒販、毒品製造或批發商，而是零售者。零售毒品的販毒集團據報各據地盤。這些集團每月向警務人員行賄，而賄款數額會按照市場需求和有關警務人員所冒風險程度而作調整。

廉政公署成立後，首任廉政專員在一次致詞中指出，根據保守估計，集團式貪污每年賺取的利潤高達10億港元，這筆款項比當時的香港上海滙豐銀行在全球業務中取得的全年利潤還要高。不過，了一九七四年，情況有所改變。當年，當局發現警隊一名英籍總警司擁有遠超過其公職收入的財富。這宗案件備受傳媒廣泛報導。

事後，政府根據一位高等法院法官（百里渠爵士）作出調查後所提的建議，成立廉政公署。這個肅貪倡廉的組織直接向港督負責，獲授廣泛的調查和拘捕權力，並配備一支清廉的

not all imports or shipments of raw opium were covered by payments made to the Police, but, to minimize uncertainty, the payment system was gradually formalized. In most cases, money was paid on the basis of the number of shipments. Raw opium was imported from South-East Asia, notably from the Golden Triangle, both by air and sea. The safest route was normally by sea: chartered ships carried cargoes to the high seas adjacent to Hong Kong, and then locally based boats would collect them. In most cases, the operation was organized under the cover of legitimate business organizations, such as restaurants, truck companies, and recreational centres.

The majority of seizures and arrests were not of large scale importers, manufacturers, and wholesalers, but of retail operators. Various syndicates covering retailing operations were reportedly organized on a territorial basis. Bribes were usually paid to members of the Police Force monthly with adjustments related to market demand and the risks of the policemen involved.

In a speech subsequent to the establishment of the Independent Commission Against Corruption (ICAC), its first Commissioner made a conservative estimate that the annual profits of syndicated corruption had amounted to \$1 billion, a sum greater than the annual profits of the Hong Kong and Shanghai Banking Corporation from its worldwide operations at that time. All this was changed when, in 1974, following a widely reported case of a British Chief Superintendent in the Police Force who was found to be in possession of considerable wealth, far in excess of his official earnings, the Government created the ICAC, as recommended by a High Court judge (Mr. Justice Alastair Blair-Kerr) after an official investigation, to be responsible directly to the Governor, backed up by considerably strengthened anti-bribery laws, wide powers of investigation and arrest, and

staffed by a new cadre of officers with clean career backgrounds.

In the new climate of public opinion created by this major development in Government policy, the results quickly became apparent. In 1974 a major drug trafficker, Ng Shek-ho (nicknamed "Crippled Ho") who had been operating a drug trafficking syndicate for many years, was arrested by the Police Narcotics Bureau and charged with major offences involving the smuggling of narcotics into Hong Kong, mainly from Thailand. He was convicted in 1975, and sentenced to 30 years' imprisonment, the longest sentence ever imposed by a Hong Kong court at that time; his two principal assistants were jailed for 25 years each. In 1977, warrants were issued for the arrest of two brothers, Ma Sik-yu and Ma Sik-chun, former associates of Ng Shek-ho, who were to be charged with the importation of 700 tonnes of opium into Hong Kong between 1968 and 1974. Ma Sik-yu escaped to Taiwan (which has no extradition arrangements with Hong Kong) before the warrant could be executed. His brother Ma Sik-chun was charged in August 1977 but, on being released on bail by a Magistrate, he, too, was smuggled out of Hong

隊伍，而有關的防止賄賂條例也作出修訂，以加強效力。

市民對這項政策帶來重大的發展十分雀躍，而新政策也收到立竿見影的效果。於一九七四年，一個操控販毒集團多年的大毒梟吳錫豪（綽號「跛豪」）終於被警方毒品調查科拘捕，控以偷運毒品（主要來自泰國）來港。吳錫豪在一九七五年被法庭定罪及被判入獄30年。這是在當時的香港司法史上最長的判刑。吳的兩名副手則各被判入獄25年。於一九七七年，當局也下令通緝馬惜如和馬惜珍兩兄弟（他們是吳錫豪以前的同黨），打算控以在一九六八至七四年期間偷運700噸鴉片入口。馬惜如在警方執行逮捕令前潛逃至台灣（當時台灣與香港並無引渡安排），其弟馬惜珍則在一九七七年八月被檢控，但在保釋期間同樣

七十年代的大毒販吳錫豪（左）、馬惜珍（中）及朱坤江（右）分別被警方捕。

Major drug traffickers arrested by the Police in 1970s: Ng Shek-ho (left), Ma Sik-chun (centre) and Chu Kwan-kong (right).



逃往台灣。馬惜如於一九九八年在台灣逝世，但其弟至今仍在警方通緝名單上。

一九七六年，另一販毒集團首腦朱坤江夫婦落網，於一九七七年被判入獄30年。朱氏夫婦曾於一九六九至七四年期間在香港和向歐洲販賣價值5,000萬至1.5億港元毒品。朱氏集團內其他八名重要人物合共被判入獄86年。

一九七五年八月，警方毒品調查科和香港海關聯手拘捕曾活躍於油麻地果欄的龐大販毒集團首腦陳文超。陳氏及其集團內重要人物被控串謀販毒罪名。陳氏於一九七六年被判入獄18年，而他的五名助手則分別被判監5至13年不等。這宗案件調查期間，當局發現部分警務人員和海關人員曾經收受販毒集團的賄款，因此通知廉政公署。一九七七年十月，共262名在職或前任政府人員涉嫌貪污。主腦人物被判入獄最多達25年，其他從犯則大多被革職或根據本港規例被勒令提早退休，以免因人數太多而干擾法庭運作和檢控工作。這宗事件差不多瓦解了警隊中組織嚴密的貪污活動。有些多年來嚴重貪污的警務人員已挾賊潛逃至台灣。這宗事件可說是廉署與專門打擊販毒的主要政府部門——警方毒品調查科成功合作打擊販毒的開始。毒品調查科是警察總部專門對付毒梟的單

Kong to Taiwan. Although Ma Sik-yu died in Taiwan in 1998, the case against his brother remains open.

In 1976, the leader of another major syndicate, Chu Kwan-kong and his wife, who had sold drugs valued at between \$50 million and \$150 million both in Hong Kong and to Europe, between 1969 and 1974, were arrested and sentenced by the courts in 1977 to 30 years' imprisonment. Eight other members of Chu's syndicate were imprisoned for a total of 86 years.

In August 1975, the Police Narcotics Bureau and the Customs and Excise Service arrested Chan Man-chiu, who had headed a large narcotics syndicate based in the Yau Ma Tei Wholesale Fruit Market. Chan and leading members of his syndicate were charged with conspiracy to traffic in dangerous drugs. Chan was convicted in 1976 and sentenced to 18 years' imprisonment, whilst five of his assistants received prison sentences of from five to 13 years. During the investigation of this case, it became known that the Police and Customs Service officers had received bribes from the drug syndicate, and the ICAC was informed. By October 1977, 262 serving or former Government officers had been identified as suspects. The ringleaders were charged in the courts and were sentenced to terms of imprisonment of up to 25 years. Many others were dismissed from the service or given early retirement under local regulations so as not to disrupt the courts and the prosecution service with their numbers. This event marked the virtual end of a notorious system of highly organized corruption in certain sections of the Police Force. A number of officers who had been heavily involved in such practices over many years fled to Taiwan with their ill-gotten gains. It also saw the beginning of a new era of successful cooperation by the ICAC with the mainstream of the Government's drive against drug trafficking, led by the Narcotics Bureau of the Police which, being a Headquarters

unit targeted at major traffickers, had remained free of the street-level corruption of its divisional colleagues.

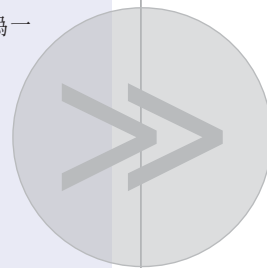
In the 1996 report of the United Nations International Narcotics Control Board in the Chapter headed “Drug Abuse and the Criminal Justice System”, special attention was given to this particular area of public affairs, and the need to provide adequate safeguards against the corruption or intimidation of public officials and institutions, as follows:

“The enormous sums of money generated by illicit drug trafficking have given drug traffickers immense economic power. This has enabled them to subvert public administration, including the criminal justice system, by bribing or otherwise corrupting officials or, if that fails, by attempting to intimidate them through threats and acts of violence. Police, judicial officers, politicians, tax authorities, customs officers and other officials are all threatened in some way. Moreover, legitimate businesses may become involved in the laundering of drug trafficking proceeds. Such money may then be invested again in otherwise legitimate businesses, making them dependent on illicit sources of funding and providing them with an unfair competitive advantage over businesses without such backing. Corruption undermines the legitimacy of governments and public confidence in the rule of law, as well as economic and social institutions. Corruption should be recognized as a problem before governments introduce counter measures involving legislation, training and procedural safeguards.

位，因此沒有如分區人員般涉及街頭的貪污罪行。

聯合國國際麻醉品管制局一九九六年報告書的其中一章，“藥物濫用和刑事司法體系”認為有需要提供足夠措施防止公職人士及機構貪污或受到威嚇。內文如下：

“透過販運違禁藥物得的巨額財富，為毒販帶來雄厚的經濟能力，使他們有能力透過行賄官員以削弱政府體制，包括刑事司法體系。如無法行賄，他們也會設法透過威嚇或暴力手段企圖恐嚇他們。警方、司法人員、政治家、稅局、海關和其他人員在某方面都面臨威脅。此外，合法業務也可能會涉及毒販清洗販毒收益。這些金錢可能再被用以資在其他合法業務中，形成這些業務需依賴非法的資金來源，而較諸沒有這類經濟作為後盾的業務，佔有不公平的競爭優勢。貪污損害政府的合法性和公眾對法治的信心，同時也對經濟和社會建造成不良影響。政府應確定貪污為一個嚴重的問題，然後透過立法、培訓和程序上的保障措施等各方面採取對策。



我們需要一個更具策略性的方針打擊販毒，以便更有效少毒品供應和紓緩國家刑事司法體系緊張的資源。這方面的目標，不應僅是拘捕和審訊懷疑干犯與毒品有關罪行的人，而且是要打亂販毒集團的運作，以根絕他們的活動。要達到這個目標，我們必須以這類犯罪集團的主腦為對象，進行調查和檢控，並須促進國際間合作和沒收毒販的犯罪收益，藉此限制販毒集團再投資和行賄的機會。透過這些措施，我們便可增強那些較軟弱或放任的司法體系，並逐漸杜絕販毒的庇護所。

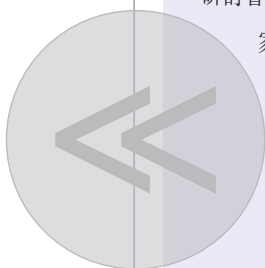
雖然各國都已在其國家推行了不少值得讚揚的措施改善執法行動，但事實上大規模的販毒活動大多以國際為基礎：即是一個犯罪集團網絡的首腦們可能身處一個國家，製毒者在另一國家，分銷者在第三個國家，而犯罪收益則在第四個國家清洗。因此，只在一個國家拘捕分銷毒品的罪犯，就等如砍掉一棵樹的樹枝一樣，大樹的根基仍然穩固。”

香港政府在處理與毒品有關的貪污情況時，明白到必須採取果斷行動，對付這個禍害社會和經濟的根源。香港在一九七四年成立廉政公署，可說是國際社會上的先鋒。一九九九年，廉政公署為慶祝成立25周年銀禧紀念，特別舉辦了一個國際研討會，當時有52個有類似組織和宗旨的國家派代表出席，與會者均認同香港有關的果斷行動。

A more strategic approach to tackling drug trafficking is needed to reduce supply more efficiently and to free the stretched resources of national criminal justice systems. The aim should be not only to arrest and try individuals suspected of having committed drug-related crimes, but also to disrupt the operations of entire drug trafficking gangs and eventually put them out of business. This can be done by targeting the organizers of such criminal groups for investigation and prosecution, by enhancing international cooperation and by depriving drug traffickers of the proceeds of their crimes, which in turn limits their opportunities to reinvest and to finance corruption. In this way weak and permissive jurisdictions can be strengthened and safe havens gradually eliminated.

While many commendable efforts to improve law enforcement have been made at the national level, the fact remains that most large-scale drug trafficking operations are internationally based: the organizers of a criminal network may be in one country, the producers in a second country, the distributors in a third and the proceeds of crime may be laundered in a fourth. Thus, apprehending offenders involved in illicit distribution only in one country is like cutting off some branches of a tree but leaving the roots intact.”

In dealing with drug related corruption, the Hong Kong Government was in the vanguard of administrations, worldwide, in recognizing the importance of acting decisively to deal with this major cause of social and economic disruption, when it created the ICAC in 1974. This was recognized at a conference celebrating the ICAC's "Silver Jubilee" - its first 25 years - in 1999, which was attended by representatives of 52 countries with similar organizations and purposes.



打擊清洗黑錢財務行動特別組織

THE FINANCIAL ACTION TASK FORCE ON MONEY LAUNDERING

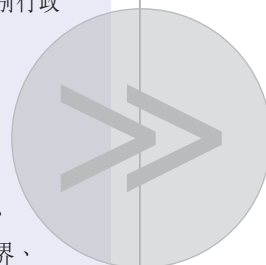
Money laundering is the process whereby criminal proceeds are manipulated through the financial system to conceal their source and confuse the money trail, and are then returned to their owners, legitimized and ready for use. The process can be broken down into three distinct phases : “placement” of the “dirty” money in a financial institution or by purchase of an asset; “layering” to disguise the source of funds by distributing them among other institutions as investments; and “integration” into the legitimate financial and economic systems.

As recently as the early 1980s, an anti-money laundering framework was lacking in most countries and was totally absent at the international level. The breakthrough came in 1988 when the United Nations promulgated the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the Vienna Convention) - a major step in enlisting the global community in a multilateral initiative against drug trafficking. The Convention requires signatory governments to criminalize drug related money laundering, to assert their legal authority to confiscate criminal profits, and to exclude bank secrecy as grounds for declining to act against money laundering. The Vienna Convention has now been ratified by more than 100 governments, including Hong Kong as a Special Administrative Region of the PRC.

清洗黑錢是指不法分子透過金融制度操控非法活動的得益，以便隱藏這類金錢的來源和掩飾其行踪，藉此令犯罪所得的金錢在轉回罪犯手中時已是合法和可供使用。整個過程可清楚劃分為三部分：一．“部署” — 把“骯髒”的黑錢存入財務機構或購買資產；二．“分散” — 把金錢分散置於其他財務機構作資，以掩飾其來源；以及三．“回流” — 令黑錢融入合法的金融和經濟體系。

即使在八十年代初期，大多數國家仍沒有反清洗黑錢的制度，而在國際層面上更完全付諸闕如。直至一九八八年，聯合國通過《禁止非法販運麻醉藥品和精神藥物公約》（《維也納公約》）——一份發動全球國家共同打擊販毒的多邊協定，使國際間的合作從此跨進一大步。該公約規定締約方把清洗與毒品有關的黑錢列為刑事罪行，立法授權各國政府沒收犯罪收益，並規定銀行不得以私隱為理由拒絕協助打擊清洗黑錢活動。目前已有超過100個政府簽約落實《維也納公約》，包括中華人民共和國香港特別行政區。

一九八九年，七大工業國議決成立打擊清洗黑錢財務行動特別組織（以下簡稱“特別組織”），匯集法律界、金融界和執法機關的專家制訂政策的權力，以協



調全球打擊清洗黑錢的措施。這個組織的成員現包括亞洲、北美洲和歐洲的主要金融國家。

特別組織提出的40項打擊清洗黑錢建議涵蓋打擊清洗黑錢的一切有關事宜。特別組織同意執行這些建議，並鼓勵所有國家都加以採用。該40項建議最於一九九零年擬訂，其後因應特別組織在之後六年間所得經驗，並為反映全球清洗黑錢問題的轉變，於一九九六年作出修訂。

該40項建議載列清洗黑錢措施的基本架構，內容包羅刑事司法體系和執法、金融制度及其規例，以及國際間的合作，適用於世界各地。

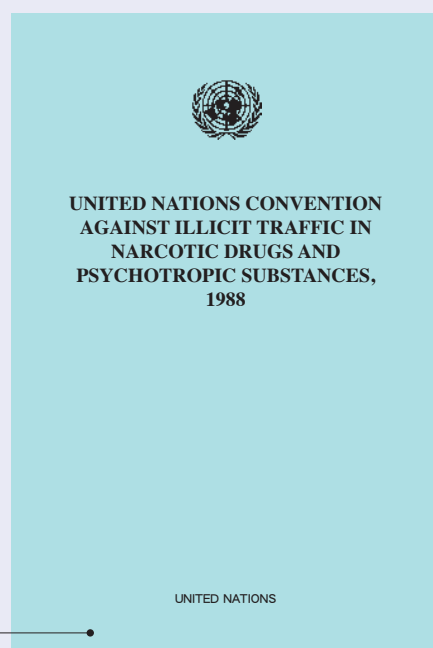
特別組織從開始便理解到成員國各有不同的法律和金融制度，不能完全採取一致的措施。這些建議因此代表行動的原則，而非指定各項細節，容許足夠彈性讓每個國家因應本身的情況和憲法架構而執行。只要成員國有政治決心，這些措施並不特別複雜或難以實行，也

In 1989, the governments of seven major industrial nations decided to create the Financial Action Task Force on Money Laundering (FATF) to harmonize global money laundering controls by bringing together the policy-making power of legal, financial and law enforcement experts. Its membership now includes the major financial-centre countries of Asia, North America and Europe.

The need to cover all relevant aspects of the fight against money laundering is reflected in the scope of the FATF Forty Recommendations - the measures which the FATF has agreed to implement and which all countries are encouraged to adopt. The Recommendations, which were originally drawn up in 1990, were revised in 1996 to take account of the experience gained over the previous six years and to reflect changes which had occurred in the global money laundering scene.

The Forty Recommendations set out the basic framework for anti-money laundering efforts and are designed to be of universal application. They cover the criminal justice system and law enforcement, the financial system and its regulation, and international cooperation.

It was recognized from the outset that FATF member countries have diverse legal and financial systems and so all cannot take identical measures. The Recommendations therefore represent principles for action, for every country to implement according to its particular circumstances and constitutional framework, allowing them a measure of flexibility rather than prescribing every detail. The measures are not particularly complex or difficult, provided there is the political will to act. Nor do they compromise the freedom to engage in legitimate transactions or threaten economic development.



聯合國禁止非法販運麻醉藥品和精神藥物公約
United Nations Convention
Against Illicit Traffic in Narcotic
Drugs and Psychotropic
Substances

FATF member countries are clearly committed to accepting the discipline of being subjected to multilateral surveillance and peer reviews. All member countries have their implementation of the Forty Recommendations monitored through a two-pronged approach: an annual self-assessment exercise and the more detailed mutual evaluation process under which each member country is subject to an on-site examination.

Hong Kong Plays its Part

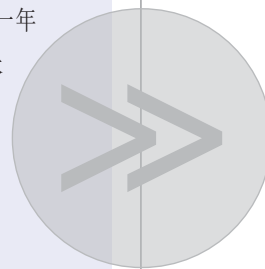
Hong Kong is committed to the fight against money laundering and has established a comprehensive and effective mechanism to tackle the problem, which requires coordination amongst Government departments, banks and other private organizations as well as with international bodies. The Narcotics Division is responsible for setting the overall policy and for coordinating the implementation of anti-money laundering measures with the Department of Justice, the Police, the Customs and Excise Department, and the Financial Services Bureau, as well as with financial regulators such as the Hong Kong Monetary Authority, the Securities and Futures Commission, the Office of the Commissioner of Insurance and the banks and non-bank financial sectors. The aim is to keep Hong Kong's anti-money laundering regime in step with the best practice worldwide. The Drug Trafficking (Recovery of Proceeds) Ordinance of 1989, together with the Organized and Serious Crimes Ordinance, provided a sound legal basis for countering money laundering. Both ordinances are regularly amended to keep pace with developments. In 1995, for example, they were significantly strengthened to make it more difficult for drug traffickers and other serious crime offenders to launder or retain their illicit profits, and in 2000, further amendments were made which require money changers and remittance

不會妨礙成員國從事合法交易的自由或其經濟發展。

特別組織的成員國均清楚表明願意接受多邊審查和其他成員國的評核。所有成員國對該40項建議的落實情況都受到雙重監察，包括一年一度自我評估，以及每個成員國在本土接受一次更詳盡的相互評核。

香港的角色

香港一直致力打擊清洗黑錢活動，並已建立周全而有效的打擊清洗黑錢機制，需要各政府部門、銀行、私營機構和國際組織互相配合。禁毒處負責制訂整體政策，並聯合律政司、警務處、香港海關、財經事務局和金融監管機構如香港金融管理局、證券及期貨事務監察委員會、保險業監督等，以及銀行和非銀行金融機構，協調推行反清洗黑錢的措施，務求令香港的反清洗黑錢制度能達致國際最高標準。於一九八九年通過的《販毒（追討得益）條例》與《有組織及嚴重罪行條例》，為香港反清洗黑錢工作提供穩固的法理基礎。這兩項條例不時作出修訂，以配合最新發展。舉例來說，這兩項條例的效力曾於一九九五年大大增強，使毒販和觸犯其他嚴重罪行的罪犯更難以清洗或保留非法得益。在二零零零年，政府進一步修訂條例，規定貨幣兌換商和匯款代理人必須遵行反清洗黑錢的措施，例如凡進行金額達二萬港元或以上的交易，均須確定客戶身分和備存交易紀錄。這項修訂也改善了有關沒收資產的條文及提高觸犯清洗黑錢罪行的刑罰。二零零零年十一月，《二〇〇〇年販毒及有組織罪行（修訂）條例草案》提交立法會審議，以便進一步加強上述兩項法例反清洗黑錢及沒收犯罪收益條文的效力。



特別組織的四十項建議
The Forty Recommendations
of the FATF



香港是特別組織成員之一。由特別組織提出的40項打擊清洗黑錢建議，香港透過立法及由有關的金融監管機構發出指引，差不多全部付諸實行。香港也是亞洲/太平洋反清洗黑錢組織創成員之一。這個組織於一九九七年二月成立，是亞太區內與特別組織性質相若的團體。

互相評核是特別組織最重要的工作之一。根據評核程序，特別組織成員的反清洗黑錢制度會先由跨國專家小組進行全面而嚴格的審核，然後提交所有成員國在全體會議上詳加審議和提問。

香港於一九九四年首次接受特別組織評核。於一九九九年六月特別組織全體會議正式通過的第二次互相評核報告，讚揚香港自一九九四年以來在打擊清洗黑錢活動方面取得的進展，尤其是香港已就一九九四年報告中列舉的不足之處，透過加強反清洗黑錢法例，加以改善，其中包括採取新措施，加強對貨幣兌換商和匯款代理人的管制。

香港在全球打擊清洗黑錢的行動中一向擔當領導地位，在打擊毒品和清洗黑錢方面的努力和成

agents to follow anti-money laundering measures such as customer identification and the keeping of records for transactions of or over HK\$20,000, and enhanced confiscation provisions and penalties. In November 2000, the Drug Trafficking and Organized Crimes (Amendment) Bill 2000 was introduced into the Legislative Council to further enhance the effectiveness of the anti-money laundering and confiscation provisions of the two ordinances.

Hong Kong is a member of the FATF, and has implemented almost all the Forty FATF Recommendations either by legislation or through guidelines issued by the relevant financial regulators. Hong Kong is also a founding member of the Asia/Pacific Group on Money Laundering (APG), a FATF style regional group established in February 1997.

Mutual evaluation is one of the most important exercises under the FATF. In such evaluations, members' anti-money laundering regimes are critically and comprehensively examined by multi-national teams of experts, followed by close scrutiny and questioning by all member jurisdictions at FATF Plenary meetings.

Hong Kong was first evaluated by the FATF in 1994. The Report on the Second Mutual Evaluation, formally adopted by the FATF Plenary in June 1999, commended Hong Kong's progress since 1994, noting, in particular, that all the deficiencies identified in the 1994 report had been remedied; its anti-money laundering legislation had been strengthened, and had included new measures to tighten controls on money changers and remittance agents.

Hong Kong plays a leading role in the fight against money laundering worldwide, and the territory's efforts and achievements in anti-drug and money laundering are well

recognized by the international community. Hong Kong was selected as the President of FATF for 2001/2002 at the 12th Plenary meeting of FATF held in Madrid, Spain in October 2000. The Commissioner for Narcotics took up the duty of the FATF President in July 2001 for a year.

Regulatory Control

The Hong Kong Police Force and Customs and Excise Department, being responsible for enforcing anti-money laundering legislation in Hong Kong, set up a Joint Financial Intelligence Unit in 1989 to receive and analyse suspicious transaction reports. The banking, securities, insurance, futures and leveraged foreign exchange sectors have also created their own systems to counter money laundering. The Hong Kong Monetary Authority, the Office of the Commissioner of Insurance, and the Securities and Futures Commission have all issued guidelines on money laundering to the industries under their respective supervision, requiring them to observe stipulated standards and procedures in record-keeping, customer identification and reporting of suspicious transactions, etc. The guidelines are updated regularly to keep in step with the latest recommendations of the FATF and legislative changes.

Hong Kong is strongly committed to combating money laundering now and in the future. To maintain the effectiveness of its anti-money laundering regime and to meet the best international standards, Hong Kong will continue to cooperate closely with international organizations and individual governments on both multilateral and bilateral

果，深獲國際社會稱許。於二零零零年十月在西班牙馬德里舉行的特別組織第十二次全體會議上，香港當選為二零零一/零二年度特別組織主席。禁毒專員已於二零零一年七月出任特別組織主席一職，為期一年。

監控管制

警務處和香港海關負責執行本港打擊清洗黑錢的法例，兩個部門於一九八九年成立聯合財富情報組，收取和分析可疑交易的報告。本港的銀行、證券、保險、期貨和槓桿外匯業也已設立本身的制度，對付清洗黑錢活動。香港金融管理局、保險業監督、證券及期貨事務監察委員會等金融監管機構，已向其監管的行業發出反清洗黑錢指引，規定業界在備存紀錄、確定客戶身分和舉報可疑交易等時，必須遵守有關指定標準和程序。指引定期更新，以配合特別組織所提出的新建議及有關法例的修改。

香港代表團於一九九九年二月出席特別組織在巴黎舉行的全體會議，商討有關香港的互相評核報告。

Hong Kong delegation attending FATF Plenary Meeting held in Paris in February 1999 to discuss the mutual evaluation report on Hong Kong.



香港矢志打擊清洗黑錢活動，現在如此，將來亦一樣。為了維持反清洗黑錢制度的成效並達到最高的國際標準，香港將會繼續與國際組織和個別政府維持多邊和雙邊緊密合作，對付問題。全球國家面對的是一項艱巨的任務，正如美國外交事務局資助進行的一九九七年國際藥物管制特別小組報告指出：

“國際社會要有效執行這些打擊清洗黑錢的協議絕非易事，部分因是由於清洗黑錢專家往往使用最先進方法逃避執法行動。另一個問題便是國際金融交易非常龐大。單在美國，每天便有超過一萬億美元在金融市場流通。由於聯機密碼系統日漸普遍，在這個金融市場交易中掩飾非法金錢調動比以前更加容易。此外，在民主社會，國際貿易的擴展、經濟發展和繁榮都有賴全球資金自由流動，要對資金流通的情況施加嚴格的金融報告機制，便須面對社會、政治和法律方面的挑戰。有些國家的銀行奉行保密傳統，以保護與毒品無關的資金流動，或正如許多離岸的銀行業務庇護所一樣僅為了吸引新資金。管制機制由於被視為妨礙資金流動，更加難以得到這些國家的支持。”

由聯合財富情報組發出的外匯代理和貨幣兌換商參考指引
Guideline for remittance agents and money changers issued by JFIU

聯合財富情報組
The Joint Financial Intelligence Unit

外匯代理 和 貨幣兌換商
的參考指引
A Guideline For
Remittance Agents And
Money Changers

遵從《有組織及嚴重罪行條例》和《販毒（追討得益）條例》的規定
Compliance With The Requirements of The Organized and Serious Crimes Ordinance
and The Drug Trafficking (Recovery of Proceeds) Ordinance

fronts to counter money laundering. Countries all over the world face a formidable task, as indicated in a 1997 Task Force Report on International Drug Control sponsored by the US Council on Foreign Relations:

“Effective implementation of these anti-money laundering agreements has thus far eluded the international community, in part because money laundering specialists use state-of-the-art methods to stay well ahead of law enforcement. A second problem is the huge volume of international financial transactions. In the United States alone, more than a trillion dollars move in and out of the financial system daily. Hiding illicit transfers in that flow is being made easier with the growing use of on-line encryption devices. Additionally, there are difficult social, political and legal challenges inherent in imposing a strict financial reporting regime on capital flows in democratic societies where

expanding international trade, economic development and prosperity are believed to depend upon the free flow of global capital. Control regimes construed as hindering that capital flow get even less support in countries with traditions of bank secrecy, whether to protect non-drug related flight capital or, as with many offshore banking havens, simply as a means of attracting new money.”

