

**Legislative Council Meeting of 2 December 2015**  
**Motion on “Strengthening the combat against**  
**the crime of wildlife smuggling”**

**Progress Report**

At the Legislative Council meeting of 2 December 2015, the motion on “Strengthening the combat against the crime of wildlife smuggling” moved by Dr Hon Elizabeth QUAT as amended by Hon Claudia MO was passed. The wording of the motion is at Annex. We now report to Members on the latest position of the issues relating to the motion.

2. The Government is committed to the protection of endangered species and abides by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in the regulation of trade in endangered species. As presented below, the Government is taking a number of actions to enhance monitoring, enforcement and publicity and education in respect of wildlife smuggling.

**Stepping up Monitoring and Enforcement against Wildlife Smuggling**

*Collaboration with enforcement agencies*

3. On combating illegal import and re-export of endangered species, the Agriculture, Fisheries and Conservation Department (AFCD) has been working closely with the Customs and Excise Department (C&ED). AFCD also cooperates with overseas law enforcement agencies through international joint operations and intelligence exchange to combat ivory smuggling. We had a meeting with Interpol on 8 January 2016 with the participation of representatives from Environment Bureau, Environmental Protection Department, C&ED, Hong Kong Police Force and AFCD where enhancement of intelligence exchange and the enforcement of wildlife crime were discussed.

4. In addition to routine inspection at boundary control points (e.g. using x-ray machine), sniffer dogs trained to detect various endangered species have been deployed in joint actions with C&ED at import and export control points to assist screening of passengers and parcels. In January 2016, two seizures involving six heads of black pond turtles (CITES Appendix I) and 33 kg of seahorses (CITES Appendix II) were detected by the sniffer dogs. Investigation of the cases is ongoing.

#### *Shop inspection*

5. Surprise inspections to licensed shops selling endangered species as well as other shops potentially selling endangered species are conducted. A total of 74 inspections to local shops were conducted in the reporting period. Monitoring and investigation of illegal trade through Internet are also conducted. Through the inspection of the local markets and follow-up investigation work, six seizures of illegal possession of endangered species were made in the reporting period, including three pieces of suspected illegal worked ivory and nine tails of humphead wrasse. All the cases are under further investigation.

### **Imposing Heavier Penalties on Smuggling and Illegal Trading of Endangered Species**

6. In order to provide a higher deterrent effect against the smuggling of endangered species and to demonstrate the commitment of Hong Kong in tackling the criminal activities relating to the smuggling and illegal trading of endangered species, we are seeking advice from the Department of Justice on how to establish and submit evidence to satisfy the courts that the offence is committed for commercial purposes so that higher penalties could be imposed.

7. We are also reviewing the maximum penalties to reflect the seriousness of such offence. During the reporting period, we have compiled a preliminary list of penalties stipulated in some local legislation governing the import, export or possession of controlled items as well as the penalties imposed by other jurisdictions on the smuggling and illegal trade of endangered species for reference.

## **Enhancing the Enforcement of the Protection of Endangered Species of Animals and Plants Ordinance**

### *Comprehensive stock taking and marking for pre-ban ivory*

8. To strengthen control on the local ivory trade, comprehensive stock check on all licensed ivory stocks is being conducted. Since December 2015, six ivory keeping premises were visited and all ivory stock hold there have been checked to be in order. Tamper-proof holograms are put on all ivory tusks, large cut pieces and worked ivory over 0.1 kg.

### *Stepping up import and re-export control on pre-Convention ivory*

9. In order to enhance import and re-export control of pre-Convention ivory, AFCDC has introduced a marking system with tamper-proof holograms and photographic records for all the pre-Convention ivory. During the reporting period, five import shipments of pre-Convention ivory were inspected. A total of 80 pieces of pre-Convention tusks were labeled with hologram, and photo records of these tusks were made.

## **Exploring Further Restrictions on the trade in ivory**

10. As announced in the 2016 Policy Address, to further contribute to the conservation of elephants, we will initiate the legislative procedures as soon as possible to ban the import and export of elephant hunting trophies and actively explore other appropriate measures, such as enacting legislation to further ban the import and export of ivory and phase out the local ivory trade, and imposing heavier penalties on smuggling and illegal trading of endangered species.

## **Strengthening Publicity and Education**

11. Continuous efforts have been made in raising public awareness on the protection of elephants and the relevant control. To reinforce the message to the travellers, a poster carrying a message that no ivory can be brought into or out of Hong Kong has been displayed at the Hong Kong International Airport and other border control points. Following the

roving exhibition conducted in 17 public libraries from August 2014 to December 2015, a similar exhibition has been arranged in some community centres from January 2016 to promulgate the message on the licensing control of endangered species, including elephant ivory. To enhance the transparency in the licensed ivory stock, relevant statistics such as the quantities of licensed ivory with breakdown have been published.

### **Control of the sale or re-export of products containing ingredients extracted from endangered species**

12. The objective of the CITES is to regulate and control the international trade in endangered species so as to avoid utilization incompatible with their survival. The CITES and the local legislation which implements CITES (i.e. the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586) do not impose regulation on the methods of collecting specimens of endangered species. While we share the concern of animal welfare, the consideration of humanitarianism in prohibiting trade falls outside CITES and Cap. 586. We have no plans to enact separate legislation to ban the sale or import of Chinese herbal medicines, or proprietary Chinese medicines, containing ingredients from bear gall bladders.

### **Advice sought**

13. Members are invited to note the above progress report.

Environment Bureau  
February 2016

**Motion on  
“Strengthening the combat against the crime of wildlife smuggling”  
moved by Dr Hon Elizabeth QUAT  
at the Council meeting of 2 December 2015**

**Motion as amended by Hon Claudia MO**

That, as brown bear is one of the species listed in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (‘the Convention’) (i.e. species not presently threatened with extinction but trading of which should be controlled to protect them from the risk of extinction), and traders of bear gall bladders mostly extract bear gall bladders with inhumane methods for the production of medicinal products, and there have been products containing ingredients from bear gall bladders illegally imported into Hong Kong, quite a number of animal rights organizations have therefore requested the Government to ban the sale or re-export of the relevant products in Hong Kong; in addition, the Chief Executive LEUNG Chun-ying had promised an animal rights organization before assuming office that he would consider proposing to the Beijing authorities to follow up the issue of bear abuse on the Mainland, but so far the Administration has not taken any action; according to the survey of a wildlife conservation organization and the latest scientific data available, the number of African elephants illegally killed for reason of ivory smuggling exceeds 33 000 a year, causing the number of African elephants to drop to only about 470 000, and the smuggling of bear gall bladders, rhino horns, fish maws and shark fins, etc. has even resulted in the near extinction of some species; the substantial profits from smuggling activities have attracted the participation of a number of transnational crime syndicates and terrorist organizations, thus making the implications arising from wildlife smuggling increasingly complicated, and wildlife smuggling, human trafficking, smuggling of narcotics and firearms, etc., have been recognized as the most serious illegal trading activities by the international community; as Hong Kong is a free port as well as an international aviation and transportation hub, quite a number of wildlife conservation organizations have pointed out that unscrupulous traders

exploit the existing legal loopholes in Hong Kong to 'launder ivory', thereby turning Hong Kong into one of the international wildlife smuggling centres in recent years and causing a serious negative impact on Hong Kong's international image; in addition, given the severity of illegal killing of African elephants, the international community has become aware that the killing of elephants can only be stopped by putting an end to such trading, and therefore the international community, including Mainland China and the United States, has announced a tightening of the existing legislation and undertaken to take timely steps to halt domestic ivory trading in their countries; in this connection, this Council urges the Government to adopt effective measures to strengthen the combat against the crime of wildlife smuggling; the relevant measures should include:

(1) to step up the monitoring of wildlife smuggling and allocate additional resources to enhance the scale and enforcement capabilities of investigation teams, so as to stop crime syndicates from using Hong Kong as an illegal trading centre;

(2) to include offences committed for commercial purposes under the Protection of Endangered Species of Animals and Plants Ordinance in the ambit of the Organized and Serious Crimes Ordinance and increase the penalties, so as to reflect the gravity of the offences concerned and combat such crimes more effectively;

(3) to strictly enforce the Protection of Endangered Species of Animals and Plants Ordinance and improve the Ordinance and enhance enforcement work in a timely manner, so as to plug the loopholes and ensure that Hong Kong effectively fulfills her obligations under the Convention, including prohibiting commercial trade in the species listed in Appendix I of the Convention;

(4) to explore further restrictions on the trade in ivory, other endangered wild animals and their products in Hong Kong, so as to ultimately achieve a total ban on the domestic trading of ivory, other endangered wild animals and their products;

(5) to strengthen publicity and education to raise the awareness of consumers, including Hong Kong people and inbound visitors from Mainland China and overseas, about protecting elephants and other endangered species, and encourage them to ‘say no’ to ivory products as well as products of other endangered species; and

(6) to expeditiously legislate against the sale or re-export of products containing ingredients extracted from endangered species with inhumane methods, including Chinese herbal medicines and proprietary Chinese medicines containing ingredients from bear gall bladders.