

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 2 December 2015

**Amendment to motion on
“Strengthening the combat against the crime of wildlife smuggling”**

Further to LC Paper No. CB(3) 164/15-16 issued on 20 November 2015, Hon Claudia MO has given notice to move an amendment to Dr Hon Elizabeth QUAT’s motion on “Strengthening the combat against the crime of wildlife smuggling” scheduled for the Council meeting of 2 December 2015. As directed by the President, Hon Claudia MO’s amendment will be printed in the terms in which it was handed in on the Agenda of the Council.

2. For Members’ reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Ms Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Strengthening the combat against the crime of wildlife smuggling”
to be held at the Council meeting of 2 December 2015**

1. Dr Hon Elizabeth QUAT’s original motion

That, 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 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 on International Trade in Endangered Species of Wild Fauna and Flora ('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; and
- (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.

2. 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 on International Trade in Endangered Species of Wild Fauna and Flora~~ ('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; ~~and~~

- (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.*

Note: Hon Claudia MO’s amendment is marked in *bold and italic type* or with deletion line.