



Hon Kenneth Leung 梁繼昌議員
Chairman 主席
Bills Committee for Legislative Council of Hong Kong
香港立法會法案委員會

22nd Aug 2017

Dear Councillor Leung, 梁繼昌議員:

**Re: Request to urgently close Hong Kong's domestic ivory market without
providing compensation to ivory traders**

關於緊急終止香港區內象牙貿易，不需向象牙商提供賠償

I write to you on behalf of the Environmental Investigation Agency (EIA), to respectfully urge the Bills Committee on Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017 to adopt the proposed plan to phase out Hong Kong's domestic ivory market without compensation for ivory traders, and to reduce the timescale for the phase-out.

本人代表環境調查署（Environmental Investigation Agency），懇請香港立法會《2017年保護瀕危動植物物種（修訂）條例草案》委員會通過終止香港區內象牙貿易的提案，不向象牙商提供賠償，並且縮短淘汰象牙市場的年期。

EIA is an international non-governmental organisation dedicated to investigating environmental crime and campaigning for effective legislative and enforcement responses to such crime.

環境調查署是一個非政府組織，致力於調查環境罪行，並提倡對有關罪行作出有效的立法和執法規管。

The world's elephant populations are currently in the grip of a devastating poaching epidemic: in 2016, the Great Elephant Census showed a 30% decline in savannah elephants across 15 African countries in just seven years, with the loss of around 144,000 elephants, while a catastrophic 62% decline in forest elephants was observed between 2002 and 2011. Poaching also threatens endangered Asian elephants. The primary driver of poaching is demand for ivory, particularly in China. Elephant poaching and ivory trafficking also has a major negative impact on local communities and economies, and is linked to organised crime and armed militias.

全球大象種群正面對著屠殺式的盜獵災難。2016年，大象‘數量普查’顯示，僅在7年內，15個非洲國家的草原大象數量下降30%，代表著144,000隻大象的死亡。2002至2011年間，非洲森林象數目大幅銳減62%。盜獵亦威脅到本已屬瀕危的亞洲象。對象牙的需求，尤其是中國市場，驅動盜獵暴行。大象盜獵和象牙走私也對非洲社區和經濟造成負面影響，並與有組織犯罪集團和武裝民兵有著緊密關係。

The urgent need to close domestic ivory markets has been increasingly recognised at a global level in recent years. In October 2016, the Conference of the Parties of the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) adopted a recommendation calling for the closure of domestic ivory markets “as a matter of urgency” where they have been linked to poaching and illegal ivory trade.

近幾年，國際社會逐漸意識到關閉國內象牙市場的迫切需要。2016 年 10 月，《瀕危野生動植物國際貿易公約》締約國會議通過議案，承認象牙買賣跟盜獵與非法貿易息息相關，因此敦促各地盡快關閉象牙市場。

Hong Kong is the city with the world’s largest legal ivory retail market, and the existing ivory licensing system is fraught with significant loopholes enabling illegal ivory to enter into existing legal stockpiles.ⁱ

香港是擁有全球最大合法象牙市場的城市，但象牙貿易卻存在著很大的法律漏洞，為非法盜獵得來的象牙「洗白」，提供掩護流入市場作合法買賣。

EIA therefore commends the announcement made by the Hong Kong Government in December 2016 proposing a three-step plan to phase out domestic trade in ivory. We respectfully urge the Committee to adopt the proposed plan as a major positive step in global elephant conservation, without providing compensation to ivory traders.

環境調查署因此贊成香港政府在 2016 年 12 月宣布的淘汰本地象牙貿易三步計劃，懇切促請委員會通過提案，積極踏出保育大象的一大步，並且不向象牙商提供賠償。

EIA urges you to oppose proposals to provide compensation for ivory traders for the following reasons 鑑於下列原因，環境調查署促請香港立法會法案委員會反對有關向象牙商提供賠償的建議：

1. Provision of compensation could motivate dishonest traders to increase their ivory stocks in the short term, including from illegal sources, before the ban comes into place. This could therefore increase demand for ivory in the immediate term and so fuel poaching of elephants. 提供賠償可能鼓勵不誠實的交易者在禁令生效前去收購象牙，包括非法來源的象牙，因此會在短期內刺激對象牙的需求，助長象牙盜獵。
2. Despite claims from traders that all existing ivory stocks date from before the 1990 ban on international ivory trade and derive from natural mortalities, this is not the case. In 1989 it was estimated that 94% of ivory leaving Africa was from elephant poaching, and according to the Hong Kong Agriculture and Fisheries Department, in 1992 there were 116 tonnes of ivory in Hong Kong which had no documentation to prove originⁱⁱ. Since then, traders in Hong Kong have been found to replenish old ivory stocks with new illegal ivoryⁱⁱⁱ, which is impossible to distinguish from legal pre-1990 ivory without expensive scientific analysis. Provision of any government compensation would therefore be inappropriate as this would be equivalent to the government paying for illegally sourced ivory. 儘管香港象牙商聲稱所有現有的象牙都來自 1990 年國際象牙貿易禁令生效前自然死亡的大象，但是事實並非如此。據估計，1989 年非洲象牙出口的 94% 都來自非法盜獵的大象。根據香港漁農署，1992 年香港有 116 噸來源不明的象牙。此後，香港的一些象牙交易者一直用新的非法象牙來補充庫存，而且除非進行昂貴的科學分析，否則沒有辦法區別來自 1990 年前的合法象牙及非法象牙。鑑於此，政府賠償會不適宜，因為這個情況會相當於政府支付非法來源象牙的費用。

3. Traders have been given ample time and opportunity to sell their ivory. International commercial trade in ivory was banned in 1990, and the role of legal trade in driving poaching of elephants has been repeatedly recognised at the highest levels. The traders have therefore had decades of warning to phase out the ivory trade. Ivory traders have also been given ample opportunities to move away from use of ivory, including a government scheme to retrain them in other professions^{iv}. 香港象牙商根本已經被給予足夠時間及機會賣掉其象牙。國際商業性象牙貿易早已 1990 年年被禁止，而且最近幾十年來，國際社會再次意識到合法貿易在助長大象盜獵中的角色。因此，象牙商已經被給予幾十年的預警時間。此外，象牙商已經被給予足夠機會轉型到其他行業，當中包括政府提供的其他行業培訓項目。
4. Ivory trade bans have been successfully introduced elsewhere without compensation for traders. China is not providing compensation for traders when the prohibition on commercial processing and sale of ivory comes into place at the end of 2017. 象牙貿易禁令在其他地區已經成功實施，也沒有向象牙商提供任何賠償。中國中央政府 2017 年底禁止象牙加工及銷售行為時，不向象牙商提供任何賠償。

Further, EIA respectfully recommends that the Committee reduce the proposed timescale for phasing out ivory trade so that, similar to measures announced by the Government of China, the Hong Kong ivory market is closed by end of 2017. EIA recommends reducing the timescale for implementation for the following reasons:

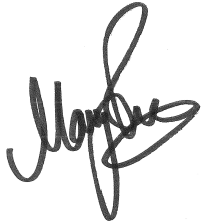
我們亦期盼委員會縮短建議的寬限期，仿效中央政府，於 2017 年底前完全淘汰本地象牙貿易買賣。鑑於下列原因，環境調查署促請香港立法會立法委員會縮短象牙禁令時間表：

1. The five-year grace period is unnecessary. A legal study commissioned by WWF showed that the ban could be implemented within two years under current Hong Kong law.^v 為期五年的寬限期是不必要的。世界自然基金會委託的法律研究顯示，在現行法律下，香港能夠在兩年內實施禁令。
2. Other countries with large domestic ivory markets have announced bans with much shorter timescales, most notably the USA and China, the world's largest destination markets for elephant ivory. China declared in December 2016 that its legal ivory market would be phased out entirely by the end of 2017, with the first group of retail outlets ceasing ivory sales by the end of March 2017. An extended phase-out in Hong Kong risks undermining the message to Chinese consumers that ivory is no longer an acceptable product, and could place a considerable burden on Hong Kong Customs, as large amounts of ivory purchased in Hong Kong are already smuggled into Mainland China. 其他擁有大型象牙市場的國家，例如兩個全球最大市場美國及中國，均已頒布了寬限時間更短的禁令。2016 年 12 月，中央政府宣布會在 2017 年 3 月 31 日前先停止一批象牙定點加工單位及定點銷售場所的加工銷售象牙及製品活動，2017 年 12 月 31 日前則全面停止國內一切貿易活動。香港淘汰象牙市場需要的漫長寬限期，會破壞中央傳遞給消費者“象牙不再是可以接受的產品”訊息的有效性；此外，亦給香港海關帶來沉重負擔，因為大部分在香港買到的象牙也是走私到國內。
3. The current rapid rate of elephant population decline in Africa shows that ivory markets should be closed as a matter of urgency to end poaching. 非洲大象種群數目急劇下降，因此象牙貿易必須盡快終止，讓非洲大象盜獵得以停止。

We hope that you will consider these issues and recommendations. If EIA can be of any assistance or if you require any further information, please do not hesitate to contact me at the address below or by email, maryrice@eia-international.org.

我們懇請委員會慎重考慮上述建議。如需我們提供任何協助或資料，請隨時與我（maryrice@eia-international.org）聯絡。謝謝。

Yours sincerely,



Mary Rice
Executive Director 執行董事 謹上
Environmental Investigation Agency (EIA) 環境調查署

ⁱ WWF-Hong Kong (Sept. 2015), The Hard Truth: How Hong Kong's Ivory Trade is Fuelling Africa's Elephant Poaching Crisis; WildAid (Oct. 2015), The Illusion of Control: Hong Kong's 'Legal' Ivory Trade; Elephant Action League (2015), Blending Ivory: China's old loopholes, new hopes.

ⁱⁱ Environmental Investigation Agency(1992). Elephants in the Firing Line.

ⁱⁱⁱ See e.g. WWF-Hong Kong (Sept. 2015), The Hard Truth: How Hong Kong's Ivory Trade is Fuelling Africa's Elephant Poaching Crisis; Elephant Action League (2015), Blending Ivory: China's old loopholes, new hopes.

^{iv} WWF (2016), How to Ban the Ivory Trade in Hong Kong Beginning Today,
http://www.wwf.org.hk/en/news/press_release/?uNewsID=15860#

^v WWF (2016), How to Ban the Ivory Trade in Hong Kong Beginning Today,
http://www.wwf.org.hk/en/news/press_release/?uNewsID=15860#