



Response to the Government's Report on Incense Tree Conservation

Our preliminary comments on the above-mentioned report are as follows:

Specific means of frontline tackling and protection policy

The report offers some specific measures for the protection of Incense Tree which is currently under threat of extinction, including using fencing and monitoring system to protect the few remaining incense trees, signifying a big step in the work of conservation.

The frontline departments such as the police and the Agriculture, Fisheries and Conservation Department (AFCD) have recently implemented some substantive arrangements and actions. For example, police manpower is increased for patrolling black spots of illegal logging, civilians and frontline enforcement departments are joining forces, the relevant Hong Kong government departments have engaged with the Mainland authorities in tackling the issue, etc. We hope that the police will implement the tackling measures against illegal logging black spots as soon as possible, including task forces to be set up for the purpose and enhanced professional training for frontline enforcement staff.

We noted from the report that our customs authority has already started to direct attention to the illegal import and export, etc. of agarwood. They are also providing training to their law enforcement officers. Yet their work is still insufficient for tackling illegal import and export of agarwood as there has been a trend over the past few years of smuggling agarwood out using two-way permits. The Hong Kong Customs should actively co-operate with other frontline departments to pre-empt the continued exploitation of this major loophole.

For some time now we have strengthened our tie with the police of various districts and the AFCD, especially regarding the protection of the few remaining incense trees. We are very much grateful for their willingness in accepting our suggestions and proactively examining and launching feasible conservation options.

However, we think the import-export control and the policy on tackling the black spots of illegal logging still need to be enhanced. For example, there should be random luggage check and inspection as well as checking of the place of origin of travellers (especially those from places involved in illegal logging) to stop the illegally removed agarwood from being easily smuggled out of Hong Kong. In this connection, the Security Bureau should strengthen cross-border control and inspection over people from those places and people with previous records of relevant deeds through joint efforts with the Mainland authorities and the Hong Kong Customs.

In our view, the Lands Department which is responsible for managing over 90% of the sites currently severely affected by illegal logging of incense trees, i.e. the Fung Shui Woods, should be more proactive in joining and helping the actions for protecting the Incense Tree instead of staying aloof. It should collaborate with various frontline departments and discuss with non-governmental conservation bodies for joint monitoring action, and explore with conservation bodies and local villagers the possibility of re-planting incense trees within the Fung Shui Woods in order to more effectively restore the habitat and culture of the Fung Shui Woods, as well as step up joint protection for the remaining incense trees.

To our disappointment, the report does not recommend banning sale of agarwood and their products. But we still think that the most effective way to protect any endangered species is by banning its sale. Besides, the sale of agarwood products in Hong Kong currently sees an upward trend. The fact that whether Hong Kong is the major point of sale should not be the legitimate reason to be taken into account when deciding whether to ban the sale in Hong Kong. In Kenya, where tusks are illegally removed, the government has become the first nation to burn and ban the sale of ivory as a means to set an example for the protection of its own invaluable native species. If one cannot take the lead in banning the sale of one's invaluable native species, how can one convince other consuming countries to follow suit?

At present, many agarwood products from Mainland China claim to come from other Asian places, but all the agarwood traders who do business with Mainland China know that 80% of the agarwood resin supplied to Mainland China is from Maoming, Dianbai (a coastal small town in Guangdong that mainly engages in the illegal logging activities in Hong Kong). This mere fact adds to our suspicion of the authenticity of the place of origin claimed. Thus, without banning the sale by the Hong Kong government and without the measure of certification of origin, we are providing a favourable environment for the illegal logging ring. Even if the government is unable to impose an immediate ban on the sale, it should first implement certification of origin, genes validation, etc. so as to stop the stolen agarwood from being freely sold at the market and the illegal traders from making profits.

In addition, the relevant government departments should review and revise the already outdated subsidiary legislation on Incense Tree as a species under threat of extinction, such as dealing with the provision on carrying living incense tree, in order not to create difficulties for their law enforcement officers. The low success rate in prosecutions by the Department of Justice (DoJ) in recent years has not only let the general public down, but undermined the morale of frontline enforcement departments. We hope that DoJ can strengthen the relevant knowledge of their prosecutors.

The Environment Bureau which is playing a co-ordinating role should monitor and push forward the fast implementation of the policies and measures mentioned in this work report. It should also meet with concern groups or organisations regularly for understanding and follow-up on the specific implementation of various policies and measures.

Lastly, we are very grateful for the assistance and efforts given by the frontline departments AFCD and the police in the past so that we are able to continue our work for the protection of the very few remaining incense trees.

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