

立法會
Legislative Council

LC Paper No. CB(1)50/17-18
(These minutes have been seen
by the Administration)

Ref : CB1/BC/6/16/2

**Bills Committee on Protection of Endangered Species of
Animals and Plants (Amendment) Bill 2017**

**Minutes of second meeting
held on Wednesday, 6 September 2017, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Kenneth LEUNG (Chairman)
Dr Hon Elizabeth QUAT, BBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon WONG Ting-kwong, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon KWOK Wai-keung, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-fai
Hon Tanya CHAN
Hon HUI Chi-fung
Hon KWONG Chun-yu

Members absent : Hon Claudia MO
Hon Charles Peter MOK, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon CHAN Chun-ying

**Public Officers
attending**

: For item II

Mr TSE Chin-wan, BBS, JP
Under Secretary for the Environment

Mrs Vicki KWOK, JP
Deputy Director of Environmental Protection (2)
Environmental Protection Department

Dr Samuel CHUI
Assistant Director (Nature Conservation and
Infrastructure Planning)
Environmental Protection Department

Dr SO Ping-man, JP
Deputy Director
Agriculture, Fisheries and Conservation Department

Mr Simon CHAN
Assistant Director (Conservation)
Agriculture, Fisheries and Conservation Department

Mr Boris KWAN
Senior Endangered Species Protection Officer (Acting)
Agriculture, Fisheries and Conservation Department

Mr Peter SZE
Senior Government Counsel
Department of Justice

Mr Vincent FUNG
Government Counsel
Department of Justice

**Attendance by
invitation**

: For item II

Session one

Individual

Mr Edwards GAVIN

Individual

Mr Barlow CRISPIAN

World Wide Fund For Nature Hong Kong

Miss Cheryl LO
Senior Wildlife Crime Officer

香港象牙合法持牌人聯會

Mr CHAN Chung-wo
Vice Chairman

Hong Kong & Kowloon Ivory Manufacturers
Association Limited

Mr SO Chi-keung
Chairman

Individual

Mr MONG Wai-hung

Individual

Mr CHU Chun-pong

Individual

Mr CHU Kee-wun

Individual

Mr Martin HAIGH

The Last Animals

Ms Kate BROOKS
Director of The Last Animals (documentary film)

Individual

Mr CHUNG Kin-wah

Democratic Alliance for the Betterment and Progress
of Hong Kong

Mr WU Cheuk-him
Deputy Spokesperson on Policy

Green Sense

Mr SZE-TO Pok-man
Senior Project Officer

The Society for the Prevention of Cruelty to Animals
(Hong Kong)

Ms Rebecca NGAN
Community Development Manager

Individual

Ms Anne-margaret COPELAND

Animals Asia Foundation Limited

Miss Karina O'CARROLL
Animal Welfare Education Manager, Animals Asia
Foundation

Individual

Miss CHENG Ching-yi

Veterinary Specialty Hospital of Hong Kong

Dr Alane CAHALANE
CEO, Diplomate of the American College of
Veterinary Surgeons

ADM Capital Foundation

Ms Sophie LE CLUE
Director, Environmental Programmes

Individual

Ms Rosana NG

Individual

Professor WEE Lian-hee

Guardian

Ms Jacqueline LEE
Founder

Individual

Mr NG Yu-hin

Individual

Professor NG Yau-ka

WildAid Hong Kong

Mr Alex HOFFORD
Wildlife Campaigner

Hong Kong Ivory Industry and Commerce Association

Mr CHOW Fuk-sang
Chairman

Chinese Ivory Arts and Culture Alliance

Mr Henry CHONG
Director

Individual

Miss CHENG Chui-ha

Individual

Mr LAU Kwok-hung

Session two

Individual

Mr LEE Kai-wan

Individual

Miss LAU Ying-ting

Hong Kong Chef Union

Mr NG Chi-fai
Chairman

Endangered Species Advisory Committee, Agriculture,
Fisheries and Conservation Department

Professor SHAW Pang-chui
Chairman

Humane Society International

Ms HO Iris
Wildlife Program Manager

Individual

Professor Amanda WHITFORT

Individual

Ms Margaux CHALABI

Save the Elephants

Mr Chris LEADISMO
Head of Antipoaching

Individual

Dr Yvonne SADOVY

Individual

Ms Susan SUM

Lam Tsuen Wishing Square

Mr LAM Luk-wing
Chairman

Individual

Ms LIU Ying-laam

Individual

Miss Janissa ZHAO

Individual

Ms IP Sheung-ching

Conservation Forensics Laboratory, University of
Hong Kong

Professor David DUDGEON
Chair Professor of Ecology & Biodiversity, School of
Biological Sciences

Individual

Mr Pierce DUFFY

Individual

Miss Jasmin SOU

Hong Kong Racing School for Motorsports

Mr SIN Ho-ming
Founder

Individual

Mr LAM Ho

Individual

Miss Hayley CHAN

Individual

Miss Sofia HESSION

Individual

Mr WU Thomas

Individual

Miss ZHAO Rou

Conservation International

Miss Krisdean LAW
Director, Partnership & Communications

Hong Kong Veterinary Association Limited

Dr Jane GRAY
Executive Committee Member

New People's Party

Mr Duncan TANG
Community Development Officer

Global March for Elephants and Rhinos, Inc.

Mr Shubert Martin MWARABU
Representative

Clerk in Attendance : Mr Derek LO
Chief Council Secretary (1)5

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Mr Joey LO
Senior Council Secretary (1)8

Ms Anki NG
Senior Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

Action

I. Confirmation of minutes

(LC Paper No. CB(1)1351/16-17 — Minutes of the meeting held on 7 July 2017)

The minutes of the meeting held on 7 July 2017 were confirmed.

II. Meeting with deputations and the Administration

Matters arising from previous meeting

(LC Paper No. CB(1)1384/16-17(01) — List of follow-up actions arising from the meeting on 7 July 2017

LC Paper No. CB(1)1384/16-17(02) — Administration's response to the issues raised at the meeting on 7 July 2017

LC Paper No. CB(1)1393/16-17(152) — Assistant Legal Adviser's letter dated 7 August 2017 to the Administration

Relevant papers

LC Paper No. CB(3)631/16-17 — The Bill

(*issued by the Environment Bureau in June 2017*) — Legislative Council Brief

LC Paper No. LS80/16-17 — Legal Service Division Report

LC Paper No. CB(1)1265/16-17(01) — Marked-up copy of the Bill prepared by the Legal Service Division (Restricted to Members)

LC Paper No. CB(1)1265/16-17(02) — Background brief prepared by the Legislative Council Secretariat)

2. The Chairman welcomed representatives of the Administration and deputations to the meeting. He reminded the deputations that their written submissions provided to the Bills Committee and views presented at the meeting

Action

would not be covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

3. The Bills Committee deliberated (index of proceedings attached at the **Annex**).

Presentation of views by deputations

4. At the invitation of the Chairman, a total of 56 deputations/individuals presented their views at the meeting. In gist, those who were in favour of the legislative proposal to ban ivory trade considered it a major cause of the brutal killing of elephants and rangers who had sacrificed their lives to protect the elephants. Those who were against the legislative proposal considered that the local ivory traders had nothing to do with elephant poaching as they were trading with legally imported ivory obtained from elephants which died of natural causes, and should be compensated for the loss of their private property and means of living as a result of the legislative proposal.

(Post-meeting note: 66 submissions from deputations/individuals on the subject received after the meeting was issued to members vide LC Paper Nos. CB(1)1409/16-17(01) to (47) on 7 September 2017 and CB(1)1416/16-17(01) to (14) on 18 September 2017 and LC Paper Nos. CB(1)1439/16-17(01) to (05) on 28 September 2017.)

Follow-up actions to be taken by the Administration

Admin 5. The Administration was requested to provide a written response to the views raised by the deputations/individuals at the meeting or in their submissions.

(Post-meeting note: The Administration's responses were issued to members vide LC Paper No. CB(1)11/17-18(02) on 11 October 2017.)

Date of next meeting

6. The Chairman informed members that the next meeting would be held on Tuesday, 17 October 2017 at 10:45 am.

II. Any other business

7. There being no other business, the meeting ended at 1:07 pm.

**Bills Committee on Protection of Endangered Species of
Animals and Plants (Amendment) Bill 2017**

**Proceedings of the second meeting
on Wednesday, 6 September 2017, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I — Confirmation of minutes</i>			
001830 – 001908	Chairman	The minutes of the meeting held on 7 July 2017 (LC Paper No. CB(1)1351/16-17) were confirmed.	
<i>Agenda Item II — Meeting with deputations and the Administration</i>			
<i>Session one</i>			
001909 – 002310	Chairman	Introductory remarks	
002311 – 002542	Mr Edwards GAVIN	Presentation of views [LC Paper No. CB(1)1393/16-17(138)](Joint submission)	
002543 – 002854	Mr Barlow CRISPIAN	Presentation of views [LC Paper No. CB(1)1393/16-17(138)](Joint submission)	
002855 – 003114	World Wide Fund For Nature Hong Kong	Presentation of views [LC Paper No. CB(1)1393/16-17(138)](Joint submission)	
003115 – 003424	香港象牙合法持牌人聯 會	Presentation of views	
003425 – 003733	Hong Kong & Kowloon Ivory Manufacturers Association Limited	Presentation of views	
003734 – 004036	Mr MONG Wai-hung	Presentation of views	
004037 – 004335	Mr CHU Chun-pong	Presentation of views [LC Paper No. CB(1)1393/16-17(36)]	
004336 – 004610	Mr CHU Kee-wun	Presentation of views	
004611 – 004734	Mr Martin HAIGH	Presentation of views [LC Paper No. CB(1)1393/16-17(01)]	
004735 – 005043	The Last Animals	Presentation of views [LC Paper No. CB(1)1397/16-17(65)]	
005044 – 005324	Mr CHUNG Kin-wah	Presentation of views [LC Paper No. CB(1)1393/16-17(02)]	

Time marker	Speaker	Subject(s)	Action required
005325 – 005543	Democratic Alliance for the Betterment and Progress of Hong Kong	Presentation of views	
005544 – 005850	Green Sense	Presentation of views	
005851 – 010150	The Society for the Prevention of Cruelty to Animals (Hong Kong)	Presentation of views [LC Paper No. CB(1)1393/16-17(09)]	
010151 – 010453	Ms Anne-margaret COPELAND	Presentation of views [LC Paper No. CB(1)1393/16-17(03)]	
010454 – 010757	Animals Asia Foundation Limited	Presentation of views [LC Paper No. CB(1)1393/16-17(04)]	
010756 – 011107	Miss CHENG Ching-yi	Presentation of views [LC Paper No. CB(1)1409/16-17(44)]	
011108 – 011415	Veterinary Specialty Hospital of Hong Kong	Presentation of views [LC Paper No. CB(1)1409/16-17(09)]	
011416 – 011714	ADM Capital Foundation	Presentation of views [LC Paper No. CB(1)1393/16-17(05)]	
011715 – 012005	Ms Rosana NG	Presentation of views [LC Paper No. CB(1)1397/16-17(66)]	
012006 – 012255	Professor WEE Lian-hee	Presentation of views [LC Paper No. CB(1)1393/16-17(06)]	
012256 – 012518	Guardian	Presentation of views [LC Paper No. CB(1)1393/16-17(07)]	
012519 – 012824	Mr NG Yu-hin	Presentation of views [LC Paper No. CB(1)1393/16-17(08)]	
012825 – 013130	Professor NG Yau-ka	Presentation of views	
013131 – 013439	WildAid Hong Kong	Presentation of views [LC Paper No. CB(1)1397/16-17(66)]	
013440 – 013746	Hong Kong Ivory Industry and Commerce Association	Presentation of views	
013747 – 014049	Chinese Ivory Arts and Culture Alliance ³	Presentation of views	

Time marker	Speaker	Subject(s)	Action required
014050 – 014343	Miss CHENG Chui-ha	Presentation of views	
014344 – 014555	Mr LAU Kwok-hung	Presentation of views	
014556 – 015259	Chairman Administration Mr SHIU Ka-fai Mr CHAN Han-pan Ms Tanya CHAN Mrs Regina IP Mr WONG Ting-kwong 香港象牙合法持牌人聯 會 Ms Anne-margaret COPELAND Hong Kong & Kowloon Ivory Manufacturers Association Limited	Discussion on the authenticity of the documents for imports of pre-Convention ivory from European countries. Discussion on the number of practitioners remaining in the local ivory trade, and the trade's effort in selling their ivory stock over the years.	
Break (015300 – 020329)			
Session two			
020330 – 020547	Chairman	Introductory remarks	
020548 – 020855	Mr LEE Kai-wan	Presentation of views	
020856 – 021149	Miss LAU Ying-ting	Presentation of views	
021150 – 021456	Hong Kong Chef Union	Presentation of views	
021457 – 021803	Endangered Species Advisory Committee, Agriculture, Fisheries and Conservation Department	Presentation of views [LC Paper No. CB(1)1393/16-17(10)]	
021804 – 022053	Humane Society International	Presentation of views [LC Paper No. CB(1)1393/16-17(80)]	
022054 – 022403	Professor Amanda WHITFORT	Presentation of views [LC Paper No. CB(1)1393/16-17(139)]	
022404 – 022557	Ms Margaux CHALABI	Presentation of views [LC Paper No. CB(1)1393/16-17(99)]	

Time marker	Speaker	Subject(s)	Action required
022558 – 022902	Save the Elephants	Presentation of views [LC Paper No. CB(1)1409/16-17(37)]	
022903 – 023209	Dr Yvonne SADOVY	Presentation of views [LC Paper No. CB(1)1393/16-17(12)] [LC Paper No. CB(1)1409/16-17(38)]	
023210 – 023511	Ms Susan SUM	Presentation of views [LC Paper No. CB(1)1409/16-17(18)]	
023512 – 023820	Lam Tsuen Wishing Square	Presentation of views [LC Paper No. CB(1)1409/16-17(19)]	
023821 – 024125	Ms LIU Ying-laam	Presentation of views	
024126 – 024432	Miss Janissa ZHAO	Presentation of views [LC Paper No. CB(1)1397/16-17(85)]	
024433 – 024740	Ms IP Sheung-ching	Presentation of views [LC Paper No. CB(1)1409/16-17(20)]	
024741 – 025047	Conservation Forensics Laboratory, University of Hong Kong	Presentation of views [LC Paper No. CB(1)1393/16-17(15)]	
025048 – 025339	Mr Pierce DUFFY	Presentation of views [LC Paper No. CB(1)1397/16-17(87)]	
025340 – 025644	Miss Jasmin SOU	Presentation of views [LC Paper No. CB(1)1393/16-17(88)]	
025645 – 025955	Hong Kong Racing School for Motorsports	Presentation of views [LC Paper No. CB(1)1409/16-17(17)]	
025956 – 030253	Mr LAM Ho	Presentation of views [LC Paper No. CB(1)1393/16-17(89)]	
030254 – 030542	Miss Hayley CHAN	Presentation of views [LC Paper No. CB(1)1393/16-17(16)]	
030543 – 030717	Miss Sofia HESSION	Presentation of views [LC Paper No. CB(1)1393/16-17(17)]	
030718 – 030923	Mr WU Thomas	Presentation of views [LC Paper No. CB(1)1393/16-17(18)]	
030924 – 031135	Miss ZHAO Rou	Presentation of views [LC Paper No. CB(1)1393/16-17(19)]	

Time marker	Speaker	Subject(s)	Action required
031136 – 031448	Conservation International	Presentation of views [LC Paper No. CB(1)1393/16-17(20)]	
031449 – 031757	Hong Kong Veterinary Association Limited	Presentation of views [LC Paper No. CB(1)1393/16-17(21)]	
031758 – 032021	New People's Party	Presentation of views	
032022 – 032230	Global March for Elephants and Rhinos, Inc.	Presentation of views [LC Paper No. CB(1)1409/16-17(26)]	
032231 – 033050	Chairman Administration	<p>The Administration's responses to the views of the deputations who were against the legislative proposal:</p> <ul style="list-style-type: none"> (a) the legislative proposal set out in the Bill was in conformity with the Basic Law, including the provisions concerning human rights, as it would not involve any formal expropriation of property or any de facto expropriation. The owners would retain possession of their ivory and there would not be any transfer of title of the owner's property; (b) the owners' ivory would not be denied of all meaningful use. The ivory would still have other beneficial uses such as possession, donation, exhibition, etc.. The ivory could also have artistic or cultural uses; (c) in the absence of deprivation, it was unlikely that the right to compensation protected under Article 105 of the Basic Law would be triggered. The Administration considered that no compensation should be made to affected traders since the latter had already been given advance alert regarding the proposed trade ban and a reasonable and sufficiently long grace period of five years from 21 December 2016 to undergo business transformation and/or dispose of the ivory in their possession; (d) the provision of compensation to licensed ivory traders would send a wrong message to lawbreakers that there was prospect of compensation which could result in proliferation of the poaching of elephants and the murder of rangers, and encourage the smuggling of illegal ivory into Hong Kong to launder with the legal stock for compensation. It would not only 	

Time marker	Speaker	Subject(s)	Action required
		<p>significantly reduce the effectiveness of the Plan, but also run counter to the global efforts on conservation of elephants; and</p> <p>(e) the Administration would work out with relevant organizations such as the Employees Retraining Board suitable re-employment training courses to assist ivory craftsmen who might be affected by the ban to switch to other employment.</p>	
033051 – 034130	Chairman Mrs Regina IP Mr SHIU Ka-fai Administration	<p>Discussion on compensation and assistance to the affected traders.</p> <p>Mrs IP and Mr SHIU urged the Administration to provide compensation and assistance to the affected traders in order to protect their minority interest.</p>	
034131 – 034827	Chairman Deputy Chairman Administration	<p>Deputy Chairman said that the Democratic Alliance for the Betterment and Progress of Hong Kong fully supported the legislative proposal, and opposed to any form of compensation to the traders. She enquired about the situation of the import of European ivory into Hong Kong over the years.</p> <p>The Administration explained that European ivory imported to Hong Kong in the past as pointed out by some deputations and members were pre-Convention ivory. During the past decades, Hong Kong had imported about 13.9 tonnes and about 19 700 pieces of pre-Convention ivory, among which 10.9 tonnes and about 380 pieces were re-exported.</p>	
034828 – 035408	Chairman Mr CHAN Han-pan Administration	<p>Discussion on the authenticity of the documents for the imports of pre-Convention ivory from European countries and the verification measures taken by the Administration.</p> <p>The Chairman extended the meeting to allow further discussion.</p>	
035409 – 040333	Chairman Mr CHAN Chi-chuen Mr SHIU Ka-fai Administration	<p>Discussion on compensation and assistance to the affected traders.</p>	
040334 – 040634	Chairman Deputy Chairman Administration	<p>Discussion on the remaining stock of pre-Convention ivory in Hong Kong.</p>	

Time marker	Speaker	Subject(s)	Action required
040635 – 041034	Chairman Mr CHAN Han-pan Administration	<p>Noting that the European Commission had recommended that, from 1 July 2017, the European Union ("EU") Member States should stop issuing export documents for raw pre-Convention ivory, but such recommendation would not affect worked pre-Convention ivory, Mr CHAN considered that the Administration should take steps to guard against the import of worked post-Convention ivory from EU Member States purporting to be pre-Convention ivory.</p> <p>The Administration advised that under Step 2 of the three-step ban, which would take place 3 months after the commencement date of the proposed legislation, import and re-export of pre-Convention ivory (save for antique ivory) would be banned to prevent possible laundering of illegal ivory.</p>	
<i>Agenda Item III — Any other business</i>			
041035 – 041159	Chairman Administration	<p>The Administration was requested to provide a written response to the views and concerns expressed by the deputations at the meeting or in their written submissions.</p> <p>Meeting arrangements</p>	Admin to follow as paragraph 4 of the minutes.