

TO: Mr Donald TONG, JP

Permanent Secretary for the Environment /Director of Environmental Protection

**RE: Protection of Endangered Species of Animals and Plants (Amendment) Bill
2017**

Hong Kong is globally recognized as a wildlife trade hub that is increasingly used by organized criminal syndicates to traffic a range of wildlife products including elephant ivory. As recently as July 2017, the largest seizure of smuggled ivory (7.2 tonnes) was discovered showing yet again Hong Kong's role in this blood trade.

Although the Convention on Trade in Endangered Species (CITES) banned the international trade in ivory in 1989, Hong Kong has until now allowed the continued trade of Pre-Convention ivory. This 'legal' trade has been administered through a licensing system run by the Agriculture Fisheries and Conservation Department (AFCD), whereby stockpiles of Pre-Convention ivory are registered with AFCD and licensed for commercial purposes.

It is impossible to distinguish 'legal' Pre-Convention ivory from 'illegal' ivory, taken from recently and illegally-killed elephants, without expensive scientific analysis. In the face of increasing consumer demand, this has allowed unscrupulous traders to launder freshly poached illegal ivory into the market as the legally licensed product. There is clear evidence of this practice, through undercover investigations of Hong Kong's Pre-Convention ivory stocks.

It is also clear that over the 27 years since the international trade ban, Hong Kong's 'legal' pre-ban ivory stocks have not diminished as would be expected, given rising demand from tourists from the Mainland who are the main market for ivory purchased in Hong Kong (and who then smuggle it into China). Traders themselves have explained the practice of replenishing old stocks with newly poached ivory because the licensing system can be easily flouted.

Given current elephant populations, it is clear that if nothing is done, these animals will become extinct in our lifetime. The illegal ivory trade is not just destroying African elephant populations, but it is also denying developing economies that depend on wildlife for tourism, not to mention the innumerable deaths annually of rangers engaged in their protection.

The Hong Kong government has stated its commitment to the protection of endangered species and recognizes the devastating impact of poaching elephants for their ivory and indeed the role that Hong Kong's trade is playing. Importantly, Hong Kong's first Biodiversity Strategy and Action Plan (BSAP) launched in 2016 clearly commits to phasing out the ivory trade as currently proposed. The proposals are, therefore, in line with accepted government policy.

Animals Asia Foundation continues to strongly support

- **The ban on the ivory trade**
- **Higher penalties for wildlife crime under the Protection of Endangered Species Ordinance Cap 586**
- **Prosecution and strong deterrent penalties for those engaging in wildlife crime**

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- **Does not support any form of compensation for ivory traders.**

Carvers and traders have had over two decades since the international ban, to diversify and switch trades. Support has been provided through retraining programmes and financial assistance during the transition.

Those seeking commercial gain from their ivory stocks will have had at least seven years to sell them, by the time the ban is enacted and the domestic trade closed. The government warned of a potential ban in January 2016.

The Hong Kong Government is not depriving owners of all use of property; it will not appropriate, seize or take ivory which is explicitly owned by individuals as “personal effects” or for “non-commercial purposes”.

The extent of the illegality in the trade has made the local market untenable, and those complicit in the illicit trade should not be rewarded with taxpayer dollars.

Providing compensation will signal that Hong Kong is ‘buying’ ivory. This is a high risk strategy that will almost certainly result in a poaching surge to supply the market.

Unscrupulous traders will have the opportunity to launder ivory through a compensation scheme, given that it is prohibitively expensive to prove the ivory is legitimate i.e. legal preconvention / pre ban.

Some final points.....

- **The trade in ivory is damaging to the public welfare.**

The Government regularly bans the sale, trade and possession of goods when it is in the interests of the public. For example, the Government periodically extends the definition of 'dangerous drugs' to cover new drugs. It would be absurd to suggest that the Government had a duty to compensate those engaged in trading such drugs - this would create an incentive for criminals to stockpile such goods in anticipation of a ban.

Ivory trade funds international criminal syndicates - it is an important facet of organized crime. It is well documented that groups involved in illicit wildlife trade are often directly involved in human trafficking, drug trafficking and money laundering.

Restricting the trade of ivory is essential to the HKSAR meeting its obligations under CITES. Such treaties provide for mutual protection by all signatory countries for their wildlife and environment. If the HKSAR does not give full effect to our international obligations, we put at risk our own bio-diversity.

- **Banning the trade in ivory will not impact upon Hong Kong's tourism industry.**

As investigated by the Government in March and April 2016, they have confirmed that the proposed ban would "unlikely have any significant impact on Hong Kong's tourism industry".

Please do not provide compensation for this blood trade or delay the implementation of the ban and destruction of the stockpiles.

Sincerely,

Animals Asia Foundation

Hong Kong SAR