

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

**Government's Response to the List of Follow-up Actions  
Arising from the Discussion at the Meeting on 17 October 2017**

This paper sets out the Government's responses to the matters raised by Members at the meeting of the Bills Committee on Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017 (the Bill) on 17 October 2017.

**(a) Statistics on the Administration's effort to verify the validity of the export certificates of European ivory imported to Hong Kong, including the number of export certificates verified so far, the number of invalid export certificates identified and the quantities of ivory involved; and**

2. As far as the import control of pre-Convention ivory is concerned, under the existing legislation, a piece of such ivory should be accompanied by a pre-Convention certificate issued by the exporting country certifying that the ivory was acquired pre-Convention. For every import shipment of pre-Convention ivory, no matter whether it comes from Europe or not, the Agriculture, Fisheries and Conservation Department (AFCD) will verify the validity of the accompanying pre-Convention certificate according to the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the local legislation upon the arrival of shipment at Hong Kong. AFCD will also check whether the concerned quantity, description and other relevant details of the shipment tally with the information set out in the certificate. If any irregularity is uncovered, the ivory will be subject to seizure for further investigation. AFCD will, as necessary, further verify the certificate with the exporting country or the CITES Secretariat and/or conduct radiocarbon dating for the ivory.

3. Over the past two years, AFCD has inspected a total of about 900 pre-Convention certificates for import shipments covering about 800 kg and 2,400 pieces of pre-Convention ivory. Irregularities regarding 41 certificates involving 665 kg and 4 pieces of ivory have been uncovered, and the exporting countries involved were Portugal, the United Kingdom (UK), Belgium and Italy. The irregularities uncovered included discrepancies in the measurement of ivory, discrepancies in the number of ivory tusks, errors in endorsement date and the missing of the original certificate copies. The specimens involved were seized for follow-up investigation.

**(b) Details of the recent legislative proposals on restriction of ivory trade in France and the United Kingdom.**

4. The French Government has taken steps to strengthen the legal and regulatory framework on ivory. Two orders were adopted in August 2016 and May 2017 which outlawed the trade in ivory and rhino horns in France and all overseas French territories. It follows from the above orders that the trade and commercial use of raw ivory plus the manufacture of articles using ivory, irrespective of its age, have been banned. It also prohibits the sale of ivory products manufactured after July 1975 and the restoration of ivory objects manufactured after 18 January 1990.

5. Under the new regulatory framework adopted by the French Government, no compensation is to be provided to ivory traders and owners. According to the French Government, the absence of a compensation scheme is necessary to effectively achieve the objective of maintaining biodiversity and protecting elephant lives, and only prohibition measures with no compensation will have an impact on the extent of poaching of elephants. From the French Government's perspective, such a measure is necessary and proportionate to the objective pursued.

6. In the UK, the trade in raw ivory of any age has been banned<sup>1</sup>. The UK Government has proposed to implement a total ban on ivory sales in the UK, and to prohibit the import and export of ivory for sale to and from the UK, including intra-European Union trade to and from the UK. The consultation<sup>2</sup> on the proposal began in October 2017.

7. The UK is the largest importer and exporter of art and antiques in Europe and a global centre for trade in art and antiques<sup>2</sup>. The UK Government estimates that the proposed measures would affect fewer than 5,000 UK businesses in the art and antiques sector, and that banning the sale of worked ivory would have some financial impact on the UK economy. However, the UK Government still believe that only a total ban of ivory sale that might contribute either directly or indirectly to the poaching of elephants, will meet their commitment to the protection of elephant lives. This would also close the loopholes in the current legislation which present opportunities for laundering of poached ivory through legal markets. Similarly, no compensation has been proposed under the UK's proposal.

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<sup>1</sup> <http://researchbriefings.files.parliament.uk/documents/CBP-7875/CBP-7875.pdf>

<sup>2</sup> <https://consult.defra.gov.uk/international/banning-uk-sales-of-ivory/>

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