

**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 8 November 2017**

This paper sets out the Government's response 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 8 November 2017.

**(a) The total number of export certificates of pre-Convention (Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)) ivory imported to Hong Kong verified by the Administration over the past ten years, the number of invalid export certificates identified and the quantities of ivory involved**

2. According to its records, the Agriculture, Fisheries and Conservation Department (AFCD) inspected, over the last decade, a total of some 5 500 pre-Convention certificates for import shipments covering about 13 tonnes and 20 000 pieces of pre-Convention ivory. Irregularities regarding 92 (1.7%) certificates involving around 1 tonne and 42 pieces of ivory were uncovered, and the exporting countries concerned were the United Kingdom (UK), Belgium, Portugal, France, Germany, Austria, Italy, the United States, Spain, Switzerland and Canada. The irregularities uncovered included expiry of the certificates; errors or omissions of information (e.g. acquisition date, export endorsement after inspection, endorsement date, the CITES Appendix and the quantity of ivory); discrepancies in ivory details (e.g. the measurements, description or marking number); and the missing or loss of original certificate copies. The specimens involved were seized for follow-up investigation. After investigation, 14 certificates (0.25%) were confirmed to be invalid, and about 1 kilogramme (kg) and 19 pieces of ivory were confiscated or sent back to the exporting countries. Though few pre-Convention certificates were found to be invalid, the existing ivory retail market in Hong Kong might provide a front for possible laundering of illegal ivory. Therefore, we have proposed in the Bill to ban the import and re-export of pre-Convention ivory three months after commencement of the amended legislation. This will greatly facilitate

enforcement actions by enforcement agencies as they no longer need to ascertain whether the ivory belongs to the pre-Convention or post-Convention categories. A clear message will also be sent to the international and local communities that Hong Kong is committed to the conservation of elephants.

**(b) The quantities and details of the import shipments of pre-Convention ivory corresponding to the copies of export certificates of pre-Convention ivory provided by Hon SHIU Ka-fai and Hon CHAN Han-pan respectively**

3. The photocopies provided by Hon SHIU Ka-fai and Hon CHAN Han-pan at the meeting on 8 November 2017 are those of four pre-Convention certificates, and the ivory information set out therein tallies with the AFCD’s import records. Details of the relevant import shipments are as follows:

<b>Certificate Number</b>	<b>Exporting Country</b>	<b>Year of Import</b>	<b>Quantity of Pre-Convention Ivory</b>
W-02089/09	Germany	2009	164 pieces in total (428.16 kg)
W-02090/09	Germany	2009	161 pieces in total (412.4 kg)
536411/03	UK	2015	1 piece
ES-BI-00059/15E	Spain	2015	17 pieces

**(c) Complementary measures taken by the relevant authorities in France and the UK to tie in with the implementation of their respective legislation to outlaw the trade in ivory, including: (i) details of the two orders adopted by the French Government in August 2016 and May 2017; (ii) the impact on the trade in France and the UK and relevant measures to assist local ivory traders/practitioners on the disposal of ivory stocks before and after the trade ban; and (iii) the countries/regions covered by the proposal to prohibit the import and export of ivory for sale to and from the UK as referred to in paragraph 6 of the Administration’s paper [LC Paper No. CB(1)166/17-18(02)]**

4. According to the information obtained from relevant authorities by the Hong Kong Economic and Trade Offices overseas, the French Government

adopted two orders in August 2016 and May 2017 to outlaw the ivory trade in France and all overseas French territories. In view of local circumstances, the French Government has also allowed, to a limited extent, concessions and exemptions under the ban. In a nutshell, except under the limited circumstances where concessions or exemptions are granted, the trade and commercial use of raw ivory, the manufacture of articles using ivory, the sale of ivory products manufactured after the CITES began to regulate elephants on 1 July 1975 and the restoration of ivory objects manufactured after the CITES began to ban the international ivory trade on 18 January 1990, have been prohibited.

5. We understand that the French Government has neither offered compensation to ivory traders nor taken any measures to help local ivory traders or practitioners dispose of their ivory stocks.

6. In the UK, the UK Government has conducted a consultation exercise from October to December 2017 on the proposal of banning ivory trade. As mentioned in the consultation paper, the UK is the largest importer and exporter of art and antiques in Europe, as well as a global centre for trade in art and antiques. The UK Government estimates that the proposed measures will affect fewer than 5 000 UK businesses in the art and antiques sector, and that banning the sale of worked ivory will have some financial impact on the UK economy. Through the consultation, the UK Government wishes to collect information about the impact of the proposed ban on the UK economy and businesses, etc. As far as we know, the UK Government opines that the new legislation prohibits only the sale and not the possession of ivory, hence has not proposed any measures to help local ivory traders or practitioners dispose of their ivory stocks. No compensation has been proposed under the UK's proposal or consultation paper.

7. The proposed ban on the import and export of ivory for trade in the UK Government's proposal is applicable to such trade between the UK and all countries (including both Member and Non-member States of the European Union).

**(d) The measures taken by the governments of the five largest exporting countries of pre-Convention ivory to Hong Kong in relation to restriction of ivory trade**

8. The UK, France, Belgium, Germany and Portugal are currently the five countries with the greatest volume of export of pre-Convention ivory to Hong Kong.

9. The measures taken by the UK and France have been set out above and also in the paper submitted to the Bills Committee (paragraphs 4 to 7 of LC Paper No. CB(1)166/17-18(02)) by the Environment Bureau and the AFCD. Information on those taken by Belgium, Germany and Portugal is being processed and will be provided in due course.

**(e) The definitions of raw ivory vis-à-vis worked ivory adopted by the Administration in handling import shipments of pre-Convention ivory and the criteria adopted to distinguish between raw and worked ivory (e.g. planed ivory tusks)**

10. We have adopted the definitions of “raw ivory” and “worked ivory” under CITES Resolution Conf. 10.10. According to the definitions, the term “raw ivory” shall include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for “worked ivory”; and the term “worked ivory” shall be interpreted to mean ivory that has been carved, shaped or processed, either fully or partially, but shall not include whole tusks in any form, except where the whole surface has been carved.

**Environment Bureau  
Agriculture, Fisheries and Conservation Department  
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