

25<sup>th</sup> May 2018

Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Members of Legislative Council,

**Public Hearing on May 28<sup>th</sup> 2018: Review of relevant provisions under Cap. 586**

We write to express our continued support for the Hong Kong Government's commitment to protecting and conserving wildlife, under the Protection of Endangered Species Ordinance (Cap. 586). We are grateful for the government's recent amendments to Cap. 586, implementing the three-step plan to ban the Hong Kong ivory trade and the increase in maximum penalties under Cap 586. However, there remain challenges for the regulation of wildlife trade in Hong Kong and in tackling wildlife crime, which we suggest addressing through legalisation. The challenges, as we see them, include:

- **The vast scale of the legal trade in shark fins:**
  - In 2017, Hong Kong imported approximately 5,000 metric tonnes (MT) of shark fins<sup>1</sup>.
  - Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), species traded for the seafood and TCM industries, including shark fins, sea cucumber and seahorses, dominated wildlife imports by volume between 2007 to 2016 (87%).
  - This is all the more concerning, as a recent paper<sup>2</sup> revealed that nearly one-third of the species currently identified within the trade in Hong Kong are considered 'Threatened' by the IUCN.
- **An illegal trade in shark fins also thrives in Hong Kong:**
  - Out of the 12 endangered shark species internationally protected under CITES regulations, five are known to have been seized as they were trafficked to Hong Kong over the last five years.
  - Between 2013 and 2017, at least 5.6MT of illegal imported shark fins were seized in Hong Kong through 20 individual operations. These were consigned from 13 different countries, predominantly in South America and Africa.
  - Hammerheads, particularly 'Endangered' Scalloped Hammerhead sharks<sup>3</sup>, were most heavily trafficked, based on available data. Indeed, these species were found to be prevalent throughout the local trade, despite international regulations.<sup>4</sup>
  - Shark fins are thought to have been the most frequently seized wildlife product imported by container – with at least 11 seizures between 2015 and 2017 finding fins.

<sup>1</sup> Census and Statistics Department (CSD) (2018) *Hong Kong Imports and Exports Classification List (Harmonized System) 2017 Edition: Commodity, Section I – X*. Census and Statistics Department, Hong Kong SAR.

<sup>2</sup> Fields, A.T., Fischer, G.A. et al (2017). Species composition of the international shark fin trade assessed through a retail-market survey in Hong Kong. *Conservation Biology*. 32(2).

<sup>3</sup> Baum, J., Clarke, S., Domingo, A., Ducrocq, M., Lamónaca, A.F., Gaibor, N., Graham, R., Jorgensen, S., Kotas, J.E., Medina, E., Martinez-Ortiz, J., Monzini Taccone di Sitizano, J., Morales, M.R., Navarro, S.S., Pérez-Jiménez, J.C., Ruiz, C., Smith, W., Valenti, S.V. & Vooren, C.M. (2007) *Sphyrna lewini*. The IUCN Red List of Threatened Species. Available from: <http://www.iucnredlist.org/details/39385/0> [Accessed 25 May. 2018].

<sup>4</sup> Fields, A.T., Fischer, G.A., Shea, S.K.H., Zhang, H., Abercrombie, D.L., Feldheim, K.A., Babcock, E.A. and Chapman, D.D. (2017). Species composition of the international shark fin trade assessed through a retail-market survey in Hong Kong. *Conservation Biology*. 32(2), 376-389.

- Evidently, smuggling syndicates perceive Hong Kong as a viable port to or through which illegal shark fins can still be sent with reasonable expectation of evading detection.
- **Laundering of endangered species through unregulated stocks, intentional or not, remains a critical issue:**
  - Identification and traders' exploitation of such challenges has long been a problem in Hong Kong's wildlife markets (legal and illegal).
  - A study in 2006<sup>5</sup> highlighted the obstacles, including:
    - i) General lack of cooperation for the shark fin business community;
    - ii) Inability/unwillingness of traders to identify source region/country;
    - iii) Tendency for multiple species to be mixed in shipments; and
    - iv) Traders possessing little if any interest/knowledge about taxa they are trading.
  - Accordingly, it has proved difficult for the researchers to develop a holistic view of the local trade.
- **In the context of the shark fin trade, there remain many unknowns:**
  - The sustainability of the harvesting practices of most, if not all, shark fin imports to Hong Kong;
  - The scale and value of the trade in illegal wildlife;
  - The composition of sharks and ray species in the trades, either legal and illegal;
  - The syndicates/companies/individuals implicated in the trade; and
  - The number of investigations and/or prosecutions conducted in relation to the illicit trade of shark fins.
- **Turtles and tortoises in Hong Kong are threatened by a variety of factors:**
  - The Green Turtle is the only species of sea turtle that regularly nests in Hong Kong and, with a long sexual maturation period and low survival rates, it is of paramount importance to protect the species and conserve a habitable environment, especially as it pertains to their breeding.
  - Among the threats to the species, which include litter in their limited breeding sites and so-called 'ghost nets' in nearby waters, poaching and the illegal trade may also be of concern. In September 2016, for instance, 35 live Green Turtles (and one Hawksbill turtle) were seized by police and AFCD officers from a fish raft at Sok Kwu Wan Fish Culture Zone.<sup>6</sup>
  - Between 2013 and 2017, local enforcement agencies recovered at least 19,648 turtles and 1,495 tortoises representing around 30 species in Hong Kong.<sup>7</sup>
  - Even within the legal trade, such as regulated by CITES, there are significant issues. Between 2007 and 2016, an excess of 1.2 million live CITES-regulated turtles and tortoises arrived in Hong Kong without corroborating export data from the country of consignment.

In view of these numerous issues and challenges under the existing regulations, it is suggested that the Legislative Council and Hong Kong Administration move:

- 1) To include relevant provisions of Cap. 586 under the Organised and serious Crimes Ordinance (Cap. 455), to enhance the police force's role in investigating of wildlife crimes.

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<sup>5</sup> Clarke, S.C., Magnussen, J.E., Abercrombie, D.L., McAllister, M.K. & Shivji, M.S. (2006). Identification of Shark Species Composition and Proportion in the Hong Kong Shark Fin Market Based on Molecular Genetics and Trade Records. *Conservation Biology*. 20(1), 201-211.

<sup>6</sup> Information Services Department (2016). *Press Releases: AFCD seizes sea turtles (with photo)*. Government of the Hong Kong SAR. Available from: <http://www.info.gov.hk/gia/general/201609/30/P2016093001077.htm> [Accessed 25 May 2018].

<sup>7</sup> ADMCF (unpublished). *Hong Kong Wildlife Product Seizures (WiPS) Database*, Hong Kong.

- 2) To amend local legislation to provide local enforcement with powers to seize shipments of wildlife products illegally harvest and/or exported from the country of origin and/or consignment and prosecute those involved, where appropriate.
- 3) To designate 'Wildlife Port(s)' to consolidate and centralise the resources of C&ED, AFCD, HKPF and other relevant agencies at a single or limited number of locations expressly for the monitoring and inspection of all wildlife cargoes landing in or being transhipped through Hong Kong, and to aid in detection of illegal wildlife when improperly imported via alternative channels.
- 4) To implement reporting mechanisms whereby shark fin traders are required to annual report on their imports and stockpiles, including but not limited to data on the species imported, exporters, total volume imported.
- 5) To ensure that, for traders importing and selling CITES Appendix II-listed species, a copy of CITES export licenses (as issued by exporting countries) are visible in store, with export permit numbers clearly visible.

We look forward to the Administration taking advantage of its strategic positioning to disrupt criminal operations and illegality in the context of the wildlife trade through our city.

Yours sincerely,



Sophie le Clue  
Director, Environment Programme  
ADM Capital Foundation

CC. Democratic Alliance for the Betterment and Progress of Hong Kong  
The Democratic Party 民主黨  
Business and Professionals Alliance for Hong Kong  
Civic Party 公民黨  
Liberal Party 自由黨  
New Territories Association of Societies  
New People's Party 新民黨  
Professional Commons 公共專業聯盟  
Neighbourhood and Worker's Service Centre 街坊工友服務處  
Labour Party 工黨  
Federation of Hong Kong and Kowloon Labour Unions  
League of Social Democrats  
New Century Forum 新世紀論壇