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Hon. Tanya Chan
Chairperson, Panel on Environmental Affairs
Legislative Council, Hong Kong

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Dear Ms. Chan,

Thank you for the opportunity to provide a representation to you on the shark fin trade in Hong Kong. Hong Kong is the world's largest shark fin market, taking at least 50% of the global trade. A study published in *Conservation Biology* in October 2017 revealed that of the 76 species of shark traded in Hong Kong, up to 30% are threatened with extinction. Seizures in Hong Kong show that many fins imported for trade are mislabeled to avoid licensing controls. Fins taken from CITES controlled sharks are mixed together with fins from uncontrolled species in an effort by smugglers and traders to avoid detection and enforcement. Increased sampling of imports, as well as more active use of DNA testing is necessary to deter the trade. Where criminal acts are detected, Hong Kong has an obligation, as a wildlife trading hub, to impose stringent deterrent sentences.

While the increase in maximum penalties for offences under Cap 586 is an important first step, raising penalties alone is insufficient to deter criminal enterprises. Globally, wildlife crime is the world's fourth most lucrative black market, after drugs, people and arms smuggling. In Hong Kong, the situation is even more serious, with the average value of seizures of endangered species now second only to dangerous drugs.

To meet the challenges of effective enforcement in Hong Kong, offences against Cap 586 should not only be subject to higher penalties but should be included in Schedule 1 to the Import and Export Ordinance, Cap 60. This would permit front line officers investigating wildlife crimes to access the full range of investigative powers currently provided under the Organised and Serious Crimes Ordinance, Cap 455. These include the use of coercive investigative powers to gather intelligence, the right to confiscate the proceeds of crime in the District Court and the Court of First Instance and the power to seek enhanced sentences in cases involving criminal gangs (as occurs with incense tree theft).

Along with raising maximum penalties, classifying illegal trade in endangered species as a form of organized and serious crime would ensure that judges could impose significantly higher penalties for cases where animal derivatives have been imported for commercial purposes (such as shark fins). Importantly it would also allow the Hong Kong government to identify, freeze and forfeit the significant assets of criminal enterprises involved in the illegal wildlife trade (as is the case with drug trafficking).

I urge members to take urgent action to legislatively recognize illegal trade in endangered species as a form of organized and serious crime.

Yours sincerely

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Associate Professor