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Panel on Environmental Affairs

Meeting on 28 May 2018

Background brief on the protection of endangered species of animals and plants in Hong Kong prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on the protection of endangered species of animals and plants in Hong Kong. It also gives a brief account of the major views and concerns expressed by Members when related issues were discussed by the relevant committees of the Legislative Council ("LegCo").

Background

Protection of endangered species

2. Hong Kong abides by the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") and implements CITES through enforcement of the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) ("the Ordinance"), which is the local legislation that gives effect to CITES.¹ The Ordinance provides that no person shall import, introduce

¹ CITES is an international treaty that has been ratified by 183 Parties since it was first entered into force in 1975. The aim of CITES is to prevent species from becoming endangered or extinct because of international trade. CITES regulates more than 35 000 animal and plant species, including their parts and products, to ensure the international trade in them does not threaten their survival. CITES regulates international trade (both commercial and non-commercial) through a system of permits and certificates in which the required permits/certificates must accompany the species in question when leaving and entering a country.

from the sea, export, re-export or possess the endangered species of animals and plants specified in Schedule 1 to the Ordinance, whether alive, dead, its parts or derivatives, except under and in accordance with a licence issued in advance by the Agriculture, Fisheries and Conservation Department ("AFCD") or where an exemption under the Ordinance, the Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order (Cap. 586 sub. leg. A) ("Cap. 586A") or the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order (Cap. 586 sub. leg. B) ("Cap. 586B") applies. The Ordinance also provides for fines and imprisonment terms for offenders and mandatory forfeiture of goods upon conviction. The Ordinance is administered by AFCD and enforced by both AFCD and the Customs and Excise Department ("C&ED").

Hong Kong Biodiversity Strategy and Action Plan

3. In December 2016, the Administration released the first Biodiversity Strategy and Action Plan ("BSAP") for Hong Kong which provides administrative and planning guidance on the conservation of local biodiversity from 2016 to 2021. In the area of enhancing conservation measures under BSAP, the Administration aims to, among other things, step up enforcement against wildlife crimes and impose heavier penalties on smuggling and illegal trading of endangered species; formulate and implement conservation action plans for priority species.

Major views and concerns expressed by Members

4. Issues relating to the conservation of endangered species of animals and plants were discussed at the meetings of the Panel on Environmental Affairs ("the Panel") held on 22 February, 29 March and 27 June 2016, and 23 January and 12 October 2017. Related questions were also raised during examination of the Estimates of Expenditures in 2017-2018 and 2018-2019. Major views and concerns expressed by Members on the subject are summarized in the ensuing paragraphs.

Wildlife smuggling

5. Members urged the Administration to step up the monitoring of wildlife smuggling and allocate additional resources to enhance the scale and enforcement capabilities of investigation teams, so as to stop crime syndicates from using Hong Kong as an illegal trading centre.

6. The Administration advised that AFCD had been working closely with C&ED, and cooperating with overseas law enforcement agencies through international joint operations and intelligence exchange, to combat wildlife smuggling. With the passage of the Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017, the maximum penalties for offences in relation to the import, introduction from the sea, export, re-export or possession or control of specimens of specified endangered species had been raised, and the offences were subject to uniform maximum penalties regardless of whether or not commercial purposes were involved.²

Illegal felling of incense trees

7. Members urged the Administration to introduce more effective measures to combat illegal felling of incense trees and smuggling of locally harvested agarwood to the Mainland.³ There was a suggestion that the Administration should impose a trade ban on agarwood or its products in Hong Kong.

8. The Administration advised that a series of measures had been introduced or were being worked out to strengthen enforcement against illegal harvesting of incense trees. Among other measures, a special task force had been set up to conduct targeted patrol of sites at which important populations of incense trees were present. AFCD was also conducting a trial on the effectiveness of using remote electronic devices for monitoring individual large and mature incense trees. In order to gather updated information on incense trees for enhanced protection, a systematic territory-wide survey on the distribution of existing population of incense trees would be conducted. The Administration held that since agarwood obtained from stolen trees were mainly sold outside Hong Kong, banning the sale of agarwood locally would not serve to protect the incense tree population in Hong Kong.

² The Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017 was passed by LegCo at the Council meeting of 31 January 2018. For details of the increased maximum penalties, please refer to the report of the relevant bills committee in the Appendix.

³ Incense tree (also known as *Aquilaria sinensis*) is a native tree species found particularly abundant in fung shui woods behind rural villages in Hong Kong. Trees of the species *Aquilaria* produce a dark aromatic resin at wounds as a reaction against fungal infection. Sections of tree trunks or branches that contain patches of fragrant, resinous wood enter into the trade under the name "agarwood" (沉香木). Also, the resin accumulated from the wood is used as a valuable Chinese medicine called "Chen Xiang" (沉香). Currently, all species of *Aquilaria* including incense tree are listed in Appendix II to CITES, and their import or export requires relevant licences.

9. The Administration further advised that AFCD had stepped up planting of incense trees in country parks over the past few years. Since 2009, about 10 000 seedlings of incense trees had been produced and planted every year to assist in the re-stocking of incense trees in Hong Kong. A species-specific action plan for incense trees was also being formulated, which would include various studies and activities to conserve this native species and enhance public awareness in this aspect.

Conservation of green turtles

10. Members enquired about the conservation of green turtles and management of the Sham Wan Restricted Area (which was the only regular nesting site of green turtles in Hong Kong),⁴ and expressed concerns that the large amount of rubbish washed up on the shore of that area during the typhoon season in the summer had posed hazards to the green turtles there. Members also asked about the measures to reduce the number of yachts moored off the waters and/or prevent tourists from going up the shores there unknowingly, as well as the Administration's plan, if any, to expand the Sham Wan Restricted Area to the waters off the beach in the long run.

11. The Administration advised that the sandy beach at Sham Wan was a Restricted Area under the Wild Animals Protection Ordinance (Cap. 170). Access to the area was restricted during the period from 1 June to 31 October each year. During this period, patrols would be conducted to control unauthorized access or activities and to monitor any nesting activities of green turtles. Before the onset of the nesting season each year, AFCD also carried out conservation management on the nesting site including removal of climbing plants and refuse, and arranged contractors to survey and remove ghost nets in Sham Wan bay as necessary.

12. The Administration further advised that the Food and Environmental Hygiene Department ("FEHD") was responsible for regular cleaning of Sham Wan beach, which was conducted once to twice per week under normal conditions during the restricted period. In case of emergency, AFCD would arrange both contractors and its staff to support FEHD's cleaning operations. Sham Wan was one of the Speed Restricted Zones for vessels set by the Marine Department ("MD") to ensure safe navigation in the Hong Kong waters. If any water sport activity

⁴ All species of sea turtles are listed under Appendix I to CITES, and all wild turtles in Hong Kong including sea turtles are "Protected Wild Animals" under the Wild Animals Protection Ordinance (Cap. 170).

was found to have exceeded the specified speed limit,⁵ AFCD would report it to the Marine Police or MD for follow-up action. To prevent inadvertent entry to the Sham Wan Restricted Area and to reduce the risk of collision with green turtles, letters would be sent to local marina clubs and boat rental companies to remind them of the arrangements during the restriction periods of the Sham Wan Restricted Area and the Speed Restricted Zone before the commencement of the periods each year.

13. The Administration informed Members that it had no plan at this stage to expand the Sham Wan Restricted Area to the waters off the beach. AFCD would continue to monitor the occurrence and nesting activities of green turtles in Sham Wan and review the adequacy of the current measures for the protection of green turtles.

Regulation of shark fin trade

14. Members noted that while the products of certain shark species were listed in Appendix II to CITES and regulated under the Ordinance, some merchants had deliberately mislabelled the shark species to which their shark fin products belonged so as to evade legal liability. Members urged the Administration to strengthen the regulation of trading of regulated shark fin products in Hong Kong. There was a suggestion that the Administration should consider establishing a mandatory labelling scheme for those products.

15. The Administration advised that the trade in shark fins was regulated through the import and export control in accordance with CITES. Import of shark fins of CITES listed shark species must be accompanied with a valid CITES export permit and be inspected by an authorized officer upon landing. Also, re-export of shark fins of CITES listed shark species required a licence issued by AFCD and the specimen would be inspected by an authorized officer prior to export. C&ED and AFCD conducted joint operations in combating smuggling of shark fin products at the airport, sea boundary and various land boundary control points. Through risk profiling and intelligence analyses, C&ED selected import and export cargo for inspection. Besides, the Government had taken the lead in adopting sustainable and conservation-conscious menus, including no shark fin, in official entertainment functions. The Administration took the view that compared with the establishment of a mandatory labelling scheme, stepping up publicity and education would be more effective in raising public awareness of the need to protect endangered species.

⁵ The speed limit within the Speed Restricted Zone is five knots between 8:00 am and midnight on any Saturday or public holiday, or on any day during the period from 1 July to 15 September each year.

Motion passed at Council meeting

16. At the Council meeting on 2 December 2015, a motion on "Strengthening the combat against the crime of wildlife smuggling" moved by Dr Hon Elizabeth QUAT and as amended by Ms Claudia MO was passed. The wording of the motion and the progress report are hyperlinked in the **Appendix**.

Council questions

17. At the Council meetings of 19 February and 2 July 2014, and 4 February 2015, Mr LEUNG Che-cheung, Ms Claudia MO and Mr WONG Kwok-hing raised questions respectively on illegal felling of incense trees. Dr Elizabeth QUAT and Mr Kenneth LEUNG asked questions related to shark fin trade at the Council meetings of 18 June 2014 and 7 February 2018 respectively. The questions and the Administration's replies are hyperlinked in the **Appendix**.

Recent developments

18. The Administration will report to the Panel the latest progress of the protection of endangered species of animals and plants in Hong Kong at the meeting on 28 May 2018. The Panel will also receive public views on the subject at the meeting.

Relevant papers

19. A list of relevant papers is set out in the **Appendix**.

List of relevant papers

Date of meeting	Event	Paper
2 December 2015	Council meeting	Motion moved by Dr Hon Elizabeth QUAT Progress report
22 February 2016	Meeting of the Panel on Environmental Affairs	<p>Administration's paper on update on the protection of endangered species and biodiversity in Hong Kong (LC Paper No. CB(1)557/15-16(04))</p> <p>Background brief on protection of endangered species and biodiversity in Hong Kong prepared by the Legislative Council Secretariat (LC Paper No. CB(1)557/15-16(05))</p> <p>Minutes of meeting (LC Paper No. CB(1)857/15-16)</p>
29 March 2016	Special meeting of the Panel on Environmental Affairs	<p>Administration's paper on update on the protection of endangered species and biodiversity in Hong Kong (LC Paper No. CB(1)557/15-16(04))</p> <p>Background brief on protection of endangered species and biodiversity in Hong Kong prepared by the Legislative Council Secretariat (LC Paper No. CB(1)557/15-16(05))</p> <p>Background brief on public consultation on Biodiversity Strategy and Action Plan for Hong Kong prepared by the Legislative Council Secretariat (LC Paper No. CB(1)712/15-16(01))</p> <p>Minutes of meeting (LC Paper No. CB(1)1113/15-16)</p>

Date of meeting	Event	Paper
27 June 2016	Meeting of the Panel on Environmental Affairs	<p>Administration's paper on update enhanced protection of incense trees in Hong Kong (LC Paper No. CB(1)1054/15-16(04))</p> <p>Background brief on conservation of incense trees in Hong Kong prepared by the Legislative Council Secretariat (LC Paper No. CB(1)1054/15-16(05))</p> <p>Minutes of meeting (LC Paper No. CB(1)1168/15-16)</p>
23 January 2017	Policy briefing cum meeting of the Panel on Environmental Affairs	<p>Administration's paper on 2017 Policy Address - Policy initiatives of Environment Bureau: Environmental protection (LC Paper No. CB(1)451/16-17(01))</p> <p>Minutes of meeting (LC Paper No. CB(1)683/16-17)</p>
5 April 2017	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2017-2018	Written questions raised by Members and Administration's replies (Reply serial numbers: ENB006, 019 and 186)
12 October 2017	Meeting of the Panel on Environmental Affairs	Minutes of meeting (LC Paper No. CB(1)229/17-18)
31 January 2018	Resumption of Second Reading Debate on the Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017 at the Council meeting	Report of the Bills Committee (LC Paper No. CB(1)508/17-18)
17 April 2018	Special meeting of the Finance Committee for examination of Estimates of Expenditure 2018-2019	Written questions raised by Members and Administration's replies (Reply serial numbers: ENB013, 014, 027, 212 and 216)

Hyperlinks to relevant Council Questions:

Date	Council Questions
19 February 2014	Press release on Council question (oral) raised by Mr LEUNG Che-cheung
18 June 2014	Press release on Council question (written) raised by Dr Elizabeth QUAT
2 July 2014	Press release on Council question (written) raised by Ms Claudia MO
4 February 2015	Press release on Council question (written) raised by Mr WONG Kwok-hing
7 February 2018	Press release on Council question (written) raised by Mr Kenneth LEUNG