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Panel on Environmental Affairs

Meeting on 19 July 2018

**Background brief on the protection of endangered shark species in Hong Kong
prepared by the Legislative Council Secretariat**

Purpose

This paper provides background information on the protection of endangered shark species 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 from the sea, export, re-export or possess the endangered species of animals and

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.

plants specified in Schedule 1 to the Ordinance,² 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"). 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").

Endangered shark species

Existing trade control

3. Currently, eight species of sharks are listed in Appendix II to CITES and scheduled under the Ordinance.³ Under the Ordinance, all import and export/re-export of scheduled specimens must be accompanied with a valid CITES permit. The international trade of these eight species of sharks (including fins and other parts or derivatives) is allowed under permits which will be issued only when the species are legally acquired and the trade is sustainable. A possession licence is however not required for local possession of fins and other parts or derivatives of scheduled shark species.

4. Hong Kong has no fishery targeted at sharks. Shark fins are mostly imported. There are about 500 shark species and most of them are not controlled under CITES. CITES recognizes that commercial trade may be beneficial to the conservation of species and ecosystems or to the development of local people when the levels are not detrimental to the survival of the species in question. Along with this principle, CITES does not ban the international trade in CITES-listed shark species.

Recent CITES listing

5. At the 17th meeting of the Conference of the Parties to CITES, the Parties decided to list four more shark species in Appendix II to CITES.⁴

² Schedule 1 to the Ordinance sets out the species listed in Appendices I, II and III to CITES.

³ They are the Great White Shark, Basking Shark, Whale Shark, Oceanic Whitetip Shark, Scalloped Hammerhead Shark, Great Hammerhead Shark, Smooth Hammerhead Shark and Porbeagle Shark.

⁴ The four additional shark species are Common Thresher Shark, Pelagic Thresher Shark, Bigeye Thresher Shark and Silky Shark.

The Protection of Endangered Species of Animals and Plants Ordinance (Amendment of Schedules 1 and 3) Order 2018 and the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) (Amendment) Order 2018 were tabled before LegCo on 13 June 2018 to introduce, inter alia, corresponding amendments to the Ordinance.⁵ The two pieces of subsidiary legislation will come into operation on 1 November 2018.

Enforcement

6. AFCD and C&ED conduct joint operations from time to time to inspect seaborne container cargoes of shark fins from overseas countries. In the joint operations conducted by the two departments in 2017, about 1700 kg shark fins of Oceanic Whitetip Shark and Hammerhead Shark without permits in five containers from India, Egypt, Kenya and Peru respectively were seized.

Publicity and education

7. With a view to setting a good example in the promotion of green living that goes beyond the minimum expectation in the law, the Government promulgates internal guidelines on adopting conservation-conscious menus, including no shark-fin, in official entertainment functions. In addition, the Government strives to raise public awareness of the conservation of endangered species through education and publicity. Education and publicity programmes include setting up of an Endangered Species Resource Centre, making announcements through the mass media and the internet, organizing public exhibitions as well as distributing advisory leaflets to traders, tourists and the public. AFCD has also been contacting key stakeholders, including shipping and logistics companies, reminding them to observe the requirements of CITES and the Ordinance.

⁵ No subcommittee was appointed by the House Committee to study the two pieces of subsidiary legislation. The scrutiny period of the subsidiary legislation has expired at the Council meeting of 11 July 2018.

Major views and concerns expressed by Members

8. When receiving public views on the conservation of endangered species of animals and plants in Hong Kong at the meeting of 28 May 2018, the Panel on Environmental Affairs ("the Panel") discussed, among other things, the latest progress of the protection of endangered shark species. Related questions were also raised during examination of the Estimates of Expenditures 2018-2019. Major views and concerns expressed by Members on the subject are summarized in the ensuing paragraphs.

Regulation of shark fin trade and consumption

9. 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. It was also observed that there was no prosecution cases related to illegal trade in endangered shark species remained in recent years.⁶ Members urged the Administration to strengthen the regulation of trading of regulated shark fin products in Hong Kong.

10. While some green groups had been advocating a total ban on the local consumption of shark fins, some Members took the view that as the populations of shark species other than those under regulation in Hong Kong were still healthy, it might not be necessary to impose a total ban on the local consumption of shark fins. Some other Members suggested that the Administration should consider establishing a mandatory labelling scheme for shark fin products.

11. The Administration advised that the trade in shark fins was regulated through the import and export control in accordance with CITES. Import of shark

⁶ As of February 2018, the number of cases of controlled shark fin products seizures between 2013 and 2017 are as follows:

Year	Number of cases
2013	0
2014	2
2015	6
2016	4
2017	11 (including 4 suspected cases of which the results for DNA analyses are pending)

According to the Administration, the controlled shark fins in question were confiscated. None of the above cases contained sufficient evidence to initiate prosecution.

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. AFCD and C&ED 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 cargoes for inspection.⁷ The Administration admitted that there might be difficulties in gathering sufficient evidence to initiate prosecution in some suspected cases of non-compliances with the import and export control in shark fin trade.

12. The Administration stressed that it had taken the lead in adopting sustainable and conservation-conscious menus, including no shark-fin, in official entertainment functions. The Administration considered 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, including endangered shark species.

Coverage of shark species under regulation

13. Noting that Blue Shark had recently been included in Appendix II to the Convention on the Conservation of Migratory Species of Wild Animals ("CMS"), Members enquired whether the Ordinance could cover shark species, such as Blue Shark, which were not presently threatened with extinction but might become so unless trading was controlled.

14. The Administration advised that the Parties to CITES regularly met to review and consider proposals to amend the lists of species in the Appendices to CITES, taking into account factors such as the conservation status of the concerned species to ensure that the provisions of CITES were up-to-date. At present, no Party had submitted proposal to include Blue Shark in Appendix II to CITES. Blue Shark was recently listed in Appendix II to CMS to encourage the jurisdictions of the range states of Blue Shark to strengthen cooperation in protecting this shark species and its habitats. Since Hong Kong had no fishery targeted at sharks, the protection of sharks from over-exploitation mainly relied on the implementation of CITES in regulating the trade in CITES-listed shark species.

⁷ As of February 2018, C&ED and AFCD conducted 167 joint operations in combating smuggling of shark fin products.

Council questions

15. Questions related to shark fin trade were raised at the Council meetings of 18 June 2014, 7 February, 23 May and 11 July 2018. The questions and the Administration's replies are hyperlinked in the **Appendix**.

Recent developments

16. The Panel will discuss with the Administration the protection of endangered shark species at the meeting on 19 July 2018.

Relevant papers

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

Council Business Division 1
Legislative Council Secretariat
12 July 2018

List of relevant papers

Date of meeting	Event	Paper
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 number: S-ENB06)
28 May 2018	Meeting of the Panel on Environmental Affairs	Administration's paper on the latest progress of the protection of endangered species of animals and plants in Hong Kong Background brief on the protection of endangered species of animals and plants in Hong Kong
13 June 2018	The Protection of Endangered Species of Animals and Plants Ordinance (Amendment of Schedules 1 and 3) Order 2018 and the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) (Amendment) Order 2018 were tabled before the Legislative Council	Legislative Council Brief

Hyperlinks to relevant Council Questions:

Date	Council Questions
18 June 2014	Press release on Council question (written) raised by Dr Elizabeth QUAT
7 February 2018	Press release on Council question (written) raised by Mr Kenneth LEUNG
23 May 2018	Press release on Council question (written) raised by Dr Elizabeth QUAT
11 July 2018	Press release on Council question (written) raised by Mr Martin LIAO