

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.: SBCR 1/3231/15

來函檔號 Your Ref.: CB2/PL/SE

電話號碼 TEL. NO.: 2810 2632

傳真號碼 FAX. NO.: 2810 7702

16 May 2019

Ms Betty Ma
Clerk to the Panel on Security
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Ma,

**Review of Legislation Relating to the
Smuggling and Illegal Trading of Endangered Species**

Regarding the letter from Dr Hon Elizabeth Quat of 8 April 2019, our reply is set out below.

The Government is committed to the protection of all endangered species. Species listed in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are regulated under the Protection of Endangered Species of Animals and Plants Ordinance (PESAPO) (Cap. 586) in Hong Kong. On combating smuggling of endangered species, the Agriculture, Fisheries and Conservation Department (AFCD) has been working closely with the Customs and Excise Department (C&ED) at import and export control points. AFCD and C&ED also cooperate with overseas law enforcement agencies on international joint operations and intelligence exchange. Joint and targeted operations, both local and international, are undertaken to strengthen the frontline enforcement against endangered species smuggling.

Legislative Amendments

To demonstrate the Government's commitment in combating wildlife crime and to enhance the deterrent effect against illicit wildlife trade, the Environment Bureau amended the PESAPO last year to significantly increase the penalties under PESAPO. With effect from 1 May 2018, the maximum penalty for any person contravening the licensing requirements of PESAPO has been raised from a fine of \$5 million and an imprisonment of two years, to a fine of \$10 million and an imprisonment of 10 years, as well as forfeiture of the specimens on conviction. The Government also amends PESAPO from time to time to reflect the changes to CITES as adopted by the regular meetings of the Conference of the Parties (CoP) to CITES. The latest new controls, as adopted at the 17th Meeting of the CoP in 2016, have come into operation in Hong Kong since 1 November 2018 following the legislative amendment.

The Security Bureau is open-minded as to whether offences under PESAPO should be added to the Organized and Serious Crimes Ordinance (OSCO) (Cap. 455). We are of the view that the relevant policy bureau can assess the relevant considerations, including whether doing so aligns with the objective of OSCO, what the current problems with regard to tackling illegal wildlife trade are, and whether adding the relevant offences into OSCO is necessarily the most appropriate way to address these problems.

We understand that since the increase in penalties under PESAPO last year, the Environment Bureau (ENB) has been monitoring the enforcement of the revised regime and the effectiveness of the enhanced penalties, and will consider any need to amend OSCO having regard to its objective, which is to tackle organized and serious crimes, including triads and money laundering offences.

Enforcement measures

AFCD is the principal law enforcement department for PESAPO and provides expert knowledge in species identification of intercepted animals and plants. It also investigates cases of suspected illegal import, export or re-export of endangered species intercepted and referred by C&ED.

C&ED is responsible for detecting illegal importation and exportation of endangered species regulated by PESAPO. For cases suspected to contravene PESAPO and the Import and Export Ordinance (Cap. 60), or cases involving organized and serious crimes, C&ED will take up the case investigation and when appropriate institute prosecutions. As the primary agency responsible for

the suppression of smuggling activities in Hong Kong, C&ED conducts checks on passengers, cargoes, postal parcels and cross-boundary conveyances at entry/exit points and seaports, using effective risk profiling, to detect and deter different types of smuggling activities including wildlife smuggling.

C&ED is a professional law enforcement agency and is one of the designated enforcement agencies under OSCO. It is experienced and fully competent to tackle serious crimes, as evident in their role in tackling such cases as organized drug trafficking in collaboration with their overseas counterparts and as an active member of intergovernmental organizations like the World Customs Organization. In 2013, C&ED established the Syndicate Crimes Investigation Bureau (SCIB) to combat sophisticated international organized smuggling, including wildlife smuggling, from a holistic perspective. SCIB is tasked to trace and investigate syndicate masterminds of illegal businesses and cooperate with overseas counterparts in fighting against transnational crimes. Apart from tracing up the command chain of syndicates and apprehending their masterminds, C&ED also conduct money laundering investigations and prosecution against syndicates and their members. Since its establishment, SCIB took forward a number of large-scale investigations and intelligence exchange with overseas counterparts against wildlife smuggling, including the record seizure of around 7 200 kilograms of raw ivory tusks and 8 300 kilograms of pangolin scales at Kwai Chung Customhouse in July 2017 and January 2019 respectively, and most recently in April 2019, the seizure of 82.5 kilograms of suspected rhino horn and cut pieces with an estimated market value of about \$16.5 million at the Hong Kong International Airport. The dedicated set-up of SCIB in combating syndicated smuggling activities demonstrate C&ED's determination and capacity to conduct in-depth investigations in wildlife smuggling and combat organized crime networks. C&ED will continue to work closely with AFCD and other law enforcement agencies in this regard.

The Police is another designated enforcement agency under OSCO. They support AFCD's enforcement actions from the law and order perspective. Jointly run by staff members of the Police and C&ED, the Joint Financial Intelligence Unit (JFIU) receives and analyses suspicious transaction reports. It also refers reports to law enforcement agencies for investigation.

To facilitate co-operation and communication for combating wildlife crimes under PESAPO, the Government has since 2016 set up an inter-departmental Wildlife Crime Task Force. The Task Force is led by AFCD and comprises representatives from ENB, C&ED and the Police. It develops strategies and protocols for enforcement operations as well as gathers, analyses, exchanges and reviews intelligence for more effective and targeted actions. The Task Force also plans and coordinates major enforcement operations and liaison

with other national and international agencies, including overseas CITES Management Authorities, INTERPOL, the World Customs Organization and non-government organisations in relation to wildlife crimes.

Relevant agencies in the Government will continue to work together, keep a close watch of the situation, and review the relevant legislation from time to time to cope with the latest decisions of CITES and local circumstances.

Yours sincerely,

(Andrew TSANG)
for Secretary for Security

c.c. Secretary for Environment
The Commissioner of Police
The Commissioner of Customs & Excise