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The Honourable Vincent CHENG Wing-shun, MH, JP,
Chairman, Panel on Environmental Affairs,
Panel on Environmental Affairs
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

16 March 2021

Dear Mr Cheng

Re: Private Members' Bill to amend the Organised and Serious Crimes Ordinance (OSCO) to add certain offences under the Protection of Endangered Species of Animals and Plants Ordinance (PESAPO) to Schedule 1 of the OSCO

The Environmental Investigation Agency UK (EIA) is an international non-governmental organisation that investigates and campaigns against environmental crime and abuse. We have over 35 years' experience working with governments and other key stakeholders in strengthening the criminal justice response to wildlife crime. EIA welcomes the **Private Members' Bill (ref: CB(1)594/20-21(01))** which is a long-awaited step towards more effective legislation and enforcement against wildlife trafficking, and we are writing to urge the Panel on Environmental Affairs to support the Bill.

Hong Kong's role as a hotspot for the illegal wildlife trade has been long recognised. Ivory, pangolin scales, rhino horn, totoaba maw, shark fin and other endangered species products are frequently seized in the city. Since 2000, 34 large-scale seizures of pangolin scales and ivory have taken place, representing 11 per cent of global large-scale seizures (500kg or above). None of them have led to prosecutions of the networks involved¹ in Hong Kong SAR.

The illegal trade of ivory and other wildlife involves criminal networks operating across borders, linked with various other forms of organised crime such as fraud and systematic money laundering. Yet wildlife crime offences are not included in the Organised and Serious Crimes Ordinance and are therefore not treated as serious crimes. While the Agriculture, Fisheries and Conservation Department has the mandate to investigate such offences, its expertise is not in criminal investigation, and its resources for effective investigations are limited.

The inclusion of the illegal import, possession, re-export and export of CITES listed species into Schedule I of the OSCO is necessary for the Customs and Excise Department to utilise their expertise in evidence-gathering and investigation of wildlife trafficking cases. This amendment will also allow the Courts to confiscate the proceeds of wildlife crime, and pass commensurate sentences. Financial investigations and more proportionate penalties will better disrupt trafficking networks in line with the commitment of the Hong Kong SAR government to protect endangered species and combat serious crime.

Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) National Ivory Action Plan (NIAP) process, Hong Kong SAR has been identified as a country of concern

¹ Environmental Investigation Agency. 2021. Off the Hook: The need for transparency and accountability in tackling wildlife crime. [online] Available at: <<https://eia-international.org/report/off-the-hook-the-need-for-transparency-and-accountability-in-tackling-wildlife-crime/>> [Accessed 16 March 2021].

for its key role as a transit and destination hub for ivory trafficking. Failure to demonstrate progress under the NIAP process could lead to CITES trade suspensions. Hong Kong's status as a country of concern under the NIAP will be reviewed at the next Standing Committee meeting (SC74 - expected to take place in Geneva in September 2021).² Passing the Private Members' Bill to include wildlife crime in the OSCO will help demonstrate progress made by Hong Kong under the NIAP framework.

We hope that the Legislative Council of the Hong Kong SAR will support the proposed Bill to amend the Organised and Serious Crime Ordinance, thus ensuring that the principal criminals behind wildlife trafficking are brought to justice, and preventing Hong Kong from being exploited by wildlife crime networks.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Mary Rice', written in a cursive style.

Mary Rice
Executive Director
Environmental Investigation Agency UK (EIA)

² CITES Standing Committee, 2020. *National Ivory Action Plans Process: Update on progress to the standing committee*. Intersessional work of the Standing Committee 2020-2021. [online] CITES. Available at: <<https://cites.org/sites/default/files/eng/com/sc/2020-2021/Inf/E-SC2020-Inf-09.pdf>> [Accessed 16 March 2021].