



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 SAR

Subject : Support to Bill CB(1)594/20-21(01)

The Hague, 18 March 2021

Dear Mr Cheng,

The Wildlife Justice Commission is a non-profit organisation working to disrupt and help dismantle transnational organised criminal groups that deal in wildlife, fish, and timber. It undertakes intelligence-driven investigations to map out transnational networks, build a global intelligence picture of the trafficking, and works with law enforcement partners in countries where the crime is prevalent to disrupt networks.

Wildlife trafficking is a multifaceted and multibillion business with a devastating reach. Its impact goes beyond biodiversity loss and climate change. The COVID-19 pandemic has for many acted as a stark reminder of the fragile relationship between humankind and nature. The suspected role of wildlife trafficking in facilitating the pandemic reminds us of the serious global health risks that this illicit activity entails. Yet, its impact goes beyond global health, as the revenues generated by the trafficking fuel insecurity and undermine the rule of law of the many countries impacted. Against this backdrop, the Wildlife Justice Commission continues documenting evidence of wildlife trafficking being run by organised syndicates operating transnationally. Adequate law enforcement methodologies ought to be leveraged to address this global and growing problem.

Many of the law enforcement tools and methodologies required to effectively address wildlife crime have been at the disposal of law enforcement agencies. These have been used at length by Hong Kong SAR authorities to fight drug and human trafficking. However, these have rarely been applied for tackling wildlife trafficking. Specialised investigative techniques, and the joint-operations they entail, are essential tools to tackle the jurisdiction gaps leveraged by syndicates dealing in wildlife. Robust legislation on money laundering is also essential to curb the trafficking.

The Wildlife Justice Commission recognises that Hong Kong SAR possesses a strong legislative framework to tackle wildlife trafficking. As a matter of example, Section 18 of the *Import and Export Ordinance* that criminalises the import and export of unmanifested cargos may<sup>1</sup> cover the smuggling of some endangered wildlife and constitutes a Schedule 1 offence under the *Organised and Serious*

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<sup>1</sup> <https://www.elegislation.gov.hk/hk/cap60>



*Crime Ordinance (OSCO)*.<sup>2</sup> Offences under Cap. 586 *Protection of Endangered Species and Animals and Plants Ordinance* are recognised as indictable and provide grounds for money laundering investigations.<sup>3</sup> Despite this robust framework, Hong Kong SAR unfortunately remains a key destination for the illegal wildlife trade. By amending OSCO to add the most serious offences under the *Protection of Endangered Species of Animals and Plants Ordinance* to Schedule 1 of the OSCO, Hong Kong SAR authorities would be best equipped to make direct use of specialised investigative techniques and money laundering legislation.

The Wildlife Justice Commission's work on pangolin scales trafficking can attest to this statement. Over the studied period of 2016 to 2019, Hong Kong SAR was identified as one of six countries and territories disproportionately involved in the trafficking. These six countries and territories were involved in 94% of the trafficking. During the studied period, Hong Kong SAR remained as one of the three most persistent smuggling routes for pangolin scales.<sup>4</sup> This is indicative of the continued willingness of criminal networks to do business in Hong Kong SAR despite the aforementioned legislative framework. This demonstrates the necessity for Hong Kong SAR authorities to fully leverage the capacities provided by this legislative framework to effectively disrupt these networks and deter them from using Hong Kong SAR as a destination. The necessity to leverage this framework can be further illustrated by the 2017 record 7.2 tonnes ivory seizure by the Hong Kong SAR customs. This seizure was, at the time, the biggest ivory seizure ever recorded.<sup>5</sup> Despite the scale of this seizure, the broader network responsible remained active and specialised investigative techniques were not used. Their application would have been essential to understand the reach of the transnational syndicate responsible.

The Wildlife Justice Commission supports the efforts of the Honourable Elizabeth Quat, a member of the Wildlife Justice Commission's Council, in strengthening Hong Kong legislation to tackle wildlife trafficking. By amending the OSCO to add the most serious offences under the *Protection of Endangered Species of Animals and Plants Ordinance* into Schedule 1 of the OSCO, Hong Kong SAR would signify its commitment in combating this devastating crime and would galvanize the efforts of the law enforcement agencies in using the wide range of powers put at their disposal.

Yours sincerely,

Olivia Swaak-Goldman

Executive Director, Wildlife Justice Commission

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<sup>2</sup> <https://www.elegislation.gov.hk/hk/cap455/en>

<sup>3</sup> <https://www.elegislation.gov.hk/hk/cap586>

<sup>4</sup> <https://wildlifejustice.org/wp-content/uploads/2020/02/The-Rapid-Growth-in-the-Trafficking-of-Pangolin-Scales-2015-2019-Update1.pdf>

<sup>5</sup> <https://www.traffic.org/news/about-7.2-tonnes-of-ivory-seized-in-hong-kong/>