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Panel on Environmental Affairs

Meeting on 28 June 2021

**Background brief on conservation of Incense Tree
prepared by the Legislative Council Secretariat**

Purpose

This paper provides background information on the conservation of Incense Tree (*Aquilaria sinensis*) 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 in recent years.

Background

Conservation status of incense trees

2. Trees of the genus *Aquilaria* produce a dark aromatic resin at wounds as a reaction against fungal infection. Sections of tree trunks or branches that contain patches of such fragrant, resinous wood enter into the trade under the name "agarwood". Incense Tree is a major source of agarwood, which is mainly used as sculpting materials and perfume ingredient in the Mainland. The resin accumulated from the wood is also traditionally used as Chen Xiang, a precious Chinese medicine. The strong monetary incentive for harvesting has led to a sharp decline in the wild population of large incense trees in Southern China. In Hong Kong, cases of illegal felling of incense trees have been reported from time to time in different regions including Sai Kung, Sha Tin, Sha Tau Kok, Tai Po, Lantau Island, Lamma Island, Hong Kong Island, etc.

3. All species of *Aquilaria* are listed in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

("CITES").¹ Incense Tree is categorized as "vulnerable" in the International Union for Conservation of Nature's Red List of Threatened Plants ("IUCN Red List").² It is also listed as an endangered species in the "China Plant Red Data Book: Rare and Endangered Plants" and "List of Wild Plants under State Protection (Category II)" of the Mainland.

Enforcement of local legislation

4. In Hong Kong, Incense Tree is protected from unauthorized vandalism, damages or felling under the Forests and Countryside Ordinance (Cap. 96), and the Country Parks and Special Areas Regulations (Cap. 208A) if the trees are found within country parks and special areas. Depending on the circumstances of individual cases of illegal felling, the Hong Kong Police Force may initiate prosecutions under the Theft Ordinance (Cap. 210). Import, export or re-export of Incense Tree is regulated by the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) ("PESAPO") and requires relevant licenses.

Hong Kong Biodiversity Strategy and Action Plan 2016-2021

5. In December 2016, the Government released the first city-level biodiversity strategy and action plan ("BSAP") for Hong Kong, which provides administrative and planning guidance on conservation of biodiversity from 2016 to 2021. In respect of conservation of Incense Tree, BSAP outlines two major actions to be taken, namely (a) enhancing enforcement against illegal harvesting of the species and raising public awareness about related offences, and (b) formulating a species action plan to lay down a framework of conservation actions to ensure long-term viability and sustainability of local Incense Tree populations.

Incense Tree Species Action Plan 2018-2022

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. The Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) is the local legislation that gives effect to CITES.

² IUCN Red List, founded in 1964, uses a set of criteria to evaluate the global extinction risk status of biological species, and provides information about the range, population size, habitat and ecology, use and/or trade, threats and conservation actions for reference by government agencies, wildlife departments, conservation-related non-governmental organizations, etc.

6. The Incense Tree Species Action Plan 2018-2022 ("ITSAP") was finalized by the Agriculture, Fisheries and Conservation Department ("AFCD") in May 2018. The major measures for protection of Incense Tree covered by ITSAP are set out in **Appendix I**.

Major views and concerns expressed by Members

7. The Panel on Environmental Affairs ("EA Panel") discussed issues relating to the protection of Incense Tree at several meetings from 2016 to 2018, including two meetings to receive public views on protection of biodiversity and endangered species. Relevant issues were also brought up during examination of the Estimates of Expenditure in recent years. Members' major views and concerns are summarized in the ensuing paragraphs.

Combating illegal felling of Incense Tree

8. Members suggested a number of measures for combating illegal felling of Incense Tree more effectively. Apart from those already incorporated into ITSAP, the suggestions included:

- (a) introducing dedicated legislation for enhancing protection of Incense Tree with a view to achieving a stronger deterrent effect against illegal felling of the species;
- (b) setting up a database of the populations, distribution and habitats of Incense Tree in Hong Kong to facilitate public monitoring and community involvement in conservation efforts;
- (c) enhancing the use of technologies for surveillance; and
- (d) setting up a special duty squad with self-defence training and gear to step up patrolling and enforcement actions.

9. The Administration advised that the maximum penalty under the Forests and Countryside Ordinance for illegal felling of a tree was \$25,000 and imprisonment for one year, while any person charged with theft was liable to a fine of \$100,000 and imprisonment for 10 years under the Theft Ordinance. The Administration took the view that the penalties had sufficient deterrent effect.

10. The Administration further advised that AFCD had reinforced patrols in country parks, with specific focus on black spots of illegal tree felling activities; and strengthened intelligence collection regarding illegal tree felling and

suspicious persons appeared near the black spots. Field staff responsible for the management of country parks were alerted to stay vigilant of illegal tree felling activities. Due to incense trees' widespread distribution and difficult access to their locations, it had been challenging to conduct a territory-wide population survey on the species for the purpose of monitoring and enforcement. AFCD was carrying out a study on the use of unmanned aircraft systems and other new technologies to survey the species' distribution in Hong Kong. The suggestion raised by members to publicize information on the locations of incense trees warranted careful consideration, including whether it would increase the risk of illegal felling.

11. On the use of technologies to enhance surveillance, the Administration advised that AFCD had started to deploy infrared sensor camera traps at strategic locations and install microchips for tagging large mature trees for long-term monitoring. A trial was conducted in the Tai Po Kau Nature Reserve to test the effectiveness of using closed-circuit television systems to deter illegal tree felling activities. Depending on the trial results, the Administration might extend the trial to other country parks or countryside areas.

Combating illegal trade in Incense Tree

12. Members asked about the offence and enforcement situation after the penalties under PESAPO (which regulated import, export or re-export of Incense Tree among other species) had been increased in 2018. The Administration advised that since then, more serious cases of smuggling of endangered species had been tried at the District Court instead of Magistrates' Courts and the sentences handed down had been increased significantly. For instance, the penalty imposed in a case of illegal export of 2.6 kg wood chips of Incense Tree was imprisonment of 24 months. AFCD considered that the much heavier penalties imposed by the court would send a clear message to the public about the seriousness of such offences and provide a stronger deterrent against illegal trade in endangered species at large.

13. Members enquired about the Administration's collaboration with the relevant Mainland authorities to strengthen customs checks and joint enforcement actions. Some Members suggested imposing a trade ban on agarwood or its products in Hong Kong, or putting in place measures to regulate such trade by, for example, devising a certification system to identify the origins of the incense trees involved.

14. The Administration advised that under the framework of CITES, it had all along been liaising with the relevant Mainland authorities on the protection of Incense Tree. As agarwood obtained from illegally-harvested trees in Hong Kong were mainly sold outside the territory, the Administration held the view that banning the sale of wild agarwood locally would not serve to protect the local Incense Tree population.

Council question

15. At the Council meeting of 27 November 2019, a Member raised a question relating to protection of Incense Tree and enforcement against illegal felling activities. The question and the Administration's reply are hyperlinked in **Appendix II**.

Latest development

16. At the meeting on 28 June 2021, the Administration will brief EA Panel on the implementation of ITSAP.

Relevant papers

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

Major measures for protection of Incense Tree under the Incense Tree Species Action Plan 2018-2022

The major measures for protection of Incense Tree covered by the Incense Tree Species Action Plan 2018-2022 are:

- (a) conducting regular patrols in country parks and special areas as well as targeted patrols at sites with important Incense Tree populations;
- (b) exchanging intelligence and conducting joint enforcement operations with the Hong Kong Police Force, and enhancing public education efforts;
- (c) enhancing liaison and cooperation with concern groups and villagers living near incense trees for intelligence gathering and reporting of illegal felling activities;
- (d) installing infrared sensor camera traps at strategic locations to detect illegal felling,¹ and tree guards to protect important individuals of Incense Tree;
- (e) conducting training for law enforcement officers on identification of Incense Tree and detection of illegal activities, and launching a pilot scheme to deploy quarantine detector dogs to facilitate detection of agarwood smuggling at land boundary control points;
- (f) stepping up the extensive planting of Incense Tree in the countryside; and
- (g) supporting related research studies and educational activities.

[*Source:* Extracted from the Administration's reply to a question raised, at the Council meeting of 27 November 2019, on illegal felling of Incense Tree.]

¹ The infrared sensor camera traps are triggered by moving heat objects such as human activities close to the target trees to take multiple pictures instantly. The pictures will then be sent to a designated mobile device immediately.

Conservation of Incense Tree

List of relevant papers

Date	Event	Paper
22 February 2016	Meeting of the Panel on Environmental Affairs ("EA Panel")	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)) Minutes of meeting (LC Paper No. CB(1)857/15-16)
29 March 2016	Special meeting of EA Panel	Minutes of meeting (LC Paper No. CB(1)1113/15-16)
27 June 2016	EA Panel meeting	Administration's paper on "Enhanced Protection of Incense Tree in Hong Kong" (LC Paper No. CB(1)1054/15-16(04)) Administration's follow-up paper (LC Paper No. CB(1)1133/15-16(02)) Minutes of meeting (LC Paper No. CB(1)1168/15-16)
23 January 2017	Policy briefing cum meeting of EA Panel	Administration's paper on "2017 Policy Address – Policy initiatives of Environment Bureau: Environmental protection" (LC Paper No. CB(1)451/16-17(01)) Minutes of meeting (LC Paper No. CB(1)683/16-17)
28 May 2018	EA Panel meeting	Administration's paper on "Latest progress of the protection of endangered species of animals and plants in Hong Kong" (LC Paper No. CB(1)977/17-18(03)) Minutes of meeting (LC Paper No. CB(1)1301/17-18)

Date	Event	Paper
9 April 2019	Special meeting of Finance Committee to examine Estimates of Expenditure 2019-2020	Written questions raised by Members and the Administration's replies (Reply serial numbers: ENB022, 199 and 205)
6 April 2020	Special meeting of Finance Committee to examine Estimates of Expenditure 2020-2021	Written questions raised by Members and the Administration's replies (Reply serial numbers: ENB015, 178 and 198)

Hyperlinks to relevant documents:

Government bureau/department	Document
Environment Bureau	Hong Kong Biodiversity Strategy and Action Plan 2016-2021
Agriculture, Fisheries and Conservation Department	Incense Tree Species Action Plan 2018-2022 (English version only)

Hyperlink to relevant Council question:

Date	Council Question
27 November 2019	Press release on Council question (written) on illegal felling of Incense Tree