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10 November 2021

Dear Sir/ Madam,

The Protection of Endangered Species of Animals and Plants
(Amendment) Ordinance 2018
Phasing Out the Local Trade in Ivory

This circular aims to inform ivory traders about the control measure for phasing out the local trade in ivory.

The Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2018 (“the Amendment Ordinance”) has enhanced the regulation on elephant ivory and hunting trophies to phase out the local ivory trade.

Currently, with the exception of antique ivory, import and re-export of elephant ivory and hunting trophies have been banned. The possession of elephant ivory (except for antique ivory) in the local market for commercial purposes¹ is subject to licensing control.

All Licences to Possess (PL) for elephant ivory will expire on or before 30 December 2021. **Local ivory trade will be banned starting from 31 December 2021.** Possession of elephant ivory (except for antique ivory) for commercial purposes¹ will be prohibited.

Antique Ivory

As a measure to protect cultural relics, the trade in antique ivory² will continue to be allowed under a control regime. Import of antique ivory will require a Licence to Import (IL) and a

¹ **Commercial purposes** means—

- (a) a purpose relating to trade or business; or
- (b) a purpose of obtaining profit or other economic benefit (whether in cash or in kind) and directed towards sale, resale, exchange, provision of a service or other form of economic use or benefit, whether direct or indirect.

² **Antique elephant ivory** means a piece of elephant ivory that was, before 1 July 1925—

- (i) removed from the wild;
- (ii) significantly altered from its natural state for jewellery, adornment, art, utility or musical instruments; and
- (iii) acquired by a person after the alteration in such altered state that required no further carving, crafting or processing to effect its purpose; and does not include an elephant hunting trophy;

Pre-Convention Certificate issued by the previous exporting place, while re-export will require a Licence to Re-export (RL). The application guideline for IL/ RL for antique ivory is in **Annex I**.

Possession of antique ivory for commercial purposes does not require a PL provided that the ivory can be proven to meet the requirements for antique ivory exception. Examples of acceptable proof of antiquity may include a qualified appraisal or other method that documents the age of the ivory by establishing the provenance of the article. Results of tests using scientifically approved aging methods carried out by an accredited laboratory or facility are also acceptable.

Personal or Household Effects Exemption

The Amendment Ordinance aims at phasing out the local trade in ivory. Possession of ivory of personal or household effects for non-commercial purposes, as well as import and re-export of ivory of personal or household effects (except for tourist souvenirs) for non-commercial purposes, will not be affected by the Amendment Ordinance and can continue to be exempted.

Any person import, re-export or possess elephant ivory in contravention of the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586, is liable on conviction to a maximum fine of HK\$ 10,000,000 and to imprisonment for ten years. The seized specimens will, without further order, also be forfeited to the government.

For enquiry, please contact Ms Bo Bo KOH (Tel: 2150 6969) or Mr. Ken CHAN (Tel: 2150 6982) of this Department.

Yours faithfully,



(Timothy F.N. LAM)

For Director of Agriculture, Fisheries and Conservation

With enclosure:

Annex I: Application Guideline for Licence to Import/ Re-export for Antique Ivory