

In Attendance

AFCD

Mr Richard CHAN	Senior Endangered Species Protection Officer
Mr Timothy LAM	Endangered Species Protection Officer/Enforcement
Dr Azaria WONG	Endangered Species Protection Officer/Licensing 1
Ms Phoebe SZE	Endangered Species Protection Officer/Licensing 2

Absent with Apologies

Mr CHAN Wing-suen
Professor LEUNG Mei-yee, Kenneth
Ms Erica LO Lai-shan
Professor ZHAO Zhong-zhen, MH

OPENING REMARKS

75/15 The Chairman welcomed everybody to the meeting, in particular Mr CHAN Kin-fung, Simon, Assistant Director (Conservation) (Acting) of AFCD, who was attending the meeting for the first time. He also took the opportunity to thank Mr Alan WONG Chi-kong, JP the retired Director of Agriculture, Fisheries and Conservation, for his support to the Committee.

76/15 The Chairman informed members that, as an established practice, to facilitate the taking of meeting minutes, sound recording would be made during the meeting. The audio records would be destroyed after the meeting minutes had been confirmed.

77/15 The minutes of the last meeting held on 6 February 2015 were confirmed without amendments by circulation.

AGENDA ITEMS

I. Matters Arising from the Last Meeting held on 6 February 2015

(a) Review of Disposal of Forfeited Ivory (Para. 10/15 to 33/15)

78/15 Mr Timothy LAM reported that to date AFCD had conducted fifteen rounds of incineration, resulting in the disposal of about 20.7 tonnes of forfeited ivory. The whole exercise was originally planned to be completed by the end of 2015. Owing to annual maintenance of the Chemical Waste Treatment Centre (CWTC) in Tsing Yi and subsequent repair work of the kiln, the disposal exercise was temporarily suspended in May and June. The exercise was resumed after the repair work.

79/15 Responding to the Chairman's enquiry about the preparatory work for the publicity event at the last round of incineration as suggested at the last meeting, Dr P M SO said that at the last meeting, it was decided that the need for and the timing and format of the publicity event would depend on the progress of the disposal exercise and whether the disposal of ivory was of public or media concern near the time. In the light of the Committee's decision, AFCD would consider the publicity event in due course. He supplemented that some forfeited ivory had not been incinerated yet, mainly because of the annual repair and maintenance of the CWTC. As a result, the disposal exercise lagged behind the schedule mentioned at the last meeting.

80/15 In response to a member's enquiry about whether any media organisation followed up on the issue of allowing the media and non-governmental organisations (NGOs) to witness the disposal of ivory, Mr Richard CHAN replied that no NGO or media had followed up on this issue.

(b) Report on Legislative Amendments to Cap 586 (Para. 46/15 to 47/15)

81/15 Dr Azaria WONG reported that the import and export control of newly listed species commenced at the end of November 2014 while the possession control took effect at the end of February 2015. AFCD had processed requests for registration of existing stocks of newly listed species obtained before the commencement of the legislative amendments and the possession of which is for commercial purposes. Any licence applications for import, re-export or possession of newly listed species received were processed in accordance with established procedures. She supplemented that as at early August 2015, five batches of shark

fins of suspected scheduled species weighing over 1.2 tonnes were seized and the cases were under investigation.

(c) Re-export and Re-entry of Giant Panda in the Giant Panda Breeding Programme 2015 of Ocean Park (Para. 49/15 to 60/15)

82/15 Dr Azaria WONG reported that giant panda Ying Ying (盈盈) had been transported to Sichuan Province (四川省) to participate in the national giant panda breeding programme (全國大熊貓繁殖計劃). She attempted natural mating with two male pandas five times and achieved one successful mating. Ying Ying was artificially inseminated at the Wolong Reserve (臥龍保護區) with a view to increasing the probability of achieving a successful pregnancy. Given that the gestation period for giant pandas lasts between 95-160 days, Ocean Park at present was uncertain whether Ying Ying had been pregnant successfully or not and was closely monitoring Ying Ying for any signs of pregnancy. Should such signs appear, Ocean Park, in collaboration with the experts from the Wolong Reserve and conservation partners, would ensure the best prenatal care be given to Ying Ying. Ocean Park advised AFCD that they would know whether Ying Ying had become pregnant in September 2015 at the earliest.

83/15 Dr Azaria WONG answered the Chairman's enquiry that Ying Ying returned to Hong Kong in late July.

(d) Education and Publicity (Para. 65/15 to 68/15)

84/15 Ms Phoebe SZE reported that the education and publicity activities planned in the first half of 2015, which had been presented at the last meeting, were carried out smoothly. These activities included publicity at the control points, a radio API, seminar & talk for tourist guides, and enhanced promotion of the Endangered Species Resource Centre. Details of these activities would be presented under Agenda Item III.

**II. Control of Ivory Trade in Hong Kong
(Committee Paper: CP/ESAC/5/2015)**

85/15 Dr Azaria WONG presented Committee Paper CP/ESAC/5/2015.

(Dr LEUNG Siu-fai, JP attended the meeting at this juncture)

(Ms YU Li-hua attended the meeting at this juncture)

86/15 In response to a member's enquiry about how members of the public can have a chance to look at the notice that was displayed in residential premises where ivory were kept, Dr Azaria WONG replied that the notice aimed to let members of the public know that the specified premises was a licensed premises holding ivory for commercial purposes. Given that domestic trade in ivory had been shrinking, many traders had moved their ivory back home from their shops. Hence, the traders had to display the notice at the licensed premises according to the requirement of the licence.

87/15 Dr P M SO supplemented that the licensing requirement aimed to inform customers that the ivory they purchased at licensed premises was legitimate. Hence, members should focus on the shops where ivory was openly sold. AFCD had regularly inspected these shops, in particular the arts and craft shops, shops located in tourist areas and shops selling antique ivory and took vigorous enforcement action if irregularities were detected so as to ensure that licensees would strictly comply with the licensing requirements. In the event that traders had not openly sold their ivory stocks but wanted to keep the stocks for commercial purposes, AFCD would still issue licences with the same requirements to them even if the ivory was kept in residential premises. AFCD would conduct regular inspections to the licensed residential premises on a risk-based approach and ensure compliance with the licensing requirements. In case the licensees did not fully comply with licensing requirements, AFCD would give verbal warning for the first incident and then conduct follow-up inspection to observe whether the irregularities had been rectified.

88/15 A member remarked that the keeping premises and the point of sale should be considered separately. While it was sensible to display a notice at the points of sale which were frequented by tourists, there was no need for displaying a notice at the keeping premises which were known to AFCD. Besides, members should be provided with background information of the holders of 413 valid Licences to Possess, for example whether they were international trading firms, local trading firms or individuals, so that members could give sound advice. He surmised that the majority of the holders were individuals or family business owners, therefore members should also be provided with age composition of these individuals. In the past, ivory owners could legally keep the ivory and had not been required to disclose their personal information. However, the proposed measure of publishing the list of holders of Licence to Possess would subject these holders to public crucifixion or witch-hunt in the social media. Since the holders had been legally keeping the ivory without the requirement of disclosure of their personal information in the past, he had reservation over public disclosure of the information of the holders.

89/15 Mr Richard CHAN responded that a licensee could be a company or a private individual. About half of the licensees were companies while the another half were private individuals. Besides, the licensees who were private individuals were mostly retired persons and young people who inherited their ivory stocks from their parents.

90/15 Dr LEUNG Siu-fai, JP pointed out that according to the Protection of Endangered Species of Animals and Plants Ordinance (the Ordinance), any person keeping ivory for commercial purposes must obtain a Licence to Possess for each keeping premises, while possession of ivory for non-commercial purposes was exempted from the licensing requirement. In light of the above, AFCD would assume that a licensee would carry out or have the right to carry out trade in the concerned ivory if he held a Licence to Possess. Besides, according to the existing licence conditions, a holder of Licence to Possess any endangered species was required to display the original licence in a conspicuous position in the keeping premises or a place specified by AFCD officers. For ivory, it was proposed to replace the requirement of displaying the licence with displaying the notice and a poster carrying the message that no ivory can be brought into or out of Hong Kong without a licence issued by AFCD. Since it was possible that the licensees would carry out the related trade in their residential premises, the notice displayed would serve the purpose of informing a member of the public that the specified premises was a licensed premises holding ivory for commercial purposes. Even if the licensees seldom carried out trade in their ivory stocks, the display of their Licences to Possess would not cause the licensees much inconvenience.

91/15 Dr LEUNG Siu-fai, JP continued that the disclosure of information on holders of Licence to Possess was a complex issue which would have privacy and other legal considerations. Having considered responses from the trade, AFCD was currently studying the issues.

92/15 In response to a member's enquiry about whether AFCD had a record of turnover rate and volume of domestic trade in ivory, Dr Azaria WONG replied that AFCD did not have concrete information about such turnover rate and volume at present. Hence, AFCD was considering requiring the licensees to report to it at specified intervals if there was any change in the stock quantity of ivory with a view to closer monitoring the local ivory trade.

93/15 A member said that AFCD had given talks on the implication of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and legislative

control of endangered species in Hong Kong to members of Hong Kong Professional Tourist Guide General Union (HKPTGGU) (香港專業導遊總工會). HKPTGGU would conduct relevant training to its members so that they had a better understanding on the control of ivory trade in Hong Kong.

94/15 As regards the Chairman's enquiry about the allocation of resources for the possible enhancement measures, Dr P M SO answered that some of the measures indeed required additional resources while other measures could be implemented by redeployment of existing resources. He cited that several sniffer dogs had been redeployed from Inspection & Quarantine Branch of AFCD and given training in detecting products of endangered species, including ivory, under the Quarantine Detector Dogs (QDD) programme. Since the trained dogs could even detect worked ivory or cut piece in parcels, they would be deployed at import control points to assist screening passengers and parcels for illegal import of ivory. If such operations were effective and illegal import activities of ivory were found to be serious, AFCD would be in a more favourable position to seek additional resources for stepping up such operations and the extension of the QDD programme to cover export control points.

95/15 In response to the Chairman's enquiry about the control of pre-Convention ivory, Dr P M SO said that the international trade in pre-Convention ivory was allowed when the specimen was accompanied by a pre-Convention certificate the issue of which was also recorded by CITES Secretariat. AFCD would clarify with CITES Secretariat on any doubts about a pre-Convention certificate, if necessary. AFCD would seize any specimen of pre-Convention ivory being import without a valid pre-Convention certificate. The re-export of pre-Convention ivory was not allowed unless it was accompanied by a Licence to Re-export issued by AFCD. The place of import would then inspect the specimen and the relevant CITES certifying documents. Dr P M SO stressed that a unified system was established under CITES so that endangered species could be protected by the concerted international efforts. Besides, the registered stock of ivory had been decreasing from the initial amount of about 600 tonnes to about 100 tonnes at present. The amount of registered ivory stock decreased faster in early years and then slower in recent years, mainly because the demand had become smaller. There were growing concerns over the domestic ivory trade and smuggling of ivory. As the main concern about Hong Kong was the possible role as a transit port for poached ivory, AFCD considered stepping up enforcement against smuggling and tightening regulation on domestic trade to be more effective and direct measures in addressing the issue.

96/15 On a member's enquiry about whether AFCD had uncovered any illegal selling of ivory during inspection to licensed shops selling ivory and initiated investigation as well as prosecution if situation warranted, Mr Timothy LAM replied that to strengthen control on the local ivory trade, comprehensive stock check on all licensed ivory stocks was being conducted. The stock check included checking the quantity, markings on ivory tusks and large cut pieces and the transaction record of ivory, and taking photographic records. AFCD uncovered that the stock quantity of ivory of two licensees had exceeded the quantity covered by their licences so far and seized the extra ivory for investigation. In addition, surprise inspections to licensed shops selling ivory and other arts and crafts shops would be carried out to check if there were any irregularities.

97/15 As regards the member's enquiry about whether AFCD had conducted undercover operations to investigate illegal selling of ivory in licensed shops or other arts and crafts shops, Dr P M SO answered that since undercover operations involved more complicated enforcement procedures, AFCD in general conducted inspection to both licensed shops selling ivory as well as other arts and crafts shops to combat illegal selling of ivory. AFCD was exploring the feasibility of employing radiocarbon dating techniques to determine the legality of ivory and hence to assist undercover operations.

98/15 Regarding the member's enquiry about the possible measure to require licensees to report change in stock quantity at specified intervals, Dr Azaria WONG answered that currently a licensed ivory trader was required to record any transaction. Such transaction records were kept by the licensee and subject to inspection by AFCD officers. To monitor the local trade in ivory more closely, the licensees would be required to report to AFCD regularly if there was any change in the stock quantity of ivory. Dr P M SO supplemented that AFCD would analyse the transaction records reported by the licensees subject to resource availability.

99/15 Regarding the detection of smuggling of ivory at boundary control points, Ms Kitty POON supplemented that C&ED had mainly adopted a risk management and intelligence-led approach to detect the illegal importation / exportation of prohibited articles including endangered species, at the control points. C&ED had been working closely with AFCD in combating smuggling of endangered species. Whenever suspected endangered species are detected by officers of C&ED, officers of AFCD would be called upon to identify the suspected articles.

**III. Summary Progress Report of CITES Work
(Committee Paper: CP/ESAC/6/2015)**

100/15 Mr Timothy LAM and Ms Phoebe SZE presented Committee Paper CP/ESAC/6/2015 on AFCD's work in relation to CITES implementation in Hong Kong from 1 January to 30 June 2015. Mr LAM briefed members about enforcement, licensing and disposal of seized specimens while Ms SZE gave a presentation on publicity and education, international and local liaison and meetings, as well as training.

101/15 Mr Timothy LAM supplemented that AFCD inspected 150 dried seafood shops during May and June 2015, and seized 3 pieces and 11 pieces of totoaba fishmaw from two shops respectively. AFCD nearly completed the investigation and would initiate prosecution against these two shops soon. Besides, AFCD had conducted undercover operations to those shops including both wholesalers and retailers that were alleged offering totoaba fishmaw for sale according to the information provided by an NGO. All the concerned shops were found with no totoaba fish maw available. AFCD would continue to carry out inspections to local dry seafood markets to detect and deter illegal trade in endangered species.

102/15 Mr CHAN Kin-fung, Simon clarified that the NGO's letter specifically stated the smuggling of toboaba fish maw but not that of other kinds of fish maw. AFCD had been conducting inspection and taking enforcement actions against smuggling of toboaba fish maw. Moreover, AFCD had actively liaised with the Mexico Management Authority to show our eagerness to collaborate with them to conserve toboaba and Vaquita by combating smuggling of toboaba fish maw. Hence, the allegation that the Government had not taken any action against the smuggling of toboalba fish maw was not true. Trainings had been given to frontline officers of C&ED and AFCD on identification of endangered species including toboaba fish maw. C&ED seized toboaba fish maw in a parcel a few days ago. Therefore, C&ED frontline officers were well-trained to identify toaboala fish maw.

103/15 As regards a member's enquiry about disposal of seized live black pond turtles, Mr Timothy LAM replied that AFCD was negotiating with the Pakistan CITES Management Authority to explore the feasibility of repatriating the live black pond turtles to Pakistan. As black pond turtles were a CITES Appendix I species, they would not be rehomed through Hong Kong Society of Herpetology Foundation (HKHERP) or the Society for the Prevention of Cruelty to Animals (SPCA) under their placement schemes given that the rehoming

arrangements would be restricted to Appendix II species that were available in the pet market and of comparatively less conservation value.

104/15 In response to a member's enquiry about whether AFCD could provide resources to HKPTGGU to promote protection and legislative control of endangered species to tourists, Dr P M SO advised that AFCD would be willing to send leaflets on endangered species to HKPTGGU for distribution. AFCD could also assist HKPTGGU in conducting publicity events to promote endangered species protection. Given that AFCD had to comply with the procurement guidelines, it had difficulties in sponsoring HKPTGGU in terms of pecuniary aid, such as placing advertisement in HKPTGGU's publications at the moment.

105/15 The member recognised AFCD's difficulties and wished to collaborate with AFCD in conducting publicity events to promote endangered species protection. Dr P M SO responded that AFCD would follow up with HKPTGGU on the publicity events.

106/15 Regarding a member's enquiry about prosecution against illegal import of orchids, Ms Phoebe SZE answered that all orchids were listed in CITES Appendices I and II. The import, export and re-export of orchids, whether they were of wild origin or artificially propagated, were subject to the licencing control under the Ordinance. Prosecution cases of illegal import of orchids involved mainly artificially propagated Moth Orchid.

107/15 Dr P M SO remarked that the People's Republic of China was a signatory of CITES and the control regime in Hong Kong had to follow closely the requirements under CITES. CITES stipulated that a Party to CITES might, when deemed necessary, implement more stringent control of the import and export of endangered species. However, there was no room for a party to implement less, thus it is not possible for Hong Kong to relax the control under the Ordinance regarding artificially propagated orchids. On the other hand, most of the prosecution cases in the last two years involved travellers bringing in one or two stalks of Moth Orchid after visiting Mainland China during Lunar New Year period. Hence, a publicity event to remind the travellers about the licensing requirements of orchids was arranged at all land control points during the period from 26 January to 16 February 2015.

108/15 Ms Phoebe SZE supplemented that the import of artificially propagated orchids was subject to the production of a valid CITES export permit only. Given that the majority of orchids were imported from Mainland China, AFCD had reflected the issue to the CITES Management Authority of Mainland China. To facilitate Hong Kong people to obtain the export

permit of common artificially propagated orchids, Mainland Authority had issued a card, which was equivalent to the export permit, and made it available to Hong Kong people at points of sale. However, this measure had not been implemented at all points of sale. In light of the above, AFCD would further explore with the Mainland Authority to facilitate Hong Kong people to bring artificially propagated orchids from Mainland China to Hong Kong without contravention of the laws of the two places.

IV. Serving the Community – Service Standards Committee 40th Monitoring Report (Committee Paper: CP/ESAC/7/2015)

109/15 Dr Azaria WONG presented Committee Paper CP/ESAC/7/2015 on AFCD's performance in relation to issuance of certificate/license in respect of endangered species during the period from 1 October 2014 to 31 March 2015.

110/15 Dr Azaria WONG answered the Chairman's enquiry that a holder of Licence to Possess ivory was reminded to renew the licence in writing two months before the licence expiry date. In response to the Chairman's suggestion, AFCD would consider informing the holders in writing earlier than two months before the expiry date.

V. Any Other Business

111/15 There was no any other business to be discussed.

VI. Date of Next Meeting

112/15 The Chairman said that members would be informed of the date of next meeting in due course.

113/15 The meeting was adjourned at 5:45 p.m.

- End -