



## **In Attendance**

### AFCD

Mr Boris KWAN	Senior Endangered Species Protection Officer (Acting)
Mr Timothy LAM	Endangered Species Protection Officer/Enforcement
Ms Phoebe SZE	Endangered Species Protection Officer/Licensing 2

## **Absent with Apologies**

Dr CHEUNG Siu-gin

Ms Erica LO Lai-shan

Ms YU Li-hua

Professor ZHAO Zhong-zhen, MH

## **OPENING REMARKS**

1/16 The Chairman welcomed everybody to the meeting, in particular Mr LAI Lau-pak, Ellis, Assistant Commissioner (Boundary and Ports) of Customs & Excise Department (C&ED), who attended the meeting for the first time.

2/16 The Chairman informed members that, as an established practice, to facilitate the taking of minutes of meeting, sound recording would be made during the meeting. The audio records would be destroyed after the meeting minutes had been confirmed.

## **AGENDA ITEMS**

### **I. Matters Arising from the Last Meeting held on 13 August 2015**

- (a) Review of Disposal of Forfeited Ivory (Para. 78/15 to 80/15)

3/16 Mr Timothy LAM of AFCD reported that AFCD had conducted 16 rounds of incineration, resulting in the disposal of about 22.1 tonnes of forfeited ivory since the first incineration to destroy forfeited ivory in mid-2014. The next round of incineration of forfeited ivory would be held on 27 April 2016. It was expected that four more rounds of incineration would be required to dispose of the remaining 6 tonnes of forfeited ivory and the entire exercise of incineration of 28 tonnes of forfeited ivory would be completed around mid-2016.

4/16 At the request of Professor ZHAO Zhong-zhen, the Chairman drew members' attention on the following views of Professor ZHAO on the disposal of forfeited ivory, which had been raised at ESAC Meeting on 23 January 2014:

- (i) The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was strictly complied with in Hong Kong. The forfeiture of smuggled ivory reflected our determination and capability in wildlife protection.
- (ii) To curb illegal hunting and killing of wildlife, we should address the problem at source. Heavier penalty should be imposed on offenders to cut off the supply chain of illegal trade. As Hong Kong was not a major market for illegal ivory and all imported goods were under strict control, the amount of smuggled ivory was limited. The problems of illegal hunting, export and transportation of ivory could not be solved by merely disposing of the forfeited ivory.
- (iii) Unlike opium and fakes, ivory posed no danger to people. It was wasteful to destroy the forfeited ivory.
- (iv) Apart from donating forfeited ivory to museums and educational organisations, the government should store the forfeited ivory centrally or make use of the forfeited ivory to build an ivory tower and place it in one of the country parks or the park in the West Kowloon Cultural District Park for exhibition for a permanent anti-smuggling exhibition, serving as a record of history, a symbol for public education, and a warning to future generations.

5/16 A member pointed out that Professor ZHAO's views were discussed in details during the ESAC meeting held in January 2014. While she concurred with the view that it was wasteful to dispose of the forfeited ivory by incineration, she suggested inviting universities and other educational organisations to apply for some forfeited ivory for educational purposes again.

6/16 Mr Simon CHAN of AFCD replied that AFCD had a donation scheme to handle forfeited ivory and specimens of other endangered species. He noted that many primary and

secondary schools had a nature corner to display some specimens of endangered species to arouse students' interest in science and environmental protection. AFCD would continue encouraging schools to apply for specimens of ivory and other endangered species for educational purposes. In addition, AFCD would also donate some forfeited ivory and specimens of endangered species to universities for research purposes. However, given the large amount of forfeited ivory, most of them have to be disposed of by incineration. He assured members that AFCD would handle forfeited ivory and specimens of endangered species in accordance with CITES guidelines.

(b) Control of Ivory Trade in Hong Kong (Para. 85/15 to 99/15)

7/16 Mr Boris KWAN of AFCD said that as the subject was closely related with agenda item II, he would provide detailed information to members under this item.

(Dr CHIU Sein-tuck joined the meeting at this juncture.)

## **II. Strengthening the Control of Ivory Trade in Hong Kong (Committee Paper : CP/ESAC/1/2016)**

8/16 With the aid of a PowerPoint presentation, Mr Boris KWAN briefed members on Committee Paper CP/ESAC/1/2016.

(Prof. LEUNG Mei-ye, Kenneth joined the meeting at this juncture.)

9/16 The Chairman enquired whether AFCD staff would also check for illegal possession of other endangered species when they carried out inspections for ivory. He also wanted to know how many Quarantine Detector Dogs (QDDs) were currently deployed by AFCD for detecting smuggled ivory and whether they could also detect specimens of other endangered species. He urged AFCD to consider training more QDDs to deter smuggling of ivory and other endangered species.

10/16 Mr Boris KWAN replied that the patrol duties performed by AFCD staff for checking illegal possession of ivory would also have positive effects on the control of the possession of other endangered species. However, the patrol officers of AFCD might target a specific endangered species in each operation because the trade pattern of each endangered species might be quite unique. As for the QDDs, he pointed out that there were nine QDDs at

the moment, which could also detect other controlled items such as seahorses and pangolins. Dr LEUNG Siu-fai, JP supplemented that QDDs could detect several different types of endangered species and AFCD would seek additional resources for training more dogs and handlers to perform such duties as and when required.

11/16 A member suggested requiring all licensees to provide AFCD with an inventory list of the ivory held and all transaction records of their ivory in a prescribed interval. With such records, it would be easier for AFCD to spot any irregularities in the ivory stock held by the licensees. Mr Boris KWAN replied that according to the conditions imposed on the Licence to Possess, licensees had to let an authorized officer to inspect all relevant documents of transaction. If they held more ivory than the volume permitted under licence, they would be subject to prosecution. Currently the enforcement officers of AFCD had stepped up efforts in conducting spot checks on the keeping premises.

12/16 In response to the Chairman's enquiry about the timeframe of the proposal to phase out local ivory trade and the compensation issue involved, Mr Simon CHAN indicated that as mentioned in 2016 Policy Address, we would firstly kick start legislative procedures to ban the import and re-export of elephant hunting trophies and ivory carvings within this year. As regards the proposed banning of the import and re-export of pre-Convention ivory and phasing-out of the local ivory trade, AFCD was currently conducting studies on the legal issues and other relevant considerations. Given the complexity of the work and the need to consult stakeholders, a longer lead time would be required to work out the timetable. In the meantime, AFCD would closely liaise with the trade and gather their views on the proposal.

13/16 A member enquired about the number of existing licensees in Hong Kong. He also wanted to know if AFCD had ever found any illegal ivory possessed by licensees and the corresponding penalty for the offence. Mr Boris KWAN replied that by the end of 2015, there were about 370 valid ivory possession licences. Given that a Licence to Possess would be required for each premises, if a licensee had three premises for storing ivory, three valid licences would be required. Regarding the penalty for the possession of smuggled ivory, Dr LEUNG Siu-fai, JP supplemented that offenders would be prosecuted in accordance with the Protection of Endangered Species of Animals and Plants Ordinance and the penalty includes fine and imprisonment.

14/16 In response to a member's enquiry about the amount of pre-Convention ivory in Hong Kong, Mr Boris KWAN pointed out that unlike holders of pre-ban ivory, holders of

pre-Convention ivory were not required to get a Licence to Possess, the actual amount of pre-Convention ivory in Hong Kong was therefore unknown. However, according to the import and re-export records of pre-Convention ivory, it was estimated to have around 32 tons of pre-Convention ivory in Hong Kong. Mr Boris KWAN reminded members that this figure were merely the difference between import and re-export volume of pre-Convention ivory, it did not mean all this pre-Convention ivory in Hong Kong was for commercial purposes. It was expected that many of these imports were in fact for personal purposes.

### **III. Summary Progress Report of CITES Work (Committee Paper: CP/ESAC/2/2016)**

15/16 Mr Timothy LAM and Ms Phoebe SZE of AFCD briefed members on Committee Paper CP/ESAC/2/016. Mr LAM furnished members with information about enforcement, licensing and disposal of seized specimens while Ms SZE briefed members on publicity and education, international and local liaison and meetings, as well as training courses conducted from July to December 2015.

16/16 A member enquired how many restaurants had been checked in the targeted shop inspection conducted in 2015, in which illegal possession of eight tails of live humphead wrasses was found. He was of the view that the ratio between the number of restaurants/stalls inspected and the number of illegal cases found was essential to assess whether the enforcement actions needed to be stepped up. Mr Timothy LAM replied that although the exact figure could not be provided at the moment, the shop inspections had been conducted in the major seafood markets including Lau Fau Shan, Lei Yue Mun and Tuen Mun. AFCD would continue to step up inspection to the major seafood markets in Hong Kong. Dr LEUNG Siu-fai, JP supplemented that humphead wrasses, which was listed in CITES Appendix II, were allowed to be imported and traded locally with valid licences. AFCD would endeavour to combat illegal import of humphead wrasses at sources and ensure that the number of humphead wrasses held by the local licensees tallied with that permitted under their licences.

17/6 The Chairman was curious about the case of illegal possession of canned whale meat. Given that whales had been listed in CITES Appendix I, it was supposed that the production of whale meat should be prohibited in all countries. Mr Timothy LAM responded that the 233 cans of whale meat came from Japan without any valid CITES export or import licences. Another member suggested that the Government of Japan should be informed of the case so that they could take appropriate follow-up actions. Mr Timothy LAM thanked the member for his view and agreed to follow up with the Government of Japan accordingly.

18/16 In response to the Chairman's enquiry about the illegal felling of *Aquilaria sinensis* (*A. sinensis*), Mr Simon CHAN pointed out that the following actions had been taken to conserve the species in the face of illegal exploitation:

- (i) Close liaison and collaboration with the Hong Kong Police Force (HKPF) for strengthening enforcement actions against illegal felling or pruning of *A. sinensis*. Offenders would be prosecuted under the Theft Ordinance, which could impose heavier penalties;
- (ii) Stepping up patrols at black spots of illegal tree felling;
- (iii) Encouraging interest groups and local villagers to report any illegal felling or pruning of *A. sinensis* to either AFCD or the HKPF;
- (iv) Treating the wounds of *A. sinensis* with anti-fungal paint to suppress the formation of valuable resinous wood, which in turn discouraged illegal harvesters from causing further damage to the trees; and
- (v) Increasing the production of seedlings of *A. sinensis* to 8000 to 10000 annually to assist in the re-stocking of *A. sinensis* in the countryside of Hong Kong.

19/16 Dr LEUNG Siu-fai, JP supplemented that given the wide distribution of *A. sinensis* in Hong Kong, it was impossible to guard every *A. sinensis* from illegal felling or pruning. He however pointed out that although the task was not easy, AFCD would continue to explore effective means to deter illegal exploitation of the species.

20/16 Mr Ellis LAI of C&ED informed members that as of April 2016, the Customs and Excise Department (C&ED) had detected 6 cases of ivory smuggling in 2016 and the amount of forfeited ivory involved was only 47 kilograms. Compared with 33 cases of ivory smuggling and more than 400 kilograms of ivory seized in the corresponding period in 2015, the figures had dropped significantly. It reflected that the joint efforts made by C&ED and AFCD on combating ivory smuggling had positive effects. He also indicated that according to their intelligence, the number of ivory smuggling cases had been increased in other Southeast Asian countries at the same time. It might signify that illegal trade of ivory had started shifting from Hong Kong to other Southeast Asian countries. Having said that, C&ED would continue working with AFCD to closely monitor the ivory smuggling situation and step up enforcement actions at airport and other control points.

21/16 In response to a member's suggestion to publicise the positive outcome via press releases, Mr LAI expressed that the smuggling trend might change from time to time and C&ED would continue to monitor the situation before considering whether to issue a press release. Dr LEUNG Siu-fai, JP supplemented that AFCD and C&ED would publish press releases for seizures of illegal wildlife products from time to time, which aimed to convey a message to the public that the enforcement agencies in Hong Kong had been very concerned about wildlife trafficking.

22/16 A member enquired whether there were any officers from C&ED to attend the training course organized for AFCD staff by the Guangzhou Office of the China CITES Management Authority. Ms Phoebe SZE replied that while no C&ED staff attended the training course in Guangzhou, AFCD had closely liaised with C&ED and offered training courses to C&ED staff from time to time. For instance, AFCD organized a total of 8 training courses to C&ED staff in 2014/15.

23/16 The Chairman enquired if AFCD had conducted any publicity work in the annual Hong Kong Flower Show. Ms Phoebe SZE replied that AFCD had prepared leaflets and posters for the distribution to the public during the annual Hong Kong Flower Show over the past few years.

#### **IV. Education and Publicity (Committee Paper : CP/ESAC/3/2016)**

24/16 Ms Phoebe SZE delivered a PowerPoint presentation in respect of Committee Paper: CP/ESAC/3/2016, which was about the education and publicity plans of endangered species protection for 2016.

25/16 A member suggested producing publicity materials, such as short videos, for displaying on all aircrafts and vessels before arriving Hong Kong. He also commented that it was a good idea for AFCD to promote the importance of biodiversity among different age groups via Facebook. In addition, he suggested appointing celebrities of different ages to raise public awareness about endangered species protection and sustainable use of natural resources among different age groups. In response, Dr LEUNG Siu-fai, JP agreed that AFCD would further explore the feasibility of the suggestions.

26/16 On the Chairman's enquiry about whether there were any volunteers taking part in AFCD's education and publicity activities, Ms Phoebe SZE indicated that the education and publicity activities mentioned in her presentation were all carried out by AFCD staff. AFCD would consider engaging volunteers recruited under different nature conservation programmes of AFCD such as the volunteers of Hong Kong Wetland Park in education and publicity activities for endangered species protection in future, if necessary.

**V. Serving the Community – Service Standards Committee 41th Monitoring Report**

**(Committee Paper: CP/ESAC/4/2016)**

27/16 Through a PowerPoint presentation, Ms Phoebe SZE briefed members on Committee Paper CP/ESAC/4/2016. The paper was about the performance results with respect to the services/applications on the licensing of endangered animals and plants during the period from 1 April to 30 September 2015.

28/16 In response to the Chairman's enquiry about whether the number of applications received is seasonal, Ms Phoebe SZE said that there were some seasonal fluctuations in the number of applications received, for example more applications would be received before Christmas.

**VI. Any Other Business**

29/16 Mr Simon CHAN pointed out that as there would be more exercises of disposal of forfeited ivory in coming months, members would be invited to witness the disposal of forfeited ivory. He solicited members' support on these disposal exercises.

30/16 A member enquired whether there were more species of shark listed in CITES Appendix II last year. Given that it might be difficult for AFCD staff to identify these species of shark, he wondered if AFCD had encountered any difficulties in taking enforcement actions against smuggling of these newly listed species. In response, Mr Timothy LAM said that currently there were altogether 8 species of sharks listed in CITES Appendix II. As trainings had been provided by experts to AFCD staff to identify these species of shark, AFCD staff

could basically identify these species of shark by their morphological characteristics. If not, DNA test would be used to confirm the species identity.

31/16 Ms Kitty POON of C&ED supplemented that a number of joint operations against smuggling of CITES species were conducted by C&ED and AFCD last year. Among the cargo shipments selected for inspection, three shipments were found to contain shark fins of suspected controlled species. Having confirmed by AFCD staff, the shark fins belonged to species listed in CITES Appendix II.

**VI. Date of Next Meeting**

32/16 The Chairman said that members would be informed of the date of next meeting in due course.

33/16 The meeting was adjourned at 4:14 p.m.

- End -