

In Attendance

AFCD

Mr CHEUNG Chi-sun	Senior Endangered Species Protection Officer
Miss Pauline TONG	Endangered Species Protection Officer/Enforcement
Mr KWAN Sai-ping	Endangered Species Protection Officer/Licensing 1
Miss CHAN Yu-nam	Endangered Species Protection Officer/Licensing 2

Absent with Apologies

Prof. TONG Yao

Mr WONG Hing-keung

Mr Thomas CHAN, J.P. Director of Agriculture, Fisheries and Conservation

Opening Remarks by the Chairman

01/05 The Chairman welcomed everybody to the meeting, in particular Mr CHIU Ching-cheung, Dr Craig Kirkpatrick and Dr SUN Mei who attended the meeting for the first time. He thanked the retired Dr Gary Ades, Prof. CHE Chun-tao, Mr Eddy LO Sui-lam, Dr Miriam SO May-ling and Mr SO Nai-kuen for their contribution to the Committee.

02/05 The Chairman introduced members and government representatives to each other.

Agenda Items

I. Declaration of Interests and Transparency Measures

03/05 Mr C.C. LAY briefed members on contents of the documents “Guidelines on Declaration of Interest” and “Transparency Measures of the Endangered Species Advisory Committee”.

04/05 Since this was the first meeting of the term, the Chairman sought members’ views on opening the Committee’s meetings to the public. He recalled that members of previous terms preferred to have close-door meetings. They considered that release of confirmed minutes had served the purpose to let the public know the Committee’s views.

05/05 A member preferred to maintain the status quo as putting the confirmed minutes on the Committee's homepage already served the purposes of openness and transparency of the Committee. Another member shared the view.

06/05 After collecting members' views, the Chairman concluded that the Committee decided to conduct close-door meetings. Confirmed minutes with members' names deleted would be put onto the Committee's homepage.

II. Confirmation of Minutes of the Last Meeting held on 25.6.2004

07/05 The minutes of the last meeting held on 25 June 2004 were confirmed without amendments.

III. Matters Arising from the Last Meeting

(a) Proposals to Amend the Animals and Plants (Protection of Endangered Species) Ordinance, Cap. 187 (Para. 04/04)

08/05 Mr CHEUNG Chi-sun said that major issues raised during law drafting had been sorted out and the Law Draftsman was finalizing the Bill for introduction to the Legislative Council in April 2005. Opportunity was also taken to incorporate the changes adopted at the 13th meeting of the Conference of the Parties (COP13) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) into the proposed legislative amendment. Members would be briefed about the Bill in Agenda Item V.

(b) Education and Publicity Programme 2004 - 2005 (Para. 05/04)

09/05 Miss CHAN Yu-nam reported that a new round of trade consultation on legislative amendment and COP13 changes was held. Publicity on the new legislation by means of circular letter, leaflet, poster, exhibition, advertisement and public announcement would be arranged.

10/05 Miss CHAN Yu-nam continued to report that a trader seminar under the Hong Kong/Guangdong Joint Education and Publicity Programme was held in July 2004 in Shenzhen, followed by an identification training course in December 2004 in Guangdong. The 2005 programme had been agreed with the Guangdong side, which would include a trader seminar, training workshops and a joint student competition such as radio play contest. Subject to availability of funding, a joint summer youth camp would also be organized.

11/05 A member enquired about details of the radio play contest. Miss CHAN Yu-nam replied that details of the event had yet to be finalized. Initially the Department planned to invite teams of secondary school students to write short radio play on endangered species

protection. Winning entries would be broadcasted through radio channels and produced in CD ROMs for publicity purpose.

12/05 A member asked whether the Department would continue to organize sand sculpture and drawing competitions. Miss CHAN Yu-nam responded that the Department preferred to arrange different kinds of competition with share use of winning entries between Guangdong and Hong Kong. Nevertheless, previous competitions would be organized as appropriate.

IV. Report on the 13th Meeting of the Conference of the Parties (COP13) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

(Committee Paper: CP/ESAC/1/2005)

13/05 Mr CHEUNG Chi-sun presented committee paper CP/ESAC/1/2005. He said that the COP14 had been scheduled for April 2007 in Netherlands. Members noted the contents of the paper.

V. A Bill to Amend the Ordinance on Protection of Endangered Species

(Committee Paper: CP/ESAC/2/2005)

14/05 Mr KWAN Sai-ping presented committee paper CP/ESAC/2/2005. He informed members of an amendment to the Chinese paper with the replacement of “搜查” with “檢査” in paragraph 7(j).

15/05 A member asked whether the time specified in paragraph 7(j) could be deleted to allow greater flexibility for the Department’s law enforcement work. Mr KWAN Sai-ping clarified that unlike “search”, “inspection” would be conducted during trade hours of the premises. Inspection during daytime was considered sufficient to serve the purpose.

16/05 The member asked whether the words “during the hours of daylight” could be deleted. Miss Christina CHONG responded that wordings such as “at reasonable hours” would be used in the new ordinance.

17/05 Answering the member’s enquiry about the punishment for contravening the licence conditions under the new ordinance, Mr KWAN Sai-ping said that anyone who breached the licence conditions would be subject to fine of 50 thousand dollars.

18/05 A member opined that the information provided in the paper was too brief. He asked for further details of the proposed amendments. Mr CHEUNG Chi-sun responded that the new bill had yet to be finalized. Nevertheless, the key amendments had been covered in the committee paper. Mr C.C. LAY added that a more detailed committee paper could be prepared

for members' further consideration and a meeting be arranged if members considered necessary.

19/05 The member asked whether the Department had responded to traders' comments made during trade consultations. Mr CHEUNG Chi-sun explained that traders' comments had been fully considered during law drafting process. In general, they had no objection to the proposed amendments.

20/05 The member said that the exemption provided for local possession could create difficulties in tracing the source of an illegal specimen. He asked whether the goods would be forfeited from owners who had no knowledge of previous malpractice. Mr CHEUNG Chi-sun answered that evidence was required to prosecute anyone who breached the law concerned or to proceed with any forfeiture action.

21/05 The member enquired whether the new ordinance would limit the quantity under the exemption for personal effects. Mr CHEUNG Chi-sun explained that it would not be possible to set the limits in view of the many types of specimens in trade. However, CITES did set limits for some specimens, for examples, 4 number for crocodile products and 250 gm for caviar.

22/05 With regard to the trade in species which were listed in both CITES Appendices I and II but of unknown origin, the member queried whether the new ordinance would change the existing practice of allowing local trade of these items under a licence. Mr CHEUNG Chi-sun confirmed that the existing practice would not be changed after the legislative amendments as long as they were under a licence.

23/05 The Chairman collected members' views on the proposal to conduct special meeting for discussion of details of the legislative amendments. Mr CHEUNG Chi-sun said that AFCD would prepare a committee paper on the detailed amendments. He proposed to circulate the paper to members for comments and arrange special meeting to discuss the issue if members considered necessary. Members agreed to the proposal.

VI. Summary Progress Report of CITES Work (Committee Paper: CP/ESAC/3/2005)

24/05 Miss Pauline TONG presented committee paper CP/ESAC/3/2005. She informed the meeting of a new arrangement with the Malaysian authority to combat illegal export of turtle from Malaysia. Whenever AFCD received applications for import of endangered turtles from Malaysia, it would check with the Malaysian authority on the validity of relevant export licence provided by the applicant. Such arrangement was found to be effective.

25/05 A member enquired about the means to dispose of the forfeited dead turtle and pangolin carcasses. Mr CHEUNG Chi-sun replied that they were disposed at landfill. The Department was also exploring the possibility to preserve specimens from forfeited carcasses of rare species.

VII. Serving the Community - Service Standards Committee 20th Monitoring Report

(Committee Paper: CP/ESAC/4/2005)

26/05 Miss CHAN Yu-nam presented committee paper CP/ESAC/4/2005. Members noted that the Department had met all the service targets in relation to licensing of endangered species trade during the period from 1 April 2004 to 30 September 2004.

27/05 Mr C.C. LAY informed the meeting that due to a surge in the number of applications, the Department might not meet all the service targets during the quarter from October to December 2004. Relevant performance results would be reflected in the next monitoring report.

VIII. Any Other Business

(a) Field Trial Contraceptive Treatment on Monkeys and Kolwoon Hill

28/05 A member enquired about the progress on the field trial contraceptive treatment on monkeys. Mr C.C. LAY replied that the field trial targeted at 3 monkey groups totalled about 330 animals in Kam Shan Country Park. So far about 80 monkeys were treated. Despite the assistance of the Hong Kong Productivity Council to design a special cage to improve efficiency of the capturing, difficulty to catch the animals was still limiting the success of the trial.

IX. Date of Next Meeting

29/05 The Chairman said that members would be informed of the meeting date in due course.

30/05 The meeting was adjourned at 3:50 p.m.

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