

Phase-out of Local Ivory Trade

Purpose

This paper updates members on phasing out of local ivory trade after the full implementation of the Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2018 (“the Amendment Ordinance”) and seeks members’ comments on the related matters.

Background

2. To demonstrate the Government’s commitment in combating the illegal ivory trade and to contribute to the global efforts in protecting wild elephants, the Government announced in December 2016 a three-step plan to phase out the local trade in ivory by the end of 2021 and to impose heavier penalties to enhance deterrent against illicit trade in endangered species through legislative amendment
3. The Amendment Ordinance was passed by Legislative Council on 31 January 2018. Implementation dates of the three-step plan are set out below.

Step	Implementation Date
1	1 May 2018
2	1 August 2018
3	31 December 2021

Implementation of Ivory Phase-out Plan

4. Since Step 3 of the ivory phase-out plan came into force, the regulations of ivory have been fully implemented. The importation, re-exportation and possession of all ivory for commercial purposes (except for antique ivory) have been banned. All of the Licences to Possess (PLs) ivory have expired on or before 30 December 2021.

Trade in Antique Ivory

5. As a measure to protect cultural relics, the trade in antique ivory continues to be

allowed under a strengthened control regime. Antique 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.

6. Import of antique ivory requires a Licence to Import (IL) and a Pre-Convention Certificate issued by the previous exporting place, while re-export requires a Licence to Re-export (RL). Possession of antique ivory for commercial purposes does not require a PL provided that the ivory can be proven to meet the requirements for exception of antique ivory. Since 31 December 2021, there was a total of 12 import consignments covering a total of 42 pieces of antique ivories and one re-export consignment for nine pieces of antique ivories.

Other Exemptions

7. The Amendment Ordinance aims at phasing out the local trade in ivory. Exemptions under CITES which are limited to specific and stringent circumstances including scientific studies, education and law enforcement continue to be allowed under appropriate licences. Possession of ivory of personal or household effects for non-commercial purposes, as well as import and re-export of such ivory (except for tourist souvenirs) for non-commercial purposes, are not affected by the Amendment Ordinance and continue to be exempted.

Education and Publicity Work

8. A series of activities have been carried out to publicize the ivory phase-out plan. The general public, traders and travellers were specifically targeted with different publicity strategies before and after the implementation of Step 3 of the plan.

General Public

9. A 4-month education and publicity campaign was carried out from November 2021 to February 2022 to inform the public of the local elephant ivory trade ban. The campaign made use of various advertising strategies including posters and

advertisements across bus, MTR and tram networks, as well as e-panels in restaurants, with emphasis placed at five ivory shop hotspots: Sheung Wan, Tsim Sha Tsui, Jordan, Yau Ma Tei, and Mong Kok. Press release and Facebook posts were also issued.

Traders

10. To ensure the local traders were aware of and understood the tightened controls of ivory trade, two circular letters were issued to the relevant licensees. A total of 651 educational inspections targeting licensees and non-licensees were conducted from 1 April to 30 December 2021, the details of the phase-out plan were explained face-to-face to traders.

Travelers

11. To remind travelers not to import or re-export ivory, publicity materials including handbills were distributed, and posters and panels were displayed at different land control points, China Ferry Terminal, Hong Kong International Airport and the International Travel Expo. A TV advertisement, an audio public announcement, as well as TV and radio announcements of public interest were also broadcasted at suitable locations such as land control points, cross-boundary coaches and YouTube Channel.

Inspection and Enforcement

12. Before step 3 of the ivory phase-out plan took effect, education visits and compliance checking were carried out to ivory licensees in 2021. No irregularities were spotted.

13. Since step 3 of the ivory phase-out plan was implemented, two rounds of undercover compliance inspections targeting on previous ivory licensees have been conducted. In the first round of inspection carried out in January 2022, a total of 17 pieces of claimed antique ivory were found from a shop. The shopkeeper was unable to provide any proof to support the claim of antique ivory, the ivory in question was subsequently seized for further investigation. The second round of inspection was carried out in June 2022. Display of ivory was observed in a total of 11 commercial premises during the inspections. Although the ivory was claimed not for sale, displaying ivory in commercial premises is suspected in contravention to the Amendment Ordinance and verbal warnings were given to the shopkeepers on site. Written warnings were subsequently issued and the premises in question were re-inspected. During re-

inspections, only one shop was still found to be displaying ivory. Enforcement action was taken and a total of 284 ivory items being displayed in the shop were seized for further investigation.

Way Forward

17. This Department will continue to work closely with the Customs and Excise Department, and will also collaborate with other local and overseas enforcement agencies to combat the smuggling of endangered species, including ivory, through joint operations and intelligence exchange.

18. We will also continue to combat the local illegal ivory trade through market surveillance, monitoring of online trading platforms, intelligence collection and analysis, etc. Any irregularities detected will be followed up and strictly enforced to strengthen the fight against the illegal ivory trade.

Advice Sought

14. Members are invited to note and comment on the updates on the implementation of the ivory phase-out plan.

Agriculture, Fisheries and Conservation Department
September 2022