

Endangered Species Advisory Committee (ESAC)
Minutes of Meeting

Date : 14 December 2023 (Thursday)
Time : 2 p.m.
Venue : Room 701A, Agriculture, Fisheries and Conservation Department (AFCD)
Headquarters

PRESENT

Chairman

Professor WONG Kam-bo

Members Attending in Person

Ms Angela CHAN Nga-chi

Ms CHIANG Mei-ling

Ms Rose KO Lai-fong

Dr David LAU Tai-wai

Dr Xoni MA Kwan-ki

Mr Matthew WONG Yin-shun

Mr YANG Jian-huan

Mr Simon CHAN Kin-fung Assistant Director (Conservation), Agriculture, Fisheries
and Conservation Department

Members Attending via Zoom Video Conferencing

Dr Michelle LAW Man-suet

Dr Simon SIN Yung-wa

Dr SUNG Yik-hei

Ms Ida NG Kit-ching Assistant Commissioner (Boundary and Ports), Customs
and Excise Department

Miss Sophia ZHONG Shek-wa Assistant Secretary (Nature Conservation)², Environment
and Ecology Bureau

Secretary

Ms Lily CHEUNG Man-lee Assistant Secretary (Boards)¹ (Acting), Agriculture,
Fisheries and Conservation Department

In Attendance

AFCD

Mr Timothy LAM Fung-ngai	Senior Endangered Species Protection Officer
Mr Ken CHAN Hon-ki	Endangered Species Protection Officer (Licensing)1
Dr Jenny Lau Yuen-yung	Endangered Species Protection Officer (Licensing)2
Mr Daniel TSANG Man-hon	Endangered Species Protection Officer (Inspection)

Customs and Excise Department

Mr Patrick LUI Chi-tak	Group Head (Ports Control)
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Absent with Apologies

Mr CHAN Chun-pang
Ms Fanny YEUNG Shuk-fun

OPENING REMARKS BY THE CHAIRMAN

1/23 The Chairman welcomed everyone to the meeting.

2/23 The Chairman informed Members that, as an established practice, audio recording would be made during the meeting to facilitate the taking of minutes. It would be destroyed after the confirmation of the minutes.

AGENDA ITEMS

I. Declaration of Interests and Measures to Enhance Transparency

3/23 Mr Timothy LAM Fung-ngai of the AFCD briefed members on the guidelines on declaration of interests and measures to enhance the transparency of the Committee. Members noted.

II. Matters Arising from the Last Meeting held on 30 September 2022

(a) Disposal of Timber Forfeited under the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586 (Para. 4/22 to 5/22)

4/23 With a PowerPoint presentation, Mr Daniel TSANG Man-hon of the AFCD reported on the quantity of timber seized, stored and donated by the AFCD from July 2022 to September 2023. In future, the AFCD would continue to identify suitable local and overseas non-commercial organisations and government departments for accepting the donation of the forfeited timber.

5/23 A Member enquired about the donation of timber to museums.

6/23 Mr Daniel TSANG Man-hon said that some of the timber had been donated to the Hong Kong Palace Museum and the Palace Museum in Beijing. The AFCD would maintain close liaison with the two museums to assess whether more timber would be donated.

(b) Follow-up Work of the 19th Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Para. 7/22 to 8/22)

7/23 Mr Timothy LAM Fung-ngai reported that the Government had gazetted the Protection of Endangered Species of Animals and Plants Ordinance (Amendment of Schedules 1 and 3) Order 2023 (the Amendment Order) on 13 October 2023 to amend Schedules 1 and 3 to the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (the Ordinance) so as to reflect the latest control on endangered species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Amendment Order was tabled at the Legislative Council on 18 October 2023 for negative vetting, and the new control measures would come into effect on 15 December 2023.

III. Report of Engagement in International Meetings, Workshops and Trainings (Committee Paper: CP/ESAC/1/2023)

8/23 With a PowerPoint presentation, Dr Jenny Lau Yuen-yung of the AFCD reported on the participation of the AFCD in international meetings, workshops and trainings pertaining to CITES from July 2022 to November 2023.

9/23 In response to the enquiry from a Member about the use of the new technology “iWood” demonstrated in the timber identification training course, Dr Jenny Lau Yuen-yung explained that “iWood” was an automated wood identification system developed by the Research Institute of Wood Industry of the Chinese Academy of Forestry. The system made use of the timber image database built and image recognition technology to identify timber species. It could be applied in the inspection work of frontline enforcement staff. Currently, the database of the “iWood” system was still being expanded to enhance its accuracy with a view to facilitating the wider use of the system in future.

10/23 Another Member asked whether “iWood” would be used in Hong Kong and whether the court would accept its identification results.

11/23 Dr Jenny Lau Yuen-yung said that the “iWood” system was still to be further improved and believed that it could be adopted in law enforcement in future. She opined that the system would help frontline enforcement staff conduct initial inspection of suspicious timber, followed by other inspections and tests to identify the timber species accurately.

IV. Progress Report of CITES Work (Committee Paper: CP/ESAC/2/2023)

12/23 With a PowerPoint presentation, Mr Ken CHAN Hon-ki of the AFCD presented the progress report of CITES work between July 2022 and September 2023.

13/23 A Member asked whether the seized timber would be donated to museums and the time required for the entire donation process.

14/23 Mr Daniel TSANG Man-hon responded that the smaller timber seized was suitable for exhibition at schools, while larger timber would be stored in the warehouse of the AFCD for donation purpose. He explained that before donating the timber, relevant legal procedures had to be followed and suitable recipients be identified. The time required for the entire donation process would be subject to the complexity of the case and the judgment of the court.

15/23 A Member asked about the reasons for the number of prosecutions being less than the number of investigations by 10%. Mr Timothy LAM Fung-ngai replied that after thorough investigation, it was confirmed that there was insufficient evidence to initiate prosecution in some of the cases and no violation of the Ordinance in some other cases. Given that Hong Kong was mainly involved in the transshipment part, very often only the freight forwarders could be traced but there was certain difficulty finding out the consignment owners. Some of the companies involved in the cases were not even registered in Hong Kong, and thus it was hard to pursue legal proceedings.

16/23 A Member would like to know the reasons why the number of local inspections during the period from 1 July 2022 to 30 September 2023 doubled as compared to that in the previous reporting period, and how the seized live animals had been handled by the AFCD.

17/23 Mr Daniel TSANG Man-hon responded that the resumption of local inspections in the light of easing of the pandemic situation and the low base effect contributed to the doubling of the number of local inspections in the current reporting period as compared to that in the previous one.

18/23 Mr Ken CHAN Hon-ki said that when the process of prosecution was still ongoing, the seized animal(s) would be transferred to suitable organisations, such as Kadoorie Farm and Botanic Garden or the AFCD's Animal Management Centres, for temporary care.

19/23 A Member asked whether the seized turtles had been captured illegally in Hong Kong and whether they would be released back to the local natural environment.

20/23 Mr Timothy LAM Fung-ngai replied that examinations had been conducted on the seized turtles, with the test results indicating that they were local species. The suspect would be charged for violating the Wild Animals Protection Ordinance (Cap. 170) and the Ordinance. Upon the conclusion of the case, the AFCD would assess the health condition of the turtles. If they were diagnosed by veterinary officers as healthy and suitable for release, arrangements would be made for their release in the appropriate local habitats. An example was big-headed turtles.

21/23 A Member asked how the AFCD would handle the scorpions seized and enquired about the general procedures for handling toxic animals. Mr Timothy LAM Fung-ngai indicated that during the course of investigation, the AFCD would make every effort to detain and care for the animals that were required for evidence purposes. Upon the conclusion of the cases, the AFCD would consider the feasibility of exhibiting some of the animals at the Endangered Species Resource Centre for public education purposes. Those toxic animals would not be donated.

22/23 A Member asked about the reasons for the significant decrease in the number of import licences and special export/import licences issued. Mr Ken CHAN Hon-ki explained that the import licences were primarily related to the ivory trade, which saw a sharp decline between 2022 and 2023. As for the special export/import licences, since they were issued for the exchange of specimens with other jurisdictions, the number of such licences issued would depend on the demand.

23/23 Mr Timothy LAM Fung-ngai supplemented that not import of all endangered species required import licences. Only the import of species listed in Appendix I of the CITES and the live animals or plants of wild origin belonging to the species listed in Appendix II of the CITES required import licences. In addition to the purpose of exchanging specimens with other jurisdictions, the AFCD also issued special export/import licences for imports and exports of the relevant species of animals and plants by universities and research institutions.

24/23 A Member suggested producing educational materials for schools with the seized timber. Besides, he recommended the AFCD to make use of the mobile application “Saving Face”, pointing out that the app could compare the facial markings of Humphead wrasses, hence facilitating inspection and law enforcement. He further asked about the use of “Saving Face” within the AFCD and whether the AFCD would promote the app for public use.

25/23 Mr Timothy LAM Fung-ngai thanked the Member for his suggestion. The AFCD would consider how to produce educational materials for schools with the seized timber. Regarding the mobile application “Saving Face”, he indicated that the accuracy of the app needed to be improved before it could be used for law enforcement and prosecution purposes. The AFCD had been maintaining close collaboration with the application developer and had provided additional images of Humphead wrasses for helping to improve the accuracy of the app.

26/23 A Member asked about the reasons for not instituting prosecution against a case of suspected illegal import of dried shark fins in June 2021. In addition, he enquired about the considerations for donating forfeited specimens to local schools, and whether follow-up actions would be taken on schools that had received the donations to ascertain that the specimens had been appropriately used for educational purposes. Besides, he asked about the whereabouts of the parrots confiscated.

27/23 Mr Ken CHAN Hon-ki responded that the importer in the case of the illegal import of dried shark fins contended that the import was delayed due to the pandemic and that the Schedules to the Ordinance had not been amended at the time of exporting that consignment of goods. Upon thorough investigation, the AFCD found that the allegation of illegal import of

dried shark fins with intent was not substantiated, and therefore no prosecution was pursued. The AFCD had arranged for a forfeiture hearing regarding the goods concerned.

28/23 Mr Daniel TSANG Man-hon supplemented that when considering donating forfeited specimens to local schools, the AFCD would assess the intended use of the specimens, the security and storage facilities of the school, and the preservation condition of specimens previously received (if applicable). The AFCD would also follow up with the universities and research institutions that had received the donated specimens to learn about their scientific research results. Regarding the confiscated parrots, for those listed in Appendix II of CITES, the AFCD would arrange for adoption through its partnering organisations such as the Society for the Prevention of Cruelty to Animals (Hong Kong) and evaluate the suitability of potential adopters or recipients, as well as the conditions of the rearing environment; and for those parrots listed in Appendix I of CITES, the AFCD would actively explore the feasibility of donating them to appropriate organisations for public education purposes.

29/23 A Member said that his job involved the purchase of Chinese medicinal materials (CMMs) such as dried seahorses and dried fish maws for conducting experiments. He asked how members of the public could judge whether the CMMs purchased were legal products. Moreover, he enquired whether one had to be mindful of the legality of the products when procuring wild gastrodia and wild American ginseng as experiment materials.

30/23 Mr Timothy LAM Fung-ngai said that only fish maw of one particular species was controlled currently, and its appearance was easily identifiable. No sale of the controlled item on the market had been detected during the regular market inspections conducted by the AFCD. Given seahorse was an Appendix II species, the import/export of its specimens or the possession of its live specimens was subject to the control of a licensing system. The local trade of dried seahorses, be they wild or artificially propagated specimens, was not subject to licensing controls.

31/23 The Chairman enquired whether the AFCD had encountered specific difficulties during shop inspections after the pandemic.

32/23 Mr Timothy LAM Fung-ngai said that the number of enforcement and investigation cases had increased significantly after the resumption of normal travel. In view of this, the AFCD had reinforced its efforts in publicising the restrictions on bringing endangered species into and out of Hong Kong, and had strengthened joint operations with the Customs and Excise Department in checking travellers' baggage. Regarding local inspections, the AFCD had stepped up inspections of shops upon their gradual resumption of business after the pandemic. With the gazettal of the amendments to Appendices I and II adopted at the 19th Meeting of the Conference of the Parties to CITES, control could be imposed on a majority of shark fins. In case import of shark fins not issued with a licence was detected in future, they might have to be seized for further investigation. The AFCD had all along been carrying out its identification and law enforcement work with the aid of technology to enhance efficiency.

33/23 A Member said that the number of illegal captures of big-headed turtles in Hong Kong might increase after the resumption of normal travel. He enquired whether the AFCD had difficulty in arranging for joint enforcement operations with the Police and whether such

operations could be institutionalised so that prompt actions could be taken whenever a suspicious case was detected.

34/23 Mr Timothy LAM Fung-ngai responded that while the joint enforcement operations mounted with the Police were not a standing arrangement, the two parties had been working in close collaboration and could reach a consensus and arrange for joint enforcement actions promptly where necessary.

35/23 A Member enquired whether licences were required for the import of animal eggs, such as bird eggs and tortoise/turtle eggs. She also enquired about the ways to identify whether an animal egg belonged to an endangered species.

36/23 Mr Ken CHAN Hon-ki said that relevant licences were required for the import of endangered species, regardless of whether it had been hatched or not. He said that the animal species could be roughly identified from the shape of its egg. The AFCD had successfully instituted prosecutions against illegal import of eggs belonging to endangered species by means of different identification methods, such as genetic tests. It would pay close attention to the sale of animal eggs on the market and take enforcement actions where necessary.

37/23 Regarding the enquiry of a Member about when a seized live animal would be released back to the wild, Mr Timothy LAM Fung-ngai responded that it was not specified in the Ordinance that live animals could only be disposed of after completion of legal proceedings. When determining the disposal arrangements, the AFCD would evaluate a basket of factors, including whether the AFCD had the suitable facility to keep the animal, the conditions of the animal and the suitability of releasing the animal locally back to the wild.

38/23 The Chairman urged the AFCD to exercise its professional judgment and make every effort to treat the forfeited animals well.

39/23 A Member enquired whether ostrich eggs were classified as controlled animals and whether members of the public had contravened the legislation when they bought tortoises/turtles sold on the market.

40/23 Mr Ken CHAN Hon-ki replied only some ostrich populations in Africa were subject to the control of the Ordinance, while importing ostrich eggs from other regions such as the Mainland China and South Africa was not regulated by the Ordinance. As for tortoises/turtles, since there were quite a number of species, members of the public might not be able to identify whether they were controlled species. The AFCD would adopt a multi-pronged approach, including conducting regular shop inspections, investigating the sources of the tortoises/turtles and inspecting local breeding facilities, so as to ensure that the tortoises/turtles put on sale on the market came from legal channels.

41/23 A Member was concerned about the survival rate of the forfeited live animals. He urged the AFCD to release the forfeited animals back to the wild appropriately as soon as possible to increase their chances of survival.

42/23 A Member suggested mounting joint enforcement operations with a dedicated task force of the Police because if the police officers performing the enforcement duties had a certain knowledge about endangered species, it would benefit the operations and co-ordination.

43/23 Mr Timothy LAM Fung-ngai responded that the Police usually assigned a police district the responsibility to perform enforcement duties according to the location at which the case occurred. At the moment, joint operations would continue to be organised basing on the same pattern.

44/23 Regarding the enquiry of a Member concerning whether the forfeited local tortoises/turtles had been released and whether the places of release were their places of origin, Mr Timothy LAM Fung-ngai said that the places of release were recommended by experts, and the places selected would be those that were safe and where the animals had a lower chance of being captured.

45/23 The Chairman said he understood that the Police's enforcement actions were taken under the established mechanism and hoped that the AFCD would continue to carry out enforcement actions in collaboration with the Police. He concluded that Members unanimously held the view that the forfeited animals should be treated well and released back to the wild as soon as possible, and understood that there were certain difficulties in tracing the animals' places of origin.

46/23 A Member suggested using radio tracking device or implanting microchips into forfeited animals to gauge the rate of them being recaptured after their release back to the wild.

47/23 Mr Timothy LAM Fung-ngai thanked the Member for her suggestion and said that the AFCD had already used radio tracking device and implanted microchips into the released animals.

V. Serving the Community – Service Standards Committee 48th Monitoring Report
(Committee Paper: CP/ESAC/3/2023)

48/23 With a PowerPoint presentation, Mr Ken CHAN Hon-ki reported on AFCD's performance concerning the service on licensing of endangered animals and plants from July 2022 to September 2023.

49/23 The Chairman enquired about the reason why 0.01% of the applications for CITES Licences to Import (other than live animals)/Export/Re-export/Possess in respect of endangered species failed to meet the target.

50/23 Mr Ken CHAN Hon-ki explained that a major organisation had applied for a large number of licences at the same time. As it took time to process each application, a very small portion of applications had been delayed by one to two days.

VI. Any Other Business

51/23 There was no other business.

VII. Date of Next Meeting

52/23 The Chairman said that Members would be informed of the date of next meeting in due course.

53/23 The meeting was adjourned at 3:31 p.m.

- End -