

漁農自然護理署
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長沙灣政府合署六樓



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Dear Sir/Madam,

The Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)
Ivory Trade

African elephant and Asian elephant are listed in the Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Their import, possession or re-export is strictly regulated under the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586). This circular aims to remind traders about the latest development in the regulations on ivory trade.

Background

The CITES started to regulate the international trade in elephant ivory in the 1970s, and has banned such trade since 1990 when African elephant was listed in Appendix I. Given the history of Hong Kong as a trade centre of ivory in the Asian region in the 1980s, substantial amount of ivory had been imported legally and in accordance with CITES provisions into Hong Kong before the international trade ban. Such pre-ban ivory was registered by this Department and is allowed to be traded locally under a Licence to Possess. The re-export of such ivory is not allowed.

Regarding “pre-Convention ivory” that was acquired before the CITES provisions started to apply to ivory, its international trade is allowed when the ivory is accompanied by a pre-Convention certificate. The possession of pre-Convention ivory with documentary proof without a licence is permitted. The re-export of pre-Convention ivory requires a Licence to Re-export.

While African elephant has been listed in Appendix I, certain specimens of African

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elephant are allowed to be imported, exported or re-exported as specimens of an Appendix II species under certain specified circumstances, such as hunting trophies from Botswana, Namibia, South Africa and Zimbabwe, individually marked and certified ekipa incorporated in finished jewellery from Namibia and ivory carvings from Zimbabwe for non-commercial purposes.

International, Mainland and Local Development

There have been growing concerns over the poaching of elephants in Africa and the global smuggling of ivory in recent years. Several countries and the People's Republic of China (PRC) have adopted measures stricter than the requirements of the CITES to control the ivory trade. In September 2015, the PRC and the USA committed to enact nearly complete bans on ivory import and re-export, including significant and timely restrictions on the import of ivory as hunting trophies, and to take significant and timely steps to halt the domestic commercial trade of ivory. The Mainland announced the suspension of import of ivory tusks and products in March 2016, and would release the timetable on halting the domestic commercial trade of ivory by the end of 2016.

New Measures on Control of Ivory Trade

In view of the growing concerns over the global ivory smuggling and control of local ivory trade, this Department has reviewed the regulatory regime of ivory trade and devised a suite of new measures to step up enforcement against smuggling of ivory, strengthen the control of local trade in ivory, and raise public awareness on the protection of elephants and the relevant control in cooperation with the Customs and Excise Department (C&ED) and the Hong Kong Police (the Police). We have also discussed with the Interpol and local enforcement agencies on how to step up international collaboration to combat smuggling of endangered species.

Proposed Ivory Phase-Out Plan

To further contribute to the conservation of African elephants, the Chief Executive has announced in the 2016 Policy Address that:-

“The Government is very concerned about the illegal poaching of elephants in Africa. It will kick start legislative procedures as soon as possible to ban the import and export of elephant hunting trophies and actively explore other appropriate measures, such as enacting legislation to further ban the import and export of ivory and phase out the local ivory trade, and imposing heavier penalties on smuggling and illegal trading of endangered species. Meanwhile, the Government will strengthen enforcement and take rigorous action against the smuggling and illegal trade in ivory.”

After detailed study and consideration, we propose to amend the Ordinance to effect a three-step plan (Plan) to phase out the local trade in ivory:

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