



## CITES SC74 NATIONAL IVORY ACTION PLAN PROGRESS REPORT Parties of 'primary concern'

Prepared for the 74<sup>th</sup> meeting of the CITES Standing Committee

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Party: HONG Kong SAR, China

Reporting period: September 2015 – November 2021

### **PART A: Synopsis of NIAP implementation**

#### **Progress to date**

The Standing Committee recognized Hong Kong SAR of China has substantially achieved the NIAP at SC66 and SC70.

Hong Kong SAR of China was encouraged to submit a report to SC73 on 4 specific areas of regulating ivory trade. Due to the challenges posed by COVID-19 which prevented the Committee from addressing this matter at SC73, the report which was originally submitted in June 2020 has been updated to extend the reporting period to cover up to November 2021 for re-submission for consideration at SC74.

The measures implemented and the corresponding achievements are illustrated below:

#### *A. Any further measures taken and activities implemented to combat illegal trade in ivory*

The Hong Kong SAR CITES Management Authority (HKMA) has been requiring the prior issuance of a Licence to Possess (PL) and affixment of temper-proof hologram stickers on registered elephant tusks and worked ivory items (details at Part C below).

To implement the control, HKMA has been conducting inspections targeted at licensed ivory shops and non-licensed art and craft shops to check the licence compliance as well as to detect and deter illegal ivory trade. Two elephant tusks

on which no hologram was affixed were seized from a licensed shop during surprise inspection and legal action is being pursued. In another case, a non-licensed shop was found to possess 20 kg of worked ivory and 35 kg of elephant tusks. The owner of the shop was sentenced to 24-month imprisonment.

The department has also been applying hi-tech radiocarbon dating analysis to determine the age and hence the legality of ivory. Control buy operations were conducted at local licensed ivory shops, and a total of 4 licensed shops were proved by the radiocarbon dating analysis to be selling ivory products that had been obtained after the ivory trade ban of the year 1990. Enforcement actions were taken and the licensees concerned were subsequently prosecuted and convicted. The cases were reported by local media.

It is believed the enforcement actions have imposed deterrent effect to illegal trade.

*B. Progress with the implementation of the three-step plan outlined in Notification to the Parties No. 2018/057 of 1 June 2018*

The three-step plan to phase out the local ivory trade by the end of 2021 commenced on 1 May 2018. Since then, the import and re-export of all elephant hunting trophies and those remaining post-Convention ivory items that the import, export and re-export of which are currently permissible under CITES has been banned (step 1). The legislative amendment also increased the penalties on illicit trade in CITES-listed species (details at Part D below).

We are currently at step 2 of the phase out plan where starting from 1 August 2018, the import and re-export of pre-Convention ivory has been banned. A licence to possess is required for keeping pre-Convention ivory for commercial purposes. Applications have been scrutinised and inspection of the commercial stocks of pre-Convention ivory has been conducted for recording weight, taking photo and putting on tamper-proof hologram sticker.

Step 3 of the phase-out plan will have come into effect by the time this report is considered at SC74. Starting from 31 December 2021, possession of ivory for commercial purposes will be banned, which means domestic ivory market will be shut down by then. HKMA will strictly enforce the ban, and continue to conduct inspections to targeted shops and stay vigilant to illegal trade in ivory after the shutting down of the local legal market.

To publicise the phase-out plan of the local ivory trade and the new penalty regime among the general public, travellers and traders, HKMA has carried out a series of publicity and education activities such as distribution of handbills and display of posters at various import and export control points, placement of advertisements on major public transports, broadcasting TV and radio announcements of public

interest at cross-boundary coaches and YouTube Channel, as well as conducting education visits to licensed ivory shops and other art and craft shops. Circular letters have been issued to relevant traders at different time points to remind them of the updated control. Education and publicity work will continue after the implementation of Step 3.

*C. Any measures and activities implemented to prevent the displacement of illegal trade in ivory to Hong Kong SAR, that may result from the closure of domestic ivory markets in Mainland China*

HKMA has been in close contact with the Mainland counterparts in updating the measures of regulating ivory trade on both places. To prevent potential laundering of licensed ivory by ivory of illegal source, apart from the existing marking/labelling of unique number on the raw ivory, a new marking system of unique tamper-proof hologram is put on registered ivory tusks and worked ivory of over 0.1kg. Photographic record has also been taken for worked ivory. Inspection to the licensed ivory shops was stepped up and enforcement actions to be taken if irregularities found.

*D. Measures implemented to deter and detect worked ivory products moving out of Africa to Hong Kong SAR, and to penalize offenders involved.*

The Customs and Excise Department and HKMA keep vigilant in combating smuggling of specimens of endangered species, including ivory, from entering Hong Kong. There were 2 major ivory seizure cases in the reporting period. The first case happened in July 2017 where about 7,031 kg of raw ivory was seized in a container imported from Malaysia and reported to contain “frozen fish”. This case is the largest seizure of raw ivory so far and it was revealed after DNA tests that the ivory had been sourced from Africa. The second case was in January 2019. Based on the intelligence from Mainland China, Hong Kong Customs seized in a maritime cargo that had been re-exported from Nigeria to Hong Kong which was scheduled to be further shipped to Viet Nam. About 2,070 kg of ivory and about 8,268 kg pangolin scales were found in the container. Information of both cases was sent to relevant Parties via Eco-message for their possible follow-up actions. Also, ivory samples were taken from the case effected in the year 2017 and the samples were sent to Dr. Samuel Wasser to trace the origin and smuggling route of ivory, thereby assisting the country of origin to protect their elephants.

In the legislative amendments to implement the three-step ivory phase-out plan mentioned in Part B above, the maximum penalties of the legislation were also largely increased. For offences convicted on indictment, the maximum penalty for Appendix I species is a fine of 10 million Hong Kong dollars and imprisonment for 10 years (the previous maximum penalty was a fine of 5 million Hong Kong dollars and imprisonment of 2 years only). The significant increase in penalty has a strong

deterrent effect against illicit wildlife trade, and sends a clear signal to the international and local communities that the Hong Kong SAR Government is committed to the protection of endangered species and to combating wildlife trafficking. In fact, with the continuous effort in combating smuggling of ivory and the large increment of maximum penalties, the once commonly seen *modus operandi* of passengers smuggling ivory using their suitcase has been largely reduced in the last couple of years.

The National Ivory Action Plan of Hong Kong SAR has been carried out in accordance with the work plan and the targets have substantially achieved. More information of the actions and achievements could be found in part (C) below.

### **Future outlook**

The HKSAR Government is committed to the protection of endangered species including elephants, and abides by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in regulation of trade in endangered species including elephants.

The domestic ivory market of Hong Kong SAR will be shut down by the end of 2021. In the meantime, monitoring of the local ivory market has been stepped up to check for any irregularities and measures to combat illegal trade in ivory will continue to be implemented. We will also keep on enhancing public awareness on protection of endangered species through public education and publicity.

The enforcement agents of Hong Kong will endeavor, as always, to combat smuggling of specimens of endangered species including ivory in future. We also recognize the importance of international cooperation and will strive for the opportunity to participate in international enforcement operations and keep close contact with other counterparts in intelligence exchange. We will continue our unwavering efforts to implement the CITES and maintain our enforcement momentum.

**PART B: Summary evaluation of actions (assigned progress ratings)**

CATEGORY/PILLAR	PROGRESS RATING			
	Substantially achieved	On track	Challenging	Unclear
1. [Regulation of Trade]	1.1 Legislation and licensing control 1.2 Compliance monitoring			
2. [Enforcement]	2.1 Import Control 2.2 Intelligence exchange 2.3 International collaboration 2.4 Capacity building			
3. [Publicity and Disposal of Ivory]	3.1 Publicity and Education 3.2 Incineration of confiscated ivory			

**PART C: Detailed evaluation of actions**

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i> )
<b>CATEGORY 1: [Regulation of trade]</b>		
1.1 [Legislation and licensing control]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• Legislation amendments to phase out ivory trade of Hong Kong SAR has been completed. A three-step plan to phase out the local ivory trade by the end of 2021 was commenced on 1 May 2018. The import and re-export of elephant hunting trophies, post-Convention ivory items that the import, export and re-export of which are currently permissible under CITES and pre-Convention ivory have been banned. A licence to possess is required for keeping pre-Convention ivory for commercial purposes.</li> <li>• The Hong Kong SAR CITES Management Authority (HKMA) has completed a comprehensive stock check to all licensed premises keeping ivory for commercial purpose. Tamper-proof hologram was applied to registered ivory to prevent laundering of illegally sourced ivory.</li> </ul>
1.2 [Compliance monitoring]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• In addition to the stock check inspections, surprise inspections have been conducted to both licensed shops selling ivory as well as other arts and crafts shops to check if there are any irregularities. During the reporting period, a total of 2,721 inspections were made. Cases of shops with irregularities were followed up and legal actions were pursued where appropriate.</li> <li>• Control buy operations were conducted to local licensed ivory shops and radiocarbon dating technique was applied to check the age and hence the legality of the purchased ivory. As a result, a total of 4 licensed shops were found selling ivory products that had been obtained after the ivory trade ban of 1990. Enforcement actions were taken and the licensees concerned were subsequently prosecuted and convicted.</li> </ul>
<b>CATEGORY 2: [Enforcement]</b>		
2.1 [Import and export control]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• The HKMA works closely with Hong Kong Customs to combat smuggling of ivory. From September 2015 to November 2021, there were a total of 203 seizures that involved about 10.8 tonnes of ivory.</li> <li>• Two major seizures were made. The first case was in July 2017 where about 7,031 kg of raw ivory was seized in a container imported from Malaysia and reported to contain “frozen fish”. This case is the largest seizure</li> </ul>

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i> )
		<p>of raw ivory so far and it was revealed after DNA tests that the ivory was sourced from Africa. The second case was in January 2019. Based on the intelligence from Mainland China, Hong Kong Customs seized in a maritime cargo that was re-exported from Nigeria to Hong Kong which was scheduled to be further shipped to Viet Nam. About 2,070 kg of ivory together with 8,268 kg pangolin scales were found in the container.</p> <ul style="list-style-type: none"> <li>• Sniffer dogs were continued to be deployed at import and export control points. A total of 151 seizures of endangered species were detected by sniffer dogs between September 2015 and November 2021.</li> </ul>
2.2 [Intelligence exchange]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• Information of major seizures have been exchanged with Parties along the trade chain.</li> <li>• Ivory seizures were reported to CITES through ETIS.</li> </ul>
2.3 [International collaboration]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• In collaboration with Gabon CITES Scientific Authority and Malaysia CITES MA, both Parties sent representative to Hong Kong and took 90 ivory samples from the 7-tonne seizure case mentioned in section 2.1 above. The samples were taken to Malaysia for a quick DNA test and the ivory was then revealed to have been sourced from Central Africa.</li> <li>• HKMA continued to take samples from major ivory seizure cases and provide them to a designated forensic laboratory to trace the origin of the elephant population. In the reporting period, HKMA completed sample taking of the 7-tonne ivory seizure case and the ivory samples were sent to Dr. Samuel Wasser of the University of Washington. It is expected that the outcome of the analysis would help to locate the affected elephant population.</li> </ul>
2.4 [Capacity building]	<b>[Substantially achieved]</b>	<ul style="list-style-type: none"> <li>• To keep abreast of the international practices, skills and knowledge of wildlife enforcement, HKMA sent enforcement officers to participate in international training workshops related to wildlife crime. Three officers participated in the Wildlife Investigators Training Course during the reporting period organized by The International Law Enforcement Academy (ILEA)</li> </ul>
<b>CATEGORY 3: [Publicity and Disposal of Ivory]</b>		
3.1 [Publicity and education]	<b>[Substantially Achieved]</b>	<ul style="list-style-type: none"> <li>• A series of publicity of ivory regulations after legislative amendments targeting at the general public, travellers and relevant stakeholders have been launched. Activities included distribution of handbills and display of posters at various import and export control points, placement of advertisements on major</li> </ul>

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		<p>public transports, broadcasting TV and radio announcements of public interest at cross-boundary coaches and YouTube Channel, as well as conducting education visits to licensed ivory shops and other art and craft shops. Circular letters have been issued to relevant traders at different time points to remind them of the updated control.</p>
3.2 [Incineration of confiscated ivory]	<b>[Substantially Achieved]</b>	<ul style="list-style-type: none"> <li>• HKMA has completed disposal of stockpiled confiscated ivory. A total of about 29.5 tonnes of confiscated ivory has been disposed of by incineration. Apart from ivory saved for conservation, education and enforcement purposes, confiscated ivory will be disposed of by the same method in future.</li> </ul>



**Part D: Indicators (OPTIONAL)**

NIAP CATEGORY		Indicator	Performance
[category/pillar name]	1	[List indicator]	[progress against indicator]
	2	[List indicator]	[progress against indicator]

**Part E: Annex (supporting information) (OPTIONAL)**

***CATEGORY 1: [name]***

[Description of information provided]

***CATEGORY 2: [name]***

[Description of information provided]

Etc...