

The Honourable Vincent CHENG Wing-shun, MH, JP,  
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Panel on Environmental Affairs  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

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(E mail: panel\_ea@legco.gov.hk)

Dear Mr Cheng,

**Members' Bill to amend the Organised and Serious Crimes Ordinance (OSCO) to add certain offences under the Protection of Endangered Species of Animals and Plants Ordinance (PESAPO) to Schedule 1 of the OSCO**

We write as organisations, academics and legal experts with an interest in the Government of Hong Kong SAR's efforts to combat wildlife crime, and we would like to take this opportunity to express our support of the **Members' Bill (ref: CB(1)594/20-21(01))**.

The provisions contained within the Bill, to include the illegal import, possession, re-export and export of CITES listed species into Schedule I of OSCO, have long been seen as an important mechanism for combatting the illegal wildlife trade taking place in our city.

**Wildlife Trafficking is a Global Concern**

Wildlife trafficking is an increasingly important issue of global concern, leading to species extinction and biodiversity loss. Hong Kong undeniably has an important role to play in combatting this illegal trade, as evidenced by the large and increasing volume of rare and endangered wildlife (dead and alive), that continue to be seized in the city.

For context, it is worth comparing seizures within the Hong Kong SAR to those made in Mainland China. In 2019, Hong Kong authorities seized 375MT of wildlife, equating to almost a third of the volume seized by Mainland China's customs agency.<sup>1</sup> China is recognised as one of the world's largest trafficking hubs and as a major market for illegal wildlife.<sup>2</sup> It is clear that Hong Kong plays a disproportionately large role in combatting the illegal wildlife trade.

Large volume seizures in Hong Kong typically originate from Africa and follow similar patterns of concealment.<sup>3</sup> Wildlife is collected from and trafficked across multiple countries to an export point before being smuggled into Hong Kong. Many high value species are destined for Mainland China<sup>4</sup>. Numerous international enforcement operations including Operation Chameleon (1990s -2010), Operation Crash (started in 2011), Operation Cobra II and III (2014 and 2015), Operations Thunderbird (2017),

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<sup>1</sup> People's Daily (2020) 海关破获一起走私野生动物制品大案. Available at: [http://paper.people.com.cn/rmrb/html/2020-03/06/nw.D110000renmrb\\_20200306\\_9-11.htm](http://paper.people.com.cn/rmrb/html/2020-03/06/nw.D110000renmrb_20200306_9-11.htm).

<sup>2</sup> UNODC (2020) *World Wildlife Crime Report: Trafficking in protected species*. United Nations: Vienna. Available at: [https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World\\_Wildlife\\_Report\\_2020\\_9July.pdf](https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf) [Accessed 4 March 2021].

<sup>3</sup> HKWTWG (2018) *Trading in Extinction: The Dark Side of Hong Kong's Wildlife Trade*. ADMCF: Hong Kong. Available at: <https://www.admcf.org/wp-content/uploads/2019/11/Trading-in-Extinction-The-Dark-Side-of-HKs-Wildlife-Trade-Report-EN.pdf> [Accessed 4 March 2021].

<sup>4</sup> ADMCF (2020) *Protection of Endangered Species: Enhanced Enforcement Strategy*. White paper. Available at: <https://www.admcf.org/wp-content/uploads/2020/10/Protection-of-Endangered-Species-White-Paper.pdf>. p.6. [Accessed 4 March 2021].

Thunderstorm (2018) and Thunderball (2019), have highlighted that Hong Kong has been affected by wildlife criminal networks.

The seriousness of these crimes impacts the international reputation of Hong Kong and the relationship between Hong Kong, Mainland China and other countries.

The United Nations has, through its General Assembly, repeatedly called on its members states to treat wildlife crime as a serious form of transnational organised crime, and more recently to take decisive steps “to prevent, combat and eradicate the illegal trade in wildlife, on the supply, transit and demand sides, including by strengthening their legislation and regulations necessary for the prevention, investigation, prosecution and appropriate punishment of such illegal trade, as well as by strengthening enforcement and criminal justice response.”<sup>5</sup>

### **Hong Kong’s Commitment**

The government of Hong Kong SAR has in recent years indicated its commitment to the protection of endangered species and recognised the severity of offences under PESAPO,<sup>6</sup> and in May 2018 enacted the *Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2018 (Amendment Ordinance)*. Significantly, the Amendment Ordinance introduced indictable offences and increased the maximum penalties for smuggling and illegal trade in endangered species (i.e., CITES-regulated species) to a HK\$10 million fine and 10 years’ imprisonment. The Government indicated that these revised penalties are “an appropriate level of severity that is severe enough to provide a strong deterrent against illicit wildlife trade and to show that the Government is very serious about deterring these crimes.”<sup>7</sup>

### **Continued Lack of Deterrence**

Unfortunately, there is no indication of any substantive curbing of the illegal wildlife trade in Hong Kong since the introduction of the PESAPO Amendment Bill. In fact, in the two years immediately following, wildlife seizures in the city reached new peaks. In 2018 and 2019, local enforcement authorities seized over 649 metric tonnes (MT) of wildlife valued at HK\$207 million in 1,404 seizures.

Over 2018 and 2019, the government convicted 377 offenders of offences under PESAPO<sup>8</sup>, with sentences ranging from a fine of HK\$300<sup>9</sup> to 32-months imprisonment<sup>10</sup>. However, observation of 124 post amendment cases resulting in 120 convictions<sup>11</sup>, indicate that the majority of offenders were mules carrying the goods for a third party - most were air passengers. Many were first-time offenders on low incomes and had been promised an inconsequential sum for their services. As such these prosecutions do little to deter those orchestrating and benefiting from the supply chains driving illegal wildlife into and through our city.

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<sup>5</sup> UNGA (2019) *Tackling illicit trafficking in wildlife*. Seventy-third session: Agenda item 14 - Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields. United Nations. A/73/L.120. Available at: <https://undocs.org/pdf?symbol=en/A/73/L.120>. [Accessed 4 March 2021].

<sup>6</sup> Environment Bureau/Agriculture, Fisheries and Conservation Department, June 2016, Legislative Council Panel on Environmental Affairs Proposed Plan for Phasing out the Local Trade in Elephant Ivory

<sup>7</sup> AFCD (2018) *The Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2018 – Frequently Asked Questions*. Government of the Hong Kong SAR. Available at: [https://www.afcd.gov.hk/english/conservation/con\\_end/files/ES01\\_18e\\_FAQ.pdf](https://www.afcd.gov.hk/english/conservation/con_end/files/ES01_18e_FAQ.pdf) [Accessed 4 March 2021].

<sup>8</sup> ENB (2020) *Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2020-21*. Controlling Officer’s Reply (ENB001). Legislative Council Financial Committee. p. 64. Available at: [https://www.enb.gov.hk/sites/default/files/en/node5265/fcq\\_20-21e.pdf](https://www.enb.gov.hk/sites/default/files/en/node5265/fcq_20-21e.pdf).

<sup>9</sup> *Ibid.*

<sup>10</sup> Hong Kong Judiciary (2019) 香港特別行政區訴林俊杰. DCCC 294/2019 [2019] HKDC 1022. Available at: [https://legalref.judiciary.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=124091&QS=%2B&TP=RS](https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=124091&QS=%2B&TP=RS) [Accessed 4 March 2021].

<sup>11</sup> ADM Capital Foundation Court Monitoring Programme (2018-2019)

By way of contrast, internationally significant cases have not been pursued by Hong Kong prosecutors for lack of sufficient evidence. As examples, the larger seizures of wildlife contraband (usually in shipping containers) remain unprosecuted. These include:

- Hong Kong's record pangolin seizure of 8.3MT seized with 2.1MT of ivory in 2019 (equating to 13,800 pangolins and 200 elephants);
- Hong Kong's largest rhino horn seizure of 82kg also in 2019 (equivalent 31 black rhino or 14 white rhinos);
- Hong Kong's record ivory seizure of 7.2 MT (equivalent to 1,690 elephants) in 2017; and
- Hong Kong's record wood seizure of 1,005 MT Malagasy Rosewood in 2015.

There is no indication that any transnational criminal organisations or syndicates funding the smuggling by air of wildlife into Hong Kong have ever been prosecuted within the Territory. Further, in the face of numerous multi-million-dollar busts, the city also has yet to link financial crimes to wildlife prosecutions<sup>12</sup>, despite considerable evidence of the nexus between the two<sup>13,14</sup>.

### **Compelling Reasons for the Amendment Bill are: -**

- Hong Kong has the unfortunate reputation as a global wildlife trade and trafficking hub. Currently, the Agriculture Fisheries and Conservation Department (AFCD) and not the Customs and Excise Department (CED) investigate the vast majority of wildlife trafficking offences, despite having little investigative training/experience and limited powers to do so effectively. The transnational organized nature and seriousness of wildlife crime in terms of environmental impact, cruelty, violence, the linkages between local and global criminal syndicates, and the measures local crime syndicates go to in order to protect and control their activities, result in the need for greater investigative capacity.
- The exclusion of PESAPO offences from Schedule 1 to OSCO as 'specified offence' has several very significant repercussions<sup>15</sup>:
  - (i) The CED cannot utilise the powers under section 4 of OSCO to gain access to materials related to the investigation of a serious wildlife crime.
  - (ii) Where a person has been convicted of a wildlife crime, the Courts are not empowered to use section 8 of OSCO to confiscate the proceeds of that crime, nor can judges use sections 15 and 16 of OSCO to issue restraint or charging orders over property representing the benefits of wildlife crime.
  - (iii) The Courts are not permitted to pass enhanced sentences for wildlife crimes charged under PESAPO when they are related to organised crime. Only the theft of incense trees is able to attract an enhanced sentence as theft is a 'specified offence' under Schedule 1 of OSCO.
- Over the last decade (2010-2019), illegal wildlife valued at over HK\$866 million was seized in Hong Kong. Compared to other lucrative crimes, the values of these seizures consistently rank in the top five of the 55+ ordinances on which the Customs and Excise Department act. Were the offences in PESAPO formally recognized as a form of organized and serious crime, OSCO would allow for the confiscation of proceeds of wildlife crime on conviction. Such confiscation orders would provide a powerful disincentive to wildlife criminals and importantly would prevent reinvestment of profits into further

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<sup>12</sup> Financial Services and the Treasury Bureau (2020) *LCQ18: Predicate offences for money laundering involving environmental crimes*. Government of Hong Kong SAR. Available at: <https://www.info.gov.hk/gia/general/202007/08/P2020070800288.htm> [Accessed 4 March 2021].

<sup>13</sup> UNODC (2019) *Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact*. United Nations: Vienna. Available at: [https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA\\_TOCTA\\_2019\\_web.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA_TOCTA_2019_web.pdf). p.21.

<sup>14</sup> EIA (2020) *Money Trails: Identifying financial flows linked to wildlife trafficking*. Available at: <https://eia-international.org/wp-content/uploads/Money-Trails-SPREADS.pdf>.

<sup>15</sup> ADMCF (2020) *Protection of Endangered Species: Enhanced Enforcement Strategy*. White paper. Available at: <https://www.admcf.org/wp-content/uploads/2020/10/Protection-of-Endangered-Species-White-Paper.pdf>. p.6.

criminal activities. Disgorgement of the profits of crime is a proven and necessary enforcement initiative in combatting crime of this type where the profits are high.

- The recent amendment to PESAPO, making some wildlife crimes indictable does not assist. While theoretically charges can now be brought under section 25 for money laundering offences related to wildlife crime, it is very unlikely they could succeed, with the law as it now stands. Without access to the coercive investigative powers available under OSCO section 4, C&ED are unlikely to gather sufficient evidence to effectively pursue charges against offenders for dealing with the proceeds of wildlife crimes under section 25.
- Not all serious wildlife offences, where defendants have benefited from the proceeds of their crime, fit within the definition of money laundering. It is possible to envisage many scenarios where an offender has benefited from wildlife crime and is liable for offences under PESAPO, yet there is insufficient evidence to establish he/she 'dealt' with the proceeds (as is required for a successful prosecution under section 25). In such cases, were PESAPO offences included in Schedule 1, the benefits of the offending could still be confiscated by the courts. Currently this is not possible.
- OSCO Schedule 1 includes the criminal activities of gambling, managing unlawful societies, money lending, damage to property, forgery, theft, robbery, fraud, false accounting, handling stolen goods, forged trademarks and copyright offences. It would be highly appropriate for trafficking in endangered wildlife to be included, particularly in light of the increase in penalties and introduction of indictable offences in 2018.

In summary, the incorporation of certain PESAPO offences into OSCO schedule I, would facilitate criminal investigation of the syndicates behind the crimes as opposed to the current focus on prosecuting the carriers caught "red-handed" or in the act. The application of the OSCO regime would then ensure that the real perpetrators and the major miscreants of wildlife crime can be investigated and prosecuted.

With the above in mind, we hope that the Legislative Council of the Hong Kong SAR will support the proposed Bill to amend the Organised and Serious Crimes Ordinance (OSCO) by adding the most serious offences under the Protection of Endangered Species of Animals and Plants Ordinance to Schedule 1 of the OSCO.

Yours sincerely,

For and on Behalf of the following members of the Hong Kong Wildlife Trade Working Group



**Lisa Genasci**  
**CEO, ADM Capital Foundation**



Cc:

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Encl.

Hong Kong Wildlife Crime Bulletin 2018-2019 – Executive Summary

# EXECUTIVE SUMMARY



## BACKGROUND

For decades, leading scientists from around the world have been sounding the alarm citing biodiversity loss, including species extinction, as a driver of impending ecosystem collapse and, more recently, as a contributor to pandemic risk. The wildlife trade is recognised as a cause of biodiversity loss and, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), around 24% of all wild terrestrial vertebrate species are today traded globally. In 2019, the legal wildlife trade was estimated to be worth US\$107 billion<sup>1</sup>. The illegal trade has continued to thrive in its shadow.

In January 2019, members of the Hong Kong Wildlife Trade Working Group released *“Trading in Extinction: The Dark Side of Hong Kong’s Wildlife Trade”*<sup>2</sup> which, for the first time, provided quantifiable data on the extent and nature of wildlife crime in Hong Kong spanning 2013 to 2017. It demonstrated that Hong Kong has a disproportionately large trafficking footprint and has long been exploited by organised and serious criminal groups in the pursuit of large profits from illegally traded wildlife.

In March 2021, *“Still Trading in Extinction: The Dark Side of Hong Kong’s Wildlife Trade”* was released, which builds on that first report and provides an overview of Hong Kong’s wildlife seizures (2018-2019) and prosecutions (2017-2020). It presents insights based on data and observations, demonstrating that the trade continues unabated and, for several notable species, has even worsened. This executive summary presents these and other key findings.

It should be noted that the findings are based on two main datasets:

- 1) **The Customs and Excise Department’s (C&ED) summary data** provide perhaps the best indication of **overall volumes and values** for wildlife seized in Hong Kong annually.
- 2) **The Wildlife Product Seizures (WiPS) Database** provides **seizure details and specificity** not available in C&ED’s data, thus enabling continued characterisation of the illegal trade.

The WiPS Database is derived from a variety of sources, primarily government data spanning 2013-2021. This dataset provides seizure details such as type of product, country of consignment, prosecution details, concealment methods, mode of transport, etc. It should be noted, however, that not all parameters are consistently available for all seizures and not all seizures reported by C&ED in their annual figures have been identified and included in the WiPS dataset.

**C&ED vs WiPS:** The number of seizures cannot be directly compared between the two datasets, because of differences in counts of seizure cases/events, which are likely the result of different methods of classifying a seizure, e.g. incident or individuals involved.<sup>3</sup> Nevertheless, the wildlife product volumes seized and estimated values in both datasets indicate considerable overlaps, despite this range in seizure numbers. These two datasets considered together then provide the best insight into wildlife trafficking in Hong Kong.

## WILDLIFE SEIZURES SURPASS THE PRECEDING DECADE, WHILE DYNAMICS CHANGE

In 2018 and 2019, Hong Kong authorities seized over 649 Metric Tonnes (MT) of wildlife across 1,404 seizures. These figures are indicative that despite Hong Kong’s small size, trafficking in the city is comparable to that of leading nations. In 2019, Hong Kong’s wildlife seizures (375MT) equated to almost a third of the volume seized by mainland China’s customs agency that year (1,237MT).<sup>4</sup>

The volumes seized in Hong Kong in each of 2018 and 2019 surpassed all annual totals for the preceding decade, excluding 2015 when a single exceptionally large seizure of wood took place<sup>5</sup>. While the trade continues unabated, the dynamics have changed, with a decline in ivory seizures (historically a focus for local enforcement) and a dramatic increase of *“Other Endangered Species”* seizures (i.e. everything that is not ivory, pangolin or wood).

Indeed, 30.4MT of these *“Other”* species were seized in 2019 – an all-time high, and a tripling of the volume seized in 2018, which was itself threefold the volume seized in 2017. This growth also hints at diversification within the illegal wildlife trade. The increase in *Other Endangered Species* is of concern not least because of a general lack of transparency concerning the actual species in trade, but because many of those that could be identified are rare and threatened species destined for the exotic pet trade.

## PANGOLINS REMAIN A STAPLE OF HONG KONG’S TRAFFICKERS

Pangolins, unfortunately best known as the *“most trafficked mammal in the world”*<sup>6</sup>, remain a staple of Hong Kong’s illegal wildlife trade. In 2018 and 2019, scales and carcasses equating to as many as 50,200 pangolins were seized, equivalent to a pangolin being poached every 21 minutes for the Hong Kong trade. Hong Kong is clearly playing a pivotal role in driving these creatures towards extinction.

Each of these two years marked grim milestones. In 2018, the total volume of pangolin seized surpassed all records for the preceding eight years. In 2019, authorities made the largest pangolin seizure in the city’s history, comprising 8.3MT of pangolin scales (along with 2.1MT of raw elephant tusks). This single seizure equates to the scales of as many as 13,800 pangolins and the tusks of 200 elephants.<sup>7</sup>

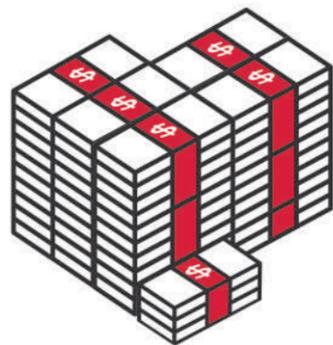
The significance of the illegal wildlife trade in Hong Kong is further evidenced by the volume of pangolin scales seized in the Territory arriving from Nigeria - the leading exit point for pangolin trafficked out of Africa. Of the 78MT seized from Nigerian consignments across the world in 2018 and 2019, Hong Kong’s seizures amounted to over a quarter.<sup>8</sup>



**649** MT  
OF WILDLIFE SEIZED

**1,404**  
SEIZURES

**HK\$ 207 MILLION**  
worth of illegal wildlife



## MONEY MATTERS

In 2018 and 2019, illegal wildlife valued at HK\$207 million was seized in Hong Kong. Compared to other lucrative crimes, the values of these seizures rank in the top five of the 58 ordinances on which the C&ED act. However, this figure is likely an underestimate of the true value of the illegal trade, not least because only a fraction of the trade is intercepted. Based on a subset of seizure data (164 events<sup>9</sup>) documented in WIPS, at least 1-in-5 was valued at HK\$1 million or more, of which six were estimated to be worth more than HK\$5 million. The most highly valued single seizure identified was HK\$62 million-worth of pangolin and ivory combined.

The potential profit from such crimes inevitably provides enormous incentive for organised and serious criminal syndicates. It is vital that the financial flows of these crimes are investigated and, optimally, that proceeds are confiscated if prosecutions are to truly serve as deterrents.

## THE DEVIL IS IN THE DETAIL

A snapshot of seizure events throughout 2018 and 2019 captured information including (but not limited to) the circumstances of seizures, transit routes, species taxonomies involved and details of offenders.

Just 108 such events indicate that in 2018 and 2019, wildlife was seized arriving from at least 38 countries across six continents. Most seizures were from passengers arriving at Hong Kong International Airport (HKIA). From a subset of data, it can be seen that out of 164 seizure events, 73 air passengers carried a total of 785kg of wildlife products as well as 1,234 live turtles and tortoises.

By volume, however, the overwhelming majority of wildlife was seized at Hong Kong's seaport in Kwai Chung. The largest of these were consigned from Central American nations, with six seizures from containers amounting to 245MT of wood logs arriving from Guatemala, Honduras and Panama.

In terms of species, Hong Kong's authorities seized hundreds of tonnes of 'threatened' wildlife, the majority of which are at risk of extinction. A diverse range of species and products were encountered including (but not limited to) Hawksbill sea turtle shell bracelets, ivory figurines, rhino horns, rosewood logs, totoaba maws, tiger bones, shark fins, dried seahorses, live Ploughshare tortoises, European eels and Humphead wrasses.

Live animals were also trafficked in large numbers, with the Agriculture, Fisheries & Conservation Department (AFCD) reporting 6,991 endangered animals seized over 2018 and 2019. Although data is sparse on the manner of such smuggling, at least 2,407 live animals were discovered in checked and carry-on luggage of air passengers, with some being stuffed into clothing such as socks, as well as being concealed in trucks and cars.



## IMPRISONING PAWNS WHILE KINGPINS ROAM FREE

Based on observations of court proceedings as well as a review of publicly available data since 2017, it appears that prosecutions most frequently target comparatively insignificant carriers or 'mules'. Where data were available, offenders were frequently observed to be financially strained, without a previous criminal record, supporting or caring for multiple dependents and had committed the crime at the behest of a friend, boss or other contact. Almost without exception, none of those convicted appeared to be critical to the operations of criminal syndicates and it remains unclear whether others in the supply networks are typically pursued.

This compounds a longstanding issue, wherein prosecutions do not appear to be forthcoming in relation to the largest seizures made in the city. Of 19 seizures involving sea cargo containers (holding 398MT of wildlife products) in 2018 and 2019, arrests are only known for seven, resulting in one successful prosecution.

This case resulted in conviction of a part-time salesperson and housewife who alleged that she allowed a contact to use her address and phone number on a customs declaration for the illegal shipment of 29MT of Honduras rosewood. She was ultimately sentenced to three months in prison. Though culpable, the defendant, like many of those observed in the courts for breaching Cap. 586, hardly appeared to be the mastermind behind the crime or the chief beneficiary.

Concerns are compounded by decisions not to pursue prosecutions in connection to three of Hong Kong's most infamous seizures: 7.2MT of elephant tusks valued at HK\$72 million in July 2017<sup>10</sup>; 8.3MT of pangolin scales (along with 2.1MT of raw elephant tusks) valued at HK\$62 million in February 2019<sup>11</sup> and 82.5kg rhino horn valued at HK\$16.5 million in April 2019. The lack of prosecution in these cases is stark, since the Security Bureau (SB) cited these as prime examples of their Syndicate Crimes Investigation Bureau's (SCIB) "determination and capacity to conduct in-depth investigations in wildlife smuggling and combat organized crime networks."<sup>12</sup>

Despite the high values involved, none of the 2,542 wildlife trafficking cases investigated in Hong Kong between 2015 and 2019 have been linked to money laundering offences, despite strong indications from entities including the United Nations Office on Drugs and Crime (UNODC)<sup>13</sup>, US Department of Justice<sup>14</sup> and Environmental Investigation Agency (EIA)<sup>15</sup> that such offences are being committed locally and in parallel with wildlife crimes.

Despite the express purpose of the amendment of penalties under the Protection of Endangered Species of Animals and Plants Ordinance (PESAPO) in 2018 "to provide a strong deterrence against illicit wildlife trade and show that the Government is very serious about deterring these crimes"<sup>16</sup>, the persistent focus on low level mules will do little to deter those who are fundamentally making large profits from these crimes. The penalty amendment has ensured that multiple cases have been tried in the District Court and penalties are indeed harsher, though still far from the maxima. But as the hapless mules are prosecuted and indeed likely deterred from reoffending, there are many more waiting in the wings to be recruited, for relatively little money.



## TIME FOR REFORM - FROM TRAFFICKING HUB TO GLOBAL LEADER

To address the lack of deterrence as evidenced by the continued rise in Hong Kong seizures, an enhanced enforcement strategy is needed. Policy reform is required, to ensure that wildlife crimes are investigated thoroughly and that those who are responsible for orchestrating and/or financing these crimes are deterred. One mechanism to do this is to use the existing legal framework and to elevate wildlife offences in the legislature, with the onus on the police and customs to investigate and prosecute. This can be achieved by incorporating wildlife crime offences under the Territory's Organised and Serious Crimes Ordinance (Cap. 455). Indeed, in 2019 Hong Kong's SB declared that it is "open-minded"<sup>17</sup> to application of powers available under Cap. 455 in cases related to wildlife crimes. In early 2021, a Members' Bill for such policy reform was prepared and as this document goes to print, is in the process of being submitted to the government's legislature.

In conclusion, Hong Kong continues to have a vastly disproportionate ecological footprint for a city, let alone one of its size. As an international trade hub and a gateway to mainland China, we have an outsized responsibility to ensure that the illegal wildlife trade is not proliferating through or within our city.

This position provides us with a unique opportunity to detect, disrupt and deter organised and serious wildlife crimes as they bottleneck within the city. By bolstering the capacities of enforcement agencies, adopting conservation-centred approaches and meting out truly deterrent sentences to criminals and syndicates, Hong Kong can pivot from being at the heart of the problem to become a global leader in the fight against the illegal wildlife trade - with potentially far-reaching benefits for global biodiversity.

# ENDNOTES

- <sup>1</sup> Intergovernmental Platform on Biodiversity and Ecosystem Services (2020) IPBES Workshop on Biodiversity & Pandemics - Executive Summary. Available at: <https://ipbes.net/sites/default/files/2020-10/IPBES%20Pandemics%20Workshop%20Report%20Executive%20Summary%20Final.pdf> [Accessed 22 December 2020].
- <sup>2</sup> ADMCF (2018) Trading in Extinction: The Dark Side of Hong Kong's Wildlife Trade. Hong Kong. Available at: <https://www.admcf.org/wp-content/uploads/2019/11/Trading-in-Extinction-The-Dark-Side-of-HKs-Wildlife-Trade-Report-EN.pdf>
- <sup>3</sup> While C&ED report 1,404 'cases' between 2018 and 2019, WiPS provides a review of 164 'seizure events'.
- <sup>4</sup> People's Daily (2020) 海关破获一起走私野生动物制品大案. Available at: [http://paper.people.com.cn/rmrb/html/2020-03/06/nw.D110000renmrb\\_20200306\\_9-11.htm](http://paper.people.com.cn/rmrb/html/2020-03/06/nw.D110000renmrb_20200306_9-11.htm). [Accessed 20 January 2021].
- <sup>5</sup> In 2015, an unprecedented 1,008MT of Malagasy rosewood, comprising over 7,000 logs, was seized by C&ED.
- <sup>6</sup> UNODC (2020) Wildlife trafficking harms animals and human health: the case of Pangolins. United Nations: Vienna. Available at: [https://www.unodc.org/unodc/press/releases/2020/April/wildlife-trafficking-harms-animals-and-human-health\\_-the-case-of-pangolins.html](https://www.unodc.org/unodc/press/releases/2020/April/wildlife-trafficking-harms-animals-and-human-health_-the-case-of-pangolins.html). [Accessed 13 January 2021].
- <sup>7</sup> The average tusk weight per elephant is estimated to be 5.45kg per tusk, with an average of 1.88 tusks per individual. This suggests that the seizure may have represented the tusks from as many as 204 elephants. Refer to Appendix C4 of the report Trading in Extinction for clarification on the methodology - ADMCF (2018) Trading in Extinction: The Dark Side of Hong Kong's Wildlife Trade. Hong Kong. Available at: <https://www.admcf.org/wp-content/uploads/2019/11/Trading-in-Extinction-The-Dark-Side-of-HKs-Wildlife-Trade-Report-EN.pdf>
- <sup>8</sup> UNODC (2020) World Wildlife Crime Report: Trafficking in protected species. United Nations: Vienna. Available at: [https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World\\_Wildlife\\_Report\\_2020\\_9July.pdf](https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf). p.68. [Accessed 13 January 2021].
- <sup>9</sup> A seizure event refers to the number of instances in which a seizure was made at a specific time and location, e.g. two individuals with three different products were apprehended together arriving at Hong Kong International Airport would be counted as one 'Seizure Event'. It should be noted that a single 'seizure event' does not equate directly to the number of seizures reported by C&ED, since not all of these data are publicly available and the definition of a single seizure by C&ED is unclear.
- <sup>10</sup> ISD (2017) Hong Kong Customs makes record seizure of ivory tusks (with photos). 6 July 2017. Government of the Hong Kong SAR. Available at: <https://www.info.gov.hk/gia/general/201707/06/P2017070600499.htm>. [Accessed 22 December 2020].
- <sup>11</sup> C&ED (2019) Hong Kong Customs mounts joint operation with Mainland Customs to combat cross-boundary endangered species smuggling activities (with photos). 1 February 2019. Government of the Hong Kong SAR. Available at: [https://www.customs.gov.hk/en/publication\\_press/press/index\\_id\\_2441.html](https://www.customs.gov.hk/en/publication_press/press/index_id_2441.html). [Accessed 22 December 2020].
- <sup>12</sup> SB (2019) Review of Legislation Relating to the Smuggling and Illegal Trading of Endangered Species. Government of the Hong Kong SAR. Available at: <https://www.legco.gov.hk/yr18-19/english/panels/se/papers/secb2-1471-1-e.pdf>. [Accessed 14 January 2021].
- <sup>13</sup> UNODC (2019) Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact. Available at: [https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA\\_TOCTA\\_2019\\_web.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA_TOCTA_2019_web.pdf). p.21. [Accessed 13 January 2021]
- <sup>14</sup> US DOJ (2020) International money laundering, drug trafficking and illegal wildlife trade operation dismantled. U.S. Attorney's Office, Southern District of Georgia. Available at: <https://www.justice.gov/usao-sdga/pr/international-money-laundering-drug-trafficking-and-illegal-wildlife-trade-operation>. [Accessed 13 January 2021].
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- <sup>16</sup> Legislative Council Secretariat (2018) Report of the Bills Committee on Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017 (LC Paper No. CB(1)508/17-18). p.21. Available at: <https://www.legco.gov.hk/yr16-17/english/bc/bc06/reports/bc0620180131cb1-508-e.pdf>. [Accessed 26 November 2021].
- <sup>17</sup> SB (2019) Review of Legislation Relating to the Smuggling and Illegal Trading of Endangered Species. Government of the Hong Kong SAR. Available at: <https://www.legco.gov.hk/yr18-19/english/panels/se/papers/secb2-1471-1-e.pdf>. [Accessed 27 November 2021].