



# TRADING IN EXTINCTION

THE DARK SIDE OF HONG KONG'S WILDLIFE TRADE

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## SPECIAL THANKS

The report 'Trading in Extinction', is a collaborative effort between the following members of the Hong Kong Wildlife Trade Working Group (HKWTWG): ADM Capital Foundation (ADMCF), Animals Asia, BLOOM Association (HK), Civic Exchange, Hong Kong Shark Foundation (HKSF), University of Hong Kong (HKU), Kadoorie Farm and Botanic Garden (KFBG), The Society for the Prevention of Cruelty to Animals (SPCA), Teng Hoi Conservation Organisation, University of St. Andrews, WildAid and WWF-Hong Kong.

For their contributions and diligence in drafting, editing and/or reviewing text we would like to thank: Dr. Gary Ades (KFBG), Astrid Alex Andersson (HKU), Ellie Appleby (ADMCF), Dr. Tim Bonebrake (HKU), Thea Bradford, Marianne Commere, Hannah Coogans, Karen Chong (Mayer Brown JSM), Alex Hofford (WildAid), Gavin Edwards (WWF Int), Shuping Ho (SPCA), Sam Inglis (ADMCF), Sophie le Clue (ADMCF), Natasha Mallet, Associate Professor Amanda Whitfort (HKU) and Dr. Fiona Woodhouse (SPCA).

For reviewing, invaluable insights and/or contributions: Dr. David M. Baker (HKU), Emily Botsford, Jane Chu, Andrea Crosta (EAL), Paul Crow (KFBG), Dr. Caroline Dingle (HKU), Ofir Drori (EAGLE Network), Lisa Genasci (ADMCF), Wilson Lau (TRAFFIC), Azan Marwah (Barrister), Dr. Julian Newman (EIA), Rosana Ng (ADMCF), Gordon Oldham (Oldham, Li & Nie Lawyers), Alex Mackaness, Dr. Lindsay Porter (University of St. Andrews), Professor Yvonne Sadovy (HKU), Louis Savage (Proskauer Rose LLP), Stan Shea (BLOOM), Isabel Tam (Barrister), Horace Wang, Rebecca Wong (City U); and Amy Woo (DESIGNORM) for design and graphics.

We are particularly grateful to the staff of the Government of the HKSAR Agriculture, Fisheries and Conservation Department, and Customs and Excise Department for taking the time to respond to our questions, providing data and clarifying issues raised, as well as reviewing earlier drafts.

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Suggested Citation:

ADMCF (2018). *Trading in Extinction: The Dark Side of Hong Kong's Wildlife Trade*. Hong Kong.

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## ACRONYMS AND ABBREVIATIONS

AFCD	Agriculture, Fisheries and Conservation Department, the Government of the Hong Kong SAR
BSAP	Hong Kong Biodiversity Strategy Action Plan
C&ED	Customs and Excise Department, the Government of the Hong Kong SAR
C&SD	Census and Statistics Department, the Government of the Hong Kong SAR
C4ADS	Center for Advanced Defense Studies
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CITES MA	CITES Management Authority
CITES SA	CITES Scientific Authority
COP17	17th session of (CITES) Conference of the Parties
COSCO	China Ocean Shipping (Group) Company
DEFRA	UK Department of Environment, Food and Rural Affairs
DNA	Deoxyribonucleic acid
EAL	Elephant Action League
EIA	Environmental Investigation Agency
ENB	Environment Bureau, the Government of the Hong Kong SAR
EPD	Environmental Protection Department, the Government of the Hong Kong SAR
ETIS	Elephant Trade Information System
EU	European Union
FHB	Food and Health Bureau, the Government of the Hong Kong SAR
FEHD	Food and Environmental Hygiene Department, the Government of the Hong Kong SAR
GTSEZ	Laos Golden Triangle Special Economic Zone
HKIA	Hong Kong International Airport
HKPF	Hong Kong Police Force
HKSAR	Hong Kong Special Administrative Region
HKU	University of Hong Kong
HKWTWG	Hong Kong Wildlife Trade Working Group
HS	Harmonised System Custom Codes
INTERPOL	The International Criminal Police Organization
IUCN	International Union for Conservation of Nature
KFBG	Kadoorie Farm and Botanic Garden
LegCo	Legislative Council of Hong Kong
LEMIS	US Law Enforcement Management Information System
LRFF	Live Reef Food Fish
MarDep	Marine Department, the Government of the Hong Kong SAR
NGOs	Non-Governmental Organisations
OFAC	US Department of the Treasury's Office of Foreign Assets Control
OSCO	Organised and Serious Crimes Ordinance
ROUTES	Reducing Opportunities for Unlawful Transport of Endangered Species
SCMP	South China Morning Post
SDC	Sustainable Development Council
TCM	Traditional Chinese Medicine
TID	Trade and Industry Department, the Government of the Hong Kong SAR
UAE	United Arab Emirates
UN	United Nations
UNEP	United Nations Environment Programme (now UN Environment)
UNEP-WCMC	United Nations Environment World Conservation Monitoring Centre
UNGA	United Nations General Assembly
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention on Transnational Organized Crime
US	United States
USA	United States of America

USAID	United States Agency for International Development
US FWS	United States Fish and Wildlife Service
WiPS	Hong Kong Wildlife Product Seizures Database
World WISE	World Wildlife Seizure Database
WTO	World Trade Organisation
WWF	World Wide Fund for Nature
XRL	Express Rail Link
Zhao Wei TCO	Zhao Wei Transnational Criminal Organization

## FINANCIAL CONVERSION RATES

US\$1 = HK\$7.8	£1 = HK\$10.4	AU\$1 = HK\$5.93	NZ\$1 = HK\$5.43
HK\$1 = US\$0.13	HK\$1 = £0.10	HK\$1 = AU\$0.17	HK\$1 = NZ\$0.18

## UNITS

kg	Kilogrammes
MT	Metric Tonnes
Pcs	Pieces - refers to wildlife parts and derivatives and live plants

## GLOSSARY

<b>Appendix I,II,III</b>	The Annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, afforded different levels or types of protection from over-exploitation.
<b>Ant Smuggler</b>	The term used for multiple individuals each carrying small quantities of wildlife contraband.
<b>Cap.</b>	(capitulus), “Chapter”, is used before a chapter number of laws of Hong Kong. Example: Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586).
<b>CITES</b>	The Convention on International Trade in Endangered Species of Wild Fauna and Flora. CITES is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.
<b>Endangered Species</b>	A term used by AFCD and C&ED to refer to species scheduled and regulated under the Endangered Species Ordinance (Cap. 586) and the Import and Export Ordinance (Cap. 60.). In keeping with the government’s terminology, unless otherwise stated, ‘endangered species’ is used to refer to species regulated under these ordinances. It should be noted that the term ‘endangered’ is one of the three highest threat categories (Critically Endangered, Endangered and Vulnerable) used to indicate extinction risks for animal and plant species by the International Union for Conservation of Nature (IUCN).
<b>Excess Imports</b>	Wherein the imported volume or number of pieces of a product is greater than the volume or number of pieces of a product reported by the exporting country.
<b>LEMIS</b>	Law Enforcement Management Information System. A database comprising records of all legally imported and exported shipments of wildlife products to and from the USA, and also includes records of seizures of illegal wildlife imports and exports.
<b>Manifest</b>	In accordance with section 17 of the Import and Export Ordinance (Cap. 60), all cargo which is imported or exported into/from Hong Kong shall be recorded in a manifest or ‘cargo document’ which shall contain such particulars as the Commissioner may prescribe. ‘Unmanifested cargo’ means any cargo which is not recorded in the manifest and is an offence under section 18 of the Import and Export Ordinance (Cap. 60).
<b>Mixed Seizure</b>	A ‘mixed seizure’ is distinguished in this report as any seizure in which a species was trafficked alongside other wildlife species and/or commercial goods. For instance, worked and cut ivory being smuggled together were not considered ‘mixed’, but worked ivory with pangolin scales and/or electronic products was.
<b>Organised Crime</b>	Defined in Hong Kong’s Organised and Serious Crimes Ordinance (Cap.455) as a Schedule 1 offence (such as importing unmanifested goods) that is: (a) connected with the activities of a particular triad society; (b) is related to activities of 2 or more persons associated together solely or partly for the purpose of committing 2 or more acts, each a schedule 1 offence and involves substantial planning and organisation; or (3) is committed by 2 or more persons, involves substantial planning and organisation and involves – (i) loss of the life of any person, or a substantial risk of such a loss; (ii) serious bodily or psychological harm to any person, or a substantial risk of such harm; or (iii) serious loss of liberty of any person.
<b>sp.</b>	Refers to a single species
<b>spp.</b>	Refers to plural species
<b>Threatened Species</b>	The IUCN Red List of Threatened Species includes wildlife whose conservation status has been determined according to a widely recognized method for evaluating plant and animal species, subspecies, varieties, and selected subpopulations on a global scale. Species are assessed and categorised into a code for the Threatened Status of a species, determined using the 2001 IUCN Red List Categories and Criteria. Values include: EX = Extinct, EW = Extinct in the Wild, CR = Critically Endangered, EN = Endangered, VU = Vulnerable, NT = Near Threatened, LC = Least Concern, DD = Data Deficient.  According to the IUCN Red List – Threatened-species are those that are Critically Endangered, Endangered or Vulnerable
<b>Traffic</b>	To deal or trade a commodity that is illegal.
<b>Transshipment</b>	Means any imported article that is: (a) consigned on a through bill of lading or a through air waybill from a place outside Hong Kong to another place outside Hong Kong; and/or is (b) to be removed from the vessel, aircraft or vehicle in which it was imported and either returned to the same vessel, aircraft or vehicle or transferred to another vessel, aircraft or vehicle before being exported, whether it is or is to be transferred directly between such vessels, aircraft or vehicles or whether it is to be landed in Hong Kong after its importation and stored, pending exportation.
<b>Transit</b>	Refers to any article which: (a) is brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and (b) remains at all times in/on the vessel or aircraft which brings it into Hong Kong.
<b>Wildlife</b>	Described by CITES as all fauna and flora. ‘Fauna’ are animals and birds, such as tigers and falcons, but also include fish. ‘Flora’ are plants, such as orchids or cacti, but also include timber and non-timber forest products.
<b>WiPS</b>	Hong Kong Wildlife Product Seizures Database. A database comprising records of illegally imported wildlife shipments seized in Hong Kong.
<b>Worked Ivory</b>	Described by CITES as ivory that has been carved, shaped or processed, either fully or partially.

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## EXECUTIVE SUMMARY

### TRADING IN EXTINCTION

In March 2018, the last male Northern white rhinoceros died, signalling the imminent extinction of yet another wildlife species. Not surprisingly, the iconic status of the rhino and the uncertain future of its remaining species/populations, gained much media attention, at least in part because of a growing poaching crisis. The predicament facing the species and many other animals is, however, the tip of the iceberg. Wildlife extinctions are in reality occurring at alarming rates across all main taxa (amphibians, birds, fish, invertebrates, mammals, reptiles and plants). In 2018, the International Union for Conservation of Nature (IUCN) announced that 26,500 species are threatened with extinction including 41% of amphibians, 25% of mammals, 31% of sharks and rays, 33% of coral reefs and 14% of birds. Considering only a small percentage (~6%) of the nearly 1.8 million described species have been analysed, this number is likely a gross underestimate. Widely documented, the reasons for this situation include habitat loss, pollution, climate change, invasion of alien species, overexploitation and, importantly, the growing trade in and increasing consumption/use of wildlife products almost exclusively for luxury and non-essential purposes.

Hong Kong’s geographic location, free trade policy and efficiency as a logistics hub, as well as its trade history and networks, have enabled the city to become one of the world’s largest trading economies, serving as a gateway to mainland China. It is also widely recognised as one of the world’s primary hubs for the wildlife trade, supplying an increasing demand for all manner of wildlife products in Asia and particularly China. This trend is further fuelled by increasing regional affluence. As a result, every year millions of live animals, plants and their derivatives are both legally imported/re-exported and illegally trafficked into and through Hong Kong.

In large part, these trades supply the Traditional Chinese Medicine (TCM) sector, followed by the fashion, pet/aquaria

and seafood markets. Much of the trade relies on threatened species as evidenced by at least two-thirds of the species seized in Hong Kong. Over the last decade, the diversity of species imported into the city under the Convention on Trade in Endangered Species (CITES) has increased by 57%. This is likely due to increasing demand for wildlife rather than increased enforcement.

Furthermore, as China’s ‘One Belt One Road’ plans unfold, Hong Kong will continue to play a significant role as a leading trade hub, including for the wildlife trade. In addition to the recently opened Hong Kong-Zhuhai-Macao Bridge [HZMB] and the Express Rail Link [XRL], the Hong Kong International Airport [HKIA] ‘Three Runway System’ is underway. By 2030, these three major infrastructure projects are expected to significantly increase air, land and sea access and traffic between Hong Kong SAR and China, as well as internationally.

Globally, the increase in wildlife trafficking and its evolution as transnational organised crime is of concern to enforcement agencies and policymakers alike. According to a UNEP (now UN Environment) and Interpol report, a dramatic surge in wildlife trafficking in recent years means that an estimated US\$7-23 billion (HK\$55-179 billion) passes through the hands of organised criminal groups annually. Environmental crimes including the illegal wildlife trade are reported to be rising by 5-7% annually, which is 2–3 times the growth rate of the global economy. Furthermore, the losses in government tax revenues are estimated to amount to at least US\$9-26 billion (HK\$70-203 billion) annually.

In addition to these financial costs and high values, each seizure of trafficked wildlife is the last link in a chain of offenses, impacting communities and ecosystems around the world. Thousands of human lives have been lost in just the last decade while protecting threatened species from poachers. This loss of life continues today as a direct result of the illegal wildlife trade.

The seizure of live protected endangered animals in particular, is just the precursor to often expensive aftercare, potentially for the remainder of the animal's life if repatriation is not possible. The alternative is to euthanise individuals, and this is avoided wherever possible. However, keeping animals alive requires that, in the case of Hong Kong, the Government (therefore taxpayers) and NGOs such as Kadoorie Farm and Botanic Garden and the Society for the Prevention of Cruelty to Animals, foot the expensive bills for aftercare, rehoming and repatriation.

The report **Trading in Extinction – the Dark Side of Hong Kong's Wildlife Trade**, consolidates a large body of pre-existing work and reconciles this with a snapshot of Hong Kong's seizure data. It aims to update and, for the first time, illustrate the extent and nature of the wildlife trade and wildlife crime in Hong Kong. It demonstrates that not only is the trade in legal and illegal wildlife at a significant and unsustainable scale, it is likely to get worse. Further, while Hong Kong plays a primary role in connecting trafficked products with their illegal markets, the Administration should and could do more to disrupt the associated criminal activity.

### HONG KONG'S WILDLIFE TRADE IS VAST

Between 2007 and 2016, Hong Kong's import records accounted for nearly two million MT and 24.6 million individuals and body parts of wildlife via its Harmonized System (HS) of commodity coding (including approximately 2.6 million live CITES-regulated animals).

Over this ten year period, the CITES trade database indicates that between 528 and 831 CITES-listed species were imported into Hong Kong annually. This involved a total of 2,050 species exported from 130 countries around the globe. Furthermore, over the past decade, the diversity of species traded through Hong Kong under the Convention has grown by 57%.

By way of example, for the exotic pet trade alone, four million live animals representing 580 species were imported between 2007 and 2016, to satisfy demand. Imports have skyrocketed, increasing nine-fold over this period.

Although the legal CITES trade provides the best opportunity to understand the legitimate trade in regulated wildlife, there are notable challenges. Principally, there are disparities between Hong Kong's recorded imports and the corresponding countries' recorded exports. Over ten years (2007-2016), numerous disparities were found and a number of explanations have been raised. However, without verification as to the cause, these discrepancies could mean that the CITES-regulated trade in threatened species may exceed current internationally agreed quotas. At best, it indicates misreporting and at worst, illegal activities.

Such trade volumes need not necessarily threaten a population's viability, but concerns are reinforced by findings that for many species much of the trade is wild-caught. Such data raises reasonable questions about apparent large-scale harvesting and long-term sustainability.

The trade in non-CITES species is also important because of the as yet unquantified component of 'threatened' species. The non-CITES trade is far bigger than the CITES trade and could, if monitored, potentially signal unsustainable trends and the need for conservation and protective measures to mitigate increasing threats, before it is too late. Furthermore, wildlife that is illegally harvested in and/or illegally exported from its country of origin can be legally traded in Hong Kong. This is exemplified by the importation of thousands of metric tonnes of live reef food fish from the Philippines, in contravention of a domestic prohibition on the export of any such fish.

Moreover, little accountability and monitoring are required once live animals arrive in Hong Kong. This raises concerns over animal welfare, zoonotic diseases, as well as possible escapes of alien species into the local environment and consequent impacts on biodiversity. This situation further exacerbates existing regulatory loopholes providing ample opportunity to launder a wide range of animal and plant species.

### THE ILLEGAL SIDE OF HONG KONG'S WILDLIFE TRADE

Hong Kong's Administration has undoubtedly taken a significant step forward in phasing out the domestic ivory trade, introducing indictable offenses and raising penalties for smuggling and illegal trading of endangered species (as of May 1 2018). Front line customs officers regularly seize illegal wildlife products and prosecute the low-level smugglers carrying them, employing intelligence-led searches, specially trained sniffer dogs and a whole host of other strategies. However, if the government is to effectively combat wildlife trafficking and other forms of wildlife crime, a mindset change is needed to treat such offences as the serious crimes that they are, impacting society and global biodiversity.

Between 2013 and 2017 the Hong Kong Customs and Excise Department (C&ED) recorded 2,011 wildlife seizures. For the past two years we have been assembling our own database - the Wildlife Product Seizures Database (WiPS) – which details 379 seizures over the same five year period. By combining this data with pre-existing research, as well as data from other countries and reconciling these with a snapshot of Hong Kong's seizure data, the WiPS database provides deeper insights into the nature as well as the extent of Hong Kong's seizures for the first time.

WiPS identifies many of the numerous species involved, their volumes and values, the consigning countries, trafficking modes and prosecution data. This is a significant advance on existing public knowledge about the illegal wildlife trade in Hong Kong. The data provided by the WiPS database is alarming. Despite potentially representing less than a fifth of government wildlife seizures by number over five years, it affirms that:

- Hong Kong is a major hub for the illegal wildlife trade;
- Transnational and organised crime facilitates this trade; and
- There is insufficient deterrence to prevent wildlife criminals and syndicates from continuing to smuggle products and live animals, sometimes with considerable ease, into and through Hong Kong, even with the recent upgrading of fines and penalties.

## 1. HONG KONG IS A HUB FOR THE ILLEGAL WILDLIFE TRADE

### HONG KONG'S ILLEGAL WILDLIFE TRADE IS LARGE BY VOLUME, UNDERESTIMATED AND CONTRIBUTING TO A GLOBAL EXTINCTION CRISIS

With current global rankings as the largest cargo airport, the 8th busiest passenger airport and the 5th largest container port, it is perhaps unsurprising that despite its small size, Hong Kong sees large volumes of wildlife in trade. Nor is it surprising that the city's borders are exploited by wildlife traffickers, as evidenced by the considerable value, volume and range of endangered wildlife seized by customs authorities annually.

Hong Kong Customs data, of 2,011 wildlife seizures over the past five years, amount to nearly 1,456 metric tonnes (MT) of various wildlife products across four categories: elephant, pangolin, wood logs and 'Other Endangered Species'. In brief, analysis of just 379 seizures in the WiPS database (2013-2017) found that:

- More than 59 threatened wildlife species or their parts have been seized, including elephant, pangolin, timber and 'Other Endangered Species'. By number of seizures, the latter made up two-thirds over this period. Other species included a diverse array of often live turtles and tortoises, such as the critically endangered Ploughshare tortoise, and products from numerous species on the brink of extinction such as rhinoceros, and totoaba. Birds are also traded and a notable record in 2016 was for the Bali mynah, also close to extinction in the wild.
- The quantities of ivory seized in Hong Kong are conservatively estimated to be equivalent to the slaughter of at least 3,010\* elephants.

- Rhino horns and horn pieces estimated to represent the poaching of up to 51 rhinos were seized. In addition to which, at least 131 horns and horn pieces were seized en route to or from Hong Kong. Putting this in context, rhinos are poached at an estimated rate of over 1,000 per year, and the global population is estimated to be just 27,600.

- Pangolin carcasses and scales seized represent the poaching of up to 52,760\*\* pangolins depending on species. This represents an estimated capture rate of up to one pangolin every 25 minutes. The IUCN estimate that a pangolin is poached every 5 minutes globally.

- Pangolin seizures are more than double the volume of ivory, and represent nearly half of all seized wildlife products (excluding wood) by volume.

- As of July 2018, the volume of pangolin scales seized in just under 7 months in 2018, amounted to 42% of the total volume for the previous five years.

- Current figures indicate that as much as one-fifth of the world's elephant ivory seizures are made in Hong Kong and that the volume of pangolin scales seized in just three years (2013-2015) equated to 45% of the volume documented in the UN Office on Drugs and Crime's World WISE database over nine years (2007-2015).

- Other taxa such as reptiles and amphibians are being seized in large quantities, with 20,637 turtles and tortoises having been seized over the five year study period.

- Seizure of some wildlife/products where there is a known illegal trade are conspicuously absent, such as the illegal import/export of endangered Humphead wrasse; estimates are that significantly more of this fish are on sale and transhipped through the city than are legal.

- While the numbers are alarming, they are also a gross underestimate of the true scale of the illegal wildlife trade, reflecting only the wildlife that was detected and seized. In turn WiPS represents only a portion of that. Applying the commonly held estimate that on average 10% of contraband is seized, to the complete C&ED dataset, the illegal trade in CITES regulated species in Hong Kong over just the past five years could amount to approximately 14,560MT of plant and animal derivatives worth billions of dollars. Applying this multiplier to the more limited WiPS data, at least 214,600 live animals could have been trafficked.

\* Including additional C&ED data, this could be at least 3,140 elephants.

\*\* Including additional C&ED data, this could be up to 64,330 pangolins.

- Hong Kong's footprint in the trade is disproportionately large when comparing its local seizures to global statistics. Furthermore, the large volumes of species trafficked in Hong Kong are extremely disturbing, considering the fragile nature of some species' populations, already on the brink of extinction.

Without doubt, the city casts a long shadow and both its legal and illegal trades threaten wildlife populations globally.

## THE PERVASIVE NATURE OF HONG KONG'S WILDLIFE CRIME

Hong Kong accommodates tens of millions of air/cross-border passengers and metric tonnes of air and sea cargo, annually. Not surprisingly, WiPS reflects the widespread nature of Hong Kong's wildlife seizures across its multiple border control points, with the majority by number occurring at HKIA. In addition over the five year period multiple seizures have occurred at postal and air cargo facilities, with 6.6MT of wildlife products and over 3,113 live animals arriving inside parcels and air consignments.

However, the largest volume by weight of wildlife has arrived in Hong Kong aboard sea vessels. WiPS indicates that at least 59 containers, holding 415MT of wildlife, were seized as they arrived aboard ocean-going freighters and with a further 1,027MT seized from river trading vessels. The largest seizure by volume in Hong Kong's recent history comprised 1,008MT of Malagasy rosewood, discovered in the hold of a vessel at the river trading terminal, in 2015. Thousands of metric tonnes of live fish also cross the border at official checkpoints with mainland China annually, much of it illegal to avoid border tariffs, and some of it including threatened species, such as the CITES listed Humphead wrasse.

Outside of these official control points, the WiPS data indicate that enforcement agencies have made seizures in at least 58 locations throughout Hong Kong over the past five years, in addition to which the location of 37 seizures remains unknown. These seizures took place largely across the New Territories, mainly Sai Kung, Yuen Long and Tuen Mun, the outlying Islands, as well as a number of retail premises. The vast majority were either at sea, on the shoreline or a few hundred metres inland, often aboard cross-border vessels and in vehicles, suggesting that Hong Kong may serve as a staging post for illegal cross-boundary shipments.

With an extensive coastline of 733km, it is not surprising that individuals and syndicates are exploiting Hong Kong's beaches, piers, promenades and coastal roads. Since 2013, WiPS indicates anti-smuggling operations and patrols have seized or witnessed at least 31 small vessels being loaded from private vehicles, with gangs and individuals caught in the act. Large quantities of red sandalwood and pangolin derivatives have been recovered from such operations.

## 2. THE TRANSNATIONAL, SERIOUS AND ORGANISED NATURE OF HONG KONG'S WILDLIFE CRIME

From review and analysis of publically available data/literature and five years of seizures (2013-2017), the totality of evidence, points toward wildlife crime in Hong Kong as transnational, serious and organised.

**TRANSNATIONAL:** Based on the WiPS seizures alone, smuggling syndicates and individual traffickers have attempted to bring CITES-regulated wildlife into Hong Kong from at least 45 countries. At least two-thirds by volume were last consigned from Eastern Africa, with large volumes consigned from countries outside of the known territorial ranges of the species involved. Traffickers in elephant ivory, for example, consigned ivory to Hong Kong from at least 20 nations over the last five years, and while three-quarters of the seized ivory predictably arrived from African countries, several Asian and even European countries were also implicated.

A brief review of international media further implicates Hong Kong in hundreds of additional seizures outside of its borders. Analyses of news articles reveal over a hundred instances where traffickers, of whom at least 50 were Chinese nationals or Hong Kong citizens, were apprehended across at least 18 countries, either before or after they smuggled illegal wildlife products to and through Hong Kong. In over half of these seizures, Hong Kong was the last known port of consignment or a transit point, demonstrating that illegal wildlife has successfully evaded detection upon re-export from Hong Kong. China was the known end destination in nearly half of these cases.

The overseas seizures are all the more impactful when the scale and diversity of species and product forms are understood. For instance, reports indicate nearly 60 wildlife species, including tonnes of ivory, thousands of live turtles and tortoises, hundreds of helmeted hornbill carapaces and rhino horns and horn pieces, were seized either en route to or outbound from Hong Kong.

**SERIOUS:** The illegal wildlife trade is a lucrative business and is ranked alongside narcotics, arms and human trafficking by institutions such as Interpol, the World Customs Organisation and UNODC.

The Government of the HKSAR estimates the annual value of its seizures between 2013 and 2017 at around HK\$87-142 million, with a total of HK\$560 million over this period. Again, the true figure is likely substantially higher considering that much contraband remains undetected. Notably, the estimated value of endangered species seized under the Endangered Species

Protection Ordinance (Cap. 586) consistently ranked in the top five of the 56 ordinances that C&ED act on and over the last decade has increased 1,600%.

In terms of individual wildlife seizures, the WiPS database found that 15% were valued in excess of HK\$1 million. Of these, just under a half were worth more than HK\$5 million, with the most highly valued single seizure amounting to HK\$40.3 million. Just these few cases and values point to highly lucrative criminal operations that generate millions of dollars for individuals and enterprises. Logically, the proceeds of such crime, potentially billions of dollars, will fund further criminality, both locally and regionally.

When prosecuted in other jurisdictions, wildlife criminals have been found complicit in multiple additional and parallel crimes. Investigations have exposed conspiracy, smuggling, money laundering, use of false names and addresses and falsifying declarations. A recent case from January 2018 is also instructive, whereby the Hong Kong-linked Zhao Wei criminal network (highlighted below), was described by the US Treasury Department as engaging in *"an array of horrendous illicit activities, including human trafficking and child prostitution, drug trafficking, and wildlife trafficking"* in the Laos Golden Triangle Special Economic Zone (GTSEZ).

**ORGANISED:** While some wildlife crime is indisputably perpetrated by opportunistic individuals, the scale of the trade through Hong Kong appears to have attracted organised syndicates and networks. Analyses of the seizure data illustrate the complicity of Hong Kong citizens and companies in the transnational and organised trade in illegal wildlife. Indicators pointing to the organised nature of such trafficking into and through Hong Kong are numerous as outlined below.

**Extensive supply networks** are relied on to traffic the oftentimes large volumes of wildlife from remote and protected areas in distant continents into and often through Hong Kong, allowing criminals to rapidly source, smuggle and sell wildlife to meet demand. Some syndicates are reportedly able to supply freshly cut rhino horns to China within just a few days of being poached.

Shipments such as 7MT of raw elephant tusks seized in Hong Kong in July 2017, illustrate the capacity, financial backing and international coordination involved. A network capable of poaching nearly 1,700 elephants from the forests of the Gabon/Cameroon/Republic of Congo, and sending 3,179 tusks more than 11,300km to Hong Kong, via Malaysia, clearly indicates organised criminal activities. So too does the level of coordination and trust or corruption required to fell, gather, transport and smuggle 1,008MT of Malagasy rosewood across at least three jurisdictions.

**Syndicates running 'ant smuggler' operations**, whereby multiple individual air passengers arriving in Hong Kong wearing jackets packed with contraband e.g. as much as 30kg of cut ivory, reveal not just high risk tolerance, but also coordination. Over the past five years, 182 air passengers smuggling a variety of wildlife products were apprehended at HKIA. The vast majority were found to be trafficking ivory, with a total of 3.4MT seized. Many of the jackets used have been of identical design and made of the same materials – again indicating a level of organisation.

### ORGANISED 'ANT' SMUGGLERS

Organisation involving ant smugglers was most clearly demonstrated in June 2014, when 16 Vietnamese nationals flying together from Angola, through Hong Kong, to Cambodia, were each found to be carrying up to 50kg of ivory in their checked baggage, valued at HK\$7.9 million collectively.

**The nature of mixed wildlife seizures** suggests perpetrators are not exclusively specialists in wildlife crime, as evidenced by the trafficking of all kinds of valuable commercial goods mixed with endangered wildlife products. A seizure in May 2013, for example, included 161kg of pangolin scales among literally millions of smuggled goods add including numerous high-end computer and camera brands. Mixed seizures were identified for nearly one-fifth of cases documented in WiPS, demonstrating potentially capable and diversified supply networks.

### CONSOLIDATING PRODUCTS ACROSS A WIDE GEOGRAPHICAL RANGE

The WiPS database found wildlife products trafficked with forty-five different types of consumer goods, including milk powder, computer components, semi-precious gemstones and vehicle parts.

A May 2015 seizure found pangolin scales (Africa/Asia), Helmeted hornbill beaks (SE Asia), live Red-footed tortoises (northern South America) and live African spurred tortoises (northern Africa), along with electronic goods (including 229 cameras and over 10,000 phones) and other non-CITES lizard and spider species.

DNA analysis has been undertaken on some consignments leading to identification of an assortment of multiple endangered species in one shipment, including species from wide geographical areas. These results suggest that they are harvested from numerous and often distant habitats, then gathered in central collection points before being shipped, revealing a level of coordination and access to extensive transboundary networks which organised syndicates are able to exploit.

**Sophisticated methods of concealment** have been employed where syndicates have proven capable of acquiring diverse technologies. One of the more sophisticated smuggling operations saw 6.4MT of red sandalwood hidden inside a distillation kettle. Certain methods have appeared more frequently. For example the use of waste plastics, particularly polyethylene terephthalate or PET, have been popular in the concealment of pangolin scales. The repeated use of such a distinctive product suggests the involvement of syndicates with a specific modus operandi.

**Overseas wildlife criminality linked to Hong Kong** can be observed through prosecutions overseas, international investigations and media reports which have highlighted the involvement of Hong Kong as a hub and its citizens and associates as part of trafficking networks.

As recently as January 2018, the US Department of the Treasury identified and imposed sanctions on the aforementioned 'Zhao Wei Transnational Criminal Organization' (Zhao Wei TCO), based in the Laos Golden Triangle Special Economic Zone. A Chinese national, Zhao Wei has registered at least two core businesses in Hong Kong since 2007; Kings Romans International (HK) Co. Limited and Kings Romans International Investment Co. Limited.

Zhao Wei is by no means an isolated example. Over the past two decades, numerous syndicates with demonstrable connections to Hong Kong have been prosecuted in other jurisdictions for trafficking wildlife and related crimes. Starting in 2011, the US Fisheries and Wildlife Service has conducted extensive investigations as part of 'Operation Crash' and as of January 2018 had successfully prosecuted 50 individuals operating through the USA. The two largest transnational syndicates disrupted by Operation Crash, for example, were headed by Li Zhifei and Graham Chen Guanzong. Both of their criminal organisations operated through the Hong Kong SAR, with members of their syndicates stationed in the city permanently. This facilitated cross-border and international trafficking of millions of US dollars-worth of endangered species as well as transferring criminal proceeds through Hong Kong's financial institutions. Court documents in another case (that of the Chait family) clearly indicate that Hong Kong is viewed by perpetrators as an easy thoroughfare for trafficked wildlife.

Smaller syndicates that have been disrupted equally demonstrate the varying levels of coordination and sophistication of wildlife crime. Criminal enterprises such as Lau, Tokosh and Treigle, and Swanson, Tsang and Ko operated for over six years, mailing turtles between the USA and Hong Kong, making bank transfers through Hong Kong financial institutions, and profiting by poaching endemic USA species for sale in and through Hong Kong.

Investigative research by numerous credible NGOs and journalists, has also provided compelling testimony concerning criminal syndicates exploiting Hong Kong:

- The Shuidong Syndicate, led by a Hong Kong businessman, has reportedly freighted quantities of ivory and pangolin from Africa to mainland China inside shipments of waste plastic, possibly since the 1990s.
- The May 21 Network, dismantled in 2015, comprised at least 16 Chinese nationals smuggling ivory, rhino horns and narwhal tusks, pangolin scales, bear and wolf pelts, and corals through Guangdong, Shandong, Beijing, Shenzhen, Hong Kong and Japan.
- Others include the Teng Group, comprised of Taiwanese and Philippine nationals and credited with running an ivory empire reportedly earning as much as US\$5 million (HK\$39 million) every two months from regular shipments of tusks to Taiwan via Hong Kong and Macau. The group was also allegedly involved in money laundering and drug trafficking. Over the last 30 years of operation, the syndicate is believed to be responsible for the killing of as many as 36,000 elephants.

It is evident that there are numerous operations relying on Hong Kong, at the very least as a transit port, and in the worst case as a base of operations and/or money laundering.

**Possible triad links** were highlighted in February 2017, when Hong Kong's media reported on Operation Upscale, whereby the Hong Kong Police Force (HKPF) made a series of seizures and arrests, apprehending eleven members of a "gang" allegedly connected to the Sun Yee On triad society engaged in cross-border trafficking of electronic goods and red sandalwood. The syndicate had reportedly been operating for over two years, laundered HK\$30 million through a local money exchanger, and smuggled goods to Guangdong Province by speedboat every week. They allegedly collected products from vehicles at piers and landing sites throughout Sai Kung District. During this period at least seven seizures bearing the hallmark of the gang's modus operandi took place throughout the District.

### 3. LITTLE DETERRENCE PROVIDED BY HONG KONG COURTS

#### LOW RISK ENSURES THE ILLEGAL TRADE CONTINUES

Hong Kong's role and level of involvement in wildlife crime is varied and complex, with offences relating not only to trafficking, but also to theft, cruelty, wildlife laundering and trade licence infractions.

Deterrent sentencing is clearly lacking, despite the value of trafficked products, the impact of the crimes (ecological, social and financial), the high cost of aftercare for and suffering of live animals. Of 165 prosecutions reviewed between 2013 and 2017 (excluding agarwood prosecuted under the Theft Ordinance), sentences ranged from penalties of HK\$1,500 to HK\$180,000 and from 160 hours of community service to 8 months in custody, markedly lower than the maximum available under Cap. 586. (HK\$5 million fine and 2 years imprisonment) It is clear that the full range of penalties provided for are not used. The financial penalties handed down pale in significance when compared to the value of the wildlife products and the aftercare costs.

Evidentially, wildlife criminals faced with prosecution are typically the trafficking carriers or 'mules', and such cases are observed to occur where a person is discovered with contraband in his/her possession. According to the WiPS data, the majority of prosecutions reviewed, occurred when products were concealed on an air passengers' person or in luggage. This contrasts with just two observed prosecutions out of a total 50 seizures from sea containers, from which 415MT of wildlife products worth in excess of HK\$215 million was seized. As noted, the majority of wildlife contraband by volume appears to be seized from containers.

While there are instances where C&ED have arrested and prosecuted consignees or proprietors of local companies, what is not evident is the effective disruption of wildlife trafficking syndicates even when prosecutions are successful. Large volumes of trafficked products and species continue to be trafficked through Hong Kong and for some wildlife, e.g. pangolins, appear to be increasing.

By species, ivory cases have the highest rate of prosecution while other CITES-listed endangered species including pangolin and rhino, for example, have much lower rates. Perhaps reflecting the mode of trafficking fewer than 20% of pangolin seizures identified were prosecuted. The largest seizure of 7.3MT of pangolin scales, valued by the government at around

HK\$14 million, saw no prosecution. Furthermore, WiPS data over five years, lacked data relating to any prosecutions in connection to seizures amounting to 33MT of pangolin derivatives - a volume representing the poaching of anywhere up to 47,000 pangolins.

#### LENIENT SENTENCING

Leniency in sentencing is illustrated by a 2017 case wherein a 12-year veteran of the South African armed forces, a former volunteer in Kruger National Park (the epicentre of poaching in South Africa), was charged under the Endangered Species Protection Ordinance on arriving in Hong Kong with three pieces of rhino horn concealed inside a chocolate box. The horn was estimated to be worth around HK\$538,000. Due to the discount allowed for a guilty plea, a total of 4 weeks imprisonment was served. This case was just one of at least 29 cases of rhino horn trafficking uncovered through research for this report of which only 11 were prosecuted, one resulted in an acquittal. It is worth noting that since multiple species of rhinos are on the brink of extinction; their horns are now considered more valuable than gold.

#### ENFORCEMENT CHALLENGES

There are relatively few written judgments in the legal database relating to unmanifested endangered species cargo and CITES related offences, presumably since most cases are decided in the lower Magistrates' Courts and do not go on appeal. A few appellant cases have, however, shed some light on enforcement challenges encountered.

The prosecution faces a notable challenge in disproving the statutory defence under the customs ordinance, i.e. that the defendant did not know and could not with reasonable diligence have known that the cargo was unmanifested. Similarly, regarding the Endangered Species Protection Ordinance, although contraventions relating to import/export are seemingly regarded as absolute liability offenses, a common law defence can be made available if the accused claims he/she did not know that the goods in question existed at all. In the few documented cases, a defence of 'not knowing' has been successfully invoked to reduce sentencing wherein packages were received by post.

Thus, the low risk, high profit nature of such criminal endeavours ensures the illegal trade continues, while pushing species towards extinction.

### THE NEED FOR GREATER INVESTIGATIVE CAPACITY

The transnational, organised and serious nature of wildlife crime in terms of environmental impact, cruelty, violence, value, the linkages between local and global criminal syndicates, and the measures criminal syndicates go to in order to protect and control their activities, result in the need for much greater investigative capacity. As evidenced in the full report, Hong Kong is an internationally recognised wildlife trade and trafficking hub. However, there are no criminal offences, under Hong Kong law, which address wildlife crime as the serious and organised criminal enterprise it has become. Under the current powers provided to officers via the Endangered Species Protection Ordinance there is:

- No power to investigate persons or materials in connection with organised crime;
- No power to confiscate the proceeds of crime; and
- No power to issue restraint orders or charging orders of assets/instruments used in offences.

Notably, the recent legislative amendments have elevated some wildlife crime offences to dual offences, allowing them, if the circumstances permit, to be prosecuted as indictable crimes. In theory, this reclassification permits the prosecution of wildlife criminals under section 25 of the Organised and Serious Crimes Ordinance (OSCO) Cap. 455 for the offence of money laundering. In reality, however, this is unlikely to occur, as to lay such charges, customs officers would need to have gathered sufficient intelligence on the criminal networks behind wildlife smuggling to show their targeted defendants had received the proceeds of an indictable crime. Such investigations would significantly benefit from officers having the investigatory capacity and the powers provided under Cap. 455 to gather the evidence necessary to support their case. There is thus a critical need for enhanced enforcement powers to address wildlife trafficking in Hong Kong.

### 4. DATA IRREGULARITIES AND THE NEED FOR TRANSPARENCY

**The value of data:** Seizure data are becoming an increasingly valuable resource for conservation biologists as well as enforcement authorities because they provide important insights into the market dynamics driving declines of endangered species. Many studies have made use of media reporting of seizures to construct wildlife trade market dynamics; the results of these analyses have provided recommendations on where to enhance enforcement and improve environmental education to most effectively reduce trade. However, media reporting has a number of associated biases which can limit the utility of such data.

Government-provided seizure data is far superior for allowing scientists to illustrate and understand the dynamics of the wildlife trade and better provide recommendations for the conservation of vulnerable and endangered species, as well as identify trends that may be emerging. Furthermore, it can allow comparison between legal and illegal trade, such that CITES data could perhaps be used to predict illegal trade.

Historically, fragments of Hong Kong's wildlife seizure data have been made public through press releases, departmental annual reports, court judgements and personal communications. This patchwork of information has however made it impossible to fully conceive the true scale and dynamics of the illegal trade in wildlife in Hong Kong and thus to introduce effective policy and regulation.

A comprehensive understanding of the dynamics of the legal and illegal trades through Hong Kong, the species involved, their volumes and values, the human and ecological impacts and the demand drivers, is essential if we are to slow and prevent the global extinction spiral. Such information is urgently needed to:

- inform the global conservation community of endangered and near-endangered species in trade;
- recognise and heed early warning signs of future threats;
- inform policymakers and enhance enforcement; and
- to ultimately disrupt trafficking networks.

The detail provided by WiPS allows far more clarity than has previously been available outside of Government and has demonstrated both the value and incompleteness of available data.

**The value of forensics:** Investigations and conservation efforts alike are more challenging because of the omission of species data and time sensitive information where relevant. Notably, the Government of the HKSAR has not identified imported CITES wildlife to species level in every instance, which is understandable, given resource constraints and where a large number of species of a taxa are listed. This means that the range of species trafficked is likely larger than indicated by the WiPS database and cryptic species that may be geographically isolated and at serious extinction risk, could be overlooked. Use of forensics such as DNA analysis and radiocarbon dating could greatly assist in:

- enforcement of regulations;
- efforts to trace transit routes and source regions;
- target investigations and focus resources;
- preventing trafficking; and
- ultimately facilitating conservation.

DNA analysis in particular plays an important role in identifying origins of animals and plants.

#### SHARKS – THE NEED TO ENHANCE SPECIES IDENTIFICATION

Although Hong Kong has a burgeoning shark fin trade, identification of some juvenile CITES listed shark species is not possible without DNA testing and juvenile fins in the market are not uncommon. Meaning that implementation of CITES for juveniles of protected shark species is problematic.

Researchers globally have demonstrated the utility of genetic and forensic information, for example back tracing numerous large Hong Kong ivory seizures (from as far back as 2006) to source regions in Africa, helping concentrate both criminological and conservation resources. The use of radiocarbon dating as evidence in court has successfully proven laundering of 'blood ivory'. Equally, in 2016, the University of Hong Kong exposed the illegal trade of European eels from Europe to Hong Kong for the first time through DNA testing and assisted in progressing the legal case against the traffickers. More recent research indicates the possibility of inexpensively lifting fingerprints from trafficked pangolin scales.

### TAKING WILDLIFE CRIME SERIOUSLY

Recognising the significance of wildlife crime as a global concern, resolutions have been passed by the UN General Assembly, and commitments made by the World Customs Organization, Interpol, Europol, UNODC, the UN's Economic and Social Council and numerous member States and countries, to take action to combat wildlife crime. The Government of the HKSAR has also committed to step up enforcement of wildlife crime in its 2016 Biodiversity Strategy and Action Plan. As the UNODC argues, legislative loopholes and insufficiencies must be addressed to ensure that wildlife trade can be policed and species protected.

Hong Kong is clearly no exception. Gaps in legislation, enforcement and monitoring have allowed the city's illegal wildlife trade to continue and in recent years to proliferate. With its current enforcement focus on prosecuting carriers/mules instead of investigating and prosecuting the networks and organised criminality, a reputation as a 'black hole' or 'safe harbour' for such activities has developed and will likely worsen, unless addressed. Notably, countries and agencies around the world are expending resources to prevent valuable and often endemic wildlife entering the illegal trade, only for it to reach Asia's burgeoning black markets with relative ease, via Hong Kong.

The city's strategic position, however, conversely provides it with ample opportunity to establish itself as a leader in detecting, disrupting, dismantling and deterring the illegal wildlife trade. As a trade and financial hub, Hong Kong is perfectly situated to impede the trade, and assert itself as a regional leader. Without further steps to improve the present status quo/impasse Hong Kong is unwittingly contributing to the global mass extinction of endangered species, a legacy that must be avoided through more determined effort by local leaders.

Government commitment is urgently needed to ensure sufficient laws, resources and political will are in place to target, investigate and prosecute wildlife crime networks that operate in and through Hong Kong, and take full advantage of the recently revised penalties. Without it, likely little will change to deter wildlife crime in the city. Such powers of investigation are currently beyond the mandate and capacity of the Environment Bureau whose responsibility is to enforce Hong Kong's Endangered Species Protection Ordinance and thus wildlife crime offences. While smuggling is a specified offense under the Organised and Serious Crimes Ordinance which provides for extraordinary powers to combat organised crime including powers of investigation, tackling wildlife crime is clearly not a priority of C&ED, nor a focus of HKPF. Hence, 10 key measures are recommended in the full report, three of high priority are listed below:-

## 1 ENDANGERED SPECIES PROTECTION OFFENCES SHOULD BE INCORPORATED UNDER THE ORGANISED AND SERIOUS CRIME ORDINANCE (OSCO)

It is recommended that relevant Cap. 586 offences be included in Schedule 1 of the Organized and Serious Crimes Ordinance (Cap. 455) (OSCO):

- The precision of OSCO would greatly assist the law enforcement effort in combatting this serious crime, whereby wildlife criminal enterprises operate through international criminal syndicates. For example, it would permit investigators to use investigative powers to pursue money laundering offences in relation to wildlife crime, whether the offence occurred inside or outside Hong Kong.
- The application of OSCO would ensure that the actual perpetrators and the major miscreants of wildlife crime can be investigated and prosecuted rather than just the carriers of smuggled wildlife.
- The seriousness and profile of these types of offences impact the international reputation of Hong Kong and the relationship between the Hong Kong SAR, mainland China and other countries, and in doing so undermining its commitment to international instruments and responsibilities.
- Confiscation orders would provide a powerful disincentive to wildlife criminals, and importantly, would prevent reinvestment of profits into further 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.
- 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, even more so in light of the recent legislative revisions which raised the maximum penalty to 10 years imprisonment.
- As the increased penalties go into force, listing Cap. 586 offences under OSCO would comply with HKSAR's obligations under the United Nations Convention on Transnational Organised Crime.

## 2 ESTABLISH A WILDLIFE CRIME UNIT/BUREAU UNDER THE CUSTOMS AND EXCISE DEPARTMENT

In order to ensure that wildlife crimes are more deeply investigated and prosecution more vigorously pursued, it is recommended that Hong Kong's Administration consider the establishment of a dedicated Wildlife Crime Unit/Bureau within C&ED. This could be created in much the same way that a Customs Drug Investigation Bureau exists to combat narcotics, the Financial Investigation Group exists to combat money laundering or the Consumer Protection Bureau

exists to protect consumer rights. The establishment of a dedicated wildlife crime team within Hong Kong Customs will further enhance and ease interdepartmental cooperation with AFCD. This would differ from the current Wildlife Crime Task Force in that the C&ED would lead investigations and follow the criminality, tackling the chain from the point of origin to the point of discovery and entry in the Hong Kong SAR's jurisdiction.

## 3 DEVELOP A WILDLIFE TRADE DATABASE & EXPANSION OF FORENSICS/DNA/ CARBON DATING CAPACITY

**The Value of Data:** Given the insights and analysis facilitated by even incomplete data such as WiPS, it is strongly recommended that a centralised and up-to-date seizures database be maintained. Ideally, such a resource would consolidate information made available by enforcement authorities such as C&ED and AFCD, as well as the government's Information Services Department (ISD). Such a database could be structured according to global best practice, informed by the likes of UNODC and CITES. It would be advantageous if structured information were made available on request to interested parties such as NGOs, academics, etc. to facilitate research and inform conservation programmes. The situation should be avoided where data does not represent seized flora and fauna to species level. Identification is always possible but, may require more time and resources.

Furthermore, because import permits do not have a mandatory requirement to indicate whether imported animals are for re-export or for local trade, there is no way of knowing how much is destined to stay in Hong Kong and how much is to be re-exported to other countries (and what

proportion is being smuggled to Shenzhen to avoid local tax). Requiring information as to the 'purpose for import' would help to provide the missing statistics and inform the authorities on whether Hong Kong is being swamped with a particular species or if the majority are to be re-exported. Under its BSAP, Hong Kong should also want to know whether for example, potentially invasive species imports stay in Hong Kong or are re-exported.

**Developing Local Forensics Expertise, Capacity and Innovating:** To bolster the investigative and prosecutorial powers of the enforcement authorities, it is recommended that consideration is given to establishing a facility for forensic, genetic and radiocarbon testing for locally seized wildlife products. Furthermore, the establishment of an independent Scientific Committee to help identify more cryptic cases through the use of wider expertise and not relying solely on Government expertise would be advantageous. This would make available wider support and resources to the Government of the HKSAR in combatting wildlife crime.

# 1 INTRODUCTION

In November 2015, a coalition of NGOs, academics, legal and wildlife experts in Hong Kong (the Hong Kong Wildlife Trade Working group [HKWTWG]) produced the report *'Wildlife Crime – Is Hong Kong Doing Enough?'*<sup>3</sup> The report aimed to collate information on the legal and illegal trade of wildlife species into and through the Hong Kong Special Administrative Region (Hong Kong SAR), and illustrate that, despite the Hong Kong government's lack of acknowledgment, the city is a wildlife trade hub with considerable illegal activity. This illegal trade, which includes wildlife trafficking, has significant impacts both within Hong Kong and beyond its borders.

The report urged the Government to treat wildlife crime as both 'serious' and 'organised', and to open cases to the enhanced investigative powers needed to tackle sophisticated trafficking networks. It recommended a series of actions as regards trade regulation, government liaison with civil society, allocation of government resources and the use of wildlife forensics.

In the three years since the report's release, there have been a number of notable developments with implications for wildlife trafficking, both within Hong Kong and globally (Figure 1-1).

This report **Trading in Extinction – The Dark Side of Hong Kong's Wildlife Trade**,<sup>4</sup> builds on *'Wildlife Crime – Is Hong Kong Doing Enough?'* and aims to illustrate the importance of Hong Kong in global wildlife trafficking. It details the extent and nature of both wildlife trade and crime in the city. Based on a snapshot of Hong Kong's seizure data, the report updates and, for the first time, illustrates the extent and nature of wildlife crime in Hong Kong. Relying largely on publicly available data, it endeavours to demonstrate that such crimes are, in many cases, organised and serious in nature. It makes the case that if the illegal wildlife trade is to be addressed globally, the Hong Kong SAR, like many jurisdictions, urgently needs an enhanced enforcement strategy that goes beyond the current regulatory regime.

**INTERPOL** states that "a significant proportion of both wildlife and pollution crime is carried out by organized criminal networks, drawn by the low risk and high profit nature of [wildlife trafficking] crime." And "the same routes used to smuggle wildlife across countries and continents are often used to smuggle weapons, drugs and people. Indeed, environmental crime often occurs hand in hand with other offences such as passport fraud, corruption, money laundering and murder."  
Source: INTERPOL<sup>1</sup>

The World Wildlife Fund ("WWF") and Dalberg Global Development Advisors ("Dalberg") have found that "Illicit wildlife trafficking compromises the security of countries. Much of the trade in illegal wildlife products is run by criminal groups with broad international reach, and the profits can be used to finance civil conflicts and terrorist-related activities. Illicit wildlife trafficking is also linked to other forms of illegal trafficking and money-laundering."  
Source: WWF & Dalberg (2012)<sup>2</sup>

**Guideline for Reading** - the report contains considerable detail on various aspects of Hong Kong's illegal wildlife trade; the following therefore provides some guidance to navigating the document.

**For the time-pressured reader:**

- The Executive Summary provides the rationale for the study and presents the key findings.
- Section 3 provides an overview of wildlife offences in Hong Kong, the policy and legislative framework that governs these offences as well as pertinent inadequacies; and
- Section 10 provides conclusions and lays out recommendations for enhanced enforcement.

**For the in-depth reader:**

**Section 2: Global Wildlife Trafficking Update** based on the United Nations Office on Drugs and Crime (UNODC) first Wildlife Crime Report published in 2016, provides an overview of wildlife seizures worldwide, including scope, characteristics, trends and challenges.

**Section 3: Nature of the Illegal Wildlife Trade in Hong Kong** summarises the general typologies of wildlife offences perpetrated in Hong Kong and the current regulatory and policy framework.

**Section 4: Wildlife Seizures in Hong Kong** provides an account of multi-species wildlife seizures in Hong Kong and their contribution to the global trade. Whilst there are limitations, data on these seizures provide the best available indicators of the scale of wildlife trafficking that can reveal potentially vital information to assist in combatting wildlife crime in the city.

**Section 5: Wildlife Crime Prosecutions, the Traffickers are Winning** reviews the extent and nature of recent wildlife trafficking prosecutions in Hong Kong.

**Section 6: Outbound and Overseas Seizures Implicating Hong Kong** provides some insight into seizures of wildlife product consignments ultimately destined for Hong Kong; and those inbound to other countries having departed Hong Kong.

**Section 7: Hong Kong's Burgeoning Legal Wildlife Trade** provides insights into the legal wildlife trade including both regulated CITES species and non-CITES species and highlights gaps in the system for data retention.

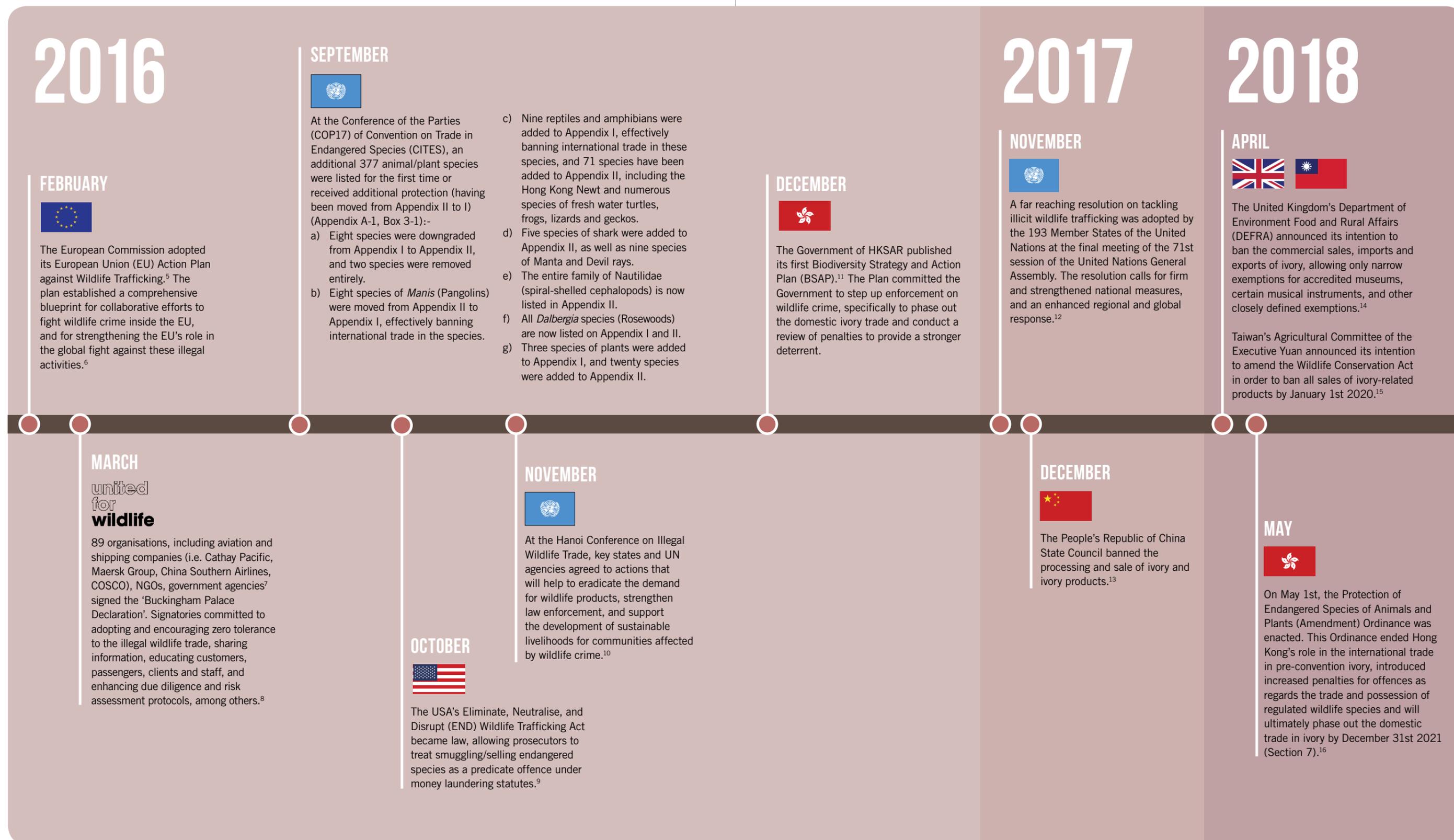
**Section 8: Linking Hong Kong's Wildlife Crime and Serious and Organised Crime** utilises publicly available information including seizure analysis, to illustrate the serious nature of the wildlife crime offences in Hong Kong, highlighting links, both recent and present, to organised crime.

**Section 9: Wildlife Crime and the Relevance of Organised and Serious Crime Legislation** outlines Hong Kong's Organised and Serious Crimes Ordinance Cap. 455 and its relevance to addressing wildlife crime offences currently regulated under the Endangered Species Ordinance Cap. 586.

**Section 10: Discussion, Conclusion and Recommendations** makes the case, based on information from preceding sections, that there is urgent need to enhance enforcement and highlights how Hong Kong's existing statutes can respond effectively to the increasing scope and changing nature of the illegal wildlife trade.

Note: since seizures and prosecutions have continued during the drafting of this report, where relevant, updates for 2018, covering additional information beyond the 2013-2017 study period.

FIGURE 1-1 GLOBAL ACTION TO ADDRESS WILDLIFE CRIME GAINS MOMENTUM (FEBRUARY 2016 – MAY 2018\*)



\* Period since release of Wildlife Crime – Is Hong Kong Doing Enough

## 2 GLOBAL WILDLIFE TRAFFICKING UPDATE

### The UNODC perceives wildlife crime as a 'major priority' for the international community

In 2016, the United Nations Office on Drugs and Crime (UNODC) published its first World Wildlife Crime Report<sup>17</sup>, akin to its annual World Drugs reports<sup>18</sup>. In doing so, UNODC responded to what it perceives as a 'major priority for the international community', to better understand the illegal wildlife market and the criminality behind it at a time when its linkages with transnational organised crime are becoming increasingly evident and the need for interdictions increasingly urgent.

Cognisant of the complexity and variation of available data, the report characterised wildlife trafficking globally based on the recently compiled World Wildlife Seizure (World WISE) database.<sup>19</sup> By the end of 2015, World WISE contained 164,000 seizures, covering 7,000 species across 120 countries, mostly related to CITES violations (Box 2-1). World WISE dates back to 1999, however, most data have been provided from 2005 onwards.

#### BOX 2-1 WORLDWIDE LEGAL AND ILLEGAL WILDLIFE TRADE

Worldwide legal and illegal trade in rare species is managed through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a multilateral agreement which 183 states are party to. Over 35,000 species are classified into three appendices depending on their conservation status and the level of threat they face due to international trade.

### Threatened wildlife harvested illegally can be traded legally in other jurisdictions

While there is a tendency to rely on CITES, which regulates international trade, the UNODC emphasises that wildlife crime also includes **'harvesting and trade contrary to national law'**<sup>20</sup>. It stresses that addressing this aspect must also play a role in designing future interventions. Currently, threatened wildlife illegally harvested in its country of origin can often be legally traded once exported in most jurisdictions, including Hong Kong.

While the World WISE database indicates that no species makes up more than 6% of seizure incidents<sup>21</sup>, the UNODC indicates that, by value, 90% of the trade can be accounted for by just a few types of wildlife across seven distinct sectors: Furniture; Art/Jewellery; Fashion; Cosmetics/Perfume, Food/Tonics/Medicines, Pets/Zoos/Breeding and Seafood<sup>22</sup> (Box 2-2). All seven of these sectors are relevant to Hong Kong (Section 4).

### The UNODC has identified information, legislative and operational gaps in attempts to tackle wildlife crime

The UNODC highlights three major gaps, which must be addressed to effectively tackle wildlife crime: i) informational; ii) legislative; and iii) operational. It emphasises the need for a legal basis for wildlife crime and for the international community to respect the differences in national legislation. The report offers suggestions such as wildlife products being considered state property and hence crime being tried under the Theft Ordinance (as in the case of agarwood poaching in Hong Kong – Section 5), as well as the need for an international information sharing platform to improve knowledge of internal regulatory laws separate from CITES stipulations.

A number of issues are raised that are pertinent to Hong Kong:-

1. The relative ease with which illegally harvested and traded products are being retailed through legal markets, provide criminals with access to far greater demand than black markets can alone;
2. Species that are particularly vulnerable due to a lack of international regulation can be traded legally, regardless of whether they have been sourced in contravention of national laws in source countries;
3. The inadequacy of legislation in importing countries to deal with products that were illegally harvested in source countries;
4. Forgery, fraud and corruption used to acquire requisite permits that allow international trade;
5. Seizures/enforcement are primarily at ports of entry and not once the products have entered domestic markets;
6. The role some wildlife farms, breeding (both real and so-called) operations and zoos play in laundering, which may further go undetected due to the emphasis on regulation at entry points, rather than domestic markets; and
7. A large percentage of trade goes undetected. A focus on the individuals involved is needed to augment the insight into wildlife crime and ultimately to stop it.

The resulting recommendations highlight the following needs for:

1. Countries/territories to expand domestic legislation to protect wildlife imported from other countries, including countries to prohibit the possession of wildlife illegally harvested in/traded from any other country;
2. More research and monitoring of the situation and co-ordination of international operations between countries;
3. Increased forensic science/analysis;
4. Strengthening commercial traceability systems and the need to close data gaps to follow where imports are intended to go or whether they are to stay in the local commercial market;
5. Technical and financial assistance to range states to strengthen criminal justice systems;
6. Further mobilisation of profiling and targeting mechanisms or suspicious shipments;
7. Use of the UN convention on corruption when public servants are implicated in wildlife crime; and
8. Information on the sources of wildlife products to be readily available to consumers in order for them to make informed purchases and to avoid facilitating illegal trade.

A call for enhanced law enforcement reflects the need for countries to collaborate and prioritise wildlife crime.

**BOX 2-2 GLOBAL WILDLIFE CRIME**

Some of the Key Trafficked Species According to UNODC (2016) and other Global Databases

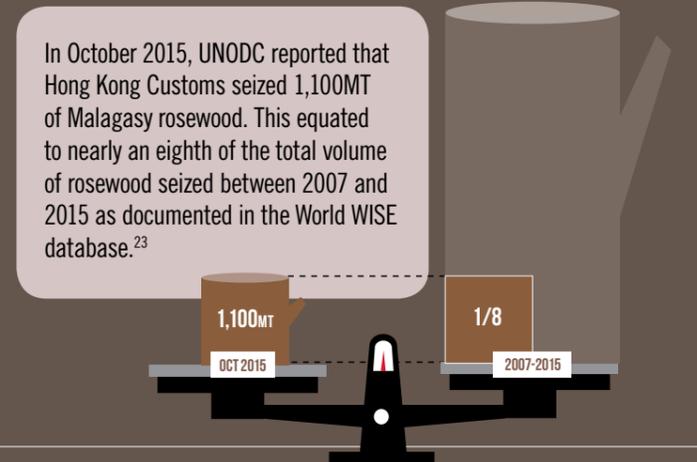


'Rosewood' is a term used to describe a wide range of richly hued, and often fragrant, tropical hardwoods. However, despite the immense trade in and demand for tropical hardwood furniture, CITES-listed species only make up a small fraction of the species traded, making it difficult to differentiate between the legal and illegal market. Records indicate that, of the listed species seized globally (2005-2015), Brazilian rosewood (CITES Appendix I), Indian 'red sanders' or red sandalwood (CITES Appendix II), and Siamese and Honduran rosewood (CITES Appendix II) are the most frequently involved. Between 2005 and 2015, 10,000MT of rosewood was seized globally, with the majority found in China, Singapore, Malaysia and Dubai. The total is likely much higher as numerous seizures are known to have taken place but were not recorded in the World WISE database.

**HONG KONG** In April 2014, 200m<sup>3</sup> of *Dalbergia* spp. was seized in Panama on its way to Hong Kong. In November 2014, 92MT of Honduran rosewood were seized in Hong Kong. In July 2016, 73MT of Siamese rosewood were seized arriving from Thailand. At least 238MT of red sandalwood have been seized over the past five years as they were imported or re-exported from Hong Kong.

Many countries lack the legal basis to refuse wood harvested against the regulations of the source country and, as a result, illegally logged or exported timber as well as furniture can be readily imported legally into jurisdictions such as Hong Kong. There is also evidence of traders evading CITES controls by mis-declaration of such products as non-listed but similar looking species.

As noted above, in September 2016, CITES listings were increased and the entire genus *Dalbergia* was listed in Appendix II with the exception of species listed in Appendix I.



The UNODC highlights reptile skins in the fashion industry as a changeable but growing trade, with demand increasing in many key sectors. The World WISE database documents around 2,600 skins a year, with markets existing in China, Singapore, the USA and Spain. One of the main issues with reptile skins is the prevalence of unsustainable wild sourcing, favoured over the economically challenging commitment of farming. As demand changes constantly, and the yield on small skins is low, wild sourcing (Section 7) is economically attractive and less of a risk. It is difficult to determine the source of skins, and some species are threatened when wild catch exceeds its quota. The main species targeted are crocodylians, snakes and lizards, as well as some big cats.

Indonesia, in particular, is noted for its contribution to the reptile skin trade<sup>24</sup> where, under a quota system, 90% of harvested skins are allowed to be exported, with 10% reserved for domestic consumption. Although controls are in place, enforcement appears problematic and extensive illegal wild-sourcing undermines the system. A particular concern with reptile skins is the laundering of illegal products into the legal market.

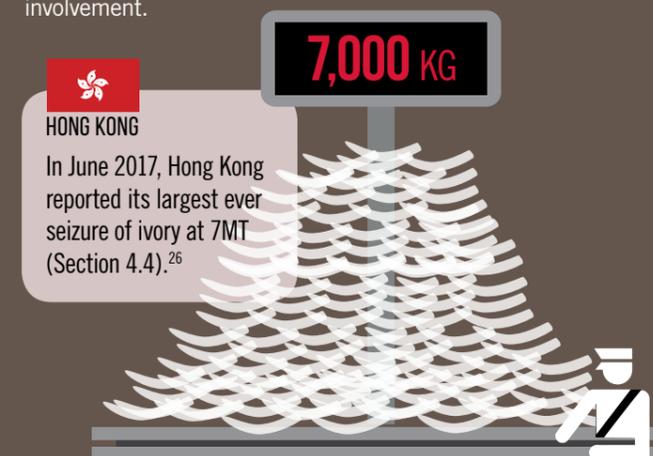
**HONG KONG** Given this, the scale of reptiles skin imports into Hong Kong, based on CITES trade data (Section 7), is of concern. This is even more so in light of the large number of skins seized in the USA after re-export from Hong Kong (Section 5.2), and seemingly few local seizures (Section 4.4).



Between 2009 and 2014, the Elephant Trade Information System (ETIS) recorded the seizure of 159MT of ivory, representing at least 15,900 elephants. It is estimated that this likely represents only 10% of ivory poached (based on an estimated 30,000 elephants poached annually). In source countries, typically in Africa, poaching rates have claimed up to 50% of the population over the past ten years, as has been recorded in Tanzania<sup>25</sup>. The main ivory markets are China, Malaysia, Thailand, Vietnam and the United Arab Emirates. China (40%) and South East Asia (39%) constituted 79% of the destination locations for seized ivory in the World WISE database between 2006 and 2016.

The UNODC acknowledges that the ivory market is difficult to analyse, as demand for raw ivory is hard to determine because markets would appear to be far smaller than supply, leading to the possibility of market speculation. The lack of a detectable retail market suggests that there

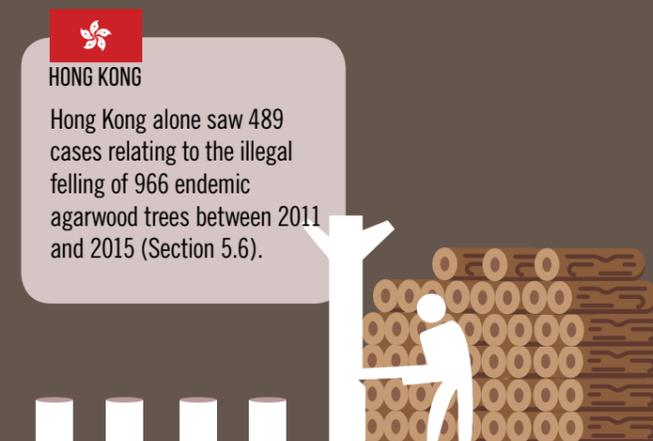
may be an extensive market online, which is true for a multiplicity of wildlife products. There is also the possibility that ivory is being sold by unmonitored venues in the form of small objects that do not require master carvers to produce. The large flow of raw ivory indicates organised criminal involvement.



Although plant species in wildlife trafficking tend to receive less attention, overharvesting and consequent disruption of habitats still occurs, and agarwood, also known as *oud*, *jinkoh* or *gaharu*, provides a good example. The term agarwood refers to the aromatic resin impregnated wood in some species of the *Thymelaeaceae* family. A few kilogrammes of agarwood can be worth hundreds of thousands of dollars, and the UNODC asserts that it could be the 'single most value-intensive wildlife commodity'.<sup>27</sup>

The World WISE database recorded 35MT of agarwood seized between 2005 and 2014, originating in Asian and Arabic countries. The volume of illegal agarwood seized is 0.5% of the legal trade, however, the UNODC indicates the likelihood that only a small amount is detected due to the manner (personal carriage on flights) and small volumes carried. Furthermore, it is suspected that a large

percentage of the illegal trade is undetected, often not being recognised by customs officers and appearing in various undistinguishable forms.



**BOX 2-2 GLOBAL WILDLIFE CRIME**

Some of the Key Trafficked Species According to UNODC (2016) and other Global Databases

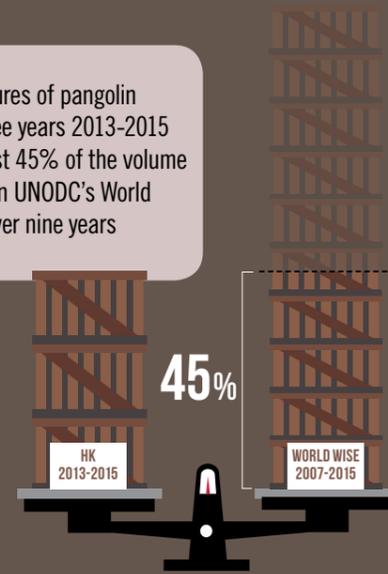
**FOOD, MEDICINE AND TONICS: PANGOLIN**

A genus of particular relevance to Hong Kong is that of pangolins, where there exists a large market for scales (for Traditional Chinese Medicine TCM) and carcasses (for cuisine), locally and in China. Pangolins have largely been sourced from Indonesia, Malaysia, Vietnam and Thailand, and more recently from across Africa. The legal market for pangolins is small, at least partially due to Asian range states introducing zero export quotas in 2000. In September 2016, all eight species of pangolin were listed on CITES Appendix I, effectively banning the international trade of any species (except in exceptional circumstances).

Between 2007 and 2015, the World WISE database recorded 20MT of scales seized, which were equated to as many as 55,000 pangolins. Pangolins are also traded live and frozen for meat. Over the same period, another 13,000 live pangolins were seized as well as the equivalent of 33,000 pangolins, for meat.

**HONG KONG** In Hong Kong, seizures of pangolin derivatives exceeded 5.6MT in every single year over the past five years, peaking with a total of 15.4MT being seized in 2016 (Section 4.4).<sup>28</sup>

Hong Kong's seizures of pangolin scales in just three years 2013-2015 equates to at least 45% of the volume of such seizures in UNODC's World WISE database over nine years

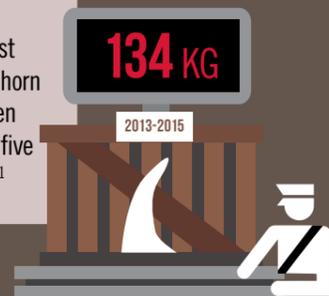


**RHINOCEROS HORN**

With traditional Asian medicine using rhinoceros horn as a cure for a series of ailments and its use as a status symbol including ornaments and jewellery, there continues to be a growing demand for rhinoceros horn in a number of Asian countries. Poaching thus poses a major threat to the already dwindling populations of rhinoceroses. Both South Africa and Swaziland allow rhinoceros horn to be exported if it is for live animal trading with zoos, or a hunting trophy. Nevertheless 'pseudo-hunts', have been staged to access rhinoceros sport hunting licences, to obtain rhinoceros horn and export it. Many applications have been made by Vietnamese citizens with no hunting experience, which raised suspicions.<sup>29</sup> Consequently, Vietnamese nationals began recruiting Czech citizens to participate in pseudo-hunts to avoid detection.<sup>30</sup>

The world WISE database recorded 1,571kg of rhinoceros horn seized between 2006 and 2015. UNODC fieldwork estimated the value of rhino horn at the end of 2015 to be US\$26,000 per kilo. Other estimates however are considerably higher.

**HONG KONG** In Hong Kong, at least 134kg of rhinoceros horn is known to have been seized over the past five years (Section 4.4).<sup>31</sup>



**PETS, ZOOS AND BREEDING: LIVE PARROTS AND TURTLES**

The trade in live animals is most often related to the pet and zoo trades. The capture and sale of wild animals can hence be a means for rural communities to make money, and some collectors will pay large sums for the shipment of endangered or rare species.

The main species affected by this trade are turtles, great apes and parrots. With the exception of four species, all birds classified under the *Psittaciformes* order (parrots, macaws, cockatoos and parakeets) are CITES-listed. There is a global market for these birds, which are mainly sourced in South America or Africa. The World WISE database seems to lack data on South America, making trade hard to analyse. The UNODC notes that there is a great deal of illicit trade in parrots that are illegally sourced, often by rural communities, and then trafficked to various locations. Cameroon appears to be a key export point, although there appears to be an international network involved in parrot trafficking. In 2013, around 325,000 parrots were legally exported from their home ranges; however, the issue appears to be in the sourcing of birds and the involvement of crime syndicates.

There is also a significant trade in turtles and tortoises for pets. The UNODC indicates that of the 330 or so turtle species, most are protected or regulated under domestic law or regulation. Between 2005 and 2015, about 88,000 live turtles representing 106 species of tortoises and freshwater tortoises were recorded in World WISE.

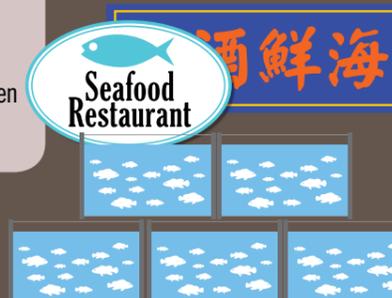
**HONG KONG** In Hong Kong, at least 19,136 turtles and 1,501 tortoises around 30 species were seized between 2013 and 2017 (Section 4.4).<sup>32</sup>



**SEAFOOD: HUMPHEAD WRASSE**

Relatively few fish species are listed on CITES, hence the UNODC report does not deal with large-scale illegal commercial fishing. Seafood is discussed with particular reference to valuable caviar; however, an illegal trade is somewhat elusive as consumers often prefer the prestige of a brand name due to high costs.

**HONG KONG** 243 live Humphead wrasses were seized in Hong Kong between 2007 to 2017.<sup>33</sup>



**TOTOABA**

Although not highlighted in the UNODC's report, the illegal trade in the fish maw of the Appendix I listed totoaba (*Totoaba macdonaldi*) has not only decimated the population of this endangered fish species but has also pushed populations of the vaquita (the world's smallest porpoise) to the brink of extinction. The vaquita is incidentally caught in the nets targeting the totoaba. Hong Kong is a key transshipment hub for totoaba fish maw trade<sup>34</sup>, although seemingly very little of the species has been seized locally.<sup>35</sup>

Source: Unless indicated otherwise, information summarised and extracted from UNODC World Wildlife Crime Report – Trafficking in Protected Species, (2016) and the WIPS Database (2018) (Section 4)

# 3 NATURE OF THE ILLEGAL WILDLIFE TRADE IN HONG KONG

## OVERVIEW

- Wildlife crime related offences perpetrated in Hong Kong consist of trafficking/smuggling, theft, cruelty, product laundering and trading licence infractions.
- Trade regulation of threatened species in Hong Kong beyond CITES requirements is minimal.
- Wildlife products illegally sourced in their country of origin (including shark fin, abalone, live reef food fish and reptiles) can be traded legally in Hong Kong.
- Hong Kong is the world's largest market for South African Abalone, which is being poached at levels that exceeds national quotas through illegal practices.
- Hong Kong legally imports large quantities of live reef food fish from the Philippines, despite national laws which prohibit the export of such fish from the Philippines.
- Current local action plans fail to address articles 3, 5 and 14 of the Convention on Biological Diversity (CBD), which indicate Hong Kong's responsibilities beyond its borders.

A review of the CITES Trade Database over 10 years reveals large discrepancies in trade reports between Hong Kong's import data and the corresponding country's export data, with a total of 3,632MT and 5.8 million pieces or individuals found to be imported into Hong Kong without corresponding country export records.

Reptiles comprised the greatest excess in terms of pieces or individuals with a total of 5.3 million found to be in excess, of which 360,301 were live animals.

Legal loopholes in the regulation of the exotic pet trade mean that many CITES-listed species are not effectively regulated after import, facilitating laundering.

Lack of regulation of the exotic pet trade has allowed black markets to flourish.



**Hong Kong's involvement in wildlife crime is diverse; serving as a destination, transit point and market for trafficked products**

## 3.1 WILDLIFE CRIME OFFENCES IN HONG KONG

### 3.1.1 Legislative Framework

Hong Kong's involvement in wildlife crime is diverse. The city serves as a destination, transit point and market for trafficked products, a prime environment for product or money laundering and a base for organised networks. Hong Kong's regulatory regime that applies to wildlife crime offences provisions and penalties are derived from a number of statutes:-

- The United Nations 'Convention on Biological Diversity' (CBD)
- Inchoate Offences: (Cap 200: Crimes Ordinance, Cap 461 Criminal Justice Ordinance)
- Cap 60: Import and Export Ordinance
- Cap 96: Forests and Countryside Ordinance
- Cap 139: Public Health (Animals and Birds) Ordinance
- Cap 169: Prevention of Cruelty to Animals Ordinance
- Cap 170: Wild Animals Protection Ordinance
- Cap 171: The Fisheries Protection Ordinance
- Cap 200: The Crimes Ordinance
- Cap 210: Theft Ordinance
- Cap 353: Marine Fish Culture Ordinance
- Cap 421: Rabies Ordinance
- Cap 421A: Rabies Regulation
- Cap 499: Environmental Impact Assessment Ordinance
- Cap 586: Protection of Endangered Species of Animals and Plants Ordinance ('CITES Ordinance')

For the most part, however, available information such as case records and court monitoring (Section 5) indicate that wildlife crime related prosecutions in Hong Kong tend to relate to offences under Cap. 60, Cap. 586 and Cap. 169. Crimes related to agarwood are generally prosecuted under the Theft Ordinance (Cap. 210).

Notably, a 2013 review of Cap. 96, Cap. 170 and Cap. 171<sup>36</sup> asserts the need for better enforcement, updating the statutes and closing loopholes to guard against increasing conservation threats including those posed by the increasing levels and scope of the wildlife trade.<sup>37</sup>

### 3.1.2 Trafficking

The majority of wildlife crime in Hong Kong relates to illegal trade across borders, i.e. import, export and re-export of wildlife products, without submitting the appropriate documentation or similarly providing misinformation to customs authorities in breach of Cap. 60. A snapshot of the extent of these activities is provided in Section 4.

In addition to the smuggling offences under the Import and Export Ordinance (Cap. 60), the primary legislation to regulate the wildlife trade is Cap. 586, through which Hong Kong meets the requirements of CITES. This Convention came into force in 1975 with the aim of regulating international trade of endangered species through international cooperation<sup>38</sup>. Species regulated under CITES are listed in one of its three appendices and are subject to corresponding degrees of regulation when traded (e.g. import, export and re-export licences, subject to quotas) (Box 3-1).

**Wildlife crime prosecutions in Hong Kong relate predominantly to smuggling and trade licence infractions**

Though CITES has a central Secretariat and enforcement officers, implementation and enforcement of CITES is primarily the responsibility of the member governments themselves. If Parties fail to implement CITES regulations, they create a situation conducive to illegal trade/trafficking and improper permit authorisation, compromising the effectiveness of the Convention.<sup>40</sup>

As an importer and re-exporter, Hong Kong plays a major role in ensuring that imported wildlife (dead or alive) has the appropriate documentation, e.g. from the exporting countries (and is thus legal), before being allowed entry into the city and/or before re-exportation.

### BOX 3-1 TRADE IN CITES APPENDIX I AND II SPECIES

The trade in Appendix I species must only be authorised in exceptional circumstances and in accordance with export permits and import licences.

To trade Appendix II listed species, the exporting state must obtain export permits. Article IV of the Convention states that such a permit can only be granted when the CITES Scientific Authority (SA) of that country/territory has advised that such export will not be detrimental to the survival of that species, and the CITES Management Authority (MA) of that country confirms that the traded items were not obtained illegally.

Another mandate of the CITES SA is to monitor both the number of export permits granted and the volume of specimens actually sent. Appendix II and III listed species must travel with the export permit.

Source: CITES (1973)<sup>39</sup>

### CITES permit applicants are not required to provide evidence that they have the relevant animal trading licences or premises

It should be noted that CITES permit applicants are not required to provide evidence that they have the relevant animal trading licences nor provide evidence of a licenced trading premises.<sup>41</sup> This is particularly pertinent for the exotic pet trade. Applicants are given the option of providing a business registration number or their Hong Kong Identity Card. The applicant is not required to provide any details regarding the type of commercial use. Non-CITES pet trade imports are not required to include information to the government, related to final destination of the consignment being imported. Without importers furnishing this information the authorities are unable to determine if consignments are wholly for the local commercial market or to be re-exported to other markets. Tracing movement of imports whether legal or illegal is therefore difficult and has implications for managing potentially invasive species in Hong Kong.

### 3.1.3 Laundering and Licensing Infractions

Laundering trafficked wildlife is a common theme in a plurality of wildlife trades and poses a serious threat to many threatened species globally. It is a major challenge for both regulatory authorities and NGOs working in conservation, and occurs when:

### BOX 3-2 POSSESSION LICENSING SYSTEM RELEVANT TO CITES-LISTED SPECIES IN HONG KONG

To possess an Appendix I species, or a live animal or plant of Appendix II species of wild origin in Hong Kong, a Licence to Possess issued by the Agriculture, Fisheries and Conservation Department (AFCD) is required. Each licence can cover one or more species but is valid for one keeping premises only.

Appendix I animals bred in captivity for commercial purposes from CITES registered farms and Appendix I plants artificially propagated for commercial purposes are treated as Appendix II specimens and therefore subject to Appendix II control.

No licence is required for possession of a live animal or plant of Appendix II species of non-wild origin if it can be proved by documentary evidence of such origin.

Possession licences are valid for 5 years and there are no controls requiring individual identification of the species covered by the licence. Multiple individuals can be kept at the keeping premises and these individuals do not have any mandatory marking requirement. As such it can be argued that the licence system is hard to enforce and not fit for purpose.

Source: AFCD (2006)<sup>42</sup>

### The current regulatory regime in Hong Kong enables laundering of wildlife products

- A regulated legal market exists for a product, that can serve as a front for illegal products; and
- Where a CITES regulated species cannot be visually distinguished from either a non-regulated or an illegal 'regulated' species (Table 3-1).

In Hong Kong, there is ample evidence that such laundering takes place in relation to numerous species (Table 3-1) and that the regulatory environment is such that laundering is likely to be considered a low risk enterprise by criminal networks (section 5). In particular, as regards elephant ivory, laundering was one of the main reasons for the Government's amendment of Cap. 586, which bans the ivory trade in three steps over five years (Section 9).<sup>43</sup>

In Hong Kong, wildlife laundering is in part facilitated by the legitimacy provided by the possession licensing system, which can easily be thwarted (Box 3-2).

Previously, under Cap. 187 Animals and Plants (Protection of Endangered Species) Ordinance, a possession licence was required regardless of whether a species was wild caught or captive bred. Ironically, this requirement was loosened under Cap. 586 to include only species of wild origin.<sup>44</sup> The argument was that the number of contraventions under CITES had reduced significantly<sup>45</sup> and it was thus unnecessary to retain such controls. The elimination of possession licences for captive bred CITES Appendix II species was also to streamline procedures for traders without compromising Hong Kong's obligations to CITES.<sup>46</sup>

Under the current regulatory regime, there is thus ample opportunity to launder a wide range of animal species, and the Government appears to have limited capacity and/or will to review the system and investigate the likely occurrence of widespread illegal activities. The stance often taken is that laundering is not happening unless it can be proved, even though the environment is ripe for such illegal activity and a concerted investigatory process would probably reveal such.

#### 3.1.4 Theft

Within the context of wildlife, the Theft Ordinance (Cap. 210) is used to prosecute the illegal harvesting and smuggling of agarwood (*Aquilaria sinensis*) or 'Incense Trees'<sup>47</sup> (Section 5). Agarwood is endemic to Southern China including Hong Kong, and felling these trees is considered to be a serious offence.

#### 3.1.5 Cruelty

In Hong Kong, the Prevention of Cruelty to Animals Ordinance (Cap. 169) to some extent protects animals through the deterrent effect.

Poor welfare and animal cruelty is an intrinsic problem when endangered species are trafficked, and there are similar concerns about the legal "exotic" pet trade.

Though Cap. 169 is widely considered outdated and urgently in need of review<sup>48</sup>, penalties were raised in 2006 to two years imprisonment and fines of HK\$200,000. However, the cruelty that occurs alongside wildlife trafficking is mostly overlooked, and cruelty related charges are usually not brought against the traffickers (Section 5).

### Cruelty associated with wildlife trafficking is overlooked and hence cruelty related charges are not applied to traffickers

TABLE 3-1 A SNAPSHOT OF THE OPPORTUNITY FOR, AND EVIDENCE OF LAUNDERING IN HONG KONG

SPECIES/ PRODUCTS	CHARACTERISTIC	EVIDENCE OF AND POTENTIAL FOR LAUNDERING THROUGH AND IN HONG KONG
<b>European Eel Case*</b> ( <i>Anguilla anguilla</i> )	Of the <i>Anguilla</i> species, only <i>A. anguilla</i> is CITES-listed (Appendix II and Critically Endangered). The juvenile stage 'glass eel' of <i>A. anguilla</i> is difficult to distinguish from the non-regulated <i>Anguilla</i> species without DNA analysis.  Demand for glass eels is largely from Asia, and in December 2010, EU imports and exports of <i>A. anguilla</i> were prohibited. <sup>49</sup>	There have been multiple glass eel seizures in Hong Kong. In January 2016, for the first time since the EU banned exports, DNA analysis conducted by the University of Hong Kong (HKU) overcame the problem of distinguishing the CITES-listed glass eel from its non-listed relatives. The analysis importantly confirmed the Europe-Asia trafficking route (in this case Madrid to Hong Kong) of the European Eel. <sup>50</sup>
<b>Humphead Wrasse</b> ( <i>Cheilinus undulatus</i> )	The Humphead wrasse is the only Live Reef Food Fish species listed on CITES Appendix II. Illegally imported Humphead wrasses are difficult to distinguish from those imported legally and managed via the possession licensing system.	In the Southeast Asia region, only Indonesia has an export quota for Humphead wrasse, such that regionally, approximately 2,000 specimens can be traded on an annual basis. The Possession Licence system in Hong Kong <sup>51</sup> provides the opportunity for legally imported fish to be replaced with illegally imported fish, once the former has been sold. There have been 34 prosecutions (between December 2015 and October 2017) of illegal possession at local restaurants/live seafood stalls <sup>52,53</sup> , and at least 49 Humphead wrasses have been seized over the past five years by AFCD. <sup>54</sup>
<b>Elephant Ivory</b> ( <i>Loxodonta Africana, Elephas maximus</i> )	Illegal ivory products cannot be distinguished from legal regulated products (e.g. post ban ivory sold under a possession licence) unless carbon dated, to determine the age of the ivory and thus confirm that it pre-dates the trade restrictions.	Hong Kong's legal ivory market and accompanying licensing system allows room for unlicensed 'blood ivory' to be passed off as pre-ban ivory. Forged documents and lax enforcement of legislation makes laundering possible and highly probable. Carbon dating, in two cases in 2017 <sup>55,56</sup> and one case in 2018 <sup>57</sup> , revealed that four traders were guilty of illegally selling chopsticks made of ivory poached after 1990. This represents the yield from three pairs of chopsticks from three shops. <sup>58,59</sup> There are over 400 traders in Hong Kong, indicating that there is considerable potential for laundering.
<b>Golden Coin Turtle</b> ( <i>Cuora trifasciata</i> )	One of the world's rarest freshwater turtles, the Golden coin turtle is being captive bred and traded both as a pet and for Traditional Medicine. It can be challenging to tell a captive bred legally traded turtle apart from an illegally-sourced wild-captured specimen.	Although the turtle species is traded in Hong Kong's pet shops, unlike other jurisdictions such as the United States, there is no requirement for individual marking and identification of specimens. The possession licence simply documents the number of animals held by the establishment with no identification of the individuals, providing significant opportunity for laundering wild-caught turtles.
<b>Orchids</b> ( <i>Orchidaceae spp.</i> )	Reports indicate <sup>60</sup> that illegally harvested wild plants are being laundered through commercial greenhouses, allowing for their legal export out of Thailand.	Orchids, purchased for decorative uses, were seized at various Hong Kong SAR border checkpoints with mainland China. Reportedly, there were 439 seizures between 2005 and 2012, with most occurring just before the Chinese New Year period. <sup>61,62,63,64,65,66</sup> While the global trade of orchids is regulated, an illegal, wild-harvested trade exists, and is laundered through the legal trade. <sup>67</sup>

### 3.2 HONG KONG'S BROADER POLICY ENVIRONMENT

#### Trade regulation of threatened species beyond CITES is limited

In terms of the broader policy environment, trade regulation of threatened species in Hong Kong beyond CITES is minimal and limited. Some initiatives include relatively recent changes in government policies (circa 2013) that recognise the threatened status of specific biological resources and seek to restrict unsustainable consumption, by recommending against dining on such endangered species at official government banquets. To date, such species include sharks, the Humphead wrasse, Black moss and Bluefin tuna.<sup>68</sup>

#### In 2016 Hong Kong introduced its first "Biodiversity Strategy and Action Plan" and established the "Inter-departmental Task Force on Wildlife Crime"

In line with the UN Convention on Biological Diversity, Hong Kong also introduced its first 'Biodiversity Strategy and Action Plan' (BSAP) in December 2016 which, in addition to action on the ivory trade and increasing penalties<sup>69</sup>, committed the Government to strengthening interdepartmental collaboration on combating wildlife crime, by establishing the 'Inter-departmental Task Force on Wildlife Crime'<sup>70</sup>. This Task Force comprises representatives from the Agricultural Fisheries and Conservation Department (AFCD), Environmental Protection Department (EPD), Environment Bureau (ENB), Customs and Excise Department (C&ED) and Hong Kong Police Force (HKPF).<sup>71</sup> Among the Task Force's objectives is the intention to "serve as a platform that facilitates communication and co-operation for combating wildlife crimes, in particular those with serious and organised crime elements."<sup>72</sup>

Notably, the quarantine section of the AFCD does not send a representative to the Task Force meetings. The section: i) oversees much of the pet trade (licensing and enforcement) under Cap. 139b; ii) monitors the legal import of animals at the point of entry to Hong Kong; and iii) oversees aspects of export. This lack of inclusion is problematic when trying to deal with wildlife crime related to the exotic pet trade and the need to develop robust policies and strategies to support and enforce legislation.

#### Hong Kong's 'City' BSAP pays little attention to the clauses of CBD that indicate Hong Kong's responsibilities beyond its own borders

Furthermore, the progress and activities of the Task Force remain unclear. Indeed, with the exception of the ivory and penalty proposals highlighted above, Hong Kong's 'City' BSAP pays little attention to the clauses of CBD that clearly indicate Hong Kong's responsibilities beyond its own borders (Box 3-3) such as its role in the multi-species international wildlife trade. The Government has asserted that it has been implementing the BSAP "taking into account the objectives and principles of CBD, local economic and social priorities, as well as aspirations of the people". However little in the way of major conservation changes seem to be addressed in the plans and implementation strategy.

#### BOX 3-3 CONVENTION ON BIOLOGICAL DIVERSITY BEYOND JURISDICTIONAL RESPONSIBILITIES

**Article 3 Principle**  
States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the **responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.**

**Article 5 Cooperation**  
Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organisations, **in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.**

**Article 14 Impact Assessment and Minimizing Adverse Impacts**  
Each Contracting Party, as far as possible and as appropriate, shall:  
c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control **which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;**

(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States or in areas beyond the limits of national jurisdiction, **notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage.**

**In 2017 the HKSAR Government indicated its intention to introduce an Incense Tree (*Aquilaria sinensis*) Species Action Plan**

In June 2017, the Sustainable Development Council (SDC) completed a public engagement exercise on the consumption of biological resources, but did not specifically address the consumption of wildlife products in Hong Kong other than seafood.

More recently, the Government has indicated its intention to introduce its Incense Tree (*Aquilaria sinensis*) Species Action Plan, to address the increasing damage and felling of these trees, also known as “agarwood”. The species is endemic to Hong Kong, highly valued and a noticeable component of Hong Kong’s illegal wildlife trade.

Under the BSAP, the AFCD has also committed to “*Maintain high vigilance and enhance enforcement against illegal poaching or collection of local species*” in collaboration with the HKPF.<sup>73</sup> However, it remains unclear what involvement the HKPF has had in the context of wildlife crime since the BSAP’s publication.

### 3.3 PRODUCTS ILLEGAL IN OTHER JURISDICTIONS, LEGALLY IMPORTED INTO HONG KONG

#### 3.3.1 Introduction

As noted in Section 2, the UNODC’s ‘*World Wildlife Crime Report*’ highlights that a significant weakness in efforts to address wildlife trafficking provides the opportunity for wildlife sourced illegally in source countries to be traded legally in countries such as Hong Kong, where there is no corresponding regulation of that species. In many countries, such as Australia, USA and South Africa, there are numerous species protected nationally that are not necessarily protected under CITES and for which there is no trade regulation in Hong Kong.

Few countries have legislation to address this issue, however, one notable exception is the USA’s Lacey Act (Box 3-4), which aims to ensure that the breaking of any wildlife law, be it foreign or domestic, is considered a crime.

Some examples of species protected by domestic legislation in other countries and traded in large volumes in Hong Kong regardless of those laws include:

- Abalone from South Africa;
- Shark species from numerous countries;
- Live Reef Food Fish from the Philippines; and
- Reptiles from Australia.

While not every instance of these species being traded is necessarily a result of illegally harvesting, given the volumes in trade and lack of regulation in Hong Kong, there is considerable opportunity, as illustrated below.

#### BOX 3-4 USA’S LACEY ACT

In essence, the Lacey Act<sup>74</sup> prohibits any fish, wildlife or plant specimens ‘taken, possessed, transported, or sold in violation of a state, federal, tribal or foreign law or regulation’ to be ‘import[ed], export[ed], transport[ed], [sold], receive[d], acquire[d], or purchase[d]’ in any capacity (if a USA law or regulation or Indian tribal law is violated) or in interstate or foreign commerce (if a State or foreign law or regulation is violated). Thus, the Lacey Act adds an additional punitive layer on top of the domestic laws already discussed, and as a means of enforcing foreign laws, regulations and rules that may not otherwise be penalised within the USA.

**Few countries have legislation to address the import of wildlife sourced illegally and exported from the source country**

**South African Abalone is harvested in excess of national quotas and poaching is increasing**

#### 3.3.2 South African Abalone – Poached and Imported into Hong Kong

South African abalone (*Haliotis midae*) is not currently regulated under CITES, however, research indicates that it is being harvested in excess of national quotas and that this poaching has not only increased over the past two decades, but is also well-documented.<sup>75,76,77</sup> A recent report by TRAFFIC, a wildlife trade-monitoring NGO, found that Hong Kong, the world’s biggest market for abalone, has seen annual imports of abalone double from 3,000MT in 2000 to 6,170MT in 2015.<sup>78</sup> This poached abalone is traded legally in Hong Kong, with no regulation once it leaves South Africa. However, TRAFFIC found that 80% of abalone traders in Hong Kong were aware of illegal practices in South Africa, and many were aware that Chinese syndicates controlled the trade and pricing of poached abalone.<sup>79</sup> Additionally links have been made to abalone poaching in South Africa and the methamphetamine trade.<sup>80</sup> According to South African officials, Chinese firms send South African drug dealers and manufacturers the raw ingredients of the narcotic methamphetamine in exchange for illegally harvesting the shellfish.

**Without DNA testing it is impossible to tell apart poached and legally landed sharks**

#### 3.3.3 Shark Species – Hong Kong Accounts for 50% of Global Shark Fin Imports

In 2017, Hong Kong imported approximately 5,000 MT of shark fin<sup>81</sup>. Out of the five hundred or so shark species globally, twelve are protected under CITES. The Sand tiger shark or Grey nurse shark (*Carcharias taurus*), which is not regulated under CITES, is, however, protected in Australia<sup>82</sup>. While Hong Kong receives shark fin from Australia, species information is only collected from those regulated by CITES. *C. taurus* and other vulnerable and threatened shark species have been identified in Hong Kong’s shark fin markets via DNA analysis, although source country information is rarely available.<sup>83</sup> Currently, there is no means of regulating the import of protected *C. taurus* from Australia.

In addition, Hong Kong receives shark fin from countries that have banned shark fishing in their national waters including Kuwait, UAE and Egypt, amongst others. As some of these countries allow shark fin to be landed in or transhipped through their ports, it is impossible to tell poached specimens from legally landed specimens, meaning that such shark fin can easily be legally imported into Hong Kong. Furthermore some countries such as India have banned shark fin exports. Despite this, in 2017, 18.1MT of fin was imported into Hong Kong from India.<sup>84,85</sup>

**LRFF are being imported to Hong Kong, despite their export being illegal in the country of origin**

#### 3.3.4 Live Reef Food Fish – Imported Illegally into Hong Kong

In 2017, Hong Kong imported close to 20,000MT (declared amount) of live reef food fish (LRFF)<sup>86</sup> primarily from the Philippines, Indonesia, Malaysia and Thailand. Fishes illegally sourced in their country of origin cannot be discerned from legally exported fish. LRFF cannot be exported from the Philippines, a regulation that is largely ignored and as such, fishes are legally imported into Hong Kong on a considerable scale. In 2016 alone, Hong Kong reportedly imported 2,680MT legally of LRFF from the Philippines.<sup>87</sup>

Furthermore, the illegal Humphead wrasse trade has highlighted gaps in trade oversight, particularly concerning IUU and the role of Hong Kong vessels. The Humphead wrasse is the only CITES-listed species in the LRFF trade. The occurrence of IUU in this species is important because it highlights the very real problems with the CITES-listed possession licence and is relevant to all live species of wild origin on CITES Appendix II coming into Hong Kong.

#### 3.3.5 Reptiles

Australian law prohibits the export of any native animals for any use (with the exception of a small number of pet bird species)<sup>88,89</sup>, however, some non-CITES listed Australian lizard species have been seen in Hong Kong’s exotic pet shops<sup>90,91</sup>. Many of the species appearing in the trade match species being poached in Australia<sup>92</sup>. It is, however, not currently possible to determine whether such reptiles in Hong Kong are unofficially captive bred from poached specimens or were recently poached from Australia and are now being sold legally in Hong Kong.

### 3.4 DISCREPANCIES IN CITES TRADE DATA

#### 3.4.1 Identifying Discrepancies by Species

The global trade in CITES-listed wildlife is documented in the CITES Trade database<sup>93</sup> and is based on data submitted by both importing and exporting countries/territories (Box 3-5). The data includes a number of parameters such as product description, unit (e.g. kg, pieces, litres), purpose (i.e. commercial, breeding), and source (e.g. wild capture, captive bred).

A brief review of the CITES Trade Database<sup>94</sup>, however, reveals major discrepancies in trade reports between import data submitted by Hong Kong and export data from the corresponding countries. CITES identify several reasons for these discrepancies (Box 3-6).

Despite the global cooperation achieved under CITES, there has been, at best, misreporting and, at worst, fraud in the CITES regulated wildlife trade<sup>95,96,97</sup>. Of particular concern is the widespread occurrence of Hong Kong's import records exceeding export records (hereafter referred to as 'excess imports'), because without verification as to the cause, such discrepancies could mean that the actual CITES trade in threatened species may exceed current internationally agreed quotas<sup>98</sup>. It should be noted, however, that this issue is not limited to Hong Kong and occurs in relation to other importing countries.

**The CITES Trade Database reveals major discrepancies between the import data from Hong Kong and export data from corresponding countries**

**Excesses could suggest trade is greater than internationally agreed quotas**

#### BOX 3-5 CITES REPORTING REQUIREMENTS

Article VIII, paragraph 7, of CITES requires each Party to submit an annual report on its CITES trade, containing a summary of information on, inter alia, the number and type of permits and certificates granted, the States with which such trade occurred, the quantities and types of specimens, and the names of species as included in Appendices I, II and III.

The annual reports fed into the database maintained for the Secretariat by United Nations Environment World Conservation Monitoring Centre (UNEP-WCMC) provide the basis for comparative trade analysis, the Review of Significant Trade, quota management, identification of Parties with high trade volumes under the National Legislation Project, reports to various fora and overall compliance with and enforcement of the Convention.

In the section of the CITES annual report on exports and re-exports, countries record: country of destination; and country of origin of re-exports.

In the section of the CITES annual report on imports, countries record: country from which the specimens were consigned (i.e. country of export or re-export); and country of origin of re-exports.

Source: CITES<sup>99</sup>

#### BOX 3-6 POSSIBLE REASONS FOR DISCREPANCIES IN THE CITES DATABASE

Common departures from CITES reporting guidelines are as follows:

- Many annual reports do not clearly state whether the data were derived from the actual number of specimens traded or from the quantity of permits or certificates were (often considerably different);
- Information on the source of the material, e.g. wild-caught or bred in captivity, and the purpose of the trade, e.g. for commercial or non-commercial purposes, is sometimes lacking or used in a different way by importing and exporting countries; and
- Non-standard units are often used to describe the volume of articles or commodities in trade, e.g. 'boxes'

Analysis of the dataset is, made more complex by the fact that specimens may be exported at the end of one year but not received by the importer until the following year. In addition, the exporting country may report a transit country (e.g. USA) and not the end destination (e.g. Hong Kong).

Source: CITES (2013)<sup>100</sup>

**A total excess import of CITES-listed wildlife products amounted to around 3,600MT and 5.8 million pieces/individuls**

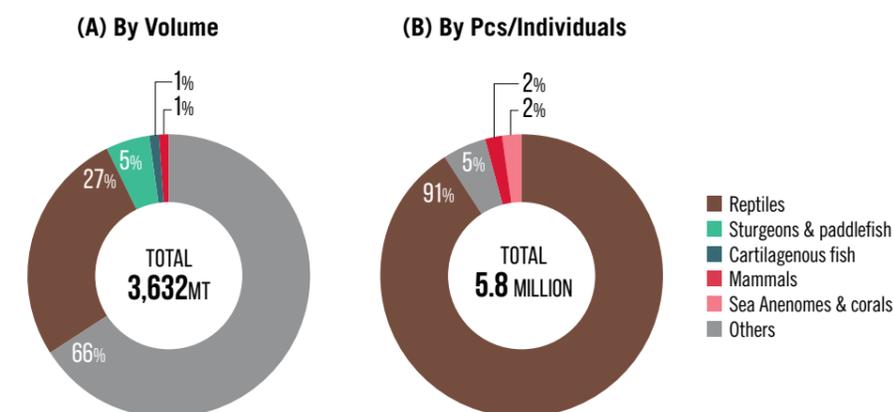
The 'excess' CITES products received by Hong Kong were calculated over a ten-year period (2007-2016) using a direct comparison of the wildlife products by exporting country according to genera and unit of measurement (Appendix B). Based on the analysis, 41% of records revealed excesses in imports into Hong Kong when compared directly to the records submitted by exporting countries.

Over this period this amounted to a total excess import of 3,632MT of wildlife and 5,817,554 pieces/ individuals. The greatest differences were observed in the following taxonomic classes (Figure 3-1):

- Reptilia – which have the highest number of excess pieces or individuals and second largest excess by volume;
- 'Others' – which contribute the highest difference by volume and second greatest by pieces or individuals, and consist of botanic species. These include a variety of plant species, predominantly orchids and cacti families;
- Actinopteri – which consist of sturgeons and paddle fish and contribute the third greatest volume;
- Mammalia – which make up the third greatest quantity by pieces or individuals; and
- Anthozoa – which consist Corals and Sea anemones.

**FIGURE 3-1 PROPORTION OF EXCESS IMPORTS RECEIVED BY HONG KONG (2007-2016)**

Source: CITES Trade Database (2018)<sup>101</sup>



**5.3 million pieces/ individuals of CITES-listed reptiles were recorded in excess of export records**

#### Reptiles

The apparent excess import of reptiles reached 5.3 million pieces/individuals over the ten years, of which 360,301 were live animals; around 96% of these comprised turtles, tortoises and terrapins presumably for the pet trade.

The excess of reptile products imported (by weight) into Hong Kong was also high, with a 997MT excess imported over the 10-year period (Figure 3-1).

**Alligatoridae:** A family of Crocodylia which include both alligators and caimans comprised the largest excess imports by pieces, with an excess of 3.5 million products arriving in Hong Kong. Of this, 2.3 million pieces or individuals were alligator, of which nearly three quarters were from unspecified nations.

**Excess egg and caviar volumes were estimated at 88MT**

### Sturgeons and Paddlefish

The majority of excess products by volume (MT) were caviar and eggs from the Greater sturgeons (*Acipenser* spp.), and the ‘Critically Endangered’<sup>102</sup> Beluga (*Huso huso*) and Kaluga (*Huso dauricus*) species. The excess of egg and caviar volumes were 88MT.

### Mammals

**Hippopotamus teeth:** An ecologically significant, and often overlooked instance of an excess of mammal products being received by Hong Kong is the import of hippopotamus teeth.<sup>103</sup> The common hippopotamus (*Hippopotamus amphibious*) is threatened and listed in CITES Appendix II.<sup>104</sup> Hong Kong received 16 MT (plus 1,661 individual teeth) of excess hippopotamus teeth from 2007 to 2016. This is a wild harvested product that is used as a substitute for elephant ivory as ornaments. The role of the hippopotamus as an ecosystem engineer is critical for the functioning of a number of African river systems, a service that is reportedly being compromised due to the negative affect of this trade on many populations.<sup>105</sup>

### Sea Anemones and Corals

Data on imports of the family Anthozoa revealed approximately 176 species being imported into Hong Kong. In total over 98,000 pieces were in excess of the corresponding export record.

### Additional Species of Note

**Hammerhead Sharks:** Since Hammerhead (*Sphyrna*) species were listed in CITES Appendix II in 2014, excess imports have increased dramatically, with 28MT of hammerhead fins between 2015-2016.

**Parrots:** Although imports of eagles, woodpeckers, finches, cuckoos and other songbirds were also notable, parrots dominated the trade and excess imports comprising 98% of the total excess for birds (Aves). Of particular concern, Hong Kong received over 9,700 excess endangered<sup>106</sup> Grey parrots (*Psittacus erithacus* and *Psittacus erithacus timneh*) over the period.

### 3.4.2 CITES Wild-Capture Discrepancies

Information on the source of the wildlife product is sometimes lacking or “used in different ways by importing and exporting countries” (Box 3-6). As such, it has not been used as a factor in this analysis due to inaccuracies in calculating actual trade discrepancies based on the information provided on the source of the material (Appendix B). Nevertheless, the CITES trade database reveals that a large proportion of species, and their derivatives, imported into Hong Kong have been reported as wild-caught.

This is particularly apparent in the case of reptiles and raises concerns for wild populations of many of these CITES protected species, many of which are classed as endangered. This is particularly concerning as regards reptiles, where various species play a large role in the exotic pet trade, as well as in the fashion industry. Additionally, research indicates that the majority of wild-caught reptiles sold in the exotic pet trade die in their first year of captivity because of physical trauma prior to purchase or because owners are unable to replicate their natural dietary and habitat needs.<sup>107</sup> This is compounded by the reality that they are often cheap and easily replaceable, increasing the demand and thus the pressure on the wild populations of these species.

## 3.5 ORDINANCES MISALIGNED

### 3.5.1 Animal Trading Legislation Cap. 139b Does Not Sufficiently Support Cap. 586

Transactions regarding species that fall under Cap. 586 are not captured by trading legislation, which may be the reason why there is no data on pet shop transactions. The primary animal trading/pet shop legislation, Cap. 139, is first and foremost a public health regulation. Aside from traders requiring a possession licence according to the requirements of Cap 586 (see Box 3-2), there are no further conditions over local sale.

**Fish, invertebrates, amphibians and other aquatic and marine life, once imported to Hong Kong, can be bred and traded with little regulation**

Furthermore, the definition of animals under Cap. 139b does not include many CITES-listed animals imported by the pet trade. Under Cap. 139, animals are defined as: “cattle, sheep, goats, all other ruminating animals, swine, equines, and all other warm-blooded vertebrates except man and birds, and reptiles”. Birds are defined separately as “poultry and all other birds”. This omits a huge volume of fish, invertebrates, amphibians and other aquatic and marine life which, once imported, can then be bred and traded virtually unregulated.

### 3.5.2 No Regulation of Sources nor Domestic Breeding of Endangered Species

Due to previous rabies and avian influenza outbreaks, the sources for dogs and birds are limited in Animal Trading Licence conditions, which explicitly state where traders can obtain their animals<sup>108,109</sup> (and traders need to have the relevant accompanying documentation to show this). Any other sources are prohibited. No such stipulation exists for other animal trades such as licenced reptile traders, meaning that such traders have no requirement to report where their stock has come from to AFCD.

**The Government has identified loopholes in breeding regulations, but has not conducted sufficient subsequent analysis**

This situation is complicated by regulations, or lack thereof, particular relating to “*self-claimed private pet owners (PPOs)*”, who are exempted from regulations and licensing that control the commercial trade.<sup>110</sup> In 2012, a Government survey<sup>111</sup> revealed that three-quarters of dogs sold by licenced pet shops were supplied by PPOs. The Government determined that commercial animal breeders had been exploiting the loophole in the regulation, operating “under the guise of a private pet owner”.<sup>112</sup> In response to these findings, the relevant legislation was amended to try and ensure that the health and welfare of the animals was not compromised. However, it does not appear that the Government has conducted comparable analyses of the sources of reptiles, amphibians, birds, fish or other exotic pet species in subsequent years, nor has it reformed the relevant legislation.

Another major loophole is that bird traders are able to obtain birds hatched by other licenced traders. This requires bird traders to self-report the transfer a week in advance of the hatching. No further verification is required that the eggs are indeed hatched in captivity. Without any monitoring mechanisms or individual identification system (e.g. closed rings), it is clear that there is considerable opportunity for laundering wild birds through the system.

The bird trade also imports locally occurring species. For example, over two thousand Oriental magpie robins (*Copsychus saularis*) are imported annually. However, the lack of any individual identification to distinguish local from imported populations may result in the contravention of Cap. 170, if local birds are laundered through the trade.

### 3.5.3 Lack of Regulation and Policy has Allowed the Exotic Pet Trade to Flourish

The Government has so far not taken a position regarding limiting the type of animals suitable for import, sale, keeping or release. This is despite the growing number of exotic species being imported (Section 4 & 7) and kept. Furthermore, there continues to be animal release activities as well as the abandonment of exotic species into Hong Kong’s natural areas.<sup>113</sup>

**It is not possible to prove that a specimen has been wild caught or captive bred once it has been imported and sold on**

A lack of clear policy and legislation sends mixed messages to the public. Such mixed messaging undermines any existing legislation and does little to curb undesirable behaviour, as there is minimal chance of being caught; either due to the lack of specific legislation (in the example of mercy releases) or the perceived lack of enforcement (For example, in the case of possession of endangered species, it is not possible to prove that a specimen has been wild caught or captive bred once it has been imported and sold on. Additionally, it is not possible to enforce any sort of possession licence on buyers since customer details are not required to be registered by traders).

It can be argued that a lack of a clear position and legislation has encouraged the exotic pet market to flourish, where all manner of animals can be easily purchased in pet shops and on the internet. For example, media articles provide pet care tips for hedgehogs<sup>114,115</sup> and sugar gliders<sup>116,117</sup>. Though these animals are kept as pets in some countries, they cannot be legally imported into Hong Kong, according to Hong Kong Government policy.<sup>118</sup>

**In recent years, the exotic pet trade has escalated to include non-domesticated exotic species**

In recent years, the exotic pet trade has further escalated regarding non-domesticated exotic species,<sup>119</sup> for example, a black market in both exotic and native owls<sup>120,121</sup> has emerged.



## WILDLIFE SEIZURES IN HONG KONG

### 4.1 INTRODUCTION TO WILDLIFE SEIZURES

*‘Wildlife seizures can be misleading in isolation, but when combined in great numbers can yield penetrating insight into a hidden world’ – UNODC (2016)*

Between 2013 and 2017 the Hong Kong Customs and Excise Department (C&ED) recorded 2,011 wildlife seizures. For the past two years, we have been assembling our own database - the Wildlife Product Seizures Database (WiPS).<sup>122</sup> This database aims to collate available information for wildlife seizures made in Hong Kong. Modelled on the recommended parameters CITES identifies in its ‘Illegal Trade Reporting Format’ guide<sup>123</sup>, the database has succeeded in significantly increasing the resolution of information available on Hong Kong’s wildlife trade.

Whilst several NGOs have compiled broad wildlife trade databases, it is believed that the WiPS Database (compiled and managed by the ADM Capital Foundation) is the most comprehensive and up-to-date collation of such seizures in Hong Kong. The ultimate objective is to provide key stakeholders such as Government, the judiciary, enforcement agencies and NGOs with insights into the illegal wildlife trade, improving overall understanding and highlighting opportunities to inform conservation and impede wildlife trafficking. It is hoped that WiPS will facilitate a more streamlined and strategic approach to collating, analysing and disseminating information that can be made available to relevant stakeholders.

**The WiPS Database is the most comprehensive and up-to-date collation of wildlife seizures in Hong Kong, to date**

### 4.2 COMPILING THE WILDLIFE SEIZURES PRODUCTS DATABASE

#### 4.2.1 Approach and Structure

The original intention was to generate a database extending back to at least 2005, to create a baseline record for the decade preceding the first ‘Wildlife Crime Report’<sup>124</sup> produced by the Hong Kong Wildlife Trade Working Group. Due to both insufficient data, partly as a result of the destruction of archived government documentation pre-2009,<sup>125</sup> and historically limited records in the public domain<sup>126</sup>, it was determined that reliable analysis could only be conducted on data collected from 2013 onwards. The WiPS dataset was therefore compiled and subsequently analysed for the period January 2013 to December 2017 inclusive, using the following sources:

- AFCD Press Releases<sup>127</sup> (2013-2017)
- AFCD Departmental Annual Reports<sup>128</sup> (2013-2016)
- AFCD direct communications\* (2015-2017)
- C&ED Press Releases<sup>129</sup> (2013-2017)
- C&ED annual Departmental Reviews<sup>130</sup> (2013-2016)
- C&ED Notices of Seizures\*\*<sup>131</sup> (2013-2017)
- C&ED direct communications\* (2016-2017)

\* Some data provided by government personnel to partnering organisations, not to authors directly

\*\* Notices of Seizure are issued in the absence of an owner of the article, vessel or vehicle

- C&ED Annual Summary Statistics on Endangered Species Detected<sup>132</sup> (2013-2017)
- Information Services Department Press Releases<sup>133</sup> (2005-2017)
- Court records<sup>134</sup> (1979-2017)
- In-court observations<sup>135</sup> (2014-2018)
- Other\* (i.e. media, NGO partner data)

Where appropriate and as indicated, data from January to June 2018 has also been collated and incorporated into subsequent analyses.

The data have been structured according to 16 parameters and 10 broad taxonomic categories (Table 4-1). Notably the data was not consistently available across all parameters (Figure 4-1). The majority of data for the study period (January 2013 to December 2016) were reviewed by personnel from the AFCD's Endangered Species Protection Division to ensure accuracy and to correct omissions, where possible. Exceptions include most records for reptiles, amphibians and birds, where data were provided by Kadoorie Farm and Botanic Garden (KFBG), which operates a Wild Animal Rescue Centre sanctioned by the Government of the Hong Kong SAR.

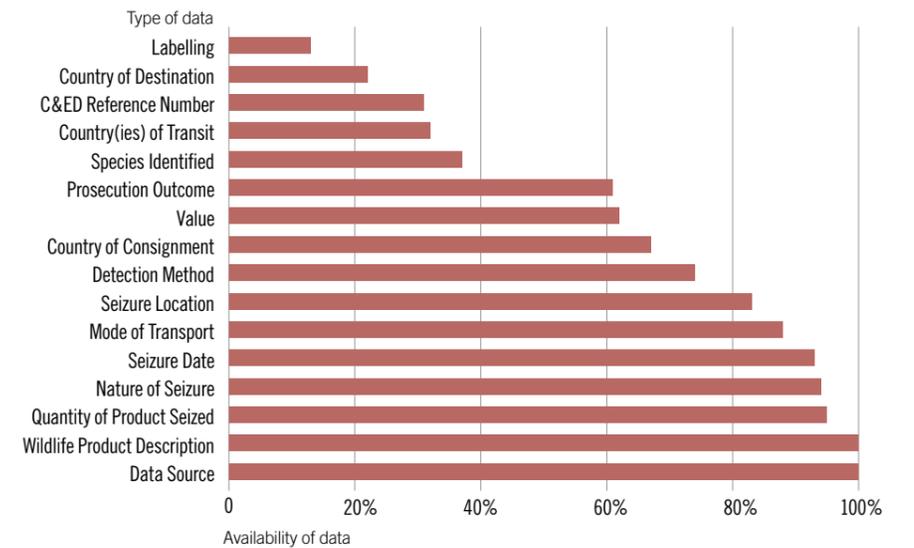
**TABLE 4-1 DATA PARAMETERS AND TAXONOMIC GROUPINGS ASSEMBLED IN THE WiPS DATABASE**

DATA PARAMETERS	WILDLIFE PRODUCT CATEGORIES IN WiPS
1. C&ED reference number; assigned by Government	<b>Taxonomic Categories</b>
2. Seizure location	1. Elephant
3. Seizure date	2. Pangolin
4. Wildlife product description	3. Rhinoceros
5. Species identified; to lowest taxonomic name specified	4. Other mammals
6. Mode of transport (land, sea or air) plus any further details, i.e. private truck, on person	5. Sharks and Rays
7. Detection method, e.g. customs officers, x-ray, intelligence analysis	6. Other marine species
8. Labelling; related generally to whether/how items appeared on manifests	7. Reptiles and amphibians
9. Country of consignment (last known) <sup>#</sup>	8. Birds
10. Country(ies) of transit	9. Wood
11. Country of destination <sup>136</sup>	10. Other Plants
12. Quantity of product seized; most commonly in kilograms (kg) and metric tonnes (MT), though recorded numerically when seized species were alive or where alternative metrics were used (heads for live animals, pieces for dead animals)	
13. Nature of seizure, such as mixed with other wildlife products and/or consumer goods	
14. Value based on government estimates in HK\$ and US\$ (conversion rate at US\$1 to HK\$7.8) <sup>137</sup>	
15. Prosecution outcome, comprising fine (HK\$) and prison time	
16. Data source/reference	

# The 'Country of Consignment' is the last country/territory from which the goods were known to be consigned from, by any form of transport, to Hong Kong, without any further intermediate commercial transaction. The country/territory from which the goods are consigned is not necessarily the country/territory of origin, manufacture or shipment. (Source: Census & Statistics Department (2017) Hong Kong Merchandise Trade Statistics – Imports: December 2017, Government of the Hong Kong SAR: Hong Kong SAR, pp.II-III.)

**FIGURE 4-1 DATA USED IN THE WiPS DATABASE**

Source: WiPS Database (2018)



**4.2.2 The Difference between the WiPS Database and C&ED Summary Statistics**

The C&ED's annual summary data<sup>138</sup> (C&ED Summary Statistics) provides the best indication of overall volumes of wildlife seized in Hong Kong annually. It is understood to include all C&ED's cases of both products/specimens and live animals seized by the department per year by weight.<sup>139</sup> It includes annual figures for:

IVORY



PANGOLINS



WOOD LOGS



OTHER ENDANGERED SPECIES



**ENDANGERED SPECIES** is the term both AFCD and C&ED use to refer to species scheduled and regulated under CITES and the corresponding local legislation, chiefly Cap. 586 and Cap. 60. In keeping with the Government's own terminology, we have, unless otherwise stated, used the term 'endangered species' in our analysis of seizures to refer to CITES-regulated species. It should be noted that species listed under CITES are not all endangered and many species are listed with varying conservation status. In the IUCN Red list, the term endangered is one of the three highest threat categories (Critically Endangered, Endangered and Vulnerable) used to indicate the extinction risk for animal and plant species. The term 'Threatened' used by IUCN covers the Critically Endangered, Endangered and Vulnerable categories .

A breakdown of the constituents of the other endangered species category in C&ED's summary dataset is not available, instead C&ED has indicated that it only has a 'broad classification'<sup>140</sup>. The WiPS dataset on the other hand includes 379 seizures (2013-2017) and is collated from the numerous sources highlighted above (Table 4-1). As such, the ten broad taxonomic categories combined with the 16 parameters allow WiPS to provide considerable granularity not provided in C&ED's summary data, thus enabling characterisation of the illegal trade. The C&ED's data, by contrast, provides a broader and more complete overview. The two datasets considered together then provide the best insight into wildlife trafficking in Hong Kong.

**Greatest insights into the trade are provided when the WiPS data and C&ED's dataset are used in conjunction**

There are, however, notable differences and some inconsistencies between the total annual figures provided in C&ED's dataset and the WiPS data, which are, at least in part, likely a result of how cases have been defined and classified. As a result, we have refrained from direct comparative analysis of annual figures.

Based on the relatively smaller but more granular WiPS dataset, it could be expected that both annual volumes and number of seizure cases would be much lower than in C&ED's complete summary dataset. Yet, for all five years a comparable **volume** of wildlife products was documented in the WiPS database when compared with C&ED's summary data. Despite this, however, the annual **number of seizure cases** accounted for in WiPS was generally considerably lower. The following may account for some of the discrepancies:

**Number of cases/seizures:**

There is lack of clarity as to how case numbers have been assigned by C&ED in its Notices of Seizures, for instance, where two case reference numbers had been assigned to a single seizure<sup>141</sup>. In numerous instances, case reference numbers were not identified<sup>142</sup>, thus it is unclear if C&ED may treat a single seizure as multiple cases.

**Volumes and Values:**

In some instances, the confirmed volumes of products in WiPS exceeded C&ED's total. This is most starkly demonstrated in 2013 for wood logs (Section 4.4). One explanation may be that the WiPS database includes seizures that have not been accounted for by C&ED, such as:

- Seizures made by AFCD at local premises (as opposed to seizures made during import or re-export), where requirements of possession licences have been contravened;
- Seizures made by the HKPF;
- Where the Notice of Seizure indicates the seizure contains 'suspected' CITES-listed species, i.e. those scheduled under Cap. 586, which may not have been incorporated into C&ED's summary data. These seizures have been documented in WiPS, but to date have not been confirmed by AFCD either as scheduled or as non-CITES-listed<sup>143</sup>.

Furthermore, discrepancies may arise where a non-CITES listed species may have been misidentified as a CITES-listed species by government personnel. In most instances where the WiPS data includes the number of live animals, but no weight has been identified, which may also account for the some of the volume and value differences between the two datasets.

**4.2.3 Analysis of WiPS**

The WiPS database itself has a number of limitations because of data gaps, limited and inconsistent detail and the compatibility issues arising from the use of different data sources (Appendix C-1). Due to these limitations, WiPS represents only a snapshot of the total number of seizures, which in itself likely represents only a fragment of the total quantity of trafficked wildlife (Section 4.4). The WiPS dataset was filtered according to:

- i) CITES-listed species seized; and
- ii) Non-CITES listed species seized.

To be consistent with UNODC's report on global wildlife seizures (Section 2),<sup>144</sup> analysis of WiPS and the seized products were categorised according to product uses (Table 4-2).

**WiPS provides a snapshot of the total number of seizures, which themselves only represent a small portion of the trade**

**TABLE 4-2 CATEGORISATION OF WILDLIFE SEIZURES IN THE WIPS DATASET BY INDUSTRY/SECTOR**

USE	PRODUCT	PARAMETER ANALYSED	REPORT INDEX
<b>Art, Décor and Jewellery</b> 	<b>Elephant:</b> (raw tusks, cut ivory, worked ivory) <b>Bird:</b> hornbill (beaks) <b>Other Marine Species:</b> Giant clam (shells), Sea turtle shells	<ul style="list-style-type: none"> <li>• Species in trade .....Section 4.3</li> <li>• Number, volume .....Section 4.4 and value of seizures</li> </ul>	
	<b>Furniture</b> 	<b>Wood:</b> Rosewood, red sandalwood, mahogany (logs)	<ul style="list-style-type: none"> <li>• Last known country .....Section 4.5 of consignment*</li> <li>• Transit/ .....Section 4.6 Transshipment, destination*</li> </ul>
<b>Fashion</b> 	<b>Reptile:</b> Python, crocodile, alligator (skins) <b>Other Mammals:</b> Leopard, marten, zebra (furs, skins)	<ul style="list-style-type: none"> <li>• Seizure .....Section 4.7 characteristics (nature, concealment, mode of transport)</li> <li>• Seizure locations .....Section 4.8</li> </ul>	
<b>Food, Tonics, Medicines and Incense</b> 	<b>Pangolin:</b> (scales & carcasses) <b>Rhinoceros:</b> (cut horn, whole horn) <b>Other Marine Species:</b> Seahorses (dried)	<ul style="list-style-type: none"> <li>• Seizure .....Section 5 of prosecutions and sentencing</li> </ul>	
<b>Seafood</b> 	<b>Shark fin:</b> (dried, w/ skin) <b>Other Marine Species:</b> Totoaba (fish maw); European eels (live); Humphead wrasse (live)		
<b>Pets, Zoos and Breeding</b> 	<b>Bird:</b> (live) <b>Reptile &amp; Amphibian:</b> Turtles and tortoises (live); lizards (live); snakes (live); amphibians (live) <b>Other Mammals:</b> Black-eared marmoset (live) <b>Other Species:</b> Arowanas (live)		

**Dealing with Mixed Seizures:** The C&ED summary dataset is presented on a very broad taxonomic basis, such that case numbers represent the number of times that a product (pangolin, elephant, wood logs, other endangered species) has been seized. This suggests that where seizures are mixed, e.g. pangolin mixed with another CITES-listed products like ivory, the seizure has been counted as two cases, not one. Accordingly, mixed seizures are highlighted where appropriate in the analyses based on the WiPS data.

Consequently, while 379 seizures have been documented in WiPS, the total number of encounters with a CITES-listed wildlife product according to the ten taxonomic categories highlighted above is 399 (Section 4), due to mixed seizures (Appendix C6).

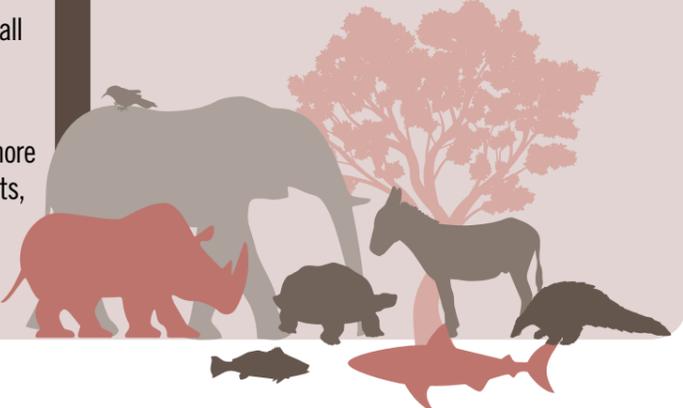
It should be noted that some CITES-listed species, e.g. those Appendix II and III species that are personal/household effects may not be identified if they are exempted from CITES permits, and may not appear on any database at all.

### 4.3 SPECIES IN TRADE

#### OVERVIEW

- C&ED made 2,011 seizures of CITES-listed wildlife (2013-2017), comprising nearly 1,500MT of wildlife products valued at over HK\$560 million (US\$72 million).
- Between half and three-quarters of these seizure cases annually are categorised as 'Other Endangered Species'.
- WiPS documents at least 59 known species that are being illegally trafficked into and through Hong Kong, including at least 44 species of live animals.
- The number of species identified is likely an underestimate as the majority of wildlife products have not been identified to species level.
- Wood logs were seized in the greatest quantities, making up 94% of the overall volume of seized wildlife products, and nearly a third of the total value.
- Elephant ivory represented the smallest volume (<2%), compared with all other taxonomic groupings, but comprised 37% of the overall value of seized products.
- Pangolin derivatives made up less than 3% of the overall volume, but nearly 17% of the overall value seized.
- The volume of pangolin products seized was more than double that of the volume of ivory products, yet it was seized in less than a third of cases.

- Elephant ivory has been seized on a near weekly basis over the past five years.
- The 'Other Endangered Species' category was relatively low volume yet high value. The category includes small quantities of highly prized products like rhinoceros horns and totoaba maws.
- Millions of species do not fall within the purview of CITES or local regulations and are, therefore, poorly understood in terms of trade.
- Of non-CITES species seized between 2013 and 2017, a minimum of 510MT of various woods, 25MT of unspecified animal furs, 4MT of donkey skin, 2.2MT of bird's nest and 44MT of assorted marine species were seized.
- It has been estimated that approximately 10% of illegal contraband around the world is seized by enforcement agencies. As such, 14,560MT of plant and animal derivatives of CITES-regulated species may have been trafficked into and through Hong Kong over the past five years.



#### 4.3.1 Species Identification

Identification of seized wildlife is undertaken by both C&ED and AFCD officers.<sup>145,146</sup> Without DNA analysis, however, identification to species level can be challenging (but not necessarily impossible), due to:

- i) The varied degrees of processing applied to the products (e.g. being dried or bleached);
- ii) Similarities between CITES-regulated and non-regulated species (e.g. wood species, shark fin); and
- iii) Similarities between body parts from similar and related CITES-listed species (e.g. pangolin scales).

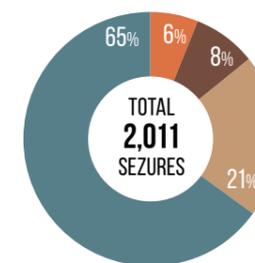
#### 4.3.2 CITES-listed Species

According to C&ED's summary statistics (2013-2017), two-thirds of seizure cases are categorised as 'Other Endangered Species' (Figure 4-2).

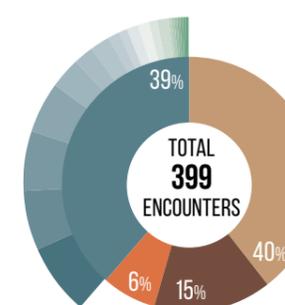
**FIGURE 4-2 FREQUENCY OF WILDLIFE PRODUCTS ENCOUNTERED IN SEIZURES, ACROSS ALL CASES (2013-2017)**

Source: C&ED Summary Statistics (2018) and WiPS Database (2018)

#### (A) C&ED Summary Statistics



#### (B) WiPS Database



- Elephant ivory
- Pangolins
- Wood logs
- Other endangered species
- Turtle
- Rhino horn
- Humphead wrasse
- Shark fin
- Seahorse
- Tortoise
- Birds
- Eels
- American ginseng
- Chameleon
- Hornbill
- Alligator
- Primate
- Crocodile
- Arowana
- Salamander
- Giant clams
- Crocodylia
- Masked palm civets
- Marten
- Leopard
- Zebra
- Iguana
- Lizard
- Frog
- Python
- Snake

While as noted, the C&ED's summary does not provide a breakdown of the 'Other Endangered Species', the WiPS Database identifies at least 59 different wildlife species as having been seized in Hong Kong over the last five years. Concerning live animals, 44 species were identified. The full range of products and taxonomy identified across five years of Hong Kong seizures are listed in Appendix C-2 (Summary of CITES-listed Species Seized in Hong Kong).

**The Government does not consistently identify seized wildlife to species level**

Of the seizure documentation reviewed, it was noted that the government does not consistently identify seized wildlife to species level (Appendix C-2). This is likely because for some species the entire family (e.g. rhinoceroses = Rhinocerotidae) or entire genus (e.g. pangolin = *Manis*) is listed in CITES. Therefore, it would not always be necessary to identify the species when making a seizure for the purpose of enforcing Cap. 586. Furthermore, without DNA analysis, the identification of some species is problematic. What this does mean however, is that the number of species being trafficked is likely much higher than indicated in this report.

**FIGURE 4-3**  
**ONE OF TWO CRITICALLY ENDANGERED AXOLOTLS SEIZED BY C&ED AND DELIVERED TO KFBG IN MARCH 2013**

Source: KFBG (2013)



For a number of species, however, the rationale is not so clear. In one instance, the identification of marten furs was given only to genus level and therefore could potentially have been any of the eight marten species, of which three are listed in CITES. While not identifying to species level in every instance is understandable, given resource and time constraints, such information could greatly assist efforts to identify poaching locations, preventing trafficking and ultimately facilitate conservation. It also means that the range of species trafficked is likely much larger than indicated by the WiPS database. Therefore, species that may be geographically isolated and at serious extinction risk could be overlooked.

Seizures have ranged from one-off events comprising a single species or product, e.g. two axolotls in March 2013 (Figure 4-3)<sup>147</sup>, a Black-eared marmoset in November 2013<sup>148</sup>, to nearly weekly seizures of diverse products derived from a single species such as elephant ivory (in the form of raw tusks, cut or worked ivory, chopsticks, beads, bracelets), as well as multiple seizures of a single species (e.g. Yellow-spotted river turtles).

These figures contrast with at least 1,296 CITES-regulated species imported legally into Hong Kong<sup>149</sup> between 2013 and 2016<sup>150</sup>, thus showing a comparatively low number of species seized in the WiPS data. The extent of the 'legal' trade in CITES-listed species (as opposed to trafficked wildlife) is presented in Section 7.

#### 4.3.3 Non-CITES Listed Species

There are millions of species that fall outside the purview of CITES, many of which are considered to be threatened according to IUCN categories and criteria, and multiple seizures of such non-CITES listed wildlife takes place in Hong Kong annually. The reason that non-CITES listed products are smuggled is unclear, but it seems likely that traffickers attempt to circumvent customs import-export procedures to avoid sometimes lengthy bureaucratic processes, compliance with health quarantines, licensing and inspections<sup>151,152,153</sup> or payment of special fees<sup>154</sup>.

**It seems that traffickers smuggle non-CITES listed products to circumvent customs import-export procedures**

#### Species not listed in CITES Appendices may still be of conservation value/concern or even at risk of extinction

For the most part, however, identification to species levels is not available, likely because these seizures are outside of CITES controls and thus outside the purview of Cap. 586. It is important to note, however, the fact that a species is not listed under CITES does not mean that it is not of conservation value/concern and/or at risk of extinction. Species may still be threatened or under increasing pressure, but not included under the CITES Appendices often because wild populations have not yet been scientifically assessed or trade volumes have escalated without warning. This is evident in the cases of live Yellow-breasted buntings<sup>155</sup>, birds' nest (Box 4-1) and more recently an emergent but enormous trade in donkey skins (for TCM)<sup>156</sup>. Such species are traded in volumes that are biologically unsustainable and are likely to lead to significant conservation concerns for the species, as well as social and ecological impacts.

By way of example, tens to hundreds of thousands of kilograms of non-CITES listed species are imported into Hong Kong each year in contravention of Cap. 60 and seized from containers, vessels, road vehicles and air consignments. At least:

- 510MT of non-CITES wood;<sup>157</sup>
- 25MT of unspecified animal furs;<sup>158</sup>
- 4MT of donkey skin (December 2016);<sup>159</sup>
- 2.2MT of bird's nest;<sup>160</sup>
- 91 'Critically Endangered'<sup>161</sup> Yellow-breasted buntings<sup>162</sup>; and
- 44MT of assorted marine species (Figure 4-4)<sup>163,164,165,166</sup>

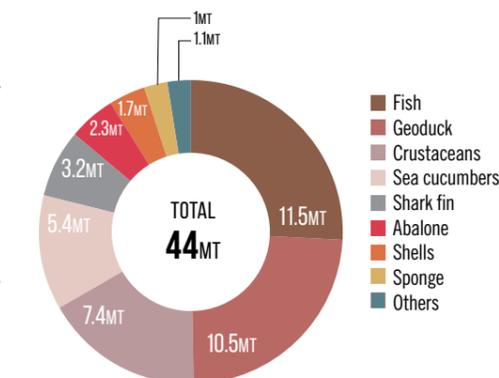
#### Non-CITES listed species are commonly found in 'mixed seizures'

These non-CITES listed species are often seized in 'mixed seizures'<sup>167</sup> alongside quantities of ivory, shark fins, pangolins, electronics, currency, live animals and other wildlife products (Section 4.7).

Given the limited data relating to non-CITES species, it is not possible to determine the extent and nature of such wildlife seized, and whether it may be threatened with extinction and/or under pressure from trade. Nor is it possible to determine whether these animals are protected in the country of origin and thus may have been illegally harvested/exported (Section 3). Insights into the extent of the 'legal' trade in non-CITES wildlife species (as opposed to trafficked wildlife) are presented in Section 7.3.

**FIGURE 4-4**  
**VOLUMES AND PROPORTIONS OF NON-CITES MARINE SPECIES SEIZED (2013-2017)**

Source: WiPS Database (2018)



#### BOX 4-1 EDIBLE NEST SWIFTLETS – AERODRAMUS FUCIPHAGUS

A naturally cave-dwelling bird in Southeast Asia, the Edible nest swiftlet has been domesticated in "Bird Hotels" to supply the growing market for edible bird's nest (EBN). The swiftlets are listed as 'Least Concern' as of 2014<sup>168</sup>, however, this may no longer be accurate due to unsustainable harvesting practices and poaching<sup>169</sup>. These swiftlets are not currently regulated by CITES, with Hong Kong representing the biggest market for EBN, followed by China<sup>170</sup>. Problems include:

- Poaching of wild populations and indiscriminate taking of nests with eggs and chicks<sup>171</sup>;
- Dangerous territorial practices by the large companies that own the "Bird Hotels", including shooting at "unauthorised" people who venture too close<sup>172</sup>;
- Inherent corruption in those same large companies, including allegedly bribing officials to export more than the export permit states<sup>173</sup>

#### 4.4 SEIZURES BY VOLUME AND VALUE (2013-2017)

##### OVERVIEW

C&ED Summary Statistics indicate that between 2013 and 2017 there were 423 ivory seizures amounting to 19.8MT (potentially equivalent to 6,000 raw tusks).

**19.8<sup>MT</sup>**  
IVORY SEIZURES  
2013-2017



The government's estimated value for the ivory seized in 2013-2017 was HK\$206 million (US\$26.5 million).



C&ED summary statistics indicate that in 122 seizures, 42.9MT of pangolin scales and carcasses were seized. Their cumulative value was estimated at around HK\$93.9 million (US\$12 million).

**42.9<sup>MT</sup>**  
PANGOLIN SCALES AND  
CARCASSES SEIZED



C&ED estimates include a total of 168 wood log seizures amounting to 1,366MT, valued at HK\$180 million (US\$23 million), most likely destined for the furniture market.

**1,366<sup>MT</sup>**  
WOOD LOG SEIZED



At least 134kg of rhinoceros horn were seized in 23 cases. Government data indicate that rhinoceros horns were generally valued at approximately HK\$200,000/kg (US\$25,640/kg).

**134<sup>KG</sup>**  
RHINO HORNS SEIZED



Approximately 979kg of dried seahorses was seized. Government data indicate that seahorses were typically valued at around HK\$2,000/kg.

**979<sup>KG</sup>**  
DRIED SEAHORSES  
SEIZED



5.5MT of CITES-regulated shark fins were seized in 20 cases. Hammerhead species made up 88% of the volume.

**5.5<sup>MT</sup>**  
SHARK PRODUCTS  
SEIZED



Between January 2013 and October 2017, 49 live Humphead wrasse were seized in 22 cases.

**49**  
LIVE HUMPHEAD  
WRASSES SEIZED



Agarwood was seized in 15 seizures, comprising 960kg. Value estimates are provided for 67% of cases in the WiPS dataset, amounting to HK\$19.2 million (US\$2.5 million).

**960<sup>KG</sup>**  
AGARWOOD  
SEIZED



Only 11 CITES-listed live bird seizures (comprising 17 live birds) have been confirmed.

**17**  
LIVE BIRDS  
SEIZED



Birds are among the least understood taxonomic groups of seized wildlife documented in the WiPS Database.



At least 30 different species of live turtle and tortoise were seized. More than 19,136 turtles and 1,501 tortoises were recovered.

**30** SPECIES  
OF LIVE TURTLE AND  
TORTOISE SEIZED



Amphibians are currently the most poorly understood class of wildlife smuggled into Hong Kong. Only two seizures are presently known.

**ONLY 2**  
SEIZURES KNOWN



Note: data from the WiPS database unless stated otherwise

#### 4.4.1 Introduction

The following analyses of wildlife seizure in Hong Kong is based on i) C&ED summary data pertaining to total annual volumes and values for ivory, pangolins, wood logs and other aggregated endangered CITES-listed species and thus provides a broad overview; and ii) the disaggregated WiPS data of 379 seizures identified.

The WiPS data covering six product categories and multiple products (Table 4-3) provides:

- i) examples of some of the wildlife species trafficked including volumes and estimated values;
- ii) identification of consigning countries, transit and destination; and
- iii) methods of concealment and seizure locations.

**TABLE 4-3 VOLUME AND VALUE ANALYSIS BREAKDOWN IN THE WiPS DATABASE**

CATEGORY	PRODUCT TYPE
<b>Art, Décor and Jewellery</b>	Elephant (raw tusks, cut ivory, worked ivory); Giant clam (shells); hornbill (beaks)
<b>Furniture</b>	Rosewood (logs); red sandalwood (logs); mahogany (logs)
<b>Fashion</b>	Reptile (skins); mammal (furs, skins)
<b>Food, Tonics, Medicines and Incense</b>	Pangolin (scales & carcasses); rhinoceros (cut horn, whole horn); dried seahorses; agarwood (chip, logs); ginseng (roots)
<b>Seafood</b>	Shark fins (dried, w/ skin); totoaba (fish maw); european eels (live); Humphead wrasse (live)
<b>Pets, Zoos and Breeding</b>	Birds (live); reptiles (live turtles, tortoises, lizards, snakes); amphibians (live frogs, salamanders); other mammals (live); arowanas (live)

#### 4.4.2 Five Years of Seizures Raise Concerns over the Survival of Trafficked Wildlife Species

C&ED Summary Statistics

Between January 2013 and December 2017, C&ED documented 2,011 seizures amounting to 1,456MT of wildlife products, valued at over HK\$560 million (US\$72 million) (Table 4-4, Figure 4-5).

It is commonly assumed that approximately 10% of the wildlife illegally trafficked around the world is seized by enforcement agencies.<sup>174</sup> Considering the number of species and large volumes highlighted in this report from even limited data, this assertion is concerning. Inevitably, this raises very real concerns about the future survival of trafficked wildlife species globally that are increasingly at risk of extinction. If this assumption is true, a minimum of 14,560MT<sup>175</sup> of assorted CITES-regulated species may have been trafficked into and through Hong Kong over the past five years.

**TABLE 4-4 SEIZURES BY PRODUCT, VOLUME AND VALUE (JANUARY 2013 – DECEMBER 2017)**

Source: C&ED Summary Statistics (2018)

NO. OF CASES Product	C&ED	WiPS
Ivory, Tusks or Products	423	160
Pangolin, Parts or Specimens	122	26
Wood Logs	168	59
Other Endangered Species, Parts or Specimens	1,298	154
<b>TOTAL</b>	<b>2,011</b>	<b>399</b> Including mixed seizures

SEIZURE QUANTITY (MT) (including live animals) Product	C&ED	WiPS
Ivory, Tusks or Products	19.8	18.5
Pangolin, Parts or Specimens	42.9	38.7
Wood Logs	1,366.3	1,413.4
Other Endangered Species, Parts or Specimens	26.6	15.0
<b>TOTAL</b>	<b>1,455.6</b>	<b>1,485.6</b>

SEIZURE VALUE (HK\$) Product	C&ED	WiPS
Ivory, Tusks or Products	206,344,850	84,744,800
Pangolin, Parts or Specimens	93,926,669	67,475,000
Wood Logs	180,053,310	175,268,173
Other Endangered Species, Parts or Specimens	79,926,326	23,887,970
<b>TOTAL</b>	<b>560,251,156</b>	<b>351,375,943</b>

Note:

1. WiPS Data (January 2013 - December 2017) provided for reference only.
2. All value data are government estimates.
3. Value was available for only 62% of seizures in WiPS, therefore the total figure is an underestimate.

At present, per unit values are not provided in C&ED summary data. Analysis of total value and volume estimates provided for ivory and pangolin products, however, indicate considerable unexplained unit variation across the years and, regarding ivory, significant differences from values found in surveys (Appendix C-3).

Further, with the exception of ivory (see below), it is not possible to determine per unit values for any other CITES-regulated species based on the C&ED summary statistics, due to considerable heterogeneity in the values of different species and the fact that the total value provided may consist of multiple different products, e.g. pangolin scales versus carcasses that have different intrinsic values.

Consequently, while these C&ED summary estimates provide a useful indication of the value and volume of Hong Kong's wildlife seizures, they should largely be viewed as conservative and cautiously interpreted. In sum, according to the C&ED summary dataset (2013-2017)(Table 4-5):

- Relative to all the wildlife products seized, elephant ivory represented the smallest volume, but 37% of the total value of seized products. With wood excluded, ivory products made up less than a quarter of the overall volume, but over half of the value.
- Pangolin derivatives comprised nearly 17% of the overall value seized, but accounted for less than 3% of the overall volume. However, with wood excluded they comprise 48% of the volume. Notably, more than double the volume of pangolin was seized compared to ivory, despite being seized in less than a third of cases by number.
- The 'Other Endangered Species' category is notable in that, like pangolins, it represents relatively low volume but high value. Presumably, this is because the category includes diverse and highly prized products (Section 4.4), such as rhinoceros horns and totoaba maws, which is all the more concerning because of the ecological significance of such seizures (Section 8.5). Nevertheless, the aggregated 'Other Endangered Species' were equivalent to around a third of the volume of wildlife products seized excluding wood.
- Wood logs represented the majority (94%) of the overall volume of seized wildlife products, and constituted a third of the total value, with the majority arriving in a single rosewood seizure in 2015.

**TABLE 4-5 PERCENTAGE OF TOTAL VALUE AND VOLUME REPRESENTED BY EACH TAXONOMIC CATEGORY (2013-2017)**

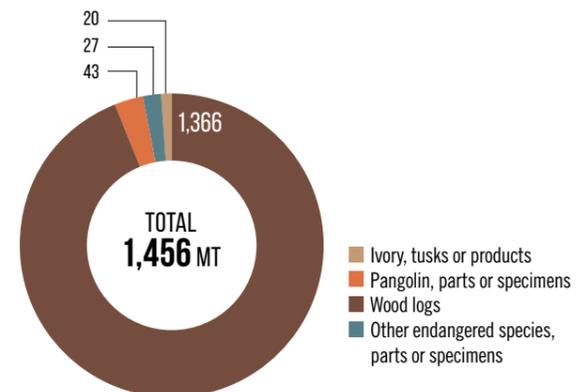
Source: C&ED Summary Statistics (2018)

SEIZURE QUANTITY (KG) <small>(including live animals)</small>	% of Total Value	% of Total Volume
Ivory, Tusks or Products	36.8	1.4
Pangolin, Parts or Specimens	16.8	2.9
Wood Logs	32.1	93.9
Other Endangered Species, Parts or Specimens	14.3	1.8

**FIGURE 4-5 VOLUME OF CITES-LISTED WILDLIFE PRODUCTS SEIZED BY C&ED (2013-2017)**

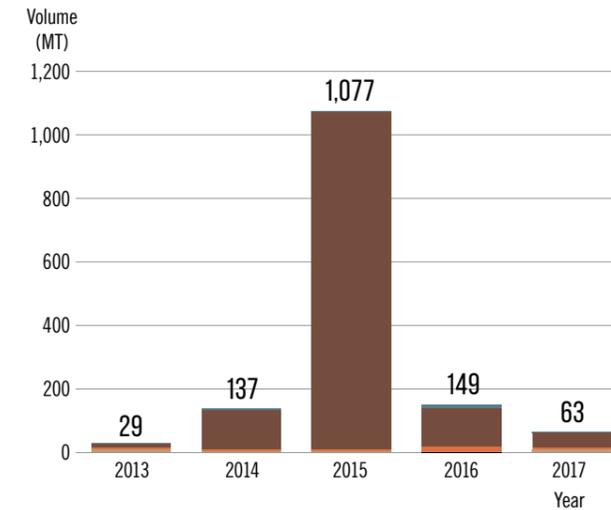
Source: C&ED Summary Statistics (2018)

**(A) Total Volume**

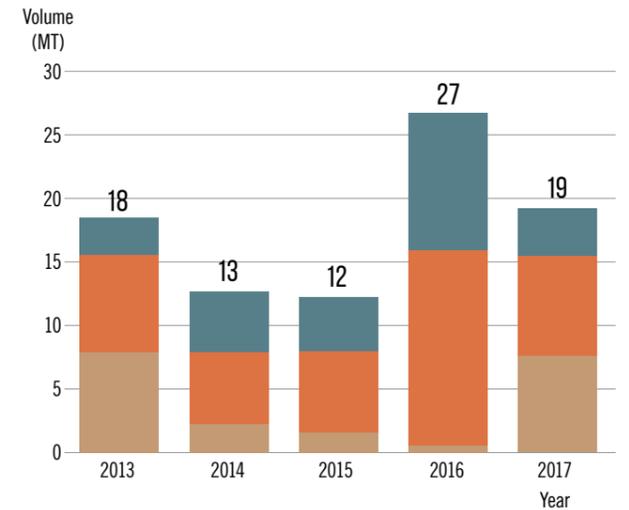


**FIGURE 4-5 (CONTINUED)**

**(B) Annual Volumes**



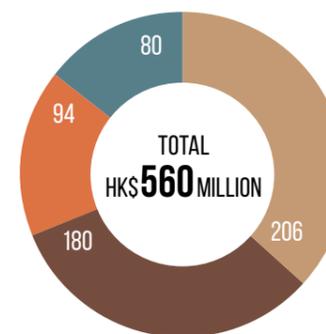
**(C) Annual Volumes, Excluding Seizures of Wood Logs**



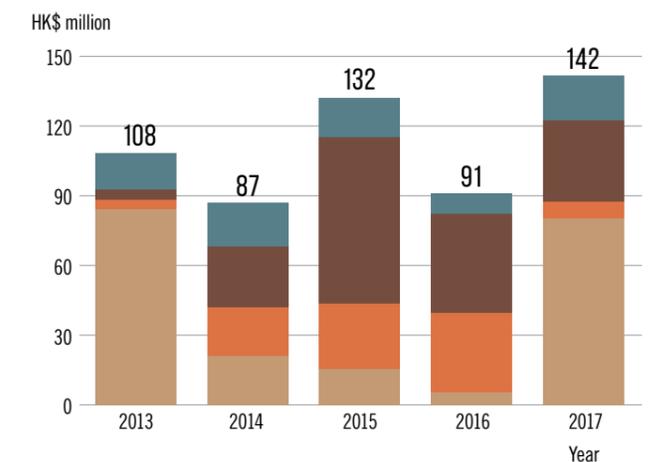
**FIGURE 4-6 VALUE OF CITES-LISTED WILDLIFE PRODUCTS SEIZED BY C&ED (2013-2017)**

Source: C&ED Summary Statistics (2018)

**(A) Total Values**



**(B) Annual Values**



- Ivory, tusks or products
- Pangolin, parts or specimens
- Wood logs
- Other endangered species, parts or specimens

#### 4.4.3 Art, Décor and Jewellery

C&ED Summary Statistics and WiPS Database

According to WiPS data, of the products identified within the art, décor and jewellery category, ivory was seized in the greatest quantities, mirroring C&ED summary data. Hornbill casques/beaks and giant clam shells, often used as décor or ornaments, have also been seized, though less frequently.

Rhinoceros horn is also seized with notable regularity. However, while it can be carved into jewellery and ornaments,<sup>176,177</sup> most seizures are of unworked pieces.

##### Elephants (C&ED Summary Statistics)

Between 2013 and 2017, C&ED's summary data indicate a total of 423 ivory seizures with an estimated value of HK\$206.3 million (US\$26.5 million).<sup>178</sup> Based on the C&ED's summary dataset, the average value for ivory can be calculated at around HK\$10,000/kg, consistent with WiPS observations (Appendix C-3).

Overall, this amounted to 19.8MT, potentially equivalent to more than 5,900 raw tusks (Appendix C-4). Annual volumes have, however, varied considerably (Figure 4-7). It should be noted that when calculating the number of tusks from weights, the conversion rate, whilst illustrative, is based on the average raw tusk weight and is most likely an underestimate. This is best demonstrated by just one seizure (July 2017), whereby C&ED counted 3,179 raw ivory tusks (7.0MT)<sup>179</sup>, from as many as 1,690 calves and juvenile elephants given the corresponding seizure weight<sup>180</sup>. If the conversion rate was used, the number of raw tusks would have been estimated at just 1,290.

While the seizures might, at first glance, appear to indicate some slowing in ivory smuggling, a large seizure in July 2017 (the largest ivory seizure in Hong Kong's history<sup>181</sup> and one of the largest in Asia<sup>182</sup>) suggests otherwise. It is possible that less ivory was transported during 2014-2016; however, it is equally possible that the C&ED simply detected fewer cases, despite clear evidence that global rates of poaching and illegal ivory transactions have remained high since peaking in 2011<sup>183</sup>. It should be noted that in 2013 and 2017, C&ED succeeded in stopping multiple large shipments, ranging from 1.3MT<sup>184</sup> to 7MT.<sup>185</sup>

##### Giant Clams (WiPS Database)

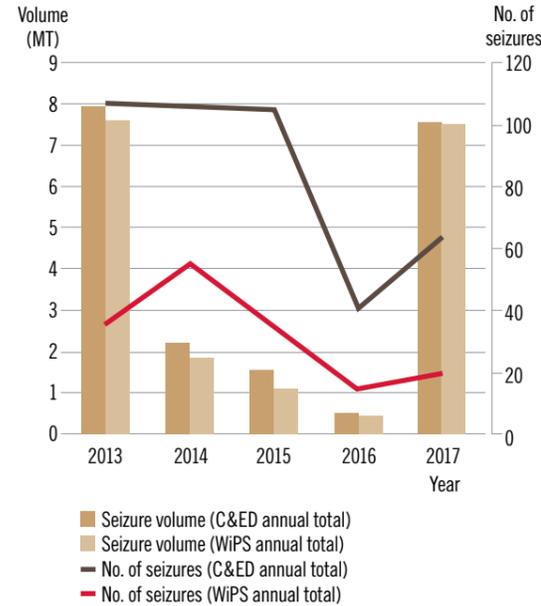
Dried giant clam shells are used for ornaments and, although only one seizure was accounted for in the WiPS database, it was large. Consisting of 7MT of shells (*Tridacna* genus – CITES Appendix II)<sup>186</sup>, the shipment was seized from a container in March 2016 and valued at HK\$1.4 million (US\$179,487).<sup>187</sup>

##### Hornbills (WiPS Database)

Hornbill (*Bucerotidae* genus – CITES Appendix I/II) beaks, often referred to as 'red ivory'<sup>188</sup> and carved into ornaments, were also seized in three instances. These were inconsistently recorded, by weight and in pieces. As such the first two cases in May of 2015 and 2016 comprised 17kg of the Helmeted hornbill (*Rhinoplax vigil* – CITES Appendix I) casques/beaks.<sup>189,190</sup> The third seizure in June 2016 recovered 13 pieces of unspecified hornbill species' beak<sup>191</sup>.

**FIGURE 4-7 ANNUAL SEIZURES OF ELEPHANT IVORY BY VOLUME AND NUMBER (2013-2017)**

Source: C&ED Summary Statistics (2018) and WiPS Database (2018)



**Ivory seizures in Hong Kong (2013-2017) potentially equate to 5,900 tusks**

#### 4.4.4 Furniture

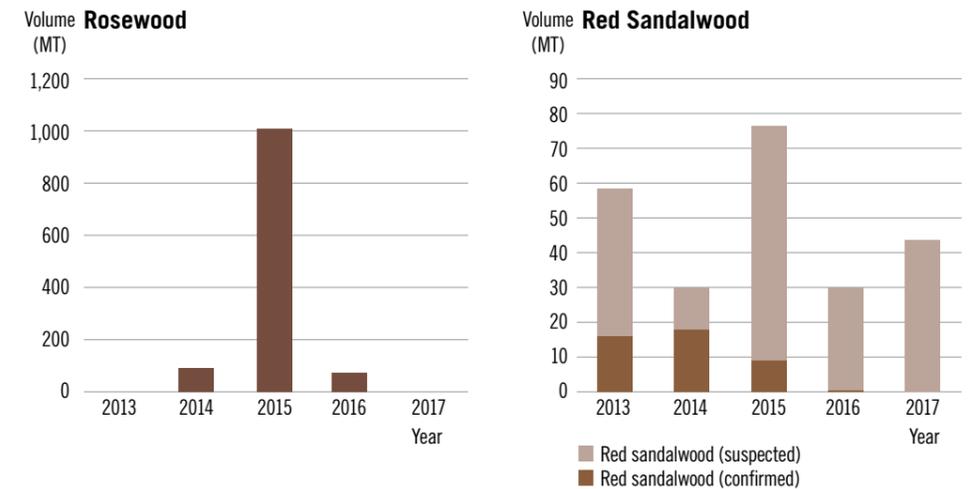
C&ED Summary Statistics and WiPS Database

Over the study period the C&ED summary dataset reports a total of 168 wood log seizures, amounting to 1,366MT, valued at HK\$180 million (US\$23 million), most likely destined for the furniture market (Figure 4-8).<sup>192</sup> These summary statistics do not provide any species information, however WiPS identified:

- Three seizures of rosewood (*Dalbergia* spp. – CITES Appendix II) totalling 1,174MT;
- 40 seizures comprising 239MT of red sandalwood (*Pterocarpus santalinus* – CITES Appendix II); and
- One seizure of mahogany (*Swietenia mahagoni* – CITES Appendix II) 2014, comprising 163kg<sup>193</sup>.

**FIGURE 4-8 ANNUAL VOLUMES FOR ROSEWOOD AND RED SANDALWOOD SEIZURES (2013-2017)**

Source: WiPS Database (2018)



Note: Cases where Notices of Seizure and/or press releases indicated suspected cases (i.e. not confirmed by AFCD) also included.

As noted previously, the volume for wood seizures identified via WiPS, are higher than C&ED's summary statistics, see section 4.4.2.

**In 2015, 7,000 rosewood logs were seized in one of Hong Kongs largest confiscations**

The single largest seizure (and the largest wildlife confiscation in Hong Kong's history (by weight) was that of 1,008MT of Malagasy rosewood (*Dalbergia baronii* – CITES Appendix II) in October 2015.<sup>194</sup> Comprising over seven thousand logs, the illegal consignment was discovered in the cargo hold of a vessel during an inspection at the Tuen Mun River Trade Terminal. According to WiPS, Red sandalwood has been most consistently seized in large quantities.

#### 4.4.5 Fashion

WiPS Database

Seized wildlife products included in WiPS that were likely destined for the fashion industry consisted of reptilian skins and mammalian pelts, from martens (*Martes* spp. – CITES Appendix III)<sup>195</sup>, leopards (*Panthera pardus* – CITES Appendix I)<sup>196</sup> and zebras (*Equus* spp. – CITES Appendix I/II).<sup>197,198</sup> The seizures appeared to occur relatively infrequently and were, with the exception of the marten pelts (1,850 pieces in 18 sacks), relatively small, comprising a total of six mammalian pelts and 80 pieces of reptilian skin.

Records for reptile products relevant to the fashion industry were found to be sparse. Five skins of an unspecified python species (*Pythonidae* spp. – CITES Appendix I/II) were seized in November 2014<sup>199</sup>, and three seizures of unspecified alligator<sup>200,201</sup> and crocodile<sup>202</sup> skins were made from a private car, checked in luggage and a cross-border truck between September and November 2014.

In total, the 77 reptilian skins seized in the latter two seizures were valued at HK\$193,000 (US\$24,744). The only mammalian pelt for which a value was indicated was that of the zebra skin valued at HK\$1,500 (US\$192).

The lack of resolution of species identification beyond certain taxonomic ranks (e.g. order for Crocodylia, family for Pythonidae and genus for zebras and martens) means that it is not possible to determine which species are being trafficked or their CITES listing (Appendix C-2).

**4.4.6 Food, Tonics, Medicines and Incense**  
C&ED Summary Statistics and WiPS Database

Perhaps one of the most alarming characteristics of wildlife trafficking is the growing use of threatened species in Traditional Medicines. As far back as 2005, it was noted in a LegCo briefing<sup>203</sup> that over 80% of Chinese medicines contained endangered species.

This category is dominated by seizures of pangolin, agarwood, seahorses and rhinoceros horn (although, as noted above, rhino horn is also carved into jewellery, ornaments and libation cups).

**The Volume of Pangolins**

C&ED Summary Statistics and WiPS Database  
Seizures of pangolin (*Manis spp.* – CITES Appendix I<sup>204</sup>) products comprise both scales (used for TCM) and descaled carcasses (a culinary delicacy). The C&ED summary data combine these products in volume and overall, 43MT of pangolin products were seized in 122 seizures in Hong Kong from 2013 to 2017 (Figure 4-9). These seizures were valued by the government at HK\$94 million<sup>205</sup> (US\$12 million).

Details included in the WiPS Database enable identification of the nature of seized products, i.e. scales versus carcasses (and a total 20kg of scale powder in three cases in 2013). WiPS documented 39MT of scales and carcasses over the same period. This is estimated to be equivalent to tens of thousands of pangolins.

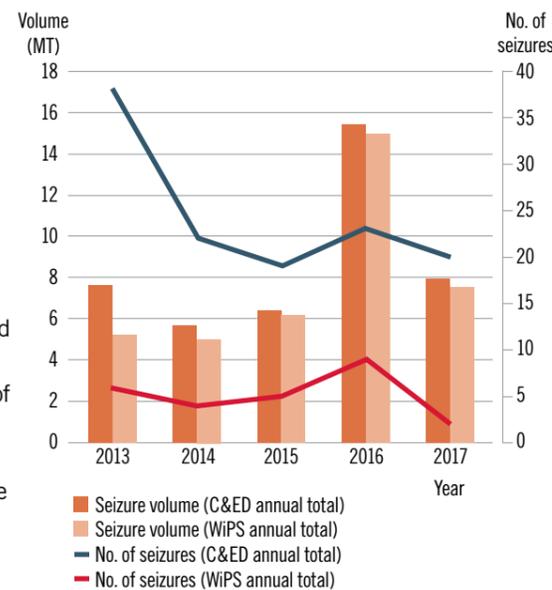
Accuracy in determining numbers is limited by the lack of species data, and as such, based on the volume provided by C&ED and the product details provided by WiPS, the number of pangolins killed for their scales and carcasses may range from 9,860 to 96,330 animals, i.e. if all the heaviest species (Giant ground) versus the lightest (Sunda), respectively (Appendix C-4).

More realistically, since three quarters of seized pangolin products recorded in WiPS were consigned from African countries (Section 4.5), it is likely that the species for these shipments were one or a combination of the four African species. As such, the number of animals represented by these seizures equate to between 10,000 to 64,500 pangolins (Appendix C-4). Had the species of pangolin been identified, a more accurate estimate of the numbers killed could have been calculated and thus the ecological significance determined.

In 2016, the volume of pangolin seizures was exceptionally large, reaching 15MT, equivalent to 39% of the total seized over the five year study period, predominantly due to a large seizure of 7.3MT<sup>206</sup>.

**FIGURE 4-9 ANNUAL SEIZURES OF PANGOLIN PRODUCTS BY VOLUME AND NUMBER (2013-2017)**

Source: C&ED Summary Statistics (2018) and WiPS Database (2018)



**43MT of pangolin products were seized in 122 seizures in Hong Kong from 2013 to 2017**

Scales were seized in far greater volumes than carcasses, overall more than three times the amount over the period (Figure 4-10). This may be due to the more complicated logistics associated with the carcasses, i.e. the need to keep them frozen in transit. Notably, according to the CITES database the legal import of scales has been relatively small.

Of the 20 instances in which pangolin scales were seized, eight comprised over 1MT of scales each. As all eight seizures were consigned from African nations, these seizures likely represent the harvesting of anywhere between 8,000 Giant ground pangolins and 48,000 White-bellied pangolins<sup>207</sup> (the heaviest and lightest African species, respectively) (Appendix C4). With the exception of a seizure in November 2013<sup>208</sup>, frozen pangolins appear to be trafficked in lower volumes, ranging from 273kg to 1MT with one seizure at 4.6MT (n=7).<sup>209</sup> Scales were only seized alongside carcasses in one case.<sup>210</sup>

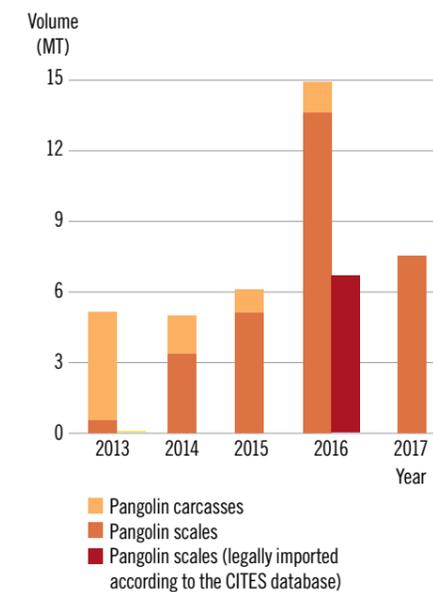
**2018 UPDATE**  
By the end of July 2018, 12.6MT of pangolin scales had been seized. Representing a volume equivalent to approximately 42% of documented seizures in WiPS for the previous five years combined.

**The Value of Pangolin (WiPS)**

Estimates of pangolin values are limited and are likely difficult for the government to verify, due to the small scale of the legal domestic market. Further, the values provided by government do not differentiate between carcasses and scales. As such, it is not surprising that values appear inconsistent with the few market prices made available via NGO research, as noted below.<sup>211</sup>

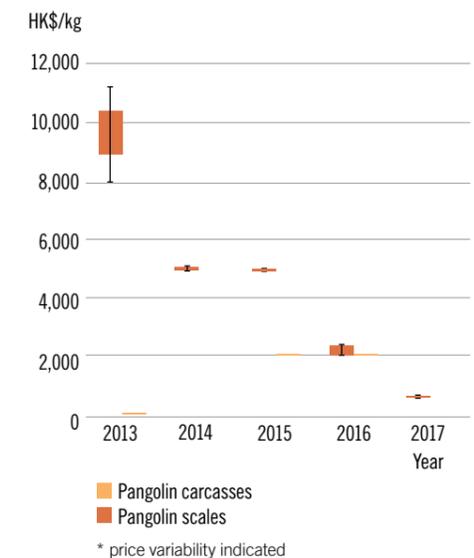
**FIGURE 4-10 ANNUAL VOLUMES OF PANGOLIN PRODUCTS SEIZED (2013-2017)**

Source: WiPS Database (2018) and CITES Database (2018)



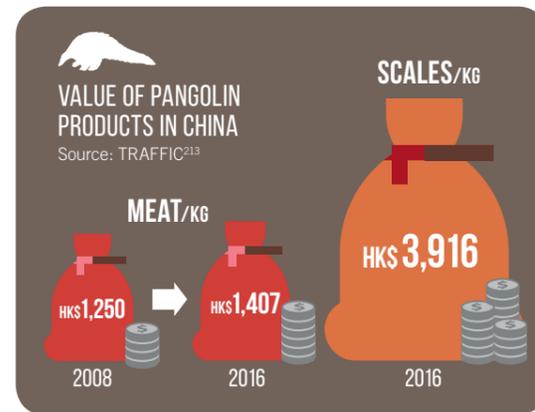
**FIGURE 4-11 ESTIMATED AVERAGE VALUE OF SEIZED PANGOLIN DERIVATIVES\* (2013-2017)**

Source: WiPS Database (2018)



In 2013, WiPS data indicate pangolin scales were valued by government at between HK\$8,000/kg (US\$1,026/kg) and HK\$11,000/kg (US\$1,410) (Figure 4-11). Four years later, in 2017, the value of scales was around HK\$639/kg (US\$82/kg). The reason for this difference is unclear. The value of pangolin carcasses is also unclear, though the few estimates in WiPS available suggest that in recent years (2015-2016) they have been approximately HK\$2,000/kg (US\$256/kg). Notably, UNODC estimate that in Vietnam in 2013, the price paid for pangolin scales was US\$485/kg (HK\$3,783/kg).<sup>212</sup>

Contrasting with government estimates, the prices in Chinese wholesale and retail markets have seemingly risen. TRAFFIC researchers reported that both raw pangolin scales and pangolin meat were on sale illegally in Guangdong for approximately HK\$1,250/kg (US\$160/kg) in 2008.<sup>213</sup> By 2016, scales were being sold for HK\$3,916/kg (US\$502/kg) and meat was being illegally sold online for HK\$1,407/kg (US\$180/kg).<sup>214</sup> This would appear to be at odds, however, with an apparent reduction per unit value suggested by limited government data, in 2017 (Figure 4-11).



A further consideration in attempting to assess the financial value of pangolins is the difference between the eight species. It is unclear whether species affects the value of scales; however, it is likely, given that scale shape, dimension and weight differ according to species. Regardless, pangolin species identification is challenging and typically requires DNA analysis, so it may not be a parameter buyers consider.<sup>215</sup>

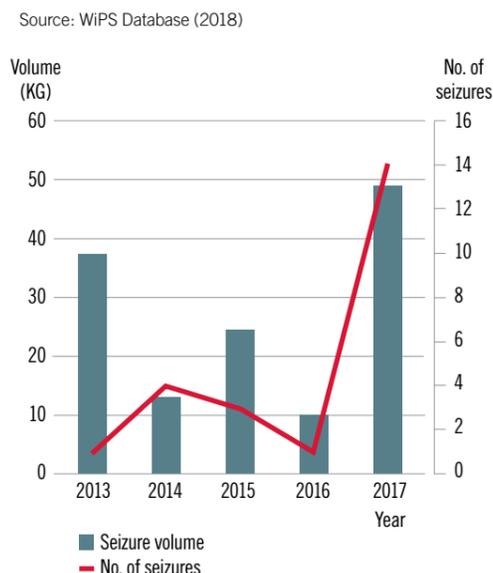
**The Volume of Rhinoceros Horn (WiPS)**

Rhinoceros (*Rhinocerotidae* spp. – CITES Appendix I/II) horn is used as an ingredient in Traditional Chinese Medicines (TCM), as well as ornaments and is among the most highly valued wildlife products seized. Along with pangolins, it is also one of the most threatened species known to be trafficked (Section 8.5). The C&ED do not disaggregate the rhinoceros data, instead including it within summary data for ‘Other Endangered Species, Parts or Specimens’. However, WiPS has identified that from 2013 to 2017, 134kg of rhinoceros horn was seized in 23 cases (Figure 4-12).

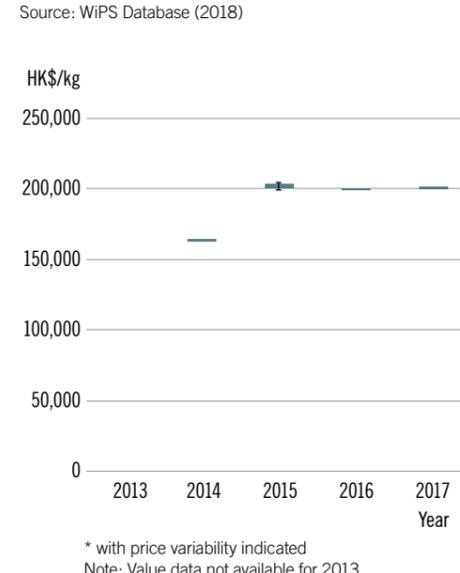
**The Value of Rhinoceros Horn (WiPS)**

The government provided value estimates for horns in 16 of these seizures, valuing a total of 77kg at approximately HK\$15.3 million (US\$2 million). Accordingly, government data indicate that rhinoceros horns were generally valued at approximately HK\$200,000/kg (US\$25,640/kg) over the study period (Figure 4-13).

**FIGURE 4-12 ANNUAL VOLUMES OF RHINO HORNS SEIZED (2013-2017)**



**FIGURE 4-13 ESTIMATED VALUE OF SEIZED RHINO HORNS\* (2013-2017)**



Rhinoceros horn is thus a low-volume, high-value product, as such, the volumes trafficked are considerably smaller than for some of the other valuable species, ranging from 10kg to 50kg per year. The quantities seized from individuals over the study period ranged from 0.82kg<sup>216</sup> to 10.5kg<sup>217</sup>. Notably, this excludes a notably large seizure in 2013 of 37kg<sup>218</sup>.

**2018 UPDATE**  
Up to June 2018 six additional seizures of rhino horn have taken place, with a total weight of 27kg and an estimated government value of HK\$5 million.

In WiPS, taxonomic identification relating to rhino horn seizures is only reported to family level as AFCD omit genus and species data in their records. If the country of consignment is Africa, however then it is reasonable to assume that the species will be the Black rhinoceros (*Diceros bicornis* – CITES Appendix I) or Southern white rhinoceros (*Ceratotherium simum* – CITES Appendix I/II depending on population). Notably, poaching of the Southern White rhino in South Africa has in recent years reached unprecedented levels and the species is struggling to survive (Section 8.5).

**The Volume and Value of Agarwood (WiPS and AFCD Data)**

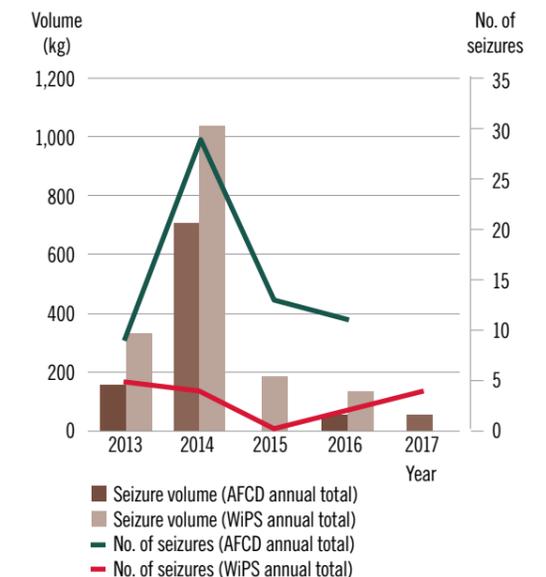
Largely used for incense, agarwood (*Aquilaria* spp. – CITES Appendix II) is endemic to Hong Kong. It is not disaggregated from other CITES-regulated wood species in the C&ED seizure data.

The agarwood cases documented in WiPS are much lower than cases indicated by the Environment Bureau, (Figure 4-14). The Bureau has indicated that nearly 500 attempts to smuggle agarwood were disrupted from 2011 to 2015, compared to just 15 cases in WiPS from 2013-2017 (see also Section 5 on agarwood cases prosecuted under the Theft Ordinance).

Identification down to species level (*Aquilaria sinensis*) is available for all but four cases in WiPS. This is not surprising, as the species is locally endemic and as the other eleven cases consisted of individuals caught in the act of poaching, with the requisite tools or with small chips concealed inside the backpacks of outbound passengers.

**FIGURE 4-14 ANNUAL SEIZURES OF AGARWOOD PRODUCTS BY VOLUME AND NUMBER (2013-2017)**

Source: AFCD Annual Report (2013-2016) & WiPS Database (2018)



**The Volume and Value of Seahorses (WiPS)**

Trade in seahorse species (*Hippocampus* spp.) has been controlled under CITES Appendix II since 2004. Despite the species’ designation and long-standing popularity in local markets,<sup>219,220</sup> only eleven seizures of seahorses since 2013 have been identified and documented in WiPS (Figure 4-15). Around



Seahorses were previously sold when caught as bycatch by the prawn trawling industry, but are now specifically bottom-trawled for their profitability. The trade in seahorses has reportedly decreased since its CITES listing<sup>221</sup>; however, the price of seahorses has reportedly risen by over 500% between 2004 and 2014<sup>222</sup>.

The seized volume of seahorses is markedly smaller than might be expected, in light of the scale of the legal trade. CITES import data indicate that as much as 53MT of seahorse derivatives were imported into Hong Kong between 2007 and 2016.<sup>223</sup> Such a large trade inevitably provides a cover for less scrupulous traders to mix illegally harvested seahorses with their stockpiles.

979kg were seized between 2013 and 2017, while the CITES trade database documents around 2.2MT of dried seahorses legally imported into Hong Kong between 2013 and 2016. Considering the small body size and weight of the species, this highlights the sheer quantity of individuals in the trade.

Government value estimates were provided for eight of the eleven cases, indicating that 610kg of seized seahorses were valued at HK\$1.26 million (US\$161,500) – approximately HK\$2,000/kg.

**Manta/Mobula Rays (WiPS)**

A seizure of ray gill plates (156kg) was observed in 2015 and highlighted the challenges of identifying processed wildlife products of CITES-regulated species. The gill plates were “not readily recognizable”<sup>224</sup>, so it remains unclear whether the plates were from the then-listed manta ray, or mobula ray. The latter was not listed until 2016 (effective in 2018). While this volume has not been included in the WiPS dataset, there has reportedly been an increasing trade in manta and mobula ray gill plates for TCM.<sup>225</sup> The trade in these species and lack of ability to identify the species involved is of concern.

**Other CITES Species (WiPS)**

Other wildlife species trafficked for food and TCM properties<sup>226,227</sup> include:

- **April 2016:** 211kg of Asian Box Turtle (*Cuora* spp. – CITES Appendix II) plastrons (used in TCM), valued at HK\$39,500 (US\$5,064), were seized from an inbound container.
- **August 2015:** 32kg of Sea turtle (*Chelonioides* sp. – CITES Appendix I) plastrons (used in TCM), valued at HK\$16,000 (US\$2,051), were seized from an inbound container.
- **May 2013-July 2014:** 132kg of American ginseng (used in TCM) (*Panax quinquefolius* – CITES Appendix II) was seized in four different seizures. The only value provided, for the largest of these seizures (130kg), was estimated at HK\$300,000 (US\$38,460).
- **September 2014:** 30kg of frozen Masked palm civet (*Paguma larvata* – CITES Appendix III) meat was seized, along with 689kg of pangolin meat.<sup>228</sup>
- **January 2013:** 579kg of ‘dry crocodylia meat’ from an unspecified species (which is, nevertheless, regulated under CITES Appendix II) was seized from an outbound container.<sup>229</sup>

Other turtle and tortoise species (e.g. Golden Coin/Chinese three-striped box turtle, *Cuora trifasciata* – CITES Appendix II) may also have been intended for consumption in cuisine or TCM. However, as they were imported live, they are currently treated as intended for the exotic pet industry (Section 4.4 & 4.5).

**FIGURE 4-15 ANNUAL SEIZURES OF SEAHORSE PRODUCTS BY VOLUME AND NUMBER (2013-2017)**

Source: WiPS Database (2018)



**4.4.7 Seafood**  
WiPS Database

The seafood seizures in the WiPS database primarily consisted of shark fins, totoaba swim bladders (fish maws) and eels.

**Sharks**

Only twelve shark species out of the approximately 500 known species worldwide are listed in CITES (Appendix II) and the majority of these, along with rays, were listed in recent years (Table 4-6).

**TABLE 4-6 HISTORY OF SHARK AND RAY LISTINGS IN CITES APPENDICES**

Source: CITES<sup>230</sup>

EFFECTIVE DATE	COMMON NAME	GENUS	SPECIES
2003	Basking shark	<i>Cetorhinus</i>	<i>maximus</i>
	Whale shark	<i>Rhincodon</i>	<i>typus</i>
2005	Great white shark	<i>Carcharodon</i>	<i>carcharias</i>
2007	Sawfishes	Pristidae spp.	7 species
2014	Porbeagle shark	<i>Lamna</i>	<i>nasus</i>
	Oceanic whitetip shark	<i>Carcharhinus</i>	<i>longimanus</i>
	Scalloped hammerhead	<i>Sphyrna</i>	<i>lewini</i>
	Great hammerhead shark	<i>Sphyrna</i>	<i>mokarran</i>
	Smooth hammerhead shark	<i>Sphyrna</i>	<i>zygaena</i>
	Manta rays	<i>Manta</i> spp.	3 species
2017	Devil rays	<i>Mobula</i> spp.	12 species
	Manta rays	<i>Manta</i> spp.	2 species
	Bigeye thresher shark	<i>Alopias</i>	<i>superciliosus</i>
	Pelagic thresher shark	<i>Alopias</i>	<i>pelagicus</i>
	Common thresher shark	<i>Alopias</i>	<i>vulpinus</i>
	Silky shark	<i>Carcharhinus</i>	<i>falciformis</i>

The WiPS database indicates that five of the listed-shark species have been seized by Customs and AFCD officers since 2014:-

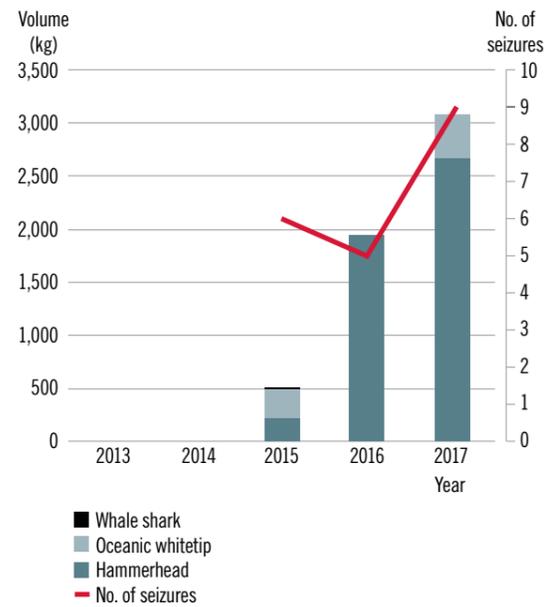
- Oceanic whitetips (*Carcharhinus longimanus*);
- Great hammerheads (*Sphyrna mokarran*);
- Smooth hammerheads (*Sphyrna zygaena*);
- Scalloped hammerheads (*Sphyrna lewini*); and
- Whale sharks (*Rhincodon typus*).

The volume of CITES-regulated shark products (largely fins and some skin) seized in 20 cases amounted to 5.6MT. In terms of weight, 3.7MT was identified as dried, the rest is unclear. Of the species identified in WiPS, hammerhead species (mostly Scalloped hammerheads) made up 88% of the volume, with around 4.9MT, while seizures of Oceanic whitetip amounted to 12% (Figure 4-16). Whale shark products were identified just once, with 12kg of dried fins seized in June 2015<sup>231</sup>.

Government values were provided in 6 of 20 cases, relating to 1.9MT of shark products, valued at around HK\$1.2 million (US\$153,800). Value estimates per kilogram<sup>232</sup> ranged from approximately HK\$377/kg for a shipment of 163kg of Scalloped and Smooth Hammerhead fins<sup>233</sup> to HK\$800/kg for 350kg of Oceanic whitetip and unspecified Hammerhead fins<sup>234</sup>.

**FIGURE 4-16 ANNUAL SEIZURES OF SHARK FINS BY VOLUMES AND NUMBER (2013-2017)**

Source: WiPS Database (2018)



It should be noted that the juveniles of the CITES-listed shark species cannot all be readily identified from visual identification, which is the protocol currently employed by government officials. This is problematic in ensuring the effective implementation of CITES and means illegal shark imports cannot necessarily be identified.

**Totoabas**

Dried swim bladders (fish maws) from totoaba (*Totoaba macdonaldi* – CITES Appendix I) were seized in only three cases over the study period, all in 2015. In May and August that year, 17 pieces (representing 17 totoaba) were confiscated from shops in Sheung Wan<sup>235,236</sup> and from air consignments<sup>237</sup>. Despite the small amount, the total value of all three seizures was estimated at HK\$855,000 (US\$110,000) by AFCD. More recently, in January 2018, two Chinese nationals were found with 73 pieces (28kg, approximately HK\$4.5 million) of totoaba fish maw, making it one of, if not the, largest seizure of the species in Hong Kong in the last five years.<sup>238</sup>

However, the value of totoaba has been reported at considerably higher values. For instance, investigations conducted by the Elephant Action League found that totoaba maws are sold in mainland China for 300RMB per gram (HK\$366/g; US\$47/g).<sup>239</sup> At this rate, it is comparable to or may even have surpassed the value of gold.<sup>240</sup> Experts in the field have indicated that syndicates stockpile and trade totoaba as an investment much like gold.<sup>241</sup>

**European Eels**

The European eel (*Anguilla anguilla* – CITES Appendix II) is a ‘Critically Endangered’ species<sup>242</sup>, and is the only eel currently controlled under CITES<sup>243</sup>. In total, 341kg of European eels were seized in five cases in 2016, valued at HK\$128,500 (US\$16,470). The seized quantities were often reported as the aggregate from two or three people apprehended after they disembarked from a flight, carrying as much as 109kg between them<sup>244</sup>. Multiple passengers were stopped with between 30kg and 48kg individually.<sup>245,246</sup>

**Humphead Wrasses**

Between January 2013 and October 2017, 49 live Humphead wrasses (*Cheilinus undulates* – CITES Appendix II) were seized in 22 cases.<sup>247</sup> No seizures were evident from ‘Notice of Seizures’ and it is likely that the remainder were also seized from premises, as opposed to on import (Section 4.5.7). Notably, because of loopholes in the legal framework, the import of live fish is poorly regulated and trafficking of Humphead wrasse into and through Hong Kong is problematic.<sup>248</sup>

Juveniles of some CITES-listed shark species cannot be readily identified

It is believed syndicates stockpile and trade totoaba as an investment much like gold

Humphead wrasse seizures in 2017 were considerably higher than any year in the last decade

The number of seizures in 2017 was considerably higher than any year in the last decade, with 13 seizures recovering 25 illegally held live Humphead wrasses. In 2015 and 2016, just three and five seizures took place respectively. The increase is likely the result of enhanced enforcement efforts by AFCD.<sup>249</sup> The value of the 49 fish seized is not currently known. The retail price per kg of fish is around US\$300 (HK\$2,340) and each fish is likely to be about 750g on average.<sup>250</sup> This weight is indicative of juveniles or individuals just below the size of sexual maturation, which is a reproduction concern for the species.

**4.4.8 Pets, Zoos and Breeding**

WiPS Database

Lack of data, transparency and regulation generally around the pet trade (Section 3.5) in Hong Kong is of concern. Those species identified included amphibians, reptiles and birds.

**Birds**

Birds are one of the least understood classes of seized wildlife. Only 11 confiscations of CITES-listed species are documented in the WiPS Database, with limited details relating to a total of 17 live birds. Of these, five owl species are known to have been included between 2013 and 2017:

- Asian Barred owlet (*Glaucidium cuculoides* – CITES Appendix II);
- Common Barn owl (*Tyto alba* – CITES Appendix II);
- Collared Scops owl (*Otus lettia* – CITES Appendix II);
- Eastern Grass owl (*Tyto longimembris* – CITES Appendix II); and
- Tawny owl (*Strix aluco* – CITES Appendix II).<sup>251</sup>

Individuals of the Silver-eared mesia species (*Leiothrix argentauris* – CITES Appendix II)<sup>252</sup> and the Bali mynah (*Leucopsar rothschildi* – CITES Appendix I)<sup>253</sup> have also been seized.

The particulars of just one seizure of live birds are known. In July 2014, a 36-year-old male attempted to smuggle 162 birds, including ten CITES-listed Silver-eared mesias, in seven cages out of Hong Kong at Sha Tau Kok aboard a bicycle.<sup>254</sup>

**Snakes**

The only live snakes identified were two Royal/Ball pythons (*Python regius* – CITES Appendix II) that were part of a single small but diverse seizure, alongside six species of tortoise and turtle and one species of chameleon.<sup>255</sup>

**Turtles and Tortoises (Order Testudines)**

According to the WiPS database, at least 30 different species of live turtle and tortoise were seized between 2013 and 2017 in 39 seizures, amounting to at least 19,136 turtles and 1,501 tortoises (Figure 4-17).

The most frequently seized were the Black pond turtle (*Geoclemys hamiltonii*), a ‘Vulnerable’ species<sup>256</sup> that has been listed under CITES Appendix I since 1975<sup>257</sup>. Around 3,245 individuals were seized in 12 instances, ranging from 1 to 990 individuals per seizure<sup>258</sup>.

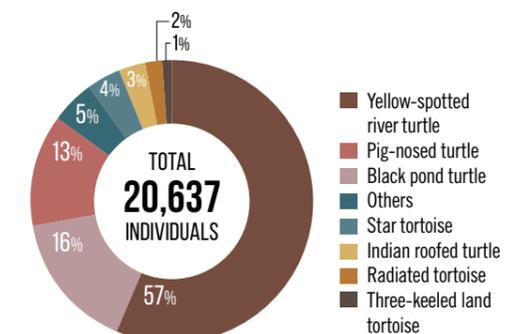
By heads (number of individuals), the ‘Vulnerable’, Yellow-spotted river turtles (*Podocnemis unifilis* – CITES Appendix II) dominated the seizures, with nearly 11,700 individuals arriving in a single, large shipment in May 2015. They were seized from a speedboat apprehended near Sha Tau Kok.<sup>259</sup>

At least 30 different species of live turtle and tortoise were seized between 2013 and 2017

11,700 Yellow-spotted river turtles arrived in a single, large shipment in May 2015

**FIGURE 4-17 TURTLE AND TORTOISE SPECIES SEIZED BY INDIVIDUAL COUNT (2013-2017)**

Source: WiPS Database (2018)



The Pig-nosed turtle (*Carettochelys insculpta* – CITES Appendix II) was another 'Vulnerable' species, seized in large numbers. The only known confiscation was of 2,754 individuals seized by AFCD in January 2014.<sup>260</sup>

The most endangered species seizure comprised four suspected captive-bred members of a (suspected hybridised) subspecies of Galapagos tortoise identified as *Chelonoidis niger* (CITES Appendix I).<sup>261,262</sup> The pure species of *Chelonoidis niger* is now officially 'Extinct', according to the IUCN.<sup>263</sup> The seizure is likely to be a variant of a subspecies.<sup>264</sup>

Government values were provided for just eight of the 39 seizures, comprising 1,519 live individuals (7% of the total seized) from at least five species. They were valued at approximately HK\$2.7 million (US\$346,100). It should be noted that value estimates were not identified for the rarest and more valuable species, including the four Galapagos tortoises<sup>265,266</sup> or 10 Ploughshare tortoises (*Astrochelys yniphora*).<sup>267,268</sup>

#### Lizards

Only three lizard species are currently known to have been seized over the study period – Monitor lizards (*Varanus* spp.), Chameleons (Chamaeleonidae spp.) and Iguanas (Squamata spp.). In total, the number of lizards seized amounted to 634 individuals seized in five seizures:

- **November 2013:** 350 live monitor lizards (*Varanus* spp. – CITES Appendix I/II), concealed in wood boxes, were confiscated from a light goods vehicle outside of Tuen Mun.<sup>269</sup>
- **February & July 2014:** 96 unspecified chameleons in February<sup>270</sup> and one veiled chameleon (*Chamaeleo calyptratus* – CITES Appendix II) in July<sup>271</sup>.
- **October 2016:** 52 chameleons (CITES Appendix II) were discovered in the cargo compartment of a truck attempting to enter China.<sup>272</sup>
- **October 2016:** 135 Rhinoceros rock iguanas (*Cyclura cornuta* – CITES Appendix I).<sup>273</sup>

#### Amphibians

Amphibians (*Amphibia* spp.) are perhaps the least understood class of wildlife smuggled into Hong Kong. Only two seizures are presently known: 24 Poison dart frogs (*Dendrobates* spp. – CITES Appendix II) seized in October 2016<sup>274</sup> and two Mexican salamanders (*Ambystoma mexicanum* – CITES Appendix II) recovered in March 2013<sup>275</sup>.

#### Other Mammals

The only known seizure of CITES-listed mammal likely destined for the pet trade was that of a single live Black-eared marmoset (*Callithrix penicillata* - Appendix II)<sup>276</sup>, which took place in November 2013.<sup>277</sup>

#### Arowanas

Very few fish species have been identified in the WiPS data. Apart from the seizure of live Humphead wrasse at restaurant premises and European eels from passenger luggage (traded for food) and totoabas (for TCM), only one seizure of an endangered, CITES-listed fish species is currently known – that of 92 freshwater arowanas or Asiatic bonytongues (*Scleropages formosus* – CITES Appendix I)<sup>278</sup>.

**Few fish species have been identified in the seizure data**

## 4.5 COUNTRY OF CONSIGNMENT

### OVERVIEW

WiPS data indicates that, between 2013 and 2017, wildlife products (excluding live individuals) were trafficked into Hong Kong from at least 45 countries.

The majority of the 1,486MT of CITES-regulated wildlife goods seized in Hong Kong were consigned from Eastern Africa, with South East Asia making up much of the remainder.

The country of consignment is unknown for approximately 5% of the volume seized over the last five years.

Ivory has been seized inbound from at least 20 nations over the past five years: over three quarters were African countries.

Sandalwoods have been the most regularly traded wood species, and were consigned from at least four Asian countries (including the Middle East).

Pangolin shipments have been consigned from at least five nations, all but one of which was African. 66% of the overall volume was consigned from Cameroon and Nigeria.

Seized rhinoceros horns were consigned from nine countries. South Africa dominated, with 37% of the volume arriving from the country over the study period.

Of the 15 agarwood seizures detailed in the WiPS Database, 13 were seized from individuals either within Hong Kong, or as they attempted to depart for mainland China. As an endemic species, Hong Kong was also suspected to be the country of origin.

Country of consignment was identified in eight out of the eleven seahorse seizures. Most came from Peru.

Shark fins and other derivatives were consigned from 14 different countries, predominantly South American and African. Panama and Peru accounted for the majority.

Seizures of Humphead wrasse have typically been made from local premises. Given the species' range, they most likely originate from Indonesia.

Turtle and tortoise smugglers used highly variable transit routes and shipments were consigned from seven known countries. The largest quantity was discovered in two seizures, comprising 3,378 turtles combined from Indonesia.

The country of consignment for 30 shipments, comprising 16,288 live turtles and tortoises in total was unidentified.



**Knowing the transit routes of seized products can provide vital insights into the international flow of illegal wildlife**

**4.5.1 Introduction**

Knowing the transit routes of wildlife products seized in Hong Kong, i.e. where they were consigned or shipped from, any transit countries involved and intended destination, can provide vital insights into the international flow of illegal wildlife products, including preferred trafficking routes and key hubs in the illegal trade. Such data can inform lawmakers' efforts to tighten legal loopholes and aid enforcement agencies working to disrupt trafficking networks.

The WiPS database provides some information on countries of origin<sup>279</sup>, consignment, transit and destination for wildlife products. The following section provides insights concerning the last known countries of consignment for a range of wildlife products seized in Hong Kong. Information relating to transit and destination countries is presented in Section 4.6.

As smugglers typically alter, falsify or omit information on shipment manifests<sup>280,281</sup>, consignment data is classified and treated as 'alleged' and identified countries are referred to as the 'last known country of consignment'. These have been determined from press releases and corroborated or added to by the AFCD. There are, however, numerous instances where products were seized while being smuggled into and out of Hong Kong via informal routes without any indication of the country of consignment.

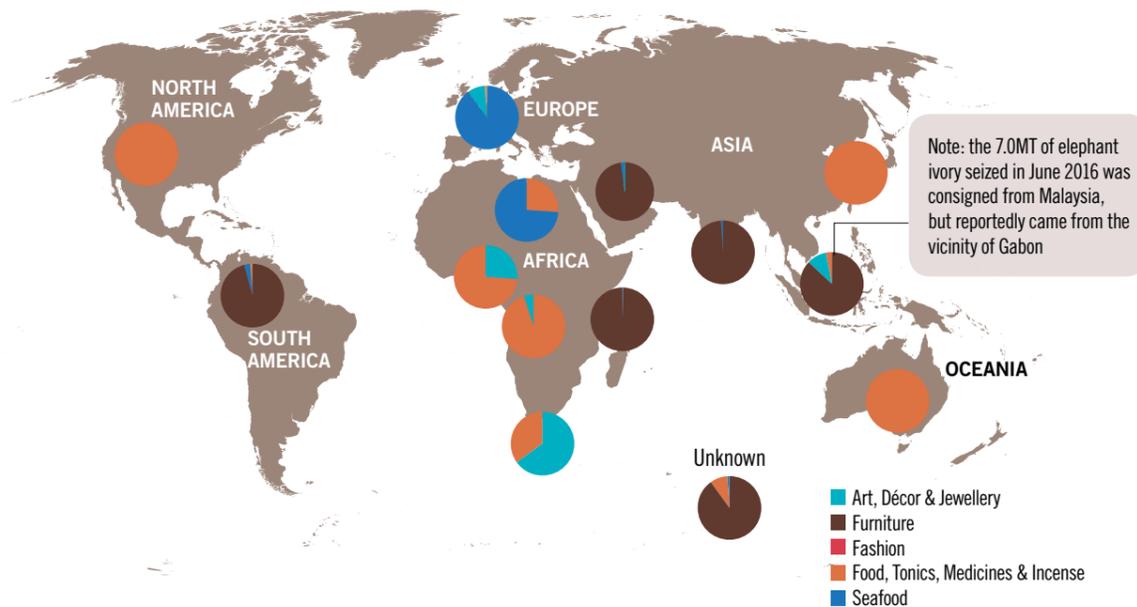
**4.5.2 Global Analysis by Region**

WiPS Database

The WiPS Database indicates that wildlife products (excluding live individuals\*) were illegally smuggled into Hong Kong from at least 45 countries between 2013 and 2017. Of the 1,486MT of seized wildlife documented in WiPS, the vast majority (68%) came from Eastern Africa, followed by Southeast Asia (10%) (Figure 4-18).

**FIGURE 4-18 PROPORTION OF SEIZED PRODUCTS BY VOLUME AND INDUSTRY CONSIGNED FROM EACH SUB-REGION\* (2013-2017)**

Source: WiPS Database (2018)



\* Live specimens were excluded due to the challenge of reconciling data for seizures recorded by volume and by pieces. Instead, live reptiles and amphibians, for which there is at least some shipment route data, are treated separately below.

The product types flowing out of each region or sub-region suggests a degree of specialisation or at least preferences for specific products from specific areas. For instance, wood species destined for the furniture trade comprise the majority of illegal wildlife imports (by volume) from at least five regions.

Overall, 5% of the volume seized over the last five years came from unspecified countries. The percentage of products consigned from each region for each industry is highlighted in Figure 4-18.

**4.5.3 Art, Décor and Jewellery**

WiPS Database

**Elephants**

Ivory has been seized inbound from at least 20 nations over the past five years. Not surprisingly, over three quarters were African countries, with sporadic illegal shipments arriving from Asia (Indonesia<sup>282</sup>, Malaysia<sup>283</sup>, Pakistan<sup>284</sup> and United Arab Emirates<sup>285</sup>) and Europe (Portugal<sup>286</sup>).

ELEPHANTS WiPS Data		
Total Volume (MT)	No. of Seizures	Country of consignment identified in 145 cases
18.5	160	

In 2013, 99% of the 7.6MT seized that year were shipped from African nations. African nations consistently dominated as the consigning country (Figure 4-19): 96% in 2014, 92% in 2015 and 78% in 2016.

**Nigeria most frequently appeared as the last known country of consignment**

Nigeria most frequently appeared as the last known country of consignment on seizure documents between 2013 and 2017, accounting for 17% of the total volume seized. It also dominated in the number of cases, with around 20 seizures made from passengers and air parcels arriving from the country in each of 2014 and 2015. However, this declined to just three in 2016 and zero in 2017.

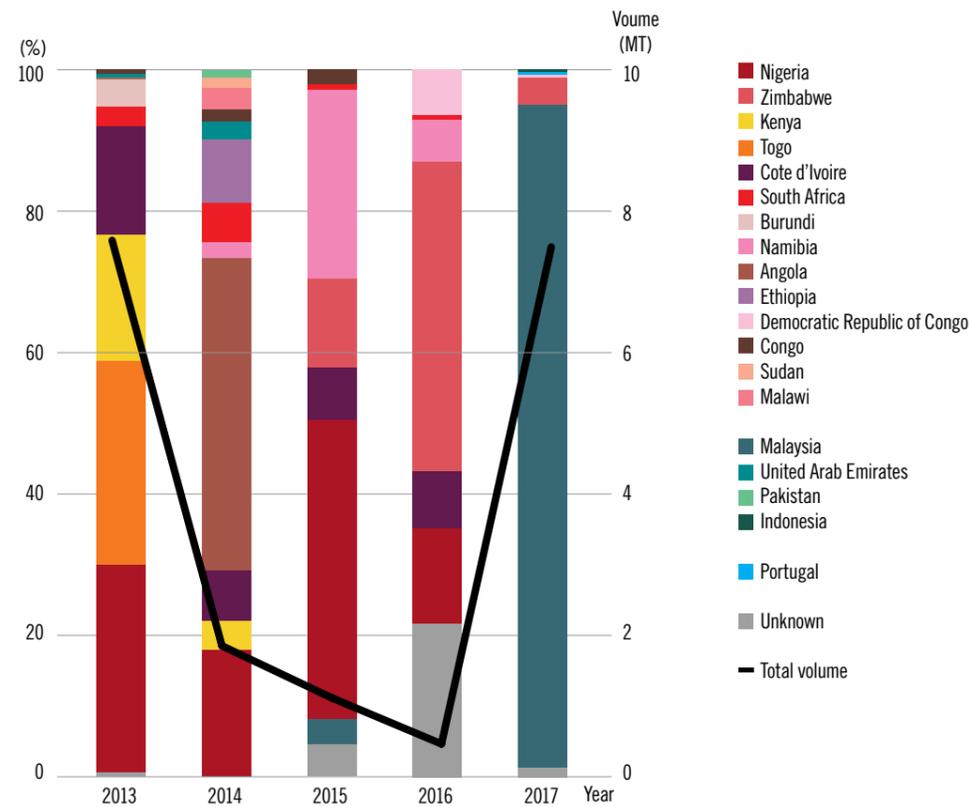
By quantity, the data have been skewed by a single seizure in July 2017, of over 7MT of raw tusks from a container last consigned from Malaysia.<sup>287</sup> As noted above, the tusks in this seizure were found to have originated from the Gabon region and potentially travelled over land through a neighbouring country before being sent to Malaysia.<sup>288</sup>

In contrast, Zimbabwe began to appear more frequently in the WiPS data as a country of consignment between August 2015<sup>289</sup> and October 2017<sup>290</sup>. Over 630kg of largely cut and worked ivory was seized over the period, predominantly from 'ant smugglers' (Section 4.8).



**FIGURE 4-19 LAST KNOWN COUNTRY OF CONSIGNMENT FOR ELEPHANT IVORY (2013-2017)**

Source: WiPS Database (2018)



The largest seizure prior to 2017 was 2.2MT of ivory consigned from Nigeria in August 2013.<sup>291</sup> However, 2013 saw a number of comparably large seizures, with a further 4.7MT of ivory seized from Togo, Kenya and Cote d'Ivoire<sup>292,293,294</sup>.

**Giant Clams**

The single shipment of Giant clams in March 2016 reportedly arrived in Hong Kong from Vietnam.<sup>295</sup>

GIANT CLAMS	Total Volume (MT)	No. of Seizures
WiPS Data	7	1

**Hornbills**

Helmeted and unspecified hornbill species have been exclusively discovered in cross-border smuggling attempts between Hong Kong and China, despite being native to only Southeast Asian countries (Box 4-2).

HORNBILLS	Total Volume (kg)	No. of Seizures	Countries of consignment unknown
WiPS Data	17 +13 pcs	3	

**BOX 4-2 HELMETED HORNBILLS – LIMITED RANGE**

Helmeted hornbills have been classed as 'Critically Endangered' since 2015<sup>296</sup> and are not thought to be viable for captive breeding<sup>297</sup>. As such, these beaks would have originated from Brunei Darussalam, Indonesia, Malaysia, Myanmar or Thailand. As a CITES Appendix I scheduled species, it is understood that for the most part Helmeted hornbills and their derivatives cannot be legally traded internationally, apart from in exceptional circumstances.<sup>298,299</sup>

**4.5.4 Furniture**

WiPS Database

**Red Sandalwood**

Sandalwoods have been the most regularly traded wood species, and have been seized as they arrived from at least four countries (Figure 4-20). As much as 77MT (32% of the total seized) was smuggled from India into Hong Kong between February 2013<sup>300</sup> and December 2015<sup>301</sup>, which is unsurprising, as populations of red sandalwood are restricted to the southernmost regions of the Eastern Ghats (a mountain range in eastern India) (Figure 4-20).<sup>302</sup>

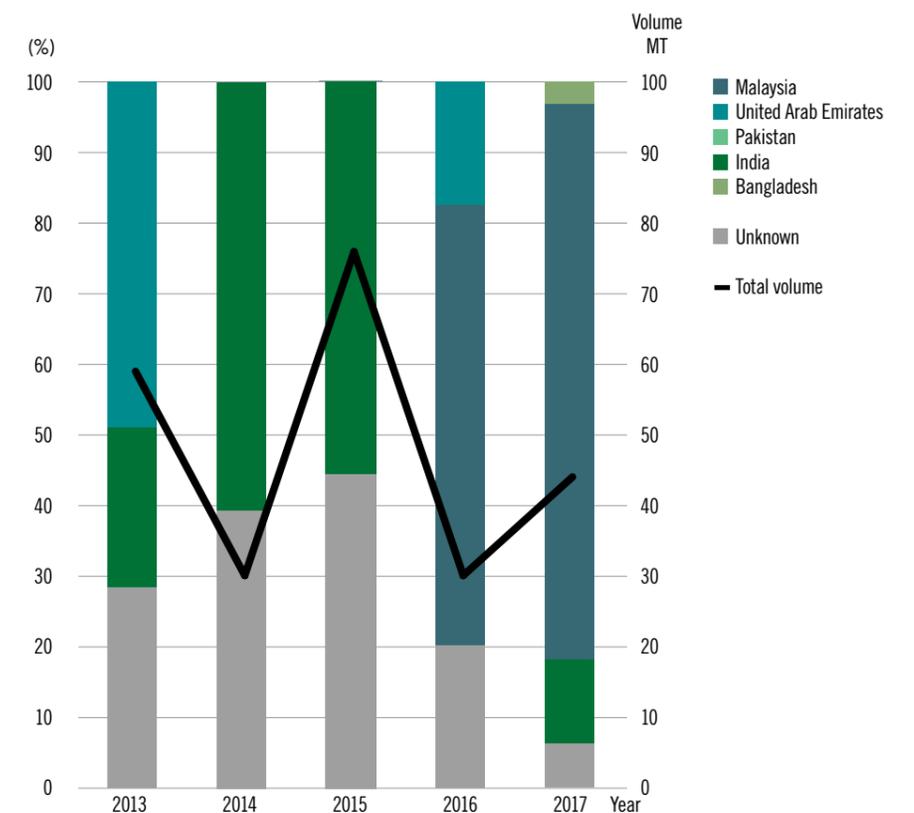
In 2016, red sandalwood consignments arrived from Bangladesh, Malaysia and the United Arab Emirates. By weight, Malaysia dominated in 2016, being identified as the consignment country for 18.6MT in two seizures.

WOOD (excluding agarwood) WiPS Data		
Total Volume (MT)	No. of Seizures	Country of consignment identified in
1,412	44	18 cases

RED SANDALWOOD WiPS Data		
Total Volume (MT)	No. of Seizures	Country of consignment identified in
239	40	14 cases

**FIGURE 4-20 LAST KNOWN COUNTRY OF CONSIGNMENT FOR RED SANDALWOOD (2013-2017)**

Source: WiPS Database (2018)



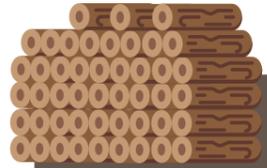
**Rosewood**

Between December 2014 and November 2016 there were three exceptionally large seizures. The species in these seizures each arrived from different continents by different routes, and comprised:

- 73.3MT of Siamese rosewood (*Dalbergia conchinchinensis*) consigned from Thailand (July 2016).<sup>303</sup>
- 1,008MT of Malagasy rosewood (*Dalbergia baronii*) consigned from Zanzibar, Tanzania (October 2015).<sup>304</sup>
- 92MT of Honduran rosewood (*Dalbergia stevensonii*)<sup>305</sup> transited through Mexico, having been consigned from Guatemala (November 2014).<sup>306</sup>

**ROSEWOOD** WiPS Data

Total Volume (MT)	No. of Seizures	Country of consignment identified in all cases
1,174	3	



**THREE LARGE SEIZURES OF ROSEWOOD (2014-2016)**

	THAILAND	JUL 2016	73.3MT SIAMESE ROSEWOOD
	TANZANIA	OCT 2015	1008 MT MALAGASY ROSEWOOD
	GUATEMALA	NOV 2014	92MT HONDURAN ROSEWOOD

**Other Wood**

A less remarkable seizure, comprising 163kg of West Indian mahogany (*Swietenia mahagoni*), was consigned from Bangladesh in 2014.<sup>307</sup>

**4.5.5 Fashion**  
WiPS Database

**Other Mammals**

Seizures of mammal products other than ivory, pangolin and rhinoceros were limited in the dataset, and information on the country of consignment was often not available.

The five leopard pelts seized in August 2013 were originally consigned from Nigeria and arrived in Hong Kong after being transhipped through China.<sup>308</sup> The only other case in which the consignment country is known is that of a single zebra hide inbound in a piece of checked luggage, alongside two goat horns, from South Africa in August 2013.<sup>309</sup>

**4.5.6 Food, Tonics, Medicines and Incense**  
WiPS Database

**Pangolins**

The WiPS database documents pangolin seizures consigned from at least five nations, of which four are on the African continent, and make up 74% (28.8MT) of the volume of pangolin products recorded in WiPS (Figure 4-21).

**MAMMAL PELTS** WiPS Data

Total Volume (pcs)	No. of Seizures	Country of consignment identified in 2 cases
1,856	3	

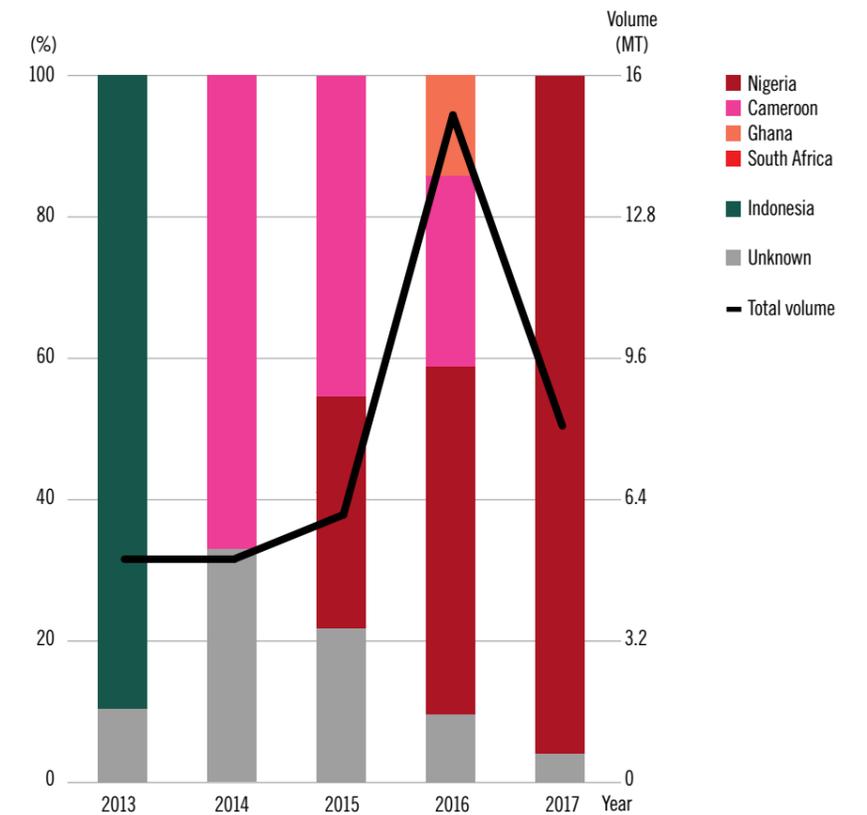
**PANGOLINS** WiPS Data

Total Volume (MT)	No. of Seizures	Country of consignment identified in 11 cases
38.7	26	

Cameroon and Nigeria repeatedly appeared as the last consigning country, 9.2MT (24%) and 16.5MT (43%) seized respectively (2013-2017). The largest volume seizure comprised 259 bags containing 7.3MT of pangolin scales reportedly consigned from Nigeria in 2016.<sup>310</sup>

**FIGURE 4-21 LAST KNOWN COUNTRY OF CONSIGNMENT FOR PANGOLIN PRODUCT (2013-2017)**

Source: WiPS Database (2018)



There were differences between the consignments of pangolin derivatives by type. Pangolin scales accounted for the majority of cases where country of consignment was known, arriving from the four African nations noted. Frozen pangolin carcasses, however, were almost exclusively seized as they were being loaded or unloaded from cross-border speedboats in Hong Kong either arriving from or departing to mainland China, often with other wildlife products and commodities (Section 4.8). In just one case, frozen pangolin was seized as it arrived from another country – a 4.6MT air consignment inbound from Indonesia in November 2013<sup>311</sup>.

**Rhinoceros**

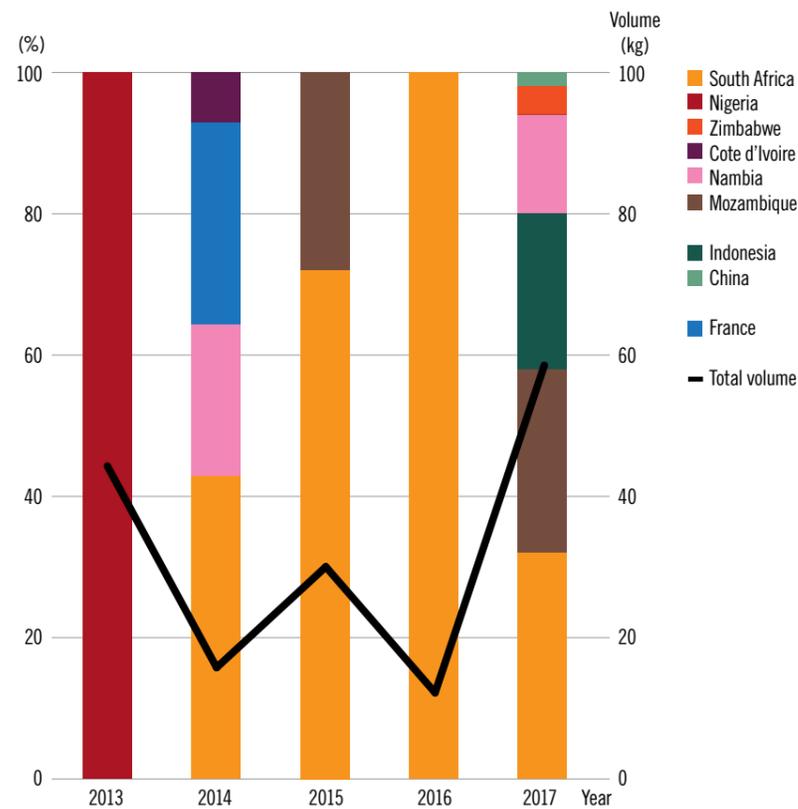
Rhinoceros horns were consigned from nine countries, predominantly African (Figure 4-22). South Africa was the country of consignment for 37% of known rhinoceros horn seizures over the five-year period. Nigeria was the country of consignment for the second largest overall quantity, due to a single seizure of 37kg in 2013.<sup>312</sup>

**RHINOCEROS** WiPS Data

Total Volume (kg)	No. of Seizures	Country of consignment identified in all cases
134	23	

**FIGURE 4-22 LAST KNOWN COUNTRY OF CONSIGNMENT FOR RHINOCEROS HORN (2013-2017)**

Source: WiPS Database (2018)



**Agarwood**

Fifteen agarwood seizures are detailed in the WiPS database. Of these, 13 were seized from individuals either within Hong Kong, or as they attempted to depart for mainland China, and two seizures were made from boats. Court proceedings identified the origin as Hong Kong in eight cases. Further, as the species is endemic and many of the poachers were intercepted carrying cutting tools, another five were also considered to originate in Hong Kong. It is not known if the two boat seizures also originated in Hong Kong or were seized after being consigned from another country, i.e. China.

**AGARWOOD**  
WiPS Data

Total Volume (kg)	No. of Seizures	Country of origin was Hong Kong in 12 cases
<b>959</b>	<b>15</b>	

**Seahorses**

Seven countries of consignment were identified in eight out of the eleven seizures in the WiPS database. Overall, the greatest quantities came from Peru, specifically the ports of Callao (mid-west coast) and Paita (northwest coast).<sup>313</sup>

**SEAHORSES**  
WiPS Data

Total Volume (kg)	No. of Seizures	Country of consignment identified in 8 cases
<b>979</b>	<b>11</b>	

Markedly smaller quantities have arrived and been seized sporadically from Africa (Tanzania, Mozambique, South Africa and Egypt) and Asia (India and Sri Lanka). These have ranged from 7kg air consignment<sup>314</sup> from Tanzania to 67kg in sacks in a container<sup>315</sup> inbound from Mozambique.

**GINSENG**  
WiPS Data

Total Volume (kg)	No. of Seizures	Country of consignment identified in 3 cases
<b>132</b>	<b>4</b>	

**Other CITES Species**

Of the other wildlife species, Canada and the USA were the last known countries of consignment for all American ginseng (*Panax quinquefolius*) seized.<sup>316</sup>

**4.5.7 Seafood**

WiPS Database

**Sharks**

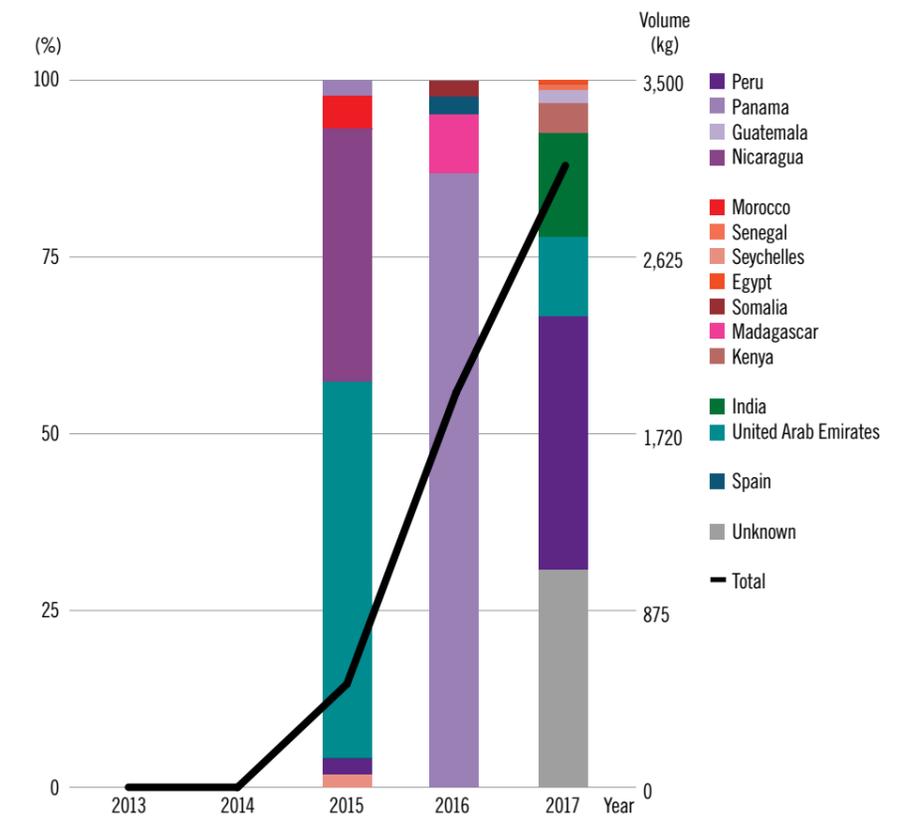
Shark fins and other shark derivatives were reportedly consigned from at least 14 different countries, predominantly South American and African. By volume, Panama and Peru accounted for the majority, with 51% of the total volume being seized from two large consignments from Panama in 2016 and two from Peru in 2017.<sup>317</sup> The United Arab Emirates and India were noted as the country of consignment for the next largest volumes (totalling 1.1MT)<sup>318</sup>, with several African states making up much of the remainder (422kg)<sup>319</sup> (Figure 4-23).

**SHARK FINS & DERIVATIVES**  
WiPS Data 2013-2017

Total Volume (MT)	No. of Seizures	Country of consignment identified in 19 cases
<b>5.6</b>	<b>20</b>	

**FIGURE 4-23 LAST KNOWN COUNTRY OF CONSIGNMENT FOR SHARK FIN (2013-2017)**

Source: WiPS Database (2018)



Where the country of consignment is known, the largest seizures were from Panama, with 816kg and 880kg of dried hammerhead fins respectively in 2016, equivalent to 87% of the total that year. Peru was notable in 2017, with 638kg of Smooth hammerhead fins seized in February and a further 464kg of an unspecified hammerhead fins seized in December, with both seizures making up more than a third of seizures that year (Figure 4-23).<sup>320</sup>

**Totoabas**

The only case in which country of consignment is known reveals that three totoaba maws were smuggled out of Mexico, arriving in Hong Kong in August 2015. The remaining two seizures of totoaba maws were made locally, from stores in Sheung Wan and thus there is no official country of consignment information.<sup>321,322</sup>

TOTOABA		
WiPS Data		
Total Volume (pcs)	No. of Seizures	Country of consignment identified in 1 case
17	3	

**European Eels**

Four of the five European eel seizures (made in 2016) were from passengers arriving from Spain. However, the originating city of each flight was different, comprising Bilbao<sup>323</sup>, Madrid<sup>324</sup>, Santiago de Compostela<sup>325</sup> and Vigo<sup>326</sup>. Only one smuggler is known to have started their journey elsewhere, a single male passenger from Lisbon, Portugal<sup>327</sup>.

EUROPEAN EELS		
WiPS Data		
Total Volume (kg)	No. of Seizures	Country of consignment identified in all cases
341	5	

**Humphead Wrasses**

As noted previously (Section 4.4), seizures relating to Humphead wrasses being imported/exported are conspicuous by their absence, given the known illegal trade in the region.<sup>328</sup>

HUMPHEAD WRASSES		
WiPS Data		
Total Volume (Heads/pcs)	No. of Seizures	Country of consignment unknown
49	22	

Seizures are usually made at local premises after import, because of contraventions in relation to possession licences, rather than from the vessels illegally importing the species.<sup>329</sup> The fish will most likely originate from Indonesia, the Philippines and Malaysia, given the species' range and breeding grounds. The fish are transported via boat and air directly from the source countries. Some of the major Humphead wrasse collection locations are accessible only by boat (the Anambas and Natuna islands of Indonesia, for example).<sup>330</sup> Only Indonesia has an export quota (around 2,000 individuals) in the region and the fish must be exported via air, although there is a recent exemption to allow boat export from Anambas to Natuna.<sup>331,332</sup> It is understood that Humphead wrasse has however been found mixed with non-regulated fish in import containers at the Hong Kong airport<sup>333</sup>.

**4.5.8 Pets, Zoos and Breeding**

WiPS Data

**Turtles and Tortoises**

Where identified the last known country of consignment comprises seven countries, based on just 10 of 39 seizures (Figure 4-24):

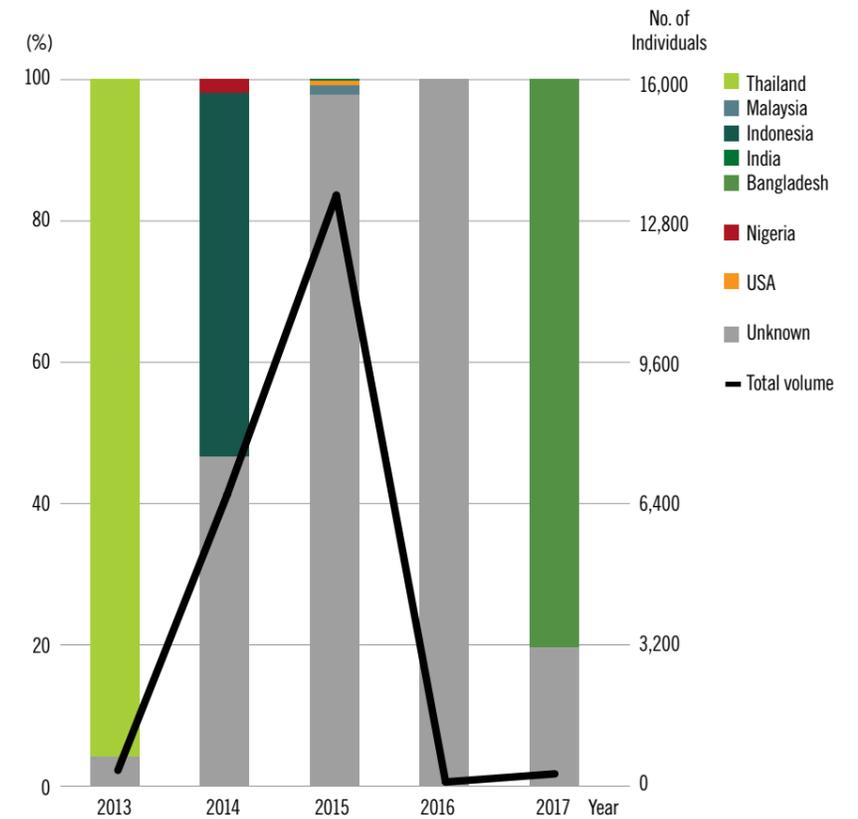
	<b>BANGLADESH</b> <sup>334,335</sup>
	<b>INDIA</b> <sup>336</sup>
	<b>INDONESIA</b> <sup>337,338</sup>
	<b>MALAYSIA</b> <sup>339</sup>
	<b>NIGERIA</b> <sup>340</sup>
	<b>THAILAND</b> <sup>341</sup>
	<b>USA</b> <sup>342</sup>

LIVE TURTLES & TORTOISES		
WiPS Data		
Total Volume (Heads/pcs)	No. of Seizures	Country of consignment identified in 9 cases (23%)
20,637	39	



**FIGURE 4-24 LAST KNOWN COUNTRY OF CONSIGNMENT FOR LIVE TURTLES & TORTOISES (2013-2017)**

Source: WiPS Database (2018)



**Lack of data is a challenge to understanding trade routes of many exotic and endangered species**

To date, the largest seizures have been made from Indonesian consignments, totalling 3,378 turtles in two seizures. In total, the countries of consignment for 4,349 turtles and tortoises was known, but remained unknown for the remaining 30 shipments of 16,288 live turtles and tortoises (representing at least 28 species). This lack of data has thus increased the challenge of understanding the routes by which many exotic and endangered species entered Hong Kong. It is possible that some of these species were bred in captivity, and many are known to be protected by national and international legislation.

**Other Reptiles or Amphibians**

At present, no definitive shipment details have been included in the WiPS database for any live snake, lizard, frog or salamander species seized in Hong Kong between 2013 and 2017.

**Other Mammals**

A Black-eared marmoset, endemic to Brazil<sup>343</sup>, was seized in November 2013, when it was abandoned by its owner in Hong Kong.<sup>344</sup> As an adaptable, hardy and widespread species, it could have been easily poached from its home territory for the pet trade, although it may equally have been born and reared in captivity<sup>345</sup>.

## 4.6 COUNTRIES OF TRANSIT AND DESTINATION

WiPS Database

### OVERVIEW

- The end destination could be determined for approximately 7% of the volume seized (102MT of wildlife products).
- Almost all insights into transit countries is derived from seizures from air passengers, most of whom were smuggling ivory products.
- At least one quarter of ivory products seized had transited through at least one of seven countries before arriving in Hong Kong.
- Nearly one-fifth of ivory seizures were identified to have transited through the United Arab Emirates' airports, predominantly Dubai, before arriving in Hong Kong.

● Records from rhino, European eels and pangolin seizures provided additional, if limited, insights into transit routes, with Middle Eastern nations frequently appearing as transit points.

● The number of endangered species licenses/certificates issued by AFCD increased by 46% from 2009 to 2013, "mainly due to the increase in consignments of endangered species re-exported from Hong Kong.



#### 4.6.1 Overview

Seized wildlife consignments may have been routed directly to Hong Kong, or may have transited through numerous countries before arrival. Hong Kong may be the end destination or another point of transit. Due to the uncertainties and overall lack of data, it is challenging to fully explore the flow of the illegal trade. However, based on a number of assumptions (Appendix C-5), attempts have been made to identify:

- Country(ies) of transit before reaching Hong Kong; and
- End destination.

For certain species, particularly those being seized regularly and/or in large volumes, i.e. ivory and pangolin, the data provide some indication of the transit countries and routes.

### Transit Countries

Overall, only 7% of WiPS seizure volumes (98MT) of wildlife products could be accounted for as having transited through one or more countries on the way to Hong Kong (Figure 4-25).

Over the five year study period, the few insights into transit have come almost exclusively from seizures from air passengers, most in possession of ivory. Approximately one quarter (4.4MT) of ivory products documented in WiPS had transited through at least one of seven countries before arriving in Hong Kong. The majority of the volume (2.3MT) passed through mainland China in cargo containers.

The United Arab Emirates (UAE) was notable in the number of cases, with 19% of seizures in WiPS having been made from passengers who had transited through its airports, predominantly Dubai, before arriving in Hong Kong. Separately, the UAE, notably a country without elephants, was indicated as the country of consignment in four additional ivory seizures in 2013 and 2014.

Limited transit data were also available for rhino horns, live European eels and pangolins. All three were carried by air passengers through the Middle East (Qatar, Turkey and UAE). Rhino had also been smuggled through South Africa and Ethiopia, while pangolin passed through Malaysia and European eels evaded detection in France, the Netherlands and Spain.

The largest shipment seized in Hong Kong after transiting through another country was 92MT of Honduran rosewood smuggled through Mexico en route to Hong Kong.

### Destination Countries

The end destination could only be determined for about 7% of the seizure volume (102MT of wildlife products), with most of this determined to be destined for Hong Kong.

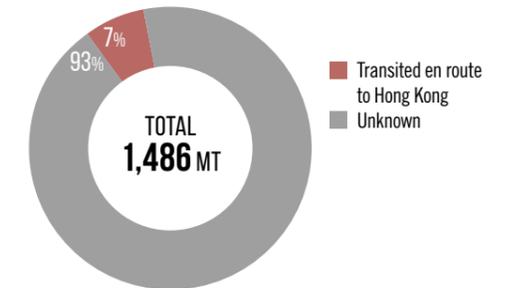
It is unclear whether Hong Kong was the intended end destination or is itself a transit location for 90% (16.7MT) of the ivory seized between 2013 and 2017, for example.

The absence of data relating to transit and destination countries for approximately 90% of the volume seized over the last five years, however, clearly demonstrates the dire need for greater transparency and, where necessary, investigation. Route data, particularly when coupled with information on modes of transport and concealment, can inevitably assist in disrupting trafficking networks.

An additional consideration is the issuance of endangered species licenses/certificates by AFCD. The number of licenses issued increased by 46% from 2009 to 2013, "mainly due to the increase in consignments of endangered species re-exported from Hong Kong," according to AFCD.<sup>346</sup> Given this rise, it is logical to conclude that Hong Kong plays a significant and growing role as a wildlife hub for the wildlife trade.

**FIGURE 4-25**  
TOTAL SEIZURE VOLUME INDICATING SHIPMENTS THAT TRANSITED EN ROUTE TO HONG KONG (2013-2017)

Source: WiPS Database (2018)



## 4.7 SEIZURE CHARACTERISTICS

### OVERVIEW

- Just over one-fifth of seizures in the WiPS Database show that CITES-listed species are mixed with a variety of products.
- Forty-five different types of consumer commodities have been smuggled with CITES-regulated wildlife.
- Seizures comprising both valuable commodities and wildlife products suggest that such trafficking operations are linked to broader illegal cross-border and international trading of commodities.
- 31 seizures comprising multiple CITES species being smuggled together reveal several clear nexuses that are mostly predictable, such as between rhinoceros horns and elephant ivory, given the overlaps in the countries of origin.
- One of the largest mixed seizures comprised thousands of electronic goods stored in containers alongside “200 kilogrammes of endangered species such as ivory, pangolin scale and dried sea horse”, all manifested as a plastic product.

- Ivory has been seized in Hong Kong as it was being trafficked while manifested as at least thirteen different products, chiefly household items or commercial goods.
- Numerous ant smugglers have attempted to smuggle ivory by wearing tailored vests, notably between August 2015 and October 2016.
- The largest ant smuggler operation to date comprised 16 Vietnamese nationals arriving from Angola, carrying 32 suitcases packed with a total of 790kg of ivory tusks.

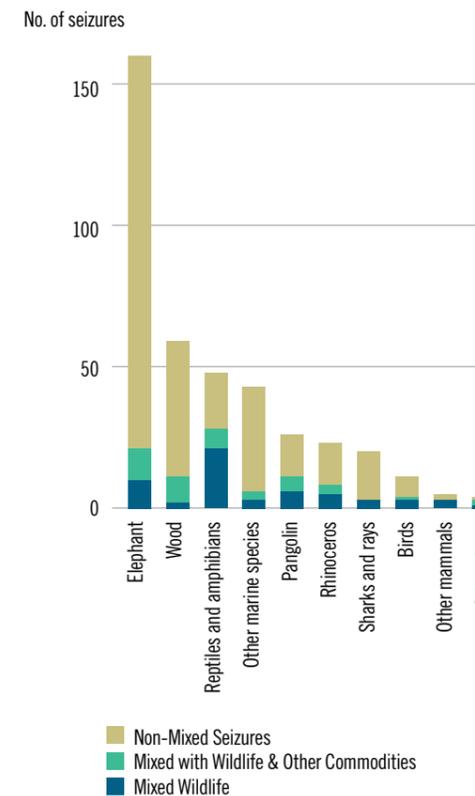


### 4.7.1 Mixed Seizures

Just over one-fifth of seizures (n=78) in the WiPS database reveal a variety of products mixed with illegally imported CITES-listed species (Figure 4-26 & 4-27). Forty-five different types of smuggled consumer commodities, including milk powder<sup>347</sup>, health drinks<sup>348</sup>, computer components<sup>349</sup>, phones<sup>350</sup>, semi-precious gemstones<sup>351</sup> and sports vehicle parts<sup>352</sup>, were discovered alongside rhinoceros horn, elephant ivory, red sandalwood and numerous other CITES-regulated wildlife and their derivatives (Appendix C-6).

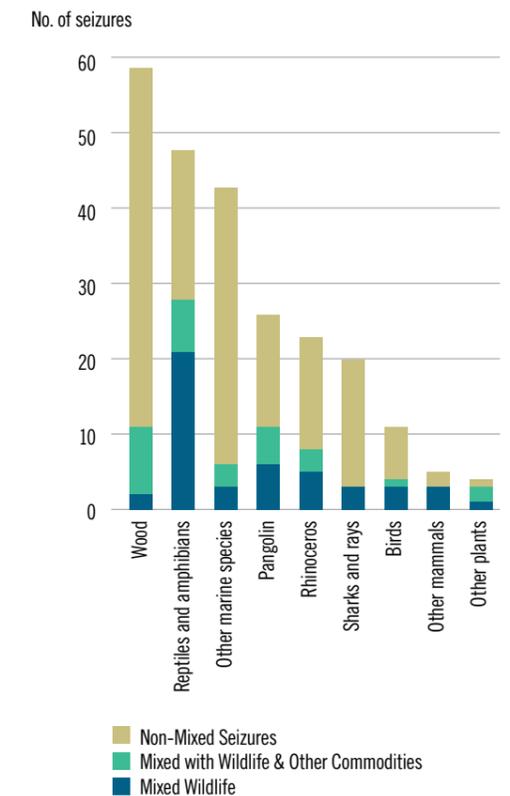
**FIGURE 4-26**  
COMPOSITION OF MIXED SEIZURES IN HONG KONG, ACCORDING TO WIPS CATEGORIES (2013-2017)

Source: WiPS Database (2018)



**FIGURE 4-27**  
COMPOSITION OF MIXED SEIZURES IN HONG KONG, ACCORDING TO WIPS CATEGORIES, EXCLUDING ELEPHANT IVORY (2013-2017)

Source: WiPS Database (2018)



CITES-regulated species are likely to be mixed with other products for the following reasons:

- As a means of concealing the illegal wildlife; or
- As part of mixed commodity smuggling wherein the other products also have intrinsic value on the black or grey market.<sup>353</sup>

Mixed seizures, particularly those comprising valuable non-wildlife commodities being smuggled with wildlife products, suggest that such trafficking operations are linked to broader illegal cross-border and international trading of commodities. These mixed seizures indicate that wildlife consignments are not exclusively coordinated by ‘wildlife traffickers’ or opportunism, but that smuggling syndicates involved in other illicit activities are aware of the value of goods such as pangolin scales (Box 4-3).

Furthermore, seizures of CITES species being trafficked together, in a total of 31 cases, reveal several clear nexuses that are mostly predictable, such as horns from rhinoceroses with ivory from elephants, given the overlaps in the countries of origin. As mentioned in Section 8, the trades in these products have been connected to criminal enterprises. The diversity of wildlife products is also suggestive of transnational organized syndicates (Boxes 4-3 & 4-4).

#### BOX 4-3 MIXED SEIZURES SUGGEST CO-ORDINATED SMUGGLING

##### Mixed Seizures of Mostly Wildlife

Overall, the category reptiles and amphibians (including live, skins and consumables) were found most frequently (28 cases) mixed. Of these the majority (71%) comprised a mixture of multiple species of reptile and amphibian species.

Reptiles were only discovered with non-reptilian species in four instances out of a total of 48 seizures. Nevertheless, at least 14 non-reptilian species were discovered in these consignments (at least four of which were CITES-regulated).

Elephant ivory, rhinoceroses, pangolins and sharks were also frequently discovered as they were trafficked with other wildlife products. Forty-eight percent of mixed ivory seizures comprised ivory being smuggled with other CITES-protected species. Seven other such species were identified in these seizures. For instance, rhinoceros horn was discovered with ivory in five seizures<sup>354</sup>. In most instances, ivory made up the bulk of the consignment’s volume. In 2013, however, small quantities (13-15kg) were discovered alongside shipments of pangolin scales, suggesting that ivory is sometimes smuggled opportunistically.<sup>355,356</sup>

Pangolins and CITES-listed sharks were also found to be smuggled with other wildlife products. Pangolins were seized with at least 10 different species, whilst sharks were typically found in transit with multiple shark species mixed together (e.g. Hammerheads and Oceanic whitetips<sup>357</sup>). In just one instance shark fins were smuggled with another wildlife product; nearly one metric tonne of hammerhead fins were seized from a container along with 438kg of fins from another non-CITES shark species and 27.5kg of unspecified fish maw in March 2017.<sup>358</sup>

##### Mixed Seizures with Wildlife and Other Commodities

Red sandalwood, pangolins and ivory were most frequently mixed with other wildlife and/or non-wildlife commodities. All of the mixed red sandalwood seizures and 45% of mixed pangolin seizures were found to be mixed with consumer goods, largely electronic devices. Ivory was discovered alongside commodities and consumer goods in 11 seizures (52% of mixed seizures).

##### The Nexus Between Pangolins and Electronic Goods

The largest mixed pangolin seizure took place in May 2013, when customs officers of the Syndicate Crimes Investigation Bureau conducted an anti-smuggling operation and discovered 161kg of scales mixed with millions (pcs) of other goods.<sup>359,360</sup> The brands involved were diverse, potentially indicating a well-connected and widely distributed supply chain:

- **Digital cameras:** Canon, Fujifilm, Nikon, Pentax, Samsung, Sony
- **Hard disks:** Hitachi, HGST, Kingston, Western Digital
- **Computer accessories:** HP, Dell, Lexar
- **Assorted branded electronics:** Used tablet computers (including iPads), used phones, batteries, computer monitors, USBs, SD and CF cards

Somewhat uniquely, red sandalwood was smuggled exclusively with non-CITES wildlife species and was found with other commodities and goods in all six confirmed seizures. The wood was discovered mixed with 17,593 pieces of unspecified animal fur, 12,600 pieces of fox fur, deer tails and deer velvet antlers (both typically used in TCM).

#### BOX 4-4 CONSIDERABLE DIVERSITY INDICATES INTERNATIONAL CONNECTIONS

One of the more diverse smuggling operations was exposed by the C&ED and Marine Police in May 2015,<sup>361</sup> where a number of individuals were caught “loading boxes of goods onto a speedboat at Rambler Channel Public Cargo Working Area.” However, all but one perpetrator managed to escape in the speedboat. The smugglers abandoned a number of live animals and wildlife derivatives, as well as a large quantity of electronic goods, including 229 cameras and more than 10,000 mobile phones. In total, the seizure was valued at more than HK\$10 million.

An unknown number of Red-footed tortoises (*Chelonoidis carbonaria*), which are native to northern South America<sup>362</sup>, and ‘Vulnerable’ African spurred tortoises (*Centrochelys sulcata*), endemic to northern Africa<sup>363</sup>, were seized alongside unspecified species of live lizards and spiders. Around 173kg of pangolin scales from unknown species and over 30 Helmeted hornbill casques/beaks<sup>364</sup> were also discovered. The diversity of wildlife represented by this seizure suggests an operation with considerable international connections.

#### 4.7.2 Methods of Concealment

As above, products being smuggled with wildlife are not exclusively destined to be traded in parallel grey or black markets. In multiple instances, the accompanying goods have limited value and appear to have been chosen for their ability to conceal the wildlife products. These include (but are not limited to):

- **May 2017:** 2.5kg of rhinoceros horns (2 pcs) discovered buried in cashew nuts in express parcels arriving from Mozambique.<sup>365</sup>
- **July 2016:** 7.3MT of pangolin scales arriving from Nigeria concealed under ‘recycled plastic particles’ in a 40-ft container.<sup>366</sup>
- **September-November 2013:** Over 1MT of ivory found distributed across four containers transporting soya from Cote d’Ivoire.<sup>367,368,369</sup>

Ivory alone has been seized in Hong Kong as it was smuggled under the guise of at least thirteen different products, chiefly household items (‘Architectural stones’<sup>370</sup>, ‘Assorted handcraft’<sup>371</sup>, ‘Curios and artifact’<sup>372</sup>, ‘Decorative tiles’<sup>373,374</sup>, ‘Toys’<sup>375</sup>), foodstuff (‘Frozen fish’<sup>376</sup>, ‘Pet food’<sup>377</sup>) or commercial goods (‘Assorted goods’<sup>378</sup>, ‘Plank’<sup>379</sup>, ‘Red cam process wood’<sup>380</sup>, ‘Spare parts’<sup>381</sup>, ‘Polyethylene balls’<sup>382</sup>).

X-ray examinations, risk assessments and routine checks by C&ED officers have been key to identifying such illicit wildlife consignments. In one of the largest mixed seizures of wildlife products mixed with electronic goods, three 40-ft containers on board a river trade vessel were manifested as holding “polyethylene balls” (plastic). C&ED found “4,200 cameras and lens, 6,200 tablet computers, 42,000 computer hard disks, 165,000 liquid crystal display panels, 7,800 computer mother boards, 900,000 integrated circuits and 200 kilogrammes of endangered species like ivory, pangolin scale and dried sea horse”.<sup>383</sup> The products, valued at HK\$60 million, were “camouflaged” under 180 bags of plastic balls. Around 90% of the containers were filled with unmanifested goods.<sup>384</sup>

One of the more sophisticated smuggling operations saw 6.4MT of red sandalwood hidden inside a distillation kettle<sup>385</sup>, a large metal appliance often used in alcohol production, inside a container inbound from Malaysia.

Ant smugglers, i.e. multiple individuals each carrying small quantities of wildlife contraband, have been among the least sophisticated, typically neglecting to conceal the product, to the extent that they are often found with substantial quantities of ivory on their person and raw tusks or rhino horns in their baggage. All of which are relatively easily discovered through body searches and routine baggage x-rays. Notably many of the jackets used have been of identical design and made of the same materials, indicating some level of organization.<sup>386</sup> Examples of ant smugglers include:

- Around fourteen individuals discovered wearing or hiding tailor-made vests carrying 13-30 kg of ivory<sup>387,388</sup> between August 2015<sup>389</sup> and October 2016<sup>390</sup> (Figure 4-28). Of these, nine arrived on flights originating in Harare, Zimbabwe. Four others arrived from Abuja, Nigeria, and one from Cote d'Ivoire.
- Eleven individuals between February 2014<sup>391</sup> and August 2017<sup>392</sup> (predominantly men aged between 21<sup>393</sup> and 56<sup>394</sup> years old) attempted to hide large segments of rhinoceros horn inside their baggage. Concealment methods largely comprised cutting the horns once or twice<sup>395</sup>, wrapping them in tape<sup>396</sup> and/or attempting to hide them within the box of a legal product, i.e. whisky<sup>397</sup>, chocolate<sup>398</sup>. Some horns have also been wrapped with aluminium sheets<sup>399</sup>, reportedly a method used to disrupt x-ray examinations<sup>400</sup>.
- The largest ant smuggler seizure to date, involving 16 Vietnamese individuals, found 790kg of ivory tusks, which had simply been cut to fit the baggage, being smuggled in 32 suitcases (Figure 4-28) – see also Box 8-4.<sup>401</sup>

**FIGURE 4-28 PHOTOGRAPHS OF SEIZURES MADE FROM AIR PASSENGERS TRAFFICKING IVORY INSIDE (A) TAILORED VESTS (15KG); (B) SUITCASES (790 KG)**

Source: C&ED (2014) and SCMP (2015)



## 4.8 EXPLOITING HONG KONG'S BORDERS

WiPS Database

### OVERVIEW

From 2013 to 2017, wildlife products have been seized across 13 formal “control points”, including the airport terminals, container terminals, ports, border crossings and airmail centres.

182 air passengers were apprehended as they smuggled CITES-regulated wildlife into Hong Kong’s airport passenger terminal. Of these, 81% were trafficking ivory, carrying a total of 3.4MT, equating to approximately 490 elephants’ tusks.

Seizures of pangolin products, predominantly scales, from containers were almost exclusively discovered in batches exceeding 2MT.

A further seven containers were seized from river trading vessels. These contained 17.8MT of red sandalwood, 1MT of pangolin and small quantities of mixed ivory, pangolin and seahorses.

Approximately 6.6MT of wildlife derivatives and 3,113 live animals were sent via 54 parcels and 17 air cargo consignments.

Ivory was confiscated from at least 39 parcels between 2015 and 2017, making it the wildlife product most frequently seized from air mail.

Seizures have been made at over 58 informal sites. Over 95% of these seizures occurred either at sea, directly on the shoreline or only a few hundred metres inland.

31 small vessels (i.e. speedboats, open cruisers, sampans) and 22 private vehicles (i.e. cars, light goods vehicles/vans) were seized or observed as they engaged in cross-border smuggling of CITES-regulated wildlife products.

At least 29 seizures have been made from retailers and storage facilities, predominantly of Humphead wrasse.

46% of agarwood seizures were made through police stop-and-searches that led to the discovery of 132kg, valued at HK\$12.5 million.

The modes of transport used to import at least 45 seized consignments remain unknown.

The details relating to transportation in half of the WiPS-documented reptile seizures and the majority of bird seizures remain unclear.



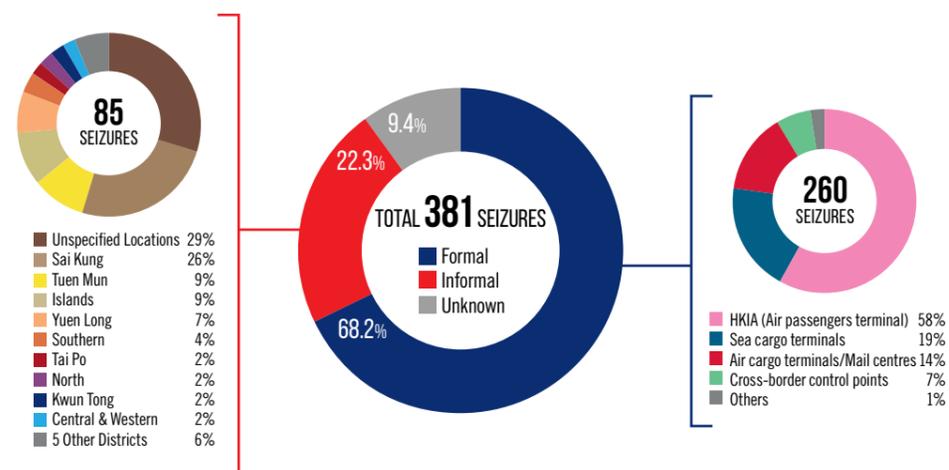
### 4.8.1 Seizures at Formal and Informal Control Points

According to the WiPS database, wildlife seizures have been made at 13 formal “control points”<sup>402</sup> comprising airport terminals, container terminals, ports, border crossings and airmail centres<sup>403</sup>, one other official location (Sheung Shui Post Office) and at well over 58 informal sites.

As might be expected, most seizures were made at the formalised entry or exit points, where customs officers and other law enforcement agents are concentrated (Figure 4-29).

**FIGURE 4-29 LOCATIONS OF CITES-REGULATED WILDLIFE PRODUCT SEIZURES (2013-2017)**

Source: WiPS Database (2018)



Note: Within the WiPS Database, there were two instances over the last five years in which two seizure locations were linked to a single case, therefore seizures by location amount to 381 not 379.

Seizures at informal sites were almost exclusively across the New Territories (Figure 4-29 & 4-30), concentrated in Sai Kung, the outlying Islands, Yuen Long and Tuen Mun. Only two seizure sites<sup>404</sup> were identified to have been used repeatedly by smugglers, illustrating the pervasiveness and wide geographical distribution of wildlife trafficking in Hong Kong.

These seizures have predominantly been outbound consignments aboard cross-border vessels, private vehicles or trucks, suggesting that Hong Kong is a convenient staging post, where syndicates can collate and store various products, before sending goods onwards, often to China.

It is evident that wildlife trafficking syndicates are continually seeking to exploit Hong Kong’s extensive 733km of coastline, with over 95% of seizures at informal sites occurring either at sea, directly on the shoreline or a few hundred metres inland.

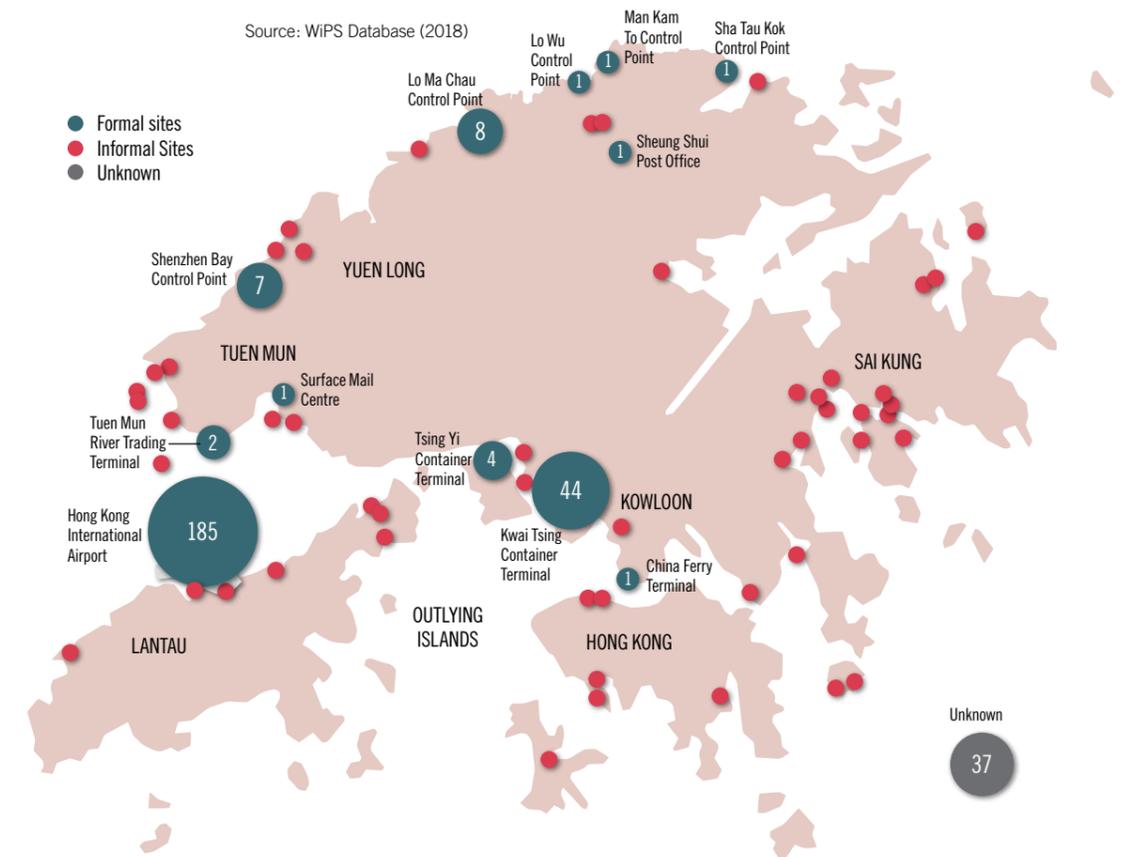
It should be noted that the modes of transport for at least 45 seized consignments remain unknown, with the resolution of data on reptiles and birds being particularly poor. The details relating to half of the WiPS-documented reptile seizures and all but one bird seizure remain unclear.

With the exception of wood logs by weight, wildlife products were predominantly seized from shipping containers (Figure 4-31). Sea vessels were the predominant mode for wood logs, dominated by an exceptionally large shipment of rosewood.

**Wildlife trafficking syndicates are continually seeking to exploit Hong Kong’s extensive 733km of coastline**

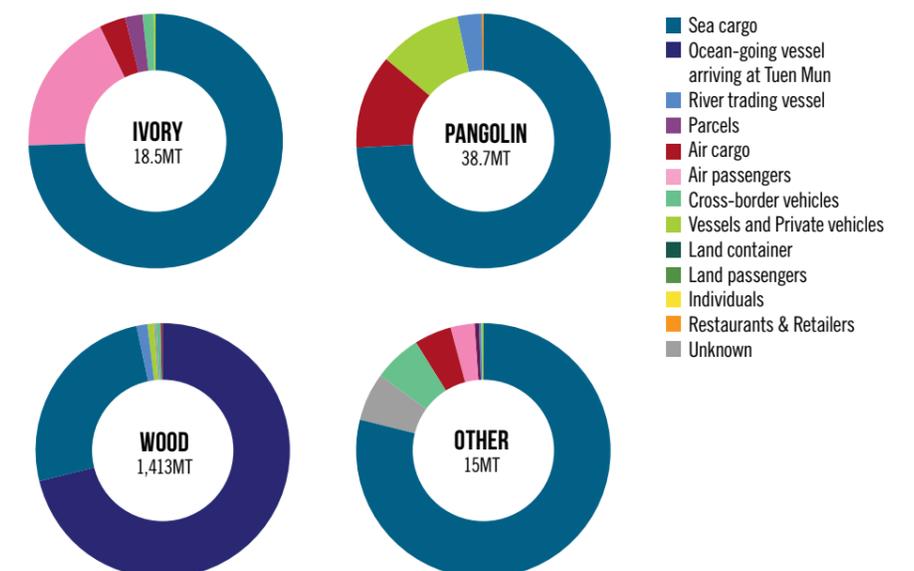
**FIGURE 4-30 LOCATIONS OF SEIZURES ACROSS HONG KONG, WITH FORMAL CONTROL POINTS AND INFORMAL SITES INDICATED (2013-2017)**

Source: WiPS Database (2018)



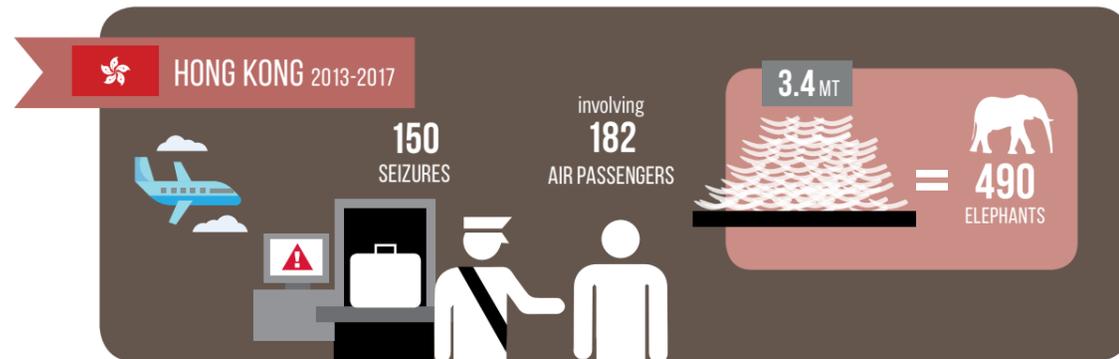
**FIGURE 4-31 TOTAL VOLUME OF WILDLIFE PRODUCTS BY MODE (2013-2017)**

Source: WiPS Database (2018)



### 4.8.2 Air Passengers (Ant Smugglers)

The 150 seizures made at the passenger terminal of the Hong Kong International Airport (Chek Lap Kok) involved 182 air passengers, who were apprehended as they attempted to smuggle CITES-regulated wildlife into Hong Kong. Of these, the vast majority (81%) were trafficking ivory. These so-called 'ant smugglers' carried a total of 3.4MT of ivory, equivalent to the tusks of approximately 490 elephants<sup>405</sup>, from 2013-2017.



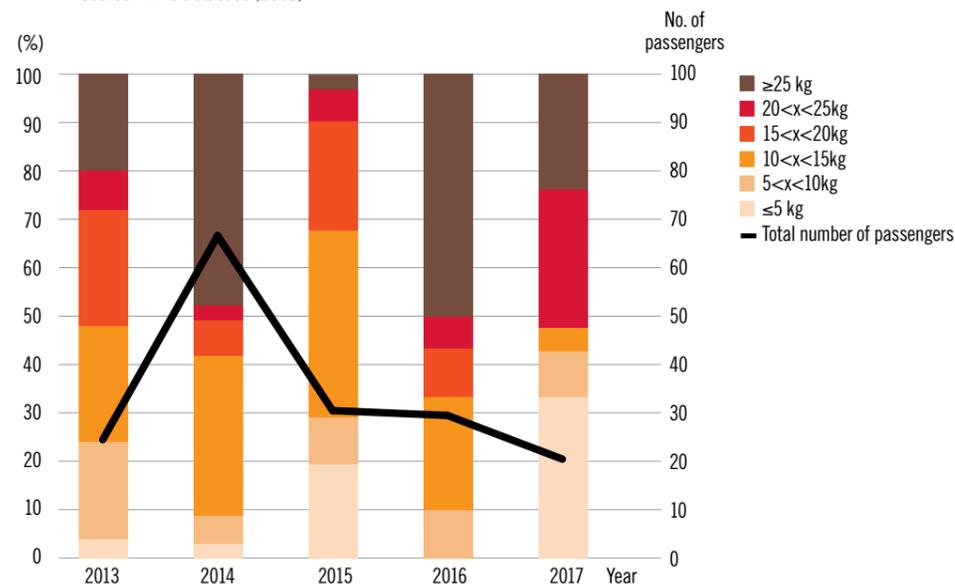
From 2013-2017 the majority (81%) of apprehended passengers were carrying over 10kg each (Figure 4-32). In 2017, however, 11 air passengers were apprehended while carrying more than 20kg each, with a notable case wherein a single passenger carried as much as 62kg of ivory inside computer tower cases<sup>406</sup> (Figure 4-33).

After a peak in 2014, when 67 passengers were apprehended smuggling a combined total of 1.8MT of ivory, progressively fewer seizures have been made from ivory ant smugglers. This may suggest that:

- i) Ivory traffickers may be sending fewer shipments by air passengers;
- ii) Fewer air passengers may be carrying larger volumes; and/or
- iii) Ivory traffickers may have refined their methods of concealment.

**FIGURE 4-32 ANNUAL FREQUENCY OF IVORY SEIZURES FROM AIR PASSENGERS, ACCORDING TO MEAN WEIGHT PER PASSENGER (2013-2017)**

Source: WiPS Database (2018)



Rhinoceros horns were the second most frequently seized wildlife product from air passengers. From 2014 to 2017, 14 ant smugglers attempted to smuggle a total of 61kg into Hong Kong. Nine individuals attempted to smuggle 39kg of rhinoceros horns in 2017 alone.

Six unclaimed bags were also recovered at the airport, containing a total of 104kg of ivory products and 46kg of Smooth hammerhead shark fin, valued in excess of HK\$1.4 million.

In 2017, Hong Kong International Airport had a passenger throughput of 72.9 million, revealing the challenge for enforcement agencies seeking to apprehend ant smugglers and seize contraband.<sup>407</sup>

**FIGURE 4-33 PHOTOGRAPHS OF SEIZURES FROM AIR PASSENGERS TRAFFICKING IVORY INSIDE (A) TAILORED VESTS (25KG); (B) COMPUTER TOWER CASES (62KG)**

Source: C&ED (2017)<sup>408</sup> and SCMP (2017)<sup>409</sup>



**50 seizures were identified amounting to 59 containers holding 415MT of wildlife products**

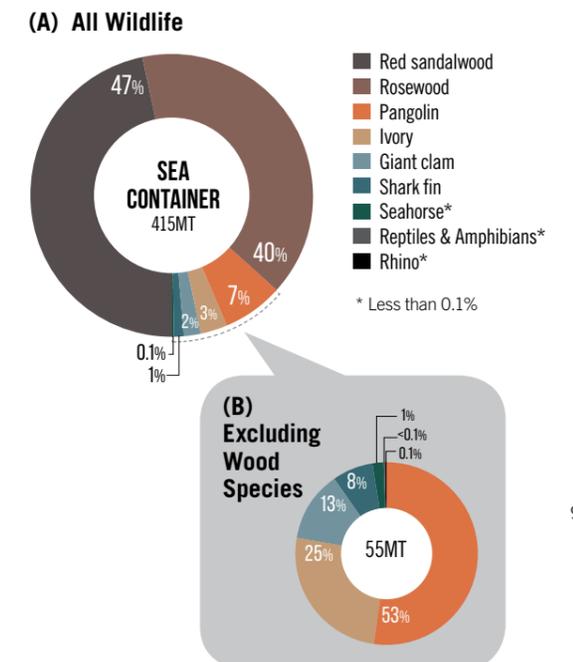
### 4.8.3 Sea Cargo Containers

Between 2013 and 2017, WiPS documented 50 seizures, amounting to approximately 59 containers holding 415MT of wildlife products (Figure 4-34). Wood species, unsurprisingly, made up the bulk of these container shipments by volume (87%) and incidence (33%). Of the remaining products, pangolin dominated by volume with 29MT (exclusively scales) being seized – more than twice the volume of ivory. However, shark fins were seized more frequently, being confiscated from 11 containers from 2015 through 2017.

Pangolin shipments seized from containers were largely (88%) in batches in excess of 2MT. Red sandalwood seizures were markedly larger, with more than 10MT being discovered in 67% of seizures. Ultimately, rosewood was seized in the greatest volumes, with just seven containers yielding 166MT of logs in two cases.

**FIGURE 4-34 SEIZURES OF WILDLIFE PRODUCTS FROM SEA CARGO CONTAINERS BY WEIGHT (2013-2017)**

Source: WiPS Database (2018)

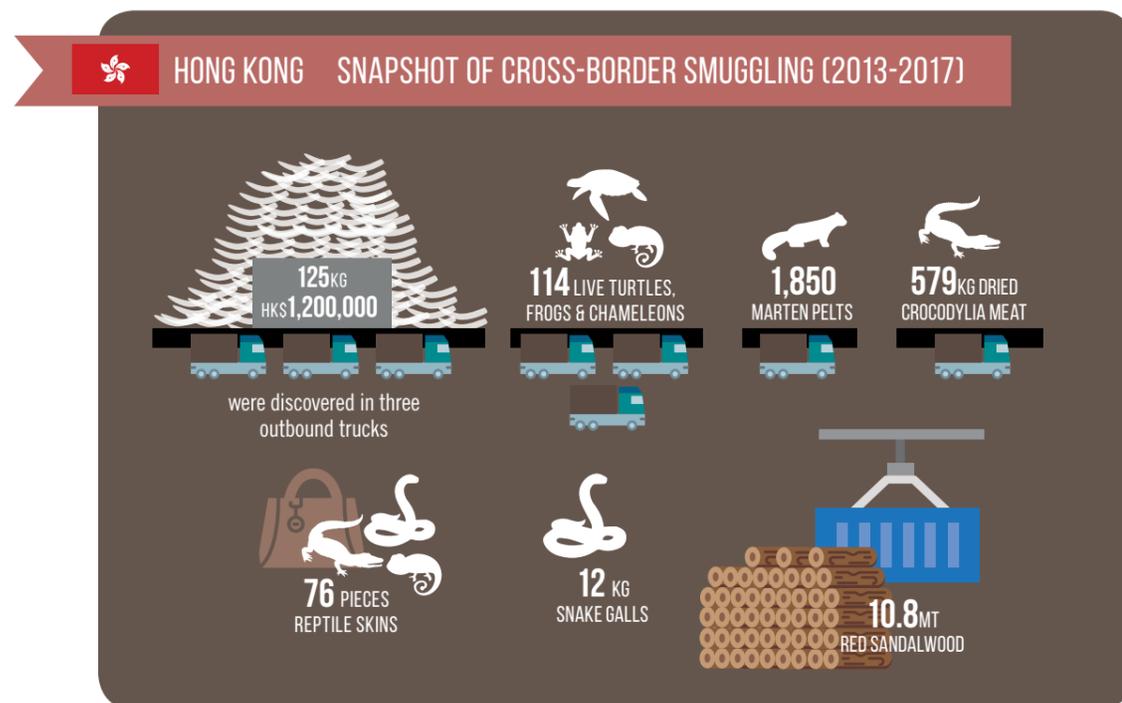


Hong Kong's container terminals are the fifth largest in terms of throughput globally<sup>410</sup>, processing the equivalent<sup>411</sup> of approximately 20 million containers (TEUs) per year<sup>412</sup>. The volume of seized products is thus likely to be the tip of the iceberg regarding the true volume of trafficked wildlife.

#### 4.8.4 Cross-border via Land Vehicles and Foot Passengers

Over the study period, seizures were made from at least 11 trucks and four cars attempting to smuggle across the border. However, given that there were on average approximately 44,000 daily vehicle crossings at Hong Kong's land borders with mainland China in 2017<sup>413</sup>, it is suspected that considerably more cross-border vehicles are smuggling wildlife products and evading detection.

In addition, there were at least six cases wherein foot passengers trafficked CITES-regulated species: three male passengers carrying a total of 8kg of agarwood valued at approximately HK\$680,000, another male carrying 1kg of seahorses valued at HK\$10,000, a male transporting 10 Silver-eared mesias and an individual carrying 1.2kg of ivory. Like vehicle crossings, the scale is enormous, with nearly 222 million border crossings by foot passengers in 2017 alone<sup>414</sup>. For this reason, it seems likely that a far greater number of individuals are engaged in cross-border smuggling than seizure data currently show.

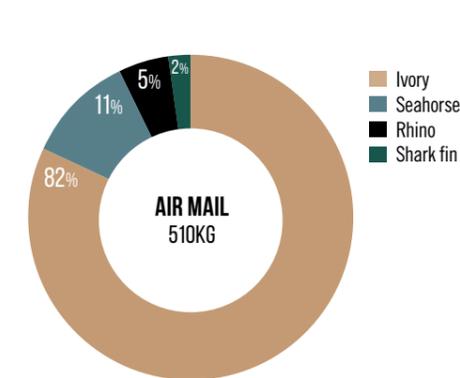


#### 4.8.5 Air Mail and Air Cargo<sup>415</sup>

The 39 seizures of air mail and air cargo consisted of 6.6MT of wildlife derivatives and 3,113 live animals sent via 54 parcels (Figure 4-35) and 17 air cargo consignments (Figure 4-36). However, the volumes varied considerably; from a parcel of three dried totoaba maws weighing 0.64kg, to a consignment of 4,633kg of frozen pangolin carcasses.

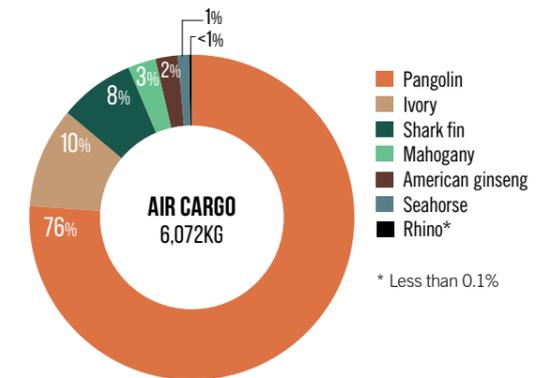
**FIGURE 4-35 SEIZURES OF WILDLIFE PRODUCTS FROM AIR MAIL BY WEIGHT (2013-2017)**

Source: WiPS Database (2018)



**FIGURE 4-36 SEIZURES OF WILDLIFE PRODUCTS FROM AIR CARGO CONSIGNMENTS BY WEIGHT (2013-2017)**

Source: WiPS Database (2018)



Ivory was the most frequently seized product sent by air mail, being confiscated from at least 35 parcels between 2015 and 2017. In 2015 alone, 347kg of ivory was confiscated from 28 parcels. The majority were seized by AFCD and C&ED officers, aided by Quarantine Detector Dogs, identifying and seizing 25 parcels arriving from Nigeria over a ten day period in February 2015.

Rhinoceros horns were the second most seized wildlife product, with a total of eight parcels containing 26kg being seized from 2015 to 2017. All arrived directly from southern African nations (i.e. Mozambique, Namibia, South Africa).

In 2014-15 alone, Hong Kong Post reportedly handled around 1.2 million parcels and over one billion letters.<sup>416</sup> The HKIA had a throughput for over 5 million tonnes of air cargo and airmail in 2017.<sup>417</sup>

Notably, Li Zhifei, a leader of one of the most extensive criminal smuggling syndicates arrested as a result of Operation Crash in 2019 (Section 8.2), was known to mail wildlife goods including rhino horn and elephant ivory to individuals in Hong Kong to be smuggled across the border into mainland China.

#### 4.8.6 River Trading Vessels

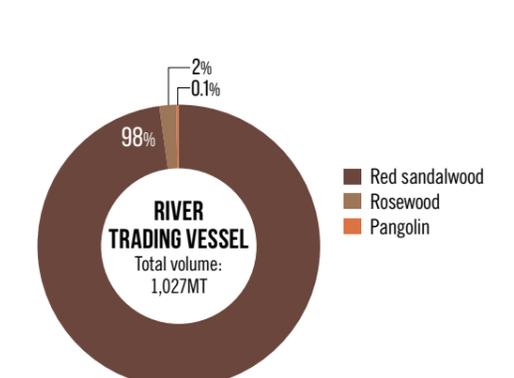
Formal & Informal

Seven containers were seized from river trading vessels. These comprised 1MT of pangolin products, 17.8MT of red sandalwood and a container holding 204kg of mixed ivory, pangolin scales and seahorses (Figure 4-37). The largest seizure on record, the 1,008MT of Malagasy rosewood, was located in the hold of an ocean-going cargo vessel, that was seized at the Tuen Mun River Trading Terminal.

In 2017 alone, 104,656MT of river cargo flowed through Hong Kong's terminals, a 13% increase on the previous year.<sup>418</sup> With such a high volume of river trade, the risk of detection is likely low; particularly of species that are not easily differentiated from high volume legal products (i.e. timber and shark fin).

**FIGURE 4-37 SEIZURES OF WILDLIFE PRODUCTS FROM CONTAINERS ON RIVER TRADING VESSELS BY WEIGHT (2013-2017)**

Source: WiPS Database (2018)



#### 4.8.7 Cross-border Smuggling via Speedboat

Since 2013, 31 small vessels (i.e. speedboats, open cruisers, sampans) have been seized or observed as they attempted to engage in cross-border smuggling of CITES-regulated wildlife products (Figure 4-38). In a third of cases, enforcement officers witnessed numerous individuals in the act of loading speedboats from land vehicles. At least 22 private vehicles (i.e. cars, light goods vehicles/vans) were seized as wildlife products and other goods (Section 8.5) were mostly loaded onto small vessels, amounting to 16.3MT. Red sandalwood has most frequently been trafficked by this means, and in large volumes. According to WiPS data, at least 16 vessels and 10 private vehicles were deployed in 18 smuggling attempts from 2013 to 2017, during which approximately 11MT were seized.

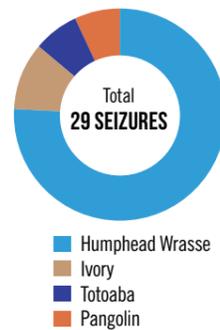
Approximately 3MT of frozen pangolin carcasses and 1.1MT of pangolin scales were seized as nine private cars and goods vehicles were discovered, along with eleven vessels, engaging in such cross-border smuggling.

The discovery of pangolin and red sandalwood in large volumes in both river trading vessels and cross-border speedboat smuggling suggests a strong demand for the two products in mainland China.

#### 4.8.8 Premises: Seizures from Shops, Storage etc.

There have been at least 29 seizures from retailers and storage facilities, predominantly of Humphead wrasse. The locations of the premises are known in just 17% of retail seizure cases:

- **August 2016:** ivory chopsticks were seized from a shop in Sheung Wan.<sup>419</sup>
- **November 2015:** 14 totoaba fish maws were seized in two cases from two different dried seafood shops on Des Voeux Road West in Sheung Wan.<sup>420</sup>
- **April 2013:** 20kg of pangolin scale powder were seized from a storage facility in Tsuen Wan.<sup>421</sup>
- **January 2013:** 7kg of pangolin scales were seized from a storage facility in Sheung Shui.<sup>422</sup>



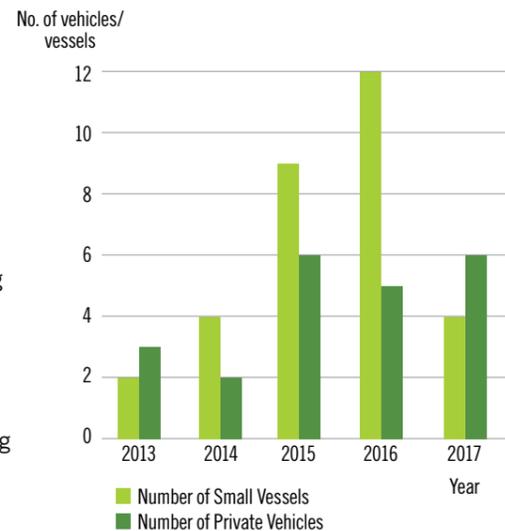
#### 4.8.9 Other Locations and Modes of Transport

Informal

According to WiPS data, agarwood was seized in 54% of cases through police stop-and-searches and operations that discovered 132kg, valued at HK\$12.5 million, in 17 individuals' backpacks (2013 and 2014). Such stop-and-searches reportedly uncovered between 0.01-12.2kg<sup>423,424</sup> carried by offenders in backpacks whereas the largest seizure, of 597kg in April 2014, was loaded onto a fishing vessel with health drinks destined for China<sup>425</sup>.

**FIGURE 4-38**  
**FREQUENCY OF SEIZURES FROM SMALL VESSELS AND PRIVATE VEHICLES (2013-2017)**

Source: WiPS Database (2018)



**Already a major regional trade hub, Hong Kong's throughput is set to increase significantly**

It is also worth noting that, despite clear evidence that illegal Humphead wrasse consignments are arriving in Hong Kong aboard vessels with fish from Indonesia<sup>426</sup>, not one seizure of the species has been made from a vessel.<sup>427</sup> Loopholes in vessel monitoring have made illegal seafood trading, including CITES-listed Humphead wrasse and shark fin, relatively easy.

#### 4.8.10 New and Emerging Transport Routes

Already a major regional trade hub, Hong Kong's throughput is set to increase with the expansion of local infrastructure, particularly the opening of the new Hong Kong-Zhuhai-Macao Bridge (HZMB). At present 13,000 Hong Kong-licensed cross-border goods vehicles are permitted to utilise existing crossings.<sup>428</sup> With the expansion, four new vehicle border crossing points will connect Hong Kong to mainland China, and an additional 10,000 licences will reportedly be issued for private car owners.<sup>429</sup> Further, an additional 300 cross-boundary coaches will be permitted to make a single round trip each day.<sup>430</sup> By 2035, the traffic flow across the HZMB is projected to climb to anywhere from 35,900 to 49,200 vehicles per day.<sup>431</sup>

The expansion of the HKIA to have a 'Three-Runway System' (3RS) will also have significant effects on local trade and passenger traffic. The government itself described the project as "almost as big as building a new airport next to the existing one"<sup>432</sup> and it is expected that the 3RS will allow for a significant increase in annual handling capacity of cargo and passengers by 2030 (Appendix C-7).<sup>433</sup> It is therefore reasonable to assume that, there may be a concurrent rise in the number of wildlife trafficking attempts.

Though smaller, the Express Rail Link (XRL) will also increase the number of foot passengers arriving in Hong Kong. Providing a direct link between Hong Kong and 25,000km of national high-speed rail network in mainland China, the MTR expects 109,200 passengers to travel daily between Kowloon and the cities of Shenzhen, Guangzhou and Humen in the first year<sup>434</sup>.

At the broadest scale, as China expands its 'Belt and Road Initiative' (BRI), Hong Kong is seeking to grow all facets of business and trade. Facilitated by the expanded infrastructure, an even greater volume of cargo, consignments, passengers, etc. will pass through the city daily. As Hong Kong leverages its position as a "super-connector of trade and investment"<sup>435</sup>, its strategic position will mean that the city will continue to play a significant role in the wildlife trade, but the task of detecting it will likely become even harder.

### 4.9 WIPS SEIZURES CONTINUING IN 2018

#### Introduction

Seizures of trafficked and illegally possessed and traded wildlife in Hong Kong have continued at pace into 2018. Cases include:-

**January 4** – A male air passenger was arrested as he arrived at HKIA from Mozambique, having transferred through Addis Ababa, Ethiopia, carrying 2kg of cut rhino horns pieces.<sup>436</sup> These were painted in red and black and concealed in the inner lining and pockets of his jacket and socks.

**January 5** – 1.8MT of pangolin scales, valued at HK\$2.8 million (US\$358,900), were seized from a container as it arrived at the Kwai Chung Customhouse Cargo Examination Compound from Nigeria.<sup>437</sup> It was declared as containing 'plastic materials'.

TOTAL VOLUME (MT)	NO. OF SEIZURES	TOTAL VALUE (HK\$ MILLION)
Jan – Jul 2018 WiPS Data		
101 20 cases	121	45.6 115 cases
Jan – Aug 2018 C&ED Data		
174	522	58

**January 16** – 29.23MT of Honduras rosewood, valued at HK\$2.9 million (US\$371,800), were seized from a container as it arrived at the Kwai Chung Customhouse Cargo Examination Compound from Guatemala.<sup>438</sup> A 35-year-old woman suspected to be connected to the case was arrested.

**January 23** – Two men, were arrested for possession of 1,000 wild animals, mostly endangered species, which were housed in a village house and shed near Yuen Long in the New Territories.<sup>439</sup> The species included Giant salamanders, leopard cats, civet cats, foxes, otters, eagles, owls, more than 70 snakes, turtles, fish, a peacock and different various rodents. The exact species and numbers remain unclear. However, at least 26 were CITES-regulated species, including at least one ‘Endangered’ Jullien’s golden carp (*Probarbus jullieni*)<sup>440</sup>, an Appendix I species.

**February 1-19** – Over the Lunar New Year period in 2018, the C&ED conducted a 19-day operation targeting cross-border smuggling activities.<sup>441</sup> They made 98 seizures of endangered species, including rosewood species, orchids, ivory and shark fins, valued at HK\$6.2 million (US\$794,870) in total. However, the details relating to these cases are unknown.

**February 6** – Two male Chinese nationals<sup>442</sup>, aged 32 and 30, were arrested as they arrived at HKIA from Mexico, having transferred through Seoul, South Korea.<sup>443</sup> Together, they smuggled 28kg of totoaba fish maws valued at HK\$4.5 million (US\$576,900) in their check-in baggage, the largest known local seizure of the species since 2013.

**February 8** – 26.1MT of rosewood (most likely Siamese), valued at HK\$3.6 million (US\$461,540), were seized from two containers arriving at the Kwai Chung Customhouse Cargo Examination Compound from Thailand.<sup>444</sup>

**February 10** – Two male passengers, aged 26 and 42 years old, were arrested as they arrived at HKIA from Johannesburg, South Africa, having transferred through Doha, Qatar.<sup>445</sup> They were smuggling a total of 12kg of rhinoceros horns that they had attempted to conceal in aluminium foil and a paper box.

**February 11** – A 25-year-old female Chinese national<sup>446</sup> was arrested as she arrived at HKIA from Madrid, Spain. She had 1.4kg of rhinoceros’ horn in her luggage.<sup>447</sup> The horns had been carved into Buddha-like statues and were found within an electric kettle inside her check-in baggage.

**March 3** – 151kg of red sandalwood was discovered in a 7-seater private car before it could be loaded onto a speedboat at Sham Wat Pier, Lantau Island.<sup>448</sup> Several people were about to load the small vessel with the red sandalwood, along with over 2,100 mobile phones, 120 tablets, 168 cameras, 176 pieces of camera accessories. Customs officers and Marine Police conducting an anti-smuggling operation intervened, however, all suspects successfully evaded the authorities, leaving the goods at the site. The total seizure was valued at HK\$5.1 million (US\$653,850).

**March 7** – 2.87MT of pangolin scales, valued at HK\$3.3 million (US\$423,100), were seized at Tsing Yi Cargo Examination Compound from a 40-ft container arriving from Nigeria.<sup>449</sup> The container was declared as containing ‘metal scraps’.

**April 6** – A 27-year-old passenger was arrested at the Lok Ma Chau Spur Line Control Point while attempting to depart for mainland China.<sup>450</sup> He/she was smuggling two ‘Critically Endangered’ adult Madagascan big-headed turtles<sup>451</sup> (*Erymnochelys madagascariensis*)<sup>452</sup>, (a CITES Appendix II species), wrapped in plastic tape inside the individual’s luggage.<sup>453</sup> Juveniles of the species are valued online in excess of HK\$6,200 (US\$795) per turtle.<sup>454</sup> Notably, the government valued the adult breeding-aged pair at considerably less, i.e. HK\$1,000 (US\$128).<sup>455</sup>

**April 17** – A 19-year-old man was arrested at the Shenzhen Bay Control Point as he attempted to enter Hong Kong from mainland China<sup>456</sup> while smuggling 150 live turtles in his luggage, valued at HK\$30,000 (US\$3,850) in total. The seizure included ‘Vulnerable’ Yellow-spotted river turtles and suspected ‘Critically Endangered’ Annam pond turtles<sup>457</sup> (*Mauremys annamensis*)<sup>458</sup>, both regulated under CITES Appendix II. Yellow-spotted river turtles can sell online for HK\$1,520 (US\$195) each<sup>459</sup>, and hatchling Annam pond turtles are valued at HK\$7,760 (US\$995) per turtle<sup>460</sup>.

**April 19** – 23.8MT of Honduran rosewood, valued at HK\$2.4 million (US\$307,690), were seized from a container arriving at the Kwai Chung Customhouse Cargo Examination Compound from Honduras.<sup>461</sup>

**April 25** – 154kg of pangolin scales, 52kg of agarwood and 29kg of dried seahorses, valued at HK\$600,000 (US\$76,920), were seized from a truck arriving at Lok Ma Chau Control Point from mainland China.<sup>462</sup> It was reportedly importing ‘assorted goods’.

**April 25** – 9.8kg of worked ivory was seized from a speedboat near Sha Lo Wan Pier, Lantau Island.<sup>463</sup> It was being smuggled along with 429,120 millilitres of assorted cough syrups.

**April 2018 (Dates Unconfirmed)** – As of the end of April 2018, at least 93kg of shark fins from CITES-regulated species had been seized in Hong Kong.<sup>464</sup> The consignments arrived from Pakistan, Peru and Sri Lanka and were suspected to comprise fins from Basking shark and various Hammerhead species.

**May 15** – 633kg of pangolin scales and 2.6MT of mercury, valued at HK\$1.4 million (US\$179,490), were seized at Tsing Yi Cargo Examination Compound from a 40-ft container arriving from Indonesia.<sup>465</sup> The shipment was declared as containing ‘plastic scraps’.

**June 4** – 140kg of dried seahorses and 220kg of dried shark fins, valued at HK\$420,000 (US\$53,850), were seized at Kwai Chung Customhouse Cargo Examination Compound from a 20-ft container arriving from Indonesia.<sup>466</sup> The directors of a dried seafood shop in Sheung Wan, a 64-year-old male director and a 63-year-old female, were arrested on suspicion of being involved in the case.

**June 5** – 5.7MT of red sandalwood, valued at HK\$6.9 million (US\$884,615), were seized from a container arriving at the Kwai Chung Customhouse Cargo Examination Compound from Malaysia.<sup>467</sup> The red sandalwood had been concealed inside hollowed-out gypsum boards.

**June 6** – A 40-year-old male Chinese national was arrested as he arrived at HKIA from Johannesburg, South Africa.<sup>468</sup> He had 5.9kg of rhinoceros’ horn and 410 grams of worked elephant ivory in his luggage, valued at HK\$1.2 million (US\$153,850). The horns had been concealed inside three food packaging boxes in his check-in baggage.

**June 7** – A 25-year-old male was arrested as he departed from Hong Kong at the Shenzhen Bay Control Point.<sup>469</sup> He had 1.57kg of agarwood in his backpack, valued at HK\$125,600 (US\$16,100).

**June 17** – A 21-year-old male Chinese national was arrested as he arrived at HKIA from Mozambique.<sup>470</sup> He had 3.1kg of cut rhinoceros’ horn pieces in his luggage, valued at HK\$620,000 (US\$79,490). The horns had been concealed inside a black plastic bag in his check-in baggage.

**July 20** – 7.1MT of pangolin scales were seized by customs officers from a 40-foot container at Tsing Yi Cargo Examination Compound. Declared as plastic materials, the seized pangolin scales are estimated to have a market value of about HK\$3.55 million.<sup>471</sup>

# 5 WILDLIFE CRIME PROSECUTIONS, THE TRAFFICKERS ARE WINNING

## OVERVIEW

- From 2013 to 2016, AFCD investigated 1,577 cases, arrested 1,058 individuals which resulted in 635 convictions.
- Analysis indicates that ivory cases had the highest level of prosecutions, at 79%. By contrast, prosecution for 'Other Endangered Species' and pangolin seizures were less than 20%.
- The highest rate of prosecutions occurs when the product is found hidden on an offenders' person – which was the case for air passengers whereby 78% of observed seizures resulted in a prosecution.
- Of 50 seizures from sea containers valued at HK\$216.4 million, only two prosecutions were observed.
- Of 26 pangolin cases identified, only five prosecutions were observed which included one acquittal.
- From 2013-2017, 32.7MT of pangolins products were known to be seized for which no individuals were prosecuted, representing anywhere between 10,000 and 47,000 pangolins.

- Of the 23 cases of rhino horn smuggling in the WiPS database, just eight were prosecuted, of which one was acquitted.
- Of 161 successful prosecution cases reviewed, low penalties were consistently handed down.
- The current sentencing regime does not take advantage of the full range of penalties available and instead follows a precedent of low fines and limited imprisonment.
- Prosecutors face challenges in overcoming the Cap. 60 statutory defence that the defendant did not know and could not, with reasonable diligence, have known that cargo was unmanifested beyond reasonable doubt.
- Sentencing guidelines are not available and there would appear to be a lack of awareness of the impact of wildlife crimes.
- In contrast to wildlife crimes generally, agarwood theft in Hong Kong is taken more seriously.
- The reasoning behind agarwood sentencing could, and arguably should be, applied to wildlife trafficking cases.



In May 2018 “the Amendment Ordinance” introduced stricter penalties under Cap. 586

## 5.1 INTRODUCTION

Wildlife crime offences have historically been brought as “summary”<sup>472</sup> cases pled in the Magistrates’ Courts. As such, detailed court records are not publically available, unless the case goes to appeal or is tried in the higher courts (which, as of May 1 2018 is possible following enactment of the Amendment Ordinance as noted in Sections 3 and 9). Prosecution and sentencing of wildlife criminals in Hong Kong has thus not been well documented historically.

Four data sources have been used to better understand the extent and nature of prosecutions and sentencing of wildlife criminals in Hong Kong: -

- C&ED and AFCD’s summary data provided a total figure for number of prosecution cases (2013-2017);
- The WiPS database (2013-2017) identified 165 prosecutions out of 379 seizures and provided insights as to the extent and characteristics of these prosecutions;
- Court monitoring (attending court hearings and trials) (July 2017 to August 2018) covered 52 cases and 71 charges, provided insights into charging, convictions and sentencing; and
- Appellant cases which have been instructive in identifying some of the enforcement challenges.<sup>473</sup>

It should be noted that the WiPS database does not provide details as to which ordinance the defendant was charged under. Some insights have however been gained from the court room monitoring.

## 5.2 OVERALL CASES AND PROSECUTIONS

### 5.2.1 Overview

#### AFCD Summary Data

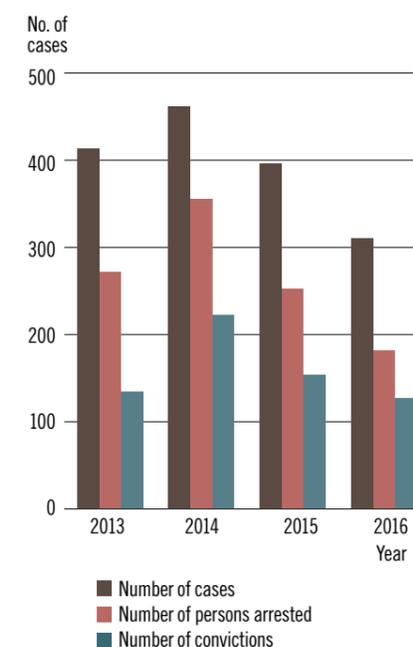
Available data documenting wildlife seizures and prosecutions (2013-2016) (Figure 5-1) are:<sup>474</sup>



It is also unclear whether these figures include overlapping operations involving both C&ED and AFCD, and thus precisely how many individuals or entities have been investigated, arrested or prosecuted for wildlife crime related offences. In numerous instances, both C&ED and AFCD have been involved in the apprehension and prosecution of wildlife criminals who have often contravened both Cap. 60 (under C&ED) and Cap. 586 (under AFCD) (Appendix D-1). It is not necessarily apparent from available data, however, which Ordinance the offenders have been prosecuted under.

FIGURE 5-1  
AFCD SEIZURE CASES (2013-2016)

Source: AFCD (2018)



**Of 379 seizure cases 44% were known to have been prosecuted**

**WiPS Data**

WiPS data provides a more in-depth overview of the 379 seizure cases identified over the period 2013 to 2017. Forty-four percent of these cases (n=165<sup>475</sup>) were known to have been prosecuted, of which 98% resulted in fines and/or custodial sentences. For this data however, the charges laid are not apparent. An exception to this is notably where the government Examination of Estimates of Expenditure 2017-18 report<sup>476</sup> indicates where Agarwood cases have been prosecuted under Cap. 586 or where cases were charged under the Theft Ordinance Cap. 210 (Section 5.6). Insights have nevertheless been gained from the court room monitoring.

**Courtroom Monitoring: Wildlife Crime Charges**

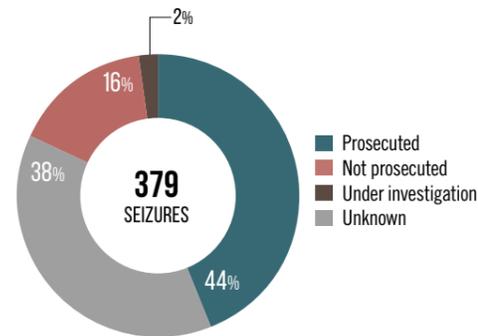
According to the courtroom monitoring, wildlife crime offences were largely observed to be prosecuted under Cap. 586 (Figure 5-3) importing/exporting specimens of Appendix I, II and III species otherwise than in accordance with the relevant provisions of the Ordinance. No observed cases appear to have been charged under the Import and Export Ordinance (Cap. 60). There are likely many more prosecutions in addition to those identified via the court monitoring, due to challenges in identifying when relevant cases are scheduled. The 52 cases highlighted should therefore be considered as a sample.

**5.2.2 Prosecution Gaps**

By species/product, there are some notable differences in the extent of prosecutions. On the whole, seizures involving ivory had the highest level of prosecution at 79%. By contrast, prosecutions of seizures involving 'Other Endangered Species' and pangolins were below 20% (Figure 5-4).

**FIGURE 5-2 SUMMARY ANALYSIS OF WILDLIFE CRIME PROSECUTIONS IN HONG KONG (2013-2017)**

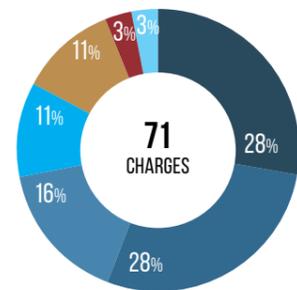
Source: WiPS Database (2018)



Note: Under investigation as noted from press releases, current status unknown.

**FIGURE 5-3 CHARGES APPLIED IN 52 WILDLIFE TRADE RELATED CASES (MARCH 2017 – AUGUST 2018)**

Source: ADMCF Courtroom Monitoring (2018)



**Cap. 586 - Protection of Endangered Species of Animals and Plants Ordinance**

- Section 11(1). Importing specimens of Appendix II or III species
- Section 5. Importing specimens of Appendix I species
- Section 15(1). Possession or control of specimens of Appendix II species
- Section 9(1). Possession or control of specimens of Appendix I species
- Section 13(1). Exporting specimens of Appendix II species

**Cap. 362 - The Trade Descriptions Ordinance**

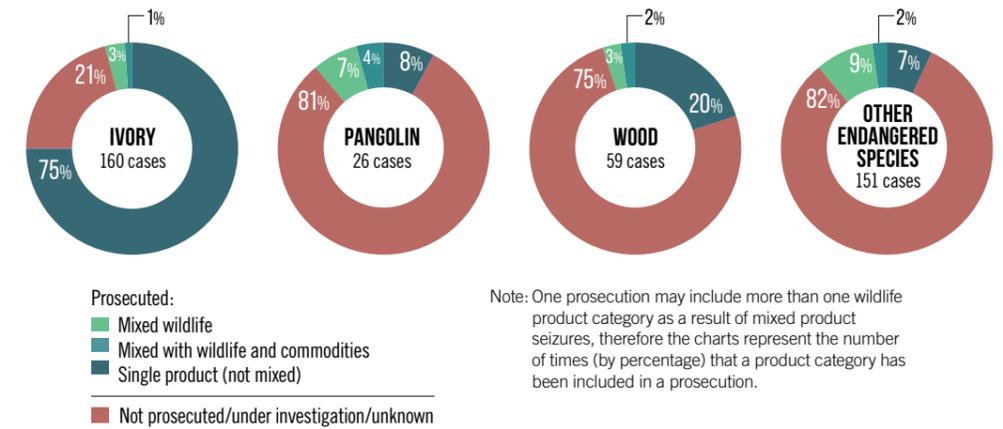
- Section 12(1). Supplying/Offering to supply false trade description goods

**Cap. 200 - The Crimes Ordinance**

- Section 159A(1). Conspiracy to export a specimen of an Appendix II species without licence/Conspiracy to export unmanifested cargo

**FIGURE 5-4 WILDLIFE CRIME PROSECUTIONS BY PRODUCT CATEGORY (2013-2017)**

Source: WiPS Database (2018)



Note: One prosecution may include more than one wildlife product category as a result of mixed product seizures, therefore the charts represent the number of times (by percentage) that a product category has been included in a prosecution.

**From 2013-2017, 32.7MT of pangolin scales and carcasses were seized, representing anywhere between 10,000 and 47,000 pangolins. No prosecutions were identified**

Of particular note is the low level of prosecutions relating to pangolin seizures. Of the 26 pangolin cases identified in WiPS, only five were prosecuted which included one acquittal. Indeed from 2013-2017, 32.7MT<sup>477</sup> of pangolins scales and carcasses were seized potentially representing anywhere between 10,000 and 47,000 (Appendix C-4), for which no prosecutions were identified. This included the largest seizure recorded of 7.3MT of scales, valued by the HKSAR government at around HK\$14 million (July 2016). The case, however, was not prosecuted.<sup>478</sup> Depending on species this seizure alone could represent anywhere between 2,000 and 12,200 of these threatened animals<sup>479</sup> (Appendix C-4). Examples of other cases are provided in Box 5-1.

**BOX 5-1 PANGOLIN TRAFFICKERS AVOIDING PROSECUTION**

**May 2015, No Prosecution Observed** – A 27-year-old man was caught red-handed whilst assisting an active, multi-person trafficking syndicate. The individual was abandoned by his accomplices who fled in a speedboat as Customs agents and Marine Police officers moved to stop them loading a boat from a truck in the Rambler Channel Public Cargo Working Area. He was left with HK\$10 million-worth of smuggled cameras, mobile phones, live tortoises, lizards, spiders, 10kg of hornbill beak, and 129kg of pangolin scales.<sup>480</sup>

**March 2014, No Prosecution Observed** – Hong Kong Customs seized 638kg of animal fur, 960kg of frozen pangolin, 92 live arowanas (Asiatic bony tongue) and watches from a speedboat in Tuen Mun, valued at around HK\$5.21 million, in a joint operation against sea-smuggling, orchestrated with the Marine Police.<sup>481</sup>

**June 2014, No Prosecution Observed** – Two containers arriving from Cameroon containing a combined total of 1,000kg of pangolin scales worth around HK\$5 million were seized by Customs Officials. A 46-year-old Malaysian businessman was arrested two days later; he was released on bail 'pending further investigation'.<sup>482</sup>

**Few successful prosecutions are evident when wildlife was seized from shipping containers**

The highest proportion of prosecutions of wildlife seizures appeared to occur when the product was found hidden on the offenders' person, usually in the case of air passengers (Section 4.8 and Figure 5-5) which accounted for 78% of prosecutions observed (mostly ivory). Whether cases were prosecuted seems, in part, likely a function of whether there was any person in ownership/charge of the contraband at the time of the seizure.

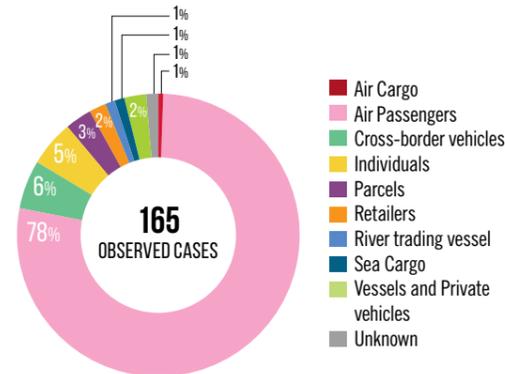
Where trafficked wildlife was seized from shipping containers, prosecutions were less evident. For the 50 seizures from sea containers which had a total estimated value of HK\$216.4 million, only two prosecutions were observed.

While import documents should have addresses of consignees, compilation of a case would require investigation which may be transnational in nature and potentially require controlled deliveries. While such deliveries do take place<sup>483</sup>, they are not commonplace.

While it is understood that there are some instances where C&ED have arrested and prosecuted consignees or proprietors of local companies, what is not evident is the effective disruption of wildlife trafficking syndicates. Notably, most offenders prosecuted appear to be the carriers/mules and not the traders within or behind the networks. Large volumes of products and species continue to be trafficked through Hong Kong and for some wildlife appear to be increasing.

**FIGURE 5-5**  
**MODE OF SMUGGLING IN 165 OBSERVED PROSECUTED CASES (2013-2017)**

Source: WiPS Database (2018)



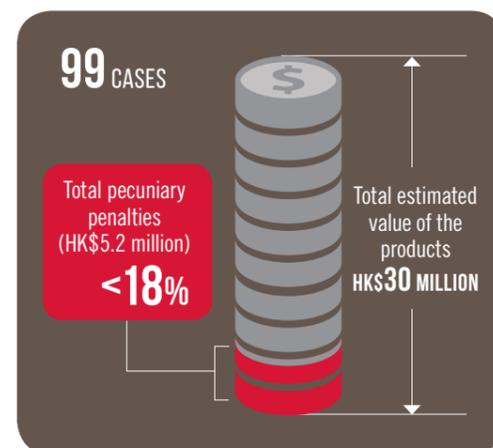
### 5.3 LACK OF DETERRENCE, PENALTIES CONSISTENTLY LOW

The Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586, was enacted in 2006 to give effect to CITES. On May 1st 2018, however, the Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2018 (“the Amendment Ordinance”) (Section 9) introduced stricter penalties for Cap. 586 offences, which are intended to “provide a strong deterrence against illicit wildlife trade and show that the Government is very serious about deterring these crimes”.<sup>484</sup> The following section necessarily focuses on the offences and penalties under the pre-May 2018 regime, noting that such crimes committed after 1st May 2018, will be subject to the revised and higher penalties.

Although successful prosecutions and punitive sentencing should be used as a deterrent against wildlife poaching, trafficking and illegal trading, an analysis of cases in Hong Kong highlights a continuum of consistently lenient sentencing.

Of the 161 successful prosecution cases identified, the penalties handed down were consistently at the low end of the scale (Table 5-1).

According to the WiPS database, for the 99 cases where both fines and seizure values were available, the total of pecuniary penalties amounted to less than 18% of the total estimated value of the products (HK\$5.2 million total fines and HK\$30 million estimate value). This can be illustrated by ivory cases (Figure 5-6). The values of the seizures show no apparent correlations to corresponding fines.



**TABLE 5-1**  
**SUMMARY TABLE OF PROSECUTIONS AND PENALTIES FOR CITES APPENDIX I AND APPENDIX II/III SPECIES INCLUDED IN SEIZURE CASES – EXCLUDING AGARWOOD CASES (2013-2017)**

Source: WiPS Database (2018)

DESCRIPTION	SEIZURES INVOLVING APPENDIX I SPECIES*	SEIZURES INVOLVING APPENDIX II & III SPECIES*
Number of Seizure Cases Prosecuted	145	9
Number of Successful Prosecutions	141	9
Prosecutions Resulting in a Fine***	113	4
Range of Fines (HK\$) (maximum and minimum)	1,500 to 180,000	4,000 to 24,000
Maximum Available Fine Under Cap. 586 (HK\$) (commercial purposes)	5,000,000 <sup>485</sup>	500,000 <sup>486</sup>
Maximum Available Fine Under Cap. 60 (HK\$) (relating to import/export of prohibited articles)	2,000,000 <sup>487</sup>	
Number of Cases Resulting in Custodial Sentence or Community Service (excluding elevation of financial penalty to custodial sentence for default of payment)***	43	4 (1 unknown)
Custodial Sentences Handed Down (maximum and minimum)	160 hours community service to 8 months	2 months to 6 months
Maximum Available Custodial Sentence Cap. 586	2 years <sup>488</sup>	1 year <sup>489</sup>
Maximum Available Custodial Sentence Cap. 60 Unmanifested Cargo	7 years <sup>490</sup>	

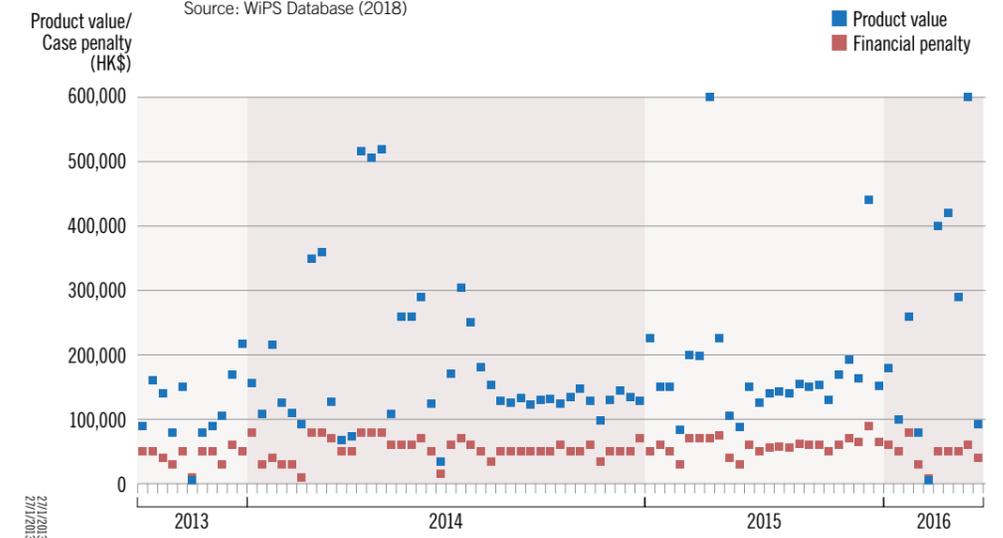
\* A single prosecution may involve both Appendix I and Appendix II offences.

\*\* Agarwood is excluded from Appendix II prosecution summary as it is usually sentenced under Cap. 210 Theft Ordinance and is therefore subject to higher penalties.

\*\*\* A sentence may include both a fine and custodial penalty.

**FIGURE 5-6**  
**CONVICTIONS OF IVORY RELATED OFFENCES (TRAFFICKING AND ILLEGAL POSSESSION) ILLUSTRATING FINANCIAL PENALTY AND ESTIMATED PRODUCT VALUE (2013-2016)**

Source: WiPS Database (2018)



Analyses of cases in Hong Kong highlight a continuum of lenient sentencing and low penalties

Custodial sentences were handed down in 58 cases (including agarwood cases) and were given in a further 72 instances when a convicted offender failed to pay his/her fine. Where a defendant intentionally smuggles goods with a high total value, e.g. exceeding HK\$1 million, consideration of a custodial sentence is appropriate.<sup>491</sup>

No maximum sentences were identified across the cases. The current sentencing regime thus does not appear to take advantage of the full range of penalties available and instead follows a precedent of low fines and limited imprisonment. As such, convictions in relation to wildlife trafficking offences in Hong Kong do not serve as a deterrent. They do, however, highlight the attractive nature of wildlife crime, with large sums of money to be made with little risk.

**Ivory cases (Appendix I Offence):** Extreme variability in sentencing is evident as are the low penalties (Box 5-2) in cases involving the illegal import, export or possession of ivory. Regarding the starting points of sentencing for such cases, the Hong Kong Administration has cited the lack of precedent set by higher courts, for offences under Cap. 586.<sup>492</sup>

According to the WiPS Database, the value of ivory seized and successfully prosecuted over the period 2013-2017 amounts to HK\$29 million - for 3.4MT of ivory. In 85 of these cases, where both a financial penalty and an estimated value of the ivory seizure was available, the total fine amount came to around HK\$4.5 million for 1.5MT of ivory valued at HK\$15.6 million. Of this, around HK\$3 million in fines was defaulted on.

**BOX 5-2 EXAMPLES OF SENTENCING VARIATION IN HONG KONG FOR CASES WITH PRODUCTS VALUED AT OVER HK\$1 MILLION (2013-2017)**

Source: WiPS Database (2018)

PRODUCT	Ivory <sup>493</sup> 	Suspected Red Sandalwood <sup>494</sup> 	Pangolin <sup>495</sup> 	Ivory <sup>496</sup> 
DATE	June 2014	July 2015	December 2015	May 2016
OFFENDER	16 Vietnamese nationals between the ages of 20 and 54 travelling through HKIA from Angola, en route to Cambodia 	Customs officers seized a 20-ft container said to contain "glass flower pots" from India 	Marine police arrested 8 mainland Chinese sailors intercepting their mainland-bound boat in local waters 	50-year-old man 
CASE	Concealing in their luggage a total of 790kg of ivory tusks and semi-processed ivory products	10.6MT of Red sandalwood logs was seized	50 boxes (1,029kg) of pangolin meat was seized	Attempted smuggling 99kg of ivory, 7kg of helmeted hornbill beak 1.75 kg of agarwood into the Mainland at Shenzhen Bay Control Point
PRODUCT VALUE Government estimated	<b>HK\$7,900,000</b>	<b>HK\$6,600,000</b>	<b>HK\$2,000,000</b>	<b>HK\$1,050,000</b>
PENALTY	6 months imprisonment	HK\$4,000 in fines	2 months imprisonment for two of the offenders	2 months imprisonment and HK\$5,000 in fines

**Pangolin Cases (Appendix II Offence – up-listed by CITES to Appendix I in 2016):** Of the four successful prosecutions involving pangolin trafficking, two of these cases involved small amounts of scales and included other high value commodities such as ivory, agarwood, and other dutiable commodities (Box 5-3), demonstrating the nexus between wildlife trafficking and smuggling.

According to the C&ED, commonly smuggled items such as high value electronic goods are often smuggled across the border due to the duty gradient between Hong Kong and the Mainland, using well established methods of concealment and routes.<sup>497</sup> While it is an offence under Cap.60 to import or export unmanifested cargo, the inclusion of CITES-listed species, means that smugglers would also be in contravention of Cap. 586. Despite this, the penalties observed which relate to pangolin parts remain low even when seized along side other high value goods.

**BOX 5-3 A MIXED SEIZURE CASE INVOLVING PANGOLIN PARTS OR SPECIMENS, SMUGGLED WITH OTHER COMMODITIES**

Source: C&ED (2013)<sup>498</sup>

**October 2013** – A Marine Police operation detained a fishing vessel loaded with HK\$3.6 million worth of illicit goods. During the operation two men aged 34 and 40 were arrested off Tuen Mun when they were discovered transporting 320kg of pangolin scales, over 2,000 phones, and 442 gaming consoles and a small amount of methamphetamine. The duo attempted to evade capture by leading officers on a 2km marine chase.

At the time, any person found guilty of offences under Cap. 586 for commercial purposes were liable to a maximum fine of HK\$5 million and imprisonment for two years. A fine of HK\$10,000 (with no custodial sentence) was handed down to the coxswain.

The resulting fine was equivalent to 0.3% of the shipment value, and equates to less than 0.2% of the maximum.

**Rhino Cases (Appendix I Offence):** Of the 23 cases of rhinoceros horn smuggling documented in the WiPS database (2013-2017) including mixed seizures, just eight were observed to be prosecuted<sup>499</sup> (Box 5-4). One case resulted in an acquittal. One seizure was valued at around HK\$1.6 million, wherein two passengers concealed 7.8kg of rhinoceros horn in their luggage from South Africa.<sup>500</sup> Despite the value of the smuggled goods being greater than HK\$1 million<sup>501</sup> the defendants only received HK\$27,000 each in financial penalties. It is worth noting that since multiple species of rhinos are on the brink of extinction, their horns are now considered more valuable than gold.

**2018 UPDATE**

By mid-July 2018, WiPS and ADMCF's court room monitoring had documented 29 cases of rhino horn trafficking of which 11 were known to be prosecuted. One resulted in an acquittal.

**BOX 5-4 EXAMPLE OF RHINO CASE AND LENIENT SENTENCING**

Source: ADMCF Court Monitoring (2017)<sup>502</sup>

**November 2017** – A South African former military serviceman and volunteer of Kruger National Park was arrested at HKIA arriving from an inbound flight from South Africa via Doha. He was found to be concealing 2.69kgs (3 pcs) of rhinoceros horn (worth HK\$538,000) inside chocolate boxes in his cabin baggage. He indicated that he thought the luggage contained sunglasses samples, but later pled guilty in court.

The defendant was sentenced to 5 weeks imprisonment. Due to the guilty plea, the Magistrate gave a 20% discount, reducing the sentence to just 4 weeks. Since he had been in custody for 4 weeks, he was released on the day following the hearing.

The Magistrate acknowledged that rhinos are an extremely endangered species, and referred to the case HKSAR v Cheung Mo Tak HMCA89/2012 as a reference for the sentence. In another case, a 62 year old woman received a postal package of 6.5kg rhino horn worth HK\$1.3 million. She was sentenced to 3 months imprisonment, which was discounted to 2 months in response to the defendant's guilty plea.

**Totoaba Cases (Appendix I Offence):** Only three cases of totoaba seizures are documented in the WiPS database (2013-2017), all of which occurred in 2015. Two of the cases were known to have been prosecuted, involving possession of fish maws without a valid possession licence in contravention of Cap. 586. A further case occurred in 2018 (Box 5-5).

**BOX 5-5 TOTOABA RELATED OFFENCES REMAIN LOW DESPITE THE CRITICAL RISK OF EXTINCTION OF THE SPECIES**

Source: Information Services Department (2015)<sup>503</sup>, and ADMCF... ADMCF Court Monitoring (2018)<sup>504</sup>

PRODUCT	Totoaba 		
DATE	May 2015	2018 UPDATE	
CASE	Two dried seafood shops in Sheung Wan were not in possession of valid licences. <b>A total of 14 pieces of totoaba fish maw were seized.</b>	Two male passengers, aged 31 and 32, were arrested at HKIA arriving from Hermosillo, Mexico via Monterrey, Mexico and Seoul, South Korea.  The men denied any knowledge that the fish maws were illegal to trade.	
		<b>DEFENDANT 1</b> 10.88kg (33 pcs) of totoaba fish maw	<b>DEFENDANT 2</b> 28kg (62 pcs) of totoaba fish maw
PRODUCT VALUE Government estimated	<b>HK\$555,000</b>	<b>HK\$1,740,000</b>	<b>HK\$2,760,000</b>
PENALTY	<b>HK\$80,000 and HK\$30,000 in fines handed down to the two defendants.</b>	A starting sentence of 15 weeks of imprisonment was reduced to 10 weeks on account of a guilty plea.	The Magistrate referred to the May 2015 case (above), but ultimately decided that the sentence was not severe enough, and determined that for the current case a prison term was required due to the quantity involved and the presumption of commercial use.  A starting sentence of 21 weeks' imprisonment was reduced to 14 weeks on account of a guilty plea.

**Seizures of wildlife products, mean that often irreversible damage has already been caused**

Notably, nearly all wildlife crime offences that pass through Hong Kong's courts are the result of seizures, meaning that often irreversible damage to the wildlife and biodiversity has already been caused, with significant ecological impacts. This includes the slaughtering of rare and endangered animals for their derivatives and immense cruelty characteristic of the live trade (Section 5.5). Potential damage can also occur to local flora and fauna, i.e. zoonotic diseases resulting from alien species illegally brought into and through Hong Kong.

While the value of the seizures can be significant (Section 4.4), so can the cost of caring and rehoming displaced animals that are not euthanised or humanely destroyed (Appendix D-2). By way of example, the cost of holding for 30 days (pre-export quarantine) and transport cost (2016 values) were estimated in two additional cases (below).<sup>505</sup>

- **Estimate cost of holding for 30 days (pre-export quarantine) and transport costs for one endangered black pond turtle (Geoclemys hamiltonii) (Based on 2007 values): HK\$19,000<sup>506</sup>**  
The highest penalty in relation to a single-species seizure of Black pond turtles was found to be HK\$50,000 in 2015 for a 21 year old man smuggling 167 said turtles in his checked baggage.<sup>507</sup>
- **Estimate cost of holding for 30 days (pre-export quarantine) and transport costs for 50 freshwater turtles (Based on 2007 values): HK\$53,000<sup>508</sup>**  
The highest financial penalty in regards to all tortoises and freshwater turtles from the WiPS database is HK\$180,000 for smuggling a total of 624 live CITES Appendix I turtles and tortoises.<sup>509,510</sup>

Longer term care would of course be a proportionally larger resource draw and could amount to hundreds of thousands of Hong Kong dollars for large consignments of seized animals.

Lenient sentencing typical of wildlife trafficking convictions in Hong Kong's courts would suggest that a multitude of factors are thus not considered. Looking forward, deterrent sentencing has a significant role to play in the illegal trade in endangered species, particularly in light of the increased penalty regime (Section 9).

**5.4 CHALLENGES IN ENFORCEMENT**

Appellant cases have shed some light on the enforcement challenges encountered when prosecuting wildlife crime offences under Cap. 60 and Cap. 586. Examples of cases where proceedings have been identified are outlined in Appendix D-3.

Of particular interest is the High Court case of **Hong Kong SAR v Diao Rui and Chen Rong Yao<sup>511</sup> HCMA 606/2013** ([2015] 4 HKLRD 187), 26 May 2014 which has notably been relied on in numerous other cases. It involved offences of:

- Unmanifested cargo of, *inter alia*, 78 bags of tropical fish, 61 turtles, 8 live snail eating turtles, 5 live South American river turtles of *Podocnemis* species, 15 live map turtles of *Graptemys* species; and
- Importing specimens of Appendix II and III species otherwise than in accordance with the provisions of section 11(1) of Cap. 586 – the 8 live snail eating turtles were Appendix II species, the 5 live South American river turtles of *Podocnemis* species and 15 live map turtles of *Graptemys* species were Appendix III species.

**The Cap. 60 Offence:**

Cap. 60 provides a statutory defence against criminal liability if a defendant is able to establish that he or she (a) did not know the goods were unmanifested and (b) could not have known the goods were unmanifested with reasonable diligence. The judge ruled that appellants, when invoking the statutory defence, bear not a legal duty but only an evidential burden to raise evidence which would support their reliance on the statutory defence. Where such evidence is raised that is sufficient and credible, the prosecution has the burden of disproving beyond a reasonable doubt either of the two elements of the defence. While he found the burden on the defence was evidential only, the judge recognised the difficulties for the prosecutor in proving the accused knew or could have known the goods were unmanifested, with reasonable diligence. As noted in the judgement, it is difficult for the prosecution to gather evidence outside Hong Kong and, in cases where goods are imported into Hong Kong, most processes such as loading and customs declarations take place outside Hong Kong. In such cases defendants typically claim that they exercised reasonable diligence by conducting inspections outside Hong Kong. It is difficult for the prosecution to investigate outside of Hong Kong and offences typically involve multiple players whose roles vary from case to case.

The judge ruled the level of care required to constitute reasonable diligence (for example, whether random checks or full-scale inspections are required, the proportion of cargo inspected and the sampling method) will depend on the individual circumstances of each case. In the case of Hong Kong SAR v Diao Rui and Chen Rong Yao, the appeal judge confirmed the Cap. 60 offence convictions of the two appellants.

**Sentencing:** The judge noted that sentencing guidelines for Cap. 60 offences are limited as the nature and circumstances vary by case. The following factors were considered in the sentencing for the Cap. 60 offences:

- (1) the types, quantity and value of the smuggled goods;
- (2) whether the accused had previously committed this type of offence;
- (3) the severity of the punishment;
- (4) the impact of the goods on public hygiene and safety;
- (5) whether the goods are endangered species;
- (6) the role of the accused; and
- (7) whether the accused showed signs of remorse.

In particular, the judge noted that a previous conviction showed that the previous sentencing (in this case, a community service order) did not serve as an effective deterrent.

**The Cap. 586 Offence:**

The judge stated that unlike the Cap. 60 offence, Cap. 586 does not provide a statutory defence against the charge of illegally importing Appendix II and III species and the magistrate had ruled that this was an absolute liability offence. The prosecution had submitted that the charge should not require *mens rea*<sup>512</sup> to be proven, since such a requirement would hinder the prevention of smuggling endangered species. The defendant-appellant agreed that no statutory defences were available, but argued that the common law defence of “honest but mistaken belief” should be permitted.

The judge indicated that the removal of the *mens rea* requirement does not automatically make an offence an absolute liability offence (meaning the common law defence would not be available). The court must separately determine whether an offence is an absolute liability offence or whether the common law defence was available. In reaching this determination, the judge set out the following alternative circumstances:

- (1) The accused, knowing that the goods existed and that they were of endangered species, contravened the law with intent;
- (2) The accused did not know that the goods in question existed at all; or
- (3) The accused knew that the goods existed, but did not know that they were species regulated by legislation.

The judge indicated that in cases falling under category (1), the accused should have absolute liability.

In cases under category (2), the judge ruled that the common law defence should be available. Imposing absolute liability on people who have no knowledge whatsoever of the goods in question would not significantly improve efforts against the trafficking of endangered species and may cause injustice. Accordingly, an accused should not be convicted if he can prove, on a balance of probabilities, that:

- (1) he did not know that the relevant goods existed; and
- (2) he honestly and reasonably believed that such goods did not exist.

However this would require him to take reasonable steps to ensure they were not in his cargo.

Finally, for category (3) cases, the judge ruled that, given that the maximum penalty for the offence was only 6 months’ imprisonment, absolute liability should be imposed, and the common law defence should not be available. Thus, it would not be a defence that the accused knew that the goods existed but did not know that they were species regulated by legislation. The judge noted the extensive range of species covered by Appendices II and III and recognised that many people would not typically be able to identify all endangered species since endangered species do not take on any particular form or shape. However, the judge reasoned that people in the business of transporting live organisms have a duty to determine whether those organisms are endangered species. Furthermore, imposing absolute liability in these cases will help raise awareness and alertness, serve as a deterrent and facilitate the protection of endangered species.

**2018 UPDATE**

**In July 2018 a woman was found guilty of importing specimens of Appendix I species (rhino horn) (pre-penalty amendment) in breach of Cap 586. The Magistrate ruled that the offence was one of absolute liability and did not allow the common law defence of honest and mistaken belief, albeit acknowledging that the defendant likely did not know she was carrying rhino horn. The resulting sentence was a fine of HK\$100,000 and a prison term of six weeks, suspended for three years.**

Source: ADMCF Court Monitoring (2018)<sup>513</sup>

**BOX 5-6 DENIAL OF KNOWLEDGE OF RHINO HORN IN PACKAGE AND ACQUITTAL**

Source: ADMCF Court Monitoring (2017)<sup>514</sup>

In early 2017, a Sheung Shui shop owner was arrested as he signed for a FedEx parcel containing rhinoceros horn. The package was manifested as containing ‘tree branches’ from South Africa but Customs officers had discovered the horn and decided to conduct a controlled delivery to the intended recipient. It was reportedly the latest in a series of parcels received by the shopkeeper on behalf of a man based in mainland China called “Pepper” (“辣椒”). The store owner immediately provided contact details to the arresting officers, but Pepper was never located.

The police filed a report that the shopkeeper was a puppet (“木頭公仔”) who was being used by Pepper, and his lawyer stated that he had been unaware of the contents of the parcel and was simply going to pass it to “cross border carriers” (“水貨客”).

Based on this information, the shopkeeper’s lack of prior offences and his having received an award for being a “good citizen”, the judge acquitted the defendant.

Of the 52 cases (involving 53 individuals and 15 restaurants/companies) tracked via court room monitoring from March 2017 to August 2018, pleas of guilty were entered for 41 individuals or companies. Where a non-guilty plea was known (five defendants), defendants claimed that they did not know that scheduled species were in courier packages addressed to them.<sup>515</sup>

#### BOX 5-7 DENIAL OF KNOWLEDGE OF IVORY IN PACKAGE AND ACQUITTAL

Source: ADMCF Court Monitoring (2017) and Government of India (2015)<sup>516</sup>

In October 2017, a Sheung Shui trader was arrested by Customs officers as he came to the Sheung Shui Post Office to collect parcels containing two pieces of ivory. When apprehended, the trader claimed he had let a mainland Chinese contact, “Mr Jim”, use his address for receiving packages. He stated that out of up to 20 parcels he had received, he had never known about any illegal items being sent, having records of personally unpacking and photographing all previous packages.

The trader’s lawyer claimed his client could “not have absolute liability” as “anyone can send a package to another person”. His claims of ignorance were further backed by the fact that Customs officers had arrested the trader prior to his opening the parcel. He had also been the intended recipient of an additional package containing 18.87kg of worked ivory arriving at Hong Kong International Airport from Portugal, but had already been arrested in connection to the Sheng Shui Post Office parcels.

The judge found elements of the trader’s defence contradictory and questioned why Mr Jim would send illegal products knowing that the trader would inspect and photograph them. The trader was acquitted in November 2017.

Research revealed that the same trader had been implicated in trafficking endangered wood species two years previously. He was listed as the intended recipient of at least two parcels from India, which were seized by the Indian Authorities in September 2015. His name and address appeared on three different packages containing 23-28kg red sandalwood products sent on the same day from separate addresses spanning Uttar Pradesh, Delhi and New Delhi.

## 5.5 CONSIDERING CRUELTY

### The size, commercial and conservation value of seizures often overshadow the cruelty involved

The size, commercial and conservation value of seizures often overshadow animal suffering, and prosecution under Hong Kong’s animal cruelty laws seems to take a back seat. Notably, reptiles including turtles are the predominant victims in large seizures. Less popular than pet cats and dogs, there is consequently less recognition of, and empathy for, their death and suffering. Accordingly, when offenders are charged under Cap. 169, the sentences are not commensurate with the scale of suffering.

In October 2013, a seizure of 335 Black pond turtles resulted in a smuggler being charged under both Cap. 586 and Cap. 169. He was sentenced to three months imprisonment for smuggling and an additional three months imprisonment for cruelty, to be served concurrently.

Violent and malicious acts receive the heaviest sentences due to the imminent danger posed to society by offenders. Passive acts of neglect of large numbers of animals also result in imprisonment. Often, these involve poorly run, illegal breeding operations with over a hundred dogs and cats.

### Consistent use of Cap. 169 in smuggling cases raises public awareness that cruelty is very much part of wildlife crime

It can be argued that the suffering of smuggled animals is on a much greater scale due to the duration and conditions of transport, as well as the welfare cost of removing an animal from its native habitat. The majority of these animals are not suited to captivity and, unlike dogs or cats, cannot be easily homed with an average pet owner. They are also unlikely to be restored to their original habitat. Those that are fortunate to survive and be placed in conservation programmes will live in captivity for the rest of their lives. In other words, the future welfare of seized animals is irreversibly compromised.

Sentences needed to be commensurately harsher to recognise these circumstances. Consistent use of Cap. 169 in smuggling cases also raises public awareness that cruelty is very much part of the illegal wildlife trade.

## 5.6 THEFT ORDINANCE TAKES AGARWOOD SERIOUSLY

As discussed (Section 3), HKPF can, depending on the circumstances of an individual case, prosecute agarwood offences under the Theft Ordinance (Cap. 201) (maximum penalty 10 years), “*Recognising the seriousness of the offence committed and acting as a deterrent*”. Thus the felling of agar trees is prosecuted as such and rightly taken seriously.

### Damage to endemic agarwood has been perceived as tantamount to “harm to Hong Kong”

Agarwood or ‘incense trees’ were once the dominant species in the Feng Shui Woods and lowland forests of the New Territories and are enshrined in local history/heritage, so much so that it is popular belief that the translation of Hong Kong as ‘fragrant harbour’ is a result of its role in early incense tree productions and trading<sup>518</sup>. Judges have fiercely sought to protect agarwood trees, as damage to the endemic species has been perceived as tantamount to “harm to Hong Kong”<sup>519</sup>, and of particular importance, “a great loss to the community”- which is also cited as justification for enhancement of sentences under OSCO.<sup>520</sup>

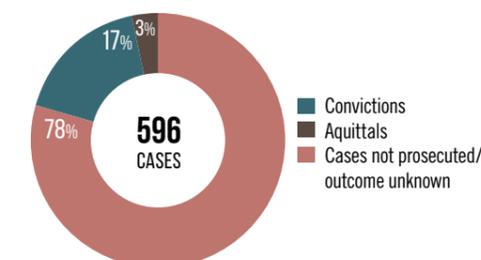
According to Government<sup>521</sup>, between 2011 and 2017, out of 596 cases involving the illegal felling of 1,240 agarwood trees, 20% were prosecuted, resulting in 102 convictions (Figure 5-7 and Appendix D-4). Penalties ranged from 2-55 months of imprisonment.

Listed under CITES Appendix II since 2005, these trees continue to be illegally exploited via illegal import/export. These smuggling offences in contravention of Cap. 586 would appear to be taken less seriously, and from 2012 to 2016, 65 such cases resulted in 5 prosecutions, with a maximum custodial penalty of 10 months and minimum financial penalty of HK\$5,000 (maximum HK\$40,000).<sup>522</sup>

Contrasting with the largest custodial sentence handed down in relation to other endangered species, the maximum penalty for felling agarwood trees was 4 years and 7 months, in a case involving 104kgs of agarwood blocks and chips<sup>523</sup>. This compares to 8 months observed for other wildlife (Table 5-2).

FIGURE 5-7  
AGARWOOD PROSECUTIONS (2011-2017)

Source: ENB and AFCD (2016); Leung (2018)<sup>517</sup>



**TABLE 5-2 A COMPARISON OF THE MAXIMUM AND MINIMUM PENALTIES OBSERVED IN THE COURTS (2014-2017)**

Source: WiPS Database (2018)

	AGARWOOD (THEFT) CAP. 210	ALL OTHER WILDLIFE CATEGORIES CAP. 586 AND/OR CAP. 60
<b>Maximum Penalty/ Quantity Involved</b>	55 months/104kgs agarwood	8 months/44kg raw ivory and 3kg of semi-finished ivory beads, mixed with 4kg of amber
<b>Minimum Penalty/ Quantity Involved</b>	1 month/2.2kgs agarwood	160 hours community service/5kgs worked ivory

Additionally, in a case involving ‘red wood logs’ (not officially classified as endangered), 18 months was handed down to an offender charged with [1] Assisting the passage within Hong Kong of an unauthorised entrant,<sup>524</sup> [2] Assisting in export of unmanifested cargoes (red wood logs worth HK\$1.25 million),<sup>525</sup> and [3] Endangering the safety of others at sea.<sup>526,527</sup>

## 5.7 POST-MAY 2018 REGIME: SENTENCING DECISIONS FROM COMPARABLE JURISDICTIONS

### 5.7.1 New Sentencing Regime

The wildlife crime cases setting out fines and terms of imprisonment in the previous subsections were decided under the pre-amendment scale, and were bound by lower maximum penalties as compared to the penalty regime currently in force (as of May 1 2018). The courts should therefore avoid mechanically imposing the same level of sentence to future cases with similar fact patterns.

Nevertheless, it does not mean that the Court is left without guidance in arriving at the appropriate sentence under the increased penalty regime. Given that the Ordinance was the local legislation enacted to give effect to CITES in Hong Kong, other domestic legislation and penalty regimes likewise adopted by the parties to CITES serve as valuable references for the court to make sentencing decisions. Notably, the domestic legislative frameworks of all parties to CITES share one same ultimate purpose – to protect species from extinction because of international commercial trade.

Accordingly, this section identifies three overseas jurisdictions with comparable sentencing regimes among the 183 parties to CITES, namely, the United Kingdom, Australia and New Zealand, with a view to identifying their sentencing approach and principles, and ultimately to assist the court in deciding the appropriate sentence (Table 5-3).

**TABLE 5-3 COMPARISON OF MAXIMUM PENALTIES FOR CITES OFFENCES: HONG KONG, THE UNITED KINGDOM, AUSTRALIA & NEW ZEALAND**

JURISDICTION	LEGISLATIVE PROVISION	OFFENCE	MAX. FINE	MAX. PRISON SENTENCE
Hong Kong	CITES Ordinance (Cap 586), Protection of Endangered Species of Animals and Plants (Amendment)			
	Sections 5-9	Appendix I summary offences Appendix I on indictment	HK\$5,000,000 HK\$10,000,000	2 years 10 years
	Sections 11-15	Appendix II and III summary offences Appendix II and III on indictment	HK\$500,000 HK\$1,000,000	1 year 7 years
The United Kingdom	EU Council Regulation 338/97 and Control of Trade in Endangered Species (Enforcement) Regulations 1997/1372, Regulation 8	Purchases, offers to purchase, acquires for commercial purposes, displays to the public for commercial purposes, uses for commercial gain, sells, keeps for sale, offers for sale or transports for sale any specimen of a scheduled species, <sup>528</sup> without permit/certificate	Summary conviction: £5,000 (HK\$52,000) <sup>529</sup>	Summary conviction: 6 months
			Conviction on indictment: no limit specified <sup>530</sup>	Conviction on indictment: 5 years
Australia	Environment Protection and Biodiversity Conservation Act 1999, sections 303CC and 303CD	Possession of CITES specimens (not necessarily for commercial purposes)	AU\$170,000 (HK\$1,008,000) <sup>531</sup>	10 years
	Environment Protection and Biodiversity Conservation Act 1999, section 303GN	Possession of CITES specimens <sup>532</sup> (not necessarily for commercial purposes)	AU\$170,000 (HK\$1,022,000) <sup>533</sup>	5 years
New Zealand	Trade in Endangered Species Act 1989 (“the 1989 Act”)	Trading or possession (natural person)	Endangered Species: NZ\$100,000 (HK\$543,000) <sup>534</sup>	Endangered Species: 5 years
			Threatened Species: NZ\$50,000 (HK\$271,000) <sup>535</sup>	Threatened Species: 3 years

### 5.7.2 International Case Law

#### United Kingdom

Convictions for endangered species offences frequently attract terms of imprisonment and recognize the seriousness of the crimes.

**Per R v Sissen** [2001] 1 WLR 902, “It must be recognised that trade in endangered species is prohibited or restricted for good reason. ... The law is clear as to where the interests of conservation lie. These are serious offences. An immediate custodial sentence is usually appropriate to mark their gravity and the need for deterrence...” (emphasis added). See for example **R v Canning** [1996] 2 Cr App R (S) 202; **R v Raymond Leslie Humphrey** [2004] 1 Cr App R (S) 39; **R v Nicolas Noonan** [2010] 2 Cr App R (S) 35. The English Court of Appeal in **R v Nicolas Noonan** [2010] 2 Cr App R (S) 35 emphasised the need for deterrence and noted that penalties passed prior to the increased penalties regime in the UK resulted in penalties that might be thought of as “derisory”. The English Court of Appeal went on to state at [38]:

*“We regard these sentences as failing properly to reflect the gravity of these offences. Perhaps unlike many offences, a serious deterrent sentence might stop the trade and prevent those who otherwise live law-abiding lives from committing these serious crimes. They are serious crimes, as this Court recognised in Sissen. They are serious because they contribute to the illegal market. Without an illegal market there would be no opportunity or need for the capture of these endangered species from the wild. It is the market which feeds the destruction of these species. It is for that reason that significant and serious sentences ought to be passed for this type of offence.” (emphasis added)*

#### Australia

In **Henri Robert Morgan v R** [2007] NSWCCA 8, the appellant was sentenced to 2 years’ imprisonment for attempting to export native specimens (24 native birds’ eggs). The Court of Appeal upheld the length of the sentence and held that offences of this kind would normally attract a full-time custodial sentence. The Court stated that the following non-exhaustive list of matters may inform the sentencing exercise:

- (1) The nature and extent of the offender’s role;
- (2) The offender’s motivation for committing the offence;
- (3) The level of sophistication of the enterprise in which the offender was involved;
- (4) Whether the offender’s conduct revealed any particular aggravating features such as undue cruelty;
- (5) The number, value and/or rarity of the specimens involved;
- (6) The actual harm and/or potential harm occasioned to the particular specimens; and
- (7) The actual and/or potential harm or damage occasioned to the environment including, for example, the spread of disease.

In **Taylor v R** [2013] NSWCCA 157, the appellant was convicted of 2 counts of possession of a North American corn snake and two chameleons, contrary to the 1999 Act, and sentenced to concurrent sentences of 10 months’ imprisonment.

#### New Zealand

In **R v Wayne Gilbert Macdonald** (unreported), CA136/95, 4 July 1995, the appellant was convicted of a charge of receiving threatened species of Australian birds and was sentenced to 6 months’ imprisonment. The Court of Appeal upheld the sentencing decision, endorsing the sentencing judge’s sentencing exercise by factoring in:

- (1) The potentially grave consequences to the wildlife in New Zealand;
- (2) The value of the birds; and
- (3) The appellant’s role and involvement in the scheme.

In **R v Nichols** (unreported, CA406/02, 16 June 2003), the appellant was charged with one count of trading in a threatened species contrary to the 1989 Act and two counts of possession of unauthorised goods under Biosecurity Act 1993. He was given a total sentence of 2.5 years’ imprisonment. In upholding his sentence, the Court of Appeal acknowledged that *“the potential for harm to New Zealand’s biosecurity was high, and if realised, irreversible”* and there was therefore a need for deterrent sentence.

## 5.8 THE NEED FOR SENTENCING GUIDELINES

With extremely limited court proceedings available in Hong Kong, it remains generally unclear what factors guide sentencing and what the mitigating circumstances might be other than pleading guilty.<sup>536</sup> For appellant cases, which proceed to a higher court, or for prosecution under other ordinances such as theft (for agarwood), official ‘Reasons for Sentence’ are published in the Legal Reference System<sup>537</sup> and do provide some insight into the sentencing.

From such proceedings, the following considerations for sentencing have been provided, but are not necessarily consistently applied. Direct quotes can be found in Appendix D-5 and D-6:

#### Agarwood Theft cases (Cap. 210):

Reasons for sentencing have included:

- a) the species impact – the injury done to the individual tree species, its impact on biodiversity and ecosystem, and damage to the species’ population;<sup>538</sup>
- b) the deleterious impact the damage has on society;<sup>539</sup>
- c) the profit-motive of the individual, and the wider group of individuals who may be profiting/benefiting (e.g. criminal syndicates);<sup>540</sup>
- d) the manner of commission;<sup>541</sup> and
- e) the gravity of the offence.<sup>542</sup>

#### Endangered Species Trafficking Cases (Cap. 586, Cap. 60)

Reasons for sentencing have included:

- a) the international reputation of Hong Kong and its role in the trade;
- b) regard for the level of endangerment of the species;
- c) the lack of regard for importing pests, and not declaring them (Cap. 207, “The Pest Offence”);
- d) level of remorse of the offenders;
- e) previous convictions;
- f) the size of the operation;<sup>543</sup> and
- g) the value of the goods.<sup>544</sup>

Source: unless specified otherwise, Hong Kong Case Law (2014)<sup>545</sup>

The reasoning behind the agarwood cases could and arguably should be applied to wildlife trafficking cases, to reflect the serious nature of offences. Furthermore it should be noted that sentencing does not appear to consider the impact of the defendant’s actions regarding the long term care of trafficked live animals and the considerable costs passed on to the government and NGOs (as noted above). The prosecutors and judges have limited awareness of these aspects.

By contrast, the Magistrates’ Association in the UK issued a sentencing guideline for Wildlife Trade and Conservation Offences in 2002 (“the Guideline”) for its members. The aim was to address the critical issue that *“the majority of cases result in sentences that do not provide an appropriate deterrent to offenders”*. “The Guideline” thus lists factors that might be taken into consideration when arriving at the appropriate sentence, (non-exhaustively) (Box 5-8). The adoption of such sentencing guidelines in Hong Kong may steer the courts away from the current low penalty regime.

#### BOX 5-8 “THE GUIDELINE” ON WILDLIFE TRADE AND CONSERVATION OFFENCES

Source: The Magistrates’ Association (2002)<sup>546</sup>

1. The conservation implications of the case in terms of the effect on the global or local population of that species;
2. Human health, animal health, or flora were adversely affected, especially where a protected species was affected (animals were killed/injured during transit, cruelty was employed in treatment of animals etc.);\*
3. The number of specimens/items involved;
4. A high financial value of the specimens where it is known;
5. The level of revenue from the illegal transactions carried out;
6. The offence is shown to have been a deliberate or reckless breach of the law rather than the result of carelessness;
7. The defendant has acted from a financial motive or is a serious/persistent offender;
8. The defendant is shown to have knowledge of the specific risks involved;
9. The defendant’s attitude towards the environmental authorities was dismissive or obstructive;
10. The defendant has previous convictions for like offences;
11. The defendant is a professional dealer; and
12. It is an organised and/or prolonged activity.

\* See also *R v Raymond Leslie Humphrey* [2004] 1 Cr App R (S) 39, in which the trial judge in passing the sentence had regard to *“the appalling cruelty to which some of the birds with which this case is concerned had been subjected...”*

# 6 OUTBOUND AND OVERSEAS SEIZURES IMPLICATING HONG KONG

## OVERVIEW

- Hong Kong's links to wildlife trafficking go beyond local seizures, including contraband seized overseas before reaching Hong Kong and consigned from Hong Kong.
- A media review (2013-2017) identified 107 seizures across 18 countries linked to Hong Kong.
- Fifty Chinese nationals and Hong Kong residents were linked to these wildlife crimes.
- Three fifths of the seized volume comprised marine animals, predominantly sea cucumbers and marine turtles.
- 96% of seizures contained CITES-listed organisms.
- At least 59 different species were seized, including 3.5MT of ivory, 6,065 live turtles and tortoises, 272 Helmeted hornbill casques/beaks and 131 rhinoceros horns and horn pieces, en route to Hong Kong or outbound from Hong Kong.
- Analysis of the US Law Enforcement Management Information System (LEMIS) over three years (2013-2015) details 155 seizures of shipments from Hong Kong to the USA. Approximately two thirds were wild-sourced.
- Under LEMIS categories, the largest percentage of illegal wildlife imports from Hong Kong were reportedly for 'medicinal purposes'.

## 6.1 GLOBAL WILDLIFE SEIZURES LINKED TO HONG KONG

### Hong Kong's links to the wildlife trade are also evident from seizures overseas

This report has primarily focused on wildlife seizures across Hong Kong's borders. It is worth remembering, however, that Hong Kong's links to the wildlife trade are also evident from seizures overseas, i.e. those consignments ultimately destined for Hong Kong (either as the sole destination or as a transshipment point); and those inbound having departed Hong Kong. Thus Hong Kong's footprint is far larger than just the local seizures focused on in this report.

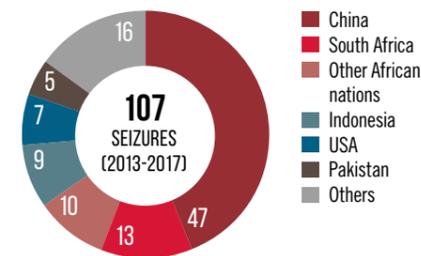
Based on a brief review of media reports between 2013 and September 2017, at least 107 such wildlife seizures across 18 countries were identified (Figure 6-1 and Appendix E). Of these seizures, Hong Kong was either a transit point or the last known port of consignment in 51%, and China was the end destination in 44%. At least 50 Chinese nationals and Hong Kong residents were implicated in these crimes. Over five years, at least 59 species of wildlife were seized by authorities around the world (Figure 6-2), dominated by elephant ivory. Recent research (2018) by C4ADS has further shed light on the extent of wildlife seizures that were destined to or from Hong Kong highlighting a wide range of products, large volumes and numerous countries involved.<sup>547</sup>

*[Illicit] Marine products destined for Chinese airports have originated from all over the world, including Mexico, Spain, South Africa, Madagascar, and Thailand, but seem to be primarily destined for just one Chinese airport—Hong Kong.*

Source: C4ADS (2018)<sup>548</sup>

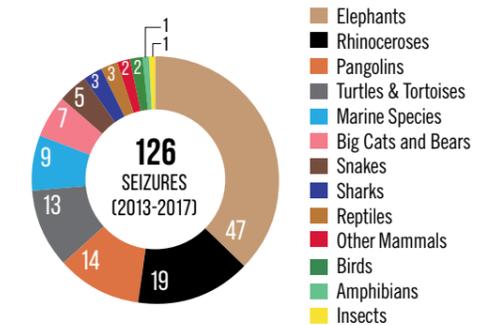
**FIGURE 6-1**  
COUNTRIES IN INTERNATIONAL MEDIA REPORTS IDENTIFYING HONG KONG-CONNECTED WILDLIFE CRIMES (2013-2017)

Source: ADMCF media review (Appendix 6-1)



**FIGURE 6-2**  
SPECIES SEIZED OVERSEAS IN WILDLIFE CRIMES LINKED TO HONG KONG (2013-2017)

Source: ADMCF media review (Appendix 6-1)



Preventing such operations requires considerable resources on the part of the arresting country. This is exemplified by the seizures of at least 3.5MT of ivory, 6,065 live turtles and tortoises, 272 Helmeted hornbill casques/beaks and 131 rhinoceros horns and horn pieces, either on their way to or from Hong Kong (2013-2017). Evidently, in addition to seizures locally, Hong Kong remains a viable hub for wildlife traffickers through which to conduct business, and considerable volumes likely pass through the city undetected.

## 6.2 USA SEIZURES LINKED TO HONG KONG

### US Law Enforcement Management Information System (LEMIS)

The USA is one of Hong Kong's major trading partners<sup>549</sup>, and receives large quantities of Hong Kong's wildlife exports. The USA's record of imports from Hong Kong were thus reviewed (from 2013 to 2015) using the US Law Enforcement Management Information System (LEMIS) database<sup>550</sup>. In accordance with the Lacey Act (Section 3.3), LEMIS documents wildlife imports and exports, including seizures.

Over a three year period (2013-2015), 155 seizures of shipments into the USA from Hong Kong were identified, comprising all animal products. Approximately two thirds were identified as wild sourced, with the majority (55%) destined for commercial purposes. Nearly 80% of the seized volume was accounted for by sea cucumbers, turtles & tortoises, as well as pheasants. The remainder was made up primarily of terrestrial animal products, mostly alligator/crocodile leather.

It is worth noting, however, that during this period 28% of seized wildlife imported from Hong Kong was classified as medicinal.

The Lacey Act follows CITES requirements and therefore adheres to CITES exemptions, such as those for scientific trade of specimens and animals involved in travelling exhibitions. Unfortunately, many instances have been recorded in the LEMIS database of improper use of these exemptions, including many from Hong Kong. The USA's Lacey Act and LEMIS database allow products from these instances to be immediately seized and for that information to be transparent and accessible.

# 7 HONG KONG'S BURGEONING LEGAL WILDLIFE TRADE

## OVERVIEW

- Hong Kong's imports of wildlife (2013-2016), amounted to nearly 2 million MT and 24.6 million pieces or individuals.
- Only a small proportion of wildlife imports (0.5% of this volume; 26% of the number of pieces/individuals) are regulated under CITES.
- For species under CITES:**
- Between 528 and 831 CITES-listed species were imported into Hong Kong annually.
- The diversity of species imported increased 57%, involving 2,050 species exported from 130 countries.
- The majority of the diversity of species imported was accounted for by artisanal plants and the pets/zoos/breeding category.
- 580 species were imported for the pet, zoos and breeding industries, largely comprising reptiles and corals.
- Wildlife for the Traditional Chinese Medicine industry has dominated the recent trade, accounting for more than three-quarters of CITES imports by volume.

- CITES imports for food, tonics and medicines were harvested from 135 species, the majority of the volume (84%) comprised artificially propagated American ginseng.
- 7.5 million pieces of skins, furs and other derivatives from CITES wildlife were imported (2013-2017) for the fashion industry alone. Crocodylians accounted for 67%.
- Imports of live exotic pets increased nine-fold, from 105,000 individuals in 2007 to more than 900,000 in 2016.
- Over 4 million live marine and terrestrial animals were imported over the study period, the majority in the last 4 years.
- Over 25,000 of CITES-regulated bird imports (57%) were captured from the wild.
- Two-thirds of corals, imported into Hong Kong for the aquarium trade were harvested from the wild.
- For Non-CITES species:**
- 10-20,000 Yellow fronted canaries were imported annually.
- 40-70,000 live reptiles were imported annually, dominated by the Florida red-bellied cooter and the European pond turtle, both of which are being heavily pressured in home ranges by poaching and the illegal trade.

**Species traded outside of the CITES-convention may also be at risk of extinction**

## 7.1 INTRODUCTION

While the majority of this report has focused on seizures of illegal wildlife, predominantly species regulated under CITES (Section 4), the following section provides a glimpse of the broader 'legal' wildlife trade with data sourced from the CITES trade database as well as Hong Kong's customs import data. As a historic trade hub and one of the busiest ports in the world, Hong Kong plays a major role in international trade, and wildlife is no exception. Estimates from recent research<sup>551,552</sup> based on Hong Kong's import/export commodity codes (Harmonised system)<sup>553</sup> indicate that over four years (2013-2016), wildlife imports consisted of nearly two million MT and 24.6 million pieces or individuals<sup>554</sup> (including approximately 2.6 million live CITES-regulated animals).

While only a small portion of these imports is regulated under CITES (0.5% of the volume and 26% of the number of pieces/individuals), many of the species traded outside of the CITES-convention are also at risk of extinction and/or may have a 'threatened' status as designated by the IUCN (Section 4.3). Hence the trade in such wildlife is also of concern. The following section provides some insights into the 'legal' trade in terms of both CITES regulated and non-CITES species.

## 7.2 TRADE OF CITES SPECIES

### 7.2.1 Increasing Volumes and Number of Species

The import and export of CITES-listed species is documented via the CITES Trade Database<sup>555</sup> (Section 3). To determine the annual volume and the nature of the legal CITES trade relevant to Hong Kong, the database was reviewed from 2007 to 2016 inclusive.<sup>556</sup> Data was categorised according to industry sectors following the UNODC's World WISE Database<sup>557</sup> (Table 7-1). Selected industries were chosen for further examination, with a focus on those with large quantities i.e. volumes, numbers of pieces, as well as species diversity, or other notable characteristics such as high proportion of wild-caught individuals.

**TABLE 7-1 CITES DATABASE PRODUCT COMPOSITION CATEGORISED BY INDUSTRY**

Source: CITES Trade Database (2018)

INDUSTRY	TYPICAL PRODUCTS <sup>558</sup>
Food, Tonics and Medicines	Meat, bodies, chips, roots, medicines, extract, powder, musk, gallbladders, genitalia, carapaces, oil, venom, eggs, seeds, dried plants, scales
Fashion	Skins, leather, garments, fur, feathers
Pets, Zoos and Breeding	Live (reptiles, mammals, birds)
Furniture	Timber, logs, sawn wood, veneer
Artisanal Plants	Live, seeds, stems, flowers, cultures, leaves
Art, Décor and Jewellery	Tusks, carvings, teeth, horns, skins, shells, trophies, skulls, bodies, bones
Seafood	Eggs, caviar, live, fins, meat, swim bladders
Cosmetics and Perfume	Cosmetics, extract, oil
Scientific, Botanical and Educational*	Leaves, live, bodies, skins, roots, teeth, bones

\* Additional to UNODC's categories, as CITES specifically identifies imports of this nature which were not accounted for in the UNODC dataset.

**By species:** Over the ten year period between 528 and 831 CITES-listed species were imported into Hong Kong annually (Figure 7-1). This involved a total of 2,050 species exported from 130 countries around the globe.

Overall, the number of species traded rose 57% over the ten year period (Figure 7-1). This seemingly upward trend could be attributed to several factors including:

- The addition of species to CITES Appendices over that period;
- A global increase in wildlife trade/trade through Hong Kong; and/or
- Diversification of wildlife products, or a combination of all three.

The majority of the diversity in wildlife species imported was accounted for by artisanal plants and the pets/zoos/breeding category (Figure 7-2).

**By volume:** The annual imports of CITES-regulated wildlife in MT were found to be consistently high, ranging from 1,420MT to 3,927MT (excluding 2014 at just 8MT), and totalling around 28,000MT between 2007 and 2016. The low record in 2014 appears to be anomalous. Demand for wildlife for the Traditional Chinese Medicine industry (a subset of Food, Tonics and Medicines) has dominated the trade over the past ten years, accounting for more than three-quarters of all CITES imports by volume from 2007 to 2016. The seafood and furniture industries were the next largest, yet only represented 6% of imports combined.

**By number of individuals/pieces:** The number of wildlife products/individuals imported remained fairly steady, averaging 1.4 million annually (Figure 7-1). The fashion industry and pet trade together accounted for around 85% of the number of pieces/individuals imported.

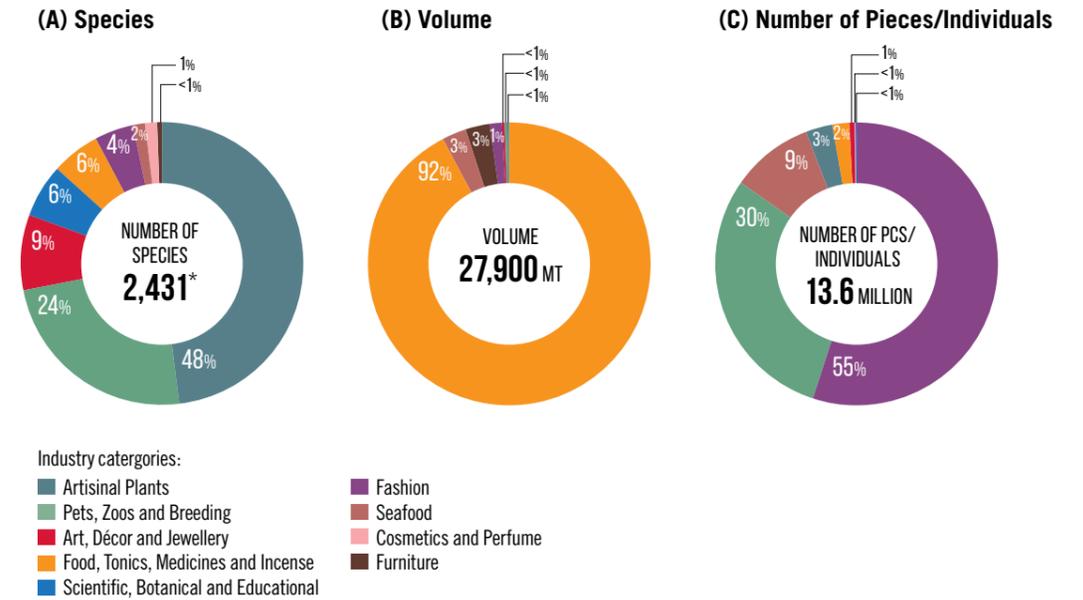
**The fashion industry and pet trade together accounted for around 85% of CITES imports by the number pieces/individual**

**FIGURE 7-1 CITES IMPORTS INTO HONG KONG, BY VOLUME, NUMBER OF PCS/INDIVIDUALS AND NUMBER OF SPECIES (2007-2016)**



**FIGURE 7-2 CITES-REGULATED WILDLIFE IMPORTED INTO HONG KONG (2007-2016)**

Source: CITES Trade Database (2018)



\* Includes duplication of species between industry categories

**7.2.2 Food, Tonics and Medicines Dominate the Wildlife Trade**

**By species:** CITES imports of food, tonics and medicinal products have been harvested from 135 CITES-listed species<sup>559</sup> (Figure 7-2).

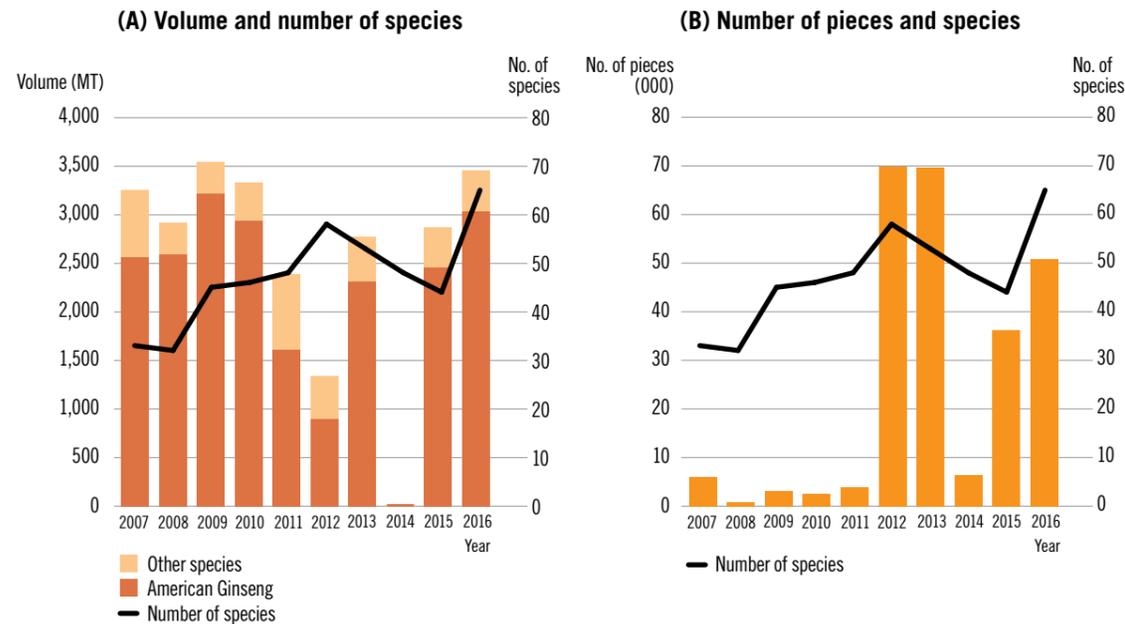
**By volume:** The majority of these imports (84% of the volume) comprised artificially propagated American ginseng (*Panax quinquefolius*) (Figure 7-3). On average 2,600MT of wildlife was imported annually for food, tonic and medicines. Notably, there was an apparent anomaly in 2014 with no records of American Ginseng and just 2.5MT of other species (Figure 7-3a). Imports of Siamese crocodile (*Crocodylus siamensis*) and Nile crocodile (*Crocodylus niloticus*) products were second and third largest by volume.

**By number of pieces:** Imports in just four years (2012, 2013, 2015 and 2016) contributed 91% of the overall imports in pieces and individuals over the ten year period (Figure 7-3b). Those imports in 2012 and 2013 were relatively large, and were dominated by imports of American alligator products (94% and 69% respectively).

**Sourcing:** Wild-caught species comprised approximately 1,160MT (4%), dominated by American alligators, reticulated pythons, American ginseng, monitor lizards, agarwood, sea coconuts and seahorses, respectively.

**FIGURE 7-3 CITES-REGULATED WILDLIFE IMPORTED INTO HONG KONG FOR FOOD, TONICS AND MEDICINE (2007-2016)**

Source: CITES Trade Database (2018)



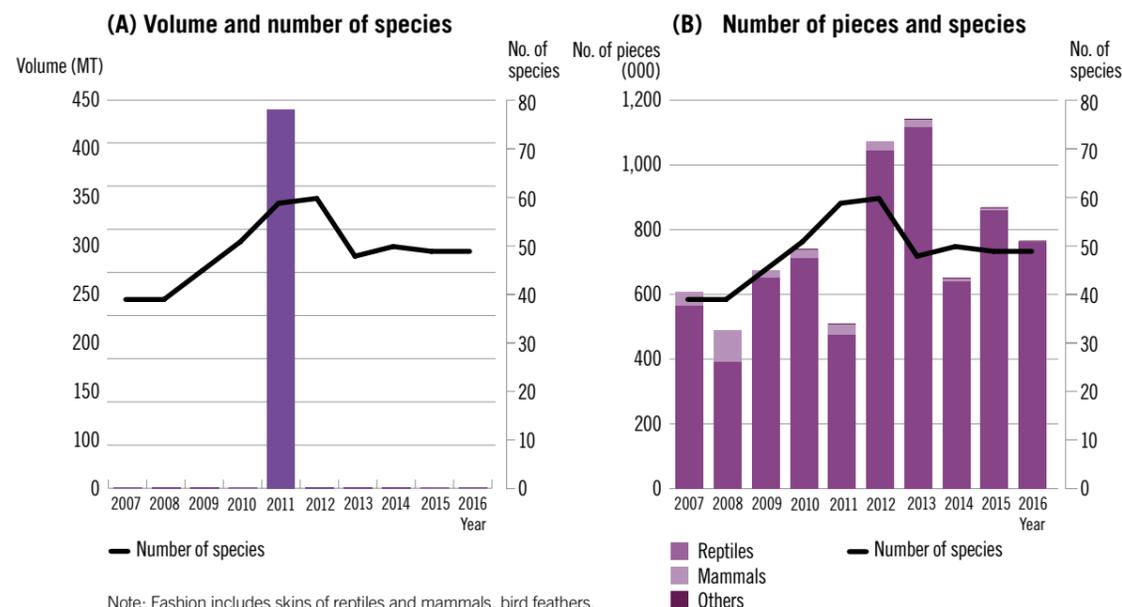
Note: Food, tonics and medicine includes American ginseng, crocodiles & alligators, snakes, monitors, Saiga antelopes and seahorses.

**7.2.3 Increasing Demand for CITES Wildlife in Fashion**

**By species:** At least 108 CITES species<sup>560</sup> were imported for the fashion industry over the ten year period, varying between 39 and 60 species annually (Figure 7-4). Reptile species dominated, with most of the diversity made up by snakes (17 species) and crocodilians (15 species). Mammal imports over the ten year period comprised 34 species, consisting mainly of fox, fur seal, otter and lynx derivatives.

**FIGURE 7-4 CITES-REGULATED WILDLIFE IMPORTED INTO HONG KONG FOR THE FASHION INDUSTRY (2007-2016)**

Source: CITES Trade Database (2018)



Note: Fashion includes skins of reptiles and mammals, bird feathers.

**By volume:** Fashion imports were rarely measured by weight and were comparatively lower, totalling around 400MT over the decade, with records indicating almost all arriving in 2011 (Figure 7-4). Reptile derivatives made up the majority of the volumes, supplemented by smaller quantities of other species (largely mammal products). Of the reptiles, crocodilians made up 96% by weight (380MT), dominated heavily by American alligator (*Alligator mississippiensis*) products, including leathers and skin pieces, among others.

**Reptiles made up 96% of the overall number of pieces imported for fashion**

**By number of pieces:** Overall, products for the fashion industry were imported in consistently large quantities ranging from 487,600 to 1,140,000 pieces per year and totalling 7.5 million pieces between 2007 and 2016 (Figure 7-4). Reptiles made up 96% of the overall number of pieces, with mammals comprising the majority of the remainder. Other species made up less than 0.01%.

Crocodilians were imported in particularly large quantities, accounting for 67% of pieces (5 million). Monitor lizard (*Varanus*) species were also notable, with 1.3 million pieces being imported between 2007 and 2016.

**Sourcing:** Mammal imports were almost entirely wild-sourced (93%) (by number of pieces and individuals) and 42% of reptiles (by number of pieces and individuals) were recorded as wild-sourced.

**7.2.4 Pets, Zoos and Breeding: the Most Rapidly Expanding Industry**

**By species:** Keeping exotic pets is popular in Hong Kong, as such the sector is highly diverse, with 580 species imported during the study period, or approximately 179 to 288 each year. The trades in reptiles and corals exhibited the highest species diversity, with 215 and 161 species respectively imported between 2007 and 2016.

**By volume:** Imports measured by volume, were markedly smaller than most other industries due to most wildlife in this category being imported and recorded as individuals (live). Volumes by weight almost exclusively (95%) comprised corals (*Scleractinia* genus).

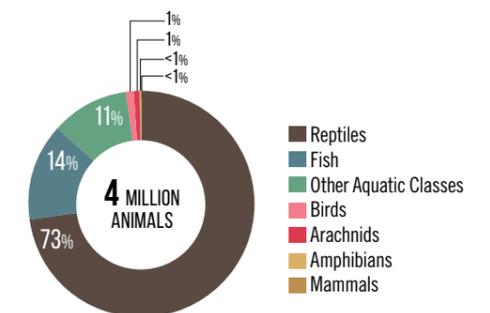
**By number of live animals:** Between 2007 and 2016, CITES imports amounted to around 4,040,000 live animals, the majority of which were reptiles (Figure 7-5). According to some sources, these animals (particularly reptiles) often do not live for long once sold, and thus are referred to as “throw-away pets”.<sup>561</sup>

Overall, a nine-fold increase in exotic pet imports was observed, from around 105,000 live individuals in 2007, to more than 900,000 in 2016 (Figure 7-6).

**Sourcing:** The CITES data indicates that 80% of live animals imported into Hong Kong for the pet trade, zoos and breeding were reared in captivity.<sup>562</sup> Despite this, there are international concerns about the global trade of exotic animals being sourced from the wild<sup>563</sup>. Wild sourcing is evident, particularly for reptiles (16% over the ten year period) and birds (57%)<sup>564</sup>.

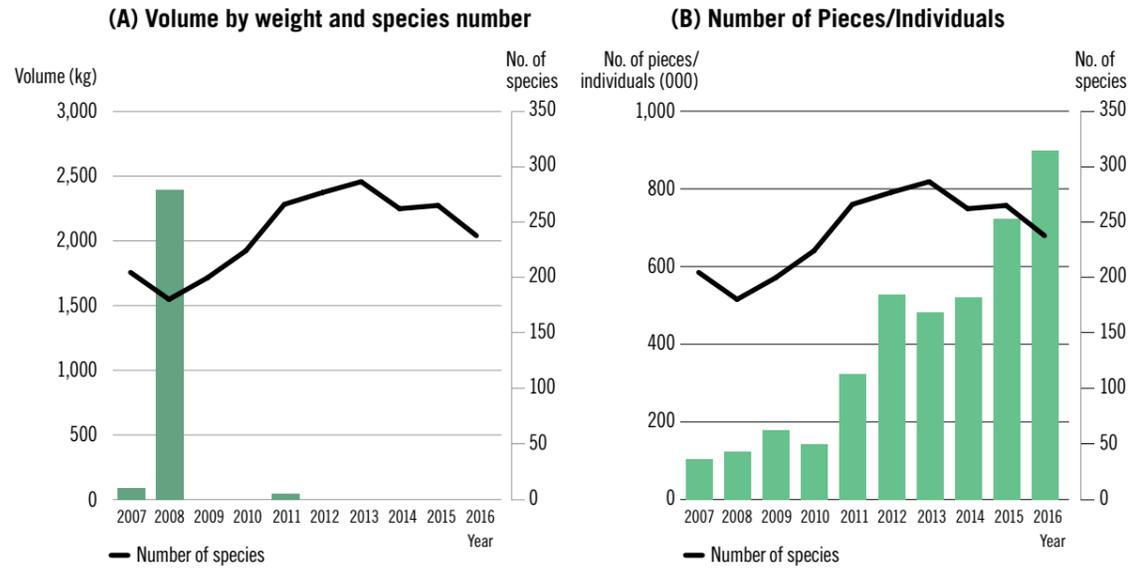
**FIGURE 7-5 NUMBERS OF CITES-REGULATED LIVE WILDLIFE IMPORTED INTO HONG KONG FOR THE PET TRADE, ZOOS AND BREEDING (2007-2016)**

Source: CITES Trade Database (2018)



**FIGURE 7-6 CITES-REGULATED WILDLIFE IMPORTED INTO HONG KONG FOR THE PET TRADE, ZOOS AND BREEDING (2007-2016)**

Source: CITES Trade Database (2018)



Note: Pets, zoos and breeding includes live reptiles, birds, aquarium fish and coral.

Furthermore, two-thirds of corals, imported into Hong Kong for the aquarium trade, were harvested from the wild. The top three exporting countries were Indonesia, Australia and Fiji, supplying 88% of wild-harvested CITES-regulated corals to Hong Kong. Overharvesting of corals from the wild has the potential for detrimental effects on the marine ecosystem.<sup>565</sup>

**7.2.5 Furniture**

**By species:** A total of 11 wood species were recorded (Figure 7-7), making the furniture industry comparably less diverse than others. Indeed, a single species, red sandalwood (exclusively from Indonesia), made up 96% of the volume of CITES imports in the furniture industry over the last decade.

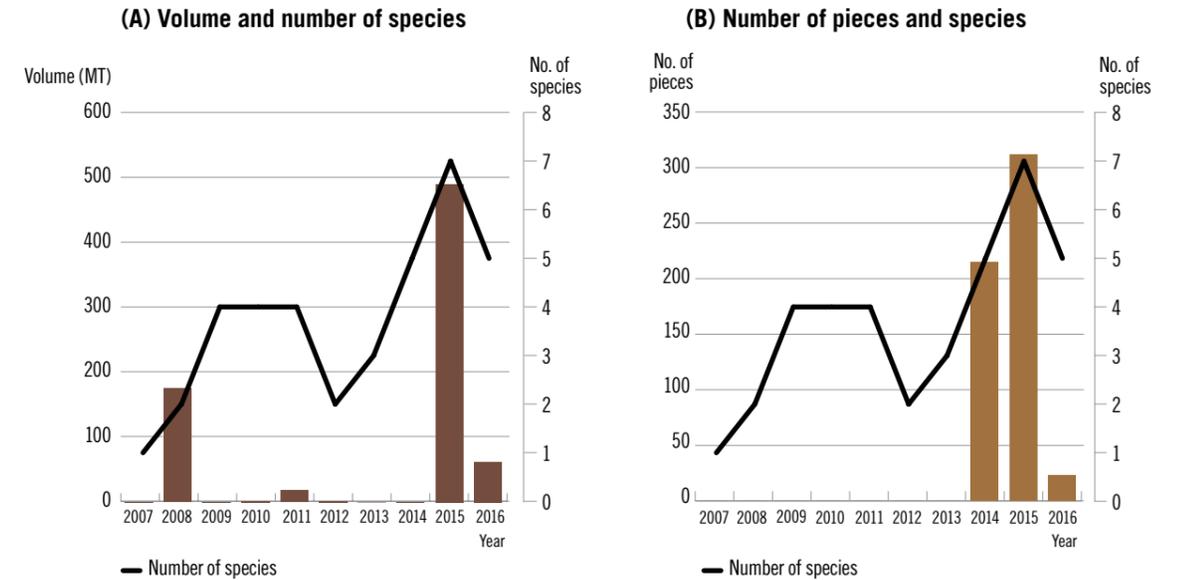
**By volume:** Around 760MT of wood products were imported for the furniture industry (Figure 7-7). However, the data is sporadic, with 89% arriving in the years 2008 and 2015.

**By number of pieces:** A very small quantity of wood was measured by number of pieces, totalling just 550 pieces over the ten year period. Of this, the majority (61%) comprised Bahia/Brazilian rosewood (*Dalbergia nigra*).

**Sourcing:** The import of CITES-listed wood is largely designated in the CITES database as having been confiscated or seized abroad (72%) and as pre-convention species (23%).

**FIGURE 7-7 CITES-REGULATED WILDLIFE IMPORTED INTO HONG KONG FOR THE FURNITURE INDUSTRY (2007-2016)**

Source: CITES Trade Database (2018)



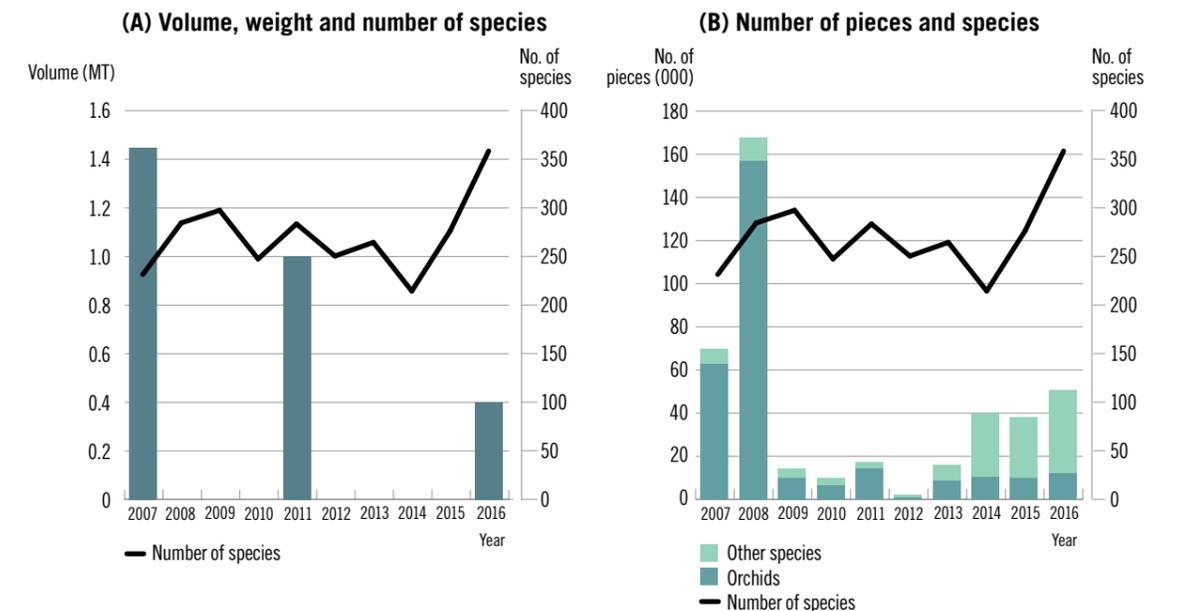
**7.2.6 Artisanal Plants**

**By species:** Diversity of artisanal plants was highest of all the industries, with 1,171 species recorded between 2007 and 2016, and ranging from 215 to 359 species each year (Figure 7-8).

**By volume:** Artisanal plant imports were more commonly counted by number of pieces/individuals. However, 2.8MT were imported, predominantly comprising live orchids, (2007) and Majestic palms (2011 and 2016).

**FIGURE 7-8 CITES-REGULATED WILDLIFE IMPORTED INTO HONG KONG FOR THE ARTISANAL PLANT INDUSTRY (2007-2016)**

Source: CITES Trade Database (2018)



**By number of pieces/individuals:** Imports of artisanal plants (i.e. largely live plants for decorative use) spiked in 2008 with around 167,700 plants, predominantly (94%) orchids (*Orchidales* spp.), after which much lower numbers were recorded (Figure 7-8).

**Sourcing:** Ninety-eight percent of the artisanal plants were artificially propagated.

### 7.3 TRADE OF NON-CITES SPECIES IN HONG KONG

#### 7.3.1 Unregulated, but Still Threatened

Tracking the trade in non-CITES species is extremely challenging and relies on:

- i) Reviewing Hong Kong's import/export figures maintained by the Census and Statistics Department i.e. the Harmonised System (HS) custom codes (for both products and live animals); and
- ii) Availability of other government data.

It is, however, beyond the scope of the current study to review commodity imports due to the vast quantities. Further, such data is limited as wildlife imports are not necessarily identified to species level. Indeed, recent research indicates that the lack of HS codes specificity in the vast majority of wildlife traded, limits the ability to monitor and regulate the trade, in line with broader conservation goals.<sup>566</sup>

Nevertheless, in order to gain a perspective of the additional trade in non-CITES species, data released by the Food & Health Bureau (FEHB) was reviewed. This includes both CITES listed and non-CITES species, and consists of only five (often different) species each year in three groups (mammals, birds and reptiles), and as such does not account for all animals imported. However, by looking at the non-CITES species alone, this dataset does provide an indication (albeit potentially conservative) as to the scale and numbers of live animals imported annually, in addition to those regulated by CITES.

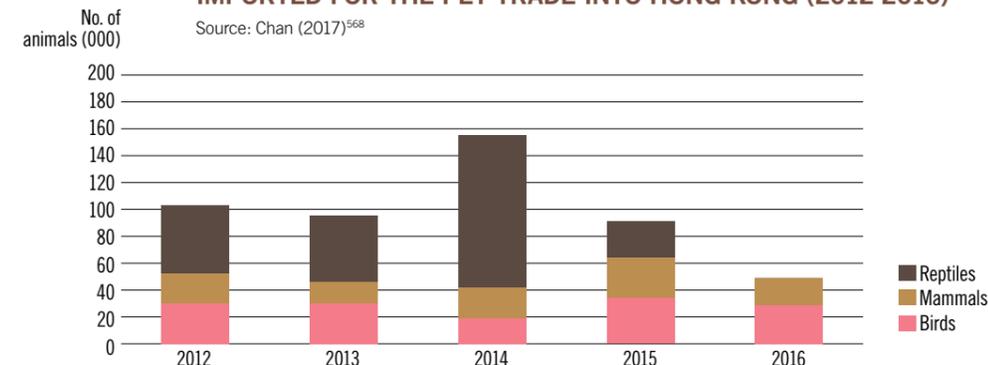
#### 7.3.2 The Pet Trade

In 2017, the FEHB released data for 2012 to 2016 relating to the top five birds, mammals and reptile species imported into Hong Kong for the pet trade each year.<sup>567</sup>

In summary, this data indicates that at least 492,000 non-CITES exotic animals (excluding dogs and cats) were imported into Hong Kong over this five year period (Figure 7-9). It is thus clear that in addition to the hundreds of thousands of live CITES-listed animals imported annually (Section 7.2), there remains a thriving exotic pet trade of species not regulated under the Convention.

**At least 492,000 non-CITES exotic animals were imported into Hong Kong (2013-2017)**

**FIGURE 7-9 MOST FREQUENTLY IMPORTED NON-CITES ANIMAL SPECIES IMPORTED FOR THE PET TRADE INTO HONG KONG (2012-2016)**



Note: Data given was the number of animals imported for each of the top five most popular species from 2012 to 2016, therefore some species were popular one year then unpopular the next. The data is therefore a subset of total imports and totals therefore do not constitute actual total imports.

Imports of the most frequently imported bird, the Yellow fronted canary (decreasing population), alternated between 10,000 and 20,000 individuals each year. The domesticated Djungarian hamster was the most imported mammal, with between 14,000 and 27,000 imported each year. The numbers of each imported reptile species far exceeded birds and mammals, however, reaching 39,000 to 74,000 individuals each year, excluding 2016. The two reptile species in the available data (explored below) are of particular interest due to their conservation status.

The Florida red-bellied cooter and the European pond turtle were imported in quantities equivalent to the combined numbers of mammals and birds. The Florida red-bellied cooter, an American freshwater turtle, is protected in Florida due to concerns about the pet trade and meat industry<sup>569</sup>, but is internationally listed as Least Concern<sup>570</sup>. Despite this protection, concerns over the extent of their trade remain, perhaps exacerbated by the fact that the last IUCN assessment was conducted in 2010. Notably, 173,000 were imported into Hong Kong between 2012 and 2014 alone.

The European pond turtle, on the other hand, is listed as Near Threatened and has a long history in the pet trade, one of the reasons for its continued decline.<sup>571</sup> The illegal harvest and trade of the turtle is prevalent in many of its native countries, with global demand driving the trade. Nearly 66,000 were imported into Hong Kong in 2014/2015 alone.

**Legislation in Hong Kong does not require importers to differentiate between captive and wild specimens of non-CITES species**

There are many captive breeding operations for these two reptile species<sup>572</sup>, however, there are also recorded instances of poaching of wild populations.<sup>573</sup> Current legislation in Hong Kong does not require importers to differentiate between captive and wild specimens of non-CITES species. Accordingly, Hong Kong is failing in its responsibility to ensure the sustainability and ethics of the trade in non-CITES wildlife as well as not addressing principles of the CBD, i.e. by omitting considerations of impacts beyond its own borders.

#### 7.3.3 Other Non-CITES Trade (Imports & Exports)

Hong Kong is not only a major importer of wildlife and wildlife products, but a global exporter. As the USA is one of Hong Kong's main trading partners, the United States LEMIS data was reviewed (see also Section 6.2).<sup>574</sup>

Most of the vast quantities of seafood sent from Hong Kong to the USA every year consisted of non-CITES species such as squid and shellfish. There are records of endangered species being traded from Hong Kong to the USA, however, such as 80MT of endangered sea cucumbers exported from 2013 to 2015 for TCM<sup>575</sup> (*Apostichopus japonicus* and *Isostichopus fuscus*).<sup>576,577</sup> One of these sea cucumbers has since (in 2016) been listed in CITES Appendix III by Ecuador. Notably, the international trade in sea cucumbers is expected to increase<sup>578</sup> (Box 7-1).

#### BOX 7-1 INTERNATIONAL SEA CUCUMBER TRADE (MARKET PRICING IN HONG KONG)

Source: Purcell et al (2018)<sup>579</sup> and Shneider et al (2011)<sup>580</sup>

Prices of dried sea cucumbers (*bêche-de-mer*) in Hong Kong and mainland China increased from 2011 to 2016, despite being expected to drop.

The average price increase was 16%, however, prices of highly sought-after species increased by up to 50%, and prices increased with larger sizes. Hong Kong had the highest average prices of sea cucumbers compared to stores in Guangzhou.

Rising prices have led to overfishing in tropical source countries, with the capability for disproportionate consequences on the surrounding ecosystem due to the loss of the ecosystem services the sea cucumbers provide in source countries.



# LINKING HONG KONG'S WILDLIFE CRIME WITH SERIOUS AND ORGANISED CRIME

## 8.1 WILDLIFE CRIME, SERIOUS AND ORGANISED

Investigation of wildlife networks globally is of low priority

There is widespread evidence globally, that wildlife crime is often executed by organised criminal syndicates and that in many jurisdictions such crime is considered 'serious', as defined by the UNTOC (Box 8-1, see also Section 9).<sup>582,583</sup> Nevertheless, globally, investigation of such networks is generally of low priority, and the low risk, high profit nature of such criminal endeavours ensures the trade continues, while pushing species towards extinction.

Hong Kong does not treat or identify wildlife crime as either 'serious' or 'organised'

Despite evidentially being a wildlife trafficking hub<sup>584</sup> and a party to UNTOC<sup>585</sup> through China (Section 9.5), Hong Kong does not, in practice, treat or identify wildlife crime as either 'serious' or 'organised'. This is reflected in its laws and enforcement of wildlife crime offences (Section 5).<sup>586</sup> The government maintains that there is no evidence of serious and organised crime linked to wildlife offences,<sup>587</sup> and thus focuses on seizures and import/export offences rather than investigating the networks and associated criminal activities. Thus it could be said that Hong Kong finds itself in a 'chicken and egg' situation - without investigation, it is challenging to gather the evidence.

The following provides a literature review and analysis of publically available data and seizures over five years, to illustrate the complicity of Hong Kong citizens and companies in the transnational and organised trade in illegal wildlife. Information reviewed has been accessed from a number of sources:-

- Documentation of court cases and successful prosecutions by enforcement authorities (outside of Hong Kong's jurisdiction)
- Investigative research by wildlife investigation agencies
- Hong Kong government cases, statements and press releases
- Media reports
- Local and international seizures, (WiPS database, LEMIS)

### BOX 8-1 DEFINING ORGANISED AND SERIOUS CRIME

Source: United Nations Convention against Transnational Organised Crime (2004)<sup>581</sup>

#### ORGANISED CRIME:

Article 2 subparagraph (a) *organised criminal group* shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences...in order to obtain, directly or indirectly, a financial or other material benefit'.

#### SERIOUS CRIME:

Article 2, subparagraph (b) 'conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty'

The Zhao Wei network, with links to Hong Kong, engages in horrendous illicit activities, including child prostitution, human, drug and wildlife trafficking

## 8.2 PROSECUTION OF INTERNATIONAL SYNDICATES LINKED TO HONG KONG

### 8.2.1 Zhao Wei Transnational Criminal Organization (2018-present) US Department of the Treasury's Office of Foreign Assets Control (OFAC)

In January 2018, the US Department of the Treasury's Office of Foreign Assets Control (OFAC) designated the 'Zhao Wei Transnational Criminal Organization' (Zhao Wei TCO) pursuant to Executive Order 13581, "Blocking Property of Transnational Criminal Organizations."<sup>588</sup> The OFAC stated that the Zhao Wei TCO had exploited the Laos Golden Triangle Special Economic Zone (GTSEZ) region by engaging in drug trafficking, human trafficking, money laundering, bribery, and wildlife trafficking, much of which is being facilitated through the Kings Romans Casino located within the GTSEZ.

USA officials describe the Zhao Wei crime network as one that engages in "an array of horrendous illicit activities, including human trafficking and child prostitution, drug trafficking, and wildlife trafficking."

The government of the USA further states that, operating largely through the Kings Romans Casino, the Zhao Wei TCO facilitates the storage and distribution of heroin, methamphetamine, and other narcotics for illicit networks.

Two of the three Zhao Wei TCO companies, which are primary entities through which the Zhao Wei TCO operates, are registered in Hong Kong, notably Kings Romans International (HK) Co. Limited; and Kings Romans International Investment Co. Limited.

### 8.2.2 Operation Crash (2011-present)

#### US Fish and Wildlife Service, US Department of Justice

The USA has long been at the forefront of fighting wildlife criminals. One of its largest initiatives has been the US Fish and Wildlife Service (USFW), Office of Law Enforcement's 'Operation Crash'. The nationwide investigation, involving more than 140 law enforcement officers operating across 13 states, focused on dismantling international poaching and smuggling syndicates trafficking in rhinoceros horn and elephant ivory.<sup>589</sup>

As of January 2018, 50 wildlife criminals and companies had been found guilty, sentenced and/or charged.<sup>590</sup> Of these, thirteen were of Chinese ethnicity. Charges filed against defendants include violations of the Endangered Species Act, the Lacey Act, Conspiracy, Smuggling, Money Laundering, International Money Laundering, Mail Fraud, Tax Evasion, Bribery, and False Documents. Links to Hong Kong were evident and numerous. The Operation as of January 2018 has resulted in:

- 38 years of **prison sentences**
- US\$2.1 million (HK\$16.6 million) **of fines**
- US\$7.9 million (HK\$61.4 million) **of forfeiture and restitution**

Operation Crash clearly demonstrates Hong Kong is regarded as an easy transit port for organised wildlife crime

As evidenced by the examples highlighted below, Operation Crash alone, clearly demonstrates that Hong Kong is seen as an easy transit port for organised smuggling of wildlife contraband. Its cases reveal how repeated wildlife trafficking offences have been committed within Hong Kong, relying on Hong Kong citizens, utilising local addresses, banks and corporations. Hong Kong has undoubtedly gained a reputation in the crime world for being lax on serious and organised criminal activity related to wildlife. Examples are provided below.

**Li Zhifei (2009-2013):** One of the most extensive of the transnational syndicates investigated under Operation Crash was that of Li Zhifei, a Chinese national and antiques shop owner from Jinan City, Shandong. According to the court documents (Joint Factual Statement<sup>591,592</sup>), the criminal enterprise "smuggled rhinoceros horns and art objects made from rhinoceros horn and elephant ivory to Li in China

### Hong Kong has proven to be a critical hub in transnational wildlife crime

by way of Hong Kong”.<sup>593</sup> Li took over the business after his “Business Associate” was arrested in China for smuggling ivory.<sup>594,595</sup> He coordinated and oversaw a series of transactions, successfully smuggling at least 30 raw rhinoceros horns and derivative products, as well as ivory from the USA into China, via Hong Kong, collectively worth more than US\$4.5 million (HK\$35.1 million).<sup>596</sup>

Hong Kong was a critical hub in the syndicate’s operations, regarding both transshipments and financial transactions. The wildlife goods were mailed to individuals, such as an unnamed “Hong Kong accomplice” or an individual linked to an international logistics company, known to reside and operate in Fanling, who would then smuggle the products into mainland China.<sup>597</sup> The “Hong Kong accomplice” would reportedly earn “35 RMB out of the total 60 RMB per gram profit” and permitted his/her name to be used as an alias for Li to conduct business undetected.<sup>598</sup>

A “money broker in Hong Kong” facilitated the transfer of funds under the names of people other than Li, allowing him to circumvent China’s currency transfer limits, as well as hiding his activities from Chinese and American authorities.<sup>599</sup> An unidentified Hong Kong-registered corporation was also implicated, for wiring US\$59,000 to a dealer based in Long Island City in payment for rhinoceros horns.

Li’s agents would simply cut and cover horns in tape before postage<sup>600</sup> or hide them inside porcelain vases, accompanied by falsified customs declarations.<sup>601</sup> These and comparable methods of concealment have been relied upon in at least 20 other rhinoceros horn trafficking cases in Hong Kong (2013-2017) (Section 8.5). The practice continues to date, as evidenced by recent court cases (Section 5).

Li pleaded guilty to 11 felony counts in December 2013 and was sentenced to five years and ten months in prison, with an additional two years on monitored release. He also forfeited US\$3.5 million in criminal proceeds and several Asian artefacts. Other key members of the syndicate also received notable sentences. Wang Qiang (Jeffrey), a Chinese national in New York State, participated in the conspiracy with Li to purchase rhinoceros and ivory from auction houses and smuggle them into Hong Kong and China.<sup>602,603</sup> He received three years and one month in prison and three years on supervised release.

Qiu Ning, a Texas-based Asian antique appraiser, also operated on Li’s behalf, out of Texas, and purchased at least five raw rhinoceros horns between 2009 and 2013, which he then smuggled to Hong Kong.<sup>604</sup> Qiu was sentenced to two years and one month with a US\$150,000 fine (HK\$1.7 million). This sentencing contrasts considerably with the sentencing meted out in Hong Kong’s courts (Section 5).

**Graham Chen Guanzong (2008-2014):** A parallel syndicate identified in Operation Crash was run by Australian-Chinese citizen Graham Chen Guanzong<sup>605</sup>. According to the court documents (Joint Factual Statement<sup>606</sup>), Chen operated Asian artefacts businesses in China and Australia<sup>607</sup>, and used these as a front for acquiring, laundering and selling products made from endangered species in China.

In 2008, Chen purchased a mounted Black rhinoceros head (with two horns) for US\$85,000 (HK\$663,000) from I.M. Chait Gallery in Beverly Hills, California. He imported the head directly to Hong Kong, without any CITES permits. In 2009, head of acquisitions and the auctioneer from the same gallery in the USA, Jacob Chait, personally hand-carried 3.6kg of rhinoceros horns on a flight to Hong Kong, and subsequently drove them into China without any appropriate permits or certification.<sup>608</sup>

In 2009, Chen was arrested and charged for “smuggling elephant ivory from auction houses located in the United States”. He was apprehended in Chengdu, with 87 ivory items in his possession.<sup>609</sup> He was barred from international travel for three years. Consequently, he sought the assistance of Chinese national Yang Jinjie and American shipping operator Carla Marsh to help him continue his business. Chen hired Yang as his assistant. Yang became a key intermediary, directly aiding Chen by travelling to the USA to acquire and export goods made from endangered species, including rhinoceros horn, ivory and coral products.

Yang chiefly arranged for the products to be mailed or personally couriered them to Marsh in the USA. She knowingly “repackaged and shipped wildlife items from the United States to Hong Kong with documents that falsely described the contents and value of wildlife”. Descriptions included “decorative plastic figurines” and “wooden statue”<sup>610</sup>, and Marsh sometimes concealed them inside porcelain vases<sup>611</sup>. Many of the modes of operation mimicked those of Li Zhifei’s syndicate highlighted above<sup>612</sup>.

The illegal goods were subsequently collected by other unidentified members of the conspiracy, who were based in Hong Kong and would then smuggle them overland into mainland China and up to Chen’s operation in Shanghai.<sup>613</sup> The syndicate members’ lack of concern about interception in Hong Kong was highlighted by a series of emails between Marsh and Yang in 2010 (Box 8-2). In sum, for at least six years, the syndicate trafficked critically endangered species through Hong Kong, successfully avoiding detection or apprehension and earning at least US\$700,000 (HK\$5.5 million) through their criminal enterprise.

Yang pleaded guilty in December 2014 and was sentenced to ‘time-served’<sup>615</sup> in May 2015.<sup>616</sup> Marsh pleaded guilty in May 2015 and was sentenced to one year on probation in April 2016.<sup>617</sup> Chen was scheduled to be sentenced in December 2017.<sup>618</sup> However, the ruling has yet to be publically announced.

**The Chait Brothers (2008-2012):** The Chait family (namely father Isadore and sons Jacob and Joseph) ran the family-owned I.M. Chait Gallery in Beverly Hills, California, and were first implicated in the illegal wildlife trade through auction sales to Graham Chen Guanzong (see Chen Case) starting in 2008.

In addition to Jacob’s travels to Hong Kong and China, during which he trafficked Black rhinoceros horns (see Chen case above), he was implicated in “at least eight separate deals, or attempted deals, involving 15 rhinoceros horns worth an estimated US\$2.4 million,” according to the US Attorney’s Office for the Southern District of New York.<sup>619,620</sup> In 2008, Jacob also corresponded with an auction house and antique gallery in Hong Kong, which was interested in purchasing a mounted Black rhinoceros head for a client in Beijing.<sup>621</sup>

In August 2010, Joseph Chait, the Senior Auction Administrator at the gallery, was in correspondence with an unnamed customer in Shanghai, China. Their emails were quoted in the US Government’s Sentencing Memorandum<sup>622</sup>, wherein Joseph made it clear that Hong Kong is commonly used as a smuggling route, because of the ease of doing so (Box 8-3). Chait would falsify the information on export documents, identifying the contents as “something else like wood, or bone, etc.”, “art deco figures” or “Plastic Carved Figure”.<sup>623</sup>

#### BOX 8-2 AVOIDING DETECTION IN HONG KONG

December 2010: Marsh wrote, “I’ll send the Ivory to the address in Hong Kong...if we send it express mail through the post office, it’s only somewhat trackable and if it gets lost, it’s almost impossible to track. However, it’s less expensive than UPS and does not get scrutinised quite as much as customs and packages do going through UPS...have a safe journey back to China. I hope all the items arrive safely”.<sup>614</sup>

**Criminals have made it clear that Hong Kong is commonly used as a smuggling route because of the ease of doing so**

#### BOX 8-3 “NO PROBLEM WITH CUSTOMS”

August 2010, Joseph Chait wrote, “We will ship to the Hong Kong address. There should be no problems with customs. Hong Kong is very easy to deal with as compared to mainland China. In my experience we have not had any problems with shipping something and calling it something other than rhino horn. We have done it before and never had a problem.”<sup>624</sup>

In June 2016, Joseph was sentenced to one year and one day in prison and a US\$10,000 fine (HK\$780,000) for conspiring to smuggle wildlife products made from elephant ivory, rhinoceros horn and coral, with a total value exceeding US\$1 million (HK\$7.8 million), and for violating the Lacey Act.<sup>625</sup>

In February 2017, Jacob was summoned to the Manhattan federal court to face charges of conspiring to smuggle rhinoceros horns, in violation of the Lacey Act.<sup>626,627</sup> Isadore M. Chait, the father of the Chait Brothers and owner of the gallery, has also been implicated, but has not yet been publically charged.<sup>628</sup>

### 8.2.3 Operation Chameleon: Anson Wong (1990s-2010) US Fish and Wildlife Service, US Department of Justice

In 1998, the US Department of Justice announced the arrests of three defendants – the infamous ‘Lizard King’ Anson Wong Keng Liang from Malaysia, and two Americans James Michael Burroughs and Beau Lee Lewis. A fourth defendant was identified as Oscar Shiu Yuk-wah from Hong Kong, who was not apprehended.<sup>629</sup> When USFWS finally charged Wong in 2001,<sup>630</sup> the agency had been tracking him for at least five years through Operation Chameleon, an initiative in which 26 animal smugglers were apprehended and prosecuted.<sup>631</sup>

Wong owned a private zoo and import/export business, Sungai Rusa Wildlife in Malaysia, from 1990 and used it as a front for poaching, purchasing and selling “more than 300 protected reptiles native to Asia and Africa”.<sup>632</sup> This included Komodo dragons (listed as ‘Vulnerable’<sup>633</sup>) from Indonesia, Chinese alligators (listed as ‘Critically Endangered’<sup>634</sup>) from China<sup>635</sup>, and Ploughshare Tortoises (listed as ‘Critically Endangered’<sup>636</sup>) from Madagascar (Section 8.5).<sup>637</sup> His operation was, at the time, considered ‘the biggest global animal dealer and smuggling operation that has ever been broken’.<sup>638</sup> He relied on Hong Kong nationals and conducted illegal trade through the city between the 1990s and 2010s.

Following his arrest in 1998, Wong pleaded guilty to 40 federal felony crimes and was ultimately fined US\$60,000, sentenced to 71 months in federal prison and banned from selling animals to anyone in the USA for three years after his release.<sup>639,640</sup> It is unclear whether or not he served his full sentence. Regardless, Wong did not wait, establishing a new company (CBS Wildlife) through his wife and continuing to conduct business from behind bars.

Despite his conviction, Wong thus continued to play a significant role in the global wildlife trade. In 2010, he was arrested in Kuala Lumpur airport with “95 boa constrictors, a couple of African vipers, and a South American turtle,” when his suitcase broke open on the conveyor belt.<sup>641</sup> He was sentenced to five years in prison, but served just 17 months.<sup>642</sup> It has been speculated that he was insulated through his relationship with Malaysia’s top wildlife enforcement officials, namely then-law enforcement division director Sivananthan Elagupillay and his boss, Deputy Director General Misliah Mohamad Basir.<sup>643</sup> Misliah was the official who signed the CITES certificates for Wong, having spent “more than ten years inspecting his shipments,” in her own words.

One of Wong’s strongest connections to Hong Kong was through his co-conspirator, Oscar Shiu, who was indicted for “conspiracy, one count of smuggling, one count of money laundering, one count of making a false statement and one Lacey Act violation,” according to the US Department of Justice.<sup>644</sup> Shiu ran a wildlife import-export business from Hong Kong – ‘Scales and Tails Wildlife’.<sup>645</sup> A warrant for his arrest was issued by the US District Court for the indictable offences of “smuggling, sale and purchase of illegal wildlife” in contravention of numerous American laws.<sup>646</sup> If convicted, he was likely to serve at least three years in prison and face fines of more than US\$250,000. Despite reportedly being an integral player of the Wong’s syndicate, Shiu was never apprehended and technically remains a “fugitive”.<sup>647</sup>

**Despite reportedly being an integral player in a criminal syndicate, Hong Kong’s Oscar Shiu was never apprehended and technically remains a fugitive**

### 8.2.4 Operation COBRA II & III Global Wildlife Conservation Initiative

Operation COBRA consisted of three separate global wildlife enforcement sting operations, during which Hong Kong made two confirmed seizures. The first was during Operation COBRA II, where 2,754 live Pig-nosed turtles (*Carettochelys insculpta*) that were destined for the exotic pet trade, were seized.<sup>648,649</sup> Of these, 2,264 turtles were repatriated to Indonesia, the country of origin. Associated prosecutions in Hong Kong are not believed to have taken place.

The second instance was during Operation COBRA III, where an operation involving C&ED and the Hong Kong Marine Police led to the seizure of 129kg of pangolin scales, 10kg of hornbill beaks, live tortoises and lizards, and a number of electronic products at a public cargo area near the commercial port<sup>650</sup>. It was suspected that the smuggling operation involved a network including cross-border speedboats. The investigations are believed to be on-going in many countries.

All three of these global operations are considered to be successful, with a large number of arrests each (COBRA I – 139 arrests<sup>651</sup>, COBRA II – over 400 arrests<sup>652</sup>, COBRA III – over 300 arrests<sup>653</sup>). Although details are not available, it is understood that there were in fact links to Hong Kong.<sup>654</sup>

### 8.2.5 Lau, Tokosh and Treigle’s Smuggling Ring (2006-2014) US Fish and Wildlife Service, US Department of Justice

As early as 2011, Lau Hon Kit (also known as John Lau or Dave Lnu) conspired with two Americans Lawrence Treigle<sup>655</sup> and John Tokosh<sup>656</sup> and three Hong Kong citizens to purchase and smuggle wildlife out the USA and into Hong Kong.<sup>657</sup> They prejudicially poached North American wood turtles from Pennsylvania, which resemble the highly-prized and ‘Critically Endangered’ Golden coin turtle<sup>658</sup> and are listed under CITES Appendix II.

**Hong Kong citizens were part of a syndicate smuggling critically endangered turtles from the USA**

Lau, a British national from Hong Kong, provided much of the funding for the enterprise.<sup>659</sup> Treigle, a US postal service worker based in Louisiana, had been involved in turtle smuggling since at least 2006 and was the intermediary, transferring goods and cash to co-conspirators in the USA.<sup>660</sup> Tokosh, based in Pennsylvania, was responsible for poaching the turtles from the wild.<sup>661</sup>

Three Hong Kong citizens were part of the smuggling syndicate in addition to Lau. Two, Chan So-yi and Chiu Sui-fan, lived in California,<sup>662</sup> whilst Barry Wong was based in Hong Kong.<sup>663</sup> Chan and Choi would export the turtles, bound in duct tape<sup>664</sup>, falsely declaring them as items such as “story books, shoes, magazines, dresses, and legos”.<sup>665</sup> Hong Kong’s Customs and Excise Department was involved in breaking the syndicate, conducting a controlled delivery of turtles that it intercepted in July 2014 and arresting Wong locally.<sup>666</sup> However, it remains unclear as to whether Wong was prosecuted in Hong Kong.

The USFWS was able to prosecute using insights gained from tracking Treigle’s bank account. His bank records revealed that between 2011 and 2012 he had received US\$221,780 in wire transfers from Hong Kong.<sup>667</sup> Over this period, the money was always rapidly withdrawn, and followed by a shipment of turtles. Treigle sent at least 42 consignments over those years. Each time, he would send a payment to Tokosh and a parcel to Chan and Choi in California.<sup>668</sup> This information, including evidence gathered during a raid on his house, led to Treigle becoming an informant and continuing to collect evidence leading to the arrest and prosecution of fellow members of the syndicate.

The main criminal violations in the USA were the use of false names and addresses, falsifying declarations on export documents, illegally trading animal species online and, most notably, the capture and shipment of CITES listed species across State lines and overseas.<sup>669</sup>

### 8.2.6 Swanson, Tsang and Ko's Smuggling Ring (2008-2014)

#### US Fish and Wildlife Service (USFWS), US Department of Justice

A turtle and tortoise smuggling operation was discovered, wherein three men in the USA traded with three men in Hong Kong.<sup>670,671</sup> The syndicate had been in operation since at least 2008. Nathaniel Swanson, a pet shop owner, conspired to smuggle domestic species out of the USA and into Hong Kong. He lent legitimacy to the smuggling operation that was responsible for trafficking many Vulnerable turtles, as well as some Endangered and Critically Endangered species.

The three conspirators based in the USA, Swanson, Ko Cheuk-yin and Hong Kong citizen Sang Tak-ming, would mail live North American turtle species to their counterparts in Hong Kong, who would also mail Asian or Chinese species of turtles back to the USA for sale at Swanson's shop. The total value of animals trafficked was relatively low (US\$200,000) and the USA-based smugglers allegedly did not realise the gravity of the laws that they were breaking. However, the cruelty involved in the trafficking of the turtles was considerable.

The prosecuting US Attorney stated, "The cruelty of this scheme is evident in the pictures of the live turtles wrapped in socks and taped to keep them still and hidden from inspectors and shipping agents"<sup>672</sup> (Section 8.5).

**The cruelty involved in a turtle and tortoise smuggling operation into Hong Kong was considerable**

## 8.3 TRAFFICKING SYNDICATES AND NETWORKS LINKED TO HONG KONG

### 8.3.1 In Plane Sight, C4ADS (2018)

#### Investigative Research

Supported by the USAID ROUTES partnership<sup>673</sup> including the United States government and the International Air Transport Association (IATA), detailed research of global seizures made at airports shed light on trafficking routes, including those to Hong Kong. Although not focused specifically on identifying criminal syndicates the research highlights:

- An ivory trafficking network that has been moving ivory from Zimbabwe to Hong Kong since 2015 using handmade vests<sup>674</sup> and potentially computer towers to obfuscate the contraband.
- A Namibian based syndicate trafficking ivory through Hong Kong.<sup>675</sup>

### 8.3.2 Hooked, C4ADS (2017) & Operation Fake Gold, Elephant Action League (2018)

#### Investigative Research

As part of the report by the Center for Advanced Defense Studies (C4ADS) on the decline of the 'Critically Endangered' totoaba (*Totoaba macdonaldi*)<sup>676</sup> and vaquita (*Phocoena sinus*)<sup>677</sup> in the Gulf of California, researchers from C4ADS investigated the illegal trade in totoaba maw<sup>678</sup> (swim bladders) from Mexico to Hong Kong and China.<sup>679</sup> They discovered a complicated and organised poaching and trafficking network linking Mexican drug cartels to Chinese traffickers.

Totoaba was legally fished in the Gulf of California from the early twentieth century, but suffered a dramatic population decline later in the century. As a response, the Mexican government set up a buy-back of fishing licences and an on-going compensation scheme. Nevertheless, fishing in the gulf, continued even after the fisheries were officially closed. Local fishers in the Gulf of California reported that the organised crime cartels entered the illegal totoaba trade in 2013 or 2014, in response to the increase in profitability and the ease of entry, due to the chaos in the existing system.

Once the totoaba maws had been poached by locals hired by a Mexican drug cartel, it was sold on to a trafficker who, according to the C4ADS report, was often ethnically Chinese. In one case, ending in prosecution in the USA, totoaba maws were smuggled into the USA and sold on to a Hong Kong man with a number of 'shell companies' and a furniture company, 'Kaven Company, Inc'. Kam Wing Chan was discovered to be regularly smuggling the totoaba maw, as well as endangered abalone and

**Critically endangered and highly valuable totoaba maws were smuggled into the USA and sold on to a Hong Kong national**

other dried fish products, to his brother's company, 'Convenience Trading', in Hong Kong.<sup>680</sup> There was evidence that the family used American air couriers to smuggle the falsely declared goods to Hong Kong, exported to his brother's company. According to C4ADS, 'Convenience Trading' was linked to multiple large shipments of totoaba and other endangered species.

#### The value of Totoaba maws has surpassed the value of gold

Elephant Action League (EAL) has investigated the criminality involved in the totoaba trade, and stated that the value of their maws has now surpassed the value of gold (US\$42/g), selling for 300RMB/g (US\$47/g) in mainland China.<sup>681</sup> Further, the involvement of the Mexican narcotics cartels has connected the trade in wildlife with the trade in drugs, as well as human trafficking.<sup>682</sup>

According to the EAL, Hong Kong is "where the large importers of totoaba maw reside," from where they coordinate and facilitate the shipments and sales of the maws to mainland Chinese buyers and beyond.<sup>683</sup>

### 8.3.3 The Shuidong Syndicate, Environmental Investigation Agency (1990s-2017)

#### Investigative Research

Over a period of three years, the Environmental Investigation Agency (EIA)<sup>684</sup> conducted an investigation into an ivory syndicate based in the city of Shuidong, Guangdong province. By forming a relationship with three men from Shuidong and Hong Kong, they uncovered details on the complicated smuggling route and the tactics they used to transfer the ivory from Africa to China.<sup>685</sup> The EIA investigators were included by the Mozambique-based syndicate members in the planning of an ivory shipment through Mozambique, South Korea, Hong Kong, Shanghai, then by car to Shuidong for the sale. The ivory was hidden inside plastic pellets destined for the factory of a Hong Kong businessman known only as "Nan-Ge". The ivory was shipped under his company's name, as the company had a history of consigning such shipments.

#### Illegal ivory was concealed under plastic pellets destined for the factory of a Hong Kong businessman

The smugglers described how Nan-Ge "owned the road" by paying "smuggling fees" to known freight agents and customs officers, and had used the route for wildlife smuggling five times previously. Once the shipment reached South Korea, a Chinese freight forwarder would doctor the shipment's papers to change the exporting country from Mozambique to South Korea, to reduce any suspicion of Hong Kong Customs agents. After the successful trafficking operation, the shipment of ivory was stored in Hong Kong until it was deemed safe to transport it to China for the sale.<sup>686</sup> A similar process was relied on in the shipment of pangolin scales, a side business of the syndicate.<sup>687</sup>

As a result of this investigation and the publicity it received, in 2017 one of the poaching "kingpins" of Mozambique that may have been involved with the Shuidong syndicate was detained, after being apprehended with eight elephant tusks on his person.<sup>688</sup> Regardless, relatives of Nan-Ge's co-conspirators (from Shuidong) have been smuggling ivory since the 1990s and the Shuidong syndicate allegedly remains operational.<sup>689</sup>

### 8.3.4 Operation Upscale (2017-date unknown)

#### Media Report

Wildlife syndicates have been 'busted' by the C&ED and the HKPF in a number of notable instances, and many bear the characteristics of confirmed criminal operations (Section 5.2). This has been mostly explicitly illustrated through the locally conducted 'Operation Upscale'.

The operation first came to public attention in February 2017, when the HKPF launched a series of seizures and arrests that captured eleven alleged members of the Sun Yee On triad society<sup>690</sup>, who were apprehended for smuggling red sandalwood, electronic goods and money into mainland China.<sup>691</sup> The cross-border syndicate had reportedly been operating for over two years, sometimes making several smuggling runs per week to Guangdong Province. The "gang" favoured informal landing sites and less frequented piers in Sai Kung, striving to avoid police detection, where they would load goods onto speedboats from minivans and trucks.

In addition to their smuggling activities, the gang was also reportedly involved in money laundering, revealing an alleged nexus between wildlife and financial crimes in Hong Kong. One of the suspected ringleader's daughters purportedly operated a money exchange service in Tai Po. She had used her own bank accounts and the exchanger to launder up to HK\$30 million, according to reports.<sup>692</sup>

Whilst the full scale of the syndicate's operations remain undisclosed, seven other similar seizures involving red sandalwood (several including electronics<sup>693</sup>) were made between May 2015 and April 2017<sup>694</sup>. They were particularly clustered along the easternmost section of Tai Mong Tsai Road, in the vicinity of the entrance to Sai Kung Country Park (Figure 8-1). Indeed, a full two months after the ring was reportedly "broken up", 640kg of red sandalwood was seized from a car near Wong Keng Tei<sup>695</sup>, a village near Tai Mong Tsai Road.

**FIGURE 8-1 SEIZURES OF RED SANDALWOOD AROUND SAI KUNG (MAY 2015-APRIL 2017)**

Source: WiPS Database (2018)



### 8.3.5 Species of Crime, C4ADS (2015) Investigative Research

In 2015, C4ADS updated its ivory analysis documented in 'Out of Africa' (see below). The resulting report, 'Species of Crime', presents a series of case studies on ivory seizures.<sup>696</sup> Hong Kong was affirmed as a major smuggling route, along with the entire Pearl River Delta region, as well as being involved in a specific seizure. Ivory was seized in Hong Kong from an operation in Cameroon that used three shipping containers with false compartments cut out from the back. The seized paperwork with the ivory found that the shipping containers travelled from Cameroon to Hong Kong at least twelve times before they were intercepted.<sup>697</sup>

The C4ADS report highlighted Kenya, Tanzania, Uganda, the Congo basin and Togo as key "origin locations" from 2009 to 2013. These findings were in agreement with WiPS data, wherein Togo and Kenya were among the countries of consignment for the largest seizures in Hong Kong from African nations between 2013 and 2017 (Section 4.5). There was also agreement on transshipment hubs identified by C4ADS and those in the WiPS Database, in particular Port Klang in Malaysia, Dubai in the UAE and Hong Kong itself (Section 4.6).<sup>698</sup>

Methods of concealment ("obfuscation methods") seen between 2009 and 2015 also closely paralleled those observed by C&ED, AFCD and the HKPF in Hong Kong, including hiding wildlife products within shipments of "dry agricultural products", "waste materials" and "low-value commercial goods".<sup>699</sup>

### 8.3.6 The May 21 Network (2015)

#### Media Reports

In 2015, the Beijing Forest Police arrested 16 suspects and disrupted a sophisticated ivory smuggling syndicate, which had its own processing factory, warehouses and transport fleet.<sup>700</sup> In a three-month investigation, starting on May 21 (which inspired the operation's codename, aka "5.21" by Chinese authorities<sup>701</sup>), investigators reportedly tracked down suspects and whistle-blowers across Hebei, Shandong and Guangdong province.<sup>702</sup> The police seized 804.4kg of ivory, 11.3kg of rhinoceros horn, 35 bear paws, polar and black bear pelts, two boxes of wolf skin as well as mountain sheep horns, narwhal tusks, red coral and pangolin scales, all estimated to be worth RMB24.4 million (HK\$30.1 million).

The investigation revealed that the smugglers operated from Guangdong, Shandong and Beijing, using antique shops as fronts and illegal online trading and couriers for their distribution.<sup>703</sup> The ivory had reportedly been smuggled from Japan to Hong Kong, before being forwarded to Shenzhen and Weihai in China.<sup>704</sup>

### 8.3.7 Out of Africa, C4ADS (2014)

#### Investigative Research

C4ADS conducted an analysis on ivory poaching and smuggling in 2014.<sup>705</sup> The analysis gave an overview of poaching operations in Africa and smuggling operations worldwide, that were often found to be run by Chinese nationals. They described the early expansion of Chinese smuggling syndicates from 2009 to 2014, as well as their favoured methods. The research listed Hong Kong as the most commonly used port for smuggling ivory into China, followed by the overland route through Vietnam, as well as ranking second in the world at the time, for ivory seizures by volume, closely following Mombasa, Kenya.

River trading vessels, speedboats and trucks were reportedly relied on to smuggle ivory into Southern China from Hong Kong. The report stated that ivory was "trafficked via river barges and speedboats across the bay into Guangzhou along well-established trafficking routes controlled by Chinese organised crime". C4ADS found that this method of smuggling through Hong Kong was commonly used by more sophisticated syndicates that avoided shipping directly from Africa to Guangzhou.<sup>706</sup>

C4ADS also reported that a Tanzanian businessman, the managing director of a trucking company allegedly involved in copper smuggling, had been arrested in connection to the seizure of 1,330kg of ivory in Hong Kong in November 2012.<sup>707</sup> However, the reportedly politically-connected businessman was acquitted.

**Hong Kong was identified as the most commonly used port for smuggling ivory into China**

### 8.3.8 The Teng Group, Last Great Ape Organisation (1980s-2006)

#### Investigative Research

In May 2006, Hong Kong seized a shipment of 3.9 tonnes of ivory (603 tusks)<sup>708</sup>, which according to investigative research was linked to the Teng Group, a syndicate comprised of Taiwanese and Philippine nationals<sup>709</sup>.

The Tengs have been active since the 1980s, according to Ofir Drori, founder of the Last Great Ape Organisation and an authority on the Teng Group and organised wildlife crime in Central Africa<sup>710</sup>. They have chiefly operated out of Cameroon and Nigeria, sending ivory to Taiwan, and utilising both Macau and Hong Kong as transshipment ports. The Teng syndicate was estimated to earn as much as US\$5 million (HK\$39 million) every two months from regular shipments of around 600 tusks, as well as through money laundering and drug trafficking<sup>711</sup>.

Drori indicated that the seized shipment was one of twelve containers following an identical route. The 603 ivory tusks were hidden as part of a timber shipment destined for re-export to Macau.<sup>712</sup> DNA analysis<sup>713</sup> determined that the tusks had originated in south-east Gabon, near the Congo-Brazzaville border. Three arrests were made in Cameroon, although the suspects later escaped and have continued to evade the law.<sup>714</sup>

It is believed that the Teng Group continue to be active and were last traced to the Philippines.<sup>715</sup> Drori estimated that over the last 30 years of operation, the syndicate may have been responsible for the killing of as many as 36,000 elephants. Hong Kong is believed to repeatedly have been a transit point and an entrepôt utilised by the Teng crime syndicate.<sup>716</sup>

**The Teng Group may have been responsible for the killing of as many as 36,000 elephants**

## 8.4 HKSAR GOVERNMENT'S STATEMENTS POINT TO ORGANISED SYNDICATES

Admissions and assertions by Hong Kong customs officials also indicate the illegal wildlife trade is linked to "smuggling syndicates" and "gangsters". The following provide examples from government press releases and media reports.

**2017:** In December 2017, two speedboats were pursued by officers of the C&ED Syndicate Crimes Investigation Bureau and the Ports and Maritime Command, marking the culmination of a two-week investigation of a cross-border smuggling syndicate.<sup>717,718</sup> Officers were stationed near Tai Po and observed five men unloading goods from several cars onto speedboats. Following a two-hour pursuit in speedboats the smugglers successfully escaped, abandoning the boats off Yim Tin Tsai, Sai Kung and swimming ashore. They left behind electronic goods and 313kg of pangolin scales with a market value of HK\$10 million.<sup>719</sup> The following day the C&ED Syndicate Crimes Investigation Bureau reportedly arrested a 35-year-old Hong Kong man who they believed to be a "**a core member of a cross-border smuggling syndicate.**"<sup>720</sup> It is not known whether the arrest resulted in a prosecution.

**2017:** Hong Kong made its largest ivory seizure to date in June 2017 - 7 tonnes of elephant tusks.<sup>721</sup> The tusks were concealed under "*frozen fish*" in a shipment inbound from Port Klang, Malaysia<sup>722</sup>. During the government's press conference, head of the special investigation group, Simon Wan Hing-chue, stated, "**It is very common for the smuggling syndicate to take advantage of our extensive logistic network.**" The seizure is understood to be under investigation.<sup>723</sup>

**Hong Kong customs officials indicate that the wildlife trade is linked to 'smuggling syndicates' and 'gangsters'**

**2014:** In November 2014, responding to LegCo questions, the Secretary for the Environment acknowledged the transnational nature of trafficking endangered species, stating that "***AFCD also reports such cases to the CITES Secretariat and CITES Management Authorities of the countries concerned to assist local law enforcement agencies in initiating investigation and stepping up combat actions against transnational smuggling of endangered species.***"<sup>724</sup>

**2014:** In January 2014, two shipments of dried seahorses valued at HK\$1 million arrived in Hong Kong from Peru, manifested as "*wet salted leather*".<sup>725</sup> The first comprised 322kg of seahorses concealed between layers of leather from Paita, Peru. The second, arriving on the next day, was from Callao, Peru and contained 172kg of seahorses secreted in the same manner. In its press release the C&ED stated, "***Follow-up action is still on-going to locate the suspected smuggling syndicate members.***"<sup>726</sup>

**2013:** Between September 24 and October 2, three containers collectively holding 769kg of ivory were seized by C&ED. The 189 tusks were manifested as "soya" from Cote d'Ivoire and hidden under bags of soya.<sup>727,728</sup> The shipments, sourced from Africa, passed undetected through Port Klang, Malaysia and arrived in Hong Kong, destined for distribution to three different locations – one in Central, one in Sheung Wan and another potentially destined for export to Foshan, Guangdong Province.<sup>729</sup> In its press release, the Information Services Department stated, "***Follow-up action is ongoing to locate the smuggling syndicate members.***" It remains unclear whether any prosecutions took place.

**2010:** In September 2010, C&ED collaborated with the Marine Police and Guangdong Customs agents in a two-day operation '*Minesweeper*', seeking to combat cross-boundary smuggling operations.<sup>730</sup> They seized 288 monitor lizards, valued at HK\$288,000 being unloaded by three Hong Kong men aged 25-48 from a light goods vehicle into speedboats in Tuen Mun. In its press release, the C&ED stated that it had found the "***gangsters***" and had intervened to disrupt their illegal activities. The men in the speedboat were reportedly "found leaving Hong Kong waters", indicating none of the suspects were apprehended. It remains unclear whether any prosecutions took place.

## 8.5 SEIZURES INDICATING THE SERIOUS NATURE OF WILDLIFE CRIMES

### 8.5.1 Introduction

Examination of available details surrounding numerous seizures in WiPS clearly indicates that smuggling wildlife into and through Hong Kong requires organised and sophisticated networks. The associated criminal activities are serious, given the values and externalities such as the wildlife, ecological and human impacts. Considering the transnational, serious and organised nature of wildlife crime globally, and Hong Kong's role as a wildlife trade and trafficking hub, this section provides context for and insights into the following:

- The considerable sums of money involved and the significance of these sums;
- The methods and modes of trafficking; and
- The significance of seizures in terms of global biodiversity, ecological and species impacts.

### 8.5.2 A Lucrative Endeavour, Second only to Drugs in Value

The global trade in wildlife exists because of the persistent demand and value of wildlife products. Where a legitimate market thrives, and where opportunities arise, criminal operations are soon to follow, capitalising on the demand and providing services the legal sector cannot.

According to recent figures, the global trade in illegal wildlife is estimated to be valued, in terms of "loss of resources", anywhere between US\$68.7-198.5 billion (HK\$536 billion and HK\$1.6 trillion) per year (Table 8-1).

**Wildlife trade exists because of persistent demand and high value of products**

**TABLE 8-1 ENVIRONMENTAL CRIMES AND THEIR ESTIMATED ANNUAL VALUE**

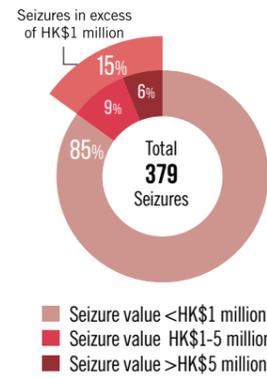
Data sourced from Nelleman et al (2016)<sup>731</sup>

ENVIRONMENTAL CRIME	ANNUAL LOSS OF RESOURCES PRE-2014 ESTIMATE	ANNUAL LOSS OF RESOURCES 2016 ESTIMATE
Illegal logging and trade	US\$30 -100 billion (HK\$234-780 billion)	US\$ 50.7-152 billion (HK\$396 billion-1.2 trillion)
Illegal, Unreported and Unregulated fisheries	US\$11-30 billion (HK\$86-234 billion)	US\$ 11-23.5 (HK\$86-183 billion)
Illegal trade and poaching of plants and other wildlife	US\$7-23 billion (HK\$55-179 billion)	US\$7-23 billion (HK\$55-179 billion)
<b>TOTAL</b>	<b>US\$48-153 billion (HK\$374 billion-1.2 trillion)<sup>732</sup></b>	<b>US\$68.7-198.5 billion (HK\$536 billion-1.6 trillion)<sup>733</sup></b>

As noted in Section 4.4, in Hong Kong, the government estimates of CITES-listed wildlife products seized between 2013 and 2017 amount to approximately HK\$560 million (US\$72 million) or about HK\$87-142 million (US\$11-18 million) per year.

**Wildlife seizures in Hong Kong are worth millions of dollars**

According to the WiPS database, over the last five years, there have been at least 56 seizures (15% of the total 379 seizures) wherein the wildlife products were valued in excess of HK\$1 million. Of these, 23 were estimated to be worth more than HK\$5 million. Though far from exhaustive, these seizures provide some indication of the high values of the wildlife and derivatives being trafficked into and through Hong Kong.



To date, the highest value seizure in Hong Kong that has been comprised purely of wildlife derivatives was that of 7,015 Malagasy rosewood logs in 2015, valued at HK\$40.3 million. Ivory and red sandalwood were among the most consistently highly valued, each with 15 seizures worth more than HK\$1 million (Section 4.4).

With just over one-fifth of seizures (n=79) being mixed with other products and commodities, it is important to note that wildlife is often smuggled as a part of larger, high-value shipments. In 2013, three mixed seizures comprising CITES-listed species and electronic goods were valued at HK\$8 million<sup>734</sup>, HK\$41 million<sup>735</sup> and HK\$60 million<sup>736</sup> respectively.

**The value of endangered species seized has been ranked in the top 5 of the 56 Ordinances that Hong Kong customs act on**

According to C&ED's annual reports (2012 to 2017), the value of endangered species seized under Cap. 586 consistently ranked in the top five of the 56 ordinances which C&ED act on.<sup>737</sup> The most recent annual review available, from 2017<sup>738</sup>, indicates the value seized under Cap. 586 was the fourth highest, and by number of cases it was the sixth highest (Table 8-2). By number of cases, it has consistently been in the top six.

From the case statistics, however, C&ED indicate that a case may involve more than one Ordinance, meaning that Import and Export cases (currently ranking first in value) will likely represent a composite of the numerous seizure values under a wide range of ordinances. Taking this into account, by values and number of cases, endangered species potentially rank third and fourth respectively (Table 8-2).

**Over the past decade the estimated value of wildlife seizures in Hong Kong has risen 1,600%**

**TABLE 8-2 RANKED C&ED CASE STATISTICS FOR 2017**

Source: C&ED (2018)<sup>739</sup>

**(A) By value**

RANK OUT OF 56	RANK (EXCL. IMPORT/EXPORT)	ORDINANCES ENFORCED BY C&ED, RANKED BY VALUE	NUMBER OF CASES	VALUE (HKD'000)
1		Import and Export	4,960	680,417
2	1	Dangerous Drugs	952	336,095
<b>3</b>	<b>2</b>	<b>Protection of Endangered Species</b>	<b>434</b>	<b>150,376</b>
4	3	Trade Descriptions	990	116,785
5	4	Dutiable Commodities	15,348	97,701
6	5	Pharmacy & Poisons	282	25,167

**(B) By number of cases**

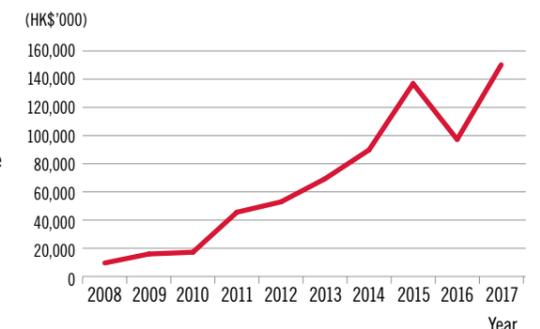
RANK OUT OF 56	RANK (EXCL. IMPORT/EXPORT)	ORDINANCES ENFORCED BY C&ED, RANKED BY VALUE	NUMBER OF CASES	VALUE (HKD'000)
1	1	Dutiable Commodities	15,348	97,701
2		Import and Export	4,960	680,417
3	2	Trade Descriptions	990	116,785
4	3	Dangerous Drugs	952	336,095
5	4	Public health and municipal services	512	573
<b>6</b>	<b>5</b>	<b>Protection of Endangered Species</b>	<b>434</b>	<b>150,376</b>

Over this period, the total value seized under Cap. 586 was similar to the total values seized under the high value Ordinances of Dutiable Commodities, Pharmacy & Poisons and Trade Descriptions. Although all of these Ordinances cover a great variety of issues and therefore have vast differences between the numbers of cases each year, the similarities between the total values seized under Cap. 586 and the total values of these other major ordinances show the significance of the Endangered Species Ordinance.

Although a crude analysis, by looking at the number of cases and the values yielded (e.g. in 2017, 434 'Endangered Species' cases yielded a total value of products equivalent to HK\$150.4 million seized<sup>741</sup>), it appears that seizures under Cap. 586 are second only to drugs in value. These figures represent a 140% increase in number of cases and 155% increase in estimated value from 2016. Over the past decade the estimated value of seizures in Hong Kong has risen by 1,600% (Figure 8-2).

**FIGURE 8-2 PROTECTION OF ENDANGERED SPECIES SEIZURES VALUE (2008-2017)**

Source: C&ED (2018)<sup>739</sup>



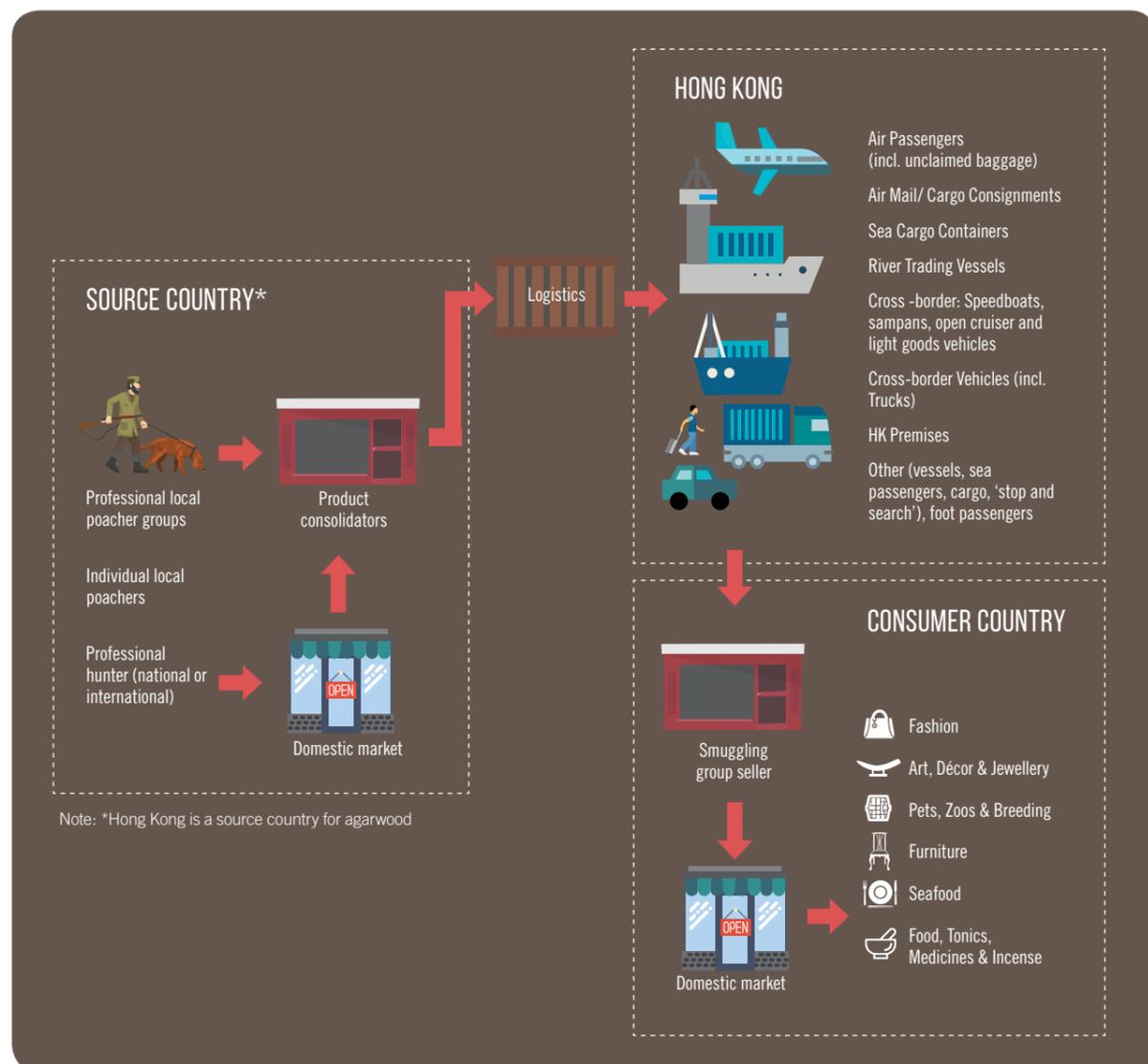
The high seizure values and ranking within Hong Kong's ordinances illustrate the serious nature of wildlife criminal activities and the considerable sums of money that can be involved. These monies clearly provide sufficient incentive to sustain wildlife poaching and notably outweigh the risks involved. For the most part, deterrent sentences and penalties, and thus risks in Hong Kong are low. Due to the syndicated nature of some wildlife trafficking networks, these monies will inevitably be used to further illegal activities and potentially fund other criminal enterprises that harm society.

**8.5.3 Methods and Modes Indicate Organised Networks**

**Extensive Supply Chains and Networks:** In many instances, wildlife trafficking requires organised logistics and networks which involve illegally harvesting wildlife in its country of origin, co-ordination with often distant markets (e.g. between Africa and Asia) through middlemen and arranging the illegal transport of the wildlife, either live animals or products, across entire continents, potentially using multiple modes of transport and transit points (Figure 8-3).<sup>742,743,744</sup> Some of these networks are reportedly highly efficient, such that freshly poached rhinoceros horns can reach their destination market in China within a matter of days of the rhinoceros' slaughter.<sup>745</sup>

**FIGURE 8-3 SIMPLIFIED WILDLIFE TRAFFICKING SUPPLY CHAIN INDICATING HONG KONG'S INVOLVEMENT**

Adapted from: WWF & Dalberg (2012)<sup>746</sup>



**Numerous seizures relate to operations that would have required significant coordination**

Whilst the exact number of individuals involved in any seizure case may never be clear, it is evident that numerous seizures relate to operations that would have required significant coordination between many individuals. Large seizures, in particular, can be indicative of the involvement of criminal syndicates, requiring considerable coordination, manpower and finances, available only to organised groups (Box 8-4).<sup>747</sup>

Seizures documented in WiPS indicate trafficking into and/or through Hong Kong involves varying degrees of sophistication and complexity. As noted in Section 4, the three main modes of trafficking evident include transport of illegal contraband by: air passengers (Box 8-4); in shipping containers and via the postal service. After arrival in Hong Kong the wildlife is in many cases likely smuggled via sea or land into China, the main demand centre.<sup>748,749</sup>

There are clearly degrees of involvement within these organised networks, ranging from being a courier or mule<sup>750,751</sup> to acting as an intermediary<sup>752</sup> or money launderer<sup>753,754</sup>, to playing a leading role as a coordinator<sup>755</sup> or 'kingpin'.<sup>756</sup> Based on available data, many of those apprehended in Hong Kong appear to be low level mules or intermediaries in the network. Although relatively rare, importers<sup>757</sup>, traders<sup>758,759</sup> and retailers<sup>760,761</sup> have been caught and charged, as have local members of organised criminal syndicates, reportedly including the Sun Yee On triad society<sup>762</sup>.

**Large Volumes Indicate High Risk Tolerance and Coordinated Criminality:**

**ROSEWOOD:** To date, some of the largest wildlife smuggling operations (by volume) in Hong Kong have been linked to wood, such as the one-thousand tonnes of Malagasy rosewood seized in 2015, which amounted to 7,015 logs. The inbound seizure occurred during a cargo inspection at the Tuen Mun River Trade Terminal of an ocean-going cargo vessel. Malagasy rosewood is native to Madagascar, and logging, transporting, trading or exporting it has been prohibited since 2010.<sup>766</sup>

**BOX 8-4 'ANT SMUGGLERS' CAUGHT RED-HANDED**

Syndicates have been exploiting air travel to smuggle valuable wildlife products for decades.<sup>763</sup> The single largest ant smuggling operation to date in Hong Kong comprised 16 Vietnamese nationals aged 20-54, who arrived on a single flight from Angola via Ethiopia, with 790kg of ivory distributed across 32 pieces of baggage.<sup>764</sup> The passengers were en route to Cambodia with the HK\$79 million-worth of ivory tusks and semi-processed ivory.<sup>765</sup> The coordination between these individuals aboard the same flight and relying on the same methodology is certainly suggestive of an organised operation.

**The quantity involved in rosewood seizures illustrates the coordination and complicity involved in these crimes**

Given the quantity involved and the intercontinental transit route, it is impossible that this volume of wood could have been transported without the coordination and complicity of numerous individuals. From the loggers who felled and extracted the logs from lowland rainforest and marshy areas in eastern Madagascar, to the transportation logistics of conveying the logs to the port, shipping them over 1,000km to Zanzibar and subsequently concealing them in the hold of a vessel. Only a coordinated group could have succeeded in getting such a volume to as far as Hong Kong undetected and unreported. By segmenting the supply route and re-consigning the shipment, the traffickers presumably sought to reduce the suspicion of inspectors and enforcers.

Notably, illegal shipments of Malagasy rosewood are often of this scale<sup>767</sup>. The fact that trafficking syndicates are willing to smuggle such large volumes of a strictly regulated and recognisable species, with such confidence that port authorities, e.g. in Madagascar, Zanzibar, Hong Kong and the purported final destination e.g. Fujian Province in China<sup>768</sup>, can be evaded also suggests potential corruption and the involvement of a well-funded network.

**Ivory seizures in Hong Kong are indicative of organised crime**

**IVORY:** Large illegal consignments of ivory seized in Hong Kong (Section 4.4) also suggest sophisticated networks. According to the CITES, ETIS and the UNODC<sup>769</sup>, seizures exceeding 500kg are considered “large-scale” and “indicative of the presence of organised crime in the illicit ivory trade”<sup>770</sup>. At least four ivory seizures in Hong Kong surpassed this threshold between 2013 and 2017, with the largest ivory seizure consisting of seven tonnes in 2017.<sup>771</sup> It highlighted both the capacity of traffickers and the level of international coordination involved in the illicit ivory market. WiPS indicates that the ivory was last consigned from Malaysia, but according to DNA testing the ivory was from the vicinity of Gabon<sup>772</sup>, suggesting an organised syndicate with extensive operations spanning Africa, Malaysia and Hong Kong.

**The logistics behind poaching, stockpiling and transporting 7MT of ivory would have required a network of trustworthy, knowledgeable and capable individuals**

The logistics behind poaching, stockpiling and transporting seven tonnes of ivory would have required a network including trustworthy, knowledgeable and capable individuals. In the days after the seizure, three individuals linked to a trading company in Tuen Mun were arrested. It is understood that the case has since been dropped.<sup>773</sup>

**PANGOLINS:** Similarly, the large volumes of pangolin scales seized in Hong Kong as they arrived from Africa suggest that organised operations are involved on the ground, especially in Nigeria and Cameroon. Seizures amounting to 16.5MT from Nigeria and 9.1MT from Cameroon, representing 38% and 21% of the overall volume seized between 2013 and 2017 (C&ED), suggest that the shipments were connected to broader poaching operations and smuggling networks spanning Central and Western Africa. As stated previously, large volume shipments such as those that have arrived from Nigeria and Cameroon, typically exceeding 2MT per consignment, would have to be sourced from a considerable area, potentially spanning multiple countries, and would require well-financed, coordinated syndicates to collate and consign.

**Imported in Bulk, Exported Piecemeal:** According to WiPS, Red sandalwood has mostly been trafficked in two ways, inside containers aboard cargo and river trading vessels or aboard smaller speedboats and sampans, revealing what could be two segments of the same supply chain (Section 4.7). The numerous seizures of smaller volumes from speedboats and sampans suggest that large shipments, having successfully evaded detection as they are imported, are unloaded within Hong Kong and subdivided into smaller, more manageable loads. These are potentially then driven to informal landing points in light goods vehicles and loaded onto vessels to be smuggled into mainland China.

As similar volumes and methods have been observed in the few seizures of pangolin derivatives, it is possible that several cross-border syndicates may be operating in a similar manner.

**Mixed Seizures Indicate Links to Broader Commodities Trafficking:** The extent and nature of mixed seizures highlighted in Section 4.7 indicates the opportunism, internationalism and far-reaching sourcing capabilities of the smuggling syndicates operating out of and through Hong Kong.

**Seizures of multiple species/products indicating the extensive reach of trafficking syndicates are evident in 1 in 5 seizures in WiPS**

The capacity of wildlife syndicates to source, smuggle and assemble consignments of innumerable consumer goods with an array of wildlife products is demonstrative of their level of coordination. Further, their ability to source goods and wildlife from across numerous, distinctly different regions, often spanning multiple continents, illustrates the reach and organisational capacity employed in just over one in five seizures documented in the WiPS Database (Section 4.7).

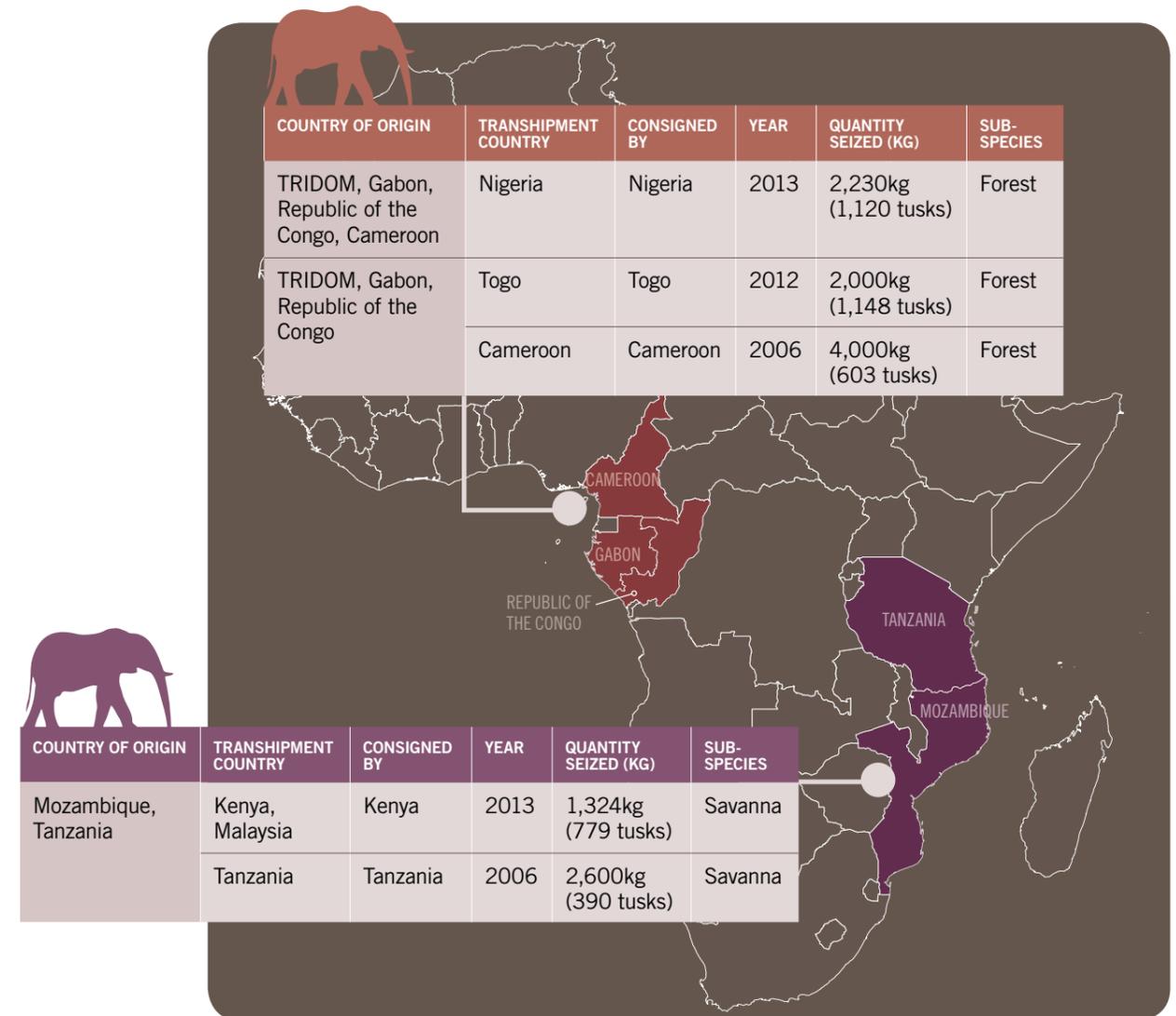
Furthermore, seizures comprising multiple species of wildlife also indicate the extensive reach of the trafficking syndicates. Their ability to source, smuggle and assemble consignments comprising a diverse array of organisms and derivatives, from distinctly different habitats or farming operations spanning multiple continents, affirms this.

**The Significance of Genetically Diverse Seizures:** Using DNA analysis to trace trafficked wildlife to countries of origin and source populations is a worthwhile, but rarely undertaken, exercise, and can highlight the geographical range over which a seizure has been consolidated<sup>774</sup>.

**ELEPHANTS:** Recent research and analyses of seizures globally, including those in Hong Kong, uncovered major poaching areas using genetic origin assignments (Table 8-3).<sup>775</sup> Two major regions were identified from the seized ivory: i) forest elephant (*Loxodonta cyclotis*) populations poached in the TRIDOM<sup>776</sup> and surrounding areas, shipped through West African countries; and ii) savanna elephants (*Loxodonta africana*), poached in Tanzania and Mozambique and shipped out of East African countries (Table 8-3). This was broadly reflected across all of the global seizures during the study time period, not only those seizures in Hong Kong.

**TABLE 8-3 COUNTRIES/REGIONS OF ORIGIN OF IVORY SEIZURES IN HONG KONG (2006-2013)**

Source: Wasser et al (2015)<sup>777</sup>



Elephants from both populations were poached from populations up to 500km from one another, often across national park and country borders. The poached ivory was always shipped from locations distant from the poached population, regularly from a neighbouring country. In a single seizure made in Hong Kong in 2006, tusks were found to have been poached and consolidated from populations from across approximately nine countries.<sup>778</sup> Again, the capacities of the syndicates involved are demonstrated by how widely distributed, organised and well-financed they must be, when it comes to sourcing and consigning ivory.

**PANGOLINS:** Research published in 2015 revealed the results of DNA analysis of 239 pangolin scale samples from two seizures made in Hong Kong in 2012 and 2013. The first comprised 224kg of scales and the second a mixture of 312kg of scales and 932kg of carcasses. The shipments were found to comprise genetically diverse mixtures of the Asian Sunda pangolin.<sup>779</sup> The findings reportedly indicated that the scales had likely been “harvested from wide geographical areas of Southeast Asia”, which would have required “an intricate network of hunters, traders and criminal syndicates”.<sup>780</sup> They also determined that, given overlaps in the genetic markers in samples from both shipments, it was likely that the same smuggling ring had been involved in both shipments.<sup>781</sup>

#### 8.5.4 Methods of Concealment

**Avoiding Detection, Hiding and Disguising Illegal Consignments:** Wildlife traffickers rely on a variety of deceptive methods to avoid the detection and seizure of their goods, some of which seem to have been inspired by the drug trade<sup>782</sup>. However, according to research, they have typically adopted “relatively uncomplicated methods”<sup>783</sup>, presumably as more complicated methods are not currently necessary.

The attempts of ant smugglers who wear tailored vests or hide products within the boxes of legal products (i.e. whisky<sup>784</sup>, chocolate<sup>785</sup>) are comparatively rudimentary (Section 4.7) and reminiscent of drug smuggling methods from the 1980s and 1990s<sup>786,787</sup>. The continued reliance on these methods, year in and year out, suggests that the rate of seizure is not a sufficient deterrent, and that potentially for every few consignments seized, many more evade detection.

As noted in Section 4.7, for larger consignments sent by air or sea, illegal wildlife is often mixed with other products and/or incorrectly, inadequately or falsely described in official submissions<sup>788,789</sup>. Some of the products found with trafficked wildlife are used specifically for concealment, rather than to be traded in a parallel market.

A specific method of concealment, particularly where deployed repeatedly along the same route (see below), can sometimes reveal the *modus operandi* of a syndicate or indicate strategies that have historically proven successful (Box 8-5 & Box 8-6).<sup>790</sup> Despite that, it should also be noted that traffickers are unlikely to persist with a method that has been repeatedly seen through.

Traffickers have also shown themselves to be adaptable, adopting new strategies when old ones fail. In 2013-14, rhinoceros horns were confiscated as part of mixed seizures, concealed alongside elephant ivory<sup>791</sup> and leopard skin<sup>792</sup> (Section 4.7). In 2015, the strategy for smuggling (or perhaps that of detection) seemingly shifted, and rhinoceros horns began to be detected and seized from posted parcels<sup>793</sup> or passengers attempting to conceal them in their baggage<sup>794</sup>. Through 2016 and 2017, seizures documented in WiPS suggest that traffickers appeared to favour this approach for a period, as evidenced by at least three seizures of ‘Express parcels’ and the detainment of eight individuals (from 21 to 46 years-of-age) over that period.

#### BOX 8-5 MORE THAN COINCIDENCE: SPECIFIC SMUGGLING METHODS RELIED ON REPEATEDLY

**September–November 2013:** Four containers purportedly containing “Soya” from Cote d’Ivoire arrived in Hong Kong on four different ships. Upon inspection, each container was found to contain 231-315 kg of raw elephant tusks and worked ivory.<sup>795,796,797</sup>

**January 2014:** Three consignments of 158-172 kg of dried seahorses arrived over a two day period manifested as ‘wet salted leather’.<sup>798</sup> Although all the shipments arrived from Peru, they originated from different seaports nearly 900km from one another: two from Paita (northwest coast) and one from Callao (mid-west coast).

**June–July 2015:** Two shipments manifested as “Glass flower pots” arrived from India. However, risk assessments revealed that they contained 20.5MT<sup>799</sup> and 10.6MT<sup>800</sup> of red sandalwood respectively.

#### BOX 8-6 PANGOLIN & WASTE PLASTICS

A Hong Kong businessman identified as Nan-Ge, a key figure in the Shuidong syndicate (Section 8.3), is remarkable for his reliance on his Guangdong based plastic waste business to smuggle ivory and pangolin scales from Africa to Hong Kong and southern China.<sup>801</sup> Five seizures have been included in the WiPS Database that bear a resemblance to Nan-Ge’s strategy, with a total of 14.6MT (37% of all pangolin derivatives seized) being smuggled under the guise of various waste plastics between 2013 and 2016:

July 2016	July 2016	June 2016	May 2014	May 2013
2,120kg of pangolin scales concealed in containers of ‘Terephthalate polyethylene’ consigned from Ghana.	7,326kg of pangolin scales concealed in containers of ‘Recycled plastic particles’ consigned from Nigeria.	4,020kg of pangolin scales concealed in containers of ‘Sliced plastics’ consigned from Cameroon.	1,000kg of pangolin scales concealed in a container of ‘Plastic PET’ consigned from South Africa.	161kg of pangolin scales concealed in a container of ‘Polyethylene balls’ on a river trade vessel.

Despite these seizures, such methods have no doubt been proven successful. As EIA state, “With a track record of importing plastic pellets into Hong Kong, neither the paperwork nor the destination of the consignment was likely to raise any red flags under customs risk assessment procedures.”<sup>802</sup>

**It is worth noting that Hong Kong has little in the way of a plastic recycling industry and the plastic was most likely under the guise of being transported to China for recycling. However since China has now (as of January 2018) banned the import of other countries plastic waste, including from Hong Kong, such shipments should raise a red flag. Nevertheless, to date plastic materials continue to be used in smuggling instances in Hong Kong.**

Ultimately, there is likely a bias in wildlife smuggling detection methods, as the least sophisticated attempts are most likely to be detected, and therefore make up the majority of the cases analysed above. For instance, large pieces of rhinoceros horn and raw pangolin scales will more likely be readily discovered and identified than powdered derivatives<sup>803</sup> or products carved into jewellery<sup>804</sup>. Of concern, TRAFFIC has reported that Chinese syndicates operating in South Africa, for instance, are increasingly processing rhinoceros horn before shipping, complicating an already challenging job for law enforcement agencies.<sup>805</sup>

The issues of identification and traders’ exploitation of such challenges faced by the departments tasked with oversight are not new to Hong Kong’s wildlife market (legal or illegal), as the trade in shark fins has long illustrated.<sup>806</sup> A study in 2006 highlighted the obstacles, including i) general lack of cooperation for the shark fin business community; ii) inability/unwillingness of traders to identify source region/country; iii) tendency for multiple species to be mixed in shipments; and iv) traders possessing little if any interest/knowledge about the taxa they are trading.<sup>807</sup> Accordingly, it proved difficult for the researchers to develop a holistic view of the local trade. Indeed, local consumption of shark fin persists, and a recent paper revealed that nearly one-third of the species currently identified within the trade in Hong Kong are considered ‘Threatened’ by the IUCN.<sup>808</sup>

#### 8.5.5 Catastrophic Seizures: Ecologically Important

Whilst scale, volume and value are critical to conveying the importance of seizures from a financial perspective, it is also vital to understand the potential ecological impacts. The consideration of such factors is not evident in Hong Kong’s lenient sentencing regime (Section 5), despite their relevance. Indeed, Hong Kong’s seizures alone indicate that every year hundreds of thousands of rare and

**Traffickers are adaptable and change strategies when old ones fail**

endangered wildlife species are being illegally harvested, poached and/or slaughtered and/or subject to inconceivable cruelty (Section 8.5.6), to meet the demands of a burgeoning black and, in some instances, legal markets for wildlife products in Asia. From a global biodiversity perspective, the significance of this is rarely, if ever, acknowledged by Hong Kong's authorities, nor is the devastating impact of poaching on local communities recognised in source countries.

The footprint of the global illegal and legal wildlife trade, however, extends far beyond Hong Kong's borders. Over a 15-year period, UNODC indicate that at least 164,000 seizures of CITES-regulated species were made across 120 countries.<sup>809</sup> However, millions of other species are undoubtedly being impacted directly or indirectly by the legal and illicit trade, and are not yet protected by international and national laws.

Just a few recent examples indicate the ecological significance and biodiversity impacts of Hong Kong's wildlife seizures, alone.

**One seizure represented nearly 2% of the Ploughshare Tortoise's wild population at the time**

**Seized Turtles & Tortoises, on the brink of extinction:** In February 2014, 10 Ploughshare tortoises (*Astrochelys yniphora*), a 'Critically Endangered'<sup>810</sup> species endemic to Madagascar, were seized as they were smuggled into Hong Kong. With a wild population of just 600 in 2013, Ploughshare tortoises were considered "one of the world's rarest tortoises".<sup>811</sup> The February 2014 seizure represented nearly 2% of the Ploughshare's wild population at the time. As this was not the only shipment of this species seized in Hong Kong (at one point the KFBG wildlife rescue centre cared for 24 such seized tortoises)<sup>812</sup>, this would represent only part of a more significant trade in the species, raising great concerns about the future survival of this species.

Furthermore, the species has continued to face heavy poaching despite laws that have prohibited the international trade since 1978<sup>813</sup>. According to a 2016 statement submitted to CITES<sup>814</sup>, there were thought to be "less than one hundred adults left in the wild".<sup>815</sup> This rareness has contributed to the high value per individual,<sup>816,817</sup> which has provided a clear incentive for engaging in the illicit trade, concurrently driving the species towards extinction and the value further upwards. The whole seizure (including both species) was conservatively valued at around HK\$1 million by the Hong Kong government.<sup>818</sup>

Notwithstanding both the ecological significance and financial gains represented by this seizure, the trafficker received a light sentence, serving just six weeks in prison with no financial penalty.<sup>819</sup>

The trade in endangered and exotic turtles and tortoises was extensive over the study period, and included a number of 'Critically Endangered' species. Five of the species identified in the 2018 'Turtles in Trouble' report by the Turtle Conservation Coalition as in imminent danger of extinction were seized in Hong Kong in the last five years (Box 8-7)<sup>820</sup>. There are now global concerns regarding the viability of the remaining wild populations of these species.<sup>821</sup> It also reflects how Hong Kong is being utilised by the criminal networks as a destination and/or transit point for some of the world's most endangered wild animals.

**BOX 8-7 'TURTLES IN TROUBLE' : CRITICALLY ENDANGERED SPECIES IDENTIFIED IN HONG KONG SEIZURE DATA (2013-2017)**



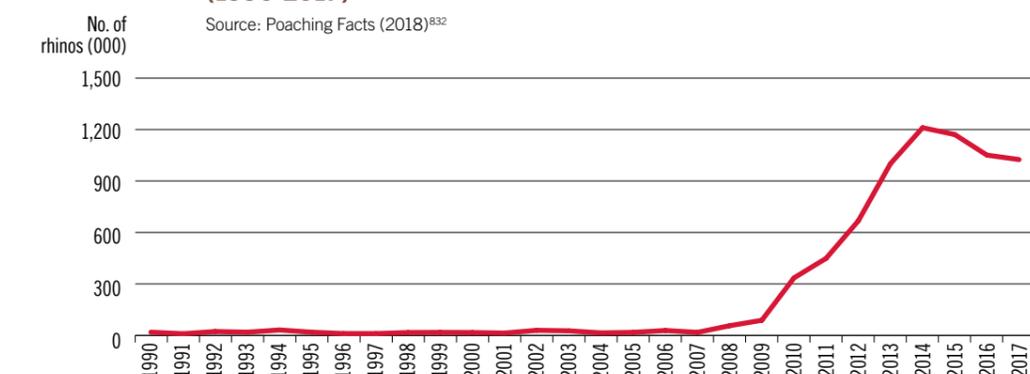
Note: Numbers indicate quantity of each species seized in Hong Kong between 2013 and 2017.

**Rhino poaching has reached unprecedented levels**

**Rhinoceroses, on the brink of extinction:** All species of rhinoceros are listed under CITES Appendix I<sup>827</sup> and are effectively banned from international trade. No more than 28,500 rhinoceroses, representing five different species, remain alive both in the wild and in captivity (Table 8-4).<sup>828</sup> Poaching rates have reached unprecedented levels, at over 1,000 individuals annually (Figure 8-4), and are beyond the natural rate of reproduction for many populations<sup>829,830,831</sup>. The 134kg of rhino horn seized in Hong Kong represents the equivalent of 23 white rhinos or 51 black rhinos (Appendix C-4), in addition to which at least another 131 horns and horn pieces were seized en route to or from Hong Kong over the 2013-2017 period (Section 6.1).



**FIGURE 8-4 ANNUAL RHINOCEROS POACHING TOTALS FOR SOUTH AFRICA (1990-2017)**



**TABLE 8-4 RHINOCEROS SPECIES, THEIR IUCN STATUS AND POPULATION SIZES**

Source: IUCN (n.d.)<sup>833</sup>, and Nardelli (2014)<sup>834</sup>

AFRICA	ESTIMATE POPULATION
<i>Ceratotherium simum</i> – White Rhinoceros (NT)	
<i>Ceratotherium simum simum</i> – Southern White Rhinoceros (NT)	<b>20,170</b> (as of 31 Dec 2010)* 750 in captivity (as of 2008)
<i>Ceratotherium simum cottoni</i> – Northern White Rhino	<b>Extinct in the wild</b> (as of 2007)* two left in captivity (as of 2018)
<i>Diceros bicornis</i> – Black Rhinoceros (CR)	
<i>Diceros bicornis michaeli</i> – Eastern Black Rhino	<b>740</b> (as of 2011)*
<i>Diceros bicornis bicornis</i> – Southwestern Black Rhino	<b>&gt;1,000</b> (as of 2011)*
<i>Diceros bicornis minor</i> – Southern-Central Black Rhino	<b>&gt;2,220</b> (as of 2010)*
<i>Diceros bicornis longipes</i> – Western Black Rhino	<b>Extinct</b> (as of 2011)*
ASIA	ESTIMATE POPULATION
<i>Dicerorhinus sumatrensis</i> – Sumatran Rhinoceros (CR)	<b>&lt;100</b> (as of 2013)**
<i>Rhinoceros sondaicus</i> – Javan Rhinoceros (CR)	<b>40-60</b> (as of 2008)*
<i>Rhinoceros unicornis</i> – Indian Rhinoceros (VU)	<b>2,575</b> (as of 2007)*

**A single seizure in Hong Kong may have equated to between 7 and 13 critically endangered rhinoceroses, amounting to around 27% of horns seized globally that year**

As of March 2018 (Figure 8-5), the largest seizure (by weight) of rhinoceros horns in Hong Kong comprised 37kg of 13 raw horns (in August 2013).<sup>835</sup> As the horns were allegedly exported from Nigeria, along with elephant tusks and leopard skins, it is likely that they were harvested from either Black or White rhinoceroses. This single seizure may have equated to between 7 and 13 critically endangered rhinoceroses<sup>836</sup>, amounting to around 27% of horns seized globally that year (by weight), a year in which poaching reached 1,090 individuals.<sup>837</sup>

However, the most ecologically significant seizure may have been that of June 2017, when a 23-year-old man carrying 14 horns (10.5kg) arrived at HKIA from Jakarta.<sup>838</sup> Whilst the rhinoceros species has not been identified, the seized items (Figure 8-6) resemble the generally smaller horns<sup>839,840</sup> of the Javan (*Rhinoceros sondaicus*) or Sumatran rhinoceros (*Dicerorhinus sumatrensis*), which are both 'Critically Endangered' and endemic to Indonesia. If the seized horns were indeed locally poached, this single seizure could comprise the remains of more than 14% of the Sumatran population<sup>841</sup> or 21% of Javans<sup>842</sup>.

**FIGURE 8-5 RHINOCEROS HORNS SEIZED ON AUGUST 6 2013**

Source: C&ED (2014); SCMP (2015)<sup>843</sup>



**FIGURE 8-6 RHINOCEROS HORNS SEIZED ON JUNE 10 2017**

Source: C&ED (2017)<sup>844</sup>



**Pangolins on the Brink of Extinction:** By weight, pangolins have been the most heavily trafficked animal species through Hong Kong (Box 8-8). This is perhaps not surprising, since the species are recognised as being “the most heavily trafficked wild mammal in the world”<sup>845</sup>. Accordingly, and as captive breeding has proven largely unsuccessful to date<sup>846,847</sup>, wild pangolin populations have been heavily harvested and depleted.

As noted previously (Section 4.3), it is not routine to identify pangolins to species level. However, researchers DNA tested pangolin scales from two containers seized in Hong Kong in 2012 and 2013.<sup>848</sup> The findings, published in 2015, indicated that based on average weight<sup>849</sup>, these two shipments (totalling 1,468kg) potentially represented the capture and killing of around 1,611 Sunda pangolins.

WiPS scales **38.7MT** = up to **84,800** Sunda pangolins

**BOX 8-8 SUNDA PANGOLIN AT RISK OF EXTINCTION**

Due to the reclusive nature of the Sunda pangolin (*Manis javanica*) and the breadth of its range, there are no robust estimates of population size.<sup>850</sup> In every country where it occurs, however, seizures indicate that the species is under enormous pressure from poaching. In an investigation of the trade in Sabah, Malaysia, TRAFFIC revealed that a single syndicate killed and processed 22,200 Sunda pangolins over the course of 18 months.<sup>851</sup> The IUCN believes that over the past 21 years the wild population has likely declined by up to 80%.

**The consequences of poaching pangolins have ecosystem service implications**

In the past three years, there have been three extraordinarily large seizures of pangolin scales totalling 21.6MT<sup>852,853,854</sup>, all arriving in Hong Kong from Nigeria (Section 4.5). The exact species remains unclear, but it is most likely the scales were sourced from the four species endemic to Africa.<sup>855</sup> Accordingly, of these two seizures, the single largest<sup>856</sup> likely represented the killing and descaling of anywhere from 1,730 Giant ground pangolins to 24,210 White-bellied pangolins.<sup>857</sup>

As with Sunda pangolins, there are no reliable population estimates for any species of African pangolins. However, there is a consensus that the pressures of habitat loss and poaching for food, traditional medicines and cultural practices are decreasing all populations and have even eradicated regional populations.<sup>858,859,860,861</sup> Notably, the Giant ground pangolin (*Manis gigantea*) is already ‘extinct’ within Rwanda and Niger.

The consequences of hunting pangolins reach far beyond the direct decline in their populations. Pangolins feed almost exclusively on ants and termites,<sup>862</sup> providing an ecosystem service that protects large tracts of forest.<sup>863</sup> The Nature Conservancy has reported that pangolins can eat around 10% of their body weight in termites per meal and suggested a single adult can protect 16.5 hectares of forest from termites.<sup>864</sup>

**African Elephants, in danger of extinction:** Poaching of ‘Vulnerable’ African elephants has caused population declines across the continent.<sup>865</sup> From 1979 to 1989, when the ivory trade was legal, Africa’s elephant population declined from approximately 1.3 million to 600,000, primarily as a result of poaching to meet world demand for ivory.<sup>866</sup> Today, the Great Elephant Census<sup>867</sup> show 352,271 African savanna elephants (*Loxodonta africana*) in 18 countries, a decline of 30% in seven years.

19.5MT seized over 5 years = 3,010 elephants poached

Ivory from both species was seized in Hong Kong and poached from two distinct areas in Africa (Section 4.5, Table 8-3).<sup>868</sup> Both of these species have suffered declines of 50-80% across their ranges over 2006 to 2016, with poaching as one of the major causes.<sup>869,870</sup>

Two of the previously discussed seizures were poached from savanna elephants in Tanzania and Mozambique during or before 2013 (Table 8-3). The 1,169 tusks seized in these two instances could have originated from approximately 622 savanna elephants (Appendix C-4).

**Forest elephant populations in each of the TRIDOM countries decreased by 70-80% over 2006 to 2016**

Three of the seizures discussed in Section 8.5 were large seizures of forest elephants (*L. cyclotis*) poached from populations in Gabon, the Republic of Congo, Cameroon, and the TRIDOM area. The 2,871 tusks seized in these three seizures could have originated from approximately 1,527 elephants, from highly threatened and fragmented populations. The forest elephant populations in each of these countries decreased by 70-80% over 2006 to 2016.<sup>871</sup>

Both elephant species have different but important roles in their respective ecosystems, and throughout their migratory routes. Savanna elephants control vegetation through grazing and trampling and create microhabitats.<sup>872</sup> Forest elephants are one of the most important seed dispersers in their range and disperse seeds over unprecedented distances during migration, as well as perform the same ecosystem services as savanna elephants.<sup>873</sup> The loss of elephants in either of these regions is likely to have dramatic effects on the surrounding ecosystems<sup>874,875</sup> and the communities that rely on them<sup>876</sup>.

**Totoaba, on the Brink of Extinction:** As previously discussed, the demand for and subsequent poaching of totoaba fish maw is threatening not only the totoaba (*T. macdonaldi*)<sup>877</sup> but also the world’s smallest porpoise, the vaquita (*Phocoena sinus*)<sup>878</sup> and the surrounding ecosystem. The totoaba population suffered a 95% decline until the fishery was closed in 1975 (the last official population estimate), and continued to decline due to bycatch of juveniles in the prawn fishery and continued illegal poaching with gillnets. At least 17 totoaba maws were seized between 2013 and 2017.

16 maws & 1KG seized over 5 years

### The largest single seizure of seahorses in Hong Kong was of 664kg of dried seahorses

The potential for bycatch in the large number of active, abandoned and derelict illegal fishing gear used to poach totoaba in the shared habitat, has led to the death of a large percentage of the vaquita population. As a result, population declines in both species have continued.<sup>879</sup> Considering that the population of the vaquita in 2015 was approximately 59 individuals<sup>880</sup> and, as of 2016, was estimated to be fewer than 30 individuals and around a dozen by March 2018<sup>881,882</sup>, despite conservation efforts, it is believed that the species will likely be extinct within the next few years.<sup>883</sup> At that point Mexico will have lost its largest endemic mammal, potentially creating a knock on effect on the rest of the ecosystem and species composition of prey species.<sup>884,885,886</sup>

**Seahorses, Destructive Poaching Methods:** Poached and incidental catches of wild seahorses (through trawl fishing) are smuggled into Hong Kong, likely attributing to population declines globally. Currently there are 42 species listed on the IUCN Red List of Threatened Species. Fourteen are classified as 'Vulnerable' or 'Endangered'.<sup>887</sup> Every year millions of individuals are caught and traded to meet the demand for aquarium displays, ingredients for traditional Chinese medicine, and to be turned into curios.<sup>888</sup>

979KG seized over 5 years

The largest single seizure of seahorses in Hong Kong was of 664kg of dried seahorses. These animals were hidden in a shipping container consigned in Peru, which was potentially also the source country. If so, the seized seahorses would likely be the 'Vulnerable' Pacific seahorse (*Hippocampus ingens*)<sup>889</sup>, a species along the Peruvian coast regularly poached by both Peruvian and mainland Chinese-flagged ships despite a 2004 ban<sup>890,891</sup>.

Seahorses are a flagship species for seagrass, mangrove, coral reefs, estuaries and seaweed ecosystems, which make up their preferred habitats. The most efficient method of large-scale poaching of seahorses is through trawl fishing of these habitats<sup>892</sup>. This method, however, results in the destruction of the seagrass meadows and a large amount of bycatch. Destruction of seagrass meadows and mangrove forests have been shown globally to have a disproportionate effect on the surrounding ecosystem, local fisheries, and global carbon storage.<sup>893,894</sup>

#### 8.5.6 Traumatic Seizures: Species Welfare and Extreme Cruelty Ignored

An often overlooked component of the wildlife trade is the welfare of the animals being hunted, bred, held captive or transported. Traffickers show little or no regard for the wildlife in their care, often choosing highly inappropriate containers, which often harm or outright kill the animals they are transporting.<sup>895</sup> Animals have been subject to terrible conditions and stressors and many die in transit (Appendix F) from:

**Suffocation** – European eels in plastic bags; songbirds in PVC pipes wrapped in plastic and tape

**Starvation** – Common box turtles and African spurred tortoises inside socks; marine fish such as Humphead wrasse in ship holds for extended periods without food for up to several weeks

**Dehydration** – Pangolins in vehicles during transit

**Freezing/hypothermia** – Pangolins placed directly next to a refrigerated unit

**Overheating** – Amazon parrots in the boot of a car; Ploughshare tortoises in boxes at docks

**Force feeding** – Pangolins forced to overeat corn powder/meal/rock and stones to increase weight, many dying even after rescue

**Injections** – Pangolins injected with water to increase body weight

**Overcrowding** – Cranes packed in the back of a bus; Ball pythons packed in plastic lunch boxes; Humphead wrasse in crowded ship holds

**Descaling/skinning** – Pangolins discovered with scales ripped off

**Mutilation** – Orange-fronted conures with beaks cut off

**Inappropriate containment** – Monitor lizards concealed in bent PVC pipes; Chinese box turtles and other species bound and stored in noodle and sweet boxes; tiger inside a cage preventing it from standing; Galapagos turtles wrapped in tape inside baggage; small birds hidden inside toilet rolls; pangolins wrapped inside nets

Pangolins have been among the most brutally treated. In efforts to increase their value, for instance, syndicates have injected pangolins with water or force-fed them cornmeal, sand and rocks to increase their body weights.<sup>896,897</sup> The strain of such ordeals causes suffering and often a slow death even after rescue, with damaged internal organs proving lethal.<sup>898,899</sup>

While Hong Kong's media and government rarely focus on or report such abuses, multiple examples are evident (Box 8-9). The approaches to capturing<sup>900</sup>, subduing<sup>901</sup>, housing<sup>902</sup>, killing<sup>903</sup> or harvesting valuable body parts (including skinning<sup>904</sup>, defanging<sup>905</sup>, beak removal<sup>906</sup>, dismemberment<sup>907</sup> and extraction of body fluids<sup>908</sup>) also often result in extreme suffering, but are rarely highlighted.

#### BOX 8-9 EXAMPLES OF SUFFERING AND CRUELTY – HONG KONG'S WILDLIFE SEIZURES

**July 2017<sup>909</sup>:** American citizen Rodrigo Franco was taken into custody for his role in a reptile smuggling ring operating between Hong Kong and the USA. In March, three live king cobras, each two-feet long, highly venomous and considered 'Vulnerable' by the IUCN<sup>910</sup>, were found stuffed into potato chip containers and air mailed to Franco by his Hong Kong-based accomplices. All survived the ordeal, but Franco confessed that he had received a total of 20 cobras in two prior shipments, all of which had died in transit.

**October 2013<sup>911</sup>:** 338 freshwater turtles (335 Black Pond Turtles [*Geoclemys hamiltonii*]; 3 unidentified) were discovered inside the luggage of a 26-year-old man at HKIA, as he arrived in Hong Kong from Thailand. Five of the Black pond turtles had died.

**March 2004<sup>912</sup>:** 307 endangered tortoises were discovered wrapped in newspapers and clothes inside two abandoned pieces of baggage at HKIA.

**June 2004<sup>913</sup>:** 3,580 turtles from three species - Malaysian box turtles (*Cuora amboinensi*), Giant Asian pond turtles (*Heosemys grandis*) and Black marsh turtle (*Siebenrockiella crassicolis*) – were discovered in a container arriving at the Kwai Chung Container Terminal from Malaysia. All were dead.

**November 2004<sup>914</sup>:** 33 endangered tortoises (23 Radiated tortoises [*Astrochelys radiata*]; 10 other species), an endangered monitor lizard, two snakes, six frogs and 24 scorpions were found inside the baggage of a Hong Kong man, aged 31, as he arrived at HKIA from Thailand. The animals had been stored in plastic boxes.

**July 2003<sup>915</sup>:** 10,260 Malaysian box turtles and 17 Asian forest tortoise (*Manouria emys*), manifested as 'water melons', were discovered in a container arriving at the Kwai Chung Container Terminal from Malaysia. All but four of the tortoises were dead.

**December 2001<sup>916</sup>:** 9,300 live turtles, representing 12 different species<sup>917</sup>, were discovered in "poor condition" inside four containers at Yau Ma Tei Public Cargo Working Area. They were uncovered in a joint operation between the Customs Ship Search and Cargo Command and the AFCD. The shipment arrived from Singapore, having transited through Macau, and was en route to China.

Hong Kong's media rarely focuses on or report much of the animal abuse and cruelty

**Suffering and deaths often continues even after rescue**

### 8.5.7 Aftercare and Euthanising Live Endangered Species

Even for those animals that survive being trafficked, there is unlikely to be a happy ending. Many seized animals continue to suffer from their poor treatment during trafficking. Poor standards of care in breeding farms and the stresses related to capture, handling and transport leave the animals in a compromised health status, making them vulnerable. They may be exposed to and develop infectious diseases or, stressed and weakened, they may go on to develop other health issues related to nutrition and metabolic problems. Health problems related to trafficking and transport can appear many weeks or months later – it is not uncommon for significant numbers of the seized animals to succumb during the rehabilitation processes.

Once a live animal is seized the Government has indicated that it will seek guidance from the CITES Management Authority of the country of export, and AFCD will send the animals back to the country of export or the country of origin if deemed appropriate.<sup>918</sup> However, the outcomes vary:

- For animals that are not suitable to be returned to the country of export/origin or released to a suitable habitat locally, the AFCD will consider donating them to local or overseas institutes for the purposes of education or scientific research.
- If the species is a commonly traded species in the local pet trade and no other suitable placement can be found, AFCD may consider allowing the animals to be re-homed through their endangered species re-homing scheme.
- If the physical condition of an animal is not satisfactory, or it is likely to die or be subjected to unnecessary suffering if kept in captivity, it will be disposed of by euthanasia.

**The cost of rehabilitation is often significant**

In practice, the government relies heavily on such organisations as Kadoorie Farm and Botanic Garden (KFBG) and SPCA to investigate suitable rehoming options for such animals, usually placement is considered with accredited conservation programmes or zoos overseas, and mostly at KFBG's own expense (Section 5). The resources and costs involved are significant as seized living wildlife must be held and cared for over months, whilst cases progress through the legal system and the animals can be released for placement.

**AFCD does not have the resources to hold large seizures, particular of 'exotic' species**

Furthermore, despite the increasing number of "other" animals permitted for import, AFCD's animal management facilities are overwhelmingly skewed to holding dogs and cats, with only one centre having the facilities to hold birds and other animals. AFCD Animal Management Centres (AMCs) are not able to hold large seizures while cases clear legal proceedings and are thus reliant on NGOs to hold them on their behalf. Again, this burden falls primarily on NGOs such as KFBG, and occasionally on other specialist facilities like Ocean Park. Seized animals with conservation value are transferred to KFBG for rehabilitation. Unfortunately, even animals that survive their ordeals, including threatened species may be destroyed if not approved for re-homing, often many months after they are seized.



## 9 WILDLIFE CRIME AND THE RELEVANCE OF ORGANISED AND SERIOUS CRIME LEGISLATION

### 9.1 TAKING WILDLIFE CRIME SERIOUSLY – THE CAP. 586 AMENDMENT IS NOT ENOUGH

The Hong Kong Government's Protection of Endangered Species of Plants and Animals (Amendment) Ordinance (Section 3.1) and its mandate to phase out the ivory trade and raise penalties for relevant wildlife offences is a significant step forward.

By introducing indictable offences with an increased maximum penalty of HK\$10 million (US\$1.28 million) and imprisonment for 10 years (Box 9-1), it would appear that the government is taking wildlife crime offences seriously.

#### BOX 9-1 CAP. 586 AMENDMENT ORDINANCE INCREASE IN PENALTIES (FROM MAY 1 2018)

Clauses 4 to 8 of the Bill seek to amend the Ordinance to increase the maximum penalties for offences in relation to the import, introduction from the sea, export, re-export or possession or control of specimens of **Appendix I** species as follows:

- (a) on summary conviction: a fine of \$5,000,000 and imprisonment for two years; or
- (b) on conviction on indictment: a fine of \$10,000,000 and imprisonment for 10 years.

Clauses 10 to 14 of the Bill seek to amend the Ordinance to increase the maximum penalties for similar offences concerning **Appendix II or III** species as follows:

- (a) on summary conviction: a fine of \$500,000 and imprisonment for one year; or
- (b) on conviction on indictment: a fine of \$1,000,000 and imprisonment for seven years.

The above revised maximum penalties would apply regardless of whether or not commercial purposes are involved.

**Despite the revised penalties, little will change to deter wildlife crime, if just carriers and mules continue to be the focus of prosecution**

Indeed, the Administration has indicated that the new penalties are “*at a level 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.*”

C&ED have highlighted three examples demonstrating the “determination and capability” of their efforts to combat wildlife crime.<sup>919</sup> These cases relate to the arrests of eight people in Hong Kong, of whom three have been convicted in Hong Kong, to date. In light of the 2,011 seizures made by C&ED over the past five years, many of considerable value, volume and indicating a high level of sophistication and organisation, these few cases do not fully demonstrate C&ED's purported commitment to targeting “culprits behind the scene”.

However, unless wildlife crime networks are targeted, investigated and prosecuted by specialist investigation units, rather than prosecuting the carriers or ‘mules’ (Section 5), little will change to deter wildlife crime and associated criminal syndicates. Such powers of investigation are currently beyond the mandate and capacity of the Environment Bureau. While the C&ED do have some powers to pursue money laundering offences, tackling wildlife crime is not a priority of Hong Kong’s customs authorities and is not currently within the mandate of the HKPF.<sup>920</sup>

## 9.2 THE IMPORTANCE OF THE ORGANISED AND SERIOUS CRIMES ORDINANCE (OSCO) AND RELEVANCE TO WILDLIFE TRAFFICKING

Originally enacted on 12 October 1994, the Organised and Serious Crimes Ordinance (OSCO) provides for, among other things, enhanced powers of investigation, confiscation, prosecution, and sentencing to assist the Hong Kong police, customs and excise officers, and prosecutors in combatting organised crime networks which present a greater public security threat than isolated criminal acts.

The enhanced powers available to “authorized officers”<sup>921</sup> under OSCO are primarily reserved to combat ‘organised crime.’ This phrase is defined to mean crime listed in Schedule 1 of OSCO. Offences under OSCO are divided into two schedules (Appendix G), and the Schedule 1 list refers to a number of different Ordinances and to specific offences under those Ordinances. While only Schedule 1 offences can rise to the level of organised crime, “indictable” Schedule 2 offences can give rise to money laundering liability. A reference to “specified offence” under OSCO thus means either a Schedule 1 offence or a Schedule 2 offence.

Of relevance to wildlife trafficking, smuggling can be considered an organised crime under OSCO. Schedule 1 includes importing or exporting unmanifested cargo (i.e. “smuggling”) an offence under the Import and Export Ordinance Cap. 60, that:

- a) is connected with the activities of a triad society;
- b) is related to the activities of two or more persons associated together for the purpose of committing two or more Schedule 1 crimes and involves substantial planning and organization; or
- c) is committed by two or more persons, involves substantial planning and organization and involves: (i) loss of life of any person or substantial risk of loss of life; (ii) serious bodily harm to any person or risk of the same; or (iii) serious loss of liberty of any person.

**Offences in contravention of Cap. 586 are not currently under Schedule 1 of OSCO, meaning enhanced investigative powers cannot be used**

The offence of smuggling carries the following maximum penalties on conviction:

- on conviction upon indictment to a fine of \$5,000,000 and to imprisonment for 14 years; or
- on summary conviction to a fine of \$500,000 and to imprisonment for 3 years.

Offences committed in contravention of the Endangered Species Ordinance (Cap. 586) are not currently specified in Schedule 1 of OSCO and thus the enhanced powers under OSCO to investigate “organized crime” in this context cannot be used by the responsible enforcement agencies.

The C&ED, who investigate smuggling, are therefore the primary authority in Hong Kong that have the powers provided under OSCO needed to investigate and disrupt wildlife trafficking networks linked to Hong Kong, not the Environment Bureau, the authority responsible for administering the Endangered Species Ordinance (Cap. 586).

## 9.3 LIMITED POWERS TO TACKLE WILDLIFE CRIME UNDER THE ENDANGERED SPECIES ORDINANCE

Under the Endangered Species Ordinance (Cap. 586) Part 6, authorized officers (e.g. a customs officer or another public officer duly authorized such as AFCD) are empowered with the following powers to investigate offences:

- power to require a person to produce a permit for being in possession of an endangered species;
- power to require full scientific name of the specimen in transit;
- power to require production of a suspected endangered species for inspection;
- power to inspect place or premises;
- power to search and detain;
- power to enter premises;
- power to seize and detain articles;
- power to require identification; and
- power to arrest.

### BOX 9-2 EXTRAORDINARY POWERS UNDER THE OSCO FRAMEWORK

Source: Government of the Hong Kong SAR (1994)<sup>922</sup>

#### A. OSCO Powers of Investigation OSCO

*Investigation into Persons.* Section 3 provides that the Prosecutions Division, under the Secretary of Justice, may apply to a court for a special order to investigate a particular person or persons in relation to “organized crime.”

*Investigation into Materials.* Section 4 provides that the Prosecutions Division may apply to a court for a special order to investigate certain materials (this need not be a specific item, but it can be materials of a certain description) for the purpose of investigating “organized crime.” This Section also empowers the court to order the holder of any specified material to produce such material or give authorized officers access to such material.

*Searches and Seizures.* Section 5 provides that authorized officers may, for the purposes of investigating organized crime, apply to a court for a warrant to enter and search premises suspected to be connected to organized crimes and seize materials found there which may be connected to “organized crime.”

#### B. OSCO Powers of Confiscation of Proceeds of Crime.

Section 8 provides that in certain circumstances where a person has benefitted from “organized crime,” the proceeds attributable to such crime may be confiscated by the court.

#### C. OSCO Power of Restraint and Charging Orders.

Section 15 provides that the court may prohibit any person from dealing with realizable property specified in such order.

Section 16 provides that the court may make a charging order against any realizable property specified in the order for the purposes of satisfying a confiscation order or for the value of the property.

#### D. OSCO Power to Pursue Money Laundering Offences.

Section 25 provides that any person who, knowing or having reasonable grounds to believe that certain property constitutes the proceeds of a person’s indictable offence deals with such property, commits the offence of money laundering which can be punishable with a fine of up to \$5,000,000 and to imprisonment for 14 years. This is regardless of whether the underlying indictable offence occurred inside or outside of Hong Kong.

#### E. OSCO Discretionary Sentencing Power.

Section 27 provides that, where a person has been convicted of a “specified offence” (i.e., the offences list in OSCO Schedule 1 or Schedule 2, which includes smuggling), the prosecution may provide additional information during sentencing to show that the specified offence was linked to “organized crime,” and if the court so finds, increase the penalty. Additional information that may be provided includes:

- i. nature and extent of harm caused to any person;
- ii. nature and extent of benefit attributable to the offence;
- iii. prevalence of the offence;
- iv. nature and extent of the harm caused to the community;
- v. nature and extent of the total benefit to any person through recent occurrences of the offence.

It is notable that the Ordinance is lacking certain powers such as the extraordinary powers provided for under the OSCO framework, to combat “organized crime”. Notable examples (Box 9-2) are:

- power to investigate into persons and materials in connection with “organized crime”;
- power to confiscate proceeds of crime;
- power to issue restraint orders and charging orders (particularly with respect to the instruments of smuggling endangered species, i.e. ships);
- power to pursue money laundering offences for indictable offences; and
- discretionary sentencing power.

#### 9.4 THE USE OF ENHANCED INVESTIGATORY POWERS OF OSCO FOR SMUGGLING

The opportunity does exist to use the enhanced investigatory powers of OSCO to pursue money laundering cases linked to wildlife crime smuggling.

**Enhanced investigatory powers of OSCO can be used to pursue money laundering linked to wildlife crime smuggling**

As shown above, smuggling in violation of the Import and Export Ordinance (Cap. 60) is an indictable offence that is included in the list in Schedule 1 of OSCO, and thus can also be deemed to be “organized crime”, provided the specific instance of smuggling comes within OSCO’s definition of “organized crime.”

Thus on any occasion on which the Hong Kong police or customs and duty officers intercept a smuggled shipment (i.e. shark fin, ivory, etc.), there is an opportunity for the Secretary of Justice to apply for an order to investigate the persons involved in such offence (or the materials intercepted) as a matter of “organized crime.” In the course of such investigations, Hong Kong police may discover the buyers of smuggled articles and uncover evidence that shows such buyers were receiving and dealing with the proceeds from smuggling, which is an indictable offence.

If any parties involved in the smugglers chain in Hong Kong are identified as having received the proceeds of the smuggling, they can be held liable for money laundering under Section 25 of OSCO.

Furthermore, the Secretary of Justice could take advantage of the enhanced sentencing powers available to courts under OSCO Section 27 to introduce evidence to the court showing that certain smuggling activities (and the money laundering associated with such smuggling activities), i.e., trafficking in endangered species, are particularly dangerous and/or committed by dangerous groups, with the objective of asking the court to impose more severe penalties on the offenders of such offences.

Evidentially, based on the known cases and sentencing in Hong Kong, it seems that these powers are rarely if ever invoked in relation to the smuggling of endangered wildlife.

#### 9.5 THE IMPORTANCE OF THE UN CONVENTION ON TRANSNATIONAL ORGANISED CRIME

It is important to note that Hong Kong is a signatory to the International Convention on Transnational Organised Crime (UNTOC),<sup>923</sup> and the purpose of the concept of “serious crime” in the Convention is to alleviate the burden of implementing the Convention on its member states. The “serious crime” concept is a threshold; i.e. for crimes that are less than “serious crimes” the member states do not have to criminalize participation in criminal organizations involved in the commission of those lesser crimes (Box 9-3). The Organised and Serious Crime Ordinance Cap. 455 is the primary legislation under which Hong Kong fulfils its requirements under the Convention.

Considering the Cap. 586 amendment, under **Article 5 Section 1(a)(i)** of the UNTOC (Box 9-3), Hong Kong’s Government would have an obligation to criminalize “agreeing with one or more persons to commit” those offences. Likewise under Article 5 Section 1(a)(ii) of the Convention, HKSAR would have the obligation to criminalize the activity of anyone who takes an active part in groups organised for the purpose of committing those Cap. 586 offences, as well as the activity of anyone aiding, abetting, facilitating, etc., those offences.

Offences under Cap. 586 are not currently listed under OSCO, so it would seem that, as the increased penalties go into force, then those offences should be listed in the Schedules of OSCO to comply with HKSAR’s obligations under the UNTOC.

##### BOX 9-3 UNTOC ARTICLE 5. CRIMINALIZATION OF PARTICIPATION IN AN ORGANIZED CRIMINAL GROUP

Source: UNODC (2004)<sup>924</sup>

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
  - (a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:
    - (i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;
    - (ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:
      - a. Criminal activities of the organized criminal group;
      - b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;
  - (b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.



# DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

## 10.1 TRADING IN EXTINCTION

### 10.1.1 Reaching a Tipping Point

Multilateral agencies, governments and enforcement authorities around the world are in agreement that in recent years the illegal trade in wildlife has grown into a lucrative, transnational criminal enterprise, involving the poaching and trafficking of live and dead animals in large volumes. Furthermore, these enterprises can have diversified interests and links to other criminal operations including money laundering, commodity smuggling, drug and human trafficking. In response, resolutions have been passed by the UN General Assembly, and commitments made by the World Customs Organization, Interpol, Europol, UNODC, the UN's Economic and Social Council and numerous member States, to take appropriate action to combat wildlife crime.

Nevertheless, wildlife range states and source countries (often developing nations) are struggling to tackle poaching and the associated criminality that drives the trade across vast areas. The demand centres and black markets are mostly in Asia, and governments in the region are variously trying to address the issue, with highly charismatic species such as elephants, tigers and rhinoceroses receiving the most attention.

As increasing pressure is placed on the world's wildlife, and with the notable exception of ivory and agarwood, relatively little attention has been paid to the extent and nature of Hong Kong's trade in threatened species, despite the city's intimate and strategic involvement as a critical hub. Similarly, little attention is being paid to how the Government of the HKSAR is addressing the activities of a

**The demand centres and black markets for illegal wildlife are mostly in Asia**

The recent resolution A/71/L.88 adopted by the United Nations General Assembly (UNGA) recognizes:

*“that illicit trafficking in wildlife [...] undermines good governance and the rule of law and, in some cases, threatens national stability and requires enhanced transnational and regional cooperation and coordination in response” and which “calls upon Member States to make illicit trafficking in protected species of wild fauna and flora a serious crime, in accordance with their national legislation and as defined [by] the United Nations Convention against Transnational Organized Crime, in order to ensure that, where the offence is transnational in nature and involves an organized criminal group, effective international cooperation can be afforded under the Convention to prevent and combat transnational organized crime”*

**and which also** *“calls upon Member States to review and amend national legislation, as necessary and appropriate, so that offences connected to the illegal trade in wildlife are treated as predicate offences, as defined in the United Nations Convention against Transnational Organized Crime, for the purposes of domestic money-laundering offences and are actionable under domestic proceeds of crime legislation, and that assets linked to illegal trade in wildlife and wildlife products can be seized, confiscated and disposed”*

**and encourages** *“Member States to make use, to the greatest extent possible, of legal instruments available at the national level to tackle illicit trafficking in wildlife, including through legislation related to money-laundering, corruption, fraud, racketeering and financial crime”.*

broad range of criminals that persistently exploit Hong Kong; trafficking endangered animals and plants across its borders, laundering wildlife products in the city, and supplying an as yet little understood local demand.

**The wildlife trade has been largely overlooked by Hong Kong's policy makers and enforcement authorities**

Admittedly, the challenge facing the Government is huge, but to date the wildlife trade as a whole has been somewhat overlooked by the city's policy makers and enforcement authorities.

As the UNODC argues, legislative loopholes and insufficiencies must be addressed to ensure that wildlife trade can be policed effectively and species are protected, as needed. Hong Kong is clearly no exception and has a significant role to play. Nevertheless, gaps in legislation both in Hong Kong and globally allow this illegal trade to continue and in recent years to proliferate. This has put many species at risk of extinction and resulted in the death and endangerment of those charged with law enforcement and conservation. We are at a critical moment, and the high profile extinctions and more familiar species currently at risk are just the tip of the iceberg.

**A mindset change is needed in combatting wildlife crime in Hong Kong**

While Hong Kong has taken a step forward in banning the ivory trade and raising penalties for smuggling and illegal trading of endangered species, a mindset change is needed if the government is to commit to combatting trafficking and treating wildlife crime seriously. Indeed, the Government of the HKSAR differs from the global community in not acknowledging the true nature and importance of wildlife crime through its city. With its enforcement focus on individual 'mules' and carriers, a reputation as a 'black hole' or 'safe harbour' for these illicit activities has developed and will likely worsen, without mitigating measures. Particularly, as numerous countries and agencies around the world are expending resources in tackling increasing levels of criminality, to prevent valuable and often endemic wildlife entering the trade, only for it to reach Asian markets with relative ease, via Hong Kong.

The wildlife trade has also received relatively little public attention in Hong Kong. The local community remains uninformed and unaware as to: the extent, nature, impacts and cruelty associated with the trade; the criminality behind it; Hong Kong's vulnerability; and its role. However, because of the emerging extinction crisis, there is increasing attention and focus within civil society.

**Not only is the trade in legal and illegal wildlife at a significant and unsustainable scale, it is likely to worsen**

This report *Trading in Extinction* consolidates a large body of pre-existing work and reconciles this with a snapshot of Hong Kong's seizure data. In combination, Hong Kong's footprint in the global wildlife trade is indicated by data on the legal and illegal trades in CITES and non-CITES species, as well as seizure and criminological data from other countries. This data demonstrates that not only is the trade in legal and illegal wildlife at a significant and unsustainable scale, it is likely to worsen. Further, while Hong Kong plays a primary role in connecting trafficked products with their clandestine black and grey markets, its Administration should and could do more to disrupt the associated criminal activity. Specifically, *Trading in Extinction* finds that:

- Based on available information, the totality of evidence points toward wildlife crime in Hong Kong as transnational, serious and organised.
- Hong Kong is an integral strategic hub in multinational wildlife trafficking supply chains and is currently perceived as an easy entry point to black markets.
- With increasing wealth in the region, in all likelihood the illegal wildlife trade will grow.
- The volumes, extent and nature of Hong Kong's wildlife trade, both legal and illegal, are contributing to a global extinction crisis.
- For the most part, wildlife crime in Hong Kong is treated as a relatively minor customs infraction, and perpetrators are not seemingly deterred by the existing judicial process.
- Despite the current state of affairs, Hong Kong's Administration can and should take greater measures to face this global challenge, and by doing so capitalise on its unique strategic position, to disrupt wildlife crime.
- Standing still is not an option if Hong Kong is to avoid a reputation as a one-stop shop for wildlife trafficking.

**High value drives lucrative criminal operations, and funds further criminality**

**10.1.2 Totality of Evidence Points Towards Transnational, Serious And Organised Crime**

**Large sums of money:** A number of factors point to the gravity of wildlife crime in Hong Kong, not least of which is the financial value of the trade. The total monetary value of seized wildlife products estimated by C&ED has consistently been amongst the highest of the 56 local ordinances on which the department acts, reaching HK\$150 million in 2017. This figure represents an 155% increase in estimated value from 2016, and over the past decade the estimated value of seizures in Hong Kong has risen by 1,600%. The potential value of even single seizures can be significant. Over the last five years, at least 56 seizures involving wildlife products were valued in excess of HK\$1 million, of which 23 were valued in excess of HK\$5 million. Individual products, such as totoaba and rhino horn, have become extremely valuable commodities. Fish maws from the totoaba, for example, currently sell in mainland China for about HK\$366 (US\$47) per gram, surpassing gold presently valued at around HK\$328 per gram (US\$42). Rhino horn is even more valuable.

Such values drive highly lucrative criminal operations that generate millions of dollars for individuals and enterprises. Almost inevitably the proceeds of such crime will fund further criminality, both locally and regionally.

Furthermore, the financial costs go beyond the immediate criminal gains. Indeed, seizing endangered live animal consignments is just the beginning of expensive aftercare, potentially for the remainder of the animal's life. The only other option is to euthanise. NGOs such as KFBG and the SPCA, as well as the Government of the HKSAR (therefore taxpayers), foot the expensive bills for often specialist care, rehoming, repatriation and euthanasia.

**Seizing endangered live animal consignments is just the beginning of expensive aftercare, potentially for the remainder of the animal's life**

**Organised syndicates and networks:** Succinctly put by researchers<sup>925</sup> in 2010, perpetrators of wildlife crime fall into three main groups: minor offenders; organized illegal trading; and serious major criminal activity (Box 10-1).

**BOX 10-1 CATEGORIES OF WILDLIFE CRIMINALS**

Source: Wilson-Wilde (2010)<sup>926</sup>

**Minor offenders** generally relate to abuses against conditions in permits and are more opportunistic types of crime. These offenders are usually tracked through inadequate record keeping and generally involve exchanges between wildlife collectors.

**Organized illegal trading** moves into the realms of deliberate clandestine poaching with intent to make gain and meet the needs of the market. It requires planning and can threaten wildlife, with no consideration of their habitat, for monetary gain in selling specimens on the black market.

**Serious major criminal activity** differs from the latter in that it is highly organized involving major criminal groups who are professional, financially backed and specifically market products. These offenders may also be involved in major fraud and drug shipping. Therefore combating criminal activity requires a well-equipped forensic facility to provide cutting edge technology, maximizing evidentiary outputs. Setting up such a laboratory is not easy.

**Hong Kong citizens and companies have been connected time and time again to large-scale international organised criminal syndicates and smuggling rings**

Evidentially all three types of such criminals are active in Hong Kong, where wildlife crime goes beyond the limited opportunistic smuggling activities evident in the city's lower courts. Hong Kong's role as a key illegal trade hub through which individual traffickers and syndicates operate is documented in the wildlife criminal literature and has long been established. As early as 1979, experts have acknowledged Hong Kong's role in the laundering of ivory.<sup>927</sup> Furthermore, local citizens and companies have been connected time and time again by international enforcement authorities, investigation agencies and even Hong Kong officials, to large-scale international organised criminal syndicates and smuggling rings. Seemingly, however, these individuals and enterprises are not by and large prosecuted by Hong Kong's authorities.

One of the most recent cases, highlighted by the US Treasury Department, is the 'Zhao Wei Transnational Criminal Organization', which operates through two Hong Kong registered companies. With links to money laundering, human and drug trafficking, and child prostitution, this example alone clearly illustrates the serious and organised nature of the criminal activities often found in combination with wildlife crime and trafficking.

In addition, based on only the snapshot of wildlife seizures covered in this report, it is abundantly clear that wildlife criminals are operating on a vast scale, across dozens of countries including through Hong Kong; considerable resources and organisational capacity are involved in acquiring (poaching/harvesting), processing, trafficking, and trading in products.

**The volume of products being trafficked indicate organised and well-financed operations**

Even where the involvement of a syndicate behind an operation is unclear, the volume of products being trafficked is indicative of organised and likely well-financed operations. For instance, the level of coordination and trust or corruption required to fell, gather, transport and smuggle 1,008MT of Malagasy rosewood across at least three jurisdictions would be considerable. Further, four "large-scale" (over 500kg) seizures of ivory and eight seizures of more than 2MT each of pangolin scales and carcasses made in Hong Kong between 2013 and 2017 suggest that numerous organised, transnational syndicates are operating through Hong Kong.

Beyond the volumes, the genetic diversity of organisms seized illustrate how pervasive and extensive the syndicates dealing through Hong Kong are. Analyses of elephant tusks and pangolin scales have provided compelling evidence that "intricate network[s] of hunters, traders and criminal syndicates" are operating at regional scales, often spanning multiple countries.

The groups involved in this trade are not just specialists in wildlife crime however, some are clearly traffickers of all kinds of valuable commercial goods. This is illustrated by the fact that one in five of seizures documented in the WiPS Database are mixed, comprising diverse wildlife species alongside an array of other consumer commodities. With the networks and infrastructure to source products internationally and consolidate diverse consignments, it is apparent that these groups have considerable capacity and resources. Notably, cross-border syndicates appear to be thriving, smuggling valuable wildlife products such as pangolin scales and red sandalwood logs with for example electronic goods.

**Traffickers have preyed on Hong Kong's strained enforcement agencies and capitalised on its exemplary standing as a trade hub**

All organised criminal syndicates engaged in transnational trafficking of wildlife through Hong Kong have demonstrated at least some degree of planning and willingness to deploy deceptive strategies, knowing full well the illegality of their shipments. Whether it be the waves of 'ant' smugglers attempting to conceal ivory in tailored vests and rhino horns hidden in boxes of chocolates, or burying whole tusks under tonnes of frozen fish, these syndicates are constantly seeking to evade Hong Kong's authorities and defy the rule of law. They have preyed on strained enforcement agencies, and capitalised on Hong Kong's exemplary standing as a trading capital and logistics hub.

**Beyond the domestic illegal trade:** The true measure of Hong Kong's impact on global wildlife cannot, however, be fully quantified by analysis of the illegal domestic trade alone. In addition to the 45 nations identified in the WiPS database from which wildlife was illegally consigned to Hong Kong in the last five years, even a brief media review provided a glimpse of at least 107 further seizures across 18 countries within that time, committed abroad but in connection to Hong Kong.

The fact that wildlife products further evade detection upon re-export from Hong Kong is highlighted by 156 seizures made in the USA alone between 2013 and 2015. Of concern, approximately two-thirds of the wildlife seized was identified as wild-sourced, with the majority (55%) intended for commercial purposes. The majority of the seized volume comprised sea cucumbers and turtles and tortoises. By number of pieces, crocodilian leather dominated. Large quantities of CITES-regulated species were recovered which included seahorses, turtles, tortoises, big cat and bear products, as well as pangolin scales.

The extent and nature of seizures, the funds involved, connectivity with other crimes, disregard for the rule of law, introduction of indictable offences and a 10-year maximum penalty, draws us to conclude that wildlife crime in Hong Kong is serious, transnational often organised and should be treated as such.

### 10.1.3 Wildlife Matters: Trading in Extinction, Creating a Global Crisis

To fully understand the extent and implications of the overall volume and nature of the wildlife trade through Hong Kong, both the legal as well as the illegal trade should be considered, including both CITES regulated species; and non-CITES species. The numbers are alarming and yet at the same time grossly underestimated. What we do know is that both the legal and illegal trade are vast.

**The trade in CITES Species:** On the legal side, thousands of CITES-regulated 'threatened' animal species are legally traded into and through Hong Kong every year. This amounts to millions of live and dead animals, imported in large part for the fashion industry, pet industry and to satisfy the TCM market. Over the last decade, legal annual imports of CITES-regulated wildlife by weight were found to be consistently high, ranging from 1,420MT to 3,927MT. This has involved up to 2,050 species of flora and fauna arriving in the city from 130 different countries.

The sheer volume of the live animal trade is disturbing. Although the majority of such animals imported into Hong Kong were bred and raised in captivity, nearly 60% of live birds were taken from the wild, having implications for local and regional ecosystems. In terms of numbers, more than four million CITES-listed and protected individual animals were imported for the exotic pet trade alone. Over this ten year period, there was also an excess import of CITES wildlife, for example 5.8 million pieces/individual reptiles imported into Hong Kong, that did not correspond with exporting countries CITES data.

Further, the diversity of species traded has been rising, with a 57% increase over the past decade. However, the trade remains largely unmonitored, with very limited accountability and seemingly no robust mechanism to track where these species go once they have arrived in Hong Kong. This raises concerns over escapes into local environs, wildlife laundering and animal welfare concerns, all countering the aims of CITES. Certainly, with no control over source/breeders, a loophole for laundering and illegal trade in wild caught/poached animals, allows a trade from unknown and unregulated sources to flourish.

**The trade in non-CITES species:** Also of relevance is the as yet unquantified component of 'threatened' but unregulated species. The trade is equally vast and could, if monitored, usefully signal unsustainable trends and the need for conservation and protective measures to mitigate increasing threats. A recent example is the non-regulated trade in donkey skins for '*ejiao*'. This trade has recently skyrocketed, to the extent that the animal's conservation is an emerging concern, particularly given the reported involvement of wildlife traffickers and criminality. Further, although data for this aspect of the trade is by and large incomplete, at least 492,000 non-CITES exotic animals (excluding dogs and cats) were imported into Hong Kong from 2012-2016. It is thus clear that there exists a thriving exotic pet trade of species not regulated under the Convention.

**Equating the Trade to Wildlife:** While WiPS provides only a snapshot of the scale of wildlife being poached and trafficked, these numbers represent hundreds of thousands of threatened animals such as the 20,637 live turtles and tortoises seized between 2013 and 2017. Notably, C&ED summary data indicate elephant tusks equivalent to at least 3,140 elephants, as well as the scales and carcasses of up to 96,330 pangolins were seized from hundreds of individuals and consignments entering Hong Kong between 2013 and 2017. Of particular concern is the trafficking of pangolin, which has surpassed even that of ivory in volume.

In most cases, a seizure signals that irreparable damage has taken place, impacting rare and endangered species and the ecosystems involved. The animal has in many cases already been slaughtered and plants harvested, and as noted above, for those animals traded alive, euthanasia or a lifetime of expensive care may be required. By way of example, this contrasts with drug trafficking,

wherein a seizure occurs before the drugs reach the user and causes harm. This highlights the urgent need for much stronger deterrence and investigation to disrupt wildlife trafficking networks operating within and through Hong Kong.

The WiPS database alone, illustrates that the illegal trade in wildlife through Hong Kong is not limited to the more familiar and charismatic species. At least 59 species have been seized over the past five years, including live animals, dominated by a diverse array of turtles and tortoises, and parts of numerous species on the brink of extinction such as the Ploughshare tortoise, Bali mynah, rhinoceroses and totoabas.

The granularity provides additional and unique insights into the likely ecological impact to species being trafficked through Hong Kong. For instance, the trade in Ploughshare tortoises, a 'Critically Endangered' species, with a total global population comprising approximately 100 adults in the wild.<sup>928</sup> Trafficking through Hong Kong has contributed to the precipitous depletion of Ploughshares, noting 10 individuals documented in the WiPS seizure data between 2013 and 2017.

Pangolin populations have also plummeted in recent years as poaching pressures throughout their ranges in Asia and Africa has driven them towards extinction. The Chinese pangolin is already extinct in some regions, and is in "steep decline"<sup>929</sup> throughout its range. The pressure on these animals has now shifted to Africa, with the largest imports of pangolin derivatives having arrived from Nigeria. Such a rate of consumption is clearly unsustainable, and Hong Kong's role in this trade is evident. The carcasses and scales of tens of thousands of these highly endangered mammals are trafficked through Hong Kong every year, contributing to the species' decline.

**It is estimated that only 10% of contraband is seized**

**Underestimating the Trade and its Impacts:** While the report illustrates the scale of the illegal trade in wildlife through Hong Kong, it is tempered by the fact that the volumes, values and impacts are likely grossly underestimated because of a lack of data and realisation that only a small percentage of the illegal trade is likely detected. As it stands, it is generally estimated that 10% of contraband is seized by enforcement agencies around the world. If true, this indicates that potentially 14,560MT of plant and animal derivatives (including as many as 214,600 live animals) may have been trafficked into Hong Kong over the past five years.

Seizures of some wildlife products, where there is a known illegal and legal trade, are conspicuously absent in the WiPS database, such as the Humphead wrasse for which there is a documented and thriving illegal trade. Outbound seizures also serve as a reminder that there are likely numerous large shipments of illegal wildlife successfully entering Hong Kong undetected, reinforcing the view that the scale of the illicit trade is larger than the seized volumes in Hong Kong indicated. What we do know, however, pales in significance when we consider what we don't know, with worrying implications for the survival of some of the world's most threatened plants and animals.

#### What we don't know:

- **The true extent of the illegal trade**, if indeed only 10% of wildlife contraband is seized. The majority thus likely reaches its destination and enters the grey and black markets. Cross-border trade and seizures at local premises illustrate that illegal inbound products have been missed, in addition to the outbound consignments from Hong Kong seized elsewhere in the world, e.g. USA, mainland China.
- **The scale and nature of seized non-CITES, but threatened wildlife is poorly documented.** Given the limited data on non-CITES species in trade, it is not possible to determine whether these animals are protected in the country of origin and, therefore, may have been illegally harvested, before entering Hong Kong's legal markets.
- **The taxonomic data** clarifying which species have been seized over the past five years. This is limited for CITES species, particularly where whole genera are listed and is absent for non-CITES species.

**The numbers are alarming yet grossly underestimated.**

**A seizure signals irreversible damage to an endangered species and ecosystems**

- **The reason for and consequences of the discrepancies within the CITES data.** These are insufficiently understood and arguably hinder global enforcement.
- **Whether we can only account for the lowest hanging fruit,** such as mules/ant smugglers, suggesting better funded, more sophisticated syndicates are operating freely.
- **The purpose of import of legally traded wildlife** and whether the consignments are to stay in Hong Kong or be re-exported to other jurisdictions.

#### 10.1.4 Hong Kong Matters: A Strategic Location for Disrupting Wildlife Trafficking

**Hong Kong is perceived as a relatively easy transit point and risks becoming a 'one-stop shop' for wildlife criminality**

Hong Kong plays a crucial role in transnational trafficking supply chains as a travel and trade hub, as well as a gateway to one of the primary demand centres, mainland China. It is clear, based on the volumes of wildlife products from multiple countries and backed by traffickers' testimony, that Hong Kong is perceived as a relatively easy transit point.

The city's container terminals are the fifth largest in the world, in terms of annual throughput. Its air passenger terminals are amongst the busiest, as are its air cargo and air mail operations. Furthermore, over 104,000MT of river cargo flowed through Hong Kong's terminals in 2017, nearly 222 million foot passengers crossed between China and Hong Kong with a further 16 million (approximately 44,000 daily) vehicular crossings. By virtue of the scale of goods and people movement alone, tackling the illegal trade in any product poses a significant challenge for Hong Kong's enforcement authorities.

At official crossing points, seizures from air passengers, sea cargo containers, air parcels and air cargo consignments reveal the confidence of wildlife traffickers and provide a glimpse into the scale of their efforts. Seizures across 'informal' locations in Hong Kong and concentrated in Sai Kung, the outlying Islands, Yuen Long and Tuen Mun reveal a thriving local and cross-border trade in illicit wildlife, facilitated by fleets of small vessels, private vehicles, light and medium goods vehicles, trucks, as well as foot passengers. Further, multiple seizures from retailers and storage facilities highlight the willingness of local vendors to launder illicit wildlife through their stores and stocks.

Unfortunately, Hong Kong's borders have proven to be vulnerable to exploitation by criminals ranging from well-funded syndicates, like those of the May 21 Network, Anson Wong and Zhao Wei, to opportunistic traffickers, like Li Zhifei, the Chait brothers or many of the ant smugglers, all seeking to capitalise on the increasing demand for wildlife products. Its prime location and logistical expertise has also made Hong Kong a prime 'staging post' for wildlife and commodity traffickers. Seemingly, shipments of goods from around the world have been collated and stockpiled in the city, ready to be forwarded to mainland China and neighbouring countries.

Hong Kong is at risk of becoming or being perceived as a 'one-stop shop' for wildlife criminality. Overwhelmed yet efficient ports, shops known to have engaged in product laundering, financial institutions implicated in money laundering, comparatively easy company registration procedures, multiple routes for smuggling into mainland China, all leave Hong Kong open to being exploited. Limited sentencing or investigation of wildlife crimes has further contributed to the perception of the city as a soft target or 'safe harbour', threatening its international reputation and standing.

**Hong Kong has a unique opportunity to disrupt criminal operations**

However, because of its importance in the illegal trade, Hong Kong has a unique opportunity to disrupt criminal operations and prevent products from becoming a problem in yet another jurisdiction.

#### 10.1.5 The Traffickers are Winning

Hong Kong has taken a significant step to ban the ivory trade and raise penalties for wildlife trafficking and trading offences. Current legislation and strategy is however clearly focused on conservation and protection as enforced by the AFCD, it does not provide the appropriate regulatory powers needed to deter offenders and combat transnational organised wildlife crime. For the most part, investigation of alleged perpetrators is limited, fines are low and short custodial sentencing is only occasionally handed down and served. Those prosecuted are usually the carriers or 'mules.' As a result, wildlife crime in Hong Kong remains a high profit, low risk criminal enterprise.

Despite the value of trafficked products, the impact of the crimes and the high cost of aftercare for live animals, deterrent sentencing is evidentially lacking. Of 165 prosecutions reviewed between 2013 and 2017 (excluding agarwood which is prosecuted under the Theft Ordinance), sentences were markedly lower than the maximum available under Cap. 586. It is clear that the full range of penalties provided is not used.

At the other end of the scale, massive shipments of wildlife products have arrived in cargo containers holding many tonnes of wood species, mixed pangolins species and ivory. Despite the large volumes of seizures from containers, few individuals responsible have been brought to court, let alone sentenced.

In light of this situation, it is clear that wildlife criminals are operating with relative freedom, such that the larger the shipment, the lower the risk of prosecution, and even where individuals are apprehended and charged, penalties are little more than a slap on the wrist. It is clear that there is dire need for better investigative powers to be exercised.

Prosecuting wildlife crime cases is also challenging and prosecutors tasked with disproving statutory defence are faced with difficulties in proving that the accused knew or could have known the goods were unmanifested, with reasonable diligence.

Hong Kong's C&ED has seized large volumes of illegal wildlife over the years, and while on the one hand this is commendable, without tackling the criminal networks, companies and individuals behind such trade, there is a reasonable argument that in many instances seizures are simply viewed by traffickers as a cost of doing business. Forfeited wildlife, after all, will be replaced through further poaching, with yet more ecological, societal and economic consequences for source countries, as well as the proceeds ultimately fuelling further criminality.

Other nations have taken a more proactive approach to disrupting and deterring wildlife criminality. Notably, the USA has investigated, apprehended and prosecuted multiple individuals, companies, and financial institutions linked to and operating through Hong Kong.

#### 10.1.6 On a Downward Spiral: Standing Still is Not an Option

The scale of the illegal and legal trade is already considerable, and yet it is expected to grow further. As populations rise and affluence in Asia's demand centres increase, it is not surprising that wildlife crime is predicted to be on an upward trajectory. Further, conspicuous consumption and the use of threatened wildlife in traditional medicines are contributing to an extinction spiral. Entire wildlife species are globally being eradicated at a rate 1,000 to 10,000 times the natural rate. 'Business-as-usual' will thus have devastating consequences, and criminal enterprises/individuals will continue to pocket significant funds, at the expense of local communities and government revenues.

Furthermore, trade routes are set to multiply, providing further options for traffickers. With the expansion of regional trade agreements, facilitated through the likes of the 'Belt and Road Initiative', and expanding cross-border infrastructure, such as the Hong Kong-Zhuhai-Macau Bridge, HKIA's Third Runway System and the Express Rail Link, it seems likely that the wildlife trade through Hong Kong will grow in lockstep, if not faster. Consequently, the vigilance of the city's frontline agencies, especially the AFCD, C&ED and HKPF, is increasingly important.

**There is a dire need for better investigative powers**

**Without deterrence, seizures are likely viewed by traffickers as a cost of doing business**

**Trade is predicted to grow due to sustained and even increased demand in Asia**

**It is up to the Government of the HKSAR whether Hong Kong continues to be seen as a ‘one-stop shop’, or becomes a global leader in the fight against wildlife crime**

Whilst there are certainly challenges for Hong Kong in combatting wildlife crime, the city also has considerable opportunity to become a leader in detecting, disrupting, dismantling and deterring the illegal wildlife trade. Given its strategic position and established role as a trade and financial hub, it is optimally situated to impede the trade, and assert itself as a regional leader in this regard. In order to achieve this, we outline several recommendations on how Hong Kong may more effectively combat wildlife crime.

Put simply, standing still is not an option. It is up to the Hong Kong Administration whether Hong Kong continues to be seen as a ‘one-stop shop’, or becomes a global leader in the fight against wildlife crime.

## 10.2 RECOMMENDATIONS

### 10.2.1 Cap. 586 Offences must be Incorporated Under the Organised and Serious Crime Ordinance

In order to effectively eradicate the illegal trade in endangered species, it is important that appropriate and sufficiently comprehensive offences are created to capture all key activities of import, export, re-export, possession, control, dealing, trading, use of proceeds, etc. It is for this reason that we recommend that relevant Cap. 586 offences (e.g. under section s5-9 and s11-15) be included in Schedule 1 of the Organized and Serious Crimes Ordinance (Cap. 455) (OSCO). The compelling reasons for this recommendation are summarised:-

- The transnational organised nature and seriousness of wildlife crime in terms of environmental impact, cruelty, violence, value, the linkages between local and global criminal syndicates, and the measures criminal syndicates go to in order to protect and control their activities, result in the need for greater investigative capacity. As evidenced in this report, Hong Kong is an internationally recognised wildlife trade and trafficking hub. However, there are no criminal offences, under Hong Kong law, which address wildlife crime as the serious and organised criminal enterprise it has become. Current laws focus on import, export and seizures under Cap. 60 and Cap. 586. There is a critical need for the use of enhanced enforcement powers to address wildlife trafficking in Hong Kong.
- As wildlife criminal enterprises operate through international criminal syndicates, the precision of OSCO would greatly assist the law enforcement effort in combatting this serious crime.
- The application of the OSCO regime will ensure that the real perpetrators and the major miscreants of wildlife crime can be investigated and prosecuted rather than just the carriers of smuggled wildlife.
- Were the offences in Cap. 586 formally recognised by the Government of the HKSAR as a form of organised 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 criminal activities.
- Disgorgement of the profits of crime is a proven and necessary enforcement initiative in combatting crimes of this type where the profits are high.
- The seriousness and profile of these types of offences impact the international reputation of Hong Kong and the relationship between Hong Kong and mainland China and other countries.
- 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.

- The United Nations Office on Drugs and Crime (UNODC)<sup>930</sup> has repeatedly called on its Member States to treat wildlife trafficking as a serious form of transnational organized crime. This means – first and foremost – to recognize it as a “serious crime,” which according to the United Nations Convention on Transnational Organized Crime (the “Organized Crime Convention”) is any crime punishable with a maximum penalty of four or more years’ imprisonment, committed by a group of three or more people acting together – across countries – to obtain financial or material benefit<sup>931</sup>. The facts of the examples cited above show that wildlife trafficking in Hong Kong comes within the definition of “serious crime” under the Organized Crime Convention, even more so under the Amendment Ordinance which has increased the maximum penalty to 10 years’ imprisonment.

### 10.2.2 Wildlife Trade Database Development

Seizure data are becoming an increasingly valuable source for conservation biologists as well as enforcement authorities; as such data can provide insights into the market dynamics driving declines of endangered species<sup>932</sup>. Many studies have made use of media reporting of seizures to construct wildlife trade market dynamics – the results of these analyses have provided recommendations of where to enhance enforcement and improve environmental education to most effectively reduce trade<sup>933,934,935</sup>. However, media reporting has a number of associated biases which can limit the utility of such data<sup>936</sup>. Government-provided seizure data is, therefore, far superior for allowing scientists to illustrate and understand the dynamics of wildlife trade markets and better provide recommendations for the conservation of vulnerable and endangered species, as well as identify trends that may be emerging. Furthermore, it can allow comparison between legal and illegal trade such that CITES data could perhaps be used to predict illegal trade.

Given the insights and analysis facilitated by even incomplete data such as WiPS, it is recommended that a centralised and up-to-date database of seizures be maintained. Ideally, such a resource would consolidate information made available by enforcement authorities such as C&ED and AFCD, as well as the government’s Information Services Department (ISD). Such a database could be structured according to global best practice, informed by the likes of UNODC and CITES<sup>937</sup>. It would be advantageous if structured information were made available on request to interested parties such as NGOs, academics etc. to facilitate research and inform conservation programmes.

Furthermore, because import permits do not have a mandatory requirement to indicate whether imported animals are for re-export or for local trade, there is no way of knowing how much is destined to stay in Hong Kong and how much is to be re-exported to other countries (and what proportion is being smuggled to Guangdong to avoid local taxes). The addition of the information on ‘purpose for import’ would help to provide the missing statistics and inform the authorities on whether Hong Kong is being swamped with a particular species or if the majority are to be re-exported. Under its BSAP, Hong Kong should also want to know whether, for example, potentially invasive imports are to stay here or be re-exported.

### 10.2.3 Develop a Forensics/DNA/Carbon Dating Capacity

To bolster the investigative and prosecutorial powers of the enforcement authorities, it is recommended that consideration is given to establishing a facility for forensic, genetic and radiocarbon testing for locally seized wildlife products. Furthermore an independent Scientific Committee to help identify more cryptic cases through the use of wider expertise and not relying solely on Government expertise would be advantageous.

Investigations and conservation efforts alike are more challenging because of the omission of species data. Notably, the government has not identified imported CITES wildlife to species level in every instance, which is understandable, given resource constraints and where a large number of species of a class are listed. However, such information could greatly assist efforts to trace transit routes, determine source regions, target investigations and focus resources, preventing trafficking and ultimately facilitate conservation. It also means that the range of species trafficked is likely much larger than indicated by the WiPS database and cryptic species that may be geographically isolated and at serious extinction risk could be overlooked.

Researchers globally have demonstrated the utility of genetic and forensic information, for example backtracing numerous large Hong Kong ivory seizures (from as far back as 2006) to source regions in Africa, helping concentrate both criminological and conservation resources.<sup>938</sup> The use of radiocarbon dating as evidence in court has successfully proved laundering of 'blood ivory' in numerous cases, contributing to defendants being found guilty.<sup>939,940</sup> It could also assist in CITES implementation, e.g. although Hong Kong has a burgeoning shark fin trade, identification of juvenile CITES shark species is not possible without DNA testing and juvenile fins in the market are not uncommon.<sup>941</sup> Equally, in 2016, the University of Hong Kong exposed the illegal trade of European Eels from Europe to Hong Kong for the first time through DNA testing.<sup>942</sup> More recent research indicates the possibility of inexpensively lifting fingerprints from trafficked pangolin scales.<sup>943</sup>

#### 10.2.4 Inter-departmental Task Force on Wildlife Crime

Consideration should be given to revising the structure of the Government's Wildlife Crime Task Force, currently chaired by the AFCD, specifically so that the HKPF can play a more active role. Further, it may be appropriate to invite representation from units and departments who have a specific remit to monitor aspects of the wildlife trade, such as the AFCD's quarantine section, which directly oversees aspects of the import and export of live animals. These approaches would all be in line with the tenets of the Administration's BSAP, to improve communication between and ensure active participation from all relevant departments and stakeholders.

#### 10.2.5 Customs Wildlife Crime Unit/Bureau

It is recommended that the Administration considers the establishment of a dedicated Wildlife Crime Unit to be set up within C&ED. This could be created in much the same way that a Customs Drug Investigation Bureau exists to combat narcotics, and the Financial Investigation Group exists to combat money laundering or the Consumer Protection Bureau which exists to protect consumer rights. The establishment of a dedicated wildlife crime team within Hong Kong Customs could further enhance and ease interdepartmental cooperation with AFCD.

#### 10.2.6 Resources Allocation of Funds Post Seizure

Recovery of expenses for medical treatment, temporary housing, euthanasia and, in some cases, repatriation should be sought from those convicted of trafficking live animals. It seems unreasonable for public or philanthropic funds to absorb such associated costs. Accordingly, it is suggested that government prosecutors seek restitution from wildlife criminals from the outset, to recoup the costs presently paid out of tax dollars and charitable donations.

#### 10.2.7 Demand Reduction

As CITES, WiPS, C&ED, HS customs and LEMIS data all demonstrate, there is a booming trade in all manner of wildlife to, through and from Hong Kong. Accordingly, Hong Kong has a vastly disproportionate ecological footprint for a city of its size. In line with aspirations set forth in the BSAP, it is proposed that the Administration establish ambitious programmes to advance knowledge and involve the community in biodiversity conservation, focused on consumer education and demand reduction.

#### 10.2.8 Laws to Address Wildlife Illegally Harvested in and Exported from Countries of Origin

It is recommended the Government review the current legislative framework to determine the need for a broader and comprehensive law which covers all flora and fauna and their parts and products, either protected by CITES, national law, or international law from being imported, exported, sold or purchased/received in Hong Kong. Such a law would also encourage companies, for example those acquiring seafood from abroad, to improve due diligence of the goods they are purchasing, just as consumers have the right to know what they are purchasing is legal.

#### 10.2.9 Sentencing Guidelines

Deterrent sentencing has a significant role to play in disrupting the illegal wildlife trade, particularly in light of the increased penalty regime. It is therefore proposed that sentencing guidelines be introduced to the Hong Kong Magistracy and Judiciary to assist in consistency in sentencing and ensure that the harmful and serious nature of each case is considered. Similar to those detailed by the UK Magistrates' Association in relation to wildlife crime offences, consideration should be given to the following:

- **The Biological Impact** – The conservation implications in terms of the effect on the global or local population of that species; the level of endangerment of the species; the number of specimens/items involved; the actual and/or potential harm or damage occasioned to the local environment (the spread of disease and/or invasive species);
- **The Cruelty** – If human health, animal health, or flora were adversely compromised, especially where a protected species was affected (animals were actually or potentially harmed/killed during transit, cruelty was employed in treatment of animals);
- **The Offender's Motivation** – The defendant has acted from a financial motive or is a serious/persistent offender; a high financial value of the specimens where it is known; the level of revenue from the illegal transactions carried out;
- **The Nature and Extent of the Offender's role** – The offence is shown to have been a deliberate or reckless breach of the law rather than the result of carelessness; the defendant is shown to have knowledge of the specific risks involved; the defendant has previous convictions for like offences; the level of remorse shown by the offender;
- **The Organisation Involved** – The size of the operation; the number of individuals (or wider group of individuals involved) and/or vehicles involved (e.g. criminal syndicates).
- **The International Reputation of Hong Kong**

#### 10.2.10 Closing the Loopholes for Fishing Vessels

All Hong Kong vessels should be required to install a vessel monitoring system (VMS) to enable better control over the trade chain. A system for monitoring vessels will enable effective oversight of the entry and exit activities of vessels, in both exporting and importing countries, which will assist in enforcing regulations and monitoring of the international wildlife trade, particularly for seafood and CITES-listed species such as the Humphead wrasse. This is closely linked to a growing call for better traceability and calls for greatly improved compliance by air and sea traders regarding reporting and legal carriage of threatened species.

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142. In a planned operation, the C&ED apprehended seven traffickers, at least two of whom were attempting to smuggle ivory together, on flight from Cote d'Ivoire. The individual's cases were all assigned separate reference numbers. This contrasts with numerous other instances, where the government has not disaggregated cases wherein multiple people were apprehended. The largest of these was a seizure of 790kg of ivory being smuggled by 16 individuals, from Angola to Cambodia. The government provided no reference number(s). (Source: ISD (2013) *Press Releases: Seven travellers sentenced for smuggling ivory tusks*. Government of the Hong Kong SAR. Available from: <http://www.info.gov.hk/gia/general/201312/16/P201312160646.htm> [Accessed 25 Mar 2018]; ISD (2014) *Press Releases: Sixteen travellers sentenced for ivory haul*. Government of the Hong Kong SAR. Available from: <http://www.info.gov.hk/gia/general/201407/24/P201407240630.htm> [Accessed 25 Mar 2018])
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**Air** : Air Mail Centre (HKIA); Cargo Examination Terminal (HKIA); Customs Passenger Clearance (HKIA)  
**Sea** : China Ferry Terminal (Tsim Sha Tsui); Customs Cargo Examination Compound (Tsing Yi)/ Kwai Chung Customhouse (Kwai Chung); River Trade Terminal (Tuen Mun)  
**Land** : Customs Outbound Cargo Examination (Lok Ma Chau); Customs Outbound Cargo Examination (Man Kam To); Control Point (Lo Wu); Control Point (Lok Ma Chau); Control Point (Shenzhen Bay); Control Point (Sha Tau Kok); Surface Mail Centre (Tuen Mun); Post Office (Sheung Shui).
403. These are defined as those locations at which C&ED conducts passenger and cargo clearance, at boundaries and ports. These include land boundaries, the airport and maritime ports. Clearance is conducted on cargoes including, but not limited to: road cargoes, transshipment cargoes, air consignments, passengers' person, passengers' baggage, vehicles and vessels.
- 404.
- Two seizures were made from Tang Siu Kin Nautical Centre, Tsam Chuk Wan, Sai Kung: 48kg of red sandalwood in June 2016 and 273kg of frozen pangolins in September 2016. (Source: C&ED (2016) *Import and Export Ordinance, Chapter 60 – Notice (06.10.2016)*, *Ref. CPM/4/65/16*. Government of the Hong Kong SAR, Hong Kong; C&ED (2016). *Import and Export Ordinance, Chapter 60 – Notice (16.06.2016)*, *Ref. CPM/4/39/16*. Government of the Hong Kong SAR, Hong Kong.)
  - In August 2017, two seizures of red sandalwood were made 'Off Mai Po, Yuen Long' two days apart. However, the apprehension location differed in each instance. In May 2015, two seizures of totoaba were made in coordinated AFCD operations from two shops in Sheung Wan. They were in the same approximate area, but from different stores.
  - Wong Shek Pier was the site of a seizure of 37kg of agarwood in June 2017 and of 13kg of ivory tusks in November 2017 (Source: C&ED (2017) *Import and Export Ordinance, Chapter 60 – Notice (20.06.2017)*, *Ref. CPM/4/42/17*. Government of the Hong Kong SAR, Hong Kong; C&ED (2017) *Import and Export Ordinance, Chapter 60 – Notice (23.11.2017)*, *Ref. CPM/4/63/17*. Government of the Hong Kong SAR, Hong Kong.)
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475. It should be noted that 165 is a measure of seizure cases, rather than the number of individuals prosecuted. Several cases are known to have involved multiple persons.
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505. KFBG (2017) *Live Animals in Illegal Trade - A Review of selected holding and repatriation costs with enforcement outcomes for local confiscations. Publication Series No. 12*. Kadoorie Farm & Botanic Garden, Hong Kong SAR. p.17.
506. Ibid. p.5.
507. ISD (2015) *Press Releases: Hong Kong Customs seizes suspected Black pond turtles at airport (with photo)*. Government of the Hong Kong SAR. Available from: <http://www.info.gov.hk/gia/general/201510/02/P201510020655.htm> [Accessed 25 Mar 2018].
508. KFBG (2017) *Live Animals in Illegal Trade - A Review of selected holding and repatriation costs with enforcement outcomes for local confiscations. Publication Series No. 12*. Kadoorie Farm & Botanic Garden, Hong Kong SAR. p.5.
509. 358 black pond turtles (*Geoclemys hamiltonii*) and 266 Indian roofed turtles (*Pangshura tecta*).
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520. "Pursuant to section 27(2)(d) of the Organised and Serious Crimes Ordinance, Cap. 455, the prosecution applied to enhance the defendants' sentences on the ground of the nature and extent of any harm, whether direct or indirect, caused to the community by recent occurrence of these specified offences." (Source: *Hong Kong Judiciary (2014) HKSAR v He Fu (D1) Shi Guangzhi (D2) - DCCC 183/2014*. Hong Kong Department of Justice. Available from: [http://legalref.judiciary.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=92781&QS=%28Protection%2Bof%2BEndangered%2BSpecies%29&TP=RS](http://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=92781&QS=%28Protection%2Bof%2BEndangered%2BSpecies%29&TP=RS) [Accessed 15 Jan 2018].
521. ENB & AFCD (2016) *Legislative Council Panel on Environmental Affairs: Enhanced Protection of Incense Tree in Hong Kong, CB(1)1054/15-16(04)*. Government of the Hong Kong SAR. p.8. (Annex). Available from: <https://www.legco.gov.hk/yr15-16/english/panels/ea/papers/ea20160627cb1-1054-4-e.pdf> [Accessed 15 Jan 2018].
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523. Hong Kong Judiciary (2015) *HKSAR v Wang Quanwen - CACC 263/2014. In the High Court of the Hong Kong SAR Court of Appeal*. Available from: [http://legalref.judiciary.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=97735&QS=%28Protection%2Bof%2BEndangered%2BSpecies%29&TP=JU&currpage=T](http://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=97735&QS=%28Protection%2Bof%2BEndangered%2BSpecies%29&TP=JU&currpage=T) [Accessed 9 Mar 2018].
524. Which carried the heaviest penalty (42 months' imprisonment).
525. 14 months' imprisonment, which was to be served consecutively with charge 1 (6 months imposed).
526. 12 months' imprisonment, which was to be served consecutively with charge 1 (3 months imposed).
527. Hong Kong Judiciary (2015) *HKSAR v Liang Zhikun (D1) and Chen Dawei (D2), DCCC 91/2015*. Hong Kong Department of Justice. Available from: [http://legalref.judiciary.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=98540&QS=%28Endangered%2BSpecies%29&TP=RS&currpage=TC&ED%20Database%20\(NOS\)](http://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=98540&QS=%28Endangered%2BSpecies%29&TP=RS&currpage=TC&ED%20Database%20(NOS)) [Accessed 2 Nov 2017].
528. Being Annex A to the Principal Regulation, which includes: (1) All CITES Appendix I species, except where EU Member States have entered a reservation; (2) Some CITES Appendix II and III species, for which the EU has adopted stricter domestic measures; and (3) Some non-CITES species. (Source: European Commission (2017) *The European Union and Trade in Wild Fauna and Flora*. EC, Brussels. Available from: [http://ec.europa.eu/environment/cites/legislation\\_en.htm](http://ec.europa.eu/environment/cites/legislation_en.htm) [Accessed 30 May 2018].
529. The 1997 Regulations, r 8, as amended by the 2005 Regulations, r 3. Level 5 fine in the standard scale for fines is £5,000; Criminal Justice Act 1982, s 37(2). The fine approximately equals to HK\$52,000 (exchange rate: £1 = HK\$10.4).
530. The 1997 Regulations, r 8, as amended by the 2005 Regulations, r 3.
531. The 1999 Act, ss 303CC and 303CD. The fine approximately equals to HK\$1,008,000 (exchange rate: AU\$1 = HK\$5.93).
532. Under section 303CA of the Act, the authorities must establish a list of CITES species, and the list must include all species from time to time included in any of Appendices I, II and III to CITES. The list must not include any other species.
533. The 1999 Act, s 303GN. The fine approximately equals to HK\$1,008,000 (exchange rate: AU\$1 = HK\$5.93).
534. The 1989 Act, ss 44(1)(a), 44(2) and 45(2)(a). The fine approximately equals to HK\$543,000 (exchange rate: NZ\$1 = HK\$5.43).
535. The 1989 Act, ss 44(1)(b), 44(3) and 45(2)(b). The fine approximately equals to HK\$271,000 (exchange rate: NZ\$1 = HK\$5.43).
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  - Hong Kong Judiciary (2014) *HKSAR v Wang Quanwen - CACC 263/2014*. Hong Kong Department of Justice. Available from: [http://legalref.judiciary.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=97735&QS=%28Protection%2Bof%2BEndangered%2BSpecies%29&TP=JU&currpage=T](http://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=97735&QS=%28Protection%2Bof%2BEndangered%2BSpecies%29&TP=JU&currpage=T) [Accessed 20 Jan 2018];
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557. An additional industry/category, 'Scientific, Botanical and Educational', was added to those defined by the UNODC. This was because CITES specifically identifies imports of this nature and, given the UNODC's exclusive focus on illegal imports, a suitable category did not previously exist.
558. 'Typical Products' are those wildlife products that appear most regularly in the CITES Database within each industry.
559. A further 18 CITES-listed wildlife products were identified to genus level.
560. A further 14 CITES-listed wildlife products were identified to genus level.
561. Quote: "We continue to see large numbers of all four of these [reptile] species offered for sale in Chinese pet markets, where they are sold as 'throw-away pets,' rarely surviving once they are sold." (Hudson, 2017) (Source: Pulkkinen, L. (2017) *Everett Pet Shop Owner turned animal smuggler: I went too far chasing my 'dream'*. Seattle PI. Available from: <https://www.seattlepi.com/seattlenews/article/Everett-pet-shop-owner-turned-animal-smuggler-15150568.php> [Accessed 6 Feb 2018].)

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Born in captivity: animals born in captivity after subsequent generations.  
Raised/franched in captivity: animals captured from the wild and raised in a protected area to be sold commercially that would have had a low chance of survival in the wild. (Full definitions are available from: CITES (2013) *A guide to using the CITES trade database (version 8)* [Accessed 12 November 2017].)
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## A. COP17 LISTINGS (SEPTEMBER 2016)

The following provides a summary of CoP17 Amendments where species gained additional protection:-

1. species were listed for the first time
2. species were uplisted from Appendix II to I
3. species were uplisted from Appendix III to II

SPECIES	COMMON NAME	PRE COP 17 LISTING	COP 17 LISTING	NOTES
<b>FAUNA</b>				
<b>ANURA</b>				
<i>Dyscophus guineti</i>	Sambava tomato frog	None	II	
<i>Dyscophus insularis</i>	Antsouhy tomato frog	None	II	
<i>Scaphiophryne boribory</i>	-	None	II	
<i>Scaphiophryne marmorata</i>	Marbled rain frog	None	II	
<i>Scaphiophryne spinosa</i>	-	None	II	
<i>Telmatobius culeus</i>	Titicaca water frog	None	I	
<b>ARTIODACTYLA</b>				
<i>Capra caucasica</i>	Western tur	None	II	
<b>CAUDATA</b>				
<i>Paramesotriton hongkongensis</i>	Hong Kong warty newt	None	II	
<b>CARCHARHINIFORMES</b>				
<i>Carcharhinus falciformis</i>	Silky shark	None	II	delayed by 12 months, i.e. until 4 October 2017
<b>LAMNIFORMES</b>				
<i>Alopias</i> spp.	Thresher sharks	None	II	3 species, delayed by 12 months, i.e. until 4 October 2017
<b>MYLIOBATIFORMES</b>				
<i>Mobula</i> spp.	Mobula rays	None	II	9 species, delayed by 6 months, i.e. until 4 April 2017
<b>NAUTILIDA</b>				
NAUTILIDAE spp.	Nautilus	None	II	<i>Nautilus</i> spp. (5 species), <i>Allonautilus</i> spp. (2 species)
<b>PERCIFORMES</b>				
<i>Holacanthus clarionensis</i>	Clarion angelfish	None	II	
<b>PHOLIDOTA</b>				
<i>Manis crassicaudata</i>	Indian pangolin	II	I	
<i>Manis culionensis</i>	Philippine pangolin	II	I	
<i>Manis gigantea</i>	Giant ground Pangolin	II	I	
<i>Manis javanica</i>	Sunda pangolin	II	I	
<i>Manis pentadactyla</i>	Chinese pangolin	II	I	
<i>Manis temminckii</i>	Temminck's ground pangolin	II	I	
<i>Manis tetradactyla</i>	Black-bellied pangolin	II	I	
<i>Manis tricuspis</i>	White-bellied pangolin	II	I	
<b>PRIMATES</b>				
<i>Macaca sylvanus</i>	Barbary Macaque	II	I	
<b>PSITTACIFORMES</b>				
<i>Psittacus erithacus</i>	Grey parrot	II	I	

SPECIES	COMMON NAME	PRE COP 17 LISTING	COP 17 LISTING	NOTES
<b>SAURIA</b>				
<i>Abronia anzuetoi</i>	Anzuetoi aboreal alligator lizard	None	I	
<i>Abronia campbelli</i>	Campbell's alligator lizard	None	I	
<i>Abronia fimbriata</i>	Caquipec Arboreal Alligator Lizard	None	I	
<i>Abronia frosti</i>	Frost's aboreal alligator lizard	None	I	
<i>Abronia meledona</i>	Torre de Guatel Arboreal Alligator Lizard	None	I	
<i>Abronia</i> spp.	-	None	II	24 species, (A zero export quota for wild specimens for <i>Abronia aurita</i> , <i>A. gaiophantasma</i> , <i>A. montecristoi</i> , <i>A. salvadorensis</i> and <i>A. vasconcelosii</i> )
<i>Cnemaspis psychedelica</i>	Psychedelic rock gecko	None	I	
Lanthanotidae spp.	Earless monitor lizard	None	II	<i>Lanthanotus borneensis</i> (1 species), (A zero export quota for wild specimens for commercial trade)
<i>Lygodactylus williamsi</i>	Turquoise dwarf gecko	None	I	
<i>Paroedura masobe</i>	-	None	II	
<i>Rhampholeon</i> spp.	African leaf chameleon	None	II	19 species
<i>Rieppeleon</i> spp.	Rieppeleon chameleon	None	II	3 species
<i>Shinisaurus crocodilurus</i>	Chinese crocodile lizard	II	I	
<b>SERPENTES</b>				
<i>Atheris desaixi</i>	Mount Kenya bush viper	None	II	
<i>Bitis worthingtoni</i>	Kenya horned viper	None	II	
<b>STYLOMMATOPHORA</b>				
<i>Polymita</i> spp.	Cuban land snail	None	I	6 species
<b>TESTUDINES</b>				
<i>Cyclanorbis elegans</i>	Nubian flapshell turtle	None	II	
<i>Cyclanorbis senegalensis</i>	Senegal flapshell turtle	None	II	
<i>Cycloderma aubryi</i>	Aubry's flapshell turtle	None	II	
<i>Cycloderma frenatum</i>	Zambezi flapshell turtle	None	II	
<i>Rafetus euphraticus</i>	Euphrates softshell turtle	None	II	
<i>Trionyx triunguis</i>	African softshell turtle	None	II	

SPECIES	COMMON NAME	PRE COP 17 LISTING	COP 17 LISTING	NOTES
<b>FLORA</b>				
<b>ASPARAGACEAE</b>				
<i>Beaucarnea</i> spp.	Ponytail palms	None	II	11 species
<b>CACTACEAE</b>				
<i>Sclerocactus blainei</i>	Desert valley fishhook cactus	II	I	
<i>Sclerocactus cloverae</i>	Clover's fishhook cactus	II	I	
<i>Sclerocactus sileri</i>	Siler fishhook cactus	II	I	
<b>LEGUMINOSAE</b>				
<i>Dalbergia</i> spp.	Rosewood	None	II	except for species included in Appendix I, (Total 304 known species* - 1 species previously listed in Appendix I, 55 species previously listed in Appendix II, 5 species previously listed in Appendix III (below))
<i>Dalbergia darienensis</i>	-	III	II	
<i>Dalbergia calycina</i>	-	III	II	
<i>Dalbergia cubilquitzensis</i>	-	III	II	
<i>Dalbergia glomerata</i>	-	III	II	
<i>Dalbergia tucurensis</i>	Yucatan rosewood	III	II	
<i>Guibourtia demeusei</i>	-	None	II	
<i>Guibourtia pellegriniana</i>	-	None	II	
<i>Guibourtia tessmannii</i>	-	None	II	
<i>Pterocarpus erinaceus</i>	Kosso	None	II	
<b>MALVACEAE</b>				
<i>Adansonia grandidieri</i>	Renala	None	II	Seeds, fruits, oil and live plants
<b>ZINGIBERACEAE</b>				
<i>Siphonochilus aethiopicus</i>	-	None	II	Populations of Mozambique, South Africa, Swaziland and Zimbabwe

Source: CITES (2016) Notification to the Parties: *Amendments to the Appendices I and II of the Convention - adopted by the Conference of the Parties at its 17th meeting, Johannesburg (South Africa), 24 September - 4 October 2016*, No. 2016/063.

\* CITES (2016) *Consideration of proposals for amendment of Appendices I and II*, CoP17 Prop. 55, p. 12. Available from: <https://cites.org/sites/default/files/eng/cop/17/prop/060216/E-CoP17-Prop-55.pdf> [Accessed 22 Nov 2018]

## B. USING THE CITES DATABASE

### Calculating the Excess in Imports

The CITES Trade Database was downloaded in September 2018 according to the following search conditions/terms:

<b>Year Range</b>	2007-2016*
<b>Exporting Country</b>	All Countries
<b>Importing Countries</b>	Hong Kong SAR
<b>Source</b>	All sources
<b>Purpose</b>	All Purposes
<b>Trade Terms</b>	All Terms

\* As the data was extracted for the period 2007-2016, some imports identified as excess imports may correspond to exports that occurred before 2006.

CITES compile its database by summing the data from multiple shipments (imports and exports) by year and by country. According to CITES, 'each record is summed where the following details are the same: taxon, term, importer, exporter, country of origin, purpose of transaction, source of specimen and the year in which the trade occurred. If all these details are reported identically by both the exporter/re-exporter and importer, the transactions will appear on the same line of the tabulation'.

For these records the **excess imports** is calculated by subtracting Hong Kong reported imports from the corresponding country export records.

However, CITES indicate that:

'the details of a particular transaction reported by both the exporter/re-exporter and importer frequently fail to show perfect

correlation, and therefore will not appear in the same line of the comparative tabulation. This is often for one or more of the following reasons:

- The source of the items and purpose of the transaction are often reported differently, if at all;
- Terms and units may also be reported differently for the same items in trade;
- One of the trading partners may not have submitted a report for the year in question, or may not be a CITES Party;
- Specimens may be exported at the end of one year but not received by the importer until the following year;
- Trade may be reported at species level by one country and at a higher taxonomic level by another. This is particularly common in the reporting of artificially propagated plants.'

Accordingly **import excesses** values were obtained by identifying anomalies across the data set.

For example, according to the methodology below (i-iii) the net total excess from Australia of coral, *Acanthastrea bowerbanki* (2011-2014), is 12.

- For Australia (AU) Table B-1, the first two reports are determined to be the same case despite appearing on different lines because all parameters correlate except for the reporting year.
- The anomaly can be identified by subtracting imports from export, across all years for the country of interest
- These differences are then summed to provide the total net excess. The same methodology is carried out to remove the anomalies for the source, purpose and term of the item.

**TABLE B-1**

**Example to illustrate variations in the cites trade database report and the methodology used to determine the excess import to Hong Kong**

CASE	YEAR	TAXON	IMPORTER	EXPORTER	IMPORTER REPORTED QUANTITY	EXPORTER REPORTED QUANTITY	DIFFERENCE	TERM	UNIT	PURPOSE	SOURCE
A	2011	<i>Acanthastrea bowerbanki</i>	HK	AU	1		1	Live	-	T	W
A	2012	<i>Acanthastrea bowerbanki</i>	HK	AU	1	2	-1	Live	-	T	W
B	2013	<i>Acanthastrea bowerbanki</i>	HK	AU	17	5	12	Live	-	T	W
D	2013	<i>Acanthastrea bowerbanki</i>	HK	ID	5		5	Live	-	T	W
C	2014	<i>Acanthastrea bowerbanki</i>	HK	AU	79		79	Live	-	T	W
C	2014	<i>Acanthastrea bowerbanki</i>	HK	AU		79	-79	Raw corals			

TAXON	EXPORTER	TOTAL IMPORT EXCESS (PCS/INDIVIDUALS)
<i>Acanthastrea bowerbanki</i>	AU	12
<i>Acanthastrea bowerbanki</i>	ID	5

## C. COMPILING THE WIPS DATABASE

### APPENDIX C-1 WiPS Database Limitations

**Completeness:** Rarely are all details across all 16 data parameters available for a seizure. The resolution of data is, therefore, heterogeneous. More widely publicised and familiar species, such as elephants and pangolins, are relatively well documented, whereas information related predominantly to live wildlife traded as exotic pets, i.e. birds, reptiles and amphibians, are limited and fragmented. There are also significant data gaps in areas such as the final destination country, number of pieces and prosecutions.

Notably, in the WiPS dataset ivory seizures provided the greatest granularity and the data was atypical in this regard. In the majority of ivory cases, the date, transit route, quantity, estimated value, nature of transportation, type of product and associated prosecutions were identified.

**Non-standardised Reporting:** Reconciling and standardising the data reported by different authorities in different and incompatible units is a challenge which wildlife seizure databases face in general.<sup>1</sup> In the WiPS dataset, records for live animals are typically collated from 'Notices of Seizure' and press releases by number of individuals, i.e. tails for fish, heads for turtles, whereas derivatives and dead specimens are almost exclusively recorded by weight (kg).

**Value Estimates:** The values in the WiPS dataset are based on government estimates in Hong Kong dollars, which in turn are based on market surveys, interviews with traders and research.<sup>2</sup> Appendix I species are typically not legally commercially traded<sup>3</sup>, and for such products the AFCD relies upon reports, papers or other publications regarding their value on the black market.<sup>4</sup>

The values estimated per unit vary greatly across the five year study period and thus are not considered accurate, and in many instances are suspected to be conservative. They do, however, provide an indication of which products contribute the most value to the black market and how valuable the items passing through Hong Kong in the last five years have been.

## APPENDIX C-2 Summary of CITES-listed Species Seized in Hong Kong (2013-2017)

Green shaded areas represents the taxonomic level to which the Hong Kong Government provided identification. Where species were not identified, red shaded areas indicates the range of species relating to the family/genus that was identified.

- Note:
1. Taxonomy details and numbers are sourced from the ITIS (n.d.) Integrated Taxonomic Information System. Available from: <http://www.itis.gov> [Accessed 15 May 2018].
  2. Species are listed where there are fewer than 12 per genus listed in CITES; in cases where there are more than 12 species per genera, only Appendix I species are listed.
- \*\* species identification – KFBG  
† species identification – TRAFFIC

COMMON NAME	FAMILY	GENUS	SPECIES (not including subspecies)	SPECIES INCLUDED IN CITES APPENDICES	CITES APPENDIX	IUCN STATUS				
<b>Art, Décor and Jewellery</b>										
Elephants	Elephantidae	2 genera	2 species	<b>Elephas spp. (1 in CITES)</b>						
				<i>E. maximus</i>	I	EN				
				<b>Loxodonta spp. (1 in CITES)</b>						
				<i>L. africana</i>	I/II	VU				
Giant Clams	Tridacnidae	2 genera	11 species	<b>Hippopus spp. (2 in CITES)</b>						
				<i>H. hippopus</i>	II	LC				
				<i>H. porcellanus</i>	II	LC				
				<b>Tridacna spp. (9 in CITES)</b>						
				<i>T. derasa</i>	II	VU				
				<i>T. gigas</i>	II	VU				
				<i>T. rosewateri</i>	II	VU				
				<i>T. tevoroa (mbulvuana)</i>	II	VU				
				<i>T. crocea</i>	II	LC				
				<i>T. maxima</i>	II	LC				
				<i>T. squamosa</i>	II	LC				
				<i>T. ningaloo</i>	II	N/A				
				<i>T. noae</i>	II	N/A				
				Hornbills	Bucerotidae	13 genera	52 species	<b>Aceros spp. (5 in CITES)</b>		
								<i>A. nipalensis</i>	I	VU
<i>A. waldeni</i>	II	CR								
<i>A. cassidix</i>	II	VU								
<i>A. corrugatus</i>	I	NT								
<i>A. leucocephalus</i>	II	NT								
<b>Anorhynchus spp. (2 in CITES)</b>										
<i>A. tickelli</i>	II	NT								
<i>A. galeritus</i>	II	LC								
<b>Anthracoceros spp. (5 in CITES)</b>										
<i>A. montani</i>	II	CR								
<i>A. marchei</i>	II	VU								
<i>A. coronatus</i>	II	NT								
<i>A. malayanus</i>	II	NT								
<i>A. albirostris</i>	II	LC								
<b>Berenicornis spp. (1 in CITES)</b>										
<i>B. comatus</i>	II	NT								
<b>Buceros spp. (3 in CITES)</b>										
<i>B. bicornis</i>	I	NT								
<i>B. hydrocorax</i>	II	VU								
<i>B. rhinoceros</i>	II	NT								
<b>Penelopides spp. (2 in CITES)</b>										
<i>P. panini</i>	II	EN								
<i>P. exarhatus</i>	II	VU								
<b>Rhyticeros spp. (5 in CITES)</b>										
<i>R. subruficollis</i>	I	VU								
<i>R. narcondami</i>	II	EN								
<i>R. everetti</i>	II	VU								
<i>R. plicatus</i>	II	LC								
<i>R. undulatus</i>	II	LC								
Helmeted Hornbill	Bucerotidae	<i>Rhinoplax</i>	<i>vigif</i>		I	CR				

COMMON NAME	FAMILY	GENUS	SPECIES (not including subspecies)	SPECIES INCLUDED IN CITES APPENDICES	CITES APPENDIX	IUCN STATUS				
<b>Fashion: Reptile skins and pelts</b>										
Alligators	Alligatoridae	4 genera	8 species	<b>All CROCODYLIA spp. included in Appendix II (Except the species included in Appendix I):-</b>						
				<b>Aligator spp. (2 in CITES)</b>						
				<i>A. sinensis</i>	I	CR				
				<i>A. mississippiensis</i>	II	N/A				
				<b>Caiman spp. (3 in CITES)</b>						
				<i>C. crocodilus apaporiensis (subspecies)</i>	I	N/A				
				<i>C. latirostris</i>	I/II	LC				
				<i>C. crocodilus</i>	I	LC				
				<b>Melanosuchus spp. (1 in CITES)</b>						
				<i>M. niger</i>	I/II	LC				
<b>Paleosuchus spp. (2 in CITES)</b>										
<i>P. palpebrosus</i>	II	LC								
<i>P. trigonatus</i>	II	LC								
Crocodiles	Crocodylidae	3 genera	13 species	<b>All CROCODYLIA spp. included in Appendix II (Except the species included in Appendix I):-</b>						
				<b>Crocodylus spp. (11 in CITES)</b>						
				<i>C. intermedius</i>	I	CR				
				<i>C. mindorensis</i>	I	CR				
				<i>C. rhombifer</i>	I	CR				
				<i>C. siamensis</i>	I	CR				
				<i>C. acutus</i>	I/II	VU				
				<i>C. palustris</i>	I	VU				
				<i>C. johnstoni</i>	II	LC				
				<i>C. moreletii</i>	I/II	LC				
				<i>C. niloticus</i>	I/II	LC				
				<i>C. novaeguineae</i>	II	LC				
				<i>C. porosus</i>	I/II	LC				
				<b>Mecistops spp. (1 in CITES)</b>						
				<i>M. cataphractus</i>	I	CR				
				<b>Osteolaemus spp. (1 in CITES)</b>						
				<i>O. tetraspis</i>	I	VU				
				Zebra	Equidae	Subgenus: <i>Equus (Hippotigris)</i>	4 species	<b>Equus (zebra) spp. (3 in CITES)</b>		
								<i>E. grevyi</i>	I	EN
								<i>E. zebra zebra</i>	II	VU
				<i>E. zebra hartmannae</i>	II	N/A				
Leopard	Felidae	<i>Panthera</i>	<i>pardus</i>		I	VU				
Martens	Mustelidae (Subfamily: Mustelinae)	<i>Martes</i>	8 species	<b>Martes spp. (3 in CITES)</b>						
				<i>M. gwatkinsii</i>	III	VU				
				<i>M. flavigula</i>	III	LC				
				<i>M. foina intermedia</i>	III	N/A				
Pythons	Pythonidae	8 genera	31 species	<b>All PYTHONIDAE spp. included in Appendix II (Except the species included in Appendix I):-</b>						
				<b>Antaresia spp. (4 in CITES)</b>						
				<i>A. childreni</i>	II	LC				
				<i>A. maculosa</i>	II	LC				
				<i>A. perthensis</i>	II	LC				
				<i>A. stimsoni</i>	II	LC				
				<b>Apodora spp. (1 in CITES)</b>						
				<i>A. papuana</i>	II	LC				
				<b>Aspidites spp. (2 in CITES)</b>						
				<i>A. melanocephalus</i>	II	LC				
				<i>A. ramsayi</i>	II	LC				
				<b>Bothrochilus spp. (1 in CITES)</b>						
				<i>B. boa</i>	II	LC				

COMMON NAME	FAMILY	GENUS	SPECIES (not including subspecies)	SPECIES INCLUDED IN CITES APPENDICES	CITES APPENDIX	IUCN STATUS
<b>Fashion: Reptile skins and pelts</b>						
<b>Pythons (cont.)</b>				<b>Leiopython spp. (6 in CITES)</b>		
				<i>L. biakensis</i>	II	VU
				<i>L. fredparkeri</i>	II	VU
				<i>L. albertisii</i>	II	LC
				<i>L. huonensis</i>	II	DD
				<i>L. bennettorum</i>	II	N/A
				<i>L. hoseae</i>	II	N/A
				<b>Liasis spp. (3 in CITES)</b>		
				<i>L. fuscus</i>	II	LC
				<i>L. olivaceus</i>	II	LC
				<i>L. mackloti</i>	II	N/A
				<b>Morelia spp. (7 in CITES)</b>		
				<i>M. oenpelliensis</i>	II	VU
				<i>M. amethystina</i>	II	LC
				<i>M. bredli</i>	II	LC
				<i>M. carinata</i>	II	LC
				<i>M. spilota</i>	II	LC
				<i>M. viridis</i>	II	LC
				<i>M. boeleni</i>	II	DD
				<b>Python spp. (8 in CITES)</b>		
<i>P. molurus (molurus)</i>	I	VU				
<i>P. anchietae</i>	II	LC				
<i>P. curtus</i>	II	LC				
<i>P. regius</i>	II	LC				
<i>P. reticulatus</i>	II	LC				
<i>P. molurus</i>	II	N/A				
<i>P. sebae</i>	II	N/A				
<i>P. timoriensis</i>	II	N/A				
<b>Food (excluding seafood), Tonics, Medicines and Incense</b>						
<b>American Ginseng</b>	<b>Araliaceae</b>	<i>Panax</i>	<i>quinquefolius</i>		II	N/A
<b>Sea Turtle (Plastrons)</b>	<b>Cheloniidae</b>	5 genera	6 species	<b>All CHELONIIDAE spp. Included in Appendix I:-</b>		
				<b>Caretta spp. (1 in CITES)</b>		
				<i>C. caretta</i>	I	VU
				<b>Chelonia spp. (1 in CITES)</b>		
				<i>C. mydas</i>	I	EN
				<b>Eretmochelys spp. (1 in CITES)</b>		
				<i>E. imbricata</i>	I	CR
				<b>Lepidochelys spp. (2 in CITES)</b>		
				<i>L. kempii</i>	I	CR
				<i>L. olivacea</i>	I	VU
<b>Natator spp. (1 in CITES)</b>						
<i>N. depressus</i>	I	DD				
<b>Asian Box Turtle (Plastrons)</b>	<b>Geoemydidae</b>	<i>Cuora</i>	12 species	<b>All <i>Cuora</i> spp. included in Appendix II (Zero quota for wild specimens for commercial purposes for the following):-</b>		
				<i>C. aurocapitata</i>	II	CR
				<i>C. bourreti</i>	II	CR
				<i>C. galbinifrons</i>	II	CR
				<i>C. mccordi</i>	II	CR
				<i>C. pani</i>	II	CR
				<i>C. picturata</i>	II	CR
				<i>C. trifasciata</i>	II	CR
				<i>C. yunnanensis</i>	II	CR
				<i>C. zhoui</i>	II	CR
				<i>C. flavomarginata</i>	II	EN
				<i>C. mouhotii</i>	II	EN
				<i>C. amboinensis</i>	II	VU

COMMON NAME	FAMILY	GENUS	SPECIES (not including subspecies)	SPECIES INCLUDED IN CITES APPENDICES	CITES APPENDIX	IUCN STATUS
<b>Food (excluding seafood), Tonics, Medicines and Incense</b>						
<b>Pangolins</b>	<b>Manidae</b>	<i>Manis</i>	8 species	<b>All <i>Manis</i> spp. included in Appendix II (Except the species included in Appendix I):-</b>		
				<i>M. javanica</i>	I	CR
				<i>M. pentadactyla</i>	I	CR
				<i>M. crassicaudata</i>	I	EN
				<i>M. culionensis</i>	I	EN
				<i>M. gigantean</i>	I	VU
				<i>M. temminckii</i>	I	VU
				<i>M. tetradactyla</i>	I	VU
				<i>M. tricuspis</i>	I	VU
				<b>Rhinoceroses</b>	<b>Rhinocerotidae</b>	4 genera
<b>Ceratotherium spp. (2 in CITES)</b>						
<i>C. simum (cottoni)</i>	I	CR				
<i>C. simum</i>	I	NT				
<b>Dicerorhinus spp. (1 in CITES)</b>						
<i>D. sumatrensis</i>	I	CR				
<b>Diceros spp. (1 in CITES)</b>						
<i>D. bicornis</i>	I	CR				
<b>Rhinoceros spp. (2 in CITES)</b>						
<i>R. sondaicus</i>	I	CR				
<i>R. unicornis</i>	I	VU				
<b>Seahorses</b>	<b>Syngnathidae</b>	<i>Hippocampus</i>	72 species	<b>All <i>Hippocampus</i> spp. included in Appendix II</b>		
<b>Agarwood</b>	<b>Thymelaeaceae</b>	<i>Aquilaria</i>	<i>sinensis</i>		II	VU
<b>Masked Palm Civet</b>	<b>Viverridae</b>	<i>Paguma</i>	<i>larvata</i>		II	VU
<b>Furniture</b>						
<b>Red Sandalwood</b>	<b>Leguminosae</b>	<i>Pterocarpus</i>	<i>santalinus</i>		II	EN
<b>Malagasy Rosewood</b>	<b>Leguminosae</b>	<i>Dalbergia</i>	<i>baronii</i>		II	VU
<b>Siamese Rosewood</b>	<b>Leguminosae</b>	<i>Dalbergia</i>	<i>cochinchinensis</i>		II	VU
<b>Honduran Rosewood</b>	<b>Leguminosae</b>	<i>Dalbergia</i>	<i>stevensonii</i>		II	VU
<b>Mahogany</b>	<b>Meliaceae</b>	<i>Swietenia</i>	<i>mahagoni</i>		II	EN
<b>Pets, Zoos and Breeding</b>						
<b>Axolotl/Mexican Salamander</b>	<b>Ambystomatidae</b>	<i>Ambystoma</i>	<i>mexicanum**</i>		II	CR
<b>Black-Eared Marmoset</b>	<b>Callitrichidae</b>	<i>Callithrix</i>	<i>penicillata**</i>		II	LC
<b>Pig-nosed turtles</b>	<b>Carettochelyidae</b>	<i>Carettochelys</i>	<i>insculpta†</i>		II	VU
<b>Chameleons</b>	<b>Chamaeleonidae</b>	12 genera	203 species	<b>All <i>Archaius</i> spp. Included in Appendix II (1 in CITES)</b>		
				<i>A. tigris</i>	II	EN
				<b>All <i>Bradypodion</i> spp. Included in Appendix II (17 in CITES)</b>		
				<b>All <i>Brookesia</i> spp. Included in Appendix II (Except the species included in Appendix I) (30 in CITES)</b>		
				<i>B. perarmata</i>	I	EN
				<b>All <i>Calumma</i> spp. Included in Appendix II (33 in CITES)</b>		
				<b>All <i>Chamaeleo</i> spp. Included in Appendix II (14 in CITES)</b>		
<b>Veiled Chameleon</b>	<b>Chamaeleonidae</b>	<i>Chamaeleo</i>	<i>calypttratus**</i>		II	LC

COMMON NAME	FAMILY	GENUS	SPECIES (not including subspecies)	SPECIES INCLUDED IN CITES APPENDICES	CITES APPENDIX	IUCN STATUS
<b>Pets, Zoos and Breeding</b>						
<b>Chameleons</b>	<b>Chamaeleonidae</b>	<i>Furcifer</i>	22 species	<b>All <i>Furcifer</i> spp. included in Appendix II</b> <b>All <i>Kinyongia</i> spp. Included in Appendix II (20 in CITES)</b> <b>All <i>Nadzikambia</i> spp. Included in Appendix II (2 in CITES)</b> <i>N. mlanjensis</i> <i>N. baylissi</i> <b>All <i>Palleon</i> spp. Included in Appendix II (2 in CITES)</b> <i>P. nasus</i> <i>P. lolontany</i> <b>All <i>Rhampoleon</i> spp. Included in Appendix II (19 in CITES)</b> <b>All <i>Rieppeleon</i> spp. Included in Appendix II (3 in CITES)</b> <i>R. brachyurus</i> <i>R. brevicaudatus</i> <i>R. kerstenii</i> <b>All <i>Trioceros</i> spp. Included in Appendix II (40 in CITES)</b>		
Green Sea Turtle	Cheloniidae	<i>Chelonia</i>	<i>mydas</i>		I	EN
Hawksbill Sea Turtle	Cheloniidae	<i>Eretmochelys</i>	<i>imbricata</i>		I	CR
Poison Dart Frogs	Dendrobatidae	<i>Dendrobates</i>	5 species	<b>All <i>Dendrobates</i> spp. included in Appendix II:-</b> <i>D. auratus</i> <i>D. leucomelas</i> <i>D. tinctorius</i> <i>D. truncatus</i> <i>D. nubeculosus</i>		LC LC LC LC DD
Spotted Turtle	Emydidae	<i>Clemmys</i>	<i>guttata</i>		II	EN
Wood Turtle	Emydidae	<i>Glyptemys</i>	<i>insculpta</i> **		II	EN
Box Turtles	Emydidae	<i>Terrapene</i>	5 species	<b>All <i>Terrapene</i> spp. Included in Appendix II (Except the species included in Appendix I):-</b> <i>T. coahuila</i> <i>T. ornata</i> <i>T. nelsoni</i> <i>T. bauri</i>		EN VU NT DD N/A
Eastern Box Turtle	Emydidae	<i>Terrapene</i>	<i>carolina</i> **		II	VU
Florida Box Turtle	Emydidae	<i>Terrapene</i>	subspecies: <i>carolina bauri</i> **		II	N/A
Gulf Coast Box Turtle	Emydidae	<i>Terrapene</i>	subspecies: <i>carolina major</i> **		II	N/A
Yucatan Box Turtle	Emydidae	<i>Terrapene</i>	subspecies: <i>carolina yucatanana</i> **		II	N/A
Bengal/Red-crowned Roofed Turtle	Geoemydidae	<i>Batagur</i>	<i>kachuga</i>		II	CR
Yellow-margined Box Turtle	Geoemydidae	<i>Cuora</i>	<i>flavomarginata</i> **		II	EN
Indochinese Box Turtle	Geoemydidae	<i>Cuora</i>	<i>galbinifrons</i> **		II	CR
Chinese Three-striped Box Turtle	Geoemydidae	<i>Cuora</i>	<i>trifasciata</i> **		II	CR
Black Pond Turtle	Geoemydidae	<i>Geoclemys</i>	<i>hamiltonii</i>		I	VU
Vietnamese Pond Turtle	Geoemydidae	<i>Mauremys</i>	<i>annamensis</i> **		II	CR
Red-necked Pond Turtle	Geoemydidae	<i>Mauremys</i>	<i>nigricans</i> **		II	EN
Three-keeled Land Turtle	Geoemydidae	<i>Melanochelys</i>	<i>tricarinata</i>		I	VU
Indian Black Turtle	Geoemydidae	<i>Melanochelys</i>	<i>trijuga</i>		II	NT

COMMON NAME	FAMILY	GENUS	SPECIES (not including subspecies)	SPECIES INCLUDED IN CITES APPENDICES	CITES APPENDIX	IUCN STATUS
<b>Pets, Zoos and Breeding</b>						
<b>Roofed Turtles</b>	<b>Geoemydidae</b>	<i>Pangshura</i>	4 species	<b>All <i>Pangshura</i> spp. included in Appendix II (Except the species included in Appendix I)</b>		
Indian Roofed Turtle	Geoemydidae	<i>Pangshura</i>	<i>tecta</i>	<i>P. sylhetensis</i> <i>P. smithii</i> <i>P. tentoria</i>	I II II	LC EN NT LC
Rhinoceros Iguana	Iguanidae	<i>Cyclura</i>	<i>cornuta</i> **		I	VU
Silver-eared Mesia	Muscicapidae	<i>Leiothrix</i>	<i>argenteauris</i> **		II	LC
Arowana/Asiatic Bonytongue/Golden Dragon Fish	Osteoglossidae	<i>Scleropages</i>	<i>formosus</i>		I	EN
Big-headed Turtle	Platysternidae	<i>Platysternon</i>	<i>megacephalim</i> **		I	EN
Southeast Asian Big-Headed Turtle	Platysternidae	<i>Platysternon</i>	<i>megacephalim penguense</i> **		I	N/A
Yellow-spotted River Turtle	Podocnemididae	<i>Podocnemis</i>	<i>unifilis</i>		II	VU
Royal Python	Pythonidae	<i>Python</i>	<i>regius</i> **		II	LC
Asian Barred Owllet	Strigidae	<i>Glaucidium</i>	<i>cuculoides</i> **		II	LC
Collared Scops-owl	Strigidae	<i>Otus</i>	<i>letitia</i> **		II	LC
Tawny Owl	Strigidae	<i>Strix</i>	<i>aluco</i> **		II	LC
Bali Mynah	Sturnidae	<i>Leucopsar</i>	<i>rothschildj</i> **		I	CR
Tortoises	Testudinidae	16 genera	62 species	<b>All TESTUDINIDAE spp. included in Appendix II (Except the species included in Appendix I):-</b> <b>All <i>Aldabrachelys</i> spp. Included in Appendix II (1 in CITES)</b> <i>A. gigantea</i> <b>All <i>Astrochelys</i> spp. Included in Appendix I (2 in CITES)</b>		CR
Radiated Tortoise	Testudinidae	<i>Astrochelys</i>	<i>radiata</i>		I	CR
Ploughshare Tortoise	Testudinidae	<i>Astrochelys</i>	<i>yniphora</i>		I	CR
				<b>All <i>Centrochelys</i> spp. Included in Appendix II (1 in CITES)</b>		
African Spurred Tortoise	Testudinidae	<i>Centrochelys</i>	<i>sulcata</i>		II	VU
				<b>All <i>Chelonoidis</i> spp. Included in Appendix II (Except the species included in Appendix I) (14 in CITES)</b>		
Florena Giant Tortoise	Testudinidae	<i>Chelonoidis</i>	subspecies: <i>niger</i> **		I	N/A
Red-footed Tortoise	Testudinidae	<i>Chelonoidis</i>	<i>carbonarius</i>		II	N/A
				<b>All <i>Chersina</i> spp. Included in Appendix II (1 in CITES)</b> <i>C. angulata</i>	II	LC
				<b>All <i>Geochelone</i> spp. Included in Appendix II (2 in CITES)</b> <i>G. platynota</i>	I	CR
Indian Star Tortoise	Testudinidae	<i>Geochelone</i>	<i>elegans</i>		II	VU
				<b>All <i>Gopherus</i> spp. Included in Appendix II (6 in CITES)</b> <i>G. flavomarginatus</i> <i>G. agassizii</i> <i>G. evgoodei</i> <i>G. polyphemus</i> <i>G. berlandieri</i> <i>G. morafkai</i>	I II II II II II	CR VU VU VU LC N/A

COMMON NAME	FAMILY	GENUS	SPECIES (not including subspecies)	SPECIES INCLUDED IN CITES APPENDICES	CITES APPENDIX	IUCN STATUS
<b>Pets, Zoos and Breeding</b>						
<b>Tortoises (cont.)</b>						
<b>All <i>Homopus</i> spp. Included in Appendix II (5 in CITES)</b>						
				<i>H. boulengeri</i>	II	EN
				<i>H. signatus</i>	II	EN
				<i>H. areolatus</i>	II	LC
				<i>H. femoralis</i>	II	LC
				<i>H. solus</i>	II	VU
<b>All <i>Homopus</i> spp. Included in Appendix II (5 in CITES)</b>						
				<i>H. boulengeri</i>	II	EN
				<i>H. signatus</i>	II	EN
				<i>H. areolatus</i>	II	LC
				<i>H. femoralis</i>	II	LC
				<i>H. solus</i>	II	VU
<b>All <i>Indotestudo</i> spp. Included in Appendix II (3 in CITES)</b>						
				<i>I. elongata</i>	II	EN
				<i>I. forstenii</i>	II	EN
				<i>I. travancorica</i>	II	VU
<b>All <i>Kinixys</i> spp. Included in Appendix II (8 in CITES)</b>						
				<i>K. homeana</i>	II	VU
				<i>K. lobatsiana</i>	II	VU
				<i>K. natalensis</i>	II	VU
				<i>K. erosa</i>	II	DD
				<i>K. belliana</i>	II	N/A
				<i>K. nogueyi</i>	II	N/A
				<i>K. spekii</i>	II	N/A
				<i>K. zombensis</i>	II	N/A
<b>All <i>Malacochersus</i> spp. Included in Appendix II (1 in CITES)</b>						
				<i>M. tomieri</i>	II	VU
<b>All <i>Manouria</i> spp. Included in Appendix II (1 in CITES)</b>						
				<i>M. impressa</i>	II	VU
<b>All <i>Psammobates</i> spp. Included in Appendix II (3 in CITES)</b>						
				<i>P. geometricus</i>	I	CR
				<i>P. oculifer</i>	II	N/A
				<i>P. tentorius</i>	II	NT
<b>All <i>Pyxis</i> spp. Included in Appendix II (3 in CITES)</b>						
Spider Tortoise	Testudinidae	<i>Pyxis</i>	<i>arachnoides</i>		I	CR
Northern Spider Tortoise	Testudinidae	<i>Pyxis</i>	subspecies: <i>arachnoides</i> <i>brygooi</i> **		I	CR
				<i>P. planicauda</i>	I	CR
<b>All <i>Stigmochelys</i> spp. Included in Appendix II (1 in CITES)</b>						
				<i>S. pardalis</i>	II	LC
<b>All <i>Testudo</i> spp. Included in Appendix II (5 in CITES)</b>						
				<i>T. kleinmanni</i>	I	CR
Common Tortoise	Testudinidae	<i>Testudo</i>	<i>graeca</i> **		II	VU
				<i>T. horsfieldii</i>	II	VU
				<i>T. hermanni</i>	II	NT
				<i>T. marginata</i>	II	LC
Common Barn-owl	Tytonidae	<i>Tyto</i>	<i>alba</i> **		II	LC
African Grass-owl	Tytonidae	<i>Tyto</i>	<i>capensis</i> **		II	LC
Monitor lizards	Varanidae	<i>Varanus</i>	62 species	<b>All <i>Varanus</i> spp. Included in Appendix II (Except the species included in Appendix I) (62 in CITES):-</b>		
				<i>V. komodoensis</i>	I	VU
				<i>V. bengalensis</i>	I	LC
				<i>V. flavescens</i>	I	LC
				<i>V. griseus</i>	I	N/A
				<i>V. nebulosus</i>	I	N/A

COMMON NAME	FAMILY	GENUS	SPECIES (not including subspecies)	SPECIES INCLUDED IN CITES APPENDICES	I	IUCN STATUS
<b>Seafood</b>						
European Eel	Anguillidae	<i>Anguilla</i>	<i>anguilla</i>		I	CR
Oceanic Whitetip Shark	Carcharhinidae	<i>Carcharhinus</i>	<i>longimanus</i>		I	VU
Humphead Wrasse	Labridae	<i>Cheilinus</i>	<i>undulatus</i>		II	EN
Whale Shark	Rhincodontidae	<i>Rhincodon</i>	<i>typus</i>		II	EN
Totoaba	Sciaenidae	<i>Totoaba</i>	<i>macdonaldi</i>		I	CR
Hammerhead Sharks	Sphyrnidae	<i>Sphyrna</i>	8 species	<b><i>Sphyrna</i> spp. (3 in CITES)</b>		
Scalloped Hammerhead	Sphyrnidae	<i>Sphyrna</i>	<i>lewini</i>		II	EN
Great Hammerhead	Sphyrnidae	<i>Sphyrna</i>	<i>mokarran</i>		II	EN
Smooth Hammerhead	Sphyrnidae	<i>Sphyrna</i>	<i>zygaena</i>		II	VU

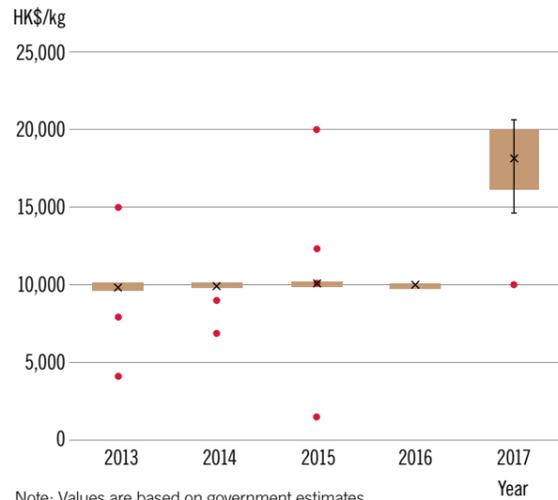
KEY: N/A = Not Assessed

### APPENDIX C-3 Valuing Ivory & Pangolin

**The value of ivory:** The Government has provided valuations for ivory seized between 2013 and 2017 through public press releases, annual documents and directly to the researchers.<sup>5</sup> Valuations have averaged approximately HK\$10,000 (US\$1,282) per kilogram of ivory. In every year, except 2016, however, values have varied considerably.

**FIGURE C1**  
Estimated value of ivory products seized in Hong Kong by year (2013-2017)

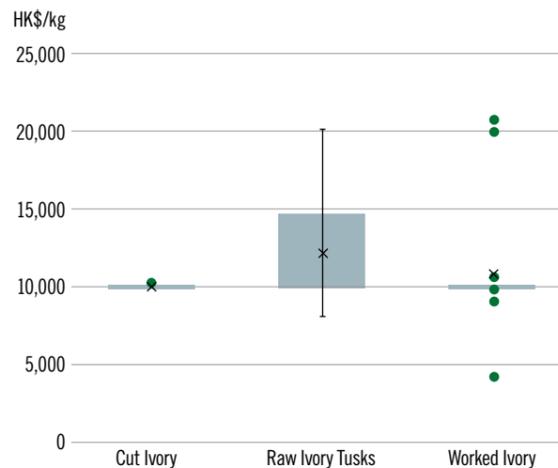
Source: WiPS Database (2018)



Note: Values are based on government estimates

**FIGURE C2**  
Estimated value of cut, raw and worked ivory seized in Hong Kong (2013-2017)

Source: WiPS Database (2018)



Note: Values are based on government estimates

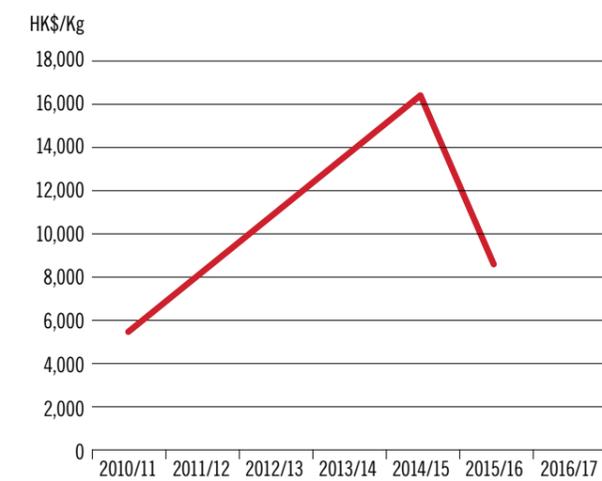
Government estimates seemed to diverge from prices in the legal market, based on research (Figures C1 and C2). Save the Elephants (STE) explained price changes as due to economic growth and slowdown, crackdowns on corruption, availability of alternatives like mammoth and concerns about the ban on legal ivory, which came in to force in China on December 31 2017.<sup>6</sup>

On the legal market, worked or processed ivory products are generally worth more than unworked ivory, per kilogram. In 2014/15, simple ivory bangles of just a few hundred grams were on sale for HK\$1,000-8,814 (US\$128-1,128).<sup>7</sup> Pairs of chopsticks were being sold for HK\$1,000-4,008 (US\$128-513) and figurines 30cm in height were being retailed at HK\$30,193-100,183 (US\$3,864-12,821). In 2016, a Hong Kong retailer stated that ivory was worth approximately HK\$3,000/kg.<sup>8</sup> In 2017, the AFCD reported to the LegCo Finance Committee that the 22.1MT of ivory it had been destroying since May 2014 ranged in value from HK\$8,000-15,000/kg.<sup>9</sup> Given the variability of value estimates from retailers, NGOs, the black market<sup>10</sup> and the Government, the true value of local ivory seizures is impossible to gauge accurately.

Between 2010 and 2014, STE researchers found that black market prices for good quality tusks tripled on the Mainland to HK\$16,411/kg (US\$2,100/kg).<sup>11</sup> However, by the end of 2015, the price had plummeted 50% to HK\$8,595/kg (US\$1,100/kg)<sup>12</sup> and, by February 2017, raw tusks were being sold for approximately HK\$5,704/kg (US\$730/kg) (Figure C3).<sup>13</sup>

**FIGURE C3**  
Estimated value of high quality raw ivory on the black market in China (2010-2016)

Source: STE (2017)



**The Value of Rhinoceros Horns:** The total value of seized rhinoceros horns from 2013 to 2017 was estimated to be at least HK\$17 million. However, estimates of the black market value of rhinoceros horn indicate a higher value<sup>14</sup>, suggesting that the 134kg of seized rhinoceros horns may be worth as much as HK\$68 million.

### APPENDIX C4 Methodology for Conversion of Weights of Wildlife Seizures to Number of Poached

Animals trafficked in the wildlife trade are seldom transported as whole organisms, with the exception of live pets. Often, only a particular part of the animal, e.g. teeth, scales, hides, are of interest to traffickers. These body parts can also be further processed into desirable products such as jewelry. As such, there are few consistent ways of determining the quantities of wildlife goods across products.

The C&ED typically uses weight to quantify seized wildlife products. As such, this does not indicate the number of animals represented by seizures. In order to better illustrate the importance of Hong Kong's role in wildlife trade, conversions have been made based on the weights of some of the better documented trafficked species into an estimate for the number of animals represented by each seizure.

#### IVORY

The WiPS Database provides insights into the level of processing of much of the ivory, i.e. the volume data is recorded as kg raw ivory (tusks unprocessed) and kg worked ivory pieces (tusks processed). In addition, the 7,031kg (7MT) of raw ivory seized in July 2017 comprised 3,179 tusks, according to a count conducted by C&ED (Table C1).

**TABLE C1**  
Summary of Seizure Data Indicating Nature of Products where known 2013-2017

PRODUCT	SEIZURE QUANTITY (KG)	NO. OF TUSKS
Raw Tusks (unprocessed)	7,344	Unknown
	7,031	3,179
Cut/Worked Ivory (processed)	4,139	Unknown
<b>Total (WiPS)</b>	<b>18,514</b>	

Although the elephant species have not been specified for the ivory seized in Hong Kong, it is assumed that the majority comes from populations in Africa. It is then possible to determine the number of elephants these seizures represent, based on reported conversion rates<sup>15</sup> of raw and processed ivory volumes to individual tusks. The conversion rates are 5.45kg and 3.66kg of raw and processed ivory per tusk respectively.

The total number of tusks is then divided by 1.88<sup>16</sup> to give the total number of elephants potentially represented by the seizures (Table C2). Based on these data it is estimated that the 18.5MT of ivory seized between 2013 and 2017 in the WiPS data equates to around 3,010 elephants.

**TABLE C2**  
Summary of Seizure Data

PRODUCT	SEIZURE QUANTITY (KG)	CONVERSION RATIOS/KG OF PRODUCT	NO. OF TUSKS	NO. OF ELEPHANTS
Raw Tusks	7,344	5.45	1,348	717
Cut/ Worked Ivory	4,139	3.66	1,131	602
<b>Total (WiPS)</b>	<b>18,514</b>		<b>5,657</b>	<b>3,009</b>

Furthermore, when C&ED's data is considered, a further 1.32 MT of ivory was reportedly seized over the study period (given the total 19.8MT ivory seizures reported by customs). As the level of processing is unknown for this volume, the conversion rate for raw tusks was applied thus providing a conservative estimate based on the heavier conversion weight of raw ivory.

As a result a further 130 elephants were potentially poached, meaning that from 2013 to 2017, the seizures in Hong Kong were conservatively estimated to equate to 5,901 tusks from 3,139 elephants.

#### RHINOCEROS HORN

To provide an estimate for the number of rhinos from which the horns were harvested, two conversion rates were applied to the rhino horn data in the WiPS Database. These reported rates were based on the average horn weight for the African Black and White Rhinoceros according to published research.<sup>17</sup> Ninety two per cent of the rhino seizures recorded in WiPS most likely originated from African populations considering the documented consignment countries. The horns of the White rhinoceros reportedly average 5.88kg per animal, whilst Black rhinoceros horns average 2.65kg per animal. Applying these conversion rates to the 134kg of rhino accounted for in the WiPS Database indicates that the horns could be equivalent to anywhere from 23 White rhinos to 51 Black rhinos.

However, as noted in Section 8.5.5, it is believed that 14 horns (8% of the rhino horn seizure volume by weight) seized in recent years were from an Asian species, which are markedly smaller and lighter, meaning that the total number of animals represented by the seizures could be higher.

**PANGOLIN**

Pangolin derivatives seized over the period 2013-2017 are presented in Table C1:

**TABLE C3**  
Volumes of Pangolin Derivatives seized over the period 2013-2017

SEIZURE QUANTITY (KG)	2013	2014	2015	2016	2017	TOTAL
<b>C&amp;ED Summary Statistics</b>	<b>7,583</b>	<b>5,650</b>	<b>6,364</b>	<b>15,371</b>	<b>7,909</b>	<b>42,879</b>
<b>WiPS Database</b>	<b>5,176</b>	<b>4,989</b>	<b>6,125</b>	<b>14,913</b>	<b>7,513</b>	<b>38,715</b>
- Scales	543	3,340	5,096	13,616	7,513	30,108
- Carcasses	4,633	1,649	1,029	1,297		8,608

Although the species have not been determined from the seized pangolin products, the increased detail provided in the WiPS Database (2013-2017), i.e. differentiation of scales and carcasses, allows for the conversion of seizure data to individual animals based on reported estimates of the: average total body

weights; average scale weight; and descaled carcass weight of the eight pangolin species (Table C4). Based on a number of assumptions this enables estimation of the number of animals that Hong Kong's seizures represent according to two approaches.

**TABLE C4**  
Table of Pangolin Conversions

Source: Hofberg et al (2015)<sup>18</sup>

COMMON SPECIES NAME	TAXONOMIC SPECIES NAME	CONTINENT	CITES STATUS	IUCN STATUS	AVERAGE TOTAL WEIGHT (KG)	AVERAGE SCALE WEIGHT (KG)	AVERAGE DE-SCALED CARCASS WEIGHT (KG)
Giant ground pangolin, Giant pangolin	<i>Smutsia gigantea</i>	Africa	Appendix I	Vulnerable	12	3.6	8.4
Temminck's ground pangolin, Cape pangolin, Ground pangolin, Scaly anteater, South African pangolin, Steppe pangolin	<i>Smutsia temminckii</i>	Africa	Appendix I	Vulnerable	9.7	2.9	6.8
Black-bellied pangolin, Long-tailed pangolin	<i>Phataginus tetradactyla</i>	Africa	Appendix I	Vulnerable	2.2	0.66	1.54
White-bellied pangolin, African White-bellied pangolin, Three-cusped pangolin, Tree pangolin	<i>Phataginus tricuspis</i>	Africa	Appendix I	Vulnerable	2	0.6	1.4
Sunda pangolin, Malayan pangolin	<i>Manis javanica</i>	Asia	Appendix I	Critically Endangered	8	0.36	7.64
Philippine pangolin	<i>Manis culionensis</i>	Asia	Appendix I	Endangered	2.1	0.41	1.69
Indian pangolin, Thick-tailed pangolin	<i>Manis crassicaudata</i>	Asia	Appendix I	Endangered	9.5	1.9	7.6
Chinese pangolin	<i>Manis pentadactyla</i>	Asia	Appendix I	Critically Endangered	4.85	0.57	4.28
<b>OVERALL AVERAGE</b> (excl. Chinese pangolins)					<b>6.5</b>	<b>1.49</b>	<b>5.01</b>

\* Excluded from conversion analysis, due to the near extinction of the entire species.

**Approach 1:**

**Derivation of a maximum and minimum number of individuals: assuming all seizures relate to either the heaviest or lightest pangolin species**

The Sunda pangolins have the lightest average scale weight of any species and Giant ground pangolins the heaviest (Table C4). By dividing the known volumes of scales and carcasses seized, based on the assumption that the seizures comprise either all Sunda pangolins or all Giant pangolins, it is possible to determine a maximum and minimum range of animals represented by the seizures.

Added to these values are numbers of pangolins derived from the unknown products:-

- C&ED summary data accounted for 4.2MT of pangolin derivatives in excess of the total in WiPS and this amount was added into the analysis and assumed to be either all scales or all carcasses to give to give upper and lower estimates, respectively.

Based on the above assumptions, between 9,860 Giant ground pangolins (assuming unknown products were all carcasses) to 96,330 Sunda pangolins (assuming unknown products were all scales).

**Approach 2:**

**Derivation of maximum and minimum considering the consignment routes**

It is possible to refine the analysis to consider the reported country of origin (Table C5), and thereby increase the accuracy of estimates by considering whether the pangolin products seized were likely from the four African or the four Asian species.

**TABLE C5**  
Product and Corresponding Volume, Sorted by Continent of Consignment

COUNTRY OF CONSIGNMENT - PRODUCT	VOLUME (KG)
<b>African</b>	<b>28,797</b>
- Scales	28,797
- Carcasses	0
<b>Asian</b>	<b>4,633</b>
- Scales	0
- Carcasses	4,633
<b>Unknown (WiPS)</b>	<b>5,285</b>
- Scales	1,310
- Carcasses	3,975
<b>Additional Unknown (C&amp;ED)</b>	<b>4,164</b>
<b>Total (WiPS)</b>	<b>38,715</b>
<b>Total (C&amp;ED)</b>	<b>42,879</b>

The following assumptions were factored into the analysis:

- Chinese pangolins were excluded due to the species being 'commercially extinct' in China since 1995 and their being considered 'rare' to 'exceptionally rare' in all other territories here the species is known to survive.<sup>1</sup> Further, there were no confirmed cases where pangolin derivatives have arrived in Hong Kong from mainland China over the study period.
- Data on the country of consignment is unknown for a 5.3MT in WiPS and therefore the average weights for scales and carcasses from all species (excluding the Chinese pangolin) were used to give to give upper and lower estimates, respectively.
- C&ED summary data accounted for 4.2MT of pangolin derivatives in excess of the total in WiPS. This amount was added into the analysis and assumed to be either all scales or all carcasses to give to give upper and lower estimates, respectively.

The maximum and minimum numbers (Table C6) were then calculated based on:

- The heaviest and lightest scale and descaled body weight of Asian and African species.
- Average descaled body weight of the African species and the Asian species (excluding the Chinese pangolin as noted).

**TABLE C6**  
Product and Corresponding Volume, Sorted by Continent of Consignment & Species

CONTINENT OF CONSIGNMENT	LIGHTEST	HEAVIEST	AVERAGE
<b>African</b>	White-bellied Pangolin	Giant Ground Pangolin	All African species
- Scales	47,996	7,999	14,844
- Carcasses	-	-	-
<b>Asian</b>	Sunda Pangolin	Indian Pangolin	All Asian species (excl Chinese Pangolin)
- Scales	-	-	-
- Carcasses	606.41	610	821
<b>Unknown (WiPS)</b>	Sunda Pangolin	Giant Ground Pangolin	All Pangolins (excl Chinese Pangolin)
- Scales	3,639	363.92	879
- Carcasses	520	473	793
<b>Unknown Excess (C&amp;ED)</b>	Sunda Pangolin	Giant Ground Pangolin	All Pangolins (excl Chinese Pangolin)
- Scales	11,567	-	2,795
- Carcasses	-	496	-
<b>Total (WiPS)</b>	<b>52,761</b>	<b>9,446</b>	<b>17,338</b>
<b>Total adding (WiPS and C&amp;ED difference)</b>	<b>64,329</b>	<b>9,942</b>	<b>20,132</b>

#### Summary

In summary, the pangolin seizures could represent anywhere between approximately 10,000 to 96,500 individuals – with the best estimate between 10,000 to 65,000.

## APPENDIX C5

### Characterisation of Shipments – Country of Consignment, Transit and Destination (2013-2017)

Source: WiPS Database (2018)

#### Last Known Country of Consignment:

- Press release indicated country of consignment
- AFCD provided input

#### Country of Transit before Reaching Hong Kong:

- Press release stated countries transited on the way to Hong Kong
- AFCD input

#### End Destination:

- Products seized at HK Customs Outbound Cargo Examination Building, Lok Ma Chau (destination China)
- Products seized at HK Outbound Passenger across land border, Shenzhen Bay Control Point (destination China)
- Products seized at local premises, i.e. retailers, storage facility, restaurant (Hong Kong assumed to be destination)
- Products seized inbound, Lok Ma Chau Control Point (Hong Kong assumed to be destination)
- End destination indicated in court proceedings
- Cargo labelled with final destination in press release
- AFCD input

#### Unknown or no information provided to determine if transit or if Hong Kong is the end destination:

- Notice of seizure (NOS) indicated Inbound Cargo Examination Building
- Products seized from customs passenger clearance
- NOS indicates seized in Hong Kong, informal site
- Products seized at Customs Cargo Examination Compound
- Products seized from air mail/cargo
- Products seized from Air Courier Parcel, collected by persons in Hong Kong

## APPENDIX C6

### Mixed Seizures of Wildlife & Other Goods (2013-2017)

Source: WiPS Database (2018)

WILDLIFE PRODUCT	TOTAL NO. OF ENCOUNTERS WITH A WILDLIFE PRODUCT	NO. OF MIXED SEIZURES (% of the total number of seizures)	NO. OF MIXED SEIZURES WITH WILDLIFE PRODUCTS ONLY (% of the mixed seizures)	NO. OF MIXED SEIZURES WITH CONSUMER & OTHER GOODS INCLUDING WILDLIFE PRODUCTS (% of the mixed seizures)	WILDLIFE PRODUCTS	CONSUMER PRODUCTS
<b>ELEPHANT (IVORY)</b>	160	21 (13%)	10 (48%)	11 (52%)	Agarwood, Birds' nests, Coral, Crocodile skin, Hornbill beak, Leopard skin, Lizard skin, Pangolin, Rhino horns, Seahorses, Shark fins, Unidentified skin	Agricultural Goods, Electronics, Foodstuff, Household Goods, Semi-precious Gemstones, Timber
<b>PANGOLIN</b>	26	11 (42%)	5 (45%)	6 (55%)	Agarwood, Animal furs, Arowana, Birds' nest, Hornbill beak, Ivory, Lizards, Masked palm civet, Seahorses, Shark fin, Tortoises/turtles, Spiders, Wood	Electronics, Narcotics
<b>RHINOCEROS</b>	23	8 (35%)	5 (63%)	3 (38%)	Ivory, Leopard skin, Unidentified skin	Household Goods, Foodstuff
<b>OTHER MAMMALS</b>	5	3 (60%)	3 (100%)	0	Goat horns, Ivory, Pangolins, Rhino horn	N/A
<b>HUMPHEAD WRASSE</b>	22	0	0	0	N/A	N/A
<b>RED SANDALWOOD</b>	40	6 (15%)	0	6 (100%)	Animal fur, Birds' nest, Deer, Fox fur, Mink fur	Car Parts, Electronics, Foodstuff, Herbal Medicines, Household Goods, Narcotics, Pharmaceuticals, Semi-precious Gemstones
<b>ROSEWOOD</b>	3	0	0	0	N/A	N/A
<b>MAHOGANY</b>	1	0	0	0	N/A	N/A
<b>AGARWOOD</b>	15	5 (33%)	2 (40%)	3 (60%)	Animal fur, Birds' nest, Hornbill beak, Ivory, Pangolin, Shark fin	Electronics, Car parts, Herbal Medicines, Semi-precious Gemstones
<b>GINSENG</b>	4	3 (75%)	1 (33%)	2 (67%)	Birds' nest, Figs, Fish maw, Isinglass, Mussels, Seaweed, Sea Cucumber	Foodstuff, Nicotine, Pharmaceuticals
<b>SHARKS</b>	20	3 (15%)	3 (100%)	0	Fish maw, Shark fins	N/A
<b>SEAHORSES</b>	11	5 (45%)	2 (40%)	3 (60%)	Birds' nest, Crocodylia species, Deer, Fish maw, Gecko, Ivory, Pangolin, Pipefish, Shark fins (not identified as in CITES), Snake galls	Electronics, Foodstuff, Other
<b>TOTOABA</b>	3	0	0	0	N/A	N/A
<b>SHELLFISH</b>	1	0	0	0	N/A	N/A
<b>EELS</b>	5	0	0	0	N/A	N/A
<b>AROWANAS</b>	1	1 (100%)	0	1 (100%)	Animal fur, Pangolin	Electronics
<b>REPTILES &amp; AMPHIBIANS</b>	48	28 (58%)	21 (75%)	7 (25%)	Animal fur, Birds' nests, Crocodylia species, Deer, Gecko, Pipefish, Hornbill beak, Ivory, Lizard (live and skin), Pangolin, Salmon, Seahorses, Sea Cucumbers, Sea shells, Snake galls, Spiders	Electronics, Household Goods, Foodstuff, Semi-precious Gemstones

WILDLIFE PRODUCT	TOTAL NO. OF ENCOUNTERS WITH A WILDLIFE PRODUCT	NO. OF MIXED SEIZURES (% of the total number of seizures)	NO. OF MIXED WITH WILDLIFE PRODUCTS ONLY SEIZURES (% of the mixed seizures)	NO. OF MIXED SEIZURES WITH CONSUMER & OTHER GOODS INCLUDING WILDLIFE PRODUCTS (% of the mixed seizures)	WILDLIFE PRODUCTS	CONSUMER PRODUCTS
HORNBILLS	3	3 (100%)	2 (67%)	1 (33%)	Agarwood, Birds' nests, Hornbill beak, Ivory, Pangolin, Shark fins, Spiders, Tortoises	Electronics
OTHER BIRDS	8	1 (13%)	1 (100%)	0	Non-endangered bird species	N/A

Key: N/A = Not Applicable

### APPENDIX C7 Hong Kong International Airport Traffic Demand and Forecasts (2010 -2030)

Source: Cao (n.d)<sup>19</sup>

	YEAR 2010 (ACTUAL)	YEAR 2015 (PROJECTED)	YEAR 2020 (PROJECTED)	YEAR 2025 (PROJECTED)	YEAR 2030 (PROJECTED)	COMPOUND ANNUAL GROWTH RATE (CAGR)
Passenger demand (in million)	50.9	5.7	68	82	97	3.2%
Cargo demand (in MT)	4.1	4.4	5.7	7.2	8.9	4.2%
Total air traffic movements (in thousands)	306.5	347	421	509	602	3.2%

### APPENDIX C ENDNOTES

- UNODC (2016) *World Wildlife Crime Report: Trafficking in protected species*. United Nations: Geneva.
- AFCED Endangered Species Protection Division (2018) *Personal Communication*.
- According to CITES, trade specimens of Appendix I species is permitted only in exceptional circumstances. In certain circumstances there are exceptions for (i) specimens in transit or being transhipped; (ii) specimens that were acquired before CITES provisions applied to them (known as pre-Convention specimens); (iii) specimens that are personal or household effects; (iv) animals that were 'bred in captivity'; (v) plants that were 'artificially propagated'; (vi) specimens that are destined for scientific research; (vii) animals or plants forming part of a travelling collection or exhibition, such as a circus (Source: CITES (n.d.) *How CITES works*. Available from: <https://www.cites.org/eng/disc/how.php> [Accessed 4 Apr 2018])
- AFCED Endangered Species Protection Division (2018) *Personal Communication*.
- Government value estimates are based on market surveys, interviews with traders and research (Source: AFCED Endangered Species Protection Division (2018). *Personal Communication*.)
- Vigne, L. & Martin, E. (2017) *Decline in the legal ivory trade in China in anticipation of a ban*, Save The Elephants: Nairobi, p.15.
- Martin, E. & Vigne, L. (2015) *Hong Kong's ivory – More ivory items for sale than in any other city in the world*, Save The Elephants: Nairobi, p.65.
- Anon. (2016) *Personal Communication*.
- Legislative Council (2017) *Examination of Estimates of Expenditure 2016-17, Controlling Officers Reply, Reply Serial No. ENB194*, p.72.
- Between 2010 and 2014, STE researchers found that black market prices for good quality tusks had tripled on the Mainland to HK\$16,411/kg (US\$2,100/kg). However, by the end of 2015, the price had plummeted 50% to HK\$8,595/kg (US\$1,100/kg) and, by February 2017, raw tusks were being sold for approximately HK\$5,704/kg (US\$730/kg). (Source: Martin, E. & Vigne, L. (2015) *Hong Kong's ivory – More ivory items for sale than in any other city in the world*. Save The Elephants: Nairobi, p.49.; Vigne, L. & Martin, E. (2017) *Decline in the legal ivory trade in China in anticipation of a ban*. Save The Elephants: Nairobi, p.66.; Martin, E., Vigne, L. & Kantai-Duff, R. (2017) *Press & Media: Dramatic Changes in China's Ivory Trade*. Save The Elephants. Available from: <http://www.savetheelephants.org/about-ste/press-media/?detail=dramatic-changes-in-china-s-ivory-trade> [Accessed 2 Jan 2018].)
- Martin, E. & Vigne, L. (2015) *Hong Kong's ivory - More ivory items for sale than in any other city in the world*. Save The Elephants: Nairobi, p.49.; Vigne, L. & Martin, E. (2017) *Decline in the legal ivory trade in China in anticipation of a ban*. Save The Elephants: Nairobi, p.66.; Martin, E., Vigne, L. & Kantai-Duff, R. (2017) *Press & Media: Dramatic Changes in China's Ivory Trade*. Save The Elephants. Available from: <http://www.savetheelephants.org/about-ste/press-media/?detail=dramatic-changes-in-china-s-ivory-trade> [Accessed 2 Jan 2018].
- Ibid.
- Ibid.
- Horns were estimated to retail on the black market at approximately HK\$507,000/kg (US\$65,000) in 2011 (Source: 't Sas-Rolfes, M. (2012) *The Rhino Poaching Crisis: A Market Analysis*. Rhino Economics, p.9, 12. Available from: [http://www.rhinoresearchcenter.com/pdf\\_files/133/1331370813.pdf](http://www.rhinoresearchcenter.com/pdf_files/133/1331370813.pdf) [Accessed 2 Jan 2018].
- Parker, I.S.C. and Martin, E.B. (1982) How Many Elephants are Killed for the Ivory Trade?. *Oryx*. 16(3):235-239.
- According to Martin et al. (2012), "The mean tusk weight for the male ivory in all age classes is 8.36kg and that for the females is 2.55kg." The UNODC extrapolated from these values, stating "This results in mean tusk weight for both genders of 5.45kg, assuming an even gender spread." This weight has been applied to analysis of raw (unprocessed) tusks. The UNODC adds that "An alternate tusk weight sometimes used is 3.66kg...derived from an analysis of the average weight of a raw ivory piece in illicit trade, not a whole tusk weight." This second figure has therefore been applied to processed ivory. (Source: UNODC (2016). *World Wildlife Crime Report: Trafficking in protected species*. United Nations: Geneva. p.47.)
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## D. LEGAL CONSIDERATIONS

### APPENDIX D1 Penalty Provisions Under Cap. 586 and Cap. 60

#### Cap 586: Current Penalty Provisions (Up to 1st May 2018)

- Under Part 2, the import, export, introduction from the sea, re-export, and possession or control of species listed in **Appendix I** (species under threat of extinction) of the Endangered Species Ordinance, can be punishable with a level six fine (HK\$,100,000) and imprisonment for one year.
- Under Section 10, if **Appendix I** (species under threat of extinction) violations are found to have been committed for a commercial purpose, then they can be punishable by a fine of up to HK\$5,000,000 and to imprisonment for two years.

- Under Part 3, the import, export, introduction from the sea, re-export, and possession or control of species listed in **Appendix II** (generally less threatened species) of the Endangered Species Ordinance can be punishable with a fine at level five and imprisonment for six months.

- Under Section 16, if **Appendix II** (species which may become threatened with extinction if trafficking continues) violations are found to have been committed for a commercial purpose they are punishable with a fine of HK\$500,000 and imprisonment for one year.

#### Cap 60 Current Penalty Provisions

##### Part IV: Unmanifested Cargo and Smuggling

- Under section 14 (1), alteration of vessel, aircraft or vehicle for the purpose of smuggling:
  - on summary conviction to a fine of HK\$500,000 and to imprisonment for 2 years
  - on conviction on indictment to a fine of HK\$2,000,000 and to imprisonment for 7 years
- Under section 18, the offence of importing or exporting unmanifested cargo is punishable:
  - on summary conviction to a fine of HK\$500,000 and to imprisonment for 2 years
  - on conviction on indictment to a fine of HK\$2,000,000 and to imprisonment for 7 years

### APPENDIX D2 Selected Holding and Repatriation Costs

- Estimate cost of holding for 30 days (pre-export quarantine) and transport costs for **one endangered Black pond turtle (*Geoclemys hamiltonii*)** (Based on 2007 values)<sup>1</sup>

DESCRIPTION	EST. COST (HK\$)
Facilities set up	100
Veterinary treatment consumables	220
Export documentation	2,000
Air freight to re-homing facility in Europe	1,000
Shipping crate	300
Labour (30hrs/month; \$350/hr)	10,500
Animal feeds	40
Utilities	250
<b>Sub-total:</b>	<b>HK\$14,400</b> (Approx. US\$1,850)
<b>Adjusted to reflect equivalent 2016 cost:</b>	<b>HK\$19,000</b> (Approx. US\$2,400)

- Estimate cost of holding for 30 days (pre-export quarantine) and transport costs for 50 freshwater turtles (Based on 2007 values)<sup>2</sup>

DESCRIPTION	EST. COST (HK\$)
Facilities set up	400
Veterinary treatment consumables	11,000
Export documentation	2,000
Air freight to re-homing facility in Europe	20,000
Shipping crate	1,500
Labour (30hrs/month; \$350/hr)	10,500
Animal feeds	2,000
Utilities	1,000
<b>Sub-total:</b>	<b>HK\$48,400</b> (Approx. US\$6,200)
<b>Adjusted to reflect equivalent 2016 cost:</b>	<b>HK\$53,000</b> (Approx. US\$6,800)

In January 2014, Hong Kong authorities intercepted an illegal shipment of 2,700 live, Appendix II listed<sup>3</sup>, Pig-nosed turtles (*Carettochelys insculpta*) from Jakarta, Indonesia. Five organisations were left to cover the costs of after care and repatriation, with the total amounting to US\$9,243.26 (HK\$72,404.74), but the case resulted in 'no prosecution'.

- Actual holding and transport costs for the Pig-nosed Turtles from Hong Kong to Indonesia.<sup>4</sup>

	DESCRIPTION	ACTUAL COST (US\$)	COVERED BY
<b>Hong Kong (AFCD + KFBG)</b>	Husbandry for 18 Days (food and consumables)	1,243.59	KFBG
	Holding facility labour	1,384.62	KFBG
	Shipping containers and materials	2,051.28	KFBG
	Veterinary care (4 hours)	256.41	KFBG
	Ground transportations	100.00	AFCD
	Air freight from Hong Kong to Jakarta	840.00	Sponsored by Cathay Pacific
	<b>Outbound Sub-total</b>	<b>US\$ 5,875.90</b>	
<b>Indonesia (WAP + Freeland)</b>	Husbandry for 7 days (food and consumables)	170.61	Freeland
	Holding facility labour	33.91	Freeland
	Cargo, Warehouse, Tax	2,187.18	Freeland
	Ground transportations	326.28	Freeland
	Air freight	471.28	Freeland
	Personnel expenses (hotel, means, phone credit)	178.10	Freeland
	<b>Inbound Sub-total</b>	<b>US\$3,367.36</b>	
	<b>GRAND TOTAL</b>	<b>US\$ 9,243.26</b>	

### APPENDIX D3 Examples of Hong Kong Wildlife Crime Cases

#### CAP 586 (formerly CAP 187)

*The Queen v Tsoi Wai-ching* [1997] HKCU 587 – a person was in possession of one bear gall bladder contrary to s.6(1) of the Animals and Plants Ordinance, Cap 187; fined \$40,000.

*HKSAR v Zhang Hong* [1999] HKCU 745 – a woman travelled through Hong Kong from Mainland China on her way to Thailand with 7 pieces of carved ivory weighing around 9kg. She was charged with importing an endangered species without a licence issued by the Director of Agriculture and Fisheries, contrary to section 4(3) and 4(4) of Cap 187; fined \$10,000.

*HKSAR v Tsui Sun Wah* (unreported) HCMA 613/2008 – 4 February 2009, a container truck driver responsible for the transportation of the goods in question, pleaded guilty to a charge of exporting an Appendix II specimen (3,145 kilograms of American ginseng *Panax quinquefolius*) without licence contrary to section 13(2) of the Endangered Species Ordinance, pursuant to which the maximum fine is \$50,000 and 6 months imprisonment; with a guilty plea was fined \$2,000.

香港特別行政區 訴 曾偉強 (unreported) HCMA 44/2009, 25 June 2009 – the defendant was convicted of possessing a bird listed under Appendix I (scarlet macaw) contrary to section 9 of the Endangered Species Ordinance, pursuant to which the maximum fine is \$100,000 and 1 year imprisonment; fined \$1,200<sup>5</sup>.

*HKSAR v Cheung Mo Tak* (unreported) HCMA 89/2012, 8 June 2012 – smuggler pleaded guilty to possession or control of Appendix I specimens (two rhinoceros horns) contrary to sections 9(1) and (2) of the Endangered Species Ordinance, pursuant to which the maximum fine is \$100,000 and 1 year imprisonment. The rhinoceros horns had a combined value of about \$1.3 million, and the defendant's role in the criminal operation was described as “elaborate and involved”. The defendant had trafficked rhinoceros horn before. The Magistrate took into consideration the value of the horns, the circumstances, and took judicial notice of the fact the rhinoceros is a highly endangered species, and used a starting point of three months' imprisonment for the offence; the sentence was discounted by one third for the guilty plea, resulting in a sentence of 2 months' imprisonment.

*HKSAR v Zhang* (unreported), 15 June 2012 – Chinese national convicted of illegally smuggling 43 critically endangered Palawan forest turtles (a CITES Appendix II listed species) into Hong Kong from the Philippines. It was the second time the defendant had been caught smuggling endangered species into Hong Kong. In February 2012, he was convicted of illegally smuggling 60 reptiles, including 20 Palawan forest turtles, into Hong Kong and fined \$8000. While liable to a maximum of 2 years imprisonment, the defendant was sentenced to 6 weeks imprisonment for his second offence in four months.

*HKSAR v Sameh and Abdelaziz* [2014] – two men were convicted of illegally smuggling into Hong Kong 128 Spider and Radiated tortoises (both CITES Appendix I listed species). The court accepted the market value of the animals was \$320,400; fine of \$45,000 and 2 months' imprisonment, the prison term was suspended.

#### CAP 60

*HKSAR v Lam Ting* (unreported) HCMA 11/1997, 24 June 1997 – an attempt to export unmanifested goods of value of HK\$1,132,000, the court took into account that the case was not one of deliberate smuggling, the court imposed a much lower sentence of 6 months imprisonment.

*HKSAR v Tse Yuk Wah* [2007] 2 HKLRD D7 – the defendant, a truck driver, pleaded guilty to attempting to export unmanifested cargo. The relevant goods had a total value of exceeding HK\$1,040,680. A starting point of 15 months' imprisonment was adopted and reduced to 10 months on account of a guilty plea. The offence was said to be serious in that the defendant intentionally smuggled goods with a total value exceeding \$1 million, therefore justifying an immediate custodial sentence. The court noted that lack of knowledge of what was being transported could be a mitigating factor (although it did not apply in this case as the defendant did have knowledge).

*HKSAR v Kwok Chu Ho* [2007] 1 HKC 491 – attempting to export unmanifested cargo (1,903,500 optical discs) across the border to China contrary to section 18(1)(b), Cap 60, and section 159G, Cap 200. The relevant goods had a total value of about HK\$1.9 million. Each of the three defendants was sentenced to 15 months' imprisonment.

*HKSAR v Shek Tak Tai* (unreported) HCMA 795/2000, 24 October 2000 – The Court of First Instance considered an appeal against a defendant convicted of dealing with cargo with intent to assist another person to export the cargo (live water turtles) without a manifest. The Court approved the original imprisonment sentence (three months), which had taken into consideration that this was an “extremely prevalent type of offence in Hong Kong waters”, and the high value goods, and that the tax which would have been saved was not

a small return (some 23% of total tax would be saved by the smuggling)).

*The Queen v Man Hing Express & Godown Co. Ltd.* [1979] CACC001025/1979 appellant case concerning the possession of a controlled or scheduled species –the Clouded leopard (*Panthera nebulosi*).

#### CAP 169

*The Queen v Ng Yau-fai* [1986] HKLR 405 – skinning live quail; fine HK\$750; ‘If a defendant has previously been convicted of that offence or of other offences involving cruelty to animals, or aggravating factors are present, a magistrate should consider whether a suspended or immediate sentence of imprisonment might not be appropriate.’ per Roberts CJ

*HKSAR v Lau Lap-Kei* [2007] 3 HKLRD 273 – slaughtering dogs for food; immediate custodial sentence justified.

*HKSAR v Shu Ngai-fung* [2008] HKCU 1674 – dogs and cats left unattended in open cages without sufficient water; contrary to sections 3(1)(b) and 5(21)50 hours community service and fined HK\$7,000.

*Secretary for Justice v lu Chi-yung* [2008] 5 HKC 306 – killing of barking deer; 6 months' imprisonment; factors moving case into worst category.

#### CAP 421

*HKSAR v Shu Ngai Fung* [2008] HKCU 1674 – dogs and cats left unattended in open cages and keeping a dog without a licence, contrary to section 5(2)(a), Cap 421A; 50 hours community service and fined HK\$7,000.

Source: Sadovy de Mitcheson et al (2017)<sup>6</sup> and Hong Kong Shark Foundation and Global Rights Compliance (2017)<sup>7</sup>

### APPENDIX D4 Numbers of Incense Trees Illegally Felled in 2011-2015

Source: Legislative Council Panel on Environmental Affairs (2016). *Enhanced Protection of Incense Tree in Hong Kong*. CB(1)1054/15-16(04). Annex. pp.8.

YEAR	NO. OF CASES	NO. OF ARRESTED (PERSON)	NO. OF PROSECUTIONS (CASE)	NO. OF CONVICTIONS (CASE)	PENALTIES (IMPRISONMENT)	WEIGHT OF WOOD/ NO. OF TREE (FELL)
2011	72	65	28	28	3-35 months	91kg/210
2012	67	64	29	27	9-45 months	70kg/99
2013	96	41	21	18	24-45 months	133kg/168
2014	134	65	26*	26	3-55 months	283kg/240
2015	120	16	5*	3	30-35 months	106kg/249
2016	54	22	8	Unknown	2-30 months	Unknown/172
2017	53	9	1	Unknown	30 months	Unknown/102

\* Deducted cases where the arrested person(s) was/were placed on holding charge and subsequently released unconditionally.

## APPENDIX D5 Agarwood Cases “Reasons for Sentence”

### a) the injury done to the individual tree species, its impact on biodiversity and ecosystem, and damage to the species’ population,

“the unsustainable felling...has caused irreplaceable damages to the general natural feature and ecology of the natural forests of Hong Kong”; “deliberate felling and damage of large and small *Aquilaria sinensis*, by way of damages to the habitats of the organisms, have jeopardized the normal ecological relationships of the organisms in such woodlands”<sup>8,9,10</sup>

“harvesting causes irreparable damage to the tree then the fact that only a small quantity is taken is not a true measure of the harm caused by the offender’s actions”; “restitution is impossible”<sup>11,12</sup>

### b) the deleterious impact the damage has on society, “a great loss to the community”<sup>13,14</sup>

### c) the profit-motive<sup>15</sup> of the individual, and the wider group of individuals who may be profiting/benefiting (e.g. criminal syndicates),

“a systematic and large-scale exploitation of cutting the incense wood trees in Hong Kong”<sup>16</sup>

“where the stolen property involved is a protected endangered species, the considerations are wholly different...The focus, therefore, should be on protection of the plant rather than the value of the plant or part stolen”<sup>17</sup>

### d) the manner of commission<sup>18</sup>, and

### e) the gravity of the offence<sup>19</sup>

“A clear and powerful message must be sent to the defendant’s friends and relatives...that people like them...will be dealt with severely by the court in Hong Kong”<sup>20,21</sup>

## APPENDIX D6 Court of Appeal “Reasons for Judgment” (Cap. 586 and Cap. 60)

All quotes from: *Hong Kong Case Law (2014) HKSAR v. Diao Rui (刁銳) and Chen Rong Yao (陳榮耀)*, HCMA606/2013.<sup>22</sup>

### a) the international reputation of Hong Kong and its role in the trade

“The seriousness of this type of offences lies not only in the loss of revenue but also in the impact upon the international reputation of Hong Kong and the relationship between Hong Kong and the Mainland and other countries”

### b) regard for the level of endangerment of the species

“...the sentencing court must have regard to the fact that there were creatures of endangered species and pests among the goods”

### c) the lack of regard for importing pests, and not declaring them (Cap. 207, “The Pest Offence”)

“...the sentencing court must have regard to the fact that there were creatures of endangered species and pests among the goods”

### d) level of remorse of the offenders

“This is the second time Defendant 1 committed this type of offence. It is obvious that the community service order imposed on him in respect of his first conviction has not served an effective deterrent effect”

“As Defendant 1 is neither a first offender nor truly remorseful, a community service order is clearly not a viable sentencing option”

“He was convicted after trial and showed no sign of remorse at all”

### e) previous convictions

“This is the second time D1 committed this type of offence. It is obvious that the community service order imposed on him in respect of his first conviction has not served an effective deterrent effect”

“As Defendant 1 is neither a first offender nor truly remorseful, a community service order is clearly not a viable sentencing option”

## APPENDIX D ENDNOTES

1. KFBG (2017). *Live Animals in Illegal Trade – A Review of selected holding and repatriation costs with enforcement outcomes for local confiscations*. Publication Series No. 12, Kadoorie Farm & Botanic Garden: Hong Kong SAR, p.5.
2. Ibid.
3. UNEP-WCMC (Comps.)(2018). *The Checklist of CITES Species Website*. CITES Secretariat, Geneva, Switzerland. Compiled by UNEP-WCMC, Cambridge, UK. Available at: [http://checklist.cites.org/#/en/search/output\\_layout=alphabetical&level\\_of\\_listing=0&show\\_synonyms=1&show\\_author=1&show\\_english=1&show\\_spanish=1&show\\_french=1&scientific\\_name=Carettochelys+insculpta&page=1&per\\_page=20](http://checklist.cites.org/#/en/search/output_layout=alphabetical&level_of_listing=0&show_synonyms=1&show_author=1&show_english=1&show_spanish=1&show_french=1&scientific_name=Carettochelys+insculpta&page=1&per_page=20) [Accessed 25 Jul 2018]
4. KFBG (2017) *Live Animals in Illegal Trade – A Review of selected holding and repatriation costs with enforcement outcomes for local confiscations*. Publication Series No. 12, Kadoorie Farm & Botanic Garden: Hong Kong SAR, p.6.
5. The facts of the case note that the defendant had attempted to sell the bird, but it appears the defendant was not prosecuted in relation to “commercial purpose”.
6. Sadovy de Mitcheson, Y., Tam, I., Muldoon, G., le Clue, S., Botsford, E., and Shea, S. (2017) *The Trade in Live Reef Food Fish – Going, Going, Gone. Volume I: Main Report. Parts I, II & III*, pp.1-288. ADM Capital Foundation and the University of Hong Kong, Hong Kong Special Administrative Region.
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14. Hong Kong Judiciary (2014) *HKSAR v He Fu (D1) Shi Guangzhi (D2) - DCCC 183/2014*. Hong Kong Department of Justice. Available from: [http://legalref.judiciary.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=92781&QS=%28Protection%2Bof%2BEndangered%2BSpecies%29&TP=RS](http://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=92781&QS=%28Protection%2Bof%2BEndangered%2BSpecies%29&TP=RS) [Accessed 15 Jan 2018].
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## E. GLOBAL SEIZURES LINKED TO HONG KONG

SPECIES	DATE	IUCN STATUS	LISTING (as of COP17 Oct 2017)	OFFENSE	LOCATION OF INCIDENT	COUNTRY	NO. OF PEOPLE	PENALTY	LINK
Elephant ( <i>Elephantidae</i> spp.)	Jan 2013	Vulnerable-Endangered	Appendix I or II - species not specified	Over three days, Customs at Shenzhen's Shekou Port arrested four people and seized 3.8 kg of ivory. On January 24, 19 pieces of ivory (1.48kg) were found in a passenger's luggage on a ferry from Hong Kong. On January 26, 1.458kg, 0.569kg and 0.307kg of ivory respectively was found in the luggage of three further passengers arriving on a ferry from Hong Kong Airport. All of the suspects were Chinese nationals who claimed to have purchased the ivory while working in Africa.	Shekou Port, Shenzhen, Guangdong Province, China	China	Four people, all Chinese nationals	Unknown	<a href="http://news.ifeng.com/gundong/detail_2013_03/30/23696869_0.shtml">http://news.ifeng.com/gundong/detail_2013_03/30/23696869_0.shtml</a>
Helmeted Hornbill ( <i>Rhinoplax vigil</i> ) Pangolin ( <i>Manis</i> spp.)	Jan 2013	Critically Endangered Vulnerable-Critically Endangered	Appendix I Appendix I	Customs officials arrested four Chinese nationals at Soekarno- Hatta International Airport for attempting to smuggle 189 pangolin scales and 248 hornbill beaks in their luggage to Hong Kong.	Soekarno-Hatta International Airport of Jakarta, Banten Province, Indonesia	Indonesia	Four people, all Chinese nationals	Unknown	<a href="http://www.traffic.org/traffic-bulletin/traffic_bulletin_seizures_1997-onwards.pdf">www.traffic.org/traffic-bulletin/traffic_bulletin_seizures_1997-onwards.pdf</a>
Pangolin ( <i>Manis</i> spp.)	Jan 2013	Vulnerable-Critically Endangered	Appendix I	1kg of pangolin products, declared as "plastic materials" were seized from a parcel by Belgian Customs agents at the Brussels Airport postal centre, whilst transiting from Cameroon to Hong Kong.	Liège Airport, Liège, Belgium	Belgium	Unknown	Unknown	<a href="https://cites.org/sites/default/files/reports/13-14Belgium.pdf">https://cites.org/sites/default/files/reports/13-14Belgium.pdf</a>
Pangolin ( <i>Manis</i> spp.)	Jan 2013	Vulnerable-Critically Endangered	Appendix I	12kg of pangolin products were seized from a parcel by Belgian Customs agents at the Brussels Airport postal centre, whilst transiting from Cameroon to Hong Kong.	Brussels Airport, Brussels, Belgium	Belgium	Unknown	Unknown	<a href="https://cites.org/sites/default/files/reports/13-14Belgium.pdf">https://cites.org/sites/default/files/reports/13-14Belgium.pdf</a>
Pangolin ( <i>Manis</i> spp.)	Jan 2013	Vulnerable-Critically Endangered	Appendix I	0.123kg of pangolin products were seized from a parcel by Belgian Customs agents at the Brussels Airport postal centre, whilst transiting from Cameroon to Hong Kong.	Brussels Airport, Brussels, Belgium	Belgium	Unknown	Unknown	<a href="https://cites.org/sites/default/files/reports/13-14Belgium.pdf">https://cites.org/sites/default/files/reports/13-14Belgium.pdf</a>
Helmeted Hornbill ( <i>Rhinoplax vigil</i> )	Jan 2013	Critically Endangered	Appendix I	Police stopped a bus service and found a man carrying 24 helmeted hornbill beaks in a box. They were reportedly gathered from several villages in Kapuas Hulu and were to be sent from Indonesia to Taiwan or Hong Kong for carving.	Mentebah, West Kalimantan, Indonesia	Indonesia	One male, Chinese national	Unknown	<a href="http://olahraga.inilah.com/read/detail/1950915/warga-china-selundupkan-24-paruh-enggang-gading">http://olahraga.inilah.com/read/detail/1950915/warga-china-selundupkan-24-paruh-enggang-gading</a> <a href="http://armand-equator.blogspot.co.uk/2013/01/jual-beli-paruh-enggang-warga-rrc.html">http://armand-equator.blogspot.co.uk/2013/01/jual-beli-paruh-enggang-warga-rrc.html</a>
Elephant ( <i>Loxodonta africana</i> )	Feb 2013	Vulnerable	Appendix I or II - source unknown	1.574kg of ivory (30 bracelets), declared as "Current Sensor" were seized from a parcel by Belgian Customs agents at the Brussels Airport postal centre, whilst transiting from Nigeria to Hong Kong.	Liège Airport, Liège, Belgium	Belgium	Unknown	Unknown	<a href="https://cites.org/sites/default/files/reports/13-14Belgium.pdf">https://cites.org/sites/default/files/reports/13-14Belgium.pdf</a>
Elephant ( <i>Loxodonta africana</i> )	Mar 2013	Vulnerable	Appendix I or II - source unknown	0.937kg of "ivory pearls" were seized from a parcel by Belgian Customs agents at the Brussels Airport postal centre, whilst transiting from Nigeria to Hong Kong.	Liège Airport, Liège, Belgium	Belgium	Unknown	Unknown	<a href="https://cites.org/sites/default/files/reports/13-14Belgium.pdf">https://cites.org/sites/default/files/reports/13-14Belgium.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Mar 2013	Vulnerable-Endangered	Appendix I or II - species not specified	Customs officials at Wenzhou Airport seized seven ivory items (8.87kg in total) from the luggage of a passenger travelling from Hong Kong.	Wenzhou Airport, Zhejiang Province, China	China	One passenger	Unknown	<a href="http://news.ifeng.com/gundong/detail_2013_03/30/23696869_0.shtml">http://news.ifeng.com/gundong/detail_2013_03/30/23696869_0.shtml</a>
Elephant ( <i>Loxodonta africana</i> )	Mar 2013	Vulnerable	Appendix I or II - source unknown	1.8kg of ivory (12 bracelets), declared as "Current Sensor" were seized from a parcel by Belgian Customs agents at the Brussels Airport postal centre, whilst transiting from Nigeria to Hong Kong.	Liège Airport, Liège, Belgium	Belgium	Unknown	Unknown	<a href="https://cites.org/sites/default/files/reports/13-14Belgium.pdf">https://cites.org/sites/default/files/reports/13-14Belgium.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Mar 2013	Vulnerable-Endangered	Appendix I or II - species not specified	Chinese male arrested while transiting from Kinshasa, Democratic Republic of Congo to Hong Kong in possession of 439 pieces of ivory, two inches long, painted brown and mixed with tree bark.	Jomo Kenyatta Airport, Kenya	Kenya	One male, Chinese national	Fined SH 30,000 (USD340)	Anon. (2018) <i>Personal Communication</i> .
1. Tiger ( <i>Panthera tigris</i> ) 2. Bear ( <i>Ursidae</i> spp.)	Jul 2013	1. Endangered 2. Least Concern-Vulnerable*	1. Appendix I 2. Appendix I or II - species not specified	Individual arriving from Hong Kong had concealed 78 tiger teeth, 69 tiger claws and 8 bear gall bladders inside boxes of fried rolls in his baggage.	Macau Airport, Special Administrative Region of Macau, China	China	One person, Chinese national	Liable to fine of US\$13,000; sentence unclear	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_2.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_2.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Aug 2013	Vulnerable-Endangered	Appendix I or II - species not specified	Chinese national transported 6.9kg ivory disguised as bags of macadamia nuts.	Jomo Kenyatta Airport, Kenya	Kenya	One person, Chinese national	31 month custodial sentence	Anon. (2018) <i>Personal Communication</i> .
1. Elephant ( <i>Elephantidae</i> spp.) 2. Rhinoceros ( <i>Rhinocerotidae</i> spp.)	Sep 2013	1. Vulnerable-Endangered 2. Near Threatened-Critically Endangered	1. Appendix I or II - species not specified 2. Appendix I or II - species not specified	Following a tipoff, Fuzhou Customs followed a Chinese man who just arrived at Fuzhou Airport from Botswana via Hong Kong. In the bathroom, a transfer was reportedly made between the man and another individual with an airport pass. Fuzhou Customs seized 17.5kg of rhino horns, 4.7kg of ivory at airport from a black bag in the man's possession.	Fuzhou, Fujian Province, China	China	Two males, Chinese nationals	Unknown	<a href="http://www.chinanews.com/fz/2013/11-20/5525715.shtml">http://www.chinanews.com/fz/2013/11-20/5525715.shtml</a>
Rhinoceros ( <i>Rhinocerotidae</i> spp.)	Sep 2013	Near Threatened-Critically Endangered	Appendix I or II - species not specified	At Jomo Kenyatta International Airport, a Vietnamese national in transit from Maputo, Mozambique, en route to Hong Kong via Doha, Qatar, was arrested with five rhinoceros (CITES Appendix I) horns. Packed in suitcase stuffed with mattress filling.	Jomo Kenyatta Airport, Kenya	Kenya	One person, Vietnamese national	Unknown	<a href="http://www.traffic.org/media-reports">http://www.traffic.org/media-reports</a>
Ball Python ( <i>Python regius</i> )	Nov 2013	Least Concern	Appendix II	Individual attempted to export 121 ball pythons crammed into 21 small plastic lunch boxes out of Hong Kong and into mainland China. They were initially declared as "plastic toys".	Pudong International Airport, Shanghai, China	China	One male, Chinese national	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_3.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_3.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Dec 2013	Vulnerable-Endangered	Appendix I or II - species not specified	Customs at Wenzhou Airport seized nine ivory items, weighing 1.38kg in total. The items were found in the luggage of a male Chinese national returning from South Africa via Hong Kong.	Wenzhou Airport, Zhejiang Province, China	China	One male, Chinese national	Unknown	<a href="http://news.163.com/13/1226/18/9H1R9M3N00014JB6.html">http://news.163.com/13/1226/18/9H1R9M3N00014JB6.html</a>

SPECIES	DATE	IUCN STATUS	LISTING (as of COP17 Oct 2017)	OFFENSE	LOCATION OF INCIDENT	COUNTRY	NO. OF PEOPLE	PENALTY	LINK
1. Elephant ( <i>Elephantidae</i> spp.) 2. Lion ( <i>Panthera leo</i> ) 3. Pangolin ( <i>Manis</i> spp.)	Dec 2013	1. Vulnerable-Endangered 2. Vulnerable 3. Vulnerable-Critically Endangered	1. Appendix I or II - species not specified 2. Appendix I or II - species not specified 3. Appendix I	A Chinese female from Guangdong province was arrested at O.R. Tambo International Airport in possession of 12.7kg ivory, including worked ivory combs and jewellery, along with two lion claws and ten pangolin scales. The woman was travelling to Hong Kong via the UAE and reportedly stated she had bought the items at a market in Mozambique.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	One female, Chinese national	Convicted and fined ZAR 50,000 (USD4,428)	Anon. (2018) <i>Personal Communication</i> .
Elephant ( <i>Elephantidae</i> spp.)	Jan 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Beijing Capital Airport Customs seized 5.4kg of ivory products (48 items) from two passengers arriving on a flight from Hong Kong. The passengers were a married couple who worked in South Africa.	Beijing Capital Airport, Beijing Province, China	China	Two people	Unknown	<a href="http://news.ynet.com/3.1/1401/12/8631956.html">http://news.ynet.com/3.1/1401/12/8631956.html</a>
Elephant ( <i>Elephantidae</i> spp.)	Jan 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Shenzhen customs intercepted a Chinese national carrying 20kg of ivory products on her person, travelling into China on a bus from Hong Kong.	Shenzhen Customs, Guangdong Province, China	China	One female, Chinese national	Unknown	<a href="http://news.sina.com.cn/o/2014-01-12/163629222062.shtml">http://news.sina.com.cn/o/2014-01-12/163629222062.shtml</a>
Elephant ( <i>Elephantidae</i> spp.)	Jan 2014	Vulnerable-Endangered	Appendix I or II - species not specified	A Chinese national was intercepted at Huanggang with 0.536kg of ivory jewellery.	Huanggang, Shenzhen, Guangdong Province, China	China	One person, Chinese national	Unknown	<a href="http://www.tetimes.com/content/2014-01/16/content_9014924.htm">http://www.tetimes.com/content/2014-01/16/content_9014924.htm</a>
Elephant ( <i>Elephantidae</i> spp.)	Mar 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Customs found 3.6kg of ivory in a Chinese traveller's luggage, hidden in a tub of washing powder.	Luohu, Shenzhen, Guangdong Province, China	China	One person, Chinese national	Unknown	<a href="http://news.artxun.com/ya-1723-8613449.shtml">http://news.artxun.com/ya-1723-8613449.shtml</a> ; <a href="http://news.sina.com.cn/o/2014-04-11/120829911899.shtml">http://news.sina.com.cn/o/2014-04-11/120829911899.shtml</a>
1. Elephant ( <i>Elephantidae</i> spp.) 2. Tiger ( <i>Panthera tigris</i> ) 3. Leopard ( <i>Panthera pardus</i> )	Mar 2014	1. Vulnerable-Endangered 2. Endangered 3. Vulnerable	1. Appendix I or II - species not specified 2. Appendix I 3. Appendix I	Male Chinese national intercepted at Jinan following a China Eastern Airways flight from Hong Kong to Jinan, Shandong. He was carrying seven ivory products (handicrafts, bangle, cigarette pipes), 18 tiger skin products (purses), three leopard skin products (purses), 35 big cat canines, 20 big cat claws and one tiger skull he bought in Indonesia in February/March 2014. The ivory products valued at RMB200,293 and "Bengal" tiger skull was valued at RMB480,000. No value was stated for the other skin, canine and claw products. The case was prosecuted on September 30, 2014 and heard on October 23, 2014 at Jinan Intermediate People's Court.	Jinan, Shandong Customs, Shandong Province, China	China	One male, Chinese national	6-year imprisonment with a fine of 50,000 RMB	Anon. (2018) <i>Personal Communication</i> .
1. Pangolin ( <i>Manis</i> spp.) 2. Siberian Weasel ( <i>Mustela sibirica</i> )	Apr 2014	1. Vulnerable-Critically Endangered 2. Least Concern	1. Appendix I 2. Appendix III	Six boxes of pangolin scales and 1,200 pieces of Siberian weasel skins seized from an inbound speedboat from Hong Kong. Suspects fled, abandoning their boat and escaping onto land.	Shenzhen, Guangdong, China	China	Multiple people	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_5.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_5.pdf</a>
Pangolin ( <i>Manis</i> spp.)	Apr 2014	Vulnerable-Critically Endangered	Appendix I	145kg of pangolin scales were confiscated by Customs officials at the Benazir Bhutto Shaheed Airport, Islamabad, from the luggage of two Chinese nationals who were on their way to Hong Kong.	Benazir Bhutto Shaheed Airport, Islamabad, Pakistan	Pakistan	Two males, Chinese nationals	Unknown	<a href="https://tribune.com.pk/story/767280/pangolin-smuggling-chinese-approach-customs-to-release-seized-animal-scales/">https://tribune.com.pk/story/767280/pangolin-smuggling-chinese-approach-customs-to-release-seized-animal-scales/</a>
Pangolin ( <i>Manis</i> spp.)	Apr 2014	Vulnerable-Critically Endangered	Appendix I	The customs police received reports of illegal smuggling activities from Hong Kong to Shenzhen. They located a suspicious boat that changed directions as soon as it saw the patrol. Suspects escaped after abandoning the boat at the shoreline. Estimated value of the seizure is RMB1.1 million (HK\$ 1.2 million).	Shenzhen, Guangdong Province, China	China	Multiple people	Unknown	<a href="http://207.204.5.11/wp-content/uploads/ON_THE_TRAIL_2.pdf">http://207.204.5.11/wp-content/uploads/ON_THE_TRAIL_2.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Jun 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Customs officials seized more than one tonne of cut ivory pieces smuggled from Hong Kong by sea, in a container bound for China, which was claimed to contain charcoal.	Haiphong, Vietnam	Vietnam	Unknown	Unknown	<a href="https://www.unodc.org/documents/southeastasiaandpacific/Publications/wildlife/Vietnam_Toolkit_Report_EN_-_final.pdf">https://www.unodc.org/documents/southeastasiaandpacific/Publications/wildlife/Vietnam_Toolkit_Report_EN_-_final.pdf</a>
Seahorses ( <i>Hippocampus</i> spp.)	Jul 2014	Data Deficient-Critically Endangered	Appendix II	416 dried seahorses were found in checked luggage on a Thai Airline flight, arriving from Hong Kong. The couple reportedly work in South Africa.	Xiamen, Fujian Province, China	China	One male, one female	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf</a>
Reticulated Python ( <i>Python reticulatus</i> )	Jul 2014	N/A	Appendix II	Individual arriving from Hong Kong attempted to smuggle 200 Reticulated python gall bladders.	Shenzhen, Guangdong Province, China	China	One person	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf</a>
Python ( <i>Pythonidae</i> spp.)	Jul 2014	Least Concern-Vulnerable	Appendix I or II - species not specified	Man attempted to pass Luohu port from Hong Kong carrying 17 pieces of python skins in his bags.	Shenzhen, Guangdong Province, China	China	Single male, Hong Kong national	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf</a>
1. Indian Softshell Turtles ( <i>Nilssonia gangetica</i> ) 2. Indian Tent Turtles ( <i>Pangshura tentoria</i> )	Jul 2014	1. Vulnerable 2. Least Concern	1. Appendix I 2. Appendix II	175 Indian softshell and Indian tent turtles, weighing a total of 1.5MT discovered and seized from vehicle that was damaged after trying to escape a road-side check. Live turtles destined to fly through Calcutta and Bangkok to destination of Hong Kong.	Uttar Pradesh, India	India	Multiple people	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf</a>
1. European Pond Turtle ( <i>Emys orbicularis</i> ) 2. Chilean rose tarantulas ( <i>Grammostola rosea</i> )	Jul 2014	1. Near Threatened 2. N/A	1. N/A 2. N/A	400 turtles and 700 Chilean rose tarantulas, being smuggled alongside mobile phone accessories seized from a speedboat landing at Xixiang Port, Shenzhen from Hong Kong.	Shenzhen, Guangdong Province, China	China	Multiple people	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf</a>
Poison dart frogs ( <i>Dendrobatidae</i> spp.)	Aug 2014	Least Concern-Critically Endangered	Appendix II	Parcel containing four poison dart frogs, mailed from Hong Kong.	Xiaoshan, Zhejiang Province, China	China	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Aug 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Officers at Futian entry port found 24 ivory items, 4.6kg in total, in a student's backpack. The student said they were transporting the goods for a fee.	Futian, Shenzhen, Guangdong Province, China	China	Multiple people	Unknown	<a href="http://sz.ce.cn/sy/gd/201408/14/t20140814_1731217.shtml">http://sz.ce.cn/sy/gd/201408/14/t20140814_1731217.shtml</a>
Elephant ( <i>Elephantidae</i> spp.)	Sep 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Hangzhou Customs found 8.68kg ivory in the luggage of a female passenger who had travelled from Johannesburg via Hong Kong. A notebook she had on her person also revealed that she had previously smuggled 220kg of ivory and rhino horn. Her co-conspirator had previously been caught by Beijing Customs but was not charged as they only had a small amount of ivory on their person.	Hangzhou Customs, Zhejiang Province, China	China	One female	Unknown	<a href="http://biz.zjol.com.cn/system/2015/05/29/020673807.shtml">http://biz.zjol.com.cn/system/2015/05/29/020673807.shtml</a>
Elephant ( <i>Elephantidae</i> spp.)	Sep 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Huanggang Customs detected ivory jewellery hidden in milk powder tins in the luggage of a female passenger. The passenger stated she had bought the items in Africa.	Huanggang, Shenzhen, Guangdong Province, China	China	One female	Unknown	<a href="http://www.gd.chinanews.com/2014/2014-09-17/2/330314.shtml">http://www.gd.chinanews.com/2014/2014-09-17/2/330314.shtml</a>

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Rhinoceros ( <i>Rhinocerotidae</i> spp.)	Oct 2014	Near Threatened-Critically Endangered	Appendix I or II - species not specified	Rhinoceros horn was wrapped in adhesive tape and sent in a package to Hong Kong. The recipient failed to claim the package, so Hong Kong postal service sent it back to Swaziland. Mbabane post office seized it after detecting the horn. The investigation is ongoing.	Mbabane, Swaziland	Swaziland	Unknown	Unknown	<a href="http://www.times.co.sz/news/99335-post-office-used-to-smuggle-rhino-horn.html">http://www.times.co.sz/news/99335-post-office-used-to-smuggle-rhino-horn.html</a>
Manta Rays ( <i>Manta</i> spp.)	Nov 2014	Data Deficient-Endangered	Appendix II	226kg of gills from 80 adult Manta rays seized prior to being sent to Hong Kong on an Air Asia plane.	Surabaya International Airport, Province of East Java, Indonesia	Indonesia	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_7.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_7.pdf</a>
1. Pangolin ( <i>Manis</i> spp.) 2. Hippopotamus ( <i>Hippopotamidae</i> spp.)	Nov 2014	1. Vulnerable-Critically Endangered 2. Vulnerable-Endangered	1. Appendix I 2. Appendix II - species not specified	Individual attempted to smuggle 3.13kg of pangolin scales and 4 hippopotamus teeth into mainland China onto a flight from Hong Kong.	Qingdao, Shandong Province, China	China	One person	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_7.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_7.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Nov 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Luohu Customs in Shenzhen intercepted a female passenger concealing ivory products in a pram. The ivory items were painted to avoid detection, and weighed 10kg in total.	Luohu, Shenzhen, Guangdong Province, China	China	One female	Unknown	<a href="http://collection.sina.com.cn/cqyw/20141105/1156169578.shtml">http://collection.sina.com.cn/cqyw/20141105/1156169578.shtml</a>
Elephant ( <i>Elephantidae</i> spp.)	Nov 2014	Vulnerable-Endangered	Appendix I or II - species not specified	Hobhot Customs, Inner Mongolia: seized 28.12kg ivory from passengers who travelled from Hong Kong.	Hobhot Customs, Inner Mongolia Autonomous Region, China	China	Multiple people	Unknown	Anon. (2018) <i>Personal Communication</i> .
Elephant ( <i>Elephantidae</i> spp.)	Dec 2014	Vulnerable-Endangered	Appendix I or II - species not specified	A man attempted to smuggle ivory bracelets (1.69kg) into mainland China concealed within two crisp packets, as he returned from Hong Kong.	Shenzhen, Guangdong Province, China	China	One male, Chinese national	Unknown	<a href="http://www.njdaily.cn/2014/12/12/1007470.shtml">http://www.njdaily.cn/2014/12/12/1007470.shtml</a>
1. Common Box Turtles ( <i>Terrapene carolina</i> ) 2. African Spurred Tortoises ( <i>Centrochelys sulcata</i> )	Dec 2014	1. Vulnerable 2. Vulnerable	1. Appendix II 2. Appendix II	Individual attempted to send 26 Common box turtles and 20 African spurred tortoises via air mail. They had been stuffed into socks. Reptiles were redirected to a pound in Georgia and died. US Postal Service agents discovered the reptiles due to the smell of their decomposition.	San Gabriel, California, USA	USA	One male, American citizen (ethnically Chinese)	2 months imprisonment, 2 years probation & 500 hours of community service (potential fine of US\$12,000)	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_7.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_7.pdf</a>
Pangolin ( <i>Manis</i> spp.)	Jan 2015	Vulnerable-Critically Endangered	Appendix I	Customs seized 188kg of pangolin scales that were placed in 17 crates, being sent from Cibinong to Kwun Tong, Hong Kong.	Soekarno-Hatta International Airport of Jakarta, Banten Province, Indonesia	Indonesia	Unknown	Unknown	Anon. (2018) <i>Personal Communication</i> .
Seahorses ( <i>Hippocampus</i> spp.)	Feb 2015	Data Deficient-Critically Endangered	Appendix II	Two people attempted to smuggle a thousand seahorses (3kg) to Hong Kong on an Air Mauritius flight. There were reportedly "for personal use".	International Ivato Airport, Analamanga Region, Madagascar	Madagascar	Two people, Chinese nationals	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf</a>
Seahorses ( <i>Hippocampus</i> spp.)	Feb 2015	Data Deficient-Critically Endangered	Appendix II	French customs seized 18,688 seahorses inbound from Madagascar, intended for final delivery to Hong Kong.	Charles-de-Gaulle Airport, Île-de-France Region, France	France	Unknown	One individual reportedly arrested in Madagascar	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Feb 2015	Vulnerable-Endangered	Appendix I or II - species not specified	Individual attempted to smuggle US\$2,180 (HK\$17,004) of various ivory items in his pockets and baggage onboard a flight destined for Hong Kong, via Dubai.	Nairobi Jomo Kenyatta International Airport, Kenya	Kenya	One male, Chinese national	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Feb 2015	Vulnerable-Endangered	Appendix I or II - species not specified	Individual attempted to conceal 46 elephant tusks (762kg) within several cases of wine, destined for Hong Kong.	Cape Town, Western Cape Province, South Africa	South Africa	Two individuals, at least, one Chinese national	10 years in prison, fined US\$80,830	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf</a>
5 species of tortoise (spp. unknown) 3 species of sea turtles (spp. unknown)	Feb 2015	Species not specified	Some species listed	945 plastrons, 2,454 shells and 276 bags of shell pieces spread across two containers was seized as it arrived from Hong Kong, via Vancouver.	Toronto, Ontario, Canada	Canada	One female, at least	Fined total of US\$15,032	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf</a>
1. Sumatran tiger ( <i>Panthera tigris sondaica</i> ) 2. White Rhino ( <i>Ceratotherium simum</i> ) 3. Asian Elephant ( <i>Elephas maximus</i> )	Feb 2015	1. Critically Endangered 2. Near Threatened 3. Endangered	1. Appendix I 2. Appendix I or II 3. Appendix I	Kunming Airport Customs seized one tiger skin, described as Sumatran tiger, 7.7kg tiger bones, 9.7kg of white rhino horn, 1.8kg Asian ivory products and arrested two Chinese male suspects, said to be travelling from Johannesburg via Hong Kong.	Kunming Airport Customs, Yunnan Province, China	China	One male, Chinese national	Unknown	<a href="http://society.yunnan.cn/html/2016-08/04/content_4470469.htm">http://society.yunnan.cn/html/2016-08/04/content_4470469.htm</a>
Freshwater turtles (spp. unknown)	Mar 2015	Species not specified	Species not specified	4MT of meat from endangered freshwater turtles, manifested as 'dried fish maws and dried fish skin', was seized as it was outbound from Karachi Port, destined for Hong Kong. The exporter reportedly reused a consignment certificate from another shipmen.	Karachi Harbor, Sindh Province, Pakistan	Pakistan	Unknown	Unknown	<a href="https://tribune.com.pk/story/849992/smells-fishy-fisheries-dept-approved-turtle-consignment/">https://tribune.com.pk/story/849992/smells-fishy-fisheries-dept-approved-turtle-consignment/</a>
Freshwater turtles (spp. unknown)	Mar 2015	Species not specified	Species not specified	1.9MT of dried meat from 4,342 freshwater turtles was seized as it was outbound on a vessel, destined for Hong Kong.	Karachi Harbor, Sindh Province, Pakistan	Pakistan	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_8.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Mar 2015	Vulnerable-Endangered	Appendix I or II - species not specified	Customs at Xiamen Gaoqi Airport found 54 ivory items hidden in milk powder tins in the luggage of a Chinese national travelling from Hong Kong.	Xiamen, Fujian Province, China	China	One male, Chinese national	Unknown	<a href="http://news.china.com.cn/live/2015-03/17/content_31861114.htm">http://news.china.com.cn/live/2015-03/17/content_31861114.htm</a>
Elephant ( <i>Elephantidae</i> spp.)	Mar 2015	Vulnerable-Endangered	Appendix I or II - species not specified	10 pieces of ivory products, weighing 0.55kg were seized by Jinlin, Nanjing Customs from a flight from Hong Kong.	Jinlin, Nanjing, Jiangsu Province, China	China	One person	Unknown	<a href="http://news.sina.com.cn/o/2015-03-28/061931654819.shtml">http://news.sina.com.cn/o/2015-03-28/061931654819.shtml</a>
Elephant ( <i>Elephantidae</i> spp.)	Apr 2015	Vulnerable-Endangered	Appendix I or II - species not specified	Individual living in Hong Kong attempted to smuggle 6kg of ivory, hidden in a backpack along with pacifiers and toys, into China. She carried her baby, allegedly to speed up or even avoid any court processes.	Shenzhen, Guangdong Province, China	China	One female, Chinese national	Unknown	<a href="http://www.sznews.com/news/content/2015-04/16/content_11467324.htm">http://www.sznews.com/news/content/2015-04/16/content_11467324.htm</a>
Elephant ( <i>Elephantidae</i> spp.)	Apr 2015	Vulnerable-Endangered	Appendix I or II - species not specified	120 pieces of worked ivory (5.6kg), ready for being used in hanko chops, were seized from the baggage of an airline passenger inbound from Hong Kong. The ivory had been hidden within 'peanut powder boxes'.	Taiwan Taoyuan International Airport, Taiwan	Taiwan	One person	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf</a>
1. Elephant ( <i>Elephantidae</i> spp.) 2. Rhinoceros ( <i>Rhinocerotidae</i> spp.)	May 2015	1. Vulnerable-Endangered 2. Near Threatened-Critically Endangered	1. Appendix I or II - species not specified 2. Appendix I or II - species not specified	Individual attempted to send US\$700,000 (HK\$5,460,000)-worth of rhinoceros and elephant products, along with unidentified valuable corals, to Hong Kong.	Concord, New Hampshire, USA	USA	One female, American national	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_9.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_9.pdf</a> <a href="https://www.justice.gov/opa/pr/head-wildlife-smuggling-ring-pleads-guilty-smuggling-carvings-made-ivory-rhino-horn-and-coral">https://www.justice.gov/opa/pr/head-wildlife-smuggling-ring-pleads-guilty-smuggling-carvings-made-ivory-rhino-horn-and-coral</a>
Elephant ( <i>Elephantidae</i> spp.)	Jun 2015	Vulnerable-Endangered	Appendix I or II - species not specified	Huanggang Customs seized ivory from female arriving from Hong Kong; two cut sections weight 4kg and a number of bangles.	Huanggang, Shenzhen, Guangdong Province, China	China	Unknown	Unknown	<a href="http://www.hkcd.com.hk/content/2015-04/16/content_3443723.htm">http://www.hkcd.com.hk/content/2015-04/16/content_3443723.htm</a>

SPECIES	DATE	IUCN STATUS	LISTING (as of COP17 Oct 2017)	OFFENSE	LOCATION OF INCIDENT	COUNTRY	NO. OF PEOPLE	PENALTY	LINK
<b>Totoaba</b> ( <i>Totoaba macdonaldi</i> )	Jul 2015	Critically Endangered	Appendix I	602kg of totoaba fish maws were discovered inside nine courier parcels as they arrived from Venezuela, destined for Hong Kong. Discovered through random package searches, they were manifested as "organic plastic samples.	Rafael Hernández International Airport, Puerto Rico, USA	USA	Unknown	Unknown	<a href="https://www.cbp.gov/newsroom/local-media-release/cbp-1328-pounds-totoaba-fish-bladder-inside-9-parcels">https://www.cbp.gov/newsroom/local-media-release/cbp-1328-pounds-totoaba-fish-bladder-inside-9-parcels</a>
<b>1. Hammerhead Sharks</b> ( <i>Sphyrnidae</i> spp.) <b>2. Blacktip Reef Sharks</b> ( <i>Carcharhinus melanopterus</i> )	Aug 2015	1. Data Deficient-Vulnerable 2. Near Threatened	1. Appendix II 2. Appendix II	Company consigned dried shark fin imports of CITES listed species from Hong Kong.	Brooklyn, New York, USA	USA	Unknown	Fined US\$10,000	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf</a>
<b>Elephant</b> ( <i>Elephantidae</i> spp.)	Aug 2015	Vulnerable-Endangered	Appendix I or II - species not specified	Chinese suspect found in possession of worked ivory "pebbles" weighing a total of 9.12kg arrested while attempting to travel from Kenya to Hong Kong via Dubai on a business class ticket. The worked ivory pebbles were reportedly fitted in a body vest and leg wraps concealed under the suspect's outer garments and further ivory was recovered from two boxes found in the suspect's possession. The accused pleaded guilty.	Jomo Kenyatta Airport, Kenya	Kenya	One male, Chinese national	Sentenced to pay fine of KES 1 million, custodial sentence of five years	Anon. (2018) <i>Personal Communication</i> .
<b>Oceanic whitetip shark</b> ( <i>Carcharhinus longimanus</i> )	Oct 2015	Vulnerable	Appendix II	3.6MT of dried Oceanic whitetip fins were seized along with fish swim bladders of an unspecified species outbound for Hong Kong.	Port of Manzanillo, Colima, Mexico	Mexico	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf</a>
<b>Oceanic whitetip shark</b> ( <i>Carcharhinus longimanus</i> )	Oct 2015	Vulnerable	Appendix II	600kg of dried Oceanic whitetip fins were seized, along with 600kg of ray wings, outbound for Hong Kong.	Soekarno-Hatta International Airport of Jakarta, Banten Province, Indonesia	Indonesia	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf</a>
<b>1. Elephant</b> ( <i>Elephantidae</i> spp.) <b>2. Rhinoceros</b> ( <i>Rhinocerotidae</i> spp.) <b>3. Bear</b> ( <i>Ursidae</i> spp.)	Oct 2015	1. Vulnerable-Endangered 2. Near Threatened-Critically Endangered 3. Least Concern-Vulnerable	1. Appendix I or II - species not specified 2. Appendix I or II - species not specified 3. Appendix I or II - species not specified	804kg of ivory, 11.3kg of rhinoceros horns and 35 bear paws, worth RMB24 million (HK\$4.5 million) were seized by Chinese authorities. Bust connected to a so-called "May 21 Network" which used specialised vehicles for transportation, and had a series of warehouses and a processing plant. Network reportedly operated across Hong Kong, Guangdong Province, Shandong Province and Beijing, and China.	Hong Kong, Guangdong Province, Shandong Province, Beijing, China	China	Multiple people	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_11.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_11.pdf</a>
<b>Elephant</b> ( <i>Elephantidae</i> spp.)	Oct 2015	Vulnerable-Endangered	Appendix I or II - species not specified	Customs seized a silver tea set that contained ivory shipped into Heathrow from Hong Kong, as it had no valid CITES import permit. It was destined for a gallery, the manager of which appealed for it to be returned, arguing it had been "seized on a technicality". In April 2017, a judge ruled that the tea set was lawfully seized and should not be returned to the gallery.	Heathrow Airport, London, United Kingdom	United Kingdom	Unknown	Unknown	<a href="http://www.standard.co.uk/news/london/officials-seize-qing-dynasty-tea-set-made-with-ivory-from-mayfair-art-gallery-a3506491.html">http://www.standard.co.uk/news/london/officials-seize-qing-dynasty-tea-set-made-with-ivory-from-mayfair-art-gallery-a3506491.html</a>
<b>Leopard</b> ( <i>Panthera pardus</i> )	Dec 2015	Vulnerable	Appendix I	Customs at Zhengzhou Airport, Henan Province, seized a leopard skin from the luggage of an Indian national travelling from Hong Kong. The skin was wrapped up in cellophane. The traveller claimed he was smuggling the item in to China on behalf of another person, and was then to post it to Guangzhou. The case is under investigation.	Zhengzhou Airport, Henan Province, China	China	One male, Indian national	Unknown	<a href="http://henan.people.com.cn/n/2015/12/23/c356896-27385142.html">http://henan.people.com.cn/n/2015/12/23/c356896-27385142.html</a>
<b>Elephant</b> ( <i>Elephantidae</i> spp.)	Jan 2016	Vulnerable-Endangered	Appendix I or II - species not specified	Individual attempted to smuggle 56 ivory items into mainland China from Hong Kong. Goods included 5 cylinders, 18 tusk sections and 33 rings of ivory (total 4.8kg). Same individual had been caught as he attempted to smuggle mobile phones earlier in the month.	Shenzhen, Guangdong Province, China	China	One male	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf</a>
<b>Elephant</b> ( <i>Elephantidae</i> spp.)	Feb 2016	Vulnerable-Endangered	Appendix I or II - species not specified	Individual attempted to smuggle 360 small blocks of ivory (14.7kg) into mainland China, concealed within bags of teabags. Individual claimed he was paid RMB600 (HK\$678) to transport the ivory.	Shenzhen, Guangdong, China	China	One male	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf</a>
<b>Elephant</b> ( <i>Elephantidae</i> spp.)	Feb 2016	Vulnerable-Endangered	Appendix I or II - species not specified	Individual attempted to smuggle 5.3 kg of worked ivory in carry-on baggage as inbound from Hong Kong.	Shenzhen, Guangdong, China	China	One male, Norwegian national	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf</a>
<b>1. Rhinoceros</b> ( <i>Rhinocerotidae</i> spp.) <b>2. Abalone</b> ( <i>Haliotidae</i> spp.)	Feb 2016	1. Near Threatened-Critically Endangered 2. Species not specified, some abalone sp is Critically Endangered	1. Appendix I or II - species not specified	Chinese national was arrested for possessing 27 pieces of rhino horn, weighing 1.15kg, along with 95kg of abalone. He planned to ship the horns and abalone to Hong Kong. Smugglers cut up rhino horn into small pieces to avoid detection by scanners. The case is under investigation.	Winhoek, Namibia	Namibia	Two males, Chinese national & Namibian national	Unknown	<a href="https://www.namibian.com.na/index.php?page=read&amp;id=36741">https://www.namibian.com.na/index.php?page=read&amp;id=36741</a>
<b>1. Pig-nosed Turtle</b> ( <i>Carettochelys insculpta</i> ) <b>2. Siebenrock's Snake-necked Turtles</b> ( <i>Macrochelodina rugosa</i> )	Feb 2016	1. Vulnerable 2. Near Threatened	1. Appendix II 2. N/A	3,737 juvenile Pig-nosed turtles and 883 juvenile Siebenrock's Snake-necked turtles seized from container destined for Hong Kong smugglers attempted to conceal them inside crates manifested as Clown fish.	International Soekarno-Hatta Airport in Jakarta, Indonesia	Indonesia	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf</a>
<b>1. Green Tree Pythons</b> ( <i>Morelia viridis</i> ) <b>2. Argentine Red Tegu</b> ( <i>Salvator rufescens</i> ) <b>3. Indian Star Tortoise</b> ( <i>Geochelone elegans</i> )	Feb 2016	1. Least Concern 2. N/A 3. Vulnerable	1. Appendix II 2. Appendix II 3. Appendix II	Individual attempted to smuggle 15 live reptiles onto a flight to Hong Kong.	Soekarno-Hatta International Airport of Jakarta, Banten Province, Indonesia	Indonesia	One person	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf</a>
<b>1. Elephant</b> ( <i>Elephantidae</i> spp.) <b>2. Rhinoceros</b> ( <i>Rhinocerotidae</i> spp.)	Feb 2016	1. Vulnerable-Endangered 2. Near Threatened-Critically Endangered	1. Appendix I or II - species not specified 2. Appendix I or II - species not specified	Individual attempted to transport 163 ivory pieces and two rhino horns in their luggage en route from Zambia, having transited through Hong Kong.	Soekarno-Hatta International Airport of Jakarta, Banten Province, Indonesia	Indonesia	One individual, Zambian national	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf</a>
<b>Elephant</b> ( <i>Elephantidae</i> spp.)	Feb 2016	Vulnerable-Endangered	Appendix I or II - species not specified	On February 28, 360 pieces of ivory, weighing 14.7kg in total, were discovered in vacuum-packed tea parcels in the luggage of a male Hong Kong national entering China at Huanggang, Guangdong. Customs officers noticed that the bag was unusually heavy and oddly-shaped, and so opened the bag, finding the ivory, which was had already been inspected. The traveller stated that he was transporting the ivory over the border for someone else, and was being paid RMB600 for his trouble.	Huanggang, Shenzhen, Guangdong Province, China	China	One male, Hong Kong resident	Unknown	<a href="http://news.sina.com.cn/o/2016-03-03/doc-ixqafqm6739387.shtml">http://news.sina.com.cn/o/2016-03-03/doc-ixqafqm6739387.shtml</a>
<b>Wood Turtle</b> ( <i>Glyptemys insculpta</i> )	Mar 2016	Endangered	Appendix II	Individual would poach wild turtles in Pennsylvania, USA, and export live turtles to Louisiana, where they were ultimately sent to Hong Kong. At least 500 turtles were captured.	Louisiana, USA	USA	One male, American national	2 years imprisonment, 6 years probation	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_12.pdf</a>

SPECIES	DATE	IUCN STATUS	LISTING (as of COP17 Oct 2017)	OFFENSE	LOCATION OF INCIDENT	COUNTRY	NO. OF PEOPLE	PENALTY	LINK
1. Elephant ( <i>Elephantidae</i> spp.) 2. Rhinoceros ( <i>Rhinocerotidae</i> spp.) 3. Tiger ( <i>Panthera tigris</i> )	Mar 2016	1. Vulnerable Endangered 2. Near Threatened- Critically Endangered 3. Endangered	1. Appendix I or II - species not specified 2. Appendix I or II - species not specified 3. Appendix I	On March 15, Suzhou Customs seized 0.56kg ivory and 0.38kg of rhino horn and tiger teeth [specific amounts not given] from a parcel that had been sent from Hong Kong.	Suzhou, Jiangsu Province, China	China	Unknown	Unknown	<a href="http://www.kaixian.tv/gd/2016/0328/637907.html">http://www.kaixian.tv/gd/2016/0328/637907.html</a>
Elephant ( <i>Elephantidae</i> spp.)	Mar 2016	Vulnerable-Endangered	Appendix I or II - species not specified	On March 21, Guangdong Border Defence Force seized 221 pieces of ivory, weighing 450kg in total, with an estimated value of RMB 18 million, the biggest ivory smuggling case in recent years cracked by any Border Defence Force across China.	Guangdong	China	Unknown	Unknown	<a href="http://www.gd.xinhuanet.com/newscenter/2016-03/21/c_1118393501.htm">http://www.gd.xinhuanet.com/newscenter/2016-03/21/c_1118393501.htm</a>
Elephant ( <i>Elephantidae</i> spp.)	Mar 2016	Vulnerable-Endangered	Appendix I or II - species not specified	On March 4, Zhuhai Border Defence Force received a tip-off that someone was planning to smuggle goods from Hong Kong to mainland China, via Zhuhai, Guangdong. That evening, in the sea north of Qi'ao Island, Zhuhai, officials discovered an unregistered 8-metre long boat travelling at high speed from Hong Kong towards Zhuhai. On approaching the boat, it boat accelerated to try to escape. The boat eventually reached the northern bay of Qi'ao Island and came ashore at the beach.  Officials quickly sealed off the area to conduct an inspection. Inspections found boxes in the hold of the boat and scattered around it on the beach. 221 pieces of ivory were found in the boxes, weighing around 450kg in total. According to officials working on the case, the seized ivory consisted of raw African ivory cut into pieces. The biggest piece was 53cm long, weighing 7.5kg. The case and all seized ivory has been passed on to Customs for further investigation.	Qi'ao Island, Zhuhai, Macau Special Administrative Region, China	China	Unknown	Unknown	<a href="http://www.gd.xinhuanet.com/newscenter/2016-03/21/c_1118393501.htm">http://www.gd.xinhuanet.com/newscenter/2016-03/21/c_1118393501.htm</a>
Elephant ( <i>Elephantidae</i> spp.)	Apr 2016	Vulnerable-Endangered	Appendix I or II - species not specified	On April 12, nine ivory items (0.4kg) were seized from the luggage of a passenger arriving at Qingdao Airport from Hong Kong.	Qingdao Liuting International Airport, Shandong Province, China	China	One person	Unknown	<a href="http://www.qjwb.com.cn/2016/1207/799812.shtml">http://www.qjwb.com.cn/2016/1207/799812.shtml</a>
Black Scorpion (unknown spp.)	Jun 2016	N/A	Species not specified	148 black scorpions were seized from 40 small boxes on their way to Hong Kong.	Jinnah International Airport, Karachi, Pakistan	Pakistan	Two males, Chinese national & Pakistani national	Unknown	<a href="https://tribune.com.pk/story/1122704/bid-smuggle-148-black-scorpions-karachi-airport-foiled/">https://tribune.com.pk/story/1122704/bid-smuggle-148-black-scorpions-karachi-airport-foiled/</a> <a href="http://www.pakistan-explorer.com/wildlife/anti-cancer-drug-puts-black-scorpion-population-in-pakistan-under-serious-threat">http://www.pakistan-explorer.com/wildlife/anti-cancer-drug-puts-black-scorpion-population-in-pakistan-under-serious-threat</a>
Elephant ( <i>Elephantidae</i> spp.)	Aug 2016	Vulnerable-Endangered	Appendix I or II - species not specified	On August 8, Shenzhen Luohu Customs seized 276 ivory pieces (7kg in total) from the luggage of a female Hong Kong resident who was entering China. The ivory was detected during X-ray scanning, packed at the bottom of a shopping bag.	Shenzhen, Guangdong, China	China	One female, Hong Kong resident	Unknown	<a href="http://www.chinanews.com/sh/2016/08-08/7965628.shtml">http://www.chinanews.com/sh/2016/08-08/7965628.shtml</a>
Rhinoceros ( <i>Rhinocerotidae</i> spp.)	Aug 2016	Near Threatened- Critically Endangered	Appendix I or II - species not specified	Chinese national apprehended in Windhoek as he attempted to send a parcel by courier containing a piece of rhino horn by courier to Hong Kong.	Windhoek, Namibia	Namibia	One male, Chinese national	Unknown	<a href="http://www.namibian.com.na/Chinese-man-fined-over-rhino-horn-in-parcel/44914/read">http://www.namibian.com.na/Chinese-man-fined-over-rhino-horn-in-parcel/44914/read</a>
Rhinoceros ( <i>Rhinocerotidae</i> spp.)	Aug 2016	Near Threatened- Critically Endangered	Appendix I or II - species not specified	On August 18, a Chinese man with ten rhino horns, 84 decorative objects and 41 bracelets made of horn was arrested at Johannesburg's O.R. Tambo Airport as he tried to board a flight to Hong Kong. He had arrived from Maputo.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	One male, Chinese national	Fined NMD 40,000	<a href="http://www.bangkokpost.com/news/asia/1066204/chinese-man-with-10-rhino-horns-arrested-in-south-africa">http://www.bangkokpost.com/news/asia/1066204/chinese-man-with-10-rhino-horns-arrested-in-south-africa</a>
1. Indian Softshell Turtles ( <i>Nilssonia gangetica</i> ) 2. Elongated Tortoises ( <i>Indotestudo elongata</i> ) 3. River Terrapins ( <i>Batagur baska</i> )	Sep 2016	1. Vulnerable 2. Endangered 3. Critically Endangered	1. Appendix I 2. Appendix II 3. Appendix I	Four tonnes of shells from three species were seized from a warehouse, hidden in 142 bags manifested as "dried fish" outbound for Hong Kong.	Port of Chittagong, Bangladesh	Bangladesh	One company	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_14.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_14.pdf</a>
Fish (unspecified spp.)	Oct 2016	Species not specified	Species not specified	Individual attempted to smuggle 1.15kg of fish bladders into mainland China from Hong Kong.	Sanya Phoenix International Airport, Hainan Province, China	China	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_14.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_14.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Oct 2016	Vulnerable-Endangered	Appendix I or II - species not specified	Two brothers en route to Hong Kong attempting to travel using false passports attempted to bribe customs officer with ZAR3,000 (HK\$1,638). Bags were checked, revealing diamonds, ivory, 10kg of fresh abalone, and dried abalone worth a total of ZAR 6 million (~HK\$3.3 million).	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	Two males, Chinese nationals	Arrested, sentences for corruption, fraud, illegal possession of diamonds and wildlife products	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_15.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_15.pdf</a>
Rhinoceros ( <i>Rhinocerotidae</i> spp.)	Nov 2016	Near Threatened- Critically Endangered	Appendix I or II - species not specified	Male Chinese passenger attempted to conceal 18 rhinoceros horns (43kg) in check-in baggage. Individual had flown from Hosea Kutako International Airport in Windhoek, Namibia, before being stopped in Johannesburg, prior to boarding a flight to Hong Kong. Namibian police officer who was on duty and cleared passenger was arrested and released on bail.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	Two males, Chinese national & Namibian national	Arrested, sentence unknown	<a href="http://www.namibian.com.na/48486/read/Chinese-national-arrested-with-18-rhino-horns">http://www.namibian.com.na/48486/read/Chinese-national-arrested-with-18-rhino-horns</a>
Pangolin ( <i>Manis</i> spp.)	Nov 2016	Vulnerable-Critically Endangered	Appendix I	In November 2.5kg of pangolin scales were seized at Shenzhen's Futian Port. They were found in the backpack of a male passenger entering China from Hong Kong. The same passenger had travelled between Hong Kong and Shenzhen several times over a short period.	Futian Port, Shenzhen, Guangdong Province, China	China	One person	Unknown	Anon. (2018) <i>Personal Communication</i> .
Pangolin ( <i>Manis</i> spp.)	Dec 2016	Vulnerable-Critically Endangered	Appendix I	In late December 2016, Huanggang Customs seized 53kg of pangolin scales from a van entering China from Hong Kong at Huanggang Border.	Huanggang, Shenzhen, Guangdong Province, China	China	Unknown	Unknown	Anon. (2018) <i>Personal Communication</i> .
Pangolin ( <i>Manis</i> spp.)	Jan 2017	Vulnerable-Critically Endangered	Appendix I	Two men attempted to smuggle 1.5MT of pangolin scales into mainland China aboard a vessel, but were intercepted by marine police.	Zhongshan, Guangdong Province, China	China	Two males, Chinese nationals	One arrested, sentenced to 8 years imprisonment, ¥100,000 (US\$14,377)	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf</a>
Elephant ( <i>Elephantidae</i> spp.)	Jan 2017	Vulnerable-Endangered	Appendix I or II - species not specified	On January 16, male passenger at Taoyuan Airport was apprehended by the Taipei Customs and carried 246 ivory seals, weighing about 14.6kg. The ivory seal was wrapped in layers of newspapers, hidden in hand luggage and not declared.	Taoyuan Airport, Taipei, Taiwan	Taiwan	One male, Chinese national	Unknown	<a href="http://hk.on.cc/hk/bkn/cnt/news/20171120/bkn-20171120160933107-1120_00822_001.html">http://hk.on.cc/hk/bkn/cnt/news/20171120/bkn-20171120160933107-1120_00822_001.html</a>

SPECIES	DATE	IUCN STATUS	LISTING (as of COP17 Oct 2017)	OFFENSE	LOCATION OF INCIDENT	COUNTRY	NO. OF PEOPLE	PENALTY	LINK
European Eel ( <i>Anguilla anguilla</i> )	Feb 2017	Critically Endangered	Appendix II	Consignment manifested as 'frozen fish' was seized when it was discovered to comprise around 600,000 individual European Eels (200kg), worth over £1 million (HK\$10.4 million). The shipment arrived from Spain and was outbound for Hong Kong.	London Heathrow International Airport, England, United Kingdom	United Kingdom	One male	Arrested, released on bail	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf</a>
Donkey ( <i>Equus spp.</i> )	Feb 2017	<i>Equus africanus</i> (excluding <i>Equus asinus</i> ) - Critically Endangered	Species Unknown, <i>Equus africanus</i> Appendix I	Consignment comprising 300 donkey skins, concealed under grass and earth, outbound for Hong Kong, was seized by Customs Officers. A Chinese businessman, previously linked to trafficking 5,000 skins on January 16, was the consignor.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	One male, Chinese national	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf</a>
1. Elephant ( <i>Elephantidae spp.</i> ) 2. Pangolin ( <i>Manis spp.</i> )	Feb 2017	1. Vulnerable-Endangered 2. Vulnerable-Critically Endangered	1. Appendix I or II - species not specified 2. Appendix I	Individual attempted to smuggle raw and worked ivory (0.557kg) and pangolin scales (0.195kg) into China inside a box of cookies inside their baggage. They were traveling from the Democratic Republic of the Congo, and had transited through Hong Kong.	Yiwu Airport, Hangzhou, Zhejiang Province, China	China	One male	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf</a>
1. Chinese Box Turtles ( <i>Cuora flavomarginata</i> ) 2. Black-breasted Leaf Turtles ( <i>Geomyda spengleri</i> ) 3. Big-headed Turtles ( <i>Platysternon megacephalum</i> )	Feb 2017	1. Endangered 2. Endangered 3. Endangered	1. Appendix II 2. Appendix II 3. Appendix I	Individual residing in New York City received at least five packages from Hong Kong containing 42 turtles from three endangered species. Turtles were bound and stored inside noodle and sweet boxes.	New York City, New York State, USA	USA	One male, Chinese national	Arrested, court appearance	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf</a>
1. Mangrove Monitor ( <i>Varanus melinus</i> ) 2. Blue Tree Monitor ( <i>Varanus macraei</i> )	Mar 2017	1. Least Concern 2. N/A	1. Appendix II 2. Appendix II	Individual attempted to smuggle two Mangrove monitors and two Blue tree monitors to Hong Kong, hidden inside bent PVC pipes.	Soekarno-Hatta International Airport of Jakarta, Banten Province, Indonesia	Indonesia	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_16.pdf</a>
1. Sea Cucumber ( <i>Holothuroidea spp.</i> ) 2. Seahorses ( <i>Hippocampus spp.</i> ) 3. Pangolin ( <i>Manis spp.</i> )	Apr 2017	1. Data Deficient- <i>Isostichopus fuscus</i> Endangered 2. Data Deficient and some species Critically Endangered 3. Vulnerable-Critically Endangered	1. <i>Isostichopus fuscus</i> Appendix III 2. Appendix II 3. Appendix I	Several traffickers arrived from Hong Kong with sea cucumbers, seahorses and pangolin scales in their bags. They had arrived in Hong Kong aboard flights and then travelled north on boats, before being intercepted and apprehended.	Zhongshan Port, Guangdong Province, China	China	Multiple people	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_17.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_17.pdf</a>
1. Black Rhinoceros ( <i>Diceros bicornis</i> ) 2. White Rhinoceros ( <i>Ceratotherium simum</i> )	Apr 2017	1. Critically Endangered 2. Near Threatened	1. Appendix I 2. Appendix I or II - subspecies not specified	Individual attempted to smuggle 15 Black rhinoceros horns and 3 White rhinoceros horns through Johannesburg, as he was in transit between Namibia and Hong Kong.	Kempton Park, Gauteng Province, South Africa	South Africa	One male, Chinese national	6 years imprisonment, fined US\$91,200	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_17.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_17.pdf</a>
Rhinoceros ( <i>Rhinocerotidae spp.</i> )	May 2017	Near Threatened-Critically Endangered	Appendix I or II - species not specified	Consignment of nine juvenile rhinoceros horns (13.2kg) was seized from an outbound flight to Hong Kong.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_17.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_17.pdf</a>
Rhinoceros ( <i>Rhinocerotidae spp.</i> )	May 2017	Near Threatened-Critically Endangered	Appendix I or II - species not specified	Cargo consignment destined for Hong Kong via Doha Qatar, containing eight pieces of rhinoceros horn (7.1kg), manifested as 'tea bags' and wrapped inside aluminium foil and hidden among sweets and chocolates, was seized.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	Unknown	Unknown	<a href="http://www.timeslive.co.za/local/2017/05/19/Rhino-horn-destined-for-Hong-Kong-is-confiscated-at-Johannesburg-airport">http://www.timeslive.co.za/local/2017/05/19/Rhino-horn-destined-for-Hong-Kong-is-confiscated-at-Johannesburg-airport</a>
Rhinoceros ( <i>Rhinocerotidae spp.</i> )	Jun 2017	Near Threatened-Critically Endangered	Appendix I or II - species not specified	Customs agents examined two checked-in items of luggage that had been pre-loaded into the cargo hold of the plane, and found four rhino horns in one and six in the other (24.96kg in total). The bags were identified as belonging to two Chinese nationals on the flight, who were then removed from the plane and handed over to the Hawks investigators. The flight was bound for Istanbul, but their final destination was believed to have been Hong Kong.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	Unknown	Unknown	<a href="http://www.news24.com/SouthAfrica/News/2-chinese-nationals-appear-in-court-on-rhino-horn-charges-20170614">http://www.news24.com/SouthAfrica/News/2-chinese-nationals-appear-in-court-on-rhino-horn-charges-20170614</a>
Rhinoceros ( <i>Rhinocerotidae spp.</i> )	Jun 2017	Near Threatened-Critically Endangered	Appendix I or II - species not specified	On June 14, a Vietnamese passenger was arrested at O.R. Tambo Airport en route to Hong Kong aboard a Cathay Pacific flight. He was found with five rhino horns in his check-in baggage.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	One male, Vietnamese national	Unknown	<a href="https://www.countrylife.co.za/news/minister-welcomes-rhino-horn-smuggler-arrest">https://www.countrylife.co.za/news/minister-welcomes-rhino-horn-smuggler-arrest</a>
Elephant ( <i>Elephantidae spp.</i> )	Jun 2017	Vulnerable-Endangered	Appendix I or II - species not specified	On June 27, Kenyan police arrested six suspects found with 216kg of ivory in a house in Utawala, Nairobi. Head of Special Crimes Prevention Unit Noah Katumo said the suspects were headed to Hong Kong with the tusks. They planned to use tobacco to seal the ivory to avoid detection at various points.	Utawala, Nairobi, Kenya	Kenya	Six people	Unknown	<a href="http://news.xinhuanet.com/english/2017-06/27/c_136399171.htm">http://news.xinhuanet.com/english/2017-06/27/c_136399171.htm</a>
1. King Cobras ( <i>Ophiophagus hannah</i> ) 2. Geckos ( <i>unknown spp.</i> )	Jul 2017	1. Vulnerable 2. Species not specified	1. Appendix II 2. Species not specified	Express mail parcel arriving from Hong Kong was found to contain five juvenile King Cobras and three Geckos. The parcel was manifested as containing a "plastic tray".	John F. Kennedy International Mail Facility (IMF), New York, USA	USA	Unknown	Unknown	<a href="https://www.cbp.gov/newsroom/local-media-release/live-snakes-seized-parcel-cbp-jfk-international-mail-facility">https://www.cbp.gov/newsroom/local-media-release/live-snakes-seized-parcel-cbp-jfk-international-mail-facility</a>
Rhinoceros ( <i>Rhinocerotidae spp.</i> )	Jul 2017	Near Threatened-Critically Endangered	Appendix I or II - species not specified	A 24-year-old woman has been arrested after she was found with 11 pieces of rhino horn, weighing approximately 20kg at the O.R. Tambo International Airport. The suspect arrived in South Africa on a flight from Lusaka, Zambia and was due to take a connecting flight to Hong Kong on South African Airways. She was denied bail by the Kempton Park Magistrate's Court, police said.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	One female, Chinese national	Unknown	<a href="http://ewn.co.za/2017/07/26/rhino-horn-bust-at-or-tambo-woman-24-arrested">http://ewn.co.za/2017/07/26/rhino-horn-bust-at-or-tambo-woman-24-arrested</a>
Turtle ( <i>Testudines spp.</i> )	Sep 2017	Species not specified	Species not specified	Package was seized en route to a shop in Sai Ying Pun, Hong Kong - it contained 16kg of freshwater turtle meat.	Sindh Province, Pakistan	Pakistan	Unknown	Unknown	<a href="https://tribune.com.pk/story/1510823/wildlife-dept-recovers-turtle-meat-consignment/">https://tribune.com.pk/story/1510823/wildlife-dept-recovers-turtle-meat-consignment/</a> <a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_18.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_18.pdf</a>
Rhinoceros ( <i>Rhinocerotidae spp.</i> )	Sep 2017	Near Threatened-Critically Endangered	Appendix I or II - species not specified	On September 8, a Chinese male national attempted to smuggle five rhino horns was arrested at O.R. Tambo International Airport. They were bound for Hong Kong. The horns had been wrapped in foil in the passenger's bag.	O.R. Tambo International Airport, Johannesburg, Province of Gauteng, South Africa	South Africa	One male, Chinese national	Unknown	<a href="http://www.news24.com/SouthAfrica/News/chinese-national-busted-with-5-rhino-horns-at-or-tambo-international-airport-20170911">http://www.news24.com/SouthAfrica/News/chinese-national-busted-with-5-rhino-horns-at-or-tambo-international-airport-20170911</a>
Indian Pond Turtle ( <i>Geoclemys hamiltonii</i> )	Sep 2017	Vulnerable	Appendix I	13 boxes, containing 282 Indian pond turtles, seized outbound for Hong Kong.	Shenzhen, Guangdong, China	China	Unknown	Unknown	<a href="http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf">http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_10.pdf</a>

## F. EXAMPLES OF CASES INDICATING CRUELTY

SPECIES	DATE	IUCN STATUS	CITES	WELFARE OFFENSE	LOCATION	NO. OF PEOPLE	PENALTY
<b>Orange-fronted parakeet</b> ( <i>Eupsittula canicularis</i> / <i>Aratinga canicularis</i> )	Aug-17	Least Concern	Appendix II	129 Orange-fronted conures discovered with clipped wings – 15 more were dead, one was injured, having had its beak cut off	Zapotlán el Grande, State of Jalisco, Mexico	Unknown	Unknown
<b>1. Yellow-headed amazons</b> ( <i>Amazona oratrix</i> )	May-17	1. Endangered 2. Least Concern	1. Appendix I 2. Appendix II	28 Yellow-headed amazons and 20 Red-lore amazons were discovered abandoned in the boot of a car on the side of the road – they were about to die from the heat	State of Baja California, Mexico	Unknown	Unknown
<b>2. Red-lore amazons</b> ( <i>Amazona autumnalis</i> )							
<b>Tiger</b> ( <i>Panthera tigris</i> )	May-17	Endangered	Appendix I	A live tiger (200 kg) was seized as it was in transit to be killed and dismembered  It was kept in a cage that prevented it from standing up  A quantity of opium was also seized	Dong Da District, Hanoi, Viet Nam	Multiple persons, directed by one female	Unknown
<b>Giant Galapagos tortoises</b> ( <i>Chelonoidis niger</i> )	Apr-17	Critically Endangered	Appendix I	29 young Giant Galapagos tortoises were seized from a bus in Peru  They were wrapped up in tape in the baggage compartment - two died	Between Piura and Sullana, Piura Region, Peru	Unknown	Under investigation
<b>1. Mangrove monitor</b> ( <i>Varanus melinus</i> )	Mar-17	1. Least Concern 2. N/A	1. Appendix II 2. Appendix II	Individual attempted to smuggle two Mangrove monitors and two Blue tree monitors to Hong Kong, hidden inside bent PVC pipes	Soekarno-Hatta International Airport of Jakarta, Banten Province, Indonesia	One person	Unknown
<b>2. Blue tree monitor</b> ( <i>Varanus macraei</i> )							
<b>European eel</b> ( <i>Anguilla anguilla</i> )	Feb-17	Critically Endangered	Appendix II	Transported 48 kg of juvenile European eels – all died	Hong Kong	Single male, Spanish national	No prosecution
<b>1. Chinese box turtles</b> ( <i>Cuora flavomarginata</i> )	Feb-17	1. Endangered 2. Endangered 3. Endangered	1. Appendix II 2. Appendix II 3. Appendix I	Individual residing in New York City received at least 5 packages from Hong Kong containing 42 turtles from three endangered species  Turtles were bound and stored inside noodle and sweet boxes	New York City, New York State, USA	One male, Chinese national	Arrested, court appearance
<b>2. Black-breasted leaf turtles</b> ( <i>Geomyda spengleri</i> )							
<b>3. Big-headed turtles</b> ( <i>Platysternon megacephalum</i> )							

Note: CITES listing indicated as from COP17 - October 2017

SPECIES	DATE	IUCN STATUS	CITES	WELFARE OFFENSE	LOCATION	NO. OF PEOPLE	PENALTY
<b>Marginated tortoise</b> ( <i>Testudo marginata</i> )	Feb-17	Least Concern	Appendix II	Two Marginated tortoises were seized after they were found wrapped in plastic and tape inside the baggage of a couple travelling from Greece to France	Franz Josef Strauss International Airport, Munich, Free State of Bavaria, Germany	Two people	Unknown
<b>Pangolin</b> ( <i>Manis spp.</i> )	Jan-17	Vulnerable-Critically Endangered	Appendix I	4 live pangolins (15.4 kg) seized as they were being transported from the Central Highlands to Da Nang – one of the four was seriously injured, requiring treatment	Da Nang, Viet Nam	Multiple persons	Suspects were questioned
<b>Pangolin</b> ( <i>Manis spp.</i> )	Dec-16	Vulnerable-Critically Endangered	Appendix I	165 pangolins (1 MT) were seized from 2 minivans travelling from Thailand towards Vietnam and China – 44 died in transit	Ban Tha Deua, Bolikhamsai Province, Laos	Three people	Three arrested
<b>Pangolin</b> ( <i>Manis spp.</i> )	Dec-16	Vulnerable-Critically Endangered	Appendix I	70 pangolins transported whilst curled up, held in place inside nets, and force-fed corn powder to increase their weight	Vietnam-Laos border, Vietnam Unknown	Unknown	Unknown
<b>Bird</b> (unknown)	Nov-16	Species not specified	Species not specified	At least ten small birds were transported inside toilet rolls between Suriname and the Netherlands.	Amsterdam-Schiphol Airport, North Holland Province, Netherlands	One person	Released
<b>Pangolin</b> ( <i>Manis spp.</i> )	Oct-16	Vulnerable-Critically Endangered	Appendix I	61 pangolins were seized from a box stored in the back of a truck – three died due to their being too close to an icebox in the back, which resulted in their dying of hypothermia, several more died after being rescued	Thai Binh, Vietnam	Unknown	Unknown
<b>Pangolin</b> ( <i>Manis spp.</i> )	Oct-16	Vulnerable-Critically Endangered	Appendix I	Seven pangolins were seized – the pangolins were bloodstained, having had numerous scales ripped off them	Yen Mo, Province of Ninh Binh, Vietnam	Unknown	Unknown
<b>Pangolin</b> ( <i>Manis spp.</i> )	Aug-16	Vulnerable-Critically Endangered	Appendix I	50 pangolins confiscated as they were about to be traded – at least one of the rescued pangolins was in critical condition, due to having been injected with water by traffickers looking to increase his weight	Quang Ninh province, Vietnam	Unknown	Unknown

Note: CITES listing indicated as from COP17 - October 2017

SPECIES	DATE	IUCN STATUS	CITES	WELFARE OFFENSE	LOCATION	NO. OF PEOPLE	PENALTY
<b>Red panda (<i>Ailurus fulgens</i>)</b>	Apr-16	Endangered	Appendix I	Transported six Red pandas in a car – four died  One of the dead pandas was “stuffed inside a nylon bag and thrown into a gutter”	Sichuan province, China	Four male, Chinese nationals	10 years imprisonment
<b>"Black-horn turtles" (unknown species)</b>	Apr-16	Species not specified	Species not specified	11 out of 170 Black horn turtles died of suffocation as they were packed inside wheat bags, as they were being smuggled from Taunsa in Punjab to Karachi	Sindh Province, Pakistan	Multiple	No prosecution
<b>Turtle (unknown species)</b>	Apr-16	Endangered	Species not specified	62 turtles from an unspecified, but endangered species, were handed over to the wildlife department  55 died, suffocating from being wrapped too tightly in scotch tape, leaving just seven alive	Jamshed Town, Karachi, Pakistan	Multiple	Unknown
<b>Pangolin (<i>Manis spp.</i>)</b>	Dec-15	Vulnerable-Critically Endangered	Appendix I	56 pangolins were seized in transit through Vietnam – 37 died due to the stresses of force-feeding, poor conditions and overcrowding	Nga Son District, Thanh Hoa, Vietnam	Two people	15 and 18 months sentences respectively
<b>Pangolin (<i>Manis spp.</i>)</b>	Nov-15	Vulnerable-Critically Endangered	Appendix I	91 pangolins - nine of which had died in transit – were seized from a ship bound for Malaysia	Port of Belawan, Province of North Sumatra, Indonesia	Four people	Four arrested
<b>Pangolin (<i>Manis spp.</i>)</b>	Oct-15	Vulnerable-Critically Endangered	Appendix I	Young female seized from pair of poachers – pangolin dehydrated and wounded, but alive	Harare, Zimbabwe	Two people	Two arrested
<b>Ploughshare tortoise (<i>Astrochelys yniphora</i>)</b>	Oct-15	Critically Endangered	Appendix I	Carcasses of hundreds of juvenile Ploughshare tortoises were discovered in rubbish bags, after they had died from overheating in boxes before being loaded onto a boat headed for Southeast Asia	Mahajanga, Boeny Region, Madagascar	Unknown	Unknown
<b>Crane (<i>Gruidae spp.</i>)</b>	Oct-15	Least Concern-Critically Endangered	Appendix I/II	20 Cranes were seized from the back of a bus travelling 1000 km across Pakistan – one of the birds died of suffocation	Jamshoro, Province of Sindh, Pakistan	Unknown	Unknown

Note: CITES listing indicated as from COP17 - October 2017

SPECIES	DATE	IUCN STATUS	CITES	WELFARE OFFENSE	LOCATION	NO. OF PEOPLE	PENALTY
<b>1. Melodius laughing thrushes/Chinese hwamei (<i>Garrulax canorus</i>)</b> <b>2. White-rumped shams (<i>Copsychus malabaricus</i>)</b>	Oct-15	1. Least Concern 2. Least Concern	1. Appendix II 2. N/A	Individual attempted to smuggle 9 birds, comprising 6 Chinese hwamei and 3 White-rumped shams, hidden inside PVC pipes, wrapped in aluminium and plastic bags – 7 died in transit, the remaining 2 died after confiscation	Singapore	One man, Singaporean national	9 months for trafficking, 3 weeks for cruelty to animals
<b>Sunda pangolin (<i>Manis javanica</i>)</b>	Oct-15	Critically Endangered	Appendix II	81 Sunda pangolins were seized en route to China – 17 died, and 48 were released after a week of treatment	Laos	Unknown	One arrested
<b>1. Common box turtles (<i>Terrapene carolina</i>)</b> <b>2. African spurred tortoises (<i>Centrochelys sulcata</i>)</b>	Dec-14	1. Vulnerable 2. Vulnerable	1. Appendix II 2. Appendix II	Individual attempted to send 26 Common box turtles and 20 African spurred tortoises via air mail  They had been stuffed into socks  Reptiles were redirected to a pound in Georgia and died  US Postal Service agents discovered the reptiles due to the smell of their decomposition	San Gabriel, California, USA	One male, American citizen (ethnically Chinese)	2 months imprisonment, 2 years probation & 500 hours of community service (potential fine of US\$12,000)
<b>Indian softshell turtles (<i>Nilssonina gangetica</i>)</b> <b>Indian tent turtles (<i>Pangshura tentoria</i>)</b>	Jul-14	Vulnerable	Appendix II	175 Indian softshell and Indian tent turtles, weighing a total of 1.5 MT discovered & seized from vehicle that was damaged after trying to escape a road side check  Live turtles stuffed in bags destined to fly through Calcutta and Bangkok to Hong Kong	Uttar Pradesh	Unknown	Unknown
<b>Pig-nosed turtles (<i>Carettochelys insculpta</i>)</b>	Jan-14	Vulnerable	Appendix II	2,264 pig-nosed turtles seized inbound from Indonesia - 490 died	Hong Kong	Unknown	No prosecution
<b>Ball python (<i>Python regius</i>)</b>	Nov-13	Least Concern	Appendix II	Individual attempted to export 121 Ball pythons crammed into 21 small plastic lunch boxes. They were initially declared as 'plastic toys'	Pudong International Airport, Shanghai, China	One male, Chinese national	Unknown

Note: CITES listing indicated as from COP17 - October 2017

## G. SCHEDULES 1 AND 2 OF OSCO

**Schedule 1**      **Offences Relevant to Definitions of Organized Crime and Specified Offence**      **E.R. 1 of 2017**      **15/02/2017**  
[ss. 2, 8 & 31]  
 (Replaced 26 of 2002 s. 3)

### Common law offences

1. murder
2. kidnapping
3. false imprisonment
4. conspiracy to pervert the course of justice

### Statutory offences

Offence	Description#
5. Import and Export Ordinance (Cap. 60)	
section 6A	import or export of strategic commodities
section 6C	import of certain prohibited articles
section 6D(1) and (2)	export of certain prohibited articles
section 6E	carriage, etc. of prescribed articles in Hong Kong waters
section 18	importing or exporting unmanifested cargo
6. Immigration Ordinance (Cap. 115)	
section 37D(1)	arranging passage to Hong Kong of unauthorized entrants
section 38(4)	carrying an illegal immigrant
section 42(1) and (2)	false statements, forgery of documents and use and possession of forged documents
7. Dangerous Drugs Ordinance (Cap. 134)	
section 4(1)	trafficking in dangerous drugs
section 4A(1)	trafficking in purported dangerous drugs
section 6(1)	manufacturing a dangerous drug
8. Gambling Ordinance (Cap. 148)	
section 5	operating, managing or controlling gambling establishment
section 7(1)	bookmaking
9. Societies Ordinance (Cap. 151)	
section 19	penalties on an office-bearer, etc. of an unlawful society
section 21	allowing a meeting of an unlawful society to be held on premises
section 22	inciting etc., a person to become a member of an unlawful society
10. Money Lenders Ordinance (Cap. 163)	
section 24(1)	lending money at an excessive interest rate
11. Crimes Ordinance (Cap. 200)	
section 24	threatening a person with intent
section 25	assaulting with intent to cause certain acts to be done or omitted
section 53	causing explosion likely to endanger life or property
section 54	attempt to cause explosion, or making or keeping explosive with intent to endanger life or property
section 55	making or possession of explosive
section 60	destroying or damaging property
section 61	threats to destroy or damage property
section 71	forgery
section 75(1)	possessing a false instrument with intent
section 98(1)	counterfeiting notes and coins with intent

section 100(1)	custody or control of counterfeit notes and coins with intent
section 105	importation and exportation of counterfeit notes and coins
section 118	rape
section 119	procurement of person by threats
section 120	procurement of person by false pretences
section 129	trafficking to or from Hong Kong in persons
section 130	control over person for purpose of unlawful sexual act or prostitution
section 131	causing prostitution of person
section 134	detention of person for unlawful sexual act or in vice establishment
section 137	living on earnings of prostitution
section 139	keeping a vice establishment
12. Theft Ordinance (Cap. 210)	
section 9	theft
section 10	robbery
section 11(1)	burglary
section 16A	fraud (Added 45 of 1999 s. 6)
section 17	obtaining property by deception
section 18	obtaining a pecuniary advantage by deception
section 18D	procuring false entry in certain records
section 19	false accounting
section 23(1) and (4)	blackmail
section 24(1)	handling stolen goods
13. Offences against the Person Ordinance (Cap. 212)	
section 17	shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm
14. Firearms and Ammunition Ordinance (Cap. 238)	
section 13	possession of arms or ammunition without licence
section 14	dealing in arms or ammunition without a licence
14A. Trade Descriptions Ordinance (Cap. 362)	
section 9(1) and (2)	offences in respect of infringement of trade mark rights
section 12	import or export of goods bearing forged trade mark
(provided that for the purpose of this Ordinance, an offence under section 12 of the Trade Descriptions Ordinance does not include an offence relating only to false trade description)	
section 22	being accessory to certain offences committed outside Hong Kong (Added L.N. 11 of 2000)
(provided that for the purpose of this Ordinance, "offence under this Ordinance" referred to in section 22 of the Trade Descriptions Ordinance only means an offence under—	
(a)section 9(1) or (2) of that Ordinance; or	
(b)section 12 of that Ordinance, excluding any offence relating only to false trade description)	

**Schedule 2**

[ss. 2, 8 & 31]  
(Replaced 26 of 2002 s. 3)

**OTHER SPECIFIED OFFENCES****Common law offences**

1. manslaughter
2. conspiracy to defraud

**Statutory offences**

Offence	Description#
3. Import and Export Ordinance (Cap. 60) section 14 section 14A section 18A section 35A	alteration of vessel, aircraft or vehicle for the purpose of smuggling construction, etc., of vessels for the purpose of smuggling assisting, etc., in export of unmanifested cargo assisting, etc., in carriage of prohibited, etc., articles
4. Immigration Ordinance (Cap. 115) section 37DA(1)	assisting unauthorized entrant to remain
5. Dangerous Drugs Ordinance (Cap. 134) section 5(1) section 9(1), (2) and (3) section 35(1) section 37(1)	supplying or procuring a dangerous drug to or for unauthorized persons offences relating to cannabis plant or opium poppy keeping or managing a divan for the taking of dangerous drugs permitting premises to be used for unlawful trafficking, manufacturing or storage of dangerous drugs
6. Gambling Ordinance (Cap. 148) section 14 section 15(1)	providing money for unlawful gambling or for an unlawful lottery permitting premises to be used as gambling establishment
7. Registration of Persons Ordinance (Cap. 177) section 7A	possession of forged identity cards
8. Crimes Ordinance (Cap. 200) section 72 section 73 section 74 section 76 section 99(1) section 101	copying a false instrument using a false instrument using a copy of a false instrument making or possessing equipment for making a false instrument passing, etc. counterfeit notes and coins making or custody or control of counterfeiting materials and implements
9. Prevention of Bribery Ordinance (Cap. 201) section 4(1) section 4(2)  section 4(2A) section 4(2B)  section 5(1)	bribery of public servant soliciting or accepting bribes in the capacity of a public servant (Added L.N. 229 of 2007) bribery of Chief Executive (Added 22 of 2008 s. 6) soliciting or accepting bribes in the capacity of Chief Executive (Added 22 of 2008 s. 6) bribery of public servant for giving assistance, etc. in regard to contracts (Replaced 22 of 2008 s. 6)

section 5(2)	soliciting or accepting bribes in the capacity of a public servant for giving assistance, etc. in regard to contracts (Added L.N. 229 of 2007)
section 5(3)	bribery of Chief Executive for giving assistance, etc. in regard to contracts (Added 22 of 2008 s. 6)
section 5(4)	soliciting or accepting bribes in the capacity of Chief Executive for giving assistance, etc. in regard to contracts (Added 22 of 2008 s. 6)
section 6(1)	bribery for procuring withdrawal of tenders
section 6(2)	soliciting or accepting bribes for withdrawal of tenders (Added L.N. 229 of 2007)
section 9(1)	soliciting or accepting bribes in the capacity of an agent (Added L.N. 229 of 2007)
section 9(2)	bribery of agent
10. Theft Ordinance (Cap. 210) section 12(1) section 18A	aggravated burglary obtaining services by deception
11. Offences against the Person Ordinance (Cap. 212) section 19	wounding or inflicting grievous bodily harm
12. Criminal Procedure Ordinance (Cap. 221) section 90(1)	doing an act with intent to impede apprehension or prosecution of offender
13. Securities and Futures Ordinance (Cap. 571) section 291 section 295 section 296 section 297 section 298 section 299	insider dealing false trading price rigging disclosure of information about prohibited transactions disclosure of false or misleading information inducing transactions stock market manipulation (Added 6 of 2014 s. 69)



