

LCQ19: Illegal felling of Incense Tree

Following is a question by the Hon Kenneth Lau and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (November 27):

Question:

Aquilaria sinensis (Incense Tree) is an endangered species listed in an international convention, and therefore the import, export and re-export of agarwood specimens are subject to statutory control. Since Incense Trees are of medicinal value and their prices are high, a large number of Incense Trees in the southern part of the Mainland have been felled, with only a small number left at present. Some New Territories villagers have relayed that in recent years, the illegal felling of Incense Trees in Hong Kong has been rampant, particularly in districts such as Sha Tau Kok, Sai Kung, Sha Tin, Tai Po and Lamma Island. In the Sha Tau Kok Frontier Closed Area, 20 Incense Trees were illegally felled in 2016, and another one was felled in a recent month. In this connection, will the Government inform this Council:

(1) of the information on cases of illegal felling of Incense Trees in the past 10 years, including (i) the number of such cases, (ii) the number of persons arrested (and, among them, the number of Mainlanders who entered Hong Kong with travel endorsements or illegally), (iii) the number of prosecutions instituted, (iv) the number of convictions, (v) the punishments imposed in general and (vi) the number and weight of Incense Trees involved;

(2) of the number of cases in which agarwood was intercepted at the various boundary control points, and the total weight of agarwood involved, as well as the number of cases of smuggling agarwood by post, in the past five years;

(3) whether, in the past five years, the Agriculture, Fisheries and Conservation Department and the Customs and Excise Department (i) took joint law enforcement actions, and (ii) took joint law enforcement actions with the relevant Mainland departments, to combat the smuggling of agarwood; if so, of the details;

(4) of the details of the installation in the past five years of closed-circuit television cameras or Infrared Sensor Camera Traps by the authorities at locations with high risk of illegal felling of Incense Trees; whether they have assessed the effectiveness of this measure;

(5) whether it has considered enacting legislation to ban the sale of wild agarwood and its products in Hong Kong; if so, of the details; if not, the reasons for that; and

(6) whether it has compiled statistics on the current number of Incense Trees in Hong Kong; whether the authorities have put in place new measures to enhance the protection of Incense Trees; if so, of the details?

Reply:

President,

Our reply to the question raised by the Hon Kenneth Lau is as follows:

(1) Currently, all criminal cases involving illegal felling of Incense Tree are handled by the Hong Kong Police Force (the Police) under the Theft Ordinance (Cap. 210), the Summary Offences Ordinance (Cap. 228) or the Crimes Ordinance (Cap. 200). Based on the information provided by the Police, the suspected illegal felling cases involved mostly two-way exit permit holders, as well as some illegal immigrants and a few Hong Kong residents. From 2011 to October 2019, there were 663 cases in total, with 283 persons arrested, 122 prosecutions and 111 convictions. Penalties ranged from three months to 55 months of imprisonment. The total number of Incense Tree involved is 1 360, and the wood weighed 998 kilograms in total.

(2) From 2015 to October 2019, nine smuggling cases related to Incense Tree were intercepted and the total weight of the Incense Tree wood seized was 22 kg. All these cases involved outbound visitors carrying Incense Tree wood chips intercepted by the Customs and Excise Department (C&ED). No smuggling case of Incense Tree by post was found.

(3) The Agriculture, Fisheries and Conservation Department (AFCD) has been working closely with the C&ED in combating illegal import and export of endangered species (including Incense Tree) by deploying quarantine detector dogs at import and export control points from time to time. The AFCD and the C&ED also co-operate with overseas and Mainland law enforcement agencies to combat smuggling of endangered species through international joint operations and intelligence exchange. In addition, an inter-departmental Task Force on Wildlife Crime, comprising representatives of the AFCD, the C&ED and the Police, has also been established to develop strategies on intelligence exchange and co-ordination of joint enforcement operations. The AFCD also organises trainings on identification of species (including Incense Tree) with a view to assisting the C&ED staff to detect relevant illegal activities.

(4) Since 2016, the AFCD has installed Infrared Sensor Camera Traps (ISCTs) at various strategic locations. Upon detection of human movement within the operational range, the device will take pictures and send them to a designated mobile device for arranging timely follow-up actions. In summary, the installation of ISCTs can effectively deter illegal felling of Incense Tree at most of these locations, and the results are largely satisfactory. The AFCD will continue to deploy ISCTs to assist the monitoring and protection of important populations of Incense Tree.

(5) All species of Aquilaria, including Incense Tree, are listed in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Government is committed to the protection of endangered species and strictly regulates the trade in endangered species

through enforcing the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (the Ordinance) which gives effect to CITES in Hong Kong. Under the Ordinance, the import, export/re-export and domestic sale of endangered species, including Incense Tree, in Hong Kong is regulated and closely monitored through a permit/certification system. Currently, the Government has no plan to ban the sale of agarwood and its products in Hong Kong.

(6) Incense Tree is a native tree species mainly found in mature woodlands behind rural villages and lowland forests in Hong Kong. In recent years, the AFCD has recorded around several thousand Incense Trees at various locations in Hong Kong. The AFCD has implemented a species action plan for Incense Tree, which covers a series of measures to protect Incense Tree in Hong Kong that include:

(i) Conducting regular patrols in country parks and special areas as well as establishing a special task force to conduct targeted patrol of sites at which important populations of Incense Tree are present;

(ii) Working closely with the Police in gathering and exchanging intelligence, conducting joint enforcement operations at black spots and investigation of illegal tree felling cases, and enhancing the public awareness of and vigilance against such offences through social media channels as well as various education and publicity programmes;

(iii) Enhancing liaison and co-operation with concern groups and villagers living near Incense Tree for intelligence gathering and reporting of any illegal felling activities;

(iv) Installing ISCTs at strategic locations to monitor illegal felling of Incense Tree as well as tree guards to protect important individuals of Incense Tree;

(v) Organising trainings to assist frontline staff of the Police and the C&ED to identify Incense Tree and detect illegal activities, as well as launching a pilot scheme to deploy quarantine detector dogs to facilitate detection of agarwood smuggling at land boundary control points;

(vi) Stepping up the extensive planting of Incense Tree in the countryside. Since 2009, about 10 000 seedlings of Incense Tree have been produced and planted every year to assist in the re-stocking of Incense Tree in Hong Kong; and

(vii) Supporting various research studies and educational activities as well as enhancing public awareness of the conservation of Incense Tree.