

LCQ20: Trading of shark fins

Following is a question by the Dr Hon Elizabeth Quat and a written reply by the Acting Secretary for the Environment, Mr Tse Chin-wan, in the Legislative Council today (May 23):

Question:

The results of a study have found that Hong Kong is the world's largest market for shark fin trade, with blue sharks being the most heavily traded shark species for their fins. On the other hand, blue sharks have recently been included in Appendix II to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), which covers migratory species that have an unfavourable conservation status and require international agreements for their conservation and management. In this connection, will the Government inform this Council:

(1) of the respective weights (in kilograms) of the following shark and ray species (frozen and dried) illegally traded and seized each year since 2003, broken down by the places from where they were exported: (i) Silky shark, (ii) Scalloped hammerhead shark, (iii) Smooth hammerhead shark, (iv) Great hammerhead shark, (v) Oceanic whitetip shark, (vi) Bigeye thresher shark, (vii) Pelagic thresher shark, (viii) Porbeagle shark, (ix) Common thresher shark, (x) Basking shark, (xi) Whale shark, (xii) Great white shark, (xiii) Manta rays, (xiv) Sawfishes and (xv) Devil rays;

(2) of the reporting requirements on and international obligations of the Government under CMS, and the specific actions taken by it in the past five years to fulfil its obligations;

(3) of the Government's stance on some concern groups' suggestion to include blue sharks in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) set out in Schedule 1 to the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586), which covers species that are not presently threatened with extinction but may become so unless trading is controlled;

(4) of other measures, apart from law enforcement actions, that the Government took in the past five years to tackle the trading of shark fins that has been banned under CITES;

(5) as exporters are required to make declarations if the goods they export contain species that have been included in Appendices I and II of CITES set out in Schedule 1 to Cap. 586 (i.e. Non-detriment findings (NDFs)), whether the Government will, having regard to the fact that Hong Kong is the world's largest market for shark fin trade, consider setting up an online platform and inviting other shark fin exporting countries to upload their NDFs onto the platform for the reference of exporting countries; if so, of the details; if not, the reasons for that;

- (6) whether the Government will make public its annual reports submitted in the past five years in respect of CITES; if not, of the reasons for that;
- (7) whether the Government will work with the relevant authorities of other major shark fin trading regions around the world on unifying the shark-related codes under the Harmonized Commodity Description and Coding System, so as to enhance the monitoring of the trading of shark fins of threatened shark species within those regions; if so, of the details; if not, the reasons for that;
- (8) whether the Customs and Excise Department will enhance the training for its officers on differentiating between shark fins in view of the large number of shark species; if so, of the details; if not, the reasons for that;
- (9) whether the Government will conduct a study on the consumption of shark fins by members of the public followed by introducing measures (such as introducing a labelling system for threatened species) to reduce their demand and keeping the situation under monitoring; if so, of the details; if not, the reasons for that;
- (10) whether the Government has plans to step up publicity to enhance the awareness of the catering industry and members of the public on the threats posed to blue sharks and other shark species the existence of which is being increasingly threatened; if so, of the details; if not, the reasons for that;
- (11) whether the Government will include shark conservation in the curriculum of both primary and secondary schools in order to educate the younger generation about the importance of conserving the marine ecology and the need to pay immediate attention to marine organisms the existence of which is threatened; if so, of the details; if not, the reasons for that; and
- (12) given that β -N-methylamino-L-alanine, a ubiquitous cyanobacterial toxin linked to neurodegenerative diseases such as amyotrophic lateral sclerosis and Alzheimer's disease, was found on samples of shark fins in a study, whether the Centre for Food Safety will conduct tests on heavy metals and toxic chemicals in the cooked shark fin soup which is served at restaurants?

Reply:

President,

Our reply to the question raised by the Dr Hon Elizabeth Quat is as follows:

(1) to (6) The Hong Kong Special Administrative Region (HKSAR) Government is committed to the protection of endangered species and implements the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (the Ordinance) to fulfill the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is an international agreement between governments of signatory states, which seeks to ensure that the survival of wild animals and plants will not be threatened because of international trade. The Agriculture, Fisheries and Conservation Department (AFCD), being the CITES Management Authority of the

HKSAR, submits annual reports, which include information such as permits issued, places where trading took place and species involved, to the CITES Secretariat through the Endangered Species Import and Export Management Office of the People's Republic of China every year. The relevant annual reports can be downloaded from the web page of CITES (trade.cites.org/).

There are numerous shark species and only the following species, including great white shark, basking shark, whale shark, oceanic whitetip shark, scalloped hammerhead shark, great hammerhead shark, smooth hammerhead shark and porbeagle shark, are listed in the Appendix II to CITES and regulated under the Ordinance. Four more shark species (common thresher shark, bigeye thresher shark, pelagic thresher shark and silky shark) have been listed in CITES Appendix II with effect from October 2017. A legislative exercise has been initiated to amend the relevant Appendix to the Ordinance to put these species under regulation as soon as possible (Note). CITES does not ban the trade in Appendix II species but regulates its international trade through a licensing system, thereby avoiding the threat of the species being over-exploited and threatening its survival.

Note: The proposed amendments will be submitted to the Legislative Council for negative vetting procedure as soon as possible.

Hong Kong abides by CITES and the Ordinance and strictly follows the regulations therein. According to CITES, an export permit granted by the exporting place is required for the international trade in Appendix II species (including scheduled shark fins) and such permit will only be granted when the relevant authority of the exporting place considers such export will not be detrimental to the survival of the species. Therefore, each issued export permit must have met the requirements of non-detrimental findings (NDFs) of the relevant species. CITES does not require the exporting places to make their NDFs publicly available, it is up to the individual exporting places to decide whether the NDFs would be made public. We shall continue to act according to the provisions of the CITES and the Ordinance in controlling the import and export of endangered species.

According to the Ordinance, to ensure the import and export of relevant shark fins meet the requirements of CITES, import of non-living Appendix II specimens (such as shark fins) requires a valid CITES export permit issued by the authority of the exporting place which shall be inspected by an authorised officer upon landing in Hong Kong. Re-export of Appendix II species requires a Licence to Re-export issued by the AFCD which shall be inspected by an authorised officer before the consignment leaves Hong Kong. On the other hand, the Ordinance exempts local possession of non-living Appendix II specimens for obtaining a Licence to Possess.

From 2003 to 2013, there is no seizure record of scheduled shark species in the enforcement actions. From 2014 to 2018 (as of the end of April), the records of shark fin seizure of controlled species are tabulated in Annex. The Government has no seizure records of Porbeagle shark, great white shark, sawfish and manta rays. Thresher sharks (including common thresher shark, bigeye thresher shark and pelagic thresher shark), silky shark, and devil

rays are not regulated by local legislation.

Parties to CITES regularly meets at the Conference of Parties to review and consider proposals to amend the lists of species in the Appendices in accordance with factors such as the conservation status of the concerned species to ensure that the provisions of CITES are up-to-date. At present, no Party has submitted proposal to include blue shark in CITES Appendix II.

On the other hand, the Convention on the Conservation of Migratory Species of Wild Animals is to protect the space of activities of migratory species on land, sea and air. Blue shark was recently listed in Appendix II to the Convention on the Conservation of Migratory Species of Wild Animals to encourage the jurisdictions of the range states of blue shark to strengthen cooperation in protecting blue shark and its habitats. Since Hong Kong has no fishery targeted at sharks, the protection of sharks from over-exploitation mainly relies on the implementation of CITES in regulating the trade in CITES-listed shark species.

(7) Hong Kong implements the Hong Kong Harmonized System (HKHS) for trade declaration purposes. Under the Import and Export Ordinance (Cap. 60), traders are required to submit import and export declaration within 14 days after the arrival/ departure of actual shipment in Hong Kong.

The HKHS adopts the Harmonized System Codes, which is designed by the World Customs Organisation and is internationally practised with more refined classification for meeting Hong Kong's needs. Regarding the shark fin trade, there are about 500 species of shark in the world and most of them can be freely traded internationally. Though there is only one shark fin-specific international harmonized code, Hong Kong has taken a step further to provide finer categories to further classify shark fins based on whether they are dried, in brine or salted, or canned.

To take forward the latest recommendations by the World Customs Organisation and cater for local specific needs, the Government reviews the HKHS annually and consults various stakeholders (including government departments, importers/exporters and other organisations) on the proposed amendments to the HKHS. In considering the relevant proposed amendments, the Government takes into account a number of factors with reference to the latest situation of international trade, with a view to striking a balance between the reporting burdens of declarants, the demands for trade statistics, and the enforcement needs.

(8) The Customs and Excise Department (C&ED) has been working closely with the AFCD to combat smuggling of various endangered species. As set out in the second paragraph of the reply above, the Government is amending the Ordinance to put the four new shark species under CITES under regulation. To cope with future enforcement work, the AFCD has organised training courses for front-line officers of the AFCD and the C&ED on the identification of newly listed shark species.

When suspected endangered species are detected, the C&ED officers would ask the AFCD to send officers to the scene for inspecting the exhibits,

providing expert identification and taking appropriate enforcement actions under the Ordinance.

(9) to (11) Compared with the establishment of a mandatory labelling system, we believe that publicity and education are more effective in raising public awareness of protecting endangered species. Therefore, the Government has been promoting to students and the public messages on sustainable use and conservation of endangered species through various channels, including the internet, advertisements, leaflets and posters, as well as conducting exhibitions and seminars. The relevant education and publicity programmes include the operation of the Endangered Species Resource Centre, distribution of video announcement through the media and the Internet, public exhibitions, and the distribution of leaflets to traders, tourists and the public. The AFCD has also been in contact with relevant key stakeholders, including shipping and logistics companies, reminding them to observe the requirements of CITES. In addition, the Government has taken the lead in adopting conservation-conscious menus that conform to the concept of sustainable development, which include no shark fins, in official entertainment functions.

The Education Bureau (EDB) attaches much importance to environmental education and conservation of the oceans. Related learning elements, including "biodiversity", "concern for endangered species", "individuals' responsibilities in environment conservation", "human impact on the environment", "importance of conservation to environmental protection", etc. have been incorporated into the curricula of both primary and secondary schools, such as General Studies for primary schools, Biology, Ethics and Religious Studies as well as Moral and Civic Education for secondary schools. The EDB also encourages schools to adopt diversified teaching strategies such as inquiry-based learning activities, talks, life-wide learning and field trips etc. to help students understand how human activities adversely affect the ocean ecology as well as marine life and endangered animals (including sharks). All these activities aim to enhance students' concern and sense of responsibility for conservation of the oceans so that they will actively participate in environmental conservation activities and put what they have learned into practice.

(12) The Centre for Food Safety (CFS) adopts a risk-based principle in taking food samples at the import, wholesale and retail levels under the regular Food Surveillance Programme to ensure that the food comply with the legal requirements and are fit for human consumption. If a food sample is tested with contamination levels exceeding the legal limits, the CFS will immediately announce the testing results to the public, trace the source and distribution of the foods concerned, as well as collect samples for testing, with a view to protecting public health. The CFS has also conducted a Total Diet Study to assess the risk of the general public to adverse health due to heavy metal contamination in food. The study results revealed that the dietary exposure for the general adult population was unlikely to experience major undesirable health effects of the seven metallic contaminants under studied (i.e. lead, aluminium, cadmium, antimony, methylmercury, nickel and tin). Although the dietary intake of methylmercury in women before or during

pregnancy may cause harm to the fetuses' developing nervous system, shark fin is not their main dietary source of methylmercury. In view of public concerns about mercury contained in shark fins, the CFS will take samples of shark fins for testing metallic contaminants (including mercury).

On the other hand, several types of prokaryotes commonly found in lakes, rivers, estuaries and seawater produce neurotoxins such as β -methylamino-L-alanine (BMAA), which can affect animal and human health. Different aquatic organisms may accumulate cyanobacterial toxins through the pathways of ingesting cyanobacterial cells or contaminated food. Although there have been some studies in the past that BMAA may be related to Amyotrophic lateral sclerosis or Alzheimer's disease, based on the existing BMAA toxicology data, there is currently no solid evidence that BMAA and neurodegenerative diseases (including Alzheimer's disease) have a causal relationship. The CFS will continue to monitor the development of the situation.