

**Revised version**

**Written Submission regarding the protection of agarwood trees of Hong Kong by Tang Ho Chuen (Aaron) of the Safeguarding and Conservation of Hong Kong Traditional Incense**

As everyone knows, the name of Hong Kong (Incense Harbor or Harbor of Incense) is because Hong Kong has been a harbor of transporting agarwood since the Song Dynasty. For centuries, many Hong Kong ancient villages have also planted *Aquilaria sinensis* (Agarwood trees) as the Feng Shui trees since they built the village. Agarwood tree is the root of Hong Kong.

The government has tried to protect the wild agarwood trees for some time. However, to this day, people who frequently go hiking still often meet some suspected illegal agarwood collectors who keep looking for the wild agarwood trees to chop.

A few days ago, I tried to check for wording “Hong Kong Agarwood” in Chinese in Taobao. There were still many Hong Kong wild agarwood products for sale. One of them clearly stated that their wild agarwood was collected from Lantau Island of Hong Kong and Lantau Island was described as an “internationally recognized first-line producing area”. It also said that Hong Kong was a "high-end producing area" of wild agarwood. These sellers come from Foshan, Dongguan, Maoming of Guangdong Province and also from Fujian, Shanghai and other places. The current law is not effective that the agarwood thieves are still arrogantly coming to Hong Kong and cutting down the wild agarwood trees whenever they like, and they just swagger back to the mainland to say that Hong Kong is a "high-end producing area" of wild agarwood. They also praised Hong Kong's wild agarwood for their great quality.

The current Protection of Endangered Species of Animals and Plants Ordinance (the Ordinance) refers to the appendix classification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (the Convention). The *Aquilaria sinensis* is included in Appendix II in the Convention. It is believed that although they are not presently threatened with extinction but may become so unless trade is controlled. Their trade is allowed but subject to licensing controls. However, for the species of Appendix II, only if it is a "live specimen" of wild origin, a license issued in advance by AFCD is required. The problem is that the regulation merely on

the "live specimen" is fundamentally ineffective. What the thieves want to steal, is the agarwood (agarwood balm) from the wild agarwood tree, rather than stealing the "live specimen". The "live specimen" is totally useless to them. As the law that only supervises and protects the "living" agarwood tree, it is difficult for frontline law enforcement officer to issue the prosecution. In the 53 cases in 2017, there was only one successful prosecution! With such ineffective results, the current Hong Kong legal system cannot even stop those crimes from happening.

At present, the appendix classification of the Ordinance just merely follows the definition of the Convention. The definition of the Convention is depending on the degree of threat posed by international trade to classify species into Appendix I, II and III respectively. Hong Kong's wild agarwood is having a different situation from the international cases. First, Hong Kong is an important and unique habitat for wild *Aquilaria sinensis* in the Lingnan region of China. (Wild agarwood tree has basically extinct in the Mainland China.) Second, Hong Kong is adjacent to Mainland China. Agarwood is popular in Chinese traditional incense culture. The agarwood is categorized as the highest degree of all the Chinese incense spices. Third, among the Buddhism and Taoism that most of the Chinese belief in, agarwood is also a popular spice for their religious offering. Therefore, the demand for the agarwood is abnormally high compared to other places. Therefore, the degree of threat posed by the Hong Kong's wild agarwood tree is essentially more severe than that of the Convention in reference to the international situation.

The Hong Kong Government should immediately take reasonable measures to tackle with local conditions. For example, the regulation towards the wild agarwood tree should be upgraded to the specifications of Appendix I (defined as Hong Kong's highly endangered species), and the Ordinance should requires a license to be issued in advance by the AFCD for the import, introduction from the sea, export, re-export or possession of specimens of wild agarwood tree, whether alive, dead, its parts or derivatives (including medicines). Or even in order to ensure that the Hong Kong's wild agarwood tree is well protected, the Ordinance should straightly prohibit the import, export and possession of the wild agarwood tree (whether alive, dead, its parts or derivatives (including medicines)) if the related parties cannot provide a proof that the wild agarwood is collected or produced outside of Hong Kong. In addition, in order to encourage people to replace wild agarwood with artificial planting of agarwood in order to protect wild agarwood tree, the government should allow artificially propagated agarwood (whether alive, dead, its parts or derivatives (including medicines)) bred/propagated for commercial purposes are treated as

specimens in Appendix II, and thus their trade is allowed but subject to licensing controls.

True traditional incense art practitioners know how to cherish those are bestowed from the earth. However, the greedy incense thieves just ignore the law and use unscrupulous methods to chop the wild agarwood trees that makes Hong Kong's wild agarwood trees face extinction. The treacherous traders have promoted in different ways about how nice does Hong Kong's wild agarwood is and even try to promote to say it is not illegal to chop the wild agarwood of Hong Kong and confuse the customers. We do not want to tell the younger generation and our next generation that Hong Kong's wild agarwood trees became extinct because of our delay of rescue. Agarwood is one of the important spices in the Chinese traditional incense culture, and it is also the root of Hong Kong. We cannot let Hong Kong to be the harbor that without incense (agarwood). We also need to ensure that the next generation has the right to understand more about Hong Kong's wild agarwood trees.

In order to let Hong Kong continues to be the harbor that having incense (agarwood), the government should enhance the existing ordinances as early as possible before the extinction of Hong Kong's wild agarwood trees. In order to clarify the rules and regulations, the law should clearly notify everyone that Hong Kong's wild agarwood should not be collected