



回應政府土沉香保育報告書

對於環境局於 2016 年 6 月 27 日立法會公佈的土沉香的保育報告書，我們有以下回應：

關於具體的前線打擊及保護政策方面

我們認為這份報告書有具體的落實保護目前瀕危土沉香的政策，包括設置圍欄及監察系統，以保護僅存的土沉香樹，確實在保育工作上跨進了一大步。

前線部門如警方、漁護署確實在近期已進行了一些實質的編制和行動，例如增加巡邏土沉香黑點的隊伍，民間及前線執行部門的協作，香港有關部門和中國內地的跨境合作打擊等方向。我們希望警方盡快落實各砍伐黑點的打擊措施，包括專責巡查隊伍和提高前線執行人員的專業培訓等。

我們亦在報告書中看到海關已開始關注土沉香的走私進出口等問題，並正在培訓執法人員，但顯然海關在打擊非法偷運土沉香木出入口的工作仍很不足，因為雙程證走私出口沉香木是近年來的趨勢。海關應和前線部門積極配合，以免繼續成為走私沉香木的最大缺口。

在過去一段時間，我們亦加強了和各區警方及漁護署的聯繫，特別是在保護僅存的土沉香樹方面，我們十分感謝漁護署及警方樂於接受我們的建議，積極地研究並進行各種可行的護樹方案。

我們認為在偷伐黑點的出入口管制及政策仍有待加強，例如在出入境行李的抽查及偵測，出入境籍貫的查核(特別是來自偷伐地區)，不要再讓偷伐賊再輕易地如取如携地把賊贓帶過關口。保安局應就此情況和內地部門及香港海關加強該等地區人士及有紀錄者的出入境管制及查驗。

但是，我們認為負責管理 9 成以上目前土沉香砍伐的重災區“風水林”的地政署應該以更積極的態度參與及協助保護僅存的土沉香，而並非置身事外，應該和各前線部門配合及和民間保育團體協商，共同監察、和保育團體及地區村民共同探

討重植風水林土沉香樹，以更有效回復風水林生境和文化，也可進一步共同保護現存的土沉香樹。

對於報告書中不建議禁售土沉香及其製成品，我們對此感到失望。我們認為保護瀕危物種最有效的方法仍是禁售，而目前土沉香製成品在香港出售亦有上升趨勢，至於本港是否為主要銷售地點，則並非考慮應否在本港禁售土沉香製成品的合理原因。因為，被盜伐象牙的肯亞，也率先銷毀和禁售象牙，因為這是一個維護本土珍貴物種的表率，自己的物種都不倡導禁售，又怎能說服消費國家禁售呢？

現在，不少由中國入口的土沉香製成品都說來自亞洲其他地區，但有在內地從事沉香買賣的人都知道，供應中國大陸 8 成的沉香脂來自茂名電白(以偷伐本港野生土沉香為主的廣東沿海小鎮)，更令人難以相信其產地來源是否真確。因此，香港政府既不執行禁售，又不設產地來源認證的措施，實有利於從事偷伐活動的集團。政府縱使不能即時執行禁售，亦應先實行產地來源認證，基因驗證等，以阻止賊贓被任意在市面上出售，杜絕不法商人牟取利益。

此外，政府有關部門亦應研究修訂有關土沉香作為瀕危物種的一些不合時的附屬條例，如攜帶土沉香活體等條文，以免做成相關部門執法上的困難。近年來，律政司檢控偷伐土沉香的成功數字偏低，令廣大市民失望之餘，亦打擊前線執法部門的士氣，我們希望律政司加強檢控在人員在有關方面的知識。

環境局作為協調的角色應監察及督促各部門盡快落實是此工作報告內所提及各項政策及措施，並與關注組織定期開會，以了解及跟進各項政策及措施具體落實的情況。

最後，我們十分感謝漁護署及警方前線部門過去的協助及努力，令我們能繼續保護僅有的土沉香樹！

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4-7-2016

聯署團體及居民代表：

大澳環境及發展關注協會

土沉香生態及文化保育協會

"救救土沉香，瀕臨滅絕中"網上群組

昇平村保育關注組

貝澳居民土沉香關注組
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Response to the Government's Report on Incense Tree Conservation

Our preliminary comments on the above-mentioned report are as follows:

Specific means of frontline tackling and protection policy

The report offers some specific measures for the protection of Incense Tree which is currently under threat of extinction, including using fencing and monitoring system to protect the few remaining incense trees, signifying a big step in the work of conservation.

The frontline departments such as the police and the Agriculture, Fisheries and Conservation Department (AFCD) have recently implemented some substantive arrangements and actions. For example, police manpower is increased for patrolling black spots of illegal logging, civilians and frontline enforcement departments are joining forces, the relevant Hong Kong government departments have engaged with the Mainland authorities in tackling the issue, etc. We hope that the police will implement the tackling measures against illegal logging black spots as soon as possible, including task forces to be set up for the purpose and enhanced professional training for frontline enforcement staff.

We noted from the report that our customs authority has already started to direct attention to the illegal import and export, etc. of agarwood. They are also providing training to their law enforcement officers. Yet their work is still insufficient for tackling illegal import and export of agarwood as there has been a trend over the past few years of smuggling agarwood out using two-way permits. The Hong Kong Customs should actively co-operate with other frontline departments to pre-empt the continued exploitation of this major loophole.

For some time now we have strengthened our tie with the police of various districts and the AFCD, especially regarding the protection of the few remaining incense trees. We are very much grateful for their willingness in accepting our suggestions and proactively examining and launching feasible conservation options.

However, we think the import-export control and the policy on tackling the black spots of illegal logging still need to be enhanced. For example, there should be random luggage check and inspection as well as checking of the place of origin of travelers (especially those from places involved in illegal logging) to stop the illegally

removed agarwood from being easily smuggled out of Hong Kong. In this connection, the Security Bureau should strengthen cross-border control and inspection over people from those places and people with previous records of relevant deeds through joint efforts with the Mainland authorities and the Hong Kong Customs.

In our view, the Lands Department which is responsible for managing over 90% of the sites currently severely affected by illegal logging of incense trees, i.e. the Fung Shui Woods, should be more proactive in joining and helping the actions for protecting the Incense Tree instead of staying aloof. It should collaborate with various frontline departments and discuss with non-governmental conservation bodies for joint monitoring action, and explore with conservation bodies and local villagers the possibility of re-planting incense trees within the Fung Shui Woods in order to more effectively restore the habitat and culture of the Fung Shui Woods, as well as step up joint protection for the remaining incense trees.

To our disappointment, the report does not recommend banning sale of agarwood and their products. But we still think that the most effective way to protect any endangered species is by banning its sale. Besides, the sale of agarwood products in Hong Kong currently sees an upward trend. The fact that whether Hong Kong is the major point of sale should not be the legitimate reason to be taken into account when deciding whether to ban the sale in Hong Kong. In Kenya, where tusks are illegally removed, the government has become the first nation to burn and ban the sale of ivory as a means to set an example for the protection of its own invaluable native species. If one cannot take the lead in banning the sale of one's invaluable native species, how can one convince other consuming countries to follow suit?

At present, many agarwood products from Mainland China claim to come from other Asian places, but all the agarwood traders who do business with Mainland China know that 80% of the agarwood resin supplied to Mainland China is from Maoming, Dianbai (a coastal small town in Guangdong that mainly engages in the illegal logging activities in Hong Kong). This mere fact adds to our suspicion of the authenticity of the place of origin claimed. Thus, without banning the sale by the Hong Kong government and without the measure of certification of origin, we are providing a favourable environment for the illegal logging ring. Even if the government is unable to impose an immediate ban on the sale, it should first implement certification of origin, genes validation, etc. so as to stop the stolen agarwood from being freely sold at the market and the illegal traders from making profits.

In addition, the relevant government departments should review and revise the already outdated subsidiary legislation on Incense Tree as a species under threat of extinction, such as dealing with the provision on carrying living incense tree, in order not to create difficulties for their law enforcement officers. The low success rate in prosecutions by the Department of Justice (DoJ) in recent years has not only let the general public down, but undermined the morale of frontline enforcement departments. We hope that DoJ can strengthen the relevant knowledge of their prosecutors.

The Environment Bureau which is playing a co-ordinating role should monitor and push forward the fast implementation of the policies and measures mentioned in this work report. It should also meet with concern groups or organisations regularly for understanding and follow-up on the specific implementation of various policies and measures.

Lastly, we are very grateful for the assistance and efforts given by the frontline departments AFCD and the police in the past so that we are able to continue our work for the protection of the very few remaining incense trees.

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