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Speeches

SPEECH BY MR HENG CHEE HOW, MINISTER OF STATE FOR NATIONAL DEVELOPMENT, ON THE SECOND READING OF THE ENDANGERED SPECIES (IMPORT AND EXPORT) BILL IN PARLIAMENT

Mr Speaker, Sir, I beg to move, "That the Bill be read a second time."

2 Singapore is a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which seeks to regulate trade in wildlife. Parliament passed the Endangered Species Act (ESA) in March 1989 to give effect to CITES in Singapore. The Act was amended in 2002 to include a list of endangered species.

3 Since the last amendment, there have been substantive changes to the CITES enforcement obligations on member states and the interpretation of illegal trade. Thus there is a need to update and realign the ESA to the changes in the CITES, and to enhance the deterrence against any illegal trade in wildlife through Singapore.

4 My Ministry has done a comprehensive review of the ESA. The Endangered Species (Import and Export) Bill would repeal the ESA and re-enact with amendments the ESA. The key features of the Bill are as follows:

Firstly, the Bill will strengthen the Agri-Food and Veterinary Authority's (AVA) enforcement powers. Changes will, for example, allow enforcement action to be taken against illegal transshipments through Singapore of CITES-protected wildlife species.

Secondly, the Bill will raise the maximum level of penalties to ensure an effective deterrence against the illegal trafficking and trade of CITES-protected species.

Thirdly, the Bill will update terms, definitions and provisions used in CITES, and align general provisions in the ESA with those in other relevant legislation.

5 Sir, I will elaborate on the key features of the Bill.

Strengthening AVA's Enforcement Powers

6 [*Acting Against Illegal Transshipments*] Singapore is one of the busiest ports in the world and an attractive transshipment hub. Currently, while the ESA empowers AVA to take action against illegal imports and exports of CITES-protected species, it is not specific about AVA's powers with regard to transshipments.

7 The Bill will empower AVA to investigate illegal transshipment or transit cases, and search, inspect, detain, seize or confiscate any illegal CITES-protected species.

8 This provision will be applicable to both travellers and cargoes passing through Singapore. It will enable AVA to act decisively upon receiving strong evidence and tip-offs of illegal CITES-protected

species being transshipped through Singapore and prevent Singapore from being used as a conduit for the smuggling of CITES-protected species.

9 *[Treating Fake Products As If They Were Genuine]* In line with CITES's recommendation, the Bill will allow AVA to take appropriate enforcement actions based on the markings, labels or claims that a product contains a part or derivative of a CITES species, without having to prove that this part or derivative is actually present in the product. Countries like Australia and Hong Kong also have similar provisions

10 Some examples of fake products are traditional Chinese medicines purporting to contain bear bile, tiger bone, rhino horn or musk.

11 Sales of fake products will damage Singapore's image as a responsible global citizen to the same extent as sales of genuine products, as the international community is quick to judge our reputation based on such claims. In addition, the proliferation of sales of fake products produces "noise" and will complicate our effort to apprehend the genuine cases.

Increasing the Penalties For Illegal Wildlife Trade

12 Sir, the Bill will also raise the maximum level of penalties to better reflect the severity of the offences and strengthen deterrence against illegal wildlife trade.

13 According to Interpol, smuggling of wildlife is second only to narcotics, and generates profits of as much as US\$5 billion annually. The House may recall that in 2002, AVA seized 6 tons of elephant ivory tusks in a single consignment, worth an estimated US\$10 million dollars.

14 As the value of smuggled endangered wildlife can be very high, the current fine of \$5,000 is not an effective deterrent. The Bill will increase the maximum penalty for illegal trafficking of endangered species from \$5,000 and/or 1 year's imprisonment, to \$50,000 and/or 2 years' imprisonment. The fine is applicable to each CITES-protected animal or plant, or part thereof, involved in the offence, up to an aggregate maximum of \$500,000.

15 For abetment and attempted offences, the Bill will also impose the same penalty as the main offence. This is in line with the Criminal Procedure Code, where abetment and attempt to commit an offence carries the same penalty as the offence itself.

Updating the terms, definitions and provisions in the ESA

16 Lastly, to maintain consistency with other Acts administered by AVA, the Bill will amend relevant provisions to be in line with similar clauses in those Acts. These include specifying the jurisdiction of District courts to impose full penalties under the ESA; empowering AVA to seal and collect samples of specimens; and requiring owners, importers or exporters of CITES species to bear the cost of damage to specimens in the course of lawful exercise of powers by AVA.

17 The Bill will also put in place provisions to specify the manner in which documents, such as notices, summonses, are delivered to persons connected with the offences; allow recorded statements to be submitted as court evidence; and make it an offence to post advertisements for sale of illegal CITES specimens.

Conclusion

18 Sir, in summary, the Endangered Species (Import and Export) Bill will strengthen deterrence and enforcement against illegal wildlife trade, and align the Endangered Species Act to recent changes made to CITES.

19 Mr Speaker, sir, I beg to move.

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