

**Bills Committee on Protection of Endangered Species of Animals and Plants Bill**  
**Summary of views/concerns**  
**(as at 30 September 2005)**

| Subject/Clause     | Organization   | Concern/View  | Administration's response and follow-up action  |
|--------------------|--|---|---|
| General provisions | American and Canadian Ginseng Importers Trade Association (HK) Ltd | <p>Supported the early passage of the Bill as it would provide for -</p> <p>(a) Removal of the current requirement for import permits for Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendix II species but there would be a need to introduce a procedure to assist the trade in ascertaining the validity of CITES permits prior to the importation of Appendix II species;</p> <p>(b) Consolidation of scheduled items under the streamlined licensing system;</p> <p>(c) Relaxation of the requirement for travelers to hold licences to import/export/possess items under CITES Appendix II; and</p> <p>(d) Power to require production of things and to inspect premises suspected of keeping specimen of a scheduled species for commercial purpose, but issues of privacy would need to be addressed.</p> | <p>The Administration welcomes the support of the Association for the early passage of the Bill.</p> <p>Under the Protection of Endangered Species of Animals and Plants Bill (the Bill), a person who imports in compliance with clause 18 a specimen of an Appendix II species that is not a live animal or plant of wild origin will not need to apply for an import licence from the Agriculture, Fisheries and Conservation Department (AFCD). He/she will only need to hold a valid export permit issued by the relevant Authority of the exporting country or place. If an importer requires assistance in ascertaining the validity of any such export permit, he can forward a copy of the permit to AFCD for verification. The Administration trusts that this verification service provided by AFCD will address traders' concern of invalid export permits.</p> <p>Regarding the issues of privacy, AFCD will comply with all relevant Data Protection Principles under the Personal Data (Privacy) Ordinance(Cap. 486) when implementing the new control and licensing scheme after the enactment of the Bill.</p> |

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| Control on the trading of endangered species                       | Hong Kong Dried Seafood and Grocery Merchants Association | Since the Bill was meant to provide for the protection of endangered species, it should not affect the trading of shark fins which did not involve endangered species of sharks.   | The Government is committed to fully discharging our obligations under CITES. International trade in endangered species, including certain shark species, is strictly regulated under the current Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187) (the Ordinance), which will be replaced by the Bill after its enactment. The Bill, however, will not affect the trading of shark species which are not listed as endangered species under CITES. |
| Sections 17(b), 18(b) and 19(b) on the import of scheduled species | Hong Kong Chinese Prepared Medicine Traders Association   | Suggested that the phrase "an authorized officer has inspected the specimen" under sections 17(b), 18(b) and 19(b) be amended to "an authorized officer should inspect or arrange to inspect the specimen". This would facilitate logistical arrangements as importers could be able to transport the specimen to a storage area for subsequent inspection by the authorities. | In respect of the import of endangered species, the requirement of conducting the inspection upon the landing of the species in Hong Kong is intended to ensure that only the specimens specified in the export permit and/or import licence will be allowed to be imported. To allow consignees to take the goods away from the landing place and to conduct the inspection later will defeat the purpose of the inspection and may create an enforcement loophole.          |
| Section 43 Disposal of forfeited things, etc                       | Kadoorie Farm and Botanic Garden Corporation              | Reference should be made to the "World Conservation Union Guidelines for the Placement of Confiscated Animals" regarding the disposal of forfeited things.<br><a href="http://www.iucn.org/themes/ssc/pubs/policy/confiscated/confguidenglish.pdf">http://www.iucn.org/themes/ssc/pubs/policy/confiscated/confguidenglish.pdf</a>  | AFCD has already established guidelines for disposal of animal and plant specimens forfeited under the existing Ordinance. Such guidelines follow the guidelines of CITES. The CITES Secretariat has made reference to the World Conservation Union (IUCN)'s guidelines when drawing up its own guidelines.   |

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| Section 55 Transitional provisions | Hong Kong Chinese Prepared Medicine Traders Association | There should be a grace period of at least 18 months after the passage of the Bill to enable the trades to make preparatory arrangements to meet the requirements of the Bill. For example, some of the Chinese medicinal products containing specimen of endangered species might need to be suitably changed to avoid contravening the provisions of the Bill. | The Bill will benefit the trades by streamlining the licensing procedure. Some trades have indicated that they would like to see the Bill coming into effect as soon as possible. While sufficient time will be allowed for certain trades to adapt to the new changes, there is a need to strike a balance to ensure that the benefits of the Bill brought to the other trades could be realized as soon as possible. The past experience of AFCD indicates that a grace period of three months will be sufficient for the trades to make preparation for the new requirements. |