

**Bills Committee on 4 October 2005**

CB(1) 2353/04-05(03)

**Protection of Endangered Species of Animals and Plants Bill****Introduction**

The Animals and Plants (Protection of Endangered Species) Ordinance (Cap 187) (the Ordinance) was introduced to align with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1976. The Ordinance rectifies CITES by monitoring and regulating the International trade has threatened the survival of wild plants and animals. Since the enactment of the Ordinance tremendous efforts have been put to tackle illegal wildlife trade in and out of Hong Kong. Hong Kong is the first awarded city by CITES Secretariat in combating the illicit wildlife trade and is the role model of the implementation of CITES in the region. WWF congratulates the success of the relevant government departments such as the Agriculture, Fisheries and Conservation Department (AFCD) and the Hong Kong Customs in conserving the global biodiversity and threatened species.

**The amendment**

WWF welcomes the newly proposed 'The Protection of Endangered Species of Animals and Plants Bill' to streamline the regulation and monitoring of International trade of wild plants and animals in Hong Kong including:

1. the synchronisation of the Schedule species with the CITES Appendices
2. the empowerment of authorised officer(s) to inspect places or premises which may have suspected illegally imported/procession specimens (proposed Bill section 31)

However, WWF also has the following concerns:

**Part 4 of the proposed Bill**

Part 4 of the proposed Bill delineates the circumstances that Scheduled species without licence are permitted.

**Section 21 Procession or control of specimens of Appendix II species**

While the existing Animals and Plants (Protection of Endangered Species) Ordinance (Cap 187) requires the person to apply for a permit if he/she wishes to possess a specimen of Appendix II species, the proposed Bill does not have the same measure. Section 15(1)(a) does not require the person to obtain a license for possession of Appendix II species if it fulfil the requirement of Section 21 but Section 21 only require the person to prove to the satisfaction of Director that such specimen is not a live animal or plant of wild origin. However, it does not clearly explain the definition of 'satisfaction' nor how the Director of AFD will be satisfied by the proof provided. As such, WWF considers that the word of 'satisfaction' should be explicitly defined, and recommends that certain level of control should be maintained. For example, the person should provide valid and traceable invoice, certificate or other documents, in which name, address and contact number of document

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issuers are clearly printed, to prove that his possession of Appendix II species is not coming from the wild, i.e. they are artificial propagated in the case of plants and captive bred for animals.

WWF recognises that more than 30,000 species are already listed on the Appendix II of the CITES (or the proposed Bill) but we would also stress that these species are listed based on the fact of unmanaged and unregulated exploitation of these species in the past, and protection of these species from illegal trade are critical to their survival in the wild

Hong Kong is a free port and is one of the busiest trade centres in the world. However, conservation of global biodiversity and survival of endangered species should not be compromised in the name of free trade. The 1999 Policy Address also stated that Sustainable Development in Hong Kong is to reduce the environmental burden we put on our neighbours and to helping to preserve common resources.

**Conclusion**

In conclusion, WWF welcomes the proposed Protection of Endangered Species of Animals and Plants Bill and considers it appropriate to amend the existing ordinance to further align with the CITES. The proposed Bill also allow the relevant government authorities to fulfil Hong Kong's obligation under CITES.