

Protection of Endangered Species of Animals and Plants Bill

The Administration's Response to Comments and Questions raised at the Bills Committee Meeting on 10 November 2005

Clause 21 on possession of Appendix II species

Clause 21 provides that a person may have in his possession or under his control a specimen of an Appendix II species if he proves to the satisfaction of the Director of Agriculture, Fisheries and Conservation (“the Director”) that the specimen is not a live animal or plant of wild origin and that it does not belong to a species of a population included in Appendix I. At the Bills Committee meeting on 10 November 2005, some Members expressed concern that the phrase “to the satisfaction of the Director” did not provide clear indication as to what a person may provide to the Director in order to fulfill the requirements as set out in clause 21. The Administration was then asked to consider specifying in Clause 21 the relevant evidence which a person might provide for the purpose of fulfilling those requirements.

2. The wording of Clause 21 provides flexibility for the Director to accept different types of evidence, including but not limited to a licence, permit or certificate issued in respect of the specimen concerned by the relevant authority. As there could be many other types of evidence depending on the circumstances of each individual case, it is impracticable to list them out exhaustively. For example, an invoice or a label produced by the person may be used for the above purpose if such document provides clear indication as to the source of the specimen. However, we note Members' concern and would like to add a new sub-clause in clause 21 to provide some indication of the types of evidence that may be used as proofs to fulfill the requirements. The proposed wording of the new sub-clause is at Annex.

Publicity and Education on endangered species

3. The Administration has been organizing various educational and publicity activities to strengthen the public's understanding about

protection of endangered species and the requirements under the existing Animals and Plants (Protection of Endangered Species) Ordinance, Cap.187. These activities include broadcasting Announcements of Public Interest (API) through television and radio; organizing exhibitions, school talks and competitions on drawing, sand sculpture photography, and radio play etc. The Agriculture, Fisheries and Conservation Department (AFCD) has published more than ten types of posters and leaflets for distribution to trade associations and shops and at various locations, including exhibition and competition venues and airline check-in counters. Photographs of some commonly traded species are available on AFCD's homepage as well as the website of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The public can access AFCD homepage or the CITES official website to get more information on endangered species. In case of queries, they can contact AFCD for advice.

4. As for education on the new requirements under the Protection of Endangered Species of Animals and Plants Bill (the Bill), AFCD has held some 50 consultations with the trade and other interested parties since 2003 and sent three information letters to 18 000 traders and other relevant persons. We will launch more publicity and education programmes to promote public awareness on the protection of endangered species after the passage of the Bill. These include APIs, advertisements at public transport systems, information letters to traders, exhibitions, updating of AFCD's home page and newspaper and magazine articles.

Clause 21 Possession or control of specimens of Appendix II species

(1) A person may have in his possession or under his control a specimen of an Appendix II species if he proves the following to the satisfaction of the Director -

- (a) that the specimen is not a live animal or plant of wild origin, nor is it a live animal or plant that shall be treated as a specimen of an Appendix II species under section 2(2); and
- (b) that the species is not of a population included in Appendix I if the species is specified in both Appendix I and Appendix II.

(2) *The means of proving the matters referred to in subsection (1)(a) and (b) may include but are not limited to the production of a licence within the meaning of section 7 of the repealed Ordinance, a certificate in lieu or a Convention export permit in respect of the specimen.*