

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1952/05-06  
(These minutes have been seen  
by the Administration)

Ref. : CB1/SS/2/05/1

**Subcommittee on  
Protection of Endangered Species of Animals and Plants  
(Exemption for Appendix I Species) Order and  
Protection of Endangered Species of Animals and Plants  
(Exemption for Appendices II and III Species) Order**

**Minutes of the first meeting  
held on Friday, 9 June 2006, at 10:45 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon SIN Chung-kai, JP (Chairman)  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Ting-kwong, BBS

**Member absent** : Hon CHOY So-yuk, JP

**Public officers attending** : Environmental Protection Department  
  
Mr Eric CHAN  
Assistant Director (Conservation)  
  
Agriculture, Fisheries and Conservation Department  
  
Mr CHEUNG Chi-sun  
Senior Endangered Species Protection Officer  
  
Department of Justice  
  
Mr Sunny CHAN  
Senior Assistant Law Draftsman (Acting)

**Clerk in attendance** : Miss Becky YU  
Chief Council Secretary (1)1

**Staff in attendance** : Miss Anita HO  
Assistant Legal Adviser 2

Mrs Mary TANG  
Senior Council Secretary (1)2

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## **I Election of Chairman**

Nominated by Ms Audrey EU and seconded by Mr WONG Ting-kwong, Mr SIN Chung-kai was elected chairman of the Subcommittee.

## **II Meeting with the Administration**

(Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order (L.N. 105)

Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order (L.N. 106) gazetted on 19 May 2006

Ref: EP 55/25/01 Pt. 14

-- The Legislative Council Brief

LC Paper No. LS72/05-06

-- Legal Service Division Report

LC Paper No. CB(1) 1714/05-06(01)

-- Background brief on Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order and Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order prepared by the LegCo Secretariat)

2. The Subcommittee deliberated (Index of proceedings attached at Annex A).
3. The Administration was requested to explain its publicity efforts on the control regime on the protection of endangered species in Hong Kong.

## **III Any other business**

4. There being no other business, the meeting ended at 11:52 am.

**Proceedings of the first meeting of the  
Subcommittee on Protection of Endangered Species of Animals and Plants  
(Exemption for Appendix I Species) Order and  
Protection of Endangered Species of Animals and Plants  
(Exemption for Appendices II and III Species) Order  
on Friday, 9 June 2006, at 10:45 am  
in Conference Room B of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000143	Mr SIN Chung-kai Ms Audrey YU Mr WONG Ting-kwong	Election of Chairman  Mr SIN Chung-kai was elected Chairman of the Subcommittee	
000144 - 000304	Administration Chairman	Administration's explanation on the two Exemption Orders	
000305 - 000504	Administration Chairman Ms Audrey YU	Discussion on the need for consultation  Administration's indication that it had consulted and obtained the support of the Endangered Species Advisory Committee, the Endangered Species Protection Liaison Group and trades	
000505 - 001131	Administration Chairman Ms Audrey YU	Clause-by-clause examination of the Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order  Clause 1 – Commencement  Clause 2 – Exemption in respect of import of specimens for co-operative conservation programme  Administration's explanation -  (a) definition of "specimen" included both live and non-live species; and  (b) need for proof that the specimen was a co-operative conservation programme specimen	
001132 - 002040	Ms Audrey YU Administration Chairman Mr WONG Ting-kwong	Clause 3 – Exemption in respect of possession or control of specimens for scientific or educational study or for display in museum or herbarium  Members' enquiries about guidelines for exemption	

Time Marker	Speaker	Subject(s)	Action required
		<p>Administration's explanation -</p> <p>(a) as there was no statutory definition for museum or herbarium, their ordinary dictionary meanings would apply; and</p> <p>(b) while there were no specific guidelines for exemption, international practices would be adopted when the Director exercised his discretion to approve exemption under clause 3</p>	
002041 - 003041	Administration Chairman Mr WONG Ting-kwong	<p>Clause 4 – Meaning of personal or household effects</p> <p>Clause 5 – Exemption in respect of import etc of personal or household effects</p> <p>Administration's explanation -</p> <p>(a) under a resolution of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), control on cross-border movements of a live animal was required even if it was legally acquired and was part of personal or household effects;</p> <p>(b) exemption under clause 5 would not apply if the specimen was brought to Hong Kong by a person who acquired it outside his usual place of residence; and</p> <p>(c) the term “usual place of residence” was not defined under the Order and its ordinary dictionary meanings would apply</p>	
003042 - 003239	Administration Chairman Mr WONG Ting-kwong	<p>Clause 6 – Exemption in respect of export or re-export of personal or household effects acquired pre-Convention</p> <p>Chairman's query on why the pre-Convention date was not set out in the Order</p>	

Time Marker	Speaker	Subject(s)	Action required
		Administration's explanation that while CITES was introduced in 1975, the list of protected species under CITES was updated from time to time and hence the pre-Convention dates would vary with different scheduled species	
003240 - 003714	Administration ALA 2 Chairman	<p>Clause 7 – Exemption in respect of possession or control of personal or household effects</p> <p>ALA2 pointed out that the Chinese rendition of the term “introduced from the sea” under clause 7(2)(c)(ii)(A) should more appropriately be “從公海引進” to ensure consistency with the defined term in the main Ordinance</p>	The Administration to amend the Chinese rendition of the term “introduced from the sea” under clause 7(2)(c)(ii)(A) to “從公海引進” by a Rectification of Error Order
003715 - 005326	Administration Chairman Ms Audrey YU Mr WONG Ting-kwong	<p>The Chairman informed members that the Rainstorm Black Warning was hoisted at 11:15 am. Members decided that the meeting should continue</p> <p>Examination of the Schedule</p>	
005327 - 005350	Administration Chairman	<p>Clause-by-clause examination of Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order</p> <p>Clauses 1 to 4</p> <p>Clause 5 – Exemption in respect of import, etc of Appendix II species as personal or household effects</p> <p>Members' concern about the lack of publicity on the control regime, and that a person may not be aware of the specified limit on quantity of scheduled species which they were allowed to bring back to Hong Kong</p> <p>Administration's explanation -</p> <p>(a) the overseas retailers/exporters had the obligation to alert customers</p>	The Administration to explain its publicity efforts on the control regime on the protection of endangered species in Hong Kong

Time Marker	Speaker	Subject(s)	Action required
		<p>that the goods were scheduled species;</p> <p>(b) notices were already posted at local control points to remind the passengers of the control on endangered species; and</p> <p>(c) more publicity efforts, including the provision of pamphlets to incoming and departing passengers, would be made</p>	
005351 - 005416	Administration	Clauses 6 to 8	
005417 - 010039	Administration Chairman Mr WONG Ting-kwong	<p>Clause 9 – Exemption in respect of export of specimens</p> <p>Members noted that exemption would be granted to an artificially propagated plant species with a phytosanitary certificate</p>	
010040 - 010302	Chairman Mr WONG Ting-kwong Administration Ms Audrey YU	<p>Examination of the Schedule</p> <p>Members' agreement that no further consultation was required</p> <p>Administration's explanation on its intention to launch a publicity programme about two weeks before the commencement of the Protection of Endangered Species of Animals and Plants Ordinance and the Exemption Orders. The programme would include advertisements in public transport systems and public fora</p>	
010303 - 010430	Chairman Secretariat	Members' agreement on the extension of the scrutiny period of the two Exemption Orders	