

立法會
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**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**

Background brief

Introduction

The Protection of Endangered Species of Animals and Plants Bill was introduced into the Legislature in April 2005 to replace the Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187) enacted in 1976. The Bill sought to align Hong Kong's control regime with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)^{Note1} and to streamline the licensing requirements. The Bill was passed by the Legislative Council on 1 March 2006 and the new Ordinance would come into operation on the day appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

^{Note1} CITES aims to regulate international trade in endangered species and protect wildlife from over exploitation/extinction. The import and export of the species, including their readily recognizable parts and derivatives listed in the following Appendices, are subject to control -

Appendix I – Species threatened with extinction which are or may be affected by trade.

Appendix II – Species which, although not necessarily now threatened with extinction, may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and other species which must subject to regulation in order that trade in specimens of certain species referred to above may be brought under effective control.

Appendix III – Species which any Party to CITES identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

Orders

2. The Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order provides for exemptions from the licensing requirements on specimens of Appendix I species under the new Ordinance.
3. The Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order provides for exemptions from the licensing requirements on specimens of Appendices II and III species. It also provides for exemption for the export of an artificial propagated plant species which is accompanied with a phytosanitary certificate.
4. Both Orders contain provisions for exemptions in respect of -
 - (a) specimens for co-operative conservation programmes;
 - (b) specimens for scientific or educational study or for display in a museum or herbarium; and
 - (c) specimens that form part of a person's personal or household effects.

Views of the Bills Committee on Protection of Endangered Species of Animals and Plants Bill

5. In the course of deliberation of the Protection of Endangered Species of Animals and Plants Bill, the then Bills Committee noted that except those with exemptions, a separate licence issued by the Director of Agriculture, Fisheries and Conservation was required for the import, export, possession or control of each individual species listed in the Schedules of Cap. 187, which covered the species in Appendices I, II and III to CITES. The Bill proposed to streamline the licensing system such that each import/export/possession licence would be issued on the basis of individual consignment or keeping premises rather than individual species. As a result, the number of licences required by traders and the public was expected to decrease. While a new fee scheme would be introduced to simplify the existing fee structure with a view to achieving full cost recovery, it was anticipated that the existing and potential licence holders would not be adversely affected by the new fee scheme as most of them would benefit from the streamlined licensing system by the reduced number of licences required and the expanded scope of exemptions.
6. The then Bills Committee also noted that an exemption order might be made regarding the import, export and re-export of a specimen of a scheduled species which was subject to a loan, donation or exchange arranged for non-commercial purposes between registered scientific institutions. Some members expressed concern about possible abuse of exemption orders and considered that criteria should be worked out for considering applications for exemption orders, particularly by scientific

institutions. According to the Administration, there were standards in CITES for the registration of a scientific institution and so far no institution in Hong Kong had been registered as a scientific institution.

Relevant paper

Report of the Bills Committee on Protection of Endangered Species of Animals and Plants Bill

<http://www.legco.gov.hk/yr04-05/english/bc/bc12/reports/bc12cb1-938-e.pdf>

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