

**立法會**  
**Legislative Council**

LC Paper No. LS29/08-09

**Paper for the House Committee Meeting  
on 23 January 2009**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 9 January 2009**

**Date of tabling in LegCo** : 14 January 2009

**Amendment to be made by** : 11 February 2009 (or 4 March 2009 if extended  
by resolution)

**Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)  
Protection of Endangered Species of Animals and Plants Ordinance (Amendment  
of Schedule 1) Order 2009 (L.N. 4)**

**Protection of Endangered Species of Animals and Plants (Exemption for  
Appendices II and III Species) (Amendment) Order 2009 (L.N. 5)**

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) has been implemented in Hong Kong since 1976 by the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (the Ordinance). CITES requires that import, export or re-export of the species listed in the three Appendices be subject to control -

- (a) Appendix I  
Species which are highly endangered and threatened with extinction.
- (b) Appendix II  
Species which, unless trade is controlled, could become threatened with extinction.
- (c) Appendix III  
Species identified by any parties to CITES as requiring protection from over-exploitation through international trade.

2. The Ordinance provides for a licensing requirement for the import, introduction from the sea, export, re-export, possession or control of the species listed in Schedule 1 to the Ordinance. Schedule 1 to the Ordinance covers the species in Appendices I, II and III to CITES. Section 48(1) of the Ordinance provides that the Secretary for the Environment may, by order published in the Gazette, amend any

Schedule. Section 47 provides that the Secretary for Environment may, by order published in the Gazette, exempt any person from the restriction on Appendix II species for the purpose of enabling any part of CITES relating to an exemption.

3. L.N. 4 amends Schedule 1 to the Ordinance to give effect to the changes made in June 2007 to the listings of endangered species in the Appendices to CITES. Certain textual amendments are also made to Schedule 1 to ensure consistency with CITES.

4. L.N. 5 amends the Schedule to the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order (Cap. 586 sub. leg. B) in order to change the quantitative limitation of caviar exempt from licensing control from 250 grams per person to 125 grams per person, if the specimen is part of the personal and household effects of the person who imports, exports or re-exports it.

5. An information paper on "Proposed amendments to the Protection of the Endangered Species of Animals and Plants Ordinance (Cap. 586)" (LC Paper No. CB(1)43/08-09(01)) issued by the Environmental Protection Department was circulated to the Panel on Environmental Affairs on 15 October 2008. Members may refer to the LegCo Brief (ref: EP 86/25/01 (08) Pt. 21) issued by the Environmental Protection Department in January 2009 for background about these two pieces of subsidiary legislation.

6. L.N. 4 and L.N. 5 shall come into operation on 13 February 2009.

### **Independent Police Complaints Council Ordinance (33 of 2008)**

#### **Independent Police Complaints Council Ordinance (Commencement) Notice (L.N. 6)**

7. The Independent Police Complaints Council Ordinance was passed on 9 July 2008. The Ordinance makes the Independent Police Complaints Council (IPCC) a statutory body and provides for a legal basis for IPCC to discharge its functions of monitoring and reviewing investigations by the Complaints Against Police Office of the Hong Kong Police Force. The Bill was scrutinized by a Bills Committee and members may refer to the report of the Bills Committee to the House Committee (LC Paper No. CB(2)2411/07-08) for more information about the Bill. Paragraphs 258 to 265 of the report of the Bills Committee give details about the establishment of and financial provisions for IPCC.

8. L.N. 6 appoints 1 April 2009 as the day on which the Ordinance shall come into operation. The proposed date of commencement has not been referred to any Legislative Council Panel.

**Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2008 (L.N. 254 of 2008)**

**Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2008 (Commencement) Notice (L.N. 7)**

9. The Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2008 (L.N. 254 of 2008) was made by the Director-General of Trade and Industry under section 6B of the Import and Export Ordinance (Cap. 60) to reflect the latest changes in the control lists of strategic commodities adopted by various international non-proliferation regimes up to end of 2007. L.N. 254 was published in the Gazette on 5 December 2008 and the Legal Service Division has made a report at the House Committee meeting of 12 December 2008 (LC Paper No. LS24/08-09).

10. This Order appoints 13 February 2009 as the day on which L.N. 254 of 2008 shall come into operation.

Prepared by

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