

For information

Legislative Council Panel on Environmental Affairs

**Proposed Amendments to the Protection of Endangered Species of
Animals and Plants Ordinance, Cap. 586**

INTRODUCTION

This note informs members of the proposed amendments to the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586.

BACKGROUND

2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) has been implemented in Hong Kong since 1976. CITES requires that the import, export or re-export of the species listed in its 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.

3. Under the provisions of CITES, the international trade in these endangered species and their readily recognizable parts and derivatives is strictly regulated. Trade in CITES Appendix I species is either prohibited or to be conducted in certain specified circumstances under both an export (or re-export) permit and an import permit. Trade in CITES Appendices II or III species

requires only an export (or re-export) permit, unless there are stricter domestic measures in the trading economies. CITES Parties meet in about every two to three years in the Conference of the Parties and, among other things, review and amend the species listed in the Appendices to CITES. Parties would also amend or adopt Resolutions in relation to CITES implementation.

4. The Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586 (the Ordinance) gives effect to CITES in Hong Kong. It provides that a licence is required for the import, introduction from the sea, export, re-export, possession or control of the species listed in Schedule 1 to the Ordinance. That Schedule 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. Moreover, Section 47 of the Ordinance provides that the Secretary 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.

PROPOSED AMENDMENTS

5. At the 14th meeting of the Conference of the Parties (CoP14) to CITES held in June 2007, Parties reviewed and amended the list of endangered species in the Appendices to CITES and their annotations. The adopted amendments include:

- (a) inclusion of 1 taxa (species or group of species) in Appendix I;
- (b) inclusion of 3 taxa in Appendix II;
- (c) transfer of 2 taxa from Appendix II to Appendix I;
- (d) transfer of 2 taxa from Appendix III to Appendix I;
- (e) transfer of 2 taxa from Appendix I to Appendix II;
- (f) deletion of 1 taxa from Appendix I;
- (g) deletion of 4 taxa from Appendix II; and
- (h) change of 5 annotations to some specified taxa.

Details of the changes are at **Annex 1**.

6. CITES has also re-arranged the taxa under each Class (a higher taxonomic order) of its Appendices in alphabetical order. There were also amendments to the Appendices arising from updating the nomenclature, such as

splitting, merging, re-naming and re-arranging, of some specified species. For example, *Saiga tatarica* (Saiga) in the existing Appendices of Schedule 1 to the Ordinance has been split into two species, namely *Saiga tatarica* (Saiga) and *Saiga borealis* (Mongolian saiga).

7. The CITES Secretariat also notified that there were addition of 14 taxa to Appendix III, and deletion of all species previously listed in Appendix III by Ghana. The relevant additions and deletions are at **Annex 2** and **Annex 3** respectively.

8. To give effect to the above changes, Schedule 1 to the Ordinance would need to be amended accordingly. We intend to replace the existing Appendices of Schedule 1 to the Ordinance by the updated CITES Appendices to ensure consistency.

9. CoP14 also adopted a Resolution, which changed the quantitative limitation of caviar of personal and household effects that is exempt from licensing control from 250 grams per person to 125 grams per person. The Schedule to the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III) Order would be amended accordingly to reflect the change.

CONSULTATION

10. The Endangered Species Advisory Committee and the Endangered Species Protection Liaison Group were consulted in May 2008. Members supported the proposal. Non-governmental organizations, including World Wide Fund Hong Kong, TRAFFIC East Asia and Kadoorie Farm and Botanical Garden, were also consulted. They had no objection to the proposed amendments.

11. Representatives of the concerned trades, viz dried seafood and sharkfin, food fish and timber, have been consulted. The traders generally have no objection to the new control on the understanding that the control is required under CITES.

WAY FORWARD

12. Members are invited to note the proposed amendments to the Ordinance. The amendments are being drafted. We plan to table the subsidiary legislation at the Legislative Council for negative vetting before the end of 2008

Environmental Protection Department
October 2008

《公約》第十四屆締約國大會附錄 I 及 II 和註釋的修訂
Amendments to CITES Appendices I and II and Annotations in CoP14

	物種 Species	俗稱 Common Name
A.	<u>列入附錄 I</u> <u>Include in Appendix I</u>	
	Pristidae spp. (<i>Pristis microdon</i> 除外 Except <i>Pristis microdon</i>)	鋸鰩 Sawfish
B.	<u>由附錄 II 轉入附錄 I</u> <u>Transfer from Appendix II to Appendix I</u>	
	<i>Nycticebus</i> spp.	懶猴 Slow lorises
	<i>Heloderma horridum charlesbogerti</i>	珠毒蜥危地馬拉亞種 Guatemalan beaded lizard
C.	<u>由附錄 III 轉入附錄 I</u> <u>Transfer from Appendix III to Appendix I</u>	
	<i>Gazella cuvieri</i>	卡氏羚 Cuvier's gazelle
	<i>Gazella leptoceros</i>	細角羚 Slender-horned gazelle
D.	<u>從附錄 I 中刪除</u> <u>Delete from Appendix I</u>	
	<i>Agave arizonica</i>	亞利桑那龍舌蘭 Arizona agave
E.	<u>列入附錄 II</u> <u>Include in Appendix II</u>	
	<i>Pristis microdon</i> (只容許以自然保育為主要目的而往適當和可接受的水族館的活體動物的國際貿易 For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes)	小齒鋸鰩 Freshwater sawfish
	<i>Anguilla anguilla</i>	歐洲鰻鱺 European eel
	<i>Caesalpinia echinata</i> (原木、鋸材、面板，包括用作製造絃樂器的琴弓而未完成的木件 Logs, sawn wood, veneer sheets, including unfinished wood articles used for the fabrication of bows for stringed musical instruments)	巴西蘇木 Brazil wood
F.	<u>由附錄 I 轉入附錄 II</u> <u>Transfer from Appendix I to Appendix II</u>	

	<i>Melanosuchus niger</i> (巴西種群 Population of Brazil)	亞馬遜鱷 Black caiman	
	<i>Nolina interrata</i>	間型酒瓶蘭 Dehesa bear-grass	
G.	從附錄 II 中刪除 <u>Delete from Appendix II</u>		
	<i>Pereskia</i> spp. and <i>Quiabentia</i> spp.	葉仙人掌及頂花麒麟掌 Leaf cacti	
	<i>Pereskiopsis</i> spp.	麒麟掌 Cacti	
	<i>Shortia galacifolia</i>	灰葉岩扇 Oconee bells	
H	修改註釋 <u>Revision of Annotation</u>		
	物種 Species	俗稱 Common Name	修訂 Amendments
	<i>Loxodonta africana</i>	非洲象 African elephant	對博茨瓦納、納米比亞、南非及津巴布韋，容許已登記的政府擁有的象牙存貨一次性出售給指定的貿易夥伴，之後九年內不會再有容許象牙貿易的其他建議。此外，也稍為放寬了皮張及皮製品的貿易。For Botswana, Namibia, South Africa and Zimbabwe, allow the trade in registered government-owned ivory stocks in a single sale to designated trading partners and no further proposals to allow trade in ivory for a period of 9 years. In addition, the trade in elephant hides and leather products is slightly relaxed.
	<i>Vicugna vicugna</i> (玻利維亞種群 Population of Bolivia)	小羊駝 Vicuna	容許剪自玻利維亞所有種群的小羊駝的羊毛的貿易。Allow trade in wool sheared from all vicuna populations within Bolivia.
	Orchidaceae spp.	蘭花 Orchids	合併及修訂註釋。Merge and amend annotations.
	加有註釋#1、#2、#3、#7、#8 及#10 的所有分類單元 Taxa annotated with annotation #1, #2, #3, #7, #8 and #10.	藥用植物 Medicinal plants	簡化註釋，並釐清哪些部分或哪些衍生物免受《公約》管制。Simplify the annotations and clarify the parts or derivatives that are excluded from CITES control.
	<i>Taxus chinensis</i> , <i>T. fuana</i> , <i>T.</i>	紅豆杉、喜馬拉雅	刪除 <i>Taxus chinensis</i> , <i>T. fuana</i> and <i>T.</i>

	<i>sumatrana</i> and <i>T. cuspidata</i>	密葉紅豆杉、蘇門答臘紅豆杉及東北紅豆杉 Chinese Yew, Japanese Yew	<i>sumatrana</i> 的註釋; 豁免 <i>T. cuspidata</i> 的人工培植雜交種及栽培種的管制。 Delete the annotation of <i>Taxus chinensis</i> , <i>T. fauna</i> and <i>T. sumatrana</i> ; exclude artificially propagated hybrids and cultivars of <i>T. cuspidata</i> .
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列入附錄 III Addition to Appendix III

物種 Species	俗稱 Common Name	提出將物種列入的締約國 Party submitting the species for inclusion
<i>Gazella dorcas</i>	鹿羚 Dorcas gazelle	阿爾及利亞 Algeria
<i>Cervus elaphus barbarus</i>	馬鹿巴巴厘亞種 Barbary deer	阿爾及利亞 Algeria
<i>Macrochelys temminckii</i>	大鱷龜 Alligator snapping turtle	美國 United States of America
<i>Graptemys</i> spp.	圖龜屬所有種 Map turtle	美國 United States of America
<i>Haliotis midae</i>	南非鮑 Abalone	南非 South Africa
<i>Corallium elatius</i>	瘦長紅珊瑚 Pink coral	中國 China
<i>Corallium japonicum</i>	日本紅珊瑚 Pink coral	中國 China
<i>Corallium konjoi</i>	皮滑紅珊瑚 White coral	中國 China
<i>Corallium secundum</i>	巧紅珊瑚 Angelskin coral	中國 China
<i>Dalbergia retusa</i> (原木、鋸材和面板 Logs, sawn wood and veneer sheets) [危地馬拉種群 Population of Guatemala]	微凹黃檀 Cocobolo	危地馬拉 Guatemala
<i>Dalbergia stevensonii</i> (原木、鋸材和面板 Logs, sawn wood and veneer sheets) [危地馬拉種群 Population of Guatemala]	伯利茲黃檀 Rosewood	危地馬拉 Guatemala
<i>Dipteryx panamensis</i>	巴拿馬天蓬樹 Almendro	尼加拉瓜 Nicaragua
<i>Cedrela odorata</i> (原木、鋸材和面板 Logs, sawn wood and veneer sheets)	煙洋椿 West Indian cedar	危地馬拉 Guatemala
<i>Bulnesia sarmientoi</i> (原木、鋸材、面板、膠合板、粉末和萃取物 Logs, sawn wood, veneer sheets, plywood, powder and extracts)	玉檀木 Holy wood	阿根廷 Argentina

從附錄 III 中刪除原先由加納列入的所有物種
Deletion of all species previously listed in Appendix III by Ghana

物種 Species	俗稱 Common Name
<i>Epixerus ebii</i>	非洲棕櫚松鼠 Ebian's palm squirrel, Temminck's giant squirrel
<i>Anomalurus beecrofti</i>	西非鱗尾松鼠 Beecroft's flying squirrel
<i>Anomalurus derbianus</i>	鱗尾松鼠 Lord Derby's flying squirrel
<i>Anomalurus pelii</i>	佩氏鱗尾松鼠 Pel's flying squirrel
<i>Idiurus macrotis</i>	長耳鱗尾松鼠 Longeared flying squirrel
<i>Hystrix cristata</i>	非洲冕豪豬 Crested porcupine
<i>Mellivora capensis</i> ¹	蜜獾 Honey badger
<i>Hyemoschus aquaticus</i>	水麝鹿 Water chevrotain
<i>Damaliscus lunatus</i>	南非大羚羊 Tsessebe
<i>Tragelaphus eurycerus</i>	肯尼亞林羚 Bongo
<i>Tragelaphus spekii</i>	林羚 Marshbuck, sitatunga
<i>Ardea goliath</i>	巨鷺 Goliath heron
<i>Bubulcus ibis</i>	牛背鷺 Cattle egret
<i>Casmerodius albus</i>	大白鷺 Great egret
<i>Egretta garzetta</i>	小白鷺 Little egret
<i>Ephippiorhynchus senegalensis</i>	凹嘴鶴 Saddlebill stork
<i>Leptoptilos crumeniferus</i>	非洲禿鶴 Marabou stork
<i>Bostrychia hagedash</i>	鳳頭鸚 Hadada ibis
<i>Bostrychia rara</i>	點胸鸚 Spotbreasted ibis
<i>Threskiornis aethiopicus</i>	聖鸚 Sacred ibis
<i>Alopochen aegyptiacus</i>	埃及雁 Egyptian goose
<i>Anas acuta</i>	針尾鴨 Common pintail
<i>Anas capensis</i>	綠翅灰斑鴨 Cape teal, Cape wigeon
<i>Anas clypeata</i>	琵琶嘴鴨 Northern shoveler
<i>Anas crecca</i>	綠翅鴨 Common teal, green-winged teal
<i>Anas penelope</i>	赤頸鴨 Eurasian wigeon
<i>Anas querquedula</i>	白眉鴨 Garganey

¹ *Mellivora capensis* (博茨瓦納)保留在附錄III *Mellivora capensis* (Botswana) remains in Appendix III

<i>Aythya nyroca</i>	白眼潛鴨 Ferruginous duck, white-eyed pochard
<i>Dendrocygna bicolor</i> ²	草黃樹鴨 Fulvous tree-duck
<i>Dendrocygna viduata</i>	白臉樹鴨 White-faced treeduck
<i>Nettapus auritus</i>	厚嘴棉鳧 African pygmygoose
<i>Plectropterus gambensis</i>	距翅雁 Spur-winged goose
<i>Pteronetta hartlaubii</i>	藍翅棲鴨 Hartlaub's duck
<i>Agelastes meleagrides</i>	白胸珠雞 White-breasted guineafowl
<i>Columba guinea</i>	點斑鴿 Speckled pigeon
<i>Columba iriditorques</i>	銅頸鴿 Western bronze-naped pigeon
<i>Columba livia</i>	原鴿 Rock dove
<i>Columba unicincta</i>	鱗斑灰鴿 Afep pigeon, grey wood-pigeon
<i>Oena capensis</i>	小長尾鳩 Longtailed dove, Namaqua dove
<i>Streptopelia decipiens</i>	哀斑鳩 African mourning dove
<i>Streptopelia roseogrisea</i>	粉頭斑鳩 African collared-dove, pink-headed dove
<i>Streptopelia semitorquata</i>	紅眼斑鳩 Redeyed dove
<i>Streptopelia senegalensis</i>	棕斑鳩 Laughing dove
<i>Streptopelia turtur</i>	歐斑鳩 European turtle-dove, turtle dove
<i>Streptopelia vinacea</i>	酒紅斑鳩 Vinaceous dove
<i>Treron calva</i>	非洲綠鳩 African green-pigeon
<i>Treron waalia</i>	黃腹綠鳩 Bruce's green pigeon
<i>Turtur abyssinicus</i>	黑嘴森鳩 Black-billed wood-dove
<i>Turtur afer</i>	藍斑森鳩 Bluespotted wood-dove
<i>Turtur brehmeri</i>	藍頭森鳩 Blueheaded dove
<i>Turtur tympanistris</i>	白胸森鳩 Tambourine dove
<i>Psittacula krameri</i>	紅額綠鸚鵡 Ring-necked parakeet, rose-ringed parakeet
<i>Corythaeola cristata</i>	藍蕉鵡 Blue plantain-eater, great blue turaco
<i>Crinifer piscator</i>	灰蕉鵡 Grey plantain-eater
<i>Musophaga violacea</i>	紫蕉鵡 Violet plantain-eater, violet turaco
<i>Serinus canicapillus</i>	灰冠絲雀 West African seedeater
<i>Serinus leucopygius</i>	白腰絲雀 Grey singing finch, white-rumped seedeater
<i>Serinus mozambicus</i>	黃額絲雀 Green singing finch, yellow-fronted canary
<i>Amadina fasciata</i>	環喉雀 Cutthroat
<i>Amandava subflava</i>	橙腹紅梅花雀 Golden-breasted waxbill, zebra waxbill

² *Dendrocygna bicolor* (洪都拉斯)保留在附錄III *Dendrocygna bicolor* (Honduras) remains in Appendix III

<i>Estrilda astrild</i>	橫斑梅花雀 Common waxbill
<i>Estrilda caerulescens</i>	淡藍梅花雀 Lavender firefinch, lavender waxbill
<i>Estrilda melpoda</i>	橙頰梅花雀 Orange-cheeked waxbill
<i>Estrilda troglodytes</i>	黑腰梅花雀 Black-rumped waxbill
<i>Lagonosticta rara</i>	黑腹火雀 Black-bellied firefinch
<i>Lagonosticta rubricata</i>	灰頂火雀 African firefinch
<i>Lagonosticta rufopicta</i>	斑胸火雀 Bar-breasted firefinch
<i>Lagonosticta senegala</i>	紅嘴火雀 Red-billed firefinch
<i>Lagonosticta vinacea</i>	酒紅火雀 Black-faced firefinch
<i>Lonchura bicolor</i>	黑白文鳥 Black-and-white mannikin
<i>Lonchura cantans</i>	銀嘴文鳥 African silverbill
<i>Lonchura cucullata</i>	古銅色文鳥 Bronze mannikin
<i>Lonchura fringilloides</i>	鵲色文鳥 Magpie mannikin
<i>Mandingoa nitidula</i>	綠背點斑雀 Green twinspace
<i>Nesocharis capistrata</i>	白頰橄欖背織布鳥 Grey-headed oliveback, white-cheeked olive weaver
<i>Nigrita bicolor</i>	栗胸黑梅花雀 Chestnut-breasted negrofinch
<i>Nigrita canicapilla</i>	灰頭黑梅花雀 Grey-headed negrofinch
<i>Nigrita fusconota</i>	白胸黑梅花雀 White-breasted negrofinch
<i>Nigrita luteifrons</i>	淡額黑梅花雀 Palefronted negrofinch
<i>Ortygospiza atricollis</i>	黑頰鶉雀 African quailfinch
<i>Parmoptila rubrifrons</i>	剛果紅額蟻雀 Jameson's antpecker, red-fronted antpecker
<i>Pholidornis rushiae</i>	雀織鶯 Tit-hylia
<i>Pyrenestes ostrinus</i>	黑腹嗑籽雀 Black-bellied seedcracker
<i>Pytilia hypogrammica</i>	黃翅斑腹雀 Red-faced pytilia, yellow-winged pytilia
<i>Pytilia phoenicoptera</i>	紅翅斑腹雀 Aurora finch, redwinged pytilia
<i>Spermophaga haematina</i>	紅胸藍嘴雀 Blue-billed weaver
<i>Uraeginthus bengalus</i>	紅頰藍飾雀 Cordonbleu, redcheeked cordonbleu
<i>Amblyospiza albifrons</i>	厚嘴織布鳥 Grosbeak weaver
<i>Anaplectes rubriceps</i>	紅頭織布鳥 Red-headed weaver
<i>Anomalospiza imberbis</i>	寄生織布鳥 Cuckoo weaver, parasitic weaver
<i>Bubalornis albirostris</i>	牛文鳥 White-billed buffalo weaver
<i>Euplectes afer</i>	黃頂寡婦鳥 Golden bishop, yellow-crowned bishop
<i>Euplectes ardens</i>	紅領寡婦鳥 Redcollared whydah, redcollared widowbird
<i>Euplectes franciscanus</i>	西非紅色寡婦鳥 Orange bishop

<i>Euplectes hordeaceus</i>	黑翅紅色寡婦鳥 Black-winged bishop
<i>Euplectes macrourus</i>	黃肩寡婦鳥 Yellow-backed whydah, yellowmantled widowbird
<i>Malimbus cassini</i>	卡辛氏馬利布鳥 Black-throated malimbe
<i>Malimbus malimbicus</i>	冠馬利布鳥 Crested malimbe
<i>Malimbus nitens</i>	藍嘴馬利布鳥 Bluebilled malimbe
<i>Malimbus rubricollis</i>	紅頸馬利布鳥 Red-headed malimbe
<i>Malimbus scutatus</i>	紅臀馬利布鳥 Red-vented malimbe
<i>Pachyphantes superciliosus</i>	褐翅織布鳥 Compact weaver
<i>Passer griseus</i>	灰頭麻雀 Greyheaded sparrow
<i>Petronia dentata</i>	灌叢石雀 Bush petronia
<i>Plocepasser superciliosus</i>	栗頂雀織鳥 Chestnutcrowned sparrowweaver
<i>Ploceus albinucha</i>	白頸黑織布鳥 Maxwell's black weaver, white-naped weaver
<i>Ploceus aurantius</i>	橙色織布鳥 Orange weaver
<i>Ploceus cucullatus</i>	黑頭群棲織布鳥 Layard's blackheaded weaver
<i>Ploceus heuglini</i>	綠腰織布鳥 Heuglin's maskedweaver
<i>Ploceus luteolus</i>	小織布鳥 Little weaver
<i>Ploceus melanocephalus</i>	黑頭黃背織布鳥 Black-headed weaver, yellow-backed weaver
<i>Ploceus nigerrimus</i>	大黑織布鳥 Vieillot's black weaver
<i>Ploceus nigricollis</i>	黑頸織布鳥 Black-necked weaver
<i>Ploceus pelzelni</i>	細嘴織布鳥 Slender-billed weaver
<i>Ploceus preussi</i>	金背織布鳥 Golden-backed weaver
<i>Ploceus tricolor</i>	黃肩織布鳥 Yellow-mantled weaver
<i>Ploceus vitellinus</i>	黃面織布鳥 Vitelline maskedweaver
<i>Quelea erythrops</i>	紅頭奎利亞雀 Redheaded dioch, redheaded quelea
<i>Sporopipes frontalis</i>	點額織布鳥 Scaly-fronted weaver
<i>Vidua chalybeata</i>	靛藍維達鳥 Green indigobird
<i>Vidua interjecta</i>	中非維達鳥 Longtailed paradisewhydah
<i>Vidua larvaticola</i>	隱居維達鳥 Baka indigobird
<i>Vidua macroura</i>	針尾維達鳥 Pintailed whydah
<i>Vidua orientalis</i>	寬尾樂園維達鳥 Northern paradisewhydah
<i>Vidua raricola</i>	寡居維達鳥 Jambandu indigobird
<i>Vidua togoensis</i>	多哥維達鳥 Togo paradise-whydah
<i>Vidua wilsoni</i>	淡翅維達鳥 Palewinged indigobird, Wilson's indigobird

<i>Trionyx triunguis</i>	非洲鱉 African softshell turtle, Nile softshell turtle
<i>Pelomedusa subrufa</i>	盔側頸龜 African helmeted turtle, helmeted turtle
<i>Pelusios adansonii</i>	安氏非洲側頸龜 Adanson's mud turtle, white-breasted sidenecked turtle
<i>Pelusios castaneus</i>	西非側頸龜 Chestnut terrapin, West African mud turtle
<i>Pelusios gabonensis</i>	非洲森林側頸龜 African forest turtle, stripe-backed sidenecked turtle
<i>Pelusios niger</i>	非洲黑側頸龜 African black terrapin, black side-necked turtle