

For information

Legislative Council Panel on Environmental Affairs

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

INTRODUCTION

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

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, introduction from the sea, 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 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 Ordinance gives effect to CITES in Hong Kong . It provides that, save and except it is otherwise provided in the Ordinance, a licence is required for the import, introduction from the sea, export, re-export, possession or control of the species listed in Part 2 of Schedule 1 to the Ordinance. Part 2 of Schedule 1 to the Ordinance covers the species listed in Appendices I, II and III to CITES. In relation to the implementation and application of CITES, Schedule 3 to the Ordinance sets out the relevant parts of Convention Instruments that have the force of law in Hong Kong. Section 48 of the Ordinance stipulates that the amendments to any Schedule to the Ordinance are to be made by the Secretary for the Environment by order published in the Gazette.

PROPOSED AMENDMENTS

5. At the 15th meeting of the Conference of the Parties (CoP15) to CITES held in March 2010 in Qatar, CITES Parties reviewed and amended the list of endangered species in the Appendices to CITES. The adopted amendments include:

- (a) inclusion of 1 taxon (species or group of species) in Appendix I;
- (b) inclusion of 14 taxa in Appendix II;
- (c) transfer of 2 taxa from Appendix I to Appendix II;
- (d) transfer of 1 taxon from Appendix III to Appendix II;
- (e) deletion of 1 taxon from Appendix I; and
- (f) deletion of 3 taxa from Appendix II.

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

6. There were also amendments of the annotations to the Appendices as well as technical amendments arising from nomenclature changes such as splitting, merging and re-naming of some specified species. Moreover, the CITES Secretariat has notified the deletion of 11 species previously listed in Appendix III and addition of 8 taxa to Appendix III. The relevant deletions and additions are at **Annex 2** and **Annex 3** respectively.

7. To give effect to the above changes, we propose to amend Schedule 1 to the Ordinance accordingly.

8. At CoP15, Parties revised Resolutions in relation to the implementation and application of CITES, including the definition of “cultivar” and guidelines on the information to be included in permits and certificates. We propose to amend Schedule 3 to the Ordinance accordingly to reflect those changes.

CONSULTATION

9. The Endangered Species Protection Liaison Group and Endangered Species Advisory Committee were consulted on the proposed legislative amendments in April and July 2010 respectively. Members supported the proposal.

10. Relevant traders were consulted on the possible listing of the species in CITES Appendices in early 2010 before the meeting of CoP15. They did not have objection to the possible new control on the understanding that the control would be required under CITES.

WAY FORWARD

11. Members are invited to note the proposed amendments to the Ordinance. We plan to table the subsidiary legislation at the Legislative Council for negative vetting in early 2011.

Environmental Protection Department
December 2010

修訂《保護瀕危動植物物種條例》附表的建議

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

《公約》第 15 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 CoP15

| | 物種 Species | 俗稱 Common Name |
|----|---|---|
| A. | <u>列入附錄 I</u> Inclusion in Appendix I | |
| | <i>Neurergus kaiseri</i> | 桔斑蜥 Kaiser's spotted newt |
| B. | <u>列入附錄 II</u> Inclusion in Appendix II | |
| | <i>Ctenosaura bakeri</i> | 烏蒂拉櫛尾蜥 Baker's spiny-tailed iguana |
| | <i>Ctenosaura oedirhina</i> | 羅阿坦櫛尾蜥 Roatan spiny-tailed iguana |
| | <i>Ctenosaura melanosterna</i> | 阿關櫛尾蜥 Rio Aguan spiny-tailed iguana |
| | <i>Ctenosaura palearis</i> | 危地馬拉櫛尾蜥 Guatemalan spiny-tailed iguana |
| | <i>Agalychnis</i> spp. | 紅眼蛙 Red eye tree frog |
| | <i>Dynastes satanas</i> | 撒旦犀金龜 Satanas beetle |
| | <i>Operculicarya hyphaenoides</i> | 織冠漆 |
| | <i>Operculicarya pachypus</i> | 象腿漆 |
| | <i>Zygosicyos pubescens</i> | 柔毛沙葫蘆 |
| | <i>Zygosicyos tripartitus</i> | 沙葫蘆 |
| | <i>Aniba rosaeodora</i> (指定原木、鋸木、面板、膠合板及精油，經包裝並隨時可供零售貿易的製成品除外。 Logs, sawn wood, veneer sheets, plywood and essential oil, excluding finished products packaged and ready for retail) | 玫香木 Rosewood |
| | <i>Adenia olaboensis</i> | 鱷魚蔓 |

| | 物種 Species | 俗稱 Common Name |
|---|--|--|
| | <i>Cyphostemma elephantopus</i> | 象足葡萄甕 Elephant-foot grape tree |
| | <i>Cyphostemma montagnacii</i> | 蒙氏葡萄甕 |
| C. 由附錄 I 轉入附錄 II <u>Transfer from Appendix I to Appendix II</u> | | |
| | <i>Crocodylus moreletii</i> (僅貝里斯及墨西哥種群，作商業貿易目的的野生標本出口限額為零。Only the populations of Belize and Mexico, with a zero quota for wild specimens traded for commercial purposes) | 佩滕鱷 Belize crocodile, Morelet's crocodile |
| | <i>Crocodylus niloticus</i> (僅埃及種群，作商業貿易目的的野生標本出口限額為零。Only the population of Egypt, with a zero quota for wild specimens traded for commercial purposes) | 尼羅鱷 African crocodile, Nile crocodile |
| D. 由附錄 III 轉入附錄 II <u>Transfer from Appendix III to Appendix II</u> | | |
| | <i>Bulnesia sarmientoi</i> (指定原木、鋸木、面板、膠合板、粉末及萃取物。Logs, sawn wood, veneer sheets, plywood, powder and extracts) | 玉檀木 Holy wood |
| E. 從附錄 I 中刪除 <u>Deletion from Appendix I</u> | | |
| | <i>Anas oustaleti</i> | 馬利亞納鴨 Marianas Island duck |
| F. 從附錄 II 中刪除 <u>Deletion from Appendix II</u> | | |
| | <i>Euphorbia misera</i> | 崖大戟 Cliff Spurge |
| | <i>Orothamnus zeyheri</i> | 山棲木 Marsh Rose |
| | <i>Protea odorata</i> | 芳香薊花木 Ground-rose |

| G. 修改註釋 <u>Revision of Annotation</u> | | |
|---------------------------------------|-------------------|-------------------------|
| 物種 Species | 俗稱 Common Name | 修訂 Amendments |
| <i>Canis lupus</i> | 狼 Common wolf, | 加入以下註釋予列於附錄 I 及 II 的種群： |

| 物種 Species | 俗稱 Common Name | 修訂 Amendments |
|--|----------------|--|
| | timber wolf | <p>“不包括稱爲 <i>Canis lupus familiaris</i> 及 <i>Canis lupus dingo</i> 的家養型及澳洲犬。”</p> <p>Population included in Appendices I and II will be annotated as follows:</p> <p>“Excludes the domesticated form and the dingo which are referenced as <i>Canis lupus familiaris</i> and <i>Canis lupus dingo</i>.”</p> |
| <p>All plant taxa in Appendix II annotated with #1 and #4</p> <p>[Existing annotations: #1 – e.g. CYCADACEAE (蘇鐵科), EUPHORBIACEAE (大戟科) and <i>Aloe</i> (蘆薈) spp. in LILIACEAE (百合科); #4 – only CACTACEAE spp. (仙人掌科)]</p> | | <p>刪除附錄 II 分類單元的註釋#1 及#4 並以新註釋取代：</p> <p>“所有部分及衍生物，但下述項目除外：</p> <p>(a) 種子(包括蘭科的莢)、孢子和花粉（包括花粉塊），而源自墨西哥的仙人掌科植物的種子及源自馬達加斯加的 <i>Beccariophoenix madagascariensis</i> 和 <i>Neodypsis decaryi</i> 的種子除外；</p> <p>(b) 源於體外培養、置於固體或液體培養基中、以經消毒容器運輸的幼苗或組織培養物；</p> <p>(c) 人工培植植物的切花；</p> <p>(d) 移植或人工培植的 <i>Vanilla</i><香果蘭>屬(蘭科)及仙人掌科植物的果實、其部分及衍生物；</p> <p>(e) 移植或人工培植的 <i>Opuntia</i><黃毛掌>屬 <i>Opuntia</i><黃毛掌>亞屬及 <i>Selenicereus</i> 屬(仙人掌科)植物的莖部、花朵、其部分及衍生物；及</p> <p>(f) 經包裝並隨時可供零售貿易的 <i>Euphorbia antisyphilitica</i> 製成品。”</p> <p>Delete annotations #1 and #4 and replace them both with the following new annotation for plant taxa listed in Appendix II:</p> <p>“All parts and derivatives, except:</p> <p>a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from <i>Beccariophoenix</i></p> |

| 物種 Species | 俗稱 Common Name | 修訂 Amendments |
|----------------|----------------|---|
| | | <p><i>madagascariensis</i> and <i>Neodopsis decaryi</i> exported from Madagascar;</p> <p>b) seedlings or tissue cultures obtained <i>in vitro</i>, in solid or liquid media, transported in sterile containers;</p> <p>c) cut flowers of artificially propagated plants;</p> <p>d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genera <i>Vanilla</i> (Orchidaceae) and of the family Cactaceae;</p> <p>e) stems, flowers, and parts and derivatives thereof of naturalized or artificially propagated plants of the genera <i>Opuntia</i> subgenus <i>Opuntia</i> and <i>Selenicereus</i> (Cactaceae); and</p> <p>f) finished products of <i>Euphorbia antisiphilitica</i> packaged and ready for retail trade.”</p> |
| CACTACEAE spp. | 仙人掌 Cactus | <p>修改註腳如下：</p> <p>下列雜交種和／或栽培種的人工培植標本不受本條例的條文規限：</p> <p>— <i>Hatiora x graeseri</i></p> <p>— <i>Schlumbergera x buckleyi</i> 〈巴氏仙人掌〉</p> <p>— <i>Schlumbergera russelliana x Schlumbergera truncata</i> 〈露氏仙人掌 x 蟹爪〉</p> <p>— <i>Schlumbergera orssichiana x Schlumbergera truncata</i> 〈奧氏仙人掌 x 蟹爪〉</p> <p>— <i>Schlumbergera opuntioides x Schlumbergera truncata</i> 〈掌狀仙人掌 x 蟹爪〉</p> <p>— <i>Schlumbergera truncata</i> 〈蟹爪〉(栽培種)</p> <p>— Cactaceae spp. 〈仙人掌科所有種〉的顏色突變體，並嫁接在下列嫁接砧木上： <i>Harrisia ‘Jusbertii’</i> 〈臥龍柱〉、<i>Hylocereus trigonus</i>〈三棱量天尺〉或 <i>Hylocereus undatus</i></p> |

| 物種 Species | 俗稱 Common Name | 修訂 Amendments |
|------------------|----------------|--|
| | | <p>〈量天尺〉</p> <p>— <i>Opuntia microdasys</i> 〈黃毛掌〉(栽培種)。</p> <p>The footnote is amended as follows: “Artificially propagated specimens of the following hybrids and/or cultivars are not subject to the provisions of the Convention: — <i>Hatiora x graeseri</i> — <i>Schlumbergera x buckleyi</i> — <i>Schlumbergera russelliana x Schlumbergera truncata</i> — <i>Schlumbergera orssichiana x Schlumbergera truncata</i> — <i>Schlumbergera opuntioides x Schlumbergera truncata</i> — <i>Schlumbergera truncata</i> (cultivars) — Cactaceae spp. colour mutants grafted on the following grafting stocks: <i>Harrisia ‘Jusbertii’</i>, <i>Hylocereus trigonus</i> or <i>Hylocereus undatus</i> — <i>Opuntia microdasys</i> (cultivars).”</p> |
| ORCHIDACEAE spp. | 蘭花 Orchids | <p>以下列新註釋替代現有註釋：</p> <p>“就下列所有附錄 I 物種而言，源於體外培養、置於固體或液體培養基中、以經消毒容器運輸的幼苗或組織培養物，只有當該標本符合《公約》締約國大會訂下的‘人工培植’定義，才不受《公約》所規限。”</p> <p>Replace the existing annotation with the following new annotation: “For all of the following Appendix-I species, seedling or tissue cultures obtained <i>in vitro</i>, in solid or liquid media, and transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of ‘artificially propagated’ agreed by the Conference of the Parties.”</p> |

《保護瀕危動植物物種條例》的修訂建議**Proposed Amendments to the
Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586**

從附錄 III 中刪除物種

Deletion of species listed in Appendix III

| 物種 Species | 俗稱 Common Name |
|--------------------------------|--|
| <i>Arborophila campbelli</i> | 坎氏山鷓鴣 Campbell's hill partridge |
| <i>Arborophila charltonii</i> | 栗胸山鷓鴣 Chestnut-breasted tree-partridge |
| <i>Caloperdix oculus</i> | 鏽紅林鷓鴣 Ferruginous partridge, ferruginous wood-partridge |
| <i>Lophura erythrophthalma</i> | 棕尾火背鸚 Crestless fireback |
| <i>Lophura ignita</i> | 鳳冠火背鸚 Crested fireback |
| <i>Melanoperdix niger</i> | 黑鸚 Black wood-partridge |
| <i>Polyplectron inopinatum</i> | 銅尾孔雀雉 Mountain peacock-pheasant |
| <i>Rhizothera dulitensis</i> | 都力山鸚 Dulit partridge |
| <i>Rhizothera longirostris</i> | 長嘴山鸚 Long-billed partridge |
| <i>Rollulus rouloul</i> | 冕鷓鴣 Crested partridge |
| <i>Haliotis midae</i> | 南非鮑 Midas ear abalone |

《保護瀕危動植物物種條例》的修訂建議**Proposed Amendments to the
Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586****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>Agrias amydon boliviensis</i> | White-spotted agrias | 玻利維亞 Bolivia |
| <i>Morpho godartii lachaumei</i> | Godart's morpho | 玻利維亞 Bolivia |
| <i>Prepona praeneste buckleyana</i> | Prepona | 玻利維亞 Bolivia |
| <i>Cedrela fissilis</i> (原木、鋸材和 面板 Logs, sawn wood and veneer sheets) | 劈裂洋椿 South American cedar | 玻利維亞 Bolivia |
| <i>Cedrela lilloi</i> (原木、鋸材和面 板 Logs, sawn wood and veneer sheets) | 阿根廷洋椿 Cedro | 玻利維亞 Bolivia |
| <i>Cedrela odorata</i> (原木、鋸材 和面板 Logs, sawn wood and veneer sheets) | 煙洋椿 West Indian cedar | 玻利維亞 Bolivia |
| <i>Pinus koraiensis</i> (原木、鋸材 和面板 Logs, sawn wood and veneer sheets) | 紅松 Korean pine | 俄羅斯聯邦 Russian Federation |
| <i>Lodoicea maldivica</i> (仁及其衍 生物 Kernel and any derivative thereof) | 海椰子 Sea coconut | 塞舌爾 Seychelles |