

L.N. 36 of 2011

**Protection of Endangered Species of Animals and
Plants Ordinance (Amendment of Schedules
1 and 3) Order 2011**

(Made by the Secretary for the Environment under section 48 of
the Protection of Endangered Species of Animals and
Plants Ordinance (Cap. 586))

1. Commencement

This Order comes into operation on 20 May 2011.

**2. Protection of Endangered Species of Animals and Plants
Ordinance amended**

The Protection of Endangered Species of Animals and Plants
Ordinance (Cap. 586) is amended as set out in sections 3 and 4.

3. Schedule 1 amended (Scheduled species)

(1) Schedule 1, Part 1, section 7, entry relating to #4—

Repeal paragraph (a)

Substitute

“(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 *Beccariophoenix
madagascariensis* and *Neodypsis decaryi* exported from
Madagascar;”.

(2) Schedule 1, English text, Part 1, section 7, entry relating to
#4, paragraph (b)—

Repeal

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“seedling”

Substitute

“seedlings”.

- (3) Schedule 1, Part 1, section 7, entry relating to #4, paragraph (d)—

Repeal

“plants; and”

Substitute

“plants of the genus *Vanilla* (Orchidaceae) and of the family Cactaceae;”.

- (4) Schedule 1, Part 1, section 7, entry relating to #4—

Repeal paragraph (e)

Substitute

“(e) stems, flowers, and parts and derivatives of them, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and”.

- (5) Schedule 1, Part 1, section 7, entry relating to #4, after paragraph (e)—

Add

“(f) finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade.”.

- (6) Schedule 1, Part 1, section 7, after entry relating to #11—

Add

“#12 Designates logs, sawn wood, veneer sheets, plywood and essential oil (excluding finished products packaged and ready for retail trade).

#13 Designates kernel and derivatives of them.”.

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- (7) Schedule 1, Part 2—

Repeal

“	<i>Lama glama guanicoe</i> <Guanaco>	”
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Substitute

“	<i>Lama guanicoe</i> <Guanaco>	”.
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- (8) Schedule 1, Part 2, item relating to *Vicugna vicugna*, Appendix I, before “**Bolivia**”—

Add

“Plurinational State of”.

- (9) Schedule 1, Part 2, item relating to *Vicugna vicugna*, Appendix II, before “**Bolivia**”—

Add

“**Plurinational State of**”.

- (10) Schedule 1, Part 2, item relating to *Canis lupus*, Appendix I, after “included in Appendix II”—

Add

“. Excludes the domesticated form and the dingo which are referenced as *Canis lupus familiaris* and *Canis lupus dingo*”.

- (11) Schedule 1, Part 2, item relating to *Canis lupus*, Appendix II, after “included in Appendix I”—

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Add

“. Excludes the domesticated form and the dingo which are referenced as *Canis lupus familiaris* and *Canis lupus dingo*”.

(12) Schedule 1, Part 2, after the following—

“ <i>Balaenoptera musculus</i> <Blue whale>		”
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Add

“ <i>Balaenoptera omurai</i>		”.
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(13) Schedule 1, Part 2, after the following—

“ <i>Orcaella brevirostris</i> <Irrawaddy dolphin>		”
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Add

“ <i>Orcaella heinsohni</i>		”.
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(14) Schedule 1, Part 2—

Repeal

“ <i>Physeter catodon</i> <Cachelot, sperm whale>		”
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Substitute

“ <i>Physeter macrocephalus</i> <Cachelot, sperm whale>		”.
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(15) Schedule 1, Part 2—

Repeal

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“ Tupaiidae		
	Tupaiidae spp. <Tree shrews>	”

Substitute

	SCANDENTIA spp. <Tree shrews>	”
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(16) Schedule 1, Part 2—

Repeal

“ <i>Anas oustaleti</i> <Marianas Island duck>		”
--	--	---

(17) Schedule 1, Part 2, before the following—

“ <i>Branta canadensis</i> <i>leucopareia</i> <Aleutian Canada goose>		”
--	--	---

Add

“ <i>Asarcornis</i> <i>scutulata</i> <White- winged duck>		”
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(18) Schedule 1, Part 2—

Repeal

“ <i>Cairina scutulata</i> <White-winged duck>		”
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(19) Schedule 1, Part 2—

Repeal

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“

		<i>Arborophila campbelli</i> <Campbell’s hill partridge> (Malaysia)
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”.

(20) Schedule 1, Part 2—

Repeal

“

		<i>Arborophila charltonii</i> <Chestnut-breasted tree-partridge> (Malaysia)
--	--	---

”.

(21) Schedule 1, Part 2—

Repeal

“

		<i>Caloperdix oculus</i> <Ferruginous partridge, ferruginous wood-partridge> (Malaysia)
--	--	---

”.

(22) Schedule 1, Part 2—

Repeal

“

		<i>Lophura erythrophthalma</i> <Crestless fireback> (Malaysia)
--	--	--

”.

(23) Schedule 1, Part 2—

Repeal

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“

		<i>Lophura ignita</i> <Crested fireback> (Malaysia)	”
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.

(24) Schedule 1, Part 2—

Repeal

“

		<i>Melanoperdix niger</i> <Black wood-partridge> (Malaysia)	”
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.

(25) Schedule 1, Part 2—

Repeal

“

		<i>Polyplectron inopinatum</i> <Mountain peacock- pheasant> (Malaysia)	”
--	--	--	---

.

(26) Schedule 1, Part 2—

Repeal

“

		<i>Rhizothera dulitensis</i> <Dulit partridge> (Malaysia)	”
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.

(27) Schedule 1, Part 2—

Repeal

“

		<i>Rhizothera longirostris</i> <Long-billed partridge> (Malaysia)	”
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(28) Schedule 1, Part 2—

Repeal

“		<i>Rollulus rouloul</i> <Crested partridge> (Malaysia)	”
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(29) Schedule 1, Part 2, after the following—

“		<i>Garrulax canorus</i> <Hwamei>	”
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Add

“		<i>Garrulax taewanus</i> <Taiwan hwamei>	”
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(30) Schedule 1, Part 2—

Repeal

“	<i>Cacatua goffini</i> <Goffin’s cockatoo>		”
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Substitute

“	<i>Cacatua goffiniana</i> <Goffin’s cockatoo>		”
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(31) Schedule 1, Part 2—

Repeal

“	<i>Geopsittacus occidentalis</i> <Night parrot> (possibly extinct)		”
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(32) Schedule 1, Part 2, after the following—

“ <i>Ognorhynchus icterotis</i> <Yellow-eared conure>			”
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Add

“ <i>Pezoporus occidentalis</i> <Night parrot> (possibly extinct)			”.
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(33) Schedule 1, Part 2, item relating to *Crocodylus moreletii*, Appendix I, after “crocodile>”—

Add

“(Except the populations of Belize and Mexico, which are included in Appendix II with a zero quota for wild specimens traded for commercial purposes)”.

(34) Schedule 1, Part 2, item relating to *Crocodylus niloticus*, Appendix I, after “Botswana,”—

Add

“Egypt (subject to a zero quota for wild specimens traded for commercial purposes),”.

(35) Schedule 1, Part 2, after the following—

	<i>Furcifer</i> spp. <Chameleons>		”
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Add

	<i>Kinyongia</i> spp. <Chameleons>		”.
	<i>Nadzikambia</i> spp. <Chameleons>		

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(36) Schedule 1, Part 2, after the following—

	<i>Conolophus</i> spp. <Land iguanas>	
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Add

	<i>Ctenosaura bakeri</i> <Baker’s spiny-tailed iguana>	
	<i>Ctenosaura oedirhina</i> <Roatan spiny-tailed iguana>	
	<i>Ctenosaura melanosterna</i> <Rio Aguan spiny-tailed iguana>	
	<i>Ctenosaura palearis</i> <Guatemalan spiny-tailed iguana>	

(37) Schedule 1, Part 2, after the following—

	<i>Iguana</i> spp. <Iguanas>	
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Add

	<i>Phrynosoma blainvillii</i>	
	<i>Phrynosoma cerroense</i>	

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(38) Schedule 1, Part 2, after the following—

“		<i>Phrynosoma coronatum</i> <Coast horned lizard>	”
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Add

“		<i>Phrynosoma wigginsi</i>	”
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(39) Schedule 1, Part 2, after the following—

“	Geoemydidae	”
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Add

“	<i>Batagur affinis</i>	”
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(40) Schedule 1, Part 2—

Repeal

“		<i>Callagur borneoensis</i> <Painted batagur>	”
---	--	---	---

Substitute

“		<i>Batagur</i> spp. (Except the species included in Appendix I)	”
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(41) Schedule 1, Part 2—

Repeal

“		<i>Kachuga</i> spp. <Roofed turtles>	”
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(42) Schedule 1, Part 2, after the following—

“ <i>Spinophrynoides</i> spp. <Ethiopian toads>		”
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Add

“ <i>Calyptocephalellidae</i>			”
		<i>Calyptocephalella</i> <i>gayi</i> <Helmeted water toad> (Chile)	”

(43) Schedule 1, Part 2, before the following—

“ <i>Mantellidae</i>	”
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Add

“ <i>Hylidae</i>			”
	<i>Agalychnis</i> spp. <Red eye tree frogs>		”

(44) Schedule 1, Part 2—

Repeal

“ <i>Myobatrachidae</i>			”
	<i>Rheobatrachus</i> spp. <Gastric- brooding frogs>		”

(45) Schedule 1, Part 2, before the following—

“CAUDATA	”
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Add

“ <i>Rheobatrachidae</i>	”
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	<i>Rheobatrachus</i> spp. <Gastric- brooding frogs>	
--	---	--

(46) Schedule 1, Part 2, after the following—

“ <i>Andrias</i> spp. <Giant salamanders>		
---	--	--

Add

“Salamandridae		
<i>Neurergus kaiseri</i> <Kaiser’s spotted newt>		

(47) Schedule 1, Part 2, after the following—

		“ <i>Colophon</i> spp. <Cape stag beetles> (South Africa)
--	--	--

Add

“Scarabaeidae		
	<i>Dynastes satanas</i> <Satanas beetle>	

(48) Schedule 1, Part 2, after the following—

“LEPIDOPTERA

Add

“Nymphalidae

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		<i>Agrias amydon boliviensis</i> <White-spotted agrias> (Plurinational State of Bolivia)
		<i>Morpho godartii lachaumei</i> <Godart's morpho> (Plurinational State of Bolivia)
		<i>Prepona praeneste buckleyana</i> <Prepona> (Plurinational State of Bolivia)

(49) Schedule 1, Part 2, after the following—

“

	<i>Hirudo medicinalis</i> <Medicinal leech>	
--	--	--

”

Add

“

	<i>Hirudo verbana</i>	
--	-----------------------	--

”

(50) Schedule 1, Part 2—

Repeal

“

ARCHAEOGASTROPODA
Haliotidae

”

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		<i>Haliotis midae</i> <Midas ear abalone> (South Africa)	”
--	--	---	---

(51) Schedule 1, Part 2, before the following—

“

APOCYNACEAE

”

Add

“

ANACARDIACEAE		
	<i>Operculicarya hyphaenoides</i>	
	<i>Operculicarya pachypus</i>	

”

(52) Schedule 1, Part 2, before the following—

“

CUPRESSACEAE

”

Add

“

CUCURBITACEAE		
	<i>Zygosicyos pubescens</i>	
	<i>Zygosicyos tripartitus</i>	

”

(53) Schedule 1, Part 2, item relating to *Euphorbia* spp., Appendix II, after “only except”—

Add

“*Euphorbia misera* <Cliff spurge> and”.

(54) Schedule 1, Part 2, before the following—

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“

LEGUMINOSAE (Fabaceae)

”

Add

“

LAURACEAE
<i>Aniba rosaeodora</i> #12

”.

(55) Schedule 1, Part 2, after the following—

“

MELIACEAE

”

Add

“

		<i>Cedrela fissilis</i> #5 <South American cedar> (Plurinational State of Bolivia)
		<i>Cedrela lilloi</i> #5 <Cedro> (Plurinational State of Bolivia)

”.

(56) Schedule 1, Part 2, item relating to *Cedrela odorata*, Appendix III—

Repeal

everything after “cedar>”

Substitute

“[Brazil; Plurinational State of Bolivia; Population of Colombia (Colombia); Population of Guatemala (Guatemala); Population of Peru (Peru)]”.

(57) Schedule 1, Chinese text, Part 2, item relating to *Swietenia macrophylla*, Appendix II—

Repeal

“新熱種群”

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Substitute

“新熱帶種群”.

- (58) Schedule 1, Part 2, before item relating to *Aerangis ellisii*, Appendix I—

Repeal

“transported in sterile containers are not subject to the provisions of this Ordinance”

Substitute

“and transported in sterile containers are not subject to the provisions of this Ordinance only if the specimens meet the definition of *artificially propagated* agreed by the Conference of the Parties”.

- (59) Schedule 1, Part 2, after the following—

“

	<i>Lemurophoenix halleuxii</i> <Red-lemur palm>	
--	---	--

”

Add

“

		<i>Lodoicea maldivica</i> #13 <Sea coconut> (Seychelles)
--	--	--

”.

- (60) Schedule 1, Part 2, before the following—

“

PINACEAE

”

Add

“

PASSIFLORACEAE
<i>Adenia olaboensis</i>

”.

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(61) Schedule 1, Part 2, after the following—

<i>Abies guatemalensis</i> <Guatemalan fir>			”
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Add

		<i>Pinus koraiensis</i> #5 <Korean pine> (Russian Federation)	”
--	--	--	---

(62) Schedule 1, Part 2—

Repeal

”			
PROTEACEAE			
	<i>Orothamnus zeyheri</i> #1 <Marsh rose>		”
	<i>Protea odorata</i> #1 <Ground-rose>		”

(63) Schedule 1, Part 2, before the following—

”	WELWITSCHIACEAE	”
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Add

”			
VITACEAE			
	<i>Cyphostemma elephantopus</i>		”
	<i>Cyphostemma montagnacii</i>		”

(64) Schedule 1, Part 2—

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Repeal

“ ZYGOPHYLLACEAE		
		<i>Bulnesia sarmientoi</i> #11 <Holy wood> (Argentina)
”		

Substitute

“ ZYGOPHYLLACEAE		
	<i>Bulnesia sarmientoi</i> #11 <Holy wood>	
”		

(65) Schedule 1, Part 2, Appendix II—

Repeal

“#1” (wherever appearing)

Substitute

“#4”.

(66) Schedule 1, Part 2, section 2, before “Bolivia”—

Add

“Plurinational State of”.

(67) Schedule 1, Part 2, section 6—

Repeal

“lacking chlorophyll,”.

4. Schedule 3 amended (Convention instruments)

(1) Schedule 3, Part 1, item III, paragraph 1(a), after “weather;”—

Repeal

“and”.

- (2) Schedule 3, Part 1, item III, paragraph 1(b)—

Repeal the full stop

Substitute

“; and”.

- (3) Schedule 3, Part 1, item III, after paragraph 1(b)—

Add

“(c) *cultivar* (栽培種) means an assemblage of plants that—

(i) has been selected for a particular character or combination of characters;

(ii) is distinct, uniform, and stable in these characters; and

(iii) when propagated by appropriate means, retains those characters.”.

- (4) Schedule 3, Part 1, item III, paragraph 4(b)(ii), after “collect seeds”—

Add

“or spores”.

- (5) Schedule 3, Part 1, item V, paragraph 3(b), after “in diameter”—

Add

“measured in any direction”.

- (6) Schedule 3, Part 2, before paragraph 11—

Add

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“10A. On permits and certificates issued to authorize trade in specimens of hard corals of the genera included in the most recent list of “*Coral taxa where identification of genus level is acceptable*” maintained by the Secretariat, if the species cannot be readily determined, the specimens may be recorded at the genus level.”.

(7) Schedule 3, Part 2, after paragraph 11—

Add

“11A. On permits and certificates for trade in worked specimens of black coral, if the species cannot be readily determined, the specimens may be recorded at the genus level, and if the genus cannot be readily determined, the scientific name for the given specimens is “*Antipatharia*”.

11B. Raw black coral and live black coral must continue to be identified in trade to species level.”.

(8) Schedule 3, Part 2, paragraph 17, after “artificially propagated”—

Add

“for commercial purposes”.

(9) Schedule 3, Part 2, paragraph 18(a)—

Repeal

“or “re-export”, as appropriate, and/or “other” and”

Substitute

“, “re-export” or “other”, as appropriate, and”.

(10) Schedule 3, Part 2, paragraph 19—

(a) **Repeal**

“a duplicate. This duplicate will”

Substitute

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“a duplicate or a new document to replace the original. In the case of a duplicate, it must”;

(b) **Repeal**

“original” or state”

Substitute

“original”. In the case of a new document, it must state”.

(11) Schedule 3, Part 2, paragraph 22—

Repeal

everything after “accepted if”

Substitute

“the details of the competent authorities and scientific institutions of such states that are included in the online Directory of the Convention were communicated less than 2 years previously, unless the Secretariat confirms that it has no more recent information.”.

(12) Schedule 3, Annex to Part 2, paragraph (h)—

Repeal

“listed”

Substitute

“listed (N.B.: This does not change even if the specimen concerned is deemed to be included in a different Appendix. For example, although specimens of Appendix I species bred in captivity for commercial purposes are deemed to be specimens of species included in Appendix II, the species remains listed in Appendix I, and this must be specified on the permit or certificate)”.

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Edward YAU
Secretary for the Environment

17 February 2011

Explanatory Note

The purpose of this Order is to amend Schedules 1 and 3 to the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) to give effect to the changes—

- (a) made in March 2010 to the listings of endangered species in Appendices I and II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (*the Convention*);
- (b) made in 2009, 2010 and 2011 to the listings of endangered species in Appendix III to the Convention; and
- (c) made in March 2010 to the resolutions adopted by the Conference of the Parties to the Convention.