

For information

Legislative Council Panel on Environmental Affairs

Proposed Amendments to the Schedules and Subsidiary Legislation under 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) and the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order, Cap. 586B (the Order) to reflect the latest decisions by the Conference of Parties under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

BACKGROUND

2. The CITES has been implemented in Hong Kong since 1976. Hong Kong is committed to its implementation through legislation, enforcement and public education. The Ordinance is the local legislation which gives effect to CITES in Hong Kong.

3. Under the provisions of CITES, the international trade in endangered species is strictly regulated. CITES requires that the import, introduction from the sea, export or re-export of the species listed in its three Appendices¹ be subject to control. To give effect to CITES, the Ordinance requires a licence to be issued in advance by the Agriculture, Fisheries and Conservation Department for the import, introduction from the sea, export, re-export or possession of specimens of a scheduled species, whether alive, dead, its parts or derivatives, unless otherwise provided. Part 2 of Schedule 1 to the Ordinance specifies those species listed in

¹ Appendix I: Species which are highly endangered and threatened with extinction
Appendix II: Species which, unless trade is controlled, could become threatened with extinction
Appendix III: Species identified by a CITES Party as requiring assistance from other CITES Parties in controlling the international trade

Appendices I, II and III to CITES, which are subject to control under the Ordinance. 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. The Order contains provisions for certain exemptions from the provisions regulating the import, export, re-export, possession and control of specimens of Appendix II species and Appendix III species under the Ordinance.

PROPOSED AMENDMENTS

4. At the 16th meeting of the Conference of the Parties (CoP16) to CITES held in March 2013 in Bangkok, Thailand, CITES Parties reviewed and amended the list of endangered species in the Appendices I and II to CITES², as well as some of the annotations and footnotes therein (as detailed in **Annex 1**). We need to reflect them in our local legislation by introducing corresponding amendments to the Schedule 1 to the Ordinance. We will also take this opportunity to reflect in Schedule 1 to the Ordinance some taxa which have been added to CITES Appendix III since the last amendment of the Ordinance and to remove the ones which have been transferred to Appendix II in CoP16 (at **Annex 2**).

5. At CoP16, Parties also revised several of its Resolutions in relation to the implementation and application of CITES, including some on the exemption from licensing requirements in respect of certain endangered species of personal and household effects³. We propose to amend Schedule 3 to the Ordinance and the Order to reflect those changes.

² The adopted amendments include:

- a) Deletion of 7 taxa (species or group of species) from Appendix I;
- b) Deletion of 10 taxa from Appendix II;
- c) Transfer of 4 taxa from Appendix I to Appendix II;
- d) Transfer of 6 taxa from Appendix II to Appendix I; and
- e) Inclusion of 46 taxa in Appendix II (including some taxa transferred from Appendix III to II)

³ A specimen of an endangered species of Appendix II or III, personally possessed for non-commercial purpose, is exempted from the licence requirement when it is imported, exported or re-export, subject to certain conditions, such as quantitative limitation. One of the amendments is to add “specimens of agarwood” as a new category for exemption with quantitative limits in relation to personal and household effects.

CONSULTATION

6. We have consulted the Endangered Species Protection Liaison Group and Endangered Species Advisory Committee on the proposed legislative amendments in May and August 2013 respectively. Members supported the proposal.

7. We also consulted relevant traders on the possible listing of the species in CITES Appendices in early 2013 before the meeting of CoP16. They did not have objection to the possible new control on the understanding that the control would be required under CITES.

WAY FORWARD

8. Members are invited to note the proposed amendments to the Schedules to the Ordinance and the Order. We plan to table the subsidiary legislation at the Legislative Council for negative vetting in the second quarter of 2014. To tie-in with the timing that the international control of some of the newly-listed species is to enter into effect, the commencement date for the amendments to the relevant parts of the Schedules to the Ordinance and the Order shall be on 14 September 2014.

Environmental Protection Department
April 2014

Amendments to Appendices I and II of CITES Adopted at CoP16
獲第 16 屆締約國大會通過的《公約》附錄 I 及 II 修訂⁴

A. Deletion from Appendix I 從附錄 I 中刪除	
Species 物種	Common Name (for reference only) 俗稱 (只供參考)
<i>Thylacinus cynocephalus</i>	Tasmanian tiger 袋狼
<i>Onychogalea lunata</i>	Crescent nailtail wallaby 新月甲尾袋鼠
<i>Caloprymnus campestris</i>	Buff-nosed rat-kangaroo 荒漠袋鼠
<i>Chaeropus ecaudatus</i>	Pig-footed bandicoot 豚足袋狸
<i>Macrotis leucura</i>	Lesser bilby 小兔耳袋狸
<i>Lophura imperialis</i>	Imperial pheasant 皇鷓
<i>Campephilus imperialis</i>	Imperial woodpecker 帝啄木鳥

B. Deletion from Appendix II 從附錄 II 中刪除	
Species 物種	Common Name (for reference only) 俗稱 (只供參考)
<i>Pteropus brunneus</i>	Dusky flying-fox 棕狐蝠
<i>Caracara lutosa</i>	Guadalupe caracara 瓜達盧普卡拉鷹
<i>Sceloglaux albifacies</i>	Laughing owl 白面鴞
<i>Rheobatrachus silus</i>	Conondale gastric-brooding frog 南龜蟾
<i>Rheobatrachus vitellinus</i>	Eungella gastric-brooding frog 北龜蟾
<i>Tillandsia kautskyi</i>	Kautsky's tillandsia 考氏老人鬚
<i>Tillandsia sprengeliana</i>	Sprengel's tillandsia 斯氏老人鬚
<i>Tillandsia sucrei</i>	Saure tillandsia 蘇氏老人鬚
<i>Dudleya stolonifera</i>	Laguna beach liveforever 匍枝粉葉草
<i>Dudleya traskiae</i>	Santa Barbara Island liveforever 特氏粉葉草

C. Transfer from Appendix I to Appendix II 由附錄 I 轉入附錄 II	
Species 物種	Common Name (for reference only) 俗稱 (只供參考)
<i>Rupicapra pyrenaica ornata</i>	Abruzzo chamois 巖羚羊阿布魯左亞種
<i>Vicugna vicugna</i> ¹	Vicugna 小羊駝

⁴ **Remarks 附註**

All species names and annotations and footnotes therein are for reference only, and shall be subject to the final version as shown in the legislation tabled at LegCo.
 所有物種名稱、註釋和註腳謹供參考，以最後提交立法會法例的版本為準。

<i>Tympanuchus cupido attwateri</i>	Attwater's prairie-chicken 草原榛雞阿特沃特亞種
<i>Papilio hospiton</i>	Corsican swallowtail 科西嘉鳳蝶

Remarks 備註

- Population of Ecuador with the following annotation: For the exclusive purpose of allowing international trade in wool sheared from live vicuñas and in cloth and items made thereof, including luxury handicrafts and knitted articles. The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the *Convenio para la Conservación y Manejo de la Vicuña*, and the selvages the words "VICUÑA ECUADOR". Other products must bear a label including the logotype and the designation "VICUÑA ECUADOR-ARTESANÍA". All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

厄瓜多爾種群並有以下註釋：僅允許剪自活體小羊駝的羊毛及以該等羊毛製成的布和物品，包括名貴手工藝品及編織品的國際貿易。該等布的反面須附有屬《小羊駝保護公約》締約國的該物種的分布國所採納的標誌以及“VICUÑA ECUADOR”字樣的布邊。其他產品須有包括上述標誌和指定的“VICUÑA ECUADOR-ARTESANÍA”字樣的標籤。所有其他標本須當作為列入附錄 I 的物種的標本，而該類標本的貿易須據此受規管。

D. Transfer from Appendix II to Appendix I 由附錄 II 轉入附錄 I	
Species 物種	Common Name (for reference only) 俗稱 (只供參考)
<i>Trichechus senegalensis</i>	African manatee, West African manatee 非洲海牛
Platysternidae spp.	Big-headed turtle 平胸龜科所有種
<i>Geochelone platynota</i>	Burmese starred tortoise 緬甸星龜
<i>Chitra chitra</i>	Southern Asian narrow-headed softshell turtle 小頭鱉
<i>Chitra vandijki</i>	Burmese narrow-headed softshell turtle 緬甸小頭鱉
<i>Pristis microdon</i>	Freshwater sawfish, Greattooth sawfish 小齒鋸鰻

E. Inclusion in Appendix II 列入附錄 II	
Species 物種	Common Name (for reference only) 俗稱 (只供參考)
* <i>Naultinus</i> spp.	New Zealand tree geckos 新西蘭壁虎屬所有種
<i>Trimeresurus mangshanensis</i>	Mangshan pit-viper 莽山烙鐵頭
<i>Clemmys guttata</i>	Spotted turtle 斑點水龜
<i>Emydoidea blandingii</i>	Blanding's turtle 布氏擬龜
<i>Malaclemys terrapin</i>	Diamondback terrapin 鑽紋龜
<i>Cyclemys</i> spp.	Leaf turtle 攝龜屬所有種
<i>Geoemyda japonica</i>	Ryukyu black-breasted leaf turtle 日本地龜
* <i>Geoemyda spengleri</i>	Black-breasted leaf turtle 地龜、黑胸葉龜
<i>Hardella thurjii</i>	Crowned river turtle 冠背草龜
<i>Mauremys japonica</i>	Japanese pond turtle 日本擬水龜
* <i>Mauremys nigricans</i>	Red-necked pond turtle 黑頸烏龜
<i>Melanochelys trijuga</i>	Indian black turtle 黑山龜
<i>Morenia petersi</i>	Indian eyed turtle 印度沼龜

* <i>Sacalia bealei</i>	Beal's eyed turtle 眼斑水龜
* <i>Sacalia quadriocellata</i>	Four-eyed turtle 四眼斑水龜
<i>Vijayachelys silvatica</i>	Cochin forest cane turtle 蔗林龜
<i>Dogania subplana</i>	Malayan soft-shelled turtle 馬來鱉
<i>Nilssonina formosa</i>	Burmese peacock softshell 孔雀鱉
<i>Nilssonina leithii</i>	Leith's softshell turtle 萊氏鱉
* <i>Palea steindachneri</i>	Wattle-necked softshell turtle 山瑞鱉
* <i>Pelodiscus axenaria</i>	Hunan softshell turtle 砂鱉
* <i>Pelodiscus maackii</i>	Northern Chinese softshell turtle 東北鱉
* <i>Pelodiscus parviformis</i>	Lesser Chinese softshell turtle 小鱉
* <i>Rafetus swinhoei</i>	Yangtze softshell turtle 斯氏鱉、斑鱉
<i>Epipedobates machalilla</i>	Machalilla poison dart frog 馬查利亞毒箭蛙
<i>Carcharhinus longimanus</i> ¹	Oceanic whitetip shark 長鰭真鯊
† <i>Sphyrna lewini</i> ¹	Scalloped hammerhead shark 路氏雙髻鯊
<i>Sphyrna mokarran</i> ¹	Great hammerhead shark 無溝雙髻鯊
<i>Sphyrna zygaena</i> ¹	Smooth hammerhead shark 錘頭雙髻鯊
† <i>Lamna nasus</i> ¹	Porbeagle shark 鼠鯊
<i>Manta spp.</i> ¹	Manta rays 前口蝠鱝屬所有種
<i>Yucca queretaroensis</i>	Queretaro yucca 克雷塔羅絲蘭
<i>Operculicarya decaryi</i>	Jabihiy, Elephant tree 德氏漆
<i>Diospyros spp.</i> ²	Malagasy ebony 柿屬所有種
<i>Dalbergia cochinchinensis</i> ³	Thailand rosewood 交趾黃檀
<i>Dalbergia granadillo</i> ⁴	Granadillo rosewood 中美洲黃檀
* <i>Dalbergia retusa</i> ⁴	Black rosewood (Cocobolo) 微凹黃檀
* <i>Dalbergia stevensonii</i> ⁴	Honduras rosewood 伯利茲黃檀
<i>Dalbergia spp.</i> ²	Malagasy rosewood 黃檀屬所有種
<i>Senna meridionalis</i>	Taraby 南方蘇木
<i>Adenia firingalavensis</i>	Bottle liana 紫紅葉蒴蓮
<i>Adenia subsessilifolia</i>	Katakata 小葉蒴蓮
<i>Uncarina grandidieri</i>	Uncarina 黃花豔桐
<i>Uncarina stellulifera</i>	Uncarina 粉花豔桐
<i>Osyris lanceolata</i> ⁵	East African sandalwood 非洲沙針
<i>Cyphostemma laza</i>	Laza拉扎葡萄甕

Remarks 附註

* Species already listed in CITES Appendix III and transferred to II
已列入《公約》附錄III而轉入附錄II 的物種

† Species already listed in CITES Appendix III but has not been included in the current Cap. 586
已列入《公約》附錄III但未列入第586章的物種

1. Entry into effect of the inclusion in Appendix II delayed by 18 months, i.e. until 14 September 2014.
列入附錄II生效日期延遲18個月，直至2014年9月14日。
2. Populations of Madagascar, logs, sawn wood and veneer sheets.
馬達加斯加種群，指定原木、鋸材和面板。
3. Logs, sawn wood and veneer sheets.
指定原木、鋸木及面板。
4. Logs, sawn wood, veneer sheets and plywood.
指定原木、鋸木、面板及膠合板。
5. Populations of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania. All parts and derivatives except:
布隆迪、埃塞俄比亞、肯尼亞、盧旺達、烏干達及坦桑尼亞聯合共和國種群。指定所有部分和衍生物，但下述項目除外:
(a) seeds and pollen; and 種子及花粉;及
(b) finished products packaged and ready for retail trade. 經包裝並隨時可供零售貿易的製成品。

F. Amendments to Annotations 註釋修訂		
Species 物種	Common Name (for reference only) 俗稱 (只供參考)	Amendments (The English version shall prevail) 修訂(以英文為準)
<i>Chelodina mccordi</i>	Roti snake-necked turtle 麥氏長頸龜	Addition of the annotation “zero export quota for specimens from the wild” 新增註釋“來自野外的標本，出口限額為零”
<i>Batagur borneoensis</i>	Painted batagur 鹹水龜	
<i>Batagur trivittata</i>	Burmese roofed turtle 緬甸潮龜	
<i>Cuora aurocapitata</i>	Golden-headed box turtle 金頭閉殼龜	
<i>Cuora flavomarginata</i>	Yellow-margined box turtle 黃緣閉殼龜	
<i>Cuora galbinifrons</i>	Indochinese box turtle 黃額閉殼龜	
<i>Cuora mccordi</i>	McCord’s box turtle 百色閉殼龜	
<i>Cuora mouhotii</i>	Keeled box turtle 鋸緣閉殼龜	
<i>Cuora pani</i>	Pan’s box turtle 潘氏閉殼龜	
<i>Cuora trifasciata</i>	Chinese three-striped box turtle 三線閉殼龜、金錢龜	
<i>Cuora yunnanensis</i>	Yunnan box turtle 雲南閉殼龜	

<i>Cuora zhoui</i>	Zhou's box turtle 周氏閉殼龜	
<i>Heosemys annandalii</i>	Yellow-headed temple turtle 廟龜	
<i>Heosemys depressa</i>	Arakan forest turtle 扁東方龜	
<i>Mauremys annamensis</i>	Annam leaf turtle 安南龜	
<i>Orlitia borneensis</i>	Malayan giant turtle 巨龜	
<i>Hoodia</i> spp.	火地亞屬所有種	<p>Amendment of the existing annotation #9 related to <i>Hoodia</i> spp. to read as follows: 修訂對火地亞屬的註釋#9 如下：</p> <p><i>All parts and derivatives except those bearing a label:</i> 指定所有部分和衍生物，但附有以下標籤者除外： “Produced from <i>Hoodia</i> spp. material obtained through controlled harvesting and production under the terms of an agreement with the relevant CITES Management Authority of [Botswana under agreement No. BW/xxxxxx] [Namibia under agreement No. NA/xxxxxx] [South Africa under agreement No. ZA/xxxxxx]”</p>
<i>Panax ginseng</i> and <i>Panax quinquefolius</i>	Ginseng and American ginseng 人參及西洋參	<p>Amendment of the existing annotation #3 related to <i>Panax ginseng</i> and <i>Panax quinquefolius</i> to read as follows: “Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery.”</p> <p>修訂對人參及西洋參的註釋#3 如下： “指定根的整體、切片和部分，不包括經加工的部分或衍生物(例如粉末、藥片、萃取物、滋補品、茶類飲品及糕點製品)。”</p>
<i>Aniba rosaeodora</i>	Brazilian rosewood 玫香木	<p>Amendment of the existing annotation #12 related to <i>Aniba rosaeodora</i> to read as follows: “Logs, sawn wood, veneer sheets, plywood and extracts. Finished products containing such extracts as ingredients, including fragrances, are not considered to be covered by this annotation”.</p>

		<p>修訂註釋#12 為： “原木、鋸材、面板、膠合板及萃取物。含該等萃取物作為原料的製成品(包括香劑)，不視為受本註釋所涵蓋”。</p>
<i>Aquilaria</i> spp. and <i>Gyrinops</i> spp.	Agarwood 沉香及擬沉香所有種	<p>Amendment of the existing annotation #4 related to <i>Aquilaria</i> spp. and <i>Gyrinops</i> spp. to read as follows: All parts and derivatives, except: a) seeds and pollen; b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; c) fruits; d) leaves; e) exhausted agarwood powder, including compressed powder in all shapes; f) finished products packaged and ready for retail trade, this exemption does not apply to beads, prayer beads and carvings.</p> <p>修訂註釋#4 對沉香及擬沉香所有種如下： 所有部分和衍生物，但下述項目除外 – (a) 種子及花粉； (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； (c) 果實； (d) 葉片； (e) 經提取後的沉香或擬沉香粉末，包括所有形態的壓縮粉末； (f) 經包裝並隨時可供零售貿易的製成品(不包括木珠、念珠及雕刻品)。</p>

Amendments to Appendix III of CITES which require amendments to Cap.586
需要修訂第 586 章的《公約》附錄 III 的修訂⁵

A. Inclusion in Appendix III 列入附錄 III		
FAUNA 動物		
Taxon 分類單元	Proponent(s) 提議國	CITES Notification 《公約》通知
Class: Amphibia Family: Hynobiidae Species: <i>Hynobius amjiensis</i> 綱: 兩棲綱 科: 小鯢科 種: 安吉小鯢	China 中國	2013/010
Class: Amphibia Family: Cryptobranchidae Species: <i>Cryptobranchus alleganiensis</i> 綱: 兩棲綱 科: 隱鰓鯢科 種: 美洲大鯢	The United States of America 美國	2012/002
Class: Mammalia Family: Bovidae 綱: 哺乳綱 科: 牛科 Species: <i>Antilope cervicapra</i> 種: 印度羚 Species: <i>Boselaphus tragocamelus</i> 種: 藍牛羚 Species: <i>Capra hircus aegagrus</i> 種: 野山羊 Species: <i>Capra sibirica</i> 種: 西伯利亞北山羊 Species: <i>Gazella bennettii</i> 種: 印度瞪羚 Species: <i>Pseudois nayaur</i>	Pakistan 巴基斯坦	2014/014

⁵ **Remarks 附註**

- # All species names and annotations and footnotes therein are for reference only, and shall be subject to the final version as shown in the legislation tabled at LegCo.
 所有物種名稱、註釋和註腳謹供參考，以最後提交立法會法例的版本為準。

種: 岩羊		
Class: Mammalia Family: Cervidae Species: <i>Axis porcinus</i> (except the subspecies included in Appendix I) 綱: 哺乳綱 科: 鹿科 種: 豚鹿 (附錄I所列的亞種除外)	Pakistan 巴基斯坦	2014/014
Class: Mammalia Family: Herpestidae 綱: 哺乳綱 科: 獐科 Species: <i>Herpestes edwardsi</i> 種: 灰獐 Species: <i>Herpestes javanicus</i> 種: 紅頰獐	Pakistan 巴基斯坦	2014/014
Class: Mammalia Family: Hyaenidae Species: <i>Hyaena hyaena</i> 綱: 哺乳綱 科: 鬣狗科 種: 條紋鬣狗	Pakistan 巴基斯坦	2014/014
Class: Aves Family: Phasianidae 綱: 鳥綱 科: 雉科 Species: <i>Lophura leucomelanos</i> 種: 黑鸚 Species: <i>Pavo cristatus</i> 種: 藍孔雀 Species: <i>Pucrasia macrolopha</i> 種: 勺雞	Pakistan 巴基斯坦	2014/014
FLORA 植物		
Family: Leguminosae Species : <i>Dalbergia darienensis</i> #2 (population of Panama) 科: 豆科 種: 達連黃檀#2 (巴拿馬種群)	Panama 巴拿馬	2011/039
Family: Leguminosae Species: <i>Dalbergia tucurensis</i> #6 科: 豆科 種: 危地馬拉黃檀#6	Nicaragua 尼加拉瓜	2014/014

Family: Fagaceae Species: <i>Quercus mongolica</i> ^{#5} 科: 殼斗科 種: 蒙古櫟 ^{#5}	Russian Federation 俄羅斯聯邦	2014/014
Family: Oleaceae Species: <i>Fraxinus mandshurica</i> ^{#5} 科: 木犀科 種: 水曲柳 ^{#5}	Russian Federation 俄羅斯聯邦	2014/014

Remarks 備註

- #2 means that all parts and derivatives are included except:
包括所有部分和衍生物, 但下述項目除外:
a) seeds and pollen; and 種子及花粉; 及
b) finished products packaged and ready for retail trade 經包裝並隨時可供零售貿易的製成品.
- #5 Designates logs, sawn wood and veneer sheets.
指定原木、鋸材和面板。
- #6 Designates logs, sawn wood, veneer sheets and plywood.
指定原木、鋸材、面板和膠合板。

B. Deletion from Appendix III due to transfer to Appendix II	
因轉入附錄 II 而從附錄 III 中刪除	
Species 物種	Common Name (for reference only) 俗稱 (只供參考)
<i>Naultinus</i> spp.	新西蘭壁虎屬所有種 (New Zealand green geckos)
<i>Geoemyda spengleri</i>	地龜、黑胸葉龜 (Black-breasted leaf turtle)
<i>Mauremys nigricans</i>	黑頸烏龜 (Red-necked pond turtle)
<i>Sacalia bealei</i>	眼斑水龜 (Beal's eyed turtle)
<i>Sacalia quadriocellata</i>	四眼斑水龜 (Four-eyed turtle)
<i>Palea steindachneri</i>	山瑞鱉 (Wattle-necked softshell turtle)
<i>Pelodiscus axenaria</i>	砂鱉 (Hunan softshell turtle)
<i>Pelodiscus maackii</i>	東北鱉 (Northern Chinese softshell turtle)
<i>Pelodiscus parviformis</i>	小鱉 (Lesser Chinese softshell turtle)
<i>Rafetus swinhoei</i>	斯氏鱉、斑鱉 (Yangtze softshell turtle)
<i>Dalbergia retusa</i>	微凹黃檀 (Black rosewood (Cocobolo))
<i>Dalbergia stevensonii</i>	伯利茲黃檀 (Honduras rosewood)