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來函檔號 YOUR REF :
本函檔號 OUR REF : LS/B/21/16-17
電話 TELEPHONE : 3919 3508

傳真 FACSIMILE : 2877 5029
電郵 E-MAIL : vkfcheng@legco.gov.hk

By Fax (2575 3371)

21 November 2017

Dr. CHUI Ho Kwong, Samuel
Asst Dir (Nature Conservation
& Infrastructure Planning)
Environmental Protection Department
Nature Conservation and
Infrastructure Planning Division
16/F, East Wing
Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Dr CHUI,

**Protection of Endangered Species of Animals and Plants
(Amendment) Bill 2017**

I refer to your letter dated 6 October 2017.


Regarding the definitions of "elephant hunting trophy" and "elephant ivory" in section 1(1) of the new Schedule 4 (clauses 3 and 26), you have explained in your letter that a piece of ivory, depending on how it was obtained, may also be an "elephant hunting trophy". It is your view that it is not necessary to exclude "elephant ivory" from the definition of "elephant hunting trophy" because the regulation for elephant hunting trophy is stricter than that for elephant ivory. If a piece of ivory is also an elephant hunting trophy, the stricter regulation for elephant hunting trophy will apply to that specimen. You consider that there is no ambiguity or contradictions in terms of the applicable regulatory regime.

It is noted that the definition of "antique elephant ivory" is proposed to be added under clause 27(1) of the Bill to mean (a) a piece of elephant ivory that was, before 1 July 1925— (i) removed from the wild; (ii) significantly altered from its natural state for jewellery, adornment, art, utility or musical instruments; and (iii) acquired by a person after the alteration in such altered state that required no further carving, crafting or processing to effect its purpose; and (b) does not include an elephant hunting trophy.

- (a) If the ivory of an elephant can fall within the definition of "elephant hunting trophy" which may be subject to stricter regulatory control different from that of "elephant ivory" at different stages of the proposed ivory ban under the Bill, please clarify what are the items of ivory that would be caught by the definition of "elephant ivory" but not "elephant hunting trophy" for the purposes of the Bill.
- (b) Since "elephant hunting trophy" would be excluded from the definition of "antique elephant ivory" (which is allowed for trading under Steps 2 and 3 of the proposed ivory ban) as defined under clause 27(1), it appears that "antique elephant ivory" and "elephant hunting trophy" are mutually exclusive. Please elaborate how such exclusion can reconcile with your explanation in your letter that "elephant hunting trophy" would also cover "elephant ivory" if the ivory was acquired by hunting and the other conditions specified under the definition of "elephant hunting trophy" under clause 26 are satisfied.

I should appreciate your reply in both English and Chinese by 27 November 2017.

Yours sincerely,


(Vanessa CHENG)
Assistant Legal Adviser

c.c. DoJ (Attn.: Mr Peter SZE (SGC) (By Fax: 3918 4613)
Mr Vincent FUNG (GC) (By Fax: 2536 8133))
Legal Adviser
Senior Assistant Legal Adviser 1
Clerk to the Bills Committee