

LEGISLATIVE COUNCIL BRIEF

Protection of Endangered Species of Animals and Plants Ordinance
(Cap. 586)

Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2018 (Commencement) Notice

INTRODUCTION

Pursuant to section 1(2) of the Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2018 (“the Amendment Ordinance”) which was enacted by the Legislative Council on 31 January 2018, the Secretary for the Environment (SEN) has appointed 1 May 2018 as the commencement date of the Amendment Ordinance.

BACKGROUND

Three-step plan to phase out local ivory trade

2. The Amendment Ordinance gives effect to the three-step plan to phase out local ivory trade as follows -

Step 1: Ban the import and re-export of all elephant hunting trophies and those remaining post-Convention ivory items¹, the import, export and re-export of which are currently permissible under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

Step 2: Ban the import and re-export of pre-Convention ivory² (save for antique ivory) and subject the commercial possession of pre-Convention ivory (save for antique ivory) in the local market to licensing control similar to the existing control on post-Convention ivory three months after Step 1; and

¹ They refer to individually marked and certified ekipa incorporated in finished jewelry of the population of Namibia, and ivory carvings of the population of Zimbabwe, when being imported, exported or re-exported for non-commercial purposes.

² Ivory that was acquired before the CITES provisions started to apply to elephants is referred to as “pre-Convention ivory”, while ivory acquired after the CITES application to elephants as “post-Convention ivory”.

Step 3: On 31 December 2021, ban the possession for commercial purposes of all ivory (save for antique ivory) including pre-Convention ivory and post-Convention ivory by restricting the issue, etc. of a Licence to Possess to only cases of exceptional circumstances. Upon implementation of this step, the local trade of all ivory (save for antique ivory) will be completely closed down. .

Increase in Penalties

3. In order to provide a sufficiently strong deterrent against illicit wildlife trade including ivory, and to send a clear message to the international and local communities that the Government is committed to the protection of endangered species and combating wildlife trafficking, an enhanced scheme of penalties have been provided for in the Amendment Ordinance.

THE COMMENCEMENT NOTICE

4. As set out in the Commencement Notice at Annex, SEN has appointed 1 May 2018 as the day on which the Amendment Ordinance comes into operation. This is also the date on which Step 1 (c.f. paragraph 2 above) and the new penalties under Cap. 586 (c.f. paragraph 3 above) will take effect.

5. Pursuant to section 1(3) of the Amendment Ordinance, Step 2 will come into operation on the expiry of three months beginning on the commencement date of the Amendment Ordinance. Accordingly, the commencement date for Step 2 will be 1 August 2018. Besides, pursuant to section 1(4) of the Amendment Ordinance, Step 3 will come into operation on 31 December 2021. As the commencement dates for Steps 2 and 3 have been clearly provided for in the Amendment Ordinance and will accordingly take effect respectively on 1 August 2018 and 31 December 2021, no further commencement notices will be made although the Government will issue press releases to remind the public and traders nearer the time.

LEGISLATIVE TIMETABLE

6. The legislative timetable is as follows: -

Publication in Gazette	23 February 2018
Tabling at the Legislative Council	28 February 2018
Commencement of the Amendment Ordinance	1 May 2018

ENQUIRIES

7. Any enquiries on this brief may be addressed to Ms. CHAN Wai-yan, Senior Administrative Officer (Nature Conservation) of the Environmental Protection Department, at telephone number 3509 8643, or Mr. CHAN Kin-fung, Assistant Director (Conservation) of the Agriculture, Fisheries and Conservation Department, at telephone number 2150 6605.

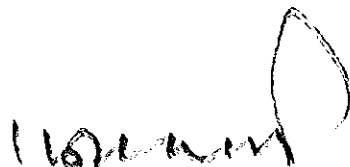
**Environmental Protection Department
Agriculture, Fisheries and Conservation Department
23 February 2018**

Protection of Endangered Species of Animals and Plants (Amendment) Ordinance
2018 (Commencement) Notice

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**Protection of Endangered Species of Animals and
Plants (Amendment) Ordinance 2018 (Commencement)
Notice**

Under section 1(2) of the Protection of Endangered Species of Animals and
Plants (Amendment) Ordinance 2018 (7 of 2018), I appoint 1 May 2018 as
the day on which the Ordinance (except sections 16(2), 18, 27, 29(2) and
32(2)) comes into operation.



Secretary for the Environment

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