

《瀕危野生動植物種國際貿易公約》在香港如何實施？ How is CITES implemented in Hong Kong?

本港已制定香港法例第586章《保護瀕危動植物物種條例》(該條例)，履行《公約》的規定[#]。該條例規定，凡進口、從公海引進、出口、再出口或管有列明物種的標本，不論屬活體的、死體的、其部分或衍生物，均須事先申領漁農自然護理署(本署)發出的許可證。該條例亦指明在某些情況下准予進行附錄II及III物種的交易，而無需申領許可證。至於個人或家庭財物的標本，包括某些旅遊紀念品，若符合特定的條件，也可獲豁免。

The Protection of Endangered Species of Animals and Plants Ordinance (the Ordinance), Cap. 586, is the local legislation which gives effect to CITES in Hong Kong[#]. The Ordinance requires a licence to be issued in advance by the Agriculture, Fisheries and Conservation Department (this 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. The Ordinance also specifies the circumstances under which no licence is required for trade in certain Appendices II and III species, as well as exemptions for specimens of personal or household effects, including certain tourist souvenir items, if they meet specific criteria.

[#] 香港自1976年起已制定法例第187章《動植物(瀕危物種保護)條例》，實施《公約》的規定。該條例在2006年12月被廢除，並由法例第586章《保護瀕危動植物物種條例》取代。

CITES has been implemented in Hong Kong since 1976 through the enactment of the Animals and Plants (Protection of Endangered Species) Ordinance, Cap. 187. It was repealed and replaced by the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586, in December 2006.

違例罰則

Penalties for Non-compliance

任何人倘違反該條例有關申領許可證的規定，可遭檢控。

違者一經定罪，可被判罰款港幣十萬元及監禁一年*。

Any person contravening the licensing requirements of the Ordinance will be prosecuted and **is liable to a fine of HK\$100,000 and to imprisonment for 1 year on conviction***.

* 若有關作為是為商業目的而作出，則可被判罰款港幣五百萬元及監禁兩年。

If the act was carried out for commercial purposes, the maximum penalties are a fine of five million dollars and imprisonment for 2 years.

個人或家庭財物

Personal or Household Effects

根據該條例，有關標本如符合下述規定，即視為個人或家庭財物的一部分：

- 該標本純粹為非商業目的而個人擁有或管有；及
- 標本在進口、出口或再出口時，被人穿戴或攜帶或包括在個人行李中，或屬遷居過程的一部分。

Under the Ordinance, a specimen shall be treated as part of the "personal or household effects" of a person if the specimen is:

- personally owned or possessed for non-commercial purposes only; and
- worn or carried by the person, included in his personal baggage or forms part of his household move when the specimen is being imported, exported or re-exported.

個人或家庭財物如符合特定的條件，可獲豁免申領許可證，例如：

- 進口、出口及再出口合法獲得的個人或家庭財物(活生動物除外)。
- 管有個人或家庭財物，惟並不包括大熊貓和犀牛。至於活生動植物，則必須是合法獲得的。

Exemption from licensing requirement is provided for personal or household effects if they meet specific criteria, such as:

- import, export and re-export of personal or household effects which were legally acquired, except live animals. No exemption is provided for giant panda and rhinos.
- possession of personal or household effects except giant panda and rhinos. In the case of live animals and plants, they must also be legally acquired.