

# 漁農自然護理署

九龍長沙灣道三零三號  
長沙灣政府合署六樓



## AGRICULTURE, FISHERIES AND CONSERVATION DEPARTMENT

6/F, Cheung Sha Wan Government  
Offices, 303 Cheung Sha Wan Road,  
Kowloon, Hong Kong

本署檔號 Our Ref.: (20) in AF CON 07/37  
通函編號 Circular No.: ES 04/04  
來函檔號 Your Ref.:  
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20 December 2004

Dear Sir/Madam,

### Consultation on the Amendment to the Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187)

This department has consulted the trade a number of times on the amendment to the Animals and Plants (Protection of Endangered Species) Ordinance (Cap.187) (the Ordinance). Currently, the drafting of the new provisions is near its completion. A summary of the proposed amendments is at **Annex I**.

Meanwhile, the 13<sup>th</sup> meeting of the Conference of the Parties (COP13) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) held in Bangkok, Thailand in October 2004 has adopted some amendments to its Appendices. A summary of the amendments is enclosed at **Annex II**. Details of the amendments are also available at the CITES website: <http://www.cites.org/eng/notifs/2004/073.pdf>. Taking the opportunity of the aforesaid legislative amendment, the Schedules to the Ordinance will also be amended according to the latest Appendices to CITES to give effect to its requirements.

Before the draft Bill is finalized, the department wishes to seek further comments from different sectors on the proposed legislative amendment. In addition, we would also like to explain in detail the changes in the CITES Appendices adopted at COP13 and the subsequent amendments to be made to the local legislation, and to collect the views from those who may be affected by the amendment. A consultation will thus be held again and you are cordially invited to participate. Details of the consultation are as follows:

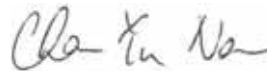
Date	Time	Venue	Language
10.1.2005 (Monday)	7:30pm-9:30pm	Sheung Wan Civic Centre Theater, 5/F, Sheung Wan Municipal Services Building, 345 Queen's Road Central	Cantonese (Question and Answer session in English will be provided if needed)

In view of the limited seating available, those who are interested to attend the consultation are requested to register by returning the reply slip at **Annex III** by mail or fax to this department on or before 3 January 2005.

Please be reminded that some countries may implement import and export controls on the newly listed species adopted at COP13 starting from 12 January 2005 and require relevant import shipments of animals, plants or their goods be accompanied with CITES export documents. To facilitate the export of such specimens to these countries, the department will consider issuing Re-export Certificates for shipments that are supported by documentary proof showing that they were originated from CITES-approved source.

Should you have any queries, please contact Ms. Bonnie PANG Suk-yin (Tel. No. 2150 6973) or Miss BoBo, KOH Bo-man (Tel. No. 2150 6967).

Yours faithfully,



(Y.N. CHAN)

for Director of Agriculture, Fisheries and Conservation

Encl.

**Annex I.:** Summary of Major Amendment Proposals

**Annex II.:** Amendments to CITES Appendices I, II and III

**Annex III.:** Reply Slip

**Amendment to the**  
**Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187)**  
**Summary of Major Amendment Proposals**

**Background**

The Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187) (the Ordinance) is the local legislation that gives effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Ordinance has been implemented for over twenty years since its first enactment in 1976. It is now proposed to amend the Ordinance to ensure that the relevant control measures in Hong Kong are in compliance with the requirements of CITES, its provisions will be streamlined to facilitate trade, and that the law enforcement will be strengthened in order to maintain the momentum in combating illegal activities.

**Major Amendment Proposals**

1. Rearrange the Schedules to the Ordinance for easy reference to CITES Appendices.
2. Redefine the meaning of the scheduled species to cover medicines.
3. Revise the existing provisions such that each import/export/possession licence would be issued on the basis of individual consignment or keeping premises rather than individual species.
4. Provide exemption to licensing requirements in respect of import or possession of all CITES Appendix II species, other than live specimens of wild origin, if specified conditions are met.
5. Provide exemption to licensing requirements in respect of import/export/possession of personal effects.
6. Allow the use of phytosanitary certificate for the export of CITES Appendix II plants artificially propagated in Hong Kong.
7. Revise fees and charges by phases to attain full cost recovery.
8. Specify that contravention of a licence condition is an offence.
9. Empower an authorized officer to enter trading premises during reasonable hours to conduct inspection.
10. Provide an authorized officer with the power of arrest.
11. Stipulate in the provision the confidentiality of informer who provides information on illegal trade.

## 《公約》附錄 I、II 及 III 的修訂

## Amendments to CITES Appendices I, II and III

A. 由附錄 II 轉入附錄 I Transferred from App.II to App.I		
修訂/類別 Amendments /Type	物種 Species	俗稱 Common Name
雀鳥類 Birds	<i>Cacatua sulphurea</i>	小葵花鳳頭鸚鵡 Lesser Sulphur-crested Cockatoo
	<i>Amazona finschi</i>	紫帽亞馬遜鸚鵡 Lilac-crowned Parrot
爬蟲類 Reptiles	<i>Pyxis arachnoides</i>	蛛龜 Spider Tortoise
植物 Plants	<i>Chrysalidocarpus decipiens</i>	擬散尾葵 Butterfly Palm
B. 列入附錄 II Included in App.II		
修訂/類別 Amendments /Type	物種 Species	俗稱 Common Name
爬蟲類 Reptiles	<i>Malayemys subtrijuga</i>	食蝸龜 Malayan Snail-eating Turtle
	<i>Notochelys platynota</i>	六板龜 Malayan Flat-shelled Turtle
	<i>Amyda cartilaginea</i>	鱉 Southeast Asian Softshell Turtle
	<i>Carettochelys insculpta</i>	豬鼻鱉 Pig-nosed Turtle
	<i>Chelodina mccordi</i>	羅地島長頸龜 Roti Snake-necked Turtle
	<i>Uroplatus spp.</i>	壁虎 Leaf-tailed Gecko
魚類 Fish	<i>Carcharodon carcharias</i>	大白鯊 Great White Shark
	<i>Cheilinus undulatus</i>	蘇眉 Humphead Wrasse
軟體動物 Mollusc	<i>Lithophaga lithophaga</i>	石蠔 Mediterranean Date Mussel
植物 Plants	<i>Hoodia spp.</i>	火地亞 Miracle Cactus
	<i>Taxus chinensis</i> and infraspecific taxa of this species	紅豆杉 Chinese Yew
	<i>Taxus cuspidata</i> and infraspecific taxa of this species	東北紅豆杉 Japanese Yew
	<i>Taxus fauna</i> and infraspecific taxa of this species	紅豆杉 Chinese Yew
	<i>Taxus sumatrana</i> and infraspecific taxa of this species	紅豆杉 Chinese Yew
	<i>Aquilaria spp.</i> , <i>Gyrinops spp.</i>	沉香 Agarwood
	<i>Gonystylus spp.</i>	棱柱木、白木 Ramin

《公約》附錄 I、II 及 III 的修訂  
Amendments to CITES Appendices I, II and III

C. 由附錄 I 轉入附錄 II Transferred from App.I to App.II

修訂/類別 Amendments /Type	物種 Species	俗稱 Common Name
哺乳類 Mammals	<i>Ceratotherium simum simum</i> (斯威士蘭種群 Population of Swaziland)	白犀牛 Southern White or Square-lipped Rhinoceros
雀鳥類 Birds	<i>Haliaeetus leucocephalus</i>	白頭海鵬 Bald Eagle
爬蟲類 Reptiles	<i>Crocodylus acutus</i> (古巴種群 Population of Cuba)	窄吻鱷 American Crocodile
	<i>Crocodylus niloticus</i> (納米比亞種群 Population of Namibia)	尼羅鱷 Nile Crocodile
植物 Plants	<i>Cattleya trianaei</i>	突氏卡特蘭 Christmas Orchid
	<i>Vanda coerulea</i>	大花萬帶蘭 Blue Vanda

D. 從附錄 II 中刪除 Deleted from App. II

修訂/類別 Amendments /Type	物種 Species	俗稱 Common Name
雀鳥類 Birds	<i>Agapornis roseicollis</i>	桃面愛情鳥 Peach-faced Lovebird

E. 列入附錄 III Included in App.III

修訂/類別 Amendments /Type	物種 Species	俗稱 Common Name
爬蟲類 Reptiles	<i>Chinemys megaloccephala</i>	大頭烏龜 Chinese Big-headed Pond Turtle
	<i>Chinemys nigricans</i>	黑頸烏龜 Chinese Black-necked Pond Turtle
	<i>Chinemys reevesii</i>	烏龜 Reeves' Turtle
	<i>Geoemyda spengleri</i>	黑胸葉龜 Black-breasted Leaf Turtle
	<i>Mauremys iversoni</i>	艾氏擬水龜 Iverson's Fresh-water Turtle
	<i>Mauremys pritchardi</i>	臘戍擬水龜 Lashio Pond Turtle
	<i>Ocadia glyphistoma</i>	廣西花龜 Guangxi Stripe-necked Turtle
	<i>Ocadia philippeni</i>	菲氏花龜 Philippen's Stripe-necked Turtle
	<i>Ocadia sinensis</i>	中華花龜 Chinese Stripe-necked Turtle
	<i>Sacalia bealei</i>	眼斑龜 Eye-spotted Turtle

## 《公約》附錄 I、II 及 III 的修訂

## Amendments to CITES Appendices I, II and III

	<i>Sacalia pseudocellata</i>	擬眼斑龜 False Eye-spotted Turtle
	<i>Sacalia quadriocellata</i>	四眼斑龜 Four Eye-spotted Turtle
	<i>Palea steindachneri</i>	山瑞鱉 Wattle-necked Soft-shelled Turtle
	<i>Pelodiscus axenaria</i>	砂鱉
	<i>Pelodiscus maackii</i>	東北鱉
	<i>Pelodiscus parviformis</i>	小鱉
	<i>Pelodiscus sinensis</i>	中華鱉 Chinese Soft-shelled Turtle
	<i>Rafetus swinhoei</i>	斑鱉

## F. 修改註釋 Revision of Annotation

修訂/類別 Amendments /Type	物種 Species	俗稱 Common Name
哺乳類 Mammals	<i>Loxodonta africana</i> (博茨瓦納、納米比亞及南非種群 Populations of Botswana, Namibia and South Africa)	非洲象 African Elephant
昆蟲 Insects	<i>Ornithoptera</i> spp.	巨鳳蝶 Birdwing Butterflies
	<i>Trogonoptera</i> spp.	鳥鳳蝶 Birdwing Butterflies
	<i>Troides</i> spp.	翼鳳蝶 Birdwing Butterflies
植物 Plants	<i>Euphorbia</i> spp.	
	ORCHIDACEAE spp.	蘭 Orchids
	<i>Cistanche deserticola</i>	肉苻蓉 Desert-living Cistanche

**Reply Slip**

**Endangered Species Protection Division  
Agriculture, Fisheries and Conservation Department  
7/F, Cheung Sha Wan Government Offices  
Attn : Ms. KOH Bo-man  
(Fax : 2376 3749)**

Dear Sir,

**Consultation on the Amendment to the  
Animals and Plants (Protection of Endangered Species) Ordinance (Cap 187)**

I have received the circular letter dated 20.12.2004 of your department.  
\*I/ \_\_\_\_\_ members of my association/company will participate the consultation  
organized by your department at 7:30pm on 10.1.2005 at Sheung Wan Civic  
Center Theater.

Signature:

\_\_\_\_\_

Name:

\_\_\_\_\_

Name of Company/Association:  
(if applicable)

\_\_\_\_\_

Corresponding Address:

\_\_\_\_\_

\_\_\_\_\_

Telephone no:

\_\_\_\_\_

Fax no:

\_\_\_\_\_

Date:

\_\_\_\_\_

**\*Delete as appropriate**