

Control on Trade In Endangered Species of Plants

The Animals and Plants (Protection of Endangered Species) Ordinance

Introduction

The trade and possession of endangered plants in Hong Kong are strictly regulated under the *Animals and Plants (Protection of Endangered Species) Ordinance*, Cap.187. The Ordinance is stipulated for protecting the endangered species of wild animals and plants. The Ordinance provides that parties intending to import, export and possess endangered plants including their parts and derivatives must obtain, in advance, licences from the Agriculture, Fisheries and Conservation Department.

The Ordinance gives effects to the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES).

Which plants are endangered?

Over 25 000 species of endangered plants are listed in the Ordinance. Some of the more commonly traded examples in Hong Kong are listed in Table 1.

Table 1. Examples of endangered plants traded in the market.

No.	Chinese Name / English Name	Scientific Name	CITES Appendix
1	蘭科植物(所有蘭花)/ Orchids	ORCHIDACEAE spp.	I/II (Note: 1)
2	所有兜蘭及拖鞋蘭 / Lady's slipper	<i>Paphipedilum</i> spp. <i>Phragmipedium</i> spp.	I (Note: 1)
3	所有仙人掌 (包括曇花、蟹爪蘭)/ Cacti	CACTACEAE spp.	I/II (Note: 1)
4	多肉大戟 (如鐵海棠, 麒麟花, 假仙人掌, 龍骨) / Succulent Euphorbia	<i>Euphorbia</i> spp. (Note: 2)	I/II (Note: 1)
5	食蟲植物 (如瓶子草, 豬籠草, 寶寶草, 酒神菜/捕蠅草) / Insectivorous plants (e.g. pitcher plants, Venus fly-trap)	<i>Sarracenia</i> spp., <i>Nepenthes</i> spp., <i>Darlingtonia californica</i> , <i>Dionaea muscipula</i>	I/II (Note: 1)
6	兔仔花、仙客來、一品冠/ Cyclamens	<i>Cyclamen</i> spp.	II
7	空氣草/ Air Plants	<i>Tillandsia</i> spp. (Note: 3)	II

Table 1 (Cont'd). Examples of endangered plants traded in the market.

No.	Chinese Name / English Name	Scientific Name	CITES Appendix
8	雪滴花/ Snowdrops	<i>Galanthus</i> spp.	II
9	吊燈花，一串心，念珠藤，吊金錢 / Rosary vines	<i>Ceropegia</i> spp.	II
10	蘆薈/ Aloe	<i>Aloe</i> spp. (Note: 4)	I/II (Note: 1)
11	小花龍舌蘭/ Little Princess Agave	<i>Agave parviflora</i>	I (Note: 1)
12	所有蘇鐵、鐵樹、鳳尾松/ Cycads	CYADACEAE spp.	II
13	所有樹蕨、蚌殼蕨 (芒骨、芒板) / Tree Ferns, Dicksonia	CYATHEACEAE spp., DICKSONIACEAE spp.	II
14	彎葉羅漢松/ Parlature's Podocarp	<i>Podocarpus parlaturei</i>	I (Note: 1)
15	擬散尾葵/ Butterfly Palm	<i>Chrysalidocarpus decipiens</i>	II
16	黑檀/ Brazilian Rosewood	<i>Dalbergia nigra</i>	I (Note: 1)
17	馬哈貢尼桃花心木/ Mexican Mahogany	<i>Swietenia mahagoni</i>	II
18	智利南洋杉/ Norfolk Island Pine	<i>Araucaria araucana</i> (Note: 5)	I/II (Note: 1)
The list only provides selected examples for reference. Please refer to Cap. 187 for a full list of the scheduled animals and plants.			

Note:

- (1) The import, export and possession of wild Appendix I plant species must apply for licences. However, they are prohibited items and no licence application for commercial purpose will be approved. The trade in artificially propagated Appendix I plant species is allowed provided that they are produced by accredited artificial propagation establishments registered with the CITES Secretariat.
- (2) Excluding the non-succulent species.
- (3) Refers to *Tillandsia harrisii*, *Tillandsia kammii*, *Tillandsia kautskyi*, *Tillandsia mauryana*, *Tillandsia sprengeliana*, *Tillandsia sucrei* and *Tillandsia xerographica*.
- (4) Excluding *Aloe vera* (= *barbadensis*).
- (5) Excluding the populations of Australia, Indonesia and Papua New Guinea.

Details of the controls

CITES listed out the endangered plant species into three appendices (Appendix I, Appendix II and Appendix III) according to their levels of risk. Plant species listed in Appendix I are highly endangered and their international trade for commercial purposes are prohibited. The trade in plant species listed in Appendix II and Appendix III and artificially propagated Appendix I species are allowed subject to strict licensing controls. The control measures generally follow the requirements of CITES.

The provisions for import, export and possession endangered plant species are listed in Table 2. Please be advised that controlling the trade in artificially propagated CITES listed plants is to ensure that they are obtained from sustainable sources in compliance with CITES, not to forbid the trade.

Table 2. Licensing Control on Trade on Endangered Species.

CITES @	Source	Import	Export (& Re-export)	Possession
I	Wild	Import for commercial purposes prohibited	Export for commercial purposes prohibited	Must hold endangered species Possession Licence issued by AFCD
	Accredited artificial propagation establishments #	Must produce valid CITES export permit [§] issued by the exporting countries; Endangered species Import Licence from AFCD not required	Must obtain, in advance, endangered species Export Licence from AFCD	Must hold endangered species Possession Licence issued by AFCD; Or keep "transaction records"* <i>in lieu</i> of Possession Licence
II	Wild	Must obtain, in advance, endangered species Import Licence from AFCD; And produce valid CITES export permit issued by the exporting countries	Must obtain, in advance, endangered species Export Licence from AFCD	Must hold endangered species Possession Licence issued by AFCD
	Artificial propagation establishments	Must produce valid CITES export permit [§] issued by the exporting countries; Endangered species Import Licence from AFCD not required	Must obtain, in advance, endangered species Export Licence from AFCD	Must hold endangered species Possession Licence issued by AFCD; Or keep "transaction records"* <i>in lieu</i> of Possession Licence
III	All	Must produce valid CITES export permit [§] issued by the exporting countries; Endangered species Import Licence from AFCD not required	Must, obtain in advance endangered species Export Licence from AFCD	Exempted (licence for endangered species not required)

@ CITES Appendices.

Accredited captive bred / artificial propagation establishments refer to those registered with the CITES Secretariat.

* Please refer to Annex 1 and 2 for samples of transaction records.

§ The phytosanitary certificates of several countries have been endorsed by the CITES Secretariat and can be served as CITES export permit for the export artificially propagated Appendix II/III endangered plants. These countries are: Australia, Belgium, Canada, Denmark, Germany, Italy, Republic of Korea(South Korea), Luxembourg, Netherlands, Singapore, Sweden and Switzerland.

How to Apply for a Licence?

Applications for licences for endangered species have to be made in specific forms, together with documents of sources. In general, the import licence and export licence are valid for six months while the possession licence is valid for two years. Please apply the licences in advance as processing takes time. The application forms and the required documents for licences application are listed in Table 3.

Table 3. Forms and documents for the application of licences for endangered species.

Licence	Forms	Documents required	Turnaround
Import Licence	AF243	Copy of valid CITES export permit from the CITES Management Authority of the exporting countries, and documents showing the chain of transactions (e.g. invoice).	Two working days
Export Licence	AF244	Copy of the Import/Possession Licence issued by this Department or export permit/Certificate of Origin issued by the exporting country for certain specimens or products; and documents showing the chain of transactions (e.g. invoice).	Two working days
Possession Licence	AF243	Copy of valid Possession Licence held by the supplier, and documents showing the chain of transactions (e.g. invoice).	Two working days

The application may be delayed if the application form is incomplete or if the documents of sources are insufficient.

Warning!

Please obtain in advance the required licences in respect of the import, export or possession of the scheduled endangered species. Any person who imports, exports or possesses the endangered species without licences will be prosecuted. The maximum penalties for offence against the Ordinance are fine of five million Hong Kong dollars, two years imprisonment and mandatory forfeiture of the goods upon conviction.

Other Relevant Ordinances

Importing live plants to Hong Kong may require a phytosanitary certificate from the phytosanitary authority of the exporting country and/or a Plant Import Licence issued by Agriculture, Fisheries and Conservation Department under the Plant (Importation and Pest Control) Ordinance, Cap.207.

For exporting live plants to other countries, the importing countries may require a phytosanitary certificate of Hong Kong. The Plant and Pesticides Regulatory Division of Agriculture, Fisheries and Conservation Department is responsible for issuing Plant Import Licence and phytosanitary certificate.

Submission of Forms and Enquiries

For enquiries about the controls on endangered animals and plants, please contact the Endangered Species Protection Division of the Agriculture, Fisheries and Conservation Department at 5/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon. Telephone: 2150 6974. Fax: 2376 3749. Application forms may be posted or faxed to the above address.

For enquires about phytosanitary certificate and plant import licence, please contact the Plant and Pesticides Regulatory Division (Tel: 2150 7000, Fax: 2314 2622).

The AFCD's web-site also has detailed information about endangered species protection, including downloadable application forms and full lists of the scheduled endangered species. You are welcome to browse it.

(<http://www.info.gov.hk/afcd>)

Endangered Species Protection Division
Agriculture, Fisheries and Conservation Department
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