



本署檔號 Our Ref. : AF CON 07/24
通函編號 Circular No.: ES 01/18
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5 March 2018

Dear Sir/ Madam,

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

This circular aims to inform traders of endangered species and the parties concerned that the Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2018 (“the Amendment Ordinance”) was passed by the Legislative Council on 31 January 2018. The Amendment Ordinance amends the Protection of Endangered Species of Animals and Plants Ordinance (“the Ordinance”) to take forward a three-step plan to enhance regulation on import and re-export of elephant ivory and elephant hunting trophies and to phase out the local ivory trade, and increase the penalties under the Ordinance.

Phasing out the local ivory trade

The details of the three-step plan to phase-out the local trade in ivory are as follows:

Step 1: ban the import and re-export of all elephant hunting trophies and those remaining post-Convention ivory items, the import, export and re-export of which are currently permissible under CITES¹ on the commencement date of the Amendment Ordinance.

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

Step 3: ban the possession for commercial purposes of all ivory including pre-Convention ivory and post-Convention ivory (except for antique ivory) from 31 December 2021.

¹ The Convention on International Trade in Endangered Species of Wild Fauna and Flora
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The current exceptions permitted under CITES which are limited to specific and stringent circumstances including scientific studies, education, law enforcement as well as personal or household effects (except for tourist souvenirs) will continue to be in force. In addition, under Steps 2 and 3, the international trade in antique ivory will continue to be allowed under the licensing system (Licence to Import and Licence to Re-export will be required). Possession of antique ivory for commercial purposes will not require a Licence to Possess provided that the ivory can be proven to be an antique ivory.

Increasing penalties

To provide a stronger deterrent against the smuggling and illegal trading of endangered species, the Amendment Ordinance will impose uniform penalties for both commercial and non-commercial summary offences, and promulgate a new set of penalties for offences convicted on indictment. The increased penalties will take effect on the commencement date of the Amendment Ordinance and will apply to all scheduled species under the Ordinance in addition to elephants. The details of the increased penalties are tabulated below:

	for summary offences	for indictable offences
Appendix I species	A fine of \$5,000,000 and imprisonment for 2 years	A fine of \$10,000,000 and imprisonment for 10 years
Appendix II and III species	A fine of \$500,000 and imprisonment for 1 year	A fine of \$1,000,000 and imprisonment for 7 years

Commencement Dates

The commencement date of the Amendment Ordinance was published in the Gazette on 23 February 2018. The concerned commencement dates are tabulated below:

<u>Step 1</u> : ban the import and re-export of elephant hunting trophies and post-Convention ivory.	1 May 2018
<u>Step 2</u> : ban the import and re-export of pre-Convention ivory (except for antique ivory) and subject the commercial possession of pre-Convention ivory (except for antique ivory) to licensing control.	1 August 2018
<u>Step 3</u> : ban the possession for commercial purposes of all ivory (except for antique ivory)	31 December 2021
Increasing penalties	1 May 2018

For further details about the Amendment Ordinance, please refer to the following information or contact Ms. Azaria K. Y. WONG of this department (Tel: 2150 6982):

- Amendment Ordinance:
<https://www.gld.gov.hk/egazette/pdf/20182206/es1201822067.pdf>
- Frequently Asked Questions:
http://www.afcd.gov.hk/english/conservation/con_end/con_end_info/con_end_info_cir/files/ES01_18e_FAQ.pdf

Yours faithfully,


(Boris S. P. KWAN)

For Director of Agriculture, Fisheries and Conservation

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Please address all replies to Director of Agriculture, Fisheries and Conservation