

**L.N. 105 of 2006****PROTECTION OF ENDANGERED SPECIES OF  
ANIMALS AND PLANTS (EXEMPTION FOR  
APPENDIX I SPECIES) ORDER**

(Made by the Chief Executive in Council under section 47(1) and (3) of  
the Protection of Endangered Species of Animals and  
Plants Ordinance (3 of 2006))

**PART 1****PRELIMINARY****1. Commencement**

This Order shall come into operation on the day appointed for the commencement of the Protection of Endangered Species of Animals and Plants Ordinance (3 of 2006).

**PART 2****CONSERVATION PROGRAMMES AND SCIENTIFIC AND  
EDUCATIONAL PURPOSES****2. Exemption in respect of import of specimens  
for co-operative conservation programmes**

(1) A person who imports a specimen of an Appendix I species shall be exempt from section 5(1) of the Ordinance if, upon the landing of the specimen in Hong Kong—

- (a) he proves to the satisfaction of an authorized officer that the specimen is a programme specimen; and
- (b) he surrenders or causes to be surrendered to an authorized officer for retention and cancellation a Convention certifying document issued in respect of the specimen, stating that the specimen is not a live specimen of wild origin.

(2) In this section—

“programme specimen” (計劃標本) means a specimen which is arranged to be loaned, donated or exchanged for non-commercial purposes between participants in a co-operative conservation programme and—

- (a) those participants include one or more range states of the species to which the specimen belongs; or
  - (b) the programme is supported by one or more such range states;
- “range state” (分佈國), in relation to a species, means a state whose territory is within the natural range of distribution of the species or a particular population of the species.

### **3. Exemption in respect of possession or control of specimens for scientific or educational study or for display in museum or herbarium**

A person who has in his possession or under his control a specimen (other than a live animal) of an Appendix I species shall be exempt from section 9(1) of the Ordinance if he proves to the satisfaction of the Director that the specimen is possessed or controlled for the purpose of scientific or educational study or for display in any museum or herbarium.

## **PART 3**

### **PERSONAL OR HOUSEHOLD EFFECTS**

#### **4. Meaning of personal or household effects**

For the purposes of this Part, a specimen shall be treated as part of the personal or household effects of a person if—

- (a) the specimen is personally owned or possessed by the person for non-commercial purposes only; and
- (b) where the specimen is being imported, exported or re-exported—
  - (i) it is worn or carried by the person or included in his personal baggage; or
  - (ii) the import, export or re-export forms part of a household move of the person.

#### **5. Exemption in respect of import, etc. of personal or household effects**

(1) A person who imports, exports or re-exports a specimen (other than a live animal) of an Appendix I species shall be exempt from section 5(1), 7(1) or 8(1) (as the case may be) of the Ordinance if—

- (a) the specimen is not of a species specified in the Schedule;

- (b) the specimen is part of the personal or household effects of the person; and
  - (c) the specimen was legally acquired by the person.
- (2) A person who imports a live animal of an Appendix I species shall be exempt from section 5(1) of the Ordinance if—
- (a) the animal is not of a species specified in the Schedule;
  - (b) the animal is part of the personal or household effects of the person;
  - (c) the animal was legally acquired by the person; and
  - (d) upon the landing of the animal in Hong Kong, the person surrenders or causes to be surrendered to an authorized officer for retention and cancellation a Convention certifying document issued in respect of the animal.
- (3) Subsections (1) and (2) do not apply where—
- (a) the person acquired the specimen outside his usual place of residence; and
  - (b) the specimen—
    - (i) is being taken into Hong Kong;
    - (ii) is being taken out of Hong Kong to the person's usual place of residence; or
    - (iii) is being taken out of Hong Kong with the intention of it being taken to the person's usual place of residence.

**6. Exemption in respect of export or re-export of personal or household effects acquired pre-Convention**

A person who exports or re-exports a specimen (other than a live animal) of an Appendix I species shall be exempt from section 7(1) or 8(1) (as the case may be) of the Ordinance if—

- (a) the specimen is part of the personal or household effects of the person;
- (b) the specimen was legally acquired by the person; and
- (c) before the removal of the specimen from Hong Kong, the person produces or causes to be produced to an authorized officer a pre-Convention certificate issued in respect of the specimen.

**7. Exemption in respect of possession or control of personal or household effects**

(1) A person who has in his possession or under his control a specimen (other than a live specimen) of an Appendix I species shall be exempt from section 9(1) of the Ordinance if—

- (a) the specimen is not of a species specified in the Schedule; and
- (b) the specimen is part of the personal or household effects of the person.

(2) A person who has in his possession or under his control a live specimen of an Appendix I species shall be exempt from section 9(1) of the Ordinance if—

- (a) the specimen is not of a species specified in the Schedule;
- (b) the specimen is part of the personal or household effects of the person; and
- (c) the person proves to the satisfaction of the Director that—
  - (i) where the person began to possess or control the specimen before the commencement of the Ordinance, the possession or control before that commencement had never been in contravention of the repealed Ordinance; and
  - (ii) where the person began to possess or control the specimen on or after that commencement—
    - (A) the specimen was imported or introduced from the sea in compliance with the repealed Ordinance or the Ordinance (whichever was in force at that time); or
    - (B) he legally acquired the specimen in Hong Kong.

SCHEDULE

[ss. 5 & 7]

APPENDIX I SPECIES REFERRED TO IN SECTIONS 5 AND 7

1. *Ailuropoda melanoleuca* <Giant Panda>.
2. All species of the family *Rhinocerotidae* <Rhinoceroses>.

Note: In the English text of this Schedule, any common name in English of a scientific name, if known, is included within angle brackets (< >) after the scientific name. In the Chinese text of this Schedule, any common name in Chinese of a scientific name or the Chinese translation of the scientific name, if known, is included within angle brackets (< >) after the scientific name.

LAM Chik-ting, Tony  
Clerk to the Executive Council

COUNCIL CHAMBER  
9 May 2006

### **Explanatory Note**

The object of this Order is to provide for exemptions from the provisions regulating the import, export, re-export, possession and control of specimens of Appendix I species under the Protection of Endangered Species of Animals and Plants Ordinance (3 of 2006). The Order contains provisions on the particular circumstances for exemptions in respect of—

- (a) specimens for co-operative conservation programmes;
- (b) specimens for scientific or educational study or for display in a museum or herbarium; and
- (c) specimens that form part of a person's personal or household effects.