



《保護瀕危動植物物種條例》

Protection of Endangered Species of Animals and Plants Ordinance

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⁸。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(包括藥物)，均須事先申請漁農自然護理署(本署)發出的許可證。任何人倘違反該條例有關申請許可證的規定，可遭檢控。違者一經定罪，最高可被判罰款港幣五百萬元及監禁兩年。

⁸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。

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.⁸ 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 (including medicines). Any person contravening the licensing requirements of the Ordinance will be prosecuted and is liable to a fine of 5 million dollars and to imprisonment for 2 years on conviction.

⁸CITES 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 It was repealed and replaced by the Protection of Endangered Species of Animals and Plants Ordinance, Cap. 586 in December 2006.

香港的管制制度大致上參照《公約》的規定。野生的附錄I物種的商業性貿易已被禁止。這些物種的貿易只在符合《公約》的某些情況下准予進行，並且必須領有許可證。至於附錄II及III物種，其進口不須許可證(源自野生的附錄II物種的活體標本除外)，但須出示《公約》准許證，並須於標本進入香港境內時經獲授權人員查驗。管有源自野生的附錄II物種的活體標本以及出口和再出口所有列明物種，都必須領有許可證。

The control regime in Hong Kong follows closely the requirements under CITES. For Appendix I species of wild origin, commercial trade is prohibited. Trade in these species is allowed only in certain circumstances in accordance with CITES and must be under a licence. As for Appendices II and III species, a licence is not required for their import except live specimens of Appendix II species of wild origin, subject to the production of a CITES permit and inspection by an authorized officer upon the landing of the specimen. Possession of live specimens of Appendix II species of wild origin as well as export or re-export of any scheduled species must be under a licence.