
Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017

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A BILL

To

Amend the Protection of Endangered Species of Animals and Plants Ordinance and its subsidiary legislation to increase the penalties for offences relating to the regulation of scheduled species; to provide stricter regulation for elephant hunting trophies and elephant ivory; and to make minor amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2017.
- (2) Subject to subsections (3) and (4), this Ordinance comes into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

- (3) The following provisions come into operation on the expiry of 3 months beginning on the day appointed under subsection (2)—
- (a) sections 16(2), 18, 29(2) and 32(2);
 - (b) section 27 (except subsections (9), (11) and (12)).
- (4) Section 27(9), (11) and (12) comes into operation on 31 December 2021.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)

3. Section 2 amended (interpretation)

(1) Section 2(1)—

Add in alphabetical order

“*elephant hunting trophy* (象狩獵品) has the meaning given by section 1(1) of Schedule 4;

elephant ivory (象牙) has the meaning given by section 1(1) of Schedule 4;”.

(2) After section 2(4)—

Add

“(5) A note located in the text of this Ordinance is provided for information only and has no legislative effect.”.

4. Section 5 amended (restriction on import of specimens of Appendix I species)

Section 5(3)—

Repeal

everything after “is liable”

Substitute

“—

(a) on summary conviction—to a fine of \$5,000,000 and to imprisonment for 2 years; or

(b) on conviction on indictment—to a fine of \$10,000,000 and to imprisonment for 10 years.”.

5. Section 6 amended (restriction on introduction from the sea of specimens of Appendix I species)

Section 6(3)—

Repeal

everything after “is liable”

Substitute

“—

- (a) on summary conviction—to a fine of \$5,000,000 and to imprisonment for 2 years; or
- (b) on conviction on indictment—to a fine of \$10,000,000 and to imprisonment for 10 years.”.

6. Section 7 amended (restriction on export of specimens of Appendix I species)

Section 7(3)—

Repeal

everything after “is liable”

Substitute

“—

- (a) on summary conviction—to a fine of \$5,000,000 and to imprisonment for 2 years; or
- (b) on conviction on indictment—to a fine of \$10,000,000 and to imprisonment for 10 years.”.

7. Section 8 amended (restriction on re-export of specimens of Appendix I species)

Section 8(3)—

Repeal

everything after “is liable”

Substitute

“—

- (a) on summary conviction—to a fine of \$5,000,000 and to imprisonment for 2 years; or
- (b) on conviction on indictment—to a fine of \$10,000,000 and to imprisonment for 10 years.”.

8. Section 9 amended (restriction on possession or control of specimens of Appendix I species)

Section 9(2)—

Repeal

everything after “is liable”

Substitute

“—

- (a) on summary conviction—to a fine of \$5,000,000 and to imprisonment for 2 years; or
- (b) on conviction on indictment—to a fine of \$10,000,000 and to imprisonment for 10 years.”.

9. Section 10 repealed (higher penalties for offences relating to specimens of Appendix I species committed for commercial purposes)

Section 10—

Repeal the section.

10. Section 11 amended (restriction on import of specimens of Appendix II species and Appendix III species)

Section 11(3)—

Repeal

everything after “is liable”

Substitute

“__

- (a) on summary conviction—to a fine of \$500,000 and to imprisonment for 1 year; or
- (b) on conviction on indictment—to a fine of \$1,000,000 and to imprisonment for 7 years.”.

11. Section 12 amended (restriction on introduction from the sea of specimens of Appendix II species)

Section 12(3)—

Repeal

everything after “is liable”

Substitute

“__

- (a) on summary conviction—to a fine of \$500,000 and to imprisonment for 1 year; or
- (b) on conviction on indictment—to a fine of \$1,000,000 and to imprisonment for 7 years.”.

12. Section 13 amended (restriction on export of specimens of Appendix II species and Appendix III species)

Section 13(3)—

Repeal

everything after “is liable”

Substitute

“__

- (a) on summary conviction—to a fine of \$500,000 and to imprisonment for 1 year; or
- (b) on conviction on indictment—to a fine of \$1,000,000 and to imprisonment for 7 years.”.

13. Section 14 amended (restriction on re-export of specimens of Appendix II species and Appendix III species)

Section 14(3)—

Repeal

everything after “is liable”

Substitute

“—

- (a) on summary conviction—to a fine of \$500,000 and to imprisonment for 1 year; or
- (b) on conviction on indictment—to a fine of \$1,000,000 and to imprisonment for 7 years.”.

14. Section 15 amended (restriction on possession or control of specimens of Appendix II species)

Section 15(2)—

Repeal

everything after “is liable”

Substitute

“—

- (a) on summary conviction—to a fine of \$500,000 and to imprisonment for 1 year; or
- (b) on conviction on indictment—to a fine of \$1,000,000 and to imprisonment for 7 years.”.

15. Section 16 repealed (higher penalties for offences relating to specimens of Appendix II species and Appendix III species committed for commercial purposes)

Section 16—

Repeal the section.

16. Section 17 amended (import of pre-Convention specimens)

(1) At the end of section 17—

Add

“Note—

For a specimen that is an elephant hunting trophy, see section 2 of Schedule 4, which disappplies this section.”.

(2) Section 17, Note, after “elephant hunting trophy”—

Add

“or elephant ivory”.

17. Section 18 amended (import of specimens of Appendix II species)

At the end of section 18—

Add

“Note—

For a specimen that is an elephant hunting trophy or elephant ivory, see section 3 of Schedule 4, which disappplies this section.”.

18. Section 20 amended (possession or control of pre-Convention specimens)

At the end of section 20—

Add

“Note—

For a specimen that is elephant ivory, see section 9A of Schedule 4, which limits the application of this section to antique elephant ivory only.”.

19. Section 23 amended (issue of licences)

At the end of section 23—

Add

“**Note—**

For a licence in respect of a specimen that is an elephant hunting trophy or elephant ivory, see sections 4, 6 and 10 of Schedule 4, which restrict the Director’s power to approve an application under this section.”.

20. Section 24 amended (extension, renewal and variation of licences)

At the end of section 24—

Add

“**Note—**

For a licence in respect of a specimen that is an elephant hunting trophy or elephant ivory, see sections 4, 6 and 10 of Schedule 4, which restrict the Director’s power to approve an application under this section.”.

21. Part 5A added

After Part 5—

Add

“Part 5A

**Special Provisions for Elephant Hunting Trophies
and Elephant Ivory**

26A. Specified provisions subject to Schedule 4

- (1) A specified provision applies subject to Schedule 4 in relation to a specimen that is an elephant hunting trophy or elephant ivory.

- (2) For the purpose of providing information on any provision in Schedule 4 that relates to a specified provision, the Secretary may, by order published in the Gazette, amend the specified provision by adding or amending a note.
- (3) In this section—
specified provision (指明條文) means any of the following provisions—
- (a) Part 4;
 - (b) section 23;
 - (c) section 24;
 - (d) the Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order (Cap. 586 sub. leg. A);
 - (e) the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order (Cap. 586 sub. leg. B).”.

22. Section 36 amended (power to require identification)

Section 36(2)(b), English text—

Repeal

“requirment”

Substitute

“requirement”.

23. Part 9 heading substituted

Part 9, heading—

Repeal the heading

Substitute

“Part 9

Transitional Provisions”.

24. Section 55A added

Part 9, after section 55—

Add

“55A. Transitional provisions relating to Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2017

- (1) This section applies in place of section 101J of the Criminal Procedure Ordinance (Cap. 221).
- (2) If a person commits an offence under section 5, 6, 7, 8 or 9 before the amendment date and is convicted of the offence on or after that date, the person is liable to the penalties under Part 2 as in force immediately before that date.
- (3) If a person commits an offence under section 11, 12, 13, 14 or 15 before the amendment date and is convicted of the offence on or after that date, the person is liable to the penalties under Part 3 as in force immediately before that date.

(4) In this section—

amendment date (修訂日期) means the date on which Parts 2 and 3 are amended by the Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2017 (of 2017).”.

25. Schedule 3 amended (Convention instruments)

Schedule 3, after “[ss. 2, 4, 19 & 48(1)]”—

Add

“& Sch. 4”.

26. Schedule 4 added

After Schedule 3—

Add

“Schedule 4

[ss. 2 & 26A]

**Stricter Regulation of Elephant Hunting Trophies
and Elephant Ivory**

Part 1

Interpretation

1. Interpretation

(1) In this Schedule—

Cap. 586A (《第586A章》) means the Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order (Cap. 586 sub. leg. A);

Cap. 586B (《第586B章》) means the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order (Cap. 586 sub. leg. B);

elephant (象) means an animal of the species *Elephas maximus* or *Loxodonta africana*;

elephant hunting trophy (象狩獵品) means a whole elephant, or a part or derivative of an elephant, (**item**) that—

- (a) is raw or processed;
- (b) was acquired by a person through hunting; and
- (c) is being imported, exported or re-exported by or on behalf of the person as part of the transfer of the item from its place of origin to the person's usual place of residence;

elephant ivory (象牙) means the ivory of an elephant;

pre-Convention (《公約》前標本)—see subsection (2).

- (2) For the purposes of this Schedule, a specimen is pre-Convention if it was acquired before the provisions of the Convention applied to it (as determined in accordance with paragraph 6 of Part 2 of Schedule 3).

Part 2

Import

2. Import of pre-Convention specimens

Section 17 does not apply to the import of a specimen that is an elephant hunting trophy.

3. Import of specimens of Appendix II species

Section 18 does not apply to the import of a specimen that is an elephant hunting trophy or elephant ivory.

4. Issue, extension, renewal and variation of licences for import

- (1) For a specimen that is an elephant hunting trophy, the Director may approve an import licence application only if the Director is satisfied that there are exceptional circumstances justifying the approval.
- (2) For a specimen that is elephant ivory, the Director may approve an import licence application only if the Director is satisfied that—
 - (a) the specimen is pre-Convention;
 - (b) the specimen is intended for use for scientific, educational or law enforcement purposes; or
 - (c) there are exceptional circumstances justifying the approval.
- (3) In this section—

import licence application (進口許可證申請), in relation to a specimen, means an application made under section 23 or 24 in respect of a licence for the import of the specimen.

5. Import of specimens of Appendix II species as personal or household effects

- (1) Section 5 of Cap. 586B does not apply to the import of a specimen that is an elephant hunting trophy.
- (2) Section 5(4) of Cap. 586B does not apply to the import of a specimen that is elephant ivory.

Part 3

Re-export

6. Issue, extension, renewal and variation of licences for re-export

- (1) For a specimen that is an elephant hunting trophy, the Director may approve a re-export licence application only if the Director is satisfied that there are exceptional circumstances justifying the approval.
- (2) For a specimen that is elephant ivory, the Director may approve a re-export licence application only if the Director is satisfied that—
 - (a) the specimen is pre-Convention;
 - (b) the specimen is intended for use for scientific, educational or law enforcement purposes; or
 - (c) there are exceptional circumstances justifying the approval.
- (3) In this section—

re-export licence application (再出口許可證申請), in relation to a specimen, means an application made under section 23 or 24 in respect of a licence for the re-export of the specimen.

7. Re-export of specimens of Appendix I species as personal or household effects acquired pre-Convention

Section 6 of Cap. 586A does not apply to the re-export of a specimen that is an elephant hunting trophy.

8. Re-export of specimens of Appendix II species as personal or household effects

(1) Section 5 of Cap. 586B does not apply to the re-export of a specimen that is an elephant hunting trophy.

(2) Section 5(4) of Cap. 586B does not apply to the re-export of a specimen that is elephant ivory.

9. Re-export of specimens of Appendix II species as personal or household effects acquired pre-Convention

Section 7 of Cap. 586B does not apply to the re-export of a specimen that is an elephant hunting trophy.

Part 4

Possession or Control

10. Issue, extension, renewal and variation of licences for possession or control

(1) For a specimen that is elephant ivory, the Director may approve a possession licence application only if the Director is satisfied that—

(a) the specimen is pre-Convention;

(b) the specimen is covered by a specified licence that is valid on the date of the application; or

(c) there are exceptional circumstances justifying the approval.

(2) In this section—

Amendment Ordinance (《修訂條例》) means the Protection of Endangered Species of Animals and Plants (Amendment) Ordinance 2017 (of 2017);

possession licence application (管有許可證申請), in relation to a specimen, means an application made under section 23 or 24 in respect of a licence for the possession or control of the specimen;

specified licence (指明許可證), in relation to a specimen, means a licence for the possession or control of the specimen that was issued under section 23 before the commencement date of section 26 of the Amendment Ordinance.”.

27. Schedule 4 amended (stricter regulation of elephant hunting trophies and elephant ivory)

(1) Schedule 4, section 1(1)—

Add in alphabetical order

“***antique elephant ivory*** (古董象牙)—

(a) means a piece of elephant ivory that was, before 1 July 1925—

(i) removed from the wild;

(ii) significantly altered from its natural state for jewellery, adornment, art, utility or musical instruments; and

- (iii) acquired by a person after the alteration in such altered state that required no further carving, crafting or processing to effect its purpose; and
 - (b) does not include an elephant hunting trophy;”.
- (2) Schedule 4, section 2, after “elephant hunting trophy”—
Add
“or elephant ivory”.
- (3) Schedule 4, section 4(2)(a)—
Repeal
“pre-Convention”
Substitute
“antique elephant ivory”.
- (4) Schedule 4, section 6(2)(a)—
Repeal
“pre-Convention”
Substitute
“antique elephant ivory”.
- (5) Schedule 4, section 7, after “elephant hunting trophy”—
Add
“or elephant ivory”.
- (6) Schedule 4, section 9, after “elephant hunting trophy”—
Add
“or elephant ivory”.

- (7) Schedule 4, Part 4, before section 10—

Add

“9A. Possession or control of pre-Convention specimens

Section 20 applies to a person’s possession or control of a specimen that is elephant ivory only if the person also proves to the satisfaction of the Director that the specimen is antique elephant ivory.”.

- (8) Schedule 4, section 10(1)—

Repeal paragraph (a).

- (9) Schedule 4, section 10(1)—

Repeal paragraph (b).

- (10) Schedule 4, section 10(2)—

Repeal the definition of *specified licence*

Substitute

“*specified licence* (指明許可證), in relation to a specimen, means a licence for the possession or control of the specimen that was issued under section 23—

- (a) if the specimen is pre-Convention—before the commencement date of section 27(10) of the Amendment Ordinance; or
- (b) if the specimen is not pre-Convention—before the commencement date of section 26 of the Amendment Ordinance.”.

- (11) Schedule 4, English text, section 10(2), definition of *possession licence application*—

Repeal the semicolon

Substitute a full stop.

(12) Schedule 4, section 10(2)—

(a) definition of *Amendment Ordinance*;

(b) definition of *specified licence*—

Repeal the definitions.

Part 3

Amendments to Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order (Cap. 586 sub. leg. A)

28. Section 4 amended (meaning of personal or household effects)

(1) Section 4—

Renumber the section as section 4(1).

(2) Section 4(1)—

Repeal

“shall be treated as part of the personal or household effects of a person”

Substitute

“is part of the personal or household effects of a person who is an individual”.

(3) After section 4(1)—

Add

“(2) Moreover, for the purposes of section 7, a specimen owned or possessed by a person other than an individual for non-commercial purposes only is taken to be part of the personal or household effects of the person.”.

29. Section 6 amended (exemption in respect of export or re-export of personal or household effects acquired pre-Convention)

(1) At the end of section 6—

Add

“Note—

For a specimen that is an elephant hunting trophy, see section 7 of Schedule 4 to the Ordinance, which disapplies this section.”.

(2) Section 6, Note, after “elephant hunting trophy”—

Add

“or elephant ivory”.

Part 4

Amendments to Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order (Cap. 586 sub. leg. B)

30. Section 4 amended (meaning of personal or household effects)

(1) Section 4—

Renumber the section as section 4(1).

(2) Section 4(1)—

Repeal

“shall be treated as part of the personal or household effects of a person”

Substitute

“is part of the personal or household effects of a person who is an individual”.

(3) After section 4(1)—

Add

“(2) Moreover, for the purposes of section 8, a specimen owned or possessed by a person other than an individual for non-commercial purposes only is taken to be part of the personal or household effects of the person.”.

31. Section 5 amended (exemption in respect of import, etc. of Appendix II species as personal or household effects)

At the end of section 5—

Add

“Note—

For a specimen that is an elephant hunting trophy or elephant ivory, see sections 5 and 8 of Schedule 4 to the Ordinance, which disapply—

- (a) for an elephant hunting trophy—this section; and
- (b) for elephant ivory—subsection (4).”.

32. Section 7 amended (exemption in respect of export or re-export of personal or household effects acquired pre-Convention)

(1) At the end of section 7—

Add

“Note—

For a specimen that is an elephant hunting trophy, see section 9 of Schedule 4 to the Ordinance, which disapplies this section.”.

(2) Section 7, Note, after “elephant hunting trophy”—

Add

“or elephant ivory”.

Explanatory Memorandum

The main object of this Bill is to amend the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (*Ordinance*) and its subsidiary legislation to—

- (a) increase the penalties for offences relating to the regulation of scheduled species under the Ordinance; and
 - (b) provide stricter regulation for elephant hunting trophies and elephant ivory.
2. Clause 1 sets out the short title and provides for commencement.

Amendments Increasing Penalties

3. Clauses 4 to 9 amend sections 5 to 10 of the Ordinance to increase the penalties for offences involving Appendix I species.
4. Currently, such offences (provided under sections 5 to 9 of the Ordinance) are punishable on summary conviction by the maximum penalties of a fine of \$100,000 and imprisonment for 1 year. Under section 10 of the Ordinance, higher penalties (up to a fine of \$5,000,000 and imprisonment for 2 years) may be imposed if the offence is committed for commercial purposes.
5. Clauses 4 to 8 amend sections 5 to 9 of the Ordinance to enable prosecution of the offences on indictment and revise the maximum penalties to—

-
- (a) if convicted summarily—a fine of \$5,000,000 and imprisonment for 2 years; or
 - (b) if convicted on indictment—a fine of \$10,000,000 and imprisonment for 10 years.
 6. In view of the revised maximum penalties, which apply regardless of whether commercial purposes are involved, clause 9 repeals section 10 of the Ordinance which is no longer necessary.
 7. Clauses 10 to 15 amend sections 11 to 16 of the Ordinance to increase the penalties for offences involving Appendix II or III species, by ways similar to clauses 4 to 9. The revised maximum penalties for such offences are—
 - (a) if convicted summarily—a fine of \$500,000 and imprisonment for 1 year; or
 - (b) if convicted on indictment—a fine of \$1,000,000 and imprisonment for 7 years.
 8. Clause 24 adds a new section 55A to the Ordinance to provide for transitional arrangements in relation to the amendment of penalties. The new section 55A, which applies in place of section 101J of the Criminal Procedure Ordinance (Cap. 221), makes it clear that if an offence is committed before the amendment, the whole set of pre-amended penalties, including the higher penalties for offences committed for commercial purposes under sections 10 and 16 of the Ordinance, would apply.
 9. Clause 23 substitutes the heading of Part 9 of the Ordinance in view of the addition of new section 55A under that Part.

Amendments Providing Stricter Regulation for Elephant Hunting Trophies and Elephant Ivory

10. Clauses 16 to 32 (except clauses 22, 23, 24, 28 and 30) provide for a stricter regulatory regime for elephant hunting trophies and elephant ivory (*target specimens*).
11. Currently, the import, re-export, possession or control of a specimen of elephant (which is an Appendix I or II species) is, alongside a specimen of other scheduled species, prohibited except where the act is covered by a licence issued under the Ordinance or where an exemption under the Ordinance or its subsidiary legislation applies.
12. Clause 21 adds a new Part 5A (containing a new section 26A) to the Ordinance to provide, specifically for target specimens, that the provisions under the Ordinance and its subsidiary legislation concerning licence application and exemptions (*specified provisions*) are subject to a new Schedule 4.
13. The new Schedule 4 (added to the Ordinance by clause 26) modifies the application of the specified provisions in relation to target specimens. It is divided into 4 Parts—
 - (a) Part 1 provides for interpretation.
 - (b) Part 2 provides that certain exemptions regarding import do not apply to the import of target specimens. The issue, renewal, etc. of a licence for the import of target specimens are also restricted to limited circumstances.
 - (c) Similarly, Part 3 deals with the re-export of target specimens, while Part 4 deals with the possession or control of target specimens.

14. The modifications made by the new Schedule 4 are to be implemented in 3 stages. For this, the new Schedule 4 added by clause 26 represents the first stage (*stage 1*), while clause 27 contains provisions that amend the new Schedule 4 to implement the second stage (*stage 2*) and the third stage (*stage 3*). Below is an overview of the modifications at the different stages—

Section in new Schedule 4	Provision modified <small>Note 1</small>	Modification made	Specimen targeted	Starting from
Import				
Section 2	Section 17 of Cap. 586	Exemption not applicable	Elephant hunting trophy	Stage 1
			Elephant ivory	Stage 2
Section 3	Section 18 of Cap. 586	Exemption not applicable	Elephant hunting trophy	Stage 1
			Elephant ivory	Stage 1
Section 4	Sections 23 and 24 of Cap. 586	Licence application only approved in limited circumstances	Elephant hunting trophy	Stage 1
			Elephant ivory— • Post-Convention (i.e. not pre-Convention) • Pre-Convention <small>Note 2</small>	Stage 1 Stage 2
Section 5(1)	Section 5 of Cap. 586B	Exemption not applicable	Elephant hunting trophy	Stage 1
Section 5(2)	Section 5(4) of Cap. 586B	Exemption not applicable	Elephant ivory	Stage 1

Section in new Schedule 4	Provision modified <small>Note 1</small>	Modification made	Specimen targeted	Starting from
Re-export				
Section 6	Sections 23 and 24 of Cap. 586	Licence application only approved in limited circumstances	Elephant hunting trophy	Stage 1
			Elephant ivory— • Post-Convention (i.e. not pre-Convention) • Pre-Convention <small>Note 2</small>	Stage 1 Stage 2
Section 7	Section 6 of Cap. 586A	Exemption not applicable	Elephant hunting trophy	Stage 1
			Elephant ivory	Stage 2
Section 8(1)	Section 5 of Cap. 586B	Exemption not applicable	Elephant hunting trophy	Stage 1
Section 8(2)	Section 5(4) of Cap. 586B	Exemption not applicable	Elephant ivory	Stage 1
Section 9	Section 7 of Cap. 586B	Exemption not applicable	Elephant hunting trophy	Stage 1
			Elephant ivory	Stage 2
Possession or control				
Section 9A	Section 20 of Cap. 586	Exemption not applicable	Elephant ivory <small>Note 2</small>	Stage 2
Section 10	Sections 23 and 24 of Cap. 586	Licence application only approved in limited circumstances	Elephant ivory— • Post-Convention <small>Notes 3, 5</small> (i.e. not pre-Convention) • Pre-Convention <small>Notes 4, 5</small>	Stage 1 Stage 2

Notes—

1. In this column and paragraph 19 of this Explanatory Memorandum—
 - (a) *Cap. 586* stands for the Ordinance;
 - (b) *Cap. 586A* stands for the Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order (Cap. 586 sub. leg. A); and
 - (c) *Cap. 586B* stands for the Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order (Cap. 586 sub. leg. B).

2. Except for antique elephant ivory.
 3. Except for a specimen that is covered by a valid licence issued before stage 1.
 4. Except for a specimen that is covered by a valid licence issued before stage 2.
 5. The exceptions for a specimen covered by a valid licence as mentioned in Notes 3 and 4 will be removed at stage 3.
15. The 3 stages are to commence as follows—
- (a) stage 1—on a day to be appointed by the Secretary for the Environment (clause 1(2));
 - (b) stage 2—on the expiry of 3 months beginning on the commencement date of stage 1 (clause 1(3)); and
 - (c) stage 3—on 31 December 2021 (clause 1(4)).
16. In order to draw the reader’s attention to the sections in the new Schedule 4 that modify the specified provisions, notes are added to the provisions modified to give information on that. In particular—
- (a) clauses 16 to 20 add notes to sections 17, 18, 20, 23 and 24 of the Ordinance; and
 - (b) clauses 29, 31 and 32 add notes to those provisions contained in subsidiary legislation under the Ordinance.
17. For the same purpose, the new section 26A (added by clause 21) empowers the Secretary for the Environment to update the notes in the specified provisions by order published in the Gazette.

Minor Amendments

18. Clause 22 amends the English text of section 36 of the Ordinance to rectify a misspelling.

19. Clause 28 amends section 4 of Cap. 586A so that for the purposes of section 7 of Cap. 586A, the concept of “personal or household effects” is also applicable to a person other than an individual. Similarly, clause 30 amends section 4 of Cap. 586B to incorporate the same concept for the purposes of section 8 of Cap. 586B.