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

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

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

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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) 以下條文自根據第 (2) 款指定的日期起計的 3 個月屆滿時起實施——
(a) 第 16(2)、18、29(2)及 32(2) 條；
(b) 第 27 條 (第 (9)、(11) 及 (12) 款除外)。
(4) 第 27(9)、(11) 及 (12) 條自 2021 年 12 月 31 日起實施。

2. 修訂成文法則
第 2、3 及 4 部指明的成文法則現予修訂，修訂方式列於上述各部。

(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.”.
Part 2
Clause 5

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

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”
8. 修訂第 9 條 (對管有或控制附錄 I 物種的標本的限制)  
第 9(2) 條——  

廢除  
在“犯罪”之後的所有字句  
代以  

“__”  

(a) 一經循簡易程序定罪——可處罰款 $5,000,000 及監禁 2 年；或  
(b) 一經循公訴程序定罪——可處罰款 $10,000,000 及監禁 10 年。”。

9. 廢除第 10 條 (為商業目的而犯關於附錄 I 物種的標本的罪行的較重懲罰)  
第 10 條——  

廢除該條。

10. 修訂第 11 條 (對進口附錄 II 物種及附錄 III 物種的標本的限制)  
第 11(3) 條——  

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

Part 2

Clause 11

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

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

Part 2
Clause 13

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

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 disapplies 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 disapplies 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) 為就附表 4 中任何條文 (指明條文者) 提供資訊，局長可於憲報刊登的命令，藉加入或修訂附註，修訂該指明條文。

(3) 在本條中——

指明條文 (specified provision) 指任何以下條文——

(a) 第 4 部；
(b) 第 23 條；
(c) 第 24 條；
(d) 《保護瀕危動植物物種 (關於附錄 I 物種的豁免) 令》第 586 章，附屬法例 A)；
(e) 《保護瀕危動植物物種 (關於附錄 II 及 III 物種的豁免) 令》第 586 章，附屬法例 B)。”。

(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)。”。
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.
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(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—
Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017  

Part 2  
Clause 26

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

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

\text{elephant} (\text{象}) means an animal of the species \text{Elephas maximus} or \text{Loxodonta africana};  

\text{elephant ivory} (\text{象牙}) means the ivory of an elephant;  

\text{elephant hunting trophy} (\text{象狩獵品}) means a whole elephant, or a part or derivative of an elephant, (\text{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;  

\text{pre-Convention} (\text{《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
   (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.

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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
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(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
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(ii) 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”.

(iii) 由某人在上述改動後獲得，而在獲得時，已處於上述經改動的狀態，無需作進一步的雕刻、製作或加工以達至其目的；及
(b) 不包括象狩獵品；”。

(2) 附表 4，第 2 條，在“象狩獵品”之後——
加入
“或象牙”。

(3) 附表 4，第 4(2)(a) 條——
廢除
“《公約》前標本”
代以
“古董象牙”。

(4) 附表 4，第 6(2)(a) 條——
廢除
“《公約》前標本”
代以
“古董象牙”。

(5) 附表 4，第 7 條，在“象狩獵品”之後——
加入
“或象牙”。

(6) 附表 4，第 9 條，在“象狩獵品”之後——
加入
“或象牙”。

(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”.

(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”.
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(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.
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(12) Schedule 4, section 10(2)—
(a) definition of Amendment Ordinance;
(b) definition of specified licence—
    Repeal the definitions.
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”.

———
第4部

30. 修訂第4條 (個人或家庭財物的涵義)

(1) 第4條——
將該條重編為第4(1)條。

(2) 第4(1)條——
廢除
“須視為某”
代以
“屬某名屬個人的”。

(3) 在第4(1)條之後——
加入
“(2) 此外，就第8條而言，如任何並非個人的人，純粹為非商業目的，擁有或管有某標本，該標本即視為屬該人的個人或家庭財物的一部分。”。
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—
Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017

Explanatory Memorandum
Paragraph 6

(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 (\textit{stage 1}), while clause 27 contains provisions that amend the new Schedule 4 to implement the second stage (\textit{stage 2}) and the third stage (\textit{stage 3}). Below is an overview of the modifications at the different stages—

<table>
<thead>
<tr>
<th>Section in new Schedule 4</th>
<th>Provision modified</th>
<th>Modification made</th>
<th>Specimen targeted</th>
<th>Starting from</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Import</strong></td>
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<td></td>
</tr>
<tr>
<td>Section 2</td>
<td>Section 17 of Cap. 586</td>
<td>Exemption not applicable</td>
<td>Elephant hunting trophy</td>
<td>Stage 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Elephant ivory</td>
<td>Stage 2</td>
</tr>
<tr>
<td>Section 3</td>
<td>Section 18 of Cap. 586</td>
<td>Exemption not applicable</td>
<td>Elephant hunting trophy</td>
<td>Stage 1</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Elephant ivory</td>
<td>Stage 1</td>
</tr>
<tr>
<td>Section 4</td>
<td>Sections 23 and 24 of Cap. 586</td>
<td>Licence application only approved in limited circumstances</td>
<td>Elephant hunting trophy</td>
<td>Stage 1</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Elephant ivory— Post-Convention (i.e. not pre-Convention) Pre-Convention \textit{Note 2}</td>
<td>Stage 1</td>
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<tr>
<td>Section 5(1)</td>
<td>Section 5 of Cap. 586B</td>
<td>Exemption not applicable</td>
<td>Elephant hunting trophy</td>
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<td>Elephant ivory— Pre-Convention \textit{Note 2}</td>
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<tr>
<td>Section 5(2)</td>
<td>Section 5(4) of Cap. 586B</td>
<td>Exemption not applicable</td>
<td>Elephant hunting trophy</td>
<td>Stage 1</td>
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**Paragraph 14**

<table>
<thead>
<tr>
<th>New Section in Schedule 4</th>
<th>Provision modified in Section 6</th>
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<td>Sections 23 and 24 of Cap. 586</td>
<td>Licence application only approved in limited circumstances</td>
<td>Elephant hunting trophy</td>
<td>Stage 1</td>
</tr>
<tr>
<td></td>
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<td>• Post-Convention (i.e. not pre-Convention)</td>
<td>Elephant ivory</td>
<td>Stage 1</td>
</tr>
<tr>
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<td></td>
<td>• Pre-Convention Note 2</td>
<td>Elephant ivory</td>
<td>Stage 2</td>
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<table>
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<th>Provision modified in Section 7</th>
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<th>Starting from</th>
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<td>Section 6 of Cap. 586A</td>
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<td>Exemption not applicable</td>
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<td>Stage 1</td>
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</tbody>
</table>

### 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).
15. 3 個階段將自下列日期起生效——

(a) 階段 1——環境局局長指定的日期（草案第 1(2) 條）；
(b) 階段 2——階段 1 的生效日期起計的 3 個月屆滿當日（草案第 1(3) 條）；及
(c) 階段 3——2021 年 12 月 31 日（草案第 1(4) 條）。

16. 為吸引讀者注意修改指明條文的新訂附表 4 中的條文，在被修改的條文中加入提供有關資訊的附註，其中——

(a) 草案第 16 至 20 條在《條例》第 17、18、20、23 及 24 條中加入附註；及
(b) 草案第 29、31 及 32 條在《條例》之下的附屬法例所載的條文中加入附註。

17. 為相同目的，新訂第 26A 條（藉草案第 21 條加入）賦權環境局局長藉於憲報刊登的命令，更新指明條文中的附註。

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.