

For discussion
on 22 May 2009

LEGISLATIVE COUNCIL HOUSE COMMITTEE

REVIEW OF TREE MANAGEMENT

PURPOSE

This paper outlines the current review undertaken by the Chief Secretary for Administration (CS)'s Task Force on Tree Management, and explains the present position on Government's efforts on greening and tree management.

BACKGROUND

2. On 31 March 2009, to follow up on the Jury's recommendations in a Coroner's Court investigation into the collapse of a coral tree in Stanley, the Chief Executive tasked the CS to lead departments concerned to conduct a review on tree management.

3. CS has already formed a Task Force comprising representatives from the Development Bureau (DEVB), Environment Bureau, Home Affairs Bureau and Transport and Housing Bureau, and relevant departments. The Terms of Reference of the Task Force are to review the institutional framework and division of responsibilities in tree management within Government, in particular the roles of the respective policy bureaux and departments; to review the existing legislation on tree management; to review resources concerned (including staff, training and equipment); and to suggest areas of improvement. CS has tasked DEVB to do a stocktaking exercise to map out areas for deliberation, with particular reference to the recommendations of the Jury.

4. Before we proceed to report the details of the work of the Task Force, we would first explain the present position on Government's efforts on greening and tree management.

EXISTING GOVERNMENT EFFORTS ON GREENING

The Importance of Greening

5. Government has been actively promoting greening in order to improve our living environment. There is in particular a close relationship between greening and improvement of air quality. Green plants can help act as a sponge by sequestering carbon dioxide in the atmosphere while releasing oxygen. They can improve air quality by intercepting particulate matters and absorbing gaseous contaminants such as sulphur dioxide and nitrogen oxides in the atmosphere as well as help lower urban temperature. Government strives to uplift the quality of our living environment through active planting, and the proper maintenance and preservation of trees and other vegetation. Our target is to bring noticeable improvements in urban greenery and to enhance existing greened areas.

Institutional Arrangements

6. To co-ordinate Government's greening work, a high-level Steering Committee on Greening (SCG) has been established to set the strategic direction and oversee the implementation of major greening programmes since 2002. The SCG is chaired by the Permanent Secretary for Development (Works) with members drawn from various bureaux and departments. Separately, to promote and co-ordinate community greening efforts, the Permanent Secretary for Home Affairs chairs a Community Involvement Committee on Greening with secretariat support provided by the Leisure and Cultural Services Department (LCSD) and membership drawn from a wide spectrum of non-government bodies as well as government representation.

Planting of New Vegetation

7. We have been taking two approaches in the promotion of greening –

- (a) planting in new public works projects; and
- (b) planting in Greening Master Plan (GMP) projects.

Various facility management departments and agencies as well as private sector property management companies also undertake planting in their respective facility boundaries. District Councils and various organisations

also organise community planting events to promote greening or as area beautification projects.

Planting in New Public Works Projects

8. Works departments make every effort to plant new vegetation in the implementation of new public works projects. As space for planting in built-up areas of Hong Kong is limited, we are also pursuing new techniques in greening (such as vertical greening including the use of green wall panel in the design of noise barrier, rooftop greening, etc.).

Planting in Greening Master Plan (GMP) Projects

9. In recent years, as an enhanced greening initiative, the Civil Engineering and Development Department (CEDD) with the support of DEVB has adopted and implemented GMPs that seek to define the greening framework and provide a guide to the planning, design and implementation of greening works in various districts. In recognition of the fact that greening opportunities arise under different time frames, GMPs embody a full spectrum of short, medium and long-term measures. Measures that conform to the district layout, pose no direct conflict to existing land use or traffic arrangements and can be implemented within one or two years are short term ones. Greening measures which have to be implemented in association with other projects or which require private sector participation are classified as medium-term measures. As for long-term measures, they depict the ultimate greening vision and include proposals such as tree corridors along major roads which can only be achieved in conjunction with urban renewal, etc.

10. Following the completion of greening works in GMPs for Central and Tsim Sha Tsui in 2007, the implementation of greening works in GMPs for Mong Kok, Yau Ma Tei, Sheung Wan, Wan Chai and Causeway Bay started in August 2008 for completion by end 2009. Implementation of greening works in GMPs for the remaining urban areas including Kowloon West (Sham Shui Po and Kowloon City), Kowloon East (Wong Tai Sin and Kwun Tong) and Hong Kong Island (Eastern District, Southern District and Western District) is scheduled to commence in late 2009 for completion in late 2011. Thereafter, consultation work will start for developing and implementing GMPs in the New Territories. As an interim measure, various departments have been carrying out greening enhancement projects at focal points in the New Territories.

EXISTING GOVERNMENT EFFORTS ON TREE MANAGEMENT

11. Government aims to protect and preserve trees through a combination of legislative and administrative measures.

Legislative Measures

12. There are at present relevant ordinances for protection of trees on Government and private land, including but not limited to –

- (a) Forests and Countryside Ordinance (Cap. 96);
- (b) Country Parks Ordinance (Cap. 208);
- (c) Public Health and Municipal Services Ordinance (Cap. 132);
- (d) Crimes Ordinance (Cap. 200);
- (e) Theft Ordinance (Cap. 210);
- (f) Summary Offences Ordinance (Cap. 228); and
- (f) Antiquities and Monuments Ordinance (Cap. 53).

13. For instance, the Forests and Countryside Ordinance (Cap. 96) protects trees in any forest or plantation on unleased government land and is applicable to both urban and rural areas. The Country Parks Ordinance (Cap. 208) protects all trees in country parks. The Crimes Ordinance (Cap. 200) and the Theft Ordinance (Cap. 210) deal with more serious cases involving the damage and/or stealing of valuable trees (such as Incense Tree and Buddhist Pine). As for trees on pleasure grounds, public cemeteries and gardens of remembrance, they are protected under the Public Health and Municipal Services Ordinance (Cap. 132). These ordinances provide the necessary legal instruments for protecting trees, whether they are in the urban area or country parks.

Administrative Measures

(a) Integrated Approach

14. For all vegetation on government land (including Old and Valuable Trees (OVTs), other trees and plants), Government adopts an “integrated approach” in assigning the maintenance responsibility. Under this approach, the department responsible for the maintenance of a facility is also responsible for the maintenance of vegetation there. A technical circular has been issued to stipulate responsibilities. For example, the Agriculture, Fisheries and Conservation Department (AFCD)

is responsible for managing trees inside country parks. The Highways Department (HyD) is responsible for managing trees along expressways. LCSD is responsible for managing trees at their venues and in landscaped areas along public roads other than expressways. The Housing Department (HD) is responsible for managing trees in public housing estates. Management responsibility for trees on unallocated and unleased government land generally remains with the Lands Department (LandsD).

15. This approach in which the department responsible for the management and maintenance of a facility is also responsible for nurturing and protecting all the plants (including trees) within the facility has in general proven to be efficient and cost effective. It is important to note that the maintenance foci and requirements of trees at different locations may vary significantly. For instance, for trees along expressways, the foremost consideration is to ensure that the trees will not impact on the safety of road users and traffic. For trees on man-made slopes, the prime concern is to ensure slope safety. For trees in parks and other leisure facilities, the comfort and safety of visitors prevail. If inspections and maintenance work for trees and vegetation are to be carried out separately by staff from another department, issues including interface problems, work coordination, fragmentation of responsibilities, etc. may arise.

(b) General Process of Vegetation Maintenance

(i) Regular Maintenance

16. For tree inspection, maintenance departments formulate frequencies and methods of inspection for trees under their purview having regard to practical considerations such as planting environment, species and maturity of trees. Maintenance departments and their contractors will also carry out inspection, assessment and maintenance work (such as watering, fertilising, disinfecting, pruning withered or overgrown trees).

(ii) Ad-hoc Maintenance of Trees

17. Normally, a mature tree in good conditions does not require special maintenance apart from the routine measures mentioned above. Ad-hoc measures would be carried out only if required. For instance, when the environmental conditions surrounding a tree are found to be unfavourable, measures to enlarge growing space for the root system, to

enhance soil aeration and drainage, or to replenish top soil/mulch to an appropriate level would be considered. In addition, suitable chemical treatments would be applied when a tree is found to be seriously infested by certain diseases or pests (e.g. termites). When a tree is found to be structurally unsound posing potential hazard to the public, measures to provide support to the weak points such as cabling and propping, pruning of the defective/dead branches or crown reduction to reduce end weight would be carried out to reduce the risk to public safety. In extreme cases where a tree is dead, dying or has high risk of failure, the whole tree would have to be removed for the sake of public safety. Felling a tree will only be considered as a last resort.

(iii) Emergency situation

18. Where public safety is at stake, or at fully justified emergency situations, departments should not be inhibited from taking prompt action under the “integrated approach”. Hazardous trees will be removed as speedily as possible in cases such as lightning, typhoon, torrential rain or landslide.

(c) Old and Valuable Trees (OVTs)

19. It would particularly be worthwhile to highlight OVTs. To strengthen the protection of trees with special value on unleased Government land within built-up areas or tourist attraction spots in village areas, Government established a Register of OVTs in 2004, which has been uploaded onto the website of LCSD for public assess. The register records trees which satisfy certain criteria such as large size, precious or rare species, old age, outstanding form and/or cultural, historical or memorable significance. A set of guidelines was also issued in the same year to provide a comprehensive scheme to conserve the trees on the Register. The guidelines cover a wide range of aspects including registration, maintenance and inspection of registered trees. Felling or removal of a registered OVT is prohibited, unless with very justified reasons. In addition, the area surrounding a registered tree is designated as a tree protection zone, in which construction works cannot be carried out without the prior approval of LandsD. Currently, there are over 500 OVTs on the Register. To improve the transparency of the register, LCSD will include the reasons for removal of each OVT when updating the Register. The respective District Councils will also be informed about the removal.

(d) Staffing, Training and Equipment

20. Due to the difference in growth environment of trees and the required maintenance arrangement, different maintenance departments have made reference to their specific operational needs in arranging suitable staffing, training and equipment to discharge their tree maintenance responsibilities. Apart from their own staff resources, maintenance departments can also employ approved contractors to carry out relevant tree maintenance work when needed. They provide training to their staff responsible for tree works. There are about 60 staff in various government departments possessing the qualification of Certified Arborist of the International Society of Arboriculture.

21. Departments and their contractors equip their staff with tree maintenance equipment so as to conduct tree health inspection and recovery treatment for trees with health problems. Some departments (e.g. LCSD, AFCD and HyD) are equipped with more advanced equipment (such as sonic tomograph and resistograph) to test wood texture.

PROTECTION OF TREES IN PRIVATE PROJECTS AND COOPERATION WITH NON-GOVERNMENT SECTOR

22. There are three major aspects –

- (a) tree preservation clauses;
- (b) cooperation with the private sector and quasi-government organisations; and
- (c) community involvement in greening.

Tree Preservation Clauses

23. As regards private land, Government has included tree preservation clauses in land leases since the 1970's. For land leased before the 1970's, when modifications of their leases are applied for as a result of re-development, LandsD will take these opportunities to incorporate tree preservation clauses as far as possible.

24. For private development projects, LandsD also issued an updated Practice Note in August 2007 regarding the revised control

measures on tree felling in private projects. Generally speaking, land owners need to apply to LandsD before felling or transplanting any trees on their land where there is a tree felling/preservation clause in the land lease. After seeking advice from the concerned departments with expertise in trees, LandsD will process the applications in accordance with established criteria, including whether there are sufficient justifications for tree removal and acceptable compensatory planting plan. If trees protected by lease conditions are felled or interfered in contravention of these conditions, LandsD may request the owner to carry out compensatory planting and take lease enforcement actions in accordance with the relevant terms of the lease.

Cooperation with the Private Sector and Quasi-government Organisations

25. Apart from Government making its own efforts, initiatives and support of both the private sector and quasi-government organisations are also available. Examples are the Sheung Wan Revitalisation Scheme undertaken by the Urban Renewal Authority together with the support of other Government departments, and streetscape improvement works in Hollywood Road, Chater Road and surrounding areas undertaken by private developers.

Community Involvement in Greening

26. Furthermore, community support for greening is also demonstrated through active participation in community forums of GMPs and various greening activities, such as seminars and experience sharing sessions organised for owners' corporations, property management companies, staff of horticulture firms, etc. External organisations (such as Kadoorie Farm and Botanic Garden and Institute of Horticulture (Hong Kong)) have also offered valuable support through their participation in the Community Involvement Committee on Greening.

PROGRESS OF REVIEW

27. It is Government's objective to continuously improve our living environment through effective greening and tree management work. However, we should always keep in mind that trees are living things and will be subject to normal life cycle. Trees are also vulnerable at times of torrential rain, typhoon and thunderstorm. While we will make efforts to preserve trees, particularly the more valuable one as far as practicable, a tree will have to be removed if it cannot be cured and its continued

presence will pose a risk to public safety especially in built-up areas with high pedestrian flow.

28. Separately, it is necessary to recognise that trees have to be removed to make way for infrastructure projects and other developments in the public interest. The Government has therefore put in place a mechanism to assess the impact on trees in public works projects and remedial measures of transplanting or compensatory planting. This information is included in funding applications to Legislative Council's Public Works Subcommittee.

29. The Task Force has already commenced its work on reviewing the current tree management regime.

30. Having regard to the Jury's recommendations, concerns raised by Members at the meeting of the Legislative Council Panel on Home Affairs on 17 April 2009 and that of the general public, the Task Force has conducted two meetings and agreed to cover the following broad areas in the review –

- (a) the institutional framework including –
 - (i) division of responsibilities and interfacing among different departments in tree management within Government;
 - (ii) consistency of guidelines on tree management across different departments;
 - (iii) possibility of having a single office to coordinate tree management work within Government; and
 - (iv) risk assessment of trees.
- (b) the legislative framework on tree management;
- (c) training and resources (including staff and equipment);
- (d) preservation of trees on private land;
- (e) involvement of District Council Members, volunteers and the public at large on monitoring of trees; and

(f) complaint handling mechanism.

31. In the course of the review, CS will also meet with the Chairmen/Vice Chairmen of the District Councils to gauge their views from the district perspective. The Administration will also meet with professional institutions, academics and experts on tree related matters to listen to their views and solicit their input on how to improve tree management work in Hong Kong.

32. The Task Force targets to complete the review and submit the report within a period of three months (i.e. by the end of June 2009).

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May 2009