

立法會
Legislative Council

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From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 6 January 2016

**Amendments to motion on
“Expediently studying the enactment of legislation on
tree maintenance and management”**

Further to LC Paper No. CB(3) 210/15-16 issued on 4 December 2015, three Members (Dr Hon Kenneth CHAN, Hon LEUNG Che-cheung and Hon Mrs Regina IP) have respectively given notice of their intention to move separate amendments to Hon WONG Kwok-hing’s motion on “Expediently studying the enactment of legislation on tree maintenance and management” scheduled for the Council meeting of 6 January 2016. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the three amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon WONG Kwok-hing to speak and move his motion;
- (b) the President proposes the question on Hon WONG Kwok-hing’s motion;
- (c) the President calls upon the three Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Dr Hon Kenneth CHAN;
 - (ii) Hon LEUNG Che-cheung; and
 - (iii) Hon Mrs Regina IP;

- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon WONG Kwok-hing to speak for the second time on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the three Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Dr Hon Kenneth CHAN to move his amendment to the motion, and forthwith proposes and puts to vote the question on Dr Hon Kenneth CHAN's amendment;
- (i) after Dr Hon Kenneth CHAN's amendment has been voted upon, the President deals with the other two amendments; and
- (j) after all amendments have been dealt with, the President calls upon Hon WONG Kwok-hing to reply. Thereafter, the President puts to vote the question on Hon WONG Kwok-hing's motion, or his motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Ms Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Expediently studying the enactment of legislation on
tree maintenance and management”
to be held at the Council meeting of 6 January 2016**

1. Hon WONG Kwok-hing’s original motion

That Hong Kong has a large number of trees with close to 1.6 million in the urban areas alone, but matters concerning the planting, maintenance, pruning and removal of trees are being handled by different government departments without a set of established criteria, resulting in the collapse of trees from time to time due to the lack of maintenance which caused casualties, or trees of unique, precious and rare species being invaded by pests and diseases due to inadequate maintenance, or even trees being felled unreasonably; in this connection, this Council urges the Government to expediently study the enactment of legislation on tree maintenance and management, and prior to the completion of legislation, the Government should strive to raise the awareness of caring of trees among the public and various government departments, and to adopt effective measures for tree conservation to protect Hong Kong’s green environment.

2. Motion as amended by Dr Hon Kenneth CHAN

That *at the Council meeting of 15 June 2011, when speaking on the motion on ‘Perfecting tree management system’, the then Secretary for Development said, ‘regarding the studies on enacting legislation on trees, I have made my position clear today’, and she even stated unequivocally, ‘[l]et me declare my position once more: I will seriously consider commencing studies on enacting legislation on the issue’; the passage of the aforesaid motion at the meeting clearly indicated that the enactment of legislation on tree maintenance and management (‘tree legislation’) was the consensus of the legislature;* Hong Kong has a large number of trees with close to 1.6 million in the urban areas ~~alone~~, but matters concerning the planting, maintenance, pruning and removal of trees are being handled by different government departments without a set of established criteria, resulting in the collapse of trees from time to time due to the lack of maintenance which caused casualties, or trees of unique, precious and rare species being invaded by pests and diseases due to inadequate maintenance, or even trees being felled unreasonably; in this connection, this Council urges the Government to ~~expediently study the enactment of~~

~~legislation on tree maintenance and management~~ ***immediately introduce tree legislation***, and prior to the completion of legislation, the Government should strive to raise the awareness of caring of trees among the public and various government departments, and to adopt effective measures for tree conservation to protect Hong Kong's green environment; ***the contents of the tree legislation should include:***

- (1) ***to set up an independent and dedicated government department to implement tree management policies and measures formulated under the tree legislation, and conduct tree risk assessments;***
- (2) ***to set up an advisory framework comprising tree and greening experts as well as community members for advising the relevant policy bureaux and government departments;***
- (3) ***the criteria and mechanism for greening and landscape planning;***
- (4) ***the certification and regulatory mechanism for tree management contractors;***
- (5) ***the training policy and professional regulatory system for tree management personnel;***
- (6) ***the maintenance and management system for trees of particular conservation value;***
- (7) ***the specific requirements for tree management on private land; and***
- (8) ***the criteria and procedures for tree removal.***

Note: Dr Hon Kenneth CHAN's amendment is marked in ***bold and italic type*** or with deletion line.

3. Motion as amended by Hon LEUNG Che-cheung

That ~~Hong Kong has a large number of trees~~ ***are precious green resources in Hong Kong***, with close to 1.6 million ***trees*** in the urban areas alone, but matters concerning the planting, maintenance, pruning and removal of trees are being handled by different government departments without a set of established criteria, resulting in the collapse of trees from time to time due to the lack of maintenance which caused casualties, or trees of unique, precious and rare species being invaded by pests and diseases due to inadequate maintenance, or even trees being felled unreasonably; in this connection, this Council urges the Government to expeditiously study the enactment of legislation on tree

maintenance and management, *the contents of which include the protection of old and valuable trees on government and private land*, and prior to the completion of legislation, the Government should strive to raise the awareness of caring of trees among the public and various government departments, and to adopt effective measures for tree conservation, *including reviewing the existing greening and tree management framework to strengthen the co-ordination among government departments and improve the greening and tree management work, and actively promoting the professionalism and sustainable development of the greening and tree management industry with a view to attracting new entrants*, so as to protect Hong Kong's green environment.

Note: Hon LEUNG Che-cheung's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon Mrs Regina IP

That Hong Kong has a large number of trees with close to 1.6 million in the urban areas alone, but matters concerning the planting, maintenance, pruning and removal of trees are being handled by different government departments without a set of established criteria, resulting in the collapse of trees from time to time due to the lack of maintenance which caused casualties, or trees of unique, precious and rare species being invaded by pests and diseases due to inadequate maintenance, or even trees being felled unreasonably; in this connection, this Council urges the Government to expeditiously ~~study the enactment of legislation on tree maintenance and management, and prior to the completion of legislation, the Government should~~ *implement the following measures in respect of tree management:*

- (1) *to amend section 44(1)(b) of the Building Management Ordinance (Cap. 344) to include 'tree safety' as an item, thereby requesting the owners' corporations to be held responsible for the management of trees planted within the common areas of the premises;*
- (2) *to require the Home Affairs Bureau and the Tree Management Office to provide private property owners with adequate resources and comprehensive support in respect of tree management;*
- (3) *to enhance the functions of the Tree Management Office under the Development Bureau to secure additional funding for raising the standard of tree management in Hong Kong; and*

(4) *to elevate the professional qualifications of local tree management personnel (including arborists, arboricultural practitioners, tree climbers and tree risk assessors, etc.) to international standards,*

and strive to raise the awareness of caring of trees among the public and various government departments, and to adopt effective measures for tree conservation to protect Hong Kong's green environment.

Note: Hon Mrs Regina IP's amendment is marked in *bold and italic type* or with deletion line.