

**For discussion
on 24 November 2015**

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

**Tree Management on Private Properties and Revamp of the Guidelines for
Tree Risk Assessment and Management Arrangement**

PURPOSE

This paper briefs Members on the revision of the Guidelines for Tree Risk Assessment and Management Arrangement (the Guidelines) and the preparation of a handbook on tree management on private properties.

BACKGROUND

2. Trees, like other living organisms, have a natural cycle. They grow, age, become weak and eventually pass away. A tree's growth is subject to a combination of internal or bio-physical constraints as well as external or environmental, landscape and urban factors. Different tree species have different growth patterns. In general, as trees grow older and larger, their ability to maintain a healthy condition and recover from impacting factors will decline and one day - cease to function. The gradual deterioration of tree health and functions also applies to trees even with regular maintenance. A holistic tree management approach including, but not be limited to, the adoption of lifecycle planning¹ under the principle of "right tree right place", robust tree risk assessment (TRA)² and regular maintenance³ for all trees is therefore pertinent to the overall management of tree risk to an "as low as reasonably practicable" level for meeting community needs and facilitating safe and sustainable developments.

¹ Through lifecycle planning, a tree's natural cycle, from seed, seedling, young tree, mature tree to its last stage of senescence and death, is duly considered in tree management. Trees in its senescence and death stage should be diligently removed for public safety and replaced where practicable.

² The requirements of TRA are given in the Guidelines published by the Greening, Landscape and Tree Management Section of the Development Bureau.

³ Regular maintenance for trees involves maintenance inspections and maintenance works that are necessary to avoid deterioration or to upkeep the normal functions of trees.

REVAMP OF THE GUIDELINES FOR TREE RISK ASSESSMENT AND MANAGEMENT ARRANGEMENT

3. The Guidelines is the most fundamental tool and reference for all 38 Government tree management departments and the wider community to deal with tree risk, tree care and tree protection in Hong Kong. The Guidelines, which was formulated on the basis of the international standard of best practices⁴ with due consideration to the special and unique circumstances in Hong Kong, follows a dual approach - Area Basis Assessment and Tree Basis Assessment. Areas with intensive use where the public will be affected in the event of a tree failure are first identified in an Area Basis Assessment and then, within the identified areas, the conditions of valuable (i.e. Old and Valuable Trees (OVTs), stonewall trees and trees of particular interest) and high risk trees are individually assessed in a Tree Basis Assessment.

4. The Guidelines has evolved since it was first published in January 2010 having regard to the experience and feedback from stakeholders and through continuous improvement, with a view to enhancing tree management and protecting public safety. Some major revisions have been undertaken recently and these cover:

- (a) The requirement of a TRIAGE process for trees in the high Tree Risk Management Zone: Category I⁵

Hong Kong has approximately 800,000 trees in the high Tree Risk Management Zone: Category I (CAT I). This is a significant number of trees to assess, monitor and maintain throughout the year. The TRIAGE System streamlines TRA workflow for trees within CAT I. It aims to identify trees with the greatest need for priority care. Similar to a medical triage system, trees will be classified according to the severity of their structural health issues. This will be cross-referenced to the tree's age, which is measured by the size of its Diameter at Breast Height (DBH) and location. This allows tree management departments to prioritise and undertake tree risk mitigation measures in a more effective manner.

⁴ These best practices include the Urban Tree Risk Management: A Community Guide to Program Design and Implementation published by the United States Forest Service of the Department of Agriculture, and the relevant guidelines promulgated by the International Society of Arboriculture.

⁵ According to the Guidelines, there are high (Category I), medium (Category II) and low (Category III) tree risk management zones for areas of high traffic and pedestrian flows, low traffic and pedestrian flows and rare access respectively.

(b) The requirement of undertaking a sensitivity analysis for removal of potentially sensitive trees

The removal of a tree can draw intense public attention. Under the revised Guidelines, tree management departments are required to undertake a Sensitivity Analysis on the proposed removal of potentially sensitive trees under non-emergency circumstances. The objectives of the Sensitivity Analysis are to improve openness, enhance consultation with the Expert Panel on Tree Management (EPTM), and address possible public concerns on potential tree removals as far as reasonably practicable, including the communication processes and timeliness.

(c) The inclusion of reference notes and checklists to facilitate management, monitoring and maintenance

Additional guidance has been provided to enhance the administration, communication and documentation of the TRA process. Checklists of actions have also been prepared to guide implementation and assist monitoring and verification of works.

5. To ensure that a consistent and holistic approach is followed among all tree management departments, the Guidelines is complemented by some administrative and technical requirements which are mainly stipulated in three technical circulars⁶. Tree management departments have ownership of their tree assets and are responsible for devising and implementing their tree management strategies and action tasks. They also need to conduct regular patrols and audits to verify actual tree conditions and results of their TRAs, and take appropriate follow up actions.

6. While the Guidelines and technical circulars are binding on Government tree management departments only, the Government has also encouraged private property owners, owners' corporations and property management companies, who are responsible for the overall management of trees within their land premises, to follow the Guidelines in managing their trees. In the event of tree failure causing injury or fatality to a third party, they can be held legally liable for a breach of the Occupiers Liability Ordinance⁷ and/or

⁶ They are DEVB TC(W) No. 7/2015, ETWB TC(W) No. 29/2004 and ETWB TC(W) No. 6/2015 on tree preservation, OVTs, and maintenance of vegetation and hard landscape features respectively.

⁷ The Occupiers Liability Ordinance (Cap. 314) imposes on occupier of premises, that is the person in control of the premises, a duty to his visitors to take such care as is reasonable in the circumstances to see that his visitors will be reasonably safe in using the premises for the permitted purposes.

negligence under the common law⁸. Throughout the years, we have rolled out a number of initiatives to strengthen public understanding of tree management and the standard of good practice through Announcements on Public Interests, the blog and Facebook of the Secretary for Development, the website of the Greening, Landscape and Tree Management Section (GLTMS), public talks and seminars, and public campaigns and workshops with professional associations. To consolidate the relevant information for easier reference, follow up and compliance, we are preparing a handbook on tree management on private properties. Our suggestions for its promulgation are detailed in the following paragraphs.

TREE MANAGEMENT ON PRIVATE PROPERTIES

7. In collaboration with the Home Affairs Department, we intend to add a new section on tree safety in the Code of Practice on Building Management and Maintenance (the Code) to be issued under the Building Management Ordinance. Our key considerations are that tree safety is related to building management where trees are within the common parts of a building; it may also relate to slope maintenance if trees are planted on slopes; and tree safety entails expert knowledge as in the areas such as building safety, fire safety, slope safety and lifts and escalators.

8. The proposed new section on tree safety in the Code will make reference to a new Handbook on Tree Management (HTM). It will model on the arrangement for slope safety⁹ and serve as an effective means to enhance awareness of responsibility and improve the standards of practice among the private property owners, their management agencies, and the owners' corporations, thereby enhancing the level of public safety in respect of tree issues.

9. The draft HTM comprises the following three main parts, together with a list of supplementary appendices on technical guidance and standard of good practice:

- (a) Part 1 highlights the importance of tree management, duty of care of tree owners and tree owners' responsibilities in respect of

⁸ Private property owners has a common law duty of care to maintain their land, including trees growing on the land, so as to ensure that they will not pose danger to their neighbours and the public. An owner can be held liable for personal injury and/or property damage arising from negligence.

⁹ The section on slope safety in the Code refers to "Geoguide 5 - Guide to Slope Maintenance" published by the Geotechnical Engineering Office of the Civil Engineering and Development Department.

engaging qualified professionals to undertake tree works, following standards and best practices and performing routine tree inspection;

- (b) Part 2 provides the key steps in tree risk management, which includes knowing the tree stock; undertaking TRA; mitigating tree risk and keeping routine and special tree inspection records; and
- (c) Part 3 emphasises the importance of proper tree care through regular tree maintenance and appropriate tree planting and replacement. The requirement of TRA under the Guidelines is included to enhance robustness and consistency in TRA and management.

10. Meanwhile, we are seeking views from external stakeholders¹⁰ on the draft HTM, and will soon finalise it for promulgation, through uploading an electronic copy to the GLTMS website, before the onset of the 2016 wet season.

11. In the related regards, we notice that there are calls for the introduction of a “tree legislation”. The Government maintains an open view and has reviewed overseas experience on tree legislation particularly in meeting tree management objectives. Our findings tell that overseas legislation vary in nature and have mostly evolved in response to specific municipal needs. The use of a piece of tree legislation in meeting tree management objectives may not be applicable to the situation in Hong Kong. Nevertheless, the HTM will lay an important foundation in any consideration for future mandatory requirement on tree management, including legislative requirement.

12. Complementing the HTM, the Government has commissioned in September 2015 a human resources and competences survey and analysis of the arboriculture, horticulture and landscape management and maintenance industry to gauge a better understanding of the current and projected industry capacity. The survey will help guide the planning of capacity building in the industry, thereby preparing the industry in a gradual and practicable pace for meeting the needs of both the demand and supply sides.

13. While the majority of private property owners, owners’ corporations and property management companies are responsible, we will

¹⁰ The list of external stakeholders are EPTM, the Hong Kong Association of Property Management Companies Limited, the Hong Kong Institute of Horticulture Science, the Institute of Horticulture (Hong Kong), the Hong Kong Institute of Housing, the Hong Kong Institute of Landscape Architects and the ISA Hong Kong Chapter.

launch a supporting publicity programme to raise their awareness of the HTM and assist their compliance. It should be highlighted that the same approach has been adopted to manage maintenance of slopes on private land for over two decades and the performance of private slopes over the years has demonstrated the effectiveness of the multi-pronged approach in managing private slopes. Learning from the experience, a similar or better effect should apply to tree management.

14. We will continue our efforts in assisting private property owners, owners' corporations and property management companies to upkeep the standard of practice in tree management through, for example, providing advice and assistance on problematic trees via the "1823", and coordinating with the Police and Fire Services Department on tree removals during emergency situations.

INTEGRATED APPROACH IN TREE MANAGEMENT

15. We have been adopting an integrated approach in managing the trees in Hong Kong. Apart from the above key initiatives, the GLTMS is taking forward a wide range of measures, including the following:

(a) Raising the professional standard of tree management

We have been in collaboration with local and overseas industry practitioners to conduct studies and researches on strategic tree issues. Below are a few recent examples:

■ Lifecycle planning and useful life expectancy

Since mid-2015, we have commenced inclusion of lifecycle planning into the Guidelines. We have also looked into study and research partnership with local and international experts toward implementing this concept in Hong Kong.

■ Street tree planting and management

We would undertake a tree selection study to review and formulate a practical guide in selecting appropriate tree species for different typical landscape typologies in Hong Kong with a view to supporting strategic street tree planting and management in Hong

Kong over the short, medium and long-term.

- Researches

We are undertaking researches related to, for example, trees' structural behaviours, pest and disease, and major causal factors to common tree failures. The findings would enhance our understanding of trees and form the basis to improved technical guidelines, thereby achieving and sustaining state-of-the-art practice in tree management.

- (b) Enhancing public education and awareness

We are developing a public education and awareness programme to develop a deeper community understanding of lifecycle of trees, useful life expectancy and urban impacts on our trees, tree risk management and risks associated with our aging tree population. The recent issue of the newsletter on “right tree right place” is a good example.

16. We will continue our efforts in advocating a holistic tree management approach among tree management departments and in the wider community.

ADVICE SOUGHT

17. Members are invited to note and comment on the revised Guidelines and the proposed HTM.

Development Bureau
November 2015