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Panel on Development

Meeting on 27 February 2018

**Updated background brief on landscape and
tree management work in Hong Kong**

Purpose

This paper provides updated background information on landscape and tree management work in Hong Kong and summarizes the views and concerns expressed by Members of the Legislative Council on the subject.

Background

Policy and approaches for greening, landscape and tree management

2. The Administration's general policy on greening is to actively promote greening to improve the city's living environment. Over the years, the Administration has adopted an "integrated approach" in assigning responsibilities for preserving and maintaining all vegetation on government land among relevant departments. Under this approach, the department responsible for the maintenance of an area or a facility is also responsible for the maintenance of trees there.

3. Landscape rehabilitation is also an integral part of the Administration's greening works. It covers planting and associated maintenance works on sites with heavy soil erosion or disturbed areas (borrow areas, quarries, degraded slopes, vegetated areas damaged by hill fires, etc.) which are mainly located at urban fringe or in countryside.

4. Following a fatal incident in August 2008 caused by the collapse of an old tree in Stanley, the Administration announced on 31 March 2009 that

the Chief Secretary for Administration would lead a Task Force on Tree Management ("the Task Force") comprising relevant bureaux and departments to examine a range of issues regarding tree management in Hong Kong, addressing in particular concerns about the public safety aspects of tree management expressed by the Coroner's Court relating to the fatal tree collapse case and the Jury's specific recommendations. In its report published in June 2009, the Task Force has made a number of recommendations on improving tree management in Hong Kong. A summary of the recommendations is given in **Appendix I**.

Establishment of the Greening, Landscape and Tree Management Section

5. As recommended in the report of the Task Force, the Development Bureau ("DEVB") has taken up the overall policy responsibility for greening, landscape and tree management. Since March 2010, the Greening, Landscape and Tree Management Section ("GLTMS") has been established under the Works Branch of DEVB. GLTMS is underpinned by the Tree Management Office ("TMO") and the Greening and Landscape Office ("GLO"). TMO serves as the central authority and focal point for coordination to ensure more effective implementation of the "integrated approach" and deals with complex cases which cannot be adequately handled by individual departments, while GLO is responsible for the central coordination of greening and landscaping efforts. TMO also collaborates with GLO in formulating guidelines and best practices on a variety of tree management topics.¹

Tree risk assessment and management arrangement

6. In January 2010, TMO introduced a new tree risk assessment and management arrangement with the promulgation of the Guidelines for Tree Risk Assessment and Management Arrangement ("the Guidelines") for compliance by tree management departments.² The objective of the new arrangement is to reduce the risk posed to personal safety and property by trees that may have problems at locations with high pedestrian and vehicular flow by taking timely action through a systematic methodology and procedures.

¹ Tree management guidelines and best practices are disseminated to the industry and the community at large through DEVB's dedicated greening website (www.greening.gov.hk), seminars and workshops, etc.

² The latest edition of the Guidelines is available at:
https://www.greening.gov.hk/en/tree_care/tra_arrangements.html.

7. According to the Guidelines, tree risk assessment is conducted step-by-step in two stages, i.e. 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.

8. As a continuing effort to further enhance tree management and protect public safety, TMO introduced the following major revisions to the Guidelines in November 2015:

- (a) a triage process is required for trees in the high tree risk management zone (Category I)³ to facilitate tree management departments to prioritize and undertake tree risk mitigation measures in a more effective manner;
- (b) a sensitivity analysis on the proposed removal of potentially sensitive trees under non-emergency circumstances is required to be conducted by tree management departments, with a view to addressing possible public concerns over the tree removal as far as practicable; and
- (c) reference notes and checklists are included to facilitate tree management, monitoring and maintenance.

Tree management on private properties

9. Since the 1970's and mid-1980's respectively, the Administration has included "tree preservation clauses" and "landscape clauses" in land leases. In the case of redevelopment of land, the Administration may impose new requirement in regard to tree preservation via the planning regime or through lease modification.

10. In addition, the Administration has 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

³ 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.

tree failure causing injury or fatality to a third party, they can be held legally liable for a breach of the Occupiers Liability Ordinance and/or negligence under the common law. In April 2016, DEVB published the Handbook on Tree Management ("the Handbook")⁴ to provide private property owners and property management companies with guidelines and standards for the proper care of trees on their property. A new section on tree safety has been proposed to be added to the Code of Practice on Building Management and Maintenance issued under the Building Management Ordinance (Cap. 344) making reference to the Handbook.

Register of Old and Valuable Trees

11. To strengthen the protection of trees with special value on unleased government land within built-up areas or tourist attraction spots in village areas, the Administration established in 2004 a Register of OVTs.⁵ The Leisure and Cultural Services Department, Agriculture, Fisheries and Conservation Department, Highways Department, Architectural Services Department and Housing Department are responsible for the care of OVTs under their purview.

Expert Panel on Tree Management and Urban Forestry Advisory Panel

12. DEVB set up an Expert Panel on Tree Management in March 2011 to provide expertise in both policy and operational aspects concerning tree management. The Expert Panel comprised plant pathologist, experienced tree experts, professor of forestry and community arborists, etc., as well as non-local experts from Guangzhou, Australia, Malaysia and the United States.⁶ The term of the Expert Panel expired at the end of 2016.

13. In January 2017, DEVB announced the established of a new Urban Forestry Advisory Panel ("UFAP"). With the new UFAP covering urban tree management amongst other things, the work of the then Expert Panel has been included under UFAP. UFAP comprises a diversity of local and overseas expertise including urban forestry managers, urban arborists, urban and restoration ecologists, forest pathologists, a soil scientist, landscape architects, horticulturalists and a geotechnical engineer. The

⁴ The Handbook is available at:

https://www.greening.gov.hk/en/tree_care/Handbook_on_Tree_Management.html

⁵ A [full list](#) with information and status of OVTs is available online for public access.

⁶ Source: The Administration's paper on "Progress Report on the Work of the Tree Management Office" ([LC Paper No. CB\(1\)61/12-13\(07\)](#))

new UFAP advises GLTMS on a wide range of urban forestry matters beyond the details of tree management.

Major views and concerns expressed by members

14. Tree management and related issues were discussed at meetings of the Panel on Development ("the Panel"). The major views and concerns expressed by members are summarized in the ensuing paragraphs.

Introducing legislation on tree management

15. Some members considered that the Administration should introduce legislation on tree management for effective regulation of felling of trees, preservation of valuable trees and proper tree management. In the absence of such legislation, members were concerned about the effectiveness of managing trees on government land as it was doubtful whether the tree management departments would strictly comply with the requirements of the Guidelines and relevant technical circulars.

16. The Administration advised that the supply of qualified personnel at different levels in the capacity hierarchy for undertaking tree-related works was still insufficient. It was concerned that if legislation on tree management was introduced before there was an adequate supply of qualified personnel, some private property owners might choose to remove their trees or plant small trees, which would run against the policy intention. Meanwhile, the Administration had commissioned a Human Resources and Competences Study ("the Study") to investigate the current and projected industry capacity.⁷

Supply of tree management professionals

17. Some members expressed concern about whether the supply of personnel with professional qualifications and experience in tree management would be adequate to meet the increasing demand for tree inspection and maintenance works.

18. The Administration advised that there had been an increase in the supply of tree management personnel, in particular arborists, in recent years. However, if the requirements of tree management on private

⁷ Commissioned in 2015, the Study was completed in early 2017. Its results showed that there was an estimated workforce of approximately 7 310 in 2015, and projected that there would be a shortage of about 2 530 in 2018.

properties were substantially expanded in a short period of time, the supply of qualified personnel would not be adequate to meet the demand from private property owners, their management agencies and owners' corporations. The Study conducted by the Administration would help guide the planning of capacity building of the industry.

Management of trees on private properties

19. In August 2014, a tree in a private residential estate at Robinson Road collapsed and killed a pregnant woman. This tragic incident aroused members' concerns about the Administration's measures to assist private property owners in tree management on private land. Some members asked whether a list of qualified tree management personnel was available to assist owners' corporations and property management companies in engaging contractors for undertaking tree management works.

20. The Administration advised that private property owners were responsible for the maintenance and management of trees on their properties. The Administration had called upon and written to private property owners and property management companies to engage professional contractors to inspect trees within their premises and carry out appropriate risk mitigation measures to protect public safety. In addition, TMO collaborated with the Home Affairs Department in organizing seminars on the management of trees on private properties to explain to the owners in detail the key issues and their responsibilities. A list of approved suppliers of materials and specialist contractors for public landscaping works, together with information about tree maintenance for private properties, was available on DEVB's dedicated greening website.⁸ In addition, the Handbook would highlight the owners' responsibilities in respect of engaging qualified professionals to undertake tree works, following standards and best practices and performing routine tree inspection.

21. In response to some members' enquiry about the measures to be taken to enhance the awareness of private property owners on preservation of valuable trees within their premises, the Administration replied that according to the tree preservation clauses introduced since the 1970's in land leases as a lease condition, the lessee was required to apply to the Lands Department for consent before felling of and interfering with any trees on his lot. Further, since the 1980's, the Administration had included

⁸ https://www.greening.gov.hk/en/tree_care/info_private.html

landscape clauses in land leases to encourage landscaping of private lots and proper management of plants located thereon. For cases of redevelopment requiring planning approval or lease modification, there would be opportunities to impose conditions for tree preservation purposes.

Tree complaint mechanism

22. Expressing their concern about the long time required for tree management departments to handle referrals and complaints, some members suggested that the Administration should assign one single department as the central agency to handle all tree-related complaints so as to improve the efficiency of the tree complaint mechanism.

23. The Administration advised that under the revised Guidelines, a triage system would be implemented to identify trees with the greatest need for priority care. This system would streamline the risk assessment workflow and allow the tree management departments to prioritize and undertake tree risk mitigation measures in an effective manner.

Council questions

24. Two questions related to tree management were raised at the Council meetings of 16 December 2015 and 17 January 2018. The hyperlinks are in **Appendix II**.

Latest development

25. At the meeting of the Panel on 24 October 2017, the Administration briefed members on the relevant new initiatives under the Policy Address, including applying smart technology in tree management for overall enhancement of quality and efficiency of tree risk assessment, and collaborating with experts and research institutions on Brown Root Rot disease to conduct research on its diagnosis and prevention. The objective of these initiatives is to develop a more comprehensive, proactive and effective tree management strategy.

26. At the Panel meeting to be held on 27 February 2018, the Administration will brief the Panel on the regulations and guidelines on landscape and tree management and preservation, as well as the division of work on relevant matters among responsible departments/sections.

Relevant papers

27. A list of relevant papers is in **Appendix II**.

Council Business Division 1
Legislative Council Secretariat
21 February 2018

**Summary of the recommendations of
the Task Force on Tree Management**

- (a) The Development Bureau should take up the overall policy responsibility for greening, landscape and tree management. A new post of Principal Assistant Secretary (Greening, Landscape and Tree Management) (at Directorate Pay Scale Point 2) should be created to ensure better integration of greening and tree management and the adoption of a holistic approach;
- (b) a new Tree Management Office should be set up as the central authority and focal point for coordination to ensure more effective implementation of the "integrated approach" in tree management. A new post of Chief Assistant Secretary (at Directorate Pay Scale Point 1) should be created. An expert panel should be set up comprising experts from both locally and outside Hong Kong to provide the needed expertise in both policy and operational aspects of tree management;
- (c) a new Greening and Landscape Office should be set up to be responsible for central coordination of greening and landscaping efforts. It will be established mainly by redeploying the existing staff in Works Branch as well as the Architectural Services Department including the existing post of Chief Landscape Architect (at Directorate Pay Scale Point 1). In order to tap outside expertise, consideration will be given to setting up a Design Panel to help scrutinize the landscape and greening proposals;
- (d) new tree risk assessment arrangements based on a dual approach, viz, "Area Basis Assessment" and "Tree Basis Assessment" should be adopted;
- (e) a Training Committee should be set up under the new Tree Management Office to plan staff training in a comprehensive, strategic and continuing manner;
- (f) the new Tree Management Office should liaise with local tertiary education institutions, Vocational Training Council, Construction Industry Council Training Academy and other training providers on the possibility of strengthening the provision of related education and training courses;

- (g) the eligibility criteria of contractors to be recognized as landscape contractors should be reviewed and enhanced;
- (h) there is no need to introduce any legislative change at this stage. However, Government will keep the matter under review having regard to the operational experience of the new improvement measures as set out in this Report;
- (i) community involvement should be strengthened by expanding the existing Green Volunteer Scheme by recruiting more District Tree Care Volunteers and inviting prominent figures in the community to act as Green Ambassadors;
- (j) public education should be strengthened to foster an attitude of care for trees across the territory by the community at large (especially trees located in public facilities such as parks, country parks, housing estates, etc.);
- (k) public education should be strengthened to appeal to private owners to take proper care of trees within their private lots for the benefit and safety of residents and visitors;
- (l) cultivation of proper values and attitude towards protecting the environment (including protection of trees as part of the natural environment) among students should be strengthened via the school curriculum;
- (m) the "1823" hotline should function as the central point to receive public complaints on tree management in general;
- (n) a new tree unit should be set up in the Lands Department to enable it to discharge its duties without having to seek expert advice from other departments;
- (o) the resource requirements of other departments will be assessed to enable them to implement the recommendations as appropriate; and
- (p) more advanced equipment should be procured as necessary.

(Source: Extracts from the Executive Summary of the Report of the Task Force on Tree Management
http://www.devb.gov.hk/en/home/report_of_the_task_force_on_tree_management.pdf)

Tree management

List of relevant papers

Council/ Committee	Date of meeting	Paper
Panel on Development	--	<p>Letter from Dr Hon Kenneth CHAN Ka-lok to the Administration dated 23 July 2015 on management of trees growing on slopes or retaining walls [LC Paper No. CB(1)1150/14-15(01)] (Chinese version only)</p> <p>Administration's response to Dr Hon Kenneth CHAN Ka-lok's letter dated 23 July 2015 [LC Paper No. CB(1)1176/14-15(01)] (Chinese version only)</p>
Panel on Development	--	<p>Letter from Dr Hon Kenneth CHAN Ka-lok dated 10 August 2015 on the removal of the stone-wall trees on Bonham Road on 7 August 2015 [LC Paper No. CB(1)1181/14-15(01)] (Chinese version only)</p> <p>Administration's response to Dr Hon Kenneth CHAN Ka-lok's letter dated 10 August 2015 [LC Paper No. CB(1)1222/14-15(01)]</p>
Panel on Development	24 November 2015	<p>Administration's paper on "Tree management on private properties and revamp of the Guidelines for Tree Risk Assessment and Management Arrangement" [LC Paper No. CB(1)163/15-16(06)]</p> <p>Updated background brief on tree management prepared by the Legislative</p>

Council/ Committee	Date of meeting	Paper
		<p>Council Secretariat [LC Paper No. CB(1)163/15-16(07)]</p> <p>Minutes of meeting [LC Paper No. CB(1)453/15-16]</p> <p>Administration's follow-up paper [LC Paper No. CB(1)314/15-16(01)]</p>
Legislative Council	16 December 2015	<p>A written question on management and maintenance of trees was raised by Hon Kenneth LEUNG. [Hansard, pages 3098 to 3103]</p>
Panel on Development	24 October 2017	<p>Administration's paper on "Initiatives of Development Bureau in the Chief Executive's 2017 Policy Address and Policy Agenda" [LC Paper No. CB(1)57/17-18(01)]</p>
Panel on Development	--	<p>Letter from Hon Mrs Regina IP LAU Suk-yea dated 8 December 2017 on tree management [LC Paper No. CB(1)339/17-18(01)] (Chinese version only)</p> <p>Administration's response to Hon Mrs Regina IP LAU Suk-yea's letter dated 8 December 2017 [LC Paper No. CB(1)422/17-18(01)]</p>
Legislative Council	17 January 2018	<p>A written question on tree management was raised by Dr Hon Pierre CHAN [Government press release]</p>
Panel on Development	--	<p>Letter from Hon Tanya CHAN dated 30 January 2018 on landscape and tree management work in Hong Kong [LC Paper No. CB(1)548/17-18(01)] (Chinese version only)</p>