

**For discussion on
27 January 2004**

LegCo Panel on Planning, Lands and Works

**Member's Bill on Conservation of Trees Proposed by
the Honourable Choy So-yuk**

Purpose

This paper sets out the Administration's preliminary comments on the Honourable Choy So-yuk's proposal to amend the Forests and Countryside Ordinance (Cap. 96) to set up a register of old and valuable trees for protection.

The Proposed Member's Bill

2. The Honourable Choy So-yuk seeks to introduce a Member's Bill to set up a register of old (over 100 years old) and "valuable" trees for protection, covering Government land, Housing Authority's vested land and land to be leased by the Government to any third party. Under the proposed Bill, a tree will be classified as "valuable" tree if it is:

- (a) a large tree¹; or
- (b) a rare species; or
- (c) of historical, cultural and memorial significance; or
- (d) of special ecological and scientific research value.

3. In addition, Director of Agriculture, Fisheries and Conservation (DAFC) will be empowered to declare the tree protection zone² within which excavation or any works to be carried out requires a permit granted by the DAFC. Moreover, DAFC may order the zone not to be used for any other purpose even after the tree is dead or removed, in order to prevent vandalism or damage to the trees.

¹ A large tree means trees with trunk diameter at or above 0.8 m; or with height exceeding 15 m.

² Tree protection zone means the area of 5 m vertically and horizontally around the tree.

Existing legislative and administrative measures for tree preservation

4. There are a comprehensive range of existing legislative and administrative measures for tree preservation on unleased Government land and private land. Lands Department (LandsD) is the approving authority for tree felling for both government and private projects. Where necessary, LandsD will seek expert advice from other Government Departments including Agriculture, Fisheries and Conservation Department (AFCD).

5. For trees on unleased Government land, they are protected under the Forests and Countryside Ordinance (Cap. 96). Under the Ordinance, any person without lawful excuse fells or damages any trees in any forest or plantation on unleased Government land is punishable by a fine up to \$25,000 and imprisonment up to one year. Other relevant legislations for tree protection include Country Parks Ordinance (Cap. 208), Crimes Ordinance (Cap. 200) and Theft Ordinance (Cap. 210). In addition, trees on pleasure grounds, public cemeteries and gardens of remembrance are protected under the Public Health & Municipal Services Ordinance (Cap 132).

6. It is a mandate for all Government projects that no tree should be unnecessarily lopped or felled. Notwithstanding engineering and financial constraints, project proponents should take into consideration the need for tree preservation during the planning and implementation stages of the projects. Project offices are also required to submit a tree felling application to be accompanied by a tree survey report at normally 12 months in advance for approval by LandsD to remove trees. Permission to remove trees will not be granted unless good cause is shown and fully justified. In addition, a tree protection clause would normally be imposed on land allocated to Government departments as construction site.

7. For leased land (i.e. private land) and land demised by Short Term Tenancy etc., tree preservation clauses are normally included in land leases to provide that any tree growing on the lot or adjacent to it will not be interfered with without the consent of the Director of Lands. Private developers are required to submit tree survey reports to LandsD for approval with details and recommendations on individual trees. The procedures are described in the Practice Note No. 8/2002 issued by LandsD. Permission to remove trees will not be granted unless good cause is shown and fully justified. In case of unauthorized tree felling on private land where the trees are subject to lease

control, LandsD will impose a penalty land premium and requirement for compensatory planting. LandsD also has the power of re-entering the private leased land where the lessee has breached the lease condition. Re-entry for breach of tree preservation clauses would be considered as the last resort and where satisfactory evidence is available to substantiate the breach.

8. In addition, the requirement for landscaping in private development projects is imposed through the lease condition. A "Comprehensive Landscape" clause is included for visually sensitive locations, and a "Master Landscape" clause for large sites at visually non-sensitive locations and a "Simple Landscape" clause for small non-sensitive sites.

Preliminary comments

9. We consider that the proposed new legislation may not be a priority at present, as the Government has already put in place a range of administrative and legislative measures for tree preservation. Additionally, the following new measures will be implemented to further enhance tree preservation through administrative means:

- a) We are compiling a register of old and valuable trees on unleased Government land within built-up areas for priority preservation. So far, some 900 potential trees have been identified and about 600 of them are located within built-up areas. The Register is currently maintained by Leisure and Cultural Services Department (LCSD), and arrangements are being made to have the Register available for public access by end-2004. We are also drawing up requirements for public works projects that felling of registered trees is prohibited unless under exceptional circumstances. If tree felling is unavoidable, tree transplanting should firstly be considered. In addition, the public works contractor will be required to undertake precautionary measures such as erecting protective fencing to protect the trees during construction. LCSD and Agriculture, Fisheries and Conservation Department will also conduct regular audit inspections to appraise the conditions of the registered trees on unleased Government land and advise the department responsible for maintenance of the trees, should any follow-up action is required. We target to issue the relevant guidelines by mid 2004. For registered trees on land to be leased by the Government to a third party, LandsD will

impose special requirements in the lease condition to prohibit felling of or damage to any registered trees on site.

- b) In addition, we will incorporate specifications in public works contracts to further strengthen site control for tree preservation at Government construction sites.
- c) In seeking the Legislative Council's approval of funding for public works projects, project offices will also include in Public Works Subcommittee papers information on tree preservation/felling/planting in relation to the projects.

10. Preservation of trees forms an integral part of the Government's greening policy, which aims to enhance the quality of living environment through active planting, and proper maintenance of trees and other vegetation. Details of the Government greening initiatives are given in the attached pamphlet.

Conclusion

11. As discussed above in this Paper, the proposed new legislation may not be our top priority at present as the Government has already put in place a comprehensive range of administrative and legislative measures for tree preservation. We are constantly reviewing the effectiveness of the existing measures and will make the necessary improvements as and when necessary.

Environment, Transport and Works Bureau
January 2004

GREENING



School Village at Po Kong Village Road

**Works Branch
Environment, Transport and Works Bureau**

December 2003



Printed on recycled paper



GREENING

Introduction

Greening is a very broad concept. It includes improving the living environment through the introduction of greenery and the adoption of conservation and environmental protection practices. Government has prepared a policy statement to underline the importance of greening and to mobilize resources in promoting greening in public areas.



Landscaping Works in Area 52, Tung Chung

The greening policy

We strive to enhance the quality of our living environment through active planting, and proper maintenance and preservation of trees and other vegetation. Our target is to bring about noticeable improvements in urban greenery, improve the quality of existing greened areas, and maximize greening opportunities during the planning and development stages of public works projects.

Science Park at
Pak Shek Kok – Phase 2



Where Hong Kong currently stands

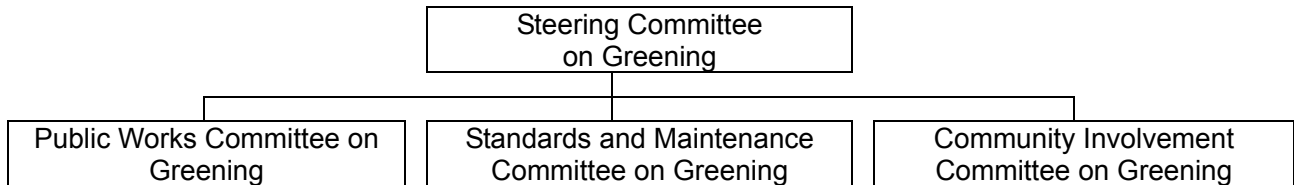
About 70% of the total land area in Hong Kong is covered with vegetation. In built-up areas, covering both the metro and new town areas, but excluding any country parks in them, we have attained 18.4% artificial green coverage, which is comparable with Shanghai (19.8%) and Singapore (23.2%), and ahead of New York (13.5%) and Tokyo (5.8%). We will continue to introduce new measures to make the built-up areas in Hong Kong greener and better landscaped. Greening indicator (% of greened areas) has been established for each district area in Hong Kong in order to help identify priority locations for improvement.



Institutional framework

The Works Branch of the Environment, Transport and Works Bureau set up in December 2002 a high-level Steering Committee on Greening to set the direction and focus on the overall strategy and to oversee the implementation of major greening programmes. The Steering Committee is chaired by the Permanent Secretary for the Environment, Transport and Works (Works) with members coming from 17 bureaux and departments.

Three working committees have been set up under the Steering Committee to provide technical and administrative support, and to collate inputs from the public and experts.



Active planting and greening programme

An annual greening programme will be compiled to facilitate planning and monitoring of progress. We will:-

- carry out planting in association with works projects, parks, roadside amenity areas and along expressways;
- plant tree seedlings in the countryside;
- carry out planting and beautification works at priority sites in the urban areas (such as key waterfront sites, public housing estates, footbridges and pedestrianisation zones); and
- landscape man-made slopes.



now

Street tree planting at Great George Street, Causeway Bay



before



before

Planting at a slope in Nam Fung Sun Tsuen, Quarry Bay



now

Progress

At the LegCo Special Finance Committee meeting held on 25 March 2003, the Secretary for the Environment, Transport and Works stated the commitment to planting 15 million trees, shrubs and annuals in the 2003/04 fiscal year.

Satisfactory progress is being made in implementing the programme. Up to the end of October 2003, about 7 million plants had been planted with the following breakdown:-

Trees	Shrubs	Annuals
1 756 000	4 767 000	467 000
Total : 6 990 000		



Optimizing greening opportunities

To optimize greening opportunities in inner city areas and to improve their overall visual quality, we are preparing the first batch of "Greening Master Plans" for prominent locations at Sheung Wan, Central, Wan Chai, Causeway Bay, Hung Hom, Mong Kok and Kwun Tong. The plans will also introduce properly-designed planting themes and mark up "green corridors" for linking strategical pockets of greened areas to enhance the overall visual quality of the environment.

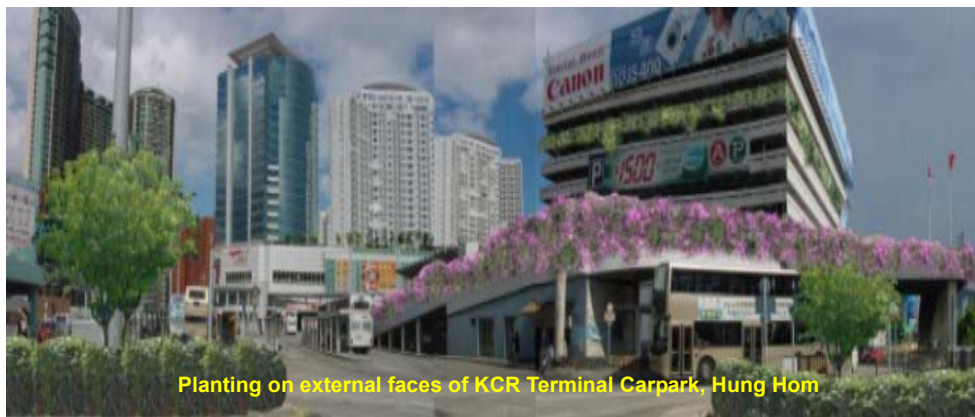
Focus is also given to greening of existing streets in built-up areas, where planting areas are very limited. Where there are highly congested underground utilities beneath the pavements, planter boxes will be used. In addition, different modes of vertical planting and planting at different levels will be adopted with careful selection of species to promote a theme and identity for individual locations. A number of examples are shown below illustrating the initial conceptual design of the enhancement measures to improve the visual environment of built-up areas.



Roof-top planting on elevator walkway at Connaught Road



Planting along Connaught Road elevated carriageway and areas beneath



Planting on external faces of KCR Terminal Carpark, Hung Hom

Community support and private sector involvement

We will enlist community support for greening, and provide information for civic education in schools to help children understand the benefits of greening. The Agriculture, Fisheries and Conservation Department, the Leisure and Cultural Services Department and the Home Affairs Department will step up their publicity programmes to promote greening and encourage community participation through tree planting activities.

Many developers have shown support to the initiatives of "greener buildings". For example, a "Cityscape Pilot Scheme at Central" has been drawn up to beautify the passageway between Statue Square and Prince's Building. The planting proposal involves transplanting existing trees, replacing existing trees by suitable species and providing re-designed planters with new plants to enhance the visual environment.





Tree planting ceremony to kick-start Cityscape Pilot Scheme at Central



The Urban Renewal Authority in carrying out the Western Market Revitalization Scheme will revitalize the Western Market and its neighborhood. It will include street tree planting and provision of portable planters by government departments. We will continue to explore further opportunities to work with developers to incorporate more greening in their developments.



Tree preservation

It is a mandate for all government projects that no tree should be unnecessarily lopped or felled. There are control procedures established for tree preservation in relevant technical circulars. Tree felling is the last resort where it is not possible to preserve the trees. In such cases, compensatory planting will be provided as far as practical.

Trees on private land are protected by tree preservation clauses which have been included in land leases since the early 1970s. Permission to remove trees will not normally be granted unless good cause is shown and fully justified. In case of unauthorized tree felling on private land where the trees are subject to lease control, Lands Department will impose a penalty land premium and requirement for compensatory planting. Lands Department also has the power of re-entering the private leased land where lease conditions are breached.

For private land leased before the 1970s, Lands Department will continue to seek every opportunity to include a tree preservation clause in all future lease modifications should the lot owner apply for any redevelopment of the site.



Winning trees of the “Favourite Trees Nomination in Public Housing Estates”



Albizia Julibrissin at Sau Mau Ping Estate



Ficus elastica at Tai Hing Estate

New administrative measures

To promote greening in the community, Government will consult district councils on greening proposals for all capital works projects with related soft landscaping works value exceeding \$3 million. Information on greening proposals including landscape master layout plan, treatment of existing trees on site, etc. will be provided in the consultation paper. To help develop greater community involvement and ownership, Government will arrange community planting near the completion of those capital works projects with soft landscaping works costing \$3 million or more.

In seeking the Legislative Council's approval of funding for public works projects, project offices will include in Public Works Subcommittee papers information on tree preservation.

Furthermore, we are compiling a register of old and valuable trees on government land for priority protection. So far, about 900 trees have been identified for inclusion in the register.

Guidelines

We are reviewing the existing standards and guidelines on greening to improve the effectiveness of our greening efforts. We are also compiling a Greening Manual which will set out guidelines on species selection, planting design and maintenance requirements.

Suggestions

We welcome suggestions from the public on areas of further improvement to our work on greening. Ideas on species selection for different locations or specific greening proposals in particular will help enhance the effectiveness of our greening measures. Anyone who wishes to obtain further information on the greening policy can approach:-

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11th Floor, Murray Building
Garden Road, Hong Kong**

or visit our web site –

<http://www.etwb.gov.hk>

