

立法會 *Legislative Council*

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Panel on Development

Meeting on 27 July 2010

Updated background brief on tree management

Purpose

This paper provides background information on tree management in Hong Kong and summarizes the views and concerns expressed by Members during recent discussions on the subject.

Background

Greening policy

2. The Government's general policy over the years is to actively promote greening in order to improve the city's living environment. The Government strives to uplift the quality of our living environment through active planting, proper maintenance and preservation of trees together with other vegetation. The target is to bring about noticeable improvements in urban greenery. Private sector and community involvement are also encouraged.

Institutional framework

3. To co-ordinate Government's greening work, a high-level Steering Committee on Greening has been established to set the strategic direction and oversee the implementation of major greening programmes since 2002. The Steering Committee 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.

4. Over the years, Government has adopted an "integrated approach" in assigning responsibilities for preserving the maintaining all vegetation on Government land among relevant departments. As a guide, under this approach, the demarcation of maintenance responsibilities is based on where trees are located and which departments are responsible to maintain the facilities thereon. Tree maintenance is then part and parcel of the daily management duty of the facilities. The number of staff involved in departments responsible for tree maintenance and their scope of responsibilities are given in **Appendix I**. In March 2010, the Administration set up the Tree Management Office (TMO) and Greening and Landscape Office (GLO) under the Development Bureau. 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. GLO is responsible for central coordination of greening and landscaping efforts.

5. With regard to trees on private land, since the 1970's and mid 1980's respectively, the Government has included "tree preservation clauses" and "landscape clauses" in land leases. In the case of redevelopment of land, there is also an opportunity for Government to impose new requirements in regard to tree preservation via the planning regime or through the process of lease modification.

Legislation on tree-related matters

6. According to the Administration, the following eight ordinances are most relevant and frequently used by the relevant law enforcement departments¹ --

- (a) Forests and Countryside Ordinance (Cap. 96);
- (b) Public Health and Municipal Services Ordinance (Cap. 132);
- (c) Country Parks Ordinance (Cap. 208);
- (d) Antiquities and Monuments Ordinance (Cap. 53)
- (e) Crimes Ordinance (Cap. 200);
- (f) Theft Ordinance (Cap. 210);
- (g) Summary Offences Ordinance (Cap. 228); and
- (h) Environmental Impact Assessment Ordinance (Cap. 499).

¹ A summary of the relevant provisions in the above ordinances can be found at Annex 5 of the Report of the Task Force on Tree Management.

Old and Valuable Trees

7. 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 Old and Valuable Trees (OVTs) in 2004, which has been uploaded onto the website of LCSD for public access. Currently, there are over 500 OVTs on the Register. 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 issued in the same year to provide a comprehensive scheme to conserve the trees on the Register. 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 the Lands Department.

Task Force on Tree Management

8. On 31 March 2009, the Government announced that the Chief Secretary for Administration would lead a 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 a fatal tree collapse case in Stanley and the Jury's specific recommendations. The Task Force published its report on 29 June 2009. A summary of the recommendations of the Task Force is given in **Appendix II**.

Members' views and concerns

Discussions before the release of the Task Force's report

9. The subject of tree management had been discussed at the respective meetings of the Panel on Home Affairs on 17 April 2009 and the House Committee on 22 May 2009. Major concerns and views expressed by individual Members during the discussions are summed up as follows --

- (a) the Administration should enhance the professionalism of the tree maintenance teams, ensure proper record-keeping in tree inspection, and accord priority inspection and preservation to trees located at busy spots to ensure public safety;
- (b) guidelines formulated by the tree maintenance departments should be subject to the scrutiny of experts in the field to ensure their consistency and compliance with professional standard;

- (c) a dedicated authority should be set up to coordinate all tree-related issues and a dedicated piece of legislation should be enacted for tree protection;
- (d) the Administration should provide a one-stop hotline service in the handling of tree-related complaints, and solicit the support of District Council members in referring tree maintenance cases reported by the local community;
- (e) tree planting and management required specialized knowledge and experience; it was imperative to nurture/train a pool of local qualified personnel for greening and tree management;
- (f) the Administration should tap local expertise such as the academics in the relevant fields, instead of engaging overseas experts;
- (g) more resources and training should be provided for frontline staff in risk assessment of trees;
- (h) the Administration should collaborate with green groups to enhance public education and community participation in greening; and
- (i) the cost-effectiveness of the transplanting option should be duly considered in the preservation of a tree.

Adjournment debate on 9 July 2009

10. The Legislative Council held an adjournment debate on the review of the tree management policy and the report on the review on 9 July 2009. A number of Members criticized that the Task Force's report failed to address the crucial problems that had been enumerated by various sectors of the community, including --

- (a) the lack of a dedicated piece of legislation on tree protection and management;
- (b) the fragmentation of responsibilities on tree management among a number of government departments;
- (c) the lack of a qualification framework and accreditation system for tree management personnel;
- (d) the lack of a regulatory/licensing system for private enterprises undertaking tree management tasks; and

- (e) mismatch in manpower deployment within government departments for tree management work and inadequate training and guidance for management, supervisory and frontline staff.

11. On the Task Force's proposal to set up two new offices in the Development Bureau to undertake greening and tree management respectively, some Members expressed reservations and considered that this arrangement would only add to the already "fatty" organizational structure for this area of work. Some other members who were supportive of this proposal in principle still expressed doubt on whether the two new offices could effectively coordinate the work of the various departments involved.

12. Regarding the Task Force's conclusion that there is no need to introduce any legislative change at this stage, some Members called on the Administration to adopt an open attitude and listen to public views before taking a firm stance on the issue. Some Members criticized that the justifications put forth by the Task Force for not pursuing legislative change were untenable, and reflected the failure of the Task Force to realize the underlying reasons of the current problems.

13. Individual Members also called on the Administration to formulate a comprehensive landscaping policy, make use of vacant government sites for growing saplings for tree replenishment, procure advanced equipment for tree inspection, establish an effective notification and response mechanism to deal with sick/dangerous trees, establish a comprehensive database on trees, relocate underground utilities to provide underground space for tree planting, and refrain from contracting out tree management tasks.

Discussions at the Panel of Development

14. The Administration consulted the Panel on Development (the Panel) on the recommendations of the Report of the Task Force on Tree Management – People, Trees, Harmony on 28 July 2009. A major concern of Panel members was whether the duties of TMO would overlap with those of the existing departments engaged in tree management, and whether a good coordination could be achieved amongst the policy bureaux concerned, given that tree management would continue to be a shared responsibility of different departments. A member queried whether tree management should come under the purview of the Development Bureau because it was unhealthy for a single bureau to undertake so many responsibilities. Some members criticized the Administration of strengthening staffing at the upper level at the expense of that at the lower level.

15. The Administration advised that there would be no overlap in the responsibilities of TMO and the existing tree management departments. By way of illustration, although the Civil Engineering and Development Department

was tasked with the overall responsibility of slope management, other departments could still carry out slope management works under their own portfolio. Such a model of operation was time-proven and should be feasible in tree management. The Administration further advised that TMO would not take up the routine management and risk assessment responsibilities of the departments concerned. Only complicated cases which required a higher level of input/coordination and expert advice and those involving formulation of guidelines would be handled by TMO. As the Development Bureau had all long been overseeing greening, it was logical to place tree management under its purview. The Administration was aware of the concerns of the frontline staff and would assess the need for additional staffing. To step up training for frontline staff, the Administration was liaising with institutions such as Vocational Training Council on providing relevant training courses.

16. Some members considered that the Administration should introduce a tree ordinance to regulate tree felling and tree trimming, provide incentives for tree preservation in schools and on private land and impose penalties against those damaging or felling trees without a proper cause. The Administration advised that as the community had divergent views on the need for a tree ordinance, it might not be easy to arrive at a community consensus. The Administration would review the effectiveness of the administrative measures and the need to introduce a tree ordinance.

Council questions

17. Following a fatal incident caused by the collapse of an old tree in Stanley in August 2008, Hon LEE Wing-tat, Hon James TO, Hon Vincent FANG, Hon Tanya CHAN, Dr Hon Margaret NG, Prof Hon Patrick LAU, Hon Mrs Regina IP and Hon CHAN Hak-kan raised a number of questions on tree management at Council meetings held from October 2008 to July 2010, including issues such as reviewing the tree caring method, issuing guidelines for planting trees and assessing the health conditions of trees, engaging experts in tree inspection, promulgation of the list of some 2 000 trees requiring further inspection, preventing indiscriminate felling of trees, policy on replanting trees to replace the fell ones, causes of tree-falling incidents and responsibility issues, staffing arrangements for tree management work, registration and selection of contractors for outsourced tree caring work, setting up a dedicated team or assigning one single department to coordinate tree management work, tree conservation, introducing tree legislation and average age of trees on government land other than country parks.

Recent development

18. The Administration will brief the Panel on tree management at the Panel meeting on 27 July 2010.

Relevant papers

19. A list of relevant papers with their hyperlinks is in **Appendix III**.

Council Business Division 1
Legislative Council Secretariat
20 July 2010

Number of staff involved in and scope of responsibilities of tree maintenance departments

Departments	Number of Staff and Scope of Responsibilities
Agriculture, Fisheries and Conservation Department	About 83 staff are deployed for vegetation maintenance in all the 24 country parks in Hong Kong which together occupy some 40% of Hong Kong's land. Their duties comprise mainly tree planting work, grass-cutting, fertilising, maintenance of fire breaks and pruning of trees. Some 700 000 – 900 000 trees are planted annually in country parks in Hong Kong. The tree planting activity alone accounts for some 95% of the staff time. The remaining 5%, i.e. equivalent to 4-5 staff are involved in tree maintenance work in country parks.
Leisure and Cultural Services Department	About 110 staff are responsible for management of trees in the Department's venues and landscaped areas along public roads other than expressways outside the boundaries of country parks. Staff in various districts also provide support for routine maintenance and care of trees.
Highways Department	About 20 staff are responsible for managing tree maintenance work on slopes, retaining walls and expressways under the Department.
Housing Department	About 31 staff co-ordinate tree maintenance work in public housing estates. Frontline management staff in 160 housing estates also provide assistance.
Architectural Services Department	About 8 staff responsible for slope maintenance maintained by the Department also co-ordinate tree maintenance work.
Drainage Services Department	About 16 staff co-ordinate tree maintenance work within drainage facilities.
Water Supplies Department	About 12 staff co-ordinate tree maintenance work within waterworks facilities.

Note: Lands Department carries out ad-hoc tree maintenance (i.e. tree pruning or removal of broken branches upon complaints and referrals) on unallocated government land not maintained by other departments with the assistance provided by its contractor.

(Source: Annex B to LC Paper No. CB(2)1301/08-09(05))

Summary of the recommendations of the Task Force

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WAY FORWARD

29. The recommendations of the Task Force are summarised as follows –

- (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 scrutinise the landscape and greening proposals;
- (d) new tree risk assessment arrangements based on a dual approach 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 recognised 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.

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(Source: Paragraph 29 of the Executive Summary of the Report of the Task Force on Tree Management)

Tree management

List of relevant papers

Date of meeting	Committee	Papers/Minutes of meeting
22 October 2008	Council meeting	A written question on caring of trees was raised by Hon LEE Wing-tat. [Hansard, pages 191 to 194] http://www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm1022-translate-e.pdf
22 October 2008	Council meeting	A written question on inspection and caring of trees was raised by Hon James TO. [Hansard, pages 194 to 201] http://www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm1022-translate-e.pdf
3 December 2008	Council meeting	A written question on caring of trees was raised by Hon Vincent FANG. [Hansard, pages 2511 to 2514] http://www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm1203-translate-e.pdf
7 January 2009	Council meeting	An oral question on caring of trees was raised by Hon Tanya CHAN. [Hansard, pages 30 to 37] http://www.legco.gov.hk/yr08-09/chinese/counmtg/floor/cm0107-confirm-ec.pdf
17 April 2009	Panel on Home Affairs	Administration's paper on greening and tree preservation [LC Paper No. CB(2)1301/08-09(05)] http://www.legco.gov.hk/yr08-09/english/panels/ha/papers/ha0417cb2-1301-5-e.pdf

Date of meeting	Committee	Papers/Minutes of meeting
		<p>Paper on greening and tree preservation prepared by the Legislative Council Secretariat (Background brief) [LC Paper No. CB(2)1301/08-09(06)] http://www.legco.gov.hk/yr08-09/english/panels/ha/papers/ha0417cb2-1301-6-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)1789/08-09] http://www.legco.gov.hk/yr08-09/english/panels/ha/minutes/ha20090417.pdf</p>
20 May 2009	Council meeting	<p>A written question on tree conservation work of the Leisure and Cultural Services Department was raised by Hon Tanya CHAN. [Hansard, pages 63 to 65] http://www.legco.gov.hk/yr08-09/chinese/counmtg/floor/cm0520-confirm-ec.pdf</p>
22 May 2009	House Committee	<p>Administration's paper on review of tree management [LC Paper No. CB(2)1598/08-09(01)] http://www.legco.gov.hk/yr08-09/english/hc/papers/hc0522cb2-1598-1-e.pdf</p> <p>Verbatim record of the proceedings [LC Paper No. CB(2)1803/08-09] http://www.legco.gov.hk/yr08-09/chinese/hc/minutes/hc20090522a.pdf</p>
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10 June 2009	Council meeting	<p>An oral question on caring of trees was raised by Hon Tanya CHAN. [Hansard, pages 39 to 45] http://www.legco.gov.hk/yr08-09/chinese/counmtg/floor/cm0610-confirm-ec.pdf</p>

Date of meeting	Committee	Papers/Minutes of meeting
28 July 2009	Panel on Development	<p>Administration's paper on the Report of the Task Force on Tree Management – People, Trees, Harmony [LC Paper No. CB(1)2342/08-09(06)] http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0728cb1-2342-6-e.pdf</p> <p>Paper on tree management prepared by the Legislative Council Secretariat (Background brief) [LC Paper No. CB(2)2342/08-09(07)] http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0728cb1-2342-7-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(1)479/09-10] http://www.legco.gov.hk/yr08-09/english/panels/dev/minutes/dev20090728.pdf</p>
26 May 2010	Council meeting	<p>An oral question on tree felling and planting was raised by Prof Hon Patrick LAU http://www.info.gov.hk/gia/general/201005/26/P201005260192.htm</p>
30 June 2010	Council meeting	<p>An oral question on tree felling incidents was raised by Hon Mrs Regina IP http://www.info.gov.hk/gia/general/201006/30/P201006300234.htm</p> <p>A written question on felling of trees within the campus of Maryknoll Convent School was raised by Hon Tanya CHAN http://www.info.gov.hk/gia/general/201006/30/P201006300253.htm</p>
7 July 2010	Council meeting	<p>An oral question on tree management work was raised by Hon Tanya CHAN http://www.info.gov.hk/gia/general/201007/07/P201007070160.htm</p> <p>A written question on inspection and caring of trees was raised by Hon CHAN Hak-kan http://www.info.gov.hk/gia/general/201007/07/P201007070198.htm</p>