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15 September 2014

Dr. Hon. LAU Wong-fat, GBM, GBS, JP
Chairman
Panel on Development
Legislative Council
Room 711, Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Dr. Hon. Lau,

“Tree Management Policy and Enactment of Tree Legislation”

I refer to the letter of Hon. Kenneth Chan on 21 August 2013 addressed to you on the subject matter. The Secretariat of the Legislative Council referred the letter to the Secretary for Development, and the Tree Management Office (TMO) is assigned to follow up. Our reply is as follow.

On 14 August 2014, a 10m high India-rubber Tree (*Ficus elastica* 印度橡樹) located at a slope inside the private lot boundary of Palm Court, 55 Robinson Road collapsed towards the road. The tree was owned and managed by the owner of the property. Staff of the TMO arrived at the scene immediately to look into the incident and collected samples of the tree for further investigation. Initial observation indicated that there was decay at the breakage at the base of the tree trunk. The Police also commenced an investigation on this incident.

The Government adopts an “integrated approach” to tree management on government land. The Tree Management Office (TMO) co-ordinates the Government’s tree management policies and enhances the professionalism of tree management. For trees on private land, private property owners are responsible for the proper maintenance of trees on their property. Nevertheless, when staff of the TMO come across problematic trees on private property during the course of their routine duties, they will refer the cases to the Lands Department which will issue advisory letter to the land owner for timely mitigation measures to reduce risk.

Publicity of Tree Management on Private Property

Private property owners are responsible for the proper management of trees. Since the health and structural condition of trees may change with their normal lifecycles and the external environment, we call on private property owners and management companies to engage professional contractors to step up the inspection of trees within their premises in the wet season, and carry out appropriate mitigation measures to reduce the risks and protect the safety of the residents and pedestrians nearby. Every year before the onset of the wet season, the TMO will take the initiative to write to private property owners and property management companies (this year’s letter was issued on 24 March and the property of the collapsed tree was included in the distribution list) reminding them of their responsibility for the maintenance of trees within their premises and providing them with relevant information on tree maintenance, as samples herewith attached. Also, the TMO will call on them to engage professional contractors to inspect the trees within their premises and take necessary measures to reduce the risks as soon as possible, such as removing dead trees or trees posing immediate danger, pruning dead branches, supporting leaning trees, etc.

In addition, the TMO organises various seminars on tree maintenance for private property owners, property managers and the community every year, covering a wide range of topics such as “pre-wet season precautionary measures”, “brown root rot disease” and “community surveillance of trees”. A number of public seminars on related topics have also been conducted this year. The Greening, Landscape and Tree Management Section has, in the Spring edition of 2014 of its Newsletter,

reminded private property owners and property management companies of their responsibility for tree maintenance and its importance. Meanwhile, the TMO also provides relevant information and video clips on tree care, and a special webpage on “Information about Tree Maintenance for Private Properties”, details of which can be found on its homepage at www.trees.gov.hk.

To further enhance the owners’ understanding of tree management, the TMO collaborated with the Home Affairs Department to organise seminars on tree management on private property across the territory from late August to early September during which professional groups of tree management, as well as organisations from the property management and insurance sectors were invited to explain to the owners in detail the key issues and responsibility regarding tree management on private property. The TMO also calls for the community surveillance of trees and the reporting of problematic trees.

Clauses and Systems Governing Tree Management on Private Property

For trees on private land, the Government has included tree preservation clauses in land leases as a condition for tree preservation on leased private land since the 1970s. If the lease of a private lot contains tree preservation clause, prior approval must be sought from the Lands Department before tree removal. In the event of hazardous trees that might collapse, the owner could proceed with tree removal but he should take full photographic records of the concerned tree and submit to the Lands Department within a specified period of time. If the lease of a private lot does not include any tree preservation clauses, such as those enacted before the 1970s, the private lot owner is at liberty to remove with the trees on their property without contravening any lease clauses. The lease of the private lot where the subject tree located was enacted before 1970 which does not include a tree preservation clause. Private lot owners will be held liable if a tree in their possession causes injuries to any other person, while any organisations or people responsible for managing trees may also be liable for negligence and default.

The Administration adopts a prudent and open attitude towards the proposal of mandatory tree inspection on private property through

legislation and licensing system.

A draft legislation on tree preservation was submitted by a scholar to the Administration several years ago. At the time, the Administration was of the view that there were relevant legislation, technical guidelines and measures already in place to ensure the proper maintenance of trees on government land. Given the time needed for training to address the lack of professionally-qualified and experienced personnel in the industry to manage trees in private lots, and the view of the Administration and most stakeholders that the Government should not interfere with the handling of private property, it was considered not the right time to enact legislation on trees.

In light of the recent tree collapse incident, there are views that the Government may consider enacting legislation on tree management. Its main objective is to enhance the understanding and awareness of tree management of the responsible organisations and persons (including private property management companies), and require them to engage persons with professional expertise and experience (such as arborists) to carry out monitoring, inspection, maintenance and management of trees on a regular basis.

With the same objective in mind, the Administration is seeking to improve the existing system and arrangements:

- Apart from continuing to provide information, make appeals and organise professional workshops and seminars for tree management organisations and personnel, the Administration will consolidate the current internal technical guidelines on tree management for distribution to private/commercial institutions responsible for tree management with a view to sharing experience and enhancing their standards of practice;
- The Administration will also review the existing legislation, lease terms, codes of practice and guidelines to enhance their effectiveness in the prevention of accidents; and
- A prerequisite for legislation is to have sufficient qualified personnel to carry out measures such as tree inspection. The

Administration, therefore, will continue to work with local training institutions to provide educational opportunities for those who aspire to enter the tree management profession.

In the context of public safety protection, it is more crucial for the general public to recognise the importance of tree care, and understand that dangerous trees may cause casualties and the loss of property. In fact, under the current common law system, a person will be held liable if a tree in his/her possession causes loss to any other person, while the organisations and persons responsible for the management of the tree concerned may also be liable for negligence and default. We, therefore, consider public education and community surveillance to be critically important and even more practicable.

Manpower and Training of Tree Management

Tree management is a professional field and appropriate tree maintenance services should be provided by teams with relevant qualifications, work experience and training. As such, the TMO held a meeting on 23 August with a number of arboriculture-related professional organisations and training institutions to discuss matters on the manpower, qualification and training of tree management. Among those who attended the meeting were 16 representatives from the International Society of Arboriculture (ISA) Hong Kong Chapter, the Hong Kong Institute of Landscape Architects (HKILA), the Institute of Horticulture (Hong Kong), the Hong Kong Institute of Horticulture Science, the Hong Kong Trees Conservation Association, the Vocational Training Council, the Technological and Higher Education Institute of Hong Kong and the School of Professional and Continuing Education of the University of Hong Kong.

The attendees agreed that it is necessary to continuously consolidate the information about the existing professionals in the field for public reference. The Development Bureau maintains the List of Approved Specialist Contractors for Landscape Works. Meanwhile, there are local and overseas tree management professionals and organisations providing tree maintenance services and tree risk assessment. They include ISA Certified Arborists, Accredited Arboriculture Practitioners by the HKILA, as well as members of the local and overseas professional organisations.

Private property owners and property management companies may visit the TMO's webpage for information

(http://www.trees.gov.hk/en/tree_care/info_tree_maintenance_pp/index.html).

The attendees also agreed that modern tree management is at an early stage of development in Hong Kong. The TMO, professional organisations and training institutions have to work closely to provide systematic training for tree management staff of all levels, and to raise the qualification requirements and professionalism of the industry. The TMO will listen to and follow up on the views of the attendees, and will continue to work with the tree management departments, relevant training institutions and professional organisations to enhance the training for staff of all levels with a view to training a sufficient number of professional personnel for management as well as supervisory and frontline work. For information on the training courses and professional qualification assessment, please visit the TMO's webpage

(http://www.trees.gov.hk/en/about_gltms/arboriculture_organisations/index.html).

Thank you for your interest in tree management.

Yours sincerely,



(Dr Lawrence Chau)

for Secretary for Development

Minimising Tree Risks

Why is tree maintenance important?

Proper tree maintenance contributes to the healthy growth and good form of trees. Healthy and structurally stable trees are valuable assets to our environment.

Many tree failures are triggered by poor tree maintenance such as improper pruning, topping, damage to the root system and other malpractices in tree care. Tree failures could cause injury and loss of human lives and damage to properties.

Preliminary maintenance inspections

The primary purpose of Preliminary Maintenance Inspections is to identify the need for tree maintenance works. Property owners as well as property management or maintenance staff could carry out such preliminary maintenance inspections before seeking professional advice as necessary.

In carrying out preliminary maintenance inspections, you should check a tree for any of the following signs and take appropriate action (see 'Pictorial Guide for Tree Maintenance to Reduce Tree Risks').

1. Leaning
2. Dieback twigs/dead branches/hangers
3. Cracks/splits/wood decay/cavities
4. Severely cut/damaged roots
5. Fungal fruiting bodies
6. Topping/improper pruning

Trees are living organisms and their condition may change with time. Owners should inspect trees within their premises at least once a year and take appropriate precautionary measures before the onset of the wet season. Routine tree maintenance works should be carried out by a competent landscape service provider or an arborist/tree specialist.

**Tree Management Office
Greening, Landscape and Tree Management Section,
Development Bureau
(3/2012 edition)**

Who is responsible?

Property owners are responsible for trees within their lots. Property owners may also be liable under specific lease conditions for the maintenance of trees within or adjoining their lot.

If your building is held in multiple ownership, it is preferable for the Owners' Corporation to coordinate the maintenance of the trees for which you are collectively responsible. If you need further advice on how to set up an Owners' Corporation, please consult your nearest District Office.

How to reduce Tree Risks?

Depending on the identified tree risks, abatement measures may include:

- Restricting access;
- Removal or relocating the objects that may be hit by a fallen tree/branch;
- Monitoring tree and/or site conditions;
- Appropriate pruning;
- Cabling, bracing and propping; and
- Tree removal (In case of any defective tree or dead tree requiring the removal, the tree owner should follow the requirements stipulated in the lease conditions where applicable).

What would happen if I did not maintain my trees?

If a tree is not well maintained, it will deteriorate and a tree failure may occur. This could result in injury to persons or damage to properties. If this happens, you may have to incur great expense to repair property and to compensate the victims.

Enquiry

Please call 1823 or e-mail tellme@1823.gov.hk to report suspected problematic trees or lodge complaints. You may contact our Tree Management Office at its hotline 2848 2334 or gltns@devb.gov.hk for further information on tree management and maintenance.

Pictorial Guide for Tree Maintenance to Reduce Tree Risks 減低樹木風險的樹木護養簡易圖解

Please take immediate action when any of the following situations is identified.
如樹木有以下狀況，請從速處理。

1 General Condition

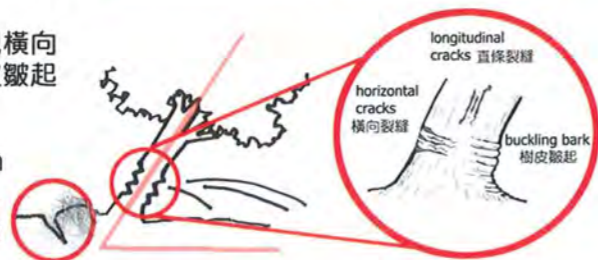
基本狀況 Leaning Tree 傾斜樹木

Leaning tree with horizontal cracks in the upper (tension) side and/or buckling wood or bark on the lower (compression) side.

傾斜樹木背後的拉緊位置出現橫向裂縫，而在擠壓位置出現樹皮皺起的情況。

Leaning tree (30° to 40°) with soil cracks in the soil surface.
傾斜樹木(角度達30至40度)及背後的土壤出現裂縫

RISK OF TREE FAILURE
樹木有倒塌風險



Recommendation
建議

Recommend to add support system or may need to remove the tree

建議加設支撐系統或需考慮移除樹木

2 Crown Condition

樹冠狀況 Dieback Twigs 樹枝枯死

Dieback twigs on tree crown
樹冠頂上的樹枝枯死



Recommendation
建議

Pruning 適當修枝

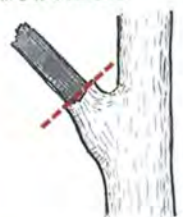
May need to investigate if roots have been damaged or diseased

需檢查樹根是否受損

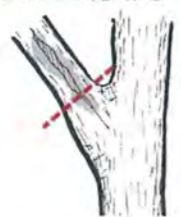
3 Branch Condition

枝幹狀況

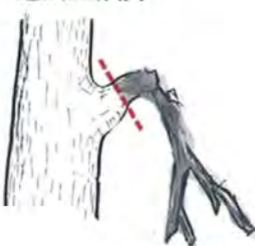
Dead Branch
樹枝枯死



Crack/Split
裂縫或裂開



Hanger
懸吊斷枝



Recommendation
建議

Pruning 適當修枝

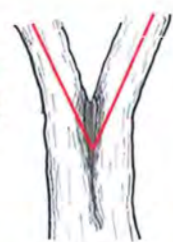
recommended position of final pruning cut
建議修枝位置

4 Trunk Condition

樹幹狀況

V-shaped Crotch with Cracks/Split
V型樹榫有裂縫或裂開

The stem is split by one or more cracks
枝幹沿著裂縫斷開



Codominant stems 等勢莖

A weak union with crack(s) and / decay
接合點出現裂縫或腐爛



Recommendation
建議

Recommend to add support system or may need to remove the tree

建議加設支撐系統或需考慮移除樹木

RISK OF TREE FAILURE
樹木有倒塌風險

Wood Decay and Cavity 腐爛/樹洞

Wood decay/cavity at basal area /root flare
樹腳/或根部上有明顯腐爛或樹洞



Open cavity decay more than 30% of cross-section or open more than 120°
樹洞腐爛的橫切面多過30%或樹洞裂開角度多於120°

Recommendation
建議

Recommend to add support system or may need to consider tree removal

建議加設支撐架或可能需要考慮移除樹木

RISK OF TREE FAILURE
樹木有倒塌風險

5 Root Condition

樹根狀況

Severely cut/damaged roots
根部被嚴重切割或損害



Recommendation
建議

Recommend to add support system and monitor the stability and health condition of the tree

RISK OF TREE FAILURE
樹木有倒塌風險

建議加設支撐架及監察樹木的穩固狀況和健康狀況

Fungal fruiting bodies
呈現菌類子實體



Recommendation
建議

More detailed investigation of extent of decay is required

需要對腐爛狀況作更詳盡檢查

ATTENTION 注意

DO NOT TOP TREES
切勿把樹木削頂



Topping creates more dangerous trees because: 削頂會令樹木變得危險，因為：

- “Sprouts” after topping are weakly attached and are likely to break
樹木削頂後所長出的水橫枝接合脆弱，容易折斷
- Topping wounds are prone to insect and disease attack
削頂的傷口容易受病蟲害侵襲
- Topping cuts invite decay in trees
削頂的切口使樹木腐爛

Note

備忘

For guidelines on pruning, please refer to (<http://www.devb.gov.hk/greening/en/preservation/guidelines.pdf>). 請瀏覽以下網址的「修剪樹木的一般指引」: (<http://www.devb.gov.hk/greening/tc/preservation/guidelines.pdf>).

The information in this leaflet is for general reference only. For assessment of specific conditions of trees, specialist advice from reputable contractors/specialist is recommended.
本單張/小冊子資料僅供一般參考。如需詳細檢查個別樹木，應向可靠承辦商或相關專業人士尋求意見。

Reference

參考資料

- [1] Harris R.W., Clark J.R. and Matheny N.P., "Arboriculture: Integrated Management of Landscape Trees, Shrubs, and Vines", 4th Edition, Prentice Hall, 2003.
- [2] Hayes E., "Evaluating Tree Defects", 2nd Edition, Safetrees, 2005.
- [3] Lilly S.J., "Arborists' Certification Study Guide", International Society of Arboriculture, USA, 2001.
- [4] Matheny N.P. and Clark J.R., "A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas", International Society of Arboriculture, USA, 1993.
- [5] Mattheck C. & Breloer H., "The Body Language of Trees: A Handbook for Failure Analysis (Research for Amenity Trees)", Stationery Office Books, 1995.

Supplementary photo to Pictorial Guide for Tree Maintenance to Reduce Tree Risks 減低樹木風險的樹木護養簡易圖解

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如樹木有以下狀況，請從速處理。

1 General Condition

基本狀況 Leaning Tree 傾斜樹木



2 Crown Condition

樹冠狀況 Dieback Twigs 樹枝枯死



Pest problem 病蟲害



3 Trunk Condition

樹幹狀況 V-shaped Crotch with Cracks/Split V型樹樑有裂縫或裂開



Wood Decay and Cavity 腐爛/樹洞

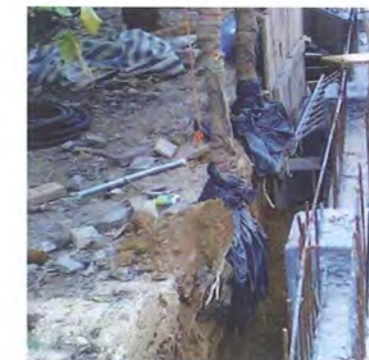


Cavity at basal area 等根部上有樹洞



4 Root Condition

樹根狀況 Severely cut/damaged roots 根部被嚴重切割或損害



Fungal fruiting bodies 呈現菌類子實體

