

**Death of egret chicks
due to nest destruction during pruning work in Tai Po**

Regarding Hon CHAN Chi-chuen's question to Hon MA Fung-kwok, Chairman of the Panel on Home Affairs, on the death of egret chicks due to nest destruction during the LCSD's tree pruning work, our reply to the 14 parts of the question is as follows:

- (1) Did the LCSD carry out the pruning operation in reaction to “a request from the public referred by a relevant government department seeking the trimming of overgrown tree branches at the junction of Kwong Fuk Road and Wan Tau Kok Lane in Tai Po”, as reported by the media? If so, please name the department or the district council member concerned. Will the Government inform this Panel whether the complaint referred by the department or made by the district council member concerned bird droppings, etc. in addition to “overgrown tree branches”?**

The Leisure and Cultural Services Department (LCSD) carried out the pruning operation in reaction to a request from the public referred by the Food and Environmental Hygiene Department (FEHD) on 23 May seeking the trimming of overgrown tree branches at the junction of Kwong Fuk Road and Wan Tau Kok Lane in Tai Po. Only a photograph of the relevant trees was provided in the referral. There was no mention of bird droppings, etc.

- (2) Did the LCSD engage qualified arboricultural staff for an independent tree risk assessment and ecological experts for procedural and ecological impact assessments before deciding to act on the referred request? If so, can the LCSD make public the full text of the relevant reports? If not, what were the reasons for not carrying out assessments before pruning?**

After receiving the FEHD's referral, the LCSD followed up in accordance with standing instructions. The site was inspected by qualified arboricultural staff on 2 June. It was found that some branches of the trees were too long and too dense, with a few dieback twigs. Since the typhoon season is imminent, the overgrown branches may pose danger to the passers-by. Tree pruning work was therefore considered necessary to ensure public safety.

- (3) Was the pruning operation carried out by a contractor or the LCSD's New Territories East Tree Team? Will the Government inform this Panel of the name and rank of the government officer who authorised the operation?**

The pruning operation was carried out by the LCSD's New Territories East Tree

Team in accordance with standing instructions. The LCSD is taking serious steps to investigate and follow up on the incident. It will give an account of the incident when the findings are available.

- (4) Do the government officers who made the decision to carry out pruning and the tree pruning staff hold arboricultural qualifications? Were the Tree Management Office (TMO) of the Development Bureau, the Agriculture, Fisheries and Conservation Department (AFCD) and other relevant departments consulted or informed in accordance with the usual practice before the operation?**

The LCSD's tree team staff received professional tree care training and possess relevant knowledge and experience. Some of them hold professional arboricultural qualifications such as arborists, tree risk assessors, etc. The LCSD takes care of, maintains and manages the trees under its responsibility in accordance with established mechanisms and existing guidelines such as the TMO's "Guidelines for Tree Risk Assessment and Management Arrangement" and "General Guidelines on Tree Pruning".

- (5) The woodland is adjacent to an egretty at Kwong Fuk Road, a "Site of Special Scientific Interest", in Tai Po Market. The LCSD should be aware that egrets have been breeding there for years. Even if that was unknown to the LCSD, the Department should have noticed bird droppings on the branches and the ground during the preliminary on-site assessment and reckoned that the woodland was home to birds. Why did the LCSD go on nevertheless to prune the trees, putting the safety of the wild birds at risk?**

It is the LCSD's initial understanding that staff from the New Territories East Tree Team inspected the site on the afternoon of 2 June. It was found that some branches of the trees were too long and too dense, with a few dieback twigs. Tree pruning work was therefore considered necessary. The bird nests went unnoticed at the time.

- (6) When pruning, were the staff aware that there were nests and chicks falling from height? If so, what action did the person-in-charge of the operation take at the time? If not, why did the staff fail to notice that?**
and
(7) Has the Government investigated whether the damage to the nests was intentional? If so, when will the investigation findings be made public? If not, why?

The LCSD has set up an inquiry panel to look into the incident and will take follow-up action as appropriate in accordance with established procedures. It will give an

account of the incident when the findings are available.

- (8) The Wild Animals Protection Ordinance (Cap. 170 of the Laws of Hong Kong) (“the Ordinance”) provides that “no person shall, except in accordance with a special permit, hunt or wilfully disturb any protected wild animal” (Section 4) and “no person shall, except in accordance with a special permit, take, remove, injure, destroy or wilfully disturb a nest or egg of any protected wild animal” (Section 5). Was such permit obtained before the pruning operation? If not, does the LCSD admit that it was in breach of the Ordinance? Why was the decision made to carry out pruning without complying with the requirement laid down by the Ordinance? Has the LCSD provided its staff with adequate training to fully equip them with knowledge of the provisions of the Ordinance?**

The LCSD did not contact the AFCD before the pruning operation. In response to the incident, the LCSD will actively communicate with relevant departments including the TMO and the AFCD so as to enhance staff awareness and skills by further strengthening tree care training to cover the key elements of wild animal protection.

- (9) Will the LCSD specify the parts of the Tai Po Market Egrettry that falls within its jurisdiction? Was the pruning carried out within the area of its jurisdiction?**

Leisure venues and facilities in and around Kwong Fuk Road, Tai Po that are under the management of the LCSD include Kwong Fuk Park, Kwong Fuk Park Football Pitch, Kwong Fuk Football Ground, Wan Tau Kok Playground, Tai Po Contour Sitting-out Area, Wan Tau Street Sitting-out Area and Kwong Fuk Sitting-out Area. The LCSD is also responsible for providing suitable care for trees in landscaped areas along Kwong Fuk Road as well as trees that are on unleased/unallocated government land within ten metres of the kerbs of Kwong Fuk Road and not under the management of any other departments. It is initially understood that the LCSD tree team was carrying out pruning at a location within the Department’s jurisdiction in terms of tree maintenance on the day of the incident.

- (10) Why was pruning carried out during the breeding season of egrets? Is the Government aware that it is now the breeding season of egrets?**
and
(11) Did the Government consider handling the complaint by taking other measures, such as increasing the frequency of street cleansing or postponing the pruning operation until the breeding season of egrets was over? If so, why were the above measures not adopted? If not, why were the above measures not considered?

The LCSD carried out the pruning operation in reaction to a request from the public referred by the FEHD seeking the trimming of overgrown branches at the junction of Kwong Fuk Road and Wan Tau Kok Lane in Tai Po. In response to the incident, the LCSD will actively communicate with relevant departments including the TMO and the AFCD to prevent the occurrence of similar incidents.

- (12) Does the LCSD have any internal tree pruning guidelines specifying the due procedures to be followed by staff in the performance of duties? If so, have LCSD staff strictly followed the guidelines? If not, why are such guidelines not prepared?**

The LCSD's tree team staff take care of, maintain and manage the trees under the Department's responsibility in accordance with established mechanisms and existing guidelines such as the TMO's "Guidelines for Tree Risk Assessment and Management Arrangement" and "General Guidelines on Tree Pruning".

- (13) It is understood that the Hong Kong Bird Watching Society published "Guidelines for Planning and Carrying out Construction Works at Egrettries" in August 2016 and sent them to various departments including the LCSD via email. Have the guidelines been received? If so, why were the guidelines not followed in pruning trees?**

According to the records available, the LCSD did not receive the "Guidelines for Planning and Carrying out Construction Works at Egrettries" published by the Hong Kong Bird Watching Society last year.

- (14) What measures will the LCSD adopt to prevent the occurrence of similar incidents? Will the LCSD revise the existing guidelines or set out new guidelines, retrain its pruning staff and strengthen the regulatory mechanism to ensure similar incidents will not occur?**

To ensure similar incidents will not occur, the LCSD will learn from the incident and actively communicate with relevant departments with professional knowledge of conservation including the TMO and the AFCD. It will review the existing guidelines on tree pruning and enhance staff awareness and skills by strengthening tree care training to cover the key elements of wild animal protection.