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21 December 2017

Clerk to Legislative Council Panel on Home Affairs
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn.: Ms Joanne MAK)

Dear Ms Mak,

I refer to Hon Tanya CHAN's letter dated 7 December 2017. Attached please find the reply prepared by the Leisure and Cultural Services Department.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Joseph Chui".

(Joseph CHUI)
for Secretary for Home Affairs

**Request for discussion on the Report on Inquiry Panel
prepared by the Leisure and Cultural Services Department
on the Tree Pruning Incident in Tai Po on 6 June**

The Leisure and Cultural Services Department (LCSD) published on 1 December 2017 the findings of the comprehensive investigation conducted on the tree pruning incident in Tai Po on 6 June 2017 which caused adverse impact on some nests of ardeids with chicks on the trees.

The Report concluded that the unfortunate incident was attributable to multiple factors such as knowledge gap on protection of wild animals, improper practices in tree pruning as well as insufficient supervision and manpower of the sub-team of the tree team (the Sub-team).

As stated in the Report, there is a knowledge gap on protection of wild animals at both the departmental and operational levels. At the departmental level, LCSD currently does not maintain any information repository on the Wild Animals Protection Ordinance (Cap. 170), the nearby Tai Po Egretty Site of Special Scientific Interest (SSSI), the location or characteristics of egrettries in Hong Kong, or code of practices or guidelines on wildlife protection in tree management work. Also, the Department's current training does not cover the protection of wild animals. At the operational level, front-line supervisors and staff are expected to exercise common sense and judgment to schedule tree work in such ways to avoid or minimise impact on wild animals (such as birds and bird nests) notwithstanding the absence of specific guidelines. It was also found during the investigation that the Sub-team supervisor concerned had underestimated the complication and impact of the pruning work to the wild animals. Moreover, there is room for improvement in the communication within the team. The supervisor should have ensured that the instruction was clearly conveyed, elaborated and understood before assigning the Sub-team to conduct tree work in his absence. On top of that, members of the Sub-team failed to exercise common sense and awareness on wild animal protection, and did not stop the work when they noticed that the nests of ardeids would be affected.

The Panel also held that the incident was partly caused by improper practices in pruning which led to over-pruning, and that over-pruning by topping was unacceptable. If proper pruning had been carried out, the effect on the birds would certainly have been minimised.

As for the issue of supervision and manpower of the tree team, the investigation found that there was no urgency to arrange tree work on that day. It considered that the decision to have the work conducted in the absence of the supervisor was not prudent and appropriate, given the complexity and sensitivity of the case. In that connection, appropriate action has already been taken in accordance with the established mechanism against the supervisor who was in charge of the arrangement and the relevant staff.

In view of the above findings, LCSD has implemented and will implement a total of 12 short, medium and long-term improvement and remedial measures to avoid recurrence of similar incidents.

Short-term measures implemented in July 2017 include: (1) to obtain the boundary of SSSI from Planning Department and remind District Leisure Services Offices and Regional Tree Teams (RTTs) to be alert when conducting tree work at these locations; (2) to establish and maintain a regular communication channel with Agriculture, Fisheries and Conservation Department (AFCD) and identify locations of egrettries where trees are under the management of LCSD; (3) to remind all RTTs and horticultural contractors to avoid disturbance to wild animals and environment when conducting tree work; (4) to re-circulate the “Guideline on Tree Pruning” to all staff/contractors concerned and remind them on proper tree pruning technique; and (5) to enhance the supervision of Sub-teams.

For medium-term measures, LCSD is set (1) to review the internal policies, guidelines and procedures on tree management work; (2) to work with AFCD and establish the work flow to handle tree maintenance work, if so imminently required, which may affect the breeding or roosting sites of wild animals, e.g. egrettries; (3) to enhance refresher training for front-line staff on tree pruning techniques; (4) to include topics of protection of wild animals in future training; and (5) to enhance the tree inspection form and LCSD’s tree management database to include information on special site condition and tree condition for reference in conducting tree management work.

In the long run, LCSD will liaise with relevant government bureaux and departments to explore the need to revise the relevant circulars and guidelines to cover the protection of wild animals in tree work; and review the organisation, resource requirements and deployment of tree teams to identify room for improvement.

Regarding Hon Tanya CHAN’s question on the captioned subject to Hon MA Fung-kwok, Chairman of the Panel on Home Affairs, LCSD’s reply is as follows:

(1) whether the staff involved possess professional knowledge in tree management

LCSD has been providing its staff with a series of suitable training programmes on tree management, including internal training courses, local/ public courses, and overseas programmes, to equip them with the knowledge, skills and experience in arboriculture needed for handling tree work, as well as internationally recognised professional arboricultural qualifications. The majority of staff responsible for tree care and inspection have been professionally trained in tree maintenance. They possess relevant knowledge and are well-experienced.

In the present case, the Sub-team leader in charge of the pruning work has been in the post since 2011, and has relevant arboricultural training and practical experience. However, the pruning work carried out for the operation did not comply with the tree pruning guidelines and resulted in over-pruning.

(2) whether the supervisor should be responsible for the wrong decision made

It is apparent from the incident that the Sub-team supervisor underestimated the complication and impact of the tree work to the wild animals. Since the supervisor should know or should have known the presence of wild birds in the subject trees, it would be more appropriate for him to schedule the tree work after the ardeids' breeding season to minimise the impact on the wild birds. Also, the investigation found that the decision to have the work conducted by other front-line staff in the absence of the supervisor was not prudent and appropriate, given the complexity and sensitivity of the case. In that connection, appropriate action has already been taken in accordance with the established departmental guidelines against the staff concerned.

(3) whether the LCSD staff concerned have breached the Wild Animals Protection Ordinance (Cap. 170)

AFCD remarked that the Department of Justice had recommended no prosecution after examining information including all evidence and applicable legal principles.

The Tree Management Office under Development Bureau gives territory-wide policy steer on tree management, co-ordinates departmental efforts and provides arboricultural expertise to ensure effective implementation across departments of the

“integrated approach” to tree management. As tree management policy falls outside Home Affairs Bureau’s jurisdiction, it is advisable to have matters about this case followed up by the relevant policy bureau in the future if necessary.

Leisure and Cultural Services Department

20 December 2017