

**Notification Mechanism on Tree Removal
in Central and Western District**

Purpose

This paper aims to brief Members on the mechanism for government departments to notify the Central and Western District Council (C&WDC) on tree removal in the Central and Western (C&W) District.

Background

2. The C&WDC has always been very concerned about tree removal matters, and has requested the Government to preserve existing trees in the district as far as possible, especially trees of large size and valuable trees; and has also requested government departments to consult the C&WDC prior to removing trees with trunk diameter of over 0.5 meter, stonewall trees and trees listed on the Register of Old and Valuable Trees.

3. According to established procedures of the C&WDC, matters related to tree removal are handled by the Working Group on Environmental Improvement, Greening and Beautification Works in C&W District (WGEIGB) under the Food, Environment, Hygiene and Works Committee of the C&WDC. The terms of reference of the WGEIGB are set out at Annex. On the other hand, the Central and Western District Office (C&WDO) and the C&WDC Secretariat are responsible for assisting departments in conducting consultation or giving notification regarding greening or tree management work.

4. On 14 June 2016, the Ombudsman released the report on the direct investigation into the Government's decision to remove the four stonewall trees along Bonham Road on 7 August 2015 and its handling of the incident. The report pointed out that in this incident, the C&WDO notified the C&WDC of the decision to remove the trees in accordance with the usual procedures, and this action was reasonable and appropriate. The report also recommended that relevant notification arrangements must be clearly laid down¹. Based on the recommendation, relevant mechanism has

¹ In the afternoon of 7 August 2015, the C&WDO received a notification from the Highways Department (HyD), stating that the four stonewall trees along Bonham Road must be removed as quickly as possible to ensure public safety, and requesting the C&WDO to forward a letter to the

been drawn up earlier with reference to the usual procedures of the C&WDC, C&WDO and government departments. Details are set out in the ensuing paragraphs.

Notification Mechanism

5. Existing mechanism for government departments to notify the C&WDC on tree removal in the C&W District is detailed as follows:

(a) *General issues (applicable under non-emergency and emergency circumstances)*

- (i) Departments should notify the C&WDC prior to removing trees with trunks over 0.5 meter Diameter at Breast Height (DBH), stonewall trees and trees listed on the Register of Old and Valuable Trees.
- (ii) Departments should provide relevant information to Members, including detailed information about the tree(s) concerned (namely, the location, species, trunk diameter and health condition), reasons for removal, date of removal, tree assessment report, and views of the Tree Management Office or tree expert group.

(b) *Decision to remove the tree(s) immediately under non-emergency circumstances*

- (iii) Departments should submit the aforesaid information to the WGEIGB Secretariat as early as possible. After making the necessary clarifications (e.g. all relevant information is provided), the Secretariat will forward the information by e-mail to the WGEIGB and **all** C&WDC Members.
- (iv) Departments should arrange site inspection with Members as necessary.

Chairman of the WGEIGB to inform him of HyD's decision and justifications for felling the trees. The C&WDO then forwarded the letter to all Members of the C&WDC. The C&WDO also notified by telephone the Chairman and Vice Chairman of the C&WDC, the Chairman of the WGEIGB, and the Elected Members of the constituencies which were more likely to be affected by the ensuing road closure and traffic diversion, so that the C&WDC Members concerned, having received early notification, could help explain the situation to the residents affected. After investigation, the Ombudsman considered that in this incident, the C&WDO's action reasonable and appropriate, and had not given those C&WDC Members concerned preferential treatment based on irrelevant considerations in notifying them by telephone. The Ombudsman also recommended that the Home Affairs Department should accumulate experience and formulate clear and specific criteria for deciding in future whom to be specially informed by telephone of the Government's decisions to remove trees, so as to avoid arousing suspicion.

- (v) C&WDC Secretariat will forward the views of the WGEIGB and Members received to relevant departments for consideration and arrangement of site inspection (if necessary).
- (c) *Decision to remove the tree(s) immediately under emergency circumstances*
- (vi) If the tree(s) must be removed as quickly as possible under emergency circumstances and on the grounds of public safety, departments should notify the C&WDC as early as possible about the decision concerned and removal arrangements prior to removing the tree(s).
 - (vii) In accordance with the usual procedures for handling other unexpected incidents or emergencies in the district (e.g. various disasters or accidents), the C&WDO and C&WDC Secretariat will assist departments in notifying the C&WDC of the tree removal decision and arrangements as soon as possible. In general, the C&WDC Secretariat will forward the information by e-mail to the WGEIGB and **all** C&WDC Members as soon as possible; and will also notify the Members concerned, including the Chairman and Vice Chairman, the Chairman of the WGEIGB, and the Elected Members of the constituencies affected, by the most appropriate and efficient means (e.g. telephone), so that the Members concerned can grasp more quickly and accurately the latest development and follow-up measures (e.g. road closure arrangements) taken by the departments concerned, thereby facilitating Members to explain the situation to the residents affected, and ensure that prompt and effective assistance will be provided to the public.

Advice Sought

6. Members are invited to note the mechanism concerned and offer comments.

Central and Western District Office
July 2016

**Working Group on Environmental Improvement, Greening
and Beautification Works in C&W District
under the Food, Environment, Hygiene and Works Committee
of the Central and Western District Council
(2016-2017)**

Terms of Reference

Terms of Reference

1. To organise activities in the Central and Western District to promote and co-ordinate Clean Hong Kong activities at district level, promote environmental protection, disseminate information about energy saving, carbon reduction and nature conservation, and engage public participation (by area committees, schools, non-government and private organisations) in the above activities;
2. To launch district-based cleansing exercises (regular inspection of hygiene and dog fouling black spots) and waste recycling programmes and monitor their implementation;
3. To advise the government departments concerned on tree planting sites and greening issues concerning the Central and Western District;
4. To consult local residents/organisations on tree planting sites;
5. To examine planting plans submitted by the Leisure and Cultural Services Department, and explain why certain sites are rejected, or secure the implementation of the planting plans by government departments;
6. To advise on district-wide greening from the perspectives of infrastructure and long term planning;
7. To promote greening activities in the district to raise public awareness of greening;
8. To give advice and introduce proposals on how to improve the landscaping of the district;
9. To advise on various department's tree removal work in the district when consulted;
10. To report regularly to the Food, Environment, Hygiene and Works Committee.