

Report on Inquiry Panel
Tree Pruning Incident in Tai Po on 6 June 2017

I. Introduction

In response to a complaint referral from Food and Environmental Hygiene Department (FEHD) on some overgrown roadside trees along Kwong Fuk Road, Tai Po, a sub-team of the New Territories East Tree Team (NTETT) conducted tree pruning work on 6 June 2017, causing adverse impact on some nests of ardeids (egrets and herons) with chicks on the trees. A departmental inquiry panel (the Panel) was set up on 14 June 2017 by the Leisure and Cultural Services Department (LCSD) to investigate into the incident. The terms of reference of the Panel are –

- (a) To conduct a thorough investigation into the incident;
- (b) To investigate the areas of responsibility of the officers/parties involved and to ascertain whether there are any areas of inadequacies of each of the officers/parties;
- (c) To assess the adequacy of current guidelines applicable to the department in handling this incident and recommend appropriate enhancement in the departmental policies, guidelines and procedures to ensure compatibility with the prevailing government policies, laws and guidelines relating to biodiversity and tree management in Hong Kong; and
- (d) To recommend improvement and remedial measures for implementation in the short, medium and long term.

II. Membership of the Panel

2. Membership of the Panel included two Chief Leisure Services Managers, one Senior Leisure Services Manager and one Leisure Services Manager whose duties are involved in tree management work.

III. The Incident

3. On 23 May 2017, FEHD referred a complaint case to Tai Po District Leisure Services Office for trimming of some overgrown tree branches along Kwong Fuk Road, Tai Po. Site visit was conducted by Staff A, supervisor of the New Territories East Tree Team Sub-team (Sub-team) on 2 June 2017 afternoon. Some overgrown branches and foliages as well as dieback twigs were found on the trees in question which required proper pruning. Thus he subsequently arranged his Sub-team to conduct the tree pruning work on 6 June 2017.

4. Staff A did not participate in the tree pruning work on the operation date but instructed the Sub-team leader to conduct light pruning of the trees. Headed by a senior artisan, the Sub-team conducted the tree pruning work on Kwong Fuk Road from 9:15 am to 10:15 am and continued the work in the afternoon at 2:10pm. The whole work was completed at 2:30 pm. Staff involved in the operation are listed below –

- (a) Staff B was Sub-team leader and carried out the tree pruning work with chainsaw on 6 June 2017;
- (b) Staff C assisted in pedestrian control on 6 June 2017;
- (c) Staff D assisted in pedestrian control in the morning of 6 June 2017 but did not participate in tree work in the afternoon; and
- (d) Staff E assisted Staff B on the hydraulic platform to collect pruned branches in the morning of 6 June 2017; and assisted in pedestrian control in the afternoon of 6 June 2017.

5. At 3:05pm, the Agriculture, Fisheries and Conservation Department (AFCD) informed a staff of NTETT that public queries on injuries of ardeids on Kwong Fuk Road due to the tree work were received and requested LCSD to withhold the tree work. At around 4:40pm, staff from AFCD and the Society for the Prevention of Cruelty to Animals arrived at the scene and found some chicks in the tree debris.

IV. The Investigation

6. Records of previous tree inspection and pruning work in 2016, training records as well as statements from the concerned staff were collected for investigation. Interviews with the concerned staff of NTETT were arranged on 16 and 19 June 2017, and site visit was conducted on 21 June 2017 by the Panel.

7. Moreover, prevailing tree pruning guidelines, chain of command and supervision of the NTETT as well as work arrangements in other Regional Tree Teams (RTT) were consulted as reference.

V. Findings and Conclusion

8. The Panel conducted thorough investigation of the incident and considered that the 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. The Panel made a series of recommendations to avoid recurrence of similar incidents in the future.

Knowledge gap on the protection of wild animals

9. 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) or location or characteristics of egrettries in Hong Kong, or code of practices or guidelines on wildlife protection in tree management work. LCSD's current training also does not cover the protection of wild animals. There is room for improvement in enhancing capacity building and knowledge management to ensure that LCSD's tree management should complement rather than compromise wildlife conservation.

10. 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 minimize impact on wild animals (such as birds and bird nests) notwithstanding the absence of specific guidelines. It is apparent from the incident that the relevant Sub-team supervisor had 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 minimize the impacts on the wild birds. It would also be more appropriate to arrange the tree work in his presence rather than assigning his staff to lead his Sub-team in his absence. There is also room for improvement in the communication between the supervisor and the leader of the Sub-team to ensure that the instruction is clearly conveyed, elaborated and understood before assigning the Sub-team to conduct tree work in his absence. On the other hand, although there were neither guidelines on protection of wild animals on trees nor concrete evidence to show that the Sub-team had been asked to stop the tree pruning work by the public on 6 June 2017, the Sub-team should have exercised common sense and awareness on wild animal protection and should have stopped the work when they noticed that the nests of ardeids would be affected despite trying to be more careful during the operation.

11. The incident revealed the need to step up training and enhance the guidelines on tree management work in relation to protection of wildlife. Proper assessment should be conducted on the implication and impact of tree work on wild animals prior to operation. More consideration should be given to manpower deployment as to whether a particular case would require the presence and supervision of a supervisor. Communication between the staff should also be enhanced to ensure an operation comply with the tree pruning guidelines.

Mishandled Tree Pruning

12. The Panel considered over-pruning by topping unacceptable. Whilst the Sub-team leader had been in the post since 2011 and should have acquired basic tree pruning techniques after attending relevant arboricultural training and acquiring practical experience, the pruning work demonstrated in this incident was far below the basic requirement according to the tree pruning guidelines. If proper tree pruning had been carried out, the effect on the birds would certainly have been minimized. In this connection, the Panel considered that the tree pruning work was not conducted properly resulting in over-pruning of trees in breach of the current tree pruning guidelines. Action has already been taken in accordance with the established departmental guidelines against relevant staff in view of the substandard performance and non-compliance with guidelines. Additional measures should be considered and implemented to enhance the knowledge, awareness and skill level of front-line staff on tree management.

Insufficient supervision and manpower of the Sub-team

13. The Panel considered that there was no urgency to arrange tree work on 6 June. The Panel also believed that on-site supervision by a supervisor would have avoided or mitigated the impact of the tree work on the ardeids. The incident demonstrated that the prevailing arrangement for NTETT's Tai Po Sub-team being assigned to work in the absence of a supervisor with use of hydraulic platform vehicle undesirable, as the assigned staff may not have the capacity or experience to take care of the whole Sub-team including, in this case, controlling the hydraulic platform, ensuring the safety of his team member and the public, and identifying the trees to be pruned. With an aim to complete the task as quickly as possible, trees were wrongly and over-pruned. The Panel considered that if the supervisor had joined the tree operation, the unfortunate incident might have been avoided. The Panel concluded that the decision to schedule and arrange the tree operation in this case was not prudent and appropriate given the complexity and sensitivity of the case. In the event that the immediate supervisor of a sub-team was engaged in other urgent matters, action could have been taken to reschedule the tree work which was not considered urgent; or consult supervisor of next higher rank on suitable deployment. Action has already been taken in accordance with the established departmental guidelines against relevant staff in relation to the impact on the tree work to the wild animals as well as inappropriate deployment of staff for the non-urgent operation.

14. The Panel noted the heavy workload of NTETT, including the front-line tree work, the administrative duties and supervisory roles at the supervisory level. In the interim, the NTETT should explore the feasibility of arranging supervisors of higher rank to cover the duties of immediate supervisor of Sub-team in case of major, complex and sensitive tree operations during the absence of the latter. In the long term, the resource requirements and deployment of NTETT would be reviewed in greater detail to identify room for enhancement.

VI. Recommendations

15. To avoid recurrence of similar incidents in the future, the following remedial measures have been/will be implemented –

Short Term (already completed in July 2017)

- (a) To obtain the boundary of SSSI from Planning Department and remind Districts and RTTs to be alert when conducting tree work at these locations;
- (b) To establish and maintain a regular communication channel with AFCD and identify locations of egrettries where trees are under the management of LCSD;
- (c) To remind all RTTs and horticultural contractors to avoid disturbance to wild animals and environment when conducting tree work;
- (d) To recirculate the “Guideline on Tree pruning” to all staff/contractors concerned and remind them on proper tree pruning technique; and
- (e) To enhance the supervision of Sub-teams.

Medium Term (target to be completed by end 2017)

- (f) To review the internal policies, guidelines and procedures on tree management work in the following aspects –
 - To seek advice from relevant government bureaux/departments and organizations such as Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden and the Society for the Prevention of Cruelty to Animals, etc. with a view to enhancing relevant departmental policies, guidelines and procedures of LCSD to ensure compatibility with the prevailing government policies, laws and guidelines relating to nature conservation and tree management in Hong Kong (including tree management work which may affect the breeding or roosting sites of wild animals, e.g. egrettries);
 - To work with RTTs and review the optimal staff deployment plan for conducting tree maintenance work under different scenarios;

- (g) 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;
- (h) To enhance refresher training for front-line staff on tree pruning techniques;
- (i) To include topics of protection of wild animals in future training; and
- (j) 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.

Long Term

- (k) To liaise with relevant government bureaux/departments to explore the need to revise the relevant circulars and guidelines to cover the protection of wild animals in tree work; and
- (l) To review the organization, resource requirements and deployment of tree teams to identify room for improvement.

Leisure and Cultural Services Department
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