

**Appendix A**

	Comments
1	<p>Main Text - A Conclusion paragraph should be added at the end. Right now, the main text seems no ending or ended suddenly.</p> <p>APPENDIX 1 – Requirements for "Supervise / undertake tree operations" should be revised to "Possess an academic / professional qualification in arboriculture, forestry or landscape architecture and with minimum two (2) years related post-qualification local experience."</p> <p>APPENDIX 3, 5, 7 and 9 of GUIDELINES FOR TREE RISK ASSESSMENT AND MANAGEMENT ARRANGEMENT – It is not convincing to say that "the 'Endorsement Officer' (EO) is the supervisory / managerial staff at a rank higher than that of the Inspection Officer (IO) who oversees the Tree Group inspection process" as the requirements of EO are same as the IO for Form 1 and even less than the IO's for Form 2. How could a person supervise or manage the sub-ordinates who have even more training/academic/professional qualifications? Therefore, it is suggested to increase the minimum work experience of the EO from 2 years to 3 years to make the foresaid statement more sensible.</p>
2	<p>HKILA Council: I support most of the Council's initial queries, but GLTM' reply does not seem to address them at all. This 49-page "Handbook" has an excessive 308-pages appendices, and the approach is fundamentally wrong:</p> <p>(1) Over-ambitious/ too broad – The "Handbook" addresses the entire tree management in full technical details (legal, insurance, property management, risk management, natural science etc.) all-in-one to "Tree Owners", "Property Managers" and "Qualified Professionals". There are good reasons why BMW issues</p>

“owner’s manuals” for car owners, “service manuals” for service managers, and “maintenance handbooks” for mechanics. I am curious how GLTM is going translate “Duty of Care” to Chinese in such a way that owners really know the complete legal implication behind.

(2) Missing out genuine professionals – This ‘handbook’ attempts to make the private sector follow government’s tree management system, which has received huge criticism from arborists and has no track record of success. For many years, the private sector always relies on law-recognized professionals like AP, surveyors, engineers, architects and landscape architects for private sector’s works. But this ‘handbook’ misses them out; even the drafting of this “Handbook” lack of professional input, e.g.:

(i) Glossary of Terms - GLTM should also seek HKIS’s input on terms “Lot owner”, “Owner” & “Tree owner”.

(ii) Section 1.7.5 - GLTM should seek HKIP’s input to see if there maybe trees under the planning approval conditions but not under leases.

(3) De-professionalize landscape architects’ work – Section 3.1 & 3.3 of the “Handbook” takes on a dangerous lead to mix up development with maintenance without considering other aspects such as visual and structural loading. It is like encouraging car owners, service managers and mechanics to modify cars without automobile engineers.

(4) Ignoring Real-life situations – The most-ask questions from property owners are: Can I fell this tree? There are many projects that are controlled more than by merely lease. Consider these types of trees:

(i) Retained Trees/ Transplanted Trees/ Compensatory trees

(ii) Non-compensatory trees

(iii) New trees planted after CC

When approving a tree removal application, DLO’s approval under

	<p>land leases will only bind (i). But how about (ii) appear on a LMP for fulfilling planning approval condition imposed by TPB under S16 or by a EP under EIAO? Does the owner have the right to remove or change species for (ii) after CC? Will “Qualified Professionals” with training in natural science be able to advise owners and property managers properly? The truth is: there is no formula, no handbook can cover real-life situations - - - that is why we need professionals like surveyors and RLA! This “Handbook” is like a showcase of GLTM’s past “achievements” and an “idiot-guide” to teach a mechanic to take up automobile engineers’ work.</p>
3	<p>APPENDIX 1 –Requirements for "Supervise / undertake tree operations" should be revised to "Possess an academic / professional qualification in arboriculture, forestry or landscape architecture and with minimum two (2) years related post-qualification local experience."</p> <p>APPENDIX 3, 5, 7 and 9 of GUIDELINES FOR TREE RISK ASSESSMENT AND MANAGEMENT ARRANGEMENT –landscape architects should be regarded as Qualified Professionals for Arboricultural Works. It is suggested adding the following to "Training / Academic / Professional Qualification" Requirements for Inspection Officers and Endorsement Officers (Form 1): Registered Landscape Architects under the Landscape Architects Registration Ordinance (Cap 516); or Fellows or Professional Members of The Hong Kong Institute of Landscape Architects. It is suggested adding the following to "Academic / Professional Qualification" Requirements for Inspection Officers (Form 2): Registered Landscape Architects under the Landscape Architects Registration Ordinance (Cap 516); or Fellows or Professional Members of The Hong Kong Institute of Landscape Architects. It is suggested adding the following to "Training / Academic / Professional Qualification" Requirements for Endorsement Officers (Form 2): Registered Landscape Architects under the Landscape Architects Registration Ordinance</p>

	<p>(Cap 516); or Fellows or Professional Members of The Hong Kong Institute of Landscape Architects. It is not convincing to say that "the 'Endorsement Officer' (EO) is the supervisory / managerial staff at a rank higher than that of the Inspection Officer (IO) who oversees the Tree Group inspection process" as the requirements of EO are same as the IO for Form 1 and even less than the IO's for Form 2. How could a person supervise or manage the sub-ordinates who have even more training/academic/professional qualifications? Therefore, it is suggested to increase the minimum work experience of the EO from 2 years to 4 years to make the foresaid statement more sensible.</p>
4	<p>Comments on Handbook on Tree Management (HTM)</p> <ol style="list-style-type: none"> <li>1. The definitions of "Lot owner", "Owner", and "Tree Owner" are unclear and confusing. One standard term is preferred for easy understanding. GLTM should seek legal advice on the use of different terms.</li> <li>2. Chinese version should also be provided for better understanding.</li> <li>3. Registered Landscape Architect (RLA) should not be excluded from the list of Qualified Professional (clause 2.2, 2.3.1 and 2.3.3 and Appendix A referred to). This misleads the general public that professional advice from RLA is unnecessary on tree maintenance. Indeed, professional service from RLA is much needed for quality submission, especially for tree removal and compensation application. For instance, examine land lease and/or approved planning conditions, study of site constraints (i.e. implication of tree planting on the building itself and any other structures, upon environment and adjacent property etc.); enhance visual quality and bio-diversity, ecological preservation, professional documentation etc. The exclusion of RLA from the handbook will hinder comprehensive approach in tree maintenance.</li> <li>4. The handbook should consider following LandsD PN 7/2007 on engaging professional services (i.e. either RLA or competent person) for consistency.</li> </ol>

	<p>5. The enforcement of the handbook: is it mandatory (unclear in the handbook)? Which government department(s) will monitor this? Any random checking will be conducted? Any penalty applied?</p> <p>6. It takes a few years for government professionals to get familiar with TRAM exercise, GLTM can't expect the general public to carry out/follow the handbook without any support. GLTM should provide technical/advisory support to Lot Owners/ property managers, rather than by just issuing such rough handbook with vague references for lot owner to follow with. A resources/support/education center should be set up to deal with actual tree maintenance problem instead of suggesting "ideal" tree planning condition and management.</p> <p>7. In general, the content of the draft handbook is vague; the scope of tree maintenance is narrow and incomprehensive. We are living in a real world and "ideal" tree planting and maintenance are impossible in Hong Kong. Consultation with professionals, property managers, legal advisors is suggested.</p>
5	<p>I would like to express my thoughts on the HTM from your email on 7.3.2016 below-</p> <p>The requirements of "qualified professionals" mentioned in the HTM are the same as those of tree risk assessment for government land. While these qualified arborists have arboricultural knowledge for conducting tree risk assessment and tree surgery, they are not professionally trained to deal with lease conditions, development controls, planting design, coordination in improvement works etc. Registered Landscape Architects (RLAs) should be specified as the qualified professionals not only for conducting tree risk assessments and remedial works, but also coordination with all parties, and preparation and submission of tree preservation and removal proposals for LandsD's approval. Arborists should assist RLAs in their expertise for all the above duties, rather than the mere "professionals" in the tree management context.</p>

6	<p>My comments as below :</p> <ol style="list-style-type: none"> <li>1) A simple guide should be prepared for Owner and Property Managers. The requirement of works, inspections and involvement of professionals as mentioned in the Handbook may be difficult for layman /general public to understand.</li> <li>2) Difficult for Owner and Property Managers to engage which type of professionals to carry out the tasks. How can they decide if the tasks are properly implemented?</li> <li>3) Owner and Property Managers may not have the knowledge and experience to select Qualified Professionals with good reputation.</li> <li>4) RLA to be responsible and ensure professional accountability on quality of works is recommended.</li> </ol>
7	<p>Please incorporate my comments below:</p> <p>General:</p> <ol style="list-style-type: none"> <li>1. It is confused to interpret the terms and scope of "qualified professionals". It is necessary to distinguish the supervision / statutory role and field work role. The role of "qualified professionals" including landscape architects, authorized persons and other professionals with legal entities should be focus on supervision / statutory role. It is recommended to introduce "site competent person" who is the qualified contractor including qualified arborists.</li> <li>2. Other than the tree management, the possible tree removal application should be submitted by the Qualified Professionals (e.g. landscape architect). The further compensatory proposal and landscape design should be prepared by the Qualified Professionals but not the site competent person.</li> </ol> <p>Particulars:</p>

	<p>page 19: The "qualified professional(s)" appointed by the lot owner should be liable for the supervision of tree works and submission for LandsD's approval while the actual field works carried out by "site competent person" is required.</p> <p>section 1.8.1 Add a bullet point : - Require Qualified Professionals to employ site competent person to carry out the field works and prepare tree risk assessment report.</p> <p>section 2.3.3 Revise the bullet point for part 3 - Ensure the site competent person's mitigation measures properly under supervision of Qualified Professionals.</p>
8	<p>- if nothing else, the document needs a very thorough review by a professional copy editor. There are numerous internal inconsistencies, poorly defined terms, vague references, unnecessary adjuncts, grammatical mistakes etc. etc.- if the document becomes a mandatory requirement for all land owners the industry may not be able to demand for 'qualified professional' services, in which case they we get ignored / we will get blamed.</p> <p>- the principle of 'right tree right place' is flawed, as it places the responsibility solely on the selecting the 'correct' species, (where no such thing even exists), and avoids the fundamental need to create the 'right conditions for tree growth'. It is the decision not to create the right planting conditions that results in so many of our urban trees suffering, not because we chose the wrong species. The HTM should recognize that HK is a highly contested environment and that we are managing trees in much less than ideal conditions.</p> <p>- the HTM appears, mostly, to be a collation of the existing guidance documents (planting, pruning, BRR, stonewall trees). It does not address the core issue / problem that most of our urban</p>

	<p>trees suffer / die because of what happens underground. The coverage of the guidance and the emphasis / balance of the recommended management measures should be carefully reviewed.</p>
<p>9</p>	<ol style="list-style-type: none"> <li>1. GLTM have not adequately addressed HKILA's comment (26.10.2015) regarding unclear target audience and confusing contents.</li> <li>2. Technical contents Various tasks, frequency of inspections and different professionals were mentioned in the Handbook. The guide document is very confusing for the Owner and Property Managers. Separated layman's guide and technical guide would better serve the purpose in order to discharge Government's regulatory role to announce latest requirements to end-users and separately maintain standards for the industry.</li> <li>3. Quality of service/work Appendix 1 did not provide specific professional bodies for various tasks and the source for ease of engagement by the Owner. It is unfair to expect the Owner and Property Managers to keep up with the latest arboriculture practice, to decide which professional and when should they be engaged for different asks. Even with the technical guide, layman should not be put in a position to assess if the tasks have been performed adequately.</li> <li>4. Source of Professional How can the Owner "Select Qualified Professionals with good reputation and demonstrated experience for quality results" as stated in the R to C? Should HTM be intended for enforcement under Building Management, it is necessary to clearly spell out the qualified professionals and sources.</li> <li>5. Registered Professional</li> </ol>

Arboriculture services can be obtained from different contractors, specialists, and professionals. RLA is the only recognized professional under Ordinance to provide regulated services in landscape settings from development, construction, maintenance to management.

It is highly recommended that Registered Professional such as RLA be held responsible for making submissions to ensure professional accountability for the Owners and enhance quality of works.

#### 6. Comparison to Slope Safety

I draw attention to property owner's responsibility under site safety because similarity can be drawn where various specialists and professionals would be involved in the management including assessment and maintenance of slope safety. The Register Professional Engineer (Geotechnical) is the overall service provider to make submissions and therefore ultimately accountable for the judgment on slope safety. Please refer to Hong Kong Slope Safety website of CEDD, The Owner/Slope Maintenance Agent - Guidelines and Other Information on Slope Maintenance - How to Keep Your Slope Safe. Relevant contents are extracted below for reference:

##### Engineer inspections for maintenance

Although proper routine maintenance of a slope or retaining wall can greatly reduce the probability of a landslide, the slope may still not be sufficiently safe for various reasons, such as inherent design or construction deficiencies, or changes that have taken place in the vicinity. Therefore, an Engineer Inspection for maintenance should be carried out on the slope by a qualified Geotechnical Engineer at least once every 5 years to look for all slope safety problems. The Geotechnical Engineer will advise on the maintenance of the slope and any required improvement works. He will also advise on the need for a Stability Assessment to check the slope's overall safety.

A list of Registered Professional Engineers (Geotechnical) can

	<p>be obtained from the Hong Kong Institution of Engineers, Island Centre, Causeway Bay and is also available in this website. When is a slope safe? Routine maintenance and Engineer Inspections are essential to ensure the safety of slopes and retaining walls. Only when a slope or retaining wall is maintained in the way specified by the Geotechnical Engineer, and all his recommendations, including Stability Assessment and improvement works have been implemented, can the slope be considered to be in a safe condition.</p>
10	<p>I think some of the commentators have confused tree management with tree surveys relating to development. This document is primarily addressing tree management on private land, not tree works related to development of the lot.</p> <p>We must be careful not to insist that tree risk assessment be undertaken by RLAs. In my experience and that of many government officials, many RLAs are very poor in knowledge and experience in this field. Much better to promote the professional role of RLA as coordinator.</p> <p>I also agree that it is a poorly proofed and confusing document. It would be better to make the roles of the various parties much clearer and then address a section to each.</p> <p>I do think some such document is necessary as private trees are generally very poorly maintained and those responsible for trees - lot owners, residents committees and those undertaking tree works (generally having little or no arboricultural expertise) - do need some guidance.</p> <p>If, however, the guidance becomes mandatory I am concerned that lot owners will just remove trees rather than managing resources perceived as a financial liability.</p>