

20 June 2016

Mr. Paul Chan, MH, JP  
Secretary for Development  
Development Bureau  
18/F West Wing, Central Government Offices,  
2 Tim Meu Avenue, Tamar Hong Kong

Dear Mr. Paul Chan, MH, JP,

**Integrating Landscape Professionals and Establishing Landscape Technical Competent Persons (Landscape TCPs) under the Building Control Framework**

Historically, the building control framework of Hong Kong does not formally recognize landscape works as part of building works. This has directly endangered public safety, especially highlighted in recent incidents including the collapse of trees and the City University's green roof. This problem has been systematic and needs to be urgently addressed. In order to properly fulfill the landscape profession's role in safeguarding the public's health, safety, and social welfare in line with the Landscape Architects Registration Ordinance (LARO, Cap. 516), we argue that landscape professionals must be properly integrated within Hong Kong's building control framework. The rationales are summarized as follows:

- In the interest of the general public, landscape (including arboricultural and horticultural) works should be considered an integral part of the building development process, and be subject to the same quality of supervision;
- This need has already been acknowledged by the planning control and lease control frameworks, and their relevant practice notes;
- There are established general and particular specifications for landscape works that professionals and contractors should observe;
- After the issuance of the PNAP APP-152 by the Buildings Department (BD), greening and horticultural elements are now part of General Building Plans (GBP) and therefore under BD's administration;
- Hong Kong already has a statutory system for the registration of landscape architects. The initiative here allows for the better utilization of this regional advantage of Hong Kong towards the development of a sustainable and green city. It also facilitates the capacity building of the building industry in general.

Specifically, we argue for the establishment of Landscape Technical Competent Persons (Landscape TCPs) under the Buildings Ordinance (BO). The background and details of our proposal are given in the following paragraphs.

Despite being one of the most advanced professions in the region, Hong Kong's landscape profession currently does not have the same statutory agency statuses as those of architects, engineers, and surveyors, through the Authorized Person (AP) and related administrative system under the BO. For private developments it is not a requirement for the lot owner / property developer to engage a landscape architect for the design, planning, and site supervision of the project, even when the project involves substantial amount of landscape / tree works.

Since the enactment of the Landscape Architects Registration Ordinance and HKILA Incorporation Ordinance some 20 years ago, there has been the intention for landscape architects to play the role of “Landscape AP”. Under the BO, a designated AP has to be appointed to administer the system stipulated in BO and its subsidiary legislation for a building project, who assumes overall responsibility to ensure the design, planning, and site supervision are in compliance with the relevant provisions, whereas a Registered Structural Engineer (RSE) would be responsible for the structural elements. Starting from 1997, the government has recognized the need for providing adequate support on site to the statutory agents, i.e. AP and RSE, in order for them to exercise their duties especially for site supervision; the Technical Memorandum for Supervision Plans and the Draft Code of Practice for Site Safety Supervision (CoP) was issued in 1997.

Under the CoP, the term “Technical Competent Person” (TCP) was used for personnel assisting the statutory agents under their respective streams. They are separated into the AP stream, the RSE stream, and the RC (Registered Contractor) stream. In view of the importance of geotechnical matters, RGE (Registered Geotechnical Engineer) stream was later added to the CoP. This system has already been running for many years that all Architects, RSE, RGE, and RC (RC is also a mandatory requirement for private developments) have to observe and abide. The TCPs are ranked from levels 1-5 depending on their qualification and experience. The CoP stipulates detailed provision as to the duties, responsibilities, and items for checking for AP, RSE, RGE, RC and their respective TCPs. Based on the complexity and scale of works involved for the particular stream, the CoP also provides formula as to the level and frequency of supervision required from the stream. We are currently exploring the possibility to extend the scope of this CoP to include a *RLA stream* or measures to achieve similar objective.

We all share that landscape (including trees) is of significant public interest. There are multiple benefits in the establishment of the Landscape TCP, and for the CoP to include a RLA stream, including the following:

- Enhance the protection of the general public’s health, safety, and social welfare;
- Strengthen landscape architects’ ability to safeguard the interest of the general public;
- Ensure the engagement of a landscape architect at preliminary stage if substantial amount of landscape / tree works are anticipated (potentially it could be similar to the RGE stream where Geotechnical Assessment Report is required to go with a GBP for consideration);
- Ensure sufficient technical support to the landscape architect at site level for adequate site supervision (currently none required, we are all familiar with the situation where no one within the contractor’s organization “speaks our language”);
- Ensure the Landscape TCPs are answerable to the Landscape Architect (under the CoP, all TCPs, regardless of which company they are employed, are answerable to the head of the stream, , i.e. AP, RSE, RGE, RC, and RLA should there be a RLA stream);
- Much better control of the quality of landscape and tree works throughout the entire process of development, avoiding the landscape architect being engaged only at SCC stage (typically that would be too late for quality consideration);
- Open up a new territory for landscape architects as well as horticulturalists / arborists / landscape technical persons in the local market. It would strengthen the

landscape professional's involvement in the construction industry as well as providing better environment and articulation pathway to those technical competent persons in the landscape industry;

- It closes the loophole of the current framework where existing trees in private land rely solely on lease control and/or planning control, where there is no control for those sites / projects not requiring planning application and without related provisions under lease.

We look forward to further collaborating with Development Bureau and Buildings Department in realizing the initiatives above.

Yours sincerely,



---

Tak Wong  
President  
Hong Kong Institute of Landscape Architects

c.c. Hon. Tony Tse, LegCo Member – By Fax  
Landscape Architects Registration Board