



**THE HONG KONG INSTITUTE OF  
SURVEYORS**

*Our Ref.: CKL/vs/009*

*Your Ref: (97) in LD 5/25/5010/02 VIII*

24 May 2006

Director of Lands  
Lands Department  
22/F, North Point Government Offices  
333 Java Road  
North Point  
Hong Kong

By Fax & Post  
2511 9861

Attn: Mr Edwin Chan

Dear Sirs,

**Review of the Processing Procedures for Handling Tree Felling Applications**

We refer to your letter dated 9 March 2006 to the Hong Kong Institute of Surveyors and addressed to Mr Andrew Fung on the captioned matter.

We have pleasure in attaching herewith our comments on the draft Practice Note for your consideration.

Should you require any further information and/or clarification, please do not hesitate to contact our Mr Andrew Fung.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Wong Chung Hang', is written over a faint, larger version of the same signature.

Wong Chung Hang  
President

Encl

c.c. Andrew Fung



**Comments upon the Draft Practice Note relating to Application for Tree Felling or Transplanting for Private Projects**

Item	Paragraph	Comments
1.	General	<p>The Hong Kong Institute of Surveyors supports tree preservation and improvement of environment with planting of trees. At the same time, a strike of balance between tree preservation and development should be maintained.</p> <p>Concerns have been expressed by practitioners relating to the various criteria adopted by Government Departments in assessing tree felling and transplanting proposals for private projects; and the time taken to secure approvals of the relevant submissions.</p> <p>Against the above background, we note that the Draft Practice Note ("DPN") has acknowledged the fact that there is "<i>an increasing demand for more proactive measures to facilitate the development process...</i>" and that the DPN is to "<i>... facilitate preparation of the Application and its early consideration by Government...</i>".</p> <p>Riding upon the fact that the DPN is to provide clearer guideline on tree felling, we welcome the issuance of the DPN such that procedures and major considerations of the Government relating to this issue can be spelt out and clarified. Nevertheless, as the objective, or at least one of the objectives of the DPN, is to facilitate a smooth development process, there would appear to be substantial rooms for improvement within the DPN. Details of our comments are elaborated further in the following paragraphs.</p>
2.	Para.5; page 2	<p>Whilst the definition of a tree, i.e. circumference of the trunk measures 300 mm, etc, has been clearly defined in the first two lines of paragraph 5, the Draft Practice Note ("DPN") also includes "<i>...a clump of bamboo or a multi-stemmed...will also be considered as a tree</i>". As compared with PN No.8/2002, the definition of "a tree" has been expanded. Furthermore, what constitutes "<i>a clump of bamboo or a multi-stemmed</i>" is ambiguous.</p> <p>We would suggest deleting the first three lines on page 2 of the DPN or, at the minimum, to add "<i>...of not less than 10 shoots of not less than 6 metres tall...</i>" after "<i>a clump of bamboo or a multi-stemmed</i>".</p>



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Item	Paragraph	Comments
3.	Para.8, page 2	If one of the objectives of the DPN is to facilitate a smooth development process, and to avoid undue delay in the approval of GBP pending approval of the Conceptual Proposal, the AP should be given the choice for a Separate Submission or a Combined Submission.
4.	Para.9, page 2	<p>There has been suggestion that, in the event that the proposal in the Application is the same that has already been approved by TPB, the Application can be approved by the relevant section of the Planning Department.</p> <p>We would appreciate it if the Administration could clarify:</p> <ol style="list-style-type: none"> <li>whether the above suggestion will be implemented;</li> <li>if affirmative, whether the processing time shall remain as stipulated under paragraph 10 of the DPN; or a shorter time frame could be introduced;</li> <li>whether the natural growth of vegetation resulting from the time gap from TPB approval to the submission of the Application can be ignored in determining whether the Application is the "same" as that approved by TPB; and</li> <li>We would suggest that corresponding amendments, reflecting the above suggestion, should be included in the flow chart at Appendix III.</li> </ol>
5.	Para.10, page 2	Same as item 3 above.
6.	Para.10, page 3	We welcome the introduction of a performance pledge relating to the processing time.
7.	Para.14, page 3 and Item (b), para. 1, Appendix IV	A clearer definition should be adopted for " <u>trees potentially registrable</u> " in accordance with the criteria for Old and Valuable Trees. This shall include, for examples, trees over a certain age or trees with a very thick diameter, etc.



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Item	Paragraph	Comments
8.	Item (b), paragraph 3, Appendix IV	<p>As one of the objectives of the DPN is <u>to facilitate the development process</u>, the criteria laid down at item 3 of Appendix IV would appear to have a general presumption against development. We are of the opinion that such criteria have made it <u>virtually impossible</u> for lots of development to take place within sites covered with tree(s). This will cause a great loss of revenue to Government.</p> <p>The DPN requires that tree(s) may be felled if "<i>there is no other practicable alternative and the tree(s) to be felled is not covered under paragraph 1 above</i>". In the worst case scenario, this implies incurring huge cost in order to preserve a tree of low ecological value or results in substantial compromise in the value of the development in order to preserve a tree of low ecological value. We are of the view that it is not only the private sector who faces the cost burden, the government will also suffer a loss in revenue from sale of the land. We urge the Government to pay attention on this requirement. A revision of the requirement may avoid the above defect.</p>
9.	Others	<p>We note that the penalty for illegal felling of trees is determined by the Director and is not negotiable. We suggested that the Administration should inform the practitioners the basis of assessment relating to penalty.</p>

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