



香港申訴專員公署  
Office of The Ombudsman, Hong Kong



主動調查報告  
Direct Investigation Report

有關政府土地上樹木投訴的處理  
Handling of complaints involving trees on  
Government land

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# **Executive Summary**

## **Direct Investigation Report**

### **Handling of Complaints Involving Trees on Government Land**

#### **Introduction**

There are vast numbers of trees across the territory. The Government currently adopts an integrated approach for managing trees on Government land, under which the department responsible for maintaining a Government facility or site takes care of the trees within the area.

2. The Tree Management Office (“TMO”) under the Development Bureau (“DEVB”) formulates comprehensive tree management strategies and measures for Hong Kong. It coordinates and supervises Government departments’ handling of tree complaints at the central level. In the course of our investigation, TMO has proactively implemented a number of improvement measures, including reviewing and updating the complaint handling mechanism, strengthening the coordination with and supervision of departments in handling tree complaints, assisting departments in clearing the backlog of tree complaints and establishing a task force chaired by the Permanent Secretary for Development (Works) to conduct a comprehensive review of the prevailing tree management guidelines. Ten recommendations were subsequently made to enhance the tree inspection and risk assessment regime. This Office believes that the above measures should effectively reduce the number of problematic trees at source, thereby bringing down the number of complaints.

3. This Office has scrutinised TMO’s work in coordinating and supervising departments’ handling of tree complaints and the delineation of tree management responsibilities among departments. We have also studied the information provided by ten major tree management departments (namely the Agriculture, Fisheries and Conservation Department, Architectural Services Department, Civil Engineering and Development Department, Drainage Services Department, Home Affairs Department, Housing Department, Highways Department, Lands Department (“LandsD”), Leisure and Cultural Services Department, and Water Supplies Department) and 1823 under the Efficiency Office. Our comments and recommendations are as follows.

#### **Our Findings**

##### ***TMO Should Step in More Proactively in Complaint Cases Involving Disputes over Responsibilities***

4. Information provided by 1823 showed that between 2018 and October 2022, each year 1823 received on average some 24,000 tree complaints, of which about 1,100

cases on average (or 3.3% to 5.9% over the annual total of complaints received) involved disputes over responsibilities among departments. Each year, in dozens of such cases, the complainant received a reply only after more than three months. While the number of cases involving disputes over responsibilities makes up only a small percentage of the annual total, the conditions of trees change from one minute to the next. If tree complaints are not handled in a timely manner because of departments' disagreement over responsibilities, not only would it easily lead to an impression of departments passing the buck, but also pose safety hazards.

5. Our investigation found that in the past, upon notification by 1823 of a dispute over responsibilities, TMO would follow the mechanism to first wait for a review of the case by the complaint officers of the departments concerned, then formally step in to coordinate and adjudicate if the dispute remains unresolved. In three case studies, we found that by the time TMO stepped in according to the mechanism, about four to six months had already lapsed since the cases were received. After the commencement of our preliminary inquiries, TMO piloted an enhanced mechanism in early 2022 under which it would intervene earlier to handle all cases that 1823 has taken to the complaint officers of the departments concerned. Nevertheless, our case studies revealed that the case handling time was subject to numerous factors and the case might have been seriously delayed when it was taken to the departmental complaint officers. In other words, even if TMO intervened at the time when the case was raised to the departmental complaint officers, the overall handling time would not significantly shorten.

6. This shows that for tree complaint cases involving disputes over responsibilities, if TMO bases its decision to step in solely on the complaint handling stage, the disputes may not be settled in a timely manner. Given that the aim of TMO in setting up the inter-departmental mechanism is to effectively clarify tree management responsibilities for early resolution of complaints, we consider that the overall handling time of a tree complaint case should be a criterion for TMO's intervention. Even if a case is not yet taken to the departmental complaint officers, TMO should still step in when there is already a serious delay in the overall case progress by different reasons, lest a problematic tree would become an environmental nuisance or even a safety hazard due to delayed handling.

### ***TMO Should Make Good Use of Case Handling Experience to Reduce Disputes Among Departments***

7. The Technical Circular (Works) No. 6/2015 ("the Technical Circular") promulgated by DEVB sets out the division of responsibilities among tree management departments. Tree management responsibilities are basically determined by the location of a tree. Our case studies found that from time to time, there were divergent interpretations of the Technical Circular by departments and even recurrence of disputes over similar issues. For instance, departments had argued over which part of the tree should define its location, or they had different interpretations as to the meaning of "roadside trees within 10 metres from kerb of non-expressway public roads (outside country parks) on unleased/unallocated Government land" in the Technical Circular.

We believe similar disagreements would not be rare.

8. Since 2022, TMO has uploaded the summaries of its decisions in representative cases onto the Government intranet with a view to providing guiding examples to departments. Yet, information provided by 1823 showed that the number of complaint cases involving disagreement among departments in 2022 remained at about 800. The effectiveness of sharing case decisions in reducing disputes among departments remains to be seen. While we understand that some cases may involve special circumstances and disputes over responsibilities among departments can unlikely be avoided completely, we are more concerned whether there exist prolonged fundamental differences in opinions or even misunderstanding of the delineation of tree management responsibilities by departments, resulting in recurrent disputes over similar issues.

9. We reckon that in addition to sharing its decisions in individual cases with departments, TMO should conduct systemic analysis on completed cases, collate information about departments' common differences in opinions and misunderstanding of tree management responsibilities and conduct exchanges and sharing with the departments regularly. TMO should also review and update the content of the Technical Circular as appropriate in a timely manner by including the guiding principles from its decisions in previous cases for the departments to follow.

***TMO Should Supervise and Monitor Departments' Compliance with Inter-Departmental Mechanism for Handling Complaint Referrals***

10. Under the current inter-departmental mechanism, when a department receives from 1823 a tree complaint that it considers outside its purview, it should, within seven days of receiving the referral, submit a preliminary investigation report to 1823 for their further referral to another department. Our case studies revealed that some departments had failed to notify 1823 of their disagreement in taking up the case within the specified time frame, resulting in a substantial protraction of the overall case handling time. Some other departments merely mentioned in their replies to 1823 that the trees in question were at a certain location and therefore outside their purview, without giving any supplementary information (such as maps or photographs). Subsequently, 1823 had to look for relevant information in order to identify the responsible department. All the above would affect the overall progress of handling tree complaints.

11. We consider that TMO should supervise departments' strict compliance with the requirements of the inter-departmental mechanism in handling complaint referrals, i.e. they should raise a request to 1823 for further referral within the specified time frame and provide sufficient information if they disagree to take up a case. TMO should also monitor departments' compliance to ensure timely referral of complaint cases.

***TMO Should Instruct Departments to Conduct Joint Inspections Promptly in Case of Disputes over Responsibilities***

12. From our case studies, we noticed that disputes among departments often arose because they had different observations at the scene. Such disputes can in fact be settled through joint inspections. Currently, however, the disputing departments seldom conduct joint inspections, unless upon TMO's intervention and request.

13. We opine that TMO should instruct departments to conduct joint inspections promptly in case of disputes over tree maintenance responsibilities, such that responsibilities can be clarified as soon as possible.

***TMO Should Strengthen Monitoring of Departments' Carrying out of Ordinary Tree Work in Response to Complaints***

14. Currently, tree management departments reply to tree complaints in accordance with their own performance pledges. Regarding the tree management work entailed in handling complaints, a guideline formulated by DEVB stipulates that when departments identify a dead tree or a non-old and valuable tree infected with brown root rot disease in an area with high pedestrian and vehicular traffic flow, they should remove it no longer than four weeks. Other than this, there is no stipulation on the time frame for completing ordinary tree work such as pruning or removal of dead branches. Departments can decide on their own how to proceed with such work based on the circumstances.

15. Our investigation revealed that none of the departments has drawn up an internal time frame for carrying out ordinary tree work or set up a database recording the completion dates of tree work in response to complaints. Even if departments have met their pledge in replying to the complainants, there is no objective information on whether they have actually carried out the tree work involved in a timely manner.

16. We consider that TMO should require departments to formulate a time frame for carrying out ordinary tree work in response to complaints based on the actual need, and to report related data to TMO regularly for monitoring to ensure proper handling of the tree problems under complaint.

***TMO Should Review and Enhance the Categories of Data Included in 1823's Monthly Reports***

17. Each month, 1823 submits to TMO a report on tree complaints with multiple categories of data, including the number of tree complaints 1823 received in the month, the number of complaints completed, the number of outstanding complaints and the number of complaints with overdue replies, as well as the number of complaints raised to departmental liaison officers, complaint officers and TMO. TMO monitors the departments' handling of tree complaints through the monthly reports.

18. Our investigation found that 1823's monthly reports only contain data on the number of overdue cases under various departments as at the last day of a month, rather than the accumulated number for the period. Therefore, the current 1823 monthly reports fail to reflect a complete picture of the departments' performance in handling tree complaints. Besides, since 1823 does not maintain figures on the accumulated number of complaint cases involving overdue replies by departments, TMO cannot grasp a full picture of departments' delay in handling tree complaints referred by 1823, including the number of complaints delayed in reply, the duration of the delays and the overall trend. In addition, the 1823 monthly reports only contain the number of complaints raised to different officers of departments or to TMO for examination, without analysis on the case completion time. We are of the view that the completion time of cases involving unclear delineation of responsibilities is of high reference value by helping TMO assess the effectiveness of the inter-departmental mechanism.

19. We recommend that TMO review and enhance the categories of data included in 1823's monthly reports for more rigorous monitoring of departments' performance in handling tree complaints and the operation of the inter-departmental mechanism.

#### ***TMO Should Collect Data on Tree Complaints Not Received via 1823***

20. Between 2018 and October 2022, the Government received an average of some 28,000 tree complaints each year, of which about 24,000 (or 86%) were received via 1823. The remaining 4,000 complaints (or 14%) were received by departments directly or through other means.

21. 1823 handles tree complaints received in accordance with the established mechanism, requiring the responsible department to reply by the specified date, and issuing reminders and monthly reports to departments when a reply is overdue. To facilitate monitoring, 1823 also submits monthly reports to TMO which contain various categories of data on tree complaints. As regards tree complaints not received via 1823, they would be handled by the departments in accordance with their own monitoring mechanism and performance pledges. At present, TMO only requires departments to report the total number of tree complaints received each year with no other information or analysis. This reflects TMO's relatively limited understanding of tree complaints not received via 1823 and the departments' handling.

22. We recommend that TMO require departments to submit regularly data relating to tree complaints not received via 1823 for comprehensive monitoring of complaints received through various channels and follow-up actions by the departments.

#### ***TMO Should Continue to Monitor LandsD's Performance in Handling Tree Complaints***

23. Information from 1823 showed that LandsD used to have a huge number of tree complaints with overdue replies. As at both December 2021 and March 2022, the department had a backlog of more than 2,000 tree complaints where replies remained



outstanding. Our case studies found that in a case involving tree failure risk referred by 1823, LandsD took more than a year to reply to the complainant via 1823 that the case was still under investigation, not to mention its subsequent follow-up action. This Office finds such serious delay absolutely unacceptable.

24. We noticed that since the second half of 2022, TMO has strengthened the monitoring of tree complaint handling by LandsD; LandsD has also set up an internal task force led by its Deputy Director to conduct a comprehensive review of the procedures for handling tree complaints. Nine recommendations have been made and seven subsequently implemented. Information from 1823 showed that the backlog of cases has significantly shrunk. As at October 2022, the number of tree complaints with overdue replies by LandsD had considerably dropped to four.

25. However, it must be noted that the above is only the number of cases in which LandsD had delayed in replying to 1823. The department does not maintain figures on the actual number of tree complaints with clearance work to be completed. As such, there is no objective information on whether the trees involved in the backlog of complaint cases have been properly handled. We hope that LandsD can make good use of the computer information system it is developing as an internal monitoring tool to facilitate case follow-up and data analysis.

26. In any event, LandsD is responsible for carrying out ad-hoc maintenance for trees on unleased and unallocated Government land. The number of trees involved is huge and the related workload onerous. We consider that TMO should continue to monitor LandsD's performance in handling tree complaints and provide assistance where necessary to ensure proper handling of problematic trees.

## **Our Recommendations**

27. In light of the comments above, The Ombudsman has made the following recommendations to TMO under DEVB:

- (1) for tree complaint cases involving disputes over responsibilities among departments, consider using the overall handling time of the case as a criterion for intervention, so as to reduce the risk of a problematic tree becoming an environmental nuisance or even a safety hazard due to delayed handling;
- (2) conduct systemic analysis on completed complaint cases involving disputes over responsibilities, collate information about departments' common differences in opinions and misunderstanding and conduct exchanges and sharing with the departments regularly; review and update the content of the Technical Circular as appropriate in a timely manner by including the guiding principles from its decisions in previous cases for the departments to follow;

- (3) supervise departments' strict compliance with the requirements of the inter-departmental mechanism in handling complaint referrals, i.e. they should raise a request to 1823 for further referral within the specified time frame and provide sufficient information if they disagree to take up a case. TMO should also monitor the departments' compliance to ensure timely referral of complaint cases;
- (4) instruct departments to conduct joint inspections promptly in case of disputes over tree maintenance responsibilities, such that responsibilities can be clarified as soon as possible;
- (5) require departments to formulate a time frame for carrying out ordinary tree work in response to complaints based on the actual need, and to report related data to TMO regularly for monitoring to ensure proper handling of the tree problems under complaint;
- (6) review and enhance the categories of data included in 1823's monthly reports for more rigorous monitoring of departments' performance in handling tree complaints and the operation of the inter-departmental mechanism;
- (7) require departments to submit regularly data relating to tree complaints not received via 1823 for comprehensive monitoring of complaints received through various channels and follow-up actions by the departments; and
- (8) continue to monitor LandsD's performance in handling tree complaints and provide assistance where necessary to ensure proper handling of problematic trees.

**Office of The Ombudsman**  
**July 2023**

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# *1*

## *INTRODUCTION*

### **BACKGROUND**

**1.1** There are vast numbers of trees across the territory. The Government currently adopts an integrated approach for managing trees on Government land, under which the department responsible for maintaining a Government facility or site takes care of the trees within the area. The Tree Management Office (“TMO”) under the Development Bureau (“DEVB”) coordinates departmental tree management work with an inter-departmental mechanism in place to resolve disputes over the scope and delineation of tree management responsibilities.

**1.2** Between 2019 and 2021, 1823 received more than 20,000 tree-related complaints each year, of which about 800 cases on average involved disputes over tree management responsibilities among departments. Each year, dozens of such cases took more than three months to complete. On the other hand, 1823’s information showed that as at March 2022, there was a backlog of more than 2,000 tree complaint cases, 80% of which involved a delay of at least 90 days. In the past five years (September 2017 to August 2022), this Office also received a total of around 120 complaints relating to tree management.

**1.3** The above shows that some tree complaints remained unresolved for too long. If not promptly addressed, problematic trees may cause environmental nuisances or even pose potential hazards to public safety.

### **PROCESS OF INVESTIGATION**

**1.4** On 6 October 2022, we launched this direct investigation against DEVB pursuant to section 7(1)(a)(ii) of The Ombudsman Ordinance to examine the Government’s handling of complaints involving trees on Government land, including whether TMO under the Bureau had coordinated and supervised the departments’ complaint handling adequately and effectively, and whether the division of tree management responsibilities among departments was clearly defined, with a view to making recommendations for improvement to the Government where necessary. In the course of investigation, we asked for information from ten major tree management departments (namely the Agriculture, Fisheries and Conservation Department

(“AFCD”), Architectural Services Department (“ArchSD”), Civil Engineering and Development Department (“CEDD”), Drainage Services Department (“DSD”), Home Affairs Department (“HAD”), Housing Department (“HD”), Highways Department (“HyD”), Lands Department (“LandsD”), Leisure and Cultural Services Department (“LCSD”) and Water Supplies Department (“WSD”)) and 1823 under the Efficiency Office (“EO”). In addition, we invited views from members of the public<sup>1</sup> and examined their submissions, studied related complaint cases and analysed media reports.

**1.5** On 28 March 2023, we issued a draft investigation report to DEVB, the ten tree management departments listed above and EO for comments. Upon considering and duly incorporating their comments, we completed this final report on 10 July 2023.

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<sup>1</sup> We received 13 public submissions for this direct investigation.

# 2

## ***DIVISION OF RESPONSIBILITIES AMONG TREE MANAGEMENT DEPARTMENTS AND COMPLAINT HANDLING MECHANISM***

### **ESTABLISHMENT AND FUNCTIONS OF TMO**

**2.1** In June 2009, the Task Force on Tree Management led by the then Chief Secretary for Administration published the “Report of the Task Force on Tree Management – People, Trees, Harmony”, in which recommendations were made on the institutional framework, new tree risk assessment arrangements, professional expertise and training, community involvement, public education, complaint handling and provision of resources. In March 2010, the Greening, Landscape and Tree Management (“GLTM”) Section was established under the Works Branch of DEVB to champion a strategic policy on greening, landscaping and tree management, with a view to achieving the sustainable development of a greener environment for Hong Kong. The GLTM Section is underpinned by the Greening and Landscape Office and TMO.

**2.2** TMO is tasked with formulating comprehensive tree management strategies and measures for Hong Kong, coordinating the tree management work of various departments as well as providing arboriculture advice to the departments on complicated cases to ensure effective implementation of policies. TMO also advocates the adoption of a professional approach to managing trees among the tree management departments, owners of trees on private land and property managers.

**2.3** Currently, the staffing establishment of TMO comprises 27 civil servants, 2 non-civil service contract staffers and 5 staffers employed under the Post-retirement Service Contract Scheme. Among them, 24 have to assist in handling tree-related complaints in their routine duties. Those complaints include tree complaints referred by 1823 and other channels or departments, enquiries and complaints that require TMO’s handling or adjudication, complaints involving private land lots where the lease does not contain a tree preservation clause, cases in which TMO assists LandsD in

providing information and guidelines on tree preservation to the lot owners, etc.

**2.4** Generally speaking, TMO formulates the strategies, measures and standards pertaining to tree management, and organises professional training and public education. Related tasks include:

- (a) promulgating internal circulars/guidelines/practice notes/technical codes of practice covering tree preservation, management and maintenance, as well as compensatory planting arrangement, etc;
- (b) drawing up the “Guidelines for Tree Risk Assessment and Management Arrangement” to facilitate the identification and mitigation of tree risks by tree management departments; and promulgating the “Handbook on Tree Management” which provides guidelines and advice on tree maintenance to tree owners and property managers regarding trees on private land;
- (c) exploring and applying tree management techniques, including establishing a Tree Management Common Platform for use by tree management departments, launching tree labels with QR codes to facilitate public access to the information of individual tree species, and using smart sensors to monitor and detect tree movement to assess tree collapse risks;
- (d) managing the 200-million-dollar “Urban Forestry Support Fund” to implement various measures (including the Study Sponsorship Scheme and Trainee Programme) to attract youngsters who are interested in urban forestry management to join the field, and to enhance the professional skills of arboricultural and horticultural practitioners;
- (e) managing the Registration Scheme for Tree Management Personnel that oversees the registration of five categories of qualified in-service arboricultural practitioners;
- (f) organising public education and promotional activities to promote proper tree care and boost public awareness of the importance of proper tree management;
- (g) deploying a dedicated inspection squad to randomly check and audit the tree inspection reports completed by tree management departments systematically, and to conduct surprise site checks on tree works carried out by the departments to ensure that tree risk assessments are conducted in a professional manner; and

- (h) providing technical support in tree management to the departments, including offering professional advice on the preservation of old and valuable trees and stonewall trees.

## **DELINEATION OF RESPONSIBILITIES AMONG TREE MANAGEMENT DEPARTMENTS**

**2.5** The Government adopts an integrated approach for managing trees on Government land, under which the department responsible for maintaining a Government facility or site takes care of the trees within the area. TMO believes that this arrangement allows departments to provide appropriate routine care for the trees within their purview effectively.

**2.6** In October 2015, DEVB promulgated the Technical Circular (Works) No. 6/2015<sup>2</sup> (“the Technical Circular”), which outlines the delineation of responsibilities among tree management departments in respect of the maintenance of vegetation, including trees<sup>3</sup> and other plants, on Government land, as well as requires the departments to provide proper care for the trees under their responsibility. The Technical Circular defines management responsibilities by the location of a tree. The basic principles are as follows:

**Table 1: Basic principles of delineating tree management responsibilities as outlined in the Technical Circular (Source: DEVB)**

	<b>Category of Government land where a tree is located</b>	<b>Tree Maintenance Department</b>
a.	Allocated Government land	Allocatee department
b.	LCSD venues and land within 10 metres from kerb of public roads (excluding expressways) and landscaped areas	LCSD
c.	Roadside man-made slopes/retaining walls and within the boundary of expressways	HyD
d.	Country parks (outside the boundary of expressways)	AFCD
e.	Unleased and unallocated Government land not managed or maintained by designated department	LandsD

<sup>2</sup> The Technical Circular is titled “Maintenance of Vegetation and Hard Landscape Features” (English version only).

<sup>3</sup> According to another technical circular promulgated by DEVB - Technical Circular (Works) No. 4/2020 titled “Tree Preservation”, “tree” refers to a plant with trunk diameter of 95 mm or more at a height of 1.3 m above the ground level.

**2.7** Apart from the aforementioned basic principles, the delineation of responsibilities among departments, as outlined in the Technical Circular, is summarised as follows:

- (a) **AFCD**: responsible for the care of trees in country parks and special areas;
- (b) **ArchSD**: responsible for the care of trees growing on registered slopes maintained by the Department. Trees located within the sites of construction projects undertaken by ArchSD will be taken care of by the works contractors during the construction period in accordance with contract requirements and handed over to the relevant tree maintenance department upon project completion;
- (c) **CEDD**: responsible for the care of trees on Government land allocated for its use and the trees inside the Government facilities under its management, mainly in locations such as the CEDD headquarters building, public works laboratories, government explosives depots and the Lam Tei Quarry. CEDD also takes care of the trees within the sites of its works projects. During the works period, the CEDD's works contractors will be responsible for tree care as per the contract requirements. The relevant tree maintenance department will take over the duty upon project completion;
- (d) **DSD**: responsible for the care of trees within its facilities and specific drainage reserve areas;
- (e) **HAD**: responsible for the care of trees over which it has management responsibility, including those on Government land within the area of HAD-managed community centres/community halls and other areas/facilities (such as sitting-out areas); trees growing on land not managed by the District Offices ("DOs") but already put under the DOs' management; as well as trees on Government land allocated for temporary use by DOs;
- (f) **HD**: responsible for the care of trees in the public housing estates under the Hong Kong Housing Authority ("HKHA"), as well as those within HKHA's construction sites and in the vicinity of the construction sites affected by the building projects;
- (g) **HyD**: responsible for the care of trees on registered slopes/retaining walls under its purview and within the boundary of expressways, trees on landscaped deck/noise enclosure of public roads under its purview without pedestrian or vehicular access, and trees within Government land temporarily allocated to HyD during the road projects undertaken by the Department. In addition, it is responsible for the removal of



fallen trees or emergency pruning of overgrown trees that pose immediate danger to pedestrians or road users;

- (h) **LandsD**: responsible for carrying out, where necessary (such as upon receipt of complaints or referrals), ad hoc removal or maintenance of trees growing on unleased and unallocated Government land where no designated Government department takes up routine tree maintenance;
- (i) **LCSD**: responsible for the care of trees within LCSD-managed venues, such as parks, playgrounds, gardens and sitting-out areas; trees in landscaped areas (except country parks) on unleased and unallocated Government land along non-expressways, and trees on unleased and unallocated Government land (excluding country parks) within 10 metres from kerb of non-expressway; and
- (j) **WSD**: responsible for the care of trees within the waterworks facilities of WSD.

## COMPLAINT HANDLING MECHANISM

**2.8** Currently, members of the public can contact the relevant tree management departments to lodge enquiries or complaints regarding tree management issues or do so through 1823. Based on the content of the complaints and the demarcation of tree management responsibilities outlined in the Technical Circular, 1823 will refer the complaints to the relevant departments for follow-up. TMO believes that the arrangement of centralising tree complaints through 1823 makes it easier for the public to express their opinions on tree-related matters, enabling departments to promptly handle cases and provide appropriate care to the trees involved.

**2.9** In August 2013, DEVB issued a memorandum to the ten major tree management departments and 1823, setting out clearly the procedures for handling tree complaints and enquiries received by 1823. According to the memorandum, upon receipt of tree complaints and enquiries referred by 1823, the tree management departments are required to take follow-up actions according to the specified time frames set by 1823 or their own performance pledges. The actions include acknowledging receipt, conducting investigations, issuing interim and substantive replies, and notifying the complainants through 1823.

**2.10** The 1823 staff will follow DEVB's guidelines to ask complainants specific questions in order to obtain necessary information for case classification (i.e. imminent danger, urgent, or general cases). According to the service agreements signed between the departments and 1823, the time frames for departments to provide replies after receiving tree complaints referred by 1823 vary depending on the categories of the cases. The handling of different tree complaints by 1823 and time frames for the departments to issue replies are as follows:

**Table 2: Handling and classification of tree complaints by 1823 and time frames for departments to reply  
(Source: 1823)**

<b>Case category</b>	<b>Definition</b>	<b>Handling by 1823 and time frame for departments' replies</b>
<p>Imminent Danger (Category 1)</p>	<ul style="list-style-type: none"> <li>- trees/branches have already collapsed and caused casualties or damage to property;</li> <li>- fallen tree trunks/ branches are leaning on buildings/facilities with a risk of rolling down;</li> <li>- fallen trees/branches may roll down slopes, posing danger; or</li> <li>- trees/branches have an immediate risk of collapsing.</li> </ul>	<ul style="list-style-type: none"> <li>- 1823 will immediately call 999 to notify the Hong Kong Police Force (“HKPF”) and the Fire Services Department (“FSD”) for follow-up. If the case involves casualties, 1823 will also notify the GLTM Section of DEVB.</li> <li>- 2 hours after receiving the report, 1823 will call the respective Divisional Police Station to enquire about case progress.</li> <li>- Once 1823 learned that the tree posing imminent danger has been handled (such as the fallen tree having been moved aside), it will, depending on the circumstances, refer the case to the relevant tree management department for follow-up on the remaining issues (such as debris clearance).</li> <li>- Departments are required to provide interim/final replies within 2 hours of receiving the case.</li> </ul>

Case category	Definition	Handling by 1823 and time frame for departments' replies
Imminent Danger (Category 2)	<ul style="list-style-type: none"> <li>- trees/branches have already fallen down, severely obstructing public roads and pavements; or</li> <li>- trees severely obstructing traffic and posing immediate threat to life and safety (including blocking the view of road users, obscuring signs/traffic lights, or branches scraping on vehicles seriously).</li> </ul>	<ul style="list-style-type: none"> <li>- 1823 will, depending on the district involved, immediately notify the relevant Road Maintenance Section of HyD by telephone and email for follow-up, and will call the Section again 5 hours after receiving the case to check case progress.</li> <li>- Where necessary, 1823 will refer the case to the relevant tree management department for follow-up on the remaining issues. Departments are required to provide interim/final replies to 1823 within 12 hours.</li> </ul>
Urgent	<ul style="list-style-type: none"> <li>- Fallen trees/branches obstructing government premises; or</li> <li>- Callers express concerns about trees on Government/private land that may collapse.</li> </ul>	<ul style="list-style-type: none"> <li>- 1823 will refer the case to the relevant tree management department for follow-up.</li> <li>- Departments are required to provide interim/final replies to 1823 within 7 working days of receiving the case.</li> </ul>
General	<p>All other tree cases, such as</p> <ul style="list-style-type: none"> <li>- Trees with health issues but no risk of collapse;</li> <li>- Fallen trees that have been moved to the side of pavements or back alleys, not causing obstruction and requiring only removal;</li> <li>- Overgrown branches affecting street lighting; or</li> <li>- Trees obstructing the view of road users, blocking signs/traffic lights, or branches scraping on vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>- 1823 will refer the case to the relevant tree management department for follow-up.</li> <li>- Departments are required to provide interim/final replies to 1823 within 14 working days of receiving the case.</li> </ul>

**2.11** If a department fails to reply by the specified deadline, 1823 will follow the established mechanism to send a reminder and a monthly report on overdue cases to the department, urging it to reply as soon as possible.

## **INTER-DEPARTMENTAL MECHANISM FOR HANDLING CASES IN DISPUTE**

**2.12** According to DEVB's memorandum (see **para. 2.9**), if a department having received a case from 1823 considers that the tree involved does not fall within its jurisdiction, it has to prepare a preliminary investigation report stating its initial findings (including such information as a map and photos showing the tree's location) and justification for case referral and the department proposed for referral (if identifiable). The report should be approved by a staff member not below the rank of an assistant professional or assistant manager or equivalent, and submitted to 1823 together with the relevant information within seven working days of receiving the referral by 1823 to facilitate the latter's further referral of the case. If the department fails to submit a referral request by the aforementioned deadline, it has to continue handling the tree complaint in question, unless another department is willing to take up the case.

**2.13** If a case requires a third referral by 1823, then 1823 will notify the liaison officers of all the relevant departments to review the case. If the dispute over tree management responsibility remains unresolved, 1823 will take the case to the complaint officers of the relevant departments (a directorate officer) for examination. If the dispute persists, the last department receiving the case referral by 1823 is required to prepare a report outlining the findings and recommendations of each of the relevant departments regarding the case and submit the report to TMO for a decision, while providing a copy of the report to 1823 in tandem. 1823 will also submit a case summary or report to TMO, if necessary, for its adjudication.

**2.14** TMO will review the case based on the criteria outlined in the Technical Circular, and the Head of TMO will make a final decision taking into account the arguments, recommendations and latest information of the various departments. Having made a decision, TMO will notify the relevant department to follow up on the case and will inform 1823 of its decision. The relevant department is required to comply with the decision of TMO, follow up on the case at once and reply to the complainant.

**2.15** If the relevant department disagrees to the decision of TMO, it may request a review by the Appeals Committee chaired by the Deputy Secretary for Development (Works)<sup>1</sup>. While awaiting the review outcome, the department is still required to follow up on the tree in question pursuant to the decision of TMO. Should future disputes concerning tree responsibilities arise, the adjudicated cases can serve as references. Since the establishment of the review mechanism in 2013, DEVB has only handled one application for review from a department in 2017.

**2.16** The aforementioned adjudication mechanism only applies to general tree complaints and not to cases involving imminent danger or emergency. Upon receipt from 1823 of a tree complaint involving imminent danger or emergency, FSD, HKPF and the tree management department will immediately collaborate to handle the case to ensure public safety.

**TREE MANAGEMENT DEPARTMENTS**

*Responsible for Managing Trees within Areas under Their Jurisdiction*

**2.17** The ten major tree management departments (namely AFCD, ArchSD, CEDD, DSD, HAD, HD, HyD, LandsD, LCS D and WSD) will follow the delineation of duties set out in DEVB’s Technical Circular (see **para. 2.6**) to provide appropriate care for the trees under their responsibility. The following table shows the number of trees managed by these departments and the number of those in locations of high pedestrian and vehicular flow:

**Table 3: No. of trees managed by the ten major tree management departments (Source: DEVB)**

<b>Tree management department</b>	<b>Total no. of trees (As at 30 Nov 2022)<sup>4</sup></b>	<b>No. of trees in locations of high pedestrian and vehicular flow (As at 30 Nov 2022) (percentage)</b>
AFCD <sup>5</sup>	>30,800	30,800
ArchSD	143,600	100,200 (70%)
CEDD	35,400	23,300 (66%)
DSD	14,000	4,300 (31%)
HAD	1,200	900 (75%)
HD	88,200	88,200 (100%)
HyD	578,300	289,900 (50%)
LandsD <sup>6</sup>	No statistics	

<sup>4</sup> Rounded to the nearest 000.

<sup>5</sup> AFCD manages all the trees within country parks. The figure only includes trees in frequently used locations and facilities.

<sup>6</sup> LandsD provides ad hoc maintenance for trees located on unleased and unallocated Government land without a designated maintenance department. Since the areas involved are immense and in dispersed distributions, the number of trees involved is beyond estimation. LandsD will handle related tree complaints upon referral or receipt of complaints.

<b>Tree management department</b>	<b>Total no. of trees (As at 30 Nov 2022)<sup>4</sup></b>	<b>No. of trees in locations of high pedestrian and vehicular flow (As at 30 Nov 2022) (percentage)</b>
LCSD	547,900	370,500 (68%)
WSD	145,300	4,200 (3%)
Total	1,584,700	912,300 (58%)

**2.18** The various tree management departments will follow the “Guidelines for Tree Risk Assessment and Management Arrangement” drawn up by DEVB to manage, identify and mitigate tree risks in accordance with the delineation of duties (see **para. 2.7**) set out therein. For example, the tree management departments are required to complete risk assessments for trees in locations of high pedestrian and vehicular flow before the rainy season and implement necessary mitigation measures such as removing dead branches, pruning, pest control and tree removal to reduce the risk of tree collapse and ensure public safety. The “Guidelines for Tree Risk Assessment and Management Arrangement” also specifies that if a tree management department identifies a dead tree or confirms a non-old and valuable tree in a location of high pedestrian and vehicular flow is infected with the brown root rot disease, it must remove the tree within four weeks.

**2.19** Each department may decide on its own and in accordance with its own needs whether to engage contractors to assist with tree management tasks, such as tree assessment and care and handling of tree complaints. If contractors are hired, the departments will require the contractors to follow DEVB’s “Guidelines for Tree Risk Assessment and Management Arrangement”. When drafting contract terms, departments will normally include clauses to address contract violations or failures to meet performance indicators by the contractors. They will also regularly evaluate the contractors’ performance. Non-compliance with contract requirements or sub-standard performance will be reflected in performance appraisals.

### ***Handling of Tree Complaints***

**2.20** The tree management departments will handle tree enquiries and complaints received through various channels (including those received by the department direct, or via referrals by 1823 or other departments) in accordance with the established monitoring mechanism and performance pledges. Generally speaking, the departments are required to provide a substantive reply within 10 to 30 calendar days of receiving the tree complaint in question. ArchSD, CEDD, DSD, HAD, HD, HyD, LandsD, LCSD and WSD have engaged different numbers of contractors to assist with tree management work and/or tree complaint handling; while AFCD has not hired any contractors.

**2.21** If a complaint case involves the removal of dead trees or trees infected with brown root rot disease (for non-old and valuable trees), the departments will follow the requirements of the “Guidelines for Tree Risk Assessment and Management Arrangement” and complete the relevant work within four weeks (see **para. 2.18**). For other general tree works such as pruning or removal of dead branches, follow-up actions would depend on the actual circumstances. Departments that have engaged contractors to assist with tree work generally specify in the contracts the deadlines for completing the works. However, regardless of whether contractors are hired, none of the departments has drawn up an internal time frame for carrying out ordinary tree work or set up a database recording the completion dates of tree work in response to tree complaints.

# 3

## ***EXECUTION OF TREE COMPLAINT HANDLING MECHANISM***

### **TREE COMPLAINTS RECEIVED VIA 1823**

#### ***1823's Tree Complaints Monthly Reports to TMO***

**3.1** Early into its establishment in 2010, TMO had requested the then EO to submit monthly reports on tree complaints received by 1823 to facilitate TMO's understanding of the departments' overall performance in following up on tree complaints. The reports back then contained the complaint figures of some of the tree management departments and concise data analyses. 1823 had also prepared monthly reports pursuant to TMO's requirements and rules. Since March 2018, coverage of the monthly reports submitted by 1823 has expanded to include relevant information of the ten major tree management departments. Starting from July 2018, the 1823 monthly reports further include data on complaints submitted to departmental liaison officers and complaint officers, as well as TMO-adjudicated complaint cases. At present, the monthly reports also include the number of tree complaints that each tree management department received via 1823, the average reply time, and the numbers of outstanding cases and those with overdue replies.

#### ***Departments' Performance in Following up on Tree Complaints***

**3.2** Based on the information provided by TMO and 1823, the statistical data related to tree complaints received via 1823 are as follows:



**Table 4: No. of tree complaints received via 1823  
(Source:1823)**

Case category	Handling department	No. of tree complaints received via 1823				
		2018 <sup>7</sup>	2019	2020	2021	2022 (As at 31 October)
Imminent Danger	FSD	1,663	327	297	463	283
	HyD	4,810	528	603	893	493
Urgent	AFCD	44	26	21	30	9
	ArchSD	274	107	22	34	18
	CEDD	20	17	3	5	3
	DSD	20	14	9	5	10
	HAD	24	12	6	4	2
	HD	310	124	49	47	44
	HyD <sup>8</sup>	853	463	165	178	87
	LandsD <sup>9</sup>	3,889	1,545	822	945	713
	LCSD	2,588	980	337	375	264
	WSD	73	35	20	25	9
General	AFCD	111	109	83	158	82
	ArchSD	787	574	410	511	290
	CEDD	103	159	124	153	141
	DSD	141	138	98	138	114
	HAD	97	51	51	59	35
	HD	1,147	1,234	1,045	994	473
	HyD	3,692	3,637	3,317	3,786	1,705
	LandsD	9,793	6,301	5,592	6,886	4,557
	LCSD	8,561	7,458	7,106	7,442	4,148
	WSD	185	158	160	212	116
<b>Total no. of tree complaints received by 1823</b>		<b>39,185</b>	<b>23,997</b>	<b>20,340</b>	<b>23,343</b>	<b>13,596</b>

<sup>7</sup> The number of tree complaints increased in 2018 due to the impact of the super typhoon “Mangkhut”.

<sup>8</sup> HyD has simultaneously recorded tree complaints received through channels other than 1823 in the 1823’s case management system to facilitate monitoring of the case progress and compilation of unified complaint statistics and analysis. In this light, the Department deems it unnecessary to separate the numbers of cases received through 1823 and those received through other channels.

<sup>9</sup> LandsD is also responsible for handling complaints about trees on private land. 1823 indicated that it does not maintain breakdown figures for Government land and private land separately.

**Table 5: Average time taken by departments to reply to 1823  
about tree complaints  
(Source: 1823)**

Case category	Handling department	Average time taken by department to reply to 1823 (hours or days, see first column)				
		2018	2019	2020	2021	2022 (As at 31 October)
Imminent Danger (hours)	FSD	38	6	5	18	5
	HyD	31	6	5	6	5
Urgent (calendar days)	AFCD	4	3	4	4	3
	ArchSD	12	28	14	11	7
	CEDD	10	10	7	9	13
	DSD	8	3	9	7	7
	HAD	10	15	13	13	9
	HD	10	19	12	6	10
	HyD	7	11	9	5	5
	LandsD	45	91	99	102	104
	LCSD	17	27	16	12	10
	WSD	11	17	10	12	7
General (calendar days)	AFCD	6	9	9	8	9
	ArchSD	20	28	22	18	16
	CEDD	10	9	10	8	11
	DSD	14	11	15	11	14
	HAD	19	34	62	19	37
	HD	14	18	17	16	12
	HyD	10	14	14	15	12
	LandsD	44	70	69	82	111
	LCSD	22	23	20	18	18
	WSD	23	17	19	14	16

**3.3** **Table 4** shows that between 2018 and 2022 (as at October), a total of 120,461 tree complaints were received via 1823 (i.e. a yearly average of about 24,000 cases). Owing to the relatively larger numbers of trees maintained by HyD, LCSD and LandsD (see **Table 3**), coupled with HyD’s responsibility for handling urgent cases involving trees maintained by other departments but posing immediate danger to pedestrians or road users, the numbers of tree complaints received by these departments were correspondingly higher. By case category, during the aforementioned period,

approximately 78% of the tree complaints received by 1823 were classified as general cases, whereas the other 22% were cases posing “imminent danger” or “urgent” cases.

**3.4** **Table 5** shows that the departments’ response to tree complaints involving “imminent danger” was satisfactory in general. As for “urgent” or “general” tree complaints, most departments (except LandsD) were generally able to reply to complaints in accordance with their performance pledges. Noticeably, LandsD took a longer average time to reply compared to other departments, and the time was getting longer by the year. Its average reply time in urgent tree complaint cases was even longer than that in general cases.

**3.5** On the other hand, 1823 does not maintain cumulative data on the number of tree complaints involving departments’ overdue replies. We have spot checked several monthly reports submitted to TMO by 1823 and compared the snapshot data of five months (December 2019, December 2020, December 2021, March 2022 and October 2022). The relevant statistics are as follows:

**Table 6: No. of tree complaints involving departments’ overdue replies to 1823 (Source: 1823 and the tree management departments)**

Case category	Handling department	Snapshot Data <sup>10</sup> – No. of tree complaints involving departments’ overdue replies to 1823 as at the following dates				
		31 December 2019	31 December 2020	31 December 2021	31 December 2022	31 October 2022
Imminent Danger	FSD	0	0	0	0	0
	HyD	0	0	0	0	0
Urgent	AFCD	0	0	0	0	0
	ArchSD	0	0	0	0	0
	CEDD	0	0	0	0	0
	DSD	0	0	0	0	0
	HAD	0	0	0	0	0
	HD	0	0	0	0	0
	HyD	1	0	0	0	0
	LandsD	147	130	310	248	1
	LCSD	0	1	1	0	0
	WSD	0	0	0	0	0
General	AFCD	0	0	0	0	0

<sup>10</sup> Meaning they are not cumulative figures.

Case category	Handling department	Snapshot Data <sup>10</sup> – No. of tree complaints involving departments' overdue replies to 1823 as at the following dates				
		31 December 2019	31 December 2020	31 December 2021	31 December 2022	31 October 2022
	ArchSD	0	0	0	0	0
	CEDD	0	0	1	0	0
	DSD	0	0	0	0	0
	HAD	1	0	0	0	0
	HD	0	0	0	0	0
	HyD	0	0	1	0	1
	LandsD	514	879	2,323	1,900	3
	LCSD	25	54	5	1	3
	WSD	0	1	5	4	0
<b>Total no. of tree complaints involving overdue replies</b>		<b>688</b>	<b>1,065</b>	<b>2,646</b>	<b>2,153</b>	<b>8</b>

**Table 7: Duration of departments' delay in replying to 1823**  
**(Source: 1823 and the tree management departments)**

Case category	Duration of delay (days)	Data snapshots – No. of tree complaints that involved overdue replies to 1823 by departments as at the following dates				
		31 December 2019	31 December 2020	31 December 2021	31 March 2022	31 October 2022
Urgent	Below 14 days	8	15	13	2	0
	Within 14-29 days	12	15	24	5	0
	Within 30-59 days	20	37	47	13	0
	Within 60-89 days	15	15	108	16	1
	Within 90-179 days	24	16	76	128	0
	Within 180-269 days	11	4	33	55	0
	Within 270-364 days	9	2	3	26	0
	365 days or longer	49	27	7	3	0
General	Below 14 days	71	77	198	24	5
	Within 14-29 days	68	233	259	41	2
	Within 30-59 days	94	252	633	106	0
	Within 60-89 days	63	137	449	223	0
	Within 90-179 days	75	118	551	964	0
	Within 180-269 days	41	37	165	388	0
	Within 270-364 days	26	14	26	134	0
	365 days or longer	102	66	54	25	0
<b>Total no. of tree complaints involving overdue replies</b>		<b>688</b>	<b>1,065</b>	<b>2,646</b>	<b>2,153</b>	<b>8</b>

**3.6** Table 6 shows that LandsD accounted for approximately 98% of tree complaints received via 1823 with overdue replies. As at December 2021 and March 2022, the Department had a backlog of more than 2,000 tree complaints. As can be seen in Table 7, amidst the backlog of tree complaints as at March 2022, 1,723 cases had been overdue for 90 days or longer, accounting for 80% of the total backlog.

**3.7** **Table 6** indicates that as at October 2022, the number of tree complaints involving overdue replies by LandsD had significantly reduced to four. This can be attributed to the recent improvement measures implemented by TMO and LandsD (see **Chapter 5**). However, it should be noted that **Tables 6 and 7** reflect only the departments' overdue replies to 1823 rather than the actual time taken by the departments to handle the trees involved; in particular, the departments might not have completed the necessary tree maintenance work when it replied to 1823. Despite the significant decrease in the number of cases involving LandsD's overdue replies to 1823, given that LandsD does not maintain figures on the number of tree complaints with clearance work to be completed, there is no objective information indicating whether all the tree complaints in the backlog have been properly handled.

### ***Tree Complaints Involving Disputes over Responsibilities***

**3.8** The numbers of tree complaints received via 1823 between 2018 and 2022 (see **Table 4**) that had been taken to different personnel of the departments for clarifying responsibilities are as follows:

**Table 8: Distribution of tree complaints requiring clarification of management responsibility by 1823  
(Source: 1823)**

	Total no. of tree complaints and the stage of clarifying management responsibility among departments	No. of tree complaints					Total
		2018	2019	2020	2021	2022 (as at 31 October)	
a.	Complaints received via 1823	39,185	23,997	20,340	23,343	13,596	120,461
b.	First referral by 1823/ responsibility clarified upon refusal by the first department	37,113	22,978	19,601	22,571	12,799	115,062
c.	Refusal by two or more departments such that 1823 had to ask the responsible personnel of departments to review the case, and responsibility subsequently clarified	1,577	472	475	492	493	3,509
d.	1823 took the case to the departmental liaison officers, and responsibility subsequently clarified	409	447	204	236	263	1,559
e.	1823 took the case to the departmental complaint officers, and responsibility subsequently clarified	78	86	48	31	16	259
f.	Responsibility clarified upon mediation or adjudication by TMO	8	14	12	13	25	72
g.	Cases refused by the first two departments (g)= (c)+(d)+(e)+(f)	2,072	1,019	739	772	797	5,399
h.	Percentage of cases refused by the first two departments over the total no. of tree complaints received via 1823 (h) = (g)/(a)	5.3%	4.2%	3.6%	3.3%	5.9%	4.5%

**Table 9: Time taken by departments to substantively reply to complainant direct or via 1823 in tree complaints involving responsibility disputes (Source: 1823)**

	Time taken by departments to substantively reply to complainant direct or via 1823	No. of tree complaints				
		2018	2019	2020	2021	2022 (as at 31 October)
a.	Tree complaints involving responsibility disputes (see Table 8(g))	2,072	1,019	739	772	797
b.	Substantive reply issued to complainant within 30 days	906	701	576	606	458
c.	Substantive reply issued to complainant within 1 to 3 months	906	244	142	136	275
d.	No substantive reply issued to complainant after three months <sup>11</sup>	260	74	21	30	64
e.	Percentage of tree complaints in which no substantive reply was issued to complainant after three months over the total no. of complaints involving responsibility disputes (e) = (d)/(a)	12.5%	7.3%	2.8%	3.9%	8.0%

**3.9** Table 8 shows that in the majority (approximately 96%) of tree complaints received via 1823 involving responsibility disputes, the responsibility was clarified upon the first referral by 1823 or refusal by one department to take up the case. Each year between 2018 and October 2022, around 1,100 cases on average involved disputes over responsibilities among departments, accounting for 3.3% to 5.9% of the total number of tree complaints received for the year. Among those cases, around a dozen per year (or 72 cases in total) required TMO’s mediation or adjudication for clarifying tree management responsibilities. As shown in Table 9, several dozen of such cases each year took more than three months for the complainant to receive a substantive reply.

### TREE COMPLAINTS NOT RECEIVED VIA 1823

**3.10** The tree management departments also receive tree complaints through channels other than referral by 1823. The relevant statistical data are as follows:

<sup>11</sup> Follow-up action had been completed in all these cases.



**Table 10: Tree complaints not received via 1823**  
**(Source: AFCD, ArchSD, CEDD, DSD, HAD, HD,**  
**HyD, LandsD, LCSD and WSD)**

Handling department	Tree complaints not received via 1823				
	2018	2019	2020	2021	2022 (as at 31 October)
AFCD	33	24	40	41	25
ArchSD	1,439	1,035	820	746	576
CEDD	4	6	1	2	3
DSD	34	10	18	25	41
HAD	2	4	6	12	3
HD	329	204	113	166	67
HyD	Included in figures provided in Table 4 <sup>12</sup>				
LandsD <sup>13</sup>	2,992	2,516	2,030	1,571	1,101
LCSD	1,366	647	798	785	465
WSD	88	42	34	55	39
<b>Total no. of tree complaints not received via 1823</b>	<b>6,287</b>	<b>4,488</b>	<b>3,860</b>	<b>3,403</b>	<b>2,320</b>

<sup>12</sup> HyD has simultaneously recorded tree complaints received through channels other than 1823 in the 1823's case management system to facilitate monitoring of the case progress and compilation of unified complaint statistics and analysis. Therefore, the Department sees no need to separate the numbers of cases received through 1823 and those received through other channels.

<sup>13</sup> Data on the total number of tree complaints maintained by LandsD included the complaints involving private land or those confirmed to be outside its jurisdiction upon investigation.

**Table 11: Average time taken by departments to substantively reply to complaints not received via 1823**  
**(Source: AFCD, ArchSD, CEDD, DSD, HAD, HD, HyD, LandsD, LCSD and WSD)**

Handling department	Average time (calendar days) taken by departments to issue substantive replies (tree complaints not received via 1823)				
	2018	2019	2020	2021	2022 (as at 31 October)
AFCD	5.8	3.8	7.3	6.9	7.8
ArchSD	17	17	14	16	15
CEDD	11	9	3	8	7
DSD	9	9	9	8	9
HAD	10.5	3.8	6.3	13.9	15.3
HD	12.3	14.6	13.9	11.7	12.6
HyD	8	13	12	10	8
LandsD	Relevant data not maintained				
LCSD	26.2	24.0	24.0	24.1	23.4
WSD	11.4	13.0	17.9	18.6	12.9

**3.11** Table 10 shows that on average, approximately 4,000 tree complaints each year were not received via 1823. It is a relatively small number compared to the yearly average of 24,000 tree complaints received by 1823 (see para. 3.3), accounting for slightly more than 14% of the total yearly average number of tree complaints. Table 11 indicates that except for LandsD, which did not maintain records on the average time taken to reply to complainants, the tree management departments in general could meet their performance pledges in handling tree complaints not received via 1823.

## OVERVIEW

**3.12** Overall, having consolidated tree complaints received via 1823 and those via other channels, the numbers of complaints involving departments' overdue substantive reply to the complainant are as follows:

**Table 12: No. of tree complaints involving departments' overdue substantive reply to complainant**  
**(Source: AFCD, ArchSD, CEDD, DSD, HAD, HD, HyD, LandsD, LCSD and WSD)**

Department receiving the complaint	No. of tree complaints that involved departments' overdue substantive reply to complainant (including complaints received via 1823 and those via other channels)				
	2018	2019	2020	2021	2022 (as at 31 October)
AFCD	0	0	0	1	1
ArchSD	0	0	0	0	0
CEDD	0	0	0	0	0
DSD	0	0	0	0	0
HAD	0	1	0	1	0
HD	0	0	0	0	0
HyD	4	1 <sup>14</sup>	2	1	4
LandsD	Relevant data not maintained				
LCSD	2,827	1,442	809	113	59
WSD	14	15	15	22	5

**3.13** Table 12 shows that LandsD was the only department that did not maintain the relevant data. The majority of other departments, including those under DEVB (namely ArchSD, CEDD and DSD), had no instances of overdue replies to complaints. LCSD used to have a significant number of cases involving overdue replies, but there has been substantial improvement in recent years.

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<sup>14</sup> That case was the same as the overdue case received in 2018.

# 4

## *CASE STUDIES*

**4.1** Having examined the information of several dozen cases provided by TMO, the various tree management departments and 1823, we have selected seven cases for in-depth analysis. The case details are as follows:

### **CASE 1: DEPARTMENTS ARGUING OVER PRECISE LOCATION OF A TREE AND WHICH PART OF THE TREE SHOULD DEFINE ITS LOCATION**

**Figures 1 and 2: The tree in Case 1  
(Source: 1823)**



**4.2** On 17 June 2021, 1823 received a complaint about a tree (“Tree A”) growing in a public area adjacent to a school (“School A”) having overgrown aerial roots. Follow-up action by the Government was requested. That same day, 1823 referred the case to LandsD for follow-up.

**4.3** During the four-month period between 10 July and 19 November, 1823 issued seven overdue notices and reports to LandsD in different forms, requesting it to

provide a substantive reply. On 19 November, LandsD indicated to 1823 that upon site inspection, its contractor found that Tree A was located in an area managed by LCSD. So, it requested that the case be referred to LCSD. Based on LandsD's inspection report, 1823 discovered that although Tree A was located on a slope managed by LCSD, maintenance responsibility of the slope rested with ArchSD. Consequently, 1823 referred the case to ArchSD on 22 November.

**4.4** On 25 November, ArchSD informed 1823 that upon site inspection, it found that Tree A was not located on a slope but on an adjacent land lot within the perimeter of School A. It therefore requested that the case be referred to the Education Bureau ("EDB"). On the same day, 1823 referred the case to EDB and requested the subject officers of LandsD and ArchSD to re-assess the case. On 2 December, EDB replied to 1823, stating that the information provided by LandsD and ArchSD revealed a disagreement between them over the precise location of Tree A, and no information suggested that Tree A was within the perimeter of School A. As such, EDB requested that the case be referred to other relevant departments.

**4.5** On 6 December, based on the information obtained from the inspections by LandsD and ArchSD, 1823 conjectured that Tree A might be located within a 10-metre area from the roadside. Subsequently, it referred the case to LCSD. That same day, 1823 also requested the liaison officers of LandsD, ArchSD, EDB and LCSD to re-examine the case, and notified TMO in parallel. On 7 December, LCSD replied to 1823, stating that after a site inspection, it found that Tree A was growing on a wall on the boundary of School A and more than 10 metres away from the roadside. The maintenance responsibility for Tree A, therefore, did not belong to LCSD. On 9 December, based on LCSD's inspection result, 1823 once again referred the case to EDB. On 16 December, EDB informed 1823 that it would wait for LandsD to confirm the ownership of the relevant land lot.

**4.6** On 17 December, i.e. exactly six months after 1823 had received the complaint, LandsD indicated to 1823 that upon re-assessment of the case, it found that Tree A's roots were located on a slope managed by LCSD and ArchSD was the maintenance authority of the slope. Consequently, it requested ArchSD to review the case. On the same day, ArchSD replied that after another site inspection, it found that Tree A was located on the boundary wall of School A instead of a slope managed by LCSD. The department, therefore, suggested that the case be referred to School A.

**4.7** On 24 December, 1823 took the case to the complaint officers of LandsD, ArchSD, EDB and LCSD, and requested TMO to intervene. While responses from the complaint officer of the relevant departments were still pending, TMO took the initiative to intervene earlier and arrange for a joint inspection by the relevant departments on 29 December.

**4.8** On 29 December, TMO conducted an inspection and concluded that Tree A was growing from a boundary wall within the perimeter of School A. Therefore, EDB should be responsible for managing Tree A. EDB then replied to the complainant that

day and completed the relevant tree work in February 2022. Eventually, it took a total of 195 days to clarify the tree management responsibility from the time of receiving the complaint till TMO's decision on the case. Counting from 25 November when EDB first received the referral, it took 34 days to resolve the case.

## **CASE 2: DEPARTMENTS ARGUING WHETHER TREES WERE LOCATED WITHIN 10 METRES FROM ROADSIDE OF A PUBLIC ROAD UNDER THE TECHNICAL CIRCULAR**

**4.9** On 12 October 2021, 1823 received a complaint about four trees near a housing estate ("Trees B") allegedly having health issues and at the risk of collapse. Follow-up action was requested. As the complainant stated that Trees B were more than 10 metres away from an expressway, 1823 referred the case to LandsD. On 18 October, LandsD provided an interim reply.

**4.10** On 3 and 10 November, 1823 sent two notices for overdue final reply to LandsD. On 23 November, LandsD provided a substantive reply, stating that its contractor confirmed after a site inspection that Trees B were located on Government land which did not have a maintenance department. LandsD, therefore, would arrange for the contractor to carry out maintenance.

**4.11** On 17 March 2022, more than five months after 1823 had received the complaint, LandsD informed 1823 that its contractor conducted a site inspection and found that Trees B were located on Government land within 10 metres from the roadside of a public road. Therefore, it requested that the case be referred to LCSD. LandsD further explained to 1823 that "public road" referred to a pavement adjacent to an expressway, not the expressway itself.

**4.12** On 28 March, LCSD replied to 1823, stating that according to the Technical Circular, it was responsible for maintaining trees on unleased and unallocated Government land within 10 metres from kerb of non-expressway public roads (excluding country parks). However, according to the information of the "Geospatial Information Hub", there was no public road adjacent to the expressway as referred to in the case. LCSD believed that Trees B were located on unleased and unallocated Government land beyond 10 metres from the kerb of the public road maintained by HyD. As such, maintenance for Trees B was not within LCSD's purview. In this light, LCSD requested that the case be referred to the relevant department, or to LandsD for checking the ownership and relevant maintenance department of the land lot in question. That same day, 1823 requested the subject officers of LandsD and LCSD to review the case.

**4.13** On 29 March, 1823 simultaneously requested the liaison officers of LandsD and LCSD to re-assess the case and reported it to TMO. As the dispute remained, on 11 April, 1823 took the case to the complaint officers of LandsD and LCSD and the liaison officer of HyD, and requested the intervention of TMO. 1823 also requested HyD to confirm the presence of a kerb on the public road in question. On 13 April,

HyD confirmed to 1823 that Trees B were located on unleased and unallocated Government land near a 10-metre range from the kerb of the roadside. In this light, HyD suggested that LandsD and LCSD discuss how to follow up on the case.

**4.14** On 20 April, LCSD informed 1823 that it did not find the public road in question during its site inspection on 28 March. It suggested a joint site inspection by LandsD and HyD. For quicker clarification of the tree management responsibility, TMO intervened earlier in accordance with the enhanced mechanism being implemented on a trial basis since early 2022 and sent a joint inspection request to the relevant departments by email on 22 April.

**Figure 3: The public road involved in Case 2  
(Source: 1823)**



**4.15** On 18 May, HyD provided supplementary information, indicating that there was a public road under its maintenance adjacent to the expressway. On the same day, TMO stated that according to the definition of “10 metres from kerb of roadside” in the Technical Circular, the 10-metre range should be measured from the kerb of the public road in question. In this case, most of the trees were located within the 10-metre range from the kerb of the road (under the responsibility of LCSD), and only a small portion of the trees were located outside the 10-metre range (under the responsibility of LandsD). Under this circumstance, TMO decided that LCSD should take the lead in handling this case and coordinate with LandsD regarding those trees under the latter’s responsibility. In response to our draft direct investigation report, TMO supplemented that a joint inspection was not necessary as the tree management responsibility had been clarified. LCSD agreed to TMO’s adjudication result. It replied to the complainant via 1823 on 6 June and completed the relevant tree work on 29 June. A total of 218 days had lapsed from receipt of the complaint to TMO’s adjudication and clarification of the tree management responsibility. Counting from 17 March when LCSD first received the referral, the handling process took two months.

## **CASE 3: DEPARTMENTS ARGUING OVER MANAGEMENT RESPONSIBILITY FOR TREES GROWING ON A SITE OF SPECIAL SCIENTIFIC INTEREST**

**Figure 4: The tree in Case 3  
(Source: DEVB)**



**4.16** On 9 June 2021, 1823 received a complaint about the excessive growth of a tree (“Tree C”) near a street lamp (“Lamp A”) outside a country park, thereby dimming the illumination of the lamp. The complainant requested that the tree be pruned. On 11 June, 1823 referred the case to HyD.

**4.17** On 15 June, HyD informed 1823 that upon a site inspection, it found that Lamp A was located on unleased and unallocated Government land. The case, therefore, should be referred to the relevant department. Based on HyD’s information, 1823 subsequently referred the case to LCSD. On 24 and 25 June, 1823 sent a reminder and notification of overdue interim reply to LCSD. On 29 June, LCSD provided an interim reply to 1823, stating that their tree team was following up on the case and arranging for the contractor to conduct a site inspection, and that the contractor would handle the tree where necessary. On 6 July, LCSD informed 1823 that Tree C was located within the water gathering grounds of a reservoir, and therefore requested that the case be referred to the relevant department.

**4.18** On 9 July, 1823 referred the case to AFCD and LandsD, and requested re-examination of the case by the subject officers of HyD, LCSD, AFCD and LandsD. On 12 July, AFCD stated that information in the “Geospatial Information Hub” showed that Lamp A and Tree C were not located within a country park. Besides, Lamp A was located on a public road outside the county park, hence the case should be referred to LCSD or other relevant departments. Between 20 July and 2 September, 1823 called LandsD several times to enquire about the case progress and sent two reminders of



overdue final reply to the Department. LandsD said it was urging the contractor to submit an inspection report and would confirm with 1823 later whether it would follow up on the case. On 2 September, LandsD informed 1823 that the contractor's site inspection had confirmed that Tree C was located on Government land within 10 metres from the roadside of a public road. It therefore requested that the case be referred to LCSD.

**4.19** On 7 September, 1823 requested the liaison officers of HyD, LCSD, AFCD and LandsD to re-assess the case and notified TMO simultaneously. On 14 September, LCSD, referring to the information of the "Geospatial Information Hub", stated to 1823 that Tree C was located within the water gathering grounds of a reservoir, which had also been designated as a "Site of Special Scientific Interest" and was not unleased or unallocated Government land. In addition, the Register of Sites of Special Scientific Interest is managed by the Planning Department ("PlanD"). As such, LCSD requested that referrals be made to AFCD and PlanD for follow-up. On 15 September, 1823 forwarded the case to PlanD. That same day, PlanD replied to 1823, stating that Tree C was located within the water gathering grounds of a reservoir, which was not included in any outline zoning plans but designated as a "Site of Special Scientific Interest" under AFCD's management. PlanD also indicated that tree pruning was not its duties.

**4.20** On 17 September, 1823 requested the complaint officers of LCSD, AFCD, LandsD and PlanD to review the case and took it to TMO in parallel. Since each of the four departments insisted on its own view, the dispute remained unresolved. On 5 October, 1823 requested the intervention of TMO in accordance with the prevailing complaint handling mechanism. TMO then mediated between them and confirmed that the designation of "Sites of Special Scientific Interest" was only an administrative classification, and that Tree C was located within 10 metres from the kerb of a public road on unleased and unallocated Government land outside the perimeter of a country park. On 23 November, LCSD agreed to carry out a one-off pruning for Tree C and replied to the complainant via 1823 on 24 November. The related tree work was completed on 19 January 2022. From receipt of the complaint to intervention by TMO to clarify the tree management responsibility, the case took 167 days to resolve. Counting from 15 June when LCSD first received the referral, the process took more than five months.

## **CASE 4: DEPARTMENTS ARGUING OVER MANAGEMENT RESPONSIBILITY FOR A TREE GROWING ON A SEAWALL**

**Figure 5: The tree in Case 4  
(Source: DEVB)**



**4.21** On 11 June 2019, 1823 received a complaint about a tree (“Tree D”) on a street. Allegedly, its branches were too long and extended into a private property, and the complainant requested follow-up action. That day, 1823 forwarded the case to LCSD, which replied on 12 June that its site inspection had found that Tree D was located on private land. It requested that the case be referred to LandsD. On 14 June, 1823 referred the case to LandsD.

**4.22** On 5 July, LandsD informed 1823 that its records indicated that Tree D was growing on a seawall, so the case should be referred to CEDD. On 8 July, 1823 forwarded the case to CEDD and requested that the subject officers of LCSD, LandsD and CEDD to re-assess the case. That same day, CEDD informed 1823 that it was only responsible for the structural maintenance of the seawall, not the trees thereon. It requested that the case be referred back to LandsD.

**4.23** On 11 July, 1823 requested a case review by the liaison officers of LCSD, LandsD and CEDD. As the dispute persisted, on 22 July, 1823 took the case to the complaint officers of LCSD, LandsD and CEDD, and also requested the intervention of TMO, which then conducted mediation. Taking into consideration that the case had already dragged on for a while, LandsD agreed on 29 July to arrange a one-off pruning of Tree D by its contractor, while stating clearly that this case could not serve as precedence for similar cases in the future. Meanwhile, LandsD requested TMO to clarify the management responsibility for trees growing on seawalls, regardless whether the maintenance responsibility for seawalls rest with CEDD or other departments.

LandsD replied to the complainant via 1823 on 21 August and completed the related tree work on 20 October. In response to our draft direct investigation report, TMO added that it had previously sought further information from the relevant departments in order to plan the necessary follow-up work. However, as it did not receive any response from the departments, and that this case was rare, TMO believed at that time that it should be unnecessary to draw up new criteria for the management responsibility specifically for trees on seawalls. From the date of receiving the complaint to the clarification of the tree management responsibility upon intervention of TMO, it took 48 days to resolve the case. Counting from 14 June when LandsD first received 1823’s referral, the handling process took 45 days.

**CASE 5: DEPARTMENTS ARGUING AGAIN OVER MANAGEMENT RESPONSIBILITY FOR A TREE GROWING ON A SEAWALL**

**Figure 6: The tree in Case 5  
(Source: DEVB)**



**4.24** On 31 August 2021, 1823 received a complaint regarding the excessive growth of a tree (“Tree E”) on a street thereby affecting the street lighting. The complainant requested follow-up action. 1823 referred the case to LCSD, which informed 1823 on 6 September that during its site inspection, Tree E was found to be located on a seawall outside a pedestrian railing. The maintenance and upkeep of the seawall fell under the responsibility of CEDD. Therefore, LCSD requested that the case be referred to CEDD.

**4.25** On 8 September, CEDD received the case referral from 1823 and conducted a site inspection on 9 September. The seawall was confirmed to be structurally sound. On 13 September, CEDD informed 1823 of the inspection results and stated that the Department was only responsible for the repair and maintenance of the seawall’s structure. It also pointed out that according to the Technical Circular, LandsD should

be responsible for the maintenance of trees located on unleased and unallocated Government land without a designated maintenance department. Consequently, 1823 referred the case to LandsD.

**4.26** On 16 September, LandsD informed 1823 that for trees located on unleased and unallocated Government land without a designated maintenance department, LandsD would provide ad hoc maintenance services. As CEDD had confirmed its responsibility for the repair and maintenance of the seawall, the Government land in question was not without a designated maintenance department. Therefore, LandsD considered that the maintenance of Tree E did not fall within its jurisdiction and requested 1823 to refer the case back to CEDD. On 16 and 20 September, 1823 requested the subject officers and liaison officers of LCSD, LandsD and CEDD to examine the case. On 4 October, 1823 took the case to the complaint officers of LCSD, LandsD and CEDD, and requested the intervention of TMO. As the dispute remained unresolved, on 18 October, 1823, in accordance with the prevailing complaint handling mechanism, requested TMO's formal intervention to clarify the responsibilities.

**4.27** Having reviewed the case, TMO concluded that even though the seawall where Tree E was located was on unleased and unallocated Government land, CEDD had been providing regular repair and maintenance for the seawall and the tree had firmly grown on it. It should be most desirable for CEDD to handle the complaint. Ultimately, on 4 November, TMO adjudicated that the complaint regarding Tree E should be handled by CEDD. On 15 November, 1823 informed CEDD of TMO's decision. On 22 November, CEDD informed 1823 that they would arrange pruning for the tree. Pruning was completed on 27 January 2022. From receipt of the complaint to TMO's decision and clarification of the tree management responsibility, the entire handling process of the case took 65 days. Counting from 8 September when CEDD received the first referral from 1823, the process took approximately two months. In response to our draft direct investigation report, TMO added that it had uploaded a summary of this representative adjudication case to the Government intranet as a guiding example for departments.

## **CASE 6: DEPARTMENT FAILING TO REFER CASE IN ACCORDANCE WITH INTER-DEPARTMENTAL MECHANISM**

**Figure 7: The tree in Case 6  
(Source: 1823 and HD)**



**4.28** On 22 July 2022, 1823 received a complaint alleging that the leaves of a tree (“Tree F”) located on a slope within a housing estate were obstructing the streetlight. The complainant requested follow-up action. As the complainant provided a GeoInfo Map indicating that Tree F was located on the slope within a housing estate under HKHA, 1823 referred the case to HD on 26 July.

**4.29** On 28 July, HD replied to 1823, stating that the tree was located on a street outside the perimeter of the housing estate. However, no supporting information such as maps or photographs was provided. After taking the initiative to review the available information, 1823 estimated that the tree in question was under the care of LCSD and referred the case to the department. On 1 August, LCSD replied to 1823, stating that according to the “Geospatial Information Hub” and its records, Tree F was located within a housing estate. It recommended referring the case back to HD for follow-up. On the same day, 1823 requested the subject officers of HD and LCSD to re-assess the case. On 4 August, 1823 took the case to the liaison officers of HD and LCSD and also requested TMO’s intervention.

**4.30** Having examined the case, HD provided interim and substantive replies to the complainant on 10 and 22 August respectively. The relevant tree work was completed on 19 October 2022.

**CASE 7: DEPARTMENT TAKING MORE THAN 365 DAYS TO ISSUE A SUBSTANTIVE REPLY**

**Figure 8: The tree in Case 7  
(Source: 1823)**



**4.31** On 14 May 2021, 1823 received a complaint that a tree (“Tree G”) near a street lamp had a risk of collapse. The complainant requested follow-up action. On 18 May, 1823 referred the case to LandsD and notified it by phone about the risk of tree collapse, urging it to follow up promptly. On 24 May, LandsD provided an interim reply to 1823, stating that its contractor was handling the case and would arrange a site inspection to determine the maintenance responsibility for the plant in question.

**4.32** As LandsD failed to reply in a timely manner, 1823 sent reminder notices to the department on 25 and 29 May and 4 June 2021. Between June 2021 and May 2022, 1823 sent a total of 21 reports on overdue cases to the department.

**4.33** On 26 May 2022, LandsD provided a substantive reply to 1823, stating that the case was still under investigation, and if the case fell within the responsibility of the department’s Special Duties Task Force, it would arrange for a contractor to conduct the required pruning, removal or maintenance works in accordance with the assessment report. On 30 May, 1823 replied to the complainant. In response to our draft direct investigation report, LandsD added that it had repeatedly urged the contractor to submit an investigation report, but the contractor had not followed up the case in a timely manner. On 1 April 2023, the contractor found during an inspection that the tree in question had already been removed. LandsD had issued a written warning to the contractor for their negligence in handling the case and urged it to improve its performance. LandsD would also reflect this incident in the quarterly appraisal report for the contractor. From receipt of the complaint to LandsD’s provision of a substantive reply to 1823, the case took 377 days to resolve.

# 5

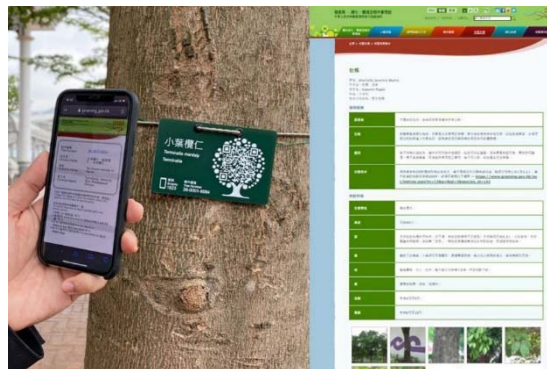
## ***TMO's IMPLEMENTATION OF IMPROVEMENT MEASURES***

**5.1** Since its establishment in 2010, TMO has implemented various improvement measures for handling tree complaints, which aim to educate the public on how to report tree issues more effectively, assist 1823 in identifying the responsible departments for handling tree complaints, and strengthen coordination and supervision of departments' handling of tree complaints. The measures are detailed below.

### **EDUCATING PUBLIC ON REPORTING TREE ISSUES MORE EFFECTIVELY**

#### ***Tree Labels with QR Codes Programme***

**Figure 9: Tree label with QR code  
(Source: DEVB's website)**



**5.2** In January 2020, TMO launched a “Tree Labels with QR Codes” programme to facilitate the reporting of problematic trees by the public and provide them with more tree knowledge, such as tree species, origins, traits and anecdotes. At present, tree labels with QR codes have been affixed on approximately 200,000 trees growing along pavements and in parks, gardens, sitting-out areas and public housing estates. Around 50,000 of them are located in public housing estates under HD's management, while another 150,000 are managed by LCSD. Members of the public can use their

smartphones to scan the QR codes on the tree labels to directly call or send emails to 1823, or open the 1823 mobile application to report tree issues.

**5.3** According to TMO, the factors of consideration in affixing a label with QR code on a tree include: the tree must grow on Government land and in an area with heavier pedestrian flow that can be safely accessed by the public. Labels should not be hung on trees that are relatively inaccessible (such as those growing on slopes or near expressways) lest they will pose safety hazards. TMO is currently discussing with HD and LCSD to identify suitable trees for affixing labels with a QR code in new housing estates, parks, gardens, sitting-out areas and along pavements. The number of trees with QR-coded labels will increase by then.

### ***Publicity and Public Education***

**Figure 10: Public education activity by TMO  
(Source: DEVB)**



**5.4** At its various public education activities, TMO will explain to the attendees the information needed for handling tree complaints so that members of the public can report tree problems effectively. Reminders about the information required when reporting tree problems are also added to the “Reporting Problematic Trees” webpage of the GLTM Section to allow members of the public to have a clear grasp of the information needed for reporting.



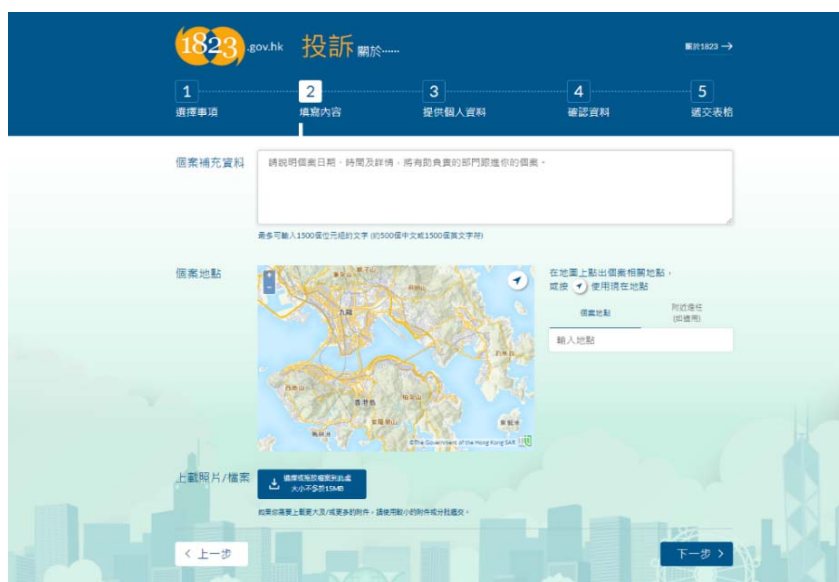
**Figure 11: Reminders for reporting problematic trees  
(Source: DEVB GLTM Section’s website)**



**ASSISTING 1823 IN IDENTIFYING THE DEPARTMENTS RESPONSIBLE FOR HANDLING TREE COMPLAINTS**

**Figures 12 to 14: Online complaint form of 1823  
(Source: 1823’s webpage)**





**5.5** In order to identify the responsible tree management department for complaint referral, 1823 will ask complainants specific questions to obtain relevant information about the tree in question, such as the tree number on the tree label, photos, and location maps. Between 2013 and 2023, TMO had thrice reviewed those specific questions and made suggestions to assist 1823 in collecting sufficient information from complainants for case referral to the appropriate department.

## **STRENGTHENING COORDINATION AND SUPERVISION OF DEPARTMENTS' HANDLING OF TREE COMPLAINTS**

### ***Sharing Case Handling Experience with Tree Management Departments***

**5.6** To minimise the need for clarifying tree management responsibilities, TMO has since 2016 been uploading summaries of representative adjudication cases to the

Government intranet as guiding examples for departments. As at March 2023, a total of 10 cases had been uploaded. TMO also shares on a quarterly basis further observations and analyses of cases submitted to the Office via email with the complaint officers of the major tree management departments for their reference and sharing with the relevant colleagues. Since February 2023, TMO has also started to share the adjudication and outcomes of complicated cases of reference value at the meetings of the Works and Maintenance Committee on Greening so that the major tree management departments can review the situation and take appropriate follow-up actions.

***Earlier Intervention in Tree Complaints Involving Disputes***

**5.7** Under the current complaint referral mechanism, if the departments dispute the tree management responsibilities, 1823 will sequentially request the subject officers, liaison officers and complaint officers of the departments involved to re-examine the case. If the tree management responsibilities remain unclarified, 1823 will refer the case to TMO for a decision.

**5.8** To expedite the clarification of tree management responsibilities, TMO has implemented an enhanced mechanism on a trial basis since early 2022 under which it will intervene in all cases taken to the departmental complaint officers by 1823 at an earlier stage, without having to wait for 1823 to request mediation or adjudication by TMO. As at 30 November 2022, TMO had proactively coordinated cases taken to the departmental complaint officers and successfully clarified the tree management responsibilities in approximately 30 cases. The average time taken to complete coordination among departments and clarification of tree management responsibilities since submission to the departmental complaint officers was eight days, significantly shorter than before. In light of the obvious improvement in efficiency, TMO formally implemented the enhanced measures in February 2023 and updated the relevant complaint handling mechanism. It will now proactively intervene earlier in all cases taken to the departmental complaint officers by 1823.

***Reporting Tree Complaint Data to High-Level Committees Regularly***

**5.9** From June 2022 onwards, TMO has been regularly reporting to the Works and Maintenance Committee on Greening<sup>15</sup> and the Steering Committee on Greening, Landscape and Tree Management<sup>16</sup> on the total number of tree complaints received by 1823, average processing time and the number of cases in progress. TMO believes that such reporting allows regular exchange of opinions between DEVB and the various tree management departments to ensure close coordination between the upstream landscape planning, design and implementation work and the downstream tree management work.

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<sup>15</sup> The Works and Maintenance Committee on Greening is chaired by the Deputy Secretary for Development (Works)1. Members include senior management staff members appointed by nine major tree management departments and four departments related to greening, landscaping and tree management.

<sup>16</sup> The Steering Committee on Greening, Landscape and Tree Management is chaired by the Permanent Secretary for Development (Works). Members consist of senior management staff members appointed by nine major tree management departments and six departments related to greening, landscaping and tree management.

**5.10** Furthermore, the Head of TMO will continue to scrutinise the monthly reports submitted by 1823 and remind heads of department in a timely manner to make efforts in handling overdue and unresolved complaint cases. If the situation does not improve, DEVB will request a meeting with the heads of departments to provide appropriate assistance. As at February 2023, the number of complaint cases with overdue replies had significantly reduced to fewer than 10 per month.

### ***Instructing Departments to Review Internal Complaint Handling Process***

**5.11** In February 2023, TMO requested the major tree management departments to review their current internal complaint handling process to ensure that their directorate staff are aware of and properly monitor the progress of complaint handling, and intervene in overdue cases as early as possible. TMO had completed a review of the proposals of all the major tree management departments. By March 2023, all the major tree management departments had established internal mechanisms for the senior management to monitor the progress of complaint handling.

**5.12** TMO had also taken the initiative to lead and coordinate discussions among the various tree management departments, the Transport Department (“TD”) and the Road Management Office of HKPF to expedite the processing of applications for temporary traffic measures for conducting roadside tree maintenance. Good progress had been made. Currently, the tree management departments may negotiate applications for temporary traffic measures with TD and HKPF via specific channels, thereby shortening the processing time.

### ***Reviewing Method of Recording Tree Complaints Received Via Different Channels***

**5.13** At present, members of the public can contact the relevant tree management departments direct other than through 1823 to lodge complaints and make suggestions regarding tree management. Such complaints are usually handled by the relevant departments in accordance with their performance pledges and recorded in their internal computer systems. TMO noted that some departments had recorded tree complaints received via different channels in the 1823’s complaint system to facilitate follow-up and monitoring. At a meeting of the Steering Committee on Greening, Landscape and Tree Management in August 2022, TMO shared this practice with the attendee departments and invited them to consider adopting it.

**5.14** Since most tree management departments are now able to handle tree complaints in accordance with their performance pledges, TMO sees no urgent need to make it a common practice among all departments to record tree complaints received from different channels in the 1823’s complaint system. The Office will continue to monitor the departments’ progress of handling tree complaints and discuss the feasibility of the arrangement with 1823 in due course.

## *Assisting LandsD in Clearing Backlog of Tree Complaints*

**5.15** TMO indicated that save for LandsD, the tree management departments could in general handle tree complaints in accordance with their performance pledges. LandsD is responsible for carrying out ad-hoc maintenance for trees (such as removal, pruning and mowing) on unleased and unallocated Government land, which accounts for approximately 33% of the total area of Hong Kong. In view of the enormous number of trees growing on such land, detailed records or statistics are not maintained. Furthermore, such land is scattered across the territory, and mostly rarely visited or used by the public. Besides, a lot of complaints involve remote or off-the-grid locations without vehicular access. Tree maintenance work is possible only by manually carrying the necessary tools to and moving broken branches away from the locations in question over long distances. The tree work involved is often challenging and time-consuming.

**5.16** Over the years, TMO had implemented various measures to assist LandsD in handling tree complaints. In the past, trees located within five metres of the roadside (including those growing on unleased and unallocated Government land) were regularly maintained by LCSD, while LandsD was responsible for ad-hoc maintenance of trees growing outside the five-metre area of unleased and unallocated Government land. TMO believes that if more roadside trees are provided with appropriate regular maintenance by the departments, public safety can be enhanced and tree-related complaints reduced. After repeated discussions with LandsD and LCSD, TMO decided in 2015 to assign some 150,000 trees located on unleased and unallocated Government land within 10 metres from both sides of public roads to LCSD for regular maintenance. DEVB has also updated the Technical Circular to reflect the re-assignment of responsibility. TMO considers that from the perspective of risk-management and optimal use of resources, the revised arrangement will cover the vast majority of trees that will pose an impact on pedestrian or vehicular flow or the general public. That said, TMO will review the arrangement from time to time and make necessary improvement.

**5.17** In addition, TMO monitors and periodically reminds LandsD of the overall progress of handling tree complaints, and requests the department to take follow-up actions and report on the progress. TMO also held meetings with the directorate staff of LandsD in January 2018, July 2020, July 2022 and March 2023 to discuss tree management issues, including how to expedite the handling of complaints referred by 1823.

**5.18** At the July 2022 meeting, TMO learned that the COVID-19 pandemic had severely affected tree complaint handling by LandsD and its contractors between late 2021 and the first quarter of 2022. Together, TMO and LandsD reviewed the latter's complaint handling process, staffing establishment and contract arrangements. Guidance and suggestions were provided to LandsD. In November 2022, LandsD set up a task force led by its Deputy Director to conduct a comprehensive review of the procedures for handling tree complaints with an aim to streamline workflow, refine

contract terms and explore the creation of a centralised computer information system for more effective monitoring of the case progress. The review was completed in mid-January 2023. Nine recommendations have been made and seven subsequently implemented, including streamlining the workflows for handling “priority cases” (such as dead trees), for removing trees of undesirable species and for mowing cases, as well as simplifying the format of tree risk assessment reports to be completed by contractors, improving the standard written replies issued to complainants for clearer communication, streamlining the workflow for approving works commencement notices, and unifying the arrangement for erecting warning signs at tree pruning sites. LandsD is also considering improving the contract terms for new plant maintenance contracts and setting up a contingency computer information system so as to monitor and follow up on the progress of complaint cases<sup>17</sup>.

**5.19** TMO stated that LandsD’s months-long efforts have paid off. In late December 2022, LandsD indicated to 1823 that it would take follow-up actions on the backlog of over 2,000 complaint cases.

**SETTING UP A TASK FORCE TO REVIEW CURRENT TREE MANAGEMENT GUIDELINES**

**5.20** DEVB set up the Task Force on Roadside Tree Planting and Maintenance (“Task Force”) in September 2022 chaired by the Permanent Secretary for Development (Works) to review the prevailing tree management guidelines. The review covered methods of tree inspection, tree species planted by the roadside, aboveground and underground growth spaces for trees, soil quality management requirements, etc. The Task Force also followed up on complaint handling and post tree inspection work by the various departments and implementation of the relevant measures. It also considered whether the relatively large trees along existing roads are compatible with the current environment and explored the direction of handling.

**5.21** In January 2023, the Task Force made ten recommendations, including making clear the line of command between DEVB and the tree management departments, arranging regular inspections for trees on unleased and unallocated Government land, strengthening the implementation of risk mitigation measures, etc. TMO hoped that by refining the existing tree inspection and risk assessment regime, the number of problematic trees can be reduced, thereby bringing down the number of complaints in the long run.

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<sup>17</sup> LandsD indicated that it is endeavoring to secure the necessary resources to develop a comprehensive central computer information system to record tree-related complaints and follow-up actions. Currently, a contingency computer information system is being built to monitor and track the progress of complaint cases, conduct data analysis, and streamline certain workflow processes, with a view to assisting contractors in handling complaint cases more quickly and effectively. The new system is expected to be commissioned in mid-2023.

# 6

## *OUR COMMENTS AND RECOMMENDATIONS*

### **PREAMBLE**

**6.1** The Government currently adopts an integrated approach for managing trees on Government land, under which the department responsible for maintaining a Government facility or site takes care of the trees within the area. TMO under DEVB formulates comprehensive tree management strategies and measures for Hong Kong, coordinates government departments' handling of tree complaints, and provides advice on arboriculture in complicated cases for effective implementation of the relevant policies.

**6.2** TMO coordinates and supervises government departments' handling of tree complaints at the central level and has introduced a number of improvement measures over the years (see **Chapter 5**). We are glad to learn that in the course of our investigation, TMO has proactively implemented a number of improvement measures, including reviewing and updating the complaint handling mechanism, strengthening the coordination with and supervision of departments in handling tree complaints, assisting departments in clearing the backlog of tree complaints and establishing a task force chaired by the Permanent Secretary for Development (Works) to conduct a comprehensive review of the prevailing tree management guidelines. Ten recommendations were subsequently made to enhance the tree inspection and risk assessment regime (see **para. 5.21**). Since December 2022, the number of complaint cases with overdue replies has significantly dropped to below 10 per month. This Office believes that the above measures should effectively reduce the number of problematic trees at source, thereby bringing down the number of complaints.

**6.3** In light of our findings in this direct investigation, we opine that with regard to TMO's coordination and supervision of government departments' handling of tree complaints (especially for cases involving disputes over responsibilities), there is room for improvement in the following aspects.

## OUR COMMENTS

### *TMO Should Step in More Proactively in Complaint Cases Involving Disputes over Responsibilities*

**6.4** Information provided by 1823 showed that between 2018 and October 2022, each year 1823 received on average some 24,000 tree complaints, of which about 1,100 cases on average (or 3.3% to 5.9% over the annual total of complaints received) (see **para. 3.9, Table 8**) involved disputes over responsibilities among departments. Each year, in dozens of such cases, the complainant received a reply only after more than three months (see **para. 3.9, Table 9**). While the number of cases involving disputes over responsibilities makes up only a small percentage of the annual total, the conditions of trees change from one minute to the next. If tree complaints are not handled in a timely manner because of departments' disagreement over responsibilities, not only would it easily lead to an impression of departments passing the buck, but also pose safety hazards.

**6.5** According to the current inter-departmental mechanism, in cases involving disputes over responsibilities, 1823 will sequentially request the relevant departments' subject officers, liaison officers and complaint officers (of directorate rank) to re-examine the case. If the dispute remains unresolved, 1823 will request TMO to adjudicate. For TMO's early information and intervention in the complaint cases involving responsibility disputes, 1823 will also notify TMO when taking those cases to the liaison officers and complaint officers of the relevant departments. Nevertheless, our investigation found that in the past, upon notification by 1823, TMO would follow the mechanism to first wait for a review of the case by the complaint officers of the departments concerned, then formally step in to coordinate and adjudicate if the dispute remains unresolved.

**6.6** Our case studies revealed that serious delays might have already occurred when TMO intervened in accordance with the established mechanism. In Cases 1, 2 and 3, the departments involved still held divergent views on tree management responsibilities despite 1823's repeated efforts to mediate. By the time TMO stepped in according to the mechanism, about four to six months had already lapsed since the cases were received. Eventually, the tree management responsibilities in these three cases separately took 195 days, 218 days and 167 days to clarify. Given the nature of the complaints, the processing time was simply disproportionate.

**6.7** After the commencement of our preliminary inquiries, TMO piloted an enhanced mechanism in early 2022 under which it would intervene earlier to handle all cases that 1823 has taken to the complaint officers of the departments concerned, without waiting for 1823's request for it to step in. In light of the obvious improvement in efficiency, TMO formally implemented the enhanced measures in February 2023 (see **para. 5.8**). We commend TMO's initiative to introduce improvement measures.



**6.8** Nevertheless, our case studies revealed that the processing time of complaints was subject to a host of factors and the case might have been significantly delayed when it was taken to the departmental complaint officers. For instance, in Cases 1 and 2, it took LandsD five months after 1823's referral to indicate its disagreement to taking up the cases. Case 3 involved a rare situation in which the Government land where the trees were located had been designated as a "Site of Special Scientific Interest". The departments involved took time to find out the tree management responsibilities. In the aforementioned cases, even if TMO intervened at the time when the cases were taken to the departments' complaint officers, the overall processing time would not have significantly shortened.

**6.9** This shows that for tree complaint cases involving disputes over responsibilities, if TMO bases its decision to step in solely on the complaint handling stage, the disputes may not be settled in a timely manner. Given that the aim of TMO in setting up the inter-departmental mechanism is to effectively clarify tree management responsibilities for early resolution of complaints, we consider that the overall handling time of a tree complaint case should be a criterion for TMO's intervention. Even if a case is not yet taken to the departmental complaint officers, TMO should still step in when there is already a serious delay in the overall case progress by different reasons, lest a problematic tree should become an environmental nuisance or even a safety hazard due to delayed handling.

### ***TMO Should Make Good Use of Case Handling Experience to Reduce Disputes Among Departments***

**6.10** The Technical Circular promulgated by DEVB sets out the division of responsibilities among tree management departments. Tree management responsibilities are basically determined by the location of a tree. Our case studies found that from time to time, there were divergent interpretations of the Technical Circular by departments and even recurrence of disputes over similar issues.

**6.11** In Case 1, the departments argued over which part of the tree should define its location. In Case 2, they had different interpretations as to the meaning of "roadside trees within 10 metres from kerb of non-expressway public roads (outside country parks) on unleased and unallocated Government land" in the Technical Circular, including such issues as whether the trees in question were located on the side of a non-expressway public road (outside country parks), the distance between the trees and the public road, and whether the public road had a kerb. We believe similar disagreements would not be rare.

**6.12** Case 4 involved a complaint received in June 2019 about trees located on a seawall, which TMO handled by way of mediation. While LandsD eventually agreed to arrange a one-off pruning by its contractor, it simultaneously requested TMO to clarify the tree management responsibilities when a seawall is involved in a case. TMO at that time had asked for further information from the relevant departments in order to consider the necessary follow-up action, but did not receive any response.

Considering that the case was rare, TMO deemed it unnecessary to draw up new criteria for the division of management responsibilities specifically for all the trees growing on seawalls. It was not until August 2021 when a similar dispute arose (see Case 5) that TMO adjudicated and ruled that CEDD should take care of the trees growing on the seawall in question.

**6.13** Currently, tree management responsibilities are divided among the departments based on the location of a tree. As the Technical Circular adopts a relatively principle-based approach, it is foreseeable that different departments have different opinions in actual case handling. Although TMO has since 2022 uploaded the summaries of its decisions in representative cases onto the Government intranet in order to provide guiding examples to departments, data provided by 1823 showed that the number of complaint cases involving disagreements among departments in 2022 remained at around 800 (See **para. 3.9, Table 8**). The effectiveness of sharing case decisions in reducing disputes among departments remains to be seen.

**6.14** While we understand that some cases may involve special circumstances and disputes over responsibilities among departments can unlikely be avoided completely, we are more concerned whether there exist prolonged fundamental differences in opinions or even misunderstanding of the delineation of tree management responsibilities by departments, resulting in recurrent disputes over similar issues, as in Cases 4 and 5 mentioned above.

**6.15** We reckon that in addition to sharing its decisions in individual cases with departments, TMO should conduct systemic analysis on completed cases, collate information about departments' common differences in opinions and misunderstanding of tree management responsibilities and conduct exchanges and sharing with the departments regularly. Better still, TMO should summarise the experience gained over the years in handling complaints involving unclear demarcation of responsibilities among departments. It should also review and update the content of the Technical Circular as appropriate in a timely manner, incorporating the guiding principles from its decisions in previous cases for the departments to follow. In fact, the Technical Circular has not been reviewed since its implementation in October 2015. We believe that the above measures should help reduce disputes over tree management responsibilities among departments.

### ***TMO Should Supervise and Monitor Departments' Compliance with Inter-Departmental Mechanism for Handling Complaint Referrals***

**6.16** Under the current inter-departmental mechanism, when a department receives from 1823 a tree complaint that it considers outside its purview, it should, within seven days of receiving the referral, submit a preliminary investigation report to 1823 for their further referral to another department. The initial reply should include the department's preliminary findings (such as maps and photographs showing the location of the tree(s) in question), the justifications for requesting a referral by 1823 and the department it deems suitable to take up the case (if identifiable) (see **para. 2.12**).

**6.17** Cases 1, 2, and 3 demonstrated that some departments had failed to notify 1823 of their disagreement in taking up the cases within the specified time frame, thereby significantly prolonging the overall processing time. In Case 6, a department simply stated to 1823 that the tree was located on a certain street and fell outside its jurisdiction, without providing any supporting information (such as maps or photographs). As a result, 1823 had to look up relevant information to identify the responsible department. All the above would affect the overall progress of handling tree complaints. While 1823 serves as a one-stop agent for receiving public enquiries and complaints and strives to mediate disputes among departments, lukewarm cooperation from departments will hinder its work and ultimately affect public service delivery.

**6.18** We consider that TMO should oversee the departments' strict compliance with the requirements of the inter-departmental mechanism in handling complaint referrals, i.e. the departments should raise the request to 1823 for further referral within the specified time frame and provide sufficient information if they disagree to take up a case. TMO should also monitor departments' compliance to ensure timely referral of complaint cases. Given the huge number of complaints it has to handle every day, 1823 should have a certain understanding of the departments' compliance with the mechanism. TMO may discuss with 1823 the formulation of appropriate monitoring measures.

***TMO Should Instruct Departments to Conduct Joint Inspections Promptly in Case of Disputes over Responsibilities***

**6.19** From our case studies, we noticed that disputes among departments often arose because they had different observations at the scene. If the departments just rely on the information shown on the map or their own observations, the disputes can easily become persistent disagreements. Such disputes can in fact be settled through joint inspections. Currently, however, the disputing departments seldom conduct joint inspections, unless upon TMO's intervention and request.

**6.20** We opine that TMO should instruct departments to conduct joint inspections promptly in case of disputes over tree maintenance responsibilities, such that responsibilities can be clarified as soon as possible.

***TMO Should Strengthen Monitoring of Departments' Carrying out of Ordinary Tree Work in Response to Complaints***

**6.21** Currently, tree management departments reply to tree complaints in accordance with their own performance pledges. Regarding the tree management work entailed in handling complaints, the "Guidelines for Tree Risk Assessment and Management Arrangement" formulated by DEVB stipulates that when departments identify a dead tree or a non-old and valuable tree infected with brown root rot disease in an area with high pedestrian and vehicular flow, they should remove it no longer than four weeks (see **para. 2.18**). Other than this, there is no stipulation on the time frame

for completing ordinary tree work such as pruning or removal of dead branches. Departments can decide on their own how to proceed with such work based on the circumstances.

**6.22** Our investigation revealed that those departments that have appointed contractors to assist with tree work often set down a time frame for work completion in the contracts. That said, regardless of whether a contractor has been appointed, none of the departments has drawn up an internal time frame for carrying out ordinary tree work or set up a database recording the completion dates of tree work in response to complaints (see **para. 2.21**). Even if departments have met their pledges in replying to the complainants, there is no objective information on whether they have actually carried out the tree work involved in a timely manner.

**6.23** Since TMO is tasked with the coordination and supervision of the tree management efforts of various departments, we consider it incumbent on TMO to monitor the departments' performance in handling tree complaints and draw up acceptable standards. We recommend that TMO require departments to formulate a time frame for carrying out ordinary tree work in response to complaints based on the actual need, and to report related data to TMO regularly for monitoring to ensure proper handling of the tree problems under complaint.

### ***TMO Should Review and Enhance the Categories of Data Included in 1823's Monthly Reports***

**6.24** Each month, 1823 submits to TMO a report on tree complaints with multiple categories of data, including the number of tree complaints 1823 received in the month, the number of complaints completed, the number of outstanding complaints and the number of complaints with overdue replies; breakdown on the number of complaints received by departments, average reply time, the number of cases with overdue replies and breakdown according to the duration of delays; as well as the number of complaints raised to departmental liaison officers, complaint officers and TMO (see **para. 3.1**). TMO monitors the departments' handling of tree complaints through the monthly reports.

**6.25** We have identified room for improvement in the categories of data included in 1823's monthly reports. Our investigation found that 1823's monthly reports only contain data on the number of overdue cases under various departments as at the last day of a month, rather than the accumulated number for the period. For example, if the reply deadline of a tree complaint was 6 April and the department issued a substantive reply on 26 April, this case involving a 20-day delay would not be reflected in the monthly report of April, because the report only contained data on cases that were still outstanding as at 30 April. This shows that the current 1823's monthly reports fail to reflect a complete picture of the departments' performance in handling tree complaints. Besides, since 1823 does not maintain figures on the accumulated number of complaint cases involving overdue replies by departments, TMO cannot grasp a full picture of departments' delay in handling tree complaints referred by 1823, including

the number of complaints with delayed replies, the duration of the delays and the overall trend.

**6.26** In addition, cases involving responsibility disputes often take longer to resolve. Currently, the 1823's monthly reports only contain the number of complaints raised to different officers of departments or to TMO for examination, without analysis on the case completion time. We are of the view that the completion time of cases involving unclear delineation of responsibilities is of high reference value by helping TMO assess the effectiveness of the inter-departmental mechanism.

**6.27** We recommend that TMO review and enhance the categories of data included in 1823's monthly reports for more rigorous monitoring of departments' performance in handling tree complaints and the operation of the inter-departmental mechanism.

### ***TMO Should Collect Data on Tree Complaints Not Received via 1823***

**6.28** Between 2018 and October 2022, the Government received an average of some 28,000 tree complaints each year, of which about 24,000 (or 86%) were received via 1823. The remaining 4,000 complaints (or 14%) were received by departments directly or through other means (see **para. 3.11**).

**6.29** 1823 handles tree complaints received in accordance with the established mechanism, requiring the responsible department to reply by the specified date, and issuing reminders and monthly reports to departments when a reply is overdue (see **para. 2.11**). To facilitate monitoring, 1823 also submits monthly reports to TMO which contain various categories of data on tree complaints.

**6.30** As regards tree complaints not received via 1823, they would be handled by the departments in accordance with their own monitoring mechanism and performance pledges. At present, TMO only requires departments to report the total number of tree complaints received each year with no other information or analysis (such as average reply time, and number of cases involving overdue replies). This reflects TMO's relatively limited understanding of tree complaints not received via 1823 and the departments' handling.

**6.31** TMO had explored whether the data on tree complaints not received via 1823 should be included in the 1823's complaint system for easier monitoring. While some departments had already done so, TMO sees no urgent need for other departments to follow suit in view of the fact that most tree management departments are now able to handle tree complaints in accordance with their performance pledges (see **para. 5.14**).

**6.32** We consider that recording all tree complaints received via different channels in the 1823's complaints system by all tree management departments can clearly reveal the overall handling of tree complaints by the departments and be of great help to TMO in understanding and monitoring relevant work by the departments. We are aware that the technical issues involved will entail lengthy evaluation between the departments and

1823. Nevertheless, we opine that even in the absence of a centralised system for recording complaints, TMO should still implement measures to collect more data on tree complaints not received via 1823 for closer monitoring.

**6.33** We recommend that TMO require departments to submit regularly data relating to tree complaints not received via 1823 for comprehensive monitoring of complaints received through various channels and follow-up actions by the departments.

### ***TMO Should Continue to Monitor LandsD's Performance in Handling Tree Complaints***

**6.34** Information from 1823 showed that LandsD used to have a huge number of tree complaints with overdue replies. As at both December 2021 and March 2022, the Department had a backlog of more than 2,000 tree complaints where replies remained outstanding (see **para. 3.6, Table 6**). In Case 7, when 1823 referred the case to LandsD, it provided the complainant's information and requested prompt follow-up action because the tree involved might collapse. Yet, LandsD took more than a year to reply to the complainant via 1823 that the case was still under investigation, not to mention its subsequent follow-up action. This Office finds such serious delay absolutely unacceptable.

**6.35** We noticed that since the second half of 2022, TMO has strengthened the monitoring of tree complaint handling by LandsD; LandsD has also set up an internal task force led by its Deputy Director to conduct a comprehensive review of the procedures for handling tree complaints. Nine recommendations have been made and seven subsequently implemented (see **para. 5.18**). Information from 1823 showed that the backlog of cases has significantly shrunk. As at October 2022, the number of tree complaints with overdue replies by LandsD had considerably dropped to four (see **para. 3.7, Table 6**).

**6.36** However, it must be noted that the above is only the number of cases in which LandsD had delayed in replying to 1823. The department does not maintain figures on the actual number of tree complaints with removal work to be completed. As such, there is no objective information on whether the trees involved in the backlog of complaint cases have been properly handled. Although the departments have a duty to issue timely replies to complainants, proper handling of the tree problems involved in complaints is even more important. LandsD is now developing a contingency computer information system which is expected to be commissioned in mid-2023 (see **para. 5.18**). We hope that the Department can make good use of the new system as an internal monitoring tool to facilitate case follow-up and data analysis.

**6.37** In any event, LandsD is responsible for carrying out ad-hoc maintenance for trees on unleased and unallocated Government land. The number of trees involved is huge. The number of tree complaints received by LandsD each year takes up about 34% of the yearly total received by 1823, reflecting the onerous workload involved. We consider that TMO should continue to monitor LandsD's performance in handling

tree complaints and provide assistance where necessary to ensure proper handling of problematic trees.

## OUR RECOMMENDATIONS

**6.38** In light of the comments above, The Ombudsman has made the following recommendations to TMO under DEVB:

- (1) for tree complaint cases involving disputes over responsibilities among departments, consider using the overall handling time of the case as a criterion for intervention, so as to reduce the risk of a problematic tree becoming an environmental nuisance or even a safety hazard due to delayed handling (see **para. 6.4 to 6.9**);
- (2) conduct systemic analysis on completed complaint cases involving disputes over responsibilities, collate information about departments' common differences in opinions and misunderstanding and conduct exchanges and sharing with the departments regularly; review and update the content of the Technical Circular as appropriate in a timely manner by including the guiding principles from its decisions in previous cases for the departments to follow (see **para. 6.10 to 6.15**);
- (3) supervise departments' strict compliance with the requirements of the inter-departmental mechanism in handling complaint referrals, i.e. they should raise a request to 1823 for further referral within the specified time frame and provide sufficient information if they disagree to take up a case. TMO should also monitor the departments' compliance to ensure timely referral of complaint cases (see **para. 6.16 to 6.18**);
- (4) instruct departments to conduct joint inspections promptly in case of disputes over tree maintenance responsibilities, such that responsibilities can be clarified as soon as possible (see **para. 6.19 to 6.20**);
- (5) require departments to formulate a time frame for carrying out ordinary tree work in response to complaints based on the actual need, and to report related data to TMO regularly for monitoring to ensure proper handling of the tree problems under complaint (see **para. 6.21 to 6.23**);
- (6) review and enhance the categories of data included in 1823's monthly reports for more rigorous monitoring of departments' performance in handling tree complaints and the operation of the inter-departmental mechanism (see **para. 6.24 to 6.27**);

- (7) require departments to submit regularly data relating to tree complaints not received via 1823 for comprehensive monitoring of complaints received through various channels and follow-up actions by the departments (see **para. 6.28 to 6.33**); and
- (8) continue to monitor LandsD's performance in handling tree complaints and provide assistance where necessary to ensure proper handling of problematic trees (see **para. 6.34 to 6.37**).

## **ACKNOWLEDGEMENTS**

**6.39** The Ombudsman thanks DEVB, EO, AFCD, ArchSD, CEDD, DSD, HAD, HD, HyD, LandsD, LCSO and WSD for their full cooperation in the course of this investigation. We are also grateful for the views and information provided by members of the public.

### **Office of The Ombudsman**

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