



Dr. Leung Siu Fai, JP
Director of Agriculture, Fisheries and Conservation

16 June 2017

Dear Dr. Leung,

Green groups urge AFCD for immediate investigation and enforcement

The tree trimming works conducted by the New Territories East Tree Team of the Leisure and Cultural Services Department (LCS D) at the Tai Po Market egretty on 6 June 2017 has led to destruction and unnecessary disturbance of bird nests, eggs and birds. Green groups are shocked and disappointed by the act and condemn the inappropriate decisions/actions taken by LCS D, which has wilfully threatened the lives of birds and caused irreversible damages to the trees.

We appreciate the prompt actions and efforts made by your Department in the rescue of fallen birds, monitoring of the egretty and negotiation with LCS D after the incident. We do recognize the importance of these actions and we thank your department for your hard work. However, we are disappointed that your department has so far not yet stated if there was any violation of the Wild Animal Protection Ordinance (Cap.170) or if any prosecution will be made.

At the time of the incident, LCS D staff were informed of the adverse impacts of their actions on birds and their nests, and were asked by a member of the public to stop, but they ignored the concern and carried on. The large number of birds and nests present was very obvious to on-lookers and it is simply not believable that LCS D staff did not notice the birds. By 15 June 2017, a total of 26 birds have been sent to the Wild Animal Rescue Centre of the Kadoorie Farm and Botanic Garden for rescue and rehabilitation. Among them, 16 died while 10 are still under intensive treatment and care. However, the number of casualties should be higher as dead birds found at the site of the incident were not sent to KFBG.

Proper enforcement plays a critical role in deterrence of future incidents. As the authority responsible for enforcing this ordinance, AFCD should have the responsibility to fully investigate and follow-up, and to carry out enforcement actions and prosecution for any offence against the ordinance. It is a serious default and would lead to a great public disappointment and distrust if the case was not fully investigated and brought to a fair and transparent conclusion. We consider that not pursuing this case also undermines the mission and vision of your department and the Hong Kong Biodiversity Strategy and Action Plan, which is to conserve and protect the city's natural environment and biodiversity. We urge your department give a prompt and clear explanation on the investigation and the prosecution process.

Besides the prosecution actions, your department and corresponding departments/bureaux (including Development Bureau, Environment Bureau, Home Affairs Bureau and related works departments) should consider developing new internal government guideline(s) so as to avoid future destruction threats to birds species and their nests caused by tree trimming or other construction works. Reference can be made to the "Guidelines for Planning and Carrying out Construction Works at Egrettries" published by The Hong Kong Bird Watching Society last year which were developed following extensive consultation with representatives of several relevant departments, ecological consultants and the private sector.

Moreover, the poor tree trimming method in this incident not only damaged the health and structure of the trees, but also affected the stability of the remaining nests on the trees and increased the risk of more nests and the birds falling. As such, we would like to urge the Development Bureau and related department(s) to review and improve the current tree trimming procedures and system by including elements on the protection of wildlife, and have adequate professional supervision to ensure the quality of their work in order to ensure similar incidents do not happen again.

Last but not least, we trust the professionalism and the sense of responsibility of your department. We hope decisions and actions would be made and taken according to the law and would not fail the expectation of the general public.

Co-signed Organizations (in alphabetical order):

Association for Geoconservation, Hong Kong, The Conservancy Association, Designing Hong Kong, Environmental Association, Environmental Life Science Society SS HKUSU, The Green Earth, Green Power, Green Sense, Greeners Action, Greenpeace East Asia - Hong Kong office, HKWildlife.net, The Hong Kong Bird Watching Society, Hong Kong Dolphin Conservation Society, Society of Hong Kong Nature Explorers, WWF - Hong Kong

cc.

Secretary for the Environment, Mr. Wong Kam Sing, GS, JP

Secretary for Development, Mr. Eric Ma, JP

Director of Leisure and Cultural Services, Ms. Michelle LI, JP