



香港大學學生會理學會環境生命科學學會
Environmental Life Science Society, SS, HKUSU



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漁農自然護理署署長 梁肇輝 博士, JP

環保團體促請漁護署嚴正調查及執法

就二零一七年六月六日有關康樂及文化事務署新界東樹木組於大埔墟鷺鳥林進行修樹冠工程，導致鷺鳥巢、鳥蛋及雛鳥受嚴重干擾及傷亡，環保團體表示震驚及失望，並嚴厲譴責康文署的處理手法，危害雀鳥安全及令樹木造成難以復原的損害。

我們感謝 貴署事發後迅速到場協助拯救雀鳥及派員監察鷺鳥林，並與康文署磋商。我們都認同這些行動的重要性及誠意感謝 貴署的努力。但與此同時， 貴署至今仍未清楚解釋事件有否觸犯香港法例第 170 章《野生動物保護條例》，亦未說明會否進行檢控行動，我們感到失望。

事發當日已即時有市民提醒工作人員修樹工程已對雀鳥及鳥巢造成影響，並要求立刻停止，但有關職員並沒有理會。而該鷺鳥林的鳥巢及雀鳥的數量非常多，應是顯而易見的，我們實在很難相信康文署職員未能留意牠們的存在。截至 2017 年 6 月 15 日為止，一共有 26 隻雀鳥送往嘉道理農場暨植物園的野生動物拯救中心進行拯救和復康，當中有 16 隻不幸身亡，另外 10 隻正接受治療及照顧。但事件導致的死亡數字應更高，因為現場的雀鳥屍體並不會送往嘉道理農場。

我們認為要阻止同類事件發生，嚴正調查及執法是非常重要的。漁護署作為香港法例第 170 章下的獲授權人員，有責任立即展開調查及跟進，全力對違法行為提出檢控。假若漁護署最後決定不作出全面調查及檢控，我們認為絕對有失職之嫌，更有負市民所託及期望，亦有負 貴署及「香港生物多樣性策略及行動計劃」有關保護自然環境及生物多樣性的願景及抱負。我們促請貴署盡快清楚交代現時調查及檢控程序的最新情況。

除此之外， 貴署、有關部門及政策局（包括發展局、環境局、民政事務局及有關的工務部門）應制訂新的政府內部指引，避免修樹或其他工程影響繁殖雀鳥及鳥巢。當局可參考香港觀鳥會

去年發佈的《在鷺鳥林規劃及實施工程指引》。該指引是與不同政府部門、生態顧問公司及私營機構的代表進行廣泛諮詢而制訂的。

此外，是次事件的樹木修剪方法差劣，除了影響樹木的健康及結構，更令樹上的鳥巢變得不穩定，出現墜落的風險。因此，我們促請發展局及相關部門檢討及完善現有修剪樹木的程序及機制，加入保護野生動物的元素，並有充足的專業監管以確保工作質素，以免同類事件再次發生。

最後，我們相信 貴署是一個專業及負責任的團隊。我們衷心希望 貴署能根據香港法例作出合適的決定及行動，不要令市民再次失望。

二零一七年六月十六日

副本交送：

環境局局長 黃錦星 先生, GBS,JP

發展局局長 馬紹祥 先生, JP

康樂及文化事務署署長 李美嫦 女士, JP

聯署團體〔排名不分先後〕：

香港地貌岩石保育協會

長春社

創建香港

環保協進會

香港大學學生會理學會環境生命科學學會

綠惜地球

綠色力量

環保觸覺

綠領行動

綠色和平東亞分部香港辦公室

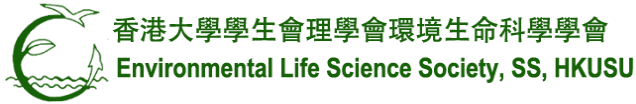
香港自然生態論壇

香港觀鳥會

香港海豚保育學會

香港自然探索學會

世界自然基金會香港分會



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