

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PARKS AND TREES ACT
(CHAPTER 216)

Act
14 of 1975
Amended by
27 of 1982
12 of 1987
10 of 1990

REVISED EDITION 1991

Parks and Trees Act

ARRANGEMENT OF SECTIONS

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An Act to provide for the development, protection and regulation of public parks and gardens and for the preservation and growing of trees and plants and for matters connected therewith.

[15th May 1975]

Short title.

1. This Act may be cited as the Parks and Trees Act.

Inter-pretation.

2. In this Act, unless the context otherwise requires —
 “Chief Surveyor” has the same meaning as in the Land Surveyors Act;

Cap. 156.

“Commissioner” means the Commissioner of Parks and Recreation and includes a Deputy or Assistant Commissioner of Parks and Recreation and a curator appointed under section 3;

“competent authority” means any one or more Government or statutory authorities empowered by any written law to approve plans for the development or subdivision of any land or plans relating to the construction of buildings;

“curator” means a person appointed as a curator under section 3 to manage and supervise a park;

“felling” includes wilfully destroying by any means;

“occupier”, in relation to any land, means any person in actual occupation of the land, and includes the owner of the land and any other person in receipt of the rents or profits thereof, and any agent or trustee of an occupier of the land;

“plants” includes shrubs, climbers, creepers, hedges, ferns, flowers and lawn-grasses;

“private street” means any street not being a public street;

10/90.

“public park” includes any walk, recreation ground, playground, open space, traffic island, side table or garden maintained by the Commissioner;

Cap. 166.

“public street” means any street over which the public has a right of way which has been transferred to or has become vested in the Government under the Local Government Integration Act or in any other manner;

“street” includes any road, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public has a right of way thereover or not; and all channels, drains, ditches, reserves and side tables at the side of any street shall be deemed to be part of the street;

“vacant land” means any side table or land which has not been developed for residential or industrial purposes, and includes any land on which any building or structure has been erected in contravention of any written law or in respect of which a temporary permit has been issued by the Deputy Director-General, Development and Building Control Division of the Public Works Department;

“vehicle” means a vehicle whether mechanically propelled or otherwise except a perambulator or an invalid carriage the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed and not merely adapted for the use of a person suffering from some physical defect or disability and is used solely by such person.

3.—(1) The Minister shall appoint a Commissioner of Parks and Recreation who shall be responsible for the performance of the duties and functions assigned to the Commissioner under this Act. Appointment of Commissioner and other officers.

(2) The Minister may appoint such numbers of Deputy and Assistant Commissioners of Parks and Recreation, curators and other officers as may be necessary for the purpose of administering and carrying out the provisions of this Act.

(3) The Commissioner and all other officers appointed under subsection (2) shall be deemed to be public servants within the meaning of the Penal Code. Cap. 224.

(4) The Minister may, by notification in the *Gazette*, authorise any officer appointed under subsection (1) or (2), as the case may be, to exercise within any public park all the powers of a police officer.

Public parks, aquariums, recreation grounds and gardens, etc.

4. The Commissioner may, so far as the funds at his disposal shall permit, lay out, construct, plant, improve, equip, maintain, supervise and control lands set apart or acquired for the purpose of being used as public parks, aquariums, walks, recreation or pleasure grounds, swimming pools or gardens and may —

- (a) erect thereon any pavilion, recreation room, out-house or other building and charge for admission thereto;
- (b) provide entertainment or any amenity thereon or therein;
- (c) set apart any part of such lands for the purpose of any game or recreation and exclude the public from the part set apart while it is in actual use for that purpose;
- (d) provide any apparatus for games and recreation and facilities for boating and charge for the use thereof;
- (e) place, or authorise any person to place, chairs or seats on such lands and charge for, or authorise any person to charge for, the use thereof;
- (f) provide and maintain refreshment stalls, food-stalls and restaurants on any such lands and either manage them himself or, if he thinks fit, let them to any person on such conditions as he may determine; and
- (g) plant trees and vegetation in or about any public street.

Restriction on felling or cutting of any tree having a girth of more than one metre.

5.—(1) Subject to the provisions of this Act, no person shall, without the written permission of the Commissioner, fell or cut any tree, with a girth exceeding one metre, growing on any vacant land or such other land as the Minister may, by order published in the *Gazette*, designate except where —

- (a) the felling or cutting is for the prevention of imminent danger; or
- (b) the felling or cutting is in compliance with any obligation imposed by any written law.

(2) For the purposes of subsection (1), the girth of a tree shall be measured half a metre from the ground.

(3) Any person who fells or cuts a tree in contravention of subsection (1) or who wilfully causes the death or destruction of a tree to which that subsection applies shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. 27/82.

(4) Where in any proceedings for an offence under this section —

- (a) it is proved that a tree was felled or cut, it shall be presumed, until the contrary is proved, that the tree had been felled or cut by the occupier of the land on which the tree was growing; and
- (b) a question arises as to whether the girth of a tree measured half a metre from the ground exceeds or does not exceed one metre, a certificate purporting to be signed by the Commissioner and certifying the girth of the tree and that he has examined the tree shall be admissible as evidence of the matters stated therein without proof of the signature of the Commissioner to such certificate.

6.—(1) An application for written permission to fell or cut any tree to which section 5 (1) applies shall be made to the Commissioner in the prescribed manner by a person having such estate or interest in the land on which the tree is growing as would enable him, with or without the consent of any other person, to fell or cut the tree.

Application for written permission to fell or cut trees.

(2) Where any such application is made, the Commissioner may, if it appears to him to be in the interest of the amenity of the area to do so, refuse to grant permission or grant permission subject to such conditions as he thinks fit.

(3) Any written permission to fell or cut any tree granted under this Act shall continue to be in force for such period as may be specified therein.

(4) Any person who is aggrieved by a decision of the Commissioner made under subsection (2) may, within two weeks of the date of the decision, appeal to the Minister in the prescribed manner whose decision shall be final. 27/82.

Notice to
plant or
replant trees.

7.—(1) For the purpose of preserving or enhancing the amenity of any vacant land, or land on which a new street is to be made, or adjoining or abutting on or near to a designated public road, the Commissioner may serve on the occupier of that land a notice requiring him, within such period (not being less than 14 days after service thereof) as may be specified in the notice —

- (a) to plant or replant any tree and plant of such size and species and at such places as may be so specified and to provide for their maintenance and protection;
- (b) to clear the land of weeds and over-grown grass; or
- (c) to take such other measures as are reasonably necessary for such purpose.

(2) A notice under subsection (1) shall take effect at the end of such period as may be specified in the notice.

(3) If within that period the occupier appeals to the Minister, the notice shall not take effect unless the notice is confirmed by the Minister or the appeal is for any reason dismissed by the Minister or is withdrawn.

(4) A person on whom a notice under subsection (1) is served may, at any time before the notice takes effect, appeal to the Minister in the prescribed manner against all or any of the requirements of the notice on the grounds that —

- (a) the planting or replanting of trees and plants in accordance with the notice is not required in the interest of amenity;
- (b) the place on which the trees and plants are required to be planted is unsuitable for the purpose; or
- (c) the requirements of the notice are otherwise impracticable or unreasonable.

(5) The decision of the Minister on an appeal shall be final.

(6) Any person who fails to comply with any requirement of a notice served under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(7) For the purposes of subsection (1), a “designated public road” means a public road or part thereof as the Minister may, by notification in the *Gazette*, designate.

8.—(1) Where the occupier of any land has failed to comply with the requirements of any notice which has become effective under section 7 (2) or (3), the Commissioner may at all reasonable times enter upon the land and take in respect thereof such measures and do such work thereon as may be necessary to comply in whole or in part with the notice.

Power of Commissioner to take measures in default of notice and to recover costs and expenses.

(2) All costs and expenses incurred by the Commissioner under subsection (1) shall constitute a debt due from the occupier of the land to the Government and be recoverable as such.

9.—(1) No person shall wilfully damage, destroy or remove a tree or plant which has been planted pursuant to section 7 or 8.

Trees and plants planted pursuant to sections 7 and 8 not to be damaged or removed. 27/82.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

10.—(1) Where the Commissioner is satisfied that any tree or plant, whether growing or not, is in an inflammable state or is likely to be dangerous to life or property or to cause an obstruction or is in any way physically or visually likely to impede traffic, the Commissioner may by notice in writing require the occupier of the land on which it is growing or lying to remove it within a time specified in the notice.

Prevention of grass fires and other dangers or obstructions.

(2) If the notice is not complied with, the Commissioner may, at any time after the expiration of the time so specified, cause the work to be done, and the costs and expenses of so doing shall constitute a debt due from the occupier of the land to the Government and be recoverable as such.

(3) If a fire occurs on any land in respect of which a notice under this section has been given and before the notice has been fully complied with, the costs and expenses of extinguishing the fire shall constitute a debt due from the occupier of the land to the Government and be recoverable as such.

(4) A certificate under the hand of the Commissioner as to the amount of the costs and expenses of extinguishing the fire shall be conclusive evidence that the amount has been so incurred.

(5) Any person on whom a notice under this section has been served shall, if he is not the occupier of the land in respect of which the notice has been served, within 7 days from the date thereof inform the Commissioner in writing that he is not the occupier.

(6) Any person who makes default in complying with subsection (5) shall, unless he shows cause for the default to the satisfaction of the court before which any question of liability to pay the costs and expenses of executing any work in pursuance of the notice served on him is determined, be deemed, for the purpose of recovering such costs and expenses, to be the occupier of the land in respect of which the notice was served.

(7) Where, in any case referred to in subsection (6), the court is satisfied that the person in default has shown sufficient cause for his default, the costs and expenses of executing any work in pursuance of the notice served on that person shall, notwithstanding that the notice has not been served on the occupier of the land, constitute a debt due from the occupier to the Government and be recoverable as such.

Power of Commissioner to take measures to remove trees and plants imminently dangerous to life or property. 27/82.

11.—(1) Where the Commissioner is satisfied that any tree or plant, whether growing or not, is imminently dangerous to life or property, the Commissioner may take such measures and do such work as may be necessary to remove the tree or plant.

(2) All costs and expenses incurred by the Commissioner under subsection (1) shall constitute a debt due from the occupier of the land to the Government and shall be recoverable as such.

(3) Where any land in respect of which measures have been taken or work has been done by the Commissioner under this section, section 8 or 10 has two or more occupiers, the occupiers shall be liable jointly for the whole costs and expenses incurred by the Commissioner; and those costs and expenses shall be apportioned in such manner as appears to the Commissioner to be reasonable.

Parking of vehicles on side-tables and turfed open spaces prohibited. 12/87.

12.—(1) No vehicle shall without reasonable excuse be parked on any —

(a) side-table; or

(b) turfed open space,

maintained by the Commissioner.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) When an offence under subsection (1) is committed, the person who at the time of the commission of the offence is the owner of the vehicle in respect of which the offence is committed shall be guilty of the offence in all respects as if he were the actual offender guilty of the offence unless the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(4) Nothing in this section shall affect the liability of the actual offender except that where a penalty has been imposed on or recovered from a person in relation to this offence no further penalty shall be imposed or recovered from any other person in relation thereto.

(5) Notwithstanding subsection (3), no owner of a vehicle shall by virtue of this section be guilty of an offence if he —

- (a) within 14 days after service on him of a notice alleging that he has been guilty of such offence, furnishes by statutory declaration to the Commissioner the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence concerned; or
- (b) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

(6) A statutory declaration made under subsection (5) if produced in any proceedings against the person named therein in respect of the offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such offence.

(7) In this section —

“owner”, in relation to a vehicle, includes —

- (a) every person who is the joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

- (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the rules applicable to him in regard to such sale or disposal; and
- (c) in the case of a vehicle in respect of which a general licence is issued under section 28 of the Road Traffic Act, the person to whom such general licence is issued;

Cap. 276.

“park” means to bring a vehicle to a stationary position and to cause it to wait for any purpose;

“side-table” means any area turfed or otherwise beside a public street.

Modes of serving notices under sections 7 and 10. 27/82.

13. A notice under section 7 or 10 may be addressed to the occupier without stating his name and may be served by —

- (a) delivering it personally to the occupier;
- (b) leaving it with an adult at his usual or last known place of abode or business;
- (c) sending it by registered post addressed to him at his usual or last known place of abode or business; or
- (d) affixing it conspicuously to some part of any premises comprised in, or to some object on, the land in respect of which the notice has been served.

Trees and plants to be planted, etc., in accordance with approved plans. 12/87.

14.—(1) Where approval from the competent authority has been obtained by any person to construct any new buildings, such person shall ensure that —

- (a) any trees and plants which are indicated on the plans and specifications approved by the competent authority are planted in accordance with such approved plans and specifications; and
- (b) any open spaces which are indicated on the approved plans and specifications are made up according to such approved plans and specifications.

(2) If the trees and plants are not planted in accordance with the approved plans and specifications or if the open spaces are not made up in accordance with the approved plans and specifications and to the satisfaction of the Commissioner, the Commissioner may by notice require the person to comply with subsection (1) (a) or (b) and, if such notice is not complied with within 21 days after the date of service of such notice, the Commissioner may cause the trees and plants to be planted, or execute or cause works to be carried out to ensure that the open spaces are made up, in accordance with the approved plans and specifications.

(3) Every notice under subsection (2) shall be in writing and shall be deemed to be sufficiently served on the person if sent by ordinary post to the person at his last known address and shall be deemed to be served on the person at the time when the notice would in the ordinary course of post be delivered.

(4) All costs and expenses incurred by the Commissioner under subsection (2) shall constitute a debt due from the person to the Government and be recoverable as such.

(5) Any person who fails to comply with any requirement of a notice served under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and, in the case of a continuing offence, to a further fine of \$100 for every day during which the offence continues after conviction. [15

15. The Minister may, on the determination of an appeal under section 6 or 7, confirm, annul or modify any decision made or any notice served by the Commissioner under this Act. [19

Power of Minister on an appeal under section 6 or 7.

16.—(1) The Commissioner may compound any offence committed under this Act or any rules made thereunder by accepting a sum not exceeding \$400 from the person who is suspected of having committed the offence. [20

Power to compound. 27/82.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of that offence. [20

17.—(1) Every officer appointed under section 3 (1) or (2) who seeks to exercise any of the powers conferred upon him by this Act shall, if not in uniform, on demand declare

Authority to be produced.

his office and produce such identification card as may be issued to him by the Commissioner.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made by any such officer acting or purporting to act under this Act if the officer is not in uniform and refuses to declare his office and produce his identification card, on demand being made therefor by that person. [21

Powers of
arrest, etc.

18.—(1) A person who is reasonably suspected by any police officer or any officer appointed for the purposes of this Act of having committed an offence under this Act or any rules made thereunder shall give his name and address to the police officer or officer, if so required.

(2) Any police officer, or any officer appointed for the purposes of this Act and generally or specially authorised to do so, may within a public park arrest any person committing in his view or who he has reasonable cause to believe has committed an offence under this Act or any rules made thereunder —

- (a) if the name and address of the person are unknown to him;
- (b) if the person declines to give his name and address;
or
- (c) if there is reason to doubt the accuracy of the name and address, if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained except that no person so arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained. [22

Protection
from liability
for bona fide
acts.

19. No action shall lie against the Commissioner or any other officer appointed under section 3 (2) or any person acting under the direction of the Commissioner or such officer in respect of any matter or thing done bona fide for the purposes of carrying out the provisions of this Act. [23

Act not to
affect liability
of occupier.

20. Nothing in this Act shall affect the liability in tort of an occupier for any injury or damage caused to any person or property arising from any tree or plant growing on his land. [24

21. The Minister may make such rules as he may think fit for the management and control of public parks and, in particular, for any of the following purposes:

Rules for public parks, etc. 27/82.

- (a) the preservation of order and the prevention of nuisance therein;
- (b) prescribing the days and times of admission thereto or to any part thereof;
- (c) the preservation and protection of the flora, fauna and other property therein;
- (d) the admission of vehicles thereto and the regulation of traffic therein;
- (e) the prohibition of any particular act therein;
- (f) prescribing the fees payable in respect of admission thereto or to any part thereof;
- (g) prescribing that any act or omission in contravention of the provisions of any rules made under this Act shall be an offence and prescribing penalties for such offences, which penalties shall not exceed a fine of \$2,000; and
- (h) regulating and prescribing standards for the planting, aeration and maintenance of trees and plants on any vacant land and public street.

[25

22. The Minister may, by order and subject to such conditions as may be specified in such order, exempt any person from any provision of this Act or any rules made thereunder.

Exemption. 12/87.

[25A