



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

ACTS SUPPLEMENT

Published by Authority

NO. 11]

FRIDAY, MARCH 24

[2017

First published in the *Government Gazette*, Electronic Edition, on 20 March 2017 at 5 pm.

The following Act was passed by Parliament on 7 February 2017 and assented to by the President on 13 March 2017:—

REPUBLIC OF SINGAPORE

No. 9 of 2017.

I assent.

TONY TAN KENG YAM,
President.
13 March 2017.



An Act to amend the Parks and Trees Act (Chapter 216 of the 2006 Revised Edition) and to make related amendments to the National Parks Board Act (Chapter 198A of the 2012 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Parks and Trees (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2 of the Parks and Trees Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “heritage road green buffer”, the following definition:

“ “marine park” means any area of the sea or seabed that is set aside for conservation of marine organisms and is designated in Part III of the Schedule;”;

(b) by inserting, immediately after the definition of “park ranger”, the following definition:

“ “planning permission” has the same meaning as in the Planning Act;”;

(c) by inserting, immediately after the words “public park,” in paragraph (a) of the definition of “public park”, the words “marine park,”;

(d) by inserting, immediately after the word “Board” in paragraph (b) of the definition of “public park”, the words “or by any management body designated under section 6A”;

(e) by deleting the definition of “tree” and substituting the following definition:

“ “tree” includes a single-stemmed palm and any part of a tree or single-stemmed palm (including its seedling, sapling or re-shoot);”;
and

(f) by deleting the word “where” in paragraph (b) of the definition of “vacant land” and substituting the word “which”.

Amendment of section 4**3. Section 4 of the principal Act is amended —**

(a) by deleting subsection (3) and substituting the following subsection:

“(3) The Commissioner may appoint any of the following persons to be an authorised officer for the purpose of assisting the Commissioner in administering and carrying out the provisions of this Act or any other written law:

(a) a public officer;

(b) an employee of the Board;

(c) an auxiliary police officer appointed under the Police Force Act (Cap. 235).”;

(b) by deleting subsections (5) and (6) and substituting the following subsections:

“(5) The Commissioner may appoint any of the following persons to be a park ranger who may exercise the powers conferred on a park ranger under sections 41 and 42 within the national park, nature reserve or public park and in the circumstances specified in the Commissioner’s authorisation for the park ranger under subsection (6):

(a) a public officer;

(b) an employee of the Board;

(c) an employee of a management body designated under section 6A;

(d) a person who holds a security officer’s licence under the Private Security Industry Act (Cap. 250A).

(6) The Commissioner must issue to each park ranger an authorisation specifying where, or the circumstances in which, the park ranger may exercise the powers conferred on a park ranger under sections 41 and 42.

(7) The powers conferred on a park ranger under sections 41 and 42 must be exercised only to the extent of the authorisation under subsection (6).

(8) The Commissioner may, for any reason that appears to the Commissioner to be sufficient, at any time revoke a person's appointment as an authorised officer or a park ranger.

(9) A person who is appointed as an authorised officer under subsection (3) or a park ranger under subsection (5) does not, by virtue only of the appointment, become an employee or agent of the Board.”.

New section 6A

4. The principal Act is amended by inserting, immediately after section 6, the following section:

“Management body

6A. The Minister may, by notification in the *Gazette*, designate, for the purposes of this Act, any body to be a management body for any State land, land belonging to the Board or any other land that is managed as a public park on behalf of the Government or the Board, as the case may be.”.

Amendment of section 9

5. Section 9 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) A person must not, except with the approval of the Commissioner granted under section 12 and in accordance with the terms and conditions of such approval —

-
-
- (a) bring or release into, or abandon any animal in, or cause any animal to be brought or released into, or abandoned in a nature reserve;
 - (b) release or abandon or cause any animal to be released or abandoned into any river, stream, canal or watercourse outside a nature reserve that the person knows, or ought reasonably to know, flows into or through the nature reserve; or
 - (c) permit any animal belonging to or under the charge of the person to stray into a nature reserve.”.

Amendment of heading to Part IV

6. Part IV of the principal Act is amended by deleting the words “PROTECTION AND” in the Part heading.

Amendment of Division 1 heading of Part IV

7. Part IV of the principal Act is amended by inserting, immediately after the words “*Tree conservation areas*” in the heading of Division 1, the words “*and vacant lands*”.

Amendment of section 14

8. Section 14 of the principal Act is amended —

- (a) by deleting the words “shall be measured half a metre from the ground” in subsection (4) and substituting the words “must be measured in the prescribed manner”; and
- (b) by deleting the words “measured half a metre from the ground” in subsection (5).

Amendment of section 20

9. Section 20 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

“(1) An application for an approval to carry out or cause the carrying out of any activity mentioned in section 14(1), 18(1) or 19(1) must be —

- (a) made to the Commissioner in such manner as may be prescribed; and
- (b) accompanied by such non-refundable application fee as may be prescribed.”; and
- (b) by deleting the words “to cut a tree or plant within a heritage road green buffer” in subsection (6) and substituting the words “under this section”.

Amendment of section 21

10. Section 21 of the principal Act is amended —

- (a) by inserting, immediately after the words “a contravention of section” in subsection (1), the words “14(1) or (2),”;
- (b) by deleting the words “section 18(1) or (2) or 19(1)” in subsection (1)(a) and (b) and substituting in each case the words “any of those provisions”;
- (c) by deleting the words “the heritage road green buffer caused by” in subsection (2) and substituting the words “any tree mentioned in section 14(1) or the heritage road green buffer mentioned in section 19(1) arising from”;
- (d) by inserting, immediately after paragraph (a) of subsection (2), the following paragraph:
 - “(aa) to replant or restore any tree cut or damaged in contravention of section 14(1) or (2), or, if such replanting or restoration is not reasonably practicable or is undesirable, to execute such works as the Commissioner may specify in the notice to alleviate the effect of the contravention, including planting other trees or plants and taking measures for their maintenance;”;
- (e) by inserting, immediately after the words “paragraph (a),” in subsection (2)(d), “(aa),”;

- (f) by inserting, immediately after the word “regards” in the section heading, the words “tree conservation areas, vacant lands and”.

Amendment of section 23

11. Section 23 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

“(1) All premises mentioned in section 22 must have a planting area that conforms with the prescribed dimensions or those dimensions as modified under subsection (6).”; and

- (b) by deleting subsection (6) and substituting the following subsection:

“(6) The Commissioner may, in any particular case, modify or waive, subject to such terms and conditions as the Commissioner may impose, the prescribed dimensions of a planting area.”.

Amendment of section 27

12. Section 27(1) of the principal Act is amended by deleting the words “premises fronting, adjoining or abutting any public street, the Commissioner may at any time serve on the occupier of any premises fronting, adjoining or abutting that public street” and substituting the words “any premises (whether or not mentioned in section 22) fronting, adjoining or abutting any public street, the Commissioner may at any time serve on the occupier of those premises”.

Amendment of section 32

13. Section 32 of the principal Act is amended —

- (a) by deleting the words “the Commissioner may require which shall be paid in the prescribed manner” in subsection (1)(c) and substituting the words “may be prescribed”;

(b) by deleting the words “shall automatically lapse —” in subsection (7) and substituting the words “lapses upon the earlier of the following events:”; and

(c) by deleting the word “or” at the end of subsection (7)(a).

New section 37A

14. The principal Act is amended by inserting, immediately after section 37, the following section:

“Power to enter and inspect premises for dangerous trees

37A.—(1) The Commissioner or an authorised officer may, at any reasonable time, enter any premises to inspect any tree or plant in order to ascertain if the condition of the tree or plant, whether or not dead or dying, constitutes a danger to any person or property.

(2) Where the Commissioner or authorised officer is satisfied that the condition of any tree or plant on the premises inspected under subsection (1) constitutes a danger to any person or property, the Commissioner or authorised officer may by a maintenance notice require the occupier of the premises —

(a) to maintain the tree or plant; or

(b) to take such other measures as may be specified in the notice to abate the danger.

(3) A maintenance notice issued under subsection (2) must specify the date on which the notice takes effect, and the period (beginning on the date the notice takes effect) within which any step required by the notice must be taken.”.

Amendment of section 41

15. Section 41 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(1) The Commissioner, an authorised officer or a police officer may require any person who has committed, or whom the Commissioner, authorised officer or police officer (as the case may be) reasonably suspects of having committed, an offence under this Act to furnish such evidence of the person’s identity as may be required by the Commissioner, authorised officer or police officer (as the case may be).

(1A) Any person who —

- (a) refuses to furnish the information required of the person under subsection (1); or
- (b) furnishes, in connection with a requirement under subsection (1), information that is false or misleading in a material particular, knowing or reckless as to whether it is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(1B) The Commissioner, an authorised officer or a police officer may arrest, without warrant, any person who has committed or who is reasonably suspected to have committed an offence under subsection (1A).

(1C) A park ranger may exercise the powers under subsections (1) and (1B) in respect of any person who has committed or whom the park ranger reasonably suspects of having committed an offence under this Act within the national park, nature reserve or public park specified in the authorisation for the park ranger under section 4(6).

(1D) The Commissioner, authorised officer, police officer or park ranger making an arrest under subsection (1B) must not restrain the person arrested more than is necessary to prevent the person's escape.”; and

- (b) by deleting the word “Powers” in the section heading and substituting the words “Power to demand evidence of identity and power”.

New section 41A

16. The principal Act is amended by inserting, immediately after section 41, the following section:

“Power to investigate offences under Act

41A.—(1) For the purpose of investigating any offence under this Act, the Commissioner or an authorised officer may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances of the case; and
- (b) by written order require any person within the limits of Singapore, who appears to be acquainted with the facts and circumstances of the case, to attend before the Commissioner or authorised officer.

(2) The person mentioned in subsection (1)(a) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case except only that the person may decline to make, with regard to any fact or circumstance, a statement which would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

(3) A statement made by any person examined under this section must —

- (a) be reduced to writing;
- (b) be read over to the person;

(c) if the person does not understand English, be interpreted for the person in a language that the person understands; and

(d) after correction, if necessary, be signed by the person.

(4) If any person fails to attend before the Commissioner or an authorised officer as required by an order under subsection (1)(b), the Commissioner or authorised officer may report such failure to a Magistrate who may issue a warrant to secure the attendance of that person as required by the order.”.

Amendment of section 42

17. Section 42 of the principal Act is amended by deleting subsection (2).

Amendment of section 46

18. Section 46(1) of the principal Act is amended by inserting, immediately after the words “section 25(2)” in paragraph (a)(iv), the words “or 37A(2)”.

Amendment of section 51

19. Section 51 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) The Commissioner may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.”; and

(b) by inserting, immediately after subsection (3), the following subsection:

“(4) All sums collected under this section are to be paid into the Consolidated Fund.”.

Amendment of section 56

20. Section 56(1) of the principal Act is amended by inserting, immediately after the words “section 25(2)” in paragraph (d), the words “or 37A(2)”.

Amendment of section 57

21. Section 57 of the principal Act is amended by deleting the words “All fees, charges, composition amounts” and substituting the words “Except as provided for in section 51(4), all fees, charges”.

Amendment of section 63

22. Section 63(2) of the principal Act is amended —

(a) by deleting paragraph (b) and substituting the following paragraph:

“(b) the applications for approval under this Act, including the manner of such applications and the documents to be submitted;”;

(b) by inserting, immediately before the word “regulating” in paragraph (e), the words “prescribing the manner for measuring the dimensions of a planting area, and”; and

(c) by deleting paragraph (f).

Amendment of Schedule

23. The Schedule to the principal Act is amended —

(a) by deleting item 1 of Part I and substituting the following item:

“1. All those pieces of land situated in T.S. No. 25 known as the Singapore Botanic Gardens, described as follows:

<i>T.S. No.</i>	<i>Lot No.</i>	<i>Area (square metres)</i>
No. 25	01748N	522,892.70
	01643A	34.4
	01644K	305.8
	01640V	4,550.3
Total		527,783.2

The boundaries of these areas are more particularly delineated on Certified Plans Nos. 38578, 38579, 85149 and 38065 filed in the office of the Chief Surveyor.”; and

(b) by inserting, immediately after item 4 of Part II, the following Part:

“PART III

MARINE PARK

The waters within the limits bounded by straight lines joining the following geographical positions (position in WGS84) (it is bounded by the coastline whenever the line meets the coastline):

- (a) (1) 1°13.715'N 103°50.373'E on the southern shore of Pulau Tekukor
- (2) 1°13.705'N 103°50.336'E
- (3) 1°13.845'N 103°50.178'E
- (4) 1°14.009'N 103°50.112'E
- (5) 1°14.066'N 103°50.150'E
- (6) 1°13.983'N 103°50.193'E on the northern shore of Pulau Tekukor,

including the seaward side of Pulau Tekukor;

- (b) (1) 1°12.775'N 103°50.220'E
- (2) 1°12.714'N 103°50.170'E
- (3) 1°12.694'N 103°50.028'E
- (4) 1°12.728'N 103°49.959'E

-
-
- (5) 1°12.937'N 103°49.821'E
 - (6) 1°13.049'N 103°49.878'E
 - (7) 1°13.068'N 103°49.919'E
 - (8) 1°13.040'N 103°50.013'E
 - (9) 1°12.959'N 103°50.078'E
 - (10) 1°12.924'N 103°50.164'E
 - (11) 1°12.881'N 103°50.182'E
 - (12) 1°12.842'N 103°50.198'E,

to the point of origin at (1), including Pulau Subar Darat and Pulau Subar Laut;

- (c) (1) 1°12.801'N 103°51.099'E on the southern shore of Pulau Sakijang Bendera
- (2) 1°12.803'N 103°51.002'E
- (3) 1°13.016'N 103°50.845'E
- (4) 1°13.141'N 103°50.721'E
- (5) 1°13.216'N 103°50.643'E
- (6) 1°13.289'N 103°50.582'E
- (7) 1°13.381'N 103°50.545'E
- (8) 1°13.438'N 103°50.615'E
- (9) 1°13.393'N 103°50.653'E on the northern shore of Pulau Sakijang Bendera,

including the seaward side of Pulau Sakijang Bendera. „

Related amendments to National Parks Board Act

24.—(1) Section 2 of the National Parks Board Act (Cap. 198A) (called in this section the NPB Act) is amended by inserting, immediately after the definition of “Chief Executive”, the following definitions:

“ “landscape industry” means an industry comprising persons who carry on any business or engage in any commercial

activity in connection with one or more, or any part, or any combination, of the following:

- (a) landscaping works and services;
- (b) the supply of plants or landscaping or related products;

“landscaping works and services” includes the provision of services in landscape design, landscape architecture, planting and landscaping, arboriculture maintenance, horticulture maintenance and turf maintenance;”.

(2) Section 6(1) of the NPB Act is amended —

- (a) by deleting the word “and” at the end of paragraph (h); and
- (b) by deleting paragraph (i) and substituting the following paragraphs:

- “(i) to manage on behalf of the Government any State land used or to be used by the landscape industry and to promote the optimisation of the use of such land;
- (j) to promote the development, productivity and efficiency of the landscape industry;
- (k) to promote the advancement of skills and expertise of individuals in relation to any subject mentioned in paragraph (f) and of individuals employed in the landscape industry; and
- (l) to carry out such other functions and duties as are imposed upon the Board by or under this Act or any other written law.”.

(3) Section 14 of the NPB Act is repealed and the following section substituted therefor:

“Public servants

14.—(1) All members, employees and agents of the Board are taken to be public servants for the purposes of the Penal Code (Cap. 224).

(2) The members, officers and employees of the Board are, in relation to —

- (a) their administration, collection and enforcement of payment of composition sums under any Act administered by the Board; and
- (b) the management of State land in connection with the performance of any function under section 6(1)(a), (b), (ba), (g) or (i),

taken to be public officers for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to each of these persons even though they are not or were not in the employment of the Government.

(3) In this section, a reference to officers and employees of the Board includes a reference to persons seconded to the Board for any period.”.

(4) Section 29 of the NPB Act is repealed and the following section substituted therefor:

“All moneys recovered to be paid to Board

29.—(1) All moneys recovered or sums collected under this Act or any other Act administered by the Board, other than composition sums, are to be paid into and form part of the general funds of the Board.

(2) All composition sums collected under any Act administered by the Board are to be paid into the Consolidated Fund.”.

(5) The Second Schedule to the NPB Act is amended —

- (a) by deleting the words “trees, plants and vegetation” in paragraph 2B and substituting the word “plants”; and
- (b) by inserting, immediately after paragraph 8, the following paragraphs:

“8A. To develop, conduct and certify training programmes for any subject matter relating to any function of the Board.

8B. To establish, manage and administer any accreditation or certification scheme or a register, for any purpose relating to any function of the Board.”.

Saving and transitional provision

25. Sections 8 and 11 do not apply to any application for an approval under sections 20 and 32 of the principal Act made before the date of commencement of sections 8 and 11, respectively, and sections 14 and 23 of the principal Act as in force immediately before that date continue to apply to such an application as if sections 8 and 11 had not been enacted.
