

TOWN COUNCILS ACT
(CHAPTER 329A, SECTIONS 24 AND 49)

TOWN COUNCIL OF EAST COAST-FENGSHAN (COMMON
PROPERTY AND OPEN SPACES) BY-LAWS

ARRANGEMENT OF BY-LAWS

By-law

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[25th April 1997]

Citation

1. These By-laws may be cited as the Town Council of East Coast-Fengshan (Common Property and Open Spaces) By-laws.

Definitions

2.—(1) In these By-laws, unless the context otherwise requires —

“common property” and “open space” mean any common property and any open space, respectively, within the Town of East Coast-Fengshan;

“housing estate” means a housing estate of the Board within the Town of East Coast-Fengshan;

“mobility aid” means any of the following carrying an individual who is unable to walk or has difficulty in walking:

(a) a wheelchair (motorised or otherwise);

(b) a mobility scooter as defined by the Active Mobility Act 2017 (Act 3 of 2017);

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

“parking place” has the same meaning as in the Parking Places Act (Cap. 214);

“public path” means a path declared under section 6 of the Active Mobility Act 2017 as a public path;

[S 588/2019 wef 01/09/2019]

“sign” includes all signals, warning sign posts, direction posts, banners, notices and advertisements;

“vehicle” means a vehicle, whether mechanically propelled or not, intended or adapted for use on the road, such as (but not limited to) a bicycle, power-assisted bicycle or personal mobility device as defined by the Active Mobility Act 2017, but excludes any mobility aid.

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(2) Nothing in these By-laws shall prohibit officers or employees of the Town Council or any person authorised by the Town Council from doing any act that is reasonably necessary or expedient in the enforcement of these By-laws.

(3) These By-laws do not affect the rights of the public to pass along a public path within the Town of East Coast-Fengshan in accordance with the Active Mobility Act 2017.

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Dumping and renovation debris

3. No person shall —

- (a) place, deposit, keep or leave, or cause or permit to be placed, deposited, kept or left, any material, article, object or thing on any common property or in any open space except in such common property or open space designated by the Town Council for that purpose; or
- (b) transport any renovation debris or other building material in any lift in a building in any housing estate, or over any other common property, except with the prior written permission of the Town Council.

Obstruction of common property

4.—(1) No person shall obstruct or cause or permit the obstruction of the lawful use of any common property with any object, fixture or thing.

(2) The Town Council may remove and detain any object, fixture or thing obstructing the lawful use of any common property.

(3) The Town Council shall immediately give written notice to the owner or person having lawful possession of the object, fixture or thing removed and detained by the Town Council that he may, on payment of the expenses incurred by the Town Council in such removal and detention, claim possession from the Town Council within 30 days of such removal and detention.

(4) If the object, fixture or thing removed and detained by the Town Council is not claimed by the owner or person having lawful possession thereof within 30 days of such removal and detention, the Town Council may —

- (a) dispose of it by public auction or otherwise; and

- (b) apply the proceeds of the sale to the expenses incurred by the Town Council in the removal and detention, and the surplus, if any, shall be paid to such owner or person having lawful possession thereof.

Throwing objects, etc., from buildings and dangerously positioned objects

5.—(1) No person shall endanger life or property or cause any nuisance, annoyance or inconvenience to any person within the Town by throwing, or allowing to fall, from his flat or any part of the building in a housing estate within the Town, any object, material, thing, article or substance.

(2) No person shall place any pot, plant, ornament, article, object or substance on or at any window-sill, corridor or other part of the common property within the Town in such manner which, in the opinion of the Town Council, is likely to endanger the life or cause injury to any person or cause damage to any common property within the Town or the property of any other person.

(3) The Town Council may, by notice in writing, direct any owner or occupier of a flat within the Town to remove, within 7 days of the date of such notice, any pot, plant, ornament, article, object or substance placed on or at any window-sill, corridor or other part of the common property outside the flat in contravention of paragraph (2).

(4) Where the owner or occupier of a flat fails to comply with the notice of the Town Council under paragraph (3), the Town Council may remove and detain the pot, plant, ornament, article, object or substance, as the case may be, and the amount of the expenses incurred by the Town Council in such removal and detention shall be recoverable from that owner or occupier.

(5) Where, in the opinion of the Town Council, any pot, plant, ornament, article, object or substance placed on or at any window-sill, corridor or other part of the common property within the Town in contravention of paragraph (2) is an imminent danger to life or person, the Town Council may remove and detain such pot, plant,

ornament, article, object or substance without any notice under paragraph (3).

(6) The Town Council shall immediately give written notice to the owner or occupier of the flat or other person having lawful possession of the pot, plant, ornament, article, object or substance removed and detained by the Town Council under paragraph (4) or (5) that he may, on payment of the expenses incurred by the Town Council in such removal and detention, claim possession of it from the Town Council within 30 days of such removal and detention.

(7) If the pot, plant, ornament, article, object or substance removed and detained by the Town Council under paragraph (4) or (5) is not claimed within 30 days of such removal and detention by the owner or occupier of the flat or other person who had lawful possession thereof when it was removed and detained, the Town Council may —

- (a) dispose of such pot, plant, ornament, article, object or substance by public auction or otherwise; and
- (b) apply the proceeds of the sale to the expenses incurred by the Town Council in the removal and detention, and the surplus, if any, shall be paid to such owner, occupier or other person.

Damage to common property

6.—(1) No person shall remove, destroy, damage or deface, or remove any earth or soil from, any common property.

(2) The costs and expenses including administrative costs incurred by the Town Council in restoring any damaged common property to its condition before such removal, destruction, damage or defacement or in replacing earth, soil or any other property that has been removed shall constitute a debt due to the Town Council and shall be recoverable as such.

Damage to turf, plant, shrub or tree

7.—(1) No person shall remove, cut, damage or dispose of any turf, plant, shrub or tree or part thereof situated on any common property or in any open space.

(2) No person shall pick a shrub or plant or any part thereof situated on any common property or in any open space.

Unlawful parking, etc.

8.—(1) No person shall, except with the written permission of the Town Council —

- (a) park any vehicle on any common property or in any open space that is not a parking place; or
- (b) use, ride or drive on any common property or in any open space any vehicle other than a perambulator, a child's toy vehicle used solely by a child or a mobility aid.

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(2) Paragraph (1)(b) does not apply to any common property or open space that is a public path within the Town of East Coast-Fengshan.

[S 588/2019 wef 01/09/2019]

Power to remove and detain vehicles

9.—(1) Where a vehicle is parked on any common property or in any open space in contravention of any by-law, or appears to have been abandoned on any common property or in any open space, the secretary may, in his discretion and by himself or an officer authorised by the Town Council (referred to in this by-law as the authorised officer) —

- (a) remove the vehicle to a place of safety or any other place and detain it thereat; or
- (b) prevent the removal of the vehicle without his consent by fixing an immobilisation device to the vehicle.

(2) Where the secretary or the authorised officer has removed any vehicle to a place of safety or any other place pursuant to paragraph (1)(a) or fixed an immobilisation device to the vehicle pursuant to paragraph (1)(b), he shall, with reasonable despatch, give notice in writing to the owner of the vehicle as to the procedure by

which he may secure the release of the vehicle, and such notice shall be served on the owner of the vehicle —

- (a) in the case where the vehicle has been removed to a place of safety or any other place, by post; or
- (b) in the case where an immobilisation device has been fixed to the vehicle, by affixing the notice onto the windscreen or any conspicuous part of the vehicle.

(3) No vehicle which has been removed and detained by the secretary or the authorised officer or to which an immobilisation device has been fixed in accordance with this by-law shall be released to the owner of the vehicle except —

- (a) by or under the direction of the secretary or the authorised officer; and
- (b) upon the owner of the vehicle having paid all expenses incurred by the secretary or the authorised officer, and such other charges as may be imposed under these By-laws.

(4) Any person who, without the authority of the secretary or the authorised officer, removes or tampers with any notice affixed to a vehicle under paragraph (2)(b) shall be guilty of an offence.

(5) Any person who, without being authorised to do so in accordance with this by-law, removes or attempts to remove —

- (a) any vehicle from any place at which it is being detained under this by-law; or
- (b) an immobilisation device fixed to a vehicle in accordance with this by-law,

shall be guilty of an offence.

(6) Where any vehicle which has been removed and detained by the secretary or the authorised officer or to which an immobilisation device has been fixed in accordance with this by-law is not claimed by the owner within 30 days after the date notice is given under paragraph (2) of the removal or immobilisation (as the case may be), the secretary may sell the vehicle or otherwise dispose of it.

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(7) Where any vehicle has been sold or otherwise disposed of under paragraph (6), the proceeds of the sale or disposal of the vehicle shall be applied —

- (a) firstly in payment of any expenses incurred in carrying out the provisions of this by-law; and
- (b) thereafter shall be applied in payment of all charges and fines payable under these By-laws,

and the surplus, if any, shall be paid to the owner of the vehicle.

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(8) In this by-law, “immobilisation device” means any device or appliance designed or adapted to be fixed to any part of a vehicle for the purpose of preventing the vehicle from being driven or otherwise put in motion, being a device or appliance of such type approved by the secretary or an officer authorised by the Town Council in that behalf.

Repairing, painting, etc., of vehicles

10.—(1) No person shall repair, paint, spray, test or service or cause or permit to be repaired, painted, sprayed, tested or serviced any vehicle on any common property or in any open space.

(2) Paragraph (1) shall not apply to such repairs as may be reasonably necessary to enable the vehicle to be removed from the common property or open space.

Playing of games

11. Where the Town Council has set apart any part of any common property or open space described in a notice board affixed or set up in some conspicuous position in that part of the common property or open space for the purpose of —

- (a) roller skating;
- (b) riding of skateboards; or
- (c) any game specified in the notice which may, by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person on or in the

common property or open space, necessitate at any time during the continuance of the game the exclusive use by the players of any space in such part of the common property or open space,

no person shall on or in any common property or open space elsewhere roller skate, ride a skateboard or play or take part in any game so specified.

Entertainment and sale of goods on common property and open spaces

12. No person shall, without the prior written permission of the Town Council —

- (a) hold or stage or cause the holding or staging of any show, play, wayang or other entertainment or any reception or formal party on any common property or in any open space; or
- (b) sell or offer or expose for sale any commodity or article on any common property or in any open space.

Bathing, swimming, etc., in fountains and ponds

13. No person shall —

- (a) bathe, wade or wash in; or
- (b) cause or permit any animal belonging to him to enter or remove anything from,

any fountain and pond which is within the Town and maintained by the Town Council.

Trespassing onto lift motor rooms, etc.

14. No person shall, except with the prior written permission of the Town Council, enter any lift motor room or any common property, being a fenced enclosure, building or room, in which any installation for the use or supply of water or electricity may be situated.

Display of signs

15. No person shall display or cause or permit to be displayed any sign on any common property or in any open space except with the prior written permission of the Town Council.

Unauthorised structures

16.—(1) No person shall erect or install any fixture, structure or thing on any common property or in any open space except with the prior written permission of the Town Council.

(2) Any person who erected or installed any fixture, structure or thing in contravention of paragraph (1) shall, if requested in writing by the Town Council, remove at his expense that fixture, structure or thing and repair any damage to the common property or open space within 7 days of that request being served on him, in default of which the Town Council may remove that fixture, structure or thing and repair any such damage caused.

(3) The amount of expenses incurred by the Town Council in removing the fixture, structure or thing and performing the repairs shall be recoverable by the Town Council from that person.

Diversion of water or electricity

17. No person shall draw, divert or take —

- (a) any water from any water service installation for the supply of water, tap or pipe situated on any common property; or
- (b) any electricity from any electrical installation for the supply of electricity, socket or electrical supply line situated on any common property,

except with the prior written permission of the Town Council.

Obstruction of refuse chute

18. No person shall throw or deposit or cause or permit to be thrown or deposited into any refuse chute in a building in any housing estate any object, material, thing, article or substance which will or is likely to choke, clog or obstruct the free fall of refuse in the chute or cause

any nuisance, annoyance or inconvenience to other occupiers of the building.

Service of documents

19. Except insofar as these By-laws otherwise expressly provide, any document required by these By-laws to be served on any person may be served —

- (a) by delivering the document to that person or delivering the document at the usual or last known place of residence of that person to some adult member or servant of his family;
- (b) by sending the document by registered post to the usual or last known place of residence or business of the person;
- (c) by leaving the document at the usual or last known place of residence or business of the person in a cover addressed to that person; or
- (d) where the person is a body corporate —
 - (i) by delivering the document to the secretary or other like officer of the body corporate at its registered office or principal place of business; or
 - (ii) by sending the document by registered post to the registered office of the body corporate.

Composition of offences

20. Every offence under these By-laws shall be a compoundable offence in accordance with section 49 of the Act.

21. *[Deleted by S 588/2019 wef 01/09/2019]*

LEGISLATIVE HISTORY
TOWN COUNCIL OF EAST COAST-FENGSCHAN (COMMON
PROPERTY AND OPEN SPACES) BY-LAWS
(CHAPTER 329A, BY 43)

This Legislative History is provided for the convenience of users of the Town Council of East Coast-Fengshan (Common Property and Open Spaces) By-laws. It is not part of these By-laws.

1. G. N. No. S 210/1997 — Town Council of East Coast (Common Property and Open Spaces) By-laws 1997

Date of commencement : 25 April 1997

2. 1998 Revised Edition — Town Council of East Coast (Common Property and Open Spaces) By-laws

Date of operation : 15 June 1998

3. G. N. No. S 314/2000 — Town Council of East Coast (Common Property and Open Spaces) (Amendment) By-laws 2000

Date of commencement : 1 July 2000

4. 2001 Revised Edition — Town Council of East Coast (Common Property and Open Spaces) By-laws

Date of operation : 31 January 2001

5. G. N. No. S 180/2002 — Town Council of East Coast (Common Property and Open Spaces) (Amendment) By-laws 2002

Date of commencement : 22 April 2002

6. G.N. No. S 476/2012 — Town Council of East Coast (Common Property and Open Spaces) (Amendment) By-laws 2012

Date of commencement : 22 September 2012

7. G. N. No. S 577/2015 — Town Councils (Declaration of Towns) Order 2015

Date of commencement : 1 October 2015

8. G.N. No. S 588/2019 — Town Council of East Coast-Fengshan (Common Property and Open Spaces) (Amendment) By-laws 2019

Date of commencement : 1 September 2019