

**Town Council of East Coast-Fengshan (Common Property and Open Spaces)
By-laws**

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Legislative History

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

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

By 43

REVISED EDITION 2001

(31st January 2001)

[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);

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

“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.

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

(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.

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

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.