

Parks and Trees (Amendment) Bill

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Bill No: 32/1994

Read the first time: 31st October 1994

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Expenditure of Public Money

Parks and Trees (Amendment) Bill

Bill No. 32/1994

Read the first time on 31st October 1994.

An Act to amend the Parks and Trees Act (Chapter 216 of the 1991 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 may be cited as the Parks and Trees (Amendment) Act 1994 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

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

- (a) by deleting the definitions of “Chief Surveyor” and “Commissioner” and substituting the following definitions:

“aeration” means the exposure of the soil surrounding the base of the trunk of a tree to enable air and water to reach its roots;

“Commissioner” means the Commissioner of Parks and Recreation and includes a Deputy or an Assistant Commissioner of Parks and Recreation and a Director or an Assistant Director of Parks and Recreation;”;

- (b) by deleting the definition of “curator”;
- (c) by inserting, immediately after the definition of “occupier”, the following definition:

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

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who is the hirer or 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 [Cap. 276], the person to whom such general licence is issued;”;
- (d) by deleting the words “side table” in the definition of “public park” and substituting the word “verge”;
 - (e) by deleting the words “side tables” in the ninth line of the definition of “street” and substituting the word “verges”;
 - (f) by inserting, immediately after the definition of “street”, the following definition:

“ “tree conservation area” means any land designated by the Minister as a tree conservation area under section 5;”;

- (g) by deleting the words “side table” in the first line of the definition of “vacant land” and substituting the word “verge”;
- (h) by deleting the words “Deputy Director-General, Development and

Building Control Division of the Public Works Department” at the end of the definition of “vacant land” and substituting the words “relevant authority”; and

- (i) by deleting the full-stop at the end of the definition of “vehicle” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““verge” means any area by the side of a public street, whether turfed or not.”.

Amendment of section 3

3. Section 3(2) of the principal Act is amended by deleting the word “curators” in the third line and substituting the words “Directors and Assistant Directors of Parks and Recreation”.

Amendment of section 4

4. Section 4 of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (f);
- (b) by inserting, immediately after paragraph (f), the following paragraph:
 - “(g) authorise any person to erect, maintain and operate on such lands any facility and charge, or authorise any person to charge, for the use thereof; and”;
- (c) by re-lettering the existing paragraph (g) as paragraph (h).

Amendment of section 5

5. Section 5 of the principal Act is amended —

- (a) by inserting, immediately after the word “designate” in the fifth line of subsection (1), the words “as a tree conservation area”; and
- (b) by deleting “\$2,000” at the end of subsection (3) and substituting “\$10,000”.

New section 5A

6. The principal Act is amended by inserting, immediately after section 5, the following section:

“Notice to maintain or preserve trees in tree conservation areas

5A.—(1) For the purpose of maintaining or preserving any tree to which section 5 applies, the Commissioner may, by notice in writing addressed to the occupier of the land on which the tree is growing, direct him to take, within such time as may be specified in the notice, such measures as are reasonably necessary for such purpose.

(2) Without prejudice to the power of the Commissioner under subsection (3), any person who fails to comply with the requirements of a notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine of \$100 for every day during which the offence continues after conviction.

(3) If the notice issued under subsection (1) is not complied with, the Commissioner may, at any time after the expiration of the time so specified in the notice, cause the measures to be taken, 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.

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

(5) Any person who fails to comply with subsection (4) shall, unless he proves to the satisfaction of the court before which the question of liability to pay costs and expenses of taking any measures in pursuance of the notice issued 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 issued.

(6) Where, in any case referred to in subsection (5), the court is satisfied that the person in default has shown sufficient cause for his default, the costs and expenses of taking any measures in pursuance of the notice issued on that person shall, notwithstanding that the notice has not been issued on the occupier of the land, constitute a debt due from the occupier to the Government and be recoverable as such.”.

Amendment of section 7

7. Section 7 of the principal Act is amended —

- (a) by deleting the words “designated public road” in the fourth line of subsection (1) and substituting the words “public street”;
- (b) by deleting the words “and over-grown” in subsection (1)(b) and substituting the words “or cut the”;