

Housing and Development (Common Property and Open Spaces) Rules

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HOUSING AND DEVELOPMENT ACT
(CHAPTER 129, SECTION 27(1))

HOUSING AND DEVELOPMENT
(COMMON PROPERTY AND OPEN SPACES) RULES

R 3

G.N. No. S 319/1988

REVISED EDITION 1999

(1st January 1999)

[21st October 1988]

Citation

1. These Rules may be cited as the Housing and Development (Common Property and Open Spaces) Rules.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

“common property” means so much of the developed land vested in or held in trust for the Board as is not comprised in the flats and includes —

- (a) the foundations, columns, beams, supports, walls, roofs, lobbies, corridors, stairs, stairways, fire escapes, entrances and exits of the buildings;
- (b) the roof and storage spaces;
- (c) the central and appurtenant installations for services such as power, light and water;
- (d) escalators, lifts, water-tanks, pumps, motor, fans, compressors, ducts and all other apparatus and installations existing for common use;
- (e) all the common facilities in the housing estate built for the use or enjoyment of all the residents of the estate;
- (f) car parks, recreational facilities, gardens and parking areas; and
- (g) all other parts of the land intended for the use or enjoyment of all the residents of the housing estate;

“housing estate” means any housing estate built on any land vested in or held in

trust for the Board;

“HUDC housing estate” means any housing estate built on any of the parcels of land which are more particularly described in the First Schedule to the HUDC Housing Estates Act (Cap. 131);

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

“parking place” shall have the meaning assigned to it in the Parking Places Act (Cap. 214);

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

“vehicle” means a vehicle, whether mechanically propelled or not, intended or adapted for use on the road.

(2) These Rules shall not apply to any HUDC housing estate.

(3) Nothing in these Rules shall prohibit officers or employees of the Board acting in the discharge of their duties or any person acting with the approval of the Board from doing any act prohibited by these Rules.

No parking, dumping and erecting fixtures, etc.

3. No person shall —

- (a) park any vehicle on any common property or in any open space within a housing estate except in a parking place;
- (b) 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 within a housing estate except in any place designated by the Board for that purpose; or
- (c) erect or instal any fixture, structure, object or material on any common property or in any open space within a housing estate.

3A. *[Deleted by S 549/2000 wef 01/12/2000]*

Power to detain and remove vehicles

4.—(1) Where a vehicle is parked on any common property or in any open space in contravention of any of the provisions of these Rules, or appears to have been abandoned on any common property or in any open space, any officer authorised by the Board (referred to in this rule as an authorised officer) may, in his discretion —

- (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 any authorised officer has removed any vehicle to a place of safety or any other place under paragraph (1)(a) or fixed an immobilisation device to the vehicle under paragraph (1)(b), he shall, with reasonable despatch, give notice in writing to the owner of the vehicle as to the procedure by which the owner 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, in accordance with the Act or where this is not possible, by posting it on any notice board maintained by the relevant Town Council that is nearest the part of the common property or open space where the vehicle was parked or found; 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 an authorised officer under paragraph (1)(a) or to which an immobilisation device has been fixed under paragraph (1)(b) shall be released to the owner of the vehicle except —

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

(4) Any person who, without the authority of an 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 rule, removes or attempts to remove —

- (a) any vehicle from any place at which it is being detained under paragraph (1)(a); or
- (b) an immobilisation device fixed to a vehicle under paragraph (1)(b),

shall be guilty of an offence.

(6) Where any vehicle which has been removed and detained by an authorised officer under paragraph (1)(a) or to which an immobilisation device has been fixed under paragraph (1)(b) is not claimed by the owner within one month of the date of its