

# **Town Council of East Coast (Common Property and Open Spaces) By-laws 1997**

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**No. S 210**

**TOWN COUNCILS ACT  
(CHAPTER 329A)**

**TOWN COUNCIL OF EAST COAST (COMMON PROPERTY AND OPEN SPACES)  
BY-LAWS 1997**

In exercise of the powers conferred by section 24 of the Town Councils Act, the Town Council for the Town of East Coast hereby makes the following By-laws:

**Citation and commencement**

**1.** These By-laws may be cited as the Town Council of East Coast (Common Property and Open Spaces) By-laws 1997 and shall come into operation on 25th April 1997.

**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;

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

“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);

“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.

(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.

### **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 any place 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 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, 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 dispose of it by public auction or otherwise and 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.

### **Damage to common property**

5.—(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 damage or destruction 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.

### **Unlawful parking, etc.**

6. No person shall —

- (a) park any vehicle on any common property or in any open space except in 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 wheel-chair used solely for the conveyance of persons suffering from some physical defect or disability.

### **Power to detain and remove vehicles**

7.—(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.