

# **Town Council of Cheng San (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 CHENG SAN  
(COMMON PROPERTY AND OPEN SPACES) BY-LAWS

By 37

REVISED EDITION 2001

(31st January 2001)

[31st January 2001]

**Citation**

1. These By-laws may be cited as the Town Council of Cheng San (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 Cheng San;

“housing estate” means a housing estate of the Board within the Town of Cheng San;

“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 such common property and 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 or open space, except with the prior written permission of the Town Council.

### **Unauthorised structures**

4.—(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.

### **Dangerously positioned objects**

5.—(1) 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.

(2) 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 (1).

(3) Where the owner or occupier of a flat fails to comply with the notice of the Town Council under paragraph (2), 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.

(4) 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 (1) is an imminent danger to life or person, the Town Council may remove, or remove and detain, such pot, plant, ornament, article, object or substance without any notice under paragraph (2).

(5) 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 (3) or (4) 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.

(6) If the pot, plant, ornament, article, object or substance removed and detained by the Town Council under paragraph (3) or (4) 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.

### **Entertainment and sale of goods on common property and open spaces**

6. 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;
- (b) sell or offer or expose for sale any commodity or article on any common property or in any open space; or
- (c) use for his own purposes as a living or dining area any part of any common property or open space.

### **Obstruction of common property**

7.—(1) No person shall obstruct or cause or permit the obstruction of the lawful use of any common property or open space 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 or open space.