

Town Council of City Centre (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 CITY CENTRE (COMMON PROPERTY AND OPEN SPACES) BY-LAWS

By 24

REVISED EDITION 2001

(31st January 2001)

[31st January 2001]

Citation

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

“housing estate” means a housing estate of the Board within the Town of City

Centre;

“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 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 or open space designated by the Town Council for that purpose;
- (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; or
- (c) permit any dog, cat or other animal belonging to him or in his charge to urinate, defecate or otherwise soil any common property or open space.

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 —

- (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.

Damage to common property

5.—(1) No person shall remove, destroy or 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 remove and detain 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, in accordance with by-law 20 or where this is not possible, by posting it on any notice board maintained by the Town Council 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 the secretary or the authorised officer or to which an immobilisation device has been fixed in accordance with this by-law shall be released to the owner of the vehicle except —

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

(4) Any person who, without the authority of the secretary or the 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 by-law, removes or attempts to remove —

- (a) any vehicle from any place at which it is being detained under this by-law; or
- (b) an immobilisation device fixed to a vehicle in accordance with this by-law,

shall be guilty of an offence.

(6) Where any abandoned vehicle which has been removed and detained by the secretary or the authorised officer or to which an immobilisation device has been fixed in accordance with this by-law is not claimed by the owner within one month of the date of its detention or immobilisation, the secretary may, after giving one month's notice in the *Gazette* of his intention to do so, sell the vehicle by public auction or otherwise dispose of it in any manner as he thinks fit.

(7) Where an abandoned vehicle has been sold or otherwise disposed of under paragraph (6), the proceeds of the sale or disposal of the vehicle shall be applied —