

Parks and Trees (Amendment) Bill

Bill No. / 2016.

Read the first time on

2016.

A BILL

intituled

An Act to amend the Parks and Trees Act (Chapter 216 of the 2006 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 is the Parks and Trees (Amendment) Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

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

(a) by inserting, immediately after the definition of “heritage road green buffer”, the following definition:

10 “ “marine park” means any area of the sea or seabed set aside for conservation of marine organisms that is designated for the time being in Part III of the Schedule;”;

15 (b) by inserting, immediately after the definition of “park ranger”, the following definition:

“ “planning permission” has the same meaning as in the Planning Act;”;

20 (c) by inserting, immediately after the words “public park” in paragraph (a) of the definition of “public park”, the words “, marine park”;

(d) by inserting, immediately after the word “Board” in paragraph (b) of the definition of “public park”, the words “or by any management body specified under section 6A”;

25 (e) by deleting the definition of “tree” and substituting the following definition:

“ “tree” includes a single-stemmed palm and any part of a tree or single-stemmed palm (including its seedling, sapling or re-shoot);” and

30 (f) by deleting the word “where” in paragraph (b) of the definition of “vacant land” and substituting the word “which”.

Amendment of section 4

3. Section 4 of the principal Act is amended —

(a) by deleting subsection (3) and substituting the following subsection:

5 “(3) The Commissioner may appoint any of the following persons to be an authorised officer for the purposes of the Act:

(a) a public officer;

(b) an employee of the Board;

10 (c) an auxiliary police officer appointed under the Police Force Act (Cap. 235).”; and

(b) by deleting subsections (5) and (6) and substituting the following subsections:

15 “(5) The Commissioner may appoint any of the following persons to be a park ranger who may exercise the powers conferred on a park ranger under sections 41 and 42 within the national park, nature reserve or public park specified in the Commissioner’s authorisation for the park ranger under subsection (8):

20 (a) a public officer;

(b) an employee of the Board;

(c) an employee of the management body specified by notification in the *Gazette* under section 6A;

25 (d) an individual who holds a security officer’s licence under the Private Security Industry Act (Cap. 250A).

(6) The Commissioner may, for any reason that appears to the Commissioner to be sufficient, at any time revoke an individual’s appointment as an authorised officer or a park ranger.

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(7) The powers of an authorised officer and a park ranger must be exercised only to the extent of the authorisation under subsection (8).

5 (8) The Commissioner must issue to each authorised officer and park ranger an authorisation specifying such power as is specified in this Act that the authorised officer or park ranger may exercise, and may, in that authorisation, limit where or when, or the circumstances in which, the authorised officer or park ranger, as the
10 case may be, may exercise those powers.”.

New section 6A

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

“Specified management body

15 **6A.** The Minister may, by notification in the *Gazette*, specify any body as a management body to manage any State land, land belonging to the Board or any other land as a public park on behalf of the Government or the Board, as the case may be.”.

Amendment of section 9

20 **5.** Section 9 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) A person must not, except with the approval of the Commissioner granted under section 12 and in accordance with the terms and conditions of such approval —

- 25 (a) bring into, release or abandon any animal in, or cause any animal to be brought into, released or abandoned in —
- (i) a nature reserve; or
 - (ii) any river, stream, canal or watercourse outside a
30 nature reserve which the person knows, or ought reasonably to know, flows into or through the nature reserve; or

- (b) permit any animal belonging to or under the charge of the person to stray into a nature reserve.”.

Amendment of heading to Part IV

- 5 **6.** Part IV of the principal Act is amended by deleting the words “PROTECTION AND” in the Part heading.

Amendment of Division 1 heading of Part IV

7. Part IV of the principal Act is amended by inserting, immediately after the words “*Tree conservation areas*” in the heading of Division 1, the words “*and vacant lands*”.

10 **Amendment of section 14**

8. Section 14 of the principal Act is amended —

- (a) by deleting the words “shall be measured half a metre from the ground” in subsection (4) and substituting the words “is measured in the prescribed manner”; and
- 15 (b) by deleting the words “girth of a tree measured half a metre from the ground” in subsection (5) and substituting the words “measurement of the girth of a tree”.

Amendment of section 20

9. Section 20 of the principal Act is amended —

- 20 (a) by deleting subsection (1) and substituting the following subsection:

“(1) An application for an approval to carry out or cause the carrying out of any activity referred to in [section 14\(1\)](#), [18\(1\)](#) or [19\(1\)](#) must be —

- 25 (a) made to the Commissioner in such manner as may be prescribed; and
- (b) accompanied by such non-refundable application fee as may be prescribed.”; and

- 30 (b) by deleting the words “cut a tree or plant within a heritage road green buffer” in subsection (6) and substituting the

words “carry out any activity mentioned in section 14(1) or 18(1)”.

Amendment of section 21

10. Section 21 of the principal Act is amended —

- 5 (a) by inserting, immediately after the words “a contravention of section” in subsection (1), the words “14(1) or (2),”;
- (b) by deleting the words “section 18(1) or (2) or 19(1)” in subsection (1)(a) and (b) and substituting in each case the words “any of those provisions”;
- 10 (c) by deleting the words “caused by” in subsection (2) and substituting the words “or any tree referred to in section 14(1) arising from”;
- (d) by deleting the word “or” at the end of paragraph (c) of subsection (2), and by inserting immediately thereafter the following paragraph:
- 15 “(ca) to replant or restore any tree which has been cut or damaged in contravention of section 14(1) or (2), or, if such replanting or restoration is not reasonably practicable or is undesirable, to execute such works as the Commissioner may specify in the notice to alleviate the effect of the contravention of section 14(1) or (2), including planting such other trees or plants and taking measures for their maintenance; or”;
- 20 (e) by deleting the words “or (c)” in subsection (2)(d) and substituting the words “, (c) or (ca)”;
- and
- (f) by inserting, immediately after the words “heritage road green buffers” in the section heading, the words “, tree conservation areas and vacant lands”.

Amendment of section 23

11. Section 23 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

5 “(1) All premises referred to in section 22 must be surrounded by a planting area which conforms with the prescribed dimensions.”; and

- (b) by deleting subsection (6) and substituting the following subsection:

10 “(6) The Commissioner may, in any particular case, modify or waive, subject to such terms and conditions as the Commissioner may impose, the prescribed dimensions of a planting area.”.

Amendment of section 27

15 **12.** Section 27(1) of the principal Act is amended by deleting the words “premises fronting, adjoining or abutting any public street, the Commissioner may at any time serve on the occupier of any premises fronting, adjoining or abutting that public street” and substituting the words “any premises (whether or not referred to in section 22) fronting, adjoining or abutting any public street, the Commissioner may at any time serve on the occupier of the premises”.

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Amendment of section 32

13. Section 32 of the principal Act is amended —

25 (a) by deleting the words “the Commissioner may require which shall be paid in the prescribed manner” in subsection (1)(c) and substituting the words “may be prescribed”;

(b) by deleting the words “shall automatically lapse —” in subsection (7) and substituting the words “lapses upon the earlier of the following events:”; and

30 (c) by deleting the word “or” at the end of subsection (7)(a).

New section 37A

14. The principal Act is amended by inserting immediately after section 37, the following section:

“Power to enter and inspect premises for dangerous trees

5 **37A.**—(1) The Commissioner or an authorised officer may, at any reasonable time, enter any premises to inspect any tree or plant in order to ascertain if the condition of the tree or plant, whether or not dead or dying, constitutes a danger to persons or property.

10 (2) Where the Commissioner or authorised officer is satisfied that the condition of any tree or plant on any premises inspected under subsection (1) constitutes a danger to persons or property, the Commissioner or authorised officer may by a maintenance notice require the occupier of the premises —

- 15 (a) to maintain the tree or plant; or
- (b) to take such other measures as may be specified in the notice to abate the danger.

20 (3) A maintenance notice under this section must specify the date on which the notice takes effect, and the period (beginning on the date the notice takes effect) within which any step required by the notice must be taken.”.

Amendment of section 40

25 **15.** Section 40 of the principal Act is amended by inserting, immediately after the word “identity” in the section heading, the words “from occupier”.

Amendment of section 41

16. Section 41 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsections:

30 “(1) The Commissioner, an authorised officer or a police officer may require any person who has

committed, or whom the Commissioner, authorised officer or police officer (as the case may be) reasonably suspects of having committed, an offence under this Act to furnish such evidence of the person's identity as may be required by the Commissioner, authorised officer or police officer (as the case may be).

(1A) Any person who —

(a) refuses to furnish the information required of the person under subsection (1); or

(b) furnishes information, in connection with a requirement under subsection (1), that is false or misleading in a material particular, and knowing that it is false or misleading in a material particular or is reckless as to whether it is,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(1B) The Commissioner, an authorised officer or a police officer may arrest, without warrant, any person who has committed or who is reasonably suspected to have committed an offence under subsection (1A).

(1C) The Commissioner, authorised officer, police officer or park ranger making an arrest under subsection (1B) must not restrain the person arrested more than is necessary to prevent the person's escape.

(1D) A park ranger may exercise the powers under subsections (1) and (1B) in respect of any person who has committed or whom the park ranger reasonably suspects of having committed an offence under this Act within the national park, nature reserve or public park specified in the Commissioner's authorisation for the park ranger under section 4(8)."; and

(b) by deleting the word "Powers" in the section heading and substituting the words "Power to demand evidence of identity and power".

New section 41A

17. The principal Act is amended by inserting, immediately after section 41, the following section:

“Power of investigating offences under certain provisions

5 **41A.**—(1) For the purpose of investigating any offence under section 8, 9, 14, 18 or 19, the Commissioner or an authorised officer may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances of the case; and
- 10 (b) by written order require any person within the limits of Singapore, who appears to be acquainted with the facts and circumstances of the case, to attend before the Commissioner or authorised officer.

15 (2) The person mentioned in subsection (1)(a) is bound to state truly the facts and circumstances with which the person is acquainted concerning the case except only that the person may decline to make with regard to any fact or circumstance a statement which would have a tendency to expose the person to a criminal charge or to penalty or forfeiture.

20 (3) A statement made by any person examined under this section must —

- (a) be reduced to writing;
- (b) be read over to the person;
- 25 (c) if the person does not understand English, be interpreted for the person in a language that the person understands; and
- (d) after correction, if necessary, be signed by the person.

30 (4) If any person fails to attend before the Commissioner or authorised officer as required by an order under subsection (1)(b), the Commissioner or authorised officer may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order.”.

Amendment of section 42

18. Section 42 of the principal Act is amended by deleting subsection (2).

Amendment of section 46

5 19. Section 46(1) of the principal Act is amended by inserting, immediately after the words “section 25(2)” in paragraph (a)(iv), the words “or 37A(2)”.

Amendment of section 51

20. Section 51 of the principal Act is amended —

10 (a) by deleting subsection (1) and substituting the following subsection:

15 “(1) The Commissioner may compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.”; and

20 (b) by inserting, immediately after subsection (3), the following subsection:

“(4) All sums collected under this section are to be paid into the Consolidated Fund.”.

Amendment of section 56

25 21. Section 56(1) of the principal Act is amended by inserting, immediately after the words “section 25(2)” in paragraph (d), the words “or 37A(2)”.

Amendment of section 63

22. Section 63(2) of the principal Act is amended —

(a) by deleting paragraph (b) and substituting the following paragraph:

5 “(b) the applications for approval under this Act including the manner of such applications and the documents to be submitted;” and

(b) by deleting paragraph (f).

Amendment of Schedule

23. The Schedule to the principal Act is amended —

10 (a) by deleting paragraph 1 of Part I and substituting the following paragraph:

“1. All those pieces of land situated in T.S. No. 25 known as the Singapore Botanic Gardens, described as follows:

<i>T.S. No.</i>	<i>Lot No.</i>	<i>Area (square metres)</i>
No. 25	01748N	522,892.70
	01643A	34.4
	01644K	305.8
	01640V	4,550.3
Total		527,783.2

15 The boundaries of these areas are more particularly delineated on Certified Plans Nos. 38578, 38579, 85149 and 38065 filed in the office of the Chief Surveyor.”; and

(b) by inserting, immediately after Part II, the following Part:

“PART III

MARINE PARK

20 The waters within the limits bounded by straight lines joining the following geographical positions (position in WGS84) (it is bounded by the coastline whenever the line meets the coastline):

- (a) (1) 1°13.715'N 103°50.373'E on the southern shore of Pulau Tekukor
- (2) 1°13.705'N 103°50.336'E

- (3) 1°13.845'N 103°50.178'E
- (4) 1°14.009'N 103°50.112'E
- (5) 1°14.066'N 103°50.150'E
- (6) 1°13.983'N 103°50.193'E on the northern shore of
Pulau Tekukor,

including the seaward side of Pulau Tekukor;

- (b) (1) 1°12.775'N 103°50.220'E
- (2) 1°12.714'N 103°50.170'E
- (3) 1°12.694'N 103°50.028'E
- (4) 1°12.728'N 103°49.959'E
- (5) 1°12.937'N 103°49.821'E
- (6) 1°13.049'N 103°49.878'E
- (7) 1°13.068'N 103°49.919'E
- (8) 1°13.040'N 103°50.013'E
- (9) 1°12.959'N 103°50.078'E
- (10) 1°12.924'N 103°50.164'E
- (11) 1°12.881'N 103°50.182'E
- (12) 1°12.842'N 103°50.198'E,

to the point of origin at (1), including Pulau Subar Darat
and Pulau Subar Laut;

- (c) (1) 1°12.801'N 103°51.099'E on the southern shore of
Pulau Sakijang Bendera
- (2) 1°12.803'N 103°51.002'E
- (3) 1°13.016'N 103°50.845'E
- (4) 1°13.141'N 103°50.721'E
- (5) 1°13.216'N 103°50.643'E
- (6) 1°13.289'N 103°50.582'E
- (7) 1°13.381'N 103°50.545'E
- (8) 1°13.438'N 103°50.615'E
- (9) 1°13.393'N 103°50.653'E on the northern shore of
Pulau Sakijang Bendera,

including the seaward side of Pulau Sakijang Bendera.

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Savings and transitionals

5 **24.** Sections 8 and 11 do not apply to any application for an approval under sections 20 and 32 of the principal Act made before the date of commencement of sections 8 and 11, and sections 14 and 23 of the principal Act as in force immediately before that date continues to apply to any such application as if sections 8 and 11 had not been enacted.

10 Note: LSC/PT(A)Bill v.11