

FORESTS AND COUNTRYSIDE ORDINANCE
- CHAPTER 96

FORESTS AND COUNTRYSIDE ORDINANCE - LONG TITLE
Long title VerDate:06/30/1997

To consolidate and amend the law relating to forests and plants, and to provide for the protection of the countryside.
(Amended 82 of 1974 s. 2)

[30 July 1937]

(Originally 11 of 1937 (Cap 96 1950))

SECT 1
Short title VerDate:06/30/1997

This Ordinance may be cited as the Forests and Countryside Ordinance.
(Amended 82 of 1974 s. 3)

SECT 2
Interpretation VerDate:07/01/2002

In this Ordinance, unless the context otherwise requires-

"authorized officer" means a person authorized by the Director under section 4; (Added 14 of 1993 s. 2)

"Director" means the Director of Agriculture, Fisheries and Conservation; (Added 14 of 1993 s. 2. Amended L.N. 331 of 1999)

"forest" means any area of Government land covered with selfgrown trees; (Amended 29 of 1998 s. 105)

"plantation" means any area of Government land which has been planted with trees or shrubs or sown with the seeds of trees or shrubs; (Amended 29 of 1998 s. 105)

"Secretary" means the Secretary for the Environment, Transport and Works. (Replaced 78 of 1999 s. 7. Amended L.N. 106 of 2002)
(Amended 14 of 1993 s. 2)

SECT 3
Power of Secretary to make regulations VerDate:06/30/1997

- (1) The Secretary may by regulation provide for-
 - (a) the protection of trees, shrubs, and other plants from

destruction, injury or removal;

(b) (Repealed 14 of 1993 s. 3)

(c) any such other matters as may appear to the Secretary advisable for the protection of forests and plants. (Amended L.N. 63 of 1992; 14 of 1993 s. 3)

(2) Regulations made under this section may provide that a contravention of any provision thereof constitutes an offence punishable by a fine not exceeding \$25000. (Added 14 of 1993 s. 3)

SECT 4

Authorized officers VerDate:06/30/1997

The Director may, subject to such limitations as he thinks fit, authorize in writing any public officer or class of public officer to exercise any of the powers or perform any of the duties conferred or imposed on an authorized officer under this Ordinance.

(Replaced 14 of 1993 s. 4)

SECT 5

(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 6

(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 7

(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 8

(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 9
(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 10
(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 11
(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 12
(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 13
(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 14
(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 15
(Repealed) VerDate:06/30/1997

(Repealed 14 of 1993 s. 5)

SECT 16

Lighting fires in forests, etc. VerDate:06/30/1997

OFFENCES, PENALTIES AND FORFEITURE

(1) Any person who-

(a) has lit, or is using a fire which was lit, in or near any forest, plantation or area of open countryside; or

(b) is in a group of persons using a fire which was so lit, whether or not by any person in the group, shall be guilty of an offence unless he shows that-

(i) the lighting of a fire in the place in which the fire was lit was reasonable in all the circumstances; and

(ii) he took all reasonable steps to prevent the fire from damaging or endangering anything growing in the forest, plantation or area of open countryside. (Amended 14 of 1993 s. 6)

(2) For the purposes of this section, land shall not be treated as not being open countryside solely by reason of the fact that it is held under lease, licence or permit.

(Replaced 82 of 1974 s. 5)

SECT 17

Powers of inspection, search, seizure and arrest VerDate:06/30/1997

(1) If an authorized officer has reasonable grounds for suspecting that a person has committed or is about to commit or intends to commit an offence under this Ordinance or any regulation made thereunder or any enactment specified in the Schedule, he may, upon production of written evidence of his identity-

(a) stop the person for the purpose of requiring that he produce for inspection any special permit issued to him under section 23;

(b) detain the person for a reasonable period while the authorized officer inquires about the suspected commission of the offence;

(c) search the person and his property for anything that is likely to be of value to the investigation of the offence; and

(d) seize any trees, shrubs or plants or any parts thereof or any

utensils, equipment or appliances believed to be or to be capable of being evidence of the commission of the offence.

(2) It shall be lawful for an authorized officer to arrest without warrant any person whom he reasonably suspects of having committed- (Amended L.N. 63 of 1992)

(a) an offence under section 16(1) or 21 or under any enactment specified in the Schedule;

(b) an offence under section 20 or any regulation made under this Ordinance, if it appears to the authorized officer that service of a summons is impracticable because-

(i) the name of the person is unknown to, and cannot readily be ascertained by, the authorized officer;

(ii) the authorized officer has reasonable grounds for doubting whether a name given by the person as his name is his real name;

(iii) the person has failed to give a satisfactory address for service; or

(iv) the authorized officer has reasonable grounds for doubting whether an address given by the person is a satisfactory address for service.

(3) If any person who may lawfully be arrested under subsection (2) forcibly resists the endeavour to arrest him or attempts to evade the arrest, an authorized officer may use all means necessary to effect the arrest.

(Replaced 14 of 1993 s. 7)

SECT 18

Power to amend Schedule VerDate:07/01/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3
The Chief Executive in Council may by order signified in the Gazette amend the Schedule in any manner whatsoever.
(Amended 34 of 2000 s. 3)

SECT 19

Issue of search warrant in certain cases VerDate:06/30/1997

Whenever it appears to a magistrate, upon the oath of any person, that there is reasonable cause to suspect that an offence under this Ordinance or any regulation made thereunder or any enactment specified in the Schedule has been committed and that any trees, shrubs or plants or any parts thereof or any utensils, equipment or appliances believed to be or to be capable of being evidence of the commission of the offence are contained in any building or place, the magistrate may, by warrant

directed to an authorized officer, empower him with such assistants as may be necessary, by day or night-

(a) to enter, and, if necessary, break into, the building or place and to search for and seize any trees, shrubs or plants or any parts thereof, utensils, equipment or appliances which may be found there; and

(b) to arrest any person who may appear to have the trees, shrubs or plants or any parts thereof, utensils, equipment or appliances in his possession, custody or control.
(Replaced 14 of 1993 s. 8)

SECT 19A

Taking arrested person to police station VerDate:06/30/1997

Where an authorized officer arrests a person under section 17 or 19 he shall forthwith take the person to the nearest police station and shall there hand him over to the custody of a police officer and thereupon the provisions of section 52 of the Police Force Ordinance (Cap 232) shall apply.
(Added 14 of 1993 s. 8)

SECT 20

Assaulting or resisting or obstructing authorized officer VerDate:06/30/1997

Any person who assaults or resists or obstructs any authorized officer in the execution of his duty shall be guilty of an offence and liable on conviction to a fine of \$10000.
(Amended 14 of 1993 s. 9)

SECT 21

Acts prohibited in forests, etc. VerDate:06/30/1997

Any person who, without lawful authority or excuse, in any forest or plantation-

(a) cuts grass, removes turf or earth, rakes pine needles;

(b) plucks or damages any bud, blossom or leaf of any tree, shrub or plant;

(c) trespasses or pastures cattle or goats or permits cattle or goats to trespass;

(d) fells, cuts, burns or otherwise destroys any trees or growing plants, (Added 14 of 1993 s. 10)

shall be guilty of an offence.
(Amended 48 of 1972 s. 4; 14 of 1993 s. 10)

SECT 22
Penalties and forfeiture VerDate:06/30/1997

(1) Any person who contravenes section 16(1) or 21 shall be liable on summary conviction to a fine of \$25000 and to imprisonment for 1 year.
(Amended 6 of 1948 s. 7; 14 of 1993 s. 11)

(2) Upon the conviction of any person for an offence under this Ordinance or any regulation made thereunder or any enactment specified in the Schedule any trees, shrubs or plants or any parts thereof or any utensils, equipment or appliances seized under section 17 or 19 in respect of which the offence was committed shall, without further order, be forfeited. (Replaced 14 of 1993 s. 11)

(3) Where a person who is prosecuted for an offence under this Ordinance or any regulation made thereunder or any enactment specified in the Schedule is acquitted, the magistrate may order any trees, shrubs or plants or any parts thereof or any utensils, equipment or appliances seized under section 17 or 19 in respect of the offence for which the prosecution was brought-

(a) to be released or returned to the person from whom they were seized or to the owner thereof; or

(b) to be forfeited. (Added 14 of 1993 s. 11)

(4) Where any trees, shrubs or plants or any parts thereof or any utensils, equipment or appliances have been seized under section 17 or 19 but no prosecution for an offence under this Ordinance or any regulation made thereunder or any enactment specified in the Schedule has been brought in respect of the trees, shrubs or plants or any parts thereof or any utensils, equipment or appliances for whatever reason, the Director or authorized officer may apply to a magistrate for an order in respect thereof and the magistrate may order the trees, shrubs or plants or any parts thereof or any utensils, equipment or appliances seized under section 17 or 19-

(a) to be released or returned to the person from whom they were seized or to the owner thereof; or

(b) to be forfeited. (Added 14 of 1993 s. 11)

(5) Any trees, shrubs or plants or any parts thereof or any utensils, equipment or appliances seized under section 17 or 19 which are forfeited under this section may be sold or otherwise disposed of in such manner as the Director thinks fit. (Added 14 of 1993 s. 11)

SECT 23
Special permits VerDate:06/30/1997

Notwithstanding any provision of this Ordinance, the Director may grant to any person a special permit in writing, upon such terms and conditions as he thinks fit, to do anything which is prohibited under this Ordinance where he is satisfied that no unnecessary harm to any forest, plantation or the countryside would be caused.

(Added 14 of 1993 s. 12)

SCHEDULE VerDate:06/30/1997

[sections 17, 19 & 22]

Ordinance Short title Sections, etc.
Cap 200

Cap 210 Crimes Ordinance.

Theft Ordinance. S. 60 in respect of anything forming part of land.

 S. 9 in respect of anything forming part of land.
(Amended 21 of 1970 s. 35; 48 of 1972 s. 4; 14 of 1993 s. 13)