

**LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)**

**PAPAR DISTRICT COUNCIL
(FOOD AND EATING PREMISES) BY-LAWS 1977**

(G.N.L 50 of 1977)

In exercise of the powers conferred upon it by section 50(1) of the Local Government Ordinance 1961, and all other powers thereunto it enabling, the Papar District Council has made the following by-laws:

1. Title and commencement.

These by-laws may be cited as the Papar District Council (Food and Eating Premises) By-laws 1977 and shall come into operation on the 1st day of January 1978.

2. Licences.

No person shall carry on the business of a cook shop, eating-shop, coffee shop, food stall, restaurant or bakery except in accordance with a licence granted by the Council.

3. Application for licence.

An application for a licence shall be in writing and shall be accompanied by two photographs of the applicant.

4. Grant of licence.

The Council may, in its absolute discretion, grant or refuse a licence, or grant a licence subject to such conditions as it thinks fit.

5. Health certificate.

If the Council so requires, an applicant for a licence or for a renewal thereof shall forward a certificate of health from the Government Medical Officer or registered medical practitioner.

6. Duration of licence.

Every licence shall, subject to the provisions of these By-laws, expire on the 31st day of December of the year in which it is granted.

7. Fee. [Sub. G.N.L 2/84, G.N.L 29/87, G.N.L 4/90, G.N.L 32/90.]

The following fees are payable for licences-

		<i>RM/per month</i>			
		<i>Papar</i>	<i>Kinarut</i>	<i>Bongawan</i>	<i>Kimanis</i>
(i)	Restaurant and Coffee house air-conditioned premises	-	80	80	80
(ii)	Coffee shop and restaurant	-	70	70	70

(iii)	Coffee shop	-	50	50	50	50
(iv)	Coffee shop with side stall	-	70	70	70	70
(v)	Side cooked food stall	-	20	20	20	20
(vi)	Canteen	-	40	40	40	40
(vii)	School canteen					
	(a) Primary schools	-	20	20	20	20
	(b) Secondary schools	-	30	30	30	30
(viii)	Bakery					
	(a) Factory with a floor area of less than 300m ²	-	50	50	50	50
	Factory with a floor area of 300m ² and above	-	250	250	250	250
	(b) Manufacture of aerate water, soya bean, milk, ice-cream, biscuits confectionery					
	Factory with a floor area of less than 1000m ²	-	90	90	90	90
	Factory with a floor area of 1000m ² and above	-	2000	2000	2000	2000
(ix)	Supermarket					
	(a) Supermarket with a floor area of less than 1,500 sq. ft.	-	0.20 cts/ sq. ft.	0.20 cts/ sq. ft.	0.20 cts/ sq. ft.	0.20 cts/ sq. ft.
	(b) Supermarket with a floor area of 1,500 sq. ft. and above	-	0.50 cts/ sq. ft.	0.50 cts/ sq. ft.	0.50 cts/ sq. ft.	0.50 cts/ sq. ft.

8. Licence not to be transferred.

No licensee shall transfer or otherwise part with the possession of his licence to any unauthorised person.

9. Employment of assistants.

(i) No licensee shall engage any assistant, whether paid or not, except with the approval of the Council.

- (ii) If the Council gives approval, the name, address and a photograph of the assistants shall be affixed to the licence by an officer of the Council.

10. Penalty.

Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable to a fine of five hundred ringgit. [*Mod. Act 160.*]

10A. Compounding of offences. [*Add: G.N.L 2/84.*]

- (1) Any officer of the Council duly authorised in writing by the Council may in his discretion compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.
- (2) On payment of such sum, no further proceedings shall be taken against the person in respect of such offence.
- (3) The payment shall be evidenced by a receipt issued by the officer so authorised to compound of such offence.

11. Cancellation of licence.

The Council may cancel or suspend a licence —

- (a) if the licensee or any assistant of the licensee —
- (i) is convicted of any offence under these By-laws; or
 - (ii) is convicted of any offence under any written law relating to public health or the use of false weights or measures in respect of goods to which the licence relates; or
- (b) if, on the certificate of the Government Medical Officer or a registered medical practitioner, the licensee is suffering from a contagious or infectious disease.

12. Repeal. [*G.N.S. 93/56.*]

Part II of the Papar (Townships) (General) By-laws 1958 is hereby repealed.

Dated at Papar this 20th day of July 1977.

N.C. MOHD. ZAIN KINSUNG,
Chairman,
Papar District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 14th day of September 1977.

JOSEPH PAIRIN KITINGAN,
Minister for Local Government.