

LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)

PAPAR DISTRICT COUNCIL
(HAWKERS) BY-LAWS 1977

(G.N.L 52 of 1977)

In exercise of the powers conferred upon it by section 50(1) of the Local Government Ordinance 1961, and all other power 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 (Hawkers) By-laws 1977 and shall come into operation on the 1st day of January 1978.

2. Interpretation.

In these By-laws —

"good" includes food and drink;

"hawk" includes peddle.

3. Licence for hawking.

No person shall hawk any goods except in accordance with a licence granted by the Council.

4. Application for licence.

An application for a licence shall be in writing, and shall specify the goods the applicant proposes to hawk and shall be accompanied by two photographs of the applicant.

5. 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.

6. Health certificate.

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

7. Duration of licence.

Every licence granted under these By-laws shall be monthly and shall expire on the last day of each month.

8. Fee. [Sub. G.N.L 4/84, G.N.L 31/87, G.N.L 6/90.]

The following fees shall be payable for licences granted under these By-laws-

		<i>RM/per month</i>				
		<i>Papar</i>	<i>Kinarut</i>	<i>Bongawan</i>	<i>Kimanis</i>	
A. URBAN AREA						
1.	Open air food stall/locked food stall	-	50.00	30.00	30.00	30.00
2.	Satay stall	-	20.00	20.00	20.00	20.00
3.	Cakes/sweet/syrup/stall	-	10.00	10.00	10.00	10.00
4.	Native tobacco stall	-	5.00	5.00	5.00	5.00
		<i>RM/per day</i>				
5.	Temporary licence for hawking vegetable and fruit	-	1.00	1.00	1.00	1.00
6.	Temporary licence for hawking sundries goods including shoes	-	5.00	5.00	5.00	5.00
<i>[Add. G.N.L 34/90.]</i>		<i>RM/per month</i>				
7.	Clothing stall	-	20.00	20.00	20.00	20.00
8.	Tailoring stall	-	20.00	20.00	20.00	20.00
B. RURAL AREA MOBILE HAWKERS						
1.	Clothing and cosmetic	-	30.00	30.00	30.00	30.00
2.	Vegetables and fruits	-	10.00	10.00	10.00	10.00
3.	Ice-cream and soft drinks	-	10.00	10.00	10.00	10.00
4.	Meat and fish	-	10.00	10.00	10.00	10.00
5.	Watches	-	30.00	30.00	30.00	30.00
STATIONARY HAWKERS						
1.	Cooking food stall by the roadside	-	10.00	10.00	10.00	10.00
2.	Coffee and light drink stall	-	10.00	10.00	10.00	10.00
3.	Sundry stall	-	20.00	20.00	20.00	20.00

9. Display of licence.

A licence shall be displayed in close proximity to the goods being hawked.

10. Licence not to be transferred.

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

11. Employment of assistants.

- (a) No assistant, whether paid or not, shall be employed in the business of a licensee except with the approval of the Council.
- (b) If the Council gives approval, the name, address and a photograph of the assistant shall be affixed to the licence by an officer of the Council.

12. Hawker not to remain stationary.

Unless permitted in writing by the Council, no person shall, while engaged in the business of hawking remain stationary except for the purpose of serving a customer or for a reasonable time to rest.

13. No hawking in certain places.

No person shall hawk within thirty feet of any street corner or within half a mile of any tamu of the Council.

14. No hawking during certain hours.

No person shall hawk between 12.00 midnight and 6.00 a.m.

15. Refuse.

No person engaged in the business of hawking shall deposit any refuse or litter in any public place except in receptacles provided for the purpose.

16. 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 one hundred ringgit. *[Mod. Act 160.]*

16A. Compounding of offences. *[Add. G.N.L 4/84, G.N.L 31/87.]*

- (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 the offence.

17. 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 a Government Medical Officer or a registered medical practitioner, the licensee is suffering from a contagious or infectious disease.

18. Repeal. *[G.N.S 93/56. Vol. VII P.550.]*

Part XI of the Papar (Townships) (General) By-laws 1958 and the West Coast Residency (Hawkers) By-laws 1954 so far as they apply to the Papar District Council area are 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 of Local Government and Housing.

December 2007