

LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)

PENSIANGAN DISTRICT COUNCIL
(HAWKERS) BY-LAWS 1975
(G.N.L 16 of 1975)

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Pensiangan District Council has made the following by-laws:

1. Title and commencement.

These by-laws may be cited as the Pensiangan District Council (Hawkers) By-laws 1975 and shall come into operation on the 1st day of January 1975.

2. Interpretation.

In these By-laws —

"goods" 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, 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 shall, subject to the provisions of these By-laws, expire on the 31st day of December of the year in which it is issued.

8. Fee.

(1) The monthly fee for a licence is five ringgit which shall be payable in advance.

(2) If the fee is not paid upon the expiry of the first week of the month in which it is due, the licence shall lapse but may be validated by the Council upon a payment of a validation fee of one ringgit:

Provided that if the fee is not paid by the end of the month in which it is due, the licence shall be deemed to be cancelled.

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 unauthorised person.

11. Employment of assistants.

- (1) No assistant, whether paid or not, shall be employed in the business of a licensee except with the approval of the Council.
- (2) If the Council gives approval, the name, address and a photograph of the assistant shall be affixed on 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 market of the Council.

14. No hawking during certain hours.

No person shall hawk between 12 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. [Mod. Act 160.]

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.

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;
 - (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.

Dated at Pensiangan this 9th day of July 1974.

AZIZ RASHID ZAINUDDIN,
Chairman,
Pensiangan District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 28th day of February 1975.

SALLEH HAJI SULONG,
Minister of Local Government

August 2007