

LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)

SEMPORNA DISTRICT COUNCIL
(HAWKERS) BY-LAWS 1981
(G.N.L 8 of 1982)

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

1. Citation, application and commencement.

These by-laws may be cited as the Semporna District Council (Hawkers) By-laws 1981, shall apply to the township of Semporna and shall come into operation on the 1st day of January 1982.

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.

Any application for a licence shall be in writing, shall specify the goods the applicant proposes to hawk and shall be accompanied by four 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 it is issued.

8. Fees.

(1) The monthly fee for the licence to hawk in the following manner which shall be payable in advance shall be-

	RM
(a) Inside the township areas of Semporna	10.00
(b) Hawkers from other districts to hawk inside the township areas of (a) above	15.00
(c) Outside the township areas of (a) above ...	5.00
(d) Hawkers by boat in any part of the areas under the jurisdiction of the Council	10.00
 (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 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 and address of the assistant shall be affixed on the licence by the officer of the Council.

12. Hawkers 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 18.24 metres of any street corner or within 800 metres of any tamu of the Council.

14. No hawking during certain hours.

No person shall hawk between 12.00 o'clock 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 two 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; or
 - (ii) is convicted of any offence under any written law relating to the 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 Semporna this 23rd day of July 1981.

MOHD. ZULFIKAR B. MUZAFFAR,
Chairman,
Semporna District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 30th day of November 1981.

DATUK YAP PAK LEONG,
Minister of Town and Country Development.

September 2006