

LOCAL GOVERNMENT ORDINANCE, 1961

(No. 11 of 1961)

KOTA KINABLU MUNICIPAL COUNCIL

(MARKETS) BY-LAWS, 1966

(G.N.L. 30 of 1966)

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance, 1961, the Jesselton Town Board has made the following By-laws :-

1. These By-laws may be cited as the Kota Kinabalu Municipal Council (Markets) By-laws, 1966, and shall come into operation on the 1st day of July, 1966.

2. In these By-laws—

Interpretation .

"fish" includes crabs and shell fish;

"goods" includes food;

"licensee" means the holder of a licence for a stall;

"market" means any of the markets specified in the First Schedule to these By-laws;

"sale" includes expose or offer for sale.

3. No goods shall be sold in a market except in accordance with these By-laws. Sale in markets.

4. (1) A market shall be opened for business daily from 5.30 a.m. to 6.00 p.m. unless otherwise directed by the Council. Hours of business.

(2) No sale shall take place in a market or part of a market except when it is open for business.

5. No fresh fish, fresh beef, fresh mutton, fresh pork, fresh venison, fresh poultry, live poultry, fresh vegetables and fresh fruits shall be sold by retail other than in a market except in accordance with the written permission of the Council: Certain foodstuffs not be sold outside markets.

Provided that this by-law shall not apply —

(a) to the sale of fresh fish to fish curers;

(b) to any refrigerated food;

(c) to the sale of the above at premises approved in writing by the Council.

6. No fresh beef, fresh mutton or fresh pork shall be sold in a market unless it is from the carcass of animals slaughtered in slaughter houses permitted under the Public Health Ordinance 1960. *[Ord. 7/60]*.

Certain meat not to be sold in markets.

7. The Council may allocate in market stalls of the following description for the sale of particular goods :—

Allocation of stalls.

- (a) Fish stalls, for the sale of fresh fish;
- (b) Meat stalls, for the sale of meat other than pork;
- (c) Pork stalls, for the sale of pork;
- (d) Poultry stalls (or cages), for the sale of poultry or other birds and eggs;
- (e) Vegetable stalls, for the sale of vegetables, fruits and eggs;
- (f) Sundry stalls, for the sale of eggs, flowers, cigarettes, tobacco, fruits, ropes, sweets, matches, manufactured rottan goods and such other goods as may be specified on the licence;
- (g) Food stalls, for the sale of such cooked food as may be specified on the licence.

8. The Council may let the stalls on licences.

Letting of stalls.

9. An application for a licence for a stall shall be in writing, shall specify the good the applicant proposes to sell, and shall be accompanied by four photographs of the applicant.

Application for licences.

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

Grant of licence.

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

Health certificate.

12. 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.

Duration of licence.

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

Licence not to be transferred.

14. (1) The rents to be charged for stalls shall be as set out in the Second Schedule to these By-laws.

Stallage rents.

(2) Rents shall be payable monthly and shall be payable in advance.

(3) If a rent 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-tenth of the monthly rent subject to a minimum of one ringgit :

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

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| 14A. A licence shall be displayed conspicuously at the stall. | Display of licence
[Add. G.N.L. 44/82.] |
| 15. All goods for sale shall be exhibited on stalls and not otherwise, and shall be so placed as not to project beyond the line of the stall. | Licensee to exhibit all goods on stalls. |
| 16. No goods shall be sold from a stall other than that for which it is licensed, and no licensee shall use any stall other than that allocated to him. | Sale from stalls. |
| 17. No licensee shall keep or leave goods or receptacles on the floor of a market except at places approved by the Council. | Licensee not to keep or leave goods on floor. |
| 18. (1) No assistant, whether paid or not, shall be employed in the business of a licensee except with the approval of the Council. | Employment of assistants. |
| (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. | |
| 19. (1) Every licensee shall always keep his stall in a clean and orderly condition, and shall wash his stall, the floor below his stall and the adjoining passage and drains every day within half an hour after a market is closed for business. | Stalls to be kept clean. |
| (2) A licensee shall remove his goods whenever required by the Council to enable a market to be thoroughly cleaned. | |

20. The Council may provide lock-up shops and storage places in a market which may be let or used upon such conditions as the Council may determine.

21. (1) No person shall deposit any refuse or litter in any places in or in the surroundings of a market except in bins or chutes provided for the purpose.

Refuse.

(2) No article or thing shall be thrown, left or otherwise disposed of in the passage, drains or surroundings of a market.

22. No person shall carry on any handicraft in a market without the written permission of the Council.

Handicraft.

23. No person shall keep or consume liquor in a market. Liquor.
24. No fire or cooking shall be permitted in a market, except in places provided by the Council, without the written approval of the Council. Fire and cooking.
25. No person shall in any way cause any obstruction in the market. Obstruction.
26. No person may bring any live animal into a market, other than poultry for which a licence has been issued under these By-laws. Animals.
27. All persons using market shall comply with such directions as may be given by an officer of the Council for the purpose of preserving cleanliness and order in the market. Directions.
28. No person shall erect any sun-blind or any temporary or permanent structure in a market without the written approval of the Council. Sun-blind, etc.
29. The water supply in a market is subject to the absolute control of the Council. Water supply.
30. No person shall lounge or sleep in a market at any time and no person shall remain in a market at night except a watchman approved in writing by the Council. Sleeping in the market.

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

31A. The Council, its officer or servant may summarily eject any person who acts, or removes from the market an equipment, a vehicle, a machinery, an article or any other thing whatsoever which is used in contravention of any provisions of these By-laws or any order or direction given by the Council, its officer or servant under the provisions of these By-laws. The Council, its officer or servant may eject any person who contravenes any of these By-laws. *[Add G.N.L. 44/82.]*

31B. “The Mayor may compound any offence under these By-laws by collecting from a person reasonably suspected of having committed such an offence a sum of not exceeding RM500.00 and on payment of such sum of money, no further proceedings shall be taken against such person in respect of that offence”.

32. The Council may cancel or suspend a licence if the licensee or any assistant of the licensee :- Cancellation of licence.

- (i) is convicted of any offence under these By-law; 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
- (iii) on the certificate of a Government Medical Officer or registered medical practitioner, is suffering from a contagious or infectious disease.

33. Part I of the Jesselton Town Board (General) By-laws, 1956 is repealed.

Repeal.
[Corr. G.N.L.
36/66.]

FIRST SCHEDULE

MARKETS

The following markets shall be established in the Kota Kinabalu Municipal Council area :-

- (a) the market buildings and areas shown bounded in pink and denominated as market areas on Plan No. 9440 deposited with the Director of Lands and Surveys;
- (b) the market buildings and areas situated at Tanjong Aru and denominated as Survey Lot No. 9690 on standard sheet 79-R-4-A deposited with the Director of Lands and Surveys;
- (c) the market buildings and areas situated at Sembulan and denominated as Survey Lot No. 13055 on standard sheet 79M-16 deposited with the Director of Lands and Surveys;
- (d) the temporary cooked food market at Jalan Tugu Kampung Ayer;
- (e) the temporary cooked food market at Sembulan; *[Add. G.N.L
25/69.]*
- (f) the market building at Kampung Ayer; *[Add. G.N.L
25/69.]*
- (g) the temporary sundry market at Jalan Tugu; *[Add. G.N.L
25/69.]*
- (h) the temporary hawker shed erected at the State land presently used as a public car park bounded East by Jalan Tengku Abdul Rahman, South by Jalan Laiman Diki, West by Jalan *[Add. G.N.L
23/74.]*

Haji Yaakub and North by T.L. 1441 (Capital Cinema);

- (i) the market buildings and areas situated at the Kota Kinabalu seafront, bounded in green and denominated as Survey Lot Nos. 01200605 and 01200606 on Plan No. 01123888 deposited with the Director of Lands and Surveys; [Add. G.N.L. 13/78.]
- (j) the market building and areas situated at Inanam denominated as market areas on Plan No. 8974 deposited with the Director of Lands and Surveys; [Add. G.N.L. 2/80.]
- (k) the market building and areas situated at menggatal and denominated as market area on Plan No. 8979 deposited with the Director of Lands and Survey; and [Add. G.N.L. 2/80.]
- (l) the market building and areas situated at Telipok and denominated as market areas on Plan No. 7774 deposited with the Director of Lands and Surveys. [Add. G.N.L. 2/80.]

[Sub. G.N.L. 44/82, G.N.L. 22/87.]

SECOND SCHEDULE

STALL RENT

(a) THE CENTRAL MARKET

(Market referred to in paragraph (i) of the First Schedule)

Ringgit per month

1.	Vegetable Stall	...	45.00	Front outer ring stall (facing Jalan Tun Fuad and facing the Fish Market) @ 100
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per month.

2.	Fruit Stall	...	45.00	Front outer ring stall (facing Jalan Tun Fuad) @ 100 per month.
3.	Rice Stall	...	30.00	
4.	Newspaper Stall	...	45.00	
5.	Curry / Coffee Powder Stall	...	45.00	
6.	Flower Stall	...	60.00	
7.	Native Tobacco Stall	...	45.00	
8.	Poultry Stall	...	60.00	(Two Cages)
9.	Beef Stall	...	100.00	
10.	Pork Stall	...	100.00	
11.	Sundries Stall	...	60.00	
12.	Cake / Bread / Spring Roll Stall	...	45.00	
13.	Roasted Pork Stall	...	100.00	
14.	Clothing / Cosmetic Stall	...	80.00	
15.	Cooked Food Stall	...	80.00	

(The Council may impose charges for electricity and Water supply at amounts as it deems fit from time to time).

16.	Fish Stall	...	100.00	
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(b) MARKETS

Tanjung Aru -)

Menggatal -) As appear in the
FIRST SCHEDULE

Telipok -)

Inanam -)

Ringgit per month

1.	Vegetable Stall / Fruit Stall	...	23.00
2.	Cake / Bread Stall	...	23.00
3.	Sundries Stall	...	30.00
4.	Fish Stall	...	40.00
5.	Pork Stall	...	25.00
6.	Beef Stall	...	50.00
7.	Poultry Stall	...	23.00
8.	Cooked Food Stall	...	30.00

(c) SEMBULAN

Ringgit per month

1.	Vegetable Stall / Fruit Stall	...	15.00
2.	Cake / Bread Stall	...	23.00

3.	Sundries Stall	...	30.00
4.	Fish Stall	...	30.00
5.	Pork Stall	...	25.00
6.	Beef Stall	...	50.00
7.	Poultry Stall	...	30.00
8.	Cooked Food Stall	...	30.00

(d) COLD ROOM RENTAL

Cold Room @ 1.50 per cubic foot per month.

(e) OTHER RENTALS

1.	Cooked Food Stall near Kinabalu Theatre	...	\$60.00 per month
2.	Refreshment Stall near Tanjung Aru Lido	...	\$60.00 per month
3.	Sundries Stall near Capital Theatre	...	\$60.00 per month
4.	Pasar Malam Stall	...	\$25.00 per month
5.	Open Space Stall	...	\$ 3.00 per day

Dated at Jesselton, this 30th day of April, 1966.

LAI EN KONG,
Chairman,
Jesselton Town Board.

I approve the foregoing By-laws.

Dated at Jesselton, this 10th day of May, 1966.

PANG TET TSHUNG,
Minister for Local Government.