

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

**KOTA KINABALU MUNICIPAL COUNCIL
(FOOD AND EATING PREMISES) BY-LAWS, 1966
(G.N.L. 25 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:

Title and commencement.

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

Licences.

2. No person shall carry on the business of a cookshop, eating shop, coffee shop, food stall, restaurant or bakery or any club where food is served except in accordance with a licence granted by the Council.

Application for licence.

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

Grant of licence.

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

Health certificate.

5. 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.

Duration of licence.

6. Every licence granted under these By-laws shall expire on 31st day of December, as the case may be, of each year.

Fee.

7. The following fees are payable for licences:-

	<i>Per month</i>
(i) Restaurant, Canteen and Coffee House -	\$
Air-conditioned premises	
1st Class	200.00
2nd Class	150.00
Non-air-conditioned premises	
3rd Class	120.00
(ii) Coffee shop without side stall	120.00
(iii) Coffee shop with side cooked food stall ...	240.00
(iv) Side cooked food stall	20.00
(v) Factory Bakery –	
(a) Big	250.00

(b)	Small	...	...	...	...	50.00
(vi)	Factory –					
	Aerated water, sweets, biscuits, soya bean milk					
(a)	Big	...	...	...	...	2,000.00
(b)	Small	...	...	...	...	90.00

For the purpose of payment of the licence fee-

'1st Class' means an eating premises established within the premises of a 1st class hotel or an eating premises provided with high standard of hygiene, service and facilities as the Council deems fit to classify it under that class;

'2nd Class' means an eating premises with air-conditioning facilities;

'3rd Class' means an eating premises without air-conditioning facilities;

'big factory' means a factory premises with a floor area of 10,000 square feet and above;

'small factory' means a factory premises with a floor area of less than 10,000 square feet;

'big bakery' means a bakery with a floor area of 3,500 square feet and above;

'small bakery' means a bakery with a floor area of less than 3,500 square feet.

Licence not to be transferred.

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

Employment of assistant.

9. (1) No licensee shall engage any assistant, whether paid or not, 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 to the licence by an officer of the Council.

Penalty.

10. 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.

Compounding of offences.

10A. (1) The Mayor may compound any offence including but not limited to breach of licence condition imposed by the Mayor under these By-laws by making a written offer to such person to compound the offence upon payment to the Mayor of such amount not exceeding Ringgit Malaysia five hundred.

(2) Where an offence has been compounded under this By-law, no prosecution shall thereafter be instituted in respect of such offence against the person to whom the offer to compound was made.

Cancellation of licence.

11. The Council may cancel or suspend a licence 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
- (iii) on the certificate of a Government Medical Officer or a registered medical practitioner, is suffering from a contagious or infectious disease.

Repeal.

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

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.