



WARTA KERAJAAN NEGERI JOHOR
GOVERNMENT OF JOHORE GAZETTE



**Undang-Undang Kecil
Penjaja
(Majlis Perbandaran Pengerang)
2021**

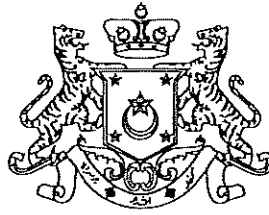
***Hawkers
(Pengerang Municipal Council)
By-Laws
2021***

Jenis Sumber Kuasa	Perundangan Subsidiari – Undang-Undang Kecil / <i>By-Laws</i>
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NEGERI JOHOR

Warta Kerajaan

DITERBITKAN DENGAN KUASA

GOVERNMENT OF JOHORE GAZETTE

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*TAMBAHAN No. 9
PERUNDANGAN*

LOCAL GOVERNMENT ACT 1976
HAWKERS (PENGARANG MUNICIPAL COUNCIL) BY-LAWS 2021
ARRANGEMENT OF BY-LAWS

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IN exercise of the powers conferred by subsection 73(1), 102 and 102A of the Local Government Act 1976 [*Act 171*], the Pengerang Municipal Council makes and pursuant to section 103 of the said Act the State Authority confirms, the following by-laws:

Citation and commencement

1. (1) These By-Laws may be cited as the **Hawkers (Pengerang Municipal Council) By-Laws 2021**.

(2) These By-Laws shall come into force on the date of its publication in the *Gazette*.

Interpretation

2. In these By-Laws, unless the context otherwise requires—

“stall” includes any lock-up stall, table, store, stool, bench, basket, chair, ‘*kandar*’ stick, wall show-case, show board of whatever nature or any other appurtenances whether portable or non-portable and whether on wheels or not on wheels, whereon or wherein food, beverages or goods of any kind are sold or exposed for sale in any private or public place;

“lock-up stalls” means a stall constructed by the President or by any Government or statutory body classified as such by the President;

“vehicle” includes any vehicle mechanically driven or otherwise and includes a barrow, cart, handcart, bicycle, tricycle, motorcycle, scooter, car, van, lorry, vessel, boat or raft adopted or used for the purpose of hawking;

“food” includes any article which is used for food or beverages by human;

“hawker” includes itinerant, static or temporary hawker;

“itinerant hawker” means any person who with or without vehicle goes from place to place to expose, distribute or deliver for sale any food, beverages or goods of any kind;

“temporary hawker” means any person who occasionally sets up a stall and sells or exposes for sale any food, beverages or goods of any kind in a pitch designated for such purpose by the President for such period as the President may determine;

“static hawker” means any person who sets up a stall permanently in any private or public place and sells or exposes for sale any food, beverages or goods of any kind;

“public place” means any open space, parking place, garden, recreation and pleasure ground or square, whether enclosed or not, set apart or appropriated for the use of the public or to which the public shall at any time have access; and

“President” means the President of a Pengerang Municipal Council.

Policies, circular, etc.

3. Policies, Government Circular or written instruction from the President or others Ministry or Department or other Government's Agencies which appropriate and suitable and agreed by the President shall be used together with these By-Laws from time to time.

Prohibition to hawk without licence

4. No person shall act as a hawker without a licence issued by the President under these By-Laws.

Application for licence

5. (1) Every application for a licence to act as a hawker shall be made in writing to the President in such form as the President may determine.

(2) Where an application for a licence is granted, the President shall require the applicant to submit two passport size photographs of the applicant which shall portray a recognizable likeness of the applicant.

(3) A licence shall be in such form as the President may determine.

(4) Every licence, other than that issued to an itinerant hawker, shall be in respect of a specified site or sites.

(5) Every licence shall specify—

(a) the period for which the licence shall be valid, such period shall not exceed six months ending either on 30 June or 31 December;

(b) the type of food, beverages or goods to be sold;

(c) the limitations, conditions and restrictions as the President may think fit to impose.

(6) Every licence shall be revocable by the President at any time without assigning any reason therefore.

(7) The President may, at his discretion, refuse to grant or renew any licence without assigning any reason therefore.

(8) Every person to whom a licence has been granted shall display his licence at all times in some prominent place on the licensed premise, vehicle or stall and shall produce such licence if required to do so by the President or any person authorized by the President.

(9) A licensee shall return his licence to the President or any person authorized by the President, upon its expiry, revocation, cancellation or suspension.

(10) A licence shall not be transferable.

Size of stall

6. (1) No stall other than stall constructed by the President or any Government body or statutory body shall exceed eighteen decimetres in length and nine decimetres in width unless exempted by the President in writing and shall have such covering as approved by the President.

(2) No wall showcases shall exceed thirty-six decimetres by eighteen decimetres by three decimetres.

Absence of licensee

7. (1) A licensee shall, unless absent for some reasonable cause, at all times be present and conduct or superintend the business at his stall or pitch.

(2) Where a licensee cannot manage his business at his stall for a period of thirty days or more, he shall appoint a nominee replacing his place with prior approval in writing of the to the Mayor.

(3) The Mayor shall not, except in such circumstances as he may think fit, grant any approval under the provisions of paragraph (2) of these By-Laws for any period in excess of three months.

(4) Where a nominee acts on behalf of a licensee under the provisions of these By-Laws, the duties and responsibilities imposed on a licensee under these By-Laws shall fall upon such nominee who shall be liable to prosecution for any contravention of these By-Laws as if he were the licensee.

(5) A fee of twenty ringgit shall be payable by a licensee for the appointment of a nominee.

Prohibition

8. (1) No hawker shall carry on his business—

- (a) within nine metres from a street junction;
- (b) within thirty-six decimetres of a fire hydrant; or
- (c) on a stairway, footway or a public pavement unless permitted by the President.

(2) No hawker shall carry on his business in such a manner as to obstruct or to interfere with the free flow of vehicular traffic and of the free movement of pedestrians.

(3) Every hawker shall comply with such verbal or written directions by the Mayor or by any person authorized by the Mayor regarding the placement of the stall, vehicle or other appurtenances relating to his business.

(4) Every temporary hawker shall remove his stall, vehicle or other

appurtenances relating to his business from his pitch or site, when the business period ending each day or night, as the case may be.

(5) The sale of food and beverages within 40 metres of the fence around the school is prohibited for all static hawkers, itinerant hawker and temporary hawkers.

(6) No hawker shall be less than eighteen years of age unless exempted by the President.

Food and beverage prohibited to be sold by hawker outside the school

9. (1) The static hawker or stall dealer who have been licenced before these By-Laws come into force, within 40 metres of the school fence, are allowed to sell food and beverage but must comply with the list of prohibited sale of food and beverage specified under paragraph (2) of these By-Laws.

(2) Food and beverage prohibited to be sold by licenced hawkers outside the school fence are—

(a) food including—

- (i) candy and chocolate;
- (ii) type of foods that have been preserved either sour, salty or sweet, wet or dry;
- (iii) snacks or junk foods containing artificial ingredients and artificial colouring;
- (iv) foods containing alcohol;
- (v) food that contravenes any provision of the Food Regulations 1985 [P.U.(A) 437/1985]

(b) beverage including—

- (i) beverage containing alcohol; and
- (ii) beverage that contravenes any provision of the Food Regulations 1985 [P.U.(A) 437/1985];

(c) food and beverage which are not recommended to be sold including—

- (i) ice confectionery and ice cream;
- (ii) processed food including burger, sausage and nugget;
- (iii) soft drink; and
- (iv) drink containing food colouring except flavoured milk.

Compliance with the regulations

10. The hawkers and assistants who sell food and beverage outside the school fence shall comply with the following regulations—

- (a) attend Food Handling Course organized by Council or agency recognized by Ministry of Health Malaysia (MOH);
- (b) exhibit Certificate of Attendance for Food Handling Course during business;
- (c) obtain a medical examination for typhoid injection and always carry evidence of injection acceptance during business;
- (d) pack the food with safe and non-contaminated packaging (using newspapers or printed papers are prohibited);
- (e) dumping food and garbage debris into plastic before throw it into the trash;
- (f) cover the food and drink so that not to expose to flies, other insects and dust that may contaminate food;
- (g) wash hands with soap before handling food and beverages and after using the toilet;
- (h) use a plastic claw or plastic gloves to pick up food;
- (i) use an apron and head cap or hat when handling food;
- (j) maintain the cleanliness of the vehicle or the stalls and surrounding areas;
- (k) do not smoke while handling food; and
- (l) use tools and equipment that are always clean, not cracked or damaged.

Itinerant hawker

11. No person shall act as an itinerant hawker in any street or at any place determined by the President.

Handcart

12. The handcart used by an itinerant hawker shall not exceed eighteen decimeters in length and nine decimeters in width and the cover or awning over it shall not extend more than three decimeters from any part of the handcart.

Vehicle

13. Where a vehicle is used by an itinerant hawker, the size or shape of the vehicles shall be of such approved by the President.

Itinerant hawker shall be continuously move

14. No itinerant hawker shall be permanently remain in any place except when actually engaged in the sale of goods to customers and when he not so engaged, he shall be continuously move.

Medical examination

15. Every hawker shall be subjected to such medical examination as may be directed by the President.

Cleanliness

16. (1) Every hawker shall maintain—

- (a) himself and his clothing in a state of cleanliness; and
- (b) his stall or vehicle and other appurtenances relating to his business in a clean and sanitary condition and shall be painted or repainted at such time as may be directed by the President.

(2) Any of the Officer authorized in writing by the President may instruct any stalls or vehicle owned by the hawker to be immediately closed and stopped the business if in his opinion the stall or vehicle is dirty.

No firewood

17. No hawker shall use firewood at his business place for the purpose of preparing food unless exempted by the President.

Refuse bins shall be provided

18. Every hawker shall provide adequate refuse bins or receptacles as may be necessary for the reception of refuse.

Wet solid refuse

19. All putrescence garbage or wet solid refuse shall be placed in plastic bags or other suitable receptacles before it was deposited in refuse bins.

Disposal of refuse

20. All refuse in the refuse bins shall be disposed off by the hawker in such manner as may be directed by the President.

Spilling of putrescence matter

21. No hawker shall cause or permit to be deposited, spilled, scattered or thrown any blood, brine, waste liquid or other putrescence matter into any drain or on any other public place.

Fees

22. The fee payable for a licence shall be as prescribed in the Second Schedule and shall be paid in advance.

Duplicate of licence

23. A duplicate licence may be issued in the event of loss of the original licence for a fee of ten ringgit.

Search fee

24. Search fee for any licence shall be ten ringgit and shall be paid in advance.

Penalty

25. Any person who acts as a hawker without a licence issued by the President under these By-Laws and any person who being licensed by the President under these By-Laws acts in contravention of any provisions of these By-Laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit or a term of imprisonment not exceeding one year or both such fine and imprisonment.

Seizure

26. (1) Any article intended or exposed for sale, accompanied with its receptacles and any accompanying appliances and the stall or vehicle belongs or custody of a person who have a licensed or not, to act as a hawker who convicting any provision under these By-Laws may be seized by any officer authorized in writing by the President and removed to and detained at such place as may be determined by the President at the risk of the owner.

(2) Any perishable article seized under paragraph (1) of these By-Laws may be disposed off at any time in such manner as the President or any authorized officer may determine.

(3) The President shall not responsible for any damages in the event of such goods or articles seized for the period of the movement which in custody of the President.

Claims of seized goods

27. A person who have a claim on any goods that have been removed and detained under by-law 26, includes any durable goods, may claim the same from the President within a period of three (3) months from the date of seizure subject to such conditions as may be imposed by the President and subject to the payment of the fees as prescribed in the Third Schedule.

Provided that in the event of there being no claim made to any of the goods that have been removed and detained within the specified period of three months, the President may dispose of the said goods seven (7) days after the expiry of the said detainment period, in such manner as the President may think fit.

FIRST SCHEDULE

[By-laws 11]

1. The whole of the following public street—
 - (1) Jalan Dato' Onn
 - (2) Jalan Dato' Haji Hassan Yunus
 - (3) Jalan Kota Tinggi - Bandar Penawar
 - (4) Jalan Desaru
 - Pantai Desaru
 - (5) Jalan Desaru - Kg. Punggai
 - Pantai Batu Layar
 - Pantai Punggai
 - (6) Jalan Siakap
 - (7) Jalan Pengerang
 - (8) Jalan Kota Tinggi - Pengerang
 - (9) Jalan Teluk Ramunia
 - (10) Jalan Haji Mohd Shah
 - (11) Jalan Todak
 - (12) Jalan Teluk Sengat
 - (13) Jalan Tg. Balau - Sedili Kecil
 - Pantai Tanjung Buloh
2. All public car parks.
3. All bus-stops, bus station and taxi stands.
4. The whole area of the following—
 - i. within 40 metres of the fence area around the school/college.
 - ii. within 100 metres from the boundary of Government Office area.
 - iii. in the house and residential area.
 - iv. in the entrance road and at the main road of the residential area.
 - v. the shoulder-road participating grass landscaping area, park or footpath.
 - vi. in the playground and recreational park.
 - vii. in the road *Gazette* for the protocol road.
 - viii. any of passage at back, side and brink.

SECOND SCHEDULE

[By-laws 22]

MONTHLY FEE

	Minimum	Maximum
1. Itinerant Hawker	RM5.00	RM50.00
2. Static Hawker	RM5.00	RM50.00

THIRD SCHEDULE

[By-laws 27]

SEIZURE, TRANSFER AND STORAGE FEE

	Minimum	Maximum
1. Remove stall and goods	RM30.00	RM50.00
2. Storing the stall and goods	RM10.00 per day for the period not exceeding 7 day and RM20.00 per day for the day after.	
3. Remove vehicle (except lorry)	RM50.00	RM500.00
4. Remove a lorry of not exceeding 3 ton	RM350.00	RM700.00
5. Remove a lorry of exceeding 3 ton	RM500.00	RM1,000.00

Dated: 6 October 2020

[Bil. (57) dlm.MPP/PUU/05/20]

[SUKJ.KT. 24/69 JLD. 14(11); PPUUNJ. 600-1/2/49(2)]

FIZWAN BIN DATO' HAJI MOHD. RASHIDI

*President**Pengerang Municipal Council*

Confirm the: 10 February 2021

[Ringkasan Mesyuarat Bil. 168/2021]

HAJAH NOR AZLEENA BINTI ABDUL RAHMAN

*Clerk of the State Executive Council**Johore*