



WARTA KERAJAAN NEGERI JOHOR
GOVERNMENT OF JOHORE GAZETTE



**Undang-Undang Kecil
Pengendali Makanan
(Majlis Perbandaran Pengerang)
2021**

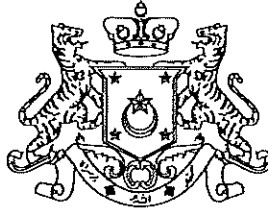
***Food Handlers
(Pengerang Municipal Council)
By-Laws
2021***

Jenis Sumber Kuasa	Perundangan Subsidiari – Undang-Undang Kecil / <i>By-Laws</i>
Nombor Sumber Kuasa	UUK 7
Versi	Bahasa Inggeris
Nombor Warta	J. P.U. 19 / 2021
Tarikh Warta	29 April 2021
Tarikh Berkuat Kuasa	29 April 2021



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NEGERI JOHOR

Warta Kerajaan

DITERBITKAN DENGAN KUASA

GOVERNMENT OF JOHORE GAZETTE

PUBLISHED BY AUTHORITY

Jil. 65
No. 9

29hb April 2021

*TAMBAHAN No. 9
PERUNDANGAN*

LOCAL GOVERNMENT ACT 1976

FOOD HANDLERS (PENGERANG MUNICIPAL COUNCIL) BY-LAWS 2021

ARRANGEMENT OF BY-LAWS

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IN exercise of the powers conferred by section 102 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 **Food Handlers (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—

“sale” or “sell” includes barter and exchange and also includes offering or attempting to sell or causing or allowing to be sold, or exposing for sale, or receiving or sending or delivering for sale, or supplying any food where consideration is to be received by the supplier for such supply either specifically or as part of a service contracted for, or having in possession for sale, or having in possession any food knowing that the same is likely to be sold or offered or exposed for sale, and refers only to sale for human consumption or use;

“Council” means the Pengerang Municipal Council;

“food” includes every article which is used for food or drink by man or which enters into or is used in the composition or preparation of any such article and also includes colouring and flavouring matters and condiments, but does not include—

- (a) article or substances used only as drugs;
- (b) live animals or birds; or
- (c) fodder or feeding stuffs for animals, birds or fishes;

“preparation” includes manufacture, packing, delivery carriage, storage and serving of food and “prepare” shall be construed accordingly; and

“President” means the President of Pengerang Municipal Council.

Policies, circular, etc.

3. Policies, Government Circular or any written orders given by the President or any Ministries or Departments or other Government Agencies which the President may think fit, applicable and accepted shall used with these By-Laws from time to time.

Water supply

4. No person who is engaged in the sale or preparation for sale of food shall use for any purpose pertaining to his trade—

- (a) any water other than water from a tap connected to the water mains from the public water supply; or
- (b) any water from a tap or other source within a private or public lavatory or convenience.

Cleanliness of place used for the preparation and sale of food

5. (1) Every person who is engaged in the sale or preparation for sale of food shall at all times maintain the place used to such sale or preparation in a state of cleanliness.

(2) He shall keep any avenue, passage or space immediately in front of, behind or by the sides of the place used for such sale or preparation in a state of cleanliness and free of any accumulation of noxious or offensive matter, or garbage, refuse or other matter or thing discarded by him.

Food to be kept away from dust, etc.

6. Every person who is engaged in the sale or preparation for sale of any food shall keep at all times such food and all receptacles, implements, vehicles, utensils, tools of trade, chairs, tables, fittings, machineries and other appliances used for or in connection with such food clean and free from dirt and dust, foul odours, vermin and flies or other insects.

Selling of unclean food prohibited

7. (1) No person shall sell any article of food which is not clean or which contains any matter foreign to the nature of such food.

(2) No person shall sell or pack for sale any article of food in a package which is not clean.

Food Handlers Course

8. (1) Every person who is engaged in the selling or preparation for sale of food shall attend a Food Handlers Course organized or approved by the Council.

(2) Every person stated in paragraph (1) shall successfully attend the Food Handlers Course at least once within the period of three years and shall present to the Council or any of its officers the attendance or participation certificate upon their request.

Cleanliness of food handlers

9. (1) Every person engaged in the sale or preparation for sale of food shall, when so engaged, maintain his clothing and his body in a state of cleanliness and shall wear a clean apron and head cover as determined by the Council during the sale and preparation of food.

(2) Every person engaged in the sale or preparation for sale of any food shall, upon every occasion before commencing such sale or preparation, or after visiting any urinal, privy closet, or other similar convenience and before resuming such sale or preparation wash his hands thoroughly with soap and clean water.

(3) No person shall spit, expel mucous from the nose, smoke or use tobacco or snuff or any other preparation or chew tobacco or betel nuts while engaged in the sale or preparation for sale of any food.

(4) No person having cuts or skin abrasions of the hands, or fingers shall engage in the sale or preparation for sale of food unless such cuts or skin abrasions are properly dressed with water-proof dressings.

Person prohibited from handling food

10. No person—

- (a) who is suffering from a communicable disease;
- (b) who is a carrier of any infectious disease;
- (c) who is suffering from any condition causing a discharge of pus or serum from any part of the body or other skin ailment;
- (d) who has a reason to believe or is suspected that he is likely to transmit disease-producing organisms;
- (e) who is in contact with any person suffering from a communicable disease; and
- (f) who does not have a certified medical health certificate issued by a registered medical practitioner;

shall engage in the sale or preparation for sale of any article of food or of any article used or likely to be used as a wrapper or container for food.

Proper use of water for cleaning purpose

11. No person shall use for the purpose of cleaning, washing any utensils used in the sale or preparation for sale of food any water that is not clean.

Proper use of cloth for cleaning purposes

12. No person shall use for the purpose of wiping or cleansing or polishing any food for sale or any packing or utensils used in connection therewith any rag or cloth other than a proper duster or cloth kept solely for the purpose, and which is maintained at all times in a clean condition.

Places prohibited for the preparation and sale of food

13. (1) No person shall sell or prepare for sale any article of food in any stable, urinal, privy or water closet or in any place which is at any time used for sleeping or which is in direct communication with a sleeping apartment or with any stable, urinal privy or water closet or in any place where any animal or bird is allowed to be.

(2) No person shall sell or prepare for sale any article of food in any place in which any thing, animal or bird is kept, or any work is carried on whereby such article of food is liable to be contaminated or its freshness or cleanliness adversely affected.

(3) No person shall place, keep, carry, spread or used or suffer to be placed, kept, carried spread or used in any place used for the sale or preparation for sale of any food, any poison or any noxious or offensive matters or any other material which might contaminate the freshness of the food, but nothing herein shall prevent the proper use of spraying mixtures containing poisons for the purpose of controlling the attack of insects or other pests.

Prohibited containers

14. (1) No person shall enclose, carry or store any article of food for sale in any bag, sack or similar receptacle which has at any time contained, or has been used for the conveyance of any poison or harmful material or any material which may render such food unfit for human consumption.

(2) No unclean table, case, basket, or other receptacle shall be used for containing preparing any article of food for sale.

Contamination of food

15. (1) No person shall place in contact with any food for sale or in any package containing food for sale any plastic, metallic or other object, or other article or thing to be sold or given to the purchaser on the sale of the food unless such object, article or thing is completely enclosed in a wrapper made of material which will not contaminate the food and which contains no ingredient which might be absorbed by, or is likely to pass into the food and no person shall place any such article or thing in any food in such a manner as to be mixed in or enclosed by the food.

(2) Every person who sells any food which is ordinarily consumed in the state in which it is sold shall protect such food until it is delivered to a purchaser, by storage in covered receptacles or by other effectual means.

(3) No person shall carry for sale any article of food which is ordinarily consumed in the state in which it is sold unless it is so enclosed or contained in a receptacle or other packing so construed as to prevent such article of food being contaminated.

(4) No person shall carry, place or deposit or allow to be carried, placed or deposited in any vehicle used for the carriage of any article of food which is ordinarily consumed in the state in which it is sold, any dirt, article which smells rotten or other material which might contaminate the freshness or cleanliness of the article of food carried therein.

(5) No person shall use in connection with the sale or preparation for sale of any article of food which is ordinarily consumed in the state in which it is sold, any paper with writing or printed matter thereon in any manner whereby such food can come in contact with such writing or printed matter.

(6) No person shall sell any article of food which is ordinarily consumed in the state in which it is sold, which has been dropped, placed or stored on any counter, bar or floor unless it is protected or it is so wrapped as to protect such article of food from likely contamination.

Preparation and sale of food above ground level

16. No person shall sell or prepare for sale any food in any premises, street or other open space at a level lower than 0.4572 metres above the ground level of such premises, street or open space.

Utensils

17. (1) No person shall use for the serving of food for sale any eating or drinking utensils which has not been cleaned after the last occasion when such utensil was used whether or not such utensil is used.

(2) No person shall use or have in his possession for use for the sale or preparation for sale of any food, any drinking vessel, plate, saucer or other container which is chipped, broken or cracked.

Handling of food

18. (1) Every person who sells or prepare for sale any food which is ordinarily consumed in the state in which it is sold shall not during such sale or preparation—

- (a) handle or permit to be handled any such food with his fingers, but shall use a scoop, tongs or other suitable implement for every such purpose provided that certain person or class of persons may be exempted upon written approval by the President;
- (b) apply his fingers to his mouth, eye, ear, nose or scalp during the performances of such packing or service;
- (c) use his breath to open any bag or wrapper;
- (d) wipe his hands upon his clothing or by any means other than with a clean towel or cloth;

(e) place, so that it can come in contact with food for sale, any substance material or article which is unclean or liable to contaminate such food, or which has been in contact with the mouth; or

(f) cough or sneeze near any food.

(2) The scoop, tongs or other suitable implement used for the handling of any food which is ordinarily consumed in the state in which it is sold shall be regularly cleaned and free from contamination at all times.

(3) No person engaged in the sale or preparation for sale of any food shall apply to the mouth any appliance used for in connection with such sale or preparation.

(4) No person engaged in the sale or preparation for sale of any food which is ordinarily consumed in the state in which it is sold shall carry any appliance or utensil used for or in connection with such sale or preparation in such manner as to endanger the wholesomeness, cleanliness or freedom from contamination of such food.

Carriage of food

19. (1) No person shall use any vehicle, conveyance or receptacle which is not clean for the carriage or delivery of any food for sale.

(2) No person shall use any vehicle, conveyance or receptacle for the carriage or containing of any animal, bird or other matters or thing whereby the wholesomeness, cleanliness or freedom from contamination of any food for sale carried or contained in such vehicle, conveyance or receptacle would or might be endangered.

Medical examination

20. (1) Notwithstanding anything in paragraph 10(f), any person engaged in the sale or preparation for sale of any article of food may at any time be required by the President—

(i) to undergo a medical examination as to his or her fitness to be so engaged; or

(ii) obtain an immunity injection for contagious or infectious disease.

(2) Such examination shall be carried out by registered medical practitioner or a medical or health officer, appointed either generally or specifically by the President.

(3) If any person so examined is found by the registered medical practitioner or the medical or health officer to be suffering from a contagious or infectious disease or any disease of the skin which is offensive or is, in the opinion of the registered medical practitioner or the medical or health officer, likely to be the source of infection, the President shall forthwith disqualify the person examined from working or engaging in any place used for the sale or preparation for sale any food, until such time as it is certified by the registered medical practitioner or the medical or health officer that he has been cured or is no longer likely to be a source of infection.

(4) Any person—

(a) who refuses to submit to a medical examination on being requested to do so; and/or

(b) who, having been medically examined and is disqualified,

continues to work in any place used for the sale or preparation for sale of any article of food, shall be guilty of an offence against these By-Laws.

(5) The owner, licensee, occupier or keeper of any place used for sale of any article of food, shall be guilty of an offence against being notified by the President that a person working in such place used for the sale or preparation for sale of food has refused to submit to a medical examination or, having been examined, has been disqualified from working permits such person to continue to work therein or to remain within the premises thereof shall be guilty of an offence under these By-Laws.

Penalty

21. Any person who contravenes any of the provisions of these By-Laws commits an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to a term of imprisonment not exceeding one year or to both such fine and imprisonment, and an additional fine not exceeding two hundred ringgit for every day the offence continues after the conviction.

Dated: 15 December 2020

[Bil. (57)d/m.MPP:MPP/PUU/05/20]

[SUKJ.KT. 24/69 JLD. 14(11); PPUUNJ. 600-1/2/12(4)]

FIZWAN BIN DATO' HAJI MOHD. RASHIDI

President

Pengerang Municipal Council

Confirmed: 10 February 2021

[Ringkasan Mesyuarat Bil. 168/2021]

HAJAH NOR AZLEENA BINTI ABDUL RAHMAN

Clerk of the State Executive Council

Johore