



NEGERI TERENGGANU

SUBSIDIARY LEGISLATION

LOCAL GOVERNMENT ACT 1976 [ACT 171]

Tr. P.U. 6/91 FOOD HANDLERS (KEMAMAN DISTRICT COUNCIL) BY-LAWS 1990

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Preamble.

IN exercise of the powers conferred by section 73 (c) (ii) of the Local Government Act 1976 [Act 171], the Kemaman District Council makes, and pursuant to section 103 of the said Act the State Authority confirms the following by-laws:

By-Law 1. Citation, application and commencement.

These by-laws may be cited as the **Food Handlers (Kemaman District Council) By-Laws 1990**, and shall apply only to the area of the Kemaman District Council and shall come into force on the date of their publication in the *Gazette*.

By-Law 2. Interpretation.

In these by-laws, unless the context otherwise requires-

"sale" or "sell" includes barter and exchanges, 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 or exposed for sale, and refers only to sale for human consumption or use.

"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) articles or substances used only as drugs;
- (b) live animals or birds; or
- (c) fodder or feeding stuffs for animals, birds or fish,

"preparation" includes manufacture, packing, delivery, carriage, storage and serving of food and "prepare" shall be construed accordingly.

"President" means the President of the Kemaman District Council and includes Deputy President

By-Law 3. Water supply.

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.

By-Law 4. Cleanliness of place used for the preparation and sale of food.

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

(2) Every person who is engaged in the sale or preparation for sale of food shall also keep any avenue, passage or space immediately in front of, behind or by sides of 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.

By-Law 5. Food to be kept away from dust, etc.

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, articles, utensils, tools of trade, benches, fittings, machinery and other appliance used for in connection with such food clean and free from dirt and dust, foul odours, vermin and flies or other insects.

By-Law 6. Selling of unclean food prohibited.

(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.

By-Law 7. Cleanliness of food handlers.

(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.

(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 toilet or other place of urinating or defecation and before resuming such sale or preparation wash his hands thoroughly with soap and clean water.

(3) No person shall spit, expel mucus 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 waterproof dressings.

By-Law 8. Persons prohibited from handling food.

No person:

(a) who is suffering from a communicable disease;

(b) who is 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 reason to believe or suspect that he is likely to transmit disease producing organisms; or

(e) who is in contact with any person suffering from a communicable disease;

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 food or of any material used or likely to be used as wrapper or container for food.

By-Law 9. Proper use of cloth or cleaning purposes.

No person shall used for the purpose of wiping or cleaning 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.

By-Law 10. Places prohibited for preparation and sale of food.

(1) No person shall sell or prepare for sale any article of food in any stable, toilet or other place of urinating or defecation or in any place which is at any time used for sleeping, or which is in a direct communication with a sleeping compartment or with any stable, toilet or other place of urinating or defecation 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 wholesomeness or cleanliness adversely affected.

(3) No person shall place, keep, carry, spread or use or cause 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 matter or any other material which might contaminate the wholesomeness 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.

By-Law 11. Prohibited containers.

(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, harmful material or any material which may render such food unsound or unfit for human consumption;

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

By-Law 12. Contamination of food.

(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 ingredients 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 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 constructed as to prevent such article of food from 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 ordinarily consumed in the state in which it is sold any dirt, offensive matter or other material which might contaminate the wholesomeness 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 is so wrapped as to protect such article of food from likely contamination.

By-Law 13. Preparation and sale of food above ground level.

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.

By-Law 14. Utensils.

(1) No person shall use for the serving of food for sale any eating or drinking utensil which has not been cleansed after the last occasion such utensil was used, whether or not such utensil is given to the same person who had previously used the utensil.

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

By-Law 15. Handling of food.

(1) Every person who sells or prepares 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 people 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 serving;

(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 into 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 over any food.

(2) The scoop tongs or other suitable implements 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 or 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 a manner as to endanger the wholesomeness, cleanliness or freedom from contamination of such food.

By-Law 16. Carriage of food.

(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 or usually carried or contained in such vehicle, conveyance or receptacle would or might be endangered.

By-Law 17. Medical examination.

(1) Any person engaged in the sale or preparation for sale of any article of food may be required by the President to undergo a medical examination as to his or her fitness to be so engaged.

(2) Such examination shall be carried out by any qualified medical or health officer appointed either generally or specially by the President.

(3) If any person so examined is found by 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 medical or health officer, likely to be a 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 of any food, until such time as it is certified by 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; 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.

(5) The owner, licensee, occupier or keeper of any place used for the sale or preparation for sale of any article of food, who, having been notified in writing 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 precincts there of shall be guilty of an offence under these by-laws.

By-Law 18. Penalty.

Any person who contravenes any of the provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand ringgit or imprisonment for a period not exceeding six months or both and in the case of a continuing offence a sum not exceeding two hundred ringgit for each day during which such offence is continued after conviction.

Made by the Kemaman District Council in its meeting on the 28 June 1990.
[MDK. 1202 Sj.6]

HARUN BIN HASAN,
President,
Kemaman District Council

Confirmed by the State Authority in its meeting on the 21 January 1991.
[SUK.TR. 1200/365/SK. B; PUN. TR. (s) 85/3/11]

OSMAN BIN MUDA,
Clerk of Council,
Terengganu