



THE  
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PART IV

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THE LOCAL AUTHORITIES ORDINANCE, 1996

THE CITY OF KUCHING NORTH (LICENSING AND  
CONTROL OF PUBLIC CAR PARKS) BY-LAWS, 1999

(Made under section 91(v))

In exercise of the powers conferred by section 91(v) of the Local Authorities Ordinance, 1996, the <sup>Commissioner of the City of Kuching North</sup> ~~Commissioner of the City of Kuching North~~ has, with the approval of the Yang di-Pertua Negeri, made the following By-laws: *Cap. 20*  
*Subst'd by*  
*Leq. ASS*

1.—(1) These By-laws may be cited as the **City of Kuching North (Licensing and Control of Public Car Parks) By-laws, 1999**, and shall come into force on 1st day of September, 1999. Citation, commencement and application.

(2) These By-laws shall not apply to—

(a) any land or premises owned or occupied by the Government of the Federation or of the State; or

(b) any land or premises owned or occupied by, or vested in, the <sup>Commissioner</sup> ~~Commissioner~~; or

(c) any private car parks used in connection with private dwelling houses.

2. In these By-laws— <sup>Commissioner of the City of Kuching North</sup> ~~Commissioner~~ means the <sup>Commissioner of the City of Kuching North</sup> ~~Commissioner of the City of Kuching North~~; Interpretation.

"land", for the purposes of these By-laws, means the area of land surrounding a building or an empty space on which no building stands;

Act 333.

"motor vehicle" shall have the same meaning as assigned to that expression in the Road Transport Act 1987;

"parking space" means the space marked out in a public car park for the parking of one motor vehicle;

"person" includes any company or statutory body or association or body of persons, corporate or unincorporated;

Cap. 18.

"premises" means a building and the area surrounding the building, and includes any building having two or more storeys wholly above ground level which is vested in a management corporation within the meaning of the Strata Titles Ordinance, 1995;

"public car park" means any land or premises or part thereof owned or occupied by any person and used for the parking or housing of ten or more motor vehicles, and to which any member of the public is admitted to park any vehicle with or without the payment of a fee but excluding any car park owned or occupied by the Government of the Federation or of the State, or any car park owned or vested in the ~~Commissioner~~ <sup>Commission</sup>.

Licence required.

3. No person shall operate, manage or maintain a public car park except under and in accordance with the terms and conditions of a licence granted under these By-laws.

Application for licence.

4.—(1) An application for a licence to maintain or operate a public car park shall be made in writing to the ~~Commissioner~~ <sup>Commission</sup> in Form A in the First Schedule and shall be accompanied by a plan in duplicate showing the location, layout, dimensions and capacity of the parking place.

(2) Every licence shall be substantially in Form B in the First Schedule.

Fee for licence, etc.

5.—(1) The fee payable for the grant or renewal of a licence shall be as set out in the Second Schedule.

(2) A licence shall, unless sooner suspended or revoked, remain in force until the 31st day of December next following the date of issue of the licence and may be renewed on or before the date of its expiry.

(3) A licence shall not be transferred to any other person and no licensee shall operate through any other person except with the prior written approval of the ~~Commissioner~~ <sup>Commission</sup>.

6. The granting of a licence shall be at the <sup>Commission</sup> ~~Commissioner's~~ discretion. Licence at discretion of ~~Commissioner~~ <sup>Commission</sup>.
- 7.—(1) Every licensee shall keep his public car park clean at all times. Cleanliness.
- (2) Every licensee shall provide adequate refuse receptacles in his public car park.
8. The <sup>Commission</sup> ~~Commissioner~~ may—
- (a) prescribe the number and the dimension of parking spaces to be provided; Number of parking spaces, etc.
- (b) regulate the rates of charges and the operational hours; and
- (c) require the licensee to provide parking spaces for the parking of motorcycles,
- in a public car park.
9. The licensee shall not increase or reduce the number of parking space or the rates of charges approved within his public car park except with the prior written approval of the <sup>of Commission</sup> ~~Commissioner~~. Alteration and addition.
10. The licensee shall take adequate measures to ensure that no vehicle is parked in any manner so as to obstruct the free flow of traffic inside or in the vicinity of his public car park. Obstruction.
11. The licensee shall not use or permit to be used any part of his public car park for any purpose other than for the parking of motor vehicles, except with the prior written approval of the <sup>of Commission</sup> ~~Commissioner~~. Other uses not permitted.
12. The licensee shall provide adequate lighting and, if it is a covered public car park, adequate ventilation to the satisfaction of the <sup>of Commission</sup> ~~Commissioner~~. Lighting.
13. The licensee shall comply with all instructions given by the <sup>of Commission</sup> ~~Commissioner~~ and the Police to ensure that adequate security is provided in his public car park. Security.
14. The licensee shall ensure—
- (a) that adequate fire fighting equipment is installed to the satisfaction of the <sup>Commission</sup> ~~Commissioner~~;
- (b) that staircases and exits are properly maintained;
- (c) that all staircases, passages, landings and exits are kept clear of all obstructions; and
- Fire prevention.

(d) that every door is so constructed and fitted as to be readily opened,

in his public car park.

Power of entry. 15. The <sup>Commissioner</sup>~~Commissioner~~, any officer authorized by him or a police officer, may at any time enter any land or premises for the purpose of ascertaining whether—

(a) the land or premises is or are being used as a public car park without a valid licence granted in respect thereof;

(b) an offence under these By-laws has been committed.

Exemption. 16. The <sup>Commissioner</sup>~~Commissioner~~ may exempt any person or class or category of persons from all or any of the provisions of these By-laws or waive any or all the conditions specified in the licence or substitute for any or all of these conditions as he may consider fit.

Penalty. 17. Any person who contravenes any of these By-laws or fails to comply with any of the conditions specified in the licence shall be guilty of an offence: Penalty, a fine of two thousand ringgit, and, in the case of a continuing offence, an additional fine of two hundred ringgit for every day during which such offence is continued after conviction.

FIRST SCHEDULE

FORM A

(By-law 4(1))

THE CITY OF KUCHING NORTH  
(LICENSING AND CONTROL OF PUBLIC CAR PARKS) BY-LAWS, 1999

APPLICATION FOR A PUBLIC CAR PARK LICENCE

(Note: To be submitted in duplicate)

Application No. ....

To: <sup>Commissioner</sup>~~Commissioner~~  
The ~~Commissioner~~  
City of Kuching North

I, (i) ..... (N.R.I.C. No. ....  
(full name in block capitals)

of .....  
(address)

trading under the name of .....

at .....  
(address of premises/location)

\*Business Registration Certificate/Certificate of Incorporation No. ....  
..... hereby apply for the \*issue/renewal/transfer of Public  
Car Park Licence for the period .....

2. The premises/location to be licensed are as specified below (if whole premises/  
location are not to be licensed, specify which part of them is to be licensed)

(ii) .....

3. \*(a) I have not previously held a licence of this type.

\*(b) My previous/present licence number was/is .....

\*(c) I wish licence number ..... to be transferred to me  
for the following reasons:  
.....

\*(d) I wish licence number ..... to be transferred  
from .....  
(present premises/location)

to .....  
(new premises/location)

for the following reasons:  
.....

4. I declare that the above particulars are true and complete.

Date: .....

.....  
*Signature of Applicant*

(i) Insert name of sole proprietor or name of principal partner and for  
a company incorporated under the Companies Act 1965 name of Director  
or name of person authorized to accept service of notice/documents  
on behalf of that company.

(ii) A plan in the duplicate showing the location, layout, dimensions and  
capacity of the parking place together with such other information  
as may be required by the ~~Commissioner~~ <sup>Commission</sup> are to be produced together  
with the application.

\* Delete whichever is inapplicable.

**FORM B**

(By-law 4(2))

THE CITY OF KUCHING NORTH  
(LICENSING AND CONTROL OF PUBLIC CAR PARKS) BY-LAWS, 1999

**PUBLIC CAR PARK LICENCE**

LICENCE NO.: ..... 19.....

Authority is hereby granted to .....  
of .....

(N.R.I.C. No. ....) to operate a public car park  
in the premises/location described below, subject to the City of Kuching North  
(Licensing and Control of Public Car Parks) By-laws, 1999, and the conditions  
specified below:

Description of premises/location:

.....  
.....

Conditions of licence:

- (1) This licence shall not be transferrable, except with the written permission of the ~~Commissioner of the City of Kuching North~~ *Commission of the City of Kuching North*
- (2) .....
- (3) .....

This licence is valid:

From: .....

To: .....

unless previously suspended or revoked.

Fee received: RM .....

Dated: .....

~~Commissioner~~  
~~Commissioner~~  
*City of Kuching North*

## SECOND SCHEDULE

(By-law 5)

## LICENCE FEES

## LICENCE TO OPERATE/MAINTAIN A PUBLIC CAR PARK

(1) If parking charges are collected, the licence fee payable shall be as follows:

<i>Where the licensee is authorized to operate/maintain</i>	<i>Amount of fee per annum</i>
Between 10 to 50 parking spaces ... ..	RM 125.00
Between 51 to 100 parking spaces ... ..	250.00
Between 101 to 200 parking spaces ... ..	500.00
Between 201 to 300 parking spaces ... ..	750.00
Between 301 to 400 parking spaces ... ..	1,000.00
Between 401 to 500 parking spaces ... ..	1,200.00
Between 501 and above parking spaces ... ..	1,500.00

(2) If no parking charges are collected, the licence fee payable shall be ten per cent (10%) of the rates specified in (1) above.

(3) The licence fee for half a year shall be half of the rates stated above and the licence fee for a month or part thereof shall be one-twelfth of the rates stated above, to be calculated to the next 10 sen.

Made this 25th day of March, 1999.

DATU AWANG EHSAN JOINI,  
*Commissioner,  
City of Kuching North*

Approved by the Yang di-Pertua Negeri this 6th day of April, 1999.

By Command,

DATUK PATINGGI  
TAN SRI (DR) HAJI ABDUL TAIB MAHMUD,  
*Chief Minister, Sarawak*

Swk. L.G. 61

THE CITY OF KUCHING SOUTH  
(LICENSING AND CONTROL OF PRIVATE CAR PARKS)  
BY-LAWS, 1992

DATE OF COMMENCEMENT

In exercise of the powers conferred by by-law 1(1) of the City of Kuching South (Licensing and Control of Private Car Parks) By-Laws, 1992, the Council of the City of Kuching South has appointed the 1st day of September, 1999, as the date on which the said By-laws shall come into force.

Swk. L.G.  
39/92.

Dated this 19th day of July, 1999.

CHAN SENG KHAI,  
*Mayor,*  
*City of Kuching South*



DICETAK OLEH  
PERCETAKAN NASIONAL MALAYSIA BERHAD,  
KUCHING, SARAWAK  
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK