

# THE LOCAL GOVERNMENT ORDINANCE, 1961

## (Ordinance No. 11 of 1961)

### THE KOTA KINABALU MUNICIPAL COUNCIL

#### (PUB AND BAR LOUNGE PREMISES) BY-LAWS, 1984

In exercise of the powers conferred upon it by Section 50 of the Local Government Ordinance, 1961 the Kota Kinabalu Municipal Council (hereinafter called the Council) hereby makes the following By-laws:-

Title and  
comment

1. These By-laws may be cited as the Kota Kinabalu Municipal Council (Pub and Bar Lounge Premises) By-laws 1984 and shall apply to the whole area under the jurisdiction of the Council and shall be deemed to have come into force on the 1st day of January, 1984.

Citation and  
commencement

2. In these By-laws –

Interpretation

“Booking of Girl” means any activities relating to providing female companionship to customer subject to a payment of fee whether hourly or otherwise;

“Licensee” means the holder of a licence under these By-laws and shall include his agent or any person who is in actual control or occupation of the premises;

“Person” includes company or a firm;

“Premises” means any pub or bar lounge premises;

“Pub or Bar Lounge” means any premises where alcoholic beverages or intoxicating liquor are sold and consumed therein and shall include any bar or premises so classified as pub or bar lounge by the Council, but does not include food and eating premises.

3. No person shall carry on the business of a pub or bar lounge except in accordance with a licence granted by the Council under these By-laws and the person shall in addition, possess a liquor licence.

Licence

4. (1) An application for a licence shall be made in writing accompanied by three sets of building or renovation plans for the proposed pub or bar lounge premises showing the external and internal designs, table and seating arrangement therein and such plans shall incorporate all requirements of the Building By-laws of the Council.

Application

- (2) The Council shall determine the number of customers admissible at any one time into the premises regard shall be had to overcrowding, safety and ventilation of the premises.
5. The Council may, in its absolute discretion, grant or refuse a licence or a renewal thereof or grant a licence subject to such conditions as it thinks fit. Grant of Licence
6. (1) The fee payable for the grant or renewal of a licence under these By-laws shall be three hundred ringgit per month.
- (2) Every licence shall subject to the provisions of these By-laws expire on the 31st day of December of the year it is issued.
- (3) No licensee shall transfer or otherwise part with the possession of his licence to any unauthorised person.
7. If the Council so requires, an applicant for a licence or a renewal thereof shall forward certificates of health of himself and all his employees from a Government Medical Officer or a registered medical practitioner. Health Certificate
8. No licensee shall engage any assistants or servants whether paid or unpaid except with the prior written approval of the Council. Employment of Assistant
9. (1) The licensee shall not cause or permit any live performance or other live entertainment to be performed within the premises without the prior written approval of the Commissioner of Police or the Officer-in-charge of Police District, Kota Kinabalu, and the Council. Prohibition of live entertainment
- (2) Upon approval and subject to any conditions in the permit the licensee shall be required to obtain a separate licence under the Public Entertainment Ordinance, 1958.
10. No waitress or female employee of the licensee shall be allowed to sit together with any customer for the purpose of serving or entertainment such customer. Service
11. No additional charge shall be imposed upon any customer except those permissible under any written laws. Additional charge
12. No licensee shall cause or allow booking of girls for companionship within the premises.
13. No person under the age of eighteen shall be admitted into the premises.
14. The licences shall not cause or allow dancing activities within the premises except with the prior written approval of the Council.

15. Every licensee shall – Display of licence and signboard
- (a) keep displayed in a conspicuous place outside the premises a signboard showing clearly the name and style of such premises;
- and
- (b) keep displayed in a suitable place within such premises the licence issued under these By-laws and other licence required under these By-laws together with passport size photographs of all his assistants or employees with names and identity card numbers.
16. The Council may at any time revoke or suspend any licence issued under these By-laws if it is satisfied – Definition
- (a) that there has been a breach of the conditions of licence or a contravention of any provisions of these By-laws; or
- (b) that consequent upon the operation of the pub or bar lounge premises in respect of which the licence has been issued there has been a breach of the peace or there has been caused to the residents in the locality of the premises any nuisance, injury or annoyance; or
- (c) that the licensee or any assistant or employee of the licensee is convicted of any offence under any written laws relating to public health or sale of intoxicating liquor.
17. The Council or any officer of the Council duly authorised by it in writing may enter and inspect any pub or bar lounge premises where the Council or such officer has reason to believe that such premises is operated in contravention of these By-laws or any other written laws. Power to enter and inspect premises
18. The Council shall not be liable for any loss or damage caused or occasioned to the licensee in the course of action under these by-laws. Nonliability
19. Any person who commits a breach or contravenes any provisions of these By-laws shall be liable to a fine of not exceeding five thousand ringgit and in the case of a continuing offence to a further fine of not exceeding two hundred ringgit for everyday during which the offence continues. Penalty

### **“19A Compounding any offences.**

- (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.”

Dated at Kota Kinabalu, the 25th day of August, 1984.

JOHN LIM GUAN YEE,

*President,*

*Kota Kinabalu Municipal Council.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu, the 29th day of August, 1984.

AYUB AMAN,

*Minister of Town and Country*

*Development.*