

LOCAL GOVERNMENT ORDINANCE, 1961
(No. 11 of 1961)

KOTA KINABALU MUNICIPAL COUNCIL
(HOTELS AND LODGING HOUSES) BY-LAWS, 1966
(G.N.L. 28 of 1966)

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance, 1961, the Jesselton Town Board has made the following By-laws :-

Title and commencement.

1. These By-laws may be cited as the Kota Kinabalu Municipal Council (Hotels and Lodging Houses) By-laws, 1966, and shall come into operation on the 1st day of July, 1966.

1A. "lodging house" means a house or part thereof in which lodgers are accommodated for a payment and

- (a) in which the sleeping accommodation may be occupied by two or more lodgers though strangers to one another; or
- (b) which may be occupied by four or more lodgers not of the same family.

Provided that nothing herein shall include-

any house provided by an employer for the accommodation of his employees;

any hotel.

Licence for hotel or lodging house.

2. No person shall use any building as a hotel or lodging house except in accordance with a licence from the Council.

Grant of licence.

3. The Council may, in its absolute discretion, grant or refuse a licence, or grant a licence subject to such conditions as it thinks fit.

Health certificate.

4. If the Council so requires, an applicant for a licence or for a renewal thereof shall forward a certificate of health from a Government Medical Officer or registered medical practitioner.

Duration of licence.

5. Every licence shall expire after the last day of each month and renewable upon payment of the required fee.

Fees.

6. The following fees are payable for licence :-

	<i>Per month per room based on occupancy</i>
	<i>Ringgit</i>
(a) 1st Class Hotel	140.00
(b) 2nd Class Hotel	80.00
(c) 3rd Class Hotel	40.00

For the purpose of this by-law :-

“1st class hotel” means a hotel with international standard of facilities and services as the Council deems fit to classify it under that class;

“2nd class hotel” means a hotel with reasonable standard of facilities and services as the Council deems fit to classify it under that class;

“3rd class hotel” means a hotel with minimum standard of facilities and services as the Council deems fit to classify it under that class.

For the purpose of calculating the fee payable under this by-law the following formula shall apply :-

$$\begin{array}{l} \text{Total} \\ \text{licence} \\ \text{fee pay-} \\ \text{able} \end{array} = \begin{array}{l} \text{Rate or amount} \\ \text{of licence fee} \\ \text{payable per} \\ \text{room per month} \end{array} \times \begin{array}{l} \text{Total number} \\ \text{of days any rooms} \\ \text{is occupied in} \\ \text{the month} \end{array} \quad \text{(divided by)} \\ \text{Number of days} \\ \text{in the month}$$

6A (i) A licensee shall declare in writing within five days from the last day of each month the number of days any room is occupied in the previous month and the fee payable therefore. The licence fee shall be paid within five days from the last day of each month.

(ii) A licensee who makes false declaration under this by-law shall be liable to pay to the Council ten times the required fee provided always that it shall not exceed five thousand ringgit at any one time.

Number of persons in bedrooms.

7. A licensee shall exhibit conspicuously a notice in each bedroom indicating the number of persons permitted by the Council to occupy the bedroom.

Cleanliness.

8. (1) A licensee shall keep his hotel or lodging house and its surroundings in a clean and sanitary condition, and shall comply with such direction as may be given by an officer of the Council for the purpose of ensuring the health and safety of lodgers.

(2) A licensee shall cause every room to be swept and cleaned daily before 11 a.m. where practicable.

(3) A licensee shall cause every living room, kitchen and bathroom to be thoroughly scraped and white-washed or painted once a year or more often as the Council may direct.

Hotel and lodging house registers.

9. (1) A licensee of a hotel or lodging house shall keep a register in which shall be entered the name, sex, nationality, occupation, identity card or travel document number, time and date of arrival and departure of every lodger.

(2) Such entry shall be made at the time the lodger is accommodated in the hotel or lodging house.

(3) Hotel and lodging house registers shall be made available at all times for inspection by any police officer not below the rank of Sergeant, or with the written authority of the President of the Council by the Health Officer and any Council Inspector who may take extracts therefrom.

Penalty.

10. Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable to a fine not exceeding five hundred ringgit, and in the case of a continuing offence a fine of fifty ringgit for every day during which the offence is continued.

Compounding of offence.

10A. (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.

Cancellation of licence.

11. The Council may cancel or suspend a licence if the licensee or any assistant of the licensee :-

- (i) is convicted of any offence under these By-laws; or
- (ii) is convicted of any offence under any written law relating to public health; or
- (iii) on the certificate of a Government Medical Officer or registered medical practitioner is suffering from a contagious or infectious disease.
- (iv) fails to pay the required licence fee on the due date or make a false declaration under by-law 6A.

Repeal.

12. Part V of the Jesselton Town Board (General) By-laws, S140/1960 is repealed.

Dated at Jesselton, this 30th day of April, 1966.

LAI EN KONG,
Chairman,
Jesselton Town Board.

I approve the foregoing By-laws.

Dated at Jesselton, this 10th day of May, 1966.

PANG TET TSHUNG,
Minister for Local Government.