

**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:-

Citation, application and commencement.

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.

Interpretation.

2. In these By-laws.

“Booking of Girl” means any activities relating to providing female companionship to a 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.

Licence.

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.

Application.

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.

(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.

Grant of Licence.

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.

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.

Health Certificate.

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.

Employment of Assistant.

8. No licensee shall engage any assistants or servants whether paid or unpaid except with the prior written approval of the Council.

Prohibition of live entertainment.

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.

(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.

Service.

10. No waitress or female employee of the licensee shall be allowed to sit together with any customer for the purpose of serving or entertaining such customer.

Additional charge.

11. No additional charge shall be imposed upon any customer except those permissible under any written laws.

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 licensee shall not cause or allow dancing activities within the premises except with the prior written approval of the Council.

Display of licence and signboard.

15. Every licensee shall :-

- (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.

Revocation of licence.

16. The Council may at any time revoke or suspend any licence issued under these By-laws if it is satisfied :-

- (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.

Power to enter and inspect premises.

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.

Non-liability.

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.

Penalty.

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.

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.