

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

**LAHAD DATU DISTRICT COUNCIL  
(HOTELS AND LODGING HOUSES) BY-LAWS 1972  
(G.N. 259 of 1973)**

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Lahad Datu District Council has made the following by-laws:

**Title and commencement.**

1. These by-laws may be cited as the Lahad Datu District Council (Hotels and Lodging Houses) By-laws 1972 and shall come into operation on the 1st day of January 1973.

**Interpretation.**

2. In these By-laws, a "lodging house" means a house or part thereof in which lodgers are accommodated for 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 therein shall include —

any house provided by an employer for the accommodation of his employees, or any hotel.

**Application for licence.**

3. Any application for a licence shall be in writing and shall specify the business and the premises on which the applicant proposes to carry on the business.

**Licence for hotel or lodging house.**

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

**Grant of licence.**

5. 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.**

6. If the Council so requires, an application 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.**

7. Every licence shall, subject to the provisions of these By-laws, expire on the 31st day of December of the year in which it is granted.

**Fees.**

8. The following fees are payable for licences —

(a) *Within Lahad Datu District*

- (i) for a hotel, an annual fee at the rate of ten ringgit per bedroom, not being a bedroom ordinarily occupied by any member of the hotel management;

- (ii) for a lodging house, an annual fee of ten ringgit per bedroom, not being a bedroom ordinary occupied by any member of the lodging house management.

(b) *Within Kunak District*

- (i) for a hotel, an annual fee at the rate of five ringgit per bedroom, not being a bedroom ordinarily occupied by any member of the hotel management, subject to a minimum of fifty ringgit.
- (ii) for a lodging house, an annual fee of fifty ringgit or a quarterly fee of fifteen ringgit.

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 under that class.

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

Total licence fee payable	=	Rate or amount of licence fee payable per room per month	x (multiply)	Total number of days any room is occupied in the month (divided by) number of days in the month.
	(equal)			

**Number of persons in bedroom.**

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

**Cleanliness.**

10. (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 11.00 a.m. where practicable.

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

**Hotel registers.**

11. (1) A licensee of a hotel shall keep a register in which shall be entered the name, sex, nationality, occupation, 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.

**Lodging house registers.**

12. (1) A licensee of a lodging house shall keep a register in which shall be entered the name and sex of every lodger.

(2) Such entry shall be made at the time the lodger is accommodated in the 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, by the Health Officer and Council Inspector who may take extracts therefrom.

**Penalty.**

13. (1) Any person who commits a breach or contravenes any of the provisions of these by-laws shall be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence to a further fine of two hundred ringgit for every day during which the offence continues.

(2) In addition to or in substitution for the penalty provided in paragraph (1) of this by-law any expense incurred by the Council in consequence of any breach or contravention of these By-laws or in the execution of any work directed by these By-laws to be executed by any person and not executed by such person, whether performed by the Council or some contractor, together with a surcharge of not more than ten per centum of such expense shall be paid by the person committing such breach or failing to execute such work and may be recovered as if such sum were a civil debt.

**Cancellation of licence.**

14. The Council may cancel or suspend a licence —

- (a) 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
- (b) if, on the certificate of a Government Medical Officer a registered medical practitioner, the licensee is suffering from a contagious or infectious disease.

Dated at Lahad Datu this 16th day of January 1973.

HAJI RAFAEL ANCHETA,  
*Chairman,*  
*Lahad Datu District Council.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 19th day of March 1973.

SALLEH HAJI SULONG,  
*Minister for Local Government.*