

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

**PENAMPANG DISTRICT COUNCIL
(HOTELS AND LODGING HOUSES) BY-LAWS 1978
(G.N.L 45 of 1978)**

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

Title and commencement.

1. These by-laws may be cited as the Penampang District Council (Hotels and Lodging Houses) By-laws 1978 and shall come into operation on the 1st day of October 1978.

Interpretation.

1A. A "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.

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

Fees.

6. The following fees are payable for licences —

- (a) 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;
- (b) for a lodging house, an annual fee of sixty ringgit or a quarterly fee of fifteen ringgit:

Provided that the minimum annual licence fee for a hotel shall be not less than one hundred and twenty ringgit.

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 11.00 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.

(4) A licensee shall keep and maintain such fire fighting equipment as the O.C.P.D. Kota Kinabalu and Fire Services Department may specify.

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 Chairman 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 of 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 or two weeks imprisonment in default of payment.

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 a registered medical practitioner, is suffering from a contagious or infectious disease.

Repeal.

12. Part V of the Kota Kinabalu Town Board (General) By-laws 1956 [G.N.S. 29/56.] made applicable to the Kota Kinabalu Rural District Council under G.N. No. S 69 of 1958 is hereby repealed.

Dated at Penampang this 13th day of June 1978.

FREDERICK TAN,
Chairman,
Kota Kinabalu Rural District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 29th day of August 1978.

JOSEPH PAIRIN KITINGAN,
Minister of Local Government and Housing.

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