

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

**PENAMPANG DISTRICT COUNCIL  
(PUB AND BAR LOUNGE PREMISES) BY-LAWS 1987  
(G.N.L 4 of 1987)**

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

**Citation, application and commencement.**

1. These by-laws may be cited as the Penampang District Council (Pub and Bar Lounge Premises) By-laws 1987 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 June 1986.

**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 issued under these By-laws and shall include his agent or any person who is in actual control or occupation of the premises;

“person” includes a company or a firm;

“premises” means any pub or bar lounge premises;

“pub” or “bar lounge” means any premises where alcoholic beverage 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 separate 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 made to overcrowding, safety and ventilation in the premises.

**Grant of licence.**

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

**Fee.**

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 1st 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 registered medical practitioner.

**Employment of assistants.**

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

**Valid working pass.**

(2) If the place or country of origin of any such assistant or servant employed by the licensee in the premises is other than the State of Sabah, the same shall possess a valid working pass issued by the Immigration Department of Sabah.

**Prohibition of live entertainment.**

9. (1) The licensee shall not cause or permit any live performance or any form of 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 of Kota Kinabalu and the Council.

(2) An application for such permit under paragraph (1) of this by-law shall be made in writing to the Council which shall refer the application to the Commissioner of Police or the Officer-in-charge of Police District, provided that approval shall be determined by the Council.

(3) The grant of such permit under paragraphs (1) and (2) of this by-law shall be subject to such conditions as the Council thinks fit.

(4) Upon approval and subject to the provision of this by-law, the licensee shall be required to obtain a separate licence under the Public Entertainment Ordinance 1958 [Ord. 23/1958.], with the conditions contained in the said Ordinance attached thereto.

**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.

**Companionship.**

12. No licensee shall cause or allow booking of girls for companionship within the premises.

**Persons under 18.**

13. No person under the age of 18 shall be admitted into the premises.

**Dancing activities.**

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 their names and identity card number or passport or valid working pass numbers as the case may be.

**Revocation or suspension of licence.**

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

- (a) there has been a breach of the conditions of licence or a contravention of any provisions of these By-laws or commission of any illegal activity or gambling or acts of indecency within the premises; or
- (b) 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) 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, breach of the peace or indecency.

**Power of entry and inspection of 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 or his servants in the course of enforcing these By-laws.

**Penalties.**

19. (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 everyday 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.

**Compounding of offences.**

**20.** (1) Any officer of the Council duly authorised in writing by the Council may in his discretion compound any offence under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.

(2) On payment of such sum of money no further proceedings shall be taken against the person in respect of such offence.

(3) The payment shall be evidenced by a receipt issued by the officer so authorised to compound the offence.

**Power of arrest.**

**21.** (1) Any officer of the Council duly authorised by the Council or any police officer may arrest without warrant any person who commits in his presence or whom he reasonably believes to have committed any offence under these By-laws —

(a) if the name or address of the person is unknown to the him and the person declines to give his name and address; or

(b) if there is reason to doubt the accuracy of his name or address.

(2) A person arrested under this section shall be detained and shall be brought before a Magistrate's Court within twenty-four hours unless his name and address are sooner ascertained.

Dated at Penampang this 22nd day of April 1986.

EBIN SABIN,  
*Chairman,*  
*Penampang District Council.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 30th day of December 1986.

DATUK AHMAD BAHAROM BIN DATUK  
HJ. ABU BAKAR TITINGAN,  
*Minister of Local Government*  
*and Housing.*