

LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)

SIPITANG DISTRICT COUNCIL
(PUB AND BAR LOUNGE PREMISES) BY-LAWS 1986
(G.N.L 19 of 1986)

In exercise of the powers conferred upon it by section 50 (1) of the Local Government Ordinance 1961, the Sipitang District Council, with the approval of the Minister, has made the following by-laws:

1. Title, application and commencement.

These by-laws may be cited as the Sipitang District Council (Pub and Bar Lounge Premises) By-laws 1986 which 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 1986.

2. Interpretation.

In these By-laws-

“booking of girl” means any activity 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 a 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;

3. Licence.

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.

4. Application.

(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 therein at any one time, regard shall be had to overcrowding, safety and ventilation in the premises.

5. Grant of licence.

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. Fee.

- (1) The fee payable for the grant or renewal of a licence under these By-laws shall be one hundred and eighty ringgit per month.
- (2) Every licence shall subject to the provisions of these By-laws expire on the 31st day of December in each year.
- (3) No licensee shall transfer or otherwise part with the possession of his licence to any other person except with the prior approval of the Council.

7. Health certificate.

If the Council so requires, an applicant under these By-laws shall forward certificates of health of himself and all his employees from a Government Medical Officer or registered medical practitioner.

8. Employment of assistant or servant.

- (1) A licensee shall supply to the Council a list with full particulars of any assistant or servant whether paid or unpaid employed in the premises.

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.

9. Prohibition of live entertainment.

- (1) The licensee shall not cause or permit a live entertainment or any form of live performance to be performed within the premises without the prior written approval from the Commissioner of Police Sabah or the Officer in Charge of Police District of Sipitang, and the Council.
- (2) Upon approval and subject to the conditions imposed in the permit and the provisions of these By-laws, the licensee shall be required to obtain a separate licence under the Public Entertainment Ordinance 1958 with the conditions contained in the said Ordinance attached therewith.

10. Service.

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.

11. Additional charge.

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

12. Companionship.

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

13. Persons under 18.

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

14. Dancing activities.

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

15. Display of licence and signboard.

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 conspicuous place inside the 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 servants employed in the premises with their names and identity card or passport or valid working pass numbers as the case may be.

16. Revocation or suspension of licence.

The Council may at any time revoke or suspend a licence issued under these By-laws if it has reason to believe or if it is satisfied that-

- (a) there has been a breach of the conditions of licence or the 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 premises in respect of which a licence has been issued, there has been a breach of the peace or there has been caused to the residents in the neighbouring locality of the premises a nuisance, injury or annoyance; or
- (c) that the licensee or his servants or employee or any person hired by him to perform in the premises is convicted of any offence under any written laws relating to public health, sale of intoxicating liquor, breach of the peace or indecency.

17. Power of entry and inspection of premises.

The Council or any officer of the Council duly authorised by it in writing may enter and inspect any premises where the Council or its authorised officer has reason to believe that such premises is operated in contravention of the conditions of licence or the provisions of these By-laws or any other written laws.

18. Non-liability.

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 action under these By-laws.

19. Penalty.

Subject to the provisions herein, any person who contravenes any provisions of these By-laws shall be liable to a fine not exceeding five thousand ringgit and in the case of continuing offence to a further fine not exceeding two hundred ringgit for everyday during which the offence is continued.

Dated at Sipitang the 14th day of October 1986.

MAJOR BERNARD LEE,
Chairman,
Sipitang District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 25th day of October 1986.

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

September 2006