

LOCAL GOVERNMENT ORDINANCE 1961

(No. 11 of 1961)

TAWAU MUNICIPAL COUNCIL
(PUB AND BAR LOUNGE PREMISES) BY-LAWS 1984
(G.N.L 74 OF 1984)

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Sabah LawNet

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In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Tawau Municipal Council hereby makes the following by-laws:

Title, application and commencement.

1. These by-laws may be cited as the Tawau 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;

“live performance” or “live entertainment” means any game, show performed or presented or entertainment of any kind whatsoever and to which the public have access either free or on payment of money or any other consideration and in which the members of the public or the audience may or may not take part;

“person” includes a company or a firm;

“premises” means any pub or bar lounge premises;

“President” means the person for the time being lawfully performing the duties of the office of the President of the Tawau Municipal Council and includes the Deputy President;

“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.

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 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 registered medical practitioner.

Employment of assistants.

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, Tawau, 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.

Companionship.

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

Person under 18.

13. No person under the age of eighteen 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 names and identity card numbers.

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 -

- (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. (1) The Council or any officer of the Council or any police officer not below the rank of Inspector duly authorised by the President in writing may enter and inspect any pub or bar lounge premises in order to see whether the provisions of these By-laws or the conditions of any licence granted under these By-laws or any other written laws are being complied with or where the Council or any of the aforesaid duly authorised officer has reason to believe that such premises is operated in contravention of these By-laws or any other written laws.

(2) Any person who obstructs or prevents any officer duly authorised by the President, in the execution of their duties under paragraph (1) shall be guilty of an offence against these By-laws and shall on conviction be liable to a fine not exceeding five thousand ringgit and in the case of continuing offence a fine of one hundred ringgit for every day during which the offence is continued.

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 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 continues.

Power to close any pub or bar lounge or to stop any live performance or other live entertainment.

20. (1) The Council or any officers of the Council or any police officer not below the rank of Inspector duly authorised in writing by the President under by-law 17, may forthwith take any steps he may deem necessary -

- (a) to close any pub or bar lounge which he is satisfied is kept open without or in contravention of any conditions of a licence under these By-laws or any other written laws;
- (b) to stop any live performance which he is satisfied is carried on without or in contravention of any conditions of a licence under these By-laws or any other written laws.

Power of arrest.

21. (1) Any officer of the Council or any police officer not below the rank of Inspector duly authorised by the President 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 him and the person declines to give his name and address; or
- (b) if there is reason to doubt the accuracy of his name and address.

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