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THE PROTECTION OF PUBLIC HEALTH ORDINANCE, 1999

THE PROTECTION OF PUBLIC HEALTH (LICENSING OF HOTELS AND
LODGING HOUSES) REGULATIONS, 2003

(Made under section 64)

In exercise of the powers conferred by section 64 of the Protection of Public Health Ordinance, 1999 [*Cap. 30*], the Majlis Mesyuarat Kerajaan Negeri has made the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the **Protection of Public Health (Licensing of Hotels and Lodging Houses) Regulations, 2003**, and shall come into force on the 1st day of January, 2004.

(2) These Regulations shall apply to all local authorities in Sarawak.

Interpretation

2. In these Regulations—

“hotel” means any building where separate accommodation is offered to the public at a charge, with outlets and facilities for refreshment, dining, entertainment and recreation, and includes serviced apartments;

“licence” means a licence issued by a local authority under regulation 3;

“local authority” means a local authority named in the First Schedule to the Local Authorities Ordinance, 1996 [Cap. 20];

“lodging house” has the same meaning as in the Ordinance;

“Ordinance” means the Protection of Public Health Ordinance, 1999 [Cap. 30].

Licences

3.—(1) No person shall, notwithstanding any other written law, use any building as a hotel or lodging house without first obtaining a licence from the local authority within whose area of jurisdiction the hotel or lodging house is situated.

(2) Each licence for a hotel or lodging house shall be for a duration of one year from the date of issue thereof and may be renewed for a period not exceeding twelve months.

(3) (a) No licence issued under this regulation shall be transferred, sublet or assigned without the prior written approval of the local authority.

(b) For the purpose of this regulation, a licence, if issued to a company, is deemed to have been transferred where the controlling shares thereof is transferred or disposed of.

(4) The fee payable for a licence shall be as set out in the Schedule.

(5) No licence shall be issued under this regulation if the document of title for the land on which the building intended to be used for a hotel or lodging house is situated, contains any condition which prohibits the usage thereof for such purpose.

Inspection of premises

4.—(1) The local authority shall, as soon as practicable after an application has been made to it, cause all necessary inspection to be made as to whether the premises in respect of which the application is made are structurally and otherwise suitable for use and occupation as a hotel or lodging house having regard to the number, health, safety and convenience of the persons who may occupy the same, and to any relevant matters.

(2) If after such inspections, the local authority is satisfied that the premises are suitable for such use, the local authority may, subject to regulation 5, issue a licence in respect of the premises in the name of the applicant.

Conditions for grant of licence

5. The granting or renewal of a licence shall be subject to the following conditions:

(a) the building is constructed and maintained in accordance with the provisions and requirements of the Buildings Ordinance, 1994 [Cap. 8];

(b) the local authority is satisfied that there are adequate fire fighting facilities and equipment in the building and there are available first aid facilities therein;

(c) there is adequate and reliable clean drinking water supplied to the building from a water supply authority or a source approved by the local authority;

(d) the building has proper and adequate facilities for the storage and disposal of wastes;

(e) in the case of a building which does not have separate toilet and bathroom for each separate guest room, there is one toilet for every ten persons and one bathroom for every four persons, with separate toilet and bathroom for the use of persons of different sex;

(f) proper grab rails are installed at appropriate position of the wall in each bathroom and toilet;

(g) there are adequate toilets for use by the public in the common areas of the building with separate toilet for different sex;

(h) each common toilet and bathroom shall, during the hours of darkness, be sufficiently lighted by artificial light when in use;

(i) no cooking shall take place nor shall fires of any sort be made in part of the building other than the kitchen;

(j) the kitchen or food preparation areas are of the standard approved by the local authority and maintained in clean and hygienic conditions at all times;

(k) the number of parking spaces required by the State Planning Authority pursuant to Part X of the Land Code [Cap. 81(1958 Ed)] to be provided by the proprietor of the land on which the building is situated, has not been reduced and no such parking space has been used for other purposes;

(l) no part of the licensed premises shall be assigned or sublet without the prior written approval from the local authority;

(m) such other conditions as the local authority may deem fit to impose.

Persons with communicable disease

6.—(1) No person shall be permitted to reside or be employed in any premises used as a hotel or lodging house who, in the opinion of the Medical

Officer of Health or the Public Health Officer of the local authority, is suffering from any communicable disease, or is in contact with any such disease.

(2) The licensee shall, as soon as it comes to his knowledge that any person on the premises is suffering or is suspected to be suffering from a communicable disease, immediately notify a Medical Officer of Health or a Public Health Officer of the local authority of the circumstances and shall at once isolate the person from coming in contact with articles used by other guests of the hotel or lodging house.

(3) The licensee shall comply with every direction of the Medical Officer of Health or the Public Health Officer of the local authority.

Penalty

7. Any person who contravenes or fails to comply with any of the provisions of these Regulations or any conditions imposed in the licence issued thereunder shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand ringgit and, where the offence is a continuing offence, a fine not exceeding one hundred ringgit for every day during which the offence continues.

Revocation

8. The Public Health (Common Lodging-Houses and Hotels) By-laws appended to the Seventh Schedule to the former Public Health Ordinance, 1962 [Ord. No. 24/62] (now repealed), are revoked.

SCHEDULE

(Regulation 3(4))

LICENCE FEES

Type of Licence	Area A	Area B	Area C	
1. Hotel—for each bedroom	RM20	RM15	RM10	per annum
2. Lodging house—				
(a) for each public bedroom for not more than 10 persons	RM30	RM25	RM20	per annum
(b) for each public bedroom for more than 10 persons	RM40	RM35	RM30	per annum
3. Boarding house or dormitory	RM80	RM60	RM40	per annum

(a) Area A refers to the local authority area under the jurisdiction of the Commission of the City of Kuching North, the Council of the City of Kuching South, Padawan Municipal Council, Sibuan Municipal Council, Miri Municipal Council and the Bintulu Development Authority.

(b) Area B refers to the local authority area under the jurisdiction of the Samarahan District Council, Sri Aman District Council, Sarikei District Council, Kapit District Council and Limbang District Council.

(c) Area C refers to the local authority area under the jurisdiction of the Lundu District Council, Bau District Council, Serian District Council, Simunjan District Council, Lubok Antu District Council, Betong District Council, Saratok District Council, Maradong and Julau District Council, Matu and Daro District Council, Kanowit District Council, Sibulandau District Council, Dalat and Mukah District Council, Subis District Council and Lawas District Council.

Made by the Majlis Mesyuarat Kerajaan Negeri this 23rd day of October, 2003.

ABDUL GHAFUR BIN SHARIFF,
Clerk to Majlis Mesyuarat Kerajaan Negeri

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