



THE SARAWAK GOVERNMENT GAZETTE PART II

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THE ENTERTAINMENT ORDINANCE, 2000

THE ENTERTAINMENT BY-LAWS, 2001

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THE ENTERTAINMENT ORDINANCE, 2000

THE ENTERTAINMENT BY-LAWS, 2001

(Made under section 31)

In exercise of the powers conferred by section 31 of the Entertainment Ordinance, 2000 [*Cap. 33*], the Majlis Mesyuarat Kerajaan Negeri has made the following By-laws:

Citation, commencement and application

1.—(1) These By-laws may be cited as the **Entertainment By-laws, 2001**, and shall come into force on the 1st day of January, 2002.

(2) These By-laws shall apply to all the local authorities in Sarawak.

Interpretation

2. In these By-laws—

“entertainment” has the same meaning assigned to it in the Entertainment Ordinance, 2000 [*Cap. 33*];

“licence” means a licence granted under these By-laws, and includes any renewal or replacement thereof;

“local authority” means any local authority constituted under or named in the First Schedule to the Local Authorities Ordinance, 1996 [*Cap. 20*].

Application for licence

3.—(1) Every application for a licence to operate a place of entertainment and for an entertainment licence under these By-laws shall be made in Form A of the First Schedule and shall be accompanied with—

(a) particulars of persons concerned in the promotion of the entertainment and the interests represented by such persons;

(b) particulars of persons who have been invited to, or have agreed to, participate in the entertainment, and the interests represented by such persons;

(c) the objectives in providing the entertainment or the purposes to which any profits from the entertainment are intended to be applied; and

(d) where any temporary structure is required for the purpose of the entertainment, if so required by the local authority, the plan of such structure, the approval from the relevant authority approving such structure, and the certificate of a civil engineer or structural engineer certifying that the structure is sound and unlikely to cause any danger during the period of the entertainment.

(2) No application under these By-laws shall be approved where the entertainment activity to be provided involves the use of any machine, device or appliance which is prohibited by or not approved under the Lotteries Act 1952 [Act 288], the Common Gaming Houses Act 1953 [Act 289], and the Betting Act 1953 [Act 495] or any other law relating to gaming.

Grant of licence

4.—(1) Where an application for a licence to operate a place of entertainment or for an entertainment licence or for a renewal of such licence is approved, a licence in Form B of the First Schedule shall be issued upon payment of—

(a) the fee for such licence; and

(b) such sum of money as the local authority may determine as security for the due observance of the conditions or restrictions of the licence and the provisions of the Ordinance or its by-laws.

(2) A local authority may, upon the request of the applicant, issue a composite licence to operate a place of entertainment together with other entertainment licences.

Duration of licence

5. A licence issued under these By-laws shall be valid for a period not exceeding five years.

Application for renewal of licence

6. An application for renewal of a licence shall be made in Form C of the First Schedule.

Fee for licence

7.—(1) The fee payable for a licence to operate a place of entertainment shall be as set out in the Second Schedule.

(2) The fee payable for a licence in respect of an entertainment shall be as set out in the Third Schedule.

Revocation of licence or licences

8.—(1) The local authority may, at any time, revoke a licence to operate a place of entertainment or an entertainment licence or both such licences if there is a breach of any of the conditions or restrictions of the licence or licences or a contravention of, or non-compliance with, any of the provisions of the Ordinance or its by-laws.

(2) Before a decision is made to revoke a licence, the local authority shall give the licensee an opportunity to make representations as to why his licence shall not be revoked.

(3) Where the local authority decides to revoke a licence, the notice of revocation shall be served on the licensee as provided under the Ordinance.

(4) A licensee who has been served with a notice of revocation of a licence to operate a place of entertainment or a notice of revocation of an entertainment licence shall, forthwith upon receipt of such notice, close the place of entertainment and stop the entertainment provided therein.

Cleanliness of premises

9. A licensee of a place of entertainment shall, at all times, keep his place of entertainment clean to the satisfaction of the local authority.

Noise nuisance

10.—(1) A licensee of a place of entertainment shall cause the premises to be sound proofed.

(2) A licensee shall regularly monitor the sound level generated by the entertainment provided in his place of entertainment and ensure that such sound and any other activities at the place of entertainment do not create a public nuisance.

Toilet facilities

11.—(1) A licensee shall ensure that—

(a) there are separate toilet facilities for males and females and that such toilet facilities are maintained in good condition and in a state of cleanliness at all times;

(b) where natural lighting is insufficient, electrical lighting must be provided in every toilet at all times; and

(c) other facilities are provided as may be directed by the local authority from time to time:

Provided that where an entertainment is held in any area where there are no public toilets in the vicinity, the licensee shall provide such toilet facilities as may be specified in the licence or by the local authority.

(2) Paragraph (1) shall not apply to a licensee whose place of entertainment is situated in a building where toilet facilities have been provided to the satisfaction of the local authority.

First aid equipment

12. A licensee shall provide at the place of entertainment a proper first aid box containing the first aid dressings and appliances as may be specified by the local authority and shall, at all times, be maintained in good condition.

Safety of public

13. A licensee shall ensure that—

(a) the construction of the premises, seating arrangement, fire service requirements, and lighting, electrical, ventilation and mechanical installations are in accordance with the requirements of the Buildings Ordinance, 1994 [Cap. 8], and any other relevant laws relating thereto;

(b) all fire fighting equipments are properly maintained and are in good working condition; and

(c) all staircases, passages, landings and exits are clear of obstruction, and all exits are kept unfastened at all times during operating hours.

Ventilation

14. A licensee shall take steps to ensure that there is adequate ventilation at the place of entertainment as required under the Buildings Ordinance, 1994 [Cap. 8], and that the means of ventilation is kept in good working condition at all times.

Erection of booth or stall

15. No licensee shall erect any booth, stall or other structure in his place of entertainment without the prior approval in writing of the local authority.

Licensing of other trade, business, etc.

16. No booth, stall or structure situated in a place of entertainment shall be used for any trade, business or entertainment, or as food establishment, without a licence issued under the laws relating to such trade, business, entertainment or food establishment or unless such usage is permitted under conditions imposed in the licence issued under these By-laws.

Entertainment permitted by the licence

17. No entertainment other than that specified in the entertainment licence shall be permitted in the place of entertainment.

Number of machines permitted

18. Only the approved number of machines for any game as specified in the licence shall be allowed in the place of entertainment.

Number of persons permitted

19. A licensee shall not allow more than the number of persons specified in the licence to be admitted into or to remain in a place of entertainment.

Obscene or violent entertainment

20. No obscene or violent entertainment shall be allowed in any place of entertainment.

Intoxicated person prohibited

21.—(1) No intoxicated person shall be allowed to enter or to remain in any place of entertainment.

(2) No alcoholic drinks shall be served in any place of entertainment to any person who is intoxicated.

No betting and gambling allowed

22. A licensee shall ensure that no lottery, gaming or betting as defined in the Lotteries Act 1952 [Act 288], the Common Gaming Houses Act 1953 [Act 289], and the Betting Act 1953 [Act 495], is carried out in a place of entertainment.

Manipulation prohibited

23. No apparatus which is capable of being manipulated or adjusted shall be used in any game so as to vary the chances of a player attaining his object.

Time for operating a place of entertainment

24. A licensee shall only operate a place of entertainment within the hours specified by the local authority in the licence.

Sale of alcoholic drink

25. A licensee shall ensure that no alcoholic drink is served or consumed in a place of entertainment unless he has been issued with a licence to authorize him to sell alcoholic liquors by the local authority.

Local authority may specify age limit of patrons

26.—(1) The local authority may, at its discretion, specify the minimum age of persons who may patronize a place of entertainment.

(2) No person below the age specified by the local authority shall be permitted to enter or remain at the place of entertainment.

(3) A licensee shall exhibit a notice containing the information specified in paragraph (1) or (2) at the entrance of a place of entertainment.

Children under twelve to be accompanied by adult

27. Where children under the age of twelve years are allowed to be admitted in a place of entertainment, such children shall be accompanied by an adult.

Penalty

28. Any person who contravenes or fails to comply with any of the provisions of these By-laws or any conditions imposed in the licence issued thereunder shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Revocation and saving

29.—(1) The Entertainments By-Laws specified in the Fourth Schedule are revoked.

(2) Notwithstanding paragraph (1), all licences issued by a local authority under the revoked by-laws and prior to the commencement of these By-laws shall be deemed to have been issued under these By-laws and shall continue in force until their expiry.

FIRST SCHEDULE**FORM A**

(By-law 3)

THE ENTERTAINMENT BY-LAWS, 2001

APPLICATION FOR LICENCE**PART I: PARTICULARS OF APPLICANT**

1. Name of Applicant:
2. Identity Card No.: 3. Passport No.
4. Nationality:
5. Address (Home):
6. Telephone No.:
7. If applicant is a Company/Organisation, state:
 - (a) Name of Company/Organisation:
 - (b) Total Capital (if applicable): RM
 - (c) Address of Company/Organisation:
 - (d) Registration No. of Business/Company (if applicable)
 - (e) Date of Registration:
 - (f) Date of Expiry:
 - (g) Telephone No.:

PART II: DETAILS OF APPLICATION**A. APPLICATION FOR LICENCE TO OPERATE A PLACE OF ENTERTAINMENT**

1. Address of Premises:
2. Type of Premises:
 - (i) Shop House ☐ Floor No.:
 - (ii) Shopping Complex ☐ Floor No.:
 - (iii) Others (state)
3. Position of the premises:
 - ☐ Intermediate
 - ☐ Corner
 - ☐ Detached
4. Floor area: sq. metres
5. Ownership: ☐ Owner ☐ Tenant

6. Type of Entertainment
7. Time of Operation: From to
8. Duration of Licence:

B. APPLICATION FOR ENTERTAINMENT LICENCE

No.	Name/Place of Entertainment	Type of Entertainment				
		Music	Singing	Dancing	Exhibition of Cinematograph Film	Others (state)

1. Is any foreign artiste to be engaged? ☐ Yes ☐ No

(If yes, a copy of visa/work permit in respect of each artiste and the approval of the State Secretary, Sarawak, to be supplied when application is approved.)

2. Total number of rooms (if any)
Seating capacity:
3. Number of karaoke machines/kiddy rides/video machines:
4. Period of entertainment (Dates) From to
5. (i) Times of entertainment: to
..... to
..... to

- (ii) Number of entertainments per day/per night/per month:
.....

- (iii) State number of tickets for sale/complimentary tickets:

tickets for sale

complimentary tickets

6. Purpose of entertainment:

(i) Commercial ☐ Yes ☐ No

(ii) Non-commercial ☐ Yes ☐ No

(as in Third Schedule)

If for non-commercial purpose, state full name and address of proposed recipient and letter of certification of proposed recipient:

Name

Address

PART III: DECLARATION

I/We,

Identity Card No.:, hereby declare that all the information given above is correct and true.

Date

.....
(Applicant's signature)

PART IV: INSTRUCTIONS

1. Please complete this Form in block letters.
2. Tick ☒ in the relevant boxes.
3. Delete whichever is not applicable.
4. Return this Form together with the following documents (where applicable):
 - (i) (a) 1 copy of the Memorandum and Articles of Association, and Form 49 (return giving details in Register of Directors, Managers and Change of Particulars) in accordance with the Companies Act 1965 [Act 125].
(b) 1 copy of the Trading Licence issued in accordance with the Businesses, Professions and Trades Licensing Ordinance [Cap. 33 (1958 Ed.)].
 - (ii) 5 copies of the floor and location plans of the premises.
 - (iii) 1 copy of Land Title.
 - (iv) 1 copy of Occupation Permit of the building concerned.
 - (v) Letter of consent/confirmation from the owner of the land or building.
 - (vi) 1 copy of identity card.
 - (vii) 1 copy of the latest paid assessment bill.
 - (viii) 2 photographs of the premises (1 copy of a photograph taken from the outside and 1 copy of a photograph taken from the inside).

FORM B

(By-law 4(1))

THE ENTERTAINMENT BY-LAWS, 2001

***LICENCE TO OPERATE A PLACE OF ENTERTAINMENT/
ENTERTAINMENT LICENCE**

A licence is hereby issued to
 of (state address)

*to operate a place for the purpose of holding a
 (state the type of entertainment)/
 to carry on a (state the type of entertainment)
 at
 for *days/years with effect from
 to

This licence is subject to the following conditions:

- (i) That no performance shall commence before
- (ii) That no performance shall continue after
- (iii) That no more than persons shall be admitted at any time into the place of entertainment.
- (iv) That doors and exits be provided.
- (v) That the following precautions be observed:
 - (a)
 - (b)
- (vi) That the entertainments duty due to the Government under the Entertainments Duty Act 1953 [Act 103] shall be paid to the Collector.
- (vii) †

The fee for *the licence to operate a place of entertainment/entertainment licence is RM
 or RM for composite licence.

(authorized signatory),

..... Council.

Dated this day of

* Delete whichever is not applicable.

† Insert further conditions, if any.

FORM C

(By-law 6)

THE ENTERTAINMENT BY-LAWS, 2001

APPLICATION FOR RENEWAL OF LICENCE**PART I: PARTICULARS OF APPLICANT**

1. Name of Applicant:
2. Identity Card No.: 3. Passport No.:
4. Nationality:
5. Address (Home):
6. Telephone No.:
7. If applicant is a Company/Organisation, state:
 - (a) Name of Company/Organisation:
 - (b) Total Capital (if applicable): RM
 - (c) Address of Company/Organisation:
 - (d) Registration No. of Business/Company (if applicable)
 - (e) Date of Registration:
 - (f) Date of Expiry:
 - (g) Telephone No.:

PART II: DETAILS OF APPLICATION**A. APPLICATION FOR RENEWAL OF LICENCE TO OPERATE A PLACE OF ENTERTAINMENT**

1. Address :
2. Floor Area: square metres.
3. Ownership: ☐ Owner ☐ Tenant
4. Type of Entertainment:
5. Time of Operation: From to
6. Duration of Licence:

B. APPLICATION FOR RENEWAL OF ENTERTAINMENT LICENCE

No.	Name/Place of Entertainment	Type of Entertainment				
		Music	Singing	Dancing	Exhibition of Cinematograph Film	Others (state)

1. Is any foreign artiste engaged? ☐ Yes ☐ No

(If yes, attach a copy of visa/work permit in respect of each artiste and the approval of the State Secretary, Sarawak.)

2. Total number of rooms (if any):

Seating capacity:

3. Number of karaoke machines/kiddy rides/video machines:

4. Period of entertainment (Dates) From to

5. (i) Times of entertainment: to

..... to

..... to

- (ii) Number of entertainments per day/per night/per month:

.....

- (iii) State number of tickets for sale/complimentary tickets:

tickets for sale

complimentary tickets

6. Purpose of entertainment:

(i) Commercial ☐ Yes ☐ No

(ii) Non-commercial ☐ Yes ☐ No

If for non-commercial purpose, state full name and address of proposed recipient and letter of certification of proposed recipient.

Name

Address

PART III: DECLARATION

I/We,

Identity Card No.:, hereby declare that the information given above is correct and true.

Date

.....
(Applicant's signature)

PART IV: INSTRUCTIONS

1. Please complete this Form in block letters.
2. Tick ☒ in the relevant boxes.
3. Delete whichever is not applicable.
4. Return this Form together with the following documents (where applicable).
 - (i) A copy of Trading Licence issued in accordance with the Businesses, Professions and Trades Licensing Ordinance [*Cap. 33 (1958 Ed.)*].
 - (ii) 5 copies of the floor and location plans of the premises.
 - (iii) 1 copy of Land Title.
 - (iv) 1 copy of Occupation Permit of the building concerned.
 - (v) Letter of consent/confirmation from the owner of the land or building.
 - (vi) 1 copy of identity card.
 - (vii) 1 copy of the latest paid assessment bill.
 - (viii) 2 photographs of the premises (1 copy of a photograph taken from the outside and 1 copy of a photograph taken from the inside).
 - (ix) Copy of previous licence to operate a place of entertainment/entertainment licence or the composite licence.

SECOND SCHEDULE

(By-law 7(1))

FEE FOR LICENCE TO OPERATE A PLACE OF ENTERTAINMENT

	Area	Per Annum RM			Per Day RM		
		A	B	C	A	B	C
(1) AUDITORIUM/HALL							
(i) Not exceeding 200 seats	200/-	150/-	100/-				
(ii) Exceeding 200 seats but not exceeding 400 seats	400/-	300/-	200/-				
(iii) Exceeding 400 seats but not exceeding 600 seats	500/-	400/-	300/-				
(iv) Exceeding 600 seats but not exceeding 800 seats	700/-	500/-	400/-				
(v) Exceeding 800 seats but not exceeding 1,000 seats	800/-	600/-	500/-				
(vi) Exceeding 1,000 seats but not exceeding 1,200 seats	900/-	800/-	600/-				
(vii) Exceeding 1,200 seats	1,000/-	900/-	800/-				
(viii) Temporary Licence					30/-	20/-	10/-
(2) CINEMA/THEATRE/STUDIO							
(i) Not exceeding 200 seats	200/-	150/-	100/-				
(ii) Exceeding 200 seats but not exceeding 400 seats	450/-	350/-	250/-				
(iii) Exceeding 400 seats but not exceeding 600 seats	550/-	450/-	350/-				
(iv) Exceeding 600 seats but not exceeding 800 seats	800/-	550/-	450/-				
(v) Exceeding 800 seats but not exceeding 1,000 seats	900/-	800/-	600/-				
(vi) Exceeding 1,000 seats but not exceeding 1,200 seats	1,000/-	900/-	800/-				
(vii) Exceeding 1,200 seats	1,100/-	1,000/-	900/-				
(viii) Temporary Licence					30/-	20/-	10/-
(3) AMUSEMENT CENTRE (INDOOR)							
(i) Floor area not exceeding 30 square metres	150/-	100/-	75/-				
(ii) Floor area exceeding 30 square metres but not exceeding 60 square metres	250/-	170/-	120/-				
(iii) Floor area exceeding 60 square metres but not exceeding 90 square metres	400/-	300/-	200/-				
(iv) Floor area exceeding 90 square metres	550/-	400/-	300/-				

	Area A	Per Annum RM		A	Per Day RM		C
		B	C		B	C	
(4) AMUSEMENT CENTRE/AMUSEMENT PARK (OUTDOOR)	150/-	120/-	100/-	15/-	10/-	8/-	
(5) AMUSEMENT MACHINES (KIDDY RIDES/JUKE BOXES) IN PLACES OTHER THAN IN AMUSEMENT CENTRES	20/-	20/- per machine	20/-				
(6) DANCE HALL/DISCOTHEQUE/ CABARET/PUB/KARAOKE/ MUSIC CENTRE							
(i) Floor area not exceeding 30 square metres	200/-	150/-	100/-				
(ii) Floor area exceeding 30 square metres but not exceeding 60 square metres	300/-	200/-	150/-				
(iii) Floor area exceeding 60 square metres but not exceeding 90 square metres	450/-	300/-	200/-				
(iv) Floor area exceeding 90 square metres	600/-	450/-	300/-				
(v) Cabaret exceeding 90 square metres	1,100/-	900/-	800/-				
(7) BILLIARDS/SNOOKER SALOON							
(i) Not exceeding 5 tables	370/-	300/-	200/-				
(ii) Exceeding 5 tables but not exceeding 10 tables	750/-	600/-	370/-				
(iii) Exceeding 10 tables	1,100/-	750/-	600/-				
(8) STADIUM							
(i) Not exceeding 1,000 seats	200/-	150/-	100/-				
(ii) Exceeding 1,000 seats	400/-	300/-	200/-				
(9) LOBBY/HALL/OPEN PLACE USED FOR EXHIBITION							
(i) Floor area not exceeding 100 square metres	100/-	80/-	60/-				
(ii) Floor area exceeding 100 square metres but not exceeding 150 square metres	200/-	150/-	100/-				
(iii) Floor area exceeding 150 square metres	300/-	250/-	150/-				
(iv) Temporary licence				15/-	10/-	8/-	
(10) BOWLING ALLEY							
(i) Floor area not exceeding 60 square metres	300/-	200/-	100/-				
(ii) Floor area exceeding 60 square metres but not exceeding 90 square metres	400/-	300/-	200/-				
(iii) Floor area exceeding 90 square metres but not exceeding 120 square metres	500/-	400/-	300/-				
(iv) Floor area exceeding 120 square metres	600/-	500/-	400/-				

	<i>Per Annum</i>			<i>Per Day</i>		
	RM			RM		
	Area A	B	C	A	B	C
(11) SKATING RINK						
(i) Floor area not exceeding 120 square metres	400/-	300/-	200/-			
(ii) Floor area exceeding 120 square metres	600/-	500/-	400/-			
(12) CYBERCAFE						
(i) Floor area not exceeding 30 square metres	100/-	80/-	60/-			
(ii) Floor area exceeding 30 square metres but not exceeding 60 square metres	120/-	100/-	80/-			
(iii) Floor area exceeding 60 square metres	160/-	140/-	100/-			

THIRD SCHEDULE

FEE FOR ENTERTAINMENT LICENCE

(By-law 7(2))

	Area A	B	C
	RM	RM	RM
1. BILLIARDS/SNOOKER	20/-	15/-	10/- per table per month
2. ENTERTAINMENT WITH AMUSEMENT MACHINES			
(i) Kiddy rides	5/-	3/-	2/- per machine per month
(ii) Video machines	10/-	5/-	3/- per machine per month
3. JUKE BOX ENTERTAINMENT	20/-	10/-	5/- per machine per month
4. EXHIBITION OF CINEMATOGRAPH FILM			
(i) In cinema/theatre/studio	150/-	80/-	50/- per month
(ii) In open space	50/-	30/-	10/- per day
5. ENTERTAINMENT IN PUB/COFFEE HOUSE/LOUNGE/DISCOTHEQUE/DANCE HALL			
(i) Music and singing	200/-	150/-	100/- per month
(ii) Dancing	200/-	150/-	100/- per month
6. CABARET	200/-	150/-	100/- per month
7. CIRCUS	50/-	30/-	20/- per day
8. FUNFAIR	50/-	30/-	20/- per day
9. PUPPET SHOW	10/-	5/-	5/- per day
10. EXHIBITION	10/-	5/-	5/- per stall per day
11. FASHION SHOW BY PROFESSIONAL ARTISTES/BEAUTY CONTEST	10/-	10/-	8/- per artiste/contestant per day
12. BOWLING	5/-	5/-	5/- per lane per month
13. CYBERCAFE	20/-	15/-	10/- per month per console
14. PIN-TABLE	15/-	10/-	8/- per table per month
15. ANY OTHER ENTERTAINMENT	20/-	15/-	10/- per day.

For the purpose of Second Schedule and Third Schedule—

(a) **Area A** refers to the local authority area under the jurisdiction of the Council of the City of Kuching South, the Commission of the City of Kuching North, Padawan Municipal Council, Sibuluan 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, Sibuluan Rural District Council, Dalat and Mukah District Council, Subis District Council, Marudi District Council and Lawas District Council.