



Private & Confidential

SCHOOL OF HOSPITALITY

FINAL EXAMINATION

Student ID (in Figures) :

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Student ID (in Words) : _____

Subject Code & Name : **BHM 2305 – LAW FOR HOSPITALITY AND TOURISM**
Semester & Year : May – August 2017
Lecturer/Examiner : Mr. Anandaselvam Kannan
Duration : 3 Hours

INSTRUCTIONS TO CANDIDATES

1. This question paper consists of 2 parts:
PART A (70 marks) : Answer all FOUR (4) short answer questions. Answers are to be written in the Answer Booklet provided.
PART B (30 marks) : Answer the case study question. Answers are to be written in the Answer Booklet provided.
2. Candidates are not allowed to bring any unauthorized materials except writing equipment into the Examination Hall. Electronic dictionaries are strictly prohibited.
3. This question paper must be submitted along with all used and/or unused rough papers and/or graph paper (if any). Candidates are NOT allowed to take any examination materials out of the examination hall.
4. Only ballpoint pens are allowed to be used in answering the questions, with the exception of multiple choice questions, where 2B pencils are to be used.

WARNING: The University Examination Board (UEB) of BERJAYA University College of Hospitality regards cheating as a most serious offence and will not hesitate to mete out the appropriate punitive actions according to the severity of the offence committed, and in accordance with the clauses stipulated in the Students' Handbook, up to and including expulsion from BERJAYA University College of Hospitality.

Total Number of pages = 4 (Including the cover page)

PART A: FOUR (4) SHORT ANSWER QUESTIONS

INSTRUCTION(S): There are FOUR (4) short answer questions. Answer all questions in the Answer Booklet(s) provided.

Question 1

- a) Sheila saw an advertisement by Highlands Tours in the Times newspaper: “Fantastic deal: Perth RM 2999 for two. Call xxxxxxxxxx to make your reservation now”. When Sheila called, she was told that the tour packages were all sold out. Sheila insisted that Highlands Tours honor their promise. Advise Sheila.

(5 marks)

- b) Sofia wrote to Karen offering to sell her ‘Inn’ for RM 2.5 million. In the letter, she wrote: ‘If I don’t hear from you by next Friday, I will assume that you accept my offer’. Sofia did not hear from Karen the following Friday. Could Karen be said to have accepted the offer? Advise Sofia.

(4 marks)

- c) Laila agreed to sell her ‘Kitchen Utensils’ worth RM 50,000 for just RM 20,000 to Rokiah. Was there a contract between them?

(3 marks)

- d) “A minor lacks capacity to contract.” What does this phrase mean?

(3 marks)

(Total marks: 15 marks)

Question 2

Answer the following issues (5 marks each):

- a) Explain briefly what is meant by the “Memorandum and Article of Association” of a company under the Company Act 2016.
- b) State briefly the legal principle on Company Law established by the case Solomon V Solomon & Co Ltd (1897).
- c) Alan and Alfred have been informed that it is better to set up a company instead of Partnership. Explain briefly to Alan and Alfred **THREE (3)** advantages that a company has compared to a partnership.
- d) Explain the distinction between an Express Term and an Implied Term in the Law of Contract

(Total: 20 marks)

Question 3

One morning when the health officers arrived at Tanah Rata Restaurant, Ah Seng, the owner was present. The officers showed their authorization pass and thereafter proceeded to inspect the kitchen, utensils, refrigerators and cooked and uncooked food. The officers disclosed that several customers who had eaten at the restaurant had suffered food poisoning. The officers took samples of the food and insisted on taking away the meat processor for inspection. The employees were questioned in the absence of the owner. The officers came to know most of the employees did not undergo cleanliness or hygienic course. The health officers concluded that the restaurant would be fined.

Answer the following questions based on the above:

- a. Explain who is a health officers and whether they have authority to inspect the said restaurant. (6 marks)
- b. Do the health officers have power to take away food samples and the meat processor? (5 marks)
- c. Do the health officers have power to question the employee? (5 marks)
- d. What you mean by cleanliness or hygienic training (4 marks)

Total (20 marks)

Question 4

Answer the following questions in relation to Employment Law:

- a) Briefly state **FOUR (4)** ways in which a contract of service may be terminated under the Employment Act 1955. (8 marks)
- b) Explain the tests applied by the courts to determine the existence of a contract of service. (7 marks)

Total (15 marks)

END OF PART A

PART B: CASE STUDY (30 MARKS)

INSTRUCTION: Section B consists of ONE (1) essay question. Answer all questions in this section. Write your answer in the Answer Booklet (s) provided.

Question 1

Roland and Karen went to Pulau Pangkor for their honeymoon. They booked a five night stay at Western Hotel. Both the couples felt a strong chemical smell as they entered their room. Roland is allergic to chemicals. He immediately called the front desk and asked for a room change. The duty manager, Thomas said that they had just cleaned the carpet and that the smell would disappear soon. Roland informed him about his allergies and that the chemical reaction might trigger him allergies. Thomas told him that all rooms were fully booked and that it is not possible to provide a replacement room.

In the late evening, Roland and Karen dined at the hotel's exclusive restaurant. Karen left her branded wrist watch, worth RM 35,000 on washing basin of the restaurant. She only realized that she has left her watch at the dinner washing basin when she returned to her room. Immediately they rushed to search for it but it was a futile effort. She was distressed and accused the hotel staff of having stolen it. Thomas was quick to say that the hotel is not liable for the loss, and it is the negligent on the part of the guest.

The following day Roland noticed rashes on his face and other part of the body. He quickly rushed to a nearby clinic and the doctor was of opinion that it was caused by some chemical reactions. When he came back after seeing the doctor, he was shocked to discover that their luggage was missing and he had a diamond ring in their luggage. He was upset and lodge a report with the duty manager, but was ignored by the duty manager

Roland was very furious and extremely upset. He wishes to seek compensation from the Western Hotel.

Advise Roland whether he could successfully sue Western Hotel in relation to:

- a) His skin allergy (12 marks)
- b) Loss of his branded wrist watch and (6 marks)
- c) The loss of his baggage? (12 marks)

Total (30 marks)

END OF EXAM PAPER