

No. L 69/84

**THE LOCAL GOVERNMENT ORDINANCE, 1961  
(Ordinance No. 11 Of 1961)**

**THE KENINGAU DISTRICT COUNCIL  
(MESSAGE ESTABLISHMENTS)  
BY-LAWS 1984**

In exercise of the powers conferred upon it by subsection (1) of section 50 of the Local Government Ordinance, 1961, the Keningau District Council hereby makes the following By-laws:-

**Citation and commencement.**

1. These By-laws may be cited as the Keningau District Council (Massage Establishments) By-laws, 1984, and shall be deemed to have come into force on the 1st day of May 1984.

**Interpretation.**

2. In these By-laws

“Council” means the Keningau District Council.

“Client” means any person of or over the age of twenty one years seeking treatment in any massage establishment.

“licensee” means any person who holds a current licence under these By-laws.

“massage establishment” means the premises wherein massage treatment is being or represented or intended to be conducted or carried out.

“massage treatment” means massage, manicure, chiropody, electrical treatment, vapour or other baths or other similar treatment.

**Licensing of person to carry on business of massage establishment.**

3. (1) Subject to paragraph (2) of this by-law no person shall operate a massage establishment without a licence issued by the Council under these By-laws.

(2) A hairdresser’s premises shall not be required to be licensed under these By-laws notwithstanding that facial or scalp massage or manicure treatment to customers is administered in the said premises, so long as the massage or manicure treatment is administered in full view of other customers.

**Application for licence.**

4. (i) Every application for the issue of a licence or renewal thereof shall be made in Form A of the Schedule hereto.
- (ii) Where an application is made by a body corporate the certificate of Incorporation of such a body corporate shall be submitted by the person applying on its behalf.
- (iii) Where an application for the issue or renewal of a licence is made by an individual or a partnership, two passport-sized photographs of the applicant shall be submitted therewith.
- (iv) The Council may, in respect of any application under these By-laws, require the applicant to furnish the Council with such additional information as it deems fit.

**Issue of licence.**

5. (1) Every licence issued by the Council under these By-laws shall be in Form B of the Schedule hereto and shall be valid for a period of one year from the date of issue.

(2) The Council may impose such conditions or restrictions on the licence as it may deems fit.

(3) Every such licence shall be made out in duplicate, and the Council shall give the original copy thereof to the licensee and shall retain the duplicate.

(4) There shall be affixed to the original copy and to the duplicate thereof a passport-sized photograph of the licensee (if an individual).

**Licence Register.**

6. The Council shall maintain a Licence Register containing such particulars appearing in each licence as the Council considers necessary.

**Fee for a licence.**

7. The licence fee payable in respect of each massage establishment shall be one thousand two hundred ringgit per annum.

**Registration.**

8. No licence or renewal thereof under these By-laws shall be issued to :-

- (a) any premises not located inside a hotel considered by the Council to be of a first class standard.
- (b) any person under the age of twenty one years.
- (c) any person who is in the opinion of the Council unsuitable to hold such licence; or
- (d) any massage establishment which is being or is likely to be carried on in contravention of these By-laws.

**Security.**

9. (1) The Council shall before issuing or renewing a licence, obtain from the applicant in the form of cash deposit of five thousand ringgit to ensure that the provisions of these By-laws and of the conditions of the licence shall be duly observed.

(2) Any sum so deposited under this By-laws shall be liable to forfeiture in whole or in part at the discretion of the Council on revocation of the licence as hereinafter provided.

**Revocation of licence.**

10. The Council may at any time revoke any licence issued under these By-laws if it is satisfied :-

- (a) that the applicant has furnished false information or particulars in his application;
- (b) that there has been a breach of the conditions of the licence or a contravention of these By-laws;
- (c) that consequent upon the operation of a massage establishment 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 massage establishment any nuisance, injury or annoyance; or
- (d) that the licensee, his agent or any of his employees has been convicted of any offence under the Women and Girls Protection Act 1973, or under section 16 of the Minor Offences Ordinance, or any similar law.

**Display of licence and signboard.**

11. Subject to the requirements of the Council every licence shall :-

- (a) keep displayed in a conspicuous place outside the massage establishment a signboard showing clearly the name and style of such establishment PROVIDED that the term "Health Centre" shall not be used; and
- (b) keep displayed in a suitable place within such establishment the licence issued under these By-laws together with passport-sized photographs of all his servants or employees with names and identity card numbers.

**Prohibition.**

12. No licensee shall

- (a) permit any person whom he knows or has reason to believe to be a person of bad character to enter into his massage establishment;

- (b) employ in his massage establishment any person whom he knows or has reason to believe to be a prostitute or a person of bad character;
- (c) employ in his massage establishment any person who is under the age of twenty one years;
- (d) permit any gaming, drunkenness or disorderly conduct or behaviour of any kind in his massage establishment;
- (e) allow any business in his massage establishment to be carried on except between the hours of 10.00 a.m. and 12.00 midnight;
- (f) give treatment or permit treatment to be given in his massage establishment in any room the door of which have been made fast.

**Swing doors to be fitted to rooms.**

13. Every room used for the purpose of treatment shall be fitted with swing doors which shall not be capable of being made fast.

**Prior written approval of Council to be obtained before any change of nature of business.**

14. The licensee shall not change in the name of the massage establishment or nature of the business carried on at such premises without the prior written of the Council first obtained.

STANDARD OF HYGIENE AND SAFETY

**Size of rooms.**

15. (1) No room below ground level in any massage establishment shall be used for the purpose of any massage treatment and all rooms used for the purpose of massage treatment shall have a minimum floor area of one hundred and twenty square feet.

(2) Not more than one client shall be accommodated in each room at any one time for the purpose of any treatment.

**Ventilation and artificial lighting.**

16. (1) All rooms used for the accommodation of client shall be provided with a window or windows as near the top of the room as practicable and opening directly into the external air, and the area of window space capable of opening directly into the external air shall be at least fifteen square feet or one-eighth of the floor area of the room, whichever is the greater.

(2) In the case of air-conditioned premises plans shall be submitted to the Council for approval before the issue of licence.

(3) Every closet or bathroom shall be provided with efficient means of ventilation directly into the external air by means of windows having an area of at least two square feet or by means of ventilators shafts, mechanical ventilation or a flue having an unobstructed sectional area of at least fifty square inches.

(4) Every room, staircase, passage and landing forming part of any massage establishment shall be provided with adequate lighting.

**Fire equipment and escapes.**

17. (1) Fire-fighting equipment shall be installed and maintained in all massage establishment to the satisfaction of the Council.

(2) Adequate staircases and exits shall be provided and maintained in all massage establishment to the satisfaction of the Council.

(3) All staircases, passages, landings and exits shall be kept clear of all obstructions and every door shall be so constructed and fitted as to be readily opened.

**Supply of Water.**

18. Every massage establishment shall be provided with an adequate water supply to the satisfaction of the Council.

**Sanitary facilities and staff.**

19. Adequate sanitary and washing accommodation shall be provided and maintained for the clients and staff of every massage establishment to the satisfaction of the Council.

**Premises to be kept clean.**

20. (1) All water closets and urinals and every part of the apparatus of such water closets and urinals and shall be kept clean and every drain or means of drainage and flushed cisterns with which they or any of them may communicate shall be maintained in good order and in efficient condition.

(2) Every bathroom, bath and washing basin shall be cleaned at least once a day.

(3) All rooms, passages, landings and staircases forming part of any massage establishment shall be swept and cleaned at least once a day.

(4) All couches, beds, chairs, appliances and equipment used for massage treatment, as well as bedcloths, bedding and linen shall be kept in a clean and sanitary condition and free from vermin.

**Dustbins.**

21. (1) No refuse or filth of any sort whatsoever shall be permitted to be deposited in any part of a massage establishment except in approved type of dustbins provided for the purpose; and the provision of such dustbins, their location and number shall be as directed by the Council.

(2) Replacement and emptying of refuse bins shall be carried out in accordance with the direction of the Council.

**Maintenance and Repair.**

22. (1) Every part of the structure of and every machinery and electrical appliances in use by a massage establishment shall be maintained at all times in good order and repair.

(2) All yards, areas, forecourts and open spaces forming part of any massage establishment shall be kept clean and free from the accumulation of filth or other refuse.

(3) All internal and external surface of the structure (excluding floors) shall be painted, colouredwashed or papered as the case may be at least once a year or as oft-times as directed by the Council.

GENERAL

**Power to enter, inspect and search premises.**

**23.** The Council or its duly authorised officer may: –

- (a) enter, inspect and search any premises which is used or which the Council or its officer reasonably believes is being conducted, operated or used for the purpose of a massage establishment in contravention of these By-laws; and
- (b) require production of documents and any other information from the licensee and his employee regarding the management of the such premises.

**24.** A licensee shall not advertise that either he or his massage establishment is licensed by the Council.

**25.** A manager or other person directly or indirectly responsible for the management of a massage establishment shall be under the same obligation as the licensee to comply with and secure the observance of these By-laws.

**26.** Whoever contravenes or attempts to act in contravention of or aids and abets in the contravention of any provisions of these By-laws shall be liable to a fine not exceeding five thousand ringgit for any one offence and in the case of a continuing offence to a further fine of two hundred ringgit for every day during which the offence is continued.

SCHEDULE

FORM A

THE KENINGAU DISTRICT COUNCIL  
(MESSAGE ESTABLISHMENTS) BY-LAWS, 1984  
(BY-LAW 4 (i))

FOR OFFICE USE ONLY  
Ref. No. ....

\*FORM OF APPLICATION FOR A  
LICENCE/RENEWAL OF LICENCE

THE CHAIRMAN,  
KENINGAU DISTRICT COUNCIL,  
KENINGAU.

Date: .....

\* We/I hereby apply for a licence/the renewal of \*my/our licence to carry on business of/in respect of my/our massage establishment (carrying on business) under the name and style of .....  
..... and situate at  
.....

1. Name of Applicant: .....  
(Mr, Mrs, Miss)
2. Address for correspondence: .....
3. Home of Address: .....
4. Date of Birth: .....
5. Place of Birth: .....
6. Sex: Male/Female: .....
7. I.C. No./Passport/Residence Permit No. ....
8. Race: .....
9. Nationality: .....
10. Residence: .....
11. Marital Status: Single/Married: .....
12. (a) State whether the business is a sole proprietorship, partnership or limited company .....
- (b) State in what capacity applicant is connected with the business, if other than a

sole proprietor .....

13. Names and Home addresses of partner (if any) .....

14. (a) Qualifications of applicant (please produce original copy of certificate(s)).....

(b) Qualifications of partner and/or employees (please produce original copy of certificate(s))

	<i>Name</i>	<i>Qualification</i>	<i>Whether partner employee etc.</i>
1.			
2.			
3.			
4.			
5.			

15. Nature of treatment afforded (e.g. Massage, Manicure, Chiropody, boths, etc.)

16. Brief description of appliances or apparatus used .....

17. Number of rooms used in the massage establishment .....

18. Date on which the establishment first commenced business (if applying for renewal of licence)

19. Names and addresses of other massage establishment kept or managed by applicant or which he/she is associated in any way (if any)

20. Has the applicant:-

(a) Previously been issued with a licence under these By-laws .....

If so state date of issue and licence No. ....

(b) ever been refused a licence under these By-laws .....

(c) ever had his/her licence revoked under these By-laws .....

We/I hereby certify that the particulars given in this application are to the best of  
\*my/our knowledge and belief true and correct.

.....  
*Signature of applicant*

NOTE: This application Form must be completed in duplicate and accompanied by (a)  
two passport-sized photographs of the applicant if an individual or applying on  
behalf of a partnership: (b) the certificate of incorporation if the applicant is a  
body corporate: (c) the original certificate(s) returnable after scrutiny.

\*Delete where not applicable.

FORM B

THE KENINGAU DISTRICT COUNCIL  
(MESSAGE ESTABLISHMENT) BY-LAWS, 1984  
(By-law 5 (i))

FOR OFFICE USE ONLY  
Licence No. ....

LICENCE TO CARRY ON BUSINESS OF  
MESSAGE ESTABLISHMENT

Passport-sized photograph of  
licence holder to be affixed here

Mr./Mrs./Madam/Miss\* .....  
(Identity Card No. ....) of .....  
(whose photograph is affixed hereto) is hereby licensed to carry on the business of message  
establishment known as .....  
.....  
and situate at .....  
subject to the provisions of the Keningau District Council (Message Establishments) By-laws,  
1984.

This licence will continue in force until .....  
..... unless cancelled or revoked prior to such  
date under the provisions of the said By-laws.

