

LOCAL GOVERNMENT ORDINANCE 1961

(No. 11 of 1961)

UNIFORM (BEAUTY AND HEALTH CARE CENTRE) BY-LAWS 2014

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In exercise of the power conferred by section 50A of the Local Government Ordinance 1961, the Minister of Local Government and Housing makes the following By-laws:

PART I
PRELIMINARY

Citation and commencement

1. (1) These by-laws may be cited as the Uniform (Beauty and Health Care Centre) By-laws 2014.

(2) These By-laws come into operation on the date of its publication in the *Gazette*. (c.i.f. 20 February 2014)

Application

2. These By-laws shall be applicable to the whole area under the jurisdiction of the Local Authority.

Interpretation

3. In these By-laws, unless the context otherwise requires:

"beauty centre" means any premise used to provide treatments as prescribed in the First Schedule;

"bed" includes couch or reclining chair;

"Chairman" shall have the same meaning assigned to it in the Local Government Ordinance 1961;

"client" means a person seeking treatment in a beauty and health care centre;

"cosmetics" means any substance or preparation used or intended to be used or capable of being used in for treatment or maintenance of complexion, skin, hair, teeth, nails or any part of the body and includes toiletries;

"drug" has the meaning assigned to it in the Sale of Drugs Act 1952 [Act 368];

"hairdressing" includes hair cutting, hair waving, dyeing, shaving, shampooing and every similar operation usually performed by a hairdresser either manually, mechanically, electrically or by means of any power, cream or solution or by any combination of such methods;

"health care centre" means any premises used to provide body massage or treatment or physical fitness exercise with or without equipment but does not include a hospital or a clinic where patients are treated under the supervision of a medical practitioner registered under the Medical Act 1971; The type of treatment are as prescribed in the Second Schedule;

"Health Officer" shall has the same meaning as assigned to it under the Public Health Ordinance 1960;

"herbal remedy" means any treatment using herbal substance or a mixture of herbal substances produced by the process of drying, crushing or comminuting, but without subjecting to any other process, a natural substance or substances or of plant or mineral origin or any part of such substance or substances;

"Licensing Authority" means in respect of any area of any Local Authority then such Local Authority;

"Licensing Officer" means the President, Commissioner or Chairman of any Local Authority or any authorized officer;

"Local Authority" means an Authority as defined under section 2 of the Local Government Ordinance 1961;

"Medical Officer" means a medical officer employed by the Licensing Authority or a medical practitioner registered under the Medical Act 1971 [Act 50];

"Traditional and complementary medicine" means any form of practice related to health to prevent, heal or to control disease or ailment or to promote wellness upon individual both physically and mentally including any traditional medicine, homeopathy and complementary therapy, but does not include medical and dental practice exercised by medical or dental practitioners;

"treatment" means any type of treatment prescribed in the First and Second Schedule;

"occupier" shall has the same meaning assigned to it in the Local Government Ordinance 1961;

"owner" has the same meaning assigned to it in the Local Government Ordinance 1961.

PART II LICENSING

Prohibition of beauty and health care centre without a license

4. (1) No person shall operate a beauty or health care centre without a license issued by the Licensing Authority under these By-laws.

(2) Any person who fails to comply with paragraph (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or both.

Application of license

5. (1) Any application for the issuance or renewal of a license shall be made in such form as prescribed in the Third Schedule.

(2) The Licensing Authority may require the applicant to attend in person or, in the case of a firm or body corporate, by a partner, director, or any person authorized by the firm or body corporate, at the time of the issuance or renewal of the license.

(3) The applicant shall made the payment of processing fee as prescribed in the Fourth Schedule upon submission of the application and it is not refundable whether the application approved or disapproved by the Licensing Authority.

(4) The amount of fees payable under paragraph (3) are classified in accordance with group of Local Authorities as set out in the Fifth Schedule.

(5) Upon approval of the application, the Licensing Authority shall issue a license subject to -

- (a) payment of deposit;
- (b) payment of any fee as set out in the Fourth Schedule; and
- (c) any condition and restriction as may be specified therein.

(6) The license shall be in such form as prescribe in Sixth Schedule.

(7) The Licensing Authority may issue a license for a period of one year and is renewable, subject to an application for renewal being made to the Licensing Authority and the payment of the fee as set out in the Fourth Schedule.

License not transferable

6. (1) License issued under these By-laws shall not be transferable unless permitted by the Licensing Authority in writing.

(2) Any person who fails to comply with paragraph (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Fee not refundable

7. Any fee paid under these By-laws shall not be refundable.

Deposit

8. (1) The deposit payment under subparagraph 5 (5) (a) shall be equivalent to the amount of fee of three months payable for such beauty and health care centre.

(2) The Licensing Authority may forfeit the deposit in whole or in part if the Licensing Authority is satisfied there is a breach of conditions or restrictions of the license or upon revocation of license before the expiry date or contravention of the provisions of these By-laws.

(3) Upon forfeiture of such deposit, the license shall be deemed to be cancelled, unless the Licensing Authority on the application of the licensee allows the license to continue to be in force subject to repayment of the deposit that has been forfeited.

(4) This deposit paid under subparagraph 5 (5) (a) shall, unless forfeited under paragraph (2), be refundable to the licensee after the licenses ceased operating the beauty and health care centre and upon surrender of the license to the Licensing Authority if the license has expired.

Suspension or revocation of license

9. (1) The Licensing Authority may at any time suspend or revoke a license issued under these By-laws if there has been non-compliance of any provision of these By-laws or in breach of any condition or restriction of the license or in breach of any written law.

(2) Any person who operates or manages the beauty or health care centre during the suspension or after the revocation of the license commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or both.

Duration of license

10. Any license unless sooner suspended or cancelled, shall remain in force from the date of the payment of license fee until 31st December of the current year.

License to be exhibited and produced

11. (1) A licensee shall exhibit his license at all times at a conspicuous place in the licensed beauty or health care centre and shall produce such license when required to do so by the Licensing Authority or any authorized officer.

(2) A licensee who fails to exhibit or produce his license under paragraph (1) commits an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(3) For the purpose of this provision, a reference to a "license" shall include a copy of license certified by the Licensing Authority to be a true copy of the license.

Type of treatment to be specified

12. Any license issued under these By-laws shall specify the type of treatment authorized to be carried in the premises.

Disqualification

13. No license shall be issued -

- (a) to a Malaysian citizen whose none of his parents originated from Sabah;
- (b) if the applicant is a firm or a body corporate, partnership of such firm or shareholder of such body corporate or membership of such is less than fifty-one percent originated from Sabah;
- (c) to an applicant under the age of eighteen years;
- (d) to an applicant whose license had been revoked due to non-compliance of any provision of these By-laws or breach of any condition or restriction of the license;
- (e) in respect of premises which, in the opinion of the Licensing Authority, are not suitable for operating a beauty or health care centre;
- (f) if the applicant fails to give an undertaking that only persons with the necessary qualification will be employed; or
- (g) in respect of health care centre in which any massage or other curative treatment is or may be administered by any person who in the opinion of the Licensing Authority does not possess the necessary technical qualification.

Prohibition

14. (1) No licensee shall -
- (a) allow any person whom he knows or reasonably suspects to be suffering from any infectious disease to enter the beauty and health care centre;
 - (b) employ in the beauty or health care centre any person whom he knows or has reasons to believe to be suffering from any infectious disease;
 - (c) dress indecently or allow his employee to dress indecently in the beauty and health care centre;
 - (d) permit any person whom he knows or has reason to believe to be a person of bad character to remain in the beauty and health care centre;
 - (e) employ in his beauty and health care centre any person whom he knows or has reason to believe to be a prostitute or a person of bad behaviour;
 - (f) employ in his beauty and health care centre any person who is under the age of eighteen years;
 - (g) employ masseurs who is under the age of eighteen years;
 - (h) permit any gaming, gambling, misuse of drugs, prostitution or any conduct which will cause a nuisance, disturbance, injury or annoyance to the residents in the locality of the beauty and health care centre;
 - (i) permit any food or intoxicating drink to be served or consumed in the beauty and health care centre;
 - (j) display or exhibit any obscene picture or articles in the beauty and health care centre;

- (k) permit any type of treatment not specified in the license;
- (l) allow any animal which will cause nuisance or annoyance or disturbance to enter or remain in the beauty and health care centre;
- (m) hold any entertainment in the beauty and health care centre;
- (n) fasten the entrance door to the beauty and health care centre during business hours; or
- (o) allow the treatment or massage done in place other than the beauty and health care centre licensed to him.

(2) Any licensee who fails to comply with paragraph (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or both.

PART III EMPLOYEE

Register of employee and client

15. (1) The licensee shall maintain a register containing names, identity card numbers, passport number, residential address, qualifications, photographs and any other relevant particulars of his employees, masseurs and masseuses and shall produce the register for inspection whenever required by the Licensing Authority.

(2) The licensee shall, on hiring an employee, submit the particular of the employee mentioned in paragraph (1) to the licensing Authority and shall inform the Licensing Authority of any change of particular of an employee or any change of employee.

(3) The Licensee shall maintain a register containing names, identity card numbers, nationality, residential address, date and time of treatment or massage given and any other relevant particulars of his client and shall produce the register for inspection whenever required by the Licensing Authority.

Medical examination

16. The licensee shall ensure his employee who give treatment and massage undergo medical examination by a medical officer once in a year.

Uniform

17. The licensee of beauty and health care centre shall ensure his employees to wear uniform supplied by the licensee.

PART IV
PREMISES

Signboard

18. Every licensee shall at all times display in a conspicuous place outside the beauty and health care centre a signboard showing clearly the name thereof and the reference number of the license.

Time of operating business

19. A licensee shall operate his business as prescribed in his license.

Premises door

20. (1) The entrance door of the beauty and health care centre shall be one-fourth covered by transparent glass and the door shall be kept unfastened during the business hours.

(2) Entrance door to the treatment room may be fitted with doors provided at least 60 square centimetres shall be covered by transparent glass and shall be kept unfasten.

(3) The licensee may use curtain instead of door to the treatment room mentioned in paragraph (2).

Ventilation and lighting

21. The licensee shall ensure that -
- (a) there is adequate and bright lighting in his premises;
 - (b) there is adequate ventilation in the premises; and
 - (c) every staircase, passage and emergency exit forming part of the premises is provided with adequate lighting.

Fire-fighting equipment, staircase, exits and doors

22. The licensee shall ensure that -
- (a) adequate fire-fighting equipment as approved by the relevant authority are installed in the beauty and health care centre and maintained in working condition;
 - (b) adequate staircase and exits are provided in a beauty and health care centre and properly maintained as may be required by the Licensing Authority; and
 - (c) all staircase, passage, landings and exits in a beauty and health care centre are kept clear of obstruction and every door in the centre is constructed and fitted as to be readily opened at all times.

Water supply

23. A beauty or health care centre shall be connected to the public water supply.

Sanitary requirements

24. The licensee shall ensure that his beauty or health care centre comply with all sanitary requirements as may be directed by the Licensing Authority.

Maintenance of cleanliness

25. The licensee shall ensure that -
- (a) all water closets, urinals and fittings in the beauty and health care centre are kept clean and all drainage and all flush cisterns are maintained in good working order;
 - (b) all bathroom, bath tubs and washing basins in the beauty and health care centre are kept clean at all times; and
 - (c) all passages, landing, staircase and exits forming part of the beauty and health care centre are kept clean at all times.

Disposal of refuse

26. The licensee shall ensure that -
- (a) adequate refuse bins is provided for the disposal of refuse as specified by the Licensing Authority;
 - (b) all waste are placed in plastic bags or other suitable containers before they are deposited in refuse bins or receptacles; and
 - (c) all waste shall be disposed of in the manner as directed in any rules pertaining to waste disposal.

General maintenance and repair

27. (1) All mechanical and electrical equipment used in a beauty and health care centre shall be maintained at all times in good order and repair.
- (2) All yards, areas, forecourts and open spaces forming part of a beauty and health care centre shall be kept clean and free from filth or other refuse.
- (3) All internal and external surfaces of the structure of a beauty and health care centre shall be properly maintained all the times.

PART V
MISCELLANEOUS

Compounding of offence

28. (1) Any officer of the Local Authority duly authorized by him in writing may compound any offence under these By-laws by issuing a notice to compound to any person reasonably suspected of having committed such offence an amount not exceeding five hundred ringgit within the time specified in the offer.

(2) An offer under paragraph (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the period specified in the offer or within such extended period as the Local Authority may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) On payment of the compound, no further proceeding shall be taken against such person in respect of that offence.

Penalty

29. Any person who fails to comply with any provision of these By-laws commits an offence, shall on conviction be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or both.

Repeals and transitions

30. (1) The following By-laws are repealed:
- (a) Sandakan Municipal Council (Massage Establishments) By-laws 1980;
 - (b) Tawau Municipal Council (Massage Establishments) By-laws 1982;
 - (c) Lahad Datu District Council (Massage Establishments) By-laws 1991;

- (d) Keningau District Council (Massage Establishments) By-laws 1984;
- (e) Beaufort District Council (Hairdressers) By-laws, 1964;
- (f) Keningau District Council (Hairdressers) By-laws, 1973;
- (g) Kota Belud District Council (Hairdressers) By-laws, 1964;
- (h) Lahad Datu District Council (Hairdressers) By-laws, 1972;
- (i) Papar District Council (Hairdressers) By-laws, 1977;
- (j) Penampang District Council (Hairdressers) By-laws, 1978;
- (k) Pitas District Council (Hairdressers and Beautician) By-laws 2010;
- (l) Putatan District Council (Hairdressers and Beautician) By-laws 2010;
- (m) Ranau District Council (Hairdressers) By-laws, 1966;
- (n) Semporna District Council (Hairdressers) By-laws, 1981;
- (o) Sipitang District Council (Hairdressers) By-laws, 1966;
- (p) Tambunan District Council (Hairdressers) By-laws, 1982;
- (q) Tenom District Council (Hairdressers) By-laws, 1972; and
- (r) Tuaran District Council (Hairdressers) By-laws, 1965

(2) Any notice, order, compound, license or document made or issued under the repealed By-laws shall be deemed to be made or issued under these By-laws and shall continue to remain until revoked thereunder.

FIRST SCHEDULE

[By-law 3]

Beauty Care Centre

Type of Treatment

- (a) Facial
- (b) Pedicure and manicure
- (c) Waxing
- (d) Hairdressing
- (e) Tattoo
- (f) Application of cosmetics and beautifying
- (g) Body slimming
- (h) Herb, milk and flower bath
- (i) Exfoliation and/or body scrub
- (j) Any other beauty treatment permitted by the Licensing Authority

SECOND SCHEDULE

[By-law 3]

Health Care Centre

Type of Treatment

- (1) Massage
 - (a) Massage parlour
 - (b) Traditional massage
 - (c) Handicapped massage
 - (d) Reflexology
 - (e) Aromatherapy
 - (f) Modern massage using any manual or electric equipments
 - (g) Physiotherapy

- (h) Acupuncture
 - (i) *Bekam*
- (2) Sauna/spa and jacuzzi
- (3) Aerobics/fitness centre/gymnasium
- (4) Meditation centre
- (5) Traditional and complementary medicine
- (6) Any other health treatment permitted by the Licensing Authority

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THIRD SCHEDULE

[Subparagraph 5(1)]

UNIFORM (BEAUTY AND HEALTH CARE CENTRE) BY-LAWS 2014

APPLICATION FOR LICENSE

**A GUIDE TO AND CHECKLIST OF APPLICATION FOR LICENSE
OF BEAUTY AND HEALTH CARE CENTRE**

PART A: Instruction

1. Please complete this Form in capital letters.
2. Please tick [✓] in the relevant boxes.
3. Please attach supporting documents as indicated below:

PART B: Particulars of Application

If the owner is a sole proprietor/partner/manager

- Certified copy of Identity Card.
- Certified copy of Birth Certificate.
- Certified copy of Identity Card of parents.
- Certified copy of Birth Certificate of parents.
- Certified copy of Permanent Resident Permit in Sabah (sect. 66(1) Immigration Act).

If the owner is a body corporate

- Form 9 – certificate of incorporation of the entity
- Form 13 – certificate of alteration on entity's name (*if applicable*)
- Form 24 – Details of the Shareholders/shareholders' interest in the entity
- Form 44 – Details of its registered office's address
- Copy of Memorandum & Article of Association for entities

Note: Please attach document(s) that are equivalent to the above documents for body corporate/other organizations.

PART C: Details of the Business Premise

- Copy of tenancy agreement of the premise; OR
 - Copy of quit rent; OR
 - Letter of approval/Tender offer (if government's premise)
- Copy of the Occupation Certificate (OC); OR
 - Comment from Division of Building and Engineering; AND
 - Comment from Public Health Unit
- 5 copies of floor plan and premise location plan
- 2 copies of premise's photo that have been signified (1 photo from the outside and 1 photo from inside of the premise)

PART D: Comments from Other Agencies on the Business

- Comments from technical departments
- Comments from District Health Office
- Comment from District Fire and Rescue Department
- Comment District Police Department
-
-
-

Please attach the following document that has been marked [✓] .

TYPE OF APPLICATION

- New application
 Renewal of license

PARTICULARS OF THE BUSINESS

- Sole proprietorship Partnership Corporate Body

Business's Name

Contact Address

Office Address

Operation Address

Telephone No. Fax No.

E-mail

Name of Manager

PARTICULARS OF MANAGER

Full Name

NRIC No. Passport No.

Citizenship

Contact Address

Home Address

Telephone No. Fax No.

E-mail

SHAREHOLDER STATUS IN BUSINESS/CORPORATE

- Malaysian Citizenship - Sabah %
- Malaysian Citizenship - Others %
- Non-citizen %

BUSINESS ACTIVITY CODE (if applicable)

(01) (02) (03) (04) (05)

(06) (07) (08) (09) (10)

(11) (12) (13) (14) (15)

PARTICULARS OF OWNER

Full Name	<input type="text"/>																							
NRIC No.	<input type="text"/>	P/Port No.	<input type="text"/>																					
Working Permit No.	<input type="text"/>	P/R No.	<input type="text"/>																					
Citizenship	<input type="text"/>	Race	<input type="text"/>																					
Contact Address	<input type="text"/>																							
Home Address	<input type="text"/>																							
Operational Location Address	<input type="text"/>																							
Registration No.	<input type="text"/>	Fax No.	<input type="text"/>																					
Telephone No.	<input type="text"/>	E-mail	<input type="text"/>																					

Please attach Form 9/Form 13, Form 24, Form 44, Form 49 & Memorandum & Article of Association the following documents if the owner is a corporation registered under the Company Law 1965:

PARTICULARS OF PARTNER

Full Name	<input type="text"/>																							
NRIC No.	<input type="text"/>	P/Port No.	<input type="text"/>																					
Working Pass No.	<input type="text"/>	P/R No.	<input type="text"/>																					
Contact Address	<input type="text"/>																							
Home Address	<input type="text"/>																							
Operational Location Address	<input type="text"/>																							
Registration No.	<input type="text"/>	Fax No.	<input type="text"/>																					
Telephone No.	<input type="text"/>	E-mail	<input type="text"/>																					
Name of Manager	<input type="text"/>																							

DECLARATION OF APPLICANT/MANAGER

I,/On behalf of myself/partnership/company/corporation, declare all particulars stated in this form are true and correct.

Date:

.....
Signature of applicant/manager

(official stamp)

COMMENT FROM TECHNICAL DIVISION

COMMENT FROM HEALTH DIVISION/UNIT

COMMENT FROM DISTRICT HEALTH DEPARTMENT *(if applicable)*

COMMENT FROM DISTRICT FIRE AND RESCUE DEPARTMENT *(if applicable)*

COMMENT FROM DISTRICT POLICE DEPARTMENT *(if applicable)*

DECISION

- Approved
- Not approved
- Others

Dated:

Licensing Officer

.....

FOURTH SCHEDULE

[Subparagraph 5(3)]

1) LICENSE PROCESSING FEE

- (a) Form : RM5.00
- (b) Beauty Centre : RM50.00
- (c) Health Care Centre : RM50.00

2) FEES FOR LICENSE

Floor area	Fees For Group A RM	Fees For Group B RM	Fees For Group C RM
For every square meter of floor space	RM3.00 per month to be paid quarterly	RM2.50 per month to be paid quarterly	RM2.00 per month to be paid quarterly

FIFTH SCHEDULE

[Paragraph 5(4)]

GROUP A

1. Sandakan Municipal Council
2. Tawau Municipal Council
3. Kudat Town Board
4. Penampang District Council
5. Keningau District Council
6. Lahad Datu District Council
7. Tuaran District Council
8. Beaufort District Council
9. Papar District Council

GROUP B

1. Ranau District Council
2. Kota Belud District Council
3. Semporna District Council
4. Sipitang District Council
5. Tenom District Council
6. Putatan District Council

GROUP C

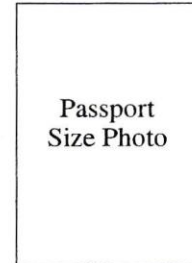
1. Kuala Penyu District Council
2. Kunak District Council
3. Nabawan District Council
4. Tambunan District Council
5. Beluran District Council
6. Kota Marudu District Council
7. Kinabatangan District Council
8. Pitas District Council

SIXTH SCHEDULE

[Subparagraph 5(6)]

UNIFORM (BEAUTY AND HEALTH CARE CENTRE) BY-LAWS 2014

LICENSE



1) A License is issued to living
at
..... to open a beauty and health care centre of holding
a (state the type of treatments provided)
at
measuring(square meter) with effect from
until

2) The beauty and health care centre may operate from a.m.
and shall be closed at p.m. during weekdays and p.m. during
Saturday, Sunday and Public Holiday.

3) This license is subject to the following conditions:

- (a)
- (b)
- (c)
- (d)
- +

4) The fee for the license to open a beauty and health care centre is RM

Dated this

.....
Licensing Officer.

+Insert further conditions, if any