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THE LOCAL AUTHORITIES ORDINANCE, 1996

THE LOCAL AUTHORITIES (REFLEXOLOGY AND
HEALTH ESTABLISHMENTS) BYLAWS, 2009

(Made under sections 93 and 105(b)(i))

In exercise of the powers conferred by sections 93 and 105(b)(i) of the Local Authorities Ordinance, 1996 [*Cap. 20*], the Yang di-Pertua Negeri has made the following Bylaws:

Citation, commencement and application

1.—(1) These Bylaws may be cited as the **Local Authorities (Reflexology and Health Establishments) Bylaws, 2009**, and shall come into force on the 1st day of May, 2009.

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

2. In these Bylaws—

“bed” includes a couch or a reclining chair;

“client” means a person seeking services or treatment at a reflexology and health establishment;

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

"licence" means a licence issued under these Bylaws;

"licensee" means a person who holds a current licence issued under these Bylaws;

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

"medical practitioner" means a medical practitioner registered under the Medical Act 1971 [*Act 50*];

"reflexology and health establishment" means any premises used or represented as being used, or equipped, or which provides any of the following services, treatment or facilities or any combination of these services, treatment or facilities for business or commercial purposes:

- (a) massage;
- (b) reflexology;
- (c) herbal bath, steam or vapour bath, turkish bath or any other special baths;
- (d) sauna;
- (e) spa, including hot or cold water pools;
- (f) aromatherapy;
- (g) any other services, treatment or facilities as may be specified by the Majlis Mesyuarat Kerajaan Negeri by a notification in the *Gazette*,

but shall not include a hospital or a clinic at which patients are treated under the supervision of a registered medical practitioner or physiotherapist, an infirmary, a nursing or convalescent home, a welfare institution or any other similar institution established or licensed under any written law.

PART II

LICENSING OF REFLEXOLOGY AND HEALTH ESTABLISHMENT

Licence required for a reflexology and health establishment

3.—(1) No person shall operate a reflexology and health establishment or use any premises for such purpose without a licence issued by the local authority under these Bylaws.

(2) No licence is required under these Bylaws in respect of a hairdresser's premises which is licensed under the Public Health (Barbers' and Hairdressers' Shops) Regulations, 2003 [*Swk. L.G. 32/2003*] notwithstanding that body, facial or scalp massage services are provided to female clients in that premises.

Managing or running of unlicensed reflexology and health establishment

4. No person shall take part in the management or running of a reflexology and health establishment which is not licensed under these Bylaws or give or assist in the giving of any services or treatment in such a reflexology and health establishment.

Application for licence

5.—(1) An application for the issue or renewal of a licence shall be made in such form as may be prescribed by the local authority together with a processing fee of twenty ringgit (RM20.00).

(2) The applicant shall furnish such particulars and information as the local authority may specify or require.

(3) Where the premises to be used has been renovated or to be renovated, building plans in respect thereof must be submitted for approval of the local authority as required under the Buildings Ordinance, 1994 [*Cap. 8*] before any application for a licence under these Bylaws can be considered.

(4) The local authority may require an applicant to attend in person or, in the case of a corporation or a firm, by a director, employee or a representative, at the time of the issue or renewal of the licence.

Form of licence

6.—(1) A licence issued under these Bylaws shall be in such form as may be prescribed by the local authority.

(2) Every licence shall be made out in duplicate and the local authority shall give the original copy thereof to the licensee and shall retain the duplicate.

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

(4) There shall be specified in every licence the type of services or treatment permitted to be provided or carried out at the premises in respect of which the licence is issued.

(5) The local authority may, at its discretion, impose such conditions on the licensee as it deems fit.

Period of licence and renewal

7.—(1) A licence issued under these Bylaws shall be valid for a period of one year from the date of issue.

(2) The renewal of the licence under these Bylaws shall be at the discretion of the local authority.

Licence fee

8. The fee for a licence shall be in accordance with the scale or rate as specified in the Schedule.

Licence Register

9. The local authority shall keep and maintain a Licence Register containing such of the particulars appearing in each licence as it may consider necessary.

Licence not transferable

10. The licence issued under these Bylaws is not transferable.

Disqualification

11. No licence to operate a reflexology and health establishment shall be issued—

(a) to an applicant who is under the age of twenty-one years; or

(b) to an applicant who, according to the record of the local authority, had been a holder of a licence but had his licence revoked due to non-compliance of any provision of these Bylaws or breach of any condition of the licence; or

(c) to a person who, in the opinion of the local authority, is not suitable to hold a licence; or

(d) in respect of premises which, in the opinion of the local authority, are not suitable to be used for such purpose; or

(e) in respect of premises which would be contrary to the condition of the document of title of the land to be used unless special permission has been granted by the competent planning authority; or

(f) if the applicant fails to give an undertaking that persons with the necessary qualifications, skills or training as may be specified by the local authority, will be employed by him.

Security

12.—(1) The local authority may, before issuing a licence, require the applicant to give security by way of a cash deposit or bank guarantee to ensure that the provisions of these Bylaws and the conditions of the licence are complied with or will be duly observed.

(2) The deposit or bank guarantee mentioned in paragraph (1) shall be five thousand ringgit.

(3) Any sum deposited or amount of bank guarantee given under these Bylaws shall be liable to forfeiture in whole or in part by the local authority for non-compliance of any provision of these Bylaws or breach of any condition of the licence upon revocation of the licence.

Suspension or revocation of licence

13. The local authority may at any time suspend or revoke a licence issued under these Bylaws if—

- (a) there has been a contravention of any provision of these Bylaws;
- or
- (b) there has been a breach of any condition of the licence; or
- (c) there has been caused to the residents in the immediate locality of the licensed premises, any nuisance, injury or undue annoyance arising out of the activities carried out at the reflexology and health establishment:

Provided that no action to suspend or revoke a licence shall be taken by the local authority without giving the licensee concerned an opportunity to make written representation in respect thereof.

PART III

EMPLOYEES

Register of employees

14.—(1) The licensee shall keep and maintain a register containing the names, identity card or passport numbers, residential addresses, qualifications and training and any other relevant particulars of his employees as well as the photographs of his employees, and shall produce the register for inspection whenever required by any authorized officer of the local authority or any police officer.

(2) The licensee shall submit the particulars of the employees mentioned in paragraph (1) to the local authority and shall inform the local authority of any change of particulars of an employee and of any change of the employees.

Medical examination

15. The licensee shall ensure that his employees undergo medical examination by a medical practitioner once a year, or as may be directed by the local authority.

PART IV
PREMISES

Signboard and notices

16. Every licensee shall, at all times, display in a conspicuous place outside the reflexology and health establishment—

- (a) a signboard showing clearly the name or style of the reflexology and health establishment; and
- (b) a notice board showing its permitted operating hours.

Full partitioning of areas for massage, etc., not permitted

17.—(1) The licensee shall not fully partition or permit to be fully partitioned areas in the reflexology and health establishment which are used for massage.

(2) The licensee may, in areas used for massage mentioned in paragraph (1), use curtain or other screens made of any material specified by the local authority to separate the beds used for massage but such curtain or screen shall not exceed two metres in height measured from the floor.

(3) Doors of areas where services are rendered or facilities are provided shall be one-fourth covered by transparent glass and the door shall be kept unfastened during the business hours.

Ventilation and lighting

18.—(1) The licensee shall ensure that there is adequate lighting in his reflexology and health establishment.

(2) The licensee shall ensure that there is adequate ventilation in the reflexology and health establishment and that the means of ventilation are kept in good order.

(3) The licensee shall ensure that every staircase, passage and emergency exit forming part of the reflexology and health establishment is provided with adequate lighting.

Fire fighting equipment, staircases, exits and doors

19.—(1) The licensee shall ensure that adequate fire fighting equipments, are installed in the reflexology and health establishment and maintained in good working condition.

(2) The licensee shall ensure that adequate staircases and exits are provided in the reflexology and health establishment and properly maintained as may be required by the local authority.

(3) The licensee shall ensure that all staircases, passages, landings and exits forming part of the reflexology and health establishment are kept clear of obstruction and every door in the establishment is constructed and fitted as to be readily opened at all times.

Sanitary requirements

20. The licensee shall ensure that the reflexology and health establishment comply with all sanitary requirements as may be directed by the local authority.

Maintenance of cleanliness

21.—(1) The licensee shall ensure that all water closets, urinals and fittings in the reflexology and health establishment are kept clean and all drainage and flush cisterns are maintained in good working order.

(2) The licensee shall ensure that all bathrooms, long baths, taps and washing basins in the reflexology and health establishment are kept clean at all times.

(3) The licensee shall ensure that all staircases, passages, landings and exits forming part of the reflexology and health establishment are kept clean at all times.

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

Disposal of refuse

22.—(1) The licensee shall provide adequate facilities and equipment for the disposal of refuse.

(2) The licensee shall ensure that all wastes are placed in plastic bags or other suitable containers before they are deposited in refuse bins or receptacles approved by the local authority.

(3) The licensee shall ensure that all wastes shall be disposed of in such manner as may be directed by the local authority.

General maintenance and repair

23.—(1) All mechanical or electrical equipment used in a reflexology and health establishment shall be maintained at all times in good order and repair.

(2) All compounds, areas, forecourts and open spaces forming part of a reflexology and health establishment shall be kept clean and free from filth or other refuse.

Premises not to be used as sleeping quarters or for cooking food without approval of local authority

24. No part of the licensed premises shall be used as sleeping quarters or for cooking food without written approval of the local authority.

PART V

GENERAL

Prohibition

25. No licensee shall—

(a) allow any person who he knows or reasonably suspects to be suffering from an infectious or communicable disease to enter the reflexology and health establishment;

(b) employ in the reflexology and health establishment any person whom he knows or has a reason to believe to be suffering from an infectious or communicable disease;

(c) display, distribute or in any manner permit into circulation, or has in his possession, any obscene book, magazine, photograph or article in the reflexology and health establishment;

(d) dress indecently or allow his employees to dress indecently in the reflexology and health establishment;

(e) advertise or make known by any means whatsoever that any person employed by him is engaged or ready to engage in any indecent conduct or behaviour;

(f) allow any animal to enter or remain in the reflexology and health establishment;

(g) hold in the reflexology and health establishment any entertainment as defined in the Entertainment Ordinance, 2000 [*Cap. 33*], and the Entertainment Bylaws, 2001 [*Swk. L.N. 110/2001*] without a licence;

(h) permit any person whom he knows or has reason to believe to be or has reason to be believed to be a prostitute or a person of bad character to remain in the reflexology and health establishment;

(i) employ in the reflexology and health establishment any person whom he knows or has reason to believe to be a prostitute or a person of bad character;

(j) employ in the reflexology and health establishment any person who is under the age of twenty-one years;

(k) permit any gaming, drunkenness, drug abuse or disorderly conduct of any kind in the reflexology and health establishment;

(l) operate the reflexology and health establishment or provide any services, treatment or facilities therein outside the permitted operating hours specified in the licence;

(m) provide or give any service or treatment which is not of the type authorized by the licence.

Bylaws to be observed by any person responsible for the management of the licensed premises

26. A manager or other person directly responsible for the management of the reflexology and health establishment shall be under the same obligation as the licensee to comply with and secure the observance of these Bylaws.

Penalty

27. Any person who contravenes any provision of these Bylaws shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both, and in the case of a continuing offence, to a fine not exceeding two hundred ringgit for each day during which the offence continues.

SCHEDULE

(Bylaw 8)

LICENCE FEES

For every 10 square metres or part thereof

RM100.00 per annum

Dated this 22nd day of January, 2009.

By Command,

DATO SRI WONG SOON KOH,
Minister of Environment and Public Health

KAS/L/125(65)



DICETAK OLEH PERCETAKAN NASIONAL MALAYSIA BERHAD, KUCHING, SARAWAK
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK

