
First published in the *Government Gazette*, Electronic Edition, on 23 February 2018 at 5 pm.

No. S 96

MESSAGE ESTABLISHMENTS ACT 2017 (ACT 45 OF 2017)

MESSAGE ESTABLISHMENTS RULES 2018

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In exercise of the powers conferred by section 35(1) of the Massage Establishments Act 2017, the Minister for Home Affairs makes the following Rules:

PART 1

PRELIMINARY

Citation and commencement

1. These Rules are the Massage Establishments Rules 2018 and come into operation on 1 March 2018.

Definition

2. In these Rules, unless the context requires otherwise, “revoked Rules” means the Massage Establishments Rules (Cap. 173, R 1) revoked by these Rules.

PART 2
LICENCE

Prescribed website

3. For the purposes of section 7(4) of the Act, the prescribed website is <https://www.police.gov.sg/e-services/apply/licenses-and-permits/massage-establishment>.

Fee payable for licence

4.—(1) For the purposes of section 7(1)(a) of the Act, the licence fee for a licence is \$525 for each year or part of a year of the term of the licence.

(2) The fee payable for a copy or replacement of a licence is \$11.

Licence not transferable

5.—(1) A licence is not transferable.

(2) A licensee of an establishment for massage must not transfer the licence to, or permit the licence to be used by, any other person.

(3) Any person who contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, where the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(4) For the purposes of paragraph (3), a person is a repeat offender in relation to an offence under that paragraph if the person who is convicted of the offence has been convicted on at least one earlier occasion of —

(a) an offence under paragraph (3); or

(b) an offence under rule 13 of the revoked Rules or section 9(d) of the repealed Act for contravening rule 5 of the revoked Rules, whether the conviction was before, on or after 1 March 2018.

Displaying licence and signboard

6.—(1) A licensee of an establishment for massage must display the licence prominently within the establishment for massage for which the licence is granted.

(2) A licensee of an establishment for massage must display a signboard —

- (a) showing clearly the name of the establishment for massage for which the licence is granted; and
- (b) in a conspicuous place outside the establishment for massage.

(3) Any person who contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, where the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(4) For the purposes of paragraph (3), a person is a repeat offender in relation to an offence under that paragraph if —

- (a) the person who is convicted of an offence under paragraph (3) for contravening paragraph (1) has been convicted on at least one earlier occasion of an offence under paragraph (3) for contravening paragraph (1); or
- (b) the person who is convicted of an offence under paragraph (3) for contravening paragraph (2) has been convicted on at least one earlier occasion of —
 - (i) an offence under paragraph (3) for contravening paragraph (2); or
 - (ii) an offence under rule 13 of the revoked Rules or section 9(d) of the repealed Act for contravening rule 6 of the revoked Rules, whether the conviction was before, on or after 1 March 2018.

Layout of establishment for massage

7.—(1) A person applying for a licence in respect of an establishment for massage must include, in the person's application, the layout of the establishment for massage.

(2) A licensee of an establishment for massage must ensure that the establishment for massage conforms to the layout of the establishment for massage as approved by the Licensing Officer at the time of —

(a) the grant of the licence; or

(b) the grant of the approval under paragraph (3).

(3) A licensee who wishes to change the layout of the establishment for massage must seek the prior approval of the Licensing Officer.

(4) The fee payable for an application for approval of a change in layout is \$22.

(5) Any person who contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

PART 3**EMPLOYMENT IN ESTABLISHMENT FOR MASSAGE****Criteria to work in establishment for massage**

8.—(1) For the purposes of section 15(1)(b) of the Act, the prescribed criteria as to whether a relevant individual is a fit and proper person to be employed to work in an establishment for massage are specified in the Schedule.

(2) For the purposes of section 17(1)(a) of the Act, the prescribed criteria as to whether a relevant individual is a fit and proper person to continue to be employed in an establishment for massage are specified in the Schedule.

Application fee for approval to employ individual

9. For the purposes of section 14(2)(b) of the Act, the prescribed application fee is \$17.

Notification when employee ceases to be employed

10.—(1) A licensee of an establishment for massage must notify the Licensing Officer no later than 3 days after any individual employed by the licensee to work in the establishment for massage ceases to be so employed.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, where the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) For the purposes of paragraph (2), a person is a repeat offender in relation to an offence under that paragraph if the person who is convicted of the offence has been convicted on at least one earlier occasion of —

- (a) an offence under paragraph (2); or
- (b) an offence under rule 13 of the revoked Rules or section 9(d) of the repealed Act for contravening rule 7(5) of the revoked Rules, whether the conviction was before, on or after 1 March 2018.

Approved uniform

11.—(1) A person applying for a licence in respect of an establishment for massage must include, in the person's application, pictures showing the uniform to be worn in the course of employment by an individual employed to work in the establishment for massage.

(2) A licensee of an establishment for massage must ensure that any individual employed to work in the establishment for massage wears, in the course of the individual's employment, the uniform approved by the Licensing Officer at the time of —

- (a) the grant of the licence; or

(b) the grant of the approval under paragraph (3).

(3) A licensee who wishes to change the uniform must seek the prior approval of the Licensing Officer.

(4) The fee payable for an application for approval of a change in uniform is \$22.

(5) Any person who contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Licensee's supervision of employees

12.—(1) A licensee of an establishment for massage must ensure that every employee of the licensee must not, in the course of the individual's employment at the establishment for massage —

- (a) provide, or offer to provide, any sexual service to any other individual in the establishment for massage;
- (b) engage in any indecent act in the establishment for massage;
- (c) be indecently dressed in the establishment for massage; and
- (d) tout for business or loiter outside the establishment for massage.

(2) Any person who contravenes paragraph (1)(a), (b), (c) or (d) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, where the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) For the purposes of paragraph (2), a person is a repeat offender in relation to an offence under that paragraph if the person who is convicted of —

- (a) an offence under paragraph (2) for contravening paragraph (1)(a) has been convicted on at least one earlier occasion of an offence under paragraph (2) for contravening paragraph (1)(a);

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- (b) an offence under paragraph (2) for contravening paragraph (1)(b) has been convicted on at least one earlier occasion of an offence under paragraph (2) for contravening paragraph (1)(b);
 - (c) an offence under paragraph (2) for contravening paragraph (1)(c) has been convicted on at least one earlier occasion of an offence under paragraph (2) for contravening paragraph (1)(c); or
 - (d) an offence under paragraph (2) for contravening paragraph (1)(d) has been convicted on at least one earlier occasion of an offence under paragraph (2) for contravening paragraph (1)(d).

PART 4

CARRYING ON BUSINESS IN ESTABLISHMENT FOR MASSAGE

Warning about arrival of inspecting officer

13.—(1) A licensee of an establishment for massage must not warn any individual employed by the licensee to work in the establishment for massage, or any other person in the establishment for massage, that any inspecting officer has arrived, or is about to arrive, at the establishment for massage.

(2) A licensee of an establishment for massage must ensure that every employee of the licensee must not, in the course of the individual's employment at the establishment for massage, warn any other employee, or any other person in the establishment for massage, that any inspecting officer has arrived, or is about to arrive, at the establishment for massage.

(3) Any person who contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, where the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(4) For the purposes of paragraph (3), a person is a repeat offender in relation to an offence under that paragraph if the person who is convicted of —

- (a) an offence under paragraph (3) for contravening paragraph (1) has been convicted on at least one earlier occasion of an offence under paragraph (3) for contravening paragraph (1); or
- (b) an offence under paragraph (3) for contravening paragraph (2) has been convicted on at least one earlier occasion of an offence under paragraph (3) for contravening paragraph (2).

Register of clients

14.—(1) Before providing any massage services to any individual seeking massage in an establishment for massage, the licensee of the establishment for massage must require the individual to furnish the following particulars to the licensee:

- (a) the individual's full name;
- (b) the individual's identity card number or the particulars of the individual's passport or other travel document;
- (c) the individual's nationality;
- (d) the date and time of the individual's arrival at the establishment for massage for the massage service.

(2) The licensee must immediately enter or cause to be entered in a register the particulars furnished under paragraph (1).

(3) The licensee must immediately enter or cause to be entered in a register the date and time when the individual whose particulars are entered under paragraph (2) leaves the establishment for massage.

(4) The licensee must keep the register for at least one year after the date of the final entry in the register.

(5) The licensee must not enter or cause to be entered in the register any individual's particulars which the licensee knows or has reason to believe is false.

(6) Any person who contravenes paragraph (1), (2), (3), (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, where the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(7) For the purposes of paragraph (6), a person is a repeat offender in relation to an offence under that paragraph if the person who is convicted of —

- (a) an offence under paragraph (6) for contravening paragraph (1) has been convicted on at least one other earlier occasion of —
 - (i) an offence under paragraph (6) for contravening paragraph (1); or
 - (ii) an offence under rule 13 of the revoked Rules or section 9(d) of the repealed Act for contravening rule 9(1) of the revoked Rules, whether the conviction was before, on or after 1 March 2018;
- (b) an offence under paragraph (6) for contravening paragraph (2) has been convicted on at least one other earlier occasion of —
 - (i) an offence under paragraph (6) for contravening paragraph (2); or
 - (ii) an offence under rule 13 of the revoked Rules or section 9(d) of the repealed Act for contravening rule 9(2) of the revoked Rules, whether the conviction was before, on or after 1 March 2018;
- (c) an offence under paragraph (6) for contravening paragraph (3) has been convicted on at least one other earlier occasion of —
 - (i) an offence under paragraph (6) for contravening paragraph (3); or

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- (ii) an offence under rule 13 of the revoked Rules or section 9(*d*) of the repealed Act for contravening rule 9(3) of the revoked Rules, whether the conviction was before, on or after 1 March 2018;
- (*d*) an offence under paragraph (6) for contravening paragraph (4) has been convicted on at least one other earlier occasion of —
 - (i) an offence under paragraph (6) for contravening paragraph (4); or
 - (ii) an offence under rule 13 of the revoked Rules or section 9(*d*) of the repealed Act for contravening rule 9(4) of the revoked Rules, whether the conviction was before, on or after 1 March 2018; or
 - (*e*) an offence under paragraph (6) for contravening paragraph (5) has been convicted on at least one other earlier occasion of —
 - (i) an offence under paragraph (6) for contravening paragraph (5); or
 - (ii) an offence under rule 13 of the revoked Rules or section 9(*d*) of the repealed Act for contravening rule 9(5) of the revoked Rules, whether the conviction was before, on or after 1 March 2018.

Notification of change of name of establishment for massage

15.—(1) A licensee of an establishment for massage must notify the Licensing Officer before any change in the name of the establishment for massage takes effect.

(2) Any person who contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Notification of change of responsible officers, etc.

16.—(1) A licensee of an establishment for massage must notify the Licensing Officer no later than 7 days after any change in the identity of the following:

- (a) any responsible officer specified in the licence application for that establishment;
- (b) any person having substantial interest in, or control or direction over, the business of the licensee.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, where the person is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) For the purposes of paragraph (2), a person is a repeat offender in relation to an offence under that paragraph if the person who is convicted of the offence has been convicted on at least one other earlier occasion of —

- (a) an offence under paragraph (2); or
- (b) an offence under rule 13 of the revoked Rules or section 9(d) of the repealed Act for contravening rule 11 of the revoked Rules, whether the conviction was before, on or after 1 March 2018.

Cessation of business

17.—(1) A licensee of an establishment for massage must notify the Licensing Officer at least 7 days before the date on which the licensee ceases to carry on the business of providing massage services at the establishment for massage.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

PART 5
GENERAL

Applications and notifications by electronic means

18.—(1) Subject to paragraph (3), the following applications must be made using the electronic application service provided by the Licensing Officer:

- (a) an application for a licence under section 6(1) of the Act;
- (b) an application for approval for a licensee of an establishment for massage to employ an individual to work in the establishment for massage under section 14(1) of the Act;
- (c) an application to renew the approval for a licensee of an establishment for massage to employ an individual to work in the establishment for massage under section 16(2)(b) of the Act;
- (d) an application for approval to change the layout of an establishment for massage under rule 7(3);
- (e) an application for approval to change the uniform to be worn by individuals employed to work in an establishment for massage under rule 11(3).

(2) Subject to paragraph (3), any notification required by rule 10(1), 15(1), 16(1) or 17(1) must be made using the electronic application service provided by the Licensing Officer for this purpose.

(3) If the electronic application service is not operating, an application mentioned in paragraph (1) or a notification mentioned in paragraph (2), as the case may be, must be made in such written form as the Licensing Officer may require.

(4) The Licensing Officer may reject any application or disregard any notification not made according to this rule.

Fee waiver

19. The Licensing Officer may, in an appropriate case, waive any fee payable under these Rules.

Revocation

20. The Massage Establishments Rules (Cap. 173, R 1) are revoked.

THE SCHEDULE

Rule 8

**CRITERIA TO EMPLOY INDIVIDUAL IN
ESTABLISHMENT FOR MASSAGE**

1. The relevant individual must not have offered or provided, for consideration, any form of sexual service.
2. The relevant individual must not have engaged in any indecent act in the course of any employment.
3. The relevant individual must not be convicted of any relevant offence under the Women's Charter (Cap. 353).
4. The relevant individual, if employed to provide massage services in the establishment for massage, must also not be or have been convicted of any relevant offence under the Penal Code (Cap. 224).
5. In this Schedule, "relevant offence" means —
 - (a) any offence under section 294, 354, 354A, 375, 376 or 509 of the Penal Code; or
 - (b) any offence under section 140, 141, 142, 145, 146, 146A, 147 or 148 of the Women's Charter.

Made on 23 February 2018.

PANG KIN KEONG
Permanent Secretary,
Ministry of Home Affairs,
Singapore.

[MHA 112/2/0104; AG/LEGIS/SL/173/2015/2 Vol. 1]