

# **Massage Establishments Bill**

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**Bill No. 39/2017.**

*Read the first time on 2 October 2017.*

## **MESSAGE ESTABLISHMENTS ACT 2017**

**(No.    of 2017)**

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A BILL

*intituled*

An Act to repeal and re-enact with amendments the Massage Establishments Act (Chapter 173 of the 2013 Revised Edition) to provide for the licensing and control of establishments for massage, and to make a consequential amendment to the Central Provident Fund Act (Chapter 36 of the 2013 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART 1  
PRELIMINARY

**Short title and commencement**

5     **1.** This Act is the Massage Establishments Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Interpretation**

**2.—(1)** In this Act, unless the context otherwise requires —

10     “advertise” means to advertise, directly or indirectly, by means of spoken words or any form of printed or written matter or any other medium;

“authorised person” means an individual appointed as an authorised person under section 4(1);

15     “Commissioner” means the Commissioner of Police appointed under the Police Force Act (Cap. 235);

“establishment for massage” means any premises used, represented as being used, or intended to be used, for the reception or treatment of persons seeking massage;

20     “inspecting officer” means the Licensing Officer, an Assistant Licensing Officer, a police officer or an authorised person;

“licence” means a licence granted under section 7(1);

“licensee” means any person to whom a licence is granted;

“Licensing Officer” means the officer appointed under section 3(a), and includes an Assistant Licensing Officer;

25     “massage” means the act of rubbing, kneading, or manipulating the human body or any part of it, by any person (whether or not using any hand-held equipment), for the purpose of relaxing muscle tension, stimulating circulation, increasing suppleness or otherwise;

30     “occupier”, in relation to any premises, means the tenant, subtenant or lessee of the premises or any person in charge of the premises, whether or not that person is in actual

occupation and whether or not that person has powers to further let or sublet the premises;

“owner”, in relation to any premises, means a person who, for the time being, has power or authority to let, hire, sell or convey the premises to another person, or who receives the rent of the premises whether on that person’s own account or as an agent or a trustee for any other person;

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“premises closure order” means a premises closure order issued under section 19(1);

“repealed Act” means the Massage Establishments Act (Cap. 173) repealed by this Act;

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“requirement of the Act” means —

(a) a requirement of or under a provision of this Act or any rules made under this Act; or

(b) a condition of a licence;

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“responsible officer”, in relation to an applicant for a licence or a licensee, means —

(a) where a partnership is the applicant or licensee, a partner of the partnership;

(b) where an unincorporated association is the applicant or licensee, a member of the governing body of the unincorporated association; and

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(c) where a company or other body corporate is the applicant or licensee, any director of the company or officer holding a similar managerial or an executive position in the body corporate.

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(2) For the purposes of this Act, a person carries on the business of providing massage services if the person provides massage services in the course of business, whether or not those services are accompanied by any other service or supply of goods.

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### **Appointment of officers**

3. The Minister may appoint —

(a) a public officer to be the Licensing Officer for the purpose of this Act; and

5 (b) such number of other public officers as Assistant Licensing Officers as may be necessary.

### **Authorised persons**

4.—(1) The Licensing Officer may, in relation to any provision of this Act, appoint an individual who is suitably trained as an authorised person for the purposes of that provision.

(2) An appointment under subsection (1) is subject to such conditions or limitations as set out in this Act and, subject to the provisions of this Act, as specified by the Licensing Officer.

15 (3) An authorised person who, in the course of duty as an authorised person, exercises any power as such, is deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.

## **PART 2**

### **LICENSING OF ESTABLISHMENT FOR MASSAGE**

20 **No carrying on business of providing massage services in establishment for massage without licence, etc.**

5.—(1) A person must not carry on the business of providing massage services in an establishment for massage unless the person is authorised to do so at those premises by a licence under this Act.

25 (2) A person must not advertise or otherwise hold out that the person is carrying on the business of providing massage services in an establishment for massage unless the person holds a valid licence to do so at those premises.

30 (3) An owner or occupier of any premises must not allow the premises, or any part of the premises, to be used by any person whom the owner or occupier knows is carrying on the business of providing

massage services in an establishment for massage without a valid licence to do so at those premises.

(4) A person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both; and 5
- (b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years or to both.

(5) For the purposes of subsection (4), a person is a repeat offender in relation to an offence under subsection (4) if the person who is convicted of — 10

- (a) an offence under subsection (4) for contravening subsection (1) has been convicted on at least one other earlier occasion of — 15
  - (i) an offence under subsection (4) for contravening subsection (1); or
  - (ii) an offence under section 9(a) of the repealed Act, whether the conviction was before, on or after the date of commencement of this Act; or 20
- (b) an offence under subsection (4) for contravening subsection (2) has been convicted on at least one other earlier occasion of —
  - (i) an offence under subsection (4) for contravening subsection (2); or 25
  - (ii) an offence under section 9(e) of the repealed Act, whether the conviction was before, on or after the date of commencement of this Act.

### **Application for licence**

6.—(1) An application for a licence must — 30

- (a) be made to the Licensing Officer in the form and manner required by the Licensing Officer;

(b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Licensing Officer; and

(c) be accompanied by any information that the Licensing Officer requires to determine the application.

(2) If a person intends to carry on the business of providing massage services at more than one premises, a separate application must be made in respect of each of the premises.

(3) The Licensing Officer may, in order to properly consider an application under subsection (1) —

(a) carry out such inquiries and investigations in relation to the application as are necessary; and

(b) request the applicant to provide, within a specified time, any additional information.

(4) The Licensing Officer may refuse an application —

(a) that is incomplete or otherwise not made in accordance with this section; or

(b) if the applicant fails to provide the additional information requested under subsection (3)(b).

## **Grant of licence**

7.—(1) After considering an application for a licence, the Licensing Officer may —

(a) on payment of a licence fee, grant the licence; or

(b) refuse to grant the licence.

(2) A person may be granted more than one licence.

(3) In determining whether to grant a licence to a person, the Licensing Officer must consider, and give such weight as the Licensing Officer considers appropriate to, all of the following matters:

(a) whether the person is below 21 years of age;



- (b) whether the person is, in the opinion of the Licensing Officer, a fit and proper person to hold a licence;
- (c) whether the carrying on by the person of the business of providing massage services at the premises in the application is, in the opinion of the Licensing Officer, likely to affect public order or public safety, or to cause annoyance or inconvenience to the public or any class of the public; 5
- (d) whether using the premises in the application as an establishment for massage conforms with the Master Plan or any Certified Interpretation Plan under the Planning Act (Cap. 232) or any authorisation under section 21(6) of that Act; 10
- (e) whether any written permission (if required) has been obtained under the Planning Act for any development of, or works on, the land that constitutes the premises in which the business of providing massage services in an establishment for massage is carried on; 15
- (f) whether a person who administers the massage in an establishment for massage possesses such necessary qualifications as the Licensing Officer may approve; 20
- (g) whether it is likely that the business of providing massage services in an establishment for massage will be carried on in contravention of any requirement of the Act.
- (4) For the purposes of subsection (3)(b), in determining whether a person is a fit and proper person to hold a licence, the Licensing Officer may consider such criteria and requirements as the Licensing Officer may publish on a prescribed website. 25
- (5) The criteria and requirements mentioned in subsection (4) may include criteria and requirements relating to any responsible officer of the applicant for a licence and any person having substantial interest in, or control or direction over, the business of the applicant. 30
- (6) The Licensing Officer may publish different criteria or requirements for different classes of applicants.

(7) To avoid doubt, the Licensing Officer is not confined to consideration of the matters in subsection (3) or the criteria and requirements published on a prescribed website under subsection (4), and may take into account such other matters and evidence as may be relevant.

(8) The Licensing Officer must, if so required by the applicant, furnish the applicant, within 7 days after being so required, with the grounds of refusal in writing.

(9) Any person who is aggrieved by the refusal of the Licensing Officer to grant a licence to the person may appeal in writing against the refusal to the Minister —

(a) within 14 days after being notified of the refusal; or

(b) if the person requires (within the period mentioned in paragraph (a)) the Licensing Officer to furnish the grounds of refusal, within 14 days after being furnished with the grounds of refusal,

and the Minister's decision is final.

### **Form and validity of licence**

8.—(1) Every licence must specify the premises at which the business of providing massage services may be carried on and must be in such form as the Licensing Officer may determine.

(2) Every licence continues in force for the period specified in the licence unless it is earlier revoked under section 12.

(3) A licence is not renewable.

### **Licence conditions**

9.—(1) In granting a licence, the Licensing Officer may impose such conditions as the Licensing Officer considers requisite or expedient, not inconsistent with the provisions of this Act and any prescribed condition of the licence.

(2) Without affecting subsection (1), a licence to carry on the business of providing massage services in an establishment for massage may include conditions —

- (a) relating to the operation and operating hours of the establishment for massage;
- (b) relating to the conduct of the employees of the licensee; and
- (c) requiring the licensee to notify the Licensing Officer if there is a change in any of the particulars in the licence. 5

### **Modification of conditions of licence**

**10.**—(1) The Licensing Officer may modify the conditions of a licence in accordance with this section without compensating the licensee to whom the licence is granted.

(2) Before modifying any conditions of a licence, the Licensing Officer must give notice to the licensee concerned — 10

- (a) stating that the Licensing Officer proposes to make the modification in the manner as specified in the notice; and
- (b) specifying the time within which the licensee may make written representations to the Licensing Officer with respect to the proposed modification. 15

(3) The time specified by the Licensing Officer in the notice given under subsection (2) must not be less than 14 days after the date of the notice.

(4) Despite subsection (3), the Licensing Officer may specify a time, being less than 14 days after the date of the notice mentioned in subsection (2), if — 20

- (a) the Licensing Officer is of the opinion that it is in the public interest for the licence conditions to be modified as soon as possible; or 25
- (b) the licensee is contravening, or has contravened, any requirement of the Act.

(5) Upon receiving any written representation from the licensee concerned, the Licensing Officer must consider that representation and may — 30

- (a) reject the representation;

(b) amend the proposed modification in such manner as the Licensing Officer thinks fit having regard to the representation; or

(c) withdraw the proposed modification.

5 (6) Where —

(a) the Licensing Officer rejects any written representation under subsection (5)(a);

(b) the Licensing Officer amends any proposed modification to the conditions of the licence under subsection (5)(b); or

10 (c) no written representation is received by the Licensing Officer within the time specified by the Licensing Officer, or any written representation made by the licensee is subsequently withdrawn, and the licensee has not given immediate effect to the modification,

15 the Licensing Officer must issue a direction to the licensee requiring the licensee, within the time specified by the Licensing Officer, to give effect to the modification as specified in the notice given under subsection (2), or as amended by the Licensing Officer, as the case may be.

20 (7) Where the Licensing Officer has issued a direction mentioned in subsection (6) to a licensee, the licensee may, within 14 days after the date of the direction, appeal in writing against the issuance of the direction to the Minister, whose decision is final.

25 (8) The direction mentioned in subsection (6) takes effect on the date specified in the direction despite an appeal being made to the Minister under subsection (7), unless the Minister otherwise specifies.

## **Suspension of licence**

**11.**—(1) The Licensing Officer may, without compensation, immediately suspend a licence if proceedings for an offence specified in the Schedule have commenced and are pending against the licensee, a responsible officer of the licensee, or a person having substantial interest in, or control or direction over, the business of the licensee.

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(2) The suspension of a licence has effect until the conclusion of the proceedings mentioned in subsection (1).

## **Revocation of licence**

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**12.**—(1) The Licensing Officer may, without compensation, revoke the licence of any licensee if —

- (a) the licence was procured by fraud or misrepresentation;
- (b) the licensee is in the opinion of the Licensing Officer no longer a fit and proper person to hold a licence, having regard to the criteria and requirements mentioned in section 7(4) and (5);
- (c) the licensee, a responsible officer of the licensee, or a person having substantial interest in, or control or direction over, the business of the licensee, is convicted of an offence specified in the Schedule;
- (d) the carrying on of the business of providing massage services in the licensee's establishment for massage is, in the opinion of the Licensing Officer, likely to cause annoyance or inconvenience to the public or any class of the public;
- (e) any massage is or may be administered by any person in the licensee's establishment for massage who does not possess the necessary qualification approved by the Licensing Officer under section 7(3)(f); or
- (f) the business of providing massage services in the licensee's establishment for massage is or is likely to be carried on in contravention of any requirement of the Act.

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(2) Before revoking the licence, the Licensing Officer must give notice to the licensee concerned —

(a) stating that the Licensing Officer intends to revoke the licence; and

5 (b) specifying the time within which written representations may be made to the Licensing Officer.

(3) The time specified by the Licensing Officer in the notice given under subsection (2) must not be less than 14 days after the date of the notice.

10 (4) Despite subsection (3), the Licensing Officer may specify a time, being less than 14 days after the date of the notice mentioned in subsection (2), if —

(a) the Licensing Officer is of the opinion that it is in the public interest for the licence to be revoked as soon as possible; or

15 (b) the licensee is contravening, or has contravened, any requirement of the Act.

(5) The Licensing Officer may, after considering any written representation made by the licensee concerned, revoke the licence and notify the licensee of the revocation.

20 (6) The Licensing Officer must, if so required by the licensee concerned, furnish the licensee, within 7 days after being so required, with the grounds of revocation of the licence in writing.

(7) Any person who is aggrieved by the revocation of the person's licence by the Licensing Officer may appeal in writing against the revocation to the Minister —

(a) within 14 days after being notified of the revocation; or

30 (b) if the person requires (within the period mentioned in paragraph (a)) the Licensing Officer to furnish the grounds of revocation, within 14 days after being furnished with the grounds of revocation,

and the Minister's decision is final.

(8) A decision of the Licensing Officer to revoke the licence takes effect despite an appeal against that decision being made to the Minister under subsection (7), unless the Minister otherwise specifies.

## PART 3

### EMPLOYMENT IN ESTABLISHMENT FOR MASSAGE

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#### **Restriction on employment of certain individuals**

**13.**—(1) A licensee of an establishment for massage must not employ an individual to work in the establishment for massage except with the approval of the Licensing Officer.

(2) A licensee of an establishment for massage must also not employ any individual in the establishment for massage —

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(a) whom the licensee knows or has reason to believe is likely to engage in, or abet another person to engage in, the provision of sexual services;

(b) who is below 18 years of age; or

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(c) who has not undergone and passed a medical health screening if required to do so by the Licensing Officer.

(3) Any licensee who contravenes subsection (1) or (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.

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#### **Application for approval**

**14.**—(1) An application for approval for a licensee of an establishment for massage to employ an individual to work in the establishment for massage must be made by the licensee to the Licensing Officer in accordance with this section.

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(2) An application under subsection (1) must —

(a) be in the form and manner required by the Licensing Officer;

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(b) be accompanied by a non-refundable application fee (if prescribed) paid in the manner required by the Licensing Officer; and

(c) be accompanied by any information the Licensing Officer requires to determine the application.

(3) The Licensing Officer may, in order to properly consider an application under subsection (1) —

(a) carry out such inquiries and investigations in relation to an application as are necessary; and

(b) request the licensee to provide, within a specified time, any additional information.

(4) The Licensing Officer may refuse an application —

(a) that is incomplete or otherwise not made in accordance with this section; or

(b) if the licensee fails to provide the additional information requested under subsection (3)(b).

### **Grant of approval**

**15.—**(1) In determining whether to grant approval for the licensee of an establishment for massage to employ an individual to work in the establishment for massage (called in this section the relevant individual), the Licensing Officer must consider, and give such weight as the Licensing Officer considers appropriate to, all of the following matters:

(a) whether the relevant individual has the requisite expertise and qualifications to perform the duty or duties in the establishment for massage for which approval for employment is sought;

(b) whether the relevant individual is, in the opinion of the Licensing Officer, a fit and proper person to be employed to work in an establishment for massage according to such criteria as the Minister may prescribe;

(c) whether there is any other relevant matter that makes it contrary to the public interest to grant approval.



(2) For the purpose of determining whether a relevant individual has the requisite expertise and qualifications under subsection (1)(a), the Licensing Officer must consider whether the relevant individual has completed such training, or passed such course or courses, as may be approved by the Licensing Officer.

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(3) To avoid doubt, the Licensing Officer is not confined to consideration of the matters in subsection (1) and may take into account such other matters and evidence as may be relevant.

(4) If the Licensing Officer refuses to grant approval under subsection (1), the Licensing Officer must notify both the licensee concerned and the relevant individual concerned.

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(5) The Licensing Officer must, if so required by a licensee or a relevant individual, furnish the licensee or the relevant individual (as the case may be), within 7 days after being so required, with the grounds in writing of the refusal to grant any approval.

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(6) Any licensee or relevant individual who is aggrieved by the refusal of the Licensing Officer to grant an approval under this section may appeal in writing against the refusal to the Minister —

(a) within 14 days after being notified of the refusal; or

(b) if the licensee or relevant individual requires (within the period mentioned in paragraph (a)) the Licensing Officer to furnish the grounds of the refusal, within 14 days after being furnished with the grounds of refusal,

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and the Minister's decision is final.

### **Form and validity of approval**

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**16.—**(1) Every approval for the licensee of an establishment for massage to employ an individual to work in the establishment for massage must be in such form as the Licensing Officer may require.

(2) An approval granted under section 15 for the licensee of an establishment for massage to employ an individual to work in the establishment for massage —

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- (a) is valid for such period as the Licensing Officer may specify in the approval, subject to such conditions as the Licensing Officer may impose; and
- (b) may be renewed upon its expiry, subject to such conditions as the Licensing Officer may impose.

### **Cancellation of approval**

17.—(1) The Licensing Officer may, without compensation, cancel any approval granted under section 15 in respect of an individual to work in an establishment for massage (called in this section the relevant individual), on any of the following grounds:

- (a) the Licensing Officer is not satisfied that the relevant individual is a fit and proper person to continue to be employed to work in the establishment for massage according to such criteria as the Minister may prescribe;
- (b) the licensee of the establishment for massage has, in connection with the application for approval, made a statement or furnished any information or document which is false or misleading in a material particular;
- (c) the establishment for massage has ceased operations.

(2) Before cancelling the approval granted under section 15, the Licensing Officer must give notice to the licensee concerned and the relevant individual concerned —

- (a) stating that the Licensing Officer intends to cancel the approval; and
- (b) specifying the time within which written representations may be made to the Licensing Officer.

(3) The time specified by the Licensing Officer in the notice given to the licensee and the relevant individual under subsection (2) must not be less than 14 days after the date of the notice.

(4) Despite subsection (3), the Licensing Officer may specify a time, being less than 14 days after the date of the notice mentioned in subsection (2), if —

- (a) the Licensing Officer is of the opinion that it is in the public interest for the approval to be cancelled as soon as possible; or
- (b) the licensee or the relevant individual is contravening, or has contravened, any requirement of the Act. 5

(5) The Licensing Officer may, after considering any written representation made by the licensee or the relevant individual, cancel the approval granted under section 15 and notify the licensee and the relevant individual of the cancellation.

(6) The licensee must, within 7 days after the date of the notification mentioned in subsection (5), terminate the employment of the relevant individual to whom the notification relates. 10

(7) The Licensing Officer must, if so required by the licensee or the relevant individual, furnish the licensee or relevant individual (as the case may be), within 7 days after being so required, with the grounds in writing of the cancellation of the approval granted under section 15. 15

(8) Any licensee or relevant individual who is aggrieved by the cancellation of the approval under subsection (5) may appeal in writing against the cancellation to the Minister —

- (a) within 14 days after being notified of the cancellation; or 20
- (b) if the licensee or relevant individual requires (within the period mentioned in paragraph (a)) the Licensing Officer to furnish the grounds of the cancellation, within 14 days after being furnished with the grounds of cancellation,

and the Minister's decision is final. 25

(9) A decision of the Licensing Officer to cancel an approval granted under section 15 takes effect despite an appeal against that decision made to the Minister under subsection (8), unless the Minister otherwise specifies.

## PART 4

## PREMISES CLOSURE ORDER

**Interpretation of this Part**

18. In this Part —

5 “key”, in relation to a lock, means a device or information normally used to operate the lock;

“lock” means a device for securing a door or window or other part of premises, and includes a lock in a master key system;

“master key system” means a set of locks in which —

- 10 (a) each lock or subset of locks has a unique key; and  
(b) one single key or master key can operate all the locks in the set.

**Power to issue premises closure order**

15 19.—(1) The Commissioner may issue a premises closure order to a person (called in this section the defendant) —

(a) charged —

(i) with an offence under section 5(4) for contravening section 5(1); or

20 (ii) whether before, on or after the date of commencement of this Act, with an offence under section 9(a) of the repealed Act; and

25 (b) whom the Commissioner has reasonable grounds to suspect is continuing to provide massage services in premises specified in the order despite criminal proceedings in relation to the charge mentioned in paragraph (a) against that person being pending.

(2) Where a premises closure order has been issued, the defendant issued with the order must —

30 (a) within the time specified in the order, vacate the premises specified in the order and secure with a lock every point of entry into, or exit from, those premises; and

- (b) give the key to the lock (including any copy of the key) to the Licensing Officer within 24 hours after those premises have been secured with the lock.

(3) A premises closure order issued to a defendant charged with an offence mentioned in subsection (1)(a) remains in force until the earliest of the following dates: 5

(a) the date on which —

(i) the defendant is acquitted or convicted of the charge (or any later date on which the defendant is sentenced) if no appeal against the acquittal or conviction is filed, or the charge is withdrawn; or 10

(ii) if an appeal against the acquittal or conviction of the charge is filed, the date the appeal is determined;

(b) if the premises specified in the order is leased by another person to the defendant, the date on which that other person terminates the lease; 15

(c) the date on which the defendant satisfies the Commissioner that the defendant will only use the premises for lawful purposes.

(4) Any defendant who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 3 years or to both. 20

(5) Where any defendant fails to comply with subsection (2), the Licensing Officer may — 25

(a) take such measures as may be necessary to give effect to the premises closure order; and

(b) use reasonable force to give effect to the order.

(6) Any costs and expenses incurred by the Licensing Officer under subsection (5) may be recovered as a debt due to the Government from the defendant served with the premises closure order. 30

**Offence of breaking, tampering with, etc., lock of premises subject to premises closure order**

5 20.—(1) No person may, without the prior permission of the Commissioner, tamper with, open, break, replace or remove any lock used to secure every point of entry into, or exit from, the premises subject to the premises closure order.

10 (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 3 years or to both.

**Offence of entering premises subject to premises closure order**

21.—(1) No person may enter any premises that are subject to a premises closure order which is in force unless the person —

- 15 (a) is permitted by the Commissioner to enter the premises; and  
(b) complies with any condition of entry that the Commissioner may impose when granting that permission.

20 (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 3 years or to both.

**Appeal from premises closure order**

22.—(1) Any person who is issued a premises closure order may, within 14 days after the date of the order, appeal in writing to the Minister, whose decision is final.

25 (2) A premises closure order takes effect despite an appeal under subsection (1) against the order, unless the Minister otherwise specifies.

## PART 5

## ADMINISTRATION AND ENFORCEMENT

**Powers of entry and inspection**

**23.**—(1) An inspecting officer may exercise all or any of the powers in this section for the purpose of ascertaining whether any requirement of the Act is being complied with. 5

(2) An inspecting officer may —

(a) enter and inspect any premises which are used or which the inspecting officer has reasonable cause to believe are used for the purposes of an establishment for massage; 10

(b) photograph or film, or make a record or sketches of, any part of the premises, or any person or thing at the premises;

(c) require any person on those premises to produce or grant access to, without charge, any document, information or article reasonably required for any purpose in subsection (1), which is in the possession or under the control of that person; 15

(d) inspect and make copies of, or take extracts from, any such document or article;

(e) subject to section 24(6), take possession of such a document or article if, in the opinion of the inspecting officer — 20

(i) the inspection or copying of or extraction from the document or article cannot reasonably be performed without taking possession; 25

(ii) the document or article may be interfered with or destroyed unless possession is taken; or

(iii) the document or article may be required as evidence in any proceedings instituted or commenced under this Act. 30

(3) The power to require a person to produce or grant access to any document, information or article under subsection (2)(c) includes the power —

- (a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the document, information or article;
- 5 (b) if the document, information or article is not furnished, to require the person to state, to the best of the person's knowledge and belief, where it is; and
- (c) if the document, information or article is recorded otherwise than in legible form, to require the document, information or article to be made available to the inspecting officer in legible form.

10 (4) For the purposes of subsection (2), if any document or information required by an inspecting officer is kept in electronic form —

- 15 (a) the power of the inspecting officer to inspect the document or to obtain the information includes the power to —
  - (i) access any computer or other equipment (including a mobile telephone) in which the document or information is stored; and
  - 20 (ii) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and
- (b) the power of the inspecting officer to seize such document includes the power —
  - 25 (i) to make copies of the document in legible or electronic form; and
  - (ii) to transfer the information from the document to a disk, tape or other storage device.

30 (5) If the inspecting officer under subsection (4)(b) is unable to make copies of the document or transfer the information from the document, the Licensing Officer or a police officer (whether or not the same inspecting officer) may —

- (a) subject to section 24(6), seize the computer or other equipment (including a mobile telephone) in which the



document or information is stored, as evidence in proceedings for an offence under this Act; and

- (b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the document or information held in the computer or equipment.

(6) Nothing in this section or section 24 or 25 derogates from the powers of a police officer under the Criminal Procedure Code (Cap. 68).

### **Powers of investigation**

**24.—**(1) The Licensing Officer or a police officer may, for the purposes of investigating an offence under this Act or the contravention of any provision of this Act, do all or any of the following:

- (a) require any person whom the Licensing Officer or police officer reasonably believes to have committed that offence or contravention to furnish evidence of that person's identity;
- (b) require any person whom the Licensing Officer or police officer reasonably believes has —
  - (i) any information; or
  - (ii) any document or article in the person's possession, custody or control,
 relevant to the investigation, to furnish that information, or produce that document or article;
- (c) issue a written notice requiring any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter, to attend before the Licensing Officer or police officer;
- (d) examine orally any person who appears to be acquainted with the facts or circumstances of the matter —

(i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and

(ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter;

(e) without a warrant enter and search any place or premises in which the Licensing Officer or police officer reasonably suspects that an offence under this Act is being or has been committed;

(f) if free entry or access to the place or premises cannot be obtained under paragraph (e), the Licensing Officer or police officer may, with such assistance as the Licensing Officer or police officer considers necessary, break open any door, window, lock or fastener, or use any other reasonable means in order to gain entry or access into the place or premises.

(2) Any person examined under this section is bound to state truly what the person knows of the facts and circumstances of the matter, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section must —

(a) be reduced to writing;

(b) be read over to the person;

(c) if the person does not understand English, be interpreted to the person in a language that the person understands; and

(d) after correction (if necessary), be signed by the person.

(4) If any person fails to comply with a written notice issued to the person under subsection (1)(c), the Licensing Officer or police officer may report the failure to a Magistrate who may then, in the Magistrate's discretion, issue a warrant ordering that person to comply with the written notice.

(5) Subject to subsection (6), the Licensing Officer or a police officer may take possession or make copies of any document or article produced under subsection (1)(b), for further investigation.

(6) Anything taken possession of by the Licensing Officer or police officer under subsection (5) —

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(a) must be placed in safe custody by the Licensing Officer or police officer; and

(b) unless ordered otherwise by the court, may be retained until the completion of the investigation or any proceedings (including proceedings on appeal) in which it may be in evidence.

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(7) Any person who, without reasonable excuse, refuses or fails —

(a) to furnish any information, or produce any document or article, required of the person by the Licensing Officer or police officer under subsection (1)(a) or (b); or

15

(b) to comply with any notice issued to the person under subsection (1)(c),

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.

20

### **Disposal and forfeiture of documents and articles**

**25.—**(1) Any document or article taken into possession or seized under section 23(2)(e) or (5) or 24(5), as the case may be, must —

(a) where the document or article is produced in any criminal trial, be dealt with in accordance with section 364 of the Criminal Procedure Code (Cap. 68); or

25

(b) in any other case, be returned to the owner or, if the owner is not known, reported to a Magistrate.

(2) Where the report of any document or article is made to a Magistrate under subsection (1)(b), the Magistrate may order the document or article to be forfeited or to be disposed of in such manner as the Magistrate thinks fit.

30

(3) Nothing in this section is to be taken to affect any right to retain or dispose of any property which may exist in law apart from this section.

**Power to require records, accounts and other information, etc.**

5     **26.**—(1) An inspecting officer may, without entering or inspecting any premises, require a licensee to provide records, accounts and other information relating to the licensee’s establishment for massage within such time as the inspecting officer may require.

10     (2) Any licensee who, without reasonable excuse, refuses or fails to provide the records, accounts or other information required under subsection (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.

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PART 6

OFFENCES AND GENERAL PROVISIONS

**Providing false information, obstruction of inspecting officers, etc.**

20     **27.**—(1) Any person who —

(a) for the purpose of obtaining, whether for that person or any other person, any licence under the provisions of this Act, makes any declaration or statement which is false in any material particular or knowingly alters, produces or makes use of any such declaration or statement or any document containing the declaration or statement;

25

(b) refuses to permit an inspecting officer to enter or inspect any premises which the inspecting officer is authorised under this Act to enter and inspect, or obstructs any inspecting officer in the execution of that inspecting officer’s duty under the provisions of this Act; or

30

(c) fails to comply with any condition of a licence,  
shall be guilty of an offence and shall be liable on conviction —

- (i) to a fine not exceeding \$5,000; and
- (ii) 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.

5

(2) For the purposes of subsection (1), a person is a repeat offender in relation to an offence under subsection (1) if the person who is convicted of —

(a) an offence under subsection (1)(a) has been convicted on at least one other earlier occasion of —

10

- (i) an offence under subsection (1)(a); or
- (ii) an offence under section 9(b) of the repealed Act, whether the conviction was before, on or after the date of commencement of this Act;

15

(b) an offence under subsection (1)(b) has been convicted on at least one other earlier occasion of —

- (i) an offence under subsection (1)(b); or
- (ii) an offence under section 9(c) of the repealed Act, whether the conviction was before, on or after the date of commencement of this Act; or

20

(c) an offence under subsection (1)(c) has been convicted on at least one other earlier occasion of —

- (i) an offence under subsection (1)(c); or
- (ii) an offence under section 9(d) of the repealed Act in relation to the contravention of any condition of a licence under the repealed Act, whether the conviction was before, on or after the date of commencement of this Act.

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### **Notice to owner and occupier**

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**28.**—(1) Where a person is charged with an offence under section 5(4) for contravening section 5(1) (called in this section the

offender), the Licensing Officer may serve or cause to be served a notice —

(a) on every owner of the premises in respect of which the offence is allegedly committed; and

5 (b) on every occupier of those premises,

informing the owner and occupier that criminal proceedings have started against the offender for an offence under section 5(4) for contravening section 5(1) in respect of those premises.

10 (2) If the owner or occupier is not known or cannot by the exercise of due diligence be found, the notice under subsection (1) may, in addition to the modes specified in section 48A of the Interpretation Act (Cap. 1), be served by affixing it on any conspicuous part of the premises.

15 (3) Every owner and occupier receiving a notice under subsection (1) must immediately inform any person from whom the owner or occupier subleases or rents the premises specified in the notice of the fact of receipt and the contents of the notice if the person did not receive a notice under subsection (1).

20 (4) A person who is informed under subsection (3) (called the recipient) must, in like manner, immediately inform the person from whom the recipient immediately subleases or rents the premises (as the case may be) that a notice under subsection (1) has been given in respect of those premises, and so on until the notice is brought to the knowledge of the owner, each tenant being responsible for bringing  
25 the notice to the knowledge of the tenant's immediate lessor.

(5) Any occupier who refuses or omits to inform the owner or the person from whom the occupier rents the premises that a notice under subsection (1) has been received shall be liable to be punished under section 225C of the Penal Code (Cap. 224).

30 (6) Where it is proved that —

(a) a notice under subsection (1) has been served on an owner or occupier of the premises from whom an offender directly rents the premises;

- (b) the offender is subsequently convicted of the offence to which the notice relates; and
- (c) the owner or occupier of the premises from whom the offender rents the premises fails to comply with section 29(1),

5

then, in proceedings against the owner or occupier for an offence under section 5(4) for contravening section 5(3), it is presumed, until the contrary is proved, that the owner or occupier knew at the material time that the offender is carrying on the business of providing massage services in an establishment for massage without a valid licence to do so at those premises.

10

(7) For the purposes of subsection (6), the material time is the expiry of the period mentioned in section 29(1).

### **Determination of tenancy of premises on conviction of certain offence**

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**29.—**(1) Upon the conviction of any person (called in this section the offender) for an offence under section 5(4) for contravening section 5(1) or (3) in relation to any premises, the owner or occupier from whom the offender rents the premises must, within one month after the date of conviction, require the offender to deliver up possession of the premises to the owner or occupier, if the lease or tenancy is not earlier terminated.

20

(2) If the offender fails, within one month of being so required, to deliver up possession of the premises, the owner or occupier of the premises from whom the offender rents the premises is entitled to determine the lease or tenancy of the premises but without prejudice to the rights or remedies of any party to the lease or tenancy accrued before the date of such determination.

25

(3) Where the owner or occupier of any premises has determined the lease or tenancy in accordance with subsection (2) and the offender has not delivered up possession of the premises after such determination, a Magistrate's Court may, on the application of the owner or occupier, make a summary order for the delivery of possession of the premises to the owner or occupier.

30

(4) If the offender disobeys any order made by a Magistrate's Court under subsection (3), the person shall be liable to prosecution under section 188 of the Penal Code (Cap. 224).

(5) In this section, "date of conviction" means —

- 5           (a) the date the offender is convicted of the offence mentioned in subsection (1), or any later date on which the offender is sentenced, if no appeal against the conviction is filed; or
- (b) if the offender appeals the conviction and the conviction is upheld, the date the appeal is determined.

### 10   **Protection from personal liability**

**30.** No liability shall lie personally against an inspecting officer who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

### **Minister may designate others to hear appeals**

15   **31.** The Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal or a specific appeal under section 7(9), 10(7), 12(7), 15(6), 17(8) or 22(1):

- (a) the Second Minister, if any, for his or her Ministry;
- (b) any Minister of State, or Senior Minister of State, for his or  
20           her Ministry;
- (c) any Parliamentary Secretary, or Senior Parliamentary Secretary, to his or her Ministry.

### **Exemption**

25   **32.** The Minister may, by order in the *Gazette*, exempt any premises or class of premises from all or any of the provisions of this Act, either generally or in a particular case and subject to such conditions as the Minister may impose.

### **Amendment of Schedule**

30   **33.—**(1) The Minister may from time to time, by order in the *Gazette*, amend, add to or vary the Schedule.



(2) All orders made under subsection (1) are to be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Establishment for massage deemed to be public place**

**34.** For the purposes of section 14(1) of the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015), every establishment for massage is deemed to be a public place.

5

### **Rules**

**35.—**(1) The Minister may make rules prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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(2) Without limiting subsection (1), the Minister may make rules for any of the following matters:

(a) the control and management of establishments for massage, including individuals who are employed to work in establishments for massage;

15

(b) the fees to be charged in respect of licences and approvals;

(c) the conditions under which licences or approvals may be granted.

(3) Rules made under this section may provide that any contravention of any rules shall be an offence punishable with a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, a fine not exceeding \$10,000 or imprisonment for a term not exceeding 2 years or both.

20

### **Repeal of Massage Establishments Act**

**36.** The Massage Establishments Act (Cap. 173) is repealed.

25

### **Saving and transitional provisions**

**37.—**(1) Any person who, immediately before the appointed day, is the Licensing Officer or an Assistant Licensing Officer under the repealed Act continues to hold office as the Licensing Officer or Assistant Licensing Officer, as the case may be, as if appointed under section 3 of this Act, and their respective appointments are to expire

30

on the date the appointment would have expired if this Act had not been enacted.

5 (2) Every licence under the repealed Act that, immediately before the appointed day, is in force for an establishment for massage is to continue and be treated as a licence granted under this Act subject to the same conditions (if applicable) of the licence under the repealed Act.

10 (3) An application for a licence made under the repealed Act that is pending immediately before the appointed day must be considered and determined under this Act as if the application were made under section 6 of this Act.

15 (4) Every approval for a licensee of an establishment for massage to employ an individual to work in the establishment for massage, granted by the Licensing Officer under rule 7 of the Massage Establishments Rules (Cap. 173, R 1) as in force immediately before the appointed day, is taken to be an approval granted under section 15 of this Act, and continues until the expiry of the approval under those Rules.

20 (5) Any condition to which an approval, granted by the Licensing Officer under rule 7 of the Massage Establishments Rules that is in force immediately before the appointed day, is subject and that is in force immediately before that day, continues to have effect as a condition of the approval taken to be granted under section 15 of this Act.

25 (6) Where an appeal has been made to the Minister under the repealed Act in relation to —

- (a) the forfeiture of security;
- (b) the refusal of a licence; or
- (c) the revocation of a licence,

30 and the appeal has not been dealt with or disposed of immediately before the appointed day, the appeal may be dealt with under the repealed Act as if this Act had not been enacted.

(7) This Act does not affect —

(a) any investigation commenced under the repealed Act before the appointed day, and every such investigation may be continued and everything in relation to such investigation may be done in all respects after that day as if this Act had not been enacted; and 5

(b) any right of appeal accrued before the appointed day in respect of any order or decision made under the repealed Act before that day.

(8) Every subsidiary legislation made under the repealed Act and in force immediately before the appointed day continues in force as if made under this Act, so far as the subsidiary legislation is not inconsistent with the provisions of this Act and until the subsidiary legislation is revoked or repealed under this Act. 10

(9) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. 15

(10) In this section, “appointed day” means the day this Act comes into operation. 20

### **Consequential amendment to Central Provident Fund Act**

**38.** Item 23 of the Third Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is deleted and the following item substituted therefor: 25

“23. Massage Establishments Act 2017.”.

## THE SCHEDULE

Sections 11, 12(1) and 33

## SPECIFIED OFFENCES

## PART 1

CHILDREN AND YOUNG PERSONS ACT  
(CHAPTER 38)

1. Section 7 Sexual exploitation of child or young person
2. Section 12 Unlawful transfer of possession, custody or control of child
3. Section 13 Importation of child by false pretences

## PART 2

CORRUPTION, DRUG TRAFFICKING AND  
OTHER SERIOUS CRIMES (CONFISCATION OF BENEFITS) ACT  
(CHAPTER 65A)

1. Section 44 Assisting another to retain benefits from criminal conduct
2. Section 47 Acquiring, possessing, using, concealing or transferring benefits of criminal conduct

## PART 3

EMPLOYMENT OF FOREIGN MANPOWER ACT  
(CHAPTER 91A)

1. Section 5(6) Employing foreign employee without a valid work pass
2. Section 5(7A) Employing foreign employee otherwise than in accordance with the conditions of the foreign employee's work pass

THE SCHEDULE — *continued*

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|---------------------|---|
| 3. Section 22(1)(a) | Contravening any condition (other than a regulatory condition) of a work pass or in-principle approval of an application for a work pass  |
| 4. Section 22(1)(d) | Making false or misleading statement or furnishing false or misleading information in connection with an application for or to renew a work pass or for any other purpose under the Act                           |
| 5. Section 22(1)(e) | Selling, forging, unlawfully altering or, without lawful authority, transferring or allowing another person to use any in-principle approval or work pass   |
| 6. Section 22(1)(f) | Using, or having possession of (without lawful authority) any in-principle approval or work pass that is forged or unlawfully altered, or which is issued to another person                                       |
| 7. Section 22A(2)   | Contravening restrictions on receipt, etc., of moneys in connection with employment of foreign employee   |
| 8. Section 22B(1)   | Obtaining work pass for foreign employee for a trade or business that does not exist, is not in operation or does not require the employment of such foreign employee, and failing to employ the foreign employee |

## PART 4

EMPLOYMENT AGENCIES ACT  
(CHAPTER 92)

- |                 |  |
|-----------------|--|
| 1. Section 6(4) | Carrying on employment agency or performing related work or activity without a licence |
|-----------------|--|

THE SCHEDULE — *continued*

## PART 5

IMMIGRATION ACT  
(CHAPTER 133)

- |                                |   |
|--------------------------------|---|
| 1. Section 5(5)                | Entering or leaving or attempting to enter or leave Singapore other than at authorised entry or departure points          |
| 2. Section 6(1) read with 6(3) | Entering or attempting to enter Singapore without a valid entry permit or re-entry permit or valid pass                   |
| 3. Section 57(1)(aa)           | Abetting any person to enter Singapore in contravention of the provisions of the Act or the regulations                   |
| 4. Section 57(1)(b)            | Abetting any person to leave Singapore in contravention of the provisions of the Act or the regulations                   |
| 5. Section 57(1)(c)            | Engaging in the business or trade of conveying to or out of Singapore any person who is a prohibited immigrant            |
| 6. Section 57(1)(d)            | Harbouring any person who has acted in contravention of the provisions of the Act or the regulations                      |
| 7. Section 57(1)(k)            | Obtaining or attempting to obtain an entry or re-entry permit, etc., by making a false statement                          |
| 8. Section 57(1)(l)            | Using or possessing (without lawful authority) any forged, unlawfully altered or irregular entry or re-entry permit, etc. |

## PART 6

ORGANISED CRIME ACT 2015  
(ACT 26 OF 2015)

- |                 |  |
|-----------------|--|
| 1. Section 5(1) | Being or acting as a member of a locally-linked organised criminal group                   |
| 2. Section 6(1) | Recruiting, while in Singapore, members for an organised criminal group                    |
| 3. Section 6(2) | Recruiting, while outside Singapore, members for a locally-linked organised criminal group |

THE SCHEDULE — *continued*

- |                   |   |
|-------------------|---|
| 4. Section 7(1)   | Instructing, while in Singapore, any other person to commit an offence for an organised criminal group  |
| 5. Section 7(2)   | Instructing, while outside Singapore, any other person to commit an offence for an organised criminal group   |
| 6. Section 8(1)   | Procuring expenditure or application of property, while in Singapore, to support, aid or promote certain offences related to an organised criminal group            |
| 7. Section 8(2)   | Procuring expenditure or application of property, while outside Singapore, to support, aid or promote certain offences related to an organised criminal group       |
| 8. Section 9(1)   | Expending or applying property, while in Singapore, to support, aid or promote certain offences related to an organised criminal group                              |
| 9. Section 9(2)   | Expending or applying property, while outside Singapore, to support, aid or promote certain offences related to an organised criminal group                         |
| 10. Section 10(1) | Allowing, while in Singapore, an organised criminal group to use premises, to support, aid or promote certain offences related to the organised criminal group      |
| 11. Section 10(2) | Allowing, while outside Singapore, an organised criminal group to use premises, to support, aid or promote certain offences related to the organised criminal group |
| 12. Section 11    | Receiving, retaining, etc., property of an organised criminal group   |
| 13. Section 12(1) | Facilitating, while in Singapore, the commission of offences by an organised criminal group   |
| 14. Section 12(2) | Facilitating, while outside Singapore, the commission of offences by an organised criminal group  |
| 15. Section 26(3) | Failing to comply with organised crime prevention order or financial reporting order  |

THE SCHEDULE — *continued*

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|--------------------|--|
| 16. Section 26(5)  | Providing false or misleading information pursuant to requirement in organised crime prevention order or financial reporting order |
| 17. Section 39(5)  | Contravening disqualification to act as director on conviction of certain offences   |
| 18. Section 44(1)  | Tipping-off  |
| 19. Section 73(12) | Failing to comply with examination order, or supplying false or misleading information pursuant to examination order               |
| 20. Section 74(2)  | Failing to give information to any law enforcement officer of certain matters relating to any offence punishable under the Act     |

## PART 7

PENAL CODE  
(CHAPTER 224)

- |                  |  |
|------------------|--|
| 1. Section 294   | Obscene act  |
| 2. Section 354   | Assaulting or using of criminal force to a person with intent to outrage modesty |
| 3. Section 354A  | Outraging modesty in certain circumstances                                       |
| 4. Section 370   | Buying or disposing of any person as a slave                                     |
| 5. Section 371   | Habitual dealing in slaves   |
| 6. Section 372   | Selling minor for purposes of prostitution, etc.                                 |
| 7. Section 373   | Buying minor for purposes of prostitution, etc.                                  |
| 8. Section 373A  | Importing woman for purposes of prostitution, etc.                               |
| 9. Section 375   | Rape   |
| 10. Section 376  | Sexual assault by penetration  |
| 11. Section 376A | Sexual penetration of minor under 16   |
| 12. Section 376B | Commercial sex with minor under 18   |
| 13. Section 376C | Commercial sex with minor under 18 outside Singapore                             |
| 14. Section 376D | Tour outside Singapore for commercial sex with minor under 18                    |



THE SCHEDULE — *continued*

- |                  |   |
|------------------|---|
| 15. Section 376E | Sexual grooming of minor under 16                                 |
| 16. Section 376F | Procurement of sexual activity with person with mental disability |
| 17. Section 509  | Word or gesture intended to insult the modesty of a woman         |

## PART 8

PREVENTION OF HUMAN TRAFFICKING ACT 2014  
(ACT 45 OF 2014)

- |              |  |
|--------------|--|
| 1. Section 3 | Trafficking in persons   |
| 2. Section 6 | Receiving payments in connection with exploitation of trafficked victims |

## PART 9

SOCIETIES ACT  
(CHAPTER 311)

- |                  |   |
|------------------|---|
| 1. Section 14(2) | Managing or assisting in the management of an unlawful society                                  |
| 2. Section 14(3) | Being or acting as a member of an unlawful society, or attending meeting of an unlawful society |
| 3. Section 15    | Person allowing unlawful assembly in his or her premises  |
| 4. Section 16    | Inciting, etc., a person to become member of unlawful society                                   |
| 5. Section 17    | Procuring subscription or aid for unlawful society  |
| 6. Section 18    | Publishing, etc., propaganda of unlawful society  |
| 7. Section 23(2) | Possessing, or having custody or control of any books, etc., of triad society                   |

THE SCHEDULE — *continued*

## PART 10

WOMEN'S CHARTER  
(CHAPTER 353)

- |                 |  |
|-----------------|--|
| 1. Section 140  | Offences relating to prostitution  |
| 2. Section 141  | Trafficking in women and girls   |
| 3. Section 142  | Importation of woman or girl by false pretences  |
| 4. Section 145  | Causing or encouraging prostitution of, sexual penetration with, or indecent assault on, girl below the age of 16                        |
| 5. Section 146  | Persons living on or trading in prostitution, etc.   |
| 6. Section 146A | Operating or maintaining, in Singapore, a remote communication service that offers or facilitates the provision of sexual services, etc. |
| 7. Section 147  | Keeping, managing or assisting in management of places of assignation  |
| 8. Section 148  | Keeping, managing or assisting in management of brothels   |

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EXPLANATORY STATEMENT

This Bill seeks to repeal and re-enact with amendments the Massage Establishments Act (Cap. 173) to provide for the licensing and control of establishments for massage.

Part 1 introduces the fundamental concepts used in the Bill and provides for the appointment of officers and authorised persons for the purposes of the Bill.

Part 2 contains the regulatory framework for persons carrying on the business of providing massage services in establishments for massage.

Part 3 contains the approval framework for persons who are employed in establishments for massage.

Part 4 provides for the issuance of premises closure orders by the Commissioner of Police (the Commissioner).

Part 5 confers powers of enforcement for the proper administration of the Bill.

Part 6 contains a variety of general provisions, including saving and transitional arrangements for existing establishments for massage.

The Bill also makes a consequential amendment to the Central Provident Fund Act (Cap. 36).

## PART 1

### PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general definition provision. It contains definitions of terms used in the provisions of the Bill.

An “establishment for massage” refers to premises used, represented as being used, or intended to be used, for the reception or treatment of persons seeking massage.

A “massage” refers to the act of rubbing, kneading, or manipulating the human body or any part of it, by any person (whether or not using any hand-held equipment), for the purpose of relaxing muscle tension, stimulating circulation, increasing suppleness or otherwise.

Clause 2(2) provides that for the purposes of the Bill, a person carries on the business of providing massage services if the person provides massage services in the course of business, whether or not those services are accompanied by any other service or supply of goods. Therefore, even if a person carries on the business of providing both massage services and fish spa services, the person is considered to be carrying on the business of providing massage services.

Clause 3 provides for the appointment of the Licensing Officer and Assistant Licensing Officers.

Clause 4 provides for the appointment of authorised persons by the Licensing Officer.

## PART 2

### LICENSING OF ESTABLISHMENT FOR MASSAGE

Clause 5 creates an offence of carrying on the business of providing massage services in an establishment for massage without a valid licence to do so at those premises. It is also an offence for a person to advertise or otherwise hold out that the person is carrying on the business of providing massage services in an establishment for massage unless the person holds a valid licence to do so at those premises.

Clause 5 also creates an offence for an owner or occupier of any premises to allow the premises, or any part of the premises, to be used by any person whom the

owner or occupier knows is carrying on the business of providing massage services in an establishment for massage without a valid licence to do so at those premises.

Clause 6 relates to the application for a licence to carry on the business of providing massage services in an establishment for massage. Separate applications must be made for different premises. In assessing the application, the Licensing Officer may carry out such inquiries and investigations as are necessary and request for additional information from the applicant. If the application is incomplete or not made in accordance with the clause, or if the applicant fails to provide the additional information requested by the Licensing Officer, the Licensing Officer may refuse the application.

Clause 7 relates to the grant of a licence. In deciding whether or not to grant a licence, the Licensing Officer must consider certain matters. One of the matters is whether the applicant is, in the opinion of the Licensing Officer, a fit and proper person to hold a licence. In determining whether a person is a fit and proper person, the Licensing Officer may consider such criteria and requirements as the Licensing Officer may publish on a prescribed website. This may include criteria and requirements relating to any responsible officer of the applicant and any person having substantial interest in, or control or direction over, the business of the applicant. An applicant who is refused a licence may appeal to the Minister, and the Minister's decision is final.

Clause 8 relates to the form and validity of a licence.

Clause 9 empowers the Licensing Officer to impose conditions when granting a licence. These conditions may —

- (a) relate to the operation and operating hours of the establishment for massage;
- (b) relate to the conduct of the employees of the licensee; and
- (c) require the licensee to notify the Licensing Officer if there is a change in any of the particulars in the licence.

Clause 10 deals with the modification of the conditions of a licence by the Licensing Officer. Before making any modification, the Licensing Officer must give notice to the licensee. The licensee is given a chance to make written representations. The Licensing Officer may subsequently issue a direction to the licensee to give effect to the modification as specified in the notice earlier given to the licensee. The licensee may appeal against the issuance of the direction to the Minister, whose decision is final.

Clause 11 deals with the suspension of a licence. The Licensing Officer may, without compensation, immediately suspend a licence if proceedings for an offence specified in the Schedule have commenced and are pending against the licensee, a responsible officer of the licensee, or a person having substantial interest

in, or control or direction over, the business of the licensee. The suspension continues until the conclusion of the proceedings.

Clause 12 empowers the Licensing Officer to revoke, without compensation, a licence on certain grounds. One of the grounds is that the licensee is, in the opinion of the Licensing Officer, no longer a fit and proper person to hold a licence, having regard to the criteria and requirements mentioned in clause 7(4) and (5). Therefore, if one of the criteria relates to a responsible officer of the licensee, and the licensee is unable to fulfil that criteria, the Licensing Officer may proceed to revoke the licence.

Before revoking a licence, the Licensing Officer must give a notice to the licensee concerned, who may then make written representations. A licensee who is aggrieved by the revocation of a licence may appeal to the Minister, whose decision is final.

### PART 3

#### EMPLOYMENT IN ESTABLISHMENT FOR MASSAGE

Clause 13 prohibits a licensee of an establishment for massage to employ an individual to work in the establishment for massage unless the licensee has obtained the approval of the Licensing Officer.

The licensee must also not employ an individual whom the licensee knows or has reason to believe is likely to engage in certain activities, or if the individual is below 18 years of age, or if the individual has not undergone and passed the requisite medical health screening.

Clause 14 relates to the application for approval. The Licensing Officer may carry out such inquiries and investigations that are necessary to properly assess the application. The Licensing Officer may refuse an application if the application is incomplete or not made in accordance with the clause, or if the licensee fails to provide the additional information requested by the Licensing Officer.

Clause 15 relates to the grant of approval. The Licensing Officer must consider certain factors when determining whether to grant approval. One of the factors is whether the individual to be employed in the establishment for massage is, in the opinion of the Licensing Officer, a fit and proper person to be employed according to such criteria as the Minister may prescribe.

Any licensee, or the individual in respect of whom the application for approval relates, may require the Licensing Officer to furnish the grounds of refusal, and may also appeal against the refusal of the Licensing Officer to grant approval. The appeal may be made to the Minister, whose decision is final.

Clause 16 deals with the form and validity of approval. The approval granted is valid for such period as specified by the Licensing Officer in the approval, and is

subject to such conditions as the Licensing Officer may impose. The approval may also be renewed upon its expiry, and may be subject to such conditions as the Licensing Officer may impose.

Clause 17 deals with the cancellation of approval. The Licensing Officer may, without compensation, cancel any approval granted under clause 15. One of the grounds is that the Licensing Officer is not satisfied that the individual employed in the establishment for massage (who is the subject of the approval) is a fit and proper person to continue to be employed in the establishment for massage according to such criteria as the Minister may prescribe.

Before cancelling the approval, the Licensing Officer must give notice to the licensee concerned and the relevant individual concerned. The licensee concerned and the relevant individual concerned may make written representations. If the approval is cancelled, the licensee concerned and the relevant individual concerned may require the Licensing Officer to furnish grounds of the cancellation. They may also appeal against the cancellation of the approval to the Minister, whose decision is final.

#### PART 4

##### PREMISES CLOSURE ORDER

Clause 18 deals with the definitions used in Part 4. In particular, the word “lock” is defined to mean a device for securing a door or window or other part of premises, and includes a lock in a master key system. A lock can be any form of device and can include a digital door lock, which requires a person to input information in order to operate the lock.

Clause 19 deals with the power of the Commissioner to issue a premises closure order. Such an order may be issued against a person (the defendant) in certain circumstances.

The defendant to whom a premises closure order has been issued must vacate the premises within the time specified in the order, and give the key to the lock to the Licensing Officer. A premises closure order against the defendant remains in force for the period specified in the order until the earliest of certain dates specified in clause 19(3).

If a defendant fails to comply with a premises closure order, the Licensing Officer may take such measures as may be necessary to give effect to the order and use such reasonable force to give effect to the order.

Clause 20 deals with the various offences relating to the tampering with, breaking of, etc., any lock used to secure premises subject to a premises closure order.

Clause 21 prohibits any person from entering premises that are the subject of a premises closure order unless the person has been granted permission by the Commissioner to enter the premises and complies with any condition of entry imposed by the Commissioner. For example, if the owner of premises subject to a premises closure order wants to bring a potential tenant to view the premises for the purpose of renting out those premises, the Commissioner may grant permission to the owner and the potential tenant to enter those premises.

Clause 22 deals with the appeal procedure for a person who intends to appeal against the issuance of a premises closure order.

## PART 5

### ADMINISTRATION AND ENFORCEMENT

Clause 23 empowers an inspecting officer to carry out certain powers of inspection and to exercise certain powers.

Clause 24 empowers the Licensing Officer or a police officer to exercise certain powers of investigation. The powers include requiring certain persons to furnish information, examining orally certain persons, entering and searching certain places without warrant, etc..

Clause 25 relates to the disposal and forfeiture of documents and articles which have been taken into possession or seized under the Bill.

Clause 26 empowers an inspecting officer to require a licensee to provide records, accounts and other information relating to the licensee's establishment for massage.

## PART 6

### OFFENCES AND GENERAL PROVISIONS

Clause 27 provides for certain offences relating to the provision of false information, obstructing inspecting officers from executing their duties under the Bill, etc..

Clause 28 relates to certain notices to be served on an owner or occupier of premises. Where a person has been charged with an offence under clause 5(4) for contravening clause 5(1), the Licensing Officer may serve, or cause to be served, a notice on every owner of the premises in respect of which the offence is allegedly committed, and every occupier of those premises. Every owner and occupier on whom a notice is served must immediately inform the person from whom the owner or occupier subleases or rents the premises specified in the notice of the fact of the receipt and contents of the notice. If there is more than one subtenant, every subtenant must similarly immediately inform the person from whom that subtenant rents the premises of the fact of receipt of the notice.

The clause further creates a presumption of knowledge. Where it is proved that —

- (a) a notice has been served on an owner or occupier of the premises from whom an offender directly rents the premises;
- (b) the offender is subsequently convicted of the offence to which the notice relates; and
- (c) the owner or occupier of the premises from whom the offender rents the premises fails to comply with clause 29(1),

then, in proceedings against the owner or occupier for an offence under clause 5(4) for contravening clause 5(3), it is presumed, until the contrary is proved, that the owner or occupier knew at the material time (being the expiry of the period mentioned in clause 29(1)) that the offender is carrying on the business of providing massage services in an establishment for massage without a valid licence to do so at those premises.

Clause 29 relates to the determination of the tenancy of premises for persons convicted of certain offences. Where a person has been convicted of an offence under clause 5(4) for contravening clause 5(1) or (3) in relation to any premises, the owner or occupier from whom the person rents the premises must, within one month after the date of the conviction, require the person to deliver up the possession of the premises to the owner or occupier, if the lease or tenancy is not earlier terminated. If the person mentioned in clause 29(1) fails to do so, the owner or occupier may determine the lease or tenancy. If the lease or tenancy is determined and the person mentioned in clause 29(1) has not delivered up possession of the premises after such determination, the owner or occupier may apply to the Magistrate's Court for a summary order.

Clause 30 confers personal immunity on certain persons.

Clause 31 empowers the Minister to designate certain persons to hear appeals.

Clause 32 empowers the Minister to exempt any premises or class of premises from all or any of the provisions of the Bill, subject to such conditions as the Minister may impose.

Clause 33 empowers the Minister to amend, add to or vary the Schedule.

Clause 34 deems every establishment for massage to be a public place for the purposes of section 14(1) of the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015).

Clause 35 empowers the Minister to make rules prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to the Bill.

Clause 36 repeals the Massage Establishments Act.

Clause 37 contains saving and transitional provisions.



Clause 38 makes a consequential amendment to the Central Provident Fund Act.

The Schedule contains a list of specified offences. If proceedings in relation to such offences have commenced and are pending against a licensee, a responsible officer of the licensee, or a person having substantial interest in, or control or direction over, the business of the licensee, then the Licensing Officer may immediately suspend the licence of the licensee. If a licensee, a responsible officer of the licensee, or a person having substantial interest in, or control or direction over, the business of the licensee, is convicted of any of the specified offences contained in the Schedule, the Licensing Officer may revoke the licence of the licensee.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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