



WARTA KERAJAAN NEGERI JOHOR
GOVERNMENT OF JOHORE GAZETTE



**Undang-Undang Kecil
Spa
(Majlis Perbandaran Pengerang)
2025**

**Spa
(Pengerang Municipal Council)
By-Laws
2025**

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NEGERI JOHOR

Warta Kerajaan

DITERBITKAN DENGAN KUASA

GOVERNMENT OF JOHORE GAZETTE

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LOCAL GOVERNMENT ACT 1976
SPA (PENGERANG MUNICIPAL COUNCIL) BY-LAWS 2025

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In exercise of powers conferred by section 102 of the Local Government Act 1976 [*Act 171*], the Pengerang Municipal Council makes and pursuant to section 103 of the said Act, the State Authority confirms, the following by-laws:

PART I

PRELIMINARY

Citation and commencement

1. (1) These By-Laws may be cited as the **Spa (Pengerang Municipal Council) By-Laws 2025**.

(2) These By-Laws shall come into force on the date of its publication in the *Gazette*.

Interpretation

2. In these By-Laws, unless the context otherwise requires—

“health and beauty treatment” includes floral or milk bath, body massage, body wraps or scrubs using herbs, hydrotherapy, facial treatments or other similar treatments;

“licence” means a licence issued under the by-law 5;

“President” means the President of Pengerang Municipal Council and includes any officer authorized by the President; and

“spa” means premises that provide health and beauty treatments.

PART II

LICENSING

Application for a licence

3. (1) Any person over the age of 18 may apply for a licence to the President in such form as prescribed by the President from time to time.

(2) Every application under the paragraph (1) shall attach any documents or information as prescribed by the President.

(3) Applicant may withdraw the application under paragraph (1) at any time before the application is granted or rejected by the President.

Documents or additional information

4. (1) The President may, at any time after granting any application of licence under by-law 3, require an application in writing to give any documents or additional information regarding the application.

(2) If the applicant fails to provide necessary additional information or documents requested under paragraph (1), the application will be considered as withdrawn.

(3) Notwithstanding paragraph (2), the applicant may submit a new application.

Granting or refusal for granting of licence

5. (1) The President may, after considering the application for a licence under by-law 3, grant or refuse such application.

(2) The President must, as soon as practicable, inform the applicant in writing about the decision made by the President to grant or refuse such application.

(3) The written notice under paragraph (2) shall state—

(a) if the application is accepted, about the successful application, terms and conditions and fees regarding the licence; and

(b) if the licence is not accepted, about the unsuccessful application and the reason for the rejection.

Licence fee

6. The fee payable for a licence under these By-Laws shall be as prescribed in the First Schedule.

Duration of licence

7. Any licence shall be valid for a period not exceeding three years.

Form of licence

8. Every licence issued under these By-Laws shall be in such form as the President may prescribe.

Terms and conditions of licence

9. The President may impose conditions for a licence that includes the following–

- (a) type of health and beauty treatment that is provided by the licensee;
- (b) licensee's obligations regarding the health and beauty treatments provided at the spa; and
- (c) restrictions regarding the health and beauty treatments that is provided at the spa.

Compliance of the terms and conditions of licence

10. (1) The licensee shall comply with the conditions of licence as prescribed by the President.

(2) A licensee who fails to comply the terms and conditions of licence commits an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both and in the case of continuing offence, he shall be liable to a further fine not exceeding two hundred for each day during which the offence is continued, after the conviction.

Suspension and revocation of licence

11. (1) The President may suspend or revoke a licence if–

- (a) the licensee has breached any law provision in these By-Laws;
- (b) the licensee has breached any condition or restriction that has been imposed upon the licence;
- (c) the licensee has provided false documents or declarations, confusing or not correct to the President;
- (d) the licensee has provided health and beauty treatment that potentially harms the public at the spa;
- (e) the licensee has not been operating the spa for six consecutive months or has ceased any spa operation;
- (f) a winding up order has been made against the licensee or a voluntary winding up has been approved;
- (g) the licensee has been convicted for corruption, fraud, or breach of trust that is related to spa operations;

- (h) the licensee has obtained the licence improperly or unlawfully;
- (i) the licensee has been convicted of an offence under these By-Laws;
- (j) a receiver, receiver and manager, provisional liquidator or similar official has been appointed over the whole or a substantial of the licensee's assets and the appointment has not been revoked within sixty days from the date of appointment; or
- (k) there has been any act or disobedience by the licensee or there has been a change in circumstances such that the licensee is no longer entitled to be granted a licence under these By-Laws.

(2) Before the President makes a decision under paragraph (1), the President must provide the licensee with—

- (a) a written notice regarding its intention to suspend or revoke the licence; and
- (b) a chance to make a representation in a period that is stated in the written notice that should not be less than thirty days from the notice itself.

(3) After the period in the notice has expired, the President shall, after considering the representation that has been made by the licensee under paragraph (2), if there was, decide whether to suspend the licence for a period of not less than one month, or to revoke the licence.

(4) The President shall provide a written notice to the licensee regarding its decision under paragraph (3) as soon as practicable.

(5) If a licence is suspended under paragraph (3), the President may require the licensee to remedy the default or violation as he deemed necessary to do so.

(6) If the President satisfied that the licensee has failed to remedy the default or violation as required under paragraph (5), or the default or violation continues after the licence has been suspended under paragraph (3), the President shall revoke the licence.

(7) A licensee whose licence is—

- (a) suspended or revoked shall not be entitled to any compensation for any loss suffered due to the suspension or revocation of the licence; and
- (b) not entitled to any refunds of the licence fee that has been paid.

Effective date revocation of licence

12. Revocation of a licence under by-law 11 is effective—

- (a) on a date that is stated by the President in a written notice that is provided under paragraph 11(4); or
- (b) upon the expiry of the thirty days from the date of notice was delivered to the licensee.

Surrender of licence

13. (1) The licensee may, with a written notice, surrender the licence by sending it to the President.

(2) The surrender shall take effect thirty days from the date that the President has received the licence and written notice under paragraph (1).

(3) The surrender of licence under paragraph (1) cannot be revoked except with a written notice by the President to the licensee allowing such surrender to be withdrawn before the date of surrender of licence take effect.

Renewal of licence

14. (1) A licensee may apply for renewal of the licence not later than three months before the expiry of the licence.

(2) Notwithstanding of paragraph (1), the President may, subject to payments of a penalty not exceeding two thousand ringgit, allow the application for renewal of licence to be made after the period specified in paragraph (1), but no application for renewal if the application made after the expiry date of the licence.

(3) The President shall, upon the payment of fee for the renewal of licence specified in the Second Schedule, renew the licence except in the following circumstances:

- (a) licensee has breached any provision under these By-Laws;
- (b) licensee fails to comply with any of the condition of the licence;
- (c) licensee has obtained the licence improperly or unlawfully;
- (d) the licensee has been convicted for any offence under these By-Laws;

- (e) a receiver, receiver and manager, provisional liquidator or a similar officer has been appointed over the whole or a substantial of the licensee's assets and the appointment has not been revoked within sixty days from the date of appointment; or
- (f) there has been any act or disobedience by the licensee or there has been a change in circumstances such that the licensee is no longer entitled to be granted a licence under these By-Laws.

(4) The President may require the licensee to submit any additional documents or information as deemed necessary for the renewal application.

(5) If the licensee fails to submit documents or information that is requested under paragraph (4) within the period specified in the request or within any extension of time that is granted by the President, the President may refuse to renew the licence.

(6) If the President refuses to renew the licence, the President shall inform the licensee as soon as practicable.

Effects of revocation, surrender and fail to renew a licence

15. If the revocation of licence under the by-law 11 or surrender of a licence under by-law 13, has taken effect or if the licence is not renewed under by-law 14, the licensee shall cease the spa operation immediately.

Licence not transferable

16. (1) A licence issued under these By-Laws cannot be transferred unless by written approval of the President.

(2) The licensee who fails to comply paragraph (1) commits an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both and in the case of continuing offence, he shall be liable to a further fine not exceeding two hundred ringgit for each day during which the offence is continued, after the conviction.

Licence registry

17. (1) The President shall maintain a register of licenses granted under these By-Laws containing—

- (a) name and address of licensee; and
- (b) any details that is deemed necessary by the President.

(2) Any person may, upon written application to the President and payment of a fee determined by the President, be granted a copy or extract from the entry in the register.

(3) A copy of or extract from an entry in the register certified by the President shall, until proven otherwise, be admitted as a statement of proof of the entry specified in the register.

Replacement of licence

18. If a licence is lost, defaced or damaged, the President may issue a replacement licence when the licence fee for a replacement as specified in the Third Schedule is paid.

Operating spa without licence is prohibited

19. (1) No person is allowed to operate a spa within the Council areas without licence.

(2) Any person who fails to comply with paragraph (1) commits an offence and shall, upon conviction be liable to a fine of two thousand ringgit or to imprisonment for a term not exceeding one year or to both and in the case of continuing, he shall be liable to a further fine not exceeding two hundred ringgit for each day during which the offence is continued, after the conviction.

PART III

LICENSEE'S DUTIES AND OBLIGATIONS

Prohibitions

20. No licensee is allowed to—

- (a) allow any person whom he knows or reasonably suspect to be suffering from a contagious or communicable disease to enter the spa;
- (b) employ any employee who is known or reasonably suspected of having a contagious or spreading disease to work in the spa;
- (c) exhibit, distribute, display, distribute or sell any materials, pamphlets, papers or obscene sketches in spa;
- (d) dress immodestly or allow any employees to dress immodestly in the spa;

- (e) do any immoral act or activities or allow employees to do any immoral act or activities;
- (f) allow any person whom he or she is aware of or has a justifiable reason to believe that the person has an bad character, to remain in the spa;
- (g) allow any gambling, drunk, drug abuse or any immoral conduct in the spa;
- (h) cause any animal to enter or stay in the spa unless they are used for treatment or decoration;
- (i) use any health and beauty products that are not registered under the Control of Drugs and Cosmetics Regulations 1984 [*P.U.(A) 223/1984*]; or
- (j) carry out any health and beauty treatments apart from the ones that are licensed.

Maintenance

21. The licensee shall, at all times, keep and maintain or cause to be maintained the spa including any installations and fixture, in good condition and clean.

Water supply

22. The licensee shall, at all times, provide sufficient and fixed water supply from an authorized source to the spa.

Toilet, washroom, bathroom, etc.

23. The President may require the licensee to—

- (a) provide a sufficient number of bathrooms, toilets, washrooms, urinals, sinks, wash basins and dishwashing area in the spa and maintain them in good condition;
- (b) provide lighting and adequate air ventilation in each bathroom, toilet, wash room, and urinals; and
- (c) ensure that the toilets in the spa is always open for use during business hours at the spa.

Treatment room

24. (1) The licensee shall provide a room with minimum floor area of six square metres for the purpose health and beauty treatments.

(2) The licensee shall ensure that the door of such room are not locked during ongoing treatment.

Safety

25. (1) The licensee shall ensure that—

(a) thermometer is installed in the sauna or other areas of high temperature and the temperatures are monitored regularly; and

(b) customers in sauna or other high temperature areas be monitored regularly.

(2) The licensee shall not allow any pregnant women, a person under the influence of drugs and a person suffering from chronic diseases to enter the sauna or other high temperature area.

Treatment manual

26. (1) The licensee shall provide a treatment manual and display the manual in the spa area at all times.

(2) The treatment manual must include—

(a) type of health and beauty treatments available at the spa;

(b) product used in health and beauty treatments;

(c) health and beauty treatments methods; and

(d) such other information as may be determined by the President from time to time.

Equipment's cleanliness

27. The licensee shall ensure that the equipment used for health and beauty treatments are sterile before such equipment is used.

Towels and clean fabrics

28. The licensee shall ensure that facial towels and fabrics used for health and beauty treatments are clean.

Lighting and ventilation

29. The licensee shall ensure that—

(a) there is adequate lighting in the spa as required by relevant authority from time to time; and

(b) there is adequate ventilation in the spa.

Fire prevention

30. The licensee shall ensure that—

- (a) sufficient fire prevention facilities is provided, managed and functioning well;
- (b) all stairs, pathway, platform and exit way is provided, managed and functioning well; and
- (c) all stairs, platform access and exit way free from any obstruction and each door inside is built and attached in such way that is easily open.

Inflammable substances

31. (1) The President may request the licensee to store any inflammable substances or substances in a proper container approved by the relevant authority.

(2) If substances or solution that have flash point below 23 degrees celsius are stored in quantities exceeding 45 liters, a non-flammable store shall be constructed according to the requirements of the President and the relevant authority.

Storage

32. All materials shall be stored according to the manner and condition to avoid the discharge of dangerous material and problem caused by it.

Waste disposal and incineration

33. The President may request the licensee to burn any incinerable waste or trash, in a way and place that is authorized by the President.

Spreading dust, etc.

34. The licensee shall not dispersed or caused the dispersion of any dust, smoke, heat gas, smell, vibration or soot from the spa which may cause nuisance to the public or air pollution.

Nuisance

35. The licensee shall not create or cause any noise as to be a nuisance to the public when operating the spa.

Maintenance and general repair

36. The licensee shall ensure that—

- (a) every part of the building and any electrical equipment that is used in the spa is maintained to be kept in good condition and function perfectly at all times; and
- (b) the lawn, the front and open spaces which are part of the spa are clean and free of dirt or other garbage.

Safety of the employee

37. (1) The licensee shall provide a safe and healthy environment in the spa to the employee and the manner prescribed by the relevant authority.

(2) The licensee shall ensure that the floors and stairs at the spa—

(a) in good condition, not slippery and not dangerous; and

(b) free of any hole pursuant to the installation of the covers, water inlet or incomplete conduit and free from obvious nails, opened valves or pipes or any obstructions.

(3) The licensee shall provide sufficient first aid kit and must be kept in an appropriate place as prescribed by the President.

(4) The licensee shall ensure the appliances, clothes or anything belonging of the employees to be kept in a locker or at a space prescribed by the President.

(5) The licensee shall ensure that the spa is not over-crowded that may cause injury or dangerous to the health of the employee.

Provision for mess room, etc.

38. (1) The President may request the licensee to provide facilities such as prayer room for the Muslim, rest room, pantry, canteen, changing room and lockers or any other facilities for the employee at the spa.

(2) If the employee consist of man and woman, the prayer room, rest room, changing room and lockers shall be provided separately by the licensee.

Medical examination

39. (1) The licensee shall ensure that the employee undergo a medical examination once a year and the medical examination must be done by the medical officer appointed under the Medical Practitioner Act 1971 [Act 50].

(2) For the purpose of these By-Laws—

(a) medical examination includes the checkups for infectious or contagious diseases;

(b) “medical officer” means a medical officer that is registered under the Medical Practitioner Act 1971 [Act 50].

Employee registration

40. The licensee shall at all times, keep and maintain an employee register book which containing the full name, identification card number or passport number, nationality, residential address, telephone number, qualification, photo, and any other details regarding the employees and shall be presented for inspection upon request from the President.

PART IV

MISCELLANEOUS

Prosecution

41. No prosecution shall be instituted for an offence under these By-Laws except with the written consent of the Public Prosecutor.

Compounding of offences

42. (1) The President may, with the written consent of the Public Prosecutor, compound any offence committed by any person under these By-Laws which is prescribed to be a compoundable offence by making a written offer to the person suspected of having committed the offence to compound the offence upon payment to the President for that offence within the time specified in the offer.

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

(3) If an offence has been compounded under paragraph (1), no prosecution shall thereafter be instituted regarding the offence against the person to whom the compound offer was made.

FIRST SCHEDULE

[By-laws 6]

LICENCE FEE

Area	Fee (RM)
(a) Not exceeding 60 square metres	100.00
(b) 61 to 100 square metres	200.00
(c) 101 to 200 square metres	300.00
(d) 201 square metres and above	500.00

SECOND SCHEDULE
[Paragraph 14(3)]
LICENCE RENEWAL FEE

Area	Fee (RM)
(a) Not exceeding 60 square metres	100.00
(b) 61 to 100 square metres	200.00
(c) 101 to 200 square metres	300.00
(d) 201 square metres and above	500.00

THIRD SCHEDULE
[By-laws 18]
LICENCE REPLACEMENT FEE

Licence replacement fee	Fee (RM)
	20.00

Made on 27 April 2021
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NORAZMI BIN AMIR HAMZAH
President
Pengerang Municipal Council

Confirmed on 11 March 2025
[Ringkasan Mesyuarat Bil. 629/2025]

ZARINA BINTI ABDUL KADIR
Clerk of the State Executive Council
Johore