

**MESSAGE ESTABLISHMENTS ACT
SECTION 7(4)**

**GUIDELINES ON THE CRITERIA AND REQUIREMENTS FOR
A PERSON TO BE FIT AND PROPER
TO HOLD A MESSAGE ESTABLISHMENT LICENCE**

1. In considering whether a person is fit and proper to hold a massage establishment licence, the Licensing Officer (“**LO**”) will take into account whether each of the relevant persons set out in paragraph 3 below satisfies the criteria and requirements in paragraph 4 below.

2. These guidelines provide general guidance and the criteria and requirements in paragraph 4 below are not meant to be exhaustive. In any particular case, the LO has the discretion to consider other factors that he considers to be relevant to assess whether a person is fit and proper to hold a massage establishment licence.

3. For the purposes of these guidelines, a “relevant person” means:

a) The holder of a massage establishment licence (“**licensee**”) or the applicant for a massage establishment licence (“**applicant**”), as the case may be;

b) Each responsible officer (as defined in section 2(1) of the Massage Establishments Act 2017 (the “**Act**”) of the applicant or licensee (as applicable); and

c) Any person having a substantial interest in, or control or direction over, the business of the applicant or licensee (as applicable), including all substantial shareholders (as defined in section 81 of the Companies Act (Cap. 50)) and the chief executive officer, deputy chief executive officer, and/or all other officers by whatever name described, who have similar responsibilities or functions.

4. The criteria and requirements for considering whether a person is fit and proper to hold a massage establishment licence include, but are not limited to, whether each relevant person has honesty, integrity, a good reputation, competence and capability. To assess whether a person meets these criteria, the LO may consider whether the licensee, the applicant or any other person stated in paragraph 3 above:

a) has been convicted of any offence, or is under investigation, or being subject to any pending proceedings for such offence, has been detained or placed under supervision under any written law, or is being subject to any pending proceedings which may lead to such detention or supervision, or has accepted any offer of composition under any written law.

b) does not have a good track record of, or is a relevant person of any other entity that does not have a good track record of, ensuring compliance with any of the following:

(i) the provisions of the Act or the subsidiary legislation made thereunder;

(ii) the licence conditions of any massage establishment licence issued to him or the relevant entity;

(iii) the prevailing Government laws and regulations with respect to public order and safety, including public health.

c) has been uncooperative with SPF in respect of any investigations conducted or queries posed by SPF in relation to the massage establishment licence or the application for the grant thereof.

d) has had any licence, permission or permit issued by a regulatory authority cancelled or suspended for reasons which also renders the relevant person not fit and proper to hold a massage establishment licence.

In determining whether there is a good track record for purposes of paragraph 4(b) above, the LO may take into account, *inter alia*, any breaches or alleged breaches (including those under investigation or pending court proceedings) of: (i) the provisions of the Act or subsidiary legislation made thereunder; (ii) licence condition(s) of any massage establishment licence issued to him or the relevant entity; (iii) the prevailing Government laws and regulations with respect to public order and safety, including public health.

5. A person will not automatically be held to be not fit and proper to hold a massage establishment licence if a relevant person does not meet any of the criteria or requirements set out in paragraph 4 above. The significance of a relevant person failing to satisfy any specific criteria or requirement depends on:

a) The seriousness of, and surrounding circumstances resulting in, the relevant person not meeting the specific criteria;

b) The relevance of the failure by the relevant person to meet the specific criteria to the responsibilities that are, or are to be, assumed by the relevant person; and

c) The passage of time since the failure by the relevant person to meet the specific criteria.

6. The LO may revise these guidelines at any time without notice.