

3. Application of Ordinance

This Ordinance shall not apply to—

- (a) a hospital or maternity home maintained by the Crown or registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165);
- (b) an establishment for medical treatment operated by a medical practitioner registered under the Medical Registration Ordinance (Cap. 161);
- (c) the premises of a hairdresser, or of a beauty parlour, where face or scalp massage is administered to female customers only or is administered in the premises in full view of customers resorting thereto; ~~or~~
- (d) an establishment for physiotherapy operated by a physiotherapist registered under the Supplementary Medical Professions Ordinance (Cap. 359); ~~or~~
- (e) a physiotherapy clinic licensed under the Miscellaneous Licences Ordinance (Cap. 114).

4. Prohibition on operating etc. massage establishment without a licence

(1) Any person who on any occasion operates, keeps, manages, assists in any capacity in the operation of, or assists in the management of, a massage establishment for the operation of which a licence is not in force commits an offence.

(2) For the avoidance of doubt it is hereby declared that it shall not be a defence that a person charged with an offence under subsection (1) did not know that the operation of the massage establishment which is the subject of the offence was not licensed.

(3) Any person who commits an offence under subsection (1) shall subject to subsection (4) be liable—

(a) on first conviction to a fine of \$50,000 and to imprisonment for 6 months;

(b) on a second or subsequent conviction to a fine of \$100,000 and to imprisonment for 2 years.

(4) (*Repealed 13 of 1995 s. 2*)

*3. 本條例的適用範圍

本條例不適用於——

- (a) 由官方經營或根據《醫院、護養院及留產院註冊條例》(第 165 章)註冊的醫院或留產院；
- (b) 由根據《醫生註冊條例》(第 161 章)註冊的醫生經營的醫務所；
- (c) 理髮師或美容院的處所，而處所是只為女性顧客進行面部或頭皮按摩的，或是在去該處所的顧客可完全看到的情況下進行面部或頭皮按摩的；
- (d) 由根據《輔助醫療業條例》(第 359 章)註冊的物理治療師經營的物理治療院；或
- (e) 根據《雜項牌照條例》(第 114 章)發牌的物理治療所。

4. 禁止按摩院無牌照經營等

(1) 任何人於任何時候經營、料理、管理、協助管理或無論以任何身分協助經營任何設有有效經營牌照的按摩院，即屬犯罪。

(2) 為免生疑問，現聲明被控犯第(1)款所訂罪行的人，不得以不知道該按摩院之按摩院是無牌照經營為免責辯護。

(3) 除第(4)款另有規定外，任何人犯第(1)款所訂罪行——

(a) 首次定罪，可處罰款 \$50,000 及監禁 6 個月；

(b) 第二次或其後再被定罪，可處罰款 \$100,000 及監禁 2 年。

(4) (*由 1995 年第 13 號第 2 條廢除*)

* (1985 年輔助醫療業、助產士註冊及護士註冊(修訂)條例) (1985 年第 67 號) 附表第 1 部訂本條作出相應修訂。該等修訂尚未生效，其內容如下——

"第 3 條現予廢訂——

(a) 在 (c) 段之末加入——

"或";

(b) 在 (d) 段中，刪去"; 或"而代以句號; 及

(c) 刪去 (e) 段。"

④ "(1985 年輔助醫療業、助產士註冊及護士註冊(修訂)條例)" 乃 "Supplementary Medical Professions, Midwives Registration and Nurses Registration (Amendment) Ordinance 1985" 之譯名。