

MPC Paper No. A/H15/277  
For Consideration by  
the Metro Planning Committee  
on 7.12.2018

**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/H15/277**

<b><u>Applicant</u></b>	Ms. Siu Yin
<b><u>Premises</u></b>	Room 1-2, 7/F, Goodview Centre, 12 Wu Pak Street, Aberdeen
<b><u>Total Floor Area</u></b>	About 71 m <sup>2</sup>
<b><u>Lease</u></b>	Aberdeen Inland Lot (AIL) 84s. A & AIL 84 s.B RP  - Unrestricted subject to offensive trade clause
<b><u>Plan</u></b>	Approved Aberdeen & Ap Lei Chau Outline Zoning Plan (OZP) No. S/H15/33
<b><u>Zoning</u></b>	“Residential (Group A)2” (“R(A)2”)  - Maximum building height (BH) restriction of 100mPD would be permitted for sites with area of 400m <sup>2</sup> or more
<b><u>Application</u></b>	Massage Establishment

**1. The Proposal**

- 1.1 The applicant seeks planning permission for ‘Massage Establishment’ use at the 7/F floor of the existing 23-storey Goodview Centre (the Premises), at 12 Wu Pak Street, Aberdeen (**Plan A-1**).
- 1.2 According to the Notes of the OZP for the “R(A)2” zone, ‘Commercial Bathhouse/Massage Establishment’ use is under Column 2 which requires planning permission from the Town Planning Board (the Board). The Premises is currently under renovation works. 8 partitioned massage rooms will be provided at the Premises (**Drawing A-1**).
- 1.3 In support of the application, the applicant has submitted the following documents:
  - (a) Application form received on 11.10.2018 **(Appendix I)**

- (b) Further information dated 31.10.2018 providing **(Appendix Ia)** clarification on no overnight stay of customers nor any provision of beverage from the massage establishment *(accepted and exempted from publication and recounting requirements)*

2. **Reasons and Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and further information **(Appendices I to Ia)** which are summarized as follows:

- (a) The massage establishment aims to serve the public;
- (b) the operation hours of the massage establishment will be 10:00 a.m. to 11:30 p.m. from Mondays to Sundays with no operation on Chinese New Year (i.e. first week of the Chinese Lunar New Year);
- (c) no visitor is allowed to stay overnight at the Premises; and
- (d) the operator will not offer any beverage services except water.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on satisfying the “Owner’s Consent/Notification” requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by giving notification to the owner of the Premises by local recorded delivery mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

Town Planning Board Guidelines for ‘Application for Commercial Bathhouse and Massage Establishment under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 14B) is relevant to this application. The relevant assessment criteria are as follows:

- (a) the proposed massage establishment will normally not be permitted within a residential neighbourhood;
- (b) the proposed massage establishment should be located within a commercial building or the non-domestic portion of a composite commercial/ residential building;
- (c) the proposed use should not be incompatible with other uses within the same building and consideration will normally be given only to the uses permitted in the Occupation Permit issue by the Building Authority;
- (d) the views of local residents on the proposed massage establishment will be taken into account;

- (e) the Fire Services Department and the Buildings Department should be satisfied with the proposals to comply with the fire safety requirements for the proposed massage establishment in respect of the provision of fire service installations and means of escape, etc.; and
- (f) all other statutory or non-statutory requirements of relevant Government departments must be met.

**5. Previous Application**

There is no previous application at the Premises.

**6. Similar Application**

There is one similar application (No. A/H15/160) for 'Massage Establishment' within in a composite commercial/residential building in "R(A)" zone in the planning scheme area of the Aberdeen & Ap Lei Chau OZP (**Plan A-1**). The application was rejected by the Metro Planning Committee (the Committee) on 6.12.1996 on the grounds that it does not meet the requirements of TPB PG-No. 14 in that it is not compatible with the residential uses in the same building and will cause inconvenience and disturbance there, it would be more suitable for commercial building where the adverse impacts on adjoining residential units can be minimized and there are strong objection from residents of Ap Lei Chau Centre. The site was zoned "Commercial/Residential" on the OZP when the application was considered by the Committee.

**7. The Premises and Its Surrounding Areas (Plans A-1, A-2 and Photos on Plans A-3 and A-4)**

**7.1 The Premises:**

- (a) occupies the entire 7<sup>th</sup> floor of Goodview Centre (the subject building);
- (b) is previously used for a message establishment but currently under renovation; and
- (c) is accessible from the main entrance facing the junction of Wu Pak Street and Tung Sing Road by way of a lift and 2 staircases in the lobby, as well as a separate staircase at the rear of the subject building which serve the whole building (**Plan A-3**).

**7.2** According to the Occupation Permit issued by the Building Authority, the subject building is approved for non-domestic uses including shops and offices. The existing uses of the subject building are summarized as follows:

<b>Floor</b>	<b>Existing Uses</b>
G/F	Lobby and Eating Places
1/F-6/F	Shop and Services, Tutorial Schools, Language Institute
7/F	Massage Establishment (the Premises)
8/F-22/F	Office (9/F, 12/F & 21/F), Dance School (10/F), Tutorial Schools (11/F, 13/F, 15/F, 17/F, 19/F & 22/F), Religious

	Institution (14/F & 21/F), Shop and Services (8/F, 12/F-13/F, 16/F, 20/F & 22/F), Locked/ Vacant Unit (18/F-19/F)
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7.3 The surrounding areas have the following characteristics:

- (a) predominantly occupied by residential buildings with retail shops on the G/F or in podium;
- (b) to the east across Tung Sing Road is a commercial building namely Onshine Commercial Building; and
- (c) the area is well served by public transport including buses and public light buses.

## 8. Planning Intention

8.1 The planning intention of the “R(A)2” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

## 9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and the public comments received are summarized as follows:

### Land Administration

9.1.1 Comments of the District Lands Officer/ Hong Kong West & South, Lands Department (DLO/HKW&S, LandsD):

He has no comment on the application as the massage establishment does not appear to fall within any of the trades of business named in the offensive trade provision in the relevant government lease.

### Building Matters

9.1.2 Comments of the Chief Building Surveyor/ Hong Kong West, Buildings Department (CBS/HKW, BD):

- (a) The permitted use of the Premises is “office for non-domestic use” under Occupation Permit (OP) No. H96/96; and
- (b) the proposed layout in the application does not tally with the latest approved plan from his record. Detailed comments on the proposal could only be made at formal building plans submission stage.

**Fire Safety**

## 9.1.3 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the massage establishment subject to fire service installations being provided to his satisfaction; and
- (b) detailed Fire Services requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

**Licensing**

## 9.1.4 Comments of the Commissioner of Police (C of P):

- (a) No comment on the application;
- (b) according to Police records, there was no criminal record or adverse finding related to the Premises were observed in the past 12 months. The applicant has clear criminal record;
- (c) the applicant is advised to first apply for a planning permission before submitting an application to the Police Licensing Office for a massage establishments licence; and
- (d) any person who wishes to conduct massage business shall obtain a massage establishments licence under Section 6 of Massage Establishment Ordinance, Cap. 266 from his department.

**Urban Design and Visual**

## 9.1.5 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

It is noted that the application involves no changes to the building height and massing. In this regard, he would have no comment from architectural and visual impact point of view.

**District Officer's View**

## 9.1.6 Comments of the District Officer (Southern), Home Affairs Department (DO(S), HAD):

He understands that some objections to the proposal have been received. He has also learned from other sources that the Premises had once been occupied by a foot massage establishment and the police took actions against the operation of body massage business without a licence. Moreover, there are a number of education related institutes in the subject building.

## 9.2 The following government departments have no comment on the application:

- (a) Director of Environmental Protection (DEP);

- (b) Commissioner for Transport (C for T);
- (c) Chief Highway Engineer/Hong Kong, Highways Department (CHE/HK, HyD);
- (d) Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (f) Director of Electrical and Mechanical Services (DEMS).

#### 10. Public Comments Received During Statutory Publication Period

On 19.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 9.11.2018, 7 public comments objecting to the application were received from a Southern District Council member and local stakeholders (**Appendix II**). The main grounds of objection are summarised below:

- (i) The massage establishment is considered not compatible with the residential neighbourhood and the subject building predominated by tutorial school, clinic and office uses. Additional pedestrian flow would cause nuisance to children and security issue in the local district;
- (ii) the subject building is served by only one lift. The massage establishment would generate additional lift traffic which places a burden on lift capacity. The lift failure will cause inconvenience to units in the higher floors;
- (iii) the sewage system of the subject building has been blocked several times causing extreme inconvenience to other occupiers. The massage establishment would cause concerns on sewage and waste disposal of the subject building; and
- (iv) concerns on fire safety of the subject building.

#### 11. Planning Considerations and Assessments

- 11.1 The current application is to use the Premises for a massage establishment. The assessment criteria of TPB PG-No. 14B, as set out in paragraph 4 above, are relevant to this application.
- 11.2 The Premises is located within an existing non-domestic building, which is mainly used for offices, shop and services as well as tutorial schools but without any residential use. According to the OP, the subject building is for non-domestic uses including shops and offices. Though the subject building is located within an area zoned "R(A)2" on the OZP, there are retail shops at the G/F or podium of residential buildings and a commercial building right across Tung Sing Road to the east of the subject building. Hence, the applied use is considered not incompatible with other non-domestic uses within the same building and with the surrounding developments. The application meets the assessment criteria (a), (b) and (c) of TPB PG-No.14B.
- 11.3 All relevant government departments including DSD, EPD, DFS and CBS/HKW, BD have no objection to or no adverse comments on the application. As advised by C of P, no complaint record at the Premises has been

observed in the past 12 months. The applicant is also required to apply for relevant license for the applied use. To ensure the compliance with fire safety requirements, however, an approval condition is recommended for the provision of fire services installations for the massage establishment under paragraph 12.2 below. Hence, the application meets the assessment criteria (e) and (f) of TPB PG-No.14B.

- 11.4 Compared with the similar application No. A/H15/160, which was rejected by the Committee, the subject building of the current application is an existing non-domestic building rather than a composite residential/commercial building. Besides, since there is no residential use within the subject building, the applied use will not cause inconvenience and disturbance to any residents even though the building is served only by a single lift.
- 11.5 Regarding the adverse public comments, the planning assessments above are relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 7.12.2022, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following approval condition and advisory clauses are also suggested for Members' reference:

### Approval condition

the submission and implementation of fire services installations before the operation of the applied use to the satisfaction of the Director of Fire Services or of the Town Planning Board.

### Advisory clauses

The recommended advisory clause is attached at **Appendix III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) the proposed use is considered not compatible with the residential neighbourhood; and
  - (b) approval of the application would set an undesirable precedent for similar applications of massage establishment within "R(A)2" zone.

## 13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **Attachments**

<b>Appendix I</b>	Application form received on 11.10.2018
<b>Appendix Ia</b>	Further information dated 31.10.2018
<b>Appendix II</b>	Public Comments Received
<b>Appendix III</b>	Advisory Clause
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plans A-3 to A-5</b>	Site photos

**PLANNING DEPARTMENT  
DECEMBER 2018**

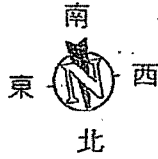


**Advisory Clauses**

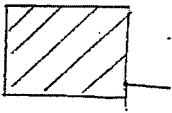
- (a) to apply to Commissioner of Police for a massage establishment license.

FOOR PLAN  
 四樓至二十樓平面圖

香港仔站湖北街12號裕景中心



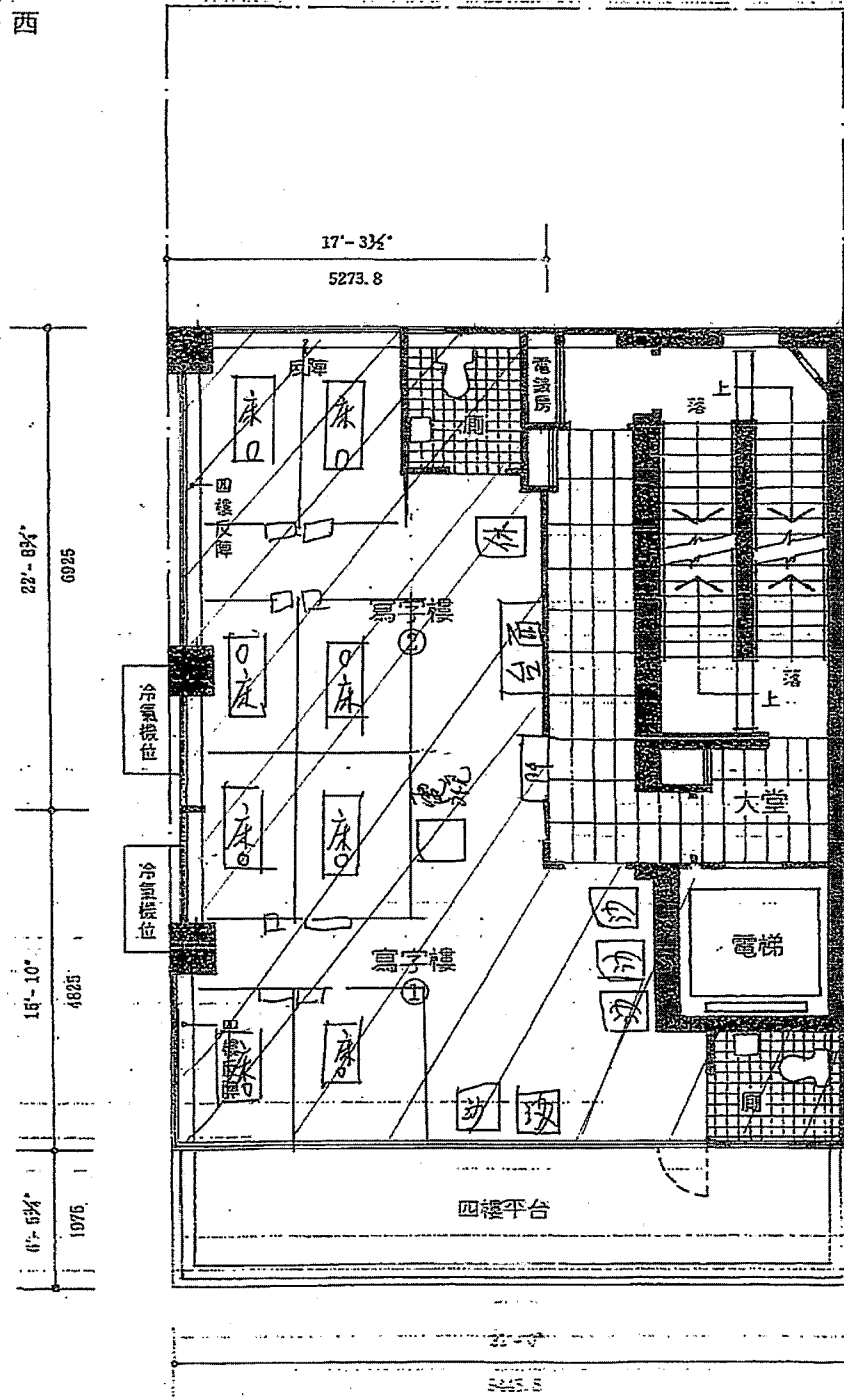
申請範圍



面積約

71平方米

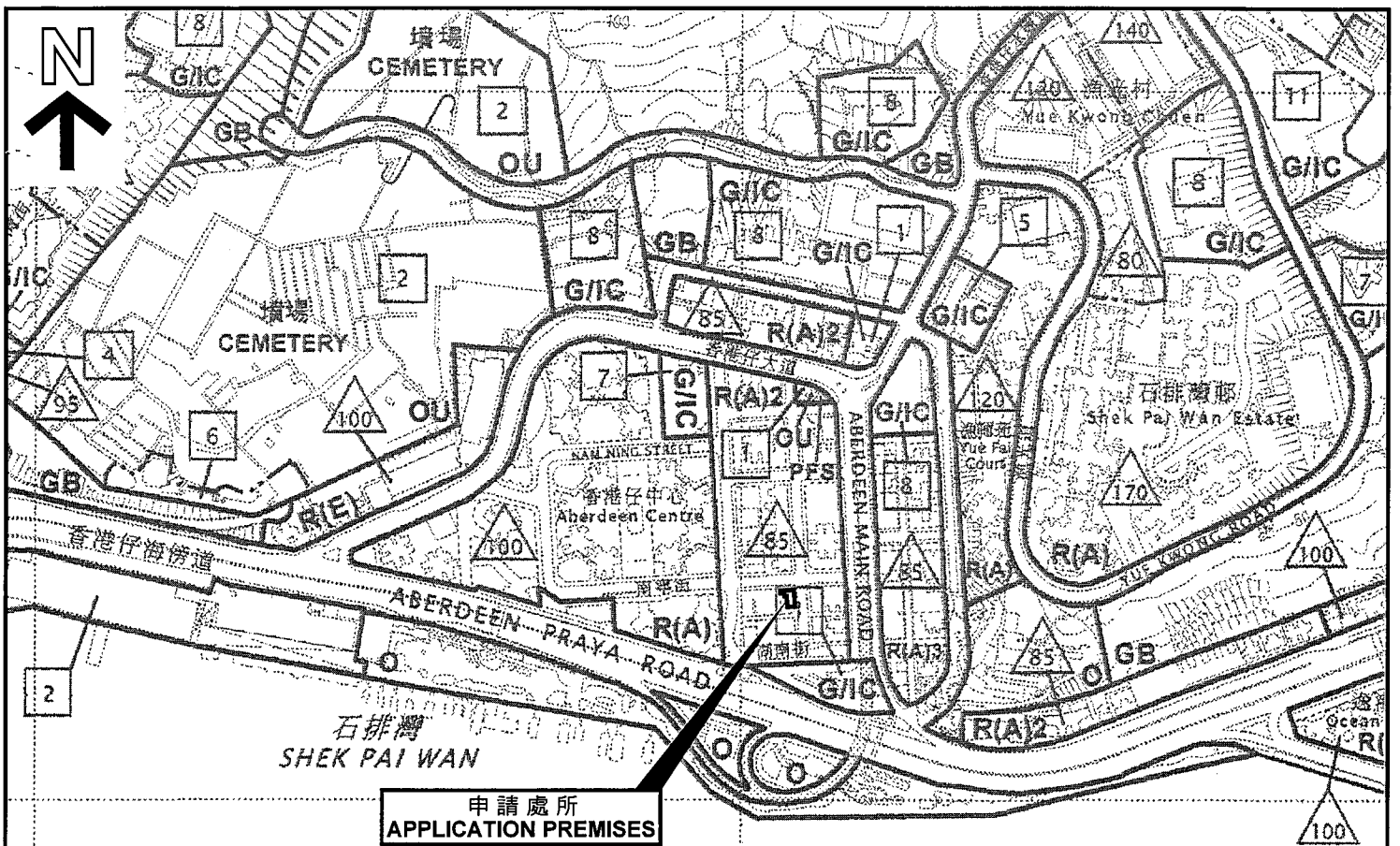
向東膠道



參考編號  
 REFERENCE No.  
 A/H15/277

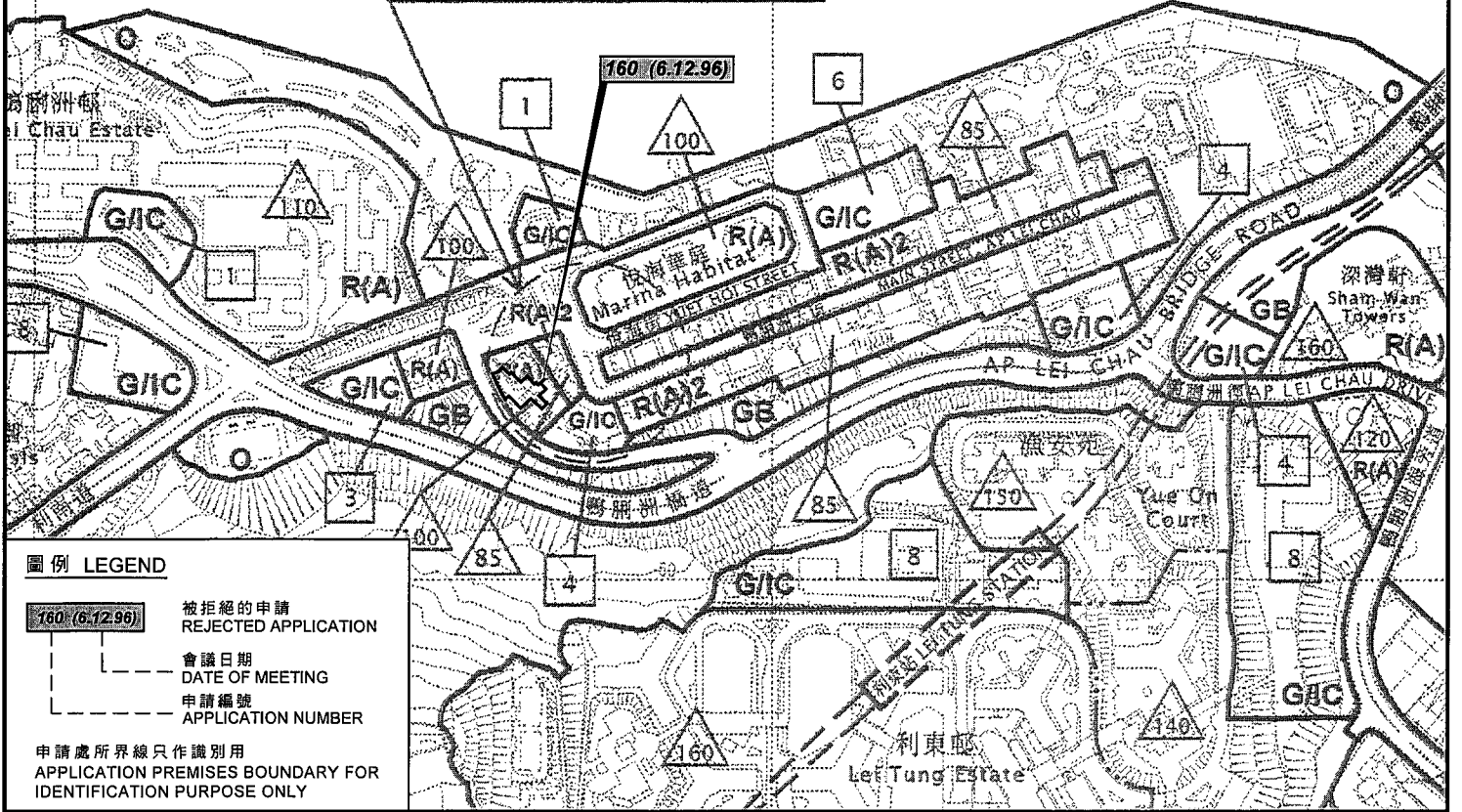
繪圖  
 DRAWING  
 A - 1

(資料來源：由申請人提供)  
 (SOURCE : SUBMITTED BY THE APPLICANT)



申請處所  
APPLICATION PREMISES

路口 (有待詳細設計)  
ROAD JUNCTION  
(SUBJECT TO DETAILED DESIGN)



**圖例 LEGEND**

160 (6.12.96) 被拒絕的申請  
REJECTED APPLICATION

--- 會議日期  
DATE OF MEETING

--- 申請編號  
APPLICATION NUMBER

申請處所界線只作識別用  
APPLICATION PREMISES BOUNDARY FOR  
IDENTIFICATION PURPOSE ONLY

**位置圖 LOCATION PLAN**

按摩院  
香港香港仔湖北街12號裕景中心7樓1至2室  
MASSAGE ESTABLISHMENT  
ROOM 1-2, 7/F, GOODVIEW CENTRE,  
12 WU PAK STREET, ABERDEEN, HONG KONG

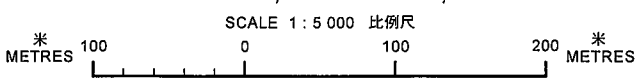
規劃署  
PLANNING  
DEPARTMENT

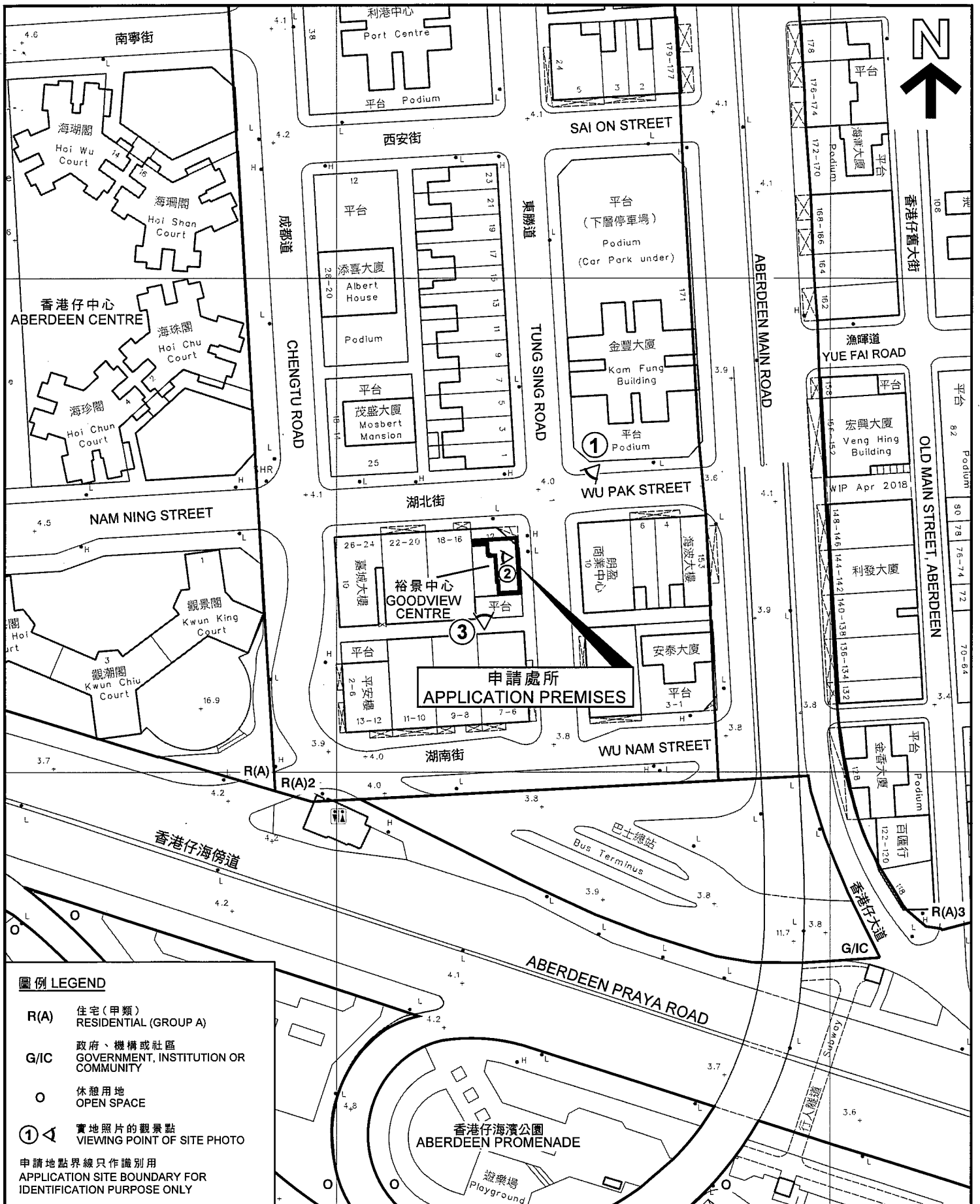


本摘要圖於2018年11月22日擬備，  
所根據的資料為於2018年8月21日  
核准的分區計劃大綱圖編號S/H15/33  
EXTRACT PLAN PREPARED ON 22.11.2018  
BASED ON OUTLINE ZONING PLAN  
No. S/H15/33 APPROVED ON 21.8.2018

參考編號  
REFERENCE No.  
AH/15/277

圖 PLAN  
A - 1





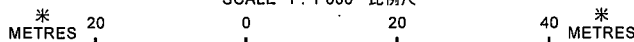
**圖例 LEGEND**

- R(A) 住宅(甲類)  
RESIDENTIAL (GROUP A)
  - G/C 政府、機構或社區  
GOVERNMENT, INSTITUTION OR COMMUNITY
  - 休憩用地  
OPEN SPACE
  - ① ◀ 實地照片的觀景點  
VIEWING POINT OF SITE PHOTO
- 申請地點界線只作識別用  
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

**平面圖 SITE PLAN**

按摩院  
香港香港仔湖北街12號裕景中心7樓1至2室  
MASSAGE ESTABLISHMENT  
ROOM 1-2, 7/F, GOODVIEW CENTRE,  
12 WU PAK STREET, ABERDEEN, HONG KONG

SCALE 1 : 1 000 比例尺



規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.

A/H15/277

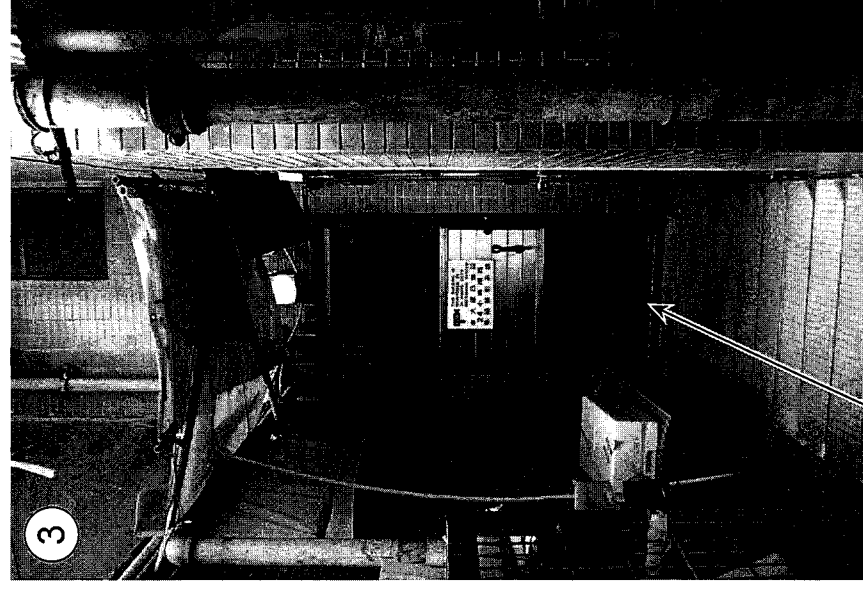
圖 PLAN

A - 2

本摘要圖於2018年11月22日擬備，  
所根據的資料為測量圖編號  
11-SW-23D和15-NW-3B  
EXTRACT PLAN PREPARED ON 22.11.2018  
BASED ON SURVEY SHEETS No.  
11-SW-23D AND 15-NW-3B



升降機大堂(地下)  
LIFT LOBBY (GROUND FLOOR)



後巷入口 (內有梯級)  
ENTRANCE AT THE REAR  
(STAIRCASE INSIDE)

申請處所界線只作識別用  
APPLICATION PREMISES BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2018年11月30日擬備，所根據的資料為攝於2018年10月19日(左)、2018年11月23日(中)及2018年11月20日(右)的實地照片  
EXTRACT PLAN PREPARED ON 30.11.2018 BASED ON SITE PHOTOS TAKEN ON 19.10.2018 (LEFT), 23.11.2018 (MIDDLE) & 20.11.2018 (RIGHT)

實地照片 SITE PHOTOS

按摩院  
香港仔湖北街12號裕景中心7樓1至2室  
MESSAGE ESTABLISHMENT  
ROOM 1-2, 7/F, GOODVIEW CENTRE,  
12 WU PAK STREET, ABERDEEN, HONG KONG

規劃署  
PLANNING  
DEPARTMENT

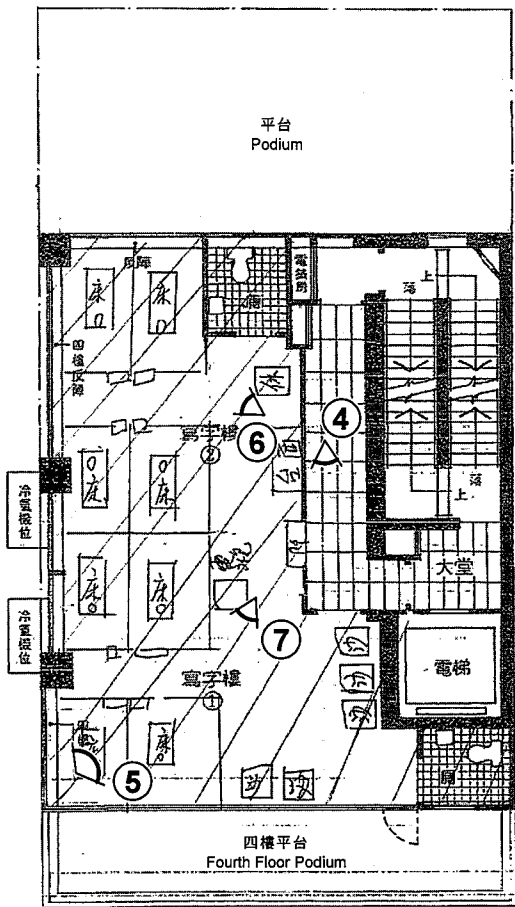


參考編號  
REFERENCE No.

A/H15/277

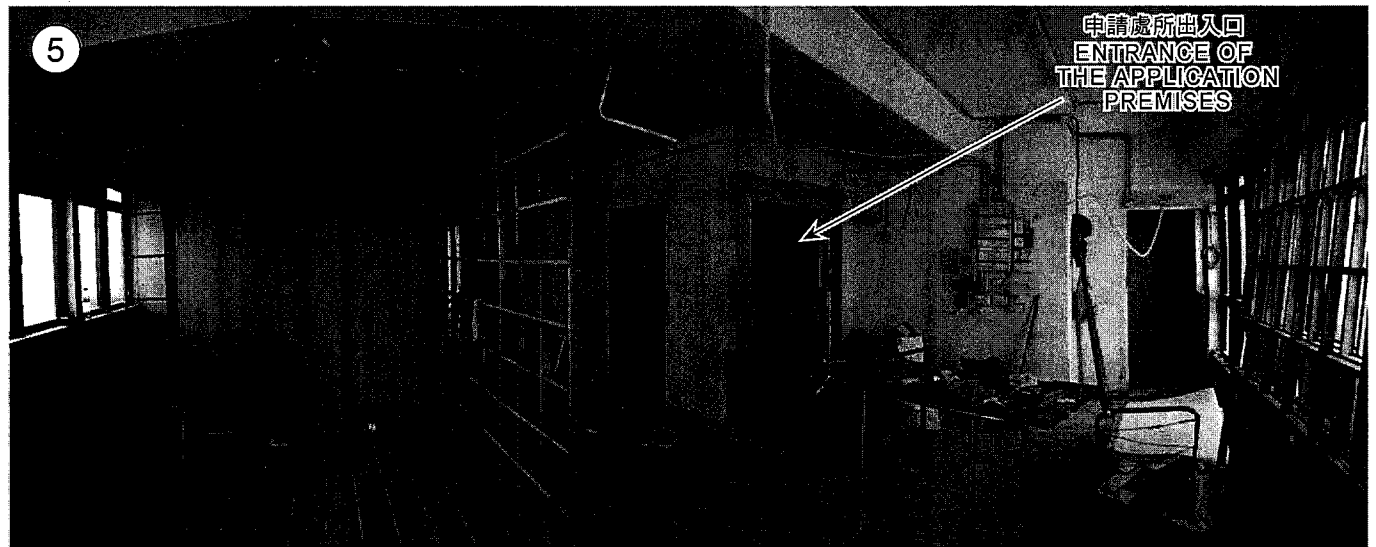
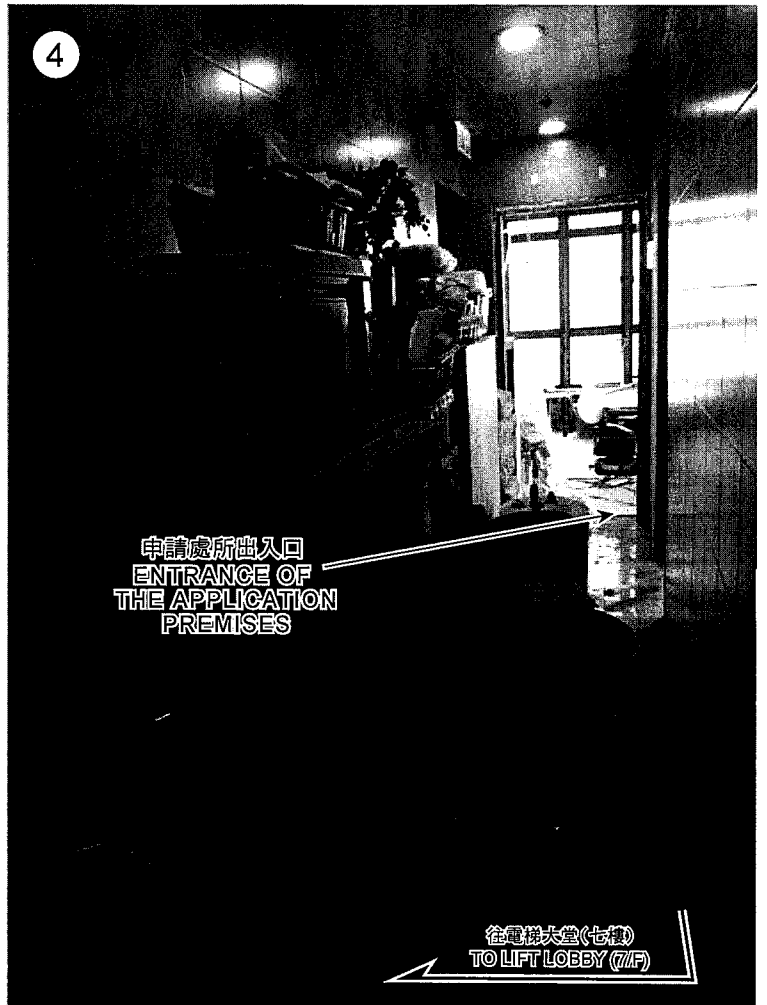
圖 PLAN

A - 3



圖例 LEGEND

④ ◁ 實地照片的觀景點  
VIEWING POINT OF SITE PHOTO



申請處所內部景觀  
INTERNAL VIEW OF APPLICATION PREMISES

實地照片 SITE PHOTOS

按摩院  
香港香港仔湖北街12號裕景中心7樓1至2室  
MASSAGE ESTABLISHMENT  
ROOM 1-2, 7/F, GOODVIEW CENTRE,  
12 WU PAK STREET, ABERDEEN, HONG KONG

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.

A/H15/277

圖 PLAN

A - 4

本圖於2018年11月22日擬備，所根據的資料為攝於2018年11月20日的實地照片  
EXTRACT PLAN PREPARED ON 22.11.2018  
BASED ON SITE PHOTOS TAKEN ON 20.11.2018



申請處所內部景觀  
INTERNAL VIEW OF APPLICATION PREMISES

實地照片 SITE PHOTOS

按摩院  
香港香港仔湖北街12號裕景中心7樓1至2室  
MASSAGE ESTABLISHMENT  
ROOM 1-2, 7/F, GOODVIEW CENTRE,  
12 WU PAK STREET, ABERDEEN, HONG KONG

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/H15/277

圖 PLAN  
A - 5

本圖於2018年11月22日擬備，所根據的  
資料為攝於2018年11月20日的實地照片  
EXTRACT PLAN PREPARED ON 22.11.2018  
BASED ON SITE PHOTOS TAKEN ON  
20.11.2018

Hong Kong District

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/H15/277            Massage Establishment in “Residential (Group A) 2” Zone, Room 1-2,  
7/F, Goodview Centre, 12 Wu Pak Street, Aberdeen, Hong Kong  
(MPC Paper No. A/H15/277)

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Presentation and Question Sessions

20.            With the aid of a PowerPoint presentation, Mr Vincent W.Y. Wong, STP/HK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the massage establishment;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven public comments were received from a Southern District Council Member and individuals objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the subject premises was located within an area zoned “Residential (Group A)”, the existing non-domestic building was mainly used for offices, shop and services and tutorial schools and there were retail shops on the ground floor/podium of nearby residential and commercial



buildings. The applied use was considered not incompatible with the other non-domestic uses within the same building and surrounding developments and complied with the Town Planning Board Guidelines for Application for Commercial Bathhouse and Massage Establishment (TPB PG-No. 14B). Concerned government departments had no objection to or no adverse comment on the application. The subject premises was within an existing non-domestic building and there was no residential use within the subject building, the applied use would not cause inconvenience and disturbance to any residents. Regarding the adverse public comment, the comments of government departments and planning assessments above were relevant.

21. The Vice-Chairman and Members raised the following questions:

- (a) the nearest residential development from the subject premises;
- (b) noting there were schools and religious institutions in the same building, the type of schools and religious institutions, target students/users, nature of their operations, and frequency and type of religious activities held;
- (c) the number of massage establishments, and similar approved applications in non-domestic building in the vicinity; and
- (d) the background of the applicant and whether the applicant had experience in operating massage establishment.

22. Mr Vincent W.Y. Wong, STP/HK, made the following responses:

- (a) apart from the commercial building across Tung Sing Road, the subject site was surrounded by residential buildings;
- (b) there were tutorial schools, dance schools, language institutes and religious institutions including BASIC Foundation (基督為本基金) and Christian & Missionary Alliance Gracious Rock Church (宣道會恩石堂) operating in

the subject building. He did not have further information about the age profile of students attending the schools nor activities carried out in the religious institutions at hand;

- (c) according to the Commissioner of Police (C of P), there was no registered massage establishment in the immediate surrounding area. There was also no similar application approved in non-domestic building in Aberdeen. He had no information on massage establishment approved in other areas; and
- (d) the applicant was the operator but not the current landowner of the premises. According to C of P, the applicant had clear criminal record. There was no information provided by the applicant on whether she had previous experience in operating massage establishment prior to the operation of the premises under application.

23. In response to Members' enquiry on the assessments criteria under TPB PG-No. 14B, Mr Vincent W.Y. Wong, STP/HK, said that as the subject building was a non-domestic building with mainly shops and services, and office use, the applied use was considered compatible with other non-domestic uses in the same building. With reference to the public concerns on lift capacity, sewage and waste disposal of the subject building, relevant government departments were consulted and they had no objection to or adverse comment on the application. In this regard, the applied use was considered in compliance with the criterion (c) on compatibility and criterion (d) on consideration of public views of the TPB PG-No. 14B.

24. A Member said that as there were tutorial schools in the same building, the compatibility of the massage establishment was questionable. Mr Vincent W.Y. Wong, STP/HK, pointed out that the applied use would not share the same floor with any of the tutorial schools in the subject building.

## Deliberation Session

### *Compatibility*

25. The Vice-chairman and Members considered that there were insufficient information on the operation detail of the applied use, schools and religious institutions in the subject building, and they raised concern about the application in terms of its compatibility with other non-domestic uses in the same building.

26. A Member enquired whether consideration should be given to the compatibility of uses in the same building or in the vicinity. By making reference to criterion (c) of TPB PG-No. 14B, the Vice-chairman said that the proposed use should be compatible with other uses within the same building and consideration would normally be given only to the uses permitted in the Occupation Permit issued by the Building Authority for the building.

### *Licensing Requirement*

27. Some Members said that the possible use of advertisement signage/LED light on the window might cause nuisance to the surrounding residents. Another Member asked whether there was authority to monitor the operation of the massage establishment upon approval. The Committee noted that the applicant would be required to apply to C of P for a massage establishment license and the licensing requirements would take into account the layout of premises, signage, operation hours, provision of fire service installations, etc..

28. The Chairman said that if Members considered that there was insufficient information on the operation details of the proposed use and other non-domestic uses in the same building, background of the applicant and detailed licensing requirements, a decision on the application might be deferred. The Committee agreed.

29. After further deliberation, the Committee decided to defer a decision on the application, pending submission of further information by the applicant and the Planning Department.

~~[The Chairman thanked Mr Vincent W.Y. Wong, STP/HK, for his attendance to answer~~

Annex H**Conditions of Licence (No. \_\_\_\_\_)****Massage Establishments Ordinance, Cap. 266**

1. The licensee shall ensure that no massage or other treatment shall be given, nor customers be permitted, upon the premises except between the hours of \_\_\_\_\_.
2. The licensee shall make adequate provision against fire in the premises to the satisfaction of the Director of Fire Services (DFS), the Director of Buildings (DB) and the Commissioner of Police (CP) and shall make available for inspection upon request by the CP, a police officer of or above the rank of Sergeant or a person authorized by the CP in writing the following:
  - (a) An annual certificate of maintenance issued by a registered fire service installation contractor in respect of the fire extinguishers and other fire safety installations in the licensed premises.
  - (b) A biennial Periodic Test Certificate (Form WR2) obtained from registered electrical contractors/workers in respect of existing fixed electrical installations duly endorsed by the Electrical and Mechanical Services Department (EMSD).
  - (c) In respect of licensed premises inside the premises of a club or hotel, a copy of valid Certificate of Compliance, Certificate of Exemption or Hotel Licensed issued by the relevant authority in respect of that club or hotel.
3. No alteration to approved plans of any part of the massage establishment should be made without prior approval from the CP. This includes size/location/design of massage rooms/partitions, size/position/design of windows in massage rooms and location of massage beds/chairs. A copy of an approved layout plan is required to be kept on the premises and made available for inspection.
4. The licensee shall adequately and personally supervise the licensed premises during the permitted hours of business.
5. The licensee shall keep and make available for inspection a register in the premises and shall correctly enter therein the name, sex, date of birth, Hong Kong Identity Card number and place of residence in Hong Kong of every person employed in the premises and shall affix thereto a recent photograph of every such person.

Annex H

6. In order that the licensee may adequately supervise the massage establishment, the following shall be provided in the rooms within the premises:
  - (a) In any room there must be a clear space of 0.762 metres (2.5 feet) minimum around all three sides of the bed for fire escape.
  - (b) Lighting for occupied rooms must use light bulbs without cover at a minimum intensity of 25 watts or equivalent illumination per bed.
  - (c) Each room must have at least one transparent and colourless window of minimum size 0.51m x 0.51m (1'8" x 1'8") in the entry door sited 1.22m (4 feet) above the ground and providing an unobstructed view of the room interior. Patterned glass may be fixed with the approval of the CP.
  - (d) No light rheostat that controls the functioning of any lights is allowed in the licensed premises.
7. No vice or immoral activities shall take place in the premises.
8. A licensee must notify the CP in writing of any absence from Hong Kong in excess of 24-hours prior to the period of absence from Hong Kong. The licensee shall also inform the CP of the name of the person-in-charge, who will act temporarily in the capacity of the licensee and to be held responsible in fulfilling the license conditions, during the period of his/her absence. (This temporary appointment of the person-in-charge is subject to no objection from the CP.)
9. In any sign or advertisement used to identify or promote the licensed premises, no wording or illustration which is likely, to arouse prurient interest may be used.
10. The licensee shall not purport to transfer the license other than in accordance with Section 9(2) of the Massage Establishments Ordinance, Cap. 266.
11. This licence shall be kept on the premises and made available for inspection.

**Advisory Clauses**

- (a) to apply to Commissioner of Police for a massage establishment license.