

TPB PG-NO. 14B

TOWN PLANNING BOARD GUIDELINES FOR APPLICATION
FOR COMMERCIAL BATHHOUSE AND MASSAGE ESTABLISHMENT
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

(Important Note :-

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

The Guidelines are subject to revision without prior notice.)

1. Scope

- 1.1 Commercial bathhouse and massage establishment are commonly found in commercial and composite commercial/residential buildings. Planning control is considered necessary to ensure that such uses should not cause nuisance to nor be incompatible with other uses within the same building or the surrounding developments. The main concern of the Town Planning Board (the Board) on commercial bathhouse and massage establishment is whether the application premises is suitable for these uses from the planning point of view. For example, commercial bathhouse and massage establishment may not be fully compatible with residential use and non-domestic uses such as children and youth centre, kindergarten, religious, educational or community institutions. Control of vice and obscenity should be left to the licensing and other relevant authorities.
- 1.2 These Guidelines set out the definition of the relevant terms and the planning criteria for assessing planning applications for commercial bathhouse and massage establishment in certain land use zones including "Residential (Group A)", "Commercial/Residential", "Commercial" and "Comprehensive Development Area" zones.
- 1.3 Commercial bathhouse and massage establishment are also subject to licensing or other requirements stipulated under other Ordinances and Regulations. The granting of planning approval does not imply that licensing or other statutory requirements which may be needed in connection with these uses are necessarily met. The applicants are advised to enlist professional advice on whether licensing and other government approval is required before contemplating any works.

2. Definition of Terms

2.1 Commercial Bathhouse

Commercial bathhouse means any premises maintained or intended to be maintained for the use, on payment of a fee, of persons requiring a bath, as defined in the Commercial Bathhouses Regulation of the Public Health and Municipal Services Ordinance (Chapter 132).

2.2 Massage Establishment

Massage establishment means any place used or intended to be used or represented as being used for the reception or treatment of persons requiring massage or other similar service or treatment, as defined in the Massage Establishments Ordinance (Chapter 266). It does not include a hospital or maternity home, an establishment for medical treatment or physiotherapy operated respectively by a registered medical practitioner or a registered physiotherapist, the premises of a hair salon, or of a beauty parlour, where massage is administered in the premises in full view of all customers. It also excludes a massage establishment where no massage other than face, scalp, neck, shoulder, hand, arm or foot (up to knee) massage is administered to customers or no full-body massage is administered to a customer by a person of the opposite sex, the premises for practising Chinese medicine operated by a registered/listed

Chinese medicine practitioner or for chiropractic operated by a registered chiropractor.

3. Main Planning Criteria

- 3.1 Commercial bathhouse and massage establishment, like other commercial uses, may attract the visits of outsiders. As such, they will normally not be permitted within a residential neighbourhood.
- 3.2 The proposed commercial bathhouse and massage establishment should be located within a commercial building or the non-domestic portion of a composite commercial/residential building such as the commercial podium of a composite commercial/residential building. Commercial bathhouse and massage establishment will normally not be permitted in a wholly residential building or the residential portion of a composite commercial/residential building.
- 3.3 The proposed commercial bathhouse and massage establishment should not be incompatible with other uses within the same building. In assessing the compatibility with other uses within the same building, consideration will normally be given only to the uses permitted in the occupation permit issued by the Building Authority.
- 3.4 Where the proposed commercial bathhouse and massage establishment are located within the non-domestic portion of a composite commercial/residential building, access (entrance) to the application premises must be separated from that of the domestic portion of the building by way of separate stairways and/or lifts/escalators exclusively serving the non-domestic portion of the building so as to avoid causing nuisance to the occupants in the same building.
- 3.5 The views of local residents on the proposed commercial bathhouse and massage establishment will be taken into account in the consideration of the application.
- 3.6 The Fire Services Department and the Buildings Department should be satisfied with the proposals to comply with the fire safety requirements for the proposed commercial bathhouse and massage establishment in respect of the provision of fire service installations and means of escape, etc.
- 3.7 All other statutory or non-statutory requirements of relevant Government departments must be met.

**Similar Applications for Commercial Bathhouse/Massage Establishment
within "C" Zone in Tsim Sha Tsui since 2000**

Approved Cases

	Application No.	Address	Applied Use	Meeting Date	Approval Conditions
1.	A/K1/151	5/F, Harilela Mansion, 81 Nathan Road	Commercial Bathhouse and Massage Establishment	7.4.2000 (on review)	(i), (ii) and (iii)
2.	A/K1/155	Basement, Oterprise Square, 26 Nathan Road	Commercial Bathhouse and Massage Establishment	14.1.2000	(i)
3.	A/K1/157	Shops 1-7 and 7A, 2/F, China Hong Kong City, 33 Canton Road	Proposed Commercial Bathhouse and Massage Establishment	3.3.2000	(i)
4.	A/K1/158	6/F, Tung Wui Commercial Building, 27 Prat Avenue	Massage Establishment	2.6.2000	-
5.	A/K1/160	7/F, Chung Fung Commercial Building, 10-12 Canton Road	Proposed Massage Establishment	28.7.2000	(i)
6.	A/K1/161	2/F and 3/F, Golden Crown Court, 66-70 Nathan Road	Proposed Commercial Bathhouse and Massage Establishment	8.9.2000	(i), (ii) and (iii)
7.	A/K1/162	Rooms 205-6, 2/F, Universal Commercial Building, 69 Peking Road	Proposed Massage Establishment	13.10.2000	(i)
8.	A/K1/166	Basement (part), Peninsula Centre, 67 Mody Road	Proposed Commercial Bathhouse and Massage Establishment	2.3.2001	(i)
9.	A/K1/169	Shop No. 109, 1/F, Marco Polo Hong Kong Hotel, 3 Canton Road	Proposed Commercial Bathhouse and Massage Establishment	1.6.2001	(i)

	Application No.	Address	Applied Use	Meeting Date	Approval Conditions
10.	A/K1/170	Basement (part), Harilela Mansion, 81 Nathan Road	Proposed Commercial Bathhouse and Massage Establishment	1.6.2001	(i)
11.	A/K1/173	2/F, V.I.P. Commercial Centre, 116-120 Canton Road	Proposed Massage Establishment	5.10.2001	(i)
12.	A/K1/178	Basement, Luxury Court, 9 Hau Fook Street	Massage Establishment	25.1.2002	(i)
13.	A/K1/179	22/F, Cameron Plaza, 23-25A Cameron Road	Massage Establishment	8.2.2002	(i)
14.	A/K1/185	A part of 3/F, Hang Seng Tsim Sha Tsui Building, 18 Carnarvon Road	Massage Establishment	23.8.2002	-
15.	A/K1/192	1/F, Hart Avenue Plaza, 5-9 Hart Avenue	Proposed Commercial Bathhouse and Massage Establishment	7.2.2003	(i)
16.	A/K1/194	Basement, Astoria Building, 24-38 Ashley Road	Proposed Commercial Bathhouse and Massage Establishment	4.4.2003	(i)
17.	A/K1/197	Basement (part), Harilela Mansion, 81 Nathan Road	Proposed Commercial Bathhouse and Massage Establishment	19.9.2003	(i), (ii) and (iii)
18.	A/K1/202	1/F, Golden Crown Court, 66-70 Nathan Road	Commercial Bathhouse and Massage Establishment	13.2.2004	(i), (ii) and (iii)
19.	A/K1/209	Shop 2, G/F, The Toy House, 100 Canton Road	Massage Establishment (within a Proposed Beauty Parlour)	9.9.2005	(i)
20.	A/K1/215	Lower Basement, Harbour Crystal Centre, 100 Granville Road	Commercial Bathhouse and Massage Establishment	18.8.2006	(i) and (iv)
21.	A/K1/235	Basement and Shop A on G/F, Hody Commercial Building, 6 Hart Avenue	Proposed Commercial Bathhouse/Massage Establishment	8.2.2013	(i) and (iv)

	Application No.	Address	Applied Use	Meeting Date	Approval Conditions
22.	A/K1/236	15/F (portion), Langham Hotel, 8 Peking Road	Proposed Massage Establishment	15.3.2013	(i) and (iv)
23.	A/K1/241	1/F – 3/F, Hilton Towers, 96 Granville Road	Proposed Commercial Bathhouse/Massage Establishment	8.11.2013	(i) and (iv)
24.	A/K1/243	3/F, Hilton Towers, 96 Granville Road	Proposed Commercial Bathhouse/Massage Establishment	7.2.2014	(i) and (iv)
25.	A/K1/254	2nd Basement (part), Auto Plaza, 65 Mody Road	Proposed Commercial Bathhouse/Massage Establishment	15.7.2016	(i) and (iv)
26.	A/K1/256	2/F, CFC Tower, 22 – 28 Mody Road, Tsim Sha Tsui, Kowloon	Proposed Massage Establishment	23.12.2016	(i) and (iv)

Approval Conditions:

- (i) Time clause
- (ii) Provision of security alarm system
- (iii) Exclusive lift/staircase provision
- (iv) Provision of fire service installations and water supplies for fire fighting

Rejected Case

Application No.	Address	Applied Use	Meeting Date	Rejection Reasons
A/K1/229	B105-B122, B131-B132 and Coffee Shop A at Basement Level 1, and Unit G16 on G/F, East Ocean Centre, 98 Granville Road	Proposed Commercial Bathhouse and Massage Establishment	23.12.2011 (on review)	(i) and (ii)

Rejection Reasons:

- (i) Undesirable as it was incompatible with the education institutions within the same building.
- (ii) The application premises and other premises of the same building would share some of the access routes, the proposed commercial bathhouse and massage establishment would cause nuisance to other users of the same building.

Advisory clauses

- (a) to note the comments of the District Lands Officer/Kowloon West, Lands Department (LandsD) that the lot owner has to apply to LandsD for a lease modification for Kowloon Inland Lot No. 10579RP to modify the user restriction. However, there is no guarantee that the lease modification application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD;
- (b) to note the comments of the Chief Building Surveyor/Kowloon, Buildings Department (BD) that the applicant should appoint an Authorized Person to ensure that the proposed commercial bathhouse and massage establishment will comply with all structural, loading, and fire safety requirements under the Buildings Ordinance (BO). Attention should also be drawn to the building safety requirements in Annex A to 'A Guide to the Application for a Massage Establishments Licence' (Rev. 09/2016). Moreover, adequate means of escape, means of access for fire fighting and rescues and fire resisting construction should be provided in accordance with Building (Planning) Regulations (B(P)R) 41(1), 41A & 41B, Building (Construction) Regulations 90 and the Code of Practice for Fire Safety in Buildings 2011. In this respect, two proper exits without having to pass through the Male Bath Area and the Changing Area should be provided to the Rest Room and the Massage Area. Natural lighting and ventilation should also be provided to all rooms/areas containing soil fittings in accordance with B(P)R 36. Provision of access and facilities for persons with a disability should be provided in accordance with B(P)R 72. Detailed comments under the BO will be given at the massage establishment licence application stage;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority. The applicant is advised to observe the licensing requirements as stipulated in the 'Fire Safety Requirements for Massage Establishment';
- (d) to note the comments of the Commissioner of Police (C of P) that any person who wishes to conduct massage business shall obtain a Massage Establishments Licence under Section 6 of the Massage Establishments Ordinance (Cap. 266) from the C of P;
- (e) to note the comments of the Director of Food and Environmental Hygiene that In accordance with the Commercial Bathhouses Regulation (Cap. 132I), a Commercial Bathhouse Licence is required for opening and maintaining a bathhouse;

- (f) to note the comments of the Chief Officer (Licensing Authority), Home Affairs Department that if the mode of operation of the proposed commercial bathhouse and massage establishment falls within the definition of 'club' under the Clubs (Safety of Premises) Ordinance, licensing requirements will be formulated by his office upon receipt of an application under the Clubs (Safety of Premises) Ordinance (Cap. 376); and
- (g) to note the comments of Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the above regulation when carrying out works in the vicinity of the electricity supply lines.