

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.

Advisory Clauses

- (a) to note the comments of the Director of Fire Services that:
 - (i) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
 - (ii) the Fire Services requirements regarding licensing premises would be imposed upon receipt of formal application via Licensing Authority;
- (b) to note the comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department that:
 - (i) sufficient means of escape should be provided according to Code of Practice for Fire Safety in Buildings 2011;
 - (ii) the applicant should appoint an Authorized Person to submit building plans for Building Authority's approval. Detailed comments would be given at plan submission stage; and
- (c) 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.