

A Guide to the Application for a Massage Establishments Licence

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Important Advice DO's and DON'Ts for Applicants

DO's

DO write to or call up the Planning Department to see if planning permission is required for the setting up of a massage establishment in the proposed location.

DO appoint a fit and proper person who can adequately and personally supervise the proposed massage establishment to be the licensee.

DO obtain a Certificate of Compliance from the Home Affairs Department if the proposed massage establishment falls within the statutory ambit of clubs under the Clubs (Safety of Premises) Ordinance

DO obtain a Commercial Bathhouse Licence from the Food and Environmental Hygiene Department if the proposed massage establishment is to provide bathing facilities upon payment of fee.

DO appoint an Authorized Person or registered structural engineer where extensive alteration works are to be carried out.

DO observe and comply with the licence requirements and conditions. Any breach of licensing conditions or irregularity found is liable to penalty and may affect renewal of the licence.

DON'Ts

DON'T choose premises not suitable for massage establishment.

DON'T commence works in the proposed massage premises before you are issued the Letter of "Approval-in-Principle".

DON'T make any structural alteration to the premises.

DON'T revise the proposed layout plans unnecessarily after your application has been submitted. Any subsequent amendment proposed by the applicant will be treated as a new application

DON'T commence business before a Massage Establishments Licence is obtained from the Commissioner of Police

DON'T operate between 0130 hours and 0800 hours if your massage establishment is not located in a wholly commercial business nor in a bona fide club house or hotel which is wholly segregated from other premises.

Any change to the approved layout, shop sign, permitted operating hours, size of premises and business mode requires the prior written approval from the Commissioner of Police.

A Guideline for Applying Massage Establishments Licence

Massage Establishments Ordinance, Cap. 266

CAUTION

These notes have been prepared by the Commissioner of Police for the information of the public who wish to apply for a Massage Establishments Licence. Whilst every effort has been made to ensure their accuracy, any person in doubt should seek professional advice. The pages of information relate only to the requirements to be met by applicants under the Massage Establishments Ordinance and do not in any way absolve any person from any provisions of the legislation.

NOTHING IN THESE NOTES SHALL BE CONSTRUED AS COMMITTING THE COMMISSIONER OF POLICE TO ANY PARTICULAR COURSE OF ACTION.

1. Application Form

1.1. All application forms are free of charge. These forms are available at the Police Licensing Office at 12/F, Arsenal House, Police Headquarters, 1 Arsenal Street, Wan Chai, Hong Kong, or through Hotline 2860 2973 or can be downloaded from Hong Kong Police websites:

<http://www.police.gov.hk>

1.2. An application form may either be completed in English or Chinese by the applicant himself.

1.3. The Police Licensing Office will only begin to process the application upon the receipts of all **completed** documents as specified at Annex C, D, E & F. Staff of the Police Licensing Office may invite the applicant/licensee/transferor who has submitted his application to the Police Licensing Office by mail to personally attend the Office to clarify details in relation to any ambiguities/errors or to provide any further required information.

1.4. The Police Licensing Office will not accept any incomplete application or application with ambiguous/incorrect information.

2. Definition of Massage Establishment and Licence

2.1 Under the Ordinance, “massage establishment” and “licence” are defined as follows:-

2.1.1 “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.

2.1.2 “licence” means a licence to operate a massage establishment granted under section 6 or renewed under section 7.

2.1.3 ‘full-body massage’ means a massage service or treatment provided to a person covering that part of his body below the shoulders and above the knees, including or excluding arms.’

3. Exemption

3.1 This Ordinance and the requirement for a Massage Establishments Licence does not apply to: -

- (a) a hospital or maternity home maintained by the Government or registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance, Chapter 165, Laws of Hong Kong;
- (b) a military hospital or a maternity home of the Hong Kong Garrison;
- (c) an establishment for medical treatment operated by a medical practitioner registered under the Medical Registration Ordinance; Chapter 161, Laws of Hong Kong;
- (d) the premises of a hair salon or of a beauty parlour, where massage is administered in the premises in full view of customers resorting thereto;
- (e) an establishment for physiotherapy operated by a physiotherapist registered under the Supplementary Medical Professions Ordinance, Chapter 359, Laws of Hong Kong;
- (f) 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;
- (g) the premises for practicing Chinese medicine operated by a registered Chinese medicine practitioner or listed Chinese medicine practitioner as defined in Section 2 of the Chinese Medicine Ordinance, Chapter 549, Laws of Hong Kong; or
- (h) the premises for chiropractic operated by a chiropractor registered under the Chiropractors Registration Ordinance, Chapter 428, Laws of Hong Kong.

4. Licensing Authority

4.1 Under the Ordinance, the Commissioner of Police (“the Commissioner”) is the Licensing Authority.

5. Provisions of the Ordinance

5.1 The Commissioner shall not grant a licence unless he is satisfied that: -

- (a) the applicant is a fit and proper person to operate a massage establishment;

- (b) the applicant will adequately and personally supervise the massage establishment;
- (c) the premises and the situation thereof are suitable for operation of a massage establishment; and
- (d) the massage establishment will not be operated in a manner contrary to the public interest.

6. Powers of the Commissioner of Police

6.1 A licence shall be revoked when the licensee is convicted of an offence contrary to section 139 of the Crimes Ordinance, Cap 200, Laws of Hong Kong; or where the convicted person does not hold a licence but he has been convicted of an offence contrary to the same Ordinance and such conviction is related to or connected with the massage establishment, the licence may also be revoked by the licensing authority (the Commissioner of Police).

6.2 Pursuant to Section 8(1) of the Massage Establishments Ordinance, Cap 266, Laws of Hong Kong, the licensing authority (the Commissioner of Police) may revoke, suspend or refuse to renew any licence if he is in the opinion that:-

- (a) the licensee has been in breach of any conditions of the licence;
- (b) the licensee has ceased to satisfy any condition relating to the operation of the massage establishment in respect of which the licensing authority is required to be satisfied under section 6(3); or
- (c) the massage establishment the subject of the licence has been operated on any occasion since the date on which the licence was granted in any manner contrary to the public interest.

7. Penalty

7.1 Anyone who on any occasion operates or assists in the operation of a massage establishment without a valid licence commits an offence and is liable:-

- (a) on first conviction to a fine of \$50,000 and 6 months' imprisonment; and
- (b) on a second or subsequent conviction to a fine of \$100,000 and 2 years' imprisonment.

7.2 Anyone who breaches any condition of the licence commits an offence and is liable to a fine of \$50,000 and to imprisonment for 6 months.

8. Fees

8.1 A fee of \$9,750 HKD is payable on new issue of a Massage Establishments Licence for a period of 12 months.

8.2 If a licensee receives no Police warnings or commits no breaches or offences during the preceding licensing period, the licence will be renewed for a period of 24 months. The fee payable for the renewal of a Massage Establishments Licence (whether for a period of 12 months or 24 months) is \$3,800. HKD.

8.3 A fee of \$155 HKD is payable for a transfer of licence and any amendment made to a licence.

9. Application

9.1 Each application is considered and determined upon its individual merits.

9.2 New Issue of a Massage Establishments Licence

9.2.1 An applicant is advised to first consult the Planning Department to confirm whether a planning permission under Section 16 of the Town Planning Ordinance, Cap 131 is required before making any financial proposal for a massage establishment at the intended location. This consultation, however, does not require the applicant to have acquired the physical occupation of the proposed premises. Enquiries can be made either directly to the Planning Enquiry Counter at 2231 5000 or to the relevant District Planning Office.

9.2.2 If a planning permission from the Town Planning Board is considered necessary for the proposed location, an applicant is advised to first apply for the same before submitting an application to the Police Licensing Office for a Massage Establishments Licence.

9.2.3 Under normal circumstances, the Town Planning Board will give its decision within a period of 75 days upon receipt of an application.

9.2.4 An applicant may, before submitting an application for a planning permission to the Planning Department or prior to obtaining the Town Planning Board's decision on planning permission, apply for the issue of a new Massage Establishments Licence to the Police Licensing Office. In any case, the Police Licensing Office will process such an application in a normal manner. However, any pecuniary undertaking resulted from the subsequent refusal of planning permission will be at the applicant's own risk.

9.2.5 If no planning permission is required for such proposed location or that planning permission has been given by the Town Planning Board, the applicant should then submit a total of five copies of application forms (photocopies are acceptable), duly signed by the applicant, in person or by mail, to the Police Licensing Office at the 12/F, Arsenal House, Police Headquarters, 1 Arsenal Street, Wan Chai, Hong Kong.

9.2.6 Owners/partners/shareholders of any proposed massage establishment should appoint a licensee who is considered as a fit and proper person and who can adequately and personally supervise their proposed massage establishment.

9.2.7 Upon receipt of an application, the Police Licensing Office would, within two working days, refer such an application to all relevant government departments for their respective comments for compilation of the letters of requirements. If the proposed massage establishment is not situated in a hotel or club premises, the Police Licensing

Office will also refer such an application to the Buildings Department and the Fire Services Department for their assessments in relation to the building structural safety, fire safety and other related matters.

9.2.8. In the case of any proposed massage establishment falls within the statutory ambit of clubs as stated in the Clubs (Safety of Premises) Ordinance or located within hotel precinct which is under the control of the Hotel and Guesthouse Accommodation Ordinance, the Police Licensing Office will also forward the same to the Home Affairs Department for comments on safety issues. The office of the Licensing Authority of Home Affairs Department is at 14/F., Cornwall House, Taikoo Place, 979, King's Road, Quarry Bay, Hong Kong. Enquiries can be made at 2881 7034.

9.2.9 The Food & Environmental Hygiene Department should be approached for any queries or enquiries in relation to the Commercial Bathhouse Licence. They can be contacted at 2879 5720 (Hong Kong Island), 2729 1298 (Kowloon) and 3183 9234 (New Territories).

9.2.10 It is the responsibilities of the applicant to ensure that the proposed premises is available for on-site inspection by all government stakeholders at all times. However, all applicants are reminded not to commence any work on the proposed premises until an "Approval-In-Principle" has been given by the Police Licensing Office.

9.2.11 Police Division, where the massage establishment is situated will forward their comments on the application to the Police Licensing Office within 21 working days upon receipt of the referral.

9.2.12 District Officers would also seek comments from members of the concerned District Councils, Area Committee and the Mutual Aid Committee and Owners' Corporation etc. in respect of any proposal to set up a massage establishment in their respective areas. The District Officers would then provide the Police Licensing Office of the results of such sounding-out exercise within a period of 21 working days, from the date of receipt of such referral.

9.2.13 Similarly, upon receipt of the Police referral, the Buildings Department and the Fire Services Department will make relevant assessments with details included in their letters of requirements and forward to the Police Licensing Office within a period of 21 working days, from the date of the receipt of such referral. Thereafter, the Police Licensing Office, will, within 2 working days upon receipt of such letters, promptly refer all these stipulated requirements to the applicant for his reference and compliance.

9.2.14 The Office of Licensing Authority, Home Affairs Department will also, within 21 working days upon receipt of such application referral, provide the Police Licensing Office with their letters for onward referral to the applicants within 2 working days.

9.2.15 The Police Licensing Office will issue the letter of "Approval-in-Principle" to the applicant within 35 working days if there is no objection to the application. Upon receipt of the letter of "Approval-in-Principle", the applicant may then proceed with the decoration/renovation works for the proposed massage establishment in accordance with the specified details as required by the Departments. Applicants are advised to inform the Police Licensing Office to arrange for his attendance at the Consent Panel Meeting in the event of problems or queries, either prior to or in the course of the works, concerning the requirements from various Government Departments.

9.2.16 The Consent Panel Meetings, chaired by the Chief Inspector Liquor and Miscellaneous Licensing of the Police Licensing Office (CIP L&M Licensing), are convened on 3rd Tuesday (afternoon) of each month. The Consent Panel Meeting serves as a venue whereby the applicant is given the opportunities to clarify with the Departments concerned or to solve any problems in respect of the details contained the letters of requirements, prior to or in the course of works taking place on the proposed massage establishment. The applicant can also bring along his contractors or professionals to the Consent Panel Meeting. If the date of the scheduled meeting falls on a public holiday or is cancelled due to inclement weather or unforeseeable circumstances, e.g. black rainstorm or no. 8 typhoon signal, the Police Licensing Office will re-arrange the date of meeting and inform all parties in concern within one week.

9.2.17 Applicants are reminded that any amendment to the submitted layout plan will be treated afresh by Departments concerned including the Buildings Department, the Fire Services Department and the Office of Licensing Authority, Home Affairs Department.

9.2.18 Applicant has to report to the Police Licensing Office of the completion of the decoration/renovation work on the proposed massage establishment. Thereafter, the Police Licensing Office, will, within two working days, notify the relevant Departments concerned to visit the premises and to confirm the compliances of all requirements.

9.2.19 The Police Formation concerned, the Buildings Department and the Fire Services Department will report each confirmation of completion of works or rectification to the Police Licensing Office within 21 and 30 working days respectively. The Office of Licensing Authority, Home Affairs Department will do the same for cases within their jurisdictions within a period of 40 working days.

9.2.20 Once all Departments concerned are satisfied with the works contemplated and that the Police Formation concerned has no adverse comment on the application, the Police Licensing Office will then issue a Massage Establishments Licence to the applicant, subject to the availability of planning permission if such is required.

9.2.21 In the case where a massage establishment falls within the jurisdiction of the Clubs (Safety of Premises) Ordinance or located within hotel precinct which is under the control of the Hotel and Guesthouse Accommodation Ordinance, the Police Licensing Office will only grant the licence when the Certificate of Compliance is also available or when all specific requirements are complied with.

9.2.22 Applicant is reminded that such issue of a Massage Establishments Licence in no way, exempts the applicant from the requirements in the Conditions of Grant, Lease or Permit Condition or any other enactment. The applicant is still obliged to meet other licensing or statutory requirements.

9.2.23 An applicant is advised to access the Bilingual Laws Information System at <http://www.legislation.gov.hk/eng/home.htm> for contents of the Massage Establishments Ordinance, Cap.266 Laws of Hong Kong. He may also contact the Publications Sales Section of the Information Services Department at 2537 1910 on purchasing booklets of Ordinance.

9.2.24 Annex I(1) is a chart showing the flow of an application for new issue of Massage Establishments Licence for your reference.

9.3 Renewal

9.3.1 Application for licence renewal should be made not more than 3 months and not less than two months before a licence is due to expire or within such other period prior to the forthcoming expiration as the licensing authority may permit in writing. A licence may be renewed for a period of 12 months or 24 months depending on whether there have been any breaches of licence conditions during the preceding period under review.

9.3.2 The Police Licensing Office bears no responsibility to remind a licensee of his own responsibility to submit application for licence renewal. If a licensee fails to do so, the licence will not be renewed and he has to submit a new application to be considered afresh.

9.3.3 A licensee should complete two copies of application form and supplementary information form (photocopies are acceptable) and all to be signed by himself. Application may either be submitted to the Police Licensing Office in person or by mail to 12/F, Arsenal House, Police Headquarters, 1 Arsenal Street, Wan Chai, Hong Kong.

9.3.4 In determining whether to approve the renewal application and the period of renewal, any breaches of licensing conditions or irregularities over the period under review will be seriously considered. Each case will be assessed on its merits individually. Modifications to existing terms/conditions of a licence may be made in the light of the prevailing licensing policy.

9.3.5 The Police Licensing Office may withhold an application for licence renewal under Section 7(5) of Massage Establishments Ordinance, Cap 266, Laws of Hong Kong, pending for the result of any outstanding court case which is in connection with the licensed premises.

9.4 Transfer of Licence

9.4.1 A licence shall not be transferable. However, under Section 9(2) of the Massage Establishments Ordinance, Cap 266, Laws of Hong Kong the Commissioner may, on sufficient cause being shown to his satisfaction and subject to any conditions as he may think fit to impose, permit the transfer of an existing licence until its expiration to another person and such transfer shall be endorsed on the licence. No application will be considered upon the expiry of a licence even if it is still in force under Section 7 (5) of the same Ordinance.

9.4.2 The incumbent licensee (i.e. the transferor) should complete Part I of the supplementary information form by himself, and sign all copies. The proposed transferee should fill out Part II of the supplementary information form in addition to the prescribed application form and sign all copies. Two copies of the application forms and supplementary information forms (photocopies are acceptable) should either be handed in person to the Police Licensing Office or by mail to 12/F, Arsenal House, Police Headquarters, 1 Arsenal Street, Wan Chai, Hong Kong.

9.4.3 Any application for transfer of licence will be considered carefully by the Commissioner. Such an application will only be considered and approved if and only if the current licensee is able to provide good and valid grounds, with concrete proof, to the satisfaction of the Commissioner that there is sufficient cause for making such application and all items in Section 6(3) of the Massage Establishments Ordinance, Cap. 266, Law of

Hong Kong, are being satisfied. The Commissioner has the absolute discretion to hold in abeyance the decision of an application for transfer until after the annual application for renewal of the Massage Establishments Licence has been properly dealt with and/or all outstanding court cases are completed.

9.4.4 The incumbent licensee must still assume full responsibilities of the licensee of the massage establishment until the application for transfer of licence is approved by the Police Licensing Office. A licensee who simply “abandons” the premises or management of a massage establishment, will not invalidate the licence but he might simply expose himself to prosecution under Section 13(2) if the establishment continues in business. Should a licensee determines that he does not want to continue with the business in any event, he may surrender his licence at any time he considers appropriate. If that is the case, any subsequent application relating to the same massage establishment will be considered as a new application.

9.4.5 If a transferee prepares to make simultaneous changes to the ownership/operation / management of the massage establishment upon the transfer of the Massage Establishments Licence, in addition to the details contained in the application for licence transfer, he should also submit two sets of Notification for Amendment of Massage Establishments Licence.

9.4.6 A fee will be charged on the transferee upon a successful transfer of the Massage Establishments Licence.

9.5 Amendment to Licence

9.5.1 The licensing conditions of a Massage Establishments Licence cannot be varied during its validity except on occasions of new issue, renewal or transfer of licence and applicant/licensee is therefore advised not to make any unnecessary amendments in connection with the operation of his establishment which has a bearing with the imposed licensing conditions.

9.5.2 A licensee is required to apply for the approval from the Commissioner of Police (the Police Licensing Office) prior to any amendment/change to the following:-

- (i) the layout;
- (ii) the name/contents of shop sign;
- (iii) the permitted operating hours;
- (iv) the extension of premises;
- (v) the change of business mode.

9.5.3 A licensee should complete, either by himself or by his authorized person, number of notification as specified in Annex ‘F’ (photocopies are acceptable), duly signed by himself, and submit the Police Licensing Office in person or by mail to 12/F, Arsenal House, Police Headquarters, 1 Arsenal Street, Wan Chai, Hong Kong.

9.5.4 In respect of any extension area of the premises, the licensee is advised to consult the Planning Department to confirm whether planning permission is required in respect of the area prior to submitting the notifications to the Police Licensing Office. The approval for amendment should not be taken as an acknowledgement that a planning permission has been given.

9.5.5 The licensee is obliged to notify the Police Licensing Office in writing of changes to the following:-

- (i) the ownership or director of the massage establishment;
- (ii) the uniform of masseuses/masseurs;
- (iii) the company name holding the massage establishment;
- (iv) the management structure.

9.5.6 The licensee should comply with the requirements stipulated in paragraph 3 of the “Guide on Erection & Maintenance of Advertising Signs’ for erection of any additional shop sign(s) after a Massage Establishments Licence has been issued. The licensee must again, notified the Police Licensing Office of any change in the contents of wordings of the additional shop sign(s).

9.5.7 A fee is payable for each application for amendment whenever applicable.

10. Change of Premises

10.1 Any changes to the location of a licensed massage establishment will be treated as a fresh application. For application procedures, please refer to the paragraphs in the “New Issue of a Massage Establishments Licence” .

11. Refusal of a Licence

11.1 The Commissioner has the power to refuse an application and if he does so, he will inform the applicant of the reason for such a refusal. Section 10 of the Massage Establishments Ordinance, Cap 266, Laws of Hong Kong clearly states that any person who is aggrieved by a decision of the licensing authority made in respect of him under Section 6, 7, 8 or 9 may, within 28 days from the date when he is informed of the decision, appeal to the Administrative Appeals Board (AAB) against such a decision..

12. Responsibilities of a Licensee

12.1 A licence is issued to a natural person and a Hong Kong resident, not to the premises or a company. The licensee is therefore personally responsible to ensure full compliance with all given licence conditions. Hence, he should familiarize himself with the Massage Establishments Ordinance, Cap. 266 and all terms/conditions imposed on his licence. In this respect, owners/partners and shareholders of the proposed massage establishment are strongly advised to carefully assess any potential licensee and his position held in the premises. It is desirable that a managing director or a shareholder/partner or a person in authority be appointed as a licensee.

12.2 One copy of the Revised Standard Licence Conditions (sample) is at Annex ‘H’. Additional licence conditions may be imposed on a licence on particular circumstances.

13. Enquiry

13.1 If you have any question about something not covered in this pamphlet or require any further information, please contact the Senior Clerical Officer/ Assistant Clerical

Officer, Liquor and Miscellaneous Licensing at 2860 6523/2860 6524, or write to the Chief Inspector Liquor and Miscellaneous Licensing of the Police Licensing Office, 12/F, Arsenal House, Police Headquarters, 1 Arsenal Street, Wan Chai, Hong Kong. E-mail correspondence may be addressed to the Chief Inspector Liquor and Miscellaneous Licensing at cip-l-m-licensing@police.gov.hk or sco-g-licensing@police.gov.hk attention to the Senior Clerical Officer, Liquor and Miscellaneous Licensing.

The information given in this pamphlet is for guidance purposes only. The contents are subject to changes to be made in line with prevailing licensing policy, legislative amendments and social circumstances without prior notifications.

**Other Government Departments' Involvement in
Processing Application for
New Issue of Licence and Change of Premises
(with effect from 1st August 1997)**

1. Town Planning Board (TPB)

Under Section 16 of the Town Planning Ordinance, Cap 131, Laws of Hong Kong, a planning permission is required for setting up a massage establishment in certain area. It is therefore advised that an applicant should consult the Planning Department beforehand to see if a planning permission from the Town Planning Board is necessary for the location that he has chosen to set up the massage establishment. If permission so required, the applicant must obtain such permission and a copy of which must be given to the Police Licensing Office for record. The Town Planning Board will give his decision within a period of 75 days from the date of receiving such an application.

2. Local District Office (DO)/Local Residents

The Police Licensing Office would seek comments from the local parties who are likely to be affected by the proposed massage establishment via the respective District Offices. District Offices concerned will conduct sounding-out exercises with District Council members, Area Committee members and office bearers of Mutual Aid Committee *or* Owners' Corporation etc. Result of such sounding-out exercise will then be passed to the Police Licensing Office within 21 working days from the date the District Office receives the Police referral.

3. Fire Services Department (FSD)

3.1 The Director of Fire Services is responsible for assessing the fire safety and ventilation standards of the new issue of Massage Establishments Licence as well as the relocation of a massage establishment. Upon receipt of the referral from the Police Licensing Office in relation to an application for the new issue of Massage Establishments Licence or the relocation of a massage establishment, the Fire Services Department will carry out assessment and furnish to the Police Licensing Office of the requirements in a letter of requirements containing details of the fire safety standard and the ventilation requirements within a period of 21 working days from the date of the application referral.

3.2 The Fire Services Department will then formulate fire safety requirements on the following areas : the premises itself; the windows, the exit signs, the low level directional signs, the emergency lighting, the exit plan, the fire service installations and the equipment (fire hydrant/hose reel system, manual fire alarm system, alarm bells, automatic fire alarm system, sprinkler system, smoke extraction system, etc.), the ventilation system and the like. The Fire Services Department will, upon receiving the referral from the Police Licensing Office, carry out inspections to the premise in question and to assess the suitability of the premise being used as a massage establishment. If the premise is found not suitable for operation as a massage establishment from fire safety point of view, the Department will inform the Police Licensing Office of such an objection with reasons stated.

Annex A

3.3 The applicant may directly communicate with the respective Fire Protection Regional Offices and Ventilation Division of Fire Services Department for enquiries and clarifications of the fire safety matters once they have received the requirements from the Police Licensing Office.

3.4 The Fire Services Department will also be sitting in the Consent Panel Meeting to answer questions in relation to fire safety standard and ventilation requirements if so required.

3.5 Any subsequent request, either by Fire Service Department or the applicant, to make amendment to the submitted layout plan or other related fire safety or ventilation requirements would be treated as a fresh application.

4. Buildings Department

4.1 The Director of Buildings is responsible for the assessment on structural safety, means of escape and unauthorized building works in relation to any application for a new Massage Establishments Licence as well as the relocation of a massage establishment. Upon receipt of the referral from the Police Licensing Office in respect of the above two applications, the Buildings Department will conduct their assessments on the concerned subjects and would provide a letter of requirements to the Police Licensing Office within 21 working days from the date of receipt.

4.2 An applicant is strongly advised to seek professional assistance from an Authorized Person to ensure that the proposed establishment will comply with all structural, loading and fire (which includes means of escape, fire containment, fire fighting and rescue etc.) safety requirements.

4.3 As far as the fire safety aspects are concerned, (a) the Code of Practice for the Provision of Means of Escape In Case of Fire; (b) the Code of Practice for Fire Resisting Construction and (c) the Code of Practice for Means of Access for Fire Fighting and Rescue published by the Buildings Department are relevant guides.

4.4 The Buildings Department will send representatives to answer questions on building safety, means of escape or others related to the buildings put up by the applicant or his company, if any, at the Consent Panel Meeting.

4.5 The Buildings Department will report each confirmation of completion of works or rectification to the Police Licensing Office within 30 working days from the date of receiving report of completion referred by the Police Licensing Office.

4.6 Any subsequent request by the applicant to make amendment to the submitted layout plan or other related building safety requirements will result in the application being treated afresh.

4.7 Unauthorized building works in premises under application for Massage Establishments Licence may pose a risk to the safety of the employees and patrons. Applicants are therefore advised to exercise extreme care in selecting premises for massage

Annex A

establishment use, as the presence of unauthorized building works, particular unauthorized sub-division of a floor into separate units without the provision of internal corridors protected by fire resisting walls and doors, unauthorized cockloft and slabbing-over of original staircase opening and cockloft void, may render the premises unsuitable for massage establishment. If the premises selected for massage establishment use contains unauthorized building works, the applicant is strongly advised to effect removal of such works in accordance with the “Guidelines for the Removal of Typical Unauthorized Building Works” issued by Buildings Department before submitting an application.

4.8 The erection of advertising signs should be in accordance with the “Guide on Erection and Maintenance of Advertising Signs” issued by the Buildings Department. In general, advertising signs projecting over a pavement should have a minimum vertical clearance of 3.5m and a minimum horizontal clearance of 1.0 m from the curb of such pavement. Advertising signs projecting over a carriageway should have a minimum vertical clearance of 5.8m. Copies of the Guide can be obtained from the Buildings Department for reference.

4.9 The applicants’ attention is drawn to the Disability Discrimination Ordinance in regard to the provision of access and facilities for persons with a disability. Unauthorized removal or alteration of existing approved access and facilities (e.g. ramps, toilets etc.) for persons with a disability may be subject to enforcement and prosecution actions under the Buildings Ordinance.

5. Electrical & Mechanical Services Department (EMSD)

5.1 All fixed electrical installations in the massage establishment are required to comply with the safety requirements as stipulated in the Electricity (Wiring) Regulations.

5.2 An applicant is to submit to the Police Licensing Office a Work Completion Certificate (Form WR 1) in respect of new installations or a Periodic Test Certificate (Form WR 2) with EMSD endorsement in respect of existing installations.

5.3 On annual renewal, a fresh duly endorsed Form WR 2 will have to be submitted.

6. Home Affairs Department (HAD)

6.1 The Office of the Licensing Authority (the LA) of Home Affairs Department is responsible for assessing building and fire safety standard of the new issue of licence for massage establishment located within hotel precinct and members clubs as well as the relocation of a massage establishment to ensure that they are complied with the requirements under the Hotel and Guesthouse Accommodation Ordinance and the Clubs (Safety of Premises) Ordinance. Upon receiving a police referral of an application for the new issue of Massage Establishments Licence or the relocation of a massage establishment, the LA will issue a letter confirming no objection or setting out upgrading requirements to the Police Licensing Office within 21 working days from the date of receipt. The LA will treat any subsequent request by the applicant to make amendment to the submitted layout plan as a new case.

Annex A

6.2 The Office of Licensing Authority will send representatives to attend the Consent Panel Meeting to answer questions posed by an applicant or his accompany, if any.

6.3 The Office of Licensing Authority will verify each completion of works or rectification and report result to the Police Licensing Office within 40 working days from the date of receipt police referral.

6.4 If a proposed massage establishment falls within the statutory ambit of clubs under the Clubs (Safety of Premises) Ordinance or located within hotel precinct which is under the control of the Hotel and Guesthouse Accommodation Ordinance, an applicant should, in addition to apply for a Massage Establishments Licence, also obtain a Certificate of Compliance or a Hotel and Guesthouse Licence from the Office of Licensing Authority, Home Affairs Department. A Massage Establishments Licence will not be issued until the applicant has obtained a Certificate of Compliance or a Hotel and Guesthouse Licence for the premises and that such a copy of the Certificate/Licence has been submitted to the Police Licensing Office for reference.

7. Food and Environmental Hygiene Department

7.1 An applicant is to approach the Food and Environmental Hygiene Department to see if a Commercial Bathhouse Licence is required under the Commercial Bathhouses (Urban Council) By-laws, Cap. 132 should there is any bathing facility in his premises. If so, a copy of such licence is to be submitted to the Police Licensing Office.

7.2 If food is to be served to customers inside the premises, a licence from the Food and Environmental Hygiene Department may be required under the Food Business (Urban Council/Regional Council) Bylaws. In this connection, additional fire safety requirements for the kitchen will be required.

8. Others (Labour Department, HK Town Gas Company, etc.)

An applicant is to submit copies of certificates to show that all heater and/or boiler installations in or connected to the premises are safe and duly maintained by concerned departments/companies. Fresh copies of such documents are to be submitted annually upon licence renewal.

SPECIFICATIONS ON REQUIREMENTS

1. The Layout of Premises

1.1 The general layout and partitions inside a massage establishment should satisfy all fire and structural safety requirements. A proposed layout plan has to be initially approved by the Commissioner of Police in the form of an issue of the letter of “Approval-in-Principle” before the applicant/licensee can proceed with the related renovation works. Final approval will only be given upon satisfactory subsequent site visit (s) by the Police Formations concerned that the actual layout fulfilled all the requirements in the approved layout plan.

1.2 In all cases, the Commissioner will have to be satisfied that the general layout, including all rooms, partitions, locations of massage beds/chairs and light fittings inside the massage establishment, will not render any massage activity to be conducted in seclusion or out of general view, and that the licensee and/or the management can readily and adequately supervise all activities in the premises. This is important on massage establishment whereby full body massage is provided to customers by staff of the opposite sex.

1.3 To this end, single bedded rooms/partitions are not allowed. Exceptions to this rule will be catered for in special cases with good and sound reason for the consideration of the Commissioner.

1.4 In any massage room there must be a minimum clear space of 0.762 metres (2.5 feet) around all three sides of a massage bed/chair for free of movement and fire escape.

1.5 All massage room/partition doors should not be locked, either from inside or outside, at any time.

1.6 No change is allowed to the use of any room or to the size and positions of any massage bed, massage chair and large size furniture inconsistent with the approved layout plan without prior written approval from the Commissioner of Police.

1.7 No partitions of any kind (including curtains, towels, clothes, etc.) is permitted inside massage rooms/partitions apart from those approved by the Commissioner. Partitions of any kind used to separate massage chairs in an open area should not be more than 1.22m (4 feet) in height. Any area surrounded by partitions of two sides at a height of above 1.22m (4 feet) is classified as a room and in such case, all restrictions and requirements for massage rooms are relevant.

1.8 A plan approved in principle by the Commissioner is subject to a final physical inspection on the premises upon completion of work to confirm that the actual layout confirms with specifications is satisfactory in every detail. Modifications will be required should any physical check confirm the same to be necessary.

1.9 Annex ‘G’ is for your reference in preparing a layout plan of the Massage Establishment.

2. Windows on Massage Room Doors / Partitions

2.1 In each massage room, there must be 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 providing an unobstructed view of the rooms interiors. Patterned glass may be fixed with the prior approval of the Commissioner.

2.2 If a massage room is so large to the extent that some parts of the interior are in seclusion, sufficient numbers of transparent and colourless windows of the same size as the room door window on partitions/walls are required to enable all activities inside open to general view. The numbers of such windows depend upon the size of the room/partition and arrangement of beds/chairs inside in relation to the position of the door.

2.3 Nothing should be put on any such window to partially or completely obscure the view into the room/partition. The improper practice of hanging clothes or towels on the windows should cease. To prevent staff and customers from hanging anything behind windows, no nails or hooks, etc. should be installed above or near such windows.

3. Lighting

3.1 Lighting for massage rooms must be provided by light bulbs without cover at a minimum intensity of 25 watts or equivalent illumination per bed. The licensee must ensure all light bulbs of occupied massage rooms are workable at all times. Unlit light bulbs or equivalent illumination must be promptly replaced. Positions of all room light fittings should be shown in the layout plan.

3.2 No light rheostat that controls the functioning of any lights in the licensed premises is allowed.

4. Fire Extinguisher

4.1 The licensee is required to install a standard 9 litre water type or a 2 kg dry powder type fire extinguisher readily available for every 200 sq. metres of the licensed space.

Documents Required for Application for New Issue of Massage Establishments Licence

The following documents are required when submitting of application for a new issue of Massage Establishments Licence:-

1. Five copies of application form.
2. Five copies of supplementary information form.
3. Two recent passport size photographs of the applicant.
4. Two copies of HK ID Card (if applicant agrees to provide).
5. Two copies of proof of entitlement to take up employment in Hong Kong.
(For holder of non-Hong Kong Permanent Resident Identity Card)
6. Three copies of approval letter from the Town Planning Board in respect of planning permission.
7. A copy of the Occupation Permit issued by the Building Authority in respect of the premises where the proposed massage establishment will be situated.
8. Two copies of each other valid licences except driving licence.
9. Five copies of floor plan of the proposed massage establishment of which are drawn to a suitable scale (1:50 or 1:100) with all the dimensions of the premises and the exit routes/doors marked clearly and endorsed by an Authorized persons showing:-
 - The construction material of any proposed partition walls
 - The FRP of the proposed fire resisting partitions and doors
 - The width of all exit doors for the massage establishment and exit door for all rooms therein
 - All internal partitions, screens, doors and the like and the materials used or intended to be used for their construction;
 - The use of each part and each room of the massage establishment;
 - The dimensions of each such part;
 - The locations of fire-fighting equipment;
 - The manner in which areas designed for massage treatment will be open to general view;

Annex C

- The exact locations of furniture;
(also dimension for large and fixed furniture)
- The exact positioning of all massage beds/chairs and their three sides dimensions for fire escape;
- The number of all massage rooms;
- The exact location of all light fittings in massage rooms; and
- A sketch of the massage room door with size and pattern of the door window.

Note:

- Each copy of floor plan must be signed by the applicant certifying that it is a true copy of the floor plan; and
 - Each copy of floor plan must bear full details of such Authorized Person who should endorse on each copy.
10. Five copies of a sketch of the sign which will be erected to advertise the massage establishment. The sketch must indicate the wording, size and materials to be used in respect of the sign. If the sign is to be illuminated the applicant is required to indicate the method of illumination.
- Note: Each copy of the sketch has to be duly signed by the applicant certifying that it is a true copy of the sign.
11. Five copies of a sketch showing the location of the sign to be erected to advertise the massage establishment.
- Note: Each copy must be signed by the applicant certifying that it is a true copy of the sign.
12. Two copies of Tenancy Agreement.
13. Two copies of partnership agreement if the massage establishment is owned by a partnership.
14. Two copies of Certificate of the Incorporation and two copies of Business Registration Certificate of the said massage establishment is owned by a corporation.
15. Two copies of Memorandum and Article of Association if the massage establishment is or will be owned by a limited company.
16. Two copies of Business Registration Certificate of the massage establishment.

Annex C

17. Two copies of Certificate of Compliance issued by the Secretary for Home Affairs in accordance with the Clubs (Safety of Premises) Ordinance if the premises falls within the statutory ambit of clubs under the Clubs (Safety of Premises) Ordinance.
18. Two copies of Hotel or Guesthouse Licence if the proposed premises is covered by such a licence.
19. Two copies of Commercial Bathhouse Licence, if any, issued by the Food and Environmental Hygiene Department.
20. Two copies of official letter of appointment for the applicant as the licensee of the massage establishment if the applicant is not one of the owner / partners / shareholders of the massage establishment;
21. Two sets of staff uniform photographs, if any.

**Document Required for
Application for Renewal of Massage Establishments Licence**

The following documents are required upon submission of application for renewal of licence: -

1. Two copies of application form for renewal of licence.
2. Two copies of supplementary information form.
3. Two recent passport size photographs of the applicant.
4. Two copies of proof of entitlement to take up employment in Hong Kong. (For Non Hong Kong Permanent Resident Identity Card Holder).
5. Two copies of NEW Tenancy Agreement, if any.
6. Two copies of Business Registration Certificate of the massage establishment.
7. Two copies of Business Registration Certificate of the corporation which owns the massage establishment.
8. A copy of annual certificate of maintenance issued by a registered fire service installation contractor in respect of the fire extinguishers and other fire safety installations.
9. A copy of 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).
10. Two copies of Certificate of Compliance or Hotel & Guesthouse Licence if the premises is a club or in a hotel.

**Document Required for
Application for Transfer of Massage Establishments Licence**

The following documents are required upon submission of application for transfer of Massage Establishments Licence: -

(A) Licence Transferor

Two copies of relevant and documentary proof to support the reason of transfer.

(B) Licence Transferee

1. Two copies of this application form for transfer of licence.
2. Two copies of supplementary information form..
3. Two recent passport size photographs of the licence transferee.
4. Two copies of Hong Kong Identity Card if the applicant agrees to provide.
5. Two copies of proof of entitlement to take up employment in Hong Kong if licence transferee is not a permanent resident of Hong Kong.
6. Two copies of official letter of appointment for the proposed transferee to be the licensee of the massage establishment if he or she is not one of the owner / partner / shareholder of the massage establishment.
7. Two copies of each other valid licence held by the licence transferee.
8. Two copies of New Tenancy Agreement, if any.
9. Two copies of Notification for Amendment of Massage Establishments Licence if there is simultaneous change to the ownership / operation / management of the massage establishment upon transfer of the Massage Establishments Licence.

**Document Required for Notification for
Amendment of Massage Establishments Licence**

The following documents are required upon submission of the application for amendment of Massage Establishments Licence: -

(A) For Amendment(s) to the Layout Plan

1. Five copies of notification for amendment.
2. Five copies of revised layout plan which are drawn to suitable scale (1:50 or 1:100) with all the dimensions of the premises and the exit routes/doors marked thereon and proposed amendments highlighted and endorsed by an Authorized Person showing: -
 - All internal partitions, screens, doors and the like and the materials used or intended to be used for their construction;
 - The construction material of any proposed partition walls;
 - The FRP of the proposed fire resisting partitions and doors;
 - The width of all exit doors for the massage establishment and each room of the massage establishment;
 - The plan should be coloured so as to clearly indicate the proposed amendments;
 - The use of each part and each room of the massage establishment;
 - The dimensions of each such part;
 - The locations of fire-fighting equipment;
 - The manner in which areas designed for massage treatment will be open to general view;
 - The exact locations of furniture;
(for large and fixed furniture, also include dimension)
 - The exact positioning of all massage beds/chairs and their three sides dimensions for fire escape;
 - The exact location of all light fittings in massage rooms;
 - a sketch of the massage room door with size and pattern of the door window; and
 - The number of all massage rooms.

Note:

- Each copy must be signed by the applicant certifying that it is a true copy of the floor plan; and
- Each copy of floor plan must bear full details of such Authorized Person who should endorse on each copy.

(B) For Amendment(s) in relation to the Extension of Massage Establishment

1. Five copies of notification for amendment.
 2. Five copies of layout plan including the existing portion which are drawn to scale (1:50 or 1:100) with all dimension of the premises and the exit routes/doors marked thereon and proposed amendments highlighted and endorsed by an Authorized Person showing -
 - All internal partitions, screens, doors and the like and the materials used or intended to be used for their construction;
 - The construction material of any proposed partition walls;
 - The FRP of the proposed fire resisting partitions and doors;
 - The use of each part and each room of the massage establishment;
 - The width of the all exit doors for the massage establishment and each room of the massage establishment;
 - The plan should be coloured so as to clearly indicate the proposed amendments;
 - The dimensions of each such part;
 - The locations of fire-fighting equipment;
 - The manner in which areas designed for massage treatment will be open to general view;
 - The exact locations of furniture;
(for large and fixed furniture, also include dimension)
 - The exact positioning of all massage beds/chairs and their three sides dimensions for fire escape;
 - The exact location of all light fittings in massage rooms;
 - A sketch of the massage room door with size and pattern of the door window; and
 - The number of all massage rooms.
- Note:
- Each copy of floor plan must be signed by the applicant certifying that it is a true copy of the floor plan; and
 - Each copy of floor plan must bear full details of such Authorized Person who should endorse on each copy.
3. Two copies of Tenancy Agreement (New Part), if any.
 4. Three copies of Approval Letter from the Town Planning Board in respect of planning permission for the new portion.

(C) For Amendment(s) to the Name of Massage Establishment

1. Two copies of notification for amendment.
2. Two copies of a sketch of the shop sign of which will be erected to advertise the massage establishment. The sketch must indicate the wording, size and materials to be used in respect of the sign. If the sign is to be illuminated the applicant is required to indicate the method of illumination;

Note: Each copy of the sketch is to be duly signed by the applicant certifying that it is a true copy of the sign.

3. Two copies of a sketch showing the location of the shop sign of which will be erected to advertise the massage establishment.

Note: Each copy of the sketch is to be duly signed by the applicant certifying that it is a true copy of the sign.

(D) For Amendment(s) made to the Permitted Operating Hours

1. Three copies of notification for amendment.
2. Three copies of relevant supporting document, if any.

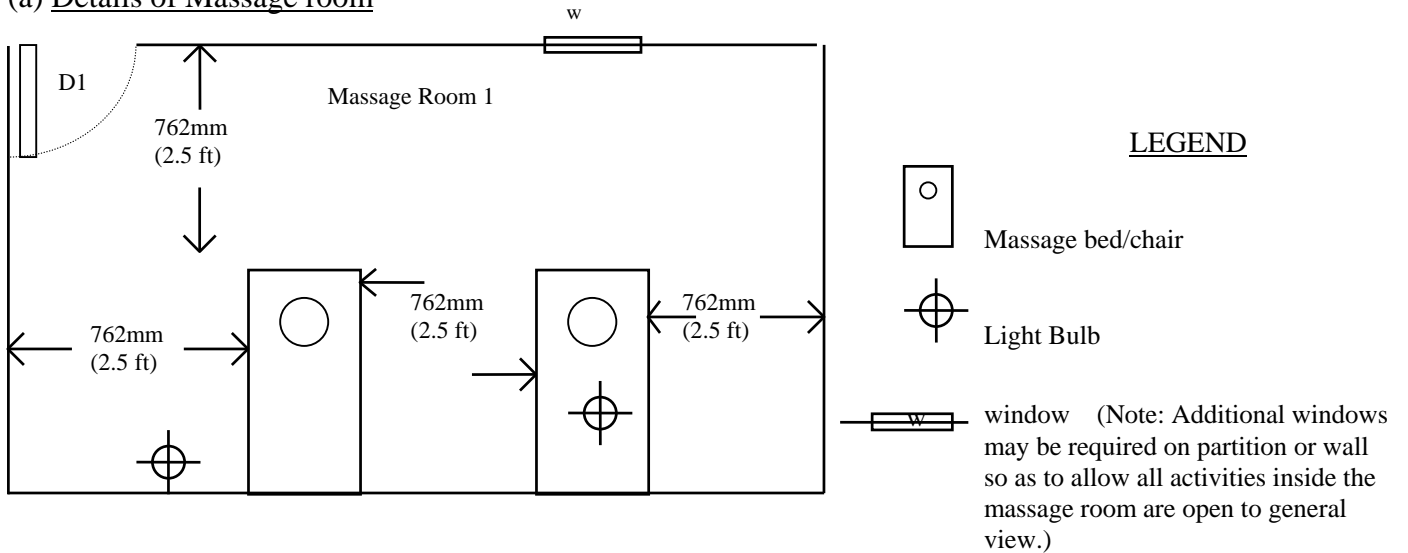
(E) For changes to any of the following, two copies of relevant supporting document and notification for amendment: -

1. The ownership/director of the massage establishment, including individual, partnership, body corporate, director etc.;
2. Change of business mode;
3. Change of masseuses/masseurs uniform;
4. Change of name of the holding company;
5. Change of management structure.

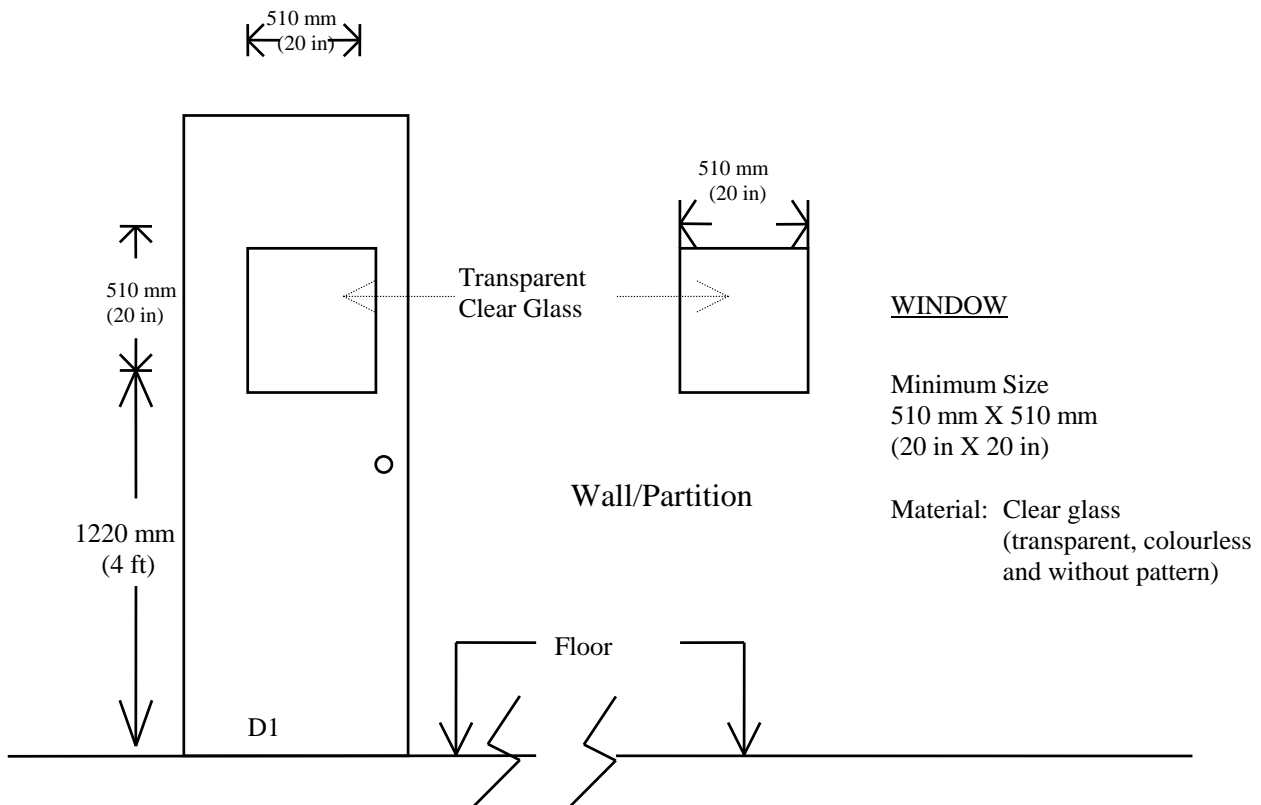
General Specification for a Massage Room

(To assist you in preparing the layout plan of a massage establishment, you are advised to take the followings as a reference.)

(a) Details of Massage room



(b) Details of window for massage room door or wall/partition

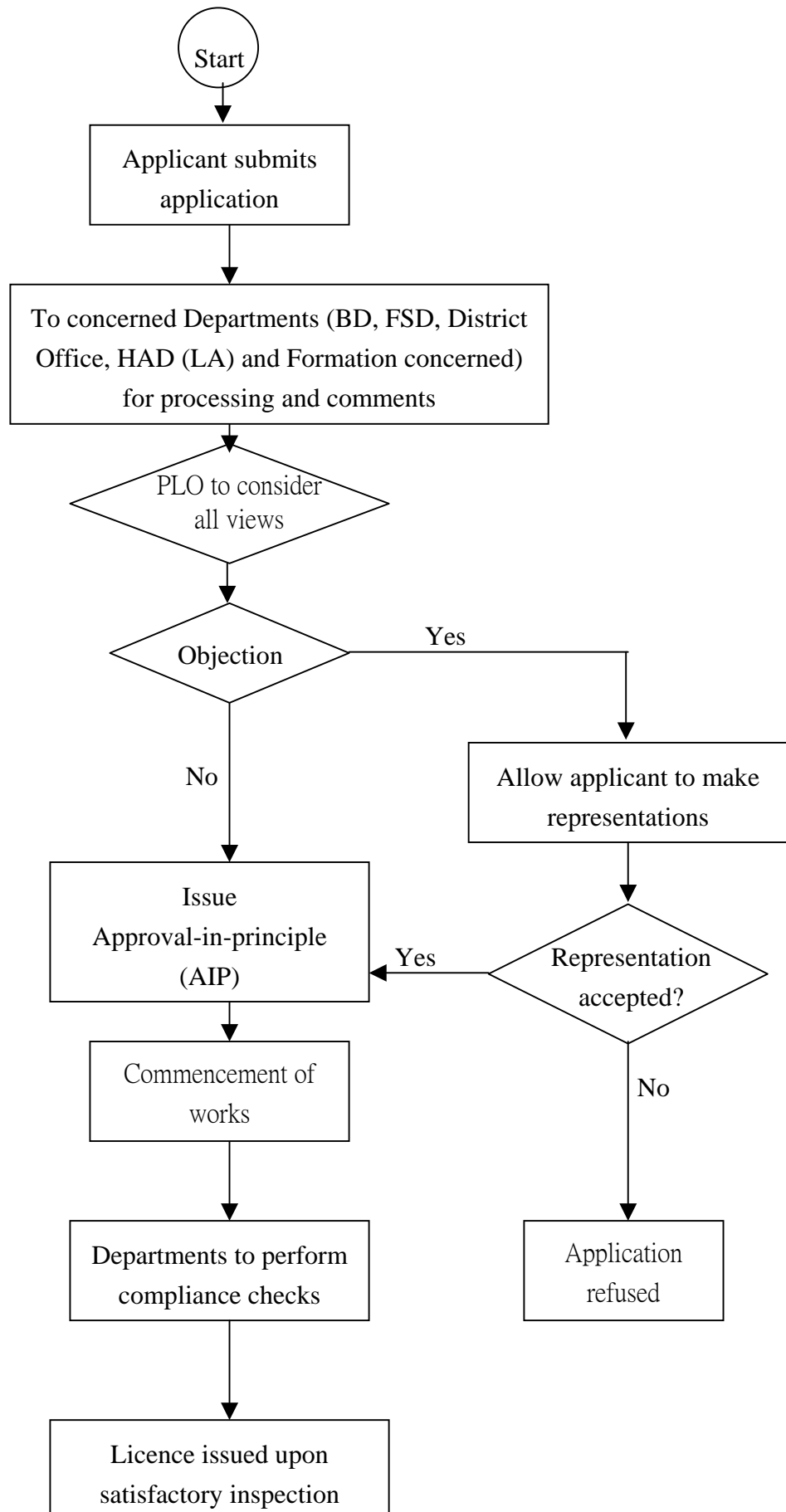


Conditions of Licence (No. _____)**Massage Establishments Ordinance, Cap. 266**

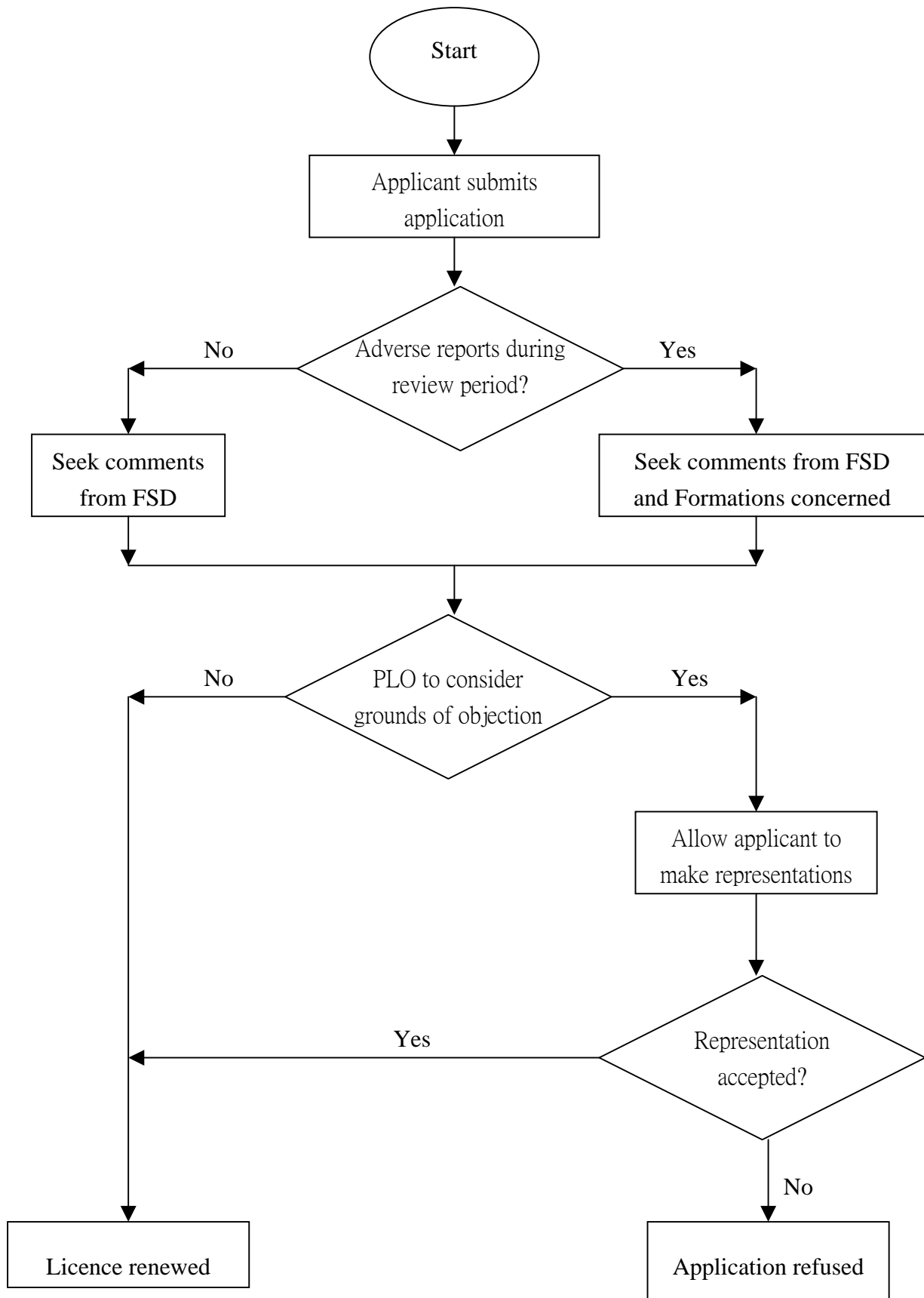
1. The licensee shall ensure that no massage or other treatment shall be given, nor customers be permitted, upon the premises except between the hours of _____.
2. The licensee shall make adequate provision against fire in the premises to the satisfaction of the Director of Fire Services (DFS), the Director 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.

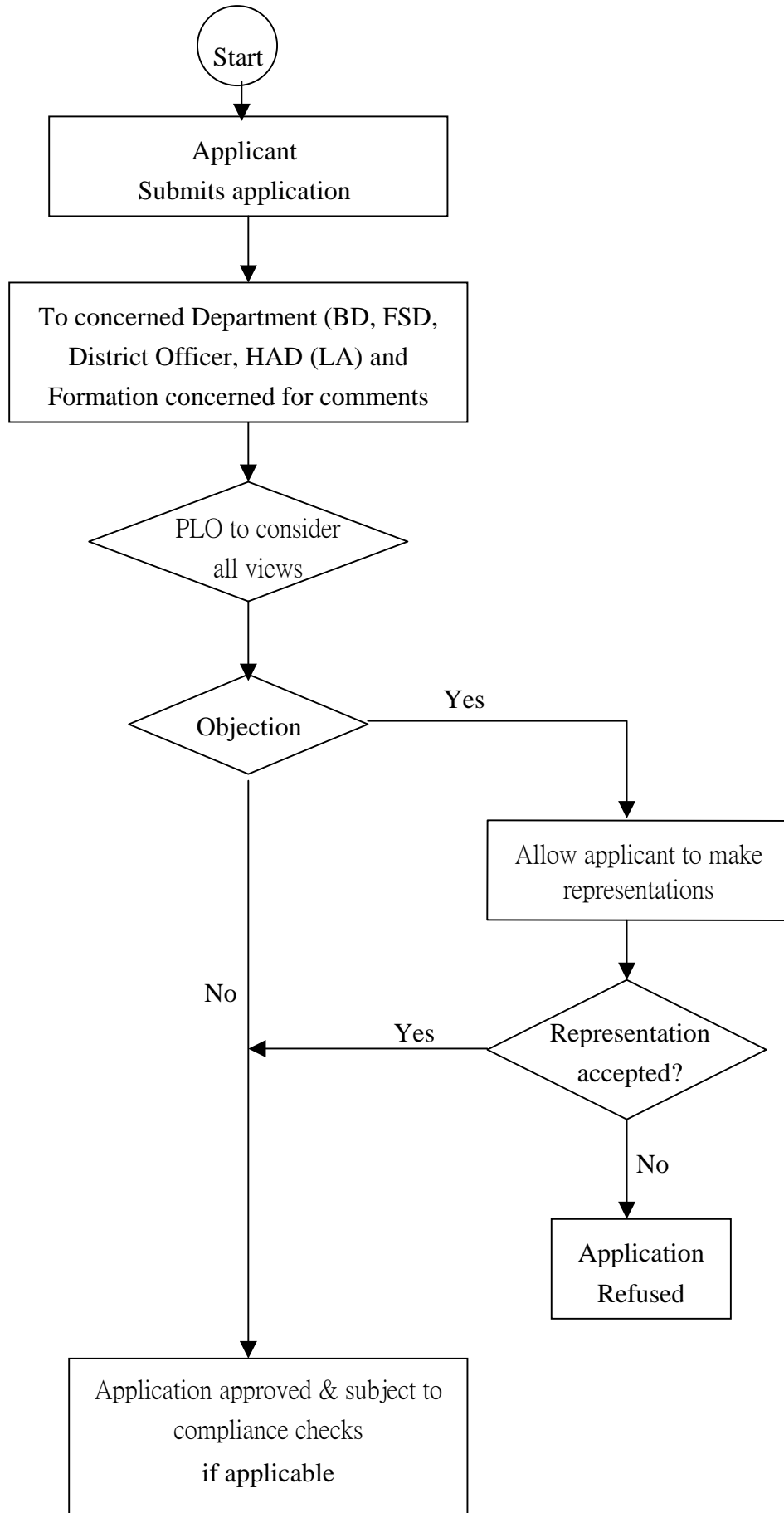
Annex H

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.

Massage Establishments Licence– New Application

Massage Establishments Licence– Renewal Application



Massage Establishments Licence- Amendment Application

Massage Establishments Licence– Transfer Application