

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

**APPLICATION NO. A/K9/273**

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| <b><u>Applicant</u></b>                    | : Mannpower Limited represented by New World First Ferry Services Limited |
| <b><u>Premises</u></b>                     | : Shop K6, Lower Deck, Hung Hom (North) Ferry Pier, Hung Hom, Kowloon     |
| <b><u>Total Floor Area of Premises</u></b> | : About 148.64m <sup>2</sup>  |
| <b><u>Lease</u></b>                        | : Government Property   |
| <b><u>Plan</u></b>                         | : Approved Hung Hom Outline Zoning Plan (OZP) No. S/K9/26                 |
| <b><u>Zoning</u></b>                       | : “Other Specified Uses” annotated “Pier” (“OU(Pier)”)                    |
| <b><u>Application</u></b>                  | : Eating Place (Restaurant)   |

**1. The Proposal**

- 1.1 The applicant seeks planning permission for ‘Eating Place (Restaurant)’ use at Shop K6 at the lower deck of the Hung Hom (North) Ferry Pier (the Pier). The application premises (the Premises) falls within an area zoned “Other Specified Uses” annotated “Pier” (“OU(Pier)”) on the approved Hung Hom OZP No. S/K9/26 (**Plan A-1**). According to the Notes of the OZP, ‘Eating Place’ is a column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises, with a floor area of about 148.64m<sup>2</sup>, is the subject of a previous application (No. A/K9/173) for proposed ‘Retail Shop and Fast Food Shop’ use, which was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 13.12.2002. The Premises has been continually used as an ‘Eating Place (Restaurant)’ since 2008 after obtaining a General Restaurant Licence issued by the Food and Environmental Hygiene Department (FEHD). As the planning approval in 2002 does not allow for restaurant use <sup>1</sup>, a fresh application for ‘Eating Place (Restaurant)’ use is submitted in order to continue its operation.

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<sup>1</sup> According to the Definition of Terms (DoT) promulgated by the Board, ‘Fast Food Shop’ refers to ‘any premises used for selling quick meals including drinks mainly for consumption off the premises’ and is subsumed under

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 2.11.2018 (Appendix I)
  - (b) Letter received on 5.11.2018 enclosing a revised floor layout plan (Appendix Ia)
  - (c) Further Information (FI) received on 4.1.2019 providing a sewerage proposal and responses to departmental comments (FI 1) (Appendix Ib)
  - (d) FI received on 25.1.2019 providing clarifications in relation to the implementation of sewerage proposal, and responses to departmental comments (FI 2) (Appendix Ic)
- 1.4 Block plan of the lower deck of the Pier and floor plan of the Premises submitted by the applicant are shown in **Drawings A-1** and **A-2**.
- 1.5 On 21.12.2018, upon the request of the applicant, the Metro Planning Committee (the Committee) agreed to defer making a decision on the application for one month to allow time for the applicant to address comments from government departments. Upon receipt of FI 1 from the applicant on 4.1.2019, the application is scheduled for consideration at this meeting.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are provided in Annex 1 of the application form at **Appendix I** and FIs at **Appendices Ib** and **Ic**. They are summarised as follows:

- (a) the restaurant has been in existence at the Pier for about 10 years and offers convenient and inexpensive food services to ferry passengers and nearby residents and workers;
- (b) rental revenue from the restaurant can compensate the operational loss of the ferry services and reduce the pressure to adjust the fare;
- (c) restaurant staffs generally commute to and from work by public transport;
- (d) loading and unloading activities usually take place four times a week at Wa Shun Street, which is about 10m away from the Premises;
- (e) as the Premises has no drainage connection to the communal sewer system, the restaurant operator has been arranging regular desludging service once a week to clear all sewage in the septic tank system (STS);

- (f) the following mitigation measures are proposed to minimise discharge of wastewater/sewage to the STS:
- (i) installation of grease traps at the kitchen sinks of the restaurant to separate oil and grease (O&G) from wastewater before passing to STS. The separated O&G will be disposed properly as garbage. The grease traps will be cleaned at least twice a day;
  - (ii) to arrange desludging service to clear all sewage in the STS at least four times per month. All receipts will be kept for record purpose;
  - (iii) dish cleaning will be handled by external dish cleaning company in order to reduce discharge of wastewater. It is anticipated that the water usage will be reduced from 275m<sup>3</sup> at current to no less than 200m<sup>3</sup> (i.e. a 25% reduction). All receipts will be kept for record purpose; and
  - (iv) the abovementioned mitigation measures will be closely monitored and evaluated by the restaurant operator every 90 days.

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

As the Premises involves Government land only, the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) is not applicable to the application.

### **4. Previous Application**

The Premises is the subject of a previous application (No. A/K9/173) for proposed ‘Retail Shop and Fast Food Shop’ use, which was approved with conditions by the Committee on 13.12.2002 for the reasons that the proposed use was not incompatible with the existing uses at the pier and would not affect the operation of the existing ferry services.

### **5. Similar Application**

The Committee has previously considered an application (No. A/K9/221) for proposed ‘Eating Place (Café), Shop and Services (Snack Shop and its Ancillary Store Room and Printing Station) at Shops K2, K3, K4 and K5 of the lower deck of the subject pier (**Plan A-3**). On 2.11.2007, the application was approved with conditions by the Committee for the reasons that proposed uses were not incompatible with the existing uses at the pier and would not affect the operation of the existing ferry services. At present, Shop K2 is occupied by a café while the remaining application premises are no longer shop areas.

**6. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4 to A-5)**

6.1 The Premises:

- (a) is located between the entrance to the lower deck of the Pier and the adjoining café at Shop K2;
- (b) is currently under operation as a restaurant, with operation hours between 7:00 a.m. and 5:00 p.m. from Mondays to Saturdays; and
- (c) the rear portion is currently used for kitchen, staff rest room and store room, whereas the front portion is used for customer seating area and cashier (**Drawing A-2**).

6.2 The Pier:

- (a) is government property operated by the New World First Ferry Services Limited (NWFF) (the applicant's representative) providing regular ferry services between Hung Hom and North Point;
- (b) comprises two deck levels, with the passenger entrance/exit located at the lower deck, and the upper deck currently left vacant; and
- (c) has two shops at the lower deck abutting the covered public walkway, including the Premises and the adjacent Shop K2 which is currently occupied by a café with a valid planning permission;

6.3 The surrounding areas have the following characteristics:

- (a) at a prominent waterfront location. The covered public walkway which the Pier abuts forms part of the Hung Hom Promenade;
- (b) to the northwest is a site zoned "Comprehensive Development Area (1)" ("CDA(1)") that is developed into the Kerry Hotel Hong Kong with retail and eating place uses;
- (c) to the immediate north is an area zoned "Open Space" ("O") which is currently occupied by some temporary uses and the former public transport interchange which has recently been relocated into the Kerry Hotel Hong Kong. The whole area is planned to be developed into an Urban Park as announced in the 2017 Policy Address;
- (d) to the west is a one-storey structure serving as the New Hung Hom Ferry Pier Toilet with a STS which the wastewater from the Premises is discharged to. To the further west is the Hung Hom (South) Ferry Pier; and

- (e) the Whampoa Garden, a major residential/commercial development, is located further north.

**7. Planning Intention**

The planning intention of “OU(Pier)” zone is primarily to provide/reserve land intended for pier(s).

**8. Comments from Relevant Bureau/ Government Departments**

- 8.1 The following Government bureau/departments have been consulted and their views on the application are summarized as follows:

**Land Administration**

- 8.1.1 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

as the subject pier is now under the management of Government Property Agency (GPA), there is no comment on the application from the land administrative point of view.

**Property Management Matters**

- 8.1.2 Comments of the Government Property Administrator (GPA):

- (a) no objection to the application;
- (b) Transport Department (TD) is responsible for the day-to-day tenancy management including monitoring the use and occupation of the pier by NWFF, and the GPA acts as the leasing facilitator to prepare and execute the tenancy agreement for the pier according to TD’s instruction;
- (c) upon approval of the application, NWFF is required to submit an application to GPA for the commercial concession at the Premises for approval; and
- (d) if the application is to be approved by the Committee, relevant conditions may be imposed under the commercial concession agreement of the Premises in relation to the sewage mitigation measures as proposed by the applicant.

- 8.1.3 Comments of the Chief Transport Officer/Planning/Ferry, TD:

- (a) no adverse comment on the application;

- (b) the rental income generated from the proposed eating place would help generate “non-fare box” revenue which would be ploughed back to the ferry operating account to cross-subsidise the ferry operations; and
- (c) the Premises would unlikely cause obstruction to the flow of passengers nor affect the operation of ferry service at the Pier.

### **Food and Environmental Hygiene Aspect**

#### 8.1.4 Comments of the Director of Food and Environment Hygiene (DFEH):

the Premises is now holding a General Restaurant Licence for the period from 3.3.2018 to 2.3.2019.

### **Drainage Aspect**

#### 8.1.5 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) no in-principle objection to the generation of revenue to subsidise the ferry operation through commercial concession scheme; and
- (b) the ‘Eating Place (Restaurant)’ use under the current application should be carefully considered only when adequate terms and conditions could be practically imposed and enforced to the ferry operator by TD under its ferry operation agreement and to the ferry operator/its tenants through commercial concession scheme by GPA, in respect of the discharge of O&G and the desludging responsibility to the satisfaction of the Environmental Protection Department (EPD), Food and Environmental Hygiene Department (FEHD) and DSD.

### **Environmental Aspect**

#### 8.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application given that adverse environmental impact arising from the operation of the restaurant is not anticipated with the implementation of sewage mitigation measures proposed by the applicant in FI 1 and FI 2;
- (b) it is understood that the proposed measures will be properly implemented and relevant conditions for implementing such measures will be included under GPA’s commercial concession agreement and FEHD’s restaurant licence, if appropriate; and

- (c) should the application be approved, the following advisory clauses are suggested:
  - (i) the applicant shall install grease trap, clean the grease trap at least twice per day and extract the greasy substance for proper disposal, according to the FEHD's guidelines;
  - (ii) the applicant shall arrange licensed operator to desludge and empty the septic tank and soak-away pit at least four times per month, and keep the relevant record for inspection purpose;
  - (iii) the applicant shall reduce the quantity of water usage to less than 200m<sup>3</sup>, and keep the relevant record for inspection purpose; and
  - (iv) the applicant shall review items (i) to (iii) above, analyse the effectiveness every three months and take further mitigation measures if necessary.

### **Fire Safety**

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

- (a) no objection in principle to the application as fire service installations and water supplies for firefighting have been provided in the Premises to the satisfaction of the Director of Fire Services; and
- (b) fire services requirements regarding licensing premises would be imposed upon receipt of formal application via Licensing Authority.

### **District Officer's Comments**

#### 8.1.8 Comments of the District Officer (Kowloon City), Home Affairs Department (DO(KC), HAD):

DO(KC), HAD has no comment on the planning application and notes that PlanD has notified the interested Kowloon City District Council Members, the Hung Hom Area Committee as well as the Owners Committee/Mutual Aid Committees/management committees/residents of buildings near the Site on the planning application. The Board should take into account all the comments gathered in the decision making process. Should the application be eventually approved, the applicant should take appropriate measures to address the residents' concerns.

#### 8.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police;
- (b) Commissioner for Transport;

- (c) Chief Building Surveyor/Kowloon, Buildings Department;
- (d) Chief Highways Engineer/Kowloon, Highways Department; and
- (e) Chief Engineer/Construction, Water Supplies Department.

## **9. Public Comments Received During Statutory Publication Period**

The application was published for public inspection on 9.11.2018. During the first three weeks of the statutory public inspection period, which ended on 30.11.2018, two public comments (**Appendix II**) on the application were received. One commenter from the Hung Hom Area Committee of Kowloon City District Council raised objection to the application and an individual provided views on the application. Major views are summarised as follows:

- (a) there are many eating places (including the subject one) in Whampoa area. Environmental hygiene and mosquito problems are very serious;
- (b) sewage from the existing restaurant is not properly treated as the sewerage facilities are not connected to the public sewer; and
- (c) period of tenancy agreement should be conducive with the long-term development of the subject pier.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for 'Eating Place (Restaurant)' use at the Premises located within the Pier which falls within an area zoned "OU(Pier)" on the Hung Hom OZP. The Premises (i.e. Shop K6), with a floor area of about 148.64m<sup>2</sup>, is the subject of a previous application (No. A/K9/173) for proposed 'Retail Shop and Fast Food Shop' use which was approved with conditions by the Committee on 13.12.2002. At present, the Premises is currently used for the applied 'Eating Place (Restaurant)' use.
- 10.2 The Premises is located at the lower deck of the Pier. The Committee has previously approved with conditions an application (No. A/K9/221) for proposed 'Eating Place (Café), Shop and Services (Snack Shop and its Ancillary Store Room, and Printing Station)' at Shops K2, K3, K4 and K5 of the lower deck of the Pier. At present, Shop K2 (adjacent to the Premises) is occupied by the approved use, i.e. 'Eating Place (Café)' use, while the remaining application premises are no longer shop areas.
- 10.3 The Committee has previously granted planning permissions for fast food shop and eating place (café) uses at the Premises and Shop K2 respectively for the reasons that the proposed uses were not incompatible with the existing uses at the Pier and would not affect the operation of ferry services. In support of the current application, the applicant indicated that the restaurant has operated at the Pier for about 10 years. It offers convenient and inexpensive food services to ferry



passengers and nearby residents and workers, and may continue to provide convenience to the public. No adverse traffic impact is anticipated as the majority of restaurant customers and staff would commute to and from the Premises by public transport (**Appendix Ic**). Taking into account that the planning circumstances of the Pier have remained similar over the years, the current applied use (i.e. 'Eating Place (Restaurant)' use) at the Premises is considered not incompatible with the ferry services from district planning perspective. In addition, as the Premises is being separated from the main portion of the Pier, the applied use would unlikely cause disruption to the pier operation and passenger circulation.

- 10.4 On sewage aspect, since the Pier was built in around 1980s, only STS is provided and there is no drainage connection from the Premises to the communal sewer system. To minimise discharge of wastewater/sewage to the STS, the applicant undertakes to implement mitigation measures, including (i) installation of grease traps to separate O&G from wastewater; (ii) arrange desludging service to clear all sewage in STS at least four times per month; and (iii) all dish cleaning to be handled by external dish cleaning company in order to reduce wastewater discharge by 25% (**Appendix Ic**). Taking into account that adverse environmental impact arising from the operation of the restaurant is not anticipated with the implementation of the proposed sewage mitigation measures, DEP and CE/MS, DSD have no objection to the application, and suggested to impose the relevant conditions for implementing such measures under GPA's commercial concession agreement and FEHD's restaurant licence.
- 10.5 The public comments objecting to/raising concerns on the application are mainly on grounds of adverse environmental hygiene, poor sewage disposal and long-term development of the subject pier. The assessment in paragraph 10.4 above is relevant.

## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the 'Eating Place (Restaurant)' use under application is already been in operation at the Premises. No approval condition is required as fire service requirements have been provided to the satisfaction of D of FS.

### Advisory Clauses

The suggested advisory clauses are attached at **Appendix III**.

- 11.3 There is no strong reason to recommend rejection of the application.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 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.

**13. Attachments**

|                             |  |
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| <b>Appendix I</b>           | Application form received on 2.11.2018               |
| <b>Appendix Ia</b>          | Letter received on 5.11.2018                         |
| <b>Appendix Ib</b>          | FI 1 received on 4.1.2019                            |
| <b>Appendix Ic</b>          | FI 2 received on 25.1.2019                           |
| <b>Appendix II</b>          | Public comments received                             |
| <b>Appendix III</b>         | Suggested Advisory Clauses                           |
| <b>Drawings A-1 and A-2</b> | Block plan and floor plan submitted by the applicant |
| <b>Plan A-1</b>             | Location Plan  |
| <b>Plans A-2 to A-3</b>     | Site Plans   |
| <b>Plans A-4 to A-5</b>     | Site Photos  |

**PLANNING DEPARTMENT  
FEBRUARY 2019**