

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/555

<u>Applicant</u>	Fortune Ferry Company Limited
<u>Premises</u>	Shop C, Level 1 (Main Deck), Tuen Mun Ferry Pier, Tuen Mun
<u>Floor Area</u>	About 11.33m ²
<u>Lease</u>	Government Property under Tenancy Agreement No. GPA N588
<u>Plan</u>	Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
<u>Zoning</u>	“Open Space” (“O”)
<u>Application</u>	Proposed Shop and Services (Real Estate Agency)

1. The Proposal

- 1.1 The applicant seeks planning permission to use Shop C (the Premises) located at Level 1 (Main Deck) of the Tuen Mun Ferry Pier (the Pier) for proposed shop and services (real estate agency) (**Plans A-1 and A-2**). The majority of the Pier is zoned “Other Specified Uses” annotated “Pier” (“OU(Pier)”) with only a small northern portion of the pier structure encroaching onto the “O” zone on the approved Tuen Mun OZP No. S/TM/35. The Premises wholly falls within the “O” zone on the OZP. According to the Notes of the OZP for the “O” zone, ‘Shop and Services’ is under Column 2 which requires planning permission from the Town Planning Board (the Board). The Premises is currently occupied by the ticket office of the Pier.
- 1.2 According to the applicant, the floor area of the Premises is about 11.33m². The proposed real estate agency will be operated from 8am to 7:30pm daily. The floor plan and layout plans showing the Main Deck of the Pier including the Premises submitted by the applicant are attached in **Drawings A-1 and A-2**.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with attachments received on **(Appendix I)** 4.11.2020

- (b) Applicant's email dated 23.11.2020 providing justifications on the proposed use **(Appendix Ia)**
(exempted from publication and recounting requirements)
- (c) Applicant's email dated 2.12.2020 providing clarifications on the loading/unloading and parking space provision and arrangement for ticket selling and meeting customers **(Appendix Ib)**
(exempted from publication and recounting requirements)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**) and **Appendix Ia**. According to the applicant, the proposed real estate agency will provide information about properties, shops and parking spaces in the area to Tuen Mun residents and people living outside Tuen Mun. Besides, the real estate agency will enable passengers to discuss with property agents when waiting for ferries.

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. 31A) are not applicable to the application.

4. **Previous Application**

The Premises is the subject of a previous application for shop and services use (shop selling food and drinks) (No. A/TM/364) approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 16.11.2007. Details of the application are at **Appendix II**.

5. **Similar Applications**

There are two similar applications (No. A/TM/95 and A/TM/552) for supermarket and travel services office and retail shop respectively at other areas of the Pier straddling the “O” and “OU(Pier)” zones (**Plan A-2**) approved by the Committee in 1990 and 2020 respectively on the considerations that the proposed uses were not incompatible with the existing pier use, would provide convenient services to ferry passengers and visitors using the waterfront area, and would unlikely cause disruption to pier operation and passenger circulation. Details of the applications are at **Appendix III**.

6. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4a to A-4c)

6.1 The Premises is:

- (a) situated near the entrance to Main Deck of the Pier, which is operated by the applicant providing ferry services between Tuen Mun - Tung Chung - Sha Lo Wan-Tai O; and
- (b) currently occupied by the ticket office of the Pier.

6.2 The surrounding areas have the following characteristics (**Plans A-1 to A-3**):

- (a) the Tuen Mun Ferry Pier provides cross-boundary ferry services to and from Macau (currently suspended) on the western side of the Pier and the local ferry services between Tuen Mun - Tung Chung - Sha Lo Wan - Tai O on the eastern side;
- (b) the Pier abutting Tuen Mun Promenade is at a prominent waterfront location; and
- (c) to its immediate north and northwest are the Light Rail – Ferry Pier Station and residential developments cum shopping arcades including Pierhead Garden and Richland Garden. To its further northeast and northwest across Wu Chui Road are residential developments such as Siu Hei Court, Butterfly Estate and Wu King Estate.

7. Planning Intention

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

The Premises is situated on unleased and unallocated Government land. It is within a government property which is currently under the management/administration of the Government Property Administrator, who is in a better position to comment on the application.

Property Management

8.1.2 Comments of the Government Property Administrator (GPA):

- (a) The Berth D on Level 1 (Main Deck) of Tuen Mun Ferry Pier is under the purview of Transport Department (TD). TD is statutorily empowered to give consent to the ferry operators under Reg. 15 of Ferry Services Regulations (Cap. 104A) to sublet the surplus space at the piers for purpose other than the operation of a licenced service during the validity period of their ferry service licences. GPA is only the leasing facilitator of TD to prepare and execute the tenancy agreement in accordance with TD's requirements with the applicant for the purposes of passenger ferry terminal for the embarkation and disembarkation of passengers using the Tuen Mun – Tung Chung – Sha Lo Wan – Tai O ferry services operated by the applicant.
- (b) Under the tenancy agreement No. GPA N588, the applicant may sublet part of the pier by way of commercial concession for purposes other than the above ferry services use with GPA's approval upon receipt of no objection or adverse comment from relevant departments.
- (c) If the Board approves the application, the applicant shall submit its application for commercial concession for his consideration under the mechanism in the existing tenancy to implement this proposal. Such application, if received, will be circulated to relevant departments for consideration and any approval given will be subject to terms and conditions based on the comments received.

8.1.3 Comments of the Chief Transport Officer/Planning/Ferry, Transport Department (CTO/Planning/Ferry, TD):

He has no adverse comment on the application on the ground that all of the revenue to be generated from the proposed commercial concessions of the shop have to be included into the non-fare revenue and used for subsidising their ferry operation.

Traffic

8.1.4 Comments of the Commissioner for Transport (C for T):

He has no comment on the application provided that the proposed use will not affect the pedestrian flow of the adjacent footpath near the Pier.

Environment

8.1.5 Comments of the Director of Environmental Protection (DEP):

He has no objection to the application from environmental planning perspective as the Premises occupies only 11.33m² and adverse environmental impact associated with the use is not anticipated.

Drainage

8.1.6 Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no comment on the application from public drainage viewpoint on the understanding that there will be no additional area receiving stormwater from the subject site.
- (b) EPD, the planning authority of sewerage infrastructure, should be consulted regarding the sewerage treatment/disposal aspects of the development.

Building Matters

8.1.7 Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The location of the application is on Government Land. BD is not in a position to provide comment.

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

It is noted that the application involves no change of building height and overall massing. He has no comment from the architectural and visual impact point of view.

Fire Safety

8.1.9 Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the application subject to fire service installations (FSI) and equipment being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Food and Environmental Hygiene

8.1.10 Director of Food and Environmental Hygiene (DFEH):

If the proposal involves any commercial/ trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

District Officer's Comments

8.1.11 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

She had distributed consultation letters to the locals concerned and understood that they would provide their comments (if any) to the Board direct.

8.2 The following Government departments have no objection to/no comment on the application:

- (a) Chief Highway Engineer/ New Territories West, Highways Department;
- (b) Commissioner of Police;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Project Manager/New Territories West, Civil Engineering and Development Department;
- (e) Director of Marine;
- (f) Director of Leisure and Cultural Services; and
- (g) Director of Electrical and Mechanical Services.

9. Public Comments Received During Statutory Publication Period

On 13.11.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received raising objection to the application as the commercial activities will affect the rural environment of the area (**Appendix IV**).

10. Planning Considerations and Assessments

10.1 The application is for proposed shop and services (real estate agency) within the Tuen Mun Ferry Pier with a total floor area of about 11.33m². The Premises wholly falls within an area zoned “O” which intends primarily for the provision of outdoor open-air public space for active and/or passive recreational uses. The proposed shop and services is not in line with the planning intention of the “O” zone. However, the Premises is confined within the existing structure of the Pier and would not affect the existing public open space at Tuen Mun Promenade. Therefore, it is considered not unacceptable from open space provision point of view.

10.2 The Premises is small in scale and situated within the confine of the existing pier structure. The proposed real estate agency is considered not incompatible with the pier use and would provide convenient services to ferry passengers and visitors using the pier and the waterfront area. The Ferry and Paratransit Division of TD has no adverse comment on the application as it would help generate non-fare box revenue to subsidise the ferry operation. Other relevant government departments, including C for T, DEP, CE/MN of DSD and DLCS have no objection to or no adverse comment on the application. It is anticipated that the proposed shop and services use would not generate any significant impacts to the surrounding area.

10.3 The Premises is the subject of a previous application for shop and services use for selling food and drinks (No. A/TM/364) and there are two similar applications for shop and services uses for supermarket/travel services office and retail shop (No. A/TM/95 and A/TM/552) at other areas of the Pier

approved by the Committee between 1990 and 2020. The approval of the current application for shop and services use will be in line with the Committee's previous decision.

- 10.4 One public comment was received during the three-week statutory public inspection period. The planning considerations and assessment in the above paragraphs are relevant.

11. **Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 above and having taken into account the public comment mentioned in paragraph 9, the Planning Department has no objection to the application.

- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 18.12.2024, and after the said date, the permission shall cease to have effect unless prior to the said date either the development hereby permitted is commenced or this permission is renewed. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval Condition

the provision of fire service installations and equipment to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

- 11.3 Alternatively, should the Committee decided to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed real estate agency is not related to and compatible with the pier use and the waterfront area. There are no strong planning justifications for providing such use at the application premises.

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, and the date when the validity of the permission should expire.

- 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

Appendix I	Application form with attachments received on 4.11.2020
Appendix Ia	Applicant's email dated 23.11.2020
Appendix Ib	Applicant's email dated 2.12.2020
Appendix II	Details of previous application
Appendix III	Details of similar applications
Appendix IV	Public comment received during statutory publication Period
Appendix V	Advisory clauses
Drawing A-1	Floor plan submitted by the Applicant
Drawing A-2	Layout plans submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**