

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H24/27

- Applicant** : Fortune Ferry Company Limited
- Premises** : Shop A, Lower Deck, Central Pier No. 8, Hong Kong
- Total Floor Area of the Premises** : About 13.19m²
- Land Status** : Government Property
- Plan** : Approved Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/9
- Zoning** : “Other Specified Uses” annotated “Pier and Associated Facilities” (“OU(PAF)”)

 [Restricted to a maximum building height of 21mPD (including roof-top structures, projections and advertisement signs) (except the Clock Tower) or the height of the existing building/structure, whichever is the greater.]
- Application** : Proposed Shop and Services (Retail Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises at Central Pier No. 8 (the Premises) for proposed ‘Shop and Services (Retail Shop)’ use. The Premises falls within an area zoned “OU(PAF)” on the approved Central District (Extension) OZP No. S/H24/9 (**Plan A-1**). According to the Notes of the OZP for “OU(PAF)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is located at the western berth of the lower deck of Central Pier No. 8 (**Plan A-2**) and is currently vacant. The total floor area of the Premises is about 13.19m². The proposed daily operation hours of the retail shop is from 9:00 a.m. to 12:00 midnight. Layout plan of the lower deck of the subject pier and floor plan of the Premises for the applied use submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)** 12.1.2021
 - (b) Supplementary Information received on 14.1.2021 **(Appendix Ia)**
 - (c) Further Information received on 26.2.2021 providing **(Appendix Ib)** responses to departmental and public comments
(accepted and 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 Part 10 of the Application Form at **Appendix I** and supplementary information and further information at **Appendices Ia and Ib** respectively. They are summarised as follows:

- (a) the proposed retail shop would promote local products to ferry passengers and tourists;
- (b) the proposed retail shop is akin to a convenience store involving retail sale of bottled drinks, including alcoholic beverages. As there would be no consumption of drinks on the Premises, application for liquor licence for the proposed retail shop is not required. The applicant does not intend to apply for liquor licence;
- (c) there would be no sewage generating facilities at the proposed retail shop;
- (d) the proposed retail shop would not cause obstruction to ferry passenger circulation;
- (e) the proposed operation hour is longer than that of another premises (i.e. Shop B) in the subject pier as the proposed retail shop intends to serve ferry passengers as well as members of the public and tourists along the waterfront promenade; and
- (f) the non-farebox revenue generated will be used to cross-subsidise ferry operations.

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

As the Premises involves Government land only, the “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) are not applicable to the application.

4. **Previous Applications**

The Premises is part of the application premises of two previous planning applications (Nos. A/H24/7 and 15) (**Plan A-2**) submitted by a different applicant. Application No. A/H24/7 for proposed restaurant and retail facilities within Central Piers No. 7 and 8, and Central Terminal Building (CTB)¹ was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 13.9.2002 mainly for the reasons that the proposed uses were considered generally in line with the planning intention and would not affect the normal operations of the ferry services or accesses/circulation of passengers in the piers. Application No. A/H24/15 for extending the approved uses for various shop units within Central Piers No. 7 and 8 (including the Premises) and CTB, to cover ‘bank’, ‘retail shop’, ‘fast food shop’, ‘service trades’ and ‘restaurant’ uses² was approved by the Committee on 17.4.2009. However, Application No. A/H24/15 was subsequently varied on 4.11.2011 by deleting the approved shop premises within Central Pier No. 8 as the subject pier had been handed back to the Government upon cessation of ferry services thereat³ and termination of the tenancy agreement.

5. **Similar Applications**

- 5.1 There are four similar applications (No. A/H24/11, 17, 20 and 26) within the subject “OU(PAF)” zone.
- 5.2 Application No. A/H24/11 was for ‘bank (automatic teller machine)’ and Applications No. A/H24/17 and 20 were for ‘bank’, ‘retail shop’, ‘fast food shop’, ‘service trades’ and ‘restaurant’ uses in various parts of Central Piers No. 7 and 8, and CTB. They were approved by the Committee on 1.2.2008, 18.12.2009 and 15.10.2010 respectively mainly for the reasons that the proposed uses were not incompatible with the planning intention of providing supporting retail/restaurant/tourism-related facilities in the piers, and that the proposed uses would unlikely cause disruption to the pier operation and passenger circulation at the piers. All of these uses were effected and have continued over the years.
- 5.3 Application No. A/H24/26 for the same shop and services (retail shop) use at another premises (i.e. Shop B) in Central Pier No. 8 submitted by the same applicant of the current application was approved with condition by the Committee on 6.11.2020, mainly for the reasons that the proposed use was not incompatible with the pier use, and that the proposed use would unlikely cause disruption to pier operation and passenger circulation.
- 5.4 Details of the similar applications are at **Appendix II** and the locations are shown on **Plan A-2**.

¹ Application No. A/H24/7 covers the public viewing deck of Pier No. 7, the lower deck (western side), upper deck (eastern side) and public viewing deck at Pier No. 8, and 1/F of CTB.

² The Schedules of Uses of the Notes of the Central District (Extension) OZP were updated on 24.2.2012 to tally with the revised Master Schedule of Notes endorsed by the Board on 28.2.2003. ‘Bank’, ‘retail shop’, ‘fast food shop’ and ‘service trades’ uses are now subsumed under ‘Shop and Services’ use, whilst ‘restaurant’ use is renamed as ‘Eating Place’ use.

³ Ferry service at the subject pier for the route between Central and Hung Hom was ceased on 31.3.2011 and re-commenced on 28.6.2020.

6. The Premises and its Surrounding Area (Plans A-1 and A-2 and photos on Plan A-3)

6.1 The Premises:

- (a) is located at the western berth of the lower deck of Central Pier No. 8; and
- (b) is currently vacant.

6.2 The subject pier (Central Pier No. 8):

- (a) is a four-storey pier, including the lower deck, upper deck, public viewing deck and roof viewing deck, and is accessible via the CTB through a covered elevated walkway or via the waterfront promenade along Man Kwong Street;
- (b) the western berth of lower deck and upper deck are operated by the applicant providing ferry services between Central and Hung Hom (i.e. the Central-Hung Hom ferry route). The passenger entrance/exit is located at the lower deck, while the upper deck is currently left vacant. Apart from the proposed retail shops under the current application and Application No. A/H24/26, there are some supporting facilities such as toilets and lockers on the lower deck; and
- (c) the remaining part of the subject pier (i.e. the eastern berth of lower deck and upper deck, and the whole public viewing deck and roof viewing deck) is occupied by the Hong Kong Maritime Museum, which is the subject of planning application No. A/H24/19 approved with conditions by the Committee on 13.8.2010.

6.3 The surrounding area has the following characteristics:

- (a) the subject pier is linked with Central Pier No. 7 (occupied by Star Ferry providing ferry service between Central and Tsim Sha Tsui) to its west by the CTB, where the Clock Tower is located;
- (b) the subject pier is located near the eastern end of the existing row of piers at the Central waterfront. While most of the lower decks and upper decks of these piers are used for ferry embarkation/disembarkation, 'Shop and Services' and 'Eating Place' uses are not uncommon in these piers. Along the waterfront is a promenade linking up the piers.

7. Planning Intention

The "OU(PAF)" zone is intended primarily to provide land for the development of pier with the provision of integrated retail/restaurant/tourism related facilities and pier-roof open space for public enjoyment.

8. Comments from Relevant Government Departments

- 8.1 The following government bureaux/departments have been consulted and their views on the application are summarised as follows:

Harbour Planning

- 8.1.1 Comments of the Harbour Office, Development Bureau:

The subject application has been circulated to members of the Harbourfront Commission's Task Force on Harbourfront Developments on Hong Kong Island. No objection was received while one member reverted by expressing support.

Land Administration

- 8.1.2 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (LandsD):

He has no comment on the application as the subject pier is under the administration of the Transport Department (TD).

Property Management Matters

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

- (a) The subject pier is under the purview of TD. TD is statutorily empowered to give consent to the ferry operators under Regulation 15 of Ferry Services Regulations (Cap. 104A) to sublet the surplus space at the pier 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 Fortune Ferry Company Limited (the Tenant) (i.e. the applicant) for the purpose of a ferry pier for berthing of vessels to facilitate the operation of the ferry services.
- (b) Under Tenancy Agreement No. GPA H21589, the Tenant may sublet part of the pier by way of commercial concession for purposes other than the ferry services use with GPA's approval upon receipt of no objection or adverse comment from relevant government departments.
- (c) If the Board approves the current application, the Tenant shall submit its application for commercial concession for GPA's consideration under the mechanism in the existing tenancy to implement the proposal. Such application, if received, will be circulated to relevant government departments for consideration and any approval given will be subject to terms and conditions based on the comments received.

Architectural Aspect

8.1.4 Comments of the Assistant Director (Property Services), Architectural Services Department:

- (a) The applicant should engage an Authorized Person (AP) and Registered Structural Engineer (RSE) to prepare the proposal and submit to the Government for consideration. The AP and RSE shall bear full responsibility of the design and planning of the proposal, and obtain all necessary approvals for the proposal from the relevant authorities. The proposal should demonstrate its full compliance with the Buildings Ordinance/Regulations, relevant Codes of Practices and all other relevant statutory requirements. The proposal must also demonstrate that the existing use of the pier is not jeopardized in any way due to the proposed use/works.
- (b) The proposal must also take into consideration the existing plumbing and drainage provisions, which must not be overloaded or adversely affected by any new usage proposed.
- (c) The AP and RSE shall also bear full responsibility of supervision of the proposed construction works/installations. They shall ensure that no part of the works/installations shall have any adverse effect, structurally or in any other ways, on any part of the existing building of the pier.

Traffic Aspect

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

- (a) He has no adverse comment on the application given that the proposed shop and services use would help generate non-farebox revenue to cross-subsidize the applicant's ferry operation, such that the revenue generated should be put back to the profit and loss account for operation of the ferry service.
- (b) The applicant's supplementary information regarding non-obstruction to ferry passenger circulation is noted. He has no comment on the application from the pedestrian circulation point of view.

Environmental Aspect

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

He has no comment on the application from environmental planning perspective as the applicant has clarified that the Premises would be used for selling bottled drinks with no provision of seats for dining-in and no sewage will be generated.

Fire Safety

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

He has no objection in principle to the application subject to fire service installations and equipment being provided to the satisfactory of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Public Order

8.1.8 Comments of the Commissioner of Police (C of P):

- (a) It is noted that the applicant intends to sell bottled alcoholic liquor drinks at the proposed retail shop, which would not be subject to the regulation of liquor licence under the Dutiable Commodities (Liquor) Regulations (Cap. 109B).
- (b) Nuisance complaints in the pier area has been a great concern. There have been cases of noise complaints and disputes in the area which required regular police deployment to handle the situation. Besides, the sitting-out area on the rooftop of Central Pier No. 3 has also been closed in order to prevent crowd gathering during the COVID-19 pandemic.
- (c) In view of the possible nuisance and crowd gathering in the area, he raises objection to the subject application.

District Officer's Comments

8.1.9 Comments of the District Officer (Central and Western), Home Affairs Department (DO(C&W), HAD):

He has not received any comment nor enquiry about the application. He trusts that the Board would take all public views received into account, especially the discussion at the meeting of Working Group on Town Planning of Central and Western District under the Central and Western District Council (C&WDC) dated 26.1.2021 when deliberating on the subject application.

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

- (a) Chief Building Surveyor/Hong Kong West, Buildings Department;
- (b) Chief Highway Engineer/Hong Kong, Highways Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/ Hong Kong & Islands, Drainage Services Department;
- (e) Director of Electrical and Mechanical Services; and
- (f) Director of Food and Environmental Hygiene.

9. Public Comments Received During Statutory Publication Period

On 19.1.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 9.2.2021, two comments submitted by the Working Group on Town Planning of Central and Western District under C&WDC and a C&WDC member respectively were received (**Appendix III**). The commenters support the proposed retail shop as it would provide convenient service to the public around the subject pier. However, in view of the current situation around Central Pier No. 3 where people gather around shops⁴ selling alcoholic beverages and drink in public, they express their concerns on the possible nuisance and inconvenience to the users of the pier facilities and waterfront promenade if the proposed retail shop would apply for a liquor licence and allow consumption of liquor on the Premises.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for shop and services (retail shop) use at the Premises for selling bottled drinks, including alcoholic beverages. The Premises currently forms part of the passenger circulation space on the lower deck of Central Pier No. 8, which falls within an area zoned “OU(PAF)” on the OZP. The “OU(PAF)” zone is intended primarily to provide land for the development of pier with the provision of integrated retail/restaurant/tourism related facilities and pier-roof open space for public enjoyment. The proposed retail shop is considered generally in line with the planning intention of the “OU(PAF)” zone.
- 10.2 The proposed retail shop, with a floor area of about 13.19m², is relatively small in scale. The proposed use is considered not incompatible with the pier use in that it would provide convenient services to ferry passengers as well as visitors using the subject pier and waterfront promenade. Considering the small size of the proposed retail shop, it would unlikely cause disruption to pier operation and passenger circulation. Relevant government departments, including C for T, DEP and DFEH, have no objection to or no adverse comment on the application. D of FS has no objection to the application subject to approval condition on the provision of fire service installations and equipment as recommended in paragraph 11.2 below.
- 10.3 C of P objects to the application due to the possible nuisance and crowd gathering arising from the intended sale of liquor at the proposed retail shop. As clarified by the applicant, the proposed use involves retail sale of bottled drinks, including alcoholic beverages, which is akin to a convenience store and there would be no consumption of drinks on the Premises. As C of P’s concern on possible nuisance and crowd gathering is a law enforcement issue rather than a land-use related matter, it should be dealt with separately.
- 10.4 As mentioned in paragraphs 4 and 5 above respectively, the Premises is part of the application premises of two previously approved applications (Nos. A/H24/7 and 15) involving shop and services uses (including retail shops, fast food shops and bank) and there were four similar applications (Nos. A/H24/11, 17, 20 and 26)

⁴ Shops at the lower deck of Central Pier No. 3 are only selling alcoholic beverages for people to consume outside their premises.

within the subject “OU(PAF)” zone approved by the Committee since 2008; one of which has involved another premises within the subject pier submitted by the current applicant for the same retail shop use. Taking into account that the planning circumstances of the pier have remained unchanged since the last approval, approval of the current application is generally consistent with the Committee’s previous decisions.

- 10.5 Regarding the public concerns on possible nuisance arising from the intended sale of liquor at the proposed retail shop, the planning considerations and assessments above are relevant. Besides, it should be noted that ‘Shop and Services’ use is not uncommon in the existing row of piers along the Central waterfront, and retail shops of similar nature could be found within the adjoining piers.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments 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 12.3.2025, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following condition of approval and advisory clauses for the application 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 IV**.

- 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, 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 12.1.2021
Appendix Ia	Supplementary Information received on 14.1.2021
Appendix Ib	Further Information received on 26.2.2021 providing responses to departmental and public comments
Appendix II	Similar Applications within the "OU(PAF)" zone on the Central District (Extension) OZP
Appendix III	Public comments received during the statutory publication period
Appendix IV	Recommended Advisory Clauses
Drawings A-1 and A-2	Plans submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
MARCH 2021**