

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H24/28

- Applicant** : Fortune Ferry Company Limited
- Premises** : Portions of Upper Deck, Central Pier No. 8, Hong Kong
- Total Floor Area of the Premises** : About 479.4m²
- Land Status** : Government Property under Tenancy Agreement No. GPA H21589
- Plan** : Approved Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/9
- Zoning** : “Other Specified Uses” annotated “Pier and Associated Facilities” (“OU(PAF)”)

- a maximum building height not exceeding 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;
- kiosks not greater than 10m² each in area and not more than 10 in number for use as shop and services are considered as ancillary to “Pier” use.
- Application** : Proposed Eating Place and Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission to use portions of the upper deck of Central Pier No. 8 (the Premises) for proposed eating place and shop and services uses. 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, ‘Eating Place’ and ‘Shop and Services’ are Column 2 uses which require planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is located at the western berth of the upper deck of Central Pier No. 8 (**Plan A-2**) and is currently vacant. According to the applicant, the total floor area of the Premises is about 479.4m². The proposed eating place would provide 112 seats and the proposed shop and services use would involve retail

sale of food, drinks, health products, etc. The daily operation hours of the proposed eating place and retail shop is from 9:00 a.m. to 12:00 midnight. Layout plan of the upper deck of the subject pier and floor plan of the Premises submitted by the applicant are shown on **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)** 17.2.2022
- (b) Further Information (FI) received on 23.3.2022 and **(Appendix Ia)** 28.3.2022 clarifying the operation and management of the proposed uses on the Premises and enclosing revised layout plan [#]
- (c) FI received on 29.4.2022 providing response to **(Appendix Ib)** departmental comments and public comments [#]
- (d) FI received on 27.5.2022 providing response to **(Appendix Ic)** departmental comments [#]

[#] *accepted and exempted from publication and recounting requirements*

1.4 In view of the situation of COVID-19 and the special work arrangement for government departments announced by the Government, the Metro Planning Committee (the Committee) on 1.4.2022, agreed to defer making a decision on some of the applications, including Application No. A/H24/28. The application is now scheduled for consideration by the Committee at this meeting.

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 FIs at **Appendices Ia to Ic**. They are summarised as follows:

- (a) the proposed retail shop and eating place aim to serve ferry passengers. The proposed eating place will provide a comfortable eating environment with views to the Victoria Harbour, while the proposed retail shop comprising automated retail kiosks will offer a new consumer experience;
- (b) the non-farebox revenue generated can help to cross-subsidise ferry operation;
- (c) the future operator will apply for a liquor licence for the restaurant and will ensure that alcoholic drinks will only be served and consumed within the licensed restaurant premises;
- (d) no music performance will be held at the Premises;
- (e) customers are expected to reach the Premises on foot or by public transport and illegal parking problem is not anticipated; and

- (f) the proposed uses on upper deck are separated from the ferry operation on lower deck of Central Pier No. 8, and would not cause obstruction to ferry operation and ferry passenger circulation. The relevant works would not affect the structure of the existing pier.

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 Application

There is no previous application on the Premises.

5. Similar Applications

- 5.1 There are seven similar applications (No. A/H24/7, 11, 15, 17, 20, 26 and 27) within the subject “OU(PAF)” zone. Details of the similar applications are at **Appendix II** and the locations are shown on **Plan A-2**.
- 5.2 Application No. A/H24/11 was for ‘bank (automatic teller machine)’ and Applications No. A/H24/7, 15, 17, 20, 26 and 27 were for various uses involving ‘bank’, ‘retail shop’, ‘fast food shop’, ‘service trades’ and ‘restaurant’ uses in various parts of Central Piers No. 7 and 8, and Central Terminal Building (CTB). They were approved by the Committee on 1.2.2008, 13.9.2002, 17.4.2009, 18.12.2009, 15.10.2010, 6.11.2020 and 12.3.2021 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. Most of these uses were effected and have continued over the years.

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 upper deck of Central Pier No. 8; and
 - (b) is currently vacant and not used for pier operation.
- 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 eating place and shop under the current application and the retail shops approved under Applications No. A/H24/26 and A/H24/27, 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 currently occupied by the Hong Kong Maritime Museum mainly for exhibition halls, museum associated uses and a cafe, 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; and
- (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 Aspect

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 comments was received.

Land Administration

8.1.2 Comments of the Government Property Administrator (GPA):

- (a) no comment to the application;
- (b) Central Pier No. 8 is under the purview of Transport Department (TD). TD is statutorily empowered to give consent to the ferry operator(s) under the Ferry Services Regulations (Cap. 104A) to sublet the surplus space at the pier for purposes other than the operation of a licensed service during the validity period of the ferry service licence;
- (c) GPA acts as the leasing facilitator to prepare and execute the tenancy agreement with the ferry operator(s), in accordance with TD's requirements for leasing out the pier; and
- (d) if the Board approves the application, under the tenancy requirements, the Tenant shall submit an application to GPA for commercial concession for consideration under the mechanism in the existing tenancy to implement this proposal. Such application, if received, would be circulated to relevant government departments for consideration and any approval given would be subject to terms and conditions based on the comments received.

Environmental & Sewerage Aspects

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

- (a) no in-principle objection to the application from the environmental planning perspective;
- (b) an approval condition requiring the submission of Sewerage Impact Assessment (SIA) to the satisfaction of DEP or of the Board should be imposed to ensure the sewerage impact issue will be properly addressed at the later stage;
- (c) it is the responsibility of the applicant and/or the future operators to ensure that the air-conditioning system(s) and the fresh air intake(s) will be properly designed, located, installed and operated to ensure no unacceptable air pollutant impact on the public at the proposed uses due to the nearby air emissions from ferries; and
- (d) the applicant and/or the future operators are required to comply with the relevant environmental pollution control ordinances.

8.1.4 Comments of the Chief Engineer/ Hong Kong & Islands, Drainage Services Department (CE/HKI&I, DSD):

- (a) no objection to the planning application;

- (b) an approval condition requiring the implementation of the related remedial measures under the SIA to the satisfaction of the Director of Drainage Services or of the Board should be imposed; and
- (c) the submission of SIA and implementation of the related remedial measures should be completed before the commissioning of the proposed uses .

Traffic Aspect

8.1.5 Comments of the Secretary for Transport and Housing (STH):

no objection to the application on the conditions that the ferry services will not be adversely affected and the non-fare box revenue to be generated will be used to cross-subsidise the licensed ferry services.

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

Traffic Engineering (HK) Division

- (a) no comment on the application from traffic engineering point of view;

Ferry and Paratransit Division

- (b) no objection in-principle to the application;
- (c) the western berth of the Pier is used by Fortune Ferry Company Limited for the operation of “Central - Hung Hom” licensed ferry service;
- (d) the revenue generated from the proposed commercial concession for proposed eating place and shop and services uses should be included into the non-farebox revenue of the licensed ferry service(s) for purpose of cross-subsidisation;
- (e) the proposed uses would not affect the ferry operation at Central Pier No. 8; and
- (f) in accordance to the Tenancy Agreement (H21589), the applicant is required to submit detailed technical proposals prepared by qualified person/ registered professional/ specialist for Architectural Services Department (ArchSD)’s and Electrical and Mechanical Services Department (EMSD)’s further assessments and approvals before the commencement of any works.

Building Maintenance Aspect

8.1.7 Comments of the Assistant Director (Property Services), ArchSD:

- (a) no comment on the application from building maintenance point of view;
- (b) the applicant shall bear full responsibility of the design, construction and maintenance of the works carried out by the applicant on the subject pier. The applicant is required to appoint Authorized Person (AP) and/or Registered Structural Engineer (RSE) to ensure their works fully comply with the Buildings Ordinance and prevailing statutory requirements; and
- (c) the applicant should also be reminded that no part of their works shall have any adverse effect, structurally or in any other ways, on the existing pier structure. The existing plumbing and drainage provisions should not be overloaded or adversely affected by the proposed usage.

Fire Safety Aspect

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

- (a) no objection in principle to the application subject to fire service installations (FSIs) and equipment being provided to the satisfaction of the Fire Services Department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) the applicant should be reminded that FSIs and equipment shall be provided in accordance with paragraph 4.1.4 “Commercial Building – Low Rise” of the FSI Code. The requirements of major FSIs may include a sprinkler system to cover all parts of the building including staircase, common corridor and toilets.

Licensing Aspect

8.1.9 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) no comment on the planning application; and
- (b) detailed comments are at **Appendix III**.

Other Aspects

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

- (a) no objection to the proposed eating place and shop and services at portions of Upper Deck, Central Pier No. 8;
- (b) there are concerns relating to the significant number of crimes related to the drinking of alcohol, especially at outdoor areas in the vicinity of the Central Pier area. It is opined that the selling of liquor should be restricted in those areas or only be consumed

inside the restaurant premises and that the selling of takeaway should be prohibited. Strict liquor licence conditions should be imposed;

- (c) it is anticipated that if an additional liquor licence is granted to the proposed restaurant at Central Pier No. 8, large crowds may gather in the vicinity and exacerbate existing policing issues, thus creating nuisance to members of the public, including public hygiene and public health issues. Hence, the granting of an additional liquor licensed premises at the Central Pier No. 8 area is not supported with a view to keeping the area peaceful and in good order. Granting of a temporary liquor licences for special events at the said Premises would be more appropriate;
- (d) considering the number of complaints on noise / Cap. 599 on “Prevention and Control of Noise (Requirements and Directions)” with the majority of them at night, no music should be played at the Premises after 11:00pm and appropriate measures should be adopted to prevent noise nuisance and that customers should only be permitted to consume alcohol only in the licensed premises. Round-the-clock security for crime prevention and nuisance control from the venue management is deemed essential; and
- (e) the problem of illegal parking at Man Kwong Street near Central Pier No. 8 is another local policing concerns, which causes traffic obstruction and also jeopardises the safety of pedestrians. There is no provision of parking space in the proposal, which can only worsen the illegal parking problem and cause traffic jams. Having dining facilities at Central Pier No. 8 would encourage the gathering of crowds that hinder the free passage of ferry passengers or pedestrians.

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

- (a) District Lands Officer/Hong Kong West and South, Lands Department;
- (b) Chief Highway Engineer/Hong Kong, Highways Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Project Manager (South), Civil Engineering and Development Department (CEDD);
- (e) Chief Engineer/Port Works, CEDD;
- (f) Director of Marine;
- (g) Director of Electrical and Mechanical Services; and
- (h) District Officer (Central and Western), Home Affairs Department (DO(C&W), HAD).

9. Public Comments Received During Statutory Publication Period

On 25.2.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 18.3.2022, five public comments were received from members of the public (**Appendix IV**) (including four comments in standard format) opposing to the application on the grounds summarised as follows:

- (a) the proposed uses would reduce the size and function of the Hong Kong Maritime Museum (HKMM) in the Central Pier No. 8;
- (b) the upper deck of Central Pier No. 8 should be retained for public use and expansion of HKMM; and
- (c) food and beverage outlets could be provided at other nearby piers.

10. Planning Considerations and Assessments

- 10.1 The application is for proposed eating place and shop and services uses at the Premises located at the upper deck (western berth) 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 uses are considered generally in line with the planning intention of the “OU(PAF)” zone.
- 10.2 The Premises, with floor area of about 479.4m², is currently vacant and not used for pier operation, and could be put to other beneficial uses with a view to better utilising land resources. The proposed uses are considered not incompatible with the pier use in that it could provide convenient services to ferry passengers as well as visitors using the subject pier and waterfront promenade. As the Premises is separated from the pedestrian circulation and passenger waiting areas for ferry services which are located on the lower deck (western berth) and have separate access from the pier, it is unlikely that the proposed eating place and retail shop will adversely affect the pier operation. Relevant government departments, including GPA, TD, the Environmental Protection Department, DSD, ArchSD, CEDD, the Food and Environmental Hygiene Department and FSD, have no objection to or no comment on the application. Relevant approval conditions on sewerage and fire safety aspects are suggested to be imposed as in paragraphs 11.2(a) to (c) below.
- 10.3 While C of P has no objection to the application, he raises concerns on the possible nuisance and crowd gathering arising from the intended sale of liquor at the Premises, and opined that the selling of liquor should be restricted in the outdoor areas or only be consumed inside the premises and that the selling of takeaway should be prohibited. As confirmed by the applicant, alcoholic drinks will only be served and consumed within the licensed restaurant 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. For the concerns on illegal parking, the applicant clarified that, customers are expected to access the Premises on foot or by public transport, and hence obstruction to

existing traffic or illegal parking arising from the proposed uses is not anticipated.

- 10.4 As mentioned in paragraph 5 above, there were seven similar applications (Nos. A/H24/7, 11, 15, 17, 20, 26 and 27) for various commercial uses in various parts of Central Piers No. 7 and 8, and CTB within the subject “OU(PAF)” zone approved by the Committee since 2008, including two applications submitted by the same applicant for retail shop use on the lower deck of the subject pier. 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 the reduction of the size and function of the HKMM and the public area, it should be noted that the Premises is not part of HKMM which currently occupies the eastern berth of lower and upper decks and the entire floors of 2/F and 3/F of the pier, and the proposed uses would not affect HKMM nor public area of the pier. It is also noted that the Premises at the western berth of Central Pier No. 8 is used by the applicant for operation of the “Central-Hung Hom” licensed ferry service and under the tenancy agreement No. GPA H21589, the Tenant may sublet any part of the pier by way of commercial concession for purposes other than ferry services. The planning considerations and assessments above are also relevant.

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 above, 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 2.6.2026, 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 conditions of approval and advisory clauses for the application are suggested for Members’ reference:

Approval conditions

- (a) the submission of a Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the implementation of the related remedial measures under the Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) 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 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 17.2.2022
Appendix Ia	FI received on 23.3.2022 and 28.3.2022
Appendix Ib	FI received on 29.4.2022
Appendix Ic	FI received on 27.5.2022
Appendix II	Similar applications within the “OU(PAF)” zone on the Central District (Extension) OZP
Appendix III	Detailed comments of Government departments
Appendix IV	Public comments
Appendix V	Recommended advisory clauses
Drawings A-1 and A-2	Layout plan and floor plan submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-5	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**