

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H24/32

<u>Applicant</u>	: Fortune Ferry Company Limited
<u>Premises</u>	: Shop C, Lower Deck, Central Pier No. 8, Hong Kong
<u>Total Floor Area of the Premises</u>	: About 23.22m ²
<u>Land Status</u>	: Government Property under Tenancy Agreement No. GPA H21589
<u>Plan</u>	: Approved Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/9
<u>Zoning</u>	: “Other Specified Uses” annotated “Pier and Associated Facilities” (“OU(PAF)”)
<u>Application</u>	: Proposed Shop and Services (Travel Agency)

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 (travel agency) 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. According to the applicant, the total floor area of the Premises is about 23.22m². A total of three employees will be deployed to support the operation of the proposed travel agency. The daily operation hours of the proposed travel agency is from 9:00 a.m. to 8:00 p.m. Plans showing the location and layout of the Premises 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**) 21.7.2023

(b) Supplementary Information (SI) received on (**Appendix Ia**)
25.7.2023

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 the SI at **Appendix Ia**. They are summarised as follows:

- (a) the proposed travel agency could provide convenient travel and tourism-related services to the general public, including ferry passengers and tourists;
- (b) the non-farebox revenue generated can help to cross-subsidise ferry operation; and
- (c) the proposed use would not cause obstruction to ferry operation/services and passenger circulation.

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. 31A) 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 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, the application was subsequently varied on 4.11.2011 by deleting the approved shop premises within Central Pier No. 8

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.

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**

There are six similar applications (Nos. A/H24/11, 17, 20, 26, 27 and 28) for various ‘Shop and Services’ and ‘Eating Place’ uses at Central Piers No. 7 and 8, and CTB within the “OU(PAF)” zone. These applications were approved by the Committee between 2008 and 2022 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 would unlikely cause disruption to the pier operation and passenger circulation. Most of these uses were effected and have continued over the years. Details of the similar applications are at **Appendix II** and their locations are shown on **Plan A-2**.

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, forming part of the passenger circulation space; 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 travel agency under the current application and the retail shop approved under application No. 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 occupied by the Hong Kong Maritime Museum, mainly for exhibition halls, museum associated uses and a café, which is the subject of planning application No. A/H24/19 approved with conditions by the Committee on 13.8.2010.

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.

6.3 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 the lower decks and/or upper decks of these piers are normally used for ferry embarkation/disembarkation, 'Shop and Services' and 'Eating Place' uses are not uncommon in these piers;
- (c) the waterfront promenade outside the Central Piers connects the harbourfront area of Central and Wan Chai.

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 members have filed comments on the application.

Land Administration

8.1.2 Comments of the District Lands Officer/Hong Kong West and South, Lands Department (DLO/HKW&S, LandsD):

The area under application falls within Central Pier No. 8 which is under the administration of the Transport Department (TD).

8.1.3 Comments of the Government Property Administrator (GPA):

- (a) no objection to the application;
- (b) the western berth of 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;

- (c) GPA acts as the leasing facilitator for TD to prepare and execute the Tenancy Agreement No. GPAH21589 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;
- (d) under Tenancy Agreement No. GPA H21589, the Tenant may sublet part of the pier within the tenancy boundary 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 bureaux/ departments (B/Ds); and
- (e) if the Board approves the current application, the Tenant shall submit 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 B/Ds for consideration and upon receipt of no adverse comments from all relevant government departments, approval may be given subject to terms and conditions based on the comments received.

Traffic

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

Traffic Engineering (HK) Division

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

Ferry and Paratransit Division

- (b) no objection in principle to the application;
- (c) the operation of the concerned ferry services at the subject pier should not be affected by the proposed use;
- (d) the applicant, i.e. the concerned ferry operator, is reminded to ensure that the location of the proposed Shop C on the lower deck is located within the pier boundary as indicated in Tenancy Agreement No. GPA H21589; and
- (e) the applicant can sublet the surplus spaces at the said pier for commercial concessions within their valid ferry service licence period under the Tenancy Agreement, but they have to comply with the condition that the revenue so generated should be used to subsidize its ferry services operation.

Building Maintenance

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

- (a) no objection in principle to the application from building maintenance point of view; and
- (b) detailed comments are at **Appendix III**.

8.1.6 Comments of the Chief Engineer/Port Works, Civil Engineering and Development Department (CEDD):

- (a) no adverse comment from maintenance and marine works point of view; and
- (b) detailed comments are at **Appendix III**.

Fire Safety

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

no comment on the application subject to fire service installations 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.

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

- (a) Director of Environmental Protection;
- (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 Marine;
- (f) Project Manager (South), CEDD;
- (g) Commissioner of Police;
- (h) Director of Electrical and Mechanical Services; and
- (i) District Officer (Central and Western), Home Affairs Department (DO(C&W), HAD).

9. Public Comment Received During Statutory Publication Period

On 28.7.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 18.8.2023, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for shop and services (travel agency) use at the Premises, 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 use is considered generally in line with the planning intention of the “OU(PAF)” zone.
- 10.2 The proposed travel agency, with a floor area of about 23.22m² (about 2.03% of the lower deck of the western berth) is relatively small in scale. The proposed use, which is intended to provide travel-related and tourism planning services to the general public, including visitors and ferry passengers, is considered not incompatible with the pier use. Considering the small size of the proposed travel agency, it would unlikely cause disruption to pier operation and passenger circulation. Relevant government departments, including GPA, TD, ArchSD and CEDD have no objection to or no adverse comment on the application. D of FS has no objection to the application subject to imposition of an approval condition on provision of fire service installations and equipment as recommended in paragraph 11.2 below.
- 10.3 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, and there were six similar applications for shop and services and/or eating place uses within the subject “OU(PAF)” zone approved by the Committee between 2008 and 2022, including 3 applications (Nos. A/H24/26, 27 and 28) which were submitted by the current applicant for eating place and retail shop uses on the lower and upper decks of the subject pier. Taking into account that the planning circumstances of the pier have remained unchanged since the last approval in 2022, approval of the current application is generally consistent with the Committee’s previous decisions.

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, it is suggested that the permission shall be valid until 8.9.2027, 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 21.7.2023
Appendix Ia	Supplementary Information received on 25.7.2023
Appendix II	Details of Similar Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Recommended Advisory Clauses
Drawings A-1 and A-2	Location and Layout Plans submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**