

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H24/33

- Applicant** : Fortune Ferry Company Limited
- Premises** : Shop A, Lower Deck, Central Pier No. 8, Hong Kong
- Total Floor Area of the Premises** : About 13.2m²
- 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 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;

- 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 (Retail Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission to use portion of the lower deck of Central Pier No. 8 (the Pier) for proposed eating place and shop and services (retail shop) uses. The application premises (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 Pier is currently providing ferry services between Central and Hung Hom. The Premises is located at the western berth of the lower deck of the Pier (**Plan A-2**) and is currently under renovation. According to the applicant, the total floor area of the Premises is about 13.2m². The proposed eating place and retail

shop will involve mainly the sale of food, snacks and beverages (including alcoholic beverages). The opening hours of the proposed business are from 12:00 noon to 12:00 midnight daily. Plans showing the location and proposed 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 15.11.2024 **(Appendix I)**
- (b) Supplementary Information (SI) received on 20.11.2024 **(Appendix Ia)**

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 and the SI at **Appendices I and Ia** respectively. They are summarised as follows:

- (a) the current proposal involving both eating place and shop and services (retail shop) uses could provide flexibility to suit the operational needs of different tenants;
- (b) the non-farebox revenue generated can help to cross-subsidise ferry operations;
- (c) the proposed uses will unlikely cause obstruction to passenger circulation nor affect ferry operations/services at the Pier; and
- (d) the future operator will apply for the relevant food and liquor licences and will ensure that alcoholic beverages will only be served and consumed within the licensed restaurant premises.

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. 31B) are not applicable to the application.

4. **Previous Applications**

The Premises is the subject of three previous applications (namely Applications No. A/H24/7, A/H24/15 and A/H24/27) (**Plan A-2**) covering a larger area within Central Piers No. 7 and 8 and the Central Terminal Building (CTB)¹ or just the premises under application for similar shops and services and eating place uses. All the three

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 the Pier, and 1/F of CTB.

applications were approved with conditions by the Metro Planning Committee (the Committee) of the Board between 2002 and 2021 mainly on the considerations 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. The latest approved application was for proposed shop and services (retail shop) covering the subject Premises².

5. **Similar Applications**

There are six similar applications (Nos. A/H24/11, A/H24/17, A/H24/20, A/H24/26, A/H24/28 and A/H24/32) for various 'Shop and Services' and 'Eating Place' uses at various parts of Central Piers No. 7 and 8, and CTB within the "OU(PAF)" zone. These applications were all approved by the Committee between 2008 and 2023 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 have been in operation and 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 Plans A-3 and A-4)

6.1 The Premises:

- (a) is located at the western berth of the lower deck of the Pier. It forms part of the passenger circulation space; and
- (b) is currently under renovation.

6.2 The Pier:

- (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. The passenger entrance/exit, ticket booth and supporting facilities, such as toilets and lockers, are located on the lower deck. Apart from the proposed uses under the current application, there are also a proposed shop (travel agency) on the lower deck (covered by approved application No. A/H24/32, but currently vacant), and a café and restaurant on the upper deck (operating under approved application No. A/H24/28); and

² Although the first approved application covered the largest area, a second application was made to cover more uses of similar nature as the then approved uses were based on a more restrictive definition of terms. The third application was required as all the approved shop uses in the Pier became invalid since the operator was unable to fulfill the approval conditions due to cessation of the ferry service between Central and Hung Hom from 1.4.2011. The service only re-commenced on 27.6.2020.

- (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.

6.3 The surrounding area has the following characteristics:

- (a) the Pier is located near the eastern end of the existing row of piers abutting the Central waterfront promenade. The 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) 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; and
- (c) the proposed comprehensive office, commercial and retail development with government uses at Site 3 of the Central Harbourfront, which is currently under construction, is located to the further south within an area zoned "Comprehensive Development Area" (**Plan A-1**).

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 Bureau/Government Departments

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

Harbour Planning

8.1.1 Comments of the Harbour Office (HO), Development Bureau:

- (a) the subject application has been circulated to members of the Harbourfront Commission's Task Force on Harbourfront Developments on Hong Kong Island. One member expressed support to the application; and
- (b) from the harbourfront enhancement perspectives, it has been suggested in the 2024-25 Budget Speech that harbourfront resources should be better used and commercial facilities such as food and beverages should be introduced at suitable harbourfront locations to bring convenience and better experience to visitors. On this basis, the HO generally welcomes proposals that would enhance vibrancy of the harbourfront areas.

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 the Pier which is under the administration of the Transport Department (TD) and its permitted use is governed by a tenancy agreement signed between the Government Property Agency (GPA) and the applicant.

Property Management

8.1.3 Comments of the Government Property Administrator:

- (a) no objection to the application;
- (b) 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. GPA H21589 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 B/Ds, 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) supports the application from ferry operations point of view;
- (c) at present, the western berth of the Pier is leased to the applicant for the operation of “Hung Hom-Central” licensed ferry service;
- (d) in line with the established practice, the Government would allow ferry operators to sublet the available spaces within the pier boundary for commercial concessions with a view to generating non-farebox revenue, which is essential to maintain the financial sustainability of the ferry operations. The revenues so generated would bring positive impact in easing the pressure for fare increase; and
- (e) taking into account the existing electricity supply at the pier, i.e. 400A, and the written clarifications from the applicant on the approximated electricity consumption of the proposed eating place, i.e. 40A, it is believed that the proposal would not cause overloading of the electricity supply and hence affect the ferry operators. Notwithstanding this, if the applicant wishes to increase the electricity consumption for retail use to more than 400A, electrical modification works should be carried out by the applicant on its own expense and comments from relevant maintenance parties should be sought before such improvement works are carried out.

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):

no objection in principle to the application from pier substructure maintenance point of view provided that the application would not cause any adverse impact to the structural integrity and stability of the existing pier substructure and would not affect their regular inspection and maintenance of the existing pier substructure.

Fire Safety

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

- (a) no objection to the application; and

- (b) detailed fire services requirements will be formulated upon receipt of a formal submission of short-term tenancy/short-term waiver, general building plans or referral of application via relevant licensing authority. Furthermore, the Emergency Vehicular Access provision shall comply with the requirements as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Building Authority.

Sewerage and Drainage

8.1.8 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department:

- (a) no comment on the application from drainage services perspective; and
- (b) regarding the public comment concerning sewerage and drainage matters, the sewerage system will be checked when the applicant applies for a food factory licence or any relevant licence in the future.

Public Order

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

the vicinity of Central Pier, i.e. the Observation Wheel and the Central Harbourfront Event Space, is a popular tourist spot attracting a crowd of visitors. The selling of alcoholic beverages at the Pier is possible to cause public disorder due to drunkenness and encounter the crowd flow when there is event held at the Central Harbourfront Event Space, which might harm the public order and public safety.

Food and Environmental Hygiene

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

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

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

- (a) Director of Environmental Protection (DEP);
- (b) Chief Highway Engineer/Hong Kong, Highways Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Director of Marine;
- (e) Project Manager (South), CEDD;
- (f) Director of Electrical and Mechanical Services; and

- (g) District Officer (Central and Western), Home Affairs Department (DO(C&W), HAD).

9. Public Comment Received During Statutory Publication Period

On 22.11.2024, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 13.12.2024, one supportive comment from Designing Hong Kong Limited was received (**Appendix V**). It opined that the proposed uses can enhance the commuter's experience at the Pier, add vibrancy to the waterfront area and maximise the use of the harbourfront. The commenter also expressed that suitable and effective drainage and sewerage system should be properly installed to prevent any potential pollution to the harbour.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for proposed eating place and shop and services (retail shop) uses at the Premises which falls within an area zoned "OU(PAF)" on the OZP. According to the Notes of the OZP for "OU(PAF)" zone, the proposed uses are Column 2 uses which require planning permission from the Board. 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 in line with the planning intention of the "OU(PAF)" zone.
- 10.2 The proposed development, with a floor area of about 13.2m² (about 1.2% of the lower deck of the western berth), is small in scale. The proposed uses, which are intended to provide convenient services to the general public including visitors and ferry passengers, are considered not incompatible with the pier use. Considering the small size of the proposed uses, it would unlikely cause disruption to pier operations and passenger circulation. TD supports the application as the proposed uses would help generate non-fare box revenue for cross-subsidising the ferry operations and would not affect the operation of the licensed ferry services at the Pier. Other relevant government departments including GPA, ArchSD, DEP, DSD, FSD and CEDD have no objection to or no adverse comment on the application.
- 10.3 Noting the intended sale of alcoholic beverages at the Premises, C of P expresses that possible drunkenness may potentially affect public order and safety. Such concern is a law enforcement issue, rather than a land-use related matter, which should be dealt with separately. Besides, as confirmed by the applicant, the future operator will apply for the relevant food and liquor licences and undertakes that alcoholic drinks will only be served and consumed within the licensed restaurant premises. The proposed food business at the Premises will be subject to licensing control by relevant authorities. In this regard, DFEH has no adverse comment on the application. The applicant will be reminded to obtain relevant licence(s) and to observe the comments from the food and liquor licensing perspectives as detailed in **Appendix III**.

- 10.4 As mentioned in paragraphs 4 and 5 above respectively, the Premises is subject to three previously approved applications involving shop and services and/or eating place uses, and there were six similar applications for similar uses at Central Piers No. 7 and 8, and CTB within the subject “OU(PAF)” zone approved by the Committee between 2008 and 2023. As the planning circumstances of the Pier have remained similar over the years, approval of the current application is consistent with the Committee’s previous decisions.
- 10.5 Regarding the public concern on drainage and sewerage system issues arising from the proposed development, comments of relevant government departments in paragraph 8 are relevant. As advised by DSD, the sewerage system will be checked when the applicant applies for a food factory licence or any relevant licence in the future.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment 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 10.1.2029, 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 advisory clauses for the application are suggested for Members’ reference:

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 15.11.2024

Appendix Ia	SI received on 20.11.2024
Appendix II	Similar Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment received
Drawings A-1 and A-2	Location and Proposed Layout Plans submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 and A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**