

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H4/103

- Applicant** : Hong Kong & Kowloon Ferry Limited
- Premises** : Portions of Lower Deck, Central Pier No. 6, Hong Kong
- Total Floor Area of the Premises** : About 30m²
- Land Status** : Government Property under Tenancy Agreement No. GPA H1078
- Plan** : Draft Central District Outline Zoning Plan (OZP) No. S/H4/17
- Zoning** : “Comprehensive Development Area (2)” (“CDA(2)”)
- [Maximum gross floor area of 55,740m² for retail shops, offices and hotels]
- Application** : Proposed Eating Place (Restaurant) and Shop and Services (Retail Shop, Service Trades and Fast Food Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises at Central Pier No. 6 (the Premises) for proposed eating place (restaurant) and shop and services (retail shop, service trades and fast food shop) uses. The Premises fall within an area zoned “CDA(2)” on the draft Central District OZP No. S/H4/17 (**Plan A-1**). According to the Notes of the OZP for “CDA(2)” zone, ‘Restaurant’, ‘Retail Shop’, ‘Service Trades’ and ‘Fast Food Shop’¹ are Column 2 uses which require planning permission from the Town Planning Board (the Board).
- 1.2 The Premises are located at the western berth of the lower deck of Central Pier No. 6 (**Plan A-2**) and are currently vacant. According to the applicant, the total floor area of the Premises is about 30m². The daily opening hours of the proposed business operations are from 9:00 a.m. to 12:30 a.m. The plan showing the location of the Premises submitted by the applicant is at **Drawing A-1**.

¹ According to Revised Definition of Terms/Broad Use Terms used in Statutory Plans, ‘Restaurant’ is subsumed under ‘Eating Place’ use, while ‘Retail Shop’, ‘Services Trades’ and ‘Fast Food Shop’ are subsumed under ‘Shop and Services’ use.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (**Appendix I**) 13.12.2023
- (b) Supplementary Information (SI) received on (**Appendix Ia**) 21.12.2023

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 uses could provide catering and retail services to the general public, including residents of outlying islands and ferry passengers;
- (b) the non-farebox revenue generated would be used to cross-subsidise ferry operations; and
- (c) no alcoholic beverages will be sold at the 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

- 4.1 The Premises are part of the application premises of a previous s.16 planning application (No. A/H4/90) and a subsequent s.16A application (No. A/H4/90-1) (**Plan A-1**) submitted by a different applicant.
- 4.2 Application No. A/H4/90 for proposed construction of one and a half additional commercial floors above Central Pier Nos. 4 to 6, conversion of the existing upper decks at Central Pier Nos. 4 and 6 for various ‘Shop and Services’, ‘Eating Place’ and ‘Public Convenience’ uses, ‘Pier’ use at lower decks of Central Pier Nos. 4 to 6 and upper deck of Central Pier No. 5, and ‘Public Utility Installation (Telecommunications Radio Base Station)’ use at the landside of the rooftop at Central Pier Nos. 4 to 6, was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 3.5.2013 mainly for the reasons that the proposal was generally in line with the proposed uses recommended under the Urban Design Study for the New Central Harbourfront, and would help enhance the vibrancy and attractiveness of the harbourfront. Application No. A/H4/90-1 for extension of time for commencement of development under

Application No. A/H4/90 was approved with conditions by the Director of Planning under the delegated authority of the Board on 27.4.2017. The planning permission under Application No. A/H4/90-1 lapsed on 4.5.2021.

5. **Similar Applications**

There are six similar applications (No. A/H4/65, 68, 75, 80, 82 and 86) for various uses including, 'Beauty Parlour', 'Convenience Stores', 'Retail Shop', 'Restaurant', 'Fast Food Shop', 'Bar', 'Office', 'Showroom excluding Motor-vehicle Showroom' and 'Service Trades' uses at Central Piers No. 4, 5 and 6 within the "CDA(2)" zone. These applications were approved² by the Committee between 2003 and 2011 mainly for the reasons that the proposed uses were not incompatible with the existing pier use, and would unlikely cause disruption to the pier operation and passenger circulation. Details of the similar applications are at **Appendix II** and their locations are shown on **Plan A-1**.

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

6.1 The Premises:

- (a) are located at the western berth of the lower deck of Central Pier No. 6; and
- (b) are currently vacant.

6.2 The subject pier (Central Pier No. 6):

- (a) is one of the ten piers on the Central harbourfront and is accessible via the waterfront promenade along Man Kwong Street; and
- (b) is a three-storey pier. The western berth of the Lower Deck is currently operated by Hong Kong & Kowloon Ferry Holdings Limited providing ferry services between Central and Peng Chau. The eastern berth of the Lower Deck is operated by Sun Ferry Services Company Limited providing ferry services between Central and Mui Wo. The western berth of the Upper Deck is currently vacant while the eastern berth of the Upper Deck is currently occupied by a coffee shop, and 3/F is a plant room floor comprising electrical & mechanical rooms and a staff room.

6.3 The surrounding area has the following characteristics:

- (a) the subject pier is located among an 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;
- (b) to the immediate west and east are Central Pier No. 5 (ferry services between Central and Cheung Chau operated by Sun Ferry Services

² Three of the planning applications (No. A/H4/80, 82 and 86) were approved on temporary basis for a period of 3 to 4 years in order not to frustrate the comprehensive development of the site in the long term.

Company Limited) and Central Pier No. 7 (ferry services between Central and Tsim Sha Tsui operated by Star Ferry) respectively;

- (c) to the north is Victoria Harbour; and
- (d) to the south across Man Kwong Street, Man Po Street and Finance Street are MTR Hong Kong Station and Two IFC.

7. Planning Intention

The “CDA(2)” site comprises Central Pier Nos. 4, 5 and 6 and the adjacent inland area. The purpose of the “CDA” zone is to encourage and ensure development/redevelopment of the area in a comprehensive manner.

8. Comments from Relevant Government Departments

- 8.1 The following government bureaux/departments (B/Ds) 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:

- (a) no comment from harbourfront planning perspective; and
- (b) the subject application has been circulated to members of the Harbourfront Commission’s Task Force on Harbourfront Developments on Hong Kong Island (HKTF). No comments on the application were received from HKTF Members.

Land Administration

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

The areas under application fall within Central Pier No. 6 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. GPA H1078 in accordance with TD's requirements with Hong Kong and Kowloon Ferry Limited (the Tenant) (i.e. the applicant) for the purposes of passenger ferry terminal for the embarkation and disembarkation of passengers using the ferry services from Central to Peng Chau and vice versa operated by the Tenant and the transhipment of such goods and baggage as may be permitted by the Director of Marine and the Commissioner for Transport (C for T), and in accordance with the ferry service licence granted to the Tenant under the Ferry Services Ordinance (Cap. 104);
- (d) under Tenancy Agreement No. GPA H1078, 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 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 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) no objection in principle to the application; and
- (c) TD supports the application as it would not affect the operation of the licensed ferry services at Central Pier No. 6 and would help generate non-fare box revenue to cross-subsidise the ferry operations.

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;

- (b) any alteration to the existing installation, if proposed, should be subject to further approval;
- (c) the applicant shall ensure that no part of his works will have any adverse effect, structurally or in any other ways, on the existing building. The applicant must ensure that the design loading of the pier structure will not be exceeded due to his works/installations; and
- (d) the applicant shall ensure that no part of his works/installations shall obstruct the maintenance of any parts of the subject pier. The applicant shall also undertake to remove his works/installations, if required, at his own cost when access for building maintenance by Government is needed at the subject pier.

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

No objection in principle to the application from marine works point of view provided that they will not cause any adverse impact to the structural integrity and stability of the existing marine structure.

Fire Safety

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

No objection in principle to the application subject to fire service installations and water supplies for firefighting 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.

Food and Environmental Hygiene

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

- (a) no adverse comment on the application; and
- (b) relevant licences/permits shall be obtained from Food and Environmental Hygiene Department if there is any food business regulated by DFEH.

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.

9. Public Comment Received During Statutory Publication Period

On 22.12.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 12.1.2024, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The application is to seek planning permission for proposed eating place (restaurant) and shop and services (retail shop, service trades and fast food shop) uses at the Premises which fall within an area zoned “CDA(2)” on the OZP. According to the Notes of the OZP for “CDA(2)” zone, the proposed uses are Column 2 uses which require planning permission from the Board.
- 10.2 The proposed development, with a floor area of about 30m² (about 2.95% of the lower deck of the western berth) is relatively small in scale. The proposed uses, which are intended to provide catering and retail services to the general public, including visitors and ferry passengers, are considered not incompatible with the existing pier use. Considering the small size of the proposed operations, they would unlikely cause disruption to pier operation 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 Central Pier No. 6. D of FS has no objection to the application subject to imposition of an approval condition on the fire safety aspect as set out in paragraph 11.2 below. Other government departments consulted, including GPA, ArchSD, CEDD and FEHD, have no objection to or no adverse comment on the application.
- 10.3 The Premises fall within an area zoned “CDA(2)” which is to encourage and ensure development/redevelopment of the area in a comprehensive manner. Whilst the comprehensive development within the “CDA(2)” zone is still under review, the operation of the existing piers, including Central Pier No. 6, is expected to be maintained. Since the use of Central Pier No. 6 is governed by tenancy agreement between the Government and the licensed ferry operator and the Premises could be taken back by the Government for implementation of the future comprehensive development, approval of the application would not affect the realisation of the planning intention of “CDA(2)” zone.
- 10.4 As mentioned in paragraph 5 above, there are six similar applications (Nos. A/H4/65, 68, 75, 80, 82 and 86) for various shop and services and eating place uses at Central Piers No. 4, 5 and 6 within the subject “CDA(2)” zone which were approved by the Committee between 2004 and 2011. Taking into account that the planning circumstances of the piers at the Central waterfront have

remained similar over the years, 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 26.1.2028, 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 water supplies for firefighting 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 III**.

- 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 13.12.2023
Appendix Ia	Supplementary Information received on 21.12.2023
Appendix II	Details of Similar Applications
Appendix III	Recommended Advisory Clauses
Drawing A-1	Location Plan submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3

Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**