

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/H8/433

<u>Applicant</u>	: Fortune Ferry Company Limited
<u>Premises</u>	: Shop B, Ground Floor, North Point (East) Ferry Pier, North Point, Hong Kong
<u>Total Floor Area of Premises</u>	: About 105.63m ²
<u>Land Status</u>	: Government Property under Tenancy Agreement No. GPA H963: (a) one year commencing from 1.9.2009 and thereafter quarterly; and (b) a passenger ferry terminal for the embarkation and disembarkation of passengers of the ferry services from North Point to Kwun Tong and vice versa operated by the Tenant at portion of the Lower Deck of North Point (East) Ferry Pier.
<u>Plan</u>	: Approved North Point Outline Zoning Plan (OZP) No. S/H8/26
<u>Zoning</u>	: “Other Specified Uses” annotated “Pier” (“OU(Pier)”) - a maximum building height not exceeding the soffit level of the Island Eastern Corridor and 2 storeys, or the height of the existing building, whichever is the greater; - kiosks not greater than 10m ² each in area and not more than 10 in number for uses as shop and services are considered as ancillary to “Pier” use.
<u>Application</u>	: Proposed Office

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) as an office. The Premises falls within an area zoned “OU(Pier)” on the approved North Point OZP No. S/H8/26 (**Plan A-1**). According to the Notes of the OZP, planning permission from the Town Planning Board (the Board) is required for ‘Office’ use within the zone.
- 1.2 The Premises is located in the eastern side of the lower deck of the North Point (East) Ferry Pier (**Plan A-2**) and has a total floor area of about

105.63m². The location plan and floor plan of the Premises submitted by the applicant are at **Drawings A-1 & A-2** respectively.

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

- (a) Application form with attachments received on 16.12.2021 **(Appendix I).**
- (b) Further Information (FI) received on 20.1.2022 **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and the FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the Premises is at a strategic location which is suitable for office use.
- (b) the choices of tenants for the Premises is limited by the constraints of electricity supply and is also affected by the Covid-19 epidemic situation.
- (c) the revenue generated by the rental income is necessary to cross-subsidise the ferry operation.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the application.

4. Previous Applications

- 4.1 The Premises is the subject of the application premises of five previous planning applications (**Plan A-1**) which were all submitted by the same applicant as in the current application. Application No. A/H8/357 for proposed restaurant (barbecue area) and retail shop at G/F (part) of the subject pier was rejected by the Metro Planning Committee (the Committee) on 22.11.2002 on the ground that there was no information in the submission to demonstrate that the proposed uses would not cause adverse environmental nuisance to the passengers using the pier.
- 4.2 Application No. A/H8/371 for a proposed café at the G/F (part) was approved with conditions by the Committee on 18.2.2005. However, the planning permission was lapsed on 18.2.2009.

- 4.3 Application No. A/H8/402 for various commercial uses at the lower deck (part) and upper deck (part) was partially approved with conditions by the Committee on 12.2.2010. The Committee approved the proposed shop, eating place and exhibition and sale areas at parts of the lower deck of the pier but rejected the proposed office, conference room and Chinese medical clinic on the grounds that these uses were not related to or compatible with the pier use and the waterfront areas and such use should be located elsewhere in properly designed commercial or office buildings. The planning permission was lapsed on 12.2.2014.
- 4.4 Application No. A/H8/405 for proposed shop and services use at the lower deck (part) and upper deck (part) of the pier covering those premises that were previously rejected by the Committee under Application No. A/H8/402 was approved with conditions by the Committee on 16.7.2010. However, the approved uses were commenced only in part of the application premises.
- 4.5 Application No. A/H8/422 for proposed shop and services (retail shop) at the subject premises was approved with conditions by the Committee on 25.7.2014. The retail shop use was commenced for operation but subsequently terminated.

5. **Similar Applications**

- 5.1 There were 12 similar applications for different types of commercial uses within the “OU(Pier)” zones in the North Point area (**Plan A-1**). Out of these applications, 9 were approved and 3 were rejected. Details of these applications are summarised in **Appendix II**.
- 5.2 Among the approved cases relating to proposed office use, application Nos. A/H8/150, A/H8/151, A/H8/162 and A/H8/176 were approved between 1989 to 1991. For application Nos. A/H8/162 and A/H8/176, the proposed office use were approved on a temporary basis for 2 years and 3 years respectively, on the considerations that the proposed office was unlikely to generate additional traffic in the area or to cause any adverse effect on the pier operation. However, it was also considered that the premises should not be developed as a permanent office as there was a possibility that in future the area would be needed for other uses which were more related to the ferry services.

6. **The Premises and Its Surrounding Areas** (Plans A-1 to A-3)

- 6.1 The Premises:
 - (a) is located in the eastern portion of the lower deck of North Point (East) Ferry Pier under the management of the Transport Department (TD); and
 - (b) is currently vacant.

6.2 The subject pier (North Point (East) Ferry Pier):

- (a) is a two-storey pier, including the lower deck and upper deck. It is accessible via the North Point waterfront promenade;
- (b) the eastern portion is operated by the applicant providing ferry services between North Point and Kwun Tong, with the passenger entrance/exit located at the lower deck, and the upper deck is currently left vacant. Apart from the proposed office use, there are some ancillary facilities such as toilets and lockers located on the lower deck; and
- (c) the western portion is operated by another company providing harbour cruise service.

6.3 The surrounding area of the Premises have the following characteristics:

- (a) the North Point (West) Ferry Pier located about 80m west of the subject pier provides ferry services between North Point, Hung Hom and Kowloon City. There are shops/stalls selling fresh seafood and snacks/soft drinks in operation at the said pier with planning permissions granted under Applications No. A/H8/364 and A/H8/381 (**Plan A-1**); and
- (b) to its south is a private comprehensive residential and commercial development with public open space, government, institution or community uses, public coach park and public transport terminus under the name of Victoria North/Harbour North.

7. **Planning Intention**

The “OU(Pier)” zone is primarily to reserve land intended for Government or public piers providing marine services in the harbour areas.

8. **Comments from Relevant Government Departments**

- 8.1 The following government 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 (DEVB):

the proposal was circulated to Members of the Harbourfront Commission’s Task Force on Harbourfront Developments on Hong Kong Island. One comment was received from a member which does not support the application as food and beverage (F&B) services are preferred at the Premises, and there are concerns on the drainage and sewerage connection at the Premises.

Land Administration

8.1.2 Comments of the District Lands Officer/Hong Kong East, Lands Department (DLO/HKE, LandsD):

- (a) no comment on the application from land administration point of view; and
- (b) the Premises is not under the management of his office. Commissioner for Transport (C for T) and Government Property Administrator (GPA) should be consulted for the details regarding the Premises.

8.1.3 Comments of the GPA:

- (a) the North Point (East) Ferry Pier is under the purview of the Transport Department (TD). TD is statutorily empowered to give consent to the ferry operators under Reg. 15 of the Ferry Services Regulations (Cap 104A) for use other than the operation of a licenced service during the validity period of their ferry service licences;
- (b) GPA is only the leasing facilitator of TD and has prepared and executed the tenancy agreement in accordance with the instructions of TD with Fortune Ferry Company Limited (the Tenant) for the purposes of passenger ferry terminal for the embarkation and disembarkation of passengers using the ferry services from North Point to Kwun Tong and vice versa operated by the Tenant and the transshipment of such goods and baggage as may be permitted by the Director of Marine and the C for T, and in accordance with the ferry service licence granted to the Tenant under Ferry Services Ordinance (Cap. 104);
- (c) under the tenancy agreement No. GPA H963, the Tenant may sublet part of the pier by way of commercial concession for purposes other than the above ferry services use with GPA's approval upon receipt of no objection or adverse comments from relevant departments; and
- (d) if the Board approves the current application, the Tenant shall submit its application for commercial concession for his 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.

Environmental Aspect

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

- (a) no objection to the application from environmental planning perspective; and
- (b) since there are two air pollution sources i.e. ferry piers with ship emissions and the Island Eastern Corridor with vehicle emissions, in the vicinity of the Premises, the applicant is advised to install air conditioning system with fresh air intakes at the northern end of the pier as far as practicable to minimise the potential air nuisances from the said pollution sources.

Architectural and Visual Aspects

8.1.5 Comments of the Chief Architect/Central Management Division 2 (CA/CMD2), Architectural Services Department (ArchSD):

no particular comment at this stage as it is noted that the application is mainly pertaining to land use planning issue and there is no actual development proposal requiring review on architectural and visual impact aspects.

Traffic Aspect

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

Traffic Engineering (HK) Division

- (a) no objection in-principle to the application from traffic engineering viewpoint;

Ferry and Paratransit Division

- (b) at present, the eastern berth of the Pier is used by the Fortune Ferry Company Limited for the operation of “North Point – Kwun Tong – Kai Tak” licensed ferry service;
- (c) in normal practice, the Government allows ferry operators to sublet surplus spaces of ferry piers for commercial concessions with a view to generating non-fare box revenue to cross-subsidize ferry operations after assessing their applications. In light of the poor operating environment, the revenue generated from subletting surplus spaces at the Pier would improve the financial viability of the “North Point – Kwun Tong – Kai Tak” licensed ferry service and alleviate the pressure for fare increase; and
- (d) taking into consideration of the existing constraint on electricity supply at the Pier, it is not recommended subletting

the surplus spaces of the Pier for uses of high electricity consumption which may cause overloading of electricity and affect the ferry operation. Having assessed the current application and the estimated electricity consumption submitted by the Applicant, it is considered that the application would not affect the ferry operation and the Ferry and Paratransit Division supports it from ferry operations point of view.

Fire Safety Aspect

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

- (a) no objection in principle to the application subject to fire service installations and equipment being provided to the satisfaction of the Fire Services Department (FSD); and
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Open Space Aspect

8.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) the Eastern District Leisure Services Office advises that North Point Promenade (“NPPro”) is a gazetted venue under the management of Leisure and Cultural Services Department (LCSD), which is governed by Pleasure Grounds Regulation Cap. 132 BC (PGR). The relevant operator is advised to make use of the loading and unloading area at the Harbour North and follow a specific route leading to the pier; and
- (b) relevant operator(s), tenant(s) and stake-holder(s) of the said office should not induce adverse impact, such as hygienic problem on NPPro and to the venue users.

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

- (a) District Officer (Eastern), Home Affairs Department;
- (b) Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department;
- (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Highway Engineer/Hong Kong, Highways Department;
- (f) Commissioner of Police;
- (g) Director of Food and Environmental Hygiene;
- (h) Director of Marine;
- (i) Director of Electrical and Mechanical Services; and

- (j) Project Manager (South), Civil Engineering and Development Department.

9. **Public Comments Received During Statutory Publication Period**

On 24.12.2021, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 14.1.2022, three public comments were received from Designing Hong Kong and two individuals (**Appendix III**) opposing to the application on the grounds summarised as follows:

- (a) the Premises is a valuable space for shops and F&B for ferry passengers, which should not be used for office purpose;
- (b) the applicant fails to demonstrate that there would not be adverse environmental impact to the surrounding areas;
- (c) environmental pollution including air, noise and water pollution arising from the current application would adversely affect the enjoyment from the users of the waterfront promenade; and
- (d) there is no strong justification to approve the application since there are plenty of commercial spaces to accommodate office use in the area.

10. **Planning Considerations and Assessment**

- 10.1 The Premises falls within an area zoned “OU(Pier)” which is intended for Government or public pier providing marine services. The Premises, which is located inside an existing pier, is intended to be for uses which are related to and compatible with the pier use.
- 10.2 Although the proposed office use at the Premises is not entirely in line with the planning intention of the “OU(Pier)” zone, the Premises is currently vacant and could be put to other beneficial uses with a view to better utilising limited land resources. The Premises is separated from the pedestrian circulation and passenger waiting areas for the ferry services, it is unlikely that the proposed office will adversely affect the pier operation. While the Premises is currently subjecting to the constraint of electricity supply and cannot be put for high electricity consumption use, having assessed the estimated electricity consumption of the proposed office, TD considers that it would not affect the ferry operation and he supports the application from ferry operation point of view as it could cross-subsidise the ferry service and enhance its financial viability. FSD has no objection in principle to the application and suggests to include an approval condition related to fire service installations. Other relevant Government departments consulted including EPD and DSD have no objection to/comment on the application.

- 10.4 The Premises is the subject of five previous application for various commercial uses. Proposed uses including café, shops, eating place and exhibition and sale areas were approved by the Committee, while proposed uses including office, conference room and Chinese medical clinic were rejected by the Committee on the grounds detailed in paragraph 4.3 above. However, four similar applications for proposed office within the “OU(Pier)” zones in the North Point area were approved between 1989 to 1991 on the considerations that the proposed office was unlikely to generate additional traffic in the area or to cause any adverse effect on the pier operation.
- 10.5 Although the Premises is currently vacant and not used for pier operation, it should not be developed as a permanent office as there is a possibility that in future the area will be needed for other uses which are more related to the ferry services. In order not to jeopardise the long-term planning intention of the “OU(Pier)” zone and to allow flexibility in the use of the pier to meet future requirements for ferry services, a temporary approval of five years is recommended for the proposed office use at the Premises.
- 10.6 Regarding the comment received from the member of the Harbourfront Commission’s Task Force on Harbourfront Developments on Hong Kong Island and the adverse public comments, the planning considerations and assessments in paragraphs 10.1 to 10.5 above are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessment made in paragraph 10 above and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application on a temporary basis for a period of five years.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until **28.1.2027**. The following condition of approval and advisory clauses 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 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

the proposed office use is not pier-related use and does not serve the passengers. The applicant has not provided sufficient information to justify the need for office use within the application premises.

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 received on 16.12.2021
Appendix Ia	FI received on 20.1.2022
Appendix II	Details of Similar Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan submitted by the Applicant
Drawing A-2	Floor Plan submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**