

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/H8/434**

<b><u>Applicant</u></b>	: Chi Cheung Properties Agency Co. Limited represented by Sun Ferry Services Company Limited
<b><u>Premises</u></b>	: Shop K24, Lower Deck, North Point (West) Passenger Ferry Pier, Hong Kong
<b><u>Total Floor Area of Premises</u></b>	: About 15m <sup>2</sup>
<b><u>Land Status</u></b>	: Government Property
<b><u>Plan</u></b>	: Approved North Point Outline Zoning Plan (OZP) No. S/H8/26
<b><u>Zoning</u></b>	: “Other Specified Uses” annotated “Pier” (“OU(Pier)”) <ul style="list-style-type: none"><li>- 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;</li><li>- kiosks not greater than 10m<sup>2</sup> each in area and not more than 10 in number for uses as shop and services are considered as ancillary to “Pier” use.</li></ul>
<b><u>Application</u></b>	: Shop and Services (Property Agency)

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises (the Premises) for ‘Shop and Services (Property Agency)’ use. 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, ‘Shop and Services (not elsewhere specified)’ use within the “OU(Pier)” zone requires planning permission from the Town Planning Board (the Board). The Premises is currently used as a property agency without valid planning permission.
- 1.2 The Premises is located in the eastern side of the lower deck of the North Point (West) Ferry Pier (**Plan A-2**) and has a total floor area of about 15m<sup>2</sup>. The location plan and floor plan 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 Application Form with attachments received on 4.1.2022 (**Appendix I**).

## **2. Justifications from the Applicant**

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

- (a) the company (i.e. Chi Cheung Properties Agency Co. Limited) has been in operation for about 20 years in the North Point area and it provides convenient and professional property leasing/sales services to passengers and nearby residents; and
- (b) 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 Application**

The Premises is the subject of part of a previous planning application (No. A/H8/381) (**Plan A-1**) for ‘Shop and Services (Retail Shop and Fast Food Shop)’ use submitted by another applicant which was approved with condition by the Metro Planning Committee (the Committee) on 27.4.2007 as the proposed use was considered not incompatible with the existing pier use and it would unlikely cause disruption to the pier operation and passenger circulation.

## **5. Similar Applications**

- 5.1 There were 17 similar applications for different types of commercial uses (including retail shop, office, eating place, etc.) within the “OU(Pier)” zones in the North Point area (**Plan A-1**). Out of these applications, 12 were approved<sup>1</sup>, four were rejected and one application was partially approved and partially rejected. Details of these applications are summarized in **Appendix II**.
- 5.2 Among the approved/partially approved cases relating to shop and services uses, application Nos. A/H8/127, A/H8/154, A/H8/364, A/H8/405 and A/H8/422 were approved by the Committee between 1987 and 2014 mainly

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<sup>1</sup> The latest approved application No. A/H8/433 is for proposed ‘Office’ use at G/F of North Point (East) Ferry Pier (**Plan A-1**) which was approved with condition by the Committee on 28.1.2022.

for the reasons that the proposed uses were considered compatible with the existing pier use in that they would provide convenient services to the ferry passengers, local visitors and tourists using the pier and the waterfront area, and that the proposed uses would not adversely affect the circulation of ferry passengers. Application No. A/H8/402 for various commercial uses was partially approved by the Committee in 2010. The Committee approved the proposed shop, eating place and exhibition and sale areas 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.

## 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 (West) Ferry Pier under the management of the Transport Department (TD); and
- (b) is currently used as a property agency without valid planning permission.

### 6.2 The subject pier (North Point (West) Ferry Pier):

- (a) is a two-storey pier, including the lower deck and upper deck. It is accessible via the North Point waterfront promenade; and
- (b) the northern portion is operated by the Sun Ferry Services Company Limited providing ferry services between North Point, Hung Hom and Kowloon City, with the passenger entrance/exit located at the lower deck, and some ancillary facilities such as toilets at the upper deck. Apart from the property agency under application, there are shops/stalls selling fresh seafood and snacks/soft drinks in operation at the subject pier with planning permissions granted under Application Nos. A/H8/364 and A/H8/381 respectively (**Plan A-1**).

### 6.3 The surrounding areas of the Premises have the following characteristics:

- (a) the North Point (East) Ferry Pier located about 80m east of the subject pier provides ferry services between North Point and Kwun Tong which is operated by another company (**Plan A-1**).
- (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 summarized 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 considers that food and beverage (F&B) services are preferred at the Premises and expressed 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) no particular comment on the application;
- (b) the subject pier is under the management of the TD. TD is statutorily empowered to give consent to the ferry operator(s) under the Ferry Services Regulations (Cap. 104) to sublet surplus space of the pier for purposes other than the operation of licensed ferry services during the validity period of ferry service license. GPA is the leasing facilitator to prepare and execute the tenancy agreement with the ferry operators, in accordance with the TD’s requirements for leasing out the pier; and
- (c) if the Board approves the application, under the tenancy requirements the Tenant shall submit an application for

commercial concession to sublet surplus space of the pier for non-ferry operation purposes. Such application, if received, will be circulated to relevant government departments for consideration and any approval given would be subject to terms and conditions based on the comments received.

#### **Drainage Aspect**

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

- (a) no in-principle objection to the application; and
- (b) it is noted that a wash basin is proposed and the effluent shall be discharged to sewerage system. The nearest sewage connection point is located at about 50m away from the subject site. The applicant should propose and construct the connection to the Department's satisfaction.

#### **Environmental Aspect**

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

- (a) no objection to the application from environmental planning perspective; and
- (b) since there are three air pollution sources i.e. ship emissions from ferry piers, and vehicle emissions from the nearby public transport interchange and Island Eastern Corridor, 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 potential air nuisances from the said pollution sources.

#### **Architectural and Visual Aspects**

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

no 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**

8.1.7 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) no objection in-principle to the application from ferry operation viewpoint; and
- (c) all of the revenue to be generated from the proposed commercial concession has to be included into the non-fare box revenue and used for subsidising the ferry operation.

### **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 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**

8.1.9 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, which is governed by Pleasure Grounds Regulation Cap. 132 BC (PGR). Relevant operator(s), tenant(s) and stakeholder(s) of the said property agency would be prohibited to distribute any bill, placard or notice or affix any bill, placard or notice to or upon any tree or plants, or to or upon any part of any building, barrier, railing, seat or any other erection or ornament within the allocated area/boundary of the NPPro; and
- (b) to avoid attracting relevant operator(s), tenant(s) and stakeholder(s) and public of the said property agency to violate the law/PGR, so as to create managerial problems and law enforcement problems to the venue management of NPPro, relevant authorities/departments who are

managing/administering the land matters should take note of the above concerns and take actions deemed appropriate.

8.2 The following government departments have no objection to/ 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/Construction, Water Supplies Department;
- (d) Chief Highway Engineer/Hong Kong, Highways Department;
- (e) Commissioner of Police;
- (f) Director of Food and Environmental Hygiene;
- (g) Director of Marine;
- (h) Director of Electrical and Mechanical Services; and
- (i) Project Manager (South), Civil Engineering and Development Department.

## **9. Public Comment Received During Statutory Publication Period**

On 11.1.2022, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 4.2.2022, no public comment was received.

## **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 The ‘Shop and Services (Property Agency)’ use under application, with a floor area of about 15m<sup>2</sup>, is relatively small in scale. The use under application is considered not incompatible with the pier use in that it would provide convenient services to ferry passengers as well as visitors using the pier and the waterfront promenade. Although the use under application at the Premises is not entirely in line with the planning intention of the “OU(Pier)” zone, the property agency at the Premises under application could be considered as a beneficial use with a view to better utilising limited land resources. TD has no objection to the application from ferry operation point of view as it could cross-subsidise the ferry service. FSD has no objection to the application and suggests to include an approval condition related to fire service installations. DSD has no objection to the application but requires the applicant to propose and construct the sewage connection to his satisfaction. In this regard, an approval condition related to sewage connection is recommended. Other relevant government departments consulted including EPD have no objection to/comment on the application.

- 10.3 The Premises is part of the subject of a previous planning application No. A/H8/381 for ‘Shop and Services (Retail Shop and Fast Food Shop)’ use which was approved with condition by the Committee on 27.4.2007 on the grounds detailed in paragraph 4 above. Besides, various similar applications for proposed ‘Shop and Services’ use within the “OU(Pier)” zones in the North Point area were approved/partially approved between 1987 to 2014 on the considerations that the proposed shop and services uses would provide convenient services to the ferry passengers, local visitors and tourists using the pier and the waterfront area, and that the proposed uses would not adversely affect the circulation of ferry passengers.
- 10.4 No public comment was received during the statutory exhibition period. Regarding the comment received from the member of the Harbourfront Commission’s Task Force on Harbourfront Developments on Hong Kong Island, the planning considerations and assessments in paragraphs 10.1 to 10.3 above are relevant.

## **11. Planning Department’s Views**

- 11.1 Based on the assessment made in paragraph 10 above, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, no time clause for commencement for the development is proposed as the property agency under application is already in operation. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the provision of fire service installations and equipment to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of a sewerage connection proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

### Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

- 11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:
- the proposed ‘Shop and Services (Property Agency)’ use is not pier-related use. The applicant has not provided sufficient information to justify the need for proposed 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**

<b>Appendix I</b>	Applicant Form with Attachments received on 4.1.2022
<b>Appendix II</b>	Details of Similar Applications
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan submitted by the Applicant
<b>Drawing A-2</b>	Floor Plan submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2022**