

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K15/131

- Applicant** : Coral Sea Ferry Service Company Limited
- Premises** : Shops A to D, Sam Ka Tsuen Ferry Pier, Shung Shun Street, Yau Tong, Kowloon
- Floor Area** : 265.78 m²
- Land Status** : Government Land (GL)
- Plan** : Approved Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) No. S/K15/27
- Zoning** : “Open Space” (“O”)
- Application** : Proposed Eating Place and Shop and Services

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed eating place and shop and services uses at the application premises (the Premises) within Sam Ka Tsuen Ferry Pier (the Pier), Yau Tong. According to the Notes of the OZP for the “O” 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 Premises is located at the southeastern (Shop A) and northwestern (Shops B to D) portions of the Pier. Shops A and B are currently occupied by a restaurant and a convenience store without valid planning permission, while Shops C and D are a ferry ticketing office and vacant respectively. The applicant seeks planning permission to regularise the aforesaid uses at Shops A and B and introduce new eating place and/or shop and services uses for Shops C and D with a view to generating non-farebox income to cross-subsidise its ferry operation. The floor plan of the Premises submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 3.1.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 8.1.2024 (Appendix Ia)

2. **Justifications from the Applicant**

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

- (a) the applicant currently operates two licensed passenger ferry services from the Pier. However, the fare revenue from the ferry services could not cover the operating expenses. The applicant intends to sublet the Premises so that the rent could be used to cross-subsidise the ferry operation. With the completion of nearby residential developments, the proposed uses could also serve the increased demand for catering and retail services in the area; and
- (b) the existing restaurant (Shop A) has been connected to the public sewerage system since 2021 and is equipped with air exhaust system on the seaward side of the Pier. Future eating place uses at the Premises would need to comply with the relevant licensing and other regulatory requirements.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

As the Premises involves GL 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. 31B) are not applicable to the application.

4. **Previous Application**

There is no previous application concerning the Pier.

5. **Similar Application**

There is no similar application within the subject “O” zone.

6. **The Premises and Its Surrounding Areas (Plans A-1 to A-5)**

6.1 The Premises consists of the following:

Unit	Floor Area (m ²)	Current Use
A	181.78	Eating Place (Restaurant)
B	51.8	Shop and Services (Convenience Store)
C	17.7	Ferry Ticketing Office
D	14.5	Vacant

6.2 The Pier:

- (a) is a one-storey government property completed in 1973. It is currently the pier for two ferry services to Sai Wan Ho (operated on a daily basis) and Tung Lung Chau (operated on weekends and public holidays only) operated by the applicant;
- (b) consists of various supporting facilities, including toilets, passenger waiting/boarding area, plant room and machine room; and
- (c) is accessible via Shung Shun Street.

6.3 The surrounding area has the following characteristics:

- (a) to its north and northwest is Yau Tong Industrial Area, which is undergoing gradual transformation from industrial to residential use. Several residential developments have been completed in recent years, including Montego Bay, Canaryside, Ocean One and One East Coast along Shung Shun Street; and
- (b) to the immediate northwest and southeast are a set of public landing steps and the Lei Yue Mun Typhoon Shelter Breakwater Sitting-out Area respectively, while the promenade to the north of the Pier encircles the Sam Ka Tsuen Typhoon Shelter.

7. **Planning Intention**

The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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:

Property Management Aspect

8.1.1 Comments of the Government Property Administrator (GPA):

- (a) he has no objection to the application and the applicant should note his advisory comments at **Appendix III**; and
- (b) the Pier is under the direct purview and management of the Transport Department, who is statutorily empowered to give consent to ferry operators under the Ferry Services Regulations (Cap. 104A) to sublet the surplus space at the piers for purpose other than the operation of a licensed service during the validity period of their ferry service licenses. Under the existing tenancy agreement, the tenant may sublet part of the Pier by way of commercial concession for purposes other than the above ferry

services use subject to his agency's approval upon receipt of no objection from relevant bureaux/departments (B/Ds).

Transport and Licensing Aspects

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

- (a) she supports the application from ferry operation point of view as the revenue generated from the proposed commercial concession for the proposed uses has to be included into the non-farebox revenue of the licensed ferry service for purpose of cross-subsidisation, which would help reduce the pressure on fares; and
- (b) she has no comment on the application from district traffic engineering perspective and the applicant should note her advisory comments at **Appendix III**.

Fire Safety Aspect

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

- (a) he has no specific comment on the application subject to water supplies for firefighting and fire service installations being provided to his satisfaction; and
- (b) should the application be approved by the Board, the approval condition in paragraph 11.2 below should be stipulated and the applicant should also note his comments at **Appendix III**.

8.2 The following B/Ds have no comment on/no objection to the application, and their advisory comments, if any, are at **Appendix III**:

- (a) Principal Assistant Secretary (Harbour), Development Bureau (PAS(H), DEVB);
- (b) Director of Environmental Protection (DEP);
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (e) Chief Highway Engineer/Kowloon, Highways Department;
- (f) Chief Property Services Manager/2, Architectural Services Department;
- (g) Chief Engineer/Port Works, Civil Engineering and Development Department (CE/PW, CEDD);
- (h) Project Manager/East, CEDD;
- (i) Director of Food and Environmental Hygiene;
- (j) Director of Leisure and Cultural Services (DLCS);
- (k) District Officer (Kwun Tong), Home Affairs Department;
- (l) Commissioner of Police; and
- (m) Director of Marine.

9. Public Comment Received During the Statutory Publication Period

During the statutory public inspection period, one public comment was received from an individual supporting the application on the grounds that the proposed uses could enhance the enjoyment of the harbourfront by the general public and ferry passengers, while enquiring the sewerage arrangement of the proposed uses (**Appendix II**).

10. Planning Considerations and Assessments

- 10.1 The application is to regularise/effectuate proposed eating place and shop and services uses at the Premises within the Pier. Although the planning intention of the “O” zone is for provision of outdoor open-air public space for recreational use, the Pier, within which the Premises is based, only occupies a small portion of the subject “O” zone, has been in operation since the 1970s and there are no plans to demolish the Pier. The remaining part of the “O” zone, in the form of Lei Yue Mun Typhoon Shelter Breakwater Sitting-out Area and promenade, was completed in the 1980s for public enjoyment. DLCS has no comment on the application. The proposed eating place and shop and services uses within the Pier are not incompatible with the surrounding area and may complement the adjoining open space function.
- 10.2 The proposed uses is to help generate non-farebox revenue to cross-subsidise the licensed ferry services operating from the Pier. C for T supports the application from ferry operation point of view as the proposed commercial concession can enhance the sustainability of the licensed ferry services and help reduce the pressure on fares. Moreover, the proposed uses at the Premises is small in scale and would provide catering and retail services to the general public and ferry passengers, thereby adding vibrancy to the harbourfront without compromising the operation of the Pier. PAS(H), DEVB and GPA have no objection to the application. Other concerned government departments, including DEP, CE/MS, DSD and D of FS, also have no objection to the application. Adverse environmental, sewerage, drainage and fire safety impacts arising from the proposed uses are not anticipated. Relevant approval condition and advisory clauses are recommended in paragraph 11.2 below to address the technical requirements of concerned departments, while the proposed eating place use will be further regulated by way of the food licensing regime.
- 10.3 One supporting public comment was received during the statutory publication period. Regarding the query on the sewerage arrangement of the proposal, the applicant indicated that the existing restaurant (Shop A) has been connected to the public sewerage system since 2021, and DEP has reminded the applicant that relevant pollution control ordinances and guidelines shall be complied with (**Appendix III**).

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, 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 1.3.2028, and after the said date, the permission shall cease to have effect unless prior to the said date either the development hereby permitted is commenced or this permission is renewed. The following condition of approval and advisory clauses are suggested for Members' reference:

Approval condition

the provision of water supplies for firefighting and fire service installations 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 period of the planning 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 3.1.2024
Appendix Ia	SI received on 8.1.2024
Appendix Ib	FI received on 7.2.2024
Appendix II	Public Comment
Appendix III	Recommended Advisory Clauses
Drawing A-1	Floor Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 and A-5	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**