

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K20/135

- Applicant** : Fedder Limited represented by KTA Planning Limited
- Site** : Parts of Disused Pier Structure near New Kowloon Inland Lot (NKIL) No. 6550 at 10 Lai Ying Street, Cheung Sha Wan, Kowloon
- Site Area** : About 158m²
- Land Status** : Government Land (Yellow Area of NKIL 6550⁽¹⁾)
- Plan** : Approved South West Kowloon Outline Zoning Plan (OZP) No. S/K20/30
- Zoning** : “Open Space” (“O”)
- Application** : Proposed Pier (Landing Steps)

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed pier (landing steps) at parts of an existing disused pier structure (the Site) falling within an area zoned “O” on the approved South West Kowloon OZP No. S/K20/30 (**Plan A-1**) reserved for development of a public waterfront promenade (PWP). According to the Notes of the OZP for “O” zone, ‘Pier’ is a Column 2 use, which requires planning permission from the Town Planning Board (the Board).
- 1.2 The proposed Cheung Sha Wan PWP of 20m in width and about 380m in length is being implemented by the adjoining residential development (named Grand Victoria) zoned “Comprehensive Development Area” (“CDA”) and hotel development zoned “CDA(2)” as Yellow Area of the respective leases⁽²⁾ (**Drawing A-4**). The existing pier structure has been disused since early 2011 and the current application is submitted to facilitate the provision of the public landing facilities to enhance marine access to the PWP.
- 1.3 Under the planning application No. A/K20/131 for proposed hotel in the “CDA(2)” zone, which was approved with conditions by the Metro Planning

⁽¹⁾ NKIL 6550 (“the Lot”) (**Plan A-2**) is held under Conditions of Sales No. 20311 restricted for hotel purposes. The Conditions require the Lot owner to form the Promenade Area adjoining the Lot. The Lot owner shall manage and maintain the Promenade Area until which be re-delivered back to the Government upon demand.

⁽²⁾ The management and maintenance responsibilities of the PWP would be taken up by the Leisure and Cultural Services Department (for section fronting residential development) and by the developer of NKIL 6550 (for section fronting hotel development until it is re-delivered back to the Government upon demand) (**Plan A-2**).

Committee (the Committee) of the Board on 1.2.2019, the applicant, who is the same of this application and is the lot owner of the proposed hotel in NKIL 6550, proposed to design, construct, manage and maintain the concerned section of PWP including the disused pier at his/her own cost, for public enjoyment 24 hours a day. In accordance with the approval condition on a feasibility study on the refurbishment works of the disused pier to explore the provision of public landing facilities, the applicant submitted a Feasibility Study (including preliminary design of the landing facilities, marine traffic impact assessment, and environmental assessment) and confirmed that it is technically feasible to modify two small parts of the existing pier structure into landing steps.

1.4 The two proposed landing steps through modification of the existing pier structure will allow mooring and berthing of passenger/leisure vessels of not more than 35m long. The site area covering two landing steps and adjoining works area is about 157.5m² and the dimension is about 4.5m x 17.5m each (**Drawing A-1**). The applicant proposes to construct, manage and maintain the landing steps as an integral part of the PWP to be open for public use 24 hours, at his/her own cost (**Drawing A-2**). The tentative completion date is 2024. Pedestrian access to the landing steps is available from Lai Ying Street and via a walkway connected to the MTR Nam Cheong Station (**Plans A-2 and A-4**). The indicative landscaping design and artist impression of the PWP with the proposed landing steps and oblique aerial photos as submitted by the applicant are at **Drawings A-1 to A-4**.

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

- (a) Application Form received on 14.3.2022 (**Appendix I**)
- (b) Planning Statement (**Appendix Ia**)
- (c) Letter dated 7.6.2022 providing responses to departmental and public comments[#] (**Appendix Ib**)
- (d) Letter dated 22.7.2022 providing clarification on site condition and photos[#] (**Appendix Ic**)

[[#]Accepted and exempted from the publication and recounting requirements.]

1.6 On 6.5.2022, the Committee agreed to defer making a decision on the application for two months so as to allow sufficient time to prepare further information to address departmental comments. The applicant subsequently submitted further information on 7.6.2022 (**Appendix Ib**). The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia and Ib**. They are broadly summarised as follows:

Enhancing the Marine Accessibility for the Cheung Sha Wan PWP

- (a) the PWP has an approximately 380m sea frontage with existing pier structure without any passenger landing and the pier has been abandoned since 2011. The proposed landing steps would activate the use and function of the pier and provide a new marine access point to the public at the PWP. The Site is also in close proximity to MTR Nam Cheong Station and would be a convenient marine access facility in West Kowloon;

Meeting the Community Aspiration for the Provision of Landing Facility

- (b) during various consultations with the Sham Shui Po District Council (SSPDC) and Harbourfront Commission's Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing (the Task Force), Members expressed their aspiration for provision of public landing facilities at the PWP. The provision of landing steps could meet the community aspirations;

In-line with the Harbour Planning Principles

- (c) the proposed landing steps are in-line with the Harbour Planning Principles promoted by Harbourfront Commission in promoting vibrant and accessible harbour for public enjoyment etc. and they do not involve reclamation affecting the harbour. The Task Force was consulted on the planning of the adjoining development sites and the PWP since 2013 and was consulted on the proposed landing steps at its recent meeting on 28.4.2022. Members generally supported the proposal. Noting Members' suggestion, the landing steps will be open to public 24 hours a day except under special circumstances;

No Adverse Technical Impacts

- (d) the proposed modification works to the pier structure for provision of landing steps are technically feasible. They will not cause adverse impacts to the cargo ship operation, and air quality, noise and water quality aspects to the surrounding areas. The design of the landing steps would be integrated with the PWP design. The applicant will ensure proper operation, management and maintenance of the landing steps; and
- (e) the Port Division of the Civil Engineering and Development Department (CEDD) would be further consulted on the construction works at the pier. The applicant would further liaise with relevant bureaux/departments (B/Ds) on the necessary statutory procedures and application for lease modification, if the subject planning approval is obtained.

3. Compliance with the Owner's 'Consent/Notification' Requirements

As the Site 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 (TPG PG-No. 31A) is not applicable to the application.

4. Previous Application

The Site is not subject to any previous planning applications. Application No. A/K20/131 at the adjoining “CDA(2)” site for proposed comprehensive hotel development was approved with conditions by the Committee on 1.2.2019 (**Plan A-2**). The same applicant proposed to develop the PWP covering the Site as mentioned in paragraph 1.3 above.

5. Similar Application

There is no similar application for ‘Pier’ use within “O” zone on the South West Kowloon OZP.

6. The Site and Its Surrounding Areas (Plans A-1 to A-4 and Drawing A-4)

6.1 The Site:

- (a) falls within the Yellow Area of NKIL 6550 (**PlanA-2**);
- (b) is currently used as a temporary storage area of construction materials associated with the proposed hotel development to the north (**Drawing A-4**);
- (c) is located along the waterfront facing the inner bay opposite to Stonecutters Island; and
- (d) is accessible at Lai Ying Street and connected to inland areas of Cheung Sha Wan through existing and planned pedestrian links and footbridges (**Plan A-4**).

6.2 The surrounding areas have the following characteristics:

- (a) to its east is the Cheung Sha Wan Wholesale Food Market;
- (b) to its northeast is a pedestrian walkway connecting to MTR Nam Cheong Station and a “Government, Institution or Community” site reserved for a primary school. To its further northeast across the West Kowloon Highway is a residential development named Cullinan West;
- (c) to its immediate north and northwest are a hotel development (Application No. A/K20/131), a residential development (Grand Victoria) (Application No. A/K20/130) and a 20m-wide PWP, all under construction;
- (d) to its north and northwest across Lai Ying Street are public housing developments (i.e. Hoi Ying Estate and Hoi Lok Court). To the further north across the West Kowloon Highway are predominantly high-rise public housing developments with a number of schools and government, institution and community facilities;

- (e) to the further west are bus depot uses and a cluster of shipyards on the approved Stonecutters Island OZP; and
- (f) MTR Nam Cheong Station is about 450m to the east of the Site.

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 needs of the local residents as well as the general public.

8. Comments from Relevant Government Departments

- 8.1 The following Government B/Ds 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 proposed pier (landing steps) was generally supported by the members of the Task Force. On the understanding that the applicant would be responsible for the necessary works, management and maintenance of the proposed landing steps, and the opening hours will extend to 24 hours daily in addressing the Task Force Members’ concern, they have no further comment on the application.

Land Administration

- 8.1.2 Comments of the District Lands Officer/Kowloon West, Lands Department (DLO/KW, LandsD):

- (a) no objection to the application;
- (b) the Site falls within Yellow Area of NKIL 6550 (“the Lot”) which is held under the Conditions of Sales No. 20311 (“the Conditions”) restricted for hotel purposes. The Conditions contain requirements, including but not limited to, formation of the Promenade Area (as defined in the Conditions) adjoining the Lot (which is shown Yellow and Yellow Hatched Brown and Yellow Cross-Hatched Brown on the lease plan). The Lot owner shall manage and maintain the Promenade Area until which be re-delivered back to the Government upon demand and keep the Promenade Area open for use by the public members at all times. Marine access as well as activities of landing, loading and unloading to and from the sea are prohibited under the Conditions;
- (c) if the planning application is approved by the Board, the applicant has to apply to LandsD for lease modification of the Conditions for the proposed use. However, there is no guarantee that the

application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. If such application is approved, it will be subject to such conditions including payment of such premium, compensation costs and other fee and the completion of necessary statutory and/or Government procedures (if any) and such documentation as LandsD may at its sole discretion consider appropriate; and

- (d) the applicant is reminded to note that the Site, which falls within the Yellow Area of the Lot, should be open for public use at all times.

Port-related Aspect

8.1.3 Comments of the Chief Engineer/Port Works (CE/PW), CEDD:

- (a) no objection to the application from marine engineering point of view; and
- (b) his office should be further consulted on the design of proposed landing steps. Detailed comments on the design of the landing steps are at **Appendix III**.

Building Matters

8.1.4 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

- (a) no objection to the application; and
- (b) detailed comments are at **Appendix III**.

Landscape

8.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no objection to the application from landscape planning perspective; and
- (b) according to the aerial photo taken in 2020, the Site is situated in an area of pier with temporary structures. No tree is observed within the pier. The proposed development is not incompatible with the surrounding environment.

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

- (a) Chief Architect/Central Management Division 2, Architectural Services Department;
- (b) Chief Engineer/Construction, Water Supplies Department;

- (c) Chief Engineer/Housing Projects 2, CEDD;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Chief Highway Engineer/Kowloon, Highways Department (HyD);
- (f) Chief Highway Engineer/Works, HyD;
- (g) Chief Traffic Engineer/Kowloon, Transport Department (TD);
- (h) Chief Transport Officer/Kowloon, Urban Regional Office, TD;
- (i) Commissioner of Police;
- (j) Director of Environmental Protection;
- (k) Director of Fire Services;
- (l) Director of Food and Environmental Hygiene;
- (m) Director of Leisure and Cultural Services Department;
- (n) Director of Marine (D of M);
- (o) Project Manager (South Development Office), CEDD; and
- (p) District Officer (Sham Shui Po), Home Affairs Department.

9. Public Comments Received During Statutory Publication Period

- 9.1 During the statutory publication period, a total of five public comments including two supportive comments from an individual and the Committee of Youth of the Business and Professionals Alliance for Hong Kong (BPAHK) and three expressing concerns/comments on the application from other individuals were received (**Appendix IV**). The supportive comment is on the grounds that the proposed landing steps would make the pier more viable and accessible through marine transportation.
- 9.2 BPAHK indicated support to the application and also attached the result of an online survey conducted by the organisation in which the majority (93%) supported and 7% opposed the proposed landing steps. The main views of the public comments are summarised as follows:
- (a) the landing steps should be opened 24 hours a day for public use and used for public marine transportation;
 - (b) the PWP may be occupied by restaurants for exclusive use. Refreshment kiosks should be provided at the PWP;
 - (c) there would be possible increase of vessel traffic causing danger to the cargo operation as the same channel is also being used by the existing shipyards;
 - (d) the pier and the proposed developments would create more pedestrian and vehicular traffic along Lai Ying Street;
 - (e) the detailed design of the PWP is not provided and the view from the PWP would be blocked by the shelter structure at the pier; and
 - (f) the PWP could be further connected to Tai Kok Tsui/West Kowloon Cultural District.

10. Consultation with the Harbourfront Commission

- 10.1 The applicant briefed Members of the Task Force on the latest detailed design of the respective section of the PWP fronting the hotel development and sought Members' views on the subject application on 28.4.2022. The Secretary of the Task Force submitted a letter to the Planning Department on 14.7.2022 (**Appendix II**) enclosing the views of the Task Force. For information, the Task Force paper and presentation submitted by the applicant at the Task Force meeting is available at the Task Force's website at https://www.hfc.org.hk/en/task_forces/kowloon/meeting_20220428.html.
- 10.2 Members of the Task Force generally supported the landing steps. They also suggested to extend the opening hours of the landing steps and provided comments on the design of the PWP. To address the Task Force's concerns, the applicant subsequently submitted further information (**Appendix Ib**) to extend the opening hours, on which the Task Force had no further comment.

11. Planning Considerations and Assessments

Planning Intention

- 11.1 The "O" zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving needs of the local residents as well as the general public. The proposed 'Pier' use is to facilitate the provision of landing steps for public use 24 hours a day at the proposed PWP for mooring and berthing of passenger/leisure vessels. The proposed landing steps as new marine access to serve the PWP as well as the harbourfront area at large are considered complementary with the planning intention of the "O" zone.

Land Use Compatibility

- 11.2 Surrounding the Site at its north and northwest are mainly high-rise and high-density residential neighbourhood comprising public and private developments, a planned primary school, and public open spaces within "Residential (Group A)12" and "CDA" zones (**Plan A-2**). The landing steps are part of the Cheung Sha Wan PWP, which is being implemented by respective developers of the adjacent proposed residential and hotel developments. To its northeast is a pedestrian walkway connecting to the MTR Nam Cheong Station. Given the surrounding context of residential neighbourhood, the adjoining hotel development and the PWP, the area is expected to become a popular spot for local residents and leisure visitors. The Task Force supported the proposed landing steps and suggested extending its opening hours to 24 hours a day. The landing steps forming part of the PWP could add vibrancy and public accessibility to the PWP. The proposed landing steps are considered not incompatible with the surrounding land uses.

Technical Aspects

- 11.3 As confirmed by the Feasibility Study submitted under approval condition of the planning application No. A/K20/131, the proposed landing steps to be implemented through modification to the existing pier structure are technically

feasible and will not create adverse marine traffic, structural, environmental and water quality impacts on the surrounding areas. Concerned departments including D of M, CE/PW of CEDD, CBS/K of BD and DEP have no objection to/no adverse comments on the application.

Public Comments

- 11.4 Regarding the public comments received, the planning assessments above and departmental comments in paragraph 8 are relevant. In responses to the public comments and views of the Task Force, the applicant has proposed to extend the opening hours for public use at all times. As for the public comments relating to the landscaping design and provision of refreshment kiosk at the pier, these aspects are being dealt with separately under the approved planning application No. A/K20/131 for hotel development. While the proposed landing steps are open for public use, the provision of public marine transportation services would be subject to the consideration by relevant Government departments.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 9, Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 29.7.2026, 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 recommended advisory clauses are attached at **Appendix V**.
- 12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form received on 14.3.2022
Appendix Ia	Planning Statement
Appendix Ib	Letter dated 7.6.2022 providing responses to departmental and public comments
Appendix Ic	Letter dated 22.7.2022 providing clarification on site condition and photos
Appendix II	Letter dated 14.7.2022 from the Secretary of the Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing
Appendix III	Detailed Comments from Government Departments
Appendix IV	Public Comments
Appendix V	Advisory Clauses
Drawings A-1 and A-2	Indicative Landscape Plans
Drawing A-3	Artist's Impression
Drawing A-4	Oblique Aerial Photos
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Site Photos
Plan A-4	Pedestrian Access Network and Open Spaces near the Cheung Sha Wan Waterfront Promenade

**PLANNING DEPARTMENT
JULY 2022**