

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

**APPLICATION NO. A/K22/36**

- Applicant** : Coral Sea Ferry Service Company Limited
- Premises** : Shop A to Shop I of Main Deck and Shop J of Upper Deck, Eastern Berth of Kwun Tong Ferry Pier, Kowloon
- Total Floor Area of Premises** : About 258.59m<sup>2</sup>
- Land Status** : Government Property under Tenancy Agreement No. GPA K21868 -
- (a) one year certain commencing on 1.7.2022 and thereafter quarterly;
  - (b) a passenger ferry terminal for the embarkation and disembarkation of passengers of the license ferry services travelling between Kwun Tong and Sai Wan Ho operated by the Tenant; and
  - (c) subletting part of the pier premises upon application under commercial concession of the tenancy.
- Plan** : Approved Kai Tak Outline Zoning Plan (OZP) No. S/K22/8
- Zoning** : “Other Specified Uses” annotated “Pier(1)” (“OU(Pier)(1)”) subject to the following restrictions/requirements:
- (a) maximum building height (BH) of 15mPD; and
  - (b) kiosks not greater than 10m<sup>2</sup> each in area and not more than 10 in number for uses as retail shop and service trades are considered as ancillary to pier use.
- Application** : Office and Proposed Shop and Services (Retail Shop, Service Trades, Showroom (excluding motor-vehicle showroom))

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application premises at the Kwun Tong Ferry Pier (the Premises) for office and proposed shop and services (retail shop, service trades, showroom (excluding motor-vehicle showroom)) uses. The Premises falls within an area zoned “OU(Pier)(1)” on the approved Kai Tak OZP No. S/K22/8 (**Plan A-1**). According to the Notes of the OZP for

“OU(Pier)” zone, ‘Office’ and ‘Shop and Services (Bank, Fast Food Shop, Retail Shop, Service Trades, Showroom (excluding motor-vehicle showroom) only)’ are Column 2 uses which require planning permission from the Town Planning Board (the Board).

- 1.2 The Premises is located at the eastern berth of the Kwun Tong Ferry Pier (the pier) which is publicly accessible (**Plan A-2**). The applicant proposes a total of 10 units with a total floor area of about 258.59m<sup>2</sup>, comprising floor areas of about 200m<sup>2</sup> (about 77%) for proposed shop and services use and about 58.59m<sup>2</sup> (about 23%) for office use. Under the proposal, Shops A to G and Shop I at the main deck are intended for ‘Shop and Services (Retail Shop, Service Trades, Showroom (excluding motor-vehicle showroom))’ use, and Shop H at the main deck and Shop J at the upper deck are intended for ‘Office’ use. Layout plan of the pier and floor plan of the Premises for the applied uses 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 following documents:
- (a) Application Form with attachments received on 15.8.2023 **Appendix I**
  - (b) Supplementary Information (SI) received on 17.8.2023 **Appendix Ia**
  - (c) Further Information (FI) received on 20.9.2023 providing responses to departmental comments and clarifications on background information (*accepted and exempted from publication and recounting requirements*) **Appendix Ib**

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ib** and are summarised as follows:

- (a) the applicant operates passenger ferry lines but fare revenue could not cover the operating costs. Subletting the Premises can subsidise the ferry operation;
- (b) floor spaces for ‘Shop and Services’ use may include retail sale of local products/souvenirs, clothes, tourism-related service and convenient store. Floor spaces for ‘Office’ use include the applicant’s office for ferry services (at the main deck) and office for other cruise lines (at the upper deck);
- (c) proposed fitting-out works by way of partition will not induce alterations and additions works to existing building structures and installations at the subject pier. Tenants are required to observe relevant statutory licensing requirements and commit to consider mitigation measures to minimise noise and exhaust emission;

- (d) proposed units at the Premises will not cause obstruction to passenger circulation and ferry operation; and
- (e) no sewage generated from proposed units at the Premises will be discharged to the existing sewage system.

### **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. Background**

- 4.1 The subject pier falls within the boundary of Kwun Tong Action Area (KTAA) (**Plan A-1 and Drawing A-3**). KTAA is planned for mixed-use development comprising commercial, government, institution or community (GIC), open space, and public transport facilities, etc. The Recommended Outline Development Plan (RODP) under the Planning and Engineering Study on KTAA of Kowloon East - Feasibility Study recommended the incorporation of a broader range of government and arts and cultural/institutional uses as ‘always permitted’ uses for better land utilisation of vacant area in the subject pier for exhibition, event, workshop/studio spaces to further promote arts and cultural/institutional development in the area. The subject pier would provide not only access point but also space to play out the vibrancy of the KTAA waterfront.
- 4.2 To take forward the RODP proposal of KTAA, the subject pier was rezoned from “OU(Pier)” to “OU(Pier)(1)” to incorporate ‘Institutional Use’ and ‘Place of Recreation, Sports or Culture’ as Column 1 uses for the “OU(Pier)(1)” zone on the then Kai Tak OZP No. S/K22/7 gazetted on 10.12.2021. The zoning and development restriction for the subject pier have remained unchanged since then.

### **5. Previous Application**

There is no previous application on the Premises.

### **6. Similar Application**

There is no similar application for the same applied use within “OU(Pier)” zone on the Kai Tak OZP.

**7. The Premises and Its Surrounding Areas**  
**(Plans A-1 and A-2 and Site Photos on Plans A-3 to A-5)**

**7.1 The Premises:**

- (a) is located at the eastern berth of the Kwun Tong Ferry Pier;
- (b) is publicly accessible and abuts passenger waiting area;
- (c) Shops A to G and Shop I at the main deck are currently vacant;
- (d) Shop H at the main deck serves as the applicant's office, which is already in operation; and
- (e) Shop J at the upper deck is intended for office use with storage of procured supplies without planning permission. According to the applicant, the office has not yet operated.

**7.2 The subject pier:**

- (a) is a government property under the purview of Transport Department (TD);
- (b) comprises two deck levels with supporting facilities such as toilets and vending machines. Passenger entrance/exit is located at the main deck, and the upper deck mainly left vacant;
- (c) provides two regular ferry services, including (i) between Kwun Tong and Sai Wan Ho operated by the applicant at the eastern berth, and (ii) between Kwun Tong and North Point operated by another ferry company at the western berth; and
- (d) is accessible from Kwun Tong Ferry Pier Public Transport Interchange, Wai Yip Street via an existing elevated walkway and Wing Yip Street (**Plans A-1 and A-2**).

**7.3 The surrounding areas of the Premises have the following characteristics:**

- (a) abuts a long strip of land zoned "Open Space" ("O") underneath Kwun Tong Bypass connecting to Kwun Tong Promenade, Kwun Tong Public Pier and Kwun Tong Vehicular Ferry Pier to the northwest, and Tsui Ping Seaside and Cha Kwo Ling Promenade to the southeast (**Plan A-1**). Streetscape enhancement work has been carried out by Energizing Kowloon East Office (EKEO) under KTAA public open space quick-win project; and
- (b) to its north across Kwun Tong Bypass is a "Commercial(2)" zone on the Kwun Tong (South) OZP, which is intended for commercial/office development with GIC facilities and public open space under KTAA with various pedestrian connections for enhancing the accessibility and vibrancy of the waterfront (**Plan A-1 and Drawing A-3**).

## **8. Planning Intention**

The “OU(Pier)” zone is primarily to provide land intended for a pier. On land designated “OU(Pier)(1)”, a broader range of Government, arts and cultural/institutional uses may be provided.

## **9. Comments from Relevant Government Bureaux/Departments**

- 9.1 The following government bureau/departments (B/Ds) have been consulted and their views on the application are summarized as follows:

### **Land Administration**

- 9.1.1 Comments of District Lands Officer/Kowloon East, Lands Department (DLO/KE, LandsD):

the application premises is within Kwun Tong Ferry Pier. His office has no comment on the application.

### **Property Management Matters**

- 9.1.2 Comments of Government Property Administrator (GPA):

- (a) the Eastern Berth of Kwun Tong Passenger Ferry Pier is under the purview of TD. TD is statutorily empowered to give consent to the ferry operators under Reg. 15 of Ferry Services Regulations (Cap. 104A) to sublet the surplus space at the piers for purpose other than the operation of a licenced service during the validity period of their ferry service licences.
- (b) this Agency merely acts as a leasing facilitator for TD to prepare and execute the Tenancy Agreement No. GPA K21868 in accordance with TD’s requirements with Coral Sea Ferry Service Company Limited (the Tenant) (i.e. the applicant) for the purposes of a passenger ferry terminal for the embarkation and disembarkation of passengers of the license ferry services travelling between Kwun Tong and Sai Wan Ho operated by the Tenant and the transshipment of such goods and baggage as may be permitted by the Director of Marine and the Commissioner for Transport, and in accordance with the ferry service licence granted to the Tenant under the Ferry Services Ordinance (Cap. 104);
- (c) under the Tenancy Agreement No. GPA K21868, the Tenant may sublet part of the pier within the tenancy boundary by way of commercial concession for purposes other than the above ferry services with this Agency’s approval upon receipt of no objection or adverse comment from relevant B/Ds; and

- (d) if the Board approves the subject application, the Tenant shall submit its application for commercial concession for his consideration under the mechanism in the existing tenancy to implement this 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.

### **Harbourfront Planning**

#### 9.1.3 Comments of Commissioner of Harbourfront, Harbour Office (Harbour Office):

- (a) the Premises falls within the harbourfront area under the purview of Harbourfront Commission's Task Force on Kai Tak Harbourfront Development (KTTF). The project should be considered having regard to the Harbour Planning Principles and Guidelines (HPP&G); and
- (b) members of the KTTF has no comment on the proposal. On this basis and on the understanding that the proposed development would enhance harbourfront vibrancy, this office has no comment on the application.

#### 9.1.4 Comments of Head of EKEO, Development Bureau (H(EKEO), DevB):

while a broader range of uses at the pier, especially those that could bring vibrancy to the Kwun Tong waterfront, are supported, she trusts the acceptability would be duly assessed by relevant B/Ds from their respective technical perspectives.

### **Transport and Traffic Aspect**

#### 9.1.5 Comments of Commissioner for Transport (C for T):

##### **Traffic Engineering (Kowloon) Division**

- (a) no in-principle objection to the application from traffic engineering perspective given the small and constrained site layout, conveniently located to mass transport/public transport services, small scale of development and parking, loading/unloading facilities are available in the vicinity; and
- (b) his other detailed comments at **Appendix II**.

Ferry and Paratransit Division

- (c) supports the application in view of the application would cross-subsidize the ferry service and enhance the financial viability.

**Environmental Aspect**

9.1.6 Comments of Director of Environmental Protection:

- (a) no objection to the application; and
- (b) in view of the nature of the proposed uses, insurmountable sewage problem is not anticipated and Sewerage Impact Assessment is not required.

**Fire Safety Aspect**

9.1.7 Comments of Director of Fire Services:

- (a) no objection in principle to the application;
- (b) water supplies for firefighting and fire service installations shall be provided to the satisfaction of the Director of Fire Services; and
- (c) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

**Project Interface**

9.1.8 Comments of Director of Leisure and Cultural Services:

- (a) he has no comment on the application; and
- (b) as the application site is next to the KTAA quick-win portion, the applicant is reminded to seek comment and approval from his department for transportation of construction materials and other logistics arrangement in later stage.

**Maintenance Aspect**

9.1.9 Comments of Assistant Director (Property Services), Architectural Services Department (AD(PS), ArchSD):

- (a) the applicant shall employ suitable professional(s) (e.g. AP/RSE) to handle the design and supervision of the proposed construction works and to ensure the structure of the pier would not be adversely affected;

- (b) the applicant shall engage qualified contractor(s) to carry out the proposed works;
- (c) the applicant shall carry out reinstatement to the satisfaction of management department upon vacation of the premises;
- (d) the applicant shall ensure all proposed works is structurally safe and be responsible for its future repair and maintenance;
- (e) the applicant shall submit detail drawings to management department before commencement of construction for vetting and record; and
- (f) his other detailed comments from maintenance point of view are at **Appendix II.**

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

- (a) his division is only responsible for the structural maintenance of the substructure of the pier and he is not in a position to offer comments from planning point of view; and
- (b) his other detailed comments from maintenance point of view are at **Appendix II.**

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

- (a) Chief Building Surveyor/Kowloon, Buildings Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Highway Engineer/Kowloon, Highways Department;
- (e) Commissioner of Police;
- (f) Director of Electrical and Mechanical Services;
- (g) Director of Marine;
- (h) District Officer (Kwun Tong), Home Affairs Department; and
- (i) Project Manager (East), Civil Engineering and Development Department

## **10. Public comments Received During Statutory Publication Periods**

On 22.8.2023, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 12.9.2023, no public comment was received.

## **11. Planning Considerations and Assessment**

- 11.1 The application is for ‘Office’ and proposed ‘Shop and Services (Retail Shop, Service Trades, Showroom (excluding motor-vehicle showroom)’ uses at the Premises, which falls within an area zoned “OU(Pier)(1)” on the Kai Tak OZP. The “OU(Pier)” zone is primarily to provide land intended for a pier. On land designated “OU(Pier)(1)”, a broader range of Government, arts and cultural/institutional uses may be provided. The Premises, which is located inside the existing pier, is intended for uses directly related and ancillary to the pier use.
- 11.2 Under the application, a majority of the floor space is for shop and services use (about 77%) and a minor (about 23%) is for office use. Such a user mix, though not entirely in line with the planning intention, is compatible with the pier use. It will provide retail space for the ferry passengers and waterfront visitors. It can also provide some office space for traveling, tourism-related or other trades. Besides, the proposal occupies about 15% of the total floor area of the eastern berth. It is not expected to disrupt the pier operation and passenger circulation. In this connection, TD supports subletting the surplus space of the pier to subsidize the operator running the ferry services. Head of EKEO considers it can broaden the range of use at the pier and promote waterfront vibrancy. Harbour Office has no comment on the application.
- 11.3 On technical aspects, AD(PS), ArchSD has no adverse comment on the application from maintenance point of view. The applicant confirms that no sewage generated from the proposed development will be discharged to the existing sewage system. In view of the nature of the proposed uses, EPD considers that insurmountable sewage problem is not anticipated and DSD has no objection to the application. D of FS has no objection to the application subject to the imposition of an approval condition as recommended in paragraph 12.2 below. Other relevant government departments consulted including TD, EMSD and CEDD have no objection to or no adverse comment on the application.

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

- 12.1 Based on the assessment made in paragraph 11, the 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 13.10.2027, 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 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**.

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**

<b>Appendix I</b>	Application Form with attachments received on 15.8.2023
<b>Appendix Ia</b>	Supplementary Information received on 17.8.2023
<b>Appendix Ib</b>	Further Information received on 20.9.2023
<b>Appendix II</b>	Detailed Departmental Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Floor Plan
<b>Drawing A-3</b>	Recommended Outline Development Plan of Kwun Tong Action Area
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**