

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/I-TCTC/62

<u>Applicant</u>	Fortune Ferry Company Limited
<u>Premises</u>	Shops K1 and K2, Ground Floor, Tung Chung Development Pier
<u>Total Floor Area of Premises</u>	About 37.96m ²
<u>Lease</u>	Government Property under Tenancy Agreement No. GPA N587
<u>Plan</u>	Approved Tung Chung Town Centre Area Outline Zoning Plan (OZP) No. S/I-TCTC/24
<u>Zonings</u>	“Other Specified Uses” annotated “Pier” (“OU(Pier)”) [Kiosks not greater than 10m ² each in area and not more than 10 in number for use as Shop and Services are considered as ancillary to ‘Pier’ use]
<u>Application</u>	Proposed Shop and Services (Convenient Store)

1. The Proposal

- 1.1 The applicant seeks planning permission to use Shops K1 and K2 (the Premises) located at the ground floor of Tung Chung Development Pier (the Pier) for shop and services (convenient store) use. The Premises fall within an area zoned “OU(Pier)” on the approved Tung Chung Town Centre Area OZP No. S/I-TCTC/24 (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Shop and Services’ use within the “OU(Pier)” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises consist of two shop units previously used as convenient stores which had ceased operation and are now vacant. According to the applicant’s submission, the floor areas of Shops K1 and K2 are about 25.11m² (6.86m x 3.66m) and 12.85 m² (3.57m x 3.6m) respectively. The floor plan of the Pier and the proposed layout of the Premises submitted by the applicant are shown at **Drawings A-1 and A-2**. According to the applicant, the proposed convenient stores will operate from 6 a.m. to 12 a.m. daily.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form with attachments received on 8.4.2022 (**Appendix I**)
- (b) Applicant's email dated 12.4.2022 clarifying the operation hours of the proposed convenient stores (**Appendix Ia**)
- (c) Further Information (FI) received on 28.4.2022 providing responses to departmental comments (*accepted and exempted from publication and recounting requirements*) (**Appendix Ib**)

2. Justifications from the Applicant

According to the applicant, the proposed convenient stores are to provide food and daily necessities for passengers of the Pier and nearby residents.

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

As the Premises involve government land only, 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

There is no previous application in respect of the Premises.

5. Similar Application

There is a similar application (No. A/I-TCTC/56) for proposed temporary shop and services (fast food shop) use for four years at the rear part of the Pier (**Plan A-1**). On 13.1.2017, the application was approved with conditions by the Committee on grounds that the proposed fast food shop was considered not incompatible with the pier use and would provide convenient services to ferry passengers and visitors using the Pier and the waterfront area. Details of the application are at **Appendix II**.

6. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and photos on Plans A-4a and A-4b)

6.1 The Premises:

- (a) comprise two vacant shop units (namely Shops K1 and K2) located on the ground floor of the Pier which provides ferry services between Tuen Mun, Tung Chung, Sha Lo Wan and Tai O; and
- (b) are located near the passenger waiting area of the Pier. There is an office sandwiched between the two shop units.

6.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) the remaining area of the Pier is mainly used as passenger waiting area;
- (b) the Pier is adjoined by the Tung Chung Waterfront Promenade to its east and west;
- (c) to the north of the Pier is the sea area; and
- (d) to the south of the Pier are taxi stands, bus stops and coach parking spaces which can be accessed by Tung Chung Waterfront Road.

7. Planning Intention

The “OU(Pier)” zone is intended to designate land for piers to facilitate marine access to Tung Chung.

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:

Land Administration

8.1.1 Comments of the District Lands Officer/Islands, Lands Department:

the Eastern Berth on the main deck and portion of roof of the Pier are under management of the Transport Department (TD) and leased by the Government Property Administrator (GPA) under Tenancy Agreement No. GPA N587.

Property Management

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

- (a) she has no objection in principle to the proposed shop and services (convenient store) on the ground floor of the Pier which falls within the ferry pier boundary leased to the applicant under Tenancy Agreement No. GPA N587 for the operations of the licensed ferry service, subject to the following conditions:
 - (i) the revenue generated from the commercial concession for the proposed shop and services (convenient store) should be counted as the non-fare box revenue of the “Tuen Mun – Tung Chung – Sha Lo Wan – Tai O” licenced ferry service for purpose of cross-subsidisation with a view to reducing the pressure of fare increase;
 - (ii) the normal operation of the said licenced ferry service at the Pier should not be affected; and

- (iii) the applicant is required to submit detailed technical proposals by qualified person/registered professional/specialist for the Architectural Services Department (ArchSD)'s and the Electrical and Mechanical Services Department's further assessments and approval before commencement of any works according to the Tenancy Agreement mentioned above.

8.1.3 Comments of GPA:

- (a) the eastern berth on the main deck and portion of roof of the Pier are under the purview of TD. TD is statutorily empowered to give consent to the ferry operators under Reg. 15 of the 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. The Agency is only the leasing facilitator of TD to prepare and execute the tenancy agreement in accordance with TD's requirements with Fortune Ferry Company Limited (the Tenant) for purposes of passenger ferry terminal for the embarkation and disembarkation of passengers using the Tuen Mun - Tung Chung - Sha Lo Wan - Tai O ferry services operated by the Tenant; and
- (b) if the Board approves the 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 proposal, 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.

Environment

8.1.4 Comments of the Director of Environmental Protection:

- (a) based on the information submitted, it is noted that the application is to seek planning application for the proposed shop and services (convenient store) at two units of approximately 37.96 m² (K1 and K2) on the ground floor of the Pier. It is also understood that the operation hours would be from 6 a.m. to 12 a.m. daily; and
- (b) given that no adverse environmental impact is anticipated from the proposed use, she has no objection to the application from environmental perspective.

Food and Environmental Hygiene

8.1.5 Comments of the Director of Food and Environmental Hygiene (DFEH):

the applicant is advised that –

- (a) all reasonable measures shall be taken to prevent occurrence of nuisance and pest infestation; and deterioration of the general environment by the suppression of dust, smells and the discharge of any effluent, rubbish, debris, etc. and whatsoever from the Premises; and
- (b) relevant food licence(s) and/or permit(s) should be obtained prior to the commencement of the activity proposed by the applicant if the operation of the activity or the food products to be sold fall within the definition / categories as stated in the Food Business Regulation (Cap.132X).

Building Matters

8.1.6 Comments of the Chief Building Surveyor/New Territories East 1 & Licence, Buildings Department:

the Premises are located on government land which is outside the ambit of the Buildings Ordinance.

Fire Safety

8.1.7 Comments of the Director of Fire Services:

he has no in-principle objection to the proposed shop and services (convenient store), subject to fire service installations being provided to the satisfaction of his department. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

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

- (a) Chief Highway Engineer/ New Territories West, Highways Department;
- (b) Director of Leisure and Cultural Services;
- (c) Director of Marine;
- (d) Commissioner of Police;
- (e) Chief Engineer/ Hong Kong & Islands, Drainage Services Department;
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Head of Sustainable Lantau Office, Civil Engineering and Development Department;
- (h) Chief Architect/Central Management Division 2, ArchSD;
- (i) Director of Electrical and Mechanical Services Department; and
- (j) District Officer (Islands), Home Affairs Department.

9. Public Comment Received During Statutory Publication Period

On 19.4.2022, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

10. Planning Considerations and Assessments

- 10.1 The Premises (i.e. Shops K1 and K2) fall within an area zoned “OU(Pier)” which is intended to designate land for piers to facilitate marine access to Tung Chung. The Premises under application were previously used as convenient stores which had ceased operation and are now vacant. The Premises are small in scale and the proposed shop and services (convenient store) use is considered not incompatible with the pier use and could serve the needs of ferry passengers and visitors using the Pier and the waterfront area.
- 10.2 Relevant government departments consulted including C for T and GPA have no objection to or no adverse comment on the application.
- 10.3 A similar application (No. A/I-TCTC/56) for proposed temporary shop and services (fast food shop) use at another part of the Pier was approved by the Committee in 2017. Approval of the current application is consistent with the Committee’s previous decision.
- 10.4 No public comment was received during the statutory publication period.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 above, 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 20.5.2026, 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 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 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 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 with Attachments received on 8.4.2022
Appendix Ia	Applicant's Email dated 12.4.2022
Appendix Ib	FI received on 28.4.2022
Appendix II	Similar Application
Appendix III	Recommended Advisory Clauses
Drawing A-1	Floor Plan submitted by the Applicant
Drawing A-2	Layout Plan submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2022**