

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

**APPLICATION NO. A/I-TCTC/66**

<b><u>Applicant</u></b>	Fortune Ferry Company Limited
<b><u>Premises</u></b>	Shops K3 and K4, Ground Floor, Tung Chung Development Pier, Tung Chung, Lantau Island
<b><u>Total Floor Area of Premises</u></b>	About 142m <sup>2</sup>
<b><u>Lease</u></b>	Government Property under Tenancy Agreement No. GPA N587
<b><u>Plan</u></b>	Approved Tung Chung Town Centre Area Outline Zoning Plan (OZP) No. S/I-TCTC/24
<b><u>Zonings</u></b>	“Other Specified Uses” annotated “Pier” (“OU(Pier)”) [Kiosks not greater than 10m <sup>2</sup> each in area and not more than 10 in number for use as Shop and Services are considered as ancillary to ‘Pier’ use]
<b><u>Application</u></b>	Proposed Shop and Services

**1.     The Proposal**

- 1.1     The applicant seeks planning permission to use Shops K3 and K4 (the Premises) located at the ground floor of Tung Chung Development Pier (the Pier) for shop and services 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’ within the “OU(Pier)” zone requires planning permission from the Town Planning Board (the Board).
- 1.2     The Premises consist of two vacant shop units at the northern end of the Pier. The floor plan of the Pier indicating the location of the Premises submitted by the applicant is at **Drawing A-1**. According to the applicant, the proposed shops which serve ferry passengers, locals and tourists will operate from 10 a.m. to 10 p.m. daily.

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

- (a) Application form with attachments received on 29.8.2023 and supplementary information received on 6.9.2023 providing details of operation and current status of the Premises **(Appendix I)**
- (b) Further Information (FI) received on 6.10.2023 providing responses to departmental comment **(Appendix Ib)**  
*(Accepted and exempted from publication and recounting requirements)*

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

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

- (a) The Premises will be for sales of souvenirs, CDs, second-hand books, postcards and accessories to the ferry passengers, locals and tourists.
- (b) The restaurant previously at the Premises had ceased operation since April 2021 and the premises are vacant now. The proposed shop and services will not be used as a restaurant.
- (c) The delivery of goods will be two to three times a week. While the entrance of the Premises is located outside the passenger waiting area of the Pier, the operation of the proposed shop and services will not affect the ferry passengers of the Pier **(Drawing A-1)**.

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

As the Premises involve 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) is not applicable to the application.

## **4. Previous Application**

The Premises are the subject of a previous planning application (No. A/I-TCTC/56) for proposed temporary shop and services (fast food shop) for a period of four years submitted by the same applicant, which was approved with conditions by the Committee on 13.1.2017. The permission lapsed on 13.1.2021. Details of the application are summarised in **Appendix II**.

## 5. **Similar Application**

There is a similar application within the “OU(Pier)” zone on the OZP. Application No. A/I-TCTC/62 for proposed shop and services (convenient store) at Shops K1 and K2 of the southern part of the Pier (**Plan A-2**) submitted by the same applicant was approved with conditions by the Committee on 20.5.2022. Details of the application are summarised at **Appendix II**.

## 6. **The Premises and Its Surrounding Areas** (Plans A-1 to A-3 and photos on **Plans A-4 and A-5**)

### 6.1 The Premises:

- (a) comprise two vacant shop units;
- (b) are located on the ground floor at the northern end of the Pier. A licenced ferry route “Tuen Mun – Tung Chung – Sha Lo Wan – Tai O” operated by the applicant stops at the Pier; and
- (c) are accessible from the ferry pier concourse through a covered corridor at the opposite side of the passenger waiting area of the pier concourse (**Photo 2 of Plan A-4**).

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

- (a) the remaining part of the Pier is mainly used as concourse and passenger waiting area with a convenience shop;
- (b) the Pier is adjoined by Tung Chung Waterfront Promenade to its east and west;
- (c) to the north is the sea body; and
- (d) to the south is the bus terminus of Tung Chung Development Pier comprising bus lay-bys, taxi stands and coach parking spaces which can be accessed by Tung Chung Waterfront Road.

## 7. **Planning Intention**

The planning intention of 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 Agency (GPA) under Tenancy Agreement No. GPA N587.

### Traffic and Transport

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

He has no adverse comments on the application on the condition that the proposed shop and services should not disturb the normal operation of the “Tuen Mun – Tung Chung – Sha Lo Wan – Tai O” licenced ferry service.

### Property Management

#### 8.1.3 Comments of the Government Property Administrator:

- (a) He has no objection to the application.
- (b) 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. GPA merely acts as a leasing facilitator for TD to prepare and execute the Tenancy Agreement No. GPA N587 in accordance with TD's requirements with the applicant for purposes of passenger ferry terminal for the embarkation and disembarkation of passengers of the licenced ferry services travelling among Tung Chung, Tuen Mun, Sha Lo Wan and Tai O operated by the applicant and the transshipment of such goods and baggage as may be permitted by the Director of Marine and the C for T, and in accordance with the ferry service licence granted to the applicant under the Ferry Services Ordinance (Cap. 104);
- (c) Under the Tenancy Agreement No. GPA N587, the applicant may sublet part of the Pier within the tenancy boundary by way of commercial concession for purposes other than the above ferry services use with the GPA's approval upon receipt of no objection or adverse comment from relevant bureaux/departments (B/Ds); and

- (d) If the Board approves the application, the applicant 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 all 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.

#### Environment

##### 8.1.4 Comments of the Director of Environmental Protection (DEP):

Given that no adverse environmental impact is anticipated from the proposed use, he has no objection to the application from environmental perspective.

#### Fire Safety

##### 8.1.5 Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the application subject to water supplies for firefighting and 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 or referral from relevant licencing authority.

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

- (a) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department;
- (b) Chief Engineer/ Hong Kong & Islands, Drainage Services Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Highway Engineer/ New Territories West, Highways Department;
- (e) Director of Food and Environmental Hygiene;
- (f) Director of Leisure and Cultural Services;
- (g) Director of Marine;
- (h) Commissioner of Police;
- (i) Head of Sustainable Lantau Office, Civil Engineering and Development Department;
- (j) Director of Electrical and Mechanical Services; and
- (k) District Officer (Islands), Home Affairs Department

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

On 8.9.2023, 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 application is for the proposed shop and services at the Premises located on the ground floor of Tung Chung Development Pier, which is an existing pier zoned “OU(Pier)” intended to designate land for piers to facilitate marine access to Tung Chung. The Premises are small in scale and the proposed shop and services is considered not incompatible with the pier use and could serve the needs of ferry passengers, locals and visitors using the Pier and the waterfront area. As the Premises and their entrance are located at the northern end of the Pier which is outside the passenger waiting area, the proposed shop and services will unlikely affect the operation of the Pier and the licenced ferry services.
- 10.2 Relevant government departments consulted including C for T, GPA, D of FS and DEP have no objection to or no adverse comment on the application.
- 10.3 The Premises are the subject of a previous planning application for temporary shop and services (fast food shop) for a period of four years approved with conditions by the Committee on 13.1.2017. Also, a similar application for proposed shop and services (convenient store) at the middle part of the Pier submitted by the same applicant was also approved by the Committee on 10.5.2022. Approval of the current application is consistent with the Committee’s previous decisions.

## **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 27.10.2027, 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**

<b>Appendix I</b>	Application form with attachments received on 29.8.2023 and supplementary information received on 6.9.2023
<b>Appendix Ia</b>	FI received on 6.10.2023
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout plan submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4 and 5</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**