

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM/552

<u>Applicant</u>	Fortune Ferry Company Limited
<u>Premises</u>	Shops 01-02, Level 1 (Main Deck), Tuen Mun Ferry Pier, Tuen Mun
<u>Total Floor Area of Premises</u>	About 33m ²
<u>Lease</u>	Government Property under Tenancy Agreement No. GPA N588
<u>Plan</u>	Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/35
<u>Zonings</u>	“Other Specified Uses” annotated “Pier” (“OU(Pier)”) (about 76.65%) and “Open Space” (“O”) (about 23.35%) [Kiosks not greater than 10m ² each in area and not more than 10 in number for uses as shop and services are considered as ancillary to ‘pier’ use]
<u>Application</u>	Proposed Shop and Services (Retail Shop)

1. The Proposal

- 1.1 The applicant seeks planning permission to use Shops 01 and 02 (the Premises) located at Level 1 (Main Deck) of Tuen Mun Ferry Pier (the Pier) for shop and services (retail shop) (**Plans A-1 and A-2**). Shop 01 falls partly within an area zoned “Other Specified Uses” annotated “Pier” (“OU(Pier)”) and partly within an area zoned “Open Space” (“O”), while Shop 02 falls solely within the “OU(Pier)” zone on the approved Tuen Mun OZP No. S/TM/35. According to the Notes of the OZP, ‘Shop and Services (Bank, Fast Food Shop, Retail Shop, Service Trades, Showroom only)’ and ‘Shop and Services’ are Column 2 uses within “OU(Pier)” and “O” zones respectively and require planning permission from the Town Planning Board (the Board). Shop 01 is currently occupied by a convenience store without a valid planning permission while Shop 02 is currently occupied by a storeroom.
- 1.2 According to the applicant, the gross floor area (GFA) of Shops 01 and 02 is about 18m² and 15m² respectively. The proposed shop and services use is for retail shops providing food and drinks and the operation hours is from 7 a.m. to

8 p.m.

- 1.3 The floor plan and layout plans showing the main deck of the Pier including the Premises submitted by the applicant are attached in **Drawings A-1 to A-3**.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with attachments received on **(Appendix I)**
1.9.2020
 - (b) Applicant's email dated 3.9.2020 clarifying the **(Appendix Ia)**
GFA of the Premises and operation hours and
enclosing a revised floor plan
 - (c) Further Information (FI) received on **(Appendix Ib)**
14.10.2020 clarifying loading/unloading
arrangement
*(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 Part 10 of the application form. According to the applicant, the retail shops are to serve the passengers of the Pier and the construction workers working at the Airport. Loading and unloading activities usually take place one time a week at the nearby carparks of Pierhead Garden / Richland Garden.

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

As the Premises involves Government land only, the "Owner's Consent/ Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) is not applicable to the application.

4. Previous Application

There is no previous application in respect of the Premises.

5. Similar Applications

The Committee has previously considered and approved two applications (No. A/TM/95 and A/TM/364) for shop and services uses at other areas of the Pier (**Plan A-2**) on the considerations that the proposed uses were not incompatible with the existing pier use and would unlikely cause disruption to pier operation and passenger circulation. Details of the applications 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 is:

- (a) situated near the entrance to Main Deck of the Pier, which is operated by the applicant providing ferry services between Tuen Mun - Tung Chung - Sha Lo Wan-Tai O; and
- (b) currently occupied by a retail shop and a storeroom.

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

- (a) the Tuen Mun Ferry Pier provides cross-boundary ferry services to and from Macau (currently suspended) on the western side of the Pier and the local ferry services between Tuen Mun - Tung Chung - Sha Lo Wan - Tai O on the eastern side;
- (b) the Pier abutting Tuen Mun Promenade is at a prominent waterfront location; and
- (c) to its immediate north and northwest are the Light Rail - Ferry Station and residential developments including Pierhead Garden and Richland Garden. To its further northeast and northwest across Wu Chui Road are residential developments such as Siu Hei Court, Butterfly Estate and Wu King Estate.

7. Planning Intentions

The planning intention of the “OU(Pier)” zone is primarily for the provision of pier where commercial uses serving the patrons may be permitted. 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:

Land Administration

8.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

The premises are situated within a government property which is currently under the management/administration of the Government Property Administrator, who is in a better position to comment on the application.

Property Management

8.1.2 Comments of the Government Property Administrator (GPA):

- (a) The Berth D on Level 1 (Main Deck) of Tuen Mun Ferry Pier is under the purview of Transport Department (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. GPA is only the leasing facilitator of TD to prepare and execute the tenancy agreement in accordance with TD's requirements with the applicant for the 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 applicant.
- (b) Under the tenancy agreement No. GPA N588, the applicant may sublet part of the pier by way of commercial concession for purposes other than the above ferry services use with GPA's approval upon receipt of no objection or adverse comment from relevant departments.
- (c) 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 this proposal. Such application, if received, will be circulated to relevant departments for consideration and any approval given will be subject to terms and conditions based on the comments received.

8.1.3 Comments of the Chief Transport Officer/Planning/Ferry, Transport Department (CTO/Planning/Ferry, TD):

He has no adverse comment on the application on the ground that all of the revenue to be generated from the proposed commercial concessions of the retail shops have to be included into the non-fare revenue and used for subsidising their ferry operation.

Traffic

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

He has no comment on the application provided that the proposed use will not affect the pedestrian flow of the adjacent footpath near the Pier.

Environment

8.1.5 Comments of the Director of Environmental Protection (DEP):

He has no objection to the application from environmental planning perspective as the Premises occupies only 33m² and adverse environmental impact associated with the use is not anticipated.

Drainage

8.1.6 Chief Engineer/ Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no comment on the application from public drainage viewpoint on the understanding that there will be no additional area receiving stormwater from the subject site.
- (b) EPD, the planning authority of sewerage infrastructure, should be consulted regarding the sewerage treatment/disposal aspects of the development.

Building Matters

8.1.7 Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The location of the application is on Government Land. BD is not in a position to provide comment.

8.1.8 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

It is noted that the application involves no change of building height and overall massing. He has no comment from the architectural and visual impact point of view.

Fire Safety

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

He has no in-principle objection to the application subject to fire service installations (FSI) and equipment being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.

Food and Environmental Hygiene

8.1.10 Director of Food and Environmental Hygiene (DFEH):

If the proposal involves operation of any types of food business, relevant food licence(s) and/or permit(s) should be obtained from Food and Environmental Hygiene Department in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). If the proposal involves any commercial/ trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. For any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses

District Officer's Comments

8.1.11 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

She had distributed consultation letters to the locals concerned and understood that they would provide their comments (if any) to the Board direct.

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) Commissioner of Police;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Project Manager/New Territories West, Civil Engineering and Development Department;
- (e) Director of Marine;
- (f) Director of Leisure and Cultural Services; and
- (g) Director of Electrical and Mechanical Services Department.

9. Public Comments Received During Statutory Publication Period

On 8.9.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from a Tuen Mun District Council member and a member of the public were received (**Appendices III-1** and **III-2**). The former supports the application but raises that the nature of commodities sold in the proposed shops should be carefully monitored, while the latter indicates no comment on the application.

10. Planning Considerations and Assessments

10.1 The Premises (i.e. Shops 01 and 02) mainly falls within an area zoned "OU(Pier)" which is intended for provision of pier where commercial uses serving the patrons may be permitted, with a minor portion encroaching onto the adjoining "O" zone. Similar planning approvals were given for shop and services uses at different parts of the Pier in 1990 and 2007. The current application is to use the Premises for retail shop. Ferry and Paratransit Division of TD has no adverse comment on the application as it would help generate non-fare box revenue to subsidize the ferry operation.

10.2 With a total floor area of 33m², the Premises under application is small in scale, and within the confine of the existing pier structure. It is considered not incompatible with the pier use and it would provide convenient services to ferry passengers and visitors using the pier and the waterfront area. Other relevant government departments including C for T and DLCS have no objection to or no adverse comment on the application.

10.3 Two public comments were received during the three-week statutory public inspection period. For the concern on the nature of commodities sold, the type

of commodities sold in the proposed shops is a commercial decision of the applicant.

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 23.10.2024, 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 and equipment 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 IV**.

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 1.9.2020

Appendix Ia Applicant's email dated 3.9.2020 clarifying the GFA of the Premises and operation hours and enclosing a revised floor plan

Appendix Ib	FI received on 14.10.2020 clarifying loading/unloading arrangement
Appendix II	Details of similar applications
Appendices III-1 and III-2	Public comments received during statutory publication Period
Appendix IV	Advisory clauses
Drawing A-1	Floor plan submitted by the Applicant
Drawings A-2 & A-3	Layout plans 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
OCTOBER 2020**