

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/466

- Applicant** : EDP I (HK) Limited represented by Ove Arup & Partners Hong Kong Limited
- Site** : 2-16 Lam Tin Street, Kwai Chung, New Territories
- Site Area** : About 1,858m²
- Lease** : (a) Lot No. 302 in D.D. 444
(b) Held under New Grant No. 3948 dated 28.3.1963
(c) Restricted to industrial purposes excluding any offensive trades
(d) Spaces shall be provided for the parking and loading/unloading of motor vehicles in accordance with the requirements specified under the lease conditions
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) Maximum plot ratio (PR) of 9.5 and maximum building height (BH) of 130 metres above Principal Datum (mPD), or the PR and height of the existing building, whichever is the greater;
(b) A minimum 4m wide non-building area (NBA) from the boundary abutting Lam Tin Street and a minimum 3.5m wide NBA abutting Chun Pin Street shall be provided as stipulated on the OZP; and
(c) Minor relaxation of the PR/BH restriction may be considered by the Town Planning Board (the Board) on application based on individual merits of development proposal.
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Information Technology and Telecommunications Industries (Proposed Data Centre Development)

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) as well as relaxation of BH restriction from 130mPD to 146.5mPD (i.e. +16.5m or +12.7%) for proposed development at the Site, which falls within an area zoned “OU(B)” on the draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29 (**Plan A-1**). The application is for redevelopment of a single-storey storage shed and a 4-storey industrial building (IB) constructed

before 1987 (pre-1987 IB)^[1] into a 23-storey (including 2 basement levels) IB for information technology and telecommunications industries (proposed data centre development). According to the Schedule II for industrial or industrial-office (I-O) buildings of the Notes for “OU(B)” zone of the OZP, ‘Information Technology and Telecommunications Industries’ is always permitted. Minor relaxation of the PR and BH restrictions may be considered by the Board on application under section 16 of the Town Planning Ordinance (the Ordinance).

- 1.2 The Site abuts Lam Tin Street and Chun Pin Street to north and west respectively, and adjoins a service lane along its southern boundary (**Plan A-2**). To realise the planned NBA proposal as set out under the OZP, the applicant has proposed a 4m full-height NBA from the lot boundary abutting Lam Tin Street and 3.5m full-height NBA from Chun Pin Street (**Drawings A-9** and **A-10**). The main entrance lobby will be located on the B1/F facing Chun Pin Street while the vehicular access will be on G/F via Lam Tin Street (**Drawings A-2** and **A-3**). The loading/unloading area will be located on G/F and the carpark will be located on B1 and B2/F (**Drawings A-1** to **A-3** and **A-8**).
- 1.3 The proposed scheme will incorporate planting on street level and repaving of NBA to enhance the pedestrian environment. The proposed scheme will also incorporate vertical greening features on the northern and western facades facing Lam Tin Street and Chun Pin Street respectively to soften the building edges and enhance the streetscape (**Drawings A-11** to **A-13**). Besides, reinforced concrete (RC) and glass canopies will be provided at the edge of the development facing Lam Tin Street and the main entrance facing Chun Pin Street which also serves as pedestrian weather protection (**Drawings A-11** and **A-13**). Given that most of the spaces on B1/F and G/F are occupied by mechanical equipment, further expansion of planting area is restricted (**Drawings A-2** and **A-3**). With the provision of rooftop greening, the proposed development will achieve about 22.69% (about 421.501m²) of greenery coverage with vertical green walls and greening on B1/F, G/F, 1/F, 3/F and R/F (**Drawings A-9** to **A-13**). The applicant also intends to claim a bonus PR of 0.942 under Building (Planning) Regulation (B(P)R) for the proposed setback along Lam Tin Street and Chun Pin Street as stipulated/required on the OZP.
- 1.4 According to the applicant, the proposed minor relaxation of BH restriction to 146.5mPD is to accommodate the proposed scheme with a floor-to-floor height of 5.5m which is considered minimal to cater for the special headroom requirement for modern data centre development. The applicant indicates that the proposed data centre development is intended for a Tier III Data Centre according to the 4-tier classification system. Tier III Data Centre requires more space in the ceiling and below the raised floor to host the pipe ducts and power cables (**Drawing A-14**). As a Tier III data centre, the proposed development must meet the relevant technical requirements including the extra mechanical space to house the additional equipment.

^[1] The Occupation Permits (OP) for the storage shed and subject IB were issued on 3.2.1966.

- 1.5 Floor plans, schematic section and photomontages submitted by the applicant are shown at **Drawings A-1 to A-14**. Major development parameters of the proposed development are summarised as follows:

Major Development Parameters	Proposed Development
Site Area	About 1,858m ²
Plot Ratio (PR)	Not more than 11.4
Gross Floor Area (GFA)	About 21,181 m ²
Site Coverage (SC)	G/F to 3/F: not more than 71.3% 4/F and above: not more than 58.4%
No. of Storeys	23 (including two basement levels)
Maximum BH (at main roof level)	146.5mPD
Proposed Uses	“Information Technology and Telecommunication Industries” (Proposed Data Centre Development)
Floor-to-Floor Height	5.5m (excluding B2 to 1/F)
Parking Spaces	
<ul style="list-style-type: none"> • Private car • Motorcycle • Light Goods Vehicle • Heavy Goods Vehicle 	39 (including one accessible parking space) 4 2 1
Loading/Unloading Bays	
<ul style="list-style-type: none"> • Light Goods Vehicle • Heavy Goods Vehicle 	2 1
NBA	
<ul style="list-style-type: none"> • Lam Tin Street • Chun Pin Street 	4m full height from the lot boundary 3.5m full height from the lot boundary
Greenery	About 421.501m ² (about 22.69%)
Anticipated Completion	End of 2024

Notes:

- (1) The Site includes the area dedicated for NBAs along Lam Tin Street and Chun Pin Street as required under the OZP.
- (2) On top of the PR and GFA set out as above, the applicant intends to claim a bonus PR of about 0.942 (i.e. GFA of about 1,749.285m²) under the B(P)R 22(2) for dedication of land/area for use as public passage/the purpose of street widening. According to applicant, the proposed BH will be able to accommodate the bonus PR.
- (3) Any bonus PR that may be approved by the Building Authority (BA) under B(P)R 22(1) or (2) for the setback areas to be surrendered to the Government have not been reflected in the above.

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

- (a) Application Form and supplementary information received on 17.9.2019 (**Appendix I**)
- (b) Supporting Planning Statement (**Appendix Ia**)
- (c) Further Information (FI) dated 1.11.2019 providing responses to departmental comments, providing Traffic Impact Assessment (TIA), revised Sewerage Impact Assessment (SIA), revised architectural drawings and photomontages* (**Appendix Ib**)
- (d) Letter dated 25.11.2019 from the applicant requesting for deferment (**Appendix Ic**)
- (e) FI 2 dated 6.12.2019 and 10.12.2019 providing responses to departmental comments, revised architectural drawings and photomontages# (**Appendix Id**)
- (f) FI 3 dated 3.1.2020 providing responses to departmental comments and revised TIA* (**Appendix Ie**)
- (g) FI 4 dated 17.2.2020 providing responses to departmental comments and revised TIA, revised layout plans/photomontages and replacement pages of SIA* (**Appendix If**)
- (h) FI 5 dated 5.3.2020 providing responses to departmental comments and replacement pages of TIA# (**Appendix Ig**)
- (i) FI 6 dated 18.3.2020 and 19.3.2020 provided responses to departmental comments and replacement pages of SIA# (**Appendix Ih**)
- (j) FI 7 dated 16.4.2020 providing clarification for the functional and technical requirements of the proposed RC canopy# (**Appendix Ii**)
- (k) FI 8 dated 7.5.2020, 13.5.2020 and 14.5.2020 providing technical clarification on the proposed RC canopy# (**Appendix Ij**)

Remarks:

* Further information accepted but not exempted from publication and recounting requirement

Further information accepted and exempted from publication and recounting requirement

1.7 On 13.12.2019, the Metro Planning Committee (the Committee) agreed to defer a decision as requested by the applicant. After the deferral, the applicant submitted further information on 3.1.2020 and 17.2.2020. In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 3.4.2020 for consideration of the application has been rescheduled, and the Town Planning Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

2.1 The justifications put forth by the applicant in support of the application are set out in Section 5 of the Supporting Planning Statement at **Appendix Ia** which are summarised as follows:

Realizing the Intention of PA 2018 to Encourage Redevelopment of IBs

- (a) The proposed development echoes with the intention of the Policy Address to redevelop pre-1987 IBs and provide more floor area to meet Hong Kong's changing social and economic needs and makes better use of the valuable land resources.

Align with the Planning Intention of "OU(B)" Zone

- (b) The proposed data centre (Information Technology and Telecommunications Industries) use is a Column 1 use within the "OU(B)" zone and therefore it is generally in line with the planning intention of the "OU(B)" zone, which is planned primarily for general business uses. The redevelopment of the Site would facilitate the phasing out of polluting industrial uses at the centre of the industrial area.

Proactive Response to the Policy on Data Centre Development for Promotion of Innovation and Technology Development

- (c) As outlined in 2017 Policy Address, the Government would promote the development of Innovation and Technology (I&T) in Hong Kong and encourage the provision of data centres in existing industrial lots to cater the urgent needs of the industry. As data centres are considered critical technology infrastructure for sustaining I&T development, the development is intended to optimize land resources with minor relaxation of PR for data centre use and is therefore a proactive response to Government's policy direction.

Planning and Design Merits of the Proposed Development

- (d) As set out under the OZP, both NBAs are intended to contribute to road widening of Lam Tin Street and Chun Pin Street, mainly for alleviating the vehicular traffic issue as well as to enhance air ventilation performance within the industrial area as well, which in turns enhance pedestrian safety and comfort. The building design of the proposed development, including the proposed RC canopy, would not compromise the planning intention of the NBA along Lam Tin Street and Chun Pin Street as stipulated on the OZP. Various landscape treatments, including planting area, vertical greening features and rooftop greening, have been proposed to enhance the streetscape of the area and improve the visual amenity of the proposed development (**Drawings A-9 to A-13**). In addition, the NBAs will be paved with paving blocks or equivalent materials. The colour tone shall be harmonic with the surrounding materials to provide pleasant and safe public walkway. These measures will enhance the pedestrian environment along both Lam Tin Street and Chun Pin Street.

Compliance with Sustainable Building Design Guidelines (SBDG) and Green Building Design

- (e) The proposed development has complied with the SBDG in term of building separation, building setback and site coverage of greenery. Green building design has been considered including: (i) soft landscaping to maximise the greening effect and to enhance character of the different landscape areas ; (ii) vertical greening to enhance the greening effect for the visual receivers; and (iii) lush greening on G/F and extensive roof greening to improve the visual quality from the adjacent industrial buildings and to alleviate the heat gain to the lower floors. The applicant is intended to adopt BEAM Plus of which the rating will be considered at detailed building design stage.

Fulfilling Relevant Criteria for Consideration of Minor Relaxation of BH Restriction

- (f) The proposed scheme is expected to fulfil the criteria for considering minor relaxation of BH restriction as stated in the Explanatory Statement (ES) of the OZP, including:
- i. accommodating the bonus PR – the applicant will apply for bonus GFA by dedication of land for use as public passage under B(P)R subject to approval by the Building Authority (BA);
 - ii. providing better streetscape and good quality street level public urban space – the proposed NBAs would alleviate traffic problems, reduce pedestrian/vehicular interface issues and therefore improve pedestrian comfort. The Visual Impact Assessment (VIA) concludes there is no adverse visual impact;
 - iii. providing separation between buildings to enhance air ventilation and visual permeability – realisation of planned NBAs would facilitate wind penetration to the industrial area and enhance visual permeability as the building setback would eliminate ‘building screening effect’, in particular at corner site;
 - iv. accommodating building design to address specific site constraints – the Site is a sloping site with 3m level difference between Lam Tin Street and Chun Pin Street. The carpark at basement is to reduce above-ground building bulk; and
 - v. other factors that would bring about improvements to townscape and amenity – minimal floor-to-floor height (as required for data centre) to reduce the BH increase required for accommodating the minor relaxation of PR by 20% and opening of NBA areas for public use.

No Adverse Impacts

- (g) Technical assessments including TIA, SIA and VIA have been conducted to demonstrate that the proposal is acceptable and would have no adverse impact on traffic, sewerage and visual aspects (**Drawings A-15** and **A-16**). The applicant has proposed traffic measures by imposing traffic bollards and amenity railing on footpath adjacent to the redevelopment to deter illegal parking on footpath (**Drawing A-17**).

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Policy Initiatives of Revitalisation of IBs

- 4.1 As set out in Policy Address 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To encourage owners to redevelop IBs constructed before 1987^[2], there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “Residential” zones in Main Urban Areas and New Towns into industrial/commercial uses. The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the Building (Planning) Regulation (B(P)R)^[3]. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.
- 4.2 The time limit for owners to submit applications is three years, with effect from 10.10.2018. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

^[2] Pre-1987 IBs refer to those eligible IBs which were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans first submitted to the Building Authority (BA) for approval on or before the same date.

^[3] Under the new policy, any bonus floor area claimed under section 22(1) or (2) of the B(P)R is not to be counted towards the proposed increase of non-domestic PR by 20% for redevelopment projects.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

Since March 2019, the Committee has considered a total of 22 applications for minor relaxation of PR and/or BH in the Metro Area relating to the Policy, including three applications (No. A/KC/460, A/KC/463 and A/KC/464) in Kwai Chung (**Plan A-1**). Out of the 22 similar applications, 20 applications were approved with conditions and two were rejected (No. A/K14/764 and A/K13/313) mainly on the ground that there was insufficient planning and design merits to support the proposed minor relaxation of BH restriction and the applicant failed to demonstrate that it will not create adverse visual impact on the area (see **Appendix II** for details). In consideration of these applications, the Committee generally indicated support for the Policy to relax the PR up to 20% as it provides incentives to encourage redevelopment of pre-1987 IBs taking account that relevant technical assessments were submitted to support the technical feasibility and there was no adverse comment from relevant government departments. For proposed minor relaxation of BH associated with such applications, the applicants have to demonstrate that the proposed BH will not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, with due regard to the requirements under SBDG and green building design considerations.

7. **The Site and Its Surrounding Areas** (**Plans A-1 to A-2 and A-5 to A-6** and photos on **Plans A-3 and A-4**)

7.1 The Site:

- (a) was previously occupied by single-storey storage shed and a IB, namely, CS Logistic Centre and Luen Fat Industrial (First) Building, which were completed in 1966 and demolished. The Site is currently vacant (**Plans A-2 and A-3**);
- (b) is bounded by Lam Tin Street to its north, Chun Pin Street to its west, with a service lane to its south and an adjoining office building namely New Venture Centre (**Plan A-2**); and
- (c) is located in the Castle Peak Road/Wo Yi Hop Road industrial/business area which is accessible from Kwai Hing Station (about 770m) and is well served by various modes of public transport including buses and public light buses (**Plan A-5**).

- 7.2 The surrounding areas have the following characteristics (**Plans A-1 to A-6**):
- (a) the neighbouring buildings along Lam Tin Street, Chun Pin Street and Ta Chuen Pin Street are mainly industrial or I-O buildings within the Castle Peak Road/Wo Yi Hop Road industrial/business area (**Plans A-1 and A-2**);
 - (b) to the north across Lam Tin Street is a cluster of IBs and industrial/office buildings (**Plan A-2**);
 - (c) to the immediate east is an office building, namely New Venture Centre and the further east across Wo Yi Hop Road are residential clusters (**Plans A-1 and A-2**);
 - (d) to the south is Hotel Ease Tsuen Wan which is a wholesale conversion development from an IB; and Sang Hing Industrial Building (**Plan A-2**); and
 - (e) to the west across the Chun Pin Street are existing IBs and the site of a similar application No. A/KC/460 for minor relaxation of PR for permitted I-O use which was approved by the Committee on 5.7.2019 (**Plan A-1 and Appendix II**).

8. Planning Intention

- 8.1 The planning intention of the “OU(B)” zone is primarily for general business uses. A mix of information technology and telecommunications industries, non-polluting industrial, office and other commercial uses are always permitted in new “business” buildings. Less fire hazard-prone office use that would not involve direct provision of customer services or goods to the general public is always permitted in existing industrial or I-O buildings.
- 8.2 It is stated in the Notes of the OZP that a minimum 4m-wide NBA from the lot boundary abutting Lam Tin Street and a minimum 3.5m-wide NBA from the lot boundary abutting Chun Pin Street (except 1 Chun Pin Street) shall be provided (**Plan A-2**). According to the Explanatory Statement of the OZP, the NBA requirement is imposed to cater for the long-term road widening proposal and enhance the air permeability of the business/industrial area on Wo Yi Hop Road.
- 8.3 As stated in the ES of the OZP, to provide incentive for developments/redevelopments with design merits/planning gains, each application for minor relaxation of BH restriction under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;

- (b) accommodating the bonus plot ratio granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;
- (c) providing better streetscape/good quality street level public urban space;
- (d) providing separation between buildings to enhance air ventilation and visual permeability;
- (e) accommodating building design to address specific site constraints in achieving the permissible plot ratio under the Plan; and
- (f) other factors such as site constraints, the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

9. Comments from Relevant Government Departments

- 9.1 The following Government bureaux/departments have been consulted and their views on the application are summarised as follows:

Policy Perspective

9.1.1 Comments of the Secretary for Development (SDEV):

- (a) it is Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of the existing industrial stock and make better use of valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses. To this end, he gives policy support to this application for relaxation of PR if it satisfies all relevant conditions or criteria (see details in paragraph 4.1 above); and
- (b) he is willing to provide policy support as it is in line with the current policy to encourage redevelopment of aged IBs, as well as the planning intention of the "OU(B) zone". There is an anticipated stronger demand for data centre sites as well as innovation and technology ancillary facilities according to the latest projections. In particular, he will leave it to relevant departments to comment on the proposed relaxation of BH from urban design perspective.

9.1.2 Comments of the Office of the Government Chief Information Officer (OGCIO):

- (a) data centres are critical infrastructure for the internet-driven economic development of Hong Kong. The demand for data centre services, driven by the increasing use of cloud computing and big data analysis, will grow significantly in the coming years. The availability of sufficient data centre spaces in Hong Kong is essential for maintain

Hong Kong's competitiveness and continuous economic development as in international business and financial service hub;

- (b) the Government is committed to fostering Hong Kong as a prime location for data centres in the region. He welcomes companies to build their data centres in Hong Kong, which would help addressing the increasing demand of data centre space in Hong Kong; and
- (c) for the data centre development perspective, high floor space is required to accommodate data centre equipment. Depending on the target level of service level availability, the data hall and the plant room for the backup power generators in data centres in general, have high headroom, and many of them are over 5m for operation requirements. Referring to a well-known standard for data centres, the TIA-942, not less than 600mm should be left above the tallest piece of equipment for high-tier data centres. In view of above, he would take the high floor-to-floor height is genuinely required for high-tier data centre development and considered a floor-to-floor height of 5.5m is reasonable.

Land Administration

9.1.3 Comments of the District Lands Officer/Tsuen Wan & Kwai Tsing (DLO/TW&KT) and the Chief Estate Surveyor/Development Control, LandsD:

- (a) the Site falls within Lot No. 302 in D.D. 444 ("the Lot"), which is held under New Grant No. 3948 dated 28.3.1963 with lease term expiring on 30.6.2047. The Lot is restricted to industrial purposes excluding any offensive trades and there is no restriction on GFA, SC or BH. Spaces for parking, loading and unloading of motor vehicles shall be provided within the Lot at the rate of not less than 1 vehicle for each 10,000 ft² of floor area but in any event not less than one vehicle for each 5,000 ft² or part thereof of the site area;
- (b) the proposed data centre development contravenes the existing lease conditions. The lot owner has submitted a lease modification application to LandsD for non-residential uses (excluding hotel, petrol filling station, residential care home, offensive trades and use or storage of any dangerous goods) with a maximum GFA of 17,651m² (i.e. PR of 9.5). It is advised that there is no guarantee that the application will be approved and he reserves his comment on such. The application will be considered by the LandsD acting in the capacity as landlord at its sole discretion. In the event that the application is approved, it will be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, payment of premium and administrative fee; and
- (c) under the 2018 IB revitalisation measure for redevelopment, the lease modification letter/conditions of land exchange shall be executed within 3 years from the date of TPB's approval letter.

Traffic

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

- (a) no in-principle objection to the application for data centre use only;
- (b) the applicant has demonstrated that the redevelopment proposal would accommodate the high-end provision of parking, the low-end provision of loading/unloading facilities due to site constraints and car lift system within the redevelopment;
- (c) the applicant has proposed traffic measures by imposing traffic bollards and amenity railing on footpath adjacent to the redevelopment to deter illegal parking on footpath (**Appendix If** and **Drawing A-17**). Based on the information submitted by the applicant, the subject redevelopment for data centre use would not cause adverse traffic impact to the adjacent road network within the Area of Influence; and
- (d) should the application be approved, it is recommended to impose an approval condition on the design and provision of traffic measures adjacent to the Site and the internal transport facilities, including parking facilities and loading/unloading spaces for the proposed development.

Environment

9.1.5 Comments of the Director of Environment Protection (DEP):

- (a) based on the information provided by the applicant, insurmountable environmental impacts associated with the proposed development is not anticipated. She has no objection to the application from environmental perspective;
- (b) as the current application is a redevelopment project where excavation and construction works are required, the applicant is advised to minimise the generation of C&D materials; reuse and recycle the C&D materials on-site as far as possible; and observe and comply with the legislative requirements and prevailing guidelines on proper waste management for the proposed development;
- (c) the applicant is reminded that the discharge of the cooling tower bleed-off water require a discharge licence under Water Pollution Control Ordinance; and
- (d) notwithstanding the above, should the application be approved, it is recommended to impose the following approval conditions:
 - (i) the submission of an updated Sewerage Impact Assessment for the proposed development to the satisfaction of the DEP or of the Board;

- (ii) the implementation of the local sewerage upgrading/sewerage connections works identified in the updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Drainage Services or of the Board; and
- (iii) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the DEP or of the Board.

Urban Design, Visual and Air Ventilation

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

- (a) it appears that the relaxation of BH sought has to do with the typical floor-to-floor height of 5.5m adopted for the proposal to meet the functional requirement and the need for accommodating the proposed increase in PR. This relatively high floor-to-floor according to the applicant is to cater for the special headroom requirement for modern data centre development;
- (b) the subject elongated corner site of about 1,858m² is located at the junction of Lam Tin Street and Chun Pin Street. It is situated within a large cluster of industrial building/sites zoned "OU(B)" between Wo Yi Hop Road and Lei Muk Road. The BHs of the surrounding existing buildings range from about 44mPD to 140mPD. Given the context and as illustrated in the supporting VIA, it is unlikely that accommodation of the proposed development of maximum BH of 146.5mPD would induce significant adverse effects on the visual character of the townscape;
- (c) the proposed development has incorporated 3.5m and 4m full-height setbacks respectively along Chun Pin Street and Lam Tin Street as per the OZP requirements. These setback areas will be repaved to provide a pleasant and safe public walkway. The proposed development has also incorporated some landscaping at B1/F, G/F, 1/F, 3/F and upper roof, vertical greening at the building's low zone along the western façade facing Chun Pin Street to wrap around the chamfered corner at the junction with Lam Tin Street, additional green wall towards the eastern end of the northern façade facing Lam Tin Street, glass canopy above the main entrance and decorative fins featured in front of the smoke vents/metal louvres at the building's low zone. The design measures incorporated in the current development may promote visual interest and improve pedestrian environment. Although technically speaking, incorporation of these design measures do not necessarily require additional PR, they still represent the applicant's efforts in building design improvement; and
- (d) the proposed development does not fall under any criteria set out in the Joint HPLB-ETWB Technical Circular on AVA No. 1/06, and it

has also incorporated NBAs along Lam Tin Street and Chun Pin Street as per the OZP requirements, which are recommended in the Expert Evaluation on AVA of Kwai Chung Area to enhance air permeability. Given the above, significant adverse impact on the surrounding pedestrian wind environment is not anticipated.

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

- (a) the proposed development consists of one tower block with height of 146.5mPD which may not be incompatible with adjacent developments with BHRs of 130mPD; and
- (b) the floor-to-floor height of each floor and overall BH are reasonably provided. As such, he has no comment from architectural and visual impact point of view.

Landscape

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

- (a) in view of the application does not involve any landscape issue and there is no existing landscape resource within the Site, no significant landscape impact is envisaged;
- (b) due to site constraints, only some small movable plant pots can be provided on G/F within the Site. The proposed landscape treatments would have minimal effect in enhancing the quality of the public realm at street level. As such, a landscape submission is not required to be imposed as a planning condition should the application be approved by the Board;
- (c) the applicant is reminded to provide proper accesses to all landscape areas for vegetation maintenance and provide sufficient soil provision, drainage layer and etc. at planting areas for sustainable plant growth; and
- (d) the applicant is reminded to take into consideration the long-term commitment to provide proper maintenance to the vertical green for healthy and sustainable plant growth.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories West, BD (CBS/NTW, BD):

- (a) he has no objection to the application;
- (b) the OP for the subject building was issued on 3.2.1966;
- (c) detail comments will be given during the building plan submission stage; and

- (d) other detailed comments on building aspect are set out in **Appendix III**.

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

- (a) Chief Estate Surveyor/Land Supply, Lands Department;
- (b) Chief Highway Engineer/NT West, Highways Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Director of Fire Services;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) District Officer (Kwai Tsing), Home Affairs Department; and
- (g) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

Within the statutory public inspection period, five public comments were received (**Appendix IV**). Two comments were received objecting to the application on the grounds that the proposed development would have adverse impact on the natural sunlight of the neighbourhood and the relaxation of BH would intensify the urban heat island and wall effects; there is no strong justification for further relaxation of BH restriction; and the applicant fails to demonstrate reasonable planning design merits in support of the application. Another three opposing comments from the same individual were received objecting on the grounds that there is no assessment to address the accumulative impacts of the minor relaxation of PR/BH; strong justifications and planning merits should be provided in support of the application and approval of the application would set an undesirable precedent. The individual also raised the concern on the effectiveness and sustainability of the green features including the proposed planters and vertical green walls.

11. Planning Considerations and Assessments

- 11.1 The application is for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) and BH restriction from 130mPD to 146.5mPD (i.e. +12.7%) for a proposed 23-storey (including 2 basement levels) development intended for information technology and telecommunications industries (proposed data centre development) at the Site zoned "OU(B)". The proposed use is generally in line with the planning intention of the "OU(B)" zone which is primarily for general business uses.

Policy Aspect

- 11.2 The existing IB with an OP issued on 3.2.1966 can be regarded as an eligible pre-1987 IB under government's new policy on revitalising IBs. SDEV gives policy support to the current application for the minor relaxation of PR by 20% with the initiative to incentivise redevelopment of old IBs to optimise utilisation of the existing industrial stock and make better use of the valuable land resources, while addressing more effectively the issues of fire safety and non-compliant uses.

Besides, the Government is committed to fostering Hong Kong as a prime location for data centres in the region. OGCIO welcomes companies to develop their data centres in Hong Kong, which would help addressing the increasing demand of data centre space in Hong Kong.

Technical Aspect

Minor Relaxation of PR

- 11.3 The proposed minor relaxation of PR from 9.5 to 11.4 (i.e.+20%) generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed development. In support of the application, the applicant has submitted a TIA which demonstrates that the proposed development will not cause adverse traffic impact to the surrounding areas. In this regard, C for T has no objection to the application subject to the incorporation of approval conditions as set out in paragraph 12.2 (a) and (b) below. DEP's concern on sewerage and land contamination aspects can be addressed by imposition of approval conditions in paragraphs 12.2(c) to (e) below. Other relevant government departments consulted including FSD and DSD have no objection to/no adverse comment on the application.
- 11.4 On top of the proposed minor relaxation of PR from 9.5 to 11.4, the applicant has provided information on the proposed claim of a bonus PR of 0.942 for the proposed development under the B(P)R to meet the NBA requirement stipulated on the OZP. The claim of bonus PR should be dealt with at the building plan submission stage subject to the approval of Building Authority and agreement of the concerned departments, and should not be taken as approved under the subject application.

Minor Relaxation of BH

- 11.5 According to the applicant, the minor relaxation of BH restriction from 130mPD to 146.5mPD (i.e. +12.7%) is mainly for accommodating the specific functional requirement for the Tier III Data Centre which requires a floor-to-floor height of 5.5m to meet operational need (**Drawing A-14**). The proposed BH will also accommodate the proposed PR increase. OGCIO advised that the floor-to-floor height of 5.5m is reasonable and genuinely required for the proposed high-tier data centre development. According to the applicant, the proposed setbacks and greenery provision would improve the overall streetscape, pedestrian environment as well as enhance the air ventilation and visual permeability, which would in turn bring about improvements to townscape and amenity of the locality. To minimise the increase in BH, the applicant has proposed to incorporate the parking facilities in two basement levels. Given the above, it is considered that the proposed scheme generally meets the criteria for considering application for minor relaxation of BH restriction as mentioned in paragraphs 8.2(b), (c), (d), (e) and (f) above.

- 11.6 The Site is an elongated corner site with an area of about 1,858m² located at the junction of Lam Tin Street and Chun Pin Street. It is situated within a large cluster of industrial building/sites zoned “OU(B)” between Wo Yi Hop Road and Lei Muk Road. The BHs of the surrounding existing buildings range from about 44mPD to 140mPD. Given the context and as illustrated in the supporting VIA, CTP/UD&L, PlanD advises that it is unlikely that approval of the proposed development would induce significant adverse effects on the visual character of the townscape. CA/CMD2, ArchSD considers that the floor-to-floor height of each floor and overall BH are reasonably provided. As such, he has no adverse comment from architectural and visual impact point of view.

Planning and Design Merits

- 11.7 In accordance with the OZP requirement, the proposed development has incorporated 3.5m and 4m full-height setbacks respectively along Chun Pin Street and Lam Tin Street so as to cater for the long-term road widening proposal and enhance the air permeability of the business/industrial area on Wo Yi Hop Road. According to the applicant, the area of dedication of land is about 349.86m² (about 18.8% of the Site). Other design elements, which include landscape treatments in the form of planters or green roofs, vertical greening at the building’s low zone and glass canopy above the main entrance, are proposed with an overall greenery provision of about 22.69% (**Drawings A-9 to A-13**). CTP/UD&L, PlanD advised that the proposed development has incorporated NBAs along Lam Tin Street and Chun Pin Street according to the OZP requirements for enhancing air permeability and significant adverse impact on the surrounding pedestrian wind environment is not anticipated. These design measures may promote visual interest and improve pedestrian environment, and they represent the applicant’s efforts in building design improvement.
- 11.8 On the sustainability building design aspect, the proposed development has taken into account the relevant requirements as set out in the SBDG in terms of building separation, building setbacks and greenery to achieve better air ventilation, enhance environmental quality and mitigate heat island effect. The proposed detailed measures on green building design including BEAM Plus certification will be considered at the detailed design stage upon building plan submission.

Public Comments

- 11.9 Regarding the public comments on the adverse impact of BH relaxation as well as the design merits and green features, the planning assessments above and departmental comments in paragraph 9 are relevant. Regarding the public comments on the cumulative impact of approving similar application for minor relaxation of PR and BH restrictions, any such applications in the future have to be supported by relevant technical assessments and will be considered on their individual merits.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application on the terms of the application as submitted to the Board, it is suggested that the permission shall be valid until 29.5.2024, 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 conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the design and implementation of traffic measures as proposed by the applicant prior to occupation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (c) the submission of an updated Sewerage Impact Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment in (c) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection is suggested for Members' reference:

The applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of building height restriction.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or to 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 and supplementary information received on 17.9.2019
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI 1 dated 1.11.2019 providing responses to departmental comments, providing TIA, revised SIA, revised architectural drawings and photomontages
Appendix Ic	Letter dated 25.11.2019 from the applicant requesting for deferment
Appendix Id	FI 2 dated 6.12.2019 and 10.12.2019 providing responses to departmental comments, revised architectural drawings and photomontages
Appendix Ie	FI 3 dated 3.1.2020 providing responses to departmental comments and revised TIA
Appendix If	FI 4 dated 17.2.2020 providing responses to departmental comments and revised TIA, revised layout plans/photomontages and replacement pages of SIA
Appendix Ig	FI 5 dated 5.3.2020 providing responses to departmental comments and replacement pages of TIA
Appendix Ih	FI 6 dated 18.3.2020 and 19.3.2020 providing responses to departmental comments and replacement pages of SIA
Appendix Ii	FI 7 dated 16.4.2020 providing clarification for the functional and technical requirements of the proposed canopy
Appendix Ij	FI 8 dated 7.5.2020, 13.5.2020 and 14.5.2020 providing technical clarification on the proposed RC canopy
Appendix II	Similar Applications
Appendix III	Detailed Comments of Government Departments
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-7	Floor Plans
Drawings A-8	Schematic Section
Drawings A-9 to A-10	Illustrative Diagrams of Planning and Design Merits
Drawings A-11 to A-13	Photomontages
Drawing A-14	Sectional Diagram for Typical Data Hall
Drawing A-15 to A-16	Visual Impact Assessment
Drawing A-17	Proposed Traffic Measures

Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 and A-4	Site photos
Plan A-5	Pedestrian Access Network in Kwai Chung
Plan A-6	Building Heights in Kwai Chung Business Area

**PLANNING DEPARTMENT
MAY 2020**