

APPLICATION FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TW/496

<u>Applicant</u>	Top Merchant Investments Limited represented by Llewelyn-Davies Hong Kong Limited
<u>Premises</u>	G/F to 7/F, 145-159 Yeung Uk Road, Tsuen Wan
<u>Total Floor Area of Premises</u>	12,674.43m ² (About)
<u>Lease</u>	Lot 476 in D.D. 443: (a) To be expired on 30.6.2047 (b) Restricted to industrial purposes only excluding offensive trades (c) No building shall be erected on the lot except a factory, ancillary offices and quarters for caretakers
<u>Plan</u>	Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33
<u>Zoning</u>	“Comprehensive Development Area (5)” (“CDA(5)”) [Subject to a maximum plot ratio (PR) of 5.0, of which a minimum PR of 4.5 shall be for domestic use, and a maximum building height (BH) of 100 metres above Principal Datum (mPD) or the height of the existing building, whichever is the greater. Ancillary car parking shall be provided in the basement.]
<u>Application</u>	Proposed Temporary Information Technology and Telecommunications Industries (Data Centre) and Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1. The applicant seeks planning permission to use the application premises (the whole building at 145-159 Yeung Uk Road, Tsuen Wan, namely Jumbo i Advantage, the subject building) for proposed temporary information technology and telecommunication industries (data centre) and ancillary office for a period of 3 years (**Plans A-1 and A-2**). According to the Notes of the OZP, data centre which is included under ‘Information Technology and Telecommunications Industries’ (ITTI) use within the “CDA(5)” zone, is a Column 2 use which requires planning permission from the Town Planning Board (the Board).

- 1.2. The existing Gross Floor Area (GFA) of the building is about 12,674.43m². As the proposed development only involves internal alteration and addition works within the subject building, there will be no changes to the existing plot ratio (PR), gross floor area (GFA) and building height (BH) of the subject building. Parking facilities including 6 private car parking spaces, 8 goods vehicle parking space and a loading/unloading area on the G/F of the subject building will be retained as per the existing condition. The layout plans of the Premises are shown on **Drawings A-1 to A-5**.
- 1.3. In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 31.1.2018 **(Appendix I)**
 - (b) Supplementary Planning Statement (SPS) **(Appendix Ia)**
 - (c) Further information received on 9.3.2018 providing information on flooring of the subject building and responses to departmental comments **(Appendix Ib)**
- 1.4. The application was originally scheduled for consideration by the Metro Planning Committee (the Committee) on 16.3.2018. On 16.3.2018, upon the request of the applicant, the Committee agreed to defer a decision on the application for two months to allow time for the applicant to further liaise with Transport Department. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix Ia**, and are summarized as follows:

- (a) The proposed development, which involves only conversion of the existing building, could contribute to the Government's policy on fostering data centre development in a timely manner.
- (b) The proposed development could better utilize the subject building in the short-run to meet the strong demand of data centre development.
- (c) There is no known implementation programme for residential development at the subject "CDA(5)" zone in short to medium term. The temporary nature of the proposed development for not more than 3 years would not jeopardize the long term planning intention of the subject "CDA(5)" zone for residential use.
- (d) As the proposed development only involves internal alteration and addition works within the existing building, there will be no changes to the existing GFA, PR and BH of the existing building.
- (e) The proposed data centre development would be compatible with the surrounding environment where there are existing industrial uses and other data centre developments. Besides, no adverse impact to the surrounding environment is anticipated.
- (f) As this application is similar to other applications for data centre use on a temporary basis approved in the same locality, it would not set an undesirable precedent.

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

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

4. Background

4.1 The Site where the subject building is located, is at the northern part of the Tsuen Wan East Industrial Area, which had previously been zoned “Industrial” (“I”) since the first statutory plan of Tsuen Wan. In the 2009 Area Assessments of Industrial Land in the Territory (the 2009 Area Assessments), it was recommended to rezone the northern part of the Tsuen Wan East Industrial Area for comprehensive residential development with commercial facilities and open space provision to give impetus for land use restructuring and upgrading the Tsuen Wan East area.

4.2 To take forward the recommendation of the 2009 Area Assessments, and in recognition that the potential industrial/residential (I/R) interface and traffic noise problems could not be satisfactorily addressed through piecemeal redevelopment of individual industrial buildings, the Site together with the adjoining sites were rezoned to “CDA(5)” in 2010.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines (TPB PG-No. 18A) for “Submission of Master Layout Plan (MLP) under section 4A(2) of the Town Planning Ordinance” is not applicable to this application as according to the Guidelines, the requirement for MLP submission is not applicable for temporary uses within a “CDA” zone.

6. Previous Applications

6.1. The subject building is the subject of four previous applications (Nos. A/TW/183, 185, 196 and 286) for proposed composite industrial/office building and minor relaxation of PR from 9.5 to 10.026 which were approved by the Committee with conditions on 17.12.1993, 21.1.1994, 6.5.1994 and 19.5.2000 respectively. However, the proposed developments of the approved schemes have not been taken up for implementation.

6.2. The subject building is also the subject of a Section 12A Application No. Y/TW/11, submitted by the same applicant, for rezoning the subject building from “CDA(5)” to “Other Specified Uses” annotated “Business (2)” (“OU(B)2”) to facilitate data centre development. The application was rejected by the Committee on 10.11.2017, mainly on the grounds that the “CDA(5)” zone is considered appropriate; the approval of the application will result in a permanent loss of land available for residential development; and the approval of the application will set an undesirable precedent for similar applications and the cumulative impact of approving similar applications will defeat the planning intention of comprehensive development/redevelopment of the “CDA” zones in rezoning the northern part of the Tsuen Wan East Industrial Area.

6.3. Details of these applications are summarized at **Appendix II**.

7. Similar Applications

There are six similar applications (Nos. A/TW/424, 454, 456, 465, 472 and 493) for similar use (ITTI) within the “CDA(3)” zone in the approved Tsuen Wan OZP No. S/TW/33 (**Plan A-1**). All similar applications are located within an industrial building namely Asia Tone i-Centre at 1 Wang Wo Tsai Street. They were all approved by the Committee with conditions on temporary basis for a period of three years, mainly on the grounds that the ITTI use was considered compatible with other uses within the industrial building and the surrounding developments, and would generally induce less environmental and traffic impact as compared with other industrial uses. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

8. The Premises and Its Surrounding Areas (Plans A-1 and A-2)

8.1. The Premises:

- (a) is located at G/F to 8/F (4/F omitted) of an 8-storey industrial building, namely Jumbo i Advantage , with Occupation Permit issued on 3.11.1965;
- (b) is accessible via the main access of the subject building at Yeung Uk Road; and
- (c) is currently partly used for storage and partly vacant.

8.2. According to the site inspection conducted on 5.3.2018, the major uses of the subject building by floor are summarized below:

Floor	Current Uses
G/F	Car park
1/F – 8/F*	Storage, management office, vacant premises

* Floor numbering omitting 4/F, and the uses in some units were unknown due to their inaccessibility during the site inspection.

8.3. The surrounding areas have the following characteristics:

- (a) to the immediate west and north are some industrial buildings within the same “CDA(5)” zone;
- (b) to the immediate east are some industrial buildings and a temporary open storage area within a “CDA(6)” zone, and a petrol filling station within an “O” zone;
- (c) to the further north and east across Wang Wo Tsai Street are some industrial buildings within areas zoned “CDA(3)”¹ and “CDA(4)”;
- (d) to the further northeast is the Sheung Chui Court within “CDA(2)” zone, which is a Home Ownership Scheme (HOS) development completed in 2017. The

¹ An application (No. A/TW/452) for a proposed comprehensive residential development at the “CDA3” zone was approved with conditions by the Committee on 16.1.2015.

Wang Wo Tsai Street Garden within “O” zone which has just been completed lies to the southwest of the HOS development;

- (e) to the south across Yeung Uk Road are service apartments namely Indi Home, H Cube and Chelsea Court within areas zoned “C(2)”, “C(3)” and “C(4)”; and
- (f) to the further south and southeast are the southern parts of the Tsuen Wan East Industrial Area within “I” zone, which are under active operation.

9. Planning Intention

The planning intention of the “CDA(5)” zone is for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure, visual impact, air ventilation and other constraints.

10. Comments from Relevant Government Departments

10.1. The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

10.1.1. Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) Lot 476 in D.D. 443 (the Lot), with an area of approximately 20,000ft² (about 1,858m²), is held under New Grant No. 4149 (the New Grant) for a term up to 30.6.2047. As per S.C. 4(i) and (ii) of the New Grant, the Lot is restricted to the uses of industrial purposes only excluding any offensive trades and no building is allowed to be erected on the Lot except a factory, ancillary offices and quarters for caretakers. S.C. 12 of the New Grant also stipulates that space for parking, loading and unloading of motor vehicles shall be provided within the Lot at the rate of not less than one vehicle for each 10,000ft² GFA or part thereof, subject to a minimum of not less than one vehicle for each 5,000ft² site area or part thereof. According to the Land Registry record, the current sole owner of the Lot is “Top Merchant Investment Limited”.
- (b) The proposed “ITTI (data centre) and ancillary office” use is not permissible under lease. If planning approval is given, the owner will need to apply to the Lands Department (LandsD) for a waiver for implementation of the above proposal. The proposal will only be considered upon their receipt of formal application from the owner. There is no guarantee that the application, if received by LandsD, will be approved. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the

application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of waiver fee and administrative fee.

Building Matters

10.1.2. Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

He has no objection to the application subject to the following comments:

- (a) The applicant should be reminded that under the Buildings Ordinance (BO), no person shall commence or carry out any building works without having first obtained approval and consent from the Building Authority before commencement of works unless they are exempted under s.41 of the BO, or fall within minor works under the Building (Minor Works) Regulation.
- (b) Detailed checking will be made at plan submission stage.

Fire Safety

10.1.3. Comments of the Director of Fire Services (D of FS):

He has no in-principle objection to the application subject to the fire service installations and water supplies for firefighting being provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of building plans.

Environmental

10.1.4. Comments of Director of Environmental Protection (DEP):

He has no objection to the application from the environmental planning perspective.

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

- (a) Commissioner for Transport (C for T);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (d) Chief Highway Engineer/New Territories West, Highways Department;
- (e) Commissioner of Police;
- (f) Project Manager (West), Civil Engineering and Development Department; and
- (g) District Officer (Tsuen Wan).

11. Public Comments Received During Statutory Publication Period

On 9.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.3.2018, one public comment was received objecting to the application in view of existing traffic congestion at the location. (Appendix V).

12. Planning Considerations and Assessments

- 12.1. The applicant seeks planning permission to use the existing 8-storey industrial building for proposed ITTI (data centre) and ancillary office on temporary basis for a period of three years. The proposed temporary development involves only internal alteration and addition works within the subject building and there will be no changes to the existing GFA, PR and BH of the subject building. Parking facilities including 6 private car parking spaces, 8 goods vehicle parking space and a loading/unloading area on the G/F of the subject building will be retained as per the existing condition.
- 12.2. The subject building falls within an area zoned “CDA(5)” zone which is intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. Since there is no active comprehensive redevelopment proposal at the subject “CDA(5)” zone and the redevelopment of “CDA(5)” zone will take time to initiate and materialize, there is no objection to utilizing the existing industrial premises for other compatible uses in the interim. The proposed ITTI (data centre) and ancillary office use for a temporary period of 3 years will not jeopardize the long term planning intention for the site.
- 12.3. The “CDA(5)” zone is subject to a maximum PR of 5.0, of which a minimum PR of 4.5 shall be for domestic use. The existing GFA of the building completed in 1965 is about 12,674m². Based on a site area of about 1,858m², the existing PR of the industrial building is about 6.82, which already exceeds the maximum PR restriction of 5.0 by about 36.4%. As the application involves only internal alteration and addition works of the existing building and there is no increase in GFA, PR and BH, there is no objection to consider a minor relaxation of the PR restrictions for the proposed development on a temporary basis.
- 12.4. In terms of land use, the subject building is mainly surrounded by industrial buildings and open storage within the same “CDA(5)” zone and the adjacent “CDA(6)” zone. The proposed ITTI (data centre) use is considered not incompatible with the surrounding developments. Similar applications for temporary uses have been approved within the “CDA(3)”. Approval of the current application is in line with the Committee’s previous decisions.
- 12.5. The proposed ITTI (data centre) use, which is relatively clean in nature and requires less staff for operation, will generally induce less environmental and traffic impact as compared with other industrial uses. Government departments consulted including DEP, C for T, CE/C, WSD, CE/MS, DSD, CBS/NTW, BD and D of FS have no objection to/no comment on the application from environmental, traffic, infrastructural provision and fire services perspectives.

12.6. Regarding the public comment on the application received which objected to the application on traffic ground, the applicant stated that the daily traffic of the data centre is not frequent and daily loading/unloading activities at the data centre use is not necessary (**Appendix Ib**). The loading/unloading provision at G/F of the subject building is per the existing condition. In this regards, C for T has no comment on the application.

13. Planning Department's Views

13.1. Based on the considerations and assessments made in paragraph 12, the Planning Department has no objection to the application.

13.2. Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 4.5.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of fire service installations and water supplies for fire-fighting proposals before operation of the use to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) if the above planning condition is not complied with as specified, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

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

13.3. There is no strong reason to recommend rejection of the application.

14. Decision Sought

14.1. The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.

14.2. 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.

14.3. 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.

15. Attachments

Appendix I	Application form received on 31.1.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further information received on 9.3.2018
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Recommended advisory clauses
Appendix V	Public comment received during the statutory publication period
Drawing A-1 to A-5	Layout Plan
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 to A-7	Photos of the Premises

**PLANNING DEPARTMENT
MAY 2018**