

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

**APPLICATION NO. A/TW/498**

<b><u>Applicant</u></b>	MapletreeLog PF (HKSAR) Ltd. represented by Knight Frank Petty Limited
<b><u>Premises</u></b>	1/F (portion) and 3/F, Asia Tone i-Centre, 1 Wang Wo Tsai Street, Tsuen Wan
<b><u>Total Floor Area of Premises</u></b>	4,439m <sup>2</sup> (About)
<b><u>Lease</u></b>	<u>Tsuen Wan Town Lot (TWTL) 363</u> (a) Held under New Grant No. 6927 (b) To expire on 30.6.2047 (c) Restricted to industrial or godown purposes or both excluding offensive trades
<b><u>Plan</u></b>	Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33
<b><u>Zoning</u></b>	“Comprehensive Development Area (3)” (“CDA(3)”)  [restricted to a total 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 or the height of the existing building, whichever is the greater.]
<b><u>Application</u></b>	Renewal of Planning Approval for Temporary Information Technology and Telecommunications Industries (Data Centre) for a period of 3 years

**1. The Proposal**

- 1.1. The applicant seeks planning permission to continue to use the application premises (the Premises) on the 1/F (portion) and 3/F, Asia Tone i-Centre, 1 Wang Wo Tsai Street, Tsuen Wan (the subject building) for temporary information technology and telecommunication industries (ITTI) (data centre) for a period of 3 years (**Plans A-1 and A-2**). According to the Notes of the OZP, a data centre which is considered to be an ‘Information Technology and Telecommunications Industries’ use in the “CDA(3)” zone requires planning permission from the Town Planning Board (the Board).
- 1.2. The Premises has a total floor area of about 4,439m<sup>2</sup>. The existing data centre accommodates various high-tech and computer services with installation of 24-hour

network servers, ancillary computer equipment and emergency power supplies. There is no change to PR and BH of the subject building for continuance of the data centre at the Premises. The layout plan of the Premises is shown on **Drawing A-1**.

1.3. The Premises is the subject of three approved planning applications (Nos. A/TW/424, A/TW/456 and A/TW/472) for the same temporary use. On 17.7.2015, the latest Application No. A/TW/472 for temporary ITTI (data centre) for a period of 3 years was approved with conditions by the Metro Planning Committee (the Committee) with a validity period up to 17.7.2018. There is no change in the development scheme compared with the latest previous permission.

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

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|--|----------------------|
| (a) Application form received on 2.5.2018  | <b>(Appendix I)</b>  |
| (b) Supplementary Planning Statement (SPS) | <b>(Appendix Ia)</b> |

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

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

- (a) The development parameters of the subject building for continuing the existing data centre use at the Premises will remain unchanged. There is no material change in planning circumstances since the previous temporary approval granted in 2015 such as land use zoning, planning policy and the land uses in the vicinity.
- (b) All approval conditions of the previous planning application have been complied with.
- (c) Data Centre Facilitation Unit was set up by the Government to support the development of data centre, especially in industrial buildings, in order to facilitate the growing digital economy. The Premises is located in an industrial building and the existing data centre is in line with Government Policy and optimizes the use of the industrial building.
- (d) The proposed approval period of 3 years shall not compromise the planning intention of the “CDA(3)” zone. Although the subject building is the subject of another approved planning application for comprehensive residential development, it is still at planning stage and would take time to materialise. The proposed temporary use will utilise the Premises.
- (e) With the robust growth in cloud computing, artificial intelligence and big data analytics, Hong Kong has been strong demand for data centres. The continuance of the existing data centre use at the Premises supports the digital growth in Hong Kong.
- (f) The data centre at the Premises is compatible with data centres at other premises of the subject building and the surrounding industrial/godown developments.
- (g) Data centre use is non-polluting in nature. It will not result in any adverse environmental impacts to its surrounding.

- (h) Given the back-of-the-house nature of the operation, no additional traffic pressure will be created. Besides, data centre will not generate significant traffic demand on local traffic as well as parking and loading/unloading spaces of the subject building.
- (i) Planning permissions have been granted for ITTI (data centre) use at 2/F as well as the Premises of the subject building. The existing data centre use at the Premises is supported by precedent cases.

### **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**

On 17.9.2010, the Board endorsed in-principle the findings and recommendations of the Area Assessments 2009 of Industrial Land in the Territory (the Area Assessments 2009) (TPB Paper No. 8630) undertaken by the Planning Department. The Area Assessments 2009 recommended rezoning the northern part of Tsuen Wan East Industrial Area (TWEIA) mainly to “CDA” to facilitate comprehensive residential development with commercial facilities and open space provision. Subsequently, the draft Tsuen Wan OZP No. S/TW/27 incorporating the amendments to rezone the northern part of TWEIA from “Industrial” (“I”) to “CDA(2)”, “CDA(3)”, “CDA(4)”, “CDA(5)”, “CDA(6)”, “Commercial (5)” (“C(5)”), “Open Space” and areas shown as ‘Road’ was exhibited for public inspection on 24.12.2010. The subject building falls within an area zoned “CDA(3)” on the draft OZP. On 4.10.2011, the Chief Executive in Council approved the draft Tsuen Wan OZP. The approved Tsuen Wan OZP No. S/TW/28 was gazetted on 14.10.2011.

### **5. Town Planning Board Guidelines**

5.1. Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) is relevant. The relevant assessment criteria are extracted as follows:

- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;

(d) whether the approval period sought is reasonable; and

(e) any other relevant considerations.

5.2. Paragraph 4.2 of the TPB-PG No. 34B also specifies that under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

## **6. Previous Application**

The Premises is the subject of three previous applications (No. A/TW/424, A/TW/456 and A/TW/472) submitted by the same applicant for the same use which was approved on a temporary basis for 3 years with conditions by the Committee on 17.6.2011, 9.5.2014 and 17.7.2015 respectively (**Plan A-1**). The approval conditions of Application No. A/TW/472 had been compiled with and the planning permission will lapse on 17.7.2018. Details of these applications are summarized at **Appendix II**.

## **7. Similar Applications**

There are three similar applications for the ITTI use in the subject building (No. A/TW/454, A/TW/465 and A/TW/493) and a similar application (No. A/TW/496) in an existing building in 145-159 Yeung Uk Road. Application No. A/TW/454 for ITTI (data centre) use on the 2/F was approved with conditions by the Committee on 21.3.2014 for a period of 3 years up to 21.3.2017 on the grounds that ITTI use was considered compatible with other uses within the subject building as well as the surrounding developments; and would generally induce less environmental and traffic impact as compared with other industrial uses. However, this applicant failed to comply with the approval condition on fire service installations by the date specified on the approval letter. The planning permission was revoked on 21.9.2014. Application No. A/TW/465 for same ITTI (data centre) use at the same premises was approved with conditions by the Committee on 16.1.2015 for a period of 3 years up to 16.1.2018 on the similar grounds. Application No. A/TW/493 is the renewal of Application No. A/TW/465 and was approved with conditions by the Committee on 12.1.2018 for a period of 3 years up to 16.1.2021. Application No. A/TW/496 for proposed temporary ITTI (data centre) and ancillary office for a period of 3 years in an existing building located in 145-159 Yeung Uk Road which is zoned "CDA(5)" was approved with conditions by the Committee on 4.5.2018 for a period of 3 years up to 4.5.2021. 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 to A-3, and photos on Plans A-4 to A-6)

8.1. The Premises:

- (a) is located on the 1/F (portion) and 3/F of a 7-storey godown building, namely Asia Tone i-Centre;
- (b) is accessible via the main access of the subject building at Luen Yan Street; and
- (c) is currently used as ITTI (data centre) use.

8.2. According to the site inspection conducted on 25.5.2018, the major uses of the subject building by floor are summarized below:

Level	Current Uses
G/F	Carpark, Loading / Unloading area, Security office
1/F	<b>Data centre (the Premises)</b>
2/F	Data centre, Ancillary Office <sup>#</sup>
3/F	<b>Data centre (the Premises)</b>
4/F	Data centre*
5/F	Data centre*
6/F	Data centre, Ancillary Office*

\* Use in existence and always permitted when the subject site was zoned "I". The subject site was rezoned from "I" to "CDA(3)" in 2010.

# An application for ITTI (data centre) use and ancillary office on 2/F was approved with conditions by the Committee on 12.1.2018 (Application No. A/TW/493).

8.3. The surrounding areas have the following characteristics:

- (a) situated at the western fringe of the TWEIA which is an established industrial area with buildings mostly designed for industrial uses;
- (b) to the immediate north is a commercial building namely Fortune Commercial Building under the "Commercial (5)" zone;
- (c) to the west across Luen Yan Street is a residential development namely Po Shek Mansion and the major commercial/residential area of the Tsuen Wan town centre;
- (d) to the southwest across Kwu Hang Road is the Luen Yan Street Cooked Food Hawker Bazaar;
- (e) to the immediate east within the same "CDA(3)" zone are three industrial buildings, namely Edward Wong Industrial Centre, Wong's Factory Building and Bonsun

Industrial Building<sup>1</sup>; and

- (f) to the south across Wang Wo Tsai Street is a cluster of industrial buildings under “CDA(5)” zone.

## **9. Planning Intention**

The “CDA(3)” zone 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. 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) The Premises falls within TWTL 363. TWTL 363 is governed by New Grant No. 6927 with a term expiring on 30.6.2047. The Lot is restricted to industrial or godown purposes or both excluding offensive trades. The current owner of the Premises is “MapletreeLog PF (HKSAR) Ltd.”.
- (b) Two temporary waivers, one dated 22.3.2013 for a term of 3 years commencing on 16.3.2012 and thereafter annually having an area of 4,284 m<sup>2</sup> (i.e. 1,762m<sup>2</sup> and 2,522m<sup>2</sup> for 1/F (Portion) and 3/F respectively), and another one dated 9.5.2017 for a term of three years commencing on 17.7.2015 and thereafter quarterly having an area of 65.911m<sup>2</sup> have been granted to permit the use of most of the Premises for the purposes of information technology and telecommunications industries.
- (c) It is noted that the proposed GFA under the captioned application of 4,439m<sup>2</sup> (i.e. 1,877m<sup>2</sup> for 1/F (portion) and 2,562m<sup>2</sup> for 3/F respectively) is larger than the permitted area of the total existing waivers of 4,349.911m<sup>2</sup>. The proposed extra area on 1/F (Portion) with an area of about 49.089m<sup>2</sup> and 3/F with an area of about 40m<sup>2</sup> would be in breach of the user restriction under lease. If planning approval is given, the owner will need to apply to the Lands Department for a fresh waiver for the

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<sup>1</sup> An application (No. A/TW/452) for a proposed comprehensive residential development at the “CDA(3)” zone with the redevelopment of Edward Wong Industrial Centre being as Phase 1 and the remaining buildings (including the subject building) as Phase 2 was approved with conditions by the Committee on 16.1.2015.

above proposal. He would advise that the proposal will only be considered upon his receipt of formal application from the applicant. He should also advise that there is no guarantee that the application, if received by Lands Department, will be approved and he reserves his comment on such. The application will be considered by Lands Department 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):

- (a) He has no objection to the application.
- (b) 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.
- (c) Adequate fire separation should be provided between the Premises and the remaining portion of the subject building.
- (d) Any proposed building works should comply with the prevailing requirements under the BO and allied regulations and Code of Practices. Particular attention is drawn to the adequate provisions of means of escape such as no excessive travel distance for the remaining portion on 1/F not under the application to comply with the Code of Practice for Fire Safety in Buildings 2011.
- (e) Detailed checking will be made at plan submission stage.

### **Fire Safety**

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

- (a) He has no in-principle objection to the application subject to the fire service installations and water supplies for firefighting provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
- (b) The applicant has not submitted any fire service installations proposal in respect of this application to his office.

#### 10.1.4. The following Government departments have no comment on/objection to the

application:

- (a) Chief Traffic Engineer/New Territories East, Transport Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Mainland South, Drainage Services Department;
- (d) Chief Highway Engineer/New Territories West, Highways Department;
- (e) Commissioner of Police;
- (f) Director of Environmental Protection; and
- (g) District Officer (Tsuen Wan)

## **11. Public Comments Received During Statutory Publication Period**

On 11.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 1.6.2018, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1. The application seeks renewal of the planning approval for temporary ITTI (data centre) for a period of 3 years at the Premises. Compared with the latest approved application, the current application has no major change in the development scheme. The existing temporary ITTI (data centre) use was first approved on 17.6.2011. The latest approval under Application No. A/TW/472 is valid until 17.7.2018.
- 12.2. The Premises falls within an area zoned “CDA(3)” 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. The subject building is also part of another approved scheme (No. A/TW/452) for a proposed comprehensive residential development. However, the approved comprehensive redevelopment at the “CDA(3)” zone will take time to materialise. There is no objection to utilize existing industrial premises for other compatible uses in the interim.
- 12.3. The existing temporary ITTI (data centre) is located in a purpose-built godown building and has been in operation since 2011. The 2/F of the subject building are now used for ITTI (data centre) use with valid planning approval whilst the 4/F to 6/F of the subject building have been converted for ITTI purpose which was always permitted at the time when the subject building fell within an area zoned “I” before rezoning to “CDA(3)” in 2010. In term of land use, the existing temporary ITTI (data centre) use is considered compatible with other uses within the subject building as well as the surrounding developments. The current application basically seeks renewal of the previously approved use at the Premises.
- 12.4. On the technical aspects, all Government departments consulted, including DEP, C for T, CE/C, WSD and CE/MS, DSD have no objection to/no comment on the application from environmental, traffic and infrastructural provision perspectives.
- 12.5. The application also complies with the relevant assessment criteria on the TPB PG-No.

34B in that there has been no material change in planning circumstances since the previous approval granted and no adverse planning implication arising from the renewal. All approval conditions for the previous application No. A/TW/472 had been compiled with. The proposed renewal of further 3 years is also considered reasonable as it can facilitate continuity in the operation of existing ITTI (data centre) use while not affecting the implementation of the “CDA(3)” zone.

12.6. There is no public comment received on the application.

### **13. Planning Department's Views**

13.1. Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, 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 further period of three years from 18.7.2018 to 17.7.2021. 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 in the application premises within **6** months from the date of commencement of the renewal approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.1.2019;
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

#### Advisory clauses

The recommended advisory clause is attached at **Appendix III**.

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 permission for renewal of the planning permission.

14.2. Should the Committee decide to approve the application, Members are invited to consider the approval condition(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

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**

<b>Appendix I</b>	Application form received on 2.5.2018
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawings A-1 to A-2</b>	Layout Plan
<b>Plan A-1</b>	Location plan
<b>Plans A-2 and A3</b>	Site plan
<b>Plans A-3 to A-6</b>	Photos of the Premises

**PLANNING DEPARTMENT  
JUNE 2018**