

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

APPLICATION NO. A/TW/520

<u>Applicant</u>	MapletreeLog PF (HKSAR) Ltd. represented by Knight Frank Petty Limited
<u>Premises</u>	2/F, Asia Tone i-Centre, 1 Wang Wo Tsai Street, Tsuen Wan
<u>Total Floor Area of Premises</u>	2,522m ² (About)
<u>Lease</u>	<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 only excluding offensive trades
<u>Plan</u>	Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/33
<u>Zoning</u>	“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.]
<u>Application</u>	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 2/F, 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 2,522m². 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 (No. A/TW/454, No. A/TW/465 and A/TW/493) submitted by the applicant for the same temporary ITTI (data centre) use. The latest application (No. A/TW/493) was the renewal of Application No. A/TW/465 and was approved with conditions by the Metro Planning Committee (the Committee) on 12.1.2018 for a period of 3 years up to 16.1.2021. 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:

- (a) Application form received on 13.11.2020 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) **(Appendix Ia)**
- (c) Further Information (FI) received on 24.12.2020 (FI1) **(Appendix Ib)**
responding to departmental comments and enclosing relevant
clarification and supplementary documents*

Remarks:

** accepted and exempted from publication and recounting requirement*

2. Justifications from the Applicant

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

- (a) The development parameters of the subject building for continuance of the existing data centre use at the Premises will remain unchanged (**Drawings A-2a to A-2f**). There is no material change in planning circumstances since the previous temporary approval granted in 2018 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) Although the subject building is also the subject of approved planning application (No. A/TW/452) and another one (No. A/TW/515) under processing for comprehensive residential development within the same “CDA(3)”, all cases are still at planning stage and would take time to materialise. The temporary nature of the proposed ITTI (data centre) use would not jeopardize the long term planning intention of the “CDA(3)” zone for residential use.
- (d) The proposed development is compatible with other data centres within the subject building and the surrounding industrial/godown developments.
- (e) Data Centre Facilitation Unit was set up by the Government to support the development of data centre in order to facilitate the growing digital economy. The Premises is located in an industrial building (IB) and the existing data centre is in line with Government Policy and optimizes the use of the IB.
- (f) With the increasing reliance on information and computer technology and the growth in cloud computing, demand for data centres services remains strong. The continuance of the existing data centre use at the Premises would persist in supporting information and

communication technology industry in Hong Kong.

- (g) The proposed development has been operating since 2015. According to TPB PG-NO. 34C for renewal of planning approval, a streamlined approach (i.e. no need to undertake new technical assessments to support the s.16 application) could be adopted provided that there involves no material change in planning circumstances, no adverse planning implication and no non-compliance planning condition;
- (h) The proposed development is supported by precedent cases as planning permissions have been granted for ITTI (data centre) use at the Premises, other premises of the subject building and IBs within the surrounding “CDA” zones.
- (i) Given the nature of the operation, no adverse environmental, traffic, water and waste impacts are envisaged. With minimal maintenance staff required at the Premises, no additional traffic pressure will be created.

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. Town Planning Board Guidelines

- 4.1. 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. 34C) 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.
- 4.2. Paragraph 4.2 of the TPB-PG No. 34C 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.

5. **Previous Application**

The Premises is the subject of three previous applications (No. A/TW/454, A/TW/465 and A/TW/493) submitted by the same applicant for the same ITTI (data centre) use which were approved on a temporary basis for 3 years with conditions by the Committee on 21.3.2014, 16.1.2015 and 12.1.2018 respectively (**Plan A-1**). As the applicant of Application No. A/TW/454 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. Upon Application No. A/TW/465 approved by the Committee on 16.1.2015, the ITTI (data centre) was in operation since then. The approval conditions of Application Nos. A/TW/465 and A/TW/493 had been complied with and the planning permission will remain valid until 16.1.2021. Details of these applications are summarized at **Appendix II**.

6. **Similar Applications**

There are four similar applications for the ITTI use in the subject building (No. A/TW/424, A/TW/456, A/TW/472 and A/TW/498). Application No. A/TW/424 for ITTI (data centre) use on the 1/F (portion) and 3/F was approved with conditions by the Committee on 17.6.2011 for a period of 3 years up to 17.6.2014 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. Application No. A/TW/456 was the renewal of Application No. A/TW/424 and was approved with conditions by the Committee on 9.5.2014 for a period of 3 years up to 17.6.2017 on the similar grounds. Application No. A/TW/472 for same ITTI use with ancillary office at the same premises was approved with conditions by the Committee on 17.7.2015 for a period of 3 years up to 17.7.2018. Application No. A/TW/498 is the renewal of Application No. A/TW/472 and was approved with conditions by the Committee on 15.6.2018 for a period of 3 years up to 17.7.2021. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

7. **The Premises and Its Surrounding Areas** (Plans A-1 and A-2, photos on Plans A-3 and A-4, and photos on Drawings A-2a to A-2f¹)

7.1. The Premises:

- (a) is located on the 2/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.

7.2. According to information available in the office[#], the major uses of the subject building by

¹ **Drawings A-2a to A-2f** showing the existing condition of the Premises are provided by the applicant (**Appendix Ib**).

floor are summarized below:

Level	Current Uses
G/F	Carpark, Loading / Unloading area, Security office
1/F	Data centre, Ancillary Office [#]
2/F	Data centre (the Premises)
3/F	Data centre [#]
4/F-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 1/F (portion) and 3/F was approved with conditions by the Committee on 15.6.2018 (Application No. A/TW/498).

7.3. 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 east within the same “CDA(3)” zone are three industrial buildings, namely Edward Wong Industrial Centre, Wong’s Factory Building and Bonsun Industrial Building²;
- (c) to the south across Wang Wo Tsai Street is a cluster of IBs under “CDA(5)” zone.
- (d) to the southwest across Kwu Hang Road is a piece of vacant Government land;
- (e) 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; and
- (f) to the immediate north is a commercial building namely Fortune Commercial Building under the “Commercial (5)” zone.

² The “CDA(3)” zone is the subject of various planning applications for comprehensive residential developments including: (1) Application No. A/TW/452 for a proposed comprehensive residential development at the “CDA(3)” zone was approved by the Committee on 16.1.2015; (2) Application No. A/TW/519 for amendments to the approved scheme with changes in layout and increase of flat number without an increase of PR and BH was rejected by the Committee on 18.12.2020, mainly on grounds that the applicant failed to demonstrate that the proposed amendments to the approved master layout plan (MLP) would not adversely affect the design merits of the approved MLP. There was insufficient planning and design merits to support the proposed amendments to the approved MLP; and (3) Application No. A/TW/515 for amendments to the approved scheme with an increase in PR from not more than 5 to not more than 6 (+1 of 20%), BH from 100mPD to 113.5mPD (+13.5mPD or +13.5%) and number of flats at the neighbouring Edward Wong Industrial Centre within the same “CDA(3)” zone only (while the maximum PR and BH of the remaining sites remain unchanged) was deferred by the Committee on 6.11.2020, at the request of the applicant for preparation of further information.

8. 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.

9. Comments from Relevant Government Departments

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

Land Administration

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

- (a) He has no comment on the application;
- (b) The Premises falls within TWTL 363. TWTL 363 is governed by New Grant No. 6927 with a term expiring on 30.6.2047 restricted to industrial or godown purposes or both excluding offensive trades; and
- (c) A temporary waiver dated 2.10.2015 (“Temporary Waiver”) has been granted to permit the use of the Premises having an area of 2,522m² for the purposes of information technology and telecommunications industries. The Temporary Waiver is currently on quarterly basis.

Building Matters

9.1.2. 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) 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 requirement for people using one required staircase should be able to gain access to at least one other required staircase at any time, without having to pass through other

person's private premises. Cl. B8.2 of the Code of Practice for Fire Safety in Buildings 2011 refers.

- (d) Detailed checking will be made at plan submission stage.

Fire Safety

9.1.3. 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 submission of Fire Service Installations proposal (**Appendix Ib**) is considered acceptable. However, the documents of Fire Service Installations and Equipment (FS 251) for fire hydrant/hose reel system for the purpose of implementation of fire safety measures are still outstanding.

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

- (a) Commissioner for Transport (C for T);
- (b) Director of Environmental Protection (DEP);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MN, DSD);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (f) Commissioner of Police (C of P); and
- (g) District Officer (Tsuen Wan)

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, no public comment has been received during the period for public inspection.

11. Planning Considerations and Assessments

11.1. The application seeks renewal of the planning approval for temporary ITTI (data centre) for a period of 3 years. Compared with the latest approved application (Application No. A/TW/493), the current application has no major change in the development scheme. The existing temporary ITTI (data centre) use was first approved on 21.3.2014 and has been in operation since 2015. The latest approval under Application No. A/TW/493 is valid until 16.1.2021.

11.2. 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 forms part of an approved scheme³ for a proposed comprehensive residential development. However, the approved scheme at the “CDA(3)” zone will take time to materialise. There is no objection to utilize the existing industrial premises for other compatible uses in the interim. The proposed ITTI (data centre) for a temporary period of 3 years will not jeopardize the long term planning intention of the “CDA(3)” zone.

- 11.3. The existing temporary ITTI (data centre) is located in a purpose-built godown building and has been operation since 2015. The 1/F (portion) and 3/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 terms 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. Approval of the current application is in line with the Committee’s previous decisions.
- 11.4. On the technical aspects, all Government departments consulted, including C for T, DEP, CE/C, WSD, CE/MS, DSD, CHE/NTW, HyD, C of P, CBS/NTW, BD and D of FS have no objection to/no comment on the application from traffic, environmental, infrastructural provision and fire services perspectives.
- 11.5. The application also complies with the relevant assessment criteria on the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use for Development (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/493 had been complied 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.
- 11.6. There is no public comment on the application.

12. Planning Department’s Views

- 12.1. 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.

³ The subject building is subject to part of an approved planning application (No. A/TW/452) submitted by another applicant for a proposed comprehensive residential development at the “CDA(3)” zone which was approved by the Committee on 16.1.2015. On 13.12.2018, an application for extension of time (EOT) for commencement of development was approved and the validity of the planning permission had been extended to 16.1.2023. The subject building is included in Phase 2 on the approved MLP with unknown implementation programme.

12.2. 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, and be renewed from 17.1.2021 until 16.1.2024. 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 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 8.7.2021;
- (b) if the above planning condition 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 clauses are attached at **Appendix III**.

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

13. Decision Sought

13.1. The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.

13.2. 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.

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.

15. Attachments

Appendix I	Application form received on 13.11.2020
Appendix Ia	SPS
Appendix Ib	FI1 vide letter received on 24.12.2020
Appendix II	Previous and similar applications
Appendix III	Recommended advisory clauses
Drawing A-1	Layout Plan
Drawing A-2a to A-2f	Photos of the Premises
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 to A-4	Site Photo