

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/KC/473**

<b><u>Applicant</u></b>	:	EDJ II (HK) Limited represented by Ove Arup & Partners Hong Kong Limited
<b><u>Site</u></b>	:	2-10 Tai Yuen Street, Kwai Chung
<b><u>Site Area</u></b>	:	About 1,865m <sup>2</sup>
<b><u>Lease</u></b>	:	Kwai Chung Town Lot No. 161 (a) held under New Grant No. 4820 dated 18.9.1970 (b) restricted to general industrial and/or godown purposes excluding offensive trade (c) no restriction on gross floor area (GFA), site coverage (SC) or building height (BH) nor building setback requirement
<b><u>Plan</u></b>	:	Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
<b><u>Zoning</u></b>	:	“Other Specified Uses” annotated “Business” (“OU(B)”) (a) maximum plot ratio (PR) of 9.5 or the PR of the existing building, whichever is the greater (b) maximum BH of 130 metres above Principal Datum (mPD), or the height of the existing building, whichever is the greater
<b><u>Application</u></b>	:	Proposed Minor Relaxation of PR Restriction for Permitted Information Technology and Telecommunications Industries (Data Centre Development)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.75 (i.e. the PR of the existing building) to 11.7 (+20%) for a proposed development at 2-10 Tai Yuen Street (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 Site is occupied by a 12-storey industrial building (IB) constructed before 1987 (pre-1987 IB)<sup>[1]</sup>, namely Milo’s Industrial Building, which is currently under demolition. The proposal is to redevelop the existing IB into a 22-storey

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<sup>[1]</sup> The Occupation Permit (OP) for the subject IB was issued on 26.4.1972.

(including two basement levels) Tier III or IV <sup>[2]</sup> data centre. 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 a Column 1 use, which is always permitted. Minor relaxation of the PR restriction may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance).

- 1.2 The Site is located at the junction of Kwok Shui Road and Tai Yuen Street (**Plan A-2**). According to the applicant, the proposed development will incorporate a 2m voluntary full-height building setback from the lot boundary abutting Kwok Shui Road and Tai Yuen Street with featured paving, which will be open for public use on a 24-hour basis (**Drawing A-3** and **Drawing A-11**). With the proposed setbacks, the pedestrian footpaths along Kwok Shui Road and Tai Yuen Street will be widened to no less than about 3.7m and about 5.1m respectively. The entrance lobby with glass canopy and the vehicular access will be located at Tai Yuen Street (**Drawing A-3**). The loading/unloading area will be located on G/F and B1/F, with the carparks on B1/F and B2/F (**Drawings A-1** to **A-3** and **A-9**). According to the applicant, bollards will be proposed on footpath along the site frontage as traffic measures to cope with potential illegal parking (**Drawing A-17**).
- 1.3 Landscape treatments including groundcovers, shrubs and tree along the building facade, vertical greening on the facades of G/F to 2/F fronting Tai Yuen Street, as well as the rooftop greening on 1/F, 2/F and R/F, are proposed (**Drawings A-10** to **A-12** and **A-14**). The green roofs on 1/F and 2/F facing Tai Yuen Street will be accessible during office hours for the use of tenants and visitors. The proposed development will achieve about 20.3% (about 379.98m<sup>2</sup>) of greenery coverage (**Drawing A-13**). According to the applicant, the proposed systematic plant box system of vertical greening will be connected to an irrigation pipe with direct water feed, which will be controlled by auto-timer (**Drawing A-15**).
- 1.4 Floor plans, schematic section, landscape plans and photomontages submitted by the applicant are shown at **Drawings A-1** to **A-17**. Major development parameters of the proposed development are summarised as follows:

Major Development Parameters	Proposed Development
Site Area <sup>1</sup>	About 1,865m <sup>2</sup>
Maximum PR <sup>2&amp;3</sup>	Not more than 11.7
Non-domestic GFA	About 21,820.5m <sup>2</sup>
SC	Up to 15m: not more than 90% Above 15m: not more than 62.5%
No. of Storeys	22 (including two basement levels)
Maximum BH (at main roof level)	About 129.5mPD

<sup>[2]</sup> Data centres are classified into four tiers according to serviceability levels and building requirements. High-tier data centres encompass those classified as Tier III and IV.

Major Development Parameters	Proposed Development
Proposed Uses	Information Technology and Telecommunication Industries (Data Centre Development)
Typical Floor-to-Floor Height	G/F : 6.65m 1/F to 19/F: 5.5m
Parking Spaces <ul style="list-style-type: none"> <li>Private Car</li> <li>Motorcycle</li> <li>Light Goods Vehicle</li> <li>Heavy Goods Vehicle</li> </ul>	37 (including one accessible parking space) <p style="text-align: right;">4</p> <p style="text-align: right;">2</p> <p style="text-align: right;">2</p>
Loading/Unloading Bays <ul style="list-style-type: none"> <li>Light Goods Vehicle</li> <li>Heavy Goods Vehicle</li> </ul>	2 <p style="text-align: right;">1</p>
Voluntary Building Setbacks	2m full-height from lot boundary along Tai Yuen Street and Kwok Shui Road
Greenery Provision	About 379.98m <sup>2</sup> (20.3%)
Anticipated Year of Completion	2024

Note :

1. The site area includes the area dedicated for the 2m voluntary full-height building setbacks.
2. The applicant does not intend to claim the bonus PR under the Building (Planning) Regulations (B(P)R) 22(2) for dedication of land/area for the purpose of building setbacks.
3. The proposed increase of PR to 11.7 will be 20% if the calculation is based on the PR of the existing building (i.e. 9.75). The proposed increase will be about 23.2% if the calculation is based on the maximum PR of 9.5 specified under the OZP.

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

- (a) Application form received on 7.1.2021 **(Appendix I)**
- (b) Supporting Planning Statement with Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) and architectural drawings received on 7.1.2021 **(Appendix Ia)**
- (c) Further Information (FI) received on 18.2.2021 providing responses to departmental comments<sup>#</sup> **(Appendix Ib)**
- (d) FI received on 26.2.2021 and 3.3.2021 providing revised TIA and responses to departmental/public comments<sup>\*</sup> **(Appendix Ic)**
- (e) FI received on 1.4.2021 providing responses to departmental comments<sup>#</sup> **(Appendix Id)**
- (f) FI received on 20.4.2021 providing responses to departmental comments and revised TIA<sup>\*</sup> **(Appendix Ie)**
- (g) FI received on 27.5.2021, 31.5.2021 and 3.6.2021 providing responses to departmental/public comments and technical clarifications<sup>#</sup> **(Appendix If)**

Remarks:

<sup>\*</sup> accepted but not exempted from publication and recounting requirement

<sup>#</sup> accepted and exempted from publication and recounting requirement

- 1.6 The application was originally scheduled for consideration on 26.2.2021. At the request of the applicant, the Metro Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each on 26.2.2021 and 16.4.2021 respectively in order to allow sufficient time for preparation of FI to address departmental comments. Subsequent to the submission of FI by the applicant on 20.4.2021, the application is now 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 set out in the Supporting Planning Statement and FIs at **Appendices Ia to If** which are summarised as follows:

### Echoing with the Government's Intention to Encourage Redevelopment of IBs

- (a) The proposed development echoes with the intention of the 2018 Policy Address to redevelop pre-1987 IBs and can provide more floor space to meet the changing social and economic needs, and optimise the use of valuable land resources.

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

- (b) Under the 2020 Policy Address, the Government would develop Hong Kong into an international Innovation and Technology (I&T) hub and encourage the development of high-tier data centres on industrial lots. Since data centres are considered the critical technology infrastructure for sustaining I&T development, the proposed development can optimise the use of land resources which is a proactive response to the Government's policy direction. The proposal would optimise the efficiency of all floor areas to accommodate the additional PR without exceeding the BH restriction on the OZP. It can ensure the compatibility with the surrounding BH profile and harmonious townscape in future development of the Site.

### Realising the Planning Intention of "OU(B)" Zone

- (c) The proposed data centre as the 'Information Technology and Telecommunications Industries' is a Column 1 use within the "OU(B)" zone and is generally in line with the planning intention of the "OU(B)" zone, which is planned primarily for general business uses.

### Planning and Design Merits

- (d) The 2m voluntary full-height building setback from the lot boundary abutting Kwok Shui Road and Tai Yuen Street will be provided for widening pedestrian footpaths to no less than about 3.7m and about 5.1m respectively, which are intended to enhance pedestrian circulation and safety. A glass canopy above the main entrance at Tai Yuen Street will be provided to offer protection from weather

and improve pedestrian comfort. Various landscape treatments are proposed, including groundcovers, shrubs and tree for creating a more pleasant public realm; and rooftop greening on 1/F, 2/F and R/F for softening the building bulk and improving the environment of the immediate surroundings. Besides, vertical greening is proposed on the facades of G/F to 2/F fronting Tai Yuen Street for enhancing the walking environment and enriching the streetscape. The proposed systematic plant box system of vertical greening will be connected to an irrigation pipe with direct water feed, which will be controlled by auto-timer. The applicant would further explore the feasibility of using recycled water for the vertical greening irrigation system in the detailed design stage.

- (e) The open-sided areas of some mechanical floors will allow maximised natural ventilation and reduce the use of mechanical ventilation. Window/louver openings will be minimised on facade to maintain better thermal/humidity control within the building; and light colour materials will be adopted to reduce building heat gain and enhance energy efficiency.

#### Public Health and Safety Considerations

- (f) It is not anticipated that the proposed development would create any public health and safety concerns. The China Light & Power (CLP) power supply equipment will be provided in full compliance with international guidelines. Data centres are used to store servers and hard drives, with data being transmitted via fiber-optic cables and transferred at the facility via Ethernet. In general, no radiation would be produced in the data transfer process. Hence, no adverse radioactive impact to the surroundings is anticipated.
- (g) As the existing IB may potentially contain asbestos containing materials, asbestos investigation prior to the demolition of the existing building structure has been conducted, and all asbestos containing materials will be removed by a registered contractor before the demolition works to ensure that no adverse environmental impacts due to building demolition will be generated.
- (h) Most of the fixed machineries will be fully enclosed within concrete building structure or plant room, and adverse noise impact to the surroundings due to the operation of the machines is not anticipated. Noise control measure with reference to Environmental Protection Department (EPD)'s Good Practices on Ventilation System Noise Control will be adequately provided to ensure that no adverse noise impact will be caused by the cooling towers on the roof to the surroundings.

#### Sustainable Building Design Guidelines (SBDG) and Green Building Design

- (i) The building setback requirement has been complied with the SBDG that no part of the proposed development up to a level of 15m above the street level is within 7.5m from the centreline of Kwok Shui Road and Tai Yuen Street. The proposed development has also achieved about overall 20.3% of greenery.

- (j) Green building design has been proposed including: (i) green roofs on 1/F, 2/F and R/F, multiple vertical greening, light colour materials on flat roof and outdoor equipment and open-sided areas of some mechanical floors to reduce solar heat gain/cooling load, electricity consumption and greenhouse emission; (ii) building services installations would be designed/installed/maintained up to the design standard in accordance with the Building Energy Code to promote energy efficiency; and (iii) BEAM Plus and Leadership in Energy and Environmental Design (LEED) certification would be adopted and the rating will be determined at detailed design stage.

#### No Adverse Impacts from Technical Perspectives

- (k) Technical assessments including TIA and SIA etc. have been conducted to demonstrate that the proposed development is technically feasible and would generate no adverse impacts on the surroundings on traffic, sewerage and other aspects. Regarding the concern on the fixed noise from cooling towers, mitigation measures including the installation of low noise model and silencers, will be adopted to minimise potential noise disturbance.

#### Desirable Precedent for Providing the Critical Technology Infrastructure to Support I&T Development

- (l) The proposed development would set a desirable precedent in encouraging the ongoing transformation along Kwok Shui Road and Tai Yuen Street as a well-designed high-tier data centre development, which can provide the critical technology infrastructure in support of I&T development of Hong Kong.

### **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 pre-1987 IBs<sup>[3]</sup>, 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”

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<sup>[3]</sup> 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.

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)<sup>[4]</sup>. 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.

## 5. Previous Application

There is no previous application at the Site.

## 6. Similar Applications

- 6.1 Since March 2019, the Committee has considered a total of 22 applications for minor relaxation of PR and/or BH in Yau Tsim Mong, Cheung Sha Wan, Kwai Chung and Tsuen Wan areas relating to the Policy, including six applications (No. A/KC/460, A/KC/463, A/KC/464, A/KC/466, A/KC/469 and A/KC/471) in Kwai Chung (**Plan A-1**). Out of the 22 similar applications, 21 applications were approved with conditions. The remaining one (No. A/K5/829) for minor relaxation of PR restriction for proposed industrial development was submitted to the Committee for consideration on 30.4.2021. The Committee decided to defer a decision on the application (**Appendix II**). 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.
- 6.2 Same as the current application, planning applications No. A/KC/460, A/KC/463, A/KC/464, A/KC/466, A/KC/469 and A/KC/471 are related to the 2018 Policy Initiatives of Revitalisation of IBs, which fall within the areas zoned “OU(B)” on the Kwai Chung OZP and were approved with conditions on 5.7.2019, 17.3.2020, 29.11.2019, 29.5.2020, 6.11.2020 and 14.5.2021 respectively (**Plan A-1**). Among these approved applications, Application No. A/KC/466 for a proposed data centre development involved minor relaxation of both the PR restriction from 9.5 to 11.4 (+20%) and BH restriction from 130mPD to 146.5mPD (+12.7%); and Application No. A/KC/471 for the permitted non-polluting industrial use involved minor

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<sup>[4]</sup> 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.

relaxation of both the PR restriction from 11.75 of the existing building to 14.1 (+20%) and BH restriction from 105mPD to 121.2mPD (+15.4%).

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

**7.1 The Site:**

- (a) is occupied by Milo's Industrial Building, a 12-storey IB with Phase I completed in 1972 and Phase II completed in 1976. The building is currently under demolition (**Plans A-3 and A-4**);
- (b) is located at the junction of Kwok Shui Road and Tai Yuen Street, and is predominantly surrounded by a mix of industrial, I-O and commercial developments in the area; and
- (c) is accessible from MTR Kwai Hing Station (about 770m) and MTR Tai Wo Hau Station (about 900m). It is reasonably served by various modes of public transport (**Plan A-5**).

**7.2 The surrounding areas have the following characteristics (**Plans A-1 to A-4**):**

- (a) the neighbouring buildings along Tai Yuen Street to the north and Kwok Shui Road/Lei Muk Road to the southeast/east are mainly industrial or I-O buildings within the same "OU(B)" zone as part of the larger Castle Peak Road/Wo Yi Hop Road Industrial/Business Area. To the further southeast across Lei Muk Road is another cluster of IBs of the Industrial/Business Area (**Plans A-1 and A-2**);
- (b) there are some Government, Institution and Community (GIC) facilities including Tai Yuen Street Refuse Collection Point and Tai Yuen Street Public Toilet, Tai Yuen Street Sitting Out Area as well as some on-street parking spaces to the north of the Site. There is also a vacant cooked food market which has ceased operation since January 2019 (**Plan A-2**);
- (c) to the south separated by Kwok Shui Road is an area zoned "Open Space" which is currently occupied by three vacant Graded Buildings of the ex-Salvation Army Girls' Home. On 23.10.2020, the Committee partially agreed to an application for amendment to OZP (No. Y/KC/15) to rezone this site to facilitate a proposed Residential Care Home for the Elderly with the preservation of three graded buildings under a conservation-cum-development approach (**Plan A-2**); and
- (d) to the west across Tai Yuen Street is the Tung Chun Soy and Canning Company which is zoned "Comprehensive Development Area" ("CDA") on the OZP. An s.16 application (No. A/KC/444) for a comprehensive residential and commercial uses and minor relaxation of BH restriction was



approved with conditions by the Committee on 22.3.2019 (**Plans A-1 and A-2**). The approved scheme is yet to be commenced.

## **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 For any existing buildings with PR/BH already exceeding the relevant restrictions as stipulated on the OZP or in the Notes, there is a general presumption against such application for minor relaxation unless under exceptional circumstances.

## **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 the 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, relaxation of the maximum permissible non-domestic PR by up to 20% may be permitted, on a case-by-case basis, under the current revitalisation scheme for redevelopment of pre-1987 IBs located outside “Residential” zones in Main Urban Areas and New Towns; and
- (b) the development proposal is worthy of SDEV’s support, on the clear understanding that it is in line with the current policy of encouraging the development of aged IB, and if materialised, would help address the growing demand for data centres, subject to it meeting all relevant requirements.

### **Promotion of Innovation and Technology Industries**

#### **9.1.2 Comments of the Office of the Government Chief Information Officer (OGCIO), Innovation and Technology Bureau (ITB):**

- (a) data centres are critical information and communication technologies infrastructure for development of digital economy and smart city in Hong Kong. The Government has been committed to promoting

Hong Kong as the prime location for data centres in the Asia Pacific and he welcomes private companies and organisations building data centres in Hong Kong to help address the increasing demand of data centre space and benefit I&T sector development; and

- (b) the proposed redevelopment of aged IB into a 22-storey high tier data centre, if materialised, should contribute to addressing the growing demand for data centres in Hong Kong. He sees merits in this proposal in promoting Hong Kong as a regional data centre hub and benefitting the development of the local I&T industry.

### **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 (CES/DC), Lands Department (LandsD):

- (a) the Site falls within Kwai Chung Town Lot No. 161 (“the Lot”), which is held under New Grant No. 4820 dated 18.9.1970 (“the New Grant”) with a registered site area of 20,070 ft<sup>2</sup>. The Lot is restricted to general industrial and/or godown purposes excluding offensive trade and there is no restriction on GFA, SC or BH nor building setback requirement under the New Grant;
- (b) the proposed data centre development would contravene primarily the user restriction under the New Grant. If planning approval is given, the lot owner is required to seek a lease modification from LandsD to implement the proposed development. Upon receipt of a lease modification, it will be considered by LandsD acting in the capacity as landlord at its sole discretion. There is no guarantee that any application will be approved. In the event that an application is approved, it will be subject to such terms and conditions as the Government shall see fit, including, among others, payment of premium and administrative fee; and
- (c) when processing the lease modification application, LandsD will impose such appropriate terms and conditions including user restriction for non-residential purposes, the 5-year time limit for completion of the development, payment of full premium and administrative fee, other conditions applicable to the 2018 IB Revitalisation Measures etc. There is no guarantee that the application will be approved by LandsD. Under the 2018 IB Revitalisation Measures for redevelopment, the modification letter/conditions of exchange shall be executed within 3 years from the date of the Board’s approval letter.

## **Traffic**

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

- (a) the TIA illustrated that the traffic impact arising from the subject redevelopment on the adjacent road network within the Area of Influence would be minimal;
- (b) the applicant demonstrated that the redevelopment proposal would accommodate the high-end provisions of parking and loading/unloading facilities within the subject redevelopment;
- (c) the applicant proposed traffic measure in Figure 3.4 of the TIA Report to enhance the pedestrian safety and to prevent illegal parking on the footpath in the vicinity;
- (d) in view of the above, C for T has no in-principle objection to the proposed development from traffic engineering perspective; and
- (e) should the application be approved, it is recommended to impose the following approval conditions:
  - (i) 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;
  - (ii) the design and implementation of traffic measures as proposed by the applicant at his own cost prior to occupation of the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

### 9.1.5 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

she has no adverse comment on the application and the applicant is strongly advised to have an early consultation with the relevant Government bureau/departments when formulating the CLP cable works/routing proposal affecting public road.

## **Environment**

### 9.1.6 Comments of the Director of Environment Protection (DEP):

- (a) based on the information provided by the applicant, DEP has no objection to the application from environmental planning perspective;

- (b) should the application be approved, approval conditions for Noise Impact Assessment (NIA), land contamination and an updated SIA (to address any change in sewage flow in detailed design stage) are required;
- (c) it is recommended to impose the following approval conditions:
  - (i) the submission of a Noise Impact Assessment (NIA) and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
  - (ii) the submission of an updated Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
  - (iii) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated SIA in planning condition (ii) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
  - (iv) 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.;
- (d) as the proposed development would involve demolition of the existing structures and excavation works, the applicant is advised to minimise the generation of Construction and Demolition (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.

### **Urban Design, Visual and Landscape**

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

##### *Urban Design and Visual Impact*

- (a) the Site is located at the junction of Kwok Shui Road and Tai Yuen Street forming part of an area zoned “OU(B)” with an intended BH of 130mPD. The proposed minor relaxation of PR does not involve additional BH beyond that is permitted in the OZP. Given the context, it is unlikely that the proposed development will induce any

significant adverse effects on the visual character of the surrounding townscape;

- (b) the proposed development has incorporated a 2m full-height voluntary setback along Kwok Shui Road and Tai Yuen Street. Landscape treatments in the form of greenery are provided at G/F, 1/F, 2/F and R/F, and vertical greening is provided along the western façade at the building's low zone. A section of weather protection canopy is incorporated above the main entrance of the building. The design measures may promote visual interest and improve the pedestrian environment;
- (c) the applicant is advised to review the possibility to incorporate facade articulation at the building corner, and facade treatment or removable pot plant to embellish the environment of the flat roof facing Kwok Shui Road at 2/F at the detailed design stage;

#### *Landscape*

- (d) he has no objection to the application from landscape planning perspective in view of that significant adverse landscape impact arising from the development is not anticipated;
- (e) the Site is situated in an area of industrial urban landscape character, dominated by IBs. The Site is currently occupied by an IB without any existing landscape resource. The proposed development is considered not incompatible with the surrounding environment;
- (f) the applicant advised that only one tree pit can be provided in the development due to site constraints, and the green roofs on 1/F and 2/F will be open for enjoyment of the tenants and visitors;
- (g) the applicant is recommended to provide appropriate amenity facilities such as sitting benches on the green roofs on 1/F and 2/F for enjoyment of the tenants and visitors; and
- (h) the applicant is reminded of the long-term commitment in providing proper maintenance to the vertical green wall for healthy and sustainable plant growth.

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

the proposed development consists of one 22-storey building with a height of 129.5mPD which complies with the BH restriction permitted in the OZP and it may not be incompatible with adjacent developments with BHR of 130mPD.

### **Building Matters**

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

- (a) he has no objection to the application;
- (b) the proposed development parameter should not exceed the limitation under the First Schedule of B(P)R;
- (c) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)R respectively;
- (d) disregarding carparking spaces from GFA calculation under the Building Ordinance will be considered on the basis of the criteria set out in Practice Notes for Authorized Persons (PNAP) APP-2 during building plan submission stage;
- (e) for features to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and PNAPs including APP-151 as appropriate. If the applicant applies for the GFA concession, Building Set Back, Building Separation and SC of Greenery as required under PNAP APP-152 also apply; and
- (f) detailed comments will be given during the building plan submission stage.

#### 9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

he has no particular comment on the concerned 132kV CLP substation to be incorporated in the proposed development from electricity supply safety aspect and there is no evidence suggesting that the substation would cause any adverse impact to/on the power supply reliability to the surrounding areas.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD);
- (c) Commission of Police (C of Police);
- (d) Director-General of Trade and Industry (DG of TI);
- (e) Director of Fire Services (D of FS);

- (f) District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD); and
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD).

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

During the statutory public inspection periods, 61 public comments were received (**Appendix III**), including 1 supporting comment; 27 comments from individuals and local organisations objecting to the application on the grounds that the proposed development would bring about potential noise pollution in particular the fixed noise generated by the cooling towers located at the roof, radiation, heat impact, traffic congestion, disruption of power supply, etc. 33 public commenters including one from a member of the Legislative Council provide comments and express similar concerns on the related aspects.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for minor relaxation of PR restriction from the PR of existing building of 9.75 to 11.7 (i.e. +20%) to facilitate redevelopment of an existing IB at the Site into a proposed 22-storey IB development (including 2 basement levels) as a data centre. The proposed development is generally in line with the planning intention of the “OU(B)” zone which is primarily for general business uses and permits information technology and telecommunications industries. The proposed BH of about 129.5mPD complies with the BH restriction under the OZP.

### Policy Aspect

- 11.2 The existing IB with an OP issued on 26.4.1972 can be regarded as an eligible pre-1987 IB under the Government’s new policy on revitalising IBs. The development proposal is worthy of SDEV’s support, on the clear understanding that it is in line with the current policy of encouraging the development of aged IB, and would help address the growing demand for data centres. The proposed development would also 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.

### Technical Aspect

- 11.3 The proposed minor relaxation of PR restriction from 9.75 of the existing building to 11.7 (+20%) generally follows the aforesaid policy on revitalisation of pre-1987 IBs. OGCIO, ITB also considers that the proposed development can address the growing demand for data centres, and can promote Hong Kong as a regional data centre hub as well as benefit the development of the local I&T industry. Under such circumstances, consideration of the minor relaxation of PR is subject to technical assessments confirming the feasibility of the proposed development. In support of the application, the applicant has submitted technical assessments, including TIA and SIA to demonstrate that the proposed development would not cause adverse

traffic and sewerage impacts to the surrounding areas. In this regard, C for T has no in-principle objection to the application subject to the incorporation of approval conditions set out in paragraphs 12.2(a) and (b) below to address the traffic concerns. DEP has no objection to the application and their concerns on noise, sewage and land contamination aspects can be addressed by the imposition of approval conditions as set out in paragraphs 12.2(c) to (f) below. Regarding the radiation aspect, the applicant indicates that in general no radiation would be produced in the data transfer process. Other relevant Government departments including DEMS, DSD, CEDD, D of FS and WSD etc. have no objection to/adverse comments on the application.

### Planning and Design Merits

- 11.4 The proposed development has incorporated a 2m full-height voluntary setback along Kwok Shui Road and Tai Yuen Street with featured paving so as to create wider footpaths for better pedestrian environment and safety. Other design elements include the landscape treatments in the form of shrubs, tree, green roofs, vertical greening at the building's low zone and the provision of glass canopy at the building entrance. The proposed overall greenery provision is about 20.3% of the site area (**Drawings A-10 and A-13**). CTP/UD&L, PlanD considers that the proposed development is not incompatible with the surrounding environment and will unlikely induce any significant adverse effects on the visual character of the surrounding townscape. The design measures of the proposed development may also promote visual interest and improve pedestrian environment.
- 11.5 On the sustainability building design aspect, the applicant indicates that the proposed development has taken into account the relevant requirements as set out in the SBDG in terms of building setback and SC of greenery to enhance environmental quality and reduce solar heat gain at the proposed development. The proposed detailed measures on green building design including BEAM Plus and LEED certification will be considered at the detailed design stage upon building plan submission.

### Other Considerations

- 11.6 The current application is submitted in relation to the Policy Initiatives of Revitalisation of IBs. Similar to the approved application No. A/KC/471 stated in paragraph 6 above, the applicant applies for relaxation from the existing PR of 9.75 instead of 9.5 as specified in the Notes of the OZP. Currently, there are 142 pre-1987 IBs within "OU(B)" and "I" zones in the Kwai Chung area. Among them, 70 buildings (about 49%) have PR exceeding the maximum PR of 9.5 as permitted on the OZP. The time limit for IB owners to submit applications under the Policy Initiatives will be due on 10.10.2021. Apart from the Policy Initiatives, the decision of the owners to redevelop an IB would also hinge on a number of factors, including ownership, building age, building condition, vacancy rate, etc. Each application upon receipt would be considered based on individual merits and scrutinised by the Committee subject to technical assessments and the planning principles/considerations as stated above.



## Public Comments

11.7 Regarding the public comments objecting to the application on the ground of the environmental impacts, such as noise impact from the cooling towers to the surrounding developments, the planning assessments above and DEP's comments in paragraph 9.1.6 are relevant. Regarding the concerns on traffic and power supply aspects, the planning assessments above and the departmental comments in paragraph 9 are relevant.

## **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 11.6.2025, 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 at his own cost 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 a Noise Impact Assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (d) the submission of an updated Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment in planning condition (d) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (f) 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason 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 PR 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**

<b>Appendix I</b>	Application Form received on 7.1.2021
<b>Appendix Ia</b>	Supporting Planning Statement received on 7.1.2021
<b>Appendix Ib</b>	FI received on 18.2.2021
<b>Appendix Ic</b>	FI received on 26.2.2021 and 3.3.2021
<b>Appendix Id</b>	FI received on 1.4.2021
<b>Appendix Ie</b>	FI received on 20.4.2021
<b>Appendix If</b>	FI received on 27.5.2021, 31.5.2021 and 3.6.2021
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawings A-1 to A-8</b>	Floor Plans
<b>Drawing A-9</b>	Schematic Section
<b>Drawings A-10 to A-13</b>	Landscape Plans and Greenery Provisions
<b>Drawing A-14</b>	Illustrative Diagram of Planning and Design Merits
<b>Drawing A-15</b>	Details of Implementation of Vertical Greening
<b>Drawing A-16</b>	Artist's Impressions of Street-level Design
<b>Drawing A-17</b>	Proposed Traffic Measures
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3 to A-4</b>	Site Photos
<b>Plan A-5</b>	Pedestrian Access Network in Kwai Chung