

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/480

<u>Applicant</u>	:	Capital Lake Property Limited represented by Ove Arup & Partners Hong Kong Limited
<u>Site</u>	:	45-51 Tai Lin Pai Road, Kwai Chung (Kwai Chung Town Lot No. 120)
<u>Site Area</u>	:	About 2,189m ²
<u>Lease</u>	:	(a) held under New Grant No. 4672 dated 1.9.1969 as varied and modified by a Modification Letter dated 26.6.1972 (b) to be expired on 30.6.2047 (c) shall be used for general industrial and/or godown purposes excluding offensive trades (d) no building shall be erected on the Lot except a factory and/or a warehouse, ancillary offices and such quarters as may be required for watchmen or caretakers
<u>Plan</u>	:	Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
<u>Zoning</u>	:	“Industrial” (“I”) (a) maximum plot ratio (PR) of 9.5 (b) maximum building height (BH) of 120 metres above Principal Datum (mPD)
<u>Application</u>	:	Proposed Minor Relaxation of PR and BH Restrictions for Permitted Information Technology and Telecommunications Industries (Data Centre)

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) as well as relaxation of BH restriction from 120mPD to 129.35mPD (i.e. +9.35m or + about 7.8%) for a proposed development at 45-51 Tai Lin Pai Road (the Site), which falls within an area zoned “I” on the draft Kwai Chung OZP No. S/KC/29 (**Plan A-1**). The Site is currently occupied by an existing 7-storey industrial building (IB) constructed before 1987 (pre-1987 IB)¹, namely Venus Industrial Building. The proposal is to redevelop the existing IB into a 22-storey IB (including two basement levels) for information technology and telecommunications industries (data centre). According to the Notes for “I” zone

¹ The Occupation Permit (OP) for the subject IB was issued on 8.5.1972.

of the OZP, 'Information Technology and Telecommunication Industries' is a Column 1 use, which is always permitted. Minor relaxation of the PR and BH restrictions 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 was the subject of a previous planning application No. A/KC/474 submitted by the same applicant for proposed minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for permitted industrial use. The application was approved with conditions by the Metro Planning Committee (the Committee) of the Board on 23.7.2021. Compared with the approved scheme, the current application also applies for minor relaxation of BH restriction by 9.35m mainly to allow the higher floor-to-floor height of data centre to meet the specific functional requirement.
- 1.3 The Site abuts Tai Lin Pai Road and Wah Sing Street to the west and east respectively (**Plan A-2**). To realise the planned setbacks set out under the Kwai Chung Outline Development Plan (ODP) No. D/KC/D for future road widening, the proposed development has incorporated full-height setbacks of 3.5m along Tai Lin Pai Road and 0.5m to 1.7m along Wah Sing Street, all of which are open to the public (**Drawings A-3, A-4, A-18 and A-19**). A voluntary full-height setback of 5.35m with greenery along the southern site boundary is also proposed at the level of Tai Lin Pai Road but not accessible to the public (**Drawings A-3 and A-18**). The pedestrian entrance and vehicular access are proposed at Tai Lin Pai Road and Wah Sing Street respectively (**Drawings A-3 and A-4**). Carparking and loading/unloading spaces are located at the basement levels served by car lifts. Traffic measures, including the installation of bollards along Tai Lin Pai Road and Wah Sing Street to deter the possible carparking on footpath, (**Drawing A-12a**) and junction improvement works (**Drawing A-12b**), are proposed.
- 1.4 The proposed development incorporates landscaping in the form of trees, planters and vertical greening on LG/F to 3/F and part of the southern setback (**Drawings A-18 to A-22**), and canopies are provided along Tai Lin Pai Road and Wah Sing Street (**Drawings A-18 to A-21**). A total of about 23.02% (about 504.24m²) greenery is proposed for the development (**Drawing A-22**). According to the applicant, a greywater recycling system will be adopted for the irrigation of greenery (**Drawing A-23**).
- 1.5 Floor plans, schematic section, landscape plans and photomontages submitted by the applicant are shown at **Drawings A-1 to A-22**. A comparison of major development parameters of the previous and current schemes is appended below:

Major Development Parameters	Previous Scheme (No. A/KC/474) (a)	Current Scheme (No. A/KC/480) (b)	Difference (b) – (a)
Proposed Use	Permitted ‘Industrial Use’	Permitted ‘Information Technology and Telecommunication Industries’ (Data Centre)	-
Site Area ¹	About 2,189m ²	About 2,189m ²	No change
Maximum PR ²	11.4	11.4	No change
Non-domestic GFA	About 24,962.58m ²	Not more than 24,954.6m ²	-7.98 m ²
Site Coverage (SC) • Up to 15m • More than 15m	About 74% About 47.4%	Not more than 72.57% Not more than 59.95%	-1.43% +12.55%
Floor-to-Floor Height • Typical floor • B2/F – B1/F • LG/F – 2/F	3.5m – 5m 6m 5m	6m 4.8m/6m 5m/6.5m	+1 – 2.5m (+20% – 71.4%) -1.2m (-20%) +1.5m (+30%)
No. of Storeys	29 (including two basement levels and one level of sky garden cum refuge floor)	22 (including two basement levels)	-7 storeys (-24.1%)
BH (at main roof level)	119.85mPD	129.35mPD	+9.5mPD (+7.93%)
Parking Spaces • Private Car • Motorcycle • Light Goods Vehicle (LGV) • Heavy Goods Vehicle (HGV)	26 3 12 6	26 3 2 1	No change No change -10 -5
Loading/Unloading Bays • LGV • HGV	13 7	3 1	-10 -6
Setbacks under ODP • Tai Lin Pai Road • Wah Sing Street	3.5m (full-height) 0.5m to 1.7m (full-height)	3.5m (full-height) 0.5m to 1.7m (full-height)	No change No change

Voluntary Setback along southern site boundary (not accessible to the public)	-	5.35m (full-height)	Newly Proposed
Provision of Landscape Entrance Courtyard and Public Passage as 'short-cut'	Yes	No	-
Tree Planting	Yes	Yes	-
Provision of Canopy	No	Yes	-
Greenery Provision	Not less than 20% (437.8m ²)	About 23.02% (504.24m ²)	+3.02% (+66.44m ²)
Anticipated Year of Completion	2025	2025	No change

Note :

1. The site area includes the area dedicated for the building setbacks.
2. On top of the PR and GFA set out as above, the applicant intends to claim a bonus PR of 0.378 (i.e. GFA of about 827.71m²) under the Building (Planning) Regulations (B(P)R) 22(2) for dedication of land/area for the purpose of street widening. According to applicant, the proposed BH will be able to accommodate the bonus PR and the layout of the proposed development has accommodated the bonus SC.

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

- (a) Application form received on 13.9.2021 **(Appendix I)**
- (b) Supporting Planning Statement (SPS) with Visual Impact Assessment (VIA), Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) and architectural layout received on 13.9.2021 **(Appendix Ia)**
- (c) Further Information (FI) received on 28.10.2021 providing responses to departmental and public comments, including revised SIA and VIA* **(Appendix Ib)**
- (d) FI received on 17.12.2021 providing responses to departmental and public comments# **(Appendix Ic)**

Remarks:

* accepted but not exempted from publication and recounting requirement

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 set out in the SPS and FIs at **Appendices Ia to Ic** which are summarised as follows:

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

- (b) The subject pre-1987 IB is located within the non-residential zone in the main urban area, complies with all eligible criteria for the relaxation of maximum PR by 20%.
- (c) The proposed Tier-III data centre² is designed to meet the latest standard for such development. The proposal can optimise land resources and facilitate a timely provision of high-tier data centre floor space.
- (d) The proposed data centre is a Column 1 use within the “I” zone, which is generally in line with the planning intention primarily for general industrial uses.
- (e) Various planning and design benefits for the public are proposed:
 - (i) to meet the ODP requirements for future road widening, setbacks of 3.5m and 0.5m to 1.7m (with an area of about 161.4m²) are incorporated along Tai Lin Pai Road and Wah Sing Street respectively;
 - (ii) a 5.35m voluntary setback along the southern site boundary at the level of Tai Lin Pai Road with portable plants/greenery/benches for building users is provided. It is similar to the setback area proposed to serve as the landscape entrance courtyard in the previous approved Application No. A/KC/474. Yet, due to the required provision of underground fuel tank (which is the requirement for data centre in case of emergency power supply) beneath this setback area, building structures and public access to the setback area is not allowed. Nonetheless, the voluntary setback area will improve visual permeability, bring about better air ventilation and enhance visual relief/pedestrian comfort when viewing through this wide setback;
 - (iii) landscape treatments in the form of trees, planters and vertical greenings are provided at the building’s low zone. Greenery is also provided on flat roof to reduce heat island effect;
 - (iv) canopies projecting not more than 2m along the facades facing Tai Lin Pai Road and Wah Sing Street are provided to offer rain shelter and shading for pedestrians. Due to the need for high degree of security for data centre, the provision of the required E&M/CLP facilities on UG/F & LG/F and the proposed setbacks leaving no additional space for providing additional pedestrian corridor, public passage within the development is considered infeasible;
 - (v) cross ventilation on five open-sided mechanical floors are proposed to maintain indoor hygiene and comfort (Item 7 of **Drawings A-18 and A-19**);

² 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 above.

- (vi) noise reduction measures, including silencer in generator set room and high voltage generator room, will be provided according to Environmental Protection Department (EPD)'s requirements;
 - (vii) there will be no public health and safety concerns given that the China Light & Power (CLP) power supply equipment and the 132kV CLP substation will be provided in full compliance with international guidelines and CLP's code of practice respectively. Radioactive impact to the surroundings is not anticipated; and
 - (viii) the CLP stations and transformer bays will be ventilated with a fixed ventilation system and the exhausted fans will be located at a high level to ensure the comfortability of the streetscape.
- (f) The proposal also complies with Sustainable Building Design Guidelines (SBDG) and Green Building Design on the following aspects:
- (i) the applicant intends to apply for the Building Environmental Assessment Method Plus (BEAM plus) Certification and the electricity loading capacity would be sufficient for providing power supply for electric vehicle charging facilities at all parking spaces;
 - (ii) the proposed development will comply with the SBDG in terms of building separation, building setback and SC of greenery; and
 - (iii) green building design has been incorporated, including: (i) green roof and vertical greening, light colour materials on flat roof and outdoor equipment and open-sided mechanical floors; (ii) building services installations in accordance with the Building Energy Code; (iii) recycling grey water will be adopted for greenery use; and (iv) BEAM Plus and Leadership in Energy and Environmental Design (LEED) certification will be adopted and the rating will be determined at detailed design stage.
- (g) Given the significant site constraints arising from provision of setbacks covering about 20% of the site area and specific functional requirement, efforts have been made to minimise the BH increase and to optimise the efficiency of floor areas. The maximum permitted SC under B(P)R together with the bonus SC are fully utilised to minimise the overall BH increase. Car parking spaces are provided at basement levels to reduce the above-ground building bulk. The 6m floor-to-floor height of typical data centre floors is considered optimal to suit the operational needs (**Drawing A-11**).
- (h) The proposed development fulfils the criteria for consideration of minor relaxation of BH restriction as specified in Section 7.9 of the Explanatory Statement (ES) of the OZP (paragraph 8.3 refers).
- (i) The submitted TIA, SIA and VIA demonstrate that the proposed development would generate no adverse impacts from visual, traffic and sewerage, etc. aspects.

- (j) The proposed development will set a desirable precedent in encouraging the ongoing transformation in the Central Kwai Chung Industrial Area in support of the I&T development of Hong Kong.

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

The applicant is one of the nine ‘current land owners’ and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by notifying the other eight owners. 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 IBs³, 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” (“R”) 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 B(P)R⁴. 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. As announced in the 2021 Policy Address, the implementation period of the scheme will be extended to October 2024. 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**

- 5.1 The Site is the subject of two previous applications, i.e. No. A/KC/314 and A/KC/474 (**Plan A-1**). Application No. A/KC/314 for ‘Shop and Services (Fast Food Shop)’ uses at G/F (portion) of the existing building was approved by the

³ 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.

⁴ 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.

Committee with conditions on 28.10.2005. The application was approved on the considerations that the proposed use was small in scale and could provide a supporting service to local workers; the application premises was owned by an individual owner and should not involve the common area of the building; and concerned Government departments had no objection to the application.

- 5.2 Application No. A/KC/474 was submitted by the same applicant⁵ for proposed minor relaxation of PR restriction by 20% for permitted industrial use related to the Policy (no minor relaxation of BH restriction was applied), which was approved with conditions by the Committee on 23.7.2021. It was approved mainly on the considerations that the proposal is in line with the policy intention, concerned Government departments had no objection to the application, and that there were planning and design merits for the proposal. The approved scheme is yet to be commenced.

6. Similar Applications

- 6.1 Since March 2019, the Committee has considered a total of 29 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 (**Appendix II**), including ten applications (No. A/KC/460, A/KC/463, A/KC/464, A/KC/466, A/KC/469, A/KC/471, A/KC/473, A/KC/474, A/KC/475 and A/KC/476) in Kwai Chung (Plan A-1). All of the 29 applications were approved with conditions, except Application No. A/KC/476 in Kwai Chung on which the decision has been deferred by the Committee on 27.8.2021. 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 Among the ten applications in Kwai Chung, two approved applications, i.e. Application No. A/KC/466 for proposed data centre development and No. A/KC/471 for permitted non-polluting industrial use (excluding industrial undertakings involving the use/storage of dangerous goods), were related to the minor relaxation for both PR and BH restrictions. For proposed minor relaxation of BH associated with such applications, the applicants have to demonstrate that the proposed BH will not be unacceptable and would not induce adverse visual impacts to the townscape; and there are sufficient planning and design merits benefiting the public, taking into account the site specific characteristics and local context, in particular the improvement to the pedestrian environment, with due regard to the requirements under SBDG and green building design considerations.

⁵ According to the applicant, upon the review of the suitability of the Site for various modern industrial uses, it is considered that there would be an opportunity to design the Site for a tailor-made high-tier data centre to meet the emerging demand for cloud computing, artificial intelligence and big data analytics and contribute to the I&T development in Hong Kong.

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 currently occupied by Venus Industrial Building, a 7-storey IB with an OP issued in 1972. It abuts Tai Lin Pai Road and Wah Sing Street to its west and east respectively (**Plan A-2**);
- (b) is located within an area zoned “I” between Tai Lin Pai Road and Castle Peak Road which is predominantly occupied by IBs;
- (c) is accessible from both Tai Lin Pai Road and Wah Sing Street; and
- (d) is located at about 200m to the east of MTR Kwai Hing Station (**Plan A-5**). It is served by various modes of public transport including buses and public light buses mainly on Kwai Chung Road.

7.2 The surrounding areas have the following characteristics:

- (a) the Site is located in the midst of the Central Kwai Chung Industrial Area (CKCIA) bounded by Tai Lin Pai Road and Castle Peak Road, which is characterised by a mix of industrial, industrial-office and commercial developments, including three IBs to the immediate north and south (**Plan A-2**);
- (b) to the north, east and south are mainly IBs within the same industrial cluster; (**Plan A-1**);
- (c) to the further south is the Tai Lin Pai Road Playground and Tai Lin Pai Road Substation (**Plan A-1**); and
- (d) to the west across Tai Lin Pai Road is the “Other Specified Uses” annotated “Business” zone mainly occupied by IBs and individual redeveloped office buildings such as Kowloon Commerce Centre (**Plan A-1**).

8. **Planning Intention**

- 8.1 The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.

- 8.2 As stated in the Explanatory Statement (ES) of the OZP, provision of industrial land in Kwai Chung has been made in conjunction with the industrial land planned for Tsuen Wan and Tsing Yi to ensure that sufficient industrial land is reserved to provide employment opportunities for the labour force of Tsuen Wan New Town as a whole.
- 8.3 According to the ES of the OZP, to provide incentive for developments/redevelopments with design merits/planning gains, each application for minor relaxation of BH restriction under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance (BO) in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air ventilation and visual permeability;
 - (e) accommodating building design to address specific site constraints in achieving the permissible plot ratio under the OZP; and
 - (f) other factors such as site constraints, the need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.
- 8.4 As stated in the ES of the ODP, road widening proposals to alleviate traffic problems have been proposed along major roads in this part of Kwai Chung Industrial Area. Efforts would be made to negotiate with developers to surrender area proposed for road widening upon redevelopment (**Plans A-2**).

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):

he notes that the applicant's latest intention of developing a data centre, instead of a new IB for permitted industrial use on the Site as proposed under a previous application (Application No. A/KC/474) approved by the Board with conditions recently on 23.7.2021. This data centre development proposal should be welcomed, on the understanding that it is in line with the current policy of encouraging the redevelopment of aged

IB, and that the redevelopment, 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):

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. The proposed minor relaxation of PR and BH restrictions would make available more floor space for various data centre facilities, including data halls, IT racks or cabinets and electrical and mechanical facilities, etc. It could thus fulfil the growing demand of data centres and meet the industry trend. Subject to the approval of the relaxation of PR and BH restrictions, the proposed redevelopment of the aged IB into a data centre, if materialized, would contribute to addressing the growing demand for high-tier data centres in Hong Kong and benefit the innovation and technology sector development.

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. 120 (the Lot), which is held under New Grant No. 4672 dated 1.9.1969 as varied and modified by a Modification Letter dated 26.6.1972 ('the Lease'), with a registered site area of 23,570ft². The Lot shall be used for general industrial and/or godown purposes excluding offensive trades and no building shall be erected on the Lot except a factory and/or a warehouse, ancillary offices and such quarters may be required for watchmen or caretakers. Spaces shall be provided for parking, loading and unloading of motor vehicles at the rate of not less than 1 vehicle for each 10,000ft² or part thereof of GFA or not less than 1 vehicle for each 5,000ft² or part thereof of the site area, whichever is the greater; and
- (b) other detailed comments are at **Appendix IV**.

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 to 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 provision of parking and loading/unloading facilities within the development;
- (c) based on the above, C for T has no in-principle objection to the proposed development from traffic engineering perspective;
- (d) the traffic measures as proposed by the applicant (**Drawings A-12a and A-12b**) should be at the applicant's own cost and to the satisfaction of C for T or of the Board;
- (e) the applicant is advised that the turntable should be well maintained in an operable condition; and
- (f) should the application be approved, it is suggested to impose the following approval conditions:
 - (i) the design and provision of parking facilities, loading and unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board; and
 - (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):

he has no comment on the application from highway's maintenance point of view subject to that the proposed works along Tai Lin Pai Road and Kwai On Road as identified and proposed in the TIA shall be designed and constructed as part of the project by the project proponent.

Environment

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

- (a) she has no objection to the application given that
 - (i) the applicant has committed to address the potential land contamination at the approval condition stage should the application be approved; and
 - (ii) the SIA concluded that no adverse impact on the existing sewerage system is anticipated. Approval condition on the submission of an updated SIA to address the potential change in actual usage of the proposed development is required.
- (b) it is recommended to impose the following approval conditions:
 - (i) the submission of land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
 - (ii) the submission of an updated Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
 - (iii) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) since demolition of the existing industrial building and excavation works would be required, 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, Planning Department (CTP/UD&L, PlanD):

Urban Design and Visual Impact

- (a) the subject site is sandwiched between Tai Lin Pai Road and Wah Sing Street, and forms part of a cluster of industrial sites/buildings zoned

“I” with BH restriction of 120mPD. The existing BHs within the said “I” zone range from about 36mPD to 115mPD. To the west across Tai Lin Pai Road is an area zoned “OU(B)” with existing industrial/commercial buildings with BHs ranging from about 43mPD to 156mPD. The requirement of additional BH seems to be mainly arising from the relatively high floor-to-floor height of 6m adopted, which according to the applicant is to cater for the special headroom requirement for the proposed data centre. Given the context and as illustrated in the photomontages of the VIA, it is unlikely that the proposed development with a BH of about 129.35mPD will induce significant adverse effects on the visual character of the surrounding townscape;

- (b) as compared to the approved scheme, the proposed development has similarly incorporated 3.5m and 0.5m to 1.7m setbacks along Tai Lin Pai Road and Wah Sing Street as per the ODP requirements. Landscape treatments in the form of trees, planters and vertical greenings are provided at LG/F to 3/F, and canopies are provided along Tai Lin Pai Road and Wah Sing Street. While the approved scheme has incorporated a landscaped ‘entrance courtyard’ and a ‘short-cut’ within the Site which together provide a publicly accessible connection between Tai Lin Pai Road and Wah Sing Street, the current scheme has instead incorporated a building setback from the southern site boundary furnished with greenery, yet is not accessible to the public. It is also noted that portable plants/greenery and benches for building users will be provided at the setback area along the southern site boundary, and decorative fins are incorporated to those extensive louvres at the building low zone. Although technically speaking, incorporation of the abovementioned design measures does not necessarily require additional BH, these measures may promote visual interest and pedestrian comfort;

Landscape

- (c) the Site is situated in an area of industrial urban landscape character dominated by IBs. The Site is currently occupied by an existing IB without landscape resources. The proposed development is considered not incompatible with the landscape setting in proximity;
- (d) it is noted that various landscape provisions are proposed to enhance the landscape quality of the development. Hence, she has no objection to the application from landscape planning perspective;
- (e) the applicant is reminded of the long-term commitment in providing regular and proper maintenance to the vertical greening for healthy and sustainable plant growth; and
- (f) the applicant is reminded that approval of section 16 application under the Ordinance does not imply approval of the SC of greenery

requirements under the Practice Notes for Authorized Persons (PNAP) APP-152 and/or under the lease. The SC of greenery calculation should be submitted separately to the Buildings Department (BD) for approval.

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

the proposed development consists of one tower with PR of 11.4 (including 20% increase of PR) and BH of 129.35mPD. Since the adjacent “T” areas with BH restrictions of 120mPD are permitted in the OZP, he has no comment from architectural and visual impact point of view.

Building Matters

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

- (a) detailed comments under the BO will be given during the building plan submission stage; and
- (b) other detailed comments are at **Appendix IV**.

- 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) Commissioner of Police (C of Police);
- (d) Director-General of Trade and Industry (DG of TI);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Fire Services (D of FS);
- (g) District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD); and
- (h) 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, 16 public comments from individuals were received (**Appendix III**). Among them, two commenters supported the application on the considerations that the street conditions can be improved and the obnoxious smell generated from the existing IB can be removed; while three commenters objected to the application mainly from traffic congestion, fire safety, personal safety and walkability aspects. The remaining 11 commenters provided comments or expressed concerns on the design merits, traffic congestion and building conditions of the

application, including the spalling problems of the existing building and the provision of weather-protection canopies which enhances pedestrian comfort.

11. Planning Considerations and Assessments

11.1 The application is for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +20%) and BH restriction from 120mPD to 129.35mPD (i.e. +7.8%) for a proposed 22-storey data centre (including two basement levels) at the Site zoned “I”. The proposed development is generally in line with the planning intention of the “I” zone, which is primarily for general industrial uses. The previous application No. A/KC/474 submitted by the same applicant for minor relaxation of PR restriction from existing 9.5 to 11.4 (+20%) for permitted industrial use was approved by the Committee with conditions on 23.7.2021.

Policy Aspect

11.2 The existing IB with an OP issued on 8.5.1972 can be regarded as an eligible pre-1987 IB under the Government’s new policy on revitalising IBs. SDEV welcomes this data centre development proposal, on the understanding that it is in line with the current policy of encouraging the redevelopment of aged IB, and that the redevelopment, if materialised, would help address the growing demand for data centres, subject to it meeting all relevant requirements. Besides, the Government is committed to fostering Hong Kong as a prime location for data centres in the region. OGCI advised that the proposed minor relaxation of PR and BH restrictions would make available more floor space for various data centre facilities and could thus fulfil the growing demand of data centres and meet the industry trend.

Technical Aspect

Minor Relaxation of PR

11.3 The proposed minor relaxation of PR restriction generally follows the policy on revitalisation of pre-1987 IBs, and consideration of such application is subject to technical assessments confirming the feasibility of the proposed development. The previous application No. A/KC/474 submitted by the same applicant for minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for permitted industrial use was approved with conditions by the Committee on 23.7.2021. In support of the application, the applicant has also submitted various technical assessments, including TIA, SIA and VIA, to demonstrate that the proposed development would not cause adverse traffic, sewerage and visual impacts to the surrounding areas. 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. DEP also has no objection to the application subject to the incorporation of approval conditions set out in paragraphs 12.2(c), (d) and (e) below. Other relevant Government departments, including WSD and FSD, have no objection to/adverse comments on the application.

Minor Relaxation of BH

- 11.4 According to the applicant, the minor relaxation of BH restriction from 120mPD to 129.35mPD (i.e. about +7.8%) is mainly for accommodating the specific functional requirement for the Tier III Data Centre which requires a floor-to-floor height of 6m to meet the operational need. With the provision of the proposed setbacks occupying about 20% of the site area, the permissible SC under B(P)R has already been utilised to accommodate the additional PR with a view to minimising the overall BH increase. Besides, the carparking facilities are proposed at two basement levels in order to minimise the increase in BH. CTP/UD&L, PlanD advised that the existing BHs within the same “I” zone range from about 36mPD to 115mPD. The requirement of additional BH seems to be mainly arising from the relatively high floor-to-floor height of 6m adopted which is to cater for the special headroom requirement for the proposed data centre. Given the site context as illustrated in the VIA and that the surrounding developments to the west within the “OU(B)” zone are mainly occupied by existing industrial/commercial buildings with BHs ranging from about 43mPD to 156mPD, it is unlikely that the proposed development with a BH of about 129.35mPD will induce significant adverse effects on the visual character of the surrounding townscape. CA/CMD2, ArchSD advised that he has no comment on the proposal from architectural and visual impact point of view. In view of the above, the proposed minor relaxation of BH for an increase of 9.35m (i.e. about 7.8%) is considered to be minor.

Planning and Design Merits

- 11.5 The proposed development has incorporated full-height setbacks of 3.5m along Tai Lin Pai Road and 0.5m to 1.7m along Wah Sing Street, all of which are open to the public (**Drawings A-3 and A-4**). A voluntary full-height setback of 5.35m with some greenery from the southern site boundary is also proposed (**Drawings A-3 and A-18**). Other design elements, including landscape treatments in the form of trees, planters and vertical greening at LG/F to 3/F and R/F, as well as canopies along Tai Lin Pai Road and Wah Sing Street are proposed. The proposed overall greenery coverage is about 23.02%. While the previously approved scheme (No. A/KC/474) has incorporated a landscaped ‘entrance courtyard’ and a public passage, the current scheme has proposed other design merits including a newly proposed full-height voluntary setback along the southern site boundary; the provision of canopies along Tai Lin Pai Road and Wah Sing Street; and an increase of greenery provision by 66.44m². According to the applicant, alternative design merits have been proposed given that there are operational constraints/requirements and security concerns which do not allow the proposed entrance courtyard and public passage as incorporated under the previous approved scheme. CTP/UD&L, PlanD considers that these design measures may promote visual interest and improve pedestrian comfort. She advises that it would unlikely induce any significant adverse effects on the visual character of the surrounding townscape. Approval of the application is also consistent with the Committee’s previous decisions on similar applications, i.e. Nos. A/KC/466 and A/KC/471 (paragraph 6.2 refers) relating to the Policy.

- 11.6 On the sustainability building design aspect, the applicant indicates that the proposed development has taken into account the relevant requirements as set out in SBDG in terms of building separation, building setback and SC of greenery. The proposed detailed measures on green building design including BEAM Plus Certification will be considered at the detailed design stage upon building plan submission.

Public Comments

- 11.7 Regarding the public comments received, the above planning assessments and departmental comments in paragraph 9 are relevant. As to the comments relating to traffic and environmental issues, suitable approval conditions have been suggested as listed in paragraph 12.2 below.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 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 24.12.2025, 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 and 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 land contamination assessments in accordance with the prevailing guidelines and the implementation of the remediation measures identified therein prior to the development of the Site 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;
- and

- (e) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following 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 and BH restrictions.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or to refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 13.9.2021
Appendix Ia	Supporting Planning Statement received on 13.9.2021
Appendix Ib	FI received on 28.10.2021
Appendix Ic	FI received on 17.12.2021
Appendix II	Similar Applications
Appendix III	Public Comments
Appendix IV	Detailed Government Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-9	Floor Plans
Drawing A-10	Schematic Section
Drawing A-11	Section of Typical Non-raised Floor Data Hall
Drawings A-12a and A-12b	Proposed Traffic Measures
Drawings A-13 to A-17	Photomontages
Drawings A-18 to A-19	Illustrative Diagrams of Planning and Design Merits
Drawings A-20 to A-21	Artist's Impressions on the Proposed Development

Drawing A-22	Site Coverage of Greenery
Drawing A-23	Vertical Green System
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 and A-4	Site photos
Plan A-5	Pedestrian Access Network in Kwai Chung
Plan A-6	Height of Existing Buildings in Kwai Chung Business Area

**PLANNING DEPARTMENT
DECEMBER 2021**