

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/484

- Applicant** : EDS V (HK) Limited represented by Llewelyn-Davies Hong Kong Limited
- Site** : 57-61 Ta Chuen Ping Street, Kwai Chung
- Site Area** : About 2,261m²
- Lease** : Remaining Portion of Section E of Lot No. 277 in D.D. 444 and the Extension thereto
(a) held under New Grant No. 3491 as varied by an Extension Letter dated 28.7.1964 and a Modification Letter dated 24.12.1964
(b) to be expired on 30.6.2047
(c) for industrial purposes only
- Plan** : Approved Kwai Chung Outline Zoning Plan (OZP) No. S/KC/30
[Draft Kwai Chung OZP No. S/KC/29 at the time of submission of the application. Zoning and development restrictions of the application site remain unchanged.]
- Zoning** : “Other Specified Uses” annotated “Business” (“OU(B)”)
(a) maximum plot ratio (PR) of 9.5
(b) maximum building height (BH) of 130 metres above Principal Datum (mPD)
(c) a minimum 3.5m-wide non-building area (NBA) from the lot boundary abutting Ta Chuen Ping Street
- Application** : Proposed Minor Relaxation of PR Restriction 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%) for a proposed development at 57-61 Ta Chuen Ping Street (the Site), which falls within an area zoned “OU(B)” on the approved Kwai Chung OZP No. S/KC/30 (**Plan A-1**). The Site is currently occupied by an

existing 8-storey industrial building (IB) constructed before 1987 (pre-1987 IB)¹. The proposal is to redevelop the existing IB into a 20-storey Tier-III or above² data centre. According to Schedule II for industrial or industrial-office (I-O) buildings under the Notes for “OU(B)” zone of the OZP, ‘Information Technology and Telecommunication 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 was the subject of two previous applications No. A/KC/460 and No. A/KC/469 for proposed minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for permitted I-O development and proposed hotel development under the 2018 Policy Initiatives of Revitalisation of IBs, both of which were approved with conditions by the Metro Planning Committee (the Committee) of the Board on 5.7.2019 and 6.11.2020 respectively (paragraphs 5.2 and 5.3 refer).
- 1.3 The proposed data centre has a total of 20 storeys including one basement level carpark. The pedestrian entrance and vehicular access are proposed at Ta Chuen Ping Street (**Drawing A-2**). Carparking and loading/unloading (L/UL) spaces are located at G/F and basement level served by car lifts (**Drawings A-1 and A-2**).
- 1.4 To cater for long-term road widening proposal and improve air ventilation, the proposed development has incorporated a full-height NBA of 3.5m-wide along Ta Chuen Ping Street as required under the OZP (**Plan A-2 and Drawing A-2**). An additional voluntary full-height setback of about 2.15m-wide is proposed at the street frontage abutting the NBA, resulting in a total of about 5.65m-wide full-height setback along Ta Cheun Ping Street (**Drawings A-14 and A-17**). Besides, voluntary full-height setbacks of about 3.11m-wide and about 2.45m-wide abutting the adjoining sites to the east and west respectively are also provided (**Drawings A-14 and A-17**).
- 1.5 Landscape proposals, including road-side planters at G/F, edge planters on 5/F, and vertical greening on building facade from G/F to 5/F along Ta Chuen Ping Street, are proposed (**Drawings A-2 to A-5 and A-15 to A-17**). A total greenery of about 26.57% (or about 600.8m²) is proposed for the development (**Drawing A-17**). A canopy of 2m-wide is proposed over the pedestrian entrance at Ta Chuen Ping Street for weather protection (**Drawings A-3 and A-15 to A-16**). Greywater system for irrigation of the landscape features will be further explored at the detailed design stage (**Drawing A-18**).
- 1.6 Floor plans, section plan, landscape plans and photomontages submitted by the applicant are shown at Drawings **A-1 to A-17**. A comparison of major development parameters of the approved and current schemes is summarised as follow:

¹ The Occupation Permit (OP) for the subject IB was issued on 4.11.1970.

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 or above.

Major Development Parameters	Previously Approved Schemes		Current Scheme (No. A/KC/484)
	(No. A/KC/460)	(No. A/KC/469)	
Proposed Use	Industrial-office	Hotel	Data Centre
Site Area ^[1]	About 2,261m ²	About 2,248m ² ^[2]	About 2,261m ²
Maximum PR ^[3]	11.4	11.4	11.4
Non-domestic GFA	About 25,775.4m ²	Not more than 25,627.2m ²	Not more than 25,755.4m ²
Site Coverage (SC)	Not more than 60%	Below 15m: Not more than 80% Over 15m: Not more than 60%	Below 31m: about 88% Over 31m: about 65%
Floor-to-Floor Height <ul style="list-style-type: none"> • B1/F • G/F • 1/F • Typical floor 	Not provided	5m 6m 6.75m 3.3m	5.5m 7.6m 6m 5.5m
No. of Storeys	29 (including one refuge floor and two basement levels)	31 (including one basement level)	20 (including one basement level)
BH (at main roof level)	Not more than 130mPD	Not more than 130mPD	Not more than 130mPD
Parking Spaces and L/UL Bays <ul style="list-style-type: none"> • Private Car • Motorcycle • Taxi • Coach • Light Goods Vehicle (LGV) • Heavy Goods Vehicle (HGV) 	44 (inc. 1 accessible parking space) 5 - - 13(for L/UL only) 7(for L/UL only)	12 2 4 (for L/UL only) 4 (for L/UL only) 7 (for L/UL only) 5 (for L/UL only)	43 (inc. 1 accessible parking space) 5 - - 5 (L/UL: 3) 2 (L/UL: 2)
Full Height NBA/ Voluntary Building Setback (from lot boundary) <ul style="list-style-type: none"> • Tai Chuen Ping Street (including 3.5m NBA under OZP requirement) • Western boundary • Northern boundary • Eastern boundary 	3.5 – 4.9m - - -	4.45m 2.3m 2.3m 3.3m	5.65m 3.11m - 2.45m
Landscape treatment <ul style="list-style-type: none"> • Planter • Vertical green wall 	No No	Trees and Shrubs G/F	Shrubs G/F to 5/F
Greenery Provision	-	26.09% (about 586.5m ²)	26.57% (about 600.8m ²)

Anticipated Year of Completion	2023	2024	2025
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Note:

- [1] The Site includes the area dedication for a minimum 3.5m setback designated as NBA as required under the OZP.
- [2] Surveyed area provided by the Applicant.
- [3] On top of the PR and GFA shown above, the applicant intends to claim a bonus PR in accordance with the B(P)R for provision of a minimum 3.5m NBA setting back from the lot boundary abutting Ta Chuen Ping Street.

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

- (a) Application form received on 23.9.2021 (Appendix I)
- (b) Supporting Planning Statement (SPS) with, Traffic Impact Assessment (TIA), Sewerage Impact Assessment (SIA) and architectural layout received on 23.9.2021 (Appendix Ia)
- (c) Further Information (FI) received on 26.11.2021 providing responses to departmental and public comments, including revised TIA and SIA* (Appendix Ib)
- (d) FI received on 27.4.2022 providing responses to departmental comments, including replacement pages of SPS, TIA and SIA# (Appendix Ic)
- (e) FI received on 2.6.2022 providing responses to departmental comments, including revised drawing and clarifications on the development proposal# (Appendix Id)

Remarks:

* accepted but not exempted from publication and recounting requirement

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1.8 On 12.11.2021, 14.1.2022 and 1.4.2022, Metro Planning Committee (the Committee) of the Board agreed to defer making a decision three times as requested by the applicant. Upon receipt of FI on 27.4.2022, the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are set out in SPS and FIs at **Appendices Ia to Id** which are summarised as follows:

- (a) The proposed development is in line with the intention of the policy initiatives to redevelop pre-1987 IBs and optimise the utilisation of existing industrial stock as well as to develop Hong Kong into an International Innovation and Technology Hub.
- (b) The proposed development is a Column 1 use under the “OU(B)” zone and is generally in-line with the planning intention of the zone.
- (c) The proposed data centre is considered compatible with the visual context of the area, which is characterised by medium to high-rise I-O building subject to a maximum building height of 130mPD as stipulated in the OZP.

- (d) According to the applicant, there is a change of ownership after the approval of previous applications. Hence, the applicant considers the proposed data centre as an appropriate use at the Site in view of the growing demand of data centre as critical digital infrastructure and the prevailing market needs.
- (e) Synergy will be achieved with other similar approved data centre developments in the surrounding area (e.g. applications No. A/KC/466 and No. A/KC/473 (**Plan A-1**)), if the proposed development can be materialised.
- (f) The following planning and design merits are proposed:
 - (i) a 3.5m-wide full-height NBA along Ta Chuen Ping Street as required under OZP to cater for the long-term road widening and enhancing air ventilation improvement;
 - (ii) a further 2.15m-wide full-height voluntary setback adjoining the NBA with greenery for widening the existing pedestrian pathway, resulting in a total of 5.6m-wide full-height setback along Ta Cheun Ping Street which would enhance the visual permeability and improving pedestrian comfort;
 - (iii) a 2.45m-wide and a 3.11m-wide voluntary setbacks along the eastern and western site boundaries for better visual permeability and townscape in the locality;
 - (iv) landscape treatments in the forms of road-side planters at G/F, edge planters on 5/F and vertical greening on the building façades from G/F to 5/F for enriching building envelope, softening building edges, enhancing visual amenity of the streetscape and improving the overall landscape of environment;
 - (v) a canopy of 2m-wide over the pedestrian entrance at Ta Chuen Ping Street for weather protection, after taking a balanced consideration including the technical feasibility and need to provide planters at the proposed full-height setback;
 - (vi) a considerate tower disposition with building separation along back alley of about 10m from 5/F onwards from the 9m-wide NBA outside the Site as stipulated on the OZP (**Plan A-2**) to allow better air ventilation and sunlight penetration; and
 - (vii) green building design elements, certification under Building Environmental Assessment Method Plus (BEAM Plus) and Leadership in Energy and Environmental Design (LEED), and compliance with Sustainable Building Design (SBDG) requirements, Building Energy Code standard, and Building Energy Efficiency Ordinance.

- (g) The submitted TIA and SIA demonstrate that the proposed development would generate no adverse impacts from traffic and sewerage aspects.

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

The applicant is not a “current land owner” but 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 publishing newspaper notice on 20.9.2021 and posting site notice on the same day. 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. The implementation period of the said measure is extended to 31.10.2024, according to the Chief Executive’s 2021 Policy Address. 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 three previous applications, i.e. No. A/KC/371, A/KC/460 and A/KC/469 (**Plan A-1**). Application No. A/KC/371 for the proposed wholesale conversion of the 8-storey IB into a hotel, which was submitted by another applicant, was approved with conditions by the Committee on 10.2.2012.

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.

The application was approved mainly on the considerations that hotel development could serve as a catalyst in speeding up the redevelopment of the industrial area which was in line with the planning intention of the “OU(B)” zone, the proposed development was compatible with the surrounding land uses and would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. The development is considered to have commenced with the building plans approved but the scheme was not implemented.

- 5.2 Application No. A/KC/460 for proposed minor relaxation of PR restriction for permitted I-O development under the Policy, which was submitted by the same applicant of Application No. A/KC/371 with other two applicants, was approved with conditions by the Committee on 5.7.2019. It was approved mainly on the considerations that the application is in line with the Government’s Policy to incentivise the redevelopment of pre-1987 IB; relevant technical assessments were submitted to support the technical feasibility, the proposal has incorporated the set-back requirement as required by the OZP and there was no adverse comment from relevant government departments. The approved I-O development was yet to be implemented.
- 5.3 Application No. A/KC/469 for proposed hotel use and minor relaxation of PR restriction under the Policy, which was submitted by the same applicant of Application No. A/KC/371, was approved with conditions by the Committee on 6.11.2020. It was approved mainly on the consideration that the proposed development would not have adverse traffic impact and the proposed setbacks with greenery could help enhance pedestrian movement and landscape quality of the area. The approved hotel scheme is yet to be commenced.

6. Similar Applications

Since March 2019, the Committee has considered a total of 16 applications for minor relaxation of PR and/or BH in Kwai Chung area relating to the Policy, and all of which were approved with conditions (**Plan A-1** and **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.

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 a vacant 8-storey with an OP issued in 1970, namely Central Industrial Building;
- (b) is surrounded by IBs to the immediate north, east, west and to the south across Ta Chuen Ping Street;

- (c) abuts Ta Cheun Ping Street to the south, where pedestrian entrance and vehicular entrance are located (**Plan A-2**); and
- (d) is well served by various modes of public transport including buses and public light buses on Castle Peak Road-Kwai Chung. MTR Kwai Hing Station is located in about 650m to the northeast (**Plan A-5**).

7.2 The surrounding areas have the following characteristics (**Plan A-1** and **Plan A-2**; photos on **Plan A-3** and **Plan A-4**):

- (a) located within an area zoned “OU(B)” between Lei Muk Road and Wo Yi Hop Road, which is mainly occupied by IBs and I-O development, including an approved application (i.e. Application No. A/KC/466) for proposed data centre related to the Policy (**Plan A-1**);
- (b) to the further east and north-east are two hotel developments (i.e. Hotel Ease Tsuen Wan and Silka Tsuen Wan Hotel) through wholesale conversion of IBs (**Plan A-2**);
- (c) to the further north-west are the vacant buildings of the ex-Salvation Army Kwai Chung Girls’ Home where a rezoning application from “Open Space”(“O”) to “Other Specified Uses” annotated “Building with Historical and Architectural Interests Preserved for Social Welfare Uses” (“OU(BHAI)”) to preserve the existing three Graded Buildings for social welfare uses (Application No. Y/KC/15) was partially agreed by the Committee on 23.10.2020 (**Plan A-2**) and;
- (d) to the further south-west is a cluster of residential buildings (**Plan A-1**).

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 industrial-office buildings.
- 8.2 A minimum 3.5m-wide NBA from the lot boundary abutting Ta Chuen Ping Street as stipulated under OZP is imposed to cater for the long-term road widening proposal and enhance the air permeability of the business/industrial area on Wo Yi Hop Road (**Plan 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):

- (a) it is Government's policy to incentivise owners to redevelop old IBs to optimise utilisation of 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 allowed, on a case-by-case basis, under the current revitalisation scheme for redevelopment in respect of pre-1987 IBs located outside "R" zones in Main Urban Areas and New Towns. The implementation period of the said measure is now extended to 31.10.2024, according to the 2021 Policy Address; and
- (b) he notes that the site was the subject of two previous planning applications in last two years for an increase of PR upon redevelopment. Both were approved by the Board with conditions, albeit for different uses (i.e. Application No. A/KC/460 approved in July 2019, and Application No. A/KC/469 approved in November 2020). It is also noted that a change of land ownership is behind the latest change of the development scheme. This data centre development proposal should be welcomed, on the understanding that it is in line with current policy to encourage redevelopment of aged IBs, as well as the planning intention of "OU(B)" zone of the subject site. Also, the redevelopment, if materialised, would help address the growing demand for data centres. At the recent report of "Hong Kong 2030+; Towards a Planning Vision and Strategy Transcending 2030". Government indicated that foster an enabling environment for innovation and technology development and create a new momentum for economic growth. This includes providing sufficient and appropriate space (e.g. data centres) to develop a vibrant innovation and technology ecosystem.

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 restriction 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 restriction, the proposed re-development of the aged IB into a data centre, if materialised, 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 application site falls within the Remaining Portion of Section E of Lot No. 277 in D.D. 444 and the Extension thereto, which is held under New Grant No. 3491 as varied by an Extension Letter dated 28.7.1964 and a Modification Letter dated 24.12.1964. In accordance with the Lease, the Lot shall be used for industrial purposes only and no building shall be erected on the Lot except a factory, ancillary offices and such quarters as may be required for watchmen or caretakers;
- (b) the proposed development is a data centre which contravenes the user restriction under the Lease. If planning approval is given, the lot owner(s) should jointly apply for a lease modification from LandsD prior to its redevelopment. Upon receipt of a lease modification application, 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, the payment of premium and administrative fee; and
- (c) other detailed comments are at **Appendix III**.

Building Matters

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

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

Traffic

9.1.5. Comments of the Commissioner for Transport (C for T)

- (a) no in-principle objection to the application from traffic engineering perspective given that:
 - (i) the TIA illustrated that the traffic impact arising from the subject redevelopment to the adjacent road network within the area of influence would be acceptable; and

- (ii) the applicant demonstrated that the redevelopment proposal would accommodate the high-end provision of parking and L/UL facilities within the redevelopment;
- (b) should the application be approved, the following approval condition is suggested:

the design and provision of parking facilities, L/UL spaces and vehicular access for the proposed development to the satisfaction of the C for T or of the Board; and

- (c) the applicant is advised that the turntable and the double deck mechanical parking system should be well maintained in an operable condition.

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

no comment on the application from highways' maintenance point of view subject to:

- (a) no objection from C for T on traffic perspective on the revised TIA and the proposed modification works (i.e. the paving and the associated roadworks within the NBA along Ta Cheun Ping Street) which should be constructed as per HyD's standard; and
- (b) the applicant should be responsible for management and maintenance of the concerned NBA along Ta Cheun Ping Street before surrender according to the lease condition, and reinstatement of the surrender area to be free from any structures/objects to facilitate the subsequent road widening works upon request from the concerned government departments.

Environment

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

- (a) no objection to the application as:
 - (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, and incorporation of relevant approval conditions 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 DEP or of the Board;
 - (ii) the submission of an updated SIA to the satisfaction of DEP or of the Board; and
 - (iii) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated SIA to the satisfaction of the Director of Drainage Services or of the Board; and
- (c) since demolition of the existing IB 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 redevelopment.

Electrical and Mechanical Aspect

9.1.8. Director of Electrical and Mechanical Services (DEMS):

- (a) no comment from regulatory services perspective; and
- (b) other detailed comments are at **Appendix III**.

Urban Design, Visual and Landscape

9.1.9. Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design and Visual Impact

- (a) the proposed minor relaxation of PR does not involve additional BH beyond what is permitted in the OZP. Given the planning 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 similar setbacks as in the approved scheme under previous application No. A/KC/469, including the 3.5m-wide NBA and various voluntary setbacks as stated in paragraph 1.4 above. While there are some changes in the landscape and façade design

at the building low zone, landscape treatments and canopy are proposed. The above design measures may promote visual interest and pedestrian comfort;

Landscape

- (c) the Site is situated in an area of industrial urban landscape character predominated by IBs. The site is currently occupied by an existing IB without any landscape resources. The proposed development is considered not incompatible with the landscape setting in proximity;
- (d) 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 that approval of the Section 16 application under Town Planning Ordinance does not imply approval of the site coverage of greenery requirements under APP PNAP-152 and/or under the lease. The site coverage of greenery calculation should be submitted separately to BD for approval; and
- (f) the applicant is reminded of long-term commitment in providing regular and proper maintenance to the vertical greening for healthy and sustainable plant growth.

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

since the adjacent “OU(B)” areas with BH restriction of 130mPD are permitted under OZP, he has no comment from architectural and visual impact point of view.

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 of Fire Services (D of FS);
- (e) District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD); and
- (f) 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, a total of three public comments from individuals were received (**Appendix IV**). Among them, one commenter supported the proposal on minor relaxation on PR while two commenters objected to the application on the ground that there are insufficient community benefits.

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%) for a proposed 20-storey data centre at the Site zoned “OU(B)”. The proposed development is generally in line with the planning intention of the “OU(B)” zone, which is primarily for general business uses. The previous applications No. A/KC/460 and No. A/KC/469 for proposed minor relaxation of PR restriction from 9.5 to 11.4 (+20%) for permitted I-O development and proposed hotel use relating to the Policy were approved with conditions by the Committee on 5.7.2021 and 6.11.2021 respectively. According to the applicant, there is a change of land ownerships after the approval of the previous applications. Hence, the applicant considers the proposed data centre as an appropriate use at the Site in view of the growing demand of data centre as critical digital infrastructure and the prevailing market needs.

Policy Aspect

11.2 The existing IB with an OP issued on 4.11.1970 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. OGCIO advised that the proposed minor relaxation of PR restriction 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

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. In support of the application, the applicant has also submitted various technical assessments, including TIA and SIA, to demonstrate that the proposed development would not cause adverse traffic and sewerage 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) below. DEP also has no objection to the application subject to the incorporation of approval conditions set out in paragraphs 12.2(b) to (d) below. Other relevant

government departments, including EMSD and FSD, have no objection to/adverse comments on the application.

Planning and Design Merits

- 11.4 The proposed development has incorporated a 3.5m-wide NBA as per the OZP requirement and a number of voluntary setbacks (**Drawings A-14 and A-17**). A canopy of 2m-wide is proposed over the pedestrian entrance for weather protection (**Drawings A-15 to A-16**). Landscape proposals, including planters and vertical greenery, are proposed, resulting in a total greenery of about 26.57% (**Drawings A-2 to A-5 and A-14 to A-17**). Compared with the previous application No. A/KC/469 (table under paragraph 1.6), the current scheme has incorporated similar setbacks along the Ta Cheun Ping Street frontage, eastern and western site boundaries. There are some changes in the landscape and façade design at the building low zone and an increase of greenery provision by 14.3m². CTP/UD&L, PlanD considers that it would unlikely induce any significant adverse effects on the visual character of the surrounding townscape, and these design measures may promote visual interest and pedestrian comfort. Approval of the application is also consistent with the Committee's previous decisions on similar applications, i.e. No. A/KC/460 and A/KC/469 (paragraphs 5.2 and 5.3 refer) relating to the Policy.
- 11.5 On the sustainability building design aspect, the applicant indicates that the proposed development has taken into account the relevant SBDG requirements. Besides, the applicant has demonstrated effort in building design improvement by introducing greenery provisions as mentioned in paragraph 11.4 above.

Public Comments

- 11.6 Regarding the public comments received, the above planning assessments and departmental comments in paragraph 9 are relevant.

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 24.6.2026, 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 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;
- (c) the submission of an updated Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
- (d) the implementation of the local sewerage upgrading/sewerage connection works identified in the updated Sewerage Impact Assessment in (c) above 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 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

Appendix I	Application Form received on 23.9.2021
Appendix Ia	Supporting Planning Statement received on 23.9.2021
Appendix Ib	FI received on 26.11.2021

Appendix Ic	FI received on 27.4.2022
Appendix Id	FI received on 2.6.2022
Appendix II	Similar Applications
Appendix III	Detailed Departmental Comments
Appendix IV	Public Comments
Appendix V	Recommended Advisory Clauses
Drawings A-1 to A-12	Floor Plans
Drawing A-13	Section Plan
Drawing A-14	Overview of Design Merits and Planning Gains
Drawing A-15 to A-16	Visual Illustration
Drawings A-17	Indicative Greenery Diagram
Drawings A-18	Biostructure-water Greenwalls 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

PLANNING DEPARTMENT
JUNE 2022